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Congressional Record

PROCEEDINGS AND DEBATES OF THE 92^{d} CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Tuesday, October 5, 1971*

The House met at 12 o'clock noon.

The Reverend Arthur J. Centrella, pastor, Our Lady of Consolation Rectory, Philadelphia, Pa., offered the following prayer:

I will instruct thee, and I will teach thee the way in which thou shouldst walk.—Psalms 32:8.

Lord, we bow our heads, raise our hearts, asking Your blessings upon this Assembly. We are grateful for this expression of unity where there is no distinction among men worshipping You.

We realize Your concern for us; how You remind us that man is an instrument of Your will. You guided man over dangerous seas to the land of our American heritage; You brought man to the threshold of heaven when he took that first giant step on the moon. Manifest Your will and lead us in our journey to salvation.

Help us grow in loving You as Christians; first, increasing our love for neighbor, that we may pledge honor, love, and respect to our country and the God-given principles for which it stands. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that Mr. TAFT was appointed a conferee on the bill (H.R. 8629) entitled "An act to amend title VII of the Public Health Service Act to provide increased manpower for the health professions, and for other purposes" in lieu of Mr. Prouty, deceased.

The message also announced that Mr. TAFT was appointed a conferee on the bill (H.R. 8630) entitled "An act to amend title VIII of the Public Health Service Act to provide for training increased numbers of nurses" in lieu of Mr. Prouty, deceased.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. This is the day for the call of the Private Calendar, and the Chair will take only one unanimous-consent request from the gentleman from Pennsylvania to speak about our visiting chaplain.

THE REVEREND ARTHUR J. CENTRELLA

(Mr. EILBERG asked and was given permission to address the House for 1 minute.)

Mr. EILBERG. Mr. Speaker, it is a special pleasure and privilege for me today to welcome the Reverend Arthur J. Centrella, pastor of Our Lady of Consolation Roman Catholic Church, in Philadelphia.

The parish was founded in northeast Philadelphia in 1916 when most of this area of the city was farmland.

Today, Our Lady of Consolation has some 1,400 families and Father Centrella is the seventh pastor to serve the congregation.

At a time when too many people are complaining about our youth and worrying about what they are doing, Father Centrella has been acting.

The parish has an active and well-rounded youth program with Father Centrella taking a leading role in the sports activities.

All of us in northeast Philadelphia are proud of this dedicated man and we hope he will be with us for many years to come.

CALL OF THE HOUSE

Mr. CEDERBERG. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 288]

Abourezk
Addabbo
Annunzio
Ashley
Baring
Blanton
Blatnik
Brasco
Byrne, Pa.
Casey, Tex.
Chappell
Clark
Clawson, Del
Clay
Conyers
Daniels, N.J.
Denholm
Dent
Dickinson
Diggs
Dow
Edwards, La.
Eshleman
Evins, Tenn.
Fish
Flynt
Foley
Frelinghuysen
Fulton, Pa.
Gallagher
Giaimo
Grover
Gubser
Halpern
Harsha
Hébert
Hicks, Mass.
Hosmer
Kemp
King
Landrum
Leggett
Long, La.
Lujan
McClory
Miller, Calif.
Minish
Minshall
Mitchell
Mosher
Murphy, N.Y.
Passman
Podell
Price, Ill.
Purcell
Rhodes
Rodino
Runnels
Ruppe
Saylor
Shipley
Smith, N.Y.
Teague, Tex.
Terry
Widnall
Wilson, Bob
Wilson,
Charles H.
Wydler

The SPEAKER. On this rollcall 363 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2067) for the relief of Mrs. Rose Thomas.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. FERNANDE M. ALLEN

The Clerk called the bill (H.R. 5318) for the relief of Mrs. Fernande M. Allen.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MARIA LUIGIA DI GIORGIO

The Clerk called the bill (H.R. 2070) for the relief of Maria Luigia Di Giorgio.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

WILLIAM D. PENDER

The Clerk called the bill (H.R. 5657) for the relief of William D. Pender.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

JANIS ZALCMANIS, GERTRUDE JANSONS, LORENA JANSONS MURPHY, AND ASJA JANSONS LIDERS

The Clerk called the bill (H.R. 6100) for the relief of Janis Zalcmanis, Gertrude Jansons, Lorena Jansons Murphy, and Asja Jansons Liders.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER.** Is there objective to the request of the gentleman from Missouri?

There was no objection.

MRS. ANNA MARIA BALDINI DELA ROSA

The Clerk called the bill (H.R. 3713) for the relief of Mrs. Anna Maria Baldini Dela Rosa.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from California?

There was no objection.

SALMAN M. HILMY

The Clerk called the bill (H.R. 6998) for the relief of Salman M. Hilmy.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. ELEANOR D. MORGAN

The Clerk called the bill (H.R. 7569) for the relief of Mrs. Eleanor D. Morgan.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from California?

There was no objection.

CHARLES COLBATH

The Clerk called the bill (H.R. 4310) for the relief of Charles Colbath.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. CARMEN PRADO

The Clerk called the bill (H.R. 6108) for the relief of Mrs. Carmen Prado.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Iowa?

There was no objection.

RENE PAULO ROHDEN-SOBRINHO

The Clerk called the bill (H.R. 5181) for the relief of Rene Paulo Rohden-Sobrinho.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

There was no objection.

ESTELLE M. FASS

The Clerk called the bill (H.R. 4485) for the relief of Estelle M. Fass.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from California?

There was no objection.

CAPT. CLAIRE E. BROU

The Clerk called the bill (H.R. 6503) for the relief of Capt. Claire E. Brou.

There being no objection, the Clerk read the bill as follows:

H.R. 6503

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury, not otherwise appropriated, to Captain Claire E. Brou (retired, United States Air Force (FR 3195973)), of Ocean Springs, Mississippi, the sum of $100,000, in full settlement as recognition and assumption of the compassionate responsibility of the United States for all her claims arising in connection with injuries she sustained in April 1968, due to extraordinary circumstances, while undergoing a diagnostic study at the Walter Reed Army Medical Center. Such injuries left her partially paralyzed and permanently disabled.

SEC. 2. No part of the amount appropriated in the first section of this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

SEC. 3. The payment of the compassionate compensation provided for in this Act shall not be interpreted as interfering with or barring any rights of the said Claire E. Brou to compensation or benefits as a retired officer or accruing to her by reason of her military service, and its acceptance by her shall be in addition to any such rights to compensation or other benefits from the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CATHERINE E. SPELL

The Clerk called the bill (H.R. 7312) for the relief of Catherine E. Spell.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

There was no objection.

FLORE LEKANOF

The Clerk called the bill (S. 47) for the relief of Flore Lekanof.

There being no objection, the Clerk read the bill as follows:

S. 47

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of subsection (a)(1) of section 5723 of title 5, United States Code, or any regulations promulgated thereunder, the Secretary of the Interior is authorized to receive, consider, determine, and approve any claim filed under such section, within six months after the date of enactment of this Act, by Flore Lekanof, of the District of Columbia, for reimbursement of expenses incurred by him in moving from Anchorage, Alaska, to the District of Columbia, for the purpose of accepting civilian employment with the Department of the Interior, the said Flore Lekanof having been assured by Government officials prior to his accepting such employment that the provisions for reimbursement for travel and moving expenses of new appointees, authorized by such section, would apply to that employment.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DOROTHY G. McCARTY

The Clerk called the bill (S. 1810) for the relief of Dorothy G. McCarty.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

There was no objection.

FRANK J. McCABE

The Clerk called the bill (H.R. 1862) for the relief of Frank J. McCabe.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Iowa?

There was no objection.

DONALD L. BULMER

The Clerk called the bill (H.R. 1994) for the relief of Donald L. Bulmer.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from California?

There was no objection.

HAN CHOON HEE (BERNADETTE HAN BRUNDAGE)

The Clerk called the bill (H.R. 1867) for the relief of Han Choon Hee.

There being no objection, the Clerk read the bill as follows:

H.R. 1867

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Han Choon Hee may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Eugene Brundage, citizens of the United States, pursuant to section 204 of the Act.

With the following committee amendments:

On page 1, line 4, strike out the name "Han Choon Hee" and substitute in lieu thereof the name "Bernadette Han Brundage".

On page 1, line 8, strike out the word "Act." and substitute in lieu thereof the following: "Act: *Provided*, That the natural parents or brothers or sisters of the beneficiary shall not by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Bernadette Han Brundage."

A motion to reconsider was laid on the table.

RONNIE B. (MALIT) MORRIS AND HENRY B. (MALIT) MORRIS

The Clerk called the bill (H.R. 3082) for relief of Ronnie B. (Malit) Morris and Henry B. (Malit) Morris.

There being no objection, the Clerk read the bill as follows:

H.R. 3082

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Ronnie B. (Malit) Morris and Henry B. (Malit) Morris may be classified as children within the meaning of section 101 (b)(1)(F) of the Act, upon approval of a petition filed in their behalf by Mr. Gene A. Morris, a citizen of the United States, pursuant to section 204 of the Act: *Provided*, That the parents, brothers or sisters of the said beneficiaries shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

With the following committee amendments:

On page 1, line 6, strike out the language "upon approval of" and substitute in lieu thereof the word "and"

On page 1, line 8, after the words "of the United States," insert the following: "may be approved".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HELEN TZIMINADIS

The Clerk called the bill (H.R. 3425) for the relief of Helen Tziminadis.

There being no objection, the Clerk read the bill as follows:

H.R. 3425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Helen Tziminadis shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That, for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, Helen Tziminadis shall be held and considered to be the natural-born alien daughter of Mr. and Mrs. Nicholas Eleftheriou, citizens of the United States: *Provided*, That the natural parents, brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

MRS. MARINA MUNOZ DE WYSS (NEE LOPEZ)

The Clerk called the bill (H.R. 5579) for the relief of Mrs. Marina Munoz de Wyss (nee Lopez).

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

EDDIE TROY JAYNES, JR., AND ROSA ELENA JAYNES

The Clerk called the bill (S. 306) for the relief of Eddie Troy Jaynes, Jr., and Rosa Elena Jaynes.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

SIU-KEI-FONG

The Clerk called the bill (S. 617) for the relief of Siu-Kei-Fong.

There being no objection, the Clerk read the bill as follows:

S. 617

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Siu-Kei-Fong may be classified as a child within the meaning of section 101(b)(1)(F) of that Act, and a petition may be filed in his behalf by Hee Fong, a citizen of the United States, pursuant to section 204 of the Act: *Provided*, That no brothers or sisters of the beneficiary shall thereafter, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PARK JUNG OK

The Clerk called the bill (S. 1489) for the relief of Park Jung Ok.

There being no objection, the Clerk read the bill as follows:

S. 1489

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, section 204(c) of that Act, relating to the number of petitions which may be approved in behalf of children, shall be inapplicable in the case of a petition filed in behalf of Park Jung Ok by Mr. and Mrs. Harold David, citizens of the United States. The natural brothers and sisters of the said Park Jung Ok shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEONARDA BUENAVENTURA OCARIZA AND HER DAUGHTER, LUCILA B. OCARIZA

The Clerk called the bill (S. 1759) for the relief of Leonarda Buenaventura Ocariza and her daughter, Lucila B. Ocariza.

There being no objection, the Clerk read the bill as follows:

S. 1759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Leonarda Buenaventura Ocariza and her daughter, Lucila B. Ocariza, shall be held and considered to be within the purview of section 203(a)(2) of that Act and the provisions of section 204 of that Act shall not be applicable in these cases.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOSEPH F. SULLIVAN

The Clerk called the bill (H.R. 1997) for the relief of Joseph F. Sullivan.

There being no objection, the Clerk read the bill as follows:

H.R. 1997

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 151, title 35, United States Code, or any provision of existing law, the Commissioner of Patents is authorized and directed to accept the late payment of the final fee (prescribed in section 41(a), title 35, United States Code), in the application for United States Letters Patent of Joseph F. Sullivan of South Orange, New Jersey, serial number 580,321, filed September 19, 1966, and allowed May 27, 1968, for a display and dispensing assembly as though no abandonment or lapse had ever occurred: *Provided*, That such final fee is paid within three months of the date this Act is approved. Upon payment of such fee, the Commissioner is authorized to issue to the said Joseph F. Sullivan the patent for which application was so made. No patent granted on said application shall be held invalid on the ground that the final fee was not paid within the period specified in title 35, United States Code.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HELEN ROSE BOTTO

The Clerk called the bill (H.R. 1966) for the relief of Helen Rose Botto.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

MRS. ANDREE SIMONE VAN MOPPES AND HER CHILDREN ALAIN VAN MOPPES AND DIDIER VAN MOPPES

The Clerk called the bill (H.R. 1970) for the relief of Mrs. Andree Simone Van Moppes and her children, Alain Van Moppes and Didier Van Moppes.

There being no objection, the Clerk read the bill as follows:

H.R. 1970

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Mrs. Andree Simone Van Moppes and her children, Alain Van Moppes and Didier Van Moppes, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct the required numbers from the total number of immigrant visas and conditional entries which are made available to natives of the country of each alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That, in the administration of the Immigration and Nationality Act, Mrs. Andree Simone Van Moppes and her son, Alain Van Moppes, shall be held and considered to be within the purview of section 203(a) (2) of that Act and the provisions of section 204 of that Act shall not be applicable in these cases."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "For the relief of Mrs. Andree Simone Van Moppes and her son, Alain Van Moppes."

A motion to reconsider was laid on the table.

NEMESIO GOMEZ-SANCHEZ

The Clerk called the bill (H.R. 2108) for the relief of Nemesio Gomez-Sanchez.

There being no objection, the Clerk read the bill as follows:

H.R. 2108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Nemesio Gomez-Sanchez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That, for the purposes of section 101(a) (27) (B) of the Immigration and Nationality Act Nemesio Gomez-Sanchez shall be held and considered to be a returning resident alien."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. MAURICIA A. BUENSALIDO AND HER MINOR CHILDREN, RAYMOND A. BUENSALIDO, AND JACQUELINE A. BUENSALIDO

The Clerk called the bill (H.R. 3383) for the relief of Mrs. Mauricia A. Buensalido and her minor children, Raymond A. Buensalido and Jacqueline A. Buensalido.

There being no objection, the Clerk read the bill as follows:

H.R. 3383

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Mrs. Mauricia A. Buensalido and her minor children, Raymond A. Buensalido and Jacqueline A. Buensalido, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct the required numbers from the total number of immigrant visas and conditional entries which are made available to natives of the country of each alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN VINCENT AMIRAULT

The Clerk called the bill (H.R. 6670) for the relief of John Vincent Amirault.

There being no objection, the Clerk read the bill as follows:

H.R. 6670

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a)(9) of the Immigration and Nationality Act, John Vincent Amirault may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TAX-EXEMPT PROPERTY OF THE RESERVE OFFICERS ASSOCIATION

The Clerk called the bill (H.R. 456) to exempt from taxation certain property in the District of Columbia owned by the Reserve Officers Association of the United States.

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the further call of the Private Calendar be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ADJOURNMENT OVER FROM OCTOBER 7 TO OCTOBER 12

Mr. BOGGS. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 415) and ask for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 415

Resolved by the House of Representatives (the Senate concurring), That when the House adourns on Thursday, October 7, 1971, it stand adjourned until 12 o'clock meridian, Tuesday, October 12, 1971.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO RECEIVE MESSAGES AND THE SPEAKER TO SIGN ENROLLED BILLS NOTWITHSTANDING ADJOURNMENT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, October 12, 1971, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills or joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

POSTPONEMENT OF DISTRICT DAY BUSINESS FROM MONDAY UNTIL TUESDAY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that business in order under clause 8, rule XXIV, from the Committee on the District of Columbia, may be in order on Tuesday, October 12.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. GROSS. Mr. Speaker, reserving the right to object, would the gentleman restate his request?

Mr. BOGGS. The request is simply that District Day be postponed from Monday until Tuesday.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

MORE FOOT PATROLMEN NEEDED ON THE WATERFRONT AREA OF THE DISTRICT OF COLUMBIA

(Mr. STRATTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRATTON. Mr. Speaker, the other night for the second time in about 4 or 5 months a woman was brutally raped and murdered, after having been abducted while coming out of an eating establishment in the early evening hours at the waterfront area on which we are currently spending millions of dollars in an effort to enhance and improve its surroundings.

Mr. Speaker, I was glad to see in the paper that the Chief of Police has assigned 15 or 20 detectives in a special effort to try to solve these two heinous crimes. However, I think it would be even more reassuring to the people who visit that waterfront area to assign 15 or 20 more foot patrolmen to patrol that area. Because if we do not get some more protection down there, and get it there rapidly, then all the money which we have invested in the waterfront in an effort to improve conditions in that area is going to be wasted and that waterfront is going to be as deserted after 6 o'clock at night as the L'Enfant Plaza.

PERSONAL ANNOUNCEMENT

(Mr. DULSKI asked and was given permission to extend his remarks at this point in the Record.)

Mr. DULSKI. Mr. Speaker, I missed three recorded votes. Had I been present and voting, I would have voted "yea" on rollcall No. 257. On the two recorded teller votes, I would have voted "nay" on 255 and "yea" on 256.

IMPORTANCE OF A SUCCESSFUL HARVEST

(Mr. WINN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WINN. Mr. Speaker, the pioneers who settled this great land over two centuries ago were ever-mindful of the importance of a successful harvest. Even further back in the world's history, there are unending examples of the appreciation of man for a bountiful harvest.

The Lord's Prayer contains a thought of thanksgiving for "our daily bread."

Bread is a symbol throughout the world of all crops and of food itself. It is only right that today, when we live in such an era of plenty, that we pause to give thanks and recognition for the bread of life.

Today is the International Day of Bread and the moment to celebrate Harvest Festival Week. As part of the legacy of all mankind, the American Harvest Festival and Day of Bread have been identified as a major link in the chain of human understanding internationally, person-to-person, at levels that transcend all boundaries of country.

The Day of Bread is being marked in this Nation by breakfasts, luncheons and banquets across the country. These events occur simultaneously with similar functions abroad.

As we observe this day let us not forget the men and women who make bountiful harvests possible in our Nation—the farmers. They are the ones who toil from sunup to sundown, laboring in the fields.

We should make it possible for the farmer to share in the prosperity he creates. After all, the American farmer has shown the rest of the world how to achieve the greatest possible yield per acre.

The American farmer is not only an individual person, he is an ideal and an institution. He must continue to be a significant part of American society.

THE REVENUE ACT OF 1971

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 629 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 629

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Ways and Means may be offered to any section of the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. COLMER. Mr. Speaker, I yield the usual 30 minutes to the distinguished gentleman from Nebraska (Mr. Martin) and, Mr. Speaker, pending the use thereof, I yield myself such time as I may consume.

Mr. Speaker, as the reading of the rule by the Clerk indicates, this is a closed rule providing for 3 hours of general debate after which the committee shall rise and report the bill back to the House and the House will take such action as it seems fit by voting the bill up or down.

Mr. Speaker, I shall not take the time of the Members to discuss the question of an open or a closed or a modified rule. There was some testimony before our committee seeking an open rule. There was some division in the committee on whether it should be a closed or an open rule, but the committee in its wisdom finally saw fit to report out a closed rule on the bill.

My argument and my position are too well known on this matter to go into further at this time. Some day I am very much in hope that this House will grow up to the point where it will assume its responsibility for discussing a bill of this nature, a revenue bill, under an open rule where all of the Members may have an opportunity to offer amendments, and have their amendments considered by the House.

Mr. Speaker, this bill is brought about by apparently the necessity for doing something about our fiscal responsibility and unemployment. I think on the whole it is a good bill. I would like to commend the able chairman of that committee, the gentleman from Arkansas (Mr. Mills) and his counterpart, the gentleman from Wisconsin (Mr. Byrnes) and the other members of the committee, for taking action upon the President's recommendation. Now, while it is true that the committee did not see fit to follow exactly and precisely the recommendations of the President, it did follow his recommendations pretty largely.

I of course, Mr. Speaker—as traditionally I have been—am concerned about the reduction of taxes provided in this bill, and yet I am not in position to argue that these reductions should not be made in view of the present status of our economy. But as one who has so long been concerned about this I would just like to, for the benefit of the Members on the floor here and for the benefit of the people who might read the Record, call attention to the fact that exists with reference to our present fiscal affairs.

We now owe $417,027,000,000.

Now even in this day that should be a cause of concern.

Let me call your attention to another matter. The interest on this debt for the fiscal year 1971 is $20,976,000,000 with the projected interest for the fiscal year 1972 being $21,015,000,000.

Some Members of this House in the debate last year called attention to the fact that the interest alone runs to some $47,000 a minute. So in the few minutes that I have been talking here, the interest on the national debt has run into the hundreds of thousands of dollars.

Somewhere down the line, if this Republic is to survive, we are going to have to get our fiscal affairs in order.

Mr. Speaker, and I hope I may be pardoned by those who differ with me when I make this statement—if the action of this House on yesterday had been different, I would not have had the nerve to call this bill up here today because, in my judgment, that would have defeated to a large measure the objective of this bill. I hope the other body of this Congress will see fit to follow the action of the House that was taken yesterday.

The purposes of H.R. 10947 are to put our present economy on the high growth path, increase the number of jobs and diminish the high unemployment rate, relieve the hardships imposed by inflation on those with modest incomes, provide a rational system of tax incentives to aid in the modernization of our productive facilities, increase our exports and improve our balance of payments.

Tax liabilities are expected to be reduced about $1.7 billion in calendar year 1971, $7.8 billion in 1972, and $6 billion in 1973.

A 7-percent job development investment credit is provided, which would be generally effective on August 15. This credit is expected to make from $1.5 billion in 1971 to $3.9 billion in 1973 available to businesses which expand and modernize.

Individual income tax reductions are provided by increasing personal exemptions for 1971 from $650 to $700, effective for one-half the year. In addition, the minimum standard deduction is modified to provide immediate relief in the lower tax brackets for 1971. Personal exemptions are increased to $750 for 1972 and subsequent years. Also, the minimum standard deduction is increased from $1,000 to $1,300 and the percentage standard deduction is increased to 15 percent.

The 7-percent manufacturers excise tax on passenger automobiles is repealed effective with the date of enactment of the bill. For those taxes paid for the period back to August 15, refunds are provided. The 10-percent excise tax on light-duty trucks is repealed.

Tax deferral is provided for export income of domestic international sales corporations effective with calendar year 1972—to be available in the current year only to the extent of 25 percent of a company's average level of export income in the years 1968 through 1970, plus any of its current income over this average level.

The bill also makes changes in the existing law including, among others, limitations on standard deductions and personal exemptions of persons receiving trust income, a limitation on carryovers of unused credits and capital losses in the case of certain changes in ownership, amortization of expenditures for on-the-job training and for child care centers.

I urge the adoption of the rule so that this very important and complex bill may be considered.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The Chair recognizes the gentleman from Nebraska (Mr. MARTIN).

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of the bill is to amend the tax laws in several instances in order that both individuals and businesses will have their tax burdens lowered beginning in calendar 1971.

Our economy has not been performing well. The growth of the gross national product has been very small in the last year, about 3 percent. The growth in capital spending for plant and equipment is only slightly above 2 percent, much too low to spur any economic growth. Unemployment has remained high, about 6 percent; because of job uncertainty people are saving much more of their income than usual, thus limiting their purchases and retarding economic growth. At the same time inflation has not been licked. Over the period July 1970–July 1971 the consumer price index rose 4.4 percent, and the wholesale price index by 3.3 percent.

These domestic factors have had an extremely adverse effect on our export business and our balance-of-payments position. We no longer have a surplus of exports over imports; quarterly figures for this year reveal that we may end up with a deficit for the year. This in turn has caused loss of confidence in the dollar abroad and periodic runs on our gold supply over the last few years.

President Nixon's August 15th action was the turning point. He has attacked the economic problems on a broad front. A number of actions were taken administratively, based upon existing statutory authority.

Additionally, the President asked the Congress for the passage of a series of tax reduction proposals he made in order to put more money into the hands of both individual taxpayers and businesses in order to stimulate our economic expansion. This bill is the result of action taken on those matters requested by the President.

The bill reinstitutes permanent law, the 7 percent investment tax credit, effective August 15th. It will also apply to orders for equipment placed on or after April 1st, 1971. At the same time part of the advantage to business granted by the accelerated depreciation early this year—providing for further additional depreciation of assets in the first year of their use—has been eliminated.

Eliminated from the tax laws, and retroactive to August 15 is the 7-percent excise tax on passenger vehicles. Refunds will be made to those buyers who purchase a car between that day and the date of enactment. This tax was scheduled for phaseout by 1981 under current law. Also eliminated is the 10-percent excise tax on small trucks—those weighing 10,000 pounds or less gross weight—effective September 22, 1971. This tax is eliminated because in many cases such trucks are used for personal transportation, unlike heavy duty larger trucks.

Substantial tax relief for individual taxpayers is provided by the bill. For this year—calendar 1971—all personal exemptions are increased from $650 per dependent to $700, effective July 1st. This makes the yearly exemption $675 per dependent, an increase of $25 for the year. For calendar 1972 and subsequent years, the exemption for each dependent is increased to $750. This is a speed-up of 1 year as the $750 figure was scheduled under current law to take effect in 1973. To insure that the tax relief is visible immediately, new withholding rates go into effect on November 15, 1971.

Further relief is granted to individuals, particularly to those with low incomes by speeding up the increase in the low-income allowance and the standard deduction for those taxpayers who do not itemize their deductions. In 1971 the low-income allowance is increased to $1,050 and for 1972 to $1,300. The standard deduction is increased to 15 percent of adjusted gross income with a ceiling of $2,000 for 1972. The current law set the percentage figure at 14 percent for 1972 and 15 percent for 1973 and thereafter. Again the bill speeds up the future tax reduction by 1 year.

Finally, the bill seeks to increase incentives to export abroad by providing tax deferrals on export-related profits. Such deferrals will be granted on profits earned from exports so long as they are retained in the new type of corporate entity known as a DISC—Domestic International Sales Corp.—which was created by the Trade Act passed last year. When such profits are distributed as stock, dividends, or otherwise they will be subject to taxation at regular rates.

The revenue effects of the bill are substantial. Net tax liability of all taxpayers will be reduced by about $1,700,000,000 in calendar 1971, by $7,800,000,000 in 1972 and by $5,900,000,000 in 1973. Fiscal receipts are expected to fall by $5,000,000,000 in fiscal 1972, by $6,100,000,000 in fiscal 1973, and by $6,000,000,000 in fiscal 1974. The tax burden on individuals will be reduced by $2,000,000,000 in calendar year 1971, by $5,000,000,000 in 1972 and by $2,700,000,000 in 1973. For businesses, the corresponding figures are $350,000,000 for calendar 1971, $2,700,000,000 for 1972, and $3,300,000,000 for 1973. The Treasury Department agrees with these projections.

Mr. Speaker, I yield to the gentleman from Virginia (Mr. BROYHILL) such time as he may consume.

(By unanimous consent, Mr. BROYHILL of Virginia, was allowed to speak out of order.)

(Mr. BROYHILL of Virginia asked and was given permission to revise and extend his remarks and to include extraneous matter.)

NOT ENOUGH FORCED BUSING IN DETROIT?

Mr. BROYHILL of Virginia. Mr. Speaker, I rise to call the attention of the House to the situation in Detroit where Federal District Judge Stephen J. Roth recently ruled that the State of Michigan and the Detroit public school system are guilty of deliberately maintaining segregation. Judge Roth said, according to the Washington Post that—

> The defendants had circumvented *integration* by building small primary schools, shaping attendance zones in a way geared to maintain segregation, restricting busing funds and using busing to move some black pupils to other black schools rather than white ones.

This is a particularly interesting case that bears watching. If it is made to stick, many school districts in the North and West may find their de facto segregation declared de jure.

However, a constitutional amendment which would prohibit the assignment of any child to a particular school because of his race, creed or color while not effecting the Brown decision would correct the Supreme Court's ruling in the Swann case upon which Judge Roth's opinion was apparently based.

I urge my colleagues to sign the discharge petition and to vote for House Joint Resolution 620.

At this point I insert in the RECORD the Post's report on segregation in Detroit:

[From the Washington Post, Sept. 28, 1971]

DETROIT SCHOOL SEGREGATION DELIBERATE, U.S. JUDGE RULES

(By Robert Popa)

A federal district judge ruled today that the state of Michigan and the Detroit public school system are guilty of deliberately maintaining segregated schools in the city and he said the federal courts must correct the situation.

But Judge Stephen J. Roth said he has not yet settled on an integration plan. He will discuss possibilities with lawyers on both sides next Monday.

The civil suit asking for relief from segregation was filed 13 months ago as a class action by a group of parents and the NAACP.

Roth said the defendants had circumvented integration by building small primary schools, shaping attendance zones in a way geared to maintain segregation, restricting busing funds and using busing to move some black pupils to other black schools rather than white ones.

While Detroit's population of 1½ million was 43 per cent black in the 1970 census, Detroit's public school enrollment of 285,000 is 65 per cent black.

The defendants in the suit are the Detroit Board of Education; the former superintendent of Detroit schools, Norman A. Drachler; Gov. William G. Milliken; Attorney General Frank J. Kelley; the State Board of Education, and John Porter, state superintendent of public instruction.

Roth said segregation in Detroit schools exists "de jure," which means "by law," and must be dealt with in the same way.

De jure segregation contrasts with de facto segregation, which usually develops as an outgrowth of housing patterns.

Roth said 11 of Detroit's schools this year have black enrollments exceeding 90 per cent while one has less than 10 per cent blacks.

Since 1959, the Detroit Board of Education has circumvented integration, he said, by constructing at least 13 small primary schools with capacities of 300 to 400 each.

"This practice negates opportunities to integrate, contains a black population and perpetuates and compounds school segregation," he said.

State officials are guilty of promoting segregation, Roth said, by refusing to provide funds for busing pupils in Detroit although they make money available for busing in many neighboring white suburban districts.

Roth also found the state guilty of promoting segregation by imposing limits on a school district's borrowing power and through the formula it uses for distributing support money to the schools.

Because wealthier suburban districts are able to spend much more tax money for each pupil while making less of a taxing effort, "Systematic educational inequalities have been created and perpetuated," said the judge.

At the same time, Roth termed Detroit's assignment of teachers and administrators "superior" from the standpoint of integration. He promised not to interfere with it.

"Detroit's school system has a higher proportion of black administrators than any other city in the country," he said. "Detroit in 1970 was among the 20 largest Northern city school districts in percentage of blacks on the faculty."

Roth found that the Detroit Board of Education was guilty of segregation because it shaped attendance zones along north-south lines. More integration would have resulted if the lines had been drawn on an east-west basis, he said.

He added that the board is also perpetuating segregation by busing black pupils from overcrowded black schools to less-crowded black schools rather than to predominantly white schools.

Although several points of the Detroit case have been contested and one was taken to the U.S. Circuit Court of Appeals, no one has yet raised the question of the NAACP's right to join the suit as a plaintiff.

After issuing his ruling, Roth said he has reservations about the NAACP's right to participate.

"There is a serious legal question as to whether they can bring this kind of suit," he said.

Still pending is an application by another group, The Citizens Committee for Better Education (CCBE), which also wants to join the plaintiffs in the suit.

CCBE leaders would question integration in a three-county metropolitan area composed of Wayne, Oakland and Macomb counties. These three counties contain about half of Michigan's nearly 9 million residents.

If Roth accepts the application of the CCBE, a complete upheaval of suburban school racial patterns could follow. Lawyers for the CCBE contend that true integration cannot be achieved in Detroit alone because 65 per cent of the students there are black.

Louis R. Lucas, a lawyer on the NAACP's New York staff, said he was pleased by Roth's ruling. But he declined to describe the type of integration plan he will propose next week.

Mr. MARTIN. Mr. Speaker, I have no further requests for time.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. MILLS of Arkansas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10947, with Mr. CABELL in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arkansas (Mr. MILLS) will be recognized for 1½ hours; and the gentleman from Wisconsin (Mr. BYRNES) will be recognized for 1½ hours.

The Chair recognizes the gentleman from Arkansas (Mr. MILLS).

Mr. MILLS of Arkansas. Mr. Chairman, I yield myself such time as I may consume.

The CHAIRMAN. The gentleman from Arkansas is recognized.

Mr. MILLS. Mr. Chairman, the revenue bill of 1971 is before us because the economic policies followed in the past have failed to deal adequately with the twin problems of unemployment and inadequate economic growth on the one hand and inflation on the other hand. New direction is needed.

It is clear that our economic growth has not been adequate. In real terms, the economy grew at a rate of only 3 percent in the first half of this year—after adjustments for price increases and the unusual growth in the first quarter due to the lag effects of the General Motors strike last year. We already have an unemployment rate of over 6 percent and if our economy does not grow faster than it has, we will not keep up with the normal labor force increase. As a result, unless we have a higher growth rate unemployment can be expected to increase.

A major factor contributing to our present economic difficulties has been an abnormally low rate of capital spending. The latest survey indicates an increase of only slightly more than 2 percent in plant and equipment spending this year. In real terms, after adjustment for inflation, this actually represents a decline from last year.

On the consumer side, the difficulty seems to be that, because of the double fear of inflation and unemployment, individuals are trying to save as much as they possibly can. This is why the savings rate is currently about 8.2 percent. Previously, we considered a 7-percent rate too high. The effect of this is to make matters worse—to slow down the economy still more and to make higher unemployment still more likely.

Although the level of economic activity is inadequate, we still have been unable to shake off the persistent inflationary pressures we have experienced in the last several years. Over half of the increase in the gross national product in the first 6 months of this year was attributable to price increases, and the consumer price index and the wholesale price index have been rising at all too fast a rate. This is due in large measure to cost-push pressures: labor wants wage increases to catch up with the increase in prices it expects. At the same time, management boosts prices to cover its increasing labor and other costs. Then labor seeks additional wage increases, and the process is repeated all over again.

Also interacting with this low economic growth and the persistant inflationary pressures is our deteriorating balance of payments on our transactions abroad. In the second quarter of this year, our balance-of-payments deficit ran at an annual rate of about $23 billion and we no longer have a trade surplus on goods and services. This culminated in the dollar crisis in August when we suspended the convertibility of the dollar into gold. These difficulties in our balance of payments are, of course, a result of a number of complex factors including inflation at home and discriminatory trade practices abroad. But they are also a result of the fact that our tax policies do not adequately encourage investment in more modern and efficient machinery which would enable our businessmen to compete more effectively in foreign markets.

These unfortunate economic conditions call for the adoption of a coordinated program to turn the economy around: to provide an adequate rate of growth, to control inflation and to improve our balance of payments. In broad outline, the program calls for containment of inflationary pressures through wage-price control and through restraint in Government spending and the adoption of tax reductions and tax incentives to get our economy going again. To deal with our balance-of-payments problem it provided for the temporary 10-percent additional duty and the realinement of the currencies of the major trading countries coupled with a reduction of the artificial barriers imposed by foreign nations against our exports.

As you know, the administration has imposed a wage-price freeze and has indicated that an adequate form of inflation control will be maintained after November 13 when this freeze expires. The administration has also announced its intention to cut Federal expenditures for fiscal 1972 about $5 billion below previously planned levels. Negotiations are also now in process to realine the world's major currencies. The bill before us puts into effect the remaining parts of the program—tax reductions to stimulate the private economy, or, as I prefer to think of them, tax reductions to free the private sector of the economy from some of its heavy tax burdens.

The bill provides tax reductions which the Ways and Means Committee believes are large enough to stimulate the economy and yet not so large as to create a new wave of inflationary pressure. Indeed, it is highly likely that coupled with wage-price controls and restraint on Government spending in effect during the period the tax reductions are initiated, the bill will not only increase the Nation's output and provide additional jobs, but also in the long run—through increased production and productivity—will aid in the fight against inflation.

The tax reductions provided by the Revenue Act of 1971 represent balanced personal and business income tax relief. This balance is required not only on equity grounds but also by the fact that the restoration of sound and vigorous economic conditions requires not only investment by business but also the stimulation of consumption by individuals as well.

As I have already indicated, lagging investment in machinery and equipment is one of the principal causes of present depressed economic conditions. For this reason, the pending legislation restores the investment credit which was so successful in the past in stimulating investment in machinery and new equipment. I know there is skepticism among some as to the effectiveness of an investment credit in stimulating investment. For those who have this skepticism, however, let me point out the chart on page 6 of the committee report. A close examination of this chart will indicate that whenever the investment credit has been added to the law, restored, or increased, investment has gone up. Whenever the credit has been suspended or repealed, it has gone down. While one might argue that some of this was coincidental, the high degree of correlation between the presence or absence of the investment credit and the presence or absence of investment just cannot be attributable to chance.

The new credit amounts to 7 percent of all eligible property—4 percent for public utility property—acquired after August 16, 1971.

The credit also is extended to property ordered after April 1, 1971, even though delivered before August 16. This was done to avoid discriminating against those who took action on or after April 1 to acquire eligible assets on the basis of assurances as to the availability of the credit made by the Secretary of the Treasury, after consultation with the ranking members of the congressional tax-writing committees. This assurance was given to avoid further deferment of investments which were already at an unduly low level.

The new credit generally is not to be available for property produced abroad so long as the additional duty of 10 percent remains in effect. However, the bill grants the President authority during this period to make the credit available for specified articles of foreign-produced property where this is in the public interest.

Before adopting the 7-percent flat rate investment credit, we gave consideration to varying the amount of the credit so that it would have a larger rate initially and a smaller rate in later years. However, we concluded that a varying credit would be inconsistent with the basic objective of providing an incentive for adequate investment on a long-term basis. It would be likely to encourage investments unduly in the early period at the expense of later periods. In addition, businesses needing assets which can be produced only after a long leadtime would frequently not be able to qualify for the higher credit because they could not obtain the asset in time. Similarly, the mere fact that the acquisition of an asset was delayed—perhaps because of production difficulties—could also reduce the amount of the credit.

While we want to be sure that there is adequate tax incentive for business investment, we do not want to overstimulate such investment. For this reason, the new bill removes a part of the liberal ADR depreciation rules the administration put into effect as of the first of this year. I am referring here to the removal of the fast writeoff which was provided during the first year by the so-called three-quarter year convention.

The combined effect of this change and the restoration of the investment credit is to increase business taxes by an estimated $600 million in calendar year 1971 and to decrease business taxes by an estimated $1.9 billion in calendar 1972 and $1.4 billion in calendar 1973. However, in later years, business firms will eventually benefit from the full amount of the investment credit, with only a modest offset resulting from elimination of the three-quarter year convention.

The Revenue Act of 1971 provides tax reduction for individuals, both by accelerating the effective dates of tax reliefs automatically scheduled to take effect under the provisions of the 1969 Tax Reform Act, and by increasing the level of the low-income allowance.

The President recommended that we make the personal exemption increase the Tax Reform Act of 1969 scheduled for 1973, effective in 1972. The bill adopts this provision. For 1972, this increases the exemption level from the present level of $650 to $750. Also the percentage standard deduction is raised to 15 percent of adjusted gross income with a $2,000 ceiling.

But the committee believed that more needed to be done for consumers at the very bottom of the income scale who, nevertheless, are paying tax. We thought that it was unfair to ask people with income levels below the poverty line to pay income tax. Therefore, we increased the low-income allowance for 1972 and later years from $1,000 to $1,300. This, combined with the $750 exemption, means that single individuals will pay no income tax until their income exceeds $2,050. It means that married couples with two children will not pay an income tax until their income exceeds $4,300.

This increase in the minimum standard deduction is fair to the people existing at or below the poverty level. It also is the best way to increase consumer spending, since these are the ones most likely to spend virtually all of their income after taxes.

The committee also believed that it was desirable on both economic and equity grounds to speed up the tax relief for individuals so that they would get tax savings this year—the calendar year 1971. For this reason, we increased the exemption level for 1971 from $650 to $675 by in effect providing a $700 exemption from July 1, of this year on. We also liberalized somewhat the low-income allowance for 1971 by removing the so-called phaseout.

Let me turn now to the excise tax relief provided by the bill. A stimulus is provided for production in the automobile industry—which is so important in providing jobs in this country—by the repeal of the 7-percent passenger automobile tax effective August 16, 1971. The administration has estimated that repeal of the auto tax will result in 600,000 additional domestic automobile sales and 150,000 additional jobs, not counting dealer employees.

The 10-percent tax on light trucks—with a gross vehicle weight of 10,000 pounds or less—frequently used by farm families as a means of personal transportation—also is repealed effective September 23, 1971.

This action will grant about $2.6 billion of tax reduction in calendar year 1972. The auto manufacturers have given assurances that the tax reductions, which average about $200 per car, will be passed on to consumers in reduced prices. To insure that this occurs, your committee has requested the Council of Economic Advisers to make a study to be sure that the tax reductions are, in fact, passed on to consumers.

Finally, in view of our balance-of-payments difficulties, the Revenue Act of 1971 provides tax incentives for U.S. firms to increase their exports. This is achieved by the deferral of tax on export-related profits so long as these profits are retained in a new type of U.S. corporation known as a Domestic International Sales Corporation or a "DISC."

Under the provision, a parent corporation also will be allowed to sell its export products to the DISC at prices which permit the DISC to earn up to the greater of 4 percent on sales or 50 percent of the combined income from the manufacturing and selling of the exports. In addition, the DISC may have attributed to it a 10-percent rate of return on export promotion expenses and a 10-percent return on half of shipping expenses incurred from shipping in U.S.-flag ships. This latter point insofar as it relates to shipping was added at the suggestion of the chairman of the Committee on Merchant Marine and Fisheries.

This DISC provision is broadly similar to that which was incorporated in the Trade Act of 1970 which passed the House. However, there was criticism of this provision not because it would not stimulate exports; rather because in addition, the provision provided a windfall for business firms which merely continued to export at the same level as in previous years. The 1971 Revenue Act meets this objection by applying the DISC provision generally on an incremental basis to export income in excess of a specified base. Specifically, the advantages of the DISC proposal are to be available only for export income attributable to sales in excess of 75 percent of the average export sales of the corporate group to which the DISC belongs for the years 1968 through 1970. As a result, the benefits of the DISC treatment will accrue only to firms which increase their exports and thus make a greater contribution to resolving our balance-of-payments problems.

Mr. Chairman, these, then, are the principal features of the 1971 Revenue Act. I think it is a good bill. I think it is one that deserves the approval of all Members of the House.

In saying this I know that there are undoubtedly differences of opinion among us on particular provisions. I have some reservations, frankly, with respect to some of it. However, any major tax cut must necessarily bring forth differing points of view. While we may not all agree on each and every provision contained in the bill, I think it is important that we recognize how essential this bill is to the restoration of a healthy economy—how important it is to decrease the rate of unemployment. Indeed, it is essential in my view that this bill be adopted now. I wish it could have been adopted 15 days ago, because only if the bill is adopted now will it be possible for the 1971 tax reductions for individuals to be reflected in the withholding rates in November in order to get the economy started again on the high growth and high employment path.

Mr. Chairman, may I assure the Members of the House that they can vote for this tax reduction bill as a part of the total package as described by the President on the night of August 15 without any fear whatsoever that you will be increasing the deficit for fiscal year 1972. It will not increase as a result of this bill. Actually, as a result of the combination of different features of the President's program—especially the feature reducing Federal expenditure—there will be a plus on the fiscal side instead of an additional loss.

So we are not creating a greater deficit in this instance, we are actually eliminating some of what would otherwise be a larger deficit. This is the first time I think that we could ever say that about a tax bill that we have brought to the floor of the House for the consideration of the House.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, this is most essential legislation. While interest in my remarks to go into more detail, I want to emphatically make one virtually important preliminary observation: it is essential that Congress move expeditiously to approve this legislation. The fundamental purpose of this bill is to create new jobs, through stimulation of our economy, but the effect of this stimulation cannot be felt, Mr. Chairman, until it is written into law, and is part of our tax code. Since each day's delay means a postponement of the effectiveness of the economic stimulation that is the backbone of this legislation, it is imperative that Congress act with alacrity. The Ways and Means Committee acted with commendable dispatch on the President's proposals, commensurate with the needs to which they are addressed. It is essential that the bill proceed through the Congress with similar speed.

Mr. Chairman, H.R. 10947 incorporates—with changes the committee felt advisable—the legislative recommendations of the President to implement his new economic policy of August 15. The new economic program, of which the legislative proposals before the House are an integral part, are an interrelated group of actions and recommendations designed to create jobs, modernize our plant and equipment, improve our competitive position in world markets, and restore equilibrium to our trade and balance-of-payments picture.

The United States is faced with problems in all of these economic areas. The transition from a wartime to a peacetime economy, the increased penetration of imports, and a persistent inflationary psychology have made it difficult to reduce unemployment to a satisfactory level as quickly as we desire.

The lack of confidence in the Government's determination to deal meaningfully with inflation in the latter half of the 1960's created an environment whereby a fudge factor for anticipated inflation was built in to price and wage decisions by the private sector. Inflation, greater productive efficiency abroad, and increasingly unfair treatment by our trading partners transformed the large surplus in our trade account characteristic of the early 1960's into a deficit for the first time since 1893.

On August 15, the President moved promptly to deal with these problems on a broad front. The wage-price freeze and the current efforts to develop a "phase II" policy are designed to deal directly with inflationary psychology. The recommendations for a job development investment tax credit, for individual income tax reductions, for repeal of the auto excise tax, and for a Domestic International Sales Corporation are designed to increase employment, modernize our plant and equipment, augment private demand, and improve our ability to compete in world markets through increased productivity. Commensurate reductions in Federal expenditures and employment were recommended by the President to keep the Federal deficit on a full employment basis within bounds that will hopefully avoid a new round of inflation. The 10-percent temporary surtax on imports, the exclusion of foreign goods from the investment credit during this temporary period, and the decision to let the dollar float are measures designed to improve our competitive situation and provide leverage for the United States in seeking a fairer shake in world trade and a better export climate for American goods.

It was in this context that the Ways and Means Committee acted expeditiously to conclude hearings on the program in one full week. Last Tuesday, a little more than a week after concluding our hearings, the committee completed its executive deliberations and reported H.R. 10947 to the House. The bill contains the essentials of the President's recommendations adjusted to provide more tax relief to individuals and to provide for more efficient administration. Additionally, the committee's bill contains several provisions correcting inequities in various areas of the tax law that have come to our attention.

Mr. Chairman, I will not go into great detail as the committee report available to all the members contains a thorough explanation of the different provisions of the bill. However, I do want to point out the major provisions along with the changes that the Ways and Means Committee included and explain their rationale.

JOB DEVELOPMENT INVESTMENT CREDIT

The bill provides a 7-percent credit for new plant and equipment acquired after August 15, 1971. Additionally, in order to honor an expectation that was created by assurances of the Secretary of the Treasury with the concurrence of the chairman and myself, the new investment credit will apply to goods ordered after March 31, 1971, even though they are acquired before August 15. Comparable rules, with appropriate transitional provisions, are provided for constructed property. The job development credit generally follows—with changes I will describe—the framework of the investment credit that was in effect throughout most of the 1960's.

The reduced level of capital investments that is currently characterizing our economy impairs our productive efficiency, our ability to compete in world markets, and the capacity of our economy to create new jobs. The history of the credit during the 1960's clearly indicates that capital markets are responsive to the incentive provided. If the Members will examine the chart on page 6 of the committee report, they will see that the level of capital investments was directly responsive to the incentive provided by the old investment credit, with investments increasing shortly after the times when the credit was enacted or reinstated and with investments declining when the credit was suspended or repealed.

The committee did make several changes in the administration's recommendation. The administration recommended a two-tier credit with a 10-percent level prevailing during the first year and a 5-percent level prevailing thereafter. The committee felt that a straight 7-percent credit had several advantages.

First, we had the experience with the old credit which indicated 7-percent credit was sufficient to meet our goals. Second, there was concern that the two-tier approach would provide too much incentive in the near future and too little incentive thereafter, with an unhealthy bunching of capital investments. Third, providing a two-tier approach presented problems of inequity between investors in equipment with short leadtimes and those investors in long leadtime items that a flat credit resolves.

Finally, and most important in my view, the two-tier credit by its nature invited instability in capital markets and implied a continued use of the credit to attempt to fine tune the capital markets. We must, to the maximum extent possible, avoid the yo-yo effect of a credit that is turned on and off again like a spigot to achieve desired levels of investment. It is most essential that the credit be cast in a form that will enable businesses, in their long-range planning, to realistically evaluate the capital recovery rules of our tax law. Any other approach undermines the goals the investment credit is designed to achieve by injecting uncertainty and instability into business planning.

In this connection I might point out that the committee did review the possibility of reducing the basis of property for depreciation purposes by the amount of the credit provided. Not only would this in my judgment improve equity, but by making the credit an integral part of our capital recovery rules it would be much more difficult to justify turning the credit on and off periodically. Technical difficulties involved in working out an appropriate amendment precluded action at this time, but we did direct the Treasury and the staff of the Joint Committee on Internal Revenue Taxation to study the problem and report back to the committee.

The committee made several other changes from both the previous credit and the proposal made by the administration. In order to reflect the impact of accelerating technology on shorter useful lives, the committee shortened the period property must be held to qualify for the credit. Under prior law, one-third of the credit was available for property held from 4 to 6 years, two-thirds was provided for property held from 6 to 8 years, and the full credit was available for property held 8 years and longer. Under the committee's bill, the corresponding periods would be 3, 5, and 7 years.

Additionally, the committee decided to make the credit available for used property. The members will recall that the credit was available for up to $50,000 of used property under the old law. This limit under the committee bill will be $65,000. In extending the credit to used property, the committee included an amendment to insure that the credit for used property will go to those who primarily rely on used property. Under this amendment, the amount of used property that can qualify for the investment credit up to the limit provided will be reduced by the amount of new qualifying property acquired by the taxpayer in a given year.

In recommending the new job development investment credit, the committee reviewed our present depreciation rules, including the new asset depreciation range system promulgated by the Treasury Department earlier this year. While the new system provides needed incentives, improved equity, and greater efficiency in administering our complicated tax rules relating to capital recovery, it was felt that some adjustment was appropriate in the new system in light of the investment credit included in the committee's bill.

In particular, it was felt that the new first-year convention included in the ADR regulations, which in effect increases depreciation allowances during the first year property is placed in service, has somewhat the same economic effect as the new investment credit, and was not essential to the greatly improved administrative efficiency that is the heart of the ADR system. The committee included a provision that would eliminate from the ADR system the new first-year convention.

The committee's decision in eliminating the new first-year convention will increase tax liabilities by $2.1 billion in calendar 1971, $1.7 billion in calendar 1972, and $1.5 billion in calendar 1973. These increases will be more than offset by the new investment credit, that along with the remaining elements of the new ADR system, will provide substantial incentives for modernization of our capital equipment.

INDIVIDUAL INCOME TAX CUTS

The committee's bill provides $1.4 billion of individual income tax relief in calendar year 1971 and $3.2 billion next year. The reductions benefit all income groups while raising the income level at which taxes are first imposed to accord more realistically with the poverty level. The increased income made available should provide a needed stimulus to consumer demand.

For 1971, the committee's bill increases the personal exemption from $650 to $675 and removes a complicated provision of existing law that phases out the low-income allowance during 1971 for individuals whose income is above the poverty level. These amendments, which were not included in the administration's recommendations, should provide a needed stimulus to consumer demand and also reduce the amount of taxes many individuals would otherwise owe next April due to overwithholding under the present law.

The committee also acted on the administration's recommendation for accelerating from calendar 1973 to calendar 1972 individual income tax relief that is scheduled under the Tax Reform Act of 1969. Under the committee's bill, the personal exemption, which under present law is scheduled to be increased from $650 to $700 next January 1 and from $700 to $750 the following January, would be increased next January 1 to $750. The standard deduction, which provides greater simplification by enabling individuals to take a standard deduction for expenses that would otherwise have to be itemized, would be increased to 15 percent of an individual's income with a $2,000 maximum. The standard deduction is presently 13 percent of an individual's income subject to a $1,500 ceiling and would be increased under present law to 14 percent of an individual's income subject to a $2,000 ceiling next January 1. The committee's action is expected to enable 2.2 million individuals who are presently itemizing to file the short form resulting in considerable tax simplification.

Additionally, the committee increased, beginning in 1972, the low-income allowance from $1,000 to $1,300. This increase in the low-income allowance provides tax reduction to 25 million returns and relieves 1.9 million returns from tax.

REPEAL OF THE AUTOMOBILE EXCISE TAX

The bill also includes provisions repealing the present 7-percent manufacturer's excise tax on new passenger automobiles. The Congress made a decision in 1965 to repeal the discriminatory manufacturer's excise taxes on a variety of items. Consistent with our overall revenue needs, the Congress decided to limit Federal involvement in the excise tax area to user and sumptuary taxes. In view of the revenue loss involved, the automobile excise tax was scheduled to be phased out over a period of years and subsequent budget considerations required a delay and rescheduling of the phaseout. However, the fundamental determination that the tax was discriminatory and an inappropriate tax was correct, and in view of the present economic situation, the committee concluded that it would be appropriate to now repeal the tax.

Tax on new passenger cars would be repealed effective August 15, the date the President made the recommendation to Congress. Appropriate consumer and floor stock refunds are provided in the committee's bill in accordance with past practices.

Additionally, in the case of light trucks—those under 10,000 pounds gross vehicle weight—the committee decided to repeal the present 10-percent tax applicable to trucks. The repeal is effective September 22, the day the committee decision was announced, and appropriate consumer refunds and floor stock refunds are also provided. It was the feeling of the committee that many of our citizens, particularly in farm communities, use light trucks as a means of personal transportation, in much the same way as other citizens use passenger cars. However, the revenues from the truck tax do go into the highway trust fund to finance completion of our Interstate Highway System, to which we are committed. In view of the fact that the committee has pending before it recommendations on changes in the highway trust fund, I feel it would have been more appropriate to defer action on this proposal until we could consider these recommendations. This is particularly true in view of the impact that this action has in reducing highway trust fund receipts by $900 million over the next 3 years alone.

BUDGETARY IMPACT

I believe that the recommendations of the President and the action that the committee has taken will restore vigor to our economy by stimulating the private sector, improve our economic productivity, and create additional jobs. However, in view of the large budget deficit contemplated for fiscal 1972, both the administration and the Congress must exercise real restraint in Federal expenditures.

The Director of the Office of Management and Budget, when he appeared before the committee, estimated that the President's new program, when combined with an estimated shortfall in Federal receipts, would result in a fiscal 1972 budget deficit of between $27 and $28 billion, on a unified funds basis. This is in part due to estimated increases in outlays due to congressional action of over $4 billion, and includes the $5 billion in expenditure reductions the President announced on August 15. The Congress must do its part in facing up to the problem of fiscal responsibility.

The committee's bill improves the budget picture for fiscal 1972 over the administration's recommendations by about $1 billion. While this is an improvement, the huge defiicts we are facing make it imperative that we continue to tighten our belts in order to avoid a renewed outbreak of inflation and undue pressure on interest rates due to heavy Federal borrowing.

CONCLUSION

In conclusion, Mr. Chairman, I feel the committee's bill provides needed incentives, improves equity, and is directly responsive to the economic problems that we confront. It is urgent legislation. The committee faced this fact and moved expeditiously to develop legislation for consideraiton by the House. I urge the House to act in the same spirit in approving H.R. 10947.

Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. COLLIER).

Mr. COLLIER. Mr. Chairman, I thank the gentleman for yielding me this time. The distinguished chairman of our committee has articulately outlined the provisions and the purpose of the legislation before us today. It would therefore be redundant for me to belabor these aspects of this bill. There are three points, however, that I think should be made in reference to the dissenting views of one of my colleagues from Ohio. Frankly, I do not believe that political demagoguery has any place in the debate on an issue so vital to the total economy and welfare of all of the people of this country.

It becomes obvious that we cannot speak of Treasury losses without recognizing the recoup of revenues which will directly flow from the action the committee has taken on restoring the investment credit and imposing the asset depreciation range provisions. In 1962, when the original investment credit proposal was recommended by the late President Kennedy, unemployment in this country had reached 6.7 percent, a higher level, in fact, than it is today or has been since the current period of job loss began. Within 3 years after the Congress adopted legislation on the investment credit proposed by the Kennedy administration, this unemployment figure dropped to 4.3 percent, and, coincidentally, unemployment increased after Congress saw fit to remove the 7-percent investment credit. It is interesting to note that during the same period, despite the tax benefit granted through the investment credit, that Treasury revenues increased from $79 billion to more than $111 billion.

Certainly one must anticipate a recoup of revenues as a result of reestablishing the investment credit because its obvious purpose was to expand the industrial and business activity. It proved to be highly successful at that time under the same conditions which prevail today so that this is in no manner a trial and error approach, but rather a proven stimulus to expanding the economy and reducing unemployment.

I vehemently disagree with the ill-conceived conclusion in the dissenting views that tax credits will do more to increase corporate profits than create jobs for unemployed workers. Certainly this flies in the face of history and experience in this area. Seeking to use figures on the revenue loss without recognizing the impact in terms of more jobs in a stimulated economy is void of sound economic reason. I submit that within a year the whole economic picture will refute the validity of the arguments of those who are critical of the action which the administration has taken and which has fundamentally been approved by an overwhelming majority of our committee.

It is time that we look at our current situation in terms of what is essential to assist all segments of our national economy rather than engage in partisan political pot-shotting which is in diametrical opposition to the views of the majority of the most knowledgeable economic and fiscal experts in the country.

I believe it will be in the best interests of the entire country—the rank and file of the American people and the business community as well as the entire Congress—to overwhelmingly approve the bill before us today which implements the President's New Economic Policy, supported by the vast majority of the American people.

Mr. ULLMAN. Mr. Chairman, I yield to the gentlewoman from Michigan (Mrs. GRIFFITHS) such time as she may consume.

Mrs. GRIFFITHS. Mr. Chairman, I would like to express the appreciation really of the State of Michigan for this tax bill.

This tax bill, in my judgment, does more for the State of Michigan than it does for almost any other area and it is more helpful to the general economy than any other measure could have been, in the repeal of the 7-percent excise tax on automobiles.

The Joint Economic Committee estimates that that will probably cause the employment of 500,000 additional people. I hope this is true. I personally feel that the most stimulating part of this bill is the repeal of the excise tax. I cannot express my appreciation too much to the committee for repealing finally this excise tax.

Mr. Chairman, I hope the bill proves to be very successful and we will finally have a new employment picture in this country.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan (Mr. CHAMBERLAIN).

Mr. CHAMBERLAIN. Mr. Chairman, I rise in support of H.R. 10947, the Revenue Act of 1971.

This bill contains in a substantial measure the tax recommendations which President Nixon outlined in his historic announcement on August 15 and personally laid before the Congress on September 9. The Ways and Means Committee has worked on these proposals with great dispatch but not without careful consideration, and I commend Chairman MILLS for his leadership. Certainly, almost important as the measures are themselves, is the urgent need that they be put into effect as soon as possible in order that they may have the maximum positive impact on the economy.

Today's legislation represents a multifaceted approach which includes providing more than $3 billion in individual income tax relief, geared specifically to benefit most those of modest means; granting a 7-percent job development investment tax credit, similar to the one in effect during much of the previous decade, to promote business expansion; a means to generate greater exports by using a tax deferral system through domestic international sales corporations; and repeal of the 7-percent Federal excise tax on automobiles about which I will have further comment.

These measures, taken together with the President's other initiatives under his new economic policy, I believe, will prove to be of tremendous help in stimulating the economy.

Although the committee hearings confirmed that there is widespread support for these actions, the charge has been made in some quarters, that the total package is weighted in the favor of business. In this regard, I would like to point out that during the hearings we learned that corporate profits during 1970 reached the lowest level since 1938.

At this point, I would like to insert a table in the RECORD prepared by the Treasury Department showing these figures:

CORPORATE PROFITS AFTER TAXES—AS A PERCENT OF THE GROSS NATIONAL PRODUCT

	Percent
1929	8.36
1930	3.16

CORPORATE PROFITS AFTER TAXES—AS A PERCENT OF THE GROSS NATIONAL PRODUCT—Continued

	Percent
1931	−1.15
1932	−4.64
1933	0.78
1934	2.46
1935	3.66
1936	5.98
1937	5.84
1938	3.47
1939	6.19
1940	7.20
1941	8.12
1942	6.41
1943	5.77
1944	5.31
1945	4.26
1946	7.43
1947	8.73
1948	8.80
1949	7.23
1950	8.73
1951	6.58
1952	5.66
1953	5.58
1954	5.63
1955	6.78
1956	6.48
1957	5.89
1958	4.99
1959	5.88
1960	5.30
1961	5.24
1962	5.57
1963	5.60
1964	6.08
1965	6.78
1966	6.66
1967	5.87
1968	5.53
1969	4.79
1970	4.23

Office of the Secretary of the Treasury Oct. 1, 1971 Office of Tax Analysis.

Source: National Income Accounts, Commerce Department.

Although modern economic problems are indeed complex, it has become clear that jobs do not spring up by themselves. It would not only seem logical but essential that if new jobs are to be created under present economic conditions, something must be done to make it possible for business and industry to expand.

SMALL BUSINESS HELP NEEDED

One area which I believe we should have given more attention is the special problems of our small businessmen. During the hearings, I raised this specific point with Secretary Connally. He pointed out, that based on the experience of the old 7-percent investment tax credit, the Treasury Department estimates that the new job development credit will benefit approximately 1,600,000 proprietorships, 175,000 partnerships, 100,000 small business corporations, and 400,000 other small corporations.

In addition, section 105 of H.R. 10947, in an effort to aid small businesses, provides that the tax credit can be applied toward the purchase of up to $65,000 worth of used machinery and equipment. This provision was added by the committee and represents a $15,000 increase over the amount permitted under the old investment credit.

While this indicates that something is being done in this bill for small businessmen, I nonetheless am satisfied that greater efforts could and should be made at this time. I was particularly encouraged to note that the president of the National Small Business Association, Mr. Harry Brinkman, submitted testimony in support of my bill, H.R. 3489, which would permit a business to deduct 20 percent of its taxable earnings, up to a $40,000 limit, when the funds are reinvested for the purpose of business expansion. Although I recognize that the need for quick action on the President's requests precluded opening this legislation into many other areas, it, nonetheless, is my hope that the committee will give further consideration to the special problems that small businesses are facing just as soon as possible as they are deserving of greater attention.

AUTOMOBILE EXCISE TAX

Mr. Chairman, back in January of 1957, just a few days after being sworn in as a new Member of Congress, I introduced legislation to repeal the automobile excise tax. It is for this reason that the committee's approval of the President's request for the repeal of this tax is most gratifying to me personally, and I particularly want to commend the committee for including this provision in the bill before us today.

President Nixon in his September 9 address to the Congress placed this action at the head of his list of needed economic stimulants. He said:

> I ask the Congress to consider as its first priority—before all other business—the enactment of three tax proposals that are essential to the new prosperity. These three measures will create 500,000 new jobs in the coming year.
>
> First, I urge the Congress to remove the 7-percent excise tax on automobiles, so that the more than 8 million people in this country who will buy new American-built cars in the next year will save an average of $200 each. This is a sales tax, paid by the consumer. Its removal will stimulate sales, and every 100,000 additional automobiles sold will mean 25,000 additional jobs for America's workers.

It is most encouraging that today, with the support of both the executive branch and the Committee on Ways and Means, we are about to rid our tax system of this added burden unfairly borne by one sector of our economy.

The reasons which argue for repeal are many. First of all, it is a matter of simple tax justice. Second, it is a matter of the integrity of the Government in living up to its oft-repeated pledge to end this tax. Third, it is a matter of the widespread economic benefits to be derived from doing away with it at this particular time.

Let me briefly review these three interrelated aspects.

LONG HISTORY OF A TEMPORARY TAX

The auto excise tax, first went on the books as an emergency measure in 1917 as a part of the War Revenue Act, when it was levied at 3 percent.

In 1919, it was raised to 5 percent.

In 1926, it was reduced to 3 percent while most other wartime excises were eliminated.

In 1928 it was repealed entirely.

In 1932 it was restored at 3 percent as a part of another emergency revenue bill.

In 1940 it was raised to 3½ percent.

1941 it was doubled to 7 percent to provide additional revenue, retard automobile production and consumption and to help divert our national energies toward war needs.

For basically the same reasons the tax was increased to 10 percent in 1951 during the Korean conflict.

Here it remained, with Congress each year going through the ritual of extend- 1952, 1953, 1954, 1955, 1956, 1957, 1958, ing it temporarily for 1 more year during 1959, 1960, 1961, 1962, 1963 and 1964, until the passage of the Excise Tax Reduction Act in 1965. This act was reminiscent of the 1926 legislation for, again, while Congress voted to rid our tax system of many highly selective and unfair consumer taxes, in the end it only succeded in reducing the auto excise tax from 10 to 6 percent.

It was the intention of Congress, however, to do more than this. President Johnson had initially asked that the rate the cut from 10 to 5 percent. Nevertheless, the Ways and Means Committee decided that since other such selective taxes were being eliminated entirely the committee "could not justify leaving the 5-percent tax on passenger cars." Even so, early in 1966, in response to the Vietnam buildup, Congress agreed to the President's request to postpone the scheduled reductions, that would have lowered the auto excise tax to 1 percent in 1969, and voted to restore the rate to 7 percent.

Then in the Revenue and Expenditure Control Act of 1968, the phaseout schedule was again deferred for 1 more year with total repeal set for 1973,

Once more, in the Tax Reform Act of 1969 this timetable was deferred another year. Finally, just last December, a new stretchout was adopted which put total repeal off until 1982.

INHERENTLY UNFAIR

In the report accompanying today's bill the committee points out that despite all the broken promises it is nevertheless the case that the decision to repeal this tax has been made in the past. The only question has been when. The committee's purpose last year, in the Excise, Estate, and Gift Adjustment Act of 1970, was laudable in that it sought, through the device of a longer, more gradual phaseout plan, to find a way to end the Treasury's addiction to this tax. Even so, I questioned then, and still question, whether this new approach would prove any more successful. What the 1970 act assuredly does provide, however, is fresh proof of the conviction of the Congress that this tax is inherently unfair and of its determination that it should be eliminated. So that there will be no uncertainty in this regard, I would point out that in the committee report accompanying the Excise Tax Reduction Act of 1965, the auto excise tax was cited as one of many selective excises found to be essentially discriminatory and therefore unjustifiable. The report also stressed that it, like other excises, is especially unfair to low- and middle-income consumers:

> These selective excise taxes tend to reduce sales and therefore reduce incomes and jobs in the industries which produce the taxed goods. In these ways selective excise taxation results in arbitrary and undesirable distortions in the allocation of resources and in this manner interferes with the free play of our competitive market.
>
> Many of these excises also now are objectionable in that they are generally regressive in their impact, absorbing a larger share of the income of low-income persons than of those with higher incomes. This stems from the fact that low-income families find it necessary to spend a higher proportion of their incomes for consumption than those with larger incomes.

Unfortunately, these good intentions, having never been fully carried into effect, only serve to compound the inequity—for as other excises have been removed, those remaining become correspondingly ever more selective and more unfair. Since by first auto excise tax repeal bill was placed in the hopper in 1957, Congress on 13 occasions has voted to postpone the effective date of its elimination. The time is long overdue for the Government to keep its word to end this so-called temporary tax.

ECONOMIC BENEFITS OF REPEAL

If it were simply a matter of tax justice, I am satisfied that the auto excise tax would have been repealed long ago. The problem has always been the Government's need for revenue. I have always recognized this need. I do not believe, however, that this, in itself, justifies the continuance of unfair taxation in perpetuity, and particularly when removal would give a significant boost to the economy, which, in return, would generate additional tax revenue. President Nixon's decision to call for the immediate total repeal of this tax, I believe, is grounded in both of these considerations.

In urging the President and Secretary Connally, in late July, to take this action, I stressed that here was a tool readily available to the Government which, in one stroke, would serve to spur the economy, increase employment, check inflation, help meet foreign competition, retire, by the thousands, from our highways old cars without new pollution control and safety equipment, as well as provide an immediate tax reduction for consumers.

It would be difficult to exaggerate the importance of the automotive economy to the rest of the Nation. More than 13 million persons, holding one of every six jobs in the country, are employed in highway transport industries. Over 800,000 businesses are directly dependent on motor vehicle use for their operation. Some 24 percent of all retail sales involve automotive businesses. The automotive industry alone consumes 20 percent of the Nation's steel and over 60 percent of its rubber. It should also be remembered that car assembly plants are located in 16 States, other than Michigan, and that there are over 30,000 new car dealers spread across the length and breadth of the land.

From these few statistics alone, it should be readily apparent that as we are looking for ways to stimulate the Nation's economy, this is no time to retain a tax that was specifically designed to retard automotive production and consumption. The repeal of this tax, as Secretary Connally noted in his strong and persuasive presentation to the committee, promises the creation of possibly as many as 150,000 more jobs as well as the direct saving to the consumer of about $200 per automobile. This means, of course, an additional $200 that can be spent on other goods and services.

Furthermore, as Secretary Connally also noted, it is estimated that for every 100 new cars sold, approximately 75 old cars are retired from our highways. Thus, by increasing new car sales, the repeal of this tax can help bring into use more automobiles with the very latest pollution control and safety equipment.

PASS-ON OF TAX CUT ASSURED

When the entire Michigan delegation joined in introducing an auto excise tax repeal bill on July 15, I knew from past experience that one of the first questions that would be raised would be whether or not the automobile companies would pass this tax relief along to the consumer. It was for this reason that I wrote, on July 23, to the four major automobile manufacturers on this very point, each of whom responded affirmatively, and I include a copy of my letter and the replies received from Mr. William V. Luneburg, president, American Motors; Mr. John J. Ricardo, president, Chrysler Corp.; Mr. Lee Iacocca, president, Ford Motor Co.; and Mr. E. N. Cole, president, General Motors Corp., at this point in the RECORD:

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 23, 1971.

Mr. W. V. LUNEBURG,
President, American Motors Corp., Detroit, Mich.:
Mr. J. J. RICCARDO,
President, Chrysler Corp., Highland Park, Mich.:
Mr. HENRY FORD II,
President, Ford Motor Co., Dearborn, Mich.:
Mr. EDWARD H. COLE,
President, General Motors Corp., Detroit, Mich.:

On July 15th the entire Michigan Congressional Delegation, both Republicans and Democrats, joined in introducing legislation to repeal immediately the 7% Federal excise tax on passenger automobiles. On the same day identical legislation was introduced in the Senate by Senator Robert P. Griffin and Senator Philip A. Hart.

As you know, this tax is scheduled to be eliminated in 1982 according to legislation approved last December. It is the consensus of the Michigan Delegation that the immediate removal of this discriminatory tax would serve to stimulate the economy, spur employment, help check inflationary pressures by keeping prices down and would assist in making American cars more competitive with foreign imports. In view of the expected price increases on 1972 models, this action, we feel, would be particularly timely and helpful. For your information I enclose a copy of the bill together with my remarks in the House on July 15th.

In past efforts to rid the tax system of this unfair levy, the question has always arisen as to whether the repeal of this tax would be passed along directly to the consumer. I am therefore writing to solicit any comments you might care to make with respect to this issue.

With kindest regards, I am
Sincerely yours,
CHARLES E. CHAMBERLAIN.

AMERICAN MOTORS CORP.,
Detroit, Mich., August 2, 1971.

Hon. CHARLES E. CHAMBERLAIN,
House of Representatives,
Washington, D.C.

DEAR SIR: This will acknowlege your letter of July 23rd.

On behalf of American Motors, I can assure you that the repeal of Federal excise tax on passenger cars will be passed along promptly and directly to the consumer.

As you know, this commitment is merely a reiteration of the pledge we have made each time the question has been raised. Surely no one can doubt now that the benefits of tax repeal will be passed along, in the face of the many public commitments by the automobile companies to do so.

There may never be a perfect time to repeal the passenger car excise tax, but one is hard put to think of a better time than now: when inflation is a problem and the auto industry faces rising costs; when employment is lagging, particularly in automotive cities; when our foreign trade balance has disappeared and automotive imports are rising sharply.

I want to express my appreciation for the many years that you have worked to bring about repeal of this discriminatory tax. I am glad that the Michigan delegation has joined with you to present a united front on this issue.

Very truly yours,
WILLIAM V. LUNEBURG.

CHRYSLER CORP.,
July 30, 1971.

Hon. CHARLES E. CHAMBERLAIN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CHAMBERLAIN: Thank you for your letter of July 23 concerning the possibility of excise tax repeal.

I would like to commend you for your consistent and tireless efforts toward this objective, and I quite agree with you that the next few months should be a most favorable period in which to push for enactment. Our industry certainly intends to cooperate with you fully in these efforts, and I would also like to assure you that we plan to pass any repeal of this tax back to the consumer.

Again, let me thank you for your interest in this subject and congratulate you on the leadership role you are taking in it.

Sincerely,
JOHN RICCARDO.

FORD MOTOR CO.,
Dearborn, Mich.

Hon. CHARLES E. CHAMBERLAIN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CHAMBERLAIN: In the absence of Mr. Henry Ford II, I should like to respond to your letter of July 23 inviting our comments on passing on to the consumer the savings resulting from repeal of the excise tax on automobiles.

We are, of course, very pleased by the united effort of the Michigan Congressional delegation to secure repeal of this tax. Our position on passing on the savings is the same as it has been in the past. If the tax is repealed, our prices to our dealers will be reduced immediately by the full amount of the present tax. The suggested retail price shown on the price label will also be lowered by the same amount. We have no doubt that competition will assure that our dealers, in turn, will pass on this reduction to their customers. You realize, of course, that the Company has no authority to determine any dealer's decision on this matter.

We are grateful for your continuing efforts to secure reduction or repeal of the passenger car excise tax and we appreciate this opportunity to reassure the members of Congress that the benefit will be passed on to our customers.

Sincerely yours,
LEE A. IACOCCA.

GENERAL MOTORS CORP.,
Detroit, Mich., August 11, 1971.

Hon. CHARLES E. CHAMBERLAIN,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CHAMBERLAIN: Thank you for your letter of July 23 expressing your interest in and the concern of the entire Michigan Congressional delegation for repeal of the federal excise tax on passenger automobiles. I am pleased to respond to your inquiry concerning the saving which would accrue to the final consumer as a result of excise tax repeal.

There is no question that General Motors, if the tax were repealed, would pass on the full amount of the new car excise as a reduction in the prices charged to dealers. The excise tax repeal would also be fully reflected in the suggested retail price as shown on the vehicle price sticker. A review of the record will indicate that this has long been GM policy. It continues to be our policy.

As you know, the price at which the new car is sold to the ultimate customer is one agreed to by the dealer and the customer. This is a transaction to which the manufacturer is not a party. However, while I cannot speak for General Motors dealers, I think there is every reason to expect that the savings which the manufacturer passes on to the dealer would be reflected in the transaction between the dealer and his customer.

We endorse fully the tax repeal action which enactment of H.R. 9816 would provide. Favorable Congressional action on this measure could make a useful contribution of moderating upward price pressures, achieving a higher level of employment, making U.S. cars more competitive with imports and ending the continued tax discrimination against new car buyers.

Repeal of the excise tax at this time would be most appropriate in terms of the nation's and Michigan's economy, as it would contribute to economic expansion and, thus, a higher level of employment. The dollar amount of the excise tax on cars produced in the U.S. is larger than the same tax on imports, which have lower manufacturing costs. Moreover, the substantial size of the excise tax has always been a heavy penalty on the new car buyer, and this discrimination has been more glaring since the repeal of the other federal excises on durable manufacture goods in 1965.

As to savings to the consumer that could flow from excise tax repeal, the record on this point is impressive. You will recall that the Council of Economic Advisers was requested by President Johnson to examine and report on the price trends of a variety of products following reductions in the excise taxes on June of 1965.

On November 29, 1965, the Council issued a news release summarizing an investigation of prices of new automobiles made by the Bureau of Labor Statistics following the reduction in the new car excise tax from 10% to 7%. The CEA concluded:

"Retail dealers' list prices of 1966 models of new passenger cars in October 1965 not only reflected the reduction in the federal excise tax that became effective June 22 (about 2.1 percent on the retail price), but they showed a further decline of approximately 0.8 percent from prices of comparable 1965 models after adjustments were made for quality changes."

We at General Motors certainly appreciate your continued interest in removing this discriminatory tax. We appreciate, too, the interest of the Michigan delegation in this matter of critical importance to our state. We hope that these comments will be of assistance to you.

Sincerely,

E. N. COLE.

I would further point out that a study undertaken by the Council of Economic Advisers under the Johnson administration, verified that the 3-percent reduction in the auto excise tax which took place in 1965 was fully passed on to the consumer:

[Office of the White House Press Secretary (Austin, Tex.), Nov. 29, 1965]

MEMORANDUM TO THE PRESIDENT FROM GARDNER ACKLEY, CHAIRMAN, COUNCIL OF ECONOMIC ADVISERS, ON EXCISE TAX REDUCTION—1966 MODEL AUTOS

The Bureau of Labor Statistics has completed its survey of prices of new-model automobiles. It reports that manufacturers and retailers are fully passing on to consumers the benefit of lower excise taxes and have reduced prices fractionally in addition. The BLS valuation makes allowance for quality changes.

Earlier reports to you have covered the prices of other products subject to excise-tax reduction, including 1965-model cars. They showed that approximately 90 percent of last July's excise tax reduction was passed on to consumers.

The study is being conducted by the BLS at the request of the Council of Economic Advisers and the Treasury Department. The full text of the BLS report is attached.

REPORT FROM BUREAU OF LABOR STATISTICS, DEPARTMENT OF LABOR ON PRICES OF 1966 MODELS OF AUTOMOBILES

Manufacturers' introductory prices of 1966 models of new passenger automobiles averaged 0.7 percent lower than introductory prices of comparable 1965 models, after adjustments were made for changes in quality. This comparison represents prices in both years before addition of Federal excise taxes. Prices actually paid by dealers to manufacturers have been lowered further this year by the amount of the excise tax reduction (3 percentage points—from 10 to 7 percent) which became effective June 22, 1965. Thus, the full amount of the tax cut still is being passed on by the automobile manufacturers as a whole, and they have reduced prices fractionally, in addition. This action continues the moderate downward trend of new car prices at the manufacturers' level which has extended since 1959, when account is taken of improvements in the quality of new automobiles from year to year.

Retail dealers' list prices of 1966 models of new passenger cars in October 1965 not only reflected the reduction in the Federal excise tax that became effective June 22 (about 2.1 percent on the retail price) but they showed a further decline of approximately 0.8 percent from prices of comparable 1965 models after adjustments were made for quality changes. Effective prices to consumer buyers were lowered correspondingly, since dealer concessions from list prices were as large or larger than they had been on 1964 and 1965 models at the time of their introduction.

Thus, new car dealers are continuing to pass on the full amount of the Federal excise tax reduction and, in addition, they are giving their customers the benefit of a fractional price reduction by manufacturers. The result is that retail prices of new cars continue to trend moderately downward, as they have since 1959, with allowance for quality improvements in new models from year to year.

NEW AUTOMOBILES

Make and model	1966 models priced for—	
	CPI	WPI
General Motors:		
Chevrolet Impala, 2-door sport coupe	×	×
Corvair Monza, 2-door sport coupe	×	×
Chevelle Malibu, 2-door sport coupe	×	×
Buick Le Sabre, 2-door sport coupe		×
Pontiac Catalina, 4-door sedan	×	×
Ford:		
Galaxie 500, 2-door hardtop	×	×
Fairlane 500, 4-door sedan		×
Falcon Futura, 4-door sedan		×
Mercury Monterey, 2-door hardtop		×
Mustang, 2-door hardtop	×	×
Chrysler:		
Plymouth Fury III, 4-door sedan	×	×
Plymouth Belvedere II, 4-door sedan		×
Plymouth Valiant 200, 4-door sedan	(1)	×
Dodge Polara, 4-door sedan	(2)	×
American Motors: Rambler Classic 770, 4-door sedan.	×	×
Imports:		
English Ford Cortina deluxe, 2-door sedan		×
Renault Dauphine, 4-door sedan		×
Volkswagen, Model 113, 2-door sedan	×	×
Fiat 1100 D, 4-door sedan	(3)	--------

[1] Priced as alternate to Rambler in a few cities.
[2] Priced as alternate to Plymouth in a few cities.
[3] Priced as alternate to Volkswagen in a few cities.

In this connection, I would like to direct the attention of the Members to page 51 of today's report wherein it is stated that—

> Your committee intends that the full amount of the repealed tax be passed on to the consumer, thereby reducing the price of the automobile or the truck.

While the major automobile manufacturers have pledged to do their best to see to it that the tax reduction is passed on to the consumer, the report goes on to state that—

> To give added assurance that this consumer benefit actually occurs and continues in the case of passenger automobiles and light-duty trucks, your committee requests that the Council of Economic Advisers examine into the matter and report periodically to Congress regarding the extent to which the tax reduction is in fact being passed on.

THE IMPORT PROBLEM

Another major reason why this tax should be repealed at this time is that it will, in the context of the President's other new economic actions, help meet the growing problem of foreign car imports.

In 1967, I am advised, there were a total of 1,020,620, foreign cars sold in this country. In 1970, just 4 years later, the number had shot up to 100 percent to an estimated 2,013,420 which accounted for 14 percent of all U.S. car sales. During the first 6 months of 1971 import sales were running about 16 percent of the U.S. market. As is well known, the advantage held by foreign competition is to a large extent because of the lower wage scales abroad. For example, in Japan labor costs are approximately one quarter of those in the United States while in West Germany wages are about one half of those paid here.

I am satisfied that the rising flood of car imports was one of the factors that prompted President Nixon to impose the surcharge which raised the existing 3½ import duty on cars to 10 percent as of August 16.

This means that since the repeal of the auto excise tax would benefit equally foreign and domestic vehicles, the price of the foreign car may increase about 6½ in addition to whatever changes may take place in exchange rates due to currency adjustments. It would be my hope that our balance-of-payments situation would improve to the point where this temporary import surcharge would not be needed for too long a time. Nevertheless, I would urge that as a condition for its removal that foreign countries agree to lower the very high and clearly discriminatory economic barriers which they have long imposed on American cars sold in their countries. For example, Japan levies in addition to a 10 percent tariff, a commodity tax ranging from 15 percent on small to 40 percent on larger cars. In England, there is a 13 percent tariff plus a 36⅔ percent purchase tax. The same excessive discrimination is practiced throughout Western Europe, Africa, Asia, and South America. In an article appearing in the Detroit News on September 19, Richard A. Ryan put into dollars and cents terms what this means:

A 1971 Chevrolet Impala that sells for

> $3,859 in the United States costs $8,164 in West Germany.
>
> That same Impala sells for nearly $8,000 in London and Stockholm.
>
> A 1971 Vega sells for $2,200 in the United States. It would cost $4,000 to purchase that same vehicle in Japan.
>
> Only the very rich in most foreign countries can afford to purchase an American made car. This did not result by accident. It was by design.

Compared to the towering obstacles faced by the American automobile exporter, the President's action levying a temporary 10-percent surcharge seems modest indeed. Although there has been some movement toward the reduction of tariffs—with the Common Market external duty scheduled to drop in 1972 from 13.2 percent to 11 percent—internal taxes in these countries, aimed specifically at American cars, remain exhorbitant. No such taxes are imposed in this country on foreign cars. Fairness dictates that these obstacles to fair competition be removed if free trade is to have any real meaning.

UNITED STATES-CANADIAN AUTOMOTIVE TRADE

Mr. Chairman, there is another area of deep concern regarding trade and automobiles which has broad implications for the success of the tax measures in the bill before us and the other efforts of this administration to restore equity in our international economic relations. I refer to the failure of Canada to carry out its obligations under the United States-Canadian Auto Products Agreement.

It is somewhat ironic to consider that, while the removal of the excise tax on automobiles is intended to increase domestic automobile production and provide more jobs, the additional duty imposed by the President on August 16 on most dutiable imports does not apply to automotive imports from Canada. This, of course, is due to the fact that such imports enter free of duty under the Automotive Products Trade Act and the provisions of the Auto Products Agreement.

I think it is even more ironic when one considers that Canada has failed to live up to the agreement despite the tremendous shift in Canada's favor in automotive trade between our two countries.

When the Congress considered the legislation implementing the United States-Canadian Auto Products Agreement, we were assured that trade developments under the act would be mutually beneficial. We were assured that the objective of the agreement was to allow market forces to determine the most economic pattern of investment, production, and trade. This has certainly not been the case.

The transitional rules employed by Canada have every appearance of becoming permanent unless the United States insists that these rules be eliminated.

One of the transitional rules is the Canadian requirement of the maintenance of a production-to-sales ratio for U.S. automotive companies in Canada. In practice, American automotive companies in Canada have exceeded the production-to-sales ratio required by the transitional rule. Nevertheless, the continued existence of this requirement does effect the production and marketing decisions of these companies. The second transitional rule, that of requiring U.S. manufacturers to maintain an agreed upon "Canadian content" in manufacturing, also impinges on the freedom of market forces to operate. This is despite the fact that U.S. manufacturers have exceeded in actual practice the value-added in Canada requirement.

Finally, there is the failure of Canada to permit Canadians to import automobiles from the United States free of duty, although the United States permits Americans to import automobiles from Canada duty free. The failure of Canada to afford its citizens the right to import on a duty-free basis automobiles from the United States continues to result in price differentials of automobiles between our two countries. Here again, the Canadian's failure to act as intended by the auto products agreement interferes with commercial decisions and frustrates the objective of the agreement.

In the debate on the trade bill last year, I stated:

> It is time the validity of the United States-Canadian Automotive Agreement be established.

I now believe it is past that time. The present international discussions afford an excellent opportunity for the executive branch and the Canadian Government to set the record straight on this important aspect of our international relations. If this is not done and if Canada does not take definite steps to provide full and complete reciprocity between that country and the United States as contemplated by the agreement I have regretfully concluded that Congress should repeal the Automotive Products Trade Act and terminate the agreement. This is a matter that should have our careful surveillance as we review and study our trade problems.

NO BETTER TIME FOR REPEAL

Mr. Chairman, repeal of the auto excise tax is an integral part of the President's new economic program. The elimination of this tax by itself cannot do all that needs to be done, but I submit it would be difficult to find in one proposal so much of what is needed now in terms of helping the consumer, stimulating the economy, creating jobs and hold down inflationary pressures. While I have always urged that we correct this obvious tax inequity, I am satisfied that there could be no better time to do it than right now.

This bill has my support and I urge the House to give its overwhelming approval to the Revenue Act of 1971.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. CHAMBERLAIN. I yield to the gentleman from New York.

Mr. SCHEUER. Mr. Chairman, I think many of us agree some kind of encouragement to consumer purchasing would be advisable.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. CHAMBERLAIN. Mr. Chairman, will the gentleman from New York restate his question?

Mr. SCHEUER. I believe many of us on this side of the aisle who are critical of some aspects of the bill feel it might well be valuable in our society to stimulate consumer purchasing and perhaps consumer purchasing in the capital goods field, but many of us have some reservations about focusing that on the purchase of automobiles. Those of us who live in the great cities are constantly wrestling between the tradeoff of automobiles and human beings. We do not want to "Los Angelize" New York City. We are devoting more and more space to automobiles. In addition to the ecological implications there are the implications of space, the implications of overcrowding, and the imbalance between mass transportation and the private car.

What would be the gentleman's reaction to a device such as a tax credit or a tax deduction equal to the amount that the Government would be injecting into the civilian stream by the reduction in excess taxes on cars, but giving it to the consumer in the form of an option, a credit or deduction he could spend on any capital item? For example, if he preferred to spend $3,000 not in the form of a car but in the form of a dishwasher, a washing machine and a new television set, why would it not be better to give the consumer the option as to where he would contribute to the stream of capital spending?

Mr. CHAMBERLAIN. There are several thoughts I have in response to the gentleman's question.

First, I do not want to minimize the problem the gentleman addresses. I believe it is a very real one. I have traveled up and down the east coast recently taking my daughter to school and have been made very much aware of the problem. It is real.

At the same time, I do not feel that this is any justification for maintaining a discriminatory tax on the books. We have no manufacturing excise tax on any other durable goods product, other than the automobile. It is inequitable to insist that one industry carry such a burden.

If we want to be fair, let us put an excess tax on all manufacturing right across the board. I will go along with the gentleman on that, if we need the revenue as he suggests.

But I would point out that the $200 that will be made available to the new car purchaser could well be used for the washing machine, the refrigerator, or other goods to which the gentleman refers.

We are, in other sections of this bill, providing relief for the individuals, and they, too, would be able to use other tax reductions for consumer goods.

What we are trying to do is to correct a longstanding tax inequity, to provide jobs, to spur the economy, and to hold down inflation. I believe this is a very good way to achieve these goals.

If the gentleman has a plan or a program he feels would be more workable, I would certainly suggest he make it known to the other body during the present hearings on this bill.

Mr. SCHEUER. I thank my colleague.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. CHAMBERLAIN. I am happy to yield to my distinguished colleague from Illinois.

Mr. MICHEL. First I want to take this opportunity to commend the gentleman on his statement. I recall being in this House when he gave his maiden speech on the very subject of this repeal of this unfair manufacturer's tax, as he has so well pointed out here, which discriminates, in effect, against the automobile business.

They do not make automobiles in my district, but I commend the gentleman for the many times he has taken the well of this House to inform the Members of the unfairness of this particular tax. I believe in no small measure that was responsible for the President himself including that in his recommendations to the Congress.

I have one question. Yesterday while we were debating whether or not we should defer a Federal pay raise we heard all kinds of demagogic speeches about how the effort to curtail Federal expenditures and get the economy going again would be taken out of the hides of the Federal employees and how today we would be considering a tax bill that would fatten up the ribs and give a big corporate profit to the automobile industry; for example, there was no thought whatsoever to the number of additional employees who would be working instead of unemployed by virtue of this kind of investment tax credit.

Is it not true with this mechanism we can expect additional numbers of people to be added to payrolls rather than unemployment and welfare rolls by virtue of the increased automobile production?

Mr. CHAMBERLAIN. First I want to thank my colleague for his kind comments. They are most appreciated.

To answer his question, during the hearings the statistics used by the President in his address to the Congress were confirmed. It is anticipated that by the repeal of the tax and the corresponding reduction in price we are going to produce another 600,000 vehicles, which will provide in the neighborhood of 150,000 jobs in this industry alone. This will be all over the country. In addition, there is a dealer at every crossroads, in your district and everyone else's district. They have their salesmen——

Mr. MICHEL. Who in turn are employing people.

Mr. CHAMBERLAIN. Yes indeed. But the one thing I want to emphasize here is that this is not for the benefit of the automobile industry, but for the consumer. The automobile industry has only had the responsibility of collecting the tax for the Government. We have kept it on them all this while, because it was so easy for the Government to collect the tax this way. But now we will be able to pass these tax reductions on to the consumers and this will have a tremendous stimulating effect throughout the whole economy.

Mr. ULLMAN. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Mr. Speaker, I would first like to say to my very distinguished colleague from New York, of whom I am very fond, do not reject Los Angelilizing New York until you have visited both cities and then draw your conclusions.

Mr. SCHEUER. I have. I have.

Mr. CORMAN. Mr. Chairman, it is my understanding that the bill grants the President authority to determine that the credit should be available to articles even though they are of foreign origin where he finds that is in the public interest.

Mr. MILLS of Arkansas. That is correct.

Mr. CORMAN. According to the committee report, one of the situations where it was believed this authority may be exercised is where the U.S. market tends toward a monopolistic one." Could you give me an example where such a finding would be appropriate?

Mr. MILLS of Arkansas. If one domestic producer has 60 percent of the U.S. market for the particular item, while other domestic producers are relatively weak with no single one possessing more than 20 percent of the actual sales volume, I believe the President might well find a tendency toward monopoly would exist which would justify the extension of the credit to foreign items in the interests of increasing competition.

Mr. CORMAN. Will the President be able to utilize the power in time to avoid the monopolistic results?

Mr. MILLS of Arkansas. It is certainly our intention that he do so. It is not contemplated that any extended hearings or other administrative procedures would be necessary.

Mr. CORMAN. How can the President ascertain that a particular product is subject to the monopolistic trends?

Mr. MILLS of Arkansas. He would first, of course, have to define the particular product market. He would isolate those items with the same characteristics and uses. In other words, he would not compare an item intended for one business use with one intended for a different business use, even though they were of the same generic type. Instead, he would make his determination with regard to these items separately. The committee felt sure that the Bureau of Census and industry statistics would be available to assist the President in these determinations.

Mr. CORMAN. I have a question regarding the application of the 7-percent investment credit in the case of motion picture films. Is it correct that, to the extent the costs of producing a film are capitalized and then depreciated over a period of 3 or more years for tax purposes, those costs with respect to the film qualify for the credit, just as the costs of acquiring a machine would qualify?

Mr. MILLS of Arkansas. That is correct.

Mr. CORMAN. I also would like to ask some questions about the DISC proposal and how it will apply to the motion picture industry. Suppose a movie producer has a DISC subsidiary. If the DISC leases a film produced in this country by the parent corporation to exhibitors in a foreign country, will the film be treated as export property and will the DISC be entitled to deferral on the income from the film lease?

Mr. MILLS of Arkansas. In answer to the first part of your question, the film would generally constitute export property. On your second question, the taxable income received by the DISC from the release of the film would be eligible for deferral only to the extent the DISC's gross receipts represent an increase, as defined in the bill, in the combined export gross receipts of the DISC and related corporations over the receipts of the group during the 3-year base period of 1968–70.

Mr. CORMAN. On the question of what constitutes export property of a DISC, would a positive print or duplicate negative made in the foreign country, rather than in the United States, represent export property? I ask this question because the laws of some foreign countries require that films exhibited in their countries be shown from a duplicative negative or positive print made in their countries.

Mr. MILLS of Arkansas. In some situations of this type the film would be export property. Although a DISC may not manufacture its products it may perform incidental assembly operations. Although it is possible to view the making of positive film prints or duplicate negatives by a DISC as manufacture, rather than assembly, it would seem to me, where the laws of a foreign country required prints of a film shown there to be made there, that the activity of the DISC would be treated as an incidental operation by it. As a result, if the DISC's activities did not add 20 percent or more to the value of the print or negative, the activity performed by the DISC would not prevent the print of a film produced in the United States from qualifying as export property.

Mr. CORMAN. Let me go back for a moment to the matter of the incremental aspect of the DISC proposal. If a film producing corporation sets up a DISC and the DISC leases a film for exhibition abroad, how, generally speaking, do you determine the portion of the DISC's income which is eligible for deferral under this bill?

Mr. MILLS of Arkansas. If we assume the film is export property, and it generally would be if it were produced in the United States, the DISC would be entitled to tax deferral on the proportion of its taxable income which the "base period export gross receipts" of the related group of corporations of which the DISC is a member bears to the current year's total export gross receipts of the DISC and related corporations. The term, "base period export gross receipts," means 75 percent of the average gross receipts received by the film producing company from the sale or lease of property for use outside the United States during 1968, 1969, and 1970. Under the bill, therefore, the DISC would be entitled to defer that portion of its taxable income which, under this formula, represents an increase in the group's gross receipts from export activity over 75 percent of its gross export receipts during the 3-year base period.

Mr. CORMAN. Let me continue for a moment on this base period aspect. If a new corporation is formed, and it later produces a film which it leases for showing abroad through a DISC subsidiary, how will its base period export activity be determined?

Mr. MILLS of Arkansas. If the new corporation is not related to any other corporation, under the 50-percent ownership test contained in the bill, only its own prior history will be taken into account in determining its base period export gross receipts. Since the corporations in your example are new ones, and are unrelated to any other corporations with any base period history, all of the taxable income from the lease of the film would be eligible for deferral.

Mr. CORMAN. Suppose one of these independent film producers is not able to arrange for the distribution of the film abroad. Could the producing company form a DISC which would then lease the film to the DISC of a more established film production company, which would arrange to distribute the film abroad?

Mr. MILLS of Arkansas. The answer is yes. The receipts derived from the lease of the film would be qualified export receipts if the film was produced in the United States.

Mr. CORMAN. Let me continue for a moment more. How, generally speaking, would the incremental aspect affect a movie producing company which had, in the past, made part of its films abroad?

Mr. MILLS of Arkansas. Let me answer your question this way. The DISC would be entitled to deferral on the amount of receipts from domestically produced films which is in excess of 75 percent of the base period export receipts derived from the domestically produced films, if the company can identify which of its receipts during the base period were from domestically produced films and which were from foreign produced films. The receipts from the foreign-made films would not be eligible for tax deferral. If, however, the film-producing company ceased its film production abroad and began to make those films at home, the receipts attributable to their lease abroad would be eligible for deferral. In this manner, by producing films at home, a DISC owned by a film-producing company would be entitled to greater deferral.

Mr. CORMAN. Are foreign-made motion pictures considered "export property" so that receipts generated from such films are taken into account in computing the base-period gross receipts of a taxpayer?

Mr. MILLS of Arkansas. No, if the taxpayer can identify the receipts arising from the foreign-made films. Generally, if more than 50 percent of the value of a motion-picture film is produced outside the United States, it does not qualify as export property. Therefore, receipts from the film may be excluded in computing base period gross receipts.

I have grave misgivings about cutting taxes $7 billion when we have an approximate $35 billion deficit this year. However, I hope that the Committee on Ways and Means will soon turn its attention to the problem of broadening the tax base so we can get the money with which to meet the needs of this Nation.

I am not very enthusiastic about having 100,000 or 150,000 more automobile workers and 100,000 fewer Federal employees, because I suspect that the Federal employees do more about improving life in this country than would additional automobiles.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from New York.

Mr. SCHEUER. I would like to ask a question about the investment tax credit. One of the problems with which New York City has been faced has been the flight of business out of the downtown central core into suburban and rural areas. Will not one of the effects of this investment tax credit be to accelerate the flight of business and manufacturing facilities from urban core areas into suburban and rural areas? And, if so, will this not diminish the tax base of the cities and hamper their efforts to maintain and improve job opportunities, especially opportunities for minority citizens who cannot buy houses in the suburbs or who cannot find mass transportation to take them where the new jobs are?

Will this not magnify the existing financial and sociological problems that cities throughout the country are now trying to solve?

Mr. CORMAN. First of all, I say in response to the question of the gentleman from New York, there is no tax credit now for anyone. If this bill becomes law, there is a tax credit for everybody. So that part is in balance. But, looking at the broader sociological implications it seems to me that one of the things we need to do is to break up the concentration of population in very small areas. I think it would be disastrous if we decided to——

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. ULLMAN. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. CORMAN. I think it would be disastrous to move heavy industry into ghetto areas, because after all, should we not let the residents of the ghetto areas out into the suburbs where life may be a little more pleasant. I think there is a sound reason for us to hope that industry will disperse. But I think insofar as this bill is concerned it will not have that effect either to encourage or discourage industry to move to any particular location.

If it does what the President says it will do, it will cause industry to invest in new plants, but not necessarily new locations. That decision would be based upon a great number of things such as the supply of labor, local tax costs, and the availability of adequate land.

I must say to the gentleman from New York certainly we have had critical transportation problems in Los Angeles, but in the suburban areas we have tried to get a balanced land use so that people do not have to travel great distances in order to get to work. As to that problem, I think we have done a good job. However, we need to concern ourselves with mass transit.

Mr. SCHEUER. Mr. Chairman, if the gentleman will yield further, it seems to me that one of the main causes of the problems in Watts was that the blacks there did not have access to the mass transportation which would take them to the suburbs—where the new jobs are.

Mr. CORMAN. That is certainly a part of the problem of the people who live in Watts. It is my view that the person who lives in Watts should have the same opportunity as anyone else to go where he wants to go and let him follow his job and let him have housing where he goes. That is what I hope this country is moving toward.

Mr. SCHEUER. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from North Dakota (Mr. ANDREWS).

Mr. ANDREWS of North Dakota. Mr. Chairman, I appreciate my colleague from Wisconsin yielding so that I might ask a question to our distinguished colleague, the gentleman from Arkansas (Mr. MILLS), the chairman of the committee.

As we all know, the farmers of our country today are faced with an unusual surplus of grain brought about by many reasons, and the Department of Agriculture is encouraging the building of farm bins through a 6-percent loan program for the building of farm grain bins and dryers.

The gentleman will recall during the committee deliberations on this bill I asked him whether or not this investment tax credit would apply to grain storage bins and grain dryers. I am wondering if the gentleman would clarify the status of this law in this regard for me, so that the farmers in rural America could take note of it and proceed with full knowledge of the benefits of this new law.

Mr. MILLS of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I will be glad to yield to the gentleman from Arkansas.

Mr. MILLS of Arkansas. Mr. Chairman, during our executive sessions it is my recollection that the gentleman from Wisconsin (Mr. BYRNES) did ask the Treasury whether grain shortage bins and grain dryers would be covered by the investment credit. The Treasury in responding to his question assured him that both of these items would qualify for the new credit. In this regard, the language of the committee bill follows the language of prior law in extending the credit to other tangible property that is used as an integral part of the manufacturing or production process. In the case of storage facilities, the credit applies if the facilities are used in connection with the manufacturing or production process. It is my understanding that in the typical case grain storage bins and grain dryers do meet this requirement when used by the farmer himself or by another individual in the production or manufacturing process. However, the service has taken the position that if someone other than the farmer maintains the storage bins and grain drying facilities, his use of the facilities will not meet the statutory requirement of being used in connection with or as an integral part of the production process if he simply buys, stores, and sells grain. It is also my understanding that the typical grain storage bins and grain dryers are not adaptable to other uses and do not provide the farmer with work space, so that they are not excluded from coverage as a building and its structural components.

Mr. ANDREWS of North Dakota. Mr. Chairman, I appreciate the gentleman's response. It certainly will be good news to the individuals in agriculture who are faced with this problem, this fall, of surplus production.

Mr. ULLMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. Burke).

Mr. BURKE of Massachusetts. Mr. Chairman, it is not my intention to rise today to discuss in detail the very complicated piece of legislation before us, simply to indicate some of my feelings and reservations about the broad impact of the bill.

I think this is a case where the committee was presented with a crisis situation, was given a definite deadline to meet, if the President's economic program was going to be given a chance to succeed. It is against this background that we must ultimately view the bill before us. Given what we were to work with, the President's program, I feel the committee has made several substantive and significant changes which make the program more equitable and less directed toward big business than as presented by the President. Without any doubt, if the committee had had the time to work up its own program from scratch, the resulting bill would have been even more equitable and fairer. But such was not the case. After months of delay the President finally proposed a wide-ranging economic program. The ideal bill, in my opinion, would have been one to give more relief to low income families and individuals across the Nation, one which would have been less dependent on a trickle down philosophy. I also felt and still feel that industry should have been given a choice between the investment tax credit and accelerated depreciation—not both. While a good case can be made out for the need for some stimulation of industry with tax relief in order to get the economy moving again, I feel that this overdoes it.

However, in balance, given the very short time we had to make major revisions and the fact that I was able to see some of my ideas accepted in committee—although not all—I feel that I can vote for the bill as reported from committee. As things now stand, in giving the administration basically what it requested, the administration is being given a final opportunity to bring the economy out of its present doldrums, with a blueprint of its own choosing.

Mr. ULLMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. Rostenkowski).

Mr. ROSTENKOWSKI. Mr. Chairman, it is never an easy task to follow the many eloquent speakers who have expressed their views on this bill today. I have no intention of getting into the details of the bill. This has already been accomplished in the clear and lucid presentations by our distinguished chairman and ranking minority member, the gentleman from Wisconsin (Mr. Byrnes), as well as in their answers to the questions raised on the floor.

I would, however, like to just make a few remarks as to why I support this bill. I support it because I am convinced that the time has come, in fact has passed, when we can afford the luxury of business, or lack of business, as usual, and hoping the economy will adjust itself. Unfortunately, despite the many warning signals, the administration seemed to be content to play a waiting game. But the waiting is over, and we now have before us a bill which in my judgment will accomplish a great deal toward reversing the lagging state of our economy.

This bill as proposed by the administration and altered significantly by our committee is designed to stimulate both consumer spending and business investment. By increasing these expenditures, we can hope and expect a salutary change in our employment situation. As we all know, the unemployment rate has been dangerously high and has caused much hardship in many areas of our country. The time to correct this situation is now. This, of course, is equally true of the dismal situation we have seen developing in our foreign trade and balance of payments. This bill should bring about the more efficient production we need to allow us to better compete with the other nations of the world.

I was particularly pleased with the committee's action in speeding up the tax reductions for individuals and increasing the low-income allowance for individual taxpayers. We all know that it is the people at or near the poverty level who have been the worst victims of the rampant inflation we are all now suffering. By giving these people tax relief, I believe we have followed the right course of action. I also believe that they are the most likely to spend and return their tax benefits to the economy rather than to put them into savings.

I was pleased that we have at last taken appropriate action in the case of the automobile manufacturers' excise tax. Our committee has for years been attempting to remove from the Federal tax system this unfair tax which so often burdens those who can afford it least.

I am a firm believer that the fairest method of taxation is the income tax, which bases tax liability on ability to pay. With all its imperfections, it has proven itself over the years. I look forward to the time when our committee can again look into the many problems that still remain in the income tax area, as well as revising estate and gift taxes, a revision long overdue.

Because of the committee's actions, which have in my opinion gone a long way in balancing the benefits between individuals and business and, because as I have stated, I believe the time for action is now, I join my many colleagues in urging your support of this bill.

Mr. ULLMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. Gibbons).

Mr. GIBBONS. Mr. Chairman, I did not support the Revenue Act of 1971 in committee. I set forth my views at the end of the committee report, beginning on page 103, so I will not belabor this body very long in repeating those views.

Let me say that I was heartened when I heard the President's message on August 15 that at last we were beginning to face up to the problems that are our problems, and that are the Nation's problems, so that there are many things in that message that I strongly support.

I strongly support the disengagement of the dollar from gold.

I support as a bargaining tool to straighten out some of our international trade problems the temporary surcharge.

There are some items in this particular Revenue Act that I support. I regret that we cannot go through this bill and at least have an opportunity to strike out those things, or to take a vote on those things, that we would rather strike out. I think when we fail to do that, we do an injustice to the other Members of Congress, because I think all of us should have an opportunity and have the responsibility to express our philosophy on tax matters—matters that are so very important.

Mr. Chairman, I view a tax incentive as having the same effect upon the taxpayer, the citizen, and U.S. Government, as an appropriation from the Treasury of the United States.

When you take that philosophy and apply it to the job development credit formerly known as the investment credit, and when you sit down and think of all the things for which you could get a 7-percent discount on the purchase price, you begin to realize what a broad tool, what a muted force, we are working with here.

Ostensibly the aim of the job development credit is to develop jobs and make America more productive—and I certainly hope that happens. But I just have serious doubts that it will.

If we must use tax incentives, and I do not favor tax incentives, but if we must use them I would prefer that they be aimed at the target with much more precision.

I am not going to go into all those ridiculous illustrations of what you could buy under this job development credit. It would demean the House to have to listen to the silly list.

But, I think if you stop and thought about it, you could dream up an equally ridiculous list.

One man's tax incentive is another man's tax handicap in this country. The dollars we take out of the U.S. Treasury must eventually be made up somewhere—either in spending reductions or in somebody's increased taxes. Or, alternatively, by just increasing the size of the national debt—as we have done with great regularity. Increasing the debt just takes revenue out of the pockets of those who are upon a fixed income, because it is inflationary. On September 24 of this year when I last computed it, the U.S. Treasury was $32,200 million-plus worse off at that date than it was just the year before.

Next year this law will take about another $7 billion in potential revenue out of the Treasury. I hope I am wrong and that some miracle occurs between now and then which will eliminate this $33 billion deficit, but you know and I know it is not. You know and I know that we are soon going to be sitting here on this floor increasing the national debt in order to make up for that loss.

I think I have talked enough about the job development credit.

Let me talk about the changes in the personal exemptions and the minimum standards deduction. I think, by and large, that these are constructive changes, and enough has already been said about them.

I also support the structural changes in our tax laws which are contained in title III of the bill.

I oppose title IV, the auto excise tax repeal, because I think America has higher priorities than to encourage the throwing away of old automobiles and trucks and the purchase of new automobiles and trucks. We already have 110 million motor vehicles on the highways, and we have only 111 million licensed drivers to drive those 110 million licensed vehicles. So we are not short of motor vehicle transportation in this country. But we are short of a lot of other things. We have environmental problems; we have urban problems; we have educational problems; we have crime and disease problems. I believe in my own sense of priorities that these have a higher call upon the wealth of this Nation.

If you will look at the last 46 pages of this 108-page bill that we have before us today, you will find something that is new in America, something that is called the Domestic International Sales Corporation. I know many have said that this is going to be the tool that will bring jobs back home to this country. I hope that they are right. But I doubt that they are.

The Domestic International Sales Corporation is just another way of subsidizing exports from a country. We could have done it more directly and perhaps have gotten more stimulation out of it, but if we had, we would have violated the general agreement on tariffs and trade and would have excited from our trading competitors around the world the possibility of direct retaliation against us for having done that.

When we look closely at the problem of trying to change trade balances we see how difficult it is. The DISC provision certainly does not appear to be the answer.

I noticed just last week that Canada, fighting the effect of this legislation that we have here before us and the actions the President has taken, has simply turned around and is subsidizing exports. So, in effect, their products will still be coming in to this country over our tariff barriers.

We have started, then, with our oldest friends and our truest friends in another race toward continually escalating barriers.

Mr. Chairman, these reasons I believe make it most unwise to pass the Domestic International Sales Corporation.

I want to commend the committee for the improvement they have made in the Domestic International Sales Corporation part of the bill over the proposal that was made by the administration 2 years ago and even by the Ways and Means Committee 2 years ago. This certainly is an improvement. But because so many defects remain, I hope that when the bill goes to the Senate, the DISC provision will be stricken from the bill.

Mr. Chairman, in closing, I would like to say that working on the Ways and Means Committee is a very challenging experience. All of the members I know who serve on that committee are diligent, hard working and well motivated. The differences we have, I believe, are honest differences of opinion, and I must say for my own self that I do not feel smart enough to know all the answers to all the difficult problems we have.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Iowa.

Mr. GROSS. A few moments ago the gentleman from California (Mr. Corman), if I heard him correctly, elicited from the chairman some provision of the bill which would give the President delegated power to suspend trading operations or something. Would the gentleman tell me where that might be found in the bill?

I am one of those opposed to this delegation of power business. We have had altogether too much of it already.

Mr. GIBBONS. I will yield to the gentleman from California. I think he can answer that better than I can.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from California.

Mr. CORMAN. Mr. Chairman, I will say to my colleague, the gentleman from Iowa (Mr. Gross) that the provision is on page 7 of the bill. The reason for the discretionary power in the President is that the investment credit, during the period of the surcharge, will be permitted only for domestically produced goods. In other words, if one who is expanding his factory capacity wants to use the investment credit, he must buy domestically produced goods. There are some kinds of machinery which are not produced in this country. If that is the case, the President has authority under this legislative grant to provide that the investment credit may be extended to foreign made machinery that is not available in this country.

The second provision, and the one which I discussed with the chairman, has to do with the threat of monopoly. If there is one supplier in this country who occupies a monopolistic position, if the principal competition for that particular kind of machinery is from a foreign source, then the President may create an exception in that case. There is a third possible exception discussed on page 20 of the report.

All of this is only during the period that the President leaves the surcharge on, because when the surcharge is lifted, then the restriction that the investment credit is applicable only to domestic machinery will expire.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, are there any other provisions in this bill in which the President is given power to suspend?

Mr. CORMAN. No, sir. I would invite the gentleman's attention to page 20 of the committee report, which has a more lengthy description of discretionary power than I was able to give the gentleman.

I do not recall any other instances.

Mr. GIBBONS. On the subject of tax deferrals given under the DISC proposal, I have often questioned the desirability of allowing the use of a DISC to subsidize coal exports. As you know, we have been exporting a lot of coal from this country and last year we had a coal shortage. So the committee has acted to give the President the power to suspend the DISC tax deferrals for any export of coal if we should have another coal shortage.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding to me so I could get the answers I did. I say to the gentleman I doubt if there is any more instant salvation in this bill than there is in a great many others passed in the name of bringing some kind of order out of chaos in this country. Too often—and practically all the time—we have dealt in expedients, and I am not too sure that this is not another of the expedients.

I do not see how we can logically cut taxes at this time when the Federal Government shows no disposition to cut expenditures to the extent that this will absorb them. We went through all this once before, and not too long ago, when we were assured the expenditures were going to be cut, and the gentleman knows very well what happened at that time.

Mr. GIBBONS. Mr. Chairman, I thank the gentleman.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. Conable).

Mr. CONABLE. Mr. Chairman, I strongly support this bill and urge its enthusiastic passage by the House.

I would like to express my appreciation to the distinguished chairman of my committee for having encouraged and made possible prompt and expeditious consideration of the President's economic program.

I would like to add my opinion, also, that the committee changes made in the tax package were constructive ones. I think one of the great enemies of prosperity and of stability at this time has been the uncertainty that has afflicted our economy.

It has not responded sensitively to traditional influences. Prompt consideration of the President's proposals was very important if we were not to have a further wallowing destructive to economic progress.

With that in mind I again express my appreciation to the chairman and ranking minority member for the prompt attention given to this matter. I know the House will support the measure. I hope the other body will also respond with the kind of alacrity shown here. Speed and decisiveness, in response to the President's leadership, are in the Nation's interest.

Mr. ULLMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, I rise in opposition to the investment tax credit.

The investment tax credit seems to offer both short-run and long-run benefits: In the short run, it is supposed to stimulate recovery in the depressed industries producing investment goods, hopefully providing more jobs and better incomes in the near future.

In the long run, it is supposed to revitalize the American economy by inducing American firms to install more efficient machinery and thereby be able to produce at lower costs and prices in competition with low wage foreign firms. The President wishes to achieve 100 million jobs in 10 years but it is felt that this goal is blocked by the fact that the United States has fallen behind other nations—notably Japan and Germany—in its technology. U.S. technology ought to be more efficient than that of other countries in order to offset lower wages paid abroad. But, instead, it is claimed to be inferior technologically. The classic case is the U.S. steel industry currently outproduced and undersold in some types of steel by low-wage German and Japanese steel plants equipped with basic-oxygen and electric processes.

Why is U.S. industry supposed to be less modern and efficient than the German and Japanese? Partly, it is older. Partly, the United States has been sending large quantities of capital abroad, much of it to finance foreign industry. Partly, heavy taxes—to pay for two wars, defense establishments, and for the skyrocketing social outlays—have cut heavily into profits—reducing the attractiveness of investment, as well as depleting the funds from which new investments can be financed.

The investment tax credit would give firms a tax rebate of $7 for every $100 of new machinery and equipment put in place. A similar plan was tried between 1962 and 1968 during which for whatever reason new investment did proceed at high rates.

This is the case for the tax credit. What can be said against it?

First, it offers little promise in itself of getting us out of the current slump at an early date. A leading expert, Prof. Dale Jorgenson of Harvard, who apparently sees some merit in the investment tax credit, admits it could not exert much impact until late 1973, and could not bring a return to full employment before 1974 or 1975. After that, he thinks it might be inflationary. Other academic experts seem to differ from Jorgenson mainly in arguing that investment credits have little net stimulative impart at all.

Second, the tax credit would give a tax windfall on investments that would have been made in any case. This is especially true of this fiscal year ending in June 1972 because tax credits will go for investments planned some time ago and merely put in place in fiscal 1972. Thus, the $2 billion tax credit for this fiscal year would be largely a windfall. So would the tax credit, running into many billions, for most of future investment. Of the $200 billion on which the 7 percent tax credit was allowed during 1962–68, the vast bulk, it must be assumed, would have been made anyway, since there was no way under the law for the tax collector to distinguish between investments planned with or without the tax credit in mind.

Third, the tax credit will go partly to investment in styling, air conditioning, fancy offices and work rooms, luxury firm restaurants, executive limousines, planes, and yachts—and not necessarily or exclusively to enhancements in technological efficiency. It could also lead to overinvestment in some industries.

Fourth, to the extent that machinery and equipment made with no more than 50 percent foreign material qualify, some of the tax credit will go to increase imports.

Fifth, it has not been demonstrated that the relative efficiency of the U.S. workshop compared to other countries is eroding in all industries. Possibly this is so in steel and transportation equipment with respect to Japan and Germany. But a giant Japanese steel firm is currently losing money and the German Volkswagen company is faced with vanishing profits and the challenge that it will soon have to alter drastically the remodeling and safety of its car or be forced out of future markets.

As for profits in U.S. industry, are they deteriorating over the long run and not merely as a result of a temporary recession of the kind that has recurred so often in the past? If the profit declines are temporary, there is no need to revamp our tax system with a device which could not have immediate impact. The statistics of corporate profits after taxes do seem to show a substantial secular decline over recent decades. But how much of this decline is real? The near 50 percent corporate income tax seems to drive profits into hiding—into salaries, pensions, expense allowances, plush offices, and especially into depreciation or capital consumption allowances. So far as depreciation allowances are concerned, it is an open secret that the average machine is frequently just as new and shiny after it has been written off as when it was acquired. If the concept of profits is widened to include profits after taxes plus capital consumption allowances—after all, these are the funds that are set aside for replacement of plant and equipment—corporate profits are now at alltime highs.

What, then, are my conclusions concerning the investment tax credit?

First, the only need for it right now would be to give a quick shot in the arm to output and employment in the investment goods industries where they are temporarily depressed. Yet, it is doubtful that it can have a substantial effect in the short run, or before 1974 or 1975. After that, it could be inflationary in its impact—as in 1966. The experts who support it admits that it cannot be readily turned on and off.

Second, hard proof is lacking that the investment tax credit is needed for the long run, since it has not been demonstrated that either the real profit position of American industry, or the long-run technical efficiency of the American workshop has deteriorated secularly. I am not rejecting this secular deterioration as a possibility. Proving it one way or another will take a lot of investigation. But a tax credit costing the Treasury many billions of dollars—which will have to be made up by higher taxes on the middle-income earner—needs to be based on much harder data than I have seen. Furthermore, there are many factors beside equipment and machinery—notably the quality of management and of the work force, to say nothing of the state of the arts in industry and the university science departments, which enter into competitive efficiency. Since this is a question for the long run, there is ample time to make such a searching investigation. No action based on "horseback" comparisons should be taken now.

Third, if the investment tax credit is needed, it should be fashioned in a way that will reduce windfalls and enhance its effectiveness. The credit should be restricted to a few industries like steel, for which a good case can possibly be made at this time, and to investments that will enhance efficiency, rather than to improve styling, luxury, or show. Tax windfalls should be minimized by allowing this credit only for increases in investments over a certain base period, and by eliminating all sorts of loopholes through which dentists, for example, can get tax breaks by leasing planes to airlines.

I believe in the profit system. The heavy taxes on American corporations have caused them to hide their profits in ingenious ways in order to get out of paying taxes, and they have been helped in this by scores of tax loopholes. Rather than open up one more loophole in the form of the investment tax credit, it would be better to bite the bullet and reduce the corporate tax rate below its present 48 percent, and let the firms and their stockholders spend their money for what they feel they need. I herewith enunciate Long's law: "Subsidies—such as the investment tax credit—tend to go to the wrong people for the wrong reasons."

Mr. ULLMAN. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. DOW).

Mr. DOW. Mr. Chairman, in 20th century American history we have seen classic confrontation between two economic theories. One of these is the trickle-down theory under which the Government pours money in at the top and lets it trickle down to the people at the bottom. The other theory is the upward-bound theory, as I call it, which is to feed the money in at the bottom and let it rise to higher economic levels.

The trickle-down theory was one that was sponsored by President Hoover. I can remember myself in 1930 or thereabouts when he thought that he could cure the depression by such measures as loaning $90 million to Charley Dawes' bank, the Republican Bank in Chicago. However, it did not work.

The other theory, the upward-bound theory, is the one employed by the great President Franklin Delano Roosevelt. He poured it in at the bottom in the knowledge that prosperity rises from below like hydrostatic pressure to solve depressions, and that's what happened.

It is most deplorable that the Ways and Means Committee has adopted the trickle-down theory and cast out the upward-bound theory of helping the grassroots Americans. I say with deep regret that a great opportunity has been missed by the distinguished Chairman of the Committee on Ways and Means to serve as the champion of democracy, which is being flouted by the administration's tax proposals. It is disappointing to preceive that the great leader from Arkansas is not playing his logical role as the Democratic leader in confrontation that the Congress should have with the President. Instead, the committee proposals indicate lamely that, in order to have prosperity, we must bring tributes in the form of tax credits and lay them down at the feet of the economic giants.

Mr. Chairman, I have examined page 11 of the committee report, and I note that of the total amount of fiscal year tax receipts in the 3 years 1972, 1973, and 1974, $17.1 billion of normal tax receipts are proposed to be abandoned and not collected. Of this amount only $4.38 billion, if I read the figures right, are a concession to the smaller people of this country, the vast numbers of people, who certainly in these hard times need more aid.

Mr. Chairman, I submit that this is class legislation. The money saved by tax credits adds to inflation; it nullifies and contradicts the wage ceiling that lies on the backs of our people, the purpose of which is to curb inflation.

I wonder if we will have prosperity with a $23 billion deficit in 1971, a $27 billion deficit in 1972, aggravated by a $6 billion tax reduction in each of the next 3 years?

Mr. Chairman, I yield back the balance of my time.

Mr. ULLMAN. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Chairman, I must admit that the number of people in the Chamber participating in the discussion of the great economic problems of this country is having a chilling effect upon my normal enthusiasm for participating in debate.

I must also state that it is regrettable indeed that we are discussing the crisis in this country and our Nation's economic future under a closed rule which permits no amendments from the floor and which permits no one but the so-called experts to have a point of view. I think that this has got to be changed if this House is to become effective as truly representative of the American people.

Mr. Chairman, I submitted testimony to the House Ways and Means Committee with reference to the measure here today; I want to repeat the essence of one part of that:

One of the most remarkable aspects of the national discussion about NEP is the extent to which it has managed to ignore the central fact of American life and a major cause of our economic problems. I refer, of course, to the inflationary pressures created by our military spending which now amounts to $76 billion a year and which Defense Secretary Laird proposes to increase by another $3 billion next year.

The most positive steps the President could take to strengthen our economy would be to end immediately and completely American involvement in the war in Indochina, cut back military spending on dollar-draining military bases in Europe and elsewhere, and instead of letting the so-called peace dividend be consumed by the Pentagon, use the funds for such purposes as to provide jobs, repair our decaying cities, build low- and middle-income housing, make mass transit facilities available, deal effectively with drug and pollution problems, and assure our 25.5 million poor people of a guaranteed annual income.

But, Mr. Chairman, H.R. 10947, the Revenue Act of 1971, does not do anything to solve the problem. It reflects the same big business bias that the President's program contained. While it gives some appearance of individual tax rerelief, it is in reality even more of a bonanza for big business than the President requested. We are again asking the American consumer to be satisfied with "trickle down" benefits while corporate America feasts on direct Government giveaways.

The committee has accepted the concept of the Administration's "Job Development Credit"—a euphemistic new name for the investment tax credit abandoned by the Nixon administration in 1969 as not in keeping with national priorities—without any evidence that it will stimulate the creation of a sizable number of jobs. In addition, the committee has sought to legitimize the asset depreciation range which was illegally instituted by the administration earlier this year.

Mr. Chairman, I am not an economist, but I think I know what is going on in this country. I think every Member of this House who is relating to the problems and cries of his or her constituents knows what is going on in this country. I am speaking of the lack of decent housing, decent schools, adequate national health programs and of a variety of other problems which confront us.

Mr. Chairman, I am advised that this irresponsible economic adventure will cost the Treasury $14 billion in the next 2 years—money which we will not have and which is required for the social needs of the people in the cities, in the rural areas in the suburbs and all over this Nation.

Even more damaging to our national interest is the fact that the business tax cuts represent permanent revenue losses and will not be phased out automatically when the current economic conditions improve. According to some estimates, the committee's business tax giveaway will cost the Treasury $82 billion over a 10-year period.

And what do the shareholders of America—the taxpayers—receive from this adventure? There is but a slight easing of the tax burden of the working poor—the middle-income taxpayer gets a 1-year, one shot acceleration of deduction and exemption increases enacted 2 years ago. The result for a taxpayer earning $9,000 a year with three dependents is a $26 savings—hardly a significant economic stimulation measure when over 25 percent of our productive capacity is idle for lack of consumer demand.

Investment credits and accelerated depreciation rates are not the solution. Individual tax relief and public works programs are.

The committee's attempt to make this massive giveaway to big business more palatable to the American public by permitting 5-year tax writeoffs for investments in job-training programs and day care facilities does not camouflage the fact that the individual taxpayer is being asked to subsidize big business.

Direct government spending in the form of socially useful programs, such as housing, health services, pollution control, day care services, and programs to aid urban areas, would better accomplish the stimulating economic effects sought without the detriment of permanent revenue loss. The price we are being asked to pay is far too high. The benefits are far too uncertain. I urge the defeat of H.R. 10947.

Mr. ULLMAN. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. I have asked for this time only to clarify where we are so far as the pickup trucks are concerned, those that will be involved, we heard first that they were in and then that they were out, and the farmers are very interested in this.

I understand it is up to a 10,000-pound limit. Is that where we are at the present?

Mr. MILLS of Arkansas. If the gentleman will yield, that is the loaded weight.

Mr. RANDALL. That is the loaded weight?

Mr. MILLS of Arkansas. Yes, that is correct. And that takes care of trucks larger than you and I referred to.

Mr. RANDALL. I thank the gentleman for his response.

Mr. Chairman, I intend to support H.R. 10947 known as the revenue bill of 1971.

The title of the bill points out that its purpose is to provide a job development incentive credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes. On the first page of the report under a heading entitled "Summary" is a statement which points out what the bill is designed to do. If these things can be accomplished then certainly it should be supported by every Member of this body. For the record this bill is designed to: First, put our present lagging economy on a high growth path; second, increase the number of jobs and diminish the high unemployment rate; third, relieve the hardships imposed by inflation on those with modest incomes; fourth, provide a rational system of tax incentives to aid in the modernization of our productive facilities; and fifth, increase our exports and improve our balance of payments.

The foregoing is quite an order. Let us all hope that the enactment of this bill will realize the lofty objectives recited above and become the economic tool our Chief Executive will need in order for the present wage-price freeze and other income policies which may follow to work or be effective.

There is little doubt but that the investment credit which now goes under the new name of job development credit should stimulate the economy. It is also true that if we are able to pump more money into the hands of consumers by reducing individual income taxes, then this should help some with the severe economic problems we are now suffering. Then the reduction of excise taxes should also result in more jobs in the motorcar industry and finally, a border tax should improve our balance of payments.

Now, Mr. Chairman, I asked for some time at this moment to be certain that the removal of the excise tax on passenger automobiles did include the removal of the excise tax on pickup trucks.

For a while it appeared that our farmers had been ignored once again. I say this because I am sure you recall that when the President asked the Congress in August to repeal the excise tax on the passenger automobiles he did not ask for or did not mention that the tax be removed from small trucks being used in farm operations.

As the chairman and some members of the Ways and Means Committee may recall, along with certain other members of the delegation from our State and others representing rural areas, I called the attention of the Committee on Ways and Means to this unfair omission. Some members threatened that if the committee did not include the removal of the excise tax on pickup trucks they would offer an amendment on the floor of the House. Well, of course, we know that what they meant was that they would try to defeat the usual closed or gag rule. While in the past there have been instances where the vote was close, the defeat of a closed rule is quite an order to accomplish.

Mr. Chairman, I suppose the present situation may be an application of the old adage "All's well that ends well." The Committee on Ways and Means did see fit in its wisdom to remove the excise tax on what could be said to be ¾-ton or ½-ton pickup trucks retroactive to midnight, September 22, 1971. Put in different words, the bill removes the excise tax on trucks up to 10,000 pounds loaded. I know all of us have seen signs stenciled on the side of trucks of those States which require this kind of a procedure with such wording as "6,000 pounds gross" which means such weight includes the truck and the load. A 10,000-pound-loaded limitation will thus mean a total of 5 tons are involved, and assuming the weight of the vehicle at the conservatively high figure of 3 tons, then there would be 4,000 pounds, or a 2-ton payload, available.

Mr. Chairman, if this bill is approved by the Congress it will mean that anyone purchasing a small truck since midnight, September 22, 1971, will be refunded the excise tax which should run between $250 and $400. Such a saving to our small farmers who operate on a very small budget is substantial.

I am delighted that this result has been obtained because not only are our struggling farmers the hardest hit by the spiraling prices of today, but the failure to include pickup trucks would have been a penalty against sportsmen who prefer a camper truck or what is called a sleeper to spend some time camping or hunting or fishing in the outdoors. Certainly these people are entitled to recreation just as much as someone who has the means to go to golf course or the beach. I commend the committee for including these small pickup trucks for the benefit of our small farmers and sportsmen. It means that at least in this one instance we have not ignored either our farmers or our outdoorsmen.

Mr. CAREY of New York. Mr. Chairman, I rise today in support of H.R. 10947, the Revenue Act of 1971.

Although I am in favor of this bill as a means of getting our stagnant economy moving, I would like to underscore some of those parts which may not have been given the discussion they merit due to their noncontroversial nature. I am pleased that these significant provisions which I suggested were included by the committee in this bill as a result of amendments I proposed. These features are worthy of consideration if this is to be in fact as well as in name a "job development" bill.

The cornerstone of the Revenue Act of 1971 is said to be job development. The committee's use of the 7-percent job development credit is designed to provide a stimulus toward the creation of more jobs and better job conditions.

My amendment, section 303 of the bill, recognizes the urgent need for on-the-job training programs and the expansion of child-care facilities so that large new groups of men and women now unemployed or underemployed will be able to take advantage of the increased opportunities that the Revenue Act of 1971 creates in the job market.

This section adds a major provision to the tax law. A taxpayer may elect to amortize over a period of 5 years capital expenditures in acquiring, constructing, reconstructing, or rehabilitating on-the-job training or child-care facilities.

It is of critical importance that private business be encouraged to provide facilities for both on-the-job training and child care.

On-the-job training experience has been proven to be the most efficient and constructive type of training for many jobs as the person gains actual work experience during the training. Moreover, the person is more likely to complete the training if a job is available at the end of the training period.

The provision of child care facilities within the financial means of those with low incomes will not only enable but also encourage women to seek employment. But child care can be, in the many instances in which the man is the sole provider, also a man's problem. And there is room for the skills of both men and women in the expanded job market.

These provisions are intended not only for the buyer of new facilities and machinery. If the seller spends money to train cadres in the operation of the machinery so that there is no time lag in training personnel after the equipment is received, he also will be eligible for the 5-year rapid depreciation. This procedure is already in operation in several of the Common Market countries, such as Belgium and Germany.

I am pleased to acknowledge that I prepared this amendment with the cooperation and support of the Commissioner of the Economic Development Agency of New York City, Kenneth Patton, and his deputy, Commissioner John Scanlon, following a conference of the New York City majority congressional delegation task force on industrial growth in New York.

During the course of the hearings on H.R. 10947, I suggested that the committee direct the Department of the Treasury to investigate ways to equalize treatment of publicly owned transportation systems vis-a-vis privately run companies. As publicly owned companies will not have available to them either the investment credit or the accelerated depreciation range that we have afforded to private carriers, the Treasury study will be of great use in suggesting alternatives to remedy the situation. I am gratified, therefore, that the committee requested that this study be made.

Travel to and from work is an extremely important part of working conditions. Once the Treasury report is completed, we must try as aggressively as we can to cure this deficiency by developing means to alleviate the enormous problems of mass transit.

Equality of treatment might mean perhaps a subsidy for mass transit at least equal to the job development credit so that the people of New York City, for example, will not have to pay 50 cents to ride the subways. I consider intolerable a situation in which the mass transit rider sees somebody getting Government help to buy a new automobile so that he can ride to work alone and desert the subway system. The mass transit traveler would still have to pay the increased cost of transportation and gets no help from his Government.

Hopefully the Treasury study will indicate means to insure that transportation to work is considered part of job development.

At a time when our great maritime industry is in serious difficulty, I am gratified that my suggestion to include a "Ship American" provision in the DISC proposal was accepted by the committee. This feature will be an incentive to promote trade on American vessels.

The committee has designated that export promotion expenses of the DISC's include 50 percent of the freight expenses—not including insurance—for shipping export property aboard U.S.-flag vessels. These expenses may not, however, include any incurred where law or regulation require that the export property be shipped aboard U.S.-flag vessel.

At a time when it would seem that there is much criticism abroad of the apparent bias of some of the protectionist sections of this bill, I thought it important that the committee acknowledge the rights of foreign nationals under treaties solemnly undertaken with the United States.

Section 309 of the bill permits foreign nationals, which are parties to tax treaties with the United States, to assert their rights under such treaties in the courts of the United States. Persons bringing actions arising under a treaty for the refund of a tax should have the same right to bring suit as is available to taxpayers generally. Accordingly, the provision which I introduced allows that tax refund suits and proceedings may be brought against the United States notwithstanding the provision of the judicial code.

This structural improvement corrects an obvious statutory inequity and will permit foreign nationals "to have their day in court."

This is not a matter of magnanimity or benevolence on our part. Rather, it removes a conflict of laws which resulted inadvertently as a result of Public Law 89–713 in 1966. In that act foreign nationals with claims growing out of or dependent upon any treaty have been deprived of any forum in which to sue the United States. The 1966 act provided that civil actions for refunds in tax cases could be maintained only against the United States and not against an employee of the United States—for example, a district director of the Internal Revenue Service. Inadvertently, the effect was to deny persons the right to bring refund suits against the United States in tax cases arising under a tax treaty with another country. This is due to the fact that under the judicial code—28 U.S.C. 1502—the court of claims—and correspondingly the district courts—which are the forums in which tax refund cases generally are brought, are denied jurisdiction in cases against the United States which arise out of treaties with foreign countries.

Mr. BROYHILL of Virginia. Mr. Chairman, I support this bill enthusiastically. It is a well-balanced package, providing necessary stimulants for the economy and equitable relief for individual taxpayers.

On its own merits, H.R. 10947 deserves the approval of this body and prompt enactment into law. But more importantly, it is an integral part of the President's new economy policy. Its essential elements are designed to work in coordination with other parts of the administration program to "fire-up" our whole economy without fanning the flames of inflation.

Through its interacting provisions, the bill would produce jobs, increase consumer spending, and make the Nation more competitive in world trade.

Its provisions to accelerate scheduled advances in the personal exemption and to boost the low-income allowance should result in a sizable and quick increase in consumer spending.

Its provisions to repeal the excise tax on cars and light trucks also should spur consumer spending, and additionally, should add substantially to the number of jobs available in the automotive industry.

Its provision for deferring taxes on export-related profits, through establishment of domestic international sales corporations, should markedly enhance our competitive position abroad, and at the same time, create new jobs at home.

And its key provisions for restoring the investment tax credit and adopting a more realistic depreciation system should help achieve all of the bill's basic goals.

As businesses expand, more and better jobs should become available, and this in turn should enlarge consumer spending. And as newer and more efficient industrial equipment is installed, American products will become more competitive in the world marketplace.

The various provisions of H.R. 10947 already have been explained in considerable detail by the chairman and the ranking minority member of the committee, and I do not want to be repetitive. I do, however, want to comment briefly on what I consider to be the absolute necessity for restoration of the investment credit and the adoption of a wider asset depreciation range.

The United States is one of the few modern industrial countries which has neither an investment tax credit nor extremely liberal depreciation allowances. According to testimony presented to the committee during its hearings on this bill, the United States has the lowest ratio of investment in machinery and equipment to gross national product of all leading nations.

Japan ranks first, with investment in machinery and equipment rated at 28.8 percent of GNP. West Germany stands at 11.1 percent; France at 10.9 percent. We share the low rung on the ladder with Portugal, at 6.9 percent.

The results of our inadequacies in this respect are all too evident. More than half of our manufacturing capacity is estimated to be more than 5 years old, and much of it is clearly either obsolescent or obsolete.

Latest figures from the Commerce Department show that we ran our fifth consecutive monthly trade deficit in August, bringing our cumulative deficit for the year to $936.1 million, which contrasts sharply with a surplus of $2.23 billion in the same period of last year.

But this did not just happen overnight. The truth is that our country has been losing its edge in world trade rather steadily for a number of years. And a leading factor in the widening of this trade gap quite obviously has been the unfavorable condition of our industrial plant when compared with that of our trading partners, some of whom rebuilt their productive capacities following World War II, with our help.

But that is history. Our problem today is how to reverse a trading trend, and one answer is apparent. We must modernize not only our industrial plant but some of our tax policies, too.

A surprising number of economists—of varying philosophies—are agreed on the strong possibility of a boom ahead. For example, Time magazine's board of economists recently predicted our gross national product would advance by a spectacular $100 billion next year. But they also said that if this were to occur, Congress first would have to enact a stimulative tax program.

Mr. Chairman, I submit that such a program is now before us, and that our course of action on it is clear.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise today in strong support of the tax package reported by the Ways and Means Committee. I believe it is a balanced, equitable one and one that can help to speed the economy toward the goal of full-employment and prosperity.

While this package of tax changes is broad in scope. I want to limit my remarks today to one particular aspect of it: The job development tax credit and the charge made by some critics that it unduly weights the President's fiscal program in favor of business.

In his statement before the Ways and Means Committee, Mr. Meany, for instance, charged that—

> The proposal before you is a giant raid on the Federal Treasury that would transfer billions of dollars in public funds into the private treasuries of big business . . . this would be the biggest tax bonanza in corporate history and would severely lessen the tax responsibility of corporations, shifting it to wage and salary workers.

To substantiate his charge, Mr. Meany pointed out that the share of Federal income taxes paid by corporations had already dropped considerably during the past 10 years and that further tax reductions through the investment credit and ADR would only accelerate this shift of the tax burden from corporations to individual wage and salary workers.

Since our Federal income tax structure has been based on the principle of ability to pay from the very beginning, there is indeed cause for concern if Mr. Meany's arguments are correct. The primary cause of the persistence of poverty in this country is obviously an inadequate distribution of income, so if we are to make progress toward our national goal of a decent income and living environment for all Americans, we should look especially carefully at measures which might exacerbate rather than remedy that basic problem.

But has there really been a regressive shift in the tax burden? After looking at the figures and considering the way in which our income tax functions in a growing economy, I must conclude that Mr. Meany and those other critics who make similar arguments are playing a statistical game with us.

To begin, I would not deny the fact that corporate tax payments as a share of total income taxes—personal and corporate—have declined during recent years. To be precise, in 1967 corporate taxes accounted for over 35 percent of total income tax receipts and they steadily declined to a share of about 25 percent in 1970.

Yet in themselves, these figures are essentially meaningless, for they indicate nothing about changes in the taxable base, nor do they account for the fact that the corporate tax is essentially a flat rate tax and the personal income tax is a progressive rate tax. Thus, if the base of the corporate income tax is growing more slowly than the base for the personal income tax, the shares are bound to change but this in no way implies there has been an inequitable shift in the relative tax burden.

By the same token, as the economy grows and incomes rise, individuals move into higher tax brackets and personal income tax collections increase relative to overall growth in the economy. However, since the corporate income tax is based on a flat rate, this phenomenon does not occur; if profits grow in tandem with overall GNP, then corporate income taxes increase proportionately with GNP growth.

So the obvious result of these differing tax structures is that there necessarily will be a long-run shift in the relative shares of these two taxes. Since no one has very seriously argued for a fully progressive corporate income tax—indeed, that would be a positive deterrent to increased efficiency and productivity—I do not think it is defensible to argue that there has been a regressive shift in our income tax burden where changes in personal and corporate income tax shares can be attributable to this phenomenon.

Now, I mention these two factors because I think they account for almost the entire shift in tax burdens about which Mr. Meany has sounded the alarm, and which he uses as a primary argument against further tax incentives to corporations.

I would like to include in the Record at this point a table which demonstrates the combined workings of these two factors and fully explains the shift in corporate and personal income tax shares without any connotation that there has been some dangerous retrogression in tax burdens which is unduly favorable to business.

First, it shows that between 1966 and 1970, GNP increased by 30.5 percent wages and salaries by nearly 37 percent, but profits actually declined by almost 6 percent. Put another way, corporate profits as a percent of GNP declined from almost 11 percent in 1966 to about 8 percent in 1970. So if there has been a change in corporate and personal income tax shares much of it is due to the simple fact that wages and salaries have been increasing faster than overall GNP, whereas profits have actually declined. With the base for these two taxes moving in opposite directions, is there any wonder that their contributions to overall income tax collections have changed? Moreover, at the same time that the corporate tax contribution to total income tax collections was declining, corporate tax liabilities in relation to corporate profits actually increased from 39 percent to nearly 45 percent. So one might even conclude that the shift has been in the opposite direction.

TABLE I

	GNP (billions)	Corporate profits (billions)	Wages and salaries	Corporate tax as percent of profits	Corporate tax as percent of total income tax
1966	$749.9	$82.4	$394.5	38.9	
1967	793.9	78.7	423.1	39.0	35.6
1968	865.0	85.4	464.8	43.9	29.4
1969	931.4	85.8	509.0	45.8	29.5
1970	976.8	77.4	540.1	44.9	25.4

Source: Economic Report of the President, 1971.

I think a second brief point relevant to this argument about tax burdens concerns the impact of the 1969 Tax Reform Act. In the 5 years between 1969 and 1973, even including the depreciation changes announced by the Nixon administration earlier this year, corporate tax payments will have declined about $1 billion while personal income tax payments will have been reduced almost $34 billion. Predictably, the critics seem to conveniently ignore this incontrovertible fact when they complain of tax bonanzas for the corporations and the rich.

The other important argument advanced against the job development tax credit is that the manufacturing sector is already operating at only 73 percent of capacity, so there is little justification for a tax break designed to spur additional investment. While this argument sounds plausible enough on the surface, it conveniently ignores two important factors.

First, that 73 percent capacity utilization figure should not be compared to a hypothetical full capacity level of 100 percent. Actually, the full capacity operating ratio for most industries is between 85 and 90 percent, the remainder representing largely obsolete standby equipment which is profitable to bring into use only in the most extenuating circumstances. So when we compare the current capacity utilization figure to the actual optimum operating ratio a great deal of the steam is taken out of the argument.

But second, and more importantly, businessmen do not only buy new equipment and machinery to expand capacity, but also to replace deteriorated, inefficient, and technologically obsolete equipment. So in considering whether an incentive for investment in machinery and equipment is justified at the present time, we must not only consider the current capacity utilization ratio, but also the need to modernize our production plant in order to lower costs and become more competitive in international markets.

Viewed from this perspective, I think there can be little question that an incentive for investment is in order. A recent McGraw-Hill survey showed that in the last 4 years, the percentage of equipment less than 10 years old in the American economy declined from 65 to 58 percent. Yet, this occurred at the very time that our industrial competitors were making substantial progress in modernizing their own industrial plants. These developments may have more than a little to do, I would submit, with the fact that our productivity growth rate has declined to less than half of its historic average during the last few years, and as a consequence we find ourselves increasingly less competitive in a growing range of international markets and our balance of trade sinking to the first annual deficit of the 20th century.

Mr. Chairman, at this point in the Record I would like to include a table which clearly indicates the retrogression in the age of American plant and equipment that has occurred during the last 3 years. It shows that as a result of the depreciation liberalization of 1962 and the enactment of the investment tax credit, American businesmen made tremendous strides in reducing the percentage of obsolete, low-efficiency equipment. For industry as a whole, the percentage of obsolete manufacturing equipment was reduced from 20 percent in 1962 to less than 14 percent in 1968. However, the termination of the investment credit, high levels of inflation and declining profits have reversed the situation since then. Whereas between 1962 and 1968 the percentage of obsolete equipment dropped for 12 of 13 major industry categories, since then it has increased in 11 of these 13 categories.

In my view, this trend provides solid reason for immediate reinstitution of the investment credit and retention of the ADR depreciation system as well. For if we are not willing to provide the incentives necessary to make American industry competitive in the international markets of the 1970's, we can look forward to an indefinite continuation of the economic difficulties that plague the Nation today.

TABLE II.—CHANGE IN PERCENT OF OBSOLETE EQUIPMENT, 1962-68, AND 1968-70

Industry	Change, 1962-68	Change, 1968-70
Iron and steel	−3	+2
Machinery	−7	−1
Electrical machinery	−3	+4
Autos, trucks, parts	−3	+1
Aerospace	−6	+6
Other transportation equipment	−14	+6
Fabricated metals	−8	−6
Stone, glass, clay	−5	+1
Chemicals	+2	+5
Rubber	−6	+3
Petroleum and coal	−5	+5
Food and beverages	−9	+7
Textiles	−12	+5

Note.—means percentage-point reduction of obsolete machinery; + means increase.

Source: "How Modern Is American Industry?" Economics Department, McGraw-Hill Publications, Dec. 6, 1968 and Nov. 27, 1970.

Mr. SEIBERLING. Mr. Chairman, I rise in opposition to H.R. 10947. I have not come to this decision lightly, but only after much thought and careful study. I have long argued in favor of a tax program that would encourage higher industrial productivity, expand the number of jobs and relieve low-income and middle-income taxpayers. However, I have reluctantly concluded that the bill before us is both inadequate and unfair.

The premise underlying the administration's proposal and the committee's bill is that the best way to stimulate the economy is to increase business profits. Mr. Chairman, there is no doubt in my mind that the bill will increase profits. It provides business with a $14.1 billion tax break between now and 1973. But I take strong objection to the view that this tax windfall for business means a breath of fresh air for the rest of the economy.

The committee and the administration are banking heavily on the job development, or investment tax credit, to provide stimulus by encouraging business to increase its outlays for capital goods. Mr. Chairman, I am in favor of the investment tax credit. Over the long run, I believe it will prove to be a useful tool to encourage industry to modernize its plant; to become more efficient at home and more competitive abroad. But I am not optimistic about its stimulative impact over the short run.

American industry today is using only 73 percent of its plant capacity. A businessman is not likely to invest in new plant and equipment if 27 percent of his existing plant and equipment is lying idle. He will want to put most of that 27 percent back to work first. There is nothing in the investment tax credit which will give him the incentive to do that.

Consumer spending is the linchpin of our whole economy. What does this bill offer the consumer in the way of tax relief? Aside from repeal of the auto excise tax, which I will discuss in a moment, it promises consumers relief totaling only $5.7 billion over the next 2 years. That works out to 7 cents a day for a wage earner with an income of $9,000 a year and three dependents. This is more than the administration requested, and I commend the committee for this improvement. However, in my opinion it is not enough.

Mr. Chairman, it is unfortunate that we are forced to deal with this bill under the closed rule. For while there are aspects of the bill which I find worthwhile, there are several portions of this bill which I would move to strike—were I permitted to do so.

I refer specifically to three sections of the committee bill: The asset depreciation range, the repeal of the auto excise tax, and the Domestic International Sales Corporation. These provisions offer little economic stimulation in comparison with the serious loss of Federal revenue they entail—$10.8 billion over the next 2 years and $57 billion over the next decade. Mr. Chairman, if we make cuts in revenue of this magnitude, without a corresponding stimulus in the economy, where will we find the money to finance all the social programs that are so desperately needed by our people?

What will the first of these proposals, the asset depreciation range, accomplish? Its supporters argue that it will allow corporations to recover their investment expenditures more quickly, and in this way will lead to more investment and more jobs. Mr. Chairman, I have already mentioned the fact that a significant percentage of our industrial capacity is idled today. The ADR, and the excess capital funds it will create, will not put this plant capacity back to work. It will cost the Government $4.8 billion over the next 2 years and $29 billion over the next 10. If that money were spent by the Government to meet social needs—for improved mass transit, better housing, schools, health care, for cleaning up and policing our environment—there would be no doubt of the stimulative impact it would have on the economy, to say nothing of its socially beneficial aspects. But there is no guarantee that the large corporations which would benefit most from the ADR will invest these funds in ways that will have the desired effect on the economy.

What of the proposed auto excise tax repeal? Mr. Chairman, the repeal of this tax will theoretically benefit those individuals who can afford to buy new cars and trucks, but I have strong doubts that many of them will ever realize an added saving equal to the tax. In any event, new car buyers are only a small minority of the Nation's consumers. Even potential new car buyers will be more influenced by considerations of need than by the lure of a discount. We must weigh the dubious stimulatory impact of this proposal against a grossly disproportionate Federal revenue loss of $26 billion over the next 10 years.

As a substitute, I propose a repeal of the excise tax on tires, inner tubes, and tread rubber which would offer earlier relief to many more individuals than repeal of the automobile excise tax would. My proposal would add $600 million a year to consumer spending. It would entail much smaller revenue losses. In fact, it would not cut into funding of social programs at all, since all the revenue from the tire tax goes into the highway trust fund and the fund already has an unused surplus of $4.5 billion.

Finally, what of the proposed Domestic International Sales Corporation—the DISC? Mr. Chairman, the DISC provides no added incentive to increase U.S. exports. The benefits of the DISC tax deferral flow to all export firms regardless of whether their export sales increase, decline, or remain stable. Its enactment would not improve our trade balance. It would only open another loophole in the already shredded fabric of our tax structure.

Mr. Chairman, I cannot support these sections of the bill. But the closed rule under which this bill is being considered makes it impossible to oppose them separately. I want to reiterate that I am in favor of other portions of H.R. 10947. I am in favor of the investment tax credit. I am in favor of tax relief for individual taxpayers. But I am also in favor of offering the most relief where it is needed most and where it will do the most good.

Mr. Chairman, in the event that the committee's bill fails to gain passage, I will introduce a revised version of it—one that would offer as much or more relief than the committee's bill does without closing off sources of desperately needed Federal revenues.

Mr. ULLMAN. Mr. Chairman, the tax package in this bill must be considered as a corollary to establishing meaningful and equitable wage and price guidelines. It is essential that phase II of the administration's program cope directly with the dangerous tendency in our economy toward a runaway wage and price spiral. The assumption that these tough guidelines will follow during phase II is the basis of my support for the tax program that we are now considering.

I personally believe that reinstatement of the investment credit has been long overdue. It is most important that we not remove it in the untimely fashion of 1969. This device provides by far the best stimulus that we have found to modernize the industrial plant of our economy, and thus regain our competitive edge in the world market. The 7-percent level of credit is sufficient to provide the kind of stimulus needed, and yet should not reheat the inflationary tendency that we have seen.

However, I believe that we should reconsider our decision to limit availability of the investment tax credit to domestic products. In a program that is designed to increase productivity in our economy, we should be encouraging companies to buy the best equipment available at the lowest possible price. This bill does give the President authority to remove the "buy domestic" restriction, either in part or in whole. It cannot in any event continue beyond the existence of the 10-percent import surcharge. In my judgment, the exclusion of foreign products should be removed at the earliest possible date. I also believe that the surcharge should be abolished before we are lulled by the very false protection which it appears to offer. It is critical that we reestablish stability in international monetary and currency situations without needlessly alienating our trade partners. We must lead the way to establishing an open and orderly world trade situation.

Mr. Chairman, this bill represents a balanced approach to one part of the very difficult economic problems faced in our country and world today, and I want to compliment the chairman and the committee in formulating this complex yet fair legislation. I urge that the House act on this measure expeditiously and responsibly, and hope that the other Chamber will quickly follow suit.

Mr. MIZELL. Mr. Chairman, I rise at this time to lend my strong support to efforts being made to provide tax credits for Americans who are paying the ever-higher costs of higher education.

This credit would apply not only to college tuition costs, but also to such postsecondary schools as business, trade, technical, and vocational institutions.

Well-educated and well-trained citizens comprise an indispensable national reservoir of talent from which flows progress in every area of our national life, whether in the arts or in industry, in government or in religion, and in every other field.

When a large sum of money is required to provide oneself or one's children with a higher education, this money is being spent in the national interest and it is only fair that the Nation, through Congress, try to ease the burden through a system of equitable tax credits.

The basic provisions of the bill include:

A 100-percent tax credit on the first $200 spent on the cost of higher education;

A 75-percent tax credit on the next $300; and

A 25-percent tax credit on the next $1,000.

To help equalize the benefits among different tax brackets, the bill provides for a 1-percent reduction from the established tax credits for those earning an adjusted gross income in excess of $25,000. Thus, as an individual reaches a higher tax bracket, the tax credit will be smaller.

The Senate has passed similar legislation on two previous occasions, and I believe it is time we in the House joined in this effort to provide much-needed tax relief for those involved in financing higher education pursuits.

Mr. MIKVA. Mr. Chairman, I rise in opposition to H.R. 10947. Last month I appeared before the Ways and Means Committee and expressed my concern over the lopsidedness of the administration's proposals which accompanied the wage-price freeze. The committee has made some quantitative improvements—the magnitude of the one-sidedness has been somewhat reduced—but qualitatively the bill still represents an inequitable bit of reverse Robin Hoodery. H.R. 10947 steals the tax money placed in the Treasury by wage earners, and gives it away to the wealthy and the corporate.

The 7-percent investment tax credit, comically dubbed the "job development credit" by a public relations-conscious administration, is more likely to increase corporate profits than to create jobs for the unemployed. A recent business survey showed that few businesses plan to increase their purchases of equipment or machinery with the $5.1 billion they will save in taxes next year. This is hardly surprising since production is so slack that 25 percent of industry's present capacity is sitting idle.

The tax credit may have some long term impact on jobs, but any such future impact would hardly be comparable to the short term windfall it provides for businesses, or to the drastic raid on Treasury funds which are greatly needed for Federal programs in areas such as health care, aid to the elderly, environmental assistance, and Federal anticrime efforts.

The loss to the Treasury is estimated at $9 billion a year over the next 10 years. That is three times more each year than the Federal Government will spend in fiscal year 1972 on aid to education. It is six times more than will be spent on health research and on funding for the Environmental Protection Agency. It is 30 times more than the Government will spend on mass transit development. Moreover, these social needs are increasing, not decreasing—yet we are asked to approve legislation which will significantly diminish our capacity to deal with those problems by transferring billions of dollars from the Treasury primarily into the pockets of the corporate elite.

Another provision in H.R. 10947 codifies the asset depreciation range changes which were ordered by the Internal Revenue Service a few months ago. I opposed this move when it was done by executive fiat earlier this summer. It is just as outrageous a giveaway now that it is ensconced in legislative form, especially in tandem with the 7-percent investment tax credit.

What is the justification for this $5 billion tax rebate to industry over the next 3 years? What benefit will it produce for the rest of the economy? The administration argues that even though business will receive the primary benefits, these gains will eventually trickle down to the working man in the form of more jobs and higher real wages paid out of increased profits. In other words, to coin an old phrase, "what is good for General Motors is good for the Nation."

I am unalterably opposed to the elitism of the "trickle down" theory. The American people deserve more than the tricklings down from the corporate elite. In addition to being socially inequitable, the trickle down theory is of questionable economic validity in today's economy.

Increased profits and tax savings do not necessarily produce more jobs or higher wages. They may be invested in automated equipment which actually reduces jobs, as in the steel industry. They may be expended on replacement or repairs of existing facilities, rather than on construction of expanded facilities as the administration's salesmen predict. In any event, business is guaranteed economic assistance, while the wage earners and the unemployed are left with a prayer and a promise. The whole approach represents another manifestation of subsidized socialism for the wealthy, with competitive free enterprise for the rest of the Nation. After business is guaranteed its share of the gross national product, the wage earners are free to compete for what is left.

Next we come to the auto excise tax repeal—one of the elements of the package which is said to "balance" the corporate giveaways contained elsewhere. In fact, the excise tax repeal is a mixed blessing. Its beneficial effect is diluted by the fact that large numbers of autos purchased during this period will be bought by businesses, and the tax saving will again accrue to a narrow segment of the economy which is the least needy, and at the expense of those least able to bear the burden. Moreover, its benefits are regressive—more money is saved by the wealthy man who buys an expensive car than by a lower income individual who buys a more modestly priced auto. And of course, those who are most in need of relief—those with the lowest incomes—are least likely to be in a financial position to take advantage of the repeal by buying a new car.

Finally, we come to the provisions for individual tax relief which were added to the President's proposal by the committee. They are welcome, but they are a long way from overcoming the business bias of the bill. The real weakness in the economy is the slackening of demand for consumer goods and services. The total package presented in H.R. 10947 would put only $1 back in the consumer's pocket for every $9 of lost tax revenue. The other $8 go to business.

There is also an imbalance in who benefits from the individual tax relief provisions. By and large, they favor the rich taxpayer over the poor. A $50 increase in the personal exemption means a tax saving of $35 for the wealthy taxpayer in the 70-percent bracket, and only a $7 saving for the lower income taxpayer in the 14-percent bracket.

The total package contained in H.R. 10947 exhibits a severe bias in favor of the wealthy and the corporate, at the expense of individual taxpayers and Federal programs.

The bill is woefully inadequate to provide the needed tax relief to wage earners, and to stimulate consumer demand. While business saves more than $25 billion in taxes over the next 2½ years, the average taxpayer with an income of $9,000 a year and three dependents will save less than $25 on his yearly tax bill.

Mr. Chairman, H.R. 10947 is an inadequate, inequitable, and inadvisable piece of legislation. I hope that my colleagues will join me in opposing it, and will send the matter back to the Ways and Means Committee. I am confident that the members of that distinguished committee can do a more professional, and less political job than this.

Mr. VANIK. Mr. Chairman, the tax bill we consider today should be entitled the "Untax Act of 1971." In conjunction with the administration's liberalized depreciation schedules, it serves to untax business about $5 billion this year and about $82 billion in the next 10 years.

The power to tax is the power to destroy. The arbitrary exercise of the power to "untax" or "free from tax" is also the power to destroy the Government which serves the people. An abuse of discretion in either direction is devastating to the free enterprise system and to the democracy.

The process of "untaxing" corporate earnings has always been a bothersome thing, disruptive to a fair tax system. But in the last several years, giant steps have been taken to reduce and to abolish corporate taxation. Since 1967, the percentage of corporate tax to total tax receipts has fallen from 36 to 25 percent. This bill will further reduce corporate contributions to the cost of Government. This trend moves identically through recession and full employment—through good years and bad.

Some corporate-owned economists argue that the profitability of American corporations is lagging, critically failing to generate the capital resources for revitalization and modernization. For some enterprises this is true; but for most it is a false premise. Recent tax law changes have permitted more and more corporate earnings to be washed out by depreciation, tax credits, and a wide variety of accounting systems which confuse the tax collector and the public as well.

The investor measures corporate values by cash flow and tax-free income potential. The annual corporation financial report makes public the set-aside for income taxes. This misleading figure seldom bears any relationship to the actual Treasury payment which often is only a fraction of the representation made in the annual statement. One of the urgent needs is a standardized truthful system of accounting with the same figures available to the public and to the tax collector—as are made available to the investor. A "truth in annual statements" law is most urgently needed.

The accounting practice in annual reports has come to include a new ingredient: The reporting of combined taxes paid—Federal, State, sales, excise, and local real estate taxes. If the same accounting principles were applied to the individual taxpayer, the combined totals will show even more clearly how the individual taxpayer gets socked.

And so we come to the 7-percent investment credit—a 7-percent tax writeoff for every kind of capital goods purchase—80 percent of which would have been acquired without the tax writeoff. Thus, an enterprise can get a 7-percent tax writeoff for its expenses in relocating from one area to another. This will provide a tremendous stimulus to the practice of moving and relocating American business from urban areas to the country. Our Committee on Ways and Means never received conclusive information on the extent to which the 7-percent credit would be granted for purchases which would have been made without the tax incentive. Nor was there any discussion as to the effect of the 7-percent tax incentive on business relocation.

Those who urge this bill claim some relief for the low-income taxpayer—but they completely overlook the manner in which this bill provides tax relief for large oil companies. In addition to intangible drilling costs—intangible to the tax collector—the 22-percent depletion allowance, the foreign tax credit, we now add the 7-percent investment credit and the special tax break of DISC. The investment credit and DISC will remove several of the largest petroleum companies of America from the list of taxpayers. They will be permitted to ravage the countryside for resources, pollute the air and our streams, sell their product under government-protected prices—and pay no taxes. When these facts come to light several years hence, it will become known as the shame of America—and there will be a major taxpayer revolt which will make 1969 look like a mild skirmish.

The 7-percent investment credit serves to "wash out" all of the 1969 efforts at tax justice. It is being done in the name of recovery—but it is the average taxpayer who is being "done in." When the grave injustices of this proposal are "exposed," there will be vigorous efforts to rescind this action. Tax injustice can never be made permanent in a civilized society.

My vote will be cast against this bill. Under the closed rule, there is no opportunity to amend it or to improve it. When the administration and the Congress are passing out tax breaks to important contributors—it is difficult to stop the giveaway steamroller.

Mr. GREEN of Pennsylvania. Mr. Chairman, I rise to question whether this legislation (H.R. 10947) provides an adequate cure for the Nation's severe economic ills.

In committee, I listened intently to the debate and I voted to report this bill out, reserving the right to oppose it on the floor. I did so because I felt the committee was not disposed to make any further changes in the legislation and because I believed that quick action, favorable or unfavorable, was necessary. We must ask ourselves what we are trying to do with this tax legislation. I believe the President spelled out what he wanted on August 15 in his television and radio address. He said then:

> The time has come for a new economic policy for the United States. Its targets are unemployment, inflation, and international speculation.

I agree with this goal.

But, I see nothing either new enough or bold enough, or all encompassing enough to achieve it.

In fact, for his "new" economic program, the President has resurrected some earlier economic programs which he killed because they did not get to the root of the problems as he defined them just 2 years ago. On April 21, 1969, the President called for repeal of the investment tax credit, declaring that—

> This subsidy to business no longer has priority over other pressing national needs.

I assume that the President's definition of national needs, then, was not very different from my own. I would also have to assume that they are not very different today when our cities are nearly bankrupt, our schools are closing early, our welfare rolls are increasing, our health care coverage is expensive and inadequate, crime frightens our citizens and our consumers are dissatisfied by goods manufactured with built-in obsolescence.

However, in little more than 2 years' time, the President has reversed himself. He acts now as though social ills had been cured and subsidy to business is once again of primary importance.

Based on our recent experience, I do not see how a long-term loss of Federal revenues can solve the problems of this society. I do not see how giving corporations a $70 to $100 billion tax break over the next 10 years—through investment tax credit, accelerated depreciation, and a share in the benefits of the automobile excise tax repeal—will improve the chronic economic and social problems of this society. Economists tell us the Nation will not feel the impact of the President's programs any sooner than 18 to 24 months from now—too long a wait to relieve the unemployment agony of 5 million Americans.

The 6.2-percent rate of unemployment, for instance, represents more than just the millions who cannot work because they do not have the training to qualify for jobs in our increasingly sophisticated society. It also represents the trained persons who cannot work because there are no Federal, State or local funds to hire them—people like teachers, college professors, and engineers. It also represents the dropouts, as well as the high school and college graduates, for whom there are no job openings. It represents those who have been laid off—for whom there is the hope—but not the promise of rehiring. Even today many corporation executives claim they can boost productivity through overtime rather than new jobs.

How does the proposed economic package purport to deal with their problem? I am not sure it does. The only hope is that some benefits will find their way to those in need.

I agree that the economy needs stimulation. But I do not believe that the Federal Government should take so passive a role in directing recovery. I believe investment in the public sector of the economy would have a more salutary effect, stimulating both employment and a solution to other national problems.

I think the President himself presented the best argument against his present program when he told the American people in 1969 that U.S. productive capacity no longer needed broader modernization to compete with industry abroad. He suggested that the $400 billion spent on new plants and equipment in the sixties had brought the economy to new levels of productivity and effectiveness. If we accept the President's reasoning, and place it in the light of today's American industry operating at 73 percent of capacity, it is difficult to understand the heavy emphasis on capital investment in the Nixon economic program.

I do not want to stress what I see as the negative features of this legislation to the exclusion of the positive work accomplished by the Ways and Means Committee.

They increased the low-income allowance from $1,050 to $1,300, relieving individuals and families living below the poverty line of their Federal tax burden;

They accelerated the tax schedule on personal exemptions;

And, on the business side, they prevented the Domestic International Sales Corporation—DISC—from becoming the incredible bonanza that the administration proposed.

On balance, however, I question whether the bill merits passage.

The benefits to the American people are far too indirect to aid our economy when it needs it—right now.

The stimulus to buy automobiles, for example, merely represents a diversion of spending from other sectors of the economy. It singles out for changed status the automobile industry at a time when the social costs of the automobile cloud the future of big cities with problems of pollution and transportation development. Repeal of the auto excise tax offers the American taxpayer a bargain on a new car if he or she is well off enough to afford one without giving him or her particularly the less fortunate the same break on other consumer items. There are other ways to reach more people, and to allow them the choice of how to spend their consumer dollars. For example, we could provide a consumer credit allowance. Passage of the welfare bill which passed the House would also help. At any rate, under existing law, the auto excise tax will be phased out by 1974.

In effect, this legislation guarantees huge benefits for industry with inadequate guarantees that they will pass on to the public. It masks a permanent 15-percent tax cut for corporations while allowing a one-shot, 1-year acceleration of the personal tax cut.

In short, I question whether the American public is the chief beneficiary of its own money. And whether once again the few are not getting a better shake than the many.

Mr. REUSS. Mr. Chairman, I shall vote against H.R. 10947 tomorrow. I set out my reasons for opposing the bill at some length yesterday—CONGRESSIONAL RECORD, October 4, 1971, page 34832—so I shall not repeat them here. Suffice it to say that my main objection to the bill is that it dispenses some $9 billion a year in sorely needed Federal revenues over the next 10 years for no good purpose. If the economy needs a major temporary fiscal stimulus let there be temporary tax reductions. But to permanently erode the Federal tax base to the tune of $9 billion a year in order to bring a temporary stimulus to the economy seems to me to be extremely shortsighted.

How shortsighted it is is illustrated by two recent projections of Federal revenues and expenditures through the 1976 fiscal year. The first, the National Urban Coalition's "counterbudget," recommends a substantial reordering of budget priorities, and concludes by estimating that their recommended fiscal year 1976 budget of $353 billion would exceed revenues from the present tax system by nearly $70 billion. Enacting the current bill would obviously widen the gap even further.

The second study, prepared by a Brookings Institution team headed by former Budget Director Charles L. Shultz—"Setting National Priorities: The 1972 Budget"—attempts to project the so-called fiscal dividend—the funds available for discretionary use by the President and Congress—for the 1974 and 1976 fiscal years. This projection assumes no changes in existing programs and no new programs beyond those proposed in the President's fiscal year 1972 budget. Their conclusion, briefly, is that there will be no fiscal dividend at all in 1974, and only a small—1 percent of GNP—and somewhat conjectural dividend of $17 billion in 1972. Again, reducing projected long-term revenues as this bill does simply bleakens the picture.

Reducing taxes is always a pleasurable exercise, but the day of reckoning comes eventually. One of these days a President is going to be coming up to the Hill with proposals for new and higher taxes—value added, surcharges, or whatever—to make up for the revenues given away in this bill, and we will discover once again the truth of the old adage that there is no such thing as a free lunch.

Mr. DONOHUE. Mr. Chairman, unquestionably, H.R. 10947, designed to repair and strengthen our faltering economic system, is one of the most important measures to come before this or any other Congress in modern history.

Not only is our current and future economic security dependent upon its success, but also, and equally important, the renewed unity and spirit of the American people. Admittedly this is a very great deal to expect from one legislative measure, but I most earnestly hope that it will accomplish the common objectives we all seek.

I, and many other Members, would, of course, feel much more optimistic about the full success of this bill if it contained as we have urged, a greater measure of tax relief to those who need it the most and would spend it the quickest, thereby stimulating production and creating employment, and gave lesser tax consideration to business, especially at a time when their current operating capacity is below 75 percent.

However, the bill presented to us today is offered as the best compromise that can be developed by earnest and sincere committee members and, since it is not open to amendment, we must totally accept or reject it.

Under these circumstances and because it does represent, at least, a first step toward stopping inflation and reversing a recession, by providing, in part, for the repeal of the automobile excise tax, a 1-year acceleration of scheduled increases in the personal tax exemption and standard deduction rates, a $300 increase in the low-income allowance and a business investment credit designed to develop job opportunities and decrease our rising unemployment rate, I intend to support this bill. Although this proposal is not all that each of us would like, I believe we should avoid the dangers of any further delay and adopt it as the beginning of our legislative war against national inflation, with all its accompanying evils, while the Congress stands ready to move in, as the battle progresses, to strengthen any weaknesses that develop and correct any inequities that may arise. That is the job of the Congress, as I see it, and we must not fail in this challenging task because the consequences would be indeed tragic not only within our own country but throughout the world.

Mr. JAMES V. STANTON. Mr. Chairman, I rise in opposition to H.R. 10947. This legislation has been called a rich man's bill and a poor man's bill, and is seen by others as a bag full of nuggets for everybody. Given the time, we could argue for days in this Chamber about whether this is a liberal or conservative bill, Republican or Democratic, bipartisan or nonpartisan. But this measure is complicated enough from the standpoint of economics, and certainly impressive in terms of verbiage—we have, for instance, a 110-page report from our distinguished colleagues on the Ways and Means Committee—and, personally, I do not think semantical desputes add anything to our understanding of the bill and that, in fact, they obscure the real issue. I ask you, for example, what difference it makes whether we call the old familiar investment tax credit by that very name, under which it is thought of as a boon to business, or whether we agree with President Nixon to switch to its new name—the "job development credit," which implies, I suppose, that here is one big break for the working people.

Far more important, Mr. Chairman, than words and labels are two underlying questions of public policy. First, what do we want to accomplish in the short run through this legislation? All of us here will readily agree on the answer to that one.

We want to start the economy on the upswing for all Americans, whatever their station in life, and at the same time we want to curb inflation. The second question is: Whether or not the bill is successful in this respect, where will it leave us in the long run? I submit, Mr. Chairman, that this particular bill will leave us with a dangerously depleted Public Treasury, and it is on that ground especially that I oppose it. By the end of calendar year 1973, according to the administration's own figures, we will have jettisoned $16.6 billion in revenues—because the tax relief granted in many categories will be permanent, rather than temporary. Other estimates I have seen peg the tax loss at some $10 billion a year over the next 10 years.

Now, I suppose I ought to be overjoyed by the prospect of going back home to my constituents and reporting to them how much I will be saving them—or at least some of them—on their taxes. But I know—as I am sure all of us here know—that the applause we receive will be brief. Before too long, the citizens will be demanding to know what we in government intend to do about water and air pollution, about aid to education, about a cancer cure and health services of all kinds, about crime reduction, about transportation improvements and safety, about decent housing at reasonable prices. They will ask us why the bold programs which we continue to enact here are not adequately funded. And our answer will again be that we cannot afford the money for these crucial programs because, you see, in view of defense needs and our narrowed tax base, the budget is too tight.

And then, of course, as we have already observed, public cynicism about us will continue to spread and we in Government will be accused—justly so—of not being responsive to the needs of the Nation.

Over the past several years Congress has enacted many innovative programs to improve the quality of life in this country. However, because budgetary limitations have denied them an adequate level of funding, the promise of these programs has often remained unfulfilled. For example, the Advisory Commission on Intergovernmental Relations has reported that, in 1970, Congress funded education programs at only 45 percent of the amount which could have been authorized by law; the air pollution control appropriation was 60 percent of the authorization; highway safety programs were funded at 30 percent of the authorization; and dropout prevention programs were funded at only 16.7 percent of the level which the Congress established when it enacted them into law.

Mr. Chairman, I think we ought to construct a tax program calculated to subject us to prolonged applause. I submit that we can do that, if we take a little more time. Inflation and recession have been with us for quite a while now, and we ought to be a little more deliberate at this moment in our attempts to deal with it. Just because President Nixon has suddenly developed a sense of urgency, sharing with us for the first time the concern that most of us in this Chamber had developed rather early, we need feel no obligation to permit him to chart the way for us. The advice we have given him until now has been good; he must have thought so, because he finally adopted it.

Therefore, we should keep the initiative and continue to advise him. Congress ought to proceed with its own plan to get the Nation moving.

In this connection, Mr. Chairman, I would like to direct the attention of my colleagues to spadework already done by our Joint Economic Committee. While the President was preparing his order to freeze wages and prices, the committee was in the process of completing a report published August 16 under the title "Midyear Review of the Economy." This report contains a number of suggestions for stimulating the economy, most of which appear sensible to me and which, I might add, are consistent in principle with proposals I have been making over these last several months. The committee is on the right track, in my opinion, because, as it says on page 6 of its report:

> All of the tax and expenditure changes which we are recommending are temporary and designed to phase out as full employment is restored. We recognize that future demands on the budget will be very heavy relative to available resources. A program of economic stimulus which committed resources far into the future regardless of the level of employment would be short-sighted and ill-advised. None of our suggested measures would have this effect. None of them will damage our ability to responsibly finance vital Federal programs in the future.

The committee's principal recommendations are summarized on page 2 as follows:

> The personal income tax reductions presently scheduled for 1972 and 1973 should be made retroactive to January 1, 1971.
>
> The increase in the social security tax base presently scheduled for January 1972 should be postponed. The additional increase in the tax base and the increase in the tax rate contemplated under H.R. 1 should be instituted on a gradual basis beginning no sooner than January 1973.
>
> The level of expenditure for emergency public service employment should be increased to double the $1 billion for fiscal 1972 and $1.25 billion for 1973 authorized by the recently enacted Emergency Employment Act.
>
> At least $1 Billion of the funds already appropriated for housing and urban development but presently impounded by the Administration should be released immediately.
>
> The Federal Government should adopt a system of payments to State and local governments to compensate these governments for the shortfall in their own tax revenues caused by high unemployment. The amount of such payments should be related to the unemployment rate, and such payments should cease when the unemployment rate no longer exceeds an agreed upon figure such as 4½ per cent.
>
> A comprehensive policy of voluntary price and income guideposts should be instituted at once. The President should establish a price and incomes board, or other suitable machinery, to collect and publicize price and income data and to administer the guideposts.
>
> Monetary policy should be conducted in such a way as to reduce longer-term interest rates at least to the levels which prevailed in January and February of this year.

In addition, the committee conducted hearings in the wake of the President's action on wages and prices, and it received comments from a number of distinguished economists. I think it behooves us here, with H.R. 10947 under consideration, to pay heed to what some of them said. Charles L. Schultze declared:

> While we need tax cuts at the present time, to help bring the economy out of recession, we will—once the economy has returned to full employment—need every dime of revenue generated by the present tax system to meet even a minimal estimate of national needs in the public sector. Almost every future projection of the fiscal dividend for the mid 1970's shows that it is very slim indeed, and far too small to be eroded by permanent tax cuts.

And Robert R. Nathan, another noted scholar, asserted:

> With our cities and states in dire need of financial help, with air and water pollution with required massive urban rehabilitation, with tens of millions of Americans living at poverty levels in a trillion dollar economy, with billions needed for mass transit to overcome congestion, with more health and recreation facilities and services required, it is hardly the time to choose lower taxes rather than higher expenditures to restore full employment.

Mr. Chairman, while we are awaiting an announcement of the President's plan for phase II of his "New Economic Policy," I would like to see Congress explore some of the alternatives suggested by the Joint Economic Committee and others for giving a temporary boost to the economy. I would also like to hear more discussion about the feasibility of making temporary, rather than permanent, some of the tax changes proposed in H.R. 10947. Therefore, I do not feel I can support the legislation at this time.

Mr. UDALL. Mr. Chairman, reluctantly and for a variety of reasons which have not been fully expressed by any of my colleagues in this debate, I intend to vote against H.R. 10947, Revenue Act of 1971. I do not want my vote to be misinterpreted and misunderstood; thus this explanation.

This will be the second time this week I have voted against important elements of President Nixon's new economic policy though I strongly supported generally his August 15 decision to move decisively against the unprecedented stagnation and inflation which afflicts our economy and against the deteriorating position of the dollar.

My reasons for refusing to support delay of January 1972 comparability pay adjustments for Federal employees—to the extent to be allowed all other segments of society—are adequately, I hope, explained in my remarks during debate on House Resolution 596.

On the bill before us today I shall vote "no" not just because we are cutting taxes in the face of what already appears a likely deficit of more than $30 billion. I am not that frightened of deficits, although this one should not be that large.

And I am not voting "no" just because this bill contains too much tax reduction for business and not enough for individuals, although it clearly is weighted against individuals who need more income.

And I am not against the measure today just because it contains too many inducements for capital investment, although it does. What we need is not new plant capacity—plants we have now are operating at about 70-percent capacity.

The main reason I am voting "no" is one that has been little discussed and one that I think many of my colleagues overlook. It involves priorities. How many times in recent months have I heard clarion calls for new priorities. More money desperately needed for cities, for mass transit systems, for public works projects such as the central Arizona project, for improved medical facilities, research and health care delivery, for coping with pollution, for fighting drug abuse, for the fight against crime, for decent land-use planning and development, for desperately needed welfare reform and even for revenue sharing.

We have already learned that diminution in the war effort is not likely to provide any peace dividend—any mass money with which this Nation can tackle these critical problems. We can, of course, hope to divert spending in some areas to another. But the prospects for great diversion are not bright.

Indeed, I might ask my colleagues who believe that our Navy is outmoded and needs billions of dollars of new warships, who argue for new defense systems—where are we to get this money if we erode the tax base in such a substantial way?

The economy surely needs stimulation. But there are two ways to do it—cut taxes or increase spending. The latter stimulates just as effectively and permits us to have some of the moneys needed to work on those things this country ought to be working on if we are to make this land better for generations which will follow us.

As we ponder these two ways to stimulate the economy we ought to remember that one way gives us a stronger country, better communities. The other gives us more beer and cosmetics and television sets and automobiles. Do we really need more of these now?

Paying higher taxes—or not cutting taxes as in this case—represents a genuine sacrifice by the American people. Unfortunately, it is not a very glamorous or romantic sacrifice like marching off to war or braving the wrath of your neighbors by picketing for civil rights or clear water. In fact, as I tell my constituents, it is downright dull and anonymous, which makes this sacrifice all the more irritating.

Nor is it exactly exciting to contemplate the prospect of having one less car or one with less horsepower or of ridding ourselves of subservience to more and more power-hungry gadgets.

But it is our task, as elected leaders, to begin to talk about these prospects and to take opportunities like this one today to begin to turn the tide around.

In a sense, this bill says to industry: go ahead and produce just almost anything without weighing what we really need. As the 1972 campaign warms up we will hear many Democrats and maybe a few Republicans make stirring speeches telling the voters how we should reorder our priorities by putting many billions of dollars into the things we all know this country needs. Yet today, by passing this bill, we will have made perhaps the most crucial priorities decision of all—and we will have decided not for new ones, but for the old.

Official revenue loss estimates for this bill show that its passage will divert in the first full fiscal year 11.2 billion badly needed Federal dollars from public sector spending to private consumption. And every year more revenue loss will be added and compounded. What we are deciding today is that in the remaining years of the 1970's, we will divert something over $100 billion. Those who next year will speak against pollution and sick cities and for more mass transit ought to stop and think before making this choice.

Mr. KEATING. Mr. Chairman, today, we have before us the parts of the President's economic program that require congressional action. The President has acted on several fronts to improve the domestic job situation and also to improve the situation of the dollar in the international market.

If we are to see the program successful, it must be approved as a total package. It is also essential that this legislation be approved with all deliberate speed.

Economy programs, by their very nature, take time to have great impact and therefore, in order to reduce unemployment, should not be tied up in Congress.

Before the summer recess, I was joined by more than 30 of my colleagues in introducing the investment tax credit bill. This credit is now contained in the bill that is before us and I feel will have a definite effect in creating more jobs immediately.

Former Secretary of the Treasury Henry Fowler stated in 1969 that the investment tax credit of the Kennedy and Johnson administrations were designed to increase the national productivity and promote competitive efficiency and services.

The statistics reinforce the former Secretary's statement. During the 7 years of 1956 through 1962 when there was no investment tax credit, capital expenditures were almost static at $35 billion in 1956 and $37.3 billion in 1962. But after the passage of the tax credit, plant and equipment purchases rose at a remarkable rate to $64 billion in 1968. What this means is greater employment and a healthy economy. In southwestern Ohio officials from the steel, machine tool, and area industries estimate that the ITC will create nearly 5,000 jobs.

Critics of the President's program state that this is nothing but a bonanza for big business. One did not find this same criticism when the credit was proposed by a previous Democratic administration. The above demonstrates that the credit has had the distinct record of being a proven economic tool. It has also been stated by critics of the President's program that the investment tax credit will have little effect because today plants are only running at 75 percent of capacity. In 1962 we had a similar situation with plant capacity running at only 82 percent.

When the tax credit was effective the Nation experienced a period of high employment and held a strong position in the world economic community. But today, we are losing our competitive edge. This is one of the factors that necessitates the President's economic program.

In his speech before a joint session of Congress, the President emphasized the need for this Nation to compete on an equal basis with the other industrialized nations of the world. This change in our tax structure is essential if we are to sell American goods in the international market.

Again, the President's program is well balanced and if passed in total, it should do a great deal of good. I do not believe that this gives some special bonus to industry. By making our goods more competitive, we are assuring greater employment for the workingman and this is what we are trying to achieve.

In his August 15 speech, the President announced a 10-percent surcharge on imports and made the tax credit void on foreign products when the surcharge was in effect. But I feel we must realize that the surcharge is a temporary measure and not a permanent solution to our balance-of-trade problem. We cannot allow ourselves to hide behind a wall of isolation. This Nation has the ability to compete in international trade if we adjust our laws accordingly.

In the coming weeks the President will be announcing phase II of his economic program. By a vote October 4, 1971, the House demonstrated that we are willing to take steps to insure success of the economic effort. However, it has been stated on many occasions that the wage-price freeze, by its very nature, has many inequities. Our dynamic system of free enterprise cannot be constrained under the limitations of a wage-price freeze for an extended period of time.

Tight controls over wages and prices will have a tendency to decrease the motivation of workers and remove the competitive spirit which is so necessary in our economy.

In developing phase II, I am confident that the President will set forth a program that will serve as a step between the wage-price freeze and a return to the open marketplace. I am sure that the President will have the continued support of the Congress if phase II is as bold and innovative as the program announced on August 15.

Mr. FRENZEL. Mr. Chairman, the legislative proposal announced by President Nixon on the evening of August 15 to stimulate our economy was a good one, and when enacted will provide for an increasing capacity to create jobs domestically and provide stimulants for our lagging economy.

The bill which emerged from the Ways and Means Committee was even better for it provided the necessary tax relief which will allow the consumer to get more spending power out of his income.

It is highly doubtful that any one of us agrees with all of the provisions of this bill exactly as they are written. Personally, I would have preferred different DISC provisions, a date earlier than April 1 for the retroactive beginning of the investment tax credit and a number of other minor alterations.

On balance, I strongly favor the bill and urge immediate action on the part of this body and the Senate to enact these provisions into law.

I would again remind you of the statement made yesterday by the ranking minority member of the Ways and Means Committee and others, who stated that the effectiveness of this legislation is in large part dependent on the ability of this Congress to speedily enact it into law so that the economy and the jobless can sooner participate in the benefits of this program.

The Ways and Means Committee is to be commended for the expeditious, yet thorough manner in which it conducted hearings and produced this bill. I am hopeful that the Senate will quickly consider this legislation and that a bill can be presented to the President soon.

Mr. BADILLO. Mr. Chairman, I wish to express my opposition to the Revenue Act of 1971—H.R. 10947—as I believe it simply continues to carry forward grossly distorted priorities. Furthermore, by clearly favoring the vested interests of big business, this measure is detrimental to the best interests of the majority of American taxpayers. It is basically incapable of achieving the goals it is designed to reach, particularly without creating undue and unnecessary hardship on many citizens, especially the poor and those living on fixed incomes.

The Revenue Act is based on economic principles which have proven to be shopworn, outmoded, biased and unworkable in the past. Although industry will enjoy a nearly $8 billion tax bonanza each year, for example, the average American taxpayer will only receive a 1-shot, 1-year tax reduction. These tax advantages cannot be one-sided and the benefits extended to industry will be virtually meaningless unless some major breaks are afforded to the consumer to increase demand.

As long as tax cuts are an integral part of this legislative package, it seems not only reasonable but mandatory that we should also enact more comprehensive tax relief for low-income persons and families well beyond those increases in the personal exemption and standard deduction contained in the legislation. In addition, the Congress should postpone the scheduled increase in the social security tax base, for the Americans hardest hit by inflation have been senior citizens living on fixed incomes.

A highly touted and much publicized feature of H.R. 10947 is the repeal of the 7-percent automobile excise tax. While this action may help spur economic growth, it will certainly do so at the expense of our cities which are virtually strangling in automobile congestion and exhaust fumes and will favor only industry and the small number of consumers purchasing new cars. Any excise tax repeal should certainly be tied to a strict timetable for the development and marketing of an emission-free automobile.

Mr. Chairman, no visible proof has been offered that this measure will either develop new employment opportunities or spur and revive our badly depressed economy. To the contrary, unless there is a sizable increase in consumer demand, few new jobs will be created. Also the measure's job development features are patently nothing more than another device to boost profits for big business.

Equally important is the fact that the funds diverted by this ill-conceived and highly questionable program will be at the expense of much more pressing public investment in housing, education, aid to our financially beleaguered cities, health care, job development programs, and other measures designed to directly benefit those suffering the most by the inflationary spiral and unemployment.

Prompt and effective action must be taken to halt the vicious growth of inflation and to restore stability to the Nation's faltering economy. However, such steps must not be conducted at the expense of the average American wage-earner and his family. Effective economic growth simply will not be achieved by providing handouts to big business while ignoring the multitude of pressing social needs.

The American public has been called upon to make certain sacrifices in the name of the national interest and to assist in achieving economic stabilization and development. However, this must be shared equitably by all segments of society and one group must not secure benefits denied to others. The Congress has not met its responsibilities in setting the Nation's spending priorities and the passage of the measure we are considering this afternoon would be a clear forfeiture of such responsibilities. The realinement of economic priorities and goals is not simply a matter of economic necessity, it is equally a matter of social justice. We cannot afford to ignore the challenge confronting us and I urge the defeat of the Revenue Act.

Mr. DENT. Mr. Chairman, I challenge the statement of the President on the effects of the 10-percent surcharge on imports and exports.

I have before me this morning the Wall Street Journal which says:

> Acute profit squeeze plagues car makers due to price freeze. Nixon's bid to aid them has immediate reverse twist; Foreign-car sales spurt. Detroit fights to cut costs.

I doubt if too many of us have taken time to analyze the 10-percent surcharge and all of its fakery and quackery that is propagandized in the capitals of exporting nations.

A close review of the 10-percent surcharge shows that either knowingly or unknowingly the President misled Congress and, I am sure, the American people by saying he was putting on a surcharge of 10 percent. This is not true, because later on one discovers that it is not a surcharge, because a surcharge is a charge over and above the present rate of border and custom taxes; whereas, the 10-percent surcharge, according to the manner in which it is being administered, is a limit of 10 percent by adding the difference between an existing tax rate of below 10 percent up to 10 percent. With this being the case, it is estimated that more than 50 percent of all imports into the United States are not being affected by the so-called 10-percent surcharge.

In the case of automobiles, it turns out to be a negative gain for the American automobile industry, insofar as the foreign shipments are concerned.

This is the way it works: The President boosted the 3½ percent tariff by 6 percent to make it 10 percent. However, his request for the 7 percent excise tax coverage for imports, as well as American products, deducts from the 10-percent surcharge the 7-percent excise tax leaving a 3-percent border tax or tariff on the imported car. This compares to the 3 percent before the President's widely heralded surcharge.

In the first place the 7 percent is an excise tax, but is known as a manufacturing excise tax and is paid directly by the manufacturer and it is a question as to whether we can assess a manufacturers tax in a foreign country.

Actually, what really happened is the foreign product has the 7 percent added to it when it arrives in the United States and this is paid when it is picked up for delivery by the importer. Another way the import cars beat the border tax is that they allow a high gross profit for their distributors who in turn use part of that extra income to do their advertising. Whereas, in the American industry advertising costs are normally put into the f.o.b. costs of the product, and any taxes such as excise taxes, and so forth, are assessed against the selling cost of the car which include many extras that are forgiven on foreign imports.

More important after the removal of the so-called 10 percent surcharge, the applicable rate against autos drops from pre-Nixon speech of 10 percent to 3 percent. Actually a 7 percent drop.

> We do not think the sales of our vehicles will be materially affected.

In an article in Automotive magazine a paragraph headed "Tora, Tora, Tora" gave the following information:

> Toyota expects to sell about 350,000 cars in the U.S. this year; it sold 180,000 units in the first half. Then, next spring it will begin exporting into the U.S. a new truck, similar to small Datsun pickup which is breaking sales records daily.

Japan buys very little from the United States, other than scrap metal, some air-conditioning units, automomobile radios, and batteries.

Japan says it has a bright future despite Mr. Nixon's challenge of peace:

> With automobiles averaging $2,200 in price and with dealer gross profit per car at $420, and net profit at $180, Toyota is not losing any sleep over re-evaluation of the yen or the moves already made by the Nixon Administration.

The next paragraph should be titled, "Sucker, sucker, sucker." It reveals that the first 7 months of this year, imports accounted for 16.2 percent of sales compared with 13.5 percent a year earlier and 11.2 percent in January–July 1969:

> At the present rate of foreign car sales, they could exceed all of 1970's record 1,277,689 (U.S. and tourist deliveries) by early October and go on to a new high of more than 1,650,000 for all of 1971.

Toyota is running 70 percent higher in deliveries for the same 7-month period a year ago.

Using Mr. Nixon's own figure of 25,000 jobs created for every 200,000 cars sold, the sale of foreign automobiles will take 208,000 automobile jobs this year from American automobile workers. To show what is wrong with the whole picture all one must do is to take the emergency job program recently passed by Congress where $7,500 a year—average—jobs have been set up for each individual employed in this emergency program. These jobs are not actually productive jobs in the sense that they only add to local government operations.

In my district 125 jobs have been created at an average cost of $7,500 a job. Using this same wage base and multiplying it by 208,000 workers who will lose their jobs in the automobile industry it would cost $1,560 million under the emergency employment program to keep these workers off the streets.

According to Harold Benninger, from the Meat Cutters Union, in 1969 it would take 2,100,000 American workers to produce the imports that come into the United States in the manufacturing industries.

The most inconsistent situation arises when one considers that the big farmers in the United States who are the beneficiaries of a multibillion-dollar subsidy program and enjoy most restrictive covenants, tariffs, and embargo protection from overseas are screaming their heads off over the President's misleading 10 percent surcharge. The President in his message has suggested the possible subsidy program for manufactured goods, but there is not enough money in the whole world to pay enough subsidy to keep American workers on their jobs without protective covenants. The proof of that is that at this moment the U.S. Government has a greater deficit and national debt than all the other countries in the world put together, and the American people owe more money for their cars, television, et cetera, than all the what all the people in the whole world owe together.

If this is what the free traders call "American greatness and prosperity" then Lord help us when free trade runs a full cycle and all barriers are cut down, as suggested by the President's Tariff Commission.

I happen to have been in Europe and Africa during the time the President made his public statement. If I remembered correctly, in speaking of the automobile problem he said this would aid the production of American-made automobiles, for every 200,000 additional cars produced this would mean 25,000 more jobs in the auto industry. Yet, simple eighth grade arithmetic shows that the net result of the 10-percent surcharge on automobiles, when weighed against present tariff and the 7-percent manufacturing exemption, actually ends up with one-half percent less tariff to be paid by the Japanese and other exporters of autos to the United States. This, plus the fact that the low f.o.b. cost or selling cost to our own distributorship setups in the United States, perpetuates an inequity in custom charges between our exports and our imports.

I have never believed in quotas, I believe in equity in the marketplace.

For the first time in my long years of fighting for job opportunity and security in America, and fighting the impact of imports on American employment I find that all of the predictions that I made are coming true all too soon. A 40-percent penetration of the west coast market in less than a 3-year onslaught of Japanese cars, and a 20-percent penetration of the entire American consumer market has wiped out, according to the President's own formula, a quarter of a million jobs in the automobile manufacturing industry. When you add the backup men, such as transporters, salesmen, distributors who work in the service and supply areas of the industry you come close to losing another 750,000 to 1 million jobs in addition to the quarter of a million jobs in the production part of the industry.

I was shocked to receive a letter from Mr. Peterson, the President's own trade expert in whose untender hands the welfare of millions of Americans have been placed, stating that more American jobs have been created by exports than have been taken away by imports. This was only 2 weeks before the President made his astonishing admission, that we did have job problems, because of imports. This truth has been evident for many years.

For a long time the American people have been denied the truth of the serious nature of the affliction that has plagued this Nation for the last decade. I have stated time and time again, and I believe it more firmly now than ever, the free enterprise system for industry and labor cannot survive in a free trade world where the marketplace of our high cost enterprise Nation can be invaded at will with little or no concern for rules, regulations, restraints or other cost mandated by Government on American production facilities.

It is a sad, but interesting commentary that the minimum wage laws of the United States, handled by my committee, places a higher cost on labor than the maximum wages paid in all, but supervisory and specialist jobs of all the world. I have just returned from an inspection and study visit with my committee to various production countries. In one highly industrial and long-time production facility, in the area of the most vulnerable of all American industry—the specialty and tool steel, the wage scales paid are just an example of what we are faced with in a free trade world. Without going further into the details at this point, but in a prepared statement covering the subject matter, I expect to supply the Congress with facts and figures that our Government should have and should give to the congressional committee whose duty it is to protect American jobs and industry.

Wages in this highly skilled industry show workers over 18 years of age who are highly skilled receive 23 shillings, worth approximately 4 cents, or 92 cents an hour. Qualified skilled workers receive 90 cents an hour; other skilled receive 72 cents an hour; highly qualified semiskilled receive 64 cents an hour, qualified semiskilled receive 60 cents an hour. Unskilled hard workers earn 60 cents an hour; easy work workers receive 56 cents an hour and workers under 18 years of age, if semiskilled, are paid 53 cents an hour; unskilled 52 cents an hour.

Including all fringe benefits, and they run anywhere from traveling expenses, quarterly allowances, outdoor work allowances, and piece work as well as various bonus raises, the average wage is 20 to 35 cents above the listed wage rates.

They have the latest, most modern equipment and techniques and their taxes are at a much lower rate with export allowances, of course, thrown in. Compare that, and yet this particular and entrenched worldwide organization has lost between 65 to 75 percent of its exports to the United States; and, in a lesser or greater degree, exports to other countries. Of course the exports have been lost to the Japanese specialty steel industry.

The question I pose is if this company with generations of experience in world trade and the greatest outlets of any world wide trading company is being overtaken by the latest comer into the field, how can anyone expect the U.S. steel makers to hold on to their own domestic market, let alone try to become an exporting nation.

In all the investigative trips my committee and I have made, I have yet to find one country in the world that allows its industries to be destroyed by import.

It is interesting to note that the top skilled workers in this highly specialized industry receive 23 shillings, or approximately 92 cents an hour, as compared to the highly skilled American worker receiving $6 an hour plus fringe benefits.

In face of this we keep hearing the same free trade propaganda and economic untruths.

Mr. BROOMFIELD. Mr. Chairman, I rise today to urge passage of the Revenue Act of 1971. This legislation is calculated to stimulate our economy by combining tax reductions and incentives which will benefit consumers and business alike.

This measure will put our economy back on the road toward stability and growth. It seeks to favor no particular interest. Our economy is so complex so delicately interwoven, that any program designed to unduly reward one sector to the exclusion of another will in the final analysis fail.

Recognizing this fact, the bill is structured to confront and eliminate high unemployment, the rising balance-of-payments deficit, sluggish business growth, and inflation. I propose that each of these economic realities, taken in themselves, are serious enough to merit our consideration and taken in total, they demand immediate action.

President Nixon realized this when he instituted the wage and price freeze and suggested these sweeping tax reforms. Rather than cautiously confronting each problem in a piecemeal fashion which would only produce temporary relief, he boldly called for sweeping changes which attack each problem at its root and will enable our economy to proceed toward its full potential. I, for one, applaud both the President's initiative and his new economic game plan.

The impact of this legislation is twofold. It serves to stimulate greater spending by consumers and simultaneously increase investment and expansion by business. As for its specific proposals, a study of each will demonstrate their value.

Mr. Chairman, by accelerating by 1 year the tax deductions for individuals we will be increasing the buying power of consumers. Understandably the American taxpayers in reaction to growing unemployment and slow business expansion, has been playing his finances close to the vest. However, by lowering taxes, confidence will be restored and increased spending will stimulate the prospects for business.

The second major proposal, a 7-percent job development credit, will also encourage manufacturers to expand. This in turn will generate more employment and begin a new cycle of spending. Since this credit was repealed in 1969, expenditures for new machinery and equipment have fallen drastically—to the lowest level in the past 10 years.

Further, the repeal of the auto excise tax will save Americans an average of $200 per car, encourage auto production, and cause the direct employment of an additional 150,000 people. A closer look reveals even greater benefits; car buyers will find that their purchasing power will be stretched. They will be free to purchase other goods and services, which in turn will aid all domestic firms.

Let me add, Mr. Chairman, that these proposals have not been developed in haste nor are they the result of a change merely for the sake of changing. On the contrary, these suggestions have been weighed and considered by many in the past. Indeed, I am happy to say that I have joined with Members of this House to introduce similar legislation earlier in this session—a reduction in personal income taxes, repeal of the auto excise, and revival of the 7-percent investment credit for small business.

These bills are identical to each of the three major reforms for our domestic economy that are included in the Revenue Act except that the latter will apply the investment credit to all firms regardless of size.

The final provision of this act, the DISC concept will give a needed tax break to those industries that are engaged primarily in exporting American goods. This measure serves to promote fair as well as free international trade. Also, additional American participation in foreign markets will brighten employment prospects for those citizens seeking jobs.

I am convinced, Mr. Chairman, that the stagnation of our economy stems more from a lack of confidence in our financial prospects than any other factor. The Revenue Act of 1971 will provide just the boost of confidence that the Nation requires and will strengthen our business posture at home and abroad as well as raise the standard of living for all Americans.

Mr. MONAGAN. Mr. Chairman, the Revenue Act of 1971 (H.R. 10947) before us today, is one of the most important bills this Congress will consider, and though I have certain reservations about this legislation, I intend to support it and I commend the Ways and Means Committee for its fast and effective approach to a national problem of massive proportions.

The performance of the economy over the past year evidences the need for this emergency legislation. The growth in our gross national product has been disturbingly small, capital goods expenditures have risen little, and the unemployment rate, at 6 percent in the Nation, has reached near-depression levels in some areas of the Nation. During the first half of 1971, the economy grew at a real rate of only about 3 percent. A recent survey records an increase in plant and equipment spending of only slightly above 2 percent.

Connecticut has been particularly hard-hit. In August, 9 percent of the labor force in the State as a whole were without jobs. Unemployment in Waterbury was 11.5 percent, in Ansonia 14.9 percent, and in Bristol 23.0 percent. Some of this unemployment has resulted from cutbacks in defense spending. However, a main cause of this recession has been the administration's planned economic slowdown. The slowdown has now reached the point where stimulation of the economy is necessary.

Ironically, the slowdown, although causing extraordinary unemployment, has failed to halt inflation. The inflation index continues to hover at 6 percent annually, and the Nation is faced with an unprecedented phenomenon of simultaneous unemployment and rising prices.

I was pleased that the President finally reversed his hands-off stand on the economy and instituted a 90-day freeze to correct these conditions. While this step should have been taken some time ago, and while an across-the-board move inevitably produces inequities, it was an essential and necessary action to get the economy back on an even keel. The freeze has bought time for the Congress and the administration to create a long-range employment and anti-inflation program. Means must now be devised to stimulate the economy to achieve full employment on the one hand while holding inflation in check through a wage-price program on the other hand.

The Revenue Act before us provides the basis for the expansion aspect of this program. The tax reduction in the bill will total about $1.7 billion in calendar year 1971, $7.8 billion in 1972, and $6 billion in 1973. Spread over both the consumer and business sectors, these newly available assets should provide one needed jolt to increase production and reduce unemployment.

The individual income tax reductions provided for in this bill take immediate effect and should prove particularly valuable in stimulating spending. For 1971, all personal exemptions will be increased from $650 to $675, providing total tax reductions of $1.4 billion for this year. For 1972 and subsequent years, this exemption will be further increased to $750. This reduction will provide for those who have been hardest hit by inflation, and it will do this where economic stimulation will be most direct.

The 7 percent investment tax credit and repeal of the auto and light truck excise tax will also provide valuable sitmulative tools for spurring the economy. Lagging investment in machinery and equipment has been a principal condition of the recession. The investment tax credit will allow industries to expand through the purchase of new equipment and will thus create new jobs. The possible repeal of the excise tax has already stimulated automobile and light truck sales. The actual passage of this section should provide for further expansion and for jobs.

I had hoped that this tax package would place more emphasis on consumer relief as a means of stimulating the economy. As the bill now stands, there is some imbalance between business relief and relief for the individual taxpayer, and other consumer stimulative measures, such as a deferred social security tax increase, should be examined for possible later use.

I have also some doubts that this package will provide enough stimulation to bring the economy back to full employment and an acceptable unemployment rate. The recession has hit Connecticut and other areas particularly hard.

Perhaps further measures will be needed to deal with our State's severe unemployment. I am presently studying further stimulative legislation in the event that this tax package proves inadequate for areas of severe recession.

On January 29, I introduced legislation to provide for an Emergency Guidance Board, to set basic guidelines for wage and price decisions. The guidelines in my bill were voluntary and those unions and industries asking wage and price hikes in excess of those guidelines would have been required to file an economic justification with the Board. The Board would then publicize those increases not in the national interest. However, this voluntary approach is probably impractical at this stage of development.

I am hopeful that some form of such regulation as a phase II anti-inflation program will emerge. The changed economic situation has made it clear that more enforcement powers should be added to this legislation. However, I feel that the bill represents a good basis for phase II. Congress should pass the tax package now before us to stimulate the economy toward full employment, and should then support a regulatory board as a means of holding inflation in check while full employment is reached.

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in opposition to the President's tax bill. This bill is clearly the biggest tax bonanza in corporate history. Corporations stand to gain an estimated $80 billion over the next 10 years at the expense of the American taxpayer who would benefit to the tune of about $26 for 1 year.

It is time for this administration to stop catering to the larger corporations of this country and begin protecting the average American workingman. We have seen this administration time and time again fight for its big corporate friends at the expense of the American people.

The $80 billion in Federal revenue which the American people will lose as a result of this bill must be made up in some way. How does the President intend to do it?

He intends to withhold money from Federal employees that they have already earned by delaying scheduled pay raises until July 1972. He intends to withhold money from the poor and permit our present unworkable welfare system to continue by delaying the welfare reforms that he has repeatedly urged.

The President intends to slash Federal employment expenditures by 5 percent—and eliminate 100,000 jobs at a time when there are already over 5 million Americans ready and willing but unable to find work. And he intends to continue to withhold Federal funds from our financially strapped cities and schools.

Furthermore, Mr. Speaker, the program which the President has offered the American people is for the most part neither new, nor revolutionary, as many of us are led to believe, but it is basically a collection of retreads—of old proposals with new names.

The only new and exciting aspect of the main feature of the President's tax bonanza is the name—the so-called job development investment credit. Yet this is merely a revival of an old loophole in our tax structure which Congress repealed 2 years ago when we passed the Tax Reform Act of 1969.

This proposal would allow the corporations tax credits for purchases of new machinery and equipment supposedly to induce businesses to expand their plants by boosting their expenditures for new machinery and equipment, which will in turn create more jobs. However, there is nothing to indicate that this proposal will actually stimulate any plant expansion, let alone create more jobs, and I believe that it is pure fantasy to expect businessmen to expand their plants at a time when more than 25 percent of the Nation's production capacity is sitting idle. I would like to remind the President that businessmen do not purchase new machinery merely for the sake of purchasing new machinery, and that I do not believe in creating new tax loopholes just for the sake of creating new tax loopholes.

The asset depreciation range, the other major feature of the President's tax bonanza, is considered by many economists to be an even greater boon for the big corporations and even less of an economic stimulus than the so-called job development investment credit. While the administration maintains that this tax giveaway will improve the price competitiveness of American goods with respect to our trading competitors such as Germany and Japan, the actual improvement is minuscule in comparison to the estimated $6.2 billion which this provision will cost the American taxpayers in loss of revenue for the years 1971–72.

Mr. Chairman, it is most unfortunate that Mr. Nixon has chosen to help us out of our present economic quagmire by increasing corporate profits at the expense of the middle American taxpayer, but it is even more unfortunate that he is attempting to make the average American feel that he, too, will be participating in the benefits of this new game plan.

The so-called tax break to the individual taxpayer in the President's tax package is nothing more than a bread crumb when compared to the full-five course dinner he has served his corporate friends. While big business has been granted a permanent billion dollar bonanza, the individual taxpayer is offered a small, one-shot tax relief proposal which merely moves up by 1 year the $50 increase in the personal income tax exemption which Congress has already scheduled to become effective in 1973.

What does this mean to the average

taxpayer? It means that while big business receives a tax break amounting to nearly $8 billion a year for every year henceforth, the average taxpayer earning $9,000 with three dependents will receive a one-time-only tax break of about $26 which amounts to approximately 7 cents a day.

And finally, Mr. Chairman, I would like to point out that the effects of the traditional Republican big business bias are so obvious and so thorough in this package that all major benefits to big business are to become effective this year, and some of them are retroactive back to January 1. But what about that forgotten American, the average taxpayer? His minuscule and almost meaningless tax break would not come until next year.

Mr. Chairman, there is simply no way in which I can justify voting for this bill. A vote for this bill is a vote for "further big business tax loopholes" and a vote against the best interests of the overwhelming majority of middle- and lower-income American families who already bear an unfair burden of the taxes in this country.

Mr. McCLURE. Mr. Chairman, I suppose all of us view the Revenue Act with mixed emotions. We are grateful, however, that the President has had the courage to take some far-reaching steps, and that the committee has acted promptly on his recommendations. I intend to give the bill my support.

For me, one of the real virtues in this bill lies in the repeal of the Federal excise tax on automobiles. I have always found hidden taxes, by their very nature, to be unfair—almost dishonest. When a man buys an automobile, he pays the tax as part of the purchase price. There is no measurement as to his own ability to pay the tax as there is with the income tax.

While the graduated income tax is not perfect, it at least has the virtue of being open and above board and to some degree relative to the ability to pay.

The excise tax on automobiles is now 7 percent of the manufacturer's sale price. Present law envisions a gradual reduction until its eventual demise in 1982. However, the auto excise tax has already been in effect, off and on, for 54 years and that is a long, long time, even for a temporary tax.

It first went on the books in 1917. At that time the rate was 3 percent. Since then, the tax has been restored or extended more than 20 times.

I recall that in 1965 it appeared that all of these discriminatory taxes which place an unfair burden on the consumer were going to be eliminated. The committee report on the excise tax legislation that year stated:

> Consumers of the taxed products where the tax is passed forward must pay a premium, over and above the market price, for the taxed items, which consumers of untaxed items do not pay. These selective excise taxes tend to reduce sales and therefore reduce incomes and jobs in the industries which produce the taxed goods. In these ways selective excise taxation results in arbitrary and undesirable distortions in the allocation of resources and in this manner interferes with the free play of our competitive market.

Each time the excise taxes were about to expire, we were told the Government could not afford the loss of revenue. However, the economy is in trouble today and removal of at least this one unfair tax is now considered justified. Perhaps it will set a trend, and we look forward to the elimination of these hidden taxes.

As it stands, what we are doing today will provide a stimulus to the automobile industry and in turn will stimulate the entire economy.

I remember that we once called these taxes "luxury taxes." But can anyone deny that an automobile has stopped being a luxury, that the telephone is a frill, or that a tire is optional equipment for an auto? Of course not.

The auto excise tax is the only one of these whose revenues go into the General Treasury. Their impact is small in comparison to the revenue that will be generated from an economy stimulated by repeal of the tax.

I also am pleased that the investment tax credit is being restored. When Congress repealed the credit in 1969, I was among those who tried to save it for small businessmen and farmers with a credit of up to $30,000. That move failed, and in hindsight, I think we can say the repeal was a mistake. It is the small businessman and the farmer who have suffered the most from the Nation's economic troubles. Happily, we are doing something about that today.

In sum, I heartily support this bill. The good far outweighs the bad. While this is only the first step on the road back to fiscal stability, I hope that future economic decisions will be arrived at in the same nonpartisan spirit as this one was.

Mr. RYAN. Mr. Chairman, our country is indeed in the midst of an economic crisis—a crisis marked by inflation and high unemployment at the same time. Too often this crisis is not understood in terms of the human suffering which results. It means that in this land of incredible affluence, millions of Americans are forced to live in substandard housing. It means that millions of Americans go to bed hungry. It means that millions of Americans cannot find jobs. It means that millions of those who are fortunate enough to have work are continuously frustrated by the inflationary spiral which keeps them on an endless economic treadmill.

We have before us legislation intended to implement the President's tax proposals which are part of his so-called new economic policy—the Revenue Act of 1971—H.R. 10947. But all it does is aggravate the economic crisis.

Perhaps the Revenue Act of 1971 might be better termed the big business bonanza bill, for that is exactly what it is—a multibillion-dollar giveaway to big business at the expense of hard-working men and women.

This legislation is based on economic principles that are both biased and fallacious. The theory that a massive tax giveaway to big business will somehow trickle down and ultimately benefit the working people of this country has not worked in the past and it will not work now. Rather, the real needs of the American people will go unmet.

This bill would drastically slash the money available to the Federal Government over the next decade—money that is desperately needed to face our social needs. This loss of revenue averages over $9 billion every year for the next 10 years. There is no question that the economy would be better served by social spending for job programs, housing, health care, education, aid to our beleaguered cities, a guaranteed annual income for all Americans.

The so-called job development credit is nothing more than a public relations label for the investment tax credit that the Nixon administration abandoned in 1969 as not in keeping with our national priorities. And it is far more likely to increase corporate profits than to create much-needed jobs for the unemployed. Since over 25 percent of plant capacity is now idle, it is consumer demand which needs stimulus, not investment. The tax benefits of this program are, in essence, an increase in corporate profits at a time when workers' wages are frozen. Boosted profits and tax savings for big business do not necessarily create more jobs or higher wages.

Under H.R. 10947 the investment tax credit will cost the Treasury $5.1 billion a year. In addition, this bill writes into law the asset depreciation range—ADR—system of depreciation which the administration already put into effect earlier this year by Executive fiat without congressional authorization. The ADR will cost the Treasury an estimated $3.9 billion a year.

Another serious flaw in this legislation is the "buy American" feature of the investment tax credit which provides that the credit is not to apply with respect to any foreign-produced property acquired before the termination of the 10-percent surcharge which the President has imposed upon imports. Protectionist devices significantly increase the danger of an international trade war—a trade war which would most certainly take its toll on the American consumer.

The provision establishing a system of tax deferral for a Domestic International Sales Corporation—DISC—and its shareholders is at best inefficient and at worst another loophole to help big business. It will cost the Treasury $100 to $200 million a year.

The provisions for individual tax relief that were added to the President's proposal by the committee fall significantly short of overcoming the incredible business bias of this bill. The Revenue Act of 1971 grants some $9 billion a year in tax relief to big business on a permanent basis while providing only a 1-year, one-shot tax reduction for the average taxpayer. For example, a taxpayer earning $9,000 per year with three dependents will receive a tax saving this year of $24, or 7 cents a day.

In writing this legislation the Ways and Means Committee completely ignored the need to close the massive loopholes in the tax laws. The oil industry will continue to enjoy the benefits of the oil depletion allowance. Millionaires will continue to receive tax-free income from State and municipal bonds. Billions of dollars will continue to be lost through the loopholes in the estate and gift tax system.

I have pointed out some of the most undesirable features of this bill, but I would be remiss if I did not comment upon the parliamentary procedure under which this legislation is being considered. The closed rule procedure makes it impossible for any amendment to be offered or debated, denying Members of Congress the opportunity to attempt to improve this bill. I deplore the use of this parliamentary device which means that we are faced with the choice of either taking the bill as reported out by the Ways and Means Committee or leaving it. I choose to leave a bill which will line corporate coffers and divert essential funds from helping to meet unmet social needs.

H.R. 10947 represents upside down priorities which must be reversed if the economic crisis is to be resolved.

I include at this point in the RECORD a statement issued on September 16 by 51 Democratic Congressmen. It was drafted by the Democratic Study Group's task force on economic policy, which is chaired by our distinguished colleague from Wisconsin, Congressman HENRY REUSS, and upon which I am privileged to serve. In this statement we present a constructive alternative to the President's "new economic policy."

The statement follows:

STATEMENT

After two years and nine months of economic failure, the President has now adopted two of the most important proposals consistently made by Democrats—temporary controls on wages and prices and actions aimed at allowing the dollar to reach its true value in international markets.

But the President's price-wage freeze fails to include controls over interest rates and profits, and is therefore justly viewed as inequitable by labor. Moreover, the "New Economic Policy" does little to meet our tragic unemployment problem.

While we favor some elements of the President's economic program, it requires the following changes and additions:

1. The President should use the authority he now has under the Credit Control Act of 1969 to limit increases in interest rates;

2. The "double dip"—the 10% investment tax credit proposal, which will cost the Treasury $4.8 billion in lost revenue in the 1972 calendar year, and the June, 1971, "Asset Depreciation Range" system of accelerated depreciation (still without Congressional approval), which will cost $3.4 billion in 1972—should be substantially curtailed;

3. A considerable portion of the funds made available should be put to better use by expanding the emergency public service and public works jobs programs and by prompt enactment of welfare reform.

4. Additional revenues needed for fiscal soundness can and must be raised by closing the loopholes in the Federal tax system which allow billions of dollars a year to escape for the benefit of special interests;

5. The beleaguered local property taxpayer must be helped by maintaining Federal aids for state and local governments needed to head off further increases in the property tax;

6. Imaginative efforts should be made to get labor and management agreement on effective wage-price controls which protect the interests of all parties—including the consumer.

GENERAL LEAVE TO EXTEND

Mr. MILLS of Arkansas. Mr. Chairman, we have no further requests for time.

Mr. Chairman, I ask unanimous consent that all Members desiring to do so may be permitted to extend their remarks on the bill at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The CHAIRMAN. Does the gentleman from Wisconsin have further requests for time?

Mr. BYRNES of Wisconsin. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. Under the rule, the bill is considered as having been read for amendment. No amendments are in order to the bill except amendments offered by direction of the Committee on Ways and Means.

Are there any committee amendments?

COMMITTEE AMENDMENT

Mr. MILLS of Arkansas. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MILLS of Arkansas: Page 69, after line 12, insert the following new subsection:

"(e) COORDINATION WITH PERSONAL HOLDING COMPANY PROVISIONS IN CASE OF CERTAIN PRODUCED FILM RENTS.—If—

"(1) a corporation (hereinafter in this subsection referred to as 'subsidiary') was established to take advantage of the provisions of this part, and

"(2) a second corporation (hereinafter in this subsection referred to as 'parent') throughout the taxable year owns directly at least 80 percent of the voting power of all classes of stock, and at least 80 percent of each class of the nonvoting stock, of the subsidiary,

then, for purposes of applying subsection (d) (2) and section 541 (relating to personal holding company tax) to the subsidiary for the taxable year, there shall be taken into account under section 543 (a) (5) (relating to produced film rents) any interest in a film acquired by the parent and transferred to the subsidiary as if such interest were acquired by the subsidiary at the time it was acquired by the parent."

Mr. MILLS of Arkansas (during the reading). Mr. Chairman, I ask unanimous consent, in view of the fact that the amendment is quite technical, that the committee amendment be considered as read, and printed in the RECORD. I will take time to explain the committee amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS of Arkansas. Mr. Chairman, it has come to our attention that inadvertently the bill may prevent a subsidiary formed by a movie-producing company from qualifying as a DISC. This is because most of the subsidiary's income would be film rentals which constitute personal holding company income and a personal holding company is not eligible to be a DISC.

If the movie-producing company had not formed a DISC but had itself exported a film it produced, the film rentals received by it from the lease or rental of the film would not constitute personal holding company income.

It is, therefore, appropriate to correct this inadvertent obstacle to qualifications as a DISC. The committee amendment, in effect, provides that rents from films produced by the parent company and leased or rented by its DISC subsidiary are not to be considered as personal holding company income, if the rents of this type constitute at least half of the subsidiary's gross income. Consequently, these rents will not cause the subsidiary to be treated as a personal holding company and thus make it ineligible for DISC treatment.

The CHAIRMAN. Are there any further committee amendments?

Mr. MILLS of Arkansas. Mr. Chairman, there are no further committee amendments.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. CABELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes, had come to no resolution thereon.

LEGISLATIVE PROGRAM

(Mr. BOGGS asked and was given permission to address the House for 1 minute.)

Mr. BOGGS. Mr. Speaker, I take this time to announce an addition to the program, House Resolution 597, which is a travel resolution for the Committee on Ways and Means, to be considered following the vote on the tax bill.

GENERAL LEAVE

Mr. MILLS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill, H.R. 10947.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERSONAL EXPLANATION

(Mr. PETTIS asked and was given permission to extend his remarks at this point.)

Mr. PETTIS. Mr. Speaker, due to an important meeting concerning an emergency in my district, I was unable to be present for the vote on House Concurrent Resolution 374. If present, I would have voted "aye."

It was very gratifying to see that the House unanimously passed this resolution which incorporated the provisions of my Concurrent Resolution 140. It is imperative that the North Vietnamese and their allies be continuously aware that the American Congress demands the humane treatment and release of our brave prisoners of war.

ILLEGAL ALIENS

(Mr. WHITE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WHITE. Mr. Speaker, at a time when this Nation is battling rising unemployment, illegally entered aliens are taking the jobs of taxpaying Americans.

At a time when Congress, and stricken cities and States, are struggling for survival against mushrooming welfare rolls, illegal aliens are going on welfare, adding to our tax burden and bleeding the Nation's economy.

At a time when the American dollar is fighting for stability and our dollar outflow exceeds the inflow, illegal aliens are taking American jobs and sending their earnings out of the country.

At a time when Americans are deploring wages below the poverty level, illegal aliens are undercutting Americans and forcing them onto welfare rolls.

Some subversives of various nationalities have unimpeded access to our interior.

This is not a border problem, it is a Nation problem.

In Dallas, 9,500 illegal aliens were apprehended last year.

In Chicago, the apprehensions grew from 1,500 in 1965 to 6,500 last year.

In New York City, border patrol officials estimated they could pick up 30,000 known illegal aliens at once if they had the manpower and funds.

There are over 100,000 illegal aliens estimated in New York City alone.

These conditions exist principally because the directors of the immigration and nautralization service and border patrol have by dereliction of duty or by incredible ignorance of the facts, failed to ask for sufficient funds from Congress, and Congress has not appropriated sufficient money to enable the men in the field to do their duty in protecting America.

Morale in the immigration and naturalization service and the border patrol among the dedicated men in the ranks is about the lowest in the history of their services.

No one knows accurately how many illegally entered aliens are in this country.

Figures presented to the immigration subcommittee, House Judiciary Committee, range from 1 million to 10 million.

When you consider the number who have been captured and deported, or released for voluntary departure, a figure of 2 to 3 million seems a reasonable estimate.

In the southwest region of the United States, in fiscal 1968, 151,705 aliens were apprehended for violation of the immigration laws. In 1969, the figure rose to 201,636. In 1970, it was 220,000. Realistic estimates for the number of apprehensions for 1971 are around 350,000.

How many are still in the United States? A high immigration service official estimated to me that there are 30,000 illegally entered aliens in New York City that are known to the service. They could be arrested quickly, if the manpower were available to do the job, and the transportation available to return the aliens to their home country. Beyond this, enough employees could go on and on, arresting and deporting thousands and thousands.

In Dallas, a detail of 10 officers, in 12 working days, rounded up 1,728 illegal aliens. Apparently they had only scratched the surface, because more aliens were captured on the last day than on the first. Unfortunatley, funds did not permit this sustained effort, but the Dallas office picked up 9,500 persons for violating the immigration laws last year. Because he so often enters the United States by wading, or swimming the Rio Grande, the illegal alien is popularly known as a "wetback," but the day has passed when the "wetback" is content to work on a southwestern farm or ranch. Like many of our own farm and ranch workers, he has heard the lure of the big cities, the promise of more money. He has quickly learned the value of American social security and is working himself into jobs where he can get a social security number. The word spreads fast. John Holland, District Director of the Immigration and Naturalization Service in San Antonio, was quoted in the Christian Science Monitor as saying:

> Nearly every one we get is headed for Chicago.

Mrs. L. W. Herney, head of the Chicago Immigration Service, says 1,500 aliens were arrested in that area in 1965, and 3 years later the number had grown to more than 6,500.

There were reports of these illegally entered aliens headed by the thousands for steel mills and meatpacking industries. Wherever they go, they take away jobs that should be held by American citizens. How many jobs? Let us accept for example, the low estimate of 1-million jobs. A million jobs at a mere $40 a week would be $40 million every week, or more than $2 billion a year. A great portion of this $2 billion is sent back home to the families of these unfortunate workers, lured into this country by promises of far higher pay than they could command in their own country. It seems a conservative estimate that $1 billion a year of our balance-of-payments problem is attributable to the illegal alien, sending his money back home.

The illegal alien contributes to our welfare problem in two ways. He, himself, becomes a public welfare charge when the rosy dreams of an easy life in this country do not pan out. We are a humanitarian Nation. We cannot let him starve or suffer, and we do not have the enforcement personnel or the funds to apprehend him and send him back home. The other contribution he makes to our welefare roles is in depriving our own citizens of employment and forcing them to accept public welfare. By reliable estimates, at least a million of our unemployed—all over the Nation—are victims of a lax law enforcement system that permits illegally entered aliens to replace them.

A pertinent example of the welfare demands attributable to illegally entered aliens is found in a recent report by R. E. Thomason General Hospital in El Paso, Tex., on its "bad debt accounts" for a 10-month period in 1970 and 1971. Services provided to patients giving an address in Mexico totaled $115,339.40. It is undoubtedly true that a great many others, unable to pay their hospital bills, had given addresses in El Paso, although they were actually illegal aliens. These examples from my home city, I am sure, could be multiplied many times over, and would be concentrated in those cities where welfare problems are the greatest.

Aliens will accept substandard wages and working conditions, and those who exploit them are confident that a threat to turn them over to immigration authorities would effectively curb any desire to protest. These aliens, whether employed or unemployed, are among the neediest members of our society. They have been ruled eligible to receive food stamps. They are given public health cards entitling them to treatment at our public hospitals. They enjoy the benefits of unemployment compensation as well as public welfare, and surely comprise a weighty part of the burden on welfare agencies of most of our States.

In dealing with such unfortunates, there are inevitably those who would prey upon their condition. Widespread reports throughout the Immigration Service tell of large scale smuggling operations, bringing in aliens who are willing to commit as much as $300 of their future pay to the agent who smuggled them into the country. With the criminal element involved in alien smuggling, it can be anticipated that the smuggling of illegal goods, including narcotics and dangerous drugs, may go along with the smuggling of human cargo.

The lax enforcement of our immigration laws becomes still another cause of crime when destitute aliens are apprehended, taken from their jobs, and simply ordered to leave the country, because the border patrol lacks the funds to deport them. They become desperate men, and even if they had not previously been criminally inclined they are often driven to law-breaking in order to make a living.

Rising unemployment, burgeoning relief rolls, a rising tide of crime—these are among the major problems of America today, and every one of them is being aggravated by the silent invasion of millions of illegal aliens.

One would expect that the Immigration and Naturalization Service, charged with guarding the security of our borders, would have beefed up its efforts to curb this rising tide of illegal entrants. Instead, it has curtailed almost every phase of its operations.

Despite the indisputable evidence of a greater need for law enforcement by our border patrolmen, the Immigration and Naturalization Service is trying to get along on 1,000 less personnel than it had 5 years ago. There are only 1,400 border patrol agents in the entire Nation, 1,200 immigration inspectors and 780 criminal investigators.

Not only is this tiny force called upon to do an impossible job of law enforcement, they are curtailed at almost every step in their operations. A few months ago, the border patrol grounded the last of its planes used for transporting illegal aliens back to the border—after having allowed two other planes to become inoperable through lack of maintenance. The border patrol tried to replace this transport system with a grossly inadequate system of bus transportation, quoting, as 1971 justification, a GAO study dated 1968. The inadequacy of transportation for illegally entered aliens is illustrated by events in San Antonio this week. According to the Associated Press, San Antonio policemen have been ordered to stop arresting illegal aliens because of the expense of handling the large numbers they have apprehended in recent weeks. Police Inspector Marion Talbert said the U.S. Immigration Office advised police officials it will not pay the bill for housing aliens in the county jail as in the past. If any illegal aliens are picked up, Inspector Talbert said, they will be released by immigration officials, and given a paper telling them to return to Mexico.

This situation is duplicated in many other cities. In New York, the immigration subcommittee was informed, there are only two investigators to work all information received from all over the United States and other points concerning illegal aliens in the Nation's largest city. Many who have sent information there in the past now do not bother, simply because the information is seldom worked, due to the fantastic overload.

In my district some weeks ago, I began to get reports that, not only had the planes been grounded but border patrol cars were out of gasoline because the funds had run out. I immediately contacted the White House and was informed that the Office of Management and Budget had released additional funds the previous night. Inquiry by the press brought forth the statement that the funds had never been impounded. Nevertheless, funds were made available, and the cars were running again.

Such reports of penury on the part of the Immigration Service have come to me from all over the country. Here are a few examples: In Yuma, Ariz., where normal usage of gasoline for patrol cars has been 225 to 250 gallons per day, the service was rationed to 105 gallons a day, at 35 gallons per 8-hours shift. Sunday and holiday time was cut to the point that only three men were left to work 65 miles of border, normally worked by 30 to 33 border patrolmen. Patrolmen were reduced to siphoning gasoline from abandoned and confiscated cars to continue operation.

Orders went out to stations in the Pacific Northwest to discontinue farm and ranch surveillance and other search details for which alien travel and detention funds were not already on hand. El Paso, Tex., agents reported that farm and ranch surveillance had been discontinued, tracking of illegal aliens in the sandhills has been discontinued. Patroling back roads to apprehend smugglers evading the traffic check point has been discontinued, spotter planes have been grounded, and city patrols in the city of El Paso have been discontinued.

Service officers in El Paso received a call from Parker, Tex., from a citizen who reported he has previously called both the Dallas and San Antonio offices to report the presence of 168 illegal aliens and that nothing had been done about it. The caller said two officers had gone to the location and verified the fact that the aliens were there—but with no transportation to take them to the border, and no funds to detain them, they were not apprehended.

In Del Rio, Tex., officers were instructed to cut their vehicle mileage by 50 percent, and were limited to 21 miles per shift per vehicle on the river units.

This limit put two well established alien crossing points well beyond the 21 mile limit. Aliens crossing at these two points are unrestricted in their movements.

These restrictions have been imposed under conditions where the rising tide of illegal immigrants is everywhere present and the need of effective enforcement is greater than ever before. For the first 8 months of calendar 1971, the El Paso sector of the U.S. Border Patrol apprehended 43,732 aliens, compared with 34,692 in the same period last year. In July, the total was 6,228, and in August it was 7,942. This is no time to reduce forces and let the cars run out of gas for lack of funds. In July there were 28 arrests for smuggling, and in August there were 52. In the 2 months these smugglers were caught bringing 427 aliens into the country. In the same period, seizures of marihuana, LSD, and pills totaled $172,145 in value.

Our border patrolmen belong to an organization long respected for its high morale and devotion to duty. Obviously, such morale suffers when our Government seems to take a deliberately penurious attitude and fails to give them the support they need.

I call upon this Congress, because every part of our Nation is affected, to do two things. First—call upon the Immigration and Naturalization Service to request more funds for its border patrol operations, and second, to appropriate all the funds requested. It has not been Congress which has reduced border patrol funds. The administration has simply failed to request the funds that are needed to do an adequate job. The information I have given you here today is in the possession of the Immigration Service. It is no secret, and it is no secret that the presence of millions of illegal aliens in this country is costing us billions of dollars. Sufficient appropriations for curbing this menace would be a wise investment in the economic welfare and the security of this Nation.

We should either have immigration laws, and enforce them, and give our Government agencies the means to enforce them, or we should let down the barriers.

INTERNATIONAL DAY OF BREAD

(Mr. SEBELIUS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SEBELIUS. Mr. Speaker, I would like to take this opportunity to discuss the significance of today's ceremonies throughout America and around the world as we observe the annual "Day of Bread."

The celebration of the International Day of Bread as part of Harvest Festival Week is most significant. At this point in history, peoples of the world come together in spirit and not only express thanksgiving for the annual harvest in their native lands, but also commit themselves to achieving a better tomorrow through cooperation and understanding.

Bread has been utilized to fight hunger for 6,000 years. Today, I want to pay special tribute to the growers, millers, bakers, and related industries who have made this effort so successful and who will continue to enable us to make this fight.

In utilizing our agriculture abundance to fight hunger and malnutrition and to hopefully lay the foundation for world peace, we must not overlook the needs of the man who will enable us to win—or to lose—the fight—the American farmer.

Today I was honored to share the stage at the Department of Agriculture "Day of Bread" observance with the distinguished Secretary of Agriculture Clifford M. Hardin. His comments reflected his quiet, but determined dedication to eliminate hunger and malnutrition. As man cannot live by bread alone, neither can the bread industry accomplish these objectives without full cooperation from other segments of our economy, particularly American labor.

The Secretary's recognition of the plight of the grower and President Nixon's Day of Bread statement regarding American agriculture and the bread industry hopefully will mean we will soon see a decent income for the American farmer.

In reviewing these comments, I am hopeful each of us individually and collectively can go forward with a new sense of commitment to achieve these goals so necessary in building a better America—for that is what the Day of Bread is all about.

I ask unanimous consent to insert these comments in the RECORD to dramatize what has been done and more importantly, what we can and must do in the future.

NATIONAL DAY OF BREAD, 1971

The real wealth of a nation can sometimes be measured by what it takes for granted. In America, there is no better example of this than our abundant food supply. As we celebrate the National Day of Bread this October 5, I welcome the opportunity to pay tribute to the hard work and resourceful spirit which has brought forth our immense harvest.

Only in the last century has it been possible for entire nations to ensure adequate food for their people. In too many lands men, women and children are sadly still desperately undernourished. But in America, our agricultural industry has provided us with an assurance of plentiful food of high quality, wide variety, and reasonable cost.

Moreover, it has enabled us to share this blessing with other countries in time of need. And by its extraordinary productivity, it has made it possible to launch an unprecedented program in the United States to assure better nutrition through school lunches, food stamps, nutrition aides, and other measures—all directed toward our ultimate goal of wiping out hunger in America.

On this National Day of Bread, I salute the farmers, millers and bakers of America and all who assist them in their important continuing contribution to our economy and to our well-being as a people.

RICHARD NIXON.

REMARKS BY THE HONORABLE CLIFFORD M. HARDIN, SECRETARY OF AGRICULTURE

Once again our Nation is blessed with a year of agricultural bounty, assuring a continuation of food abundance which through the ages has been symbolized by bread.

America's farmers are reaping unequaled harvests of wheat and grain in a new demonstration of their matchless productivity. Even though they all too often have gotten far too little net return, farmers have built a bulwark against inflation, have strengthened our balance of payments, and have fed this Nation well. This year is no exception.

Our superabundance has enabled us to move in a dramatic way, in the words of President Nixon, "as no nation in the world has been able to move, to provide for those who cannot provide for themselves."

Through direct distribution to 3.5 million persons and a sharp expansion of the food stamp program to encompass 11 million recipients, a total of 14.5 million needy people are being assisted in the campaign to eliminate hunger and malnutrition. Additionally, some 7.3 million needy children are receiving free or reduced-price meals in school, an increase of 82 percent in the past year.

Not only is America attacking poverty-based hunger on a scale without parallel in the history of this or any other country, but is doing so in innovative ways that have long-range significance for the health and well-being of all people. Of special importance, for example, is the work of 10,000 nutrition aides recruited from urban and rural communities, given paraprofessional training, and assigned to low-income areas to teach essential facts on the proper purchasing, storing, and preparation of nutritious foods.

Meanwhile, through the plentiful foods program of the Department of Agriculture, the benefits of the best food values are extended to all consumers at the same time, farm products are given extra impetus on their way to market. The biggest-volume food purveyors—supermarkets, commercial food services, institutions—cooperate in buying commodities that come into abundant supply with turns of the seasons or the fortunes of harvest.

Another distribution mechanism, which like the plentiful foods program has marked a quarter century of service, is the school lunch program. Today 24.1 million children throughout the United States are reached with a school meal. This vast sharing of abundance has been achieved by unsurpassed farm production and the cooperation of local, State, and Federal governments, dedicated school officials, and concerned local citizens.

Yet the benefits of our plenty go even farther—to countries the world around, in increasing amount. Last year the foreign business of American agriculture set a triple record, in total volume of farm exports, in total value of exported farm products—amounting to $7.8 billion—and in sales for hard dollars.

The efforts of the Foreign Agricultural and Export Marketing Services to develop and serve growing trade outlets overseas, to negotiate concessions gaining greater access for American products to foreign markets, and to support promotional and sales activities—these are of paramount importance to farmers and all Americans.

Last year, more than half of all our production of wheat, soybeans, and rice went to foreign markets. The overseas market potential is growing, and this means many opportunities for American producers, if our trading partners show a willingness to ease their protective practices and if our own dock workers and longshoremen will quit their labor feuding and move the goods.

We are pausing today to pay tribute to the bounty of food produced by the nation's farmers. There is a harvest-time satisfaction in their success. Farmers can feel proud. Yet, this is also a sad day. A sad day for farmers.

We are at this moment engaged in a great national effort to halt inflation and strengthen the nation's economy. It is an historical time as we deescalate a long war with its inflationary excesses and return to a peace-time without inflation so that we can build our nation at home.

Yet we meet here while the testimony of a prominent labor leader reverberates across the land demanding that labor should get what its leaders want, seemingly regardless of whether it is inflationary—and seemingly without regard for what it does to the rest of society.

We also meet at a time when the ports of the nation are closed tight. The greatest trading nation in the world is on its knees, it's overseas market outlets idled to a standstill.

This is a sad day, and a painful day for the nation's farmers. They are hurt in several ways:

No. 1: The inflation that is triggered by this kind of unrestrained, use of power pushes farm costs higher and higher and grasps farmers tight in a cost-price squeeze. The farmer's business suffers; and his family living suffers.

No. 2: Costs of getting farm products to their important foreign outlets are increased. This makes farm products less competitive, loses sales for farmers, harms our national balance of payments, and hurts our nation.

Meantime, while the docks are tied up, farm products are backing up clear to the farm gate. Many markets, as a result, are demoralized. Just when we have a bountiful harvest to move, it isn't moving. The abundance that farmers have produced for this country and for the world becomes for our farmers a nightmare—with farmers and their families distressed by low prices, distressed by seeing their markets lost, distressed by seeing the upward march of their costs, distressed by the lack of statesmanship on the part of some labor leaders.

This nation, and the nation's farmers, deserve better on this Day of Bread.

Through the genius of cooperative effort—farmers, millers, bakers, distributors—our Nation of consumers can be assured its daily abundance of the energy and satisfaction derived from the partaking of good, nourishing bread.

So as we break bread together in the tradition of fellowship and thankfulness, let this Day of Bread also be an occasion for a renewal of the spirit that has made America a great and good land.

CAMPAIGN TO PROMOTE AMERICAN-MADE PRODUCTS

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of Alabama. Mr. Speaker, the battle to revive the interest of American consumers in American-made products has been an uphill struggle for much too long a time. Foreign manufacturers have been able to flood the American market with their own brands at less cost because they have always been able to operate with a cheaper labor force.

To help thwart even more this vicious dilemma of low-wage competition from foreign imports, the employees and management of Vanity Fair Mills, Inc., of Monroeville, Ala., located in the First Congressional District which I represent, will join with other Vanity Fair personnel throughout the Nation on October 8, 1971, in a campaign to promote American-made products. They will accomplish this through distribution of bumper stickers which read—"Does the Label Say, Made in the U.S.A.?"

So that all Members of Congress may avail themselves of the opportunity to take part in this dramatic appeal to American consumers, I am sending out this week to all Members one of these bumper stickers.

Mr. Speaker, I believe it is high time we ask the U.S. consumer to take a look at the label to see if their purchase is helping or hurting their fellow American employees.

BLACK LUNG BENEFITS

The SPEAKER. Under a previous order of the House, the gentleman from West Virginia (Mr. HECHLER) is recognized for 1 hour.

Mr. HECHLER of West Virginia. Mr. Speaker, the Congress took a bold step forward in 1969 toward protection of the coal miners of this Nation. The passage of the Federal Coal Mine Health and Safety Act of 1969 constitutes a landmark law. Now the task yet remains to insure that this law is enforced effectively for the benefit of the coal miners it is designed to protect.

During the debate on the 1969 law, I raised some questions concerning the identification of pneumoconiosis and the manner in which disability from that dread disease could be established in assessing the eligibility of coal miners for "black lung" payments under title IV of the 1969 act. The legislative history established at that time is significant, reflecting as it does the comments of the chairman of the subcommittee which handled hearings on pneumoconiosis, the gentleman from New Jersey (Mr. DANIELS). The following colloquy is reprinted from the October 29, 1959 CONGRESSIONAL RECORD:

BENEFITS FOR PNEUMOCONIOSIS

Mr. Chairman, I would like to use just 1 minute of my time to establish an intelligible, legislative history on that wonderful provision of this bill that was written in with the assistance of many Members concerning benefits for those afflicted by pneumoconiosis.

I would like to ask the gentleman from New Jersey (Mr. DANIELS), the chairman of the Select Subcommittee on Labor, two questions. I am sure the gentleman from New Jersey appreciates the fact that this measure is a giant step in the right direction and one which is fully justified by the circumstances. On behalf of thousands of West Virginia coal miners, we thank the gentleman from New Jersey, the Gentleman from California (Mr. BURTON), the gentleman from Pennsylvania (Mr. DENT), the gentleman from Kentucky (Mr. PERKINS), and all others who have participated in bringing this provision out in the bill.

There are some cases which the provisions of this bill do not seem to cover, and I would like to ask the gentleman from New Jersey whether in his opinion it would be justifiable to measure the incidence of pneumoconiosis through pulmonary function tests as well as simply and strictly by X-rays?

Mr. DANIELS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. Mr. Chairman, I appreciate the gentleman from West Virginia (Mr. HECHLER), asking that question, and I say to the gentleman that the impact of this legislation is that when diagnosis is made by means other than X-rays or biopsy that, under section 112(b)(iii), complicated pneumoconiosis can be demonstrated by a substantial loss of pulmonary functional capacity even though there was a lesser degree of X-ray abnormalities than that described in section 112(b)(i). In fact, diagnosis of complicated pneumoconiosis should include several factors:

First, significant exposure to coal dust;

Second, evidence of lung pathology; and

Third, symptomatology and impairment of pulmonary functions.

Mr. HECHLER of West Virginia. Mr. Chairman, I would further like to ask the gentleman from New Jersey if it is not true that there are many coal miners who may have serious discomfort and disability caused by pneumoconiosis whose X-rays for some strange reason do not clearly indicate the recognition of that disease?

Mr. DANIELS of New Jersey. If the gentleman will yield further, that is very true. As a matter of fact, we have had several doctors testify before our committee, Dr. Raymond Moore of the Environmental Control Administration of the Department of Health, Education, and Welfare, as well as Dr. H. A. Wells, Dr. Andrew Henderson, Dr. I. E. Buff, and Dr. Donald Rasmussen, physicians from coal mining regions with extensive experience in pulmonary diseases, who testified to the effect that X-ray is not the ultimate. It must be included as part of the diagnostic test. But the complete gamut of function tests, good, simple exercise function tests, can be performed simply, along with the physical examination periodically on these men.

Mr. HECHLER of West Virginia. I appreciate the answer of the gentleman from New Jersey. I would like to quote at this point the following letter from Dr. Donald Rasmussen, pulmonary specialist at the Appalachian Regional Hospital in Beckley, W. Va., who wrote as follows to Hon. JOHN DENT:

> OCTOBER 6, 1969.
>
> Hon. JOHN DENT.
>
> DEAR REPRESENTATIVE DENT: I write this letter as a desperate plea on behalf of many thousands of coal miners disabled from respiratory diseases of occupational origin who will be denied rightful benefits under the present provisions for compensation in the pending coal mine health and safety bill. The restrictions limiting compensation only to those miners with "complicated pneumoconiosis" are unwarranted. No more than a minority of those severely disabled miners of this area would qualify for such benefits.
>
> I am aware that most of the testimony and additional opinion upon which this decision was based supported the concept that disabling pulmonary insufficiency is encountered only in those miners with advanced X-ray changes. It must be emphasized that these opinions were based almost entirely upon European experience. Occupational health programs with periodic medical and X-ray examinations have been in operation in coal mines for over 20 years in some European countries. Miners showing early X-ray evidence of pneumoconiosis have been removed from dusty areas. In addition, dust suppression has been employed in most European coal mines. Thus the risk to the European miner has been significantly reduced.
>
> You are aware of the total lack of periodic examinations of American miners and the relative lack of dust suppression in coal mines in this country. Not a single miner of the more than 4,000 evaluated in this laboratory has had periodic chest X-rays. These differences in conditions may be sufficient to explain the apparent differences between European miners and miners at least in the Southern Appalachians in this country. We have observed a number of miners who were known to have X-ray evidence of pneumoconiosis for 10 to 25 years before our evaluation. These men continued working without symptoms until perhaps the last 2 to 4 years. Most showed clear-cut evidence of significant pulmonary insufficiency on testing in the laboratory. In only a small number did the chest X-rays reveal more than simple pneumoconiosis. In reviewing the laboratory studies of large numbers of miners and excluding all cases with significan bronchitis it is apparent that those miners with complicated pneumoconiosis on the average show somewhat more impairment than miners with only simple pneumoconiosis. There are wide variations in both groups, however. Many miners with minimal X-ray abnormalities have impairments of pulmonary functional capacity equal to or exceeding that of miners with advanced X-ray changes. On what basis, therefore, can one arbitrarily judge the miner with simple pneumoconiosis and severe incapacity to be ineligible for compensation?
>
> I firmly believe that in addition to miners with complicated pneumoconiosis those with lesser degrees of X-ray abnormalities but with substantial loss of pulmonary functional capacity be considered eligible for compensation under the new bill.
>
> I urge the Members of the Committee to give the above suggestions most thoughtful consideration. Without the additional inclusion the bill will provide relief far short of its intended goals.
>
> Respectfully,
>
> DONALD RASMUSSEN, M.D.

I commend the gentleman from Kentucky (Mr. PERKINS), the chairman of the Committee on Education and Labor, for his persistent leadership in bringing justice to the coal miners and their families. A series of circumstances have prevented the House from considering the bill sponsored by the gentleman from Kentucky, H.R. 9212, on which hearings were held by the General Labor Subcommittee chaired by the gentleman from Pennsylvania (Mr. DENT). This bill, which makes a number of clarifying improvements in the black lung benefits procedure, is now scheduled for October 18. I hope it will continue to receive strong support. We now have the necessary experience with the 1969 law to see the strong need for the clarifying amendments included in H.R. 9212.

As of October 4, I am advised by the Social Security Administration that there have been 324,903 claims filed under title IV. Of these claims filed, 301,898 have been processed. Of the claims processed, 148,081 claims have been awarded, and 153,817 denied. This breaks down to a percentage of 48 percent of the processed claims approved, and 52 percent denied. Claims are being paid to 82,159 miners and 65,922 widows, with additional dependents of 85,187, or a total of 224,869 beneficiaries. The monthly payments now amount to $26,144,614. Denials of the claims of 117,609 miners and 36,208 widows have been registered; the Social Security Administration has no record of the number of dependents of those denied claims.

In the State of West Virginia, 61,877 claims have been filed, of which 57,341 have been processed. Claims have been awarded to 25,780 West Virginians, of whom 15,715 are coal miners and 10,065 widows of miners. With the addition of 20,933 dependents, there are 45,508 beneficiaries, drawing a total monthly pay of $4,905,695. But 31,561 West Virginians—25,469 coal miners and 6,186 widows, and no one knows how many dependents in addition, have been denied payment. This means that only 44 percent of the West Virginia claims have been allowed, and 56-percent denied—as against the Pennsylvania average of 68-percent awards and only 32 percent of those applying being denied benefits.

As I commented in my testimony before the General Subcommittee on Labor on May 19, 1971—

> The burden of proof is put almost exclusively on the miners and the widows. The technical and medical facilities are simply not available close by for them to get the proper type of examination. Too much emphasis is placed on the exclusive use of X-rays, which may only depict one section of a lung. Many doctors examining these X-rays have historically down through the years been individuals who have denied that pneumoconiosis as a disease actually exists. There has been disagreement between doctors and radiologists reading the same X-rays.
>
> For all these reasons, it is unfortunate that there have been denials of too many cases by the Social Security Administration.
>
> When the President signed the Federal Coal Miner Health and Safety Act of 1969, it will be remembered that he signed the measure with a great deal of reluctance. There were threats openly expressed on the floor of the House of Representatives that the President would veto the bill if the black lung payments provision was included in the bill. A motion to recommit the bill to strike out this black lung payment provision was made, obviously with the encouragement of the White House, and the motion was defeated on a record vote prior to final passage of the bill.
>
> Following Congressional action on the Federal Coal Mine Health and Safety Act of 1969, there was a long delay while the bill remained on the President's desk, and there appeared to be serious doubts whether he would sign it because of his objections to the black lung payment provisions. Finally, on December 30, 1969, the President signed the bill without any public ceremony or witnesses, and at that time the President issued a public statement which bowed to public opinion in briefly acknowledging the need for the legislation. But then the bulk of the President's statement criticized the bill and the black lung provisions.
>
> I can only conclude that some type of an order came down to the Social Security Administration to administer this new law in a restrictive fashion, and in particular to avoid the liberal interpretation of the law to favor the applicants for black lung benefits.
>
> I have never seen this order in writing, but it seems to me that, when you have this kind of repeated denial of applicants who are short of breath, and obviously disabled, who cannot qualify, that such an order must have been handed down, because otherwise we would have had the provisions of the act carried out in accordance with the intent of Congress.

At this point, I believe it is illuminating to point out that the regulations under which the Social Security Administration is operating actually create a definition of "total disability" which is more restrictive than section 223(d) of the Social Security Act which deals with the general definition of disability.

ILLUSTRATIONS OF HOW BLACK LUNG REGULATIONS CREATE A DEFINITION OF "TOTAL DISABILITY" WHICH IS "MORE RESTRICTIVE" THAN THE DEFINITION UNDER SECTION 223 (d) OF THE SOCIAL SECURITY ACT

Three cases of retired coal miners, who have simple pneumoconosis but whose Federal Black Lung claims have been denied due to the fact that their cases were evaluated on the question of total disability under the breathing tests required by Section 410.403(b), demonstrate that the definition of total disability is more restrictive under the Federal Black Lung Program than under the Social Security Act. In determining the question of "total disability due to pneumoconiosis", the Social Security Administration as a matter of practice does not consider the *actual* inability of the claimant to work due to his lung condition, as would be done under Section 223(d) of the Social Security Act (and under the relevant regulation 20 CFR Section 404.1502(b)). Rather, in the three cases the fact *by itself* that the claimant's breathing tests (the FEV_1 and MVV tests) did not register the values specified in the second paragraph of Section 403(b) was used, without further consideration whatsoever of lay or medical evidence, to infer that the claimants were not "totally disabled."

First Case:

80 year-old house-bound black lung claimant with at least 35 years employment in underground coal mines.

Presently being treated for:

Arteriosclerotic cardiovascular disease.

Generalized rheumatoid arthritis.

Peripheral neuritis of the right forearm and hand.

Pulmonary fibrosis and emphysema.

Experiences shortness of breath on slight exertion, has a history of pneumonia, and suffers from strokes and arthritis.

Reason for denial (quoted from claim file): "Pulmonary function studies (even with poor effort) show an FEV one of 2.54 and an MVV of 118. The remaining lung function is sufficient to allow the claimant to engage in any activity in accordance with his vocational background."

Conclusion. Had this case been evaluated under Section 223(d) of the Social Security Act the *actual* effect of the pneumoconiosis on the ability of the claimant to perform basic job-related functions, such as "moving about, handling objects, hearing, speaking, reasoning, and understanding" (20 CFR Section 404.1502(b)) would have been considered. On the other hand, under the more restrictive Federal Black Lung Regulations, there was no consideration whatsoever of the *actual* effect of pneumoconiosis on the ability of the claimant to perform work-related functions. Rather, the results of the two simple breathing tests were used as the sole basis for inferring that the claimant was not "totally disabled."

Whether or not the claimant would be ultimately found to be totally disabled, the fact is that the *method* under which this case has been evaluated is significantly narrower than the method provided under the Social Security Act in that the method excludes from consideration the actual inability of the claimant to work—until a certain level of physiological abnormality is established. In so limiting consideration of relevant evidence of actual inability to work, the method of evaluation of total disability under the Federal Black Lung Program creates a definition of total disability more restrictive than that under Section 223(d) of the Social Security Act.

Second case:

54-year-old retired coal miner with 26 years experience in underground mining.

Presently being treated for a pulmonary problem and "nerves" (family doctor states he is "totally disabled").

Experiences shortness of breath on slight exertion, has to stop once or twice when climbing flight of stairs, has difficulty keeping breath at night.

Reason for denial (quoted from claim file): "Results of ventilatory studies indicate essentially normal pulmonary function with an FEV_1 of 3.4L. Consequently, the claimant's pneumoconiosis does not prevent him from engaging in substantial gainful activity."

Conclusion. Again no consideration was given to the respiratory symptoms of this claimant or to the assertion of his family doctor that the man was totally disabled. The fact alone that one breathing test did not register the correct numbers was used to deny his claim. No consideration whatsoever was given to his *actual* inability (or ability) to work, as would have been done under Sections 223(d) and 1502(b), cited above.

Third case:

57-year-old retired coal miner with 21 years experience in underground coal mining.

Presently being treated for chest pains, loss of breath, and nerves.

Can only walk about ¼ mile on flat ground before "giving out," has difficulty sleeping.

Reason for denial: "Although chest x-rays taken 8/4/70 show simple pneumoconiosis, PFS findings on 9/5/70 were normal, i.e. FEV_1 of 3.07, an MVV of 123.9. There is no conflicting evidence in file. Since any impairment which claimant may have is not due to disabling pneumoconiosis, he is not totally disabled according to regulations of Section 410.402 and the claim is denied."

Conclusion. As in the other two cases, this case illustrates the fact that *actual* inability to work received no consideration when the claimant was denied, because the threshold requirement of a specified degree of physiological abnormality was not established. Under Section 223(d) and 20 CFR 404.1502(b) there is no such requirement that a certain level of severity be established before the *actual* inability of the claimant to work is considered.

Of course, the eligibility for Federal Black Lung Benefits must be based on pneumoconiosis being a primary cause of disability. Nevertheless the inability of claimant to work due to pneumoconiosis should be decided on the facts of each case rather than on the basis of breathing alone. Such determination could be made by an evaluation in each case of how and to what extent the respiratory impairment caused by pneumoconiosis interferes with the work-related functions described above.

It is further interesting to note that the practice of the Social Security Administration, as seen in these three cases, is to evaluate the question of disability under Section 410.403(b). Apparently it is not the practice of the Social Security Administration to order tests which could be used to establish eligibility under 410.403(a), tests which would evaluate lung functions in more detail or document complications of black lung. Nor is it the practice of the Social Security Administration to suggest to claimants that they themselves could obtain such further tests.

The mechanistic analysis encouraged by Section 403(b) also overlooks the need for especially careful development of the medical background of black lung cases due to the fact that old medical records and treatment histories will in all probability not discuss a diagnosis for treatment for a disease (pneumoconiosis) which was not then recognized, has only been recently recognized, and the existence of which is still questioned by many physicians (especially in the coal mining regions by physicians who have longstanding relationships with coal companies).

With reference to H.R. 5702 which would liberalize the definition of "total disability" to mean the inability to return to substantial, gainful activity *as a miner*, rather than in any employment theoretically available in the "national economy" the so-called "national economy" or "national employability" test:

Why should coal miners be favored by special, less restrictive definition of "total disability" under Section 402(f) of the Federal Coal Mine Health and Safety Act, while other workers under the Social Security Disability Insurance Benefits Program are not so favored?

(A) Coal miners are discriminated against by the national employability test because:

(1) Generally, as a class, coal miners are immobile and unable or unwilling to move to other areas of the nation to find jobs which generally do not exist in the Appalachian region;

(2) Even if they did move to other regions, the coal miners usually, due to advancing age and a characteristic degree of illness and disability, present poor employment prospects to employers who are concerned with production and who prefer to hire younger and healthier men in the interest not only of production but of keeping Workmen's Compensation and private insurance accident and disability ratings low;

(3) Most of the skills acquired in coal mining are non-transferrable and, accordingly, even if the miner does have some "skills" he will be considered, if at all, only for a low-paying, unskilled position.

(B) There is no reason for consistency in the definition of "total disability in the different Social Security Disability Insurance Benefits and Federal Black Lung Benefits Programs. The Federal Black Lung Benefits Program is a special limited-purpose program, applicable only to a narrow class of workers and is funded through general revenues; while the Social Security Disability Insurance Benefits Program is a broad program, applicable to all types and classes of employees and self-employed persons and is funded through ear-marked payroll deductions. In the Social Security Disability Insurance Benefits Program there is arguably some reason to attempt to treat all contributors equally, by requiring all that they be unemployable on a national scale. On the other hand, the attempt to impose a national standard of disability on Appalachian coal miners is not required by the interests of fair treatment to all workers on a national level.

(C) Disabled coal miners in many cases are going to receive some form of income maintenance benefits from federal transfer payment programs (public assistance, veterans' benefits, Social Security, Medicaid) any way. If they are ineligible for Federal Black Lung benefits they may well be eligible for other benefits at nearly the same expense to federal transfer payment programs. Accordingly, the payment of income maintenance benefits to disabled coal miners can most efficiently and effectively be made by a program such as the Federal Black Lung Program which is especially designed to meet a major disability problem of this special class of workers.

(D) The restrictive national employability test of the Social Security Disability Insurance Benefits Program should be changed anyway to require that the applicant only be unable to engage in his old occupation or other jobs reasonably available to him.

Mr. Speaker, it is also illuminating to include the testimony of several West Virginia coal miners and other witnesses, including the pioneer lung specialist in the field of pneumoconiosis, Dr. Donald L. Rasmussen of the Appalachian Regional Hospital, Beckley, W. Va.:

STATEMENTS OF ARNOLD MILLER, PRESIDENT, WEST VIRGINIA BLACK LUNG ASSOCIATION; ACCOMPANIED BY LEE LANE, KNOX COUNTY, KY.; MRS. CLARA CODY, FAYETTE COUNTY, W. VA.; VERLAN GOLDEN, KNOX COUNTY, KY., ECONOMIC OPPORTUNITY COUNCIL; CLIFFORD LANE, KNOX COUNTY, KY.; STEVEN CLARK, MOUNTAIN PEOPLES RIGHTS, INC., HEIDRICK, KY.; AND JAMES HAVILAND, APPALACHIAN RESEARCH AND DEFENSE FUND, CHARLESTON, W. VA.

Mr. MILLER. Mr. Chairman, and honorable members of the committee, I have six witnesses whom I will introduce. I would like to make a statement before I introduce them.

Mr. HAWKINS. Would you then proceed in that order?

Mr. MILLER. First, I want to say that the coal miners of this Nation have suffered from this dreaded lung disease. Many of them, in fact, have died as a result of it. Many more have lived the last few years of their life in poverty.

All of this because medical authorities and other people in the position to know simply did not want to recognize this problem. We work with medical authorities in the State of West Virginia in dealing with this problem. We were shown a great lack of concern and a lot of bias.

In 1969, the miners in West Virginia decided they would do something about it. I am sure everyone here is aware of what happened in 1969. Much of what we have done was because the medical authorities we went to for this lung problem referred to it as miners' asthma or anything that wasn't compensable.

We are appreciative, the miners in West Virginia and the country in general, of what Congress has done in 1969 recognizing the problem. We have worked with the Social Security people and their administration of this program. And we feel that since they are going back to the same people that we had to deal with in the beginning in trying to get someone to recognize this problem, and their recognitions are more restrictive than the intent of the law, that something has to be done about the way the program is being run today.

The feeling in general, among miners in the four States I have traveled much in, are that we will be back in the same circumstances we were before 1969 if some changes are not brought about.

All the miners today in this country are aware of this problem. And they want something done about it.

This concludes what I wanted to say.

I will introduce the witnesses now, or should I wait for questions?

Mr. Hawkins. Would you proceed to introduce your witnesses?

Mr. Miller. The next witness is Mr. Lee Lane from Knox County, Ky.

Mr. Lee Lane. Mr. Chairman, I have some doctors' reports here from 1965 to 1971. And I have got them from a TB hospital in London, Ky., from Dr. Biggs, and I won't go over it all. He gave me silicosis, bad heart.

Then I went up to Dr. Bushey. He gave me fibrosis, and two-plus silicosis with a bad heart. Total permanent disability.

And I run it on up to Dr. Bushey, same thing, in 1971.

Dr. Crowler gave me the same thing, that is in 1966. Then I have Dr. Webb who gave me fibrosis, silicosis, two-plus, with a total disability. And this doctor here, Wells, told me that my right lung was going to explode and I was going to have to have it took out. And I don't draw any social security, got no medical card, and don't draw no black lung among these reports.

I live on $55 a month food stamps.

Mr. Hawkins. Thank you, sir.

Were you through, sir?

Mr. Lee Lane. Yes, sir, I am through.

Mr. Miller. The next witness will be Mrs. Clara Cody, from Fayette County, W. Va.

Mrs. Cody. I am here in behalf of a large number of people in our community—mostly widows come to me for aid. And I only have one case here that I want to talk about.

Her name is Evie Watkins. She is 69 years old and she gets $100 a month. Her husband died in 1962 after 42 years in the mines. He has a death certificate of coronary thrombosis, but he did have a bad breathing problem, such as he couldn't climb steps, he couldn't work in the garden anymore, and any exertion at all would affect his breathing.

She was denied on the basis of this death certificate. So she went to Social Security and asked for reconsideration. I didn't go with her there and I don't know what happened, but she came to me for assistance. And I got a medical report from Oak Hill Hospital, Beckley Hospital. And, by the way, Social Security hasn't said yet whether they would reimburse for the fee for searching the records and compiling them.

Mr. Burton. Excuse me, ma'am. At this point the law is absolutely clear. Social Security must reimburse for the cost of preparing the medical aspects of these claims.

Go on.

Mrs. Cody. The reason that I came, well, it is just this: that I don't believe that Social Security is doing a fair job to aid these people. Widows like Mrs. Watkins are the difficult. It is hard to prove anything in their cases. Social Security hasn't so far rendered much assistance to them. And in some instances there is no medical reports. I realize that. But in others there are, they just don't have—these are people that you are dealing with just—we feel that Social Security could do a better job to help them, talk to them and try to get information out of them as to where these medical reports are and that is the biggest trouble that I have found: that Social Security really isn't doing the job that they are supposed to do. Otherwise, why should they come to me for help?

Mr. Hawkins. Thank you, Mrs. Cody.

(The following supplemental statement was submitted for the record:)

The purpose of this extension of remarks is to provide further details of the case of Evie Watkins, discussed by Clara Cody before the Subcommittee on May 19, and to emphasize that the case of Evie Watkins is representative of a broad group of cases which are not receiving adequate assistance from the Social Security Administration. These remarks conclude with several specific changes recommended in the hope of making the Federal Black Lung Program more responsive to the needs of this particular class of beneficiaries.

The information provided herein, in response to the request of Representative Burton made during the hearings and to the request of a member of the committee staff made after the hearings, is tendered in the hope that it will not be accepted as proof merely of one irregularity, but will be accepted by the Committee as representative of the lack of assistance many claimants for black lung benefits are receiving. The witnesses, a person with special training in assisting people with Federal Black Lung claims and a licensed attorney, are now handling the development of the claim of Mrs. Watkins and feel that they can do so adequately.

I. The Case of Evie Watkins

The facts of the case of Evie Watkins are as follows:

1. Evie Watkins, age 69, Route 2, Box 107, Fayetteville, West Virginia, unremarried widow, husband—Henry Watkins, Social Security Account No. [redacted], date of death: May 23, 1962, at age 75—Mrs. Watkins' present income: $136.00 per month in Social Security Retirement benefits.

2. Mrs. Watkins applied for Federal Black Lung Benefits in April, 1970, at the Beckley District Office of the Social Security Administration. Later on December 14, 1970, she was called in for what was apparently a very complete interview which included an exhaustive summary of the places Mr. Watkins had received medical attention and the places where medical reports describing his condition might be available. Subsequently the claim was denied at the initial consideration stage. On January 26, 1971, Mrs. Watkins and another woman saw a representative of the Social Security Administration at a field office of the Social Security Administration in Fayetteville, West Virginia, which interview took about five minutes. Mrs. Watkins asked that her claim be reconsidered and the representative asked Mrs. Watkins if she had any new evidence. She replied that she had no new evidence and the representative asked her why then was she applying for reconsideration. The reply of Mrs. Watkins was that her husband was suffering from shortness of breath when he died.

At this interview the representative of the Social Security Administration did not suggest any further steps which Mrs. Watkins could take, nor did he offer any explicit forms of assistance. On April 16, 1971, Mrs. Watkins came to Mrs. Clara Cody for help with her claim at a local meeting of the Association of Disabled Miners and Widows. Mrs. Cody interviewed Mrs. Watkins and proceeded to search out additional evidence concerning the cause of death of Mr. Watkins. Mrs. Cody was finally able to obtain reports from the Oak Hill (W. Va.) Hospital which indicate, among other things, that Mr. Watkins was suffering from an advanced pulmonary condition and had "nodulations" on his lungs.

3. Mr. Watkins worked for fifty (50) years in the coal mines of West Virginia performing numerous jobs from hand loading to supervision. He developed difficulty breathing and suffered from shortness of breath. The shortness of breath was marked upon exertion, such as climbing stairs, etc. Due to his declining health, Mr. Watkins had to curtail his gardening work and finally had to give up gardening. At night, he would suffer from coughing spells and chest seizures and would have to get out of bed and go outside to catch his breath.

4. In order to establish her eligibility for Federal Black Lung Benefits, Mrs. Watkins must prove that her husband's death was "due to pneumoconiosis." This can be proven under § 411(c) (2) of the Federal Coal Mine Health & Safety Act by showing that Mr. Watkins worked ten (10) years in the nation's underground coal mines and that his death was due to a "respirable disease." The problem in this case, and apparently the reason why the claim was denied initially, is that the death certificate of Mr. Watkins gives as the cause of death "coronary occlusion." When Mrs. Cody obtained the reports from the Oak Hill Hospital, she was told that the same reports had not been requested or submitted to the Social Security Administration previously, in spite of the fact that the evidence was probably known to the Social Security Administration or should have been known, given the lengthy initial interview performed at the Beckley District Office. It was apparently only through Mrs. Cody's efforts that the report from the Oak Hill Hospital suggesting that Mr. Watkins was indeed suffering from a "respirable disease" that created any hope in this case.

When Mrs. Cody went to the Beckley District Office of the Social Security Administration on April 27, 1971, she asked to see the claim file of Mrs. Watkins' claim but was told that the file was in Baltimore. No attempt was made to inform Mrs. Cody that as a representative she had a right to see the claim file or that the office would expedite any request she might have to see the claim file. Mrs. Cody submitted the medical reports she had obtained for Mrs. Watkins and discussed further points with the representative of the Social Security Administration. Ultimately, she was told by the representative that she was "meddling" in the case of Mrs. Watkins and that the representative would rather see Mrs. Cody submit any further reports to the Social Security Administration using envelopes he provided her with rather than having her come into the office and continuing her "meddling."

II. The general need of applicants for federal black lung benefits not now being met by the Social Security Administration

Mrs. Cody, who has received special training from the Appalachian Research and Defense Fund of Charleston, West Virginia, in helping other persons with their Federal Black Lung claims, has been in contact with hundreds of widows and has provided individual counseling to more than 100 widows throughout Fayette County and nearby counties in West Virginia. Based on this experience, Mrs. Cody feels that the case of Mrs.

Watkins is representative of what is happening in many cases where widows have claims which require some "digging" to secure the required evidence. The claimants are not informed of the need to get other evidence or what the other evidence should show and apparently the Social Security Administration is not doing the type of digging required.

The Appalachian Research and Defense Fund has found it necessary to offer training to volunteers from coal mining communities who help persons back in their own communities with problems arising from their Federal Black Lung claims. Clara Cody is one such traineee. James Haviland in his work as a staff attorney for the Appalachian Research and Defense Fund represents more than thirty black lung claimants on an individual basis and has counseled other numerous groups and individuals concerning certain aspects of the Federal Black Lung Program. The training and individual counseling has consisted primarily of encouraging claimants to identify the reasons they have been denied and to gather needed, relevant evidence. This type of assistance and training is necessary because a substantial number of people who are denied benefits do not, on their own, undertake a course of rational claim analysis; nor do they effectively receive such needed assistance from the Social Security Administration, despite assertions of the Administration to the contrary. In many cases the only post-denial assistance rendered by the Social Security Administration consists of helping claimants to execute an appeal form—as was done in the above-described case of Evie Watkins.

The fact that the training offered by the Appalachian Research and Defense Fund has been so well received and is in such demand, and the fact that the assistance needed in the individual cases which Clara Cody and James Haviland counsel, proves that there is a demand for advice and assistance among many miners and widows who have been denied Federal Black Lung benefits, which need is not now being met by the Social Security Administration.

III. Changes in Social Security Administration policy and in the Federal Coal Mine Health and Safety Act necessary to remedy problems discussed above

A. *Recognition by the Social Security Administration that many Federal Black Lung cases are not receiving adequate assistance and an affirmative program to disseminate to all Federal Black Lung claimants information to raise their level of understanding of the black lung process to an acceptable level.*

Rather than treating the problems raised by testimony and statements of representatives of the Black Lung Association as isolated individual cases, the Social Security Administration should recognize that a significant number of Federal Black Lung claimants in Appalachia are not adequately informed and do not understand several essential concepts necessary to minimal claim preparation. A representative list of these problems follows:

1. Many claimants in Appalachia are unable to rationally analyze the reason they have been denied to the end that they can recognize the needed, relevant types of proof necessary for successful claim development. Despite the accuracy of the boiler plate type of notice provided by the Social Security Administration to claimants of the reason they have been denied, it is our experience that numerous claimants with limited education and experience in dealing with government do not, in fact, understand which eligibility criterion or criteria they do not need; and, accordingly, they do not identify and obtain relevant forms of proof.

2. Federal Black Lung claimants should be specifically and effectively informed that ultimately it is their own job to win their own claims. It is not questioned that the usual representation by the Social Security Administration that it will "help" a black lung claimant is not made in good faith, rather the problem is that many claimants who are not accustomed to legal or administrative procedures do not really understand the significance of their bearing the burden of proof.

3. Claimants should be informed that they will want to be selective in seeking out the all-important medical evidence of the separate questions of the existence of black lung and the presence of "total disability." If the Social Security Administration is to continue to require the quantity and fineness of medical evidence, which it is now requiring, claimants should be informed of the fact that medical evidence is basically opinion evidence and that in developing their own claims they would naturally be well advised to appreciate the well known and established fact that doctors have different leanings and opinions. For example, claimants should be informed of the radiologist who consistently "over read" or "under read" chest X-rays. Claimants should be informed of the completeness or lack of completeness of different breathing tests that are available. The fact that the claimant can prove "total disability" with blood gas studies and other sophisticated medical tests under 20 CFR 410.403(a) should be spelled out effectively to claimants. Claimants should also be informed of the completeness of such tests, the differences of administration of these tests in the few pulmonary laboratories which exist in Appalachia, and the leanings of the physicians who administer the tests.

In most cases when the claimant is represented by a private attorney, the chief benefit of representation is that the attorney knows the best sources of medical evidence and will see that the claimant approaches traditionally favorable physicians and testing facilities for needed medical evidence. There is no reason why the Social Security Administration should not compile and make available such information to claimants.

4. The Social Security Administration should aggressively inform the claimants of basic rights essential to adequate claim development and the Administration should develop procedures to effectuate rather than defeat several of the claimant's basic rights. For instance, some of the more important rights which are not now adequately explained to claimant's, or adequately appreciated by claimants are as follows:

(a) The right of the claimant to select a physician and testing facility of his own choice; and

(b) The right of the claimant to request reimbursement for reasonable medical expenses.

The statistics of the Social Security Administration, detailing the millions of dollars expended for medical tests, while impressive by themselves, are used to cover up the failure of the Administration to inform claimants of the need to exercise the above two rights in conjunction with each other. That is, claimants should have medical tests performed by a physician of their choice and paid for by the Social Security Administration. These two rights used in conjunction should be used to encourage claimants to obtain their own tests. The Administration has paid millions of dollars for medical tests, but the tests have been performed by physicians and facilities of the Administration's own choosing on claimants who have no idea whatsoever that they can request reimbursement for examination by doctors of their own choice.

(c) The right of the claimant to *prompt* access to his claim file so that he himself may analyze his case as fully as possible.

5. If the claimant does not appreciate the importance of the above considerations, or if the claimant feels he needs assistance with his claim, then the Social Security Administration should inform him specifically of the services which it can and cannot render, and the services which a qualified attorney or other qualified representative can and cannot render. The Social Security Administration at that time should also inform the claimant of the benefits which private representation has (obtaining an experienced representative who is obligated to pursue only the interests of his client) and the detriments, i.e. the cost of representation. In the case the claimant does express an interest in obtaining private representation, then the Administration should further inform him of the nature of the attorney-client relationship, including the fact that the claimant can terminate the relationship and can negotiate the fee.

B. The Federal Black Lung Regulations promulgated by the Secretary of Health, Education, and Welfare should be reformed to reduce the excessive and unwarranted reliance on medical evidence.

C. The Social Security Administration should assume an active role in making available facilities which can administer the more advanced multiple exposure chest X-ray and blood-gas breathing procedure not required, but acceptable and necessary in proving many Federal Black Lung claims.

The position of the Administration thus far has been that adequate facilities are available. However, this means only facilities which administer the single X-ray and simple ventilation tests required under 20 CFR 404 (a) and 403(b) on a mass, impersonal basis, and not facilities such as the X-ray and pulmonary laboratories at the Beckley Appalachian Regional Hospital (West Virginia) which administer more sophisticated and valuable medical tests.

Mr. MILLER. Mr. Chairman, the next witness will be Mr. Verlan Golden, from Knox County, Ky.

Mr. GOLDEN. Let me start from the experience that I have had with black lung. When black lung was established by law, I met with eight social security men from OEO all around the Nation. They told us some tips that the Social Security would attempt to do before this ever happened.

Some of the experiences that I have had is I first started signing people up on black lung, approximately 400 people, and four of them out of 400 in my knowings have received black lung benefits. Two of them died; one of them died within 2 days after he got it. One of them died within 4 weeks.

I have visited several people that have black lung applications that have been turned down for several different reasons. I have visited people and got their names that are on public assistance from having black lung in the second degree measuring a diameter of 2.1, 2.3. The papers stated that they were denied because they didn't meet the guidelines set forth in the law that it required that you had silicosis in the third degree.

I have with me a piece of paper that I signed up eight self-enrollees for black lung, who had worked 25 and 35 years in the coal mines. The Social Security Office informed them that they were not eligible to process their claims because they worked for a mainstream program.

I got on the phone and called the Social Security Office and he tells me a different tale. We people that go down to the Social Security Office are misled, abused, lied to, and you name it we can furnish it.

First of all, I would like to state this—and this is my personal opinion—that my experience with this committee should have been held in the southern part of Kentucky and West Virginia coalfields to really give black lung consideration of what it needs because the people that really have been done bad on black lung couldn't be here today because they are in too bad a shape.

Now, you were talking about the permanent total disability from coal mines. I have clients that have four and five permanent total disabilities and states on the diameter of the black lung and they have been turned down for the reasons that they don't meet the qualifications under the black lung law for two and three different reasons. And there is nobody that I have been able to find that can really come up with what the Social Security means when they are talking about total and permanent disability. And this is one of the faults that has never been clarified for the people.

When you talk to them they don't know what Social Security really wants and I don't think the Social Security really knows itself what they want.

And for my personal feeling and the people that sent me here as a representative to them, we don't aim to put up with it. And we are going to take every effort and step to change some of the laws that are made or some of the people of the offices behind it.

Now, we feel that we have been done dirty in Kentucky. We held a meeting with approximately 400 people, and out of the 400 people there had been only four people that had received black lung. The rest of them had been turned down for some reason or another.

Their hospitals are not equipped to take tests; they run them through like stock and this can be proved. They don't give them time to take X-rays. And I have a man that told me that he went and was X-rayed and turned down. The doctor told him he had two perfect lungs. He said, "Doc, did you see the 18-inch scar on my back that I had one of my lungs removed?" That this is the type of thing that you have got going on in the black lung services and this has come from the Social Security Administration.

They may not be aware of this. But there is one place they can be aware of this and I think it is this committee's place and duties to take steps to see that the Social Security Administration enforces the law that is already applied.

And I thank you for being here and thank you for hearing our case.

Mr. Hawkins. Thank you, Mr. Golden.

Mr. Miller, would you present your next witness?

Mr. Miller. The next witness, Mr. Chairman, will be Mr. Clifford Lane.

Mr. Lane. One thing I would like to talk about that was talked about earlier this morning of how they do it at the Social Security Board in our community. I happened to be one of them that went to the hospital for tests. They stood about 60 of us back in the hall so they would take 10 at a time. Say, "Boys, get your shirts off, get your shirts off." And I would be safe in saying that 10 or 11 minutes they would X-ray the 10, then bring in 10 more. And it was the same way all day I was there.

I am safe in saying that they X-rayed 70 within 5 hours. So we go back to the Social Security Board. They say, "well, boys, they have turned you down. You have got to do this, you have got to get your medical reports." So the majority of the people in that county just aren't able to pay a doctor $50 or $60 or maybe $100 for a physical examination that is required for black lung.

So that is their big problem down there.

Mr. Burton. Mr. Chairman?

Mr. Hawkins. Mr. Burton?

Mr. Burton. It was precisely because we believed this would be a problem that poor people simply cannot afford to make their case, if you will, by getting enough medical data that the Social Security Office, social security people are clearly and flatly required to pay for all reasonable expenses incurred or obligations incurred in developing the medical aspect of the claim.

There may be some misunderstanding. I do have trouble believing that Social Security is rejecting these claims, although that is something I think the staff should look into.

I do fear the possibility that a lot of people are enough uncertain about it that they are unwilling to take the chance, that Social Security will assume this debt if they incur it by getting examinations.

But the law is clear and I would hope Social Security would make some efforts to see that that is made clearer in terms of the people who think they have got a valid claim.

But the law is clear in that respect. I would hope Social Security is not rejecting any such claims and I think there may be some misunderstanding in terms of the applicants and potential beneficiaries under this bill.

Mr. Hawkins. Mr. Lane, what office of the Social Security are you referring to?

Mr. Clifford Lane. Corbin, Ky.

Mr. Erlenborn. Mr. Golden, did you want to add something?

Mr. Golden. Lane, in his statement, I think left out something that is vitally important. Mr. Lane is retired as a social security black lung.

Mr. Hawkins. Is that so, Mr. Lane?

Mr. Clifford Lane. Yes; they took me out of the mine in 1961 with black lung. They have taken me to the miners' hospital. I stayed there a couple of weeks and I really wanted to go back to work. I didn't see how I could make it on a social security check. They told me to go home and try a week and not try to go back to work, just fool around at home and come back. So when I came back to the hospital they brought a man from Knoxville to take a stereo picture of my lungs and gave me a blood test and they gave me the whole works, that was all, and they told me they said you might just as well go home and forget about work. You will never work no more.

Now, so this black lung has denied me for it, which they cut me out in 1961 with a total disability.

Mr. Burton. Have you told your Congressman that?

Mr. Golden. What Congressman?

Mr. Burton. Well, I would hope the staff would get your name and address so that we can see that this specific matter is at least pursued.

Would you object to giving us your name and address now?

Mr. Clifford Lane. No.

Mr. Burton. What is your name?

Mr. Clifford Lane. Clifford Lane.

Mr. Burton. What is your mailing address, Mr. Lane?

Mr. Clifford Lane. Route 2, Corbin, Ky.

Mr. Burton. We will pursue your individual case. That is maybe nice for you, and hopefully you are successful, but it doesn't help the general problem much, but at least we will go to work on that.

Mr. Miller. The next witness is Mr. Steven Clark, lawyer for the Mountain Peoples Rights, Inc., in Kentucky.

Mr. Clark. For the last two or so years I have been representing miners in various types of disability claims, primarily before welfare agencies and also involving social security matters.

It appeared to us when social security decisions began to come down that a vast number were being denied. And it appeared that we had on our hands a crisis situation. This was confirmed when congressmen began making statistics available and it appeared that Kentucky had the lowest rate of awards of any of the States that were reported.

I believe the current figures are that Kentucky's proportion of awards is somewhere in the neighborhood of 25 percent, whereas the national average is 50 percent.

Recently, the Social Security Administration had statements in the press to the effect that this does not necessarily mean there is a crisis. This may mean that there are fewer eligible miners in Kentucky. I think these statements beg the issue.

I feel that the characteristics of the population there may have a little to do with what is causing the denials. I think the factors that are causing denials are the way the law is being administered at the local offices in part, and also the problem results from the lack of adequate medical testing facilities. You have heard of some of the miners speak of some of the problems they had had.

Congressman Burton said it was quite clear that social security is to pay for medical examinations. I do not know a single miner, and I have been in contact with many, to the best of my knowledge, who has received any reimbursement. Now, maybe some day ultimately some of these people that I have talked to will receive reimbursement. People do not know that they should be requesting it in many cases.

In any event, the policy of the administration, the thrust of the policy has been that we will supply you with an examination at Government cost. Why worry about the doctor of your choice in a sense is what they are saying.

Mr. Burton. At this point may I request the staff to direct a letter to HEW that addresses itself to the points made, the number of requests by applicants for the payment directly to the provider of the service or reimbursement of the cost of the service and the rightful acceptance or rejection of those requests. And also, the total amounts paid by the Social Security Administration to either providers of service or by way of reimbursement to the claimants.

Mr. Hawkins. Without objection, the staff is directed to direct that inquiry to the Department of Health, Education, and Welfare.

Mr. Clark. I hope I can provide further detail and clarity in a written statement at a later time on that particular issue.

In any event, what I have addressed myself to is that there have been problems in the administration, among them are those which have been mentioned.

I might explain that Mr. Golden was talking about denial of men in the mainstream program. There have been precedents in the courts on social security claims saying that this activity is not substantial gainful activity, yet the men seem to be denied on this basis.

Also miners have called to our attention where claims have been withdrawn. There is one instance where it appears, I can't document this yet because I haven't got the record from Social Security, where the claim was withdrawn without any clear expression of intent by the miner to have it withdrawn. It appears that where there is a questionable claim where the miner is working, a withdrawal is being solicited. I can't tell you the magnitude of this. I know that this just seems to be happening.

It may be true that the miner, you know, is free to pursue his claim. He is not told always that he absolutely can't. But the facts are presented in such a way that he is told that the administration doesn't have time to process his claim. He is discouraged, whether it is done intentionally or not.

Mr. Burton. Is your statement that a miner currently working who files a claim is encouraged to withdraw the claim?

Mr. Clark. Yes.

Mr. Burton. The entire purpose for permitting a claim to be filed, even though a man may be earning an amount under the retirement test that invalidates his receiving benefits, I would hope would be self-evident. In a situation as you stated the claim can be approved because the man has in effect total disability but he is out of the ball game just temporarily so long as his earnings preclude him from receiving a benefit. This was the only way to achieve what I suspect is one of the primary reasons for the differing results in Pennsylvania and other places.

In Pennsylvania they had a law that provided a benefit. So people could at an earlier point in time file the claim and, therefore, accumulate medical records before they were lost. Whereas in Kentucky and West Virginia, you didn't have such a law. So these medical records were lost, and the basis upon which you could prove your claim. And the whole point was to get those records into a safe place, if you will, so that no one may be ineligible to receive payment because he is still working and his earned income is such that the payments are reduced to zero. We wanted those claims to be valid and view the point in time of 4, 5, or 6 years from now when that man, the pneumonconiosis may set into the point where that man can no longer work. So these men are being given very bad advice as it affects themselves. And these claims, in effect, should stay on file with the medical reports.

Mr. Clark. All too often, though, it appears that the records are either not gathered or they are gathered to a certain point but not really adequately gathered and adequate tests aren't given and the man will ultimately withdraw his claim without understanding what has happened because he has not been so advised.

Turning away from the procedural problems that miners have been having—and I don't think I have given you really an accurate representation of the full picture. There are many more problems that we have heard of and I will communicate them with you later in writing, if that is all right.

In Kentucky, we have a difficult problem scheduling adequate medical exams. We heard earlier today from one of the Congressmen from Pennsylvania that doctors are paid by the State to do evaluations for coal workers pneumoconiosis. I do not know exactly how that works there. But I know in Kentucky there are very few doctors whose salaries are provided by the State and the few that are say that they will not be able to make a diagnosis of pneumoconiosis. I think we have to consider factors like this when we want to understand why the award rate is so low in Kentucky.

I do not think it is enough to say that the miners there are younger and therefore less likely to have black lung. I do not think it is enough to say that the miners there have worked in less mechanized mines because it is not quite clear that the mines in Kentucky are any cleaner than they are elsewhere. It wasn't clear in the case of the Finley mines in Hyden where the explosion took place around New Year's.

So I feel that the claims by miners have to be given careful consideration. Maybe there is no systematic way to do this. But I think you will find, if you really want to find out how this law is being administered, that the miners would be able to give you an awful lot of information as to how the law is actually working.

Thank you for your time.

Mr. Hawkins. Mr. Miller?

Mr. Miller. The last witness will be Mr. James Haviland, lawyer for Appalachian Research and Defense Fund in Charleston, W. Va.

Mr. Haviland. Mr. Chairman, I would like to join in Mr. Clark's remarks and say that my experience in West Virginia in the last 3 years dealing with disability insurance benefit cases and then Federal black lung cases is very similar to his in Kentucky.

So as not to repeat Mr. Clark, I would like to make a few remarks on H.R. 43 dealing with the offsets. The Black Lung Association favors H.R. 43, but would ask that it be expanded to prohibit offsetting Federal black lung benefits and State workmen's compensation benefits where the State——

Mr. Burton. May I interrupt you at this point?

Mr. Haviland. Yes, sir.

Mr. Burton. For a whole variety of reasons that isn't going to be a successful avenue. Our dilemma was to come to grips with the gaps in coverage. The thrust of the representation was you have not only an uneven gap but an inadequate level. As to our colleagues, this would be the last time in their political lives that they would accept a similar kind of effort, if we then start switching signals on them and eliminated the workmen's compensation offset.

But we made it perfectly clear without any possibility of doubling back, if you will, that if they gave us this benefit—and it is now, what, $250 to $300 million a year, so it is not a minor benefit item. Our colleagues did provide it on the assurances we weren't going to change the signals and eliminate the offset.

Whether or not I am in agreement with you is not the point I am making. It is just a practical matter that is one we are not going to be able to do much business on.

Perhaps you could spend some time in some other point.

Mr. Haviland. Thank you, sir.

Well, the Black Lung Association favors without qualification H.R. 18 and 42. I would like to take some time discussing H.R. 5702. In answer to a problem that was raised this morning, the first part of 5702 deals with the definition of total disability and would make it so that a man would be considered to be totally disabled only if he could not return to his former work as a coal miner.

It was suggested that this provision would create an inequity because between the treatment of coal miners and persons in other professions and occupations.

On the face of it, it certainly does seem to create an inequity, but there are several reasons why there really isn't an inequity.

First of all, the test of total disability we are talking about says that there is a definition of 223(d) of the Social Security Act and it says that a man is totally disabled if he cannot engage in substantial work in any job theoretically, theoretically available in the national economy.

This so-called national employability test discriminates against Appalachian coal miners for several reasons. And it is for these reasons that the definition of the total disability can and should be changed.

In the first place, Appalachian coal miners are very immobile. They are not likely to move to other regions of the country where employment is more likely to be available. Other forms of employment in the Appalachian hills and mountains are not generally available for persons without advanced education. Coal miners, by and large, have non-transferable skills. So they can't move, in addition to being unable to move physically to another part of the country, they cannot move their skills to another part of the country and make a living.

Also, coal miners who are disabled tend to be of advancing age and diminished physical capacity. And they present a very, very poor prospect to prospective employers who would possibly be faced with workmen's compensation or private insurance costs.

Finally, I would like to point out that the change in the definition can be made consistent and it is not inconsistent with the social security program because the Federal black lung program is a special purpose program financed from general revenues, whereas the social security program is financed from payroll deductions and there is more reasons in that program for making the standards uniform. The Federal black lung program is special purpose legislation.

The next point I would like to make with regard to 5702 concerns the policy of 5702 that a negative X-ray cannot provide a basis for denial of a black lung claim. The problem here is not that there shouldn't be some medical basis for the finding of disability, but the problem is, rather, that with all due respect to the Social Security Administration, based on my experience with them, I think their determinators at all levels are obsessed with proof of disability by some very objective means such as a line on a graph or a spot on an X-ray or certain laboratory findings. And in many cases disability simply cannot be determined this way.

Finally, I would like to make one closing remark about the thrust of 5702 and try to tie in some of the remarks that were made earlier.

On the whole, I think all of us can only have admiration for the fine job that the Social Security Administration does in handling their complex and demanding work. My admiration does not extend, however, to what I characterize as a difficult or hard case, the hard disability case. Disability can be very, very difficult to prove. You have conflicting medical reports, conflicting doctor's theories, and so forth.

It is my feeling that in these cases the Social Security Administration is not providing adequate assistance to disabled coal miners in the Appalachian region.

Many disabled coal miners in Appalachia, I do not think, are adequately prepared to deal with a large bureaucracy and a complex determination process. And I think more assistance should be provided.

Thank you.

Mr. Hawkins. Thank you, sir.

Mr. Miller, does that conclude your witnesses?

Mr. Miller. Yes, sir.

Mr. Burton. Mr. Chairman?

Mr. Hawkins. Mr. Burton?

Mr. Burton. I would like to commend the witnesses and urge particularly if there are bills of particulars, to send them to our subcommittee so that we can examine any of the particulars or a class of problems or a specific, individual case. We will work at processing them.

I think, by and large, the Social Security Administration has done quite well even though there are whole areas of the administration that I think we may well quarrel with. The fact of the matter is that I, for one, am delighted that all of you came this distance to tell us how this law is working.

I truly hope the worst of the fears of my distinguished colleagues from Illinois are fulfilled, that in time to come our colleagues will do something that will be deemed as a workmen's compensation precedent and we will be able to take a meaningful national step so that all persons who have been robbed of some part of their full life will have some tangible recompense to take care of that situation.

But send us those letters with the particulars. It is a lot easier for us to follow up after these public sessions with the points that you have raised.

Mr. Hawkins. Mr. Erlenborn?

Mr. Erlenborn. Let me ask the last witness, Mr. Haviland, in referring to, I think it was 5702, you take issue with the observation I made this morning that the test of the total permanent disability should be uniform. I am just curious as to how different the problem of one with asbestosis, black lung disease, silicosis, the lung problems, the talc miners, many other types of diseases that cause disability that are compensated under the social security disability laws, is really from that of the pneumoconiosis sufferer?

Mr. Haviland. Well, I don't think the point is whether the other possible respiratory diseases are more or less serious. The problem I was trying to address myself to was the class of beneficiary and the problems that he faces are unique.

Mr. Erlenborn. I wonder if they really are. Do you think that the talc miner who spends his life in a talc mine has a different kind of a problem from the coal miner or the one who has worked in a sandpit all of his life or one, for that matter, who has worked in the clothing business, the cotton and textile industries and contracting a lung disease?

Mr. Haviland. Well, my experience has been and I think the experience of areas in the country which receive the outmigration from Appalachia has been that many people who leave Appalachia to live in other parts of the country and try to find jobs simply can't find them. There is simply no work available.

Now, that may be the case of people afflicted with other kinds of diseases, but I think the problem of the Appalachian coal miner is especially marked.

Is that responsive?

Mr. ERLENBORN. I think it is. I think I might make the observation that your concern is directed to them and that might in some way lead you to feel that they should be treated differently. But I am not so certain that that is a valid reason.

Mr. HAWKINS. Mr. Erlenborn, would you yield to the Chair?

Mr. ERLENBORN. Yes, sir.

Mr. HAWKINS. I notice that our colleague, Mr. Thompson, is in the room and has a group with him. I would like to defer to him at the moment to introduce his group that has come to the Congress to see a committee in session.

Mr. Thompson?

Mr. THOMPSON. Thank you, Mr. Chairman. This is a group of students from Trenton, N.J., from Holy Cross School, who have come down annually. This is very lucky for us. I have just explained the subcommittee process and wanted them to see the full committee room. So they have had an opportunity of seeing actually a subcommittee in session on a very important piece of legislation, which, incidentally, I favor rather strongly.

With that, I will take them out.

Mr. HAWKINS. Maybe the record should show that this gratuitous support has been given to the pending bills.

We are very delighted to have your group, Mr. Thompson.

Mr. THOMPSON. Thank you very much, Mr. Chairman.

Mr. GOLDEN. You have got me curious when you talk about the disability from the coal miners. You know Social Security is talking about you have to be a permanent and total disability from the mines to draw black lung. Well, if any of you all knew coal miners when they retired, they are short lifed. There are many jobs that these coal miners could do with light work and still be eligible for black lung if the law was right. And in justification, I don't go with the permanent and total disability from all of the other types of work, because when you retire a coal miner that has put 45 to 50 years in the coal mines, he is used to work and he is short lifed. Another thing is on the disability, they are not getting adequate consideration under the circumstances that exist now because our doctors are not equipped with the right equipment to give a complete examination. I think that it should be established in all States that there are places set up to send these men with the right equipment to examine them and give them a reasonable examination instead of running them through like a bunch of stock. You know, I don't think and you don't think that one X-ray really shows up black lung. And I don't think that breathing tests shows up black lung because you might have a case of asthma when you go in and you put it down black lung. He may not have black lung and I don't think any coal miner wants the black lung benefits without his good, but I think he does want it if he is good.

And I think the only way the coal miner is going to get justice is for the Social Security Administration to establish adequate equipment in these hospitals to take the tests.

Thank you.

Mr. ERLENBORN. I might make one further observation. When we began to consider this law we found there was very little in the way of research that had been done in this country as far as pneumoconiosis was concerned and its relationship to the existence of coal dust and certain concentrations in the coal mine.

So we went to the one country that had done considerable research over the course of years, England. We were advised by the experts there that simple pneumoconiosis was—and this is the international classification. I think there is A, B, C, and 1, 2, 3 within each one of the categories—simple pneumoconiosis was not disabling, complicating pneumoconiosis was not disabling, but massive fibrosis, the third stage, was.

What we did as a result of that medical evidence, when we passed the bill in the House, and by the way when it passed in the Senate, was take the lesser test, that is category B, complicated pneumoconiosis, which was not considered to be, by the medical experts in England, disabling and make that compensable if the person was in fact disabled and had evidence of complicated pneumoconiosis. And then a very strange thing happened between the passage in the House and the Senate.

In the conference committee any reference to complicated pneumoconiosis was taken out and, in contradiction to the rules of the House, we made any pneumoconiosis, even simple pneumoconiosis, compensable.

Now the medical testimony that we had—and I have never heard it really controverted—was that there is no way of identifying coal miners' or coal workers' pneumoconiosis without an X-ray; that you cannot distinguish it from other diseases without an X-ray in the living miner, short of an autopsy, of I suppose an autopsy would be the only other way.

So that is why the X-ray is included in the test. It does not make the sole test, but to exclude the X-ray as a test makes it impossible, really, I think, to diagnose pneumoconiosis.

Mr. GOLDEN. Can I ask one more question? When a guy goes and has an X-ray made and he is turned down on black lung, and the Social Security sends him back the second time or even the third time, does he have to pay for his medical reports and X-rays the second and third time?

Mr. ERLENBORN. I think that as long as he has a valid application pending or an appeal from a denial, under the law that Congressman Burton has already referred to, his reasonable medical expenses are to be reimbursed.

Mr. GOLDEN. Even for the second and third time?

Mr. ERLENBORN. As long as there is a valid claim pending.

Mr. BURTON. As long as there is a reasonable basis for it. It doesn't have to be a valid claim. You don't do it ad infinitum, obviously.

Mr. ERLENBORN. The law says reasonable medical expenses and that would leave it to their judgment.

Mr. HAWKINS. Thank you, Mr. Miller.

The chairman would like to commend you and the witnesses for your presentation. I think they have been most helpful. And I want to assure them the full consideration of this legislation by this subcommittee. I think that your mere presence has certainly given weight to the importance of this subject. This committee will surely give every possible consideration to all of the requests that have been made.

I see that you do have a statement which will be entered into the record at this point.

(The statement follows:)

Statement of Arnold Miller, President of the Black Lung Association

I thank this committee for inviting us here today. Our organization has active chapters in four states. We have worked long and hard to insure that coal miners receive their just due.

Gentlemen: This program is not being administered in the way that Congress intended. The facts speak for themselves: The percentage of people paid in Pennsylvania is twice as large as in West Virginia and three times as large as in Kentucky.

Why are West Virginia coal miners receiving 2nd class treatment?

Why are Kentucky coal miners receiving 3rd class treatment?

Several reasons are quite apparent to us: Miners in West Virginia and Kentucky are *not* receiving complete and impartial examinations.

(a) Properly equipped clinics that have the ability to administer fair and complete test are virtually non-existent. The only clinic in the area is located in Beckley Appalachian Regional Hospital.

(b) The major medical examination now employed by Social Security is the x-ray. In addition to the unconclusive diagnosis that this provides the actual administration of the test, in many cases in mobile units, is not adequate to provide a competent diagnosis.

(c) The evaluation of the applicant's claim now based on one x-ray is not only unfair but unjust.

(d) Cracker box breathing tests used in cases of simple pneumoconiosis measure only blockages to breathing and not as proper tests for black lung.

(e) We can document a number of doctors who have been in the employ or who themselves are stock holders in coal companies who are being used by Social Security to conduct examinations. There's an obvious conflict of interest.

Gentlemen: If we lived in Pennsylvania our chances for payment would be doubled. Because Pennsylvania has had a good Workmen's Compensation law, doctors there adequately provide the technical medical analysis and information on a claimant. In our area (West Virginia and Kentucky) this is not the case. The way this program is being run must reflect our regional problems so that we in Kentucky and West Virginia will receive proper consideration.

In addition to shoddy medical administration of the program by the Social Security Administration the local staffs of Social Security have not, we feel, treated us fairly or courteously.

We have not received proper assistance in filing and processing claims:

(a) Only through pressure on local offices have we been able to examine our claim file. In some local offices miners who request to see their files are given a run-around or refused.

(b) The denial letter sent to us does not explain in terms we can understand what evidence is needed for us to prove our claim.

(c) The program is grossly underadministered. Social Security admits that their administrative costs are running at 4 & ½% (this compares with a 5 & ½% rate for the Social Security Disability Programs.) Many applicants have waited over one year for a decision, while existing on little or no income.

(d) Social Security is not paying for additional medical evidence from doctors of our choice that the applicant needs to prove his claim. The majority of claimants are disabled and retired miners who cannot afford to feed their families let alone pay for additional medical evidence.

(e) Many decisions in the program are being made on incomplete information. Many of our Association's members when reviewing claim files find them to be incomplete. There are no guidelines that we know of to insure that a file is complete before a decision is rendered.

Gentlemen: The law states that payments will be made to claimants who suffer from Black Lung. In order for a man to prove his claim he must deal with unsympathetic bureaucracy that treats him like a dog rather than a human being.

We know that we have Black Lung. We have to stop often when we climb a set of stairs, we cough up black phlegm in our sleep and we fear colds the way you fear cancer—a simple cold can kill us.

We support the amendment now before the committee and ask your consideration of our testimony.

STATEMENT OF THE APPALACHIAN RESEARCH AND DEFENSE FUND, INC.[1] ON BEHALF OF THE BLACK LUNG ASSOCIATION CONCERNING INEQUITIES IN THE ADMINISTRATION OF THE FEDERAL BLACK LUNG PROGRAM [2]

The meager allowance rate and the high denial rates applicants for Federal Black Lung benefits from Kentucky and West Virginia experience, as compared to applicants from Pennsylvania, may be explained by two factors particularly related to the circumstances of disabled coal miners and the widows of disabled coal miners from Kentucky and West Virgina.

I. Development of the difficult or close Black Lung case requires a degree of sophistication in dealing with government and an ability to maneuver which many hard working coal miners and widows from West Virginia and Kentucky do not possess. The procedures of the Social Security Administration are not designed to provide the kind of service that these cases require.

II. Regulations enacted by the Secretary of Health, Education and Welfare require "objective" testing procedures such as chest X-ray and certain limited breathing tests. The facilities where these tests can be administered and the supply of physicians in West Virginia and Kentucky to administer these tests is very limited.

The Social Security Administration has advanced reasons for the disparity in the treatment for Kentuckians and West Virginians as compared to Pennsylvanians, which reasons relate primarily to the age of applicants and the length and nature of their exposure to coal dust.[3] Regardless of the validity of that position, it is contended that the above two factors are much more significant in creating the disparity.

Procedures of the Social Security Administration are not adapted to a fair and full consideration of difficult or close black lung case

Many of the Black Lung claims which have been denied present "close" and difficult questions of eligibility which require more counseling, analysis, and gathering of evidence than the Social Security Administration is apparently providing to such claimants. The competence or good faith of the Social Security local office personnel or their training is not necessarily here questioned, rather the problem is the non-recognition by the Social Security Administration of the great difficulty many claimants with close cases face in recognizing the fine points of proof of "Black Lung," and "total disability."[4]

The eligibility criteria and procedures for effectuating claims determination adopted by the Social Security Administration are apparently well adopted for deciding on a mass basis the types of cases where the eligibility or non-eligibility relatively clear. However, such procedures are not well adapted where the question of eligibility is not clear or is close. Disabled miners and widows of disabled miners who have confronted the hard realities of supporting families on the earnings from dangerous, disabling, and frequently unsteady employment in coal mines in many cases cannot reasonably be expected to grapple with concepts and problems such as:

The fact that it is the claimant who must prove his case (He has the "burden of proof");

The varying weight accorded to different forms of medical evidence;

The need to maneuver in obtaining favorable medical evidence and in securing payment by the Social Security Administration for favorable medical evidence; and

The bureaucratic jumble claimants must go through in enforcing simple rights, such as their right to see their own claim files; and so forth.

That these cases are not receiving adequate attention can be seen in the fact that the Administration has allocated a smaller percentage of the total costs of the Black Lung program for administrative overhead, 4¼ per cent than it pays for administrative overhead in the already established disability insurance benefits program, 5½ per cent. In view of the fact that the scheme of federal compensation for Black Lung is one of limited duration, that the program started up quickly, and particularly in view of the special class of beneficiaries, it would seem that the administrative costs of the Federal Black Lung Program would be considerably higher than those of the on-going Social Security Disability program which applies to all classes of workers.

II. The chest X-ray and simple breathing tests required by regulations of the Secretary of Health, Education and Welfare make the claims of many miner's and their widows difficult or impossible to prove

While the Federal Coal Mine Health and Safety Act does require that the existence of Black Lung be "medically determinable,"[5] there is no requirement in the Act that Black Lung must be proven exclusively by chest X-ray evidence.[6] Regulations adopted by the Secretary of Health, Education and Welfare under authority of the Act require as a practical matter that the existence of Black Lung be established by chest X-ray evidence,[7] and that requirement has caused, to a significant degree, the higher denial rate in Kentucky and West Virginia. Some of the reasons for this higher denial rate merit discussion: (1) The facilities for adequately testing so many miners on a mass basis do not exist in the Southern Appalachian Mountains; (2) Many of the physicians who administer and interpret the X-ray films were in the forefront in opposing the reform of 1969 of the West Virginia Workmen's Compensation law, due to their non-recognition of Black Lung as being either a disease entity, as being occupationally related, or as being diagnosable.[8] (3) The procedure for administering X-rays is loaded against claimants. The Social Security Administration is requiring that only one film be taken and in most cases only one film is used to decide a case; however, few physicians would disagree that as a technical matter Black Lung is very difficult to detect in a single X-ray film.

The requirements of proof of Black Lung by chest X-ray instead of laying to rest the problems of medical proof which created the need for the federal program in the first place, simply raise again the thorny medical problems of diagnosis at the expense of the disabled coal miner. The liberal provisions of the Federal Black Lung Program have demonstrated in the clear intent of Congress that questions of medical science and testing procedure should not stand in the way of compensation has been frustrated by the regulations enacted by the Secretary of Health, Education and Welfare which require evaluation of practically every case by chest X-ray and then evaluation of the question of disability in many cases by breathing tests.[9]

FEDERAL BLACK LUNG STATISTICS AS OF MAR. 10, 1971 [1]

	Claims filed	Allowed	Denied	Pending
Pennsylvania	92, 069	52,460 (miners—29,415, widows—23,045). 55 percent of all filed	20,715 22 percent of all filed	19, 894. 23 percent of all filed.
West Virginia	59, 300	17, 108 (miners—10,789, widows—6,319). 29 percent of all filed	18,540 31 percent of all filed	23,652. 30 percent of all filed.
Kentucky	34, 695	6,657 (miners—3,960, widows—2,697). 16 percent of all filed	15,900 46 percent of all filed	12,138. 38 percent of all filed.
National	268, 224	109,960 (miners—63,700, widows—46,260). 41 percent of all filed	96,780 36 percent of all filed	61,484. 23 percent of all filed.

[1] Figures rounded off.

FOOTNOTES

[1] The ARDF staff has represented numerous low income persons in obtaining Federal Black Lung and closely related Social Security disability benefits.

[2] Benefits under Title IV of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 901 *et seq.*, ("The Act").

[3] Statement of Mr. William Rivers, Executive Officer, Bureau of Disability Insurance, Social Security Administration on April 29, 1971, to representatives of the Black Lung Association at Charleston, West Virginia, to the effect that the higher allowance rate and lower denial rate in Pennsylvania as compared to Kentucky and West Virginia could be explained by: 1) the age, coal mining experience, and exposure to hard coal of applicants from Pennsylvania; 2) the fact that since Pennsylvania had its own compensation program which was more liberal and enacted earlier than other state programs, many applicants who did not benefit under the state program may have been discouraged and did not apply under the federal program.

[4] 20 C.F.R. 410.403(b) and 403(a) and Appendix to sub-part (d). The position of the Social Security Administration that their work is efficient and helpful as seen in the high rate of allowances, especially widows' allowances, does not in any way respond to the problem of the "close" case. See Haviland and Glomb, "The Disability Insurance Benefits Program and Low Income Claimants in Appalachia," West Virginia Law Review (1971) (to be published June 1971).

[5] The Act, rather than defining proof requirements for the all-important term, "total disability," delegates this crucial problem to the definition and proof requirements of "total disability" of the Social Security Disability Insurance Benefits Program of Section 223(d) of the Social Security Act, 42 U.S.C.A. 423(d); Section 411(a) and Section 402(f) of the Act.

[6] The Federal Coal Mine Health and Safety Act on its face did not require the proof of Black Lung (pneumoconiosis) exclusively by chest X-ray evidence, or by any other exclusive-means.

[7] Under Section 411(b) of the Act, the Secretary of Health, Education and Welfare has the authority to adopt regulations defining the methods of proof, and in regulations adopted pursuant thereto, he has as a practical matter required that pneumoconiosis be established in living miners by the existence of X-ray evidence. The regulations also permit proof of pneumoconiosis by tissue sample (biopsy in the case of living miners) but as a practical matter tissue samples are not taken due to the severity of the procedure. 20 CFR Section 410.404(a) and (b).

[8] That is not to impugn the qualifications, professional competence, or good faith of any physician. However, it is quite significant that the Social Security Administration is, in effect, asking many of the physicians to perform examinations, which physicians have previously denied the existence of Black Lung or its occupational relationship.

[9] See Sections 401 and 411(c) of the Act.

Redtape and Injustice Strike Again

Almost two years ago, Congress made compensation for Black Lung a law. Ever since then people have had to struggle every inch of the way to get what is their's by right and law. One of the chief problems has been the regulations that HEW sent down and which the Social Security Administration has complicated even more through red tape and stalling. We have met with Social Security officials and presented our problems—but they refuse to change. We have come to Congress to ask that these matters be investigated *at once*.

The Black Lung Association has received hundreds of letters from across the American coalfields that testify to these injustices. We would like for some of these letters from miners and widows to be put into the records as evidence of the disservices we are getting from HEW and the Social Security Administration.

From Hinton, West Virginia, a miner writes, "Dear Sir & Brother, To night I am writing you in regards to being turn down on my Black Lung Application, I have been advised to write to you all for a appointment to see you people. I am sending you a copy of my denial letter. I have x-rays showing definitely that my lungs are black. My Doctor also told me that I had the worse case he doesn't allow me to even do anything at all on the account of I can't breathe. I never was given a breathing test to start with. . . .

From Hazard, Kentucky, ". . . I am writing you about my Black Lung I got turned down on it Jan. 12th and I have got papers from two doctors saying I have got it. I would like you to write and tell me what to do about it. . . .

From Big Stone Gap, Virginia, a widow writes, ". . . My husband worked in the mines 42 years. . . . He dug coal all his life. He had an x-ray made 2 years prior to his death. They have been misplaced—there should be a reading of it at the General Hospital. . . . I took them to there and they seem to have gotten lost. . . . I have been denied the Black Lung benefits. The only report they have is an heart attack. Which is right, but the black lung caused the attack. He died in the year of 1952. . . . If there is anyway I could get the pension I need it so badly. I am 78 years old, and still working for a living.

From Rowe, Virginia. . . . "I need assistance help about my Black Lung claim. I filed my claim in Jan. 1970 was turned down in Nov. 1970. I have took a redetermination on my claim and sent x-ray reports Feb. 15, 1971, that I had the Black Lung in both lungs also enlargement of the heart caused by this. I am in bad condition don't look like I am going to be able to make it long the condition I'm in I wish that they wood make up their mind to pay me while I can use a little of my pay. I sure do need it. I worked in underground coal mines 39 years then was beat out of my pension and Hospital card from miners welfare I think us old miners have been treated unfair. We was the one that got the union started. . . . now we are kicked out no pay no Hospital and looks like trying to beat us out of our Black Lung pay. I sure wish you would help me I haven't heard anything since I filed the last time in Feb. 15, 1971 please help. . . .

From Fimball, West Virginia, ". . . I have silicosis and my breathing is so bad I had to quit working Christmas 1959. I was paid for silocosis but the federal government say I am not completely disabled I tried to get them to get my record from Va. hospital they sent me medicine all the time for my lungs and I don't have TB can you get my record for me please. . . .

From Barboursville, Ky. ". . . I am a miner and at present disabled I have been injured in the mines and have a lung condition which impairs my breathing unable to walk any distance or do any kind of work I am seventy six years old. And have been denied black lung benefits for miners passed by the law of 1969 . . . any information received will be gratefully appreciated. . . ."

From Crumpler, West Virginia, ". . . I would like to know if you can help me get an appointment with the State Compensation Commission at Charleston for an examination for Black Lung. Two doctors have told me that I have Black Lung and asthma. Mr. Neal at Beckley said that it would taken nine months before I could get an appointment, would it be possible for me to get it sooner. I would like to know all the steps that it would take in getting my examination. Anything that you can do will be appreciated. . . ."

From Welch, West Virginia, ". . . Wodd send contribution but sir I only get $154.50 a month disabled S.S. total disability can't breath at all 30 years work in these Dusty Dangerous mines in McDowell County. Haven't collected no Black Lung benefits as yet. Looking to be turned down after the Nov. 3 election because I was turned down for silicosis 9 years ago. . ."

Ashland, Ky., *March 26, 1971.*

Black Lung Association,
Charleston, W. Va.:

Thank you so very much for sending me the Black Lung Bulletin, the Black Lung is a great concern of mine, due to the fact that my husband had BL.

I have filed for B.L. Benefits but I know I will not receive this Benefit. My husband passed away 1 year ago leaving me a widow at 31 with 2 boys 14 and 5 and a daughter 21 months old to raise alone. On my husband's autopsy his lungs were found to be black on cut section with granular anthracotic pigments embedded in the main lobes of his lungs. However, our Doctor cannot pinpoint exactly how much of a factor this had in causing his other problems, he had shortness of breath his last month of life he lived in the hospital under oxygen he coughed large blackish clots of blood, had chest pains, weakness and could not work, he developed a viral pneumonia, had 3 blood clots go into his heart and died of a Myocardial Infarction. However my husband had less than 6 years in the mines so I knew I will be denied but I hope some how I can in some way contribute to helping some one else left in my position to obtain the Benefits. If I can help by contacting my Congressman Carl D. Perkins in any way I will do so.

Please mail me a copy of the "Black Lung Bill Battles Social Security" and I have enclosed check also to cover my subscription to B.L. Bulletin.

Any way I may assist in the fight for B.L. please notify me and I will do so in any manner and seek assistance from my many friends.

Thank you,

——— ———.

Berwind, W. Va., *March 22, 1971.*
(Attention Mr. Arnold Miller).

Dear Sir: I receive your letter and I answer the questions you sent. I sign up on Black Lung 1–5–70. I did not here anything from them until 7–8–70 and they sent me to Bluefield to a Mobile Unit. Then six weeks later I was called to Doctor Memorial Hospital for one more X-Ray.

Then the 26th day of November I received a letter saying that I was not eligible for Black Lung Benefits. I went back to the Social Security Board on the 12–22–70 and appeal my case. Then I went to Beckley to the Appalachian Regional Hospital on my own expense.

And took 5 X-Rays and five days later I got my reports back and any reports show that I had Pneumoconiosis Black Lung.

Then I took that report back to the Social Security Board. And that has been 3 months today I have not heard one thing from them. I have been Total Disabled for 10 years and In 1943 I was turn down from Military Service because I had Black Dust than. When I signed up on Social Security I took one Breathing test at Blufield Sanatorium and then took one more Breathing Test at Doctor Memorial Hospital in Welch. And I was not able to take it. The Doctor said that he would put me through the breathing test the best he could. That I was not able to take any more Breathing Test.

And that could be the reason that they have never called me up for a Breathing test. I am Short of Breath and my Chest hurts all the time. I have no Medicine to take and no way to get any.

And it looks like a coal miner should be paid the best in the state. But it looks like the disable Miner's is least thought of than anybody. We will notified you if we think we need a Lawyer.

Thank you.

Dec. 23.

Dear Sir: I am 52 yrs. old and was a coal miner for about 25 years. I was cut off from my job as a loader operator in 1968 because I collected 20% for Silicosis. That was what they paid me for but my records showed I had pneumoconiosis.

I took two tests from Dr. Rasmussan, one in 1966 that showed I had 45% pneumoconiosis and the other in 1969, showing 60–65%. All my records from him show I have "black lung." I also have a heart murmer that Dr. Harold D. Warren said was caused by my difficulty in breathing. I had to hire a lawyer to get on disabled social security even though I had black lung, a heart murmer and arthritis of the neck and spine that was caused by a mine injury.

I applied for Black Lung benefits from the Federal government after the recent bill was passed. I was turned down by them because they said I wasn't totally disabled. I immediately appealed at the Social Security office. I found out at that time they had failed to get my report from Dr. Rasmussen. I had given them permission when I applied to get my records but all they had was Dr. Warren's report. After I appealed I gave them permission to get them again. I believe a big factor in the failure of some miners to get their rightful benefits is caused by the Social Security office not getting their records.

I talked to Dr. Rasmussan and he suggested I write to you and send you a copy of my records. I am also sending a copy of their denial of my claim. He also said I should have no trouble getting my benefits. He said you may be able to help speed things along for me.

I can't do any work even if I am still young. It seems so unfair to see men in a lot better physical condition than I am getting their benefits when I was turned down and have to fight for mine.

I have been taking breathing medicine since 1966 and carry nitro glycerine tablets everywhere I go.

I would appreciate anything you could do for me.

Thank you.

Bluefield, W. Va.,
October 6, 1970.

The Black Lung Association,
Charleston, W. Va.:

Sir I'm sending to your Office A copy of the Letter That I sent to this Mr. Elliot Richardson in Washington D.C. Corning My Black Lung Claim that I did File with the Social Security Benefits for This Much Dreaded Disease that I. Has Now here it is to you in full as I sent it to him in Another Letter on the 26th of Last Month. This is it in full (I worked for the Gary Company at Gary West Virginia, for 22. Years and The Doctors at the Grace Hospital Told Me at

This Time on May, the 2nd, that the shape of my Lungs was so Bad with this Disease That I would be better off to go on and retire on My Disability of the Lungs so I started out the filing of same the next Day so on october the 14th. My Claim had gone through the proper Channels for my to Collect My Social First Disability Check for the Social security Check for the sum of $8.05.00 And was told that the rest of my Life I would get the sum of $1.15.00 Per month For the rest of my Life but as you and I know that these things get change since That time and so to me getting any other Benefits from any other Plan but just the U.M.W.A. Retirement funds I hasent goten any thing else and so when this Law was passed in December of 1969. I was so Very glad for I made sure that this Would give me A better Chance to live some better then I had been so I filed for The Black Lung Benefits on January 5th. 1970 and at this social security Office In Bluefield West Virginia, and Since October the 14th. 1962 I had been Drawing My disability Benefits form this Pay Center in Baltimore Maryland and this Mr. Ball The Commissionor There Know All About this Matter and as he has all the Proof on This Matter I know that there is no use of him giving no such thing as I do need Any more Proof for me to get this claim comeing my way, and any way I'M giving You A completely Picture of this thing as it is of now, so one more thing is that I want to call your Attention to is this, there is some of the Miners all around me Here that thay filed thay Claims the same date of the same month that I did and They was payed for thay Claims and diden have to go no where to Get no Proof of Eligibelty for to get it comeing to them So I'M saying right here that this Mr. Robert M. Ball Knows All About these Matters as he has records right There At his Finger tips for to check so this makes Me feel like that I'M being given some Discrimination on getting my Claim Settled, and too on the same date that Given Me A write up here at this Office in Bluefield was July the 16th 1970 so With the Out Lined Information I has given to you and to mr. Elliot Richardson, In Washington D. C. I know it time that some one should be leting my Know Some Think About this Claim and To my Patience has Worren completely out on this thing, And I want some Actions as these other mens has goten here in my Town, I could Give you the Names and Addresses of same but that no use of that, so let me hear From you on this Matter as soon as possible thank you so Very Much for same I'm

Sign yours,

Very sincerely,

——— ———.

April 6, 1971.

Black Lung Association,
Charleston, W. Va.

Dear Sirs: I need some advice concerning Black Lung. I made application for Black Lung through Social Security. They sent me to have X-rays made which showed positive. They stated that it had not developed to a state of total disability. The X-ray was the only test I was given. Even though I am working I do have a breathing problem. I have no choice but to work or starve. Would you advise me where to have additional test made and the doctors who I should see. Also, the correct procedure to use in appealing this denial. I am enclosing a photo copy of the decision that I received from Baltimore. I will appreciate any advice and if there is any cost for your help please advise and I will mail you whatever the cost.

P.S. Enclosed is a dollar money order mailing cost.

Department of Health,
Education, and Welfare,
Social Security Administration,
Baltimore, Md.

Notice of Determination on Claim for Benefits Under the Federal Coal Mine Health and Safety Act

Name and Address of Claimant: ----------
Social Security Number: 232–14–2532 LM.

THE DECISION

After carefully studying the evidence we have received in your case, we have determined that you are not entitled to black lung benefits under the Federal Coal Mine Health and Safety Act, because you do not meet the requirements of the law.

THE REQUIREMENTS

The law provides for the payment of benefits to a miner if

1. He has pneumoconiosis, *and*

2. His pneumoconiosis arose out of employment as a miner in the Nation's underground coal mines; *and*

3. He is totally disabled because of pneumoconiosis. (See other side for further information about this requirement.)

REASON FOR DENIAL

Under the law, a miner who is working in substantial gainful activity may not be found totally disabled unless he has pneumoconiosis which is shown medically to have reached an advanced stage commonly referred to as "complicated pneumoconiosis." In your case the evidence we received, including chest X-ray, shows that while you have a lung condition it has not advanced to the stage specified under the law. In addition, the work you are doing shows you are able to engage in substantial gainful activity. Since you do not meet the requirements of the law, your claim must be denied.

YOUR RIGHT TO QUESTION THE DECISION

If you have any questions about this determination they can be discussed with any social security office by telephone. When you telephone, please have this notice nearby so you may refer to it. Please take this notice with you if you visit an office.

If you believe this decision is not correct, you may request that your claim be reconsidered. Such a request must be made in writing not later than six months from the date of this notice. You may make your request through any social security office.

Issued by: Division of Evaluation and Authorization, Bureau of Disability Insurance.

Authority: Federal Coal Mine Health and Safety Act of 1969, Sections 402, 411, 413(b), 426(a) and 508; Subpart D of Social Security Administration Regulations No. 10.

March 24, 1971.

Ramage, W. Va.

Black Lung Association,
Charleston, W. Va.

Dear Sir: I have received the Black Lung Bulletin that you sent to me and am very glad to get it,

Yes I am enclosing $2.00 for the paper each 12 months period. I am sorry that I do not have money to send you to help in your good work, but I do send my prayers and best wishes to you and to yours.

I only draw $127.50 from the S.S. and the D.P.A. now gives me $32.00 that gives me A total of $159.00 to keep A family of 5 on so you see I am just not able to help with money. I signed up for Black Lung in Feb. this year and then filled out the papers that the S.S. asked me to in Aug. 21 this year.

So far I have heard nothing from them, I am expecting to hear at anytime.

There is so many people in the same boat as I am in, I only hope that it don't sink with us.

I received my S.S. on my lungs, and can't understand why that I have not heard from them yet.

I have already been through the clinic in Beckley at hospital there; Dr. Rassmussion was the Doctor that give me the test. Also Doctor Buff had me under his care for some time other Doctors has turned me down for any kind of work.

I did have A Lawyer to help me get the S.S. and he has my records there, I asked for them one time but they would not give them to me.

His name is Franklin Kerns of Charleston, maybe you could help me to get them for this case if I have to have them.

May God bless you in this work that you are doing and give the wisdom to overcome them that would try and stop the good work that you are doing.

——— ——— O.D.

Carretta, W. Va.,
December 14, 1970.

Black Lung Association:

I am writing this letter. To see if you can help me, or tell me why I haven't received my Black Lung Benefits. I am a widow. My husband died May 14, 1970 and I sign up for Black Lung May about the last part of May. He spent 23 yrs. in the mines working under ground.

The papers were sign for attosipoty. As of now I haven't heard anythink. I get a small check of 75.00 dollars a month. Widow & S. Benefit, its been 7 mos now and haven't heard anything. Please write back and let me know whats the hold up and what must I do.

——— ———.

Harrisville, W. Va., *January 11, 1971.*

I am writing you in regard to the Black Lung disease which concerns Buster Blankenship.

The first time he was pronounced having this disease was in 1960. He went to Charleston for X-Rays. To the Medical Arts Center. He was paid one thousand dollars. He has followed up this with X-Rays at the Health Department at Harrisville, W. Va. located in Ritchie County. In the beginning he went once a year for these X-Rays. And now he has to take them every six months. And he also has to send sputum test to Charleston twice a year.

The Dr. who comes from Charleston to the Health Department in Harrisville told my husband that he was eligible for the Black Lung Benefits. He also told the Health Department to furnish any papers or information that would help Buster in any way. And they did. We turned all of these papers over to the Social Security Board in Parkersburg, West Virginia.

Along with the papers from the Health Department we also sent the papers we had gotten from the Medical Arts Center in Charleston. They sent him to Fairmont, W. Va. in September for a "breathing test." And this was all they did. They didn't call him in for any X-Rays or anything else. And he signed up for this in January of 1970. According to all the other Drs. who have taken X-Rays and talked to Buster they don't see how it is possible to deny him these benefits.

But we got a letter from Baltimore, Maryland denying him these benefits. These papers stated that we had 6 months to do something about this. Now it stands to reason Buster was paid one thousand dollars in the beginning of 1960 for this disease. You know yourself this disease doesn't get better it gets worse with our age. So it has been 11 years. And we know from the X-Rays and Dr. he still has this. The Drs. have told him to keep going although he is a very sick man. When he walks he has to walk slow and when he walks up a hill he has to take it slow. He takes muscle spasms and can't move.

Dr. Hatfied at Harrisville, W. Va. has to give him shots to get his muscles to work again.

We are not *rich* people. We need this money very much. Because he isn't able to work any more after spending between 22 and 24 years in the Coal Mines. I am working myself because there isn't any other way.

In 1963 he went to Charleston for an operation on his back. He went to the Dr. and got a slip to go back to work. And the Superintendent wrote on the back of this slip "which we still have" that he had no work for this man nor never would have any work for this man in the condition he was in.

If there is anything you can do for us, or anything else we can do for ourselves. It would be deeply and very Sincerely appreciated by both of us. If you would let us know at once. So we can start doing what ever you tell us too.

We would like to attend some of your meetings but we live so far away we can't. But our hearts are with this organization we know you are trying to help the people that no longer can help themselves because of their conditions.

——— ———.

Mr. Hawkins. Again, I would like to thank you and all of your witnesses for having appeared.

Mr. Miller. Mr. Chairman, on behalf of the witnesses I want to thank you and the members of this committee for having us here.

Mr. Hawkins. Thank you. Without objection, the statement will be inserted into the record.

Statement of Steven Clark on Behalf of the Knox County Black Lung Association, Kentucky Mountain Black Lung Association, and Disabled Worker's Association of Clay County

I am an attorney working with Mountain People's Rights, Inc., a nonprofit legal program near Barbourville in Knox County, Kentucky. For the last two years I have been engaged in a project representing coal miners in disability claims before the Social Security Administration as well as the State welfare agency. I had hoped I would also be handling claims for Black Lung Benefits. But the magnitude of denials makes this seem a futile gesture.

We have little hope for meaningful change through representation in individual cases when our State has a denial rate nearly twice the national average, three times that of Pennsylvania. In our State only 25% of the claims were paid as of April 24, 1971, while 43% were paid on the national average, and Congressman Flood says 82% were paid in his district in Pennsylvania. We have 19,000 miners and widows who have been denied and 5,195 more who have not even received an initial decision on claims filed as long ago as January, 1970. As I sat in my office listening to the stories of miners who had been denied, my impression was that the situation was grave. The statistics confirm that we do indeed have a crisis on our hands in Kentucky.

What factors have brought about this crisis whereby miners in Kentucky end up with less than one third the chance of getting benefits of a miner in Pennsylvania, with only half the chance of miners on the national average? Social Security sources have "leaked" findings to the press in an attempt to explain the disparity of denials in Kentucky (*The Mountain Eagle*, May 6, 1971, p. 1; *The Courier Journal*, May 13, 1971, p. 1). These findings suggest Kentucky miners have less substantial cases and refuse to recognize any failures by the Social Security Administration. An effort has been made to preserve the image of the Social Security Administration, to suggest it has done all it can to help miners in Kentucky. We feel this attitude, the attempt to belittle claims of Kentucky miners, indicates an effort to remain complacent about a crisis. Social Security has chosen to talk about the relative youth, clean working conditions, and poverty of the average miner in Kentucky. No mention was made to the press of the results of studies of quality of X-rays in Kentucky, nor are we aware of any admission to your Committee that procedural problems or lack of medical facilities are hindering claims in Kentucky. Therefore, I feel it behooves us to detail some of the real factors responsible for the disparate number of denials in our State.

First, miners face numerous procedural problems in obtaining adequate assistance at our Social Security Local District Offices. The first problem I will discuss involves payment for medical expenses. The law provides for reasonable medical costs incurred in establishing a claim, but miners have been systematically channeled to consultants selected by Social Security and not informed of their right to reimbursement to see a consultant of their own choice. The claims manual used at local offices gives a directive to caution miners about gathering their own evidence unless requested to do so by the local office, because they might not be reimbursed if they do it on their own. If the miner is so rash as to see a doctor without permission, then the local office is told to accept a copy of any bill. Whatever justification for allowing use of the physician of a miner's choice only as a last resort, we find it has been very effective in keeping Kentucky miners from benefitting under the salutory provision for reimbursement. We find many miners who have incurred expenses and are unaware of their reimbursement rights. We did not know of any who were given examinations at a doctor of their own choice until I returned from Washington and saw the first authorization sitting on my desk. The consequences of this practice must not be underestimated since it may be critical to full case development and have a substantial impact on denial rates. The miner has the burden to produce adequate medical proof of disability. But the Administration tells him what doctor to see, what tests he will get, and tells him if he does anything further he cannot be assured of reimbursement. So the miner is given the burden of proof without the freedom to meet it in the way most advantageous to his claim.

The second procedural problem I wish to discuss involves withdrawal of claims. Mr. Golden has told you in oral testimony how miners enrolled in the Mainstream Program have been denied because participation in the program has been deemed "work," hence disqualifying the claim. But the men are often in fact disabled and are given extremely light tasks to justify their welfare level stipends. Courts have held that mere enrollment in these programs is not evidence of work ability under the Disability Insurance Benefits program, yet it is being used to deny Black Lung Benefits claims. But the problem does not end with this substantive error. Substantial numbers of men in these programs have been contacted and asked to withdraw their claims because of the futility of pursuing a claim while "working." The withdrawal is not necessarily at the written request of a miner. I was contacted by one miner who was denied because he allegedly withdrew his claim. Yet he still has the unsigned withdrawal request the District Office prepared for him. Not only does Social Security solicit withdrawals, but they seem to be approving them without full explanations, without adequate confirmation of the miner's intent to withdraw, and even without a simple X-ray which might show the miner is entitled despite work activity. Certain types of cases are being singled out for inadequate development and withdrawal. The claims manual itself provides for "curtailing development" and the experience of miners as related to me confirms the withdrawal practice. I have been waiting six weeks to see the file in one of the withdrawal cases, and I expect I would ordinarily have to wait six more to see the file in order to be able to fully document any abuse.

This brings me to the third problem I wish to discuss, disclosure of files. Miners are not informed that they are entitled to see the medical reports in their claims files. If they do request a look, they have to wait substantial periods before the file will be made available at the local office, and when it arrives they may be told they cannot examine records gathered as part of their file for Disability Insurance Benefits. It is no answer to say miners cannot understand complex medical data in their files—they can tell when their own doctor's report is missing, and with proper assistance they will understand what type of reports they will need to establish their claim.

Lawyers face similar disclosure problems. I requested a copy of the claims manual and was told I could see it at the Local District Office and copy pages at 50¢ a page. It would cost me about $150.00 to obtain the full manual I had requested. Public Assistance agencies furnish their corresponding documents without cost. Why is the veil of secrecy so difficult to pierce when it comes to Social Security?

Whatever steps are taken to assure adequate assistance from local Social Security offices, Kentucky miners are still hindered by the lack of adequate medical facilities in their State, particularly in the eastern part where most miners live. Congressman Flood stated that Pennsylvania provides free facilities for evaluating Black Lung. The situation in Kentucky is markedly different.

We have one State Hospital in our area, but it has refrained from performing Black Lung evaluations and the State has talked about closing it completely. So a principal source of X-rays for our miners has been eliminated. Instead of using the State facility miners are sent to private hospitals which had not always been concerned with this disease previously. We find alarming numbers of miners are asked for repeat films apparently because the first film was of such poor quality. This is not surprising in view of the assembly line procedures discussed by Congressman Perkins and Mr. Lane in oral testimony. We have been told that lack of quality X-rays is a substantial reason for our disparate share of denials by sources within the Social Security Administration, but we have not seen the results of any quality surveys which I am sure they must have conducted with their panel of specialists in Baltimore.

If a miner cannot establish his claim by X-ray, existing standards permit use of a test called the Blood Gas Study. According to a recent survey, more miners could qualify this way than by X-ray alone. However, we do not know any miners given this test at government expense in the absence of a specific request. This is not surprising. To our knowledge, there is only one facility in our area which offers this test. We do not know of any facility here which gives this test with sufficient exercise to meet standards acceptable to Social Security medical staff.

We do not intend to quarrel with the doctors and hospital administrators over how they run their treatment facilities. They have accepted overwhelming caseloads. Until recently they had no critical need for a testing facility because there was no benefit program geared to it. Social Security created this need. Social Security requires miners to generate numbers on medical tests to get benefits. Social Security has failed to supply facilities capable of generating the essential numbers. Social Security has chosen to clog existing facilities and cut corners on its administrative budget in making new facilities available. Instead of responding to our needs, it has stood by and profited while denigrating the claims of Kentucky miners. So it is Social Security whom we blame.

Social Security has attempted to justify Kentucky denial rates with theories that fewer Kentucky applicants are disabled by Black Lung. One theory is that since unemployment is high in Kentucky, the miners there are forced to apply because they are unemployed instead of disabled. I resent, both individually and in behalf of the Black Lung Associations I represent, this use of the claim that Kentucky miners have less substantial cases because they have the misfortune of living in a region of low employment. Kentucky miners are poor. They have few job opportunities. Black Lung Benefits do hold out the only hope for survival for many Kentucky miners. Otherwise there would be no Black Lung Associations. But to seize upon these conditions as a justification is to remain complacent about eligibility tests which refuse to recognize these conditions and discriminate against the Kentucky miner.

Present eligibility tests require miners to prove they are disabled not only from jobs in the region where they live but also from jobs available elsewhere in the national economy. Parking lot attendants, elevator operators, night watchmen—these jobs, like so many others, are virtually non-existent in areas where Kentucky miners reside. Since the jobs do not exist in the realm of the miner's experience, he cannot try them out and thereby demonstrate his disability. Instead he is expetced to disprove his ability to do jobs conjured up by expert witnesses. This theoretical framework overwhelms many lawyers, much less miners. The miner may be denied no matter how unrealistic his employment potential. He can't turn to the jobs he is deemed capable of if he is denied. By definition these jobs do not even exist where he lives. Standards assure miners will get neither benefits nor jobs. Mr. Popick wants to make it more profitable to work than to receive benefits—but some miners cannot get either work or benefits. The rules compel this result. I'm not talking about errors, but what happens when present criteria are applied.

How can we avoid complacency about denial rates by the Social Security Administration? Mr. Popick said in the hallway after the hearings that he hopes he could visit us in Kentucky. This might be fruitful. Members of our staff have met with his staff before with no perceivable change in results. Miners have held public hearings and invited his central office staff, but Social Security officials would not come to such a meeting despite requests from Congressmen that they do so. Instead of coming, the Administration responded with press releases informing miners of the vast expenditures the Administration had made on Black Lung Benefits. If Mr. Popick were to come to Kentucky with members of your honorable committee, perhaps a fuller understanding of the problems miners are facing could be obtained. As I hope I have made clear, denial rates reveal only the surface of a very human struggle.

Mr. Hawkins. The next witness is Dr. Donald Rasmussen, Appalachian Regional Hospital, Beckley, W. Va.

The Chair is trying to take the witnesses in the order in which they appear from geographical distances and my understanding is that Dr. Rasmussen is one of the out-of-State witnesses.

We would like to hear from you at this time, Doctor.

Do you have a prepared statement?

STATEMENT OF DR. DONALD RASMUSSEN, APPALACHIAN REGIONAL HOSPITAL, BECKLEY, W. VA.

Dr. Rasmussen. Yes, sir, I submitted a prepared statement.

Mr. Hawkins. Without objection that statement will be entered in the record at this point.

PREPARED STATEMENT OF DONALD L. RASMUSSEN, M.D.

The Coal Mine Health and Safety Act of 1969 was a long overdue measure which came into being because there were concerned members of the Congress of the United States. The compensation provision for disabling "black lung" diseases has brought much needed relief to many miners and widows of miners in the coal fields. Some recipients have been saved from virtual destitution and a measure of dignity has been restored to all recipients.

Although it is gratifying to note the effects of these benefits, there is a parallel sense of concern for the large numbers of miners whose claims for federal black lung compensation have been denied. Were it obvious that those receiving benefits were more severely disabled than those denied, and if those denied benefits had no significant disability from lung disease, there would be little reason for this concern. The fact is, however, that *there is no relationship between the severity of the lung disease and the granting of awards.* Some miners with little or no impairment are receiving payments, while many of the most severely incapacitated miners have been excluded from benefits. Many many miners have been unjustly deprived of compensation.

The Social Security Administration has functioned under the premise that its methods of evaluation of claimants separated those with occupational from those with non-occupational respiratory insufficiency. To be more specific, they have presumed to separate those patients with disabling coal-workers pneumoconiosis from those without pneumoconiosis, or from those with non-disabling pneumoconiosis.

While this is a laudable endeavor and one which is quite desirable, the current state of medical knowledge does not permit such distinctions, even with the most careful evaluation and sophisticated techniques. By contrast, the Social Security Administration has employed only the simplest and least costly testing procedures in its approach to this very complicated problem. It has, however, adopted certain practices and made assumptions which are often employed by industry-dominated state workman's compensation commissions. The SSA unfortunately has not matched the enlightened progressive and humanitarian efforts of the Congress.

The most unfortunate regulation adopted by the SSA and adhered to in an unaccountably tenacious manner, is the requirement of x-ray evidence of simple pneumoconiosis. By far, this requirement has eliminated the greatest number of applicants from benefits. Among those denied for this reason are many miners who previously had x-ray evidence of pneumoconiosis, and many who are severely disabled. The SSA has experienced many of the technical problems which mark the x-ray as an unreliable diagnostic tool in determining the presence or absence of pneumoconiosis. They have encountered large numbers of films which are technically of too poor quality to allow interpretations, and they have seen the differences of opinion of individual radiologists in interpretations of the same films. Reason would seemingly induce a down-grading of the importance of the x-ray findings in administering of the compensation provision, in light of this experience. To the contrary, the SSA has actually increased its emphasis on x-ray findings. A panel of radiologists, mostly from the Baltimore area, have now begun to reread x-rays previously interpreted by radiologists from the coal mining areas. These Baltimore "experts" apparently are considered superior to specialists with equal training (and considerably more experience) from the coal mining areas.

Aside from the technical difficulties in obtaining the needed quality and precise exposure for adequate visualization, and the differences of interpretation from radiologist to radiologist, it should be noted that impairment in function is unrelated to x-ray findings, and severe pulmonary disability may be present in miners with less than clear-cut evidence of pneumoconiosis.

The SSA has, to date, almost exclusively employed the forced vital capacity as the pulmonary function test to determine the presence of disability, in those subjects whose chest x-ray revealed simple pneumoconiosis. This test has a number of advantages for determining the capacity to ventilate the lungs. It is of little value in assessing the effects of coal workers pneumoconiosis on the respiratory function of coal miners. It is most useful in detecting and evaluating the presence and severity of chronic bronchitis. It can be reasonably stated that those subjects who have been granted federal black lung compensation on the basis of this test have been compensated largely for bronchitis, not from the specific effects of pneumoconiosis. This has been done, however, only in patients whose x-rays reveal simple pneumoconiosis. Those miners with equally disabling bronchitis but without x-ray evidence of pneumoconiosis have been denied benefits. This seems hardly justifiable, since the presence of visible pneumoconiosis had nothing to do with the results of the forced vital capacity test.

Other tests, such as those designed to measure the capacity to transfer oxygen from the lung to the blood during exercise are far more sensitive and show much closer relationship to disabling shortness of breath. These tests are more difficult and do require much more time. Unfortunately, there are too few facilities in the coal mining regions where these studies can be obtained. However, if a realistic evaluation of the lung function of applicants for federal black lung compensation is to be required, these tests are essential. The SSA may plan to employ some test of this nature, but only on patients who have been denied and have asked for reconsideration. There is some reluctance on the part of the SSA to consider such tests in subjects whose ventilatory functions are entirely normal. This reluctance is the result of their adherence to the concept that disabling shortness of breath does not occur in the presence of normal ventilatory capacity. This concept is based only on opinion and is unsupported by medical proof.

The standards set by HEW are the same as for Social Security disability. These standards are unrealistically severe, not only for federal black lung claimants, but social security as well. Although the requirements are the same for federal black lung compensation as for disability under the SS program, the black lung applicant is not provided the same opportunities nor given the same consideration as the SS disability applicant.

The current regulations under which the SSA is operating are grossly unsatisfactory. Any thought of making these the "model" for future state compensation measures is intolerable. The administration of the federal compensation program must be improved measurably before it can be considered even barely adequate.

Compensation for miners disabled by pneumoconiosis will continue to be a problem or even increase over the next 5 to 10 years because of the large numbers of working miners who are now impaired.

Considering our present state of medical knowledge regarding the lung disease of coal miners, a number of changes must be made in the administration of the federal compensation program. The first change should be to recognize that we do not possess the knowledge enabling us to distinguish those lung diseases of occupational from non-occupational origin. With the possible exception of specific infections and cancer, it is impossible to prove that any type of lung disease did not either arise from or was not aggravated by the miners occupation. The full spectrum of coalworkers pneumoconiosis has not been completely outlined and our ability to diagnose this condition is limited. Any disabling respiratory disease of a coal miner should, therefore, be considered to have arisen from this occupation.

The requirements for determining "total disability" should be made more realistic. Any miner who is rendered incapable of performing his usual mining job should be considered "disabled," under the federal black lung compensation provision.

These recommendations, if put into effect, would result in a considerable increase in costs. This increased cost, however, would be fully justified. It would also more accurately reflect the true magnitude of the problem of lung disease among this country's coal miners. This might also serve to stimulate the continued and careful control of working conditions within the coal mines.

Mr. **Hawkins**. Would you care to summarize your statement, Doctor?

Dr. **Rasmussen**. In my prepared statement, I gave some of the reasons that I object quite strongly to the regulations under which the Social Security Administration has administered the Federal black lung compensation provisions.

Now, my full-time job for the past several years has been doing pulmonary functions, evaluation of coal miners, coal miners with varying degrees of shortness of breath.

The very reason that my job exists and that this is a full-time job is primarily because the test which has been used by the Social Security Administration as the means of distinguishing those who are disabled from those who are not, simply has no bearing on coal workers pneumoconiosis.

We encountered many, many coal miners with shortness of breath that was so severe that these men were incapable of anything but sedentary activities and in spite of this, the test for breathing ability or the ability to move air in and out of the chest might be entirely normal, or only minimally abnormal. Many of these miners had only simple pneumoconiosis by X-ray and there were certain numbers of them in whom definite pneumoconiosis could not be seen by the X-ray. It soon became quite apparent that what we were seeing was not what was described in the textbooks, that somehow the problem was entirely different.

When we proceeded to do additional kinds of studies in these men we did find very clear-cut abnormalities in lung functions by proceeding along other more time-consuming lines. We found that, without regard to X-ray findings, we could find distinct abnormalities in at least 98 percent of those men who presented symptoms of shortness of breath.

In our opinion, then, the use of these tests alone is inadequate. Our experience with the chest X-ray leaves us to conclude, again, that pneumoconiosis of coal workers is difficult to identify. There is so much variation dependent upon the quality of the X-ray and even beyond just quality, the actual very slight variations in voltage and so forth can obliterate or make the pneumoconiosis visible.

Mr. **Burton**. Doctor, would you, for the record, establish your credentials? Where did you receive your degree? How long have you been practicing? How much time have you spent in the coal field areas?

Dr. **Rasmussen**. Yes, sir. I graduated from the University of Utah College of Medicine in 1952. I had internship in internal medicine at the University of Minnesota. I had residency training in internal medicine at the University of Utah hospitals, and at Letterman General Hospital in San Francisco, and pulmonary diseases residency at Fitzsimons General Hospital in Denver, Colo. I was subsequently assistant chief of tuberculosis section at Fitzsimons and later chief of the chest disease service at Brook Hospital at Fort Sam Houston, Tex.

I arrived in Beckley, W. Va., in 1962 and since 1963 and 1964 I have been engaged primarily in physiologic testing of coal miners. I was the chief medical officer of the Appalachian Coal Miner Research Unit of what was then the Division of Occupational Health for the U.S. Public Health Service for 2 years between 1964 and 1966. And since 1966 I have operated the cardiopulmonary laboratory at the Appalachian Regional Hospital in Beckley.

We have to date evaluated something in the neighborhood of 5,000 coal miners.

Mr. **Burton**. Doctor, have you had occasion to visit your counterparts in Great Britain?

Dr. **Rasmussen**. I have not visited Great Britain. I have had a number of discussions with the British observers.

Mr. **Burton**. Here is the heart of the issue, as I view it. It wasn't so long ago people were unaware of this phenomenon called complicated pneumoconiosis, or at least its causes. The representations made, as I understand them, by the Social Security Administration are that there isn't credible medical expertise that can justify a practice differing from the one they are utilizing. No one on this subcommittee could qualify by any standard as a medical expert. I desperately would like to believe you are right. Your counterparts in times past, when this dreaded diseases was in effect, discovered or identified. Given the time frame of this it is going to be a little late for somebody from Social Security to tell us 3 years from now, "We are surprised. Rasmussen was right." Because the time frame would have passed unless they file a claim before the end of 1971 or they die and their widows afterward file a claim as the bill provides.

What tests would you invite to challenge the procedures or the yardsticks utilized by the Social Security Administration? You get our dilemma. You appear to be a rational man.

What tests would you invite, because we have only got 7 months to win this fight? What forum would be sufficiently objective for one to admit that not that a majority of those practicing in this area would concur that the admission would have to be made that this is sufficiently defensible from a viewpoint of medical or physiological analysis that it cannot be denied.

Dr. **Rasmussen**. Well, I think it depends on how precise you want to be in terms of the kinds of medical proof that your are requiring. Now the thing which lung disease does which causes the inability of a person to engage in normal activity or to work is shortness of breath. And I think I would certainly begin with some assessment of the degree of shortness of breath that an individual might complain of.

This is a thing which is done by the average physician in his taking of a medical history. And there are certain clues in medical history which can lead you to feel very confident that this man does indeed suffer from severe shortness of breath.

Now this, of course, would not give any kind of objective evidence of disability. But it might be as accurate in the long run as most anything else that we show you in terms of testing.

Mr. **Burton**. Has there been a test by any scientifically objective standards or any objective forum of your assertions? Have you been permitted, if you will, to have your point of view brought to bear, vis-a-vis, the medical adviser or advisers of the Social Security Administration in some objective forum, or have they been proceeding at one level and you at a parallel but different level and the two lines have never had the opportunity to join with one another?

Dr. **Rasmussen**. I have had the opportunity to present my views to the Social Security Administration and to the medical profession in general, as well. And the findings of pulmonary function studies that we have obtained have been published in the medical literature. And I must say the data that is there is pretty solid data.

Mr. **Burton**. How many men in the practice of medicine have the kind of expertise that you would think useful to you? Is this a very limited number or percentage or professionals or isn't this an area of significant specialty?

Dr. **Rasmussen**. Very definitely. The type of, well, setup that I have and even what I do is probably fairly unique. But it certainly is not available to the average clinician, the average practitioner, or the average specialist.

Mr. **Burton**. Do you have in your area of specialty a subgrouping in the AMA or is there an organization, if you will, of medical men in this specialized area?

Dr. **Rasmussen**. Not a complete organization limited so strictly. There are a number of specialty groups concerned with lung diseases, for example, but not specifically with the type of physiologic studies that we perform.

Mr. **Burton**. It is very important that there be something better than a majority vote in this respect and we never intended it to be a majority of those who are M.D.'s that are going to make this judgement.

On the other hand, how could any Congressman on an objective basis say that your viewpoint is not a solitary one? I don't think the point of view that you take has to be a majority one, nor a dominant one, nor a 42-percent one, if you will. But the Social Security Administration would probably be ill-advised, all things being considered, to take a single opinion. You see—and I am probing—because we have got 7 months and 10 days or thereabouts to lick this thing. What mechanism could we urge upon the Social Security Administration to review their standards?

You needn't come up with this this second, but if you have got one you would be very well advised to let enough members of this committee be aware of it so that we can at least pursue that.

Dr. **Rasmussen**. I think that the Social Security Administration has available sufficient backlog of actual studies that they could certainly review these and compare them with, let's say, the X-ray evidence in the case, the cases, and others, whatever other criteria they wish to employ, to certainly point to the fact that there are large numbers of miners who have disabling lung diseases that just don't happen to fit into the pattern that the British have described. And the Social Security Administration, I am sure, has an ample number of these on hand at the present time.

Mr. **Burton**. Is there any other recognized authority in Great Britain that either concurs with you or say that they cannot reject your conclusions?

Dr. **Rasmussen**. Well, I don't know any who can say flatly that they reject my conclusions, because I think if you examined carefully the basis on which they have formed their conclusions, you would find that this was a very limited study, a single study. It wouldn't be difficult to make some observations about the validity of that particular study.

Mr. **Burton**. Do you agree with the notion that a death certificate saying in effect heart failure is hardly worth the paper it is printed on for purposes of rejecting the claim of a widow whose husband worked in the mines for 20, 25 years?

Dr. Rasmussen. Well, if it said heart failure, that would lead me to ask whether it was right ventricular or left ventricular failure.

Mr. Burton. Part of my point is that I suspect a significant reason why in Pennsylvania you have a higher rate of approval was that there were a reason for examining men more carefully; there was a reason for preserving the record, because there were benefits that might be triggered off as a result. That was not an operative situation in Kentucky and West Virginia and there was no need to indulge at what might be abstract research. I do not know, but I heard some testimony today that left me with the impression that if the medical report said heart failure is the cause of death that might be a basis for overcoming the rebuttable presumption which is built into the law and I can't see how that can be the case at all, particularly anything related to the heart function.

Isn't a lung function and heart function so interrelated that such a reason for death has to be taken, if you will, can't be used to refute a presumption running in support of a claimant if the miners worked in the field for x number of years?

Dr. Rasmussen. I think this, that there are certain conditions, fatal conditions, of the heart which so far as anybody knows have no bearing on the lung itself. On the other hand, the lung disease can cause heart failure of one particular type.

The only trouble with the death certificate is while a man may, for example, have died of a coronary artery occlusion which we think would be unrelated to the lung disease, this does not tell us how much impairment in lung function or how much disability from lung disease the man had before he died. He may have been totally disabled as a result of lung disease but then died of this coronary artery occlusion. The death certificate in most instances does not reflect his disabling lung disease. I don't think that this is any different in Pennsylvania than it would be in Kentucky. I think that the Social Security Administration has made efforts to look deeper into the history besides just the death certificate. These efforts, I think, not through, necessarily, the fault of the Social Security Administration, have not really been adequate.

I have observed, for example, in our own hospital the way in which the records are searched. They are not searched by qualified people who know what they are reading about. They are seeking only very limited bits of information. So that many of the records that do exist have been inadequately evaluated.

But, again, as I say, this is not what the Social Security Administration has done, but this is the way it has been carried out in different hospitals.

Mr. Hawkins. Mr. Burton, we do have another witness, but time will be running out on the other witness, I am afraid, if we don't try to move along.

Mr. Burton. If I have to stay here until midnight, at least one member will stay here.

Mr. Hawkins. Could I interrupt just 1 minute to have Mr. Landgrebe introduce his group. I see another colleague of ours on the committee is present with a group. It seems to be an afternoon for visiting.

Mr. Landgrebe. Thank you, Mr. Chairman. I have some newlyweds here from my district. Mr. and Mrs. Ron Culp; and also Attorney and Mrs. Joseph Bumbleburg, also good friends of ours.

Mr. Hawkins. Very pleased to have you visit us, Mr. Landgrebe.

Mr. Landgrebe. Thank you very much.

Mr. Burton. This suggestion won't be very useful until we get to around the 1st of November, but from that point on I would encourage you to induce every coal miner that comes within the range of your voice to file a claim, because this law is constructed that a claim can be filed now and that claim, is then on the records for purpose of preserving his and his widow's rights under the first section of this bill. It would be counterproductive now because the Social Security Office would be flooded with claims, it may not be at this point, where they are rip. To preserve their interest and their rights I would urge starting about November 1 you get on your horse and see that everybody has complied with this condition precedent to them either receiving benefits under the lifetime payment provision of this law or for that matter their widows.

It is another part of what I thought was a very carefully drafted piece of legislation that I think is very important that it be understood.

We have not mentioned this yet publicly because we have not wanted to, if you will, have the currently rip claims lumped in with these others and therefore slow down, if you will, the process of the filings in the determination of eligibility. But please do remember that.

Dr. Rasmussen. I will do so. And I appreciate that comment because there are many, many, many miners who are now working who, while not totally disabled, will become so over the next 5 to 10 years regardless of how clean the mines are made.

Mr. Burton (presiding). That really is the point to preserve their right and then that determination can be made. They could make it once and then they can appeal it, but it is our understanding that once you filed that claim you have protected your right for the rest of your life. It was the only way out.

Is there anything else you would like to tell the subcommittee apart from another suggestion that you do communicate with us if there is some way that you can think of that will cause, if you will, an adjustment of how the Social Security defines its yardsticks?

Dr. Rasmussen. I want to make one comment about the X-ray criteria. I am certainly not alone in criticizing the X-ray for being the imperfect tool that it is. This is well known and statements have been made by expert radiologists regarding the requirements, the high requirements for the technical excellence and so forth. And also you can find many witnesses who will concur that while the X-ray may not be positive, the likelihood of an autopsy or biopsy data showing definite pneumoconiosis is very high.

Mr. Burton. One final point that occurs to me because it is also important. I think there is some misunderstanding at the executive level of the Social Security Administration. It is obviously very possible for a person to be totally disabled and still working. I am reminded of a woman who could do little more than move her chin about a quarter of an inch, a paraplegic, who was disabled but ineligible for benefits under our State public assistance laws because she was a telephone operator. So the finding of disability is not precluded by the mere fact that you happened, by some inordinate dint of effort or will, to be putting in a substantially full workweek. It was to anticipate that problem and eliminate it that we geared these earnings as a mechanism to bring you down to zero benefit level, but we did not view the fact that you were working as any evidence, per se, that you didn't come within the total disability parameters. It is a subtlety but it is really quite important.

Dr. Rasmussen. I am aware that claims of those who are working are not completed. They are not given the same, let's say, even limited testing that the nonworking miner is. However, I understand that people with complicated pneumoconiosis may be allowed to continue working.

Mr. Burton. Yes, but there is a wage offset to that. In other words, you can earn all of the first $1,650 a year, and half of the next $1,200. And half of the next $1,200 is deducted from your black-lung payment. And beyond that every dollar you earn there is a dollar-for-dollar reduction for your black-lung payment.

Dr. Rasmussen. But I point out here that this business of automatic assumption of disability in the case of complicated pneumoconiosis, which is a synonym for progressive massive fibrosis, they are not separate diseases as Mr. Erlenborn had suggested, this holding so firmly to the British concept about this is one of the major reasons for the dissatisfaction in the coalfields because many of those with complicated pneumoconiosis are not significantly impaired and as a consequence of this——

Mr. Burton. We made the judgment there that that was an absolutely automatically qualifying situation. There were others in addition. We did that, given the nature as we understood it, that this was a one-way street, once you had progressive or once you had complicated pneumoconiosis.

Dr. Rasmussen. This, of course, again you might have to look at it in a longitudinal fashion. In other words, this man may be severely disabled in 10 years or something like that. But my point, too, is that given coal miners with qualitatively and quantitatively identical physiologic derangements, it makes no sense to compensate the one with a small lump, let's say, as big as your thumb, and deny compensation to the one who has no lump of that size. This is illogical. While it may be the majority of medical opinion, this is, by and large a result of convention and not actual medical knowledge. This, of course, is the base with the whole concept of the X-ray diagnosis and the clinging to this in industrial medicine.

Mr. Burton. Well, I think the coal miners are indebted to you. We in the Congress are. You did much to induce and keep alive our interests.

And if you have got this mechanism, please come forward, because it is not going to do much good to argue along parallel lines. We will not pass a law, I don't think, that will substantially change this picture. Maybe we will be lucky enough to do so. But we might possibly, by dint of the validity of what I would hope to be the situation if we can find some forum or arbiter, if you will, that could at least say that your position cannot be rejected immediately, hopefully we could take a little stronger position than that.

Thank you very much, Doctor.

Dr. Rasmussen. Thank you.

Mr. Speaker, on July 5, 1971, I wrote to Secretary of Health, Education, and Welfare Elliot L. Richardson, raising a number of questions about the manner in which the Social Security Administration was handling the medical examinations for black lung benefits applicants. On July 15, 1971, I received an acknowledgment, which indicated the questions were being evaluated. Not until today did I receive a response from Robert M. Ball, Commissioner of Social Security. I am including all this correspondence for the RECORD:

JULY 5, 1971.

Hon. ELLIOT L. RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR ELLIOT: I am writing with regards to the current practice of the Social Security Administration in handling the medical examination of an applicant for black lung benefits. The SSA has begun a policy of rereading chest x-rays which have previously been interpreted in the coal fields as being positive for pneumoconiosis.

There have now been instances where a miner's reconsideration has been denied after the Baltimore experts re-read a film that had previously been read as positive. Further, all of the x-rays that are read as positive are being gathered by the Vocational Rehabilitation people for transmittal to Baltimore. This usually results in the claim being denied.

In light of this trend involving the new policy, I have several questions which I would like for you to look into, including:

How many radiologists read each film?

If more than one, are the interpretations made independently by each radiologist?

Or, do the radiologists sit together and read the films jointly?

If the films are independently interpreted, how often do different radiologists' interpretations disagree?

How are the differences, if any, resolved?

Is inquiry made of each applicant to learn when and where all previous chest x-rays were taken?

Are all available previous films obtained and interpreted in all cases?

In cases where more than one chest x-ray is obtained, what is the policy if some of the x-rays are interpreted as positive and others negative?

Also, I understand that the SSA is going to put on a massive publicity, or should I say "brain-washing" campaign, in the coal fields to inform the miners of the regulations regarding black lung claims. It seems to me that such an expenditure of funds for such a purpose at this time is not advantageous especially in light of the fact the House is going to consider several amendments to the Federal Coal Mine Health and Safety Act of 1969 in the immediate future, probably this month. Thus, the TV spot which says "you must have x-ray evidence of pneumoconiosis" and other similar statements will not be correct if the amendments pass.

I would appreciate your careful and immediate attention to the matters set forth in this letter. Thank you for your cooperation.

Sincerely,

KEN HECHLER.

SOCIAL SECURITY ADMINISTRATION,
Baltimore, Md., July 15, 1971.

Hon. KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR KEN: This refers to your recent letter to me regarding our policies in handling claims for black lung benefits—particularly the new procedures involving the re-evaluation of chest x-rays by our headquarters disability staff. Secretary Richardson also has brought to my attention the letter you addressed to him on the same subject.

The appropriate members of my staff and I are now in the process of giving your questions on the new procedures and their implications the in-depth evaluation and analysis they deserve and I will be in touch with you again as soon as possible. At that time, I will also provide you with information about our current and planned public affairs activities in the area of black lung benefits.

Sincerely yours,

ROBERT M. BALL,
Commissioner of Social Security.

SOCIAL SECURITY ADMINISTRATION,
Baltimore, Md., October 5, 1971.

Hon. KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR MR. HECHLER: I regret very much the delay in giving you a final answer to your letters to me and Secretary Richardson on the review of X-ray evidence in the handling of black lung benefit claims.

I asked Mr. Bernard Popick, Director of our Bureau of Disability Insurance, to look into your inquiry thoroughly and provide me with a report. I am enclosing a copy of his report, which I hope you will find helpful.

Please let me know if we can provide any additional information.

Sincerely yours,

ROBERT M. BALL,
Commissioner of Social Security.

REPORT TO COMMISSIONER OF SOCIAL SECURITY REGARDING INQUIRY FROM REPRESENTATIVE KEN HECHLER

Representative Hechler has inquired about our policy and practice in the review of X-ray evidence in claims for black lung benefits.

Our basic policy is to provide each applicant full opportunity and assistance in submitting all available X-ray evidence from his own medical sources, and this evidence is carefully considered. If it is not sufficient for a proper decision, arrangements are made to have an X-ray taken by an experienced radiologist at Government expense.

Where the evidence obtained is conflicting or otherwise inconclusive, the X-ray films are re-read by an expert radiologist. In some cases, a new X-ray is called for to resolve doubts and assure a sound basis for the decision.

If an applicant's initial claim is denied and he requests reconsideration, in accordance with our established policy his claim is given a complete and independent review, including all X-ray and other medical evidence previously received and any additional evidence submitted. X-ray films not previously reviewed are re-read by a radiologist experienced in reading for pneumoconiosis. Where there was a prior finding of negative X-ray, a careful review is made to determine whether there is any basis for a positive finding. Where the prior evidence in the denied claim showed simple pneumoconiosis, the review of the previous finding through re-reading of the X-ray film provides verification of the determination required by the law of whether the applicant had complicated pneumoconiosis (which is presumptively disabling). As a result of additional evidence received and the re-reading of X-rays in the reconsideration of denied claims, there have been cases of changes from negative to positive findings and the reverse.

To perform the X-ray re-reading, we are employing the services of a group of eminent radiologists with outstanding experience and skill in X-ray classification under the approved classification systems. These radiologists perform this function independent of each other. We have experienced some differences in reading results in this process, but indications to date are that these are not beyond the limits of normal experience among well-qualified and authoritative professionals. Where differences exist on review of the total evidence, a consensus of the independent readings is reached.

With respect to Representative Hechler's inquiry about our public information activities on the black lung program, we have taken action—based on our experience in the administration of the social security program—to promote an understanding of the requirements of the law among potential applicants and beneficiaries. Our local district offices have been the focal point of this activity, through face-to-face discussions and meetings with applicants and other interested parties and through the dissemination of information in pamphlet form and via the press and other media.

We have carried out normal informational efforts to acquaint the public with their rights under the law since its enactment. At that time, of course, we launched a special campaign to encourage filing by all potential eligibles. At the present time, we have no plans for any extraordinary step-up of information activity. Sometime ago we did initiate plans for the preparation of a special television message on the requirements of the law, but this activity was not completed.

BERNARD POPICK,
Director, Bureau of Disability Insurance.

Mr. Speaker, I include at this point excellent articles on the problems of coal miners in establishing eligibility in the Wall Street Journal of September 4, 1971, and the Village Voice of September 23, 1971:

[From the Wall Street Journal, Sept. 24, 1971]

COALFIELD CLASH: BITTER MINERS ASSERT THE "BLACK LUNG" LAW IS FILLED WITH LOOPHOLES—DISABLED MEN SAY BENEFITS ARE DIFFICULT TO COLLECT; "SLIPSHOD" DIAGNOSES CITED—"OUR ONLY WEAPON: A STRIKE"

(By Bob Harwood)

BECKLEY, W. VA.—Peter Bob Gibson, at 67-year-old ex-coal miner, steps onto the treadmill. Blood-sampling needles protrude from his left arm. A rubber mouthpiece and tube connect his respiratory system to a bank of testing devices, while electrodes taped to his chest monitor his heartbeat.

Slight, pale and stooped, Mr. Gibson is obviously tired as he begins a six-minute walk on the treadmill. The testing devices are measuring his ability to breathe and the capacity of his lungs for transferring oxygen to the bloodstream. He is going through two days of tests here at the Appalachian Regional Hospital to find out exactly what 31 years in the coal mines have done to his body.

Mr. Gibson, a resident of Rainelle, W. Va., was forced to retire earlier this year after a stroke. He now complains of constant fatigue and shortness of breath. He contends these maladies are caused by a lung disease named pneumoconiosis, more commonly called "black lung," which is an occupational hazard of work in dusty coal mines. But the federal government has told Mr. Gibson he doesn't have a black lung disability—and, through medical tests, Mr. Gibson is determined to prove the government wrong.

Mr. Gibson isn't alone. In fact, he's one of thousands of coal miners who have lost faith in a program they initially thought was a major legislative victory for the country's underground coal workers. The victory they had hailed was the passage of the Federal Coal Mine Health and Safety Act, signed by President Nixon on Dec. 31, 1969. Besides setting mine-safety standards, the act established a black lung compensation program providing cash benefits ranging from $153 to $306 a month for miners who are disabled by pneumoconiosis resulting from their work and for widows of miners who died of the disease.

BITTERNESS AND FRUSTRATION

On paper the legislation seemed to be a major advancement for the miners. But initial joy in many cases turned to bitterness and frustration. More than half of almost 300,000 miners who have applied for black lung benefits have been rejected by the Social Security Administration, which has the responsibility under the act for deciding, case by case, which miners meet its requirement of total disability stemming from mine-contracted pneumoconiosis. Social Security statistics show that through Sept. 3 of this year, 145,428 claims for benefits have been allowed, while 147,761 have been rejected.

Indeed, the black lung program has proven far more complicated and controversial than anyone imagined in 1969. As the miners disillusionment with the program has deepened, the controversy has led to a campaign in the coalfields, the Congress and the courts to change the program. And there are rumbles of "black lung" strikes if the change doesn't come.

"It may take a shutdown of production to get fair black lung benefits," warns Arnold Miller, a retired miner from Ohley, W. Va., who is now president of the Black Lung Association, a miners' group formed to lobby for such benefits. Strikes, Mr. Miller adds, are "the only real weapon" miners have.

The outcry over the Social Security Administration's black lung rejections has been particularly loud in West Virginia and Kentucky, due to a noticeable disparity in the rejection rate from state to state. In Kentucky, 68% of 31,694 miners' claims have been turned down; in West Virginia, 54% of the state's 55,549 claimants have been rejected. But, in sharp contrast, some 70% of the 93,854 claims processed in Pennsylvania have been approved.

DIFFICULT TO DETECT

Unhappy miners charge that the rejection-rate disparity isn't caused by chance. Pneumoconiosis is a difficult disease to detect, and the miners claim there aren't enough qualified doctors and properly equipped medical facilities in the isolated mountain regions of Kentucky and West Virginia to permit thorough medical examinations.

The miners further charge that doctors in these mountian regions are often influenced by the views of the coal industry—which stands to inherit a large financial liability when the financing of black lung benefits reverts to state administration (The program will be federally financed at least until Jan. 1, 1973. When the states take over the program, the coal companies will pay costs either through direct assessments or through state workmen's compensation systems.)

Social Security officials say there are other reasons for the disparity. Bernard Popick, director of the Bureau of Disability Insurance, says the Pennsylvania claimants were on average, "significantly older" with a longer exposure to coal dust than claimants in the other states. He adds, furthermore, that black lung is more prevalent among anthracite (hard) coal miners than among bituminous (soft) coal miners, and Pennsylvania still has thousands of retired workers from the once-large but now-dying anthracite industry.

The real battle, however, isn't over state-by-state differences but over methods of testing for the disease. Disgruntled miners contend that the Social Security Administration is rejecting claims on the basis of insufficient and even slipshod diagnoses. And to back up their contention, the miners have marshaled an impressive corps of lung specialists.

CRUX OF THE CONTROVERSY

The crux of the controversy is the government's reliance on X rays as the primary basis for accepting or rejecting a claim. The miners' groups and their supporting medical authorities contend that a single X ray and a simple accompanying breathing test aren't sufficient to prove the absence of black lung. Instead, some miners recommend a series of X rays and a "blood-gas" test, which measures the amount of oxygen absorbed by the blood.

A group of 12 disabled Kentucky miners, aided by a local legal-aid organization, has filed suit in federal district court in Washington, D.C., seeking to eliminate altogether the use of the X ray in determining whether a benefit claimant has black lung. The 12 miners claim to be totally disabled by the disease but have had their benefit claims rejected either because their X rays didn't show spots on the lung or, if they did show spots, a subsequent breathing test ordered by Social Security officials disqualified them.

Some of the plaintiffs claim their examinations were inadequate. Ray Hubbard, a 39-year-old ex-miner from Manchester, Ky., says "a nurse took one picture and I never saw a doctor" during his test at a local hospital. Mr. Hubbard says he's disabled and out of work because of heart trouble and lung impariment; but his black lung claim, he says, was rejected on the basis of that one X ray and one quick breathing test.

Dr. Donald Rasmussen, director of the cardiopulmonary laboratory at the Appalachian Regional Hospital in Beckley, backs up the suing miners. "Many, many miners have been unjustly deprived of compensation," the doctor says, "The Social Security Administration has employed only the simplest and least costly testing procedures in its approach to this complicated problem."

A second court test, backed up by other medical authorities, is being prepared by the Appalachian Research and Defense Fund, a private, nonprofit lawyers' group in Charleston, W.Va. The evidence for this group's case was gathered by 12 doctors from medical schools and in private practice around the country who recently examined about 30 black lung rejectees in Beckley. Following their examinations, the doctors issued a public statement calling the Social Security testing "unduly and unnecessarily restrictive" and recommending more thorough diagnostic efforts, including blood-gas tests.

One of the dozen physicians is Dr. John Rankin, chairman of the department of preventive medicine at the University of Wisconsin. Dr. Rankin says the breathing test used by Social Security only measures the ability of an individual to breathe air in and out—while black lung interferes with the lungs' ability to transfer oxygen to the blood. "A man can have a perfectly normal breathing test and be severely disabled," the doctor says. A blood-gas test, however, detects impairments such as black lung.

Another doctor in the group says that rejections based on the current Social Security tests "should offend us all as doctors." He adds: "The denial of benefits to men too short of breath to walk half a flight of stairs should offend us all as citizens."

On the congressional front, the black lung controversy is spurring an amendment to the 1969 act. The House Labor Committee has passed an amendment sponsored by Rep. Carl D. Perkins of Kentucky that would prohibit rejection of claims solely on the basis of chest X rays and would extend for two years the federal administration and financing of the black lung program.

KEEPING THE HEAT ON

The full House is scheduled to vote on the amendment next week. Passage is considered likely, since little opposition to the change has appeared. Indeed, coal industry interests would welcome a two-year reprieve from shouldering the black lung cost burden. The cost is no small matter. The benefits paid thus far exceed $400 million and are currently running at a monthly rate of more than $25 million.

In the coalfields, the Black Lung Association and its allies are campaigning to keep the heat on the government to improve the medical screening of claimants. "Our goal isn't to see that everyone who files a claim gets paid, but that they get proper consideration," says the association's Mr. Miller.

Mr. Miller's group is widely distributing in mining areas a "how-to-fight-the-establishment" cartoon booklet titled, "Black Lung Bill Battles Social Security." Featuring heavy-handed caricatures (one drawing depicts President Nixon and a coal company man, hand in hand, standing on a pile of downtrodden miners), the booklet advises miners what evidence is needed to prove black lung, how to appeal a rejected claim and how to "play the Social Security game."

Significantly, the United Mine Workers union isn't playing an important activist role in the black lung controversy. The union hasn't joined in the Kentucky miners' suit or aided in the gathering of evidence to back those fighting the Social Security. In fact, the black lung battlers are generally allied with the dissident factions in the union who are at odds with their president, W. A. "Tony" Boyle, and his administration. Mr. Miller charges the union "isn't concerned" with the black lung controversy.

A spokesman for the Mine Workers responds that the union has supported black lung compensation since the early 1950s and, since the passage of the law, has established counselors in each of its district offices to aid miners in filing claims. The spokesman, however, concedes the union won't have anything to do with the anti-Boyle black lung battlers.

Social Security Administration officials also defend their role—although they admit there's room for improvement. To complaints about testing procedures, Mr. Popick counters that "there's a small minority (of doctors) who question the use of the X ray but the predominant medical opinion is that without an X ray you can't prove total disability."

NO BASIC DISAGREEMENT

Mr. Popick adds that he has "no basic disagreement" with critics who say that more thorough testing methods should be utilized and that more medical examining facilities should be made available to miners. But he says that tests other than the X-ray and the simple breathing test currently being used "take sophisticated knowledge, techniques and equipment" that aren't widely available in mining regions for the processing of large numbers of black lung claims.

Mr. Popick further reports that Social Security and the Public Health Service are jointly starting a new pilot program "which will test a few hundred miners whose applications have been denied" to determine what other tests might be used in the future.

Still, Mr. Popick contends, the Social Security Administration is administering the law as passed by Congress. He further asserts that many of the agency's difficulties, and the resulting controversy, stem from "misinformation." For example, he says, miners with disabling diseases other than pneumoconiosis—including emphysema, asthma and broncitis—that may have been aggravated by work in the mines are nevertheless ineligible for black lung benefits.

"It's difficult for a man to understand that he can be totally disabled but not by pneumoconiosis and thus not receive benefits," Mr. Popick says. And, reflecting on the black lung program's many problems, he adds: "We don't have the final answer by a long shot."

Nor does Peter Bob Gibson have his final answer from his tests at the Appalachian Regional Hospital. He, and others like him, continue to wait and hope, ironically, that their diagnostic results will indicate the presence of black lung disease.

[From the Village Voice, Sept. 23, 1971]

"BLACK LUNG" BENEFITS—KENTUCKY'S COAL MINERS: FIGHTING TO BREATHE

(By Paul Cowan)

Down in the coal mines a man becomes a machine tool. After a decade or two many are too worn out to be useful. By then almost no one with power cares about repairing them.

Black lung, caused by the coal dust miners breathe daily, is their most common disease. When a miner has it he wheezes and coughs by day, can barely breathe at night, Sometimes, in the midst of making love, he begins to gasp for air and can't finish the act. When he tries to sleep in a prone position he feels smothered so he must plant pillows beneath his head and back. Then he tosses and turns, searching for a position that will let him breathe. On damp nights he had to get up four or five times to let oxygen into his lungs. Even sleep is rarely rest. It's often interrupted by a pain that feels like two thick hands squeezing against a man's chest.

Until a few years ago doctors didn't even recognize black lung as a disease. Some men who complained of its symptoms were told they had "miners' asthma" and advised to immunize themselves by chewing tobacco and spitting the dust out with the juice. Others were assured, by coal company officials, that the dust was actually good for them. Now doctors estimate that more than half of the nation's 450,000 active or retired miners have some form of black lung.

It is becoming a hot medical topic. Last week the New York Academy of the Sciences sponsored a week-long conference on the disease. It was a gathering of medical experts from the U.S., Europe, South Africa, and Australia, Nary a miner was invited to the affair.

A few of the guests, like Dr. Donald Rassmussen of West Virginia and Dr. Richard Naeye of Pennsylvania, had worked for years to help miners win black lung benefits. But most of those I listened to seemed more interested in the disease than in the patient. Never mind that 78 per cent of Kentucky's applicants for black lung benefits are turned down, thanks to the state's inadequate medical facilities. Never mind that most doctors—including many at the conference—agree 10,000's of ailing miners are deprived of their benefits by the government's rigid definition of black lung (a definition devised to cut the costs of payments). Those are political questions—doctors might discuss them as individual experts, but almost never as a committed group of citizens. The only urgent pleas at the conference were for more research (and research grants), although all the doctors who attended the final press conference agreed that the tools for abolishing the disease now exist. Black lung was treated as an interesting medical problem, not as the grim result of the coal industry's incredible carelessness.

Some miners did attend one session. Twenty-eight members of Kentucky and West Virginia's Black Lung Association rented a bus and travelled a full day to talk with the doctors. But they were treated more as gatecrashers than guests. Two of their representatives were allowed to read statements, but none of the doctors asked questions, none sought to talk with them about their ailments. The miners are courteous, restrained people, less angry (perhaps because they're less cosmopolitan and savvy) than the miners I met in Pennsylvania last year. They left as soon as they were done, for fund-raising meetings with union leaders and foundation heads. If the doctors had listened to their tales some of what they heard might have shaken their complacency, given their meeting a sense of human urgency.

When Frank Nickels, 50, was a boy in Kentucky his family lived in a "dug-out," an underground burrow which was only lit by two kerosene lamps. That was all they could afford. His father was a miner and most mines were closed during the Depression—he made his money by forging horseshoes in his cave and selling about three of them a day for a quarter apiece. He finally got his job back, but even then his family of 12 was terribly poor. Frank remembers that all his father ate during those strenuous days in the mine was cornbread and salt.

Frank, who stands about five feet five inches, was born with his right arm and leg several inches shorter than his left. But he was the oldest boy so he's been working since he was 10. He never learned to read, write, or tell numbers, so he's unfit for most factory jobs. His deformity makes it impossible for him to hold most laboring jobs—he tried to work in a sawmill once, but couldn't hold the wood as it was being cut. But he does know how to work coal. His father taught him to shovel left-handed, and started him in the mines when he was 14. During the 32 years he worked there he was able to keep pace with the other men.

But there was a toll. Most miners often switch positions when they shovel—now relying on their right hand, now on their left—and that spares their chest and stomach muscles. But Frank's unorthodox style often gave him cramps. Now, he says, his stomach is ruined—from his description it sounds like he's got a severe hernia, though no doctor has produced that diagnosis yet. He says that he can't digest any solid foods, that his weight sometimes dips to 95 pounds.

He also has black lung. Five years ago he was drilling holes in a mine, trying to clear a path for a worker who was loading coal onto a train, when he began to breathe heavily, then pant uncontrollably—and then he fainted. He had to be carried from the mine to the hospital, where he stayed for a month. He hasn't been able to return to work.

He hasn't gotten black lung benefits, though he first applied in 1969, soon after Congress passed them into law. Doctors agree that he has the disease, but according to X-rays it's not severe enough to win him his award. So his family of eight lives on the $103 a month he receives from welfare, plus the $64 his wife gets for taking care of her brother's kids. Food stamps allow them to survive. But survival is increasingly marginal. Mrs. Nickels owes the hospital for two operations; Frank recently traded in his 1959 Ford for $100 so that he could buy coal this winter. Two weeks ago the owners of a strip mine began to shoot dynamite 15 feet from his house, damaging his roof and part of his floor. But they won't agree to compensate him and he can't afford to hire a lawyer, so he'll have to pay for those repairs, too.

Boyd Thornbury, 54, has been working in Kentucky's mines since 1934, but, like Frank Nickels, he's never worked long enough in a union shop to qualify for a pension. In 1963 he had an epileptic seizure. The company doctor told him that it was nothing, he should return to work, but then he had a second seizure so he stayed out of the mines for several months. When he found pills that stabilized this condition he returned to work.

In June 1966, he collapsed in the mines, and doctors discovered he had blood clots in both legs. The clots were removed, but now he has no circulation in the lower part of either leg—they're both flour colored, and feel like flour covered with skin. In 1967 he tried to return to work, but collapsed after half a shift. Meanwhile, his black lung had become so bad that he couldn't walk two blocks without panting (doctors later decided he had silicosis). So he began trying to convince federal and Kentucky authorities that he's a sick man.

He's been refused black lung benefits twice—once, he thinks, because a hospital lost his X-rays. But his most frustrating battle was with Kentucky's state workmen's compensation program. Unlike the Social Security Administration, which provides free examinations, the state obliges miners to pay for all medical tests. Its bureaucracy is so complex that miners must hire lawyers to handle their cases.

Thornbury brought a sheaf of receipts to New York, to show what happened to him. They show that during the 16 months after he applied for his compensation he saw eight different doctors, all on the advice of his lawyer. (Lawyers know that cases are won on the sheer weight of medical testimony; of course they also know that victories fatten their commissions.) Each doctor charged him examination fees, clerk fees, and deposition fees. The depositions, which had to be submitted to the state board, took about 20 minutes of each doctor's time; some cost Thornbury $50, some cost him $100. All were more expensive than the examinations.

His total medical bills ran to $978.95. When he finally won his award of $18,700 he owed 20 percent, or $3,740, for legal expenses. He'd had to spend an additional $264 traveling back and forth to clinics. So his award really amounted to about $13,725, which he'll receive at a rate of $44 per week. In other words, doctors and lawyers cost him and his family 112 weeks of checks.

In October 1950, Jarvis Howard, 64, of Evarts, Kentucky, was running a motor in deep coal, lying down to fit into the space between the coal and the mine roof A rockfall twisted him into the motor. That day he broke his back, both collarbones, punctured his lungs four times, broke six ribs, and ripped all his ribs loose from his backbone.

He was unconscious eight days, hospitalized four months. The only income available to his family of eight was $32 from workmen's compensation. So he sued the company for damages. They not only refused to settle, but retaliated by throwing his family out of its company-owned house. And they saw to it he was cut off workmen's compensation. So his family's sole income was the salary one daughter earned at a five-and-dime store.

Then he won his suit and was granted $10,050 disability. But the company appealed the verdict, and soon his award was reduced to $2400, paid at $6 a month.

When his body mended he looked for another job in the mines, but he was too frail for anyone to hire him. He found work as an ambulance driver for the Evarts Funeral Home, and held the job until 1969, when he had two heart attacks. During the next two years he had four lung hemorrhages. One doctor estimated that his lungs were only functioning at 32 per cent of their normal capacity. He is supposed to take five kinds of medicine each day. But when he went to be X-rayed his doctors told him his lungs were bad all right—rock, coal, and sand were all embedded in them—but not bad enough for him to get his benefits.

His wife died a month ago. That's why he came to New York, he said, even though the 24-hour bus ride played hell with his kidneys and the city's damp air made his lungs feel even worse than usual. He wanted to escape the boredom and the memories. At home now, he spends his days watching TV or hanging around the Evarts Funeral Home, answering the telephone if nobody else is there.

Frank Nickels, Boyd Thornbury, and Jarvis Howard were all deprived of their black lung benefits because of the rigid way Social Security defines the disease. They say it is a specific lung disease whose extreme severity must show up on an X-ray before a patient can get his award; doctors—including many of those at the Waldorf conference—contend that you can't distinguish between black lung and other mine-related respiratory ailments, and that the X-ray is often an inadequate way of measuring the disease.

Last month Congressman James Perkins (Democrat, Kentucky) introduced a bill that would abolish the X-ray as the sole means of determining black lung. It would let doctors cite other tests, like a blood gas test or a balloon that is inserted in a man's pancreas, as proof of a miner's sickness. It would also allow them to support the claim of someone. like Jarvis Howard on the basis of his general physical condition or his over-all medical history.

The measure may sound better in Washington than it does in Kentucky, where many miners are convinced that the coal companies pay doctors to block their benefits and won't be satisfied with anything less than their own clinics. Still, Dr. Lorin Kerr of the United Mineworkers Union estimates that it would extend coverage to about 70,000 new miners (76,000 miners and 60,000 widows now get coverage) and cost the government $250 million. It would also imply a new, liberal definition of occupational diseases which other industrial workers will certainly invoke. For that reason, Kerr says, though the House may pass Perkins's bill, the Senate will most likely kill it. He thinks that public support by a substantial number of respected doctors would improve the bill's chances of success.

But that probably won't happen. Many of the doctors I heard at the conference agreed with the bill's medical assumptions, but none of the eight I interviewed, except Dr. Rassmussen, was willing to do more than offer expert testimony before the appropriate legislative committee—none would join the miners to participate in lobbying activities or vigils for a political bill. (I asked the questions generally, without specifying Perkins's bill.) The desperate urgency of the miners' demands was not enough to push the doctors they met at the Waldorf over the line between professionalism and humanitarian politics.

Mr. Speaker, at this point in the Record, I include a statement by the Appalachian Research and Defense Fund, Inc., of Charleston, W. Va., and summary of the study by a team of 12 doctors who criticized the medical evaluation procedures of the Social Security Administration in the black lung benefit program evaluations. Also appended is a report by the fund on the administration of the program.

Finally, Mr. Speaker, I include abstracts of papers presented at the International Conference on Coal Workers' Pneumoconiosis, at the Waldorf-Astoria Hotel, New York, sponsored by the New York Academy of Sciences, September 13 through 17, 1971:

Lung Specialists Find Fault With Black Lung Standards

Beckley, September 12.—A statement issued this morning by a team of 12 doctors, most of whom are lung specialists, severely criticizes the medical evaluation procedures used by the Social Security Administration to evaluate most of the applicants for the controversial federal black lung benefit program.

Most of the more than 200,000 coal miners who have applied for federal black lung benefits are currently evaluated with a single chest x-ray and a simple breathing test. The statement by the specialists labeled these tests as "unduly and unnecessarily restrictive" and called for more thorough medical evaluation of black lung applicants.

The statement stressed the need for medical evaluation of the ability of the miners to "function" (to actually work), rather than the simple evaluation of his ability to breathe gases in and out of his lungs while his body is at rest.

Dr. John Rankin, chairman of the Department of Preventive Medicine at the University of Wisconsin and a specialist in lung diseases said the simple breathing test employed by the SSA often fails to measure black lung disability.

The test measures the ability of a person to breathe air in and out. Rankin added that black lung interferes with the lung's ability to transfer oxygen to the blood, an impairment that does not show up in the simple breathing test. "A man can have a perfectly normal breathing test and be severely disabled," Rankin said.

Pointing to the inadequacy of the chest x-ray, one of the doctors said, "It seems medically unjustified to restrict disability benefits to these coal miners who happen to have acquired a certain kind of abnormal chest film along with whatever other pulmonary diseases they have.

"Solely on the basis of a chest film—without even a history being taken or a physical examination performed—such men are currently being denied, by the hundreds and thousands, the black lung benefits which Congress voted for them. Such practice should offend us all as doctors. The denial of benefits to men too short of breath to walk half a flight of stairs should offend us all as citizens."

Dr. Bertram Carnow, professor of medicine and chairman of the Division of Environmental Health at the Abraham Lincoln School of Medicine at the University of Illinois, in criticizing the medical procedures, said, "You're talking about an x-ray and a number. The sick man gets lost in the shuffle. He added, "There is no single test that will show you anything about large groups of people."

"If a man's whole future life is affected by the outcome, you have to take time to consider the total person." He continued, that the denial of claimants of the basis of a single x-ray is "ridiculous" and said, "I teach medicine and if a student of mine made a judgment on the basis of a single test, I'd knock him in the head."

The findings of the team is likely to add additional weight to critics of the black lung program who charged that high denial rates are due to overly restrictive medical criteria set by the SSA. In West Virginia, 62 percent of the coal miners who have applied for benefits have been denied. The figure is 78 per cent in Kentucky and 72 per cent in Virginia.

The team of doctors traveled to Beckley Saturday from Chicago, Ill., Charlotte, N.C., Boston, Mass., Madison, Wis., Houston, Texas, and Morgantown, W. Va. to examine the miners. Several of the doctors are going on to New York for a week-long conference sponsored by the New York Academy of Sciences concerning coal miners pneumoconiosis. They will discuss their findings of their Beckley examinations with fellow specialists from the United States and Europe.

Congress is scheduled to vote Sept. 20 on amendments to the federal black lung law, one of which would abolish the practice of denying coal miner applicants on the basis of x-ray evidence alone. In a report issued recently, the House of Representatives Committee on Education and Labor stated that the law as originally enacted never intended that coal miners be evaluated with such restrictive tests.

The Appalachian Research and Defense Fund (ARDF) is currently preparing a suit to challenge the x-ray requirement.

The Doctors' trip to Beckley was sponsored by ARDF under the auspices of the Field Foundation in New York.

Statement Concerning Criteria for Evaluating Coal Miners' Compensible Respiratory Disease, Beckley, W. Va., September 12, 1971

Consideration of existing criteria for compensible respiratory disease of coal miners forces us to conclude that:

a. There is a diversity of pulmonary diseases and conditions associated with coal mining for which the rigid definition of "pneumoconiosis" (possessing as its *sine qua non* a radiologic lesion) is not tenable;

b. That disability resulting from work-associated respiratory disease after appropriate review be compensated;

c. That criteria for eligibility for all work-associated pulmonary disease be based upon *functional impairment* rather than solely upon anatomic or radiologic criteria;

d. That eligibility be based upon either total or partial disability and compensation graduated accordingly;

e. In assessing disability consideration must be given the nature of the coal workers experience in which mining is often the only work for which these men are prepared.

We believe that the present regulations and administrative policies are unduly and unnecessarily restrictive:

1. In limiting the initial qualifying diagnostic criteria to x-rays, biopsy, and autopsy evidence;

2. In denying consideration of the data concerning the applicant's respiratory functional status including history, physical examination and laboratory findings;

3. By recognizing primarily spirometry as a measure of disability while excluding equally valid functional measures of disability;

4. By failing to provide a comprehensive medical evaluation as part of the reconsideration and appellate process.

FROM CHARLOTTE, N.C.

Dr. Carl Lyle, associate in internal medicine, former executive secretary of the Health Care Committee on the Appalachian Regional Commission

Dr. William C. Sugg, Jr., internist specialized in lung disease, co-director of pulmonary clinic at Charlotte Memorial Hospital

Dr. William Porter, internist specialized in hematology

Dr. Edward Landis, Jr., internist specialized in pulmonary disease, co-director of pulmonary clinic of Charlotte Memorial Hospital

FROM CHICAGO, ILL.

Dr. Harold Levine, director of Chest Service, Cook County Hospital, associate professor of medicine, Abraham Lincoln School of Medicine, University of Illinois

Dr. Bertram Carnow, professor of preventive medicine, and chief of the Division of Environmental Health, Abraham Lincoln School of Medicine, University of Illinois; medical director of the Tuberculosis Institute of Chicago and Cook County; chest consultant and director of the Respiratory Clinic, Union Health Service, Chicago

Dr. Milton Levine, associate professor of medicine and preventive medicine at Rush Medical School of Presbyterian St. Luke's Medical Center

FROM MORGANTOWN, W. VA.

Dr. Robert L. Nolan, professor of medicine and chairman of the West Virginia University School of Medicine, Division of Public Health and Preventive Medicine

Dr. Walter Morgan, associate professor of public health and preventive medicine, West Virginia University School of Medicine

FROM MADISON, WIS.

Dr. John Rankin, professor of medicine and chairman of the department of Preventive Medicine, University of Wisconsin; specialist in diseases of the lung

FROM HOUSTON, TEX.

Dr. Harry Libscomb, professor of physiology and director of the Xerox Center for Health Care Research at Baylor College of Medicine

FROM BOSTON, MASS.

Dr. Gordon Harper, pediatrician at the Children's Hospital Medical Center

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ARDF Public Interest Report No. 7—Obtaining Black Lung Benefits in West Virginia and Kentucky Under the Federal Mine Health and Safety Law, a Critique

I. INTRODUCTION

In the wake of the long overdue recognition of black lung, "pneumoconiosis", as a cause of death and disability in the coal mines, Congress enacted the black lung benefits program "to ensure that in the future adequate benefits are provided to coal miners and their dependants in the event of their death or total disability due to "pneumoconiosis." [1]

The nearly 90,000 coal miners and widows from West Virginia and Kentucky have only one-half as good as chance of winning their claims for the new Federal Black Lung benefits as approximately the same number of applicants from Pennsylvania.[2] Since nearly two-thirds of all black lung claims are filed in West Virginia, Pennsylvania, and Kentucky, the disparity is significant. The need for, and results of, a community aide training program developed by ARDF suggests that the disparity between the treatment afforded miners from the southern Appalachian mountains and those from the coalfields of Pennsylvania was caused in significant part by the failure of the Social

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Footnotes at end of article.

Security Administration to live up to its goal of rendering assistance to disabled coal miners and widows.

Once the first round of denial of black lung lungs was released by the Social Security Administration in the fall of 1970, the ARDF staff was deluged with hundreds of requests for assistance—all of which boiled down to the same basic question: "What do I do when I am turned down?" Responsible leaders of disabled miners groups, such as the Black Lung Association, asked ARDF the same question. Many of these leaders had fought long and hard for state and federal compensation for black lung and were shocked by the number of denials and the seemingly flimsy basis for these denials. ARDF developed a Community Aide Training Program to equip persons from the coal camps and hollows of West Virginia and Kentucky with the skills to counsel their neighbors and friends who had been denied the benefits. 77 persons were trained. A sampling of only seven (7) of these trainees reveals that they have provided counselling to 208 persons, have helped 108 additional persons to win claims, and have on their own conducted training sessions for hundreds more Mountain people.

The purpose of this Public Interest Report is to demonstrate in a spirit of constructive criticism, on the basis of the results of the ARDF Community Aide Training Program, that adequate services to black lung claimants are not being delivered in a substantial number of cases by the Social Security Administration. The Social Security Administration has asserted in a recent report to Congress that it "provides a full measure of assistance to all applicants . . . to provide an extra measure of assistance and counsel to those who are in need of help because of problems of age, impairment, or understanding."

Our experience in training 77 community aides, in handling over 80 individual claims, and in counselling over 200 persons on a short-term basis proves that in a substantial number of cases the "full measure" or "extra measure of assistance and counsel . . ." is not being provided.

II. THE FAILURE TO DELIVER THE "FULL MEASURE" AND "EXTRA MEASURE OF 'ASSISTANCE" TO BLACK LUNG APPLICANTS

The type of help successfully given to George Workman,[5] a resident of a southern West Virginia coal mining county, by an ARDF community trainee, Paul Davis, is typical of the failure of the Social Security Administration to assist many of the 90,000 applicants from West Virginia and Kentucky.[6] George Workman applied for black lung benefits in January of 1970. At the initial interview, the Social Security official at the local office asked the usual questions; health records, years in mines, dependents, and so forth. George wanted to know if he had to dig up any records. "No," said the lady. "Don't worry about a thing. We'll take care of it."

George was pretty confident that he would win his case. After all, a few years ago a doctor had given him an 85% disability based on his more than 30 years in the mines. While waiting to hear from Social Security, George had a slight heart attack. When he finally got his letter, George was amazed to find out that he had been denied Federal Black Lung benefits.

Of course, one of the first things George did was to go back to the Social Security Administration office to appeal his case. Surely a man who had had a heart attack was considered "totally disabled"?

The Social Security lady wanted to be helpful. She had worked for years helping people with their Social Security claims and now was given the additional job of being an administrator for a completely new and different program. She just didn't know that a heart attack could be caused by poor lungs. The only thing that she could do was to tell George that the heart attack was irrelevant evidence, and that there would be no need to get his new hospital records. His case, as far as she was concerned, was hopeless.

George went to see Paul Davis, a disabled coal miner who had received the ARDF Community Aide Training. Paul knew from the training that poor lungs can cause the heart to work harder and can put a strain on the heart. He also knew that a heart attack could be perfectly legitimate grounds for proving disability in a black lung case, because the heart and lungs work so closely together.

Paul took George to see George's doctor at the hospital. The doctor said that while he would not give the medical records to George, he would be glad to send the records on to Social Security. George's case was reconsidered and in a few months, George received notice that he had won and received his first Federal Black Lung check.

The lady in the Social Security office who tried in apparent good faith to help George Workman was probably flooded with some of the 250,000 black lung cases filed in 1970 as well as her usual Social Security cases. The pressure is on the local office personnel to resolve cases by gathering enough evidence so that the case file will no longer be her responsibility and will be sent to headquarters in Baltimore where a decision is made. She told George Workman "we'll help you" and meant it, but what she meant was that she would gather enough evidence to decide his case—one way or the other.

George did not understand the printed notice he received from Social Security. He was convinced of the rightness of his case. After being treated in a courteous manner by the Social Security office people, and in particular by the lady he had talked to, he felt that the assurance "we'll help you" meant that they would help him win his case. Later when he was turned down, he felt that the Social Security people were like other agencies and other employers he had dealt with who had tried to "beat him out of" what was due him.

The heart of the breakdown in the attempt of the Social Security lady to assist George Workman may be seen in the different meanings of the phrase "we'll help you" to George Workman and to the seemingly helpful lady at the Social Security office. To the Social Security lady, "we'll help you" means we'll gather evidence sufficient for any decision. To George Workman, "we'll help you" means we'll help you win. Community aides and the ARDF staff found that case files of denied claims contain enough reports and facts to make a decision; but usually only enough to decide against the unassisted claimant. The community aides have analyzed each case, and in many successful cases have obtained new evidence which helped get around the particular reason the claimant had been denied.

Once the misunderstanding of the assurance "We'll help you" develops between the Social Security official and the disabled coal miner, several other failures come into play.

(a) The Social Security Administration fails to effectively inform the disabled coal miner or widow of the specific reason he or she has been turned down.

(b) The disabled coal miners and widows are not informed of their "rights", such as the right to see their claim file, the right to obtain medical evidence of their own choice and the right to apply to Social Security to be reimbursed for expenses of medical reports.

A. The failure to explain—how a case can be won

The heart of the ARDF Community Aide Training course was to teach the skill of identifying the exact reason a claimant has been denied and to recognize what evidence, if any, could be used to try to win the case. Proper development of a Federal Black Lung claim requires a detailed understanding of the eligibility standards and the methods of proving each of these eligibility standards. To receive Federal Black Lung benefits, the miner or widow must prove that: (1) the black lung, (2) caused in underground coal mining, (3) contributed to the death of the miner or his "total disability."[7]

In practice, the trainees have found that virtually no one, including themselves, prior to the training, really understands the different eligibility standards or the particular methods which the Social Security Administration requires the different standards to be proven by.[8] As one trainee said:

"They don't—any of them—understand it [the eligibility requirements] at all. I didn't either before I went to school."

Another trainee characterized the hopelessness of many coal miners:

"The people of the coalfields have been run over so much that they just take whatever's put on 'em. As one fella' said, 'I spend 8 hours working, 3 hours resting, 9 hours sleeping. What other time do I have left to think?"

Not only are the form letters used for the first denial not understood, but the Administration has a misplaced confidence in the ability of local officials to explain the reasons for denials to claimants.[9]

One ARDF attorney interviewed more than 45 black lung clients who had already been to a local Social Security office to file an appeal, and none understood why he or she had been denied. The following incidents involving disabled coal miners who went to their local Social Security offices for help after the first denial are representative and instructive.

"They don't tell them anything, just that they can re-apply. They don't tell him that he needs more evidence. They just take the application."

"Any new evidence to submit?"

"No."

"We'll take care of it."

Another trainee described the following treatment:

"They don't explain the law. They say, 'We'll go further if you want' but they don't help get new evidence."

B. The failure to inform black lung applicants of their rights

1. The Right To See a Claim File

Community Aide Trainees have discovered the value of checking claim files to see if all medical reports have been gathered, to see if the reports are complete, to see if the reports say what they are supposed to say, and to see if further reports may be needed. The seven trainees mentioned earlier report a shocking number of incidents of important medical reports known to Social Security not being gathered, or only portions of the reports being obtained.[10]

There can be no question under the United States Constitution or the applicable Social Security rules that, when a miner or widow has a claim pending, he or she has an absolute right to examine the file of that claim.[11] The resistance of Social Security officials to the granting of this unquestionable right has been monumental. When a group of about 100 disabled miners, representing the Black Lung Association, in the winter of 1971 presented oral and written demands, which included a demand of the recognition of their rights to see their claim files, they were told that the demands would have to be forwarded to Baltimore for an answer. Earlier, in the same local office, a representative of a widow had been told that it would not be wise for her to see her deceased husband's records, because he might have had venereal disease.[12] It took a trip by four ranking Social Security officials from Baltimore to Mingo County, West Virginia, a few weeks later to formally recognize the most basic

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Footnotes at end of article.

right that an interested citizen has in dealing with his government.[13]

The trainees report continued resistance by local officials to appropriate requests to examine claim files.[14]

"I don't know. I have been offered a summary; I was told only a lawyer could see to it. They don't want to let us see it. They say it's in Baltimore and it will only slow it down to get it."

The frequently used explanation that claim files are essentially located in Baltimore and that claim processing will only be delayed by sending them to local offices for examination is further proof of the confusion of the value of bureaucratic efficiency and the need of claimants to know the precise reason for their denial so that they may get their needed evidence. One trainee has made 20 requests to see claim files at one local office over a period of 8 months, but has only actually seen files on 8 occasions.

2. The Right to Obtain Necessary Medical Tests: Choice of Doctor—Right To Apply for Reimbursement

The Administration has completely failed to inform claimants of the need and the right to obtain alternate medical tests.[15] Since the Social Security Administration requires the proof of eligibility to be established by medical evidence showing the existence of black lung (usually a chest x-ray) and by breathing tests showing that the miner is "totally disabled," the knowledge claimants have of medical testing procedures and their rights in this area is crucial.[16]

Claimants are not told that they have a right to select and submit medical evidence of their own choice. Trainees report difficulty in enforcing their orders to the local Social Security offices that claims not be adjudicated until further evidence is submitted. In a very parental fashion, the Social Security Administration has made "arrangements" for claimants to be examined by doctors of the Administration's own choosing, or to have tests (usually the simple breathing test) selected for the claimant—in both cases apparently without informing the claimant of his right to select the doctor or the test.[17]

Very few Black Lung applicants understand the great practical necessity of obtaining additional multiple exposure chest x-rays, beyond the single exposure chest x-ray films routinely used by the Administration to determine the all-important question of the existence of black lung.[18] It is noteworthy that 62% of all miners who have been denied Federal Black Lung benefits, have been denied because their chest x-rays do not show that they have black lung.[19]

Virtually no one understands that under the regulations enacted by the Administration "total disability" can be proven by sophisticated "blood-gas" tests, in addition to the simple in-and-out breathing test normally "arranged for" by Social Security.[20]

No attempt has been made by Social Security to inform claimants of the existence of blood-gas tests, despite the Social Security Administration's own recognition of the superior value of these tests, as compared to the routinely administered in-and-out breathing test.[21] Aside from simply not informing people of more sophisticated breathing tests, the Administration has done nothing to promote the establishment of facilities in Appalachia which can administer these complicated blood-gas tests.[22] At present there are only 3 such facilities in West Virginia and Eastern Kentucky.

3. The Saddest Failure "To Inform and Assist"

The saddest failure of the Social Security Administration has been to bury the statutory provision allowing for reimbursement to claimants for "reasonable medical expenses incurred by them in establishing their claims" in a bureaucratic dilatory pile. The Administration boasts of the number of x-ray and breathing tests administered in West Virginia (nearly 44,000) "at government expense" to claimants by doctors and facilities of the Administration's own choosing, without mentioning the fact that few, if any, claimants were informed that such tests could (and should) be performed by doctors of their own choosing. The reluctance of the Administration to effectuate this all-important statutory right may be seen further in the fact that no meaningful procedure has yet been established to process or determine claims for reimbursement, and judicial review of reimbursement denials is excluded specifically by the Social Security Administration.[23]

III. CONCLUSION

A. Effect of training—New attitude of social security administration officials towards trained persons

The miner of the southern mountains is not used to being treated with enormous respect by middle-class people. The circumstances of his life forbade education comparable to the better off. He was too often treated with arrogance and contempt by his employer. A miner applying for Federal Black Lung benefits felt the same sort of attitude expressed by the Social Security officials processing their claims as he felt during his many attempts to have contract rights enforced through coal company personnel.

The "We'll take care of it" attitude is in good measure based on the feeling that the applicants are incapable of acting for themselves. Rather than taking more time with each applicant to explain problems of the claim in comprehensible language, the Social Security official spends less time. Sometimes an effort is made simply to process a person who is in the Social Security office by having the person sign an appeal form, even if the case is not ready for appeal. When reviewing the claim file with the applicant, the bureaucrat keeps the file close by him and reads authoritative-sounding results to convince the applicant of the wisdom of the decision. The applicant is not given the file, and it is never explained to him the new information he can gather. According to one trainee, "Standard practice for the Social Security worker, when a claim file is requested, is to read it off to you. You have to get across the table and reach it from them."

It did not take long before a shift took place in the attitude of Social Security officials toward the trainees. The trainees were addressed in a familiar manner and were treated politely. Whenever they demanded records, records were given. Still, however, the Social Security has changed only in the most bureaucratic way. The trainees, more confident in many ways with the Black Lung Law, were and are in most cases always treated specially. Bureaucrats attempted to move them ahead in line of all those before them. When word got out to one of the trainees of an abuse in the Social Security office, someone would go to the office to ask about the abuse. The treatment of the applicant readily improved after that.

B. The future of the Social Security Administration and disabled coal miners, widows, and other disadvantaged persons

The Federal Black Lung program affords an excellent opportunity to study the ability of the Social Security Administration to work with and help a class of people almost totally unsophisticated in dealing with bureaucracy. If the welfare program is federalized under the Social Security Administration or if further federal workmen's compensation programs, such as the proposed "brown lung" measures are enacted, the role of the Social Security Administration in dealing with special groups will be greatly expanded. It is respectfully suggested that the Social Security Administration adapt its administration of such programs to meet the particular needs of such special groups.

Respectfully submitted,

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*The valuable assistance of Nate Bowles is gratefully acknowledged.

FOOTNOTES

[1] The "Black Lung Benefit Program" is contained in Part B of Title 4 of the Federal Coal Mine Health and Safety Act of 1969, 30 USC Sec. 901 *et seq.* Congress recognized the inadequacy of State Workmen's Compensation Programs for death and disability due to pneumoconiosis and undertook in Title 4 to "insure that in the future adequate benefits are provided to coal miners and their dependants in the event of their death or total disability due to pneumoconiosis." 30 USC Sec. 901.

[2] Department of Health, Education and Welfare, *First Annual Report on Part B of Title 4 of the Federal Coal Mine Health and Safety Act of 1969* (June 1971) (hereinafter Report to Congress), Table 3 of Page 24. Note 3 General Accounting Office, *"Examination into Questions on the Processing of Claims for Black Lung Benefits Under the Federal Coal Mine Health and Safety Act of 1969"* (August pre 1971) contributes the disparity to: the fact that anthracite coal found in Pennsylvania is more likely to cause pneumoconiosis, to the fact that Pennsylvania miners have worked on the average more years in underground coal mining (Pennsylvania miners average 24.6 years in the mines compared to 23.1 years for West Virginia miners), and the fact that Pennsylvania miners are on the average 2.2 years older than West Virginia miners. The GAO Report also notes that the superior Pennsylvania Workman's Compensation Program for coal miners means that Pennsylvania miners and widows have more medical and documentary evidence available to prove their federal claims. It is our opinion that the statistical differences between years of mining and age in coal miners is insignificant. It is also our opinion that the procedures of the Social Security Administration should be adapted to the fact that medical records are less available in West Virginia, rather than using such availability of records in Pennsylvania as an explanation of the disparity. Training sessions ranging from 18 days to 2 days in length were held in Charleston, West Virginia, Hazard, Kentucky, Varney, West Virginia, Vivian, West Virginia, Pike County, Kentucky, and Fairmont, West Virginia from February through September 1971 and are continuing into the future.

[5] The name George Workman is a fictional name used to protect the privacy of an actual Black Lung applicant from the State of West Virginia. The statements quoted throughout this Public Interest Report are actual statements of ARDF trainees whose names have likewise been omitted in the interest of privacy.

[6] Most, if not all, of the cases this Report are based upon concerned claimants who have already been to local Social Security offices and who have received no substantial help at those offices. The staff attorneys involved and trainees have well experienced the syndrome described herein where a claimant goes to the local Social Security office to appeal his case and receives little help beyond filling out an appeal form. The claimant leaves the local office without any understanding of either the eligibility standard or standards which he needs to meet or the methods of proving the eligibility requirements.

[7] Section 411(a) of the Federal Coal Mine Health and Safety Act (hereinafter "the act"), 30 USC Sec. 911(a).

[8] Most claimants think they just have to prove the existence of "black lung." Of the six trainees surveyed, only one felt that anyone he had dealt with understood the three eligibility requirements.

[9] All seven trainees surveyed agreed that no one they had helped understood the denial form used by the Social Security Administration. As one trainee noted, "Most don't know where to start: it's confusing. They might tell you all kinds of reasons why they were turned down before I'd helped explain the letter to them." The inability to understand the denial forms leads many Mountain people to conclude that they have been turned down because of local or administrative politics.

[10] The trainees surveyed found that files did not contain medical records known to the Social Security Administration (as evidenced on one of the initial interview forms contained in the claim file which lists sources of medical evidence) in one-quarter to one-half of all cases they had reviewed.

[11] Fifth Amendment, United States Constitution; 20 CFR Sec. 401.3(a); Social Security Administration, *Coal Miner's Benefits Manual*, Temporary Instruction No. 13, (E) (2).

[12] The office involved was the District Office of the Social Security Administration at Logan, West Virginia. The Black Lung Association has 12 chapters in 5 states and has been very active in lobbying for effective administration of the Black Lung Program. In June of 1971 the Black Lung Association sent 200 disabled coal miners, and, wives and widows, to Washington to lobby for improvements in the Federal Black Lung Program.

[13] Over 1,000 interested persons attended the meeting at the Matewan, West Virginia High School, in part, to hear the affirmation by the four officials of their rights. The formal answer prepared by the Social Security Administration and addressed to the Logan and Mingo Chapters of the Black Lung Association was still grudging in its recognition of the right of claimant to see their claim files. The letter stated that the Administration is "advising all District Office personnel to show black lung medical reports to claim applicants who request it and furnish them copies or summaries of the evidence in their case when desired." Undated letter signed by William A. Chandler, District Manager, Logan, West Virginia.

[14] The trainees surveyed commented that generally the officials of the Social Security Administration attempt to read the contents of the claim file or of a summary to them and that files frequently have to be grabbed.

[15] The tendency of the Social Security Administration is to accept medical evidence at face value and to disregard the fact that medical evidence, as "opinion evidence," frequently requires explanation or the obtaining of further reports. Haviland and Glomb, "The Disability and Insurance Benefits Program and Low-Income Claimants in Appalachia," 73 *West Virginia Law Review* 109, 114–127 (1971).

[16] 20 CFR Sections 410.403(a) and (b), and 410.404(a).

[17] Report to Congress, Pages 5 through 6.

[18] The experience of the authors has been that the Social Security Administration orders only single chest x-ray examinations. The average cost of $16.00 per examination (both x-ray and breathing test) suggests also that only the most basic testing procedures are being used.

[19] Report to Congress, Table 5 et. page 25.

[20] See Section 4 (appendix) to 20 CFR Sub-Part D. Of the seven trainees surveyed, only one trainee knew of one person who had any appreciation of the value of a blood-gas test.

[21] Report to Congress, page 19. See also "Statement Concerning Criteria for Evaluating Coal Miners Compensable Respiratory Disease" issued in Beckley, West Virginia on September 12, 1971 which is a statement reached by 12 physicians and after review of medical literature, Federal Black Lung applications who had been denied, and discussion. The doctors concluded that the simple in-and-out breathing test was used to the exclusion of "equally valid" blood-gas test.

[22] In fact, the Social Security Administration has taken the position that "existing facilities (for physiological testing) are adequate based on present published standards for determining total disability." Letter of April 23, 1971 from Edward J. O'Brian, Assistant Director, Bureau of Disability Insurance, Social Security Administration, to James M. Haviland.

[23] Section 413b of the Act, 30 USC Sec. 913b. The proposed Black Lung Benefit Regulations which set forth procedures do not effectuate Section 413b by providing procedures to claim reimbursement. 36 Federal Register 4340 (March 4, 1971). Proposed Section 410.670a rules out the possibility of judicial review of denial of reimbursement requests, thereby giving the Social Security Administration complete discretion in the area of reimbursement for medical expenses.

The New York Academy of Sciences: Abstracts for International Conference on Coal Workers' Pneumoconiosis

The Waldorf-Astoria,
September 13–17, 1971.

Note—Attention is invited to the following changes in the printed program.

(Gap in numerical sequence indicates abstract not received.)

Paper No. 10 New title.
Paper No. 11 Change in title.
Paper No. 19 New title.
Paper No. 20 Change in title.
Paper No. 26 New title.
Paper No. 29 Change in title.
Paper No. 36 New title.
Paper No. 39 Change in title.
Paper No. 40 Change in title.
Paper No. 46 New title.
Paper No. 49 Change in title.
Paper No. 51 Change in title.
Paper No. 63 Change in title.
Paper No. 25 New title.

2. Recent Advances in the Analysis of Respirable Coal Dust for Free Silica, Trade Elements, and Organic Constituents, by Robert W. Freeman, Ph.D., and Andrew G. Sharkey, Jr., Ph. D., Bureau of Mines, U.S. Department of the Interior, Pittsburgh, Pa.

Respirable coal dust has been analyzed for several constituents which could conceivably be causative factors in the development of coal miner's pneumoconiosis (black lung disease). Free silica as quartz, cristobalite and other crystalline, cryptocrystalline and amorphous forms is determined by infrared and X-ray diffraction spectrometry. Trace elements are analyzed mainly by atomic absorption, optical emission, and spark-source mass spectrometry. Neutron activation analysis, UV-visual spectrophotometry, polarographic, and other types of analysis are employed to check quantitative accuracy. Organic constituents. mainly coal-based polynuclear hydrocarbons, are analyzed by high resolution mass spectrometry. Formulas of major components are deduced up to a molecular weight in excess of 400.

3. Physical and Chemical Characteristics of "Respirable" Coal Mine Dust, by Morton Corn, Ph.D., Felix Stein, M.S., William Bell, Yehia Hammad, M.S., Sarosh Manekshaw, M.S., Graduate School of Public Health, University of Pittsburgh, and Robert Freedman, Ph.D., Health Research Branch, U.S. Bureau of Mines, Pittsburgh, Pa.

Long term goals of U.S. Public Service and U.S. Bureau of Mines epidemiological research related to coal workers pneumoconiosis are the correlations between the physical and chemical properties of "respirable" coal mine dust samples and the incidence of the disease among workers in different mines. The methods developed to characterize the properties of "respirable" dust samples including determinations of weight concentration, aerodynamic size distribution (by weight), projected area size distribution, specific surface area, bulk and specific densities, free silica content and trace metal composition (20 metals) are described. Results of measurements are presented for samples of coal dust from three different seams. Significant variations in dust parameters occur for samples obtained from different mines. (Supported by U.S. Bureau of Mines Grant No. G0101742.)

5. The Lymphatic Drainage of the Lungs in Dust Clearance, by Paul E. Morrow, Ph.D., Dept. of Radiation Biology and Biophysics, Med. Ctr., Univ. of Rochester, Rochester, N.Y.

The lymphatic drainage of the respiratory system has a continuous and vital role in the removal of many intrinsic and extrinsic materials which have made their way into the interstitum. In this regard, lymph contributes prominently to the clearance of inhaled dusts and other non-gaseous substances. Quantitative data on lymphatic function is extremely limited; even animal studies have generally relied upon some indicator of the lymphatic drainage, e.g., the analysis of regional lymph nodes for specific substances. This review is concerned with the mechanism and pathways whereby dusts gain access to the lymphatics, especially those serving the alveolar region. It also considers the anatomy and function of the respiratory lymphatics and lymphoid tissue in terms of three general regions: the supraglottic airways, the subglottic airways and the pulmonary parenchyma, including the visceral pleura. Experimental studies and autopsy data are cited which underscore the role of the regional lymph nodes as repositories for cleared dusts.

6. Observations concerning Alveolar Dust Clearance, by Juraj Ferin M.D., Univ. of Rochester, Sch. of Med. and Dent., Rochester, N.Y.

An attempt is made to review the basic attributes of particle clearance from the alveoli via the respiratory airways. It is that part of lung clearance which depends on the alveolar macrophages coupled to the ciliary-nucous transport process. According to velocity, it may be subdivided into two phases. The onset is immediate (in terms of minutes), overlapping in time with the rapid clearance of particles from the tracheobronchial system, and lasting even under favorable conditions a long time (in terms of weeks and month). The number of exposures (single, several, multiple) is influential on the clearance process and so may be the interval between the exposures. The amount cleared depends, in a certain range, on the lung burden and is probably different in adapted and unadapted organisms. The removal of particles by macrophages via the airways is influenced in the first weeks after exposure more by physiochemical properties of the particles than by their fibrogenicity (e.g. SiO_2 and TiO_2). Environmental and endogenous pathological factors may influence the clearance rate, mostly in terms of impairment.

7. Electron Microscopic Findings in Lungs of Coal Miners by Gladys Harrison, Ph.D., NASA-Ames Res. Ctr., Moffett Field, Calif., and N. LeRoy Lapp, M.D., Appalachian Lab. for Occupational Respiratory Diseases, Morgantown, W. Va.

Biopsy or autopsy specimens were obtained from the lungs of coal miners for study by electron microscopy. All four specimens contained large numbers of particles of various sizes, shapes and densities. Much of this particulate material was seen within cells which were surrounded by connective tissue. The most common type of particle was needle-like and very dense. The smaller of these were often seen lining the inner surface of vesicle membranes, while the larger ones might appear membrane bound or free in the cytoplasm. Two of the lungs contained moderately dense, rounded particles similar to the particles described as SiO_2 by Schultz. Also seen were asbestos bodies, membrane bound rectangular particles and angular, lightly electron dense particles. In the autopsy material the epithelial layer of the alveolocapillary wall was disintegrated but appeared intact in the biopsy material, indicating that this destruction was a post-mortem finding. All lungs exhibited thickened basement membranes and two contained densely stained vesiculated epithelial lining cells which appeared transitional between Type I and Type II cells.

8. Modification of Fibrosis in Experimental Silicosis by Josef Hurych, Ph.D., Eliska Mirejovska, Ph.D., and Radim Holusa, M.D., Inst. of Hygiene and Epidem., Prague, Czechoslovakia.

The action of chelating agents on the formation of collagen and globular proteins in chick embryo skin slices and in liver silicosis in mice was studied. Salts of EDTA(Ca, Zn, Mn, Mg) inhibited collagen synthesis in tissue slices while synthesis of globular proteins was not affected. The action of EDTA salts differed from that of 1,10-phenanthroline studied earlier. Liver fibrosis in mice (i.v.5mg silica) treated 7 weeks with phenanthroline (1.2-2.5mg weekly) or with Ca-EDTA (40 mg weekly) was inhibited by about 40–50%. In evaluation dose, frequency and beginning of application after dusting had to be considered.

Further experiments on modification of fibrosis were performed with hyperbaric oxygenation. Silica dusted and undusted rats were exposed at 3ATA for 6 weeks in a hyperbaric chambre. In lungs, heart and liver of exposed control rats collagen synthesis was not significantly changed. In silicotic lungs compared with unexposed dusted lungs the decrease in collagen content (25%) was found.

9. Immunologic Aspects of Coalworkers' Pneumoconiosis, by Robert Burrell, West Virginia University Medical Center, Morgantown, W. Va.

The data for considering the immunological components and responses of coalworkers' pneumoconiosis are presented and critically reviewed. Evidence is presented for the demonstration of lung reactive antibodies as distinct from globulin reactive materials, the nature of the antigens involved, the immunoglobulin response, *in vivo* reactions of immune substances, the immune responses in experimental disease, and the participation of lung antibodies in the pathogenesis of the disease. The data indicate that lung connective tissue components (collagen, elastin, and reticulin) are the major antigenic targets of the immune response in coalworkers' pneumoconiosis. The IgA class, both serum and secretory, is the humoral system primarily involved in the response. Such antibodies have been found deposited in pneumoconiotic nodules in human disease and localized in the alveolar septa following their intravenous injection into experimental animals. An enhancing effect on the pathogenesis of tuberculosis by such antibodies has been demonstrated, but their role in pneumoconiosis remains speculative. Current experimental approaches used in the study of this phenomenon are discussed.

10. Pulmonary Dusting and Experimental Infection by Mycobacteria, by Ch. Gernez-Rieux, A. Tacquet, C. Voisin, B. Devulder, A. Tonnel and C. Aerts (Pasteur Inst. Lille, France), and A. Policard, L. Le Bouffant, J. C. Martin and H. Daniel (C.E.R.C.H.A.R., Verneuil-en-Halatte, France).

Series of experiments performed with guinea-pigs have established the following facts:

(1) Dust particles aggravate experimental infection by *Myc. kansasii* and dusting is liable to make pathogenic a certain dose of bacteria which, without dust, would not induce lesions.

(2) There is increased severity of the pulmonary lesions when there is dusting before, but not after the inoculation of an infecting dose of about 5×10^5 micro-organisms.

(3) The absence of increased virulence of the strains after passage and extensive multiplication in dusted animals is confirmed.

(4) There is a linear relationship between the quantity of dust particles in the lungs and the importance of the tuberculous lesions.

(5) Infection by *Myc. kansasii* after a long-term exposure to the inhalation of coal particles induce pulmonary lesions of progressive massive fibrosis.

(6) The role of alveolar macrophage in the development of these lesions is considered.

These surveys are likely to specify the interactions "dust-infection" into lungs.

11. The Role of Quartz in the Development of Coal-Miners' Pneumoconiosis—Experimental Study, by J. C. Martin, H. Daniel, L. Le Bouffant et A. Policard.

Inhalation experiments made on rats exposed to dust mixtures of coal and quartz with different quartz contents led to the following results:

(1) The quartz contained in coal quartz mixtures is less harmful than the same amount of quartz used alone.

(2) This reduction in the fibrosing action of quartz is not due to the coal itself, but to the minerals present, containing in particular alumina silicates.

(3) Over long periods of development, the coal quartz mixtures are however more noxious to the lung than coal alone. The fibrosing action of dust mixtures increases as a function of their quartz content. The lesions, characterized by the proportion of collagen formed, appear to be very small 18 months after the inhalation of dust mixtures with 5% quartz. With quartz contents from 5 to 10% the fibrosing action is three times as great as with coal alone. Above 10% quartz, the formation of collagen is 5 times greater.

(4) The lesions appear earlier in the case of mixtures with higher quartz contents.

12. Inhalation Studies of Coal-Quartz Dust Mixtures, by W. Weller and W. T. Ulmer, Medical Department of the Silicosis Research Institute, Bochum, Germany.

In the field of experimental pneumoconiosis research mostly the following methods are used: inhalation-, injection- and cellular-tests. But only in the inhalation-test the real conditions of deposition, retention and elimination of the dust are present. Besides, for many problems it is of advantage to apply real mine dusts or at least adequately mixed dusts. Rats and monkeys have been exposed in a long-term inhalation test up to 36 months to a mixture of coal quartz in a concentration of 45 mg/m^3. We performed examinations of the respiratory and circulatory system, of the dust-content of lungs and pulmonary lymphnodes and histopathological investigations. The investigations show that the results are quite different from the results of injection- and cellular tests. In comparison to the pathological findings in miners with coal workers' pneumoconiosis the performance of long-time-inhalation-tests seems to be the only possible way to study the problems related to pneumoconiosis research.

13. The Pulmonary Response to Coal Dust, by Paul Gross, M.D., Medical University of South Carolina, Charleston, S.C., Daniel C. Braun, M.D. and Robert T. P. deTreville, M.D., D.Sc., Industrial Health Foundation, Pittsburgh, Pa.

Coal dust macules are formed about respiratory bronchioles which may become enlarged and thereby form grossly visible holes of focal emphysema. The dust macules form only when the amount of dust deposition exceeds the pulmonary clearance capability; but even then, the peripheral air spaces are kept clean while the proximally situated alveoli become filled with dust. Coal mine dust may have a varying content of pulverized rock composed of crystalline silica and silicates. This may alter the tissue response from a non-fibrogenic one to a frankly fibrogenic response, depending on the fibrogenic potential and the amount of the associated mineral dust. Coal dust (lignite and bituminous) evokes a non-fibrogenic reaction in normal pulmonary and lymph nodal tissues. When, however, the same tissues are altered by certain systemic diseases, they may respond with a fibrogenic reaction to the same dusts. It is the latter reaction that accounts for the progressive massive fibrosis of the lungs encountered in a small percentage of coal workers.

14. Antagonistic Factors in the Pathogenesis of Coal Workers Pneumoconiosis, by Werner Hilscher, M.D. and H. W. Schlipköter, M.D., University of Düsseldorf, Düsseldorf, West Germany.

I.p. administered quartz in rats is deposited in the lymphatics of the omentum. A massive reaction of microphages at 24 hours and that of macrophages at 48 hours is observed. Around the deposits an extensive fibrosis is observed from 2nd day onwards. A pronounced typical quartz reaction in the form of confluated groups of typical quartz cells in the regional lymph nodes appeared on 4th day. These typical reactions are inhibited by accompanying dusts. The time of inhibition depends upon a close contact of the accompanying dusts with quartz: An artificially produced dust mixture of titandioxide and 3.7% quartz and a dust isolated from a human silicotic lung with 1% of quartz showed significantly earlier reaction of quartz than a mine dust with 3.7% of quartz. The typical quartz reaction in omentum and lymph nodes could be prevented by the injection of polyvinylpyridine-N-oxide.

15. The Appalachian Coal Miner: His Way of Living and Working, by M. H. Ross, Administrator, Fairmont Clinic, Fairmont, West Virginia 26554.

Coal miners, living in isolated mountain communities, often former company towns, developed a rural solidarity and class consciousness rare among American blue collar workers. Decades of sharp labor conflict with widespread violence and family privation molded the outlook of older miners who built the union. Indigenous mountain people, black migrants from the South, southern and eastern European immigrants created a unique folk tradition and life style. Coal miners have a sense of occupational identity and many of them have reasons for enjoying their work despite its obvious dangers. Miners often had an early recognization of black lung when American physicians were still doubtful of the pneumoconiosis disease entity. The generation gap among miners is examined as it relates to safety issues, work attitudes, industry and union developments. The relations of employers, miners and camp physicians in early forms of closed panel, involuntary prepayment are reviewed, along with the present role of the UMWA Fund in medical care.

16. Chronic Respiratory Disease in Mining Communities, by Ian T. T. Higgins, M.D., School of Public Health, University of Michigan, Ann Arbor, Michigan.

Studies of chronic nonspecific respiratory diseases have been carried out in mining communities in England, Wales and West Virginia, U.S.A. Standardized methods have been used to record respiratory symptoms and assess ventilatory lung function. In each community miners and examiners have been compared with nonminers. The influence of pneumoconiosis and dust exposure on respiratory symptoms and lung function has been assessed. A higher prevalence of symptoms and a lower average forced expiratory volume has been found consistently in miners compared with nonminers. Miners with simple pneumoconiosis have not been found to differ consistently either in symptom prevalence or in lung function from miners without pneumoconiosis. An increasing prevalence of symptoms and decreasing lung function with increasing duration of work either underground or at the coal face has been found in some surveys but not in others. These findings suggest that long term dust exposure cannot explain all the excess of chronic nonspecific respiratory disease found in miners.

17. Epidemiological Problems of Coal Workers' Bronchitis in Comparison With the General Population, by W. T. Ulmer and G. Reichel, Medical Department of the Silicosis Research Institute, Bochum, Germany.

Examinations of the lung function and of the pulmonary circulation clearly show that nearly all the functional impairments of coal workers with signs of coal workers' pneumoconiosis (CWP) depend on bronchitis, emphysema, airway obstruction and cor pulmonale. In this investigation the frequency of bronchitis and airway resistance values in the general population, in none dust exposed workers and in coal miners with CWP depending on age, and smoking habits were studied. Chronic bronchitis, chronic obstructive bronchitis is also none dust exposed population a very common disease. Smoking habits and features of the different professions influence the frequency. We could show that the simple CWP has no influence on the chronic bronchitis, especially not on the chronic obstructive form which alone is of greater clinical interest. Coal miners with CWP with bigger fibrotic lesions show about twice as often than none dust exposed workers' symptoms and measurements of chronic obstructive bronchitis.

18. Development of Patterns of Coal Workers' Pneumoconiosis in Pennsylvania and Its Association with Respiratory Impairment by Paul Dessauer, M.D., E. J. Baier, M.P.H., G. M. Crawford, B.S, J. A. Beatty, B.S., Division of Occupational Health, Pa. Dept. of Environmental Resources.

The magnitude of the CWP problem is shown as compared to occupational safety risks in Pennsylvania. Accident rates in coal workers are about three times those in the manufacturing industries. Studies have shown that CWP risks are several times greater than safety risks among Pa. coal workers. The development of CWP and its association with Respiratory Impairment (RI) is shown comparatively in different geological areas of Pa. The RI is considered as an indicator of the gradual exhaustion of the functional reserves of an individual. Based on these premises a new yardstick has been developed to measure the occupational health of the coal worker and is called the Occupational Health Category (HC). The HC represents in a unit the association of the x-ray diagnosis and the RI Grade. The different aspects of CWP are encompassed in nine HC's, which define Priority Classes of the men having good to fair, or guarded prognosis or who are disabled. A Health Monitoring Scheme of the men at risk is developed based on these concepts. Health Monitoring is in general aimed at preventing disabling impairment.

19. A Comparison of the Prevalence of Coalworkers' Pneumoconiosis and Respiratory Impairment in Pennyslvania Bituminous and Anthracite Miners by W. K. C. Morgan, M.D., R. Reger, D. B. Burgess, M.D., and E. Shoub, Appalachian Lab. for Occupational Respiratory Diseases, West Virginia University School of Medicine, Morgantown, W. Va.

As part of a larger national study, the prevalence of radiographic evidence of coal workers' pneumoconiosis and of respiratory impairment in a group of 1455 bituminous coal miners from six mines was compared to that present in a group of 518 miners from two anthracite mines. The bituminous mines were located in Central and Western Pennsylvania while the latter were located in Eastern Pennsylvania. The prevalence of pneumoconiosis as a whole (60%) and progressive massive fibrosis (14%) was significantly higher in the anthracite miners than in their bituminous colleagues (47 and 2.4%, respectively). In addition, there was higher prevalence of bronchitis in the anthracite miners, and likewise their residual volume was significantly increased. These differences could not be explained by differences in years spent underground or by differing smoking habits. It was concluded that there is an agent, as yet unidentified, in the working environment of the anthracite miner which puts him at a greater risk than his bituminous counterpart.

20. A review of mortality data for American Coal Miners, by Philip E. Enterline, Ph.D., University of Pittsburgh, Pittsburgh, Pa.

There are two main sources of data on mortality rates for American coal miners: data derived from combining counts of coal miners in decennial censuses with counts of death certificates where occupation is recorded as coal miner, and data derived from the experience of life insurance companies with policies issued to coal miners or coal mining companies. Despite defects in these data, they are in general agreement regarding unusually high mortality rates for coal miners. At working ages the most recent data show age standardized mortality rates for coal miners 1.6 to 1.9 times those of all working males, and the coal mining industry with rates 1.4 to 1.5 times that of all industries. Studies are also in agreement in showing greatly elevated death rates for respiratory diseases and accidents. These causes do not account for all of the excess, however, and non work related factors appear to play an important part in the high overall death rate.

21. The Changing Prevalence of Coalworkers' Pneumoconiosis in Great Britain, by Dr. J. S. McLintock, M.B., Ch.B., D.P.H., Deputy Chief Medical Officer, National Coal Board, Great Britain.

In the coal-mining industry there is a need to measure the efficacy of any dust suppression programme both in terms of respirable airborne dust levels and also of the biological effects of that dust on the exposed men. Over the past 40 years in Great Britain, biological data of various types (e.g. certifications for compensation purposes, prevalence at X-ray surveys, differences of prevalence on serial surveys, progression of pneumoconiosis or serial surveys) have become available. No single factor is fully satisfactory; to demonstrate the effectiveness of dust suppression, the best is a progression index based on serial films of a selected sample of men at each colliery and using the extended classifications of pneumoconiosis. However, to achieve meaningful results strict control of film quality and of film-reading standards are necessary.

23. Trends of Coal Workers Pneumoconiosis in Poland, by Witold Zahorski, M.D., Chairman, Department of Medicine and Occupational Diseases, Silesian Medical Academy, Katowice, Poland

Results of 25 years observation of coal workers pneumoconiosis (CWP) among over 200,000 underground miners, employed in extracting coal only, show an average incidence of 1.7% (with a range from 0.16–19%). Most of the mines' staffs were employed just after World War II. Comparison of the incidence of CWP with geological structure shows interdependence with the thickness of exploited layers, it's degree of incline or humidity. The investigations indicated that the linear shadows (Z) of the X-ray pictures were the earliest but unspecific symptoms of CWP. The average rate of development of CWP shows especially small opacities. The massive fibrosis is present only in 8% of cases. Its frequency is double in the CWP with tuberculosis. The 35% of pneumoconiotics were professional active. Average age of retiring is 48.9 years. Average time from beginning of disability to death is 9.2 years with CWP and 6.2 years in CWP with tuberculosis. The mortality of invalids is greater in the first decade after retiring. The comparison of mortality of CWP cases and of general male population is similar and reaches its maximum in the age of 55–64.

24. Prevalence of Coalworkers Pneumoconiosis in Yugoslavia, by M. Saric, M.D., Ph.D., Institute for Medical Research and Occupational Health, Yugoslav Academy of Sciences and Arts, Zagreb.

Studies performed and other available data show that coalworkers' pneumoconiosis exist in Yugoslavia. The majority of cases have been reported from the Zaječar coal fields in Serbia.

The mines in which only sporadic cases of simple pneumoconiosis have been found and no massive pulmonary fibrosis has been recorded are characterized by low free silica content in the dust. These are mainly lignite and brown coal mines with relatively low dust concentration level. Only a few of them are mines of bituminous coal. On the basis of these data the question arises whether the presence of a certain amount of free silica in the dust to which coalworkers are exposed is a prerequisite for the development of massive pulmonary fibrosis or even for the higher prevalence of simple pneumoconiosis.

25. Coal Worker's Pneumoconiosis in South Africa, by B. Goldstein, M.B. B.Ch. F.F. Path and I. Webster, M.B. B.Ch. F.R.C. Path, National Research Institute for Occupational Diseases, South Africa.

The incidence of Coal Workers' Pneumoconiosis in an autopsy series of South African coal miners is 8.9% for Bantu and 14.4% for White workers. There is a high incidence of active and inactive tuberculosis in the Bantu with dust lesions. A relationship between focal and centrilobular emphysema and coal workers' pneumoconiosis was demonstrated but neoplasms of the lung and acute pneumonic infections do not occur with greater frequency. Experimental exposure of monkeys to coal dust from the Transvaal and Natal coal mines showed minimal lung fibrosis after periods up to 3½ years and there was no significant difference between the fibrogenicity of the two dusts. The coal dust is deposited mainly in the perivascular tissues and on electron microscopy coal particles in macrophages appear to lack a surrounding phagosomal membrane.

26. Pneumoconiosis and respiratory disorders of coal mineworkers of New South Wales, Australia, by M. Glick, M.B., F.R.C.S., F.C.C.P., K.G. Outhred, M.B., B.S., F.C.C.P., and H.I. McKenzie, M.B., B.S., F.C.C.P., Joint Coal Board, Sydney, Australia.

Medical and scientific officers in Australia were amongst the early workers to recognize the occurrence of a pneumoconiosis in coalworkers distinct from silicosis.

The present incidence of coalworkers pneumoconiosis in N.S.W. is negligible. This is due to the application of stringent dust prevention and control using bord and pillar mining methods in shallow seams of good thickness low silica coal. In conjunction with the above is the comprehensive medical scheme which, is continuously monitoring the general health of mineworkers with special reference to their occupation. Present work includes epidemiological studies in working and retired miners as well as information obtained from accumulated autopsy material. The association of pathological, clinical, radiological, electrocardiographic and physiological investigation has produced many interesting clinicopathological associations and correlations which are leading to a clearer understanding of the bronchitis, emphysema, pneumoconiosis complex.

27. The Pathological Recognition and Pathogenesis of Emphysema and Fibrocystic Disease of the Lungs With Special Reference to Coal Workers by A. G. Heppleston, D.Sc., M.D., Univ. of Newcastle upon Tyne.

Coal workers are liable to develop a form of emphysema attributable to accumulation of dust around respiratory bronchioles. These men may, however, contract other anatomical forms of emphysema, such as are commonly seen in the non-mining population. The emphysematous lesions then show incidental pigmentation, though their genesis is independent of dust aggregation. To avoid misinterpretation a 3-dimensional concept of lung architecture is required, thereby permitting the distinction of proximal acinar, panacinar and irregular varieties of emphysema. The anatomical form indicates the likely pathogenetic mechanisms and sometimes the etiological agent.

Fibrocystic disease of the lungs also becomes pigmented in coal workers and must be distinguished from emphysema. The honeycombing is usually of non-specific inflammatory origin, but whether the occupation of mining is contributory remains to be determined.

28. Bronchial Mucous Gland Status in Coal Workers' Pneumoconiosis, by R. C. Ryder, M.B., M.R.C. Path., St. Tydfil's Hospital, Merthyr Tydfil, Wales—J. B. Lyons, M.D., Pneumoconiosis Medical Panel, Cardiff, Wales; H. Campbell, M.A., M.B. and J. Gough, M.D., F.R.C. path., Welsh Natl. Sch. of Med., Cardiff Wales.

There was no significant difference between the Reid Indices (RI) of a group of 211 deceased coal miners and ex-miners, most of whom had been diagnosed as suffering from coal workers' pneumoconiosis during life, and a contrast non-mining population matched for age and sex. There was no correlation between radiological category and RI. There was no correlation between type of pneumoconiosis and RI. There was no correlation between evidence of obstructive airways disease, measured by F.E.V$_{1.0}$/F.V.C. % and RI. Many cases with higher values of RI had relatively normal values of F.E.V$_{1.0}$/F.V.C. % and many cases with lower values of RI had impaired values of F.E.V$_{1.0}$/F.V.C. %. There was no correlation between RI and emphysema in the contrast cases but in the miners there was a correlation which reached a level of statistical significance.

29. Types of Fibrosis in Coal Workers' Pneumoconiosis, by Richard L. Naeye, M.D., Pennsylvania State University College of Medicine, Hershey, Pa.

Coal workers' pneumoconiosis is not a single disease process but is a composite of multiple disorders, each of which may vary in incidence and severity, dependent upon geographic area, exact occupational exposure and apparent individual susceptibility. Quantitative, morphologic studies were undertaken on the lungs of 312 men who mined various types of coal. The volume of collagen in macules and nodules was directly related to silica content of the lungs. Smoking had no influence on this fibrosis. There is evidence that infection and immunologic factors also contribute to pulmonary fibrosis in coal miners. There was a good correlation between the amount of collagen in the lungs of the current workers and the X-ray classification of their pneumoconiosis but a poor correlation between the collagen content of their lungs and chronic dyspnea. Dyspnea in individual cases was best correlated with the degree of emphysema and cor pulmonale.

30. Aetiologicol Factors in Complicated Coalworkers' Pneumoconiosis, by J. C. Wagner, MD., MRC.Path., Medical Research Council Pneumoconiosis Unit, Llandough Hospital, Penarth, Wales.

Due to dust control in the mines and to the increased eradication of tuberculosis, the nature of the lesions in the lungs of coal workers has changed in Britain. The florid massive lesions with active tuberculosis are extremely uncommon and we are now seeing evidence of other aetological agents effecting an older population. The role played by such agents as rheumatoid factor and the opportunist mycobacteria are becoming more prominent, not only in the massive lesions but also in so called "simple pneomuconiosis". The association between the lesions of "simple pneumoconiosis" and pulmonary disability are being reassessed and the significance of interstitial fibrosis and emphysema investigated, as is the vexed problem of chronic bronchitis.

31. Functional Impairment in Coal Workers' Pneumoconiosis, by W. T. Ulmer and G. Reichel, Medical Department of the Silicosis Research Institute, Bochum, Germany.

According to the histological picture of the coal workers' pneumoconiosis (CWP) we would expect that all parts of the lung function should be disturbed. In this investigation the breathing mechanics, the pulmonary circulation, the gas exchange, especially the diffusion capacity in coal miners with CWP stage I and III and normal people were studied. The CWP influences in an essential way from the point of view of the general health condition only rare cases through lowering of the compliance of the lung ($\sim$3%) or impairment of the lung circulation ($\sim$3%). The complaints of the coal workers with or without CWP are in the overwhelming majority related to the amount of the airway resistance. This chronic obstructive bronchitis depends only on coal mining or coal mine dust exposure where these miners developed bigger fibrotic lesions. This statement is important for methods of treating coal miners, who should be treated in the same way as other cases of chronic obstructive bronchitis.

32. Pulmonary Hemodynamics in Coalworkers' Pneumoconiosis, by Kremer, René, M.D., University of Louvain, Belgium.

Among 100 pneumoconiotic patients, correlations have been established betwen pulmonary hemodynamics at rest and during exercise and various parameters such as radiological stage of the pneumoconiosis, spirometric values, arterial blood gases and electrocardiographic criteria of right ventricular hypertrophy. From these correlations, it is obvious that in pneumoconiosis, besides the obstructive syndrome, numerous factors can play a role in pulmonary hypertension: restriction or loss of elasticity of the vascular bed, abnormalities in the ventilation/perfusion ratio or in the alveolar-capillary diffusion. Pulmonary hypertension can be predicted, independently of the X-ray stage, when forced expiratory volume (1 sec) is below 1600 ml or when oxyhemoglobin saturation decreases during exercise. Electrocardiogram has no value in predicting pulmonary hypertension during exercise. Pulmonary hypertension at rest bears a poor prognosis (death rate of 60% within five years when mean pulmonary arterial pressures exceeds 20 mm Hg; 70% within the year when it exceeds 30 mm Hg).

Lung Mechanics in Coal Workers' Pneumoconiosis, by N. LeRoy Lapp, M.D., and Anthony Seaton, M.D., Appalachian Lab. for Occupational Respiratory Diseases, and West Virginia University Medical Center, Morgantown, W. Va.

Lung volumes and mechanics of respiration were investigated in 25 working, nonsmoking, underground bituminous coal miners who demonstrated category 2 or 3 simple pneumoconiosis, and also in six non-smoking controls of comparable age. Analysis of pressure, flow and volume relationships demonstrated that miners as a group achieved lower maximal expiratory flows than the controls at comparable lung volumes and pressures. Although chronic bronchitis was present in 10 of the 25 miners, it did not account for these findings. Reduction in dynamic compliance (C dyn) at faster rates of respiration, a finding that ocurred in 17 of the 25 miners despite the absence of significant obstruction of large airways, appeared to be the result of increased resistance in small, peripheral airways rather than reduction in lung recoil (depriving) pressure. These alterations in lung mechanics did not appear to be closely related to type of opacity (either pinhead or micronodular) seen on the chest radiographs of the miners.

34. Patterns of Physiologic Impairment in Coal Workers' Pneumoconiosis, by Donald L. Rasmussen, M.D., Appalachian Regional Hospital, Beckley, West Virginia.

Disabling respiratory insufficiency among soft coal miners from the southern Appalachians occurs in two general forms: Obstructive ventilatory insufficiency and non-obstructive pulmonary insufficiency associated with impairment in oxygen transfer. Oxygen transfer impairment is found in nearly all symptomatic miners, including those with entirely normal ventilatory function. There is almost no relationship between loss of function and roentgenologic findings. Severe impairment of both types is not uncommon even in miners with no definite evidence of coal workers' pneumoconiosis. No valid data concerning the levels of respirable dust exposure exists for the subjects of this report. It is reasonable to believe, however, that their exposure may have been triple the estimate for mean dust exposure for U.S. miners prior to enactment of the current standards. Despite this extreme exposure, none of those miners had periodic health examinations during their employment. Our observations lead us to conclude that x-ray findings are of no value in estimating functional capacity. Tests of ventilatory function alone are of little value in determining the loss of functional capacity among coal miners.

35. Relation of lung dust content to radiological changes in coalworkers, by C. E. Rossiter M.A., MRC Pneumoconiosis Unit, Llandough Hospital, Penarth CF6 1XW, South Wales, U.K.

In a cooperative study of 145 British miners with simple pneumoconiosis alone, average pneumoconiosis scores based on eleven independent readings were related to the coal, other mineral and iron contents of the lungs after death. Three groups were revealed showing differing relations—those with nodular sized (n(q)) small opacities; those with technically poor films; Scottish miners whose lungs contained soot from 'naked lights'. For the main homogeneous group of 98 miners, the correlation between the simple pneumoconiosis score and the coal and other mineral contents was 0.9. The ratio of their relative contributions was 1:3.8 which is similar to the ratio of their X-ray mass absorption coefficients. The iron content did not add much to the correlation even though, by itself, it was closely related to the simple pneumoconiosis score, indicating that probably most of this relation reflects variation of iron with the coal and other mineral contents. The pneumoconiosis scores for the films with nodular sized small opacities were much higher than predicted from the lung dust, suggesting some response to dust in addition to the X-ray absorption by the dust.

36. Lung Volumes in Working Coal Miners, by W. K. C. Morgan, M.D., A. Seaton, M.D., D. B. Burgess, M.D., N. L. Lapp, M.D. and R. Reger, Appalachian Laboratory for Occupational Respiratory Diseases and West Virginia University School of Medicine, Morgantown, W. Va.

Earlier studies in this laboratory demonstrated that Barnhard's radiographic method of determining total lung capacity is sufficiently accurate for use in epidemiological surveys, and, moreover, is uninfluenced by the presence of obstructive airway disease or simple pneumoconiosis. Hence, we undertook a study of the lung volumes of over 2,000 working Pennsylvania anthracite and bituminous miners. The effect of increasing radiological category of simple coal workers' pneumoconiosis on lung volumes was investigated. It was shown that the residual volume increased with radiological category and that this occurred whether or not the miners had obstructive airway disease. The presence of obstruction had an additional effect over and above that due to coal dust alone, so that the largest increases in residual volume were found in miners with both obstruction and pneumoconiosis. The implications and possible causes of this change are discussed, with particular reference to the effect of coal workers' pneumoconiosis on the resistance in the distal airways.

37. Roentgenologic patterns of lung changes that simulate those found in coal workers' pneumoconiosis, Eugene P. Pendergrass, M.D., *et al.*, School of Medicine, Univ. of Pennsylvania, Philadelphia, Pennsylvania.

Medical schools allot little time in the curriculum to occupational medicine. There is some lack of knowledge of the various pollutants and the body's response to its deposition in the respiratory tract. The major, minor, and benign pneumoconioses in many instances produce abnormal lung patterns of small and large opacities. In most instances, the pollutant is airborne or exogenous. There are systemic diseases that produce small and large opacities in the lungs which are hematogenous in origin and which may simulate those of some of the pneumoconioses. A few examples of the usual diagnostic problems which include primary lung carcinoma, pulmonary tuberculosis, sarcoidosis, beryllium disease, lipoid pneumoconiosis, Caplan's disease, stannosis, baritosis, graphite and antimony pneumoconioses will be discussed. There are approximately 100 exogenous and endogenous conditions (some esoteric) that may produce similar lung patterns. They will provide interesting homework.

38. Radiographic evidence of disease in miners seeking black lung benefits. By William H. Anderson, M.D., and Emery Lane, M.D., Univ. of Louisville School of Medicine, Louisville, Kentucky.

A standard form and the UICC classification were used in the interpretation of 2,209 chest X-rays of eastern Kentucky coal miners filing a claim under the Federal Black Lung Act. In this group of men, there were 57% without pneumoconiosis, 41% simple and 1.2% progressive massive fibrosis. In viewing the films for evidence of other disease, 7% were suspected of active tuberculosis, 5% inactive tuberculosis and 2% had lesions compatible with carcinoma. Of the 442 (20%) who had cardiac enlargement, 359 had pulmonary congestion. Pulmonary emphysema was suspected in 8% of the group. Since the large number of pulmonary congestion cases suggested medical neglect, we selected at random from our files the records of 97 patients with hypertension, 100 with ASHD and 100 with COPD for evidence of prior treatment. It was found that 17% were receiving adequate prior treatment, 5% partial treatment, 62% no specific treatment and 16% unknown medication. These observations indicate an overwhelming need by the coal miner for a comprehensive preventive medical care program with early and adequate treatment of disease.

39. Roentgen pathologic correlations in coal workers' pneumoconiosis by E. R. Heitzman, M.D., Richard L. Naeye, M.D. and Bedros Markarian, M.D., The State University of New York, Upstate Medical Center, Syracuse, New York and The Pennsylvania State University, College of Medicine, Hershey, Pennsylvania.

A correlative roentgen pathologic study of the lungs of Pennsylvania coal miners was performed to clarify further the specific gross and microscopic pathology responsible for the roentgen appearances of coal workers' pneumoconiosis. The early development of focal dust macules cannot be appreciated on radiographs but otherwise radiography portrays faithfully the gross pathology of nodules, fibrosis and conglomerate masses. Films are less satisfactory for evaluating emphysema and bronchitis in coal workers and it is probably for this reason that radiologic predictions of functional disability in coal workers' pneumoconiosis are generally inaccurate.

40. Validation of classification of pneumoconiosis by Douglas Liddell, M.A., McGill University.

Any diagnostic procedure must be evaluated in terms of sensitivity, consistency and validity, and for the last an external objective criterion is needed. This paper considers the validation of three classifications (sensitivity and consistency having already been examined). For the elaborated classification of small rounded opacities, the criteria of validation came from lung residue material in 61 cases. Canonical analysis indicated which variables could be considered as stimuli and which responses. Thereafter it was possible to study, for each of 12 readers, the relationship between the steps of the classification and an index of "true" stimulus variables. This provides some evidence that each step of the elaboration is meaningful. A further 47 films from the same series was used to study large opacities (PMF). Here, canonical analysis gave some support for the view that PMF is an attack upon simple pneumoconiosis. A system of assessing progression of simple pneumoconiosis was used to obtain an index of progression for each of 24 collieries, based on films taken five years apart. High correlation between this index and exposure (in mg. years/m^3) of airborne dust in each colliery validates the reading system.

41. Present status of the UICC/Cincinnati classification of radiographic appearances of the pneumoconioses: Report of meeting at Pneumoconiosis Research Unit, Cardiff, Wales, April 13–15, 1971 by G. Jacobson, M.D. and J. C. Gilson, M.D.

A review of more than three years experience in several countries with the UICC/Cincinnati Classification indicates that its fundamental goals and aims have been achieved. Periodically changes in the Classification, such as those described in this report, may be required. The following recommendations are made:

(1) The Extended ILO 1968 and the revised U/C Classifications should be made identical and combined. This should be known as the ILO–U/C International Classification of Radiographs of Pneumoconioses, 1971. (2) The Short ILO 1968 Classification should be revised and retained as a subdivision of the proposed ILO–U/C Classification. (3) The ILO and U/C Standard Films should be revised and combined into a single comprehensive set illustrating the proposed ILO–U/C Classification with provision for selection of certain of these films to illustrate the Short ILO–U/C Classification. All Standard Films should be distributed by the ILO. (4) Consideration should be given by the ILO to the collection of typical examples of pneumoconiosis seen in specific occupations. These films should be available on loan or purchase from the ILO.

45. The dyspneic miner and black lung benefits, by William H. Anderson, M.D., and Emery Lane, M.D., Univ. of Louisville School of Medicine, Louisville, Kentucky.

The records of 1700 dyspneic coal miners were reviewed to determine the extent to which the disability criteria established as a result of the Coal Mine Health and Safety Act would apply to these men. Only 225 (13.2%) of the total group met the various criteria for an award. There were 36 (2.1%) with PMF. Of the 994 (58.5%) with simple pneumoconiosis, 110 (11%) met the ventilatory criteria, 40 (4%) the blood gas criteria, none conformed to the standards for diffusion capacity and 39 (3.9%) would receive an award on the basis of heart disease criteria. When one looks at the 670 remaining miners without pneumoconiosis the percentage meeting each of the disability criterion are identical to the group with simple pneumoconiosis. Thus, we are in the position of paying an award where there is no relationship between the two major prerequisites for the man receiving such payment, i.e. pneumoconiosis and the established criteria of disability. In our opinion the law should be changed to an occupational disability act that provides an award to a man who is disabled for work in the mines regardless of the cause of the disability and regardless of the presence of spots on his chest x-ray that can be designated as evidence of pneumoconiosis.

46. Studies of the treatment with polyvinyl-pyridine-n-oxide (P 204) of pneumoconiosis caused by coal-quartz dusts by W. Weller and W. T. Ulmer, Medical Department of Silicosis Research Institute, Bochum, Germany.

In many investigations the prophylactic and therapeutic effect of P 204-injections on the development of silicosis could be demonstrated after intraperitoneal and intratracheal injections of quartz into different kinds of animals. On the basis of these fundamental results, investigations with regard to a possible practical application became necessary. Rats and monkeys have been exposed in a long-term inhalation test up to 36 months to a mixture of coal-quartz dust and P 204 administered either subcutaneously or as an aerosol. In another experiment, we injected rats intraperitoneally a coal-quartz dust with a quartz content between 10 and 100%. The results showed that there were differences of the P 204 effect upon pure quartz and coal quartz dust concerning the prophylactical effect and the effect upon dust elimination. Before a prophylactical or therapeutical treatment of coal-miners can be started, further experimental investigations are necessary.

47. Physiopathological considerations in the treatment of coal workers' pneumoconiosis (CWP) by W. T. Ulmer, G. Baving and G. Reichel, Medical Department of the Silicosis Research Institute, Bochum, Germany.

Up until present time no specific and causal treatment of coal workers' pneumoconiosis (CWP) has been discovered. Whereas the overwhelming majority of those coal miners with CWP which complain about difficulties with breathing all show typical signs of chronic obstructive bronchitis. So the chronic obstructive bronchitis is the most common disease in coal miners. Only the CWP with the bigger fibriotic lesions shows some relationship to the chronic obstructive bronchitis. The treatment of the chronic obstructive bronchitis in miners with CWP follows exactly the same roles as these of patients who do not have CWP. Exact dosage of catecholamines, atropine per inhalation, glucosteroides and sometimes antibiotics is necessary as long term treatment. The results of this long treatment are then also on the chronic obstructive bronchitis of the coal miners with CWP even over many years generally very satisfactory.

48. The recognition and management of complications of coal workers' pneumoconiosis by Robert W. Penman, M.D., University of Kentucky Medical Center, Lexington, Ky.

When respiratory insufficiency occurs in patients with coal workers' pneumoconiosis it is usually associated with symptoms of chronic bronchitis. Thus, in a survey of 54 non-smoking miners with simple CWP who complained of dyspnea, symptoms of chronic bronchitis were found in 43 men (80%) and 6 of these had spirometric evidence of chronic airway obstruction. Since this condition is the common precursor of respiratory failure, cor pulmonale, and congestive cardiac failure, the recognition of spirometric and blood, gas abnormalities has greater importance than the detection of other complications of CWP.

Apart from the differential diagnosis of progressive massive fibrosis, involving carcinoma and tuberculosis, the major significance of this lesion is its "space occupying" effect. Cor pulmonale complicating this, or simple CWP, is difficult to recognize in its early stages and is best suspected in all cases with severe hypoxemia.

Opening of Discussion after #48, clinical problems of the miner with simple pneumoconiosis, by Murray B. Hunter, M.D., with the assistance of Francisco Barrera, M.D. and Ray Harron, M.D., Depts. of Medicine and Radiology, Fairmont Clinic, Fairmont, West Virginia.

In much of the literature and contemporary teaching with respect to coal workers' pneumoconiosis, the miner or exminer with simple pneumoconiosis has been assumed to be a normal person with a slightly abnormal x-ray and to be at only slightly higher risk of contracting clinically significant respiratory illness than a comparable individual not exposed to the hazards of coal mining. Emphasis has been placed on the miner with complicated pneumoconiosis as the source of the occupational disease problem in coal mining. State and federal laws have been elaborated with this concept as a guiding determinant of policy. Evidence accumulated out of a large clinical experience with American coal miners will be presented to show that the attitudinal and legal bias in favor of the miner with complicated disease and against the miner with simple CWP or with no pneumoconiosis is not justified on clinical analysis. The implications of these findings should influence the clinical stance of physicians vis-a-vis symptomatic miners as well as the assumptions in compensation law.

49. Sampling and evaluating respirable coal mine dust, by Murray Jacobson, Chief, Field Health Group, Bureau of Mines, Pittsburgh, Pa.

The respirable dust standard contained in the Fed. Coal Mine Health and Safety Act of 1969 is designed to prevent disability and death from coal workers' pneumoconiosis. Beginning June 30, 1970, the operators of coal mines were required to maintain the average concentration of respirable dust in the active workings at or below 3.0 milligrams of dust per cubic meter of air. The standard is reduced to 2.0 milligrams per cubic meter after Dec. 30, 1972.

This paper presents the equipment and procedures used by the coal mine operators in implementing the respirable dust sampling program established by the Secretary of the Interior and the Secretary of Health, Education, and Welfare. The system employed by the Bureau of Mines for analyzing and processing dust samples is also presented.

50. Characterization of coal mine dust by computer processing of scanning electron microscope information by E. W. White, Ph. D., Pennsylvania State University, University Park, Pa. and P. B. DeNee, Ph.D., US Bureau of Mines, Bruceton, Pa.

A method has been developed for the quantitative characterization of coal mine dust to yield, particle by particle, measurements of the size, shape, mass and type of particle. This information is calculated by a computer from multichannel recordings on a digital magnetic tape of scanning electron microscope information. The size and shape measurements are generated from the secondary electron image while the type of particle (coal, rock fragment, pyrite, etc.) is identified from the five channels of X-ray signal (carbon Kα, silicon Kα, sulfur Kα, calcium Kα and iron Kα). Integrated X-ray signals for each particle serve as the basis for measurement of the mass of 0.1 μm to 10 μm diameter particles.

Energy dispersive X-ray detection is employed for an arrangement of three detectors optimized for the efficient handling of the five X-ray signals.

Details of the instrumentation will be presented together with examples of analyses on dust samples.

51. Recent progress in dust control in coal mines by Kenneth M. Morse, United States Steel Corporation.

Effective dust control was a major daily effort of mine operators prior to the Coal Mine Health and Safety Act. The Act introduced the first legal national dust standard and the coal mining industry has again demonstrated its advance technology by the degree to which it has successfully complied with the dust standard in such a short period, despite the fact that the standard is the most restrictive in the world. Dust control in coal mining is being obtained by a combination of the following: (1) a split system of face ventilation, (2) the application of water to the coal face and to the broken coal to reduce the generation of dust, (3) water sprays to reduce the dust after generation, and (4) the removal of dust at the face by either the line brattice or exhaust tube system of face ventilation. This paper discusses the results of work on the application of sprays to the cutting drum to supplement the conventional spray system. A total of 83 sprays utilizing 25.3 gals/min. in the conventional system. A dust reduction of 63.6% was achieved in the continuous mining machine operator's exposure despite the fact that the dust concentration was originally in compliance with the standard. A reduction of 77.4%–91/5% was obtained in the dust concentration, as measured behind the line brattice.

52. Recent progress in control of coal workers' pneumoconiosis by Merle Bundy, M.D., United States Steel Corp., Pittsburgh, Pennsylvania.

Beyond any question, the rapid reduction that has occurred in the quantity of dust breathed by the coal miner will in the final analysis make the biggest contribution to the control of Coal Workers' Pneumoconiosis. The industry wide x-ray program currently underway and the inclusion of pulmonary function studies in subsequent x-ray programs will identify the miner who continues to respond adversely to his exposure. From the employee and dependent standpoint, the use of Federal funds in establishing minimum benefits must be considered as recent progress in the control of Coal Workers' Pneumoconiosis. The development of provision for a dust free environment through the use of a cryogenic process of air delivery will make possible the mining of coal in areas where it is not possible to reduce the dust to the standard by engineering or mining means. These four areas represent the major progress in the control of Coal Workers' Pneumoconiosis since the passage of the Federal Coal Mine Health and Safety Act of 1969.

54. Respirator Useage in Coal Mines by Parker C. Reist, Sc.D., Harvard Univ. School of Public Health, Boston, Mass., William C. DeSieghardt and Homer E. Harris, Eastern Associated Coal Corporation, Pittsburgh, Penna.; and William A. Burgess, Harvard Univ. School of Public Health, Boston, Mass.

Factors influencing coal miner acceptance and use of respirators have been determined by field interviews with 83 supervisory and management personnel and 428 mining personnel at 31 different bituminous coal mines in Eastern United States. In addition, a survey has been initiated to determine effective protection factors provided by various respirator designs which are currently in common useage in coal mines. Actual possession of respirators by the underground work force ranged from a high of over 90 percent at one mine to a low of about 40 percent at another mine. In some mines respirators were worn on an intermittent basis by as much as 60 percent of the underground personnel while at other mines the figure was only 20 percent. Respirators were used primarily by miners working near the working face under conditions when there was a heavy concentration of visible dust. Very little training was provided in the proper use of respirators, and maintenance appeared to be erratic and perfunctory, mainly carried out by the individual miner.

56. Perspectives in Current Research for Control of Airborne Dust in Coal Mines by Welby G. Courtney, Ph. D., U.S. Bureau of Mines, Pittsburgh, Pa.

The recent Federal Coal Mine Health and Safety Act of 1969 (Pl 91–173. December 30, 1969) established strict limits on the amount of airborne respirable dust permitted in underground coal mine environments. The Act also directed that research be conducted to develop improved or new technology for reducing the respirable dust. This technology then would assist a coal mine company to meet the limits imposed by the Act. The U.S. Bureau of Mines was assigned the responsibility of designing and implementing a program to develop this advanced technology. This paper presents the general orientation of the Bureau program.

57. Suppression and collection of respirable coal dust using water and steam by Thomas F. Tomb, Physicist, Pittsburgh Field Health Group, Bureau of Mines, Pittsburgh, Pa.

The 1969 Federal Coal Mine Health and Safety Act has caused the Bureau of Mines to focus a major portion of its research on reducing coal mine respirable dust concentrations to established limits.

This paper describes laboratory investigations conducted to study the effectiveness of sprayed water and of low-pressure steam for controlling respirable coal dust. Dust suppression efficiency was determined for water droplets sprayed into an airborne coal-dust cloud traversing a laboratory dust tunnel. A statistical analysis was used to evaluate the effects of droplet concentration, size, and velocity on the suppression efficiency of 1 to 10-micrometer coal particles. To evaluate steam as a dust-control method, low-pressure steam was applied to the area where dust was generated from coal with a circular cutting tool. The effect of steam quantity on the suppression efficiency of respirable coal particles was determined. Comparative tests were conducted using quantities of water equivalent to those of steam. The results and possible mechanisms affecting suppression are discussed.

58. Aerosol deposition on a charged plastic surface by R. L. Stein and W. H. Ryback, Pittsburgh Mining and Safety Research Center, U.S. Bureau of Mines, Pittsburgh, Pa.

A study was made of the concentration decrease of coal and fluorescent pigment aerosols in a polystyrene chamber. Losses to the walls of the plastic chamber were as high as 85 percent for coal (75 percent for fluorescent pigment) in 20 minutes. These losses were shown to be due to electrostatic attraction between the charged aerosol and the natural charge on the plastic surface. Difference in the wall loss rate constant, β_e, were attributed to variation of mobility distribution between the coal and fluorescent pigment aerosols. From these results, qualitative information regarding aerosol charge distributions was inferred.

59. Control of Dust From Continuous Coal Mining Machines by L. Karl Legatski and Jack D. Brady, Pacific Technical Services, Santa Rosa, Calif.

A state of the art evaluation of all types of dust collection equipment that may be applicable to the dust problem created by continuous mining machines was conducted. All known dust collection mechanisms were reviewed and inertial impaction was found to be the only feasible approach. Eight inertial dust collectors were tested with coal dust of a known size distribution. Collection efficiencies were determined as a function of particle diameter and the operating conditions of the collectors. It was found that the collector performances were well described by the state of the art knowledge of dust collection mechanisms and that the necessary performance on respirable coal dust could be achieved. No commercially available dust collector was found which could satisfy both the physical constraints of the mine environment and the collection efficiency requirements, but our knowledge of dust collection is sufficient to serve as a basis for design of an appropriate collection system.

60. Polymer Augmented Aqueous Foams for Suppression of Respirable Coal Dust by James L. Schwendeman, Chih-ming Sun, Ival O. Salyer, and Alan L. Wurster, Monsanto Research Corporation, Dayton, Ohio.

A laboratory research program to investigate high expansion aqueous foams for suppressing respirable coal dust is described. Various types of surfactants, foaming agents, and water soluble polymers were evaluated to determine their ability to wet coal and to produce high expansion foams of the desired stability. A horizontal boring mill was used as a laboratory coal mining model to generate the coal dust. Foam was applied by spray onto a fly cutter mounted on the boring mill and working directly against a block of coal. In this test, >90% of the dust was suppressed by application of foam with initial coal dust concentration of 10 and 70 million particles per cubic foot of air. An aqueous foam formulation, consisting of a specific non-ionic surfactant and polyelectrolyte (ethylene/maleic anhydride copolymer) was developed which produces high volume of foam, efficiently wets the coal dust, and effectively binds the dust particles together (to prevent reaerosolination). Evaluation of this foam system in full scale mining operations is now in progress.

61b. Australian experiences in coal dust suppression by T. M. Clark, C. Eng., F. I. Min. E., M. Aus. I.M.M., Chief Mining Engineer, Joint Coal Board, Sydney, N.S.W.

The hazards of coal dust to the human lung were recognized in N.S.W. prior to 1939 when a Royal Commission on Safety and Health recommended a temporary standard for airborne dust pending a careful study of the subject.

By 1947 the cost of workers compensation arising from the prevalence of pneumoconiosis was such as to threaten the economic viability of some sections of the industry.

Control measures subsequently introduced into the N.S.W. coal mines which are worked predominantly by the bord and pillar method have been so successful that the Medical Branch of the Joint Coal Board now advise that for practical purposes no new cases of pneumoconiosis are being produced.

Adequate properly placed water sprays with sufficient well directed wide side ventilation to the working face are essential for dust control in bord and pillar mining. Regular policing of standards is also required.

62. Investigative techniques in the laboratory study of coal workers' pneumoconiosis: Recent advances at the cellular level by John S. Harington, Ph.D., Cancer Research Unit of the National Cancer Association of South Africa, Johannesburg.

Cell culture is a convenient technique for measuring the toxicity of mineral dusts to macrophages. Using this method the mode of action of silica has been elucidated and a good correlation found between cytotoxicity and fibrogenicity. The present study has shown by morphological criteria and fluorescence that certain samples of coal dust, although having different effects on man, were inert to cells. This prompted an analysis of the many variables used to assess the cytotoxicity of mineral dusts. A similar problem occurs in work on the cytotoxicity of asbestos where conflicting results indicate that some kind of standardization of cell culture is now desirable. With regard to coal, it is clear that exposure of macrophages should be of long duration and that standard reference samples of coal might be made available by international agreement. It is also clear that cell culture techniques should contribute materially to a better understanding of the pathogenesis of coal workers' pneumoconiosis.

63. Historical perspectives of coal workers' pneumoconiosis by Eugene P. Pendergrass, M.D., *et al.*, School of Medicine, Univ. of Pennsylvania, Philadelphia, Pennsylvania.

The history of Coal Workers' Pneumoconiosis as an entity in the United States embodies a long period of gestation. The first reports of the U.S. Public Health Service and the Bureau of Mines including roentgen-ray observations were made by Lanza and Childs in 1917. The experimental work of Gardner and others added to our knowledge of the pathologic procedures and the work of W. S. Miller on the lymphatic system of the lung has been basic. On 26 February 1936, the National Silicosis Conference was inaugurated by Hon. Frances Perkins, U.S. Secretary of Labor. The first major epidemiologic studies of chest diseases in the U.S. were conducted among anthracite miners of Pennsylvania in 1936 and among bituminous coal miners in 1963 and 1965. The Federal Health and Safety Act of 1969 was enacted by the 91st Congress. The U/C Classification of the radiographic appearances of pneumoconiosis is now largely accepted by the ILO. To familiarize physicians with the new International Classification of the pneumoconiosis and to carry out the provisions of the law it became necessary for the American College of Radiology, as a contractor, to work with the Public Health Service and develop teaching seminars for radiologists and chest physicians.

H.R. 11058: THE TAX REFORM ACT OF 1972

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. CORMAN) is recognized for 30 minutes.

Mr. CORMAN. Mr. Speaker, yesterday I introduced a bill, H.R. 11058, entitled the Tax Reform Act of 1972. Its enacting clause states:

> To gear the income tax more closely to an individual's ability to pay, to broaden the income tax base of individuals and corporations, and to otherwise reform the income and estate tax provisions.

In short, this is a bill with one major objective: to provide meaningful reform of our tax laws in order to make them more equitable and more productive of revenue.

None of the provisions of this bill is new or novel. Proposals to make our tax laws more equitable and productive have long been proposed and discussed, in and out of the Congress. Some reform in this area was incorporated in the Tax Reform Act of 1969, but it did not go far enough. Events since the 1969 act have made it imperative that the Congress give its attention to further reform. The prospective enactment of the Revenue Act of 1971, our immediate response to the current economic situation, makes long range reform and expansion of our tax base even more essential. Since H.R. 11058 is a lengthy bill, I will insert at the conclusion of my remarks only a summary of its provisions. Copies of the bill itself will soon be available from the House document room or from my office.

A number of my colleagues in the House have indicated serious interest in the legislative proposals of this bill, and I intend to reintroduce it at a later date with cosponsors. I urge all Members to study the proposals, and I would welcome comments and suggestions. The bill is a complex piece of legislation, full of challenging ideas. When the Members have had a chance to examine the bill in light of its purposes, I believe there will be substantial support for most of its provisions.

Let me discuss some of my reasons for the formulation and introduction of the Tax Reform Act of 1972. The heaviest burden of our tax laws falls on the average American who pays personal income tax. This will become even more the case after enactment of the Revenue Act of 1971. In theory, our tax rates are progressive. Tax burdens should vary according to an individual's ability to pay. But it is well known that the reality differs vastly from the theory. In truth, a variety of special exemptions, incentives, and privileged interpretations of complex tax laws make a mockery of the progressive tax theory. Inequities abound, not only in the area of individual income taxation, but likewise in regard to corporation, estate and gift taxes. I feel strongly that the role of the Federal Government, and the role of any Federal tax legislation, should be to produce an equitable tax system. To this end H.R. 11058 is dedicated.

Mr. Speaker, as important as tax equity is the revenue the Treasury would gain from enactment of the bill—revenue that is lost under our existing tax laws, and especially so after enactment of the Revenue Act of 1971. These are funds that the country desperately requires for an accumulation of unmet needs. The list is long, and these needs must be met by an effective income tax system, making possible as little deficit spending as is practical.

H.R. 11058 takes on special meaning at this time because of the expected passage by the House tomorrow of the Revenue Act of 1971. This legislation resulted from recommendations the President made to the Congress in his attempt to solve the current dual problems of inflation and unemployment. These problems have reached crisis proportions as a result of the administration's standpat policies of the past 2½ years. The Ways and Means Committee made significant changes in the President's tax proposals included in his new economic policy, and I applaud these changes. The overwhelming tax break to business, recommended by the President, was reduced. Individual taxpayers, mostly the poor, received some tax benefit but, I would add, not as much benefit for this group of citizens as I had urged.

I hope that the committee bill, when implemented as the Revenue Act of 1971, is effective and produces the desired results, for the problems of inflation and unemployment must be solved if this country is to have a stable economy again. But we must be clear as to the effects that the Revenue Act will have on Federal revenue. A quick glance at the committee report tells us that the Treasury will lose $1.7 billion of tax revenue in calendar year 1971, $7.8 billion in calendar 1972, and $6 billion in calendar 1973, as compared with present law. These figures, large as they are, would have been even greater but for the committee's elimination of about $2 billion of advantages to business under the asset depreciation range program of the Treasury Department. Over $2 billion of these ADR advantages to business remain, however, and these will continue in future years. The loss in revenue under the Revenue Act of 1971 is substantial, especially when we consider the fact that a conservative recent estimate of the deficit for fiscal 1972 on the administrative budget basis will be over $35 billion.

The President, in his message of August 15 announcing his new economic policy, stated:

> To offset the loss of revenue from these tax cuts. . . . I have ordered today a $4.7 billion cut in Federal spending.

The Ways and Means Committee in reporting out the Revenue Act of 1971 has also endorsed this reduction but, in my mind, this endorsement must be regarded as temporary.

First, these spending cuts impose unjustified sacrifices from a segment of the population who should not have to carry the burden of the new economic policy. Ordering a 5-percent reduction in Government employment at a time when the Nation's unemployment rate is 6 percent or more—and in some areas up to 10 percent—and deferring scheduled pay raises for Federal employees, who, living on fixed salaries, are among the principal victims of inflation, cannot be justified. Second, postponing enactment of welfare reform would postpone job training and employment opportunities for those who are able to work and also would postpone adequate income for those unable to work—the old, disabled, blind, and children. These simply are not acceptable ways, in the long term, to compensate for the loss of revenue the Treasury will sustain as a result of the tax reductions, largely for business, provided by the Revenue Act of 1971. Early enactment of a revenue-raising measure such as H.R. 11058 is imperative in order to provide for these and other essential responsibilities of the Federal Government.

Mr. Speaker, H.R. 11058 is not meant to be an alternative to the Revenue Act of 1971. Rather, it is meant to complement that act. It would assure greater revenue in the long run, would reduce our budget deficits, and in times of high economic activity could even help to eliminate a budget deficit entirely. It would strengthen the economy by channeling greater purchasing power to individuals at the lower income levels, who are more likely to spend their earnings than persons with larger incomes. It would remove a number of lower income people from the income tax rolls, even though they would still be responsible for substantial social security taxes. Finally, it would enable us to tackle much more vigorously the great volume of unmet needs which continue to cry for attention and which Government must meet.

The additional revenue provided by the Tax Reform Act of 1972 would help us to begin to rehabilitate our cities, improve our educational system, redevelop the rural areas of the country, meet the Nation's growing health care crisis, provide adequate housing, minimize the condition of poverty in the American scene, and effectively control pollution. We also need to find ways to assist local governments to meet their traditional responsibilities and somehow help to relieve the awesome burden of property taxes on homeowners. At the same time, we must not lose sight of the need for adequate financing of essential ongoing Federal programs.

Very simply, this all takes money, most of which must come from Federal revenue. We must find a way, and the way can be found only by producing revenue for the Treasury, not by reducing it. By a conservative estimate, H.R. 11058 will put $11 billion new revenue into the Treasury for calendar year 1973, and when fully effective by 1980, Treasury will derive in excess of $19 billion a year. When we consider the revenue loss resulting from the implementation of the prospective Revenue Act of 1971, even the conservative figures I have just quoted as additional revenue makes enactment of the Tax Reform Act of 1972 essential. As the economy improves and the expanded tax base produces more than adequate revenue, the Congress can then consider rate reduction—the most desirable end-product of tax reform.

Mr. Speaker, I again urge my colleagues to digest the provisions of H.R. 11058 carefully. It will need support and understanding from every Member of the Congress, as well as from every American taxpayer. Its enactment will help us to find our way back to fiscal responsibility and equitable tax treatment for the average American taxpayer—both necessary ingredients for a stable, prosperous, and healthy economy, which in turn means an America that can be responsive to all its citizens—an America that can achieve its great potential.

SUMMARY OF CONTENTS OF TAX REFORM BILL

SECTION 1. SHORT TITLE

Tax Reform Act of 1972.

SEC. 2. TECHNICAL AND CONFORMING CHANGES

This section provides that the Secretary of the Treasury shall, within 90 days after the date of the enactment of the Act, submit to the Committee on Ways and Means a draft of any technical and conforming changes in the Internal Revenue Code which should be made to reflect the substantive amendments made by the bill. The bill, for example, does not attempt to make all conforming amendments to the cross references provisions within the Code or to the various tables of contents in the Code.

Title I—amendments primarily affecting individuals

SEC. 101. CREDIT AGAINST TAX FOR PERSONAL EXEMPTIONS

This section provides a credit against tax for personal exemptions in lieu of the existing deduction from gross income for personal exemptions. The credit provided is $150 for each exemption. Thus, a single person over age 65, and with no dependents, would have a credit against tax of $300 (two exemptions).

Under present law, a deduction of $750 against gross income for a personal exemption is worth $525 to the taxpayer in the highest bracket, but only $107 to a taxpayer in the lowest bracket. While the $150 credit will be of more benefit to taxpayers in the low brackets than the existing $750 deduction from gross income, it will, of course, be of less benefit than the $750 deduction to taxpayers in the higher brackets. Approximately 30 million taxpayers with adjusted gross incomes below $10,000 will receive a tax reduction under this amendment. But over all, this section of the bill would incrase tax revenues by approximately $1.9 billion a year.

This section also provides that if the taxpayer is claiming a child as a dependent (and thereby receiving a credit of $150 against tax) the parent shall include in his gross income any income received by the child during the taxable year from a trust created by the parent, and also any dividends, interest, or royalties received by the child from any property given to him by the parent. Income which is so taxed to the parent would not be taxable to the child. This provision will not apply if the parent does not choose to claim the child as a dependent.

SEC. 102. REPEAL OF $100 DIVIDEND EXCLUSION

This section repeals the provision in present law that allows a taxpayer to exclude from gross income $100 of dividends received on corporate stocks. Present law gives no similar exclusion in the case of interest received on savings accounts, a much more common form of investment by individuals in the lower brackets.

SEC. 103. FLOOR ON CHARITABLE CONTRIBUTIONS

This section provides that charitable contributions by an individual are deductible only to the extent they exceed 3 percent of adjusted gross income. This is the same floor as applies in the case of the deduction of medical expenses. Under the amendment, routine contributions to the church and other charities, like routine medical and dental expenses, would not be deductible, but extraordinary amounts would be deductible when they exceed the 3-percent floor.

SEC. 104. ELIMINATION OF VACATION RESORT HOUSE AS TAX SHELTER

This section eliminates as tax shelters such items as beach cottages, condominiums at ski resorts, mountain cabins, and the like, which the taxpayer uses for pleasure and rents when he can in order to obtain tax deductions greater than the rentals. The amendment would also apply to the rental of a house which is used by the taxpayer as his principal place of residence.

Under the amendment deductions for depreciation, repairs, insurance, agent fees in handling rentals, etc., would be allowed as deductions only up to the amount of rentals received during the year reduced by interest and taxes paid (and deducted) on the rental property. The rentals would not be taxed (except in the unusual case where they exceed all expenses) because they would be offset by allowable deductions; but the excess costs for repairs, depreciation, insurance, etc., could not be used to shelter income from other sources.

SEC. 105. DISALLOWANCE OF EXPENSES ATTENDING CONVENTIONS OUTSIDE THE UNITED STATES

This section disallows expenses of travel (including meals and lodging) of an individual in connection with attending a convention held outside the United States. As a general rule, such expenses are incurred primarily for pleasure rather than business. Thus, expenses of lawyers attending the American Bar Convention in London in 1971 would have been disallowed if the amendment had been in effect. The amendment applies to expenses incurred after the date of the enactment of the bill.

SEC. 106. COMPUTATION OF EARNINGS AND PROFIT ON A CONSOLIDATED BASIS

Some conglomerate companies have been paying dividends which are not fully taxable because the parent company does not have sufficient earnings and profits to cover the distribution although the consolidated group had earnings and profits during the year greater than the amount distributed. This section of the bill provides that the earnings and profits of a parent corporation for a year shall not be less for dividend purposes than the earnings and profits of the consolidated group for the year.

SEC. 107. DIVIDEND ON CERTAIN SALES OF STOCK

The Tax Court held that if a transaction is described in section 304 of the Code (which can produce dividend income if stock of one controlled corporation is sold to another controlled corporation) and is also described in section 351 (dealing with tax-free exchanges), then section 351 applies and not section 304. This section of the bill changes the rule of the Tax Court case and provides that the tax-free provisions of section 351 do not apply to the extent the application of section 304 produces an amount taxable as a dividend.

SEC. 108. TERMINATION OF STOCK OPTION PROVISIONS

Under present law, an officer of a corporation is not taxed at the time he exercises a qualified stock option granted him for performance of services. If he sells the stock after 3 years, the compensation is taxed only as a capital gain. If he holds the stock until he dies, the compensation is never taxed. This section of the bill provides, in the case of options granted after 1971, that the compensation realized on exercise of a stock option will be taxed at the time of exercise as ordinary income. The enactment of this amendment will be welcomed by many corporate shareholders. The liberal granting in the past of stock options has diluted, in some cases seriously, the equity ownership of shareholders of the companies who grant stock options. With the demise of tax free stock options, management will no longer have to explain or contend to shareholders that authority to grant stock options is necessary to attract or keep "key employees".

SEC. 109. LIMITATION ON DEDUCTION FOR PERCENTAGE DEPLETION ON ROYALTIES

The percentage depletion allowance is intended to provide an incentive for the discovery and development of oil and gas and other minerals. In the case of royalty income, this incentive is generally meaningless. As one commentator asked with respect to the passive owner of an oil royalty: "What perils has he overcome in the quest for oil? To what extent has he been gambling with fate like a tenacious wildcatter?"

This section of the bill provides that the owner of a royalty cannot deduct percentage depletion after he has received depletion deductions in an amount equal to 4 times the amount he expended for exploration and development of the deposit from which he is drawing his royalty. In the usual case of a landowner who rceives royalties from a lessee who did the exploration and development work, this would mean that no percentage depletion would be allowed. But the owner of an overriding royalty may have sub-leased the property after having first made expenditures for exploration and development and he would be allowed percentage depletion on his royalty income until he has recovered 4 times his expenditures for exploration and development. This multiple of 4 times would apply even though the drilling or development expenditures were deducted when incurred.

SEC. 110. DISALLOWANCE OF CERTAIN DOUBLE DEDUCTIONS

Present law provides that the expenses of administering an estate can be deducted by the executor on either the income tax return or the estate tax return, but not on both. The courts have held that expenses of the executor in selling property can be deducted on the estate tax return and can also be used on the income tax return as an offset against the selling price of the property. This section of the bill provides that such selling expenses cannot be used in the income tax return as an offset to the selling price if they are deducted as an expense of administration on the estate tax return.

SEC. 111. TREATMENT OF TRUST INCOME PAYABLE TO CHILDREN OF GRANTOR

Under present law, a father can, in effect, deduct on his income tax return gifts to his children if he makes a gift out of income from stocks and agrees to do so for at least 10 years. To get that result, the parent need merely transfer stock to himself as trustee and agree to pay out to his children the income from that stock for 10 years, at which time the stock will be returned to him free of the trust. Use of short-term trusts in this manner is commonplace with affluent taxpayers who can afford to give some of their dividend income to their children.

This section of the bill provides that the income of such a trust will be taxed to the grantor (if he has a reversionary interest) so long as the income is payable to a child who is under the age of 21 or who is attending college and is a dependent of the taxpayer for purposes of the credit for personal exemptions.

SEC. 112. REPEAL OF EXEMPTION FOR EARNED INCOME FROM FOREIGN SOURCE

Under present law, citizens of the United States can exclude from gross income certain amounts of income they earn in foreign countries if they are present in the foreign country for 17 out of 18 months or if they become a bona fide resident of the foreign country. The exclusion is $20,000 a year if the taxpayer meets the 17 out of 18 month test and is $25,000 a year if he is a bona fide resident of the foreign country. This section of the bill denies such exclusion from gross income in the case of taxable years beginning after the date of enactment. The foreign tax credit will prevent double taxation of the income if the foreign country also taxes the earned income.

SEC. 113. NONTAXED CAPITAL GAINS: CARRYOVER OF BASIS AT DEATH

Under present law, on the death of an individual his property receives a new basis for tax purposes—the fair market value used for purposes of the estate tax. Unrealized capital gains are, therefore, not taxed when the executor or the heirs sell any appreciated property held by the decedent. This section of the bill provides for a carryover of the decedent's basis if the decedent's gross estate exceeded $60,000. The decedent's basis in appreciated property is increased by its proportionate share of Federal and State estate taxes attributable to the amount of the appreciation. This section would apply to decedents dying after June 30, 1972.

SEC. 114. REPEAL OF ALTERNATIVE CAPITAL GAINS TAX FOR INDIVIDUALS

This section repeals the alternative capital gains tax for individuals. The tax was partially repealed by the Tax Reform Act of 1969. With this amendment, one-half of all long-term capital gains (not offset by capital losses) would be taxed to the individual as ordinary income.

SEC. 115. CAPITAL LOSS CARRYBACK FOR INDIVIDUALS

This provision grants relief to an individual who has an unused capital loss of at least $10,000 by allowing him to carry it back (as can a corporation) to the 3 preceding taxable years. Cases have arisen where a large capital gain in one taxable year is followed by a large capital loss in the following year which may never be utilized even with the unlimited carry forward.

The carryback is elective with the taxpayer. This will make the provision less of an administrative burden on the Internal Revenue Service, for in many cases the taxpayer would rather not file a claim for refund (and audit) of taxes paid in a prior year if the loss can be used on a carry-forward. Moreover, if the taxpayer elects to treat a net capital loss as a carryback, the entire capital loss is treated under the amendment as a long-term capital loss even though it is made up completely or in part from short term losses.

The carryback cannot be used to offset ordinary income, although a carryforward can offset ordinary income up to $1,000 a year, and the carryback cannot produce or increase a net operating loss for a preceding taxable year. In the case of the death of the taxpayer a net capital loss for the year of his death can be carried back even though the loss is less than $10,000.

SEC. 116. REPEAL OF CAPITAL GAIN TREATMENT FOR PATENTS

Under existing law, capital gain treatment is granted on the sale by an individual of a patent even though he is a professional inventor. This section of the bill repeals this provision, so that sale of a patent by the person whose personal efforts created the property will produce ordinary income, just as the sale of a copyright does under existing law.

SEC. 117. INCOME TAX TREATMENT OF CERTAIN GIFTS TO MEMBERS OF FAMILY

It has become fairly common for an individual who has produced a copyright or a literary or musical composition which is producing royalty income to give it to his children or to a trust so that the income will be less heavily taxed. This section of the bill provides that where there is a gift of such property by the taxpayer to a member of his family, to a trust for the benefit of any member of his family, or to a corporation more than 50 percent owned by the taxpayer or his family, the taxpayer will be treated as having received ordinary income at the time of the gift in an amount equal to the fair market value of the property at that time.

SEC. 118 FARM LOSSES

The excess deductions account with respect to farm losses, adopted by the Tax Reform Act of 1969, applies only if the taxpayer has nonfarm income in excess of $50,000, and even then a farm loss is taken into account only to the extent it exceeds $25,000. This section of the bill reduces the $50,000 figure to $30,000, and reduces the $25,000 figure to $10,000.

SEC. 119. TRANSFERS TAKING EFFECT AT DEATH

Before the enactment of the 1954 Code, if a taxpayer transferred property to a trust which provided that the income should be accumulated during the grantor's life and upon his death the trustee should pay the corpus and accumulated income to his children, such a transfer was included in the decedent's gross estate as a transfer taking effect at death. The 1954 Code provided that such a transfer will be included in the gross estate only if the decedent retained a reversionary interest equal to 5 percent of the value of the property. This section of the bill strikes out the 5-percent reversionary interest test since it is completely a non sequitur in a statute which imposes an estate tax on a lifetime transfer of an interest which can be possessed or enjoyed only by surviving the transferor. This amendment would apply to transfers made after December 31, 1971.

SEC. 120. LIFE INSURANCE INCLUDED IN GROSS ESTATE

Prior to the 1954 Code, life insurance on a decedent's life was includible in his gross estate to the extent he paid the premiums on the policy. In such a case it was immaterial whether he had given the policy to members of his family before his death. This section of the bill restores the premium payment test in the case of life insurance, so that the insurance will be included in the insured's gross estate in the ratio that the premiums paid by the decedent on the insurance policy bears to all premiums paid on that policy. In applying this rule the premiums paid by the decedent before July 1, 1971, shall not be included in the numerator of the fraction but would be included in the denominator.

SEC. 121. CHARITABLE DEDUCTIONS IN THE CASE OF ESTATE TAX

The first amendment made by this section of the bill provides that a charitable bequest will be deductible for estate tax purposes only if it is to be used predominantly within the United States or its possessions. Under present law, a citizen of the United States can give his entire estate to a church located in Germany or to an orphanage in Israel and no Federal estate tax will be imposed on his estate.

The second amendment places a limitation on the charitable deduction for estate tax purposes, similar to what we have for the income tax. Under present law, a decedent can give his entire estate to a private foundation created by his will, and no Federal estate tax will be imposed. This amendment states that the aggregate charitable deduction shall not exceed 50 percent of the gross estate reduced by the debts of the decedent and the expenses of administration.

The third amendment deals with the interplay of the charitable deduction and the marital deduction for estate tax purposes. The marital deduction cannot exceed 50 percent of the adjusted gross estate (gross estate less debts, losses, and expenses of administration). Cases have arisen where executors have claimed, in order to raise the amount of the adjusted gross estate for purposes of the marital deduction, that transfers made to charities during the decedent's lifetime were includible in the gross estate. Increasing the gross estate for such lifetime transfers produced no estate tax for the charitable deduction was increased by the same amount, but a larger maximum deduction was allowed for bequests to the surviving spouse. This amendment provides that in computing the adjusted gross estate there shall be excluded any transfer made by the decedent during his lifetime if an estate tax charitable deduction is allowed for that transfer.

SEC. 122. UNDERPAYMENTS OF ESTIMATED TAX

This section provides that an individual cannot base his estimated tax payments on the prior year's tax (or at the current year's rates applied to the prior year's facts) if in any one of the 3 preceding taxable years the tax shown on his return was in excess of $100,000.

SEC. 213. JOINT VENTURES FOR DRILLING OIL WELLS OR DEVELOPMENT OF OTHER MINERALS

Under present law, drilling funds are being peddled as tax shelters for affluent taxpayers. The general technique is for the taxpayer to make an investment as a limited partner under an agreement which provides that the entire amount which he invests will be deductible by him in the same year as intangible drilling costs. The amendment made by this section of the bill would put a stop to this tax shelter by providing that any unincorporated organization which has more than 5 members and which is formed or created after January 1972, for the primary purpose of exploring for or developing oil or gas wells or other mineral properties, shall be treated for the purposes of the Internal Revenue Code as a corporation. It is also provided that subchapter S (election to treat a corporation like a partnership) will not apply to a corporation if it has more than 5 shareholders and the deductions for intangible drilling or mine development costs exceed its net income from mineral properties, computed without regard to the depletion deduction and the deductions for drilling and development.

SEC. 124. INCOME ACCUMULATED IN FOREIGN CORPORATIONS FOR UNITED STATES CITIZENS

Under present law, a citizen of the United States, by use of a foreign corporation, can accumulate a fortune while living in the United States without the payment of any income tax (by himself or the corporation) to the United States on the accumulated fortune. If the foreign corporation is engaged in shipping, no income tax will be paid by the corporation on the shipping profits to any country. The United States citizen will not be taxed on undistributed profits of the foreign corporation because it will have enough business income to avoid being treated as a foreign personal holding company. This section of the bill provides that after a United States citizen's share of the accumulated earnings of a controlled foreign corporation (or a group of controlled corporations) exceeds $1 million, from then on the individual will be taxes on his share of 70 percent of the current earnings of the foreign corporation even though the earnings are not distributed. This rule will apply only if the individual has an interest of 10 percent or more in the controlled foreign corporation.

Title II. Amendments primarily affecting corporations

SEC. 201. DEPRECIATION DEDUCTIONS NOT TO EXCEED BOOK DEPRECIATION

This section provides that a corporation cannot take depreciation deductions for a taxable year in an aggregate amount in excess of the depreciation taken into account in reporting profit or loss for the year to shareholders. This amendment would greatly reduce the revenue loss over the next decade of approximately $40 billion which will result from the Treasury's recent ADR regulations (Asset Depreciation Range), since it is not likely that many publicly held corporations would be willing to report to shareholders the reduced earnings which would be created by computing book depreciation in accordance with ADR. In the case of an affiliated group of corporations, regulations will prescribe whether the report by the common parent corporation to its shareholders, rather than the report of subsidiaries to the parent, will be taken into account for purposes of this amendment.

SEC. 202. LIMITATIONS ON DIVIDENDS RECEIVED DEDUCTION

Subsection (a) of this section of the bill provides that the dividends received deduction cannot exceed 85 percent of taxable income (computed without regard to the net operating loss deduction or to any capital loss carryback). The chief effect of this is to change present law which allows a full deduction for 85 percent of dividends received if this deduction will produce or increase a net operating loss for the taxable year. The amendment also provides that any amount disallowed for the taxable year because of the net income limitation shall be allowed as a deduction for the following taxable year if there is sufficient taxable income in that year. This gives the taxpayer a carryover which he does not have under present law.

Subsection (b) provides that dividends received from an unaffiliated corporation shall be reduced (for purposes of the dividends received deduction) by the amount of any interest on indebtedness incurred or continued to purchase or carry the stock of the unaffiliated corporation. An unaffiliated corporation is any corporation except one that is a component member of a controlled group of corporations which includes the taxpayer.

This section of the bill also provides that if the aggregate amount of dividends received during the year from unaffiliated corporations (after first being reduced by any interest paid as provided in the preceding paragraph) exceeds the amount of dividends paid by the corporation during the taxable year, no dividends received deduction shall be allowed with respect to the excess. Thus, if no dividends are paid by the taxpayer, no dividends received deduction can be claimed for dividends received from unaffiliated corporations. However, the amount which is so disallowed shall be treated as a dividend received in the following year for purposes of the dividends received deduction. Moreover, if dividends paid during a taxable year exceed the dividends received during the year from unaffiliated corporations, the amount of the excess will be treated as a dividend paid in the following year for purposes of the dividends received deduction.

SEC. 203. DIVIDENDS IN PROPERTY TO FOREIGN CORPORATIONS

This section provides that a dividend in property paid to a foreign corporation shall be the fair market value of the property, instead of the adjusted basis in the hands of the distributing company. The Internal Revenue Service says that this result is reached under present law, but the Courts disagree. The amendment is prospective only, but it is provided that no inferences shall be drawn, in the case of past distributions, from the fact that the amendment is not retroactive.

SEC. 204. USE OF APPRECIATED PROPERTY TO REDEEM STOCK

Under present law, if a corporation redeems stock with appreciated property, gain is recognized except in certain cases. One of the exceptions is where stock or securities are distributed pursuant to a court proceeding under the antitrust laws. This section provides that the stock or securities must have been acquired before January 1, 1970, in order for the exemption to apply. It is not believed corporations which had violated the antitrust laws should have a tax benefit not available to other corporations who distribute appreciated securities.

SEC. 205. DENIAL OF TAX-FREE EXCHANGES IN CASE OF INVESTMENT COMPANIES

In 1966 tax-free exchanges of appreciated stock for shares of mutual funds (so-called swap funds) was brought to an end by an amendment which provided that section 351 of the Code would not apply to transfers to an investment company. This amendment did not complete the job. For years the Massachusetts Investment Trust, and other mutual funds, have been issuing their shares to acquire all of the stock or assets of family held personal holding companies, and these exchanges are treated under section 368 as tax-free reorganizations. This is nothing but swap funding to obtain diversification plus a readily marketable security. The amendment would make such exchanges taxable and it would also make mergers of two investment companies taxable.

SEC. 206. CERTAIN TRANSACTIONS DISQUALIFIED AS REORGANIZATIONS

This section of the bill provides that there cannot be a tax-free reorganization if the shareholders of the smaller company involved in the transaction end up with less than 20 percent of the voting stock of the surviving corporation in a merger or of the acquiring corporation in the case of a so-called B reorganization (stock-for-stock) or a so-called C reorganization (stock-for-assets). If a conglomerate company whose stock is listed on the New York Stock Exchange issues less than 20 percent of its voting stock to acquire the stock or assets of a company whose stock is not listed, it is more realistic to treat the shareholders of the unlisted company as having sold out for a marketable security rather than having taken part in a reorganization of their company. A similar provision was contained in the House version of the Internal Revenue Code of 1954.

SEC. 207. REPEAL OF SPECIAL TREATMENT OF BAD DEBT RESERVES OF FINANCIAL INSTITUTIONS

This section of the bill provides that banks and other financial institutions who now are allowed to take special deductions for reserves for bad debts will, in the case of taxable years beginning after 1971, compute any addition to a reserve for bad debts on the basis of the actual experience of the taxpayer, the rule which is applied to all other corporations.

SEC. 208. REPEAL OF DEDUCTION FOR WESTERN HEMISPHERE TRADE CORPORATIONS

This section of the bill repeals the special deduction now allowed domestic corporations who obtain most of their income from foreign countries in the Western Hemisphere.

SEC. 209. INVOLUNTARY CONVERSIONS

This section provides that if gain on an involuntary conversion of property is not recognized because the taxpayer purchases stock of a corporation owning property of the kind which was converted, the basis of that property in the hands of the corporation shall be reduced by the amount of gain not recognized on account of the purchase of the stock.

SEC. 210. COMPUTATION OF UNDERPAYMENTS OF ESTIMATED TAX

This section of the bill provides that a corporation cannot compute its estimated income tax payments on the basis of the prior year's tax (or on the basis of the prior year's facts and the current year's rates) if in any one of the 3 preceding taxable years the tax shown on its return was in excess of $360,000.

Title III—Amendments Affecting Individuals And Corporations

SEC. 301. REPEAL OF EXEMPTION FOR INTEREST ON NEW ISSUES OF STATE AND LOCAL BONDS

This section of the bill provides that interest on State and local bonds issued after December 31, 1972, will not be exempt from Federal income taxation. In the case of interest on State and local obligations issued before January 1, 1973, such interest will continue to be exempt from taxation, but section 401 of the bill provides that such interest will be treated as an item of tax preference for purposes of the minimum tax.

SEC. 302. DEDUCTION FOR DEPRECIATION BASED ON EQUITY ON RENTAL REAL ESTATE

This section provides that in the case of a building which the taxpayer rents to others, the deduction for depreciation cannot exceed the taxpayer's equity in the building and the land. That is, no additional deductions for depreciation will be allowed (including existing buildings) to the extent it would reduce the adjusted basis of the building below the unpaid balance of the mortgage on the land and building (minus the tax cost of the land). However, until the depreciation deductions equal the equity, the depreciation would be computed on the entire cost of the building and not on the amount of the equity. This amendment would not apply to a building if the primary use is by the taxpayer and not by tenants. This amendment would practically eliminate real estate ventures as tax shelters for investors.

SEC. 303. CHARITABLE GIFTS OF APPRECIATED PROPERTY

Under an amendment made by the Tax Reform Act of 1969, if capital assets which have appreciated in value are given to a private foundation, the charitable deduction is reduced by one-half of the capital gain the individual would have had if he had sold the property at fair market value. This section of the bill extends this rule to gifts of appreciated property to any charity.

SEC. 304. COMPUTATION OF NET OPERATING LOSS DEDUCTION

This section of the bill overrules a decision of the Tax Court which held that a net operating loss which is carried back or forward does not have to be reduced by long-term capital gains in an intervening year if the alternative tax was paid on the capital gains. This amendment provides that capital gains are taken into account, for this purpose, in the same manner as other gains. Prior to the Court decision, capital gains have never received preferential treatment for net operating loss purposes. The amendment applies only in computing deductions for taxable years ending after the date of the enactment of the bill, but it is provided that in the case of earlier taxable years no inferences shall be drawn from the fact that the amendment does not apply retroactively.

SEC. 305. CAPITAL EXPENDITURES IN PLANTING AND DEVELOPING FRUIT AND NUT GROVES

Present law requires the capitalization of expenditures incurred in planting citrus or almond groves. This section of the bill would extend the rule of capitalization to any fruit or nut grove planted after June 30, 1971.

SEC. 306. LIMITATION ON AGGREGATE DEDUCTIONS FOR PERCENTAGE DEPLETION

This section of the bill provides that the aggregate deductions of a taxpayer for percentage depletion on oil and gas and other minerals cannot exceed one-half of the taxpayer's taxable income from all mineral properties, computed without regard to percentage depletion and as if all the properties (whether or not in production) were a single property. By comparison, Canada grants a percentage depletion deduction of ⅓ of the aggregate net income from all mineral properties, without a limitation based on separate properties. This amendment does not disturb the existing limitation that percentage depletion in the case of a mineral property cannot exceed 50 percent of the taxable income from that property. The amendment is a limitation on the aggregate of the percentage depletion deductions, first computed separately for each property.

SEC. 307. REPEAL OF CAPITAL GAIN TREATMENT FOR TIMBER AND FOR COAL AND IRON ORE ROYALTIES

This section of the bill repeals the provision of existing law which grants capital gain treatment on the cutting of timber and for coal and iron ore royalties.

SEC. 308. REPEAL OF TAX EXEMPTION FOR SHIPS UNDER FOREIGN FLAG

This section of the bill repeals the provisions of existing law which state that a non resident alien or a foreign corporation (even though 100 percent owned by a U.S. corporation or an American citizen) is not taxable on income derived within the United States from the operation of ships documented under the laws of a foreign country which grants an equivalent exemption to United States citizens or corporations.

SEC. 309. LIMITATIONS ON FOREIGN TAX CREDIT

The first amendment made by this section of the bill provides that a foreign tax credit shall not be allowed for any foreign tax on income which is excluded from the taxpayer's gross income so far as the Federal income tax is concerned. In addition, any foreign income tax paid on a gain realized by an individual or domestic corporation which is not recognized under the Internal Revenue Code would likewise be a non-creditable tax. The basic rationale for this amendment is that the foreign tax credit is supposed to eliminate double taxation on income. If the United States does not tax the income, there is no reason to give a credit for the foreign tax paid on that income by the taxpayer.

The second amendment made by this section provides that the foreign tax credit shall be subject to both the per country limitation and the overall limitation. This was the applicable rule from 1932 to 1954.

The third amendment made by this section provides three new rules with respect to the treatment of capital gains for foreign tax credit purposes. The first rule is that in computing taxable income for purposes of the per country and overall limitations, there shall be excluded any capital gain which is treated as income from sources outside the United States unless the gain is taxed by a foreign country. Most capital gains are not taxed by foreign countries and treating such capital gains as foreign income for purposes of the limitations can result in a reduction of the tax which the Federal Government receives on income of the taxpayer from United States sources.

The second new rule is that there shall be excluded, in computing taxable income for purposes of the limitations, any long-term capital gain which is from sources within the United States. This change operates only in favor of the taxpayer. Under present law, if a corporation pays a foreign tax of 48 percent on the income earned abroad, the per country limitation will not allow a full credit for the tax if there are long-term capital gains in the United States, since such gains are taxed at less than the 48 percent rate.

The third rule added by the amendment is that for purposes of the limitations the United States tax (against which credit can be taken) shall be reduced by the United States tax on any capital gain excluded from taxable income under the two rules described above.

SEC. 310. HOLDING PERIOD OF CAPITAL ASSETS

This section provides that a capital asset must be held for more than 12 months, rather than 6 months, to qualify as a long-term gain. This provision was in the Tax Reform Act of 1969 as it passed the House.

SEC. 311. GAIN FROM THE SALE OF CERTAIN PROPERTY BETWEEN RELATED PERSONS

This section expands the scope of section 1239 of the Code which now treats as ordinary income any gain on the sale of depreciable property between a husband or wife or between one individual and a corporation which is more than 80 percent owned by that individual (or by his spouse and minor children and grandchildren). Section 1239 was designed to prevent a step-up in basis of property subject to depreciation by paying only a capital gains tax on the amount of the step-up.

This amendment expands section 1239 so that it applies to sales between a trust and the grantor or beneficiary of the trust, and to sales between corporations which are component members of the same controlled group of corporations. It also covers a sale where several individuals as co-owners sell property to a corporation which they control.

The amendment also extends the scope of section 1239 to sales of land, if the land is held by the purchaser for sale to customers in the ordinary course of a trade or business. At the present time a taxpayer can sell land which he holds for investment to a wholly owned corporation for subdivision and sale to customers, and the corporation receives a step-up in basis (for purpose of computing ordinary income on sales) at a cost to the seller of only a capital gains tax. This amendment would treat the seller's gain as ordinary income.

SEC. 312. RECAPTURE ON SALE OF PURCHASE PRICE PREVIOUSLY DEDUCTED

Section 1245 now provides for recapture of depreciation previously deducted (after 1961) on personal property if the property is sold at a gain. That is, the gain to the extent of the prior depreciation deduction since 1961 is treated as ordinary income rather than capital gain.

This amendment provides the same rule of recapture if the taxypayer deducted the purchase price of the property as an expense when he acquired it. Thus, if a lawyer deducts the purchase price of periodicals and other books as he acquires them, any gain on the subsequent sale (to the extent of the amount previously deducted) would be ordinary income. Likewise, if the lawyer gave the books to a charity, the charitable deduction would be reduced by the amount of ordinary income he would have had if he had sold the books. This reduction would occur under the existing provisions of section 170(e) of the Code, taking into account the amendment of section 1245 by this section.

SEC. 313. RECAPTURE OF DEPRECIATION ON SALE OF REAL PROPERTY

This section of the bill provides that if depreciable real property is sold at a gain, the gain shall be treated as ordinary income to the extent of depreciation taken on the real estate for periods after June 30, 1963. This provides for real estate the same rules that are applied under existing law for recapture of depreciation on personal property which is sold at a gain, except that all depreciation deducted after 1961, instead of June 30, 1963, is taken into account in the case of personal property.

SEC. 314. GAIN FROM DISPOSITIONS OF CERTAIN MINERAL PROPERTIES

Under present law, a taxpayer can deduct the intangible drilling costs on a lease, and if the drilling is successful he can sell the lease and receive capital gain treatment on the entire gain. This provision would recapture as ordinary income the deduction taken for intangible drilling and development costs if they were incurred 10 years before the sale of the lease. The amendment also would apply to development expenditures deducted in the case of a mine.

The recapture provisions are similar to those now provided under section 1245. However, the amount to be recaptured for intangible drilling or for development costs would be reduced by the amount (if any) of any additional depletion deductions the taxpayer would have received if the costs had been charged to capital account.

Title IV—Amendments of minimum tax on tax preferences

SEC. 401. MINIMUM TAX

Although the Tax Reform Act of 1969 adopted a minimum tax on tax preferences, it remains possible for individuals with very high economic incomes to pay, literally, no Federal income tax. This is possible primarily because State and municipal bond interest and intangible drilling costs are not treated as tax preferences under existing law for purposes of the minimum tax. The amendments made by this section of the bill, together with section 301 of the bill which repeals the exemption for State and municipal bond interest, will insure that no one with a high income can continue to avoid payment of Federal income taxes.

This section makes a number of amendments to the existing provision of the minimum tax. First, it repeals the provision of existing law that allows regular income taxes to be deducted from the items of tax preferences.

Second, the $30,000 exemption for tax preferences is reduced by the bill to $12,000.

Third, the following items are added to the list of items which constitute tax preferences:

(1) Deduction of intangible drilling and development costs for oil and gas wells.

(2) Deduction of development costs in the case of mines.

(3) Tax-exempt interest on State and local bonds (issued before January 1, 1973).

(4) Credit allowed for foreign income taxes.

(5) Credit allowed for the investment credit on depreciable property.

(6) Deduction of charitable contributions to the extent attributable to appreciated property.

(7) The amount of farm losses.

(8) The amount of amortization for coal mine safety equipment.

Another provision is added to avoid a tax on an item of preference if the taxpayer obtained no tax benefit from the item. This provision will permit a taxpayer to elect to waive the deduction of an item of tax preference, or to treat a capital gain as ordinary income, in which case the item would not be taken into account for the minimum tax. However, such waiver can be made only at such time, and subject to such terms and conditions, as may be set forth in regulations promulgated by the Secretary or his delegate.

Finally, this section of the bill strikes from existing law the provisions which treat tax preferences attributable to foreign sources more favorably than preferences attributable to sources within the United States.

ADMINISTRATION OF THE PUBLIC LAW 480 AID PROGRAMS IN PAKISTAN AND INDIA

The SPEAKER. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 30 minutes.

Mr. ALEXANDER. Mr. Speaker, in recent days copies of documents have come to my attention which raise some questions about the wisdom of actions taken by some of our own executive branch officials. I wish to report to my colleagues that I have requested the Committee on Government Operations—of which I am a member—to ask the Government Accounting Office to investigate these recent activities.

Specifically, I refer to the administration of the Public Law 480 aid programs in Pakistan and India for which the Department of State, the Agency for International Development, and the Department of Agriculture have primary responsibility.

For nearly a year, I have sought the basic reasons for the administration's decision to supply large quantities of wheat and only moderate quantities of rice as emergency aid to victims of last year's cyclone and of the civil strife in East Pakistan.

Rice is basic to the diet of the people of Pakistan. It is particularly true for the people of East Pakistan. This is a fact of which those responsible for the programs have long been aware.

The people of any nation who are hungry, I am sure, would be glad to receive food aid from any friend. We in the United States have a desire to do our part to help feed the hungry people of the world. Fortunately, this great country can provide a bountiful supply of all foods that are digestible by the people of India and Pakistan.

During a conference with me last December, Pakistan's Ambassador Ahga Hilaly, reconfirmed my impression that rice is a staple in his country. He also recalled the tragic situation which developed in his nation in 1945 as a result of famine. He said that Great Britain furnished many tons of wheat as emergency aid. The Ambassador said that thousands of people died as a result of adverse physiological effects after consuming wheat to which they were not accustomed.

The Ambassador also told me that his nation expected to be short 2.3 million tons of rice during the 1970–71 crop year as a result of the poor crop yields, flood damage, and cyclone losses.

With this as background, I would like to turn to the documents which I mentioned earlier.

On July 9, 1971, the Department of State here in Washington received a cable from our Embassy in New Delhi, India. That message has been marked by the Department of State officials as for "Limited Official Use."

I would like to quote from the second paragraph of that cable. The refugees referred to are from Pakistan:

> In all recent conversations with Secretary of Food Mathrani on supplies for refugees, he expressed to Mission Director (Agriculture) Attache and others appreciation for U.S. assistance, but has stressed the need for rice and not wheat. This is based primarily on the difficulty of getting the distraught refugees in an abysmal environment to use food to which they are unaccustomed. (Parenthesis supplied.)

I would also like to quote at this time from another Department of State document. It is entitled "A Report on the Food and Transportation Situation in East Pakistan," and is dated June 3–21, 1971. Section VI of this report deals with the cyclone affected areas. Under a heading of General Situation on pages 21 and 23 is found this paragraph:

> One problem in Patuakhali is that while almost half existing stocks are rice, the district administration has received authorization to make additional distribution only of wheat. Unless authority to make addition distribution of rice—a more desired, but more expensive commodity—is received soon, relief distribution in many areas will have to be reduced in the near future.

Now, let us turn to two other documents. Both are from the Department of Agriculture's Export Marketing Service. Both set out the food grains to be supplied to Pakistan under Public Law 480 agreements with the United States. The first was signed August 6, 1971, not even a month after the arrival of the cable from New Delhi, India.

This agreement calls for the United States to supply 150,000 tons of food grains. Two-thirds of this was wheat, and a third rice.

The second USDA/EMS report deals with an agreement with Pakistan signed on September 10, 1971. It calls for the supply of 500,000 tons of food grain. Inconceivable as it may seem, every ounce of the grain involved—$30.5 million worth—is wheat.

The situations and documents I have discussed with you today raise a number of critical questions.

Why are officials of the administration apparently urging that a nation whose people are accustomed to rice, accept another commodity? I find this especially disagreeable as it comes at a time when the rice farmers of our Nation are being told the demand for their produce is diminishing at such a rate as to require new acreage allotment cuts.

Why would any administration official, charged with objectively seeking to protect and promote the interest of all the people of our Nation, apparently give preferential treatment to a single segment of our agricultural industry?

How much money has the Federal Government put into the loans and credit purchases of wheat for Pakistan and India in the last 4 years? EMS reports which have on agreements signed with Pakistan since May 16, 1968, call for shipment of 2,722,000 metric tons of wheat. The maximum market value is listed at $156.2 million.

How much of this wheat has actually been consumed by the people for whom it was intended?

Is this a matter of favoritism in government? Would one commodity be favored over another commodity?

Is rice being discriminated against?

Wheat is a fine staple. It is one that we eat in this country, and if the people of India and Pakistan can use this commodity, I say that's fine. My basic question is whether or not the full use of American taxpayers' money which has gone into subsidy for gifts of wheat to India and Pakistan is being received?

I believe that the American people, the Congress, and the Committee on Government Operations deserve to have complete and honest answers to the questions I have raised. It is for this reason that I have asked for a complete and thorough investigation of the Public Law 480 food grain program as it relates to Pakistan and India.

BILL TO SIMPLIFY APPLICATION FOR ABSENTEE BALLOT

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. ROBISON) is recognized for 10 minutes.

Mr. ROBISON of New York. Mr. Speaker, the 26th amendment to the Constitution promises to create an impact both at the polls and in the courts, as State balloting statutes throughout the country are being challenged to allow students to vote in their college communities. As we well know during this period of postcensus redistricting, State statutes hold the balance of power when it comes to deciding who is to represent what area, and how he is to be elected.

Yet, a brief review of the election laws of the 50 States and the District of Columbia reveals an unrelated and seemingly unending string of categories, qualifications, and requirements. And invariably the most abstruse category in the collection of these statutes is the section on absentee registration and balloting. Seemingly, no two States have agreed on when, and under what conditions, an individual is qualified to register as an absentee voter. It is no wonder, then, that when a citizen finds himself away from his home precinct or, much worse, out of his home State, he is often thoroughly confused and subdued by administrative detail when he seeks to vote by absentee ballot.

The hot tempers on either side of the student-voting issue have not sufficiently considered the fact that many voters, young and old really wish only to vote in their home precincts. And yet, on every election night our precinct workers report that 20, 30, or even 40 percent of the eligible voters they have contacted did not vote because they were not registered or had failed to register absentee. These people become the statistics in what is often considered a disgracefully high percentage of "no-show" eligible voters.

What we used to attribute to common laziness or inexplicable political apathy is now increasingly recognized as primarily a reaction to confusing and often illogical voter registration statutes. If we are to conscientiously uphold the principle that every individual has the right to vote, might we not take that proposition one step further, and adhere to the individual's right to register both for regular and absentee ballots in the simplest and most expeditious way possible?

Thus far, the single force for order, uniformity and simplicity in State absentee balloting statutes has been the "Federal Absentee Voting Assistance Act." This act recommends legislative and administrative action to the States which simplifies absentee balloting requirements for members of the Armed Forces, merchant marine, and citizens temporarily residing outside the territorial limits of the United States. Almost every State has incorporated some portion of this act into its election laws, so that persons covered by its provisions can apply for absentee registration and ballot by using a postcard format described within the Voting Assistance Act.

I am most familiar with the operation of this simplified registration procedure within the Armed Forces, and it is such an easy requirement, taking just a few minutes to complete a postcard application in the presence of an authorized witness, that one immediately asks why it remains so difficult to apply for absentee registration in most States. If students could apply for absentee registration and ballot under the simple provisions of the Voting Assistance Act, it is quite probable that their response would considerably alleviate the fears in many areas of a student political "takeover." If all citizens had access to this simplified application, voter participation—the lifeblood of our democracy—would certainly show direct and significant increases.

The bill I am introducing today can accomplish these ends. By expanding the Voting Assistance Act to include every citizen who must be absent from his or her place of voting during a primary, special or general election, we can extend the voting rights of those citizens who are now disenfranchised by the manifold and troublesome requirements of many State election laws. My proposal would similarly extend the cooperation of the Federal Government to meet the needs of every citizen who wishes to apply for absentee registration and ballot, so that the simple postcard application would be made available through various local representatives of the Federal Government.

Mr. Speaker, the Federal Absentee Voting Assistance Act, which I seek to amend, provides a clear description of the procedures now in effect for those who are qualified to register as absentee voters under its provisions. I will insert both the existing act and my proposed amendment for the information of my colleagues:

FEDERAL ABSENTEE VOTING ASSISTANCE ACT OF 1955

SUBCHAPTER I. RECOMMENDATION TO STATES

§ 1451. State enactment of absentee voting legislation.

The Congress expresses itself as favoring, and recommends that the several States take, immediate legislative or administrative action to enable every person in any of the following categories who is absent from the place of his voting residence to vote by absentee ballot in any primary, special, or general election held in his election district or precinct, if he is otherwise eligible to vote in that election:

(1) Members of the Armed Forces while in the active service, and their spouses and dependents.

(2) Members of the merchant marine of the United States, and their spouses and dependents.

(3) Citizens of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them.

(Aug. 9, 1955, ch. 656, title I, § 101, 69 Stat. 584, amended June 18, 1968, Pub. L. 90–343, § 1, 82 Stat. 180.)

AMENDMENTS

1968—Pub. L. 90–343 consolidated into par. (3) the provisions of former pars. (3) and (4) and, in such consolidated par. (3), substituted provisions which served to extend the recommendations to the states as to absentee voter registration so as to include citizens of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them for former provisions of par. (3) which served to include civilian employees of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them, whether or not subject to the civil service laws and the Classification Act of 1949, and whether or not paid from funds appropriated by Congress, and provisions of former par. (4), which served to include members of religious groups and welfare agencies assisting members of the Armed Forces, who are officially attached to and serving with the Armed Forces and their spouses and dependents.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1452, 1454 of this title.

§ 1452. Balloting procedures.

To afford ample opportunity for persons covered by section 1451 of this title to vote for Federal, State and local officials and to use the absentee balloting procedures to the greatest extent possible, it is recommended that each of the several States—

(1) accept as applications for absentee ballots under such States' absentee balloting laws, as applications for registration under such States' election laws, and as sources of information to implement State absentee balloting laws, the form of post card (when duly executed by a person covered by section 1451 of this title) provided pursuant to this chapter;

(2) waive registration of persons covered by section 1451 of this title, who, by reason of their service, have been deprived of an opportunity to register;

(3) accept the post card application provided pursuant to this chapter as a simultaneous application for registration and for ballot;

(4) if a special application is required for

registration by mail, provide that the necessary forms will be sent with the absentee ballot and may be returned with it;

(5) make provision for persons eligible to register and qualified to vote, who have been honorably discharged from the Armed Forces or have terminated their service or employment, too late to register at the time when, and at the place where, registration is required, to vote at the election next ensuing after such discharge or termination;

(6) authorize and instruct the State or local election officials, upon receipt of the post card application provided pursuant to this chapter, to mail immediately to the applicant a ballot, instructions for voting and returning the ballot, and a self-addressed envelope;

(7) provide that there be printed across the face of each envelope in which a ballot is sent two parallel horizontal red bars, each one-quarter inch wide, extending from one side of the envelope to the other, with an intervening space of one-quarter inch, the top bar to be one and one-quarter inches from the top of the envelope, and with the words "Official Election Balloting Material—via Air Mail", or similar language, between the bars; that there be printed in the upper right corner of each such envelope, in a box, the words "Free of U.S. Postage,, Including Air Mail"; that all printing no the face of each such envelope be in red; and that there be printed in red in the upper left corner of each State ballot envelope an appropriate inscription or blanks for return address of sender;

(8) provide that the gummed flap of the State envelope supplied for the return of the ballot be separated by a wax paper or other appropriate protective insert from the remaining balloting material and that there be included in State voting instructions a procedure to be followed by absentee voters, such as notation of the facts on the back of envelope duly signed by the voter and witnessing officer, in instances of adhesion of the balloting material;

(9) reduce in size and weight of paper, as much as possible, envelopes, ballots, and instructions for voting procedure;

(10) for the purposes of this chapter, authorize oaths required by State law to be administered and attested by any commissioned officer in the active service of the Armed Forces, any member of the merchant marine of the United States designated for this purpose by the Secretary of Commerce, the head of any department or agency of the United States, any civilian official empowered by State or Federal law to administer oaths, or any civilian employee designated by the head of any department or agency of the United States;

(11) include in State voting instructions express information concerning the type or types of writing instruments which may be used to mark the absentee ballot, preferably pen or indelible pencil; and

(12) provide that absentee ballots will be available for mailing to the applicant as soon as practicable before the last date on which such ballot will be counted.

(Aug. 9, 1955, ch. 656, title I, § 102, 69 Stat. 584, amended June 18, 1968, Pub. L. 90–344, § 1 (1), 82 Stat. 181.)

AMENDMENTS

1968—Cl. (10). Pub. L. 90–344 added heads of departments or agencies of the United States and civilian employees designated by the head of any department or agency of the United States to the recommended list of persons authorized to administer and attest to oaths as required by state law.

§ 1453. Statistical data.

It is recommended that each of the several States make available to the officer designated by the President under section 1461 of this title appropriate statistical data to assist him in compiling comprehensive information of operations under this chapter. (Aug. 9, 1955, ch. 656, title I, § 103, 69 Stat. 584.)

§ 1454. Personnel residing on military installations; acquisition of legal residence for voting purposes.

It is recommended that each of the several States permit any person covered by section 1451(1) of this title who is otherwise fully qualified to register and vote in the State to acquire legal residence in that State, notwithstanding his residence on a military installation, and to register and vote in local, State, and national elections. (Aug. 9, 1955, ch. 656, title I, § 104, as added June 18, 1968, Pub. L. 90–344, § 1(2), 82 Stat. 181.)

SUBCHAPTER II.—RESPONSIBILITIES OF FEDERAL GOVERNMENT

§ 1461. Presidential designee to coordinate and facilitate actions to discharge Federal responsibilities; report.

The President is authorized to designate, with provision for redelegation, the head (hereinafter referred to as the Presidential designee) of any executive department or agency to coordinate and facilitate such actions as may be required to discharge Federal responsibilities under this chapter. The Presidential designee is authorized to request from other executive departments and agencies such assistance as he deems necessary to effectuate the purposes of this chapter, and shall submit a report to the President and to the Congress in odd-numbered years. Such report shall cover the administration of Federal responsibilities authorized under this subchapter, the progress of the States in carrying out the recommendations contained in subchapter I of this chapter, statistical data relating to absentee voting, and such information as the Presidential designee may consider appropriate. (Aug. 9, 1955, ch. 656, title II, § 201, 69 Stat. 585.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1453 of this title.

§ 1462. Current absentee voting information.

The Presidential designee shall request, annually or more often when appropriate, each State to furnish him with current absentee voting information for such State. Such information shall include election dates, officers to be elected, constitutional amendments, and other proposals to be voted on, absentee registration and voting procedures, and other relevant data. As soon as possible after receipt of such information, he shall furnish it to the departments and agencies of the executive branch affected by this chapter. Such departments and agencies are authorized to reprint and distribute such information to the extent necessary. (Aug 9, 1955, ch. 656, title II, § 202, 69 Stat. 586.)

§ 1463. Cooperation of Government officials; drafts of state legislation; printing and transmitting of post cards.

All Government officials shall, to the extent practicable and compatible with their primary responsibilities, cooperate with the Presidential designee in carrying out the purposes of this chapter. All such officials shall, as far as practicable, take all reasonable measures to expedite, transmit, deliver, and return post cards, ballots, envelopes, and instructions for voting procedures mailed to or by persons to whom this chapter is applicable. In addition, and as requested by the Presidential designee, it shall be the duty of—

(1) the Attorney General to cooperate and advise with the Council of State Governments in the formulation of drafts of State legislation designed to implement the recommendations for State action contained in this chapter;

(2) the Administrator of General Services to cause to be printed and distributed post cards for use in accordance with the provisions of this chapter. Such post cards shall be delivered by the department or agency concerned to persons to whom this chapter is applicable for use at any general election at which electors for President and Vice President or Senators and Representatives are to be voted for. For use in such elections, post cards shall be in the hands of the persons concerned not later than August 15 before the election if they are outside the territorial limits of the United States and not later than September 15 before the election if they are inside the territorial limits of the United States. To the extent practicable and compatible with other operations, post cards shall also be made available at appropriate times to such persons for use in other general, primary, and special elections; and

(3) the Postmaster General and the heads of the departments and agencies concerned, where practicable and compatible with their operations, to facilitate the transmission of balloting material to and from persons to whom this chapter is applicable. Ballots executed outside the United States by persons to whom this chapter is applicable shall be returned by priority airmail wherever practicable, and such mail may be segregated from other forms of mail and placed in special bags marked with special tags printed and distributed by the Postmaster General for this purpose.

(Aug. 9, 1955, ch. 656, title II, § 203, 69 Stat. 586, amended June 18, 1968, Pub. L. 90–344, § 1 (3), 82 Stat. 181.)

AMENDMENTS

1968—Cl. (2). Pub. L. 90–344 substituted provisions that post cards shall be delivered and in the hands of the persons concerned not later than August 15 if they are without the territorial limits of the United States and not later than September 15 if they are within the territorial limits of the United States for provisions that such post cards, shall, wherever practicable and compatible with other operations, be made available to the persons concerned by the specified dates.

§ 1464. Form and content of post card application.

The form of the Federal post card application shall be as follows:

(a) The cards shall be approximately nine and one-half by four and one-eighth inches in size.

(b) Upon one side, perpendicular to the long dimension of the card, there shall be printed in black type the following:

Fill out both sides of card.

Post card application for absentee ballot.

State or Commonwealth of (Fill in name of State or Commonwealth).

(1) I hereby request an absentee ballot to vote in the coming election:

(General) (Primary) * (Special) election
(Strike out inapplicable words)

*(2) If a ballot is requested for a primary election, print your political party affiliation or preference in this box ☐

(If primary election is secret in your State, do not answer)

(3) I am a citizen of the United States, eligible to vote in above State, and am:

a. A member of the Armed Forces of the United States ☐

b. A member of the merchant marine of the United States ☐

c. A citizen of the United States temporarily residing outside of the territorial limits of the United States and the District of Columbia ☐

d. A spouse or dependent of a person listed in (a) or (b) above ☐

e. A spouse or dependent residing with or accompanying a person described in (c) above ☐

(4) I was born on (Day) (Month) (Year).

(5) For ---- years preceding the above election my home (not military) residence in the above State has been (Street and number or rural route, etc.).

in the county or parish of --------------
The voting precinct or election district for this residence is (Enter if known).

(6) Remarks:

(7) Mail my ballot to the following official address: For those assigned in the U.S.: (Unit (Co., Sq., Trp., Bn., etc.), Govt. Agency, or Office) (Military Base, Station, Camp, Fort, Ship, Airfield, etc.)

For those assigned elsewhere. (APO or FPO number).

(8) I am NOT requesting a ballot from any other State and am not voting in any other manner in this election, except by absentee process, and have not voted and do not intend to vote in this election at any other address.

(9) (Signature of person requesting ballot).

(10) (Full name, typed or printed with rank or grade, and service number).

(11) Subscribed and sworn to before me on (day, month, and year). (Signature of official administering oath).

(Typed or printed name of official administering oath).

(Title or rank, service number, and organization of administering official).

INSTRUCTIONS

A. Before filling out this form see your voting officer in regard to the voting laws of your State and absentee registration and voting procedure.

B. Type or print all entries except signatures. Fill out both sides of card.

C. Address card to proper State official. Your voting officer or commanding officer will furnish you his title and address.

D. Mail card as soon as your State will accept your application.

E. No postage is required for the card.

(c) Upon the other side of the card there should be printed in red type the following:

Fill out both sides of the card.

Free of U.S. postage including air mail.
Official mailing address.

Official election balloting material—Via Air Mail.

To: (Title of Election Official); (County or Township); (City or Township); (City or Town, State).

(Aug. 9, 1955, ch. 656, Title II, § 204, 69 Stat. 586, amended June 18, 1968, Pub. L. 90–343, §§ 1 (4)—(6), 2, 82 Stat. 181, 182.)

A Bill To Amend the Federal Voting Assistance Act of 1955 in Order To Enlarge the Class of Persons Provided the Opportunity To Vote in Federal, State, and Local Elections by Absentee Ballot

Whereas every citizen of the United States should be able to vote in local, State, and Federal elections with the least possible hindrance; and

Whereas present State elections laws vary widely in their requirements for absentee registration and voting; and

Whereas a simplified, uniform procedure for absentee registration and balloting would greatly facilitate both administration and compliance with State absentee balloting laws,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101 of the Federal Voting Assistance Act of 1955 (50 U.S.C. 1451) is amended by adding at the end thereof the following new paragraphs:

"(4) Any citizen of the United States who is unable to register to vote, unable to vote, or unable to both register and vote, because—

"(A) of illness or other disability;

"(B) he resides at a location which is 10 or more miles from the nearest authorized registration or polling place; or

"(C) he is enrolled at and attending an educational institution not within his voting precinct or election district.

"(5) Any citizen of the United States who, though registered, is unable to vote because he—

"(A) is required under the tenets of his religion to attend religious services on election day, or is forbidden by such tenets to travel to a polling place on such day;

"(B) resides in a voting precinct or election district in which there will be, by operation of state law, no polling place open on election day by reason of an insufficient number of registered voters; or

"(C) expects to be absent from his voting precinct or election district on election day."

Sec. 2. Section 102 of the Federal Voting Assistance Act of 1955 is amended—

(1) by amending paragraphs (2) and (3) to read as follows:

"(2) waive registration of persons who by reason of their service (in the case of persons who are covered by section 101(1), (2), or (3)), or by any reason set forth in section 101(4) have been deprived of an opportunity to register;

"(3) accept the post card application provided pursuant to this Act—

"(A) as a simultaneous application for registration and for ballot in the case of persons covered under section 101(1), (2), or (3);

"(B) as an application for registration, or for ballot, or for both, as the case may be, in the case of persons covered under section 101(4); and

"(C) as an application for ballot in the case of persons covered under section 101 (5);".

Sec. 3. Section 204 of the Federal Voting Assistance Act of 1955 is amended—

(1) by amending the first sentence thereof to read as follows:

"(2) The form of the Federal post card application for persons covered under section 101(1), (2), and (3) shall be as follows:";

(2) by striking out "(a)" and "(b)" respectively and inserting in lieu thereof "(1)" and "(2)"; and

(3) by adding at the end thereof the following new subsection:

"(b) The Presidential designee shall determine the form and content of the Federal post card application for persons covered under section 101(4) and (5) using the form and content of the application set forth in subsection (a) of this section to the maximum extent practicable."

WE ARE ABOUT TO HAVE A SECOND-CLASS NAVY AND THIS WE CANNOT AFFORD

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. Sikes) is recognized for 30 minutes.

Mr. SIKES. Mr. Speaker, the subject on which I shall treat today is one of very great concern to many thinking Americans. It has to do with an important part of the defense of America—the U.S. Navy. I expect to show that the Navy, despite the best efforts of dedicated and conscientious personnel, is steadily falling behind in its capability to meet a serious threat such as that which could be mounted by the U.S.S.R. I am convinced that we are rapidly approaching the time when we shall have only the second best Navy in the world. I do not think we can afford to be second best. We are not facing up to the facts. Most of us do not even know them and maybe there are some who do not want to know the truth about our Navy's problems. I think I can show that those problems are real and I think I can indicate quite clearly what must be done to correct this dangerous course.

It will be obvious that I have called upon Defense sources for much of the material which I use. That does not alter its validity. I hope those who hear or read this will take it to heart—and act.

Americans are beset today by domestic and foreign problems which place unprecedented demands upon the energies and resources of our Government. Many issues are heavily publicized, and therefore well known to us. I want to speak to you today of a trend that is not well known and not clearly understood—the declining balance of naval strength of the United States when compared with Soviet Russia.

The military and maritime situation of the United States is changing. It is vital that we in America understand the nature and the extent of the change and its implications for the future welfare of our country.

Soviet naval and maritime power is on the increase, and it represents a new dimension in world affairs. Few Americans have sensed that it has already changed the secure viewpoint from which we have observed world affairs from 1945 until recent months.

The Soviet Union emerged from World War II as the greatest of the European land powers. When the Soviets shortly thereafter tried to capitalize on their power by acquisition of European and Middle Eastern territory, we and our allies undertook to halt the Soviet spread through a series of mutual defense agreements. NATO was the foremost of them. These agreements were backed by American industrial strength, our Navy and our nuclear power. They served to counter the Soviet thrusts and are responsible in large part for western strength and prosperity today.

They were maritime alliances in the sense that they depended upon the United States to be able to freely use the seas to support its allies and to prevent them from being encircled from the sea. Their maritime nature can best be demonstrated by considering the relative positions of our friends and our potential opponents. Almost all of our allies are overseas. Soviet allies for the most part border on Soviet territory. By the same token, the potential opponents who could threaten our naval interests are overseas, while the principal threats to their vital interests are overland.

The President noted the maritime position of the United States in 1970:

> One other point I would make briefly is this: What the Soviet Union needs in terms of military preparedness is different from what we need. They are a land power primarily, with a great potential enemy on the East. We are primarily of course a sea power and our needs, therefore, are different.

Commercially, we are also more closely oriented to the sea than the Soviets, as is indicated by comparison of seaborne trade. But note that their ocean trade is growing faster than ours.

CHART 1

SEABORNE TRADE

[Millions of long tons]

	1958	1968
United States	274	418
U.S.S.R.	26	118

Thus it has been that since World War II, the balance of world power has depended upon a series of countervailing Western alliances which in turn depended to a great extent upon the magnificent U.S. Navy which was a product of that war.

Before proceeding to a discussion of changing circumstances which are affecting the Navy, we should enumerate the functions and capabilities which we expect to be provided by our investment in a Navy:

First, in this nuclear age, it must contribute to deterrence of nuclear war.

Second, it must be able to control the areas of the sea that we wish to use.

Third, when it is our national policy to do so, it must be able to project U.S. power ashore on foreign soil and against opposition.

Fourth, in peacetime it must manifest an overseas presence demonstrating to our allies and possible adversaries that a challenge to our overseas interests or those of our allies will involve confrontation with U.S. Armed Forces.

These are the functions that we expect in a Navy. There are also four factors in today's environment which bear heavily upon our need for and our capability to perform these functions

NUCLEAR PARITY

The first of these factors is nuclear parity. Superior nuclear arms and naval strength were the military factors which tipped the balance in our favor in the 1950's and 1960's. Today, we no longer possess superiority in nuclear arms. Soviet arms are on a par with ours, and we are involved in a nuclear standoff where neither nation dares to use its nuclear capability for fear of devastating reprisal.

The main effect of this standoff is that the United States must look once again to conventional forces to provide the means of protecting our national interests. Without strong conventional forces we have only two options where our interests are threatened: engage in nuclear war, or back down.

The President had this to say about options and capabilities:

> The growth of Soviet power in the last several years could tempt Soviet leaders into bolder challenges. It could lead them to underestimate the risks of certain policies. We, of course, continue to weigh carefully Soviet statements of intentions. But the existing military balance does not permit us to judge the significance of Soviet actions only by what they say—or even what we believe—are their intentions. We must measure their actions, at least in part, against their capabilities.

And I would add to this, in light of nuclear parity: The capabilities and readiness of our conventional forces are now of greater importance because for the foreseeable future it will be conventional rather than nuclear forces which will be the deciding factors where United States and Soviet interests conflict.

THE NIXON DOCTRINE

The second factor, the Nixon doctrine, is a recent major change in foreign and military policy. It stresses increased self-reliance on the part of our allies and infers reductions in overseas bases and forces. As such it contains important naval implications:

First, if we are to reduce overseas forces and bases, it is essential to the strength of our alliances that we maintain a demonstrable capability to return in force if needed.

Second, our commitments demand adequate sealift. Even with the availability of the newest cargo aircraft, over 90 percent of overseas military cargoes must travel to their destinations on the surface of the oceans. For this reason, basic to any decision to deploy U.S. forces overseas must be the assumption that we will be in control of the sea lines of communication.

Finally, we must maintain an independent U.S. capability to prevent an effective challenge to our free use of the oceans and of international air space. There will be times when we will be called upon to go it alone—Cuba was one such instance: Jordan was another.

GROWTH OF THE SOVIET NAVY

The third factor I have mentioned previously—Soviet naval and maritime expansion. Since we no longer possess nuclear superiority, Soviet naval expansion threatens to negate our sole remaining capability to support our alliances and to protect our commerce.

This Soviet naval growth can be traced directly to the Cuban missile crisis of 1962, when the weakness of the Soviet Navy forced them to back down in the face of a U.S. show of strength.

Since then, the Kremlin has allocated vast resources to naval programs. To illustrate, between 1966 and 1971, when the U.S. produced 88 combatant and amphibious ships, Soviet shipyards produced over 200.

CHART 2

UNITED STATES VERSUS U.S.S.R. GENERAL-PURPOSE NAVAL SHIP CONSTRUCTION, 1966–70

	United States	U.S.S.R.	U.S.S.R./United States (percent)
Major combatants	9	20	222
Minor combatants	28	138	490
Amphibious ships	24	10	42
Attack submarines	27	41	152
Total	88	209	237

The Soviet fleet now approaches the U.S. fleet in total numbers of combatant ships.

Two of the products of their development and shipbuilding directly threaten the ability of the United States to use the seas. These are the expanding Soviet antiship missile and submarine forces. They exist and are increasing in such quantity as to make the adequacy of our counterforces questionable.

CHART 3

GROWTH IN SOVIET MISSILE LAUNCH PLATFORMS

	1960	1970
Major missile warships	6	20
Missile patrol boats	6	160
Cruise missile submarines	0	65
Soviet naval aviation (SNA) Badger Aircraft	145	300+
Total	157	545+
Long range aviation (LRA) Bear aircraft		75

Antiship missile launching platforms have increased fourfold since 1960. The Soviet submarine force numbers over 300 attack and cruise missile submarines as compared to the 57 which the Germans had at the beginning of World War II. Not counting ballistic missile types, the Soviets passed us in total nuclear submarines in 1963.

Do you see what such naval strength means to our continued use of the seas? This is what causes our naval planners the greatest concern—not that we would lose a battle if it occurred between the two fleets; but that we could be denied the use of the seas for commerce and sealift. This could not come about without open conflict. As soon as they are reasonably sure of the outcome, the Russians are free to try a Cuba in reverse, possibly in the Mediterranean.

I might also add that the Soviets have already passed us in total number of merchant ships and are overtaking us in terms of total tonnage.

More than half of the Soviet merchant fleet is less than 10 years old—over half of ours is more than 20 years old. And the Soviet merchant fleet is centrally controlled and coordinated by the state. Therefore, it is completely responsive to foreign policy and available to bolster the navy. This is far different from our situation where there is an independent merchant marine, high operating and construction costs, and frequent labor problems.

We know that the Kremlin can pull all the elements of its maritime strength together. Just last year they conducted a worldwide naval operation, including coordinated attacks on simulated U.S. carriers, antisubmarine operations, amphibious movement and landings, and underway replenishments. These occurred simultaneously in the Atlantic and Pacific Oceans, the Seas of Okhotsk and Japan, the Barents, Norwegian, North Philippine, Mediterranean, Black and Baltic Seas.

Nowhere has the influence of the Soviet naval buildup been more markedly demonstrated than in the Mediterranean and Indian Ocean. In the Mediterranean the Soviet naval ships, now categorized as the Soviet Mediterranean Fleet, surpassed the 6th Fleet in total annual ship days within the area by mid-1969.

The increasing presence of Soviet ships has contributed to a demonstrable change in the political alinements of the region. With their maritime forces playing a major role, the Soviets have exploited the insurgency movements and the local antagonisms of the eastern Mediterranean. They have made clients of certain Arab nations. By means of these client relationships and their newly developed naval presence, they have leapfrogged NATO's southern flank and have sought to establish increasing political leverage along the African and Asian littorals of the Mediterranean. The sensitivity of the situation in the eastern Mediterranean was noted by President Nixon in his foreign policy statement on February 25, 1971, when he said:

> The Middle East is heavy with the danger that local and regional conflict may engulf the great powers in confrontation.

And in the Indian Ocean a similar situation is developing. The Soviet naval presence there became continuous in 1969. Now it exceeds ours by a factor of two. Coupled with numerous port visits and displays of naval strength have been offers of technical and construction assistance to Sudan, Somalia, South Yemen, India, Ceylon, and Singapore.

For starters, the Soviets have achieved and are seeking additional base rights and privileges in the eastern Mediterranean and Indian Ocean. Their base developments have been reported in Alexandria and Mersa Matruh in Egypt; in Port Sudan; and in Berbera, Somalia. Overtures to India, Ceylon and Singapore have also been reported. In contrast, we have just been told to keep out of an Indian port. The Russians using anchorages in the vicinities of Socotra, Seychelles, Maldives and Mauritius. If they are able to acquire the bases they seek, they will be astride the oil supply lines of Europe and Japan. The volatile politics of the area are ripe for exploitation—witness the recent abortive coup in Sudan, the left wing uprising in Ceylon, and the planned withdrawal of the British from the Persian Gulf area this year. Somalia and South Yemen already have pro-Communist regimes. "East of Suez" is target for the continued expansion of Soviet influence to outflank what they perceive as their other principal adversary, Communist China. And the Soviet Navy is initially an ideal instrument for the purpose.

REDUCED NAVY RESOURCES

In the face of the Soviet naval expansion, our own Navy is encountering a reduction in strength and resources. This is the fourth of the factors I mentioned and one which inhibits restoration of a satisfactory balance of naval power.

If we express the Navy budgets of the past 11 years in terms of fiscal year 1972 dollars, the situation is easily seen. It shows that, while an estimated $3 billion per year is needed for shipbuilding to maintain our fiscal year 1971 naval strength, we did not approach that amount for 8 years. Naval budgets increased in the Vietnam years, but the increases did not cover the full annual costs of Southeast Asia operations. Consequently, shipbuilding allocations were pared down to compensate. In essence, the Navy was accepting obsolescene and eating down its stores to finance the war.

CHART 4.—U.S. NAVY BUDGETS FISCAL YEARS 1962-72 (IN FISCAL YEAR 1972 DOLLARS)

[Excludes U.S.M.C. appropriations]

Fiscal year	Navy budget (TOA)	Shipbuilding
1962	$20.9	3.4
1963	20.8	3.5
1964	19.9	2.8
1965	18.8	2.7
1966	23.4	2.4
1967	25.3	2.7
1968	23.3	1.4
1969	23.3	1.2
1970	22.7	2.7
1971	20.8	2.7
1972	21.5	3.3

Note: The replacement value of fiscal year 1971 naval forces is estimated at $75,000,000,000, predicated on a 25-year average shiplife, the annual investment in shipbuilding (exclusive of conversion) should be about $3,000,000,000.

Since fiscal year 1968, Navy budgets declined as defense matters have been accorded less precedence in national planning. This is not readily apparent, because in absolute dollars an increase of 7 percent seems to have taken place. But when the budgets are expressed in terms of fiscal year 1972 dollars to leaven the effects of inflation, a decline in buying power of 11 percent is seen.

CHART 5.—NAVY BUDGET—1965, 1968, AND 1971

[Excludes USMC appropriations]

	1965	1968	1971+
Current year (billions)	$13.7	$18.2	$19.6
Percent		100.0	107.0
Constant fiscal year 1972 (billions)	$18.8	$23.3	$20.8
Percent		100.0	89.0

The upshot of all this is that for almost a decade our naval modernization has been held back—first by a war and later by the debilitating effects of inflation.

The end result of successive reductions in annual buying power has, predictably, been reductions in naval forces. Short-term cutbacks in funding cannot be assimilated in long-term procurement, development, and capital investment programs. The Navy was forced to center its cuts in personnel and operations where the earliest return was greatest. And these reductions were, in turn, centered in the fleet because of first-year closing-out costs attendant to cutbacks in short facilities.

The effects of recent budget cuts on naval forces is demonstrated in force data comparisons between 1965—prior to the Vietnam buildup—and 1971. Since 1965, the Navy has been forced to reduce 25 percent of its ships, 20 percent of its combat aircraft, and 7 percent of its total personnel. Reflecting the inertia attached to consolidation of the shore establishment, civilian personnel of the Navy have increased by 4 percent in the period.

CHART 6.—NAVY STRENGTHS—1965, 1968, AND 1971

	1965	1968	1971
Ships	936	976	710
Percent	(100)	(104)	(75)
VF/VA/HS/VP aircraft squadrons	138	135	110
Percent	(100)	(98)	(80)
Military personnel	671,000	765,000	623,000
Percent	(100)	(114)	(93)
Civilian personnel	315,000	395,000	329,000
Percent	(100)	(125)	(104)

The combat commitments of the Navy at the time the reductions were carried out affected the nature of force reductions. Because our projection forces—carriers and amphibious—were heavily involved in Southeast Asia between 1968 and 1970, force cutbacks in those years were largely concentrated in the less committed sea control forces. Since then, in 1971, and in 1972 planning, efforts have been made by Navy planners to balance reductions between the two force categories so as to retain some sort of an overall naval balance in the face of Soviet capabilities.

But balance in depleted existing forces alone is not sufficient. New initiatives to consolidate, to simplify, and to increase force effectiveness were ordered by Admiral Zumwalt, who led off the batting order with a large list of his own. Some of these new initiatives are worthy of your attention and will give you an idea of the scope of the effort.

MULTIPURPOSE FORCES

Operational evaluations are now in process on the carrier *Saratoga* to operate strike, antiair, and antisubmarine aircraft simultaneously for prolonged periods. The concept, if successfully implemented, will increase the combat options available in our radically reduced carrier force.

Marine fighter/attack aircraft will supplement short-supply Navy squadrons on carriers. This Marine augmentation will provide welcome relief in peacetime for deployment-weary naval aviation personnel. However, in war, the Marine aircraft will return to the Marine divisions to which they are permanently assigned, leaving us with the prospect of empty decks in the early stages of a conflict until reserve squadrons are activated.

SUBSTITUTIONS

Merchant marine ships are under consideration as emergency underway replenishment ships and for rapid mobilization for sealift.

Allies are being encouraged to substitute their naval forces for ours where mutual interests are involved.

Naval reserve force readiness is being improved to provide on-call combat capability.

OFFSETS TO SOVIET CAPABILITIES

In a variety of programs:

Sensor-carrying helos are being added to surface ships to expand detection/attack ranges.

Worldwide surveillance systems are being developed and improved to partially offset smaller forces.

Antiship missile and missile defense systems are being developed under high priorities.

Secure long range communication and electronic warfare systems are being developed at an accelerated rate.

Newer and better guns, missiles, mines, and torpedoes are en route to the fleet.

Advanced ship and aircraft propulsion systems are in research and development.

And management initiatives are also being emphasized, particularly in the reduction support overhead and the retention of trained military personnel.

But all of the Navy initiatives taken together do not offset the effects of recent force reductions in the face of the onrushing Soviet naval expansion.

It is axiomatic that there is a cutoff point where mere quality of fighting forces will not suffice—where numbers are required in addition to quality. This discussion is unclassified and I am, therefore, not at liberty to elaborate. But I can assure you that adequate forces must be available in advance to sustain the first onslaught of a naval war. Following this, the surviving units must be in numbers sufficient to sustain our national effort to destroy enemy forces and to maintain movements of men and supplies overseas.

In light of the kinds of forces we need, what is the adequacy of our Navy today?

Admiral Zumwalt, in testimony before the Congress, has described our sea control forces as "high risk baseline forces from which we must build." And he noted a vastly reduced margin of adequacy in connection with naval projection forces in a war with the Soviets.

Other individuals of varying backgrounds have expressed their estimates in less restrained terms:

Raymond V. B. Blackman, editor of Jane's Fighting Ships, writing in the 1971–72 edition, says:

> The situation for the U.S. Navy is serious. By any standards, the Soviet fleet now represents the supernavy of a superpower.

The supplemental statement to the President submitted by seven members of the Blue Ribbon Defense Panel stated:

> The Soviet naval buildup . . . is a major element in the shifting balance of military power. Although not itself a direct threat to the United States (except the submarines), the new and growing Soviet naval strength affects adversely the diplomatic and economic position of the United States throughout much of the world. It also threatens an historic American policy, namely, freedom of the seas.

The Joint Committee on Atomic Energy made up of nine Senators and nine Congressmen has issued an ominous warning:

> The United States, unless it moves quickly to counter a rapidly expanding Soviet naval threat, faces a future in which it will have to surrender to the Soviets on all issues or risk nuclear annihilation. Any delay may mean "no future".

In addition to the above, foreign writings have noted the shifting balance of naval power and have expressed concern over the future of their alliances.

In my opening remarks, I said that Americans must understand the nature and extent of changes in our military and maritime situation and also their implications with regard to our welfare.

No one can foresee the future. But there are certain assumptions which can be drawn from the facts as they are known today:

For instance, it is generally considered that, so long as an approximate parity in nuclear delivery and defense systems exists between the U.S.S.R. and the United States, nuclear war is not likely between them. The awful results to the populaces of both nations would make initiation of nuclear attack an irrational act.

If we concede the irrationality of a nuclear war between the United States and the U.S.S.R., we are further drawn to hypothesize the improbability of a NATO war. Because of the enormous importance of the outcome of a NATO conflict, we have tied our nuclear commitment to NATO for the past 25 years. The likelihood of a NATO war triggering a nuclear exchange is recognized by both parties. For this reason, it is logical to assume that both parties will avoid circumstances which could lead to a NATO war.

The Kremlin may, therefore, be expected to seek to achieve its objective short of nuclear war. And, for the first time in modern history, the door is ajar for Russia to break free of the entanglements of encircling land alliances and to spread power and influence toward historical objectives in the Middle East, Asia, and even in Europe.

In the past two centuries, Russian objectives of territorial expansion were forestalled by the British, the Japanese and, most recently the U.S. fleets. Throughout the 19th century, the might of the British fleet lay behind and gave substance to a series of European land alliances which held Russia in check. The decisive defeat of the Russian fleet by the Japanese at the turn of this century prevented the earlier development of Russia as a naval power. And subsequent to World War II, the U.S. fleet has been the guarantor to ourselves and our allies that a flow of seaborne commerce and strategic material was assured and that our alliances were underwritten in naval strength.

But, to return to my previous statement—the door is ajar for the Soviets to break free. Stung by their impotency in the face of the U.S. Navy to force a successful conclusion to the Cuban missile crisis, they have forged an unprecedented naval expansion. They have chosen their weapons well. The Soviet Navy thus far is designed not to overpower us on the surface of the sea and to attack our shores, but to deny us the use of the seas and to drive us from the positions from which we support our alliances. The large Soviet submarine and missile fleets are admirably suited to the task.

The once Great British and Japanese fleets, as well as those of other allies, have declined to relative insignificance against this new threat, incapable of holding open even their own vital oil supply lines from the Middle East. But what is of inestimable importance to the success of Soviet objectives is that at the same time Americans are engulfed in a wave of introspection and neo-isolationism which has manifested itself in a reduction of nearly one-third of the U.S. fleet.

What can we expect the Kremlin to do under such circumstances?

They will avoid nuclear war.

They will continue their buildup of strategic nuclear weapons for psychological effect.

They will continue their naval expansion in blockade and missile forces.

They will attempt to capitalize on political unrest in Eurasia and Africa.

They will increase "showing the flag" and continue "gun boat diplomacy" in Eurasia and Africa.

They will foster communism worldwide through aid and subversion.

When they are ready, they will confront us with superior force in a non-NATO area like Israel or Korea and we will be forced to back down.

If I have shocked you by saying that this great Nation of ours is approaching a point where it could be faced down at sea, such was not my objective. But I feel that you must understand the situation.

In the final analysis, the Navy is the deciding military factor which enables the United States to be an international power.

This is not to belittle the vital contributions made by the other services to the combatant strength of the country. On the contrary, their contributions are willingly conceded.

But, it is the unique role of the Navy which permits the United States to be an international power. This is simply because America is an island continent.

The ability to move commerce across the earth's surface, and, if need be, to project power beyond national boundaries, are essential determinants of a nation's international importance. For the United States, both of these factors entail movement over the world's oceans.

The elements of national power are clearly understood by both our allies and our enemies. Today, our allies and the uncommitted nations of Eurasia and Africa see themselves as increasingly encircled by offshore Soviet naval might. The frequent Soviet naval exercises in the Atlantic and the continuous Soviet naval presence in the Mediterranean Sea and Indian Ocean are, in their eyes, directly related to what they discern as a growing distaste in the United States for overseas commitments.

Their natural interpretation of what they see is that they may soon be left to fend for themselves.

Their natural reaction can be expected to be an increased accommodation to Soviet power, with the attendant dissolution of NATO and the other alliances which have been held together by U.S. maritime power.

The United States would then be an island, standing alone.

It is late—very late. We are not moving to meet the threat. Congress can set the needed programs in motion.

Will we have the courage to do so?

REPORT OF SPEAKER CARL ALBERT ON AUGUST 6–21 ASIAN TRIP

(Mr. ALBERT (at the request of Mr. Boggs) was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ALBERT. Mr. Speaker, on August 6, I led a 24-Member congressional delegation on a 20,000 mile goodwill trip to the Republics of Korea, China, and the Philippines. The trip was in response to long-standing invitations from the governments of the three allied nations to visit their countries, and the August recess afforded the first opportunity to do so. Included in our party were Representatives W. R. Poage, Democrat of Texas; Melvin Price, Democrat of Illinois; William G. Bray, Republican of Indiana; Edward P. Boland, Democrat of Massachusetts; Silvio O. Conte, Republican of Massachusetts; Cornelius Gallagher, Democrat of New Jersey; Delbert L. Latta, Republican of Ohio; Joseph P. Addabbo, Democrat of New York; Richard T. Hanna, Democrat of California; John M. Murphy, Democrat of New York; Edward J. Patten, Democrat of New Jersey; James H. Quillen, Republican of Tennessee; Tim Lee Carter, Republican of Kentucky; John C. Culver, Democrat of Iowa; Eligio de la Garza, Democrat of Texas; John J. Duncan, Republican of Tennessee;

Thomas S. Foley, Democrat of Washington; James H. Scheuer, Democrat of New York; J. William Stanton, Republican of Ohio; Lester L. Wolff, Democrat of New York; Robert D. Price, Republican of Texas; Larry Winn, Jr., Republican of Kansas; and Frank E. Denholm, Democrat of South Dakota. We were 15 Democrats and nine Republicans, representing the East, South, Midwest, and Far West, and ranging in service from an 18-termer to a freshman Member. Fifteen of the House's standing committees were represented in the delegation.

Our schedule enabled us to stop over first in Hawaii to participate in the welcoming ceremony for the Apollo 15 astronauts on their return to American soil. I was honored to be invited to deliver remarks, along with Governor Burns, Senator Fong, Senator Inouye, Dr. Gilruth of NASA, and Admiral McCain, and I took the occasion to invite the astronauts to address the Congress at their earliest opportunity, an invitation they fulfilled on September 9 before a joint meeting in the House Chamber.

Our first stop in Asia was South Korea, where we had been invited by that country's National Assembly to renew the interparliamentary exchange initiated in 1969 when I headed a similar delegation on behalf of Speaker McCormack.

Our program in the Republic of Korea consisted of official meetings with members of the Assembly and other high Government officials. We learned immediately—as we did at every stop on our itinerary—that President Nixon's pending trip to mainland China was the major topic of concern and speculation. Our trip, which had been planned some time before the President's dramatic announcement, thus assumed an unanticipated timeliness, and editorial comment preceding our arrival in each capital centered on the hope that the delegation would offer reassurances of American support for its allies and shed light on the recent thaw in U.S. relations with the People's Republic of China. Because of this timing, our trip took on far greater significance than most such congressional factfinding visits abroad, and every Member accompanying me displayed an awareness of the importance attached to our presence in nations with which we have enjoyed such long-term friendship and mutual good relations.

In addition to formal and informal conferences with legislators in Korea, we had been invited to attend plenary session of the National Assembly. Speaker Paik Too Chin had also requested me to address that body, and the full text of my remarks follows:

> It has been two and one-half years, Mr. Speaker, since we last met in this chamber. At that time too, the National Assembly was our gracious host and made our visit an unforgettable experience. That same year we in the Congress were pleased to be able to welcome a group of National Assemblymen to Washington. I mention these things partly because the remembrance of them is pleasant—they are a part of the common memory of our two legislative bodies. I mention them also because at the time of our last visit we were looking at what you had done as a people, as a nation. We were looking at the foundations you had laid in the ashes of war and in your time of national suffering. We were impressed. This time we are naturally interested in the accomplishments of Korea since our last visit. But we also want to know more about your hopes, and your aspirations as you face a less uncertain future.
>
> On behalf of my colleagues I would like to congratulate each of you on your recent election to the National Assembly. Both our national legislatures are practical testimony to the grand concept that free men through their elected representatives should govern themselves. Too frequently this concept and the equally significant role of a free press are taken for granted by democratic peoples. They should never be so regarded by any generation. For along with the other essential institutions of democracy, they require constant and vigilant attention so that they may continue to be truly free. Much the same can be said about the role of the opposition party in the legislature. For myself and my colleagues in the Democratic Party, we seldom have to remind ourselves that a capable and watchful Republican minority sits in our midst and must be heard and, indeed, that the relative positions we occupy can be reversed very quickly. The two party system has just demonstrated vitality and a strong base in the Republic of Korea, and a vigorous minority party sits in this chamber with its government colleagues. It is incumbent upon majority and minority parties to recognize that their responsibilities to country and nation override party obligations. It is mutual respect and tolerance which gives a common bond to democratic legislative bodies around the world and makes possible the kind of exchanges our two legislatures have carried on over the past few years without regard to party. Again I congratulate you. I know this Assembly will have important business to conduct with respect to the nation's welfare and prosperity, and that it will dispose of its responsibilities in accordance with the highest traditions of representative government.
>
> The astonishing story of Korean economic recovery is well known throughout the entire world. But while building your economy you have not forgotten the educational and social requirements of the country. A significant percent of the national budget, I understand, is now devoted to education and 30,000 students graduate from universities each year. There is a school in every village area and literacy is almost universal. Korea, which has one of the greatest population densities in the world, is taking a strong interest in family planning, and population experts from all over Asia have studied the Korean experience. I know that the continued concern for the welfare of all the people will be an important part of the work of this body as it is of any democratic legislature.
>
> On the international scene Korea's reputation has also continued to grow. The Asian and Pacific Council which was established at your initiative is a significant multinational Asian forum. In a host of other international bodies, also, Korea's voice is heard with respect. Your diplomatic and consular representation continues to increase, a sign of Korea's enlarging interests and the skill of its diplomatic missions and consular posts.
>
> We recognize that Korea's international interests are wider than diplomatic and commercial contacts. You continue to station some 47,000 troops in the Republic of Viet-Nam at the request of that nation. We know that you did this because you desired to help prevent a communist effort to take over an Asian state and because you desired to express your appreciation for what had been done for Korea in 1950 by the United States and the members of the international community of nations. Korea can take satisfaction in what its Armed Forces have accomplished in Viet-Nam.
>
> It is difficult to see how your plans and goals for development can be anything but successful. You have behind you the resolution of many difficult problems. No doubt there will be others but increasingly they look to be the problems of prosperity and achievement, the kinds of problems many nations would regard with some envy. As I noted when last I stood on this platform, the United States Congress is deeply gratified that the resources they have been able to provide have been used so well by the Korean people. But your achievements are the product of Korean energy, intelligence, and perseverance. They are also the story of the close association of the Korean and American peoples. Koreans and Americans have been partners in time of war and time of peace; in adversity and prosperity. We take satisfaction from having helped provide assurance of security against another attack from the north and the military and economic assistance which enables Koreans to build up their own defenses and develop their own country. Since we were last in Korea the Republic of Korea Army has assumed complete responsibility for guarding the southern side of the 155-mile long Demilitarized Zone. For nearly 20 years troops of our two countries have stood on that line, maintaining the peace. And now as we both look with pride to Koreans manning the entire line, we know that this redeployment was accomplished without impairing your security. We hope there can be lessening of tension everywhere in the world during this decade. Particularly is it the earnest wish of my country that this be so on the Korean peninsula, and we trust that the recent reductions in our force levels in Korea will be a step in this direction. But we have no illusions about the difficulties which stand in the way. We are well aware of the hostile nature of the forces on the other side of the DMZ. I note that at the recent ROK–U.S. Security Consultative Meeting here in Seoul that Secretary of Defense Laird assured the Minister of National Defense that the United States would render prompt and effective assistance in accordance with the Mutual Defense Treaty in the event of armed attack against the Republic of Korea. That Treaty remains together with the strong armed forces of the Republic of Korea a convincing deterrent to any aggression. Your greatest asset remains, of course, a steadfast, united and confident people with courageous and intelligent leaders. You may be sure that the United States retains its concern for the security of the Republic.
>
> We have had over the years faith in you and you have had faith in us. This has provided the basis for an enduring friendship and mutual understanding. We expect that faith and understanding to continue. Mr. Speaker, we see now in Korea a strong and loyal friend. We have been committed to the same goals. That commitment remains. We have accomplished much together. We still have much to achieve. Together, in partnership and strength we shall go forward.

We were also given a comprehensive briefing by the American Embassy staff under the direction of Ambassador William J. Porter, soon to depart to head up the American delegation at the Paris peace talks. The presentation emphasized that South Korea's economic development had allowed virtual termination of American assistance, with military support now the primary aid we offer to the Republic. The growth of Korean GNP and foreign trade were analyzed, along with the steady advance toward industrialization. We were also briefed on political problems, with emphasis on the frequent infiltration activities from North Korea.

In fact, South Korean concern over possible withdrawal of American support was the major theme of all meetings between our delegation and Korean officials. It was impressed upon us that defense needs continue to occupy a major part of South Korea's resources and that continued American military assistance is vital to allow further economic development. Discussions also touched on the possible imposition of American trade restrictions that might limit Korea's growing export trade.

A highlight of our Korean visit was a private conversation between myself and President Park Chung Hee, following which President Park met with the entire delegation in the Blue House. President Park, now in his third term, is given much of the credit for South Korea's dramatic progress, and I had the opportunity once again to note the outstanding qualities of statesmanship which make him such an effective leader of his people and nation.

Not the least of the gestures of hospitality and friendship toward us was the awarding of an honorary Doctor of Humane Letters degree to my wife by Ewha Women's University, believed to be the largest women's university in the world and a major contributor to the nearly universal literacy of the Korean people.

Another noteworthy part of the program was a visit to the Panmunjom truce meeting site, where continuing border incidents illustrate the uneasy peace prevailing between the two Koreas. We had been advised of the deep concern over the recent withdrawal of 20,000 American troops from South Korea, but we saw the Republic of Korea Army manning the 155-mile demilitarized zone (attesting to their growing ability to defend their country from the threat from North Korea.

In both editorial comment during our stay and in talks with Republic of Korea officials we found an acceptance of the opening of dialog between the United States and mainland China but deep concern that such talks might have unforeseen effects on our relations with our South Korean allies. I expressed my own conviction that the United States would not abandon the interests of South Korea in the formulation of a new Asian foreign policy, and I feel certain that I reflect the sentiments of the entire delegation in my belief that bulwarking the security of South Korea until it attains self-sufficiency in the coming years should be a cornerstone of our policy vis-a-vis that nation. Several Members of our delegation had in fact fought with distinction in the Korean war, and their presence in South Korea as official representatives of the Congress was a reminder of our deep involvement in and commitment to the survival of the Republic of Korea.

Those of us who had been in Korea only 2 years before noticed the abundant signs of progress over that short interval. New highways, building construction, and river development—indeed South Korea's rapid advance toward modernization has been called the Miracle on the Han—were the most evident.

We were impressed not only with the economic advancement of this allied nation but also with encouraging signs that participatory democracy is a reality there. In its unicameral National Assembly of 204 seats, 89 are held by a vigorous opposition party, a clear sign of the viability of democracy and freedom in this country of 32 million people. We left with high hopes for the future of this progressive Republic, and the mutual sentiments of our meetings were summed up in a joint communique released before our departure:

> The Speaker of the United States House of Representatives, Carl Albert, and a delegation from the House of Representatives visited the Republic of Korea from August 9 to 13 at the invitation of the Speaker of the National Assembly of the Republic of Korea. This was the third such meeting of parliamentarians of the United States and the Republic of Korea. The meetings were inaugurated when a United States delegation visited Korea in March 1969. This initial exchange was followed by a visit of Republic of Korea Assemblymen to Washington in July of the same year.
>
> On behalf of the people of the Republic of Korea and the National Assembly, Speaker Paik extended a sincere and warm welcome to the U.S. Congressional Delegation.
>
> The United States and Korean legislators held discussions and exchanged views on a wide range of subjects of mutual interest. These exchanges were beneficial and enabled each side to have a better appreciation of those matters which are of particular concern to the other.
>
> The delegations discussed the new international developments aimed at lessening tensions in Asia. They agreed that efforts to reduce tension in the Korean Peninsula should continue to be made while recognizing the difficulties involved in view of the belligerent attitude of the North Korean communists.
>
> Both delegations took note of the intention of the United States to seek rapprochement in Asia without abandoning old friends, and to maintain its commitments in the region.
>
> The American delegation was impressed by the seriousness of the efforts on the part of the Government and people of the Republic of Korea to achieve a greater degree of self-reliance in the defense of their freedom. The United States delegation assured the Koreans of the intention of the United States to continue its support of these Korean endeavors.
>
> The members of the United States delegation were greatly impressed by the progress and development evident everywhere they visited. They expressed their deep appreciation for the hospitality extended to them by the National Assembly and by the people of Korea.
>
> Speaker Albert expressed his intention to invite a Korean delegation to visit the United States at an appropriate date.

Our next stay, in Taiwan, was brief but timely. We were the first official American delegation to visit the Republic of China since President Nixon's Peking announcement. Editorials in Taiwan's major newspapers speculated before our arrival on what light we would shed on the new administration policy toward mainland China, and they were unanimous in proclaiming opposition to the President's proposed trip while at the same time affirming their faith in continued good relations between our two nations.

The latter theme dominated the 2 days of constant meetings between our delegation and the top officials of every branch of the Nationalist Chinese Government. In addition to a detailed political and economic briefing conducted by Ambassador McConaughy at the Embassy, our program included discussions with Vice Premier Chiang Ching-kuo and other high-ranking members of the executive branch. We were also the guests of the legislative Yuan, Taiwan's counterpart to Congress, which I had been invited to address. The text of my brief remarks follows:

> Mr. President, members of the Legislative Yuan of the Republic of China, my colleagues who have accompanied me:
>
> First of all, may I express on behalf of our entire delegation our gratitude for the invitation we received several weeks ago formally, and many months ago informally, to visit your Republic.
>
> Our invitation, both formal and informal, preceded by a considerable period the events which seem to concern you most at the present time.
>
> We accepted your invitation to come here as friends visiting your legislative body and your Republic, and the people of your Republic, as friends. The fact that there have transpired events of which we had no knowledge at that time has not changed our purpose. We come today not to lessen, but to strengthen the friendship between the Republic of China and the United States of America.
>
> We will not—and on this I speak as the elected leader of the people's body of the government—we will not abandon old friends.
>
> We have treaties with, and commitments to, this Republic; we will never shirk from the responsibility of keeping them.
>
> I do not think I need to defend the central history of my country. From the time George Washington raised his first sword, we have been in the forefront of the battle for freedom among men.
>
> In recent decades and in the Pacific, we have a new commitment. We have a commitment not only to the obligations that we have made, not only to our national security, not only to the principles in which we believe, but to the nearly 100,000 American boys who have died for freedom on the coast of Asia since World War II.
>
> Although it is well known in my country, and probably well known among you, that the President of the United States and I belong to different political parties, that the executive branch of the government is controlled by one of our great parties, several of whose members are in this delegation with me, the President has authorized me—at a breakfast on the day when we left the United States—to give my reassurance, and his reassurance that we will not forget our commitments and that we will not abandon old friends.
>
> We are impressed by what we have seen. We are impressed by the fact that out of your labor and your skills you have converted an economy that was basically lagging to one with one of the strongest general growth periods found anywhere in the world during the last few years. You have converted an island with limited resources to the showplace of the world so far as economic growth and educational opportunities for your people are concerned. For this, we congratulate you.
>
> More than that, we congratulate you on the resolution which you have shown, the character which you have displayed during the unsettled years which have followed World War II.
>
> And may I add in conclusion, that as a fellow legislator who must be responsible to those whom he represents, and as a fellow believer in the principle of human freedom, I am grateful, as are all of my colleagues, for the hospitality which you have shown us. May our friendship endure forever.

The delegation was also honored to

meet with President and Madame Chiang Kai-shek at their summer residence near Taipei. The Generalissimo, now 84 years old, appeared to be in good health, and he articulated his country's hopes for the future by tracing Sino-American relations back to the turn-of-the-century intervention by the United States which prevented the partitioning of China by European colonial powers. We in turn affirmed American friendship for the Chinese people and our conviction that the interests of such longtime friends would not be sacrificed as a part of any new Asian policy. It was an impressive meeting with the Generalissimo, who has been on the center stage of world history for half a century and who has outlived his contemporaries—Roosevelt, Churchill, and Stalin with whom he shared the making of great decisions.

We were also impressed by the evident affluence and busy commerce in Taipei. Nationalist China's foreign trade now exceeds $3 billion a year, with an annual economic growth rate of 10 percent that enabled us to terminate American economic aid in 1965 after more than $1.5 billion in grants and loans had helped put the Republic of China on the road to self-sufficiency. What was primarily an agricultural economy two decades ago has shifted dramatically to an industrial base, with chemicals, electronics, plastics, and textiles contributing 75 percent of Taiwan's exports for a $34 million trade surplus in 1970. The vigor and confidence of the people of the Republic of China are a credit to them and the crucial factors in the country's having progressed so remarkably in such a short time.

The Nationalist Chinese were cordial and thoughtful hosts, and I am certain that my press conference departure statement summed up the sentiments of our entire delegation:

> We deeply appreciate the gracious hospitality afforded our delegation throughout our visit to the Republic of China. We are honored to have had the opportunity to meet with so many leading figures of your country and are particularly grateful for the privilege of having been received by President and Madame Chiang.
>
> Our visit here as elected representatives of the American people and your kind and courteous treatment of us demonstrate the continuing vitality and strength of the longstanding ties of friendship between our two peoples and countries. I have taken the occasion of this visit to reaffirm our full commitment to the strength of our alliance and to the active defense of freedom in Asia.
>
> We have been greatly impressed with the success of the Republic of China in building a modern, prosperous, and harmonious society. This great achievement is a tribute to the wisdom and farsightedness of your leadership. We return to the United States with renewed admiration for the dedicated leaders and people of the Republic of China and with confidence in the durability of the ties that bind us together as peoples and nations.

Our third stop on the itinerary was Hong Kong, which was included for the most authoritative briefings available in that part of the world from the China experts assigned to our consulate. We also sought information on the reputed heavy narcotics traffic through the port of this teeming commercial center, and several Members had planned a flight into Vietnam for the same purpose. Other arrangements were being made for visits to the border of China, but most of these activities were canceled out by the arrival in force of Typhoon Rose and the subsequent shutting down of most transportation services.

On August 17 we arrived at Manila International Airport where we were welcomed by my counterpart in the Philippines, Speaker Cornelio Villareal, and other government dignitaries. I found the traditional warmth and hospitality of the people of the Philippines to be as great as I remembered it from several prior visits. The fact that President and Mrs. Marcos invited some of us to be their guests in the Malacanang Palace was evidence of the closeness they still feel toward us. Alone among the countries of the western Pacific area, the Republic of the Philippines was at one time an integral part of U.S. territory.

President Marcos and the First Lady took a complete day off from their busy schedules to escort our group to historic Corregidor and Bataan, where Filipino-American relations had been cemented in blood and sacrifice, and it was especially poignant to listen to President Marcos discuss those tragic events in which he was a participant. We were accompanied on this trip by many of our host country's Senators, Congressmen, and Cabinet ministers, enabling us to cover a wide range of topics of mutual interest, including problems connected with U.S. military bases, trade agreements, and Asian political developments.

During our 3-day stay we were also shown some of the cultural projects attributed to the dedication and vision of Mrs. Marcos, a remarkable woman in her own right who is tremendously popular among the people and an invaluable asset to her husband.

We found the Republic of the Philippines to be an exemplar of the possibilities of democracy in Asia, enjoying a way of life which needs and deserves our continuing support. Their government is modeled on our own, and their liberties are patterned on the example we set during the period when the United States governed the Philippines. Thus we have an enduring legacy in this Pacific nation, probably the one country in Asia that is most like our own and which is still struggling against insurrectionary forces for its survival. Not the least of the Philippines' assets are their gracious President and First Lady whose zeal to serve their people to the best of their abilities sets a high example for us all.

We learned in the Philippines what we had in South Korea and Taiwan previously, that growing advancing nations on the periphery of the Asian mainland still rely heavily on American material and moral support. I came away convinced that any diminution of our commitment to these free emerging nations with which we have had such enduring good relations would be a tragic blow to the spread of self-determination and freedom in that part of the world. Our ongoing commitment to our friends is urgently desired and deeply needed. It is my conviction that American foreign policy vis-a-vis Asia needs to change with the times to reflect new realities in that part of the world, but that every effort must be made to maintain the diplomatic and person-to-person closeness with our allies that characterized our 2-week trip. We have no better friends anywhere in the world, and I feel that we have an abiding moral commitment to help strengthen these freedom-loving peoples who look so much to us for guidance and support. Our national interests and their are closely intertwined.

POSITIVE ACTION TO INSURE THE RETENTION OF THE REPUBLIC OF CHINA IN THE UNITED NATIONS IS ESSENTIAL.

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, when President Nixon, on July 15th, announced his intention to visit Red China he initiated what is in fact a very profound and very dramatic turn in American policy in Asia. Although the President said that this action was not being taken at the expense of any of our allies, the fact of the matter is that the very announcement of the trip itself constituted very severe damage to the Republic of China and its ability to retain its membership in the United Nations, and also to Japan and to the cordial relationships we have built up with Japan in the years since the end of World War II. Just the mere surprise announcement of the Peking visit served to pull the rug sharply from under Premier Sato, the strongest and most prominent pro-American political leader in Japan today, and who can only be replaced by individuals much more hostile to the United States.

Mr. Speaker, while I favor the effort to get better acquainted with Red China, and have said so on a number of occasions, I must say that as one who has been a student of Asian policy for nearly 30 years, I am greatly disturbed by the implications of what is obviously a major switch underway in our Asian policy and the consequences of some of the changes that are now occurring.

Moreover, Mr. Speaker, I am concerned because this major policy shift is taking place without any substantial discussion or debate, either here in the Congress or in the news media, and, speaking frankly, as far as I can see, it is also taking place without any clear idea in the Executive Department as to exactly where we are headed or what are likely to be the long-range implications of this policy.

As far as the Congress is concerned, the absence of debate is perhaps explained in part by the fact that at the very outset the Republican members were directed by the President to say nothing about his Chinese trip at all and they have, most of them, complied very meekly and completely. As far as the Democrats are concerned, most of the leading Democrats have long been critical of Mr. Nixon because they felt he was being too tough in dealing with the Communists anyway, so that now that he has suddenly done an about face with respect to the Communist Chinese they find themselves blocked from saying anything critical, although I think it is obvious to almost everybody that this major switch in policy has not been carefully thought through, and in spite of its sweeping implications, is being improvised and developed on a strictly day-to-day, catch-as-catch-can basis.

A day or two after the President's announcement was made invitations were extended to a number of members of the House to meet with Dr. Kissinger to be briefed on what was projected for this tour in the Far East. But then suddenly this invitation was withdrawn—presumably because Dr. Kissinger was suffering from another stomach upset—and it has never been renewed, so that Congress remains totally in the dark as to what is projected or exactly what the administration really has in mind from a long-range point of view.

Mr. Speaker, I am not trying to be partisan or picayune in any way. As a matter of fact the record shows that I have supported the President more strongly on questions of Far Eastern military and foreign policy than probably any other member of my party in either this House or the other body. What concerns me here, however, is that we are getting into something whose depth I do not think we really appreciate and one can only remain silent under these circumstances at the peril of his country.

Consider this fact for example: here we are disrupting and perhaps permanently damaging our relationships with two very important and powerful allies, Japan and Nationalist China, with whom we have worked and cooperated for more than 25 years, and all of this in the interests of a casual and still ill-defined effort to establish some kind of harmony with a nation that not only has been a sworn enemy of ours for more than 20 years, but is still so secretive, so unpredictable, and so unstable that for the past 2 weeks it has been tied up in the throes of a grave national crisis and yet no one on the outside still has the slightest idea about what is going on. Yet simply to visit this kind of a country at some future date we are now in the process of destroying relationships that have been carefully built up and nurtured in the past. What kind of a rational swap is that, I ask?

Although our Government is already on record in support of giving the Chinese seat in the Security Council to the Communists, this agreement is part of an overall "package" resolution that also provides for retaining the membership of the Nationalist Chinese in the General Assembly, the so-called two-China policy.

Current reports from the United Nations, however, suggest that the part of the American resolution dealing with the retention of the Nationalist Chinese in the General Assembly may be in trouble. If it fails when put to a vote, then clearly the package deal is off, and we are at liberty to act as we see fit. If our persuasive efforts prove inadequate to retain the Nationalist Government in the General Assembly, we still have the power to block any change in membership in the Security Council with our veto and we certainly ought to use it.

This will help take care of the damage we have done, Mr. Speaker, to our faithful friends and allies in the Republic of China, by the announcement of our projected overtures to Peking. But what about our ally in Japan? I believe that regardless of what happens on the China question, the United States ought also to propose Japan as a new permanent member, meaning a veto power, in the United Nations Security Council.

Not only would this step be a good deal more in accord with the real situation that presently exists in Asia, but it would also have the virtue of going a major part of the way toward restoring some of the very grave damage that has occurred to Japanese-American relations since the July 15 anouncement by the President of his trip to Peking.

I believe Japan is entitled to a permanent seat on the United Nations Security Council because she is the third greatest industrial nation in the world and far more than Red China is the real Asian superpower today and in the future. The real key to peace and stability in Asia lies far more in a healthy and a productive relationship between the United States and Japan than it does in our relations with Red China.

Mr. Speaker, many persons have already pointed out the risk that we are running in having delivered two very severe blows to Japan within the past couple of months. Necessary as either one of them may have been we cannot allow our relations with Japan to deteriorate. I believe we must act and act quickly to restore those relationships, and action within the United Nations Security Council to give Japan a permanent veto power there would not only be a positive gesture toward Japan, even more helpful than the President's visit to the Emperor in Alaska, but it would also serve to restore some of the balance in the Security Council that is needed as far as Asian nations are concerned.

Under leave to extend my remarks, I include an article that appeared in the Washington Post today by Evans and Novak:

[From the Washington Post, Oct. 4, 1971]

ROWLAND EVANS AND ROBERT NOVAK—

JAPAN'S OMINOUS FUTURE

TOKYO.—The most ominous development in this transition period of Japanese history is the success of Communist China, unwittingly assisted by President Nixon's sudden shifts of policy, in isolating and dividing Japan.

With astonishing speed, China has scored two primary objectives: souring the U.S.-Japanese relationship and creating internal cleavages in Japan, thereby threatening political arrangements prevailing since World War II. The short-term impact may well be Japanese accommodations with China, which is precisely what Peking wants. But the longer-term possibility has revived Japanese nationalism in a form nobody can now accurately predict.

Both the short-term and long-term prospects obviously imperil U.S. interests in the Western Pacific, pointing up the imbalance of Mr. Nixon's policies. While preoccupied with a romantic China courtship that cannot be consummated for many years, he has neglected the vital U.S. relationship with Japan. Indeed, Mr. Nixon has given precedence to China, still an undeveloped giant, over Japan, an economic superpower vastly more important than China in today's world.

Actually, China's charges of Japanese militarism are pure propaganda. Japan spends only 0.8 per cent of its gross national product on defense, and any increase would be massively unpopular here. The recent midair collision of an airliner and a military jet trainer was followed by the government banning military training flights for two months, an anti-military gesture unthinkable in Washington, Moscow or Peking.

What really underlies Premier Chou En-lai's assaults on Japan is big power rivalry. Much more quickly than Washington, Peking has perceived Japan's return as a world power. To neutralize that power, the Chinese are sowing discord between Japanese and Americans as well as between Japanese and Japanese. Washington, seemingly unaware of the high stakes game, responds by nagging Japan about textile-imports. The result here: anti-American resentment and mass demands for closer relations with China.

Accordingly, Premier Eisaku Sato, perhaps the last unequivocally pro-American postwar leader here, may lose office long before his scheduled retirement a year hence. What's more, Sato has been so damaged by China's attacks on him and by the new Nixon policies that he may be unable to name his successor. For once, Japan does not know who its next Premier will be, opening the door to potential instability unprecedented since the tragic 1930s.

The situation is underscored by Sato's recent decision, under intense Washington pressure, to co-sponsor U.S. resolutions retaining Taiwan's seat in the United Nations. Sato acted against the political consensus, highly unusual in Japan, and against the better judgment of his chosen successor, Foreign Minister Takeo Fukuda. He thereby hurt Fukuda's chances against his chief rival within the ruling Liberal Democratic Party, Pasayshi Ohira, who advocates closer ties with Peking.

In this political climate Japanese are pondering what response to make if the U.S. totally withdraws its military power from Asia. Considering the vulnerability of the densely populated Tokyo megalopolis to Chinese nuclear attack, many here feel the only choice is to accommodate to Peking's demands.

But Japan's fearful uncertainty, now a force for accommodations with China, might well change in the future to anger and a new Japanese nationalism. The danger could come when the present generation of Japanese leaders, the last with deep personal recollections of World War II, have gone.

This was vividly brought home to us when a Japanese official, assuming national guilt for the war, asserted the futility of military armaments today. His younger aide was silent until the official left, then told us: "I don't agree. Those of us under 50 do not feel guilt and do not rule out the option of rearmament, if the Americans leave the Far East."

Anti-militarist though it is now, Japan certainly has the nucleus for rearmament. The 240,000-member armed forces contain a superb officer corps. Instead of buying American, Japan is developing its own military technology, including space and civilian nuclear programs, providing the basics for nuclear missilery.

The real question is the durability of Japan's post-war democratic institutions. Will the Liberal Democratic Party and the political systems generally, their stability shaken by U.S. and Chinese policies, gradually lose the confidence of Japan? Even now, police officials say privately that they could easily handle leftist terrorists were it not for the democratic constitution imposed on Japan by the Americans—thoughts that never would have been expressed just weeks ago.

It is, then, entirely possible for Chou En-lai's anti-Japanese propaganda to become a self-fulfilling prophecy unless Washington belatedly recognizes that vastly more than textile imports are at stake here. In brief, Japan, dwarfing China in terms of U.S. self-interest, ought to be Mr. Nixon's first priority in the Orient.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

The people who daily endeavor to make America great represent a conglomerate of backgrounds and family origins. One third of the Nation, or 75 million persons, identify themselves with one of seven ethnic groups. Those of English and German origin are most numerous, with each comprising about one-tenth of U.S. population. There are about 11 million foreign born living in the United States.

DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS REORGANIZING

(Mr. ROUSH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ROUSH. Mr. Speaker, the Washington Post carried an article stating that the administration was "reorganizing" the Department of Labor's Bureau of Labor Statistics. What that euphemism apparently means is that the experienced career economists now serving there are to be displaced by handpicked political appointees who can, apparently, construe labor data so as to reflect more perfectly the Nixon administration's rosy forecasts. In short, the administration has now decided to use the statistics coming from that division in the same vein as the man Andrew Lang described who "—uses statistics as a drunken man uses lamp posts—for support rather than illumination."

I question the value of such gerrymandered statistics from this point on. For fiscal 1972, Congress appropriated $35,500,000 for this Bureau, and there is now in the mill an administration request for a supplemental in the amount of $1,800,000. Of what value is this research if, as we now have reason to believe, the findings there are only to be used for political gain?

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Mitchell (at the request of Mr. Boggs), for today, on account of official business.

Mr. Byrne of Pennsylvania (at the request of Mr. Barrett), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Frenzel) to address the House and to revise and extend their remarks:)

Mr. Robison of New York, for 10 minutes, today.

Mr. Miller of Ohio, for 1 hour, on October 6.

(The following Members (at the request of Mr. McKay) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Sikes, for 30 minutes, today.

Mr. Mitchell, for 10 minutes, on October 6.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Roush and to include extraneous matter.

Mr. Carey of New York to revise and extend his remarks on H.R. 10947.

(The following Members (at the request of Mr. Frenzel) and to include extraneous matter:)

Mr. McCloskey.
Mr. Hosmer.
Mr. Harvey.
Mr. Price of Texas.
Mr. Wyman in two instances.
Mr. Shriver.
Mr. Gross.
Mrs. Heckler of Massachusetts in three instances.
Mr. Quie.
Mr. Talcott.

(The following Members (at the request of Mr. McKay) and to include extraneous matter:)

Mr. Mitchell.
Mr. Harrington in three instances.
Mr. Garmatz in three instances.
Mr. Scheuer.
Mr. Rangel.
Mr. Rarick in three instances.
Mr. Celler.
Mr. Eckhardt.
Mrs. Griffiths.
Mr. Gonzalez in three instances.
Mr. Pepper in two instances.
Mr. Karth.
Mr. Adams.
Mr. Downing in two instances.
Mr. Symington.
Mr. Dow in two instances.
Mr. Fraser.
Mr. Donohue in two instances.
Mr. Wolff in four instances.
Mr. Ryan in three instances.
Mr. Jacobs in two instances.
Mr. Waldie in two instances.
Mr. Anderson of California.
Mr. Mollohan in five instances.
Mr. Carey of New York.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 8866. An act to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes.

ADJOURNMENT

Mr. McKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 51 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 6, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1190. A letter from the adjutant general, Veterans of Foreign Wars of the United States, transmitting an audit report of the books of the quartermaster general of the VFW for the fiscal year ended August 31, 1971, pursuant to Public Law 630, 74th Congress; to the Committee on Armed Services.

1191. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of New York: Committee on the Judiciary. H.R. 10575. A bill to amend section 2401 of title 28, United States Code, to extend the time for presenting tort claims accruing to persons under legal disability (Rept. No. 92–549). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of New York: Committee on the Judiciary. H.R. 2828. A bill for the relief of Mrs. Rose Scanio (Rept. No. 92–544). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H.R. 4497. A bill for the relief of Lloyd B. Earle; with an amendment (Rept. No. 92–545). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 4779. A bill for the relief of Nina Daniels; with amendments (Rept. No. 92–546). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 6739. A bill for the relief of Cpl. Michael T. Kent, U.S. Marine Corps Reserve; with an amendment (Rept. No. 92–547). Referred to the Committee of the Whole House.

Mr. FLOWERS: Committee on the Judiciary. S. 654. An act for the relief of Frederick E. Keehn (Rept. No. 92–548). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 11084. A bill to increase the Government National Mortgage Association purchase limit in high-cost areas; to the Committee on Banking and Currency.

By Mr. ASPIN:

H.R. 11085. A bill to prohibit the transportation in other than vessels of the United States of Alaska crude oil and products made therefrom; to the Committee on Merchant Marine and Fisheries.

By Mr. ASPIN (for himself, and Mr. Badillo, Mr. Bingham, Mrs. Chisholm, Mr. Conte, Mr. Dent, Mr. Drinan, Mr. Gibbons, Mr. Halpern, Mr. Hanley, Mr. Hechler of West Virginia, Mrs. Heckler of Massachusetts, Mr. Koch, Mr. Lent, Mr. Matsunaga, Mr. Morse, Mr. Pike, Mr. St Germain, Mr. Stokes, and Mr. Tiernan):

H.R. 11086. A bill to prohibit the export of domestically extracted crude oil, and any petroleum products made from such oil, unless Congress first approves such exportation; to the Committee on Banking and Currency.

By Mr. BENNETT (for himself, and Mr. Fisher, Mr. Fulton of Pennsylvania, Mr. Baring, Mr. Perkins, Mr. Haley, Mr. Fascell, Mr. Quie, Mr. Dent, Mr. Nix, Mr. Daniels of New Jersey, Mr. Nelsen, Mr. Udall, Mr. Gibbons, Mr. Matsunaga, Mr. Carter, Mr. Duncan, Mr. Vigorito, Mr. Blackburn, Mr. Brinkley, Mr. Galifianakis, Mr. Biaggi, Mr. Chappell, Mr. McCormack, and Mr. Baker):

H.R. 11087. A bill to provide Federal grants to assist elementary and secondary schools to carry on programs to teach moral and ethical principles; to the Committee on Education and Labor.

By Mr. EDWARDS of Alabama:

H.R. 11088. A bill to amend title XI of the National Housing Act to authorize mortgage insurance for the construction or rehabilitation of medical practice facilities in certain areas where there is a shortage of doctors; to the Committee on Banking and Currency.

By Mr. EDWARDS of California (for himself and Mr. Dellums):

H.R. 11089. A bill authorizing the Secretary of the Army to establish a national cemetery at Camp Parks, Calif., for northern California; to the Committee on Veterans' Affairs.

By Mr. FUQUA:

H.R. 11090. A bill to repeal the manufacturers excise tax on farm trucks; to the Committee on Ways and Means.

By Mr. GOODLING (for himself, Mr. Dingell, Mr. Karth, Mr. McCloskey, Mr. Conte, Mr. Nedzi, and Mr. Moss):

H.R. 11091. A bill to provide additional funds for certain wildlife-restoration projects, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HALEY:

H.R. 11092. A bill to provide for reconveyance of the original Indian donors, their heirs, or devisees, of lands that are surplus to tribal needs, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HALL:

H.R. 11093. A bill to amend section 403(b) of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. KEE:

H.R. 11094. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, and for other purposes; to the Committee on Ways and Means.

By Mr. MIKVA:

H.R. 11095. A bill to amend the District of Columbia Unemployment Compensation Act in order to conform to Federal law, and for other purposes; to the Committee on the District of Columbia.

By Mr. PEPPER (for himself, Mr. Begich, Mr. Brademas, Mr. Brasco, Mr. Dellums, Mr. Eilberg, Mr. Forsythe, Mr. Hanna, Mr. Harrington, Mr. Hawkins, Mr. Horton, Mr. Kee, Mr. Metcalfe, Mr. Mitchell, Mr. Moss, Mr. Rangel, Mr. Rosenthal, Mr. St Germain, Mr. Scheuer, and Mr. Charles H. Wilson):

H.R. 11096. A bill to promote the public welfare; to the Committee on Rules.

By Mr. PRICE of Texas:

H.R. 11097. A bill to amend section 103 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. ROBISON of New York:

H.R. 11098. A bill to amend the Federal Voting Assistance Act of 1955 in order to enlarge the class of persons provided the opportunity to vote in Federal, State, and local elections by absentee ballot; to the Committee on House Administration.

By Mr. WALDIE:

H.R. 11099. A bill to provide for the care, housing, education, training, and adoption of certain orphaned children in Vietnam; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 11100. A bill to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operations, and protection of public buildings, and for other purposes; to the Committee on Public Works.

By Mr. WYATT (for himself and Mr. Esch):

H.R. 11101. A bill to amend the Economic Stabilization Act of 1970 to permit the maintenance of prices, rents, wages, and salaries at levels contracted for prior to August 15, 1971; to the Committee on Banking and Currency.

By Mr. DELLUMS:

H.R. 11102. A bill to ban the manufacture and the military use and procurement of napalm and other incendiary weapons; to the Committee on Armed Services.

H.R. 11103. A bill to suspend the production and deployment of multiple independently targetable reentry vehicles (MIRV's), antiballistic-missile systems (ABM's), and related site construction until the conclusion of the strategic arms limitations talks (SALT); to the Committee on Armed Services.

H.R. 11104. A bill to amend the Voting Rights Act of 1965 to provide for the registration of students at the institutions of higher education where they are in attendance; to the Committee on House Administration.

H.R. 11105. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require the establishment of certain standards with respect to light banks, governors, and speed-control panels; to the Committee on Interstate and Foreign Commerce.

H.R. 11106. A bill to ban from commerce toys which are copies of or resemble firearms or destructive devices; to the Committee on Interstate and Foreign Commerce.

H.R. 11107. A bill to amend section 402 of title 23 of the United States Code relating to informational, regulatory, and warning signs, markings and signals; to the Committee on Public Works.

H.R. 11108. A bill to increase servicemen's group life insurance coverage to a maximum of $50,000, to liberalize coverage under the GI life insurance programs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MIZELL (for himself and Mr. Thompson of Georgia):

H.J. Res. 914. Joint resolution authorizing the President to designate the first week in March of each year, as "National Beta Club Week"; to the Committee on the Judiciary.

By Mr. PRYOR of Arkansas:

H. Con. Res. 416. Concurrent resolution extending congratulations and greetings to the University of Arkansas on its 100th anniversary; to the Committee on the Judiciary.

SENATE—*Tuesday, October 5, 1971*

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. Ellender).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Our Father God, on this International Day of Bread, we thank Thee that in the creative process fertile fields have brought forth grain and grain has been transformed into flour and flour into bread, the staff of life from the beginning even until now. We thank Thee for the bread of history, for the bread of daily ration, and for the bread of hope.

As Thou didst send manna to Thy people in the wilderness long ago so in the wilderness of this present world with its anxiety, its fear, its want, and its war, send mankind bread from heaven. May we pray as the Galilean taught "Give us this day our daily bread" and give bread to those who do not have it. While we eat the bread which sustains the body may we be fed in spirit by one who said "I am the bread of life, he that cometh to Me shall never hunger."

In the name of the Divine Provider. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, October 4, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations placed on the Secretary's desk, under New Reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations placed on the Secretary's desk under New Reports on the Executive Calendar will be stated.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE COAST GUARD

The legislative clerk proceeded to read sundry nominations in the Coast Guard which had been placed on the Secretary's desk.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc; and, without objection, the President will be immediately notified of the confirmation of these nominations.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I yield back my time.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Illinois (Mr. PERCY) is now recognized for 15 minutes.

REVITALIZING THE AMERICAN ECONOMY

Mr. PERCY. Mr. President, I very much appreciate this special order this morning. I realize that the Senate faces a very heavy schedule, but one of the most important current tasks of the Congress is to respond creatively and positively to the President's efforts to find a basis for economic recovery in America. For that reason, I felt it important today to try to put before the Senate as comprehensive a statement as I possibly could on the underlying factors that we face in revitalizing the American economy. I hope that this will provide some insight into the complexities of the problems that we are going to have to resolve. I trust that we shall work together with the President to meet a national challenge to revitalize the American economy.

Mr. President, a strong national economy is the prerequisite for meeting our country's pressing goals. The decade of the 1970's has begun badly. Our economic strength has been impaired by a continuing high rate of inflation, high unemployment, stagnant productivity, weakened consumer confidence, excessive interest rates, and a crisis in financing State and local governments. We have lacked the elemental economic strength to pursue with adequate vigor our most important domestic economic and social objectives.

During the decade of the 1970's our goals must be to achieve a high rate of real economic growth with stable prices, the fullest possible employment, high rates of productivity growth, and full and efficient use of our material resources—all within the context of a newly vigorous free, competitive economic system.

We know, however, that economic prosperity for itself is no longer enough. We cannot be content with satisfaction only about the rate of growth of the economy, numbers of people employed, the size of our gross national product. These numerical values are significant, but we must measure our new prosperity, instead, in the quality of the lives of our people and the degree to which we can fulfill more important human objectives.

The President's declaration in August of bold, creative, and badly needed new economic initiatives provides us now with an unprecedented opportunity to solve the nagging problems of inflation and unemployment and to build the base for more lasting prosperity. This will not be an easy task. The roots of the economic dislocations with which we began the decade extend deep into the 1960's.

I think it will be helpful to review briefly the genesis of today's economic problems.

INFLATION

Inflation, the central problem, began in 1964. Spurred by increasing consumer purchasing power and higher Government expenditures, the inflationary spiral took firm hold in 1966, when the demands of a full-scale foreign war caused product shortages and other economic distortions. These were intensified by the failure of the Johnson administration to take restrictive fiscal policy action through tax increases.

The period was marked by a speculative exuberance in financial markets that has probably never been equaled. The stock market saw unprecedented activity. Speculative interest in "go-go" stocks with high technology orientation, to the exclusion of shares of tested companies worthy of long-term, sound investment, was intense, and helped fuel the great upsurge of corporate mergers that marked the late 1960's. Corporations permitted ratios of debt to equity to increase dramatically, while liquid asset holdings dropped sharply. The commercial paper market expanded enormously.

Prices reflected the full force of demand-pull inflation. The Consumer Price Index, which in the period from 1961 to 1964 rose from 89.6 to 92.9, increased from 94.5 in 1964 to 116.3 in 1970. Soaring prices soon led to demands for large wage increases in all sectors of the economy. Thus, toward the end of the 1960's the foundation was laid for the broad-based, pervasive cost-push inflation that has refused to respond to the dampening policies of the past several years, and which has led to the current wage-price freeze.

We should not, however, let continued inflation disguise the real achievements of President Nixon's initial economic program. As his anti-inflationary economic policies began to take effect, artificially high exuberance about speculative shares disappeared and investors began to examine the real worth of hastily formed conglomerates. When mismanagement of the Nation's largest rail carrier, the Penn Central, created a crisis in the commercial paper market and a liquidity scare, the Nation's business and financial institutions began to reassess old policies in earnest. Vigorous efforts to restore sound financial operations got underway.

Corrections in financial markets have been matched by great improvements in business operations. Corporations have moved to increase profits, which during the late 1960's had dropped markedly. Stringent efforts were made to bring costs under control, and new attention was given to paring uneconomic ventures that had been kept alive by the euphoria and exuberance of inflation. Efforts to restore productivity growth, which had ceased entirely during 1969 and the first quarter of 1970, were begun. The result was a sudden increase in output per man-hour in the second quarter.

The President's preliminary economic program was entirely successful in correcting major elements of instability. Demand-pull inflation was killed, and other improvements were made. As Dr. Arthur Burns, Chairman of the Federal Reserve Board, said in a much noted speech at Pepperdine College on December 7, 1970:

> Widespread changes in business and financial practices are evidence that genuine progress is being made in the long and arduous task of bringing inflationary forces under control. We may now look forward with some confidence to a future when decisions in the business and financial community will be made more rationally, when managerial talents will be concentrated more intensively on efficiency in processes of production, and when participants in financial markets will avoid the speculative excesses of the recent past.

I have explored this history at some length because I think it is important, in the present highly charged political climate, to remind ourselves of the extremely unhealthy economy that this administration inherited. A virtue of hindsight is that it lends clarity. As I review the economy of the late 1960's, I am struck by its serious instabilities and its potential for grave economic crisis.

President Nixon had no choice but to implement deflationary policies, and they took effect. By definition a deflation is unpleasant. It does mean lessened economic activity, and potentially a loss of jobs. I have little patience with those who were themselves responsible for permitting the forces of inflation and disequilibrium to generate and to gain such dangerous momentum, and who now criticize the President for "permitting" unemployment and not "ending" inflation.

Admittedly the economic policies of the last several years have not cured all the economic ills, but the major disease, rampant inflation, is an especially serious one. Unemployment has risen too high, and inflation has continued too long, but there are no simple or quick solutions to such problems. Our economy is an exceptionally complex one, and economic policy is at best an arcane and imprecise art—much more an art than a science. If one lesson has become clear in the past 3 years, it is that the long-accepted standard tools of fiscal and monetary policy are not very effective against pervasive cost-push inflation. Their failure led the President to resort to administrative intervention in the marketplace.

NEW ECONOMIC POLICY

The key elements of the new economic policy are to stimulate business investment in order to generate economic activity, control wages and prices in order to stop inflation, end the sale of gold for dollars in order to prevent balance-of-payments crises, stimulate consumer buying, and restore confidence in the American economy.

ECONOMIC STIMULUS

Stimulation of business investment is important because, in the period immediately before August 15, investment in new plant and equipment, a key to economic recovery, was stagnant. Business investment was slow to expand for at least two reasons: The existence of substantial excess capacity, and the profit squeeze of the past few years. In addition, economic recovery was being impeded by lack of consumer spending. Retail sales had shown a significant improvement in April 1971, but this indicator failed to sustain its growth.

Thus, in August it was clear that the recession had ended, but that recovery was sluggish at best. The August edition of the Chase Manhattan Bank's "Business in Brief" said:

> Restoration of the Federal investment tax credit would strengthen and speed up the recovery in capital investment, *which is the key ingredient for a broad-based, more rapid restoration of economic growth* (emphasis added).

Before the announcement of the President's plan, independent economic analysts had indicated that activity in the investment sector was the most important requirement for broader economic recovery. I stress this because it is, in part, the answer to those in Congress and outside who have attacked the investment tax credit so sharply for being an inordinate windfall for business. These critics have argued that existing excess capacity should be more fully used before creating new capacity, and that, instead, stimulation of consumer demand is the sole key to generating broader economic recovery.

These criticisms are, in my view, unsound. Consumers in general have adequate purchasing power. In the second half of 1970 and first half of 1971 savings at commercial banks by individuals increased $5.6 billion. Savings at mutual savings banks increased in about the same proportion. Savings at savings and loan associations increased more than $16 billion in the same period, a very striking increase. Saving as a percent of disposable income was 7.9 percent in 1970, and 8.1 percent in the first half of 1971, compared to an average rate of 6.3 percent in the period 1961–70.

These remarkable jumps in savings reflected both a lack of consumer confidence and a return of more prudent consumer financial behavior. Simply generating additional consumer spending power through broad, nonearmarked tax cuts, for example, would not of itself lead consumers to spend and might not generate economic activity if confidence were still lacking. It might, instead, generate a backlog of potential consumer spending that at some future point could be quickly released with overstimulative effects and thus a regeneration of demand-pull inflation.

Finally, economists have testified, and empirical evidence leads to the conclusion, that the investment credit approach will have a job-creating effect. It is not a windfall to business whose sole effect will be to increase business profits, though this may well be one effect. Perhaps I should reiterate that the credit can only be claimed for sums spent on capital equipment. New orders for capital equipment, such as machine tools and trucks, will lead to new activity and jobs in those industries, and will open up new jobs in existing industries as a result of the installation of new processes and new product lines. It will help reduce unit costs of production, enable wage increases to be absorbed, and increase the international competitiveness of American products.

These are the reasons why I defend strongly the quick enactment of the investment tax credit at an effective level. The administration argued that the credit should be 10 percent the first year in order to give a strong spurt of impetus to investment, then be cut back to 5 percent. Others argued that this would result in an unhealthy downturn at the end of the first period, creating a situation of feast and famine in capital equipment industries. I believe that a constant level of 7 percent is entirely acceptable, and, moreover, I believe that it should be maintained as a permanent part of the tax code.

I have several reasons for this view. First, turning the credit on and off creates dislocations that are often unfair to industry, and which in the past have seemed to create unplanned-for and unwanted distortions by taking effect at the wrong time. Second, the credit is likely to be very important to maintaining an internationally competitive economy.

As Dr. Robert Roosa, one of the originators of the 1962 investment tax credit, argued before the Joint Economic Committee on September 20, the investment tax credit is needed on a long-term basis as an offset to the competitive disadvantage that occurs because of particularly high U.S. labor costs.

In sum, then, the investment tax credit is needed as a protection against the cost-push inflationary pressure of constant wage increases, as a measure to make the United States more competitive internationally, as a spur to productivity, and, particularly at this moment, as a necessary stimulant that will help create new jobs and industrial activity. It should cease to be used in a haphazard way, and should become a lasting feature of the U.S. tax structure.

My support of the 7-percent tax credit does not, however, extend to its "Buy American" clause, patriotic in sound but actually anti-American in its ultimate effect. I am seriously concerned about this proposal, which would have several adverse effects.

First, for those industries that depend on foreign suppliers of capital equipment, the buy American provision combined with the 10-percent import surcharge will provide a strong disincentive to invest and will discourage modernization. And it is doubtful that our new restrictions will result in purchases of U.S.-made equipment, which may not be comparable or appropriate. It is significant that both France and Germany do not apply their border taxes to imported capital equipment in order not to discourage their industries from purchasing the best, most modern equipment available, much of which is made in America. In 1970 the United States had a $10 billion surplus in capital goods trade with the rest of the world.

Mr. President, I ask unanimous consent to include in the RECORD at this point a table showing U.S. exports and imports of capital goods including trucks and buses in the period 1964–1970.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

U.S. EXPORTS AND IMPORTS OF CAPITAL GOODS (INCLUDING TRUCKS AND BUSES) 1964–70

[Value in millions of dollars]

Capital goods, including trucks and buses	1964	1965	1966	1967	1968	1969	1970
Exports	7,820	8,375	9,259	10,325	11,504	12,878	14,926
Imports	1,063	1,502	2,310	2,683	3,259	3,934	4,512
Favorable U.S. balance	6,757	6,873	6,949	7,642	8,245	8,944	10,414

Source: U.S. Census Bureau.

Mr. PERCY. Second, it adds a triple element of disadvantage to a foreign supplier. Imagine the frustration of a German supplier of machinery when faced with substantial revaluation of this currency, a new U.S. import tax of 10 percent, and an additional discrimination in the form of the tax credit. I suggest that an American supplier of machinery to Germany consider how strongly adverse his reactions would be to similar actions by that country, and how quickly he would urge his own government to retaliate.

Third, since the 1967 Kennedy round

of trade negotiations, one of the key items on the U.S. trade agenda has been to change the "buy national" provisions maintained by European countries. Foreign countries both, first, maintain more discriminatory national buying provisions than the United States, and second, very often do not publish them or otherwise make them known, whereas the U.S. provisions, which are in general modest, are published in law and administrative rulings. I suggest that a new American buying provision of this kind will impede progress toward a truly international solution of this complex nontariff barrier to trade. Our objective should be to create an international code of acceptable standard practices governing national buying, similar to the International Antidumping Code. This important long-term objective should not be impaired for any short-term payments effect the tax credit's Buy American provision might bring.

The House Ways and Means Committee, in its decisions on the President's tax proposals which were reported to the House last week, gave the President the power to suspend the Buy American provision under certain narrow conditions. Nonetheless, it remains linked to the import surcharge. I think this is dangerous because it will have the effect of strengthening any movement to retain the surcharge, and thus make its removal more difficult. This provision should be eliminated from the bill, and I will vigorously oppose its enactment by the Senate. At the very least, we should give the President the power to eliminate the Buy American provision at his discretion, in order to avoid the serious economic distortions that would occur in the unfortunate event that the surcharge is retained for any substantial period.

ACCELERATED DEPRECIATION

For years I have argued for a modernized depreciation schedule. I am very pleased that the schedule proposed by the Treasury in 1970 has been in effect since June of this year, although I can understand why businessmen have been hesitant to use it pending the settlement of suits contesting the legality of the Treasury's action and possible congressional action on it.

Significant evidence has been presented to show that the old U.S. schedules were not permitting adequate depreciation. As Dr. Henry Wallich testified to the Joint Economic Committee on September 21, 1971:

> Prior at least to the introduction of the new depreciation rules, business was underdepreciating its capital equipment at a rate of perhaps 15 percent below replacement requirements.

The U.S. schedules, outdated by economic change, had fallen well behind those of our foreign competitors prior to the Treasury's action. The President's Task Force on Business Taxation reported that U.S. rules permitted a cost recovery allowance of only 7.7 percent in the first year, against a first year write-off of 16.5 percent for West Germany, 20 percent for Italy, 21.5 percent for France, 34.5 percent for Japan, and 57.8 percent for the United Kingdom in the period 1967–68. It seemed to me, therefore, that the Treasury's proposed change in the "first year convention" to permit fuller depreciation of assets in the first year was necessary to make U.S. practice more comparable to foreign practice. And, the Treasury's action in shortening guideline lives by 20 percent was a necessary modernization of the schedules to reflect the many economic changes that have occurred during the past decade. I believe, as I testified at Treasury hearings, that these changes are necessary to increase our rate of reinvestment, which was 16.5 percent of GNP in 1967–68, compared with 23 percent in West Germany and 34 percent in Japan in the same period.

Mr. President, I ask unanimous consent, to include in the RECORD at this point a table prepared by the Office of Tax Analysis of the Treasury which compares capital costs of manufacturing machinery and equipment, as influenced by income tax policies, in 10 major industrial countries. This interesting table shows that, in 1970, the United States without accelerated depreciation and the investment tax credit, gave far less favorable treatment to recovery costs of manufacturing equipment than these major competitors. With the accelerated depreciated allowance as implemented by the Treasury in June this year and the 10-percent credit, U.S. practice becomes much more comparable. With accelerated depreciation as modified by the Ways and Means Committee, and a 7-percent investment tax credit, U.S. practice becomes somewhat more comparable with other countries, but not as favorable as, for example, Japan.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARATIVE CAPITAL COSTS OF MANUFACTURING MACHINERY AND EQUIPMENT AS INFLUENCED BY INCOME TAX POLICIES: CORPORATION INCOME TAX RATES, DEPRECIATION ALLOWANCES, AND INVESTMENT ALLOWANCES AND CREDITS; MAJOR INDUSTRIAL COUNTRIES, 1971

[Country, comparative cost of capital, and United States, 1970=100]

United Kingdom	79.1
Japan	81.1
Italy	81.9
West Germany	82.8
Sweden	83.0
Belgium	84.7
France	89.7
The Netherlands	94.1
Canada	97.2
United States (1970)	100.0
United States with ADR	95.6
Plus 5 percent investment credit [1]	88.9
Plus 7 percent investment credit [1]	86.2
Plus 10 percent investment credit [1]	82.1
United States with ADR, less modified first-year convention	96.6
Plus 5 percent investment credit	89.8
Plus 7 percent investment credit	87.1
Plus 10 percent investment credit	83.0

[1] Effective credit assumed to be unaffected by income limitation for purposes of international comparisons.

Office of the Secretary of the Treasury, Office of Tax Analysis, September 21, 1971.

Mr. PERCY. Mr. President, I am pleased that the Ways and Means Committee adopted, with the exception of the broadened first year convention, a major part of the Treasury's changes. I regret the new first year convention was not included, because I believe that, even with the investment credit, it is desirable to achieve greater equalization of U.S. and foreign practice in this area. I will work to reinstate this provision in the Senate.

In summary, therefore, I believe that reinstatement of the investment tax credit and modernized depreciation regulations is appropriate and necessary to U.S. competitiveness and productivity. It is true—even as modified by the Ways and Means Committee—they will represent a loss of taxpayer liabilities totaling some $5.3 billion in calendar year 1972—$3.6 billion for the investment credit and $1.7 billion for modified ADR. But I argue that they will materially broaden the base of economic activity and thus generate additional tax revenues. The two measures provide a necessary stimulus in the most important job-creating sector of the economy.

DOMESTIC INTERNATIONAL SALES CORPORATION—DISC

The DISC proposal as recommended by the administration would permit businesses to establish separate corporations for the purpose of their export trade. Taxes on export income—which must be 95 percent of the receipts of a DISC—would be deferred as long as used in the corporation's export business, loaned to export producers or invested in certain assets, and not paid out to shareholders. Upon payout, the income would be fully taxed.

Opponents of DISC have argued that one bad effect of the provision as proposed by the administration would be to permit companies which are already significant exporters to create a DISC, and, without increasing export sales, to obtain the benefits of tax deferral. In this sense the proposal would provide additional immediate income to a corporation without commensurate gain for the Government. One advantage of DISC would be to treat income earned from sales of U.S. exports in foreign markets in the same way as income earned by U.S. corporations physically located in those markets.

Another disadvantage would be a loss of Treasury revenues, approximating $600 million per year, according to a 1970 staff study of the Congressional Joint Committee on Internal Revenue Taxation. The joint committee estimated that if the entire tax saving of $600 million were passed on in the form of reduced export prices, U.S. exports would increase by only $300 million. And, other doubts have been raised about the effects of the tax deferral and the possible encouragement of new foreign tax havens.

Though I favored the DISC proposal when Congress considered it as a part of the 1970 trade bill, I do not now support it as proposed by the administration. More fundamental economic adjustments hopefully will make it unnecessary. There have already been substantial revaluations of foreign currencies, and there are likely to be further revaluations. Such currency changes make U.S. exports cheaper in terms of other currencies and should therefore stimulate our exports. Moreover, application of the investment tax credit and ADR will help increase U.S. productivity and international competitiveness. I am more inclined to support the DISC provision as modified by the Ways and Means Committee to apply essentially to additional exports. This change cuts the tax cost of the DISC provision to a negligible amount in 1972, only $100 million in 1973, and $200 million in 1974.

Mr. President, I ask unanimous consent that tables showing the costs of the President's proposed tax bill as opposed to the Ways and Means Committee's bill be included in the RECORD at this point. These statistics relate to the above discussions of the investment credit, depreciation rules and DISC, and also to personal and excise tax changes which I will discuss below.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TREASURY PROPOSAL [1] VERSUS PRESENT LAW

[In billions of dollars]

	Calendar year of liability					Fiscal year receipts	
	1971	1972	1973	1974	1975	1972	1973
Investment credit	−1.6	−4.5	−2.9	−2.7	−2.9	−2.7	−4.1
DISC		−.3	−.6	−.6	−.6	−.1	−.4
Eliminate first year convention in ADR							
Increase minimum standard deduction							
Increase standard deduction		−.3				−.1	−.2
Increase exemption		−1.9				−.8	−1.1
Repeal automobile excise tax	−.8	−2.2	−1.9	−1.8	−1.9	−2.2	−2.0
Repeal tax on pickup trucks							
Correction of withholding schedules							
Total	−2.4	−9.2	−5.4	−5.1	−5.4	−5.9	−7.8

[1] Does not include ADR or import surcharge as they were done by administrative action and are present law.

Note: Figures are rounded and will not necessarily add to totals.

EFFECT OF WAYS AND MEANS COMMITTEE ACTION (AS OF SEPT. 22, 1971)

[In billions of dollars]

	Calendar year of liability					Fiscal year receipts	
	1971	1972	1973	1974	1975	1972	1973
Investment credit	−1.5	−3.6	−3.9	−4.2	−4.5	−2.4	−3.6
DISC		−.1	−.2	−.2	−.2	(1)	−.1
Eliminate first year convention in ADR	+2.1	+1.7	+1.5	+1.2	+1.2	+2.5	+1.7
Increase minimum standard deduction	−.4	−1.0	−1.1	−1.2	−1.2	−.9	−1.1
Increase standard deduction		−.3				−.1	−.2
Increase exemption	−.9	−1.9				−1.7	−1.1
Repeal automobile excise tax	−.8	−2.2	−1.9	−1.8	−1.9	−2.2	−2.0
Repeal tax on pickup trucks	−.1	−.3	−.3	−.3	−.3	−.2	−.3
Correction of withholding schedules						+.2	+.6
Total	−1.7	−7.8	−5.9	−6.5	−6.9	−5.0	−6.1

[1] Less than $50,000,000.

Note: Figures are rounded and will not necessarily add to totals.

WAGE-PRICE CONTROLS

Mr. PERCY. Perhaps the most important part of the balanced package of measures taken by the administration on August 15 was the "freeze" on wages and prices. I was opposed to controls prior to August 15 and would be now if they were imposed without companion measures. But I believe that the stringent domestic controls were essential because they showed our trading partners that while we were taking steps to cut imports sharply and end convertibility of the dollar to gold, we were taking equally strong medicine at home. It is largely for this reason, I believe, that other countries did not immediately retaliate against our trade measures.

The wage-price freeze will likely break the back of the inflationary spiral, which continued to grow because of two elements: The push of accelerating costs, notably wages, and the inflationary psychology which leads businessmen to plan in terms of increased prices, and wage earners to think in terms of constantly increasing wage settlements. John Kenneth Galbraith has defined inflationary psychology as "the tendency to do all business in the self-fulfilling expectation of more inflation."

PHASE II

It is clear that the 90-day freeze can neither be continued as is, nor ended entirely. An effective replacement, planned with great care to avoid inequities, must be found.

Essential to the success of a continued wage-price restraint program is overwhelming popular support, for literally millions of economic decisions are involved. Americans have shown great self-restraint and enormous cooperation in the present freeze period. To a great extent future success of the program will depend on the attitudes of organized labor, and to a very large extent these attitudes will be shaped by the degree to which labor believes the burdens of the freeze are being properly shared. Labor leaders have made clear that they do not believe a "fair sharing" now exists, and ask for limits on interest, dividends, and profits as part of the economic restraint system.

In my view there is a great deal of justice in this request. Though it is true that the 1970 Economic Stabilization Act does not extend authority to the President to implement controls on interest and dividends, the President could request such authority. A policy of restraint must embrace not only wages but also other forms of income—interest, professional incomes, capital gains, bonuses and other forms of compensation. In this respect I think corporations are to be commended for their quite effective, voluntary freeze on dividends.

The problem of excess profits does not seem likely to become a very real one. Profits of U.S. manufacturing corporations, as measured by profits on sales and ratios of earnings to equity, have been below average in the last several years. In 1970, profits on sales after taxes—in cents per dollar of sales—were 4 cents and in the first two quarters of 1971 were 4.2 cents. By comparison profits per dollar of sales averaged 5.2 cents in the period 1965–69. In 1970, the ratio of profits after taxes to stockholder equity was 9.3 percent, and in the first two quarters of 1971 was 9.8 percent. By comparison, the ratio of profits to equity in the period 1965–69 averaged 12.3 percent.

Statistics prepared by the Federal Reserve Board shows that, on a historical basis, profits as a percent of gross national product have, since 1969, been well below average.

I ask unanimous consent that the comparison table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

CORPORATE PROFITS AS A PROPORTION OF GNP

[In percent]

	Before taxes	After taxes
1929	9.69	8.36
1930	4.09	3.16
1931	−.49	−1.14
1932	−3.98	−4.64

	Before taxes	After taxes
1933	1.72	0.78
1934	3.61	2.46
1935	4.98	3.66
1936	7.68	5.98
1937	7.50	5.84
1938	4.69	3.47
1939	7.78	6.18
1940	10.05	7.20
1941	14.23	8.12
1942	13.64	6.41
1943	13.12	5.77
1944	11.47	5.31
1945	9.32	4.26
1946	11.79	7.42
1947	13.60	8.73
1948	13.66	8.80
1949	11.28	7.23
1950	14.97	8.73
1951	13.38	6.58
1952	11.27	5.66
1953	11.14	5.58
1954	10.49	5.63
1955	12.21	6.78
1956	11.65	6.48
1957	10.69	5.89
1958	9.25	4.99
1959	10.78	5.88
1960	9.87	5.30
1961	9.68	5.24
1962	9.89	5.57
1963	10.06	5.60
1964	10.56	6.08
1965	11.36	6.78
1966	11.23	6.66
1967	10.05	5.87
1968	10.1	5.5
1969	9.1	4.8
1970	7.7	4.2
1971—1st quarter	7.7	4.2
1971—2d quarter	8.0	4.4

Mr. PERCY. One of the objectives of the new economic policy is to increase business profits; but it would be inequitable for businesses to reap "excessive" profits because wages and other costs were held down, while productivity increased.

Senator PROXMIRE has pointed out that corporations with assets of over $1 billion increased profits by 18.8 percent in the first quarter of 1971 over levels a year earlier, while profits of all other manufacturers fell by 16.2 percent in the same period. Firms with assets under $1 million sustained a 40.4 percent drop in profits. Senator PROXMIRE concluded from this data that the "political clout" of the industrial giants is responsible for this profit performance. I suggest that before drawing conclusions from aggregate data of this kind we consider that such corporations have increased resiliency, because of their multiple product lines, and especially their foreign operations. For many multinational companies, sales in foreign markets have grown in recent years while U.S. sales have not, and profits from foreign operations have bolstered U.S. income.

Nonetheless, the need for equity in the administration of a wage-price control system seems to demand that we at least consider whether some sort of control on profits is needed. A number of suggestions have been made. One that is frequently heard, is the creation of an excess profits tax—one that would tax all profits above some determined level. Such taxes are uneconomic and unfair because they put the entire burden of tax on the most efficient and rapidly growing firms. This has the effect of stifling growth, particularly of those companies that might be the most innovative, aggressive, and productive.

Another suggestion is to relate profits to productivity; the percentage rate of increase of after-tax profits per unit of capital would be limited to the percentage growth rate of productivity. Another tax would be one that would limit profits to a ratio of earnings to stockholder equity. An average ratio, consisting of annual earnings/equity ratios for some representative period, could be established. Industry profits over this amount would be taxed—perhaps put in an escrow fund to be repaid beginning in the first quarter of a year in which the ratio dropped below the average. Repayments would never exceed the target ratios, until all the funds in escrow had been paid back.

Another possibility which seems more attractive would require corporations to use "excess profits" for socially desirable programs. Many companies do already engage in such programs, either through corporate giving or direct involvement in projects like training the hard-core unemployed. In this way businesses would be encouraged to develop creative new programs to use their "excess" resources.

Each of these proposals has serious drawbacks, and, as any such interference in normal marketplace functions must have, would create undesirable economic distortions. On the other hand, in the next year our most pressing national economic objective is to achieve price stability. We may have to accept some distasteful means, of a purely temporary sort, to achieve this objective.

Other key issues relating to the administrative structure of the control system, and other matters, also must be resolved. A possible system for administering restraints would be to set up a Wage Board and a separate Price and Profits Board. Both would be established under the guidance of the Cost of Living Council, which would have the final power of approval of the decisions of the two subsidiary panels.

The boards should exercise direct surveillance only over those industries that have the most market power. Selecting these industries will be difficult, but in general I believe that effective controls can be maintained only over a limited sector of the economy. Another group of large companies in industries with significant market power could be required to file frequent reports on changes in wages and prices. Finally, the vast majority of unions and businesses would remain uncontrolled and unencumbered by reporting procedures. They would be expected to be responsive to national policy, public opinion and the threat that any price and wage increases could be rolled back through Government action in the courts. A special effort must be made to appeal to the service sector, particularly health-related professions, to restrain price increases.

These proposals and others must be further explored. Broad public acceptance of phase II policies must be developed. Extensive hearings by the Joint Economic Committee since the inception of the new economic policy have been an invaluable forum for the expression of views and discussion of issues raised by the wage-price freeze and other aspects of the new economic policies. The chairman of the committee, Senator PROXMIRE, and its ranking Republican members, Congressman WIDNALL and Senator JAVITS, have been performing a valuable service.

We should have an additional opportunity to explore Phase II wage-price control proposals in further Senate hearings. One of the proposals that should be examined is a bill that would establish a National Commission on Wages and Prices, which was introduced on August 4 by a group of 14 Senate Republicans. Hearings on this bill should be scheduled soon. They would provide an excellent opportunity for expression of views of all sectors of the economy on wage-price controls, and would be very helpful in generating a public consensus about the nature of future restraints.

I urge the administration to seek every possible opportunity to express its own thinking on Phase II programs and to be advised by the views of others. I commend the President and his advisers for their active efforts to meet with leaders and groups representative of the public. This program has been successful and should be continued. It can and should be supplemented by public hearings.

One very compelling reason why the administration should use hearings and other public forums effectively is that it must secure extension of the 1970 Economic Stabilization Act when it expires in April 1972. The nature of the further powers given the President by Congress to control wages and prices under this act, will be very important, and it is already clear that some changes in the law will be proposed.

PRODUCTIVITY AND A FREELY COMPETITIVE ECONOMY

High rates of productivity are the best way to guarantee increased wages, stable prices, ample profits, innovation, and international competitiveness. Our recent productivity record has been very poor. Output per man-hour grew by an average of only 2.1 percent in the period 1965 to 1970, while hourly compensation increased by 6 percent and unit labor costs increased by 3.9 percent. By contrast, output per man-hour increased 14.2 percent in Japan, and, though hourly compensation rose 15.1 percent, unit labor cost increased only 0.8 percent.

On the other hand, during the period 1960 to 1965, U.S. output per man-hour grew on the average of 4.3 percent a year, hourly compensation grew 3.7 percent and unit labor costs actually decreased 0.7 percent—one reason for our export success in those years.

Mr. President, I ask unanimous consent to include in the RECORD at this point tables showing comparative unit labor costs in leading industrial countries during the period 1960–70.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

UNIT LABOR COST COMPARISONS

[Average annual percent change]

Country	Output per man-hour	Hourly compensation	Unit labor costs: National currency	Unit labor costs: U.S. dollar basis
Rates of change in output per man-hour, hourly compensation, and unit labor costs, 1960–65:				
United States	4.3	3.7	−0.7	−0.7
Belgium	5.4	9.0	3.4	3.4
Canada	4.7	3.8	−.9	−3.0
France	5.0	9.0	3.8	3.8
Germany	6.5	9.7	3.0	3.9
Italy	6.8	13.6	6.3	6.3
Japan	8.5	13.1	4.3	4.3
Netherlands	5.1	11.0	5.6	6.4
Sweden	7.3	9.5	2.0	2.0
Switzerland	2.3	7.6	5.2	5.2
United Kingdom	3.7	6.2	2.4	2.4
Rates of change in output per man-hour, hourly compensation, and unit labor costs, 1965–70:				
United States	2.1	6.0	3.9	3.9
Belgium	6.8	8.4	1.4	1.4
Canada	3.5	8.3	4.6	5.1
France	6.6	9.5	2.7	.6
Germany	5.3	8.7	3.2	4.7
Italy	5.1	9.1	3.8	3.8
Japan	14.2	15.1	.8	.8
Netherlands	8.5	11.1	2.5	2.5
Sweden	7.9	10.6	2.5	2.5
Switzerland	6.2	6.2	0	0
United Kingdom	3.6	7.6	3.8	−0.2

Note: Percent changes computed from the least squares trend of the logarithms of the index numbers. Data relate to all employees in manufacturing (wage earners only in Switzerland).

Source: Arthur Neef, "Unit Labor Costs in Eleven Countries", Monthly Labor Review, August 1971.

Mr. PERCY. Productivity growth in the United States during the last half of the 1960's has been hampered by a number of factors. One of them has been increasing worker dissatisfaction with assembly-line jobs which provide no personal satisfaction or human reward. This is reflected in high rates of absenteeism and a poor quality of work, both of which adversely affect productivity.

This is an exceptionally complex problem. Abandoning mass assembly methods of production would be impossible. But improving on-the-job-work practices and conditions may be a meaningful partial answer, one which unions might help bring about.

PROFIT SHARING

A more fundamental solution is increased use of meaningful profit-sharing plans. Perhaps the best way to increase output and give employees a first-hand interest in the productivity and efficiency of a company is to give them a direct share of the rewards. Shortly after becoming president of a major American company, one of the most important innovations I made was to establish a corporate profit-sharing plan, that contributed significantly to our growth. I urge business and labor to look to profit-sharing plans as one fundamental answer to the productivity problems we are seeing today.

Action on several fronts is needed to promote productivity. First and most important is the need to recognize it as a national problem of top significance, and to create a national awareness of the need to improve it. I have proposed that we use the wage-price control period to give special emphasis to the problem by administratively creating productivity advisory councils that would study productivity in each industry. These councils would do three things: They would help larger phase II wage and price control mechanisms determine guidelines for wages and prices in those industries, they would identify the obstacles to increased productivity in each major industry, and they would recommend changes to remove productivity bottlenecks. I am pleased that United Auto Workers President Leonard Woodcock agreed at Joint Economic Committee hearings on September 20 that his union would cooperate in such councils if they fairly represent labor.

The temporary councils would be established by Executive order under the direction of the Secretary of Commerce, using the resources of the Bureau of Domestic Commerce which has direct competence in specific industrial sectors, and the Office of Business Economics. The councils would operate under guidelines set by the Council of Economic Advisers and the Cost of Living Council staff, including professional economists and others, who would be drawn from the Commerce Department and from other departments and agencies when necessary. Business and labor representatives would sit on the councils, which would be linked with the phase II mechanisms established to continue wage-price restraint in the period following the freeze.

Industries would be asked voluntarily to implement, through unions, trade associations and other industry organizations, the Productivity Council recommendations. The Joint Economic Committee could conduct a review of these findings and recommend to the legislative committees of Congress any legislative steps necessary to implement its findings. A national productivity effort would then be fully under way.

In the longer term, however, we will have to give much greater attention to the difficult, political issue of over-concentration of union and business power. Our goal is to reestablish a stable economy free of controls on both domestic and international economic activity. This will require a determination to eliminate many of the structural obstacles that have become fixed into the economy. Among these are over-concentrated monopolistic or oligopolistic industries, which, for example, have the ability to determine prices often with little relationship to market forces, and powerful unions, which, for example, have the ability to control access of workers to jobs and perpetuate inefficient practices that stifle growth and productivity.

THE DOLLAR, GOLD, AND FOREIGN TRADE

For the rest of the world the most shocking elements of the economic policies announced on August 15 were the end of gold sales for dollars, and the 10 percent surcharge on imports. Both steps raise extremely important questions of great complexity and, now, heightening sensitivity.

At the outset these steps were greeted with commendable calm and restraint by the many countries whose internal economic health is inextricably linked with that of the United States. It is their awareness of this linkage, and of our own stringent efforts to stabilize our domestic economy, that in my view initially prevented retaliation, and, at least to date, has prevented our trading partners from taking major, harmful unilateral steps to protect their trade from serious deterioration.

We have now reached a critical moment in our international economic relationships that could threaten more basic political relationships. After August 15 major foreign countries expected the United States to begin negotiations to resolve the problems our moves had brought to a head. In spite of shock and confusion there was an atmosphere of understanding and cooperation. But this attitude of cooperation changed to irritation and even anger as the United States demonstrated an unwillingness to begin negotiations quickly and talked in terms of an indefinite surcharge.

Secretary Connally's speech last Thursday at the IMF opened the bargaining on monetary and trade issues, and was a welcome development. The Secretary's clear indication that the import surcharge could be quickly removed, pending international agreement on several issues, and significantly improved the international climate. The Secretary's request that other countries let their exchange rates be freely determined by the market is a clear statement of a U.S. objective that helps clarify the debate and gives the monetary powers a clear objective to shoot for. Nonetheless, the administration should be much more specific about the trade concessions it seeks as part of the foreign offer. This can well speed the negotiations toward early removal of the surcharge, and the discriminatory provision of the tax credit.

I discussed the significance of the IMF meetings more fully in a letter to the editor of the Washington Post on October 3, which I ask unanimous consent to include in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SENATOR PERCY ON THE SPIRIT OF THE IMF MEETING

At the close of the annual meeting of the IMF Friday, Washington had witnessed one of the most historic and dramatic events in international economic policy since the war.

Exactly a week ago the major countries of the free world—countries that have since World War II worked together in remarkable harmony to build the world economy and to resolve crises mutually—had begun the diplomatic equivalent of a nasty shouting match.

The other major monetary powers in the Group of 10 had unanimously joined against us;

President Pompidou had delared no willingness to meet American needs for changes in currency values and trade terms;

The developing countries particularly our Latin partners had demonstrated real anger;

Our official statements were being interpreted as the U.S. taking an almost cavalier attitude toward the solution of the crisis. In particular it seemed that the import surcharge could become a long-term impediment.

Thus at start of the IMF meetings a week ago Sunday the United States was confronted with the unanimous hostility of the other 117 IMF members. It was the U.S. against the rest of the free world. This dangerous air of tension and animosity worried me, and others in the Senate, very deeply.

However, as the result of the masterful leadership of Treasury Secretary John Connally and Federal Reserve Chairman Arthur Burns, the IMF meetings climaxed Friday with a dramatic change of attitude and the unanimous resolution of the IMF Governor to move quickly toward currency reform.

As I met through the week with individual governors, top U.S. officials and foreign officials and bankers, I was deeply impressed by the marked change in mood and spirit. Hostility had begun to thaw. Understanding of the U.S. position had begun to grow.

The President's meeting with the IMF Director, Pierre-Paul Schweitzer, Secretary Connally's speech on Thursday, and the personal diplomacy of other administration officials including Peter Peterson, Executive Director of the President's International Economic Policy Council, and Undersecretary Paul Volcker, has helped relax the crisis atmosphere.

In my opinion, Secretary Connally is exactly correct in asking other countries to let their exchange rates be determined by the market. This is the best way to determine their actual value. I understand why central bankers want to leash their rates to prevent erratic changes. But many rates must move upward more realistically. I am pleased that the Japanese are reportedly letting the value of the yen ease somewhat higher, and are indicating a willingness to remove their restrictions against freer imports of capital and goods.

As for other nations, particularly in Europe, the ball is now in their court. America has, as they wanted, stated its terms more clearly and, most important, has indicated its willingness to negotiate and to remove the surcharge quickly if other countries are forthcoming.

Righteous declarations of "no fault" on the trade front won't help advance the negotiations toward early surcharge removal—which is in everyone's interest. In my view European countries could be particularly helpful by:

Indicating a clear willingness to share meaningfully the costs of NATO troops;

Eliminating their unfair restrictions on Japan's exports, in order to take the pressure off U.S. markets and U.S. payments.

There are many actions the U.S. must take to correct our serious domestic and international economic problems, and these are directly related to actions we properly expect other countries to take.

I will state more completely my ideas for revitalizing the American economy in a comprehensive speech in the Senate on Tuesday. But I believe it is important now to recognize the the giant step we have just taken toward solutions of the crisis, and to move very quickly in the next few weeks to capitalize on this new spirit of cooperation. It is time now for other countries to take the next step toward settlement of the major issues and removal of the surcharge.

CHARLES H. PERCY,
U.S. Senator.

WASHINGTON, D.C. *October 3, 1971.*

GOLD AND EXCHANGE RATES

Mr. PERCY. The President had no choice but to close the gold window when he did. The U.S. balance of payments was in serious deficit, foreigners held dollar liabilities an estimated 400 percent larger than the U.S. gold stock, and a run on the bank was well underway. I do not know of a single economist who disputes the necessity of this move.

In boldly "cutting the golden cord," the President created an unequaled opportunity to reform the world monetary system. Such reform must have two key elements: One is a renegotiation and resetting of exchange rates at appropriate and realistic levels; the other is a more fundamental reform of the International Monetary Fund rules regarding the role of gold, the dollar, and special drawing rights—SDR's.

It has been clear for some time that the dollar has been incorrectly valued vis-a-vis other major currencies. The problem, however, is not the overvaluation of the dollar in terms of gold, as some foreign spokesmen have indicated, but the undervaluation of other major currencies in terms of gold. In my view the President is entirely correct and entirely justified in requesting that other countries revalue their currencies, some of them by significant percentages. Japan's currency has been considered undervalued—making Japanese goods artificially inexpensive for U.S. buyers—for at least a decade. As Dr. Paul A. Samuelson said in a statement to the Joint Economic Committee on September 23:

> What is needed ultimately . . . is change in dollar parity relative to the yen of at least 10 to 15 percent. With respect to Western European currencies, perhaps two-thirds of this amount, and with countries in North and South America moving more nearly with the dollar. Currencies of intermediate strength, such as the pound, might aim for a halfway change.

However, revaluing currencies is a politically difficult undertaking. Such steps usually are deflationary for the countries taking them because if the revaluation is significant, the exports of the country in question become more expensive and tend to decline, perhaps even creating recession and unemployment. Thus central bankers and governments are reluctant to revalue. For this reason the imposition of a surcharge on U.S. imports was an important tool to encourage revaluation.

It is only for this purpose that I support the surcharge—only as a temporary device to encourage other countries to undertake certain monetary and trade reforms which ultimately will strengthen the international system.

DEVALUE THE DOLLAR

In a negotiation involving revaluation and removal of the surcharge, our major foreign trade partners are also asking that the United States devalue the dollar by raising the price of gold. There is a strong and growing body of opinion—approaching consensus—in the United States that this is a reasonable and practical price to pay for meaningful foreign currency shifts, and for changes in the international monetary fund rules concerning the roles of gold and the dollar in world payments.

It is difficult to constitute a compelling economic case against a slight devaluation. I would support a modest devaluation, since it is more a matter of prestige, not substance. Those opposed to devaluation argue that it would enrich gold hoarders in foreign countries, such as France, because it would make their gold worth more in terms of dollars. Whether some Frenchmen automatically are richer as a result of our move seems irrelevant to me. Another argument is that South Africa and the Soviet Union, the two major gold producers, would benefit from an increased gold price. But this argument overlooks the fact that their "industrial" gold is sold on the free market, and that even a 10-percent increase in the price of "monetary" gold, to $38.50 an ounce, would not raise it above the present free market price. The United States itself still has the largest gold stock, and would also benefit from an increased gold price.

On the other hand, it is unrealistic to expect a quick dollar devaluation, which must be accomplished by congressional amendment of the 1944 Bretton Woods Act. It is perhaps equally unlikely that a new role for SDR's can be quickly agreed upon. As a possible short-term solution, I agree with the suggestion of Senator JAVITS that the IMF change its rules to permit a fluctuation in the par value of gold of perhaps 5 percent on either side of $35. Such fluctuation is, under current rules, pegged to a maximum range of 1 percent. A wider band of fluctuation would permit an effective dollar devaluation, but it would also permit a drop in the price of the dollar below $35 when the U.S. payments position is restored.

If, as a short-term solution, this suggestion is not viable, we must cooperate in seeking other solutions until more permanent ones can be devised.

IMPORT SURCHARGE

Except for its use as a means of encouraging monetary reforms, the import surcharge is glaringly inconsistent with the thrust of the new economic policy. In a policy designed primarily to reduce inflation and stimulate productivity, the surcharge is inflationary, counterproductive, and anticompetitive. It ignores the fact that a major function of imports during a period of inflation is to moderate that inflation—though this role is less important in instances of cost-push inflation.

I share the views of the distinguished majority leader, Senator **Mansfield**, who in his excellent, carefully considered report to the Senate on September 14 on his discussions with foreign leaders, said:

> The increase in the import duty is, at best, an awkward and dubious remedy for the Nation's economic difficulties. It does not combat inflationary pressures; it accommodates to them, hence, contributes to higher prices at home. It serves as a relief for inefficiency rather than as an incentive to more efficient production . . . In any durable sense, it will do nothing to pump new breath into the international financial position of the United States.

Apart from its inflation-moderating effect, imports do provide, for many sectors of the economy, materials, products, and technology not available here. Because so much of our imports are of raw or semimanufactured materials, a 10-percent increment in the cost of these raw materials is going to put inevitable upward pressure on domestic prices of intermediate and finished goods. The surcharge, of course, applies only to dutiable imports, and many raw materials no longer bear import duties. Nonetheless the surcharge can be significant for a very wide range of products.

An example is zinc alloy, which is used for many types of castings important in many durable and consumer goods. Zinc alloy is made from special high grade zinc slab, a substantial percentage of which is imported into the United States and the remainder supplied from domestic sources by large integrated companies that produce the ore, the slab, and the alloy as well.

The independent alloy producers, an industry of about 30 firms, supply half the zinc alloy used. These producers, very largely dependent on foreign-source slab, suddenly must pay an increased duty, which if retained for a long period will put pressure on prices. This puts the independent producers in a highly vulnerable position, because the large integrated producers of slab and alloy will be able to maintain their prices, thus undercutting the smaller independents.

Inequitable situations like these are arising by the thousands. They raise demands for special exemptions from the surcharge, for the release of stockpiled raw materials, and other forms of relief. Making these decisions becomes an administrative nightmare.

I am deeply concerned about the surcharge for other reasons. When U.S. industries become accustomed to such a large element of protection from world competition, it will be politely difficult, if not impossible, to remove. In addition, the surcharge has the effect of hurting the developing countries. It is possible and entirely consistent with established U.S. policy to eliminate now the surcharge on imports from developing countries.

U.S. BARGAINING POSITION

For all these reasons I urge complete removal of the surcharge and the buy American provision of the investment credit at the earliest possible moment.

I do not think, however, that we can make unrealistic demands on foreign countries in return for surcharge removal. Our bargaining position, and the negotiations with the other major monetary powers, will not be helped by including, as some U.S. officials initially indicated, every trade and payments problem from soup to nuts in the bargaining list, or by expecting an overnight shift of $13 billion in our payments balance.

George Ball, former Under Secretary of State, made a good point in his statement to the Joint Economic Committee on September 9:

> Though we should use every means at our command to correct the present payments imbalances, it would be folly to try to achieve too much within the four walls of the present negotiation.

I propose this basic package of concessions: The United States should exchange removal of the surcharge, a modest increase in the price of gold and elimination of the buy American provision of the tax credit, in return for: First, significant revaluations of major currencies; second, changes in IMF rules; third, sharing by our NATO allies of the burden of U.S. troop costs overseas; fourth, elimination of Japanese quotas and investment restraints; and fifth, removal of European discrimination against Japanese exports.

I do not, however, suggest that all five of these objectives be achieved before the U.S. surcharge is removed.

The import surcharge and the tax credit discrimination should be removed immediately upon agreement on new currency values, and a firm commitment on basic changes in IMF rules to lessen the importance of gold. Satisfactory negotiation of the remaining three points will take more lengthy discussion, and we cannot permit the surcharge to remain in effect throughout this long period. Instead, the United States should be willing to accept concrete, good faith commitments from the major parties to join us in resolving these problems, with a view to achieving the U.S. objectives as soon as possible. I believe this a fair, realistic, negotiable position. It reflects the fact that currency revaluation and reform are the major problems creating the imbalanced trade situation, and should be our highest priority.

I have over the last several years argued consistently for these changes.

Since 1967 the issue of sharing troop costs has absorbed a great deal of my interest and time. As a member of the NATO parliamentarians groups, I have argued strongly that the United States has reached a point at which it can no longer afford to bear a disproportionately large share of the cost of the defense of Europe. Our NATO allies now have the economic resources to enable them to share these costs on a more equitable basis.

I have time and again been discouraged by official U.S. resistance to my burden-sharing proposal.

Now I believe the official resolve exists to correct this problem, albeit belatedly. In my view international economic imperatives finally outweigh political considerations. I believe it should be possible, in the context of the negotiations that are now in progress, to reach accord on the burden-sharing issue.

Elimination of Japan's remaining quotas on imports has been a nagging problem as well. I am very pleased that the Japanese announced last week the elimination of a number of their quotas, reducing the total to 40. These quotas have been inconsistent with the terms of the GATT, and a matter of concern to the United States for years. Lacking has been an official U.S. willingness to press the issue and to enforce the GATT rule. Now, in a crisis atmosphere, the issue has become one of higher priority. Its solution is simple and long overdue. The Japanese should, I believe, give up these restrictions quickly.

At the same time, however, the Common Market and other European countries, which are potentially extremely large markets for Japanese exports, must end their discrimination against such exports. Chairman **Wilbur Mills** of the Ways and Means Committee, speaking in Houston on September 12, said:

> Between 1960 and 1969, United States imports from Japan rose from $1.1 billion to $4.9 billion, while the European Community imports from Japan increased from $203 million in 1960 to $664 million in 1969 . . . To those familiar with Japanese businessmen, I am sure you will agree that such trade trends have not been due to the lack of enthusiasm on the part of the Japanese exporter.

Thus, though the rate of growth of Europe's imports from Japan was faster than that of the United States, it is obvious that, by comparison, the United States is taking a huge and disproportionate volume of Japan's exports given the size and importance of the EEC in world trade.

During the past year Japanese representatives negotiated at length but unsuccessfully with the Common Market to reach new agreements to liberalize significantly the EEC's treatment of Japan's trade. There is no excuse for the Common Market's refusal to treat the Japanese fairly, particularly after a revaluation of currencies that would result in higher prices for Japanese goods.

These European restrictions must also be removed because they serve to divert Japan's exports to the United States. This merely strengthens the arguments of those Americans who support U.S. trade restrictions against Japan because they would "equalize" U.S. with European restrictions. Removal of the Common Market's trade restrictions in this—as in other areas—is long overdue, and is now imperative.

Japan's restrictions on direct foreign investment are another long-standing problem capable of being resolved quickly. Though many U.S. firms have extensive and highly successful business relations in Japan and Japanese firms, Japan still retains a limitation of 50 percent on foreign investment, except in those areas in which Japan is completely dominant, such as shipbuilding and steel, where it would be impossible for a foreign firm to gain a foothold. Each investment decision must receive government approval. Frequently the investing company must agree to restrict the product lines it will produce or introduce, and agree to limit its enterprise to certain markets in Japan. These restrictions are outdated and unnecessary, and a truly significant liberalization of them must be made.

PERSONAL INCOME TAX EXEMPTIONS AND FEDERAL EMPLOYEE CUTS

Measures to increase consumer purchasing power, and to reduce government personnel and budget expenses, comprise the final elements of the economic package.

The President, in his August 15 message and in legislation subsequently submitted to Congress, requested several measures to increase consumer purchasing power. First, he proposed that the personal exemption from Federal income tax be increased from $650—where it stands now—to $750 in 1972, rather than 1973. Second, he proposed an increase in the standard deduction from Federal tax to 15 percent, with a maximum deduction of $2,000, beginning January 1, 1972. Third, he proposed removal of the 7-percent excise tax on automobiles.

This package of proposals would have had the effect of decreasing personal tax bills, and Federal revenues, by an estimated $4.4 billion in calendar year 1972.

The House Ways and Means Committee last week reported a bill that would increase the cost of this package of cuts to the Treasury. The personal exemption was increased to $675 retroactive to January 1, 1971, the standard deduction was increased to $2,000, the low-income allowance was changed to give additional relief to low-income families, and the excise tax on light trucks of 10 percent was repealed, in addition to repeal of the 7-percent tax on autos.

At the same time, the committee altered the investment tax credit and Domestic International Sales Corporation provisions of the administration's bill, and made changes in the accelerated depreciation range previously adopted by the Treasury.

The committee's bill, combined with the effects of the 1969 Tax Reform Act, actually increased corporate taxes by $3.8 billion over calendar years 1969–73, according to Treasury Department estimates. By contrast, total taxes of individuals would be reduced by $36.9 billion in this period. If the effects of the 1969 Reform Act are excluded, the committee's tax package would reduce corporate taxes by $11.3 billion in the period 1971–73, and would reduce individual taxes by $14.2 billion. It should be clear that the tax package as it now stands does not provide a bonanza to business.

Mr. President, I ask unanimous consent to include in the RECORD at this point two tables prepared by the Office of Tax Analysis of the Treasury. The first shows the total effect on tax liabilities of the three revenue measures now taking effect or proposed: The 1969 Tax Reform Act, the accelerated depreciation range, and the Ways and Means Committee's bill. The second compares the estimated revenue effects of the tax proposals adopted by the Ways and Means Committee on September 22, and the Treasury's initial proposals.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

ESTIMATED EFFECT OF 1969 TAX REFORM ACT, ADR AND WAYS AND MEANS COMMITTEE ACTION ON CALENDAR YEAR LIABILITIES DIVIDED BETWEEN INDIVIDUALS AND CORPORATIONS

[In billions of dollars]

	Individual								Corporations							
	1969 act			Committee action					1969 act			Committee action				
Calendar year	Reform and relief	Termination of investment credit	ADR	Eliminate ADR ¾ year convention	Income tax reduction	Excise tax relief	New investment credit	Total	Reform and relief	Termination of investment credit	ADR	Eliminate ADR ¾ year convention	New investment credit	DISC	Total	Total individuals and corporations
1969		+0.4						+0.4		+0.5					+0.5	+0.9
1970	−1.4	+.6						−.8	+1.0	+1.9					+2.9	+2.1
1971	−5.2	+.6	−0.6	+0.4	−1.4	−0.9	−0.3	−7.4	+1.1	+2.5	−2.2	+1.7	−1.2		+1.9	−5.5
1972	−8.1	+.6	−.7	+.3	−3.2	−2.5	−.7	−14.3	+1.2	+2.7	−2.7	+1.4	−2.9	−0.1	−.4	−14.7
1973	−10.8	+.6	−.8	+.3	−1.1	−2.2	−.8	−14.8	+1.3	+2.9	−3.2	+1.2	−3.1	−.2	−1.1	−15.9
Total	−25.5	+2.8	−2.1	+1.0	−5.7	−5.6	−1.8	−36.9	+4.6	+10.5	−8.1	+4.3	−7.2	−0.3	+3.8	−33.1

Office of the Secretary of the Treasury, Office of Tax Analysis.

COMPARISON OF THE ESTIMATED REVENUE EFFECT OF TAX PROPOSALS ADOPTED BY THE WAYS AND MEANS COMMITTEE AS OF SEPT. 22, 1971, AND THE TREASURY PROPOSALS FOR COMPARABLE ITEMS

[In billions of dollars]

	Calendar year liabilities					Fiscal year receipts	
	1971	1972	1973	1974	1975	1972	1973
Ways and Means Committee action as compared with present law [1]	−1.7	−7.8	−5.9	−6.5	−6.9	−5.0	−6.1
Treasury proposal as compared with present law [1]	−2.4	−9.2	−5.4	−5.1	−5.4	+5.9	−7.8
Committee actions versus Treasury proposal	+.7	+1.4	−.5	−1.4	−1.5	+1.0	+1.7

[1] Neither line contains the import surcharge as it is present law and was an administrative action not acted upon by the committee. The change made by the Ways and Means Committee in ADR is included in the committee action but the remainder of ADR is not included in either line because it is present law.

Note: Figures are rounded and will not necessarily add to totals.

CAN WE AFFORD MORE PERSONAL TAX CUTS?

Mr. PERCY. A strong argument can be made for the need for income tax relief for individual taxpayers. It has been estimated that a family of four living in Illinois would have had less spending power in 1971 than in 1965, even if its income had increased from $12,000 to $15,240 in that period. This would be the increase necessary to keep pace with the 27-percent increase in cost of living during that time. But the increase in income is eaten away by very substantial increases in social security taxes, imposition of a State income tax, and increased State and local property taxes. In addition, the purchasing power of the 1971 dollar decreased.

Thus while this typical Illinois family has more income in 1971 than in 1965, taxes are taking a bigger share. Total 1965 taxes, for example, were 17.1 percent of 1965 income of $12,000, as opposed to 21.7 percent of 1971 income of $15,240. The Illinois experience may not be exactly comparable to that of other States, but is surely similar to many. The 1971 purchasing power of this typical family's income is less than the purchasing power of its 1965 income, even though it has grown by 27 percent.

The facts have led to calls for increased tax cuts to restore consumer buying power. I would like to see tax cuts in the long run. But to cut taxes too drastically now would be irresponsible. One reason is the tremendous Federal budget deficit in fiscal year 1971 and that predicted for fiscal year 1972. I have argued that increased employment and business expansion will depend to a very large extent on increased investment and on consumer confidence, rather than increases in consumer buying power, which evidence shows is not now being used. At this time, I favor the investment credit and ADR, but do not favor more extensive cuts in personal taxes. The elimination of the 10-percent excise tax on light trucks, however, does seem to be a reasonable move.

Facts about the Federal budget show

the seriousness of the current budget deficit. In fiscal year 1971 the budget deficit on the unified budget basis, which includes transactions from the trust funds, was $23.2 billion. On the more indicative "Federal funds" basis, which excludes the trust funds, the deficit was a staggering $30.2 billion. The central reasons were: First, a planned deficit—initially intended in administration proposals for a "full employment" budget to be only $7.3 billion—and, second, a shortfall of estimated receipts of $13.9 billion, due to a sluggish economic recovery and also to over-optimistic administration estimates. The situation was further worsened, however, by budget outlays of $163.8 billion, rather than planned outlays of $154.9 billion, an increase of about $9 billion.

The extent of the deficit for fiscal year 1972 is still unclear, but it promises to be at least equal to the fiscal 1971 deficit. The Joint Committee on Reduction of Federal Expenditures in its August 16 report—Staff Report No. 7—estimates a deficit of $22.4 billion on the unified budget basis and $31.7 billion on the Federal funds basis. Again, these amounts differ from administration estimates of $11.6 and $23.1 billion, respectively, in good measure because of an inaccurate estimation of receipts, and additional congressional authorizations and appropriations.

The chairman of this joint committee, Congressman Mahon, estimated that a 3-year Federal funds deficit of $80 billion—reflecting a $13.1 billion Federal funds deficit for 1970—is "almost a certainty."

This is a huge amount of new debt in a very short period. It is a serious problem for at least two reasons. This debt must be financed by borrowing the surpluses of the trust funds, which must be repaid with interest, and by borrowing in commercial financial markets. One effect is to increase the money supply, as banks buy Government paper which then becomes the basis of additional loans, and thus new money. Another is to increase the fixed interest cost of carrying the debt, a sum that now totals, according to a preliminary estimate, about $20 billion in 1971, up from $8.1 billion in 1961.

These are the reasons why I am very hesitant to urge additional tax cuts to further reduce Federal revenues and further increase the debt, at this time. Instead, we must look harder for ways to reduce the unessential elements in the budget. If unemployment is reduced and tax revenues are increased, then we will be able to ease personal tax rates. At the present time I fully support the President in urging the Congress to refrain from adding additional tax cuts to the package approved by the Ways and Means Committee.

FEDERAL JOBS AND SPENDING

One of the most desirable, but also most difficult, domestic proposals made by the President is his decision to cut Federal jobs by 5 percent. This would appear to be in direct conflict with other major goals, such as increased employment and increased consumer purchasing power. Cutting Federal jobs hurts both objectives. I urge, however, that the reduced employment be achieved over time by reorganizing the major functions of Government into more efficient, better managed organizational units, where existing manpower can be used more efficiently, and where, hopefully, it can be reduced through natural attrition. Thus I look upon this as an opportunity for the President to put renewed emphasis upon his Executive reorganization proposals, rather than on an across-the-board cut. Such cuts can frequently be too arbitrary, by their nature, eliminating jobs where they are needed as well as where they are in excess.

I applaud the President's decision to cut Federal expenditures by $4.7 billion. This becomes especially important if Congress moves to increase tax cuts and reduce revenue further. An expansionary budget is a standard use of fiscal policy in a time of depression, and some deficit is no doubt necessary as an antirecession measure. But the debt must not be permitted to become too excessive.

With regard to the Federal pay raise postponement, I think the President does have the right to expect Federal employees to be willing to sacrifice to an equal extent with other sectors of the population in cases of national emergency. On the other hand, it does seem too harsh in the present circumstances to expect Federal employees to be much more strictly treated than the public in general. Federal employees should receive the same treatment as other sectors of the economy in the current freeze and in the post-freeze period of wage-price restraint.

CONCLUSION

The long-run health of the American economy depends on a quick return to normal marketplace conditions. After years of disequilibrium and a serious inflation that left major damage in its wake, we will all welcome a return to a period of real economic growth with low levels of unemployment and stable prices. This is the hope that the President's new economic policies hold out.

Very real challenges face us, however. For the long term one of the problems that troubles me most is the growing number of exceptions to our "free market" economy. I do not agree with those who argue that all areas of the economy have become so highly regulated by Government restrictions, concentrations of labor and business power, and other structural obstacles that a free market does not any longer exist. In my view, the vast majority of economic decisions have typically been made in the context of a relatively "free" economic environment. But there are significant exceptions that are troublesome and deserve renewed congressional study and action. Among these are:

Highly concentrated industries which demonstrate inordinately great market power, including the ability to heavily influence prices.

Over-regulation by Government in some areas such as transportation, which has the effect of stifling economic growth, competition, and innovation.

Tight controls on America's farm economy, which have had the effect of supporting inefficient producers in some sectors of the country to the disadvantage of truly efficient, internationally competitive producers in other sectors.

Regulation by successive layers of local government, which, in the case of the housing industry, results in roadblocks to cheaper and better housing.

A tax structure which, even after the 1969 reform act, contains provisions too favorable to narrow groups in the economy.

Labor organization work rules and practices which seem to be stifling productivity, limiting new entries to job markets and maintaining wages at rates higher than productivity and efficiency warrant.

A dangerous, growing trend toward international cartels in large industries such as textiles, which have succeeded in enlisting the U.S. Government in arranging international agreements governing price and supply.

A trend toward restrictive quotas on foreign imports, which cushion the economy from world competition.

Discrimination against minority groups in job hiring, which has the effect of stunting development of human potential and denying to the society and economy a great reservoir of talent and energy.

Increasingly intimate relationships between some businesses and the Nation's Defense Establishment.

These are "structural" obstacles to a free, more competitive economy to which we must turn our attention now. I have stressed throughout this statement the need for increased productivity. As the only sound, long-term assurance of a strong, internationally competitive economy, I suggest that the fundamental way to improve American productivity is to reestablish more competitive economic conditions. The effort to beat the competitor in domestic and international markets has been the motor driving our most vigorously competitive industries. In the long run it will do no good to prop up industries that, for any number of reasons, may once have been dominant economically but are no longer. In doing so—in providing such subsidies—we only create artificial competition with the newer, more dynamic, more progressive industries—competition for capital, labor, and other economic inputs.

By advocating a return to revitalized competition I am in no sense arguing a return to the laissez-faire capitalism of "caveat emptor," in which the individual consumer is damned. In part, real competition will help the consumer by assuring him low prices. But I also believe that judicious regulation of marketplace practices to protect the consumer will help insure fair competition and standards of quality and safety—honest market place standards which are in the interest of both buyer and seller.

The new economic policy provides an opportunity to stabilize the economy, permitting us to give our attention to long-term goals. I appeal to the Senate to expedite legislation implementing these policies, and to avoid a temptation, which I am afraid will be very great, to add irrelevant, extraneous, and costly measures to create a burgeoning Christmas tree. This legislation is too important to become a political football.

I applaud the President and his advisors for the boldness of their moves. Public response demonstrates a real admiration for a President who is willing to take decisive steps. I urge that we take special care, however, to reach settlement of the outstanding international economic issues as soon as possible. The IMF meeting has created a new mood of optimism based on a new clear indication of American willingness to negotiate. I have great confidence that the astute Chairman of the Federal Reserve Board and the very able Secretary of the Treasury will quickly and brilliantly conclude international negotiations on exchange rates and trade and will quiet international concern, restore confidence, and create an international environment for vigorous economic activity and growth.

In conclusion, I would like to comment that yesterday I addressed the Annual Convention of the Illinois State AFL–CIO.

The essence of what I had to say before this great labor group in the State of Illinois was simply that the day has come when no group in this economy can continue to demand more all the time, but give less.

Any wage earner knows that he is simply facing doomsday by demanding more wages and not finding ways to cooperate with management to hold down the cost push and increase output. And that day has come. Inflation hurts everyone and wage increases are meaningless unless accompanied by commensurate increases in productivity.

Management has reached the day when it can no longer take the easy way out any time it gives a wage increase and push prices up without making a commensurate effort to increase productivity. When prices are pushed up, the effect of the wage increase is felt by everyone. Every worker knows it. Every housewife knows it. Anyone in management knows it today.

Mr. President, I yield back the remainder of my time.

PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for 15 minutes, with the statements limited therein to 3 minutes.

ORDER FOR RECOGNITION OF SENATOR BENTSEN TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the recognition of the two leaders under the standing order, the distinguished junior Senator from Texas (Mr. BENTSEN) be recognized for not to exceed 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE SUCCESS OF BLACK EXPO

Mr. PERCY. Mr. President, last evening while returning to Washington from Chicago on a late plane, arriving at Baltimore a little after midnight, I met Miss Bonita Byrd, a very progressive, perceptive, and intelligent black woman, an executive with a black business in Chicago called the Parker House Sausage Co. Miss Byrd was coming to Washington on that late plane to call on the dining rooms of the House of Representatives and the Senate to discuss sales of Parker House products.

This business has grown through the years, because of its quality product, and diligence of young executives like Miss Byrd to present sales of $3.6 million. It now has offices in Milwaukee, St. Louis, Kansas City, Philadelphia, Cleveland, Indianapolis, Gary, and Washington, D.C.

I should also note that the excellence of this young company has been nationally recognized. Mr. Daryl F. Grisham, president of the Parker House Sausage Co., was recognized for his outstanding business accomplishment and promise when he was appointed by President Nixon to the National Business Council for Consumer Affairs.

This brought to mind an editorial that I had just read in the October 4 issue of Chicago Today. It is entitled "The Success of Black Expo."

Black Expo was an extremely successful minority enterprise exposition at the Chicago Amphitheater in Chicago in which more than 400 businesses in Chicago and 22 States gave exhibits to demonstrate the success of black enterprises.

Our Governor, who had addressed Black Expo earlier in Chicago, had said at that time, referring to the State of Illinois:

> We are committed to a program to place solid cash orders with small business, black business and black suppliers. My color today is green. If money isn't everything, it sure beats whatever is in second place. It works wonders in knocking down barriers and opening doors that should have been opened long ago.

I commend this black corporation and this black enterprising woman, who was working as late as possible in coming to Washington to open the doors of opportunity for her company.

I ask unanimous consent that the editorial to which I have referred be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE SUCCESS OF BLACK EXPO

Chicago can take immense pride in Black Expo, the stunning display of minority accomplishment in business and industry. It ended yesterday after a five-day run in the Amphitheater, where hundreds of thousands of visitors came to see exhibits by more than 400 businesses in Chicago and 22 states, and to be entertained nightly by top black performers.

If the smashing success of Black Expo is a justifiable source of pride for minorities, it also supplied a great deal of encouragement for the future. That came in large part from Gov. Ogilvie, who had some fine things to say about the state's attitude toward small business in general and black business particularly.

"We are committed to a program to place solid cash orders with small business, black business and black suppliers," he said. "My color today is green. If money isn't everything, it sure beats whatever is in second place. It works wonders in knocking down barriers and opening doors that should have been opened long ago."

They weren't just words. As Ogilvie pointed out, the state already has a program to help black business men learn how to submit bids to the state, and legislation is in the works that would assure a percentage of state business to all small firms. Another example of Illinois' interest in black enterprise was the creation of a trade mission that negotiated an agreement between black businesses here and those in Ghana and Nigeria. That alliance is expected to be worth $50 million in business within two years.

There's a long way to go before black business shares fairly in this country's economic bounty, but Black Expo is heartening evidence of how far we've come already. And it hasn't been a matter of handouts. It's been done thru initiative and hard work, an attitude best expressed at Expo by the Rev. Jesse Jackson, national director of Breadbasket: "We're not asking you to give us a break. Just open up your minds."

Black Expo is a good indication that that is just what has been happening.

KLM TO CUT FARES FOR "SENIOR CITIZENS" ON ATLANTIC FLIGHTS

Mr. PERCY. Mr. President, in this morning's New York Times, I noticed an article entitled "KLM To Cut Fares for 'Senior Citizens' on Atlantic Flights." I wish to commend KLM and those other airlines who look upon older citizens in the same way as they look upon young people.

Older people have more leisure time. They want to travel and see the world. They are now able to travel on a standby basis. These people who are over 65 years of age and have now retired do not have an earned income but now have a chance to travel.

This is a way to increase business and at the same time to give recognition to our senior citizens, who deserve to be recognized in this and many other ways.

This article brought to mind a bill which I introduced to reduce fares on airline flights for senior citizens just as we have reduced youth fares.

Mr. President, I ask unanimous consent to have the article to which I referred printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 5, 1971]

KLM TO CUT FARES FOR "SENIOR CITIZENS" ON ATLANTIC FLIGHTS

Introducing a new twist to the spreading price war in trans-Atlantic air travel, KLM Royal Dutch Airlines said yesterday that it would offer a "senior citizen" discount fare between the United States and Amsterdam starting Feb. 1.

Offered to persons 65 years of age and older, the roundtrip rate will be identical to the fare KLM will charge "youth" passengers aged 12 to 21: $228 in the summer, and $198 in the off season that covers nine months of the year. Passengers will not be required to stay abroad for any specified minimum or maximum number of days.

KLM is the latest of many airlines to reduce fares after Feb. 1, although it was the first to say it would introduce a senior-citizen rate. The wave of price cutting was touched off by the Sept. 15 announcement of Lufthansa German Airways that it would disavow, starting Feb. 1, an agreement under which almost all trans-Atlantic airlines charged identical rates.

The lowest fare between New York and Amsterdam now is $200 for passengers between the ages of 12 and 26. The lowest current individual rate for which older passengers are eligible is $297, which requires a minimum stay of 29 days and a maximum of 45 days.

Besides youth and senior citizen fares, the Dutch line said it would offer a lower excursion rate to passengers of any age. The rate will be $255 in the summer and $200 in the off season and require passengers to be abroad 14 to 45 days. KLM said it would offer a $170 round-trip fare over the same route to passengers who contract for at least $70 additionally in ground accommodations, travel in groups of five or more, and are gone between seven and 21 days.

KLM's senior citizen fare will apply only to Amsterdam.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BYRD OF VIRGINIA TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow following the remarks of the distinguished junior Senator from Texas (Mr. Bentsen) the distinguished senior Senator from Virginia (Mr. Byrd) be recognized for not to exceed 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE REPORTS OF COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Malcolm Toon, of Maryland, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary the Socialist Federal Republic of Yugoslavia.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. RANDOLPH:

S. 2651. A bill to amend the act of June 16, 1933, as amended. Referred to the Committee on the Judiciary, by unanimous consent.

By Mr. EAGLETON (for himself, Mr. Mathias, Mr. Inouye, Mr. Stevenson, Mr. Tunney, Mr. Weicker, and Mr. Buckley):

S. 2652. A bill to provide an elected Mayor and City Council for the District of Columbia, and for other purposes. Referred to the Committee on the District of Columbia.

By Mr. HATFIELD:

S. 2653. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for persons 65 years of age or older. Referred to the Committee on Finance.

By Mr. MUSKIE:

S. 2654. A bill to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan, and for other purposes. Referred to the Committee on Armed Services.

By Mr. STAFFORD:

S. 2655. A bill to amend the Railway Labor Act to provide more effective means for protecting the public interest in national emergency disputes involving the railroad and airline transportation industries, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. MUSKIE (for himself and Mr. Mondale):

S. 2656. A bill to amend chapters 2 and 21 of the Internal Revenue Code of 1954, and title II of the Social Security Act, to reduce social security tax rates and provide a new method for their determination in the future, to remove the dollar limitation presently imposed upon the amount of wages and self-employment income which may be taken into account for tax and benefit purposes under the old-age, survivors, and disability insurance system (making allowance for personal income tax exemptions and the low-income allowance in determining such amount for tax purposes), and to increase benefits under such system to reflect the new tax and benefit base. Referred to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. RANDOLPH:

S. 2651. A bill to amend the act of June 16, 1933, as amended. Referred to the Committee on the Judiciary, by unanimous consent.

INTRODUCING LEGISLATION PERMITTING COMMERCIAL BANKS TO UNDERWRITE WATER AND SEWER REVENUE BONDS

Mr. RANDOLPH. Mr. President, at the direction of the Committee on Public Works, I am introducing, for appropriate reference, a bill to amend the Glass-Steagall Act—act of June 16, 1933, as amended—to permit commercial banks to underwrite municipal water and sewer revenue bonds.

This somewhat unusual action which I take for the committee is based on our consideration of amendment No. 8 to S. 523, proposed for the National Water Quality Standards Act of 1971. The amendment was submitted by Senator William Proxmire, of Wisconsin.

The Committee on Public Works, having taken testimony on the amendment, and after having considered it in some detail, came to the conclusion that the issues involved in the amendment were beyond the scope of the Committee on Public Works and, therefore, directed the action which I am taking.

By Mr. HATFIELD:

S. 2653. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for persons 65 years of age or older. Referred to the Committee on Finance.

OLD AGE TAX CREDIT

Mr. HATFIELD. Mr. President, I send to the desk a bill which I ask unanimous consent be printed in the Record at the conclusion of my remarks.

Mr. President, in 1970, there were 20,049,592 people over the age of 65 in the United States. In 1968, which is the latest year for which the following figures are available, there were 8.8 million tax returns filed from households with at least one member over the age of 65. Of these returns, 4.3 million were taxable. During the same year $7.6 billion in taxes were paid by those 65 and over.

In April 1970, the Special Committee on Aging held hearings on income tax overpayments by the elderly. In its report, it pointed out that "2.4 million returns were entitled to refunds, but the total amount—$730 million—was less than one-half of the payments owed at the time of filing." The report went on to point out that in 1967 one-half of the families with a head of 65 or older had income as high as $3,928, approximately 20 percent had incomes below $2,000, and of the elderly living alone or with nonrelatives, one-half had incomes of $1,800 or less and one-quarter had incomes of $1,000 or less.

When comparing the income of the elderly with the young, it is easily concluded that the older members of our society are at a disadvantage. For example, in 1967, of the 711 million families with a head of 65 or older, roughly 10 percent had incomes under $1,500 as compared with 3 percent of the younger families. Approximately, 37 percent of the older families had incomes of less than $3,000 as compared with 8 percent of the younger families, according to the special committee report.

In comparing these figures it is clear that the elderly have been not only at a disadvantage relative to tax problems, but relative to income as well. The special committee also examined problems encountered by the elderly caused by the 1969 Tax Reform Act and concluded that "change is not only possible, it is essential." And it made numerous recommendations to implement change which in the members' opinion would rectify the inequity encountered by the older citizens of our country.

Mr. President, I support the general conclusions and the recommendations of the Special Committee on Aging, but I would like to suggest a change that would simplify the issue to a great extent while moving in the direction of rectifying many of the problems encountered in this area by the elderly. I propose a $150 income tax credit for every member of our society over the age of 65. The potential loss—$645 million in 1970—to the Federal revenue would be insubstantial in comparison to the stimulus it would provide to the economy in terms of spending, particularly during these troubled times, let alone the hope and potential sense of security it would provide to our older citizens.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2653

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"SEC. 40. OLDER PERSONS.

"(a) GENERAL RULE.—There shall be allowed to an individual who has attained the age of 65 a credit of $150 against the tax imposed by this chapter for the taxable year.

"(b) LIMITATION.—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under section 33 (relating to foreign tax credit), section 35 (relating to partially tax-exempt interest), section 37 (relating to retirement income), and section 38 (relating to investment in certain depreciable property)."

(b) The table of sections for such subpart is amended by striking out "Sec. 40. Overpayments of tax." and inserting in lieu thereof:

"SEC. 40. OLDER PERSONS.
"SEC. 41. OVERPAYMENTS OF TAX."

(c) The amendments made by subsections (a) and (b) shall take effect with respect to taxable years beginning after December 31, 1971.

By Mr. MUSKIE:

S. 2654. A bill to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan, and for other purposes. Referred to the Committee on Armed Services.

Mr. MUSKIE. Mr. President, I am today introducing legislation to establish a survivor benefit program for retired military personnel. This bill will provide an opportunity, at a reasonable cost, for all career members of the Armed Forces to leave a portion of their retired pay to their survivors. Such survivor benefits would supplement existing social security benefits. The bill will also provide minimum income guarantee for present military widows to assure an income of at least $2,000 per year.

This bill is identical to H.R. 10670 which was introduced as a clean bill by Congressman OTIS PIKE in the House on September 14. H.R. 10670 supersedes H.R. 984 on which hearings were held in the House Armed Services Committee this summer. The new bill incorporates Defense Department recommendations and various technical perfecting changes that resulted from the excellent work done by Congressman PIKE and his colleagues on the Armed Services Committee.

Mr. President, there is at present no universally applicable system which automatically provides for survivors' rights in the retired pay of military personnel. This is one of the few gaps in an otherwise comprehensive program of fringe benefits available to military personnel.

Present programs of survivor protection for retired military personnel are incomplete and inadequate. And since the military man retires relatively early, this is a problem of some magnitude.

This bill provides a viable solution to this problem. It was drafted on the basis of two broad general concepts: to build on the foundation provided by social security, and to parallel, to the extent feasible, the successful survivor benefits program of the civil service retirement system.

This bill provides a fair level of income replacement for survivors. It calls for some cost sharing at a reasonable level by the retiree that meets the Government's obligation to survivors. It is acceptable in terms of its financial demands on the Government. It is generally applicable to all military retirees. And, it can be easily understood by members of the retired community and their dependents.

I hope that the Senate will act on this legislation, which has already been reported to the House by the House Armed Services Committee, to fill this gap in survivor benefits for career members of the U.S. Armed Forces.

By Mr. MUSKIE (for himself and Mr. MONDALE):

S. 2656. A bill to amend chapters 2 and 21 of the Internal Revenue Code of 1954, and title II of the Social Security Act, to reduce social security tax rates and provide a new method for their determination in the future, to remove the dollar limitation presently imposed upon the amount of wages and self-employment income which may be taken into account for tax and benefit purposes under the old age, survivors, and disability insurance system (making allowance for personal income tax exemptions and the low-income allowance in determining such amount for tax purposes), and to increase benefits under such system to reflect the new tax and benefit base. Referred to the Committee on Finance.

PROPOSED PAYROLL REFORM TAX LEGISLATION

Mr. MUSKIE. Mr. President, today I am introducing, with Senator MONDALE, a bill which would make fundamental and far-reaching improvements in the payroll tax. This bill would build into the payroll tax the principles of equity and progressivity which are the foundation of any enlightened tax system. This bill would reduce the amount of Federal taxes paid by 63 million American families.

The present payroll tax system, establishing a flat tax rate of 5.2 percent on earned income up to a ceiling of $7,800, places a disproportionate burden of the financing of social security upon the lower- and middle-income wage earner. For the working man making $7,800 per year, the effective tax rate is 5.2 percent, while for the man making $50,000, the effective tax rate is 0.8 percent. Furthermore, the lack of exemptions and low-income allowance add to the regressive nature of the payroll tax.

Because the burden of the payroll tax is focused on the low- and middle-income worker increases in the payroll tax in recent years have largely eliminated the tax relief Congress attempted to extend to these Americans. Furthermore, at rates proposed by H.R. 1, the payroll tax burden will be larger in 1973 than the personal income tax burden for the average family of four with an income of $13,900 or less.

In order to remedy this situation, we are introducing legislation today to make the payroll tax progressive by eliminating the ceiling on taxable earned income and providing personal exemptions and low income allowance equal to those allowed for income tax purposes. Second, the legislation fixes the level of the payroll tax rate at the rate necessary to bring revenues into annual balance with benefits paid.

The social security system was one of the signal achievements of the New Deal. Instead of facing destitution and the dole, the retiring American now is guaranteed some measure of economic security. Without the benefits provided by the social security system, 19 out of every 20 beneficiaries would have achieved even a moderate standard of living. Social security helps to keep at least 10 million Americans out of poverty. Presently, about one out of every eight Americans receives social security cash benefits every month.

In 1971, more than 26 million families will receive social security benefits. Those benefits will total more than $34 billion. Covering virtually all of the Nation's workers other than Government employees, and railroad workers who receive the protection of separate programs, the social security system guarantees income support on retirement and important medical coverage. It affords financial protection against disability. And it assures aid to the survivors of deceased workers.

Social security did not spring into being in its present form. When he signed the original social security legislation, Franklin Roosevelt called it "the cornerstone of a structure which is far from complete." With broad bipartisan support, subsequent Congresses and administrations have extended that structure and improved it. Much has been done. We can all take very great pride in what has been accomplished.

But that pride in our existing social security system must not lead us to forget that the system can be improved—and must be improved—as our wealth increases and as our understanding of the system and the needs of its beneficiaries grows. In H.R. 1, the House of Representatives recently approved an increase in social security benefits. The Senate has begun its own deliberations on the expansion of social security benefits. I have no doubt that, like the House, the Senate will approve important increases in benefits—and I hope make those increases more substantial. As I have in the past, I intend to support such increases. And, whatever the Congress does this year, urgent need will remain for further attention to the sufficiency of the economic protection which social security affords.

Despite the achievements of the social security system, too many of our elderly citizens are trapped in the prison of poverty, because social security benefits are inadequate to provide a dignified retirement. Sixty percent of our elderly who are living alone are also living in or near poverty. They are three-fifths of a generation who heard a promise made, and now see the promise falling short. A drastic infusion of funds is needed to rescue many of our senior citizens from a life of poverty. Retirement must be a reward, not a punishment.

To achieve a substantial increase in benefits, I believe that there must be some form of general revenue financing for social security. General revenue financing has been advocated since 1937 when it was recommended by the first Advisory Council on Social Security. Delay in enacting this recommendation has meant needless poverty for millions of elderly Americans. We must work to end that delay, to eliminate that poverty and to provide substantial increases in social security benefits through the use of general revenues.

But today I wish to address myself to a different part of the social security system—not its benefits, but the mechanism by which those benefits are financed. One source of the continuing strength of the social security system has been that a special tax is set aside to finance it—the payroll tax. When a worker is employed in a covered occupation, he knows that with each paycheck he and his employer are contributing to the support of old people, the disabled, and survivors today so that he and his dependents will enjoy the same kind of protection tomorrow.

Small in its first years, the payroll tax has now become one of the largest components of the Federal tax system. It produces more revenue than the corporate income tax. Indeed, it produces more Federal revenue than any tax other than the individual income tax. This year it will raise $47 billion.

The payroll tax achieved its present importance in the Federal tax system very quickly. It is, in fact, the most rapidly growing Federal tax. In 1950, it produced only 5 percent of Federal revenue. Today it has produced to 23 percent of Federal revenue. According to current forecasts, by 1976 the payroll tax will yield more than $80 billion—or 25 percent of all Federal revenue for that year.

While the magnitude and impact of the payroll tax have grown rapidly, the essential structure of the tax has changed very little since the original adoption of social security. The tax is still imposed on the first dollars a worker earns each year up to a specified ceiling. The tax makes no allowance for the size of the worker's family; it applies whether or not the worker's family is below the poverty level; and it does not increase as the worker's earnings rise above the wage base.

The characteristics of the payroll tax created few serious inequities when the tax was first adopted. The tax was then very small. The tax rate applicable to workers was only 1 percent, and the initial $3,000 wage base included 95 percent of all earnings of the workers covered.

But the payroll tax rate has risen sharply. It is now 5.2 percent for the worker and 5.2 percent for his employer. Under the present form of H.R. 1, it would rise to 5.4 percent and increase further to 7.2 percent by 1977 for both worker and employer. We are taxing a smaller proportion of income with steadily higher rates. In short, we are financing one of our society's most progressive programs with an increasingly regressive tax.

The form of the payroll tax has not changed substantially during a time of vast economic change. The result is serious inequities. Despite the 1969 congressional recognition of the principle that people below the poverty level ought not to pay income tax—and despite the reaffirmation of that principle last week by the Ways and Means Committee in its increase of the low-income allowance—payroll tax continues to be exacted from workers who are below the poverty level.

The payroll tax applies without regard to the number of children or other dependents whom a worker must support. The single individual whose earnings are $20,000 a year pays precisely the same payroll tax as the married couple who are supporting five children on an income of $7,800, despite the broad difference in their real ability to pay tax.

The effective rate of the payroll tax declines as a worker's earnings rise above the ceiling on the wage base. The school teacher earning $7,000 a year pays 5.2 percent of her earnings in payroll tax. The engineer earning $25,000 pays about 1.6 percent of his entire earnings, and the business executive earning $100,000 pays about four-tenths of 1 percent. While each of those workers becomes eligible for the same social security benefits, they simply cannot afford to pay the same amount for those benefits.

Finally, the payroll tax hits harder at families in which there are two wage earners than at families which derive the same income from a single wage earner. Again, the consequence is a major difference in tax burdens which has no relationship to differences in ability to pay.

Thus the payroll tax which began under very different circumstances has become unfair. Those who can least afford it must pay the same amounts as those who need not worry about the burden. And low- and middle-income Americans are near the limit in paying taxes. Under the present system, they face the frightening prospect of inequitable tax increases to finance a vain attempt to provide adequate benefit levels.

The payroll tax has wiped out much of the tax reductions that Congress passed in 1969. Because the burden of the payroll tax is focused upon low- and middle-income workers, increases in the payroll tax in recent years have reduced sharply—and in some cases offset entirely—the tax relief which Congress has attempted to extend to these groups in the income tax system. Despite the major income reductions of 1964 and 1969, the total Federal tax load of the low- and middle-income worker is little lower now than it was in 1963. Indeed, by reason of the payroll tax increases, the single worker with $3,000 of income will pay more total Federal tax in 1973 than he paid in 1963. He will do so despite the fact that, because of general increases in prices and wages, he has become poorer both absolutely and relatively.

Americans have been willing to accept the payroll tax—and its increases—because they have recognized that its current tax burdens will lead to future benefits, for themselves and their families. On these terms, social security has seemed a good buy—and it is. But we can have the same buy, and the same benefits, financed by a fairer and sounder payroll tax. We must change the social security taxes to make them fairer. We must change them so the limits on the ability of many Americans to pay more taxes will not deprive older Americans of needed increases in benefits. And we must strengthen the payroll tax to make the whole social security system stronger.

To achieve that end, Senator MONDALE and I are introducing legislation which would make key changes in the payroll tax. In order to make the payroll tax progressive, our legislation would make these changes:

First. The wage base upon which a worker is taxed would be reduced by dependency exemptions equal to those allowed him for income tax purposes.

Second. Further, the worker's tax base would be reduced by an amount equal to the low-income allowance provided by the income tax law. Under current law, the low-income allowance will reach the level of $1,000 on January 1, 1972. Under an amendment approved by the House Ways and Means Committee last week, the allowance would be increased to $1,300.

Third. The ceiling on the wage base would be removed. Hence, to the extent that they exceed dependency exemptions and the low-income allowance, all of a worker's earnings from covered employment would be subject to the payroll tax.

Fourth. The wage base ceiling would also be removed for the payroll tax paid by employers, but for reasons of administrative convenience, neither dependency exemptions nor the low-income allowance would be applied in the computation of the employer tax. However, continuing the principle of the existing payroll tax that equal contributions should be made by employers and employees, the rate of the employer tax would be set to produce approximately the same amount of revenue as the employee tax.

Fifth. The removal of the ceiling on taxable earnings would be accompanied by an elevation in the amount of earnings counted in computing benefits from $7,800—the ceiling applicable under current law—to $20,000. This modification will provide improved retirement benefits for millions of middle-income Americans for whom social security benefits are insufficient to prevent a drastic decline in income upon retirement. Expanding upon a principle already used in the existing benefit system, the proposal would phase down benefits earned as income rises so that the major benefit increases would occur in levels of income under $10,000 and lesser increases would occur in the $10,000 to $20,000 range.

Our proposal would also change the payroll tax rate by fixing it at a level which brings revenues produced into annual balance with benefits paid.

With these changes made in the tax structure, the payroll tax rate would be established at the level necessary to finance the increased benefits provided in H.R. 1. To support the benefit provisions contained in the current form of

H.R. 1, a tax rate of 5.2 percent would be necessary for the employee's tax. That rate compares with the H.R. 1 rate of 5.4 percent for 1972 through 1974, 6.2 percent for 1975 and 1976, and 7.2 percent for 1977 and thereafter. A tax rate of approximately 4.5 percent on employers would produce approximately the same revenue as the employer tax under H.R. 1. The tax rate of the self-employed would remain at 7.5 percent.

These changes would bring major and fundamental improvement to the payroll tax. Under them, 63 million Americans would pay lower taxes. Only 8 million high-income Americans would pay more. Persons at or below the poverty level would be sheltered from payroll taxes altogether. And the relief would extend well into the middle- and upper middle-income ranges. Every family of four with earnings of $14,500 or less would save money. Every married couple with earnings of $13,000 or less would save money. Every single person with earnings of $12,250 or less would pay lower taxes. Furthermore, at every income level up to $25,000, more people would save on their taxes than would pay increased tax.

In broad and important income ranges, the amounts of the tax savings under the proposal would be substantial. Compared with the tax liability called for in H.R. 1, a four-person family at the poverty level will save $200 in taxes—or 100 percent of its prior Federal tax liability. A worker earning $7,500 and trying to support a wife and four children will pay $300 less—a saving of 44 percent in his Federal taxes. A salesman earning $8,000 and his school teacher wife earning $7,500 who support two children will save $240.

Let me emphasize that the proposal which Senator Mondale and I make today is aimed at the taxation machinery of the social security system. It would reduce no one's social security benefits. In fact, it increases in benefits for many Americans by incorporation of earnings between $7,800 and $20,000 in the benefit computation. And it makes future benefit increases more likely by improving the equity of the tax which finance them.

Furthermore, let me emphasize that the proposal leaves the present structure of the social security system intact. The payroll tax would remain the financing mechanism of the system. Revenue produced by that tax would continue to be transferred to the social security trust fund. Social security benefits would continue to be paid from that trust fund. If Congress should decide to finance future social security benefits increases from general Federal revenues, as I hope it will, our proposal would not impede that step.

Within the area to which it is addressed, however, the proposal would accomplish broad-scale improvement of the payroll tax. It would shift the burden of that tax from the low-income and the middle-income worker to those who have greater ability to pay the tax. In doing so, it would make today's payroll tax fairer and sounder; and it would facilitate future increases in social security benefits by making it possible to increase payroll taxes without imposing unacceptable burdens upon low- and middle-income families. No longer would a decent income for the elderly depend on an indecent increase in the tax burden of the working.

By submitting this legislation, we draw attention to a long-neglected area of economic injustice affecting almost every working American. A nation that is fair cannot tolerate a tax which makes no allowance for real difference in ability to pay. Enactment of the legislation that Senator Mondale and I are proposing would allow this country to make social security benefits more generous and burdens more equitable. This legislation, aimed at our second largest tax—a tax which many millions of American workers pay every 2 weeks—would constitute a fundamental and important contribution to the continuing effort to strengthen and improve our Federal tax system.

Mr. President, I ask that additional material be inserted in the Record which further details Muskie-Mondale payroll proposal. First, there is a brief fact sheet and explanation of the proposal. Next, there is a series of tables showing the different taxes that would be paid by various groups of wage earners under our proposal compared to H.R. 1. Finally, there are tables showing the percentage and amount of Federal taxes paid by specific taxpayers from 1963 to 1973.

There being no objection, the material was ordered to be printed in the Record, as follows:

Fact Sheet of the Muskie Payroll Reform Proposal

I. PURPOSE

The proposed legislation would make fundamental and far-reaching improvements in the payroll tax. The present payroll tax, established a flat rate of 5.2 percent on earned income up to a fixed ceiling of $7,800 a year, is highly regressive. Under the existing law, for the working man making $7,800 a year, the effective payroll tax is 5.2 percent, while for the man making $50,000 a year the effective payroll tax rate is .8 percent. The regressive nature of the tax is increased because neither exemptions nor deductions are allowed.

Because the burden of the payroll tax is focused on the low and middle income worker, in recent years increases in the payroll tax have largely eliminated the tax relief Congress attempted to extend to these groups both in 1964 and in 1969. Furthermore, at rates proposed by H.R. 1, the payroll tax burden will be larger in 1973 than the personal income tax burden for the average family of four with an income of $13,900 or less.

II. PROPOSAL

To provide for a more equitable and progressive payroll tax, the proposed legislation would:

1. Remove the ceiling on the wage base.
2. Allow exemptions equal to the personal exemptions provided for income tax purposes.
3. Allow a low income allowance equal to that provided for income tax purposes.
4. Adopt the recommendations of the 1971 Advisory Council of Social Security that the payroll tax rate be fixed at a level which brings revenues produced into annual balance with benefits paid.

With these changes made in the tax structure, the payroll tax rate would be established at the level necessary to finance the social security benefits decided upon by Congress. To support the benefits provisions contained in the current form of H.R. 1, a tax rate of approximately 5.2 percent would be necessary compared with the rate of 5.4 percent proposed by H.R. 1.

III. EFFECTS

The payroll tax reform legislation leaves the present structure of the social security system intact.

Under this proposal 63 million American families would pay lower taxes in 1973 than under H.R. 1. Eight million high income Americans would pay more. Every family of four with earnings of $14,500 or less would pay less in taxes. Every married couple with earnings of $13,000 or less would pay less in taxes. Every single person with earnings of $12,250 or less would pay less in taxes. At every income level up to $25,000, more people would save taxes than would pay increased taxes.

The use of exemptions and low income allowance makes the tax much more responsive to real differences in ability to pay. The removal of the ceiling increases the responsiveness of the tax base to changes in wage and price levels. This proposal builds into the payroll tax the principles of equity and progressivity which are the foundation of any enlightened tax system.

Explanation of Payroll Tax Reform Proposal

1. *Adopt exemptions and low income allowance.*

Under *present law,* all earned income up to $7,800 is subject to tax. No exemptions or deductions are allowed.

The *proposal* would allow exemptions for employee payroll tax purposes equal to the personal exemptions showed for income tax purposes—$750 per person beginning in January, 1972, under the September 23 action of the Ways and Means Committee. In addition, the employee would be permitted a deduction equal to the low income allowance permitted for income tax purposes.

Married couples filing jointly and single individuals would receive the full deduction; married wage earners filing separately would each be allowed a $500 deduction. The self-employed would receive personal exemptions and the low income allowance under the same rules applicable to employees. For reasons of administrative simplicity, neither exemptions nor the low income allowance would apply in the computation of the tax on employers.

2. *Remove ceiling on wage base.*

The *present* tax is imposed on both employer and employee only on earnings up to $7,800. The self-employment tax is subject to the same ceiling. Increases already scheduled under current law will raise the ceiling to $9,000 in 1972 and thereafter. H.R. 1 would raise the ceiling to $10,200 for 1972 and provide for automatic increases in later years based upon increases in the cost of living.

The *proposal* would eliminate these ceilings. Hence, to the extent that they exceed dependency exemptions and the low income allowance, all of a worker's earnings from covered employment would be subject to the payroll tax. Similarly, to the same extent, all earnings from covered self-employment would be subject to the payroll tax. For purposes of the payroll tax on employers, all covered wages would be included in the wage base, and no reduction would be made for personal exemptions and the low income allowance.

The payroll tax would apply, as at present, only to "wages" and "self-employed income" as defined under the Social Security law. Other types of income would not be taxed. The present law exclusions for the earnings of Federal government employees, most of whom are covered by the Civil Service Retirement system, and railroad workers, covered under the Railroad Retirement Act, would be continued unchanged.

3. *Adoption of recommendations of Advisory Council on Social Security.*

Under *present law,* the payroll tax produces revenue each year beyond the amount necessary to pay Social Security benefits for that year. The surplus for 1973 is projected at $6.1

billion. The Advisory Council on Social Security has recommended that the payroll tax rate be fixed to place the Social Security paid on a pay-as-you-go-basis. In general, under this recommendation, Social Security revenues would equal benefits on an annual basis.

The *proposal* would adopt the Advisory Council's recommendation.

4. *Raise benefit ceiling.*

Under *present law,* benefits rise, though less than proportionately, as average taxable earned income rises, up to the ceiling.

The proposal would accompany the removal of the ceiling on taxable earnings with an elevation in the amount of earnings counted in computing Social Security benefits. The increase would be from the present maximum level of $7,800 to $20,000. The proposal would phase down benefits earned as income rises, so that levels of income above $10,000 would produce declining percentages of benefits.

5. *Reduce payroll tax rate.*

Under *present law* the payroll tax rate for 1971 is 5.2 percent for employees, 5.2 percent for employers, and 7.5 percent for the self-employed. Under H.R. 1, the tax rate on employees and employers would be raised to 5.4 percent for 1972–74, 6.2 percent for 1975–76, and 7.2 percent for 1977 and thereafter.

The *proposal* would lower the tax rate to that which, in conjunction with the amendments described above, is necessary to fund the increased benefits provided in H.R. 1. The employee tax rate necessary to finance the benefits provided in the current form of H.R. 1 would be approximately 5.2 percent. Similarly, 4.5 percent tax on employers—applied to wages without a ceiling and unreduced by exemptions and the low income allowance—would produce the same revenue as H.R. 1's 5.4 percent employer tax on the first $10,200 of earnings. If benefits are set at H.R. 1 levels, the proposal would leave the present 7.5 percent tax rate on self-employment income unchanged.

To fund both the benefits provided for in H.R. 1 and those which would result from raising the ceiling for benefit purposes to $20,000, as proposed, an employee tax rate somewhat higher than 5.2 percent would be necessary for 1975 and later years. However, that rate would be substantially below the H.R. 1 rates of 6.2 percent for 1975–76 and 7.2 percent for 1977 and thereafter. The necessary actuarial computations can be performed by the Social Security Administration at the request of the Committee on Finance.

TABLE 1.—COMPARISON OF EARNED INCOME-EXEMPTIONS-LOW INCOME ALLOWANCE AS A BASE FOR OASDHI REVENUE IN 1973 WITH THE BASE IN H.R. 1, FOR ALL RETURNS BY AGI CLASS. THE FIRST COLUMN INDICATES THE NUMBER OF RETURNS WHICH PAY LESS USING EARNED INCOME AND THE SECOND COLUMN INDICATES THE NUMBER OF RETURNS WHICH PAY LESS USING H.R. 1

AGI class	5.2 percent rate	
	Population (thousands)	Population (thousands)
−999,999 to 0	101. 135	0. 348
0 to 1,000	4, 518. 991	5. 184
1,000 to 2,000	4, 461. 641	0
2,000 to 3,000	3, 761. 959	0
3,000 to 4,000	3, 415. 565	1. 008
4,000 to 5,000	3, 683. 665	4. 050
5,000 to 6,000	3, 501. 518	0
6,000 to 7,000	4, 094. 035	0
7,000 to 8,000	4, 110. 755	5. 511
8,000 to 9,000	3, 694. 785	18. 942
9,000 to 10,000	3, 630. 461	41. 654
10,000 to 11,000	3, 796. 787	67. 732
11,000 to 12,000	3, 524. 330	97. 982
12,000 to 13,000	3, 029. 946	198. 376
13,000 to 14,000	2, 208. 998	623. 693
14,000 to 15,000	1, 499. 616	919. 840
15,000 to 16,000	1, 722. 682	741. 419
16,000 to 18,000	2, 455. 264	1, 123. 534
18,000 to 20,000	1, 909. 691	869. 218
20,000 to 25,000	1, 930. 403	1, 451. 809
25,000 to 30,000	465. 665	805. 089
30,000 to 40,000	249. 706	538. 879
40,000 to 50,000	136. 097	235. 266
50,000 to 100,000	202. 567	338. 490
100,000 to 500,000	22. 997	106. 406
500,000 to 1,000,000	0. 602	2. 210
1,000,000	0. 221	0. 859
Total	63, 130. 084	8, 197. 500

TABLE 2.—COMPARISON OF EARNED INCOME-EXEMPTIONS-LOW INCOME ALLOWANCE AS A BASE FOR OASDHI REVENUE IN 1973 WITH THE BASE IN H.R. 1, FOR FAMILIES WITHOUT CHILDREN BY AGI CLASS. THE FIRST COLUMN INDICATES THE NUMBER OF RETURNS WHICH PAY LESS USING EARNED INCOME AND THE SECOND COLUMN INDICATES THE NUMBER OF RETURNS WHICH PAY LESS USING H.R. 1

AGI class	5.2 percent rate	
	Population (thousands)	Population (thousands)
−999,999 to 0	34, 034	41
0 to 1,000	176, 024	
1,000 to 2,000	396, 548	
2,000 to 3,000	542, 415	
3,000 to 4,000	600, 322	
4,000 to 5,000	549, 045	
5,000 to 6,000	617, 566	
6,000 to 7,000	560, 289	
7,000 to 8,000	800, 475	
8,000 to 9,000	640, 422	10, 482
9,000 to 10,000	854, 084	21, 459
10,000 to 11,000	804, 597	4, 146
11,000 to 12,000	825, 894	15, 577
12,000 to 13,000	603, 065	72, 614
13,000 to 14,000	239, 064	390, 228
14,000 to 15,000	274, 276	380, 230
15,000 to 16,000	292, 740	162, 463
16,000 to 18,000	661, 981	239, 407
18,000 to 20,000	498, 306	146, 459
20,000 to 25,000	449, 645	378, 085
25,000 to 30,000	72, 110	209, 213
30,000 to 40,000	53, 783	133, 885
40,000 to 50,000	46, 199	65, 933
50,000 to 100,000	52, 254	87, 638
100,000 to 500,000	9, 141	32, 719
500,000 to 1,000,000	221	884
1,000,000	102	353
Total	10, 654, 604	2, 351, 817

INDIVIDUAL INCOME TAX AND OASDHI TAXES—BY INCOME LEVEL, FAMILY OF 4, 2 WAGE EARNERS, CURRENT LAW

	$10,000 total income								$15,000 total income			
	$3,000 and $7,000				$5,000 and $5,000				$5,000 and $10,000			
	Income tax	OASDHI	Total	As percent of income	Income tax	OASDHI	Total	As percent of income	Income tax	OASDHI	Total	As percent of income
1963	$1, 372	$282.60	$1, 654.60	16.5	$1, 372	$348	$1, 720	17.2	$2, 616	$348.00	$2, 964.00	19.8
1964	1, 200	282.60	1, 462.60	14.8	1, 200	348	1, 548	15.5	2, 326	348.00	2, 674.00	17.8
1965	1, 114	282.60	1, 406.60	14.1	1, 114	348	1, 462	14.6	2, 172	348.00	2, 520.00	16.8
1966	1, 114	403.20	1, 517.20	15.2	1, 114	410	1, 524	15.2	2, 172	487.00	2, 659.00	17.7
1967	1, 114	422.40	1, 536.40	15.4	1, 114	440	1, 554	15.5	2, 172	510.40	2, 682.40	17.9
1968	1, 198	440.00	1, 638.00	16.4	1, 198	440	1, 638	16.4	2, 335	563.20	2, 898.20	19.3
1969	1, 225	480.00	1, 705.00	17.0	1, 225	480	1, 705	17.0	2, 389	614.40	3, 003.40	20.0
1970	1, 122	480.00	1, 602.00	16.0	1, 122	480	1, 102	16.0	2, 204	614.40	2, 818.40	18.8
1971	1, 019	520.00	1, 539.00	15.4	1, 019	520	1, 539	15.4	2, 018	665.60	2, 683.50	17.9
1972	962	520.00	1, 482.00	14.8	962	520	1, 482	14.8	1, 864	728.00	2, 592.00	17.3
1973	905	565.00	1, 470.00	14.7	905	565	1, 470	14.7	1, 820	791.00	2, 611.00	17.4

Percentage change 1963/1973, −11.2 percent, −14.6 percent.

TABLE 3.—COMPARISON OF EARNED INCOME-EXEMPTIONS-LOW INCOME ALLOWANCE AS A BASE FOR OASDHI REVENUE IN 1973 WITH THE BASE IN H.R. 1 FOR SINGLE PERSONS BY AGI CLASS. THE FIRST COLUMN INDICATES THE NUMBER OF RETURNS WHICH PAY LESS USING EARNED INCOME AND THE SECOND COLUMN INDICATES THE NUMBER OF RETURNS WHICH PAY LESS USING H.R. 1

[In thousands]

AGI class	5.2 percent rate	
	Population	Population
−999, 999 to 0	18. 958	0. 050
0 to 1,000	4, 071. 318	0. 478
1,000 to 2,000	4, 464. 913	0
2,000 to 3,000	2, 524. 464	0
3,000 to 4,000	1, 998. 478	0
4,000 to 5,000	2, 070. 183	0
5,000 to 6,000	1, 705. 537	0
6,000 to 7,000	1, 949. 842	0
7,000 to 8,000	1, 520. 473	1. 215
8,000 to 9,000	1, 097. 784	8. 460
9,000 to 10,000	879. 844	13. 950
10,000 to 11,000	688. 352	54. 582
11,000 to 12,000	448. 647	63. 756
12,000 to 13,000	195. 202	113. 108
13,000 to 14,000	128. 483	127. 922
14,000 to 15,000	42. 231	129. 181
15,000 to 16,000	51. 146	88. 918
16,000 to 18,000	36. 926	114. 408
18,000 to 20,000	59. 882	89. 750
20,000 to 25,000	58. 695	125. 997
25,000 to 30,000	10. 312	28. 840
30,000 to 40,000	0. 000	23. 395
40,000 to 50,000	4. 172	5. 453
50,000 to 100,000	10. 650	15. 247
100,000 to 500,000	1. 608	3. 712
500,000 to 1,000,000	0. 080	0. 110
1,000,000 to ********	0. 033	0. 059
Total	24, 038. 213	1, 008. 593

TABLE 5.—COMPARISON OF EARNED INCOME-EXEMPTIONS-LOW INCOME ALLOWANCE AS A BASE FOR OASDHI REVENUE IN 1973 WITH THE BASE IN H.R. 1, FOR FAMILIES WITH CHILDREN BY AGI CLASS. THE FIRST COLUMN INDICATES THE NUMBER OF RETURNS WHICH PAY LESS USING EARNED INCOME AND THE SECOND COLUMN INDICATES THE NUMBER OF RETURNS WHICH PAY LESS USING H.R. 1

[In thousands]

AGI class	5.2 percent rate	
	Population	Population
−999,999 to 0	48. 143	0. 257
0 to 1,000	271. 649	4. 705
1,000 to 2,000	600. 180	0
2,000 to 3,000	695. 079	0
3,000 to 4,000	816. 765	1. 008
4,000 to 5,000	1, 064. 438	4. 050
5,000 to 6,000	1, 178. 415	0
6,000 to 7,000	1, 583. 903	0
7,000 to 8,000	1, 789. 807	4. 296

[In thousands]

AGI class	5.2 percent rate Population	Population
8,000 to 9,000	1,956.579	0
9,000 to 10,000	1,896.532	6.245
10,000 to 11,000	2,303.838	9.004
11,000 to 12,000	2,249.788	18.649
12,000 to 13,000	2,231.679	12.653
13,000 to 14,000	1,841.451	105.542
14,000 to 15,000	1,183.110	410.429
15,000 to 16,000	1,378.796	490.037
16,000 to 18,000	1,756.357	769.719
18,000 to 20,000	1,351.504	633.009
20,000 to 25,000	1,422.064	947.727
25,000 to 30,000	383.243	567.036
30,000 to 40,000	195.924	381.599
40,000 to 50,000	85.726	163.881
50,000 to 100,000	139.664	235.603
100,000 to 500,000	12.248	69.980
500,000 to 1,000,000	0.301	1.216
1,000,000	0.086	0.447
Total	28,437.271	4,837.092

INDIVIDUAL INCOME AND OASDHI TAXES: BY INCOME LEVEL FAMILY OF 4, 1 WAGE EARNER. CURRENT LAW

$3,000 WAGE AND SALARY INCOME

	Income tax	OASDHI	Total	As percent of income
1963	$60.00	$108.60	$168.60	5.0
1964	60.00	108.60	168.60	5.6
1965	0	108.60	108.60	3.6
1966	0	126.00	126.00	4.2
1967	0	132.00	132.00	4.4
1968	0	132.00	132.00	4.4
1969	0	144.00	144.00	4.8
1970	0	144.00	144.00	4.8
1971	0	156.00	156.00	5.2
1972	0	156.00	156.00	4.2
1973	0	169.50	169.50	5.65
$5,000 WAGE AND SALARY INCOME				
1963	$420.00	$174.00	$594.00	11.9
1964	321.00	174.00	495.00	9.9
1965	306.00	174.00	480.00	9.6
1966	306.00	210.00	516.00	10.3
1967	306.00	220.00	526.00	10.5
1968	333.25	220.00	553.25	11.1
1969	341.00	240.00	581.00	11.6
1970	200.90	240.00	440.90	8.8
1971	192.50	260.00	452.50	9.1
1972	170.00	260.00	430.00	8.6
1973	140.00	282.50	422.50	8.5
$7,000 WAGE AND SALARY INCOME				
1963	$780.00	$174.00	$954.00	13.6
1964	662.00	174.00	836.00	11.9
1965	603.00	174.00	777.00	11.1
1966	603.00	277.20	880.20	12.6
1967	603.00	290.40	893.40	12.8
1968	648.00	308.00	956.00	13.7
1969	663.00	336.00	999.00	14.3
1970	530.00	336.00	866.00	12.4
1971	509.50	364.00	873.50	12.5
1972	475.50	364.00	839.50	12.0
1973	442.00	395.50	837.50	12.0
$10,000 WAGE AND SALARY INCOME				
1963	$1,372.00	$174.00	$1,546.00	15.5
1964	1,200.00	174.00	1,374.00	13.7
1965	1,114.00	174.00	1,288.00	12.9
1966	1,114.00	277.20	1,391.20	13.9
1967	1,114.00	290.40	1,404.40	14.0
1968	1,198.00	343.20	1,541.20	15.4
1969	1,225.00	374.40	1,599.40	16.0
1970	1,122.00	374.40	1,496.40	15.0
1971	1,019.00	405.60	1,424.60	14.2
1972	962.00	468.00	1,430.00	14.3
1973	905.00	508.50	1,413.50	14.1

$15,000 WAGE AND SALARY INCOME

	Income tax	OASDHI	Total	As percent of income
1963	$2,616.00	$174.00	$2,790.00	18.6
1964	2,326.00	174.00	2,500.00	16.7
1965	2,172.00	174.00	2,346.00	15.6
1966	2,172.00	277.20	2,449.20	16.3
1967	2,172.00	290.40	2,462.40	16.4
1968	2,335.00	343.20	2,678.20	17.9
1969	2,389.00	374.40	2,763.40	18.4
1970	2,204.00	374.40	2,578.40	17.2
1971	2,018.00	405.60	2,423.60	16.2
1972	1,864.00	468.00	2,332.00	15.5
1973	1,820.00	508.50	2,328.50	15.5

Mr. MONDALE. Mr. President, along with the distinguished Senator from Maine (Mr. MUSKIE), I am introducing today a bill to reform fundamentally our method of financing social security.

As David Broder pointed out recently, Congress has all but ignored the increasingly heavy burden of social security taxes:

> Discussing the inequities of payroll taxing may not attract as much praise at Georgetown cocktail parties as a ringing denunciation of the bombing in Laos or the tactics of the Washington police.

But it is equally worthy of our attention.

The problems posed by the payroll tax are only part of the much larger problem of tax equity.

Three years ago, the Secretary of the Treasury predicted a taxpayer's revolt.

Congress responded to the popular outcry by passing the Tax Reform Act of 1969.

This was a step forward.

Yet today, our tax system is still appallingly unfair.

Contrary to myth, it is not progressive. Rich people, poor people, middle-income people—all pay about the same portion of their income in taxes. According to a recent study by the Chief of the Census Bureau's Population Division, the worker making under $2,000 pays an average of 40 percent of his income in taxes to all levels of government. The worker in the $2,000 to $50,000 range pays a few percentage points less. Workers with income over $50,000 pay a few percentage points more.

Our tax system—taken as a whole—bears no relation to ability to pay.

The average man earning $6,000—barely enough to support a family, and below the Labor Department's low-income budget—pays taxes of $1,600.

Meanwhile, one of every 20 people who made $1 million in 1969 went tax-free. The 20 largest oil companies contributed only 8½ percent of their incomes to the Treasury.

Inequities like these make our tax system a national disgrace.

And the disgrace is deepening. Our tax system is actually becoming more regressive.

At the heart of the problem is the payroll tax.

The Federal tax system is composed of three main taxes: two that are progressive—the corporation income tax and the personal income tax—and the regressive social security tax.

Unfortunately, the social security tax has been growing faster than the other two combined.

Over the last 10 years, as personal income taxes have been cut on several occasions, the average taxpayer has simply watched payroll taxes absorb the difference.

The result is that an increasing share of the Federal tax burden is falling on poor and middle income wage earners.

The worst is yet to come.

If—as appears likely—the House passed social security provisions in H.R. 1 become law, on January 2, 1972, the American worker will receive the largest payroll tax hike in history.

According to Professor Pechman, $1.5 billion in social security taxes is being paid this year by persons officially classified as poor. With H.R. 1, the poor will pay much more.

At present, the family of four earning $3,000 pays $156 in payroll taxes.

By 1977, with the increases scheduled under H.R. 1, it will be $216.

This is wrong and utterly senseless. Everyone agrees on the importance of alleviating poverty. Numerous programs have been devised to cope with the problem. But every year, we force the poor to pay 40 percent of their income in taxes.

For the middle-income worker, the prospects are little better.

The man earning $10,000—close to the average, and less than the Labor Department says is needed to support adequately an average urban family—is already paying total taxes of $2,700.

By 1977, under H.R. 1, his payroll tax will roughly double—to $755.

The bill that Senator MUSKIE and I are introducing today brings a measure of fairness to the Social Security System.

It recognizes the elementary fact that poor families and large families simply cannot afford to contribute as much to social security as the rich.

The Mondale-Muskie proposal would:

Remove the $7,800 ceiling, making all earned income subject to the payroll tax. At present, the payroll tax is imposed on only the first $7,800 of a person's earnings; and

Allow wage earners a standard deduction of $1,000 and exemptions of $650 for each family member in calculating the tax. Thus, a married worker with two children earning $8,000 in 1971 would pay payroll taxes on only $4,400.

Our bill would also allow the payroll tax to be set at 5.2 percent—lower than the 5.4 percent that would go into effect with the passage of H.R. 1. The employer's tax would be computed on all covered wages and salaries without ceiling; the tax rate would be 4.5 percent instead of the higher rate in H.R. 1.

Overall, about 63 million people would pay lower taxes under our proposal than under H.R. 1. And only 8 million would pay more.

All families of four with earnings below $14,592 would benefit. All married couples without children whose earnings are below $13,092 would get a tax cut.

The accompanying table shows the tax savings that would result from our proposal for a family of four.

Savings are $216 at $4,000 of earnings, $222 at $7,000, and $228 at $10,000.

For families of four with two wage earners, the savings in the middle incomes are even greater. Such families would benefit from the reform if their income is $25,000 or less.

Mr. President, I ask unanimous consent that a table be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PAYROLL TAX FOR A FAMILY OF 4 IN 1973—H.R. AND MONDALE-MUSKIE

Earnings	Financing under H.R. 1		Financing under Mondale-Muskie
	1 wage earner	2 wage earners	
$2,000	$108	$108	
$3,000	162	162	
$4,000	216	216	
$5,000	270	270	$52
$6,000	324	324	104
$7,000	378	378	156
$8,000	432	432	208
$9,000	486	486	260
$10,000	540	540	312
$12,000	551	648	416
$15,000	551	810	572
$20,000	551	1,080	832
$25,000	551	1,102	1,092
$40,000	551	1,102	1,872

Mr. MONDALE. Mr. President, our proposal has a number of additional advantages.

First, because our tax is truly progressive, we could afford to greatly increase benefits without imposing an indefensible burden on the average worker.

Second, our tax base is much more elastic than the present Social Security tax base. As income grows, tax revenues will grow more than in proportion.

We will then be able either to cut the tax rate, or to finance greatly increased benefits without any increase in the tax rate.

Third, our approach will deal fairly with families containing two wage-earners. At present, a family with two earners may have to pay almost double the tax paid by a single-earner family with the same income.

Finally, our reform will increase work incentives for welfare recipients.

Under the House-passed welfare bill, the tax rate for welfare recipients is 67 percent—or every dollar they earn above $720, the welfare payment declines by 67 cents. But if social security taxes are included, the tax rate rises to about 74 percent.

In my judgment, the tax rate in the welfare bill already removes much of the incentive to otbain work. Our proposal would keep the tax rate down; it would encourage welfare recipients to find jobs.

Some people may object that our approach violates the insurance principle—that it would pay benefits to people who have not contributed to the system.

The fact is, however, that even now social security is far removed from a strict insurance system. We already pay benefits to people who have paid little or nothing in payroll taxes. And for most people, benefits are out of proportion to their contributions.

As Professor Pechman has written:

> The relationship between individual contributions (that is, payroll taxes) and benefits received is extremely tenuous.

Our proposal is wholly consistent with one of the first principles of the social security system.

Removing the ceiling returns us to the situation at the inception of social security when almost everyone—93 percent of all wages and 97 percent of all wage-earners—was below the ceiling. In recent years, only 75 to 80 percent of all wages have been taxable.

Nor would the Mondale-Muskie bill create administrative problems. We would continue to withhold social security taxes; payments would continue to be earmarked for the social security trust funds; the present relationship between contributions and benefits would remain essentially unchanged.

The approach that we are advocating has its precedent in the experience of other countries. Germany exempts low-income workers from social security taxes, as does Japan from the national pension tax. Many countries have no ceiling on earnings subject to tax, and many use a contribution from general revenues to finance benefits.

In this country, there have been numerous proposals to introduce general revenues into the social security system. The idea was recommended by the Committee on Economic Security, whose work led to the Social Security Act of 1935. This recommendation was reiterated by the Advisory Councils on Social Security of 1938 and 1948. The labor movement has for some time supported a plan to finance one-third of the system from general revenues. And several proposals along these lines have been introduced in recent Congresses.

These past efforts have had the same goal as ours today—to bring relief to lower and middle-income workers.

But what we are proposing today is much more than a contribution from general revenues. What we are proposing is much more than a patchup job for the inequities of the payroll tax.

Even if one-third of social security benefits were financed out of general revenues, that would still leave two-thirds to be financed by one of the most regressive taxes in our tax system.

Senator Muskie and I have rejected that approach. Instead, we are supporting a comprehensive reform.

Obviously, our approach raises a number of new difficulties. Although many people have devoted considerable effort to developing this proposal, neither Senator Muskie nor I are wedded to every detail. No doubt some of the provisions can be altered or improved.

But what is important is that the Congress make a comprehensive review of social security financing. The question is not whether the payroll tax needs to be raised or lowered a few tenths of a percentage point, but whether our whole approach to social security financing makes sense.

I think our proposal makes sense. Its enactment would be an important step toward comprehensive reform of our whole tax system.

It would place the taxpaying burden on those who can afford it, and relieve the load on those who cannot.

It would allow us to provide decent benefits for our retired elderly without imposing an unreasonable burden on our workers.

In short, it would increase economic justice for all our people.

And that must be our first priority in binding up the wounds that so dangerously divide this great Nation.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2601

At the request of Mr. Bible, the Senator from Maryland (Mr. Beall) was added as a cosponsor of S. 2601, to provide for increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes.

ANNOUNCEMENT OF CONTINUED HEARINGS ON ELECTION REFORM IN THE DISTRICT OF COLUMBIA

Mr. EAGLETON. Mr. President, this is to announce the second part of hearings on election reform in the District of Columbia by the Senate District of Columbia Committee. The first part concerned the residency requirements and this hearing is intended to cover all other relevant matters including those in S. 810 which is pending before the committee.

The hearing is scheduled for Monday, October 11, 1971, at 10 a.m. in room 6226, New Senate Office Building. Persons wishing to testify on this subject should notify Mr. Gene E. Godley, general counsel of the committee in room 6222, New Senate Office Building.

ADDITIONAL STATEMENTS

NATIONAL DEFENSE AND NATIONAL SECURITY

Mrs. SMITH. Mr. President, Richard G. Capen, Jr., vice president of the Copley Newspaper and former assistant to the Secretary of Defense—Legislative Affairs—made a most incisive speech about the status of national defense and national security to the San Francisco Rotary Club.

I ask unanimous consent that it be placed in the Record, so that the Members of this body and the readers of the Congressional Record may have an opportunity to study it.

There being no objection, the address was ordered to be printed in the Record, as follows:

THE PENDULUM IS SWINGING

(By Richard G. Capen, Jr.)

This is my first speech in the Bay Area since returning to California after serving two and a half years as an appointee in the Department of Defense.

Like my associates at the Pentagon, I was proud and honored to serve under the dynamic leadership of Secretary of Defense Melvin Laird. President Nixon could not have selected a better prepared, more dedicated or more effective leader for that demanding post.

It takes much more than computers to run the wide-spread Defense Department, as complex as it is. Secretary Laird inspired a teamwork approach and dedication to service unmatched in the Pentagon's history.

His understanding of key defense issues, his ability as a persuasive communicator, and his style of leadership have contributed significantly to improved understanding of critical national security issues—particularly those beyond Vietnam.

And, all this has been accomplished at a time when the Defense Department has been under constant criticism—some constructive, much of it irresponsible.

From the outset, the Nixon Administration made it clear that it would avoid debating whether the United States should have gone into Vietnam in the first place, or once doing so, whether our professional military leaders were given proper authority to execute that war as promptly and successfully as our capabilities would have permitted in the early 1960s.

President Nixon's goal was to conclude American presence in Southeast Asia. That objective is rapidly being met as we move toward a generation of peace.

I believe President Nixon and Secretary Laird have been imminently successful in terminating our country's involvement in Vietnam—given the rather sad circumstances they inherited in January 1969.

What were those circumstances? First, there was no plan for ending the war other than through negotiations. No one understood that reality better than the enemy, and the pathetic record in Paris is testimony to the other side's lack of incentive for serious negotiations.

By January 1969 we had cashed in a key military chip when President Johnson halted the bombing of North Vietnam—just four days before the 1968 Presidential election—with little in return from the enemy.

When President Nixon came into office, the American troop ceiling in Vietnam was 549,500, and increasing rapidly. As many as 500 Americans were dying each week and the war was costing in excess of $28 billion a year.

These were the sad realities in January 1969. The options to President Nixon were extremely limited, to say the least. But what has happened since that time?

First, we are getting out of Vietnam. By this fall, more than 365,000 Americans will have been withdrawn, a figure representing more than two-thirds of the American troop strength that existed when President Nixon took office.

At the same time, U.S. casualties have been cut from 500 a week to less than 15 a week. Even one casualty is too many, but I believe this progress is significant.

With these substantial troop cuts the cost of the war has been reduced by 75 per cent thus permitting a reordering of priorities at home.

Today, national polls indicate that the war is fading rapidly as an issue in America. Unfortunately, those who have built their national reputations as obstructionists, linger on the sidelines, trying to keep the war issue alive for their own selfish goals. Tragically, their only result has been to give aid and comfort to the enemy.

Congressional critics meet with the other side in Paris, issue reports on alleged conditions for peace, only to have them immediately rejected by the enemy.

It is a simple matter to pass resolutions, to make sweeping pronouncements, or to write editorials calling for more rapid withdrawal rates and fixed deadlines.

Certainly, it is easier to demagogue national policy from the sidelines, but it takes real courage to face up to reality with constructive solutions that will contribute to lasting peace, not political expediency.

Time and again President Nixon and Secretary Laird have shown that courage.

How ironic it is that some of those who have led the criticism of President Nixon's Vietnamization program were the very policy makers who got us into the war, who did not have a program for ending it while they were in office, but who now expound all the answers from the privacy of their law offices or from some far-off campus.

In the early 1960s our country had the tools to win the war decisively. But our elected leadership was unwilling to generate the national will to do so.

We fought that war on a "business as usual" basis, building up huge deficits each year because our government was unwilling to establish national spending priorities. Many of today's economic problems are a direct result of that policy of the mid-1960s.

At this point history will judge those who got our country into Vietnam, just as that history will also judge whether the Nixon Administration took the responsible course to get us out.

In either instance, the ultimate responsibility must be assumed by our elected civilian leadership, not by our armed forces. Our military leaders implement national policy, not set it. For too long the man in uniform has been made the scapegoat for decisions made by civilians.

Our dedicated men and women in uniform provide the backbone of our national security and they deserve our respect.

Only through sufficient military strength can we hope to deter reckless acts by potential adversaries. They must clearly understand and respect that we have the will to win and the tools to do the job. It is pure folly to believe that once the last American has left Vietnam, our problems are over and further cuts in defense spending possible.

Despite what some suggest, we cannot legislate peace by unilaterally crippling our defense posture in Congress. Why? Because our adversaries are moving in exactly the opposite direction.

Today, the Soviets are moving ahead of us in virtually every category: missiles, aircraft, ships, military research and conventional forces.

While we were bogged down in Vietnam—at a total cost of $125 billion—the Soviets were able to sustain North Vietnam for something less than $12 billion. They did not use that ten to one difference, however, to fund domestic programs in Russia. All during the 1960s Soviet military budgets were roughly at the same level as defense spending in America which included the burden of Vietnam. Just look at the record.

The Soviets increased their submarine force by more than 400 per cent. They have increased ICBM launchers by over 500 per cent and are currently 45 per cent ahead of the U.S. in total number of ICBM nuclear launchers.

They built a modern Navy that now shows the Soviet flag in the Mediterranean, the Indian Ocean, off our Atlantic and Pacific coasts, in and out of Cuba, and around Hawaii.

In the Mediterranean, for example, the Soviet Navy will steam some 18,000 ship days this year. In 1966 they were present a total of 750 days.

In military research and development, the Soviets are spending at about twice the rate as we in the United States. This trend should be of grave concern to all Americans because it measures the importance the Soviets place on reducing our technological lead within the next five to seven years.

Even while the Soviets push this military and political expansion policy, the U. S. moves to curtail its overseas commitments, partly as a result of our national weariness over a long and costly war.

The Nixon Administration is facing up to this disturbing Soviet military buildup by insisting on sufficient funding of defense programs while insisting that our allies contribute more to their own national security requirements. The latter philosophy is part of the Nixon Doctrine whose goal is a generation of peace through partnership, strength and a willingness to negotiate.

The United States can no longer serve as policeman of the world. Our needs at home are too high and the demand for our material resources too great.

Since the end of World War II we have operated on the philosophy that the United States could do more for its allies than they could do for themselves. We have literally rebuilt economies of the victorious and vanquished alike. We have given billions of dollars in foreign aid and have sent thousands of troops in scores of countries around the globe.

Through the Nixon Doctrine we have insisted that our allies assume more of these mutual security budens, particularly in the area of military manpower.

As a result of this philosophy, more than 400,000 American troops have been withdrawn from overseas. The bulk, of course, have come from Vietnam. But, the Nixon Doctrine has been applied elsewhere as well.

In Korea, U.S. troop strength has been dropped by over 20,000 men. This is a reversal of a commitment to that country where we have maintained more than 60,000 Americans for some eighteen years.

Likewise, reductions in U. S. forces have been carried out in Japan, Thailand and the Philippines. In NATO the concept of burden sharing is being developed, again on the principle that our allies must assume a greater defense responsibility.

An important element of the Nixon Doctrine has been a willingness to negotiate, doing so from a position of sufficient strength. Again, the record of accomplishment has been impressive.

The United States is pursuing a delicate course of negotiation in the volatile Middle East crisis. We have negotiated the turnover to Japan of Okinawa, a most sensitive issue for the Japanese.

The President has proposed new treaty provisions to prohibit the placement of nuclear weapons on the ocean floor. He has carried the nuclear non-proliferation treaty through to ratification and he has renounced the use of biological weapons.

In addition, the Nixon Administration is vigorously pursuing a successful conclusion to the SALT talks. The goal of these important negotiations is to curtail the arms race which as I indicated earlier has been rapidly accelerated by the Soviet Union.

And most dramatically, in this spirit of negotiations, the President has moved forward to revive our country's relationships with Mainland China, an area involving one-fourth of the world's population.

Certainly we hope for success in these diplomatic efforts to limit the arms race and to improve relationships with our potential adversaries. That success will come, however, only if those who oppose us respect our national determination to remain strong militarily.

I believe most Americans not only support a strong U.S. defense posture but will insist upon it in the years ahead. However, our voices must be heard.

That is not to say the strength of the United States depends solely on its men in uniform or on its weapons, as important as those capabilities are. I believe the strength of our nation in the 1970s must be based also on the wisdom of our foreign policy, on the strength of our economy, and on the will of our people.

The day is past when we can hope to provide most of the defense for our allies. They must share in this burden.

The day is past when we can afford to assume the primary role in solving all of the problems of the Western World. That responsibility also must be shared more equally with our allies.

This does not suggest that we can afford to build a wall around our country, withdrawing from the competition and security needs of the world. Those who clamor to bring all American troops home forget that their very presence abroad has not caused war but rather has helped to maintain peace.

During my service in Washington, I was involved in some of the most complex, difficult problems faced by this country. But it was a source of inspiration to be surrounded by those who were confident in their course, and who respected a higher national priority extending beyond any temporary expediency.

The negative thinkers have had their day. They have marched in the streets. They have built false hopes. And they have comforted our detractors at home and adversaries abroad.

Those who have built their national image on such obstructionist attitudes are finding it difficult to shift away from the tired, divisive approach of the past.

Young people today cry out for constructive leadership in an atmosphere of optimism. They seek positive approaches and personal involvement in efforts to build a better America.

Like you and me, they resent the tarring of all America because of a few shortcomings. How ridiculous it is, for example, to charge—as one senator recently did—that all America is sick because our prisons are sick. We have had too much of that destructive approach in the past.

One of our greatest national strengths is our ability to face up to problems openly and candidly. We banner our shortcomings across our newspapers and TV sets for the whole world to see.

Our critics at home and abroad delight in exploiting these weaknesses as a symbol of a crumbling America.

What these critics forget, however, is that as we identify a problem, as we debate it publicly, we work to solve it—and succeed in doing so. As a result, we have built, on balance, the best and most successful way of life ever known to man.

We have been confident that our problems could be corrected; that dreams could be embodied in action, and that a better life would be achieved. But we have always known, as we do today, that we would have to work for it.

Over the years, we have been successful, not by thinking we would lose but rather by believing we would win. Too often we have sold our country short with an almost national guilt complex.

I have little tolerance for those who thrive on self pity or who drop out of society in protest against problems they say they did not create.

Dreams of self fulfillment cannot be found through heroin, in a commune or on a wrecking crew. Most young people know that.

Today's young generation no longer lives in an overwhelming atmosphere of war and violence. Our task is to capture their imagination and involvement in our endless search for a better America. There are new goals to set, new records to break, new problems to solve. A new day is dawning and America's optimism to meet those opportunities is building.

Yes, the pendulum is swinging.

ESTABLISHMENT OF POLICY AND PRINCIPLES FOR PLANNING THE USE OF WATER AND RELATED LAND RESOURCES OF THE UNITED STATES

Mr. JACKSON. Mr. President, I was unable to be present on September 29 when the distinguished Senator from West Virginia (Mr. RANDOLPH) introduced the bill (S. 2612) to establish new policies and principles for the formulation and evaluation of Federal water resource projects. I joined the Senator from West Virginia in cosponsoring the bill because I am dismayed at the incredible length of time which has been taken for the review of new policies and criteria after the substantive work of developing them was completed by the Water Resources Council's task force over a year ago.

Congress established the Water Resources Council and directed it to prepare such criteria, for the President's approval, under the provisions of the Water Resources Planning Act of 1965. In 1968, when a significant revision was made in the discount rate—one factor in the evaluation of potential projects—a number of committees of the Congress, including the Interior Committee, again urged expeditious action to review the entire evaluation procedure.

I was gratified to review the report of the competent task force subsequently formed by the Council to recommend revised criteria. The task force recommendations include a proposed methodology which will give consideration to all of the diverse impacts of water resource projects—economic, social, and environmental. This is precisely the kind of decisionmaking we are trying to achieve in Government. The new proposed policies and procedures for formulating and evaluating projects would be an important advance toward carrying out the philosophy which has always been professed in project planning, but which is severely hampered by present procedures.

I am still hopeful that the Council's proposals can be finalized expeditiously by the executive branch. The technical details of the criteria are more appropriate as a matter for executive rulemaking than for statutory establishment. That is why Congress gave the responsibility to the Council 6 years ago.

However, if, as it now appears, the executive branch cannot or will not carry out the responsibility, it will be necessary for the Congress to act. Fortunately, we have the excellent work of the task force as a basis for action. The bill, S. 2612, was prepared at the direction of my colleague, the chairman of the Public Works Committee, to put the task force recommendations into legislative form. I wish to associate myself with his remarks upon the introduction of the bill.

PAY INCREASES FOR ARMED SERVICES PERSONNEL

Mr. TAFT. Mr. President, I take this time to comment upon my support of the Allott amendment and my earlier vote against the motion to table the draft conference report. I have consistently supported the objective of proceeding toward an all-volunteer army since 1964.

While I was a Member of the House I participated in studies undertaken by the Education and Labor Committee which helped prepare the way for the findings of the Gates Commission.

I wholeheartedly supported the recommendations of the Gates Commission and particularly its finding that a pay increase largely directed to the lower grades would make a volunteer army workable.

On June 8 I stated on the floor of the Senate:

> The rejection of pay increases recommended by the Gates Commission will constitute a serious blow to our attempts to proceed toward an all volunteer army.

Although I have been opposing peacetime conscription for many years, I voted for the Senate bill to extend the draft only after the Senate had adopted the Allott amendment, which incorporated the pay increases recommended by the Gates Commission. In my judgment, although I oppose peacetime conscription, I do not believe that we can simply dismantle Selective Service before the volunteer army has proved to be workable. The viability of the volunteer concept, in turn, is dependent upon raising military pay to a sufficient level whereby military service will be economically attractive to prospective volunteers.

When the House-Senate conferees announced that they had agreed upon pay schedules below both the House version and the Senate version, I stated on July 12 that I would probably vote against the conference report on the selective service bill.

I was subsequently persuaded to vote in favor of the conference report only after obtaining assurances from the administration that it would support further legislation to increase military pay in line with the Gates Commission's recommendations. The chairman of the Armed Services Committee indicated that he would help to bring such legislation to the floor of the Senate.

The Allott amendment, now agreed to by the Senate, is the occasion for these commitments to be realized. My earlier vote against tabling the conference report on the selective service bill should not be interpreted as a vote in favor of the draft. On the contrary it was a vote for the all-volunteer army approach based upon the assurances that pay increases would be forthcoming and that we could proceed in an orderly fashion toward a volunteer army.

We should not permit the Selective Service System to hang over the heads of another generation of young Americans. By supporting the military pay increases contained in the Allott amendment, we can be sure that the volunteer army approach will have a fair chance of success.

CAN THE WHALE BE SAVED?

Mr. CHURCH. Mr. President, some people believe that the only time a democracy can act is in the face of an emergency. Only when a situation reaches the point of crisis, they believe, will democratic government respond.

Just such a crisis point has been reached with the world's population of whales. Many experts agree that most species of whales will disappear if the current rate of killing is continued. Levels set for the commercial whaling fleets by the International Whaling Commission in June were unrealistically high and legitimize a practice that will not protect whales from extinction. Unless all nations act now to reduce the killing of whales until such time as it can be done without fear of extinction, we will lose the whale forever.

Congress and some executive agencies have recognized the seriousness of the threat to the whale. The Senate unanimously passed a joint resolution instructing the State Department to negotiate a 10-year international moratorium on the killing of whales. A House subcommittee has reported a similar measure. The Department of Commerce and the Department of the Interior have banned commercial whaling by U.S. companies as well as the importation of whale byproducts after December 1971. The opposition of the State Department to the Senate joint resolution raises some question, however, as to whether the Department appreciates the need for action and the interest of Congress in having such action taken. Forceful international representations by those interested in saving the whale are needed. I am not convinced that the State Department as yet has a sufficient sense of urgency to make these representations.

I am convinced, however, that the international community can act in concert to save the whales, given enough leadership. The history of the northern fur seal, threatened with extinction by open sea, or pelagic, sealing, shows that agreement can be reached and that controlled fishing may once again be a possibility when whales have reestablished themselves. Open sea killing of seals was prohibited by international agreement in 1911. This agreement has led to the growth of a northern fur seal herd from near extinction in the 19th century to about 1 million today.

There are only a limited number of whales left. Divided by type, these are:

Whale type:	*Number*
Blue	8,000
Fin	+100,000
Sei	+120,000
Humpback	4,000
Right	2,000
Bowhead	1,000
Gray	11,000
Sperm	Several hundred thousand
Killer	10,000

In 1962, whalers killed an estimated 67,000 whales. Since that time a number of countries have gone out of the whaling business because of the lack of whales. Today, the Japanese and the Russians are the principal whalers; they have recently begun to hunt dolphins and porpoises. Continued whaling poses a clear threat of extinction.

The Senate cannot, by itself, make a treaty with other countries. It has, however, recommended by joint resolution that the State Department negotiate a 10-year moratorium on the killing of whales. This measure was passed unanimously. There should be no question about the intent of the Senate. It is high time that the State Department gave this matter the priority it deserves. I have today written to Secretary of State Rogers asking that he lend his personal attention to this problem. Let us, as Americans, take the leadership in saving the animal which played such a large part in the history of our country.

I ask unanimous consent that an article on whales, written by Tom Garrett, and published in the Washington Post of August 28, 1971, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A "FINAL SOLUTION" FOR THE WHALES

(By Tom Garrett)

WASHINGTON.—In early July the United States Senate unanimously passed a joint resolution instructing the State Department to negotiate a ten-year international moratorium on the killing of whales. A similar resolution, though in a weakened concurrent form, has been reported from a House committee.

This action follows centuries of unbridled carnage. Eighteenth and nineteenth century whalers, harpooning from small boats, ravaged the initially enormous populations of Right and Bowhead whales, leaving only scattered survivors. With the development of steam-driven "catcher boats" and cannon-fired harpoons tipped with explosive shells, the whalers turned on the faster "rorquals," such as the Blue and Finback. Antarctic waters, populated seasonally by a vast host of previously unmolested whales, were invaded in 1904, first from shore stations, then by pelagic fleets with floating factory ships. For over 35 seasons fleets from an increasing number of nations steamed south for the Antarctic summers.

World War II afforded the whales a respite, as their persecutors turned their attention to one another. By this time the Blue whale had been reduced to a fraction of its former Antarctic population, and whale numbers had everywhere declined before the brutal mechanized assault.

In 1946, a whaling convention was signed by seventeen nations, establishing an International Whaling Commission charged with "conservation and rational utilization" of the world's whale resources. What followed the advent of "conservation management" late in 1948 was not a reduction of the kill to provide for a sustained yield but a dramatic acceleration of the massacre. The past two decades have been the most sanguinary in the slaughter-glutted history of whaling. During the late 1950's and early 1960's, new killing records were set. In 1962 the worldwide kill reached 67,000—well above the maximum annual kill of laissez-faire whaling.

The International Whaling Commission, since its establishment, has been dominated totally by the commercial whaling interests, who have simply ignored any suggestion of restraint. Blue and Humpback whales were still common in 1948. They now exist in pathetic remnants, near the abyss of biologic extinction. Finbacks were previously the most abundant of the baleen whales. Having borne a decade of unprecedented technological havoc following the "commercial extinction" of the Blue whale, Finbacks are now scarce. The industry, using spotter helicopters, radar and sonar, presently focuses its attack on the smaller Sei and Minke whales, and is engaging in a relentless, ocean-wide pursuit of the Sperm whale. In 1970, Japanese whalers took 200,000 dolpins and porpoises.

Since 1960, nation after nation has been forced to cease whaling because of a dearth of whales. Today, only the Japanese and Russians—who last year divided 85 per cent of the kill—continue large-scale pleagic operations. The end, long predicted, is now clearly in sight; an end of whaling, and to the travesty of "conservation management."

This "final solution" cannot have been, and is not being, unknowingly imposed. The Japanese and Russian whaling industries are now, quite deliberately, "whaling themselves out of business." An entire order of unique and magnificent mammals is being destroyed, fed into the pitiless maws of the factory ships. The "reason why" resides simply in the decision of men involved in the whaling business that it is much more profitable to whale on a very large scale for a few years until the whales are exterminated than to whale indefinitely on a limited, sustained yield basis.

For the overwhelming majority of humans the loss of the whales is a total loss, unrelieved by the slightest gain. We must declare a moratorium on whaling, as called for in the Senate resolution, to permit the slow restoration of a previously enormous marine resource, mindlessly decimated. We must permit the survival of living beings, with a greater cortexual mass than our own.

Yet the Whaling Commission, during its annual meeting in June, coldly parceled out this once-vast marine population. The whaling nations overrode the objections of the U.S. and United Kingdom, and again set quotas far above those considered sustainable. The State Department now opposes the joint resolution for a moratorium on the grounds that it might "jeopardize the vigorous role of U.S. leadership" within the commission. During the House hearings, Government officials complained that an attempt to preserve the whales might make the U.S. "look foolish."

While human quibbling over propriety and profits continues, the last chance to halt the killing in time to save the great whales may be fading. One hundred and twenty-five times each day, on an average, a whale is located, and killed with an explosive harpoon. All that the whales are, all that we might learn from them, is being lost. Their profound living songs, at the moment we have at last heard them, and might hope to understand them, are being effaced, irrevocably, from the earth's oceans.

U.S. POLICIES AND PROGRAMS FOR BRAZIL

Mr. CASE. Mr. President, hearings on Brazil were held earlier this year by the Subcommittee on Western Hemisphere Affairs of the Committee on Foreign Relations Committee. I am a member of this subcommittee of which the distinguished Senator from Idaho (Mr. CHURCH) is chairman.

Many questions of far-reaching importance were raised during these hearings. Taylor Branch has written an article on the proceedings for the September issue of the "Washington Monthly." Mr. President, I ask unanimous consent that Mr. Branch's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AID TO BRAZIL: FROM DUNGEONS TO DISNEYLAND

(By Taylor Branch)

Anyone who is discouraged by the tribulations with which our foreign policy must wrestle will be uplifted by the recently published hearings on "United States Policies and Programs in Brazil," conducted by Senator Frank Church's subcommittee on Western Hemisphere Affairs. For what emerges from this testimony is a theme of rarely encountered intergovernmental friendship, a strikingly hopeful contrast to the nasty imbroglios in Pakistan, Indochina, the Middle East, and the SALT Talks. The witnesses paint a detailed picture of executive harmony between the United States and the right-wing military government that has ruled Brazil since 1964—a harmony which provides hemispheric and political balance to our overtures toward China, and which proves that determined initiative can transcend popular opposition to achieve the kind of bilateral partnership that diplomats dream of.

The signs of intergovernmental friendship abound. Major General George S. Beatty of the Joint Brazil-United States Military Commission, testified that Brazil was one of only two Latin American countries to provide forces for our 1965 peacekeeping effort in the Dominican Republic (the other being General Stroessner's Paraguay). Senator George Aiken of Vermont remarked that number two ranking aid recipient Brazil can be counted on for votes in the United Nations, unlike number one recipient India. And in return, we have trained more than 3,400 of Brazil's elite military officers in the U.S. and Panama since 1964. Moreover, according to testimony from Ambassador William M. Rountree, we are currently engaged in negotiations to help the Brazilian navy go forward with its anti-submarine warfare program.

These intimacies have been cultivated in a spirit high above the malodorous reports of death squads, torture, thousands of political prisoners, and heavy censorship on the part of the Brazilian government. In determining whether the grotesque repression really goes on, Ambassador Rountree testified that "the [Brazilian] President and one of the ministers, and others as well, have acknowledged that it does. They say they do not condone it, but it has happened."

The Brazilian government has been joined in not condoning its torture by Pope Paul VI, the International Commission of Jurists, the U.S. Catholic Conference, much of the Brazilian high clergy, most American newspapers, and the Commission on Human Rights of the Organization of American States (which Brazil refused to admit to the country for an investigation of torture and other state violence made possible by President Emilio G. Medici's suspension of the constitution). In addition, Allen Ginsberg and Lawrence Ferlinghetti of the Bay Area Poets' Phalanx issued a statement on July 23 of this year protesting the recent arrest and/or torture of 15 members of the Living Theatre now imprisoned in Brazil, including founders Julian Beck and Judith Malina. Nevertheless, according to Chief AID Public Safety Adviser Theodore Brown, the United States has possessed the diplomatic maturity to overlook these slip-ups in the interest of preserving our program of training, advice, and material assistance to the Brazilian police forces, which operate under the guidance of the military. Mr. Brown told Senator Church that AID had been of service to Brazil's National Police Academy in helping to:

"... increase the value of the personnel of the Federal Police Department, and of the state and territorial police from the moral, psychological, and intellectual standpoint, developing their democratic conscience, their respect for human rights, and dedication to their country; develop civic and moral standards, qualities of direction and leadership, a spirit of renewal; a mentality of permanent cultural development, a dedication to public security of police integration and mutual collaboration in the performance of their mission, the love of liberty and truth, and active participation in the nation's development."

HE INVOKED A STANDARD

Along with Senator Claiborne Pell, Senator Church expressed some skepticism of Mr. Brown's statement that "the minimum use of force, humane methods, these are the types of things I think that we have been helpful with." Forgetting for a moment that a program can be nourished by historic ties and personal bonds as well as success, Senator Church probed for reasons why we should align ourselves so enthusiastically with the torturers and thereby cause image problems around the world:

Senator CHURCH. Do you think that the Brazilian police are today known for their restraint and humane methods in dealing with Brazilian people?

Mr. BROWN. Well, they certainly advocate this, and through training at their academy, through their inservice training, through the mobile training courses. This is one of our principal thrusts.

Senator CHURCH. In light of the many reports that we hear of torture in Brazil, do you think you have been successful in inculcating humane methods in restraint?

Mr. BROWN. Yes, sir; I do, Senator.

Senator CHURCH. You do. You think our program has been successful in Brazil in achieving its objectives?

Mr. BROWN. Yes, sir.

Senator CHURCH. You really believe that?

Mr. BROWN. Yes, sir.

When pressed by Senator Pell for reasons why the Brazilian government is known as such a crude police state, Mr. Brown invoked the marital spat analogy to capture the relationship between the Brazilian police and the people:

Mr. BROWN. Why certain people do things, that is a difficult question for me to answer, sir.

Senator PELL. I realize that.

Mr. BROWN. Why do some people beat their wives, these things why do they occur, it is difficult for me to answer.

Of course, friendly governments have spats, too, and the U.S.-Brazil relationship has suffered at times from the next-door neighbor problem, in which families must bear the sounds of household quarrels through thin walls. This problem is evident in the following exchange between General Beatty and subcommittee staff member Pat Holt:

Mr. HOLT. I have a copy here of an Associated Press story from Rio which says:

U.S. Naval Mission here is on the same floor in the Brazilian Navy Ministry as a room in which political prisoners claim to have been tortured.

One American assigned to the floor said recently, "I have been hearing screams and groans for about two years. I was frightened." Other U.S. personnel were reported to have seen Brazilians being dragged to and from the interrogation room by Brazilian naval agents.

No one, insofar as can be determined has ever reported anything about it to U.S. Navy officials or the U.S. Embassy.

Admiral Clarence Hill, Commander of the U.S. Mission, said he knew nothing "about this kind of thing."

But after newsmen began making further inquiries of U.S. personnel there, Hill ordered them not to discuss the subject. The American who reported hearing screams would no longer talk about it.

Do you know if Admiral Hill gave such an order?

General BEATTY. That is not a real accurate description of what he did. He invoked a standard——

Mr. HOLT. Please give us an accurate description.

General BEATTY. He invoked a Navy regulation which requires that if there are things out of line in any organization these facts be made known to persons in the chain of command, that is what he told them.

A REASONABLE PREDICTION

Back in Washington, the U.S. government has managed to contain its indignation toward torture in Brazil by turning its eye more toward the stability of military control. When the senators asked Ambassador Rountree for evidence of official U.S. displeasure with the death squads and torture cells, he scoured the record and produced the transcripts of two noon press briefings at the State Department. Under pressure for a pro- or anti-torture position, the briefing officer had let fly some brotherly anxiety in 1970:

A. As far as allegations of torture of prisoners in Brazil are concerned, of course we are concerned about this. Now, we've been assured in conversations with high Brazilian officials that the Brazilian Government does not condone torture.

Q. You're satisfied with this assurance?

A. Well, we continue to be concerned about these reports, Tad, and we've been in touch with the Brazilian Government about them. I would assume we'll continue to be in touch with them and express our concern.

Further questioning revealed to the senators that our unqualified regard for General Medici has been breached no more often and at no higher levels.

Anxious to determine exactly what motivates this fraternal cooperation, Senator Church questioned AID Director William A. Ellis:

Senator CHURCH. How does the present government, in which we have invested $2 billion, serve the national interests of the United States, in your judgment?

Mr. ELLIS. One of them is the existence of a government or society which is generally consistent with our national, specific national, security interests in the hemisphere which would not pose a security threat to us.

Second would be the protection and expansion, if possible, of our economic interests, trade and investment, in the hemisphere.

Senator CHURCH. Can you tell me how large the American private investment is in Brazil today?

Mr. ELLIS. It is somewhat over $1.6 billion.

Senator CHURCH. So we have pumped in $2 billion since 1964 to protect a favorable climate of investment that amounts to about $1.6 billion.

Mr. ELLIS. That is only one of the objectives. . . . I think the third, Mr. Chairman, is the economic and social development of the country, which has been slated. As a U.S. objective, it has, I think, overlapped with our security objectives and with our humanitarian interest in a country this size.

But the generals testified that our security interests are lessened by the fact that Brazil faces no serious external threat. And although IBM earned 64 per cent on invested capital in Brazil last year when American business as a whole repatriated $2 million more in profits than it invested, the hearings showed that our government sends more to Brazil than private enterprise brings home. So the senators were left with sheer bonhomie as the basis for extremely healthy relations with General Medici's regime. Only General Beatty put forth an old politics view of all the military aid and good will, hazarding a guess into Brazil's future:

It is generally believed that the Brazilian Armed Forces will continue to be a major influence in the formulation of Brazil's national policies for some years to come. In the light of Brazil's continuing importance to U.S. objectives, it is considered to be in the best interests of the United States that U.S. friendship and cooperation with the Brazilian Armed Forces is maintained.

INTERNAL SECURITY AT THE STARDUST HOTEL

When any affection waxes this strongly, the parties are bound to be together or visit each other a great deal—and government officials are no exception. Senator Church, seeking a functional explanation for the huge number of employees at the U.S. mission in Brazil (588 American professionals, 811 domestics), found our presence there enormous, especially in Rio de Janeiro. "It seems to me that the size of our bureaucracy is simply immense," he told Ambassador Rountree. "I think there is nothing like it in the history of other nations." Church later stated that "relative to population, we have twice as many people in Brazil as the British had in India when they were providing the government for that entire country." Of course, there are reasons other than good feeling between governments for this large number of Americans who risk torture and repression to stay in Brazil. Public safety, for example, was cited by Public Safety Adviser Brown, who is responsible for the police training program:

Mr. HOLT. Would you feel safer by yourself on the street at night in Washington or in Rio?

Mr. BROWN. I would feel safer in Rio.

Senator CHURCH. If that is the case then how is it that we are so well qualified to instruct the Brazilians on adequate police protection methods?

Mr. BROWN. I am sorry, sir, I did not quite understand the question.

Senator CHURCH. If you feel safer walking in the streets of Rio than in Washington, the capital of this country, how is it that we are so specially qualified to instruct the Brazilians on proper police methods?

Mr. BROWN. I would not say that my statement had to do—anything to do—with the quality of our law enforcement or the qualifications that our law enforcement personnel have. I think it is just the facts of life, sir.

These facts of life have driven so many government officials to Rio that we are forced to keep seven professionals in the air attache office and to maintain a special Military Airlift Command for one military flight to Rio each week.

Because true political partnership can never be a one-way street, there is also considerable official Brazilian traffic to the north—generally of the uniformed, dark-blue sunglasses variety. General Beatty declared to the subcommittee that training tours to the U.S. for Brazilian officers of their army, navy, and air force war colleges are vital to military and diplomatic unity—and therefore worth their funding under the Military Assistance Program. He described the significance of the tours as follows:

To the staff and command schools, these visits mean knowledge of the United States at a formulative time of the officers' development. To the high-level civilians and military of the War College, orientation visits furnish a broad insight of the United States at a time when the national and international interests of their country are under discussion and review. . . . Given the scholastic atmosphere under which this training is conducted and these visits are made and the ensuing discussions, debates, and comparisons which follow on their return to Brazil, it is probable that the participant's U.S. experience will increase his understanding and friendship toward the United States in carrying out military and civic responsibilities.

The subcommittee staff inserted 35 pages of recent tour itineraries into the records, which reveal that, once again, fraternity triumphs over functional realpolitik as the key to our fine-tuned harmony with the Brazilian government. The scholastic atmosphere of the Air Force tours is enhanced by visits to such spots as the Flamingo and Stardust Hotels in Las Vegas, and the Astrodome. The Navy spends a lot of time at the Plaza Hotel in New York, Disneyland, the San Diego Zoo, Universal Studios, Fisherman's Wharf, and as guests of the Coca Cola Company at Radio City Music Hall. A typical tour for the Brazilian Army's National War College goes as follows, in this case costing $91,800 in Military Assistance Program training funds:

Fri 14 Aug 1605 EDT, arrive Miami International Airport via Braniff KLT Flt 976. Greeted by Mr. Roberto Fernandez, Public Affairs Mgr, *Esso Brazilero;* Mr. Rudolpho Ledgard, Sr Advisor Public Affairs, *Esso International* and Major Frederick G. Qvale, USAF Escort Officer.

Proceed to Holiday Inn Motel, 2201 Collins Ave. on Ocean Miami Beach, Florida.

Evening, at leisure.

Sat 15 Aug a.m., at leisure for shopping and sight-seeing.

1200, informal lunch.

1900, reception/Dinner hosted by *Esso Inter-Americas Co.* Bath Club, Miami Beach.

Sun 16 Aug 1230 e.d.t., depart Miami International Airport, lunch aboard aircraft.

1235 c.d.t., arrive Hurlburt Field, Florida. Greeted by Brig Gen Leroy J. Manor, Comdr, USAF Special Operations Force.

P.M., special Opns Force (SOF) Briefing at Hurlburt Field. Proceed to Howard Johnson Motel, 245 Miracle Strip Parkway, S.W., Fort Walton Beach.

1900, reception/buffet at Hurlburt Officers' Club

Mon 17 Aug a.m., static display and demonstration at Hurlburt Field

1200, hosted luncheon

1400, depart Hurlburt Field, Fla., *Honors*

1715 e.d.t., arrive New York City, LaGuardia Airport. Greeted by Major Zint, SAFOI New York Escort Officer

Evening, proceed to Belmont Plaza Hotel, 49th & Lexington Ave., N.Y. At leisure

Tue 18 Aug, 1000, visit United Nations

1200, lunch at Governors Island. Hosted by Rear Admiral Benjamin F. Engel, CDR 3rd Coast Guard District

P.M., tour Manhattan island courtesy US Coast Guard

Wed 19 Aug, 0900, Depart New York City via chartered bus (Party will depart from Belmont Plaza Hotel)

1100, Arrive Philadelphia, Pennsylvania. Proceed to Benjamin Franklin Hotel, Chestnut St. and Ninth. Tour of Philadelphia conducted by Philadelphia Convention and Tours (Mr. Hornstein, Director). Informal lunch

P.M., Continue tour of Philadelphia

Thus 20 Aug, 1000 e.d.t., Depart Philadelphia via chartered bus (Party will depart from Ben Franklin Hotel)

1230, arrive Washington, D.C. Proceed to Ambassador Hotel, 1412 K St., N.W.

Thu-Mon 21-24 Aug, see detailed Washington schedule

Tue 25 Aug. 1100 e.d.t., depart from Washington, D.C., from Andrews AFB, *Honors,* Lunch aboard the aircraft

1310 c.d.t., arrive Ellington AFB Tex.

P.M., Briefing and tour of Ellington. Immediately following briefing, proceed to Sheraton-Lincoln Hotel, 777 Polk Ave., Houston

1900, reception/buffet social function at Ellington AFB Officers' Club

Wed 26 Aug, guests of *Humble Oil Company*

A.M., Brief sessions in Humble Building by Humble Management

Noon, Luncheon in Petroleum Club

P.M., tour of Esso Production Research facility

Evening, party at Astrodome

Thus 27 Aug, 0900, visit NASA Manned Space Center, Houston, Tex.

Noon, informal lunch

1400, proceed to Rice University for tour and briefing

Evening, at leisure

Fri 28 Aug, 1200 depart Houston International Airport via Pan American Airways Flt 501 for Rio De Janeiro. CONUS tour ends

General Beatty also told the subcommittee that the tours are useful in so dazzling the Brazilian officers with our strategic hardware that they are induced to rely on us for international protection—allowing them to concentrate on their own specialties, such as internal policing:

The magnitude, extent, and costs of the U.S. defense effort are brought dramatically to their attention during visits to defense installations. Their recognition of this magnitude has been very influential in persuading the Brazilians that the U.S. strategic capabilities enable them to keep their military equipment procurement primarily limited to their needs for internal security and defense of contiguous maritime communications.

A BREATH OF MINT FOR BRAZIL

General Beatty and Public Safety Adviser Brown told the subcommittee that *encouraging* the Brazilians to concentrate on internal affairs, and indeed training them to do so, is kept scrupulously short of *interfering* with those internal affairs. This is a fine line, of course, but it is precisely when a cooperative relationship is hotly intertwined that one must be careful not to commit an indiscretion. Senator Church questioned Mr. Brown about one uncoordinated incident that took place when the police used equipment with clear American identification markings in the suppression of a riot. Mr. Brown supplied an account of how AID acted quickly to correct this condition and forestall further adverse publicity.

Subject equipment were olive-drab canvas pouches for carrying gas masks; they had U.S. stencilled in large black letters on the pouch; below the emblem was an insignia believed to be of the U.S. Army Chemical Corps and in smaller size stencilled lettering a capital "U" and the words "Army Service Gas Mask."

U.S. AID Public Safety was informed by the acting commander of the Military Police Battalion that the masks were loaned to the military police by the Brazilian Army.

Following the incident, U.S. AID Public Safety advisers discussed the subject with Secretary of Public Safety for the Federal District and he made the decision to have all of the U.S. markings on these pouches painted over with black paint. He later issued orders to the Military Police Commander to make certain that all equipment on loan from the Brazilian Army be checked and U.S. markings painted over.

This kind of precaution is absolutely necessary when so much military aid equipment is in the hands of authorities in Brazil. Similar care is required on the part of the American instructors who provide training for Brazilian military and police officers, because cooperation can look like interference if it is not handled right. Staff member Holt told General Beatty that a non-intrusion posture is especially important in our military training program, inasmuch as we teach Brazilian officers the following skills:

. . . censorship, checkpoint systems, chemical and biological operations, briefings on the CIA, civic action and civil affairs, clandestine operations, communism and democracy, cordon and search operations, counterguerrilla operations, cryptography, defoliation, dissent in the United States, electronic intelligence, electronic warfare and countermeasures, the use of informants, insurgency, intelligence, counterintelligence, subversion, countersubversion, espionage, counterespionage, interrogation of prisoners and suspects, handling mass rallies and meetings, nuclear weapons effects, intelligence photography, polygraphs, populace and resources control, psychological operations, raids and searches, riots, special warfare, surveillance, terror, and undercover operations.

Despite these fine lines, the U.S. mission in Brazil has managed to be very close without touching, without direct involvement in the internal affairs of Brazil. As Senator Church has stated, "The record contains the most categorical denials by responsible officials testifying under oath." In fact, the officials maintained that a noninvolvement policy has been in effect at least since the military government came to power in 1964. (There is a strong undercurrent of opinion in the hearings that U. S. disfavor with the previous constitutional government, effected through economic aid policy, was influential in bringing down that government in favor of the military.)

THE HUMAN FACTOR

Regardless of the firmness of the record on this score, Senators Church and Pell asserted that they had trouble explaining U.S. policy toward Brazil to critics in this country. The Brazilian government just *looks* bad, they said, despite the safe streets of Rio and the AID public relations training. Senator Church went into the appearance/reality problem by asserting that the realities to which General Beatty and the others had sworn carried little weight with Americans who have to form judgments based on the climate of international opinion and the newspapers. College students were, as usual, most troublesome on this score:

Now, when I go to American colleges and talk to young people they ask why have we spent $2 billion in Brazil when the government there is dictatorial in character, run by military men, any number of Brazilians are said to be mistreated in the jails, where there are recurrent reports of human torture. Why should the United States give such lavish support to a government of this kind? They say, "What does this have to do with the kind of society we are supposed to stand for?" Those questions are not easily answered, and since ultimately public support will be necessary to sustain any foreign policy, what happens when that foreign policy falls out of contact with the traditional values of our country in such a way that people can no longer understand its purpose nor justify their support for it? Young people say, if we are not against this kind of thing then what is it we are for in the world that is worth supporting? This is the ultimate test of a foreign policy and frankly, public support for the American foreign policy is rapidly eroding away.

It became clear during the testimony that Ambassador Rountree assuages his misgivings along these lines with the old American maxim that when in doubt, look to the GNP. As honorary president of the U.S. Chamber of Commerce in Brazil, the Ambassador alluded to a rise in the national income figures as indicators of a growing contentment that calms the Brazilian workers (whose standard of living, in a statistical counter-trend, has fallen 10 per cent in the last seven years). Whenever pressed by Senator Church to justify fervent American support of Brazil's government, Ambassador Rountree would wash the Medici regime in the momentum-words of progress and take the misunderstanding to its core:

Mr. ROUNTREE. The dedication of the Brazilian leaders, with the support of the Brazilian people to this program of progress, is really very impressive. Their progress is being made under a free enterprise system which I think serves as a very good example to others who might be considering other forms of economic systems for the achievement of their objectives.

Senator CHURCH. Do you feel the same way about the political system, Mr. Ambassador, serving as a good example?

Mr. ROUNTREE. The political situation existing in Brazil, of course, is uniquely Brazilian. I do not think they would expect that Brazilian solutions to the problems of Brazil would necessarily constitute an example for other countries whose problems are different, and whose situations are different . . . the situation in Brazil presents many differences from our own concepts. I am tremendously impressed with what President Nixon has said about this general question:

The United States has a strong political interest in maintaining cooperation with our neighbors regardless of their domestic viewpoint. . . . We deal with governments as they are.

Senator CHURCH. We not only deal with them, we extend lavish amounts of money, in the case of Brazil, $2 billion to support Brazilian programs under the auspices of this country. With all deference to the President's statement, it does not go far enough, in explaining our policies

Indeed, the President left out the spirit of the Stardust Hotel and of the AID public safety mission—the indescribable spark which sometimes arises between people who have things in common

SENATOR WILLIAM L. PROUTY

Mr. GAMBRELL. Mr. President, although I did not have an opportunity to become well acquainted with the late Senator from Vermont, Winston L. Prouty, I have been genuinely moved by the outpouring of feeling toward this sincere and gentle man.

It seems to me that the Senate could learn a valuable lesson from him—the importance of simplicity—simplicity of words, of style, and of intent. Senator Prouty, through his franchise from the people of Vermont and through his committee assignments, accomplished some real good for mankind by his constant work in behalf of the handicapped, the elderly, and the underprivileged.

The heartfelt gratitude of the beneficiaries of this man's untiring effort will form a suitable memorial to this dedicated public servant.

Mrs. Gambrell and I extend our deepest sympathy to Mrs. Prouty and her family in their time of loss.

REPRESENTATIVE POFF DECLINES CONSIDERATION FOR SUPREME COURT NOMINATION

Mr. TAFT. Mr. President, last week I spoke on the prospects for the nomination of Representative RICHARD H. POFF for one of the Supreme Court vacancies. Regrettably, Mr. POFF has now asked that his name not be considered. While I do not purport to speak for the Congressman or even know his reasons for taking the position he has taken, I fear that factors at work do not bode well for the appointment of the best qualified men to the Court. For that reason, I ask unanimous consent that an editorial published today in the Chicago Tribune be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

"LIBERAL" INTOLERANCE

Rep. Richard Poff, Virginia Republican, has requested President Nixon not to consider him for nomination to one of the two vacancies on the United States Supreme Court. He said he wished to avoid a protracted and degrading fight against confirmation which would bring agony to his family, and that he wished to avoid delay in manning the court. The President will respect Mr. Poff's decision.

Opposition to him had been gathering from Senate "liberals" who rejected Mr. Nixon's two other southern nominees for positions on the court. Teamed with these elements were civil rights, labor, and feminist groups. The National Association for the Advancement of the Colored People, Americans for Democratic Action and labor unions were said to have set a team of 50 attorneys combing Poff's record for ammunition to fuel a Senate filibuster had he been nominated.

Objections to him were primarily based on past votes against civil rights legislation and on his signing the Southern Manifesto against school desegregation in the mid-50s. The National Organization of Women opposed him because, as second ranking Republican member of the House Judiciary Committee, he voted to water down the proposed "equal rights for women" amendment to the Constitution.

It was of no consequence to his opponents that Mr. Poff, in a recorded interview last summer, long before consideration was given him for appointment to the court, confessed that his views on civil rights had been mistaken and that he repudiated them. The itch to embarrass President Nixon and "liberal" zealotry persisted, and his political enemies were not ready to give Rep. Poff a fair trial. Altho more than half of the Senate was believed ready to vote for confirmation, the administration was doubtful that it could muster the necessary two-thirds vote to shut off a filibuster.

In March, 1970, after his nominations of Judges Clement F. Haynsworth Jr. of South Carolina and G. Harrold Carswell of Florida had failed, Mr. Nixon said he would nominate no more candidates from southern states as long as the Senate remained as presently constituted. He said that his appointees had "endured with admirable dignity vicious assaults on their intelligence, their honesty and their character." He said that when hypocrisy was stripped away objections to them were founded on their philosophy of strict construction of the Constitution.

The President called the rejection of his nominees an "act of regional discrimination." Referring to the need for geographical balance on the court, he said that controversial and far-reaching decisions are better received "when each section of the country and every major segment of our people can look to the court and see there its legal philosophy articulately represented."

Rep. Poff had no desire to undergo the same ordeal visited on Mr. Nixon's other nominees by a "liberal" claque headed by such worthies as Senators Birch Bayh of Indiana, Edward F. Kennedy of Massachusetts, Charles Percy of Illinois and Edmund Muskie of Maine. He has stepped aside with dignity, leaving the President's adversaries to cook up objections to whomever the administration may be disposed to consider in his place.

STUDENTS COMBAT MULTIPLE SCLEROSIS

Mr. BAYH. Mr. President, multiple sclerosis is a neurological disease of the central nervous system—the brain and the spinal cord—which afflicts an estimated 500,000 people in this country. Tragically, the symptoms appear most often in adults between 20 and 35, but there is as yet no known cure. Thus, many of our young citizens become victims without warning of an unexplained disease which is sometimes fatal and other times relatively stable. In most patients, however, the symptoms multiply throughout the nervous system over time. The average life expectancy after the onset of symptoms is more than 25 years, but for many patients, those years are spent with incomplete motor control or sight.

In 1964, the National Multiple Sclerosis Society was founded as a result of widespread response to a public notice in the New York Times which read:

> Multiple Sclerosis: Will anyone recovered from it please communicate with patient. T272 Times.

Since then, the society has joined with 19 nations to combat the disease. In the United States, research has been conducted in closest consultation with the National Institute of Neurological Diseases and Blindness. By 1967, nearly $7 million had been made cumulatively available in research grants from the National Multiple Sclerosis Society. Since 1968, Congress has appropriated approximately $3 million a year. However, a cure has not yet been found.

At a time like this, when there is some promise of new breakthroughs in the field, requests for research grants have greatly increased.

In response to this need for more money, the National Student Association passed a resolution this year in Colorado to coordinate their efforts to combat the disease through educational programs and fundraisers. Each member school of the NSA will be asked to sponsor an Educational Week or Month on their campus, climaxed with a large fund raising event to support national research and patient service activities. I ask unanimous consent that the text of the resolution be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

WAR AGAINST MULTIPLE SCLEROSIS

Fact: Multiple sclerosis is a neurological disease that discriminates against young people. It primarily attacks the nervous system and cripples people in the prime of their life. The M.S. patients and chapters urgently need help to make sure that this horrible disease is eventually wiped out.

This disease is not the problem of the older generation, it is our people that are being physically destroyed. It is probable that a major break-through in M.S. can occur in this decade only if students are willing to devote their time.

Declaration: The U.S.N.S.A. stands fully committed to the fight against the disease of its generation, multiple sclerosis.

Mandate: There will be no cure found for M.S. unless the students are brought together in a unified group to aid the national multiple sclerosis society. N.S.A. will do all in its power to implement its position in combating this youth crippling disease, by coordinating student efforts across the United States.

Mr. BAYH. Mr. President, I had hoped to attend this year's NSA Congress but was unable to do so, because of a death in my family. I believe that the convention's unanimous commitment to restore our national priorities by working to raise medical research funds is noteworthy. I am sure the Senate will want to join me in paying tribute to these students. Let us hope that we can all join forces this year in meeting the challenge of multiple sclerosis.

CANNIKIN

Mr. CRANSTON. Mr. President, the latest news reports do not make clear whether President Nixon still intends to go ahead with the detonation of the Cannikin 5-megaton nuclear test, despite growing domestic and international concern about the environmental risk of doing so.

A new development in the past few days has further clouded the picture: Acting against all reason, and at the worst possible time, the Soviet Union has chosen to conduct a large underground explosion of its own, at its Arctic test grounds on Novaya Zemlya. Predictably, some reporters in this country have been quick to suggest that this was the Soviets' version of Cannikin, and to imply that this provides the President with fresh incentives to conduct the test. In my view, the Soviet action was outrageous and ill timed, and for exactly the same reasons that the U.S. detonation of Cannikin was and continues to be.

Nearly 2 years ago the authorization for Cannikin was first debated on the Senate floor. At the time, I called the test "unwise, unsafe, and scientifically unsound."

In view of the developments since then, I am convinced that, if anything, that was an understatement. Even if one could accept the testimony of scientific experts that the chances are small that Cannikin will trigger an earthquake or contaminate the sea, no one can claim that those dangers are nonexistent.

Congress has amended this year's AEC appropriation to require President Nixon personally to approve plans for Cannikin—in effect, if he decides to go ahead with it, to declare that despite the risks of environmental catastrophe, the national security interest in conducting this test is more important.

But I believe the President will find this hard to do. It now appears that the principal reason for the explosion is to test the warhead for an obsolescent missile, the Spartan ABM, which was to have been the mainstay of the anti-Chinese Sentinel ABM system which President Nixon scrapped when he came into office. The Safeguard ABM system he is now proposing is more suited to smaller missiles with smaller warheads than the 5-megaton Spartan.

Thus, the Cannikin test would appear to be not only unwise, unsafe, and unsound, but unnecessary as well.

Mr. President, in the apparent absence of a strong national security justification for the test, I have to wonder whether it is only pure inertia that keeps the momentum for this test going. Having scheduled the explosion and dug the hole for it and built the bomb to set off in that hole, is it possible that the AEC can conceive of not going ahead with that explosion?

If the predictions of the AEC safety experts are wrong, devastating environmental damage may result. No matter how remote the chances, it is still possible that the explosion could trigger an earthquake in this highly seismic area causing extensive damage from shocks and tidal waves, not only in Alaska, but on the U.S. West Coast, in Canada, in Japan, and in the U.S.S.R. Radiation could escape into the sea to kill fish and other marine life over a wide area. Radioactive gas could leak from the explosion chamber to contaminate the atmosphere and the land downwind from the test site.

It is hard to see why these risks to the environment should be taken at all, but it is impossible to justify them where there seems to be no reason to detonate the bomb other than that, "Here is a weapon and weapons have to be tested," as a New York Times editorial suggested yesterday.

Furthermore, the test is planned for the worst possible time. We are reportedly on the verge of reaching agreement at the SALT negotiations with the Russians on limiting ABM's and other strategic nuclear weapons. What worse way to show the world our good faith and concern about disarmament than by setting off a huge nuclear blast? Some will say, The Russians have just done so; why should not we as well? I can only say, Mr. President, that the argument that we must make a stupid mistake just because the Russians do is hardly justification for our doing so. Many of the same arguments that apply in the case of Cannikin apply to the Soviets as well, and their having ignored them in no way diminishes the stupidity of our going ahead with the test.

Aside from the potential damage to SALT negotiations resulting from this test, Mr. Nixon will soon be going to China. Will United States-China relations be improved by nuclear saber-rattling just before he departs? I doubt it.

I urge the President to cancel this test.

Mr. President, speaking on behalf of the Task Force for the Nuclear Test Ban, a group of prominent scientists and arms control negotiators recently wrote to President Nixon urging that he cancel Operation Cannikin. They argue forcefully and, I believe, persuasively that the potential physical and political risks of the nuclear test far outweigh whatever possible advantages there might be to the U.S. weapons development program. Mr. President, I ask unanimous consent that their letter and an editorial published in the New York Times of October 4, 1971, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

TASK FORCE FOR THE
NUCLEAR TEST BAN,
Washington, D.C., September 23, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: As individuals with varied scientific and political experience in national defense and arms control, we urge you to cancel Operation Cannikin, the large underground nuclear explosion at Amchitka Island, Alaska scheduled to be detonated in October. There are a number of compelling reasons that justify your taking this action. These reasons have been stated by many groups in the U.S. and by several governments, so we will briefly cite only a few.

The five megaton bomb, equal to the destructive force of ten billion pounds of TNT, will be the potentially most destructive man-made underground explosion in history.

This nuclear test creates physical and political risks that outweigh whatever possible advantages there might be to our weapons development program.

A recent analysis of past underground nuclear explosions, published by eminent seismologists in the July 16, 1971 issue of the journal, SCIENCE, demonstrates that such explosions in rock where there is residual strain can lead to earthquakes with the release of more than ten times the energy of the triggering explosion. Since Amchitka is in an earthquake region, this possibility in the case of the Cannikin test could result in major damages to life and property.

A serious threat also exists that the explosion could vent dangerous radioactivity in air, sea and underground water sources. If radioactive fall-out occurs, it could produce a danger to life in the area and upset the ecological balance in this region of the Far North. Even the sponsors of Cannikin at the Atomic Energy Commission and the Department of Defense cannot produce objective evidence that one or more of these disasters will not occur.

In addition to the very real threats to the ecology, life and property, there are political and economic reasons to cancel Cannikin. At a time when the U.S. is urging all nations to forego the development of nuclear weapons under the Nuclear Non-Proliferation Treaty, it weakens our credibility with these nations to proceed with one of the largest underground explosions in history. Furthermore, two important U.S. allies, Japan and Canada, both having legitimate concerns with activity in the North Pacific, have officially protested underground testing in this area.

The U.S. efforts in the present negotiations for strategic arms limitations would be reinforced if we would forego the setting-off of the Cannikin bomb.

A cancellation of Cannikin, we believe, should be followed by the U.S. instigating negotiations with the other nuclear powers for a comprehensive ban on all nuclear tests. New seismic and other developments of national means of verification are such that the the U.S. can now safely agree to a ban on testing underground without mandatory on-site inspections.

Stopping the Cannikin explosion could be an important and dramatic demonstration of our intention to halt a nuclear arms race that has placed a heavy economic and political burden on our nation without bringing us real security.

We urge you to take advantage of this opportunity for our nation to take this new initiative in the search for a secure and peaceful world.

Respectfully yours,
Dr. Bernard T. Feld,
Dean Adrian Fisher,
Dr. G. B. Kistiakowsky,
Dr. Franklin A. Long,
Ambassador James J. Wadsworth,
Dr. Betty Goetz Lall,
Mrs. Jo Pomerance,
Cochairmen, Task Force for the Nuclear Test Ban.

Gamble in the Aleutians

In recent weeks reports have come out of Washington that President Nixon plans to cancel the projected underground atomic test at Amchitka and other reports that he will shortly give it his required approval. The official word from the White House is that the President has yet to make up his mind on the test known as Cannikin. The conflicting stories—probably betraying no more than wishful thinking—are a measure of the division, even within the Administration, on this ominous project.

The Atomic Energy Commission and the Department of Defense are all for testing a five-megaton hydrogen warhead for the Spartan antiballistic missile system. Their defense of the test is routine, narrowly based and wholly unimaginable when measured against the dangers involved. In effect, they say: Here is a weapon and weapons have to be tested.

Against this oversimplification must be placed the State Department's concern about the resentments of Japan and Canada, both close enough to this Aleutian site to fear the earthquake, tidal waves and radioactivity that might be triggered by underground explosion of a hydrogen warhead 250 times as powerful as the bomb that destroyed Hiroshima.

The department also has a wary eye on the effect such a test could have on the strategic arms limitation talks with the Soviet Union. If the two powers agree on limiting ABM systems, there will be no need for the particular warhead to be tested; while to proceed with the test now might prejudice the chances that any limitation can be reached.

Above all, opposition stems from those concerned with the environment of the region—not only Canadians, Japanese and the Alaskans themselves, but the President's own environmental guardians. Their advice to cancel the test is backed by a group of distinguished authorities including Dr. George B. Kistiakowsky, who was science adviser to President Eisenhower. Cannikin, they warned the President in a joint telegram, is "potentially the most destructive man-made underground explosion in history."

No argument advanced by the Defense Department remotely justifies so appalling a gamble.

GEORGE MEANY'S TESTIMONY ON ECONOMIC STABILIZATION

Mr. HUMPHREY. Mr. President, on Monday, October 4, 1971, George Meany, president of the American Federation of Labor-Congress of Industrial Organizations appeared before the House Banking and Currency Committee to testify on the subject of economic stabilization.

Mr. Meany correctly pointed to a severe problem that the Nixon administration just will not face: Crisis planning and crisis government is not the way to run a government.

"What lies down the road—new panicky moves, new stunts, new surprises, new television programs starring the President?" asks Meany.

George Meany asks some hard questions that demand answers from the Nixon administration. But, as he correctly points out, the Nixon administration has given very few straight answers.

Mr. Meany's conclusions are worthy for all of us in public life to bear in mind:

> America needs immediate measures to lift the economy out of stagnation—to create jobs for the millions of unemployed and underemployed and to restore confidence and health to the economic foundation of American society.
>
> America does not need another experiment in 19th Century trickle-down policies. America does not need another bag of tricks, in place of sound and well-conceived measures.

Mr. President, I ask unanimous consent that the complete statement of Mr. Meany be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record as follows:

Statement of George Meany, President, American Federation of Labor and Congress of Industrial Organizations, Before the Banking and Currency Committee of the House of Representatives, on Economic Stabilization Hearings, October 4, 1971

We are glad to be here today, Mr. Chairman, because we are glad the Committee is holding these hearings. Out of them, we trust, will come the answers to some very perplexing questions that the President and his advisors have so far failed to give the American people.

For example:

What sudden national emergency caused the President on August 15 to abandon his economic policy; change his entire ideological course; break the word his Secretary of the Treasury had given this Committee?

If there wasn't a sudden national emergency, why the secrecy, why the elaborate security (with some possible exceptions), why the failure to consult Congress or even advise it?

What lies down the road—new panicky moves, new stunts, new surprises, new television programs starring the President?

And most important of all, how in the name of equality of sacrifice can the President impose economic actions which are patently unfair?

Is this what the Congress intended when it gave the President certain authority under the Economic Stabilization Act? Or has the President abused that authority?

Let's examine the record of what happened.

On August 15, President Nixon suddenly announced a 90-day freeze on wages, rents and most prices. To enforce the freeze, a Cost of Living Council, with broader powers, was established by Executive Order, and headed by the Secretary of the Treasury.

The freeze order was presented as only one part of a major package of economic actions and recommendations to the Congress, all of which the President said were equally important.

In referring to the authority for ordering the freeze, the President specifically singled out the Economic Stabilization Act, which originated in this Committee.

So it is most appropriate, in our judgment, for this Committee to examine the meaning and consequences of the order, as well as the purposes and intent of the Congress in adopting the Stabilization Act.

As you know, President Nixon opposed this legislation, when it was being considered in 1970 and the Administration sent a representative to this Committee to flatly oppose it.

On February 1, 1971, about a half-year after the Act was adopted, the President's Economic Report to the Congress stated: "I do not intend to impose wage and price controls. . . . Neither do I intend to rely upon an elaborate facade that seems to be wage and price control but is not."

Hardly more than three weeks later, on February 23, Secretary of the Treasury John B. Connally appeared before this Committee, in support of a two-year extension of the legislation. In his brief introductory statement, announcing the Administration's sudden reversal of policy on the legislation, Secretary Connally said:

"In accepting this section, we do so with the advance statement that we do not contemplate any circumstances—short of an all-out national emergency—in which the President would establish general wage-price controls without a further specific mandate from the Congress."

Yet, on August 15, the President simply dropped the Administration's 31-month old "game plan" and put a new "game plan" into effect, including a freeze order—without consultation with the Congress, advance notice, reasoned justification or even an explanation.

This was a sudden flip-flop in basic economic policy, without apology to the American people for rising unemployment, continued inflation and increased poverty that had been produced by the "game plan" which he put into effect in January 1969 and dropped like a hot potato on August 15, 1971.

Was there an all-out national emergency on August 15, which could justify the President's refusal or failure to keep Secretary Connally's promise to the Congress? If so, why wasn't America told?

Was it a political emergency—one created by the polls which showed a continued sharp drop in confidence, as a result of the Administration's "game plan" and policy failures? What is it that the President has tried to hide from the Congress and the American people?

There was no request for "a further specific mandate from the Congress," as promised by Secretary Connally. There wasn't even advance warning to the Congress, much less consultation, although there are stories that advance indications of the Administration's action were given to the oil industry. We have no way of knowing whether these stories are true or false, but we do know what happened to gasoline and oil prices. We also know the Administraton's record of tender concern for the welfare of big business and the banks, with little regard for the needs and aspirations of the vast majority of Americans.

Examination of the meaning and consequences of the President's new economic "game plan" show that it is clearly unbalanced and unfair.

The freeze on wages is across-the-board and absolute. It is enforced happily by the employer through control of the paycheck.

In contrast, some prices were never frozen, some prices have been allowed to increase since August 15 and there is no systematic, effective enforcement procedure for those prices that are still supposed to be frozen.

Interest rates and profits are completely free of any restraint at all, while, on dividends, there is only the Administration's verbal request to business to hold the line.

In addition, the President's tax and government expenditure proposals would reinforce the lopsided nature of the freeze order, through a radical redistribution of income and wealth for the benefit of big business, the major banks and the major stockholders, at the expense of the poor, the cities and state governments and federal employees.

Let me make the position of the AFL–CIO crystal clear:

On numerous occasions in the past five and one-half years, including our statement before this Committee during its hearings on the Economic Stabilization Act, we have said:

We are prepared to cooperate with stabilization controls—if the President decides they are necessary—provided such controls are evenhanded and across-the-board. But we are opposed to any and all attempts at one-sided curbs on workers' wages, without effective curbs on prices, profits, interest rates and other incomes.

The President's new "game plan" does not meet that test of balance and equity. The Administration's record provides no confidence that it can be trusted to use a general delegation of stabilization authority, with balance, equity and fairness.

We do not believe that it was the intent of the Congress, in adopting and extending the Stabilization Act, to establish the statutory basis for the Administration's double standard—generosity for big business and the banks, penalties for workers and the poor.

Under the freeze order, wages and salaries are frozen for 90 days. During that 90-day freeze, all deferred wage increases, under legal contracts, are nullified, all cost-of-living wage adjustments are barred. Merit and seniority increases are prohibited. So are productivity wage increases.

The effect is to nullify every collective bargaining contract, which provides a wage or salary adjustment during the 90-day period. And workers are told that they are prohibited from even negotiating retroactively for lost wages legitimately due them during the 90-day period.

So employers are pocketing tens of millions of dollars that are legitimately due their employees and these are just additional profits to the employer, whose prices already reflect the wage increases that are due, which the President now says must not be paid to workers.

The railway unions estimate that the loss of their 5% wage increase, between October 1 and the end of the 90-day period on November 13, amounts to about $40 million. And that is only one industry. There are many more—teachers and technicians, retail and service employees, blue-collar and white-collar workers alike.

With wages frozen, while productivity increases, this loss to workers and windfall to employers may total as much as $4 billion or more.

Of course, partnership income, like that enjoyed by Mr. Nixon's former law partners, is not frozen. Nor is the income of land speculators, or those who play the stock and bond market, or those who live on virtual tax-free incomes.

Was this the intent of the Congress in adopting the Stabilization Act—to nullify collective bargaining agreements, to penalize workers, to provide a windfall for employers?

Interest rates have been a major factor in the whole sorry inflation picture. But the President has refused to place a ceiling on interest rates, establish selective credit controls and allocate credit—ignoring the authority he has had since December 1969, as a result of legislation which originated in this Committee.

Interest payments by all sectors of the economy literally skyrocketed in the 1960s. They tripled between 1960 and 1970—rising from $44.9 billion in 1960 to $135.6 billion in 1970. The increase was from 8.9% of the Gross National Product in 1960 to 13.9% of a much greater GNP in 1970.

This huge increase in interest payments was passed on—and frequently pyramided on the way—to the consumer. It boosted costs and prices throughout the economy, particularly in 1969 and 1970, when interest rates reached their highest point in 100 years.

The beneficiaries of this rise of interest payments have essentially been the banks, their major stockholders and the big operators in bonds.

Despite the Administration's claims, interest rates are not in a consistent pattern of decline. They moved down through the second-half of last year and early 1971, turned up in the spring and were close to their record peaks in mid-August. The interest cost of conventional mortgages, for example, rose, in August, to a nationwide average of 7.73%. In many areas, with the addition of points, the effective rate was 8½%, 9% or more.

Following the President's announcement, interest rates moved down and, then, turned up again.

Yet this inflationary factor is without restraint. Was this the intent of Congress—to permit the price of money to be free to move up, when wage and salary earners' income is under a freeze?

Moreover, so long as profits are unchecked while wages and salaries are restrained, the test of equity is not met. Corporate profits rebounded, during the first-half of 1971, following a decline during the recession of 1969 and 1970. The cash-flow to corporations, in the first-half of the year, was 108% greater than in 1960.

To control or freeze the incomes of workers, without accompanying controls on the incomes of corporations and stockholders, is unbalanced and unfair. In our view, effective restraints on profits, through the tax structure, must accompany any restraints on wages, if there is to be balanced economic growth and equity.

We have documented our case against the President's tax package before the Ways and Means Committee. We will not repeat the details here, but let me point out we don't think the Committee's action begins to meet the problem. We are still opposed to the accelerated depreciation write-offs and also to the investment tax credit which the Congress wisely repealed in 1969.

Who will pay for the President's proposed tax bonanza to business of $70 billion over the coming decade?

The President's proposals provide the answer: The poor, through delay of much needed welfare reform. The financially strapped cities and states, through postponement of promised federal help. And federal employees, who have been singled out for especially unfair treatment.

The President has announced that he is putting into effect a 5% slash in federal employment. At a time when the President is apologizing for his tax bonanza to big business by calling it "job creation," it is inconsistent and, in fact, inconceivable that he would eliminate 100,000 jobs.

Moreover, the President announced a prolonged 10½-month freeze of the pay increase due federal employees. Unless the President's action is overturned by the Congress, as we trust it will, federal employees will wait at least until July 1, 1972, for increases they have already earned.

Were such gross inequities the intent of the Congress, in adopting the Economic Stabilization Act?

Unfairness characterizes many of the actions of the Cost of Living Council, just as it is deeply rooted in the basic policy. This can be seen, in capsule form, in the following report from *The Washington Post* of September 24:

"The Administration filed its first suit yesterday to enforce the wage-price freeze ordered by the President on August 15.

"The Justice Department filed suit in U.S. District Court in New Orleans seeking both temporary and permanent injunctions to block the school board of Jefferson Parish, La., from granting raises of about $400 to its 2,800 teachers.

"The move came amid a flurry of activity, including legal price increases on cars . . .

"American Motors Corporation said yesterday it began selling some of its 1972 model cars Wednesday at prices above the 1971 levels. But the Office of Emergency Preparedness said it had approved the new prices and 'does not regard them as price increases' . . .

"American Motors said it had made standard some equipment which was optional last year. Twelve of the company's models will cost more, but three, including the Javelin, will come down in price."

Was such a double standard the intent of the Congress when it adopted the Economic Stabilization Act?

Before concluding, Mr. Chairman, let me restate the AFL–CIO's pledge.

The AFL–CIO will cooperate with a stabilization effort that is fair, equitable and workable.

Back in February 1966, the AFL–CIO Executive Council adopted a policy statement which declared:

"If the President determines that the situation warrants extraordinary overall stabilization measures, the AFL–CIO will cooperate so long as such restraints are equitably placed on all costs and incomes—including all prices, profits, dividends, rents and executive compensation, as well as employees' wages and salaries. We are prepared to sacrifice as much as anyone else, so long as there is equality of sacrifice."

This statement has been reiterated by the constitutional conventions of the AFL–CIO in 1967 and 1969 and on numerous occasions by the Executive Council.

It is our view that one-sided curbs on workers' wages, with no effective restraints on prices or the incomes of other groups in the economy, including profits and interest rates and capital gains, are neither a balanced and equitable stabilization program nor a workable policy in a free society.

Anyone who expects workers to sacrifice alone just doesn't understand the American people.

It is our view that government measures to restrain wages—or both wages and prices—in one industry or one sector of the economy are inequitable and unworkable. In this complex, interdependent and huge American economy, it is not possible to single out one industry or one sector, in the hope of curbing price pressures, when all other parts of the economy are free of similar restraints.

How can the government, in good conscience, apply wage restraints on workers in one industry, when the prices of the food, clothing and other goods and services they must buy are free to move up? Such a measure smacks of punitive action, rather than a stabilization policy. Moreover, how can the government hope to stabilize prices in one industry or one sector when that industry or sector depends on materials and services it buys from other industries, whose prices are free to rise?

America now urgently needs job-creating expansionary measures to reduce unemployment rapidly, as well as fair and workable measures to curb inflation. The Administration's new "game plan" does not meet these urgent needs.

America's economic problems continue. Unemployment is continuing at high levels. Major economic indicators are continuing down.

America needs immediate measures to lift the economy out of stagnation—to create jobs for the millions of unemployed and underemployed and to restore confidence and health to the economic foundation of American society.

America does not need another experiment in 19th Century trickle-down policies. America does not need another bag of tricks, in place of sound and well-conceived measures.

We in the AFL–CIO want inflation ended. We want full employment restored. We are prepared to sacrifice to meet these goals—as much as anyone else, for as long as anyone else. But we will not be the scapegoat for the economic mess created by this Administration's ill-conceived "game plans" and its credibility-shattering sudden policy reversals.

In view of the Administration's record of unkept promises, disastrous policies, sudden flip-flops and utterly lop-sided programs, it is our considered contention that the Congress must reassert control over the economy.

The Congress gave the President a blank check in the Economic Stabilization Act. He has proved unworthy of that trust.

We believe this Committee should immediately open hearings on the subject of economic stabilization and draft a program for the duration of any national emergency, defining such emergency, and insuring that any program of controls be effective and equitable and that whatever sacrifice is necessary be borne equally by all Americans.

APPENDIX 1

INTEREST PAID BY ALL SECTORS OF THE ECONOMY, 1960–70

[Billions of dollars]

	1960	1970	Percent of GNP 1960	Percent of GNP 1970
Total interest paid	$44.9	$135.6	8.9	13.9
Business interest paid	27.8	97.4	5.5	10.0
Consumer interest paid	7.3	16.9	1.4	1.7
Government interest paid	9.8	21.3	2.0	2.2

Source: U.S. Department of Commerce, Office of Business Economics.

APPENDIX 2. CORPORATE PROFITS FIRST-HALF, 1971

From the August 1971 issue, Monthly Economic Letter of the First National City Bank of New York:

"Earnings in the second quarter rebounded almost to pre-recession peaks. Both sales and margins improved. . ."

"Reports from nearly 1,300 non-financial corporations tabulated by the First National City Bank's Economics Department showed an average year-to-year increase of 11% in after-tax earnings in the second quarter. In the first quarter, this same group of firms had a 7% rise in profits. . .

"Only four quarters in the past two decades have shown a more widespread advance in profits.

"For the most part, the rise in earnings paralleled the boost in sales volume that characterized the recovery. In addition, profit margins showed a moderate but encouraging advance, reflecting the benefits of extensive cost cutting. Profit margins rose to 5.3 cents per dollar of sales, compared with 5 cents in the first quarter and 5.1 cents a year ago. . .

"Altogether, after-tax profits of manufacturers rose 12% over the same quarter a year earlier. Compared with the previous quarter, earnings were also 12% higher. . .

"After adjustment for seasonal variation . . . virtually all of the 22% decline in manufacturing earnings during the recession has made up during the first two quarters of recovery."

The article in the bank's newsletter also explains why the bank examines company reports to stockholders, rather than depend on the Commerce Department's reports on profits. It explains that the Commerce Department's reports on profits are essentially based on corporate tax reports to IRS and, therefore, are less valid descriptions of corporate profitability. (There are also some questions about the accuracy of the reports to stockholders, but the article states that these reports "are probably closest to the concept of earning power used explicitly or implicitly by management. . .")

The article states:

"The idea of a separate set of books for the tax collector is nothing new in human history. This country's complicated corporate tax structure has today made this almost a necessity. Corporate management would be derelict in its duty to stockholders if it did not utilize every legal means of minimizing reported income and therefore taxes. Yet just because this method of reporting taxable profits is hedged about by laws and regulations, that does not mean that it is the 'true' picture of what is happening to business and its earning capacity."

These are some of the reasons why the AFL–CIO, as well as some investment counselors, emphasize the importance of changes in the corporate cash-flow (after-tax profits plus depreciation allowances) as a more accurate indicator of the financial ability of corporate enterprise.

APPENDIX 3. THE CORPORATE CASH-FLOW SINCE 1960

The inflation problem of recent years started with a profit inflation, which persisted through most of the past decade.

The cash-flow to corporations (after-tax profits plus depreciation allowances) shot up sharply in the 1960s, much faster than wages and salaries. By the first half of 1969, before the recession started, the corporate cash-flow had skyrocketed far out of line with improvements in workers' wages.

Between 1960 and the first half of 1969, before the onset of the recession:

The cash-flow to corporations shot up 87%.

But the after-tax personal income of all Americans was up only 77%—about one-eighth less than the corporate cash-flow. And that includes the effects of a large increase in employment and substantial increases in income from interest payments, rent and dividends, as well as the income gains of wage and salary earners.

The after-tax weekly earnings of the average non-supervisory worker in private, nonfarm employment were up merely 34%—three-fifths less than the corporate cash-flow. In terms of buying power, the gain was only about 10%.

The cash-flow to corporations soared from 1960 to 1966 and continued up at a somewhat slower pace through the first half of 1969. From the latter half of 1969 through the end of 1970, the recession—combined with the sharp rise of interest rates and lagging productivity—brought a decline in the profits of non-financial corporations and their cash-flow leveled off.

However, in the late 1960s and particularly in 1969–1970, interest rates shot up—resulting in rising costs and prices and sharply increasing bank profits. So, while the cash-flow of non-financial corporations rose more slowly in the late 1960s and leveled off between the first half of 1969 and the end of 1970, bank profits soared.

As a result, the cash-flow to corporations generally (including banks) moved up a bit, even during the recession of 1969–1970.

In the first half of 1971, despite sluggish conditions in most parts of the economy, profits and the cash-flow rebounded—moving up much more rapidly than the gross national product. There has been a widening of profit margins and a rise in the volume of sales, as well as a continuing increase of depreciation allowances.

By the first half of 1971—with industry operating at only 73% of productive capacity—the cash-flow to corporations was 108% above 1960.

Corporate cash-flow, after-tax profits plus depreciation allowances

	Billion
1960	$51.6
1961	53.5
1962	61.3
1963	64.8
1964	72.3
1965	82.9
1966	89.5
1967	89.6
1968	94.6
1969	95.8
First half 1969	96.4
1970	97.4
First half 1971	107.1

Source: U.S. Department of Commerce.

PRECEDENT FOR RATIFYING GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, one of the objections to the ratification of the

Genocide Convention is based upon its article 9 which states that disputes between the contracting parties are to be submitted to the International Court of Justice for adjudication. It is argued that this is an unprecedented delegation of power by the United States to an international body.

This argument is incorrect.

On November 2, 1967 the Senate ratified the Supplementary Convention on the Abolition of Slavery. Article 10 of the Supplementary Slavery Convention states that disputes between the contracting parties are to be submitted to the International Court of Justice for adjudication. This is clear precedent for article 9 of the Genocide Convention.

Mr. President, the Senate should ratify the Genocide Convention as soon as possible.

OPENING STATEMENT OF SENATOR SAM J. ERVIN, JR., BEFORE THE CONSTITUTIONAL RIGHTS SUBCOMMITTEE HEARINGS ON FREEDOM OF THE PRESS

Mr. ERVIN. Mr. President, last week the Senate Subcommittee on Constitutional Rights began a series of hearings on freedom of the press in America. These hearings are a part of a subcommittee study of the relationship between the press and Government. They will be continued this month on October 12, 13, and 14 and on October 19 and 20.

There is great public interest in these hearings. The subcommittee has received many inquiries concerning their purpose and direction. Because of this great interest in the hearings, I intend to insert later this week statements prepared and delivered by several of the witnesses who appeared before the subcommittee last week.

Mr. President, I ask unanimous consent to have printed in the Record the statement which I made at the opening of this series of hearings. In addition to detailing the reasons for these hearings, it underscores what the subcommittee's goals are in studying this important subject.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Opening Statement of Senator Sam J. Ervin, Jr., Chairman, Senate Subcommittee on Constitutional Rights Hearings on Freedom of the Press, September 28, 1971

Many years ago, at the birth of our great Republic, Thomas Jefferson observed:

"No government ought to be without censors and where the press is free, no one ever will."

Today, nearly two centuries since our Founding Fathers incorporated Jefferson's observation in the First Amendment to our Constitution, the Senate Subcommittee on Constitutional Rights opens a series of hearings to examine the state of freedom of the press in America.

These hearings, and the Subcommittee study of which they are a part, have been organized because it is apparent that in today's America, many people doubt the vitality and significance of the First Amendment's guarantee of freedom of the press. There have been at least four recent examples of this:

First, the increased subpoenaing of journalists by grand juries and Congressional committees;

Second, the recent publication by several newspapers of classified information and the government's unsuccessful attempt to enjoin the publication;

Third, the widespread use of false press credentials by government investigators; and

Fourth, new fears about government control and regulation of the broadcast media.

These developments have brought into sharp relief existing concern about the relationship between government and the working press.

In addition, we have heard sharp and angry attacks upon the news media by high government officials. These attacks have brought forth equally hostile responses from spokesmen for the press. Some government officials appear to believe that the purpose of the press is to present the government's policies and programs to the public in the best possible light. These officials have forgotten Jefferson's words. Indeed, they appear to have lost sight of the central purpose of a free press in a free society.

Likewise, some members of the press appear to have forgotten that the First Amendment's guarantee of free speech and free press was not intended as their exclusive possession. Those enlightened men who devised our constitutional system did not mean to secure freedom of the press by suppressing the right of Americans, whether private citizens or public officials, to criticize the press. Not every critical word about the press is an attack on the First Amendment.

These continuing controversies, and the bitterness and suspicion that accompany them, make it evident that many Americans are uncertain about both the role of a free press in a free society and the necessary conditions for its preservation.

In my judgment, it is time to challenge this uncertainty by considering again the reasons underlying the Constitution's guarantee of freedom of the press. It is time to reexamine and to reemphasize First Amendment principles.

And, it is time to measure developments in the law as they affect both the printed and broadcast press against these principles. Such are the objects of this series of hearings.

The struggle to establish and preserve freedom of the press has been long and bitter. From the moment the type was set on the first printing press, kings and parliaments have attempted to control the press. Public officials have always feared the threat that a free and vigorous press poses to their power and tenure.

Anglo-American history has been no exception to this struggle. During the reign of Henry VIII, the manuscript of any material intended for publication had to be submitted to royal officials empowered to censor objectionable passages. Licensing was another means of controlling the press, and these officials also had the power to approve or deny a license for printing the material. Licensing continued in England until 1694. Thereafter, the common law crime of seditious libel emerged as a substitute for the system of licensing as a means of control.

Chief Justice Holt set forth the underlying concept of seditious libel in *Tuchin's* case, in 1704. He wrote:

"A reflection on the government must be punished because if people should not be called to account for possessing the people with an ill opinion of the government, no government can subsist. For it is very necessary for all governments that the people should have a good opinion of it."

Historical studies indicate that there were hundreds of convictions for seditious libel during the seventeenth and eighteenth centuries in England.

American colonial history is replete with examples of government attempts to censor the press. A gentleman named John Wise, of Massachusetts, was tried and convicted of seditious libel in 1687 for bringing the King's government "into hatred and contempt in the minds of the people." He had dared to declare that a tax not levied by the Assembly was contrary to Magna Carta and did not have to be paid. His punishment was suspension from the ministry, a fine of fifty pounds, and the posting of a one-thousand pounds bond to guarantee his "good behavior" for one year.

Time and time again in colonial America, men were arrested and thrown in jail for "wicked lyes and slanders upon Government," for "sundry vile insinuations against His Majesty's rightful and lawful authority," and "for inflaming the minds of his Majesty's subjects."

There is a fundamental similarity among these and other historical instances of restriction of the press in the government's rationale. Governments justified prior restraint or prosecution on the grounds of the necessity of preserving its good reputation among the people. All too often, this is still the real, if no longer the explicit, justification for government attempts to control the press.

In a truly free society this is not a sufficient justification. Our Founding Fathers understood that however incomplete, unfair, and even vicious the press may be in its attacks upon government and government officials, the press cannot be censored or punished, without undermining one of the cornerstones of free thought and expression.

The first widespread discussion in America of the significance of the First Amendment's guarantee of freedom of the press occurred during the bitter days at the close of the eighteenth century. By 1798, our young Republic was on the verge of collapse. A Federalist majority in Congress, determinded to stifle opposition, enacted the Alien and Sedition Laws of 1798. The Sedition Act made it a federal crime, punishable by fine and imprisonment, to publish "any false, scandalous and malicious writing" against the government, Congress, or the President. Ironically, this legislation passed the Senate on July 4, 1798.

The Sedition Law was vigorously enforced. The government brought to trial, convicted, and imprisoned many Americans who dared to put in print their opposition to the policies of the incumbent Administration. Many others were intimidated—or as we now say "chilled"—by fear of retribution. Confronted by this reign of terror against freedom of the press, Thomas Jefferson in 1799 was moved to tell a group of college students:

"To preserve the freedom of the human mind . . . and freedom of the press, every spirit should be ready to devote itself to martyrdom; for as long as we may think as we will, and speak as we think the condition of man will proceed in improvement."

From this sad chapter of repression in the history of our country came a greater appreciation for the necessity of protecting the press from government intimidation. While the Alien and Sedition laws were repealed and never held to be unconstitutional by the Supreme Court, most Americans accepted the view that the First Amendment's guarantee of freedom of the press was incompatible with the traditional common law of seditious libel. Americans who believed in freedom—freedom of thought and freedom of expression—determined that a free and robust press was an absolutely essential ingredient for a truly free society. Not since that time has criticism of government policies and officials by the press constituted a crime.

Our historic commitment to freedom of the press means that we must tolerate absurd, misleading, and vindictive reports which sometimes appear in newspapers and magazines and on radio and television. It means that thoughts and ideas which we hate and despise will appear in print and be broadcast across the land. James Madison recognized that "Some degree of abuse is inseparable from the proper use of every thing; and in no instance is this more true than in that of the press." Most Americans have come to understand that the irritating excesses of the press are a small price to pay for a press independent of government control.

They realize that only an independent press can vigorously and effectively contribute to that wide-ranging and critical discussion of public affairs which is a prerequisite to a democratic society.

This view of the role of a free press in a free society necessarily means that there will be tension and sometimes hostility between the press and government. Indeed, it is the conflict between the press and government which attests to the vitality of the First Amendment.

This conflict exists today. It is manifested in a number of relationships between government and the press.

THE SUBPOENA CONTROVERSY

In recent years an increasing number of subpoenas have been issued to newsmen in connection with various government investigations. In the past, government prosecutors and members of the press have attempted to adjust their different interests in a way that would serve justice without endangering freedom of the press. Apparently, the mutual understanding on the part of the press and the government which underlay this adjustment of interests has disappeared, perhaps another victim of the fear and suspicion that has developed between them. Confrontation has replaced negotiation. Today, there are members of the press who believe that their integrity and independence is being threatened by government's zealous demand for their notes, their pictures, their films, and other working materials. Some of them suggest that the government views the reporter as another investigative arm of government. The government, on the other hand, sees no reason why members of the press do not have exactly the same obligations as any other citizen when it comes to law enforcement.

It is not an easy task to resolve the conflict between First Amendment interests and the interests of justice that is involved in the subpoena controversy. The Attorney General, in August, 1970, issued Guidelines to govern the issuance of subpoenas at the federal level. A case is presently under consideration by the Supreme Court which directly raises the issue of whether or not the First Amendment requires the granting of a privilege for newsmen not to appear before a Grand Jury under certain circumstances.

Senator James Pearson, of Kansas, and Congressman Charles Whalen, of Ohio, have introduced legislation in the Senate and House of Representatives to establish a statutory privilege for newsmen to protect their confidential information and sources from compulsory disclosure. Senator Pearson's bill, S. 1311, has been referred to the Subcommittee on Constitutional Rights. Many of our witnesses will comment upon this legislation and the underlying problem.

THE TIMES INJUNCTION

The conflicting interests of the government and the press were dramatically underlined this past summer in connection with another problem. On June 30, 1971, the Supreme Court handed down one of the most important opinions ever issued concerning freedom of the press. The case of *New York Times* v. *United States* is a touchstone for any analysis of the state of the law concerning freedom of the press. The conflicting positions put forth by the parties in this case underscore the need to re-examine First Amendment principles.

The government sought to enjoin publication by *The New York Times* and *The Washington Post* of the Pentagon Papers which contain classified information concerning our country's involvement in the Vietnam war. The government argued that the President's constitutional responsibility for foreign affairs and for national security entitled the President to an injunction against publication upon persuading a court that the information to be revealed threatens "grave and irreparable" injury to the country. Quite simply, it was an argument that the "inherent" Presidential power to protect the national interest was superior to the proscription of the First Amendment.

In wisely rejecting the Government's application for an injunction, the Supreme Court reaffirmed the belief of our Founding Fathers that a press free from governmental control is essential to a free society.

Mr. Justice Black in his opinion emphasized the purpose of a free press:

"In the First Amendment the Founding Fathers gave the free press the protection it must have to fulfill its essential role in our democracy. The press was to serve the governed, not the governors. The Government's power to censor the press was abolished so that the press would remain forever free to censure the Government."

Notwithstanding the Supreme Court's holding in this case, the Government's attempt to restrain publication of the "Pentagon Papers" has raised serious doubts about the security of freedom of press. This case represented the first time since the adoption of the Bill of Rights that federal courts have been asked by the government to halt publication. Furthermore, a careful analysis of the various opinions filed in this case makes uncertain just how free from government restraint the press is.

It is my hope that these hearings will provide a forum for the examination of the impact of this important case on the state of freedom of the press.

Whatever the differing views concerning this historic case and the circumstances surrounding it, it is important that we understand the consequences of this decision for freedom of the press.

THE BROADCAST MEDIA

Another special concern of these hearings is the First Amendment implications of existing government regulation of the broadcast industry. The increasing amount and scope of government regulation of broadcasting has occurred without sufficient attention to its effect upon principles of freedom of press.

While the Founding Fathers did not contemplate the media of radio and television when they wrote the First Amendment, their reasons for protecting the printed press from government control apply equally to the broadcast media. More people get their news from radio and television today than any other single source. Studies show that the impact of the broadcast media upon Americans is without precedent in the history of communications. If First Amendment principles are held not to apply to the broadcast media, it may well be that the Constitution's guarantee of a free press is on its death bed.

Great confusion surrounds the Federal statutes, regulations, and the few court decisions which affect broadcasting. Congress enacted the Radio Act of 1927 and the Communications Act of 1934 to prevent the air waves from being flooded with such a host of voices that the medium of broadcasting would be rendered useless. Whatever government regulation of broadcasting was authorized, it was only for the purpose of securing the most effective use of available air waves and communications technology. As is often the case with government control, this limited authority with respect to broadcasting has greatly expanded.

The power of the Federal Communications Commission has increased to the point that many broadcasters believe principles of freedom of the press no longer have significance with respect to broadcasting. With the promulgation by the Federal Communications Commission in 1949 of the "fairness doctrine," the Commission's power over broadcasting was greatly enhanced.

Whatever one's view of the "fairness doctrine," it must be clear to everyone that such a doctrine has placed in the hands of a federal agency a not very subtle form of censorship. A recent federal Court of Appeals decision, for example, has sustained an FCC determination that since the relationship of smoking to health is no longer a "controversial issue," tobacco interests are not entitled to the benefit of the fairness doctrine. In other words, mankind, at least as personified by the FCC, has discovered the ultimate truth with respect to the hazards of smoking. There is no reason for further discussion.

The irony in this decision underscores its absurdity and its danger. It was only a few years ago that opponents of smoking were fighting an uphill and largely discouraging battle to convince the FCC and the courts that smoking was dangerous and therefore a "controversial issue." In less than ten years, "absolute truth" has shifted from one side of this issue to the other.

The lesson of this one example is that whatever the dangers to freedom of expression that result from concentrated ownership of the broadcast media, it is nowhere near as dangerous as leaving to a few government officials the power to decide what can be discussed and what cannot; and when ultimate truth has been discovered and what it is.

There are some Americans who apparently think they know what is good and what is bad for other Americans to hear on the radio and to see on television. They believe that the power of government should be used to protect Americans from falsehood, bad programming, harmful thoughts, and zealous advertising. While I do not quarrel with the good intentions of these people, I believe that the sweeping government regulation of broadcasting implicit in this view foreshadows the end of a free broadcast media and with it, a mortal blow to the First Amendment.

Our Founding Fathers were wise enough to know that there is no way to give freedom of speech and press to the wise and deny it to fools and knaves. Certainly, they did not intend for the government to decide who were the wise and who were the fools and who were the knaves. With broadcasting, just as with the printed press, governmental power to protect the public from excess and foolishness is governmental power to censor.

The troublesome consequences of government regulation of broadcasting were dramatized this summer when Dr. Frank Stanton, President of Columbia Broadcasting System, relied upon the First Amendment in refusing to appear before the House Committee on Interstate and Foreign Commerce. That Committee issued a subpoena to Dr. Stanton in connection with its investigation of a controversial television broadcast. The Committee's assertion of authority to protect the public from misleading presentation of the news was challenged by Dr. Stanton's insistence that First Amendment principles apply to broadcasting as well as to the printed press.

This controversy clearly sets forth the problems involved in authorizing government regulation of broadcasting "in the public interest" and simultaneously protecting freedom of the press.

PRESS CREDENTIALS AND "COVERS"

Another manifestation of today's tension between government and the press involves the issuance of press credentials by government to reporters and the alleged use of these press credentials as "covers" by government investigators. This problem was underscored by a recent incident in Madison, Wisconsin. This summer members of the Madison Newspaper Guild unanimously voted to destroy their press cards and denounced them as "a form of license." Speaking for its members, the Guild President said, "We take this step not lightly but in response to repeated police use in this country of undercover agents using press cards." He added, "The power to license . . . implies the power to withdraw the right."

These and other conflicts between government and the press should give liberty-loving Americans cause for concern. They have prompted this Subcommittee study and this series of hearings on the state of freedom of the press. In many situations the interests of government and the press appear to be irreconcilable. Often they are not, but only seem so because the two sides have taken intransigent positions out of mutual distrust and fear. Rarely if ever in our history have we actually had to choose between suppression of the press or disaster. In every national war, where security was truly at stake, the press and government found means of accommodating their apparently irreconcilable interests. I see no reason why suppression or censorship is required now, if it was not when national survival hung in the balance.

Nonetheless, it is easier to preach freedom of the press than it is to practice it. In the midst of controversies which seem to us now as earth-shaking, we tend to lose sight of the higher issues at stake. These hearings are designed to let us take pause from the daily battle, and assess where we are and where we should be going. Hopefully, they will produce a better understanding by press, government, and the American people of the purposes of the First Amendment.

The topic "freedom of the press" is obviously much too broad and deep to be thoroughly covered in one set of hearings. There are many issues that will not be mentioned, or at most only touched upon. For example, it should not be thought that freedom of the press refers only to the working news press, and of them, only the "establishment" press. Movies, scholars, the "underground" press, obscenity—all raise issues under the First Amendment. Because we will not discuss them here should not be understood as meaning that the Subcommittee has drawn a circle and left them outside the First Amendment.

Assisting the Subcommittee in these hearings are Americans with diverse and wide-ranging experiences in journalism, in publishing, in government, and in the law. Among those invited to appear before the Subcommittee are members of Congress; the Attorney General; members of the Federal Communications Commission; newspaper reporters, editors, and publishers; broadcast journalists; presidents of broadcast networks; professors of constitutional law and constitutional history; and representatives of newspaper, publisher, photographer, and broadcast associations. Because of the experience and knowledge of the witnesses who are scheduled to appear before the Subcommittee, I am confident that these hearings will make a significant contribution to a better understanding of freedom of the press.

This week, the Subcommittee is pleased to have as its witnesses Senator James Pearson, of Kansas, author of S. 1311—the newsmen's privilege bill; Congressman Charles Whalen, of Ohio, author of the companion bill in the House of Representatives; Mr. Harding Bancroft, Executive Vice President of *The New York Times*; Mr. Norman Isaacs, of the Columbia University School of Journalism; Mr. Frank Stanton, President of the Columbia Broadcasting System; Mr. Richard Barnet, author and political scientist; Congressman Ogden Reid, of New York; Mr. Walter Cronkite, of CBS News; Professor Philip Kurland, of Chicago Law School; and Mr. James J. Kilpatrick, newspaper columnist and television commentator.

WILL PEKING CHANGE?

Mr. GOLDWATER. Mr. President, not quite a year ago, on December 19, 1970, I addressed the Senate on the question of Red China and raised the question of whether the mere passage of time has in any way altered the bloody practices of a Communist regime which holds some 8 million people in its control. At that time I suggested that the whole idea of opening channels of communication to Red China could be a beneficial development if it were to lead to a growth of freedom in the Far East and if it were not taken as the sole requirement for eventual recognition of Communist China by the United States and for the admission of Red China to the United Nations. As I said on that occasion opening of the channels of communication "can only be acceptable if communication is set up between the United States and China and becomes meaningful enough to bring about some reforms on the mainland of China in the name of human freedom."

In that earlier speech I referred to Red China as a "rogue nation" and said that some authorities believe it is a totalitarian system which is planning a 100-year assault against the entire globe and which would not recoil from the horror of instituting nuclear war to accomplish its goal.

Now, Mr. President, quite a number of events have taken place since December of 1970. For one thing the Red Chinese received and entertained in their country a ping pong team from the United States as well as numerous long-standing China liberals and American newsmen. In addition to that, Chinese Premier Chou En-lai received the Kissinger mission from the United States and mapped out plans for President Nixon to visit Red China personally sometime before May of next year.

Now let me make it perfectly clear that far from opposing such visitations to the People's Republic of China I am happy to welcome and encourage them. I believe that this method of communication with a nation that once refused even to speak with our officials may be highly beneficial to the cause of world peace in the long run. I see nothing devious or evil in the fact that an American table tennis team had a pleasant social time in China while they were being soundly defeated in China's favorite sport. And I see nothing devious or evil in the prospect of a visit to Red China by President Richard M. Nixon. In fact, I would rather see President Nixon in that particular role than any of our former Presidents or any of our softheaded liberal diplomats. It will be recalled that President Nixon is a long-time student of Communist tactics and that he stood his ground before a belligerent and bullying and shouting Nikita Khrushchev in the famous "Kitchen Cabinet" incident of 1959.

At the same time, Mr. President, I want to go on record as stating that the Red Chinese have done nothing substantial to wipe out their record of being the principal fomentor of strife, tyranny, oppression, and subversion throughout the world.

Let us examine what has happened. In the first instance—that is, the visitation of the ping pong players and journalists to Red China—the Peking government has done nothing but show the most rudimentary kind of courtesy to citizens of another nation. Admittedly, this is the change from past performance, but whether it is an indication of a whole new attitude on the part of Communist China is something we still have to find out. In the second instance—the agreement on a visit by President Nixon—the Red Chinese have done nothing more than agree to talk. This too has to be recognized as a change—in fact a distinct departure from previous policies. But, again, the whole question of whether the change signifies more than just a tactical maneuver in an oriental game of diplomatic chess is yet to be discovered.

In fact, Mr. President, I believe the major objective of the Nixon visit to Red China should be to observe and to make some kind of a judgment on the motives behind the latest moves of the Peking government. I believe that a major purpose of the Nixon trip should be to determine if Red China is ready to change its attitude on enough important matters to make it acceptable for membership in the family of nations.

Despite all the arguments that a climate of detente has been created we have no solid evidence to make a real case. In all events, I, for one, cannot subscribe to any enthusiasm for seeing Red China admitted to the United Nations General Assembly. I believe we must acknowledge that this action is inevitable, but I do not agree that it is reason for any kind of celebrating among western nations. And if it is accomplished by the elimination of Taiwan, either from the Security Council or the General Assembly, I say that the action will not be an achievement but a complete and total surrender to expediency. We must remember that the Nationalist Chinese Government on Taiwan was a charter member of the United Nations and was supposed to be a permanent member of the U.N. Security Council. It must also be remembered that the Nationalist Chinese have done nothing that would justify their expulsion from either or both positions in the United Nations.

In fact, when the activities of all United Nations agencies are inspected, I believe it will be found that the Government on Formosa has done more than most other nations to advance the cause of world peace. I believe you will find that Nationalist China has been a major contributor to the welfare of less fortunate nations around the world and has upheld all of its obligations with distinction and honor.

In other words, Mr. President, the Nationalist Chinese have done nothing wrong except to occupy a position in the United Nations and in the family of nations which is sought by a powerful outsider. I note that recently the British foreign secretary, Sir Alec Douglas-Home believes that the admission of Red China, as he put it, will add "a mighty vote to our councils," Sir Alec also offered the opinion that a major step will have been taken "toward the true representation of the balance of the world power and world opinion, from which consensus can be hammered out, however painful at times the process may be."

I sincerely hope that the British foreign secretary is correct. I hope, in this case, the British may be showing a more astute grasp of the world situation than they have in the past. But I believe the opinion of Sir Alec Douglas-Home is the worst kind of wishful thinking.

It occurs to me, Mr. President, that unless Peking has drastically changed her policy, her attitudes and her objectives, the addition of Red China to the United Nations will be a serious blow to that organization. I believe that what worth the U.N. has had in the past as a neutral ground for debating world problems will be lost. I believe that the admission of Red China will pave the way for the admission of other Communist governments in similar circumstances. I believe the admission of Red China will pave the way for new and successful drives for the admission of North Vietnam, North Korea and East Germany—all Communist regimes. In other words, I believe the admission of Red China to any part of the United Nations will be a major step toward turning the United Nations into a convenient and dangerous sounding board for international communism.

Mr. President, I sincerely hope that I am wrong in this. But if I am not, I believe that our future usefulness in the United Nations will rapidly be drawing to a close. In fact, I believe the usefulness of the United Nations itself as a place where opposing viewpoints can be aired will be rapidly drawing to a close. It stands to reason that if and when the Communist nations gain a voting control in the United Nations that organization's value to the cause of peace and to the cause of human freedom will be at an end.

I dislike to strike a negative note at this time of diplomatic euphoria, but I must draw attention to the fact that once again Communist words do not match Communist actions in the field of foreign affairs. If an accommodation is near with the Soviet Union, if the SALT talks are actually on the verge of producing some kind of agreement on strategic arms, why is the Soviet Union breaking its neck to build the most powerful arsenal of nuclear weapons and the most powerful navy the world has ever seen? And if Red China is actually moving in the direction of a detente with the United States, why does it keep sending the implements of war to North Vietnam and why does it push to establish the world's largest stockpile of nuclear weapons?

Mr. President, I believe the answers to these questions prove rather conclusively that either the Communists are using a facade of accommodation as a tactic to outmaneuver us or they are thoroughly convinced that the effort will fail. In all events, we seem to be the only party to these so-called detentes who is not going all out for an arsenal big enough to intimidate the remainder of the world.

As I have said repeatedly, in connection with Red China, the mere passage of time does not alter principle. The mere fact that the government of Mao Tse-tung has proven that it has "staying power" is no reason why we should believe that it smells any sweeter.

In conclusion, Mr. President, let me repeat something I said in December of 1970 and which I feel holds just as true today:

> Nothing can be gained but a great deal can be lost by the admission of Red China to the United Nations or its diplomatic recognition by the United States. If we approve either act, as a nation we will in effect be placing our seal of approval, not only on the tyranny which Communist Peking maintains within the boundaries of China, but we will, by inference, be endorsing the policies through which Red China spreads rebellion, discontent and subversion throughout Africa, the Middle East and the Western Hemisphere in addition to Southeast Asia.

THE OTHER IOWA

Mr. HUMPHREY. Mr. President, as chairman of the Rural Development Subcommittee of the Committee on Agriculture and Forestry, I took particular note of an article entitled "The Other Iowa," written by Mr. Richard Greenwood, editor of the Iowa AFL-CIO, and published in last Sunday's Washington Post. I commend this article to the attention of Senators and urge them to read it carefully. The article tells of what is happening in Iowa, one of our Nation's most rural States. It reveals the dilemma faced by many of the farmers in that State today as a result of the huge corn crop they produced at the request of the Nixon administration. It reveals some of the problems faced by the smaller farmers and how many of them must find jobs in town in order to make it on the farm. It tells of abandoned businesses in small towns and declining prices for farm commodities while consumer prices continue upward.

Mr. President, I understand that today we are observing the Annual Day of Bread and that loaves of bread are being distributed to every Member of Congress today to mark the occasion. I hope, Mr. President, that as Secretary Hardin participates in this day of observance, he can offer some explanation and hope to Iowa corn and wheat farmers throughout the Nation regarding the prices they are now receiving for their products, including the wheat that is used to produce a loaf of bread. Wheat is down to about 2 cents a pound, while the retailer still asks the housewife to pay 25 to 30 cents a pound.

Our wheat and feed grain farmers today must be given some relief from these price depressing pressures. Iowa, Nebraska, Minnesota, Illinois, Indiana, and the other States of our great Midwestern heartland are faced with major blows to their respective economies as a direct result of what is now happening to agriculture and the American farmer. The story revealed in Mr. Greenwood's "The Other Iowa" is destined to get much worse before it gets better—and throughout our Nation's agricultural regions—if something is not done soon by Congress and the administration to help the American farmer to meet this crisis.

The action I called for yesterday on the Senate floor regarding the enactment of a national grain reserve bill and the need for an acreage diversion payment program for the 1972 wheat and feed grain crops would go a long way in helping to relieve these problems.

Mr. President, I ask unanimous consent to have printed in the RECORD Mr. Greenwood's article entitled "The Other Iowa."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE OTHER IOWA

(By Richard Greenwood)

Back in March, when President Nixon made his foray into Iowa to announce his rural development revenue-sharing plan, he may not have been shaken by the unfriendly greeting of students, blacks and union members. But the sight of several hundred sign-wielding farmers certainly may have surprised him. And when he returned to dedicate a federal dam and recreation project in Southern Iowa he may well have been disappointed that farmers did not flock to hear him extol the virtues of rural life.

There are several reasons why farmers protested and then ignored the President's trips. First is the Nixon administration's farm subsidy program, announced shortly before the President's Des Moines venture in March. The feed grains program, which provides nine-tenths of Iowa farm subsidies, is not geared to help the small and marginal family farmer. And half the farms in the Hawkeye State can be classified as marginal operations.

What the administration has done is to reduce feed grain acreage allotments on which subsidy payments are based, so as to encourage more planting and production. More corn means a greater supply this fall in the face of existing surpluses and a declining export market, which means cheaper corn cash prices, which means cheaper feed for livestock, which means more livestock production, which means lower prices received by farmers for their pork and beef.

Further rankling the farmers is the fact that reduced farm income doesn't mean reduced food prices for consumers. When farmers sell pork, for example, at 17 cents a pound on the hoof, then seek pork chops selling for 89 to 99 cents a pound in the supermarket, the fires of resentment are easily ignited. And they know that the packing house worker earning $4 to $5 an hour isn't the one to blame—not when a 200-pound pig will yield 150 pounds of bacon, ham loin roasts and pork chops and when anywhere from 2,000 to 4,000 hogs are slaughtered and processed during an eight-hour day in a single meatpacking plant.

Besides, all the byproducts of an animal—fat, oils, hides, hair, bones, hooves and even blood and glands—are the farmer's gifts to the packer. He sells the animal for meat, and that is what his price is based on. He gets no credit for the soaps, lard, leather, glue, gelatin and pharmaceuticals made from the byproducts.

What's true for pork production is also true for beef. Urban houswives might keep this in mind next time they pay $1.29 a pound for that little prepackaged piece of meat labeled "eye-of-round." Only the multiplier is larger for beef: A 1,000-pound critter on the hoof will dress out to about 700 pounds of roasts, steaks, boils and hamburger, so that what the farmer receives $300 for costs $900 in the supermarket meatcase—beef byproducts are not included.

IOWA'S TWO FACES

To understand the deep-seated reasons for farm discontent in Iowa, though, one must look behind the current farm economy to other harsh economic, geographic and sociological factors.

Live in this state a year, travel it up and down, and the picture will become clear. Iowa is not simply row upon row of rich green corn shoots and soybeans playing checkerboard with plots of lush grazing pastures. Nor is it uniformly a vast pastoral plain gently rippled with groundswells of golden grain.

Iowa actually has two faces. For about half of it—the northern half—the picture postcard image is more often in focus than not. The fashionable term is "agribusiness"—that's what postcard Iowa is all about. For much of the southern half—at least the bottom three or four rows of counties stretching from the Mississippi River west to the Missouri River—the postcard landscape very often doesn't apply. Here is a hilly, rocky, sometimes even craggy part of the country. Plowed fields and hillsides are apt to turn up brown, reddish or even dung yellow soil. Buckbrush, clump oak and hedge ball trees cover much of the pasture land.

In Southern Iowa, "agribusiness" for most farmers is a sophisticated word from Madison Avenue via television or maybe from Wallaces Farmer magazine, which comes from West Grand Avenue in Des Moines. In either case, it is as unrealistic as the Marlboro ads with horses and tattooed ranchers and cowboys and helicopters. Like the word "effluent" that so many city councilmen talk about these days, everybody knows "what it really is," as one Clarke County farmer put it.

Southern Iowa is closed store fronts, rundown business buildings, gothic courthouses, and sidewalk seams stitched with weeds, all of which speak of a desertion and destitution found in a Dali painting.

"Sell out 'n' move 't' town," is the young or middle-aged farmer's typical response. But even in Iowa, the unemployment rate is 5 per cent and the problem is to find a town where there is a job. Older farmers, who've reaped the profits of war production years and more favorable farm subsidy programs and can now sell in an inflated land market, are prone to retire in California, Florida or Arizona trailer courts. But the less prosperous and less adventurous move into the nearest town and a familiar but dwindling community.

Along dusty gravel roads that crawl up the backsides of these hills and through their hollows, abandoned farm houses and ramshackle barns stand like sagging monuments over fallow memories of the day of the family farm—mute testimony that farm subsidies really only serve agribusiness.

But some remain on the land. Take Larry Wisecup, 29, Rural Route, Truro, Iowa, who is clinging to 80 tilled acres, 30 head of cattle and 40 acres of pastureland near that tiny farm hamlet about 40 miles south of Des Moines.

"I love to farm," he says. To pursue this passion, Wisecup holds down a full-time swing-shift job at the Armstrong Tire and Rubber Co. plant in Des Moines. Nine months out of the year, his typical workday is 16 to 20 hours. Even so, it is doubtful if his total income reaches five figures.

Not far away, a neighbor, 79-year-old Francis Carlson, who has lived on his 135-acre farmstead since 1935, sets his lantern jaw, squints across the road at another neighbor's corn field and scoffs at agribusiness. "Everything is big business these days," he says. "That seedcorn cost $51 a bushel. I don't see how a man can make it on less than a section of land." (A section is 640 acres.) Carlson contents himself by grazing 60 head of steers and renting out his hay land. He's thinking of retiring in another year or two, but doesn't know what to do with his farm.

Multiply Wisecup and Carlson by 25,000 to 30,000 and some idea of the numbers involved in this landed peasantry can be had.

EPITAPH FOR SMALL FARMERS

There's more than visual evidence to depict Iowa's two faces. Economists, ensconced in cream-colored cubicles in that citadel of the Iowa agribusiness establishment, Iowa State University at Ames, record the differences in computer type and statistical table. They compare, for example, "Characteristics of High and Low Profit Farms, 1967–69 Average." After listing returns for 240-acre farms and total capital investment per farm, "net income" tells the story. For the "High Profit ⅓ of Farms," net income is $21,451. For the "Low Profit ⅓ of Farms," net income is $5,633—nearly all of them in the South. In stricter agribusiness terms, the ISU economists compute an 11.1 per cent capital earnings rate for high-profit farms, compared to 1.4 per cent for the low-profit ones.

They also display another table showing that total expenses for the 160-acre farmer—and there are still a lot of them in Iowa—are about $190 per acre. But as the size of the farm increases the costs decrease until they amount to only a little over $100 an acre for the 640-acre spread.

"The low profit group would have been $6,616 a year better off if they had invested their capital at the going rate of interest and worked for someone else at going farm wages," is the way economist H. B. Howell put it in an article in ISU's January issue of Iowa Farm Science. Going farm wages, though, are low, and unemployment among hired farm workers has already set in at a rate of nearly 5 per cent.

It's a blunt epitaph for small and marginal farmers who can't hire help anyway. It was largely these farmers whose hostility greeted Mr. Nixon in Des Moines last March, largely under the aegis of the National Farm Organization.

But there were Iowa Farmers Union members there, too, representing that middling third of agrarians whose yearly net income is somewhere above ISU's low of $5,633 but well below the "high profit" $21,451. They're all feeling the crunch of the government's farm policy and the encroachment of agribusiness. They know full well what Iowa State means when it says, "There are no data to indicate how big is 'too big' as far as acres per farm is concerned in the Corn Belt."

Hardly anyone in Iowa officialdom or journalism admits to all this. Behind the postcard facade is an endless verbal barrage of bucolic nonsense about country living, individualism and the pioneer spirit of Iowans' forefathers. The 4–H Clubs and others ceaselessly drum the message and the spirit of Iowa "wholesomeness" into young minds. Not the least offender is the Des Moines Register, which blows hard about its Pulitzer Prizes but regularly features columns and essays singing hymns to the rugged individualist and his pastoral gods. (They are all white; there are no black farmers in Iowa.) Wallaces Farmer, Successful Farming, and the Farm Bureau's Farm Journal continually reinforce this rustic conditioning.

Iowa is beautful, and it is not the nature worship one finds objectionable. It is the yearning for yesteryear and the 19th Century economic and social thought that goes along with it.

About a year ago, Iowa Educational Television Director John Montgomery sought to puncture the myth with a documentary called "Hard Life in the Country." He was censured by the Iowa Farm Bureau Federation, which combines the economic interests of large corporations with the political and social philosophies of ultraconservatives to dominate the state's agribusiness circles and most local and state government circles. The Farm Bureau said Montgomery did not present a "realistic picture" of the Iowa farm scene. But Montgomery knew whereof he spoke. He grew up on a Southern Iowa farm and his family still toils there.

WIDENING BREACH

Republican Rep. William Scherle, whose district encompasses nearly the whole southwest quarter of the state, seems to make the most out of the good and the bad. On the one hand, he's engaged in agribusiness himself, down in Cass County, and votes the Farm Bureau line on most issues. On the other hand, he takes full advantage of the poverty-spawned ignorance there to tilt at windmills with assorted Communists, criminals, student protesters, rioters, welfare mothers and, lately, foreign competitors in farm production.

"He's cuttin' a fat hog," is the way the folks put it in that part of the state.

Two trips into Iowa probably didn't reveal anything other than the postcard image and mentality to President Nixon. It is almost certain that Gov. Robert D. Ray, who conducts his office in classic Chamber of Commerce fashion, didn't provide the President with any disturbing information.

Whether the farmers revolt in 1972 depends upon farm economics and what the administration does about it. Its rural development revenue-sharing plan, which sounds more like a real estate developer's pitch than a family farm program, isn't a satisfactory solution. The President's recent economic "freeze," which excluded farmers and farm prices, may signify some kind of official recognition of the farmer's plight. But it does little to end the breach in his relations with the family farmer.

THE MOST SPECTACULAR PORTION OF AMERICA'S LONGEST RIVER

Mr. MOSS. Mr. President, during the August recess it was my privilege to preside at hearings of the Senate Interior Committee in Great Falls, Mont. The subject of the hearing was the bill, S. 1405, which would authorize establishment of the Missouri Breaks Scenic Recreation River. This bill would authorize the Secretary of the Interior to designate portions of the river between Fort Benton and the Robinson Bridge in Montana, a distance of about 175 river miles, as wild scenic or recreation, while continuing existing land uses for grazing, hunting and mineral development.

I was pleased to note, shortly after we returned to Washington following the August recess, that the Associated Press has distributed a major article regarding the Lewis and Clark expedition and the historic Missouri River, including the relatively short segment with which S. 1405 deals. Jules Loh of the AP begins his description of that segment with these words:

> By some uncanny providence the most spectacular portion of America's longest river, the most enchanting in Lewis' eye, is also the segment least aware of man's meddling hand. It remains as Lewis described it.

Mr. President, I ask unanimous consent that the entire AP article, as published in the Missoulian of September 12, 1971, be printed in the RECORD. The same article appeared in other Montana papers, among them the Great Falls Tribune and the Billings Gazette, and also in the Washington Evening Star.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE NEON TRAIL

(EDITOR'S NOTE.—We all learn about it in high school history. The Lewis and Clark expedition, an epic of exploration; the first American eyes to look on a land of wealth and beauty, of wonder and wilderness. But now, their legacy of paradise is lost. And what has been gained? AP Newsfeatures Writer Jules Loh retraces the trail in this distinguished, vivid and troubling journal of nature, a nation and its people; of human nature, its feats and follies.)

(By Jules Loh)

"To Meriwether Lewis, esquire . . .

"Beginning at the mouth of the Missouri, you will take observations of latitude and longitude, at all remarkable points on the river, and especially at the mouths of rivers, at rapids, at islands and other places and objects distinguished by such natural marks and characters of a durable kind, as that they may with certainty be recognized hereafter."

One wonders what sort of hereafter the prescient Thomas Jefferson envisioned for his country when he wrote those instructions in 1803.

Lewis and Clark followed their orders precisely. Were they to retrace their route of discovery today, however, they would with certainty recognize precious little of it. It was wilderness then, all of it, from the Missouri to the Pacific, and the natural landmarks and remarkable points they noted in their journals were numerous and spectacular. But durable?

Consider rapids:

"I determined to pass through this place," William Clark wrote, "notwithstanding the horrid appearance of this agitated gut swelling, boiling and whorling in every direction. . . ."

Today people at play pass through that once wild and horrid place on water skis, the agitated gut long since inundated by flat, slack water behind Bonneville power dam on the Columbia River.

Or islands:

"A beautiful little island well timbered is situated about the middle of the river," wrote Lewis when he reached the Great Falls of the Missouri. "In this island on a cottonwood tree an Eagle has placed her nest; a more inaccessible spot I believe she could not have found: for neither man nor beast dare pass those gulfs which separate her domain from the shores."

Today that island is a treeless, joyless employes' parking lot, wreathed in the acrid smoke of an Anaconda Co. smelter and easily accessible, the churning gulf having been plugged up and paved over.

Not even the most ardent preservationist would suppose the land could or should remain, in the 165 years since Lewis and Clark completed their expedition, a primeval Eden. The very reason President Jefferson sent them on their journey was to open up the wild continent "for the purpose of commerce."

That they did. Smokestacks and power lines and shopping centers all along the route manifest the destiny America perceived for itself.

A 20th century American, aroused, as Lewis and Clark were not, over the deteriorating quality of a finite environment, can find no better example of man's treatment of nature's resources than to re-examine the route of those two explorers. They saw the land new and wrote down what they saw. The modern traveler sees the land after it has felt man's hand, sometimes brutally, sometimes gently.

He sees it against the broad canvas of the entire history of white America's development of a section of the country stretching from the Midwestern prairies across the Rockies and northern Cascades to the misty Oregon coast.

He passes through 10 states where nearly 20 million people now live, the accumulated progeny of eight generations of Americans who in their turn and by their own lights traded on the bounty of the land.

They took timber from its valleys and ore from its mountains to build homes, hospitals, schools and churches, and ski lodges, marinas and jiffy car washes. They turned prairie into wheat field, wheat field into shopping center. They built dams and smelters. Dams light cities and kill salmon. Smelters lift life out of the stone age and befoul air.

Seeing the land thus '"put to use," in the driving Yankee phrase, one may profitably ponder: when paradise is lost, what is gained? Hindsight tells us that what is rare is dear. Will foresight tell us what price to demand for the bit of wild land left?

Lewis and Clark entered a kingdom of nature. They viewed it with awe and acknowledged with reverence how much about it they did not comprehend. In just 165 years, their heirs, swept forward on a technologicl tide undreamed of since Genesis, have made that natural wilderness into an empire of man. At man's gain, or simply his gratification, they have reshaped nature at nature's expense. Now man finds himself with so little left of nature that words like "recycle" enter his vocabulary. He chose to supplant a river with a lake; what will supplant the lake when its use is spent?

As Meriwether Lewis pressed westward, beyond the last buffalo trail, he came to a point in his expedition not unlike the juncture America has now reached in its march through history. To paraphrase the thought Lewis confided to his journal: I have come so far I am committed; there is no turning back. I can only continue, and pray I keep my wits and do not lose my daring. . . .

The Lewis and Clark expedition began in St. Louis, at the mouth of the Missouri, May 13, 1804, ascended the lower segment of the river and arrived at what is now Sioux City, Iowa, on Aug. 20.

"The water excessively rapid, & Banks falling in," Clark noted early in the voyage.

Cursing and sweating against the rolling current, the crew sailed and rowed and poled and towed a 55-foot keelboat and two large pirogues up the river. At one point, "We like to have Stove our boat," reported Clark. "In going round a Snag her Stern Struck a log under water and She Swung round on the Snag, with her broad side to the current. . . ."

That was the wild Missouri of song and legend. The mighty water highway for a westering nation. The treacherous stream whose hidden snags and underwater logs, called sawyers—a name immortalized by Mark Twain's mischievous lad—stove in and sank no fewer than 441 steamboats before the railroad ended that romantic era and began another. The Missouri. Too thick to drink and too thin to plow, by the measure of farmers along its banks who, as regularly as spring, lost acres of croplands to its brawling floods. The restless Missouri meandering between bluff lines 15 miles apart, changing its course with such caprice that part of Iowa is now on the Nebraska side. The lusty, wide Missouri of frontier folk song. "Away, you rolling river!"

And today?

The Missouri of 1971 would inspire few to song. It is a tame river. Diesel towboats passively ply a weel-buoyed channel between St. Louis and Sioux City hauling shapeless barges. Where Lewis and Clark saw trees four feet thick snatched into the current by the roots, levees now keep the riverbed in one place.

The U.S. Corps of Engineers has sliced away the wickedest of the river's bends, making shortcuts. Strewn inland along both sides of its new, shorter course are two dozen crescent-shaped lakes, ox-bows as they are called, where children in orange life jackets putt around in aluminum boats.

In fact, the Corps and nature together have made it well nigh impossible to locate with Lewis and Clark set down with such geographic precision in their journals.

The riverside bluff where the explorers held America's first official council with Indians west of the Mississippi can still be found, however. It is not at Council Bluffs, Iowa, as might be supposed, but about 20 miles north of there. The site is farmland now, rich, rolling fields of corn, neat white houses under shade trees, plump Herefords grazing, a scene of a Sweet Lassy Feed calendar. "The air is pure and healthy so far as we can judge," commented Clark in 1804. And so, today, it remains.

But don't go near the water.

The lower Missouri, tame enough at last for factories and canneries, warehouses and slaughterhouses, to lurk in safety along its stabilized banks, is—did any suspect otherwise?—polluted.

Industry is the major offender. Individual citizens in cities and towns along the river—Jefferson City, Kansas City, Atchison, St. Joseph, Omaha, Sioux City and points between—began cleaning up their part of the mess years ago, long before ecology became a parlor word.

During the 1950s drought, a gag went the rounds in Kansas City commenting satirically on the well-known fact that untreated sewage was being dumped in the river and swept downstream: "Everybody flush, Booneville needs the water."

The message was clear, if the river wasn't. Kansas Cityans swallowed hard and voted themselves a sewer service charge to finance $75 million in bonds for treatment facilities. Other cities followed.

"If the industrialists along the river felt the same obligation and acted as responsibly as the private citizen," said farmhand Raymond Train, "the Missouri could be cleaned up in no time." Train said the man he works for on a farm south of Omaha had voluntarily curtailed his use of herbicides. "Did you know that stuff finally winds up in the ocean?"

As astonishing as the scarcity of identifiable Lewis and Clark landmarks along their route is the apparent lack of detailed knowledge about their truly remarkable expedition among Americans at large.

Meriwether Lewis and William Clark rank with Columbus and Coronado as explorers, with Boone and Crockett as frontiersmen, and were in addition accomplished diplomats, geographers, botanists, zoologists. Merely completing the two-year journey against such improbable odds—the party had been given up for dead—was as inspiring a feat of endurance and leadership as history offers. On top of that, Lewis and Clark brought back eight volumes of documentation which shed the first light of knowledge on an area twice the size of the then existing United States. Prior to their expedition the entire Louisiana Purchase was a blank not only on the map but in human thought. What is more, their success gave America paramount claim to the detached Oregon region which otherwise might have become a domain of either Britain or Russia, and thus foreordained their nation's eventual sovereignty from sea to shining set.

Yet many who live along the route of the expedition are generally aware of little other than that the two passed by on their way from somewhere to somewhere, and monuments to their passing customarily take the form of the Lewis and Clark Trailer Court, the Lewis and Clark Texaco station, the Lewis and Clark Coin Operated Laundry, Lewis Boulevard and Clark Road. In Kansas City a lovely green park, Clark's Point, overlooks the confluence of the Missouri and Kansas rivers. On inquiry one finds that it was named not for William but for Charles. Charley Clark of happy memory, a steadfast alderman during the Prendergast regime.

William Clark, Aug. 17, 1804: "We Set the Prairies on fire to bring the Mahars & Soues if any were near, that being the usual Signal."

When Omaha and Sioux held sway along the Missouri there was prairie to burn, as it were, a seemingly endless wilderness. In the evolution of American mores and American concerns, the era of ecology, of Smokey the Bear, was a century-and-a-half away. Other eras had to come before, each in its turn, leaving its imprint on the banks of the historic old riverlike fossils, each revealing a moment of a nation's time.

Bushwacker Bend and Nigger Bend, landmark turns in the river, preserve in memory one bloody era: a Confederate ambush; a slave market. So does the site near Omaha where two suspected horse thieves were hanged at opposite ends of the same rope slung over a limb. And the place where John James Audubon, on a bird-painting excursion following Lewis' and Clark's maps, dragged the corpse of a three-years-dead Indian chief named White Cow from its burial place and decapitated it for a souvenir. "He was a good friend of the whites," explained Audubon. Names of cities along the river testify that White Cow was an exception and recollect the awful price of "civilizing" the West: Ft. Leavenworth, Ft. Riley, Ft. Laramie, Ft. Randall. Other names, painted on the rusting cabs of antique steam locomotives standing forlornly in city parks, the playthings of children, evoke memories of another era: Union Pacific; Burlington; Atchison, Topeka & Santa Fe; Missouri Pacific.

At some places the past and present collide with jarring irony. The Pony Express Stables, carefully preserved in St. Joseph, Mo., stand in rough hewn permanence next to the neon-lit Pony Express Bowling Lanes. North of Yankton, S.D., a tangled parcel of suburban land known as Devil's Nest when Jesse James used it for his hideout, will soon become a fashionable housing development to be called—are you ready?—Hideaway Acres.

If Lewis and Clark were to pole their pirogues up the Missouri today, Yankton would be as far as they would get.

There they would run into the towering face of the Gavins Point Dam, the first of six huge Corps of Engineers dams which have converted the upper Missouri from a rampaging river into a series of slackwater lakes stretching across both Dakotas and into Montana, the tailwaters of each practically lapping at the face of the next. The Corps refers to them proudly as the Great Lakes of the Missouri.

To a card-carrying conservationist of, say, the Friends of the Earth variety, plugging a river heads the list of capital sins, and the Corps' engineers are Satan's minions prowling about the country seeking the ruin of nature's soul.

"Dam engineers are like beavers," says David Brower, president of Friends of the Earth. "They can't stand the sight of running water."

"Yes, our business is changing the environment," said Brig. Gen. John W. Morris, stripping brown paper off a small package. "Changing it for the better." He dipped into the package and withdrew a white lapel button with bold red letters. "I just bought 250 of these—with my own money. I want you to be the first to have one." He tossed it across his desk. It said: The Corps Cares.

Gen. Morris, chief of the Corps' Missouri River Division, believes firmly that conservation is not necessarily the preservation of wilderness but rather the wise and varied use of the land for man's benefit.

Gen. Morris believes further that the benefits of the very dams so accursed of today's environmentalists have played no small part in elevating the nation's standard of living to a point where the quality of the environment, as opposed to more fundamental human needs, can become a pressing national concern.

"I just got back from Vietnam," he said. "Believe me, when the struggle is for day to day existence as it is in those villages, the condition of the ecology is not of priority interest."

The six mainstem Missouri dams alone—there are 77 lesser ones on its tributaries and 22 more planned—have, by the government's estimate, prevented $700 million in flood damage over the past 18 years, generated 13 billion kilowatt hours of electricity annually, irrigated countless thousands of arid prairie acres and, as a lagniappe, made possible the spectacle of sailboat races in midcontinent. The six lakes inundate 1,776 square miles, a total water area roughly the size of Delaware.

"Twenty million people have visited those lakes for recreation," Gen Morris said. "If we hadn't developed that river, they wouldn't have been out there—reading our signs about Lewis and Clark. We haven't hurt the cause of history, we've helped it."

That depends. It is one thing to view the hulking powerhouse at Gavins Point Dam with its ganglion of wires and read that it stands on the precise spot, Calumet Bluff, where Lewis and Clark smoked a peacepipe with the Yankton Sioux; it is immeasurably more rewarding, however, to stand where the explorers stood and see the country exactly as they saw it, hear the rushing water as they heard it, smell the smells they smelled. And it is still possible to do this at one stretch of the river far up beyond the last big dam—though it might not be possible for long.

Is it not this sort of history in the wild an American resource too?

"Of course it is," said Elmo W. McClendon, the chief of the Corps' Reservoir Control Center in Omaha who helped plan five of the six dams.

"But how many Lewis and Clark campsites do you need to preserve? How about two-thirds of them. This river is 2,500 miles long and we've inundated 850 miles of it. Isn't two-thirds enough for posterity when you're able to gain other things of importance?

"Look," McClendon said, warming up, "before those dams were built, only one farm in 20 in all this vast area had electricity. Now all of them do. I grew up on a farm in Texas with kerosene lamps. I don't belittle electricity."

Clark, July 29, 1804: "Cought three verry large Cat fish one nearly white, those fish are in great plenty on the sides of the river. . . ."

"I know, I know," McClendon said. "We've flooded the catfish spawning grounds. But Lewis and Clark didn't catch any walleye or northern pike or sauger. Those are noble fish. Lake fish. We put 'em there."

The point environmentalists make is that man does not know enough about nature's mysteries to presume to alter the ecology on so large a scale as by damming a great river.

The people of Niobrara, Nebr., bitter and dismayed, are wondering. Their town is slowly drowning.

Niobrara, population 602, lies at the mouth of the river of the same name which rises 450 miles away, in Wyoming, and discharges with a frothy rush into the Missouri just below the South Dakota border.

That is, it used to. Gavins Point Dam has turned the swift Missouri into a sluggish lake, no longer able to flush away the tons of silt washing down the Niobrara from the Wyoming hills. The mud piles up at the Niobrara's mouth. Water seeps across the lowlands. Beneath the town the water table is rising inexorably. Cellars flood. Trees rot in the ooze. Citizens say that sewage problems, health problems, are only a matter of time. "Muskeetors verry troublesom," Meriwether Lewis observed when he passed the mouth of the primeval Niobrara. Today they are a positive menace.

Westward across the boundless Missouri Plateau, geological laboratory of the 20th century's Corps of Engineers, pushed the 19th century's Corps of Discovery. . . .

Past the sacred Black Hills—sacred until they were thought to harbor mineral treasure, then profaned.

Past the badlands, "rich pleasing and beautiful . . . hightened by immence herds of Buffalo which we saw in every direction . . . so gentle that we pass near them while feeding"—all gone, in an orgy of marksmanship.

Past Indian villages: the Mandans, "Kind, pore, & extravigent, pursessing national pride, not beggarley;" the Arikaras, "inclined to be at peace with all nations," a people who "never whipped even their Children, from their burth"—both tribes still in existence, in name at least, still proud, still peaceful, still abominably poor on a shared North Dakota reservation.

Past a fall in the river the explorers named Elk Rapids, "the most considerable rappids which we have yet seen on the missouri"—gone now, inundated by Fort Peck Reservavoir, the last and largest of the Corps of Engineers dams.

"And beyond the manmade lake. . . .

"The hills and river Clifts which we passed today exhibit a most romantic appearance," wrote Lewis.

"The water in the course of time in descending from those hills and plains on either side of the river has trickled down the soft sand clifts and woarn it into a thousand grotesque figures, which with the help of a little imagination . . . are made to represent eligant ranges of lofty freestone buildings, having their parapets well stocked with statuary."

"As we passed on it seemed as if those scenes of visionary enchantment would never have an end. So perfect indeed are those walls that I should have thought that nature had attempted here to rival the human art of masonry had I not recollected that she had first began her work."

Amen.

By some uncanny providence the most spectacular portion of America's longest river, the most enchanting in Lewis' eye, is also the segment least aware of man's meddling hand. It remains as Lewis described it.

It stretches 180 miles from the tailwaters of the Fort Peck impoundment westward to the charmingly antique village of Ft. Benton, winding unmolested through one of the blankest areas on the map of America. Few highways approach it. To see it one must earn the privilege: hike in, float down the swift, wild stream, camp on the banks.

Those so privileged enter a hushed corridor of fantasy within a cathedral of nature beneath a vaulting, cobalt dome of Montana sky. It is almost more than the senses can absorb. One gives in to the urge to shout out—hooray! And then, in the murmuring quiet, to recall the words of Edith Warner: "This is a day when life and the world seem to be standing still—only time and the river flowing past the mesas."

In the files of the Corps of Engineers there exists a proposal to dam up and flood this portion of the river too.

The engineering studies refer to it as the High Cow Creek Dam. The Corps, however, is not currently pressing the proposal. "Not during this ecology kick," a civilian employe explained. It would be located just above Cow Island, a site given its name by Lewis and Clark and made famous—or infamous—72 years later.

That was when Chief Joseph slipped his Nez Perce tribe across the river under the noses of American soldiers who outnumbered his warriors six to one. He had led his people 1,500 miles in a masterful retreat, pausing only to hurl back the pursuing troops time after time. At Cow Island he was a few days march from the Canadian border.

After one final battle just north of the river, on Oct. 5, 1877, Joseph chose to surrender rather than leave behind his dead and wounded women and children and make the easy dash to Canada. Yes, women and children, shot by U.S. soldiers. Sand Creek had already established a pattern of massacre; Wounded Knee was yet to come. And My Lai.

"Hear me, my chiefs," Joseph said, weeping. "I am tired. My heart is sick and sad. From where the sun now stands I will fight no more forever."

The National Park Service firmly opposes the High Cow Creek Dam. It has proposed as an alternative that that stretch of the Missouri be designated a national river and developed for public enjoyment. That means picnic tables, boat ramps, litter baskets, access roads, rest rooms, historical markers, nature trails and scenic overlooks.

"God damn," said Thomas Hart Benton, the artist, who floated the wild river several years ago making sketches. "God damn! God damn!"

Lewis and Clark assigned names to all the rivers they encountered on their journey, though not all the names—for all the rivers, for that matter—have survived. Small wonder that in their euphoria amid the romantic white sculptured cliffs of the Missouri they named tributary streams for their true loves.

Upstream Lewis came upon "a noble river . . . its borders garnished with one continued garden of roses." Right away he named it Maria's River for his "lovely fair one," Maria Wood. Maria, alas, decided not to wait for Meriwether and married somebody else. Her river eventually lost its apostrophe and Montanans today call it the Ma-RYE-us.

Like its namesake the Marias is a fickle stream, changing its course, eroding its banks. Just recently, upstream from Shelby, Mont., it began chewing at the turf alongside one of the holes at the Marias Valley Golf and Country Club. A par three, it was. To forestall that disaster, junked autos—the feces of the affluent society, as commonplace along the Lewis and Clark trail today as once were buffalo chips—were dumped over the bank as a rampart. In their haste the innovators failed to drain the cars' crankcases and for miles downriver the Marias' banks were garnished not with wild roses but greasy sludge.

Fighting off grizzly bears all the way, "a turrible looking animal," Lewis and Clark pushed upstream until "a roaring too tremendious to be mistaken" signaled their approach to the great falls of the Missouri.

Here the river descends 400 feet in 10 miles, cascading over four huge cataracts, each a titantic drama of irresistible water and immovable stone played beneath great aurors of spray and foam. "The grandest sight I ever beheld . . . a sublimely grand specticle," Lewis wrote. He gazed awestruck at the fall farthest upstream for four hours.

Lewis described the falls for his journal, read what he had written "and was so much disgusted with the imperfect idea which it conveyed of the scene that I determined to draw my pen across it and begin again." Then he decided not to bother and let the first draft stand.

Today's traveler might attempt it thus:

"A landmark too tremendous to be mistaken assured me I was approaching Great Falls. It was the smokestack of the Anaconda Co. smelter, 506 feet tall, 74 feet in diameter at the base, 53 feet at the top. It rises from a hilltop beside Black Eagle Falls, the fall farthest upstream, a giant totem of the industrial age emitting yellow smoke. The smelter, where 1,500 people work, is a dreary complex of stained and rusting buildings held together by pipes and railroad tracks. There is no grass. Black Eagle Falls, as well as the three downstream, has been converted into an electric power dam to run the smelter, light the city and operate the drills at the copper mines in Butte, 126 miles away. Grizzly bears are no longer a hazard."

If the description seems inadequate, it will have to stand.

Four days out from Great Falls the expedition passed through a gorge where the "clifts rise from the waters edge on either side perpendicularly to the hight of 1200 feet," a site begging for a dam, which was duly built. Lewis named the place Gates of the Mountains; bursting from the confines of the gorge, the Rockies suddenly appear—unmistakably the Rockies, hulking granite crags tipped with alabaster, massive, brooding, dividing the continent between eastward and westward flowing waters, enticing the explorer then and now.

In short order the expedition, "much fortiegued," reached its first major goal: the mountain meadow where three streams join to form the mighty Missouri.

With the possible exception of the grain elevator, the most prominent structure in Three Forks, Mont., today is the Sacajawea Hotel, a rambling old clapboard edifice muchly gabled and porched and columned. Directly across the street is a small park. Three fir trees are planted in a triangle, each with a nameplate: Jefferson, Madison, Gallatin, the names Lewis and Clark gave the three streams. In the center of the triangle stands a rough granite stone with a bronze plaque, placed there in 1914 by the Daughters of the American Revolution. The plaque says, "In patriotic memory of Sacajawea . . . (who) in acting as guide across the Rocky Mountains made it possible for the Lewis and Clark expedition to succeed."

Poppycock. Sacajawea was the Shoshone maid who had joined the expedition. Three Forks was in Shoshone country. Just when Lewis and Clark needed her most, to tell them which fork to take, Sacajawea was at a loss. Indeed, Lewis remarked, she was "without any information with rispect to the country" whatsoever.

The explorers by their own surmise correctly chose the middle fork, the Jefferson. After 11 days Sacajawea finally recognized a familiar landmark, a huge rock in the shape of a beaver's head near a place where her people gathered pigment for paint. Lewis, reassured, carved his name in the rock.

It was an imaginative Shoshone who named Beaverhead Rock. On the other hand it may very well have resembled a beaver's head—before part of it was blasted away to provide gravel for an irrigation ditch. That was some time back. Last year its present owner again began dynamiting until Sen. Mike Mansfield pleaded with him to stop. Lewis's carved name, incidentally, went into the irrigation ditch.

Damaged or not, the rock has given its name to Beaverhead County, Beaverhead National Forest and Beaverhead River, the upper reach of the stream Lewis named the Jefferson—above where it, too, parts into three forks. Lewis had christened the right and left forks the Wisdom and the Philanthrophy, "virtues which have so eminently marked that deservedly celebrated character through life." Today the right fork is known as the Big Hole, the left variously as the Stinkingwater and Ruby.

To read in Lewis and Clark's own words of their trek across the great divide at Lemhi Pass and of their arduous struggle northward up the rugged Bitterroot Valley is sheer excitement. To follow in their footsteps is pure joy. Few places on the continent are as scenic and remote as the precipitous mountain barrier that forms the Montana-Idaho border. Here man is the intruder. Here an elk fawn, startled, bounds for cover, wild free, the essence of grace. Here a bald eagle perches in a towering red cedar, hot-eyed, defiant, lifting her regal head to a mate high above searching the limitless sky on motionless wings.

In the few mountain villages along the way children grow up without ever seeing a parking meter or hearing a siren or knowing the loneliness of a crowd but instead learn to identify birdsong and paw prints. Then they leave after high school to find work in Butte or Spokane.

"There just aren't many opportunities here for young people," said a redbearded man of middle age at the Diamond Bar Cafe, a wayside inn at North Fork, Idaho, where the Salmon River—the River of No Return—begins its furious plunge through the majestic canyons of the trackless Bitterroot range. The rush of the rapids 100 feet away was the only sound to reach the restful, cool cafe.

"Of course," he continued after a moment's thought, "they could do what I do."

"What is that?"

"Nothing. Nothing worthwhile."

What is it about this country—is it its grandeur, its total lack of artificiality—that makes a mere man feel small and hypocritical and goads him into introspection and candor?

Lewis, Aug. 18, 1805: "This day I completed my thirty-first year. I reflected that I had as yet done but little, very little indeed, to further the happiness of the human race or to advance the information of the succeeding generation. I viewed with regret the many hours I have spent in indolence . . . and resolved in future to redouble my exertions and . . . to live for mankind, as I have heretofore lived for myself."

At Lolo, Mont., Lewis and Clark turned west for their final 150-mile thrust across the lofty Bitterroots in search of a navigable tributary of the Columbia. At that turnoff today, in furtherance of the happiness of the human race no doubt, is Mother Goose Land. Here the wayfarer, if bored by the monotony of endless snow-crested peaks, may stop and tour a cute garden and peek through the windows of cute pink and blue houses at cute statues of cloth animals. Then he may head up the Lewis and Clark trail—U.S. highway 12—for a dip at Lolo Hot Springs Resort.

Clark, himself, lay in the spring 10 minutes and came out in "a profuse swet." Lewis endured a 19-minute bath. Today swimmers can luxuriate all afternoon, the hot water barely tepid by the time it pours into an efficient blue fiber glass pool behind a plastic fence of alternating green and yellow panels. There also is a kiddie pool.

"My, yes, this is a very popular place," said David McColley, the resort's proprietor. "We also have the trailer court, cafe and bar. We've had people come visit us from as far away as California."

The Lolo Trail over which Lewis and Clerk crossed the Rockies was an established road, at least to the Nez Perces who traveled it annually to the buffalo grounds on the eastern slope—part of a coast-to-coast Indian interstate highway system, as it were, used over the centuries for both commerce and war. From Lolo to Lochsa Idaho, it followed ridge lines rather than valleys, at heights of 6,000 to 7,000 feet over "Steep points rockey & bushey" and with "high ruged mountains in "very direction." The journey took an agonizing 10 days. Lewis' feet nearly froze. Game was scarce. The party drank melted snow and ate wolf, horse, bear grease and 20 pounds of candles.

Today's highway follows the old trail almost exactly, the aborigines, apparently, were quite good surveyors.

But Lewis and Clark with aching bellies could not know the immense satisfaction today's leisurely motorist enjoys within those wild heights, the feeling of being witness to the origin of things. Crystal streamlets, great rivers aborning, course down every green crevice, nature's baptismal fonts lavishing purest waters over infant brows of moss. Will any of it remain thus? Fresh, unaltered?

The highway skirts the Selway-Bitterroot Wilderness, a designation not only descriptive but statutory. It will by act of Congress remain. The way it was, the way it is, those one million acres shall be forever-more.

The U.S. Forest Service, so often criticized for its timber operations, is suzerain of 88 such wilderness areas and closes them to every manner of vehicle.

That includes, most importantly, timber vehicles themselves. These are groaning diesel trucks with huge logs chained to their backs, a common sight from the forks of the Clearwater, where Lewis and Clark emerged from the Rockies, all the way to the Pacific coast. Their destinations are the myriad sawmills and pulp factories which can be located from great distances by smoke signal or, if the wind is right, by following one's nose. Either method leads unerringly to the juncture of the Clearwater and the Snake at Lewiston, Idaho.

"The water of the South fork Snake is a greenish blue," wrote Clark, "the north Clearwater as clear as cristial."

The Clearwater, still crystal clear when it tumbles out of the Bitterroots, now is periodically coated with a sticky white effluent below the Potlatch Forests, Inc., pulp and paper plant at Lewiston. The effluent, by the estimate of Arthur W. Van's Hul of the Idaho Health Dept., makes oxygen demands on the river equivalent to a human population of 300,000. A fisheries expert from the University of Idaho, Dr. Michael Falter, counted up to 40 species of aquatic organisms above the plant, no more than six downstream.

There is more. Lewiston has the lowest average wind velocity of any reporting weather station, and smoke from the Potlatch chimneys hangs in the city's languid air. The smoke contains hydrogen sulfide, which has a smell akin to rotten eggs, plus another substance which is composed of the same chemical skunks emit. The combination turns white houses black, tarnishes silverware inside cupboards, corrodes metal; a fixture at Potlatch and other pulp mills is an automatic car wash at the parking lot exit.

"Measure this against the value of taxes paid by Potlatch and against the value of stable employment of several thousand people." For years that was the company's position, stated by its president at a stockholders' meeting at the Lewis and Clark Hotel.

Townspeople took another whiff, as a good measure, and formed an Environmental Action Committee. "We weren't going to sit around any longer and say it smelled like money," said Shirlee Hennigan, a committee member.

With the pressure on, Potlatch about-faced and announced last September it would spend $9.6 million for facilities designed to clear up the Clearwater and strain 97.7 per cent of the pollutants from the air. The lovely hill-rimmed city named for Meriwether Lewis may yet again breathe free.

And also the one named for William Clark, Clarkston, Wash., is on the opposite bank of the Snake from Lewiston—Siamese twins connected by a bridge. Not surprisingly, there is no place along the route of the explorers where their names are more commercially evident. In the names of Lewis and Clark all manner of services are rendered—plumbing, heating, animal sheltering, saving and loaning. So overworked are their names in the local argot they have become one: Lewisclark. To keep his students alert, Peter Shrever, an instructor at Lewis and Clark State College, finds it necessary to refer to the explorers as Clark and Lewis.

Clark and Lewis, then descended the tortuous canyons of the Snake, shooting its frequent rapids in their dugout canoes when they dared capsizing once, portaging often, and arrived at the second great objective of their journey, the Columbia River, on Oct. 16, 1805.

That raging river plunged westward in a white fury through the Cascades, classic, conical mountains born of volcanic fire and shaped by glacial ice. Through the towering basalt cliffs of the Columbia Gorge—the "Great Shute," as Clark called it—the river became a veritable millrace, its constricted waters "foaming & boiling in a most horriable manner."

It was a river alive. Alive and gone mad with "swells & whorlpools" and airy iridescent rips from bank to bank. Alive with fat salmon fairly leaping into fishermen's nets, the basis of an elaborate Indian economy, fish so plentiful they were used for fuel. Alive with "Swan, Geese, white & grey brants, ducks of various kinds, Guls & Pleaver." Alive "with grass intersperced with strawberry vines" on lush islands which split the channel. And when the water finally flattened into a broad estuary it was alive with telltale creatures, "great numbers of sea otters," and began to taste unmistakably of salt.

"Ocian in view!", scribbled Clark on Nov. 8. "O! the joy."

Today that ocean extends in effect from Astoria, Ore., Lewis' and Clark's Pacific terminus, 433 miles inland across Oregon and Washington.

In April 1975, it will bore even deeper into the continent, 465 miles, and oceangoing ships will tie up at Lewiston, Idaho. That is the scheduled date for completion of the 18th and latest—one hesitates to say last—of the dams on the Columbia and Snake which have transmogrified those leaping rivers into artificial things.

Those 18 aren't all by any means. The Corps of Engineers, Bureau of Reclamation and assorted public and private utilities have built 50 dams on the Columbia and its tributaries. In fact, the Columbia has only one 50-mile stretch of free flowing river remaining from tidewater to the Canadian border and there are plans to dam that stretch as well. On the Snake, the Columbia's 1,000-mile main tributary, only 100 undammed miles remain.

As with the Missouri, the last remaining wild portion of the Snake is also the most spectacular: Hells Canyon, the deepest gorge on the face of the earth. Plum black basalt and granite cliffs glisten 6,500 feet above the stream bed, nesting places for falcons. The canyon forms the Oregon-Idaho border south of Lewiston and Jack Hollenbeck knows its every mile.

Hollenbeck, skipper of the motorboat "Playmate," will use any excuse to take a day off from his job as circulation manager of the Lewiston Morning Tribune for a run up the Snake, bucking the furious rapids, dodging from bank to bank to stay in the tricky channel, nosing "Playmate" into a sparkling white beach at Buffalo Eddy and leaping out: "Come on, I'll show you some petroglyphs."

The ancient etchings were on a large rock near the shore. Man has lived 8,000 years along the Snake River and there are more than 200 known archeological sites in Hells Canyon.

"Up the river a little way there are some more petroglyphs, but I don't think you'll find them as interesting," Hollenbeck said. "There they are. Up there." In white paint, high up on the granite wall, were the letters H M S.

"What's H M S?"

"High Mountain Sheep. That's where they would build it."

High Mountain Sheep is a proposed 670-foot-high dam, one of several that a consortium of power companies would like to build on the Snake, flooding Hells Canyon. The Federal Power Commission approved the dam once, but the Supreme Court in 1967 directed the agency to reconsider since the public interest is also served by "preserving reaches of wild river in wilderness areas." An FPC examiner since has recommended that two dams be allowed after a five-year wait.

Sen. Frank Church of Idaho feels the Hells Canyon section of the Snake ought to be designated a National River, as the Park Service has proposed for the white cliffs section of the Missouri.

"As long as such questions are left to agencies established for the purpose of building dams," Sen. Church says, "then we must expect that eventually dams will be built on all of the remaining sites."

Most environmental groups, however, are even anti-park, believing Hells Canyon should be left as it is, wild, primitive and hard to get to.

"The government seems to measure the value of everything by the extent of public use—the 'visitor days'," said Larry Williams, executive director of the Oregon Environmental Council.

"If that's going to be the basis they'll soon destroy the very places they're trying to save. I'll probably never get to see the Mona Lisa, but I'm satisfied to know it's hanging in the Louvre, where it belongs. I'd hate to think of it on display at some crossroads with picnic tables all around. Why vulgarize a national treasure as priceless as Hells Canyon?"

What is a grove of 1,500-year-old red cedars worth to a nation whose consumption of electric power has doubled in every decade of this century? When Dworshak Dam is completed on the North Fork of the Clearwater next year, the cedars will die.

What is a white sturgeon worth? This extraordinary fish, 10 feet long and weighing half a ton, the largest fresh water fish in North America, was common on the Columbia and its tributaries before the dams were built, and some still inhabit the middle reaches of the Snake around Lewiston. Sturgeon require swift-flowing water and shallow riffles to spawn and survive. When Lewiston becomes an ocean part, water that now takes seven hours to reach the Lower Granite damsite will run deep and take nine days.

And how are the salmon faring?

The Pacific salmon is a most remarkable

creature. It is an anadromous fish, which is to say it breeds in fresh water and lives to adulthood in salt water. From the moment it hatches on the gravel bar of some quiet mountain stream hundreds of miles, thousands of miles, from the ocean, it has but one driving goal: to reach the sea. Should it escape an early end in some Alaskan or Russian or Japanese cannery, another, more mature urge takes over: the urge to spawn. Not spawn just anywhere, but in the precise stream, indeed the precise gravel bar, where it first knew life. Only when it reaches that spot, battered and weary and hungry, for it makes the arduous upstream pilgrimage without eating, will the female deposit her eggs, the male fertilize them. Then, their life's work done and nature's mysteries served, both die. "The number of dead salmon on the Shores & floating in the river is incredible," Clark wrote while descending the Snake.

Incredible because the Columbia system with its labyrinthine tributary streams is the world's largest producer of the Pacific salmon and its anadromous cousin the steelhead trout.

At the turn of the century the summer salmon run alone—there also are spring and fall runs—produced a commercial harvest of 30 million pounds. Today the harvest is measured not in millions of pounds or thousands of pounds, not even in pounds. It is measured in numbers of individual fishes. Three years ago the summer count was 85,000. Today the Pacific salmon is threatened with extinction. Today the number of dead fish in the river is as incredible as that that astonished Clark. Except today they are not dying from a consummate act of procreation. They are dying of the bends.

Most of the Columbia system's dams are equipped with fish ladders, underwater staircases leading over the dams so the migrating salmon may continue their cycle of survival. Some dams, such as Grand Coulee and Chief Joseph on the Columbia and Brownlee Dam on the Snake, are not so equipped. These and others have sealed off more than half the spawning areas of the Columbia basin. Technology and federal dollars have striven to replace these natural nurseries with artificial hatcheries—not without success.

What technological man did not reckon on, however, was the effect on fish of tons of water plunging over spillway after spillway to the ocean. Only in 1968, when yet another spillway was added and fish began to die by the thousands, did scientists discover that the huge quantities of air forced deep into the pools below each dam caused a supersaturation of nitrogen in the water. Nitrogen bubbles expanding in the blood vessels of fish affected them the same way ascending too rapidly affects deep sea divers. The more spillways, the greater the nitrogen buildup. Last year 70 per cent of the fish struggling upstream died before reaching their spawning grounds.

The inescapable fact is that the Columbia, "that noble stream" in the assessment of Meriwether Lewis, is on the verge of death.

Not dead. The Willamette, which joins the Columbia at Portland, at one time seemed dead too, but Oregonians refused to let it be so.

A decade ago John Mosser, then head of the State Sanitary Authority, the parent of the State Dept. of Environmental Quality, took a basket of fish and a stopwatch down to the Willamette and submerged the fish in the river. They were dead in 10 seconds. Oregonians watched the experiment on television and were shocked into action. Today salmon thrive in the Willamette and it is getting cleaner, not dirtier.

Last November the same people voted themselves a tax to clean up the Columbia, even as the people of Kansas City taxed themselves a tax to clean up the Columbia.

Following the path of Lewis and Clark, knowing how they saw the land, seeing it now, seeing evidence of the unconcern of Americans, and of their concern, the impression—it is more than a hope—is, that people in the final analysis prefer clean Columbias and Missouris and ultimately will insist on them. Lewis and Clark often expressed the feeling that the American wilderness was endless. There is reason to think that their heirs are coming to the realization that it is not, and that what remains is worth no less than the value Thoreau placed on it: "The preservation of the world."

"Goals must be re-examined and they will not be the old simple ones of efficiency and growth and profitmaking that were always the guidelines for industrial success." The man who said that was the same man who a few years ago told the people of Lewiston that a little odor was a small price to pay for industrial profits.

U.S. POLICY TOWARD AFRICA

Mr. BAYH. Mr. President, in a statement on August 31, 1971, concerning a new U.S. policy toward Africa, one of the 12 points I proposed dealt with the massive problems of unemployment or underemployment in African countries, problems which beset Asian and Latin American countries as well.

It is becoming clear that the transfer of Western technology, which is capital-intensive rather than labor-intensive, does not fully meet the desperate need to create constructive, gainful employment. What is needed is the development of a new technology which can absorb these unemployed masses into the economy in a way that is beneficial to their societies.

Mr. President, I ask unanimous consent that the text of an article by James P. Grant, president of the Overseas Development Council, entitled "Marginal Men, the Global Unemployment Crisis," which deals with this problem, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Marginal Men, the Global Unemployment Crisis

(By James P. Grant)

Several factors are creating a new phenomenon in the developing world. It is what Robert McNamara of the World Bank has called the rising number of "marginal men"—people who have reached adulthood with no useful role to play in their societies. Largely the product of an unprecedented "baby survival" boom the world over, these individuals now find a dearth of jobs, of the means to provide for themselves and take part in life around them. Quite simply, there is a serious and growing unemployment problem in countries from one end of the developing world to the other and it is likely to dominate international development in the 1970s much as the food issue did in the 1960s.

The impact of the population explosion on employment has been aggravated in most developing countries by an equally unprecedented migration from the countryside to the cities, by the use of increasingly capital-intensive technology and by financial policies favoring use of capital rather than labor. At the same time, living standards are rising rapidly for a sizable segment of the population. This sharpens the contrast between those who are relatively well off and those for whom the present system is not working at all.

The lack of jobs, along with its consequences, is thereby helping to create the preconditions for political upheaval in many countries. It is probably no accident that many of the most severe of these upheavals in recent history have occurred in countries with the highest level of unemployment. In 1957, the average unemployment rate in Cuba was 16 percent, wtih a further fifth of the labor force reported as partially unemployed. The Philippines, Peru, Colombia and Ceylon are examples of countries which have high rates of unemployment and which today face problems that are nearly as serious.

This growing problem is already contributing to shifts in governments, often toward the two extremes: toward the Left, as in Ceylon, India, Peru and Chile, in response to pressures from the dissatisfied, or toward the Right, as in Brazil, in an attempt to contain these pressures. And, as several recent Latin American cases show, the whole gamut of intergovernmental and business relations can be affected.

The problem of marginal men is thus clearly of considerable importance to peoples and governments alike. But how big is the problem? We still have only a vague idea. Our Western concepts of "work" and "the labor force" do not apply in poor countries, and there are few adequate statistical or even descriptive surveys of conditions in these countries. But we do know that the problem is large already and rapidly becoming more urgent.

Even worse, the unemployed are only the tip of an iceberg composed of a wider group of underemployed. Since the cushion of social security does not exist in almost any poor countries, unemployment can be "afforded" only by people who have working relatives to provide support. Most people in the third world, therefore, must take whatever work they can find. Millions subsist on casual labor, while others often work extremely long hours for pittances as shoeshine boys or petty traders.

These problems are well-nigh universal in the developing world. In Latin America, for example, the number of people who were openly unemployed approximately tripled in number between 1950 and 1965. The number doubled as a percentage of the labor force, from 5.6 percent to 11.1 percent. The figures are even higher today. Furthermore, unemployment rates of 15 to 20 percent are increasingly common in large cities throughout the developing world. Young people, particularly those with an education, generally have even higher rates of joblessness.

In general, the labor force of the non-communist developing world will increase by 170 million in the 1970s, adding at least 25 percent to the size of the work force during the decade. In some areas, particularly in Latin America, where the population explosion started earlier, the increase will be even higher, up to one-third or more. Even in India, a late-comer to rapid population growth, the work force should increase from 210 million in 1970 to 273 million by the end of the decade.

Unfortunately, there is still no end in sight to the population explosion in the developing world. Worse still, for about 20 years after it does end, the labor force will continue to grow accordingly. Therefore the problem of absorbing workers is far more serious for the developing countries than it was for the presently developed countries during their period of industrialization. The populations of the European nations rarely grew by as much as one percent a year, compared to the current annual increase of 2.6 percent in the LDCs.

The population explosion is not the only cause of the employment problem, however. Despite historically unprecedented rates of economic growth throughout the third world over the last decade, the supply of productive jobs is not increasing fast enough to meet the demand. Both the patterns of economic growth and technological changes have slowed the creation of jobs. For example, a million dollars invested in industrial expansion today does not generate as many jobs as it did 20 or 30 years ago, because of growing technological sophistication. At the same time, many of the policies designed to speed industrial growth have effectively encouraged substitution of capital for labor. These policies include overvalued exchange rates, excessive protection for import-substitution industries and low interest rates. They provide incentives for entrepreneurs to use machinery, especially imported machinery, despite the abundant supply of poorly employed labor. These policies also encourage entrepreneurs to favor capital-intensive import enterprises over labor-intensive export industries.

The job problem is further aggravated by the rate of migration from the country to the city, which also has no precedent in American or European history. A type of "gold rush fever" afflicts underemployed and jobless peasants who are flocking to the cities in increasing numbers. Many seek the rewards of high-paying factory jobs which only few can find. In Latin America, urban populations have grown twice as fast as urban jobs. Today, the cities include more than 50 percent of total population—breeding enormous problems of slums, crime and disease.

II

What should be done about these problems? In most developing countries there is no clear answer. Planners, administrators and political leaders do not yet have more than the beginnings of a consensus on the way to provide enough productive jobs for their expanding labor forces. But there are sparks of hope, deriving from successful programs during the sixties. In particular, there are new possibilities for programs capitalizing on progress in agriculture, and from lessons learned in some of the smaller countries of East Asia.

The search for new policies is spurred by the knowledge that the traditional approach to development could achieve reasonable employment objectives only by attaining unrealizable rates of economic growth. According to one recent estimate, it may be necessary to increase the gross domestic product (GDP) in most developing countries by nine to eleven percent annually. But these rates would only absorb the increase in the labor force in nonagricultural jobs. They would not decrease the absolute number of people working on the land, nor would they affect the existing backlog of unemployment and underemployment. These are striking estimates, particularly when compared with the U.S. experience where we reached the same point while achieving a GDP growth rate of only three percent per year.

It is this type of analysis which led Raul Prebisch to call in his recent report[1] for a growth rate in Latin America of at least eight percent annually. But would attaining even this target—a very ambitious one—be enough? Some economists are skeptical of this approach, arguing that without other major structural changes, most countries are likely to achieve such high growth rates only through much heavier emphasis than before on modern industry. And this concentration would aggravate the problems of high wages in a small portion of the economy, leading to further inequities, migration to the cities and the intensification of urban problems. Thus, more growth is a necessary but insufficient condition for resolving the employment problem.

There is no complete solution to these difficulties, no one strategy that will encompass all the quandaries of development in a single theoretical sweep. Certainly, in practice, even the communist system has problems in combining adequate employment with economic growth in countries where population is increasing rapidly.

There are, however, several initiatives that developing countries could take in order to change the nature of their growth. They could remove biases favoring use of scarce capital over abundant labor, they could develop and favor labor-intensive technologies, and they could develop and use the potential of the Green Revolution. These steps would provide more employment in agriculture and permit programs for greatly increasing employment elsewhere in the economy—programs that have not been previously feasible because of their inflationary potential where food is already in short supply.

First, in most developing economies, there remain serious and persistent imbalances in the prices attached to capital and labor even though there is far more labor than capital available. It is no accident that countries such as Taiwan, Korea, Hong Kong and Singapore, which have taken the lion's share of the growing markets for manufactured products, have consciously avoided the capital-labor distortions prevalent in most poor countries. These countries have many means available to them to correct the distortions they have created. They could begin to make the price of capital more realistic by ceasing subsidies to it, devaluing exchange rates and raising interest rates. By raising interest and broadening access to savings institutions, the poor countries should be able to increase rates of saving, especially among farmers and small-scale entrepreneurs. Most poor countries should also extend less protection to their import-substitution industries, which tend to be capital-intensive and favor instead those industries which ultimately can withstand international competition, on the basis of their low-cost labor. And wage increases in industry and government should be slowed.

A second step for the developing countries relates to the use of technology. Assuming that price structures are made more realistic, industrialists and farmers will have an incentive to look for technologies that employ more labor and less scarce capital. For some basic heavy industries, such as steel and fertilizer production, the most modern technology used in the West may still represent the best use of resources in the poor countries. But in other types of industry, such as textiles and rubber, a range of technologies exists. In Japan, textile manufacturers adapted Western machinery and speeded it up, and thereby used three to seven times as much of their cheaper labor per machine as was typical in the United States. In Korea and Taiwan, the scarcity of capital is reflected in realistic exchange rates and in interest rates of 25 to 30 percent. In these countries, only one-half to one-quarter the amount of fixed capital has been expended per worker in the highly successful export rubber industries than is true in India and the Philippines. Therefore Korea and Taiwan were able to obtain higher payoffs on their investment, more savings, much higher economic growth than the others, as well as to create employment faster.

But where are these technologies to come from? Here we encounter a vast vacuum of knowledge, beyond the adaptation in some cases of Western machinery. Unfortunately, perhaps 99 percent of all expenditures on research and development are made in the rich countries and are devoted largely to finding more capital-intensive ways of displacing high-cost labor. The poor countries therefore desperately need an expansion of research in labor-intensive technology.

III

A third step for the developing countries is rural development. Indeed, as Robert Shaw has explained in considerable detail,[2] increasing the use of labor through broad institutional and organizational changes in agriculture—an integrated approach to rural areas—may be the most promising way both to promote growth and to ease the unemployment problem. After all, the third world is still essentially rural, and most of its people, outside of Latin America, will live in the rural areas for at least the next generation despite high rates of migration to the cities.

The agricultural sector of a typical developing country will therefore remain central to its total economy. This becomes even clearer if we look at the way cities and towns are linked economically. To begin with, if more employment is provided in the towns and through public works, much of the wages generated will be spent on food. But if food prices are not to rise, more food must be produced, which means more jobs in rural areas. At the same time, rural areas comprise the largest mass market for urban products—provided, of course, that enough income is being generated there to make the purchases. Complemented by policies to improve social infrastructure, such as rural educational and health facilities, programs to create better job and income opportunities for hundreds of millions of peasant farmers could also substantially slow the rate of migration.

Fortunately, there are some signs that government interest in agriculture and rural areas in general is growing. In particular, the success of the new dwarf wheat and rice varieties in many parts of South and Southeast Asia has renewed interest in the possibilities of agricultural progress. The new seeds have much higher yields than traditional varieties, provided there is careful cultivation—preparation of the land, water control, fertilizer and weeding. Where there is a market for increased food production, therefore, the combination of higher yields and more careful cultivation increases the amount of labor used per acre of land, and also increases the income of those laborers. Precisely this sort of spur to labor-intensive agriculture is required in tackling the problems of the countryside. At the same time, of course, the higher yields give governments greater flexibility to increase employment, without having to worry as much about inflationary demand for food caused by increased incomes.

While agricultural technology is becoming a source of hope, however, it is also contributing to some of the problems it could be useful in solving. The same economic forces active in industry in such countries as Mexico, India and Pakistan are subsidizing tractors and combines which are displacing the agricultural laborer. As an alternative to the rapid mechanization of agriculture, several countries have developed a system of agriculture centered on small-holders able to use the new seed varieties, small machinery and fertilizer, demonstrating that it can be profitable and create more jobs. A farmer with suitable water control and no more than two or three acres can make a decent income for his family, providing that he has access to credit, fertilizer, high-yielding seeds and a place where he can sell his produce for a reasonable price.

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[1] Paul Presbisch, "Transformacion y Desarrolo: la Gran Tarea de America Latina." (Report for the Inter-American Development Bank; Santiago, April 1970).

[2] Robert d'A. Shaw, "Jobs and Agricultural Development," Overseas Development Council, November 1970.

In Taiwan, for example, where there is a seven-acre limit on farms, the agricultural breakthrough has been highly labor-intensive. And the cereal yields achieved in Taiwan have been higher than those in the Indian Punjab, where the size of farms is effectively unrestricted and the bigger ones make use of large-scale mechanization. This is a strong argument for those policies collectively known as land reform.

The demands made by hundreds of millions of small farmers for agricultural inputs, for marketing facilities and for basic consumer goods would also stimulate the development of small towns in the rural areas. The development would create more employment, as well as possible alternatives to the big cities as the goals of migration.

Finally, increased food production provides governments with an opportunity to experiment with ambitious public works programs as a partial solution to their unemployment problem. Of course, if the programs are of the leaf-raking variety, the effect on employment is likely to be short-term, but it is possible to use public works as a means to create investment that in turn will increase production and create new jobs. If the labor in these programs is used to build canals, roads, dams and tubewells, it will help create the infrastructure essential to the speeding up of rural regeneration. Furthermore, these projects are likely to be far more profitable in the context of rapidly increasing agricultural productivity. Returns on investment in farm-to-market roads and in small-scale irrigation are very high when they enable farmers to use new agricultural technologies and to market their newly increased production at lower cost.

IV

All of these measures that can be taken by poor countries to ease their employment problems inevitably involve questions of distribution—who is to benefit from the growth of the economy? The national product of most developing countries is growing at rates which could provide increasing income per capita at rates equal to those in the industrialized countries during comparable periods. In actual terms, however, only a minority of people are benefiting significantly from the rapid growth in the developing countries. These include industrialists, larger landowners, government employees and factory workers. This was brought out in the recent International Labour Office study of Columbia.

It noted that even with considerable economic growth, urban unemployment today is probably worse than at the height of the Great Depression and the bottom third of the rural population may be no better off now than in the 1930s. Of course, it is sometimes argued that unequal distribution of income is necessary in poor countries because it is the wealthy who save, and these savings are essential to future economic growth. But the recent performance of most poor countries has not borne this out. Rather, some of the countries with the highest savings rates, such as Japan, Taiwan and Korea, are precisely those with the most equal distribution of income—providing that they have suitable institutions to collect and use the savings.

Interestingly, solutions to the problems of both unemployment and distribution may go hand in hand. Raising the incomes of the poor will result in the creation of more jobs than an equivalent rise in the incomes of the wealthy, for the luxury goods bought mainly by the wealthy tend to be relatively capital-intensive in nature, whereas the goods a poorer person normally buys require more labor to produce. The production of an automobile, for example, requires large amounts of capital but little labor, while the production of bicycles, shirts or food tends to use much more labor. Luxury products also generally put a higher strain on foreign exchange reserves, either because the luxury goods themselves are imported, or because their manufacture requires more complex, imported machinery than do labor-intensive goods. Thus the concentration of income in a few hands in most poor countries not only reflects the lack of job opportunities; it also contributes to the employment problem.

V

Despite all the efforts made by developing countries, the employment problem is becoming so monumental that they cannot cope with it alone, even where they take the initial—and painful—decisions to reorder their priorities. The rich countries have an indispensable supporting role to play in providing capital, research and technology, and access to their markets. Otherwise the poorer countries will never achieve substantially higher growth rates nor will they be able to make the major innovations which are required.

These facts are well illustrated in the field of trade, which currently is the source of nearly four-fifths of the poor countries' foreign exchange. The rest comes from aid and private investment. Unfortunately, despite the very rapid growth in world trade, most poor countries are not sharing fully in it. In the 1960s, for example, the value of total world trade grew by more than ten percent annually, but the exports of the developing nations only grew by some seven percent annually. In order to create more jobs in export production and to earn the foreign exchange required for expanded domestic production the poor countries must obtain a greater share of this trade.

In the past two decades, the policy of most developing countries has been to save foreign exchange by substituting domestic production for imports rather than to earn foreign exchange through aggressive export policies. However, this situation can be changed if the poor countries are prepared to capitalize on their advantages, and especially on their labor supply. By altering pricing policies and encouraging the use of appropriate technologies, many poor countries should be able to produce labor-intensive products that can compete on the world market in terms of price and quality. A few countries, especially in East Asia and Mexico, have shown how important these shifts can be.

When poor countries reach this stage, however, they begin to encounter problems. It takes two to trade. In the longer term, of course, both rich and poor countries would gain if workers in the former countries concentrated on products requiring high levels of skills and capital. Workers in the latter countries would concentrate on products with a high labor content at least while labor remains their most abundant resource. Unfortunately, the rich countries usually follow contrary policies. In the face of competition from cheaper labor abroad, they place the principal financial burden of adjustment on workers producing the same goods that the poor countries are trying to export. This is true of the cotton textile worker in South Carolina, the shoemaker in Maine, the French beet sugar farmer or the Japanese rice farmer. These groups usually are disadvantaged, they receive low wages and have little skill or training. Not surprisingly, they protest—politically. Thus, success in exporting by the poor countries is breeding restrictive reactions in rich countries.

Two highly significant pieces of legislation coming before Congress in 1971 and 1972 illustrate the conflicting tensions in the trade area. On the one hand, President Nixon will ask Congress in 1971 to pass preferential legislation to cut import tariffs to zero on all imports into the United States of manufactured goods from the poor countries. This request follows a series of negotiations in the Organization for Economic Cooperation and Development and the U.N. Conference on Trade and Development, in which all the Western industrialized nations agreed to this principle of preferences.

And on the other hand, the Trade Bill of 1970 may reappear in a similar format this year or next. The purpose of the original bill was to give the President power to limit imports of so-called "sensitive" products. These are mainly such products as textiles and shoes in which American industries face competition from the labor forces of poor countries. If passed, this legislation would not only restrict many of the present imports from the third world, but it would also discourage the building of new export industries there. It could, for example, restrict about one-fourth of Mexico's present exports to the United States, one-third of Korea's, and 40 percent of Taiwan's.

In addition to trade, the large multinational corporations are increasingly becoming factors in the employment picture, both in the poor countries and in the United States. These corporations have been increasing their investment in manufacturing in the third world, originally for local markets but more now as part of a new process of international production. In recent years, low-cost labor in certain countries has come to be treated as a valuable resource in its own right, and multinational corporations have worked effectively with these countries to utilize this resource. The U.S. electronics industry, for example, has reacted to tough foreign competition by moving most of its labor-intensive production overseas to countries like Taiwan, Hong Kong, South Korea and Mexico. The fruits of these labors are then re-imported for assembly in the United States. These imports from developing countries are made under Tariff Schedule 807 (which confines tariffs to the value added abroad for components shipped from the United States and assembled in foreign plants). They have been growing rapidly from $60.5 million in 1966 to $366.9 million in 1969.

This is the beginning of a new movement toward production based on the law of comparative advantage—not between different companies operating in different countries, but within a single company itself. Corporations organized on this model are producing components that require a lot of labor in countries where labor is cheap and capital-intensive parts where capital is cheap. Not surprisingly, this nascent innovation is being met with loud outcries from some people in the American labor movement who see U.S. jobs going abroad. They demand controls on foreign investment and protection against cheap foreign imports. Their position merits great sympathy. But are the solutions they propose really in their own long-term interest or that of the nation as a whole? As with restrictions in general, the proposed controls on multinational corporations would raise prices here in the United States. In addition, the dollars earned by the poor countries through exporting are spent in the world market on goods from the rich countries. The labor case would be stronger if it called for better adjustment assistance, not blockage of imports from poor countries.

In addition to improving the foreign exchange situation of the developing countries, the multinational corporations can make other significant contributions to the solution of the employment problem. But their resources have only been partially tapped. Most importantly, the multinational corporations almost inevitably fall back on the most capital-intensive technology available. In present circumstances this is a rational action: these technologies are the ones with which they are most familiar; they are made profitable by the economic policies of the poor countries; and they avoid the possibility of trouble with large numbers of workers. However, if poor countries change their policies to make fuller use of their labor forces, the multinational corporations will increasingly find it worthwhile to invest in research into more appropriate technologies for their affiliates in the third world. Already some firms are beginning to do this. For example, a research division of the Dutch electronics manufacturer, Phillips, has developed small-scale, labor-intensive production methods for use in Indonesia.

The efforts of the multinational corporations, however, will not be enough to meet the problem of unemployment in the developing world. The need to create jobs in the poor countries, and the serious consequences of not doing so also add a new imperative to the case for financial assistance by the rich to the poor countries. Jobs cannot be created without investment. Therefore, the United States needs not only to reverse the downward trend of its aid but to increase it substantially, as most other developed countries are doing. Unfortunately, for the first time since the start of the cooperative global effort in 1961, the U.S. net official assistance to the developing countries will drop below $3 billion in 1971.

But money alone is not enough. If the approach to development is to be reexamined in the light of the employment crisis, then development assistance will also need to be reexamined. For example, many aid practices have tended to support the old approach to development, which has stressed modern capital-intensive equipment. Happily, there are ways in which the aid donors could modify their policies in order to make their help a major contribution to the solution of the employment problem.

This would involve, first, taking employment issues into consideration in the making of loans. By making more loans that are not tied to specific projects, and by supplying some of the local currency costs of projects, the aid donors would help remove the bias in favor of projects that emphasize the use of imported machinery. Second, removing the requirement that aid be spent in the donor country (tying) would allow the poor countries more latitude in choosing appropriate technologies. Third, increased and diversified food aid from the agricultural surpluses of North America, Western Europe and Japan could be used to support programs for expanding employment, by serving both as an interim source of supply pending expanded production and as standby against crop failure. Finally, technical assistance programs need to be revamped, particularly to stress research and development of appropriate technology.

The potential for dealing successfully with this problem is perhaps best illustrated by a few small countries such as Taiwan and Korea. They had very high rates of increase in their work forces in the 1960s, yet achieved rapid growth, improved income distribution and reduced both unemployment and birth rates. Of course, both these countries combined the right national policies with significant aid, foreign investment and access to rich country markets.

There are sobering implications in these success stories. At the very least, duplicating them elsewhere during the 1970s will require the rich countries to meet their aid and investment target of one percent of GNP. It would require a sharp upward revision in the seven percent target for increases in LDC trade. Most poor countries would need to make major, politically difficult, changes ranging from devaluation to land reform. Rarely, and then only for fleeting periods, are countries able to move quickly on such a broad range of reforms.

India is an excellent illustration in 1971 of both opportunity and problems. India is momentarily at a point where difficult reforms are possible, following the landslide electoral victory in March 1971 by Indira Gandhi. But Mrs. Gandhi may not be able to make these necessary moves without outside cooperation.

At best, the employment problem cannot be solved easily, and not fully until population growth is brought under control. Yet, with enough innovation, reform and increased effort, both within developing countries and between them and the rich nations, there are reasonable prospects of limiting the damaging effects of unemployment. Certainly, reforms within developing countries, as well as changes in trade and investment patterns between rich and poor countries, are now becoming more than requirements of justice; they are becoming requirements for survival of a world economic system.

EMPLOYMENT TAX CREDIT

Mr. CRANSTON. Mr. President, I invite the Senate's attention to a significant proposal designed to supplement the administration's program for economic recovery and help us return more quickly to full employment.

It is the result of the work of two economists at the University of California's Institute of Business and Economic Research, Dr. B. F. Roberts and Dr. Richard N. Thunen. Entitled an "Employment Tax Credit," it would provide tax reductions to businesses that increased the size of their labor force.

The new instrument will reduce the cost of labor input, thus making it more profitable for business to rehire employees and expand output. Because it affects supply rather than demand for goods and services, it will help us return to full employment without, at least theoretically, creating additional inflation.

The employment tax credit will be granted upon increments in wages paid, rather than simple increases in the number of workers. It should, therefore, provide incentives for rehiring all types of workers, be they scientists or machinists. Credits based upon man-hours alone, would encourage reemployment of only a limited group of lower income workers.

The credit will also include an automatic stabilization device that will allow for large tax benefits when unemployment is high and smaller benefits as the economy returns to prosperity. In this way, it avoids giving business an inflationary subsidy once the economy has regained its strength.

The University of California study, which employs a sophisticated econometric forecasting model, predicts that when used as a supplement to the President's program, the employment credit will yield an additional 1.9 million jobs by the fourth quarter of 1972. The unemployment rate would fall by an additional 0.7 percent and real GNP would rise by $17 billion. And the benefits would not be limited to labor, for the projection indicates that profits would also rise by an additional $3.7 billion while the Federal deficit would fall by $5.9 billion.

I believe that this proposal merits serious consideration. I therefore ask unanimous consent that the text of the proposal be printed in the Record.

There being no objection, the proposal was ordered to be printed in the Record, as follows:

Employment Tax Credit: Proposal for Stabilization Policy[1]

(By B. F. Roberts and Richard N. Thunen)

This paper suggests a fiscal policy instrument—employment tax credit—which in the current economic situation could significantly stimulate employment and production, increase both labor income and profits, reduce the federal deficit, and diminish inflationary pressures.

It is estimated that a modest application of this instrument as a supplement to the President's new economic program could, by fourth quarter 1972, increase employment by 1.9 million workers, GNP by $23.7 billion, real GNP by $17.0 billion, wages by $24.3 billion, and profits by $3.7 billion; and reduce the unemployment rate by .7 percent, and the federal deficit by $5.9 billion, more than can be obtained by the President's program alone. Also, it is expected that implementation of the employment tax credit will improve the unemployment-inflation trade-off and permit the phasing out of wage-price controls as early as 1972. In addition, this fiscal instrument can easily be structured as an automatic stabilizer which once implemented will not need adjustment, and can be administered by the Internal Revenue Service in cooperation with the Bureau of Labor Statistics without additional bureaucracy.

The proposed policy instrument is a tax credit granted to employers for net additions to employment. The tax credit associated with each net new employee would be calculated as a fraction of the wages paid to the employee during a specified period of time.[2] The magnitude of the credit fraction, or credit rate, granted the employer can be structured to depend progressively upon the unemployment rate, such that when the unemployment rate is high, the credit would be relatively large, but when the unemployment rate is low (at a level reflecting only transitional or fractional unemployment and generally regarded for practical purposes as "full employment"), the credit rate would go to zero. The employment tax credit would thus provide a progressive inducement, through labor cost reduction, to hire additional employees when labor markets are slack but would eliminate the inducement when labor markets are tight to avoid upward pressure on wage rates.[3] Structured this way, the employment tax credit has the character of an automatic stabilizer.

The presumption that the employment tax credit will induce additional employment rests on the plausible notion that entrepreneurs will find the utilization of additional factor inputs more profitable if the cost of additional input units is reduced. This notion has been the basis for numerous incentive schemes to promote local industry.[4] It is also the basis for belief in the effectiveness of the investment tax credit toward promoting expenditures for capital goods.[5]

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[1] This revises and extends an earlier draft given limited circulation dated April 26, 1971.

[2] The employment tax credit is similar to the negative wage bill tax discussed by Ragnar Frisch, *Price-Wage-Tax-Subsidy Policies as Instruments in Maintaining Optimal Employment*, Economic and Employment Commission, Economic and Social Council, United Nations, April 14, 1949.

[3] Locational variations in the credit rate to preferentially promote employment in high unemployment areas could be obtained by calculating the credit rate as a function of the local unemployment rate.

While the employment tax credit shares the same conceptual foundation as the investment tax credit, and is in some ways symmetric with it, there are important distinctions relevant to the design of economic policy. The employment tax credit is tied to a primary factor of production (labor), provides a direct inducement to increase the productive employment of labor and thus increase the aggregate supply of goods and services and, subsequently, by increasing total wage income, stimulates demand. The investment tax credit is tied to a produced factor of production (capital), provides a direct inducement to order new capital stock and thus increase aggregate demand, and subsequently stimulates increased production of capital goods and the employment of labor.

The alternative channels of supply-demand versus demand-supply, through which the two instruments are routed, are of crucial importance for designing stabilization policies under the current circumstances of high unemployment and strong inflationary pressures (price rises are being confined by the freeze but inflationary pressures persist). The conventional monetary and fiscal instruments, including the investment tax credit, operate through the demand-supply channel and are currently thought to face an unfavorable trade-off between attainable unemployment and inflation.[6] By supplementing the conventional instruments by others, such as the employment tax credit, which operate through the supply-demand channel, the terms of the apparent unemployment-inflation trade-off might be substantially improved.[7] A crucial effect expected from the employment tax credit is an expansion of the aggregate supply of goods and services relatively faster than aggregate demand, thus shifting the unemployment-inflation trade-off.

Whether the employment tax credit will actually work is, of course, an empirical matter that can be verified only if implemented. Reasoned estimates of the effects can, however, be derived from simulation experiments with econometric models. The numerical results of two such experiments, using the California Economic Forecasting Project national econometric model, are reported here.[8] The two cases reported are:

Case I—President's New Economic Program:

The principal assumptions of this simulation are: the President's program of August 14 is enacted, wage-price control will be implemented after the freeze to restrict inflation to three percent annual rate, the import surcharge is converted to a five percent revaluation of the dollar, and monetary expansion is gradually slowed to seven percent annual rate.

Case II—President's New Economic Program Plus Employment Tax Credit.

The principal assumptions of this simulation are identical with those of Case I plus a modest application of the employment tax credit. The credit rates and dollar amounts of the credits for this simulation are:

	1971	1972				1973	
Quarters	IV	I	II	III	IV	I	II
Credit rate (percent)	26.0	23.8	20.0	16.6	12.2	8.2	5.0
Credit (billions)	$2.1	$4.0	$5.5	$6.6	$5.2	$3.7	$2.5

The credit rates shown here have been calculated as an increasing function of the unemployment rate of the preceding quarter. This formulation permits the credit rate which will apply for any specific period to be calculated and announced at the beginning of that period. These credit rates represent the percent of wages paid to net new employees (at wage rate prevailing when hired) for a period of one year. Employers must maintain or increase the level of their employment for a one year period in order to receive the full credit. Numerous other formulas, giving various degrees of employment incentive, are possible.

The simulation results of Cases I and II for selected variables are summarized in the following tables:

	1971		1972				1973	
	III	IV	I	II	III	IV	I	II
Total civilian employment (millions of dollars, seasonally adjusted):								
Case I	78.9	79.3	79.8	80.5	81.2	82.0	82.8	83.7
Case II	78.9	79.9	80.9	81.9	82.9	83.9	84.9	85.9
Unemployment rate (percent, seasonally adjusted):								
Case I	6.1	6.0	5.8	5.7	5.5	5.3	5.1	5.0
Case II	6.1	5.9	5.6	5.3	4.9	4.6	4.4	4.2
GNP (billions of dollars, seasonally adjusted annual rate):								
Case I	1,056.3	1,079.7	1,106.1	1,131.0	1,155.8	1,180.6	1,205.5	1,230.5
Case II	1,056.3	1,085.5	1,117.7	1,147.7	1,176.7	1,204.3	1,230.9	1,256.4
Real GNP (billions of dollars, seasonally adjusted annual rate):								
Case I	742.3	754.7	768.1	780.2	792.3	804.1	815.9	827.6
Case II	742.3	759.1	776.7	792.6	807.5	821.1	833.8	845.7

The simulation results for Case I, the President's program, represent a moderately optimistic view. Some forecasters are suggesting greater optimism based largely on greater consumer and investor enthusiasm than is suggested here. Regardless which view of the President's program is used, the employment tax credit supplements that program and the relative improvement represented by Case II is of the greatest importance for estimating the impact of the employment tax credit.

The Case II results show an immediate response to the fourth quarter 1971 introduction of the employment tax credit. Employment, output, inventories, wages, and profits all show substantial gains. With the pace of activity increased, the federal deficit is gradually decreased suggesting that the employment tax credit more than pays its way.

The employment tax credit rates used for the Case II simulation may actually be higher than required to induce these levels of hiring. The model's response to the credit was intentionally dampened to minimize the possibilities of overstatement in favor of the tax instrument. Even if the initial rate is higher than necessary, the automatic stabilization feature of the proposal would make the system self correcting during subsequent periods and there would be little if any federal revenue loss due to the initial high rate.

The assumption of wage-price control has been maintained for both simulations. All indications to date are that phase II of the President's program will include some form of wage-price controls so this assumption is probably realistic. However, it is interesting to question whether controls are actually necessary to contain inflation. The reasoning developed above suggests that the employment tax credit could be an inflation dampening force. To investigate this, simulations of Cases I and II with price controls removed mid-year 1972 have been run. For Case I (the President's program) the simulation suggested that the economy tends toward a stable situation characterized by a 5 percent unemployment rate and a 3.3 percent annual inflation rate, in terms of the consumer price index. For Case II (Case I plus employment tax credit) the economy tends toward a stable situation characterized by a 4.2 percent unemployment rate and a

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[4] See John E. Moes, *Local Subsidies for Industry*, University of North Carolina Press, 1962, and Harry Richardson, *Regional Economics, Praeger*, 1969, for discussions of local incentives to industry.

[5] See Robert E. Hall and Dale W. Jorgenson, "Tax Policy and Investment Behavior," *American Economic Review*, June 1967, and subsequent related communications by Robert M. Coen; Robert Eisner, and Robert E. Hall and Dale W. Jorgenson, *American Economic Review*, June 1969, for detailed examination of the investment tax credit.

[6] It is widely believed that low unemployment and stable prices are competing objectives and that the unemployment-inflation trade-off is such that high inflation must be accepted to maintain relatively full employment or, high unemployment must be accepted to maintain stable prices. This topic has received considerable recent discussion. See for example: *Economic Report of the President, 1971*, Government Printing Office; Milton Friedman, "The Role of Monetary Policy," *American Economic Review*, March 1968; Arthur M. Okun, *The Politi[illegible]conomy of Prosperity*, Norton, 1969; [illegible]e L. Perry, "Changing Labor Markets and Inflation," *Brookings Papers on Economic Activity 3*, 1970; Robert J. Gordon, "Inflation in Recession and Recovery," *Brookings Papers on Economic Activity 1*, 1971.

[7] A reminder of this possibility was given by Professor Stefan Robock in the *Wall Street Journal*, May 18, 1970:

> . . . strategy should shift to one of increasing supply rather than reducing demand. Inflation is most frequently described as an excess of demand over the supply of goods and services. But it is equally valid to consider inflation as a shortage of supply in relation to demand. In other words, inflationary pressures can be reduced by expanding supply faster than demand.

[8] A technical description of the CEFP national econometric model is in preparation.

3.7 percent annual inflation rate. Case II has a substantially lower unemployment rate but a higher inflation rate, but this combination seems to represent a favorable shift in the unemployment-inflation trade-off.[9]

The tentative nature of the estimates given in this paper should be recognized and their use in contemplating policy implications should be tempered with caution. They are estimates obtained through experiments with a specific econometric model and our judgments. Our work is continuing and we hope that the issuing of these estimates, while the nation is searching for effective new economic programs, will prompt other investigators to conduct independent experiments with the employment tax credit to evaluate its probable impact.

UNFAIR REPORTS FROM CREDIT BUREAUS

Mr. PROXMIRE. Mr. President, a recent television program entitled "The Bold Ones" depicted what can happen when a person looking for a job becomes the victim of an unfair report from a credit bureau. The program was most interesting to me because in many ways it closely paralleled a true case related to my Subcommittee on Financial Institutions in May 1969, by Prof. Alan F. Westin, director of the center, in American liberties, Columbia University. Professor Westin protected the real man by giving him a pseudonym, "Charlie Green."

In real life, "Charlie Green" was the victim of a report that—like Kevin Ireland in "The Bold Ones" script—said he had had trouble with neighbors. As in the script, "Charlie Green" was the victim of hearsay and unchecked reports. It was not "Charlie Green's" fault that erroneous information got into his character credit report. Nevertheless, that erroneous information cost him money in lost income and in attorney's fees.

"Charlie Green" has been living with his problem for nearly 10 years. Like Kevin Ireland, he went to court. But "Charlie Green's" case is still pending. We checked with him the other day. He does not know when his case will come to trial.

Fortunately, Mr. President, "Charlie Green" kept his family intact and has kept his sanity. Still, his real-life case is as interesting and as disturbing as the fictional life of Kevin Ireland. "Charlie Green's" experience was instrumental in the passage of the Fair Credit Reporting Act, which should help prevent other similar injustices.

Although magazines and newspapers across the country helped publicize the passage of the Fair Credit Reporting Act—and many of those articles were reprinted in the Record—"The Bold Ones" did what only a TV drama can do: bring home the lesson in an empathic fashion.

I congratulate Universal-Public Arts Productions, Producer Steve Heilpern, writer Jack B. Sowards, Roy Huggins (for his story idea), NBC, and the sponsors of "The Bold Ones" for giving the viewing public a chance to see the human side of the law.

Mr. President, I ask unanimous consent that the script of "The Bold Ones" be printed in the Record.

There being no objection, the script was ordered to be printed in the Record, as follows:

The Bold Ones—The Lawyers: The Invasion of Kevin Ireland

Tight shot—typewriter—night.

It is a late-model electric machine. There is utter silence. Hold for a few beats, then—swiftly into frame comes a large heavy metal lamp base (the lamp is not lit), and, with a thunderous crash, it practically decimates the typewriter. Camera pulls back to reveal:

Int. office—night—on Kevin Ireland, the man holding the lamp. In his late thirties or early forties. Normally well-behaved, he has been pushed to the wall by forces he cannot understand or control. While his present actions may be considered irrational, his eyes are *not* the eyes of a madman. He *is* angry, though, very angry, but this anger has not been spent on the destruction of the typewriter, for, as he grips the lamp tightly, he looks around the room as if to spot a next "victim."

The office—Kevin's point of view. As the camera pans we get our first good glimpse at the empty general office of a large company. It is dark and empty, the only light coming from the street lights outside. We see rows of empty desks, the cold, impersonal type that, during daylight hours, are peopled by secretaries and bookkeepers, as indicated by the typewriters, letter boxes, adding machines, etc., resting on them.

Close angle—Kevin. The expression of anger has not faded from his face. As he goes into action, we utilize a series of jump cuts to show:

a. Kevin breaking a chair over a desk.

b. An adding machine being smashed against the hard floor.

c. Kevin emptying file drawers, scattering their contents.

d. Kevin taking the lamp and smashing the glass-encased display box encompassing the logo of the company, which bears the legend: "Corporate Research Associates. We care."

e. The computer, staring back in its impersonal glory. Camera pulls back to reveal Kevin standing only five or six feet away from it, unlit lamp base in hand.

Med. shot—Kevin, as he looks at the computer, then down at his weapon. His decision is short in coming: he raises the lamp base with both hands and brings it savagely onto the glassed front of the computer.

The computer, as Kevin completes his downswing, smashing its "face" beyond recognition.

On Kevin. As he prepares for a second go at the computer, he reacts to the shrill sound of an alarm.

Insert—Alarm light, its face covered with several numbers. One of the numbers is blinking frantically.

On Kevin, motionless, unsure of what to do next. A beat, then the sounds of: footsteps, a door opening, the flip of a light switch.

Guard's voice. Put it down!

Angle—at the door. Two uniformed security officers are standing just inside the door, and are training their revolvers on Kevin.

On Kevin. Keeps looking straight ahead, the look of anger now gone from his face. He opens his hand and lets the lamp fall to the floor.

Int. courtroom—DAY—close on Brian Darrell cross-examining a witness.

Brian. Mr. Gale, you're in charge of the Southern California office of Corporate Research Associates, is that correct?

On Mr. Gale the witness being cross-examined. In his mid-forties, he is reasonable, capable, intelligent, and might be type-cast as the President of Princeton, or as an editor of Newsweek.

Gale. Yes, it is.

Brian. Is your firm nationwide?

Gale. Yes—we have thirty-five offices throughout the country.

Full shot—Courtroom. Carefully listening to the testimony are Walt and Kevin, seated at the defense table. Just a few feet away sit Deputy District Attorney Jeff Skinner, and a colleague, and, beyond them, the twelve members of the jury.

Brian. You stated that the information in your company's report on Kevin Ireland was completely accurate.

Gale. Yes, I did.

Brian. Would it surprise you, then, to learn that while your report stated Mr. Ireland has two children, he in fact has only one? Or, that while your report said he graduated from the U.C.L.A. School of Business Administration, he did in fact graduate from the *Engineering* School of U.S.C.?

Gale. I meant to say the *significant* facts were accurate. These things you just mentioned, in my opinion, have no great significance.

Brian. But they *are* errors, errors which tend to question the accuracy of your investigators and their reports.

Gale. We have honest, reliable investigators. They've been carefully trained never to put anything on a report other than the precise, unadorned information they've gathered.

Brian. In other words, because you know an investigator is honest and reliable, you're satisfied that he has picked up accurate, 'significant' information, and you then send it out.

Gale. Yes, that's correct.

Brian. What if you receive a *negative* report on someone? A report of *great significance?* A report that could damage, or destroy, a man's career? I assume reports of this kind (the *significant* kind) are *double-checked*—are they not?

Gale. We don't deal in terms like 'negative' or 'positive'. We don't *interpret* information—we just *gather it. Our clients* interpret it.

Brian. All right. Let's say you get a report on *me*—a 'significant' report that says every night at midnight I run up and down my street—without any clothes on—and scream my head off. Now would you call *that* a negative report?

Gale. I think *our clients* would call it a negative report.

Brian. And you wouldn't double-check it?

Gale. I'm not sure what you mean by 'double-check'. We make every effort to make our reports accurate, whether they're favorable or unfavorable.

Brian. You're not answering my question! Your investigators get information from *sources*. Are these *sources* then checked on?

Gale. Well, no, that wouldn't be possible.

Brian. Not possible? Why not?

Gale. We're a business. We provide a service, and Industry is willing to pay only so much for this service. We give them the best service we can for the money we're paid. Apparently Industry is pleased with us—they keep coming back. The men they hire on the basis of our reports generally prove to be good executives.

Brian. How about the good executives not hired because you file negative information on them?—some of which may be inaccurate.

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[9] Estimated unemployment-inflation trade off curves for the U.S. economy have been constructed by Robert J. Gordon, "Inflation in Recession and Recovery," *Brookings Papers on Economic Activity 1,* 1971. The unemployment-inflation combination of 5 percent, 3.3 percent, respectively, of the President's program is compatible with these trade-off curves. The combination 4.2 percent, 3.7 percent of the President's program supplemented by the employment tax credit falls below Gordon's trade-off curves.

Gale. I challenge the term: "inaccurate". As far as I know, our investigators——

Brian (interrupting). Yes, I know—they're honest and reliable. But the sources—the people your investigators talk to? How do you know they are honest and reliable?

Gale. We assume they are.

Brian. You assume? How can you assume a person doesn't have an ulterior motive?

Gale. Well, ah—if that comes through—— if it's obvious—we don't include it in the report.

Brian. But what if it isn't obvious? You still report the information, correct?

Skinner is on his feet.

Skinner. Objection, Your Honor. That's argumentative questioning.

Judge. Objection sustained.

Brian. I'll rephrase my question, Your Honor. Your investigators gather information from other people. Do you ever check on them—the other people?

Gale. No, we do not.

Brian. I see. How many reports per day does the average investigator make?

Gale. It depends. I'd say the average is ten to fifteen reports a day.

Brian (astounded). Ten to fifteen a day? A man can actually investigate that many people in one day? I find that astonishing.

Gale. Again, it's a matter of economics. I'd give anything to be able to charge prices that would allow us to hire more men, but our clients will pay only so much. So, we do the best we can, and, I might add, we do one helluva good job.

Brian. I'm sure you do, and to do a "helluva good job" you must have highly-qualified investigators.

Gale. Yes, we certainly do.

Brian. How highly qualified? Do all your men have degrees in psychology, sociology, or other related social sciences?

Gale. No, but——

Brian (interrupting). Do all your men even have college degrees?

Gale. Over half have attended college, and——

Brian (interrupting). You're not answering my question! *How many of your investigators have colege degrees?—in any subject?*

Gale doesn't answer.

Brian. How about twenty percent?

Gale. Yes, that's about right.

Brian. Thank you. Now, you've stated that your average investgator makes ten to fifteen reports a day. How about the *'good diggers?'* Are they faster, or slower, than average?

Gale. Good diggers?

Brian. You surely know what *'good diggers'* are. Ralph Nader knows. In a recent magazine article he wrote that 'good diggers' are investigators who meet the minimum quota for negative reports. Mr. Nader claims that investigators in your business are required to turn in negative reports on eight to ten percent of your cases. Do you have such a quota system?

On the reference to Ralph Nader, Skinner has moved to the edge of his seat.

Gale. We have no quota system.

Brian. But it *does* turn out that you file negative reports on eight to ten per cent of your cases.

Gale. Uh . . . yes. Those are the approximate figures.

Brian. But you have no quota system.

Gale. No, we do not.

Brian. I have no further questions, Your Honor.

Brian returns to his seat.

Judge. Any re-direct, Mr. Skinner?

Skinner. No, Your Honor.

Judge (to Gale). Witness may step down.

Gale does so.

Judge (to Skinner). Your next witness, Mr. Skinner.

Skinner. We have no further witnesses, Your Honor. The People rest their case.

Judge. Very well. (Looks at the defense table.) Is the defense ready?

Walt. We are, Your Honor.

Judge. You may proceed.

Walt. We are only going to call one witness, Your Honor . . . The defendant, Kevin Ireland.

Angle on Kevin as he hesitates, then rises. The camera pans with him as he approaches the witness stand with:

Clerk. Raise your hand.

Kevin does so.

Clerk. You do solemnly affirm that the testimony you may now give in the cause pending before the Court shall be the truth, the whole truth, and nothing but the truth, this you do under the pains and penalty of perjury?

Kevin. I do.

Clerk. Please be seated. Kevin sits and Walt approaches him.

New angle—day—on Walt and Kevin.

Walt. Mr. Ireland, did you make forceful entry into the offices of Corporate Research Associates on the night of June twenty-first?

Kevin. I did.

Walt. And did you do any damage to the property while you were there?

Kevin. Yes, sir . . . A great deal of damage.

Walt. Now, would you tell the Court why you did these things.

Kevin. Because Corporate Research Associates had libeled me, slandered me, defamed my reputation—

Skinner is on his feet objecting with the word "libeled," the Judge is pounding his gavel on "slandered," but Kevin goes angrily through to the end of the line.

Skinner. Object! . . . I object, Your Honor!

Judge (glaring at Walt). Mr. Nichols . . .!

Walt. May we approach the bench, Your Honor?

Judge. Please do.

Nichols and Skinner move to the bench and talk to the Judge in semi-whispers. The Court Reporter removes his machine from its tripod, moves to the end of the Judge's bench where the attorneys have congregated, and places it on the bench. He hears and records the following:

Skinner. Corporate Research Associates is not on trial here, Your Honor. What they did, or did not do, is not an issue.

Judge. Mr. Nichols . . . on what path do you intend to take us with this line of questioning?

Walt. Your Honor, there are mitigating circumstances in this case. The defendant has been deprived of earning a livelihood for two and one-half years. His reputation, his career have been all but distroyed. His marriage *has* been distroyed. *All* of these things, Your Honor, are a direct result of capricious and irresponsible actions by Corporate Research Associates, as we intend to prove.

Skinner. Your Honor, what Mr. Nichols says is totally irrelevant to the case. The defendant stands accused of a serious crime—he allegedly destroyed over fifty thousand dollars' worth of private property! Now that's——

Walt (interrupting). Your Honor, if, through the patience of the Court, we are allowed to pursue this line of questioning, the defense will show its relevancy to the charge.

The Judge considers it for a long moment, then nods.

Judge (to the Court Reporter). Strike the witness's last answer from the record. (to the Jury) The Jury will disregard it. (to Walt, for Kevin to hear) I will allow you to pursue this line of questioning—for the moment. But caution the witness to confine himself to facts, and to make no further indictments from the witness stand.

Walt. I'm sure my client understands, Your Honor.

Walt, Skinner and the Court Reporter return to their respective seats.

Judge (to the Court Reporter). Read the last question.

Reporter. 'Now, would you tell the Court why you did these things.'

Close on Kevin Ireland. He starts to speak then stops. The pain, anger, frustration, and hurt of the last four and a half years run through his mind. He feels every moment of it . . . and he is on the verge of tears. The moment of silence stretches out, longer and longer, as Kevin searches for the thread of what he wants to say.

Wider angle—including the Judge. After a beat he turns to look at Kevin, and sees his look.

Judge. Do you understand the question, Mr. Ireland.

Kevin ("lost"). I don't know where to begin . . .

Judge (gently). Begin wherever you like.

Angle–Kevin finding the thread . . .

Kevin. I'm what they call an international merchandising and marketing expert . . . I worked twelve years for The Crawford Company until, like so many companies today, it was absorbed by a conglomerate—Trans-Coastal Industries. Trans-Coastal brought in its own people to take over, and most of the executive personnel at Crawford were let go . . . For some of the men it was a trying time, but I looked on it as an opportunity. . . .

Int. Commissary—Day—Angle on Kevin Ireland. It is a modern Commissary, like you might find at NCR (or Universal Studios). Kevin enters . . . a little younger. There is a spring in his step, confidence in his manner. He is a man who's good at his job and knows it. He crosses to the counter, sits down, and smiles at the waitress.

Kevin. Just coffee. . . .

She takes a pot from under the counter and pours the coffee.

Fred's Voice. What are you so happy about?

Camera adjusts to show Fred Carter sitting at another part of the counter. Kevin picks up his coffee and moves over to sit beside Fred. (At the moment Fred is in the throes of his own personal trauma. He is a man in his early forties who has just lost his job.)

Kevin. (in answer to the question) The future, Fred.

Fred. Oh yeah, I used to have one of those . . . I seem to have lost it somewhere around forty.

Kevin. What's wrong?

Fred. I'm forty-two years old . . . and out of a job. And in this day and age, that's just about the end of the line.

Kevin. Don't think of it that way. Think of it as another chance . . . fresh horizons . . . new worlds to conquer.

Fred. New worlds are for young people.

Kevin. (half-joking) Yeah? Well, Columbus was forty-six when he sailed across the Atlantic . . . Giovanni Verrazano was forty-five when he charted the unknown coast of North America. . . .

Fred. And they probably did it because they were too old for any of the jobs back in the old country.

Kevin. (smiles) At least you still have your sense of humor. (Kevin's smile fades) Look, don't worry about it—You're good at what you do. You'll get something.

Fred. Yeah . . . I suppose so.

Kevin. Let's keep in touch . . . maybe we can help each other. Deal?

Fred. (smiles) Deal.

They shake hands, and Kevin starts out.

Int. courtroom—Day—Angle on Walter Nichols.

He approaches the witness stand.

Walt. Now . . . After leaving The Crawford Company . . . about how long was it before you applied for another position?

Angle—Walt and Kevin.

Kevin. Almost immediately.

Walt. Were you hired?

Kevin. No, I wasn't

Walt. And how many other applications did you make?

Kevin. I made seven.

Walt. You sent letters of recommendation from your former company each time?

Kevin. Yes, I did.

Walt. Were you accepted for employment by any of these companies you applied to?

Kevin. No, I never got as far as an interview. Each company sent me a form letter thanking me for my application, and telling me the position had already been filled.

Walt. And you suspected . . . nothing?

Kevin. No. I knew about these companies that investigate prospective employees, but I had nothing to hide, nothing to worry about. So, for a few months I was kind of enjoying the vacation.

Ext. a house—day—full shot.

It is a large home, well landscaped, in the hundred thousand dollar bracket. A Mercedes-Benz 280 SL pulls into the driveway, and Kevin gets out and goes into the house.

Int. the house—day—angle on Kevin.

He enters through the front door, and stops.

Kevin. Hey, Maggie . . . Where are you?

Maggie's Voice. In the bedroom . . . Kevin goes out toward the bedroom.

Int. bedroom—day—angle on Margaret Ireland.

She is an attractive woman in that middle-thirties area where it is hard to determine a woman's true age because of the trouble she goes to in hiding it. She is brushing her hair. Kevin enters and gives her a mild leer.

Kevin. Oh, you were expecting me.

Maggie. No, I just finished washing my hair.

Kevin. (sits beside her) Good. Now make it all nice and neat . . . (he gives her a soft, lingering kiss) . . . so I can mess it up.

Maggie. (liking it) I told them we'd be there at six . . . What's gotten into you lately?

Kevin. I don't know . . . Maybe it's just being alone with you for the first time in seventeen years. Or having the time to enjoy each other without Jerry popping in through the door . . . looking over my shoulder . . . saying, "What are you doing, Daddy?" "Just wrestling with your mother, son. Run along and play." Not having to get up and go to work every morning . . .

The thought reminds him he is out of work. He frowns briefly, rises, and crosses to the bed, taking off his tie.

Kevin. Any calls?

Maggie. (missing a beat with the brush) Jerry. He wants to know if he can go to Florida over Easter vacation instead of coming home.

Kevin. (lying down on the bed) Why not? He's a big boy now.

Maggie. (crosses to the bed) And nobody wants a big boy looking over his shoulder on his second honeymoon . . . Right?

Kevin. Right. . .

Maggie. (sits) He needs two hundred dollars.

Kevin. I'll wire it to him this afternoon.

He pulls her down on the bed beside him and kisses her.

Kevin. And cheap at the price.

The telephone rings and Maggie starts to get up, but Kevin pulls her back down beside him.

Kevin. Whoever it is . . . they'll call back.

The phone continues to ring. Maggie gives him a look.

Maggie. Answer it.

Kevin shrugs and picks up the phone from the bedside table.

Kevin. Hello? . . . Oh, hello, Fred . . . How are things?

Int. city street phone booth—day—on Fred Carter.

Fred. (disconsolately) Great, if you like long vacations.

Intercut:

Kevin. Oh, that's too bad. Im in the same boat.

Fred. Then I guess I dont have to tell you: Its cold out here.

Kevin. Yeah . . . but it shouldn't be long now—for either of us. Let's keep in touch . . . you, too.

Back to scene.

Kevin hangs up the phone thoughtfully, and lies staring at the ceiling for a moment, then remembers Maggie. He turns and puts his arms around her.

Int. courtroom—day—Angle on Kevin and Walt.

Kevin. Trans-Coastal kept me on the payroll for six months, as a form of severance pay. But at the end of six months the checks stopped coming and I still hadn't found a job. I had a little money saved, but there were payments on the house and the cars . . . I had a son in college. I had to have a job. Any kind of job. So I lowered my sights a little . . . and finally got an interview.

Int. office—day—Angle on Mr. Cox.

Neither the office nor Mr. Cox is particularly well-appointed or neat. They both have a slightly rumpled look. Cox is a man in his late thirties . . . flexible, with round edges . . . even gentle. He is reading Kevin's resume. Camera pulls back to show Kevin waiting tensely for Mr. Cox to finish. After abeat, Cox puts down the papers, and pushes his glasses up on his forehead. He looks thoughtfully at the papers.

Cox. Very impressive. Especially the recommendation from Trans-Coastal. . . .

Kevin. They didn't terminate my employment because of my work. . . .

Cox. The letter explains all that.

Kevin. Your ad stated you wanted someone who'd worked in merchandising . . . On an executive level.

Cox. I'll have to admit you fill the bill on that count . . . But. . . .

Kevin. But what?

Cox. (checking the resume) You made forty-five thousand dollars a year in your last job. I can't afford to pay more than twenty.

Kevin. I'm willing to work for that.

Cox. Why?

Kevin. Because I need the job.

Cox. With your qualifications . . . these letters . . . you should be able to get a job almost anywhere.

Kevin. You'd think so, wouldn't you?

Cox. (shaking his head) I'm sorry, Mr. Ireland, but. . . .

Kevin. (cutting him off) Look, Mr. Cox. You know I can do the work . . . That I'm qualified. . . .

Cox. Qualified? You're more than qualified. You're *over* qualified. You wouldn't be happy here. I want a man whose loyalty I can buy for twenty thousand dollars a year, who's going to love me because he thinks I'm grossly overpaying him. And that's not you . . . You'd always be looking for a better paying job, and you'd find it. And then I'd have to start looking for someone all over again. I'm sorry. . . .

Kevin rises slowly . . . defeated. He takes the papers that Mr. Cox holds out to him.

Kevin. Thank you for your time.

Int. courtroom—day—on Walt and Kevin.

Walt. After this had been going on for six months didn't you begin to wonder if there was a reason you weren't being called on for interviews by these companies—the ones that would have been willing to pay your normal salary?

Kevin. Yes. By that time I couldn't understand it at all. The severance pay had run out, I had nothing left in savings, and I was living on my unemployment insurance—and I was worried.

Walt. Were you able to live on that sixty-five dollars a week?

Ireland. No, sir. My house alone was about six hundred dollars a month. The bank was very cooperative, but they could only do so much, and no more. And when my son was ready to start his second year of college . . . I put the house on the market.

Int. Kevin's house—day—angle on living room, where Mr. Allen, a bright, pleasant real estate salesman, is in the midst of a conversation with Kevin at a coffee table. Allen's open briefcase and some papers are on the table.

Allen. We've had an offer of ninety thousand.

Kevin. That's ten thousand dollars less than I paid!

Allen. You said you wanted to sell quickly. . . .

Kevin. I do. But I've had this place five years. I thought property was supposed to *increase* in value.

Allen. That's true . . . and I'm sure we can get you a much better price . . . if you're willing to wait six months to a year.

Kevin. (hotly) Mr. Allen—I can't afford to wait. I can't make the payments.

Allen (at a loss). Well . . . I . . . uh . . . don't know what to tell you.

Kevin paces angrily for a moment.

Kevin. Just tell me this . . . Suppose I take the offer . . . How much cash will I come out with.

Allen. About six thousand dollars.

Kevin stops and looks at Allen . . . He is stunned by the figure.

Kevin. (shocked disbelief) You must be joking. I put twenty thousand dollars *down*. I've been making payments of six hundred dollars a month for the past five years. That's about . . . (figuring quickly) . . . fifty-six thousand *cash* dollars I've invested in this house.

Allen heaves a sigh . . . He's probably been through this same scene a hundred times in his comparatively young life. And as he goes through it with Kevin, he goes quickly . . . like a man who's had the practice. Allen pulls out a sheet of blank paper and a pen. Kevin moves over to sit beside him.

Allen. Okay . . . let's write that fifty-six thousand right here.

He does, then begins to write quickly further down the page.

Allen. Now, interest on the unpaid balance of eighty thousand ran you about five thousand dollars a year for the five years . . . that's twenty-five thousand in interest. Property tax, which was amortized in the monthly payment ran about a hundred and fifty dollars a month for five years . . . that's another nine thousand dollars. Twenty-five and nine is thirty-four thousand dollars. Subtracted from your figure of fifty-six thousand, leaves you a balance of twenty-two thousand. You're losing ten thousand dollars on the sale of the house; so ten from that twenty-two leaves you a balance of twelve thousand. Broker's fee is six per cent of the selling price, or fifty-four hundred dollars. Closing costs—another six hundred dollars. Subtract that from the twelve, and that leaves you with about six thousand dollars . . . cash in hand.

Kevin sees it, but he still doesn't believe it. He shakes his head, searching for words.

Allen. (brightly) Would you like me to go over it again?

Kevin. No . . . I think I understand . . .

Allen. Now . . . about the offer . . .

Kevin just looks at Allen for a beat.

Allen. Perhaps you'd like some time to think it over.

Kevin. No . . . No . . . Go ahead. Make the deal. Sell it.

Int. courtroom—Day—On Walt and Kevin.

Walt. I see. Then you began driving a truck, Mr. Ireland?

Kevin. Yes, sir. I managed to convince a furniture company I was an aging high-school drop-out. They gave me the job—driving a truck.

Walt. And how long did you have that job?

Kevin. Almost nine months.

Walt. Nine months. In other words, you just stopped trying to get a job in the field that you were an expert in for twelve years?

Kevin. Yes, sir, I did.

Walt. Then you made no effort to try to find out why you were denied employment?

Kevin. I *did* make an effort. I wrote a dozen letters, and got a dozen polite replies. I made phone calls—and I was always told there were no openings, that they didn't need anybody.

Walt. Mr. Ireland, didn't you at some point begin to think there was something wrong?

Kevin. Yes, but I couldn't figure out what it could possibly be. I began to think it might be because I was over forty-five, or maybe someone in my old company hadn't liked me, and maybe some way or another that recommendation was checked on and not borne out. I found that wasn't the case. I never let up—but I couldn't get at the answer! I couldn't find out what it was.

Walt. So you drove a truck for nine months?

Ext. a street—day—high angle long shot.

A street in a run-down neighborhood. Not realy a slum yet, but fast going down. A beat-up "transportation" car moves down the street, finds a place to park. Kevin gets out. He is dressed in rough work clothes.

Kevin's Voice. Yes, sir. Even after we moved into the apartment it was hard to make ends meet. There were still a lot of unpaid bills from the old days.

Walt's Voice. And what effect was all this having on your private life?

Kevin walks up the steps of an apartment house, and disappears inside.

Kevin's Voice. Exactly the kind of effect you'd expect.

Int. an apartment—day—angle on Maggie.

She sits in the shadows of the darkened room, her face lit by the glare of a television set. The "laugh track" on the show would have you believe that everyone was having a fine old time. Maggie glances up briefly as the door opens and Kevin enters.

Angle—including Kevin. He throws his jacket across the back of a chair and flops down on the chair. He sighs wearily.

Kevin. Supper ready?

Maggie. On the table . . .

Kevin rises, crosses to the television set and changes the channel to a news program. Then he crosses to a rickety table in the corner of the room, sits down, lifts the napkin covering the plate and looks at the food on the plate.

Angle on Maggie. She sits watching the news program for a beat, then she gets up, goes to the TV and switches it back to the program she had when Kevin came in.

Wider angle—Including Kevin. He rises from the table, carrying the plate. As he passes the TV set he turns it off. Maggie gives him a dirty look. He sits down in the scruffy easy chair and takes one more bite, then puts the half-empty plate on the table beside the chair . . . and makes a face at it. Maggie doesn't respond. She just sits and stares at the darkened TV tube.

Kevin. So . . . What happened on "The World of Constance Blake" today?

Maggie. (not caring) No one knows yet that Susan is mentally unbalanced, and was the one who actually murdered Marty, and planted the evidence that makes them suspect George. . . .

Kevin. How can you stand to watch that junk?

Maggie sits silently, staring at Kevin, who resumes eating. For a few beats neither person speaks. Finally:

Kevin. When did you eat?

Maggie. I had something about two-thirty . . . I'm not hungry.

Kevin continues eating. Maggie continues staring. Then:

Kevin. (motioning to the TV set) Go ahead. Turn it back on.

Maggie. No. That's okay. If it bothers you, I don't have to have it on.

More eating by Kevin. More silence by Maggie. Finally, Maggie breaks the silence with:

Maggie. Maybe I ought to get a job. Kevin drops his knife and fork.

Kevin. Are you gonna start that again?

Maggie. I just thought—

Kevin. (interrupting) What *kind* of job? What're you *trained* for? A stewardess? . . . a model? . . . A secretary? . . . You can't take shorthand you can't type. *What would you do?*

Maggie. I . . . maybe I could sell something in a department store. . . .

Kevin. You don't have to do that! I'm making enough for us to get by on! . . . and this rotten luck isn't gonna last forever!

Maggie is near tears.

Maggie. All right, I don't *have* to do it. But I *want* to do it. I can't stand sitting here, in *this place . . . day after day* . . . waiting for you to come home . . . And we're *not* getting by! I can't take it! Living like . . . *this!* . . . I've got to get out of here!

Kevin. Now that's it! *You've gotta get out of here!* That's what you're talking about, isn't it! That's what you're *really* saying, isn't it?

He is bending over her, shouting in her face. She pushes him aside as she scrambles out of the chair . . . sobbing. She turns on him.

Maggie. Stop it . . . stop it . . . stop it . . . you're killing me!

Both of them stop . . . stunned by the outburst for a beat. The dam has broken, and it all comes out . . . but she has a little more control of herself.

Maggie. This isn't an apartment, it's an arena . . . where we fight, fight, fight . . . and it's killing me!

She stops . . . She is having difficulty breathing.

Maggie. I've got to get out of here . . . I've got to get out . . . I can't breathe . . .

During this last speech she starts for the bedroom door. Kevin moves to stop her.

Kevin. Maggie. . . .

Maggie. Don't touch me! It'll hurt.

He stops.

Maggie. Everything about you hurts me. The sight of you . . . the sound of your voice . . . just knowing that you're near. It hurts. . . .

Kevin. (hurt) Please. . . .

Maggie. (pleading) Please. . .

They stand looking at each other for a beat . . . all the anger and hostility is gone . . . along with all the love and caring. Two people who never met, saying good-bye. She finally turns and goes into the bedroom, closing the door behind her.

Angle—Kevin. He watches the door for a moment, then turns and wanders back into the living room. He stops by the television set for a moment, not even looking at it. After a beat he turns on the TV, and crosses to sit in the chair where Maggie had been sitting. He blankly stares at the screen while the laugh track screams mindlessly in the vacuum.

Int. the courtroom—Day—Angle on Kevin and Walt.

Kevin. She packed her bag and was gone within an hour.

Walt. And when was the next time you saw her?

Kevin. About six months later . . . in her lawyer's office . . . when we signed the divorce papers.

Angle—Walt, as he approaches the witness stand and stands looking at Kevin.

Walt. How long had you been unemployed—in your usual line of work—before you finally got hold of some hint as to what was keeping you unemployed?

Kevin. About two years.

Walt. This was three months ago, was it?

Kevin. Yes.

Walt. Please tell the Court—and the Jury—what happened three months ago.

Kevin. I received a phone call.

Int. Kevin's apartment—Day—Tight on telephone.

The camera pulls back to reveal Kevin rushing to the ringing phone. He picks up the receiver.

Kevin. Hello?

Int. Fred Carter's office—Day.

It is well-appointed, sort of Prudential modern. Fred is on the other end of the phone conversation. He's self-assured now, friendly.

Fred. Kevin? Fred Carter. . . .

Kevin. Oh . . . hi, Fred. How are you?

Fred. Fine—in fact, very well. I'm over at United now. . . .

Kevin (having to force it just a little). Well . . . that's wonderful!

Fred. Thanks. Listen, Kevin, heard you're still looking. . . .

Kevin. You could say that.

Fred. Well, there might be something for you here. Something *good,* and you'd be perfect for it. . . .

Kevin (brightening, but the words not coming easy). I . . . I . . . can't think——

Fred (interrupting good naturedly). I know, but skip the thanks for now. We made a deal, remember?

Int. courtroom—Day.

Kevin. . . . So I applied for the job.

Walt. And what happened?

Kevin. Nothing. Like all the other times. I tried to find out, but I couldn't even get Fred on the phone. So I went looking for him . . . there had to be more to it than that.

Int. Fred Carter's outer office—Day—Full shot.

The secretary looks up as the door opens and Kevin enters. He is wearing his rough work clothes, and he is unshaven.

Kevin. I want to see Mr. Carter.

Secretary. You're Mr. Ireland, aren't you?

Kevin moves toward the door of the inner office. The secretary moves to head him off . . . but is a step late.

Secretary (quickly). Mr. Carter is out. . . . He's at a meeting of the Board of Directors. . . .

Kevin opens the door, and we can see Fred in the b.g. sitting at his desk. He looks up and frowns at Kevin. The secretary looks past Kevin to Fred.

Secretary. I'm sorry . . . I tried to stop him. . . .

Fred (with a sigh). That's all right. . . . Come on in, Kevin.

Kevin enters and closes the door.

Int. Carter's office—Day.

Before Kevin can say anything, Fred is talking. He is quiet, but firm and intense.

Fred. I'm going to give you about two minutes of my time. . . . Two minutes. Then I want you to go away, and not come back. Understand?

Kevin (more bewildered than angry). Fred, what the hell is going on? Why are you talking to me this way? Just because I broke into your office? After all, why did I *have* to break in?

Fred has remained relatively calm but his patience is beginning to wear thin. He rises.

Fred. Don't you think if I could have gotten you the job I *would* have? Why are you embarrassing me like this?

Kevin. *Embarrassing you?* We were *friends!*

And I've been out of work now for two years. You may know why! I've got to know! I've *got* to!

Fred (nervous, unhappy). Don't you know that if I could have given you the answer I'd have picked up the phone and called you? You're asking me something I can't answer!

Kevin. My life is ready to go right down the tube. I've lost my wife, I've lost everything I had, and there's a great big blank wall out there I've been hitting my head against for two years! And you stand there and tell me that I've *embarrassed* you? That you can't tell me? Well, you're *going* to tell me!

Kevin pauses, keeps looking straight at Fred.

Kevin. If you're not allowed to tell me, okay—I swear I'll keep that secret. But you've got to let me know! Have you forgotten you worked at that company for ten years because *I* got you in there? *You owe me something!*

Fred. Wait a minute . . . calm down. If I answer your question I could lose my job. I'd be violating a confidence that I——

Kevin (interrupting). Don't give me those weasel words! If you know the answer to what's happened to me, tell me! (he pauses, becomes calmer but is still intense).

Fred stares at Kevin for a long, long moment. Finally:

Fred. Sit down.

They both sit.

Fred. When I heard you didn't get the job I tried to find out why. All they'd tell me here was that Corporate Research Associates turned in a negative report on you.

Kevin. Negative report? And what the hell is Corporate Research Associates?

Fred. Every company like this one orders a checkout on potential employees. There are just a few companies in this area that do these checkouts. The company that compiled the dossier on you is Corporate Research Associates . . . Their report on you was *very negative*.

Kevin. Negative? How?

Fred. They wouldn't tell me in Personnel, except that it was negative.

Kevin. There couldn't be anything negative in an investigation of me!

Fred. But there *is*! In fact, I lost some points in this company because I recommended you—it's one of those things you can feel, and I felt it. I'm just getting back to where I was. So whatever they've got on you, it's bad.

Kevin looks dazed.

Walt's voice. And what did you do when you left Fred Carter's office?

Int. courtroom—Day—On Kevin and Walt.

Kevin. Well, first I went to Corporate Research Associates. I got nowhere there. They refused even to let me in to see anybody, or to discuss any investigation of me, or to let me look at my file.

Walt. And then what did you do?

Kevin. Then I came to see you.

Int. Walt's office—Day.

As Walt, seated, listens, Kevin paces back and forth.

Kevin. What can it be . . . that has kept me out of work for two years? Whatever they've got in their files has got to be false!

Walt. Sit down. Relax for a moment.

Kevin takes a seat opposite Walt.

Walt. Do you know for sure there can't be anything negative in your file?

Kevin. *Yes.*

Walt. Have you ever had any difficulties with your credit?

Kevin. No. Never. I've got every kind of credit card—or, at least, I *did* have.

Walt. Did you ever get into credit difficulty that wasn't your fault? Like being billed for something you never received?

Kevin. No.

Walt. In other words, you've never had trouble of any kind with your credit?

Kevin. Never.

Walt. Were you ever in the service?

Kevin. Army. Two years. Nine months in Korea. Honorable Discharge.

Walt. Anything else? Ever been arrested, and acquitted?

Kevin. Never been arrested.

Walt. Ever been arrested for anything—I mean, were you ever accused of drunk driving and then they found out you weren't drunk.

Kevin. No! Never as much as a speeding ticket!

Walt. All right. I guess we're going to have to get hold of that file.

Kevin. Can you do that?

Walt. I think so. After all, there's no reason in the world why *I* can't consider hiring you—and subscribe to the services of Corporate Research Associates!

Int. Kevin's apartment—night.

The phone is ringing in the darkened apartment. There is the sound of a key in the lock. Kevin enters the apartment. The light coming from the hall reveals that the apartment has deteriorated. There are dirty dishes on the tables, and clothes hanging on the backs of chairs and on doorknobs. Kevin hurries to the phone and answers it.

Kevin. Hello? Yeah . . . You did? When can I see it? . . . What about right now? I mean, if you're going to be in for a while . . . Yes. I can come right over. Thank you, Mr. Nichols.

He hangs up the phone, and hurries out of the apartment, slamming the door behind him.

Int. Walt's office—night.

Kevin enters, closes the door behind him . . . then just runs out of steam. He leans back against the door, looking at Walt and Neil.

Walt. Good evening, Mr. Ireland (indicates Neil) This is my associate, Neil Darrell.

The two men shake hands, and Kevin moves to the desk and looks down at the dossier on Walt's desk.

Kevin. Well, what's in it? What is this negative information?

Walt leafs through the pages as he talks.

Walt. Sit down, hmm?

Kevin sits down, almost reluctantly.

Walt (studying report). Legal record . . . clean. Educational background . . . excellent. Health . . . good. Credit . . . A-1. (he looks up at Kevin) Now we get into the material that's been causing you all this trouble.

Kevin rises, then sits down again, his eyes steadily on Walt.

Walt. Now, Mr. Ireland, please don't say anything until I've finished. You'll want to, but don't. When I'm finished I'll want to hear what you have to say.

Kevin nods and Walt starts reading.

Walt. One: You and your wife gave wild parties that required police action.

Walt gives Kevin a glance. Kevin is stunned.

Walt. Two: You used physical violence against a neighbor. He had planned to bring charges against you, but he died of "mysterious circumstances"—possibly linked to you—before he could pursue those charges.

Walt again gives Kevin a look. Kevin's jaw has dropped.

Walt. And three: You were accused of hit-and-run driving. The case was dismissed as a result of your settlement with the victim.

Walt closes the folder and looks up at Kevin, who is by now stunned beyond belief.

Walt. That's it.

Kevin (standing, pacing). This is—It's a nightmare! *Are people allowed to do this sort of thing? Is it possible?*

Walt. Not only possible, it happens thousands of times every day in this country. About eight percent of these reports contain this type of information. Now, what's your response to it?

Kevin. *It's insane!*

Walt (gently). All right. It's insane. Tell me *why* it's insane.

Kevin continues to pace.

Kevin. Sure. Fine. Let's take them one-by-one. The Wild Party. My wife and I rarely gave parties, but one night we did—for the neighborhood association we belonged to. That year it was our turn to hold it. We all chipped in for a small orchestra, a combo. And my *next-door* neighbors complained to the police that the music was too loud. At one time or another, *they accused every family on the block* of throwing *wild parties!* The police were used to them. The policemen did their duty, came by, told us about the complaint—and left. (pauses briefly) Point two: I used physical violence against a neighbor. The same neighbor—the husband, who was cordially disliked, no: *despised*, by everyone in the neighborhood. I found him on my property one day—chopping down a bush. I politely asked him to leave, but he said 'I'm not leaving till I've cut this thing down! It blocks my view when I come out of my driveway!' So I *gently* took him by the arm and escorted him back to his property. I told him never to set foot on my property again. The next day I had my gardener remove the bush. If the investigators had only checked any of my other neighbors they would have gotten the truth. As for his 'death under mysterious circumstances', there was no mystery about it—he had a heart attack about three months later—*he was over seventy years old!* . . .

Neil. How about the hit-and-run? Is that a lie also?

Kevin. No, it's true—if you call distortion out of all proportion *true*. I got a letter from court citing me for a hit-and-run offense. It scared me to death, so I drove down to the courthouse and found out someone had reported I had backed my car into someone else's in a parking lot, and had driven off without leaving my name. (he pauses) *It simply wasn't true!* The parking lot was at the Keith and Edwards Department Store over in Millfield. I've never been to that store—it's twelve miles from where I lived. There *is* a Keith and Edwards store *three* miles from where I lived. Someone obviously took down the wrong license number. (bitter) . . . small mistake.

Neil. If you didn't do it, why did you settle?

Kevin. On the advice of my attorney—something to do with insurance rates. It was only a sixty-seven dollar claim. I sent a check to the owner of the damaged car, along with a letter that said I wasn't admitting any guilt. I still had to appear in court, but the other person didn't show up, and the case was dismissed because I had paid for the damage.

Kevin pauses, and his looks to Walt, then Neil, indicate he's told them all he can tell.

Kevin. Well . . . now you know. Is there anything you can do?

Int. Gale's office—Day—Close on Mr. Gale.

Gale. Just what is it you want, Mr. Darrell?

The camera pulls back to reveal Neil Darrell sitting across the desk from Gale. We remember Gale as the man cross-examined (X) by Brian earlier. Gale, as he was on the stand, is sharp, efficient, no-nonsense. He doesn't think of himself as a heavy; rather, he is a sincere professional who is dedicated to his work, work he believes to be important and necessary.

Neil. (polite, but to the point) Mr. Gale, unless you agree to take immediate steps to rectify these errors, we are going to sue you for at least three million dollars!

Gale. You mean *if* your client's willing to wait two or three years to get his case on a court docket. I can see you haven't handled many cases of this kind. I'm not a lawyer, but I know more than a little about this area of law. I know, for instance, that you can't successfully sue in a case like this unless you can prove *malicious intent.*

Neil. As you just said, you're not a lawyer—you happen to be wrong. But Mr. Ireland is *not* asking us to sue you—he's only asking that you correct those errors so he can get to work.

Gale. How can we 'correct' information that is accurate? After you called, I checked with the man who investigated Mr. Ireland. His sources of information were court records and reliable citizens of good reputation.

Neil. *Reliable? Good reputation?* If your man had bothered to check, he would've found out the neighbor was *un*-reliable and had a *lousy* reputation—and that the court records went *further*—like to *'case dismissed'* But he *didn't* check! You don't double-check *anything!*

Gale. We can't! Where would it stop? Do you want us to double-check and *triple* check—and so on and so on? We *don't have the budget*—it would be economically unfeasible!

Neil. *Economically unfeasible?* So that's the answer! Destroy a man's *life,* but don't double-check the facts—it's *economically unfeasible!*

Gale. If we started to double-check everything, no company could afford us! Now, don't tell me how to run my business, Mr. Darrell!

Neil. Don't worry—I won't! But my business is law, and lawyers often take people like you to court!

Gale. Be my guest. We've got a very good legal staff here, and they're used to coming up against people like you!

Neil calms down, tries a different tack.

Neil. All right, let's not talk law for now. Let's talk humanity. Let's talk about a man, a good man, who has had his life practically destroyed by distortions of truth, by innuendo—

Gale (interrupts). Distortions and innuendos—according to what *he* told *you.* How do *I* know *that's* true?

Neil. Double-check it and you'll find out—but, I know, that would be *economically unfeasible!* . . . Look . . . doesn't anything I've told you about Kevin Ireland, about what he's gone through, *disturb you?*

Gale. Lots of things disturb me. Pollution. The war. Sure, they disturb me, but I learn to live with them. Same thing in this business, too. But I do the best I can—under the circumstances. (pauses as he rises) Good day, Mr. Darrell.

Int. courtroom—Day—On Walt.

Walt. Now, Mr. Ireland, would you tell the Court what happened next?

Angle—Kevin and Walt.

Kevin. Mr. Darrell telephoned me later that day. He told me about his conversation with Mr. Gale . . . I started walking for hours, I guess . . . walking the streets, thinking . . . The next thing I knew, I was in an elevator . . . in that building . . . I broke into the office . . . I started to break things. . . .

Walt. In other words, you remember everything you did?

Kevin. Just pieces . . . I remember almost getting hit by a car while I was walking . . . I don't remember consciously thinking of going to that building . . . I don't remember how I got there, whether I walked there, took a cab, or what. I do remember being in the elevator, breaking in, breaking up things in the office. I remember the security guards coming in.

Walt. Do you remember *planning* to destroy anything in the office? Or steal anything?

Kevin. No, sir. I don't.

Walt. Do you remember *looking* for anything in the office?

Kevin. No, sir.

Walt. Thank you, Mr. Ireland. (to Skinner) Your witness.

Skinner rises.

Skinner. Your Honor, in view of the fact that the defendant in testimony has completely confirmed the State's case, I have no questions.

Int. courtroom—Angle—The Jury.

They sit waiting. Angle shifts to show Walt as he walks to the jury box and stands looking at them before he speaks.

Walt. Ladies and Gentlemen, I've pled many cases—more than I like to think of. I've pled many a case right here, in this courtroom. I suppose I should be as they say, "calloused" by now.

Perhaps, sometimes I am, but not today. For today I am pleading a very special case. As Kevin Ireland told you his story I couldn't help but think what I would have done had these terrible things happened to me. And I wonder what each one of you has been thinking. Could it have happened to you? Or, *might* it happen to you, say next week, when you return to your normal pursuits. I think you'll agree that Kevin Ireland is all the things *we* are, or try to be. He went to school, got a job, got married, became a father. Not a great man, but a good man. Then he lost his job—through no fault of his own. And, what did he do? What you, or I, would do—he looked for another one. And then he came across something new in our society, a procedure in our employment practices: Most large companies go to investigative organizations for information on the private lives of job applicants. But a curious thing happened to Kevin: Information about him, which was untrue, was never checked out. Mr. Gale, whom you heard earlier, admitted this. His company couldn't *afford* to doublecheck the report on Kevin Ireland—or on *anyone*—Industry won't pay for thoroughly substantiated information. You heard Mr. Ireland refute each item of negative information. Was this challenged by the prosecution? No. The Prosecutor, who is an extremely able man, didn't contest one thing Kevin Ireland said. Why? Because *Kevin Ireland told the truth.*

This man's *life* was destroyed by a dossier, and, for a moment, he lost control—and committed a crime. Ladies and gentlemen, the question I present to you is whether or not you want to find him culpable for what he did. Soon you will retire to consider your verdict, a verdict that is yours and *yours alone* to make. You will be instructed by the Judge as to the law, but he cannot instruct you as to your verdict. You are not required to apply the law *as if no human consideration were before you.* You *are* required to seek *justice.* And please keep this in mind as you deliberate: What happened to Kevin Ireland could have happened *to any one of you.* Thank you.

Int. the courtroom—Day—Full shot.

There is a bustle of activity . . . People returning to their seats and hurrying back to their places. Walt enters and moves down the aisle toward the defense table, where Kevin, Brian, and Neil are waiting . . . Camera moves in on them.

Brian. Jury's coming back.

Walt. That was fast.

Kevin. Is that good or bad?

Walt. That depends . . .

Kevin. On what?

Walt. The verdict.

The Judge enters and takes his seat on the bench:

Court Clerk. Remain seated. Court is now in session.

A moment later, a door is opened and the Jury files in as the room settles.

Judge. Will the Jury Foreman please pass the verdict to the Bailiff?

The Bailiff crosses to the Foreman, takes the verdict slip from him, and hands it to the Judge. The Judge take a long moment to read the verdict, then hands it to the Clerk.

Court Clerk. (reading) In the case of the People versus Kevin Ireland . . . we find the defendant—*Not Guilty.*

Angle—The judge.

He looks at the jury for a moment, thoughtfully.

Judge. Thank you, Ladies and Gentlemen . . . The Jury is dismissed with thanks . . . The defendant is released . . . and this Court is adjourned.

He rises. Everyone rises, and when the Judge is gone there is a general buzz of conversation. Kevin warmly shakes Walt's hand; then, as Kevin shakes Brian's hand:

Angle—The prosecution table, as Walt walks over to Skinner.

Walt. Well, Jeff, another case of jury nullification. They decided *against* the written law and *for justice.* How do you feel about that?

Skinner. (smiles) Walt, you don't really fight for justice all the time—you fight for your *clients.* You have to—you're a defense attorney. I don't have your problem. Any time justice is done, I win. (pauses) And I think justice was done here (holds out his hand) Congratulations, Counselor.

They shake hands warmly.

Wider angle.

Walt joins Brian and Kevin, who are still at the defense table.

Kevin. (to both) Gentlemen . . . whatever I could say now wouldn't be enough, so . . . thank you.

As the attorneys ad lib best wishes, etc.:

Kevin. Well . . . I better get going . . . I've got some resumes to write!

Quick cuts. Kevin (A) Int. Kevin's apartment—night, working at the rackety table in his apartment. Papers spread out on the table. He is thinking . . . and writing . . . (B) Ext. street—day, carrying a small bundle of envelopes to a mail box, giving them one last look to make sure they are all stamped, then dropping them in. (C) Ext. office building—day, walking up to a large, modern office building. He stops outside the glass door, checks his appearance in the reflection of the exterior doors, makes a minor adjustment on his tie and goes inside. A little of the oldspring is back in his step.

Int. Kevin's apartment—Day—Angle on Kevin.

He sits patiently in the deep shadows of the room, gazing at the dark shape of the telephone on the f.g. He watches it like a mouse might watch a snake. He continues to sit for a long moment, then he leans forward, gently puts his hand on the phone . . . he waits, then picks it up and listens for the dial tone, then he dials 'O'.

Kevin. Operator . . . I think my phone is out of order. Would you dial this number for me, please? . . . 555–8037 . . . thank you.

He hangs the phone up and waits . . . After a moment the phone rings and he picks it up again.

Kevin. Hello . . . Yes, it rang. Thank you....

Kevin hangs the phone up slowly, then leans back to wait He doesn't move. Kevin sits looking at the phone for a moment. It rings. He starts to reach for it, then stops himself . . . His hands hovering over the phone. It rings again. He doesn't move. The phone rings again. He picks it up quickly to stop the ringing, then brings it slowly to his face. He is curt and wary.

Kevin. Hello? . . . Oh, hello, Mr. Nichols . . .

Int. Walt's office—On Walt and Brian who both can hear Kevin's voice on the desk loudspeaker connected to the phone

Walt. We haven't heard from you, Kevin, so I thought I'd call and see how things were going.

Intercut:

Kevin. Fine. Just fine . . . except that I haven't paid your fee yet.

Walt. I'm not worrying about the fee. How about the job situation?

Kevin. It's still a little early to get any answers.

Walt. It *has* been quite a while, though. Don't you think you should have heard something by now?

Kevin. (some impatience) They don't move that fast.

Walt. I see. . . .

Kevin. (brightening) Don't worry . . . you'll get your money as soon as I go to work, and that's going to be any day now. Things are looking good.

Walt (sensing something is wrong) well . . . that's fine, Kevin . . . fine . . . Now stop worrying about our fee . . . Just keep in touch . . . Goodbye.

Walt hangs up by clicking off the desk speaker. Walt and Brian are plainly worried. Walt rises and heads for the door. Brian follows. During that:

Walt. (grim) Come on, Brian. I'm going to see a man, and I feel like I'm going to clobber him—you'd better come along and hold me back!

On Brian's puzzled look, we: Cut to Int. Kevin's apartment—Day.

Kevin, as in the beginning of Scene 71, is sitting patiently, staring at the phone. After a long beat, there is a knock on the door. Kevin doesn't react. The knock comes again, more insistent . . . Then:

Woman's voice. I know you're in there Mr. Ireland. You might as well answer the door.

He doesn't react, and the knock comes again.

Woman's voice. Don't play "cat and mouse" with me . . . I'm not asking for the rent . . . *again*—I told you it's *next* Monday, or out you go—There's an envelope here that was too big for the mailbox.

Kevin still doesn't answer.

Woman's voice. Here!

The woman slides a large manila envelope under the door, then we hear her footsteps move away from the door.

Int. Gale's outer office—Day—Close on secretary (Miss Jackson).

Miss Jackson. I'm sorry, sir, but Mr. Gale is busy right now.

Full shot to reveal Walt and Brian standing before Miss Jackson's desk. Walt is cat-like (for him) as he pounces on the intercom and pushes down the "talk" button.

Walt (like a volcano with whiskers, about to erupt). Mr. Gale, I would suggest you take the time to see us. *Right now!*

Pause, then:

Gale's voice (filtered). Miss Jackson, show them in.

And Miss Jackson does just that.

Int. Gale's office—Day.

There are no amenities as Walt and Brian storm in and move toward Gale, standing behind his desk. Miss Jackson closes the door behind them. Brian remains standing, but Walt sits, his eyes are like cold, steel pellets, *never leaving Gale's.*

Brian. We want the current dossier on Kevin Ireland!

Gale. I don't have to show you that.

Brian. Mr. Gale, I have never seen my partner as angry as he is right now—and I have to tell you he's not someone I'd want angry at me! You know, he might just be angry enough to take a whole year off to see how vulnerable you are in a court of law! If you have any judgment at all, give us that file!

Gale. That sounds like a threat.

Brian. Not at all. It's just—how do you people say it?—*unadorned information.*

Walt finally speaks

Walt. But call it a *threat* if you like. There are just the three of us here. *Get the file!*

Gale stares at Walt and Brian, then figures "how can it hurt?", rises and walks over to a large filing cabinet. He opens one of the drawers, after a couple of moments finds the right file, closes the drawer, and returns to the desk. He tosses the file folder toward Brian, who picks it up, starts going through it. Walt remains his icy stare at Gale.

Brian (paraphrasing). Employment record . . . has worked at only menial jobs during past two years. Has drifted from one job to another . . . Credit: poor . . . car repossessed . . . bad debts with two banks . . . Legal Records . . . arrested and tried for breaking and entering and destroying almost fifty thousand dollars worth of private property . . . (to Gale) He was acquitted.

Gale. It says that, further on.

Brian (drops the folder on the desk). Everything in this folder is a direct result of *your company's irresponsible actions!*

Gale. Mr. Darrell, as I said in Court, we don't interpret. Those are facts, *only facts*—facts I have an obligation to report to my clients. Now if you can find anything in that file that isn't absolutely true, you tell me what it is!

Walt has risen during Gale's speech. He signals Brian that he'll take it from here:

Walt (controlled, icy). Once you told our other colleague that you couldn't be sued for libel by us because we couldn't prove *malice*. You were *right*. Kevin Ireland *wasn't* destroyed by malice—he was the victim of a *policy*, a policy you represent. But you had an opportunity to correct what that policy had done—and you didn't take it. And I think I know why. Kevin Ireland retaliated; and what did you do to strike back at him? You can't sue, he has no money. So there was only one way to strike back, and you've done. Now it's a *vendetta*, and a vendetta, Mr. Gale, means *malice*. We are going to sue you—and that's not a threat—it's a *fact!*

Walt and Brian move toward the door.

Gale. Go ahead. As I told your other colleague, we have an excellent legal staff here. You don't frighten me a bit.

Walt looks back at Gale.

Walt. No? Well, I'll try to *rectify* that—in court. Good day.

As Walt opens the door and he and Brian start to leave:

Gale. Oh, by the way, this time your client won't be able to complain he couldn't see his dossier, because I mailed him a copy.

Walt and Brian stare at Gale, then look at each other. They leave.

Int. Kevin's apartment—Day—Close angle on Kevin.

He is still sitting in the same chair talking to someone. He is apparently normal, casual, and under control . . . there is even a trace of the "old charm."

Kevin. I've been thinking seriously of taking the job with Golden State Imports. It would mean moving, of course, since they're in Florida . . . And I never cared much for the weather there. No, I think I'd prefer to work for the Ryker Company.

There is a knock on the door, but Kevin doesn't seem to hear it.

Kevin. Ryker's got a lot of imagination, and he pays good money (frowns). The only thing is . . . he and his top men are still young—not much room for advancement.

The knock is repeated, more insistent. Kevin doesn't react to the sound . . . He just goes right on with his conversation.

Kevin. No . . . I think I'll turn that down and take the offer from Great Western.

The door behind Kevin opens slowly and Walt and Brian step into the room and stop behind the door. The camera starts to pan . . . slowly.

Kevin (hasn't stopped talking). They're located in Chicago.

As the camera pans around the room during the above, we see for the first time that the floor is strewn with the pages from the dossier, and that, save for Kevin and the newly-arrived Walt and Brian, the room is empty. Kevin has been talking to the telephone. Walt and Brian look stricken.

Walt. (quietly) Kevin? . . .

Kevin doesn't react to them . . . He goes on without a pause, addressing that stolid, silent phone on the table several feet from him.

Kevin. The only problem with Great Western is that they've got the lowest pay scale in the industry. And in the winter, the wind off that lake goes right through you. Maggie never could stand the cold. She's my wife . . . She should be back in a few minutes. She just went down to the school to pick up Jerry . . . Ten years old, and he's still not allowed to cross the street by himself, yet. She worries . . . You know what I mean?

During this last speech the camera has held on Kevin, and the focus has begun to blur. As he finishes the speech we: Slow crawl over: On April 25, 1971, Congress enacted legislation which gives every American the right to know the nature and substance of all personal information concerning him that has been compiled by a private company, and to contest and correct any errors he might find in that information. These companies, however, retain the right to investigate any area of a person's private life, relevant to their purpose or not.

BIGNESS AND AUTOMATION THREATEN SMALL FARMERS

Mr. HUMPHREY. Mr. President, today the last in a series of articles on the problems of small farmers appeared in the Washington Post. I placed the previous two parts in yesterday's Record.

These articles point out the problems of small farmers—largely on the west coast—who are finding that they are unable to compete with commercial agribusiness giants.

Mr. President, the articles point up one element in the problem of rural decay and outmigration. The people who operate 2 million of the 3 million farms in our Nation today are either elderly, poor, or marginal farmers. They produce only 10 percent of our Nation's total farm marketings.

These people have been forced off the land in vast numbers—the greatest migration of human beings in the history of mankind. The social cost to the country and the ruination of human lives has been a national disgrace.

Many of the policies of the Department of Agriculture have been designed to ruin the family farm. Recently a new tobacco picker was designed with Federal money that will force another 150,000 people to move from rural North Carolina to places like Washington and New York. And no one seems to care.

When are we going to learn that policies of bigness and efficiency for their own sake are not necessarily good for human beings?

Mr. President, I ask unanimous consent to have printed in the Record Mr. Nick Kotz' final article and an article published in the New York Times of October 4, 1971, about new automation techniques being employed in our tobacco-producing regions.

There being no objection, the articles were ordered to be printed in the Record, as follows:

U.S. Policy Handcuffs Small Farmer

(By Nick Kotz)

[Last in a series]

Tereso Morales has struggled all his life at the bottom of the richest agricultural system in history. Since he was nine years old, he has stooped in fields from Oregon to Texas, harvesting wealth owned by big farmers, retail food chains, canners and now, by agribusiness conglomerates.

Morales, 35, is still breaking his back in the fields, but with new purpose. His mind is now fired with a dream at sharing in some of the riches of American agriculture. He has joined with 30 other migrant workers and small farmers to grow strawberries in Watsonville, Calif. He hopes to earn $10,000 a year to raise his 11-member family in someplace other than a labor camp or a big city slum.

The 31 families of Cooperativa Compesina in many ways symbolize the problems and aspirations of 13 million poor rural Americans. They are among the 1.5 million small farmers and more than one million migrants who now work the land at far less than poverty-level incomes. They contribute to national statistics one-half of the nation's poverty and substandard housing.

The cooperative movement may give some of these people a way out of poverty. But the odds on their success are small.

They are competing—like the "family farmers" of the country—against powerful, efficient and aggressive "agribusiness" corporations that have moved into American agriculture on a large scale.

Morales and the other families of Cooperativa Compesina, for example, are competing in the California strawberry market with Tenneco, Inc., a $4.3 billion conglomerate corporation, and with S. S. Pierce Co., which both grows and distributes its own brand of premium-priced foods.

They are competing, in a larger sense, with political forces that have shaped federal agricultural policies in ways that favor the largest and most efficient interests in agriculture.

For more than 35 years—to take the most obvious case in point—American industrial workers have been represented by powerful labor unions that have secured minimum wage legislation, unemployment compensation, child labor regulations, workmen's compensation for injuries on the job, collective bargaining rights, and so on. Farm workers, like Morales, generally enjoy none of these rights and benefits.

UNDERCUT BY GOVERNMENT

When the United Farm Workers Organizing Committee, led by Cesar Chavez, sought to achieve some of the same benefits, government responded by undercutting the movement with policies permitting employers to import cheap labor from Mexico and Puerto Rico. When Chavez and his union sought to gain bargaining rights with a retail boycott of grapes and lettuce, the Defense Department increased its purchases of grapes and lettuce.

At the same time, the government has continued its subsidies to large farm operations through the provision of low-cost irrigation water, the development of labor-displacing machinery and generous tax laws.

The U.S. Department of Agriculture, through various policies and actions, has discouraged the development of cooperatives for low-income farmers on grounds that the industrialization of agriculture and the elimination of stoop labor is in the interests of both country and city.

"Government," says James Hightower of the Agribusiness Accountability Project, a foundation-financed operation, "has provided socialism for agribusiness and free enterprise for the small farmer and farm worker."

The problems created in "rural America" by these policies have prompted politicians and presidents to come up with new programs and new rhetoric to "save" the small towns and the small farms of the country. There have been, in recent years, "wars on poverty", "rural development" schemes and concept of "balanced national growth". But thus far, the powerful and impersonal forces of corporate agriculture have been the dominant factors in the changes sweeping the farm economy.

TREND REVERSERS ABSENT

The measures that might reverse the trend—strong farm worker labor unions, generous subsidies to small cooperatives, the redistribution of land from corporate farmers to individual farm entrepreneurs—have not been undertaken.

What is happening in American agriculture—bigness concentration, and the efficiency these things produce—may be good or bad for the country in the long run. But the implications of these tendencies transcend the question of whether Tenneco, Inc., or Tereso Morales will harvest strawberries in California. These implications include the following:

The future shape of the American landscape. Already in this country 74 per cent of the population lives on only 1 per cent of the land. If present trends continue, only 12 per cent of the American people will live in communities of less than 100,000 by the 21st century—60 per cent will be living in four huge megalopli and 28 per cent will be in other large cities.

Rural life, already seriously undermined by the urban migration, will be further eroded. Today, 800,000 people a year are migrating from the countryside to the cities. Between 1960 and 1970 more than half of our rural counties suffered population declines. One result is the aggravation of urban pathology—congestion, pollution, welfare problems, crime and the whole catalogue of central city ills.

The domination of what is left of rural America by agribusiness corporations is not only accelerating the migration patterns of recent decades but raises the spectre of a kind of 20th century agricultural feudalism in the culture that remains.

In response to this vision of the future, the federal government in the 1960s undertook limited measures to stimulate the survival of the small farm and the small towns of America. The antipoverty programs administered by the Office of Economic Opportunity touched the problem in certain ways.

A START THROUGH OEO

Tereso Morales, for example, learned to read and write in an adult education course sponsored by OEO for migrant workers. He learned too, that he and other farm laborers might earn a living growing high-value fruits and vegetables. So he persuaded three of his OEO classmates to join him in putting up $500 apiece to launch Cooperative Compesina, with Morales as president.

Working from sunup to dark in the co-op's 140-acre leased fields, Morales has little time or patience to talk with visitors about abstractions. He is laying several miles of irrigation pipe, and supervising the leveling of irrigation ditches. It is an exacting job. If the irrigation troughs vary by more than one inch in 100 feet water may slop over and mildew the precious strawberries.

The dream or heartbreak at the end of this labor will come next year. If all goes well, each acre of strawberries should produce gross sales of about $9,000. Then the cooperative will find out whether corporate competitors attempt to frustrate its marketing plans.

In a good year, I could earn $5,000 as a migrant," relates Morales, "but that meant traveling for 12 solid months. "It's very hard on the family. How are you going to do that and raise nine kids, send them to school, give them a chance? You can't keep running forever. I'm not moving anymore."

KEYED TO FAMILY

The coordination of cooperative farming is no easy matter, and has produced some failures. Cooperative Compesina divides up land and profits on the basis of family size and family contributions to work. Its members so far are sticking together.

"We want to benefit our community and do all we can to exist," says Morales. "Our members are not afraid to work. With what we have to go back to, this looks pretty good."

The co-op got its crop started with a $100,000 loan from an OEO-funded consulting firm, and a $150,000 loan from the Wells Fargo bank. When local growers tried to block the loan a local Wells Fargo official reportedly told them: "You'll take your money out of the bank, but they'll burn the bank down. What am I supposed to do?"

Despite the indirect assistance from OEO, the federal government—and particularly the Agriculture Department—has done little to assist Morales' co-op and similar ones that are being started by blacks in the South and whites in Appalachia.

TURNED DOWN BY FHA

The Farmers Home Administration turned down Cooperative Compesina's request for a loan.

"The low-income farmer problem is not personally my cup of tea," says Homer Preston, deputy administrator of USDA's Farmer Cooperative Service. "Our conventional co-ops are not exactly enthusiastic about them. They don't have much to offer except labor and it is less important today. These people were cotton choppers.

"They're tied in with idealism and civil rights, and a lot of romanticism. The purpose of cooperatives is not to keep mass numbers in farming but to help those who remain. You can't go against market trends when everything else points to bigness."

Although the conventional co-ops were started by struggling farmers of yesteryear, they today essentially represent big business and seek farmer members who can invest in processing and marketing.

In the course of assisting "bigness," Preston says the FCS is helping merger negotiation between the country's two largest dairy "super co-ops," which between them, control about 40 per cent of the fluid milk supply.

When he came to Washington seeking management training assistance for 100 low-income southern co-ops, says Father A. J. McKnight, FCS advised him to seek help from a private foundation.

"The USDA programs have favored the big commercial farmers and have deliberately tried to eliminate the small family farm," said McKnight, referring to research sponsored by the Agriculture Department and land grant colleges.

At a time when poor Southerners are starting to earn a living growing labor-intensive specialty crops like Okra, tomatoes, sweet potatoes, and cucumbers, McKnight said, USDA is developing strains of the same vegetables which can be harvested mechanically.

TOUGHER STRAWBERRY

Similarly, government-backed research at the University of California is developing a tougher variety of strawberry—with a primary emphasis not on flavor or nutrition, but on its ability to be shipped and picked by machine.

"When I asked about the effects of that strawberry picker on migrant workers," says Alfred Navarro, a consultant to Cooperativa Compesina, "the Extension Service guy said: 'All I worry about is the economic part of it. Let the sociologists worry about that'."

"Mechanization is a fact of life," says Navarro, "but the field worker can't eat the machine. Who deals with the social effect of these machines? The Agriculture Department has got to be responsive to more than one sector of the rural economy."

The clash of farm worker and grower has been high-lighted in recent years by the rise of Cesar Chavez's United Farm Workers Organizing Committee.

UFOC's major successes to date have been in winning contracts from the new conglomerate farmers, who have entered California fruit and vegetable farming. Primarily because they fear boycotts of their nationally-branded products, the conglomerates say, they have signed contracts while most large independent growers have not.

In the Salinas Valley, for example, four of five contracts won by the union are with national firms: Purex Corp., United Brands, S.S. Pierce Co., and Heublin, Inc.

UNION STILL RESISTED

Meanwhile, the largest independent growers are still bitterly resisting the union, and seek state or national legislation that would restrict its activities. The growers want a law that would prohibit strikes during harvest season and the secondary boycotts by which Chavez has appealed to sympathetic consumers.

The outcome of these battles over agricultural wealth could be an industrialized system of conglomerate farmers and of unionized labor. However, Chavez so far has organized only a small percentage of California migrants, and even these victories are fragile ones, subject to renegotiation in a year or so.

Chavez's ultimate goal is to win economic independence for migrants by creating cooperatives such as Cooperativa Compesina.

They could be helped by a new system of crop subsidies, which base government assistance on economic need rather than on acreage.

Present subsidies, theoretically aimed at controlling overproduction, go mainly to the wealthiest farmers who own the most land. But John Schnittker, Under Secretary of Agriculture in the Johnson administration, argues that subsidy payments for wheat and cotton are far larger than those needed to control surpluses. A substantial part of these subsidies, says Schnittker, simply provide income supplements to the wealthiest farmers.

Some reformers argue that the small farmer can still be given a place in America if the government brings about "land reform," including enforcement of the 1902 Reclamation Law.

This law originally was designed to protect the small farmer. It provided that government-irrigated land could not be owned by absentee landlords, and that no individual could own more than 160 acres of government-irrigated land.

The law has never been enforced. In California alone, corporate landholders continue to occupy and benefit from more than one million acres subject to the 160-acre limitation.

Rep. Jerome Waldie (D-Calif.) and others have proposed legislation by which the government would buy this illegally-held land, and then resell it on generous credit terms to small farmers and low-income cooperatives.

Unless present trends are reversed, the ultimate cost of the new conglomerate revolution in agriculture will be paid by the small towns of the Midwest and of California.

CALLED DISASTROUS

Jack Molsbergen, a real estate man in Mendota, Calif., describes as "disastrous" the effects of conglomerate farming on his town in the western San Joaquin Valley.

Conglomerate farmers such as Anderson Clayton and Co., the country's 185th largest corporation with 1970 sales of $639 million, contribute little to the local economy, says Molsbergen. The conglomerates buy their farm machinery and supplies directly from the factory and their oil directly from the refinery, he says.

When Mendota tried to build a hospital several years ago, says Molsbergen, Anderson Clayton and two other large corporate landowners blocked the project, because it would increase their property taxes.

LIVES ELSEWHERE

"The guy who made the decision for Anderson Clayton lives in Phoenix," explains Molsbergen, "and if you live in Phoenix, you don't need a hospital in Mendota. These corporate guys don't go around with a Simon Legree mustache. They are nice men. It's just the way things are."

Agriculture Department economists do not see any future for the Mendota, Californias, of the country.

"These towns represent the unfulfilled dreams of the people who went there," says USDA economist Warren Bailey. "They are going the same way as the neighborhood grocery. People want to shop where they have a choice. With air-conditioned cars and good roads, they choose to do their shopping in the cities. Iowa really doesn't have room for more than 12 regional centers. The small town will remain only as a pleasant place to live."

As matters now stand, the small towns will die and the small farmer and farm worker will be replaced without any of the attention and national debate that has focussed on other economic disruptions.

LOCKHEED CONTRAST

There is a marked contrast between national concern shown over the economic problems of a Lockheed and over the problems of 150,000 small North Carolina tobacco farmers, who soon will be displaced by a new tobacco harvester.

Woodrow Y. Ginsburg, research director of the Center for Community Change, contrasts that concern:

"When tens of thousands of scientists and skilled technicians were threatened with loss of jobs in the aerospace industry, a host of industrialists, bankers, and others besieged Congress for large-scale loans and special legislation.

"But when even larger numbers of workers are threatened with loss of jobs in the tobacco industry, scarcely a voice is raised. What corporate executive speaks for such workers, what banker pleads for financial aid for them, what congressman or state official calls upon his colleagues to enact special legislation?"

Ginsburg believes no voice is heard because America lacks "a national rural policy that considers the needs and aspirations of the majority of rural Americans—farm workers, small farmers, small independent business men and the aged."

"The farmhouse lights are going out all over America," says Oren Lee Staley, president of the National Farmers Organization. "And every time a light goes out, this country is losing something. It is losing the precious skills of a family farm system that has given this country unbounded wealth. And it is losing free men."

Tobacco Farming Enters Machine Age

(By William K. Stevens)

Dortches Crossroad, N.C.—Automation has come at last to the flatlands of the Carolina-Virginia tobacco belt, the last big stronghold of the small yeoman farm in this county, and it is expected to set off yet another wave of farm-to-city and South-to-North migration by blacks.

This year, for the first time, at least four North Carolina tobacco farmers harvested their entire crops using an automatic harvester—a four-legged, four-wheeled contraption of conveyor belts and hydraulic motors that moves down a row of tobacco plants and strips leaf from stalk almost as gently as a human hand would.

The machine was so successful during the harvest season just ended that tobacco experts and the farmers themselves believe it has proved itself in practice. They predict that it will soon be in widespread use.

"This was the breakthrough year," says Dr. F. J. (Pat) Hassler, head of biological and agricultural engineering at North Carolina State University in Raleigh, where the harvester's prototype was developed, beginning in 1948.

"Now that we've had four success stories," Dr. Hassler goes on, "we couldn't stop its spread if we wanted to. Nineteen seventy-one will go down as the year when tobacco finally gave in to the machine age."

One reason why the machine is expected to become popular among farmers is that tobacco is one of the few remaining crops that has required great amounts of expensive hand labor that is hard to recruit. The automatic harvester, operated by one man, does the amount of work customarily performed by a crew of eight farm workers.

The harvesting of most other crops has long since been automated. But unlike corn, cotton and soybeans, tobacco leaves on the same plant ripen at different times and require more delicate handling. This has required a more sophisticated technology that took more time to develop and was viewed more suspiciously by farmers.

Although no precise figures are available, the harvester is expected ultimately to displace thousands of small farmers—perhaps 50,000 of them in North Carolina alone—and their families. Their small holdings will simply be swallowed up by farmers whose automatic harvesters give them a competitive edge and who are encouraged by the harvester's capacity to buy or lease more acreage. In addition, the harvester is expected to eliminate thousands of part-time jobs for students and women.

Most of those expected to be displaced are black. They live in the Virginia-Carolina belt, where flue-cured or cigarette tobacco is produced, in a much smaller Georgia-Florida belt, and in North Carolina, whose 300,000 acres and $600-million-a-year crop give it about two-thirds of the flue-cured market. It is there that the biggest impact is expected.

"The blacks will probably be totally out of North Carolina agriculture by the end of this decade, and certainly by the end of the next decade," says Dr. Selz C. Mayo, head of sociology and anthropology at North Carolina State, and a recognized authority on Negro migration.

EXTENT OF MIGRATION

Indeed, says Dr. Mayo, if the harvester's social impact were to be concentrated in a two-to-three-year period, it would set off an exodus from the tobacco farms "that would make the migration of the children of Israel look like nothing."

Some tobacco buyers believe that the harvester's attractiveness as an economical replacement for hand labor will cause it to take over as much as four-fifths of harvesting operations in North Carolina within five years. Other estimates are more conservative.

One of the four farmers who bought and used the automatic harvester this year was George Dozier, a wiry, white-haired farmer whose ruddy face bears the lines and creases of nearly half a century in the fields. He paused recently at his spread here, 50 miles northeast of Raleigh, to talk about what it has meant.

The armpits of Mr. Dozier's forest-green shirt were wet from a morning of hauling the sweet, pungent tobacco leaves, heat-cured to a bright yellow, to market in nearby Rocky Mount. Squinting his sharp blue eyes against the sunlight, he said that so far he had sold nearly half his crop—about 50,000 pounds—at prices a little higher than the average.

"I just call myself an average farmer," he said. "If I can sell my tobacco a little higher than average on the Rocky Mount market, I'm doing all right."

Therein lay the ultimate test of the harvester.

To Mr. Dozier, the attractiveness of the harvester lay in its long-term economy. Last year, he estimates, he paid $9,000 in wages to field hands during the harvesting season. At that rate, his $11,500 harvester will pay for itself in less than two years. After that money that used to go for labor will turn mostly into profit.

In addition, Mr. Dozier and others say, young men and women just do not want to work the fields anymore. "The problem is not getting them into the fields," he says, "it's getting them to work when they get there."

Because of the economies effected by the harvester, Mr. Dozier believes that farmers equipped with it will soon gather in larger acreages and squeeze out smaller operators.

"There are a heap of four- and five-acre farms around here," Mr. Dozier said, "and I'd guess six to eight acres is the average. I say that in 10 years the man that ain't tending 25 acres is going to go broke." Mr. Dozier himself tended 30 acres this year and harvested another 12 acres of a sharecropper charging him $150 for the service.

SEVERAL "PASSES" NEEDED

Mr. Dozier's harvester makes use of a mechanical "defoliator" consisting of two large rubber screws mounted parallel to each other. As explained by one of the device's inventors, Dr. Charles W. Suggs of North Carolina State the tobacco stalk passes between the two screws, which turn in opposite directions and knock off the ripe tobacco leaves while leaving the stalk unharmed. The leaves then fall onto a conveyor belt that carries them to a trailer at the rear of the harvester.

The screws and conveyor belts are mounted on a four-poster frame with a wheel on the bottom of each post. The entire harvester is powered by hydraulic motors that, in turn, are activated by an air-cooled gasoline engine.

Since tobacco leaves ripen at different times, it is necessary to make several passes through a field. Luckily for the harvesters, ripening begins at the bottom of the stalk and proceeds gradually upward. It is necessary, therefore, only to raise the screws a little higher on each trip through a field.

The advent of the harvester has depended on many other developments since the "old-timey days," as they are called hereabouts, when tobacco production was dependent on human hands and mule power. Together, it is estimated that the new developments have reduced the requirement for human labor by 85 per cent.

First came the tractor and automatic planting equipment. Then automatic oil or gas burners to replace hand-tended wood fires in the curing barns. Then chemicals to kill "suckers," or worthless shoots that grow on tobacco plants and steal nutrients from the leaves. "Suckering" plants used to be done by hand and required much human labor.

Finally came "bulk curing," in which tobacco leaves are placed in metal racks to be cured instead of tied in small bundles and hung on sticks to be cured. Bulk curing was seen as a prerequisite to use of the automatic harvester. (Mr. Dozier this year bought five new bulk-curing "barns" or small aluminum sheds, worth $6,000 a piece.)

At the same time, Federal and state policies have been liberalized to enable farmers to buy or lease Government-imposed poundage and acreage "allotments" from other farmers and thereby to develop the large spreads that would make the use of a mechanical harvester worthwhile.

All of these developments have now crystalized around the automatic harvester. "All that remained," says Dr. Hassler of North Carolina State, "was for the farmers to gain confidence in it."

LEGAL ANALYSIS OF THE EQUAL RIGHTS AMENDMENT

Mr. BAYH. Mr. President, for 48 years the equal rights amendment has been pending before Congress. We all know that the history of this proposal has been one of inaction and delay on the part of Congress. Finally, however, we have at long last begun to see some action.

The House will soon vote on the amendment, and I am assured that they will be able to cast off the crippling amendments added by the House Judiciary Committee. Thus, this measure will soon be before the Senate once again.

In order to help Senators in studying this proposal, I ask unanimous consent to have printed in the RECORD an article entitled "The Equal Rights Amendment: A Constitutional Basis for Equal Rights for Women," published in the Yale Law Journal. This piece, written by Barbara A. Brown, Thomas I. Emerson, Gail Falk, and Ann E. Freedman, presents a well-documented case in support of the proposed amendment. While I do not necessarily agree with every opinion expressed therein, I found it to be a masterly piece of scholarship, which deserves to be brought to the attention of every Senator and the public.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Yale Law Journal, April 1971]

THE EQUAL RIGHTS AMENDMENT: A CONSTITUTIONAL BASIS FOR EQUAL RIGHTS FOR WOMEN

(By Barbara A. Brown, Thomas I. Emerson, Gail Falk, and Ann E. Freedman†)

Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification.

Proposed Amendment to the United States Constitution [1]

INTRODUCTION

American society has always confined women to a different and, by most standards, inferior status. The discrimination has been deep and pervasive. Yet in the past the subordinate position of more than half the population has been widely accepted as natural or necessary or divinely ordained. The women's rights movement of the late nineteenth and early twentieth centuries concentrated on obtaining the vote for women; only the most radical of the suffragists called into question the assumption that woman's place was in the home and under the protection of man. Now there has come a reawakening and a widespread demand for change. This time the advocates of women's rights are insisting upon a broad reexamination and redefinition of "woman's place."

Historically, the subordinate status of women has been firmly entrenched in our legal system. At common law women were conceded few rights. Constitutions were drafted on the assumption that women did not exist as legal persons. Courts classified women with children and imbeciles, denying their capacity to think and act as responsible adults and enclosing them in the bonds of protective paternalism. Over the last century, it is true, the legal status of women has gradually improved. Common law rules have been altered in many states and some additional rights conferred by legislation. A marked advance was made in 1920 with the adoption of the Nineteenth Amendment granting suffrage to women. Since then, there has been other progress. But the development has been slow and haphazard. Major remnants of the common law's discriminatory treatment of women persist in the laws and institutions of all states. In addition, efforts during the past century to protect working women have created a new set of laws which turn out to discriminate against women rather than secure equality.[2]

In the present legal structure, some laws exclude women from legal rights, opportunities, or responsibilities. Some are framed as legislation conferring special benefits, or protection, on women. Others create or perpetuate a separate legal status without indicating on their face whether the position of women ranks below, or above, the position of men. Many of the efforts to create a separate legal status for women stem from a good faith attempt to advance the interests of women. Nevertheless, the preponderant effect has been to buttress the social and economic subordination of women.

Our legal structure will continue to support and command an inferior status for women so long as it permits *any* differentiation in legal treatment on the basis of sex. This is so for three distinct but related reasons. First, discrimination is a necessary concomitant of any sex-based law because a large number of women do not fit the female stereotype upon which such laws are predicated. Second, all aspects of separate treatment for women are inevitably interrelated; discrimination in one area creates discriminatory patterns in another. Thus a woman who has been denied equal access to education will be disadvantaged in employment even though she receives equal treatment there. Third, whatever the motivation for different treatment, the result is to create a dual system of rights and responsibilities in which the rights of each group are governed by a different set of values. History and experience have taught us that in such a dual system one group is always dominant and the other subordinate. As long as woman's place is defined as separate, a male-dominated society will define her place as inferior.

The structured legal and social discrimination against women is now being challenged by the demand for women's liberation. This movement for equality is made possible by relative affluence, broader educational opportunities for women, and mechanization of industry. It has been given impetus by the weakening of family ties, the growing participation of women in the labor force, increasing life expectancy, and widespread concern about over-population. It accompanies more enlightened and flexible attitudes towards relations between the sexes. And it is allied with the struggles of minorities, youth, and other forces seeking new ways of life, and new ways for people to relate to one another, in a world that has so plainly failed to live up to its possibilities. As a result of these and other factors the movement for equality in the status of women seems on the verge of a major breakthrough.

Nevertheless, it is only recently that widespread discussion has begun about what changes in the legal structure are necessary to achieve a unified system of equality.[3] This article undertakes to contribute to this dis-

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cussion by exploring in detail some of these necessary changes. We consider first methods by which the legal structure can be changed, reaching the conclusion that a new constitutional amendment is necessary (Part I). We then trace the development in Congress of proposals for such a constitutional amendment (Part II). Thereafter we discuss the constitutional framework of the Equal Rights Amendment: its underlying principles and their place in the general structure of the Constitution (Part III). We then explore some aspects of the transition period after ratification (Part IV), and finally, we describe the anticipated operation of the Amendment in four significant areas: protective labor legislation, domestic relations law, criminal law, and the military (Part V).

I. THE NEED FOR A NEW CONSTITUTIONAL AMENDMENT

There are three methods of making changes within the legal system to assure equal rights for women. One is by extending to sex discrimination the doctrines of strict judicial review under the Equal Protection Clause of the Fourteenth Amendment. A second is by piecemeal revision of existing federal and state laws. The third is by a new constitutional amendment. These alternatives are not, of course, mutually exclusive. The basic question is what method, or combination of methods, will be most effective in eradicating sex discrimination from the law.

A. Extension of the equal protection clause

In past years many proponents of equal rights for women believed that the goal could be achieved through judicial interpretation of the Equal Protection Clause, as applied to both state and federal governments.[4] Thus the President's Commission on the Status of Women argued in 1963 that "the principle of equality [could] become firmly established in constitutional doctrine" through use of the Fourteenth and Fifth Amendments, and concluded that "a constitutional amendment need not now be sought." At the present time that viewpoint has been abandoned by active supporters of women's rights.[5] This shift in position is fully justified. An examination of the decisions of the Supreme Court demonstrates that there is no present likelihood that the Court will apply the Equal Protection Clause in a manner that will effectively guarantee equality of rights for women. More important, equal protection doctrines, even in their most progressive form, are ultimately inadequate for that task.

The Supreme Court's approach to women's rights has been characterized, since the 1870's, by two prominent features: a vague but strong substantive belief in women's "separate place," and an extraordinary methodological casualness in reviewing state legislation based on such stereotypical views of women. The result has been that the Court has never found a sex-based classification to violate the Equal Protection Clause; moreover, it has rendered this cumulative judgment with an off-handedness and tolerance for inconsistency which contrast sharply with its approach to discrimination in the areas of race, national origin, and poverty.

The Supreme Court's conception of women's "separate place" is rooted in its nineteenth-century decisions denying women such elementary civil rights as voting and the opportunity to practice law, on the grounds that these rights were not among the "privileges and immunities" of United States citizenship and hence were subject to exclusive state regulation.[6] In his well-known concurrence in *Bradwell v. Illinois*, the decision which approved the exclusion of women from the legal profession, Justice Bradley stated:

> Man is, or should be, woman's protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life. The constitution of the family organization, which is founded in the divine ordinance, as well as in the nature of things, indicates the domestic sphere as that which properly belongs to the domain and functions of womanhood.[7]

The question for the Supreme Court in the voting and practice of law cases was not whether women, as compared to similarly situated or qualified men, were being denied a right or privilege in violation of the Equal Protection Clause. The question was not even formulated in these terms, much less considered, because men and women were seen as occupying separate spheres of social life.

The idiom of due process also generally perpetuated the belief in woman's separate place. In *Muller v. Oregon*,[8] one of the first cases to consider at length the constitutional position of women, the Supreme Court accepted the argument made in the famous Brandeis brief (largely prepared by Josephine Goldmark) that women required special protection in employment which could not, under the liberty-of-contract doctrine of *Lochner v. New York*,[9] be extended to men. Strictly speaking, the Court in *Muller* was only holding that the fixing of maximum hours for women by the state was not arbitrary or unreasonable under the Due Process Clause of the Fourteenth Amendment. It did not address itself to whether women were entitled to equal rights with men under the Equal Protection Clause. But the Court's long recitation of the inferior physical capacities and social position of women, its grouping of all members of the sex into one classification regardless of individual differences, and its conclusion that "she is properly placed in a class by herself" had far-reaching consequences for equal protection law.[10]

Muller has been widely utilized by federal and state courts to sustain not only factory legislation applicable only to women against due process objections, but also many kinds of sex-based laws against equal protection challenges.[11] The basic belief that women were different and that this justified different treatment under law became accepted doctrine, and when the claim for women's rights was at last raised directly under the Equal Protection Clause in 1948, the Court simply applied the style and content of its earlier decisions to the equal protection area as well. In *Goesaert v. Cleary* [12] several women challenged a Michigan statute providing that no female could be licensed as a bartender unless she was "the wife or daughter of a male owner," chiefly on the grounds that the exception was arbitrary and irrational. Justice Frankfurter, speaking for the Court, thought the question "need not detain us long." In putting it to rest he casually answered the broader and much more significant question of whether the state could distinguish at all between men and women in licensing bartenders:

> Michigan could, beyond question, forbid all women from working behind a bar. This is so despite the vast changes in the social and legal position of women. The fact that women may now have achieved the virtues that men have long claimed as their prerogatives and now indulge in vices that men have long practiced, does not preclude the States from drawing a sharp line between the sexes, certainly in such matters as the regulation of liquor traffic . . . . The Constitution does not require legislatures to reflect sociological insight, or shifting social standards, any more that it requires them to keep abreast of the latest scientific standards.[13]

Having reaffirmed the doctrine of woman's separate place, Justice Frankfurter had no difficulty finding a "basis in reason" for the Michigan statute: the legislature might believe that "moral and social problems" would be less when no females except wives and daughters of male bar owners were permitted to be bartenders.[14] The *Goesaert* case thus employed the "reasonable classification" test in considering challenges to sex-based legislation under the Equal Protection Clause; the plaintiff had the burden of overcoming a strong presumption that the sex classification was valid and showing that it was in some way "arbitrary" and "unreasonable." In announcing such a passive standard of equal protection review,[15] the Court delegated to state legislatures almost complete discretion in their treatment of women's basic rights—a discretion which was considered intolerable, at the time *Goesaert* was decided, with regard to many other groups in the population.[16]

While Justice Frankfurter's off-hand dismissal of women's basic civil right to engage in an occupation might seem outrageous today,[17] the Supreme Court has never seriously re-examined its assumption of woman's separate place and the equal protection doctrines that flow from it. In *Hoyt v. Florida*,[18] the most recent Supreme Court case to give extended consideration to women's constitutional rights, the Court upheld a Florida statute which excluded women from jury service unless they voluntarily applied. Justice Harlan's opinion for the Court followed closely the reasoning of *Goesaert*, and even harkened back to Justice Bradley's concurrence in *Bradwell v. Illinois* almost ninety before.

> [W]e [cannot] conclude that Florida's statute is not "based on some reasonable classification," and that it is thus infected with unconstitutionally. Despite the enlightened emancipation of women from restrictions and protections of bygone years, and their entry into many parts of community life formerly considered to be reserved to men, woman is still regarded as the center of home and family life. We cannot say that it is constitutionally impermissible for a State, acting in pursuit of the general welfare, to conclude that a woman should be relieved from the civic duty of jury service unless she herself determines that such service is consistent with her own special responsibilities.[19]

Supporters of equal rights for women in the 1960's relied heavily on the possibility that the Supreme Court would at last reject its assumption of woman's separate place and the related reasonable classification test, and apply to sex differentiation cases the standards of strict scrutiny that had evolved in equal protection theory. One such standard is the "fundamental interest" test. Under this formula, if a fundamental right is at stake, differential classification and treatment is permissible only if the government affirmatively demonstrates the most compelling reasons.[20] A second standard of strict scrutiny is the "suspect classification" formula developed in cases reviewing the state laws based on racial distinctions. The rule here is that any classification based on race is strongly suspect, "bears a heavy burden of justification," and "will be upheld only if it is necessary, not merely rationally related, to the accomplishment of a permissible state policy." [21]

The fundamental interest and suspect classification doctrines operate to cancel the normal presumption of constitutionality and to put a heavy burden on the government to justify the differential treatment. They are therefore more powerful weapons against discrimination than the "reasonable classification" test. Yet both doctrines are seriously deficient as instruments for achieving equal rights for women. The fundamental interest test applies only where the particular right claimed to be infringed is a "fundamental" one, and the Court has been torn with disagreement over what kinds of rights and in-

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terests are embraced within this category of special constitutional protection.[22] Hence the fundamental interest test might not be applied to many important areas in which women are treated differently from men, such as the right to work overtime or to obtain damages for loss of consortium. The suspect classification test provides a potential basis for more comprehensive protection against sex discrimination; under its operation, sex-based classifications would be considered "suspect" and subjected to strict judicial scrutiny. But because this doctrine allows the government to justify even a suspect classification by "compelling reasons," it would permit some classifications based on sex to survive.[23] Thus this standard too would not guarantee an effective system of equality which, as we shall argue, demands the elimination of all such classifications.[24]

The theoretical problems of achieving equal rights for women through judicial interpretation of the Equal Protection Clause are matched by serious practical difficulties. Whatever hopes were held in the 1960's that the Supreme Court would adopt stricter standards in sex differentiation cases have been undermined by its recent decision in *Williams v. McNair*.[25] Williams involved a challenge to sex segregation in the state university system of South Carolina. Under state law all the universities in that system admit both male and female students except two: the Citadel, primarily a military school, is open only to men, and Winthrop College, "a school for young ladies," permits only women to be regular degree candidates. A group of males challenged the sex restriction of Winthrop College on equal protection grounds. A three-judge court dismissed their suit, applying the reasonable classification test and finding that the classification was not "without any rational justification."[26] The Supreme Court, without hearing argument and without opinion, affirmed.[27] This summary disposition of the case, even more peremptory than in *Goesaert*, suggests that the Court is not about to impose strict standards of review in sex classification cases.[28]

Nor does a strong movement for the application of stricter equal protection standards seem to be emerging from decisions in the lower federal and state courts. In recent years some federal and state courts have struck down legislation or other official action establishing more severe criminal penalties for women than for men, providing for total exclusion of women from jury service discriminating in the admission of women to the principal state university, excluding most women from bartending, approving the refusal to serve women at a bar, and disallowing suits by women for loss of consortium.[29] On the other hand, federal and state courts have also upheld differences in social security benefits, exclusion of women from juries, exclusion of women from compulsory service in the military, differences in the age of majority, and incapacity to sue for loss of consortium.[30] Some of the language used in the decisions is more sympathetic to women's rights than that of the Supreme Court. But most of it follows the same nineteenth century view of women's status and function in society. There are no signs of theoretical or practical developments that would sweep the Supreme Court in a bold new direction.

On this state of affairs one cannot say that the possibility of achieving substantial equality of rights for women under the Fourteenth and Fifth Amendments is permanently foreclosed. But the present trend of judicial decisions, backed by a century of consistent dismissal of women's claims for equal rights, indicates that any present hope for large-scale change can hardly be deemed realistic.

B. Piecemeal revision of existing laws

Over the years, some proponents of women's rights have thought sex discrimination could be ended most effectively if legislatures prepared women and men gradually for equality by a series of step-by-step reforms. There is no constitutional obstruction to the elimination of discrimination in our legal system by the piecemeal revision or repeal of existing federal and state laws. However, such suggestions unrealistically assume a delicacy and precision in the legislative process which has no relationship to actual legislative capability. More importantly, the process is unlikely to be completed within the lifetime of any woman now alive. Such a method requires multiple actions by fifty state legislatures and the federal congress, by the courts and executive agencies in each one of these jurisdictions, and by similar government authorities in numerous political subdivisions as well. This government machinery would have to be mobilized to repeal or modify the statutes and practices in scores of different areas where unequal treatment now prevails. To be comprehensive such efforts would require a tremendously expensive, sophisticated, and sustained political organization, both nationally and within every state and locality. Campaigns to change the laws one by one could drag on for many years, and perhaps in some areas never be finished.

Even if it were possible to mobilize the nation's political machinery, legislative change alone would fail to provide an adequate foundation for the attainment of full legal equality for women. Any plan for eliminating sex discrimination must take into account the large role which generalized belief in the inferiority of women plays in the present scheme of subordination. As noted above, there is need for a single coherent theory of women's equality before the law, and for a consistent nationwide application of this theory. This is scarcely possible through legislative change alone, for the creation of basic policy would be divided among multiple federal, state, and local agencies.[31] Moreover, so long as they believe the laws against discrimination are subject to derogation at the option of the current legislature, many individuals and institutions will not undertake wholeheartedly the far-reaching changes which genuine sex equality requires. An unambiguous mandate with the prospect of permanence is needed to assure prompt compliance.

In essence, piecemeal legislative reform is what has been going on for the past century. Considered realistically, this approach, at least by itself, simply lacks the breadth, coherence, and economy of political effort necessary for fundamental change in the legal position of women.

C. The case of a constitutional amendment

If expansion of the Equal Protection Clause and piecemeal legislation will not result in effective action, there remains the third alternative: a new constitutional amendment. Passage of a new amendment is a serious and difficult step, but we believe that it is a sensible, necessary means of achieving equal rights for women. A major reform in our legal and constitutional structure is appropriately accomplished by a formal alteration of the fundamental document. Claims of similar magnitude, such as the right to be free from discrimination on account of race, color, national origin, and religion, rest on a constitutional basis. The amending process is designed to elicit national ratification for changes in basic governing values, and those who feel that the Supreme Court has gone too far in recent years in effectuating constitutional change through interpretation should especially welcome the amending process.

Many of the reasons why piecemeal legislation is inadequate are also positive advantages in proceeding by amendment. The major political action—passage and ratification of the Amendment—can be accomplished by a single strong nationwide campaign of limited duration. Once passed, the Amendment will provide an immediate mandate, a nationally uniform theory of sex equality, and the prospect of permanence to buttress individual and political efforts to end discrimination. The political and psychological impact of adopting a constitutional amendment will be of vital importance in actually realizing the goal of equality. Discriminatory laws, doctrines, attitudes and practices are set deep in our legal system. They are not easily dislodged. The expression of a national commitment by formal adoption of a constitutional amendment will give strength and purpose to efforts to bring about a far-reaching change which, for some, may prove painful.

There are likewise strong reasons for developing a consistent theory and program for women's equality under the aegis of an independent Equal Rights Amendment, rather than by judicial extension of the Equal Protection Clause. An amendment that deals with all sex discrimination, and only sex discrimination, corresponds roughly to the boundaries of a distinct and interrelated set of legal relationships. As already noted, woman's status before the law in one area, such as employment, relates both practically and theoretically to her status in other areas, such as education or responsibility for family support. Coming to grips with the dynamics of discrimination against women requires that we recognize the indications of, the excuses for, and the problems presented by women's inferior status. An understanding of these dynamics in any one field informs and enlightens understanding of sex bias elsewhere in the law. This is because, in the past, the legal and social systems have been permeated with a sometimes inchoate, but nevertheless pervasive, theory of women's inferiority.

Moreover, the achievement of equality under the law for women presents its own special problems. These problems differ in many ways from those involved in eliminating discrimination in other spheres where equal protection theory has been applied. They are closest to those which are raised in the area of race discrimination. Yet even here there are significant differences. Women are not residentially segregated from men. The socio-economic connections which link different aspects of sexism are not necessarily the same as those that link the many facets of racism. Women are a majority, not a minority; thus, changes in the status of women may affect most of the population, rather than a small part. Furthermore, without a constitutional mandate, women's status will never be accorded the special concern which race now receives because of the history of the Fourteenth Amendment. For these reasons it is important to have a constitutional amendment directed to this specific area of equality, out of which a special body of new law can be created.

The adoption of a constitutional amendment will also have effects that go far beyond the legal system. The demand for equality of rights before the law is only a part of a broader claim by women for the elimination of rigid sex role determinism. And this in turn is part of a more general movement for the recognition of individual potential, the development of new sets of relationships between individuals and groups, and the establishment of institutions which will promote the values and respect the sensibilities of all persons. Adoption of an Equal Rights Amendment would be a sign that the nation is prepared to accept and support new creative forces that are stirring in our society.

II. THE DEVELOPMENT IN CONGRESS OF THE CURRENT PROPOSAL

The call for an Equal Rights Amendment is not new in 1971. The Amendment has been introduced in every Congress since 1923, and has been given serious consideration on four occasions: 1946, 1950, 1953, and 1970. The Congressional debates and action on those

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occasions suggest that while there has often been strong support for an amendment to secure equal rights for women, there has also been doubt and disagreement about the concept of "equality" and about the Amendment's consequent impact on existing laws and institutions. To some extent, this confusion or failure to state clearly the meaning and effect of the Amendment may have been due to political rather than intellectual considerations. In a virtually all male Congress, at a time when consciousness in this country about women's rights was low, the proponents may have wisely refused to be too explicit about the laws and institutions the Amendment would reach. Whatever the reason, however, the debates reveal recurring uncertainty about two questions in particular: how absolute is the Amendment's central principle that "equality of rights shall not be denied or abridged by the United States or by any State on account of sex;" and should the Amendment explicitly exempt certain kinds of laws from its basic principle?[32]

The absoluteness of the Amendment's substantive provisions (which have remained unchanged since 1943) was questioned when the Senate first debated the Amendment in 1946. Although the proponents stood for unified treatment of men and women in the majority of cases, they wanted to create some exceptions. As Senator Pepper said, "[s]ome of us want this record beyond any question of doubt to be distinct that we believe that this amendment . . . would not deprive the legislatures or the Congress of the power to make reasonable classifications in the protection of women."[33] However, the proponents were unable to translate this policy into concrete guidelines which could distinguish "reasonable" from "unreasonable" classifications.

The question of whether exceptions should be explicitly written into the Amendment was raised when the Senate next debated the Amendment in 1950 and 1953. On both occasions Senator Hayden succeeded in amending the Equal Rights Amendment to provide that "[t]he provisions of this article shall not be construed to impair any rights, benefits, or exemptions conferred by law upon persons of the female sex."[34] Senator Hayden felt that women, in order to be equal, needed more and different "rights" than men possessed. He defined "rights" of women to mean only the benefits and privileges of citizenship; the duties of citizenship, in contrast, women could not be expected to perform. The proponents of the Equal Rights Amendment failed to counter this conception of a dual legal system with an alternative view that men and women should have equality on the same terms. As limited by Senator Hayden's resolution, the Equal Rights Amendment passed the Senate in both 1950 and 1953, but the House did not follow up on the Senate's action.[35]

The related issues of absoluteness and exceptions which were prominent in the earlier debates arose again in the very different theoretical and political context of 1970. The work and support of the Citizens' Advisory Council on the Status of Women, and other organizations, provided the Amendment's sponsors in the 91st Congress with a more coherent approach than had previously been articulated. Representative Martha Griffiths and Senators Birch Bayh and Marlow Cook presented the Amendment as a broad mandate for the unified treatment of women and men; the only qualifications of the principle, they suggested, would be based on compelling social interests, such as the protection of the individual's right of privacy and the need to take into account objective physical differences between the sexes.[36] There was some disagreement among the proponents, however, about the concrete impact of the Amendment on existing laws, particularly the Selective Service Act, and in this area the traditional debate about absoluteness and exceptions reappeared. Representative Griffiths said in the House that under the Equal Rights Amendment women would be required to serve in the Armed Forces, though, as is true of men, only in positions for which they were fitted.[37] Senator Bayh, sensing strong opposition in the Senate to the drafting of women, argued that the Amendment would allow Congress to exempt women from military service on the ground of "compelling reasons" of public policy.[38] Senator Sam Ervin was not convinced, and successfully offered an amendment, in the tradition of Senator Hayden's limitations, providing: "This article shall not impair, however, the validity of any law of the United States which exempts women from compulsory military service."[39] Although the Equal Rights Amendment had passed overwhelmingly in the House, acceptance of the Ervin amendment in the Senate effectively blocked final passage during the 91st Congress.[40]

The long and frustrating history has left many points in uncertainty. All the issues have never been raised in any one year, and while there may have been consensus on a point in one debate, it often vanished when the issue was discussed again years later. The articulation of a clear and cohesive position on the meaning and impact of the proposal, which would furnish a basis for legislative debate and provide a guide to future interpretation, has not emerged from prior Congressional consideration of the Equal Rights Amendment. We turn, therefore, to a consideration of the basic legal principles which the Amendment, as presently conceived, must be deemed to establish in our constitutional structure.

III. THE CONSTITUTIONAL FRAMEWORK

The Equal Rights Amendment embodies fundamental principles which are derived from the purposes the Amendment is designed to achieve, the operational conditions necessary to attain those objectives, and the existing context of constitutional doctrine. It is not possible here to do more than examine these principles in a general and preliminary way. They can be fully developed only by the usual process of constitutional adjudication.[41]

A. The basic principle

The basic principle of the Equal Rights Amendment is that sex is not a permissible factor in determining the legal rights of women, or of men. This means that the treatment of any person by the law may not be based upon the circumstance that such person is of one sex or the other. The law does, of course, impose different benefits or different burdens upon different members of the society. That differentiation in treatment may rest upon particular characteristics or traits of the persons affected, such as strength, intelligence, and the like. But under the Equal Rights Amendment the existence of such a characteristic or trait to a greater degree in one sex does not justify classification by sex rather than by the particular characteristic or trait. Likewise the law may make different rules for some people than for others on the basis of the activity they are engaged in or the function they perform. But the fact that in our present society members of one sex are more likely to be found in a particular activity or to perform a particular function does not allow the law to fix legal rights by virtue of membership in that sex. In short, sex is a prohibited classification.

This principle is already widely accepted with respect to many activities. To take an example, virtually everybody would consider it unjust and irrational to provide by law that a person could not be admitted to the practice of law because of his or her sex. The reason is that admission to the bar ought to depend upon legal training, competence in the law, moral character, and similar factors. Some women meet these qualifications and some do not; some men meet these qualifications and some do not. But the issue should be decided on an individual, not a group, basis. And in such a decision, the fact of being male or female is irrelevant. This remains true whether or not there are more men than women who qualify. It likewise would remain true even if there were no women who presently were qualified, because women potentially qualify and might do so under different conditions of education or upbringing. The law owes an obligation to treat females as persons, not statistical abstractions.

What is true of admission to the bar is true of all forms of legal rights. If we examine the various areas of the law one by one most of us will reach the same conclusion in each case. Sex is an inadmissible category by which to determine the right to a minimum wage, the custody of children, the obligation to refrain from taking the life of another, and so on. The law should be based on the right to a living wage for each person, the welfare of the particular child, the protection of citizens from murder, and not on a vast overclassification by sex.

This basic principle of the Equal Rights Amendment derives from two fundamental judgments inherent in the decision to eliminate discrimination against women from our legal system. First, the Amendment embodies the moral judgment that women as a group may no longer be relegated to an inferior position in our society. They are entitled to an equal status with men. This moral decision implies a further practical judgment—that such an equal status can be achieved only by merging the rights of men and women into a "single system of equality." By this we mean that the decision to eliminate women's historically inferior social position requires the prohibition of sex classification in the law. We reject an alternative conception of "equality"—that women's separate place should be "upgraded" in social status and material rewards. As already noted, such a dual system, in which women would have a different but "equal" status, has proven to be illusory. There is no reason to suppose that the present inferior status of women would materially change through adoption of a constitutional amendment which attempted to maintain a dual system of sex-based rights and responsibilities.

Second, the basic principle of the Equal Rights Amendment flows from the set of moral and practical judgments that have been made with respect to the fundamental rights of the individual in our society. Classification by sex, apart from the single situation where a physical characteristic unique to one sex in involved (as will be discussed in the next subsection), is always an overclassification. A permissible legislative goal is always related to characteristics or functions which are or can be common to both sexes. But in a classification by sex all women or all men are included or excluded regardless of the extent to which some members of each sex possess the relevant characteristics or perform the relevant function. Such a result is in direct conflict with the basic concern of our society with the individual, and with the rights of each individual to develop his or her own potentiality. It negates all our values of individual self-fulfillment.

To achieve the values of group equality and individual self-fulfillment, the principle of the Amendment must be applied comprehensively and without exceptions. Arguments that administrative efficiency or other countervailing interests justify limiting the Amendment contradict its basic premises.

First, the decision to protect the value of individual self-fulfillment embraces the judgment that efficiency in government operations is not a sufficient reason to ignore individual differences. In other words, the government cannot rely upon the administrative technique of grouping or averaging

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where the classification is by sex. There are some situations where it is permissible for the law to operate on the basis of groups or averages. For example, individuals can be classified by age—under 21 or over 65—even though there are individual differences as to maturity or senility.[42] In such cases individual rights are sacrificed to administrative efficiency. But the Equal Rights Amendment makes the constitutional judgment that this is not acceptable where the factor of sex is concerned. Here, whatever the price is efficiency, the classification must be made on some other basis.[43]

Examples of this judgment appear frequently in our law today. Thus the assertion that some women leave jobs to marry or to move with their husbands does not constitute ground for discrimination on account of sex in government employment under Executive Order 11478, or in private employment under Title VII of the Civil Rights Act of 1964.[44] A balance of values has been struck. The decision has been made not to penalize all women because of a behavior pattern characteristic of some women. And any greater efficiency in a classification based on sex, rather than on an individual basis, has been excluded as a justifying factor. The Equal Rights Amendment makes the same judgment, but on a broader scale and in constitutional terms.[45]

Second, the Equal Rights Amendment embodies the moral and practical judgment that the prohibition against the use of sex as basis for differential treatment applies to all areas of legal rights. To the extent that any exception is made, the values sought by the Amendment are undercut; women as a group are thrust into a subordinate status and women as individuals are denied the basic right to be considered in terms of their own capacities and experience. And, as noted above, the interrelated character of a system of legal equality for the sexes makes a rule of universal application imperative. No one exception, resulting in unequal treatment for women, can be confined in its impact to one area alone. Equal rights for women, as for races, is a unity.

A third, equally decisive consideration leads to the same conclusion. There is no objective basis available to courts or legislatures upon which differential treatment of men and women could be evaluated. As already pointed out, such judgments can be made only in terms of a dual system of rights, the rights of women being grounded in one set of values and the rights of men in another. Not only is such a system inevitably repressive of one group, but it affords no standard of comparison between groups. For example, in *Hoyt* v. *Florida* [46] the Supreme Court accepted a value system for women which viewed them as "the center of home and family life," and undertook to be "fair" to women by excusing them from jury service, a "benefit" not given to men. Upon what basis can it be said, however, that this outcome puts men and women upon a level of "equality"? Nor did the Court, in making that decision, attempt to weigh the countless other legal differentiations between the sexes in order to strike an overall balance of "equality."

Fourth, the judgment as to whether differential treatment is justified or not would rest in the hands of the very legislatures and courts which maintain the existing system of discrimination. The process by which they make that judgment involves the same discretionary weighing of preferences as has resulted in the present inequality. This is true whether the standard of judging is "reasonable classification," "suspect classification," or "fundamental interest." There is no reason to believe that such a decision-making apparatus will end up in a substantially different position from what we have now. Only an unequivocal ban against taking sex into account supplies a rule adequate to achieve the objectives of the Amendment.

From this analysis it follows that the constitutional mandate must be absolute. The issue under the Equal Rights Amendment cannot be different but equal, reasonable or unreasonable classification, suspect classification, fundamental interest, or the demands of administrative expediency. Equality of rights means that sex is not a factor. This at least is the premise of the Equal Rights Amendment. And this premise should be clearly expressed as the intention of Congress in submitting the Amendment to the states for ratification.

It is argued that this position is naive, impractical, and leads to absurd results. Various examples of supposedly outlandish consequences are given. Most of these examples, such as those relating to public toilet facilities, are dramatic but are diversions from the major issues. On the central problems—property rights, marriage and divorce, the right to engage in an occupation, freedom from discrimination in employment and education—the burden of persuasion is on those who would impose different treatment on the basis of sex. Before a judgment on the feasibility of the Equal Rights Amendment can be made, however, it is necessary to pursue the legal analysis somewhat further.

B. Laws dealing with physical characteristics unique to one sex

The fundamental legal principle underlying the Equal Rights Amendment, then, is that the law must deal with particular attributes of individuals, not with a classification based on the broad and impermissible attribute of sex. This principle, however, does not preclude legislation (or other official action) which regulates, takes into account, or otherwise deals with a physical characteristic unique to one sex. In this situation it might be said that, in a certain sense, the individual obtains a benefit or is subject to a restriction because he or she belongs to one or the other sex. Thus a law relating to wet nurses would cover only women, and a law regulating the donation of sperm would restrict only men. Legislation of this kind does not, however, deny equal rights to the other sex. So long as the law deals only with a characteristic found in all (or some) women but *no* men, or in all (or some) men but *no* women, it does not ignore individual characteristics found in both sexes in favor of an average based on one sex. Hence such legislation does not, without more, violate the basic principle of the Equal Rights Amendment.

This subsidiary principle is limited to *physical* characteristics and does not extend to psychological, social or other characteristics of the sexes. The reason is that, so far as appears, it is only physical characteristics which can be said with any assurance to be unique to one sex. So-called "secondary" biological characteristics and cultural characteristics are found to some degree in both sexes. Thus active or passive attitudes, or interests in literature or athletics, like degrees of physical strength or weakness, appear in members of each sex. Differences in treatment attributable to such shared traits must be based upon their existence in the individual, not upon a classification by sex.

Instances of laws directly concerned with physical differences found only in one sex are relatively rare. Yet they include many of the examples cited by opponents of the Equal Rights Amendment as demonstrating its nonviability. Thus not only would laws concerning wet nurses and sperm donors be permissible, but so would laws establishing medical leave for childbearing (though leave for child*rearing* would have to apply to both sexes). Laws punishing forcible rape, which relate to a unique physical characteristic of men and women, would remain in effect. So would legislation relating to determination of fatherhood.

Application of this subsidiary principle raises questions which should be carefully scrutinized by the courts. For one thing, while differentiation on the basis of a unique physical characteristic does not impair the right of a man or a woman to be judged as an individual, it does introduce elements of a dual system of rights. That result is inevitable. Where there is no common factor shared by both sexes, equality of treatment must necessarily rest upon considerations not strictly comparable as between the sexes. This area of duality is very limited and would not seriously undermine the much more extensive areas where the unitary system prevails. But the courts should be aware of the danger.

The danger is increased by the possibility of evasion in the application of the subsidiary principle. Unless that principle is strictly limited to situations where the regulation is closely, directly and narrowly confined to the unique physical characteristic, it could be used to justify laws that in overall effect seriously discriminate against one sex. A court faced with deciding whether a law relating to a unique physical characteristic was a subterfuge would look to a series of standards of relevance and necessity. These standards are the ones courts now consider when they are reviewing, under the doctrine of strict scrutiny, laws which may conflict with fundamental constitutional rights. It is possible to identify at least six factors that a court would weigh in determining whether the necessary close, direct, and narrow relationship existed between the unique physical characteristic and the provision in question.

These factors can be explained most easily in terms of a hypothetical case; a government regulation to reduce absenteeism at policymaking levels by barring women from certain jobs. Such a regulation might be defended by the government as being based on a unique physical characteristic of women, namely, the potential for becoming pregnant, and consequent need for leaves of absence for childbearing.[47] In considering whether to sustain this rule, a court would weigh the following factors on the basis of factual evidence presented by the party attempting to justify the regulation:

First, the proportion of women who actually have the characteristic in question. In this case, the issue would be the number of women eligible for the jobs who were actually capable of becoming pregnant.

Second, the relationship between the characteristic and the problem. In this example, the court would inquire about the proportion of women who were likely actually to become pregnant and also choose to bear the child; the length of time most women would require for childbearing; and the extent to which a leave of this duration would actually interfere with an important governmental function.

Third, the proportion of the problem attributable to the unique physical characteristic of women. Here the court would consider the fact that only a small proportion of the total problem of long-term absenteeism and job transfer was caused by pregnancy; it would inquire into the proportion which was attributable to other factors, such as military duty, political disagreements, childrearing, job mobility, and disability due to illness or accidents, all of which cause absenteeism among workers of both sexes.

Fourth, the proportion of the problem eliminated by the solution. Here it would seem clear that the solution of not hiring women would eliminate absenteeism caused by pregnancy, but as indicated in the third factor, this would only be a small proportion of the overall problem of absenteeism.

Fifth, the availability of less drastic alternatives. "Less drastic" in this sense may mean first, less onerous to the person being

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restricted; second, more limited in the number of persons or opportunities affected; or third, not based on sex at all, or "sex neutral." To determine whether less drastic alternatives were available to deal with the problem, the court would inquire into the feasibility of individualized procedures for screening out those who were likely to be absent, and the possibility of alternative devices such as job pairing and substitution.[48]

Sixth, the importance of the problem ostensibly being solved, as compared with the costs of the least drastic solution. Here the question would be the seriousness of the harm and dislocation that would actually result if an employee in one of the covered positions were absent for the length of time necessary for childbearing. The problem as thus measured would be balanced against the costs of the solution, in this case the continuation of sexual stereotyping and overbroad discrimination that would be caused by excluding all women from the jobs covered by the regulation.

How the courts would balance each of these factors is difficult to predict in advance of actual adjudication, although in the example given it is obvious that the combined weight of the overbroad classification by sex and the marginal relationship of the unique physical characteristic of pregnancy to the problem of absenteeism would require invalidation of the regulation. In any case, all of these considerations are of the kind that courts constantly deal with in similar cases where reliance upon a legitimate factor is used to achieve illegitimate ends. And however the borderline cases are resolved, the margin of error is not likely to be so large as to jeopardize the basic principle.

C. Classifications based on attributes which may be found in either sex

Classifications are a necessary part of lawmaking and the Equal Rights Amendment does not, of course, require an end to all classifications based on recognition of the differences among people. The Amendment forbids the use of sex as a basis for legal differentiation, but it permits the legislature to continue to classify on the basis of real differences in the life situations and characteristics of individuals. It is important to keep in mind the nature and uses of these legitimate classifications as well as to note the possibility of their being employed to evade or nullify the prohibition against sex classification.

As pointed out above, classifications based upon sex necessarily include members of one sex who should not be covered, or exclude members of the other sex who should be covered, by a given law. Unfortunately, legislatures have traditionally used sex classifications as shorthand for other classifications which, although they are more precise, are also somewhat more difficult to administer. Because sex classifications were acceptable, they were often employed merely because members of one sex actually or apparently predominated in the smaller group to whom the law was really directed, whether or not a narrower more equitable classification was practicable. This common practice reinforced the pre-existing majority of one sex in the regulated or protected activity; for example, if only women can get extensive leaves for childbearing, it becomes economically impossible for men to stay home to care for children while their wives work. Hence sex classifications begin to seem both natural and essential to sound legislation in many areas of public concern.

Elimination of sex classifications by the Equal Rights Amendment, however, does not prohibit the legislature from achieving legitimate purposes by other methods of classification. In 1965, Pauli Murray and Mary Eastwood proposed the substitution of realistic "functional" classifications for sex classification. They argued that:

"If laws classifying persons by sex were prohibited by the Constitution, and if it were made clear that laws recognizing functions, *if performed*, are not based on sex per se, much of the confusion as to the legal status of women would be eliminated."[49]

This analysis need not be limited to literal "functions." It also applies to classifications based on prior education and training, experience, skills, or other measurable traits and abilities. The term "functional classifications" can thus be used to refer to all non-sex-based classifications.

A legislature taking this approach would make laws which reflected and related to the changing reality of individual lives and potentials, regardless of sex, instead of legislating women into conformity with each other, and pretending that all men are different from all women in terms of a given legislative purpose. For example, a legislature could use a non-sex-based classification to provide job retraining to the class of individuals who had been absent from the labor force for a specified number of years, for whatever reason. The functional basis would allow both men and women in that situation to get necessary encouragement to re-enter the labor force, unlike a blanket sex preference which would unfairly select out for special treatment individuals of one sex to the exclusion of the other. Likewise, a rule allowing workers to take sick leave when any member of their household was sick would be an appropriate functional classification. Unlike a rule allowing such leave only to mothers, which denies parents the opportunity to choose which of them will stay home, the functional rule is neutral, allowing workers to choose whether they wish to follow traditional sex-roles or share childrearing and other familial responsibilities. A system of functional classification may thus be utilized in ways which achieve important social objectives without dscriminating against individuals on account of their sex.

On the other hand such classifications, though formulated without explicit sex reference, may in practice fall more heavily on one sex than the other. This opens the possibility that non-sex-based classifications can be used to circumvent the Equal Rights Amendment. The fact that women's life situations, on the average, are different from those of men, partly or largely because of past discrimination, makes such an outcome more than a remote possibility. For example, today most women have little choice about whether or not to give up full-time jobs outside the home in order to care for any children they bear, at least while the children are young. This lack of choice is one important reason why women predominate among the housekeepers and childrearers of our society. Consequently, to use a modified form of our previous example, a law might prohibit adults with primary responsibility for child care from working in managerial jobs, on the grounds that the function of caring for children was inconsistent with substantial occupational responsibility. Such a law or government regulation would constitute a serious evasion of the Equal Rights Amendment. Its practical effect would be to exclude the majority of women and very few men in certain age groups from a whole range of relatively well-paid jobs which most people consider desirable.

The problem of formally neutral laws which may have a discriminatory impact arises under any law which attempts to eradicate discrimination based upon a single prohibited factor in a context where many other factors may legitimately be taken into account. The same issues have consistently appeared in the enforcement of laws prohibiting discrimination because of race, religion, national origin, and labor organizing activity. The courts have responded by looking beyond the adoption of the "neutral" classification into the realities of purpose, practical operation, and effect. Where the classification is seen to be a subterfuge, or to nullify the objectives of the anti-discrimination law, the courts have not hesitated to strike it down. As one court has stated:

> A procedure may appear on its face to be fair and neutral, but if in its application a discriminatory result ensues, the procedure may be constitutionally impermissible.[50]

And recently the Supreme Court, in holding a North Carolina literacy test invalid under the Voting Rights Act of 1965, said:

> From this record we cannot escape the sad truth that throughout the years Gaston County systematically deprived its black citizens of the educational opportunities it granted to its white citizens. "Impartial" administration of the literacy test today would serve only to perpetuate these inequities in a different form.[51]

In applying these principles to the Equal Rights Amendment the courts would follow standards similar to those set forth in the preceding section with respect to laws which propose to base differentiation upon a unique physical characteristic of one sex. Of those standards, only one would be different for functional classification. Since a functional classification is necessarily limited to those individuals who actually perform a given task or share a given characteristic, the first question—the proportion of women who actually have the characteristic in question—would not be asked by the reviewing court. However, unlike unique physical characteristic classifications, in which by definition some or all of one sex and none of the other are included, the extent of the disproportion between the numbers of women and the numbers of men included in a functional class may vary. A given functional classification may include 100,000 women and 10 men, or a disproportion of 10,000 to 1, while another may affect 45,000 women and 40,000 men, or a disproportion of 9 to 8. The first classification would obviously be a more likely vehicle for perpetuating sex inequality than the second, and the presence of this factor would thus go far to weight the balance against the law.

Protection against indirect, covert or unconscious sex discrimination is essential to supplement the absolute ban on explicit sex classification of the Equal Rights Amendment. Past discrimination in education, training, economic status and other areas has created differences which could readily be seized upon to perpetuate discrimination under the guise of functional classifications. The courts will have to maintain a strict scrutiny of such classifications if the guarantees of the Amendment are to be effectively secured.

D. The privacy qualification

The Equal Rights Amendment must take its place in the total framework of the Constitution and fit into the remainder of the constitutional structure. Of particular importance for our purposes is the relation of the new amendment to the constitutional right of privacy.

In *Griswold* v. *Connecticut*[52] the Supreme Court recognized an independent constitutional right of privacy, derived from a combination of various more specific rights embodied in the First, Third, Fourth, Fifth and Ninth Amendments. This constitutional right of privacy operates to protect the individual against intrusion by the government upon certain areas of thought or conduct, in the same way that the First Amendment prohibits official action that abridges freedom of expression. Thus in the *Griswold* case the right was held to invalidate a Connecticut statute which prohibited the use of contraceptives even by married couples

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Footnotes at end of article.

and thereby infringed upon intimate relationships in marriage and the home. The position of the right of privacy in the overall constitutional scheme was not explicitly developed by the Court. Presumably the point at which the right of privacy cuts off state regulation will be determined by a test which balances the two interests at stake. Or it may be that the right of privacy, where found to be applicable, will be held to afford an absolute protection against government intrusion. In either event laws or other official action implementing the Equal Rights Amendment would have to be applied in a manner that was consistent with individual privacy under the constitutional guarantee.[53]

The exact scope of the right of privacy was likewise not spelled out by the Court in the *Griswold* case. Yet it is clear that one important part of the right of privacy is to be free from official coercion in sexual relations. This would have a bearing upon the operation of some aspects of the Equal Rights Amendment. Thus, under current mores, disrobing in front of the other sex is usually associated with sexual relationships. Hence the right of privacy would justify police practices by which a search involving the removal of clothing could be performed only by a police officer of the same sex as the person searched.[54] Similarly the right of privacy would permit the separation of the sexes in public rest rooms, segregation by sex in sleeping quarters of prisons or similar public institutions, and appropriate segregation of living conditions in the armed forces.

In such situations, the facilities provided for the sexes would have to be equal in quality, convenience and other respects. Likewise an employer could not refuse to hire women because he did not want to build or remodel rest rooms for them. Failure to provide separate facilities for one sex would not be permissible when the presence of such facilities is related to the exercise of some other right, such as the right to be free of discrimination in employment. Moreover, the separation of facilities for reasons of privacy would not mean that individuals or groups would be foreclosed from making flexible and various arrangements for the common use of facilities such as bathrooms. In the same way, hospitals could allow patients to choose a ward with individuals of the same sex or of both sexes. Such noncoerced decisions, springing from individual values and preferences in areas of private conduct, would not be affected by the Amendment.

It is impossible to spell out in advance the precise boundaries that the courts will eventually fix in accommodating the Equal Rights Amendment and the right of privacy. In general it can be said, however, that the privacy concept is applicable primarily in situations which involve disrobing, sleeping, or performing personal bodily functions in the presence of the other sex. The great concern over these matters expressed by opponents of the Equal Rights Amendment seems not only to have been magnified beyond all proportion but to have failed to take into account the impact of the young, but fully recognized, constitutional right of privacy.

It should be added that the scope of the right of privacy in this area of equal rights is dependent upon the current mores of the community. Existing attitudes toward relations between the sexes could change over time—are indeed now changing—and in that event the impact of the right of privacy would change too.

E. *Separate-but-equal, benign quotas, and compensatory aid*

In the field of equal protection law, particularly as it deals with discrimination on account of race, various other questions of constitutional interpretation have been presented for judicial determination. The most important of these are the separate-but-equal doctrine, the benign quota, and compensatory aid. Simliar issues might arise under the Equal Rights Amendment.

1. Separate-but-equal

The separate-but-equal doctrine in race relations was established in *Plessy v. Ferguson* in 1896 and abandoned in *Brown v. Board of Education* in 1954. It has been suggested that a similar principle might be acceptable in sex relations in those situations, such as separate dormitory facilities in a university or separate toilet facilities in public buildings, where separation carries no implication of inferiority for either sex. A broader application of the doctrine is also conceivable, as in the field of education.[55]

Under the analysis here proposed, however, the separate-but-equal doctrine would have no place in the Equal Rights Amendment. It would simply operate to perpetuate a dual system of equality, different but not equal. Essentially the separate-but-equal doctrine is a device for keeping one group in a subordinate position. This is particularly true where the separated group, by virtue of past subordination, starts from a generally weaker position, with fewer opportunities, less training, and fewer material and institutional resources. Experience has shown, furthermore, that in practice separate-but-equal is rarely in fact equal.

The question of separate facilities for personal living is more appropriately solved by application of the privacy doctrine. Use of the privacy principle not only focuses attention on the real issue but avoids the necessity of determining whether different treatment imposes or implies inferiority. In all other contexts—such as public education and employment—the separate-but-equal doctrine is open to the same objections when employed in connection with sex relations as it is in race relations.

It should be noted that the Equal Rights Amendment applies only to government action, both state and federal. Separation of the sexes in the private sector is not foreclosed. Hence separate social, recreational, cultural or other facilities, so long as they do not affect areas of public concern, are available for those who wish to create them. As to facilities provided or subsidized by the government, however, the separate-but-equal doctrine is wholly inconsistent with the principles and objectives of the Equal Rights Amendment.[56]

2. Benign Quotas and Compensatory Aid

In the area of equal rights for women, as in other areas of equal rights, problems may arise of assuring equality in practice as well as in legal theory. The question then becomes whether or not the government can take sex into account in acting affirmatively to support the system of equal rights.

In the field of race relations various methods for taking affirmative action to secure actual, as well as theoretical, equality have been employed. One is the benign quota. As used in attempting to maintain integrated housing projects, this device establishes a quota for each race on the theory that once the percentage of one race gets beyond a "tipping point" members of the other race will not enter or stay in the project. Quotas have also been utilized in other areas, such as employment and education, to assure that a minimum number of the minority group will receive work or training. Other kinds of affirmative action consist of some form of compensatory aid. This involves special assistance to members of one race in order to give them the education, training or other help that will put them more quickly on a level of equality with the other race. The benign quota may result in denial of benefits to individual members of either group on account of their race; compensatory aid may deny benefits to members of the majority group on account of race.

The Supreme Court has not passed on the constitutional issues raised by these devices. It is not improbable, however, that in the field of race relations they will be sustained. In equal protection theory, while classification by race would be "suspect," it is not totally prohibited. And where the courts determine that the purpose of the differentiation is to benefit members of the minority race, rather than impose a status of inferiority, they are likely to find there are "compelling reasons" for the special treatment.[57] Such an approach would not be permissible under the Equal Rights Amendment. For reasons already stated, the guarantee of equal rights for women may not be qualified in the manner that "suspect classification" or "fundamental interest" doctrines allow.

This does not mean, however, that the government would be powerless to take measures designed to assure women actual as well as theoretical equity of rights. Authority to remedy the effects of past discriminations as well as to implement the provisions of the Equal Rights Amendments is available and unquestioned. Thus the courts have power to grant affirmative relief in framing decrees in particular cases. As in racial desegregation cases, such decrees could provide remedies for past denial of equal rights which take into account sex factors and give special treatment to the group discriminated against. Similar remedial measures, on a broader scale, could also be the subject of legislative action. This form of affirmative action may appear, paradoxically, to conflict with the absolute nature of the Equal Rights Amendment. But where damage has been done by a violator who acts on the basis of a forbidden characteristic, the enforcing authorities may also be compelled to take the same characteristic into account in order to undo what has been done. This form of relief is a common feature of laws seeking to eliminate discrimination, whether the restriction imposed be absolute or not.[58]

Similarly, the federal government under implementing powers granted by the Equal Rights Amendment, and the states under their general police powers, could enact legislation dealing with the various economic and social conditions that underlie and support the present system of inequality.[59] In addition, functional classifications in which members of one sex predominate but which include members of the other sex who are similarly disadvantaged can legitimately be used to support a system of equal rights.

The premise form these measures would take cannot be delineated in advance of the event. This is an area in which remedies must be fitted to particular problems as they appear.

F. *State action*

The Equal Rights Amendment as proposed provides that equality under the law shall not be denied or abridged "by the United States or by any State." Like the Fourteenth and Fifteenth Amendments, therefore, the legal effect of the Amendment is confined to "state action." How does this much-debated and increasingly complex concept apply in the context of women's rights?

Constitutional doctrines pertaining to state action have developed mainly in the area of race discrimination. They are intricate and confusing, but in essence they embody two concepts. One is that the existence of state action depends upon the nature and degree of state involvement. This may range all the way from a direct criminal prohibition of certain conduct to the maintenance of conditions in the society that permit private activity to exist; from direct action to apparent inaction; from de jure to de facto responsibility. The second is that state action depends upon the function being performed.

Footnotes at end of article.

The activity out of which the claim for equal protection arises may range from a clearly governmental operation, such as the election of public officials, to purely personal relationships, such as a private social gathering. Both the "state involvement" and the "public function" concepts lead in the same direction and ultimately to the same conclusion: "state action" takes place in the public sector of society and not in the private sector.[60]

The Supreme Court has not decided whether the "state action" required is the same for all kinds of constitutional rights involved, or even whether it is the same for all kinds of claims made under the Equal Protection Clause. In other words it is not clear whether the same showing of "state action" is necessary to assert a right under the Equal Protection Clause as under due process or freedom of speech guarantees; or whether "state action" is identical in cases alleging discrimination on account of race as discrimination on account of religion, wealth, nationality or politics. In general it may be assumed, however, that while the basic principles for determining state action remain the same, the relevant factors may apply differently in different situations.

So far as the Equal Rights Amendment is concerned the problem would be to determine what should be held part of the public sector, in which different treatment on account of sex is forbidden, and what is part of the private sector, in which different treatment is allowed. In some areas the factors relevant to that determination would tend toward a broad application of state action. Thus in the areas of voting (already covered by the Nineteenth Amendment), employment (including the right of representation by the collective bargaining agent), and education, the public character of the function would lead to the requirement that the state assume areas where the private sector would extend more broadly and the scope of "state action" would be correspondingly diminished. Such would be the case as to social, recreational and fraternal associations; facilities such as hotels, restaurants and theaters; and the right to dispose of property by will. Here the public effects of sex differentiation are less significant and a wider realm of individual choice is acceptable.

The application of the state action concept under the Equal Rights Amendment has been most widely discussed in connection with the area of education. There is no doubt that the Equal Rights Amendment would eliminate differentiation on account of sex in the public schools and public university systems. The decision of the Supreme Court in *Williams v. McNair,* noted previously,[61] could not stand. The question has been raised, however, as to how the Amendment would affect private schools and universities. The courts have so far consistently ruled that even the large private universities are not within the sphere of state action.[62] The decision of the Supreme Court in *Walz v. Tax Commission of the City of New York,*[63] upholding tax exemption for religious institutions, indicates that state-confered tax exemptions alone would not bring private schools and universities into the state action realm. Thus it appears that, in the absence of special factors, under present court decisions on state action private educational institutions would remain within the private sector, not subject to the constitutional requirements of the Equal Rights Amendment.[64]

The current state of the law on state action in the field of education, however, will be subject to further development as the goals of the Equal Rights Amendment are pressed upon the courts. It would seem clear that the basic principles of state action would, as a general proposition, require that the state eliminate male domination from the educational system. What this would demand in specific instances cannot be spelled out in detail at this point. To the degree that large private institutions, functioning in a quasi-public capacity, provide a significant share of the education which counts most heavily toward achievement in our society, they will be required to operate without discrimination against women. The public sector in education would never be construed to embrace all private schools or colleges. Nevertheless, under present conditions, the Equal Rights Amendment will operate to expand the area in which different treatment of the sexes is impermissible in the area of education.

In general, it may be said that the concept of state action would be rigorously applied up to the point necessary to achieve the objectives sought by the Equal Rights Amendment. In the long run, as discrimination against women disappeared, however, it would be desirable for the public sector, in which state action prevailed, to diminish, and the private sector, in which individual preferences were recognized, to expand.

G. Other matters of interpretation and wording

Several other questions of interpretation, as to which no serious problems arise, remain to be noted. One is the meaning of the word "rights" as used in the Amendment. The proponents have always made it clear that the exercise of rights entails the performance of duties and that the term "rights" includes all forms of privileges, immunities, benefits and responsibilities of citizens. By 1971, even the Amendment's opponents grant this, abandoning Senator Haydens distinctions.

Consensus has also been reached on the meaning of the enforcement clause of the Amendment. In 1943, the Senate Judiciary Committee used the language of the Eighteenth Amendment, that "Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation."[65] The committee intended that this provision be construed as limiting Congressional authority in implementing the Amendment to that already provided by some existing federal constitutional power. Such is not, however, the intention of the present proponents. And the ambiguity has been clarified in the resolution introduced in this session by Representative Griffiths.[66] The enforcement provision is now similar to that in the Thirteenth, Fourteenth, and Fifteenth Amendments, and reads: "The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article."[67] The states, not operating under a system of delegated powers, need no further grant of authority to implement the provisions of the Amendment.

There remains the question whether the present wording of the substantive provisions of the Amendment, which has been stable since 1943, can be clarified or improved. There is no persuasive reason to make any change. In the first place, the present language states the central idea succinctly. Its wording is similar to other constitutional amendments establishing and protecting fundamental rights, notably the Fourteenth, Fifteenth, and Nineteenth. Like them, the Equal Rights Amendment states a general principle rather than spelling out the concept of equal rights in detail. This permits development of more specific doctrines through constitutional litigation and adaptation of the basic mandate to unforeseen situations and new conditions, a process which has proved generally successful throughout our history.

Second, a search for more appropriate wording in the constitutions of other countries has not yielded positive results. Provisions granting equal rights for women do occasionally exist. Thus, Article 3, Section 2 of the Constitution of the German Federal Republic provides: "Men and women are equal before the law." This formulation, however, does not seem preferable to the Equal Rights Amendment.

Finally, use of this wording does not bind proponents to older, unacceptable theories sometimes advanced in previous debates. On the contrary, the responsibility rests upon the present Congress to attach to the Amendment the meaning it now intends.

H. Summary

We believe that the Equal Rights Amendment, broadly construed in the manner set forth above, furnishes a viable structure for achieving equality of rights for women. The basic proposition—that differences in treatment under the law shall not be based on the quality of being male or female, but upon the characteristics and abilities of the individual person that are relevant to the differentiation—is founded in the fundamental values of our society. Most of the objections which have been addressed to the absolute form of the Amendment are answered by the fact that the Amendment is inapplicable to laws dealing with unique physical characteristics of one sex or by application of the constitutional right of privacy. Such other objections as have been advanced simply run counter to the major premises upon which the concept of equal rights for women stands. Furthermore, they must fall before the intransigent fact that no system of equal rights for women can be effective which attempts to litigate in each case the judgment whether the differentiation is "reasonable" or "justified" or "compelled." As a matter of constitutional mechanics, therefore, the law must start from the proposition that all differentiation is prohibited.

IV. PROBLEMS OF TRANSITION

The Equal Rights Amendment provides for a two year period after ratification before it goes into effect. This time will give the states and the federal government an opportunity to conform their laws to the mandate of the Amendment. Some opponents of the Amendment claim that this attempt to revise laws and practices will prove hopelessly confusing and difficult. Undoubtedly the transitional problems are important and will entail the expenditure of much thought and energy. But they are often far overstated. Technically, reviewing state laws to discover those which violate sex equality and reformulating them to satisfy the Equal Rights Amendments is easily within the competence of our legislative and judicial institutions. This task ought, however, to be entrusted wherever possible to persons who are sensitive to the existence of sex discrimination and who are fully committed to extirpating it wherever it appears.

A. Legislative revision

Given a desire to comply with the Amendment, legislative revision of existing laws is quite feasible. In the first place, legislatures will have received a broad national mandate from the Congress, and will have begun to discuss these issues when ratifying the Amendment. Momentum and guidance normally unavailable to them will be provided by the simultaneous action of many states on the same project. Calling upon the legislatures to make changes in such an atmosphere will be far different from relying on them, without an Amendment, to revise all their laws. Moreover, broad changes in important and complex areas of legislation have been successfully carried out under such circumstances in the past. When the Social Security Act[68] was passed in August, 1935, every state found it necessary to enact an unemployment compensation statute—a form of legislation with which we had had no experience whatever in this country—and to establish a complex system of admin-

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istration. Yet all this was substantially accomplished in less than eighteen months. Many states have revised their commercial laws and adapted the Uniform Commercial Code to fit their needs. Connecticut and Illinois recently recognized the need for change in their criminal laws and enacted new penal codes.[69] These revisions of large bodies of legislation (and related judicial precedent) have been effected without causing widespread uncertainty or confusion.

Second, the amount of work involved is limited by the fact that the Equal Rights Amendment affects only state action. Furthermore, some of the changes in official policy will be accomplished by administrative agencies, most of which have full power to conform their practices to the Amendment, by regulation or otherwise, without going to the legislature for new authorization.

The procedures for accomplishing law revision vary throughout the country, according to the institutions and practices of the different states. Most states, however, have some official body, often a committee of the legislature, called the Law Reform Commission or the Legislative Council, which oversees statutory change. These commissions normally operate between sessions of the legislature and are the traditional instrument for reforming state law. They would normally be expected to be involved in the changes required by the Equal Rights Amendment.

In implementing the Equal Rights Amendment, however, it is particularly important that the group primarily responsible for the work include the Amendment's principal constituency, the women of the state. Two factors should be taken into account by governors in appointing a group to manage the review. One is the need for legal talent and familiarity with the areas of law requiring change. The other is the necessity that the group be responsive to women from all sectors of the community, for they are the ones whose needs and preferences are paramount in the revision process. This is not to suggest that these two components will be completely distinct in composition and role. Many of the lawyers involved ought to be women, and the representatives of community groups will aid in all aspects of the project.

In creating their commissions, the states can draw on a wide range of institutional resources. The state university law school, equipped to do research and drafting, will probably be the institution most often consulted and chosen to oversee the task. In some states, the Commission on the Status of Women would be an appropriate starting point. Such commissions, with women members, exist in every state, and an Interstate Association keeps the groups in contact. The State Association of Women Lawyers, the National Conference of Law Women, and the State Bar Association are other sources of legal skills. Likewise, groups such as the American Civil Liberties Union, Women's Equity Action League, and the National Organization of Women could provide advice and research in many states.[70]

The group given main responsibility for the legal study should include women from community groups such as the local chapter of the National Welfare Rights Organization, the League of Women Voters, women in union locals, and the state Democratic and Republican women's clubs. As members or close consultants to the working body, these women would take part in policy decisions regarding the new laws. They would also serve as conduits for the opinions and ideas of other women in the state.

On a national scale, several groups might offer aid to the states in their work. The Citizens' Advisory Council on the Status of Women, created by Executive Order in 1963,[71] has done much work on the Equal Rights Amendment. Its research would be a source of ideas and information for the state groups on the form and substance of new legislation. The Council of State Governments, mainly an information-sharing association, could also prove helpful by circulating data about action which the various states are taking to bring their laws into compliance with the Amendment. The National Conference of Commissioners on Uniform State Laws could draft uniform laws in some of the areas in which major change will have to be made. Their Uniform Marriage and Divorce Law, for example, already follows the principles of the Equal Rights Amendment, and many states might want to adopt that law instead of doing their own rewriting.

As the Uniform Marriage and Divorce Law shows, the task of revising state laws and practices is not one which must be undertaken as a totally new and fresh project. Much work has already been done. The Model Penal Code goes a long way toward removing sex discrimination from the criminal law. In virtually every legal area affected by the Amendment there has been some experience, some thinking, or some work in progress. The job that remains is to mould and complete the materials already partially created to suit the needs of the particular states.

Even after such good faith efforts have been made (or in cases of failure to complete the revision), there remain other problems of transition. The new legislation, or old law in areas in which the legislature did not act, will inevitably raise questions of construction and application. These matters the courts will be called upon to resolve.

B. The general rules for judicial application of the equal rights amendment

To the extent that Congress and the state legislatures have expressly indicated the impact the Equal Rights Amendment is meant to have on existing law, that legislative history will govern later judicial interpretation. However, in many instances there may be no clear legislative mandate available, and the courts will have to determine the impact of the Amendment in light of its general legislative history and settled principles of constitutional adjudication. The doctrines developed by the courts for this task have given them broad authority to make sensible and practical adjustments in conforming current laws to the requirements of the constitutional mandate. Thus, the courts have the power to construe legislation to avoid unconstitutionality or even to avoid constitutional doubts; they may hold certain sections or applications of a law to be separable from others in order to save parts of the law; they may extend the scope of a statute to reach those wrongfully excluded; or they may invalidate the law *in toto*. The considerations governing the use of these various methods of construction have not always been made explicit in judicial opinions. Nevertheless patterns emerge from an examination of the cases, and it is possible to predict with considerable accuracy what the courts will do in most situations.[72]

In cases challenging statutes under the Equal Rights Amendment the courts will be faced with essentially two alternatives: either to invalidate the estate or to equalize its application to the two sexes. If the latter alternative is selected, there may sometimes be a question as to the proper basis for equalization. However, the more difficult problems posed in the application of other constitutional doctrines, such as vagueness or chilling effect, are unlikely to arise here.[73]

In determining the impact of a constitutional provision upon a non-conforming statute, courts look primarily to the legislative intent behind the statute in question. Whether the statute falls completely or is modified in some way depends upon the court's assessment of what the legislature itself would have done had it known that all or part of its original enactment would be invalid. Of course, such legislative intent is often not easily ascertained. Where legislative history is scant, or lacking altogether, there is little for courts to rely on except their own judgment about what the legislature must have intended. Then, too, the further question arises as to which legislature's intent is relevant—the one which passed the bill originally, an amending legislature, if any, or the one currently in session.[74]

In these circumstances, critics have charged that legislative intent and the policy judgment of the reviewing court are nearly indistinguishable. However that may be, the courts have tended to structure their judgment in terms of certain standard factors which are thought to provide at least rough guides to probable legislative intent and, equally important, to rational results in adjusting statutes to constitutional requirements. Since several of these factors are often present in one case, it is useful to describe the factors briefly and then, by way of illustrating their operation, analyze selected cases.

The first of these interpretive factors is a practical consideration of the *importance* of the legislation and the *feasibility* of retaining it in the altered form required by the constitutional mandate. If the challenged statute deals with a subject of major significance, the court will attempt to find a saving construction, even if that requires a strained interpretation of the statutory language on its face. On the other hand, if the saving construction produces a result which is not workable as a practical matter, or requires drastic changes in other areas to be viable, the court will be inclined to strike down the statute. For example, a court would be most unwilling to invalidate a revenue law or a voting qualifications statute, because taxes and voting are crucial to the political system. However, it might refuse to extend a law prohibiting night work for women to cover men, because such extension of coverage would not be feasible without fundamental changes in industrial organization, and because the subject matter is one that could readily await legislative action.[75]

Second, the courts are influenced by the *proportional difference* between what the original enactment was designed to cover relative to how much it can or must constitutionally include. This factor may be reflected either in terms of the number of persons who would be added or excluded relative to the original number, changes in geographical area covered, the number of original provisions which remain, or other indices of the percentage of the statute added or subtracted. Thus if the class added by construction is small in comparison with the classes already included, the court will generally assume that the legislature would prefer the statute to stand despite a minor change and will probably extend the law to conform with the new constitutioal mandate. If the proportion is reversed, the court might, by invalidating the law, refer the matter back to the legislature for decision.[76]

A third factor which strongly influences the courts is whether the statute in question is *civil* or *criminal*. Courts have long observed a maxim that penal laws are to be strictly construed. To avoid judicial creation of new crimes beyond those established by the legislature, courts will refuse to extend a criminal law to cover groups of people implicitly or explicitly excluded on the face of the law. In other words, the courts will not presume that the legislature, faced with the problem of unconstitutionally under-inclusive penalties, would have chosen to extend them to a new group.[77] As one court put it, in the process of invalidating an entire penal statute:

> By striking out the exemption as unconstitutional, it leaves subject to criminal pros-

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> ecution those the Legislature expressly intended should be exempt.
>
> As to them it would be making that a crime which was never intended should be. The exemption renders it impossible to enforce the legislative will.[78]

The three factors discussed so far are the principal ones which guide the courts in determining legislative intent when the legislative history of the statute or the constitutional provision itself does not explicitly resolve the issue. There are two additional considerations which may influence judicial resolution of a constitutional challenge, but they operate with less force and clarity.

The first is related to the criminal-civil distinction. If a saving construction has the effect of extending a *burden* to a previously excepted class, the courts are somewhat less likely to adopt it than if the new construction extends a *benefit* previously denied those excepted. Thus a statute prohibiting women from being bartenders would be stricken down rather than extended to men; but a law giving only mothers of illegitimate children a right to custody would be extended to fathers.[79] There are two kinds of ambiguities, however, in the benefit-burden analysis, both of which may make it difficult for courts to appraise the benefits and burdens involved. First, a law may have a variable impact within the covered classification. Thus, a law providing a lower age of termination of parental support and control for women than men, or a law setting maximum hours for female workers, provides benefits to some of the class covered by the law (those who want to be free of parental supervision and those who do not want to be forced to work long hours) and burdens to others (those who want to be supported through college by their parents and those who want to earn high overtime wages). Second, a law which provides a benefit to one class may entail a cost to another class. Thus, a law providing overtime pay for female employees may be intended to benefit them but also burdens the employer. Where the burden falls on the general public, as in the case of a benefit supported by tax funds, the court may be inclined to ignore the burden or cost aspect of the equation and extend the benefit to improperly excluded classes. But where the burden is borne by private individuals or groups the court may react differently.[80] For these reasons the benefit-burden dichotomy will often require further analysis.

The final consideration, which is probably the most frequently mentioned by judges, is actually the least important. In a series of cases dating back at least to *United States v. Reese*[81] in 1875, courts have claimed that they lack the power to add words to statutes, although they possess the power to exercise words or to interpret them freely: Several commentators have rightly been critical of this semantic distinction on the ground that the answer to the question of what the legislature would have wanted to happen is not contingent on whether the result requires the addition or removal of words.[82] An examination of the cases in which courts have refused to reach a given result for methodological reasons suggests that alternative bases exist for most of these decisions, including hostility on the part of the court to the substantive policy embodied in the challenged statute.[83] In other words, semantic considerations appear to play more of a role in the courts' description of what they are doing than in the actual results. This factor can therefore be largely ignored as a basis of decision, although it may tip the scales one way or another in an unusually close case.[84]

The factors outlined above do not exhaust all the possibilities. But they do suggest the principal guidelines for judicial determination of "legislative intent." Since these factors sometimes militate against each other in particular cases, judicial interpretation of the Equal Rights Amendment can only be predicted if the relative weights accorded each are taken into account. The way in which these considerations operate in the actual process of judicial decision can best be seen from a brief examination of cases in areas most comparable to the Equal Rights Amendment.[85]

In several cases arising under the Fifteenth Amendment, state voting statutes which discriminated on their face against blacks were automatically extended to cover blacks as well as whites.[86] In those cases, the number added by the court was small in proportion to the number of people already included; in addition voting statutes are of prime importance to the operation of government and the inclusion of the new group did not raise administrative problems. Under the Nineteenth Amendment, prohibiting denial of the right to vote on account of sex, the same result was reached even though a large number of new voters (potentially over 50 per cent) was added to the rolls.[87] In these cases the subject matter—voting—was clearly the dominant factor. Courts are unwilling to invalidate such laws, thereby leaving the state without a statute on voting qualifications and procedures. Even when the number added by the change is large in comparison to the number covered by the original enactment, the importance of the law requires extension rather than invalidation.

The equal protection decisions probably provide the closest analogies to the cases likely to arise under the Equal Rights Amendment. Dealing with discrimination against specified classes of individuals, they have usually resulted in the extension of benefits to the previously excluded group. For example, in *Sweatt v. Painter*[88] and *McLaurin v. Oklahoma State Regents*[89] the right of access and treatment substantially identical to that accorded white students in state institutions of higher education was extended to black students. Such extension of benefits has not been limited to cases involving racial discrimination. In *Levy v. Louisiana*[90] the right to recover wrongful death benefits was extended to illegitimate children and in *Shapiro v. Thompson*[91] the right to receive welfare benefits was extended to cover residents who had recently moved from another state. Extension in these cases was consistent with the general principles of construction discussed above: the statutes were civil, their subject matter was important, and the number of people added to the coverage of the law was small in comparison to the number already included. But even when the number of people affected is large, a statute involving an important civil benefit or duty is often extended. In *White v. Crook*,[92] the Alabama statute excluding women from jury duty was held to violate the Fourteenth Amendment; it was not struck down, but instead the right and duty of serving was extended to women.

On the other hand, when the discrimination is part of a criminal law, the coverage of the law is rarely if ever extended.[93] Thus, a criminal law providing special penalties for interracial cohabitation was struck down rather than extended to all cohabitation in *McLaughlin v. Florida*.[94] And the courts have invalidated state laws providing greater criminal penalties for women than for men, rather than extending the increased penalties to men.[95] Since persons prosecuted under a law are unlikely to urge that the law be extended to cover those discriminatorily excluded, and since individuals not prosecuted cannot urge this result, it might seem that the alternative of extension is not even before the court. However, in *Skinner v. Oklahoma*, a law which arbitrarily selected one class of habitual offenders for sterilization was remanded to the Oklahoma Supreme Court because, as Justice Douglas said:

> It is by no means clear whether, if an excision were made, this particular constitutional difficulty might be solved by extending on the one hand or contracting on the other . . . the class of criminals who might be sterilized.[96]

Apparently, the Oklahoma Supreme Court did not feel it could take upon itself the decision to extend the penalty to a class of offenders not included by the legislature, and therefore invalidated the law by failing to take action on remand.

Taken as a whole, the principles used by the courts have operated to produce results that are probably what the legislature would have done had it known of the new constitutional mandate. While no one can say that the outcome of every issue will be the same in every state, it can be said with some assurance that the courts have the powers, doctrines and experience to handle Equal Rights Amendment cases without wholesale invalidation of viable laws or other absurd results. The main problem which we have discovered is the necessity for state legislatures to direct particular attention to their criminal laws, as the courts are least likely to correct defects in this area.

V. THE AMENDMENT IN OPERATION

The theory of the Equal Rights Amendment, described above in Part III, will provide a framework for deciding whether laws and governmental practices are constitutional under the Amendment. The criteria for judicial application, discussed in Part IV(B), will function as ground rules guiding judges in implementing a decision that an existing law is unconstitutional. However, for most of those who are deciding whether or not to support the Equal Rights Amendment, it will not be enough to know the general theory underlying the Amendment. They will want to know how the Equal Rights Amendment will affect legal rights and responsibilities in important areas of their lives. They will want to assure themselves that the changes will not produce absurd or chaotic results, and that there will be a reasonable degree of predictability. This is so especially since the debate over the Equal Rights Amendment has been waged largely in terms of its impact on particular laws or institutions.

Many of the important changes which the Equal Rights Amendment will require are easy to predict and will serve to correct instances of clearcut sex discrimination in the law. Some of these changes are mentioned here simply to remind readers that, once the theory of the Equal Rights Amendment has been agreed on, much of its application will be obvious and direct. States with jury laws which make special exceptions or exemptions for women will no longer be able to discriminate on the basis of sex. For example, states which grant jury service exemptions to women with children will either extend the exemption to men with children or abolish the exemption altogether. The few state laws which still require women to comply with special qualifications to do business will be invalidated, as will laws which prohibit women from acting as trustees or executors. Age differentials on the basis of sex will be equalized: the age of majority will be the same for men and for women, and the child labor laws and juvenile court laws will cover young people until the same age, regardless of sex. Similarly, legal retirement ages will be equalized for men and women: where the permissive retirement age is lower for women, the chance to retire early will be extended to men; but where the compulsory retirement age is lower for women, women will be permitted to continue working until the same age as men. Men and women will be considered for admission to all state universities on an equal basis. Government benefit programs which currently discriminate on the basis of sex will be avail-

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able to men and women alike: manpower training programs will be required to accept young women on an equal basis with young men, and Social Security will be required to provide the relatives of working women with the same benefits it provides to the families of working men. Women will have the same right to sue for loss of a spouse's consortium that men now have.

In the remainder of the article, we explore the operation of the Equal Rights Amendment with respect to four important areas: protective labor legislation, domestic relations law, criminal law, and the military. These areas have been chosen because they appear to have raised the most serious doubts in the minds of some people. Each involves practices or sets of legal relationships which have been based on sex discrimination and sex differentiation for so long that untangling the effects of sex inequality requires more than an instant's consideration. In addition, many of the issues raised in the discussion of these subjects resemble problems that will arise in other areas. Thus, discussion of their resolution suggests the shape of the impact of the Equal Rights Amendment in other contexts.

In discussing the operation of the Equal Rights Amendment, we have not undertaken a comprehensive justification of the Amendment's beneficial effects. Other writers have explored the harms caused by the law's current discrimination and the benefits which will flow from their elimination by the Equal Rights Amendment.[97] We have not generally repeated the observations of these writers. Rather, we have concentrated on analyzing the legal changes which the Equal Rights Amendment mandates. It may be noted in passing, however, that the authors believe that fears about the socio-economic impact of the Equal Rights Amendment are based upon unrecognized sex bias, sexual stereotypes which do not take account of the actual capacities and circumstances of most men and women, and failure to consider the comprehensive impact of an absolute theory of legal equality.

A. Protective labor legislation

The impact of the Equal Rights Amendment upon so-called protective labor legislation applicable only to women has been and remains a source of major controversy. In past years many individuals and groups favorable to equal rights for women refused to support the Amendment because of fear that it would deprive working women of important gains achieved only after hard-fought battles in the late nineteenth and early twentieth centuries. Most of the labor groups currently opposing the Amendment invoke the same argument. Within recent years, however, two important developments have put these issues in a very different light. One is the realization that, whatever the original design, under present conditions legislation of this nature has on the whole proved to be more repressive than protective for women. The other is that Title VII of the Civil Rights Act of 1964,[98] which prohibits discrimination in employment on account of sex, has already largely eliminated such legislation or extended its protection to men. State legislative officials themselves, often explicitly in response to Title VII, are hastening this process of change.

While there are many types of labor laws applicable to women only, basically they may be grouped into three broad categories: (1) laws conferring supposed benefits, such as minimum wages, a day of rest, a meal or rest period, and the provision of chairs for rest periods; (2) law excluding women from certain jobs, such as mining or bartending, or from employment in any job before and after childbirth; and (3) laws restricting women's employment under certain conditions, such as at night, more than a maximum number of hours, or in jobs requiring the lifting of weights above a set limit. The tables on the following pages show the pattern of these laws as of 1968, and significant changes by state governments and federal courts as of April 1971.[99]

Evidence has been accumulating in recent years that these "protective" laws for women actually provide little real protection.[100] The uneven coverage, wide variation among states, proliferation of exceptions for jobs for which coverage seems most appropriate, and outright exclusion of women from many lucrative occupations demonstrate a lack of protective function. The conclusion that the laws serve primarily as an excuse for employers and unions to keep women in lower paying jobs, or out of the labor force altogether, is supported by the increasing number of women's lawsuits challenging these restrictions. Moreover, any sex-based law has an inevitably discriminatory impact, because a large number of women do not fit the female stereotypes on which the laws are predicated.[101] These women are unfairly denied the higher wages and other benefits of traditionally "male" jobs. To the limited extent that the laws do provide bona fide protection, men are discriminatorily denied benefits.

Title VII of the Civil Rights Act of 1964 confirms the judgment that sex is not a desirable basis for employment rights and practices. Title VII provides that it shall be an "unlawful employment practice" for an employer engaged in an industry affecting interstate commerce, who has twenty-five employees or more, to "discriminate against any individual with respect to his compensation, terms, conditions or privileges of employment, because of such individual's race, color, religion, sex, or national origin." [102] Similar unlawful employment practices by labor unions and employment agencies are also forbidden. The Act establishes the Equal Employment Opportunity Commission (EEOC) as the agency charged with administration of these provisions. Remedy for violation is through conciliation by the Commission or, that failing, court action.[103]

TABLE I—*State labor laws as of December 1968*

A. State "benefit" laws

Type of law, number applicable to women only, number applicable to men and women

Minimum Wage: 7, 3 (not in operation); 29, D.C.*, P.R.*, Federal Fair Labor Standards Act.

Day of Rest Prescribed: 14, D.C.; 7, P.R., also 28 "Sunday blue laws" which achieve the same result.

Meal Period (20 minutes to one hour): 20, D.C., P.R.; 3.

Rest Period (10 minutes for each half day of work): 12, P.R.; 0.

Chairs to be provided: 44, D.C., P.R.; 1.

B. State exclusionary laws

Type of law, number applicable to women only, number applicable to men and women

Occupations (total exclusion from): 26—including 17-Work in or about mines, 10-Bartending, 1-Work in retail liquor stores, 11-Other occupations; 0.

Childbirth (employment before and after prohibited): 6, P.R.; —.

C. State restrictive laws

Type of law, number applicable to women only, number applicable to men and women

Weight limits (work requiring lifting more than set amount—ranging from 15 to 50 pounds—is prohibited): 10, P.R.; 0.

Hour limits (work over the limit—with desirable premium pay rates for overtime—is prohibited): 38, D.C. (3 of the 38 states cover both men and women in some industries; only women in others); 3.

Nightwork (either prohibited or regulated): 18, P.R.; 0.

Table II.—Significant changes in State protective laws since 1966

A. CHANGES BY STATE LEGISLATURES AND STATE OFFICIALS

Repealed hours laws: Arizona, Delaware, Montana, Nebraska, New Jersey, New York, Oregon, Vermont.

Extended weightlifting law to men: Georgia.

Rulings by Attorneys General that state laws are superseded by Title VII or State Fair Employment Laws: District of Columbia, Illinois, Kansas (by Commissioner of Labor), Massachusetts, Michigan, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Washington, Wisconsin.

Exemption from hours laws of those covered by Fair Labor Standards Act or comparable standards: California*, Kansas, Maryland, North Carolina, Tennessee, Virginia.

Exemption from hours law if employee voluntarily agrees: New Mexico.

No prosecutions now because of uncertainty as to effects of Title VII: North Dakota.

B. CHANGES BY COURT DECISIONS

Hours Laws (cases cited note 132 infra.): California, Illinois, Massachusetts, Missouri, Ohio, Pennsylvania.

Weight Laws (cases cited note 127 infra.): California, Ohio, Oregon.

The task of interpreting the prohibitions upon sex discrimination embodied in Title VII has not yet been completed by the courts. The statute's basic proscription against sex discrimination is absolute on its face. The statute does, however, include one significant qualification: the provisions do not apply "in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business enterprise." [104]

The precise meaning of "bona fide occupational qualification," or bfoq, has not yet been determined. The EEOC has adopted a narrow construction, saying that preference in employment to one sex is permissible only "[w]here it is necessary for the purpose of authenticity or genuineness," as in the case of actors or actresses.[105] The federal courts have recently tended toward equally strict interpretations, although often framing somewhat different tests than the EEOC.[106] Whatever the eventual interpretation of Title VII, however, the significant point here is the powerful impact Title VII has had on state protective labor legislation. Employers otherwise bound to comply with state legislation embodying different treatment for women than for men are now required to conform to the overriding federal legislation which forbids any discrimination on grounds of sex. Although the reasoning used to strike down state legislation under Title VII differs considerably from the Equal Rights Amendment standard of allowing differentiation only on the basis of unique physical characteristics of one sex or the other, the bfoq test as narrowly construed, is much like the Equal Rights Amendment in practical effect.[107] The consequence is that Title VII gives us a preview of the manner in which the Equal Rights Amendment would displace concepts of "protective" legislation with principles of equal rights. In this area, indeed, the transition is already far along. Therefore, we now turn to a closer examination of laws and cases under the three categories of state protective legislation set out in Table I.

Footnotes at end of article.

* D.C.—District of Columbia; P.R.—Puerto Rico.

* Exemption only partial.

1. Laws Conferring Benefits

Even laws providing benefits such as a minimum wage and a required rest period have operated to discriminate against either women or men, and sometimes both. Men are discriminated against whenever they are denied the benefits of such laws. Women are sometimes discriminated against when, for example, they are put on a schedule which includes the required rest periods, while men are not; this arrangement is then used to justify paying women less and limiting them to certain jobs.[108] These discriminations would no longer be possible, of course, if both men and women workers were covered by the benefit-conferring laws.

Title VII cases which have considered such laws have held that the employer could conform to both the state requirements and Title VII by extending the benefits to workers of both sexes.[109] Hence invalidation of the state law has been unnecessary. Where Title VII has not already operated, the courts would probably reach a similar result under the Equal Rights Amendment. Most of the laws which confer benefits may be extended to more workers with little extra burden on the employer, and with little disruption of industrial organization.[110] The courts are therefore likely to presume that the legislatures would prefer to have these laws remain in effect, on an equalized basis, rather than be completely invalidated.

2. Exclusionary Laws

Laws which exclude women from certain occupations or from all employment under certain circumstances are always discriminatory rather than beneficial and neither could nor should be extended to men. Exclusionary statutes, when carefully scrutinized, provide the best examples of two kinds of laws: those whose only apparent purpose is to protect men's jobs, and those which seem to assume not only that women are too weak to protect their own interests but also that they are too stupid or careless to do so. These laws, which are gradually being struck down under Title VII and would also be expected to fall under the Equal Rights Amendment, are discussed below under two classifications: occupational exclusions and compulsory maternity leave regulations.

a. *Occupational Exclusions*. Laws which exclude women from specified occupations—and, in some states, a bewildering variety of occupations are included—impose a burden on some women without helping any others. Presumably women who do not want to be bartenders or miners will not apply for such jobs, while women who do want to work in the covered occupations, some of which are highly remunerative, are excluded merely because of their sex. Courts have recently begun to invalidate laws of this kind on the grounds of conflict with Title VII and the Fourteenth Amendment.[111] Extension to men would mean the elimination of certain occupations altogether, and thus it would not be a feasible outcome. Furthermore, it is difficult to imagine an occupational hazard which is based on a physical characteristic unique to one sex; if the occupation is dangerous, it is dangerous to both sexes. Under the Equal Rights Amendments, courts are thus not likely to find any justification for the continuance of laws which exclude women from certain occupations. Legislatures which are concerned with real hazards in certain jobs will have to enact sex-neutral protections.

b. *Compulsory Maternity Leave Regulations*. Laws which require employers to impose leave on pregnant employees for a specified period before and after childbirth, without providing job security or retention of accrued benefits, such as seniority credits, are similarly exclusionary. Seven jurisdictions have enacted such restrictions into law; the stage of pregnancy at which mandatory leave is imposed varies between three weeks to four months before expected delivery.[112] None of these laws provides for any compensation by either state or employer, or job security, during the compulsory leave period, except that of Puerto Rico, which requires the employer to pay one-half salary during leave for temporary disabilities, including eight weeks compulsory leave for pregnancy, and provides job security during the required absence.[113] In addition to state laws, many state agencies have more restrictive regulations for their own employees; school board regulations are particularly significant, since a large number of women workers teach school. These regulations commonly require leaves to commence much earlier in pregnancy than the state laws discussed above.[114]

Under the Equal Rights Amendment, it will probably be argued in defense of these laws and state regulations that they deal with unique physical characteristics of women. It is true that the state may regulate conditions of employment for women in a physical condition unique to their sex, but the kind of regulation imposed would be subject to careful judicial review, utilizing the kinds of standards set forth previously in Part III.[115] Two recent federal court decisions provide a preview of the kind of close scrutiny which the Equal Rights Amendment will require. One struck down a compulsory maternity leave regulation under Title VII; the other reached the same result under the Equal Protection Clause of the Fourteenth Amendment. Both courts recognized that compulsory maternity leave provisions are not genuinely protective either of women's health or of their employment rights.[116]

In *Schattman v. Texas Employment Commission*,[117] a woman challenged the imposition of compulsory leave in her seventh month of pregnancy. Following the *Weeks* doctrine that Title VII prohibits sex-based employment practices unless the employer can demonstrate a strong factual basis for the policy in terms of safety and efficiency,[118] the court found no such evidence supporting compulsory maternity leave from the plaintiff's desk job.

This decision parallels an application of the Equal Rights Amendment's tests for regulations purporting to deal with unique physical characteristics. The maternity leave regulation in the *Schattman* case would satisfy only the most elementary of the unique physical characteristics tests: that the sex-based classification (i.e. pregnant women) be based in fact on a physical characteristic unique to one sex. The regulation would fall, however, if the state could not show the existence of a "problem" of legitimate legislative concern (such as the danger of job-related injuries to pregnant women) and a sufficiently close relationship between the problem and the physical characteristic in question. The state made neither showing in the *Schattman* case; if it *had* demonstrated a job-related problem which was tied to the condition of being seven months pregnant, the court might then have considered whether the regulation imposed was the least drastic solution to the problem demonstrated, and have balanced the importance of the problem against the costs of the least drastic solution.[119]

A similar state regulation was struck down in *Cohen v. Chesterfield County School Board*,[120] in which a female teacher challenged a school board regulation imposing maternity leave at least four months prior to the expected birth of her child. The district court reviewed the supposed medical and administrative reasons for the school board's policy, and found them to have no empirical basis or persuasive force. The argument that mandatory leave was justified by frequent "incapacitation" at that stage of pregnancy was found to be medically incorrect; the idea that pregnant teachers had to be protected from such physical hazards of employment as "pushing with resulting injury to the fetus" was found to be entirely speculative, as was the allegation of increased inefficiency on the job, such as inability to perform duties during fire drills.[121] The court concluded that "[b]asically, the four month requirement . . . was arbitrarily selected," and that "since no two pregnancies are alike, decisions of when a pregnant teacher should discontinue working are matters best left up to the woman and her doctor." [122] More broadly, the court held that "pregnancy, though unique to women, is like other medical conditions, and the failure to treat it as such amounts to discrimination which is without rational basis, and therefore is violative of the Equal Protection Clause of the Fourteenth Amendment." [123]

This decision, if cast in terms of the Equal Rights Amendment standards, would be similar to the *Schattman* decision discussed above: the state was unable to make an elementary showing of a job-related problem linked to the physical characteristic at issue. In addition, the court made two other findings that parallel the application of Equal Rights Amendment standards. First, the court held that in its relation to employment, pregnancy was only a small part of the larger problem of temporary disabilities which could not constitutionally be dealt with separately. Second, the imposition of compulsory leave was found to be impermissible where a rule letting a woman and her doctor decide when optional leave should commence would meet any medical need for leave and would be less onerous to pregnant women. In other words, the regulation discriminatorily selected out a small sex-linked part of a larger problem, and imposed a more drastic solution than was necessary. A court operating under the Equal Rights Amendment might also find that a sex-neutral rule, allowing any temporarily disabled worker and his or her doctor to determine the duration and timing of leave, would also be an available less drastic alternative.

3. Laws Restricting Conditions of Employment

Other types of laws cannot so easily be categorized as imposing either benefits or burdens on covered workers. In this category are most weightlifting limits, maximum hours laws, and night work prohibitions. As one commentator noted, "the reality is that such laws simply do not accomplish their aim—real protection," [because] sex as a criterion cannot predict with sufficient accuracy who needs what protection. If injury due to lifting weights is a problem the answer is to find out what every *individual* can safely lift with modern techniques and then forbid employers to fire individuals who refuse to lift weights above [their personal] limit. If some men and some women don't want to work overtime and unions want to protect the right not to work overtime, laws should be passed forbidding employers to fire those who refuse overtime, but those men and women who *do* want overtime pay should not be penalized because of the desires of those who do not want it.[124]

The same considerations apply to night work prohibitions. Night work is often better paid and may be more convenient for some women, including those whose husbands could care for the children at this time, or who wanted to work at night while going to school in the daytime. On the other hand some workers, both male and female, would consider it a benefit to be exempted from such assignments.

After an initial period of uncertainty, the EEOC took a strong position in 1969 against labor laws which impose restrictions only on women's employment. EEOC regulations now state:

> The Commission believes that such State laws and regulations, although originally promulgated for the purpose of protecting females, have ceased to be relevant to our

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Footnotes at end of article.

technology or to the expanding role of the female worker in our economy. The Commission has found that such laws and regulations do not take into account the capacities, preferences, and abilities of individual females and tend to discriminate rather than protect. Accordingly, the Commission has concluded that such laws and regulations conflict with Title VII of the Civil Rights Act of 1964 and will not be considered a defense to an otherwise established unlawful employment practice or as a basis for the application of the bona fide occupation qualification exception.[125]

The courts have also dealt with the impact of Title VII upon laws of this ambiguous kind. While we cannot here analyze all the cases, we select a few typical decisions which illustrate the trends in these areas, and compare the Title VII developments to anticipated results under the Equal Rights Amendment.

a. *Weightlifting.* Several important court decisions on weightlifting have concerned company or union regulations rather than state laws. The principles involved in reviewing these private regulations under Title VII, however, are similar to those that would be used in reviewing state legislation under the Equal Rights Amendment. The great majority of decisions, whether dealing with state laws or industry regulations, have either invalidated weightlifting restrictions *in toto* or extended them on an individualized basis to cover both men and women. Since most of the limits are low, between fifteen and forty pounds, it would clearly not be feasible merely to extend the laws as presently written to cover men. If courts reached this result, no factory workers could ever lift even moderately heavy weights, and great changes would be necessary in many plants. Some courts have given employers the option of instituting an individualized testing program, as long as it is applied equally to both sexes.[126]

A more common result in weightlifting cases is complete invalidation, leaving all workers with no protection against employer pressure to engage in the lifting of heavy weights.[127] Under such circumstances the legislature would be free to enact individualized testing requirements, to set higher absolute limits applicable equally to both sexes, or to require employers to provide mechanical aids for the lifting of weights above a certain limit.

Under the Equal Rights Amendment employers, unions and state officials may defend weightlifting regulations for women on the grounds that a unique physical characteristic is involved, just as they argue that sex is a bfoq under Title VII for jobs requiring weightlifting. Although the theories and standards under Title VII cases and regulations differ from the Equal Rights Amendment standards set forth earlier,[128] proponents of weightlifting regulations who have been unable to meet the burden of proof for a bfoq will also probably be unable to satisfy the unique physical characteristics tests under the Amendment. If, under Title VII, one cannot prove by factual evidence that "all or substantially all women are unable to perform a given job safely and efficiently," [129] one almost certainly cannot prove by factual evidence that average weightlifting differences between men and women are caused by a unique physical characteristic possessed by all or some women and no men.[130] There is little reason to doubt, therefore, that courts will invalidate weightlifting regulations for women under the Equal Rights Amendment as well as under Title VII.

b. *Maximum Hours Laws.* Maximum hours laws vary as to the kind and quantity of limits imposed. Some states restrict women workers to a certain number of hours per day as well as per week. These laws are to be distinguished from state laws and union contracts which, while imposing no absolute maximum limit on the number of hours worked in any day or week, do require that all hours worked past a fixed number be compensated at premium rates, usually time and a half or more. A few such premium pay laws cover women only. These are easily extended.

Overtime work at premium pay, guaranteed by state and federal laws or union contracts, is a common feature of many male workers' jobs. Indeed overtime is often necessary for these workers to maintain their standard of living from week to week. Under the maximum hours laws, female workers who wish to work overtime are discriminatorily denied this added source of income. On the other hand, even under premium pay laws and regulations, there are many male and female workers who would prefer to be able to refuse overtime work and still retain their jobs.[131]

The trend of court decisions under Title VII is to invalidate maximum hours laws which apply only to women.[132] This result would also be predicted from principles of statutory construction under the Equal Rights Amendment. The extension of maximum hours laws to cover men would drastically change many work situations. Individualization by judicial fiat is even more difficult than in the weightlifting cases because there are many alternative ways to protect workers from having to work overtime against their will. Hence, while a law protecting both men and women from coerced overtime is desirable, the courts are likely to leave the matter to legislative decision, meanwhile equalizing both sexes under the Equal Rights Amendment by invalidating the law. This would seem to be one area, therefore, in which legislative attention between ratification and the effective date of the Amendment would be important.

4. Summary

The operation of Title VII to date thus foreshadows how, in one important area, the Equal Rights Amendment would function. In general, labor legislation which confers clear benefits upon women would be extended to men. Laws which are plainly exclusionary would be invalidated. Laws which restrict or regulate working conditions would probably be invalidated, leaving the process of general or functional regulation to the legislatures. The courts have already reached these results in a number of cases arising under Title VII. The Equal Rights Amendment would accelerate this trend, providing a new incentive to legislatures and unions to develop and implement programs of genuine protection for workers of both sexes.

B. Domestic relations law

Given the traditional social and economic view that woman's place was in the home, it is not surprising that laws affecting domestic relations have defined women's rights and duties with great specificity.

At common law, a woman who married became a legal non-person—a *femme couverte.*[133] Upon marriage, she lost virtually all legal status as an individual human being and was regarded by the law almost entirely in terms of her relationship with her husband. Statutory developments in the nineteenth and early twentieth centuries tended to frame a more dignified but nevertheless distinct and circumscribed legal status for married women. At the present time domestic relations law is based on a network of legal disabilities for women, supposedly compensated by a corresponding network of legal protections. The law in this area treats women, by turns, as mental incompetents and as more mature persons than men of the same age; as valuable domestic servants of their husbands and as economic incompetents; as needing protection from their husbands' economic selfishness and as needing no protection from their husbands' physical abusiveness. In many respects, such as name and domicile, the law continues overtly to subordinate a woman's identity to her husband's.

Much of the national discussion about women's status has focused on marriage and divorce laws, and rightly so, because the issues involved are important to people personally, and because women's domestic role has traditionally been considered their primary one. Unquestionably, the trend in marriage and divorce law is in the direction of treating the spouses equally or on the basis of their individual capacities. Progressive present-day models for change in the area of family law eliminate virtually all differentiation on the basis of sex.[134] Thus, in most instances, the effect of the Equal Rights Amendment on marriage and divorce law will be to move the law more directly, more forcefully, and more expeditiously, in the direction it is already going.

In considering the following discussion of the impact of the Equal Rights Amendment on some aspects of domestic relations law, the reader should keep in mind the law's limited power to predetermine and control the nature of intimate personal relationships. In the realm of marriage and the family, social customs, economic realities, and individual preferences have a far greater influence on behavior than the law. This is not to say that the law does not play an important role in shaping and channeling these other forces, but rather to point out that a change in the law—insofar as the change leaves room for choice, as do the possibilities suggested below—will not result in immediate widespread change in what are essentially social customs. Furthermore, it is important to remember that the impact of the marriage and divorce laws varies according to the economic class of the family. In preparing this section, we have been limited by the dearth of academic research about the differential impact of domestic relations law according to economic class.[135]

1. Laws Affecting the Act of Marriage

The statutory requirements for a lawful marriage are generally very simple. They include in most states a valid license, a waiting period before issuance of the license, a medical certificate, proof of age, parental consent for parties below the age of consent, and a ceremony of solemnization. Of these, only age requirements for marriage with and without parental consent involve widespread discrimination on the basis of sex.[136] A 1967 survey of state marriage laws by the United States Department of Labor showed that only ten states set the same minimum age for marriage (age below which marriage, even with parental consent, is prohibited) for men and women. Only eighteen states set the same age of consent (age at which marriage is permitted without parental consent) for both men and women.[137] In every state with an age differential, the minimum age for men was one to three years higher than the minimum age for women.[138]

Since the minimum marriage age in all states is now well above the normal age of puberty, physical capacity to bear children can no longer justify a different statutory marriage age for men and women. Instead, there seems to be two current rationales for the higher marriage age for men. One is that, mentally and emotionally, women mature earlier than men. Maturity is such a relative and subjective concept that a court could never use it as a test for an inborn characteristic distinguishing all women from all men. Furthermore, mere estimates of emotional preparedness founded on impressions about the "normal" adolescent boy and girl are based on the kind of averaging which the Equal Rights Amendment forbids. The other rationale for the age difference is that men should not be distracted during adolescence from education and other preparation

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Footnotes at end of article.

for earning a living. This rationale is obviously untenable: the law should give as much encouragement to women to prepare themselves to earn a living as it gives to men.[139]

Under the Equal Rights Amendment, a court challenge to the age differential would most likely be made by a man suing to require issuance of a license to him at the lower women's age. Faced with such a challenge to the state law a court would have to find, for the reasons just discussed, that the marriage age differential did not meet the strict criteria of the unique physical characteristics tests required by the Equal Rights Amendment. Once it had concluded that a state could not constitutionally set one marriage age for men, and one for women, a court would be able to increase the marriage age for women upward to match the age for men, on the theory that the state should be equally solicitous of a women's training as a man's. Or a court might find that the legislature had pegged the age for men unreasonably high and revise the marriage age for men downward to correspond to the marriage age for women. A legislature reconsidering laws about the minimum age for marriage, either before or after a court challenge, would have to set a single age for men and women after weighing the policy considerations underlying the age limit. These considerations might indicate the higher age, the lower age, or an age in between the two.[140]

2. Merger of the Woman's Legal Identity into Her Husband's

a. *Name Change*. The requirement that a woman assume her husband's name at the time she marries him is based on long-standing American social custom. It is also firmly entrenched in statutory and case law.[141] In some states statutes indicate that a married woman must not only take but keep her husband's name.[142] Women who continue to use their maiden names after marriage may encounter resistance from the Internal Revenue Service, voting registrars, motor vehicles departments, or any number of nongovernmental sources.

The Equal Rights Amendment would not permit a legal requirement, or even a legal presumption, that a woman takes her husband's name at the time of marriage. In a case where a married woman wished to retain or regain her maiden name or take some new name, a court would have to permit her to do so if it would permit a man in a similar situation to keep the name he had before marriage or change to a new name. Thus, common law and statutory rules requiring name change for the married woman would become legal nullities. A man and woman would still be free to adopt the same name, and most couples would probably do so for reasons of identification, social custom, personal preference, or consistency in naming children. However, the legal barriers would have been removed for a woman who wanted to use a name that was not her husband's.

Some state legislatures might decide there was a governmental interest, such as identification, in requiring spouses to have the same last name. These states could conform to the Equal Rights Amendment by requiring couples to pick the same last name, but allowing selection of the name of either spouse, or of a third name satisfactory to both.[143] Similarly, statutes which now permit the judge in a divorce case to use discretion in determining whether to allow a woman to resume her maiden name or to take a new name would be extended under the Equal Rights Amendment to cover all men, or at least men who had changed their names at marriage. Moreover, any state coercion regarding an individual's choice of name might still be open to attack under developing constitutional principles of due process and privacy.

In a state where both spouses were required to have the same last name, the children would simply take their parents' name. If the state had no requirement that husband and wife take the same name, it could either require that parents choose one of their names for their children, or it could decide to have no rule at all. The Amendment would only prohibit the states from requiring that a child's last name be the same as his or her father's, or from requiring that a child's last name be the same as his or her mother's.

b. *Domicile*. The location of a person's domicile affects a broad range of legal rights and duties, including the place where he or she may vote, run for public office, serve on juries, receive free or lowered tuition at a state school, be liable for taxes, sue for divorce, and have his or her estate administered. The common law rule for determining the wife's domicile was simple: the domicile of the wife merged in that of her husband; moreover, she had the duty to follow him if his choice was a reasonable one, and her refusal to do so was considered desertion.[144] Legislative or judicial changes have modified this blanket rule in most states for some purposes, most commonly for divorce jurisdiction. However, only three states—Alaska, Arkansas, and Wisconsin—permit a woman to have a separate domicile from her husband for all legal purposes.[145]

A court suit challenging discriminatory domicile rules could arise after a woman had been denied some right or benefit because her husband's domicile had been imputed to her.[146] In such a suit a court would have to hold that the Equal Rights Amendment requires rules governing domicile to be the same for married women as for married men. Extending women's dependent status to men would simply create a circular situation with each spouse's domicile dependent on the other's. Thus, equal treatment of men and women for purposes of domicile implies giving married women the same independent right to choice of domicile as married men now have. A court would probably resolve the inequality by striking down whatever statute or portion of a statute sets out a special rule for married women. It would leave standing the general domicile law which would automatically be extended to married women. For similar reasons, a court would do away with the rule that refusal to accompany or follow a husband to a new domicile amounts to desertion or abandonment.[147] A husband would no longer have grounds for divorce in a wife's unjustifiable refusal to follow him to a new home, unless the state also permitted the wife to sue for divorce if her husband unjustifiably refused to accompany her in a move.

These results would cause little disruption and would be beneficial to those women who are now adversely affected by the domicile law. Professor Kanowitz concludes that the domicile rule "has become useless as an influence within the family. Its most important practical effects are to deprive wives of certain governmental benefits they would otherwise have and to create technical legal difficulties for third parties. The cases in which the issue is raised typically do not involve that resolution of a dispute between spouses in an ongoing marriage. . . . Its retention serves only to evoke bygone images of the husband as master and the wife as obedient servant."[148]

With respect to children, the traditional rule is that the domicile of legitimate children is the same as their father's.[149] Even those states which permit a married woman to have a separate domicile from her husband appear to retain this rule with respect to the child's domicile.[150] The Equal Rights Amendment would not permit this result. Either by legislative action or judicial determination, a state would have to devise a sex-neutral basis for determining the child's domicile. The most reasonable domicile would be the place the child actually lives most of the time. If the family lives together but one of the parents is domiciled in a separate place, the child's domicile should be the place of family residence. If the parents live apart, then the child's domicile should be the domicile of the parent with whom he or she lives most of the time. Alternatively, the state could allow the child to determine his or her own domicile on the basis of where he or she actually lives or works, if apart from both parents.

3. Rights of Husbands and Wives Inter Se

The reluctance of courts to interfere directly in an ongoing marriage relationship is a standard tenet of American jurisprudence.[151] As a result, legal elaboration of the duties husbands and wives owe one another has taken place almost entirely in the context of the breakdown of the marriage—either voluntary breakdown through separation, desertion, or divorce, or involuntary breakdown through incapacitation or death. Any legal changes required by the Equal Rights Amendment are thus unlikely to have a direct impact on day-to-day relationships within a marriage, because the law does not currently operate as an enforcer of a particular code of relationships between husband and wife.

a. *Rights of Consortium*. One of the law's most comprehensive efforts to define the rights and obligations of the partners to a marriage relationship occurs in personal injury actions, after one or the other spouse has been seriously incapacitated. In order to instruct the jury as to the proper standards for awarding damages, the judge must define what benefits the plaintiff should have expected from his or her now incapacitated spouse. At common law these standards were rigidly defined and totally male-oriented. A man had a right to recover damages for loss of his wife's services when she was injured by intentional or negligent action. In time, a husband's rights of consortium were defined to include love, affection, companionship, society, and sexual relations. A woman, by contrast, had no right to sue for loss of her husband's services, since in theory, he provided none.[152]

The Equal Rights Amendment would not permit men to have a greater right than women to recover for loss of their spouse's services and companionship. Courts in many states have already extended to women the right to sue for loss of consortium, although some courts continue to uphold this differential between men's and women's rights.[153] The Equal Rights Amendment would settle the current uncertainty and disagreement among the states by requiring them all to grant women the same right to sue that men now have.

More fundamentally, however, the Equal Rights Amendment would prohibit enforcement of the sex-based definitions of conjugal function, on which the discriminatory consortium laws are based. Courts would not be able to assume for any purpose that women had a legal obligation to do housework, or provide affection and companionship, or be available for sexual relations, unless men owed their wives exactly the same duties. Similarly, as discussed more fully below, men could not be assigned the duty to provide financial support simply because of their sex.

b. *Allocation of The Duty of Family Support between Husband and Wife*. In all states husbands are primarily liable for the support of their wives and children, although the details of this liability and the possible defenses vary. A wife may be liable for supporting her husband in many states, but generally only if the husband is incapacitated or indigent. In most states the mother

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Footnotes at end of article.

is liable for support of the children only if the father refuses or fails to provide for their support.[154]

Criminal nonsupport laws are the legal system's most heavy-handed technique for enforcing the husband's current duty of support. Nonsupport was not an indictable offense at common law.[155] But criminal statutes in all but three states now penalize a man's desertion or nonsupport of his wife, and all American jurisdictions set criminal penalties for nonsupport of young children.[156] While these laws typically penalize either parent who fails to provide support for a minor child, the duty of interspousal support is placed solely on the man.[157]

The child-support sections of the criminal nonsupport laws would continue to be valid under the Equal Rights Amendment in any jurisdiction where they apply equally to mothers and fathers. However, the sections of the laws dealing with interspousal duty of support could not be sustained where only the male is liable for support. Applying rules of narrow construction of criminal laws, courts would have to strike down nonsupport laws which impose the duty of support on men only. Legislatures might decide not to re-enact any husband-wife criminal nonsupport laws. Criminal sanctions against the husband are widely recognized as poor compensation for a wife's unpaid domestic labor and discriminatory treatment against her in the labor market; a legislature might choose to use its resources for a more direct attack on these problems. Alternatively, a state legislature could adopt a law which makes no distinctions on the basis of sex, like the Model Penal Code's nonsupport provision.[158]

With regard to civil enforcement of support laws, courts could take a more flexible approach. The Equal Rights Amendment would bar a state from imposing greater liability for support on a husband than on a wife merely because of his sex. However, a court could equalize the civil law by extending the duty of support to women. With regard to child support this is already the rule in Iowa, where father and mother are under the same legal duty to support the children.[159]

Alarmists claim that the Equal Rights Amendment would change the institution of of the family as we know it by weakening the husband's duty of marital support in an ongoing marriage. This concern is based on a misunderstanding of the role laws about support actually play. Many courts flatly refuse to enter a support decree when the husband and wife are living together. In most such cases the husband, as head of the family, is free to determine how much or how little of his property his wife and children will receive.[160]

The Equal Rights Amendment would *not* require mathematically equal contributions to family support from husband and wife in any given family. A functional definition of support obligations, based on current resources, earning power, and nonmonetary contributions to the family welfare, would be permissible and practical under the Equal Rights Amendment, so long as the criteria met the tests of reasonable classification described above in Part III(C).[161] If husband and wife had equal resources and earning capacity, neither would have a claim for support against the other. However, if one spouse were a wage earner and the other spouse performed uncompensated domestic labor for the family, the wage-earning spouse would owe a duty of support to the spouse who worked in the home. Creating in each spouse equal liability for support might give creditors an advantage in some instances where they would not currently be able to reach the wife's resources. If this extra liability created hardship for families, the legislature could make rules limiting the extent of creditors' access to a family's resources.

c. *Ownership of Property.* The law has attempted to recognize women's contribution to the family by giving each spouse an interest in property acquired during the marriage. Two different systems have been adopted in the United States for distributing property rights within a family—the community property system and the common law system. In both systems the woman's right matures primarily upon separation or death of her spouse. As both systems currently operate, they contain sex discriminatory aspects which would be changed under the Equal Rights Amendment.

(1) *Community Property.* In the eight community property states—Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, and Washington—property acquired by each spouse during the marriage is owned in common by both husband and wife.[162] This system is sometimes championed by advocates of women's rights because it gives a housewife who earns no independent income a legal share in the family property.[163] However, in all the community states, except Texas and Washington, the husband has the community property; and in some states he can assign, encumber or convey the property without his wife's consent.[164] Thus, in some of the community property states a working wife may be put in the position of a woman before passage of the Married Women's Property Acts: she may lose control of her own earnings to her husband.[165]

Under the Equal Rights Amendment, laws which vest management of the community property in the husband alone, or favor the husband as manager in any way, would not be valid.[166] In the absence of new legislation, the courts would leave decisions about disposition of the community property to be made jointly by husband and wife. This would be consistent with the general judicial preference to allow married couples to work matters out between themselves.

Legislatures might prefer to follow the example of the recent amendment of the Texas community property law. The new Texas law provides that

> each spouse shall have sole management, control and disposition of that community property which he or she would have owned if a single person.[167]

Rather than leaving decisions about the community property to husband and wife together, this rule would give the spouse who had earned or been given property the power to dispose of it. This rule obviously favors the wage-earning spouse, who in most instances under current conditions will be the man. Thus, it would require scrutiny as a rule neutral on its face, which falls more heavily on one sex than the other.[168] the Texas law also states that property of one spouse which is mixed or combined with property of the other spouse is subject to the joint control of husband and wife unless they agree otherwise. This part of the law would certainly be valid under the Equal Rights Amendment.

(2) *Common Law Ownership.* The other forty-two states have a common law basis for distributing marital property. However, Married Women's Property Acts in every state have modified the harsh common law principles that gave the husband complete control over his wife's property and the products of her labor. With certain exceptions these statutes give a woman the right to control property she owned before marriage as well as property she earns or receives by gift or devise during marriage.[169] Except for qualifications relating to the right of a surviving spouse to inherit, therefore, each spouse now owns his or her separate property free of legal control of the other spouse.

The Married Women's Property Acts did not automatically abolish the common law estates of dower and courtesy, but today most states have abandoned these cumbersome devices for protecting the interests of widows and widowers, and others have modified them substantially. In their place, the states have substituted other forms of protection of a marital share of the property of one or both spouses. All states except North Dakota and South Dakota give the woman a nonbarrable share in her husband's estate, but a number of states fail to give the husband a corresponding legal claim in his wife's estate.[170] The widow's allowance or family allowance, homestead, and limitation on gifts to charity are other devices to protect a surviving spouse against complete disinheritance.

Where these devices give the surviving husband rights equal to the surviving wife, they would be valid under the Equal Rights Amendment.[171] In the many states, however, where the wife still has a protected position, the discriminatory laws would either be invalidated or extended. Where a legal device has proved to be a useful protection, legislatures would probably be inclined to extend its coverage to men, but where the technique has provided little real protection, the legislature could take the opportunity for review provided by the Equal Rights Amendment to revise or repeal the law.

d. *Grounds for Divorce.* Professor Leo Kanowitz points out that "there is almost an air of unreality about the enumeration of specific grounds of divorce found in the statutes of all the states." [172] This is because the great mobility of middle class Americans permits them to go to a state which has liberal grounds for divorce, or abroad, when they want to dissolve a marriage. In addition, a high proportion of couples seeking divorce agree to allege as fictions the requisite grounds for divorce. Furthermore, divorce laws have typically been written in terms that make sense only to an ongoing marriage, permitting divorce if, and only if, a fundamental element of the marriage compact has been violated.

Recognizing these factors, as well as the unreasonableness of permitting divorce only for certain limited and specific reasons, proponents of legislative reform recommend evaluating the overall health of the marriage rather than pinning particular guilty action on one or the other of the spouses. The Uniform Marriage and Divorce Act, adopted by the National Conference of Commissioners on Uniform State Laws provides for a decree of separation or divorce to be granted upon a finding that "the marriage is irretrievably broken." [173] California currently permits divorce on a finding of irreconcilable differences between the parties.[174] North Carolina, Ohio, and the District of Columbia permit a divorce after voluntary separation for a year.[175] Nevertheless, the statutory grounds for divorce which remain in effect in most states are of concern because they still control in contested divorce situations because they affect the economic and personal relations of the parties, even in consent divorces, and because there is evidence that they cause a disproportionate amount of difficulty to poor people.[176]

In the past many grounds for divorce were highly sex discriminatory, today only a few apply solely to one sex or the other. These are non-age,[177] pregnancy by a man other than husband at time of marriage,[178] nonsupport,[179] alcoholism of husband if and only if accompanied by wasting of his estate to the detriment of his wife and children,[180] wife's unchaste behavior (without actual proof of adultery),[181] husband's vagrancy,[182] wife's absence from state for ten years without husband's consent,[183] wife's refusal to move with husband without reasonable cause,[184] wife a prostitute before marriage,[185] husband a drug addict,[186] indignities by husband to wife's person [187] and willful neglect by husband.[188]

Except for nonsupport and pregnancy, all

Footnotes at end of article.

the sex discriminatory grounds for divorce listed above are anachronisms, surviving in only one or two states, and are not deserving of extended discussion here. In each instance, a court could invalidate such a provision without doing any serious harm to the overall structure of the state's divorce law. On the other hand, the court could also extend the law to the opposite sex without risking serious criticism that it was usurping legislative authority. Even without the pressure of the Equal Rights Amendment, these provisions are likely to be dropped or extended to the opposite sex in the course of divorce law reform.

Of the thirty states which allow a woman a divorce for nonsupport, only two—Arkansas and North Dakota—give a husband whose wife has failed to support him a cause of action.[189] This disparity is a reflection of the sex bias in support laws, described above.[190] Like the duty of support during marriage and the obligation to pay alimony in the case of separation or divorce, nonsupport would have to be eliminated as a ground for divorce against husbands only, or else extended to the wife where the husband was without resources and the wife had the financial capacity to support him.

The laws that grant a husband a divorce because of the time of marriage he did not know his wife was pregnant by another man would be subject to strict scrutiny under the unique physical characteristics tests. As with paternity laws, the argument can be made that the ease of identifying the mother of a child, as opposed to the difficulty of identifying the father, is a kind of unique physical characteristic which justifies different rules regarding the relationship of mothers and fathers to illegitimate children. However, no reason exists for distinguishing between the duties and obligations of the mother and the father when the father of an illegitimate child has acknowledged paternity or has been adjudged the father in a paternity proceeding. Furthermore, the divorce laws are not based primarily upon the physical act of giving birth but upon other considerations. The laws derive, at least in major part, from the fact that any child born of a woman during marriage is presumed to be her husband's child. Whether the husband claims the child or not, the law imposes on him the duty to support the child and gives the child his name. In this respect the law places an unequal burden on the husband, for his wife receives no corresponding obligations to support or nurture any children her husband may conceive. Since the Equal Rights Amendment would require men and women to bear equal responsibility for the support and nurture of their children, it eliminates most of the justification for giving men alone this ground of divorce. The Equal Rights Amendment would permit resolution of the disparity either by giving a woman a claim for divorce if, at the time of marriage, she did not know that her husband had impregnated another woman, or by abolishing the ground altogether.

e. *Alimony*. Alimony following divorce involves issues similar to those discussed above in connection with support laws. However, a different set of laws and rules is involved. In jurisdictions where fault is still central to divorce proceedings, alimony awards are closely linked to the judicial determination of fault.[191] More than one-third of the states authorize divorce courts to grant alimony to either spouse, but the remaining jurisdictions permit alimony awards to the wife only.[192]

The Equal Rights Amendment would not require that alimony be abolished but only that it be available equally to husbands and wives. This result is consistent with the recommendations of Robert Levy to the Special Committee on Divorce of the National Conference of Commissioners on Uniform State Laws, who concludes:

"[T]he distinction [permitting alimony for wives but not husbands] is an historical idiosyncrasy; there is no principled reason for maintaining the distinction between husbands and wives; almost all recent commentators and official studies of divorce-property doctrines have recommended that the distinction be abolished.[193]"

Alimony laws could be written to grant special protection to a spouse who had been out of the labor force for a long time in order to make a non-compensated contribution to the family's well-being. Similarly the laws could provide support payments for a parent with custody of a young child who stays at home to care for that child, so long as there was no legal presumption that the parent granted custody should be the mother.[194] In short, as long as the law was written in terms of parental function, marital contribution, and ability to pay, rather than the sex of the spouse, it would not violate the Equal Rights Amendment.

The maintenance provisions of the Uniform Marriage and Divorce Act serve as an example of the kind of law which would be valid under the Equal Rights Amendment. The Act provides for maintenance to be paid from one spouse to the other if the spouse seeking maintenance lacks sufficient property to provide for his reasonable needs and is unable to support himself through appropriate employment, or is the custodian of a child whose condition or circumstances make it appropriate that the parent not seek employment outside the home. The amount and duration of payments for maintenance are to be determined after the court considers the financial resources of the party seeking maintenance, the time necessary to acquire sufficient training to enable the party to find appropriate employment, the standard of living established during the marriage, the duration of the marriage, the age and physical and emotional condition of the spouse seeking maintenance and the ability of the spouse from whom maintenance is sought to meet his or her own needs while making maintenance payments.[195]

f. *Custody of Children*. At common law the father, if living, was the natural guardian of his child and as such was nearly always entitled to custody of the children in case of separation or divorce.[196] Some states, including California and Utah, changed this by statute which prefers the mother if the child is young.[197] Others, including Missouri, Florida, Minnesota, New York, and Colorado, give both spouses equal right to custody of the child.[198] In most states there is no statute favoring one parent or the other; rather, preference for the mother or father exists as a result of judicially created presumptions in favor of the mothers for girls and young children and in favor of the father for older boys.[199]

The Equal Rights Amendment would prohibit both statutory and common law presumptions about which parent was the proper guardian based on the sex of the parent. Given present social realities and subconscious values of judges, mothers would undoubtedly continue to be awarded custody in the preponderance of situations, but the black letter law would no longer weight the balance in this direction.

4. Summary

The present legal structure of domestic relations represents the incorporation into law of social and religious views of the proper roles for men and women with respect to family life. Changing social attitudes and economic experiences are already breaking down these rigid stereotypes. The Equal Rights Amendment, continuing this trend, would prohibit dictating different roles for men and women within the family on the basis of their sex. Most of the legal changes required by the Amendment would leave couples free to allocate privileges and responsibilities between themselves according to their own individual preferences and capacities. By and large these changes could be made by courts in the process of adjudicating claims under the Amendment. In any area where the legislature felt that sudden extension of the law to men and women alike would cause undue hardship, it could pass new legislation basing marital rights and duties on functions actually performed within the family, instead of on sex.

C. Criminal law

The Equal Rights Amendment will not affect most criminal laws because statutory definitions of criminal activity make men and women equally liable for most offenses; that is, men and women can commit and be punished for most crimes equally.[200] However, in the area of sexual activity the norm changes. Sex differentiation and sex discrimination pervade laws about overt sexual behavior and behavior with sexual overtones, reflecting the confluence of social stereotypes about gender and sexuality.[201] Many of the laws, such as seduction laws, statutory rape laws, and laws prohibiting obscene language in the presence of women, embody a stereotype of women as frail and weak-willed in relation to sexual activity. Others, such as the prostitution and "manifest danger" laws, display a contradictory social stereotype: women who engage in certain kinds of sexual activity are considered more evil and depraved than men who engage in the same conduct.

The Equal Rights Amendment would not permit such laws, which base their sex discriminatory classification on social stereotypes. Courts would generally strike down these laws rather than extend them to men because of the rule of strict construction of penal laws, described above.[202] Legislatures, of course, would be able to extend or re-enact any laws about sex offenses to apply equally to men and to women. A few types of criminal statutes, most notably rape laws, may be justified as deriving their sex bias from physical realities. Here the courts would closely scrutinize the laws to determine whether they fall within the scope of the exception for unique physical characteristics.

1. Sexual Assaults

Rape laws undoubtedly raise one of the most difficult problems under the Equal Rights Amendment because they deal with such a serious offense and because, though apparently simple, they involve two very different kinds of sex distinction. As most commonly defined in the laws of the states, as well as in the Model Penal Code, rape is the forcing of sexual intercourse by a man on a woman, without her consent.[203] This definition involves two kinds of sex differentiation: only a man can be found guilty as a perpetrator of rape and only a woman can be the victim of rape.[204] These distinctions are usually not made explicit in the language of the statutes, but their interpretation is central to the treatment of rape laws under the Equal Rights Amendment.

Insofar as rape is defined as penetration into the vagina by the penis, courts could uphold forcible rape laws which limit liability to men as based on a unique physical characteristic of men.[205] Laws which define rape as forced sexual intercourse could also be sustained in a court defined sexual intercourse as an act done only by a man and a woman together, and if the statute clearly and appropriately defined women as the sole victims of rape.[206] Using the criteria described in Part II for determining whether a law bears the necessary close relationship to a unique physical characteristic,[207] a court could conclude that, on balance, the law should be sustained. Among other things, the court might find rape is an extremely traumatic event for the victim; that most men are capable of

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Footnotes at end of article.

penetration, and therefore, rape; that a major proportion of sexual assaults consist of sexual intercourse forced by men; that penetration by a man's penis carries with it the possibility of unwanted pregnancy for the victim and forcible penetration carries high danger of injury to the victim; that a criminal penalty is an appropriate way of deterring rape; and that, accompanied by procedural and substantive rights, the law is sufficiently narrow and specific in its scope to be upheld.

Similarly, insofar as a court could find the rape laws are intended to give special protection from assault to women's vaginas, it could sustain the laws even though their protection is limited to women. A court would conduct an inquiry analogous to that described above for determining whether, under the unique physical characteristics tests, the rape laws could properly be limited to female victims. All or nearly all women's genitals differ from all or nearly all men's genitals in that they can be penetrated in an act of sexual assault against the victim's will. Rape laws could thus be sustained as a legislative choice to give one part of the body (unique to women) special protection from physical attack. By contrast, the statutes which include penetration "per anum and per os" in the definition of rape, could not justifiably be limited to female victims because no physical characteristic unique to women is being protected by these laws. A court could choose between invalidating these broader rape laws or else limiting them to penetration of a woman's genitals. In the case of such a serious offense, courts would probably choose to retain the central and valid portion of the laws and invalidate only the part referring to "penetration per anum and per os." Alternatively, the legislature could extend the laws to cover the designated assaults on all persons, regardless of sex.

Rape is only one of a number of nonconsensual sexual acts which are penalized throughout the United States.[208] Laws governing such offenses are based on two related sets of concerns. The first is that unwanted sexual contact may be imposed on a person in ways ranging from physical force and threats to more subtle coercion in the form of deception and abuse of positions of trust and authority. The second range of concerns is that particular groups in the population may be especially susceptible to such sexual coercion. By merging these two aspects of the problem of sexual assault, traditional laws provide highly uneven and irrational coverage permeated by sex discrimination.

With a few notable exceptions, laws which punish sexual intercourse per se as a constructive assault rest on the premise that the female party is incapable of giving meaningful consent.[209] Best known among these are the statutory rape laws, which punish men for having sexual intercourse with any woman under an age specified by law, frequently sixteen.[210] Other laws, covering more specific situations, prohibit men from having sexual intercourse with female wards, patients, and students.[211] A related series of laws explicitly prohibit men from obtaining women's consent to sexual intercourse through misrepresentation, deception, or fraud.[212]

These laws suffer from a double defect under the Equal Rights Amendment. First, they single out women for special protection from sexual coercion, even where men in similar circumstances are equally in need of protection; in this sense the laws are "underinclusive."[213] To be sure, the singling out of women probably reflects sociological reality: in this society, young women, who learn both that marriage is the most important goal for them and that they may pursue it only passively, are undoubtedly more susceptible than young men to the lures of persons who want to take sexual advantage of them. Likewise, in this society, the bad reputation and illegitimate child which can result from an improvident sexual liaison may be far more ruinous to a young woman's psychological health than similar conduct is to a young man's. But the Equal Rights Amendment forbids finding legislative justification in the sexual double standard, and requires such statutes to be framed in terms of the general human need for protection rather than in terms of crude sexual categories.

Second, traditional laws protecting all women of a particular age or status against sexual assault are "overinclusive" to the extent that they punish sexual activity when unwanted penetration of the vagina is not involved. It might be argued that statutory rape laws and other laws which render a woman's consent inoperative should be sustained on the same theory that forcible rape laws are upheld: that the legislature wished to give special protection to young women's genital organs.[214] However, it is unlikely that such claims could withstand close court scrutiny under the unique physical characteristics tests. In particular, a court would be unable to find a close correlation between the activity being regulated (consensual sexual intercourse) and the justifying physical basis (susceptibility of the vagina to unwanted penetration).[215]

Even if it found noncoerced sexual intercourse rarely physically harmful to postpubescent girls, a court might find that sexual intercourse is physically dangerous to girls who have not reached puberty. Upon finding such a fact situation, the court would conclude that the class of women victims is defined too broadly. If it made such a determination, a court could limit the operation of the statutory rape laws to pre-pubescent children. In the alternative, the court could strike down the law altogether because of its overbreadth and because it fails to base its sex difference upon a unique physical characteristic of women.

If invalidated, some of the laws, such as the seduction laws, which derive from outdated standards of courting and morality, would probably not be resuscitated. Upon reexamination, legislatures might decide that the existing kidnap laws or other unlawful restraint laws already penalize any serious offensive deception or decoying, and that further penalties would be duplicative. Legislatures would be free, however, to extend the laws against sexual coercion to protect men as well as women. This is particularly likely where sexual relations with pre-adolescent children are involved.[216]

A slightly different problem is raised in states which set penalties for sexual activities initiated by women, as well as by men, but where different laws, standards of guilt, and penalties apply depending on whether the actor is a woman or a man. Michigan, for example, prohibits women from engaging in sexual intercourse with boys younger than fifteen.[217] But the law requires that the defendant actually knew the boy was under fifteen (the statutory rape law does not require actual knowledge of the girl's age), and the penalty is a maximum of five years, as compared with the lifetime maximum for statutory rape.[218] Aside from the forcible rape laws, whose special coverage can be justified on the basis of physical characteristics unique to men and women, the Equal Rights Amendment would require sexual assault laws to provide equal standards of guilt and penalties for men and women offenders.[219]

Considering the variety of laws regulating nonconsensual sexual activity, ranging from rape to sexual contact, it is surprising to realize that all of them can be reduced to a few basic elements: the touching of or with genitals, by means of force or deception, and, in the case of young people, the touching of genitals by an older person. The current sexual offense laws are highly duplicative, both of one another, and of general penal laws against kidnap, assault, and battery. The great degree of overlap in these laws, as well as the many distinctions without differences, provide a fertile field for confusion; they also encourage overcharging and extreme penalties. Moreover, the particular situations with which many of the laws deal evoke strongly emotional reactions and foster legislative mandates of higher penalties than the actual act usually merits. For instance, rape is singled out from other sexual offenses and classified with murder for the purposes of sentencing. This classification helps neither the accused[220] nor the victim.[221] Moreover, it tends to reduce the seriousness of other forms of sexual assault besides actual intercourse, which may well be equally disturbing for the victim.

The Model Penal Code has undertaken to bring together the confusing disparity of sexual offenses into a few categories structured in terms of the nature of the act, the vulnerability of the victim, and the coerciveness of the situation.[222] The Equal Rights Amendment would require legislatures in all states to reformulate at least some of their laws. While legislatures could very simply bring the laws into line with the Amendment by substituting the word "person" every time the words "female," "male," "man" or "woman" appear, hopefully they would be encouraged to re-evaluate, rationalize, and simplify this crazy-quilt area of criminal law.

2. Consensual sexual relations

Criminal laws in every state penalize some sexual liaisons, even though both partners are fully responsible for their conduct and engage in the acts voluntarily and privately. As with nonconsensual sexual conduct, legislatures have frequently linked the definition of these crimes to the sex of one or both partners.

Statutes prohibiting sodomy generally sweep in alike men and women, married and unmarried persons, heterosexuals and homosexuals.[223] As a result, most of these statutes would not violate the Equal Rights Amendment, prohibiting as they do certain acts regardless of the identity of the actor or the circumstances of the act. A few states, however, limit liability under their sodomy statutes to males.[224] Like rape, the definition of sodomy can be limited to penetration by the penis. Where sodomy is defined in this way, such that females are incapable of committing it, laws restricted to males may be sustained under the Equal Rights Amendment. However, a statute which defined sodomy more broadly, to include all oral-genital contact, would violate the Amendment if it were restricted to males.

A few adultery laws also contain sex discriminatory provisions which would be impermissible under the Equal Rights Amendment. Roman law defined adultery as sexual intercourse with another man's wife.[225] Some states reflect this one-sided view by failing to define intercourse between a married man and a single woman as adultery.[226] In Massachusetts and Oregon, an unmarried woman cannot be punished for relations with a married man, although an unmarried man is criminally liable if he participates in an adulterous relationship with a married woman.[227] Discrepancies like these in the liability of men and women derive from social attitudes toward the relative offensiveness of extramarital activity by men and by women. The singling out of married women's extramarital activity harks back to concepts of a married woman as the property of her husband, although common law justifications focused on the fact that a married woman's liaison might produce offspring who would have her husband's name and whom her husband would have the duty to support.[228] However, the core idea in adultery is that extramarital intercourse per se threatens the marriage relationship. If this is the case, a

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court could not permit a state to set stricter penalties for a woman's extramarital activity than for a man's.

Following the rule of narrow construction of criminal statutes, courts will most likely invalidate sodomy or adultery laws that contain sex discriminatory provisions, instead of solving the constitutional problems by extending them to cover men and women alike.[229] This is especially likely since statutes regulating consensual sexual activity are also open to attack under the constitutional right to privacy in intimate sexual matters.[230] However, a legislature intent on retaining criminal penalties for sodomous or adulterous conduct could easily bring the laws into line with the Equal Rights Amendment by extending them to apply equally to men and women.

3. Prostitution

At common law and still today in most parts of the United States prostitution is, by definition, a crime committed only by women.[231] Even statutes neutral on their face turn out to be enforced only against women offenders.[232] Prostitution laws have been the focus of much heated controversy about the proper role of law in regulating moral or sexual behavior, and many people believe prostitution should not be criminalized at all.[233] But more narrowly, prostitution laws have been attacked as discriminating against women. Two kinds of sex bias are written into the majority of prostitution laws: first, women who sell access to their own sexual conduct are penalized, whereas men who do the same thing are not; and second, the prostitute, who under current psychosocial conditions is usually a woman, is penalized, whereas the patron, who is usually a man, is not.[234]

Courts may be expected to hold that laws which confine liability for prostitution to women only are invalid under the Equal Rights Amendment. There is no unique physical characteristic of women which would justify outlawing prostitution when it is done by women, and not when it is done by men. Earlier beliefs that women are the carriers of venereal disease because of their sex have no scientific basis. Ideas that women who sell access to their bodies are social problems, whereas men who do the same thing are not, derive their only rationality from a social double standard which may not enter into legislative or judicial determinations under the Equal Rights Amendment. Even in the absence of the Equal Rights Amendment, recent reforms of prostitution laws have extended the coverage to men. Thus, the Model Penal Code refers to a person guilty of prostitution as "he or she." [235] The New York Penal Code contains a section explicitly stating that both men and women may be guilty of prostitution.[236] With the impetus of the Equal Rights Amendment, other state legislatures can be expected to move in this direction.

If prostitution laws were redefined to cover male prostitutes, then the courts would be unlikely to find a per se violation of the Equal Rights Amendment in the fact that prostitution laws penalize the "seller" but not the "buyer." In general, regulating the conduct of the seller and not the buyer is a rational governmental choice, although in the case of prostitution such a choice may not make sense, even in terms of effective deterrence.[237] Nevertheless, prostitution laws which penalize only the seller would be subject to judicial scrutiny as classifications which fall more heavily on one sex than the other.[238] Thus, to sustain its laws, a state would bear a heavy burden of demonstrating the rationality of regulating only the seller and not the buyer in a prostitution transaction. Reformed penal laws have already begun to regulate patrons as well as prostitutes.[239] It is likely, and desirable, that legislatures, in removing the sex bias from their laws, will follow this lead.

Just as the Equal Rights Amendment would invalidate prostitution laws which apply to women only, so it would require invalidation of laws specially designed to protect women from being forced into prostitution. In addition to many state laws of this type, the federal White Slave Traffic Act (Mann Act) prohibits the transportation in interstate commerce of "any woman or girl for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose to induce, entice, or compel such woman or girl to become a prostitute or to give herself up to debauchery or to engage in any other immoral purpose.[240]"

Related sections of the Act also prohibit persuading, inducing, enticing, or coercing a woman to travel in interstate commerce for the above purposes.[241] Cases interpreting the Mann Act have held that a woman may be found guilty as a principal under the Act; in some circumstances she may even be convicted of agreeing to transport herself in interstate commerce.[242] However, it is no crime to transport a man or boy in interstate commerce for the purposes set forth in the statute. Congress could easily bring the Mann Act into conformity with the Equal Rights Amendment by substituting the word "person" for the words "woman or girl" in the statute.

As prostitution laws are redefined to cover male as well as female prostitutes, a court faced with a challenge to the Mann Act might also be inclined simply to extend this law to apply to the transportation of men for illicit purposes. Under current conditions, such an extension would not subject a large number of additional people to criminal liability. However, this would disregard the legislative history and body of court decisions interpreting Congressional intent, which have placed great emphasis on the weakness of women. As late as 1960, the Supreme Court declared:

"A primary purpose of the Mann Act was to protect women who are weak from men who are bad." *Denning v. United States*, 247 F. 463, 465. It was in response to shocking revelations of subjugation of women too weak to resist that Congress acted. See H.R. Rep. No. 47, 61st Cong., 2d Sess., pp. 10–11. As the legislative history discloses, the Act reflects the supposition that the women with whom it sought to deal often had no independent will of their own, and embodies, in effect, the view that they must be protected against themselves.[243]

Given this background, a court might feel that extending the law to cover men would be expanding criminal liability further than Congress intended. Here, as with other criminal laws, a court would probably resolve doubts about congressional intent by striking down the law.

4. Indeterminate Sentencing

In addition to separate substantive law for men and women, some states have special sentencing provisions for women. These laws in effect require or permit judges to place women in a separate correctional status in which the lengths of their sentences are determined not by the judge but by correctional authorities within the limits set by statute. When women are placed in such a status, they may be subjected to longer sentences than those provided for in the substantive statute, thereby creating higher maximum penalties for women than for men convicted of the same crime.

In *United States* ex rel. *Robinson v. New York* [244] and *Commonwealth v. Daniel*,[245] two indeterminate sentencing laws were successfully attacked under the Fourteenth Amendment as denying women equal protection of the laws.[246] However, similar laws remain on the books in a number of states.[247] Such laws, if not invalidated under the Fourteenth Amendment, would be invalidated under the Equal Rights Amendment. In general, the special laws for sentencing of women are in the form of separate additional sentencing statutes. Thus, if a court invalidated the special law for women, it would simply leave women subject to the standard sentencing laws. This was the result in *Robinson* and *Daniel*.

5. Summary

Courts faced with criminal laws which do not apply equally to men and women would be likely to invalidate the laws rather than extending or rewriting them to apply to women and men alike. As a result, legislatures would need to devote attention to revising their penal laws in order to bring them into conformity with the Equal Rights Amendment. While necessary, this should not be an unduly burdensome requirement. Proposals for reform, like the Model Penal Code, already provide models for many new laws that would eliminate impermissible sex discrimination.[248] States such as New York, Connecticut, and Illinois, which have already reformed their criminal laws, would need to make only a few changes to bring them into line with the Equal Rights Amendment. Other states, whose laws regulating sex offenses are holdovers from Victorian or even Puritan times, may wish to revise their sex discriminatory criminal statutes as part of a broader modernization effort.

D. The military

The Armed Forces have always been one of the most male-dominated institutions in our society. Only men are subject to involuntary conscription. Various regulations of the Armed Forces restrict the access of women to the military, and indeed place an absolute limit on the number permitted to serve. Women with dependent children may not enlist, while men in the same situation may do so. Certain grounds for discharge apply only to women. Numerous other forms of differential treatment pervade the military services.

It is not difficult to explain why the military is structured in this way. In the past, physical strength was essential to military success. Weapons were heavy, long marches on foot were frequent, and hand to hand fighting was common. Women were considered in most respects to be weaker than men. Women were also handicapped by pregnancy. Lack of effective contraceptive methods meant that they were frequently, if not constantly pregnant, and disease and death were not uncommon accompaniments to childbirth. Men were therefore a more reliable and mobile group. Sociological factors reinforced this "division of labor." Women were considered too delicate to be exposed to battle and its attendant pain and discomfort. They were trained to be passive, dependent and without initiative. For men, on the other hand, armed struggle was seen as a catalyst of maturity, a symbol of aggressive masculinity, a test which would "separate the men from the boys." [249] Women who wished to fight had to disguise themselves as men.

In this country women have served in the Armed Forces with full military status only since World War II, when the need for personnel and the existence of many civilian-type jobs in the military made the utilization of women appear feasible to the Armed Forces. A Women's Auxiliary Army Corps with civilian status was created in 1942. It proved administratively unworkable, and in 1943 the Army took women under its direct command.[250] After World War II Congress decided to keep the women's arm of the services at reduced size. The Women's Army Corps is now permitted to total only two per cent of the full strength of the services.[251]

While many people look upon such restrictions on women's military service as relieving them of an unadulterated burden or evil, others feel that it would be advantageous for women to receive the training and bene-

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fits that accompany military service in this country. No one can doubt that military service has tremendous disadvantages, chief among them the danger of loss of life and the requirement of learning to kill others. Yet there are also benefits afforded the individuals who serve. The Armed Forces furnish in-service vocational and specialist training, medical care, and benefits for dependents. Veterans receive educational scholarships and loans, preference in government employment, pensions, insurance, and medical treatment.[252]

More subtle factors involve the effect of military service on one's self-image and on the way he or she is viewed by others. For large segments of the population, service is taken to prove that an individual has sacrificed for his or her country. He or she deserves to be taken seriously in return. As Professor Norman Dorsen has said:

"[W]hen women are excluded from the draft—the most serious and onerous duty of citizenship—their status is generally reduced. The social stereotype is that women should be less concerned with the affairs of the world than men. Our political choices and our political debate often reflect a belief that men who have fought for their country have a special qualification or right to wield political power and make political decisions. Women are in no position to meet this qualification.[253]

Having served or being liable to serve also tends to make an individual sensitive to and concerned about the country's foreign policy. Those who must carry out the decisions made in the upper echelons of the government will be interested in participating in the political process and trying to prevent the formulation of policies which involve unjustified killing and destruction, and unnecessary risk of injury and death.[254]

Under the present system few women enter the military and receive these benefits and lessons. Partly as a result, the social stigma and ridicule evoked by the idea of a woman in the military persist. Until women are required to serve in substantial numbers, stereotypes about their inability to do so will be perpetuated.

The Equal Rights Amendment will have a substantial and pervasive impact upon military practices and institutions. As now formulated, the Amendment permits no exceptions for the military.[255] Neither the right to privacy nor any unique physical characteristic justifies different treatment of the sexes with respect to voluntary or involuntary service, and pregnancy justifies only slightly different conditions of service for women. Such obvious differential treatment for women as exemption from the draft, exclusion from the service academies, and more restrictive standards for enlistment[256] will have to be brought into conformity with the Amendment's basic prohibition of sex discrimination.

These changes will require a radical restructuring of the military's view of women, which until now has been a narrow and stereotypical one. Until recently, only unmarried women were generally allowed to serve, and when married women were permitted, their dependents received none of the benefits that men's families receive. A woman was presumed to be the second worker in her family rather than the one responsible for its support, and benefits were therefore assumed to be unnecessary. Any woman who became pregnant or adopted a child was discharged. Women, being excluded from many benefits, were thus a particularly economical source of labor. These rules also effectively prevented women from rising in the ranks and becoming officers, for they would have to be willing to forgo marriage and children in order to do so. They were therefore denied the exercise of leadership skills and were viewed as inferior, deserving the subordinate tasks to which the military's discriminatory rules consigned them. Women were also seen as less flexible and less valuable workers than men incapable of serving in many positions. They were assigned to "women's work" as clerks and secretaries nurses or technicians. Many interested in training in fields such as photography were denied access to the programs.[257]

This view of women has begun to change. But it is happening slowly in some services and not at all in others. The Equal Rights Amendment will greatly hasten this process and will require the military to see women as it sees men—as a diverse group of individuals married and unmarried with and without children possessing or desiring to acquire many different skills and performing many varied kinds of jobs. The impact of the Amendment will now be examined in detail with regard to four important areas: the draft grounds for discharge assignment and training and in-service conditions.

1. The Draft

The Military Selective Service Act of 1967 governs the conscription of citizens into the Armed Forces.[258] The Act explicitly applies only to men in requiring registration and induction for training and service in the Army Navy Marines Coast Guard and Air Force.[259] Men have several times challenged the Act claiming that it violates constitutional rights of due process and equal protection by discriminating on the basis of sex. The courts have consistently rejected this contention.[260]

Under the Equal Rights Amendment the draft law will not be invalidated. Recognizing the concern of Congress with maintaining the Armed Forces, courts would construe the Amendment to excise the word "male" from the two main sections of the Act, dealing with registration and induction, thereby subjecting all citizens to these duties. A woman will register for the draft at the age of eighteen, as a man now does. She will then be classified as to availability for induction and training. If she meets the physical and mental standards, and is not eligible for any exemptions or deferments, she will join men in susceptibility to induction. The statute declares that no one may be inducted until shelter, water, heating and lighting, and medical care are available.[261] The military will clearly have sufficient time during the period after ratification to make the minor adaptations, such as the expansion of gynecological services, necessary to comply with the statute. This is particularly true since the eligibility of women will not necessarily entail an increase in the number of persons inducted.

The Secretary of Defense has the power to set the standards of physical and mental fitness which all inductees must meet.[262] A general intelligence test is used to determine mental qualifications, and a physical examination is given to check the general state of health of the individual.[263] Under the Equal Rights Amendment, all the standards applied through these tests will have to be neutral as between the sexes. Moreover, even after the physical standards have been made uniform for both sexes, they will have to be scrutinized carefully to assure that they are related to the appropriate jobs and functions and do not operate so as to disqualify more women than men. Such a result would raise the possibility that the test, though neutral on its face, was in fact being used to discriminate against women.[264] Achieving this goal of uniform, nondiscriminatory standards will require some changes.

First, height standards will have to be revised from the dual system which now exists. At present, men from 5'0'' to 6'8'' tall are permitted to serve as enlisted personnel in the Army and Air Force; the range in the Navy and Marine Corps is from 5'0'' to 6'6''. For male officers, the range of permissible height is from 5'0'' to 6'8'' in all services except the Army, where the minimum is 5'6''. Women in all services and in all ranks may be from 4'10'' to 6'0'' tall.[265] Upon the Equal Rights Amendment, the same minimum and maximum will have to be applied to both sexes. Persons, male and female, up to 6'8'' (or 6'6'') would be accepted, if these remain the maximum limits. For enlisted personnel, the services could retain their current minimum for men of 5'0'' as the uniform standard, or adopt the lower 4'10'' minimum for both sexes. But if the Army retains its 5'6'' minimum for officers, it would effectively exclude many women, and the minimum would therefore have to be shown to be closely job-related in order to stand.[266]

The height-weight correlations for the sexes will also have to be modified.[267] At most heights there is a large area of overlap between the normal weight of men and women. For persons above or below this range, an evaluation based on the health of the individual will be made. Since every inductee receives a comprehensive physical examination, this will entail little extra burden.

The same principles will have to be applied to the intelligence test. At present men and women take different tests for enlistment;[268] under the Amendment, both will take the same test. Similarly, the required minimum score will be the same for both sexes. If the test currently used for men is administered to women, and it is shown that women on the whole score lower on it, it will have to be demonstrated that the questions do test general intelligence and are not taken solely from areas of factual knowledge with which most men and few women in this society are trained to be familiar.

Most of the deferments and exemptions from military service could easily be adapted to a sex-neutral system. Women ministers, conscientious objectors, and state legislators will be treated as the men in those categories now are. Women doctors and dentists will be subject to call under the conditions governing medical and dental specialists. However, some provisions will have to be extended or stricken. The dependency deferment now provides that "persons in a status with respect to persons (other than wives alone, except in cases of extreme hardship) dependent upon them for support which renders their deferment advisable" may be deferred.[269] It also states that the President may provide for the deferment of persons who have children, or wives and children, with whom they maintain a bona fide family relationship in their homes. This has been interpreted to mean that a married person with a child will generally be deferred.[270]

There are several permissible alternatives to these deferment provisions under the Equal Rights Amendment. Deferment might be extended to women, so that neither parent in a family with children would be drafted. Alternatively, the section could provide that one, but not both, of the parents would be deferred. For example, whichever parent was called first might be eligible for service; the remaining parent, male or female, would be deferred. A third possibility would be to grant a deferment to the individual in the couple who is responsible for child care. The couple could decide which one was going to perform this function, and the other member would be liable for service. In a one-parent household Congress would probably defer the parent.

Each of these alternatives carries very different and significant policy implications for family structure and population growth. Given current draft calls, and the belief that having both parents present is beneficial for the children, it is likely that both parents will be deferred. However, Congress can choose any of the above policies, for they do not discriminate between men and women.

Footnotes at end of article.

The Selective Service Act exempts from the draft the sole surviving son of a family which has lost a member, male or female, in the service of the country.[271] **Under the Equal** Rights Amendment this exemption for men only cannot stand, for it will mean drafting women when men in identical circumstances are excused. The reasons for the exemption are twofold. One is the feeling that once a family has lost a member, or several members, it cannot be asked to bear a final loss. The other concern is that the family name and line be preserved. The second reason for the exemption will no longer be permissible, because it results in discrimination against women. But the first reason does justify extending the exemption to women, for the purpose is to spare a family its last child subject to induction. Thus the sole surviving child will be exempt.

The computation of the draft quota for a given area is based on the actual number of men in the area liable for training but not deferred after classification.[272] When the Equal Rights Amendment becomes operative the number of women available will be included in the pool of available registrants.

The Selective Service Act provides for the administration of the draft system by local and appeal draft boards.[273] The Act explicitly states that no citizen shall be denied membership on any board on account of sex.[274] However, women are now only a small percentage of total draft board membership. Black registrants have challenged their induction on similar facts, claiming that they cannot be legally inducted by a board which is disproportionately white or which has no black members. None of these claims has met with success.[275] The chances that women will be excused from induction because of the sexual imbalance on the boards is therefore small. Adoption of the Equal Rights Amendment, however, will undoubtedly stimulate the appointment of greater numbers of women to draft boards.

It is possible that an all volunteer army will be established in the United States in the foreseeable future. In that event, equalization of the draft becomes of academic interest only. Even if the volunteer system were approved, however, the draft would probably remain in effect for some years. More important, under either system of recruitment the Equal Rights Amendment will require a change in the status of women in the military and the conditions under which they serve.

2. Grounds for Discharge

In addition to the grounds for discharge applicable to both sexes, several grounds apply only to women. One such rules requires that a married or unmarried woman who becomes pregnant must be discharged. Another requires that a woman with dependent children cannot serve.[276] Men, married or single, who father children or have dependent children are not discharged for such reasons.

Several women have recently brought suits challenging these and similar military regulations on equal protection grounds.[277] Under the pressure of litigation the Air Force has modified some of its rules.[278] Whatever the outcome of this litigation, however, these policies will have to be reexamined and reformulated when the Amendment is passed. If the rules continue to require discharge of women with dependent children, then men in a similar sitaution will also have to be discharged. Since this will make it almost impossible to have any career officers, such a rule is unlikely to be adopted. The nondiscriminatory alternative is to allow both men and women with children to remain in the service and to take their dependents on assignments in non-combat zones, as men are now permitted to do.

Rules requiring discharge because of pregnancy will also change. The Army has recently provided that married women who plan to remain in the service with their children may receive a three and a half month leave to bear the child.[279] Such a leave is related to a unique physical characteristic of women, and if shown to be directly related to the physical condition of pregnancy, can be applied to women only.

Distinctions between single and married women who become pregnant will be permissible only if the same distinction is drawn between single and married men who father children. This is required because once the Army has allowed married women to continue to serve when they have children, it is clear that pregnancy and childbearing alone are not incompatible with military service. A rule excluding single women who become pregant would thus not be based on physical characteristics, but rather would rest on disapproval of extramarital pregnancy. Such standards must be applied equally to both sexes. Thus, if unmarried women are discharged for pregnancy, men shown to be fathers of children born out of wedlock would also be discharged. Even in this form such a rule would be suspect under the Amendment, because it would probably be enforced more frequently against women. A court will therefore be likely to strike down the rule despite the neutrality in its terms, because of its differential impact. To avoid these problems, the Armed Forces can treat both sexes similarly by permitting single people to father or bear children, and by regulating only the unique physical characteristic of pregnancy.

All people who have children will be treated equally by the Armed Forces in terms of child care. The military may want to provide day care; if it does not, it may allow a parent to be discharged to take care of his or her child if he or she cannot provide for adequate care while on active duty.

3. Assignment and training

All men who are drafted receive four to six months of basic training. All draftees are eligible for combat duty. The men are assigned to one of five broad areas of duty—administration, intelligence, training and tactics, supply, or combat. They are assigned and organized along two different but overlapping systems of classification. One is a numerical system, and the other is a functional one. "Corps" is the general name for the functional units, such as the Army Engineer Corps or the Army Nurse Corps, though the term "corps" is also used to designate a numerical grouping of two to five divisions. Although the members of a functional corps are physically dispersed in job assignments, the corps keeps separate records, and promotions and assignment are routed through its office. Almost all of the women in the Army are members of the Army Nurse Corps or the Women's Army Corps. Although the Army Nurse Corps is organized along job lines, the WAC has no unifying principle except that its members are women. It thus stands as a symbol of the unwillingness of the Army to abandon distinctions based on sex. Under the Equal Rights Amendment the WAC would be abolished and women assigned to other corps on the basis of their skills.

Women are only partially integrated into the training and assignment procedures applicable to men. They receive some basic training but it does not equip them for combat duty. They serve mainly in administrative and clerical jobs or as medical technicians.

Whether women ought to serve in combat units has provoked lengthy debate. Before discussing the arguments raised against it, it is important to place the problem in perspective. Some public debate has implied that hundreds of thousands of women will be affected by such a requirement. This is not true. Combat soldiers make up only a small percentage of military personnel. Even in combat zones many jobs of logistic and administrative support are no different or more difficult than the work done in non-combat zone. Thirty years ago, women were found capable of filling over three-quarters of all Army job classifications,[280] and there is no reason to prevent them from doing these jobs in combat zones. The issue of assigning women to actual combat duty, therefore, involves a relatively small segment of total military assignments.

Opponents of the Amendment claim that women are physically incapable of performing combat duty. The facts do not support this conclusion. The effectiveness of the modern soldier is due more to equipment and training than to individual strength. Training and combat may require the carrying of loads weighing 40 to 50 pounds, but many, if not most, women in this country are fully able to do that.[281] And women are physically as able as men to perform many jobs classified as combat duty, such as piloting an airplane or engaging in naval operations. In order to screen out those of both sexes incapable of combat service, it will be permissible to administer a test to measure ability to do the requisite physical tasks. Those who pass, or who will foreseeably be able to do so after training, will receive combat training. The test will have to be closely related to the actual requirements of combat duty. There will be many women able to pass such a test.

Another frequent objection to women in combat service is based on speculation about the problems that will arise in terms of discipline and sexual activity. No evidence has been found that participation by women will cause difficult problems. Women in other countries, including Israel and North Vietnam, have served effectively in their armed forces. There is no reason to assume that in a dangerous situation women will not be as serious and well disciplined as men.

Finally, as to the concern over women engaging in the actual process of killing, no one would suggest that combat service is pleasant or that the women who serve can avoid the possibility of physical harm and assault. But it is important to remember that all combat is dangerous, degrading and dehumanizing. That is true for all participants. As between brutalizing our young men and brutalizing our young women there is little to choose.

4. In-service Conditions

Women in the Armed Forces receive the same pay and are ranked the same as men. Most service and veterans' benefits are the same for both sexes. On the other hand the rules on dependents' allowances, in-service housing and medical benefits discriminate against women. Male officers are provided quarters on base, or a basic quarters allowance for their dependents if they live off base; male officers also receive a dependents' allowance based on their grade and the number of dependents, regardless of any money the officer's wife may earn. The husband of a female officer, however, is not recognized as a dependent unless he is physically or mentally incapable of supporting himself and is dependent on his wife for more than half of his support.[282] These discriminations are now under attack in a suit against the Air Force.[283] Should they not be stricken down, the Equal Rights Amendment will require that result. Women will receive housing, allowances, and medical benefits on the same basis as men.

Living conditions in the service will be changed by adoption of the Equal Rights Amendment to the extent that they separate men and women for functions in which privacy is not a factor. Officers' clubs, enlisted mens' clubs, and other social organizations

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Footnotes at end of article.

and activities on military bases will be open to women as well as men. Athletic facilities will also have to be made available to women personnel. Eating facilities will likewise be integrated by sex. Sleeping quarters could remain separate under the privacy exception to the Amendment.

5. Summary

The Equal Rights Amendment will result in substantial changes in our military institutions. The number of women serving, and the positions they occupy, will be far greater than at present. Women will be subject to the draft, and the requirements for enlistment will be the same for both sexes. In-service and veterans' benefits will be identical. Women will serve in all kinds of units, and they will be eligible for combat duty. The double standard for treatment of sexual activity of men and women will be prohibited.

Changes in the law, where necessary to bring the military into compliance with the Amendment, will not be difficult to effect. The statutes governing the military will be amended by Congress, and the services can revise their own regulations. If these changes are made promptly, no disruption in the functioning of the military need result.

The drafting of women into the military will expose them to tasks and experiences from which many of them have until now been sheltered. The requirement of serving will be as unattractive and painful for them as it now is for many men. On the other hand, their participation will cure one of the great inequities of the current system. As long as anyone has to perform military functions, all members of the community should be susceptible to call. When women take part in the military system, they more truly become full participants in the rights and obligations of citizenship.

VI. CONCLUSION

The transformation of our legal system to one which establishes equal rights for women under the law is long overdue. Our present dual system of legal rights has resulted, and can only result, in relegating half of the population to second class status in our society. What was begun in the Nineteenth Amendment, extending to women the right of franchise, should now be completed by guaranteeing equal treatment to women in all areas of legal rights and responsibilities.

We believe that the necessary changes in our legal structure can be accomplished effectively only by a constitutional amendment. The process of piecemeal change is long and uncertain; the prospect of judicial change through interpretation of the Fourteenth Amendment is remote and the results are likely to be inadequate. The Equal Rights Amendment provides a sound constitutional basis for carrying out the alterations which must be put into effect. It embodies a consistent theory that guarantees equal legal rights for both sexes while taking into account unique physical differences between the sexes. In the tradition of other great constitutional mandates, such as equal protection for all races, the right to freedom of expression, and the guarantee of due process, it supplies the fundamental legal framework upon which to build a coherent body of law and practice designed to achieve the specific goal of equal rights.

The call for this constitutional revision is taking place in the midst of other significant developments in the movement for women's liberation in this country. The movement as a whole is in a stage of ferment and growth, seeking a new political analysis based upon greater understanding of women's subordination and of the need for new directions. The resulting political discussion has brought forth many possibilities, including changes in work patterns, new family structures, alternative forms of political organization, and redistribution of occupations between sexes. A number of feminists have argued for increased separation of women from men in some spheres of activity or stages of life. Dialogue and experimentation with many forms of social, political and economic organization will undoubtedly go on as long as the women's movement continues to grow.

Underlying this wide-ranging debate, however, there is a broad consensus in the women's movement that, within the sphere of governmental power, change must involve equal treatment of women with men. Moreover, the increasing nationwide pressure for passage of an Equal Rights Amendment, among women both in and out of the active women's movement, makes it clear that most women do not believe their interests are served by sexual differentiation before the law. Legal distinctions based upon sex have become politically and morally unacceptable.

In this context the Equal Rights Amendment provides a necessary and a particularly valuable political change. It will establish complete legal equality without compelling conformity to any one pattern within private relationships. Persons will remain free to structure their private activity and association without governmental interference. Yet within the sphere of state activity, the Amendment will establish fully, emphatically, and unambiguously the proposition that before the law women and men are to be treated without difference.

FOOTNOTES

† Barbara A. Brown, Gail Falk, and Ann E. Freedman are members of the Class of 1971 of the Yale Law School, and are active in the women's movement. Thomas I. Emerson is a professor of law at the Yale Law School. The authors express appreciation for the thoughtful assistance of Rand E. Rosenblatt of the board of editors of the Yale Law Journal.

[1] H.R.J. Res. 208, 92d Cong., 1st Sess. (1971); S.J. Res. 8, 92d Cong., 1st Sess. (1971).

[2] For accounts of the legal status of women in English and American history, see E. Flexner, Century of Struggle (1959); L. Kanowitz, Women and the Law (1969) [hereinafter cited as Kanowitz]; A. Kraditor, Up From The Pedestal (1968); Crozier, *Constitutionality of Discrimination Based on Sex,* 15 Boston U.L. Rev. 723 (1935); Note, *Sex, Discrimination and the Constitution,* 2 Stan. L. Rev. 691 (1950). On the prevalence of discrimination in the American legal system today see, in addition to the above materials, President's Commission on the Status of Women, American Women (1963) and Report of the Committee on Civil and Political Rights (1963); Citizens' Advisory Council on the Status of Women, Report of the Task Force on Family Law and Policy (1968), Report of the Task Force on Health and Welfare (1968), Report of the Task Force on Labor Standards (1968), and Report of the Task Force on Social Insurance and Taxes (1968); The President's Task Force on Women' Rights and Responsibilities, Report: A Matter of Simple Justice (1970); Women's Bureau, U.S. Dept. of Labor, Handbook on Women Workers (1969) [hereinafter cited as 1969 Handbook]; Cavanagh, *"A Little Dearer than His Horse": Legal Stereotypes and the Feminine Personality,* 6 Harv. Civ. Rights-Civ. Lib. L. Rev. 260 (1971); Seidenberg, *The Submissive Majority: Modern Trends in the Law Concerning Women's Rights,* 55 Corn. L. Rev. 262 (1970). Recent developments are reported in The Spokeswoman and Women's Rights Law Reporter.

[3] An early suggestive analysis of legal discrimination against women can be found in Murray & Eastwood, *Jane Crow and the Law: Sex Discrimination and Title VII,* 34 Geo. Wash. L. Rev. 232 (1965). In March, 1970, the Citizens' Advisory Council on the Status of Women, in a memorandum prepared by Mary Eastwood, articulated the outline of a coherent theory of the Equal Rights Amendment; see Citizens' Advisory Council on the Status of Women, The Proposed Equal Rights Amendment to the United States Constitution (1970). Since then, an increasing amount of national attention and scholarly writing has been focused on the Amendment. See *Equal Rights for Women: A Symposium on the Proposed Constitutional Amendment,* 6 Harv. Civ. Rights-Civ. Lib. L. Rev. 215 (1971); Note, *Sex Discrimination and Equal Protection: Do We Need A Constitutional Amendment,* 84 Harv. L. Rev. 1499 (1971).

[4] The Fourteenth Amendment provides that no state shall "deny to any person within its jurisdiction the equal protection of the laws." And the Fifth Amendment Due Process Clause has been construed to embody an equivalent protection against action by the federal government; *see, e.g.,* Bolling v. Sharpe, 347 U.S. 497 (1954). Both provisions will hereafter be referred to as the "Equal Protection Clause."

[5] The 1963 position of the President's Commission on the Status of Women is stated in American Women, supra note 2, at 44–45. Two leading advocates of women's rights who switched from judicial interpretation to the amendment as the preferred route of change are Dr. Pauli Murray, a member of the Committee on Civil and Political Rights of the President's Commission on the Status of Women, and Professor Leo Kanowitz, author of Women and the Law (1969). See their testimony before the Senate Committee on the Judiciary on the Equal Rights Amendment in September, 1970, *Hearings on S.J. Res. 61 and S.J. Res. 231 Before the Senate Comm. on the Judiciary,* 91st Cong., 2d Sess., at 161, 427 (1970). Other discussion comparing the treatment of sex discrimination through judicial interpretation and amendment of the Constitution can be found in Note, *supra* note 3, 84 Harv. L. Rev. 1499, and *Equal Rights for Women, supra* note 3, 6 Harv. Civ. Rights-Civ. Lib. L. Rev. 215.

[6] *See* Minor v. Happersett, 88 U.S. (21 Wall.) 161 (1874) (voting); Bradwell v. Illinois, 83 U.S. (16 Wall.) 130 (1872) and *In re* Lockwood, 154 U.S. 116 (1894) (admission to the bar).

[7] Bradwell v. Illinois, 83 U.S. (16 Wall.) at 141.

[8] 208 U.S. 412 (1908).

[9] 198 U.S. 45 (1905).

[10] 208 U.S. at 422. It should be noted that the employer in the case did argue for the invalidity of the statute because "it does not apply equally to all persons similarly situated, and is class legislation." 208 U.S. at 418. But this argument was addressed to the point that the law applied only to certain kinds of establishments and did not cover other kinds where women were employed. It did not raise any issue of *women's* rights under the Equal Protection Clause. Nor did the Court consider this to be the issue.

[11] Cases following *Muller* which sustained employment legislation applicable only to women against due process challenges include Radice v. New York, 264 U.S. 292 (1924), and West Coast Hotel v. Parrish, 300 U.S. 379 (1927); *contra,* Adkins v. Children's Hospital, 261 U.S. 525 (1923) (overruled in West Coast Hotel v. Parrish *supra*). For cases relying on *Muller* to sustain state exclusion of women from overtime work, juries, saloons, occupations, and public universities against equal protection challenges, *see, e.g.,* Ward v. Luttrell, 292 F. Supp. 162 (E.D. La. 1968) (women's equal protection challenge to state maximum hours laws denied), and cases cited in Note, *supra* note 3, 84 Harv. L. Rev. at 1504 n.46. *But see* Mengelkoch v. Industrial Welfare Comm'n, 437 F.2d 563 (9th Cir. 1971), *reversing in pertinent part* 284 F. Supp. 950, 956 (C.D. Cal. 1968) (holding that an equal protection challenge to California's maximum

hours law for women posed a "substantial constitutional question" requiring the convening of a three-judge district court under 28 U.S.C. § 2281).

[12] 335 U.S. 464 (1948).

[13] *Id.* at 465–66.

[14] *Id.* at 466–67. Justices Rutledge, Douglas, and Murphy dissented, but solely on the narrow issue that the statute discriminated against female bar owners; they did not mention the broader equal protection question. Compare the treatment of the rights of women bartenders in Wilson v. Hacker, 200 Misc. 124, 101 N.Y.S.2d 461 (Sup. Ct. 1950).

[15] For a general discussion of the "reasonable classification" test under the Equal Protection Clause, see *Developments in the Law—Equal Protection,* 82 Harv. L. Rev. 1065, 1077–87 (1969) [hereinafter cited as *Developments—Equal Protection*]; another discussion of *Goesaert* can be found in Note, *supra* note 3, 84 Harv. L. Rev. at 1503–04.

[16] *See, e.g.,* Korematsu v. United States, 323 U.S. 214 (1944) (strict review of burdens imposed on basis of race and national origins); Skinner v. Oklahoma *ex rel.* Williamson, 316 U.S. 535 (1942) (strict review of state law infringing man's right of procreation); Kotch v. Board of River Port Pilot Comm'rs., 330 U.S. 552, 564 (1947) (Rutledge, J., dissenting) (strict review of exclusion of persons from occupation on basis of lineage).

[17] *See* the California Supreme Court's discussion of *Goesaert v. Clearly* and *Muller v. Oregon* in Sail'er Inn, Inc. v. Kirby, — Cal. 3d —, 485 P.2d 529, 539 n.15, 95 Cal. Rptr. 329, 339 n.15 (1971). *Cf.* McCrimmon v. Daley, 2 FEP Cases 971, 972 (N.D. Ill. 1970); Paterson Tavern & Grill Owners Ass'n v. Borough of Hawthorne, 57 N.J. 180, 183–86, 270 A.2d 628, 630–31 (1970). For discussion of these and other cases concerning occupational exclusions of women, see note 111 *infra.*

[18] 368 U.S. 57 (1961).

[19] *Id.* at 61–62. Chief Justice Warren and Justices Black and Douglas concurred in an ambiguous opinion which indicated that they were not passing on the constitutional issue. In two earlier cases the Court had indicated that the exclusion of women from juries was constitutionally permissible; see Strauder v. West Virginia, 100 U.S. 303, 310 (1880) (dictum), and Fay v. New York, 332 U.S. 261, 290 (1947); *but cf.* Ballard v. United States, 329 U.S. 187, 193–94 (1946). The Court has agreed to hear the issue of exclusion of women from state juries again in Alexander v. Louisiana, *cert. granted,* 401 U.S. 396 (1971) (No. 5944).

[20] On the "fundamental interest" test see Shapiro v. Thompson, 394 U.S. 618 (1969); Kramer v. Union Free School District, 395 U.S. 621, 626–30 (1969). For discussion see *Developments—Equal Protection, supra* note 15, at 1120–23, 1127–31; Note, *supra* note 3, 84 Harv. L. Rev. at 1506–07.

[21] McLaughlin v. Florida, 379 U.S. 184, 196 (1965). *See also* Loving v. Virginia, 388 U.S. 1, 11 (1967). While the suspect classification doctrine has been used most frequently in reviewing racial classifications, it has also been applied to legislative distinctions based on national ancestry and alienage. *See, e.g.,* Korematsu v. United States, 323 U.S. 214 (1944); *cf.* Hernandez v. Texas, 347 U.S. 475 (1954). For discussion see *Developments—Equal Protection, supra* note 15, at 1087–1120, 1124–27; Note, *supra* note 3, 84 Harv. L. Rev. at 1507–16. The California Supreme Court recently overturned a state statute excluding most women from bartending on the grounds that classifications based upon sex should be treated as suspect. . . . Sex, like race and lineage, is an immutable trait, a status into which the class members are locked by the accident of birth. What differentiates sex from nonsuspect statuses, such as intelligence or physical disability, and aligns it with the recognized suspect classifications is that the characteristic frequently bears no relation to the ability to perform or contribute to society. Sail'er Inn, Inc. v. Kirby, — Cal. 3d —, 485 P.2d 529, 539–40, 95 Cal. Rptr. 329, 339–40 (1971). The suspect classification doctrine was also used in striking down heavier criminal penalties for women than for men in United States *ex rel.* Robinson v. York, 281 F. Supp. 8, 14 (D. Conn. 1968), discussed in note 246 *infra.*

[22] *See, e.g.,* Wyman v. James, 400 U.S. 309 (1971), *id.* at 338 (Marshall, J., dissenting); Dandridge v. Williams, 397 U.S. 471 (1970), *id.* at 508 (Marshall, J., dissenting); Kramer v. Union Free School District, 395 U.S. 621 (1969), *id.* at 634 (Stewart, J., dissenting); Shapiro v. Thompson, 394 U.S. 618 (1969), *id.* at 655 (Harlan, J., dissenting).

[23] As is pointed out in Note, *supra* note 3, 84 Harv. L. Rev. at 1509–13, the number and kind of sex-based classifications which would be upheld under a suspect classification standard depend on the burden of justification which the Court requires the state to bear. If the Court requires the state to demonstrate a "perfect match" between the category "woman" and the legislative purpose (such as preventing job-related injuries), few (if any) sex-based laws would survive constitutional review. If, on the other hand, the Court adopts a "balancing" approach, and weighs the extent of legislative "mismatch" against the administrative inconvenience of abolishing the law, the results would be far more favorable to sex-based classifications. *See id.* at 1511–12.

[24] *See* pp. 888–92 *infra.*

[25] 401 U.S. 951 (1971), *aff'g* 316 F. Supp. 134 (D.S.C. 1970).

[26] 316 F. Supp. 134, 138 (D.S.C. 1970).

[27] 401 U.S. 951 (1971).

[28] The Court is continuing, however, to examine sex classifications in certain contexts. It recently granted review in cases which raise issues of sex discrimination in connection with child custody, *In re* Stanley, 45 Ill. 2d 132, 256 N.E. 2d 814 (1970), *cert. granted sub nom.* Stanley v. Illinois, 400 U.S. 1020 (1971) (No. 5750); administration of estates, Reed v. Reed, 93 Idaho 511, 465 P. 2d 635 (1970), *prob. juris. noted,* 401 U.S. 9934 (1971) (No. 430); and exclusion of women from jury venire lists, State v. Alexander, 255 La. 941, 233 So. 2d 891 (1970), *cert. granted sub nom.* Alexander v. Louisiana, 401 U.S. 936 (1971). The Court has also agreed to review two cases involving the imposition on women of their husbands' debts in community property states. See Perez v. Campbell, 421 F. 2d 619 (9th Cir. 1970), *cert. granted,* 400 U.S. 818 (1970) (No. 5175) (challenging the suspension of an Arizona woman's driver's license and car registration for debts arising from an accident while her husband was driving the community car); Mitchell v. Commissioner, 430 F. 2d 1 (5th Cir. 1970), *cert. granted sub nom.* United States v. Mitchell, 400 U.S. 1008 (1971) (No. 798) (woman's liability for husband's federal income tax).

[29] Collections of judicial decisions on the validity of sex-based laws may be found in President's Commission on the Status of Women, Report of the Committee on Civil and Political Rights, Appendix B, 47–77 (1963); Kanowitz, *supra* note 2, at 149–92; Crozier, *Constitutionality of Discrimination Based on Sex,* 15 Boston U.L. Rev. 723 (1935); Note, *Sex, Discrimination, and the Constitution,* 2 Stan. L. Rev. 691 (1950); Note, *Classification on the Basis of Sex and the 1964 Civil Rights Act,* 50 Iowa L. Rev. 778 (1965). The cases referred to in the text as striking down discriminatory laws include: United States *ex rel.* Robinson v. York, 281 F. Supp. 8 (D. Conn. 1968), and Commonwealth v. Daniel, 430 Pa. 642, 243 A. 2d 400 (1968) (criminal penalties); White v. Crook, 251 F. Supp. 401 (M.D. Ala. 1966) (jury service); Kirstein v. Rector and Visitors of the University of Virginia, 309 F. Supp. 184 (E.D. Va. 1970) (admission to university); Sail'er Inn, Inc. v. Kirby, — Cal. 3d —, 485 P. 2d 529, 95 Cal. Rptr. 329 (1971) (exclusion from bartending), discussed in note 21 *supra*; Seidenberg v. McSorley's Old Ale House, Inc., 308 F. Supp. 1253 (S.D.N.Y. 1969) and 317 F. Supp. 593 (S.D.N.Y. 1970) (service at bar); Karczewski v. Baltimore & Ohio R.R., 274 F. Supp. 169 (N.D. Ill. 1967) (loss of consortium). *Cf.* Mengelkoch v. Industrial Welfare Comm'n, 437 F. 2d 563 (9th Cir. 1971), discussed in note 11 *supra.*

[30] The cases referred to in the text as upholding discriminatory laws include: Gruenwald v. Gardner, 390 F. 2d 591 (2d Cir. 1968), *cert. denied,* 393 U.S. 982 (1968) (social security benefits); State v. Hall, 187 So. 2d 861 (Miss. 1966), *appeal dismissed,* 385 U.S. 98 (1966) (jury service); United States v. St. Clair, 291 F. Supp. 122 (S.D.N.Y. 1968) and United States v. Dorris, 319 F. Supp. 1306 (W.D. Pa. 1970) (Selective Service); Jacobson v Lenhart, 30 Ill. 2d 225, 195 N.E. 2d 638 (1964) (age of majority); Miskunas v. Union Carbide Corp., 399 F. 2d 847 (7th Cir. 1968), *cert. denied,* 393 U.S. 1066 (1969) (consortium).

[31] For a discussion of the limits of Congressional power to prohibit sex discrimination in areas traditionally reserved to the states, such as inheritance, domestic relations, and criminal law, see Note *supra* note 3, 83. Harv. L. Rev. at 1516–18.

[32] This section deals with a few central theoretical issues which have persisted throughout the debates on the Amendment; it is not a detailed account of the formal legislative history of the Amendment. References to the resolutions, hearings, reports, and debates on the Amendment are given in a table in an Appendix to this article.

[33] 92 Cong. Rec. 9313 (1946).

[34] 9 Cong. Rec. 738 (1950).

[35] In 1950, Senator Kefauver proposed that equal rights be attained through legislation rather than amendment. He offered a bill which would have created a commission to survey the laws and report to Congress, which would then take action. The standard which he had in mind for the formulation of laws would have permitted protective legislation and other special laws for women to stand. The bill was defeated, 18–65. 96 Cong. Rec. 724, 758–61, 872 (1950).

[36] 116 Cong. Rec. 7948, 7953 (daily ed. Aug. 10, 1970); 116 Cong. Rec. 17631–36, 17639–51 (daily ed. Oct. 9, 1970).

[37] 116 Cong. Rec. 7953–54 (daily ed. Aug. 10, 1970).

[38] 116 Cong. Rec. 17341 (daily ed. Oct. 7, 1970); 116 Cong. Rec. 17792 (daily ed. Oct. 12, 1970).

[39] 116 Cong. Rec. 17780–81 (daily ed. Oct. 12, 1970).

[40] It is interesting to note that this issue, which proved so decisive and destructive of the Amendment in 1970, had been discussed and considered settled among the proponents in the 1950 debate. Senator Cain, a supporter, had said that the Amendment would mean that women would be drafted and assigned jobs based on their individual capacities and the needs of the country. 90 Cong. Rec. 760–61 (1950). With a war just behind them and the specter of an atomic one facing them, Congress could foresee a need for women in the armed forces. Now the idea of compulsory military service for women seems outrageous to some senators.

[41] Discussions of the legal foundations of equal rights for women which we have found particularly helpful, and upon which we have attempted to build in this article, include Murray & Eastwood, *Jane Crow and the Law: Sex Discrimination and Title VII,* 34 Geo. Wash. L. Rev. 232 (1965); Citizens' Advisory Council on the Status of Women, The Proposed Equal Rights Amendment to the United States Constitution (1970); and the testimony of several witnesses in *Hearings on S.J. Res. 61 and S.J. Res. 231 Before the Senate Comm. on the Judiciary,* 91st Cong., 2d Sess. (1970).

[42] *But see* Note, *Too Old To Work: The Constitutionality of Mandatory Retirement Plans*, 44 S. Cal. L. Rev. 150 (1970).

[43] It seems lightly probable that, as to most characteristics which the law takes into account, the differences within each sex are greater than the differences in average between the sexes. The justification for the Equal Rights Amendment, however, stands without regard to this factual assumption.

[44] Executive Order 11478, 3 C.F.R. 133 (1969 Comp.), 42 U.S.C. § 2000e (Supp. V, 1969); Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e–15 (1964).

[45] For discussion of the problem as it arises in the determination of insurance rates based on statistical differences between men and women, see *Developments in the Law—Employment Discrimination and Title VII of the Civil Rights Act of 1964*, 84 Harv. L. Rev. 1109, 1172–76 (1971) [hereinafter cited as *Developments—Title VII*].

[46] 368 U.S. 57 (1961). This case is discussed at p. 879 *supra*.

[47] The possibility that a woman who became a mother might leave the workforce altogether for child*rearing* is not based on a unique physical characteristic of women, and therefore would not even be considered in relation to the unique physical characteristics tests.

[48] One commentator has suggested that at least in the First Amendment area, the doctrine of "less drastic means" has little viability beyond traditional legal assumptions about the impact of vague criminal statutes. *See* Note, *Less Drastic Means and the First Amendment*, 78 Yale L.J. 464, 472–74 (1969). On the other hand, the U.S. Court of Appeals for the District of Columbia Circuit has used the concept of less drastic means in reviewing the problems of confinement in mental institutions; *see* Covington v. Harris, 419 F.2d 617 (D.C. Cir. 1969), and Lake v. Cameron, 364 F.2d 657 (D.C. Cir. 1966). See also the development of judicial concepts of "job validation" of tests under Title VII in Griggs v. Duke Power Co., 401 U.S. 424 (1971), and cases discussed in *Developments—Title VII*, *supra* note 45, at 1120–1140.

[49] Murray & Eastwood, *supra* note 3, at 241.

[50] Penn v. Stumpf, 308 F. Supp. 1238, 1244 (N.D. Cal. 1970).

[51] Gaston County v. United States, 395 U.S. 285, 296–97 (1969). Other cases invalidating ostensibly neutral classifications which operated to discriminate against the right of blacks to vote include Lane v. Wilson, 307 U.S. 268 (1939); Gomillion v. Lightfoot, 364 U.S. 339 (1960). Pupil assignment laws, under which assignment of students to schools is ostensibly based upon non-racial factors, have not been allowed to operate so as to maintain segregation of races in the school system. See Green v. County School Board, 391 U.S. 430 (1968); United States v. Jefferson County Board of Education, 372 F. 2d 836 (5th Cir. 1966), *cert. denied*, 389 U.S. 840 (1967). For rejection of an ostensibly neutral classification which abridged freedom of religion, see Sherbert v. Verner, 374 U.S. 398 (1963). On "neutral" classifications which operate to discriminate against blacks in employment, see Griggs v. Duke Power Co., 401 U.S. 424 (1971). Generally on the problem see Ely, *Legislative and Administrative Motivation in Constitutional Law*, 79 Yale L.J. 1205 (1970).

[52] 381 U.S. 479 (1965).

[53] The balancing test for the right of privacy is used by Mr. Justice Goldberg in his concurring opinion, Griswold v. Connecticut, 381 U.S. 479, 486 (1965). For discussion of the full protection or absolute approach see T. Emerson, The System of Freedom of Expression, 544–550 (1970).

[54] The constitutional right of privacy in the search situation was recognized in York v. Story, 324 F. 2d 450 (9th Cir. 1963), *cert. denied*, 376 U.S. 939 (1964).

[55] Plessy v. Ferguson, 163 U.S. 537 (1896); Brown v. Board of Education, 347 U.S. 483 (1954). The suggestion concerning dormitories and toilet facilities is made in Murray & Eastwood, *supra* note 3, at 240. On the application of the separate-but-equal doctrine to universities, see Kirstein v. Rector and Visitors of the University of Virginia, 309 F. Supp. 184, 187–88 (E.D. Va. 1970).

[56] Drawing the line between the public and private sectors involves the concept of "state action," discussed at pp. 905–07 *infra*.

[57] Generally on the validity of benign classifications to secure greater equality in race relations, see Fiss, *Racial Imbalance in the Public Schools: The Constitutional Concepts*, 78 Harv. L. Rev. 564 (1965); Kaplan, *Equal Justice in An Unequal World: Equality for the Negro—The Problem of Equal Treatment*, 61 Nw. U.L. Rev. 363 (1966); *Developments—Equal Protection*, *supra* note 15, at 1105–20.

[58] With respect to the power to afford affirmative relief in framing judicial remedies, see Swann v. Charlotte-Mecklenburg Board of Education, 91 S. Ct. 1267 (1971).

[59] On the analogous power of Congressional implementation conferred by the enforcement clause of the Fourteenth Amendment, see Katzenbach v. Morgan, 384 U.S. 641 (1966). See also South Carolina v. Katzenbach, 383 U.S. 301 (1966); United States v. Guest, 383 U.S. 745 (1966); Oregon v. Mitchell, 400 U.S. 112 (1971).

[60] *Cf.* Black, *Foreword: "State Action," Equal Protection, and California's Proposition* 14, 81 Harv. L. Rev. 69 (1967).

[61] Williams v. McNair, 401 U.S. 951 (1971); see discussion at p. 881 *supra*.

[62] *See* Guillory v. Administrators of Tulane University, 203 F. Supp. 855 (E.D. La.), *vacated*, 207 F. Supp. 554, *aff'd* 306 F. 2d 489 (5th Cir. 1962); Greene v. Howard University, 271 F. Supp. 609 (D.D.C. 1967), *remanded*, 412 F. 2d 1129 (D.C. Cir. 1969); Grossner v. Trustees of Columbia University, 287 F. Supp. 535 (S.D.N.Y. 1968); Powe v. Miles, 294 F. Supp. 1269 (W.D.N.Y.), *modified*, 407 F. 2d 73 (2d Cir. 1968).

[63] 397 U.S. 664 (1970).

[64] Of course, significant government aid, financial or otherwise, would involve state action. See, e.g., Simkins v. Moses H. Cone Memorial Hospital, 323 F.2d 959 (4th Cir. 1963), *cert. denied*, 376 U.S. 938 (1964). See also Green v. Kennedy, 309 F. Supp. 1127 (D.D.C. 1970).

[65] S. Rep. No. 267, 78th Cong., 1st Sess. at 1 (1943).

[66] H.R.J. Res. 208, 92d Cong., 1st Sess. (1971). Many resolutions embodying the Equal Rights Amendment have been introduced in the House of Representatives in the 92d Congress. They vary in their provisions on ratification, effective date, and enforcement. However, the version proposed by Representative Griffiths is the one which has received the endorsement of most of the proponents of the Amendment.

[67] H.R.J. Res. 208, 92d Cong., 1st Sess. § 2 (1971).

[68] Ch. 531, 49 Stat. 620 (codified in scattered sections of 42 U.S.C.).

[69] Conn. Gen. Stat. Ann. Penal Code, 1969 Public Act No. 828 (effective Oct. 1, 1971), Criminal Code of 1961, Ann. Stat. ch. 38, §§ 1–99 (Smith-Hurd 1964).

[70] This list of groups and organizations is of course only suggestive. As the women's movement continues to burgeon, more and more organizations are gaining experience for the task of law reform through lobbying and litigating for women's rights under present laws.

[71] Exec. Order No. 11126, 3 C.F.R. 791 (1963 Comp.).

[72] For more detailed discussion of problems of statutory construction when constitutional questions are involved, *see* J. Sutherland, Statutory Construction (3d ed. F. Horack ed. 1943) [hereinafter cited as Sutherland]; Sedler, *Standing to Assert Constitutional Jus Tertii in the Supreme Court*, 71 Yale L.J. 599 (1962); Stern, *Separability and Separability Clauses in the Supreme Court*, 51 Harv. L. Rev. 76 (1937) [hereinafter cited as Stern]; Note, *Supreme Court Interpretation of Statutes to Avoid Constitutional Decisions*, 53 Colum. L. Rev. 633 (1953); Note, *The Effect of an Unconstitutional Exception Clause on the Remainder of a Statute*, 55 Harv. L. Rev. 1030 (1942).

[73] For reasons why vagueness and chilling effect problems are unlikely to arise, *see* notes 78 & 85 *infra*.

[74] For the maxim that, assuming any legal effect can be given to the remaining provisions of the statute, legislative intent is determinative, *see* Dorchy v. Kansas, 264 U.S. 286, 289–90 (1924). *See also* Note, *supra* note 72, 53 Colum. L. Rev. at 642. For the proposition that the amending legislature's intent may be relevant, *see* Note, *supra* note 72, 55 Harv. L. Rev. at 1033.

[75] *See* Note, *supra* note 72, 55 Harv. L. Rev. at 1032 n.20, 1033 nn.21 & 22, citing cases concerning tax statutes from which exceptions were removed, *e.g.*, State *ex rel.* Bolens v. Frear, 148 Wis. 456, 134 N.W. 673 (1912), *appeal dismissed*, 231 U.S. 616 (1914); State *ex. rel.* v. Baker, 55 Ohio St. 1, 44 N.E. 516 (1896), demonstrating the importance of when the legislature will be able to meet and enact a new statute; State *ex. rel.* Wilmot v. Buckley, 60 Ohio St. 273, 54 N.E. 272 (1899); Anderson v. Wood, 152 S.W.2d 1085 (Tex. 1941), indicating the significance of an existing law of similar substance. McLaughlin v. Florida, 379 U.S. 184, 195–96 (1965), also deals with this latter issue.

[76] *See* Note, *supra* note 72, 55 Harv. L. Rev. at 1030 n. 3, citing 22 Calif. L. Rev. 228 (1934), and 1030 n.6, 1031 n.7 and cases cited herein. State statutes which exclude non-citizens from benefits are usually interpreted to extend benefits to them, while statutes which impose burdens on them are almost invariably struck down, to avoid unconstitutionality under the Privileges and Immunities Clause of Article IV § 2. The fact that the number of non-citizens burdened by a statute or excluded from a benefit-conferring act is usually small in proportion to the number of citizens may account for these results, although this is not stated explicitly in the cases. *See* Note, *supra* note 72, 55 Harv. L. Rev. at 1034 n.40, 1035 nn.41–44; Quong Ham Wah Co. v. Industrial Accident Commission, 184 Cal. 26, 192 Pac. 1021 (1920), *appeal dismissed* 225 U.S. 445 (1921) (workman's compensation benefit privilege extended to nonresidents).

[77] *See* for discussion and authorities, 3 Sutherland, Ch. 56, esp. §§ 5604–5606, at 44–67; 2 Sutherland § 2418, at 196–97; *cf.* Stern, *supra* note 72, at 88 nn.56–58, 89 nn.59–61; Note, *supra* 72, 55 Harv. L. Rev. 1030, 1031, n.11; Yu Cong Eng. v. Trinidad, 271 U.S. 500, 515–23 (1926) (citing cases). *Contrar*, McCreary v. State. 72 Ala. 480 (1883); *cf.* Skinner v. Oklahoma *ex rel.* Williamson, 316 U.S. 535, 543 (1942) (dictum). See discussion at p. 919 *infra*.

[78] State v. Gantz, 124 La. 535, 543, 50 So. 524, 526 (1909). Judicial revision of criminal statutes often raises a problem in addition to the one discussed. If a court, to avoid unconstitutional overbreadth, must read specific words of exception into a statute, the statute may be unconstitutionally vague as well. As the Supreme Court stated in Smith v. Cahoon, 284 U.S. 553, 564 (1931):

> Either the statute imposed upon the appellant obligations to which the State had no constitutional authority to subject him, or it failed to define such obligations as the State had the right to impose with the fair degree of certainty which is required of criminal statutes.

This problem is acute where the saving construction of the court, in "discovering" an implicit exception, raises the possibility that there may be other exceptions of a similar nature as yet hidden. Since the

Equal Rights Amendment deals with the inclusion or exclusion of either of two well-defined groups, this problem is unlikely to arise.

[79] *See* Note, *supra* note 72, 55 Harv. L. Rev. at 1031–32, 1034–35, and cases cited at 1035 nn.42–44.

[80] *See, e.g.,* Burrow v. Kapfhammer, 284 Ky. 753, 145 S.W.2d 1067 (1940), noted at 54 Harv. L. Rev. 1078 (1941). *But cf.* Butte Miners' Union No. 1 v. Anaconda Copper Mining Co., 112 Mont. 418, 118 P.2d 148 (1941), noted at 55 Harv. L. Rev. 1052 (1942).

[81] 92 U.S. 214 (1875).

[82] *See, e.g.,* Stern, *supra* note 72, at 94–97.

[83] *See* the discussion in *id.,* at 102. Cases reflecting hostility on the part of the Court to the substantive policy involved in the statute include Carter v. Carter Coal co., 298 U.S. 238 (1936) and United States v. Reese, 92 U.S. 214 (1875), discussed in Stern, *supra* note 72, at 99. An example of a different "alternative basis" is Illinois Cent. R.R. v. McKendree, 203 U.S. 514 (1906), where the Court cast its decision in methodological terms perhaps to avoid reaching another constitutional issue on which it was divided. See Stern, *supra* note 72, at 102 n. 116.

[84] One indication of the accuracy of this analysis is the frequency with which the same courts follow the rule against addition of words on some occasions and violate it on others, avoiding open conflict with the *Reese* line of cases by neglecting to discuss the methodology implicit in their result. *See, e.g.,* Holy Trinity Church v. United States, 143 U.S. 457 (1892), and Stern, *supra* note 72, at 80–82, 96.

[85] In this survey we do not discuss statutes challenged on First Amendment grounds. Where statutory language has been found to be overinclusive on First Amendment grounds, a court will ordinarily refuse to limit the enactment to its constitutional applications in order to preserve the statute. The explanation is that a limiting construction will not eliminate the vice of the statute, which is that the over-broad language on its face will chill the exercise of protected First Amendment freedoms. Analogous Equal Rights Amendment cases are unlikely to arise, for it is the direct rather than the chilling effect of statutes which will be called into question. Similarly, we will not discuss challenges on grounds of vagueness, since the extension required in Equal Rights cases is likely to involve well-defined groups.

[86] Neal v. Delaware, 103 U.S. 370 (1880); *Ex parte* Yarborough, 110 U.S. 651 (1884); Guinn v. United States, 238 U.S. 347 (1915); Myers v. Anderson, 238 U.S. 368 (1915).

[87] *See* Leser v. Garnett, 258 U.S. 130, 136 (1922); Breedlove v. Suttles, 302 U.S. 277, 283 (1937); Graves v. Eubank, 205 Ala. 174, 87 So. 587 (1921); Foster v. Mayor & Council of College Park, 155 Geo. 174, 117 S.E. 84 (1923); Matter of Cavellier, 159 Misc. 212, 215, 287 N.Y.S. 739, 742 (1936).

[88] 339 U.S. 629 (1950).

[89] 339 U.S. 637 (1950).

[90] 391 U.S. (1968).

[91] 394 U.S. 618 (1969).

[92] 251 F. Supp. 401 (M.D. Ala. 1966).

[93] *See* authorities cited in note 77 *supra.*

[94] 379 U.S. 184 (1964).

[95] U.S. *ex rel.* Robinson v. York, 281 F. Supp. 8 (D. Conn. 1968); Commonwealth v. Daniel, 430 Pa. 642, A.2d 400 (1968).

[96] Skinner v. Oklahoma *ex rel.* Williamson, 316 U.S. 535, 543 (1942) (citations omitted).

[97] *See* the materials cited in note 2, *supra.* *See also* B. Bowman et al., Women and the Law: A Collection of Reading Lists (April 1, 1971) (available from Box 89, Yale Law School, New Haven, Conn. 06520); L. Cisler, Women: A Bibliography, (6th ed. 1970) (available from the author, 102 West 80 St., New York, N.Y. 10024), an excellent guide to the fast increasing body of literature on women's political and economic status; and Female Studies I (S. Tobias ed. 1970) and Female Studies II (F. Howe ed. 1970) (collections of college reading lists available from KNOW, Inc., P.O. Box 10197, Pittsburgh, Pa. 15232).

[98] §§ 701–716, 42 U.S.C. §§2000e to 2000e–15 (1964), *as amended,* (Supp. V. 1970)

[99] Table I is adapted from S. Ross, Sex Discrimination and "Protective" Labor Legislation, printed in *Hearings on Section 805 of H.R. 16098 Before the Special Subcomm. on Education of the House Comm. on Education and Labor* 91st Cong., 2d Sess., pt. 1, at 592, 595-96 (1970). The table is based on data from Women's Bureau, U.S. Dept. of Labor, Summary of State Labor Laws for Women (1969). Table II is adapted from a memorandum prepared by Catherine East, Executive Secretary of the Citizens' Advisory Council on the Status of Women, April 16, 1971.

[100] *See generally, Developments—Title VII, supra* note 45, at 1186–95.

[101] *See* S. Ross, *supra* note 99, *passim,* and cases cited in notes 106, 109, 126, 127, and 132 *infra. See also* the position of the Equal Employment Opportunity Commission (EEOC) on state protective legislation for women embodied in its regulations, 29 C.F.R. § 1604.1(b)(2) (1970), set out at p. 933 *infra.* A contrary analysis appears in Jordan, *Working Women and the Equal Rights Amendment,* Trans-Action, Nov. 1970, at 16.

[102] § 703(a)(1), 42 U.S.C. § 2000e-2(a)(1) (1964).

[103] *See* § 703(b), 42 U.S.C. § 200e-2(b) (employment agencies): § 703(c), 42 U.S.C. § 2000e-2(c) (labor organizations); § 705(a), 42 U.S.C. § 2000e-4(a) (creation of the EEOC); §§ 706(a)–(k), 42 U.S.C. 2000e-5(a)–(k) (procedures for preventing and remedying violations).

[104] § 703(e), 42 U.S.C. § 2000e-2(e) (1964).

[105] 29 C.F.R. § 1604.1(a)(2) (1970).

[106] *See, e.g.,* Weeks v. Southern Bell Tel. & Tel. Co., 408 F.2d 228 (5th Cir. 1969), *reversing in pertinent part* 277 F. Supp. 117 (S.D. Ga. 1967), in which the Fifth Circuit ruled that a company regulation imposing a weightlifting limit of 30 pounds only on women was not a bfoq under Title VII. The court defined the standard for allowing sex-based regulations under the bfoq exception as: "an employer has the burden of proving that he had reasonable cause to believe, that is, a factual basis for believing, that all or substantially all women would be unable to perform safely and efficiently the duties of the job involved." 408 F.2d at 235. *But see also* Phillips v. Martin Marietta Corp., 400 U.S. 542 (1971), *rev'g* 411 F.2d 1 (5th Cir. 1968), in which the Supreme Court implied, without deciding, that the bfoq exception might be considerably broader.

[107] Both Title VII and the Equal Rights Amendment operate to invalidate discriminatory state laws. However, when extension rather than invalidation is involved, they operate in somewhat different ways. Title VII affects state laws only indirectly, as a consequence of its regulation of discrimination in private employment. Therefore, when a court attempts to reconcile Title VII with state law by extending the regulation in question to cover the improperly excepted group, the state law is not actually revised; instead, an additional federal duty is imposed on covered employers. The Equal Rights Amendment, in contrast, would operate directly on state law, and changes, whether invalidation or extension, would apply to all subsequent cases. However, the Equal Rights Amendment will not otherwise affect discrimination in private employment, unless Congress chooses to enact affirmative legislation under the Amendment's enforcement clause.

[108] *See* S. Ross, *supra* note 99, at 595; Richards v. Griffith Rubber Mills, 300 F. Supp. 338 (D. Ore. 1969), where one of the grounds relied on by the employer to deny a particular job to women was a union contract requiring two ten-minute rest periods for women.

[109] *See, e.g.,* Potlatch Forests Inc. v. Hays, 318 F. Supp. 1368 (E.D. Ark. 1970) (state overtime wage requirement extended to men). *But cf.* Ridinger v. General Motors Corp., 325 F. Supp. 1089 (S.D. Ohio 1971).

[110] *See Developments—Title VII, supra* note 45, at 1189. The heaviest economic burden to employers might arguably be caused by the extension of state minimum wage and overtime premium pay coverage to men. However, even the economic cost of this extension is likely to be small. First, it is unusual for men to be paid less than women within a particular establishment or occupation, both because men tend to have higher status or more skilled jobs, and because men are often paid more for the same work. *See, e.g.,* Women's Bureau, U.S. Dep't of Labor, 1969 Handbook on Women Workers, Tables 66, 74, at 150–61 [hereinafter cited as 1969 Handbook]. The extent of wage discrimination against women is indicated by the enforcement and litigation experience under the Equal Pay Act of 1963, 29 U.S.C. § 206(d) (1964), which prohibits wage differentials between workers of opposite sexes holding jobs of equal skill, effort, and responsibility under similar conditions. Since the Equal Pay Act went into effect in 1964, approximately 50,000 employees, mainly women, have recovered $17 million in back wages. *See* 1 BNA Manpower Inf. Serv. Current Reports, no. 18, May 20, 1970, at 7; *cf.* The President's Task Force on Women's Rights and Responsibilities, Report: A Matter of Simple Justice 10 (1970). Second, by 1969, nearly four out of every five non-supervisory workers in private employment were covered by the federal Fair Labor Standards Act, which, under the relevant 1966 amendments, requires a minimum hourly wage of $1.60 and time and a half for all hours in excess of forty hours a week in most covered occupations. 1969 Handbook at 254; see 29 U.S.C. §§ 203, 206–07 (Supp. V, 1970), *amending* 29 U.S.C. §§ 203, 206–07 (1964). Third, only ten states of forty-one with minimum wage laws limited coverage to women or to women and minors, and only five of the eighteen jurisdictions which provide premium pay rates for overtime limit their coverage to women or to women and minors. 1969 Handbook at 266–67.

[111] The only cases thus far reported have concerned laws excluding women from bartending jobs, sometimes with exceptions for female liquor licensees or close female relatives of the licensee. *See, e.g.,* McCrimmon v. Daley, 2 FEP Cases 971 (N.D. Ill. Mar. 31, 1970), *on remand from* 418 F.2d 366 (7th Cir. 1969) (invalidating a Chicago municipal ordinance under Title VII and the Fourteenth Amendment Due Process Clause); Paterson Tavern & Grill Owners Ass'n v. Borough of Hawthorne, 57 N.J. 180, 270 A.2d 628 (1970) (invalidating a municipal ordinance as an unnecessary and unreasonable exercise of police power, and criticizing, *inter alia,* Goesaert v. Cleary, 335 U.S. 464 (1948)); Sail'er Inn, Inc. v. Kirby,—Cal. 3d—485 P.2d 529, 95 Cal. Rptr. 329 (1971) (invalidating a state law on the grounds that sex is a suspect classification under the Fourteenth Amendment Equal Protection Clause); *contra,* Krauss v. Sacramento Inn, 2 FEP Cases 733 (E.D. Cal. June 15, 1970) (upholding California statute as reasonable under the Twenty-First Amendment, despite passage of Title VII, and citing, *inter alia,* Goesaert v. Cleary, *supra*).

[112] *See* 1969 Handbook 276–77. The jurisdictions are Connecticut, Massachusetts, Missouri, New York, Vermont, Washington, and Puerto Rico. The statutory prohibition on employment lasts until three to six weeks after childbirth. *Id.* The standard in the state of Washington is established by minimum wage orders, some of which provide that special permission may be granted for continued employment upon employer's request and with a doctor's certificate. In addition, the Oregon Mercantile and Sanitation and Phys-

ical Welfare Orders recommended that an employer should not employ a female at any work during the six weeks preceding and the four weeks following the birth of her child, unless recommended by a licensed medical authority. *Id.*

[113] In addition, thirty-seven states and the District of Columbia disqualify women from collecting unemployment insurance during a specified period before and/or after childbirth, whether or not pregnancy is the reason for their unemployment. 1969 HANDBOOK 52–54. Cf. REPORT OF THE TASK FORCE ON SOCIAL INSURANCE AND TAXES, supra note 2, at 25–30, 44–46. On the other hand, Rhode Island's general temporary disability program provides cash benefits for unemployment due to maternity leave for a fourteen-week period around childbirth, and New Jersey's program provides cash payments for disabilities existing during the four weeks before and the four weeks following childbirth. However, New York and California, the only other states with state temporary disability programs, do not include disabilities based on pregnancy except in special circumstances. *Id.* at 44–46.

[114] *See,* for statistics on women's employment as teachers, 1969 HANDBOOK 90. A survey conducted by the National Education Association showed that in 1965–1966, a large number of school systems required maternity leave to begin between the fourth and sixth month of pregnancy, and extend until three or more months after childbirth. RESEARCH DIV'N, NATIONAL EDUCATION ASSOC., LEAVES OF ABSENCE FOR CLASSROOM TEACHERS 1965–66 20–26 (1967). See also speech by Jacqueline G. Gutwillig, Chairman, Citizens' Advisory Council on the Status of Women, to Conference of Interstate Association of Commissions on Status of Women, St. Louis, Mo., June 19, 1971.

[115] *See* the discussion at p. 895 *supra.*

[116] The legislative purpose of compulsory maternity leave legislation is not entirely clear; the central obscurity is the failure to specify what and who is being "protected," and why the legislature thinks the protection is necessary. Assuming that the primary purpose of such laws is to protect women's health, they can only be rationalized if one accepts as true the proposition that pregnant women, in contradistinction to all other workers, are unable or unwilling to seek or to heed medical advice about the safety and desirability of their continued performance of their jobs in light of the temporary change in their physical condition. Alternative explanations are available, however, and we are not in a position to say which of the possibilities is the actual legislative justification. One can suppose, for example, that the legislature was trying to design genuinely protective legislation and failed to think through fully the operative effect of lengthy compulsory leave without job security either in terms of women's rights as workers or in terms of the relationship between physical health and income and employment rights. Another possibility is that the legislators were willing to sacrifice women's roles as workers, which they considered relatively unimportant, to the supposed demands of pregnancy and motherhood, without much investigation either of medical evidence or alternative legislation with less impact on women's rights as independent adults. Or perhaps male legislators were acting on the basis of Victorian beliefs about the impropriety of women who are "in the family way" appearing in public at all. Since denying pregnant women the right to work when they are medically able and willing to work means that they cannot support themselves, this type of legislation, whatever its ostensible purpose, embodies an unrealistic assumption that all pregnant women have men to support them during their forced confinement.

[117] 3 FEP CASES 311 (W.D. Tex. Mar. 4, 1971), 3 FEP CASES 468 (W.D. Tex. April 16, 1971).

[118] *See* the discussion in note 106, *supra.*

[119] The definition of the "problem," whether by explicit legislative history or by judicial interpretation, is central to setting the standards by which is to be judged. The more narrowly defined problem is, the easier it is for the party defending the legislation to prove that the measures the law imposes solve a significant proportion of the problem. On the other hand, a narrow definition might cast doubt on the legislation under other tests, such as the importance of the problem to be solved or the adequacy of measures to select those contributing to the problem from the larger group with the unique physical characteristic. Although the focus of judicial scrutiny would thus shift from one factor to another depending on the definition of the "problem," the burden of proof on those defending the law would remain nearly the same.

[120] 39 U.S.L.W. 2686 (E.D. Va. May 17, 1971). *Contra,* La Fleur v Cleveland Board of Education, 39 U.S.L.W. 2686 (N.D. Ohio May 12, 1971).

[121] 39 U.S.L.W. at 2686.

[122] *Id.*

[123] *Id.* at 2687 (citations omitted).

[124] S. Ross, *supra* note 99, at 597.

[125] 29 C.F.R. § 1604. 1(b)(2) (1970) (issued Aug. 19, 1969).

[126] *See, e.g.,* Bowe v. Colgate-Palmolive Co., 416 F.2d 711 (7th Cir.1969), *reversing in pertinent part* 272 F. Supp. 332 (S.D. Ind. 1967).

[127] *See, e.g.,* Rosenfeld v. Southern Pacific Co., 293 F. Supp. 1219 (C.D. Cal. 1968), *aff'd*—F.2d—(9th Cir. 1971); Richards v. Griffith Rubber Mills, 300 F. Supp. 338 (D. Ore. 1969); Local 246, Utility Workers Union v. Southern Cal. Edison Co., 320 F. Supp. 1242 (C.D. Cal. 1970); Ridinger v. General Motors Corp., 39 U.S.L.W. 2548 (S.D. Ohio Mar. 24, 1971) (overturning state laws); Cheatwood v. South Cent. Bell Tel. & Tel. Co., 303 F. Supp. 754 (M.D. Ala. 1969) (overturning a company regulation). *Contra,* Godbrandson v. Genuine Parts Co., 297 F. Supp. 134 (D. Minn. 1968) (upholding a company-imposed limit of 40 pounds).

[128] See the general discussion of judicial review under the Equal Rights Amendment of laws based on unique physical characteristics at p. 895 *supra,* and the specific discussion of the *Schattman and Cohen* cases at pp. 930–32 *supra.*

[129] Weeks v. Southern Bell Tel. & Tel. Co., 408 F.2d 228, 235 (5th Cir. 1969).

[130] Dr. Rudolph Bono, team physician and surgeon for the New York Giants, was recently quoted as saying,

> Muscle mass for muscle mass, there is *no* physiological difference between males and females. Pound for pound, their muscles can be developed to the same degree of proficiency. Men grow bigger because male hormones increase the size of the body, but the tissues for both sexes are still the same. So if a man and a woman were equal in size, she could develop as well as he could. Most women, of course, don't try for muscular physiques because they don't want to become freaks, so the boys start lifting weights early in life while the girls keep femininity in mind.
>
> In other words, it's a social and emotional limitation that women face in sports, not a physical one. . . . In Russia the athletes don't care about femininity and you should see the muscles on some of those girls.

Schoenstein, *Can You Really Go Play With The Boys?,* SEVENTEEN, June 1971, at 28.

[131] Night work prohibitions, which exist in eighteen states and Puerto Rico, 1969 HANDBOOK 275, have an effect parallel in some respects to maximum hour limitations and in other respects to exclusionary laws. They are like the former when they prevent women from being assigned to certain shifts or jobs during the course of employment and like the latter when they exclude women from certain nighttime occupations altogether. Although it is difficult to see what difference the occupation makes to any supposed legislative justification for these laws, the coverage of only a few occupations is common, e.g. N.Y. LABOR LAW § 173 (McKinney 1965). No cases have yet reached the courts under Title VII. It would be expected, however, that night work laws would be invalidated under either Title VII or the Equal Rights Amendment.

[132] *See* Kober v. Westinghouse Electric Co., 3 FEP CASES 326 (W. D. Pa. Mar. 29, 1971); Ridinger v. General Motors Corp., 39 U.S.L.W. 2548 (S.D. Ohio Mar. 24, 1971); Garneau v. Raytheon Co., 323 F. Supp. 391 (D. Mass. 1971); Vogel v. Trans World Airlines, C.A. 1706–3 (W.D. Mo. Sept. 25, 1970, as amended by order of Jan. 19, 1971); Caterpillar Tractor Co. v. Grabiec, 317 F. Supp. 1304 (S.D. Ill. 1970); Rosenfeld v. Southern Pacific Co., 293 F. Supp. 1219 (C.D. Cal. 1968), *aff'd*—F.2d—(9th Cir. 1971). *Cf.* Mengelkoch v. Industrial Welfare Comm'n., 437 F.2d 563 (9th Cir. 1971). All of these cases were brought by factory workers and clerical workers against state laws with the exception of *Grabiec,* which was a request for declaratory judgment by two companies caught between the state hour law and the demands of women employees (backed by the EEOC and court decisions) for overtime and promotions.

[133] Blackstone said, "By marriage, the husband and wife are one person in law: . . . [T]he very being or legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated into that of the husband, under whose wing, protection, and *cover* she performs everything; and is therefore called, in our law-French a *feme-covert; foemina viro cooperta;* is said to be *covert baron,* or under the protection and influence of her husband, her *baron,* or lord; and her condition during her marriage is called her *coverture.* Upon this principle, of a union of person in husband and wife, depend almost all the legal rights, duties, and disabilities, that either of them acquire the marriage." 1 W. BLACKSTONE, COMMENTARIES *442.

[134] *See, e.g.,* UNIFORM MARRIAGE AND DIVORCE ACT (Final Draft, 1970).

[135] Examples of such studies include W. Gellhorn, *A Study on the Administration of Laws Relating to The Family in The City of New York,* in SPECIAL COMMITTEE OF THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, CHILDREN AND FAMILIES IN THE COURTS OF NEW YORK (1954); R. LEVY, UNIFORM MARRIAGE AND DIVORCE LEGISLATION: A PRELIMINARY ANALYSIS (1969) [hereinafter cited as LEVY].

[136] In general the requirements for physical examination before marriage apply equally to men and women. In Washington, however, only men are required to answer questions about contagious venereal disease. WASH. REV. CODE § 26.04.210 (Supp. 1970). Such a distinction is based on the Victorian fiction that only men will engage in premarital intercourse. The underlying health reasons for requiring men to be examined apply equally to women. Although physical examination is presumably for protection of the new spouse, the requirement of examination for venereal disease is a useful public health measure. It obviously should not be struck down where it applies unequally to men and women, but rather extended to women, as it already has been in most states.

[137] *See* CITIZENS' ADVISORY COUNCIL ON THE STATUS OF WOMEN, REPORT OF THE TASK FORCE ON FAMILY LAW AND POLICY, APPENDIX B at 62 (1968) [hereinafter cited as REPORT ON FAMILY LAW]. The states which set the same age of consent are: Connecticut, Florida, Georgia, Hawaii, Kentucky, Louisiana, Michigan, Mississippi, Nebraska, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia and Wyoming. *See, e.g.,* KY. REV. STAT.

§ 402.210 (1969); Pa. Stat. Ann. tit. 48 § 1–5 (c) (1965).

[138] The original basis for this differential was the presumption that women reached puberty earlier than men. The common law ages of consent—14 for males, 12 for females—represented estimates of the ages when children became physically capable of producing children. Kanowitz, *supra* note 2, at 10.

[139] For a decision sustaining legislative judgment about age of majority differentials under current constitutional doctrines, see Jacobsen v. Lenhart, 30 Ill. 2d 225, 195 N.E. 2d 638 (1964).

[140] The considerations which should shape a legislature's judgment in setting a minimum marriage age are outlined in Levy, *supra* note 135, at 24–25. The drafters of the Uniform Marriage and Divorce Act chose the lower "women's" ages of 18 for marriage without parental consent and 16 for marriage with consent. Uniform Marriage and Divorce Act § 203(1).

[141] Kanowitz, *supra* note 2, at 42.

[142] *See, e.g.*, Iowa Code Ann. § 674.1 (1950), permitting a court to change the name of "any person, under no civil disabilities, who has attained his or her majority and is unmarried, if a female . . ."

[143] The West German federal government has recently proposed legislation along these lines. Part of a large-scale reform of family and divorce legislation, "the bill breaks an ancient tradition of male priority in family names. It will permit marriage partners to adopt the wife's maiden name if they choose or to use it in combination with the husband's surname." Binder, *Bill in Bonn Encourages German Penchant for Double Names*, N.Y. Times, May 20, 1971, at 2, col. 3.

[144] J. Madden, Handbook of the Law of Persons and Domestic Relations 146 (1931).

[145] Alaska Stat. Ann. § 25.15.110 (1962); Ark. Stat. Ann. §§ 34–1307 to –1309 (1962); Wis. Stat. Ann. § 246.15 (Supp. 1970).

[146] *See also* Clerk v. Redeker, 259 F. Supp. 117 (S.D. Iowa 1966), in which a man wanted to adopt his wife's domicile to get the benefit of lower tuition at the state university.

[147] *See* Annot., 29 A.L.R.2d 474 (1953), citing cases from 29 states which held that a wife's refusal to follow her husband to a new domicile is desertion by her and grounds for divorce proceedings.

[148] Kanowitz, *supra* note 2, at 52. *See also* H. Clark, Domestic Relations 151 (1968), who concludes.

Therefore, the correct principle is that the wife is able to acquire a separate domicile of choice whenever she lives apart from her husband, regardless of the circumstances.

[149] Madden, *supra* note 144, at 453. Illegitimate children follow the domicile of their mothers.

[150] The law on children's domicile is confused because the states have failed to integrate the statutes removing women's civil disabilities with those which determine children's domicile. Thus the provisions of Arkansas law defining a woman's domicile as independent from that of her husband, Ark. Stat. Ann. §§ 34–1307 to –1309 (1962), enacted in 1941, did not affect Arkansas' adherence to the common law rule "that the last domicile of the deceased father of an infant constitutes his legal domicile. . . ." Bell. v. Silas, 223 Ark. 694, 268 S.W. 2d 624 (1954). The impact of Wisconsin's 1965 law titled "Women to have equal rights," Wis. Stat. Ann. § 246.15 (Supp. 1970) on the law of children's domicile has not yet been judicially determined. The most recent Wisconsin case on the subject, Town of Carlton v. State Dept. of Public Welfare, 271 Wis. 465, 74 N.W. 2d 340 (1956), followed the traditional rule, embodied in Wisconsin's public assistance statute, that "the domicile of a minor child . . . is that of its father." 271 Wis. at 469. *Cf.* Alaska Stat. Ann. § 25.15.110 (1962) (removing women's civil disabilities) as compared with Alaska Stat. Ann. § 25.05.040 (1962) (giving fathers preference in child custody).

[151] This reluctance received a constitutional foundation in Griswold v. Connecticut, 381 U.S. 479 (1965).

[152] This background is reviewed in Karczewski v. Baltimore & Ohio RR., 274 F. Supp. 169, 171 (N.D. Ill. 1967).

[153] *See* cases collected in Karczewski v. Baltimore & Ohio R.R., 274 F. Supp. 169, 172 n.2 (N.D. Ill. 1967), and Gates v. Foley, 247 So. 2d 40, 42 n.1 (Fla. 1971). The first case to extend the right to sue for loss of consortium to women was Hitaffer v. Argonne Co., 183 F.2d 811 (D.C. Cir. 1950). Cases striking down the traditional discrimination against women on the grounds that it denied equal protection of the laws include Owen v. Illinois Baking Corp., 260 F. Supp. 820 (W.D. Mich. 1966) and Karczewski v. Baltimore & Ohio R.R., *supra*. *Contra*, Miskunas v. Union Carbide Corp., 399 F.2d 847 (7th Cir. 1968).

[154] The support laws also favor male children in seven states, since the right to support is terminated when the child reaches the age of majority, 39 Am. Jur. *Parent and Child* §§ 35, 40 (1942), and this age is set higher for males than for females. The following statutes set age of majority at 18 for females and 21 for males: Ark. Stat. Ann. § 57–103 (1947); Idaho Code Ann. § 32–101 (1963); Nev. Rev. Stat. § 129.010 (1963); N.D. Cent. Code § 14–10–01 (1960); Okla. Stat. Ann. tit. 15 § 13 (1966); S.D. Comp. Laws Ann. § 26–1–1 (1967); Utah Code Ann. § 15–2–1 (1953). The implicit premise of these laws—that girls will be or should be married by the time they are 18 and no longer dependent on parents' support—is obviously improper under the Equal Rights Amendment. The considerations involved in equalizing the ages would be the same as for the minimum marriage age, discussed at pp. 938–39 *supra*.

[155] R. Perkins, Criminal Law 604 (1969).

[156] *See, e.g.*, Model Penal Code § 207.14, Comment 2 at 189 (Tent. Draft No. 9, 1959).

[157] *E.g.*, Uniform Desertion and Nonsupport Act, 10 Uniform Laws Annotated 1 (1922).

[158] "A person commits a misdemeanor if he persistently fails to provide support which he can provide and which he knows he is legally obliged to provide to a spouse, child, or other dependent." Model Penal Code § 230.5 (Proposed Official Draft, 1962).

[159] Picht v. Henry, 252 Iowa 559, 107 N.W. 2d 441 (1961).

[160] Clark, *supra* note 148, at 185–86.

[161] See the discussion at p. 899 *supra*.

[162] Property acquired by gift, bequest, devise, or descent is generally excepted and becomes the separate property of the spouse by whom it was acquired, as is property owned by either spouse at the time of marriage. Madden, *supra* note 144, at 131–32.

[163] But for an attack by a women's rights organization on one aspect of the community property system, see brief amicus curiae submitted in Perez v. Campbell, 421 F. 2d 619 (9th Cir. 1970), *cert. granted*, 400 U.S. 818 (1970), *leave to file brief amicus curiae granted*, 400 U.S. 989 (1971) (challenging the suspension of an Arizona woman's driver's license and car registration for debts arising from an accident while her husband was driving the community car). See also Mitchell v. Commissioner, 430 F. 2d 1 (5th Cir. 1970); *cert. granted sub nom.* United States v. Mitchell, 400 U.S. 1008 (1971) (woman's liability for husband's federal income tax).

[164] Madden, *supra* note 144, at 135.

[165] Washington and Texas give the wife control over her earnings. Wash. Rev. Code Ann. 26.16.140 (1961); Texas Rev. Codes Ann., Family Code, tit. 1, § 5.22 (Pamphlet, 1969), California has modified the rule to allow the wife to spend her earnings "for valuable consideration" without the husband's consent. Cal. Civ. Code § 171c (West 1954), reenacted as Cal. Civ. Code § 5124 (West 1970). In four states, the wife's earnings are separate only if she is living separately. Ariz. Rev. Stat. Ann. § 25–213(c) (1956); Idaho Code Ann. § 32–909 (1963); Nev. Rev. Stat. § 123.180 (1963); N.M. Stat. Ann. 57–3–7 (1962). *See also* La. Civ. Code Ann. Art. 2399 (West 1952).

[166] Similarly, laws which give the husband greater testamentary power over the community property would also fall. For example, in New Mexico, if the wife dies first the husband gets all the community property, but if the husband dies first, the wife has a legal right to bequeath only half the community property, the rest to be distributed as the husband decrees in his will. N.M. Stat. Ann. §§ 29–1–8 (1953), 29–1–9 (Supp. 1969). This law would clearly violate the Equal Rights Amendment. The inequality could be resolved either by giving the wife all the community property if the husband dies first, or by limiting the surviving husband's share to one half the community property as the wife's share is now limited. The latter is more consistent with the practice in the common law states.

[167] Texas Rev. Codes Ann., Family Code, tit. 1, § 5.22 (Pamphlet, 1969).

[168] See the discussion in Part III (C), at p. 899 *supra*. The Texas law creates a situation similar to the rule in common law jurisdictions concerning control of property, and would be upheld if the common law system were upheld.

[169] In a few states a married woman must still get her husband's permission to convey her own land. 1 Powell, Real Property ¶ 118 (1949). An occasional court grants the husband control of the family home, even if the wife owns the property, by virtue of his position as head of the household. Kanowitz, *supra* note 2, at 59. The uncompensated value of a housewife's labor is not considered property under these statutes.

[170] *See* W. MacDonald, Fraud on the Widow's Share 21–24 (1960).

[171] The Uniform Probate Code, approved by the National Conference of Commissioners on Uniform State Laws and the American Bar Association, gives a "surviving spouse" an elective share of one-third in the decedent's estate. Uniform Probate Code § 2–201.

[172] Kanowitz, *supra* note 2, at 95.

[173] Uniform Marriage and Divorce Act § 302.

[174] Cal. Civ. Code § 4506(1) (West 1970).

[175] N. C. Gen. Stat. § 50–6 (1966); Ohio Rev. Code § 3105.01(B) (Baldwin 1960) D. C. Code Ann. § 16–904(a) (1967). *See also* the Citizens' Advisory Council's recommendation that lapse of time be the only substantial requirement for divorce. Report on Family Law 36–37.

[176] Levy, *supra* note 135, at 79.

[177] See the discussion of differential age of consent at pp. 938–39 *supra*.

[178] A ground for divorce in at least thirteen states: Alabama, Arizona, Georgia, Iowa, Kentucky, Mississippi, Missouri, New Mexico, North Carolina, Oklahoma, Tennessee, Virginia, and Wyoming. *See e.g.*, N.C. Gen. Stat. § 50–5(3) (1966); Va. Code Ann. § 20–91(7) (Cum. Supp. 1970).

[179] A ground for divorce in thirty states: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Delaware, Hawaii, Idaho, Indiana, Kansas, Maine, Massachusetts, Michigan, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Ohio, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Washington, Wisconsin, and Wyoming. Report on Family Law 66. *See, e.g.* Cal. Civ. Code Ann. § 105 (West 1954); Mass. Gen. Laws Ann. ch 208, § 1 (1969).

[180] Kentucky only. Ky Rev Stat. § 403.020 (3)(a) (1960). The husband can get a divorce from his wife's alcoholism without any qualifications.

[181] Kentucky only, Ky. Rev. Stat. § 403.020 (4) (c) (1960).

[182] Missouri and Wyoming. Mo. Ann. Stat. § 452.010 (1949); Wyo. Stat. Ann. § 20–38, *Ninth* (1957).

[183] New Hampshire only. N.H. Rev. Stat. Ann. § 458–7, XII (1955).

[184] Tennessee only. Wife must remain wilfully absent for two years. Tenn. Code Ann. § 36–801(8) (1955).

[185] Virginia only. Va. Code Ann. § 20–91(8) (Cum. Supp. 1970).

[186] Alabama only. Ala. Code tit. 34 § 20(6) (1959).

[187] Tennessee only. Tenn. Code Ann. § 36–802 (1955).

[188] Montana only. Mont. Rev. Codes Ann. § 21–115 (1967).

[189] Ark. Stat. Ann. § 34–1202, *Ninth* (Cum. Supp. 1969); N.D. Cent. Code § 14–05–07 (1960).

[190] See the discussion at p. 945 *supra*.

[191] The functions and purposes of alimony are summarized in Clark, *supra* note 148, at 441–42.

[192] *See* Report on Family Law 7.

[193] Levy, *supra* note 135, at 147.

[194] See for an example of this assumption, Family Law Committee, Connecticut Bar Association, *Proposal for Revision of the Connecticut Statutes Relative to Divorce*, 44 Conn. Bar J. 411 (1970). Section 18 provides that when assessing alimony, "in the case of a *mother* to whom the custody of minor children has been awarded, the desirability of the *mother* securing employment" should be a consideration. *Id.* at 429 (emphasis added).

[195] Uniform Marriage and Divorce Act, §§ 308(a)–(b).

[196] *See* Madden, *supra* note 144, at 456–57; Clark, *supra* note 148, at 584. The father could be deprived of custody only when he was shown to be corrupt or to be endangering the child.

[197] Cal. Civ. Code Ann. § 4600(a) (West 1970); Utah Code Ann. § 30–3–10 (1953).

[198] Mo. Stat. Ann. § 452.120 (1952); Fla. Stat. Ann. § 61.13 (West 1969); Minn. Stat. Ann. § 518.17 (1969); N.Y. Dom. Rel. Law § 70 (McKinney 1964); Colo. Rev. Stat. 46–1–5(7) (1967).

[199] *See* Clark, *supra* note 148, at 585. In ninety per cent of custody cases the mother is awarded the custody. Drinan, *The Rights of Children in Modern American Family Law*, 2 J. Fam. L. 101, 102 (1962).

[200] The Equal Rights Amendment would forbid sex discriminatory enforcement just as the Fourteenth Amendment forbids enforcement which discriminates on the basis of race. Yick Wo v. Hopkins, 118 U.S. 356 (1886). However, such attacks involve very difficult problems of proof and are not discussed here. See, for a discussion of the recent rapid rise in the crime rate of women, and of changing law enforcement attitudes toward women offenders, Roberts, *Crime Rate of Women Up Sharply Over Men's*, N.Y. Times, June 13, 1971, at 1, col. 1.

[201] The proportion of all women arrested who are arrested for sex offenses, including forcible rape and prostitution, is nearly four times the proportion of all arrested men. F.B.I., U.S. Dept. of Justice, Uniform Crime Reports for the United States 124 (1967).

[202] See the discussion in Part IV(B), at p. 915 *supra*.

[203] *See, e.g.*, Model Penal Code § 213.1 (Proposed Official Draft, 1962).

[204] The language of some rape statutes suggests that either a man or a woman may be guilty of rape. Even these statutes, however, generally preclude the possibility of charging a woman with rape by defining sexual intercourse as the penetration of a man's penis into a woman's vagina, or, in some cases, her mouth or anus. Furthermore, a Yale Law Journal study in 1952 found no reported case in which a woman had been convicted of rape as a principal. See Comment, *Forcible and Statutory Rape: An Exploration of the Operation and Objectives of the Consent Standard*, 62 Yale L.J. 55 n.2 (1952). For the general rule that rape can be committed by a male only, see 75 C.J.S. *Rape* § 6 (1952).

In all states, both by common law and statute, only women can be victims of forcible rape; see 75 C.J.S. *Rape* §§ 1, 2, 7 (1952). Forcible sexual assault on an adult male is not defined as rape. Many states have enacted additional laws penalizing nonconsensual sexual assaults on men, but none of these laws bears the extreme penalties of the standard rape laws. A few states severely penalize sexual relations with children of both sexes, but force is not an essential element of those statutes; they are discussed at p. 959 *infra*, in conjunction with statutory rape.

[205] Statutes which define rape as "penetration" mostly fail, with Victorian delicacy, to specify what instruments of penetration are included. The common law antecedents of the rape statutes, as well as contemporary case law, indicate that courts have limited the application of rape laws to penetration by a man's penis. However, penetration of a woman's vagina may be made by many instruments other than a man's penis, and with equally devastating consequences for the victim's psyche. Whether or not pregnancy has resulted from the rape is immaterial under current laws; similarly, sterility is not a defense for a man accused of rape. Thus a court might conclude there is no rational reason for differentiating such assaults, of which women are as capable as men, and hold the rape laws invalid unless they extend to women assailants as well as men.

[206] The Model Penal Code, § 213.1 (Proposed Official Draft, 1962) adopts this definition of rape.

[207] See the discussion in Part III(B), at p. 895 *supra*.

[208] A few states still have statutes which extend the concept of "sexual assault" to the use of obscene or insulting language in the presence of a woman. For instance, Alabama penalizes

> any person who in the presence or hearing of any girl or woman, uses abusive, insulting, or obscene language.

Ala. Code, tit. 14, § 11 (1958). See also Mich. Comp. Laws Ann. § 750.337 (1968); Ariz. Rev. Stat. § 13–377 (1956). A variation on the same theme is a Georgia libel law which forbids anyone to utter or circulate "any defamatory words or statements derogatory to the fair fame or reputation for virtue of any virtuous female," Ga. Code Ann. § 26–2104 (1953). Such laws, based on a stereotyped view that women are morally pure, yet morally fragile, rather than on any unique physical characteristic of women which actually distinguishes them from men, would be invalidated under the Equal Rights Amendment.

[209] The few statutes which declare young or helpless males incapable of consent are: Colo. Rev. Stat. Ann. § 40–2–25(1)(k) (1963) (intercourse with male under 18 solicited by female); Ill. Ann. Stat. ch. 38, §§ 11–4 and 11–5 (Smith-Hurd 1964) (indecent liberties with a child and contributing to the delinquency of a child, regardless of sex); Ind. Ann. Stat. § 10–4203 (1956) (intercourse with male over 14 knowing he is epileptic, imbecile, feeble minded or insane); Ky. Rev. Stat. § 435.100 (1970) (carnal knowledge of male child under 18); Mich. Comp. Laws Ann. §§ 750.339–340 (1968) (debauching a male under 15); Wash. Rev. Code Ann. § 9–79.020 (1961) (sexual intercourse with male under 18).

[210] *See, e.g.*, 44 Am. Jur. *Rape* § 17 (1942). Some states make an exception for intercourse with women who are not virgins, *e.g.*, Fla. Stat. § 794.05 (1961).

[211] *See, e.g.*, Mich. Comp. Laws Ann. §§ 750.-342, 750.341 (1968) (prohibiting intercourse with female wards and patients in mental institutions); D.C. Code Encycl. Ann. § 22–3002 (1967) (penalizing male teachers who have sexual intercourse with any woman currently their student).

[212] Seduction laws penalize men for inducing unmarried women to engage in sexual conduct by a promise, usually of marriage, *See, e.g.*, N.J. Stat. Ann. §§ 2A: 142–1, 142–2 (1969). Michigan, like many other states, makes it a crime for a person to entice a woman under 16 away from her parents or guardian for purposes of prostitution, concubinage, sexual intercourse, or marriage. Mich. Comp. Laws Ann. § 750.13 (1968).

[213] *See, e.g.*, the report of the Carroll County, Maryland, grand jury calling for legislation "to prevent mental and physical harm to unsuspecting, unprepared adolescents by forced, coerced or seduced sexual activity which may warp the development of such children as useful citizens to society." The report was prompted by evidence presented to the grand jury that two women elementary school teachers had seduced boys 11 and 12 years old. The grand jury concluded that the Maryland criminal code provided no statute under which the teachers could be indicted and called for state legislation "giving male juveniles equal protection under the laws." Washington Post, Jan. 2, 1971, at 3, col. 2. The Royal Commission on the Status of Women in Canada has reached a similar conclusion. Its recent Report recommended "that the Criminal Code be amended to extend protection from sexual abuse to all young people, male and female, and protection to everyone from sexual exploitation either by false representation, use of force, threat, or the abuse of authority" Report of the Royal Commission on the Status of Women in Canada ch. 9, par. 42, at 374 (1970).

[214] It is true that statutory rape may involve breaking the hymen, but very few states consider the victim's chastity material to the question of guilt. Moreover, statistical reports show that few statutory rape complainants are virgins. See Schiff, *Statistical Features of Rape*, 14 I. For. Sci. 102 (1969).

[215] The law in most states presumes that a sixteen year old girl can consent to marriage (with her parents' approval), and, by implication, to sexual relations, while an unmarried girl of sixteen is legally presumed to be incapable of giving consent to a single act of sexual intercourse. However, there are no physical differences between the sexual acts involved. As discussed at pp. 938–39 *supra*, the minimum marriage age is not based on a unique physical characteristic of women. Therefore, the statutory rape law, which also deals with consensual sexual relations, cannot be justified as based on such a unique characteristic. There are, of course, social and psychological differences between marital and extramarital sexual relations, and the state may recognize them through sex-neutral legislation about extramarital sexual intercourse involving either young men or young women.

[216] Some states already have laws that protect all children, regardless of sex. For example, Illinois has merged its statutory rape law into laws prohibiting indecent liberties with any child or contributing to any child's sexual delinquency. Ill. Ann. Stat. ch. 38, § 11–4 (Smith-Hurd Supp. 1971) and ch. 38, § 11–5 (Smith-Hurd 1964).

[217] Mich. Comp. Laws Ann. § 750.339 (1968).

[218] *Compare* Mich. Comp. Laws Ann. § 750.339 *with* § 750.520 (1968).

[219] Where a state has mirror-image statutes which penalize men and women for the same conduct, by the same standards, and with the same penalties, the laws could be upheld under the Equal Rights Amendment. For example, Michigan's identical laws prohibiting acts of "gross indecency" between two men and between two women would not have to be invalidated; a court would not require the formality of rewriting a statute such as this, where, in effect, it already covers men and

women alike. *See* Mich. Comp. Laws Ann. §§ 750.338, 750.338(a) (1968).

[220] The Fourth Circuit recently held that Maryland's death penalty for rape was so excessively disproportionate as to violate the Eighth Amendment's guarantee against cruel and unusual punishment, Ralph v. Warden, 438 F.2d 786 (4th Cir. 1970).

[221] Between 1960 and 1967 the number of forcible rapes known to law enforcement officials increased 61 per cent. In contrast, the proportion of forcible rapes solved by arrest of the offender decreased annually between 1965 and 1967. Uniform Crime Reports, *supra* note 201, at 12–13.

In conjunction with the severe penalties for forcible rape, the defense of consent has developed. The existence of the consent defense (which is unique to rape) has the effect of putting the complainant on trial, for she will usually be subjected to a relentless defense examination, in an attempt to impugn her character and suggest that she actually consented to sexual attack. The consent defense and corresponding trial tactics thus have the effect of deterring women from making complaints about rape attacks; the Federal Bureau of Investigation estimates that forcible rape "is probably the most underreported crime by victims to police." Uniform Crime Reports, *supra* note 201, at 13, As a result, some women's rights advocates have argued that women would actually be better protected if rape were prosecuted simply as aggravated assault.

[222] Model Penal Code §§ 213.0—.06 (Proposed Official Draft, 1962). For instance, the Model Penal Code's crime of "sexual assault" prohibits offensive "touching of the sexual or other intimate parts of the person of another for the purpose of arousing or gratifying sexual desire of either party." Model Penal Code § 213.4 (Proposed Official Draft, 1962).

[223] "Sodomy" is used here, as it is used in many statutes, to include both oral-genital contact and anal intercourse. In some states it also includes mutual masturbation, sexual relations with animals, and sexual contact with dead bodies.

[224] *See, e.g.,* 81 C.J.S. *Sodomy* § 1 (1953).

[225] M. Ploscowe, Sex and The Law 146 (1951).

[226] In Indiana, adultery is defined as intercourse between a man and a married woman, while intercourse with an unmarried woman is defined as the lesser offense of fornication. Warner v. State, 202 Ind. 479, 175 N.E. 661 (1931). A similar discrepancy is apparent in the "unwritten law defense," which survives in some states for men. The unwritten law defense permits a man to argue in complete defense to a homicide prosecution that the man he killed was, at the time of the homicide, in the act of sexual intercourse with his wife; it is, in other words, a license to men to murder in the face of adultery. No state gives women who kill their husbands' lovers a corresponding defense. Tex. Penal Code, Art. 1220 (Vernon's 1961); N.M. Stat. Ann. § 40A-2-4 (1953); Utah Code Ann. § 76-30-9(4) (1953).

[227] Both married men and married women are liable for extramarital sexual intercourse. Ore. Rev. Stat. § 167.010 (1969); Mass. Gen. Laws, ch. 272 § 14 (1932).

[228] R. Perkins, Criminal Law 377 (2d ed. 1969).

[229] *Cf.* Buchanan v. Batchelor, 308 F. Supp. 729 (N.D. Tex. 1970) in which a federal court invalidated Texas' entire sodomy law because of its overbreadth in extending to acts between husband and wife. The decision was vacated by the United States Supreme Court *sub nom.* Buchanan v. Wade, 91 S. Ct. 1222 (1971), and remanded for consideration in the light of Younger v. Harris, 401 U.S. 37 (1971), and Samuels v. Mackell, 401 U.S. 66 (1971).

[230] *See* Griswold v. Connecticut, 388 U.S. 479 (1965). At least two states have already repealed their laws against consensual homosexual relations. *See* Ill. Ann. Stat. ch. 38, §§ 11-2, 11-3 (Smith-Hurd 1964); Conn. Gen. Stat. Rev. §§ 53a-65, -75 to -77 (Supp. 1969) (effective Oct. 1, 1971).

[231] *See* "Prostitution," Black's Law Dictionary 1386 (4th ed. 1951); 73 C.J.S. *Prostitution* § 1 (1951); Eisner v. Commonwealth, 375 S.W.2d 825, 827 (Ky. 1964). *But cf.* D.C. Code Encycl. Ann. § 22-2701 (1967). At least one state still imposes special punishment on young women who are considered "in manifest danger of falling into habits of vice." No corresponding provisions are made for young men. *See* Conn. Gen. Stat. Ann. §§ 17-379, 18-65. Connecticut's statutes survived constitutional attack in State v. Mattiello, 4 Conn. Cir. 55, 225 A.2d 507 (1967), *appeal dismissed,* 395 U.S. 209 (1969).

[232] S. Harmon, Attitudes Toward Women in The Criminal Law Process 5 (1970) (unpublished paper on file at Yale Law School Library.)

[233] *Compare* A. Flexner, Prostitution in Europe (especially at 11–14) (1914), *with* Report of the Committee on Homosexual Offenses and Prostitution [The Wolfenden Report] (1957). If the newly articulated constitutional right to privacy receives expanded interpretation, *see* discussion in Part III(D) at p. 900 *supra,* all regulation of prostitution, other than public health measures, may be ruled unconstitutional.

[234] Men may be punished as entrepreneurs for trafficking in women or keeping a house of ill fame. They are seldom prosecuted for mere patronage of a prostitute. Kanowitz, *supra* note 2, at 16–17.

[235] Model Penal Code § 251.2 (Proposed Official Draft, 1962).

[236] N.Y. Penal Law § 230.10 (McKinney 1967).

[237] The recidivism rate for prostitution is so high that prostitution has been called "life on the installment plan." Lukas, *City Revising its Prostitution Controls,* N.Y. Times, Aug. 14, 1967, at 1, col. 2. Compare the Soviet Union's success at deterring prostitution by posting publicly the names, addresses and places of employment of the customers of prostitutes. Kanowitz, *supra* note 2, at 17.

[238] In its published statistics, the Federal Bureau of Investigation classifies "commercialized vice" together with prostitution. Even so, 30,866 women were arrested for prostitution or commercialized vice as compared with 8,878 men. This figure is particularly striking in light of the fact that the total number of men arrested in 1967 was seven times greater than the total number of women arrested. Uniform Crime Reports, *supra* note 201, at 124.

[239] *See* N.Y. Penal Law § 230.05 (McKinney 1967); Conn. Gen. Stat. Ann. Penal Code § 84, 1969 Public Act No. 828 (effective Oct. 1, 1971). However, New York's law penalizing the patrons of prostitutes has only rarely been enforced. Speech by Elizabeth Schneider, Yale Law School, April 29, 1971.

[240] 18 U.S.C. § 2421 (1964).

[241] 18. U.S.C. §§ 2422–23 (1964).

[242] United States v. Holte, 236 U.S. 140 (1915); *but cf.* Gebardi v. United States, 287 U.S. 112 (1937).

[243] Wyatt v. United States, 362 U.S. 525, 530 (1960).

[244] 281 F. Supp. 8 (D. Conn. 1968).

[245] 430 Pa. 642, 243 A.2d 400 (1968).

[246] In *Robinson,* the court ordered the petitioner released because she had already served the statutory maximum sentence for breach of the peace and resisting arrest. The court stated that to hold her for the full three years permitted under the sentencing law for women offenders would have denied her the equal protection of the laws. In *Daniel,* appellants' cases were sent back for resentencing because the court held that Pennsylvania's law requiring judges to impose the statutory maximum on all women sentenced to the State Correctional Institution at Muncy violated the Equal Protection Clause.

[247] *E.g.,* Me. Rev. Stat. Ann., tit. 34, § 802 (men); §§ 853–54 (women) (Supp. 1970). Disparities also exist in the juvenile laws of several states. For instance, in New York a court can order incorrigible, ungovernable, or habitually disobedient women to be held in custody until they are 20, if they are adjudged "persons in need of supervision" (PINS); whereas, boys can be held under the PINS statute only until age 18. Since most of the commitments under the PINS law stem from activity which could not result in criminal conviction, the law imposes on women two years of extra liability for noncriminal activity. N.Y. Family Court Act, §§ 712, 756 (McKinney 1963).

[248] A few sections of the Model Penal Code are sex biased, and would be invalid under the Equal Rights Amendment; *see, e.g.,* Model Penal Code § 213.3(1)(d) (seduction).

[249] *See, e.g.* E. Hemingway, A Farewell to Arms (1929); For Whom The Bell Tolls (1940); N. Mailer, The Naked and the Dead (1948); Why Are We in Vietnam? (1967).

[250] For a history of the creation of the Women's Army Corps (WAC) and its activities in World War II, see M. Treadwell, U.S. Army in World War II: Special Studies: The Women's Army Corps (1954).

[251] 10 U.S.C. § 3209, which limited the authorized strength of the WAC to 2% of the authorized strength of the Regular Army, was amended in November, 1967, to permit the Secretary of Defense to determine the limit. 10 U.S.C. § 3209(b) (Supp. IV, 1967). The 2% maximum is maintained by regulation, 32 C.F.R. § 580 (1971).

[252] On veterans' benefits generally, see 38 U.S.C. §§ 1 to end (1964) *as amended in part* (Supp. V, 1969); 50 U.S.C. App. § 459 (Supp. V, 1969); 38 C.F.R. (1970) 38 U.S.C. §§ 310–58, 410–23, and 501–62 deal with pensions; 38 U.S.C. §§ 601–44, with hospitalization and provision of medical services; 38 U.S.C. §§ 701–88, with insurance; and 38 U.S.C. §§ 1601–1791, with educational benefits for veterans and their families. Preference in federal governmental employment is governed by 5 U.S.C. §§ 2108, 3306, 3309–17, 3351, 3363, 7501, 7511–12 (Supp. V, 1969).

[253] *Hearings on S.J. Res. 61 and S.J. Res. 231 Before the Senate Comm. On the Judiciary,* 91st Cong., 2d Sess. 320 (1970).

[254] *See, e.g.,* the account of the protest marches of the Vietnam Veterans Against the War, N.Y. Times, April 25, 1971, § 4, at 1, col. 1; the discussions of anti-war organizing in the Armed Forces by Gabriel Kolko in The Liberated Guardian, April 15, 1971, at 10, col. 3; and in A. Stapp, Up Against the Brass (1970).

[255] Although this is true of the Amendment under the theory and form proposed here, in Congress the resolution has often been amended to exempt the draft from its coverage. In 1950 and 1953, the Equal Rights Amendment was passed by the Senate only after it was altered to permit laws which made reasonable classifications to protect women. This phrase was intended to include the draft as one such law. In 1970, Senator Ervin proposed an amendment to the resolution, which was accepted by the Senate, specifically exempting women from the draft. See the discussion at pp. 886–88 *supra.* And in July, 1971, the House Judiciary Committee reported out the Equal Rights Amendment with a similar amendment.

[256] On the draft, *see* 50 U.S.C. App. §§ 453, 454(a) (Supp. V, 1969); on the service academies, *see Hearings on S.J. Res. 61 Before a Subcomm. of the Senate Comm. on the Judiciary* 574 (1970). Cases upholding the exclusion of women from state military schools include Allred v. Heaton, 336 S.W.2d 251 (Tex.), *cert denied,* 364 U.S. 517 (1960); Heaton v Bristol, 317 S.W.2d 86 (Tex. 1958), *cert denied,* 359 U.S. 230 (1959). 32 CFR §§888.4 (1970), 580 (1971) set out differential enlistment standards.

[257] For complaints about such treatment, see, for example, The Bond: The Voice of the American Servicemen's Union, April 19, 1971, at 8, col. 1.

[258] 50 U.S.C. App. §§ 451 *et seq.* (Supp. V, 1969).

[259] 50 U.S.C. App. §§ 453, 454 (Supp. V, 1969).

[260] *See, e.g.,* United States v. Cook, 311 F. Supp. 618 (W.D. Pa. 1970); United States v. Clinton, 310 F. Supp. 333 (E.D. La. 1970); United States v. St. Clair, 291 F. Supp. 122 (S.D.N.Y. 1968).

[261] 50 U.S.C. App. § 454(a) (1964).

[262] *Id.*

[263] *See* Medical Fitness Standards for Appointment, Enlistment, and Induction. C 15, AR 40–501 *et seq.*, reprinted in SSLR 2201.

[264] *See* the discussion at p. 899 *supra,* concerning criteria to be applied in reviewing functional classifications. Under Title VII of the 1964 Civil Rights Act, physical and mental tests with regard to employment have come under scrutiny as a possibly discriminatory device. The Equal Employment Opportunity Commission and the courts have held that such tests must be validated or proved to be closely job-related before they can be used, if they fall more heavily on a protected group of applicants or employees. See Griggs v. Duke Power Co., 401 U.S. 424, 431 (1971). *See also* the discussion in *Developments—Title VII, supra* note 45, at 1120–40.

[265] Medical Fitness Standards, *supra* note 263, C 25, AR 40–501, 2–21, reprinted in SSLR 2209.

[266] *Cf.* New York State Division of Human Rights v. New York-Pennsylvania Professional Baseball League, 320 N.Y.S.2d 788 (Sup. Ct. App. Div. 1971), holding that high minimum height and weight requirements for professional baseball umpires unjustifiably excluded women in violation of state and federal law.

[267] Medical Fitness Standards, *supra* note 263, C, AR 40–501, 2–22 & App. III. Tables I & II, reprinted in part in SSLR 2209, 2222.

[268] 32 C.F.R. § 888.2(f) (1970).

[269] 50 U.S.C. App. § 456(h)(2) (Supp. V, 1969).

[270] United States v. Brunier, 293 F. Supp. 666 (D. Ore. 1968).

[271] 50 U.S.C. App. § 456(o) (1964). This provision exempts the sole surviving sons of families "where the father or one or more sons or daughters . . . were killed in action or died in the line of duty. . . ." Under the Equal Rights Amendment, the law will have to be extended to cover all female family members lost in military service.

[272] 50 U.S.C. App. § 455(b) (1964).

[273] 50 U.S.C. App. § 460(b)(3) (Supp. V, 1969).

[274] *Id.*

[275] *See, e.g.,* United States v. Brooks, 415 F. 2d 502 (6th Cir. 1969), *cert. denied,* 397 U.S. 969(1969); Simmons v. United States, 406 F. 2d 456 (5th Cir. 1969), *cert. denied,* 395 U.S. 982, *rehearing denied,* 396 U.S. 871 (1969); Clay v. United States, 397 F. 2d 901 (5th Cir. 1968), *vacated on other grounds,* 394 U.S. 310 (1968).

[276] 32 C.F.R. §§ 714.1(d)(3) (1968); 888.5 (1970).

[277] See the challenges reported in N.Y. Times, Aug. 26, 1970, at 44, col. 7; N.Y. Times, Oct. 18, 1970, at 39, col. 1; N.Y. Times, Nov. 29, 1970, at 26, col. 1; N.Y. Times, Dec. 31, 1970, at 8, col. 2; N.Y. Times, Jan. 3, 1971, at 24, col. 1.

[278] *See* N.Y. Times, Sept. 29, 1970, at 46, col. 1; N.Y. Times, Sept. 30, 1970, at 87, col. 4.

[279] *See* N.Y. Times, April 21, 1971, at 11, col. 1.

[280] M. TREADWELL, *supra* note 250, at 92–93.

[281] *See, e.g.,* Cheatwood v. South Central Bell Tel. & Tel. Co., 303 F. Supp. 754, 758–59 (M.D. Ala. 1969).

[282] Provisions on basic pay are at 37 U.S.C. §§ 201–09 (Supp. V, 1969). Housing and other allowances are dealt with by 37 U.S.C. §§ 401–427 (Supp. V, 1969).

[283] See the report in the N.Y. Times, Dec. 25, 1970, at 18, col. 6.

[Billions of dollars, seasonally adjusted annual rate]

Quarters	1971 III	1971 IV	1972 I	1972 II	1972 III	1972 IV	1973 I	1973 II
Wages and salaries:								
Case I	580.7	587.0	597.6	608.3	622.0	635.2	648.6	662.1
Case II	580.7	592.3	609.5	625.4	643.5	659.5	673.9	687.5
Corporate profits and inventory valuation adjustment:								
Case I	77.0	82.7	87.5	91.6	94.4	97.4	100.4	103.4
Case II	77.0	84.3	90.0	95.1	98.6	101.1	103.8	106.3
Change in business inventories:								
Case I	1.1	5.2	8.5	10.2	11.4	11.7	11.7	11.4
Case II	1.1	7.5	11.8	13.6	14.4	13.9	13.1	12.1
Federal deficit:								
Case I	22.3	24.2	29.5	27.6	26.1	21.2	18.5	14.6
Case II	22.3	24.9	29.2	25.8	23.0	15.3	10.3	5.1

APPENDIX

LEGISLATIVE HISTORY OF THE EQUAL RIGHTS AMENDMENT

Year	Congress	Session	Joint resolutions	Hearings (Committees on the Judiciary)	Committee reports	Debate: Congressional Record	Debate: Page	Votes
1923	68th	1st	S.J. Res. 21.			65	150	
1925	69th	1st	S.J. Res. 11			67	486	
1927	70th	1st	H.R.J. Res. 310; S.J. Res. 64			69	931	
1929	70th	2d		On S.J. Res. 64, Senate subcommittee.				
1929	71st	1st	S.J. Res. 52			71	2312	
1931	71st	3d		On S.J. Res. 52, Senate subcommittee.				
1931	72d	1st	H.R.J. Res. 197			75	1755	
1932	72d	1st		On H.J. Res. 197, House committee.				
1933	73d	1st	S.J. Res. 1	On S.J. Res. 1, Senate subcommittee.		77	49	
1935	74th	1st	H.R.J. Res. 238			79	5079	
1937	75th	1st	S.J. Res. 65			81	884	
1938	75th	2d and 3d		On S.J. Res. 65, Senate subcommittee.	S. Rep. No. 1641 (not printed).	83	5684, 6289	
1939	76th	1st	S.J. Res. 7			84	70	
1941	77th	1st	S.J. Res. 8			87	40	
1942	77th	2d			S. Rep. No. 1321 (not printed).	88	4033	
1943	78th	1st	S.J. Res. 25		S. Rep. No. 267	89	257, 271, 5017	
1945	79th	1st	H.R.J. Res. 42	On H.J. Res. 1, 42 etc., House committee.	H. Rep. No. 907	91	597, 505, 9254	
1946	79th	2d			S. Rep. No. 1013	92	1900, 2142, 9223–29, 9293–97, 9303–35, 9397–9405.	38/35 (Sen.).
1947	80th	1st	H.R.J. Res. 49; S.J. Res. 76			93	157, 1264	
1948	80th	2d	H.R.J. Res. 397	On H.J. Res. 49, H.R. 1972, etc., House subcommittee.	H. Rep. No. 2196; S. Rep. No. 1208.	94	218, 5555	
1949	81st	1st	S.J. Res. 25		S. Rep. No. 137	95	2887, 4246, 5810, 6599, 13297, 14722,	

APPENDIX

LEGISLATIVE HISTORY OF THE EQUAL RIGHTS AMENDMENT—Continued

Year	Congress	Session	Joint resolutions	Hearings (Committees on the Judiciary)	Committee reports	Debate		Votes
						Congressional Record	Page	
1950	81st	2d				96	626, 704, 738-44, 758-62, 809-13, 826, 828-34, 861-73, 1008.	51/31 (Sen.) (Hayden amendment); 18/65 (Senate) (Kefauver amendment); 63/19 (Senate) (ERA, as amended).
1951	82d	1st	S.J. Res. 3		S. Rep. No. 356	97	901, 5663	
1953	83d	1st	S.J. Res. 49		S. Rept. 221	99	1386, 4313, 8884-85, 8951-74, 9118	58/25 (Senate) (Hayden amendment); 73/11 (Senate) (ERA, as amended).
1954	83d	2d	H.J. Res. 339			100	84	
1955	84th	1st	H.J. Res. 1			101	49, 1339, 11088	
1956	84th	2d	S.J. Res. 39	On S.J. Res. 39, Senate subcommittee.	S. Rept. 1991	102	8018, 8339, 8537	
1957	85th	1st	S.J. Res. 80		S. Rept. 1150	103	5073, 9593, 15999, 16681	
1959	86th	1st	S.J. Res. 69		S. Rept. 303	105	3529, 5729, 8555, 10603, 19099, 19634	
1963	88th	1st	S.J. Res. 45			109	2390, 2405-06, 2712, 5386-87, 8263	
1964	88th	2d			S. Rept. 1558			
1965	89th	1st	S.J. Res. 85			111	11336, 12682, 14007, 14687, 16621, 17367-68, 23788	
1967	90th	1st	S.J. Res. 54			113	9796, 20919, 23012, 33613	
1969	91st	1st	H.R., Res. 264; S.J. Res 61			115	393, 2082	
1970	91st	2d		On S.J. Res. 61, Senate subcommittee; On S.J. Res. 61 and 231, Senate Committee.	Discharge petition, House of Representatives.	116	7948-85 (Aug. 10); 17229-35 (Oct. 6); 17335-63 (Oct. 7); 17485-91 (Oct. 8); 17269-57 (Oct. 9); 17745-58, 17779-94 (Oct. 12); 17815-16, 17892-95, 17923-50 (Oct. 13); 18075-78 (Oct. 14).	350/15 (House); 36/33 (Senate (Ervin amendment); 50/20 (Senate) (Baker amendment).
1971	92d	1st	H.R.J. Res. 208; S.J. Res. 8.	On H.R.'. Res. 208, House subcommittee.		117	233 (Jan. 26); 17 (Jan. 25).	

COMMENTS ON NIKITA KHRUSHCHEV BY ROSWELL GARST

Mr. FULBRIGHT. Mr. President, in 1959, Chairman Khrushchev visited Roswell Garst in Coon Rapids, Iowa, after he had visited the Committee on Foreign Relations in Washington.

Mr. Garst is one of the most successful agriculturalists in this country, being especially successful in developing hybrid corn. He has recently written a short account of his experiences in Russia and Eastern Europe, including his visits with Khrushchev. He also had an exchange of letters with our Department of State which is revealing.

I ask unanimous consent that these items be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

GARST & THOMAS HYBRID CORN CO.
Coon Rapids, Iowa, September 13, 1971.

GENTLEMEN: Nikita Khrushchev died Saturday—and will be buried today. Because of the fact that it was most unusual for the head of a great nation and his wife to insist on visiting the Garst Farm in the fall of 1959, when President Eisenhower invited them to come to the United States, it seemed to me you would enjoy a review of the past 16 years.

In February of 1955, Chairman Khrushchev gave a speech before the Soviet parliament plainly stating that the Soviet Union was suffering from a shortage of meat, milk and cheese, eggs and poultry; short of high type of proteins for human consumption. He ended the speech by saying about as follows:

"What we need is an Iowa Corn Belt!" The speech was highly publicized. Lauren Soth of the Des Moines Register & Tribune, Iowa's largest paper, ran an editorial invitation for Khrushchev to send a delegation over to the United States to see how an "Iowa Corn Belt" operated.

Khrushchev accepted the invitation much to the surprise of everyone including the United States Department of State.

There had been almost no communications between the Soviet Union and the United States between the end of the war and 1955. Stalin had, as Winston Churchill said, "Pulled down an Iron Curtain" at the end of the war and there was almost no permission for exchanges of information between the two areas.

The U.S. State Department's reaction was: "We will not accept a delegation of Soviet agricultural visitors unless the Soviet Union will accept a delegation of American visitors."

Khrushchev said, "Fine—we will welcome them."

So the exchange of delegations was arranged. Fortunately, both delegations were led by very outstanding men. The American delegation was led by Dean of Agriculture Lambert of the University of Nebraska and the Soviet delegation was headed by V. V. Matskevich, who was deputy minister of agriculture before he came—and who was made Minister of Agriculture when he returned.

Mr. Matskevich and several others of the Soviet delegation visited the Garst Farm which had not been put on the itinerary of the delegation, and saw that we were doing a great many things that the Soviet Union would have to do if they were going to have "an Iowa Cornbelt".

We were producing hybrid seed corn. We were feeding corn cobs to cattle—we were using urea as the protein of our cattle. We were harvesting commercial corn at high moisture and drying it.

We were using generous fertilizer applications and insecticides and herbicides.

Garst & Thomas had the largest facilities for producing hybrid seed corn—and were using the most modern methods then—as we are now.

Mr. Jim Russell, Farm Editor of the Des Moines Register had brought several of the Soviet delegation away from their scheduled visit to the Garst Farm—I had shown them around for an hour or so—we stopped in our house to visit with Mrs. Garst when Mr. Matskevich invited Jim Russell and me to visit the Soviet Union to see their "permanent agricultural exposition" at Moscow.

Mrs. Garst immediately asked "Does the invitation include his wife?" Matskevich's reply was: "If you do not trust your husband, I will be forced to invite you." She refers to that as the best "brush off" she ever had.

My son, Stephen, was there—he said: "Does the invitation include his son?" His reply: "You are a young man. You will have many years in which to visit the Soviet Union!"

I did not immediately accept the invitation. I told him I would come if I could find time. He had invited Jim Russell of the Des Moines Register—but Jim could not go. However, Jim did highly publicize the invitation because the delegation had been in the U.S.A. for a couple of weeks and I was the first person who had been invited.

I did go immediately to Washington, D.C. to talk to the State Department. In 1955, a passport had to be especially validated to let an American citizen visit any country "behind the Iron Curtain".

The State Department, of course, knew I had been invited. I told them about as follows: "I do not know whether it is in the best interest of the United States to teach the Russians how to farm or not. If you think it is, validate my passport and I'll do my best to be helpful. If you do not think it it—do not validate my passport.

"But—if you validate my passport, I want to be assured that I can get an export license for anything they want to buy that will help their agriculture. For instance, they are not using hybrid seed corn—they should be. I am going to tell them what they already know—that all corn is raised from hybrid seed in the U.S.A.—and I will try to sell them demonstration quantities.

"They need to see modern corn growing—and corn harvesting equipment—insecticides, herbicides, etc., etc. In short, I want to go as an educator and as a salesman or I do not want to go at all.

"You people of the State Department should make the decision."

Secretary of State Dulles was in Asia at the time. They said that when he returned, the matter would be discussed at the highest levels—and they would give me their decision.

In a couple of weeks, they invited me back and told me about as follows:

"We believe you have wasted a good deal of our time. We don't think anyone can teach them anything—nor sell them anything. But, we do think that to keep the lines of communications open between the two countries is all for the good. So we are validating your passport—and if conditions do not worsen in the meantime, we will issue export licenses for anything that will help their agriculture."

While they had been taking two weeks for discussion, I had been doing some research as well. I discovered that the Danube Valley of Romania, Hungary and Czechoslovakia were excellent corn growing areas. So I asked the U. S. State Department to validate my passport for those three countries as well.

The man in charge of the "Eastern European Desk" laughed and said that Romania, Hungary or Czechoslovakia had not permitted a single American to visit in 20 years—and would not let me come. He did not have to ask anyone! He validated my passport for all three countries.

Mrs. Garst and I have for many years been friends of Mr. and Mrs. Geza Schutz who lived at that time in Minnesota. Schutz had been born in Hungary—went to college in Switzerland, got a Ph. D. in Economics at the Sorbonne in France, speaks German, French, Spanish and has traveled widely. I invited him to go with me on the European trip—and Mrs. Garst invited Mrs. Schutz to visit the eastern part of the United States while we were in Europe.

Dr. Schutz and I left right after "Open House" in late September for Moscow. We spent the first day or two visiting the "permanent Soviet agricultural exposition" which is a very fabulous exhibit. They have a large display from every one of the Soviet republics—the Ukraine, Georgia, Russia, Uzbekistan, Siberia, etc., etc., etc. We were furnished with an interpreter—Mrs. Marina Rytova—who has always been my interpreter on subsequent trips—and who also came to the U.S. with a Soviet delegation in 1958. She is a very competent interpreter too.

After a couple of days at the exhibits, we had a series of meetings at the U.S.S.R. Department of Agriculture in Moscow. I told them about the hybridization, mechanization, fertilization of corn—about insecticides, herbicides, early harvest and drying—about the use of corn cobs and corn stover for beef-brood cows—about the use of urea-molasses as the protein of ruminants—about hybrid chickens for both egg laying and for broilers.

However, I made it a rule to start every talk I gave the same way and that was to point out that it was due to a difference in circumstances that let the United States be so far ahead of the Soviet Union in agricultural production.

Under the government of the Czars only a small proportion of the population had received educational opportunities. At the time of the revolution in 1917 a relatively high percent of the people were illiterate. I pointed out that it was 38 years from the time of the revolution until 1955.

It seemed reasonable that it would have taken a minimum of ten years to educate enough teachers and build enough school houses to educate all of the children—instead of a small part of the children. So they had not had 38 years of opportunity—only 28 years.

And then I pointed out that it must have taken ten years to fight a war of survival and to recover from the devastation of that war.

The city of "Stalingrad" is about as far from the German border as Denver is from New York—and Stalingrad was where the Russians finally stopped the Germans.

I pointed out that the last war fought on United States territory was the Civil War which was 90 years ago—while they had suffered two devastating wars in my lifetime.

Then I pointed out that most of our *improvements* in agriculture had happened in the last 25 years—between 1930 and 1955—and that the bulk of the progress had been in the last 15 years—between 1940 and 1955. And that in that 15-year period, they had been terribly handicapped—by fighting a war of survival—and recovering from the devastation of the war.

After I gave that introduction, I could tell them how far ahead American agriculture was when compared to Soviet agricultural without raising any resentment. I would point out that we were no smarter than they are—that we were more favored by circumstances.

Dr. Schutz and I spent about ten days in Moscow, then were taken to Kiev, to Kharovsk and to Odessa—to state farms, to collective farms, to agricultural experiment stations, agricultural colleges.

At Odessa I was told that Chairman peninsula and spent all afternoon and evening visiting with Mr. Khrushchev and quite would like to have me come for a visit. Dr. Schutz was not invited—I think because he talked about economics—and I only talked about agriculture.

So I was flown to Yalta on the Crimean peninsula and spent all afternoon and evening visiting with Mr. Khrushchev and quite a group of top agricultural leaders and with Mr. Mikoyen, Minister of Foreign Trade. It was a repeat performance of my talks.

In 1955, we had less than 10% of the people in the U.S.A. on farms—the Soviet Union had about 50% of their population on farms. And we were the best fed nation in history—and exporting food in a large way. They were short of protein—short of meat, milk, eggs and poultry.

Before I had made the trip, I had decided that I could sell them some hybrid seed corn! I also knew it would have to be only early varieties. And I knew it would have to be unpopular kernel sizes because a relatively small percent of the corn raised in the U.S.A. is early enough to be planted in Minnesota—and almost all of the corn raised in the Soviet Union had to be of that maturity.

So I not only asked our associates of the Pioneer organization but I asked Northrup-King—and DeKalb to save all the extra small kernels because I thought there might be a market in the Soviet Union. In 1955, most farmers in the U.S.A. hated to plant Small Flat or Small Round kernels.

But in the very bad production years of 1947 and 1951 all hybrid producers had saved even the extra small kernels. Farmers in the U.S.A. had no choice—they planted the smallest kernels in history in 1948 (from the poor seed crop raised in 1947). And American farmers raised new record yields in both 1948 and 1952 from the "poorest looking" seed they had ever planted.

So I had available about 5,000 tons of very early varieties in extra small kernel sizes. While I was visiting all the way down from Moscow to Odessa, I discovered that the U.S.S.R. Department of Agriculture had known all about hybrid seed corn—had some very decent inbreds—but had hesitated to cross the inbreds into more than small samples of hybrids.

So I suggested to Khrushchev and Matskevich that they should buy American hybrid seed corn for a demonstration of the virtues of hybrid corn. They wanted to know how much they could have—and I said about 5,000 tons which would be enough to plant about 3% of their acreage.

They thought that was fine. Because I was selling kernels that I declared were unpopular because of their small size, I insisted that they send a delegation over to inspect the seed before we bagged it and shipped it. Their scientists assured Khrushchev and Matskevich that the extra small kernels were just as good—and more economical. The delegation that came to inspect the seed was authorized to also buy all of the equipment for a plant to dry and size and bag hybrid corn—which they did so.

It was not surprising to find Khrushchev determined that the Soviet Union should never again be invaded. In both World War I and World War II, Russia had lost more men than all other combatants. They do not intend to ever risk another invasion.

Most Americans fail to realize how far north Russia is. Moscow is about the same latitude as the north half of Hudson's Bay. Odessa, on the Black Sea is farther north than Chicago. And it is rather short of rainfall. Most of the Ukraine is more like the Western Dakota's than it is like Kansas or Oklahoma.

The people were very hospitable and friendly. And anxious to learn about American agricultural methods.

From the Soviet Union, Dr. Schutz and I went to Romania. We had an equally fine reception in Romania, Hungary and Czechoslovakia. Romania and Hungary had suffered terribly under fascist governments between World War I and World War II—governments dominated by leaders of the same type as Hitler and Mussolini. The Russians chased the Germans out of both Romania and Hungary in 1944 and both countries adopted Communist Governments shortly thereafter.

Both the Romanian and Hungarian governments also bought hybrid seed corn—and American farm machinery—both countries sent delegations over to inspect the seed and see the farm machinery.

It is hard for American farmers to understand nor believe how backward the agriculture of Romania and Hungary were in 1955.

In Romania, they plowed three furrows—10" furrows—behind an ox. Then they planted corn in the furrow and plowed three more furrows. They planted about a bushel per acre. They cut down a tree, chained the brush together and brushed it in. When the corn came up, they cleaned up the middle with a sweep 20'' wide behind an ox—had the women thin the stand with a hoe—as they took the weeds out of the row. They cultivated with the sweep and hoed the corn three times.

Then, come fall, they picked the ear corn and threw it on the ground. Then picked it up by hand and loaded it into wicker wagons. The wagon boxes had been woven out of little willow branches about as big as my little finger. Then they cut the stalks off with a corn knife—tied the corn stalks into bundles with twisted slough grass—put the bundles on top of the ear corn and hauled it to the village where they lived behind an ox that traveled about a mile an hour. It probably took two hours of man or woman time to raise and harvest a bushel of corn in Romania in 1955. In 1955, it took only six minutes to raise and harvest a bushel of corn in the U.S.A.

Dr. Shutz and I spent about ten days in Romania. Then we met with their cabinet. I told them to appropriate $500,000—half of it for hybrid seed corn and half of it for farm machinery. I told them hybrid seed would increase their yields 35 to 40% but that modern farm machinery would lower their labor requirement by about 19/20ths—that they required about 20 times as many man hours as we used.

Neither Romania nor Hungary had water systems. They used what were called "Turkish Wells". They were about 50 feet deep—four feet across. They had a long pole balanced in a V with a bucket on the long end of the pole—and a big rock on the short end.

They would push the bucket down into the well—40 feet or so—and pull it out of the well and have about three gallons of water. Or if a creek was near, they would dip water out of the creek, dump it in a tank and haul it to the cattle, to the hogs and the chickens. It was that bad in 1955.

The Romanian government followed my advice and bought about $250,000 worth of what was in 1955 modern farm machinery. They bought tractors, plows, discs, harrows, planters, cultivators, corn pickers, dump wagons—everything we were using for corn growing.

Dave Garst and his wife went over to Romania in the spring of 1956 with a mechanic to show them how to assemble and run the machinery. He and Jo spent about 60 days in the spring of 1956 in Romania. Steve Garst and his wife went over in the fall of the year to show them how to harvest. Both couples spent some time also in Hungary.

We have had delegations from all three countries ever since. Of course, all three countries have made great agricultural progress ever since.

Mrs. Garst and I—Mr. and Mrs. John W. Mathys of the Northrup-King Seed Company and Dr. William L. Brown, Vice President of Pioneer Hi-Bred International, Inc., all went over in the fall of 1956. We were entertained by Secretary of Agriculture Matskevich and Mrs. Matskevich in Sochi, U.S.S.R. on the Black Sea and saw the American hybrid seed corn varieties in not only the U.S.S.R. but in Romania and Hungary as well.

* * * * *

In 1959, Mr. Mikoyan, Minister of Foreign Trade of the U.S.S.R., was in Washington, D.C. I had lunch with him. He told me Mr. Khrushchev had asked him to extend an invitation for Mrs. Garst and me to come for a visit with him at our earliest convenience. I told him we had planned to take a Mediterranean trip that winter in February and March and that we would accept the invitation at Mr. Khrushchev's convenience.

So in March, we flew to Moscow and Mr. Matskevich flew with us to Sochi. We stopped in the North Caucasian area for a day seeing a new nitrogen plant—some beautiful flocks of sheep—new farm machinery, etc.

Matskevich and Emelianov (the agricultural counselor of the U.S.S.R. in Washington who has since died) and I spent the morning discussing the agricultural opportunities not only in the U.S.A. and in the U.S.S.R. but in other parts of the world. Both Khrushchev and Matskevich were keen men. Both knew that world population was growing rapidly—and that most of the world population was poorly fed—that the whole world needed more of the meat, milk, cheese, poultry and egg type of protein. It was a delightful visit.

Mrs. Garst came for lunch and we discussed at length the fact that the world—especially the U.S.A. and the Soviet Union were spending far too much money on armaments—and far too little on agriculture.

I pointed out to Khrushchev that he was making a poor trade—that the U.S.A. was spending 10% of our gross national production for armaments, but that we had about twice as much G.N.P. as the Soviet Union had so he would have to spend 20% to keep up. And I pointed out that our 10% really came out of luxuries—that we still had more cars, televisions, radios than we needed—while his 20% came out of production of what we would consider to be necessities. He agreed in principle. We talked for several hours. Mrs. Garst had never met him before. She was afraid he would argue—and perhaps argue loudly. She was pleasantly surprised because he was like a "grandfather"—quiet, courteous, friendly, very easy to visit with.

Mrs. Khrushchev was not at home—she was in Moscow welcoming a new grandchild into the world.

When we had finished our visit, Mrs. Garst told Mr. Khrushchev that she had one regret—that he had been so cordial—such a fine host that she would like to reciprocate—and entertain him in our home as he had entertained us in his home!

He bowed and said, "Mrs. Garst, if I ever come to the U.S.A., I will visit you in your home!"

And in a few months, President Eisenhower did invite him—and he did visit us in our home. He invited us to visit the Soviet Union again in 1960 but I did not feel up to going so I sent our nephew, John Chrystal, in my place.

John had entertained Russian delegations in 1958 and Romanians and Hungarians as well. He spent most of the summer visiting the Soviet Union, Romania, Hungary and Bulgaria.

In late 1962, I discovered I had cancer of the larynx and had to have it removed. By the spring of 1963, I had recovered and John Chrystal and I again visited the Soviet Union, Romania, Hungary and Greece.

John and I were entertained at the Khrushchev "Datcha", their country home, on the outskirts of Moscow as well as at their city residence. Mrs. Khrushchev and Mr. Khrushchev and two of their daughters and one son were there. That was the last visit I made to Europe.

The story gets too long but I thought that inasmuch as it covers a period that reached from 1955 into September of 1971, that it deserved this long a history.

As you all know, I have spent my whole adult life encouraging people to learn how to produce "more and better food with less labor"!

My first big push was hybrid seed corn—then more generous and better balanced fertilizer—then insecticides and herbicides—then early harvest of grains to shrink harvest losses—then the use of urea as the purchased protein for ruminants.

It has given me pride to have made a contribution to the acceptance of new and improved agricultural practices earlier than they would have been accepted without my ethusiasm. They would all have come without my efforts, of course, but I think I have made a contribution to the speed with which the changes have been made.

It is my hope that I will again be invited to visit the countries of Eastern Europe. They have made very great progress in the last 16 years. But so has the U.S.A.

In 1960, the U.S.A. had 15.6 million people on farms. In 1970, we had only 9.7 million people on farms. We have 206 million people so less than 5% are farmers. We have doubled corn yields since 1955.

We have increased wheat yields and sorghum yields very substantially. With only 5% of our population on farms, we are exporting the production of nearly 25% of our cultivated acres.

Nikita Khrushchev made a major contribution to the world when he opened greater communications between the Communist Countries of Eastern Europe and the rest of the world. There had been almost no communication between Eastern Europe and the rest of the world for many years.

* * * * *

I shall never forget an incident that took place in the fall of 1956. Mr. and Mrs. John Mathys, Dr. William L. Brown and Mrs. Garst and I were being entertained at dinner by Mr. and Mrs. Matskevich in their home at Sochi on the Black Sea. Before dinner, the men visited in one room—the ladies in another.

Mrs. Matskevich questioned Mrs. Garst at length about what women did in the U.S.A. Mrs. Garst explained that while women had excellent house-hold equipment, they almost in every case did their own house work—in many cases raised a small garden, sewed, belonged to the P.T.A., a church, etc.

As both the ladies and the men came into the dining room, Mrs. Matskevich asked what was probably her final question which was, "But, Mrs. Garst, what is the ambition of the American women?"

Mrs. Garst's reply was about as follows: "Why, Mrs. Matskevich, I believe all the women in the world have about the same ambitions. They want to have a pleasant home, they want their children to have greater opportunities than they themselves have had. It seems to me all women everywhere have those ambitions."

Where upon, Mrs. Matskevich broke into tears and said that Mrs. Garst had the same ambitions as the Russian women.

So Mr. Matskevich proposed a toast "To the Ladies".

* * * * *

It seems to me the world is a less hazardous place to live than it was before Mr. Khrushchev destroyed the "Iron Curtain" in 1955.

Sincerely,

ROSWELL GARST.

JULY 27, 1971.

Mr. WILLIAM P. ROGERS,
Secretary of State,
Department of State,
Washington, D.C.

DEAR SECRETARY ROGERS: At the end of World War II, Stalin pulled down what Winston Churchill named "The Iron Curtain" and, until 1955, there was almost no communications between the U.S.S.R. and the U.S.A.

In February of 1955 Khrushchev, in a speech before the U.S.S.R. legislative assembly, complained that the Soviet Union was short of meat, milk and eggs—and said "what we need is an Iowa Corn Belt".

Mr. Lauren Soth, Editor of the Des Moines Register, wrote an editorial invitation for Mr. Khrushchev to send a delegation of Russians over to see how the farms of Iowa were operated. Mr. Khrushchev immediately accepted, very much to the surprise of most Americans.

The U.S. Department of State said roughly as follows:—We will not accept a delegation from the Soviet Union unless the Soviet Union will accept the same type of delegation from the U.S.A. The answer from Khrushchev was, "Fine, we will gladly welcome an agricultural delegation from the U.S.A."

So the exchange took place in the summer months of 1955.

Fortunately, both the delegation from the U.S.A. and the delegation from the U.S.S.R. had very fine leaders. The U.S. delegation was headed by Dean of Agriculture Lambert of the University of Nebraska. The U.S.S.R. delegation was headed by V. V. Matskevitch, then the Under Secretary of Agriculture of the Soviet Union, who was made Secretary of Agriculture as soon as the 1955 delegation returned to Moscow.

While the 1955 delegation was in Iowa, Mr. Matskevitch, Mr. Tulupnikov and one or two others visited the Garst Farm here at Coon Rapids. The Garst & Thomas Hybrid Corn Company, of which I am a partner, has a large plant for the preparation of hybrid seed corn for planting in which they were highly interested. Then they were interested in the genetics of hybrid seed, in the proper fertilization, proper mechanization of corn growing—in the feeding of cattle; in fact, in all the new knowledge of improved agriculture and in not only better production of grains but in our improved livestock practices as well.

So, Mr. Matskevitch invited Mr. Jim Russell, then the Farm Editor of the Des Moines Register, and me to come to the Soviet Union in the fall of 1955. Mr. Russell was not able to accept. I "stalled" about accepting—because I wanted to find out the attitude of the U.S. Department of State. I told Matskevitch I would "study the matter—and I would try to accept—that I would let him know before their visit in the U.S.A. was finished."

I immediately went to Washington and told the State Department that I would like to accept the invitation but would only accept it under two conditions:

First, because my whole active adulthood had been spent in agriculture, the only thing I could talk about intelligently was agriculture. If the Department of State thought it was in the best interest of the U.S.A. to teach the Soviet Union how to produce "more and better food with less labor", all they needed to do was validate my passport and I would do my very best. And—

Second, if I told them about the virtues of any agricultural tool of higher production such as hybrid seed corn, fertilizer, new and improved farm machinery, insecticides, herbicides, etc., I wanted to know that the Department of Commerce would issue an export license.

I pointed out that it would be insulting to tell them how little labor we use in corn production in the U.S.A.—and then refuse to sell them the tools of all kinds that we use.

Mr. Dulles was on the other side of the world when I was there. The State Department told me the matter would be considered as soon as he returned—and that they would let me know.

In about two weeks, they asked me to come in for further discussions. In the meantime, I had studied enough about Eastern Europe to think I should go to Romania, Hungary, and Czechoslovakia after the Soviet Union.

I shall never forget the answer the Department of State gave me. It was about as follows:

"We believe you have wasted a good deal of the State Department's time. We doubt if anyone can teach them anything—nor sell them anything! But, if you wish to try, we will validate your passport. We neither urge you to go—nor do we urge you not to go. We do feel it is worth-while to keep communications open."

I asked them if I could have the validation of my passport include Romania, Hungary and Czechoslovakia as well as the U.S.S.R. They assured me that none of those countries would let me come. I assured them I would not enter any of those countries without a visa so they said that was fine—and did validate my passport for those three countries.

Actually, I waited till I got to Moscow before I asked for a visa to visit Romania, Hungary and Czechoslovakia and I had all three visas within 24 hours.

I spent about three weeks in the Soviet Union—about one week in Moscow—and ten days on the way down to Odessa. They furnished me a young married woman, Marina Ritova, as an interpreter—and their agricultural attache to their U.S.A. Embassy, Mr. Emelianov, as my traveling guide.

Mr. Matskevitch had me lecture at the Ministry of Agriculture in Moscow on grain production, on cattle feeding, on swine production and on both egg laying chickens and broiler production. Then I went to Kiev, Kharkov, the Kuban area where corn is the principal crop and to Odessa.

At Odessa, they told me that Chairman Khrushchev would like me to come over to his vacation home on the Black Sea for a visit. I agreed. We flew from Odessa to Yalta—on the Crimean Peninsula and then drove out to his summer home.

He had Mikoyan (then Minister of Foreign Trade), Matskevitch, Minister of Agriculture; the Minister of Agriculture of the Ukraine, Mr. Emelianov and several corn geneticists. I spent the whole afternoon answering questions about American agriculture.

About 5:30 P.M. Khrushchev said that Mrs. Khrushchev would be serving dinner in an hour or so, so we should quit work and visit—not about agriculture—but about world affairs—and have some drinks before dinner.

He complained about the U.S.A. having the U.S.S.R. surrounded with military bases, and air fields, etc., etc. Not having expected such questions, I was ill prepared to answer—so I avoided questions of that type.

The Russians, the Romanians, the Hungarians and Czechoslovakians all bought substantial quantities of hybrid seed corn, and of American farm machinery and of equipment for the production of hybrid seed corn, etc., etc. They all sent purchasing delegations over in the fall of 1955—as soon as I returned—and had the seed and implements shipped so they could be used for their 1956 crops.

In the fall of 1956, Minister of Agriculture Matskevitch invited Mrs. Garst and me and Mr. and Mrs. John W. Mathys of the Northrup-King seed company of Minneapolis and Dr. William L. Brown, head of the research department of the Pioneer Hi-Bred International, Inc. of Des Moines to visit the Soviet Union—and we all also visited Romania and Hungary. We were very warmly received in the Soviet Union and Romania. We arrived in Hungary only one day before the 1956 "uprising" and spent a week or ten days on Margarita Island between Buda and Pest before we could get out.

We did not see Chairman Khrushchev in 1956—but we were entertained by Minister of Agriculture Matskevitch and his wife at Sochi on the Black Sea.

* * * * *

In January of 1959, Mr. Mikoyan, the Minister of Foreign Trade, came to the U.S.A. I had met him at the time I met Khrushchev on the Crimean Peninsula in 1955. I flew to Washington and had lunch with him at the Soviet Embassy.

He told me that Chairman Khrushchev had told him that he, Khrushchev, was anxious to have Mrs. Garst and me to come to the Soviet Union for a visit at our early convenience.

I explained that we had planned to visit Spain, Portugal, Italy, Egypt, Lebanon, Turkey and Greece—all by air—in February and March—and that we could interupt our trip at whatever point would be most convenient for Mr. Khrushchev.

I told Mikoyan we would contact the U.S.S.R. Embassy in Rome for our visa and the time for the visit which we did. Khrushchev said "mid-March would be fine" so we flew from Lebanon to Moscow.

Matskevitch took charge at Moscow and we flew down to the North Caucasus area and spent a day looking over agriculture and then flew to Sochi on the Black Sea.

Matskevitch and I went over to Khrushchev's residence about 9:30 A.M. with Emelianov, the agricultural attache of the U.S.S.R. in Washington, D.C. We spent from 9:30 till 12:30 talking about agriculture.

Mrs. Garst came about 12:30—and during and after lunch—with both Matskevitch and Emelianov present—we talked about world affairs—especially about the growing burden of armaments.

Khrushchev again brought up the fact that the U.S.S.R. was surrounded by U.S. military bases—and air fields. I surprised him with my answer—which was that they ought not worry him—he should be amused and laugh at our stupidity. He wanted the reason I thought he should be amused.

I told him that they were never going to be used—that they were a wasteful expenditure of American resources. I pointed out that no one in the U.S.A. wanted to start a war—that certainly no one in the Soviet Union—after two terribly devastating wars in a 50-year period wanted a war.

I told him that he was a poor "horse trader"—poorer than a Russian peasant should be—and pointed out that we in the U.S.A. were spending about 10% of our Gross National Production on "defense"—that we had about twice as much industrial capacity as the U.S.S.R. So it was costing them 20% of their G.N.P. etc., etc.

Matskevitch nodded his head in agreement just as well as Khrushchev. This, far too lengthy letter I believe, is justified only because of the suggestion I now wish to make.

* * * * *

It seems to me that President Nixon's effort to get China to lessen its isolation is a grand step in the right direction. But—

I fear that unless we continue to cultivate our relations with Russia, we may be making a mistake.

* * * * *

It is in agriculture that the Soviet Union has perhaps its greatest opportunity for rather rapid progress.

Matskevitch is a very keen and influential person. Why would it not be an excellent idea to have Secretary of Agriculture Hardin invite Minister of Agriculture Matskevitch to the U.S.A. to see the progress in American agriculture since his visit here in 1955 with the first delegation?

It seems to me that it would show our interest in the U.S.S.R.—and in the whole world food situation. The United Nations recently forecast a doubling of world population between now and the year 2,000. So better agriculture will be necessary everywhere.

It may be that inviting Matskevitch over this fall might show that our interest in China has not lessened our interest in the Soviet Union.

Like "Ping-Pong" which was used by the Chinese as a method of opening up signs of friendliness, "Agriculture" was an excellent way in 1955—and can be an excellent tool in 1971.

If you think well of the idea, feel free to tell Secretary Hardin that I will be happy to be helpful to him in suggesting things I feel sure Minister Matskevitch would be interested in seeing.

The Soviet Union is already well advanced and very good at chickens—both broilers and egg layers. And at large scale swine production.

They need to see irrigation as we use it in the U.S.A. They need to see large scale cattle feeding operations as we do it in the high plains areas.

And most of all, they need a transportation system. They need—and must have—a much improved farm to market road system to transport tractor fuel and fertilizer to their farms—and grain and livestock and poultry products to their population centers.

It might be well to invite not only Matskevich, Minister of Agriculture, but invite the man who heads up their Highway Department.

Matskevich is an extremely competent individual. He would be an influential person in the cabinet of any country.

I enclose a picture taken in March of 1959 with identification of the individuals on the back because I thought you might like a picture of him.

Very respectfully yours,

Roswell Garst.

Department of State,
Washington, D.C., August 11, 1971.

Dear Mr. Garst: The Secretary has asked me to reply to your letter of July 27, 1971, in which you propose that an invitation be issued by the Secretary of Agriculture to Minister Matskevich to visit the United States.

We appreciated receiving your suggestion and have discussed it with the Department of Agriculture. We understand that Matskevich has already been invited to make a private trip to the United States this month. In the event that he comes, the possibility remains open, of course, that he might meet with Secretary Hardin while here.

Sincerely,

R. T. Davies,
Deputy Assistant Secretary for European Affairs.

August 13, 1971.

Mr. R. T. Davies,
Deputy Assistant Secretary for European Affairs, Department of State, Washington, D.C.

Dear Mr. Davies: Thanks for your letter saying that you understood Minister of Agriculture Matskevich has been invited to make a private trip to the United States this month.

I know about that invitation—but I doubt seriously if he will come without an official invitation from Secretary Hardin, in spite of the fact that he has been invited to speak before a group of economists.

And from the State Department's own interest, it seems to me an invitation to Matskevich to come would be highly desirable. Hardly anything could be more innocent than inviting him back for another look at American agriculture after 15 years.

In 1950, we were eating 64.4 pounds of beef per person. By 1960, it was up to 85.1 pounds per person. By 1970, it was up to 113.8 pounds per person. In 1950, we had about 150 million people—in 1970, above 200 million.

It seems highly probable that the U.S.S.R. has failed to keep pace—and is anxious to learn how we have done so well.

So I urge you to reconsider your decision and invite him.

Sincerely yours,

Roswell Garst.

SENATOR PROXMIRE'S POLL OF WISCONSIN RESIDENTS

Mr. PROXMIRE. Mr. President, a poll I have taken of Wisconsin residents shows an overwhelming support for the President's wage-price freeze and with even more support expressed for continuation of some wage-price controls after the freeze is ended.

Among the other interesting results of the poll, which was answered by some 18,000 Wisconsin residents, was the continuing desire of the voters to reduce Federal spending in the area of defense, foreign aid, and space.

The questions and the results are detailed in my October newsletter to my constituents. I asked unanimous consent that it be printed in the Record.

There being no objection, the newsletter was ordered to be printed in the Record, follows:

What You Think About Inflation, School Busing, Red China, and Federal Spending

Wisconsin voters continue a remarkably consistent and emphatic opposition to increased federal spending!

You call for cuts in spending for defense, foreign aid, and space.

Most of you support admission of Mainland China to the United Nations.

You overwhelmingly oppose busing to desegregated schools.

The Administration's new wage-price control program has your support . . . so far.

BUDGET CUTTING ALMOST AS POPULAR AS LAST YEAR

How do your preferences compare with your attitude last year?

In August of 1970, in response to a similar questionnaire, more of you favored budget cuts but a majority continue to support a reduction in defense, foreign aid and space expenditures. In fact, there is more support for reduced foreign aid than there was last year—a whopping 81.6 percent of you favor such a reduction.

The welfare program is also less popular. Almost 50 percent of you favor a cutback in welfare spending.

On the other hand, a majority of you favor an increase in spending for health as well as a boost in social security benefits. Last year there was no majority support for spending increases of any kind.

OUR CHINA POLICY

Where do you stand on China?

More than four out of every five of you support admitting Mainland China to the United Nations but not at the cost of expelling Nationalist China.

Only 20 percent of you would admit Red China if it meant barring Nationalist China from U.N. membership.

You also overwhelmingly support the President's proposed trip to Peking as well as more trade with Communist China.

THE WAGE-PRICE FREEZE

And the freeze in your wages and prices?

More than four out of every five of you support the 90-day freeze on wages and prices. You are willing, by and large, to pass up a wage increase as long as prices and rents remain stable and you want some continued controls after the freeze expires. A great many of you (85.9 percent) feel the price freeze should be extended to cover interest charges. However, few of you are buying more goods because of the freeze.

SCHOOL BUSING

Segregation and school busing?

Although almost all of you are against busing to end segregation no matter where it exists, one out of every four who answered the questionnaire would approve of busing to end school segregation created by acts of a state government.

It is very clear, however, that most of you strongly oppose busing under any circumstances.

Here's how you and your fellow Wisconsin citizens answered my September questionnaire:

INFLATION

Do you support the current 90-day freeze on wages, prices, rents?

	Percent
Yes	84.7
No	15.3

Are you willing to forego an increase in your wages as long as prices and rents are held down also?

	Percent
Yes	86.2
No	13.8

Do you expect to buy more clothing, furniture, appliances, or other products now that prices are frozen?

	Percent
Yes	22.4
No	77.6

Should the freeze be extended to cover interest charges?

	Percent
Yes	85.9
No	14.1

Should some kind of wage-price controls be continued after November 12, 1971?

	Percent
Yes	89.2
No	10.8

Do you favor the President's plan to postpone the Family Assistance Plan (welfare reform)?

	Percent
Yes	51.7
No	48.3

Do you favor postponement of revenue sharing with state and local governments?

	Percent
Yes	27.2
No	72.8

CHINA

Do you support the President's decision to go to Peking before next May?

	Percent
Yes	71.5
No	28.5

Would you favor opening up trade with Mainland China provided strategic goods were not traded?

	Percent
Yes	75.9
No	24.1

Would you favor admitting Mainland China to the United Nations:

If Nationalist China also kept its membership?

	Percent
Yes	83.8
No	16.2

If Mainland China admission is conditioned on expelling Nationalist China?

	Percent
Yes	20
No	80

BUSING

Do you think busing should be used to desegregate schools that were segregated by actions of a state government?

	Percent
Yes	24.6
No	75.4

Do you think busing should be used to eliminate segregation wherever it exists and whatever its causes?

	Percent
Yes	12.9
No	87.1

SPENDING: INCREASE OR CUT?

The President's budget called for $249 billion for the current fiscal year. How, as a U.S. Senator, would you vote on the following proposed (or already approved) major spending levels?

	Percent
Yes	51.7
No	48.3

Program	Fiscal 1972 spending (billions)	Cut below level (percent)	Hold at level (percent)	Increase level (percent)
1. National defense	76.0	57.0	36.0	7.0
2. Foreign aid	4.1	81.6	16.4	2.0
3. Space	3.3	57.4	34.6	8.0
4. Farm	9.6	39.0	47.8	13.2
5. Public works	2.3	14.2	54.7	31.1
6. Housing and urban development	3.7	16.7	38.1	45.2
7. Education	5.2	13.2	46.4	40.4
8. Health	3.1	5.0	40.1	54.9
9. Social security	4.3	5.0	43.0	52.0
10. Welfare	11.4	48.4	35.2	16.4
11. Veterans	10.7	9.0	59.4	31.6

CONCLUSION OF MORNING BUSINESS

The **PRESIDENT** pro tempore. The time fixed for the transaction of routine morning business has expired.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed a bill (H.R. 10880) to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery, in which it requested the concurrence of the Senate.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The **PRESIDENT** pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The second assistant legislative clerk read as follows:

A bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 433

The **PRESIDENT** pro tempore. The pending question is on the amendment of the Senator from Alaska (Mr. GRAVEL). There is a time limitation of 2 hours on the amendment.

Without objection, the text of the pending amendment will be printed in the RECORD.

The amendment (No. 433) is as follows:

TITLE VI—CESSATION OF BOMBING IN INDOCHINA

SEC. 601. (a) No funds authorized or appropriated under this or any other law may be expended after the date of enactment of this Act to bomb, rocket, napalm, or otherwise attack by air, any target whatsoever within the Kingdom of Cambodia, the Kingdom of Thailand, the Democratic Republic of Vietnam, and the Kingdom of Laos.

(b) No funds authorized or appropriated under this or any other law may be expended after the date of enactment of this Act to bomb, rocket, napalm, or otherwise attack by air, any target whatsoever within the Republic of Vietnam unless the President determines any such air operation to be necessary to provide for the safety of United States Armed Forces during their withdrawal from Indochina.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be equally charged against both sides.

The **PRESIDENT** pro tempore. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

Who yields time?

Mr. GRAVEL. Mr. President, I yield myself 10 minutes.

The **PRESIDENT** pro tempore. The Senator from Alaska.

Mr. GRAVEL. Mr. President, while we deliberate today in this Chamber American planes will ease into the sky over Southeast Asia. They will drop tons of explosives, guided to the flesh of human beings by the most elaborate and impersonal technology.

Hovering over Laotian rice fields, the A–119 Stinger gunship can put a piece of shrapnel into every square foot of an area the size of a football field.

On the ground are 3 million Laotians, the heaviest bombed people in the history of warfare. They will huddle in their caves and field trenches, and some will die. Many will not see the sun for months, fear keeping them in their covered bunkers during daylight hours.

In the name of America the planes come.

Over the past 10 years 700,000 Laotians have been made refugees, tens of thousands have been killed or wounded, and hundreds of thousands forced to live much of the time in caves and trenches.

The bombing raids also come in the name of the U.S. Senate, until we legislate otherwise.

The war is not winding down for the peoples of Indochina. Since the much heralded bombing halt over North Vietnam, the planes have not come home. They have simply shifted their targets into Laos and Cambodia.

The bombing has continued at 100 tons an hour, 2,400 tons a day. The rate of civilian casualties and refugee generation, indicative of the overall level of violence, has if anything increased during the last 2 years.

Recent hearings before the Senate Subcommittee on Refugees reveal that since the invasion of Cambodia nearly one quarter of that country's population—1,500,000 people—have become refugees. In the last few months in South Vietnam more refugees have been created than at any time since the 1968 Tet offensive.

The bombing of North Vietnam has been resumed. As recently as September 21 an armada of 250 U.S. planes attacked targets in the North, and this raid was followed on successive days by two more so-called protective reaction strikes. At present the bombing of North Vietnam has reached an average rate of once every 4 days, and according to North Vietnamese reports 106 villages in addition to missile sites have been struck. The Meatgrinder in Vietnam, which has taken 325,000 civilian lives and wounded more than a million since 1965, is still whirling. As the South Vietnamese Minister of Information commented in 1968, South Vietnam has been devastated by an alien air force that seems at war with the very land of Vietnam.

The amendment I offer is quite straightforward. Let us stop the bombing, not just partially over North Vietnam but in all Indochina—except for those strikes inside South Vietnam demonstrably related to the security of our withdrawing troops. Is it really the desire of the Senate to continue to send out those planes?

An Orwellian transformation is taking place in our military policy in Indochina. Due to public pressure American boys are slowly coming home, but they are leaving an automated war behind. There is every danger, as Noam Chomsky has warned, that we intend to turn the land of Vietnam into an automated murder machine. Computer technology and a small number of troops manning aircraft and artillery are creating a U.S. destructive presence that may literally hover over Southeast Asia for years to come. In the midst of this the public is confused, pacified by the diminishing troop levels, yet vaguely troubled by continuing reports of devastation.

Eluding recognition, hidden in the techno-euphemisms of military speech, is the reality of our policy. "Selective ordnance"—a rather dull and technical sounding term until one realizes it masks the use of napalm against human beings. "Harassment and interdiction"—a rather light-hearted term until one understands that it represents the random hurling of destruction into jungle areas.

These antiseptic words obfuscate horror-filled realities, and thereby circumvent public judgment. "Surgical air strike"—one pictures a diseased cancer benevolently removed from the countryside. But the cancer is the peasantry. In World War II the cancer was the Jews, and the operation was the "final solution." In the name of America, how many executions are taking place from the air in Indochina?

It is the enormity of our mistake that clouds it. If we were wrong, how wrong we were. Nothing will bring back those who have died, or the lost arms and legs, eyes and ears. But let us commit ourselves at least to stop the bombing of those who remain.

How the people of this country, a good people, industrious people and generous people, could have come to visit such destruction on another nation is difficult to comprehend. Orwell in his masterpiece "1984" depicts such carnage as the result of technology gone mad, removed from common experience, giving reality to surrealistic nightmares. We may have intervened in Indochina for commendable reasons—even that is questionable—but at some time the machine got out of control and we could not turn it off.

Picture the battlefield in Laos. Light spotter planes at 2,000 feet; A–1E, A–26 and T–28 prop bombers, AC–47 and AC–130 gunships, flare ships and rescue helicopters at 5,000 feet, F–4, F–105 and B–57 jet fighters and jet reconnaissance aircraft at 10,000 feet; KG–135 supertankers at 20,000 feet; C–130's filled with electronic gear designed to coordinate the bombing at 25,000 feet; B–52 bombers at 30,000 feet; C–130's of Hillsboro control overseeing the entire operation at 35,000 feet and SR–71 reconnaissance aircraft at 70,000 feet.

And on the ground is the Laotian peasantry. Listen to their reactions and thoughts as recorded in refugee interviews.

> The planes came like birds and the bombs fell like rain.

Another—

> There wasn't any night when we thought we'd live until morning . . . never a morning we thought we'd survive until night.

And another—

> I just stayed in my cave. I didn't see the sunlight for two years. What did I think about? Oh, I used to repeat, please don't let the planes come, please don't let the planes come, please . . .

And another—

> Before the village was beautiful and filled with happiness and there was a large field of fruit trees. But when I left my village all I saw were the holes of the bombs and the burning houses and the people who had died so pitifully.

And another—

> Our lives became like one of the animals who search to escape the butcher.

And this continues every hour—200,000 pounds of bombs, every 9 days the equivalent of one Hiroshima. From 1965 to 1969, 70 tons of bombs for every square mile of North and South Vietnam were dropped, 500 pounds for every man, woman and child. In just the first 5 months of 1971 there were 780 million pounds of bombs dropped over Southeast Asia.

PART II

The airwar is not even militarily effective. Secretary of Defense McNamara revealed in 1968 that it could at best reduce the flow of supplies along the Ho Chi Minh trail by only 10 percent to 15 percent. At a cost of over $100,000 per truck destroyed. Former Under Secretary of Defense Townsend Hoopes has pointed out that in the history of bombing campaigns, only when the sources of production are attacked can the logistical flow of supplies be effectively impaired. In this case that would involve strikes against China and the Soviet Union. A study of the hamlet evaluation reports reveals that the number of villages under government control in South Vietnam varied independently of the level of the air campaign over the North.

On the ground the bombing raises enemy morale and alienates civilians. Pathet Lao defectors indicate that before the heavy bombing in Laos they managed only a 30-percent rate of voluntarism among their forces. However, after the massive attacks of late 1968 the figure jumped to almost 100 percent. "Better to die fighting than in a trench" was the feeling of one Pathet Lao recruit.

As I have indicated, the air war is not isolated in any one country in Indochina. The Vietnam war has indeed become the Indochina war. But information concerning the extent of U.S. bombing in Laos has been limited and concealed by the executive branch, so I would like to discuss in more detail the situation in those skies.

Since 1964 the United States has been engaged in an aerial campaign over Laos. The bombing was seriously escalated in late 1968 and early 1969 when restrictions against civilian targeting were significantly relaxed. The air war has involved in Laos alone an estimated cost of $5 to $7 billion, innumerable Laotian casualties, and over 400 pilots either dead, missing in action, or captured.

Even traces of these facts were officially kept from the public until March 1970. The same pattern of duplicity and deception which the Pentagon papers have shown to characterize our entry into Vietnam has been repeated in Laos.

Currently a strict grayout is imposed on U.S. operations there, with little information besides official reports available to the press. Reporters are not permitted to accompany attack and spotter planes on their missions as they are in Vietnam. Most pilots are apparently under instructions not to talk with newsmen. The air attaché in Vientienne is similarly inaccessible. Recent requests by Congressman McCloskey for photographs of previously existing Lao villages to confirm their continued well-being have gone unmet by the Pentagon. Military officials have failed as well to provide Congressman McCloskey with a listing of all bombed civilian targets in Laos.

But there are some unofficial sources of information. These nearly unanimously tell one story—that of massive bombardment of civilians under Pathet Lao control. Congressmen McCloskey and Waldie found, in a U.S. information survey initially concealed from them by the Embassy, that 75 percent of the 190 respondents from 96 villages had had their homes bombed. In addition 97 percent had seen a bombing attack and 61 percent had seen a person killed. Congressmen McCloskey and Waldie also conducted their own interviews, and all 16 refugees queried, from seven different villages, testified to the aerial destruction of every single dwelling in their hamlets.

A report by U.N. expert Georges Chapelier in December 1970 stated that in the Plaine des Jarres—

> By 1969 the intensity of the bombings was such that no organized life was possible in the villages. . . . Jet planes came daily and destroyed all stationary structures. Nothing was left standing. The villagers lived in trenches and holes or in caves. They only farmed at night. All of the interlocutors without exception had their villages completely destroyed. In the last phase, bombings were aimed at the systematic destruction of the materials bases of the civilian society.

At one time there were more than 50,000 people living in the Plaine des Jarres. There is virtually no life there now.

One village chief indicated that in 21 hamlets not one home was left standing. In his own village, 45 percent of the 2,600 inhabitants never left their trenches.

A sample of 25 villages from the Plaine des Jarres revealed casualty rates of 5 to 10 percent from the bombing. It is estimated that 50 civilians are killed for every Pathet-Lao casualty.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. GRAVEL. I yield myself 3 additional minutes.

In 1968, Jacques Decornoy, the Southeast Asian desk editor for Le Monde, traveled through Pathet Lao controlled areas. According to his interviews, 65 villages in the Sam Neua district alone had been destroyed by U.S. air power. Traveling through the devastated areas, he depicts it as "a world without noise for the surrounding villages have disappeared. The inhabitants themselves living in the mountains."

Such testimony is, of course, contrary to our Government's official position that "never before has such care been taken to spare civilians in bombing raids."

The picture burnt into one's imagination is that of hundreds of thousands of Laotians desperately huddling in caves and trenches as U.S. planes roar overhead. Again, it is the enormity of the suffering endured by these poor people which blinds us to our own policy. I will rerun the picture, because we must break through the psychic numbness we have developed.

There are hundreds of thousands of poor peasants, noncombatants, living underground in fear of U.S. air power in Asia. There are entire areas of former civilization reduced to near caveman standards by the most advanced Nation in the history of the earth. For what? No matter for what; it is indefensible.

At Nuremberg, Teleford Taylor, chief U.S. prosecutor, argued that where the military profits of any policy are dwarfed by the civilian casualties, such a policy is indefensible. The massive air war by the United States against the peoples of Indochina is indefensible. Every B–52 raid, every A–119 K stinger drop, is criminal.

The situation in Laos is not appreciably different from what is currently occurring in Cambodia. As the Senate Subcommittee on Refugees noted, the same pattern of destruction is being repeated relentlessly throughout Indochina. It is up to Congress to terminate it. The President has made it clear that he intends to continue the bombing, stating in February this year, "I will not place any limitations on the use of air power."

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. GRAVEL. I yield myself 2 additional minutes.

Secretary of Defense Laird has indicated that we intend to maintain a naval and air presence in Southeast Asia indefinitely after the last ground troops are withdrawn. The Pentagon, which seems to have statistics available for all categories and contingencies, lacks even an estimate of the likely civilian casualties this presence will cause. Such considerations do not seem to have a high priority in current American decisionmaking. The so-called gook rule which haunted the Calley trial has far more profound implications for the air war.

On the afternoon that the U.S. helicopters and attack planes accompanied the South Vietnamese into Laos, the President issued a statement on our environmental crisis. Within it, he quoted from T. S. Eliot's "Murder in the Cathedral":

> Clean the air, clean the sky, wash the wind . . .

It would have been revealing for the President to have quoted further:

> The land is foul, the water is foul, our beasts and ourselves are defiled with blood.
>
> A rain of blood has blinded my eyes . . . Can I look again at the day and its common things and see them all smeared with blood, through a curtain of falling blood? We did not wish anything to happen.

Let us stop the bombing, withdraw our troops and begin to "take stone from stone and wash them."

Mr. President, I yield the floor.

The PRESIDENT pro tempore. Who yields time?

Mr. STENNIS. Mr. President, what is the pending order of business before the Senate?

The PRESIDENT pro tempore. The amendment of the Senator from Alaska (Mr. GRAVEL).

Mr. STENNIS. Mr. President, how much time do I have in opposition to the amendment?

The PRESIDENT pro tempore. Fifty-seven minutes.

Mr. STENNIS. I yield myself 10 minutes.

Mr. President, I have read with the utmost interest and concern the amendment offered by the Senator from Alaska. I admire his fine interest in the subject and his compassion. It is consistent with his desire to end this war. However, I think that the immediate realities of the situation would compel Senators, however much they might be in sympathy with these objectives, to reject the amendment.

An analysis of this amendment shows that the military aid we supply to the small nations mentioned in the amendment would be cut off. We could not supply them with money or military aid if any of it was going to be used in this bombing. In other words, Cambodia would be affected to some degree in using our military aid in doing some bombing. They would be cut off from doing any bombing in defense of their own country, so far as our military aid was concerned.

The same is true with respect to Laos. We are giving them military aid, and have been, and they, too, have some capacity in the air. So under this amendment, that would be precluded.

The amendment reads:

> SEC. 601. (a) No funds authorized or appropriated under this or any other law may be expended after the date of enactment of this Act to bomb, rocket, napalm, or otherwise attack by air, any target whatsoever within the Kingdom of Cambodia, the Kingdom of Thailand, the Democratic Republic of Vietnam, and the Kingdom of Laos.

So, whether intended or not, it gets right into the heart of their military programs which, under the conditions, need to be augmented and thus relieve us.

Another point is that the very atmosphere of this amendment runs contrary to what we did here yesterday.

We had a very good debate of 5 hours and most of that time was used discussing aid to Laos, the activities there, the bombing of the Ho Chi Minh Trail, and bombing in North Vietnam. After the debate, all that money provided for the purpose of the bombing was excluded from the operation of the amendment. The original form of the amendment excluded bombing of the Ho Chi Minh Trail, but the last version adopted expressly excluded from its limitations the bombing in North Vietnam. We do not like to have to do those things but the situation over there demands it or they will march right on through Laos and absorb those people there.

By the way, in debate yesterday, I meant to point out that the Kingdom of Laos is over 1,000 miles from its northern to its southern borders. That is just about the distance from Chicago to New Orleans—1,000 miles long. The population of Laos is only 2.8 million. Yet they have all that borderline, all that terrain, all that area to be protected. Of course, they cannot protect themselves.

But anyway, back to the subject here, we had this whole matter of the bombing generally by our own forces under review yesterday, and then military aid to the Laotian Government, and all of that was approved by an overwhelming vote here yesterday afternoon, the full budget amount requested for all those activities and our military aid in that whole nation of Laos, and also no limit of any kind to be put upon the amount that could be spent of our money on bombing the Ho Chi Minh Trail, and also in northern Laos.

So I think, Mr. President, that that is the deciding factor, that if we come along now and put on this limitation through this amendment, it would be totally inconsistent with what we did yesterday. We would have two programs going, one for bombing and one for not bombing. We will be cutting off the one here that is entirely in control of these people that live in these countries and one that they are carrying out with their manpower. In other words, we would be cutting off those who are doing something for themselves and putting the burden, so far as the bombing is concerned on the shoulders of our own pilots. I do not believe the Senate wants to do that.

Let me conclude my remarks by saying that I note here the Senator's amendment was prepared prior to September 23, 1971, and it was introduced on that day. Not knowing when it would come up, or when the other amendments would come up, the Senator did not have the picture before him that we are faced with today. So, very respectfully, I urge the Senate not to adopt on 2 successive days two contradictory programs and expect the conferees to be able to bring back both of those from the conference.

Mr. GRAVEL. Mr. President, I yield myself such time as I may need. I do not believe we will use all the time.

I should like to ask a simple, fundamental question: Why do we have to bomb at all?

Mr. STENNIS. It is part of the war, Senator. It was brought out in debate yesterday that most of the fighting in northern Laos is what we call bombing. A great deal of it in northern Laos is air cover for the men fighting on the ground. It is really not bombing in the ordinary sense.

Mr. GRAVEL. Let me say that my amendment would permit that.

Mr. STENNIS. It is strafing. Some is bombing. It is mixed in together. The bombing of the Ho Chi Minh Trail—it is obvious what that is for. Then we have the soldiers trying to hold that trail within its limits. North Vietnam wants another trail further to the west, one they can travel on better; so that they are trying to push us back toward the borders of Thailand. Thus, we have to go in there with our bombs, not only to destroy the trail but also to protect our fighting men there.

Mr. GRAVEL. If I could clarify my amendment, it is made abundantly clear that if it is to protect the fighting men, we would permit the bombing. I make that exclusion. But I do not understand it, in the face of statements by General Shoup, Mr. McNamara, and the intelligence accounts reported in the Pentagon papers, that the bombing is totally ineffective militarily and has no effect at all. If we are really trying to get out of this war, as the President tells us and the Senator from Mississippi indicates to this body, why do we have to bomb a thousand miles away from where our troops are? I just do not understand that. I do not understand why we want to bomb over there if we are really getting out.

Mr. STENNIS. The best answer, I think, is that this is part of the war, even though it is in the process of being wound down. If we withdraw the bombing from all of this area now—we have mentioned the Ho Chi Minh Trail—and just say that we are not going to bomb, but will stop it by law, then North Vietnam—with all our men still there in South Vietnam—would be able to make our cause much worse. It could be devastating, if we are going to say that we are going to withdraw our punches now, and say "Now you can hit us but we are not going to hit back any more in this way." I think that would be partial surrender. I want us to get out of there the best way we can, but we have to protect our rear while we are leaving.

Mr. GRAVEL. If I could restate it again. I have a provision in my amendment to protect our rear as we leave and to protect our troops. That is the qualification—the only exception in that amendment. But the only message I can get from the Senator from Mississippi is simply that because the President of the United States has a policy to bomb, we must go ahead and bomb, we in the Senate must have no independent judgment or no independent morality. I say this in the form of a question to the Senator from Mississippi. I liken this situation to that which existed in Nazi Germany where they had the chancellor who came into power through the election process, as our President did, but the chancellor went on to commit the most heinous crimes in history, including the "final solution." I see no difference in the type of bombing we have going on today. That this Senate could stand here and call for the water to wash our hands, means in this very instance that we are party to the killing of human beings. I just cannot buy that argument, because if we have a criminal who is President of the United States, we should at least have the moral quality to recognize it, point to it, and ask for its correction.

Perhaps the Senator from Mississippi could give me some other technical reason why we are doing this. However, I cannot see it at this point in time. The Senator has no argument for the bombing other than that they want to bomb. That is not moral when human life is at stake.

Mr. STENNIS. Mr. President, we start with the fact that we are at war and have been at war there for years. We are now in the process of withdrawing as rapidly as we can within reason and commonsense.

I am assuming that will continue. It has been successful so far. There are many problems that go with it. That is obvious. Right on top of that policy, if this amendment is agreed to, we would be saying in the hard, cold letter of the law that no funds authorized or appropriated under this or any other law may be expended after the date of enactment of this act to bomb, rocket, napalm, or otherwise attack by air, any target whatsoever within the Republic of Vietnam unless the President determines any such air operation to be necessary to provide for the safety of U.S. Armed Forces during their withdrawal from Indochina.

That would be an abandonment of our policy of trying to hold down the transportation of supplies over the Ho Chi Minh Trail. It would be an abandonment of all of these policies that go to protect our forces.

With all due deference to the Senator, I think it would be contradictory. If we are going to do this, I would then say that we should throw in the towel and get out before nightfall if possible.

Mr. GRAVEL. Mr. President, we are not supposed to have any troops in Cambodia. We are not supposed to have any troops in Laos. We are not supposed to have any troops in North Vietnam. The only place we are supposed to have troops is in South Vietnam. And that is the place where I make the provision that if the President thinks it is necessary he can bomb.

Would the Senator tell me why we are bombing these poor people in Laos and Cambodia off the face of the earth? What reason do we have for doing it?

Mr. STENNIS. Mr. President, I was alluding in my remarks to South Vietnam, of course. I have already pointed out the reasons that it is done in these other areas. It is because of supplies. I think that perhaps they have an occasional raid in North Vietnam. As long as we are over there, already engaged in battle, it is pretty obvious that it is likely to happen. We have told them all the time that we were not promising not to bomb under any circumstances. There was a question about the understanding of our right of surveillance, and so forth, going back to 1966.

It is correct, I think, that there were those conditions. There was an understanding that we would have the right of surveillance.

I would not want the Chief Executive to say that as long as we are engaged over there we will never bomb North Vietnam under any circumstances. Certainly we ought not to tie his hand.

Mr. GRAVEL. Mr. President, I hope that the Senator from Mississippi does not mean to leave the impression that we are only bombing there slightly.

Mr. STENNIS. The Senator means North Vietnam?

Mr. GRAVEL. Yes. I think the record shows that every 4 days we have been striking North Vietnam. And the record shows that under this administration we have doubled the amount of bombing in the little country of Laos. As we are withdrawing troops, we are turning up the rheostat of this immoral bombing.

Mr. STENNIS. Mr. President, I do not apologize for any new raids. There are facts that they are based upon. However, if the Senator will get the North Vietnamese troops out of there and no longer let them be a menace to our boys and our departure, if he can get them out of there in some way, I would be willing to join him in his amendment.

However, they are there, and they are going to stay there. I do not remember whether it is classified as to how many are there. Two divisions are there as a minimum. That much is not classified.

Mr. GRAVEL. Does the Senator mean two American divisions?

Mr. STENNIS. No. I mean two North Vietnamese divisions. What are we going to do, just pat them on the heads and say it is all right? We have to do something to keep them on the defensive as much as we can. We are paying the bill to keep them on the defensive, to keep them tied up. And they are keeping our allies tied up. That is why we have to have the potential there that I have been referring to.

Mr. GRAVEL. Mr. President, perhaps if the Senator from Mississippi will not join me on the basis of moral commitment, he might join me on the basis of logic and intelligent action. We have been bombing in Laos for 7 years. The greater part of Laos is now controlled by the Pathet Lao. The more we bomb them, the less successful we are. Perhaps we should change our tactics. Perhaps if we change our tactics, we might be more successful.

Mr. STENNIS. Mr. President, the Senator is proposing that we get out and stop all activity there. I think they would double their forces there within a few weeks if we just stated, "We will leave you alone."

That is the situation. If we stop fighting them, they will be heading for Thailand and all of that area within 15 minutes after the Senator's amendment becomes law.

Mr. GRAVEL. Mr. President, I think the Senator from Mississippi is in disagreement with the CIA findings in 1964. Under President Johnson the CIA studied the domino theory and came forward with the statement that they doubted that the remainder of Southeast Asia would go Communist.

The Senator now has changed that theory and says that we have to bomb them. With that kind of logic, why do we not bomb Chile? Why do we not bomb Cuba?

Mr. STENNIS. Mr. President, the Senator does not put me in a position of believing in the domino theory. I have not only not believed in it, but I have also said that I would not subscribe to it. If that theory were correct, we would all be lost and not know it.

I think our situation over there now is that with all of these North Vietnamese troops in there, if we withdraw the only effective way of opposing them, they would double up their forces and they would get all of the key areas of Laos. They are already there. They already have part of it. Part of Laos is already in their hands.

We would not have to have any domino theory for them to get the rest of Laos. I think it is rather obvious that the pattern is to get Thailand, too.

That is just the situation that exists. I am not saying that we should augment the forces there and protect Thailand and every other country. I understand the Senator's amendment here increases in a lot of ways the things that our boys would have to do if we were to stop all the bombing.

Mr. GRAVEL. Mr. President, I would like to find out what the increase would be. The only task that I know that our boys have is to wind down and get out. Under the present administration, it has taken 3 years so far. Perhaps the Senator from Mississippi could elaborate on what increased tasks the American boys would have if we were to stop the bombing of Laos and Cambodia. I do not see where there would be an increase in the tasks.

I would like to also put forth a question, and the logic is very simple. My friend, the Senator from Mississippi, says that troops are stationed in Laos. Our studies indicate that for every military casualty we get, we cause 50 civilian casualties. If we pursue the same logic which was followed at the Nuremberg trial by our chief prosecutor, any act that has extreme civilian consequences, regardless of the amount of military benefit, is reprehensible. This is something that we fly directly in the face of.

I would like to address another point to the Senator from Mississippi, and that is, very simply, that any analysis of the bombing, the effectiveness of the bombing, is tied to the destruction of the productive capacity of a country to wage war; otherwise, bombing as we are prosecuting it in Southeast Asia is a policy to annihilate the entire population. It could be done in this way with a hydrogen bomb. The President may yet advocate that. But if we want to go to the source of the productive capacity, the fighting strength these people have with guns and arms, we would have to bomb China and the Soviet Union because that is where their supplies come from. Why waste all the money there, at a cost of $33 billion thus far, when we are doing something very ineffective militarily?

I pose that as a question to my colleague.

Mr. STENNIS. That is a question of

judgment. Let us make clear we are not dealing with nuclear weapons. We are dealing with conventional weapons.

Mr. GRAVEL. What is the difference in these millions of tons of bombs and using a few hydrogen bombs?

Mr. STENNIS. I think the Senator has a military question there. We are in this war, and we are trying to get out. If we withdraw our weapons they can continue with their actions unless we are going to have an abject surrender and desert these people over there that we have been helping. With great deference to the Senator, that is the best answer I can give.

Would the Senator yield to me for a minute?

Mr. GRAVEL. I yield.

Mr. STENNIS. I am compelled to leave the Chamber briefly. I ask unanimous consent that when the Senator concludes I may yield to the Senator from Illinois, or yield to him now, who will speak in opposition to the amendment.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, I have listened with great interest to the debate this morning. I intend to vote against the amendment of my distinguished colleague from Alaska. I would not presume to be a military expert in this war. I did serve as a gunnery officer in the Naval Air Corps in World War II. I have been in Vietnam several times and in Vientiane.

I have accepted highly classified briefings on this war, and none of those briefings has convinced me at all that we should ever have gone into this war in the first place. I think it is a tragic mistake that we did so. But we are there and this is what this administration faced. They could not reverse the decision which involved over a half million of our men being there when the President took office.

The President is Commander in Chief of our Army, Navy, and Air Force. He announced his avowed policy to remove our forces, and he is staying exactly on schedule. Every single commitment the President made to withdraw our forces he has kept or exceeded. It is my sincere hope and my prayer that when the President announces late in October or November the next schedule of withdrawal, we can step up the rate considerably. But as long as we have American forces in Vietnam, and we have over 200,000 men there, I would not want to tie the hands of the Commander in Chief and I would not want to tie the hands of the man who has the avowed policy of taking our men out of Vietnam at the soonest possible time consistent with their safety.

I feel that the bombing provides an element of safety to those men and continues to insure the highest rate of withdrawal. Without it I do not see how we could stem the flow of forces coming in from the North, and I do not see how we could stem the flow of their supplies. I do not see how we could keep the initiative and not relinquish the initiative to them.

Therefore, despite the fact that I dislike this war as intensely as any Member of the Senate and have consistently opposed any escalation of the war, and have supported every possible deescalation, I back and support the President's overall program of getting out. I commend him for what he has done. I am not going to tie his hands in any way and take away any support he can provide for the safety of those forces as they withdraw because I want to give him the possibility of withdrawing at a faster rate than we are.

For those reasons I intend to vote against the amendment of my colleague from Alaska.

I yield the floor.

Mr. GRAVEL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. ALLEN). The Senator has 26 minutes remaining.

Mr. GRAVEL. Mr. President, I yield myself as much time as I may require.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. GRAVEL. Mr. President, I can only disagree with the Senator. First, I do not think the President is doing the best he can. Second, I think our presence there continues to be immoral. If it takes 3 years or 4 years to wind down this war I just cannot buy it. I cannot abdicate my responsibility as a human being and wash my hands of it like Pilate, and say the President is leading us and I have to agree with him. I do not agree with him.

Since the President took office and initiated his plan of winding down the war we have suffered one-third of our casualties. So I cannot quite buy that theory that we are doing the best possible.

I do not see how stopping the bombing will increase the flow of troops. In fact, the truth, as evidenced by the Pentagon papers and independent studies, shows that the more bombing of the people, the more increase there is in troops that they send down to fight us. Why would it not be more intelligent for them to volunteer in Laos to fight Americans rather than to stay where they are, to be bombed. If we want to stop the flow of troops, the best way would be to stop the bombing. They do not want to get their heads shot off.

Why should they get pressed into service if they could live in safety in Laos and Vietnam? So the theory that this will decrease the flow of troops is bankrupt, it always has been bankrupt, and always will be bankrupt, as was proven in the Battle of Britain. The more the people are bombed, the more they are forced to fight. This is a wrong course of action, but we should realize also when we do it that we condemn millions of people, millions of innocent peasants, who offer no threat to us, either as a nation because of their large numbers, or as a fighting force.

The tools of war do not come from Laos, Cambodia, North Vietnam; they come from China and the Soviet Union. So if we really wanted to follow an intelligent approach to fighting this war, we should at least save the money and attack the source. But that is not the case. This is an intricately woven situation in which we find ourselves. First, we find umbrage for our immorality in the intricacies of the situation.

I say immorality, because there is not a person on this floor who can give me proof, who can give me an argument, why we should bomb these people. If it is to protect our troops, this amendment provides the ability to protect our troops. The President can bomb if our troops are immediately involved in Southeast Asia. Since we have no American troops in Cambodia and Laos, obviously there are no American troops to protect. But if we are involved in the task of loading our troops on planes and ships to get them out, obviously we do not have to bomb these other places.

Obviously we do not have to go for 3 or 4 years bombing these other places. But that is not what is going on in Vietnam today. Eventually, the American people will appreciate what is going on. We take some troops out so we can minimize the casualties of American boys and so we can escalate the amount of casualties of Asians. That is what has happened in the bombing of Laos in the last 2 years by the 100-percent increase in bombing activity.

I cannot find any reason, any rationale, why anybody in this body would abdicate his moral responsibility to somebody else when it comes to life, and that is what we are talking about in Southeast Asia and Indochina today. The military experts, the Secretary of Defense, the chief of the Marine Corps, psychological studies of the people who have been bombed, prove, by all possible indications, that bombing is ineffective as a military tool, totally ineffective as a military tool, and that it really does nothing but annihilate the broad civilian population. That this would be the case, and that in the face of this logic we would put aside this proof and put aside this logical argumentation and say, "Well, the Chief Executive of this country feels that he needs the bombing and that this is a good policy, and he stated publicly that, regardless of what the troop levels are going to be, he has the right to bomb," is difficult to understand, and yet we go along with that.

It is interesting that on inquiry by the Senator from Missouri (Mr. SYMINGTON) and his subcommittee, we have an American Ambassador, Mr. Sullivan, who, when asked under what circumstances the United States could bomb these countries, answered that it was under the President's authority to make foreign policy. What an interesting reflection upon a democracy—a democracy in which the President or the Chief Executive, on a whim, can order the killing of thousands and thousands of people. And the Congress can condone it by saying, "He is the Chief Executive, and this is a part of his way to conduct that foreign policy."

What a total cop-out. What a total moral cop-out on the part of this body and on the part of the Congress to sit back and find umbrage under the simple fact that he can do it. In ordering the bombing we rub salve over our minds and say, "Well, he says he needs it for military reasons." But, of course, we have proof readily available to us that it has no military purpose. We go along simply because he says he needs it. We just go along on that basis.

I do not understand what insanity besets this body if we can do that so readily, because this body is made up of good people, kind people, generous people, great Americans; but, by some quirk of fate, because of some psychological aberration, we sit here party to a bombing process that is annihilating thousands and thousands upon thousands, even millions of Asians far away from our shores. I do not understand this. I think we can only leave it to the study of sociologists in future decades to elicit what happened to our moral sensibilities, what happened to our humaneness, what happened to our ability to even see and discern right from wrong—something that apparently this body is unable to do.

Mr. President, I yield the floor.

The **PRESIDING OFFICER**. Who yields time?

Mr. **STENNIS**. Mr. President, I suggest the absence of a quorum on my time.

The **PRESIDING OFFICER**. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. **STENNIS**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **STENNIS**. Mr. President, I yield 10 minutes to the Senator from South Carolina.

Mr. **THURMOND**. Mr. President, the pending amendment, No. 433, offered by the distinguished Senator from Alaska (Mr. GRAVEL), would deny funding under the pending bill or any other law to conduct aerial warfare in Cambodia, Laos, Thailand, North or South Vietnam, except in South Vietnam to insure the safe withdrawal of American troops.

This amendment, if passed, would seriously damage U.S. efforts to impede communism in Indochina until our allies there are able to handle the job alone.

At present, military forces of North Vietnam have invaded and are trying to overthrow the governments of South Vietnam, Laos, and Cambodia. Local forces in each of those countries are trying to defeat the North Vietnamese.

U.S. air operations are essential in Laos if the flow of Communist soldiers down the Ho Chi Minh Trail is to be held in check. U.S. air operations are essential in Cambodia if the Cambodians are to be given sufficient time to build up military forces to repel the North Vietnamese invaders. U.S. air operations are essential along the borders of North Vietnam if intelligence indicates military moves are developing which would endanger the safe withdrawal of U.S. troops.

Mr. President, besides these obvious military reasons for defeating this amendment, there is the constitutional question. Does the Congress have the right to tie the hands of the Commander in Chief so that one arm of our military forces, the ground element, is denied the aid of another arm, the air element? I think not.

This amendment should be soundly defeated, so that the coordinated use of our forces may be applied in a zone where American soldiers are still deployed.

The Senate should also consider that with the present U.S. withdrawal of U.S. forces nearly two-thirds complete the advantage in Indochina is shifting toward the aggressor.

As this Nation continues to bring U.S. troops down to minimum levels in 1972, the dangers to our remaining forces increase. Even with a planned timetable of withdrawal, the President is assuming greater risks each day. He, therefore, needs the maximum flexibility in transferring the entire combat responsibility to our allies in Indochina.

Mr. President, this amendment could insure the eventual victory of North Vietnam over South Vietnam, Cambodia, and Laos. I urge every Senator to weigh carefully the effects of the amendment. In my judgment, it is one of the most dangerous amendments yet offered in the Senate concerning the war in Indochina.

As we step out of the war in Indochina, we must not turn our backs on our own men or the soldiers of our allies. I urge the Senate to reject this amendment.

There is no question but that the Defense Department strongly opposes this amendment. I ask unanimous consent that the DOD position on the Gravel amendment be printed in the RECORD following my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **THURMOND**. Mr. President, I just want to say in closing that I cannot understand why anyone, any Member of this body, would offer this type of amendment. If we have any confidence at all in President Nixon, if we have confidence in his sincerity, his patriotism, and his judgment, which is based on the advice of military experts; if we have confidence in Mr. Laird and the Secretaries of the services; why would anyone offer this type of amendment to say "You cannot bomb," if President Nixon, Mr. Laird, and the Chiefs of Staff of the armed services say "we need to bomb at this time and at this place to save American lives?"

To me, the amendment is ridiculous. I hope the Senate will kill it promptly.

EXHIBIT I

(Adding Section 601 to HR 8687, an Act to authorize appropriations during FY 72 for procurement, etc., for the Armed Forces.)

EFFECT OF THE AMENDMENT

The proposed amendment would deny funding "under this or any other law" to conduct aerial warfare in Cambodia, Laos, Thailand, the Democratic People's Republic of Vietnam, or the Republic of Vietnam except that such warfare may continue in RVN if the President determines it necessary to safe withdrawal of U.S. troops from Indochina.

DOD POSITION

DOD strongly opposes the amendment, the objective of which is to legislate the end of U.S. participation in the resistance of North Vietnamese aggression in Indochina by the elimination of crucial air support for U.S. and friendly forces there.

U.S. support for the legitimate government of Laos, Cambodia and the Republic of Vietnam has been expressed in part by the provision of operational military support in order to counter the aggression from North Vietnam. The direct military support has been accompanied by public pronouncements of our objective of frustrating the takeover of its neighbors by North Vietnam. Precipitate termination of our air efforts would raise doubts about our adherence not only to this objective but to others which might test our determination, even touching our more formal commitments as well.

An action by the Senate such as this would impact severely on the governments concerned. While the Government of Thailand would not be endangered, nor for that matter are we bombing there, it would be compelled to consider a new and less friendly diplomatic alignment. The will of the Royal Lao Government to defend itself, already undermined by years of strife against the more numerous and well-equipped North Vietnamese invaders, would be gravely affected. Cambodia's brave and determined resistance to this same North Vietnamese invader would be less effective with the weakened and uncertain U.S. support implied in this amendment. Finally in South Vietnam, where the President has long since made clear the "*essential* U.S. objective in South Vietnamese people to determine their own political future without outside interference," the ability to achieve our objective would be damaged. The objective has been incorporated in various policy statements directed toward achieving a peaceful solution in Vietnam and Indochina, a peace in which the peoples of the region can devote themselves to development of their own societies. While the proposed amendment does not attack this objective, rather simply imposing obstacles to its achievement, one result of the amendment would surely be to weaken Vietnamese determination.

We must consider then the outcome, surely adverse, for our Southeast Asian friends and allies. Our long sought objective of restoring the arrangements envisioned in the 1962 Geneva Agreements for Laos would not be attainable if we were abruptly to cease aerial warfare. North Vietnam would have a greatly reduced incentive to settle along these lines and the Royal Lao Government would be without leverage. The meager Lao forces cannot alone defend against the North Vietnamese invasion, and must depend on the U.S. for the direct effects of the assistance and the diplomatic advantage as well.

The proscription against US bombing support for the Cambodians exposes the developing Cambodian Army to a risk of major losses by opposing superior forces without adequate supporting weapons. The Cambodians have no heavy bombing capability of their own—only 16 T–28 aircraft used for close air support, and a limited number of artillery pieces. Our military support is essential to the GKR's resistance of the North Vietnamese and the preservation of their neutrality. In Vietnam it is the Defense view that Vietnamization is progressing satisfactorily. It should be noted that the RVNAF has made great strides in assuming increasing responsibility for conducting combat operations even while the US has deployed approximately one-third million (332,800) military personnel. As the RVNAF steadily achieve a greater capability and self-reliance, it is considered extremely disadvantageous to submit the Administration's Vietnamization programs to an arbitrary curtailment of air support. In the wider context, disengagement of US forces together with the winding down of war-related violence in South Vietnam is being steadily achieved. The furtherance of these objectives is dependent on a rational policy which places US national interests involving realistic solutions ahead of chimerical panaceas. Vietnamization is a rational policy leading to the successful achievement of essential US objectives.

The overwhelming proportion of US bombing and certainly all directed against the

Ho Chi Minh Trail, is not susceptible to quantifiable subdivision between that which is necessary to the safety of US troops (withdrawing or not) and that which might serve some other immediate purpose. The enemy supplies and men moving southward on the Ho Chi Minh Trail are all threats to the safety of US troops in South Vietnam. Hence, it is unreasonable to authorize bombing for the protection of US forces in South Vietnam but not elsewhere.

US air operations in Cambodia are intended primarily to interdict the flow of supplies to be used against US and allied troops in South Vietnam. These operations are strongly encouraged by the Cambodian government which receives a secondary benefit from the air strikes. Since the closure of Sihanoukville, the North Vietnamese have been forced to rely on the supply routes in Northeastern Cambodia to support their aggression in southern South Vietnam and Cambodia. While these routes are not directly threatened by allied ground forces, they are open to air attacks which significantly impede the flow of munitions and weapons. If this proposed amendment were to become law, the South Vietnamese and our withdrawing forces would again be affectively faced with a large communist sanctuary in Cambodia.

The proposed amendment would intrude into matters properly within the constitutional authority of the President, as Commander-in-Chief, to direct US military operations in Southeast Asia. Certainly the coordinated use of our forces is a well established principle of the Commander-in-Chief powers. The proposal to proscribe one arm of the military from functioning, leaving the others to operate as cripples, is a direct attack on the President's authority.

This proposed legislation would severely limit our ability to implement effectively the Nixon Doctrine that calls for sufficient flexibility to meet changes in the local military situation with an adequate response. As he indicated about Indochina in his 25 February 1971 foreign policy report: "A negotiated settlement for all Indochina remains our highest priority. But if the other sides leaves us no choice, we will follow the alternative route to peace—phasing out our involvement while giving the region's friendly countries the time and means to defend themselves."

The **PRESIDING OFFICER.** Who yields time?

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. THURMOND. I am pleased to yield.

Mr. GRAVEL. May I ask the Senator where the President gets the authority to bomb, as Chief Executive, if he chooses to bomb?

Mr. THURMOND. I cannot hear the distinguished Senator.

Mr. GRAVEL. Where does the President of the United States get the power to go bomb? We had no troops in Laos, and all of a sudden he decided to go bomb. Where does the President of the United States get that kind of power?

Mr. THURMOND. The Communists were in Laos, in Cambodia, and in Thailand. They carried the war to these countries. As has been stated, this is not a war just confined to South Vietnam and North Vietnam.

The Communists took this war to Vietnam. The Communists took this war to Laos. The Communists have been penetrating Thailand. Therefore, when they see fit to carry this war to other countries, we have to go where the fighting is, in order to protect our own men and to protect our national interest.

Mr. GRAVEL. By that logic, would it not be logical that we at least bomb the areas where the factories are that produce the guns that are used to kill American boys? Should we not do that?

Mr. THURMOND. Mr. President, it is my judgment that this war could have been brought to an end long, long ago. I think we should have bombed the factories in North Vietnam that are producing arms to kill American men. I think we should have closed the sanctuaries long, long ago. I think we should have closed the ports long, long ago. I think we should have closed the Ho Chi Minh Trail long, long ago.

I will say now that I have not approved the manner in which this war has been fought. I have not approved of fighting with one hand tied behind our backs. I have been one who takes the position that America should not go into a war until we have to; but once America gets into a war, we should have the backing of every patriotic American. Furthermore, we should use our full force—Army, Navy, Air Force; all the power we have—to win the war quickly, to crush the enemy, and bring the American boys home.

I realize that this has not been done. I realize that is the reason why many young people have become disheartened about this war and have turned their backs, so to speak, on this war. I think the way this war has been fought has been a great mistake. But Mr. Nixon inherited this war. When did the war start? It started back under President Kennedy. It was carried on under President Johnson, who at one time had between 500,000 and 600,000 fighting men over there.

President Nixon has been trying to bring the war to a close. I am not trying to defend him. I would condemn him just as much as anyone else if I felt it were justified, because our country must come first, regardless of party and partisan reasons. It is my firm belief that this war should have been ended years and years ago, and we would not have lost all these lives over there. We have lost more than 45,000 men in ground fighting. We have lost approximately 1,400 in the Navy. We have lost approximately 1,000 in the Air Force. If this war had been fought the way we fought World War II, there is no question in my mind that most of these lives could have been saved.

I repeat: we should not go into a war until we go into it to win and to put into it the power we have, and we have not done that in Vietnam. Mr. Nixon is trying to wind it down. He is winding it down. He has brought more than 300,000 fighting men home, and he is bringing them home on schedule.

But why would the Senator from Alaska handicap him, if the President feels the need and Mr. Laird feels the need and the Chiefs of Staff of the Army, Navy, Air Force, and Marine Corps feel the need to bomb in a certain place to save American lives? Why would the Senator want a law passed by Congress saying that he cannot do it? He is the commander in chief, and he must be given the flexibility.

In the first place, I do not think you have the constitutional authority to do it. Second, if you did have the constitutional authority, I do not think you ought to handicap the President, the Commander in Chief, and handicap the military men in taking the steps necessary to protect our men as we are withdrawing from South Vietnam.

Mr. GRAVEL. I should like to pursue the logic of the Senator with respect to the constitutional power and authority to bomb. I could buy that logic, that we have to protect our boys and therefore we have to bomb. The Senator went on to say that we should just as well bomb the factories. The arms for the Pathet Lao and for the North Vietnamese do not come from Cambodia or Laos or, for that matter, from North Vietnam. They come from the Soviet Union and China.

The **PRESIDING OFFICER.** The time of the Senator from South Carolina has expired.

Mr. STENNIS. I yield 2 additional minutes to the Senator.

Mr. GRAVEL. So if the President has the power to go into a neutral country such as Laos and bomb in the interest of saving the lives of our boys, why can he not bomb the Soviet Union because they are manufacturing the guns that are killing our boys? Why can he not do that, or should he do it?

Mr. THURMOND. That is an entirely different question. The Senator from Alaska knows that is an entirely different matter. Here is a war in Indochina. It is not just confined to Vietnam. The Communists themselves have gone into Cambodia and Laos with this war. We did not do it. They did it. They had sanctuaries there, and they would fight and run back and hide behind the sanctuaries. They had guerrilla troops.

If the governments of those countries are going to permit the Communists to corral their forces there and allow them to attack our forces in South Vietnam, then we have the right to protect our troops and to take such steps as necessary. If the government of Laos and the government of Cambodia had the power to protect themselves against the Communist troops coming in, they probably would have done that. But they evidently did not do it. If they did it, they would open themselves to the responsibility of allowing this fighting to go on there. The Communist troops in those countries, who are stationed there and are fighting our men and doing all they can to kill our soldiers, have no right to protection and no right to claim they are in a neutral country. They went there as trespassers. They went there, I am sure, against the will of those countries. If they had the permission of the countries, that makes it even worse.

With respect to bombing the factories, there are gun factories and war plants in North Vietnam, and they should have been bombed. I agree with the Senator on that, if he favors that position. They should have been bombed long ago. The concrete plants and the powerplants should have been bombed continuously. The gun plants should have been bombed continuously. Every warmaking industry in North Vietnam should have been destroyed.

I was in World War II, and I saw

Aachen destroyed 85 percent. Dresden, Germany, was destroyed 98 percent with air power. The German people were warned ahead of time and innocent citizens left these cities prior to the saturation bombing. I know what air power can do. We could have laid North Vietnam bare, if necessary. Instead of that, we have been fighting with one hand behind our back while American soldiers are being killed. 45,000 ground troops have been killed.

Mr. GRAVEL. We have dropped more bombs in Indochina than we dropped in the Second World War. The Senator is right—in destroying Aachen, they destroyed the factories that made the guns. If we want to destroy the factories, we have to go to the Soviet Union and China. That is where they are being made.

Mr. THURMOND. We could have stopped those guns from coming in by bombing the ports or by placing an embargo there, or we could have stopped those guns by controlling the importation from the Soviet Union. We did not have to go to the Soviet Union.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. THURMOND. Furthermore, many of the bombs dropped in Vietnam were dropped in forests and on other insignificant targets.

The PRESIDING OFFICER. The time of the Senator has expired.

GRAVEL AMENDMENT

Mr. JAVITS. Mr. President, I wish to state my position on the amendment proposed by the Senator from Alaska (Mr. GRAVEL). I have decided to vote against the amendment, because, on balance, I think it would be a mistake to single out this one aspect of U.S. military activity in Indochina. For some years now I have been working as hard as I can to bring an end to all U.S. combat involvement in Indochina. So far, those of us of this persuasion have not been able to make our view prevail in law, or in the councils of the executive branch. Until we can succeed in stopping this whole war—this tragic, misconceived, wasting war which is eating at the vitals of our Nation—I cannot in good conscience tell the President and our military commanders that one particular aspect of the war is what is bothering us and must cease first. I think this bombing program probably falls in the category of the kind of military decision which the Commander in Chief and his professional commanders have a claim to deciding from their own perspective. It is their responsibility to make the tactical and strategic decision about the actual fighting of the war. It is the Congress' duty and prerogative to make the broader, overriding policy decision of whether or not to authorize war.

For this reason, Mr. President, I want to make it clear that my decision to vote against the Gravel amendment in no way lessens my deep, anguished concern over the continuing ravage being rained on civilians throughout Indochina through the massive U.S. bombing program. I want this war to end right now. I want the bombing to end with it because the toll of human suffering, which is an inevitable byproduct of any bombing program of this scale, is very great indeed.

Moreover, I want to make it very clear that my vote against the Gravel amendment should in no way be interpreted to mean that I will support a continuation of a U.S. bombing program once U.S. ground forces have been withdrawn, as I hope they will be entirely out by mid-1972. I will not support a continuing role for the U.S. Air Force in support of President Thieu's forces after U.S. ground forces have left. There have been suggestions that just such a situation is being contemplated; that the U.S. should continue to help the ARVN fight the war through continued use of U.S. air power for several more years. I am against this and believe that the Senate will be against it.

Mr. STENNIS. Is the Senator from Alaska ready to yield back the remainder of his time?

Mr. GRAVEL. I should like to make a closing statement.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Seventeen minutes.

Mr. GRAVEL. Mr. President, we are prepared to vote on this issue. I do not think the issue will prevail. I think that is a shame on the Senate; not something of which I am proud. It is a matter of great frustration.

The Senator from South Carolina made the point that we have to have confidence in the President. I have no confidence in the President of the United States on this issue. I think what is being done here is immoral to a magnitude not yet approached in the history of man. It will go down in history as an act comparable to the "final solution" in Germany. I think this is something that we will hang our heads in shame about for a long time.

I could understand the false patriotism associated with ground troops, or patriotism associated with the immediacy of our boys' lives. But when we talk about a war, a surgical kind of war at a distance, where we can hold ourselves not responsible for the annihilation and eradication of human beings and the destruction of great countries, then I think we have fallen to a low ebb.

I have no confidence in the President because he comes forward with the fallacious and weak argument that they need it militarily, when any literate person who reads the facts in the Pentagon papers, the facts in the studies, knows that there is no logical, intelligent base for military action of this sort. It has no military benefit. So, if it has no military benefit, one should at least have the brains not to do it—at least save the money.

The cost of destroying a truck on the Ho Chi Minh Trail is $100,000. That is the cost of destroying a single vehicle that probably, in reality, cost only $3,000. I submit that is a "great" situation to be in, to let the enemy produce a truck which costs $3,000 and then we place a burden on our gross national product to the tune of $100,000 matched against it.

Any fool can see that over a period of time we would lose that war.

We talk about bombing being needed to crush the enemy. How ridiculous. Interviews, not by myself, but interviews by the military on the scene, demonstrate that prior to the bombing of Laos, voluntarism there was 30 percent, but after the bombing, voluntarism was 100 percent. Obviously, any fool can realize that if he is going to get killed sitting at home, or is going to get killed fighting the enemy, he might as well fight the enemy.

Why sit there and let yourself get shot. So, of course they all volunteer. That is something which has been conclusively proved in the Pentagon Papers; that is, the more we escalate the bombing, the more we develop the resolve of these people to fight on against us. That is not something psychologically unusual. It was made abundantly clear to us in the Second World War when the British, at the time of the Battle of Britain were being annihilated by the Nazis. Did the British capitulate? Of course not. The bombing of England brought the British people to their finest hour. It is doing the same thing to the people in Indochina today, and history will record this as their finest hour. It will also record this as our bleakest hour.

Then we find ourselves in Nuremberg where we pontificated and said that civilian destruction with very little military value was immoral and wrong and should be condemned.

But that is exactly what we are doing today in Laos. The words of Telford Taylor, the American chief prosecutor in Nuremberg, are long ago and far away. It is not convenient morally to apply the same standard we did to Herman Goering, Albert Speer, and Rudolf Hess. That was the standard for them, but we have a different standard for ourselves.

That, I submit, is human—part of human nature.

How interesting, how ridiculous, how stupid to think that the $162 million asked for in this budget to be appropriated to bomb Laos is greater than the gross national product of the country of Laos.

That tells the story about the size of this Nation of ours, the power of this Nation with respect to a small nation, that we can, out of hand, without even thinking about it, appropriate enough money for bombs greater than the total productive capacity of all the human beings in Laos.

Now, Mr. President, let me address myself to one area in which many Members in this Chamber take shelter: Supporting the President because it is patriotic and we have to do it to end the war, because the war is being wound down.

He is not doing that one bit. What he is doing is changing the character of the war. What he is doing is changing it from a ground war, where we are involved with our bloody hands, and taking it and making it an air war where we do not see the blood, where we can pontificate about our ideology. Of course, it does not strike anyone as intelligent or proper—what is the difference in fighting communism in Southeast Asia or fighting it in Moscow or fighting it in Chile or in Cuba? We are caught in our our dichotomous idiocy. Containing communism today is bankrupt. We have no choice but to coexist. To think that intelligent people really believe that we are winding down this war when, since the administration has taken office, it has sustained one-third of all the casualties in this war—one-third.

That is winding down the war?

I can only think of the statement made—and I salute my colleague from Vermont for underscoring the crassness of it—that if the President does end the war he has still promised to pull the rug out from under the doves after July 1, because that will be a political ploy associated with his reelection.

How terrible to make a statement—if Members want to defend this person making the statement, they can—but how terrible it must be to realize the full import of a statement that says, in April 1971, "I will pull the rug out, some time in 1972, from under the doves."

What happens is that, in the meantime, we are maiming and crippling so many human beings, until it is convenient or advantageous to pull out that rug.

To my mind, that is the greatest immorality that can be perpetrated. I think we would have greater honesty and greater justice if, as the Senator from South Carolina alluded, we took an H-bomb—one could not do it because we have already dropped more bombs on Southeast Asia than three, four, or five H-bombs—but if we took an H-bomb and laid Indochina waste completely, then we are sure that we would win, sure that we would be giving those people freedom and democracy although there would not be anyone there to enjoy it. That is, of course, exactly what we are doing now.

The reason why we cannot use H-bombs to annihilate these people is that it would be morally incomprehensible to us. It would find no moral approbation anywhere in the world. In fact, it would place upon us a blot of unbelievable proportions.

So what do we do? We do not use H-bombs, because that would be doing it too quickly, too efficiently, and too intelligently. So over a period of time we drop conventional bombs—bombs of a sort that when we realize the quantity of them, we can appreciate it.

During the Second World War we dropped over 2 million tons of bombs. During the Korean war, 600,000 tons. We have already amply surpassed that in Indochina. We have amply surpassed our bombing record of World War II and the Korean war.

Upon this little country we have dropped several equivalent hydrogen bombs in terms of destructive energy. Yet no one stands up and rails about it. Why? Because the bombing of Laos was concealed from the American people; 350,000 sorties were concealed from the American people and basically from Congress until March of 1970. In the past 12 years we have doubled our efforts at bombing Laos.

People have the gall to stand on the floor and say that we are winding down the war. The only reason we do not use our intelligence to do this efficiently is because we cannot find the moral approbation. I submit that moral approbation is not there either when we do it on a piecemeal, surgical basis. That moral approbation will not be there, 5, 10, 50 or 1,000 years from now, because this part of American history will stand out as our darkest hour.

Mr. President, I yield the floor and yield back the remainder of my time.

Mr. STENNIS. Mr. President, I yield back the remainder of my time.

Mr. President, have the yeas and nays been ordered?

Mr. GRAVEL. Mr. President, I request the yeas and nays.

The PRESIDING OFFICER (Mr. Hughes). Is there a sufficient second? There is not a sufficient second.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. All time has been yielded back. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAVEL. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered.

The question is on agreeing to the amendment (No. 433) of the Senator from Alaska. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Virginia (Mr. Byrd), the Senator from Nevada (Mr. Cannon), the Senator from Oklahoma (Mr. Harris), the Senator from South Carolina (Mr. Hollings), the Senator from Louisiana (Mr. Long), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from New Mexico (Mr. Montoya), and the Senator from New Jersey (Mr. Williams) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. Williams) and the Senator from South Dakota (Mr. McGovern) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Delaware (Mr. Boggs), the Senator from Nebraska (Mr. Curtis), the Senator from Arizona (Mr. Fannin), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Maryland (Mr. Beall) and the Senator from Arizona (Mr. Goldwater) are detained on official business.

If present and voting, the Senator from Maryland (Mr. Beall), the Senator from Delaware (Mr. Boggs), the Senator from Nebraska (Mr. Curtis), the Senator from Arizona (Mr. Fannin), and the Senator from Texas (Mr. Tower) would each vote "nay."

The result was announced—yeas 19, nays 64, as follows:

[No. 250 Leg.]

YEAS—19

Bayh
Brooke
Cranston
Eagleton
Fulbright
Gravel
Hartke
Hatfield
Hughes
Inouye
Kennedy
Mansfield
Mathias
Metcalf
Moss
Nelson
Pell
Proxmire
Schweiker

NAYS—64

Aiken
Allen
Allott
Anderson
Baker
Bennett
Bentsen
Bible
Brock
Buckley
Burdick
Byrd, W. Va.
Case
Chiles
Church
Cook
Cooper
Cotton
Dole
Dominick
Eastland
Ellender
Ervin
Fong
Gambrell
Griffin
Gurney
Hansen
Hart
Hruska
Humphrey
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Magnuson
McClellan
McGee
Miller
Mondale
Muskie
Packwood
Pastore
Pearson
Percy
Randolph
Ribicoff
Roth
Saxbe
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tunney
Weicker
Young

NOT VOTING—17

Beall
Bellmon
Boggs
Byrd, Va.
Cannon
Curtis
Fannin
Goldwater
Harris
Hollings
Long
McGovern
McIntyre
Montoya
Mundt
Tower
Williams

So Mr. Gravel's amendment (No. 433) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote whereby the amendment was not agreed to.

Mr. THURMOND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REFERRAL OF A BILL TO COMMITTEE ON THE JUDICIARY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a bill introduced today by the Senator from West Virginia (Mr. Randolph) permitting commercial banks to underwrite water and sewer revenue bonds be referred to the Committee on the Judiciary. I think I have cleared this matter all around, and I make that request.

The PRESIDING OFFICER (Mr. Hughes). Is there objection? The Chair hears none, and it is so ordered.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER. According to the previous order, the Senate will now proceed to consider amendments Nos. 447, 448, and 449 by the Senator from New York (Mr. Buckley).

What is the pleasure of the Senator from New York?

Mr. BUCKLEY. Mr. President, I yield to the Senator from Montana.

AMENDMENT NO. 447

The PRESIDING OFFICER. The clerk will read the amendment.

Mr. STENNIS. Mr. President, may we

have quiet? Will the Chair ask the Senate to suspend until there is quiet? This is a rather involved matter and the membership should at least hear what is said.

The PRESIDING OFFICER. The Chair will ask Senators to maintain order so the Senator from New York can be heard. If Senators will do so, it will be appreciated by the Chair.

The Senator from New York.

Mr. BUCKLEY. Mr. President, may the clerk read the amendment?

The PRESIDING OFFICER. The amendment will be read.

The legislative clerk read the amendment, as follows:

> On page 9, line 11, strike out "$2,910,744,000" and insert in lieu thereof "$2,915,744,000, of which amount not less than $5,000,000 shall be available only for conducting preliminary studies on a long-range advanced Minuteman missile program for the complete modernization of the Minuteman missile force".

Mr. BUCKLEY. Mr. President, before speaking directly to amendment No. 447——

The PRESIDING OFFICER. Who yields time?

Mr. BUCKLEY. I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from New York.

Mr. BUCKLEY. Mr. President, before speaking to the specifics of amendment No. 447, I would like to point out that I am really proposing three amendments to the defense procurement authorization bill, each of which is a complementary part of a package of research and development authorizations which are designed to significantly broaden our strategic options at a minimum of cost, in a minimum period of time, and with certainty as to positive results.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BUCKLEY. I recognize that the Armed Services Committee has made a thorough review of all military needs presented to it during the earlier part of the year, and that its recommendations represent the sober judgment of the distinguished members of the committee as to our minimum defense requirements. I, therefore, do not offer my amendments lightly. I feel, however, that the programs of research and development they provide have had to be moved to the front burner because of recent developments.

The first of these developments has to do with the dramatic expansion in the numbers and lifting capacities of the Soviet Union's intercontinental ballistic missiles, the full implications of which we are only now beginning to fully understand. When taken together with the equally dramatic expansion of the Soviet's nuclear submarine forces and their missile-launching capacities, it has become clear that she has not only succeeded in establishing strategic parity with the United States, but that in another short while she will have achieved the ability—according to the editors of the most recent edition of "Jane's Fighting Ships" and other authorities—to destroy virtually all of our land-based strategic weapons in a preemptive first strike and still have sufficient weapons remaining to hold our civilian population hostage to her demands.

The second development to which I refer is the seemingly authoritataive report that the strategic arms limitation talks now in progress will seek to limit the quantity, but not the quality, of our land-based nuclear missiles. This means that the Soviet Union's present superiority in numbers and lifting capacity of this category of missiles will be perpetuated, as will be the numerical superiority of her antiballistic defenses. Thus if we are to assure ourselves of what the Senate Armed Services Committee report describes as the necessity to "plan for more defense than that which is barely enough," we must initiate without delay certain research and development projects, the cost and timing of which are easily ascertainable; projects which will assure us of the ability to make those qualitative improvements in existing weapons systems which will to a significant degree offset the Soviet Union's quantitative advantage.

Each of the amendments which I am introducing is designed to accomplish three things:

First. To expand the capability of existing systems through improvements which are now known to be achievable through existing technology;

Second. To select those improvements which can be developed at relatively little cost;

Third. To time the development of these improvements so as to coincide with existing timetables of weapon deployment; and,

Fourth. To improve the guidance systems of our principal strategic missiles, the Minuteman III and Poseidon, to the point that in an emergency the President of the United States will have the option of utilizing them to destroy the enemy's strategic forces as an alternative to unleashing a nuclear holocaust aimed against the enemy's civilian population.

This latter objective would meet the urgent need which President Nixon expressed when in his state of the world message earlier this year, he asked rhetorically, "Should the President have as his only option in a nuclear war attacking an opponent's cities?"

AMENDMENT NO. 447

MINUTEMAN MISSILE MODIFICATION RESEARCH AND DEVELOPMENT PROGRAM

Mr. President, the first of the amendments to the defense procurement authorization bill which I am calling up today is amendment No. 447. Its effect is to add $5 million to the $2,910,744,000 now provided for in the committee bill for the modernization of our Minuteman missile force. This is a very small addition to the total being authorized, but it would buy us an enormously valuable option, and give us that option at a time when it can be utilized. Quite simply, if the research and development to be financed by the $5 million in question is initiated during the current fiscal year of 1972, we will in fiscal year 1974 be in a position to expand the projected deliverability of Minuteman warheads from 2,100 to 3,000 without any increase in the number of missiles deployed.

This would be accomplished by utilizing the $5 million in a research and development program designed to modify the Minuteman III to increase its range sufficiently to allow all of our presently sited Minuteman I's and II's to be replaced by a new family of missiles, the Minuteman III, having a sufficient range to reach potential targets anywhere in the Soviet Union.

At the present time, our Minuteman force is composed of 500 Minuteman I's and 500 Minuteman II's—both types having only single warheads. Since June of 1970 we have been replacing the older Minuteman I missiles with the more modern Minuteman III multiple-warhead missile. By the time the current modernization program is completed, the force will consist of 550 Minuteman III's, each having the capacity to launch three warheads, and 450 Minuteman II's, each with a single warhead. The aggregate number will remain unchanged at 1,000—the same number deployed in 1966—but the warhead capacity of this force will have been increased from 1,000 to 2,100.

If amendment No. 447 is adopted, we will have the option to replace the remaining 450 Minuteman II's, which are located in the central United States farthest away from potential targets, with modified Minuteman III's having the additional range required to reach any Soviet target. By initiating the required R. & D. program now, we will have developed the technology for deploying an additional 450 Minuteman III's in fiscal 1974, by the time the deployment of the first 550 Minuteman III's has been completed. Under these circumstances, the United States will have the option of proceeding with the modernization of the remaining Minuteman force at minimum cost, because the production line will still be working. If we fail to initiate this R. & D. program in fiscal 1972, the technology will not be ready when the first 550 Minuteman III's deployment is completed; and if we should then decide to proceed with the modernization of the balance, not only will we suffer a substantial delay in being able to do so, but the overall costs will be immeasurably increased because the production line would have to be started up all over again.

Mr. President, I submit that this amendment represents a prudent manner in which to proceed. No one, least of all I, wishes to spend more on national defense than is absolutely necessary. But I believe that the expenditure in question is the very least which is required if we are to provide, under today's rapidly developing circumstances, what the Senate Armed Services Committee report has correctly described as the need for "more defense than that which is barely enough." Too many experts in national security matters have expressed their grave concern over the adequacy of our defense posture and the research and development base which supports it, in light of the startling advances which have been made by the Soviet Union.

These concerns have a solid basis in fact. Since 1966, the Soviet Union has increased its ICBM force from less than 300 missiles to over 1,600 today. Moreover, because Soviet ICBM's are much larger than their U.S. counterparts in terms of payload capacity, their potential striking power is significantly greater than our own. If the Soviet Union were to employ the warhead technology which we now have on a production-line basis, she could launch eight times the number of separately targetable warheads as the United States.

It is important, then, that the United States take those minimal and prudent steps which we are required to insure that her existing forces are as effective as they can reasonably be made; and such steps can be taken without in any way jeopardizing the ongoing strategic arms limitation talks. It should be kept in mind that after these talks were instituted, the Soviet Union continued the vigorous buildup of her strategic forces. Specifically, since the talks began, she has increased the number of her SS–9 ICBM's by over 200, and has increased her SS–11's by 400. If we are to maintain a semblance of "balance" we must improve the quality of our strategic weapons as a substitute for increasing their quantity.

An effort to increase the quality rather than the quantity of strategic nuclear force is entirely in keeping with the spirit of the current arms control negotiations, however defined; and such an effort may become critical to our security even if the present buildup of Soviet strategic weapons is leveled off because of the built-in advantage which the Soviet already possess in the field of payload capacity.

Therefore, it is my view that it is elementary prudence for the Senate to authorize the expenditure of $5 million in fiscal year 1972 in order to initiate an R. & D. program which would provide the United States with the ability to increase the effective payload capacity of its Minuteman forces by over 42 percent.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield to the Senator from Colorado.

Mr. DOMINICK. I just want to congratulate the Senator for bringing up this package. It is refreshing, in my mind, to have someone stand on the floor of the Senate and point out not that we need cuts but that we need more to defend this country. It has been a long time since I have heard that on the floor of the Senate. All I can say is that it pinpoints, without any doubt, the very crucial statements which were made in the Blue Ribbon Defense panel report on our situation vis-a-vis the Soviet Union.

So I would sincerely hope that we could consider these things rather carefully. I do not think that $5 million is going to mean night and day in any of these things, but it is a start, it would seem to me.

I should like to ask the Senator this question: Has he been able to find out whether any R&D has been proposed in this particular field on prior occasions by the Defense Department or otherwise?

Mr. BUCKLEY. I thank the Senator for his remarks.

Yes. My understanding is that such proposals have been made.

Mr. DOMINICK. I thank the Senator. Once again, I want to tell him how refreshing I think this is. It may bring home to our colleagues and to the people as a whole the need for doing something very effective in this field.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield.

Mr. HANSEN. Mr. President, I should like to join the distinguished Senator from Colorado in complimenting the distinguished junior Senator from New York for the very persuasive statement he has just made.

It seems to me to make good sense to improve the quality rather than the quantity of our defense weapons, and that is precisely the point to which the Senator's amendment addresses itself, as I understand it.

I come from that part of the country where a number of these Minuteman missiles are installed. I am not unaware of the fact that it was the preponderance of power on our side which gave the ultimatum of the late President Kennedy validity. His statement was accepted by the Russians, and they did withdraw their missiles from Cuba, because at that time they were well aware that we had the punch to follow up with appropriate steps in order to make certain that they were removed from there.

The United States is playing a very important role as keeper of the peace. These defensive weapons are not offensive in nature. They are intended to protect this country. I think it is a step in the right direction.

We are all aware of the concern—among our other concerns—about our balance-of-payments position. A number of resolutions have been presented on this floor to restrict and to cut back the U.S. military expenditures in foreign countries. Again, I find the amendment by the distinguished Senator from New York to be fully in conformity with that idea. As we build and perfect through research the ability to defend ourselves, we lessen the need for expansion or for maintenance of the present defensive budget we have around the world now. The money that is spent in improving these missiles at home will not add to the outflow of capital and currency from this country to other countries, but it will be spent at home for improvements that will make even more valid our defense posture. This amendment, of course, does not buy any missile improvement program. It is directed exclusively and modestly to research leading to knowledge whereby we could make such improvements.

I think the Senator has spoken most persuasively in saying that this will in no way constitute any threat to the SALT talks. As a matter of fact, it seems to me that it cannot help but give added incentive to the Soviets in coming to terms with America in trying to limit this strategic arms race we are now in.

I am completely convinced that the Senator from New York has offered a very wise amendment. I hope it will be accepted by the managers of the bill because it seems to me to be fully in conformity with the overall objectives of that distinguished committee.

Mrs. SMITH. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield to the distinguished Senator from Maine.

Mrs. SMITH. Mr. President, I should like to join the able Senator from Colorado and the able Senator from Wyoming in commending the distinguished Senator from New York for his approach. I expect to support his amendment for this $5 million.

It is most refreshing to hear someone on the floor say something good about our national security and the needs.

Mr. BUCKLEY. I thank the Senator from Maine.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield.

Mr. STENNIS. Mr. President, I join the Senator from Maine in her complimentary remarks about the Senator's attitude and his willingness to stand up and be counted and to say a word in this field. I am very regretful, however, that I cannot agree with the Senator's amendment—I think it is a highly important matter—for the following reason.

The PRESIDING OFFICER. Is the Senator speaking on his own time?

Mr. STENNIS. Yes. I yield myself 5 minutes.

The PRESIDING OFFICER. Has the Senator from New York yielded the floor?

Mr. BUCKLEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. STENNIS. I will ask the Senator from New York to remain, so that we can have a colloquy on this matter.

I yield myself 10 minutes, Mr. President.

The Department of Defense testified that this money was intended to provide a further shelter program, research in connection with the shelter program. We checked the evidence on that here this morning. The military have never testified that it would be used to extend the range.

In view of that situation, the Senator from New York has a proposal here that is entirely different from what was submitted to our committee. The chairman of that subcommittee, the Senator from New Hampshire (Mr. McINTYRE), could not be here this morning. It is an entirely different proposition. Somewhere, some error has been made.

If I correctly understand the Department of Defense, their purpose now, their interpretation of this amendment, is that it will be further researched in connection with the shelter program and not for the purpose of extending the range.

Just a word about extending the range. I respectfully submit to the Senator from New York that his amendment, with his interpretation on it, is a direct contradiction or a frontal assault on the President's position with respect to the SALT talks—hold everything as is, do not back up, do not go forward. It is directed, according to what the Senator from New York says, toward extending the range of Minuteman III, which is a further affirmative step in one of the major items that the SALT talks is struggling with, the idea of reducing first defensive weapons and then reducing offensive weapons.

I think a mistake has been made somewhere about what this money is to be used for. If it is for what the Senator has already said in his memorandum—and I have it before me—when he says—

> The remaining 450 Minuteman II missiles must be replaced with a Minuteman III ICBM modified to give it a longer range so that it can be placed in the former Minuteman II bases and still be capable of hitting targets in the Soviet Union.

I would be compelled totally to oppose the amendment on the ground of the SALT talks. So far as research goes in this field, we have not butchered any program. On page 65 of the report, Research and Development—Procurement, Senators will see there, the third item, on the third line, $270.5 million in Senate recommendations for force modernization; so that there is a great abundance of money here, I say to the Senator from Wyoming (Mr. HANSEN), for all kinds of force modernization. But this is a projected matter over into this extra range that is, as I understand it, condemned by the SALT talks position now, especially in view of the fact the DOD in testimony said it was intended to provide research on the shelter program and never testified that it would be used as presented here today.

If the Senator from New York has something from the Department of Defense on that, we would be glad to hear it. He may have it, but we certainly do not. They want the money back, of course. They always are ready to have the money, but we are talking now about purposes.

Mr. BUCKLEY. Mr. President, I should like to suggest several points in answer to some of the questions which my distinguished colleague has brought up, and that is that whatever the existing programs that has been approved by this committee is called—shelter or whatever—it does have the effect of dramatically increasing the offensive capability of our Minuteman forces. Specifically, the modernization of 550 of the Minuteman I's presently located close enough to the Soviet Union so that the Minuteman III can reach targets in the Soviet Union will have the effect of more than doubling the overall ability of the Minuteman system to lob warheads at Soviet targets. It seems to me that merely to carry this program of modernization one small logical step further, at a cost of .18 percent which is presently earmarked for this modernization program, could not be considered as a new threat against the Soviet Union, and could not be considered as something that would jeopardize the SALT talks.

So what we are talking about is not procurement of the modernized missiles but merely the development of technology for a year and a half and, hence, would give this Government the option to continue the job of modernization and adding still 900 more warheads to those we could use against Soviet targets. I submit, therefore, that what the amendment is trying to propose here in no sense whatever goes contrary to the President's policy, or to the SALT talks, or both, even assuming that the Soviet Union is in any position to be concerned about such an increase in our forces and given the fact that since the Soviet discussions in early 1968, she has more than doubled her own strategic capability.

Mr. STENNIS. I said in debate earlier that the foremost thing in my mind is the missile program for our security and that that is the last one that I am going to go to reducing. I want it up front in every particular. We have argued about these matters here on the floor. So that, if I thought this was in any way essential, or was in any way detrimental to that system, why I would be on the other side. But the plain fact is that we have never had presented to the committee the question the Senator presents here. They just did not testify along that line. They did not say they would use the money for those purposes. We took the money out.

On page 107 there is $7 million worth needed there to use on the advance missile option program. The Senator referred to only $5 million for another purpose and giving the reasons here. The money is mixed to that extent. But as to the purpose the Senator is standing on, it is not in here. We took it out for the reason that they questioned the feasibility of the cost effectiveness of developing and mobilizing an ICBM as it was contemplated under the program. That is the reason for presenting the $7 million which is an old question to the distinguished Senator from Maine (Mrs. SMITH) which she will remember. So we are just talking about two totally different things. This is an original proposition that the Senator is presenting. I come back again that it is totally condemned, for the time being, by our position with reference to the SALT talks.

Let us wait and see.

The Senator from Texas spoke here the other day on a different phase. He changed his position on the ABM. The Senate went along with him by a large margin where it had been slim before.

That is about all I can say to the Senate. The Senator from New York has a different program on what the DOD testified about.

Mr. President, I now yield 2 minutes to the distinguished Senator from Iowa.

The PRESIDING OFFICER (Mr. BENTSEN). The Senator from Iowa is recognized for 2 minutes.

Mr. HUGHES. Mr. President, I thank the distinguished chairman of the Armed Services Committee for yielding me this time.

I speak in opposition to this particular amendment, and the whole series he has, because it places an entirely new factor into the debate from what we have been considering.

I have the greatest respect for those people who have risen in support of the Senator from New York, and also for the Senator from New York himself. But I was the main sponsor of the amendment totally to abandon the ABM missile system. The main debate against that particular amendment was the fact that we needed that system as a chip on the table at the SALT talks. So that I do not want to upset the balance. As a matter of fact, this series of amendments would throw an entirely new factor into the balance not only of those talks but also of our whole posture.

It indicates to me that the United States, if we adopt these amendments, will go for a first strike posture and would, in fact, be telegraphing, in my opinion, to those opposed to us in this nuclear arms race, the fact that the United States is implementing a basic decision to start down the road to a first strike capability.

For this reason I feel that the amendments in toto lead us in that direction and that it should be the position of the committee and the members of the committe and, I hope the Senate, that the amendments should be rejected at this particular time.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield the Senator from Iowa an additional 2 minutes.

The PRESIDING OFFICER. The Senator from Iowa is recognized for an additional 2 minutes.

Mr. HUGHES. Mr. President, I thank the Senator. I think, as the distinguished chairman of the committee has said, that the comittee, at least to my knowledge, or as reported to me by members of my staff that had the obligation for me of observing the entire information and input into the hearings, did not consider the matter of the extended range capability. It is a matter that should be considered by the committee and should be considered, I believe, in a totally separate set of hearings. As I indicated here throughout the entire debate—and I think this is a critical part of the debate—although it is a small amount of money when measured against the total amount contained in the bill, it is a telegraphing factor that signals what we would do in the future.

I think the amendment should be rejected by the Senate.

Mr. President, I thank the Senator for yielding.

Mr. BUCKLEY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from New York has 10 minutes remaining. The Senator from Mississippi has 16 minutes remaining.

Mr. BUCKLEY. Mr. President, I yield 5 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 5 minutes.

Mr. BROCK. Mr. President, I am delighted to see the Senator from Iowa support the Senator from Mississippi. I think that perhaps might portend well for the future of the bill.

I would like to question the logic of the argument of the Senator from Iowa when he talks about upsetting balances and achieving first strike capability. I do not think that holds water in any sense of the word.

The program to modernize our entire Minuteman III is a proposal to modernize only 550. If we are going to modernize 550, then how could it possibly be said that will affect the strategic balance and upset the balance and create a first strike capability? It does not hold water.

I cannot imagine that the spending of

a very limited amount of money—$5 million—in R. & D. will so jeopardize the complex of the Soviet Union that they would walk out of the SALT Talks. As a matter of fact, it seems to me that we are always on the defensive in this sort of thing. I think it is pretty obvious that since the initiation of the SALT Talks, the Soviet Union has continued to build a first strike capability. We have done nothing at all in this area.

I would like to ask the Senator from New York if it is in fact true that according to his understanding, the $5 million does not commit us to any hardware but simply enhances our options some 2 years or 2½ years hence.

Mr. BUCKLEY. The Senator is correct. I assure the Senator that all this does is to give us the ability at a future date at a time when we could utilize the ongoing machinery creating the present Minuteman III technology to a new improved version which will give us the added capacity. It does not commit us in any way to a system of first strike capability.

Mr. BROCK. Mr. President, I thank the Senator from New York. I appreciate the clarity with which he has presented the matter.

There is one additional thought that I would like to express. From my own personal point of view, I do not think there is any Member of the Senate for whom I have greater respect than I do for the Senator from Mississippi. The Senator from Mississippi has demonstrated throughout this year more ability to stand on his feet and provide the Senate with sound thought and opinions and information. He has worked harder than any other single individual Senator that I know of this year.

I respect him for his knowledge in this area and in the other areas in which he has exercised his ability so well.

In this particular instance, however, I am deeply concerned that the United States is allowing its research and development to lag to the extent that it would jeopardize the national security.

I am deeply concerned that in the very midst of the negotiations and at a time when the President has taken the lead in the SALT talks, in the trip to the Middle East, and in other matters, and when we are in the midst of negotiating a reduction of international tensions that this Nation is allowing itself to become a second power and is not willing to put up the money that we need to guarantee our superiority 3, 4, or 5 years from now. It would put us in greater jeopardy at a time when we would have to defend ourselves with our Navy, Air Force, and strategic forces in toto. I cannot sufficiently express my gratitude to the Senator from New York for his directing attention to this area.

I vigorously support the Senator from New York in his amendments. I do so with all sincere respect to the Senator from Mississippi. I feel that we should do a better job in research and development.

I think we can find some other money to save in the Defense Department. I think we are spending an inadequate amount in R. & D. to protect ourselves in the long run.

Mr. BUCKLEY. Mr. President, I thank the Senator from Tennessee. He has pointed out, as has my friend, the Senator from Wyoming, the importance of the amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BUCKLEY. Mr. President, I yield 3 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 3 minutes.

Mr. THURMOND. Mr. President, the distinguished and able Senator from Mississippi and I are together 99 percent of the time.

My good friend, the able and distinguished junior Senator from New York, is, I think, offering a good amendment I intend to support it.

Mr. President, the pending amendment, No. 447, offered by the distinguished Senator from New York (Mr. Buckley) would restore to this bill an important research and development element involving this Nation's land-based strategic missiles.

This amendment provides for $5 million to conduct preliminary studies toward the complete modernization of the Minuteman III missile force. A critical part of this modernization would be work toward a new missile basing philosophy which could provide a more survivable missile force.

When submitted to Congress the military procurement bill included a research and development element titled "Advanced Missile Options." This element was deleted from the bill, possibly because it was confused with another element titled "Advanced ICBM Technology."

In any case, the amendment offered by Senator Buckley is needed and should be approved by this body. The amendment is supported by the Department of Defense.

Mr. President, this addition to the bill is also timely in that evidence continues to show the Soviet Union is rapidly increasing its ICBM forces which presently number around 1,500 compared to around 1,000 deployed on land by this country.

The large SS–9 missiles in the Soviet force give them a first-strike capability and this fact makes it imperative that the United States take all possible steps to protect our smaller forces.

The unfavorable land-based missile balance between the United States and the Soviets is further complicated by the evidence that borings at present Soviet ICBM sites indicate a new or increased missile deployment.

While we all hope the SALT negotiations will bear fruit we cannot continue to close our eyes to the obvious efforts of the Soviets to obtain a clear military superiority over this Nation.

Mr. President, I urge the Senate to approve this relatively small addition to the bill.

Mr. President, I ask unanimous consent that a position paper by the Department of Defense be printed in the Record.

There being no objection, the position paper was ordered to be printed in the Record, as follows:

Proposed Amendment No. 447 by Senator Buckley: $5 Million for an Advanced Minuteman

Senator Buckley has proposed an amendment to authorize $5.0 million in FY 72 for "conducting preliminary studies on a long-range Advanced Minuteman missile program for the complete modernization of the Minuteman Missile Force." The DoD supports the intent of this Amendment for restoration of funds requested under Advanced Missile Options, P.E. 63333F.

Modernization of the Minuteman Force should consider a change in the basing philosophy so as to provide a more survivable missile force. The Advanced Missile Options program element was established to support the development of basing technology and the investigation of additional ICBM system concepts for the 1980s to determine the proper course of action. Initiation of this program is required because of the uncertainty in projecting Soviet capabilities beyond the near term and the lead time of up to 10 years required to proceed from concept to deployment for a major strategic system. This program would emphasize engineering studies and fabrication of some demonstration hardware as a near term hedge in the event of a continuation of Soviet strategic deployments.

The Senate may have confused the intent of the Advanced Missile Options program with the missile component development activities conducted under P.E. 63305F Advanced ICBM Technology which was requested at a funding level of $8.4 million. Consequently, the funds for Advanced Missile Options were deleted.

Although $5.0 million would not permit the program to proceed at the rate intended, it would permit the program to begin, thereby providing earlier answers to technical questions concerning the shelter basing concept than would otherwise be possible.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. THURMOND. I yield.

Mr. STENNIS. I wish to ask the Senator a question.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. Mr. President, I yield myself 1 minute. Does the position paper to which the Senator from South Carolina referred approve the idea of extending the range of these missiles?

Mr. THURMOND. This supports the intent of the amendment for restoration of the funds.

Mr. STENNIS. I know, but do they say they think it could be used for extending the range? That is the issue here.

Mr. THURMOND. The Department of Defense endorses the amendment, because they feel it would be helpful to them. With respect, specifically, to deployment it is stated:

> The Department of Defense supports the intent of this amendment for restoration of funds.

Then, it states:

> Although $5 million would not permit the program to proceed at the rate intended, it would permit the program to begin, thereby providing earlier answers to technical questions concerning the shelter basing concept than would otherwise be possible.

Mr. STENNIS. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. STENNIS. Mr. President, I point out that the position paper does not approve the purpose of the program that is outlined here by the Senator from New York. It just does not do it. We have not had one syllable of testimony approving that, and the position of the President, the Department of Defense, and others has been against this extension at this time when the SALT talks are going on.

Mr. President, I yield 2 minutes to the Senator from Ohio.

Mr. SAXBE. Mr. President, I think we are all interested in this matter and I think we are all interested in our capabilities, but I think we have to follow the dictates of the Department of Defense.

We have seen over the years efforts that have given more money than the Department of Defense asked for in bombers and other weapons. It seems to me we were trying to dictate the policy of the Department of Defense over and above their aims and ideas.

I have consulted with people in the Department of Defense. They did not request this and do not request it, and the administration does not desire this. I think that inasmuch as we are trying to get this bill through and follow as much as possible the thinking of the committee after hearing a great deal of testimony, that it has no place.

I recognize it is an effort by persons well intentioned to help our capability but I think we have to follow the Secretary of Defense, and not the project colonels, and that we have to follow the dictates of the administration which would have the spending of this money and the planning to do so.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 12 minutes remaining.

Mr. STENNIS. Does the Senator from New York wish to proceed now?

Mr. BUCKLEY. I am willing to yield back the remainder of my time.

Mr. STENNIS. No. Excuse me. I thought the Senator might want to proceed.

Mr. BUCKLEY. Yes. I thank the Senator.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. BUCKLEY. Mr. President, I would like to reiterate one point. We are not asking a commitment to new hardware and we are not asking a commitment for something that is qualitatively different, because the present program in the committee report will have the effect of continuing the deployment of a total of 550 Minuteman III, each of which will have to reach the Soviet Union, leaving behind Minuteman II, which does not have that range. All we ask is to achieve the capability of extending that range.

Second, I would like to point out because we are dealing within existing technology and weapons there is no question that with this $5 million, given the 18 months, we could achieve the desired effects and make the necessary modifications.

I submit again that this country cannot afford, in the light of recent developments and knowledge, to sit on its hands for even another few months and wake up one day to find we need the technology now.

Mr. STENNIS. Mr. President, will the Senator yield briefly?

Mr. BUCKLEY. I yield.

Mr. STENNIS. Did the Senator say his three amendments have a common purpose?

Mr. BUCKLEY. Yes.

Mr. STENNIS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, there is nothing personal in what I have to say. This matter has to be judged on the merits. If Members of the minority party want to risk the chance of having that part of the press that might not be favorable to the President headline that they are bucking the President on a policy connected with the SALT talks, I think they would be taking a chance on that. I do not know what will happen. I feel confident that under the present policy of the President he will never use one dime of this money if this amendment is agreed to for the purposes outlined by the Senator from New York, at least not until the last glimmering hope of success for the SALT talks for this sitting and the next sitting is gone, because this is part of the policy of the administration—no first strike capability.

The Senator said his amendments have a common purpose and I think that is entirely correct. Here is what the position paper on his next amendment states:

> The Department of Defense cannot support the proposed amendments.

Reference there is to the last two amendments and not the first one. I continue to read from the position paper:

> It is the position of the United States to not develop a weapons system whose deployment could reasonably be construed by the Soviets as having a first strike capability. Such a deployment might provide an incentive for the Soviets to strike first.

The position paper on amendments Nos. 448 and 449, the next two amendments, states:

> The Defense Department cannot support the proposed amendments. It is the position of the United States to not develop a weapons system whose deployment could reasonably be construed by the Soviets as having a first strike capability. Such a deployment might provide an incentive for the Soviets to strike first.

It repeats the same language.

That is what they say about those two amendments. The Senator from New York said those two amendments are tied to the first amendment. I say again we never had any testimony in our committee to carry out this purpose. The Department of Defense does not want to testify to that; they will not do it today if we called a meeting on the floor of the Senate.

Mr. BUCKLEY. Mr. President, will the Senator yield?

Mr. STENNIS. I will yield in just a moment.

They are precluded from it. On the money part, with reference to this amendment, they would like to have the money back to put it into the bill for experimentation on the basis it was justified, in connection with the shelters.

Does the Senator have a statement from the Department of Defense, the President, or anyone else supporting the administration that is in favor of the amendment as the Senator has described its purposes? If the Senator does, we need it now.

Mr. BUCKLEY. I do not have such a paper, but I would want to say that the common purpose behind these three amendments has nothing to do with developing a first strike capability. It has to do with extending our options in existing hardware. If we were to do all the things I propose, including the missiles, it would enable us to launch a first strike capability, so I believe with all deference to my colleague that this is somewhat of a red herring.

The PRESIDING OFFICER. Would the Senator from New York advise the Chair on whose time he is speaking?

Mr. BUCKLEY. I am speaking on my time.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. STENNIS. Mr. President, I yield the Senator 2 additional minutes.

Mr. BUCKLEY. I thank my colleague.

Mr. President, I want to say we are talking about technology to work within existing missiles, within the concert of the whole philosophy and spirit of the SALT talks. We are not talking about building new missiles, but working with the existing ones. There is nothing in the specific proposal, amendment No. 477, or even in the other two, which would enable the United States to reach a successful first strike. I think we should get back to what is involved; namely, spending a minute amount of money, in the context of the total amount being authorized, and to do it so the President has the option to move in the direction in which he believes the interests and safety of the United States require.

The PRESIDING OFFICER. Who yields time?

Mr. CHILES. Mr. President, will the Senator yield to me for a question?

Mr. STENNIS. Mr. President, I will yield, quite briefly. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. CHILES. I am somewhat confused by some of the debate. I understood the Senator from South Carolina in his remarks to say that the Defense Department was supporting the intent of this amendment. I wanted to ask the distinguished chairman if the Defense Department ever came to the Armed Services Committee and supported this proposal.

Mr. STENNIS. The answer is a triple no—no, no, no.

Mr. CHILES. Did anyone from the administration come to the Armed Services Committee and urge support of this proposal?

Mr. STENNIS. The same answer—"No." Here is what the Department says on amendment No. 447 offered by the Senator from New York. The last paragraph in that justification sheet, and I ask particular attention to this, reads:

> Although $5.0 million would not permit the program to proceed at the rate intended, it would permit the program to begin, thereby providing earlier answers to technical questions concerning the shelter basing concept than would otherwise be possible.

That is on all fours with what I said—that what was justified was something concerning shelter basing. That is why they want the money back in here. Why do I say that? Because they say so. Senators do not have to take my word for it. I invite Senators to come in here and read it. That is the position paper the Senator from South Carolina put in. That is as plain as I can make it. Come and read this.

Mr. CHILES. I appreciate the chairman's explanation. I wonder if the Senator would yield me 30 seconds so I may ask the Senator from New York whether he intends the money to be used for shelters and if that is the intent of the $5 million.

Mr. STENNIS. Mr. President, I yield the Senator half a minute.

Mr. CHILES. Mr. President, I ask the Senator from New York the question whether it is his intention that the money be used for shelters.

Mr. BUCKLEY. Mr. President, the intention of my amendment is that it be used wholly consistently with the whole objective, which is to improve and modernize the capability of our Minuteman missiles. At the present time, as far as shelter goes, it increases our capacity from 1,000 to 1,200 warheads. I suggest we at least have the option to finish the job and go to another 900.

There is no conflict in what I have proposed and the shelter. On the other hand, I would have no objection to using it at the discretion of the military.

Mr. STENNIS. Mr. President, I did not understand the last part of the statement of the Senator from New York.

Mr. BUCKLEY. I suggested that if greater flexibility is thought desirable in the utilization of these funds, I would certainly have no objection.

Mr. STENNIS. Well, that is somewhat vague.

Mr. President, it is regrettable, and I do not blame anyone—I blame myself, to an extent—that this proposal came in here with such a short time for debate and explanation and no chance to call anyone, but I do not have any doubt whatsoever as to what the facts are in this case. This matter has not been presented to our committee. The $5 million was justified on another concept altogether. Its use, as the Senator has explained it, is totally contrary to the President's position of a no-first-strike capability and no extension of what could be interpreted as a first-strike capability during the SALT talks. The explanation of this amendment includes the word "counterforce." Those familiar with these terms know that essentially means a first-strike capability. We have stayed within the terms of deterrence, deterrence, deterrence. That is what we are talking about at the SALT talks.

It makes no difference to me personally. No appreciable amount of money is involved. But I think it would be tragic for the Senate to vote for this amendment in the face of the President's position and in the face of the SALT talks, contrary to what has been outlined over and over again as his position. Each Senator can vote as he sees fit as far as I am concerned, but I do not have any doubt about the possible consequences here. I also feel certain the President would not use any of the money for that purpose.

Mr. President, while I am at it and in motion, the same thing applies to the other two amendments. They are more confessedly geared to the idea of counterforce, extending into another family or capacity for all our missiles.

Mr. President, I commit this decision to the sound judgment of Senators who are here and those who are not.

How much time do I have left?

The PRESIDING OFFICER. The Senator from Mississippi has 1 minute remaining.

Who yields time?

Mr. CRANSTON. Mr. President, will the Senator yield to me?

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from California.

Mr. CRANSTON. Mr. President, I would like to take this opportunity to stand with the distinguished chairman of the committee. Many people in the country and in the Senate, I think, sometimes misinterpret the zeal and determination of the Senator from Mississippi, the distinguished chairman of the Armed Services Committee, in his determination to see that our country is prepared to defend itself.

I applaud his understanding of the deep danger involved in this particular approach and the suggestion that we move to a first strike capability, which would be so unstabilizing and so dangerous. I am delighted that he has provided this stern leadership on the Senate floor and in our country.

Mr. STENNIS. Mr. President, there seems to be some confusion regarding the purpose for which amendment No. 447 has been introduced. The distinguished Senator from New York has stated that the $5 million to be added to the bill will be used to conduct studies relating to extending the range of the Minuteman missile. The language of the amendment uses the words "long range" which has two possible interpretations. One interpretation could be literal and mean extending the range of the Minuteman. Another interpretation could be that the words "long range" have a connotation of time and convey the meaning of an advanced Minuteman requirement for a later time period.

The Department of Defense apparently has accepted the latter interpretation relating to the employment of Minuteman in a future time period. The committee has received a position paper from the Department of Defense which addresses the use of the $5 million proposed in the amendment. The Defense position paper identifies the use of the $5 million requested for the purpose of conducting studies to answer the technical question concerning the shelter basing concept of the Minuteman missile. This apparent inconsistency points up a lack of communication as between the distinguished Senator's office and the Office of the Secretary of Defense. Let me first address the interpretation concerning the range of the Minuteman missile. The Department of Defense in the very extensive hearings held by the commitee on the pending bill made no specific recommendations for approval to undertake work related to extending the range of the Minuteman missile. Therefore, it must be assumed that such a requirement if it does exist was not considered to be a requirement which should be reflected in the fiscal year 1972 budget. If the distinguished Senator from New York has information to the contrary, it is rather late in the game to undertake at this time to determine all of the facts necessary in this matter much of which I am certain would be classified and not proper for debate on the floor. Other related considerations would be extremely important in considering such a requirement even if time were available. These would include what the need for extending the range of the Minuteman is in terms of the overall strategic targeting plan of the United States which includes the important roles played by the Poseidon fleet and by the strategic bomber force. This interrelation is highly complex and highly classified as well, but should have to be explored in great detail to permit a meaningful position to be established regarding this requirement since none of these matters can be laid before the Senate at this time. In view of the questions which I have raised there is clearly no justification for this amendment.

I will now address the question of the use of these funds for the purposes described by the Department of Defense.

As I understand it, the intent of this amendment is somewhat similar to that included in the fiscal year 1972 administration budget request under a line item called Advanced Missile Options, for which $7 million was requested. The Research and Development Subcommittee, after full hearings and serious consideration of all the facts, deleted this line item from the budget request. The committee accepted this recommendation. I have not seen or heard any additional facts presented in support of this amendment that change the decision of the committee.

Denial of the $7 million requested was based upon the conclusion that this work is considered more appropriate as a candidate in competition with other work included under the separate Advanced ICBM technology program. This latter program was included for $8.4 million, which is $2.4 million more than the program in fiscal year 1971. The $8.4 million requested will support a number of individual efforts under the Advanced ICBM technology program so that if the effort proposed in the amendment is considered to be of greater importance than other projects that are candidates for consideration, preliminary studies on rebasing concepts for the Minuteman missile program could be conducted during fiscal year 1972.

In addition to the above, the committee has certain doubts as to the feasibility or cost effectiveness of mobility for intercontinental ballistic missiles. Another significant consideration is the fact that the concept of shelters or the "shell game" as a new missile basing concept may be interpreted as inconsistent with SALT since it implies proliferation of missiles. In summary, Mr. President, the proposed amendment is without merit and should be defeated. In my opinion, the arguments against the amendment are clear and I would urge my colleagues to join with me in defeating it.

The research and development budget requested $8.4 million for advanced ICBM technology which is essentially to improve accuracy. The committee approved this as requested.

The PRESIDING OFFICER. All time on the amendment has expired. The question is on agreeing to amend No. 447 by the Senator from New York.

Mr. BUCKLEY. Mr. President, I ask unanimous consent to dispense with the calling of the roll.

Mr. STENNIS. Mr. President, what was the request?

The PRESIDING OFFICER. The unanimous consent request was to dispense with the calling of the roll.

Mr. STENNIS. Mr. President, the yeas and nays have been ordered.

The PRESIDING OFFICER. Does the Senator from Mississippi object?

Mr. STENNIS. Yes. I object.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the amendment of the Senator from New York. The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Virginia (Mr. Byrd), the Senator from Nevada (Mr. Cannon), the Senator from Oklahoma (Mr. Harris), the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. Humphrey), the Senator from Louisiana (Mr. Long), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from New Mexico (Mr. Montoya), and the Senator from New Jersey (Mr. Williams) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. Williams), the Senator from Minnesota (Mr. Humphrey), and the Senator from New Mexico (Mr. Montoya) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Delaware (Mr. Boggs), the Senator from Nebraska (Mr. Curtis), the Senator from Arizona (Mr. Fannin), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Kentucky (Mr. Cook) is absent on official business to attend the funeral of the late Congressman William O. Cowger.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Nebraska (Mr. Curtis) and the Senator from Texas (Mr. Tower) would each vote "yea."

On this vote, the Senator from Arizona (Mr. Fannin) is paired with the Senator from Delaware (Mr. Boggs). If present and voting, the Senator from Arizona would vote "yea" and the Senator from Delaware would vote "nay."

The result was announced—yeas 17, nays 66, as follows:

[No. 251 Leg.]

YEAS—17

Allen
Allott
Brock
Buckley
Cotton
Dole
Dominick
Goldwater
Gurney
Hansen
Hruska
Jordan, Idaho
Moss
Roth
Smith
Taft
Thurmond

NAYS—66

Aiken
Anderson
Baker
Bayh
Beall
Bennett
Bentsen
Bible
Brooke
Burdick
Byrd, W. Va.
Case
Chiles
Church
Cooper
Cranston
Eagleton
Eastland
Ellender
Ervin
Fong
Fulbright
Gambrell
Gravel
Griffin
Hart
Hartke
Hatfield
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McGee
Metcalf
Miller
Mondale
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Tunney
Weicker
Young

NOT VOTING—17

Bellmon
Boggs
Byrd, Va.
Cannon
Cook
Curtis
Fannin
Harris
Hollings
Humphrey
Long
McGovern
McIntyre
Montoya
Mundt
Tower
Williams

So Mr. Buckley's amendment (No. 447) was rejected.

Mr. STENNIS. I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on September 30, 1971 the President had approved and signed the following acts:

S. 415. An act for the relief of Mr. and Mrs. Arvel Glinz; and

S. 504. An Act for the relief of John Borbridge, Junior.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. Bentsen) laid before the Senate a message from the President of the United States submitting the nomination of Thomas E. Ferrandina, of New York, to be U.S. Marshal for the Southern District of New York, which was referred to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, each with an amendment, in which it requested the concurrence of the Senate:

S. 708. An act for the relief of the village of Orleans, Vermont; and

S. 932. An act to amend title 13, United States Code, to provide for a revision in the cotton ginning report dates.

The message also announced that the House had passed the bill (S. 2007) to provide for the continuance of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, with an amendment, in which it requested the concurrence of the Senate; that the House insisted upon its amendment to the bill; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Perkins, Mr. Hawkins, Mr. William D Ford, Mr. Burton, Mr. Gaydos, Mr. Clay, Mrs. Chisholm, Mr. Biaggi, Mrs. Grasso, Mr. Quie, Mr. Ashbrook, Mr. Bell, Mr. Reid of New York, Mr. Erlenborn, and Mr. Dellenback were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the bill (S. 646) to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recording, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8866) to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 8817. An act to further cooperative forestry programs administered by the Secretary of Agriculture and for other purposes; and

H.R. 9346. An act to convey certain federally owned land to the Twentynine Palms Park and Recreation District.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 8866) to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred, as indicated:

H.R. 8817. An act to further cooperative forestry programs administered by the Secretary of Agriculture and for other purposes; to the Committee on Agriculture and Forestry.

H.R. 9346. An act to convey certain federally owned land to the Twentynine Palms Park and Recreation District; to the Committee on Interior and Insular Affairs.

LEAVE OF ABSENCE

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the distinguished Senator from Kentucky (Mr. COOK) may be given official leave of absence this afternoon to attend the funeral of former Congressman Cowger, of Kentucky.

The **PRESIDING OFFICER** (Mr. CHILES). Without objection, leave is granted.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 448

The **PRESIDING OFFICER**. Under the previous order, the clerk will now state amendment No. 448, one hour having been designated, to be equally divided between both sides.

The assistant legislative clerk read as follows:

> On page 9, line 11, strike out "$2,910,744,000" and insert in lieu thereof "$2,922,744,000, of which amount not less than $12,000,000 shall be available only for the purpose of carrying out work in connection with providing counterforce capability for the Minuteman III system".

Mr. **BUCKLEY**. Mr. President, amendment No. 448 and my remaining amendment No. 449 to the defense procurement authorization bill are identical in their purpose, although dealing with distinct weapons systems. In the interests of saving the Senate's time, I would like to discuss them both together while reserving the right to have each amendment voted upon separately.

The amendments deal, respectively, with the initiation of appropriate research and development programs to provide for significant improvements in the guidance and control systems of the Minuteman and Poseidon ballistic missiles; the first at a cost of $12 million and the second at a cost of $25 million.

To place the discussion in focus, certain facts must be kept in mind. The first of these is that since 1966, the United States has deliberately and, I might add, unilaterally, chosen to freeze the size of her strategic forces. Specifically, we have since that date maintained a force level of 1,000 Minuteman ICBM's, 54 Titan II ICBM's, and 41 Polaris class nuclear submarines, while reducing the number of our B–52 bombers from about 600 in 1966 to about 400 today. Thus, during this 5-year period, there has in fact been a quantitative reduction in our strategic nuclear forces.

This has occurred despite a most dramatic buildup of the Soviet Union's strategic nuclear capability. Indeed, this buildup has gone far beyond the requirements of simple deterrents or the achievement of nuclear parity. Since the Strategic Arms Limitations Talks were initiated in early 1968, the Russians have deployed 200 SS–9 ICBM's, a missile for which the United States has no counterpart. Moreover, they have added 400 of their SS–11's, a missile somewhat larger than our own Minuteman. The Soviets have also initiated the deployment of the SS–13, a solid fuel ballistic missile similar to our Minuteman, and are in the advanced stages of the development of a mobile ICBM. All of these recent changes in Soviet forces have been quantitative, and as of today the Soviet Union possesses over 1,600 land-based ICBM's, and is continuing to deploy more, while our land-based strategic missiles remain frozen at 1,054.

It terms of payload capacity, the Soviet Union has developed the ability to deliver at least 5,400 additional megatons of destruction since the Strategic Arms Limitations Talks were initiated in early 1968. This increase alone exceeds the entire U.S. megatonnage by over 1,000. Moreover, only about 1,500 megatons of the entire U.S. force is in the form of ballistic missiles, the remainder being represented by bombs carried by 1955-vintage B–52's.

Moreover, if the Soviet Union were to employ the same warhead technology which we now have on a production line basis for our Minuteman III program, the Soviet Union could mount 25 to 30 separate warheads on each of its SS–9 missiles. As the Soviets already have over 900 SS–11's and 300 SS–9's deployed, the potential for a devastating attack on the United States is self-evident. It should, moreover, be kept in mind that much if not most of the missilery is designed to attack not our cities, but our Minutemen silos and B–52 bases with the result that it is now generally conceded that within another 2 or 3 years, if present trends are allowed to continue, the Soviet Union will have achieved the capacity to destroy virtually all of our land-based strategic forces in a preemptive first strike.

The second factor which must be kept in mind is that we have not only deliberately chosen to freeze the quantitative size of our strategic forces, but have chosen as well to limit the precision of our missile guidance systems so as to limit their effective use to attacks on large civilian populations rather than giving them the pinpoint accuracy required to obliterate specific military targets. These policies were pursued as a part of our strategy of mutual deterrence or, as it is better described, mutual terror. The problem with this strategy, however, is that the Soviet Union has failed to play the game by our rules, having expanded the numbers and accuracy of her nuclear weapons far beyond the scope required by a reciprocal policy of terror.

In light of these factors, it seems to be simple prudential commonsense to seek at this stage ways of quickly making those qualitative improvements in the guidance systems of our key strategic weapons; namely, the land-based Minuteman and the submarine-based Poseidon, so that we will at least be given the option—and, in my opinion, the far more humane, the only moral option—of utilizing our weapons to knock out those of a potential enemy rather than in obliterating millions of their citizens.

In considering this issue, Mr. President, I have sought the advice of some of the Nation's leading strategists, men with demonstrated professional competence in the field. Without exception, these individuals are pursuaded that qualitative improvements in our missile and guidance control systems are critically important.

Prof. Morton A. Kaplan, professor of international relations at the University of Chicago states that:

> In the absense of an agreement with the Soviet Union that otherwise excludes qualitative improvements such as counter-force capable guidance systems for Minuteman and Poseidon, we have no choice but to go ahead with an R & D program designed to improve the guidance system of our strategic forces. In any case, a posture which permits other options beside city targeting is morally superior to one which does not.

There is no evidence that the Soviet Union shares our prejudice against qualitative improvements to our strategic forces. Dr. Richard B. Foster, a noted authority on Soviet strategic policy and strategic studies director of the Stanford Research Institute observed at the 4th International Arms Control Symposium that:

> In developing their (defense) posture the Soviets attempt to hedge against as many uncertainties as possible, and keep their force planning as open-ended as possible.

In short, the Soviet Union does not take seriously the notion that force flexibility should be arbitrarily given up. If we should fail to make qualitative improvements in our forces when we have the technical ability to do so, we would be unnecessarily limiting our options in the employment of our forces in a crisis, should the need ever arise. Since the mere ability to employ these forces flexibly makes any crisis much less likely.

Mr. Herman Kahn, director of the Hudson Institute, was asked to comment on the advisability of developing high quality "counterforce" guidance systems as proposed by my amendment for Minuteman and Poseidon. Mr. Kahn, one of the Nation's most respected nuclear strategists, stated:

> Throughout history, it has been considered immoral to threaten civilian populations and their property. To some degree, World War I and World War II were exceptions, but were justified in some sense because they were wars of industrial mobilization, and therefore attacks on civilians were direct attacks on the war effort. The current rationale for nuclear retaliation against cities only does not have this justification. It is basically bad policy for the U.S. to encourage the legitimization of city attacks. It is wrong for the United States to lock ourselves into a policy where the President has no other alternative than attacking an opponent's cities in the event that deterrence fails. If there is any sense to a "flexible response" policy, it must include flexible targeting.

Perhaps most important of all, is the view of the man who has the ultimate responsibility for the security of this Nation, the President of the United States. In President Nixon's state of the world message, the President asked:

> Should the President have some other option than only attacking an opponent's cities?

The amendments I am proposing, amendments No. 448 and 449, will provide the President with that option. Specifically the $12 million in R. & D. provided for in amendment 448 will enable us in 18 months to develop the ability to increase the kill probability of Minuteman III by about 40 percent; and the $25 million earmarked in amendment No. 449 would in 3 years' time provide us with the ability to improve the kill probability of the Poseidon by a factor of about 500 percent, which coincides with the time at which our existing Polaris submarines are scheduled to be equipped with Poseidon missiles.

This means a significant expansion of the number of targets which can be eliminated by any given number of warheads. A $37 million involvement in research and development, in short, will initiate programs to provide us with the technology for a dramatically improved guidance system which will more than double the effectiveness of our principal strategic weapons.

I know that my distinguished friend, the Senator from Mississippi, will state that the amendment I offer is tantamount to a first-strike capability which goes counter to the desires of the President and could destroy and sabotage the SALT talks.

I submit that this position cannot be taken. The amendments I have offered will not provide us with a first-strike capability for two reasons.

First of all, these are designed only to modify the warheads within existing missiles. We simply do not have enough missiles to mount enough warheads. For a first strike effort, with the improved accuracy, we would need in excess of 12,000 warheads if we were ever to try a first strike against the Soviet Union. Therefore, the Soviet Union—which knows too much about our armaments—would be able to interpret this improvement in our capability—an improvement which she herself has in her SS-9's—if we move toward a first strike capacity.

Second, it should be kept in mind that there are innumerable situations where flexibility is urgently desired. Let me paint a scenario. Let us assume that either from the Soviet Union or from some other country there are indications that they have acquired the capability for a first strike capacity. Let us assume that their first strike knocks most or all of our strategic weapons. We would then have our submarines and additional weapons. We would then face the choice of aiming those at the civilian population of the enemy, thereby destroying tens of millions of human beings in the Soviet Union or trying to defend ourselves by directing our missiles at a second strike against the remaining weapons held by the enemy.

I submit that those options lead to a brutalizing of the concept of warfare beyond what man has yet understood.

I submit that we need not continue to live within a policy of deterrent force, but rather develop this kind of flexibility which our President was urgently asking for in his state of the world message.

Mr. STENNIS. Mr. President, would the Senator yield for a question?

Mr. BUCKLEY. I yield to the Senator from Mississippi for a question.

Mr. STENNIS. Mr. President, in the course of things a lot of interruptions necessarily occur here. I listened to almost the Senator's entire speech. However, would the Senator state again quite briefly his last remarks about the purpose of his amendment?

Mr. BUCKLEY. The purpose of the amendment is twofold.

First it involves an expenditure of $12 million in R. & D. which would have the effect of making sufficient improvements in the guidance system of Minuteman III so as to raise the so-called kill probability by a factor of about 40 percent. This would mean that it could be used at a city target.

Second, the other amendment is designed to extend $25 million in similar research of the Poseidon missiles that we are depending on in the submarines to enable us to achieve a similar degree of strike capability.

The PRESIDING OFFICER. Does the Senator from New York yield the floor?

Mr. BUCKLEY. I yield the floor.

Mr. STENNIS. Mr. President, I thank the Senator for his efforts in this field and for his remarks and for his interest. I look forward to the time when we can team up on some matters. I believe the Senator from New York will be a very favorable ally, and I believe he will be an effective one, too.

Mr. President, we are now faced with a different situation. This amendment goes outside and beyond the field that has been laid down by the President of the United States. I disagree with the President whenever I think I should—in this bill or in any bill. And I have done so during this debate.

He has laid down his views on the SALT talks and in the program in this budget. I must point out that it has been largely accepted by Congress and by the Senate in the debate on this bill. I am talking about what is laid out here by the President in view of the SALT talks. And that is what he was looking at, and that is what I think we should be looking at.

The ABM, for instance, is a defensive weapon. That was a great concern and was part of the start that we made with Soviet Russia in these talks.

The budget required the continuation of this program at four sites. Our committee reported those four sites in the bill. We reduced the money some, but solely because of slippages and delays and strikes, because a lesser sum would be used than was originally thought. That committee recommendation came to the floor.

The ABM program was once debated for about 3 weeks in an effort to strike it out of the bill. It ended up with a tie vote of 50 to 50. We then had another vote and it finally survived with a 1-vote margin.

But it was more or less accepted here the other day because of the SALT talks. Now, we have these ICBM's and the Poseidon. The program laid before us this year was not a counterforce, not a first strike, capability. We can argue that for a long time but that is not what the Department of Defense, under the direction of the President, attempted to lay down here. They attempted to lay down a program where there would be no large effort on counterforce, which means no large effort on a first strike capability, and that is the program we have before us.

But the Buckley amendment, in spite of the good intentions of the Senator from New York, goes beyond that and it is a counterforce amendment as he states in his amendment. There is no question about that. The very terms of the amendment state:

> Shall be available only for the purpose of carrying out work in connection with providing counterforce capabilities.

In the one amendment it refers to counterforce capabilities for the ICBM and in the other amendment to counterforce capabilities for the Poseidon.

Mr. President, straight up and down, that is the issue. What do I have to back me up in what I am saying about this matter? I have the statement of the Department of Defense and it is a direct statement. It is not like the one I mentioned a while ago where they said they would like to have the money and to use it for shelters. This one is hard to explain.

Here is what they say in their position paper on proposed Amendments No. 448 and 449. We are now talking about No. 448:

> The Defense Department cannot support the proposed amendments. It is the position of the United States to *not* develop a weapon system whose deployment could reasonably be construed by the Soviets as having a first strike capability. Such a deployment might provide an incentive for the Soviets to strike first.

That first-strike capability essentially means the same as the word "counterforce." The word "counterforce" is in the amendment.

Here is what the situation means, boiled down. It is not stated there, but this is what it means. The SALT talks are on and it is possible to do some good there. They do not know how it is going to come out, but we do not want to rock the boat. They are at a crucial point. I believe there is something to it. I do not discount the possibility. I do not think the President is easy to fool, and I do not think he would want to fool the American people or Congress. There is a meaning. This thing is grinding on. In fact, in a few weeks they will go back to Helsinki or Vienna, for a resumption.

I stand squarely on that ground. It is not often that the Department of Defense comes out against an amendment that would put more money in a bill. If they are permitted and if they can find a good reason they will agree to an amendment, but they come out squarely and hit this on the nailhead and they say that it is the position of the United States—that means the position of the United States through its Chief Executive.

So that is the message I bring, and that is about all I can say at this time.

Mr. BUCKLEY. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from New York.

Mr. BUCKLEY. Is it not true that during the hearings before the Armed Services Committee of the House, General Holloway, chief of SAC, testified on the necessity of improving Minuteman guidance, not for first-strike capability, but to improve the efficiency of our force and its versatility?

Mr. STENNIS. I think that there is plenty of money in here. I know there is money in here for Minuteman guidance, and it can be used for that purpose, but not to the extent of creating a counterforce capability. That is where the Pentagon drew the line for the time being, or even the appearance of counterforce.

These things are not as thin as tissue paper. There are lines of distinction.

We know how it is when negotiations are going on and agreements perhaps will be made. One just does not rock the boat. Under some conditions I would favor this amendment, but I say again I do not know what would be the situation in those talks. Submarines are important and we also have to have the ICBMs and their capability, as I say. But if we agree to the amendment, the money would not even be used under the President's policy, but it would counteract or contradict what we have been doing under this bill and it could start a ripple that could get beyond control and do irreparable harm.

Mr. BUCKLEY. Mr. President, I very much appreciate the concerns of the Senator from Mississippi but I also have a tremendous appreciation for the pragmatic judgment of the Russians. I believe they would be able to see the distinction, even if certain editorial writers in this country predictably would not, between learning the facts, investment in research, which at some future date would give the Government of the United States the capacity to mobilize more sophisticated warheads than we have available to us, and first-strike capability.

I cannot in all candor see how these two amendments would set any ripples in motion that would terminate the SALT talks. After all, we know that since the SALT talks were originated the Soviet Union has more than doubled her deployment of intercontinental ballistic missiles. Second, we know some of these missiles are so large that their effect has been to give her the effect of delivering eight times as many warheads as we can deliver in return. We know also that since these talks started she has developed her ABM system and it has a guidance of sufficient precision that her weapons today are, in effect, counterforce weapons.

To suggest that we invest purely in research and development the kind of money required to make our Minuteman, and most particularly the Poseidon, effective to give the President a choice in a nuclear war to kill machinery and not people makes no sense to me. We must keep in mind that a counterforce capability is not equivalent to a first strike capability. To have a first strike capability we must keep and deploy many times the number of missiles we now have in existence.

So with all due respect to my distinguished colleague I submit once again that considerations of national safety, which is the highest priority of any government—the security and the survival—require that we at all times be in as advanced a stage of research as we have the capacity to be.

These two arguments are not exploring the unknown and will not boondoggle themselves into tens of millions of dollars and other stories we have heard.

We are operating within existing technology, within existing systems, where the cost can be accurately predicted and where the timetable can be accurately predicted. I submit that if we do not go forward with this kind of basic research and development and if something should throw the SALT talks off kilter, one of these days we will wake up with Russian ICBM's staring down on us without our ability to protect ourselves.

I think there is another factor we must keep in mind, and that is if we have learned anything in this century, it is that to be weak invites war and aggression. The First World War was triggered because Germany thought she could roll over Europe. The same is true of the Second World War. Only the strong can remain free. I submit that if the United States gives the appearance of weakness, we would be inviting military adventurism that could spark a war that would destroy us all.

Mr. President, I would like to ask for a voice vote on amendment No. 448.

Mr. STENNIS. Mr. President, I yield back my time.

Mr. BUCKLEY. Mr. President, I yield back my time on amendment No. 448.

The PRESIDING OFFICER. All time having been yielded back, the question is on the adoption of amendment No. 448.

The amendment was rejected.

Mr. BUCKLEY. Mr. President, I trust the Chair recorded me as voting "aye."

The PRESIDING OFFICER. The Senator will be so recorded.

Pursuant to a previous order, the Chair lays before the Senate amendment No. 449 by the Senator from New York, which the clerk will read.

The legislative clerk read amendment No. 449, as follows:

On page 9, line 10, strike out "$2,376,869,000" and insert in lieu thereof "$2,401,869,000, of which amount not less than $25,000,000 shall be available only for the purpose of carrying out work in connection with providing counterforce capability for the Poseidon submarine-launched ballistic missile system".

Mr. STENNIS. Mr. President, I yield such time to the Senator from Alabama (Mr. SPARKMAN) as he may require, not to exceed 5 minutes.

VISIT TO THE SENATE BY DISTINGUISHED MEMBERS OF THE NATIONAL ASSEMBLY OF FRANCE

Mr. SPARKMAN. Mr. President, I am happy to introduce a distinguished delegation from the National Assembly of France spending several days in Washington. They are here on a United States-French parliamentary exchange sponsored by the Ford Foundation and coordinated by the School of Advanced International Studies at the Johns Hopkins University. I understand that their Washington program has included meetings with an equal number of Members of the House of Representatives and appointments with officials of the executive and judicial branches. They have just met with Chairman FULBRIGHT at the Foreign Relations Committee. I am honored to welcome them to the U.S. Senate. The delegation is composed of the following:

Alain Terrenoire, Henri de Gastines, Jean-Marie Poirier, Michel Alloncle, Jacques Chaumont, Jean-Pierre Cassabel, Pierre LeLong, Guy Begue, Claude Gerard Marcus, Marc Becam, Jean-Pierre Roux, Bertrand des Garets and Jean Durieux.

[Applause, Senators rising.]

RECESS

Mr. President, I ask unanimous consent that the Senate stand in recess for 2 minutes for the purpose of allowing Senators on the floor to greet our distinguished visitors.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair is pleased to have our distinguished guests.

At 1:34 p.m. the Senate took a recess until 1:36 p.m.

On the expiration of the recess, the Senate reassembled, and was called to order by the Presiding Officer (Mr. CHILES).

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. BUCKLEY. Mr. President, I yield myself 5 minutes.

Most of the remarks that I have to make about amendment No. 449 have already been made, but we are dealing here with a critically important weapon system. I might remind the Senate that in the long debates about the Safeguard system and about the ABM's, the opponents of those systems stated that they were superfluous: that so long as we had submarines capable of launching nuclear weapons, presumably weapons that could find their targets, we could maintain that second strike clout with the inevitable destruction which would make it impossible for any enemy or combination of enemies at any time to threaten the United States with a first atomic strike.

There are those, of course, who feel that it is foolhardy to place our entire security on one particular system. The Soviets, for example, could develop a whole new technique in connection with hover submarines which could immobilize our submarine forces at the time of a first strike. That is neither here nor there. The fact is that it is generally conceded that, in the last analysis, perhaps the most important system which the United States has, not only for its own security but for that of the whole free world, is represented in having the nuclear submarines and the Poseidon missiles, which are still in the process of being installed.

At the present time, for a combination of reasons, number one being that in order to shoot a missile with necessary accuracy from a moving base we would have to have a very high degree of precision in the navigational systems and also because we have to use self-will to develop the best accuracy with which our technology can provide us, our present Poseidon missiles are not nearly as accurate as is required even if we forget the whole business of a counterforce capacity. In other words, our Poseidon missiles do not have the existing necessary accuracy of the Minuteman.

The $25 million provided in amendment No. 449—again, I underscore the words "for research and development"—is designed to enable us to come to grips with the navigation problem, which will have certain fallout in our civilian air system and in other ways, and also to make the kind of improvements in the guidance systems and controls we would like to have in our Minutemen.

I submit that we cannot maintain our responsibilities if we do not have weapons impervious to Soviet neutralization, if we do not have weapons the accuracy of which will accomplish our specific goals. I believe that we must repudiate the concept of obliterating a city as the only response available to us in the event nuclear war should break out. I believe that the Commander in Chief should have, as the Commander in Chief so clearly requested in his state of the world message, some option under these terrible circumstances other than aiming a nuclear weapon at a populated city.

Mr. President, we have gone over the ground rather thoroughly in connection with my prior amendments. I gladly yield to the Senator from Mississippi, and if he does not wish to continue the debate, I shall be happy to yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 10 minutes, if the Chair will indulge me for a moment.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Let us make clear from the beginning, Mr. President, that the committee's bill has not neglected the submarines, the Navy research and development. As a matter of fact, as far as new submarines are concerned, the budget called for five of them, and the committee added one additional submarine—that is, lead time items for it—and we have a great abundance of money in the bill for research and development, there is no question about that, in the submarine field.

But we come rapidly to the position that I have already stated with reference to these other amendments, that this proposal by the Senator from New York is not backed by the President of the United States. In fact, it is opposed by the President through the Department of Defense, as I shall read again here in a few moments.

I am in favor of all the accuracy we need, and all the extra strength, but I am totally opposed to this amendment at this time in this place, for the reasons I have indicated and for further reasons that I shall state.

There is something to these SALT talk negotiations, and I want to keep the responsibility for those talks exactly where it belongs, and that is on the President of the United States. He is our Chief Executive. He has asked for a program that he thinks will back him up in those negotiations. He has shown evidence that those negotiations are perhaps making some progress, and I think it is a dangerous thing, for that reason alone, to come here now and stir the matter up, refute his position, and try to add to it these disturbing influences which, to use an old term, probably would rock the boat.

Let us put the responsibility where it belongs. We want to cooperate. Certainly we do not want to provide any reason or excuse for not letting this progress be made.

Mr. President, on the question of the accuracy of these weapons, we have further funds in the bill for research, as I have stated, but we are not getting into this area of first strike capability or counterforce capability because of SALT.

We have amazing accuracy already. We have had amazing achievements in that field. The exact information is classified, but we can come well within a half-mile of targets now. Our accuracy on the targets is well within a half-mile. I state that because I am told it is a fact. So certainly we are not neglecting this field.

I have here a statement that I think is correct, and I shall move through it rapidly. Its point is that we do not need this type of improvements in payload and guidance now, the type of improvements that are proposed, in order to have the option of attacking military targets other than cities. Our accuracy is already sufficiently good to enable us to attack any kind of target we want, and to avoid collateral damage to cities. The only reason to undertake the type of program the amendment suggests is to be able to destroy enemy missiles in their silos before they are launched. This means a U.S. first strike, unless the adversary should be so stupid as to partially attack us, and leave many of his ICBM's in their silos for us to attack in a second strike.

Mr. President, these matters are so delicate that it is difficult to discuss them. But I know as a fact that nothing has been given more thorough attention by the Department of Defense. Nothing has been given more attention by the services and by the administration, from the President of the United States down. Certainly ample attention was given by the committee. We did not strike out anything except what was obviously not needed, or was deferred because of time lapses, and so forth, and we stayed out of this field for the additional reason, as I have stated, of these SALT talks.

So by way of presummary, I refer again to this Department of Defense statement with reference to proposed amendment No. 449, which states:

> The Defense Department cannot support the proposed amendment. It is the position of the United States to not develop a weapons system whose deployment could reasonably be construed by the Soviets as having a first strike capability. Such a deployment might provide an incentive for the Soviets to strike first.

Many things, of course, cannot be absolute, but the view of the Chief Executive is that he does not want anything that could reasonably be construed by the Soviets as having this first strike capability. So that is the position of our Government. That is the position of the Chief Executive, the man who carries the load of the responsibility.

I say let us give him his program. Let us hold him to a position of responsibility, and by all means, let us not rock the boat. I hope this amendment, together with the other two which have already been defeated, will be defeated also.

Mr. BUCKLEY. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. BUCKLEY. I should like to ask the Senator from Mississippi whether he can educate me as to what it was the President might have had in mind when, in his state of the world message, he asked the question, ought not the President of the United States to have some option other than launching a nuclear attack on the opponent's cities? Did he not mean the need to have some military opinions other than that for the launching of widely destructive nuclear weapons?

Mr. STENNIS. Mr. President, as I have just been arguing, as I understand it the President has the option now. We have the capacity. That is within his capability today. This is what he wants now, and we have given him all he wants in this field.

Mr. BUCKLEY. I appreciate the remarks of my distinguished colleague. I could give the other side of the coin, just as I have in the case of the earlier amendments, but in deference to the time of the Senate, I shall not extend my own remarks further; however, I understand the Senator from South Carolina would like to have some time.

The PRESIDING OFFICER. Does the Senator from Mississippi yield the floor?

Mr. STENNIS. Yes, I yield.

The PRESIDING OFFICER. Who yields time?

Mr. BUCKLEY. I yield 8 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, the amendment proposed by the junior Senator from New York would provide counterforce capability for the Poseidon system. There is more involved in the decision to provide this capability than simply adding more hardware to our defense setup. This amendment would fill-in an astounding gap in our defense strategy.

At the present time the enormous investment in our intercontinental ballistic missile system is based on the strategy of launching an attack on so-called soft targets, that is to say population centers of the Soviet Union. The theory behind this strategy is that this kind of targeting provides us with the second-strike capability to retaliate if we are fired upon. This is the so-called assured destruction strategy.

However, this strategy leaves the President with no option in a crisis situation except to destroy millions of civilians. It is argued that the Soviet Union would never launch a first strike because we, in effect, hold their urban population in hostage.

In my opinion, this kind of strategy does not affect Soviet planners in the way in which former Secretary McNamara's planners thought it would. From the Soviet point of view, such a strategy involving the potential killing of millions of people is irrational and close to madness. Soviet strategists have always maintained—in line with classic military strategic thinking—that prime emphasis should be given to attacking military targets, giving first priority of the weapons systems of the enemy. Evidence that this strategy is being followed is the well-known program for the construction of the gigantic SS9's, which are clearly counterforce weapons.

I cannot condone the Soviet strategy, but I must admit that there is a certain logic in it when they perceive our strategy as one that is irrational and contrary to reasonable strategic military thinking. One who thinks that his opponent is not acting according to reason conceivably would take all steps possible to provide for any eventuality. In my judgment, our failure to provide a counterforce capability—that is the capability for our missiles to hit hard targets such as ICBM silos—may have provoked the Soviets into starting the construction of their SS-9 program.

It is especially disturbing that our failure to provide a counterforce capability has come about by decision rather than because of our inability to do so. It is well known that the necessary technology is fully within the state of the art. What is necessary is simply to provide more accurate guidance systems.

This can be done fairly inexpensively when considered against the total cost of our Poseidon missile program. We have deliberately held back from increasing our missile accuracy on the specious grounds that an accurate weapon is provocative. But commonsense tells us that an enemy will always perceive any weak point in our system. Clearly, the low-accuracy, soft-targeted missiles which we now have are such a weak point. I would also like to point out that the strategy of so-called assured destruction runs contrary to the traditional Christian ethic, which always seeks to minimize injury to noncombatants. It is sometimes impossible to avoid hitting civilians in a war zone, but it strikes me as profoundly immoral to base a strategy upon the mass extinction of civilians when the capability to destroy purely military targets is a reasonable alternative within our grasp.

This point was made very clearly by the distinguished military strategist, Dr. Frank Armbruster, who is a defense analyst with the Hudson Institute and a consultant on defense to IDA, the Rand Corp., and the Department of Defense. Dr. Armbruster testified before a special House committee, headed by Congressman FLOYD SPENCE of South Carolina a few weeks ago. Dr. Armbruster spoke as follows:

> Apparently, according to Deputy Secretary Packard's statement a while ago, we are not concentrating on the best guidance for our warheads on our missiles that we could launch if we had to. I happen to think this is very bad because I believe perhaps one of the most, or perhaps the only morally justifiable target that you could have for a strike by nuclear weapon would be the other fellow's nuclear weapon. Yet here we take away the best capability these missiles have to disarm him by shooting at those weapons. This leaves us with a soft target force which is a very bad thing to have when you force the President into a crisis when all you can do is hit cities. It is even bad if you don't get guidance and we hit the weapons system anyhow because instead of having a few well guided warheads that can do a surgical strike, we throw in larger warheads that would throw out a fallout. So our whole posture is one which if the war should come, it is more horrible.

It is imperative, therefore, that we give the President sensible options in our defense strategy and that we approve the amendment proposed by the Senator from New York. The problems of providing accuracy for the Poseidon is, of course, much more difficult than providing the same accuracy from a solid land-based missile. This accounts for the fact that the appropriation is larger than proposed in the previous amendment. This is a reasonable amendment and I hope my colleagues will approve it.

The PRESIDING OFFICER. Who yields time?

Mr. BUCKLEY. I yield myself 2 minutes.

Mr. President, I thank the Senator from South Carolina for his very complete and thoughtful statement. He covered many aspects of this problem which I had omitted in my remarks. He brings to his presentation his years of experience as a member of the Senate Armed Services Committee.

I believe the Senator from South Carolina succeeded in underscoring, far more eloquently than I have been able, the moral issues that are involved here, of deliberately limiting our only response to one which would wipe out literally tens of millions of lives. This ought not be the only option available to this country if faced with a nuclear crisis.

I know that this debate has taken quite a while thus far, and as I have indicated, I have no desire to prolong it. I am prepared to yield back the remainder of my time, if the Senator from Mississippi is.

Mr. STENNIS. I yield myself 2 minutes.

Mr. President, let us not become confused about this research. We have a great abundance of money in here for research for the Navy. I have heard them make these arguments before. We have $103 million in here for research on ULMS, for example. Adequate research money is contained in many other places in the bill. We have never had anything like this amendment presented to our committee. The President does not want it. He would ask for it if he did. The Department of Defense never has communicated to us, even by grapevine, that they want this money. As a matter of fact, they disapprove of it specifically, in writing.

I repeat what I said a moment ago. Our accuracy is already sufficiently good to enable us to attack any kind of target we want and to avoid collateral damage to cities. That has been one of our major goals for years, and it is now one of our major achievements.

I know that we can argue on and on, ad infinitum, about research money. I just decline to go further on that. But I repeat that here is the position of the President of the United States. Here is his responsibility. The SALT talks are in progress. There are some signs of developments that are desirable. Certainly, the last thing we want to do is to have a recorded Senate vote on this subject that could be used in any way to cause concern, alarm, or distrust of our good faith and the President's good faith as he continues to carry on the talks. So I hope that this amendment will be rejected.

Let me thank the distinguished Senator from New York for raising these points and for presenting them in such a splendid fashion.

Mr. President, I yield back the remainder of my time.

Mr. BUCKLEY. Mr. President, just for the record let me state this one fact. What the distinguished Senator from Mississippi has just said may very well be true with respect to the Minuteman III guided missile system. My information is that with a Poseidon, it would take at least 11 warheads reliably to destroy a given Soviet silo, in the present state of accuracy, which suggests that 10 warheads would fall off target.

That is the sort of thing I have been hoping to avoid through these amendments.

I appreciate the Senator's concern. I

have done enough talking that can be fruitful and I therefore yield back the remainder of my time.

The PRESIDING OFFICER (Mr. CHILES). All time on this amendment has now been yielded back.

The question is on agreeing to the amendment (No. 449) of the Senator from New York (Mr. BUCKLEY).

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. THURMOND. On this vote I have a pair with the senior Senator from West Virginia (Mr. RANDOLPH). If he were present, he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Virginia (Mr. BYRD), the Senator from Nevada (Mr. CANNON), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Missouri (Mr. SYMINGTON), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. WILLIAMS), the Senator from Missouri (Mr. SYMINGTON), and the Senator from New Mexico (Mr. MONTOYA) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Delaware (Mr. BOGGS), the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. FANNIN), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Kentucky (Mr. COOK) is absent on official business to attend the funeral of the late Congressman William O. Cowger.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kentucky (Mr. COOPER) is detained on official business.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. FANNIN), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 12, nays 68, as follows:

[No. 252 Leg.]

YEAS—12

Allen
Brock
Buckley
Cotton
Dole
Dominick
Gurney
Hansen
Hruska
Scott
Smith
Young

NAYS—68

Aiken
Allott
Anderson
Baker
Bayh
Beall
Bennett
Bentsen
Bible
Brooke
Burdick
Byrd, W. Va.
Case
Chiles
Church
Cranston
Eagleton
Eastland
Ellender
Ervin
Fong
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Hart
Hartke
Hatfield
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McGee
McIntyre
Miller
Mondale
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Ribicoff
Roth
Saxbe
Schweiker
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Taft
Talmadge
Tunney
Weicker

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY ANNOUNCED—1

Thurmond, for.

NOT VOTING—19

Bellmon
Boggs
Byrd, Va.
Cannon
Cook
Cooper
Curtis
Fannin
Harris
Hollings
Long
McGovern
Metcalf
Montoya
Mundt
Randolph
Symington
Tower
Williams

So Mr. BUCKLEY's amendment (No. 449) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MOSS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SCOTT. Mr. President, will the distinguished Senator yield to me briefly?

Mr. STENNIS. I yield.

PROGRAM

Mr. SCOTT. Mr. President, I rise to ask the distinguished majority leader if he will tell us the plan for future business of the Senate.

Mr. MANSFIELD. Mr. President, I am delighted that the distinguished minority leader has raised that question. To the best of my knowledge, there will be no further rollcall votes or votes of any kind this afternoon.

The Senate will come in at 9 o'clock tomorrow morning, and after the leadership has been recognized, and the 30 minutes for morning business have expired, it is the intent then that the Senate will turn to the consideration of the Montoya amendment, on which there is a 3-hour limitation. The yeas and nays have been ordered on that amendment.

Following disposal of the Montoya amendment a rollcall vote will occur immediately on the Fulbright-McGee amendment.

Then, it is my understanding that the distinguished Senator from Maryland (Mr. MATHIAS) has indicated he might have an amendment tomorrow which, if it is offered, would come after the disposal of the Fulbright-McGee amendment.

There is also an amendment to be offered, I understand, by the distinguished Senator from Nebraska (Mr. CURTIS).

Both the Curtis amendment and the Mathias amendment will be limited to one-half hour each. If there are amendments to their amendments, they will be limited to 20 minutes each, the time to be equally divided. This time will come out of the 3 hours on the bill. So it is anticipated that somewhere around 4 o'clock tomorrow afternoon, more or less, we would reach the point of final passage on the pending bill, the Military Procurement Act.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. STENNIS. The 3 hours on the Montoya amendment might be lessened.

Mr. MANSFIELD. It could be.

Mr. STENNIS. I think the chances are that the time will be lessened.

Mr. MANSFIELD. That could be.

Mr. STENNIS. I thank the Senator for yielding.

Mr. MANSFIELD. Mr. President, I am glad the manager of the bill brought out that point. Hopefully the time can be lessened.

Then, on Thursday, if I may have the attention of the Senate, the pay resolution will be up, and I have been requested to ask unanimous consent that the Moss bill now before the Committee on Post Office and Civil Service, S. 2647, to be reported hopefully later today, be laid before the Senate and made the pending business on Thursday at the conclusion of the morning business.

Mr. SCOTT. Mr. President, reserving the right to object, I must, on behalf of certain Senators, object at this point.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. Then, Mr. President, I will have to leave the determination as to what will be done in the hands of the distinguished Senator from Utah (Mr. Moss) and in the hands of the Committee on Post Office and Civil Service which, I understand, is meeting later this afternoon.

However, I think it should be stated that because of the fact the time limit expires at midnight on Thursday, the pay resolution, which is privileged, will be brought up some time that day and I am fairly certain there will be a rollcall of some sort.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. MOSS. I thank the majority leader for yielding.

As the majority leader stated, the pay resolution is a privileged matter and can be brought on, and it must be disposed of on Thursday to have any effect at all because the time expires on Thursday at midnight.

Therefore I would think we ought to be able to get it before the Senator early in the day to enable the Senate to work its will.

I am a bit surprised that objection has been offered to considering this privileged matter when the majority leader asked for unanimous consent that it be made the pending business right after the morning hour.

The Committee on Post Office and Civil Service is meeting at 3 o'clock this afternoon and it is expected it will be reported at that time and, therefore, there will be a full legislative day between the time of reporting and before it comes up Thursday, and I hope we can get to the business of disposing of the matter on an up and down vote Thursday.

Mr. MANSFIELD. It is my understanding that the distinguished minority leader made his objection at the request of a Member.

Mr. SCOTT. It was indicated to me about 2 hours ago that someone would like it noted. I have so made it.

Mr. MANSFIELD. Mr. President, continuing, on Friday, there will be two appropriation measures before the Senate: The continuing resolution, which I understand from the distinguished chairman of the Committee on Appropriations, the Senator from Louisiana, will be ready.

Mr. ELLENDER. Both bills will be reported Thursday.

Mr. MANSFIELD. The continuing resolution would be to November 15.

Then there is the urgent supplemental having to do with payments to Vietnam veterans. The funds have run out having to do with the OEO program, and I understand this is of the highest priority and there is no difficulty attached thereto.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. I do not have any word from the distinguished ranking member of the Committee on Appropriations on that matter.

Mr. MANSFIELD. It is for unemployment of Vietnam veterans, primarily.

Mr. SCOTT. I express the hope the matter has been cleared with the ranking member of the committee, the Senator from North Dakota (Mr. YOUNG).

Mr. ELLENDER. He has been consulted and it is satisfactory to him.

Mr. MANSFIELD. Those two measures will be taken up Friday, and Calendar No. 382, S. 2482, a bill to authorize financial support for improvements in Indian education and for other purposes. It is my understanding as of this morning that a rollcall vote will be requested on S. 2482.

Then, if these measures are out of the way it is anticipated that the Senate, with its approval, will go over from Friday to Tuesday, at which time S. 1437, a bill to amend the Airport and Airway Development and Revenue Acts of 1970 will be laid before the Senate and made the pending business, to be followed by the District of Columbia home rule bill which will be reported tomorrow. It is possible there will be a rollcall or rollcall votes on both of these bills.

On Wednesday it is anticipated that the bill, Calendar No. 332, S. 215, a bill by the distinguished Senator from North Carolina (Mr. ERVIN), about which there is some controversy and to which some amendments will be offered, will be laid before the Senate and made the pending business.

I think following that we ought to keep in mind that the equal employment opportunity amendments should be reported around mid-October; that consumer legislation should be reported, hopefully, sometime in the latter part of next week; that the foreign aid bill should be ready next week.

That is about the immediate situation as I see it at this time.

Mr. SCOTT. Mr. President, if the distinguished Senator will further yield, I have been attending a session today of the Foreign Relations Committee. Efforts are going on to mark up that bill. I think it important that it be reported by the committee as soon as may be feasible.

I had understood earlier that the distinguished majority leader was giving some thought to calling up Calendar Nos. 383 to 387, inclusive, on Friday. Has that been changed?

Mr. MANSFIELD. No. I am delighted that the distinguished minority leader caught that, because I had forgotten it.

I understand, after talking with the distinguished chairman of the Committee on Agriculture and Forestry and the ranking Republican member, the Senator from Vermont (Mr. AIKEN), that these matters are not controversial and came out unanimously, and those, too, will be taken up on Friday, leaving the calendar pretty clear by the end of the week, if things go according to Hoyle.

Mr. SCOTT. Mr. President, I understand some of these measures relate to hoof and mouth disease, and that is in no way critical of this body. Is that correct?

Mr. MANSFIELD. Yes; nor of any country.

Mr. SCOTT. I thank the distinguished majority leader.

ORDER TO CONSIDER S. 2647 ON THURSDAY

Mr. MANSFIELD. Mr. President, as long as the distinguished chairman of the Committee on Post Office and Civil Service is here, I think I should call this to his attention, because it is a matter which comes within the ken of his responsibility.

Earlier I asked unanimous consent that S. 2647, the Moss bill, to be reported at a later hour, be laid before the Senate and made the pending business on Thursday next at the conclusion of morning business. The distinguished Senator from Utah was here, so he was aware of it. Objection was raised, but I think I should point out that the objection was made by request and not on the part of the Member of the Senate who objected.

ORDER THAT SENATE CONVENE AT 10 A.M. ON THURSDAY AND FRIDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate convenes on Thursday and Friday next, it convene at the hour of 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE BUSINESS ON THURSDAY AND FRIDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, after the joint leadership is recognized, if it desires recognition, there be a period of not to exceed 30 minutes for the conduct of morning business, with a time limitation of 3 minutes for each Senator attached thereto.

The PRESIDING OFFICER. On each day?

Mr. MANSFIELD. No; this is for Thursday and Friday.

The PRESIDING OFFICER. Thursday and Friday.

Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. We will go over until Tuesday when we adjourn on Friday.

As of now, we have one special order on Thursday for the distinguished Senator from Florida (Mr. CHILES). If other requests are made, they will, of course, be honored, but, to the best of the leadership's knowledge at this time, that is the only request made up to the moment.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on the Montoya amendment, which will be the next amendment to be considered.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the Montoya amendment.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, has the Senate received permission for the yeas and nays on final passage?

The PRESIDING OFFICER. No.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

RHODESIAN CHROME ORE AMENDMENT

Mr. McGEE. Mr. President, the opponents of the Rhodesian chrome ore amendment to section 503 of the military procurement bill have made much of the 1969 statement by Mr. Russell of the Office of Emergency Preparedness to the effect that there is no way to see the chromium ore needs of the United States being met without chrome ore from Rhodesia.

That is an interesting statement but is, of course, rather dated. It raises questions which, I believe, should be viewed in the light of equally expert and much more recent testimony on the same subject. I believe that my colleagues will, therefore, read with interest two excellent statements on the chrome situation which were made in June of this year before the House Foreign Affairs Committee, Subcommittee on International Organizations and Movements. One is by

Mr. Joseph B. Kyle, Director of the Office of International Commodities, Bureau of Economic Affairs, at the State Department. The other is by Mr. William N. Lawrence, Chief of the Stockpile Policy Division, Office of Emergency Preparedness.

These statements provide the most recent discussion of the chrome ore situation as viewed by responsible officials in the executive branch.

Also, I have received a statement from the Department of State that outlines the proof which we have that the Soviet Union is not involved in shipments of Rhodesian chrome to the United States, contrary to what the proponents of section 503 have indicated.

Mr. President, I request unanimous consent that these three statements be inserted in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF JOSEPH B. KYLE, DIRECTOR, OFFICE OF INTERNATIONAL COMMODITIES, BUREAU OF ECONOMIC AFFAIRS, DEPARTMENT OF STATE

Mr. KYLE. Thank you, Mr. Chairman.

Mr. Chairman, members of the subcommittee, my name is Joseph B. Kyle. I am Director of the Office of International Commodities in the Department of State.

I will comment this afternoon on several aspects of the U.S. market for chrome as these relate to the Rhodesian sanctions program. My remarks will be directed toward a discussion of the supply and demand for chrome ore, the question of U.S. dependency on imports of chrome ore, and, lastly, the effect which a continuation of the sanctions program will have on supplies of chrome for our domestic metallurgical industry.

Chrome is one of the 12 Rhodesian products covered by the U.N. Security Council's decision of December 16, 1966, to impose selective mandatory economic sanctions against the British Colony of Southern Rhodesia.

There are three basic grades of chrome ore: metallurgical, refractory, and chemical grade. Of these, metallurgical grade ore accounts for two-thirds of U.S. consumption of chrome; it is an essential ingredient in the production of stainless steels.

Rhodesia possesses major reserves of metallurgical grade chromite as does the Soviet Union and Turkey. In the year 1965, prior to the imposition of sanctions, the United States imported 36 percent of its chromite for metallurgical uses from Southern Rhodesia and 35 percent from the Soviet Union.

Reserves of commercial exploitable chromite in the United States are insignificant and the process of beneficiation, or raising our low-grade deposits to a level of chrome concentration suitable for use in the metallurgical industry, would be inordinately expensive.

Thus, for all practical purposes, the United States is dependent upon imports to meet the domestic demand for metallurgical grade chrome ore.

I will now turn to a review of the world supply position in chrome. The major sources of supply traditionally have been the Soviet Union, South Africa, Turkey, and Southern Rhodesia. The Philippines supply much of our refractory grade chromite, and Iran, Pakistan, and India are residual suppliers of chrome ores.

World production of chrome from all sources is currently estimated to be between 5 and 5½ million short tons per year. U.S. consumption of all grades in 1970 was just under 1.4 million tons. Of this figure, consumption of metallurgical grade chrome was 900,000 tons, of which imports accounted for 98 percent, or 885,000 tons. Industry stocks of all grades of chrome ore at the end of 1970 were approximately 730,000 tons and at the end of the first quarter in 1971 stood higher at 800,000 tons. Thus, an increase in stocks of 70,000 tons has occurred since the end of the year, but in metallurgical grade chrome there has been an increase of 104,000 tons in stocks. The current chrome supply situation, therefore, suggests an approximate balance with U.S. demand requirements for 1971.

I might add parenthetically, the reason it went up 70,000 tons, yet metallurgical went up 104,000 tons, is because there has been a larger drawdown in the chemical grade.

With respect to U.S. imports of Soviet chrome ore, I would note that these purchases did not result solely from the imposition of Rhodesian sanctions nor, as I already have mentioned, does the Soviet Union enjoy a monopoly position in this market.

In the years immediately prior to sanctions, Rhodesia and the Soviet Union each accounted for about one-third of U.S. imports of metallurgical grade chromite. In the period since sanctions were imposed the United States has imported approximately 51 percent of its supplies from the U.S.S.R., while increasing its purchases from other producers such as Turkey and South Africa.

Soviet ore has traditionally brought premium prices because it is generally superior to ores from other sources, although problems frequently occur with these physical properties. It contains an average chromic oxide content of 54–56 percent and has a 4-to-1 chrome/iron ratio, whereas Rhodesian, Turkish, and Iranian chromes average 46–48 percent chromic oxide and have a 3-to-1 chrome-to-iron ratio.

Prices quoted for 1971 deliveries of metallurgical grade chrome by the principal producers reveal increases over 1970 quotations. However, there are difficulties in ascribing these price increases to any one factor or set of factors.

To begin with, significant price increases throughout the metallurgical industry have occurred in other raw materials during the past 4 years, most notably antimony, fluorspar, nickel, and tungsten. These increases have occurred because of strong demand for these important ores and inflationary trends in world prices.

Further, price differences between Soviet and Rhodesian chrome ore and between embargo and preembargo levels are not susceptible to close comparison. No current Rhodesian price is ascertainable, since Rhodesian chrome is not freely traded.

To compare 1971 Soviet ore prices with 1966 Rhodesian ore prices would be similarly misleading. While prices for Soviet chrome have doubled since 1966, lower quality chrome ores from other sources have also increased in price more or less proportionately to that for Soviet ore.

If I may return to a point made earlier, not only have purchases from the Soviet Union increased since sanctions were imposed, but our purchases from other sources have also risen. Higher prices for chrome ore have apparently stimulated greater production in chrome producing countries such as Turkey.

Since 1967, our imports of Turkish ore have more than doubled and in 1970 totaled 257,000 tons. In the period January–March 1971, chrome ore imports from Turkey amounted to over 108,000 tons, 67,000 tons of which was for metallurgical uses.

Should shipments from Turkey continue at this rate for the balance of 1971, Turkish chrome imports would be more than 400,000 tons for the year.

The rise in chrome ore prices has been a matter we have followed very closely. It is obvious that recent price increases reflect, in part, supply factors stemming from Rhodesian sanctions. However, I have attempted here to place these factors in the wider, and we think more accurate, perspective of a dynamic world market for raw materials in which many forces have been at work in recent years to increase costs.

With respect to continued supplies of chrome ore under the Rhodesian sanctions program, I would point out that chrome purchases in the United States are in the hands of private American firms and reflect private commercial decisions.

Within the metallurgical industry, there is wide variance in the position of companies due both to long-term purchase contracts and differing capability to utilize a wider mix of ores.

The matter of chrome ore supply in this country is kept under constant review by my office and other interested agencies within the executive branch. I would like to reiterate my earlier statement that in our opinion adequate supplies of chrome ore are available to American industry at the present time. While the supply condition could be characterized as tight, it is premature at this time to suggest that there is a shortage.

Thank you, Mr. Chairman.

Mr. FRASER. Thank you very much, Mr. Kyle.

Now we will hear from Mr. William N. Lawrence, Chief, Stockpile Policy Division, Office of Emergency Preparedness.

Mr. Lawrence.

STATEMENT OF WILLIAM N. LAWRENCE, CHIEF, STOCKPILE POLICY DIVISION, OFFICE OF EMERGENCY PREPAREDNESS

Mr. LAWRENCE. Thank you.

Mr. Chairman, and members of the subcommittee, my name is William N. Lawrence, Chief of the Stockpile Policy Division, Office of Emergency Preparedness. I have with me today, Mr. Louis Neeb.

The Office of Emergency Preparedness is charged with the responsibility for establishing policy guidance for the administration of strategic and critical material stockpiles.

These stockpiles are designed to assure that the United States avoids costly and dangerous dependence upon foreign sources of supply for critical materials during a period of national emergency.

To accomplish this, OEP conducts analyses of expected supply and requirements situations for various materials.

These analyses cover a 3-year emergency period beginning not less than 1 nor more than 2 years in the future.

Estimated requirements for the period are projected on an economic model for the time period and are based on the capacity of industry to consume, taking into account necessary wartime limitations, conservation and substitutions measures.

Estimates of supply for the mobilization period are based upon readily available capacity and normal resources in the United States and upon other countries considered by the Department of Defense to be accessible in wartime.

The quantities of foreign supply included in the analysis of the U.S. potential position during a period of emergency are adjusted to reflect uncertainties involved in depending upon supply from the various foreign countries. Such analyses include the relationship of the foreign country to the United States, its location, and the transportation and other problems involved in assuring that material would be physically available to the United States.

Stockpile policy planning activities are coordinated through the Interdepartmental

Materials Advisory Committee which include representatives of all the interested departments and agencies including the Departments of the Interior, Commerce, State, Agriculture, Defense, and Labor. Each of these departments is responsible for advising on the potential impact of stockpile policy actions upon their respective areas of responsibility. The Department of State is responsible for advising on international aspects of stockpile policy.

The Office of Emergency Preparedness approved a new review of the stockpile objective for metallurgical grade chromite on March 4, 1970. At that time the objective for this material was reduced from 3,650,000 short dry tons of chrome ore equivalent to approximately 3.1 million short dry tons of chrome ore equivalents.

In establishing the requirements and supply for this objective, ample allowance was made for any contingency that might arise in an emergency. This objective has been concurred in by the interested departments and agencies including the Department of Defense.

The primary reason for the chrome ore objective change was adoption of strategic guidance changes received in February 1970 from the Director of OEP. These changes include discontinuance of general application of concentration allowances for the domestic production facilities. Concentration allowances were previously included as protection against conventional attack on concentrated domestic production facilities. However, over the history of stockpile there have been no such attack and it seems to be useless inclusion into the stockpile objective. The only purpose it served was to increase it. The decrease in the objective had nothing to do with foreign supplies or foreign chromite.

As of June 1, 1971, the uncommitted stockpile inventory held by the General Services Administration was approximately 5,350,000 short dry tons of chrome ore equivalent. With an objective of 3,100,000 short dry tons of chrome ore equivalents, there remains in excess approximately 2,250,000 short dry tons of chrome ore equivalent. Of this quantity, approximately 44,000 short dry tons of chrome ore was approved for disposal under subspecification authority, and 900,000 short dry tons of low grade chrome ore was approved for disposal under the Defense Production Act Authority. Its chrome chemical content is such that it is not readily usable, particularly in present economic conditions.

The passage of S. 773, a bill now pending in the Senate, would provide disposal authority for all remaining excess metallurgical grade chromite ore equivalents.

Disposal authorities for excess stockpile materials are regularly requested so that we may minimize costs of the stockpile program to the taxpayers. Much of the excess chrome disposal authority now being requested was also requested in 1966. At that time industry opposed disposal authority for the upgraded chrome forms and the disposal authority passed, Public Law 89–415, dated May 1, 1966, was limited to disposal of ore.

STATEMENT ON THE QUESTION OF TRANSSHIPMENT VIA THE SOVIET UNION OF RHODESIAN CHROME ORES TO THE UNITED STATES

The U.S. Geological Survey recently analyzed seven samples of chrome ore selected at random by the U.S. Customs Department from shipments imported from the U.S.S.R. Of the seven samples analyzed, five were found to be physically, that is, texturally, unlike any Rhodesian ores known to the Geological Survey. This finding was confirmed by detailed chemical analysis conducted by two of these five samples. In these samples the ratios of titanium and iron to chrome were so markedly different from those found in Rhodesian chrome ores as to allow a positive confirmation of the physical analysis.

Under microscopic analysis, all chrome ores are crystalline in nature. However, in the Rhodesian ores the chromite typically forms fine-grained octahedral crystals. Only two of the samples of Soviet ore resembled Rhodesian in crystalline structure. These two samples were low-grade ore found in Soviet deposits in the Northern Urals containing less than 38% chromic oxide. The low-grade ore mentioned above is significantly lower in quality than any ore that has historically been exported from Rhodesia to the United States. Further, there is no evidence that the Rhodesians are presently exporting ore of this low quality.

Therefore, five of the seven Soviet samples examined were completely different in physical texture from Rhodesian ores and could not have come from any known Rhodesian deposits. With regard to the remaining two samples from the Soviet Union, it would make no economic sense for the Soviets to import high-grade Rhodesian chrome ore for mixing with this low-grade Soviet ore and further transshipment to the United States.

The conclusion of the U.S. Geological Survey was, therefore, that the Soviet Union is not involved in shipments of Rhodesian chrome to the United States, either in pure or commingled form.

ORDER TO HOLD AT DESK H.R. 10880, TO AMEND TITLE 38 OF THE UNITED STATES CODE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that H.R. 10880 be held at the desk pending the report to the Senate of a companion bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume this will be the last quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO LAY UNFINISHED BUSINESS BEFORE THE SENATE AT CONCLUSION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, at the close of routine morning business, the Chair lay before the Senate the unfinished business, that the Senate may then resume its consideration thereof.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 o'clock a.m. After the recognition of the two leaders under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. BENTSEN and Mr. BYRD of Virginia.

At the conclusion of the orders for the recognition of Senators, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes. At the conclusion of morning business, the Senate will resume its consideration of the unfinished business, H.R. 8687, and the pending question at that time will be the amendment by Mr. MONTOYA, amendment No. 419, on which there is a time limitation of 3 hours. As was indicated a little while ago by the disinguished manager of the bill, and the distinguished majority leader, it is quite possible, and even probable, that the time on the Montoya amendment will be reduced somewhat.

Following the vote on the Montoya amendment, a rollcall vote having already been ordered, there will immediately be, and without debate, a rollcall vote, which is automatic, on the amendment by Mr. FULBRIGHT, amendment No. 438, dealing with Rhodesian chrome ore.

Following the vote on the amendment of Mr. FULBRIGHT, debate on the bill will be limited to 3 hours, and amendments may be offered during that period. Time on each such amendment will be limited to 30 minutes, and on amendments in the second degree to 20 minutes, with the time on any amendments to come out of the time allotted to the bill.

At the conclusion of the time allotted, the Senate will proceed, by rollcall vote, to final passage of the military procurement bill, H.R. 8687.

ADJOURNMENT UNTIL 9 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m. tomorrow.

The motion was agreed to; and (at 2 o'clock and 40 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, October 6, 1971, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate October 5, 1971:

DEPARTMENT OF JUSTICE

Thomas E. Ferrandina, of New York, to be U.S. marshal for the southern district of New York for the term of 4 years, vice Anthony R. Marasco, term expired.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 5, 1971:

IN THE COAST GUARD

The nominations beginning Klaus Addie, to be lieutenant (junior grade), and ending John Rice, to be lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 29, 1971.

EXTENSIONS OF REMARKS

TESTIMONY OF DR. JAMES F. HAMMARSTEN ON H.R. 10681 AND S. 1828

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. ALBERT. Mr. Speaker, on September 29, 1971, Dr. James F. Hammarsten, professor of medicine at the University of Oklahoma and a board member of the National Tuberculosis and Respiratory Disease Association, appeared before the Subcommittee of Public Health and Environment of the House Interstate and Foreign Commerce Committee to testify on H.R. 10681 and S. 1828, proposals now pending before that committee.

These bills have the objective of increasing the national effort to conquer cancer and other major diseases through increased research. The substantive information contained in Dr. Hammarsten's report is impressive. He has provided some fairly astonishing statistics about major diseases, at least astonishing to laymen who are apt to be only generally aware of what is happening in the health field. Dr. Hammarsten has provided not only information, however, but well-based recommendations which, in gist, point to the urgent need for a broad and coordinated research program to provide the proper foundation for preventive medicine, diagnosis, and treatment as well as expansion of programs to provide necessary supportive medical personnel in nursing and technical fields. I think Members will find Dr. Hammarsten's comments will give them an overview of the medical situation involving major diseases in this country and perhaps enable them to make a better informed judgment when pertinent legislation comes to the floor of the House for consideration. Dr. Hammarsten's statement follows:

STATEMENT OF THE NATIONAL TUBERCULOSIS AND RESPIRATORY DISEASE ASSOCIATION, TO THE SUBCOMMITTEE ON PUBLIC HEALTH AND ENVIRONMENT OF THE HOUSE INTERSTATE AND FOREIGN COMMERCE COMMITTEE, ON H.R. 10681 AND S. 1828

(Testimony presented by James F. Hammarsten, M.D., board member, professor of medicine, University of Oklahoma)

The NTRDA is pleased to be invited to present testimony on H.R. 10681 and S. 1828, proposals now before this Committee.

The significant thing about both H.R. 10681 and S. 1828 is that they recognize that the research attack on major diseases should be increased significantly. At the same time that attention is given to the needs for health manpower and medical care services, it is essential that the research base for better methods of prevention, diagnosis and treatment of these major diseases be nurtured. Between 1967 and 1971, support for NIH remained almost stationary. The increase for the 1972 fiscal year will do little more than enable NIH to compensate for the inflationary inroads of the past five years.

The United States has become the acknowledged leader in biomedical science largely as a result of the program of the National Institutes of Health supported by Congress. Our people have benefitted enormously from medical discoveries of both the intramural program of NIH and of the outside medical research community supported by NIH programs. Advances in prevention, diagnosis and treatment are especially important today because they can lessen the growing burden of medical care.

The drugs used in the prevention and treatment of tuberculosis, which have revolutionized tuberculosis control, are an example in our own field. They have made possible the widespread outpatient treatment of a disease which formerly could be cared for only within expensive institutions. Today there are 24,000 beds for tuberculosis compared with more than 45,000 only five years ago. Outpatient care made possible by new drugs brought about most of this reduction; the numbers of people needing treatment have not declined at that rate.

THE MAJOR DISEASES

S. 1828 reflects the concern of Congress with the toll taken by cancer, an insidious and major disease, and as such is a commendable effort to reduce that threat. However, it is important to remember that our efforts must be directed primarily at the causes of disability and premature mortality. Heart and lung diseases, in combination with stroke, account for the major losses in manpower days, and cause the premature death of the greatest number of people. Cardiovascular diseases are the first, and emphysema the second cause of disability, for which workers are retired prematurely under the Social Security program. Benefits to workers and their families who are on disability rolls because of some form of respiratory disease are estimated to approximate $400 million annually. If black lung benefits are included, this total exceeds half a billion dollars.

Disability from cardiovascular and pulmonary conditions is often prolonged and can therefore very expensive. Emphysema patients can survive for long periods of time but in such a disabled state that they are hardly able to do more than struggle to breathe. The President's Commission on Heart Disease, Cancer and Stroke noted that about 8 out of every 10 stroke victims survive the acute initial phase of the disease, most of them living for some years thereafter, often in a seriously disabled condition. These victims account for a large proportion of nursing home populations.

Obviously if we could obtain more knowledge of how to prevent these various conditions or substantially reduce their disabling effects, it would have vast benefits for the overtaxed medical care system. Therefore we would like to record our approval for what seems to us to be the general objectives of H.R. 10681—advancing the national research programs carried on by the National Heart and Lung Institute, the National Cancer Institute, and the National Institute of Neurological Diseases and Stroke.

It seems to us that the responsibilities of Congress are to provide to the National Institutes of Health the dollars, the personnel, the contractual and administrative mechanisms whereby the potentials of medical research can be achieved.

We would like to record our opposition to removing from the NIH administrative framework a single major disease program as proposed in S. 1828. In May 1971 our organization went on record to this effect:

"The Administration proposal for a new initiative for cancer research is applauded. The NTRDA is deeply concerned about the increase in prevalence, mortality and morbidity from lung cancer. Studies on the etiology, pathogenesis and therapy of cancer are urgently needed. These studies will require basic and clinical research with the involvement of scientists from many disciplines. We believe that such research can best be accomplished under the auspices of the National Institutes of Health.

"Now, therefore, the NTRDA resolves that the new cancer effort should be under the direction of the National Cancer Institute and included as a program of the NIH."

It was with gratification that we finally saw the expansion of the authority of the National Heart Institute to encompass pulmonary conditions in a discrete program late in 1969. Because of the recency of increased efforts, it is still far from an adequate program and, unfortunately, many years behind what it should be.

The delays in giving to the respiratory disease problem attention commensurate with its importance as a disabling condition have caused great hardships for patients afflicted with these conditions. Resources for the diagnosis and care of these people are extremely limited.

Research in the causation of chronic obstructive lung disease needs to be greatly increased for there is little that can be offered in preventive programs at the present time. The needs in training are equally urgent. In June 1970, a survey of medical authorities attending a meeting at NIH showed that of 72 medical schools represented, 48 had a total of 85 unfilled funded pulmonary disease faculty positions. The situation with regard to nurses and technicians is even more distressing.

A recent survey by the Regional Medical Programs Service showed that almost 30 percent of all short-term general hospitals lack mechanical respirators, a basic therapeutic service for persons with respiratory insufficiency. Much of the lack in respiratory disease services is due to the deficiency in trained manpower.

It is essential that diseases of the lung have a significant role within the National Heart and Lung Institute and that coordination of the various Federal agencies involved with lung disorders finally take place. Federal responsibility for the Occupational Safety and Health Program and the Coal Mine Safety and Health Program, both of which are in early operational stages, make this more urgent than ever; a high proportion of occupational hazards are those affecting the lung. The need for coordination within NIH proper is demonstrated by the fact that research in lung cancer, a major cause or mortality, is handled by the National Cancer Institute.

Epidemiological research should be given full attention in the pulmonary program being developed by the National Heart and Lung Institute. The NHLI has authority to conduct such work but it has not been fully utilized in the expanded pulmonary program. Emphysema is one of the nation's most disabling illnesses, yet the causes are still so obscure that the disease needs extensive epidemiological study as well as study within the laboratory and within the clinical setting.

There is also a need for community projects to demonstrate the clinical application of knowledge gained through research. This need, which has been critical for years, was beginning to be met in a minimal fashion by the Chronic Respiratory Disease Program when it was disbanded in 1969 as part of the Administration's dissolution of categorical disease programs in the Department of HEW.

Present plans of the National Heart and Lung Institute for pulmonary disease study are ambitious. However, we believe that the proposals for new and expanded activities will be realized only if overall support for the Institute is of a degree to allow this expansion without jeopardizing the heart program, which, by tradition, has been the major interest of the Institute. H.R. 10681, if it were revised to include specific and expanded authorities for the National Heart and Lung Institute, would permit the Institute to accomplish a comprehensive lung program.

CONCLUSION

We welcome additional attention to the research area, for it is only through the results of research that many of our medical problems will be alleviated. Emphasis on the illnesses which cause most of the disability and premature death in our population is surely a logical priority in any expanded research effort.

AMERICAN MEDICINE

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. CORMAN. Mr. Speaker, the fallacy of those who would justify the status quo in health care in the United States by pointing to the defects of health systems in other nations, has been exposed once again.

Despite the distress shown recently by American Medical Association President Wesley Hall, M.D., at the "tragic" health care afforded British citizens under their National Health Service, the facts mock his tears. Writing in the New York Times, Anthony Lewis points out that in every one of the seven leading causes of death, the British death rate is lower than the American. In maternal and child care, the British enjoy a greatly lower death rate than in the United States.

Lewis acknowledges:

> At its best, American medicine is superb.

The trouble is, he says, too few Americans get the best:

> That is why the United States is down farther than might be expected in world health tables, not only in comparison with Britain.

Lewis then notes that in infant mortality, for example, a 1969 United Nations report showed 22 countries with a lower rate than ours.

As the Ways and Means Committee begins its public hearings on the many health proposals pending before Congress, we would do well to recall Lewis' admonition that—

> What needs to be changed is the system of delivering medical care to the individual American. It is, as a British medical writer put it, "a desperately inefficient as well as a heartless way of bringing the benefits of modern medicine to the population: despite its wealth the health of America is poor."

Mr. Speaker, the article follows:

PHYSICIAN, HEAL THYSELF—I

(By Anthony Lewis)

LONDON, October 1.—Wesley Hall, M.D., the president of the American Medical Association, visited Britain last summer and went away distressed. He observed the National Health Service in a small mining town in Scotland and found it so bad that Americans would never tolerate it.

"The people over there don't know any better," Dr. Hall told the National Press Club in Washington on his return. "It is tragic."

Before Americans shed too many tears for the health of their British friends, it seemed wise to look at a statistic or two. The result of this check shows that Dr. Hall is faithfully maintaining the A.M.A.'s well-known reputation for accuracy and fair-mindedness.

Infant mortality is one widely accepted test of a society's standard of health. In 1969 the rate in Britain per 1,000 live births was 18 infant deaths; in the United States, 20.7.

Then there is the maternal death rate. In Britain the 1969 figure per 100,000 births was 19, the American 27.4.

Not only are those British figures significantly better today. They were achieved, over one generation, from a starting point much worse than America's. In 1945 the infant mortality rate was 46 in Britain, 38 in the U.S. The maternal death rate was an appalling 1,260 in Britain, 207 in the U.S.

That generation is the one during which the British National Health Service, the system of tax-supported medicine for all, was created and grew up. Of course that is not the only reason for the spectacular changes in the figures. But it is certainly not irrelevant that the British standard of infant and maternal survival caught up with America's, and passed it, precisely during the years of the Health Service's development.

Outside the maternal-infant area, Britain publishes death rates for men and women from a number of diseases. A table published in Social Trends, a statistical annual, uses the 1950–52 average as a base of 100. If the rate is up by 10 per cent in a later year, for example, the table would show 110.

Seven leading causes of death were chosen completely at random for comparison with American trends: respiratory tuberculosis, diabetes, arteriosclerotic heart disease including coronary, hypertensive heart disease, influenza, pneumonia and bronchitis. With the same 1950–52 base as 100, these were the U.S. and British death rates for men in 1967, the last year available:

	U.S.	Britain
Tuberculosis	25	15
Diabetes	150	112
Arterio	160	158
Hyperten	55	40
Influenza	20	9
Pneumonia	135	118
Bronchitis	253	91

In every one of those randomly selected categories, then, the British figure is lower: the death rate has risen less since 1950–52 than the American, or fallen farther. A similar table for women shows exactly the same phenomenon, except that the British figures are comparatively even better.

Now there naturally may be many causes for the comparative death rate trends. American pollution could be growing worse faster, or family tensions increasing. But not even the sophists of the A.M.A. could read those figures to prove that Britons get inferior medical care.

Dr. Hall should stop shedding tears for the British and start worrying about the real problem. That is the inadequate medical care provided in the richest nation on earth.

At its best American medicine is superb, as British doctors often admiringly remark. But too few Americans get the best. That is why the United States is down farther than might be expected in world health tables, not only in comparison with Britain. In infant mortality, for example, a 1969 United Nations report showed 22 countries with a lower rate than ours.

The characteristic, generous answer to such evident national failings is to spend more money. But we know by now that in the medical field that alone is no solution. The United States spends about 6.9 per cent of its gross national product on health and medical care, Britain only 4.9.

What needs to be changed is the system of delivering medical care to the individual American. It is, as a British medical writer put it, "a desperately inefficient as well as a heartless way of bringing the benefits of modern medicine to the population: despite its wealth the health of America is poor."

HEART THEORY UP IN SMOKE?

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. FUQUA. Mr. Speaker, the Washington Evening Star carried an interesting newspaper article this weekend. It was a small article about the thoughts of one heart physician who said that he felt that the stress and strain of modern life continues to be the cause of heart attacks among physicians.

His thoughts again brought to mind the unfairness with which some elements have attacked the tobacco industry.

Here is what the article, written by Delos Smith, has to say:

STRESS CALLED VILLAIN: HEART THEORY UP IN SMOKE?

(By Delos Smith)

NEW YORK.—Dr. Henry I. Russek, a heart specialist, used to tick off the advances of the last 20 years in preventing and treating coronary heart disease—until he reminded himself of a shattering fact.

The fact is the disease disables or kills as many Americans as ever. That realization gave him pause, he says. In his view it raises this question: "Are these 'advances' therefore inconsequential, or has progress been counterbalanced by the growth of etiologic (causative) influence about which we have done or can do little?"

The advances are important, he concluded, but paralleling them have been the intensifying stresses of day-by-day living. For example, take hardening of the arteries which is the underlying cause of coronary heart disease.

In underdeveloped countries, it is seen only in aged persons, the consequences of their many years. But in U.S. society, it arises almost as a childhood disorder, he said. And no wonder, when you look at the pressures put on children by their educators and the system of "unrelenting competition," he said.

As for the association of cigarette smoking with an increased proneness to coronary heart disease, "It is well known that stress results in compulsive smoking in many persons as compensation for anxiety," he said.

"Even the statistical relationship between smoking and coronary heart disease may reflect the importance of emotional stress rather than cigarettes per se."

Because of reports that 100,000 American doctors have given up smoking, he has checked the obituary notices in the Journal of the American Medical Association for 16 years. He was "disappointed," he said, by the discovery that doctors still die of heart attacks at the same ages. Many have given up smoking but few have given up stressful living.

Russek is senior attending cardiologist at St. Barnabas Hospital in New York and a professor at Hahnemann Medical College, Philadelphia. He made his observations in the medical journal, "American Family Physician."

REPORT FROM CONGRESSMAN ED ESHLEMAN

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. ESHLEMAN. Mr. Speaker, I have just recently sent my constituents a newsletter. I am including the contents of that newsletter in the Record at this point:

Report From Your Congressman Ed Eshleman

Going to China

Although no one should hold any illusions about the President's trip to Red China ushering in an era of peace and good will between our nation and theirs, it is possible that a shift in the international order could result from this trip. There is no doubt that there is less chance for peace so long as one of the world's major powers remains largely outside the world community and hostile towards it. The President's trip to Peking may do little to make the Red Chinese friendlier to us, but it is almost certain to result in mainland China making more effort to rejoin the world. And that effort at least should enable us to know our enemy somewhat better.

Foot-draggers philosophy

Congress has been dragging its feet on major Nixon Administration proposals for nearly three years. You almost get the idea that the Congressional leadership has adopted the thinking of a British philosopher who once said, "There is no fun in having nothing to do; the fun is having lots to do and not doing it."

It's a fact

During my recuperation, I've been doing a good deal of reading. In the book, *The Real Majority*, I ran across this bit of political logic which makes some sense. "The average electorate is un-young, un-poor and un-Black; but this does not mean they are anti-young, anti-poor or anti-Black. To illustrate: Women's suffrage was voted in by men. They were un-female but not anti-female."

Job opportunities

Since school let out in June, dozens of young people have visited my offices hoping that I might be able to help them in finding a job. The employment situation is tight for new graduates, and we have tried to aid them where we could, but in many cases I'm afraid that our sources have been pretty discouraging too. However, the Department of State has asked me to inform my constituents that they have career opportunities available in the Foreign Service. Of course, these are highly competitive positions and the four part examination procedure is known for its rigorous nature. But, opportunities are there, and for qualified persons, they are very exciting and challenging opportunities.

Just supposing

What if you woke up one morning to find the following things had happened overnight: All paychecks slashed seventy-five percent. Forty million television sets destroyed. Fourteen out of every fifteen miles of paved road torn up. Sixty million Americans transferred back to farms. Sixty percent of our steel-making capacity abandoned. Two-thirds of our petroleum industry discarded. Nineteen out of every twenty cars junked. Two out of every three miles of railroad track torn up. Nine out of every ten telephones ripped out. And seven out of every ten houses torn down. On that morning the United States would be the equal of the Soviet Union. The point is simply that we must be doing something right.

Worldwide inflation

The chart at the left shows (chart not printed in Record) that inflation is a problem in every major industrialized nation of the Free World. In fact, it shows that our problems are not as severe as those of some of our friends. To point out that misery has company does not take away from the seriousness of our own situation, but it does help show why President Nixon's economic initiatives needed to have international as well as national ramifications.

Seasonal statement

The scene is a living room where a man stands with his hand on a TV knob. The statement is directed toward his wife. "Helen, do you have anything to say before the football season starts?"

Big Year for schools

To hear some of the testimony before the Education and Labor Committee, one would think that our schools are operating at almost a pauper level. The public often is led to believe that education is not getting its fair share of the tax dollar. There is no doubt that we should find all the money we can to invest in our children's future, but the fact is also clear that we are already spending record amounts on our schools. The Department of Health, Education and Welfare points out that during the school year that just began, Americans will spend $85 billion on the education of 60.2 million students. That is a new record high and an increase of $7.5 billion over last year.

Modern message

To err is human, but only a computer can foul things up royally.

SOME THINGS I'VE BEEN SAYING

About profits during the freeze

The only way that big profits can be made during a freeze is to substantially increase productivity. And substantially increased productivity means more jobs. Therefore, the profit incentive during a freeze period should not be limited because the end result is more jobs for an economy in need of more jobs. Radio Program—September 14, 1971

About the Supreme Court

Probably one of President Nixon's main contributions will be his appointments to the Supreme Court. Several speeches since 1969

About the President and Congress

President Nixon, perhaps more than any other Chief Executive, has attempted to meet the times we live in by reforming Government. He recognizes that our Federal system has operated for decades with rigid procedures that do not work well in our swift-changing society of the 1970s. But the President's recognition of the problems and his proposals for reform have had no apparent affect on Capitol Hill. The reforms are meeting with delay, are being ignored, or are being twisted into programs that do not fill the bill. The impression of many observers is that the majority of Congress is unwilling to act even in areas where action is greatly needed. Newspaper Column—August 11, 1971

About teacher pay raises

I would have to agree with ruling out all salary increases during the 90-day period. However, I believe there is an alternative in the case of educators since their contracts are based on annual compensation. If raises are not paid during the freeze period, I believe that the extra money that would have been paid should be granted retroactively at the end of the freeze. In other words, the total obligation of the annual contract should be fulfilled even though the increased wages are not paid during the 90-day freeze. Letter to a constituent—August 24, 1971

About welfare

It's significant, I think, that some welfare belt-tightening can result in reducing the welfare burden. This is not belt-tightening which deprives the needy of life's necessities. It is belt-tightening which recognizes that not everyone who claims to need welfare really does. There are some people who could make do on their own if there was not the easy route of welfare available to them. Those people should be cut off the welfare rolls not only for the good of society but for their own good, too. Radio program—August 3, 1971

About Vietnam

Just because we are sick and tired of war does not mean that we can walk away from it without paying an exorbitant price. Modern diplomatic history reveals that we have veered between seeking our national security in alliances or seeking it in isolation. Isolation avoids such early involvements, but often at the cost of facing large-scale conflicts under more unfavorable circumstances later on. Letter to a constituent—August 26, 1971

Dollars for deficits

In the time it takes to read this item, the interest on the national debt will total another $10,000. Interest takes a dollar out of every ten collected in Federal taxes. This situation gets worse and worse as the Government rings up more and more in budget deficits. And the hugeness of the figures involved helps explain why I oppose the deficit concept—whether it's Democrat or Republican in origin.

To tell the truth

A few weeks ago comedian George Jessel was thrown off NBC–TV's "Today Show" for suggesting that two newspapers—the *New York Times* and the *Washington Post*—were indistinguishable from the Russian newspaper *Pravda*. Jessel's statement, meant in jest but taken seriously by the network, caused quite a commotion for a couple of days, and both the *Times* and the *Post* refused to comment on it. However, *Pravda's* New York correspondent did comment, and what he had to say should be noted, I think, particularly in light of *Pravda's* two-day delay in reporting something as non-controversial as the death of Nikita Khrushchev. Said he, "Why, there is a big difference between the way you publish the news and the way we do it." And that's no joke!

Welfare here and there

In New York City the first welfare recipient put to work under a "no work or no check program" was asked by a TV reporter why he hadn't been able to find a job before. "Well," he answered, "I wasn't looking." In Philadelphia, the police raided the home of a suspected drug pusher. In his $235-a-month apartment they found thirty suits, 135 shirts, eighteen pairs of shoes, purchase papers for an $8,500 Cadillac, enough narcotics to indicate that the suspect was doing a $10,000-a-week business, and an uncashed $69 check made out to the suspect. You guessed it—the check was a welfare payment. And then back in New York City, the taxpayers footed the bill for a family, whose apartment burned out a year and a half before, to live in a downtown hotel at a cost of $469 per week. In all, the bill came to more than $47,500 which is a lot more than most of us paid for our own homes. Each of these cases represent the abuses of the present welfare system which make it so unacceptable to the vast majority of Americans.

Bureaucratic boo-boo

The Postal Service came up with a gem recently when they instructed employees applying for end-of-service awards that the requests should be put in "three weeks prior to death or retirement."

Economic footnote

Activity in the construction industry often indicates the state of the Nation's economy. New housing starts hit a record high in August for the second straight month, a good sign that an economic upswing is in the offing.

HON. WILBUR MILLS ADDRESSES THE GREATER BOSTON CHAMBER OF COMMERCE

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, it was my privilege to accompany the chairman of the Ways and Means Committee, the Honorable Wilbur D. Mills on his recent visit to Massachusetts. It was probably the chairman's first visit of any length to the Boston area since his days as a student at Harvard Law School. Everywhere he went, the chairman met with overflow crowds and a degree of enthusiasm totally out of keeping with the reputation New Englanders have for being reserved. During his visit the chairman touched base with every major group in Massachusetts including receptions with the leaders of organized labor, the political leaders of the Commonwealth, and the leaders of finance and industry. The highlight of his visit was two major addresses: One at noon to the Greater Boston Chamber of Commerce and the Tri-Community Chamber of Commerce in Dudley, Mass. in the evening. In view of the fact that the luncheon at the Greater Boston Chamber of Commerce produced the largest turnout in recent memory, I thought it would be worthwhile to include in the Record at this time the remarks of the chairman delivered on that occasion. I do this out of a conviction that quite apart from the honor accorded Boston with the chairman's visit, the message itself is one of extreme importance to a nation beset with the gravest economic problems since World War II.

Remarks of the Honorable Wilbur D. Mills Before the Greater Boston Chamber of Commerce, Boston, Mass., September 24, 1971

I am always happy for the opportunity to come back to Boston. I must confess that the trip to Boston is much shorter than it was years ago when I traveled from Hendrix College to Harvard Law School. The years that I spent at Harvard gave me a lasting appreciation for the historical setting which is Boston—the Boston Harbor, the Charles River, the Commons, and the many other landmarks which bring very close the realization that the spirit of liberty and freedom we cherish as Americans had its beginning here. I wish I had the time to renew my memories of this area by taking advantage of the New Freedom Trail. However, time does not permit. Next best are the arrangements that have been made for Mrs. Mills to make the trip, and I am sure she will give me a full report.

In considering Boston's historical precedents, its many fine institutions of higher learning, its role of a premier center for medical research and treatment, its manufactures and its trade and distribution facilities, as well as its ocean port facilities and the Logan Airport, one realizes that the phrase "the hub of the universe" as it applies to Boston, yesterday and today, contains at least as much truth as poetry.

If you will permit a few more very personal comments, I would like to mention the close personal friendship I have enjoyed with many of the government officials from Boston and Massachusetts. I, of course, cannot fail to mention Speaker McCormack with whom I have shared a deep personal friendship over the years, and whose service in the Congress is ever an example of what integrity and devotion to duty really mean.

Having served under a number of Presidents, I can only say that there is none whom I admired more or enjoyed a more warm personal friendship with than President John F. Kennedy. I am sure, too, that Governor Herter holds a special place in the hearts of the citizens of Boston. I can assure you that those of us in Washington who worked with Chris Herter in all his various capacities in government came to hold him in the same esteem.

Indeed, the national leadership that has been provided by citizens of Massachusetts in the Congress and in the Federal Government is well recorded in the history of this country. I would observe that the present Massachusetts Delegation in the House upholds this fine tradition.

I do not have the time to mention each and every Member of the House from Massachusetts and to note their own unique contributions to the work of the Congress. However, neither could I afford not to, nor would I fail to single out my colleague, the Honorable James A. Burke, who is third ranking majority member of my own Committee on Ways and Means. Not only are Boston and Massachusetts fortunate to have Jim Burke in the Congress, but, based on experience, I can tell you that in Jim Burke, all of New England has an effective spokesman for the economic interests of this area.

The same is true of my good friend, the Honorable Thomas P. "Tip" O'Neill, who in this Congress was duly recognized as a real leader in the House by his election to the position of Majority Whip. Suffice it to say that the whole Massachusetts Delegation in the Congress does a fine job in representing the interests of their own constituents and those of the entire State in their work in the Congress.

When one does have the opportunity to get out of Washington to visit the cities and countryside and to meet with the people, one is remined of the real purposes of those peculiar institutions which occupy so much of our time in Washington. The Committee on Ways and Means with its jurisdiction over tax legislation and, in addition, social security and welfare, and tariff and trade legislation, is constantly confronted with many of the major issues facing this nation and its citizens.

After many months of deliberation on the maze of welfare systems which have become more and more burdensome to the taxpayer as they have become more complex, the Committee on Ways and Means reported and the House passed the Social Security Amendments of 1971. Despite the delay recently suggested by the President on the welfare reforms contained in that bill, I am hopeful that the Senate will act on this measure since the needs with which the bill deals still exist.

Long a major international port, and a gateway to the whole Northeast marketing community, Boston and its economy have a great stake in the sound expansion of international commerce. Needless to say, the new challenges that this country faces in searching for the right mix of trade and monetary policy to keep pace with a dynamically changing world economy were demonstrated in the deliberation of the Committee on Ways and Means on the trade legislation last year. These concerns reached a new dramatic level in the actions stemming from the President's address of August 15. I would like to return to this area of trade a little later.

As to the Committee's concern with tax policy and economic conditions in general, we have for the past two weeks been engaged in both public hearings and in executive sessions on the tax proposals recently made by the President under the new economic program he outlined in his address on August 15.

The President has asked for and, insofar as the Committee on Ways and Means is concerned, is being given cooperation by early action on those parts of this program which require Congressional action. Of course, the Committee reserved its right to make changes in these proposals more in keeping with its own knowledge of the requirement of appropriate tax policy—and it did make certain very significant changes.

As you will recall, the President took a number of actions, with both domestic and international implications, by imposing a wage-price freeze for 90 days, by suspending the convertibility of the dollar into gold and by imposing an additional duty of 10 percent on most dutiable imports. In addition, the President requested that the Congress approve a restitution of the investment tax credit, a speeding up of the income tax relief for individuals already provided in the Tax Reform Act of 1969, a repeal of the excise tax on automobiles, and a new provision providing a deferral of income tax resulting from export sales under certain circumstances. In view of the revenue losses involved in these tax proposals, the President also proposed that government expenditures be reduced by $4.7 billion.

The Committee on Ways and Means has, as of Wednesday, reached all of its basic decisions with respect to the tax proposals made by the President. Considering the size of the proposals, this is probably something of a speed record. While the details of the changes proposed in these measures are, I am sure, of interest to you, I believe it important to examine first the general approach that colored much of my own thinking in the Committee's deliberations.

At the time of the President's action, this country was experiencing a pervasive and destructive inflation. The period of watchful waiting maintained by the Administration was not resulting in any discernible decline in inflationary pressures. Nor were there any sound indications that the level of economic activity would pick up enough to result in meaningful reduction in unemployment. In view of the lack of improvement in the economy, that is, continued price increases and continued low levels of economic activity with high levels of unemployment, the incomes policy urged by many, including myself, became almost inevitable.

Regarding inflation, it is not at all clear what will follow the end of the 90-day period of wage-price freeze. It is my personal belief that the President gave up too much of his possible influence on price trends after the middle of November by indicating at too early a date that the wage-price freeze would not be continued beyond the 90-day period. It would be difficult in any event for the Government to indicate what controls might be necessary after the initial 90-day period. I believe, however, that it would have been preferable that the President reserve his options thereby enhancing the effectiveness of whatever controls are decided upon at the end of the 90-day period.

The revival of the investment credit can, and I believe will, serve as a stimulus to the economy, and hopefully a stimulus that is economically healthy over the long-run in terms of holding down price increases and assuring that U.S. producers are more competitive in the world markets. Not only can new investment increase job opportunities and reduce unemployment, but the investment credit will also provide American industry with a greater equality of treatment in terms of income tax burdens with that enjoyed by industries in other industrialized nations.

The elimination of the excise tax on automobiles will also provide stimulation to one of the basic industries in our country, and it will also complete the elimination of an excise tax which was scheduled for termination in 1965 but which has been continued in order to meet revenue needs over the past number of years. The Committee action regarding reduction of tax liabilities for individual taxpayers provides a better balance to the tax package proposed by the President and, in particular, reduces or removes tax liability for most individuals in the low-income groups. The people that will benefit from these tax reductions are those who have suffered more than any other group from the price increases we have experienced over the past several years. These tax reductions will also provide a stimulus to the economy.

Of course, the tax proposals adopted by the Committee will result in the loss of substantial revenues to the Federal Government. I believe, therefore, that expenditure controls of the magnitude proposed by the Prsident and possibly even more reductions in Federal expenditures are necessary in order that all of the measures will provide for a balanced growth and not set the stage for further inflationary pressures.

I wish that I were more convinced that the measures proposed by the President, as they will emerge from the Congress, will be sufficient to achieve a sound economic recovery.

As representatives of the business community of the greater Boston area, all of you, I am sure, have been concerned with economic developments since the unemployment rate in Boston and in Massachusetts has exceeded the national rate. This is only one indication of the decline in economic activity. I think it is time for greater concern than has been evident when as diverse an economy as is present in the Boston area experiences a decline in manufacturing and stagnation in wholesale and retail trade which cannot be explained away by such complex theories as a "surplus" in the national full employment budget.

Whatever action the government takes in encouraging investment toward greater productivity or reducing the burden of taxes for some groups among our taxpayers, what must be restored is confidence in the private sector of the economy. Sound business conditions cannot be restored just through increased government spending, but through greater encouragement to and expansion of the private sector of the economy. This is why I think it important that there be an effective follow-through of an incomes policy. Moreover, effective follow-through must involve policies which do not result in unequal sacrifices among the various economic interests. We have waited too long to restore business confidence, and we cannot afford hesitant and inconsistent actions which raise questions among our consumers and workers as to the equity of government policy regarding further price increases.

I think it reasonable to assume, given the long delay on the part of the Administration in taking action, that the program presently being considered in the Congress may not have been proposed had the international economic situation not degenerated so precipitously over the summer.

The balance of payments deficits that the United States has experienced over the past two decades have from time to time evoked interim measures. These measures, in the past, merely served to ameliorate the deficits until the hoped-for structural changes could restore the United States to a more sound balance in its international transactions. Thus, the controls on direct investment, the interest equalization tax to discourage adverse short-term flows, and less dramatic measures to stem the dollar flow have really not attacked the basic imbalance that has developed in United States international economic relations.

Fortunately, for a time our trade balance served to reduce the seriousness of the overall payments deficit. In more recent years, income from foreign investment has replaced our trade balance as the most favorable factor. However, in this year, long-term dollar outflows of funds involving our defense operations abroad and short-term flows caused to a large extent by the lack of confidence in the stability of the dollar created a deficit in our international payments position which could not be supported. In addition to a deficit in our balance of payments of over $20 billion at an annual rate in the second quarter of 1971, there is every indication that the trade balance for the United States will be in deficit during calendar year 1971 for the first time in many decades.

Such a dramatic shift in the strength and the stability of the dollar in world markets has been difficult for all of us to assimilate. While we have been generally aware of the increases in imports and the huge flow of dollars abroad at a magnitude that finally made the dollar unwanted, it appeared that we were on the horns of a dilemma.

On the one hand, since the monetary system, with the dollar at its center, was dependent upon United States willingness to buy and sell gold at $35 an ounce, it seemed hardly possible to obtain a meaningful realignment of the currencies. That is, should the United States choose to devalue the dollar by increasing the price of gold, other countries would similarly devalue their currencies so that the United States would be no better off than it was before.

On the other hand, the trading rules apparently did not permit the United States to take action in imposing temporary trade restraints in the form of an additional tax on imports, even though other countries had availed themselevs of such measures in the face of their own balance of payments problems.

Despite this assumed lack of flexibility on the part of the United States, it had long been recognized that the currencies of some of the industrialized countries were undervalued in terms of the dollar. Such undervalued currencies not only made more serious the continued dollar outflow but placed the United States exporters and domestic producers in this country who must compete with imports at a serious disadvantage.

Thus, I fully support the President's action in suspending the convertibility of the dollar into gold and imposing an additional tax of 10 percent on imports. I am hopeful that in the very short-run the additional duty of 10 percent can bring about a quick realignment of international currencies which will restore equity to the international economic position of this country. Moreover, there must be positive movement abroad toward dismantling trade barriers which both restrict United States exports and divert an inordinate volume of exports to the United States.

All of this will involve serious hard bargaining and a skill and sound perspective on the part of our negotiators which, quite frankly, have been lacking in many of our economic negotiations in recent years.

The nature of the actions that we have taken has serious implications despite the real needs to which they are addressed. It may well be that the whole framework of international economic cooperation is at stake. What is essential is that we keep our eyes on the major goal of restoring equity to the competitive position of our own producers. To be successful, we must have an understanding of the position in which we are placing our major trading partners. More than this, however, whatever actions we take must be responsive to the total needs of our economy. In the context in which we are dealing, which calls for the cooperation and understanding of our trading partners, we cannot hope to solve our basic problems through divergent actions in special problem areas.

We should never have needed to impose an additional duty on imports in order to successfully obtain actions on the part of our trading partners that they should be willing to take in the light of their international obligations and the economic strengths they have achieved. Nor can we give way to their own special interests when so much is at stake in continuing international cooperation toward an expansion of international commerce. Thus, here again, we need an effective follow-through on international economic policy.

In both our domestic programs and in our international negotiations, there will be a continuing need to deal evenhandedly with the economic tools that are available. All of the many problems that face us as a nation—the decline of our cities, urban plight, pollution, the lack of economic opportunity for the disadvantaged—can only be dealt with effectively in the context of a sound and expanding economy. In implementing these policies, there is a very great need to follow through in a manner which will assure that all sectors of our economy participate equally in sound economic expansion.

DEDICATE A MEMORIAL TO REPRESENTATIVE WATTS

HON. WILBUR D. MILLS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. MILLS. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following article regarding the dedication of a memorial to the late Honorable John C. Watts:

DEDICATE A MEMORIAL TO REPRESENTATIVE WATTS

Regardless of party affiliation, the people of Central Kentucky had a hard-working public servant in John C. Watts who served Kentucky's Sixth Congressional District with distinction for two decades.

Although he served in a national setting, he clearly represented the people and the interests of Central Kentucky fully. He never forgot the people who put him in office nor those who lived in his district.

His death represents more than the passing of a single individual; it also marks a major loss in power to the people in Central Kentucky. Through the seniority system in Congress, Rep. Watts had achieved a position of tremendous power, which he had used wisely to aid his home district.

No successor will have such power.

Because Congressman Watts performed such distinguished service for so long in this district, we think it would be fitting and appropriate to name some major public building or highway in his honor.

Perhaps the new post office building in Lexington should be called the John C. Watts Federal Building, to remember the man who worked so long and hard to bring the facility here. When it is built, he should be remembered in it.

Or perhaps, one of the buildings at the University of Kentucky should bear his name, for his contributions to UK were many. Maybe the tobacco research facility should be named to honor the late Congressman Watts—for no man has done more in protecting the tobacco industry than our own distinguished Congressman.

Thoroughbred racing also should consider paying tribute to this distinguished Congressman from Kentucky who did much to aid the "Sport of Kings." Either a race track building or a race should bear his name, for he did much during his years on Capitol Hill to enact favorable legislation for the horse interests in the nation.

Then again, maybe a major street in each of the communities of the Sixth District should be renamed to commemorate Congressman Watts.

He served us so long and well, he should be honored by the public.

A TRIBUTE TO WAYNE GIBSON

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. ANDERSON of California. Mr. Speaker, an act of swift and skillful handling of an emergency has recently been brought to my attention. I would like to share it with my colleagues because it demonstrates the value of training and advance preparedness in dealing with such emergencies.

On August 17, 1971, the Sea Explorer Ship 727, the *Dragnet II,* of San Pedro, Calif., was on an extended cruise to Mexico. That evening, while the boat's skipper, J. L. Gleason, was making the hourly safety checks of the engines and auxiliary equipment, his foot slipped. His trouser leg was snagged by the whirling propeller shaft, dragging his leg toward the shaft coupling and inflicting a compound fracture. Pulling with both hands, Gleason was able to wrench his leg free, crawl from the engine room, and shout for help.

Executive Officer Wayne Gibson responded immediately and with unfailing correctness to the emergency. He instantly placed both hands over the wound, applying pressure to control the bleeding. When one of the Explorers arrived a few seconds later with the first aid kit in response to Gibson's order, Gibson applied a gauze pressure bandage and was able to halt the flow of blood.

Meanwhile, Gibson had already given emergency helm orders to steer the *Dragnet II* toward the nearest port—13 hours away on the coast of Baja California, Mexico—and had directed the crew to radio for assistance from the Sea Explorer ship *Volunteer* which was in the immediate vicinity. By the time the other ship was able to rendezvous with the *Dragnet II,* Gibson and the crew had already transferred their injured skipper from the weather deck to his bunk in the aft cabin and no emergency assistance was needed from the sister ship.

Skipper Gleason reported later—

> Wayne's mature attitude and prompt action in applying his knowledge of first aid and issuing necessary orders for the safe operation of the vessel under extreme emergency conditions saved my left leg and no doubt saved my life.

To a degree, this fast and correct action by Gibson was a reflection of the excellent training he had received from Gleason 7 years before while Gibson was a member of the unit for which he is now an adult adviser.

In addition to his Sea Explorer training in first aid and seamanship, Gibson was further prepared to meet this emergency during his active duty service with the U.S. Naval Reserve aboard the U.S.S. *Bradley* (DE 1041). A 1965 graduate of San Pedro High School, Gibson is an employee of the Pacific Telephone Co., and his employers are also to be commended for their community service in having authorized a leave of absence so he could participate in that extended training cruise for the Sea Explorer unit.

Mr. Speaker, I find it a distinct pleasure to be able to report this example of the outstanding training in meeting emergencies provided both by the U.S. Navy and the Sea Explorers. BSA. I heartily commend Executive Officer Wayne Gibson for his cool, clear-headed action.

MORE ON THE PRAYER AMENDMENT

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. SCHWENGEL. Mr. Speaker, the interest and concern about the prayer amendment to the Constitution is growing. As the interested parties think on the effects, they are having second thoughts about the wisdom of tampering with the Bill of Rights.

Mr. Speaker, our forefathers did this Nation a great favor when they included the Bill of Rights in the Constitution. This set the stage for the church to become more powerful and influential here than in any other part of the world. They reasoned that the church must not only be free, but independent and the result has been a very happy development in our country where any group that has special ideas about moral questions can band together to promote the moral ideals that seem most important to them and in various ways the churches have undergirded and supported our basic freedoms. It is my hope that all of the colleagues will recognize the kind of religious atmosphere that has prevailed here because we had religious liberty and freedom of religion.

Mr. Speaker, recently the Washington Post carried an excellent editorial entitled "The Wall That Shields Religion" and I commend it to all my colleagues and all those who are interested in this question. The editorial follows:

THE WALL THAT SHIELDS RELIGION

Although there are those who seem to regard it as a restraint on religious worship, the First Amendment is, above all else, a guarantor of religious liberty. It reflects a recognition, as Mr. Justice Clark once put it for the Supreme Court that "the place of religion in our society is an exalted one, achieved through a long tradition of reliance on the home, the church and the inviolable citadel of the individual heart and mind." The Justice continued, however, with a reminder: "We have come to recognize through bitter experience that it is not within the power of government to invade that citadel, whether its purpose or effect be to aid or oppose, to advance or retard. In the relation between man and religion, the State is firmly committed to a position of neutrality."

Justice Clark wrote those words in an opinion for the court holding that the First Amendment, by virtue of the Fourteenth, forbade a Baltimore school board to require the use of the Lord's Prayer, or any other prescribed form of worship, in public schools. This is to say simply that schools supported by public money and used by children of every faith and of no faith at all are not appropriate places for religious worship. Use of them for worship, even if participation be nominally voluntary, imposes on children a kind of coercion, a pressure toward conformity, wholly alien to the First Amendment's spirit of complete toleration. The appropriate places for worship are "the home, the church and the inviolable citadel of the individual heart and mind."

Yet today a majority of the House of Representatives seems disposed to repeal the religious freedom clause of the First Amendment. They have signed a discharge petition to bring from the Judiciary Committee to the floor of the House a proposed constitutional amendment designed to authorize public school prayers. Devout and well-meaning these men may be; but understanding of their country's history and institutions they are surely not. They would give away, for the sake of a shallow show of religious devotion, the great constitutional bulwark against governmental control of religion that has kept America for nearly two centuries the world's foremost bastion of religious liberty. What folly it would be to breach the wall that shields conscience from the reach of secular authority.

When men seek to use the public schools, which children attend by the requirement of law, to propagate faith, they confess a loss of faith in the home, the church and the inviolable citadel of the individual heart and mind. When men strive, in the name of divine worship, to impose religion by rote, they perpetuate what is, in truth, a sacrilege. Genuine religion germinates only in the soil of freedom.

HON. WILLIAM O. COWGER

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. SNYDER. Mr. Speaker, earlier today I spoke of the loss to my home community occasioned by the death of our former colleague, and of my personal respect for William O. Cowger. Subsequently, I asked a former employee of Bill's what his impressions of Bill Cowger really were.

This former employee, George Yenowine, sat down at a typewriter and this is what he wrote:

> I leave the citation of his voluminous accomplishments in government and society to others as I choose to observe and honor the character of the man.
>
> His record in both local and national office showed he cared about people and their individual problems as well as our Nation and its problems. Bill faced every issue squarely and judged it on its own merits. He was driven by a general dissatisfaction with a bureaucracy's inability to cope with problems and its insensitivity to people.
>
> His work for his fellow man—interracially, locally, nationally and internationally—earned him the National Conference of Christians and Jews "Brotherhood Award."
>
> As mayor of Louisville, Ky., Bill had an outstanding record of accomplishments. Through his determination he created a new spirit in his community. His guideline for his administration of the city's affairs was, "Service to my community will transcend all other considerations."
>
> This spirit did not apply solely to public service alone. When Bill set a goal, nothing

was impossible. He always left an impression of a job well done.

After coming to Congress Bill was quickly labeled by observers as a "new breed" of Congressman. He could not be categorized. He was liberal in terms of human needs and conservative about fiscal matters and management. Most important, he always looked for the good rather than the negative in a situation as well as in people.

He continued to accent what he wanted to accomplish rather than avoiding solutions because of an obsession with the pitfalls along the way.

I do not believe Bill ever sought power for the sake of power itself but for the satisfaction of helping others acquire the benefits of that power.

Finally, Bill Cowger always gave you straight answers and was a man of his word. That, in a single phrase, is the highest tribute I can pay Bill Cowger.

It will feel very strange for a long time when returning to Kentucky to know that Bill's fine, guiding touch is missing in our community and nation.

However, as a consolation to his other friends and most especially his family, Bill Cowger has truly left his "footprints in the sands of time".

POW RESOLUTION

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. JACOBS. Mr. Speaker, I was wondering, in view of the events of the past few weeks in Saigon, if any Member of Congress or any member of the executive branch would care to say he or she is willing, from this day forward, to give his or her life, limb, sanity or freedom—POW even for another day—further to prop up the Saigon dictatorship. Other Americans are being ordered to do so today.

Following is the language of House Resolution 630, which I introduced on September 30, 1971:

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madame Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on July 1, 1971, that the policy of her government is: "If the United States Government sets a terminal date for the withdrawal from South Vietnam in 1971 of the totality of United States forces and those of the other foreign countries in the United States camp, the parties will at the same time agree on the modalities:

"A. Of the withdrawal in safety from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp;

"B. Of the release of the totality of military men of all parties and the civilians captured in the war (including American pilots captured in North Vietnam), so that they may all rapidly return to their homes.

"These two operations will begin on the same date and will end on the same date.

"A cease-fire will be observed between the South Vietnam People's Liberation Armed Forces and the Armed Forces of the United States and of the other foreign countries in the United States camp, as soon as the parties reach agreement on the withdrawal from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from South Vietnam within sixty days following the signing of the agreement: *Provided*, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

A LITTLE BOY'S ESSAY ON ANATOMY

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. CARTER. Mr. Speaker, recently, I read a rather interesting essay on anatomy by a youngster evidently enrolled in one of our Kentucky schools. It was taken from Taylor Tales, a column published weekly by the Glasgow Republican in Glasgow, Ky. Because of its unusual and interesting descriptions, I am including this essay in the RECORD for the perusal of the Members.

I also include a poem from the same column which might be of interest to those of us who come from small rural communities.

The article follows:

LITTLE BOY'S ESSAY ON ANATOMY

"Your head is kinda of round and hard and your brain is in it, and your hair is on it. Your face is in front of your head where you eat and make faces. Your neck is what keeps your head out of your collar. Its hard to keep clean. Your shoulders are sorta of shelves to hook your suspenders. Your stummick is something that if you don't eat enough of it hurts and spinach don't help none. Your spine is always behind you, no matter how quick you turn around. Your arms you got to have to pitch with and also to reach the butter. Your fingers stick out of your hands so you can throw a curve and add up arithmetic. Your legs is what if you haven't got two of, you can't get to first base. Your feet are what you run on, and your toes are what always get stubed. And that's all there is to you, cep't what's inside you, and I ain't seen that yet."

"I like to live in a little town,
Where the trees meet across the street.
"Where you wave your hand and say, 'Hello!'"
To everyone you meet.
"I like to stand for a moment
Outside the grocery store
And listen to the friendly gossip
Of the folks that live next door.
"For life is interwoven
With the friends we learn to know;
And we hear their joy and sorrows
As we daily come and go.
"So I like to live in a little town,
I care no more to roam,
For every house in a little town
Is more than a house, It's home."

—*Author unknown.*

FEDERAL CIVILIAN EMPLOYMENT, AUGUST 1971

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. MAHON. Mr. Speaker, I include a release highlighting the August 1971 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

JOINT COMMITTEE ON REDUCTION OF FEDERAL EXPENDITURES

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of August was 2,930,487 as compared with 2,943,609 in the preceding month of July. This was a net decrease of 13,122, due primarily to seasonal employment and summer employment of the "disadvantaged" under youth opportunity programs.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in the month of August totaled 2,890,104. This was a net decrease of 13,054 as compared with employment reported in the preceding month of July. Employment by months in fiscal 1972, which began July 1, 1971, follows:

Month of July 1971; employment, 2,903,158; increase, 20,153; decrease, none.

Month of August; employment, 2,890,104; increase, none; decrease, 13,054.

Total employment in Civilian Agencies of the Executive Branch for the month of August was 1,740,448, a decrease of 2,665 as compared with the July total of 1,743,113. Total civilian employment in the Military Agencies in August was 1,149,656, a decrease of 10,389 as compared with 1,160,045 in July.

The civilian agencies of the Executive Branch reporting the largest net decreases were Veterans' Administration with 1,697 and Treasury Department with 1,318. The largest increase was reported by Postal Service with 3,313.

In the Department of Defense the largest decreases in civilian employment were reported by the Air Force with 3,320, the Navy with 3,236, the Army with 2,183 and Defense Supply Agency with 1,451.

Total Executive Branch employment inside the United States in August was 2,698,796, a decrease of 15,296 as compared with July. Total employment outside the United States in August was 191,308, an increase of 2,242 as compared with July.

The total of 2,890,104 civilian employees of the Executive Branch reported for the month of August 1971 includes 2,526,300 full time employees in permanent positions. This represents an increase of 2,554 in such employment from the preceding month of July. (See table 2 of accompanying report.)

The Executive Branch employment total of 2,890,104 includes some foreign nationals employed abroad, but in addition there were 97,714 foreign nationals working for U.S. agencies overseas during August who were not counted in the usual personnel reports. The number in July was 97,645.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in the month of August totaled 32,506, a decrease of 51 as compared with the preceding month of July. Employment in the Judicial Branch in the month of August totaled 7,877, a decrease of 17 as compared with July.

DISADVANTAGED PERSONS

The total of 2,930,487 reported by the Committee for August includes 48,837 disadvantaged persons employed under federal opportunity programs, a decrease of 17,513 over the preceding month of July. (See table 4 of the accompanying report.)

In addition, Mr. Speaker, I would like to include a tabulation, excerpted from the joint committee report, on personnel employed full time in positions by executive branch agencies during August 1971, showing comparisons with June 1970, June 1971, and the budget estimates for June 1972:

FULL-TIME PERMANENT EMPLOYMENT

Major Agencies	June 1970	June 1971	August 1971	Estimated June 30, 1972 [1]
Agriculture	82,912	84,252	84,698	87,300
Commerce	25,427	28,435	28,310	29,600
Defense:				
Civil functions	30,297	30,063	30,248	31,300
Military functions	1,129,642	1,062,741	1,062,053	1,061,600
Health, Education, and Welfare	102,297	104,283	106,388	102,100
Housing and Urban Development	14,661	16,030	15,979	16,700
Interior	53,349	57,570	57,844	59,100
Justice	38,013	42,662	43,272	46,800
Labor	10,217	11,352	11,737	12,100
State	23,618	23,398	23,376	23,700
Agency for International Development	14,486	13,477	13,310	11,100
Transportation	63,879	68,489	68,691	71,900
Treasury	86,020	90,135	91,054	100,400
Atomic Energy Commission	7,033	6,920	6,930	7,000
Civil Service Commission	5,214	5,324	5,332	5,900
Environmental Protection Agency [2]		5,959	6,196	8,900
General Services Administration	36,400	38,076	38,163	41,600
National Aeronautics and Space Administration	31,223	29,478	29,300	28,400
Office of Economic Opportunity	2,387	2,478	2,141	2,500
Panama Canal	14,635	13,967	14,007	14,900
Selective Service System	6,665	5,569	5,659	6,500
Small Business Administration	4,015	4,004	4,034	4,200
Tennessee Valley Authority	12,657	13,612	13,743	13,300
U.S. Information Agency	9,989	9,773	9,768	9,900
U.S. Postal Service	565,618	564,782	563,275	590,500
Veterans' Administration	148,497	158,635	158,878	160,800
All other agencies	27,420	28,838	29,715	31,200
Contingencies				10,000
Total	2,552,571	2,520,302	2,524,101	[3] 2,589,300
Public Service Careers (Disadvantaged persons in Federal opportunity programs—see table 4, p. 14)		1,899	2,199	
Total	2,552,571	2,522,201	2,526,300	

[1] Source: As projected in 1972 budget document; figures rounded to nearest hundred.

[2] Established as of Dec. 2, 1970, by transfer of functions and personnel from Interior, HEW, Agriculture, Federal Radiation Council and Atomic Energy Commission.

[3] Does not reflect Presidential order of Aug. 15, 1971 for 5 percent personnel reduction estimated by the Director of Office of Management and Budget on Sept. 9, 1971 at 100,000 government-wide, exclusive of the Postal Service.

PRESIDENT NIXON SUPPORTS ERA

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. McCLORY. Mr. Speaker, over the past several weeks I have been reminding my colleagues that the equal rights amendment to the Constitution—in its original unamended form—has received the unqualified backing of the Republican National Committee as recently as July 24, 1971.

Those who are familiar with the traditional goals of the Republican Party are also aware that equality of treatment under the law for all persons—regardless of sex—has been an official dogma of the Republican Party for over three decades.

By words and actions, President Nixon has demonstrated his support for nothing less than full equality for women, and he has used the vast powers of the Presidency numerous times to further this goal. On August 8, 1969, the President issued Executive order 11478 restating in the strongest terms the principle of equal employment in the Federal Government.

Mr. Speaker, as an example of President Nixon's dedication to this principle I am inserting a statement which was made by candidate Nixon prior to the 1968 elections. That statement follows in the hope that those who read it will come to a full appreciation of the importance of casting a resounding vote for the equal rights amendment—in its original form—when it comes before this House next Thursday, October 7:

Forty-eight years ago, American women were given the Constitutional right to vote. Today it is accepted as a matter of course that men and women have an equal electoral franchise in this country and that American men and women will have an equal voice in choosing a new President, a Congress and state and local governing officials and bodies.

But the task of achieving Constitutional equality between the sexes still is not completed. All Republican National Conventions since 1940 have supported the long-time movement for such equality.

It is my hope that there will be widespread support for the Equal Rights for Women Amendment to our Constitution, which would add equality between the sexes to the freedoms and liberties guaranteed to all Americans.

WORLD CIVIL SERVANT

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, the cause of world peace and international understanding, has had, in Dr. Ralph Bunche, presently retired from his post of Under Secretary General of the United Nations, a most compassionate and dedicated advocate. It is with much pride that all our people can look to his extraordinary achievements, and the debt of gratitude the Nation owes for his services is very large. It is a pleasure for me to include in my remarks an eloquent tribute to Dr. Bunche, which appeared on the editorial page of the Christian Science Monitor on Saturday, October 2:

WORLD CIVIL SERVANT

Probably no one at the United Nations has such intimate knowledge of the Middle East crisis and its manifold intricacies as does Ralph Bunche.

He was the man who shepherded the Rhodes talks to a successful conclusion after the first Arab-Israeli war in 1948. For this achievement he was awarded the Nobel Peace Prize.

Should Dr. Bunche remain in his current retired status from the post of Undersecretary-General the UN would lose a valuable skilled negotiator. But it would mean much more too.

Dr. Bunche was the first American Negro to attain such high international status. Deeply conscious of the problems of his race, he has never been a militant, but has preferred the path of patience and conciliation. It is these qualities which have made him an outstanding public servant. We deeply regret that ill health has kept him from his duties at the UN, and we extend to him our gratitude for his courage and devotion.

STATEMENT OF JOHN ROONEY ON HIS INVESTITURE AS HONORARY FELLOW OF THE HEBREW UNIVERSITY OF JERUSALEM

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. CELLER. Mr. Speaker, the very thoughtful address of our colleague, JOHN ROONEY upon the occasion of his investiture on September 26, 1971, as honorary fellow of the Hebrew University of Jersualem merits the attention of all of us. I therefore, include his incisive statement:

Messrs. co-chairmen, my friends, councilman Scholnick and Judge Silver; ambassador and Madam Avraham Harman, president of the Hebrew University; my colleagues, Congressman Emanuel Celler, the beloved dean of us all, Congressman Brasco and Congressman Podell who while in Ottawa, Canada, tonight on official business sent his lovely wife here to represent him; Mr. Yosef Tekoah, the Israeli ambassador to the United Nations; economic minister of the Embassy of Israel in Washington, Mr. Alexandroni; the consul general of Israel at New York, Mr. Rivlin; Dr. Henry Sonneborn; Mr. Samuel Rothberg, chairman, the board of governors, the Hebrew University of Jerusalem; Mr. Seymour Fishman, executive vice president of the American friends of the Hebrew University; his associate Mr. A. R. Gruber; Rabbi Joseph H. Lookstein, chancellor of Bar-Ilan University; the comptroller of the city of New York Abe Beame; the minority leader of the New York State assembly in Albany Stanley Steingut; ladies and gentlemen:

I am deeply moved by the great honor

that the Hebrew University of Jerusalem has bestowed on me tonight, investing me as an Honorary Fellow of this great institution.

In these days, as the young democracy of Israel struggles to right itself and become free of the menace all around her and at a time when the accelerated Soviet involvement and additional military aid to Egypt is turning the entire region into a dangerous volcano, not only for the antagonists but for humanity, my remarks on the importance of education and in particular higher education may sound somewhat out of context. I believe, however, that no matter what the present circumstances are, the road to peace leads through education, and even more higher education, education is no longer only national—it is an international ray of hope for better and more peaceful days to come. It extends beyond the reaches of the State or Nation.

The exchange program of students and faculty among great colleges and universities of many countries are a vital part of our contemporary life.

I am, therefore, proud to receive the honorary fellowship from the Hebrew University of Jerusalem knowing what this institution is presently doing not only for Israel but for the world-at-large and particularly for the many developing nations benefiting from her scientific and technical aid. I have been fascinated by the close cooperation between the American scientific community and the Israeli institutions of higher learning and in particular the Hebrew University of Jerusalem. I could cite many cross-cultural and cross-scientific achievements benefiting our country and making solid contributions to important areas such as medicine, with particular emphasis on immunology, agriculture, with special emphasis on irrigation for the world's arid areas and poultry and animal sciences. However, I wish to sum up that it is a fact of life that the survival of a nation today involves a great number of factors aside from military alertness and technological preparedness. Unlocking the secrets of science harbors tremendous consequences for the security, health and well-being of mankind.

The Hebrew University's key role is to make the life of the people of Israel better, longer and more secure. Its research specialists wrest the salt from the sea and bring water to the desolate deserts, thus converting them into fertile soil capable of growing more food for an increasing population.

Therefore, interested as I am in higher education and education in general, and knowing of the Hebrew University's endeavors particularly in bridging the gap in their melting-pot-country for the culturally disadvantaged, I also know that this vital experimentation serves as a microcosmic laboratory for humanity including our own country. And so, I am even more proud to be associated with this important institution of higher learning which in contemporary academe is coming forth as one of the major institutions of our day.

Learning for learning's sake is the quintessence of the Jewish philosophy of life. This philosophy, developed over thousands of years, created many scholastic sanctuaries isolated from the daily realism of our very surroundings. Our generation facing new problems must speak in today's language. We have to direct our efforts to serve contemporary society. There is a multitude of ways in which this is being achieved every minute, every hour, every day.

To continue its progress as a viable, self-sustaining democracy Israel must have a sustained flow of highly skilled leadership for social, political, economic and research programs. The Hebrew University, as you know, is the country's most treasured reservoir for this indispensable manpower.

Bound together by our love of America and dedication to Israel, we have to continue this noble trend. Let us help give Israel's youth the best of Jewish heritage—education.

In these quickly changing times of amazing progress, man's spurring ahead to the moon, man's learning the secrets of life, nothing remains isolated. By helping Israel, we are also contributing to our own community. The cross fertilization of the highest principles of Judaism and the American way of life is mutually and eminently beneficial to us and to them.

The history of the Hebrew University and the vitality of its teaching and research programs, justify our anticipation of even greater achievements. The pre-academic courses of the Hebrew University which offer a new dimension for the disadvantaged, could be a good lesson for us here in the United States and an additional link between the two countries.

In the eight years since they were originated these pre-academic courses for disadvantaged students have emerged as a significant step that has solved many problems, especially for the Shephardim and the Yemenites. They take on added importance today in view of Israel's current internal conflicts.

After completing intensive pre-university courses, these students from disadvantaged backgrounds, receive scholarship help as well as personal counseling and tutoring during their first years in the regular university courses. The results, according to surveys, have been dramatic. Moreover, the dropout rate, once at an alarming 40 to 50 percent, has diminished to near zero.

Among the most crucial of Israel's social problems is that of relations between those of European and so-called oriental origins. The two are almost equally divided in population, but in terms of occupation, income and education, those of the oriental community constitute a deprived segment and create a potentially dangerous stress.

Formerly, only 10 percent of those youngsters reached the university, and what followed was an unusually high dropout rate. The majority came from backgrounds of minimal education. Their homes were in development towns, immigrant *Moshavim*, or the poorest urban districts. *Those* attempting to pursue studies had simultaneously to bear the financial burdens of the family. And the families because of lack of appreciation for the values of education, offered little in the way of encouragement or support.

For these youths the pre-academic scholarship meant a turning point in their lives. It was a way to help themselves and their people. They now had the chance to be trained as leaders of their people—in short, a new dimension had been added.

Israel has legitimate interests—survival and self-defense, first of all, of course. But justice and morality are national interests too, and they too demand high priority. Education and the quality of life are national interests.

Israel's recognition of all these factors had made it great. For almost a quarter of a century it has been a constantly threatened beachhead among a hundred million enemies sworn to its destruction. Yet it has not learned to hate. Instead it remains firm in its conviction that war is not the only thing—that its future is on the slopes of Mount Scopus and not on the banks of Suez.

We Americans see our own early struggle for independence and survival mirrored in the story of modern Israel. We too were a nation of free citizens who fought because we had to, but built because we wanted to. Our founders, too, were great leaders and soldiers, but are better remembered as architects of peace than as wagers of war. In our Declaration of Independence, Thomas Jefferson wrote, "we the people"—not we the colonels, we the junta, we the dictators. The Constitution produced by the founders in 1787 was an unprecedented document of freedom—but it could not be accepted until we had a Bill of Rights guaranteeing personal freedom to every single solitary human being. That love of freedom and uncompromising dedication to democracy exists now in Israel as in few other countries on earth. Small wonder then that Americans and Israelis are natural friends and brothers.

This is the national interest that places America on the side of Israel. Global politics could not have made us Israel's ally at the cost of alienating so many nations and losing so much oil. We are committed to Israel's survival because justice, morality, and decency dictate it. And that is why the American people—sick though they are of war and foreign involvement—are still ready to support Israel with whatever means may be necessary to insure its survival.

Five Presidents—Truman, Eisenhower, Kennedy, Johnson and now President Nixon—have cast America's lot with Israel. In the 1970's this means the risk of open confrontation with Soviet Russia and all the horrors such a confrontation implies. But as long as Israel stands firm on the side of freedom and progress, America will stand firmly with her.

In the spirit of the high holidays which in the Judeo-Christian spirit proclaims peace on earth and goodwill to mankind, the Hebrew University is aiming at—

Increased support.

Intensified intercultural exchange between the United States and Israel.

Further reinforcement, the cause of peace, understanding and amity among nations through the Harry S. Truman Research Institute and other equally outstanding projects.

In summarizing, may the Hebrew University of Jerusalem, the spiritual sanctuary of the Jewish people, go from strength to strength, uplifting "the poor man's head and setting him among princes," lighting the darkness of contemporary evils with new lights of hope and salvation.

I am proud to join the ranks of the honorary fellows of the Hebrew University. Let us follow the prophet in pledging, "If I forget Thee, O Jerusalem, let my right hand wither."

THE PENDULUM IS SWINGING

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. CEDERBERG. Mr. Speaker, I think we too often overlook the progress which we are making in the effort to resolve some of the very pressing problems facing our great Nation today. In the process of identifying many of the pressing needs of America we have overlooked the successes which have resulted from our determined work to meet those needs.

I would like to bring to the attention of my colleagues a very fine presentation on this area by the former Deputy Assistant to the Secretary of Defense, now a vice president at Copley Newspapers, Mr. Richard Capen. I believe that we will all find a great deal of value in his message:

THE PENDULUM IS SWINGING

(By Richard G. Capen, Jr.)

This is my first speech in the Bay Area since returning to California after serving two and a half years as an appointee in the Department of Defense.

Like my associates at the Pentagon, I was proud and honored to serve under the dynamic leadership of Secretary of Defense Melvin Laird. President Nixon could not have selected a better prepared, more dedicated or more effective leader for that demanding post.

It takes much more than computers to run the wide-spread Defense Department, as complex as it is. Secretary Laird inspired a teamwork approach and dedication to service unmatched in the Pentagon's history.

His understanding of key defense issues, his ability as a persuasive communicator, and his style of leadership have contributed significantly to improved understanding of critical national security issues—particularly those beyond Vietnam.

And, all this has been accomplished at a time when the Defense Department has been under constant criticism—some constructive, much of it irresponsible.

From the outset. the Nixon Administration made it clear that it would avoid debating whether the United States should have gone into Vietnam in the first place, or once doing so, whether our professional military leaders were given proper authority to execute that war as promptly and successfully as our capabilities would have permitted in the early 1960s.

President Nixon's goal was to conclude American presence in Southeast Asia. That objective is rapidly being met as we move toward a generation of peace.

I believe President Nixon and Secretary Laird have been imminently successful in terminating our country's involvement in Vietnam—given the rather sad circumstances they inherited in January 1969.

What were those circumstances? First, there was no plan for ending the war other than through negotiations. No one understood that reality better than the enemy, and the pathetic record in Paris is testimony to the other side's lack of incentive for serious negotiations.

By January 1969 we had cashed in a key military chip when President Johnson halted the bombing of North Vietnam—just four days before the 1968 Presidential election—with little in return from the enemy.

When President Nixon came into office, the American troop ceiling in Vietnam was 549,500, and increasing rapidly. As many as 500 Americans were dying each week and the war was costing in excess of $28 billion a year.

These were the sad realities in January 1969. The options to President Nixon were extremely limited, to say the least. But what has happened since that time?

First, we are getting out of Vietnam. By this fall, more than 365,000 Americans will have been withdrawn, a figure representing more than two-thirds of the American troop strength that existed when President Nixon took office.

At the same time, U.S. casualties have been cut from some 500 a week to less than 15 a week. Even one casualty is too many, but I believe this progress is significant.

With these substantial troop cuts the cost of the war has been reduced by 75 per cent thus permitting a reordering of priorities at home.

Today, national polls indicate that the war is fading rapidly as an issue in America. Unfortunately, those who have built their national reputations as obstructionists, linger on the sidelines, trying to keep the war issue alive for their own selfish goals. Tragically, their only result has been to give aid and comfort to the enemy.

Congressional critics meet with the other side in Paris, issue reports on alleged conditions for peace, only to have them immediately rejected by the enemy.

It is a simple matter to pass resolutions, to make sweeping pronouncements, or to write editorials calling for more rapid withdrawal rates and fixed deadlines.

Certainly, it is easier to demagogue national policy from the sidelines, but it takes real courage to face up to reality with constructive solutions that will contribute to lasting peace, not political expediency.

Time and again President Nixon and Secretary Laird have shown that courage.

How ironic it is that some of those who have led the criticism of President Nixon's Vietnamization program were the very policy makers who got us into the war, who did not have a program for ending it while they were in office, but who now expound all the answers from the privacy of their law offices or from some far-off campus.

In the early 1960s our country had the tools to win the war decisively. But our elected leadership was unwilling to generate the national will to do so.

We fought that war on a "business as usual" basis, building up huge deficits each year because our government was unwilling to establish national spending priorities. Many of today's economic problems are a direct result of that policy of the mid-1960s.

At this point history will judge those who got our country into Vietnam, just as that history will also judge whether the Nixon Administration took the responsible course to get us out.

In either instance, the ultimate responsibility must be assumed by our elected civilian leadership, not by our armed forces. Our military leaders implement national policy, not set it. For too long the man in uniform has been made the scapegoat for decisions made by civilians.

Our dedicated men and women in uniform provide the backbone of our national security and they deserve our respect.

Only through sufficient military strength can we hope to deter reckless acts by potential adversaries. They must clearly understand and respect that we have the will to win and the tools to do the job. It is pure folly to believe that once the last American has left Vietnam, our problems are over and further cuts in defense spending possible.

Despite what some suggest, we cannot legislate peace by unilaterally crippling our defense posture in Congress. Why? Because our adversaries are moving in exactly the opposite direction.

Today, the Soviets are moving ahead of us in virtually every category: missiles, aircraft, ships, military research and conventional forces.

While we were bogged down in Vietnam—at a total cost of $125 billion—the Soviets were able to sustain North Vietnam for something less than $12 billion. They did not use that ten to one difference, however, to fund domestic programs in Russia. All during the 1960s Soviet military budgets were roughly at the same level as defense spending in America which included the burden of Vietnam. Just look at the record.

The Soviets increased their submarine force by more than 400 per cent. They have increased ICBM launchers by over 500 per cent and are currently 45 per cent ahead of the U.S. in total number of ICBM nuclear launchers.

They built a modern Navy that now shows the Soviet flag in the Mediterranean, the Indian Ocean, off our Atlantic and Pacific coasts, in and out of Cuba, and around Hawaii.

In the Mediterranean, for example, the Soviet Navy will steam some 18,000 ship days this year. In 1966 they were present a total of 750 days.

In military research and development, the Soviets are spending at about twice the rate as we in the United States. This trend should be of grave concern to all Americans because it measures the importance the Soviets place on reducing our technological lead within the next five to seven years.

Even while the Soviets push this military and political expansion policy, the U.S. moves to curtail its overseas commitments, partly as a result of our national weariness over a long and costly war.

The Nixon Administration is facing up to this disturbing Soviet military buildup by insisting on sufficient funding of defense programs while insisting that our allies contribute more to their own national security requirements. The latter philosophy is part of the Nixon Doctrine whose goal is a generation of peace through partnership, strength and a willingness of negotiate.

The United States can no longer serve as policeman of the world. Our needs at home are too high and the demand for our material resources too great.

Since the end of World War II we have operated on the philosophy that the United States could do more for its allies than they could do for themselves. We have literally rebuilt economies of the victorious and vanquished alike. We have given billions of dollars in foreign aid and have sent thousands of troops in scores of countries around the globe.

Through the Nixon Doctrine we have insisted that our allies assume more of these mutual security burdens, particularly in the area of military manpower.

As a result of this philosophy, more than 400,000 American troops have been withdrawn from overseas. The bulk, of course, have come from Vietnam. But, the Nixon Doctrine has been applied elsewhere as well.

In Korea, U.S. troop strength has been dropped by over 20,000 men. This is a reversal of a commitment to that country where we have maintained more than 60,000 Americans for some eighteen years.

Likewise, reductions in U.S. forces have been carried out in Japan, Thailand and the Philippines. In NATO the concept of burden sharing is being developed, again on the principle that our allies must assume a greater defense responsibility.

An important element of the Nixon Doctrine has been a willingness to negotiate, doing so from a position of sufficient strength. Again, the record of accomplishment has been impressive.

The United States is pursuing a delicate course of negotiation in the volatile Middle East crisis. We have negotiated the turnover to Japan of Okinawa, a most sensitive issue for the Japanese.

The President has proposed new treaty provisions to prohibit the placement of nuclear weapons on the ocean floor. He has carried the nuclear non-proliferation treaty through to ratification and he has renounced the use of biological weapons.

In addition, the Nixon Administration is vigorously pursuing a successful conclusion to the SALT talks. The goal of these important negotiations is to curtail the arms race which as I indicated earlier has been rapidly accelerated by the Soviet Union.

And most dramatically, in this spirit of negotiations, the President has moved forward to revive our country's relationship with Mainland China, an area involving one-fourth the world's population.

Certainly we hope for success in these diplomatic efforts to limit the arms race and to improve relationships with our potential adversaries. That success will come, however, only if those who oppose us respect our national determination to remain strong militarily.

I believe most Americans not only support a strong U.S. defense posture but will insist upon it in the years ahead. However, our voices must be heard.

That is not to say the strength of the United States depends solely on its men in uniform or on its weapons, as important as those capabilities are. I believe the strength of our nation in the 1970s must be based also on the wisdom of our foreign policy, on the strength of our economy, and on the will of our people.

The day is past when we can hope to provide most of the defense for our allies. They must share in this burden.

The day is past when we can afford to assume the primary role in solving all of the problems of the Western World. That responsibility also must be shared more equally with our allies.

This does not suggest that we can afford to build a wall around our country, withdrawing from the competition and security needs of the world. Those who clamor to bring all American troops home forget that their very presence abroad has not caused war but rather has helped to maintain peace.

During my service in Washington, I was involved in some of the most complex, difficult problems faced by this country. But it was a source of inspiration to be surrounded by those who were confident in their course, and who respected a higher national priority extending beyond any temporary expediency.

The negative thinkers have had their day. They have marched in the streets. They have built false hopes. And they have confronted our detractors at home and adversaries abroad.

Those who have built their national image on such obstructionist attitudes are finding it difficult to shift away from the tired, divisive approach of the past.

Young people today cry out for constructive leadership in an atmosphere of optimism. They seek positive approaches and personal involvement in efforts to build a better America.

Like you and me, they resent the tarring of all America because of a few shortcomings. How ridiculous it is, for example, to charge—as one senator recently did—that all America is sick because our prisons are sick. We have had too much of that destructive approach in the past.

One of our greatest national strengths is our ability to face up to problems openly and candidly. We banner our shortcomings across our newspapers and TV sets for the whole world to see.

Our critics at home and abroad delight in exploiting these weaknesses as a symbol of a crumbling America.

What these critics forget, however, is that as we identify a problem, as we debate it publicly, we work to solve it—and succeed in doing so. As a result, we have built, on balance, the best and most successful way of life ever known to man.

We have been confident that our problems could be corrected; that dreams could be embodied in action, and that a better life would be achieved. But we have always known, as we do today, that we would have to work for it.

Over the years, we have been successful, not by thinking we would lose but rather by believing we would win. Too often we have sold our country short with an almost national guilt complex.

I have little tolerance for those who thrive on self pity or who drop out of society in protest against problems they say they did not create.

Dreams of self fulfillment cannot be found through heroin, in a commune or on a wrecking crew. Most young people know that.

Today's young generation no longer lives in an overwhelming atmosphere of war and violence. Our task is to capture their imagination and involvement in our endless search for a better America. There are new goals to set, new records to break, new problems to solve. A new day is dawning and America's optimism to meet those opportunities is building.

Yes, the pendulum is swinging.

NIH TRAVEL FUND PLACED IN ESCROW

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. CARTER. Mr. Speaker, Congressman L. H. Fountain, of North Carolina, digs deeply into the weaknesses of our bureaucrats. A very interesting finding has been reported concerning the actions of the Director of the National Institute of Neurological Diseases and Stroke. Continual surveillance is necessary to keep entrenched bureaucrats on the path of fiscal honesty and responsibility.

The article follows:

NIH TRAVEL FUND PLACED IN ESCROW

A federal scientific administrator said yesterday he has placed in escrow several thousand dollars in travel expenses questioned by the General Accounting Office.

Dr. Edward F. MacNichol Jr., director of the National Institute of Neurological Diseases and Stroke, established what he termed a suspense fund after disclosures he has run his $116.5 million a year agency for two months each year from a summer home on Cape Cod, drawing $25 a day in government travel expenses while doing it.

The GAO, at the request of Rep. L. H. Fountain (D-N.C.), chairman of a House government operations subcommittee, is probing.

MacNichol's use of travel funds while he lives in his own house at Woods Hole, Mass. He does not use vacation leave for the time he is there.

THE MENACE OF PCB'S

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. RYAN. Mr. Speaker, during the past few years, the American public has become increasingly aware of the long list of chemical contaminants that plague our environment and our food supply—contaminants such as lead, mercury, phosphates, and DDT. Now yet another name must be added to that list: polychlorinated biphenyls—PCB's.

This highly persistent, extremely toxic industrial chemical poses a severe threat to the integrity of our food supply and to our very health. In recent months we have witnessed massive contamination from PCB's of fish, chickens, turkeys, shell eggs, broken egg products, and a wide variety of packaged foods.

Perhaps the most tragic aspect of this contamination is that it was totally preventable. For the past 2 years I have repeatedly urged the appropriate Federal agencies to undertake administrative actions that would have forestalled these occurrences. Yet, in an almost unprecedented disregard for the welfare of the public, those actions were not forthcoming.

Therefore, I have introduced legislation—H.R. 10085—to ban the distribution of PCB's in interstate commerce, thus insuring that the public would be safeguarded against the dangers of this chemical in the future. And I expect to reintroduce this legislation with cosponsors later this week.

Hopefully, the Congress will act soon to protect the integrity of our food and our environment from the hazards of PCB's.

At this point, I include in the Record two articles detailing the menace of PCB's. The first appears in the October 11 edition of Time magazine. The second is from the October 11 Newsweek. I commend these articles to the attention of my colleagues.

[From Time magazine, Oct. 11, 1971]

THE MENACE OF PCB

Environmentalists were confident that they had ferreted out the nation's major pollutants after they put the finger on substances like DDT, mercury, lead and phosphates. Now an important newcomer has cropped up in the form of polychlorinated biphenyls (PCBs), colorless, odorless, syrupy chemicals that are manufactured in the U.S. under the trade name Aroclor by the Monsanto Co. Until recently, PCBs were used in industry in many ways for instance as softeners in plastics, paints and rubber, as additives in printing inks and papers. Although they are now used primarily as agents in heat exchangers, there is growing evidence that alarming quantities of PCBs have found their way into living organisms and that they pose a potent new threat to the environment.

Two years ago, New York Democratic Congressman William F. Ryan was told by a constituent about the dangers of PCB. Checking further, Ryan found studies showing that large amounts of PCBs had been discovered in the fish and sea birds of several countries. The studies also revealed that the compounds can cause liver damage in mice and disrupt the calcium metabolism of birds, which then lay thin-shelled eggs. Alarmed by the findings, Ryan delivered a House speech on PCBs. The Department of Agriculture responded by halting the use of PCBs—but only in pesticides. Then, despite complaints from customers, Monsanto announced that, as of September 1970, it would stop sales of PCBs except for "absolutely essential" use in electrical equipment.

POLLUTED POULTRY

To the public, however, PCB was still largely unknown—until the disclosure, in December 1970, that Campbell Soup had found high PCB levels in some New York State chickens destined for its products. Once notified, the New York and federal departments of agriculture stopped poultry shipments from the three counties supplying Campbell and ordered the burial of 146,000 contaminated birds. Where did the PCB come from? Officials speculated that it had been transmitted by chicken feed made from stale bakery goods that had been wrapped in PCB-coated plastic bags.

One of the worst instances of PCB pollution occurred last spring. A North Carolina poultry raiser, worried over the low hatching rate of his chickens, ran independent tests and found that the fatty tissue of the birds contained up to 40 p.p.m. of PCBs (the federal limit for poultry is 5 p.p.m.). The contamination was traced to a Wilmington, N.C., fish-meal plant where PCBs were leaking from a pipe in a heating system into the meal. Officials were dismayed to learn that the leak had gone undiscovered for nearly two months and that 13,000 tons of tainted feed had been sent to 64 customers in twelve Southern and Midwestern states.

Ryan was furious. "The Federal Government's actions are inexcusable," he said. "This entire incident could have been prevented if the Department of Agriculture and the Food and Drug Administration had lived up to their responsibilities to protect the public." He then introduced legislation that would totally ban PCBs from interstate commerce.

OFFICIAL GOOF

Still, evidence of PCB pollution continued to crop up, probably because markets were already saturated with PCB products. In mid-August, FDA disclosed that it had seized more than 75,000 fresh eggs from wholesalers in Norfolk, Va., because the chickens that laid them had eaten feed containing the tainted fish meal. Though the agency assured the public that no tainted food would leak out, it later admitted an official goof: a shipment of 60,000 eggs had somehow got through federal inspectors and, presumably, into the stomachs of Washington, D.C. residents.

Two weeks ago, the Department of Agriculture announced that "unacceptable levels of the poison PCB" had been found in turkeys processed by a Minnesota subsidiary of Swift & Co. About 50,000 birds were voluntarily withheld from the market while agriculture experts searched for the source of the contamination. Around the same time, Michigan Governor William Milliken ordered a halt to the commercial sale of coho salmon after PCB was found in salmon taken from Lake Michigan. Last week FDA disclosed that PCBs had also been found in several different kinds of dried foods, including baby cereals and shredded wheat. The PCB source has been traced to the cardboard packaging material, which was made partly of recycled PCB-treated copying paper.

PCBs are difficult to cope with for a number of reasons, first of all because the chemicals are hard to identify. They so closely resemble DDT they can be differentiated only by spectrographic analysis. PCBs are long-lived and, like DDT, their potency is multiplied as they work their way up the food chain. Unlike DDT, however, these chemicals are not sprayed but get into the environment accidentally, which makes them even harder to trace and control.

For all the grim warning signs, there is as yet no proof that PCBs at present low levels are harmful to humans. Most scientists, and critics like Congressman Ryan, however, feel that the safest course is to treat PCBs just as though they were the most potent of pollutants, until tests determine exactly what the long-term effects may be.

[From Newsweek magazine, Oct. 11, 1971]

THE PCB CRISIS

For the past several years, the pesticide DDT has been Public Environmental Enemy No. 1. It has been blamed for the decimation of a score of bird species, suspected of causing cancer in humans, and damned for disrupting the balance of nature. But now it appears that some of this damage may actually have been inflicted by a class of liquid chemical look-alikes that are used in a variety of consumer goods and industrial processes: these are polychlorinated biphenyls, or PCB as they are known collectively.

PCB has an amazingly wide range of industrial uses. Manufacturers of inks and pesticides use it as a solvent or additive, producers of sealants use it to make their product less brittle; because the compound can withstand very high temperatures, it is also used as a coolant in industrial transformers. Other products whose manufacturing process make use of PCB include automobile tires, brake linings and paints.

Recently, because of the current interest in recycling waste products, the compound has been showing up in increasing amounts in cardboard packages made from discarded paper and other printed matter whose inks presumably used PCB as a solvent. Already, U.S. Food and Drug Administration investigators have found PCB in 36 to 60 sampled boxes containing such diverse foodstuffs as breakfast cereals, crackers and bread crumbs, macaroni and noodles, snack chips, chocolate, cocoa and dried-milk products.

The chemical has also been found in commercial poultry and wildlife; in the past three months, some 50,000 turkeys, 80,000 chickens and 60,000 eggs have had to be destroyed because they contained PCB levels far in excess of the federally allowable standard of 5 parts per million. In Michigan, tourist and sports-industry entrepreneurs are concerned that the six to seventeen parts per million of PCB being found in Coho salmon may discourage people from coming to that state—and spending money in quest of the fish. In California, investigators claim to have found a correlation between high levels of PCB in adult female sea lions and aborted fetuses; about 1,000 aborted pups have washed up on California shores over the last two years.

Interestingly, PCB is not a wonder chemical of the postwar chemical boom. The odorless, colorless and virtually nonflammable chemical was first identified in 1881 and has been mass-produced by the Monsanto Co. in the U.S. since the 1930s (it is also manufactured in large quantities in four other nations—France, Germany, Japan and the Soviet Union).

SAMPLES

Then in 1966, Swedish chemist Sören Jensen used a gas chromatograph (an instrument that can separate complex chemicals into constituent parts) and made the first identifications of PCB in tissue samples of fish and birds and in human hair. Two years later, five Japanese died after eating food cooked in an oil heavily laced with PCB, and in 1970, after 146,000 New York State chickens had to be destroyed because of PCB contamination, scientists began taking another look at the substances. "It's possible," says Dr. Milton Friend, a research biologist at the U.S. Fisheries and Wildlife Center in Denver, "that much of the environmental contamination once attributed to DDT has actually been caused by PCB, or PCB in combination with DDT." He was quick to add, however, that DDT remains definitely on the list of dangerous contaminants.

For the moment, the FDA said, there is no indication that PCB in the containers is contaminating the contents. The FDA thinks that probably the only way humans could be afflicted by the chemical would be by consuming inordinately large quantities of animal or vegetable products that had somehow absorbed PCB through their own food chains. The 80,000 chickens destroyed a few weeks ago, for instance, got their PCB from contaminated fish meal.

Inevitably, the emergence of PCB as a new source of hazardous pollution made for some headlines, but the FDA seemed to feel that the crisis was minimal. "Public confusion has created public alarm and a feeling of still another crisis in the food supply," said FDA administrator Dr. Charles Edwards. "I know the confusion is unnecessary and I believe the alarm is greater than the facts will justify."

But by no means everyone agreed with this assessment. "Unfortunately," said Rep. William F. Ryan, Democrat of New York, in introducing a bill that would ban PCB, "the FDA seems to be more concerned about the image of American industry than the level of public knowledge of its food supply." Meanwhile, a number of scientists made it clear that they are worried about both the short- and long-term effects of PCB. They point out that large doses of the chemical can be fatal and that lesser amounts are known to result in acne, impaired vision, abdominal pains and liver ailments. Laboratory tests with animals have also given rise to fears of genetic defects in future generations.

DOVES

In one experiment conducted with ring doves, Cornell University scientists discovered an unusually high rate of embryonic deaths in the second generation of birds raised from a colony of PCB-fed doves. And in another experiment carried out by the U.S. Fisheries' Milton Friend and Dr. Daniel O. Trainer, dean of the University of Wisconsin's College of Natural Resources, ducklings were given food containing varying amounts of PCB. When later exposed to duck hepatitis, the PCB-fed ducklings had mortality rates three to five times greater than a control group of PCB-free ducklings. The researchers concluded that the sub-lethal doses of PCB sharply reduced the ducklings' natural body defensive mechanisms against disease.

For its part, Monsanto says it has discontinued sales of PCB to users for whom suitable substitutes could be found. But for some heavy-duty industrial applications (notably as an insulator in capacitors), no alternate compounds have proved satisfactory, and so PCB continues to be used. As a result, public confusion and apprehension about the compound seems likely to continue. At one point last week, Edwards and other FDA officials insisted that an outright ban on PCB would not be feasible.

They then were startled when told by reporters that a voluntary ban has been in force in England since March. "I hate to say this," said one FDA scientist later in private, "but PCB is everywhere. And we really don't know if we should—or should not—be alarmed."

THIEU'S PRIMER ON ELECTION-RIGGING

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. RANGEL. Mr. Speaker, South Vietnamese President Nguyen Van Thieu has, as expected, won a landslide victory in his one-man pseudo-democratic race for reelection.

The results were never in doubt. Despite the clumsy attempts of the U.S. Embassy in Saigon to persuade two other South Vietnamese leaders to play the role of sacrificial lambs in a farcical campaign, Thieu's triumph was no surprise.

Thieu has failed to act decisively to stop the flow of heroin to American servicemen stationed in Southeast Asia. Some of his top military officials and governmental supporters have become rich through their unrestricted drug-trafficking activity while Thieu has made no attempt to punish them.

Thieu has been too busy plotting his reelection to bother with cracking down on his friends who are murdering American GI's with drugs. Now, with the help of Gen. Duong Van Minh and the Indochina Resource Center, we know exactly how Thieu has arranged his electoral victory.

His top-secret "Instructions for Presidential Election Campaign Strategy" were reprinted in the September 15 issue of the Indochina Chronicle. I strongly urge any of my colleagues who still believe that Americans are dying to protect a democracy in Saigon to read the Thieu primer on election-rigging.

The article follows:

INSTRUCTIONS FOR PRESIDENTIAL ELECTION CAMPAIGN STRATEGY "TOP SECRET"

HOW TO RIG AN ELECTION

On August 12, 1971 General Duong Van Minh turned over to the American Charge d'Affairs in Saigon a copy of a document said to have been sent by President Nguyen Van Thieu to all province chiefs in South Viet-Nam. Gen. Minh subsequently provided copies to other individuals and organizations when on August 20th he withdrew from the presidential race.

Entitled "Instructions for Presidential Election Campaign Strategy," the document is a simple, direct manual on how to employ the entire South Vietnamese governmental and military apparatus to absolutely insure a victory for Thieu. On the basis of both external and internal evidence, we believe the document to be genuine, although it is probable the initiative for circulation came from a subordinate rather than from the much more byzantine Pres. Thieu himself.

The document without a question demonstrates how the Thieu regime, having failed totally in four years to develop an effective political party, has had to depend entirely on the official hierarchy to keep their man in power. Some U.S. officials and news commentators blandly equate this with normal machine politics in America, *a la* Mayor Daley. While admittedly there are some interesting parallels, we thought people might like to read a translation of the document for themselves, and make their own judgments. In particular, one may note a difference in the degree and obviousness of brute force and coercion employed, not to mention the fact that Thieu is relying on guns, money, personnel and ingenuity that is specifically *foreign*, not domestic in origin.

INSTRUCTIONS FOR PRESIDENTIAL ELECTION CAMPAIGN STRATEGY

TOP SECRET

These instructions are for the use of province chiefs in making election campaign strategy in their own province.

The strategy is two parts:

1. *The legal aspect* which consists of lawful means such as the use of tracts, posters, meetings, radio and television broadcasts, etc. . . The Central Campaign Committee will give specific instructions to the representatives of the Presidential Slate in each province. The role of province chiefs is to support these provincial representatives of the Presidential Slate to provide the necessary means to achieve their goals and to see to it that they follow the instructions strictly.

2. *The secret aspect* which consists of secret means within the different sections of the population, including religious, military, montagnard groups, etc. . . aiming at winning the support of our side and to divide and paralyze the opposition.

The following strategies will determine the outcome of the elections and province chiefs are to carry them out by themselves. The basic principles are:

To prepare carefully for the election campaign

To set up concrete strategies

To organize scientifically

To select the cadres carefully

To use cadres intelligently

To control tightly

Working on these instructions and on the local situation, province chiefs should:

a. Analyze the situation and find out the political tendency of each voter

b. Set up a campaign strategy for their own province

c. Determine the number of votes we have to obtain

d. Organize the campaign and appoint personnel in operating the campaign

e. Estimate the cost of the campaign

f. Set up a time-table for the campaign activities

Part one: To analyze the Situation and to Find Out the Political Tendency of Each Voter

A. GENERAL INSTRUCTIONS

1. The province strategy committee will be responsible for this mission instead of the Province Executive Chamber as in usual cases.

2. The analysis of the present situation of the province should be based on the outcome of the recent elections of half the Senate and of the Province Municipal Council.

3. Attention to be focussed on the outcome of the recent elections of half the Senate by the processes of studying each ballot box in order to find out the political tendency of voters in each hamlet and village. From the level of hamlets, this will go to the level of districts and finally to the level of provinces. The result of this analysis should be reported to Saigon before the end of May 1971.

B. NOTES CONCERNING THE ANALYSIS

1. All political groupings which have a known position and whose members follow instructions from their superiors should be tabulated in their respective religious and ethnic groups. The rest of the voters including civilians, militaries and civil servants who have no political affiliation and who may not follow the advice of their superiors in voting will be tabulated as "independent voters."

2. The leader of the local strategy committee will be the head of the local party or community chapter, such as secretary of the province party chapter, the Rev. Father head of the diocese, etc. . . . In the case where these personalities are only figureheads, real leaders should be approached to take care of the mission.

3. We need to know the number of voters only in three categories: 1) Those who support us; 2) Those who do not have a stand; and 3) Those who oppose us.

C. THE DETAILED ANALYSIS OF THE SITUATION IN HAMLETS AND VILLAGES

The work should be divided in two phases:

Phase I: To be achieved before the deadline of June 30, 1971: the report on the mere number of voters of each hamlet and village, classified as indicated above, and based on the analysis of each ballot-box during the recent Senate elections.

Phase II: (From July 1, 1971 to July 15, 1971) Under the guidance of district and inter-village cadres, and under the direction of the district chiefs, campaign workers of the hamlets and villages will have to supply us with the analysis of voters, not in mere numbers, but giving the names and surnames of voters. Each campaign worker has to take charge of from 300 to 400 voters, have in his hands names of these voters and the number of their voting cards—all of them classified in the three categories mentioned i.e. 1) supporting us 2) not having a stand and 3) opposing us, and with their religious, political and ethnic groupings indicated. The purposes of this analysis is:

To know clearly the political tendency of each voter

To show campaign workers where to attack

To control the degree of effectiveness of each campaign worker

Part Two: To Set Up Concrete Strategies

Province chiefs will personally set up secret campaign strategies aiming at persuading political, religious, military and civilian groups to vote for us and to paralyze the activities of the opposition slates.

Province chiefs and the Special Local Strategy Committee will set up detailed strategies to be applied to each village, district and organization, etc . . . based on the following instructions:

A. HOW TO WIN VOTERS

1. *Strengthen the sympathizing forces by:*

Giving them aid

Preventing the infiltration of opposition elements

2. *Winning the non-committed voters:* strategies have to aim at specific organizations, villages, districts in a very concrete and detailed manner.

3. *Dividing and paralyzing the opposition:* Analyze all opposition organizations:

Find out who their leaders are

What their vulnerable points are at district and village level

Discover which means can divide and paralyze the opposition forces at the district and village levels

For instance: is it possible to infiltrate into these opposition organizations in order to sow doubt and to divide them?

Is it possible to buy their leaders? and by what methods? detention of pro-communist elements? close surveyance of the most important leaders? removal of these leaders from their community? (Workers at the village level might be transferred to the province level, so as to prevent them from being able to work for the opposition.)

B. ORGANIZING WELL TO WIN

1. To study thoroughly the location of the polling booths, the personnel in charge of the polls, the methods of operating the polls, and to train personnel in charge of the polls.

2. To survey the activities of the opposition in order to be able to cope with them.

Part three: Determine the Number of Votes We Have To Obtain.

Based on the number of voters who went to the polls during the recent half-the-Senate elections and on the number of new refugees, if there are any, you should be able to establish the percentage and the number of votes we have to obtain.

These votes comprise those which will be cast: 1) by our supporters; 2) by the uncommitted voters we shall persuade to vote for us and the votes we shall obtain from elements in the opposition. The percentage and number of votes we have to obtain will be established from the village level to the province level.

Part four: Organize the Campaign and Appoint Personnel To Operate It.

A. *The Province Direction Committee* consists of three elements:

1. *The Supporting System:* Province chiefs will be responsible for this. A Special Strategy Committee will be established immediately after the receipt of these instructions.

a. The role of the Special Strategy Committee is to:

Make the analysis of the political tendency of voters from the village level to the district and province level

Organize official and secret networks

Watch the developments concerning the elections in both the supporting and opposing forces

Set up projects and tactics

Supervise and control the whole campaign system

b. Members of the Special Strategy Committee should be selected among able military and civil servants who are serving in the provincial government, in police departments, in military police departments, in the intelligence service, and in Operation Phoenix Campaign, etc. . . Absolute secrecy should be observed concerning both documents and activities.

c. The supporting work at the district level will be taken care of by district chiefs, and the village level by village chiefs (in the case where the village chief is not loyal to us, another member of the village council will be selected).

2. *The Secret System:* The provincial associate representative of our slate will be responsible for this. If he is judged not to be effective, an able military or civil servant should be asked to do the job. He must have relations with political, religious and military groups in order to be able to carry on the duty.

Affiliated to this secret system are special cadres described as follows:

a. *The person in charge of the regular armed forces* should be the commander of the local military unit. He is assisted by his political warfare officer. They have to organize up to the level of the battalion in which all unit commanders and political warfare officers have to be involved.

b. *The person in charge of the civil guards and militia units* should be the military Deputy of the province chief. He must be in charge of the civil guards and militia units affiliated with his Platoon. The campaign includes commanders of all militia units up to the level of the platoon. The chief of the platoon will determine the number of votes that must be won for each unit.

c. *The person in charge of political, re-*

ligious and civilian groups should be a capable civil servant, such as the office Head-Secretary of the Province. The basic condition in his loyalty to us.

d. *The person in charge of bureaux and departments* will be the heads of these bureaux and departments if they are loyal to us. If not, a powerful member of the staff of these bureaux will be selected to do the job.

Special attention should be focussed on the national police forces, rural development forces, Information officers and elementary teachers. The principle to be followed in operating this secret network is that the persons in charge of the secret system in one branch should not know their counterparts in other branches.

3. *The Legal System*: The province representative of the Slate will be responsible for this. His role is:

To represent the candidates at the local election campaign committee and to the people

To be the spokesman of the candidates at the province capital

To perform the lawful actions of election campaign: distributing posters and leaflets, broadcasting and speaking to the electorate

To train campaign workers and supervise their work at the hamlet, village and district levels

To discuss and denounce to the government violations by the opposition slates of the election laws

The Central Strategy Committee will supply you with documents and methods.

B. *The campaign at the district level:* Cadres and workers for our slate at all levels have to work both in the legal system and in the secret system. The secret system is most important. They have to contact voters to persuade them to vote for us and to paralyze all activities of the opposition. The District Chiefs will have to superintend all our workers and cadres. They are responsible for our reaching the number of votes which we have to obtain.

Each district will have an official District Campaign Manager. He is there, but the District Chief should do all the work in his name because there are things that officially a District Chief cannot do in his own name. The district cadres are also in charge of the work in the inter-village organizations. There may be from 3 to 6 cadres, each taking care of 3 or 4 inter-village organizations. These cadres will receive orders from the District Chief and work within the framework of the inter-village organization of which he is responsible. All these cadres and workers form the District Strategy Committee under the direction of the District Chief.

C. *Campaign workers at the village level:* work at this level is most important as it determines the degree of our success. For that reason Province and District Chiefs should give workers very specific instructions, strategies, guidance and supervision. Our workers will have to do the job both legally and secretly in order to win votes by any means possible.

Note: In Provinces where there is a City, only one Strategy Committee is established for both the City and the Province.

D. *Criteria for the Selection of Personnel:*

1. Workers who are in the campaign committees:

a. *The representatives of the Slate:* The Representative of the Slate and his Deputy should fulfill the following conditions:

Not being a candidate for the Lower House

Not having an evident political affiliation

Not being vulnerable to attacks by the opposition

Having the courage and the imagination to act (avoid ex-civil servants)

Supporting without reserve our Slate

Not having direct contact with the opposition

They are to be selected among members of the Province Municipal Council, respectable citizens, civil or military servants. In areas where a majority of the voters belong to religious communities of which leaders are our sympathizers, let us select the official religious leader of the area (for instance, the Cao Dai at Tay Ninh Province, the Hoa Hao at Long Xuyen Province).

The Deputy Representative should be selected among the younger ones who have imagination and loyalty so that he may help the Province Chief in the Secret network. However in an area where minority ethnic groups are important, their representatives should be selected for this job.

In Provinces where Province Chiefs assume the role of Mayor of the City, the Representative of the Slate and his Deputy will be in charge of both the Province and the City.

b. *The campaign Manager in charge of the district level.* We should select the member of the municipal Council that was chosen with the highest number of votes, or a respected citizen in the District. Avoid using a civil servant or a military man, because he will be described as being used and paid by the government budget to work for us.

c. *District cadres in charge of inter-village communities.* They are to be selected among military commanders, Information Service Officers, heads of National Police Forces or Military Police Chiefs, etc. . . . in other words, those who have been in permanent contact with the villages and who have authority over the village officers.

d. *The heads of workers at the village level.* The Chairman of the village Council, the village Chief, a respected member of the village Council or the deputy Chief of the village in charge of security will be selected for this job. In other words, the person has to possess authority.

e. *Workers in the villages.* We must have in each hamlet at least one worker who takes charge of about 300 voters with sure knowledge of their names. The worker is to be selected among: the head of the hamlet, the head of the Civil Guards, the cadre for Rural Development, the hamlet military Officer, the school teacher.

E. *The work carried out in other National Ministries.* Civil servants and military servants could be used to work in either the legal system or the secret system.

Example:

1. *The Ministry for Information.* The National Radio may frequently broadcast news bulletins and commentaries aiming at the arguments of our opponents who advocate "Peace Now" etc. . . . at creating hatred and fear vis-a-vis Communist atrocities, by telling people about the results of the Pacification Program, of social reform, etc. . . . and by answering questions people ask these days concerning the economic situation. The Ministry may help financially with the publication of books, magazines and brochures by organizations which are doing the things stated above.

2. *The Ministry of Rural Development:* The cadres for Rural Development can be used to distribute leaflets, posters, to listen and to watch the people, to create obstacles for the opposition and to examine voters at the polls. However a number of Rural Development cadres should be warned of their being unpopular to the peasants.

3. *The Ministry of Defense.* Village officers and militiamen should be used to the full because they are closest to the people who are illiterate and who are not politically mature.

Part five: Estimate the Cost of the Campaign

A. *Financial Support* (will be determined and supplied by the Central Strategy Committee).

B. *Supplies of personnel and means:* The role of Provincial Chiefs is:

To secretly appoint civil and military servants to work for the campaign

To use political warfare cadres in distributing leaflets, sticking up posters at military units and military family camps

To provide the local representatives of the Slate: one typist, two drivers, one clerk, and four security men guarding the office.

To provide the local representative office of the Slate with cars, telephone, typewriters, mimeograph machines and stationery.

C. MORAL SUPPORT

1. To deal expeditiously with a number of complaints of injustice and to punish a number of corrupt civil servants in order to create an impression favorable to the Government.

2. To give quicker service to the people. Avoid bureaucracy and suppression.

3. To initiate rapidly a number of social services such as digging of wells, road repairs, etc. . . . in order to impress people. Besides the means provided by the Government, civilian organizations should be encouraged to help.

The Central Strategy Committee will supply local committees with means to implement the program. Please send us your project and estimate of costs. We need a clear and concrete time-table.

Part six: Set up a time-table for the campaign activities:

1. A Special Strategy Committee should be formed upon receipt of these instructions.

2. The analysis of the situation of voters and the local campaign Strategy Committee should reach us before June 30, 1971.

3. The legal and secret systems of the campaign should be ready to operate before June 30, 1971. The list of campaign managers and workers of the district, inter-village and village level should also reach us before June 30, 1971.

4. The name for the local Representative of the Slate and his Deputy should also be proposed before June 30, 1971. We shall inform you before July 15, 1971 whether their names have been accepted.

5. The study of the location of the polling booths, the selection and training of the workers at the polls should be achieved by July 15, 1971.

6. The purification of the Civil Service should be achieved before June 20, 1971.

7. The campaign network will begin to operate on August 1, 1971.

8. Reports on the campaign situation and the activities of the religious and political groups and by senators, deputies and others should be sent to us monthly.

9. Reports on the progress of the Campaign should be sent twice a month to the District and Province Strategy Committee.

SPECIAL ATTENTION

1. Local governments of all level should not promise to support anyone in the coming election if they do not receive instructions to do so from the province chiefs.

2. It is forbidden to reproduce and photocopy this document by any means whatsoever.

3. This document is to be returned to us after the October 3, 1971 election.

HARTFORD CHAPTER OF UNICO NATIONAL MARKS ITS 25TH ANNIVERSARY

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. COTTER. Mr. Speaker, this coming Friday the Hartford Chapter of Unico National will mark its 25th anniversary with a celebration at the Wampanoag Country Club in West Hartford.

Over the past quarter century the

Hartford chapter has dispensed more than $30,000 in scholarships to deserving young men and women. More recently, the local chapter has expanded its scholarship program, scholarships of varying sizes to 13 young people annually. And while Unico is a service club for men of Italian birth or ancestry, the local chapter awards scholarships to young scholars of all nationalities and has made particular efforts to select deserving black and Puerto Rican recipients.

The list of Unico's services to Greater Hartford is too lengthy to include here. Suffice it to say that the men of Unico have truly lived up to their motto, "Service Above Self."

The local chapter has much to be proud of as it looks back over the past 25 years. It has much to look forward to, as well. For the next quarter century will start with the expected election of Dr. John X. R. Basile, a Hartford neurosurgeon, as national president of Unico National.

I am sure that my colleagues will join me in wishing this outstanding service organization great success in the next quarter century.

ATTICA IS SAFER THAN WASHINGTON

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. RARICK. Mr. Speaker, the extent of the degradation rampant in our Nation's Capital—that "show place of democracy"—is constantly amazing. A man is simply not safe on the streets of Washington. There have been 206 murders in this city so far this year—a total of 31 remain unsolved. Even the Chief Justice of the Supreme Court has been conditioned to answer his door at night with "pistol in hand, not knowing what might be lurking on his steps."

What has occurred here in Washington is but prolog. It will recur with increasing terror in the cities of this country unless something is done to free our police and let them do their job unencumbered by judicial decisions that hinder their every move, giving the known criminal virtually free rein to attack the society that guarantees him his freedoms.

Yet while the criminal atrocities continue to increase in our Nation's Capital with little national coverage from the press, the public attention is focused on the guaranteed rights of the criminal population at Attica.

I ask that a series of related news articles be inserted in the Record at this point.

The articles follow:

[From the Evening Star, Oct. 4, 1971]

Police Push On Slayings

An autopsy has shown that Linda Ammidown, 47, one of three slaying victims here Friday, was raped and was shot twice in the skull, police said today.

A determination of whether 12-year-old Nenomoshia Yates was raped will be made by a Baltimore medical examiner today.

District police announced this morning that more than 50 detectives will work in three task forces day and night on the Ammidown and Yates cases and on the stab-slaying of Ritchie H. Reed, 30, in the New Executive Office Building a few steps from the White House.

The three deaths Friday swell the total of unsolved District killings to 31. There have been 206 murders here this year, compared with 170 at the same time last year, police said.

Deputy Chief Mahlon Pitts, head of the Criminal Investigation Division said each of the 7 police districts in the city has released three of its detectives to work on the Friday cases. Three unspecified "specialists" will also report to the Homicide Squad today. All days off on the squad have been canceled.

Pitts said, "Just about every available investigator is to concentrate on these three cases at this time." Asst. Chief George Donahue, himself a former Homicide Squad detective, has offered the resources of the whole department to Pitts, police said.

There have been no arrests, and in an unusual move police did not broadcast "lookouts" or descriptions of suspects sought in the investigations. Significant leads have developed in at least two of the cases, police said today.

HUSBAND WENT FOR HELP

Mrs. Ammidown, a government worker who was dining out with her husband Friday evening at a Southwest Washington restaurant, the Flagship, was found slain and raped under the East Capitol Street Bridge.

She and her husband had been forced at gunpoint to their parked car after leaving the restaurant at 8:15 p.m. and their lone assailant made the couple drive across the bridge and then under it. The intruder then took Mrs. Ammidown from the car, raped and killed her, police said. The husband, unharmed, drove to seek help.

Richie Reed of Cheverly, Md., was about to join his wife Friday at 4 p.m. for a weekend camping trip when he was accosted by an assailant in the fifth floor washroom of the new federal office building, where he worked as an economist for the Commission on Population Growth and the American Future.

After a struggle that police said left the washroom smeared with blood, Reed died of numerous stab wounds. The body was found minutes after the attack, and Reed's wallet was missing. Reed's killer apparently walked past Executive Protection Service guards who were stationed at the building's entrance.

Nenomoshia Yates, of the 4900 block of Benning Road, had been sent to her neighborhood Safeway store at 7:30 p.m. by her father, a construction worker. She never returned, and by the time the family grew anxious, her body had been found, without visible marks, alongside Pennsylvania Avenue extended, three-tenths of a mile on the Maryland side of the District line.

D.C. and Maryland police were working today in conjunction on the Yates case, which is similar to other recent cases involving young girls whose bodies have been dumped near major highways.

[From the Manchester Union Leader, July 24, 1971]

Chief Justice at Bay

When the Chief Justice of the United States feels so insecure in Washington, D.C., that he greets reporters who call at his door in the evening with a loaded gun in his hands, this tells us more about conditions in our nation's capital than 10,000 words on the subject. It is certainly ironical that it is previous decisions of the same Supreme Court over which Chief Justice Burger now presides that are in large part responsible for the increase of crime in this nation.

At the top of our back page today we reprint a column from the Hampton Union entitled "The Big Wheels." This column gives not only an account of Chief Burger's gun toting but describes also two terrible events which recently happened, one of them, incidentally, while this writer was in Washington.

The rape and murder of the young woman took place not in some slum area of Washington, but instead in the parking lot of one of the best eating places in Washington. The murder of the naval officer and his son took place on a much traveled and well known public highway.

Sentimental judges and juries who have more sympathy for the wrong-doer than the victim, and the philosophy that it is not the criminal but society which is in the wrong, all have contributed to the freedom from fear which criminals in the United States now feel and this, of course, has led to increased crime.

This newspaper repeats, when the Chief Justice of the United States feels so unsafe in his own home that he has to come to the door with a gun in his hands, it is time for a change—and a mighty big change.

William Loeb,
Publisher.

[From the Manchester Union Leader, July 24, 1971]

Columnist Writes About Life in the Nation's Capital: Rape, Murder, and the Armed Chief Justice

(By A. Spokesman)

Hogate's is one of the famous restaurants in Washington. It is on Maine Avenue which runs along the Potomac River just a few blocks from the White House and the Capitol.

On a recent evening a couple married only two years and in their 20s finished dinner and left the restaurant for its parking lot to ride home in their car.

Only a few paces from the door they were accosted by two men, one of whom put a gun to the couple. The young man and his wife were forced into their auto and forced to drive a short distance to an alley. There the young wife was brutally raped repeatedly, and murdered. The young husband had been bound and forced to witness this heinous crime.

A few evenings later a Naval Commander took his wife and children to see the fireworks on the Washington Monument grounds. Enroute home in their station wagon, the Commander was needlessly harassed by a tail-gating vehicle carrying several persons, including one female. As the Commander's wagon approached a traffic light the other vehicle sped around it and drew up sharply in front of it. The Commander got out of his car to protest the actions of these devils and was immediately pounced upon. His 16-year-old son ran to the rescue whereupon one of the hoodlums drew a pistol and killed the Commander and his boy in cold blood.

On another recent evening two newspaper reporters knocked at the door of one Warren Burger, Chief Justice of the Supreme Court of the United States of America. The Chief Justice opened the door cautiously with pistol in hand, not knowing what might be lurking on his steps. As awful as are the foregoing facts, they relate the times as they are in the city which is the home of our federal government.

You can't tell us such a condition is necessary if the people who run that government—all of them—were all doing their job. And if the leaders of government were truly marshalling the decent citizens of the land to do away with permissiveness and tolerance of wrong and lenience of punishment.

Samuel Leibowitz was a tough New York judge for some 30 years. He protected the innocent but meted out severe punishment to the scum guilty of crimes against public safety and public order.

The other night retired Judge Leibowitz

was on the Dave Susskind show. He called for a return to respect for parents, and to fear of God, and to effective punishment of the guilty.

It's too bad New York can't return the Judge to the bench. It's too bad the City of Washington and the 50 states don't have many judges like Leibowitz.

DUTIES ON U.S. CARS IN EUROPE ADD MORE THAN 30 PERCENT TO PRICE

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. CHAMBERLAIN. Mr. Speaker, in recent days our Government has come under increasing pressure to rescind the 10 percent surcharge on imports imposed by President Nixon on August 15. There are those who would have us believe that President Nixon's action is highly discriminatory against foreign goods, particularly automobiles. With regard to the automotive trade, the facts, however, are quite the opposite. Too often overlooked are the incredibly high tax and tariff barriers that have been imposed for years against the sale of American cars in foreign countries. In his syndicated Los Angeles Times column, appearing in the State Journal of Lansing, Mich., October 2, 1971, Robert S. Elegant gives some of the shocking facts and figures about the nature and extent of this undesirable as well as unjustifiable discrimination, and I commend it to the attention of my colleagues:

DUTIES ON U.S. CARS IN EUROPE ADD MORE THAN 30 PERCENT TO PRICE

(By Robert S. Elegant)

MUNICH.—"Why," asked Munich's leading Chrysler dealer, "Do you want an American Chrysler? Why not a nice French Chrysler-Simca?"

"There is a difference," I replied.

"Not at all," Herr Gruber said. "It's the same car—only smaller."

Considering the six Common Market countries demand that the United States cancel its emergency 10 per cent duty on imports. I was looking into duties, availability, and prices of American automobiles in Europe. Foreign automobiles are, after all, chief among imports affected.

ODIOUS COMPARISON

Comparison turned out to be odious indeed—as indicated by the rest of the conversation. "But, I want an American car."

Gruber (reluctantly): "I suppose I could get you a Chrysler for about 30,000 marks ($8,955).

"What kind of Chrysler?"

Gruber: "A Chrysler is a Chrysler."

"Not necessarily. Can't you gime some more details of a car that costs 30,000 marks."

Gruber: "Well, it could be a Dodge or something like that. Anyway, we couldn't deliver before next spring. But I can let you have a Simca right away."

General Motors and Ford dealers were more responsive, The earliest delivery possible was, however, three to four months later. In fairness, it might be noted that delivery of some more expensive European makes also takes a while.

NOT IMPORTED

Still, Herr Baumgarten of GM set the tone when I asked about the Vegas. He laughed: "That is a really comical little auto. Small, like our Volkswagen and, anyway, absolutely not imported."

One note before attempting to map the labyrinth of duties and taxes imposed on American cars: Ford's Pinto is also totally unavailable. Companies are obviously not anxious to import smaller vehicles which fit European conditions and pocketbooks. They might compete with the same firm's local products.

It would, in any event, be almost impossible to sell them at competitive prices. Extensive discussion with dealers and customs generated as much confusion as information. They did yield one conclusion: total duty is somewhere between 30 and 33⅓ per cent compared to the 10 per cent American duty against which Europeans rail.

Varying duties are, incidentally, supplied to almost every American import from socks to computers. They are rarely below 10 per cent and, usually, much higher.

ACTUAL PRICES

Therefore these prices for American automobiles—when available: Mustang—$8,060, Lincoln Continental—$19,105, Cadillac Fleetwood—$16,090, and Oldsmobile (model unspecified)—$11,900. (For comparison, Mercedes 280 SE—$6,444.

About 40 per cent of the price of U.S. cars is duties and excise taxes.

Although the details might puzzle teams of cost accountants, duties about one-third the total cost, break down this way. Tariff on the automobile and shipping cost paid at any Common Market port of entry: 13.2 per cent. German "import duty" on the total cost of the car, including tariff and additional freight and delivery costs: 11 per cent. Since that 11 per cent applies to freight, delivery, and tariff, the total is nearer 30 per cent of the original cost than the 24.2 per cent simple addition yields.

Subsequently, an 11 per cent excise ("added value") tax is levied on the total cost of the car, including original tariff and import duty. If you're still following and we're going in the right direction, that means an additional 3⅓ per cent of their original value and shipping costs.

CONVERSION COSTS

In addition, there's the cost of converting American models to German standards: $240 to $900, depending on the car. Because European manufacturers—unlike American manufacturers—produce specifically for foreign markets, those costs don't apply to your Volkswagen or Mercedes. But that, at least, is not the Common Market's fault.

There is one small note of cheer for Europeans who buy American cars despite their high gasoline consumption—as do many Swiss, living outside Common Market barriers.

"Maybe next year," said Herr Baumgarten, "the cost will be lower because of the dollar devaluation."

He sounded neither optimistic nor enthusiastic about selling more American cars. After all, the tariffs will remain.

PRESIDENT NIXON IS KEEPING HIS WORD

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. McCLORY. Mr. Speaker, last week the President of the United States withdrew an additional 1,400 soldiers from Vietnam.

On January 20, 1969, there were 532,500 Americans enduring the perils of an Asian war. Today, there are 212,500 Americans in Vietnam who are planning to come home.

Mr. Speaker, President Nixon is keeping his word.

THE NORTHERN IRELAND SITUATION: A REPORT, NO. 9

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. BIAGGI. Mr. Speaker, in my continuing series on the Northern Ireland situation, I have included statements from the Ardoyne Relief Committee on the problems experienced by the oppressed minority in that province. Today I would like to provide a little more information on this group of dedicated Irishmen who are trying to hold together what is left of their community.

The problems in Northern Ireland cry out for solution. As the leading nation in the free world, we must protest the trampling of human rights that daily occurs in that beleaguered province. What right has a nation to ignore the basic needs of a segment of its population? What right has an army to destroy the will and the life of a people? What right have we to stand by while such affronts to basic human rights and dignity continue?

THE ARDOYNE RELIEF COMMITTEE

On August 9, as a result of an incredible act of arson, 230 houses in the Ardoyne area were burned down, 180 families found themselves homeless, and desperate little groups of people who had been unable to salvage even the smallest of personal possessions, roamed the streets seeking shelter, of any kind.

The Ardoyne Relief Committee, based at Holy Cross Boys' School, operating on a shoestring and receiving only reluctant and minimal recognition from the local authorities, at once went into action and attempted in some measure to alleviate the sufferings of the homeless.

The refugees were taken to the Holy Cross School and provided with food and blankets, while members of the Committee and other volunteers foraged throughout the city for food and clothing.

The generous response of people in some of the most deprived areas of the city was as moving as it was expected.

A large number of Ardoyne children were taken to Carrickmore where the people involved have done, and are doing a magnificent job.

On August 10, a body of volunteers with building experience approached the Ardoyne Relief Committee and offered their services.

Since that date, these volunteers have been repairing those houses still left standing. They have made over 70 houses as habitable as possible under the circumstances—replacing toilets, electric switches, cookers and other essentials.

The Ardoyne Relief Committee was originally formed in 1969 and though the membership Committee has changed from time to time, its function and intentions has remained unaltered. All workers are unpaid volunteers, dedicated to relieving the distressed and suffering of people who, in these troubled times, find themselves in a walking nightmare.

The Relief Committee have never before faced such an enormous task. Any donation no matter how small will be gratefully received. Donations should be sent to: The Relief Committee; Holy Cross School, Butler Street, Belfast, N. Ireland: or The Ardoyne Relief Committees account at the Belfast Savings Bank.

DETAILS OF DESTRUCTION OF PROPERTY IN PARISH

Total number houses	*Burnt out*
(A) Cranbrook Gardens:	
105	44
(B) Farrington Gardens:	
119	80
(C) Velsheda Park:	
114	68
338	192

(A) *Farrington Gardens.* A street containing 119 Terrence Houses, 80 were completely gutted.

(B) *Velsheda Park.* Similarly affected 114 houses, 68 completely destroyed.

(C) *Cranbrook Gardens.* Again a case of repetition similar took place, of 105 houses 68 suffered the same fate.

The loss in value of property and personal possessions could be estimated in the region of ½ million pounds.

The cost of restoration must be considerably higher but things such as years of hard work building up a home. Articles of sentimental value and the mental torture can never be replaced or repaired in any amount of money.

DETAILS OF REGARDING RESTORATION WORK

Of the total 338 houses we have been left with 146 houses only 20 of which did not need repairs. The remainder have been practically wrecked in an attempt to make the houses habitable. Leaving us with a repair bill of a conservative estimate of £7,000 for materials as all work labour is voluntary.

Negotiations are at present are being held by governmental departments to have the completely gutted houses restored to their former condition but as houses are in short supply—time is of the essence.

If the committee consider that "Red Tape" is going to hinder them in their efforts to have these houses restored within a resonable period of time, they will have no hesitation in undertaken the task themselves. It is inperative to have the families presently housed in the Relief Centre rehoused in suitable accommodation, in order to enable the school to reopen for the education of the children in the area.

THE HONORABLE JAMES S. GOLDEN

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. PERKINS. Mr. Speaker, the death of James S. Golden on September 6 leaves Kentucky a poorer place, because he was surely one of our State's distinguished sons.

Jim Golden and I were elected to Congress on the same day back in 1948, and took our seats together on January 3, 1949.

Coming as we both did from the eastern or Appalachian end of our State, we worked closely together on the problems common to the people of both of our districts. He was a fairminded man, and a hard worker for his district. And he was widely respected in this House. Jim retired voluntarily in 1954, and resumed his law practice back home in his native district.

Jim Golden was only a few days short of 80 when he passed away last month. He could look back on a truly distinguished career as a county official, as a Member of Congress, and as an outstanding lawyer.

I am glad to have had him as a friend, and deeply regret his passing. Kentucky and the Nation must mourn a notable son.

WHAT HAPPENS WHEN A HERO ROCKS THE BOAT

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. ROSTENKOWSKI. Mr. Speaker, as U.S. involvement in Vietnam trudges into its second decade, we see all around us reminders of what this tragic mistake has done to the morale of our country, both at home and abroad. Since 1961, this war has cost us over $200 billion—at a rate of almost $3 million an hour, every hour of the day, every day of the week.

It has produced over 54,000 American casualties and has maimed over 300,000 American boys; boys whose suffering has only just begun.

This gruesome litany of statistics could go on and on, but there is no need, for the point they make is clear. This war is taking the finest resources of our country and yielding us nothing positive in return.

Another casualty of the conflict in Southeast Asia which is not so easy to document, not so easy to measure, has been the significant drop in the morale of our Armed Forces. For in no time in our history have our own soldiers been so disillusioned and so disenchanted with their role of American fighting men as are our soldiers returning from Vietnam.

Mr. Speaker, recently an article in the Chicago Tribune was brought to my attention which vividly describes the problems of morale in today's Army. I insert it at this point in the RECORD for my colleagues' attention.

The article follows:

WHAT HAPPENS WHEN A HERO ROCKS THE BOAT

(By James T. Wooten)

In 1952, the United States Army decided that United Nations countries involved in the Korean police action might enjoy a glimpse of its most decorated enlisted soldier.

He would be an American, of course—the other contingents were not surveyed—and he would be a sort of latter-day Sgt. York or Audie Murphy, reflecting all this good nation's courage and strength.

The Pentagon files were exhaustively searched and it was determined that a skinny young man from the coal fields of Pennsylvania was precisely proper for the job.

He had been a teen-age dropout volunteer in 1947 and had been eager to get involved in the Korean conflict. He had survived, won his sergeant's stripes and, in the process, picked up a Bronze Star, three Silver Stars, four Purple Hearts and a glittering collection of lesser medals and awards from our government and others.

HE WAS A HERO

The Army's public relations people were ecstatic. They had a hero—a winner—and they knew it.

He was 22 years old then, and he set off on a whirlwind tour of the world capitals that had contributed men and money and materiel to Korea and he was all the Army could have wanted.

When he came back home to the coal fields, he married the pretty girl from down the street, finished his high school requirements and went off to college.

By 1956, he was back in service with a bachelor's degree in his pocket, second lieutenant's bars on his shoulders and a white-hot urge to do something and be somebody burning in his soul.

The promotions were steady, always early by the Army standards, and over the years he became an accomplished, astute man of war.

He was a Ranger, that tough epitome of military ruggedness, and then a Ranger instructor, and then commander of all Rangers stationed in Germany. He was a Pathfinder and a Green Beret. His profession took him from Europe to Africa to Canada to the Middle East to the Dominican Republic, and with each journey came more and more responsibility.

GETS A COMBAT COMMAND

Finally, in 1968, he went to Viet Nam. In early 1969, as a lieutenant colonel and a battalion commander in one of the Army's toughest outfits, he won another Silver Star, three more Bronze Stars, two Air Medals, the Army Commendation Medal for Valor, a recommendation for the Distinguished Service Cross—all in only 58 days of combat duty.

"The guy is absolutely incredible," one of the younger officers in his battalion wrote in a letter to his wife back home. "He is the perfect warrior—a supersoldier, if I ever saw one.

A general who knew him over there called him "one of the best, if not the best combat commander in the whole Army," and in early 1969 it was generally conceded that in a few years he would be wearing a star.

They were wrong.

On April 4, 1969, he was abruptly relieved of his command by the major general who commanded the brigade in which he served. The general recommended to the Pentagon that the most decorated enlisted man in the Korean War—the mustang everybody thought was the perfect combat commander—never be allowed to command in the U.S. Army again.

Nobody ever mistakes Lt. Col. Anthony Bernard Herbert for anything other than what he always dreamed he would be: the complete military man.

When Tony Herbert went to Viet Nam he was assigned to the 173d Airborne Brigade, an outfit known in military jargon as a "hot unit."

Herbert became the acting inspector general, a job similar to the chief of detectives on a small-town police force. Waiting for a combat command, he tackled his assignments with the enthusiasm that had characterized his approach to every responsibility the Army had given him over the years.

His task was, in general terms, to make official inquiries into alleged violations of military rules and regulations by men in the 173d.

Another Viet Nam colleague believes Herbert's style as the acting I.G. of the 173d was the beginning of what Herbert now believes to be the end of his military career.

"He was an unusual breed of soldier," the friend remembers. "A rule was a rule, and he didn't screw around. When something came to his desk, he, by God, investigated it. They knew, by God, that when it came right to the crunch, old Tony would investigate them, too, right on up to the old man."

In February, 1969, he got what he wanted: a combat command of the battalion. For the next two months, he and the 500 paratroopers under his command did their best to win the war there and then, and Herbert's reputation as a leader, strategist and fighter became the talk of the brigade.

On Feb. 14, two weeks after he took over the battalion, his men and a group of South Vietnamese troops engaged in a bloody battle with the Viet Cong near the village of Cu Loi.

"It was hot from the minute we got to the L.Z. [landing zone]. We killed about two dozen, and one of the platoons cornered a bunch who surrendered. Actually, they aren't really 'prisoners,' according to the book, not even if they're in their black pajamas or carrying weapons. They're 'detainees' and before they can be called 'prisoners' they have to be interrogated and processed by intelligence. They could be anything, you know, a double agent, or something," Herbert said.

"Anyway, after the firefight, I walked up on these detainees—there were about 15 of them—and they were in the custody of an ARVN [South Vietnamese] unit and an American lieutenant.

ORDERS THEM TO STOP

"There were four dead already, and when I walked up, they had a knife at the throat of a woman. Her baby—there were several kids in the bunch—her baby was screaming and grabbing at her leg, and her other child—I don't remember if it was a boy or a girl—anyway, her other kid was being suffocated by an ARVN who was pushing its face into the sand with his foot.

"I ordered them to stop, but with me just standing there looking, they proceeded to slit the woman's throat. I asked the lieutenant what was going on and then I ordered him to get out of the area and take his ARVN with him. They left and I sent one of my sergeants with the detainees to the L.Z. I told him to get them out and back so they could be processed.

"Well, it wasn't long after he left that I heard firing in the direction he'd taken them. He came running back, yelling and mad. He told me the American lieutenant and the ARVNs had jumped him, overpowered him and killed all the detainees. I followed him and found the bodies. All of them. The children, too."

When Herbert returned to brigade headquarters later that day, he reported the incident to Lt. Col. J. Ross Franklin, the deputy commander of the 173d. It was, Herbert says, simply a matter of doing what the Army prescribed.

"I assumed that the allegations would be properly forwarded to the I.G. and that an investigation would be ordered," he remembers. "But instead, Franklin called me a liar. He said the whole thing didn't happen and that I was exaggerating. Those were to become pretty familiar words for me."

REPORTS SEVEN INCIDENTS

Herbert claims he reported seven other incidents to Franklin over the next few weeks, including those to which he was an eyewitness. The others, he says, were reported to him and passed along to the deputy commander.

"One of them involved the use of water torture on a Vietnamese man by American military intelligence personnel. What they were doing was stuffing a wet rag down the guy's throat, trying to get him to talk. I stopped it and reported it to Franklin. He told me what they were doing was a 'legitimate field interrogation technique' and he also said it was none of my business how intelligence went after its people. He said if I was so morally offended by that I ought to think about leaving.

"Not long after that, a big bunch of people were captured in a major operation. Must have been at least 75 or maybe a 100 of them, and intelligence was pretty sure there were some pretty important Viet Cong figures in the bunch.

"The ARVNs were handling them, and one afternoon an American sergeant came crying, actually crying—you ever see a sergeant cry?—and told me to come over to the compound where ARVN was holding these people. I went back with him to the fence. They had herded most of them into these metal containers the Navy uses for overseas shipping. It must have been 150 degrees inside and there was a lot of moaning and groaning from inside the containers.

ORDERED TO STAY AWAY

"But the sergeant said that wasn't what he came to get me for. He pointed to some ARVN people inside the wire and I saw they were flailing some women prisoners with bamboo rods that had been splayed at the end. That's a mean weapon. The bamboo cuts flesh like a razor. They were using it on the women's faces and hands, but there wasn't any way to stop it because the ARVNs were inside the fence—inside their own compound, you know. I guess I could have shot them. That would have stopped them.

"I went to Franklin again. Guess what? He gave me the 'decency' thing again. He said if my sense of decency was offended to just stay away from the ARVN compound. It was the same old hassle. Nothing was done. Franklin just always responded the same way. 'It's none of your business. Stay away if you're upset by that. If you're offended, maybe you ought to leave.' "

Lt. Col. J. Ross Franklin, like Herbert, was also a comer, but unlike Herbert, he had not risen thru the ranks. He was a West Point graduate "with general written all over him," one of his fellow officers says.

There were many in the 173d who believed Franklin would be the next commander of the proud outfit, succeeding Maj. Gen. John Barnes. Franklin is "in." His association with the higher brass was cordial and intimate.

Barnes was an old Viet Nam hand; before he got his star and command of the 173d, he had worked at various levels and in a variety of operations there. He was also said to be a "very close friend of President Nguyen Van Thieu."

Barnes' relationship with Herbert was less personal than his relationship with Franklin, but he was aware of Herbert's image in the brigade as a tough, shrewd combat commander.

In one document, he described Herbert as a "brilliant tactician," but sometime in early April another document arrived at brigade headquarters and moved thru to the general's desk. It was Herbert's officer's efficiency report, a kind of periodic report card on which an individual officer is evaluated. Herbert's O.E.R. had been prepared by Franklin.

EFFICIENCY REPORT IS DEVASTATING

The report was devastating for Herbert, whose official military records indicated a previous tradition of excellence and superior ratings.

Herbert, according to Franklin, had no ambition, a terrible appearance, was undependable, did not cooperate, had no integrity, moral courage, loyalty or will for self-improvement. Moreover, the report continued, he had a tendency to exaggerate and had on occasions deliberately lied as well as pitted himself against the brigade commander and his staff.

Based on those opinions, Gen. Barnes officially relieved Herbert of his battalion command and recommended that he should not be allowed to command ever again.

"It was like getting shot," Herbert says about the news that he was no longer a combat commander in the 173d. "Wham! Out of the blue. One day you are, the next you aren't."

Herbert went immediately to Saigon to contest Barnes' action on the grounds that it was arbitrary, capricious and unwarranted.

Maj. Gen. Joseph R. Russ conducted the hearing on his appeal, and as its findings were read, Herbert was elated. He was being exonerated—and within the system, by the book.

There was no question, the hearing concluded, "as to Herbert's personal bravery or leadership quality" and there was "no positive evidence presented reflecting on Herbert's loyalty."

"Some of the specifics that were told to Gen. Barnes have not been substantiated by evidence adduced in this investigation."

Herbert sighed with relief as he heard the words. It was going to be all right, he thought. There was, however, one more paragraph. In it, Gen. Russ concluded that "Gen. Barnes, as brigade commander, acted on the facts as he knew them . . ." and recommended that "no redress be granted concerning Herbert's relief from command."

No redress. It stood as it stood. "It almost blew my insides out," Herbert recalls. "It was incredible. They made the investigation, got the evidence, presented a firm case for redress and then—just like that—said no redress should be given. Unbelievable."

So, Tony Herbert came home. Twenty-one years in the Army, a chestful of medals and decorations and some deep friendships in the ranks weren't valueless, tho, he thought.

His orders were to report to the Command General Staff School at Fort Leavenworth. Maybe it was going to work out—but then the orders were inexplicably revised and he was assigned to the Third Army's recruiting office at Fort McPherson in Atlanta.

But Viet Nam gnawed at his stomach, day and night.

Barnes had been rotated to the Pentagon, and Franklin, after having taken command of a battalion in the 101st Airborne, had become a member of the prestigious Peers Commission. It was a group of senior officers, headed by Lt. Gen. William Peers and charged with investigating the alleged atrocities at My Lai in March, 1968.

Herbert began to discuss his experience with some Army lawyers at Fort McPherson. "They kept recommending that I'd better make sure those things I'd seen were investigated," he said. "It made sense to me to try to follow the book on this and clear myself."

In late 1970, he went to the Pentagon, and reported the incidents again—just as he had to Franklin. "I waited and waited and they told me the C.I.D. [Criminal Investigation Division] was working on it—but nothing happened," Herbert said. "I was threatened, cajoled and told to forget about the whole thing—and I was getting more and more frustrated."

HE PREFERS FORMAL CHARGES

Finally, on March 12, 1971, and less than a month before the expiration of the statute of limitations, Herbert preferred formal charges against Franklin and Barnes, accusing them of dereliction of duty, misprison [concealment] of a felony and failure to obey regulations.

By the time he preferred his charges, the C.I.D. was willing to admit confidentially that its investigation had confirmed that all of the incidents Herbert reported had in fact occurred.

But, at this point, the C.I.D. inquiry had not included an interview with Gen. Barnes in Washington. He responded to a reporter's questions by describing Herbert's charges as unfounded and saying that Herbert had not reported any alleged violations to him, so far as he could remember.

Franklin, still stationed in Viet Nam, has consistently declined to comment on Herbert's charges.

On the morning of April 15, Maj. Carl E. Hensley, the 56-year-old investigator who was supervising the inquiry into Herbert's charges against Barnes and Franklin, walked into a bedroom of his home in Clinton, Md., and shot himself. He left no notes.

Herbert said he had been extremely despondent about the case and that Hensley had told him he was under heavy pressure when they had met the previous month.

Now, six months after they were filed, the Army says it is still investigating Herbert's charges against Barnes. The investigation against Franklin has been dropped.

Pentagon insiders are giving odds that the other project will also be forgotten, altho a confidential source in the C.I.D. has disclosed that the incidents reported by Herbert have been verified.

"That's not much help," Herbert said not long ago. "I established that pretty quick. In fact, I don't think that was even really a legitimate question. The important issue is whether anything is going to be done about them or about the fact that senior officers who knew about them ignored them."

PREDICTS FORCED RETIREMENT

"They're going to get rid of me in February, I think," he says. "Forced retirement. A nice way of drumming you out, and I just don't understand.

"That's not true. I understand it, but I just don't want to admit that I'm being systematically screwed by the Army. I don't want to admit that. I chose the Army as the expression of my life. I gave to it, took from it, believed in it. Now this.

"But somebody has to follow through on this kind of thing. The Army has to purge itself from within of this kind of dirt. It has to be done by the book—and I'm going to keep trying to do it that way."

Last week, Lt. Col. Herbert was transferred to a new job—assistant in charge of industrial operations at Fort McPherson. He said he has been told "I'll be in charge of incinerators, trash cans, and telephones."

JAZZ ARTISTS PAY TRIBUTE TO "SATCHMO" AT KENNEDY CENTER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. RANGEL. Mr. Speaker, the spirit of Louis Armstrong came alive once again as several of America's top jazz artists paid tribute to him at the Kennedy Center on September 25.

As trumpeteer Clark Terry and bass player Milt Hilton performed "Satchmo's" theme, "Sleepy Time Down South," the music that made Louis Armstrong America's best-loved good will ambassador filled the air. Gerry Mulligan, David Amram, Bill Watrous, and Carmen Leggio then played the blues in a further salute to the "World's Greatest Trumpeter." Armstrong's long-time friend, Willis Conover, produced the memorial for the Kennedy Center's House of Sounds Festival.

Louis Armstrong will soon speak again to every corner of the globe in the international language of music that he knew so well when Conover's "Music, U.S.A." radio tribute is broadcast by the Voice of America.

"Satchmo's" voice rang loud and clear:

> Well, it's really been a ball, and I'd like to say it's really been a pleasure, and before we close, you know, say hello and so long—well, not goodbye. I had such a pleasure playing and a wonderful time in London and Africa and everywhere, so I want to just say "It's been a pleasure." And it's too bad I just can't sit here, but the time's gone, and, like we always said, "I'll see you all of a sudden." This is Louis Satchmo Armstrong getting ready to go and wail for the cats.

No, "Mr. Jazz" is not dead.

WATER PROJECT REVISITED

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. WALDIE. Mr. Speaker, next week the Governor of California will preside over a ceremony marking the first pumping of water over the Tehachapi Mountains to southern California.

This occasion is one that should be of great concern to all of the State. It would be the height of recklessness for anyone to believe that because the pumps are working the principal problems are over.

The California water project is manifestly faulty in concept and execution. There has been little in the way of proper planning to protect the estuarine environment of the San Francisco Bay and Sacramento-San Joaquin River Delta.

Presently, there are a number of independent studies either completed or planned on facets of bay-delta problems, but none really deal with the crux of the matter—what will occur when up to 80 percent of normal fresh water inflows into this system are diverted to the south?

A recent decision by the State water resources control board has given hope to those concerned about bay-delta water quality. The board maintained that the delta deserves protection and ruled that more fresh water should be released through the delta than has been provided for in previous plans of the U.S. Bureau of Reclamation and the State of California's Department of Water Resources.

However, Mr. Speaker, the fear that this vital natural resource will be exploited and ruined by water shipments to other areas of the State persists.

A recent editorial by San Francisco television station KPIX's general manager, William E. Osterhaus is an excellent example of that concern.

Mr. Osterhaus' comments are indicative of the growing concern regarding the California water project, not only in northern California, but in southern California as well:

The editorial follows:

WATER PROJECT REVISITED

In 1960, California voters narrowly approved the financing for the California Water Project. The idea was to gather vast amounts of fresh water from the rivers of Northern California and distribute it to Southern California. It would require the biggest water moving system ever built by man: dams, canals, tunnels and giant pumps which would carry water over 400 miles at a building cost originally estimated at about 2 billion dollars. So far, however, about 30% of the system has been completed and it appears that the full cost will be closer to 10 billion.

The project was conceived on some assumptions common in 1960. For instance, it was assumed that urban population growth should be encouraged. It was assumed, too, that we could use all the agricultural land we could develop. It was assumed that Northern California rivers "wasted" fresh water by letting it flow, unused, out to sea. And it was assumed that Southern California had to *depend* upon these rivers for its water.

Today we know that uncontrolled population growth, as in Los Angeles, can be very bad, and that the old population projections for that area were greatly overestimated. Today we know that California has too much usable farm land and some farmers receive federal subsidies to not grow things. Today we know that fresh water flow in Northern Rivers is vital to the ecological life not only of those rivers, but the Delta, the Bay and the ocean itself. And we know that Southern California's real water needs can probably be met from present sources, along with the reclamation of used water and the desalinization of sea water.

In other words, the basic assumptions are being questioned, yet the State's engineers are determined to move ahead.

We at KPIX join those political leaders and conservation groups who feel that a complete reevaluation is in order. The complex technical, economic, and ecological factors involved in the California Water Project must be reassessed if we are to avoid what could be the biggest planning blunder in the history of California.

THE SOUTH VIETNAMESE ELECTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. RARICK. Mr. Speaker, with the election returns from South Vietnam indicating that 87.7 percent of the 7.2 million South Vietnamese voters participated in an election that gave President Thieu 95 percent of the votes cast, the believability of the experts of the press is again exposed.

The overplayed exposé of South Vietnam holding an election for its top office with only one candidate was intended to raise many doubts. But it was the same opinionmakers who were responsible for the situation. They had made Mr. Thieu popular with his people by their repeated attacks on him and his policies, and who could be more responsible for the withdrawal or resignation of Vice President Ky than the same communications media blabbermouths who did not approve of his being a candidate because he was a military man? And who could be more responsible for the ridiculous actions of the Supreme Court of Vietnam in reversing themselves on the eligibility of Vice President Ky as a candidate than the manipulated public opinion by the pressure groups of the United States?

There are many one-man elections in Communist countries—in fact, in most there are no elections. The top spot is always occupied by the Chairman of the Communist Party. Yet many of the same communications people who have been so active in undermining the confidence of the American people in the public affairs of South Vietnam are seldom heard to complain of the lack of two parties or opposing candidates in the Communist "showcase" elections, or for that matter in the so-called tribal elections in the many emerging nations in Africa.

Perhaps another correlation should be drawn between those in the opinion-molding profession who are so adamant in undercutting the right of self-government of the South Vietnamese and yet so positive of the right of the Washington ghetto community to have home rule here in the District.

Despite a nationwide campaign by the League of Women Voters and the Washington Post to procure 1,500,000 signatures nationwide calling on Congress to grant District of Columbia residents suffrage and to abolish District of Columbia as the last colony, in the first election held in the District to select a school board only 3 percent of the eligible voters cast ballots.

In a subsequent election, called to elect a highly touted citizens' board to handcuff local police, of the 70,000 eligible voters, only 2,300 or roughly 3 percent voted, even though the election was to slice a $1.4 million pie given by OEO out of the pocketbooks of the Nation's taxpayers.

And in the more recent vote to select the first nonvoting Delegate to Congress, despite all of the fanfare, the generous publicity, and with six candidates running, only 43 percent of the registered voters saw fit to go vote. The victor won the race by receiving roughly 25.2 percent of the registered voters of the District.

It would appear that the citizen voters in South Vietnam give their leader far greater public support than has been displayed here in our Nation's Capital. The least our communications media could do to help bring our boys home would be to show a strong united and determined citizenry behind the re-elected Nguyen Van Thieu of South Vietnam.

I ask that a related news article follow:

[From the Sunday Oregonian, Oct. 3, 1971]

MOST VIETS SHUN VOTING AMID VIOLENT PROTESTS

SAIGON (AP)—Demonstration in Da Nang brought voting there in South Vietnam's one-man presidential election to a virtual standstill Sunday. Early reports from other parts of the country indicated a light and scattered turnout at the polls.

President Nguyen Van Thieu is the only candidate.

Election officials in the capital city of Saigon, where a Viet Cong rocket barrage killed three persons before the polls opened, reported a light early turnout which picked up by midmorning.

Rockets also were fired into three other cities, killing an additional six persons. The rocket attacks wounded 20 persons, including five in Saigon.

Associated Press Correspondent Holger Jensen reported that demonstrators in Da Nang, Vietnam's second largest city, were attempting to close all the polling places there.

Three hours after polls opened, unofficial election returns from half of the country's 44 provinces showed an average voter turnout of 14.4 per cent. The turnout ranged from a low of .3 per cent in the opposition stronghold of Hue, to 41.6 per cent in Phong Dinh province in the Mekong Delta.

In Da Nang, Buddhist monks and youths, students and veterans threw rocks and firebombs and blocked intersections near at least nine major polling stations, Jensen said. They made it virtually impossible for voters to get in.

At least 12 persons, including three policemen, were wounded when disabled veterans threw hand grenades at police. The other nine wounded were student demonstrators.

Buddhist monks claimed two persons were killed and more than 20 wounded by police gunfire but this was not confirmed.

Minor terror incidents also broke out in Saigon, where police reported four explosions within an hour, and in the coastal city of Qui Nhon, 275 miles northeast of Saigon, where a bomb destroyed part of a bridge.

Officials at several polling places in Saigon said the midmorning turnout was similar to the Aug. 29 lower house election, when 78.5 per cent of the eligible voters cast ballots.

The early turnout at Saigon polling stations may have been lightened because of a Viet Cong rocket attack on the city two hours before the polls opened at 7 a.m.

Three Soviet-made 122 mm rockets slammed into Saigon before dawn, killing three Vietnamese and wounding five more.

[From the Evening Star, Oct. 3, 1971]

THIEU GETS 95 PERCENT AS 87 PERCENT VOTE

(By David Van Praagh)

SAIGON.—President Nguyen Van Thieu basked today in a landslide of votes that saved him the trouble of deciding whether or not to resign, but may have left him open to renewed charges of election rigging because of the unexpected heavy vote.

Official returns showed that 87.7 percent of 7.2 million registered South Vietnamese voters went to the polls in yesterday's presidential election and about 95 percent of those who voted cast valid ballots for Thieu, the only candidate.

In solidly winning the referendum or vote of confidence he sought, Thieu obtained about 6 million votes—something like 80 percent of the registered voters.

He said he would resign if he received less than 50 percent of the votes cast and would consider doing so if he won only that amount.

Thieu is expected to announce his plans Wednesday, but acceptance of a second four-year term appears only a formality.

Thieu was elected with less than 35 percent of the votes cast in 1967 when there was an 83 percent turnout of voters. He ran then with Marshal Nguyen Cao Ky on one of eleven tickets. This time Thieu ran alone with former Premier Tran Van Huong as his vice presidential running mate and Ky calling for an election boycott.

The voting was punctuated by Communist rocket and mortar attacks on about a dozen cities, towns, and military installations and anti-Thieu demonstrations in Hue and Danang. At least 19 persons were killed by shellings, including three in Saigon, as a result of the first rocket fired on the capital since last December.

There were indications that some invalid ballots cast in Saigon and elsewhere against Thieu were not counted, or were counted for Thieu, and that voting in much of the countryside was more like a military drill than a democratic election.

It remains to be seen whether what some political observers were calling the latest example of overkill in an Asian election will discourage Thieus' opponents at home or stir them to better organized activity—and whether it will increase or lessen the chances for continued U.S. congressional support of major military and economic aid.

Grinning and confident after he and his wife voted at Saigon's ornate city hall, Thieu told an impromptu press conference when asked if his one-man race was different from a contest with two or three candidates:

"The difference is nothing—the people have the right and freedom to vote. . . . I'm not disappointed."

Gen. Duong Van Minh withdrew from the race, charging it was rigged after a rigid new election law prevented Ky and other candidates from running. In a final speech Saturday night after the campaign legally ended, Thieu accused Ky and Buddhist leaders calling for election boycott of "agitating against the national cause."

Surrounded yesterday at city hall by gruff bodyguards, Thieu claimed Communist forces had been frustrated in planning to launch an attack near the DMZ to coincide with the election.

He said they had started an offensive instead northwest of Saigon on the Cambodian border, but this also had failed.

SECURITY RELAXED

Tight election day security was relaxed in the capital after the quiet and orderly polling.

Protesting students, disabled veterans and Buddhists disrupted the voting temporarily in Hue and Da Nang.

Tear gas, which police had been ordered not to use on election day so as not to drive voters away, finally dispersed angry students in both places.

Police also fired rifles over the heads of demonstrators in Da Nang.

Hue was almost the only place where the voting was slow at first—3 percent of the registered voters during first hour—but in the end, 67 percent voted in Hue and 76 percent in Da Nang. The figure for Saigon was 76.5 percent.

The number of registered voters who went to the polls was more than 90 percent in most Mekong Delta provinces—more than 99 percent was reported from Kien Giang—and between 80 and 90 percent in most other provinces.

The percentages of spoiled ballots were slow in reaching election headquarters here although most counting was believed completed within an hour or so after polls closed at 5 p.m. yesterday.

Of the ballots cast, 97 to 99 percent were reported valid for Thieu in many places including Qui Nhon City, an antigovernment stronghold. In Da Nang the figure was 68 percent, in Hue 85 percent and in Saigon 84 percent.

At one of six polling stations at a school near the U.S. Embassy here, 648 ballots were tallied for Thieu and 245 were counted as invalid.

The pattern of 25 to 30 percent invalid ballots of 600 to 900 votes held at each of three other polling stations. But at two others only 15 and 10 ballots respectively were reported as invalid.

Each voter was given a ballot with the names and pictures of Thieu and Huong. To validate it, he had to fold it and put it in envelope to be deposited in the ballot box. To invalidate it as a protest against Thieu, he either had to deposit the empty envelope or tear or otherwise deface the ballot before putting it in the envelope.

JAMES S. GOLDEN OF KENTUCKY

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. FISHER. Mr. Speaker, the recent death of former Congressman James S. Golden of Kentucky, brought back memories to many of us who had the pleasure of serving with him in the House. He was here for 6 years—1948 to 1954.

Mr. Golden was affable, alert, knowledgeable, and highly motivated. In the field of legislation affecting agriculture he soon established himself as an expert.

As I recall him, Mr. Golden insisted that such legislation be fair and in accord with the public interest. On this and other subjects, he was always well informed and provided responsible leadership and guidance on many occasions.

This departed statesman played the role of a perfect gentleman. He was a man of integrity and honor, and many of us who served with him will long remember those sterling qualities.

THE MILK MAN GOETH

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. ZWACH. Mr. Speaker, on September 4, some 30,000 members of the Associated Milk Producers, Inc., from north-central America met in Chicago for their second annual convention.

It was a pleasure for me to address one of the breakfast meetings of the group.

One of the speakers at the convention was Paul Harvey, well known radio commentator and less known as an operator of farms in Arizona and Missouri.

I would like to share Mr. Harvey's words with my colleagues and all of those who read the Congressional Record:

The Milk Man Goeth

Now—farmers:

You talk about a disadvantaged, underprivileged, discriminated against minority; you're it!

But that's changing.

The number of Americans living on farms has declined one-third in ten years. Our nation is down to ten million farmers. Less than five-percent of our population.

That five-percent vote has had little leverage in Washington but they're going to get some from another source.

Our American farmer has taken very good care of us, though we have been paying him half as much for his wheat and corn as 20 years ago.

City food bills are higher mostly because of the increasing cost of getting the food from the farmer to the housewife. That cost is up 160% in 20 years.

That increase notwithstanding, our store-bought food bill averages only 16½% of our take-home pay.

In Western Europe, 25% of your income would go for groceries.

In Russia, 50%. In the Far East, as much as 80%! Ours, 1½%.

So our farmers, constantly improving and increasing per-acre production, have taken good care of us.

Because of higher prices for everything they buy and lower prices for most everything they sell, farmers have had to consolidate. Small farmers were forced out of farming. Today it takes an investment of $50,000 to create one farm job. So the trend to fewer and larger farms continues.

And pyramiding population, 90% of it concentrated on 8% of our land, is more and more spilling over onto the countryside.

Foolishly we are planting houses on much of our most desirable agricultural land. We should put houses on the hillsides and crops in the valleys, but it's easier for the bulldozers and builders to mass produce houses on the level land.

So 700,000 farms have "disappeared" since 1960.

Thus arable acres shrink. And soon, sooner than most realize, the era of food surpluses will come to an end.

That is going to put the shoe on the other foot.

As is, the farmers' average per-family income is $5,401.

That is about half what the rest of us average.

His investment in starting capital is $100,000 to $200,000.

He deserves a proper return on that investment. When our increasing appetite catches up with his production, he's going to demand a fairer slice of the pie—or else.

And uninvited but inevitably—three billion people are coming to dinner.

We'd better pray that in the difficult years ahead, the farmer will be more considerate of us than we have been of him.

I'm not proud of some segments of the news media for their recent snide remarks about dairy men spending money to convene while asking higher dairy farm prices.

Unfortunately that is a typical however unbecoming attitude of some city dudes, demonstrating their utter lack of appreciation for the source of their sustenance.

There is not one newsman in this nation who works for less than you do.

They are guaranteed a minimum wage higher than yours.

Yet some would bite the hand that feeds them.

If they knew what they were talking about, you would be congratulated, praised, applauded—for straining your limited resources to mobilize your forces.

The Harveys farm. We've not earned the right to call ourselves farmers, but we do farm.

Angel and I operate a thousand red-ink acres in Arizona and run a barely black-ink White faced herd in Missouri, but I have to stay in the broadcasting business in order to afford to farm.

If I don't smell much sour silage, I do understand the bottom line.

Fortunately a few of today's Senators and Congressmen were farm boys, but the next generation there won't be many if any.

You're going to have to have some competent spokesmen in Washington to educate 'em.

ENERGY AND ZERO GROWTH

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. McCLURE. Mr. Speaker, the House Republican Task Force on Energy and Resources has resumed its investigations into the complex relationships governing national growth and energy production. As chairman of the task force, I am pleased to present a statement on this vital subject, received by the task force from the Honorable Frank N. Ikard, formerly a Member of Congress, now president of the American Petroleum Institute.

Together with an analysis of the national energy situation, Mr. Ikard discussed the advisability of a national policy for zero growth, particularly in the areas of energy production and resource development. The effects of such a policy on low-income families have not been fully studied, and I believe that Mr. Ikard's statement illustrates the need for a more thorough analysis. Any national program concerning energy and resources should take into consideration the future needs of all members of our society, affluent or otherwise.

At this time, I submit for the Record Mr. Ikard's statement before the House Republican Task Force on Energy and Resources:

Statement by Frank N. Ikard, Before the House Republican Task Force on Energy and Resources

My name is Frank N. Ikard. I am president of the American Petroleum Institute, a national trade association representing all branches of the petroleum industry.

I wish to be as helpful as possible to this Task Force in its inquiry into the status of the nation's energy resources. However, I want to make it clear that I can speak for the petroleum industry only with respect to those matters that come within the scope of the Institute's program. I am not in a position to discuss any topic regarding the operations of individual companies.

The subject of our nation's energy resources is one of vital concern to every American. Energy is what keeps America going—and growing. In the last year, however, the question has arisen as to whether our country is going to be able to continue to meet those twin goals in the foreseeable future.

The question has become an urgent one, because all signs point toward an "energy gap." The gap is not yet serious, but it could become critical unless we assign top priority to the task of increasing energy supplies.

The "energy gap" does not mean that we cannot increase our production of energy fuels: oil, natural gas, and coal. What it does mean is that domestic supplies of some fuels are already running behind U.S. demand, which is increasing faster than new reserves are being found.

A potential energy shortage is something new in the experience of the American people. Except for a few years of gasoline rationing in World War II, consumers have always enjoyed adequate fuel supplies and taken it for granted that all their needs would be met. For decades, we were not only self-sufficient in energy production—but also had enough spare capacity to export more oil when needed to help Western Europe.

Our self-sufficiency has disappeared for oil. This nation has become dependent on foreign sources for 23% of its oil. On the East Coast this dependency exceeds 45%. The greater this dependency becomes, the graver the potential threat to our national security and to the welfare of consumers dependent on oil for heat and transportation.

It should be pointed out that while the "energy gap" became a phrase widely used in the language only within the last year, it didn't develop in so short a time. Some of the problems it involves might have been avoided had they received thoughtful consideration years ago.

The petroleum industry today finds itself in the unhappy position of seeing come to pass precisely those energy supply problems about which it had been warning the nation for years. Unfortunately, the motives behind such warnings were often misinterpreted and, as a result, they went unheeded.

Perhaps our predictions fell on deaf ears precisely because previous concerns about shortages of domestic oil, as in the mid 1920's and the early years after World War II, were dispelled by new discoveries and greater production. Now the problem of meeting rising demands is larger and more difficult. During the past 20 years, U.S. energy demand has doubled. At the rate of increase of the past decade it will double again in less than 15 more years—by 1985. By the end of this century, the American people may be consuming energy at approximately three times the present rate.

It is not too difficult to see how this unprecedented increase in our use of energy came about. In the past decade, for example, the number of homes with central air conditioning increased five-fold—with millions more expected to add air conditioning in the 70's. The number of families with two or more cars also has risen sharply during the last ten years. Innumerable other consumer and industrial uses of energy have shown comparable increases.

At present, the United States gets its energy from these sources: oil, 43 per cent; natural gas, 32 per cent; coal, 20 per cent; hydro-electric power, 4 per cent; nuclear power, less than one per cent.

The major portion of our energy—more than 95 per cent—is provided by the fossil fuels—oil, natural gas, and coal. These ratios are expected to change over the next 30 years, but the volume of energy required from each source will continue to increase.

To put this into sharper perspective, consider this fact: This year the United States will consume an average of more than 600 million gallons daily. That use means three gallons daily for every man, woman and child. This, of course, is oil alone. It does not include the vast daily consumption of natural gas, which is becoming almost as important as oil. Oil and gas together supply more than three-fourths of the nation's energy demands.

It is no coincidence that the United States, with the world's highest per capita energy consumption, also has the highest standard of living. Studies have shown a marked correlation between a nation's rate of energy consumption and its per capita income.

The importance of oil to our economy, to our security, and to the well-being of consumers makes any shortage of oil a serious matter. This is why there is so much concern over a potential energy shortage.

The problem is not that we are running out of fossil fuels. There are large potential resources of oil, natural gas, and coal still to be discovered and developed within the United States. A study by the National Petroleum Council, released in July, 1970, included the estimate that 55 per cent of the discoverable oil and 66 per cent of the discoverable gas in this country remain to be found.

Widely ranging estimates have been made about the size of petroleum demand over the coming years, but on one point there seems to be general agreement among all forecasters: as far ahead as anyone can see, oil and gas will continue to be the leading energy sources of the American people.

However, the cost of finding and developing domestic reserves is rising sharply. Deeper exploratory wells are required, and while a well around the 2,500-5,000-foot range costs only about $10-per-foot to drill, a well that goes down 20,000 feet or more runs up a cost of almost $72-per-foot.

Drilling for oil is a costly, high-risk business. For every 100 new-field wildcat wells drilled, only nine strike oil, and only two of those are of commercial significance. Furthermore, the most promising areas for important new petroleum finds—the outer continental shelf and the North Slope of Alaska—are the most difficult and expensive places of all in which to operate. Nevertheless, these potential resources must be tapped if the energy gap is to be narrowed.

The petroleum industry is well aware of its responsibility to meet the nation's energy needs. It also recognizes its corollary responsibility to protect the environment wherever it drills for oil or gas. It should be clear, however, that to conduct an intensified search for petroleum in remote and inaccessible regions, while taking every precaution to protect the air, water, and land from pollution or other long-term damage, will require massive amounts of venture capital.

Oil and gas producers will have to figure on the cost of environmental conservation as a basic factor in all their operations, currently, and in the years ahead. This is equally true for the refining, transportation, and marketing branches of the industry. In all these operations, heavy capital investments and high operating costs associated with environmental control technology have become the rule.

It should be noted, at this point, that despite our soaring demands for energy, the nation's proved reserves of oil—oil that is already discovered and available for use—have been declining. Excluding oil from the North Slope of Alaska, which cannot be of use until transportation facilities are approved and completed, little more than a 9-year supply of oil is available at current production rates, compared with a 12½-year supply in 1958. Exploratory drilling is at its lowest level in 22 years.

The decline in drilling came about because of a cost-price squeeze that has made it difficult to attract the huge amounts of capital needed to intensify the search for oil. Compared with the average for the years 1957 to 1959, crude oil prices had advanced less than 12 per cent by the end of 1970. During that same period, however, oil field wages rose 52 per cent, oil well casing went up 24 per cent, and the cost of oil field machinery increased 33 per cent.

In the 1960's the U.S. petroleum industry invested $60 billion to develop domestic reserves of oil and gas. To meet the needs of the 1970's it will have to invest $150 billion—2½ times as much. Yet instead of providing the incentives to encourage new investment, government policies have tended to do just the opposite. The 1969 Tax Reform Act, for example, is estimated to have added about $700 million-a-year to the petroleum industry's tax bill.

There have been many policies and attitudes that have also contributed toward bringing about the present tightness in our energy supply. During the past 17 years, while discovery and production costs of natural gas soared, federal control of gas soared, federal control of gas prices held them at a low, urealistic level. As a consequence, investors shied away from natural gas ventures because the prices were not realistically related to rising costs and the increasing need for gas to reduce air pollution.

Environmental control laws, with unrealistic compliance dates, placed restrictions on emissions of sulfur dioxide that forced many cities to switch from much of the available coal, because of its high sulfur content, to other fuels—particularly natural gas and residual fuel oil. The result has been further pressure on supplies of both these fuels.

Over-optimistic forecasts about the growth of nuclear power generation, and efforts to ban offshore drilling for oil and gas and block construction of the pipeline needed to transport Alaska's North Slope oil to market are just a few of the other factors that have lead to the energy gap.

To bridge this gap, there are two alternatives: the American people can be required to alter drastically their energy-based standard of living or, more realistically, we can adopt national policies to insure adequae energy supplies for the future.

There are those, in growing numbers, who would have us choose the first alternative. They would have us declare a moratorium on all future progress. They want to set a national goal of zero growth—in our population, in our economy, in our use of energy. In their blind love of absolutes, they insist that growth makes the world a worse place in which to live.

The zero growth advocates, however, are guilty of a very real and callous complacency toward the genuine material needs of millions of Americans who have not yet achieved their full share of American affluence. They show a cruel indifference to the 25 million men, women, and children who barely subsist in poverty on family incomes of less than $4,000 a year. They ignore the pressing need for increased funds to rebuild, renovate, and repair the decay of decades in our major cities. They ignore the fact that it is going to take billions of dollars to provide the clean air and water that are every American's right, and to keep them that way.

Is the job of the oil industry—indeed, of every American industry—finished? Shall we now devote ourselves to merely managing the status quo?

Ask the people of Appalachia. Ask them in the dismal ghettos. Ask any black man. For that matter, ask the father of three or four children in any urban area who is earning less than $10,000 a year. Ask him if he does not need more disposable income—to plan for the higher education of his children, if nothing else.

Is the job of America finished? The urgent needs of millions of Americans provide the answer in a resounding "No!"

Those who call for zero growth ignore the fact that the money needed to improve the earning power of the disadvantaged, to expand our social programs, to rebuild our cities, to enhance our natural environment in a world of technology can come from only one source—from the steady growth of our economy. It will come, especially, through the steady expansion of the petroleum industry, because we supply the energy for the increase in mechanical productivity that makes growth possible.

It should be obvious that continued economic growth is dependent on adequate energy supplies, but particularly those energy supplies that are secure. Yet some industry critics insist that the answer to the energy gap is to open the doors to unrestricted "cheap" oil imports. They ignore current history, which provides ample proof of the danger of becoming too dependent upon foreign oil.

In 1966, the Mandatory Oil Import Control Program was amended to allow unrestricted imports of heavy or residual fuel oil to the East Coast. By 1970, more than 90 per cent of East Coast residual fuel oil was imported. U.S. refiners, unable to compete with low-cost imports, cut back their output of this fuel in favor of other, more profitable, products. Last year, demand for residual fuel oil rose sharply, in part because of environmental restrictions on the use of coal. Because of the tanker shortage and other factors, foreign suppliers were unable to meet the increased demand. The price of residual oil rose sharply, and for a time it appeared that there would be a major shortage of this vital product on the East Coast. The impending crisis was averted when U.S. refiners rapidly increased their output of residual oil—even though this action was costly and unprofitable.

More recently, in early 1971, six Persian Gulf nations, Libya, and Algeria obtained substantial increases in crude oil prices in bargaining with U.S. and Western European oil companies. Most oil exporting nations are underdeveloped and rely on oil revenues to finance economic development and raise living standards. Their desire for higher prices is understandable. But it should be clear that foreign oil, instead of remaining cheap and plentiful, is becoming more expensive and supplies are uncertain.

The well known international petroleum consultant, Walter J. Levy, described the present situation quite well in an article in the July issue of the magazine, *Foreign Affairs*. Levy said:

"The United States must now be convinced that control over oil imports and support for indigenous energy resources is vital to its security and credibility as a world power. If implemented, the recommendations of the

Cabinet Task Force on Oil Import Policy—to replace the present import control system by a tariff system and allow domestic crude oil prices to decline so as to take economic advantage of low-cost foreign oil—could have been a disaster."

Foreign nations will continue to be an important source of oil for the United States. Past events, however, would seem to convey this clear message: our nation's wisest course would be to give the highest priority to encouraging exploration for new domestic petroleum reserves.

By all indications, there are substantial amounts of oil and gas still to be discovered within the boundaries of the United States. However, in the National Petroleum Council's 1970 study, previously referred to, the NPC noted: "The discovery and commercial development of these potential resources will . . . take many decades and require major improvements in economic incentives." Equally long periods of time are likely to pass before the potential of synthetic oil and gas from our vast domestic reserves of coal and oil shale is realized. Furthermore, if the United States lets itself become excessively dependent upon foreign oil, it will discourage not only the search for and development of our domestic petroleum potential, but the development of the technology needed to supply some of the future energy we will need from oil shale and coal gasification and liquefaction, as well.

The current energy gap must not be allowed to widen into an energy crisis. To prevent this, we need a national energy policy—a policy that will replace the short-sighted measures of the past with a long-range, balanced view of the energy situation.

Such a policy must promote, first of all, a strong domestic petroleum industry in order to insure a dependable supply of energy resources. It also must consistently and coherently relate all the factors of our energy system—the well-head price of natural gas, the requirements for safeguarding our natural environment, the development of nuclear power sources—to name just a few.

In short, we need a national energy policy created out of the understanding that we are dealing with a major problem—of providing adequate supplies of all forms of energy.

This policy must be written not by the government alone, but with the help of people who have practical, first-hand knowledge and experience concerning the energy business. If government and industry will work together in harmony to frame realistic new policies, our nation's energy needs will be met—not just today and tomorrow, but in the years and decades to come.

VETERANS OF FOREIGN WARS COMMANDER IN CHIEF JOSEPH L. VICITES KEYNOTES VETERANS OF FOREIGN WARS PROGRAMS FOR 1971-72

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. TEAGUE of Texas. Mr. Speaker, on September 18 and 19, 1971, the Legislative, National Security, and Employment Committees of the Veterans of Foreign Wars of the United States met here in Washington. These three key committees of the 1,700,000-member veterans' organization drew leaders from throughout the country to review hundreds of resolutions approved by delegates to the Dallas, Tex., VFW National Convention last August. It was at this convention that the more than 12,000 delegates elected Joseph L. Vicites of Uniontown, Pa., as their national commander in chief for 1971–72.

The new VFW national leader has made it abundantly clear that during his year in office he will direct the major portion of his endeavors toward improving the comprehensive veteran benefit programs for those who have served and died for our country during wartime and times of great peril.

In a speech during the joint opening session of the three top VFW committees, Commander in Chief Vicites pointed out the greatest threat to the veterans' programs today is spiraling inflation. He cited four programs involving over 6 million veterans and their families which are critically in need of substantial cost-of-living increases.

This dramatic speech is in itself a challenge to the more than 1.7 million members of the Veterans of Foreign Wars, to the Congress, and to the American people. I commend it to my colleagues:

KEYNOTE ADDRESS TO JOINT MEETING OF NATIONAL LEGISLATIVE, NATIONAL SECURITY AND FOREIGN AFFAIRS, AND NATIONAL CIVIL SERVICE AND EMPLOYMENT COMMITTEES OF THE VETERANS OF FOREIGN WARS OF THE UNITED STATES, WASHINGTON, D.C., SEPTEMBER 18, 1971

Good morning comrades and welcome to the nation's capital. Every organization has a group of dedicated men. Sometimes they are referred to as "prime movers" or "key people." But no matter what they are called, these are the men who make any organization what it is. That is why it is with real pleasure that I address you today for you are truly the moving force behind the Veterans of Foreign Wars.

The decisions you will make in the next two days will formulate our policy statements and main goals for the year ahead. It will be a critical year for the nation and for the nation's veterans. That is why, what you decide today and tomorrow here in Washington is of extreme importance to the V.F.W.

As I stated in my acceptance speech at Dallas, "veterans benefits will be our battle cry." We must put a more productive effort into preserving and liberalizing veterans rights and benefits which have been authorized by a grateful Congress down through the years in recognition of service to the nation in its time of need.

By far the greatest battle facing our country today regarding these veterans programs is spiraling inflation. Four programs involving over six million veterans and their families are critically in need of substantial cost of living increases.

I am referring to the two million Vietnam veterans who are taking GI Bill training. I am referring to the more than two million veterans who were wounded on the battlefield or suffer from service connected disabilities and are receiving VA compensation payments. I am referring to the approximately two million veterans and their families who are receiving a VA pension because of permanent and total disabilities and, I might add, a substantial number of these are World War I veterans and their widows. Finally and most important, I am referring to the widows and children of servicemen who were killed on the battlefield or died of service connected causes.

I fully appreciate and applaud the efforts of the Veterans of Foreign Wars in obtaining Congressional approval of a three-quarters of a billion dollar increase in cost of living payments for these four programs during the previous session, but inflation has taken its toll. All of these programs must be increased to keep up with sky rocketing inflation costs.

Adequate funds and staff for VA hospitals will be among my primary concerns this year. National Health Insurance programs are under consideration by Congress. We do not know yet what the role of the VA will be. I have heard very disturbing reports that our old Nemesis, the Office of Management and Budget, is presently considering what the VA's contribution will be if Congress approves some kind of National Health Insurance program.

So that there will be no misunderstanding, let me make this very clear at the outset of this new year: The Veterans of Foreign Wars will fight to the last ditch any and all efforts to merge the VA hospital system and medical care program into a general national health program. Other legislation of paramount concern to the Veterans of Foreign Wars will be improving and liberalizing the VA pension program for older veterans, especially our World War I comrades.

We must not forget that another veteran problem facing us is the frightening increase in the use of harmful drugs. The V.F.W. will be using all of its resources to support legislation aimed at solving the drug problem among our veterans.

We must be seeking new and different approaches to help our younger veterans in their efforts to once again adjust to civilian life.

I am hopeful that Congress will move on V.F.W. sponsored bills to transfer the National Cemetery System to the Veterans Administration. This is a necessary step if we are to win our long-time goal of having at least one National Cemetery in every state.

These are just a few of the legislative goals which will be continuing to receive our primary attention. I know that you will recommend a hard-hitting priority legislative program which will warrant the attention of Congress and will continue our reputation as the number one veterans leader in behalf of rights and assistance for our comrades and their families.

You comrades serving on the National Civil Service and Employment Committee face a great challenge. Jobs are not plentiful. This condition will likely continue, with winding down of the Vietnam War and the phasing down of the nation's space programs.

The lack of need of defense supporting industries and business is inevitable, and is already apparent. Also apparent is the reduced activity, and in many cases, the complete closing down of many defense facilities.

At the time when the number of jobs is growing smaller, the number of job-seeking veterans is growing larger. We are aware that the Federal Government has taken positive action, including statutory employment programs which you will hear more about during your meetings.

In announcing these programs, President Nixon has stated that "I expect definite goals of reducing veteran unemployment by specific target date, together with regular reports of accomplishments. Each returning veteran must be reached and served by this effort."

In spite of such pronouncements by the President, strong pressures have been exerted to give equal and in some cases *greater* priorities to job-seeking "disadvantaged", "underprivileged", and "minority group" candidates, rather than to job-seeking veterans.

It appears, comrades, that our battleground, and the battleground of this committee in particular, is on the field where we must obtain true, meaningful job preference for veterans. "48 hour preference" is not enough. "Special consideration" is not enough. A "fixed percentage" of jobs is not enough. High sounding promises about favoring veterans are not enough. We cannot be satisfied until *every* veteran has employment commensurate with his needs and abilities. I know you can meet the challenge.

Although I promised you that I would devote much of my effort during the coming year to our problems at home and to veterans benefits, I do not in any sense mean that I will neglect the problems our nation faces throughout the world—the communist threat, attacks on our military, the rapidly rising superiority of Russia's war-making capability, the war in Southeast Asia and American prisoners of war—just to name a few.

We are heading into a political year—the election of 72—and we will see unscrupulous politicians attempting to grab headlines and capitalize on our country's involvement in Vietnam. There are those who talk with the enemy while Americans are dying in the rice paddies and jungles of Vietnam and then come home to tell us everything is wrong with our country. I say they should be soundly condemned by the American people. There are even some officials holding high government office who would have us pull our troops out of Southeast Asia and leave American prisoners of war to the mercy of those they consider the victors in Vietnam.

But this I can promise you, and let it serve as a warning to some who would use American lives in their conquest for political power, that as long as one American is held captive in Vietnam, we in the Veterans of Foreign Wars shall insist that there are other Americans there fighting for his freedom.

Let there be no mistake, in any negotiations for the settlement of the Vietnam conflict, we in the V.F.W. shall demand that the POW issue be resolved first and foremost.

We cannot allow our suffering in Vietnam to push us into isolationism. We must learn the valuable lessons that our experiences have taught us. We cannot turn our backs when the innocent and oppressed cry to us for help. I say to you we cannot abandon the moral ethics which have made this nation great. We cannot hide from responsibility. For this type of thinking, although it may seem comfortable, is truly the path to war. If any man questions this, have him look back prior to Pearl Harbor when this nation turned itself into a tortoise shell of isolationism.

Above all we desire peace but not peace gained through appeasement and surely not peace at any price. Let us all remember that the men in the Armed Forces are charged with preserving and protecting the peace and only as a last resort to fighting a war. The world we live in is a constant reminder that we must maintain a strong self-defense posture. If we falter in our determination to remain strong, if we listen to the crys in the wilderness to disband our military, then we are in the torturous road that has only one end—the loss of liberty and the enslavement of our people.

I believe that the overwhelming number of Americans, both old and young alike, believe in this great country . . . believe in our precious heritage. As long as that faith in America remains, America will remain a very special place, in spite of all our problems.

FRENCH ARMS SALES

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. EILBERG. Mr. Speaker, the sale of arms and armaments is one of the most shameful practices carried by the major powers. Unhappily, the United States is the leader in this field. Russia is in second place, and now France has become the world's third major arms dealer.

The attitude of the French is that the sale of weapons is simply a business like any other and they cannot be concerned about the consequences of their action.

In a recent series of broadcasts, Bernard Redmont, chief of the Paris bureau of group W, Westinghouse Broadcasting Co., has given a clear picture of the policies and practices which have made France a leading "merchant of death."

With the unanimous consent of my colleagues, I enter the transcript of his eight-part series in the Record:

France: Weaponmaker to the World—France Tries Harder—Part I

France has moved into the big time as a supplier of weapons to the world . . . France is now Number Three—close behind the U.S. and the Soviet Union.

Despite a wall of official silence, I was able to piece together the extraordinary story, after months of patient investigation.

Exasperated by foreign press criticism that France has become a leading "merchant of death," the government has discontinued official announcements or commentaries on sales of arms abroad.

But Defense Ministry sources confirmed that France has now become the third biggest exporter of war weapons in the world.

A French aerospace industry spokesman, Jacques Noetinger, also corroborated the news. But he told me France didn't expect to surpass the U.S. and the Soviet Union.

Tape: "Well, we must be objective, you see. We cannot be competitive on the same level with two big countries like the ones that are the U.S. and Russia. But we do think in the second category of country like we have so many in Europe, we can be the leaders. We don't want to try to be bigger than we are, but we do think that if we make a serious work, we can have in Europe a nice position. But we will never reach the stage of America or Russia. That wouldn't be fair and that wouldn't be objective, you see, eh?"

Last year, France sold a record one point three billion dollars worth of warplanes, warships, tanks, missiles, guns, ammunition and other military equipment. . . . It's a record that gives some Frenchmen a good deal of pride and others remorse.

From Lipstick to Guns—Part II

H. G. Wells once wrote that "Armament itself is making war. Making a gun, pointing a gun, firing it, are all acts of the same order."

France disagrees . . .

President Pompidou spoke the other day to French military leaders and asked them to develop, simple, functional, economical and *exportable* weapons . . .

A colonel at the Ministry of Defense export division recently told a visitor "We do not care what we sell—France wants to export everything she can, from lipstick to guns."

French arms customers range across the globe from Europe to North and South Africa, Asia, Australia, the Middle East and Latin America.

The successful French sales campaign was described to me by Jack Gee, author of a new book called "Mirage", just out in France and soon to appear in the U.S.:

Tape: "France took third place among the major exporters of weapons, from Britain last year, and this was because of the fantastic orders for Mirages. And it's reasonable to bet that France will maintain this privileged position, thanks to the new generation not only of Mirage aircraft, but of tanks and other weapons which she's offering to her foreign customers."

France maintains that business is business, and it sells weapons on a strictly business basis, in the national interest . . . Defense Minister Michel Debre argues that France "has done more for peace in the world than many other nations who criticize her today."

The French argument is that France is only supplying what others would supply if the French hadn't offered better goods or better terms.

The Miracle of the Mirage—Part III

"The Mirage is as invulnerable to any enemy as a mirage is elusive to a traveller in the desert."

That slogan was coined by French engineer and aircraft maker Marcel Dassault.

The Mirage is not only the key to France's nuclear deterrent. It's one of the main instruments for extending French influence abroad and for coining money for the nation, as Jack Gee, the author of a new book on the Mirage, told me.

Tape: "The Mirage certainly is the symbol of France's ambitions on the international scene over the past 15 years. The French have sold this aircraft to 13 foreign countries and in each case there's been an excellent political reason for the sale . . . For the French balance of payments, the sale of the Mirage has been a windfall. Last year, for instance, 1970, the French balance of payments was, in fact, balanced solely thanks to the orders for 220 Mirages received by H. Marcel Dassault."

France sold to Israel at first, but then rejected Israel as a market after the Six Day War. As a result, France landed huge contracts with Arab states, particularly Libya, which ordered 110 of them.

France has applied an embargo not only against Israel but also against other belligerents in the war like Egypt and Syria, though not Libya.

Like some arms dealers, the Mirage-maker doesn't like others to tell that story, as Jack Gee found out.

Tape: "Monsieur Dassault has tried to suppress my book and he has failed."

But the story is now being told. A total of almost 1,200 Mirages have been sold, three-quarters of them outside of France.

The Invulnerable Supersonic Vest Pocket Missile—Part IV

Looking for a supersonic bomber, a lethal missile, a tactical atomic weapon system, a rocket launcher or even an armored vehicle for use against guerrillas or street rioters?

France has just what you're looking for, and at a competitive price too . . . Some of these products were on display recently at the Paris air show . . . Others were later exhibited at the annual armament show in Satory near Paris, to which military attaches of 62 foreign countries were invited.

One of the hottest articles is the Exocet, a unique supersonic naval missile that can sink a target 25 miles away . . . A spokesman for the French aviation and space industry, Jacques Noetinger, told me it's considered invulnerable, because of its ability to skim just over the waves.

Tape: "You see, this type of missile is able to be, is a supersonic missile, able to fly over the water at very low altitude, and to have a guided equipment to go to the target . . . A supersonic missile, flying about ten feet from the water, from the sea level and efficient on a long distance, on a decent distance for this type of missile, is something that nobody else has for the moment."

Britain has just ordered Exocet missiles, at a cost of 144 million dollars. Other customers are Greece, Malaysia, South Africa, West Germany, Peru, Iran, and Australia . . .

For prospective buyers, the Exocet and a score of other French missiles, including weapons that deliver nuclear loads, are all listed in a handsome 160-page bound catalogue in "living" color, with specifications and performances. I have a copy—it's not even confidential.

ARMS AND THE MAN NAMED DE L'ESTOILE—PART V

You don't ordinarily think of an arms salesman as a romantic figure . . . But you can say that about the mystery man who rocketed France into third place among the world's biggest arms exporters—Hughes de l'Estoile. This little-known official is a handsome young man with a glamorous pedigree of scholarship and aristocracy and military connections.

Barely 40 years old, de l'Estoile is a descendant of a 16th century chronicler, Pierre de l'Estoile, who was the authority on the turbulent reigns of French kings. His father is a retired general and his wife is a general's daughter . . .

De l'Estoile holds the title of director of international affairs for the French Ministerial Arms delegation, whose efforts give jobs to 270 thousand defense workers . . .

A French aerospace industry spokesman explained that French firms need no sales intermediary, if their products are for civilian use.

Tape: "But as soon as we touch the military problem, even if the company has personal contacts and has the feeling that they can sell one of their products in the world, it doesn't depend on them to sell it or not to sell it. It depends from the government. Engineer de l'Estoile, he's the man that is directly in contact with the government, the Prime Minister and so on. And it is at that stage that he allowed or not to sell planes in such country, according to the political, general political position of France."

Arms salesman de l'Estoile talks to customers—but not to inquisitive newsmen.

ARMS FOR APARTHEID—PART VI

France maintains it is honest, logical, independent and above all, free of hypocrisy in its sale of arms abroad . . .

This is why it has been so successful in selling war material to racist countries like South Africa, while deploring racism everywhere and maintaining massive aid and trade to black Africa . . .

A spokesman for the French aerospace industry, Jacques Noetinger, explains simply why France has become South Africa's principal arms supplier.

Tape: "It is the policy of France that it tries to be in good relationship with as many countries as possible. And that was the reason that we had at Le Bourget for the Paris air show, American, Russian, Japanese, even, even Israel people coming, you see, and South Africa and so on."

In 1969, France sold 45 Mirage jets to Pretoria. A new deal is under way for 100 Mirage Milans . . . France has sold helicopters and Panhard armored cars, Crotal or Cactus guided missiles, AMX tanks, helicopters, and submarines.

To justify its refusal to respect a U.N. embargo, the French government makes a distinction between arms for external defense which it sells to South Africa and for internal repression, which it does not. President Pompidou last year personally ordered a ban on sale of French arms to countries that could use them against rebels . . . But some of the arms sold for external defense can obviously be used against the black insurgents . . .

And so, South Africa's Defense Minister Piet Botha quietly turned up again this June to shop in France for more military hardware.

LATIN LOVERS OF FRENCH ARMS—PART VII

The arms race in Latin America used to be the private preserve of the U.S. . . . Not any longer . . .

France has moved in—with skill, efficiency—and easy credit terms. This is especially true with military aircraft. France initially began selling them to far-away India and Australia, according to a French aerospace industry spokesman.

Tape: "Latin America came later on, but now it's a big market for us . . . For the moment, the figures are that we deliver officially, for the moment, because I know that in recent days we have new orders, but we can tell that 14 different countries use the Mirage . . . So we are trying to take the opportunity to have impact any place where our products are really competitive. We don't want to cover everything. We perfectly know that for the long range transport plane for instance the heavy long range transport plane, we will never be in competition with the Americans, because they are the first and we cannot go in that field."

Mirages are now flown by Brazil, Argentina, Colombia and Peru. Deals have been made or are under discussion with Chile, Venezuela, Guatemala, Ecuador, Panama and Peru.

The French are also cleaning up in Latin America with sales of ships, submarines, tanks and sophisticated electronic equipment.

The Nixon Administration has been irritated by the French invasion of a once almost exclusive American market. The U.S. says it doesn't want to fuel an arms race which could drain foreign aid and the hard-won fruits of local development.

But the French say, "Business is business." And business is good.

THE U.S. SHOPS IN FRANCE, TOO—PART VIII

France is not only taking foreign arms customers away from America. . . . The French are now even selling secret military equipment to the world's leading munitions maker, the U.S. itself. For example, French machspeed computers, bomb racks, rocket launchers, trigger ejectors, and gunsights, are used on American warplanes.

Pierre Saget, the commercial director of the French Sopelem company, told me that his firm has also won highly classified orders from the U.S. for precision optical systems used in high altitude photography.

Tape: "I can tell you this story, but of course there are some details I cannot disclose because they are associated with the American department of, let us say, security, hah."

I asked Mr. Saget whether the French devices are used by the U.S. Air Force over Vietnam and in U.S. spy-in-the-sky satellites.

Tape: "Err, you are just in the right path. I cannot tell you more. It was very, very high altitude."

Scientists here say the French have developed a unique stereoscopic photography system that's so precise it can pick out a man walking on a street in Moscow.

U.S. air spy photos recently indicated that Communist China appears to be building its first nuclear-powered submarine, and I asked Mr. Saget whether the French optical equipment may have been helpful to U.S. intelligence.

Tape: "Let us say that the type of equipment we make, of course, could help it very efficiently, but I cannot tell anything more. Ha ha."

At any rate, the U.S. government chose France's Sopelem because it is the only source in the world with the facilities to make the kind of equipment urgently required by the U.S.

MINDSZENTY THE PATRIOT

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, perhaps there is no more valid criterion of the depth of Josef Cardinal Mindszenty, the beloved prince primate of the Catholic Church in Hungary, and the faithful advocate of freedom for the peoples of Hungary, than his willingness to subordinate his own personal desire to remain within Hungary, in the refuge of the U.S. Consulate in Budapest, as a symbol of his unity with the peoples of Hungary, to the expressed request of Pope Paul who understood, he told the cardinal, that in asking him, for the church and his own well-being, after these years of privation, and suffering, to come to Rome, that he was asking the cardinal to make the greatest sacrifice of his life.

I was deeply moved to read the tribute to Josef Cardinal Mindszenty which appeared in the Boston Globe on Thursday, September 30, which I include in my remarks.

The Department of State deserves an expression of deep appreciation from all Americans, of whatever creed, or race, for the refuge afforded in the consulate in Budapest, which will serve to give heart to the countless millions beyond the reaches of the free world in their continuing aspirations for freedom.

The article follows:

THE ACT OF A QUIET MARTYR

By abandoning his voluntary confinement in the American Embassy in Budapest, Josef Cardinal Mindszenty bows to the dictates of his church in a changing world. This in itself may be an act of heroism greater than all those the cardinal has performed since he was jailed by the Communists in Hungary 22 years ago.

The 79-year-old priest has symbolized a steadfast resistance to outside oppression from the earliest days after World War II. His imprisonment in 1949 came at a time when the animosities of the Cold War were at their peak with Soviet-dominated forces moving to take over countries that had just been ravaged by World War II. The cardinal was acclaimed a hero then and on his brief release during the Hungarian uprising of 1956.

Since then, communism has become a fact of life in Eastern Europe and a degree of pragmatism has become a way of life in the church. Both institutions have softened their positions in the real interests of the people they serve.

In order to protect its deeply religious followers in the Iron Curtain countries, the church has increasingly sought accommodation with existing regimes. In 1964 Hungary signed an agreement with the Vatican on the naming of Catholic bishops. Last year full diplomatic relations were restored between the Vatican and Yugoslavia. Work toward the normalizing of church-state relations is underway with the new regime in Poland.

In the face of these events, the unseen but deeply felt presence of Cardinal Mindszenty, unrepentant on the fourth floor of the American embassy in Budapest, was seen as an obstacle and an embarrassment. The cardinal had not left the embassy nor issued a formal pronouncement for 15 years. But his continued presence was in itself a pronouncement of protest and his eventual death would have been that of a martyr.

The abandonment of a chance for martyrdom to a deeply felt cause in the interests of those who must live on under a larger organization is the greatest act of courage and humility a man of conviction can make. And Pope Paul acknowledged this in asking the cardinal to "make the hardest sacrifice of your life" by leaving Hungary forever. Somehow one feels that the cardinal's act of obedience could win him that martyrdom, and on the highest level of all.

CITIZENS TOLD UNITED STATES LAND OF OPPORTUNITY

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. McCLURE. Mr. Speaker, I am often impressed by the eloquence of the average American citizen in speaking about our national heritage. It is often the kind of statement, straight from the heart, which no professional speechwriter can match.

This kind of speech was delivered by Federal Judge Fred M. Taylor in Boise last week to 33 new Americans who had, only moments before, received the oath of citizenship.

Knowing Judge Taylor as I do, I am sure he merely intended to restate his faith in our system of Government and the freedoms we enjoy. But, somehow it came out rather special, and fortunately, the Idaho Daily Statesman chose to reprint those words.

Fred Taylor is the senior Federal judge in our State. His was one of Idaho's pioneer families, and the judge has certainly earned the respect of all the citizens in the State. It is a privilege to ask that his statement be printed in the RECORD at this point

CITIZENS TOLD U.S. LAND OF OPPORTUNITY

(Editor's note: These were the remarks of U.S. District Judge Fred M. Taylor Tuesday to 33 people who had qualified for the rights of citizenship.)

(By Judge F. M. Taylor)

It is always a great pleasure for me, as a judge of this court, to grant citizenship to persons such as this group. On behalf of the United States of America I am proud to welcome you as citizens of this great country.

I am sure most you have worked and studied hard to attain this goal and indeed you are to be congratulated.

In this world today there are millions of suffering people who would make great sacrifice to be here and take the oath of citizenship. Yet today only you have obtained this privilege. I am sure you will take full advantage of what it has to offer.

Most of you have been in this country long enough to realize that these United States, under its dedicated form of government, is not a cure-all for any of your past personal misfortunes or the misfortunes of others who seek its citizenship. Becoming a citizen does not insure your freedom, replace poverty with wealth or illiteracy for literacy. These are goals for which you, as free individuals, must strive. What this unique country does offer you is the opportunity to achieve these goals and it provides the means which no other country of the world can offer you. Thus the dynamics of our democratic society will reward the industrious, the honest and the diligent citizen who takes advantage of this opportunity.

In exchange for this freedom and opportunity, you have by your oath of allegiance taken upon yourself the responsibilities of a United States citizen. You are now obligated to preserve these attributes of a free nation by conducting yourselves as good citizens—by obeying all laws, by exercising your voting privileges and, if necessary, by bearing arms to defend it against any people or nation that may seek its destruction.

The freedom we enjoy came dearly to this nation; bought in blood, and tears, and sacrifice. It has given us a truly magnificent system of justice, of government, of commerce, of social institutions, and a standard of living which is the highest ever recorded by any civilization.

Millions in slavery cry out for us to remain steadfast and to hold high the beacon of light in a darkened world. Our nation is the last hope of a free civilization. Our dedication to truth, to justice, and to individual dignity must not be compromised.

The preservation of this democracy depends not upon the state, but upon its citizens. Since this nation was founded nearly two hundred years ago, millions of American citizens have accepted this obligation and have been equal to its challenge. Many of these Americans were and are men and women such as you.

Our nation today needs leaders and citizens of unusual vigor and foresight. America can rise no higher than the individuals who walk her streets, conduct her business, teach her young, make her homes, and attend her churches. We must therefore recognize individually our responsibiilty in that respect.

The American Bar Association, as a public service, drafted a paper called Canons of Citizenship. It states clearly and concisely the responsibilities of citizenship. This association says that every American citizen should recognize the duty to:

Uphold the laws of the United States, and the states and communities.

Defend our country from invasion and our government from overthrow by force, violence, or subversion.

Encourage respect for law and order and insist upon solutions of differences and grievances by processes of law and never by resort to violence or other unlawful means.

Support those charged with the enforcement and administration of our laws, voluntarily act as a witness and serve as a juror.

Harbor no prejudice against anyone because of race, religion or national origin.

Maintain pride in family, heritage and church as well as in community, state and nation.

Keep informed on issues and candidates, and vote in every election.

Respect the rights and opinions of others.

Participate in religious, charitable, civic, educational, or other activities to promote the welfare of the community.

Acknowledge that "responsibilities" are as important as "right" in the preservation of freedom and justice.

These ten duties should be the code of every American.

The challenges of today, though different in nature, are no more formidable than those overcome by our founding fathers.

As you are indeed fortunate in becoming citizens of the United States of America, so in this nation indeed fortunate in having you as new citizens. You have my best wishes for a happy and prosperous future as citizens of the United States of America.

THE HONORABLE JAMES S. GOLDEN

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. NATCHER. Mr. Speaker, I rise to pay humble tribute to the memory of my friend, James S. Golden.

Mr. Golden was a man of extraordinary compassion and it was this quality more than any other that formed his thinking and gave him his stature. It was this sincerity of concern for all men which directed his life and which revived the hope of many Kentuckians and especially a great many of those who lived in the Appalachian section of our State. Our country has lost another great leader and I have lost a true friend. We sorely need more men of his stature in the turbulent days ahead.

I extend to his family my deepest sympathy in their bereavement.

NATIONAL SUMMER YOUTH SPORTS PROGRAM

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. PEYSER. Mr. Speaker, on September 22, 1971, I introduced a bill to authorize a national summer youth sports program (H.R. 10820). The National Collegiate Athletic Association, in cooperation with the Federal Government, has run this program with great success for the past 3 years. It provides disadvantaged youths with supervised sports instruction and competition, with the opportunity to develop new skills and interests, with instruction concerning employment, study and career opportunities, with health and nutritional services and to enable colleges and universities to participate in the solution of community problems. We must guarantee the continuation of this type of program which benefited 45,000 youngsters last summer. My bill would provide a 5-year authorization, with $5 million to be appropriated for the fiscal year ending June 30, 1972, $7 million for 1973, and $10 million for each of the 3 remaining years.

I have throughout my life been involved in sports. As a result of my involvement, I am well aware of the value of discipline both of body and mind which sports participation demands. I am therefore eager to see that all young people have the opportunity to receive athletic coaching and instruction which will result in better health and self discipline.

The benefits of the summer programs have been well stated by Mr. Warren Jackson, assistant coordinator of the Fordham University NCAA summer youth sports program:

> Here at Fordham University we aspire to teach not only the fundamentals and embellishments of athletics but also we feel we are offering to a neglected and hard-core integrated group of children an experience as well in education, respect of authority, discipline, and, in many cases, a realization of responsibility to themselves to, for the first time, lift themselves to higher horizons than their present environs.
>
> We have, we believe, opened the door of the protective facade that the league of "hard knocks" gives the inner-city child. It has been proven that four hours a day of working and caring about our kids does make a difference. It has been our reward to have some of last year's children return to serve as exemplary models for this year's challengers.

We must not only guarantee that programs such as this one continue, but we should also encourage more of these programs to develop in order to meet the needs of the many children in areas where there are no such programs, or where applicants had to be turned away because of space and financial limitations. My bill will authorize the Secretary of Health, Education, and Welfare to make grants or to enter into contracts for the conduct of an annual national summer youth sports program concentrated in the summer months, with opportunity for continued activities throughout the year. The grants or contracts will contain provisions to assure that the programs will, first, expand educational opportunities for disadvantaged youths, designed to provide an opportunity to engage in competitive sports and benefit from sports skills instruction; second, help young people learn good health practices and become better citizens by utilizing the personnel and facilities of higher education; third, enable the contractor and institutions of higher education located conveniently to areas of concentrated poverty and their personnel to participate more fully in community life and in the solution of community problems; fourth, provide a combination of employment and on-the-job training in sports instruction and administration; and, fifth, serve major metropolitan centers of the United States as well as other areas, within the limits of program resources.

The summer youth sports programs have so far been funded by OEO on a year-to-year basis as an experimental program and there is absolutely no guarantee that OEO will continue to fund them. Unless we authorize specific funds for these programs, long-range planning and coordination which would help to increase the benefits of the programs would be useless.

The summer programs have received wide acclaim and promise to be even more successful in the future if they can be continued. We have the opportunity now to promote these programs, to give the children of America a good healthy direction in life, and, hopefully, directly and indirectly, to help lower the rates of juvenile delinquency and drug abuse. I hope that we act quickly to authorize the funds necessary to operate these outstanding programs.

MORE ON THE PRAYER AMENDMENT

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. SCHWENGEL. Mr. Speaker, the interest and concern about the prayer amendment to the Constitution is growing. As the interested parties think on the effects, they are having second thoughts about the wisdom of tampering with the Bill of Rights.

Mr. Speaker, our forefathers did this Nation a great favor when they included the Bill of Rights in the Constitution. This set the stage for the church to become more powerful and influential here than in any other part of the world. They reasoned that the church must not only be free, but independent and the result has been a very happy development in our country where any group that has special ideas about moral questions can band together to promote the moral ideals that seem most important to them and in various ways the churches have undergirded and supported our basic freedoms. It is my hope that all of the colleagues will recognize the kind of religious atmosphere that has prevailed here because we had religious liberty and freedom of religion.

Mr. Speaker, recently the Washington Post carried an excellent editorial entitled "The Wall That Shields Religion" and I commend it to all my colleagues and all those who are interested in this question. The editorial follows.

THE WALL THAT SHIELDS RELIGION

Although there are those who seem to regard it as a restraint on religious worship, the First Amendment is, above all else, a guarantor of religious liberty. It reflects a recognition, as Mr. Justice Clark once put it for the Supreme Court that "the place of religion in our society is an exalted one, achieved through a long tradition of reliance on the home, the church and the inviolable citadel of the individual heart and mind." The Justice continued, however, with a reminder: "We have come to recognize through bitter experience that it is not within the power of government to invade that citadel, whether its purpose or effect be to aid or oppose, to advance or retard. In the relation between man and religion, the State is firmly committed to a position of neutrality."

Justice Clark wrote those words in an opinion for the court holding that the First Amendment, by virtue of the Fourteenth, forbade a Baltimore school board to require the use of the Lord's Prayer, or any other prescribed form of worship, in public schools. This is to say simply that schools supported by public money and used by children of every faith and of no faith at all are not appropriate places for religious worship. Use of them for worship, even if participation be nominally voluntary, imposes on children a kind of coercion, a pressure toward conformity, wholly alien to the First Amendment's spirit of complete toleration. The appropriate places for worship are "the home, the church and the inviolable citadel of the individual heart and mind."

Yet today a majority of the House of Representatives seems disposed to repeal the religious freedom clause of the First Amendment. They have signed a discharge petition to bring from the Judiciary Committee to the floor of the House a proposed constitutional amendment designed to authorize public school prayers. Devout and well-meaning these men may be; but understanding of their country's history and institutions they are surely not. They would give away, for the sake of a shallow show of religious devotion, the great constitutional bulwark against governmental control of religion that has kept America for nearly two centuries the world's foremost bastion of religious liberty. What folly it would be to breach the wall that shields conscience from the reach of secular authority.

When men seek to use the public schools, which children attend by the requirement of law, to propagate faith, they confess a loss of faith in the home, the church and the inviolable citadel of the individual heart and mind. When men strive, in the name of divine worship, to impose religion by rote, they perpetrate what is, in truth, a sacrilege. Genuine religion germinates only in the soil of freedom.

WAITING FOR THE DOCTOR

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. RYAN. Mr. Speaker, on September 16, I brought to the attention of the House the fact that some 6 million children have been denied necessary health care because the Department of Health, Education, and Welfare has ignored the legal mandate to put into operation a 1967 amendment to be medicaid law. This law—Public Law 90–248—requires early and periodic screening and diagnosis * * * and such health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby.

Although HEW belatedly published proposed regulations to implement this provision in December 1970, these regulations still have not been promulgated.

Even when HEW finally proposed regulations, they were a year and a half overdue, for the law requiring them became effective July 1, 1969. Ten months have since passed, and the regulations still have not been promulgated. HEW's own expectations for this program are damning indictment of this delay, for when the regulations were proposed last December, HEW officials hailed them as providing 6 million individuals with screening diagnosis, and treatment when the proposed regulations become effective. very shortly.

On August 18, I wrote to Secretary Richardson requesting that he immediately promulgate these regulations. On September 21, I received a response from the Secretary expressing his "concern about the urgent need for regulations to implement this provision of the Social Security Act," and informing me that he has signed the regulations which will be published in the Federal Register "very shortly."

Hopefully, this nationwide medical screening and treatment program for 6 million children will soon be a reality. They have been waiting for the doctor for a very long time.

At this point I include in the RECORD an article by Bob Kuttner which appeared in the Village Voice of September 23, entitled "Waiting 5 Years for the Doctor." I also include a column by Robert Walters that appeared in the September 16, Washington Evening Star, detailing the need for the promulgation of these regulations.

I commend these articles to the attention of my colleagues.

[From the Village Voice, Sept. 23, 1971]

MEDICAID FOR CHILDREN—WAITING 5 YEARS FOR THE DOCTOR

(By Bob Kuttner)

WASHINGTON, D.C.—Even after some good ideas manage to survive the legislative maze, like the comprehensive child-care program which recently emerged from the Senate, the bureaucracy is able to kill them.

A rather similar provision, which was never paid much attention, was enacted by Congress in 1967, as part of a Social Security and Medicare overhaul. It required all states with Medicaid to include an early screening, diagnosis, and treatment program for all eligible children under 21—about six million nationally. These are the children of the poor, those most likely to have undetected maladies which could benefit from early treatment.

The law required the Secretary of Health, Education, and Welfare to issue regulations no later than July 1, 1969. In other words, the lawmakers gave the health bureaucracy more than *two years* for planning. The program, interestingly, did not originate with the Johnson administration's draft of the bill, but was added in committee—Wilbur Mills's House Ways and Means Committee, hardly an innovator of radical social legislation. Early screening was seen simply as a more economical use of health resources.

The incoming Nixon HEW Department knew of the law, but did nothing. July 1969 came and went. One state, which has had more than its share of wrath from the federal bureaucracy, was under the delusion that its Medicaid program might be held accountable if the will of Congress were ignored. So *Mississippi*, in 1970, became the sole state to implement a screening, diagnosis, and treatment program for children under Medicaid.

The findings were startling. During the first four months, 1178 children were screened and 1301 abnormal conditions were found. The largest number of cases were, as could be expected, relatively minor conditions such as dental neglect (305 cases) and enlarged tonsils (217) and anemia (241). Also found were several dozen cases each of hernia, heart abnormalities, sight and hearing problems, intestinal parasites, and several cases of even more serious illness. If New York had such a screening program, lead poisoning would undoubtedly rank high. The Mississippi program, according to Dr. Frank M. Wiygul, Jr., Director of General Health Services, enabled the Board of Health "to reach a group of children not touched previously." The screening, which includes a battery of tests and the recording of the child's medical history, costs $8 per child, including lab work. Follow-up examinations are arranged where necessary. So much for Mississippi.

After a good deal of prodding, HEW finally issued proposed regulations on December 11, 1970, or a year and a half after Congress mandated the program to take effect, and nearly four years after the legislation was enacted. The proposed regulations permit states to begin with children under six, gradually extending services to others up to age 21 by July 1, 1973. Better late than never. But wait, these were only *proposed* regulations, inviting comments within 30 days. It is now another nine months later, and *still* no regulations have been issued.

The comments received by HEW on the proposed regulations were also enlightening. Mississippi, which had been under the impression that the program was mandated all along, largely endorsed the idea. The state Medicaid Director called it "an essential element in any health care program" and "one great potential benefit under Title XIX" (Medicaid). Virginia's Medicaid Commissioner, in a similar letter to HEW, wrote: "We in Virginia heartily endorse this emphasis on early disease detection during a period of life when correction is so important and in fact still possible."

New York Social Services Commissioner George K. Wyman had a rather different response. Taking issue with several aspects of the plan, Wyman offered as a substitute utilization of existing services such as Head Start and school medical examinations (which do not include treatment), concluding: "I feel it is only fair to advise you that if the rules are promulgated in their present form it will be extremely difficult, if not impossible, for New York State to comply with them."

This sort of thing was apparently sufficient to scare off HEW. According to their public relations man who specializes in health, the matter is still "under consideration." Representative William F. Ryan of the 20th C.D., who is responsible for the passage of federal lead poisoning legislation, protested in a letter to HEW Secretary Elliot Richardson more than a month ago, and has received no reply. Ryan has also learned that data on abnormal conditions found through physical examinations of New York school children is now shipped to the Social Services Department in Albany, where it gathers dust for want of a follow-up program.

How is it that a program enacted by the Congress under the sponsorship of a powerful Committee can be frustrated by the HEW bureaucracy for five years? According to a senior staff member of the Committee, who was quite candid in a long informal telephone conversation, it happens all the time, "especially in social services programs." HEW's Social and Rehabilitation Service has a pretty bad record, but the Food and Drug Administration (FDA), also under HEW, apparently wins all bureaucratic frustration awards. The Ways and Means man said the problem was not that the Committee was ignorant of the delay. The Committee felt that eventually something along the same lines would be implemented as part of a comprehensive health program, and that things should be left to go their own way. We were, said the staffer, "a little too ambitious on timing." The states are having more severe budgetary problems than in 1967, and HEW is "scaredy pants" to "take on the states." Happens all the time.

As a clincher, he passed along the following statistic: if we were to guarantee everyone in the United States a complete physical once a year, this would require the full-time work of double the present number of general practitioners, internists, and pediatricians in the U.S.

So there it is. A good program sneaked through, and there it sits. Dr. George Wiley of the National Welfare Rights Organization and Dr. Robert Coles of "Hunger in America" fame are considering a lawsuit to force HEW to take action.

You can get on the HEW press release mailing list and keep abreast of announcements of marvelous-sounding programs which never get implemented. Selective law enforcement—of job discrimination laws or food and drug standards or health programs or innumerable other things—seems always at the expense of the poor and the black, or sometimes even the plain old consumer. Happens all the time.

[From the Washington Evening Star, September 16, 1971]

Washington Closeup—What We Really Need Is Action

(By Robert Walters)

Back in December the Department of Health, Education and Welfare proudly announced that it had drafted regulations which would "require state Medicaid agencies to spearhead the comprehensive planning necessary" to implement a nationwide program of preventive medical care for 6 million needy children.

The HEW press release at the time boasted of plans to provide "screening diagnosis and treatment" in cooperation with neighborhood health centers, child health clinics, day care centers, school health programs and family planning clinics.

The way HEW's Social and Rehabilitation Service told it, the periodic medical examination of young children was only the first step in implementing the law. By mid-1973, the service predicted, all individuals under 21 who were covered by the Medicaid program would be added to the program.

All of that allegedly bold action was, in fact, a sham. And it is typical of the bureaucratic shell game at which HEW officials have become so proficient. Consider, for example, what really happened with that program of preventive medicine for needy youngsters throughout the country:

The authorizing legislation was passed by Congress and signed into law by the President in 1967, with a provision calling for the medical aid program for poor youngsters to begin July 1, 1969.

That two-year interval presumably gave even the slowest HEW employe time to draft the regulations under which the program was to operate. In fact, the first proposed regulations did not appear until December 1970, three years after the law was passed and 1½ years after the starting date designated by Congress and the President.

As required by law, publication of the proposed regulations was accompanied by the announcement that interested parties had 30 days to comment. Following that deadline SRS was supposed to consider the suggestion of those affected, then publish final regulations.

Last month, Rep. William F. Ryan, D-N.Y., wrote to HEW Secretary Elliot L. Richardson to note that absolutely nothing has been heard from SRS in the 9 months which have elapsed since the issuance of the press release and proposed regulations (not to mention the four years since the law was passed or the more than two years since the program was supposed to have been initiated).

Ryan said HEW's "dilatory action . . . appears to contravene the intent of the Congress that a law which it has passed in fact be implemented." From a humane standpoint, he noted that "every day of delay is another day of illness for these children."

The impact such a program can have already has been demonstrated in Mississippi, which has initiated its own preventive medicine project without waiting for HEW's regulations. During a four-month period last year, 1,178 children were screened, and state medical officials were able to detect, and recommend early treatment for, 305 cases of multiple dental cavities, 241 cases of anemia, 217 cases of enlarged tonsils, 97 cases of poor vision and scores of similar ailments.

What is HEW's response to Ryan's call for the long-overdue implementation of such a program nationally?

"The comments have been under active consideration," says a departmental spokesman. No other reply is offered.

SRS is hardly the leader in this type of foot dragging. Within the HEW bureaucracy, the champion is clearly the Food and Drug Administration. Consider this example of governmental delinquency, as only the FDA professionals know how to practice it:

In 1960, Congress gave the FDA the power to regulate the labeling of hazardous substances. In 1967, the FDA became aware that lemon-scented, yellow-colored, glass-bottled furniture polish was just such a substance.

Young children were mistaking the polish, made with highly toxic petroleum distillates, for a lemon drink. Between 1965 and 1970, at least 54 children under 5 died from drinking the polish.

In June 1970, the National Commission on Product Safety published a report detailing FDA's record of inaction in the field. Nothing happened. Last month, Consumer Reports, the monthly magazine of Consumers Union, devoted its cover story to the problem and suggested that HEW "sat on its hands while children died."

Two weeks ago, the FDA issued another of those press releases, proclaiming that it finally had drafted some proposed regulations which would require toxic furniture polish to be marketed in special bottles which children cannot open.

Wait to see if that program is ever implemented.

UNISIST

HON. JOHN W. DAVIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. DAVIS of Georgia. Mr. Speaker, as the chairman of the Subcommittee on Science, Research and Development of the Committee on Science and Astronautics, and as a member of the Committee on Foreign Affairs, I wish to call to the attention of my colleagues the Intergovernmental Conference for the Establishment of a World Science Information System, which is being convened this week in Paris under the auspices of UNESCO, and to which more than 60 nations are expected to send representatives.

The specific purpose of this conference is to review the recommendations contained in a 3-year study on the feasibility of a world science information program. This study was completed through the collaborative efforts of the International Council of Scientific Unions and the science sector of UNESCO. The report which was issued on the study, UNISIST, contains suggestions for worldwide cooperation in the processing and utilization of scientific information.

The President's Science Adviser, Dr. Edward David, noted in a recent magazine article that "something new" is occurring in international science. "Some real problems of society are becoming international in scope," Dr. David said, "and this provides a whole new frontier in cooperation and understanding that could be very exciting." It is to this new spirit of cooperation and understanding that the Paris conference will address itself this week.

The very capable Director of the National Science Foundation, Dr. William D. McElroy, is leading the nine-man U.S. delegation to the conference. Other members of the delegation are: Mr. Andrew A. Aines, NSF, Dr. Lewis M. Branscomb, National Bureau of Standards, Dr. Harrison Brown, CalTech, Dr. Martin Cummings, National Library of Medicine, Mr. Melvin S. Day, NSF, Dr. Robert A. Harte, American Society of Biological Chemists, Mr. Pierre R. Graham, U.S. Representative to UNESCO, and Mr. Arnold Kramish, U.S. Representative to UNESCO. Dr. McElroy is an outstanding proponent of the ideal of international cooperation in the sharing of scientific and technical knowledge, and I would like, at this point, to insert the text of his remarks to the opening session of the Paris conference, as follows:

PROPOSED SPEECH OF DR. W. D. MCELROY, CHAIRMAN, DELEGATION OF THE UNITED STATES OF AMERICA TO THE INTERGOVERNMENTAL CONFERENCE FOR THE ESTABLISHMENT OF A WORLD SCIENCE INFORMATION SYSTEM (UNISIST), UNESCO HOUSE, PARIS, OCTOBER 4–9, 1971

Mr. President, Mr. Director General, Ladies and Gentlemen: I bring you greetings and wishes for a successful conference from the President of the United States, from the community of scientists, engineers, communicators, information scientists, and librarians, and others in my country who share our common aspirations for a successful global scientific and technical information program, and also from my fellow delegates who have joined me in this important meeting.

Before I make a few remarks expressing some of the points of view of this delegation, I wish to congratulate the conveners of the UNISIST Conference for focusing the world's attention on the important issues of scientific and technical communication. I should also like to express my appreciation to the dedicated individuals of the UNISIST Study Group, whose diligent work made this conference possible, and to the officials of the International Council of Scientific Unions and of UNESCO for this extraordinary act of collaboration which has and will continue to be so fruitful. I would further like to extend my warmest thanks to the friendly and great people of the beautiful country of France for so graciously and hospitably providing us with such a perfect setting for this important event.

My Soviet colleague has been eloquent in articulating the promise that UNISIST holds. It is clear that scientists everywhere have the same outlook about the necessity for and the benefits to be derived from the sharing of scientific and technical knowledge.

In the United States there is an increased perception of the promise that powerful new communications and information-processing technologies may hold for the peoples of the world. At the same time we are aware of the technical difficulties involved in their use. Still, we see the achievement of the UNISIST concept as an important part of the effort to adjust and adapt to these new forces and opportunities. We hope that thoughtful men and women everywhere will dedicate themselves to the UNISIST ideals.

The American delegation endorses fully the principles of international cooperation on which the UNISIST proposals are based. It has long been the policy of my country to share its scientific and technical information with other countries and to promote the unimpeded flow and exchange of information. This is being done through many mechanisms and channels—through assistance to scientists in publishing the results of their research and development; through the creation of governmental programs such as the National Technical Information Service to make the results of government research and development projects widely available; through the Smithsonian Science Information Exchange which maintains a register of current research project information; through the National Referral Center for Science and Technology which provides a catalog of American information sources; and through thousands of information exchange arrangements in all fields of science with organizations in other countries. We strongly support the informal interchange of information by individual scientists with their colleagues in other countries, and we earnestly encourage its expansion as one of the most natural and effective means of scientific communication.

For the foreseeable future we will have to maintain conventional information-processing programs based on the printed word; however, as nations of the world mechanize their information processes to improve the efficiency and ability to handle information, we must ensure that there exists the necessary communications technology for the efficient exchange of information. We, therefore, see in the UNISIST program the establishment of an international mechanism that will help reduce the dangers of a communications technology gap.

I am sure that this problem has been of primary concern to the architects of UNISIST and to every country represented here today. Its solution, however, will take much hard work by many dedicated men and women as part of the UNISIST effort.

As a biologist, I have witnessed over the years the difficulties entailed in improving the communications process in my own field, and I am aware of the economic, cultural, political, and financial obstacles that must be overcome. The challenge we face in developing an international scientific and technical information program within which to interconnect scientists, engineers, administrators, educators and the public alike is a task that may require many years. It cannot be done instantaneously. I believe the attainment of the UNISIST goal within individual countries will be a major accomplishment.

If we are to succeed in the UNISIST mission, we must not minimize the problems we face. For example, while mechanization of the information process will bring more speed and more ability to extract the information and data we need, it stands to reason that costs of this process will increase.

Scientific and technical information is costly to produce, costly to obtain, costly to disseminate, and at times costly to use. UNISIST offers the base by which these costs can be reduced through international cooperation, coordination, standards, and uniform practices—a goal to be earnestly sought by all of us.

I wish to re-emphasize that in spite of all of the obstacles and difficulties to be overcome, the United States delegation fully endorses the UNISIST concept and principles. Our delegation is convinced that if we fail to create a rational international scientific and technical information plan the consequences will be very costly to all nations in the long run.

The United States delegation is, therefore, proud to join with other nations and to introduce a Resolution which, we believe, will ensure progress in achieving the goals for which UNISIST stands.

RESOLUTION ON PLEBISCITE OF IRISH PEOPLE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. BIAGGI. Mr. Speaker, I am presently circulating for cosponsorship my resolution calling for a plebiscite of all the Irish people on the question of reunification of their divided country. My efforts recently have been endorsed by the Yonkers, N.Y., City Council which passed a resolution substantially the same as mine.

I am pleased that local governmental bodies are taking an active interest in problems other than those of a purely local nature. In today's modern world, problems in one nation have a definite effect on problems in other nations.

For the interest and benefit of my colleagues, I am including the resolution at this point in the RECORD.

RESOLUTION NO. 451–1971

Whereas, the many contributions of men and women of Irish blood to the building of our great Nation and to the cause of freedom everywhere since the earliest times; and

Whereas, the fact that Ireland is artifically partitioned against the wishes of the overwhelming majority of the Irish people; and

Whereas, the denial of the basic human rights of self-determination, freedom of religion and peaceful assemblage is a matter of grave concern to freedom-loving people everywhere; and

Whereas, this Council recognizes that the people of Northern Ireland are denied basic civil and human rights by totalitarian forces beyond their control; and

Whereas, for humanitarian reasons and out of respect for the principles of freedom, liberty and justice, and in recognition that the situation in Northern Ireland is a threat to the peace and freedom of the world, now, therefore.

Be it resolved, that it is the sense of this Council that the Irish People be permitted to exercise their basic right of self-determination in a free and open plebiscite, in accordance with the Charter of the United Nations, and to be a part of the Sovereign Irish Republic, if such is the will of the majority of the people of Northern Ireland; and

Be it further resolved, that a copy of this Resolution, which has heretofor been introduced in substance by Rep. Mario Biaggi in the House of Representatives, be transmitted to President Richard M. Nixon, Secretary of State William Rogers, Ambassador to the United Nations George Bush and to Senators Jacob Javits and James F. Buckley and that the Senators introduce and diligently pursue the passage of a similar Resolution in the Senate of the United States.

SAFE CAR? IT COULD BE AN ACCIDENT

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. ROSENTHAL. Mr. Speaker, in an effort to halt the highway slaughter, the State of New York has instituted a system of motor vehicle safety inspections.

An inspection of the inspection system by the Rochester Democrat and Chronicle concluded that—

> If cars on New York streets meet safety requirements it is as much by happenstance as by regulation.

One of the major flaws in the flaw-riddled system is a provision that allows mechanics to repair the deficiencies they find in cars brought to them for inspection. This undermines fairness and objectivity and provides an incentive for inspectors to be more interested in additional business than in safety.

The need for reform is made quite clear in a report compiled by consumer reporter Thomas R. Morris. I am inserting that report in the RECORD at this point for all to read:

SAFE CAR? IT COULD BE AN ACCIDENT

A Help! for the Consumer investigation of the state's motor vehicle safety inspections has revealed that if cars on New York streets meet safety requirements it is as much by happenstance as by regulation.

The investigation found that the system is riddled with loopholes, and that some enforcement efforts are hamstrung by lenient judges.

The system requires that each car pass an annual safety inspection at one of more than 11,000 licensed garages in the state, 530 of them in Monroe County.

The state police assigns 70 troopers to spot check inspection stations to make certain they perform thorough inspections.

But when the police charge a mechanic with making an improper inspection, he faces small penalties, at least in Monroe County.

One mechanic, charged with failing to do a complete inspection of an unmarked police car, was acquitted without a trial by a Henrietta town justice who had his car serviced at the mechanic's garage.

"I don't believe there was intent to defraud anyone," Justice Lawrence Sullivan said in explaining his action. "I've bought my gas at Art's (the station where the mechanic worked) for about a year, and they've done some good work on my car—like fixing my ignition and brakes."

Two other Monroe County mechanics charged with improper inspections pleaded guilty but were given unconditional discharges—without fines—by other local judges.

Because the State Police find fault with more than half the inspection stations they spot check, the Department of Motor Vehicles has begun testing and certifying individual mechanics as well as the stations where they work.

The department's theory is that if the mechanic is caught doing an improper inspection at one station, he won't then be able to get a job at another station and continue doing less than he's supposed to.

But, faced with nearly 40 per cent of the mechanics failing the test the first time it was given, the department has instituted cram sessions before the examination to make certain everyone passes.

The examination tests whether the mechanic knows what should be tested, not whether he knows how to do it. And the mechanics are told the answers to all the questions during the two hours preceding the test.

It's so easy that D&C reporter Thomas R. Morris was able to score 90 per cent correct, well within the passing range. Several days after the test he asked another reporter how many spark plugs are in a car.

Morris also doesn't know what a PCV valve is, but remembered the instructor telling him which cars are required to have one, so he got that answer right. The PCV (Positive Crankshaft Ventilation) valve is part of the anti-pollution system.

The motor vehicles department calls the test "comprehensive" but admits it has shortcomings and isn't ideal. The safety inspection system has other shortcomings—ones that apparently can't be overcome quickly.

An in-depth look at those shortcomings is the subject of today's Help! for the Consumer on page 8D.

INSPECTIONS EXPENSIVE, INEFFECTIVE

(By A. F. Ehrbar)

Feel safe driving in New York because you know all those old clunkers have undergone exhaustive safety inspections?

Don't.

Four out of ten safety "inspectors" don't know what to inspect, or didn't until the state crammed the answers to a "comprehensive" test of inspectors into their heads.

And less than half the inspections spot-checked by the state police this year have been done properly. A majority of inspection stations either haven't inspected the car thoroughly, sold the necessary sticker to a driver whose car couldn't pass, or found wrong that weren't wrong.

If the results of the state police inspections are representative, and if the initial inspectors' test results mean anything, you can drive assured that at least 40 per cent of the cars on New York's streets and highways are safe.

And you, along with the rest of New York's motorists, can continue to pay more than $21 million a year for that assurance.

Meanwhile, some 70 state troopers will continue to make "concealed identity checks" in plain clothes and unmarked cars to keep inspectors on their toes.

But even that doesn't work. When the state police catch an inspector doing faulty inspections the inspector faces somewhat less than stern discipline.

Of five inspectors charged with conducting improper inspections in Monroe County this year, only one paid a fine, and that was in the form of $10 forfeited bail.

Inspectors also face Motor Vehicle Department hearings on their licenses as inspection stations. The most severe action against an offending Monroe County inspection station was a six-month suspension of its license—for issuing a sticker without doing even an incomplete inspection.

Vincent L. Tofany, Commissioner of Motor Vehicles, hopes he sees some light at the bottom of the grease pit.

Tofany says he wants to set up a new system in which inspection stations do nothing but inspect. That way, they can't benefit from finding things wrong that aren't wrong. And those six-month suspensions will mean something because they put the stations out of operation.

However, the MVD adds that a new system is out of the question for at least two years—unless Congress comes to the rescue and passes a bill currently before the Senate that would do what Tofany suggests.

Another desirable change is a test of inspectors that truly tests whether they know how to do the inspections, not just what has to be inspected.

But the budget is tight, Tofany says, and auto safety inspections don't have the highest priority. Despite the fact that the system, by MVD figures, operates at a profit.

The MVD budget for the program and state police expenses for checking inspectors, were $1,733,400 last year. The MVD took in $2,126,973.95 from the sale of window stickers and official signs to inspection stations.

The state has priorities for that profit, so testing clinics can't be set up and Tom Morris can continue to pass the test.

And inspection stations will probably continue to operate as they do now, because the penalty only means they won't be able to inspect another car for three to six months, and they might have to pay a $10 fine.

TEST YOUR SHOPPING SENSE

QUESTION. What are my rights if a mechanic tells me my car won't pass inspection unless he makes some costly repairs?

ANSWER. The yellow rejection sticker the mechanic will put on the top center portion of your windshield says you'll have either 10 days or until the end of the month, whichever is sooner, to make repairs. If you wait until the day your current inspection sticker expires, you'll have to have the mechanic make the repairs that day. So it's to your advantage to have your inspection early.

The rejection sticker also says you're liable to be stopped by police for driving a car that failed inspection. State police say the rejection sticker permits you only to drive to another garage for repairs.

The second inspection must be complete—the mechanic may not just check or repair the item that failed the first time. And the mechanic will charge you the full $3 inspection fee. State police say that $3 fee can be charged even if you go back to the original station 10 minutes after you leave it.

QUESTION. What if I suspect a mechanic has performed some unnecessary repairs just to make some extra money?

ANSWER. File a complaint (in writing) with your nearest State Police substation or the State Motor Vehicles Department. In 1970, state troopers checked out 443 consumer complaints, about half of which (49.27 per cent) resulted in enforcement action—121 arrests, 187 warning letters and 161 MVD hearings requested.

FOR "BAD INSPECTION"; AN ACQUITTAL WITHOUT A TRIAL

This report on the state's auto safety inspection system was compiled by Democrat & Chronicle Finacial/Consumer reporter Thomas R. Morris. In examining state police and Motor Vehicle Department files, Morris found a Henrietta town justice who reached a verdict without holding a trial, a test of inspectors that doesn't test their ability, and inspection stations that don't inspect.

Henrietta Town Justice Lawrence Sullivan acquitted—without a trial—an auto mechanic charged with conducting an improper state inspection at a garage that previously had done "good work" on the judge's car.

State police had charged the mechanic—John D. McPike of Art's Service Station, 2171 East Henrietta Road, Henrietta—with failing to do a complete inspection Oct. 29 on an unmarked police car brought to the station by Trooper K. L. Yergens, who was in plain clothes.

Sullivan told HELP! for the Consumer last week he acquitted McPike "because I believe there was no intent to defraud anyone. I've bought my gas at Art's for about a year, and they've done some work on my car—like fixing my ignition and brakes.

"The kid (McPike) told me he was alone in the station that day, so he was quite busy. He had to do the inspection plus keep running out to the pumps, so he became a little rushed," Sullivan said.

Yergens testified at a May 17 Motor Vehicles Department hearing here that he appeared in Sullivan's courtroom Jan. 21, but was led to the justice's chambers and told the mechanic would be acquitted.

Sullivan told Yergens he "knew this station personally and felt in his mind they did good work as a rule," Yergens testified.

He testified that no trial was held and that neither the mechanic nor the station's owner appeared in court or the justice's chambers while he was there. And neither appeared at the MVD hearing, a certified transcript shows.

At the MVD hearing, called to determine whether Art's inspection license should be suspended, Yergens said that Art's inspectors had failed to properly check at least 14 mandatory items, including the brakes.

Yergens testified "two or three attendants" were in the station and two mechanics, including McPike, worked on various aspects of the inspection. It was McPike, Yergens said, who put on the new inspection sticker and stamped the car's registration.

Yergens testified that when he returned to the station the following day to write McPike's summons, Art's owner—identified by the MVD as Art Scalone of 7 Patrician Circle, Henrietta—"did remember me being in that day. Now, I don't know whether he was there at the start of the inspection or if he was there sometime during the inspection."

The findings of MVD Hearing Referee Benton Simons noted McPike's acquittal and said:

"There was no actual trial and apparently no basis or ground for the acquittal."

Simons suspended Art's inspection license for 45 days, a suspension that began May 27, for "failing to conduct a thorough and efficient inspection . . . with respect to foot brakes, hand brakes, steering, front end and wheel alignment (toe-in or out), head lamps, tires and P.C.V. system."

Carl McConnell, director of the MVD's auto safety standards bureau in Albany, said, however, he was notified June 15 that Art's was out of business. The inspection license, therefore, hasn't been reinstated even though the 45-day suspension period is up.

Neither Scalone nor McPike could be reached for comment.

HARD TO FLUNK INSPECTORS' EXAM

I know little about cars, and I've never seen a complete New York State car inspection. But I've passed the state's test to become a certified auto inspector.

I scored 90 per cent on the test. A 75 is needed to pass.

Under a new program, no mechanic can inspect a car and put the state's sticker on it after next Jan. 1 unless he's passed the test.

The state, however, is making it as easy as possible to pass the test. The test isn't tough. It doesn't require applicants to show they know how to use testing equipment properly. Clinics preceding the test stressed, emphasized and re-emphasized procedural things like what must be checked on a car that has previously failed inspection.

(Answer: everything. Not just the things that had failed the prior check. I got that one right.)

Even so, many men failed the test when it was first given last April, so the state started the pre-test exam sessions.

Statewide, 14,557 mechanics took the test in April. Only 8,919 passed it—a failure rate of 38.7 per cent.

Monroe County mechanics fared even worse—47.7 per cent of 987 mechanics failed.

"Next to New York City, Rochester had the worst failure rate in the state," said William F. Schencke, a state trooper who was working with the testing program.

Mechanics here who flunked in April were scheduled to take it again this month, but they first had to attend one of 14 two-hour cram sessions at the National Guard Armory, 145 Culver Road, immediately before the test was administered.

And every question in my test booklet—one of five different tests—was answered before the test.

For example, in reviewing how to hoist a car with torsion bar suspension, instructor Leo Gallagher of the Motor Vehicle Department in Albany said the jack goes under the lower control arm.

"When you see that question on the test, just remember they're talking about the type suspension in a Chrysler product. Remember, that's the lower control arm," Gallagher said.

I did, so I got the question right—though I don't know where the "lower control arm" is or how to tell whether a car has torsion bar suspension or any other type.

And I can't explain what a PCV system is, where it is in the car or what it does—I don't even know what the initials stand for. But the clinic emphasized that PCVs were required in most cars made after 1964, so I got the date right on the test.

Of my 59 classmates, all but seven had flunked the test last April. All but two passed after the cram session.

All but 50 of the 437 mechanics who had taken the clinic and test this month passed, bringing the local failure rate down from 47.7 per cent to 8.8 per cent.

"I think the value of the clinics is we have the men assembled, and we can review with them some of the errors state troopers tell us occur frequently—like when or when not to issue a rejection sticker for cars that fail inspection," Gallagher said.

"The mechanic who did the faulty inspection before got off with a light fine or an unconditional discharge," Trooper Schencke said.

"But now that we're going to certify individuals, the mechanic might think twice before attaching a sticker to his friend's unsafe car. He'll know his own card will be pulled, so he couldn't change jobs to continue doing inspections," the trooper said.

CONGRESS MAY OUTLAW NY INSPECTION SYSTEM

New York's auto inspection system will become illegal if a bill pending in Congress is passed.

Senate bill 976, proposed by Michigan Senator Philip A. Hart, provides that an inspection station can make no repairs on cars it flunks.

"The public can be easily cheated by repairmen who flunk a car to make money from repairs. The bill requires, therefore, that no business engaged in auto repairs or in the sale of car parts, or accessories can be an inspection station," a staff member of the Senate Antitrust and Monopoly subcommittee told HELP! for the Consumer.

He said the Commerce committees in both the House and Senate are expected to vote on the measure "in about three to five weeks."

New York's system is one of 30 that could become illegal.

In New York, motorists go to one of 11,052 garages (about 530 in Monroe County) that are licensed by the state to do inspections. Each motorist pays a $3 fee, plus the cost of whatever repairs are done.

Vincent L. Tofany, state motor vehicles commissioner, said he favors establishing centers that could make no repairs on cars. Tofany disclosed in a HELP! for the Consumer interview last March that several companies have been talking with the state about this.

Tofany's staff identified the companies as Radio Corporation of America, Mobil Oil Co., Ethyl Corp., of Ferndale, Mich., and Milex, of King of Prussia, Pa.

Tofany told the D&C last week he's been discussing the proposal with members of the Joint Legislative Committee on Transportation and hopes that a bill allowing creation of the inspection centers would be introduced to the next state legislative session.

MVD sources, however, told HELP! for the Consumer they don't expect the plan to be started for at least another two or three years, unless a federal program goes into effect before then.

STATE POLICE FIND INSPECTIONS FAULTY

The State Motor Vehicles Department has suspended auto inspection licenses of six Monroe County garages this year for periods ranging to six months, HELP! for the Consumer has learned.

The companies are:

Antonelli Tire Co., 17 Lake Ave.

Art's Service Station, 2171 East Henrietta Road, Henrietta.

Bill's Alignment Service, 23 Hartford St.

Duane New Shell, 1463 Buffalo Road, Gates.

Northgate Esso Service, 3739 Dewey Ave., Greece.

Truckstops Corp., 100 Jefferson Road, Henrietta.

More than half the state police concealed-identity spot checks at gas stations so far this year prompted arrests, warning letters or requested Motor Vehicle Department hearings.

Of the 982 spot checks statewide through Aug. 31, only 391 auto inspections were considered "proper." The others led to 410 arrests, 198 warnings and 25 requested hearings, state police records showed. The figures don't add up, as some inspections led to multiple arrests.

In the 10-county Troop E state police district, which includes Monroe County, the 81 concealed-identity spot checks led to 20 arrests, 22 warning letters and 2 requested hearings through July 31. Only 37 were proper.

Asked how often some repairmen perform incomplete inspections or simply put on stickers without any inspection, one trooper said:

"The going rate is 15 bucks.

"Sure there are some men who do complete inspections every time and who keep excellent records, but the State Police have documented cases where that doesn't happen."

Antonelli's license was suspended May 27, pending an MVD hearing. It was restored July 29. A preliminary hearing was Sept. 13, but three witnesses remain to be called. The follow-up hearing hasn't yet been scheduled.

An Antonelli employe—identified by the MVD as Raymond Debole—pleaded guilty April 30 to conducting an improper inspection. He was given an unconditional discharge by City Court Judge Culver Barr.

Art's license was suspended May 25 for 45 days after a state trooper said an incomplete inspection was done on his car during a concealed identity spot check (see story on this page).

Bill's license was suspended July 27, pending an MVD hearing which hasn't been scheduled. The MVD said the hearing was requested after the state police stopped a recently-inspected car for defects.

Thomas W. Colosimo Jr., listed in MVD records as a co-owner of Bill's, was charged with conducting an improper inspection. The charge was dismissed June 30 by City Court Judge Harold Galloway for what city records call "defective information."

Duane New Shell's license is still under a six-month suspension, which began June 1. MVD records showed a state trooper investigating an accident July 24, 1970 said one of the cars had been inspected not long before at New's. A follow-up inspection showed five defects.

The car's driver told investigators a sticker had simply been put on his car without an inspection having been done, the MVD said.

Northgate's license was suspended May 24, after its inspection records weren't made available during normal business hours to a state trooper, the MVD said.

Truckstop's license was suspended for 90 days, beginning last June 1.

A state trooper's record of a concealed identity spot-check at Truckstops said he was asked if the emergency brake worked, but the brake wasn't tested and no other testing equipment was used, the MVD said.

A Truckstop employe—identified as Joseph L. Miller—pleaded guilty last March to conducting an improper inspection, MVD records showed. He was given an unconditional discharge by Henrietta Town Justice John L. Johnson, the MVD said.

The MVD releases only the names of firms whose inspection licenses have been revoked; names of suspended firms normally are kept secret.

After HELP! for the Consumer had obtained the names of suspended Monroe County firms, Motor Vehicle Commissioner Vincent L. Tofany said firms given suspensions as well as revocations will be made public.

Peter Lanahan, head of the department's public information section in Albany, said last week that "as I understand it, they'll be made available to the D&C on a monthly basis as requested. But I don't know if suspensions will become part of the monthly press release about revocations that's distributed to newspapers and broadcast stations on our mailing list."

JOHN SHERMAN COOPER

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. CARTER. Mr. Speaker, it has ever been an inspiration for me to serve as Representative for the congressional district in which the illustrious Senator JOHN SHERMAN COOPER lives. He is a rare politician and statesman, respected and loved by all Kentuckians, the mighty and the humble, as well as by those in international circles.

One of his local county newspapers has just published a very interesting article, perceptively written by Mr. Phil Aaron, a medical student at the University of Louisville, Louisville, Ky. I include this account of his career for your perusal:

SENATOR COOPER HAS REMARKABLE POSITION IN STATE'S HISTORY

(By Phil Aaron)

Kentucky's senior U.S. Senator, John Sherman Cooper, has said he will not seek re-election in 1972. Thus, unless he changes his mind, one of the most remarkable political careers in Kentucky history will draw to a close. Since 1928, he has run for office 12 times, winning 9 of his races.

Cooper attended Centre College, later transferring to Yale University where he graduated with honors in 1923. He then spent two years at Harvard University studying law. There his studies were interrupted when he returned home to Somerset to assume family responsibilities after the death of his father.

In 1928 at 27, he was elected and served one term in the Kentucky General Assembly. Next, he followed the footsteps of his father, his grandfather and four other Coopers as Pulaski County Judge. Being county judge during the depression (1930–38) was to leave a lasting impression upon Cooper. Everyone needed advice or help of some sort or another. Later as a U.S. Senator he would consistently support legislation which sought to benefit the public's welfare.

In 1939 Cooper sought the Republican Party's nomination for governor. He lost to King Swope of Lexington who in turn was defeated by Kense Johnson, the Democrat. In this primary Cooper attacked President Roosevelt for "inciting hatred and vindictiveness between the classes." Pulaski County delivered 7,054 votes for Cooper and only 432 for Swope in this primary election.

During his gubernatorial campaign Cooper was to develop two campaign mannerisms which have since become his trademarks: As a great campaigner and as a terrible public speaker.

First, as a handshaking campaigner. This smalltimer raised in the nobs would shake every hand in sight at least twice. And it was a strong, warm handshake. Walking down a street introducing himself, Cooper was an impressive sight: Tall and slender with a long, ruddy face, strong nose, curly, greying hair and blue eyes—a Lincoln like profile.

With a sort of rugged good looks, a warm smile, and an almost photographic memory of faces and problems, Cooper was a natural born campaigner. He spent long hours and made a habit of never sleeping in the same bed twice while campaigning.

But on the hustings, in front of an audience he was not the same man. He mumbled, was ill at ease, spoke slowly, softly, stammering and looked as though he wished devoutly he were almost anywhere else.

As a speaker he won his audiences by making them feel sorry for him.

A feeling of empathy for the speaker developed in each listener as Cooper told droll Kentucky stories and jokes many of which were told at his own expense.

He told of approaching one fellow in a strong Democrat area who didn't seem to be in a handshaking mood. "I'm John Cooper," Cooper said. You're a Republican ain't you, the man countered guardedly. "Yes," answered Cooper. "Well," drawled the man extending a limp paw, "just press it light."

Another favorite was his story of Brother John a Baptist Minister he knew in Somerset. Brother John was with a group of other ministers when the question arose as to who was the greatest preacher they had ever heard. Each named his favorite. "Well, brothers," John said, "when I'm feeling right I guess I'd just as soon listen to myself as any preacher I ever heard."

He told too, of riding his horse to a nearby town one day while he was county judge. He passed a young boy chopping wood and he stopped to talk to him. "Son, do you know who I am?" said Cooper. "No" answered the boy. "Well, do you know who your county judge is then?" pressed Cooper. "Pa says we ain't got none," replied the boy innocently.

Cooper made a creditable showing in the '39 primary. Although he lost, he realized that in politics there is never a perfect time. To win one has to become a candidate. And in becoming a candidate there is a certain amount of risk involved. After his defeat Cooper returned to Somerset quite possibly to "go back up the holler to home awhile and grow" as did the young, defeated, mountaineer candidate in one of Cooper's stories.

In 1942 Cooper joined the army as a 42 year old private and rose to the rank of captain as he served under General George Patton as a military courier. Today in Cooper's office a photograph of General Patton hangs. Perhaps as a reminder of times when we fought in declared wars.

After World War II Cooper headed the reorganization of the German judicial system in Bavaria. In 1945, while he was still overseas, he was elected circuit judge for a six year term.

IN 1945 HE DEFEATED JOHN BROWN

He returned to Kentucky, ran and was elected to the United States Senate in 1945 when he defeated John Young Brown by 40,000 votes in an election to fill the unexpired term of A. B. "Happy" Chandler. Chandler had resigned as Senator to become baseball commissioner. With his victory Cooper was the third Republican elected by popular vote to represent Kentucky in the Senate. Pulaski County was to continue its support for her native son as Cooper's majority was a staggering 5,500.

As a Senator Cooper worked hard. On the floor of the Senate his soft, slow speaking voice was barely audible in the galleries. His presentation, lawyerlike; his temperament, judicial. His speeches he wrote himself in longhand. And he was constantly changing them up to the moment they were delivered. He quickly learned the Senate rules for debate and learned to love it.

During this his first term Cooper shrank from preoccupation with public relations to read the bills, weigh the arguments, and remain independent of the pressures. He avoided publicity almost completely. In fact during his first two years in the Senate he did not issue a single press release.

He seemingly took advice from no one. Sometimes it appeared he was taking a long time making up his mind, but once it was resolved, then no earthly power could change it.

In 1948 Cooper ran for a full six year term. The Republican ticket headed by mustached Thomas Dewey of New York was defeated nationwide and in Kentucky by 125,000 votes. "Give em hell" Harry Truman with Kentucky's own Alben W. Barkley as his vice presidential running mate pulled Cooper to defeat even though he ran 95,000 votes ahead of Dewey. Thus, Cooper's popularity clearly transcended party lines. It was a good thing too; for Kentucky Democrats outnumbered the Republicans by a 3 to 1 margin. Cooper's Pulaski county margin had increased to 6,000 by 1948.

Cooper's defeat to Virgil Chapman did not idle him for long. He joined a Washington law firm but he practiced very little. For President Truman appointed him a delegate to the 4th United Nations General Assembly in 1949; and he was named an alternate delegate to the 5th and 6th General Assemblies in 1950 and 1951. Cooper also served as an advisor to Secretary of State Dean Acheson at the London and Brussels meetings of the North Atlantic Treaty Organization's Council of Ministers in 1950.

Fate gave John Cooper another chance to be a senator in 1952 when Senator Chapman was killed in an automobile accident in Washington. Cooper in 1952 was to run on a ticket headed by General Eisenhower. His opponent, ex-congressman Tom R. Underwood of Lexington was running on a ticket headed by Adlai E. Stevenson of Illinois. Stevenson carried Kentucky by 700 votes over Ike, but Cooper won by 30,000 and he returned to the Senate. Seven of the thirty thousand majority were delivered right in Pulaski County.

Back in the Senate Cooper proceeded to establish what the Saturday Evening Post called "an excellent record of going to bat for his constituents." He favored T.V.A., rural electrification, civil rights legislation, health insurance for the aged, aid to underdeveloped areas of the USA, federal aid to education, coal mine safety legislation, aid to farmers, and legislation favorable to organized labor. It was under Cooper's guidance that the first federal programs were established for dam control in Kentucky. The Wolfe Creek Dam was built as a result of legislation introduced by Cooper; These dam and river projects in Kentucky became special pet projects to him. The A.D.A., a liberal organization said Cooper was the most liberal GOP Senator in the Senate in 1953.

In 1954 Cooper clashed horns with the Veep, Kentucky's famous Democrat and former vice president Alben W. Barkley. The Veep swept to victory and John Cooper was again searching for a job. Cooper's Pulaski margin had shrank to 5,000 votes in 1954. During this interim in 1955, Cooper married his wife, Lorraine, a chic, sophisticated, parasol carrying Californian. Mrs. Cooper is a versatile lady whose private wealth has enabled her to travel widely and become accustomed to high fashion.

Yet Kentuckians approved of his selection of this woman who spoke French, Italian, Spanish, some Indian, and had translated Russian papers during the war. Mrs. Cooper who once shot two lions in East Africa on a safari, wears a size eight dress and buys many of her clothes at Dior in Paris. She joined the Senator just in time to leave with him for India for in 1955 Eisenhower appointed him ambassador to India.

This position had in the past been a plum given to defeated political officeholders as a sanctuary and reward for past services to the party. As a result the USA had many Indian ambassadors throughout the world. But now, at last, we had an able diplomat in India. The Louisville Courier Journal applauded his appointment saying "the goodness that looks out from Cooper's face is a passport to respect among humans anywhere." India welcomed this modest, unstuffy American and he was acclaimed as a man of the plainest, good will.

As an ambassador Cooper was so unpretentious and unassuming that one Indian dignitary told him after talking with him at length, "you have been very courteous and kind and now I wonder if you will introduce me to the Ambassador." And when Marlon Brando came to Washington to ask Cooper about how an ambassador acted for Brando's role in "The Ugly Americans," Cooper told him, "I did the same in India as I do at home in Kentucky." Mrs. Cooper learned to entertain guests ranging in importance from Prime Minister Jawarharlal Nehru of India, the King or Queen of Nepal to delegations of girl scouts from Kentucky.

After the death of Senator Barkley in 1956, Cooper was persuaded to return and face former governor Lawrence W. Wetherby for Barkley's seat. Cooper defeated Wetherby by some 65,000 votes carrying Thruston B. Morton in on his coattails over incumbent Senator Earl Clements. And the 10,767 votes Pulaski County gave her native son amounted to a 7,000 vote majority. Thus, a good measuring stick was that if John Cooper carried his home Pulaski County by at least 6,500 votes he would win in his races for U.S. Senator.

The year 1956 marks a seeming redirection of Cooper's energies from domestic to foreign affairs. Always an advocate of international collective security, Cooper believed one should "place the defense of country first." As a former ambassador he emerged more and more as a globalist, an internationalist: one who could see the whole picture.

Often he would make decisions from actual experiences or involvement. Marquis Childs, the noted political columnist observed, "Cooper has argued that we must keep the channels of communication with Russia open rather than waiting until the situation deteriorated." This proved to be the correct way to conduct American foreign policy. But he urged firmness in the U.N. and voted to censure Russia for her action during the Berlin Crisis.

A supporter of the Marshall Plan after World War II, Cooper voted his support of foreign aid saying he had seen the good effects of foreign aid in India in the areas of industrial, technical education, agriculture, health development.

As a Senator Cooper became a political legend and in the eyes of many including the New York Herald "one of the ablest men in politics." Charles Bartlett, a Pulitzer prize winning newspaperman, referred to Cooper as having accumulated a varied career, one that uniquely qualifies him as a Senator.

Cooper is popular, sensitive and alive to the realities of contemporary life. He is an inspiring and idealistic figure."

Throughout his career Cooper has held the respect of his colleagues. He was one of the few senators who could disagree directly with other senators and still be on excellent terms with them. He could give advice without offense.

A SENATOR OF CONSPICUOUS ABILITY

In 1958 this man the Washington Post referred to as "a senator of conspicuous ability and integrity" ran for the position of majority leader within his party, Cooper lost to Everett Dirksen by four votes. Many observers were surprised that Cooper would run for a position within the Republican Party because he had noted independence of his party's politics when voting on public welfare bills, and had often tried to nudge the GOP toward a more moderate role.

When he had first come to the Senate, Senator Robert A. Taft of Ohio, "Mr. Republican" to many, had tried to persuade him to vote with the party leadership on a bill. Cooper refused telling Taft, "I was sent to the senate to represent Kentucky, not the the Republican Party."

Senator Cooper regards the party as an instrument of concern for people. He believes that the GOP has always been the party of innovation, the party of responsibility. A party should offer new solutions to new problems. And it should accommodate itself to history—that is, Cooper believed that the Republican Party should keep in step with public demand.

In the early part of this century three moderate GOP senators, George Moses of New Hampshire, William E. Borah of Idaho, and George Norris of Nebraska, tried to spur the GOP toward more progressive views. For doing this they often were referred to as "sons of Wild Jackasses." Cooper has assume such a role in today's GOP.

He will tell you privately that he has never voted for a Democrat in his life and states "There is an obligation, unless it is one you cannot adopt because of conscience, to support the party."

This conscience led him to vote against Barry Goldwater in the 1964 GOP national convention and caused one delegate to remark, "I hate his philosophy, but I love the man. He doesn't have an insincere bone in his body." And President Kennedy referred to our senior Kentucky Senator as "representing the best of his party, (a person) who votes with us (Democrats) when he thinks we are right."

In 1960 there was some high level speculation that Cooper might be Richard Nixon's running mate. Nixon chose Henry Cabot Lodge instead and Cooper ran for the Senate. He defeated former governor Keen Johnson of Richmond by the largest margin ever in a Kentucky Senatorial race. Cooper carried Kentucky by 200,000 and Pulaski County by 10,000 votes.

Not only was Cooper an able vote getter in Kentucky. In Washington Newsweek magazine released a poll of Washington newsmen showing John Sherman Cooper "the ablest Republican in Congress," adding "the senator from Kentucky has long impressed unbiased onlookers with his grand competence."

Most recently Cooper has been in the forefront in his efforts to find a solution to our nation's involvement in Vietnam. On August 6, 1964, Cooper questioned President Johnson's Gulf of Tonkin Resolution. The resolution which eventually paved the way for a major undeclared war was opposed by Cooper as he argued that the president should not have a blank check in waging war. Congress and only Congress can declare war under our constitution he asserted. And, too, Cooper argued that we should stay out of Vietnam.

Later in his Cooper-Church amendment he provided a forum in which an intelligent discussion of the war could be debated—The U.S. Senate.

Cooper's former colleague Thruston B. Morton has stated that "John Cooper has forgotten more about foreign affairs than most Senators ever know" and "whether you agree with him or not, you know where he stands."

Former senator Paul Douglas, (Democrat, Illinois) referred to Cooper as "the noblest Roman of them all," and Senator George Aiken, the senior Republican senator who sits right next to him in the senate says that "John Cooper never lies; his state should be proud of his long record of judgment, his qualities of leadership and the respect in which he is held." Kentucky's junior senator Marlow W. Cook has repeatedly referred to the great amount of assistance Cooper has been to him as he learned the ropes and Cook unabashedly declared "John Cooper has done more for Kentucky than any other man who ever lived."

But, when confronted with all the acclaims and good things that have been said about Senator Cooper, Cooper replies that he always remembers one fellow who after looking him over, after he'd been in the senate several years, told him flatly, "John, you don't impress me at all."

In 1966 John Sherman Cooper said he would not run again for the U.S. Senate. He was 70 years old August 23, and would be 77 if he serves another term. Yet he has changed his mind in the past. On September 16, 1960, Cooper said that his campaign against Keen Johnson would definitely be his last win or lose.

Six years later he changed his mind and ran in 1966. And it appears that he has not yet ruled out running again in 1972. In an October 12, 1967, interview with Roll Call, the Capitol Hill newspaper, Cooper concluded his mind was not resolved and that he might change it and run for another term.

One of the things that might help change his mind occurred recently in Washington. At a private caucus the Republican senators unanimously asked Cooper to run again next year telling him they wanted and needed him. If anything could influence Senator Cooper, it would be the views of his colleagues in Washington and the sentiment of his friends in Kentucky.

The Courier Journal has written that "Senator Cooper has a mind of his own and a reputation that has enabled him a Republican, to win elections in a state that normally is heavily Democrat." And if he desires to run again he will win again. There are some in Washington who think that if Senator Cooper retires, he will be appointed a roving ambassador by President Nixon like Ambassador Averell Harriman has been under Democrat Presidents. If and it is a big If, if Cooper decides definitely not to run, then one has to agree with former Governor and Senator Earl C. Clements who said recently in Washington, "John Cooper has served Kentucky ably and he surely deserves a retirement if he desires it." All agree Cooper has the deserves. And in the past he has definitely had the desires, running more times for the U.S. Senate than any other Kentuckian in history.

Senator Cooper still has a keen mind, an amazing memory, and is currently at the height of his power in seniority and influence. Added to this is a characteristic Cooper has that he himself once attributed to the late, famed Indian Prime Minister Nehru. Upon hearing of Nehru's death, Cooper remarked that Nehru had possessed a type of "darshan," (the Indian word for charisma) over the Indian people.

Senator John S. Cooper has the same type of darshan in Kentucky. If he desires to remain in the Senate, all he has to do is say the word, grab his flute, play his music and Kentuckians will follow him to the polls as the children of Hamlet followed the Pied Piper.

A FRENCH CONSUL FOR AUSTIN

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. PICKLE. Mr. Speaker, there is a small stone building on San Marcos Street in Austin, Tex., that every resident knows is "the French Legation."

For over 100 years, until a few weeks ago, this historic landmark had no official to preside within its walls. Now it does—a new honorary French Consul, Austin attorney J. Chrys Dougherty.

France was the first country to recognize the Republic of Texas, back in 1839. Alphonse Dubois de Saligny was appointed charge d'affairs. He built and lived in the Legation until 1842 when he went home to France in the midst of an uproar over one of his servants killing a neighbor's hog.

Now France has at last returned to Austin, and Austin welcomes her.

I would like at this time to reprint in the RECORD an article from the Austin paper which depicts this historic reunion. The article follows:

FRENCH CONSUL SWORN IN

Austin attorney J. Chrys Dougherty was appointed honorary French consul for Austin in ceremonies Saturday morning at the French Legation, 802 San Marcos St.

Approximately 125 guests, including Bishop Louis J. Reicher, Consul General for France Georges MacClenahan, Mayor pro tem Don Love, and a representative from Gov. Preston Smith's Office, were seated on chairs on the legation's manicured lawn during ceremonies.

Judge W. St. John Garwood presided.

MacClenahan conferred the appointment on Dougherty in recognition of the historic relationship between the two countries. France was the first country to recognize the Republic of Texas.

In his acceptance speech Dougherty said, "I am particularly happy to serve the people of France in this respect, because of the great services many individual Frenchmen have given me in years past."

Dougherty served more than 14 months in France during World War II and received the Medaille Francaise from the French government.

Dougherty's duties as consul are primarily ceremonial—assisting French citizens in Austin and improving relations between the French and American peoples.

Mayor pro tem Love commented, "It is an appreciated and historic opportunity for me to acknowledge, on behalf of the City Council of the City of Austin and the residents of Austin, this honor conferred on our municipality . . . We welcome the return of France to Austin."

Governor Preston Smith, unable to attend in person, prepared a speech read by an aide, Jack Roberts.

Gov. Smith thanked the Consul General for French interest in Texas affairs, and described the Legation as a "crossroad between two great people."

"This legation therefore lives again on this occasion and we hope that with the stimulus of the residency of the new consul that it will become a center of educational, cultural and artistic exchange," Roberts read.

Alphonse Dubois de Saligny was appointed charge d'affairs in 1839 when France recognized Texas. He built the French Legation and lived there 1840-42.

One of de Saligny's servants killed a neighbor's hogs, however, and the incident led to severing ties between Texas and France.

Dougherty, 56, is a partner in the law firm of Graves, Dougherty, Gee, Hearon, Moody, and Garwood. He is a native of Beeville and attended Harvard Law School. He has practiced law in Texas since 1940.

DR. KENNETH E. KERLE TOURS EUROPEAN PENAL INSTITUTIONS

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. BYRON. Mr. Speaker, one of my constituents, Dr. Kenneth E. Kerle, a government professor at Hagerstown Junior College, toured Europe this summer in an effort to study European penal institutions. He has been involved in teaching at the Maryland Correctional Institute and the Maryland Correctional Training Center near Hagerstown. He has made a study of rehabilitation efforts and means of reducing recidivism.

I would like to share with my colleagues the article written in the Hagerstown Morning Herald by Gloria Dahlhamer about Dr. Kerle's recent trip to Europe.

The article follows:

PRISONS—PROFESSOR SAYS TREATMENT CENTERS SHOULD REPLACE JAILS

(By Gloria Dahlhamer)

Prisons are obsolete.

That's the opinion of Dr. Kenneth Kerle, a government professor at Hagerstown Junior College who has been teaching at Maryland Correctional Institution and Maryland Correctional Training Center.

He says big prisons which "practice warehouse psychology" to control mobs of inmates don't rehabilitate criminals.

Dr. Kerle didn't come to this conclusion overnight.

His observations are the result of a year of teaching part-time government courses at MCTC, visits to other Maryland prisons and a personal survey of European penal institutions.

But Kerle says it was his conversations with students in the MCTC college program, talks with inmates at drug therapy programs and sessions with correctional officers that introduced him to what he calls "the penal life style."

Kerle thinks both MCI and MCTC are overcrowded.

And MCTC, considered by many to be the "showplace" of Maryland's penal system, is not coming to grips with the problems of rehabilitation as it should, he says.

The training center was designed especially for prisoners possessing potential for rehabilitation. But Kerle says "there aren't enough counselors and other people trained in the social sciences to really help those boys."

He says he's not sure that the center's vocational and industrial shops turn out the skilled, professional workmen that they're supposed to produce.

And he's not even sure that the college program he participated in last year is doing all it can to get young offenders back on the right track.

"It's fine as far as it goes," he says of the program. "But it's vital for kids in the college program to continue for four years. If they're released and can't complete their college education, we have, in a sense, pulled the rug out from under them."

During his trip abroad this summer he visited 20 institutions ranging from a women's prison which looked like a fashionable resort to a maximum security prison where the inmates still use chamber pots in their cells.

He says Europe doesn't hold all the answers for America's prison problem.

But his visit abroad, coupled with his knowledge of Maryland's prisons, led him to the conclusion that prisons should be replaced by treatment centers.

Or, at least, give way to smaller institutions with more counseling services, more social workers to deal with the problems which lead men into crime and a higher degree of rapport between inmates and guards.

"Our penal institutions are far, far too large," Kerle says, comparing the 2,254 inmates at New York's Attica State Prison to the 200 at a maximum security prison he visited near Stockholm, Sweden.

A study prison near Falun, Sweden, he observes had only 19 inmates, all engaged in rigorous college studies. "A modern institution at Klofta, Norway, was constructed for 200," he says, "and these are large by Scandinavian standards."

He cites the largest juvenile institution in Holland, which has a capacity of only 100, and the largest adult prison with a capacity of only 150. "Out of 13 adult institutions in Holland," he says, "six of them have capacities of under 30."

Kerle's face lights up when he talks about the chances for successful prisoner rehabilitation in smaller institutions, where prisoners are more likely to play a role in the development of prison programs and talk more freely with prison guards.

He talks about a Dutch prison staffed with a psychiatrist, social worker, doctor, psychologist, and spiritual advisor. "These specialists consulted regularly with the director and his assistant," he says, "but they were in the position to take the initiative themselves and were partly responsible for the running of the institution."

Kerle is aware of the fact that specialization of this kind costs money.

But we could go a long way toward eliminating prison problems of the kind exposed at Attica by training our correctional officers, he says.

"People are saying now that a college degree soon will be a 'must' for the policeman on the beat," he says. "Well, correctional officers need that education, too."

Kerle points out that prison guards are in constant contact with the inmates. "They could do counseling on a continual basis if they were trained for it," he says.

"But as it is now, guards and inmates are polarized."

He would like to see regular training programs including courses in counseling, sociology and psychology, for correctional officers.

"What I'd really like to see at Maryland Correctional Institution," he beams, "is inmates and guards in class together.

"Why can't they learn in the same environment?" he asks, envisioning a give-and-take in the formal classroom situation that might not be possible elsewhere.

Kerle talks enthusiastically about the training of custodial staff in Holland, Norway and Sweden. He says he saw guards and prisoners sharing cigarettes, talking together about a myriad of topics, and "getting along well."

He likes to tell the story of a Swedish prisoner granted a weekend leave who was going fishing with his prison guard. "He was even going to stay with the guard's family," he says.

Another aspect of European penal systems which Kerle says fascinated him was the role of women in prisons.

He says an attractive lady lawyer in the Oslo, Norway, Ministry of Justice sent him to a maximum security male prison with a young blonde criminologist and a woman social work director as escorts.

"The men were in prison for numerous offenses, including murder," he says with a twinkle in his eye, "but they responded to those women with warmth and respect."

The assistant inspector at a Swedish prison, he notes was a young woman who had started as a social welfare officer.

"When men are released from prison," he ponders, "they don't go out into an all-male society." The presence of women within the penal system, he suggests, could establish a pattern of normalcy.

Kerle says there are other possible penal reforms which can be tried. Separating alcoholics and addicts from other prisoners, for example, or establishing half-way houses for probationers, or even using volunteers in the under-staffed probation system.

But the real problems in our penal system won't go away, he says, until "we tackle the slums and the poverty which breed crime."

And that won't happen, he adds until the taxpayers are willing to foot the bill.

Kerle says wryly that "our prisons have been studied to death. We know what the problems are."

But he says it's absurd to think that we have all the solutions.

"We've got to try new programs to rehabilitate the offender," he says. "And if some of them fail," he shrugs, "then we've got to keep on trying."

NO ENVIRONMENTAL PROTECTION LAWS NEEDED—JUSTICE WILLIAM O. DOUGLAS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. RARICK. Mr. Speaker, Justice William O. Douglas, speaking on ecology and the pollution craze with which our people are so issue oriented these days, is reported to have suggested that this country does not need any more new laws to control preservation of the environment. He was quoted in the Oregon press as saying:

> We've passed a lot of controls and we're worse off now than we were ten years ago. We've just been shown an illusion of action only.

Justice Douglas also condemned as ecologically destructive the U.S. Forest Service, Bureau of Land Management, Fish and Wildlife Department, Army Corps of Engineers, and the Atomic Energy Commission.

Justice Douglas' Oregon speech precedes by 1 week the House consideration of H.R. 10729, the Federal Environmental Pesticide Control Act of 1971, which provides for the delegation of wide sweeping powers and controls over the manufacture, distribution, and the use of pesticides to the new Environmental Protection Agency.

With only 10 million Americans now producing the food and fibers on less than 3 million farms, surrendering dictatorial powers to a Federal agency over pesticides, defoliants, herbicides, and other agricultural chemicals, that may be sold to the people as an effort to police ecological threats to humans and wildlife, but it can also serve as a runaway bureaucracy to control food production and bring about systematic food shortages if not a planned famine.

Concentration of dictatorial powers over agricultural chemicals which play a leading role in the ability of the American farmers to feed and clothe our people can but concentrate the regulatory powers in one place where the environmentalists will be able to push the panic button to ban the chemicals, even though it means curtailing food production and increasing food prices.

The problem in America has been that our people are blessed as one of the few countries in the world where our farmers have been able to feed and clothe our people with sufficient quantities left over to support socialist nations. We have educated generations of city folks who actually feel that the abundance of food they take for granted in the supermarkets is grown on the shelves or produced by the grocers.

Passage of the Federal Environmental Pesticide Control Act may soothe the emotions of some of the environmentalists—until they get hungry. However, those hardest hit will be the occupants of America's largest cities, unless the penthouse crowd is preparing to grow vegetables in their planters or take to dieting on vitamin pills. Nor can the matter be regarded as not involving the farmer, since when the food shortage hits the big cities, judging from activity we have followed in foreign countries, the central government dispatches its agents to confiscate even the farmer's share of his food and fiber which he may have intended to use in abundance for his own family.

Already in Washington, the Environmental Protection Agency is faced with litigation in the U.S. Court of Appeals to make a decision on whether to ban all uses of the pesticide DDT. Quite by coincidence, I am sure, the final decision by EPA is to be by November 1. So it must be necessary to pass the pesticide control bill giving the EPA the power for the ban before it can answer the suit.

And so, for the first time in my life, I feel constrained to agree with Justice William O. Douglas—a self-confessed conservationist—that this country does not need any more laws to preserve the environment. Enactment of the Federal environmental pesticide control bill will end up with the ridiculous paradox wherein in order to save the environment for the people, we end up starving them.

I include related news clippings:

[From the Salem (Oreg.) Capital Journal, Oct. 1, 1971]

DOUGLAS STINGS FIVE AGENCIES

(By Larry Roby)

CORVALLIS.—For a U.S. Supreme Court benchman, Justice William O. Douglas seems to know a lot about our ecological mess.

And the 72-year-old jurist didn't mince words here Thursday night when he attacked federal bureaucracies for not cleaning things up. He appealed to the "grassroots level" for immediate action to halt the carnage on our lands and waterways.

"If you folks don't start speaking out for yourselves," he said, "we probably will end up with nothing."

Douglas said we can no longer trust the federal agencies to look out for our ecological interests.

"I'd rather trust the value judgments of you, the people," he added. "Of course, you can turn your country into a sewer if you want," Douglas chided, "but I don't think you will when it gets right down to it."

The U.S. Forest Service, Bureau of Land Management (BLM), Fish and Wildlife Department, Army Corps of Engineers and the Atomic Energy Commission (AEC) were the five federal agencies to fall under the lash of Douglas' sarcastic tongue.

He called the Corps of Engineers "Public Enemy No. 1" and said that is the agency that is destroying our rivers.

"It's a free-wheeling agency where there are 40,000 people dependent upon building dams," he said. "But, they do build good dams." Douglas said that agency shouldn't spend so much time building dams and trying to straighten out our rivers. When they do this they destroy our ecological balance, he said.

"How would you like to keep them busy?" he asked. "Have them build sewage disposal plants. Think of all the generals you could name them after." The crowd roared its approval.

Land restoration from strip mining is a farce as far as Douglas is concerned. He said minor fines are levied and paid by the ecology destroyers and then deducted from their income tax.

He said the AEC has "built up a credibility gap as bad as Lyndon Johnson had in 1968." He added that people don't believe the AEC anymore because there have been too many slip-ups with radiation in nuclear reactor accidents and leakage of the sightless, odorless gasses when they were buried for disposal. Douglas said we have to get out of this "mad, mad race to produce stuff."

He next turned to the Forest Service and Fish and Wildlife Department.

"Come with me to Wyoming," the conservationist said, "and go on a horseback ride and you won't see a living thing for 10 days." This is because the public lands are filled with poisons which are killing off the wildlife "faster than it can be born."

Instead of serving the public, "the Forest Service is largely a voice of the lumber companies," Douglas said.

"No man can be a forest supervisor unless he's a forestry school graduate," he said about present requirements. "Why not try an ecologist for once and just see what happens?"

Douglas had a few specific suggestions about how we could more wisely use our lands.

"Why not take the northern parts of Minnesota and Michigan and make them one big park?"

"We've been paying farmers not to grow crops for a long time. Why not reclaim that unused land for wildlife refuges?"

"Let our few remaining grasslands of the prairies just stand and be there as monuments to our next generations."

"Why not take all of Appalachia—I've tramped it from Maine to Georgia—and turn it all back to Daniel Boone country?"

He suggested that this country doesn't need any more new laws to control preservation of the environment.

"We've passed a lot of controls and we're worse off now than we were 10 years ago. We've just been shown an illusion of action only," he said.

The only way this trend can be reversed, Douglas said, is for a grass roots movement "among people like you. You youngsters need to move into civic action. We can't trust the agencies any more."

Then with a glint in his eye and a smile on his face he talked about his home in Washington state.

"Mrs. Douglas and I live in Goose Prairie. There are six people who live there. Two of them are for 'progress' and four are against it. So it makes Goose Prairie one of the nicest places to live in the country."

[From the Washington Post, Sept. 23, 1971]

EPA GIVEN UNTIL NOV. 1 ON DDT BAN

(By Sanford J. Ungar)

The U.S. Court of Appeals ruled yesterday that the Environmental Protection Agency must make a final decision by Nov. 1 on whether to ban all uses of the pesticide DDT.

Reviewing a case brought by the Environmental Defense Fund for the fourth time in less than a year and a half, the court declared that EPA Administrator William D. Ruckelshaus has not adequately justified his refusal last March of an outright ban on the pesticide.

The order by a three-judge panel of the court came late yesterday afternoon, only a few hours after a heated courtroom argument between attorneys for the environmental group and the EPA.

During the argument, the judges directed EPA's attention to a scientific report submitted to the agency earlier this week, declaring that DDT represents "an imminent hazard to human welfare."

After a far-reaching opinion from another panel of the appellate court last January, Ruckelshaus had initiated a complex cancellation process for the pesticide, but insisted further study and public hearings were necessary before outright suspension of all uses.

Attorney James W. Moorman, representing EDF and other environmental groups, contended yesterday that the decision had been "irrational" in light of the accumulating evidence against DDT.

Under intense questioning by the judges, Justice Department attorney Anthony J. Steinmeyer offered only two reasons at yesterday's hearing why Ruckelshaus had not yet formally banned DDT:

There is no "short-range toxicity" which poses a specific danger to people.

There is no adequate alternate pesticide which could help control "such pests as mice, bats, large pine weevils and cutworms."

Steinmeyer stressed that economic factors—such as the effect a ban might have on small cotton farmers—had not played a significant role in the EPA deliberations.

Judge Arlin M. Adams, a member of the Third U.S. Circuit Court of Appeals in Philadelphia sitting with the appellate court here temporarily chastised the EPA for responding to criticisms merely with the assertion that the cancellation process was proceeding on schedule and would be completed by next March.

Other members of the court panel were Judges Roger Robb, who had dissented from last January's ruling against EPA, and Malcolm R. Wilkey.

Environmentalists have argued that although use of DDT has been curtailed greatly over the years, an immediate ban is required to stem the deterioration of fauna and the possible indirect effects on animals and humans.

This week's report to the EPA, prepared by a panel headed by Dr. James G. Hilton, professor of pharmacology at the University of Texas, urged that use of DDT be phased out except in health emergencies.

The report stressed that DDT and its derivatives are "serious environmental pollutants and present a substantial threat to the quality of the human environment."

It pressed for development of alternative pesticides that could substitute for DDT in emergencies, for instance, an outbreak of the malaria mosquito.

[From the Evening Star, Sept. 23, 1971]

COURT ASKS FAST REPLY ON DDT BAN REQUEST

(By Winston Groom)

The U.S. Court of Appeals here has given the government until Nov. 1 to show why DDT should not be banned immediatey.

The court's ruling late yesterday flies in the face of plans by the Environmental Protection Agency to hold a six-month series of hearings on whether the pesticide should be taken off the market.

The order by a three-judge panel directs William D. Ruckelshaus, EPA administrator, to file an "amended statement of reasons" for not suspending registrations of DDT.

The order was handed down only hours after attorneys for the Environmental Defense Fund, a New York-based group that opposes the use of DDT, argued in court that a recently submitted statement by Ruckelshaus was incomplete.

Opponents of DDT have attacked its use on grounds that it pollutes water, air and food and that it is not necessary. The EPA has maintained that it is the "most effective pesticide against malaria overseas and domestically for cotton crops."

Yesterday's decision is one of a series of court orders in the past two years which increasingly have transferred control of DDT from the executive branch to the courts.

In January, an Appeals Court ruling written by Chief Judge David L. Bazelon ordered the EPA to issue cancellation notices on all remaining uses of the pesticide and set up a study of its hazards.

Yesterday, EPA lawyer James Moorman told the court that an EPA report branded DDT "acutely hazardous." Moorman said that on that ground the court should seek to ban it outright.

Justice Department lawyers arguing for the EPA said the law requires a ban only on products that are found to be "imminently hazardous." He said there is a distinction between acutely and imminently.

(From the Evening Star, April 7, 1971)

FIVE GROUPS ASK COURT TO ORDER DDT BAN NOW

(By Roberta Hornig)

Five environmental groups have returned to the U.S. Court of Appeals here to challenge Environmental Protection Agency Administrator William D. Ruckelshaus on his decision not to ban DDT immediately.

Calling Ruckelshaus' decision against the ban "irrational," the environmentalists asked the court to review or reopen their case against the pesticide.

The court papers were filed late yesterday by the Environmental Defense Fund, Inc.; the Sierra Club; the National Audubon Society; the Izaak Walton League of America and the West Michigan Environmental Action Council, Inc.

Ruckelshaus announced in January that he would "cancel" all DDT uses. The cancellation triggers lengthy administrative hearings that are expected to last about a year, but does not prohibit use of DDT meanwhile.

Ruckelshaus' action followed an order handed down by the appeals court as a result of the suit on DDT filed by the environmentalists.

In March, Ruckelshaus announced he was carrying out part of the court ruling by reviewing all remaining uses of DDT. But he announced he would not yet ban the pesticide, saying there is insufficient evidence that it poses an "imminent hazard to people or wildlife."

Yesterday the environmentalists called that decision "irrational in light of his finding that DDT is an acute hazard."

They also challenged Ruckelshaus' contention that removal of DDT from interstate commerce would result simply in pesticide users' resorting to other equally hazardous chemicals.

They said Ruckelshaus apparently was referring to Parathion. But if he believes this pesticide is more dangerous than DDT, it, too, should be ordered off the market, the environmentalists said.

They argued that it is appropriate for the court to review now the latest decision by Ruckelshaus because of the persistant failure by either Agriculture or EPA to respond adequately to their request for a ban.

Their suit was filed originally against Agriculture in December 1969. Ruckelshaus later became the defendant when pesticide registration responsibilities were transferred to his new agency in December.

Yesterday's legal action marks the first time environmentalists have moved against President Nixon's environmental enforcement agency.

EPA plans to begin public hearings late this month on the advisability of allowing continued use of DDT.

DDT is used mainly for cotton and citrus crops.

UNICO ESTABLISHES MENTAL HEALTH RESEARCH CENTER AT MOUNT CARMEL GUILD HEADQUARTERS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. RODINO. Mr. Speaker, at the 49th annual convention of UNICO, a national service organization whose membership is comprised of Americans of Italian descent, the delegates voted unanimously to establish the UNICO National Mental Health Research Center. The proposed center will be located at the headquarters of the Mount Carmel Guild in Newark, N.J.

I wish to commend and add my personal endorsement to the UNICO project and to congratulate UNICO president, Dr. Benjamin J. Cottone.

A primary function of the UNICO Mental Health Research Center will be to coordinate the total resources of local UNICO chapters in the fight for mental health. The unique purpose of research will focus on prevention rather than repair. Special areas of research will include the hereditary, biological and biochemical components of mental illness.

The following statement of Dr. Cottone and of Mount Carmel Guild's archdiocesan director, Msgr. Joseph A. Dooling are worthy of note:

STATEMENT OF DR. BENJAMIN COTTONE

This ambitious project comes at a time when government and private funds have dwindled sharply in the fight for better mental health. UNICO National recognizes the urgency of a concentrated, comprehensive effort, and is combining its total strengths in response to this national need.

Our desire to establish and fund a mental health research center is the result of much soul-searching and investigation by our organization which, for 50 years, has made mental health its major commitment for support, and of our unavoidable recognition that the one missing component of the mental health picture in America is research. We, therefore, decided to do something to close that critical gap.

The ramifications of mental health research touch upon and are imbedded in every conceivable aspect of human life. The development, during the last seven years, of community mental health centers, has served to emphasize the need for a vastly increased effort in the research areas as distinguished from the areas of mental health services and rehabilitation. Something obviously had to be done, in other words, to alter the prevailing philosophy of locking the barn doors after the horses—that is to say, the sound functioning of the human mind—was stolen.

Admittedly, rehabilitation is vital, too. But, good as those community mental health centers have become in many instances, much more work must be done to bring them to the level of efficiency and productivity which a society that hopes to enjoy widespread mental health demands. Because nothing like enough research is underway anywhere to accomplish this objective of keeping people from becoming mentally ill, UNICO's membership has voted unanimously to take concerted, well-funded, remedial action by establishing the UNICO National Mental Health Research Center.

We believe that a commitment of this magnitude is necessary because, until recently one-third of the National Institute of Mental Health budget was earmarked for research and finding ways to prevent mental illness, professionals in the field are painfully aware that these funds have now been cut back or diverted until they are all but non-existent for research.

The range and variety of research that will be needed to sustain mental health is awesome. For example, just one professional publication cites, with reference to mental health consultative programs to children, six areas of research into the consultative process and four areas of investigation into the attitudes of recipients of consultation, all of which are currently receiving no attention. Another professional publication cites the kind of research that needs to be done and can be done to prevent the onset of mental illness in children at the pivotal development stage which occurs during the first grade of school and also in post-partum depression. Again, nothing is being done about it.

The following projects urgently cry out for investigation and which, one by one, the UNICO National Mental Health Research Center plans to come to grips with in an orderly, well-organized basis:

Hereditary, biological and bio-chemical components of mental illness.

The factors that cause individuals to ward off reality by having recourse to drugs.

Especially among the young, constructive satisfaction from "work" as distinguished from lack of satisfaction from "school."

Family factors in the onset of mental illness in childhood, adolescence, maturity and old age.

Determination of ideal point for intervention with individuals, groups, to prevent the onset of mental illness.

Identification of the behavioural precursors of abherrent conduct with the approved specificity necessary to institute preventive measures.

Controlled comparison studies of families of schizophrenics and families of delinquents with families of normal children.

The emotional consequences in the individual and family of forced urban relocation.

Implementation of programs will begin immediately.

STATEMENT BY MSGR. JOSEPH A. DOOLING

I am pleased that UNICO National has chosen the Mount Carmel Guild's modern, multi-service center in Newark, N.J., as the site for its new Mental Health Research Center. I believe that I can safely say that seldom in the 40-year history of the Guild's wide-range of services to the North Jersey community and to the nation has an event of comparable importance taken place.

Mental illness is the number one health problem, affecting as it does more Americans than all other forms of illness combined. With seven out of ten hospital beds occupied by patients suffering from one form or another of mental illness, it is imperative that there be undertaken without delay precisely the kind of across-the-board investigative program into the causes of mental illness and ways to prevent it that UNICO National has now set afoot.

We at the Mount Carmel Guild feel especially gratified that UNICO National's president, Dr. Benjamin J. Cottone, and his fellow UNICANS, have selected our extensive facilities for the new UNICO National Mental Health Research Center. For nearly half a century the Guild and its corps of professionals, trained and experienced in the mental health problems of both the individual and the family, have amassed a record of achievements in the rehabilitation of the mentally ill that has been hailed as outstanding at the highest levels of government and the medical profession.

Now, thanks to UNICO National, we are about to move out from the repair phase, bringing with us our vast fund of psychiatric documentation and know-how into the beckoning uplands of research and prevention.

Preventive medicine is a new idea, sought through the ages, whose time has come. The Mount Carmel Guild looks forward to joining its expertise to the foresight and generosity of UNICO National through the new Mental Research Center in applying the concept of prevention, at long last, to our overriding national problem of mental illness, and to sharing our findings with our colleagues nationwide.

HON. NOBLE J. GREGORY

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. CARTER. Mr. Speaker, Congressman Noble J. Gregory, who was a Member of Congress from the First Congressional District of Kentucky from 1937 till 1959, passed away on Sunday, September 26, 1971. Mr. Gregory rose to the position of second-ranking Democrat on the Ways and Means Committee, on which he served with distinction. He also represented his constituents conscientiously.

Mr. Gregory died in Mayfield, Graves County, Ky., where he was born on August 30, 1897. He attended private and public schools and graduated from Mayfield High School in 1915. Subsequently, he graduated from Mayfield Business College. He served in several positions with the First National Bank of Mayfield. He also served as secretary-treasurer of the Mayfield Board of Education from 1923 until 1936. He was elected to the 75th and to the 10 succeeding Congresses. His tenure was, of course, highlighted by his fine work on the Ways and Means Committee.

After his service in Congress, he returned to Mayfield where he engaged in various business and civic activities.

Noble Gregory did much for the First District and all of Kentucky. He will be greatly missed by his many friends and his fine family.

RESULTS OF ANNUAL POLL OF SEVENTH CONGRESSIONAL DISTRICT

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. MYERS. Mr. Speaker, each year I poll every household in the Seventh District of Indiana on a number of important issues currently facing the Congress and the Nation. This year responses representing more than 17,000 persons were received and I would like to share with you the results of their opinions about subjects of concern to us all.

Nixon's performance: It is clear from the results that President Nixon's performance since he assumed office 2½ years ago enjoys the overwhelming support of the people of the district. A total of 81 percent rate the President's performance either good or fair while only 14 percent rate his performance as poor. This compares to a 75 percent favorable rating 1 year ago in a similar poll.

The question was: How would you rate the overall performance of President Nixon since he took office?

	Percent
Good	46
Fair	35
Poor	14
No response	5

Vietnam: This same confidence in the President's intentions was reflected in the responses to the question on Vietnam. A majority, 61 percent, favor the administration's plan for the orderly withdrawal of troops. This is up 10 percent from 1 year ago. Nearly 20 percent called for the immediate withdrawal of all troops while 12 percent expressed a preference for setting an absolute withdrawal date and pulling our troops out by that deadline. When you compare these figures to results of a 1967 poll you can see that the issue is no longer whether we will withdraw but how fast. Four years ago, a total of 74 percent were calling for a complete military victory. President Nixon will announce the next phase of his troop withdrawal plan in mid-November. He has already ordered a cutback to 184,000 by December 1 from the 543,000 troops in Vietnam when he took office.

The question: Which course do you favor in Southeast Asia?

	Percent
Administration's plan for orderly withdrawal of all combat troops	61
Immediate withdrawal of all troops	20
Announce an absolute date for withdrawal	12
No response	7

China policy: While the President's overtures to Red China enjoy less support than his Vietnam policy, a clear majority, 55 percent, endorses the administration's effort to improve relations with the People's Republic of China. Nearly 23 percent voted their disapproval of any dealings with the Communist nation. Another 17 percent were undecided. This represents a dramatic change in sentiment among Seventh District residents who in responding to questions in 1967 and 1969 expressed overwhelming opposition to either trading with Red China or establishing diplomatic relations with the Peking government. One can not help but conclude that the people trust President Nixon's attitude toward the Communist world.

Question: In view of recent developments, do you favor President Nixon's efforts to improve relations with Red China?

	Percent
Yes	55
No	23
Undecided	17
No response	5

Priorities: A total of 44 percent rated the economy as the most important domestic problem in the Nation today. They expressed special concern for the rate of inflation and unemployment. Ranking second with 36 percent in the list of problems were those dealing with social issues such as crime, drugs, and race relations. Environmental problems drew only 14 percent of the responses despite all the attention pollution receives today in the media.

The question was: Which do you consider the single most important domestic problem in the Nation today?

	Percent
Economy	44
Environment	14
Social	36
No response	6

Economy: Two major points in President Nixon's economic program announced in mid-August are supported by a total of 76 percent of those responding to the poll. Expressing a preference for wage and price controls were 39 percent while another 37 percent called for a reduction in Federal spending. As might be expected few asked for an increase in taxes. There was some support, 12 percent, for a program of public service jobs which Congress passed in August.

The question: To fight inflation and unemployment, which actions are you willing to have your Federal Government take this year?

	Percent
Control wages and prices	39
Raise income taxes	1
Balance the Federal budget	37
Establish public service jobs	12
No response	11

Crime control: Even as the Federal Bureau of Investigation was announcing a significant drop in the rate of increase in crimes across the Nation, the people of the district were calling for speedier trials for the accused and harsher penalties for those found guilty. There was little support for increased Federal funding of crime fighting programs in States and cities. About one in six feels that rehabilitation of criminals is the most important consideration in the war on crime.

Queston: Which do you consider the most important in the war on crime?

	Percent
More Federal funds to States and cities	5
Legislation insuring speedier trials and more judges	33
Harsher penalties	40
Expanded rehabilitation	15
No response	7

Pollution control: Residents of the Seventh District favor increased Federal activity in enforcement of those laws designed to fight pollution of the environment. Sharing nearly equal support is a massive Federal program to clean up the Nation's waterways. Most would expect Government and industry to absorb the extra costs of these programs without passing the expense along to the consumer.

Question: To fight pollution, would you want your Congressman to support:

	Percent
Enactment of a $12 billion program to construct municipal waste treatment facilities	33
User fees and taxes on all polluters even if it means higher prices for products	19
Stronger Federal enforcement authority	38
No response	10

Minimum wage proposals: Congressional hearings are in progress on a number of proposals for increasing the minimum wage base. Most district residents clearly favor no increase in the $1.60 minimum at this time. The others are divided between a staged increase to $2 and an immediate increase to $2.

Question: Of the proposals to adjust the minimum wage, which do you favor:

	Percent
The administration's plan to increase the minimum to $1.80 on January 1 and to $2 in 1974	28
Immediate increase to $2 in 1972	20
No increase in the minimum at this time	46
No response	6

Government reform: More than 64 percent said they favor the President's proposal that the present 12 Cabinet departments be reduced to eight, retaining, without change, the Departments of State, Treasury, Justice, and Defense. The other eight would be combined into four: human resources, community development, natural resources, and economic development.

Question: Do you favor President Nixon's proposal to make the Federal Government more efficient and responsive by consolidating eight departments into four new ones?

	Percent
Yes	64
No	15
Undecided	15
No response	6

Health care: While opinion is divided on the approach, an overwhelming 68 percent of those responding to the poll favor some action to provide all Americans, regardless of their ability to pay, with adequate health care. President Nixon has proposed a health care package utilizing a blend of public and private funds with the goal of providing basic medical care for the indigent, increased aid to medical schools, health insurance and cancer research. The question: Regarding national health insurance proposals, which do you favor?

	Percent
A program financed and operated by the Federal Government	19
A federally operated program financed by employer and employee contributions	27
Complete reliance on the private health insurance structure	23
No new legislation in this area	23
No response	8

Welfare reform: Workfare, the administration's proposal for reform of the welfare system, received a nod of approval from seven out of 10 persons answering the poll. The measure has already passed the House and is pending before the Senate. The question: As an alternative to the present welfare system do you favor President Nixon's proposal for a work incentive and job training program while calling for a basic level of financial assistance?

	Percent
Yes	70
No	15
Undecided	9
No response	6

Revenue sharing: Considered a major proposal in the administration's drive to decentralize the Government to make it more responsive to the people, revenue sharing has the support of 65 percent of those answering our questionnaire. This was up from 62 percent approval in the poll 2 years ago. The question: Do you support the overall objective of the President's revenue sharing proposal?

	Percent
Yes	65
No	16
Undecided	12
No response	7

Comments on the questionnaire: This poll is only one avenue through which I learn of the views of my constituents. But its results, together with the many additional letters expanding on views expressed in the poll, give me a clear picture of prevailing opinion on these issues. I want to thank those who took the time to let me know their opinions and encourage those who did not to write their Congressman whenever they have suggestions or comments regarding the issues facing this Nation.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. FRASER. Mr. Speaker, for many, young and old, existing insurance programs, both private and governmental do not meet the medical needs when major illnesses strike. At the health hearings I recently held in Minneapolis, Mrs. Lois Bendickson testified about her inability to qualify for complete medical insurance.

Mrs. Bendickson suffers from multiple sclerosis. Because the disease was not diagnosed during the time she was working at a position covered by social security, she cannot qualify for benefits. She is unable to work and is, therefore, blocked from ever amassing enough quarters of coverage to qualify. She has been turned down for membership in a group practice and she has been unable to find an insurance program that will sell her a major policy to cover her illnesses. Since she is divorced, her husband's major medical program no longer provides coverage. Related problems such as inability to meet all her financial obligations are increasing.

Mrs. Bendickson suffers unbearable hardship, because medical insurance is based on actuarial soundness with only slight regard for the true health or medical needs of citizens.

Mr. G. E. Boring wrote expressing his concern with long-term nursing care. As Mr. Boring points out, his wife has been confined to a medicare certified nursing home in Minneapolis for 3 years. His insurance coverage paid for only the first year. The present $600 a month expense exceeds his income. His suggestions that medicare be modified to cover 75 percent of unlimited long-term care is a reasonable and necessary one. His remarks follow:

FEBRUARY 18, 1971.

Hon. DONALD M. FRASER,
House of Representatives,
Washington, D.C.

MY DEAR MR. FRASER: Through the courtesy of Dr. A. Boyd Thomes, I have been privileged to read your letter of Feb. 8, 1971 regarding health care reform and the hearings to be held in Minneapolis on Feb. 27th.

Because of my own experience with the crippling expense of health problems the last few years, I am taking the liberty of writing in the belief it might be helpful in your consideration of the reform mentioned.

For nearly 3 years now, my wife has been confined to a Medicare Certified Nursing Home in Minneapolis. During the first 100 days part of the cost was covered by the Medicare program. The following 200 days was partly covered by a Blue Shield Major Medical policy.

Since the above benefits expired over 2 years ago, the Nursing Home cost has increased over 60% bringing the total expense of her care alone to about $600 a month. This exceeds my total retirement income from Social Security and a private pension.

To meet the deficit and my own living expense, I have had to redeem my Series E Savings Bonds and rely on other modest savings acquired during my working years at relatively low wages.

Because of this experience, it occurs to me that some modification of Medicare to aid in *long-term* Nursing Home care should be considered. From a financial viewpoint, the critical period is not the first 100 days as now provided. It is the long-term, incurable illnesses which persist over a period of years that can wreck the most careful planning and lead to another Welfare burden.

I don't know what the statistics are, but it seems to me that relatively few of the millions under the Medicare program would ever require long-term Extended Care in a Nursing Home. If that is true, a modest increase in the premium rate should be sufficient to cover at least part of the cost for those who do have this misfortune. A modification of Medicare to cover even 75% of *unlimited*, long-term Extended Care would seem reasonable to me.

Your interest in health care reform is most gratifying and I trust it is shared by many of your colleagues in Congress.

Respectfully,

G. E. BORING.

MARCH 1, 1971.

Hon. DONALD M. FRASER,
House of Representatives,
Washington D.C.

MY DEAR MR. FRASER: The interest and understanding expressed in your letter of Feb. 23 is very much appreciated. You may feel free to use my letter of Feb. 18 as you see fit and have my full permission to do so.

Perhaps it is not generally known, but it is my understanding that somewhat more than one half of nursing home patients are Welfare cases. It is also my understanding that such patients are cared for at rates substantially less than cost resulting in higher rates for those who are self supporting.

If the foregoing is true, it would seem grossly unfair to require self supporting patients, already burdened by high medical costs, to subsidize those unable to care for their own needs.

Whether any person's lack of ability to provide for himself is his own fault or other reasons, he is certainly entitled to proper care but not at the expense of any special group. It would seem that the rates for all patients should be determined by the same formula whether paid by Welfare funds or otherwise.

Possibly the above comments are not relevant to the Medicare Health program, but might warrant some scrutiny of Welfare policy and practice.

Respectfully,

G. E. BORING.

WILLIAM COWGER DIES

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. CARTER. Mr. Speaker, the people of Louisville and Kentucky were saddened to hear of the tragic death of former mayor and former Congressman William O. Cowger of Louisville, Ky.

He was recognized as an outstanding mayor of that city. He had strong support from citizens of all walks of life, colors, and creeds. He gave Louisville a vigorous, vibrant, and enlightened administration. Among his many accomplishments was the recognition of Louisville as an all-American city. His leadership as Louisville mayor in the early 1960's helped create the first public accommodations act in the United States south of the Mason-Dixon Line. Under his administration, and from his leadership, sprang the Louisville Human Relations Commission which later became a joint city-county agency.

I include in the RECORD a résumé of his career:

WILLIAM COWGER, EX-CONGRESSMAN AND MAYOR, DIES

William O. Cowger, mayor of Louisville from 1961 to 1965 and two-term Republican congressman, died last night in Louisville at the age of 49. The attending physician said death was caused by a heart attack.

Cowger was pronounced dead at 7:06 p.m. at Kentucky Baptist Hospital, where he had been rushed minutes before in a Louisville police car. Police were summoned when Cowger was stricken while helping Miss Kaye Bowles, an acquaintance, into a car at 2354 Grinstead Drive, where she lived.

Deputy Coroner Barry Foreman confirmed the cause of death. Cowger had become ill during the 1970 congressional campaign and was hospitalized in Louisville amid widespread rumors that he had suffered a heart attack. His doctor said at the time he had suffered a viral infection.

The heart attack last night was not Cowger's first, according to Paxton Price, a close personal friend. Price said Cowger had experienced "a series of heart problems" since the 1970 election.

He said that about a year ago Cowger followed his doctor's advice and gave up heavy cigarette smoking for a pipe.

Cowger was considered by many political observers to be the man who revitalized the Republican Party in Jefferson County, and he was a major force in Kentucky politics for several years.

Cowger became the first Republican Louisville mayor in almost 30 years on his election in 1961. He was unable to succeed himself in 1965, but his personal choice as a successor, Kenneth A. Schmied, easily won election in 1965.

In 1966, Cowger decided to run for the U.S. House of Representatives. He won easily, and won re-election in 1968.

His bid for a third term, in 1970, failed by the narrow margin of 211 votes, and he was unseated by Democrat Romano L. Mazzoli. That election was the last congressional race to be decided in the nation, and the uncertainty focused national attention on Louisville, not only because of the closeness of the race, but also because Cowger held an influential position in Washington Republican circles.

When he first went to Congress, he was one of the few Republicans who was former mayor of a large city, and was elected chairman of the Republican Congressional Urban Affairs Committee. He was also elected chairman of the freshman GOP representatives.

Cowger's rise to political power in Louisville was based largely on his ability to help other politicians. In 1951, only six years after the war, he made an unsuccessful attempt to become state representative in the 36th House District, losing to Democrat Chester J. Holsclaw. But his record after that was more successful.

In 1953, he successfully managed the primary campaign of Republican mayoral candidate John B. Taylor, and the next year Cowger directed the GOP campaign in Jefferson County for U.S. Sen. John Sherman Cooper and 3rd District congressional candidate John R. Robison.

Cowger managed the party's county campaigns in 1956 and 1958, accumulating more political credits that would help him become elected mayor three years later. He was mentioned as a possible GOP mayoral candidate in 1957, in fact, but announced that he would not seek the job.

Cowger's astounding triumph in his race for mayor in 1961 surprised even the Republicans. He defeated his Democratic opponent, William S. Milburn, by more than 11,000 votes, and Cowger's running mate, now U.S. Sen. Marlow Cook, easily won the race for county judge with a 20,000-vote margin over Thomas L. Ray. The theme of the campaign was "Time for a change," and change came, with 11 of the 12 city wards and all three county districts going Republican.

A bright and urbane native of Nebraska, Cowger was a skilled politician and an expert tactician for urban causes. His leadership as Louisville mayor in the early 1960s helped create the first public accommodations act in the United States south of the Mason-Dixon Line.

He enjoyed strong support from Louisville's Negro community as mayor, and it was during his administration and at least partly because of his urging that the Louisville Human Relations Commission, later to become a joint city-county agency, was founded.

Also during his term as mayor, Louisville was designated an All-American City, an achievement that gave him much pride. Cowger had a deep feeling for urban communities in general and Louisville in particular, although he was not a Louisville native.

During Cowger's four years in the House, he pushed for federal legislation to relieve the plight of urban areas. He was an advocate of federal revenue sharing long before President Nixon included it in his domestic program.

Although Cowger was a cool, polished man who rarely displayed emotion publicly, he was well known for his heated clashes with politicians and organizations that crossed swords with him.

Two notable examples were his feuds with Republican Gov. Louie B. Nunn and his arguments with and threats against The Courier-Journal and The Louisville Times.

Tension between Cowger and Nunn dated back to Nunn's first bid for governor in 1963. Nunn lost the election by a thin margin that year, and he blamed Cowger for the poor Republican turnout in Jefferson County. Cowger denied that accusation, but his relations with Nunn were never the same again.

In the fall of 1969, Cowger stunned state politicians by strongly criticizing Nunn during a public address before a Jefferson County women's group. Answering a question, Cowger bitterly assailed Nunn, accusing him of deliberately trying to sabotage the Jefferson County Republican organization.

Nunn angrily denied the charge the next day, and the incident was the political nadir of the relations between the two men. Many political observers believe the friction between them was partly responsible for Cowger's narrow congressional loss in 1970. Other observers say, however, that the biggest factor in Cowger's loss to Mazzoli was the collapse of the once strong organization he had built during his term as mayor.

POSITION ON WAR MODERATED

Cowger once said The Courier-Journal and The Louisville Times had never been editorially fair to him, and he frequently accused the newspapers of news reporting bias. In the summer of 1965, he charged that the newspapers had campaigned to discredit County Judge Marlow Cook, and he threatened to sue the papers for libel and thus "acquire a new newspaper for this community the easy and fast way."

While mayor, his disputes with Louisville news media led him to close the press room in City Hall.

During his four years in Congress, which were largely overshadowed by his record as mayor, Cowger was generally regarded as hawkish on the Vietnam War, although some observers say he shifted to a more moderate stance before leaving Washington.

Early in his first term, he once advocated the bombing of Haiphong harbor in North Vietnam. But by 1970, Cowger was expressing support of President Nixon's policy of gradually winding down U.S. involvement in the war.

After his defeat in 1970, Cowger resumed his business as a mortgage realtor. There was considerable speculation that he was either planning to run against Mazzoli in 1972 or to run for mayor in 1973.

Cowger made no public statement about his political plans, but he told a press conference after conceding victory to Mazzoli last year that he planned to stay active in politics and probably would run for office again.

About 18 months ago, Cowger and Nelson Miller formed the Cowger & Miller Mortgage Co., with an office at 446 S. 5th in Louisville.

GOVERNOR ISSUES STATEMENT

In recent weeks Cowger served as cochairman of a state committee working for passage of the Homestead Amendment, a measure on November's ballot that would exempt from property taxes the first $6,500 worth of property of persons 65 and older.

In an interview last December with Ward Sinclair of The Courier-Journal & Times Washington bureau, Cowger looked back on his years in Congress.

"The main pleasure" with being in Congress, he said, "is being with 435 of the finest people you've ever met."

Asked what he would most like to be remembered for as representative of the 3rd District, Cowger replied that only the Police Assistance Act of 1970 bore his name, but he added:

"I would say the most important thing is the personal satisfaction that you get out of doing things for people . . . This is the real payoff in public service."

He said that on leaving Congress he would miss most his association with fellow congressmen, "and No. 2—you always like to be where the action is, and the action has been here, particularly during these last four years . . . I really don't think I'd want to be in Congress during a time of Utopia when everything is milk and honey."

Among the first reactions last night to Cowger's sudden death was one from Gov. Nunn in Frankfort, who said, "I am extremely sorry to learn of his death. I extend my deepest sympathies to his family."

Earl Searcy, chairman of the Louisville-Jefferson County Republican executive committee said:

"We are shocked and grieved by the untimely death of Mr. Cowger, who has served Louisville with distinction, both as mayor and congressman.

"He was truly a great leader, and his death has created a void that will be most difficult to fill. We extend our sympathy to his family at this time of great sorrow."

At the Louisville Orchestra's performance at the Brown Theatre last night, Conductor Jorge Mester dedicated the opening piece of music to Cowger, whom he called a friend of the orchestra.

BORN IN NEBRASKA

Cowger was divorced in 1969 from the former Cynthia Thompson. They had two children, David, 19, and Mrs. Larry Wilson, 20. The other survivors are two brothers, Dr. Robert Cowger, of Portland, Oreg., and Jack Cowger, of Seattle, Wash. His mother and father were deceased.

Funeral arrangements were incomplete last night. The body was to be taken tomorrow to Pearson's, 149 Breckinridge Lane in Louisville.

Cowger was born Jan. 1, 1922, in Hastings, Neb. After high school, he attended Texas A&M and received a bachelor's degree from Carleton College, Northfield, Minn. He later did graduate work at the University of Louisville and at American University in Washington, D.C.

He was commissioned a naval officer after attending the Navy Midshipmen's School in New York City, and served 20 months during World War II in the Atlantic and Pacific.

Cowger had lived continuously in Louisville since his discharge from the Navy. Besides his governmental affairs, he was active in many business, civic and charitable organizations. He was a past president of the Louisville Junior Chamber of Commerce, and in 1955 was selected one of Kentucky's three outstanding young men.

He served for two years as Kentucky chairman of the Crusade for Freedom, and belonged to several other civic and church groups. He was a past president of the Kentucky Municipal League, an organization of city officials.

ORBIT

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, it is always a source of hope and encouragement to learn of the good in life. We are so often barraged, from every quarter, with the bad. One fine example of a truly community-oriented and constructive civic program is that in which a number of teenagers in Somerset, in my 10th Congressional District in Massachusetts, are engaged. These young men and women have grouped together in an organization title "ORBIT." One of their activities is to contribute financially to the school for deaf children conducted at the Congregational Christian Church in Somerset. Another example of the commendable work these teenagers are carrying on is their support of a child in India, through the proceeds of a car wash and cake sale, which was their first project. The group established itself some 3 years ago under the aegis of Mr. and Mrs. Richard Stewart. Mrs. Stephen Miller of Somerset serves as director, while she and her husband also serve as advisers to the program.

ORBIT is certainly a program of which the teenagers can be proud, and I am pleased to include in my remarks a column which appeared in the Somerset Spectator on Thursday, September 30, which presents in even greater detail the excellent programs of help and support ORBIT offers:

YOUNG PEOPLE AT WORK

(By Fred Rhines)

Too often the public image of today's teenager, as created by newspaper stories, is one of drugs, car thefts and thoughtless acts of vandalism. Few if any stories make the papers about public good done by many of today's young people.

For example, how many readers know that ORBIT, Somerset's teenage group, dedicated to bettering the public's image of today's youth, gave a sizable donation to the school for deaf children conducted twice a week at Congregational Christian Church of Somerset?

The group's donation made it possible for speech and hearing therapist, Mrs. Gerard Bedrick to buy many of the visual aids she needed to make her job more effective and give the six youngsters in this unique program a chance to grow through the use of learning aids.

ORBIT means helping people. It is an unheralded group involved in many projects to help people in the community.

It began in November, 1968 when Mr. and Mrs. Richard Stewart of 177 Harrison Avenue, Somerset, held a party for a group of teenagers who aided them in a campaign to gain support for the Republican Party during the Presidential election.

The party was sort of a farewell for the 18 young people who had taken an activist role in the community but instead they decided to band together and find other things to get involved in.

The group wanted to bridge the gap between what adults thought teenagers were like and what teenagers themselves thought they represented in today's society.

FIRST PROJECT

The first project was a car wash and cake sale. Proceeds were used to support a child in India.

This successful project was quickly followed by a stage play. The services of Mrs. Stephen Miller of North Street, Somerset, were obtained as director.

Since that time, Mrs. Miller and her husband have joined Mr. and Mrs. Stewart as ORBIT advisors.

The curtain had no sooner rung down on their play then the group was busy with plans to aid Camp Jabberwocky on Martha's Vineyard. The camp aids Cerebral Palsy youngsters and is led by Mrs. Helen Lamb, of Swansea.

FUNDS FOR CAMP JABBERWOCKY

A long list of events to raise funds for Camp Jabberwocky followed and concluded with a fun fair held on Pottersville Field.

The fair turned out to be such a success that ORBIT members were able to donate $1300 in money and merchandise to the camp.

ORBIT has also sponsored several circuses in Somerset. The most recent one was the Royal Wild West Circus. They have also collected money for the Citizens Scholarship Foundation.

When the Somerset High Blue Raider Marching Band went to Washington, D.C. they were partly financed by ORBIT, whose members worked on several projects including a play to raise money.

What has all this to do with the school for deaf children? The answer might be contained in the workings of the school itself which attracted the interest of ORBIT members who wanted to offer assistance.

Pre-school children with hearing handicaps have a new educational opportunity through the nursey school sponsored by Dr. Philip Johnston of Massachusetts Department of Public Health, Division of Maternal and Child Health, now operating at Congregational Christian Church on County Street.

The church's Sunday School rooms are open Monday and Tuesday from 9:15 to 11 a.m.

LOVING CARE

Children with impaired hearing receive loving care in an expanded instructional program from Mrs. Bedrick, speech therapist and Mrs. Robert Kitchen, nursery school teacher.

The use of the church facilities was voted by the Board of Deacons of the parish where Rev. H. Merrill Emery is pastor. When the space became available the Massachusetts Department of Public Health, through Dr. Johnson, supplied funds for nursery facilities.

A feature installed is the Zenith loop which creates a magnetic field in the room and helps the deaf children make use of their hearing aids, microphones and recordings.

Funds donated by Somerset Lions Club, through William Murphy, president, enabled the Southeastern Massachusetts Parents Association for the deaf and hard-of-hearing children to purchase a portable amplification unit. It is used as each child is taken for individual speech therapy. It is a wonderful aid for the children. Toys were also purchased with part of the Lions Club Donation.

ORBIT's donation was used to purchase toys, games and books that are all teaching aids in the deaf school program.

At present there are six children enrolled in the facility which is open to all Southeastern Massachusetts children with hearing problems. It is both free and accessible to those who need it. Parents of deaf children are urged to get in touch with Mr. and Mrs. Kitchen at 29 Damon Street, Fall River or Mrs. Edward Carey of 551 Purchase Street, Swansea.

MORE HELP NEEDED

More equipment, geared to the latest advances in speech and hearing therapy, is needed. Officials are hoping for increased state assistance.

In the meantime, ORBIT will continue its efforts on behalf of the school with an all day cake sale, Saturday at the Somerset Stop and Shop.

AN INTERVIEW WITH CHILE'S PRESIDENT ALLENDE

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. DRINAN. Mr. Speaker, since all of us are deeply interested in Chile and its President, Dr. Allende, I attach herewith an article entitled "An Interview With Chile's President Allende" by Corliss Lamont, a distinguished former professor at Columbia University and the author of many volumes including the Philosophy of Humanism and Freedom of Choice Affirmed.

This article is taken from the October 1971 issue of the nationally recognized religious journal, the Churchman.

The article follows:

AN INTERVIEW WITH CHILE'S PRESIDENT ALLENDE

(By Corliss Lamont)

On July 11, 1971, the day after I arrived in Santiago, the Chilean Congress passed unanimously a constitutional amendment for the nationalization of all the copper mines in the country. A few days later, on July 15, President Salvador Allende signed the amendment into law and called it "perhaps Chile's most important action since independence." He proclaimed a Day of National Dignity and stated: "Now we will be the owners of our own future, truly the masters of our destiny."

I was glad to be in Chile during this week—surely one of the most significant in its entire history—since I had long opposed the economic exploitation of Latin American nations by U.S. business and had been in sympathy with the socialist goals of President Allende and his Popular Unity coalition. And I was especially happy to receive, on July 19, an invitation from the President to see him at his office in the Palacio de la Moneda (Government Palace) that same evening.

Since the Palace, like the Hotel Carrera where I was staying, was situated on Constitution Square, I did not have far to go. Waiting in an ante-room for a few minutes, I chatted with a military attaché who had attended West Point for a while. Then the President walked in and greeted me cordially. He ushered me into his office and first pointed to three framed photographs hanging on the wall: one of him and his family, a second of him and some friends riding horseback in the country, and a third of a Chilean General pinning the highest military medal of the nation on Allende as the new Commander-in-Chief of the Armed Forces. The President said with a twinkle in his eye that hostile newspapers throughout South America had published this third picture with the caption: "President Allende receiving the Order of Lenin from a Soviet General."

My interpreter for this interview was Dr. Gustavo Molina, Professor of Preventive and Social Medicine and Adviser at Large to the Chilean Minister of Health. Dr. Molina and President Allende were old friends, since Allende was a physician at the start of his career and had worked closely with Molina.

I opened the conversation by saying to the President that I brought good wishes to his Administration as an unofficial representative of hundreds of thousands of Americans who were sympathetic to its aims and program. Allende replied that such people could be very useful in bringing about understanding between Chile and the United States.

He told me that the Chilean Government would do everything possible to maintain good relations with the United States, but that difficulties might arise over the precise amount Chile could and would pay U.S. companies in compensation for the recent nationalization of the copper mines. He added that some American firms, anticipating full nationalization, had become careless and wasteful in their mining operations. Hence the mines would not be in the best of condition when the Government was ready to take them over completely.

While the Chilean Government obviously faces many difficulties in establishing a planned socialist society, the President, whose term lasts six years (through 1976) convinced me that during that time his Administration would go far in engineering the transition to socialism. He pointed out that an extensive nationalization program is already well advanced.

(The Government, besides its takeover plans for copper, has made substantial progress towards nationalizing the banks; the coal, iron and steel industries; and the larger cement and textile plants. I went through the big Hermas textile factory in Santiago, nationalized by the Government about two months earlier, and found it operating efficiently. The Allende Administration has also announced that it is initiating a skiing program for low-income families at ski centers such as Farellones and Portillo, at both of which I enjoyed fine skiing while I was in Chile.)

President Allende stressed the fact that the Popular Unity coalition has every intention of putting across socialism through democratic procedures. I remarked that if democratic socialism—socialism without dictatorship—could be achieved in Chile, it would be of tremendous significance for the whole world. Allende agrees with this comment and fully realizes that there are far-reaching international implications in what he is attempting to do and that the eyes of mankind are on him and his associates.

The President impressed me greatly. A spry, slender man in his early sixties, he combines firmness of character and keen intelligence with a deep compassion for his fellow humans. Certainly he is the greatest political leader to emerge in South America during the twentieth century.

I asked President Allende whether he was perhaps a Humanist in his philosophy. He answered that the didn't go in much for labels, but that since he was a Marxist, he was naturally a Humanist and that his Administration was doing many things of a Humanist nature.

As I rose to go, the President took up a paperback book on his desk and inscribed it. He presented it to me, the title being *The Political Thoughts of Salvador Allende*. The inscription read: "To my friend C.L. from companero Presidente [comrade President] with hearty affection and faith in the victory of the peoples.—S. Allende."

After thanking him for his book, I remarked that I would like to send him a copy of my book, *The Philosophy of Humanism*. He said he would be glad to have it.

As I walked out of the room, President Allende shook hands with me and said warmly, "Come back again!"

A Copy of THE CHURCHMAN, Free on request to The Churchman, 1074 23rd Avenue North, St. Petersburg, Florida 33704.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

CONFISCATION IN CHILE

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. SPRINGER. Mr. Speaker, I include the following:

Many of us in the Congress have watched, during the past months, the actions of the Chilean Government and as to whether it intends to indemnify American interests for nationalized properties of those American firms in Chile. Nobody questions the legality of the Chilean Government taking over any properties; however, any country which does that is expected to make fair reimbursement of any properties confiscated. I know that many of my colleagues in the Congress are extremely dubious as to what the Chilean Government intends to do.

I attach an article from the New York Times of Sunday, October 3, titled, "Confiscation in Chile." I believe this article properly reflects the thought of many people in the Congress as to the status of this matter at the present time.

The editorial follows:

CONFISCATION IN CHILE

During his eleven months in office, President Allende has often promised fair compensation for American and other foreign enterprises nationalized in Chile. He has now defaulted on that pledge with a bizarre bookkeeping maneuver that effectively nullifies the possibility of any payment for three nationalized copper mines previously owned by two American firms.

This default may have been enviable, given the Marxist domination of Dr. Allende's coalition Government. Leaders of his own Socialist party and their Communist allies have insisted for months that Chile should pay no compensation for the Anaconda and Kennecott copper properties. In this, as in other matters, Dr. Allende may have been swept along by forces he could not control.

In any event, no objective observer will be persuaded by Dr. Allende's claim that he acted "rationally and legitimately" in arbitrarily deducting $774 million for "excess profits" over the last fifteen years from compensation due the two firms. Kennecott points out that its alleged excess profits exceed its total earnings from Chile during that period. Even less defensible is another deduction of $1 billion—at least twice the estimated value of the American holdings—claimed by Chile's Copper Corporation for alleged deficiencies in property, equipment and plans at the mines and mills.

These actions may be "legal" under a constitutional amendment adopted without dissent by Chile's National Congress last July; but they do violence to accepted standards of international law and governmental conduct, despite Foreign Minister Almeyda's asserting to the contrary at the United Nations General Assembly. There is no appeal at all from the "excess profits" decision and only a costly and dubious procedure for appealing the Copper Corporation's deduction.

Far more is at stake here than the fate of the two firms and their past sins in Chile, real or fancied. In an action widely hailed in the hemisphere as industrial statesmanship of a high order, Kennecott in 1967 offered a partnership in which the Government of Chile would hold a 51 per cent interest. Two years later Anaconda responded to pressure from President Frei, Dr. Allende's predecessor, and negotiated a comparable partnership with Chile for its copper holdings.

In effect, Chile has now changed the rules for the copper companies for the third time in less than five years. The question of good faith raised by what amounts to confiscation of these properties is bound to discourage the investment from abroad that Chile needs—and insists that it wants under proper conditions, such as the kind of partnership arrangements the copper firms had accepted. The actions cannot improve Chile's chances for the assistance it requires from such lending agencies as the World Bank and the Inter-American Development Bank. And it will make vastly more difficult the achievement of those "best possible" relations with the United States that Dr. Allende has often said he wanted.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. FRASER. Mr. Speaker, a number of individual citizens testified and submitted statements at the health hearings I recently chaired in Minneapolis.

Mrs. Florence Littman discusses three problems she is facing in attempting to get good medical care. First, she has difficulty getting an appointment with a doctor. Second, a great deal of time is expended attempting to get reimbursement from medical insurance programs. And, finally, there is excessive interest on her medical bills. Mrs. Littman documents each of these problems in her statement.

Mr. Doyle Derby also discussed his difficulty in getting insurance claims properly processed. According to Mr. Derby, interest was charged to him on a bill that was overdue, due to the insurance companies failure to promptly reimburse.

Mr. William Robarge also discusses his difficulty in claim adjustments and presents his idea for change:

MINNEAPOLIS, MINN.,
February 23, 1971.

Hon. DONALD FRASER,
Federal Courts Building,
Minneapolis, Minn.

MY DEAR MR. FRASER: I have had the following problems in connection with medical care in Minneapolis:

1. Difficulty in seeing a doctor.
2. Proper processing of insurance claims.
3. Excessive interest on the bill.

In illnesses which are not emergencies it is often impossible to get an appointment with your doctor for weeks. Frequently you are given a prescription over the phone and told to take it until the symptoms disappear or there is an appointment available for you. I have been the victim of such poor medical treatment due undoubtedly in part to the doctor shortage.

I think this problem could be slightly alleviated if there were community laboratory centers that could do simple lab work such as throat cultures, blood counts, urine analysis, etc. In that way many infections could be spotted, a doctor could be consulted and treatment begun without delay.

(Problem No. 2) A clinic with thirty-one doctors on the staff has one college student working part time processing Blue Shield claims. Claims are often submitted only after months of nagging, and even then are frequently not itemized correctly, resulting in non payment of claims.

(Problems No. 3) Meanwhile excessive interest, 1% per month, is being charged on all balances ninety days or older.

These have been my own experiences with medical care in Minneapolis. I would be willing to furnish the name of the clinic (in spite of the fact that I might have to go back there.) I am convinced that even under existing conditions medical care does not have to be this impersonal and sloppy. My children are cared for by a pediatrician who always has time to see a sick child, always returns your phone calls, always has her practice covered when she is out of town, and whose office staff very efficiently itemizes and submits your claims to Blue Shield.

I have no first hand knowledge of medical care in D.C. but I wish you and your family continued good health.

Very truly yours,

FLORENCE LITTMAN.

MINNEAPOLIS, MINN.

Interest is charged on all bills 30 days past due.

The patient is responsible for the total bill:

Including the portion covered by insurance.

And even when the insurance has been assigned over to the doctor.

The patient was charged the past due interest charge on a bill where the total past due was entirely covered by the insurance claim and the insurance company was late in making the payment.

The insurance company was late in making the payment because they had failed to send out a form to be signed by the patient which they required before they could make payment.

The patient had no way of knowing that the insurance payment was late until receiving the bill with the interest charge.

When calling the insurance company to follow up on the payment the patient was told to call back several days later (almost a week) because it takes that long for them to trace the records.

DOYLE DERBY.

FEBRUARY 11, 1970.

Mrs. LOUIS BINDER,
Congressman Don Fraser's Office,
Minneapolis, Minn.

DEAR MRS. BINDER: I don't know whether or not it will be possible for me to be present at the Health Care Hearings—Saturday Feb. 27/70 at Heritage Hall, Mpls., Public Library 300 Nicollet Mall—or not. I have requested some material from the State of Wisconsin to be mailed to you. I was interested to discover that the Chippewa name for Wisconsin is "Weeskonsan" which signifies the gathering of waters. The Wisconsin River empties into the Mississippi at Prairie Du Chien, which has some information at the museum there on health care. The impressions of the water drainage systems are not the same as possibly the understanding in health care. Some feel there is a tremendously large emptying area which drains back into the great lakes in a vast meandering and lowland area of which not too much is known, others have varied opinions. Some feel that it is up to other people to explain too much which is difficult to explain but at the same time health shouldn't be left to an artist's concept.

At the present time, I can't think of any courses (school) biology, hygiene, physiology that I haven't taken and have touched on most of the things in the library (the references of which there aren't too many charges for). It is possible that the market is bulled on some information sources and the effort to cooperate in a bull market. Wall street was known for this, which can be any street or wall. The education I received in toxicology was never remunerative to me.

I'm enclosing a copy of a letter from Frederick J. Casey, Assistant County Attorney to Carl E. Erickson, County Attorney, Crow Wing County—Brainerd, Minnesota. In health, accident, hospitalization and liability insurance; it appears there isn't too much protection for society and the interpretation of suability. If the State Institutions have any unjust fetter on officials in cases like this, I feel there should be prosecution to the end to create a more intellectual honest conscience in handling claim adjustments. There are some who have been held what some call political prisoners, without any health or financial consideration for many years. Many of these are not managers of huge properties or hospitals either and have been deprived on many things without due process. I have heard of a malpractice case in Cass County but have never read the transcript, but heard the charges were exhorbitant and put on as an auto accessory dealer having the salesmanship either coercive or convincing to the obligator for payment. I will make an attempt to be at Heritage Hall.

Sincerely yours,

WM. ROBARGE.

SOCIETY OF SEPARATIONISTS

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. BUCHANAN. Mr. Speaker, an interesting letter from the Society of Separationists in Austin, Tex., pertaining to House Joint Resolution 191, the prayer amendment which will soon be brought before the House for debate and a vote, has come to my attention.

From the format of this correspondence, it appears that other Members of the House may also have received a copy. It provides interesting reading for two reasons. First, it states that the prayer amendment would legalize "compulsory, as well as voluntary prayer in all public buildings." Of course, nothing could be further from the truth. Participation in any religious exercise sanctioned by the amendment would be purely voluntary.

Second, it also advises the Members that the Society of Separationists represents such "important elements" in each of our constituencies as the atheists and the agnostics.

It seems rather clear they do not represent the thinking of the vast majority of the American people whom it is our duty and privilege to serve.

The full text of the letter is included herewith for the edification of the House:

SOCIETY OF SEPARATIONISTS,
Austin, Tex., September 29, 1971.

DEAR SIR: It is important to recognize that the only assault which has ever been mounted against our Bill of Rights and the precious heritage of the First Amendment to the Constitution is that of religious fanatics. They hoist themselves on their own petard, for by asking you to vote away this protection for all, they will ultimately lose it themselves.

We urge you to vote against the proposed "Wylie Amendment" which would give a victory to such forces by legalizing compulsory as well as voluntary prayer in all public buildings. A science building at any university could well be so financed, but prayers over test tubes will avail naught.

The Society of Separationists, Inc., is an organization comprised chiefly of Atheists, Agnostics, Ethical Culturists, Humanists, Rationalists, Freethinkers and Objectivists. We represent these people in your district.

You know, sir, just how many such nonbelievers there are in the United States for they number in the millions and are chiefly among business and professional persons. This is an important segment of the population to alienate!

You are accountable to the future of our country to safeguard that which has been so effective in preserving individual rights of conscience: our First Amendment.

Please vote against the Wylie Amendment.

SOCIETY OF SEPARATIONISTS, INC.,
RICHARD F. O'HAIR,
President.

GENERAL EAKER WRITES ABOUT "SIGNS OF DECLINE"

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. FISHER. Mr. Speaker, everyone agrees there is much wrong in America these days. The mad scramble for higher wages, without increase in production—which means inflation—plagues us. The President's wage-price freeze and new economic policy underscores this fact. Deficit spending, a prime cause of inflation, continues unabated. Our gold supply has dwindled to a dangerous level. For the first time since 1885 we face a deficit in foreign trade.

Aside from excessive Federal spending, the cause of most of this is traceable to our inability to compete with lower cost foreign competition. While wage rates have gone sky-high, production has not kept pace. The current costly west coast dock strike has been going on for nearly 100 days, with the union insisting on unconscionable demands. Now the east coast is also shut down. Many long strikes, even by those in relatively high-wage industries, have added significantly to our inability to compete with foreign producers. This is not conjecture; it is a matter of record.

Mr. Speaker, many Americans are quite aware of these unhappy developments and are becoming increasingly alarmed. One of these is Lt. Gen. Ira C. Eaker, USAF, retired. In a recent column by this distinguished American, he cites some pertinent facts and sounds a warning which everyone should read.

The article follows:

SIGNS OF DECLINE

(By Lt. Gen. Ira C. Eaker, USAF (Ret.))

In the early decades of the 19th century Yankee Clippers carried far more than our share of the world's commerce on the high seas. Hard working craftsmen and sturdy sailors of New England had the skill to build and the courage to crew our merchant fleet which was the envy of the Old World and brought prosperity to a young, growing nation.

In World War I, and again in World War II our people had the skill, resources and determination to build ships faster than hostile submarines could sink them, and our cargoes of men and munitions eventually overwhelmed the two great tyrannies which threatened the world.

Since World War II there have been disturbing signs that the United States is no longer competitive in ocean commerce. For some time now our government has had to subsidize our dwindling shipping industry in order to show our Flag on the high seas.

The recent seamen's strike on the West Coast may be a final paragraph in the last chapter of the story of the decline of the U.S. Merchant Marine.

In the middle decades of the 20th century, the United States had a practical monopoly in the making of motion pictures. Hollywood was the acknowledged capital of this industry and the mecca of the magic art. Today the U.S. movie industry is sick and there are signs that the malady is mortal. The centers of this industry and art are now London and Rome.

We have priced ourselves out of profitable competition in an industry which once gave the United States an income of $40 billion annually and priceless profit in worldwide propaganda for our people, their customs, standard of living and their products.

The U.S. automobile industry had for more than 50 years acknowledged worldwide supremacy. Detroit and environs was the center for this dramatic industrial miracle which made Americans mobile, revolutionized the economy; and even changed the social patterns including family life. It was a status symbol in all foreign countries to drive an American-made car. This industry was so dynamic, extensive and skilled that it built all the trucks and tanks that gave our armies and those of our worldwide Allies the mobility and power for victory.

After the war it turned to fill the pent-up demand for civilian transport, producing 10 million vehicles annually to fill eager domestic and overseas demands.

Today, foreign-built cars are rapidly gaining in favor here and abroad, for the simple reason that foreigners, especially Germany and Japan, build them cheaper and better. If present trends continue, shoddy workmanship and unconscionable prices will find Detroit following Hollywood into economic decline.

Since World War II the United States has supplied the fleets for the world's airlines. For the past 20 years 75 per cent of all people who flew in the Free World were carried in U.S.-built airliners.

In recent months our Congress shortsightedly killed the SST which assures that the United States will soon relinquish world leadership in air transport and commercial aviation, a business which has contributed $4 to $5 billion annually in favorable trade.

The amazing thing about these and other evidences of industrial and commercial decline is that this was not done to us by a conquering foreign power. We have done it to ourselves.

Two main things probably account for the tragic signs of national decadence.

We are not competitive in world markets because our prices and wages are increasing at an annual rate of 6 per cent and 7 per cent whereas our industrial productivity increases at less than half that rate. Germany and Japan keep their wage increases well below increases in productivity.

Then, too, many of our people have lost the competitive spirit, the will to work, the yearning for excellence. They even show little concern for their nation's security in an increasingly hostile world. This may flow from the pervasive and pernicious influence of welfare statism.

MIDDLE EAST CRISIS AT THE CROSSROADS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. HAMILTON. Mr. Speaker, recently, the representatives of Israel and Egypt have been meeting here and in New York with American officials in the hope of reaching an agreement for some kind of interim settlement of the Arab-Israeli conflict. These talks are entering a very crucial stage not only for the parties to the conflict but also for the United States. Four editorials in the last couple of days have examined what they consider to be the current dilemma for the various countries involved. The editorials are the Evans and Novak column in the Washington Post of October 1; Eugene V. Rostow's editorial in the New York Times of October 3; the New York Times editorial of October 4 entitled "Road to Mideast Peace"; and Thomas A. Lane's editorial in the New York Times of October 4. I commend these articles to my colleagues:

[From the Washington Post, Oct. 1, 1971]

Nixon's Mideast Squeeze

(By Rowland Evans and Robert Novak)

The tightening political squeeze play to change President Nixon's "even-handed" policy in the Middle East is now trapping the President in a remorseless vise with no visible escape.

Two shrouded developments in the past few days, one from his own political advisers and the other from the Arab rulers of oil-rich Saudi Arabia—the best U.S. friend in the Arab Middle East—give a strong hint of the powerful pressures now buffeting the President and his politically courageous stand to compel partial Israeli withdrawal from Egyptian territory along the Suez Canal.

The first of these is a new and alarming restiveness at high levels inside the administration itself over the President's refusal to hand over new Phantom aircraft Israel is demanding. That restiveness is strictly political, fed by fear that the American Jewish community will not be very forthcoming in 1972 campaign cash for Mr. Nixon unless he yields to the pressure for more Phantoms.

Thus it was no accident that Vice President Spiro Agnew, in a rare reference to the military balance of power in the Middle East, drew attention in his speech here on Sept. 23 to the fact that "their (the Soviet Union's) newest fighter, the Foxbat, is now operational in Egypt and cannot be matched in performance by anything we have in operation."

To highly placed Republican operatives, that seemingly oblique reference to the Egyptian-Israeli balance of power signalled the extreme unhappiness within the President's political family over his steadfastness in seeking Israeli concessions along the Suez Canal before taking a step certain to further reduce waning U.S. influence within the strategically placed Arab world.

The second development came in a secret half-hour conversation in the Oval Office between the President and Prince Fahd, Minister of the Interior in King Faisal's Saudi Arabia and the King's brother.

The Prince delivered this solemn message, similar to many in recent months: Israel's continued occupation of one-tenth of Egypt's territory—the Sinai Peninsula—would soon make it impossible for King Faisal to guarantee the economic or physical security of vast U.S. oil operations in Saudi Arabia. To the Soviet Union, that hard fact is a high card of inestimable value.

Since last July, King Faisal and Egyptian President Anwar Sadat have established a close political alliance that would have been unthinkable in the days of President Nasser's rule. Moreover, King Faisal is still spending $140 million a year to sustain Egypt and Jordan, assistance that started after Israel's conquests in the 1967 war.

But unhappily for Mr. Nixon, few U.S. politicians—and even fewer Democratic presidential hopefuls—examine the bitter Arab-Israeli conflict from the standpoint of pragmatic American interests.

Thus, to President Nixon and his entire diplomatic and military high command the only strategy to block rising Soviet influence in the Arab Middle East is to settle the conflict between Jew and Arab. In Mr. Nixon's view what is fulfulling Moscow's imperial ambitions is not any latent Marxist sentiment among the Arabs (they have none) but the fact that Moscow plays the role of protecting them against Israeli expansionism.

To Israel and many of its powerful political allies in the United States the view is wholly different. What comes first to Israel is, naturally, its security. And to Israel, for 20 years under the barrel of Arab guns, that means continued occupation of the Sinai until some sort of iron security guarantee—undefinable today—is available. That is the view that most U.S. politicians identify with, particularly at election time.

The Democratic presidential hopefuls now attacking Mr. Nixon tend overwhelmingly to view the Middle East from Israel's special interest. Mr. Nixon views it from long-range U.S. interests.

With his own political operatives now pressing him to switch to an overt pro-Israeli policy and outflank the Democrats, his "even-handed" policy is caught in a tightening vise. If he yields, the result will be great glee in Moscow and a sense of betrayal in Cairo, likely to be followed by a futile Egyptian military effort and the danger of U.S.-Soviet confrontation.

[From the New York Times, Oct. 3, 1971]

Middle East: The Next Step

(By Eugene V. Rostow)

New Haven.—The risks of any alternative require the foreign ministers assembling at the United Nations finally to insist that the parties carry out the Security Council resolution of Nov. 22, 1967, which calls on them to make an agreement of peace for the Middle East.

Lord Caradon, the father of that resolution, has urged that Ambassador Jarring convene a conference of the parties for the purpose, in the pattern of the Rhodes conference which resulted in the Armistice Agreements of 1949.

True, President Sadat laid down certain "Conditions" for his acceptance of the resolution. But those conditions are not consistent with the resolution. It should be possible for diplomacy to qualify or to ignore them.

President Sadat has said that the U.A.R. will make peace only if Israel evacuates the whole of the Sinai, and only if Egypt is then free to put troops into the area. But the Security Council resolution, following the Armistice Agreements of 1949, contemplates agreed changes in the armistice demarcation lines, in order to establish secure and recognized boundaries, and guarantees of maritime rights. Israel has had to fight two costly wars to open the Strait of Tiran. It is determined not to get into a position where it might have to do so again. It is certainly not in the Western interest to repeat the disastrous bargain of 1957, which proved to be an incitement to war.

In 1968, and against in 1971, the United States indicated that it could support a return of the Sinai to Egypt, with perhaps "insubstantial" changes in the frontier. In 1968, the American position was based on the view that only the complete demilitarization of the Sinai could fairly balance the dilemmas and anxieties posed by the tragic history of the last twenty-four years. If the Sinai were completely demilitarized, pursuant to an agreed timetable of Israeli withdrawals, during which conditions of true international peace were realized, would any national interest of either country be imperiled? Could any other plan do nearly so much to encourage the development of true peace in the region?

It is impossible for the parties to take serious negotiating positions on borders before they grapple with the problems of security arrangements (including demilitarized zones) and guarantees of maritime rights. These are not matters which can be resolved by go-betweens, or by interviews with journalists.

Secretary Rogers has repeatedly said that American policy was not to recommend any Israeli withdrawals from the 1967 cease-fire lines until "there was a final, binding, written agreement that satisfied all aspects of the Security Council resolution, a contractual agreement entered into by the parties, signed by the parties in each other's presence, an agreement that would provide full assurance to Israel that the Arabs would admit that Israel has a right to live in peace."

It must be assumed that the discussion of plans for opening the Suez Canal as an interim step toward peace rests firmly on this principle, which has been basic to the American position since 1967, for reasons obvious in the nature of American interests, and the melancholy fate of the understandings and guarantees which resulted in Israel's withdrawal from the Sinai in 1957.

If Egypt is not ready to fulfill the requirements of the resolution, then a scheme for opening the canal may be useful, so long as no provision of such an interim agreement is inconsistent with the objective of peace.

From the point of view of the United States, Western Europe and Japan, however, an agreement of peace fulfilling the resolution is decidedly preferable. There is no evident reason why this policy should be abandoned. The resolution, after all, was passed with Soviet support, on the basis of assurances from all the parties that they would cooperate with Ambassador Jarring in reaching the agreement it required. And President Sadat's recent victory over his rivals in Egypt, as well as the pattern of politics in Jordan, Syria and Sudan, should permit him to move forward decisively, and wisely.

[From the New York Times, Oct. 4, 1971]

Road to Mideast Peace

The tour guide to a Middle East peace settlement which Israeli Foreign Minister Abba Eban mapped out for the United Nations General Assembly last week was an excursion into familiar byways. When stalled peace talks are desperately in need of new directions, Mr. Eban charted five "roads to peace." All have been tried before; all have failed so far to bring any measurable progress toward Mideast stability.

Among the possibilities, the Foreign Minister revived an old Israeli proposal for a separate conference on the "problem of refugees." This is a detour leading nowhere as long as practically every country involved insists on treating the Palestinians merely as refugees and not as a nation stillborn, now clearly clamoring for life.

Mr. Eban also offered a side trip into some of the less controversial areas of an Arab-Israeli treaty. This might have been a useful excursion three or four years ago, but the time is surely long overdue for both sides to concentrate on the major differences that pose a growing threat of renewed warfare.

The place where Mr. Eban was unquestionably on sound ground, however, was in his repeated plea for direct peace talks between Israel and her adversaries. Although it is an absence of adequate concessions on both sides—rather than any lack of communications—that has been the principal barrier to an Arab-Israeli settlement, there is certainly much to commend this more direct route to peace which the Arabs have always stubbornly skirted.

This is especially true in light of Mr. Eban's strong hint that Israeli policy could become more flexible in a direct negotiating situation under U.N. or United States auspices. "Time and time again," he said, "the decision of governments to abandon their cold separation and make contact with each other develops from a procedural advance into a change of substantive positions."

In a year when Americans have been talking with the mainland Chinese, when the West Germans are talking with East Germans, when even the divided Koreans are meeting together, it should not overstrain the ingenuity of the new Egyptian diplomacy to explore Mr. Eban's initiative at some discreet peace table.

[From the New York Times, Oct. 4, 1971]

Our Friends, the Arabs

(By Thomas A. Lane)

(Editor's note.—Gen. Thomas A. Lane, who is retired, is author of "America on Trial: The War for Vietnam.")

McLean, Va.—The Arab neighbors of Israel have for some seventeen years been embarked upon an alliance with the Soviet Union. There are lessons to be learned from the experience—lessons of special import to the Arab countries but important also to all free countries.

In the historic practice of Western politics, nations have made alliances to serve special common interests. Whatever their differences in other matters, they had a common interest which brought them together. Thus, although the United States and the Soviet Union had irreconcilable political tenets, they were thrown into alliance in World War II by the circumstance that one was attacked by Germany and the other was attacked by Japan. Their sole common interest was to defeat the common enemy—though U.S. policy-makers lost sight of that reality.

There is an alliance a tacit understanding that the differences of allies will be subordinated to the common purpose during the term of the alliance. During World War II, the United States overdid this obligation with praise of Soviet "democracy," and the Communist party, U.S.A., supported President Roosevelt, though it supported Stalin more.

The Communist powers do not of course subscribe to the traditional norms of Western diplomacy. Their object is conquest, and they follow the guidance of Lenin in achieving it. The criterion for policy in any circumstance is the advantage of the Communist interest.

In the Soviet-Arab alliance, the aim of the Arab countries has been to defeat Israel and to restore Arab sovereignty in Palestine. But is this also the Soviet aim? Does the Soviet Union really care about defeating Israel or is it more interested in conquering the Arab countries? Aren't the strategic locations and the oil wealth of the Arab countries richer prizes than the barren plains of Palestine, made fruitful only through heavy investment?

We must look for answers in the experience of the alliance. Seventeen years is a long time to take to arm and train forty million Arabs to defeat three million Israelis. The years have been studded with one Arab defeat after another. In the face of the alliance, Israel has expanded its territory. Why?

The Arabs are divided, they are technologically backward, they are not conditioned to the needs of modern tank and air warfare. Granting all this, it is still possible to develop competent military forces from technologically backward nations in less than seventeen years. The Greeks, the Turks and Koreans have done it. Maybe the Soviet Union wanted to fail.

Within the Arab world in these years, the extension of Communist influence has been the primary aim of Soviet policy. Under cover of the alliance, the Soviet Union has schemed for the ascendancy of its own power. This thrust of the internal Communist parties has kept the Arab world in continuous turmoil. Soviet intrigue has encouraged the Marxist Palestine Liberation forces to attack King Hussein, not Israel. It has worked to overthrow King Hassan in Morocco. In Libya and the Sudan, the Soviet Union has supported pro-Soviet nationalists. But we have seen in the Sudan that even a pro-Soviet nationalist can be the target of a Communist coup. General Nimeiry is lucky to have survived the attack on his Government. He had been slow to learn from the experience of others.

When will the Arab leaders awaken to the true aims of Soviet policy? Far from conquering Israel, they are wasting the resources of their people in futile armaments and risking their own survival in freedom. Their true destiny lies in the free world, which respects their sovereignty, honors their religious sentiments and offers the true course for the development of Arab culture. All the potential of modern technology lies open to their people if the leaders have the wisdom to choose freedom.

It is sorry U.S. policy which converts a difference between free-world countries into a confrontation with the Soviet Union. The U.S. and Israel have a duty in wisdom and prudence to offer a generous settlement of Middle-East differences which will detach the Arab countries from their Soviet alliance and restore them to the family of freedom.

REUNION SLATED FOR C. & O. CANAL CAPTAINS AND CREWS

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. BYRON. Mr. Speaker, this coming Sunday at Snyders Landing along the C. & O. Canal in Washington County, Md., the first annual reunion of C. & O. Canal barge captains and crews will be held. This is a significant event since the canal played such a large part in the development and history of western Maryland. I would like to wish all the participants well and to send them my greetings on this historic occassion.

I would like to include an article written about the reunion in the Middletown Valley Register:

Reunion Slated for C&O Canal Captains, Crews—Event Will Be Held October 10 at Snyders Landing, Sharpsburg—Barrons Museum Sponsoring Get-Together

On Sunday, Oct. 10, at 2 p.m. Barrons C&O Canal Museum and Country Store at Snyders Landing, Sharpsburg, will hold its 1st annual reunion for all C&O Canal Boat Captains and Boat Crew members and their immediate families.

This will be the first time there has been a gathering of these canalers since the C&O Canal stopped operating in 1924. Mr. Barron said he looks for attendees from Cumberland, Hancock, Williamsport, Washington, D.C., and the Sharpsburg areas.

Sharpsburg had the most canal boat captains of all the canal towns along the 185-mile route from Cumberland to Washington. In winter there would be as many as 25 or 30 boats tied up at Snyders Landing. Back around the turn of the century, most of the residents of Sharpsburg were connected with the canal in one way or another.

From 1900 to 1924 there were about 100 boats operating on the canal. These mule-drawn barges, owned by the Canal Towage Company, would take on a 120-ton load of coal in Cumberland and in 4 to 5 days travel the 185 miles to Washington. The canal season started in March and would end in November and the number of trips a boat would make depended on the conditions of the canal and the motivation of the captain. Most captains had their families on board with them and made their home right on the boats, some even traveling day and night to make as many trips (and as much money) as possible.

The reunion is being sponsored by Barron's C&O Canal Museum and Country Store, which contains the largest private collection of canal artifacts and papers in existence today. Some of the items on display are a boat pump, boat horn, tow line, bow lamp and lamp board, some boat timber, mule harness and a boat ladder plus numerous pictures of the canal in operation.

The museum was only recently opened but has already received considerable interest. It is located on the berme side of the canal opposite the boat landing at Snyders Landing, about 1½ miles from Sharpsburg.

For further information about the reunion or directions, eligible persons are asked to call 432–5525 on weekends only.

Persons planning to attend may want to make a Sunday's outing by coming in the morning and walking the stretch of towpath from Shepherdstown to Snyders Landing. This short 4-mile section includes the double lock #38 under the Shepherdstown bridge and lock 39, 1.20 miles west, the famous Killiansburg Cave at 2.80 miles west. This cave served as a refuge for the residents of Sharpsburg during the battle of Antietam. Next is Snyders Landing built in 1832 when the canal was completed to this point, the total mileage being 3.80 from lock 38. The heavily wooded, tree lined tow path with 100 foot cliffs and the Potomac River right next to the tow path provides scenic grandeur and quiet solitude to everyone taking this walk.

Barrons is already becoming a favorite pick-up or refreshment stopover for the many hikers and bikers who each weekend discover the pleasures of getting away from it all. Mr. Barron said, "It gives us an opportunity to explain the canal and, we hope, enlarge their enjoyment of this new National Historical Park."

UNHOOKING ADDICTS

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. CAREY of New York. Mr. Speaker, the most serious, the most tragic, and the most baffling problem in our Nation today is that of drug abuse.

Recently, in an editorial in the New York Law Journal, Mr. Jerry Finkelstein, chairman of the New York City Democratic Party, called for a "Manhattan project" to end the drug menace.

I would like to bring to the attention of my colleagues the article, "Unhooking Addicts," which appeared on the op-ed page of the New York Times on September 11, 1971:

Unhooking Addicts

(By Jerry Finkelstein)

An astronaut, back from the moon, displays symptoms of an unknown disease. The disease spreads, killing many and permanently disabling most of those who contract it. What comes next?

Any science fiction fan knows that the President declares a national emergency and appoints a czar with plenary powers to meet the threat.

Men, money and materials would be co-opted.

Red tape would dissolve.

All who could conceivably contribute to solving the problems would do so, willy-nilly.

The Manhattan Project, the New Deal and the space program would be dwarfed by comparison. And the finest minds, backed by the resources and power of our country, would solve the problems. The threat would be overcome.

That is fantasy. But is reality better? We have our own mutating Andromeda Strain in the opiates, barbiturates, amphetamines and hallucinogens. Cocaine has re-emerged and laboratories are inventing synthetics and derivatives faster than they can be outlawed. Instead of infection we have addiction.

Our present Andromeda Strain did not come from the moon or outer space. It comes from the poppy fields of Turkey via the laboratories of Marseilles, the hemp fields of Mexico, the chemical laboratories of great universities and from dozens of other sources. It is spread by human rats and lice rather than more primitive vectors. It does not kill quickly and cleanly nor disable neatly and tidily. It also degrades.

It is unnecessary to dwell on the scope of the drug crisis. Anyone who needs to be convinced that there is a drug epidemic must be a newly trained translator in Peking.

What do we actually have to meet the drug crisis? Piecemeal programs and minuscule financing. Temporizing statements and dangerous panaceas.

The lack of basic research is frightening. We know more about moon rocks than marijuana. Is it dangerous or not? Should we legalize it or class it with the hard drugs? Ironically, the only answer given as to why marijuana and other hallucinogens should not be legalized comes not from science but from history. Only two societies tolerated the widespread use of hallucinogens: the Arab, which then managed to turn the most fertile part of its world into a desert; and Peyote-chewing tribes, whose noblest hour came as their hearts were ripped out as human sacrifices to foreign gods.

As to hard drugs, a current palliative is methadone, which, like heroin, is a derivative of opium. Even as a palliative, this is inadequate; and we must heed the nagging memory that the original use for heroin, as the authority Hindesmith notes, was "as a non-habit-forming substitute for opium or morphine or as a cure for drug addiction."

What is urgently needed is a strongly financed, well-coordinated mobilization of the nation's resources to develop a comprehensive program to put an end to this national disaster and disgrace.

The United States has attacked many difficult problems and found solutions through massive injections of money and talent. Drug abuse should be approached in the same manner.

Why haven't the obvious steps been taken?

Cost should be no consideration. The Manhattan Project produced the atomic bomb—and radioactive isotopes are a mainstay of modern medicine.

The space program put men on the moon—and whole industries produce undreamt of products (including advanced prosthetics) as a result.

Can one conceive of the potential byproducts of the war on addiction? Wholly apart from the heartbreak tragedies prevented, the crime and corruption uprooted, and the malaise of fear eliminated, we can predict priceless discoveries in biochemistry, psychology and many other fields.

Who would oppose any remotely reasonable steps taken?

Industrialists with billions lost annually from lowered productivity, absenteeism and theft?

Unions with their members fearful for their children?

Farmers with the infection now spreading to the most remote communities?

Churches?

Blacks?

Judges and lawyers?

Physicians?

Shopkeepers?

Liberals?

Conservatives?

Only organized crime would oppose a war on addiction.

How old are your daughters and granddaughters? I have two granddaughters and hope for more. I would revere any man who could wipe out addiction—and so would you.

Polio crippled, but it did not debase. Cancer kills, but it does not degrade.

We honored Drs. Salk and Sabin for conquering polio. A greater mantle awaits the conqueror of cancer.

Why has no one made a name for himself as Mr. Anti-Addiction? Is it because the job of making any serious impact is too great for anyone but the President of the United States?

The President has a unique opportunity. Already, with the freeze, he has established that he has the capacity for taking drastic action, together with the ability to accept ideas rfom others regardless of party. I pray that he will use his great powers against the common enemy of mankind and start to vanquish drug addiction now. We can't wait.

CHARLES W. YOST COMMENTS ON OUR FOREIGN POLICY PROCESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. HAMILTON. Mr. Speaker, Charles W. Yost, the former U.S. Representative to the United Nations, writing in the October 1971 issue of Foreign Affairs says that he does not find the record of the last three Presidents in the conduct of foreign affairs to be a brilliant one.

He says that the main causes of their failures were an oversimplified conception of world politics as a universal struggle between darkness and light, an excessive reliance on military advice, and a reluctance to heed the advice of experienced diplomats.

He strongly condemns the practice of these Presidents to rely excessively on the National Security Council, instead of the State Department, for the conduct of foreign affairs and he believes the diversion of foreign policy responsibilities from the State Department to the White House has been a disservice to the national interest.

All of us who believe that foreign policy has gone astray in several important instances in recent years, and that some very good men have made some very bad judgments, will find his article and his recommendations of very great interest.

The article follows:

THE INSTRUMENTS OF AMERICAN FOREIGN POLICY

(By Charles W. Yost)

There are many different ways of conducting a government. In the United States the executive authority is both more formally centralized in the President and more sharply separated from the legislature than in most democracies. This is particularly true of the conduct of foreign affairs, where the authority of the President has been seriously challenged only in those rare instances, such as the Versailles Treaty or the Vietnam war, when he seems to be grossly ignoring or overriding the opinions both of the Congress and of the public.

In general, he has been free to conduct foreign affairs more or less as he chooses, to use traditional instruments, to set up new ones or to carry on diplomacy from his own hip pocket. There is little use arguing whether or not he has the constitutional right to do so. As our government is organized, he has both the responsibility and the power. Critics in or out of the Congress can make things difficult for him, but they can neither conduct foreign affairs themselves nor prevent him from doing so. Of course, a wise President will consult the Congress closely, in fact as well as in form, on matters of major import, which recent Presidents have often foolishly failed to do.

Our concern here, however, is with the instruments which Presidents use for the conduct of foreign affairs. Up until the 1930s the instrument was almost always the traditional one, the Secretary and Department of State, except in those not infrequent cases where a strong President, such as Theodore Roosevelt and Woodrow Wilson, chose to carry on a particular exercise in diplomacy himself, sometimes with the help of a personal adviser or emissary. Nevertheless, as late as 1931, President Hoover, though not himself inexperienced in foreign affairs, relied on Secretary Stimson to deal, in so far as the United States was prepared to deal, with the Manchurian crises.

Franklin D. Roosevelt, however, just at the moment when the rise to power of ambitious dictators in both Europe and Asia made inevitable much deeper American involvement in foreign affairs, named as Secretary of State, almost entirely for domestic political reasons, an eminent Senator, Cordell Hull, who had unhappily neither the taste nor the talent for the conduct of foreign affairs. Nevertheless, again for domestic political reasons, he remained in office for nearly 12 years, longer than any previous Secretary of State. This did not seriously disturb FDR, who was contemptuous of the diplomatic establishment and overestimated his own capacity to direct domestic and foreign, and later military, affairs personally and simultaneously.

Even Roosevelt, however, while bypassing Hull as much as he could, at first placed his own men, on whom he did to some extent rely, inside the State Department itself—Welles and later Stettinius as Under Secretary, Moley and Berle as Assistant Secretaries, and Bullitt and Kennedy as Ambassadors. On the other hand, when war came, the authority and responsibilities of the Department, as well as of its chief, were progressively and seriously undermined in two respects. In the first place, unlike Churchill, Roosevelt to a substantial degree excluded the Department and the Foreign Service from wartime decisionmaking under the peculiar delusion that most political decisions should and could be adjourned till after victory, and that those that could not he could resolve alone or with purely military advice. Due to this delusion very serious mistakes were made. In the second place, after one or two abortive experiments in permitting the State Department to handle some of the significant new duties arising from the war, Roosevelt chose for the most part to create for this purpose new agencies wholly outside State's control, and indeed to multiply, reorganize or wipe out these agencies with confusing rapidity.

Thus, for largely personal and accidental reasons, a precedent was set during the critical period of U.S. emergence as a superpower for bypassing the Secretary of State and the Foreign Service and for diffusing the conduct of foreign affairs at home and abroad among a wide and constantly changing complex of agencies. An even more unfortunate precedent set at the same time was the persistent and intimate involvement of the military in foreign policy decision-making, natural enough in wartime but creating in peacetime an imbalance of judgment toward military instruments and solutions which gravely distorted U.S. foreign policy over 25 years. These developments arose not from any need to confirm or strengthen the authority of the President in the conduct of foreign affairs, which was never challenged, but simply from the sudden pressures of an abnormal situation, the personal style of a particular President, and the limitations of a particular Secretary of State.

II

After the war in earnest and partially successful effort was made by Secretaries Marshall, Acheson and Dulles, each in his own way, to restore the authority and preeminence of the Department of State in the conduct of foreign affairs. This effort was undertaken and carried on not for any self-serving or bureaucratic reasons but simply on grounds of clear national interest and sound administration. If the United States was to carry out effectively its new responsibilities as a world power, it had to be able to take decisions sensibly and promptly in Washington, to speak with one voice to other governments, and to coordinate and discipline its sprawling operations overseas.

This was obviously a task beyond the capacities of any President, no matter how genial, or of personal advisers like Colonel House or Harry Hopkins. Responsibility and control, if not in all cases administration, had to be vested in a single agency and the logical agency was the Department established for the conduct of foreign affairs. Presidents Truman and Eisenhower recognized this fact without question, as did the three abovementioned Secretaries of State. They all also recognized that the State Department and the Foreign Service had to be drastically reformed and strengthened for this purpose and they made a significant beginning in doing so.

Stettinius, even while Roosevelt was still alive, organized and institutionalized such policy-making as the President had left to the Department. The Foreign Service Act of 1946 reformed and invigorated the Foreign Service so sensibly that all the numerous subsequent reorganizations of the Service have not in most respects improved upon it. Marshall and Kennan created, and Acheson and Nitze maintained and developed, the Policy Planning Staff, which in those best of times provided much of the inspiration for foreign policy-making in the U.S. government.

Dulles was a strong Secretary of State enjoying the fullest confidence of the President; he never let other agencies infringe on his own authority nor, with a few calculated exceptions, their representatives abroad infringe on the authority of his ambassadors; he filled most of the principal positions at home and abroad with career officers. On the other hand, his term of office was marred by three shortcomings from the operational point of view. First, for domestic political reasons, he tolerated and to some extent even abetted McCarthy's attacks on the Foreign Service, with consequences for its stature and morale not yet wholly overcome. Second, his preferred style was to work almost totally with three or four close advisers, so that he did not fully use or foresightedly develop the resources of the Department as a whole. Third, because of his almost total disinterest in administration, he permitted some reorganizations which, with the best of intentions, substantially weakened the Department and the Service. At the end of Eisenhower's second term, therefore, while the prestige and power of the Secretary of State was very high, the Department and the Service were significantly less strong and healthy than they had been ten years before.

The next three Presidents, without particularly solid grounds in my view, all considered themselves experts in foreign affairs and each desired to be his own Secretary of State. All of them, moreover, for different personal reasons, had little respect for the career Foreign Service. These predilections and antipathies had several unfortunate consequences from the point of view of the conduct of foreign affairs and, in my opinion, of the protection of the national interest.

In the first place, the two Secretaries of State of the period were allowed very little initiative and latitude and, when they were, only in areas of lesser interest to the President. Second, the three Presidents actively built up separate directorates of foreign affairs in the White House, headed by men of outstanding ability but without the depth and breadth of experience in the foreign field which might have saved them from some of the blunders into which they stumbled. Indochina of course was the most significant. Third, these three Presidents and their two Secretaries of State, while they did not actually augment the already overinflated role of the military in foreign policy formulation, were less able to put military advice in perspective than Eisenhower and less willing to insist on the prerogatives of State than Acheson and Dulles. Finally, there was under these three Presidents a creeping tendency, while maintaining the overall proportion of career to noncareer chiefs of mission overseas at about two to one, more and more to place political appointees, for the most part without significant prior experience, in the most important diplomatic posts. For example, at the present time all of our ambassadors in Western Europe with two exceptions are political appointees, as well as our ambassadors in Canada, Australia, India and Pakistan.

The focus of the conduct of foreign affairs has therefore shifted even more sharply away from the State Department during the past decade than during the previous one. The fact that this shift was consciously undertaken by three Presidents does not make it a wise one, unless it can be shown that the new system is better than the traditional one which was so successfully revived and refreshed by Secretary Marshall.

Frankly I do not find the record of these three Presidents in the conduct of foreign affairs a brilliant one. I believe some of the main causes of their failures were their own oversimplified conception of world politics (similar, incidentally, to that of the communists) as a universal struggle between darkness and light, their excessive reliance on the advice of military and academic strategists committed to the same misconception, and their reluctance to heed advice from either experienced diplomats or more down-to-earth politicians, no doubt less brilliant and articulate, but a little more knowledgeable and realistic about what could and could not be achieved among peoples unfamiliar with the doctrines of Calvin and Mahan.

III

In so far as there is a system for the conduct of foreign affairs at the present time, which one would hesitate to assert categorically, it is centered not in the State Department but in the National Security Council. A few words about the origin and purpose of the Council will be relevant.

The National Security Council was established in 1947 by an act of Congress which was primarily designed to bring about unification of the armed services. President Truman reports in his memoirs, however, that in proposing establishment of the Council, "I wanted one top-level permanent setup in the government to concern itself with advising the President on high policy decisions concerning the security of the nation." The Council was intended, he said, to give him "a perpetual inventory of where we stood and where we were going on all strategic questions affecting the nation's security."

Truman also noted in his memoirs that the NSC "built a small but highly competent permanent staff which was selected for its objectivity and lack of political ties. It was our plan that the staff should serve as a continuing organization regardless of what administration was in power." While this conception of the NSC staff continued for the most part to prevail until the end of the 1950s, it has been radically altered since that time. First, the staff is no longer "small": it comprised about ten persons in 1948, about 25 in 1953, about 50 in 1961, and about 120 today. Second, its "executive secretary," as he was at the outset, an inconspicuous civil servant without "political ties," has been transformed into the President's National Security Adviser, one of the most conspicuous and prestigious policy-makers in Washington, not normally "permanent" or necessarily nonpartisan.

Decision-making in the whole field of foreign affairs has in recent years become more and more entangled and distorted in the machinery of the Council. This radical shift of locus has of course occurred because the last three Presidents, as we have suggested, distrusted the State Department and thought they could themselves better control both foreign and military affairs through an instrument inside the White House. Whether or not they calculated correctly in this respect, excessive reliance on the Council to the detriment of the State Department has had several side-effects which have been distinctly unfortunate.

The most significant arises from the prominent place of the military in the Council. Their place there was proper as long as the Council was restricted to the original role it was assigned by Truman: providing the President with "a perpetual inventory of where we stood and where we are going on all strategic questions affecting the national security." In the past decade, however, partly at the behest of the Presidents and partly under the inspiration of powerful and energetic National Security Advisers, almost every foreign policy question of any significance is "processed" through the NSC machinery. One consequence, in view of the composition and unconscious bias of the Council, has been all too often to accord undue weight to military factors in assessing foreign policy problems. The seemingly neutral meshing of foreign policy decision-making into the NSC machinery over the past decade has therefore in fact further warped that decision-making in a military direction and is to a substantial degree responsible for some of the most serious misjudgments of that period.

A second damaging side-effect of foreign policy by the NSC and its even more abundant staff has been further to complicate and prolong an already tedious and constipated decision-making process. Parkinson's Law is given still another golden opportunity to perform. Matters which have already been subjected to the most exhaustive review in the State Department, and by State with other agencies, are dissected, dismantled and put together all over again by the NSC staff. The result often is that months pass before a crucial decision is finally taken, by which time events have frequently moved so far that the decision is obsolete or irrelevant.

Still a third effect is to undermine the prestige and effectiveness of the Secretary of State and the Foreign Service in the conduct of day-to-day relations with other governments. An adviser spending 12 hours a day in the White House and with easy access to the President can, if the President will let him, play more of a part in shaping the structure, and even the superstructure of foreign policy than a Secretary of State who, confined by his duties in the Department and at meetings overseas, sees the President much less frequently. Foreign ambassadors in Washington and American ambassadors abroad are even at times encouraged to believe they can obtain satisfaction of their requirements more easily from the National Security Adviser than from the Secretary of State. This is both petty and scandalous. One is reminded of the anecdote Blanche Dugdale recounted of an exchange at the Paris Peace Conference Between Lord Balfour, then Foreign Secretary, and Philip Kerr (later Lord Lothian), Lloyd George's private secretary, who had a habit of usurping the Foreign Office role. On this occasion when Balfour asked Kerr whether Lloyd George had read a certain memo, Kerr replied: "I don't think so, but I have." Balfour answered: "Not quite the same thing, is it, Philip—yet."

A final damaging consequence of the transfer of foreign policy decision-making from State to NSC has been, since the NSC staff is not normally permitted to testify before Congressional committees, further to remove this process from Congressional scrutiny, to stimulate Congressional mistrust of the President's behavior and intentions in this field, and to foster quite unnecessarily the politico-constitutional crisis over the conduct of foreign affairs which we are now witnessing.

On all of these counts the diversion of foreign policy responsibilities from the State Department to an office inside the White House has been a disservice to the national interest and indeed, as events are now beginning to demonstrate, a disservice to the political interests of the President as well.

What is the alternative?

IV

The logical alternative is the traditional one, a single agency charged by the President with full responsibility under his direction for the formulation of foreign policy and the administration of foreign affairs. The Secretary of State must be a man of eminence and experience in whom the President has fullest confidence, to whom he is willing to grant considerable latitude but with whom he confers nearly every day when the Secretary is in Washington. When the Secretary is absent on official duties he should report to the President daily and the President should see the Acting Secretary almost daily.

The President may wish to have on his White House staff three of four officers who follow closely the flow of State Department and related agency communications, as well as Congressional, public and press opinion on foreign affairs, to keep him informed daily of significant developments, but he should expect from these officers information, not analysis, policy formulation or recommendation. These should come from the State Department in consultation with other interested agencies. The National Security Council should be returned to the role for which it was originally intended, to examine "strategic questions of interest to the national security," that is, issues having both military and foreign policy components of major significance. The Council's staff should again become "small," "selected for its objectivity and lack of political ties," serving "as a continuing organization regardless of what administration is in power." Its main function should be so to identify and present the major questions at issue that the President, advised by the Secretaries of State and Defense and others concerned, may make the necessary decisions clearly, promptly and finally.

The Secretary of State, moreover, must be master in his own house at home and all of his representatives abroad must be masters of their own houses. The Defense Department, the Central Intelligence Agency, the U.S. Information Agency, the Commerce, Agriculture and Labor Departments, the successive foreign aid and development agencies, all have important functions to perform in relation to foreign affairs, but all must be subject to the direction of the Secretary of State when their functions impinge on his, and he, not they, must be the judge when their functions do so impinge. In case of irreconcilable jurisdictional or policy differences the President would of course have to decide.

All of these prescriptions have been set down in innumerable executive orders and presidential directives over the past 20 years, but most of them are still more honored in the breach than in the observance. The chief fault in Washington is in the White House, which is too prone to play one agency off against another, in the NSC for reasons already cited, in the Pentagon by sheer weight of numbers and dollars, and in Congressional committees which jealously protect their own competing prerogatives by sustaining their competing clients. Overseas the task of coordination and control by the ambassador is vastly magnified by the grossly excessive staffs many of the other agencies, particularly Defense and CIA, insist on maintaining. But if an ambassador is firm but tactful and is left alone by Washington, he usually manages to control his establishment reasonably well.

Can the State Department, after so many years of neglect by Presidents and Secretaries of State, of eclipse under the shadow of Defense, of harassment by McCarthy and others, of repeated bleedings, transfusions and transplants, still carry the primary responsibility for the conduct of the foreign affairs of what is still the world's leading power? Of course it can, if the President wants it to do so and will help it do so. Obviously it will have to be revived and reinvigorated for this purpose, in much the same way that it was revived and reinvigorated in the late forties. But this is not the place to describe in detail how this could and should be done.

I might only suggest that the Policy Planning Council needs to be restored as the intellectual inspiration and conscience of the Department, that the economic and international organization bureaus need to be substantially strengthened to cope with the new world of the seventies and eighties, that the number of people in the Department needs to be cut by at least one-third, that political appointees to ambassadorships should be limited to no more than ten percent of the total and to truly distinguished personalities such as Harriman, Bunker and Bruce, and that all necessary steps should be taken to ensure that in the future the Foreign Service offers a career open to the talents of ambitious and able young men and women. Fortunately several reforms with this aim in view, provoked in large part by courageous "young turks" in the Service itself, are at present being vigorously and rapidly applied by Secretary Rogers and Assistant Secretary Macomber. The capacity of the Department and the Service to carry in the future the responsibilities I have been describing will depend on the quality of career officers it is able to attract and to retrain. The quality is high but it is threatened by the dissatisfaction of the most talented with the prospects of their Service and their career. Enhancing the role of the Department and the quality of its personnel are therefore two sides of the same coin.

Desirable as they are, none of these improvements in the Department and the Service will serve the broader purpose this article has proposed unless and until the President himself decides to restore to the Secretary and the Department of State their primary responsibility for the conduct of foreign affairs. If he did, he would, I believe, find their stewardship more efficient, more consistent, more ripe with experience and, in the long run, more politically wise and safe, than that of any surrogate, no matter how brilliantly staffed, he might set up in the White House.

THE LOCAL DRUG SCENE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

MR. HARRINGTON. Mr. Speaker, one of the newspapers in my district, the Salem Evening News, recently published a series of articles called "The Local Drug Scene." Written by Jeffrey C. Browne, a staff reporter, the series goes behind the myths to present an accurate picture of the local drug problem.

The series was based upon a three-page questionnaire which was distributed to students in Salem and Peabody. In Peabody, 69 percent of those questioned said drugs were easy to get in the school. In Salem, 78 percent said drugs were easily obtainable. Curiosity and encouragement by friends were listed as two of the most important reasons why they try drugs.

The drug problem is one which polarizes. It polarizes children and their parents. It polarizes police and the communities' young people. I believe the series in the News will bring some understanding to the problem. At this time, I want to insert the series into the RECORD:

[From the Salem (Mass.) Evening News]

THE LOCAL DRUG SCENE

(By Jeffrey C. Browne)

I. A SERIOUS PROBLEM

Judge Abraham Ankeles, of the Essex County District Court in Peabody, has a theory about drug use among the North Shore's youth. He thinks increased concern about it "has produced hysteria on both sides."

"Timothy Leary is hysterical when he speaks of enlarging the consciousness, that drugs make you more than human," the judge commented. "And hysteria on the other side makes people firmly believe that all drugs are addictive and bad."

"The hysteria is accompanied by a terrible feeling of impotence," says Judge Ankeles. "People feel overwhelmed."

Ankeles is noted for leniency in drug cases and for his desire for rehabilitation instead of punishment. He thinks too many adults have lost their perspective about the intangibles of drug abuse.

With a feeling of hopelessness, perhaps too many adults have reacted to the drug issue by burying their heads in the sand, as some have suggested; or, on the other extreme, "by getting on horseback and charging around like Don Quixote chasing windmills," as Dr. Donald W. Dunnan, former Peabody schools superintendent, indicated.

And, if the hysteria notion bears merit, perhaps the one segment of the population which does not purvey the drug paranoia is the youth. It is the youth who may know more about the problem than their parents and who may offer greater insight than any single group.

Is drug use among students a serious problem? The Salem News asked 1184 students in Salem and Peabody:

90% agree that it is serious.

46% emphatically agree.

Among regular drug users, 47% think drug use is a serious problem.

Among regular drug users, 29% expressed no opinion.

HOW MANY SALEM STUDENTS HAVE USED DRUGS ILLEGALLY?

[In percent]

	High school (325 students in grades 9–11)	Junior high (210 students in grades 7 and 8)
Never used drugs	52	71
Have experimented	14	9
Use drugs regularly	21	6
Previously used drugs regularly, but not now	5	6
No response	8	8
Total	100	100

HOW MANY PEABODY STUDENTS HAVE USED DRUGS ILLEGALLY?

[In percent]

	High school (180 students in grades 10 and 11)	Junior high (283 students in grades 7-9)
Never used drugs	57	72
Have experimented	19	6
Use drugs regularly	15	6
Previously used drugs regularly, but not now	3	3
No response	6	13
Total	100	100

"I think it's about time someone asked the kids about drugs, instead of guessing," said a boy who will enter his junior year in Peabody High School in the fall. "It's about time we students presented our ideas instead of letting adults speak for us."

Explaining that he never has used drugs, the youth was writing his comments anonymously on a questionnaire distributed by The Salem News to more than 1,100 Peabody and Salem students early in June.

The survey sought to help fill a void in the information available about drug use among youths on the North Shore, to ask students what they think.

The answer to the question—How serious is the drug problem among local youths?—was found in these facts, which emerged from an analysis of responses to the questionnaire:

(1) A substantial minority of students in grades 7 through 11 have had personal experience with illegal drugs. In the higher grades the number approaches a majority.

From the percentages presented, it should not be assumed that a student who has tried an illegal drug is an addict any more than a student who has experimented with beer is an alcoholic. But the fact is that many students have violated drug laws.

The students were invited to describe their personal experience with drugs, only if they felt free to do so. Many chose not to respond, particularly males and students in the lower grades.

(2) Most students consider illegal drugs readily available in junior high schools, in senior high schools and out of school.

Students who regularly use drugs think drugs are easier to find than do nonusers. But nearly half of those students who never have taken drugs think they know where to find them.

[Affirmative in percent]

	Are drugs easy to get in school?	Are drugs easy to get on the street?
Salem high	78	77
Peabody high	69	76
Salem junior highs	45	69
Peabody junior highs	54	56
Nonusers	45	56
Regular users	81	83

(3) Overwhelmingly, the students consider drug use on the North Shore a serious problem. Nine out of 10 students agreed that "drug use among students is a serious problem," and half strongly agreed. Nearly half of the regular drug users labeled drug use as a serious problem.

In addition, many students wrote comments expressing strong feelings about their desire for communities to deal with the problem. A Salem High School junior boy, who is a frequent drug user, for example, said:

"This questionnaire is a good way to get opinions on drugs, but all the questionnaires in the world will not help the drug problem unless something is done. It's the parents, relatives, neighbors and teachers who should learn to cope with drug users, rather than ridiculing and neglecting them."

II. WHY DRUGS?

From marijuana to heroin, illegal drugs are available to junior high and senior high school students on the North Shore. Students themselves consider drugs a serious problem, yet many choose to experiment with them.

Why?

It's one of the most common questions parents ask Jan Teresko, director of the Project Rap drug center in Beverly, who replies, "I wish the answer were simple."

"Parents don't understand that if you are 16 and you want to be part of the group, there's great pressure to try drugs. There is an intense feeling of wanting to belong and wanting to do something different.

Staff members at Project Rap mostly see the students who have progressed beyond the experimental stage of drug use, those who seek help.

"To understand their reasons for taking drugs, you have to deal with the individual," Miss Teresko says. "But there are some general things that apply. There usually are family problems involved. And if one person in a family is using drugs, frequently there are others in the same family."

She said youths get started on drugs mainly because of curiosity and encouragement from friends, but may continue drug use for more complex reasons involving personal problems.

The Salem News explored the distinction between first-time drug use and continued use in the survey.

WHY DOES A STUDENT FIRST USE AN ILLEGAL DRUG?

[In percent]

According to students in Salem and Peabody, it's because of—	An important reason	The most important reason
1. Curiosity	92	51
2. Encouragement by friends	75	21
3. Personal problems	65	9
4. Family problems	63	7
5. Boredom	53	2
Other reasons		10
Total		100

WHY DOES A STUDENT CONTINUE USING DRUGS?

[In percent]

	An important reason	The most important reason
1. Personal hangups	63	24
2. For enjoyment	61	18
3. Family problems	61	10
4. Disgust with society	54	10
5. Drugs are easy to get	52	11
Other reasons		27
Total		100

The results pointed out these reasons for drug use:

(1) Students first use drugs mainly because they are curious about the effects and because of peer group pressures.

Among 10 suggested reasons, users as well as non-users almost unanimously chose curiosity as an important reason for a first-time trial with drugs, and more than half said that curiosity is the most important reason. "Encouragement by friends" was found the second most important reason for starting drugs, with all others relatively insignificant.

Many students faulted their own friends for an initial trial with drugs, and they wrote anonymous comments on the questionnaire similar to this one from a junior girl in Salem High School:

"I wouldn't have tried drugs if my friends had respected my feelings when I said, 'no thanks,' but they kept pressing the issue. So I tried grass (marijuana)."

(2) Once students have tried drugs, the reasons some delve deeper into drugs becomes more complex. No single reason emerges to explain continued drug use, though students selected "personal hangups" as the most important reason, followed by "enjoyment," "family problems" and "disgust with society."

The results also indicated several other trends. Among them:

Non-users tended to cite "defiance" as an important reason for drug use while the users said drugs are for enjoyment and help with problems.

In Peabody High School, the availability of drugs appeared to be a more important reason for their use than in other local schools.

Female students indicated more often than males that drugs are used because of problems, while the males tended to cite "enjoyment" and "disgust with society."

Students who had experimented with drugs but were not regular users indicated curiosity as a reason much more frequently than regular users.

The findings suggest a "silent majority" among drug users who do not necessarily use drugs because of personal problems, but rather because they enjoy drugs or it's the thing to do.

In the meantime, there appears to be a minority of users who are facing serious problems, and who continue to use drugs for a wide variety of reasons, particularly because of personal problems, family difficulties and a general frustration with life.

Recent comments by Dr. Robert L'H. Miller of Danvers, chairman of the State Department of Drug Commission, seem to coincide with the feelings of students:

"I've never been concerned with how widespread drug use is," he said. "The question is whether drugs affect a student's ability to function."

III. MARIJUANA USE

As adults on the North Shore continue to debate what to do about marijuana, more and more local youths continue to use it illegally.

"Last year there was talk about drugs, but most of my friends and I didn't really care about them," a girl, a junior in Peabody High School commented anonymously on the questionnaire. She added:

"Now things have changed so much that all of my friends have tried smoking grass at one time or another."

A Salem High School girl added that "people should stop hassling kids about marijuana leading to hard drugs, because it doesn't. Only the person's mind leads to them."

Meanwhile, authorities who are close to the drug problem, sharply disagree:

Salem Police Marshal Joseph F. Reagan resents "people in high positions who talk down the dangers of marijuana. Everybody is saying that it is not harmful, but it is. It can be as dangerous as LSD. It's mind-altering."

Salem Atty. Robert A. LeDoux, president of the Project Rap drug center in Beverly, thinks the marijuana debate is "a touchy question. I'm not convinced it should be legal, but if we preach to a kid that marijuana is a harmful drug, we're asking for trouble. We've got to be practical."

SHOULD MARIHUANA BE LEGALIZED?

[In percent]

According to Salem and Peabody students who are—	Yes	No	Undecided
7th to 8th graders	23	56	21
9th to 11th graders	42	40	18
Regular drug users	75	10	15
Experimenters	65	18	17
Nonusers, with friends who use drugs	25	51	24
Nonusers, with no friends who use drugs	10	76	14

Note: When asked should students who experiment with marihuana be punished? 100 percent of regular users say no. 90 percent of nonusers say no.

Dr. Robert L'H. Miller of Danvers, chairman of the state Department of Education Drug Commission, is opposed to present marijuana laws and objects to the term "legalization of marijuana."

"I'm not interested in approval or disapproval," he said. "It's not a question of legalizing marijuana. It's a matter of removing restrictions on crimes where there is no victim. The point is we must let kids learn to make decisions for themselves."

If the experts project a collective feeling of ambivalence about marijuana, many other adults clearly are misinformed.

A national poll by Columbia Broadcasting System, conducted in August 1970, revealed that out of every 10 Americans:

9 said marijuana is damaging to both mental and physical health;

8 said marijuana is addictive and leads to violence;

7 said marijuana harms the babies of pregnant women.

There is no conclusive evidence to prove any of these assumptions, but Massachusetts state law reflects the beliefs. Though never applied by local judges, the law allows up to 3½ years of prison for possession of marijuana; and 5 to 10 years for sale.

In sharp contrast to the laws and the attitudes of many adults, The Salem News survey revealed these attitudes of local students:

(1) None of the students who use drugs regularly think marijuana users should be punished; and only one in 10 of the nonusers thinks those who experiment with marijuana should be punished.

(2) Nearly half of the high school students think marijuana should be legalized; and about one in 4 in junior high school thinks so, with another 21% undecided.

(3) The vast majority of regular drug users think marijuana should be legalized, and the majority of non-users think it should remain illegal. This conclusion suggests, in general, that only students who have not tried marijuana have confidence in marijuana laws.

The pressure to experiment with marijuana should not be underestimated. Students are faced with confusion of adults, the natural curiosity of youth and the reassurance of friends.

The survey does not indicate whether the general lack of confidence in the laws is justified, but it does suggest the need for truthful information. Adults appear to be faced with the prospect of either: (1) eventually legalizing marijuana; or (2) proving, to the satisfaction of youths, that marijuana should be illegal.

IV. POLICE AND DRUGS

Salem Police Inspector John W. Moran has a reputation that epitomizes the police image among the North Shore's youth.

Students know him as a tough cop and many parents remember him as the man who busted their kids.

But few really understand the motives of Inspector Moran, least of all the average youth who never will be arrested on a drug charge.

"I don't like the image of being a monster," said Moran, who served 8 years ago on the Boston Strangler police team, representing Salem. But we need a man like this. When somebody calls me with drug information, I feel like they're calling up a guy with a club."

"What is harassing me and the people of this city," he said, is that we have hard-core drug users. People are afraid to stay home alone. This city is getting robbed, so stopping the sale of heroin is my prime job."

It is no secret that many youths and police don't get along, in general, but The Salem News survey revealed what seems to be an inconsistency in the attitudes of youths about policemen:

Most students indicated that a police officer is probably the last person they would trust or count on to help with a personal drug problem. Half of those who never used drugs and 80% of the users said they wouldn't even consider talking about drugs with a police officer.

On the other hand, an overwhelming majority of students see a definite role for police in helping to solve the drug problem. Nearly all students who do not use drugs think police should try harder to halt the flow of illegal drugs into the North Shore area, and 53% of the users think so.

Students definitely think law enforcement is important, but they are not satisfied with the performance of local police in 2 respects. According to local students:

(1) police do not concentrate enough on apprehending drug suppliers; and

(2) police fail to perform their duties without antagonizing most honest youths.

Should police try harder to keep drugs out of the North Shore area?

Among regular drug users, 53% say yes.

71% of experimenters say yes.

94% of non-users say yes.

Is a student willing to discuss a drug problem with a policeman?

Among students in Salem and Peabody: 60% say never, 25% say maybe, 9% say probably, 6% say definitely.

7th–8th graders: 50% never.

9th–11th graders: 66% never.

Regular drug users: 80% never.

Drug experimenters: 51% never.

"We'd all be better off if police didn't show off those guns," commented Judge Philip J. Durkin of Salem District Court. "We're all inclined to run over kids, and enough kids are resentful as it is. Police don't have the finesse at handling someone; they don't have the training."

"An eighth grade boy in Salem's Horace Mann School commented anonymously that police should let drug users speak freely and get help without having to worry about being arrested."

Lt. William D. Cowles, a Beverly police detective, thinks "police officers must enforce the laws that are on the books with common-sense." But he confessed that some patrolmen "flaunt their authority."

Salem Police Marshal Joseph F. Reagan admitted Salem police need training, but he pointed out the police side of the story:

"The average policeman is compassionate, but we see the results of drug use every day. If there are any good effects of drugs, we don't see them. Instead, we see drug users going to the mental hospital."

If policemen don't see the good side of drugs, youths don't see the good side of police.

Inspector Moran, for example, is a tough, but compassionate officer, who says he'll "give anybody a chance. You've got to have confidence in people."

Atty. Robert A. LeDoux agrees. As president of Project Rap drug center in Beverly, LeDoux said Moran is "a tough guy. I know what he's trying to do and law enforcement is important. If it weren't for him, the problem would run rampant. Little do kids know how much this guy is trying to help them."

Some Peabody students responding to The News questionnaire mentioned the Peabody juvenile officer, William Tsapatsaris, as "one policeman who really understands kids." But, in general, most students objected to the way policemen treat them, though they see a need for better law enforcement.

A junior boy in Peabody High School summarized what appears to be a general student sentiment:

"What should be done about drugs is older people, such as parents, clergy, and even police, should get a lot more friendly instead of hiding behind the power given them in their respective titles."

V. PARENTS SHOULD LISTEN

Whether they realize it or not, many parents on the North Shore don't try hard enough to understand youths and don't have the confidence of their sons and daughters.

And, according to local students, parents don't know much about drugs.

Drug experts have suspected parents of playing a major negative role in the drug abuse problem, and The Salem News survey provides further evidence.

These are the results:

(1) Nearly all students agree that "parents should listen to kids and try harder to understand their problems," and 3 out of 5 drug users as well as non-users emphatically agree.

(2) Students, in general, agree that "parents should learn more about drugs and their effects," though most youths indicated they would rather have their parents learn about kids than about drugs.

(3) There is a direct relationship between the extent of drug use and the confidence youths have in their parents.

Twice as many drug users said they never could count on their parents to help with a drug problem as did non-users. Only one out of every 5 regular users said they would seek their parents' help.

Students also indicated more confidence and trust in their friends and in treatment centers than in their own parents. On the other hand, if a student had a choice between a parent, a teacher, a religious leader and a policeman, he most likely would go to one of his parents for help, if anyone.

About 80% of the students also responded that the most important personal problem of a student deeply involved in drugs concerns the attitudes of his parents.

Should parents learn more about drugs?

83% say yes.

6% say no.

11% are undecided.

Most students indicated they are concerned about their parents, rather than indifferent, and what concerns students most are such frequently-mentioned criticisms as these, along with typical anonymous comments on The News' questionnaire:

Should parents try harder to understand the problems facing their kids?

The Salem News asked their kids:

93% say yes, 60% emphatically.

2% say no.

5% are undecided.

Can a student count on his parents to help with a drug problem?

Among all students surveyed:
44% say definitely or probably.
24% say maybe.
32% say never.
Among regular drug users:
21% say definitely or probably.
25% say maybe.
54% say never.

Youths accused parents of a double standard. "My father sees a bunch of kids sitting on a street corner, and automatically they're a bunch of dope addicts. But if you look across the street, there are a bunch of old guys standing around doing nothing. He never makes a comment about them." (An 11th grade Salem boy who said he uses drugs occasionally).

Students criticized both neglect and overprotection by parents, "I know someone on drugs whose parents don't care what he does or where he goes." (A seventh grade girl in Salem's Bowditch School who never used drugs); and "Parents don't seem to understand today's generation. My father treats me like a baby and my mother pays more attention to her dog." (A ninth grade Salem boy who never used drugs.)

Students accused parents of hypocrisy. "Most grownups have a fear about death. Yet they ruin their lungs with cigarettes, their liver by drinking and are addicted to prescribed pills. This is some hell of an example, isn't it?" (A Salem 11th grade girl who did not indicate whether she uses drugs.)

The youths said their parents are prejudiced. "I know a boy on drugs whose parents love him, I'm sure, but they think all his friends are jerks. His father calls them all creeps—even his best friend because he has long hair and a beard." (A Salem 11th grade boy who uses drugs occasionally.)

Students said their parents are too authoritarian. "Grownups dictate to students; they should talk to them. They never listen to what we have to say. We should have a fair chance to express our feelings about drugs and parents should listen to us for once." (An 8th grade girl in Peabody's Seeglitz Junior High School who never used drugs.)

Dr. Robert L'H. Miller of Danvers, chairman of the state Department of Education Drug Commission, cautions against "reading too much" into students' feelings about their parents.

"Adolescents are discovering their own independence, and the parent is the most visible symbol of the dependent role," Dr. Miller said.

"But there is a tremendous need for parent education, not about drugs, but about their own values and about adolescents. We must establish lines of communication through education."

Thomas Durkin, a West Peabody father, a sixth grade teacher in Beverly and chairman of the Beverly Drug Curriculum Committee, thinks parents don't understand the problem and their "natural reaction is to keep their mouths shut or to put the child down. If a kid gets support in the home, the chances of needing an escape through drugs are lessened."

Atty. Robert LeDoux, of Salem defends many youths arrested on drug charges and says, "It's absolutely necessary when these kids get arrested for the parents to come in and talk about it. 'What can I do?' they ask. I feel like telling them, 'Why didn't you do something 3 years ago?'

"It's up to the parents not to talk down to the kids, but to realize they're the most socially aware group in history. Parents have to know the problem. They have to know the kids.

"I'm not saying that parents are all to blame," he added. "The kids are, too. They've got to learn to put up with society."

VI. TREATMENT CENTERS

The thought may offend professionally oriented adults on the North Shore, but the real experts in helping youths with drug problems, according to the youths themselves, are not doctors or lawyers or psychiatrists.

They're the volunteer staff members of drug centers, most of them youths and nonprofessional young adults. And despite overwhelming faith youths appear to have in drug centers, the centers continually face the prospects of bankruptcy.

At the new drug center in Peabody, Project Breakthrough's executive director, Bro. James Corrado, doesn't know where the money is going to come from.

The new Fire House center in Marblehead has a director, a building and a telephone hotline, but no operating budget;

And even the established and well-known Project Rap in Beverly continually struggles to keep financially solvent. It has more prominent directors on its board than dollars.

Ironically, the students surveyed generally expressed more confidence in drug centers than in any other individual or institution.

The survey showed that a North Shore youth with a drug problem is more likely to seek help from a stranger on a drug center's staff than from one of his parents, a doctor, a teacher, a guidance counselor, a religious leader or even a friend.

What do students think of drug centers?

Can they count on drug centers for help?
72% yes, 22% maybe, 6% no.
Do they trust the staff in centers?
71% yes, 22% maybe, 7% no.

All but 6% of the youths in grades 7 through 11 indicated at least some degree of trust in drug centers, and all but 7% said they would consider going to a center for help. Seven out of every 10 students, drug users as well as nonusers, strongly indicated their trust and confidence in drug centers.

"A lot of people think they're a bunch of freaks over at Rap," commented Atty. Robert A. LeDoux, the project's president, "but these kids really know how to relate to a kid with a drug problem."

"When somebody comes to us with a problem, there's no condemnation," said Jan Teresko, Rap director. "We're not personally involved and we're not subjective. Many parents—when they find out a kid is using drugs—say, 'You're hurting me.' All we tell them is, 'You're hurting yourself.'"

Jeordie Rahaim, recently appointed director of Fire House over 76 other applicants, says the center offers "acceptance and warmth—with rules." The rules are similar to those of Project Rap, which greets all guests with the sign: "Come clean—or not at all."

"This is a place to grow in," said Rahaim. "Kids come here because they know they're not going to get ratted on. We offer understanding and experience rather than emotionalism."

At Project Breakthrough, Bro. Corrado says, "kids are seeking somebody to talk to, not somebody who's going to pat them on the back. They lack guidance."

Fire House, according to Rahaim, will become a center where youths will work, exercise creativity, read and participate in organized talk sessions.

Rap offers a daytime hotline for crisis calls, a drop-in center and counseling sessions; and Project Breakthrough organizers, who presently operate an all-night hotline, hope eventually to develop a live-in rehabilitation center for addicts.

All participate in a variety of other drug-related activities, such as community lectures, counseling and referrals, but they have been slow in reaching their goals usually because of financial difficulties.

The staff members know they must walk a tightrope to preserve the confidence and trust of youths while still gaining acceptance by the communities that offer financial subsistence. Staff members frequently spend more time raising funds than spending them.

Jan Teresko says Beverly and surrounding communities are aware of Rap's service, but "when you start a center like this, the people in the community think it removes the responsibility from them."

The City of Beverly this year offered Project Rap $2,500, enough to cover about one month's operating costs; Marblehead appropriated $15,000 but Fire House director Rahaim still seeks funds; Salem recently voted $10,000 to start a drug program in conjunction with the YMCA, "drop in the bucket," according to Police Marshal Reagan.

In Peabody, Bro. Corrado, who helped to found Project Turnabout in Brighton and Project Discovery in Framingham, says the difficulties for Project Breakthrough are "a carbon copy of the others."

"You have to start in a fighting situation," he said. "In Peabody, the financial difficulties have been harder to overcome than elsewhere."

In general, the amount of money North Shore youths spend on illegal drugs every week may well exceed the amount most communities spend on drug centers every year.

VII. CHURCHES CAN HELP

As pillars of the establishment, churches continually stand accused of failing to change with the times, of inability to deal with persons as individuals, and, recently, of helping to lose the battle against drug abuse.

Some church-goers insist that religious institutions should condemn illegal drug use and ignore the problem; others insist that drug abuse, in part, is a reflection of the failure of churches to keep up with the times.

Peabody and Salem students responding to The News' questionnaire revealed these facts:

Youths are nearly equally divided about whether clergymen deserve their trust and confidence. About one-third of the 1,184 students indicated they could count on a religious leader to help with a drug problem. Another third said they might consider seeking help from a religious leader; and one-third indicated no confidence or trust in clergymen.

A student with a drug problem is less likely to consult a clergymen than a friend, a doctor, a drug center or one of his parents. On the other hand, if it were a choice between a clergyman, a teacher and a policeman, a student more likely would choose a clergyman, if anybody.

A male student is more likely to trust and confide in a religious leader than is a female. Nearly 40% of the males said they definitely or probably would consult a clergyman. Only 25% of the girls said so.

Many students are indifferent about churches while most others feel churches should be doing more for youths. About half of the students agreed that "churches and religious organizations should be more devoted to the problems of students." Most of these who do not agree, expressed no opinion.

Should churches be more devoted to the problems of youth?

The Salem News asked local students:
52% said they should.
18% said they should not.
30% are undecided.

Regular drug users are much more disenchanted with religious leaders than are nonusers. More than half of the users said they never would seek help from a clergyman and only 17% said they would seek help.

In short, most students, especially males and those who never have used drugs, think there is a potential role for churches in helping to solve the drug problem, but religious organizations have not lived up to the expectations of youths.

If there is a role in the drug problem for organized religion, what is it?

Rev. Everett Kuder, chaplain at Salem State College and pastor of the Lafayette Street Methodist Church, thinks churches "should educate the people and teach them not to pass judgment, to be open-minded and realize that kids are people like everybody else."

"There's a potential to reach young people," the Rev. Mr. Kuder said, "But churches have to open their doors. As it is, when young people get in the door, they feel unwelcome. They find churches are not dealing with people as real people."

Rev. John B. McCormack, an organizer of the proposed drug rehabilitation center in Salem, is convinced that clergymen "have to meet kids where they are. Churches should re-evaluate the distribution of their energy in meeting man where he is, and begin to meet the needs of young people."

Fr. McCormack, executive director of the North Shore Catholic Charities, said, "The church has to adapt to the changing society and help society reflect on what it's doing."

Will a student discuss a drug problem with a religious leader?

14% say they would.
17% say they probably would.
35% say maybe.
34% say never.
Regular drug users:
17% probably or definitely.
31% maybe.
52% never.

Bro. James Corrado, co-founder of the Project Breakthrough drug center in Peabody, agrees that "churches have gotten too far away from the people business. Kids just don't have the trust in the church as an institution, so it has to be the individuals in the church who deal with kids.

"Youths have the idea that the priest is far-removed," he said, confessing, "With the majority, it's true."

Another clergyman known for his ability to communicate with youths is Rev. John W. Wilbur, of the First Baptist Church in Beverly.

"Churches can help out in the drug problem," he said, but they must open up physically and philosophically and help set the stage for interpersonal relationships between kids and adults."

The Rev. Mr. Wilbur also is convinced that most local religious leaders are prepared to help with drug problems, despite the evidence that youths are not convinced.

"Most clergymen are knocking themselves out to be educated about drugs," he said. "They're learning to help with the problem."

But even if clergymen do know how to cope with drug abuse, many students, particularly those drug users who need help most, do not have trust or confidence in religious leaders, who they see as representatives of the rigid establishment.

VIII. DRUGS IN SCHOOLS

There has been a sense of urgency about drugs in the schools, and many local educators have responded to the sudden awareness with increased efforts to find a positive role for public education in the drug problem.

Meanwhile, two ironies have emerged more clearly than ever:

One is that illegal drugs are readily available in the corridors of local schools while meaningful drug programs have not been available in the classroom, according to most students.

The other is that many students use drugs in school and need help, yet students in general do not find school staff members helpful.

The Salem News survey, seeking solutions rather than heroes and goats, revealed these predominant student attitudes about schools:

A student with a problem involving drugs is more likely to seek help from a friend, one of his parents, someone at a drug center, a doctor or a clergyman than from a teacher or a guidance counselor.

Only one student out of every 5 indicated trust and confidence in teachers and counselors when it comes to drug problems.

In addition, many students anonymously wrote comments on The News' questionnaire such as one from an 11th grade Peabody boy who said "Drugs are the school's fault for doing the same uninteresting thing day after day."

A distinct majority of students asked for more open-minded teachers. Three out of every 4 students agreed that "teachers should listen to kids and try harder to understand their problems," and less than 10% disagreed. Many students added comments such as this one from an 11th grade girl in Peabody:

"A better-trained, easy-going and open-minded faculty might help the drug problem, but teachers don't want to get involved. So what's the use?"

Most students indicated a need in the schools for drug education specifically, and generally for a freer atmosphere where students can discuss their problems openly.

Nearly 80% of the students agreed that "students should be taught more about drugs" and that "students should be encouraged to talk about their problems in school without fear."

Junior high students and youths who had never used drugs tended to express more interest in drug education while senior high students and regular drug users stressed the need for problem-oriented discussions in school.

In addition, many students related drug abuse directly to the schools, in comments such as the following:

"One reason for drug use is the atmosphere in school. The building, the teachers and the management of the school lends itself all too well to the despair of students who are on the brink of taking dope." (A Salem 11th grade boy.)

A drug education specialist who defends the role of teachers is Dr. Robert L'H. Miller of Danvers, chairman of the state Department of Education Drug Commission, who sees a need for drastic changes in the educational system.

What should schools do about drugs?

The Salem News asked Salem and Peabody students:

Should students be taught more about drugs?

78% say yes, 11% say no, 11% are undecided.

Should kids' problems be discussed in school?

77% say yes, 12% say no, 11% are undecided.

Should teachers be more openminded?

76% say yes, 9% say no, 15% are undecided.

[In percent]

	Will a student discuss a drug problem with—	
	A teacher?	A counselor?
Definitely	5	6
Probably	14	17
Maybe	40	35
Never	41	42
Total	100	100

"Teachers would like to help with the drug problem," he said, "but because of the structure, they're afraid to. Unless administrators can free teachers, you can't get anywhere."

Dr. Miller commented that, in the long run, "We need a basic revamping of the educational system, a willingness to make the students find life more meaningful."

Meantime, Dr. Miller said, "schools must introduce student-centered programs. Fear tactics in drug education are useless and drug information courses are passe. The problem isn't whether kids know the effects of drugs. The important thing schools should stress is decision-making."

Paul J. Andrews, the state's drug education director, added that "We've desperately failed in decision-making education, and in order to be effective in drug education, we have to change educational systems."

Dr. Donald W. Dunnan, former Peabody schools superintendent, commented last year that "the institution that conforms closest to a prison is our secondary school system.

"We're not skilled at controling large numbers. The way the least skilled do it is with guns; the most skilled use motivation."

Motivation, decision-making and open-mindedness, on paper, are the themes of drug education courses that are being adopted in Salem, Beverly and Danvers, among other systems, but students clearly are seeking more than paper work.

As the Beverly drug curriculum committee concluded this summer after adopting a drug program, "We must not accept a curriculum and call the job done."

If students had authority, what would they do about—	Percent	What does the State law say about—
Adult drug pushers?		
Punish them	49	First offense, 5 to 10 years in prison.
Offer counseling	41	
Educate them	8	
Do nothing	3	
Students who sell drugs?		
Offer counseling	45	First offense, 5 to 10 years in prison.
Punish them	41	
Educate them	21	
Do nothing	6	
Drug addicts?		
Offer medical treatment	88	First offense, they can choose treatment instead of 5 years in prison, $5,000 fine.
Offer counseling	41	
Educate them	5	
Punish them	5	
Do nothing	2	
Students who experiment with drugs?		
Offer counseling	49	First offense, they can choose treatment instead of 3½ years in prison, $1,000 fine, for marijuana possession.
Educate them	40	
Offer medical treatment	14	
Do nothing	14	
Punish them	7	
Students who drink alcoholic beverages?		
Do nothing	43	Fine up to $50.
Offer counseling	33	
Educate them	15	
Punish them	11	

Note: Percentages add to more than 100 percent because of multiple answers.

IX. HELP OR PUNISHMENT?

Most local youths are convinced that education and rehabilitation, rather than punishment, are among the solutions to the drug problem.

And, despite recent liberal changes in drug laws and proposals for sweeping liberalization in the state legislature this year, the opinions reflected in state laws and the attitudes of North Shore youths still are far apart.

An increasing minority of youths continue to experiment with marijuana, for example, and nearly half think it should be legalized, yet state law makes possession punishable by up to 3½ years in prison.

"Drug laws are completely out of focus with reality," summarized State Sen. Jack H. Backman, D-Boston, chairman of the legislative Drug Abuse Commission. "Police don't arrest anybody, courts close their eyes. Everybody is humanitarian and knows the laws don't work, so people don't enforce the laws.

"As a result, kids walk out of court and they laugh at the system. What they don't realize is that they've got a court record to follow them."

Sen. Backman, one of many state legislators seeking liberalized drug laws, feels that laws will have to be changed before youths have confidence in them. Present penalties include 5 years in prison for possession of heroin; 3½ years and a $1,000 fine for possession of other illegal drugs; 5 to 10 years for sale of drugs, and 5 years for being present where narcotics are found.

These penalties are never applied in the cases of local youths because of discretionary powers granted judges in the Comprehensive Drug Rehabilitation Act which went into effect this year and allows rehabilitation rather than punishment for first-time drug offenders.

Judge Abraham Ankeles of Peabody District Court said the act is "the most far-reaching and most progressive drug legislation in the nation."

If regular drug users had the authority, what would they do about persons involved in drugs?

66% said they would help, not punish drug sellers; 29% advocate punishment.

91% would offer medical treatment and counseling to drug addicts.

65% would offer help to youths who experiment with drugs; 35% would leave them alone; and 0% would punish them.

71% said they would do nothing about youths who drink alcoholic beverages.

But the harsh penalties for drug violations still are on the books, and they differ sharply with the predominate feelings of local students.

The Salem and Peabody students surveyed were asked what they would do about the drug problem if they were making the laws.

Nearly all students surveyed, drug users as well as non-users, expressed the need for treatment and counseling for drug addicts rather than punishment. Nine out of every 10 students said medical treatment should be available, and 2 of every 5 said counseling is important. Less than 5% advocated punishment as a means to help the drug addiction problem.

Many students would deal differently with adults who sell drugs than they would with students who sell drugs. About half of the students advocate punishment as a remedy for adult pushers, but fewer think student drug sellers should be punished. Instead, most students would insist upon counseling and education.

Male students tended to place a greater value on punishment as a remedy for the sale of drugs and drug addiction, while female students tended to prefer counseling.

Regular drug users as well as non-users, in general, agreed that drug use is a serious problem, but nearly all indicated that students who experiment with drugs should not be punished.

Significantly, slightly more students would punish minors who drink alcoholic beverages (11%) than the number who would punish drug experimenters (7%).

This sharply contrasts the predominant feeling among North Shore adults who, by a 6 to 1 margin, ranked marijuana as a more serious drug than alcohol in a recent local survey. The student attitude also distinctly contrasts state law which provides for a $50 fine for minors who drink and up to 3½ years for pot smokers.

Regular drug users are more liberal in their attitudes about drug users, obviously. But, perhaps more significant, is that the predominant attitudes of users are similar to those of non-users.

Except when it comes to sale of narcotics, there is a near-unanimous attitude that punishment is not an adequate answer to the drug problem.

Sen. Backman agrees with the students that "punishment is a rather punitive way to help kids. The real answer has to be in the education of society."

Working with other legislators and representatives of the executive branch toward a consensus drug bill, Sen. Backman hopes the state will produce "far-reaching changes," one which will come closer to reality and the attitudes of youths.

The proposed changes may provide a recodification of drugs, reduce illegal possession of marijuana from a felony to a misdemeanor, repeal laws requiring doctors to report addicts seeking help and prohibiting persons from being present where drugs are found, broaden the probationary powers of judges, increase the state's effort at drug research and increase efforts at drug education.

X. CARING IS NOT ENOUGH

There are adults who ignore youths, ridicule their idealism, doubt their wisdom and are insensitive to their frustrations, particularly when students' comments are painfully honest:

"It's called civilization, but how civilized are we when we have to resort to drugs to be happy?", wrote a Salem youth who will enter his senior year in high school this fall.

"It seems like a crime to ride a motorcycle, wear long hair, a beard and different clothes. Kids think society is trying to mass-produce good people and the only way to fight back is to become different. If the social pressure won't stop, they resort to drugs to make them forget."

Nobody is more sensitive to the drug problem than youths. The Salem News' survey sought a student perspective about drugs.

The survey produced no simple explanations or instant solutions, but it did offer the opinions of a cross-section of youths, most of whom welcomed the opportunity to assess the problem they understand better than most adults.

The News learned that there are no outstanding heroes in the fight against drug abuse—though youths indicated confidence in volunteers who work in drug centers—and neither are there any outstanding villains.

One prevailing attitude that did emerge is an underlying feeling among students of frustration with society. "Drugs help students escape from the world," one wrote, "and the way to solve the drug problem is to make a better world."

"You can't solve the drug problem by solving all the ills of society," commented Rev. John B. McCormack, of Salem, adding that "drugs make us think about them all over again. Drugs help us re-evaluate what we are doing."

Students, in general, appear to agree that the drug problem never will be resolved without basic revisions in adult attitudes and rethinking about the functions of institutions such as the church, the schools and the law.

Idealists that they are, youths seek nothing less than a cooperative effort by adults to solve the drug problem.

"I think the biggest problem is society and how people run it," commented a Salem High School girl, a regular drug user. "They condemn everything and make everything into a big, complicated mess. I feel for people with a dependence on a hard drug. But the people who created the problems are the first to condemn kids for using drugs."

Youths will continue asking questions that adults are accustomed to answering with authority, rather than reason.

A freshman girl in Salem, for example, apparently thought about the state's severe penalties for possession of marijuana before inquiring: "Is it really a crime to smoke grass?"

Other youths, like many adults, simply have abandoned the hope of bridging the gap in understanding between generations.

"I wonder," pondered a Peabody High School girl, "Can anything really be done about drugs with attitudes as they are? I think it's going to be up to the kids to decide what's right and what's wrong."

A Peabody girl complained that adults don't care about students' opinions, then proposed this solution to the drug problem:

"If people care about others, then I don't think there would be as many drug addicts. Caring is the best thing a person can do."

Most local adults do care, according to a poll in May, 1970, which indicated that the greatest problem in the state, ranking ahead of inflation, pollution and crime, is drugs.

More than a year later, however, youths still were convinced that adults, whether they care or not, are not contributing enough to solve the drug problem.

In the judgment of Salem and Peabody students, the schools are moving too slowly in meeting the needs of their students; parents are not making an adequate effort to understand youths and to learn about drugs; police are unreasonable; drug centers are helpful, but struggling because of dwindling support by adults; the laws are out of line with reality; churches are closed institutions; and caring is not enough.

CONCLUSIONS . . .

Illegal drugs are readily available to youths in school as well as out of school; a substantial minority, approaching a majority in 11th grade, have experimented with illegal drugs; 90% consider drug abuse a serious problem.

Students first try drugs, in most cases, because they are curious about the effects and because of encouragement by friends; many continue drugs for a complexity of reasons generally associated with school, family and personality problems and frustration with society.

Among persons available to help a student with a drug problem, the most highly favored by youths is someone in a drug center, such as Project Rap in Beverly. Friends rank second.

Students proposed no single solution to the drug problem, but they ranked the role of their parents as the most important. Youths are nearly unanimous that parents should try harder to understand students' problems and that parents should learn more about drugs.

The second most important role in the drug problem, according to students, is that of the schools. Junior high students stressed the need for meaningful programs in drug education, while senior high students emphasized their need for discussions in school of their problems.

Students, in general, indicated that police have a distinct role in helping with the drug problem. Most said police should try harder to keep illegal drugs out of the North Shore area. Many commented that police also should try harder to avoid antagonizing youths.

Nearly all students indicated attitudes that conflict with drug laws. Almost half advocate legalization of marijuana, and nearly all youths think treatment and education, rather than punishment, should be emphasized in the law.

Churches have a potential role in the drug problem, but to a lesser extent than that of parents, schools and police. Most students indicated churches should be more devoted to the problems of youths.

SOME OTHER IMPLICATIONS OF THE PRAYER AMENDMENT

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. SCHWENGEL. Mr. Speaker, after counseling with some competent lawyers and knowledgeable people on the prospects of how the proposed prayer amendment to the Constitution might effect public institutions other than schools, some specific illustrations as to how some of the points might work out in actual practice might be worthwhile.

For instance, how would this amendment affect the religious practices in Methodist, Lutheran, Baptist, or Catholic hospitals that have received Hill-Burton money and/or other finances through public funds?

Suppose a non-Catholic patient decided that he objected to the sectarian religious objects and practices in the Catholic hospital that was built by public funds. He could probably file suit and with the aid of the Civil Liberties Union, restrict all religious practices in such a hospital to "nondenominational" practices. Some Government authority would then have to decide what religious practices could and could not take place in the Catholic hospital. It does not take much imagination to conclude that this could cause a lot of consternation in the hospitals that serve the public and it certainly would disturb the religious atmosphere that has prevailed in these hospitals through the years.

From the history books, we can benefit from another illustration that would, it seems to me, give us call not to disturb the church-state separation philosophy.

In 1818 ,when the church was disestablished in Connecticut, Lyman Beecher, one of the leading clergymen of his day and a strong defender of the establishment of religion, was severely depressed. The story is told by his son, Charles Beecher.

> "I remember seeing father, the day after the election," Charles said, "sitting on one of the old-fashioned, rush bottomed kitchen chairs, his head drooping on his breast, and his arms hanging down. 'Father,' I said, 'what are you thinking of?' He solemnly answered, 'The Church of God.'" Beecher himself confessed that "It was a time of great depression and suffering. . . . It was as dark a day as ever I saw. The odium thrown upon the ministry was inconceivable. The injury done to the cause of Christ, as we then supposed, was irreparable. For several days I suffered what no tongue can tell."
>
> For almost a decade, Beecher had led the fight and masterminded the campaign in defense of the establishment. To him, the establishment meant the preservation of true religion, good morals, and sound government. Without these three supports, he was convinced, society would rush headlong to disaster. Like Timothy Dwight, his good friend and great teacher, Beecher was unable "to conceive of true religion and good morals without the support of a sound government or, conversely, of a sound government without true religion." The three, in his mind, were indissolubly linked. Sound government could not endure without good morals, and good morals were dependent upon true religion. Disestablishment, therefore, could mean nothing less than the triumph of irreligion and immorality, and the destruction of society. "The great object" of those who were seeking to undermine the eixsting order, wrote Theodore Dwight, "is to destroy every trace of civilization in the world, and to force mankind back into a savage state." It never occurred to Beecher that true religion, good morals, and sound government might survive disestablishment, and so he waged his war and battled valiantly to stave off the seeming forces of evil which had already won the day outside of New England.
>
> After the churches had been disestablished, Beecher was obliged to confess that he had been mistaken. He found himself forced to acknowledge that what he had feared as the worst thing that could happen had turned out to be "the best thing that ever happened in the State of Connecticut." For, as he said, "it cut the churches loose from dependence on state support," and "threw them wholly on their own resources and God." Before the change, he declared, "our people thought they should be destroyed if the law should be taken away from under them. . . . But the effect, when it did come, was just the reverse of the expectation." Being "thrown on God and ourselves," there was "created that moral coercion which makes men work. Before we had been standing on what our fathers had done, but now we were obliged to develop all our energy." There were some who felt that ministers had "lost their influence," but "the fact is," Beecher asserted, "they have gained." By voluntary efforts, societies, missions, and revivals, they exert a deeper influence than ever they could by queues, and shoe buckles, and cocked hats, and gold-headed canes.

Mr. Speaker, in the future I will be calling attention to the reactions in the religious publications and their concern about the adoption of the prayer amendment.

Mr. Speaker, in the insertion in the Record of September 28, page 33726 apparently there was a mistake in the transcription in the third column, the paragraph beginning "Leaders of 11 Protestant denominations," in the last part of the paragraph which reads "have indicated strong disapproval of permitting even voluntary prayers in the public schools." This should have read "have indicated approval of permitting only voluntary prayers in schools."

NORTH VIETNAMESE TREATMENT OF AMERICAN POW'S

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. QUIE. Mr. Speaker, it has been 7 years and 193 days since Capt. Floyd Thompson was captured by the North Vietnamese and held as a prisoner of war.

The North Vietnamese have flaunted the Geneva Convention relating to the treatment of prisoners of war. They have refused to give information on the individuals who have been captured; they have refused to allow the prisoners to send and receive mail as outlined in the convention.

I am pleased that the House of Representatives yesterday adopted a joint resolution protesting this treatment of U.S. prisoners of war. The resolution calls for the release of equal numbers of North Vietnamese prisoners held in South Vietnam and Americans held in North Vietnam.

History records that negotiations over the release of prisoners in the Korean conflict led to the ultimate cessation of hostilities there. I am hopeful that pursuing such a course could bring a quick end to the Vietnam conflict.

CALVIN WRIGHT

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Tuesday, October 5, 1971

Mr. CHURCH. Mr. President, recently an article from the South Idaho Press in Burley, Idaho, came to my attention. It concerns the career of one of my State's most noted citizens, Calvin Wright, of Boise.

Cal, as he is known to his scores of friends, is the Idaho director of the Internal Revenue Service, a position he has held for more than 20 years. Prior to that time, he held several elective and appointive offices in Idaho.

As the South Idaho Press put it:

> Calvin E. Wright has made a name for himself in local, state and federal government. He has been honored many times in his 30-year career as civic leader, politician, educator and journalist. . . . It is about time that we recognize the abilities of a man, raised in our area, who still has sentimental ties and a vital interest in our community.

Mr. President, I ask unanimous consent that the article from the South Idaho Press be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Around Town

(By Al Dawson)

> Recently the Stanford University class of 1930 honored him and his wife on their 41st wedding anniversary at a reunion party at the Fairmont Hotel in San Francisco. The college grads of that early Depression era had good cause to be proud of their illustrious alumnus.
>
> Calvin E. Wright has made a name for himself in local, state and federal government. He has been honored many times in his 30-year career as civic leader, politician, educator and journalist. In 1965 he was the subject of a feature article in the Idaho Statesman, the "Portrait of a Distinguished Citizen."
>
> The Bible appraisal comes to mind—"A prophet is without honor in his own country." Mr. Wright is really one of our own. It is about time that we recognize the abilities of a man, raised in our area, who still has sentimental ties and a vital interest in our community.
>
> "Cal," as he is known by his many personal friends, was born Jan. 29, 1909 in Herington, Kan. When he was nine years old his parents, Mr. and Mrs. Lee A. Wright, with their family, moved to Burley. The father himself was prominent as a businessman and politician. Mr. Wright operated the first service station in Burley in 1918, at the former location of Bonanza Motor, corner of Overland and 14th St. The elder Wright also distinguished himself in politics, serving as state senator.
>
> Calvin Wright attended Miller School and then went on to the old Burley High School where he graduated in 1926. The ambition and drive that was to be the motivation which brought him future success started early. While attending school he worked, and later he managed his father's service station.
>
> Education, however, was the prime objective of young Calvin at this point. He entered the University of Idaho, later transferring to Stanford University, where he graduated in 1930.
>
> Upon receiving the diploma, he, along

with that generation of graduates so enthusiastic and ready to conquer the world, found that at best economic conditions made that victory difficult. The Great Depression had started.

"Cal," in 1929, one year before graduation, had married his University of Idaho sweetheart. His bride was Gwen Sathre, daughter of Andrew G. Sathre, prominent Burley attorney. Upon leaving school the couple settled in this city and Mr. Wright started looking for work. The prospects were bleak. Never in the history of this country had there been so many unemployed.

As Mr. Wright recalls today, he was lucky. He obtained a job in teaching. "I weathered the Depression years as a high school teacher and did a little newspapering on the side."

The wages of an educator were low, and in order to augment his income, "Cal" worked on the staffs of the Minidoka News in Rupert and the Herald Bulletin in Burley from 1930 to 1934. Other journalistic assignments included writing for the old Capitol News in Boise, staff correspondent for area and out-of-state dailies, and one year as associate editor of the Minidoka News.

At the age of 24 he entered and won the election as county auditor. In 1937 he was appointed manager of the State Insurance Fund.

Following this employment Mr. Wright seriously embarked upon his political career. At 28, he became one of the youngest county and state officials in the nation when he was elected to the office of state auditor. He served three terms, from 1939–1944.

In 1950 Calvin Wright reached a peak of his political career when he was named the Democratic candidate for governor. In a close race with our now-United States Senator Len Jordan, he was defeated by a small margin.

Shortly afterwards, he was appointed as U.S. Internal Revenue director for Idaho, a post that he now holds and has maintained for almost 20 years.

To enumerate the many civic and professional achievements of Mr. Wright is almost impossible, especially in this limited space.

Outstanding in his civic activities might be listed the five-year service as Idaho federal chairman for Radio Free Europe. In this official capacity in 1966, he was a member of the American delegation which inspected RFE facilities and programming in Europe. This mission included visiting the borders of the Iron Curtain countries, and both sides of Berlin's "Wall of Shame."

Other posts held include membership on board for the Boise United Fund, Idaho Territorial Centennial Commission, Governor's Committee for Employment of Handicapped, and Governor's Prayer Breakfast Committee. In 1935 he was active in the Idaho Jaycees.

Fraternal and religious associations include membership in Rotary Club, Sigma Chi Fraternity, Elks, Masonic Lodge, and president of Boise Federal Executive Committee.

Mr. and Mrs. Wright are both active in the Christian Church and devoted to their family, including their nine grandchildren. Of their two children, son, Tom Wright is a school magazine publisher in Minneapolis, and daughter Mrs. A. B. (Beverly) Brunelle lives with her husband in Boise.

Many of "Cal's brothers and sisters are well known in Burley. Mrs. Sanford (Dorthy) Connell now lives in Shoshone, while another sister, Mrs. Harley (Marjorie) Maggart, one-time Burley and Declo teacher, now resides in Pleasant Hill, Calif.

One sister, especially well known in this area, is Mrs. E. M. (Casilda) Steelsmith, now a resident of Boise. Many remember Casilda as a very capable correspondent for the old Herald Bulletin.

Two other brothers, Lee Jr. and Tom (Homer) Wright, are both engineers, and to complete the dual image, have selected Dayton, Ohio as their home.

Mr. Calvin Wright recently demonstrated a sentimental tie to our community when he became a charter member of the Cassia County Historical Society, "Cal," we are pleased that you still have fond memories of your boyhood home. We too consider you a distinguished citizen, and are mighty proud of your record as a man and civic-minded individual.

HUGO L. BLACK

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. BLATNIK. Mr. Speaker, many of my colleagues have spoken most eloquently of the qualities of intellect, wit and wisdom that we celebrate in the person and career of the late Justice Hugo Lafayette Black. Legislators of no small personal distinction in the law have paid their own tributes to the splendid intellectual and judicial traits of Justice Black.

Justice Black has been called both a liberal and a "strict constructionist." And, indeed, he was both of these—but he was more. He was a man who could reconcile these two seemingly contradictory terms and still maintain consistency in his judicial decisions.

Justice Black was above all the champion of the little man. He was dedicated to seeing that the law was to the benefit of all; no matter what their race, color, creed or national origin. Until the advent of Justice Black on the Court, the law of the land had been fashioned and interpreted more to the benefit of the corporate individual—an individual or person that Justice Black was to declare, in an early dissent, did not exist. Justice Black saw to it that each individual American is granted the same judicial standing and consideration granted to American corporations.

Mr. Speaker, there is evident concern for the individual in the many opinions penned by Justice Black. He sought to guard the guarantees expressed in the Bill of Rights for every American. Some have criticized him for this seemingly slavish and literal adherence to the Bill of Rights. And, indeed, the protection of rights granted by the first, fourth, fifth, sixth, eighth and 14th amendments to the Constitution owes a great deal to the thinking and written opinions of Justice Black.

Justice Black sought to make these rights inviolable, or reasonably secure, as the Constitution may state. But, was his focus here only to the individual? Was Justice Black blind to those needs of the State that inherently constitute a threat to these personal rights—rights that Justice Black labored so long to protect and enhance? Was Justice Black the wearer of judicial blinders that give his view of the Constitution and our Nation's history and future strengths more the aspect of tunnel vision than that of broad perspective? The answer to these questions is a resounding no.

For in a man of such lucidity of thought and expression, we confront in Justice Black the complex blending of two seemingly conflicting points of view into a single vision of our national life—life and personal security for individual citizens and perdurance for the Republic itself.

Justice Black saw most clearly that the only way in which a democratic republic could survive—the only way in which a free people could continue to govern themselves—the only way in which continuing dialogue between state and people, the cornerstone of a free government and the sign of a free people, could be preserved, was to insure the protection of those rights that made a people secure from governmental encroachment and kept clear the channels of peaceful communication which guarantee that in America "Here the people truly govern."

In this area when certain fringe elements demand this and insist on that, Justice Black was not tempted to hedge his declarations supporting the rights of free speech, free press, and free assembly. He realized that the best way to insure that these extremists are successful would be to countenance the curtailment of these basic rights. The best way in which to insure that these extremists would gather power into their own hands from the hands of the people, would be to permit them to succeed in this temptation, this entraptment built on justifiable outrage at their methods—methods saying, "power to the people" but really meaning "power to themselves." Justice Black knew that power does indeed rest with the people—power to change our laws, right injustices through both the legislative and judicial processes—power to support our form of government, and power to guarantee these rights to all citizens—even to those trying to destroy them through abuse.

Mr. Speaker, this is what I salute in Justice Black. This balance of individual and state is, I believe, the judicial and philosophical genius of this giant of the Court—a giant of a human being—a man who could express his belief in America and America's future in the most transcendant yet lucid prose and yet continue the sharp competition on the tennis court that I first saw over 25 years ago, when I was a freshman Congressman.

We shall all miss this protector of these rights—rights which permit this Nation to grow and to improve—and to do it peacefully and with regard for the rights of all. Only death could have taken this protector of the Republic from us. That is what Hugo Black dedicated his life to—a free nation of free men.

AN UNREASONABLE DECISION

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Tuesday, October 5, 1971

Mr. GRIFFIN. Mr. President, last week, a Federal judge ruled that the Detroit school system, which has been integrated for many years, is guilty of de jure as well as de facto segregation. It now appears that this ruling may lead to an order requiring the busing of students across municipal and even county lines in the metropolitan Detroit area.

I ask unanimous consent that a well reasoned editorial published in the Detroit News of September 29, 1971, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IT IS UNREASONABLE

U.S. District Judge Stephen Roth's ruling this week on Detroit school integration was an unreasonable and impractical decision which opens a Pandora's box of strife and confusion for this and surrounding communities.

Everybody knows by now that deliberate segregation of schools in this country is unconstitutional. But the U.S. Supreme Court expects lower courts and school boards to use good sense and restraint in identifying and correcting illegal segregation.

It is nonsense to say that Detroit deliberately and willfully operates a segregated school system. Obviously, there are segregated schools here but Judge Roth himself acknowledges the essential reason.

"The principal causes undeniably have been population movement and housing patterns," he writes in one section of his ruling. "Residential segregation within the city and throughout the larger metropolitan area is substantial, pervasive and of long standing," he writes in another.

He adds in each instance that official actions and failures to act have bolstered and preserved a segregated system in violation of the Constitution. He fails to distinguish clearly between de jure, or legislated, segregation and de facto segregation, which is not necessarily unconstitutional.

Detroit school officials through the years have done what was practical and necessary to keep the schools operating and to get each student into a school reasonably near his home. In the main, we see no sinister purpose.

Indeed, the most eloquent testimony to the good faith of the Detroit board with regard to the racial question is offered by Judge Roth, himself.

A large portion of his ruling is devoted to an elaborate, step-by-step proof that the board has gone to great lengths to integrate the district's school faculties. "The Detroit School Board has, in many other respects," he adds, "undertaken to lessen the impact of the forces of segregation and attempted to advance the cause of integration."

Thus, the weight of Judge Roth's own logic is against the conclusion he finally reached.

Although Judge Roth did not rule on a motion which would involve 85 other school districts in Wayne, Oakland and Macomb counties in the question of achieving racial balance in Detroit, he certainly left the door open to such involvement. He suggested that those asking for the inclusion of the 85 districts might want to amend their proposal and "resubmit it as a comprehensive plan of desegregation."

It sounds like an invitation for a comprehensive plan of chaos. Judge Roth appears to contemplate rushing into a whole new and uncharted area of school integration.

If a distant, suburban district is to be integrated with Detroit, can't that distant district fairly inquire whether it shall be given the chance to vote in the Detroit school district? Will there be integration without representation?

If this theory of comprehensive integration were carried out in a city such as Washington, D.C., logic would dictate that the plan reach across District of Columbia boundary lines into sovereign states. Where does it all lead, and where does it all end?

Recently, Chief Justice Warren Burger, observing the zeal of some lower courts in the use of bussing as a method of achieving school integration, circulated a reminder that the court requires not absolute racial balance but reasonable efforts to achieve it. It seems that Judge Roth failed to get the message.

ADDRESS BY EDWARD J. DRISCOLL BEFORE THE INTERNATIONAL AVIATION CLUB IN WASHINGTON, D.C.

HON. BROCK ADAMS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. ADAMS. Mr. Speaker, Mr. Edward J. Driscoll, president of the National Air Carrier Association, recently addressed the International Aviation Club on the subject, "Sanity in the Air—An Impossible Dream?" In his address, Mr. Driscoll declared that it is time to lay aside the divergent views of special interest and "to come to some consensus on what is best for all elements of the air transportation industry and the American public." It is an address containing challenges to Mr. Driscoll's own industry and one which each Member of the House might likely find both provocative and informative:

SANITY IN THE AIR—AN IMPOSSIBLE DREAM?

(By Edward J. Driscoll)

In looking at the title I selected for this talk several weeks ago, I begin to wonder if I might not have the gift of ESP.

For the events and actions of recent days could make one believe that "Sanity in the Air" is truly an impossible dream.

It is really ironic that an industry like ours, so advanced in technology, could have become so irrational and self-destructive.

All of us associated with the International Aviation Club can be proud of the role we play in a 20th century industry that has become the keystone of the world's transport system. We are proud to play a socially significant role in bringing the people of the world closer together and in transporting the products of industry and agriculture to every corner of the globe. But I dare say that we are not equally proud of the evolving practices which make us appear like peddlers in a Casbah bazaar, apparently with little worry as to the morrow.

Let me make it clear from the outset that when I chose the title for my talk, I did not anticipate the so-called "transatlantic rate war." I say "so-called" deliberately because to my mind the situation that some of my scheduled airline friends consider "fun and games" is nothing more than an outright plan to eliminate effective competition in air transportation. This was made clear when Lufthansa admitted that it would lose money during the first year of operation under its recently announced new fare structure.

The charter airlines favor low fares. We introduced them. We promoted them. We built our success on the conviction that the consumer has the right to the lowest cost of air transportation that could be provided by the carrier—without burdening other classes of passengers, without government subsidy—while still earning a fair and reasonable profit, It's history. It's a fact.

The latest fare announcements are merely outward symptoms of a much deeper problem. Even without them, we still feel that psychiatric advice is needed by an industry that refuses to take rational actions to cure its ills.

Perhaps we were so successful in riding the crest of a new and booming business that we never took the time to learn how one operates a public service business; how new markets are developed; and how one must operate within a budget. Isn't it time to forget the "glamor" of aviation, to put aside the notion that we're in show business, to stop dealing in such irrelevancies as live entertainment in 747 lounges, gourmet meals, exotic wines, and get about the business of air transportation? Isn't it about time that we thought less about pirating the other guy's customers and thought more about that vast and untapped market of Americans who have not yet been exposed to the advantages of safe, dependable and low-cost air transportation?

Let me cite some examples of the kind of irrational behavior that we accept as normal in the air transportation industry.

Is it rational that a youth or student pay less than another passenger for his transportation? Does he take less room? Does he eat less? Does it really cost less to furnish him air transportation or is the adult in the next seat paying an unnecessary premium to make this bargain possible? Think for a minute. Does he pay less for his typewriter, or his clothes, or his records? Are his tuition fees lower than those of an adult who goes to night school? The answers are no. Now it can be argued—with justification—that it is socially desirable for young people to have the educational experience of international travel. But we all know that these opportunities are already available, through student charters pioneered by the supplemental carriers. Each student pays his pro-rata share of the cost for such flights. These types of charters are available to students through their schools and through other arrangements, by scheduled and supplemental carriers. If we are going to furnish below-cost fares as a social service, why not provide them to our senior citizens? Why not increase rates again so that discounts can be given to low-income workers?

If student and youth fares are to be allowed, shouldn't we at the same time adopt the regulations which are followed in Europe, where all students are able to participate in charters without the necessity of adhering to any affinity regulations.

Is it rational behavior to create a fare structure that tells consumers that the longer they stay abroad the cheaper the fare, while at the same time announcing that they can secure reduced rates on domestic transcontinental travel of four days or less? It's Alice in Wonderland for the travel agent who tries to explain this to one of his customers. If it costs the airline less to carry the passenger who goes abroad for 14 to 28 days, and even less for those who have 29 to 45 days to spend abroad, a reasonable person would expect to travel free if he spends a year abroad. And if he is informed about our dollar drain and the Visit USA program, how can he understand a policy that encourages longer trips abroad but penalizes him if he wishes to take more than a four day trip across his own country?

Is it rational to tell the customer who wishes to purchase a fixed price Inclusive Tour to a particular vacation spot that government regulations require a minimum stay of 7 days, 3 overnight stops—50 miles apart even though he wishes to visit one particular vacation area. Yet that is what is required if he is to be eligible for the savings of an ITC—an inclusive tour charter. With our holidays now falling on Monday, these archaic rules make it impossible for us to exploit the vast potential of three-day holiday trips. We pride ourselves in the United States in being a progressive industry, yet in Europe a gigantic inclusive tour industry has been built on the ability of charter carriers there to offer short tour packages to a single destination.

Is it rational for U. S. charter carriers to be subject to daily bureaucratic whims of foreign civil aviation authorities concerning landing and uplift rights when governments protect the rights of scheduled carriers through bilateral agreements? Why isn't the American citizen who carries a valid passport and visa and who chooses to travel on a charter flight given the same government protection as his neighbor who travels on an individually ticketed basis on a route carrier?

Look at the situation that exists in so many foreign countries with regard to landing and uplift rights for U.S. supplemental air carriers. Now, I ask you, is there really any rational basis for giving preferential treatment to a charter operated by a scheduled carrier over one operated by a supplemental airline?

Neither are covered by any inter-governmental agreement. But, in most cases, a scheduled carrier can fly a charter between points A and B merely by filing notice, whereas the charter carrier must obtain prior approval for each and every flight—with no guarantee that approval will be granted in any given instance. How long can the United States go on being "Mr. Nice Guy," handing out licenses and permits on a non-reciprocal basis—providing foreign carriers with five year operating permits for charters, while U.S. carriers must ask permission for each and every flight to those same countries. Where is the reciprocity? By what stretch of the imagination can this be considered good for the United States, or even good for world aviation?

We must, therefore, come up with a system whereby permits for charter services, whether performed by independents, IATA carriers, or their charter subsidiaries, are provided for in bilateral agreements covering air transport services between respective countries.

Is it rational for our government to allow foreign charter carriers the right to carry transatlantic cargo to or from the United States, while at the same time prohibiting its own charter carriers—the U.S. supplemental airlines—from transporting a single pound of commercial cargo on transatlantic flights? Why can't we develop a cargo industry that will be truly responsive to the needs and cost requirements of American shippers?

Let's not take piecemeal action such as restricting the right of air freight forwarders to charter. Before we take precipitous action, let's analyze the whole structure and system and develop a program for expanding the cargo market—for I believe a balanced system requires not only an individually waybilled system but equally an efficient cargo charter system.

Is it rational to have non-IATA charter subsidiaries of IATA airlines? Lufthansa, BOAC, KLM, and others have formed such companies. What kind of relationship can we expect to see between these non-IATA "daughter" carriers and their IATA fathers. I have chosen the father-daughter analogy carefully, because I have the feeling that these young things are going to be well-protected and well-cared-for by their doting parents. Will these "subsidiary" charter carriers be permitted to operate without restriction in the United States while the governments that spawned them practice an exclusionary policy against the U.S. charter airlines that have Presidential approval to operate internationally.

I am not in any way opposed to scheduled carriers operating charter flights, and governments certainly should not try to dictate to any country what type of carrier should be used to perform its transportation services.

Just who is going to get reciprocal rights when these non-IATA daughter carriers start operating in and out of the U.S.? Certainly not Pan Am and TWA. They are expressly prevented by law from establishing any kind of non-scheduled subsidiary. And you can rest assured that foreign governments aren't planning to voluntarily grant reciprocal rights to the U.S. supplementals. Reciprocity must be obtained if these carriers are to be permitted to operate into the United States.

One of the things that troubles me most is that in any given situation, more often than not, it's the U.S. carriers—and I'm talking about scheduled airlines as well as supplementals—who come out with the short end of the stick.

Is it rational to force consumers to join an organization before they can secure the benefits of low-cost charter travel? Would it not make more sense to allow any group of individuals to band together to buy bulk transportation at plane load rates? The CAB has moved in this direction in its non-affinity charter proposal, which we hope soon will be adopted.

Is it any wonder then that I question whether sanity in the air is an impossible dream?

The latest thrust, and I am sure that we may be in for more of the same, is that of the comic strip's Red Baron who advertises his "Everybody's Fares." If it is truly everybody's fare, why does the businessman or government traveler who cannot stay abroad for 14 days or more have to pay double the price for the same transportation?

I might remind the U.S. scheduled carriers who will have to match this fare that the Red Baron is eligible for a subsidy from his government . . . and when the damage has been done, and they count their losses for '72, it will do them no good to run around like Snoopy, shouting, "Curse you, Red Baron!"

Our industry's basic problem is that it still does not understand that the consumer will support an everybody's fare that really *is fair* to all; that does not discriminate on the basis of length of stay, time of year, day of week, time of day, and age of passenger. Once the scheduled airline industry recognizes this and comes up with a low-cost, across-the-board rate structure in which the cost of service is borne equitably among all the passengers, I believe that regularly scheduled service will again begin to prosper.

The Department of Transportation recognized this principle in its recent opposition to youth fares. It said, in essence, that if the youth fare is not discriminatory, then it must be predicated upon reasonable cost. If it is, why not make it available to everybody? You can bet that if they did make it available to everybody, the airlines would accelerate their losses. You can't continue to amass the kind of losses that they have been suffering in recent years—and which some are going to experience in 1971—and then expect that a lower yield per passenger will put you in the black.

The IATA carriers apparently do not recognize what was so well stated in the President's International Air Transportation Policy, namely that there is a need for two separate and distinct types of air services to move goods and passengers. These are the scheduled and the charter services. There is a need for both in a properly balanced system of air transportation.

Ladies and Gentlemen:

It is time for a return to reason.

It is time to forget the past, to dispense with "traditional" solutions to our problems, and to start finding answers that do more than shuffle passengers back and forth from one class of service to another, or from one class of carrier to another. We are just kidding ourselves if we think that is any way to fill the empty seats that have resulted from the vastly increased capacity of the past few years.

It is time for action.

As you know, Senators Magnuson and Cannon have announced that hearings on international air fares and other matters will be held on October 19, 20 and 21. In thirty days, the Senate Commerce Committee will hear the views of government, industry and the public.

In the past, the divergent views of every special interest have often side-tracked vital legislation. In the present crises, I believe that all of us have a higher duty. We have the duty to come to some consensus on what is best for all elements of the industry and the American public. More of the same old claims and counterclaims will only serve to prevent constructive action.

Therefore, I respectfully request that responsible government leadership bring all parties to the conference table. Let's make the maximum use of the next thirty days to assess the views of government—the CAB, the Department of Transportation and the Department of State; the industry—both scheduled and supplemental carriers; and the consumer of our services—the traveling public.

First, let's get an overview of our problems and the proposed solutions. Let's stop taking piecemeal action.

Then, let's see if we can agree on a plan, a program, and what needs to be done by Congress, the executive branch and the industry.

I'm not talking about another study designed to gather dust in government archives. I believe a properly designated representative group given a mandate for action, and irrevocable deadlines, can overcome parochialism and bring back some sanity in our air transportation system. We will all have to make some concessions if we are to right our ailing industry and restore it to its proper role in world aviation.

All of us will have our own ideas for consideration by this blue-ribbon panel. For my part, I would suggest that it consider the following five-point program.

First, broaden the base of air travel for both the scheduled and supplemental transportation systems. For example, this can be accomplished by the introduction of one-stop inclusive tour charters, non-affinity charters, and properly structured individually-ticketed promotional systems designed to reach the untapped markets which now exist. Markets such as low-income groups, the weekend holiday set, ski charters within the U.S. and the like. Let's make the three-day weekend really mean something. Let's develop two vacations a year rather than one. Let's not only make the people air-minded, let's make them air travelers.

Second, create a balanced air transport system which recognizes retail and wholesale concept of air transportation, and that individually ticketed and charter—or bulk—services are complimentary. Basic to the establishment of such a system would be a greatly simplified and rational fare structure. Adoption of two basic elements, cost and service, should be the guiding criteria in setting figures that benefit both the public and the airline industry.

Third, safeguard the U.S. market, which is the largest air transport market in the world into which all countries enjoy traffic-generating operations. Give the Civil Aeronautics Board adequate authority to deal with complex and destructive loss leader fares proposed or filed as tariffs by international scheduled carriers. Foreign scheduled carriers, of course, are protected by their governments and are subsidy eligible.

Fourth, recognize that landing rights are government rights, not carrier rights. Each government has the right to designate and certificate the carriers which will provide the services for its country. Once designated and certificated by the President, attempts to frustrate these rights must be vigorously opposed.

Rights into the country should not be granted under the bilateral agreement or pursuant to a permit, except on a satisfactory record that insures reciprocal rights to U.S. designated and certificated interests.

Permits must be conditioned to terminate rights granted by the U.S. should reciprocal rights be withdrawn!

And fifth, protect the consumer's right to reasonably priced air transportation and guarantee that his rights to free movement are not inhibited or abridged by reason of arbitrary and anticompetitive rules or regulations rifled against a particular class of carrier. Insure that the consumer is adequately represented in fare-setting and other regulatory proceedings.

I make no claim that these five points offer an all-inclusive cure to the current problems of the aviation industry. They merely represent my perspective. The blue-ribbon panel I have proposed should examine and assess everyone's ideas, for there are no pat solutions. All of us must recognize the claims of others. But above all, we must realize that our first priority is the perfection of a sound and balanced air transportation system that meets the needs of all travelers and all shippers.

I know the thirty day time-limit I have suggested may sound like an unrealistic deadline. But we are faced with a rate war in which there can be no victors. We are in a crisis situation that calls for emergency measures.

I think we owe it to the future of world aviation to make this effort.

SNAKE RIVER BIRDS OF PREY NATURE AREA

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Tuesday, October 5, 1971

Mr. CHURCH. Mr. President, during the congressional recess I had the opportunity to attend the dedication of a sanctuary for the golden eagle and the prairie falcon in the Swan Falls area of Idaho. The Department of the Interior's Bureau of Land Management has dedicated 26,266 acres of land along the Swan Falls reach of the Snake River Canyon as a sanctuary for these rare and valued birds of prey. This area of Idaho has the largest concentration of golden eagle aeries in the United States and perhaps in the world. Similarly, the prairie falcon nests in profusion on the rugged cliffs of the Snake River Canyon.

Mr. President, I wish to commend the Department of the Interior for so recognizing our invaluable wildlife. It stands in marked contrast to the actions of those callous individuals responsible for the illegal destruction of eagles in Montana and Wyoming.

Mr. Bill Meiners, chief of the Division of Resources in the Bureau of Land Management State Office in Boise, Idaho, recently wrote an article entitled "Sanctuary for Birds of Prey" for the spring 1971 edition of the quarterly, Incredible Idaho. I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SANCTUARY FOR BIRDS OF PREY: PAYMENT ON A PAST DEBT

(By Bill Meiners)

Soaring high against the azure sky, that acrobatic speck is one of Idaho's native birds of prey. Only by the immensity of its wingspread can man identify these monarchs of the sky, each with its peculiar pattern of aerodynamics.

Remote and desolate along the Snake River is the unique Swan Falls area: a desert, river and cliff complex. This is in fact a sector which has been viewed by more people than possibly any other similar spot in the United States. The reason is that two nationally televised films have been made here: Disney's "Ida the Off-Beat Eagle" and the Wild Kingdom series, "The Valley of the Eagles."

The area is one of Idaho's hidden but priceless treasures appreciated by world renowned experts and viewed by millions of ordinary persons, all because of its unique characteristics which constitute one of the finest nesting areas for birds of prey in the entire world. Experts have appraised the area as priceless for what it is, namely, a wildlife sanctuary for raptors, specifically the golden eagle and the prairie falcon.

In this stretch of the Snake River both Sinker Creek and Castle Creek dump their waters into the mighty river confined in a turbulent sector where nature's forces have worked throughout eons of time.

Cliffs, eroded and worn away by the elements, rise almost perpendicularly into the air. Some are only 30 feet high, but others tower above the canyon floor perhaps 800 feet. The jagged roughness of the stone defies almost all but the experienced climber. It is said to be a drab area; however, a closeup shows a landscape in reality rich with subtle variations of earth colors.

When coupled with the general orientation of the canyon to the sun, the prevailing winds, and close proximity to water, this area comprises one of the finest habitats for birds of prey that is known to exist.

Morlan Nelson, Idaho's world-renowned authority on eagles and birds of prey, says that southwestern Idaho has about 100 golden eagle aeries, probably the largest concentration in North America and possibly the entire world. Nelson is an employee of the Idaho State Office of the Department of Agriculture's Soil Conservation Service.

It is generally admitted that the golden eagle has no peer in its ability to soar freely through the heavens. This bird likewise can easily ride a hundred mile an hour wind which would flatten a man. When the golden eagle plummets from the sky in a dive, experts say it equals the peregrine, achieving speeds of 150 to 200 miles a hour. Even ordinary glides can average 120 miles an hour enabling the hunter to cover an amazing amount of territory. This bird has often been considered "king of the winds."

The height of its flying prowess is displayed during the mating season. It will rise in spirals, making headlong dives with half closed wings, and finish with a glorious upsweep. It will roll and dive at its mate; then as the birds approach each other at blinding speed the female turns over on her back and dips below at the last second, at which moment they touch talons. One eagle was seen hurtling straight down, as if in play, all the while spinning like a rifle bullet. Fortunate is the man permitted to witness these fantastic feats.

These magnificent birds of prey mate for life. When a pair of eagles inhabit the same aerie over a period of years they keep adding to it. The nest itself varies from 3 to 8 feet in diameter. The average life expectancy of golden eagles in the wild is about 10 years, rarely up to 20 years.

What is it about the eagle that has always fascinated man? Does it have some practical value? Man's relationship to the eagle is a strange paradox. He does not eat the bird, cannot clothe himself with eagle feathers; cannot concoct saving remedies from eagle chemistry.

The secret of the great paradox is simply that the noble bird personifies the true spirit of man—that divine spark which makes man Man. This bird represents courage, pride in self, genuine freedom of spirit, strength to face life's woes, scorn for the base necessities of life if purchased at the expense of loss of dignity. Perhaps this explains why the North American Indian revered this bird of prey, why it held a place of honor in the lives of Roman emperors.

This canyon is one of the few places in the world today where the golden eagle can exist and multiply with some degree of certainty. The Swan Falls reach of the Snake River Canyon is then a place where people today should begin looking toward the future and the preservation of this regal creature which is sometimes referred to as "a living vibrant shadow of man's true self."

Another inhabitant of this area is the prairie falcon which has been put on the "rare bird" list by the Audubon Society. In this sector the prairie falcon outnumbers the golden eagle about 2 to 1. Forty-nine pairs of prairie falcons were sighted in the spring of 1970, which means that there is a nest of prairie falcons every 300 to 400 linear yards in the Swan Falls area of the canyon. While the eagles build nests upon hard-to-reach pinnacles, the smaller prairie falcon selects more recessed nooks and clefts.

To preserve this priceless heritage, reclaim this living environment, and to provide opportunity for this singular encounter with nature, the Department of the Interior upon the recommendation of the Bureau of Land Management has established a protective withdrawal of 26,255 acres of land along the Swan Falls reach of the river. This withdrawal is now designated a "Nature Area," a unique and exceptional sanctuary for rare birds of prey.

The timely recognition of this unique habitat and continuing research activities will assure perpetuation of these splendid birds and will provide scientific insight into the lives and habits of such birds of prey. The 150 million people throughout the world who have viewed the films made here will surely agree. Experts are unanimous in praising it as a natural situation for raptors.

The canyon has a beauty all its own. It provides rich research opportunities into the nature, lives, and habits of the golden eagles, prairie falcons, and other birds of prey. It is an ideal situation as a desert, river, and cliff complex to investigate and perhaps inaugurate a set of principles, difficult and elusive at best in the barely charted area of raptor management.

If the experience of another similar situation (Hawk Mountain near Drehersville, Pa.) be used as a criterion, guided tours and stationary lookouts could prove a financial asset to the State and locale.

Something has been done, now, to preserve such an area: a priceless heritage. In the Swan Falls reach of the Snake River Canyon the Nation has made a payment on its debt to the past by establishing this sanctuary, for the golden eagle, for the prairie falcon . . . for man.

SEX DISCRIMINATION AUTHORIZED BY LAW IS UNCONSTITUTIONAL

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mrs. GRIFFITHS. Mr. Speaker, laws which confer different rights, or impose different obligations or responsibilities, on persons solely because of their sex distort our daily lives with a pattern of sex discrimination that has no justification except ancient prejudices and stereotypes.

Sex discrimination in the law hurts both men and women. It is high time—indeed, it is long overdue—that all legalized sex discriminations be removed from the law. The Congress has already taken several steps in this direction. Here are some examples:

The Equal Pay Act of 1963 (29 U.S. Code 206) requires equal pay for equal work regardless of sex in jobs covered by the Fair Labor Standards Act.

Title VII of the Civil Rights Act of 1964 (42 U.S. Code 2000e–2) bars sex discrimination by labor unions, employment agencies, and employers having 25 or more employees.

The Act of November 8, 1967—Public Law 90–130—removed the legal ceiling on promotion opportunities for women in the Armed Forces.

The Act of January 8, 1971—Public Law 91–658—eliminated discrimination against male survivors of female Federal employees under the Civil Service Retirement Act.

The Act of August 5, 1971—Public Law 92–65—declares that no person shall be subjected to sex discrimination in any program or activity aided by the Public Works and Economic Development Act, and the Appalachian Regional Development Act.

The Act of August 11, 1971—Public Law 92–88—removed the "males-preferred-to-females" provisions from the District of Columbia Code governing appointment of administrators of decedents' estates.

There are literally hundreds, probably thousands, of laws and regulations of the Federal, State, and local governments—some blatant, some obscure—which lay like hidden traps in the law books to impose sex-based discriminations—usually against women, but also against men. That is why I hope the Congress will soon approve House Resolution 208, which I introduced, to adopt the equal rights amendment to guarantee that "Equality of rights under the law shall not be denied or abridged by the United States or any State on account of sex." After Congress approves it, the amendment must be ratified by at least 38 States. House Resolution 208 provides that the amendment will become effective 2 years after such ratification.

Obviously, in the meantime we must resort, at Federal, State, and local levels, to both legislative action and case-by-case litigation to combat sex discrimination in our laws. I have long believed that the 14th amendment guarantee of "Equal Protection of the Laws" to "any person" should be applied by the courts to protect everyone against legalized sex discrimination in the same manner that the courts have extended this equal protection guarantee in the past two decades to protect people against discrimination based on race or ancestry.

There are now several cases in, or on their way to, the Supreme Court of the United States which squarely present this fundamental constitutional issue. The principal case now pending there is *Reed* v. *Reed*, No. 70–4, an appeal from the Supreme Court of Idaho which had upheld an Idaho statute requiring that whenever several persons apply for appointment as administrator of a decedent's estate, "males must be preferred to females". I have joined with five distinguished lawyers to file an amicus curiae brief in this case. Since it will help Members of Congress and the public to understand and follow the issues presented to the Supreme Court, I include our amicus brief in the Reed case at this point in the CONGRESSIONAL RECORD:

REED V. REED—No. 70–4, OCTOBER TERM, 1971

JOINT BRIEF OF AMICI CURIAE AMERICAN VETERANS COMMITTEE, INC., NOW LEGAL DEFENSE AND EDUCATION FUND, INC.

INTEREST OF THE AMICI CURIAE

The American Veterans Committee, Inc. (AVC) is a nationwide organization of veterans who served honorably in the Armed Forces of the United States during World War I, World War II, Korean Conflict and Vietnam Conflict, and who have associated themselves, regardless of race, color, religion, sex, or national origin, to promote the democratic principles which they fought to preserve. AVC was founded in 1943 and its membership includes both men and women who participate in AVC's affairs in full equality.

The NOW Legal Defense and Education Fund, Inc. is the legal-aid arm of the National Organization for Women, Inc. (NOW), a nationwide organization of men and women who have associated themselves, regardless of race, color, religion, sex, or national origin, "to bring women into full participation in the mainstream of American society NOW, exercising all the privileges and responsibilities therein in truly equal partnership with men." One of NOW's objectives is "to isolate and remove patterns of sex discrimination, to ensure equality of opportunity in employment and education, and equality of civil and political rights and responsibilities on behalf of women, as well as for Negroes and other groups." (NOW's Statement of Purpose at Organizing Conference, Oct. 29, 1966.)

This case starkly presents for decision by this Court the issue whether a statute can constitutionally deny to women, solely because of their sex, a right which is granted to all others and the exercise of which is not materially relevant to the functional or structural differences of sex.

Arbitrary sex discriminations in our legal system resulting from ancient prejudices, assumptions and stereotypes have lingered on despite the mandate of the 14th Amendment's Equal Protection Clause. This is largely because various courts, like the Idaho Supreme Court in this case, have mechanically accepted the idea that since the common law treated men and women differently and since "men and women are not identical," any difference in the legal classification of men and women is constitutional no matter how irrelevant to the function of sex.[1] See footnote 12, *infra*. But such an approach has failed to recognize that their rights as "persons" are protected by the Equal Protection Clause from any discrimination not necessitated by the difference of sex.[2]

We believe that discriminations based on sex are, in most instances, as unjustifiable and as unconstitutional as the discriminations based on race which this Court has so roundly condemned. For the reasons stated below, we contend that the sex discrimination perpetuated by section 15–312 and 15–314, Idaho Code, violate the Equal Protection Clause of the 14th Amendment.

THE ISSUE

Does section 15–314 of the Idaho Code—which specifies that "males must be preferred to females" as between several petitioners for letters of administration who are in the same preference class of entitlement to administer an estate—deny equal protection of the laws to a woman whose petition for letters of administration is denied, in favor of a male petitioner of the same preferance class, solely because of that statute?

THE FACTS

Richard Lynn Reed, the adopted son of appellant Sally M. Reed and appellee Cecil R. Reed, died in March 1967, in Idaho. He left no will. His parents were his only heirs-at-law. Sally, as the decedent's mother, filed her petition for probate of his estate in November 1967. Before the time set for hearing on the petition, Cecil, the father, also petitioned for letters of administration. The probate judge appointed the father as administrator. His order noted that Cecil and Sally were equally entitled to letters of administration, because they were both in class 3 under section 15–312, Idaho Code (1948 ed.).[3] However, he ruled that the father was entitled to preference because another section (15–314) provides that, as between persons "equally entitled to administer" an estate, "males must be preferred to females."[4]

On Mrs. Reed's appeal, Judge Donaldson of Idaho's Fourth Judicial District Court reversed the probate court's order. He held that section 15–314 violated the Equal Protection Clauses of both the U.S. Constitution (14th Amendment) and the Idaho Constitution (Art. I, section 1), and remanded the matter to the probate court to determine "which of the two parties is best qualified to serve as administrator or administratrix of the estate."

On appeal by the father, the Idaho Supreme Court upheld the constitutionality of section 15–314 and reversed the district court. *Reed* v. *Reed*, 93 Ida. 511, 465 P.2d 635 (1970).

SUMMARY OF ARGUMENT

The mandatory priority which section 15–314, Idaho Code, gives to men over women when several persons of the same preference class apply for appointment as administrator of an estate is purely sex-based—"simply that and nothing more." Its discrimination is greatly similar to race discrimination:—Both are based on the assumption that women (racial groups) are inferior, and on a status thrust upon them by birth which they cannot change. Both lack necessary, fair, substantial and rational relationship to the objective of the statute. In both cases, the discrimination is imposed on "easily identifiable groups" which are grossly underrepresented in the decision-making processes, are easy targets of both public and private discrimination, and have a history of unduly slow progress toward legal and political equality in the face of considerable resistance; and the resulting legal distinctions have prolonged the inferiority status of both groups and, in fact, have reinforced it.

Any law imposing such discrimination is constitutionally suspect and subject to the most rigid scrutiny. Even if it were enacted pursuant to a valid state interest, it bears a heavy burden of justification and will be upheld only if it is necessary, not merely rationally related, to the accomplishment of a permissible state policy.

Uncritical acceptance of the notion that "sex *per se* is a valid basis for classification" has caused many courts to disregard the truism that a woman is a "person" entitled to the guarantee of Equal Protection. However, there is a growing judicial recognition that sex discrimination imposed by law is, in most instances, as unconstitutional as is race discrimination.

None of the rationalizations offered by the Idaho Supreme Court can constitutionally justify section 15–314. The assertion that the state law helps to avoid hearings to determine qualifications of competing applicants does not justify the invidious and arbitrary discrimination it imposes on women. Hear-

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Footnotes at end of article.

ings will still be required not only to determine basic qualifications but also whenever the competing applicants are all male or all female. The discrimination is applied only against women when a male applicant seeks appointment. The asserted justification for the statute is thus so much more tenuous than many other justifications for invidious discrimination heretofore rejected by this Court as to be really fictional. It is plain that it would not be accepted if the statute had involved priority as between white and Negro applicants. It should not be accepted here where the necessary and rational relationship between the distinction (sex or race) and the permissible statutory objective is equally lacking.

The Idaho court's assumption that women are less qualified than men to act as administrator is inconsistent with the principle that constitutional rights must be protected for each person rather than averaged between groups. In addition, its assumption is contradicted by Census data showing that women are not so inferior in education, business experience, participation in civic matters, and talent. Furthermore, none of the precedents cited by the Idaho court support the constitutionality of the sex discrimination in sec. 15-314.

There, the decision below should be reversed, so that the probate court can determine which of the applicants "is best qualified to serve as administrator or administratrix of the estate."

ARGUMENT I. A WOMAN IS A "PERSON" ENTITLED TO EQUAL PROTECTION OF THE LAWS AGAINST INVIDIOUS DISCRIMINATION BASED ON SEX

We start with the truism that a woman is a "person" within the protection of the 14th Amendment. That Amendment forbids any State to "deny to any person . . . the equal protection of the laws," which, as this Court pithily put it 85 years ago, "is a pledge of the protection of equal laws." *Yick Wo* v. *Hopkins*, 118 U.S. 356, 369 (1886). This Court has recognized the applicability of the Equal Protection Clause to a woman in various types of cases not specifically involving sex discrimination. *E.g.*, cases involving racial discrimination: *Sipuel* v. *Board of Regents*, 332 U.S. 631 (1948) (Negro woman); *Brown* v. *Board of Education*, 347 U.S. 497 (1954) (Negro girl); *Adickes* v. *Kress Co.*, 398 U.S. 144 (1970) (white woman with Negroes); and even discriminatory state taxation: *Hillsborough* v. *Cromwell*, 326 U.S. 620 (1946) (wealthy Doris Duke Cromwell). But there has been far less recognition that invidious sex discrimination also violates the Equal Protection Clause.

A. A sex characteristic is rarely a proper basis for legislative distinctions. There must in addition, be a necessary and material relation between the legislative distinction and the legitimate objective of the legislation.

We agree, of course, that sex is a significant and fundamental difference between men and women. However, that difference does not provide a valid basis for making legal distinctions between men and women if the legal distinctions are not directly and materially related to the physical characteristics unique to one sex. Thus, a law relating to wet nurses, or regulating or restricting the donation of sperm, or concerning the provision of obstetrical services or voluntary maternity benefits, or punishing forcible rape, or imposing paternity responsibilities, or regulating certain homosexual acts, or permitting employers to discriminate on the basis of sex when they employ persons to model male, or female, clothing—would not violate the Equal Protection Clause simply because the law relates to one sex. This is because that law relates to a characteristic that is unique to one sex.

Where the law makes distinctions that are not based on characteristics obviously unique to one sex, however, the Equal Protection Clause demands that the government justify the distinction as having a necessary relationship to a valid legislative objective. The relationship must be necessary, not simply conceivably possible. Indeed, even if a particular characteristic or activity is found more often, *but not always*, in one sex, to treat all members of that sex differently than all members of the other sex would violate the Equal Protection Clause.

The emphasis upon sex alone as the basis for the legal distinction ignores the fact that the characteristics or activity being legislated on are the same despite the sex of the individuals, and applies a sex distinction to a situation where sex is irrelevant to the legitimate purpose of the legislation. This is precisely what happens in a racial discriminatory law—race is made the basis for the distinction in treatment despite the fact that the activity being legislated on is the same for persons of all races. In such cases, this Court has not hesitated to strike down such laws because the distinction (race) has had no national bearing on that activity.

The guarantee of Equal Protection against invidious discrimination of race, or sex, rests upon a principle which was articulated with great precision by the Equal Employment Opportunity Commission in its regulations on sex discrimination in employment under Title VII of the Civil Rights Act of 1964 (29 Code of Fed. Reg. 1601.1(a)(ii): "The principle of non-discrimination requires that individuals be considered on the basis of individual capacities and not on the basis of any characteristics generally attributed to the group." See *Weeks v. Southern Bell Tel. & Tel. Co.*, 408 F. 2d 228, 234-236 (C.A. 5, 1969); *Bowe v. Colgate-Palmolive Co.*, 416 F. 2d 711, 717-718 (C.A. 7, 1969).

The fact that there are many sex-based distinctions in American laws, customs and practices does not mean that biologic differences between the sexes give *carte blanche* constitutional immunity to every governmentally-imposed sex discrimination. On the contrary, a law with sex-based distinctions—which disregard individual abilities and capacities and are not rationally related to the factor of sex—results in the invidious discrimination which is condemned by the 14th Amendment's guarantee of "Equal Protection of the Laws."

The crux of this case is that although Idaho may constitutionally regulate the appointment of administrators of estates, it may not make a distinction between men and women which is not rationally related to the duties or functions of an administrator.

The 14th Amendment prohibits the State from making arbitrary and unreasonable classifications in connection with an activity the State may otherwise regulate.

This Court has often ruled that the "ultimate test of validity" of a classification is whether it has a fair and substantial relation to the object which the legislature seeks to accomplish—whether the statute has a rational basis—"whether the differences . . . are pertinent to the subject with respect to which the classification is made." *Asbury Hospital* v. *Cass County*, 326 U.S. 207, 214 (1945); *Metropolitan Casualty Ins. Co.* v. *Brownell*, 294 U.S. 580, 583 (1935); *McLaughlin* v. *Florida*, 379 U.S. 184 (1964); *Rinaldi* v. *Yeager*, 384 U.S. 304, 308-309 (1966); *Baxtrom* v. *Herold*, 383 U.S. 107, 111, 115 (1966). When a law singles out a distinct class of persons "for different treatment not based on some reasonable classification, the guarantees of the Constitution have been violated." *Hernandez* v. *Texas*, 347 U.S. 475, 478 (1954).

More than 70 years ago, this Court emphasized, in *Gulf, C. & S. F. Ry. Co.* v. *Ellis*, 165 U.S. 150, 155 (1897), that a classification "must always rest upon some difference which bears a reasonable and just relation to the act in respect to which the classification is proposed, and can never be made arbitrarily and without any such basis." And this Court admonished that "arbitrary selection can never be justified by calling it classification." (*Ibid.* at 159). In order to be valid under the Equal Protection Clause "a statutory discrimination must be based on differences that are reasonably related to the purposes of the Act in which it is found." *Morey* v. *Doud*, 354 U.S. 457, 465 (1957); *Smith* v. *Cahoon*, 283 U.S. 553, 567 (1931). ". . . the classification must be reasonable, not arbitrary, and must rest upon some ground of difference having a fair and substantial relation to the object of the legislation, so that all persons similarly circumstanced shall be treated alike." *Royster Guano Co.* v. *Virginia*, 253 U.S. 412, 415 (1920).

This Court has repeatedly ruled that where a statutory classification adversely affects the rights of a person, the "classification which might invade or restrain them must be closely scrutinized and carefully confined," *Harper v. Virginia Bd. of Elections*, 383 U.S. 663, 670 (1966), and that the State must carry the burden of proving that the classification is rationally related to the objective of the statute. *Griswold v. Connecticut*, 381 U.S. 479, 484 (1965); *Bates v. Little Rock*, 361 U.S. 516, 524-527 (1960); *McLaughlin v. Florida*, 379 U.S. 184, 192 (1964); *Shelton v. Tucker*, 364 U.S. 479, 489 (1961). The State does not carry that burden by simply "a showing of equal application among the members of the class defined by the legislation;" in addition, "courts must reach and determine the question whether the classifications drawn in a statute are reasonable in light of its purpose." *McLaughlin v. Florida*, 379 U.S. 184, 191 (1964); *Carrington v. Rash*, 380 U.S. 89, 93 (1965). In making such determination, this Court has applied the severe standard of "necessary" to a statute which "trenches upon the constitutionally protected freedom from invidious official discrimination based on race. Such a law, even though enacted pursuant to a valid state interest, bears a heavy burden of justification, as we have said, and will be upheld *only if it is necessary, and not merely rationally related*, to the accomplishment of a permissible state policy." *McLaughlin v. Florida, supra*, at 196. (Emphasis supplied).

B. Sex and race discrimination are greatly similar and deserve similar constitutional treatment.

Most of the sex distinctions now present in many statutes are as irrelevant to the legislative purpose of the statute as were the governmental racial distinctions which this Court held unconstitutional in the past two decades.[5]

There is great similarity between racial and sex discriminatory statutes. Each type generally reflects the ancient canards about the "inferiority" of women and Negroes (or oriental, or other proscribed race). See, e.g., Gunnar Myrdal, *An American Dilemma*, Appendix 5, pp. 1073-1078 (1944); H. M. Hacker, "Women as a Minority Group," 30 Social Forces 60 (Oct. 1951) (reprints available from U.S. Women's Bureau). Both women and racial minorities are "easily identifiable groups which have at times required the aid of the courts in securing equal treatment under the laws." *Hernandez v. Texas*, 347 U.S. 475, 478 (1954). Both are grossly underrepresented in Federal, State and local formal decision-making processes. Thus, both are easy targets of both public and private discrimination. Secondly, the history of both women and racial minorities has been marked by unduly slow progress toward legal and political equality, often the face of considerable resistance from the dominant group. Thirdly, the resulting legal distinctions have

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Footnotes at end of article.

prolonged the inferiority status of both groups and, in fact, have reinforced it.

The special significance of both racial and sex discrimination imposed by law is that each is based on a status which was thrust upon the person without his or her volition and which he or she is powerless to change. It is fundamentally unfair, and therefore unjustifiable under the Equal Protection Clause, to impose a discrimination upon a person solely because of his or her inherited characteristics such as race, color, national ancestry or sex, unless there is a necessary, substantial and rational relationship between such a distinction and the legitimate purpose of the statute.

The long course of race litigation has rendered the courts sensitive to the fact that race generally lacks such necessary and rational relationship and hence is an invalid statutory distinction. *Ray v. Blair,* 343 U.S. 214, 226, footnote 14 (1952) (". . . a requirement of color, as we have pointed out before, is not reasonably related to any legitimate legislative objective."); *Loving v. Virginia,* 388 U.S. 1 (1967).

The principle, however, is not limited to race. For example, the same principle has been applied to the status of illegitimate birth where the statute "created an insurmountable barrier" which prevented the child from suing for the death of the mother. *Levy v. Louisiana,* 391 U.S. 68 (1968); *cf. Labine* v. *Vincent,* 401 U.S. 532 (No. 5257, March 29, 1971) (upholding a statute denying an illegitimate child inheritance rights in the father's estate because the father, who had opportunity to do so, had not legitimated the child as required by state law). Another example of the same principle is *Robinson v. California,* 370 U.S. 660 (1962 which held that punishing a person solely because of his involuntary status, i.e., illness, is cruel and unusual punishment violating the 8th and 14th Amendments.

It is this principle—that it is fundamentally unfair to legislate against a person solely because of his or her birth—which underlies the doctrine that "legal restrictions which curtail the civil rights of a single racial group" are "constitutionally suspect", *Bolling v. Sharpe,* 347 U.S. 497, 499 (1954), and are subjected to "the most rigid scrutiny". *Korematsu v. United States,* 323 U.S. 214, 216 (1944); *Takahashi v. Fish & Game Comm.,* 334 U.S. 410, 420 (1948).

Because sex and race discrimination are so similarly based and motivated, they deserve similar constitutional scrutiny and treatment. *Cf. Skinner v. Oklahoma,* 316 U.S. 535, 541 (1942) (invalidating sterilization statute because it "made as invidious a discrimination as if it had selected a particular race or nationality for oppressive treatment.")

C. There is growing judicial recognition that sex discrimination imposed by law is unconstitutional.

Lack of systematic study of sex-based discriminations is perhaps the principal reason why the courts have been less vigorous in recognizing that irrational governmentally-imposed discrimination is as great an evil, and as unconstitutional, when it is sex-based as when it is race-based. It is only since the mid-sixties that the nation has begun to examine the extent of sex discrimination in our laws and practices and its grievous impact upon the rights and welfare of people (principally women, and in some instances men).[6]

Nevertheless, there is already a considerable body of judicial decisions invalidating various forms of sex discrimination on the ground that the Equal Protection Clause is violated by:

A statute requiring that women convicted of crime be sentenced to longer term than men convicted of the same crime: *Commonwealth v. Daniel,* 430 Pa. 642, 243 A.2d 400 (1968); *United States ex rel. Robinson v. York,* 281 F. Supp. 8 (D.C. Conn. 1968) (adults); *United States ex rel. Sumrell v. York,* 288 F. Supp. 955 (D.C. Conn. 1968) (minors); *Liberti v. York,* 28 Conn. Sup. 9, 246 A.2d 106 (1968).

A statute requiring imprisonment of women in penitentiaries for a crime that would put a man into only a local county jail: *Commonwealth v. Stauffer,* 214 Pa. Super. 113, 251 A.2d 718 (1969).

A statute punishing women, but not men, for engaging in the same immoral conduct: *City of Portland v. Sherrill,* No. M–47623, Circ. Ct. Multnomah County, Ore. (Jan. 9, 1967).

A statute barring women from serving on state juries: *White v. Crook,* 251 F. Supp. 401, 408 (D.C. Ala. 1966).

The refusal by a licensed tavern owner to admit women patrons: *Seidenberg v. Old McSorleys' Ale House,* 308 F. Supp, 1253, 1260 (D.C. N.Y. 1969); *Ibid.,* 317 F. Supp. 593 (1970).

A statute barring women police officers from taking exam for promotion to police sergeant: *Shpritzer* v. *Lang,* 17 App. Div. 2d 869, 234 N.Y. Supp. 2d 285, 291 (1962), *aff'd.* 13 N.Y. 2d 744, 241 N.Y. Supp. 2d 869, 191 N.E. 2d 919 (1963).

A statute imposing inheritance taxes on property when devised by husband to wife, but not when devised by wife to husband: *In Re Estate of Legatos,* 1 Calif. App. 3d. 657, 81 Calif. Rptr. 910 (1969).

Judicial refusal to recognize a woman's right to sue, as a man may, for loss of consortium resulting from tortious injury to the spouse: *Owen* v. *Illinois Baking Co.,* 260 F. Supp. 820, 822 (D.C. Mich. 1966); *Karczewski* v. *Baltimore & Ohio R.R. Co.,* 274 F. Supp. 169 (D.C. N.D. Ill. 1967); *Millington* v. *Southeastern Elevator Co.,* 22 N.Y. 2d 498, 239 N.E. 2d 897 (1968); *Cf. Miskunas* v. *Union Carbide Corp.,* 399 F. 2d 847, 850 (C.A. 7, 1968), *contra, cert. den.* 393 U.S. 1066 (1969).

The refusal by the University of Virginia to admit women as students: *Kirstein* v. *Rector and Visitors of University of Virginia,* 309 F. Supp. 184 (D.C. Va. 1970); *Cf. Williams* v. *McNair,* 316 F. Supp. 134 (D.C. S. Car. 1970), aff'd. 40 U.S. 951 (No. 1133, O.T. 1970, March 8, 1971) (upheld South Carolina statute limiting its Winthrop College to women students).

Although there have been a number of earlier decisions by this Court which rejected 14th Amendment challenges to certain forms of sex discrimination, none of them justifies the invidious discrimination perpetrated by section 15–314, Idaho Code.

For example, *Bradwell* v. *State,* 16 Wall. (83 U.S.) 130 (1873) and *In re Lockwood,* 154 U.S. 116 (1894) held that States may deny women the right to practice law, and *Minor* v. *Happersett,* 21 Wall. (88 U.S.) 162 (1874) upheld a Missouri statute restricting voting to male citizens. This Court's opinions in those cases discussed only the Privileges and Immunities clause. But if the challenge had been based on the Equal Protection Clause it would have fared no better, in view of the philosophy so plainly expressed by Justice Bradley, Field and Swayne in the *Bradwell* case (p. 141) as follows:

". . . the civil law, as well as nature herself, has always recognized a wide difference in the respective spheres and destinies of man and woman. . . . The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life. The constitution of the family organization, which is founded in the divine ordinance, as well as in the nature of things, indicates the domestic sphere as that which properly belongs to the domain and functions of womanhood. . . . The paramount destiny and mission of woman are to fulfill the noble and benign offices of wife and mother. This is the law of the Creator."[7]

Decisions like *Bradwell, Lockwood,* and *Minor* would certainly not be repeated today. When this Court on February 23, 1971, prevented Arizona from denying to Mrs. Sara Baird, a person with the requisite qualifications of legal learning and moral character, the right to practice law (*Baird* v. *State Bar of Arizona,* 401 U.S. 1, No. 15), this Court cited *Schware* v. *Board of Bar Examiners,* 353 U.S. 232, 238–239 (1957) which held that the Equal Protection clause protects such right. See also *Konigsberg* v. *State Bar of California,* 353 U.S. 252, 262 (1957). And in *Gray* v. *Saunders,* 372 U.S. 368, 379 (1963), this Court stated that the Equal Protection Clause requires equality in voting rights as between men and women and forbids a State from giving greater weight to votes by men than to votes by women.

Another example of an earlier decision which, we believe, would not be repeated today is *Gosselin* v. *Kelley,* 328 U.S. 817 (1946). It "dismissed for want of a substantial Federal question" an appeal from *Ex parte Gosselin,* 141 Me. 412, 44 A. 2d 882 (1945) wherein the Maine Supreme Court upheld a state statute authorizing imprisonment for 3 years of a woman convicted of a misdemeanor (intoxication in a public place), whereas the maximum term for a man convicted of the same crime would not have exceeded 2 years.[8] Compare the *Daniel, Robinson, Sumrall, Liberti, Stauffer,* and *Sherrill* decisions cited above.

Section 15–314, Idaho Code, can get no comfort from this Court's decisions upholding statutes prohibiting employers from employing women for more than a certain number of hours per day,[9] or for night work,[10] or in certain occupations.[11] Most of these decisions were based on the supposition that the different treament prescribed for women would be beneficial to them. Now, however, there is widespread belief that those laws and decisions were based on erroneous assumptions and therefore resulted in invidious discrimination. Murray and Eastwood, "Jane Crow and the Law: Sex Discrimination and Title VII," 34 *Geo. Washington L. Rev.* 232 (Dec. 1965); Hearings, Equal Employment Opportunity Commission (May 2 and 3, 1967); Hearings on Equal Rights Amendment cited in ftnt. 6 *supra; Mengelkoch v. Industrial Welfare Comm.,* F.2d , 39 U.S. Law Week 2419 (C.A. 9, Jan. 11, 1971) (Advance Sheets, 437 F. 2d 563).

In any event, none of this Court's decisions has expressly postulated that sex *per se* is a sufficient basis for legislative classification treating women differently, or more restrictively, than men.[12] Rather, the opinions in those cases went to considerable lengths to define the pertinancies of the classifications to valid and reasonable objectives which the legislatures sought to accomplish. They were based on findings or assumptions that there then was, in fact, such rational and pertinent relationship and therefore that the statute comported with the standards by which legislative classifications must be measured and tested under the Equal Protection Clause. No reasonable and rational relationship exists between the sex classification and any valid legislative objective concerning the appointment of the administrator for an estate.

II.

Section 15–314, Idaho Code, perpetuates an invidious and unjustifiable discrimination against women, solely because of their sex, and therefore is invalid under the equal protection clause.

The Idaho Supreme Court, acknowledging that the 14th Amendment "prohibits classifications which are arbitrary and capricious' (465 P.2d at 637), sought to justify the sex distinction in section 15–314 on three grounds. None of them has merit.

A. The argument that the sex classification in section 15–314 serves the purpose of avoiding hearings to determine qualifications

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Footnotes at end of article.

of competing applicants for appointment as administrator does not justify the invidious and arbitrary discrimination it perpetrates against women.

The Idaho court pointed out (a) that section 15–312, which classifies the persons entitled to appointment as administrator, is a rational classification because it is based generally on "their relationship to a decedent" and is "in accord with the law as to the intestate succession of property in Idaho";[13] and (b) that since the court generally appoints only one administrator, "the court is faced with the issue of which one should be named." (465 P.2d at 637–38). The court then stated:

". . . By I.C. section 15–314, the legislature eliminated two areas of controversy, *i.e.*, if both a man and a woman of the same class seek letters of administration, the male would be entitled over the female, the same as a relative of the whole blood is entitled over a relative of the same class but of only the half blood. This provision of the statute is neither an illogical nor arbitrary method devised by the legislature to resolve an issue that would otherwise require a hearing as to the relative merits as to which of the two or more petitioning relatives should be appointed.

"Philosophically it can be argued with some degree of logic that the provisions of I.C. section 15–314 do discriminate against women on the basis of sex. However nature itself has established the distinction and this statute is not designed to discriminate, but is only designed to alleviate the problem of holding hearings by the court to determine eligibility to administer. This is one of those areas where a choice must be made and the legislature by enacting I.C. section 15–314 made the determination.

"The legislature when it enacted this statute evidently concluded that in general men are better qualified to act as an administrator than are women. . . ."

The foregoing rationale not only misapprehends the issue, but is also quite misleading. The fact that the court must make a choice between competing applicants for appointment as administrator, does not *ipso facto* authorize making that choice by an arbitrary and discriminatory classification.

Furthermore, the sex discriminatory classification made in section 15–314 does not go very far "to alleviate the problem of holding hearings by the court to determine eligibility to administer." *First*, the court must in every case make the determinations required under section 15–317, Idaho Code, which provides:

"15–317. *Disqualifications.*—No person is competent to serve as administrator or administratrix who is:

"1. Not a bona fide resident of the state;

2. Under the age of majority;

3. Convicted of an infamous crime;

4. Adjudged by the court incompetent to execute the duties of the trust by reason of drunkenness, improvidence or want of understanding or integrity."

Second, whenever petitions for appointment are filed by two or more persons of the same class, each of whom meets the competency requirements of section 15–317, and they are either all male, or all female, the court must determine which petitioner is better qualified for appointment. Such determinations will in most cases require "holding hearings by the court." The only instance in which the "problem of holding hearings" is "alleviated" by section 15–314 is where all applicants are clearly competent and female applicants are competing with male applicants. It is apparent that the objective of avoiding hearings which is supposedly sought by section 15–314 is a highly fictional objective, except where its effect is to discriminate against women on the basis of sex. Thus, the discrimination "is defined wholly in terms" of sex—"simply that and nothing more." *Shelley* v. *Kraemer*, 334 U.S. 1, 10 (1948).

Even if the supposed objective of avoiding hearings provides "some remote administrative benefit to the State," *Carrington v. Rash*, 380 U.S. 89, 96 (1965), such "benefit" does not justify the invidious discrimination it inflicts on women without regard to their qualifications to administer an estate. That supposed objective, indeed, is much more tenuous and farfetched than most of the various kinds of legislative justifications that have been often urged by those defending racially discriminatory statutes and uniformly rejected by this Court. For example:

Oyama v. California, 332 U.S. 633 (1948). The state statute created the presumption that a conveyance of land, financed by an alien father whose Japanese ancestry made him ineligible to hold it and recorded in the name of his citizen son, violates the state law prohibiting ownership of land by aliens. This Court held that such presumption, applicable only to conveyances by persons of Japanese ancestry, violates the Equal Protection Clause despite the asserted need to prevent evasion of State law concerning alien ownership of land.

Takahaski v. Fish and Game Comm., 334 U.S. 410 (1948). The State statute barred resident aliens of Japanese ancestry, but not other aliens, from working as commercial fishermen. This Court held the statute violates the Equal Protection Clause despite the asserted needs to conserve fish in coastal waters and to protect State citizens engaged in commercial fishing from the competition of Japanese aliens.

Buchanan v. Warley, 245 U.S. 60, 81 (1917). The racial zoning statute violated the Equal Protection Clause despite the asserted need to maintain "purity of the races" and "preservation of the public peace."

Shelton v. Tucker, 364 U.S. 479 (1960). A statute requiring teachers to file annual affidavits listing all organizational associations violated the 14th Amendment despite the State's asserted need to inquire into the fitness and competency of state employees.

McLaughlin v. Florida, 379 U.S. 184, 193 (1964). The statute forbidding unmarried interracial couples, but not couples of the same race, from occupying the same room at night violated the Equal Protection Clause despite the State's asserted need to control illicit extramarital and premarital promiscuity.

In 1968, this Court ruled that a Louisiana statute which denied a civil cause of action to illegitimate children for the wrongful death of their mother (*Levy v. Louisiana*, 391 U.S. 68), and to a mother for the wrongful death of her illegitimate children (*Glona v. American Guarantee Co.*, 391 U.S. 73), while allowing such cause of action when the children are legitimate, creates invidious and irrational discrimination which violates the Equal Protection Clause. In both cases, this Court rejected the argument that the statute can be justified on the State's purpose to "discourage bringing children into the world out of wedlock" and thus prevent "sin." (at pp. 70 and 75).

It has been the consistent practice of this Court, particularly where a statute restricts or discriminates against a person's constitutional rights rather than simply applying to business classifications, to "weigh the circumstances and . . . appraise the substantiality of the reasons advanced in support of the" restriction or discrimination. *Schneider v. State*, 308 U.S. 147, 161 (1939); *Thornhill v. Alabama*, 310 U.S. 88, 96 (1940). On such weighing and appraisal, it is plain that the alleged purpose of avoiding a hearing to determine whether a man or a woman is more qualified to administer an estate does not justify the discrimination against women that is perpetrated by section **15–314**, Idaho Code. Could anyone suppose, if section 15–314 had given priority of appointment as administrator to white persons over Negroes, that this Court would uphold the statute because it alleviates the problem of holding hearings to determine their respective qualifications as administrator?

B. The legislative determination that women are less qualified than men to act as administrators is constitutionally insufficient to justify section 15–314.

The Idaho court's statement—that the legislature "evidently concluded that in general men are better qualified to act as an administrator than are women"—instead of shielding the statute against the withering condemnation of the 14th Amendment, simply lays bare the statute's fatal weakness as an "arbitrary and invidious" discrimination which necessarily violates the Equal Protection Clause. This Court has uniformly and repeatedly held that the right to be free from irrational governmentally-imposed discrimination is a "personal" right, not one to be merged with those of all others of the same class and balanced against the claims of those in a different group, where the differences between the groups are not rationally related to the statutory objective. *Henderson v. United States*, 339 U.S. 816, 825–826 (1950); *Shelley v. Kraemer*, 334 U.S. 1, 22 (1948); *Mitchell v. United States*, 313 U.S. 80, 97 (1941); *Buchanan v. Warley*, 245 U.S. 60, 80 (1917); *McCabe v. Atchison, T. & S. F. Ry. Co.*, 235 U.S. 151, 161–162 (1914); *Missouri ex rel. Gaines v. Canada*, 305 U.S. 337, 351 (1938).

Can there be any doubt that this Court would summarily strike down this statute if it had given priority to white persons over Negro persons, even though it is still probable that this country has more white persons than Negroes qualified to act as administrators of estates?

The Idaho Supreme Court admitted that classifying all men as "better qualified to act as an administrator than are [all] women" "may not be entirely accurate, and there are doubtless particular instances in which it is incorrect, [but] we are not prepared to say that it is so completely without a basis in fact as to be irrational and arbitrary." 465 P.2d at 638. That approach to the constitutional guarantee of Equal Protection is a total distortion of the policy manifested in the 14th Amendment. It lumps all women into an inferior class, and deprives them of equality of rights whenever there is competition from a man, notwithstanding the fact that the particular woman who applies for appointment as administrator may be better qualified, and notwithstanding the fact that her sex has absolutely nothing to do with her ability to administer the estate.

Indeed, the Idaho court's rationalization that sec. 15–314 reflects the legislature's concern about who is "better qualified" is simply a fictional after-thought to avoid the searing scrutiny of the Equal Protection clause. *First*, sec. 15–314 does not disqualify a woman when she alone, or other women too, petition for appointment as administratrix. It is only when a male appears that the Idaho court talks about who is "better qualified"—and then it refuses to ascertain whether the particular woman or the particular man applying for appointment is in fact "better qualified". *Second*, sec. 15–312 (to which sec. 15–314 is essentially an appendage) establishes preference classes based on family relationships that are in no way relevant to "qualifications" to administer an estate. *E.g.*, a barely qualified brother or grandchild would be preferred to a highly qualified cousin or creditor. Thus, the whole statutory structure is based on status (and sex discrimination), not legislative concern about who is "better qualified."

But the Idaho Court's statement is not even factually accurate. It is not true that all men, or even most men, are better qualified than women to act as administrator, or that there are only "particular instances" in which women are equally, or better, qualified.

For example, the following data from the *Statistical Abstract of the United States 1970* (91st ed., U.S. Census Bureau) shows that women in this country (and in Idaho) are not as inferior in ability as the Idaho statute assumes:

UNITED STATES

	Citation		Date of data	Men	Women
	Table	Page			
Persons in civilian labor force, 16 years and over	316	213	April 1970	50, 667, 000	31, 960, 000
Percentage of their sex	316	213	do	75. 4	43.2
Median school years completed by persons 25 years and over	157	109	1969	12. 1	12. 1
Bachelors and first professional degrees conferred in 1968	198	131	1968	392, 830	278, 761
Voters in 1968 elections	555	368	1968	38, 014, 000	40, 951, 000
Owners of publicly issued common and preferred stock	684	456	1970	15, 689, 000	15, 161, 000
Persons having $60,000 or more gross assets	509, 510	333	1962	2, 538, 643	1, 594, 564
Federal employees in occupation of:					
Accounting and budget	599	400	1969	59, 618	54, 803
Legal and kindred				24, 234	21, 302

IDAHO

	Citation		Date of data	Men	Women
	Table	Page			
Public high school graduates in 1969	186	125	1969	5, 924	5, 863
Students enrolled in higher education in Idaho	196	129	1969	16, 939	10, 850

In April, 1970, 4,431,000 women worked in professional and technical jobs and 1,301,000 as managers, officials and proprietors (T. 334, p. 225). In 1969, there were 39,506 women on active military duty, of whom 13,183 held officer rank (T. 386, p. 257). In 1968, there were 27,833 women scientists on the National Register of Scientific and Technical Personnel (T. 808, p. 525).

C. The judicial precedents on sex discrimination cited by the Idaho court do not constitutionally justify the discrimination in section 15-314.

The Idaho court cited an anonymous law review Note and seven state court opinions as precedent for the validity of classifications "discriminating on the basis of sex." None of these supports the constitutionality of section 15-314.

(1) *Note,* 2 Stanford L. Rev. 691 (1950) ("Sex Discrimination and the Constitution"). As the Idaho court correctly stated this Note showed that States have upheld governmental classifications based on sex in a variety of situations. But the court does not mention that the Note pointed out (a) that the Equal Protection Clause requires the state to give equal treatment to all persons unless it has a reasonable basis for differentiation; (b) that to be constitutionally valid a sex-based legislative differentiation must be rationally related to matters in which the sex of the individual is a material factor; and (c) that many sex classifications are invalid (e.g., the Note emphasized, at pp. 724-725, that a sex classification limiting jury service to men "seems as arbitrary as one based on race" since neither sex nor race "has any conceivable connection with the jury function.")

(2) *Craig v. Lane,* 60 Ida. 178, 89 P.2d 1008 (1939).—This case is a striking example of how sex discrimination produced a shocking injustice. Mrs. Craig, a married woman, signed a surety bond to support her son's appeal in his law suit against Lane. Lane moved to dismiss the appeal on the ground that a married woman could not sign a surety agreement except one solely for her benefit or in connection with her separate property. Despite Mrs. Craig's affidavit that the bond was for her benefit and that she intended to be bound thereby, the Idaho court ruled that the bond was defective and dismissed the son's appeal. The court stressed that at "common law a married woman had no right to contract generally," and ruled (at p. 1009) that the Federal constitution "gave a married woman no rights in addition to those she had at the time of its adoption," citing *Minor v. Happersett,* 21 Wall. 162, which held that the 14th Amendment did not entitle women to vote. Thus, in the name of "protection of a married woman's separate property", the court simultaneously denied the woman the right to help her son, and destroyed his right of appeal in a litigated case. The decision is clearly erroneous in holding that married women have no constitutional rights. But even if it were correct as to married women it is no precedent for the sex discrimination in section 15-314, which does not involve the status of marriage. *Cf.* Idaho Code, section 15-317, which allows a married woman to be an administratrix.

(3) *State v. Hunter,* 208 Ore. 282 300 P.2d 455 (1956)—This case upheld the conviction of a woman for violating a state statute prohibiting women (but not men) from "participating in wrestling competition and exhibition". The court did not seek to examine whether there was a factual and rational basis to forbid this activity by women only. Instead, it ruled (p. 457): "It is axiomatic that the Fourteenth Amendment to the U.S. Constitution does not protect those liberties which civilized states regard as properly subject to regulation by penal law." Such negation of the 14th Amendment simply disregarded this Court's numerous decisions applying the Equal Protection Clause (not to mention the Due Process Clause) to penal laws. *McLaughlin* v. *Florida,* 379 U.S. 184 (1964); *Loving v. Virginia,* 388 U.S. 1 (1967). Indeed, the Oregon court's blindness to sex discrimination is revealed by its cavalier statement, after noting that the legislature which enacted the statute was "predominantly masculine": "Obviously it intended that there should be at least one island on the sea of life reserved for man that would be impregnable to the assault of woman." (at pp. 457-458).

(4) *Patterson v. City of Dallas,* 355 S.W. 2d 838 (Tex. Civ. App. 1962) involved an ordinance prohibiting any person from administering massage to a person of the opposite sex in a massage establishment, but exempted chiropracters, physical therapists and nurses operating under a doctor's direction. On the basis of evidence that there had been many lewd acts committed by operators of massage parlors, and that the ordinance was enacted to curb that evil and contained appropriate exceptions for massages for medical purposes, the court upheld the ordinance as a reasonable effort to protect public health and morals. The ordinance applied to both men and women alike, and was based on a rational relationship to a legitimate legislative objective. Hence, it in no way supports the irrelevant sex discrimination perpetrated in section 15-314.

(5) In *State v. Hollman,* 232 S. Car. 489, 102 S.E. 2d 873 (1958), a man convicted of criminal assault contended on appeal that women had been excluded from the petit jury. The court held (p. 878) that the point "not having been argued on appeal" is "deemed abandoned," and that it was "devoid of merit" because the exclusion of women from the jury" does not violate the Fourteenth Amendment." The latter dictum is certainly not good law today. See *White v. Crook,* 251 F. Supp. 401, 408 (D.C. Ala. 1966).

(6) *Eskridge v. Dv. of Alcoholic Bev. Control,* 30 N.J. Super. 472, 105 A.2d 6 (1954) upheld the conviction of a bartender for violating an ordinance prohibiting service of liquor to women over a bar except when said seated at tables. The court held (p. 8) that the state's power over sale of intoxicating beverages "is plenary. 'It is a subject by itself, to the treatment of which all the analogies of the law appropriate to other topics cannot be applied.'" However, the Idaho Supreme Court cited the *Eskridge* decision without mentioning that fifteen years later the New Jersey courts virtually overturned it, holding that such ordinance is "an unreasonable exercise of the police power" and therefore could not validly "limit the rights women." *Galegher v. City of Bayonne,* 106 N.J. Super. 401, 256 A. 2d 61, 62-63 (1969), *aff'd per curiam,* 55 N.J. 159, 259 A. 2d 912 (1969); see also *Paterson Tavern & Grill Owners Assn. v. Borough of Hawthorne,* ftnt. 11, *supra.* In any event, even if we assume that the regulation of liquor sales is unrestricted by constitutional limitations of equal protection (*Cf. Goesaert v. Cleary, supra,* and *Seidenberg v. Old McSorleys' Ale House, supra*) it is plain that the *Eskridge* case in no way supports sex discrimination in appointing the administrator of an estate.

(7) *State v. Emery,* 224 N. Car. 581, 31 S.E. 2d 858 (1944). This decision (2 judges dissenting) upset a man's conviction by a jury composed of 10 men and 2 women, on the ground that the state constitution referred to juries of "good and lawful men" and thus made women ineligible for jury service. This decision would not be good law today. *White v. Crook, supra,* p. 14.

(8) *In re Mahaffay's Estate,* 79 Mont. 10, 254 Pac. 875 (1927). This decision ruled that a State statute limiting the power of a married woman to dispose by will of more than ⅔ of her estate without her husband's consent was neither superseded by the married women's statutes nor invalidated by the 14th Amendment, even though the husband could make such a testamentary disposition without his wife's consent. The court held (a) that the legislature has unlimited power to condition the right of testamentary disposiion and (b) that the "essential differences which have always been recognized between a married man and a married woman" in connection with disposition of property have been "so long acquiesced in . . . that we must presume it is based upon such substantial difference and conditions as to make it natural and reasonable." (pp. 878–879). As to holding (a), compare *In re Estate of Legatos,* p. 14, *supra.* As to holding (b) ("it-has-always-been-that-way"), this Court stated in *Levy v. Louisiana,* 391 U.S. 68, 71 (1968): "However that might be, we have been extremely sensitive to basic civil rights . . . and have not hesitated to strike down an invidious classification even though it had history and tradition on its side. *Brown v. Board of Education,* 347 U.S.; *Harper v. Virginia Board of Elections,* 383 U.S. 663, at 669." See also *Moragne v. State Marine Lines,* 398 U.S. 375 (1970) which overturned an ancient doctrine barring suits under general maritime law for wrongful death caused by violation of maritime duties because it "had little justification except in primitive English legal history" (at p. 379); and *Loving v. Virginia,* 388 U.S. 1 (1967) which held miscegenation laws unconstitutional even though they had been long established, and adhered to with emotional fervor, in at least 30 states.

CONCLUSION

The Idaho Supreme Court's decision in this case simply echoes the obsolete Bradley-Field-Swayne philosophy about the inferiority of women, a philosophy that no longer has vitality under the Equal Protection Clause. The irrational and irrelevant sex discrimination imposed by sections 15–312 and 15–314 is plainly unconstitutional. The decision of the Idaho Supreme Court should be reversed, so that the probate court can determine which of the applicants "is best qualified to serve as administrator or administratrix of the estate."

Respectfully submitted,
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April 14, 1971.

FOOTNOTES

[1] Oliver Wendell Holmes, later a Justice of this Court, perceptively noted, in his classic *The Common Law,* p. 5 (1881):

"A very common phenomenon, and one very familiar to the student of history, is this. The customs, beliefs, or needs of a primitive time establish a rule or a formula. In the course of centuries the custom, belief, or necessity disappears, but the rule remains."

See also Roscoe Pound, "Mechanical Jurisprudence," 8 Colum. L. Rev. 605 (1908).

[2] The continuance of sex discrimination in our legal system and the widely felt need to remedy the resulting injustices have stimulated a national demand for a constitutional amendment declaring that "Equality of rights under the law shall not be denied or abridged by the United States or any State on account of sex." *91st Cong.:* H.J. Res. 264, S.J. Res. 61; *92nd Cong.:* H.J. Res. 208, 231, 35; S.J. Res. 8, 9. The history of the drive for this Amendment reflects dissatisfaction with the slow pace of judicial attack on sex discriminatory laws, not belief that this Court lacks power to do so under the 14th Amendment. See Hearings cited in footnote 6, *infra.*

[3] "Section 15–312. *Priorities in right of administration.*—Administration of the estate of a person dying intestate must be granted to someone or more of the persons hereinafter mentioned, and they are respectively entitled thereto in the following order:

"1. The surviving husband or wife or some competent person whom he or she may request to have appointed.
"2. The children.
"3. The father or mother.
"4. The brothers.
"5. The sisters.
"6. The grandchildren.
"7. The next of kin entitled to share in the distribution of the estate.
"8. Any of the kindred.
"9. The public administrator.
"10. The creditors of such person at the time of death.
"11. Any person legally competent.

"If the decedent was a member of a partnership at the time of his decease, the surviving partner must in no case be appointed administrator of his estate." [Prob. Prac. 1864, section 52; R.S., R.C., & C.L., section 5351; C.S., section 7487; I.C.A., section 15–312; am. 1943, ch. 162, section 1, p. 340.]

[4] "Section 15–314. *Preferences.*—Of several persons claiming and equally entitled to administer, males must be preferred to females, and relatives of the whole to those of the half blood." [Prob. Prac. 1864, section 53; R.S., R.C., & C.L., section 5352; C.S., section 7488; I.C.A.. section 15–314.]

[5] For example, *Oyama v. California,* 332 U.S. 633 (1948) (land ownership by U.S. citizen of Japanese ancestry); *Shelley v. Kraemer,* 334, U.S. 1 (1948) (racial land covenants); *Takahashi v. Fish and Game Commission,* 334 U.S. 410 (1948) (right of persons of Japanese ancestry to work); *Sweatt v. Painter,* 339 U.S. 629 (1950) (exclusion of Negro from law school); *McLaurin v. Oklahoma State Regents,* 399 U.S. 637 (1950) (racial segregation in university classroom); *Brown v. Board of Education,* 347 U.S. 483 (1954) (racial discrimination in public schools); *Reitman v. Mulkey,* 387 U.S. 369 (1967) (racial discrimination in housing).

[6] See, for example, Kanowitz, *Women and the Law* (1969);

American Women, Rept. of President's Commission on the Status of Women, and reports of its seven Committees on: Civil and Political Rights; Education; Federal Employment; Home and Community; Private Employment; Protective Labor Legislation; Social Insurance and Taxes (1963);

Reports, Interdepartmental Committee and Citizens Advisory Council on the Status of Women (1963–64, 1965, 1966, 1963–68);

Reports, National Conferences of Commissions on the Status of Women (1965, 1966, 1968, 1971);

Reports, Task Forces to Citizens Advisory Council on Status of Women on: Family Law and Policy; Health and Welfare; Labor Standards; Social Insurance and Taxes (1968);

A Matter of Simple Justice, Rept., President's Task Force on Women's Rights and Responsibilities (April 1970);

Hearings, *The Equal Rights Amendment,* S.J. Res. 61, 91st Cong., Senate Subcommittee on Constitutional Amendments (May 1970); Hearings, *Discrimination Against Women,* Section 805 of H.R. 16098, 91st Cong., House Special Subcommittee on Education (July 1970); Hearings, *Equal Rights 1970,* S.J. Res. 61 and 231, 91st Cong., Senate Judiciary Committee (Sept. 1970); Hearings, House Judciary Committee, H.J. Res. 208, 231, 35; and H.R. 916, 92nd Cong. (March-April 1971).

[7] The Bradley-Field-Swayne philosophy of sex which dominated the *Bradwell, Lockwood* and *Minor* decisions is, indeed, quite reminiscent of, and essentially the same as, the race philosophy of *Plessy v. Ferguson,* 163 U.S. 537 (1896) which spawned more than 50 years of judicial sanction for race discrimination before it was overruled in the 1950's. This Court said in *Plessy:*

(p. 544): "The object of the [Fourteenth] Amendment was undoubtedly to enforce the absolute equality of the two races before the law, but in the nature of things it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political equality, or a commingling of the two races upon terms unsatisfactory to either."

(p. 544): "Laws permitting, and even requiring, their separation in places where they are liable to be brought into contact do not necessarily imply the inferiority of either race to the other . . . ."

(p. 550): Segregation of white and colored people is "a reasonable regulation' with respect to which the State "is at liberty to act with reference to the established usages, customs and traditions of the people, and with a view to the promotion of their comfort, and the preservation of the public peace and good order."

(p. 551): "The [plaintiff's] argument also assumes that social prejudices may be overcome by legislation, and that equal rights cannot be secured to the Negro except by an enforced commingling of the two races. We cannot accept this proposition. If the two races are to meet upon terms of social equality, it must be the result of natural affinities, a mutual appreciation of each other's merits and a voluntary consent of individuals . . . Legislation is powerless to eradicate racial instincts or to abolish distinctions based on physical differences . . . ."

[8] Maine has since amended its laws, so as to eliminate the disparity of sentences for men and women. Me. R.S., 1964 ed., Title 34, sections 802 and 853, as amended, Me. Pub. Laws, 1967, ch. 391, sections 12 and 18.

[9] *Muller v. Oregon,* 208 U.S. 412 (1908); *Riley v. Massachusetts,* 232 U.S. 671 (1914); *Miller v. Wilson,* 236 U.S. 373 (1915); *Bosley v. McLaughlin,* 236 U.S. 385 (1915).

[10] *Radice v. New York,* 264 U.S. 293 (1924).

[11] *Goesaert v. Cleary,* 355 U.S. 464 (1948). This decision, upholding a statute denying a bartender license to all women except the wife and daughters of the male owner of a liquor shop, rested largely on the unfettered scope long allowed to legislative regulation of liquor sales. Its effect has been weakened or undermined by more recent decisions, changes in laws and practices, and new insights into the invidious effects of sex prejudice and discrimination and their lack of consistency with the constitutional guarantee of "the protection of equal laws." See *Seidenberg v. Old McSorleys' Ale House, supra; Paterson Tavern & Grill Owners Assn. v. Borough of Hawthorne,* 57 N.J. 180, 270 A. 2d 628 (1970); Title VII of Civil Rights Act of 1964 (42 U.S.C. 2000e–2); *McCrimmon v. Daley,* 418 F. 2d 366, 369–371 (C.A. 7, 1969); *Phillips v. Martin Marietta Corp.,* 400 U.S. 542, 39 U.S. Law Week 4160 (Jan. 25, 1971) (holding that sex discrimination in employment is invalid if not rationally related to the factor of sex).

[12] *Muller v. Oregon, supra,* footnote 9, has been often cited for the proposition that "sex *per se* is a valid basis for classification" without regard to the purposes of a particular law or the reasonableness of the relation between that purpose and the sex-based classification. Justice Brewer there said (at pp. 421–422):

[H]istory discloses the fact that woman has always been dependent upon man. He established his control at the outset by superior physical strength, and this control in various forms, with diminishing intensity, has continued to the present. As minors, though not to the same extent, she has been looked upon in the courts as needing especial care that her rights may be preserved.... Though limitations upon personal and contractual rights may be removed by legislation, there is that in her disposition and habits of life which will operate against a full assertion of those rights.... *Differentiated by these matters from the other sex, she is properly placed in a class by herself, and legislation designed for her protection may be sustained, even when like legislation is not necessary for men, and could not be sustained.* It is impossible to close one's eyes to the fact that she still looks to her brother and depends upon him. Even though all restrictions on political, personal, and contractual rights were taken away, and she stood, so far as statutes are concerned, upon an absolutely equal plane with him, it would still be true that she is so constituted that she will rest upon and look to him for protection.... (Emphasis added).

But the *Muller* decision was much narrower than Justice Brewer's words. It upheld the Oregon maximum hours for women only on the basis of its assumption that the law protected women in a situation where the court found no other protection available and believed that the physical differences between men and women was rationally related, at that time, to the purpose of the statute. See Kanowitz, *Women and the Law*, p. 153–154 (1969).

[13] Although the Idaho court's statement, citing Idaho Code section 14–103 governing succession to property, is generally correct, it is surprisingly incorrect insofar as concerns the specific issue of sex discrimination here involved. Section 14–103 place brothers and sisters in the same class for receiving interstate property, as is generally true in most jurisdictions (23 Am. Jur. 2d 793, "Descent and distribution," section 48). But section 15–312 discriminates against sisters by putting brothers in class 4 and sisters in class 5. We believe this discrimination is as unjustifiable, and as unconstitutional, as the discrimination perpetrated by the section (15–314) involved in this appeal.

CHIEF JUSTICE BURGER JOINS IN CALL FOR SPEEDY TRIALS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. MIKVA. Mr. Speaker, a recent article in the Washington Post reported that Chief Justice Burger has joined in the call for speedy trials. Burger said:

> What is desperately needed is to have a few of the serious cases brought on for trial in 60 days after indictment and the appeal disposed of in another 60 days.

Legislation has been introduced in both the House and the Senate which would do just this. My bill, the Pretrial Crime Reduction Act (H.R. 7107) would require Federal courts to try all criminal cases within 120 days after arrest, and 60 days in the case of crimes of violence. On the Senate side, Senator Ervin has introduced S. 895, requiring all trials be commenced within 60 days following arrest.

Recently the Senate Subcommittee on Constitutional Rights held hearings on Senator Ervin's "speedy trial" bill. For the first time, the Justice Department expressed its approval of the concept, though they objected to certain aspects of the Ervin bill.

Perhaps with the support of the Justice Department, the Chief Justice, and the Federal judiciary, Congress can enact legislation which will help cut the present inexcusable delays in our trial courts, and will restore meaning to the constitutional guarantee of speedy and public trials.

I would like at this point to insert in the Record the text of the Washington Post article, and a copy of my testimony before the Senate Subcommittee on Constitutional Rights:

[From the Washington Post, Sept. 11, 1971]

Chief Justice Urges Courts To Set Trial Time Limits

(By Robert C. Maynard)

Chief Justice Warren E. Burger, repeating his oft-stressed theme that the judicial process is taking too long in some serious cases, suggested yesterday specific time limits for trials and appeals.

"What is desperately needed," the chief justice said, "is to have a few of the serious cases brought on for trial in 60 days after indictment and the appeal disposed of in another 60 days."

He declared that such a time structure is possible "with complete and total fairness to both sides" in an address to the Second Circuit Judicial Conference, meeting yesterday at Manchester, Vt.

Burger told the appellate judges that such a time limitation for trials and appeals "ought to be done and it is your responsibility and mine to see that it is done."

"We must re-examine some of the nonessential frills and luxuries of printed briefs and records that we appellate judges have become accustomed to and get on with the substance, which is fair and speedy justice," Burger said.

He added that today's copying devices make printed briefs less essential to the judicial process than they once were.

Burger, who said he is concerned that the public image of justice is being tarnished by lengthy delays, especially in the state courts, told the judicial conference:

"When riots develop in jails as a protest against long delays in trials, or when a notorious case takes 2, 3, 5 or more years to complete, people make judgments. To them, 'courts are courts,' 'jails are jails,' 'delay is delay.'

"And we should not be critical of the news media because they do not emphasize the distinctions between state and federal cases," Burger said. "Even if they did, the readers would not care. They are paying the bills for both and they want results."

What the public thinks, the chief justice said, "becomes the measure of confidence in the courts, and that confidence is indispensable."

Burger said lengthy delays occur in only two per cent of the criminal cases handled in the federal system, but he said these are frequently the "notorious" or the "spectacular" cases because of the nature of the crime, the defendant, his counsel or a combination of those factors.

"The delays," Burger said, "must stop." And to help in stopping them, he said he has requested that the Judicial Conference Committee on Court Administration's chairman "propose a method of identifying the cases in which delay must not be permitted."

Burger suggested three areas which he said were "ripe for consideration" in that regard. They are cases in which bail has been denied, those involving serious felonies, and those involving persons "whose release on bail may therefore present a larger risk to the community."

Testimony of Hon. Abner J. Mikva, Before the Senate Subcommittee on Constitutional Rights on S. 895 and H.R. 7107, Pretrial Crime Reduction Act, September 14, 1971

Mr. Chairman, distinguished members of the subcommittee, I am honored to have this opportunity to discuss with you the Pretrial Crime Reduction Act.

As you may recall, I first came before you on the subject of speedy trials in November 1969. At that time the atmosphere was dominated by the Administration's prevention detention proposal. I offered a Pretrial Crime Reduction Act, H.R. 15888 (91st Congress) as an alternative approach to preventive detention—a more constructive way of dealing with crimes committed between arrest and trial. A similar bill was subsequently introduced in 1970 by the distinguished Chairman from North Carolina. Unfortunately, the emotional mood of the Congress was more attuned at that time to placebos such as preventive detention than to the more substantial concept of speedy trial.

Since that time we have witnessed the predicted failure of the preventive detention gimmick, both as a public relations stunt and as a tool for reducing crime.

Now we are free to deal with the speedy trial issue on its merits, in a more dispassionate atmosphere. Both the Chairman and I have reintroduced our speedy trial bills this year, after having each made some changes. Since I am more familiar with the provisions of my bill, H.R. 7107, I will refer to it in my subsequent comments. Copies of the bill have been provided for the members of the subcommittee, and I have appended to my statement a summary table comparing the major provisions of H.R. 7107 and S. 895.

IMPORTANCE OF SPEEDY TRIALS

The statements presented at the outset of these hearings in July by members of this subcommittee and other witnesses have eloquently stated the importance of speedy criminal trials. Before going into the specifics of the proposed bills, let me quickly summarize the more cogent arguments for legislation implementing the Constitutional guarantee of speedy trials in all criminal cases.

First, disposition of all criminal cases within 60–120 days after arrest will help reduce crime, by increasing respect for the efficacy of the criminal process and by restoring meaning to the deterrent function of the criminal law.

Second, speedy trials will reduce the incidence of pretrial crime, without necessitating unconstitutional restraints on the liberty of presumptively innocent defendants. As the 1970 study conducted in the District of Columbia by the National Bureau of Standards showed, and the more recent study by researchers at Harvard University confirmed, most serious crimes committed during pretrial release were committed after the first 60 days following release. Swift justice, in the form of a trial on the original charge in less than 60 days, would have prevented the second crime without infringing on the rights of all the others who were released awaiting trial and who did not commit additional crimes.

A third benefit speedy trials offer is the diversion of scarce resources currently being wasted on pretrial incarceration. As the LEAA national jail survey showed, more than half of the total jail population consists of people awaiting trial. This represents a colossal waste of human and material resources. For the innocent who cannot afford bail, the delay means prolonged unjustified incarceration. Where trial delays are upwards of a year, the innocent accused may actually spend less time behind bars if he cops a plea than if he insists on proving his innocence in court. For the guilty, time spent in an overcrowded jail is "dead time." No rehabilitation takes place in these colleges for crime. Both the guilty man and certainly the society to which he will someday return are better off if he is swiftly convicted and sentenced to a program or an institution which can begin to try to help him straighten out.

Fourth, a system of speedy trials for all criminal cases infuses justice with fairness, in accordance with the Constitutional guarantee of the 6th Amendment.

IS FEDERAL LEGISLATION THE BEST WAY TO OBTAIN SPEEDY TRIALS?

Inevitably there will be those who criticize Congress for presuming to dictate to the states and the federal judiciary how criminal trials should be conducted. Of course, both H.R. 7107 and S. 895 would apply only to federal courts, though they would certainly provide a model for the states.

The Chairman in his opening statement in the July hearings accurately documented the steps which some states and some federal judicial circuits have taken to cut trial delay. Their actions have been commendable. But Congress still has a role to play, especially in the case of circuits which do not have the resources to implement a successful speedy trial program. Furthermore, Congress does have an obligation to assist in implementing Constitutional guarantees, including the 6th Amendment. Let me mention at this juncture that I am fully in agreement with recommendation #10 of Mr. Rezneck, who testified in July on behalf of the A.C.L.U. The Pretrial Crime Reduction Act should not be viewed as defining or limiting the scope of the Constitutional right to a speedy trial—it merely seeks to implement that right.

H.R. 7107: TITLE I

Section 3161 requires that trial of all defendants charged with offenses against the United States be commenced within 120 days. In the case of a person charged with a crime of violence [as defined in Section 3161(c)], trial must begin within 60 days. By way of comparison, S. 895 sets a time of 60 days for all crimes.

Any such fixed time for trial raises the question of how the time period shall be calculated. When does it begin? What days are counted and what days excluded? Section 3161 provides for a number of obvious exceptions, but there are undoubtedly others which are necessitated by variations in locale and practice. What seems fair and sensible in terms of the Northern District of Illinois with 13 judges sitting continuously may not be reasonable in Wyoming with its lone District Court judge. A way must be found to allow for unanticipated bona fide exceptions to the time limit, without creating so large a loophole as to deprive the time limit of its meaning and intent. For example, California imposes a time limit of 120 days, but the requirement may be waived by the defendant. This opens the door to considerable pressure on the defendant to waive the time limit, depriving the speedy trial requirement of its stringency.

Section 3162 is the heart of the speedy trial requirement, or rather, the teeth. It provides sanctions for unexcused trial delays—criminal contempt if the delay is caused by the defendant or his attorney; dismissal with prejudice if the delay is the fault of the prosecution. In private conversations with sources in the Justice Department, it has appeared that dismissal represents a harsh sanction as far as the Department is concerned. Again, by way of comparison, S. 895 provides only for dismissal; it makes no provision for punishing delays caused by the defense.

At the heart of the Justice Department's objection seems to be the feeling that not all delays which are not attributable to the defense are necessarily within the prosecution's control. This raises the question of whether additional sanctions should be authorized where delay is caused by the court itself. One suggestion has been a requirement that reports be filed with the Administrative Office of the Court explaining the reasons for delay of any case past the time limit.

We have no data from which to judge who is primarily responsible for trial delays. Some claim that it is the defendants themselves, since they know their chances for acquittal improve with the passage of time. This may be true for defendants who are out on bail. It is hard to believe it is true of those who sit rotting in jail deprived of contact with friends and family, deprived of a chance to earn a living and to support their families, deprived of all independence and self respect. A quick look at the characteristics of the average jail inmate awaiting trial makes it clear that these people are not benefiting by trial delay. Overwhelmingly they are poor, otherwise they would be out on bail. As the July testimony of Mr. Venezia indicated, those in jail awaiting trial are more likely to be ultimately convicted than those out on bail. They are less likely to be represented by private counsel of their choice. They are more likely to be incarcerated if convicted, rather than released under supervision of some sort. And if incarcerated, they are more likely to get longer sentences. When these facts are laid alongside the abysmal physical conditions found in most jails, it becomes clear that it is not defendants who seek trial delay—at least not those thousands of unwealthy defendants who are unable to get released on bail.

A second possible source of trial delay is judicial inefficiency. Once again, hard data is very difficult to come by, but any practicing lawyer knows that there are judges who view their office more as a due reward than as a demanding challenge. I fear that in our effort to create respect for the judiciary we have made the bench a haven for the lazy and the incompetent. The hours are great, and the pay attractive. Too often the motive is unabashedly political. In most circuits, there are a few pieces of dead wood. The conscientious, hard working judges are forced to pick up the slack. We should do what we can to help them do their job, by insuring that federal court appointments are less politically and more professionally oriented.

It is impossible to lay blame for trial delay entirely on any single party—the court, the prosecutor, the defendant, or defense counsel. But it is clear that there is little incentive at present for any of the parties to vigorously pursue speedier trials. The caseloads of prosecutors and judges are staggering. Defendants who are free on bail are in no hurry to be tried. And those sitting in jail awaiting trial, the ones with the strongest interest in speedy trials, are also the ones with the least voice. Overwhelmingly they are poor. Overwhelmingly they are represented if at all, by public defenders to whom they are little more than another file folder to be skimmed just before trial.

If we are serious about implementing a requirement of trial within 60–120 days after arrest, we must provide sanctions that have some teeth. Mere exhortations or inducements are unlikely to be effective. If the Justice Department objects to dismissal as indiscriminate and unfair to the diligent prosecutor, then let them come forward with serious alternative suggestions.

I am pleased to see that the Justice Department has finally agreed that this legislation is worthy of their attention. I shared the disappointment expressed by the Chairman in July over the Department's failure to participate at that time. If we in Congress are to make meaningful progress in solving the problems of the criminal justice system, we must have the assistance and cooperation of the chief law enforcement agency of the nation. I hope we are not expecting too much in asking that political one-upsmanship be laid aside in favor of serious cooperative efforts to remedy the grave weaknesses of our present system of criminal justice.

Section 3164. This section is intended to insure that Congress does not merely pass the buck by imposing on the courts an impossible requirement which they cannot meet with existing resources. Each judicial circuit is required to submit a plan showing how the speedy trial requirements are to be met. If the problem is poor management, it is up to the court to devise better procedures. Perhaps a professional advisory commission, consisting of professional administrators, should be made available to help review the plans submitted, and to advise the circuits on how best to utilize present resources to cut trial delays. In this regard, I found the testimony of Judge Oxberger participating exciting. The efforts of Des Moines should serve to remind us that innovative techniques are often far more productive than merely pouring more money and more manpower into existing approaches.

Nevertheless, it may well be that even if all the judges in a given circuit were putting in a full week's work on the bench, and even if the most modern, efficient administrative techniques were employed, we would still find that the available resources are inadequate to achieve the goal of speedy and fair trials.

In this event, Section 3164 allows for a postponement of the speedy trial requirements of Section 2161. The Attorney General is required to submit legislation to Congress providing the needed additional resources. This places the burden back where it belongs—on the shoulders of Congress. It will then be up to the representatives of the taxpayers of America to decide whether we are serious enough about crime prevention to expend the money and effort necessary to obtain it. In other words, the buck will stop here.

TITLE II

The provisions of Title II attempt to deal with the problem of pretrial crime by changing the handling of bail and pretrial supervision. Under Section 201 of the bill, judges are permitted to consider the likelihood that an accused person will commit a crime while awaiting trial in making the determination of the appropriate conditions of release. Additional penalties are provided for crimes committed by defendants released on bail prior to trial. Senator Ervin deleted this provision from his bill, after receiving numerous unfavorable comments. If further study suggests that such an added penalty would not provide an effective deterrent to pretrial crime, then I would concur in the deletion.

The remainder of Title II deals with the problem of crime committed by persons who are on probation or parole. A means is provided by which a speedy determination can be made following arrest as to whether or not the accused is presently on parole or probation. If so, he may be held and turned over to the supervising authority in the event that he has violated the conditions of his earlier release. Private conversations with people at the Justice Department have raised some question as to the need for these provisions. Once again, I am happy to yield if the data shows that there is no substantial incidence of pretrial crime committed by persons who were already on probation or parole when arrested for the offense which was awaiting trial.

TITLE III—PRETRIAL SERVICES AGENCIES

Title III of the Pretrial Crime Reduction Act attempts to reduce pretrial crime by providing a mechanism for enforcing the conditions of release. The Pretrial Services Agencies would supervise pretrial release, and would provide the necessary supportive services to help keep people out of trouble during the period of pretrial release. Medical help is especially important in light of the high rate of drug addiction among some groups of defendants.

One of the most destructive effects of present trial delay, especially where the accused is held in custody awaiting trial, is the lost opportunity to begin providing the defendant with much needed rehabilitative services. Eventually, nearly all criminal defendants will be returned to society. What we do with them while in custody will in large measure determine whether or not they will represent a threat to society upon their release. The Pretrial Services Agencies provided under this bill should give an added boost to the rehabilitative effort.

CONCLUSION

Mr. Chairman, our failure to develop a criminal justice system capable of trying cases within 60–120 days after arrest has produced a whole range of serious social costs. It has undercut respect for the swift certainty of punishment for criminal behavior. It has undermined the deterrent effect of the criminal law. It has added to crime by failing to speedily identify and take into corrective custody some criminals who may commit further crimes during the pretrial period. And finally, it has exacted a staggering cost by requiring elaborate custodial and supervisory systems to keep tabs on accused criminals while they await trial. Over 50% of the nation's expenditures on corrections are diverted from rehabilitation of convicted offenders to custodial care of accused people awaiting trial.

Our system of criminal justice is on trial today. If given a speedy trial, I fear it would quickly be convicted as an abysmal failure. The bills before this subcommittee will not alone reverse that indictment. But they represent an honest attempt to turn our criminal justice system around. I wish to commend the Senator from North Carolina for convening these useful hearings, and for his leadership in introducing S. 895. I hope that we can obtain speedy and serious consideration both in the Senate and in the House of these and other bills which are designed to move us closer to a constitutional system of justice of which we can be proud. The sanctions that will be imposed against us, if we don't will be those of history and they will be harsh.

SUMMARY AND COMPARISON OF PROVISIONS OF SENATOR SAM ERVIN AND CONGRESSMAN ABNER J. MIKVA SPEEDY TRIAL BILLS

H.R. 7107 (Mikva)	*S. 895 (Ervin)*
(H.R. 7198 and H.R. 7789 are identical bills.) Trial of persons charged with federal crime must be commenced within 120 days of arrest or indictment; within 60 days if charged with a crime of violence.	Trial of all crimes must commence within 60 days of arrest or indictment.
Certain allowable delays are excepted from the 60 or 120 days period, such as delays caused by defendant himself.	Same, plus a restriction on the granting of continuances immediately before trial, and on the length of continuances.
Sanctions are authorized for unexcused trial delays caused by either the prosecution or the defense. In the former, dismissal of the indictment with prejudice (further prosecution for same offense is barred); in the latter case, criminal contempt is authorized.	Provision for dismissal, but none for criminal contempt.
Cases involving violations of antitrust, securities, or tax laws are exempted from speedy trial requirement.	Same.
Each district court is required to prepare and submit a plan for compliance with the speedy trial requirement. If, because of insufficient manpower or resources, a district is unable to implement its plan within the required time, the Justice Department is authorized to grant an extension and is further directed to submit appropriate legislative proposals for Congressional action.	Same.
Whenever a person charged with a violent crime appears before a federal court, the prosecution must present evidence as to whether or not the defendant is currently on parole or probation before he can be released on bail. If the defendant is found to be a parolee or probationer, he may be detained up to 72 hours until the agency or court responsible for his supervision is notified of the arrest.	No comparable provision.
An additional sentence of up to 3 years is authorized for crimes of violence committed while free on bail.	No comparable provision.
Pretrial services agencies are to be established on a demonstration basis to supervise persons released before trial and to provide supportive services (halfway houses, counseling centers, treatment centers for addicts and alcoholics):	Same.

CONGRESSMAN EDWARD KOCH'S TRAVELING OFFICE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. RANGEL. Mr. Speaker, I have always felt that my friend and colleague, Representative EDWARD I. KOCH, was a good source for imaginative and progressive ideas. In addition, he has always worked hard to keep himself informed of the needs and opinions of his constituency.

To reach his constituents better, ED KOCH makes use of the "traveling office" concept. Each week he travels across the 17th Congressional District, meeting residents at scheduled stops throughout the district. These face-to-face meetings help him to do the outstanding job he is doing in the House of Representatives.

The October 2 issue of the New Yorker published an article about ED KOCH'S traveling office. I am pleased to share it with my colleagues:

TRAVELING OFFICE

Since January 1969, when he took office in Congress as the successful candidate of the Democratic and Liberal Parties, Representative Edward I. Koch has made himself available to his constituents, in New York's Seventeenth Congressional District, every Friday morning (except holidays) by means of a "traveling office," which has a regular but fleeting existence in unoccupied rooms in churches, synagogues, and various other buildings in his district. The Seventeenth includes most of Greenwich Village, much of the upper East Side, and parts of the upper West Side, and a while ago we called his office—his non-traveling one, in Foley Square—and asked if we could visit the traveling office some Friday. The answer was yes, and at eight o'clock on the next Friday morning we met him outside the I.R.T. station at Sixty-eighth Street and Lexington Avenue, where he was handing out reprints of one of his speeches in Congress before moving on to his traveling office—set up on the West Side that morning. A tall, friendly-faced man of forty-six, Mr. Koch was standing at the top of the subway stairs, saying, "Hello. I'm your congressman. I'm Ed Koch. I represent you in Washington."

At about eighty-thirty, when Mr. Koch had held brief conversations with several dozen people and distributed nearly a thousand reprints, he told us that he was ready to proceed to his traveling office, in the Stephen Wise Free Synagogue, on West Sixty-eighth Street. We got into a cab with him, and headed westward. Mr. Koch explained that he begins every Friday at a major bus or subway stop in his district. "Some people tell me I'm doing a good job, and some of them bawl me out," he said. "At least, these activities bring us face to face. For today, I've sent out a notice to everyone who lives in the part of my district that's on the upper West Side, so they all know that I'll be at the synagogue."

The cab soon pulled up in front of the synagogue, and we accompanied Mr. Koch upstairs to a room where two young members of his staff were waiting for him. They were Monica Blum, who works in his Foley Square office, and Peter Bernuth, who is in charge of that office. Mr. Koch sat down near one end of a long table, and Miss Blum and Mr. Bernuth began going over the day's schedule with him. Before they had finished, Mr. Koch's first visitor arrived. She was a well-dressed woman, with carefully sprayed hair. He offered her a chair at the table and introduced his two staff members. Holding her purse in both hands, the woman began to speak in a firm voice, saying, "I have a cerebral-palsy child. We used to have him at home, but now he's in a state institution." She paused, and Mr. Koch asked her to continue. She glanced around her and said, "The conditions in that place are *not* good. They are not feeding those children properly. And some of the staff are mistreating the children physically. I've seen it. I've been there, and so have some of the other parents, and there are things going on there that—You see, we used to have our boy at home. We would like to have him at home again, but . . ." Suddenly the woman began to cry. Mr. Koch did his best to comfort her, and eventually she told him that she wanted to make an official complaint but was afraid that members of the institution's staff might retaliate against her son.

"Believe me, they will not," Mr. Koch said. He continued to reassure her, and he asked her to write a letter describing the situation in detail, which he would forward to Governor Rockefeller. After promising to do so, the woman thanked him and left.

The next visitor was a man who wanted Mr. Koch to sponsor a private bill concerning a resident alien. Mr. Koch replied that he sponsored very few private bills in Congress but he would look into the matter. The man was followed by a woman who complained about having to pay taxes on her husband's estate, which was large. Mr. Koch made it clear that he favored estate taxes, and at the end of an increasingly heated discussion the woman got up and made for the door, saying angrily, "I can see I've come to the wrong place."

Two more women arrived. The first wanted to learn more about a plan for day-care centers (Mr. Koch asked her to come to his Foley Square office the following week), and the second explained that she had suffered a heart attack, had lost her job, and was without money (he advised her to apply for welfare benefits). Then a small, slightly built woman of about seventy came in and took a seat near Mr. Koch. She had large, pale eyes, and she began to speak in a hushed voice, saying, "Some very dangerous things are going on in my building. I live in a very good building on the East Side, but there's a gang there, and they are trying to take over. They are manufacturing television sets and radios and drugs and things, and they hammer in the apartment above me all night. I've been to the police, but they say there's nothing happening in my building at all." Mr. Koch spoke to her sympathetically, pointing out that he could do nothing for her himself, and suggesting that she go to the District Attorney's office. Finally, she seemed satisfied, and thanked him and scurried to the door.

At about ten, Mr. Koch prepared to leave for his next appointment. Miss Blum and Mr. Bernuth headed back to Foley Square, and Mr. Koch invited us to accompany him uptown to the studios of TelePrompTer Cable TV, where he was scheduled to make a television tape. We got into a cab, and as the driver headed for the Henry Hudson Parkway, Mr. Koch said, "I think one of the most fascinating things about these Friday mornings is that so many people come to me with problems that have nothing to do with Congress. The average guy today simply doesn't know how to deal with things that are troubling him vis-a-vis the government—it has become so *huge*. So when he can't figure out what else to do, he just naturally turns to someone like me. I've really come to consider it part of my job."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

COMPREHENSIVE CHILD DEVELOPMENT PROGRAMS FEDERALIZE U.S. CHILDREN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. RARICK. Mr. Speaker, September 30 was a dark day for America. The Orwellian nightmare of 1984 has become a reality in the America of 1971. The Federal Government has now been authorized to take over our children.

Passage of the Brademas child development programs as an amendment to the OEO bill, H.R. 10351, by a vote of 186 to 183 lays the foundation for the Federal Government to replace the home and for bureaucratic "experts" to replace the parents.

One of the salient selling features was the repeated assertion that the day care centers were necessary to help working mothers and to provide facilities for youth care to encourage unemployed mothers to seek gainful employment. Yet the bill as passed by the House excludes mothers earning over $4,320 a year. This makes a mockery of the propaganda that the bill is intended to help or encourage mothers to work. On the contrary, it would discourage employment and discriminate against the working mother making over $4,320. Nor can we assume that the child development programs are mere federally funded baby sitting or "new" education or, for that matter, confined to youth. President Nixon, addressing Congress in 1969, recommended that the Government become involved in developing children during "the first 5 years of life." The anticipated age range can be expected to be from infancy to kindergarten. What significant educational training can there be for babies in arms except to condition them to be away from their mothers and look to the State for security and guidance?

We are being told that something must be done for the millions of our children who have no parents, are from broken homes, and are from homes where they are mistreated or the parents are insensitive to the child's demands. This reveals the real intent. The child development programs are not to help working mothers but rather to establish Federal custorial centers. The suggestion that society could curtail the increase in crime by caring for those described as criminals and dissidents in society is repulsive and unsupported by statistics, logic or truth.

Likewise, repeated inferences that parents do not know how to control their children or lack the understanding and interest to discipline them is hypocrisy. For years the progressive experimenters of the new educational system have encouraged smart aleckness as free speech and dissent. Children have been taught that their parents are old fashioned—out of step with and ignorant of the needs of changing times. In fact, the Congress has supplied the parents' and taxpayers' funds to finance this teaching of disobedience, disrespect, and rebellion. It is revolting that the same organizations and movements which have encouraged rebellion against parental control and respect of the home now offer this conflict as an argument that parents are now incompetent to rear their own children.

Supporters of the child development programs urge that the service is voluntary not mandatory, and that there will be nothing further to make the law apply to other than disadvantaged children—that it is an end in itself. The American people have heard these arguments and assurances before. Public education was not originally compulsory. Congress is on record as prohibiting the use of busing to achieve racial balance—children are bused anyway. Furthermore, the bill indicates that it is but a beginning—the foot in the door—until the people can be conditioned to accept more. The language of the bill makes this most clear:

> Section 522 (b) (5)—"It is the purpose of this Act to . . . establish the legislative framework for the future expansion of such programs to provide universally available child development services."

Anyone who assumes these programs as being voluntary is either misinformed or ignorant of the facts. The American people know better. They have learned otherwise the hard way on too many occasions.

History records many examples of attempts by governments to gain control over the minds and bodies of its young people. Hitler with his regimentation and dreams of a new world order never achieved what these programs provide—"the formation of a partnership of parents, community, State and local governments to provide every child with a fair and full opportunity to reach his full potential by establishing and expanding comprehensive child development programs and services."

The child development programs authorize "comprehensive physical and mental health, social, and cognitive development services necessary for children participating in the program." Congress has instructed the Federal Government to establish programs to take children away from their parents, place them in custody of the State and rear them according to State-ordained programs and activities. There is no prohibition or restriction on any sort of instruction so long as it affects the child and is approved by the established authorities:

> Child development proposals go further than providing for government-controlled nursery schools, Headstart programs, or kindergartens. They provide for programs to keep the child away from parents. The Secretary of Health, Education and Welfare is instructed to program a 24-hour day by providing for specially designed health, social, and educational programs. Just when the parent is allowed time with the child apparently depends on the comprehensive program or the person administering it. This power grab over our youth is reminiscent of the Nazi youth movement; in fact it goes far beyond Hitler's wildest dreams or the most outlandish of the Communist plans.
>
> The law provides for in-home services and training in fundamentals of child develop-

ment for parents, older family members acting as parents, youth, and prospective parents. The law is clear that where it is impracticable to replace the parents with the State, then the bureaucracy would train those functioning in the capacity of parent as a paid agent of the State.

Child development proposals should remind us of Communist teachings on destruction of the family unit. Leon Trotsky, writing in "The Revolution Betrayed," 1936, commented that:

> You cannot 'abolish' the family, you have to replace it.

The hand that rocks the cradle rules the nation!

Similar child development legislation passed the Senate on September 9. There were small differences to be worked out in the two bills. The matter has now gone to conference and there may be additional votes in both Houses before the proposal becomes law.

I include the Statement of Findings and Purpose of the Comprehensive Child Development Act and the U.N. declaration on the rights of the child:

STATEMENT OF FINDINGS AND PURPOSE

SEC. 522. (a) The Congress finds that (1) millions of American children are suffering unnecessary harm from the present lack of adequate child development services, particularly during their early childhood years; (2) comprehensive child development programs, including a full range of health, education, and social services, are essential to the achievement of the full potential of America's children and should be available to all children regardless of economic, social, and family background; (3) children with special needs must receive full and special consideration in planning any child development programs and, until such time as such programs are expanded to become available to all children, priority must be given to preschool children with the greatest economic and social need; (4) while no mother may be forced to work outside the home as a condition for using child development programs, such programs are essential to allow many parents to undertake or continue full- or part-time employment, training, or education; and (5) it is crucial to the meaningful development of such programs that their planning and operation be undertaken as a partnership of parents, community, State and local governments.

(b) It is the purpose of this Act to provide every child with a fair and full opportunity to reach his full potential by establishing and expanding comprehensive child development programs and services so as to (1) assure the sound and coordinated development of these programs; (2) recognize and build upon the experience and successes gained through the Headstart program and similar efforts; (3) make child development services available to all children who need them, with special emphasis on preschool programs for economically disadvantaged children and for children of working mothers and single parent families; (4) provide that decisions as to the nature and funding of such programs be made at the community level with the full involvement of parents and other individuals and organizations in the community interested in child development; and (5) establish the legislative framework for the future expansion of such programs to provide universally available child development services.

DECLARATION OF THE RIGHTS OF THE CHILD

On 20 November 1959, the General Assembly of the United Nations unanimously adopted the Declaration of the Rights of the Child. The spirit of the document was reflected in the preamble, which said, in part, "mankind owes the child the best it has to give". Many of the rights and freedoms set forth in the Declaration were restatements of sections of the 1948 Universal Declaration of Human Rights and other earlier documents, but the international community was convinced that the special needs of the child were so urgent that they called for a separate, more specific declaration.

As early as 1946, the United Nations had demonstrated its deep concern over the problems of children by establishing UNICEF, the United Nations Children's Fund. In its early years UNICEF concentrated on emergency aid for the children who were victims of the war in Europe. Later it broadened its activities to include long-range programmes designed to prepare children all over the world for productive lives. UNICEF stressed the importance of making full use of human resources that are so essential to economic and social development. The Declaration of the Rights of the Child provided UNICEF with inspiration as well as meaningful guidance as the Fund entered a period of impressive expansion. Today, UNICEF is helping "mankind give the best" to 700 million children in 120 countries.

The enduring value of UNICEF's work was perhaps best symbolized by its winning the 1965 Nobel Peace Prize. In 1969, the tenth anniversary of the Declaration of the Rights of the Child, the task of implementing the document was still far from completion. However, the guidelines for solid progress on behalf of the children were bold and clear.

The full text of the United Nations Declaration of 20 November, 1959, is reproduced below. In ten carefully worded principles the Declaration affirms the right of the child to enjoy special protection and to be given opportunities and facilities to enable him to develop in a healthy and normal manner and in conditions of freedom and dignity; to have a name and a nationality from his birth; to enjoy the benefits of social security, including adequate nutrition, housing, recreation and medical services; to receive special treatment, education and care if he is handicapped; to grow up in an atmosphere of affection and security and, wherever possible, in the care and under the responsibility of his parents; to receive education, to be among the first to receive protection and relief in times of disaster; to be protected against all forms of neglect, cruelty and exploitation; and to be protected from practices which may foster any form of discrimination. Finally, the Declaration emphasizes that the child shall be brought up "in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood".

DECLARATION OF THE RIGHTS OF THE CHILD—PREAMBLE

Whereas the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights, and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Whereas the United Nations has, in the Universal Declaration of Human Rights, proclaimed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Whereas the child, by reason of his physical and mental immaturity, needs special safeguard and care, including appropriate legal protection, before as well as after birth,

Whereas the need for such special safeguards has been stated in the Geneva Declaration of the Right of the Child of 1924, and recognized in the Universal Declaration of Human Rights and in the statutes of specialized agencies and international organizations concerned with the welfare of children.

Whereas mankind owes to the child the best it has to give,

Now therefore,

The General Assembly

Proclaims this Declaration of the Rights of the Child to the end that he may have a happy childhood and enjoy for his own good and for the good of society the rights and freedoms herein set forth, and calls upon parents, upon men and women as individuals and upon voluntary organizations, local authorities and national Governments to recognize these rights and strive for their observance by legislative and other measures progressively taken in accordance with the following principles:

PRINCIPLE 1

The child shall enjoy all the rights set forth in this Declaration. All children, without any exception whatsoever, shall be entitled to these rights, without distinction or discrimination on account of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, whether of himself or of his family.

PRINCIPLE 2

The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose the best interests of the child shall be the paramount consideration.

PRINCIPLE 3

The child shall be entitled from his birth to a name and a nationality.

PRINCIPLE 4

The child shall enjoy the benefits of social security. He shall be entitled to grow and develop in health; to this end special care and protection shall be provided both to him and to his mother, including adequate pre-natal and post-natal care. The child shall have the right to adequate nutrition, housing, recreation and medical services.

PRINCIPLE 5

The child who is physically, mentally or socially handicapped shall be given the special treatment, education and care required by his particular condition.

PRINCIPLE 6

The child, for the full and harmonious development of his personality, needs love and understanding. He shall, wherever possible, grow up in the care and under the responsibility of his parents, and in any case in an atmosphere of affection and of moral and material security; a child of tender years shall not, save in exceptional circumstances, be separated from his mother. Society and the public authorities shall have the duty to extend particular care to children without a family and to those without adequate means of support. Payment of State and other assistance towards the maintenance of children of large families is desirable.

PRINCIPLE 7

The child is entitled to receive education, which shall be free and compulsory, at least in the elementary stages. He shall be given an education which will promote his general culture, and enable him on a basis of equal opportunity to develop his abilities, his individual judgement, and his sense of moral and social responsibility, and to become a useful member of society.

The best interests of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in the first place with his parents.

The child shall have full opportunity for play and recreation, which should be directed to the same purposes as education; society and the public authorities shall endeavor to promote the enjoyment of this right.

PRINCIPLE 8

The child shall in all circumstances be among the first to receive protection and relief.

PRINCIPLE 9

The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form.

The child shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental or moral development.

PRINCIPLE 10

The child shall be protected from practices which may foster racial, religious and any other form of discrimination. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood and in full consciousness that his energy and talents should be devoted to the service of his fellow men.

PUBLICITY TO BE GIVEN TO THE DECLARATION OF THE RIGHTS OF THE CHILD

The General Assembly,

Considering that the Declaration of the Rights of the Child calls upon parents, upon men and women as individuals, and upon voluntary organizations, local authorities and national Governments to recognize the rights set forth therein and strive for their observance.

1. *Recommends* Governments of Member States, the specialized agencies concerned and the appropriate non-governmental organizations to publicize as widely as possible the text of this Declaration;

2. *Requests* the Secretary-General to have this Declaration widely disseminated and, to that end, to use every means at his disposal to publish and distribute texts in all languages possible.

HELP FOR THE CHILDREN OF AMERICAN SERVICEMEN IN VIETNAM

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. WALDIE. Mr. Speaker, according to estimates given me by the State Department, some 10,000 to 15,000 children have been fathered in South Vietnam by American servicemen.

Regrettably, all together too many of these children have been abandoned by their fathers and have either lost or been deserted by their mothers.

The United States must see that these children are given a chance to live a decent life.

Today I am introducing a bill which will represent a declaration by the Congress that these children are as much a consequence and a responsibility of this Nation as an American soldier who suffered loss of life, limb, or home from this war.

In the case of the Vietnamese citizen or the American soldier, the United States is paying some form of reparation.

However, the United States makes no formal reparation to these children. In some cases they benefit from the social aid given the Vietnamese Government, but in many, many cases, perhaps, most cases, these children are either existing as outcasts in their own environment or are institutionalized.

Mr. Speaker, this legislation will provide for the orphaned or abandoned Vietnamese children with American fathers to be given an opportunity to come to this country to be cared for, housed, educated and adopted into American homes in order that they may receive the love that they need and that is due them.

It is hoped that these children would be able to leave the Federal program once they are adopted.

This legislation would also provide for negotiations with the South Vietnamese Government to bring these children the benefits this bill would entitle them. At present, strict South Vietnamese regulations make adoption of Vietnamese children difficult.

Mr. Speaker, we in America are compassionate and responsible people. We can provide needed love and comfort to hundreds if not thousands of children in Vietnam who are now sentenced to a life of misery because of American neglect. I would hope that we in the Congress can pave the way, by enacting this legislation, to allow those children to enjoy what we can give them.

RABBI FINKELSTEIN TO RETIRE; JOY OF STUDY UNDIMINISHED

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. SCHEUER. Mr. Speaker, every generation has some truly wise and peaceful men; men who have a deep understanding for all peoples and empathy for the entire human condition; men who know themselves and so are able to truly have peace and wisdom.

Rabbi Louis Finkelstein is such a man. His technical knowledge is surpassed only by his practical wisdom. He has achieved a peace and contemplative equilibrium which few of us will ever know.

I commend the attention of my colleagues to the following article, with the hope that the man described will be an inspiration to all of us:

RABBI FINKELSTEIN TO RETIRE; JOY OF STUDY UNDIMINISHED

(By Israel Shenker)

Announcing yesterday his resignation as chancellor of the Jewish Theological Seminary of America, Dr. Louis Finkelstein, 76 years old, explained:

"I've always thought of myself so old. One day I said, 'I'm the oldest man in the room,' and nobody laughed."

And so, 60 years after he entered the seminary as a student, 50 years after he arrived to teach, 31 years after becoming president, 20 years after assuming the title of chancellor (introduced especially for him), he announced that it was time to ring out the old and bring in the new chancellor.

In advising the seminary's executive committee of this he called his institution "the strongest center of Jewish learning in the Disapora."

HAS 1,300 STUDENTS

Here, at 122d Street and Broadway, and at a Los Angeles campus, the seminary has 1,300 students, and trains young men for the Conservative rabbinate.

"I find it much more difficult to leave than to arrive," said Rabbi Finkelstein, who is one of the school's foremost scholars. "I wouldn't say I'm doing it reluctantly, but with some hesitation. It took me a trip to Jerusalem to think it out.

"I couldn't leave last year, when it first occurred to me, because we were in financial trouble and I had to see the problem through. Now we'll have to work hard, but we're not threatened with disaster. We'll survive, and I think we'll even thrive.

"In ancient days the rabbis didn't have to worry about budgets and they certainly didn't have to worry about buildings, because they prayed in the streets and courtyards and their business was teaching. Today a rabbi's main business is to keep his institution going. That is the essential weakness of the rabbinate today—the difference between a volunteer army and a paid army."

TO LEAVE JUNE 30

When Dr. Finkelstein leaves the chancellorship next June 30, he will continue to work in ecumenical fields. In 1969 he became the first rabbi to preach a sermon at the White House; then as now his rallying cry was one of hope.

"How can we know the Messiah won't come tomorrow?" he said in an interview. "For millions of years there wasn't a human being, and then there was. For thousands of years there wasn't an Einstein, and then there was. If you think of the Messiah as a certain change for the better in man's life, then the miracle is possible. Redemption is like the rising of the sun. It comes into view little by little, and suddenly there it is glowing."

Continuing to serve as professor of rabbinic theology, he will spend more time than ever with his first love and true passion—the Talmud. "I don't know really how one can enjoy anything else," he said, only half in jest.

"When you study, God listens," he suggested. Asked what assurance people have that God listens, Rabbi Finkelstein said he didn't know what assurance others have, but "I know it; He knows it."

BEGINS STUDY AT 5:30 A.M.

Dr. Finkelstein begins his study of the Talmud at 5:30 each morning, continues until 7, when he leaves for the synagogue, and then returns to the Talmud at 8 for another two or three hours (he eats no breakfast).

"One of the things I enjoy is to see how, after 2,000 years of commentary, there's still so much to be discovered," he said. "That's why I can't study at night. I'll discover something new and it'll keep me awake."

He does a complete cycle of the entire Babylonian and Palestinian Talmudim every five years. Released from administrative burdens, he hopes to review one Talmud anew every 12 months.

"A person could bitterly complain of all these years as chancellor," he said, "because a Jew like me should spend his time, as I hoped to spend my time when I was young, in study, in exploring what the rabbis are saying, and in teaching some students. But as one rabbi in the Talmud said, study is good if it's combined with practical affairs, because working on both of them makes one forget sin.

"We want our children to be in rebellion, for otherwise they won't grow up," Dr. Finkelstein said. "And yet we don't want it. We want our children to grow up, and yet at any particular moment we don't want it. Plato would have been pleased if Aristotle had announced he was going to form his own academy in the interests of truth—and yet he also would not have been pleased."

RECALLS A NOTE

Friendship with students was easier in earlier years. Rabbi Finkelstein recalls with pleasure a note found inside a book in the library, saying that two ancient commentaries appeared to be in disagreement, but "Finky says they're not in disagreement."

"This 'Finky' was a good idea," he said. "Students didn't call me 'Finky' to my face, but it was good that they called me 'Finky' affectionately.

"Nowadays, a student, no matter how he tries, won't talk back to me easily, or, if he does, it is with such force that he overstates his case, and that is an extremely unpleasant experience.

COMPROMISE A VIRTUE

"Another trouble is that the way of wisdom often is the way of compromise. It's very often a virtue, a golden mean. When you're chancellor, nobody believes when you offer a middle way that you really mean it. They think you're just trying to get out. Wisdom is suspect to our young faculty and our students."

"A young chancellor will have different problems," the old chancellor suggested, "and I think he'll run the seminary very different. But that doesn't mean he'll run it worse. Differently. It might be better.

To suggest candidates for chancellor, a committee will be formed, with five delegates each from the faculty, the executive committee, the Rabbinical Assembly and the United Synagogue of America. The seminary's board of directors will then choose the successor.

Dr. Finkelstein leaves office with two dreams unrealized. He wanted the seminary to set up a daughter institution in Israel, and he hoped to build—he still hopes to build—a philosophy center in America: "It would be a place where philosophers could philosophize with each other and perhaps produce men like Socrates, Plato and Aristotle."

"Each of us is a little Messiah if he wants to be," he said.

TRIBUTE TO AMERICAN FIREMEN

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. GALIFIANAKIS. Mr. Speaker, in commemoration of National Fire Prevention Week, I should like to take this occasion to extol the virtues, performance and dedicated service of our American firemen.

Much has happened in our country over the past century and many popular viewpoints have suffered serious change. The popular image of the fireman, however, has not changed. As always in the past, he is regarded today as a man of courage and a man of true public spirit.

The force, the fury and the horror of fire can be dealt with only in one way—through bravery, stamina and the firmest resolve. That is why today, in an era of sophistication, the old-fashioned fireman remains an American tradition—a highly respected symbol of safety in a world ravaged by the enemies of safety.

In the average year, fire can be expected to take the lives of more than 10,000 Americans, and to destroy American property valued in the vicinity of $100 million. The statistics alone are staggering, and the accompanying heartache and grief compound those figures by a thousandfold.

To combat this fearsome force of evil, we have the American firemen—whom we depend upon, day in and day out.

They are among the bravest of our public servants, deserving of our highest praise and respect. I wish to add my voice, on this laudable occasion, to the national chorus of praise which honors their service to the people of our land.

Yesterday I had the privilege of participating in a parade sponsored by the fire department in my hometown of Durham, N.C. The dignity and drama of that event reminded me of a salute to professional firefighters which appeared in Newsweek magazine a year or so ago. The salute went something like this:

> The fireman is unique in America. He comes usually from a family with a no-nonsense view of right and wrong. He has a good military record; he is a team man with an unquestioning sense of discipline and an appetite for excitement and danger. He is patriotic, religious and conservative in his politics. In a neurotic age of quicksand values and deepening doubts, the fireman has faith in eternal verities and no questions about himself. He is direct, uncomplicated, open and likeable. In a job that is often more hazardous than police work, he is fatalistic and awesomely brave. His values are absolute, and he follows them with a matter-of-fact heroism that tolerates no mincing compromise.

Those are well-deserved words of tribute to our American firemen—this week, and every week during the year.

THE 100TH ANNIVERSARY FOR SAGINAW'S SECOND NATIONAL BANK

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. HARVEY. Mr. Speaker, it is a great pleasure for me to join with thousands of residents of Michigan's Eighth Congressional District in a special salute to the Second National Bank, Saginaw, Mich., which, on November 8, 1971, will celebrate its 100th year in business. It is my sincere hope to personally participate in public ceremonies on that date as the community honors this outstanding institution.

When Second National Bank began its proud history in 1871 the manufacture of lumber was Michigan's principal industry and Saginaw was the sawmill mecca of it all.

By helping to finance lumber camp and sawmill operations, Second National Bank helped make the lumber business bigger and better throughout spacious Saginaw Valley.

After the lumber industry in Michigan faded into oblivion in the 1890's, Second National Bank helped in the financing of new businesses and industries to succeed the manufacture of lumber.

A century ago Second National Bank of Saginaw started out with $193,100 in capital stock. Today the bank's total assets to show for 100 years of prospering growth are nearing $250 million.

In addition to its 12-story main office building, tallest structure in downtown Saginaw and a community landmark, Second National Bank now has 13 branch offices. It has grown to be the 16th largest bank in Michigan and operates among the largest trust businesses outside the city of Detroit. It was the only bank in Saginaw and one of the few in the Midwest to remain open through the Bank Holiday of 1933.

I, for one, am confident it will present an equally successful encore during its second century as an exemplary bulwark of our free enterprise system.

I am inserting at this point a special news release which has been prepared tracing the history of the Second National Bank of Saginaw, Mich.:

THE 100 YEARS OF SECOND NATIONAL BANK OF SAGINAW

From humble beginnings over a course no smoother than the dusty streets that passed as Saginaw's thoroughfares to the imposing forefront of substantial leadership among Michigan's banking institutions, the Second National Bank of Saginaw will observe with justifiable pride the 100th anniversary of its founding on November 8, 1971.

The story of Second National's solid growth is the story of Saginaw's emergence from the recesses of a rich, wild forestland—young, vigorous, productive—to the maturity of a city, roughly hewn, but staunchly laid.

It is the story of the teeming lumber industry and lumbermen, of salt and coal mines, railroads, oil, sugar beets, and sprawling industry that marks its present day pulse.

But behind the city's shifting scenes that have transformed it from a lumbering to an industrial town, is the story of men with sound judgment, business acumen, integrity, and leadership.

When the Second National Bank of East Saginaw, its original name, opened its doors shortly after its approved organization on November 8, 1871, it was viewed as just another newcomer in the rapidly shifting field.

A look at its capital and surplus of $1,200,000 today dwarfs the mere $193,000 capital stock with which it has its beginnings. Even those early beginnings have the mark of coincidence that brought into existence those first five stockholders who constituted the charter directors.

Among them, only the Morley name continues prominent and unbroken through the bank's first century. The year preceding the bank's organization, E. W. Morley had made application in the name of Morley Brothers for a charter to organize another national bank in Saginaw.

A year later, Roswell G. Horr came to Saginaw. He was an "old college chum" of C. K. Robinson, at that time head of a private bank in Saginaw known as C. K. Robinson and Company. Horr and Robinson sought a national bank charter, but were informed of Morley Brothers' prior application.

As a result, the two parties joined in forming the Second National Bank. Stockholders were Horr, Robinson, Franklin P. Sears, George W. Morley, and Alfred B. Wood. Robinson was first president and Horr cashier. The bank's first home was in the Mason block at the southeast corner of Genesee and Washington in East Saginaw. It continued to do business at that site for 24 years.

Robinson served as president for about a year when he was succeeded by Horr at the board's election of January 14, 1873. In 1875 George W. Morley became vice president and in 1876, his nephew, George B. Morley, came to East Saginaw from Fort Scott, Kansas. George B. Morley was only 19 years old at the time but was soon recognized as an energetic young teller. When Horr resigned as president on February 3, 1877, he became the second president to step aside in little more than the bank's five years existence.

On that same date George W. Morley was selected president.

Morley's elevation to the bank's presidency established an entirely new pattern in Second National's future history, a pattern of long-term guidance. George W. Morley served as president until his death in 1901. George B. Morley succeeded him as president, a position he held until 1929, when he was elected Chairman of the Board. George B. Morley passed away in 1935. R. Perry Shorts was named president in 1929, and continued in that capacity until being named Chairman of the Board in 1957. Mr. Shorts was elected Honorary Chairman of the Board in 1965, a position he actively holds today at the age of 91 years.

John A. Stewart was elected president in 1957 and chairman in 1965, serving in the latter capacity at his death in May of 1968. E. Colbert Ryan succeeded Stewart as president in 1965 and chairman in 1968, serving actively until his sudden death in December of 1970. Harold M. Karls was elected president in 1968 and succeeded to chairman in January of 1971. Alvin G. Benson was elected president and director of Second National by its Board of Directors on June 23, 1971. The 49-year-old Benson, who had served on the National Bank of Detroit staff since 1948, becomes Second National's ninth president.

The year 1896 was another milestone in Second National's history. In that year it bought the assets of the Home National Bank of which Wellington R. Burt was president. Burt had lost confidence in Saginaw's future with the decline of lumbering and salt manufacturing and closed out all of his business interests.

It was not a bright period in Saginaw history. The country's finances generally had gone through rough times, but Second National had weathered the depression of 1873 and was staunchly entrenched when the even rougher going of 1893 hit.

Purchase of the Home National Bank in 1896 gave Second National a new home, located in the 100 block of North Washington Avenue, the present site of the J.C. Penney Company Store. Second National continued expansion as it prospered and played an even more dominant role in Saginaw's business and industrial life, resulting in construction of the imposing twelve-story office building at Genesee and Washington, which has been its Main Office since December of 1925.

In November, 1922, Second National absorbed another Saginaw bank, the Commercial National Bank located on North Hamilton, thus giving it a branch office on the west side of town. When the receiver for the defunct Bank of Saginaw sold its assets in 1936, Second National bought its present west side and south side locations. Second National moved into the west side location immediately and opened the south side location in 1947 as its third office.

Second National's growth over the past 99 years is reflected in its total resources at ten-year intervals from its organization in 1871 through December 31, 1970:

1871	$193, 100. 00
1881	340, 259. 62
1891	1, 056, 004. 05
1901	4, 749, 030. 29
1911	5, 711, 825. 17
1921	10, 974, 087. 98
1931	16, 009, 714. 14
1941	41, 304, 250. 98
1951	88, 650, 064. 36
1961	122, 141, 176. 61
1970	228, 318, 275. 86
June 31, 1971	239, 817, 623. 27

In February of 1951, Second National opened the first exclusively drive-in banking facility in Saginaw, which it continued to operate until it was replaced by the Atwater branch office in 1965.

As Saginaw's population grew and spread out into surrounding townships, Second National responded to meet the demand of its customers. Two offices were opened on the fringes of the City of Saginaw in 1954–55. During the rapidly expanding 1960's, Second National added seven more offices until today it has eight in the City of Saginaw and approval for a ninth (1970 population—90,603), three in Saginaw Township (1970 population—27,115), one in Bridgeport Township (1970 population—12,752), one in Kochville Township (1970 population—2,379), and one in Buena Vista Township (1970 population—13,670). Second National opened two of its branch offices in 1971, the Holland Road Office in Buena Vista Township in January, and the Gratiot-West Side Office in the City of Saginaw in June.

To keep pace with the growing demands for banking services, Second National utilized a Burroughs computer for its first application—demand deposit accounting in 1965. Today, its Electronic Data Processing Department utilizes the largest Burroughs hardware manufactured to record, store, and produce information for management concerning demand deposits, time deposits, mortgage, and installment loans, profit planning and payroll, operations, trust, and marketing research. Its E.D.P. Department also processes demand deposit, savings, payroll, and installment loans for several correspondent banks in the area, payrolls for a large hospital and school district, and accounts receivables for a telephone company.

Today Second National employs over 500 full-time and part-time persons with annual wages and benefits totaling over $3,298,000. As of December 31, 1970. Second National ranked 16th among Michigan's 300 national and state banks.

There were times in the bank's history when disappointed businessmen roundly criticized Second National for its alleged ultra-conservatism, lack of vision, and failure to recognize the new era of business dealings and high finance. The officers and directors that steered the bank's steady course refused to be stampeded into top-heavy venture capital investments.

That Second National has survived four depressions, five wars, as many bank panics and recessions—in 1933 it alone was able to withstand the bank holiday shock in Saginaw—is a tribute to astute leadership and proof that its established policy has been of the soundest.

THE NAVY'S NEW INSPECTOR GENERAL—ADM. MEANS JOHNSTON

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. WYMAN. Mr. Speaker, speaking for myself and many colleagues, I offer my congratulations to Rear Adm. Means Johnston, Jr., on his promotion to Inspector General of the Navy in the grade of vice admiral. While his selection will be of immeasurable benefit to the Navy, the Congress has lost the services of an exceptionally effective officer as Chief of Legislative Affairs for the Navy.

Admiral Johnston is an outstanding naval officer with a proven record of performance in both command and staff duties. A 1939 graduate of the Naval Academy and holder of a law degree with honors from Georgetown University, he was decorated for combat commands in both World War II and the Korean conflict. Admiral Johnston was responsible for the capture of the German U-boat 505 during the Second World War, the first man-of-war to be captured on the high seas since the War of 1812. His staff assignments have included service on the personal staffs of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Chief of Naval Personnel, and the commander in chief, Pacific.

For 32 months, Admiral Johnston has freely given of his experience and expertise in assisting the Congress in discharging its responsibilities—from budget review to assisting individual constituents. His sense of dedication has unquestionably made him one of the finest officers the Navy has today. An extremely capable all-around executive, he has performed a difficult, often sensitive job with an extraordinarily keen sense of honor. He will be missed by the Congress.

More than most, Means Johnston deserves a hearty "Well done and godspeed!"

REMARKS OF PRESIDENT NIXON AT HANFORD, WASH.

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. HOSMER. Mr. Speaker, on September 26, President Nixon visited the atomic energy installation at Hanford, Wash., and made remarks which have considerable significance to the peaceful uses of atomic energy. I am pleased to include that portion of the President's remarks in the RECORD for the information and enlightenment of all:

REMARKS OF THE PRESIDENT AT THE AEC RESERVATION, HANFORD WORKS, HANFORD, WASH., SEPTEMBER 26, 1971

Now, a word about this area. Everybody in the United States has heard of Hanford and what it means in terms of the nuclear power that it has created. Everybody knows that it is still important in terms of nuclear weaponry, which is essential as an instrument for keeping the peace in the world, as a deterrent to war, as a deterrent to those who might start war.

But today we must think not only in that respect, but we must think far beyond, of what nuclear power can do in terms of peace.

Let me say something that I know will be understood here, but which too often is not understood in many parts of our country. Many people in this country, because nuclear power is so destructive, are afraid of it. What we have to understand is that when you have such enormous power, let's use it for peace, let's find a way to use it, and that, of course, is the future as far as this area is concerned. Don't be afraid of it. Build it for peace.

I live, as you know, in California, down in San Clemente. Right next to us, within a couple of miles, is one of the new nuclear power plants. Many are afraid to live there because they fear what could happen with regard to that peaceful nuclear power plant. I am not afraid to live there. I am not afraid, not because I know much about it, but because what I do know tells me that here we have a new source of energy, a source of energy that is absolutely important to the future of the world.

I know the people of the State of Washington, perhaps as much as any people in this country, due to the fine leadership you have had in the State, are interested in the environment, and preserving it. If you are going to have a clean and beautiful environment in this country, we have to have a new source of energy, plentiful and clean. And we can have that new source of energy. One of the major places to get it certainly is through the development of nuclear energy.

That is why I made an announcement on June 4th, one that did not get, of course, the enormous publicity of the trip to China, one that did not get the publicity of the economic policy to deal with the inflationary problems of this country, but one whose importance to the future in long-range terms may be even more important in some respects, and that is that the United States was going to go forward in building a breeder reactor.

Well, don't ask me what a breeder reactor is; ask Dr. Schlesinger. But tell him not to tell you, because unless you are one of those Ph.D.'s, you wouldn't understand it either, but I do know that here we have the potentiality of a whole new breakthrough in the development of power for peace. That means jobs—jobs for this area, and jobs and power for hundreds of millions of people all over the world.

At the time of that announcement, I was able to announce that we were going to have one experimental plant to go forward. I want to tell you today, and I have chosen this place and time for making the announcement for reasons you will all understand: that because private industry has already contributed $200 million for the development of the first plant, that I have decided to authorize going forward on a second one.

Now, we are not yet ready to drop the other shoe and say where they are going to be, except this: This area that has so much talent in terms of brains, that has so much resources in terms of experience, has a role to play in the future in the development of our power.

One final thought before we go in for the tour. I mentioned a moment ago how all of this business about breeder reactors and nuclear energy is over my head. That was one of my poorest subjects, science. I got through it, but I had to work too hard. I gave it up when I was a sophomore. But it always has been fascinating to me because it seems to me that if a people are to be a great people, we must always explore the unknown. We must never be afraid of it. That is why we have to go to space. That is why we should have built the SST. That is why, as far as that particular matter is concerned, in terms of nuclear power we must not be afraid. We must explore it.

We can't be sure what it is going to produce, but on the other hand, we know that by exploring the unknown, we are going to grow and progress, and progress in a way that will be good for all Americans and for other people in the world.

There is a wonderful story about Benjamin Franklin that illustrates my point on that score. A balloon was sent aloft, the first time that Americans at that time had seen a balloon, and somebody asked Franklin, "Of what possible use is that thing?" His answer was, "Of what possible use is a newborn babe?" So that is what we have here. We have here the possibilities of new breakthroughs.

The fact that you live in this area, and that whether you work here in this installation, whether you are associated with it, it seems to me this is one of the most exciting places to live, one of the most exciting times to be alive in the history of man, because you are opening the great vistas of the unknown, and as a result of exploring them and opening them, it is going to mean a better life for our people and a better life and, we hope, a more peaceful life, with peaceful production for the people of the world.

Thank you very much.

SENATOR BYRD'S WARNING

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. DOWNING. Mr. Speaker, my distinguished Virginia colleague in the other body, Senator HARRY F. BYRD, Jr., frequently speaks out on a number of issues which are of great concern to all of us. I am pleased to include in the RECORD a collection of editorial notices on several of Senator BYRD's positions.

The editorials follow:

SENATOR BYRD'S WARNING

Senator Harry F. Byrd Jr. of Virginia has assumed the role played so long by his late father as the voice of fiscal responsibility in government. Mr. Byrd held the Senate floor the other day to issue a grave warning on the evil of deficit spending year after year and the sad state of the Treasury. There is no doubt about it—our present fiscal position is perilous.

The senator was speaking on an amendment which would have lowered by $15 billion the Nixon administration's request for an increase of $40 billion in the "temporary" national debt limit. The old limit was $395 billion, and the administration had asked that it be increased to $435 billion. Mr. Byrd argued for the lower ceiling, stating that it was necessary to impose restraint on the executive branch if we are ever to get our fiscal house in order.

Never," he said, "have I been more discouraged by the government's financial position—or more alarmed. During the 12-year period beginning with fiscal year 1961 thru the administration's projections for fiscal year 1972, the government ran a deficit in the federal funds budget every year. The cumulative federal funds deficit for that 12-year period is $146 billion.

The accumulated deficit of the last three years of President Johnson's administration totaled $49 billion; the accumulated deficit for the first three years of President Nixon's administration will total at least $62 billion . . . The administration asserts that deficits for this year and next year combined will total $29 billion. But the fact is that the real deficit for these years will total $48 billion."

Sen. Byrd recalled that the government under President Johnson changed its bookkeeping methods, going to a so-called unified budget. Under this system surpluses in federal trust funds, mostly Social Security, are lumped together with general funds, even tho trust funds cannot be used for the general operations of government.

"This reduces the apparent deficit of the government, but not the real deficit," Mr. Byrd said. "Putting aside this sleight-of-hand accounting we find that actual deficits will reach $25 billion this year and $23 billion next year—and this assumes that the government's financial estimates hold good."

Sen. Byrd reminded his colleagues that since 1967 interest on the national debt has increased from $13.4 billion to an estimated $20.8 billion this year and $21.2 billion for fiscal 1972, an increase of 59 per cent in a relatively short time. Of every dollar of income tax paid by individuals and corporations, 17 cents goes to pay for interest charges on the debt.

"The huge increase in the cost of government," he said, "must be paid for either by more taxes or by more inflation—which is a hidden tax, and the cruelest tax of all."

Secretary of the Treasury Connally has said that while tax increases may be avoided this year, and maybe next year, he sees little hope of avoiding them further "down the pike."

Sen. Byrd's somber warning should alert citizens to the fact that they cannot live in the fool's world of constant federal deficit penalties—more taxes or more inflation. Their dollars are worth less every year.

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[From the Charleston (S.C.) News & Courier]

RESTRAINTS ON JUDGES

Article III, Section 1 of the U.S. Constitution states: "The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior. . . ." That is to say, federal judges are appointed for life.

It was the aim of the founding fathers to insure the independence of the federal judiciary from the executive and legislative branches of government, and to make federal judges accountable to no one. For many years this system worked pretty well. Federal judges for the most part remained aloof from political and social hurly-burly and followed the unwritten canon of judicial restraints.

In recent years, partly because geographical and political considerations tended to lower the quality of nominees to federal benches, more and more judges have adopted the premise that the Constitution is whatever they say it is, and have sought to substitute their personal sense of justice for rules of law.

Among those who have become increasingly apprehensive of this trend is Sen. Harry F. Byrd Jr., D-Va. "The revolution which began in the Supreme Court," he said recently, "has permeated the lower federal courts. Judges of these courts have, in many instances, arrogantly assumed unto themselves the prerogatives of lords of the Middle Ages . . . Prayer has been swept from our schools; the historic right of a legislature to redistrict itself has been abolished; sociological treatises have replaced the common law; traditional equity powers have been enlarged to allow rule by judicial fiat . . . the federal courts have cast aside the bonds of self-restraint and have taken it upon themselves to legislate."

Few would disagree with that appraisal, except possibly attorneys for the American Civil Liberties Union and liberals of that ilk. While supporting the concept of an independent judiciary, Sen. Byrd contends that a method should be provided whereby the federal courts "might be made more accountable to the people."

To that end Sen. Byrd has introduced a proposed amendment to the Constitution providing that federal judges be subject to reconfirmation by the Senate after a term of eight years. If reconfirmed, they would continue to serve for another eight years. It may be questioned whether this proposal would make federal judges more responsible to "the people." The plan just might, however, lead to more responsible and less emotional opinions, more attention to law than to social theories.

It was Justice Cardozo who said that if judges are allowed to substitute their personal sense of justice for rules of law, the reign of law would end and the rule of benevolent despots will begin. What assurance have the people that such despots would be benevolent? Recent despotic judicial decisions suggest no such assurance exists.

The founding fathers could not have foreseen the complex social issues into which the federal judiciary has been drawn. Sen. Byrd's proposal provides a platform for debate on whether in this era the lifetime appointment of federal judges remains sound practice.

[From the Indianapolis (Ind.) Star]

GOVERNMENT CAUSES INFLATION

Every American housewife knows that the dollar she spends this year buys less than it did last year. But not many know why this has come about.

Senator Harry F. Byrd (I-Va.), knows. "In my judgment," he recently told the Senate, "the continued deficit spending by the Federal government has cheapened the dollar and made it a less desirable currency . . . The dollar decline . . . is the direct result of government policy."

Last year, fiscal 1971, ending last June 30—Congress voted so much spending that we had a deficit of more than $23 billion. The deficit for fiscal 1972 in the administration's budget is projected at more than $11 billion, and it wouldn't be surprising if it turned into another $23 billion deficit, or worse. That is just like printing counterfeit money. It is money spent but not collected as revenue.

And yet the Federal government is collecting more than twice as much money from the taxpayers as it did 10 years ago! In 1961 the Federal government took $75 billion from the taxpayers not counting the trust funds. In 1972 it estimates it will take $153 billion. In addition to this there will be some $38.2 billion for Social Security and a total of $75.4 billion for all trust funds (including Social Security).

In almost every year, however, under Presidents Kennedy, Johnson and Nixon, there has been a deficit despite this rapidly rising income. It almost seems as though Congress has decided to do its best to keep spending ahead of income every year.

The result has been a cheaper dollar for all Americans.

The solution does not lie in raising wages and prices to meet this worst inflation in any 10-year period in the nation's history. The solution lies in demanding that government balance its budget and stop spending more than it collects in taxes.

NIXONOMICS

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. MITCHELL. Mr. Speaker, one aspect of the President's new economic policy has been overlooked in recent weeks. We have had much talk about its effects on organized labor, on the business community, on our foreign trading partners, and on certain segments of the taxpaying population. But there has been very little discussion about the effects of the new Nixonomics on minority groups, particularly black Americans.

Certainly, blacks understood the meaning of the old Nixonomics, fighting inflation by encouraging unemployment. We found ourselves increasingly jobless in a period of ballooning prices. This economic policy we understood only too well. But how will the all new, super kingsize package of Nixonomics affect black Americans?

It is both an honor and a pleasure to introduce into the RECORD "The Surprise and Substance of Nixon's New Economic Policies: Implications for Black America" by Thaddeus H. Spratlen. Professor Spratlen is the associate chairman of the Caucus of Black Economists, the director of the Black Economists' Development Project at UCLA, and an associate professor at the Graduate School of Management at UCLA. I believe that he sheds some light on several of the darker corners of the new Nixonomics. I commend this article to my colleagues and urge that they find time to read it:

THE SURPRISE AND SUBSTANCE OF NIXON'S NEW ECONOMIC POLICIES: IMPLICATIONS FOR BLACK AMERICA

(By Thaddeus H. Spratlen)

The drama and timing of President Nixon's August 15, 1971 announcement on major fiscal and administrative policy changes underscore their intended shock effects in psychological, political, and economic terms. The action represented a surprising and substantive change from the often repeated Nixon "game plan for the economy." "Nixonomics", as it was called by some observers, had come to symbolize a strategy of positive talk and negative action while waiting for the economy to reverse the path of rapidly rising prices in the face of high levels of unemployment.

In this discussion two aspects of the Nixon new economic policies are emphasized. The elements of surprise which they contain and their substantive content are described and interpreted. Special emphasis is placed on their implications for Black America.

On this latter point a word of caution is in order. Since the policies are "macro" or aggregate in nature they are intended to apply across the board to all household, business, institutional, and government segments. It is a difficult and uncertain task to apply such broad guidelines to a special racial group—Black America. It is much easier, for example, to write of labor versus management interests in the policies than it is to write of black versus white interests and effects.

SURPRISE ELEMENTS

In addition to the timing and absence of prior speculation about the ideas contained in the new policies, surprise is also associated with the stringent measures announced by a conservative-to-moderate Republican president. After all, both directly and through his spokesman, he had rejected the use of such measures as his critics were proposing. Moreover, the action was unilateral. The Nation's major world trading partners were apparently not consulted or forewarned.

Surprise may also be seen in the forceful, systematic, and comprehensive action by a man who personifies middle-of-the-road policies and programs. The measures taken and recommended to Congress were several steps beyond the middle-of-road. For example, the cost of living council, which he has formed, may be the forerunner of a wage-price review board that could extend beyond the initial 90-day freeze.

On the whole, the new measures make it almost certain that the total economy (or at least the major business and Government segments) will be more extensively and directly managed through national guidelines and Federal policies. This will almost certainly be the case for at least several months or a year following the initial period of Government controls between August 15 and November 12, 1971. The surprise element, of course, is that it may be inferred that economy-wide planning has been given an unintended, but certain, boost by a Republican President.

SUBSTANTIVE ELEMENTS

The several fiscal and administrative components of the announced set of policies are supposed to bring about specific changes in economic decisions of business firms, households, unions, Government, and even foreign nations. It is expected that their responses will stimulate basic spending-investing activity which will benefit the U.S. economy. Net job gains should be realized. More positive, confident attitudes of investors and spenders should result. American made goods should become more competitive in domestic and world markets. Indeed, problems of inflation and unemployment which prompted the new policies will be contained, *if the policies are successful.*

The intended effects of each of the major policy components are briefly described in exhibit I.

MAJOR OMISSIONS AND INEQUITIES

In many respects the President's major concern continues to be inflation rather than unemployment. Note, for example, that he did not ask for an acceleration in Government construction allocation or expenditures through the recently approved (July 12, 1971) $2.7 billion public service employment program to create over 150,000 jobs within two years.[1]

As union officials have been quick to point out, profits and interest rates (income components for business and also contributing forces to current problems of inflation) have been excluded from the stringent measures of a freeze. Only an appeal for voluntary restraint has been made. Clearly, the policies favor larger business interests.[2] In effect, wage and salaried workers and property owners make the short-run sacrifice for everyone's (including business') long-run benefits from less inflation and unemployment.

The President's priorities are shown once again in the area of cutbacks. It is significant that foreign economic aid was cut by 10%, not the far larger expenditure category of foreign military aid.

IMPLICATIONS FOR BLACK AMERICA

As might be expected, the entire message of the President was silent on the special problems and needs of black Americans, poor Americans or others who are marginal to the prosperity of the larger economy. The new program, then, continues to rely on the potential of "trickle down" to get the benefits of policy changes to the depressed areas of urban America—the black ghettos of our cities. That is, the benefits will filter down through the exchange process or Government from the decisions and discretionary judgments made by business owners, managers, investors, and Government officials. By implication, these vested interests are served first. Then directly or indirectly the major concerns of black and poor people receive attention, if indeed their best interests are to be served at all.

In the semantics of the message even the black situation is disregarded. For example, he referred to 1956 as the year of "prosperity with full employment". Yet the ratio of black to white unemployment was in the year at its highest level of the entire period between 1949 and 1970—2.3 (8.3% unemployment for nonwhites and 3.6% unemployment for whites). Further, his reference to the unemployment problem was not to the depressed economy of the ghetto, but to laid-off defense workers and returning servicemen. Yet, the nonwhite component of the unemployed would be equivalent to as much as one-third of the two million workers that he referred to in his message.* * *

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[1] To do so would have highlighted conflicting policies. After all his cutbacks in federal spending will mean layoffs for about 35,000 government employees directly. Other jobs which are dependent on government purchases and spending will also be adversely affected. A somewhat related point is that in December of 1970, the President vetoed a much more valuable $5.6 billion public works and economic development program.

[2] Of course it should be recognized that this is the main source of his power base. Through ideological ties and practical politics as well, management in larger business firms must be regarded as the constituency that President Nixon is likely to serve most consistently.

POTENTIAL GAINS TO BLACK AMERICA

In two major respects blacks stand to gain from the wage-price-rent freeze. Those blacks who are not unionized will get temporary relief of not being placed at a further disadvantage through the impact of escalating wages.[3] Since the freeze does not apply to transfer payments (income such as aid-to-dependent children or payments in kind such food stamps for which no current service is rendered) by the recipient, there will be a slight advantage associated with increased welfare and social security payments. This is not insignificant since transfer payments represent a sizable share of income to the black community.

The tax credit can also yield benefits to the extent that jobs are created for blacks to fill. However, if the jobs are largely high-technology based or have high skill requirements, they will likely help whites and exclude blacks. No special provisions were indicated regarding the type of jobs to be created or who would fill them. Without such provisions the black ghetto or the inner-city generally will continue to be at a competitive disadvantage regarding the location of even Government-subsidized investments and efforts to create jobs.

(Of course some investments made through the so-called "job development [tax] credits" will be designed to substitute capital equipment for labor skills). Apparently, if the interests of black America are to be served at all in this connection it will have to come through the Job Development Act of 1971 which the President indicated that he would propose to Congress in September following the summer recess.

In addition, to the extent that inflation can be reduced at the same time that unemployment is decreased,[4] blacks will be helped along with others who normally experience high levels of unemployment and must live on rather inflexible, if not fixed, incomes.[5]

Further, to the extent that the President's promise to concentrate on reorientating national priorities for full employment produces effective programs and Government action, blacks will be helped. Gains will result even if it means relying on "trickle down." In this situation it is a matter of recognizing that general prosperity and high levels of total employment are necessary, but not sufficient, conditions for black prosperity. About all one can say in this connection is that if employment levels are very high and labor is scarce, blacks and the marginal worker are more likely to be hired. In general, recession in the general economy means a depression for blacks: prosperity will at least bring on recession conditions in the broad base of the black community. Given the vast wealth of this country, this is neither excusable nor equitable, but it is on the whole the actual fact of the economic situation for blacks Americans.

POTENTIAL LOSSES TO BLACK AMERICA

The announced cutback in Federal spending of nearly $5 billion will hurt blacks. Urban programs may be more adversely affected than space, defense and environmental programs. The President was unclear on this, but in his general approach of spreading most of the short-run sacrifice among the unionized[6] working class, the reductions may be blanket or across-the-board rather than selective on some basis of social and national priorities. Indeed, blacks may experience a disproportionate share of the 5% reduction in Federal employment required by the new policies.[7]

If Congress goes along with the postponement of revenue sharing for three months, blacks will be hurt. As inadequate as the President's revenue sharing is, it does offer some relief for the urban areas where a majority of blacks are now concentrated. If the cities are hurt, it is almost certain that blacks will be hurt, and more.

Likewise, postponement of welfare reform for one year will tend to hurt blacks. This means that a desperately needed incomes policy (income maintenance in some form of guaranteed minimum, family assistance, negative income tax, etc.) will not get a push from the administration where impetus is badly needed.

However, blacks will probably lose most directly of all in lax enforcement of the freeze guidelines. Given the typically inadequate information base in the black community, many will not even be aware of or will be unable to detect price exchanges, especially; or may not complain when increases occur. Unless special efforts are made to ensure compliance in the black community, not even a chill on prices and rents will be recorded between August 15 and November 12, 1971.

RESPONSES OF BLACK PUBLIC OFFICIALS

Wherever possible, legal and monitoring services should be provided for blacks. Contact should be maintained with a ranking official of the nearest Regional Office of Emergency Preparedness which is charged with administering the new Nixon program. Agencies with staffs to provide legal aid to blacks and the poor generally should be alerted to the need for special assistance. Offices which can receive and channel complaints and expected violations should be well publicized in the black community.

Black officials could also work for ways of disclosing the uses of job-creating tax credits to increase employment opportunities for inner-city areas and residents. Black communities need the increased income and the cities need the broadened tax base.

Congressional hearings on the new program are virtually certain to begin in September. They will offer a forum for getting specific consideration to applying the provisions (or enacting additional measures) so that the broad base of the black community is better served. For example, efforts to gain support for the public works and economic development program vetoed last year could be tied to congressional approval of the Nixon policies. In addition, consideration of the Job Development Act of 1971 will offer another means of getting provisions which deal directly with the severe economic problems which persist in black America.

In this connection, the point should be made that black officials must become familiar with the economic aspects of their constituents' needs so that they can make presentations to congressional hearings, state legislative bodies, city councils, and other places (public as well as private) where decisions affecting black people are being made.

Assistance in making appeals for hardship cases and exemptions all the way up to the cost of living and the President may be needed in extenuating circumstances. Such a move would probably be in connection with a specific occupational group of black teachers, service workers or others who may be subjected to non-recoverable losses as a result of the new policy guidelines.

If the gains could be found to warrant it, the support of union opposition to rigid and grossly inequitable portions of the new set of policies might be indicated. This is especially important for gaining the desired flexibility and equity, if the policies are to be continued in some form beyond the initial 90-day freeze. Wage-price review boards, for example, are likely to be formed to curb over-reaction to the initial controls. However, blacks are likely to gain more through pressing for the enactment of supplementary provisions to the new program by Congress. Federal cutbacks that reduce resources and income for blacks should be opposed. Welfare reform or incomes policies need to be implemented. There are other related activities which will in all likelihood increase funds, services and programs that benefit the black community.

CONCLUSIONS

A thorough evaluation of the new Nixon economic policies must await the measurement of their effectiveness. Major economic indicators (wholesale and consumer price indexes, the level of unemployment, business capital spending, value of U.S. exports and imports, etc.) will soon reveal the impact of the total program. However, it is appropriate to offer some personal judgments regarding their overall effects and the context as well as content of the new policies.

They do not place proper emphasis on the most important economic task which faces the nation: The need to substantially reduce unemployment in all segments of the society, but especially among blacks and the poor. They also overlook the possibilities of stimulating economic activity through direct consumer transfers or increases in earned income.

The new Nixon policies are being exaggerated for psychological and other "shock" effects. Grandiose claims are being made for them. (Even the President suggested that they are the "most comprehensive new economic policy to be undertaken by this nation in four decades", i.e. since the depression of the 30's).

We must be mindful of their limitations. The blanket freezes, for example, are stopgap and short-term in nature. Moreover, they contain basic inequities and may be partially obstructed by union opposition. The import taxes, especially, may invite retaliation by other nations. Further, in totality, they are designed for sustaining political and psychological impact, and coincidentally, for lasting economic impact.

As blacks, we must recognize that they are general rather than selective policies. They rely on "trickle-down" to bring specific benefits to the black community. In the final analysis, it is very likely another situation in which blacks on balance may be helped, but whites will be helped much more. For the benefit of blacks as well as the nation as a whole, we must challenge the Nixon administration to adapt the new economic policies so that they meet more of the needs of black America directly and not by relying exclusively on "trickle-down" to provide positive and substantive gains for black America.

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[3] This is a potential gain in a very limited sense. It happens that in an absolute sense those in the lower wage and salary scale might be denied in this interim period certain "catch-up" wage adjustments. It also happens that the whole question of inflation is less of a pressing problem for most blacks than unemployment. For blacks, then, an 80¢ dollar is better than no dollar at all.

[4] This poses some technical conflicts in policy. Reducing unemployment will generate some degree of inflation. Inflation, then, is an unavoidable price which must be paid for low levels of total unemployment (3–4%).

[5] This refers to those on welfare and social security as well as the nonunionized, especially lower paid service and unskilled workers, whose incomes will tend to rise.

[6] Reference here is to the statement of an Administration official that a ban on strikes would be in effect during the 90-day freeze period. This position was later modified and explained to mean bans on strikes for the purpose of gaining a wage increase during the freeze period.

[7] As reported in the news media, an official of the largest federal employees union estimated that there would be 35,000 direct layoffs. The remainder will be accounted for by not filling vacancies (35,000), and through normal resignations and retirements (35,000).

STRIP MINING: AN ECOLOGICAL HOLOCAUST

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. ROSENTHAL. Mr. Speaker, for the past decade we have watched the "relandscaping of America" as massive gouges in the countryside have been made by the marvels of technology—giant earth movers. Those tools of the strip miners have contributed to devastation of the Nation's land on an unprecedented scale. Yet the technology for an adequate and complete reclamation program has received nowhere near the attention as lavished upon "The Big Muskie," "The Silver Spade," and "The Gem of Egypt"—and other mechanical behemoths.

Environment Action Bulletin has eloquently described what remains after a strip mining operation:

> A dismal, stinking black swamp of sulfurous water stagnation amid jagged walls of ripped earth and rock. Or, what were once the sides of a majestic forrested hill will lie at the bottom of a deep, forbidding scar.

On flat western terrain, discarded rock and soil are deposited in thousands of acres of continuous rings of waste. Whole mountainsides are stripped of soil and timber to expose the coal bed, a condition which can and does lead to landslides.

The direct result of these strip mining operations is often the pollution of nearby water resources. Those who claim that strip mining in the West will contribute to the reduction of air pollution through the use of low-sulphur coal, myopically fail to realize that they are trading one form of pollution for another. Silt fills waterways for thousands of miles. Sulphuric acid which leaks from coal deposits ruins streams and rivers and lakes, and poisons aquatic life.

Already 3,000 square miles, an area the size of Connecticut, have been consumed by the strip miners, and it is estimated that an equal area will fall prey to their monster machines in the next decade alone.

The Department of the Interior's environmental impact statement shows the following accumulated damaging conditions from mining:

First, 292 burning coal waste piles;

Second, 289 underground mine fires;

Third, 1.7 million acres of collapsed land;

Fourth, 145,000 acres of lakes and ponds and 18,000 miles of streams damaged by silt and acid; and

Fifth, "significantly socioeconomic losses such as retarded employment—investment opportunities—depressing social environment; abnormal physical and mental hazards; esthetically unattractive lands."

The Department report also concludes that strip mining annually destroys outdoor recreation resources valued at $35 million, including $22.5 million worth of fish and wildlife.

One of the sad facts about the devastation caused by strip mining is that it has been wrought on the public lands. Indian lands have been leased to the strip miners, as have some of the railroad's ancient land grants. Federal land in the West is being leased at bargain price to the strip miners, as the shameless ravaging of the public domain continues.

Western States are preparing for a period of strip mining on the largest scale yet, if predictions are accurate. The western coal deposits are low in sulfur, which means they will not pollute the air as badly, and can be mined most easily by strip mining. A new Badlands will be created in the West which will probably have a greater visual impact than the natural one, and really deserve the name Badlands.

The worst offense of strip mining is that it leaves vast areas of land ravaged and permanently useless, because the mining companies have little obligation and even less inclination to reclaim the land. There are 2,041,000 unreclaimed acres as of 1965, according to the Department of the Interior.

The strip miners, in their unbounded greed, have turned large areas of this country into a "lunar-like landscape," in the words of Congressman KEN HECHLER of West Virginia. Mr. HECHLER is the author of H.R. 4556, the Environmental Protection and Enhancement Act of 1971. I am proud to be a cosponsor of this important legislation which seeks to end the ecological holocaust caused by strip mining.

Few strip mine sites have been reclaimed, a fewer still have been returned to their undisturbed state. State by State regulation of strip mining has failed, because States are loathe to make it too hard for the mining interests, who may choose another State to dig for their coal.

It is virtually impossible to return stripped land to its natural state. There is ample evidence that reclamation is virtually impossible for mountainous areas. Some of the mined land has soft substructure rock that cannot be replaced.

The cost of reclamation may be prohibitive, if passed on to the consumer. Different energy sources should be explored, such as nuclear power and oil shale, but only with strong safeguards to protect the environment, the taxpayers to whom those resources belong, and the consumers who ultimately will buy and use the energy.

Mr. Speaker, I am profoundly upset by the devastation that strip mining has brought to the Eastern States, and the specter of destruction which has been cast upon the West. A land rush is on in the West.

I am disturbed that reclamation standards will not be strong enough and that land, once strip mined, cannot be restored to its natural state. I urge the committee to adopt H.R. 4556 which calls for a total ban on strip mining as the only effective measure left to protect a valuable portion of our environment. A halt must be brought to this continuing environmental holocaust, even if it is only temporary, so that we can conduct a comprehensive study of the ecological impact of strip mining, a study of the necessary safeguards and guarantees for reclamations, and possible different sources of energy for the future.

FREEDOM OF RELIGION

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. CORMAN. Mr. Speaker, in 1964 the Reverend Eugene Carson Blake, D.D., stated clerk of the United Presbyterian Church, testified before the House Judiciary Committee expressing his opposition to a proposed constitutional amendment relating to school prayer.

In his own eloquent style, Reverend Blake emphatically described the dangers that are involved in tampering with our constitutional protection of religious freedom, questioning those who would want to enlist the power of Government to strengthen the forces of faith. Because his comments are as relevant today as they were in 1964, I would like to submit them as further argument against House Joint Resolution 191.

TESTIMONY OF REV. EUGENE CARSON BLAKE, D.D., STATED CLERK, UNITED PRESBYTERIAN CHURCH

Reverend BLAKE. My name is Eugene Carson Blake. As stated clerk of the United Presbyterian Church in the United States of America, I am grateful for the privilege to address this committee in opposition to proposed amendments to the U.S. Constitution relating to school prayers, Bible reading, and so forth.

In 1789, 2 years before the Bill of Rights became a part of the U.S. Constitution, Presbyterians in their First General Assembly had this to say about the separation of **Church and State:**

* * * "God alone is Lord of the conscience, and hath left it free from the doctrines and commandments of men which are in any thing conrtray to His Word, or beside it, in matters of faith and worship." Therefore, they consider the rights of private judgment, in all matters that respect religion, as universal and unalienable: They do not even wish to see any religious constitution aided by the civil power, further than may be necessary for protection and security, and, at the same time, be equal and common to all others."

That early Presbyterian statement remains unchanged today as a part of the United Presbyterian Church's constitution.

The first amendment to our Federal Constitution, a masterpiece of simplicity and conciseness, has stood for almost 175 years as a civil counterpart to this theological statement by my own ecclesiastical forebears. It begins:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof * * *.

I would vigorously oppose any effort to change either my own church's or the U.S. Constitution with respect to the implications of these two principles. They articulate, each in its own way, the inviolability of the citadel of a man's faith and worship, the freedom of his belief and practice, hewn out at so great a cost in the history of Western man.

Neither our ecclesiastical nor our civil forefathers foresaw precisely the mid-20th century society that has developed in the United States, particularly with respect to our common public school system and the diversity of faiths represented among its teachers and pupils. Hence, in May of 1963, the 175th General Assembly of the United Presbyterian Church, meeting in Des Moines, Iowa, took two actions in harmony with that taken nearly two centuries ago, but addressed to our contemporary situation. One of them spoke implicitly, and the other explictly to the matter now before this committee. I would point out that both actions were taken prior to the U.S. Supreme Court's decision in the *Schempp* and *Murray* cases involving prayer and Bible reading as devotional acts in the public schools.

First, with respect to the practice of holding religious observances as a part of the program of public schools, the 175th general assembly adopted the following position:

* * * Religious observances (should) never be held in a public school or introduced into the public school system as a part of its program. Bible reading in connection with courses in the American heritage, world history, literature, the social sciences, and other academic subjects is completely appropriate to public school instruction. Bible reading and prayers as devotional acts tend toward indoctrination or meaningless ritual and should be omitted for both reasons. Ministers, priests, and rabbis should be free to speak in public schools, provided their speaking does not constitute religious indoctrination or their presence form a part of a religious observance.[1]

This statement was probably the most controversial part of a larger statement on "Relations Between Church and State," approved by the same general assembly. The entire report, including the portion I have just quoted, was studied during the previous year by 131 Presbyteries and 989 Congregational groups in our denomination. The portion on prayer and Bible reading—the most disputed part—was approved by vote in over two-thirds of these. The vote by which the entire report was adopted by the general assembly was 528 in favor and 298 opposed.

I cite these figures to indicate a point that, in my opinion, deserves special consideration by the committee. We are all aware of the considerable body of sentiment expressed in this country that suggests for some kind of amendment to the U.S. Constitution so as to modify the import of the first article in the Bill of Rights. I daresay that much of that opinion is expressed by sincere and devout church members, some indeed by members of the United Presybterian Church. But my own experience, and that of other church leaders with whom I have discussed this matter, is uniformly that where there is careful study of the issues involved in this matter—as over against an initial and unconsidered emotional reaction—a substantial body of thoughtful American and church-member opinion sees the dangers inherent in the practice of devotions in the public schools.

The other action taken by the general assembly last year bears more directly upon the immediate concern of this committee with respect to proposed amendments to the Constitution relating to school prayers, Bible reading, and so forth. The official statement adopted follows:

The 175th general assembly:

Gives thanks to God for the civil procedure termed "due process of law" which provides for orderly resolution of social conflict. We affirm the indispensable role of the Supreme Court of the United States in this process. While responsible criticism of the Court's opinion is within the tradition of our Nation, we are out of sympathy with the kind of criticism which impugns the integrity of the highest Court of the land.

Records its endorsement of the principles laid down by the Supreme Court in the Regent's prayer case (*Engel* v. *Vitale*, June 25, 1962) that "in this country it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried on by the Government."

Expresses its conviction that the first amendment to the Constitution in its present wording has minimized tension and conflict among religious interests, and for (nearly) 180 years has provided the framework within which responsible citizens and our courts have been able to afford maximum protection for the religious liberty of all citizens.

Reminds the church that the development and practice of Christian worship is the inescapable obligation of the congregation and the family, and not of the public schools.

Warns the church of an all-too-human tendency to look to the state and its agencies for support in fulfilling the church's mission. Such a tendency on the American scene endangers true religion as well as civil liberties. Consequently, this general assembly calls the church to renewed worship, study, work, and sacrifice to fulfill its mission as God's people in the world.

Mr. Chairman, the history of Western civilization has examples in it—enough to give us pause—of countries that have shifted from one "religion" to another and back again as the prevailing forces of the government have caused a change in policy. The first amendment, by removing the coercive forces of government from among those that play upon the theological convictions of the people, has served well to protect the freedom of belief of Americans. Any efforts, therefore, to tamper with this constitutional protection ought to cause us to pause and call into question those impulses that seem at first glance most congenial in attempting to enlist the power of government to strengthen the forces of faith. The forces that prevail tomorrow, or next year, or next generation may not be so congenial to our faith. As James Madison said in his great "Memorial and Remonstrance" in 1785:

"Who does not see that the same authority which can establish Christianity in exclusion of all other religions may establish, with the same ease, any particular sect of Christians in exclusion of all other sects * * *?"

With no disturbance of his argument one could amend Mr. Madison's statement by substituting "theism" for "Christianity" and "other faith or no faith" for "any particular sect of Christians * * *" so that the argument would run: Who does not see that the same authority which can establish theism in exclusion of all other religions may establish, with the same ease, "other faith or no faith * * *?"

PRISONERS OF WAR

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. HARRINGTON. Mr. Speaker, the parents, wives, and children of American prisoners of war and of those missing in action distresses all of us in Congress. There is no excuse for their continued imprisonment because all it would take to release them would be an announcement that the United States was withdrawing all its troops from Vietnam at a fixed date. That is all it would take.

The one-man election this week, an election which was a sham, cannot be used any longer as an excuse to remain in Vietnam. Is it our policy to keep Thieu in control in exchange for the freedom of our own men?

The Wall Street Journal last week added another dimension to the problem. In an article entitled: "Missing—or Dead? Some Relatives of POW's Say U.S. Misleads Them," the exploitation of figures by the Nixon administration is demonstrated. The Pentagon intermingles the statistics of those missing and those captured with those who are probably dead. This inflates the figures for "bargaining" at the Paris peace talks, but tends to increase the suffering of those who are waiting for a message of hope when none will come. There is much that is tragic about this war but I see no reason for our own military to compound the suffering of families. To elaborate on this policy, I am inserting it into the RECORD.

The article follows:

[From the Wall Street Journal, Sept. 30, 1971]

MISSING—OR DEAD? SOME RELATIVES OF POW's SAY U.S. MISLEADS THEM

Four years ago, Mr. and Mrs. Samuel Beecher Jr. of Terre Haute, Ind., received a telegram from the Army:

". . . Your son Warrant Officer Quentin R. Beecher has been missing in Vietnam since 11 June 1967. . . ."

Two months later, the Beechers learned from the Army that their son's helicopter had run afoul of violent thunderstorms, become hopelessly lost, run out of fuel and gone down, not over a battlefield or an enemy sanctuary, but 18 to 25 miles out in the South China Sea. There wasn't any water-survival gear aboard. An extensive two-day rescue effort turned up nothing.

"It took us two torturous years, but we finally confronted reality," Mrs. Beecher says. Her husband, an attorney and a licensed pilot, adds, "I've crashed that helicopter a thousand times in my mind, and under those conditions there isn't any way Quentin could have made it."

CLASSIFYING THE MISSING

But the Army won't drop Quentin Beecher from the list of 1,610 servicemen missing in the Indochina conflict—a list that U.S. government officials prefer to call the Vietnam "prisoners of war/missing in action" (POW/MIA). Pointing to men who were declared dead in World War II and Korea but who later turned up alive, the Army, as well as the other military services, rules a Vietnam combatant missing and keeps him that way unless his body is discovered or any eyewitness is found. Because the laws of various states won't allow the wife of a missing man to remarry, Mr. Beecher had to arrange a Mexican divorce for his daughter-in-law.

The case of Quentin Beecher and his anguished parents typifies a development unheard of in previous U.S. wars. For as interviews with 70 other parents and wives in places like Virginia Beach, Va., Colorado Springs, Colo., and suburban Portland, Ore., show, a growing number of families of the missing contend that the military should have mercifully declared their loved ones dead long ago. And some also accuse the federal government of really stringing them along for selfish political reasons.

"I think they're misleading us for their own purposes," Mrs. Beecher says.

These parents and wives are aware of the problems of ever finding out what happened to crews of jet aircraft that explode in mid-air, to pilots of jets that never pull out of power dives and to infantrymen who just disappear in ominous jungles. Thus, these relatives concede that no man should be written off as dead when there is reasonable hope of finding him. But these families shake their heads in disbelief at U.S. policy, which was laid down in a June 1970 statement from the Defense Department. It said in part that "what we want from the enemy is a . . . full accounting of all who are missing."

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[1] Relations Between Church and State," p. 7. A copy is appended for the interest of Judiciary Committee members.

A PLOY FOR NEGOTIATIONS?

Some wives and parents go further. They believe that top-level U.S. policy makers are being deliberately misleading when they denounce the North Vietnamese as liars because the Hanoi officials say they can't produce an accounting of anything like 1,600 men. (North Vietnam has produced a list of 339 men it says have been captured.) These wives and parents suspect that Washington's demand for the accounting is just a throwaway bargaining ploy for the Vietnam negotiations in Paris.

Many of these feelings surfaced earlier this week during a Washington meeting of the National League of Families of American Prisoners and Missing in Southeast Asia, the largest organization of its kind. Dissidents within the league picketed the White House and groaned over the remarks of at least one administration spokesman. They aimed a resolution at President Nixon that said the league "conveys to you . . . its extreme distress at the continuing failure to resolve the prisoner-of-war-missing-in-action tragedy."

Many families, however, do believe the government is doing the best job possible under difficult circumstances. Mrs. John K. Hardy Jr., wife of an Air Force officer shot down over North Vietnam, says she has had several meetings with presidential adviser Henry Kissinger and feels that "President Nixon can do something about the situation, he's the only one who can."

CLINGING TO HOPE

And as might be expected, many families cling to the hope, however faint, that Hanoi can account for their missing relative, that most of the 1,610 might in fact be alive. Mrs. Edward Beck, for instance, says she feels that her son, a Marine PFC who disappeared in South Vietnam, is a prisoner of the North. Producing a photo of prisoners in the North, she points to a man with his back to the camera and says she is convinced that he is her son. Other families, however, reportedly have identified this same man as their husband or son.

Such feelings often stem in part from the natural refusal to accept the death of a loved one, and in part from the vagueness of circumstances surrounding a man's disappearance. Whatever their basis, these intensely personal feelings have captured the imagination of official Washington.

The Pentagon concedes that as far as hard evidence goes, only 463 of the men on the list are thought to have been captured—378 of them in North Vietnam, 82 in South Vietnam and three in Laos. Nonetheless, a figure of about 1,600 has been used by administration officials and members of Congress.

At a March 4 news conference, President Nixon said that "There are 1,600 Americans in North Vietnamese jails under very difficult circumstances at the present time." (The White House subsequently said the figure used by Mr. Nixon referred to both those who are prisoners and those who are missing in action.)

The next month Defense Secretary Melvin Laird told crowds at the opening game of the major-league baseball season that "there are a great many men in uniform, some 1,600 of them who have not seen a ball game in a long time."

Last year, while telling a House subcommittee of his plans for a POW rally, Sen. Robert Dole of Kansas, chairman of the Republican National Committee, assured Congressmen that "we have not forgotten that there are almost 1,500 Americans who have been prisoners and who have been in danger not for two days, not for three days or four days."

The Senator's guess on the number of American GI prisoners was remarkably close to that contained in a concurrent Congressional resolution passed about the same time; it urged that "every possible effort" be made to obtain the release of prisoners. Part of its preamble stated that "1,500 American servicemen are imprisoned by Communist forces in Southeast Asia."

PRESSURE ON THE OTHER SIDE

Asked for comment yesterday, White House Press Secretary Ronald L. Ziegler said: "In all of our fact sheets and virtually all of our statements, we break down the numbers between captured and missing." He added that "only on several occasions has the figure 1,600 been used, and then it was clearly stated that this referred to missing and captured." It is important, the press secretary said, "to apply the pressure to the other side—not here—to give the facts about the prisoners."

In February 1970, almost eight months after the Nixon administration took the wraps off the POW/MIA list, a public poll was conducted by Gallup International for Dallas computer magnate H. Ross Perot's POW group, United We Stand. It said 68% of those questioned had heard of the prisoner issue; of those, more than one-third estimated the number of prisoners at more than 2,000—higher than the politicians' top estimates.

Regardless of the actual number, the hopes of some families that their missing sons or husbands are still alive have been put to a severe test. Consider the case of Mrs. John Swanson, wife of an Air Force captain shot down four years ago while on a bombing mission over North Vietnam. (Like many other relatives of missing men, she has asked that her home town not be given to avoid nuisance telephone calls and mail.)

Several days after the crash, she received a letter from her husband's wing commander. It said that after Capt. Swanson's jet was hit by antiaircraft fire, he had headed for the sea, finally going down two miles off the coast of North Vietnam. "Although a good chute was sighted all the way to impact with the water," the letter said, "search and rescue personnel who arrived within 10 minutes were unable to rescue John."

Two months later, Mrs. Swanson received another letter, this time from the chief of the Air Force casualty section. Recounting earlier details, this letter said, "His ejection, fully deployed parachute and descent were observed by the pilot who had followed him."

What the Air Force didn't tell Mrs. Swanson she later found out from the pilot who had seen the chute. "He said it was very indefinite that my husband was even in that chute," Mrs. Swanson recalls. "He was very discouraging."

RAISING HOPES

But her hopes were raised almost two years later by yet another letter from the Air Force. This one said: "Intelligence information just received at this headquarters indicates that your husband may be a captive of the North Vietnamese. Unfortunately the content of the information is extremely limited, and we are not absolutely certain of its reliability. . . . I cannot say anything more so as not to jeopardize the source."

Excited by the letter, Mrs. Swanson says she tried to elicit more information from the military. "They were close-mouthed about it, to say the least," she reports.

Confused, Mrs. Swanson turned to her only nonofficial source, the pilot who had followed her husband's plane out to sea. "I explained that I had received this letter," she says, "but he said that didn't alter the picture, that the odds aren't that good."

While many of those among families of the missing accuse the federal government merely of badly handling the POW situation, a sizable number bitterly charge Washington with deliberately exploiting the bereaved for selfish political reasons.

One of those is Mrs. Louis Jones, whose husband was lost over Laos and whose brother was listed as missing and who never returned from Korea. She insists that families of the missing are being misled to believe that maintenance of a residual U.S. force in Vietnam is the only way to get an accounting of the missing.

"They tell us we can't trust the Communists, that we must keep a residual force in Vietnam until they account for the missing. Well, I wish my husband were held by the Australians. But he's not. If he's alive, he's held by the Communists, and these are the people we must deal with: If there were any living POWs who weren't allowed to return from Korea, it was probably because we still have a residual force there today."

Mrs. Jones adds that she isn't convinced living POWs were abandoned in Korea. But she also asserts that talk of a residual force for the sake of the missing is the administration's way of placating families, "of keeping us quiet."

Another is Mrs. Randolph Ford, whose husband, a Navy pilot, went down over North Vietnam in 1968 and who voted that same year for President Nixon. The Pentagon lists her husband as a prisoner, but Hanoi doesn't. "It shook me up when the administration made it appear we were there (in Vietnam) because of the POWs," she says angrily. "This is a bunch of bull. I resent using the POWs as an excuse to stay in Vietnam. Washington is just trying to save face."

Asserts Mrs. James Warner, whose son is a known prisoner and who headed the National League of Families in Michigan until she "resigned in disgust": "We've been used to drum up war sentiment."

PESSIMISM BY THE EXPERTS

Experts tend to be pessimistic about the chances of ever unraveling the fate of most of the missing. Bodies of those who have died in damp jungle areas are quick to decompose. Veteran fliers say that in cases of high-speed crashes, only a trained pathologist can possibly tell if human remains are in the wreckage.

And the experts are equally pessimistic about survival chances of those who were lost, alive, on the ground. Marine Lt. Col. Pat Caruthers, who heads up the corps' rugged survival-training program, describes what it is like for a man lost in Vietnam.

"It depends on the terrain," he says. "If you're in elephant grass, it cuts your uniform to ribbons, and you usually don't have any medicine to stop the infection. If you're in the mountains, you've got rocks and bramble bush and just rough ground to put up with."

The colonel says that in any lowland area, rain becomes a problem: "Everything is under water, your feet look like prunes, any orifice or opening in the body becomes a problem, you get blood leeches which you can pick off all day, but all you do is open sores.

"If a man's not found within 10 days," the colonel concludes dryly, "he's got a real personal problem."

Late last year, Hanoi released a list of 339 men it identified as "pilots captured" in North Vietnam, along with a list of 20 GI's who, it said, had died of wounds or disease. The Vietcong have yet to release a list, but a spokesman told reporters in Paris this summer that a list of American prisoners held in South Vietnam would be released on the same date the U.S. begins a total withdrawal of troops from Southeast Asia. The Vietcong spokesman, Madame Nguyen Thi Binh, also said release of prisoners in both the North and the South would begin on that same date.

The Pathet Lao, a Hanoi ally not represented at the Paris peace talks, indicate only that they will "discuss prisoners when the U.S. pulls out of Laos. (Mrs. Stephen Hanson, whose husband, a Marine captain, was seen alive on the ground after his helicopter was shot down over Laos, says a high-ranking U.S. diplomat confided to her that there were "70 or 80" U.S. prisoners in Laos. State Department officials, however, say intelligence sources indicate the possibility of "around 30 men, and that's low-level stuff—things like reports of Caucasians spotted on the Ho Chi Minh Trail.")

Most families don't accept the Communist lists. But some are beginning to take those figures more seriously. "I can't see how the North Vietnamese can say somebody is dead or was never captured and then turn him up after the war," says Mrs. Billie Cartwright, wife of a Navy pilot missing over North Vietnam.

COMMUNIST READINESS?

About midyear, former Defense Secretary Clark Clifford, among others, began suggesting that the Communists were ready to deal: a list of all prisoners held in the South and their phased release to match a date for phased withdrawal of U.S. forces.

Since such suggestions became public, some families of the missing are complaining that the Nixon administration is changing its stand on the POW/MIA question. Mrs. William Mullen, wife of a Marine captain missing in Laos, recalls remarks by Defense Secretary Laird that apparently expressed U.S. policy last spring. At that time he told reporters: "We are willing to take every American out of Vietnam providing that (POW) question is settled."

Mrs. Mullen contrasts that stand with more recent comments by Press Secretary Ziegler. He said that a deal tied simply to the prisoners would impose "a deadline so precipitous that it wouldn't give the South Vietnamese the opportunity to defend themselves and determine their own future."

She also refers to Sen. Dole's statement this summer to CBS television reporter Bob Schieffer: "We have to be very candid about it. We don't want to stay there just for the prisoners, we don't want to get out just for the prisoners. They're very important, but they represent less than one half of one percent of the Americans who've died in Vietnam."

Referring to the U.S. officials, Mrs. Mullen observes: "They want to maintain their license to continue the war."

BOYCOTT FRANCE

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. GROSS. Mr. Speaker, speaking at Dallas, Tex., on Monday of this week in connection with the dedication of a new postal stamp designed to draw attention to America's drug problem, Postmaster General Winton M. Blount, called on the American people to boycott all French goods in an effort to force authorities of that country to halt the flow of heroin into this country.

It is estimated that 80 percent of the heroin entering this country is from France.

The pertinent portion of Postmaster General Blount's address follows:

REMARKS BY POSTMASTER GENERAL WINTON M. BLOUNT

It is a great pleasure to be here with you this afternoon. I say that with some qualification—our purpose here is not a pleasant one, but there is satisfaction in believing that the effort we are engaged in today may have a positive effect on a problem of grave concern to our country.

America is a nation dedicated and consecrated, from the very beginning, to its young. Men have fought and died for American liberty—so their children might be free. Parents have worked and struggled and denied themselves to provide advantages to their children which they themselves never had: life in a better neighborhood, education in better schools, higher education, a start in life on a higher economic rung.

Our society is adjusted to serve the best interests of our children; our economy is adjusting to accommodate them; even our political system is opening to provide a place for them. And certainly, all these things are justified—for our youth are the wealth of our Nation.

And yet, despite the great emphasis on the best interests of our children, at no time in our history have the young people of America been under a greater threat than they are today. That threat comes from the menace of narcotics and dangerous drugs.

President Nixon has very clearly acknowledged the danger of this menace and has taken very strong and comprehensive steps to deal with it. He has asked for more stringent and far-reaching laws to combat drugs in the area of enforcement. And he has brought to the government a man, who is probably the best equipped man in the country—Dr. Jerry Jaffee—to deal with the drug problem through treatment and prevention.

Both these efforts are going forward, and both are showing progress—sometimes it is only the slim satisfaction of learning what still has to be learned, or of disproving what was thought to be true: this is slow progress, but it is going on.

As I speak on various occasions around the country, I frequently direct my remarks to the matter of putting the power and the responsibility for running this Nation back where it belongs—with the American people.

If there is anyone more concerned with seeing this come about than I am, it is President Nixon himself. He was talking about "power to the people" before the so-called militants and other pseudo-revolutionaries ever came along.

It is difficult to know, at this point, what effect the effort to get power out of the hands of the Federal Government and back to the States and the people is having. I think it is felt by many that this is an optional matter, that they have a choice—that they can choose to run their own lives as they wish or let the Government do it. And they're in no hurry to make a decision.

Let it be understood by all that drug abuse is a problem which cannot be left to the Federal Government to deal with alone. Let it be understood by all that the decision to let Washington worry about it is a decision to let the drug addicts, the drug pushers, and the big-time international narcotics traffickers destroy the Nation we have created and preserved and made great for our young—and to destroy our young as well.

Drug abuse is a problem of the most critical dimensions. While drug abuse is on the increase in other nations, America—of all the countries in the world—is the nation with the largest drug problem. Consider what this means just in the area of heroin addiction. The United States does not grow the poppy; in those nations where it is grown—those nations which produce opium—the addict population is negligible.

The United States does not produce heroin—which is a derivative of morphine, which in turn comes from opium. The production of heroin is a laboratory process which is carried out abroad—France, as we know, is a major source of illegal heroin, for example.

Now we don't grow it, and we don't manufacture it, and yet despite this, we have the largest population of heroin addicts in the world. Consider what that suggests about the size of the problem of marijuana—which *can* be grown here, and which *is* grown in abundance on our borders. Consider what this suggests about the size of the problem stemming from barbiturates and amphetamines and other pills which we *do* manufacture here, and which our young people have relatively easy access to.

There is, of course, much uneasiness over the fact that the problem exists and there is deep concern as well over *why* the problem exists. Drug addiction is a phenomenon that has consistently baffled and dismayed the sociologists.

First, it was thought that drug addiction was a ghetto problem because of the misery and the boredom of ghetto-dwellers. And this made sense, because there is certainly enough misery and boredom in the ghettoes to explain a resort to drugs.

But then it was discovered that the problem has moved to the "nice" neighborhoods—to the suburbs. The case for misery and boredom was lost here. While the problem in the suburbs had and has qualitative and quantitative differences, it was still a drug problem—and these differences are being eliminated.

For example, where pills and marijuana seem once to have been the preferred method of "turning on," heroin usage is on the increase now.

There have been other explanations—the war, the bomb, the new life style, and so forth. It isn't so much that none of these explanations makes sense, as it is that they simply don't matter. We need a whole lot less emphasis on trying to find out why people have a desire to take drugs, and a whole lot more emphasis on *why they have the opportunity to take them.*

We need less sociological conjecture and a lot stronger enforcement procedures.

This is why the problem cannot be left with the Federal Government. It simply cannot deal with a problem of this magnitude when it needs to be dealt with at the State, municipal and local levels.

Whatever other responsibilities Americans may choose to relinquish to the Federal Government, they just cannot and must not relinquish responsibility for the lives of their children. It is inconceivable to me that we have not seen stronger local action on this account.

The pusher at your local high school—and it is almost a statistical certainty that there is at least one—that pusher is trying to destroy your child. There can be no action too strong and no penalty too harsh for those who would take young and impressionable children in the morning of their lives and seek to wreck those lives—and to do it for profit.

Because, make no mistake, despite all the reasons we have heard for the drug problem—social or economic disadvantages, political despair and the rest of it—the overriding reason why the problem persists and grows is because it is a big business and there is an enormous amount of money in it. It is an international business and this Nation is being victimized by those nations which overlook the production and export of illegal drugs from their territory into our own.

I am and always have been a businessman, and I know it is a very difficult matter to kill a business that makes money—whether it is legal or illegal. It takes strong, concerted, comprehensive, and absolutely ruthless action at all levels to do the job. The sooner the American people recognize this, the sooner they are as prepared to take independent, private action as they are to let the Federal Government act, the better off our country will be.

Because this is a matter that every American can take a hand in. One citizen effort which has been very successful is called TIP—for Turn In a Pusher. The TIP program provides a bounty to anyone who reports a drug pusher when the report results in a conviction. This has been done in areas in Florida, and I know it is being done now in areas of Northern Virginia just outside the District of Columbia.

I think the program should be taken up everywhere. It must inevitably succeed, because not only does information come from private citizens, but it is virtually certain that it will come from within the drug culture as well. A junkie will sell his mother for money, and pushers will sell each other out to eliminate competition.

In other efforts, particularly in the ghettoes, private groups go about combating drugs by taking private action against traffickers. It is appropriate, it is to be hoped, and to be expected that those who are most damaged by the trade should strike back the hardest.

Other methods will suggest themselves to responsible Americans. There is no reason why the individual American citizen cannot have a role in the war against the international drug traffic. Private citizens can make themselves felt beyond our borders, Why, for example, should we import French goods—cars, clothing, food and such—why should the American people buy these goods when an estimated 80% of the heroin which finds its way into this country and into the bloodstreams of our young still comes from France?

If the American people decided to boycott French goods and did so until the cost of the boycott exceeded the benefits of the drug traffic out of Marseilles, then greater effort might be taken to end that traffic.

I call on the American people to institute a boycott of all French goods now—until the French clean up this cesspool with which our young are being contaminated.

Finally, a major step toward a solution of this matter must involve education of our people, and communication with them—not all are aware of the gravity of the situation nor of its widespread nature. It is in this area that the U.S. Postal Service is particularly well-equipped to help.

The stamp we dedicate today is an unusual one for a commemorative stamp. It is not, in fact, a commemorative stamp at all. It is rather a warning, a plea for help, and a call to the American people to take every step to lift up those who have fallen under the use of drugs and to strike down those who profit from the misery of others—who have brought others into the use of drugs.

This stamp is a vertical eight-cent stamp, designed by Miggs Burroughs of Westport, Connecticut, based on a concept by K. Gardner Perine of the Bureau of Narcotics and Dangerous Drugs. It depicts a young girl in a posture of loneliness and despair—reflecting the consequences of drug dependency. Its purpose is clearly written on the stamp. It is to "Prevent Drug Abuse." And we dedicate it now with a fervent hope that it will accomplish its purpose.

THE WORLD HAS A DAY TO REMEMBER—NATIONAL DAY OF BREAD, OCTOBER 5, 1971

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. SHRIVER. Mr. Speaker, on June 3 of this year, it was my privilege to join with my good friend and able colleague from Kansas, Keith Sebelius, in introducing House Joint Resolution 683, requesting the President to issue a proclamation calling for a "Day of Bread" and "Harvest Festival Week." Although action was not completed on this resolution, the President has made such a proclamation. Today, October 5, is the National Day of Bread and this week is the Harvest Festival. In commemoration of these events, Congressman Sebelius spoke at ceremonies held this morning at the Department of Agriculture. Representing the big First District of Kansas, the largest wheat-producing area in the world, these remarks are of interest not only to Members of Congress representing producing areas, but to those with districts comprised predominantly of consumers of wheat products and other agricultural commodities.

Accordingly, I have obtained permission from the Chair to insert Congressman Sebelius' statement at this point in the Record along with an explanation of what this day means to the world as expressed by the National Day of Bread Committee.

The inserts follow:

Statement by Congressman Keith G. Sebelius, U.S. Department of Agriculture, October 5, 1971—"Day of Bread"

Mr. Secretary and distinguished guests. I appreciate very much this opportunity to make these brief remarks, especially since I am privileged to represent the world's leading wheat producing area, the first Congressional district of Kansas.

In the quest for peace and understanding in the world, perhaps we in America have too long overlooked the talent and resourcefulness of the most productive man in the American economy—the farmer. Since a hungry world is a troubled world, we must use to the fullest extent possible what can be our greatest weapon for peace—our willingness to share our agricultural abundance and expertise both at home and abroad.

In this regard, this celebration of the International Day of Bread as part of Harvest Festival Week is most significant. At this point in history, peoples of the world come together in spirit and not only express thanksgiving for the annual harvest in their native lands, but also commit themselves to achieving a better tomorrow through cooperation and understanding.

Bread, a product of wheat, symbolizes the harvest of all crops and that of food itself. The significance of bread is most impressively demonstrated by the fact man regards this product as the "staff of life." Man's gratitude is even expressed in prayer, "Give us this day our daily bread. . . ."

As I stated earlier, bread can and does play a most vital role in our efforts to fight malnutrition and hunger. Man has utilized bread to fight hunger for 6,000 years. It is consumed in various forms by more than one billion people and provides man more protein and nourishment than any other food.

I want to pay special tribute today to Secretary Hardin and the Department of Agriculture for their initiative and leadership in implementing domestic food programs to feed the underprivileged. This commitment has not received the publicity it merits or deserves—despite the fact it will be through this kind of quiet dedication that we may some day eliminate hunger and malnutrition in this nation and in all nations.

I also think it is important today not to overlook the needs of the man who will enable us to win—or to lose—the fight against hunger and malnutrition . . . the American farmer. In fact, the American farmer today is currently subsidizing the American consumer. The consumer today is free to spend more than 83% of his disposable income for non-food expenditures. Farmers have actually subsidized our nation' business growth and industrial development by providing the best quality food at the lowest price in the history of mankind.

I feel very strongly that we must dedicate ourselves on this auspicious day to seek new ways to enable the farmer to share in the prosperity.

In essence, we are talking about goals that really affect every American and every citizen of our world. If we can make it possible for the American farmer to earn a decent living, we can also lay the foundation from which we may solve such problems as world hunger, and in turn—world peace.

It is a difficult challenge, but as we observe this "Day of Bread," I am hopeful each of us independently and collectively, the Congress, the Executive, and the private sector in agriculture—can go forward with a new sense of commitment to achieve these goals—for that is what the "Day of Bread" is all about.

The World Has a Day To Remember

Before recorded time, the family of man paused each autumn for rites of joy and gratitude for the bounty of nature. Spontaneous ceremonies signalled the completion of his harvest from field, farm, forest . . . from lakes, streams and seas.

This compelling impulse became part of tribal or religious custom beyond recall of printed word, mind or memory. Today you still find Harvest Festivals observed in many parts of the world—celebrated for grapes that make wine, the reaping of grain for bread, or for the stores of meat or fish in the larder.

Following the Egyptians and those before them, the Greeks perpetuated this practice in the personification of a goddess, *Demeter*, whom they worshipped. The Romans called her *Ceres*, for whom cereals were named. *Bread* came to symbolize all food and the everlasting dependence of man upon the soil, the sun, the rain, the seasons and the practice of agriculture.

Bread thus signifies the harvest of all crops, of milk, meat and food itself, a meaning expressed in prayer, "Give Us This Day . . .," and in ceremony and ritual throughout the modern world. The concept grows in import every day as governments everywhere become increasingly concerned with feeding the hungry and malnourished, at home and abroad.

In recognition of such values, the tradition of a "Day of Bread" was revived in Germany almost 20 years ago to epitomize the spirit of the harvest season. The observance spread to other countries of the Continent, to the Americas and the Far East. President Nixon, followed by the Governors of almost 50 states and the Mayors of scores of cities, proclaimed the "Day of Bread," as part of Harvest Festival Week in 1969 and 1970. The occasion will be celebrated October 3–9, 1971, and the "Day of Bread"—Tuesday, October 5, this year.

As part of the legacy of all mankind, the American Harvest Festival and "Day of Bread" have been identified as a major link in the chain of human understanding internationally, person-to-person, at levels that transcend all boundaries of country, creed or politics. The "Day of Bread" will be marked here by breakfasts, luncheons and banquets across the country—in Washington, the 50 state capitals and major cities, all planned to span the time-gap, insofar as possible, to jibe with similar, simultaneous functions abroad.

These meetings bring together leaders in government, agriculture, business and science, with attendant press coverage, for a free exchange of information on the national and world food supply, the economics and technology of food, the urgent need for good nutrition, the problems of food distribution, malnutrition and hunger, and many kindred subjects.

The event this year falls on a noteworthy anniversary in the United States—the 30th year of enrichment, whereby significant amounts of the B-vitamins—thiamine, niacin and riboflavin—and the mineral, iron, are added to breadstuffs and, thus, to popular diet. As a contribution to public health and nutrition, enrichment has been hailed as a great, monumental, forward stride in medicine. Therefore, this 30th year of enrichment lends even greater dimension and scope to the "Day of Bread"—1971.

We hope you, too, join in the international salute here and abroad—to the bounty of the harvest . . . to the "Day of Bread . . ." to Bread itself—Hunger Fighter for 6,000 Years.

ALASKA NATIVE PEOPLES WEEK

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. BEGICH. Mr. Speaker, Gov. William Egan has proclaimed October 3 through October 9, 1971, Alaska Native Peoples Week.

I am particularly proud to call this celebration to the attention of my colleagues in the House. Alaska, unlike any other State in the Union, contains a significant Native population that adds color, history, and culture to the Nation's 49th State.

It is interesting to note that Alaska, unlike any other State in the Union, contains a significant diversity of Native American cultures within its boundaries, each of which is uniquely located in different geographic areas of Alaska.

Of the 60,000 Native people who live in some 200 villages: the Eskimo population live in the western and northwestern areas, the Aleuts on the Aleutian Chain and neighboring islands, the Athabascans on the interior, the Tlingits, Haidas, and Tsimpsheans in the southeast or panhandle areas.

Alaska, with its multicultured people, is quite unique, because, in this day and age—the 21st century—we still have many Native people who live on a hunting and fishing subsistence economy, amidst the influx of the western cash economy and technology.

I am pleased to join Governor Egan in recognition of the Alaskan Natives progress and their contributions to our society.

It is my privilege to share this proclamation with my colleagues in the House:

PROCLAMATION: ALASKA NATIVE PEOPLES WEEK

There are 60,000 native people in Alaska of Eskimo, Aleut, and Indian extraction, whose homelands cover the State from Ketchikan to Point Barrow, and from Fort Yukon to the tip of the Aleutian Islands.

The progress being made by these first citizens of Alaska—through education, involvement in government, and combating health problems through development of good leadership in the face of tremendous odds—is a credit to this great state.

It is the ultimate desire of this Administration to continue this cooperation and contribution of the native people for a meaningful State Government based on self-determination for all.

Now, therefore, in recognition of the contributions made by the native peoples of Alaska, I, William A. Egan, as Governor, do hereby proclaim the week of October 3 through October 9, 1971, as Alaska Native Peoples Week and urge all Alaskans to join me in this historic event in recognition of the contributions of the native people to the State of Alaska.

Dated this 28th day of September, 1971.

WILLIAM A. EGAN,
Governor.

REPRESENTATIVE JULIA BUTLER HANSEN OPPOSES THE PROPOSED PRAYER AMENDMENT

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. CELLER. Mr. Speaker, our esteemed colleague, JULIA BUTLER HANSEN, has written to the general secretary of the Washington State Council of Churches, a frank, direct, and compelling letter. I read it with admiration and in agreement, and I wish to share this experience with the Members of Congress. The text of the letters follows:

SEPTEMBER 27, 1971.

Mr. EVERETT J. JENSEN,
General Secretary, Washington State Council of Churches, Seattle, Wash.

DEAR MR. JENSEN: Thank you so much for your letter of September 22. Unfortunately, the "Prayer Amendment" is again before the House, although, it is not scheduled for consideration yet.

I am opposed to this amendment and did not sign the discharge petition. I have opposed the inclusion of prayer in our public schools ever since I was a member of the Washington State Legislature. Through the years, since I was in Congress, I have written letters explaining my opposition and calling attention to those who have written me about it that it is contrary to the Bill of Rights which says in Amendment No. I to the United States Constitution:

"Congress shall make no laws respecting an establishment of religion. . . ."

Our own State Constitution in Article I, Section 11 states:

"Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercises or instruction, or the support of any religious establishment."

The Article then goes on to state that:

"No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror, in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony."

It would seem to me that in this declaration there is the same guarantee for a school child as there is for a public official.

Again, Article IX, Section 4 of our State Constitution says:

"All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence."

Earlier the Preamble to Article IX, Section 1 stated:

"It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex."

Therefore, it seems to me that any abridgement of Article I of the Bill of Rights at the same time nullifies or abrogates the Washington State Constitution.

Every child in the State of Washington should have the right to worship as he or she pleases and no prayer on earth can be devised to fit all categories of this worship. The Catholic child, the Jewish child, the child of an atheist, the child of a Buddhist, a Moslem are all entitled under the Constitution of the United States and of our State to equality.

I shall not support the Prayer Amendment. I shall not support it because I consider it contrary to my oath of office wherein I swore to uphold the Constitution of the United States.

The erosion of the Bill of Rights could become to me one of the most disastrous actions of America. A little erosion here and a little erosion there will eliminate democracy and freedom as we know it. Too many countries have gone down this road. Let us keep America strong and free under her Constitution.

You may publish this letter; send it to any churches in the entire State. I have no apologies for my stand on behalf of my Constitution to which I took allegiance.

In closing, may I say many men have died to preserve our Constitution. I can at least speak for it.

With my warmest personal regards, I am

Yours most sincerely,

JULIA BUTLER HANSEN,
Member of Congress.

U.S. TECHNOLOGY IS THREATENED

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. McCLOSKEY. Mr. Speaker, I insert in the RECORD at this point a recent article by Charles A. Anderson, president of Stanford Research Institute, Menlo Park, Calif. Mr. Anderson addresses the problem of the long-range threat to this Nation by the current curb on research and development funding, accompanied by the "financial and spiritual disruption caused by Vietnam."

Our colleagues will recall that it was only a little over a year ago that the late Mendel Rivers addressed this body, urging that the cutback in research and development spending was jeopardizing this Nation's future for the same reasons.

I commend Mr. Anderson's article as a most thoughtful discussion of problems which each of us must consider as we go forward:

U.S. TECHNOLOGY IS THREATENED: CURBING, R. & D. CRIPPLES PROGRESS

(By Charles A. Anderson)

The United States must soon face the fact that it is living on its research and development capital and the account is beginning to run low. If we fail to acknowledge this, our technological affluence will be lost.

The assault on America's leadership in science and technology is both external and internal. Externally, Western Europe, Japan and the Soviet Union are making rapid strides in areas that have traditionally been controlled by the United States. In radio astronomy, high energy physics and conventional energy research we have already been surpassed. Internally, a new national distaste for science and technology is undermining the national research and development effort.

The external challenge is beyond our control. But we must correct negative attitudes toward science and technology at home.

To be sure, technology assessment is necessary if individual freedom and the quality of life are to be maintained. Our concern, however, should be with the end-product of technology and its use, not with the research and development process itself. To attack the value of this process is to discard our best tool in achieving whatever goals we might formulate for the nation.

Our technological society is the product of past research and development efforts. We have inherited both the benefits and problems of technology, and one's point of view determines which of those two elements is dominant. One thing does seem clear, however. The solution to our present environmental, population, urban housing and other problems lies primarily with more technology, not less. A romantic retreat to cottage industries in a pastoral setting is both undesirable and impossible with a population of over 200 million people.

Our supply of natural resources is shrinking while our demands for such materials are growing. Only research and development can produce the advances in recycling, transportation systems, oceanographic research and nuclear fusion for clean electricity that must be made in the remaining years of this century.

At the same time, we are moving steadily toward a service-dominated economy. By 1980, nine of every 10 new jobs will be in the service area. Service functions have traditionally been resistant to productivity increases. We are still early in the learning process of applying technology to the service industries in order to yield productivity growth. We must succeed in this task if we hope to have the healthy economy necessary to pay for social programs.

The source from which advances will be drawn is not a cornucopia but a pipeline in time. Research and development funds and manpower must be added at this end if new technology is to be produced at the other end 10 years hence. By constricting the flow of funds and manpower into the pipeline now, we are crippling future progress.

A major source of our current problems in R. & D. undoubtedly lies in the financial and spiritual disruptions caused by Vietnam. In addition to aggravating the general inflationary picture and dislocating both the civilian and military R. & D. effort, it has among many people stamped science and technology as a war machine that produces such things as defoliants and napalm. This view is perhaps predominant among the young, which further imperils the future of technology.

In a military sense, the war has been most kind to the Soviet Union. While we have been forced to divert substantial portions of our defense budget from research and development into tactical hardware, the U.S.S.R. has been free to move forward in the development of the next generation of missiles, aircraft and naval vessels. The Soviet military R. & D. input is growing by 10 to 13 percent annually. If present trends continue, the U.S.S.R. could assume technological superiority over the United States within a few years. Congress is now facing this situation. The cost of military R. & D. and procurement deferred by the war will probably negate and exceed any "peace dividend" generated by the end of our major commitment in Southeast Asia.

The effect of insufficient government funding for high-technology programs, research and development has been predictable: program cancellations, professional unemployment, disbanding of research teams.

While trained scientists and engineers are being forced out of their fields, young professionals are entering at a diminished rate due to the uncertain occupational future and declining reputation of the scientific professions. In aerospace, the hardest hit area, the scientific and engineering labor force is down from 223,000 in 1968 to 154,000 today.

The Stanford Research Institute, a nonprofit contract research organization, has moved against the tide and its 1970 revenues of $65 million marked a record high.

Another significant problem is funding continuity. Important programs have been cut back or canceled in midpoint. As a result, budget-wise scientists are now lowering their sights and submitting proposals for shorter-term projects that have a better chance of maintaining funding to completion. Thus, scientists are becoming responsive to finances rather than need, and many worthwhile projects are being shelved in the process.

We've long since passed the time when the individual scientist, working with little equipment, could produce the significant discovery. Research today requires the assembly of men and equipment and the development of programs pointed toward long-term goals. Funding continuity becomes a vitally important element in such an environment.

Basic research is particularly vulnerable in the budget-pruning process. Increasingly, it is considered "irrelevant" and a low-priority item by critics and legislators more concerned with the immediate solution of social problems through infusion of Federal funds.

We cannot go on attempting to judge basic research in physics or biology on the same scale with social programs and determine that one is more relevant than the other. It is not "either-or." All have value, but they must be considered independently. Basic research must be justified first as part of the continuing search for knowledge. At the same time, there is a need for balance between basic and applied scientific work. They are interdependent since knowledge without application is useless and application without knowledge is impossible.

Inevitably, the Federal Government must continue to play the biggest role in supporting basic research in the United States. There are definite limits to the amount of R. & D. risk that can be assumed by the private sector. Only the Federal Government, for example, can afford the immense investment necessary to sponsor research in space travel or astronomy. Government-sponsored research has, over the years, produced the discoveries that have triggered the development of computers, lasers, atomic power and many others. We all benefit from such advances.

Despite our position as the world's leader in science and technology, we are still unsure of their place in our society. How shall they be programmed? How shall they be financed? Who shall judge the priorities for research funding allocations?

These questions need to be answered so that a rational science policy can be developed that will avoid the erratic expansions and contractions of recent Federal research and development budgets and the manpower dislocations that accompany them. Like it or not, this country's future is tied to science and technology, and it is time to give that fact its just due.

A SALUTE TO VFW POST 7048 OF FAIRMONT, W. VA.

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. MOLLOHAN. Mr. Speaker, just recently on one of my weekend speaking engagements to my district, I overheard a conversation about a particular family and how that family had to go into debt to pay for the funeral expenses of a young soldier killed in combat in South Vietnam.

I was reminded then that this need not necessarily be the case in Fairmont, W. Va., where, thanks to the efforts of the Veterans of Foreign Wars Post 7048, free burial lots are available for veterans.

The post has received both local and national recognition for its fine community projects and was recently presented with the Community Activities Award of Merit by the national headquarters of the Veterans of Foreign Wars for establishing the veterans' burial section and a memorial to West Virginia war veterans.

I would now like to publicly salute the fine men and women of VFW Post 7048 and its auxiliary. We West Virginians are proud of their accomplishments.

LONG-RANGE MONETARY PLANNING STILL NEEDED

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. HANNA. Mr. Speaker, almost 4 years ago I rose in this distinguished body and spoke on the role of the dollar in international commerce and how it got there. I discussed, in some detail, the constraints placed upon our economy by staying with fixed exchange rates based on a dollar-gold standard.

My intention for giving such a speech in November 1967 was to call attention to the fact that long-range planning was needed given the recognizable trend at the time that difficulties were in store for the dollar.

I noted with interest, Mr. Speaker, a recent article in the Wall Street Journal which told about how the dollar was about to lose its role as the main international "reserve currency."

The time has come for the United States to make a decision based upon long-term objectives. The course of action based on such objectives may be more painful in the short run but seems to me to cause much less difficulties over the course of time.

Mr. Speaker, I am including, at this point, the original speech I gave followed by the Wall Street Journal article.

The speech follows:

TODAY'S STORY GOLD

(Extension of remarks by Hon. RICHARD T. HANNA, of California, in the House of Representatives, Nov. 28, 1967)

Mr. HANNA. Mr. Speaker, since the time when the commerce of man was extended beyond barter the importance of the medium of exchange has played a key role in trade within individual nations and between nations of the earth. The two basic attitudes that can be found relative to any currency in use in any society remain the same. They are an attitude of confidence and an attitude toward convenience.

The first attitude relates to the sought-for need for deposit of value for the holder and the other relates more to the velocity of transactions which as volume grows trade is encouraged. Paradoxically these two attitudes are inconsistent. Actually wealth as such relates to goods and services valued in their own right and wealth has no necessary relationship to convenience. The wealth of a nation is certainly directly tied to the goods and services both in the quality and quantity it produces. The wealth of a nation is certainly not related to the amount of currency it has available. Therefore, when hard currency or metal coinage is involved it has a dual role; one in which it is part of the wealth picture and the other as a medium of exchange. It is demonstrably true, however, that the greater role it plays as wealth the lesser role it plays as convenience and vice versa. As the volume of trade rises the pressure for convenience will also rise and in the choice between confidence resting on value and service resting on convenience, option will be exercised in favor of convenience. That is today's story in relation to gold.

Let us examine this proposition in greater detail keeping in mind the distinction of wealth per se and money as a medium of exchange; and the distinction between the requisite attitudes relative to currency. One being confidence which rests on true wealth or value and convenience which rests upon velocity and volume.

As long as man has known the existence of gold, it has served as a medium of exchange. As with any commodity, the value of gold is measured by its desirability in relation to its availability. No one doubts that gold is a desirable material because of its beauty and its workability. It is easily extracted in a pure form and is easily alloyed with other metals to achieve the desired durability. Gold does not tarnish and is divisible without loss of value. Yet its scarcity means that not everyone may possess as much as he desires. It is, therefore, a measure of one's wealth and a most logical medium of exchange.

Gold is, however, a heavy metal and is not easily transported in great quantities. Even though an individual found it easy to carry bits of raw gold or pieces of worked gold to handle day-to-day transactions, he found it cumbersome and unsafe to carry enough for large transactions. The problem was solved by leaving the bulk of one's gold with the goldsmith or someone else who was willing to keep it safe and by writing a note to him to deliver upon request a certain amount of that gold to a named person in possession of the note. Today it costs more than $6 in interest foregone, insurance and storage charges to hold $100 in gold for a year.

In the past everyone felt it safe enough to accept such notes addressed to "bearer" as long as they had confidence in the financial stability and integrity of the man whose signature appeared at the bottom of the note. Often, no gold actually changed hands, but was transferred on paper.

Still, when one traveled outside the community where his name was not known, he had to carry his gold with him. Soon the policy of issuing notes was taken over by large banks and eventually by governments who could assure the validity of gold notes over greater areas. Soon this became the exclusive dominion of government and the notes became universally acceptable; in some cases, even for foreign trade. Thus, the change from gold as a medium of exchange to gold as an exchange standard.

It soon became apparent that there was not enough gold available to back up 100 percent of the increasing number of notes needed as the economy grew. Thus governments issued notes in excess of their gold stock but kept enough to assure the occasional doubter that his paper money was "as good as gold." This policy was adequate as long as there was no "run" on the gold stock. When this did happen, the Government had no choice but to abandon the policy of redemption and assure the validity of the notes on the strength of the Government alone.

Both world wars and the depression vividly demonstrated the weaknesses of the gold standard in times of extreme difficulty. Countries found that a paper standard was not the solution, nor was any other form of the metal standard. The key to a solid monetary system depends upon a stable economic system and these times were not the best in which to experiment. Virtually all governments felt, however, that although the gold standard was far from perfect, it had been in a process of development over the centuries, and belief was widespread that the best hope of the future consisted in the further improvement of this standard, rather than in the substitution of something new in its place.

Today, there is dissatisfaction with the restraints posed by the gold standards and efforts are being made to recognize what the difficulties are and what can be done to alleviate the strains that are beginning to show. These strains are the end result of a long and highly involved development of many monetary standards which go under the name of the "gold standard" and the one which we have now is by no means the end or even desired product of this development.

In the United States, gold monometalism did not actually exist until 1879. Nonetheless, from the beginning of colonial settlements here, gold served, at least to some extent, as basic money. The early experience with gold can be divided into four periods: First, the period prior to the National Mint Act of 1792 which is roughly the preconstitutional period, during which a scattering of gold circulated in the country along with many silver and copper coins and with large amounts of inconvertible paper money; second, the period of bimetalism which dated from 1792 to the long suspension of specie payments at the end of 1861—omitting brief suspension from 1814 to 1817; third, the period of the greenback standard from 1862 to 1878, during which the only circulation of gold money was a limited amount on the Pacific coast; and, fourth, the period of the gold standard, from the resumption of specie payments in 1879 to the First World War.

With the advent of the war, the gold standard and every other kind of monetary standard in the world broke down. During the war and the years immediately following, depreciated and managed paper money standards were adopted everywhere. With few exceptions—principally in the United States—they were terrible failures. As soon as the smoke of battle had cleared away and the work of reconstruction had moved substantially forward, nearly all the advanced countries of the world began readapting their economies to the gold standard.

The United States had suffered less than any country from the war and in June 1919, removed the embargo on gold exports and from this time on the dollar was taken as representing gold. At the Brussels Conference of 1920, recommendations were made that all countries attempt to steady the internal purchasing powers of their own currencies and at the Genoa Conference of 1922 countries were urged to return to the gold standard. The enthusiasm with which countries returned to the standard was met by almost immediate disillusionment.

Countries had price levels harmonized with that of the dollar and had stabilized foreign exchanges, but had not gotten the world's gold properly distributed. It was becoming clear that, as things were, there was not enough gold available to maintain the world level of prices at its existing height, and that the world was threatened with continuously falling prices and an indefinite period of trade depression. The United States, with a surplus of gold, could possibly maintain its position and level prices; any other country which by hook or by crook could obtain enough gold might be able to do the same. Hence the fear of a scramble for gold, which would mean a bidding up of the price of gold making it more valuable. This means essentially reducing commodity prices and a general depression.

The return to the gold standard was made in most cases under trying circumstances, and, before the newly created standards could be firmly established and put in good order, the postwar economic crisis beginning in 1929–30 shook the world. The gold standard everywhere was again swept away. Likewise were all the remaining silver standards and practically all of the paper money standards.

The U.S. Congress in 1933 under the administration of President Franklin Roosevelt authorized the Secretary of the Treasury to require every person in the United States to relinquish, in exchange for dollar currency, all gold coins, gold bullion and gold certificates in his possession. The whole operation was carried through quickly and expeditiously. The President declared that all title to gold rested with the Government. Gold could, however, be employed by the Federal Reserve System for international payment. The monetary authorities, under the provision of the Gold Reserve Act of 1945, were empowered to sell gold for industrial uses and for export at one-fourth of 1 percent above the declared par value of $35 per ounce, and to buy gold at one-fourth of 1 percent below $35 per ounce. Gold for export was to be delivered to foreign central banks. With minor changes, this is the policy as it is today.

However, gold no longer makes up all of each nation's reserves, although the United States holds virtually all of its official reserves as gold bullion. So long as gold constituted the whole of international reserves, the problem was simply a matter of the aggregate quantity of the world's monetary gold and how it was distributed. The question was whether there was enough gold available to tide countries over temporary imbalances when foreign exchanges ran unfavorably. Imbalances could have been due to seasonal, cyclical, or special episodic events, or structural changes in demand and supply conditions.

Now two developments have greatly altered the picture. Causes of imbalances are no longer related merely to demand and supply conditions arising in the private sector. Since 1914, vast funds have been transferred across international borders by governments as war loans, reparation payments, foreign aid, grants and loans, military expenditures abroad, and so forth. These amounts have been so vast as to preclude the possibility of quick adjustments in the trade balance or in the private capital balance. Second, as became evident after World War I, the world's gold supply has not been increasing rapidly enough. For one thing, much of it was hoarded. Even allowing for this, gold production has not kept pace with the growing needs of world trade and other international transactions. Several measures were taken to economize on gold. It was freed for international use by being withdrawn from circulation and by reducing the gold cover on domestic currencies. More significantly, at the Genoa Conference of 1922, countries were encouraged to keep a part of their international reserves in the form of foreign exchange, specifically in liquid dollars and sterling holdings.

This latter device is the center of the controversy today. The United States and the United Kingdom are, of course, compelled to stand ready to pay out gold or the whole structure of stable exchange rates is in danger. The United States has assumed almost all responsibility for this policy due to England's current difficulties. Thus, since gold production is inadequate, the system can only function if surplus countries are prepared to take payment not in gold, but in liquid dollar holdings. The more they do this, the greater the ratio of foreign exchange holdings to gold holdings and the more shaky the gold-exchange structure becomes. One escape route from this is to end dollar and sterling deficits. But if this is achieved, the international monetary system would have to regress to the bare bones of the gold standard with its inadequate growth of international reserves.

In the future, it is not expected that accumulations of foreign exchange will make so large a contribution to the growth of aggregate reserves, because certain countries will take less of their reserve assets in the form of reserve currencies. Moreover, the United States will wish to raise its holdings of reserve assets in some relation to any increase in its liquid liabilities. Long-run plans for reserves will have to make allowances for a cessation of the decline in U.S. reserves and indeed for an increase in them.

Real negotiations for the creation of new reserves have centered around drawing rights within the International Monetary Fund. The principal choice in the form that these new reserves will take is between these two: first, the creation of a reserve in asset form—a "reserve unit"—through an exchange of claims between a reserve-creating institution and the countries to which the newly created reserves are initially distributed, and second, creation of additional drawing facilities of a quasi-automatic nature in the IMF. In these negotiations within the European Common Market, the Group of Ten, and the IMF, France has led the field of those nations which insist upon a "creditlike" asset and the United States has held out in favor of a moneylike asset.

Treasury Secretary Henry Fowler, in all negotiations, insists that the expansion of world trade and investment will be progressively hampered by restrictions unless the world's supply of reserve assets grows. To accomplish a solution, he feels that it is necessary to have a moneylike asset that will be regarded by monetary authorities as a supplement to gold and dollars and will be treated by them as reserves. Credit facilities which carry fixed repayment obligations, as France insists, will not meet countries' desires to increase their reserves. Nor will increased credit facilities be as effective in convincing the gold markets that we have broken our dependence on gold to increase free world reserves.

I applaud the efforts of Secretary Fowler in maintaining a strong commitment in the negotiations, but I question his firm resolve to maintain the gold standard when he professes to desire breaking from its restrictions. Perhaps he has in mind a long-range plan to make this reserve unit something that will eventually replace gold. However, I feel that we must involve ourselves immediately in basic discussions of the gold standard with a mind to more immediate and conclusive reform.

The recent statement of the American Bankers Association on U.S. gold policy demonstrates how we can be trapped into support for an economic policy that is detrimental to our own interests and, for that matter, the interests of the entire free world trade area. Prompted by growing sentiment for breaking the link between gold and the dollar, the ABA extolled the virtues of fixed exchange rates under the dollar-gold standard and warned against the consequences of failing to honor claims on gold at the established rate of $35 an ounce. The statement warns that a change in the gold policy would risk destroying the international monetary system without any replacement other than a worldwide network of exchange controls, as immediate reactions or as eventual responses to the deficiencies of floating exchange rates.

These observations are based upon a highly questionable historical analogy to the 1930's when severe domestic deflation forced countries off the gold standard. It is doubtful, however, that the experiences of the depression would be repeated today when all countries are committed to the maintenance of high income and employment. Furthermore, in abandoning the gold policy, nations were reacting to an immediate crisis whereas current prosperity will allow deliberation and flexibility—including maintaining current policies—in policy decisions.

The ABA's statement continually refers to the responsibility of the United States to nations who have "helped finance a long string of U.S. deficits" by adding to their dollar holdings. The statement says that a number of nations have thus put their national interest on the line in failing to press for conversions of dollars into gold. I wonder how much of this so-called sacrifice is magnanimity and how much of it is sound policy?

We must remember that, as the distinguished president of the Bank of America, Rudolph A. Peterson, says:

Dollars are not forced on their foreign holders. The dollar is a major trading and reserve currency because it is desired by foreign claimants.

Private bankers outside the United States are happy with the reliability and stability of the dollar. In addition, assuming that the United States did impose an embargo on gold and private holders decided to get rid of their dollars, what would they change them for? Other currencies are much more difficult to invest and would certainly not bring a better return than dollar investments.

Private holders of dollars cannot, of course, exchange them for gold. That is the privilege of central banks only. What the central banks would do in the event of a gold embargo is a highly academic question. Whether they like it or not, the world monetary system is heavily tied to a dollar standard. Gold has a value, not because of some intrinsic quality, but because the United States alone is willing to buy gold at a set price.

A metal of varying value is incapable of being an accurate standard of value or of currency. Under skilled supervision, and in favorable circumstances, it may provide a medium in which a standard of currency is fixed and maintained. But it is the fixed value, and not the metal, which is the standard of currency. The merit of the gold standard is its logic, not its gold.

Unfortunately, the tie to gold is not merely on paper. Psychologically speaking, breaking from gold would be, for some, as traumatic as leaving home for the first time. Granted, the first few steps would be a little shaky; but the departure is imperative. It is time we applied the same kind of logic and skill that we expend maintaining the gold standard to searching for a way out.

[From the Wall Street Journal, Sept. 30, 1971]

DOWN WITH DOLLARS: MONETARY AUTHORITIES AGREE ON NEED TO FIND NEW RESERVE CURRENCY

(By Richard F. Janssen and Charles N. Stabler)

WASHINGTON.—Out, damned dollar!

Already battered on currency markets abroad, the once-cherished U.S. dollar is about to get the bum's rush out of the Free World's central banks as well.

It now seems doomed to lose its role as the main international "reserve currency," the money that other governments keep to tide themselves over periods when their own currency is weak.

That's the consensus among top authorities at the 118-country International Monetary Fund annual meeting here. Almost overnight they have come to the view that the dollar won't be strong enough or plentiful enough to continue filling its reserve role.

"The handwriting is on the wall," says one U.S. source, who figures Congress wouldn't fuss about shedding one more burdensome international responsibility. Since the dollars now held by other countries were made inconvertible into gold by President Nixon's Aug. 15 action, there is suddenly wide agreement abroad it is "desirable to move away from the use of national currencies as reserve assets," says Anthony Barber, Britain's chancellor of the exchequer.

DISGRACE—OR GOOD NEWS?

Ironically, most observers deem this apparent disgrace for the dollar to be essentially good news; the Nixon administration's view hasn't yet been spelled out, but when Treasury Secretary John B. Connally addresses a joint IMF-World Bank session, probably this morning, his position is expected to be warmly in favor of the change.

Among the favorable implications analysts say, are that:

The U.S. will become as free as any other country to devalue the dollar or revalue it upward in order to bolster or trim its foreign-trade position.

The government will gain more leeway to fight inflation or recession through interest-rate or other maneuvers without fear of jarring loose billions of dollars from other countries' coffers.

The badly splintered financial world will be drawn closer together than ever by relying for reserves on mutually managed "special drawing rights" (SDRs) created by the IMF.

On these and other grounds, support for the change is mounting rapidly among private financial men and economists in the U.S. "The only thing the U.S. has to lose is something it has already lost," say former Treasury Secretary Henry M. Fowler. This, says the Goldman, Sachs & Co. partner, is "the ability to finance our deficits through having the other countries simply absorb dollars in their reserves." With that role gone, he reasons, the dollar's usefulness as a "transactions" currency for carrying on private business internationally is likely to be strengthened.

The broad outlines of an agreement to phase out dollars from reserves (except for small quantities to be used in actual currency-market operations) may well be needed, some strategists say, before the U.S. and other nations can settle on new currency valuations. "The dollar must know what kind of game it is in," one private authority advises, before the U.S. can accept some new currency stability system to replace the old approach of paying out gold for dollars turned in by foreign governments.

The transition could well take years, officials agree, and won't be altogether painless. Some $40 billion of U.S. dollars are in the reserves of other countries; part of this amount is actually held for the foreigners in big U.S. banks, including about $2.3 billion deposited in major New York city banks. There could be some sizable "dislocations" for individual banks, one U.S. official says, as countries pulled out huge dollar deposits and turned them in to the IMF in exchange for SDRs, or "paper gold."

PROBLEMS FOR TREASURY, TOO

If the IMF instantly were to put the dollars back in the same banks, there would be no problem: but if it doesn't, strategists say, the Federal Reserve Board might have to use its power as "lender of last resort" to prevent bank collapse. The Treasury might have to do extra domestic borrowing, they add; as things are now, other countries often lend their surplus dollars directly back to the Treasury to earn interest, helping the Treasury cover its domestic budget deficit.

There is an element of pique in the foreign desire to do away with dollar reserves, of course. With the fading of the British pound and the French franc as reserves for third countries, the dollar's special status has added an intangible extra measure of prestige for the U.S. The French in particular have also complained of a tangible disadvantage for themselves: France has had to absorb dollars used by U.S. corporations to invest in that country.

But distrust of the old system of dollar and gold reserves runs much deeper and broader now. The system enforced since World War II "rests on an unavoidable contradiction," says Tanzania's finance minister, A. H. Jamal: "For reserves to expand with international commerce, the reserve-currency countries must run rising overall payment deficits. Yet for reserve currencies to be acceptable, they must be seen as permanently strong—a condition hardly consistent with a growing overall deficit."

EQUANIMITY AMONG BANKERS

About the only benefit to a country in having its currency considered a reserve is the prospect of increased business for its banks. But heads of American banks with world-wide affiliations, perhaps surprisingly, regard the seeming degradation of the dollar with equanimity.

"It would make very little difference to bank operations as long as the dollar remains a transaction currency, and there seems to be no move to change that role," says Gaylord Freeman, chairman of the First National Bank of Chicago.

The Bank of America, the country's biggest bank, has flatly recommended the substantial substitution of SDRs for dollars as a reserve currency. This would be part of a package of reforms aimed at restoring long-term stability to currency markets.

Having the dollar as a reserve currency produces more problems than benefits for the U.S., says A. W. Clausen, president of the Bank of America. He notes: "Nobody has volunteered to have their currency become a reserve currency including the Germans who might be most qualified."

A particular problem for a government whose currency is used as a reserve is an implied obligation to maintain a stable relationship between it and other currencies. That responsibility may run counter to the domestic objectives of the issuing government. Thus freeing the dollar from its reserve-currency role would help the administration attack the problem of inflation by restricting the U.S. money supply and raising domestic interest rates without fear of encouraging a flood of foreign-owned dollars into the domestic markets.

"We've got to get away from the situation that every time the price of corn sneezes in Iowa, there are reverberations around the world," says Mr. Clausen.

He and other financial managers would like to go further and see SDRs replace the dollar as the "numeraire" of the international financial system. The numeraire is a yardstick against which other currencies are measured.

If the numeraire were the SDR rather than the dollar, then all countries, including the U.S. could adjust their currency values in response to supply and demand, rather than having them linked to a single increasingly artificial standard.

SDRs are relatively new on the international monetary scene and, when they were introduced in 1970, few would have predicted their current charisma.

SDRs were created by the IMF to supplement the existing reserve assets: dollars and gold. As a supplement to gold, they were immediately dubbed "paper gold." Actually they are bookkeeping entries used only by central banks and they never see the light of the real world.

SDRs are issued to IMF member countries in the same ratios as their earlier stakes in the fund. Each SDR is defined in gold, currently with the same value as one dollar (gold being officially priced at $35 an ounce).

Here's the particular job that SDRs do:

If a country spends more abroad than it takes in, it has a deficit in its balance of payments. This means its currency is worth less in terms of other currencies.

Under the treaty agreed to by IMF members, the deficit country then is obliged to adopt measures to increase the value of its currency. One measure is to buy its own currency in foreign-exchange markets. And for this purpose, it can use its reserves of gold or other currencies. Or such a government can use its holdings of SDRs to purchase strong currencies of other nations and use those currencies to buy its own.

GREAT TOWNS FROM SMALL

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, one of the most formidable challenges of this present decade is that posed by the increasing influx to suburban areas of the Nation from urban central areas. Few suburban communities have achieved the planning cohesiveness and day-to-day operating efficiency of Somerset, located within my 10th Congressional District in Massachusetts, and I am pleased to incorporate in my remarks in the RECORD at this point a timely and informative progress report on the town of Somerset. This report, authored by Warren G. Hathaway, Jr., appeared in Bristol, The Regional Business News Magazine for August–September. In presenting this insightful report, I do so confident that it will lend encouragement to many other suburban community leaders and administrators in the potential success with which intelligent, and coordinated, and far-seeing programs can meet.

The report follows:

GREAT TOWNS FROM SMALL COMMUNITIES GROW

(By Warren G. Hathaway, Jr.)

Somerset could be called, "the town that grew like Topsy"; yet it is successfully meeting the challenge of the '70's, with more and better public services.

Its population is over 18,000, and residents demonstrate a considerable amount of pride in their town which boasts of full time police and fire protection, home delivery of mail, clean, sweet water from a $3.5 million water treatment plant, an $11.5 million townwide sewage system, soon to go into service, and one of the finest school systems in the state.

Somerset High School, for example, successfully passed a full scale evaluation program that studied curriculum, students, teachers and administrators as well.

It has received full accreditation for the maximum allowed, ten years, by the New England Association of Colleges and Secondary Schools.

Accomplishments pointed to by the Superintendent of Schools, include the ten-year accreditation, hosting of the Future Teachers of America Conference; addition of English to advanced placement offerings; addition of drama workshop as an elective subject, the awarding of scholarships amounting to $64,000, adult lecture series in the planetarium including a special Christmas show, revised report card, league championships in Chess, Debating, Baseball, Track, Cross Country, and Football.

At the Middle School, remodeling and construction of an addition was completed during 1970 and the new section opened in time for school in September.

Even as work on the Middle School was coming to a close, a second committee was investigating the need for a school in the northern part of town to supplement the other grammar schools.

As a result of its studies, the committee has recommended a new Middle School be constructed on a site acquired by the town on Whetstone Hill Road. It will house 1,000 pupils in grades 5–8, and be ready for occupancy in the fall of 1972.

It might be pointed out that the school system is undergoing more changes than at any time in its history. School buildings are being erected as swiftly as budgets allow.

School plants already in existence, are being maintained in first class condition, which is an economy to prevent deterioration. Instructional programs are being revised and updated at an ever-accelerated pace to meet the needs and challenge of space age education.

The official enrollment figure for all public schools in 1970 was, 4,292 students. The figure for 1960 was, 2,367, or an increase of 1,925 pupils. Projections over the next ten years show an expected enrollment of 6,044 children, but the Somerset school system is more than equal to the task of meeting the challenge of the '70's.

POLICE COURTEOUS AND EFFICIENT

Somerset has suffered the same problems many towns have, with the impact of new homes with a marked increase in the number of house breaks, attempted breaks, stolen cars, bicycles, gear from boats, and one bank robbery.

The police department, headed by Chief John O. Soares, has been equal to the task of conducting investigations, making arrests of suspects, and enjoys an enviable reputation in the courts for convictions.

Townspeople point with pride to officers of the department who often are called to a home to quiet a family quarrel, offer fatherly advice to a stubborn child, or assist an injured or sick person to the hospital with dispatch and courtesy.

Several appointments over the past few months have brought the strength of the department to 17 men.

The new officers have all gone to the Police Academy for training in first aid, firearms, laws of arrest, and much more. Their pride in themselves and in the department are evidenced by the care given to equipment and their personal appearance.

The recent addition of extra life saving equipment in the police cruisers will go a long way toward improving the department's proficiency as they go about the day-to-day task of serving the community.

Officers of the department, with approval and consent of Chief Soares, have attended special instruction in narcotics detection and drug laws, and equated themselves well in the handling of the problem in town.

Attesting to the efficiency of the police department is the note in the 1970 town report that states officers recovered $32,000 in stolen items during the year.

The Fire Department, under Chief Roy A. Ashton, answered 353 fire calls and 541 ambulance calls in 1970. The total property value involved was $1,559,300, including buildings and contents.

Damaging fires, however, were held to a minimum because of the conscientious work of the department personnel.

Somerset's fire prevention efforts and fire fighting drills are vigorously continued, as is the instruction the firefighters avail themselves of, as they strive to increase the proficiency of the department.

The sewerage treatment plant, six pumping stations, and several miles of sewers will be accepted by the town shortly, even as applications for house connections are now being taken.

Final figures are not available as to state and federal grant payment this year on the project, but in 1970, a total of $2,253,919, had been received on the $11.5 million project.

The total of state, and federal, grants to be received upon completion of Phase I construction was expected to be, $4,800,000.

WATER DEPARTMENT BUSY

Sewer construction in town has resulted in Water Department men being on call night and day, repairing ruptured water mains and water services caused by accidental contact of excavating equipment or settlement of trenches after heavy rains. On the plus side, more pipe was laid than any other year of the department.

A 50-day drought and low pressure in certain sections of town, brought on the need to lease a Civil Defense pump to push the water along from the treatment plant.

Installation of a 20-inch line from the treatment plant on County Street to Read Street, and Hot and Cold Lane, will solve the pressure problem.

An engineering study has been authorized by the townspeople and the report readied for town meeting approval.

Each department of the town has met the challenge of increased service demands well, keeping in mind the taxpayer's burden.

There is no doubt that increased demands will be forthcoming for additional services as the town continues its phenomenal growth, but its town government, headed by the Board of Selectmen, will be equal to the task of meeting the challenge of the '70's.

THE PENDULUM IS SWINGING

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. WYMAN. Mr. Speaker, for several years the extraordinarily capable special assistant to the Secretary of Defense was Mr. Richard G. Capen, Jr. now vice president of Copley Newspapers. Last week Mr. Capen spoke before the Rotary Club of San Francisco.

In his speech, he outlined the honoring by President Nixon of his commitment to the American people to wind down and out the war in Vietnam and documented the significant accomplishments of Secretary of Defense Mel Laird in bringing this about. He has also warned that the Soviets have used the tremendous cost disadvantage to the United States that has been Vietnam to increase their hardware and their military capabilities to a point where from the Mediterranean to the Kuriles on and over sea and land the Soviet military presence threatens to make this country a second rate power—a disaster that the Nixon administration and the Department of Defense is addressing itself to on a priority basis.

The thrust of Mr. Capen's speech is that the United States of America is on the upswing. I think this is good because basically America is a strong and resilient nation, the vast majority of whose people are dedicated, energetic, responsible and compassionate. As Mr. Capen says:

> There are new goals to set, new records to break, new problems to solve. A new day is dawning and America's optimism to meet those opportunities is building.

The address follows:

THE PENDULUM IS SWINGING

(Address by Richard C. Capen, Jr.)

This is my first speech in the Bay Area since returning to California after serving two and a half years as an appointee in the Department of Defense.

Like my associates at the Pentagon, I was proud and honored to serve under the dynamic leadership of Secretary of Defense Melvin Laird. President Nixon could not have selected a better prepared, more dedicated or more effective leader for that demanding post.

It takes much more than computers to run the wide-spread Defense Department, as complex as it is. Secretary Laird inspired a teamwork approach and dedication to service unmatched in the Pentagon's history.

His understanding of key defense issues, his ability as a persuasive communicator, and his style of leadership have contributed significantly to improved understanding of critical national security issues—particularly those beyond Vietnam.

And, all this has been accomplished at a time when the Defense Department has been under constant criticism—some constructive, much of it irresponsible.

From the outset, the Nixon Administration made it clear that it would avoid debating whether the United States should have gone into Vietnam in the first place, or once doing so, whether our professional military leaders were given proper authority to execute that war as promptly and successfully as our capabilities would have permitted in the early 1960s.

President Nixon's goal was to conclude American presence in Southeast Asia. That objective is rapidly being met as we move toward a generation of peace.

I believe President Nixon and Secretary Laird have been imminently successful in terminating our country's involvement in Vietnam—given the rather sad circumstances they inherited in January 1969.

What were those circumstances? First, there was no plan for ending the war other than through negotiations. No one understood that reality better than the enemy, and the pathetic record in Paris is testimony to the other side's lack of incentive for serious negotiations.

By January 1969 we had cashed in a key military chip when President Johnson halted the bombing of North Vietnam—just four days before the 1968 Presidential election—with little in return from the enemy.

When President Nixon came into office, the American troop ceiling in Vietnam was 549,500, and increasing rapidly. As many as 500 Americans were dying each week and the war was costing in excess of $28 billion a year.

These were the sad realities in January 1969. The options to President Nixon were extremely limited, to say the least. But what has happened since that time?

First, we are getting out of Vietnam. By this fall, more than 365,000 Americans will have been withdrawn, a figure representing more than two-thirds of the American troop strength that existed when President Nixon took office.

At the same time, U.S. casualties have been cut from some 500 a week to less than 15 a week. Even one casualty is too many, but I believe this progress is significant.

With these substantial troop cuts the cost of the war has been reduced by 75 percent thus permitting a reordering of priorities at home.

Today, national polls indicate that the war is fading rapidly as an issue in America. Unfortunately, those who have built their national reputations as obstructionists, linger on the sidelines, trying to keep the war issue alive for their own selfish goals. Tragically, their only result has been to give aid and comfort to the enemy.

Congressional critics meet with the other side in Paris, issue reports on alleged conditions for peace, only to have them immediately rejected by the enemy.

It is a simple matter to pass resolutions, to make sweeping pronouncements, or to write editorials calling for more rapid withdrawal rates and fixed deadlines.

Certainly, it is easier to demagogue national policy from the sidelines, but it takes real courage to face up to reality with constructive solutions that will contribute to lasting peace, not political expediency.

Time and again President Nixon and Secretary Laird have shown that courage.

How ironic it is that some of those who have led the criticism of President Nixon's Vietnamization program were the very policy makers who got us into the war, who did not have a program for ending it while they were in office, but who now expound all the answers from the privacy of their law offices or from some far-off campus.

In the early 1960s our country had the tools to win the war decisively. But our elected leadership was unwilling to generate the national will to do so.

We fought that war on a "business as usual" basis, building up huge deficits each year because our government was unwilling to establish national spending priorities. Many of today's economic problems are a direct result of that policy of the mid-1960s.

At this point history will judge those who got our country into Vietnam, just as that history will also judge whether the Nixon Administration took the responsible course to get us out.

In either instance, the ultimate responsibility must be assumed by our elected civilian leadership, not by our armed forces. Our military leaders implement national policy, not set it. For too long the man in uniform has been made the scapegoat for decisions made by civilians.

Our dedicated men and women in uniform provide the backbone of our national security and they deserve our respect.

Only through sufficient military strength can we hope to deter reckless acts by potential adversaries. They must clearly understand and respect that we have the will to win and the tools to do the job. It is pure folly to believe that once the last American has left Vietnam, our problems are over and further cuts in defense spending possible.

Despite what some suggest, we cannot legislate peace by unilaterally crippling our defense posture in Congress. Why? Because our adversaries are moving in exactly the opposite direction.

Today, the Soviets are moving ahead of us in virtually every category: missiles, aircraft, ships, military research and conventional forces.

While we were bogged down in Vietnam—at a total cost of $125 billion—the Soviets were able to sustain North Vietnam for something less than $12 billion. They did not use that ten to one difference, however, to fund domestic programs in Russia. All during the 1960s Soviet military budgets were roughly at the same level as defense spending in America which included the burden of Vietnam. Just look at the record.

The Soviets increased their submarine force by more than 400 per cent. They have increased ICBM launchers by over 500 per cent and are currently 45 per cent ahead of the U.S. in total number of ICBM nuclear launchers.

They built a modern Navy that now shows the Soviet flag in the Mediterranean, the Indian Ocean, off our Atlantic and Pacific coasts, in and out of Cuba, and around Hawaii.

In the Mediterranean, for example, the Soviet Navy will steam some 18,000 ship days this year. In 1966 they were present a total of 750 days.

In military research and development, the Soviets are spending at about twice the rate as we in the United States. This trend should be of grave concern to all Americans because it measures the importance the Soviets place on reducing our technological lead within the next five to seven years.

Even while the Soviets push this military and political expansion policy, the U.S. moves to curtail its overseas commitments, partly as a result of our national weariness over a long and costly war.

The Nixon Administration is facing up to this disturbing Soviet military buildup by insisting on sufficient funding of defense programs while insisting that our allies contribute more to their own national security requirements. The latter philosophy is part of the Nixon Doctrine whose goal is a generation of peace through partnership, strength and a willingness to negotiate.

The United States can no longer serve as policeman of the world. Our needs at home are too high and the demand for our material resources too great.

Since the end of World War II we have operated on the philosophy that the United States could do more for its allies than they could do for themselves. We have literally rebuilt economies of the victorious and vanquished alike. We have given billions of dollars in foreign aid and have sent thousands of troops in scores of countries around the globe.

Through the Nixon Doctrine we have insisted that our allies assume more of these mutual security burdens, particularly in the area of military manpower.

As a result of this philosophy, more than 400,000 American troops have been withdrawn from overseas. The bulk, of course, have come from Vietnam. But, the Nixon Doctrine has been applied elsewhere as well.

In Korea, U. S. troop strength has been dropped by over 20,000 men. This is a reversal of a commitment to that coutry where we have maintained more than 60,000 Americans for some eighteen years.

Likewise, reductions in U. S. forces have been carried out in Japan, Thailand and the Philippines. In NATO the concept of burden sharing is being developed, again on the principle that our allies must assume a greater defense responsibility.

An important element of the Nixon Doctrine has been a willingness to negotiate, doing so from a position of sufficient strength. Again, the record of accomplishment has been impressive.

The United States is pursuing a delicate course of negotiation in the volatile Middle East crisis. We have negotiated the turnover to Japan of Okinawa, a most sensitive issue for the Japanese.

The President has proposed new treaty provisions to prohibit the placement of nuclear weapons on the ocean floor. He has carried the nuclear non-proliferation treaty through to ratification and he has renounced the use of biological weapons.

In addition, the Nixon Administration is vigorously pursuing a successful conclusion to the SALT talks. The goal of these important negotiations is to curtail the arms race which as I indicated earlier has been rapidly accelerated by the Soviet Union.

And most dramatically, in this spirit of negotiations, the President has moved forward to revive our country's relationships with Mainland China, an area involving one-fourth of the world's population.

Certainly we hope for success in these diplomatic efforts to limit the arms race and to improve relationships with our potential adversaries. That success will come, however, only if those who oppose us respect our national determination to remain strong militarily.

I believe most Americans not only support a strong U.S. defense posture but will insist upon it in the years ahead. However, our voices must be heard.

That is not to say the strength of the United States depends solely on its men in uniform or on its weapons, as important as those capabilities are. I believe the strength of our nation in the 1970s must be based also on the wisdom of our foreign policy, on the strength of our economy, and on the will of our people.

The day is past when we can hope to provide most of the defense for our allies. They must share in this burden.

The day is past when we can afford to assume the primary role in solving all of the problems of the Western World. That responsibility also must be shared more equally with our allies.

This does not suggest that we can afford to build a wall around our country, withdrawing from the competition and security needs of the world. Those who clamor to bring all American troops home forget that their very presence abroad has not caused war but rather has helped to maintain peace.

During my service in Washington, I was involved in some of the most complex, difficult problems faced by this country. But it was a source of inspiration to be surrounded by those who were confident in their course, and who respected a higher national priority extending beyond any temporary expediency.

The negative thinkers have had their day. They have marched in the streets. They have built false hopes. And they have comforted our detractors at home and adversaries abroad.

Those who have built their national image on such obstructionist attitudes are finding it difficult to shift away from the tired, divisive approach of the past.

Young people today cry out for constructive leadership in an atmosphere of optimism. They seek positive approaches and personal involvement in efforts to build a better America.

Like you and me, they resent the tarring of all America because of a few shortcomings. How ridiculous it is, for example, to charge—as one senator recently did—that all America is sick because our prisons are sick. We have had too much of that destructive approach in the past.

One of our greatest national strengths is our ability to face up to problems openly and candidly. We banner our shortcomings across our newspapers and TV sets for the whole world to see.

Our critics at home and abroad delight in exploiting these weaknesses as a symbol of a crumbling America.

What these critics forget, however, is that as we identify a problem, as we debate it publicly, we work to solve it—and succeed in doing so. As a result, we have built, on balance, the best and most successful way of life ever known to man.

We have been confident that our problems could be corrected; that dreams could be embodied in action, and that a better life would be achieved. But we have always known, as we do today, that we would have to work for it.

Over the years, we have been successful, not by thinking we would lose but rather by believing we would win. Too often we have sold our country short with an almost national guilt complex.

I have little tolerance for those who thrive on self pity or who drop out of society in protest against problems they say they did not create.

Dreams of self fulfillment cannot be found through heroin, in a commune or on a wrecking crew. Most young people know that.

Today's young generation no longer lives in an overwhelming atmosphere of war and violence. Our task is to capture their imagination and involvement in our endless search for a better America. There are new goals to set, new records to break, new problems to solve. A new day is dawning and America's optimism to meet those opportunities is building.

Yes, the pendulum is swinging.

ANTIPOLLUTION EFFORTS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. DULSKI. Mr. Speaker, as a Member of Congress whose district includes Buffalo, N.Y., harbor and a major stretch of the Buffalo waterfront on Lake Erie, I have had a continuing concern over the years about the pollution problem.

I have been a consistent supporter of antipollution legislation and have been cooperating with the various organizations, agencies and individuals involved.

There have been gloomy predictions about the future of our lake and there is every reason to believe they could become true—unless we act.

The fact is that we are acting, with vigor. That includes virtually every element of our society. Perhaps not in every case as fast or as extensive as we might like—but there is action and there is valid reason for optimism.

Decay of this great natural resource which has occurred over generations is not going to be corrected overnight. No reasonable person can expect it.

In this regard, I find it disappointing and disturbing to hear unwarranted and often uninformed criticism of those who are trying to do their part—and at their own expense!

I would cite as an example the efforts of one of the largest employers in the Buffalo area, the Bethlehem Steel Co.

Just last year, Bethlehem completed a $24 million program to control water pollution at its Buffalo plant. This is a major contribution to the overall effort and I believe that we should give credit where credit is due.

Mr. Speaker, as part of my remarks, I include the text of a public service advertisement published by the company on its antipollution program:

LOOK WHAT GEORGE VAIL CAUGHT IN LAKE ERIE ON JUNE 10, 1971

George Vail, Hamburg, New York, has been catching fish in Lake Erie since 1945. And he has been quite successful at it. He regularly catches perch, bass, pike, and other kinds of fish just offshore from our steel plant near Buffalo.

George doesn't agree with those who wring their hands and claim the lake is "dead" or beyond hope. Others share his view. For example, Dr. W. T. Pecora, Director, U.S. Geological Survey (now Under Secretary of the Interior), wrote in the August 1970 issue of *Mining Congress Journal*.

"We frequently hear that Lake Erie is dead. This is pure rubbish. Lake Erie is the shallowest of the Great Lakes, was created about 20,000 years ago and, barring another Ice Age, has several thousands of years yet to go before senility. The western part of the lake is extremely shallow and receives a large amount of natural organic material transported from the surrounding terrain. Here is where the algae growth has always been present. Lake Erie has continually produced about 50% of the fish catch of the entire Great Lakes system, consistently over the past 100 years. This is not a mark of a dead lake."

Technical Report No. 3 of the Great Lakes Fishery Commission, Ann Arbor, Michigan, presents data documenting Dr. Pecora's remarks.

Lake Erie does, of course, have serious pollution problems and we are not about to understate them. And our steel plant near Buffalo has contributed to this pollution. For several years we have been working on solutions. Late last year we completed a $24 million program to control water pollution at this plant alone.

Of the 320 million gallons of lake water taken into the plant daily, about one-third becomes contaminated. This is processed through the plant's waste water treatment facilities before it is returned to the lake. This treated water not only meets New York state requirements for suspended solids and oil, it substantially exceeds them.

We will continue to clean up our air and water discharges wherever we have operations. We hope others will do their share, too.

A GOOD DEED BY THE AIR FORCE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. HARRINGTON. Mr. Speaker, as a frequent critic of the military, it is only fair that I give recognition to a good deed recently performed by the Air Force. There is a day camp for handicapped children in Lowell, Mass. which needed some buses and drivers to transport the campers each day. The Air Force, through the efforts of Secretary Robert C. Seamans, Jr., supplied those buses so more children would be able to attend. A letter thanking Seamans from Joan L. Donnelly, secretary to the board of directors, ends this way:

> Thank you from the children, their parents, the staff and the volunteers, but thank you mostly from me for allowing us the privilege of meeting such fine people.

I wish to echo that gratitude and would like to put the letter into the RECORD:

CAMP PAUL,
Chelmsford, Mass., September 7, 1971.

Hon. ROBERT SEAMANS, Jr.,
Washington, D.C.

DEAR SECRETARY SEAMANS: Camp Paul has recently concluded its 1971 summer season, incidentally, its most successful season. This is due largely to the cooperation we have received from Hanscom Air Base in the person of Sam Berman, Jack Coughlin, Maurice MacElligot, and Ed Rubicki.

From the fist contact, until the final bus ride home, through field trips and a peace demonstration, the integrity of the people with whom I was involved, left me with a loss of words to express my thanks. The necessity for a camp such as Camp Paul has proven itself many times over, through the happiness provided to the campers and their families. Given an outdoor experience, much less structured than the special schools and classes these children attend, each others disabilities and handicaps are overlooked, and the children simply relax and enjoy themselves; without realizing they are continuing to receive therapy at all times. Here is where our particular thanks must be conveyed. The camp day begins and ends with the bus ride. Dear Sir, I only wish you could have greeted the buses each day as I did, and have the personal satisfaction of seeing your personnel function in such a kindly, concerned, and patient manner. I continue to be overwhelmed at the manner in which Duke and Mr. Ed transported our campers and volunteers.

The campers were capable of antics and vocabulary that would set any man's teeth on edge, but the kindly control these men exhbited was beautiful to see. Each camper (and most volunteers) were known by name—their belongings and problems were duly noted each day, so as not to be overlooked. "Rusty has lost his bathing suit", "Here is Belynda and John's medication", "Jamie's dog was killed last night", John has lost a sneaker again", "Mike's language was bad on the ride up, he'll be a problem today", "Billy put his arm in a pig's mouth at Drumlin Farm", "a camper bit his volunteer, and she should get medical attention"—endless daily concern. How proud you should be of these men. We dearly loved them.

The epitome had to be on the final day. Robert, whose behavior was utterly inconsistent to say the least (because of brain damage suffered in a motor boat accident) cried brokenheartedly for his volunteer, and refused to leave camp. The only way this situation was resolved was Mr. Ed's coming across the field to meet us, Robert having agreed with me, that his friend Ed could take him home.

Thank you, from the children, their parents, the staff and the volunteers, but thank you, mostly from me, for allowing us the privilege of meeting such fine people.

Very truly yours,
JOAN L. DONNELLY,
Sec., Board of Directors.

H.R. 11084 TO AID THE HOME BUYER IN CALIFORNIA

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. ANDERSON of California. Mr. Speaker, the Federal Government, through the Government National Mortgage Association, seeks to aid the prospective home buyer by paying a part of the interest on FHA-insured mortgages.

However, the GNMA will not subsidize interest rates on homes that are purchased for over $22,000.

Mr. Speaker, this $22,000 ceiling may be fine in some areas of the country, but in California only 11.8 percent of the FHA homes sold during the last quarter of 1970 were priced below $22,000 and, thus, eligible for GNMA aid. And in Los Angeles, only 2.6 percent of the FHA homes sold for less than $22,000.

The average FHA home in California costs $26,386. But, in Los Angeles, the costs are higher—$28,097.

We need a homebuilding boom in this decade if we are serious about averting a housing crisis in the 1980's; but in California, and other States, property and building costs make a $22,000 ceiling unreasonably low . As a result, most California home buyers cannot take advantage of this Government program.

Mr. Speaker, to enable home buyers in California to participate in the GNMA interest rate subsidy, I am today introducing legislation which would authorize GNMA to pay part of the interest on FHA-insured mortgages up to $26,000 in high cost areas. This measure, if adopted by Congress and signed into law, would allow the moderate wage earner in California to purchase the home of his choice and share in the benefits of this program.

U.S. ECONOMIC POLICIES AND RELATIONS WITH CANADA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. FRASER. Mr. Speaker, today I received a letter from a citizen of Canada who formerly lived in my congressional district.

Because his views on the effect U.S. economic policies may have on United States-Canadian relations are so clearly stated, I am reprinting the letter in full, omitting only his name for I do not know that he would want it used. The letter follows:

OTTAWA, ONTARIO, CANADA,
September 30, 1971.

Hon. DONALD M. FRASER,
House of Representatives,
Washington, D.C.

DEAR MR. FRASER: A week ago, with a free afternoon in Washington I came along to watch the proceedings of the House Foreign Affairs Committee. You, with Representatives Culver and du Pont, were examining the views of Messrs. Volcker and Samuels. As an old resident of your District and Minnesota alumnus, I take the liberty of writing you just to say how glad I am that some responsible men south of the border are alive to the grave implications of Mr. Nixon's New Economic Policy.

You were quite right to point out to Mr. Volcker that America's aggrieved trading partners see the Administration's drive for an $8–9 billion surplus on trade account as tantamount to shifting the cost of military adventures to third parties. Canada, the U.S.'s largest trading partner, will be especially hard hit, for the result of Administration policy is, in effect, to force our participation in a war we abhor, and to help finance that export of U.S. capital which has already taken over alarmingly large sectors of our economy.

In addition, the selective effect of the surcharge discriminates against our manufactured exports and in favour of raw materials. This is seen here as yet another attempt to reduce Canada to the status of drawer of water and hewer of wood for the American colossus. "Continentalism" in resource use sounds increasingly like economic imperialism to many Canadians. That sentiment, under the impetus of the drastic and unfriendly measures taken by your Administration, is rapidly forcing the Canadian government, however, unwillingly, to reconsider the whole basis of U.S.-Canadian relations, both inside and outside the sphere of trade.

I am a Canadian nationalist. But I cannot favour a nationalism synonymous with chauvinism, with mere anti-Americanism. For a century and a half we have been the closest of allies, friends bound by a common culture, a common heritage—more, much more, than mere propinquity alone requires. A gratuitous slap, right where it hurts the most, is no way to maintain easy relations.

I'm glad, Sir, that you are on the side of friendship.

Most sincerely,

[NAME WITHHELD.]

PAY CUTS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. JACOBS. Mr. Speaker, on October 3, I offered to reverse my opposition and vote for the President's Federal pay freeze if the President and his Cabinet will agree to the entire January 14, 1970, proposal of Secretary George Romney rather than just the part relating to Federal paychecks other than their own.

Secretary Romney, in the January 14, 1970, Cabinet meeting, proposed a voluntary pay cut for the President and his top political appointees together with a freeze on Federal pay raises. The proposal came less than 12 months after the President's salary was increased by $100,000, or 100 percent, and those of Cabinet members were also raised substantially. The proposal got nowhere until recently, when the President adopted the part affecting the other Federal paychecks.

In his Saturday challenge to Congress the President said:

> The sacrifice being asked of Federal workers is not so heavy as to be inequitable at a time when all Americans are being asked to sacrifice and that Congress "faces the acid test of its determination to cooperate in the national campaign to control rising prices."

The President and his Cabinet were asked to make that sacrifice. They were given that acid test on January 14, 1971—and flunked it.

I proposed they take a make-up exam and pass it in order that Americans can watch what they do rather than what they say.

Had this occurred—if they had been willing even at this late date to set the example—I would have voted to support the added sacrifice of other U.S. workers.

The following UPI article appeared in the Indianapolis Star January 19, 1970:

ROMNEY PROPOSED NIXON, CABINET TAKE SALARY CUTS?

NEW YORK.—George Romney, the Secretary of Housing and Urban Development, proposed to President Nixon that the President and all his senior political appointees take an immediate 25 per cent salary cut, Time magazine said yesterday, adding the suggestion got nowhere.

Romney proposed the voluntary pay cut at a Cabinet meeting January 14 at which Mr. Nixon sought recommendations on ways to cut the Federal budget from $203.5 billion for fiscal 1971, Time said.

The President's salary is $200,000. Cabinet members make $60,000 a year. Time said Romney told the cabinet:

"The economic decision makers are convinced that inflation will continue. Having put our hand to the plow to curb inflation, we must convince the decision makers that we are not going to turn away. A little difference can make a big difference."

According to Time, the Cabinet turned down Romney's proposals, which also included a 2 per cent slice in all departmental budgets and a freeze on Federal pay raises.

CONGRESSMAN MIKVA SPEAKS OUT FOR HANDGUN CONTROL

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. RYAN. Mr. Speaker, there should be no doubt by now as to the desperate need to ban the sale and manufacture of handguns in this country.

The Federal Bureau of Investigation has disclosed that 52 percent of all the murders in the United States last year were committed with handguns. Between January 1 and August 31 of this year, 80 police officers have been killed in the line of duty—59 of them were shot down with handguns.

The Subcommittee To Investigate Juvenile Delinquency of the Senate Judiciary Committee has been holding hearings on legislation to ban the sale and manufacture of one kind of handgun—the "Saturday Night Special." This gun is cheap, easy to buy, and it is good for one thing only: killing people.

Our distinguished colleague from Illinois (ABNER J. MIKVA) testified before this subcommittee this morning. Congressman MIKVA presented a comprehensive, eloquent, and compelling explanation of why the fatal national traffic in handguns must be stopped.

I commend his testimony to the attention of my colleagues:

HANDGUN CONTROL

Mr. MIKVA. Mr. Chairman, I am grateful for the opportunity to appear before your subcommittee this morning. As you know, I was unable to testify in person at the subcommittee's hearings last month because of pressing business in the House of Representatives. You are to be commended for giving the citizens and public officials really concerned about crime yet another chance to present evidence of the desperate need to stop this country's fatal traffic in handguns.

Handguns and crime are partners, Mr. Chairman, and I applaud your courage for introducing a bill to ban the sale and manufacture of Saturday Night Specials—those cheap but deadly handguns that have helped make crime and violence American institutions. Since the first round of hearings, more people have been shot to death or wounded with handguns—shot in robbery attempts, bar room quarrels or domestic squabbles, shot in cold blood or in the heat of the moment. There was one particular incident, though, that makes an especially compelling argument for handgun control and your legislation.

It took place only last week in Petersburg, Virginia, a small town just south of Richmond. A 14-year-old boy had been involved in a playground scuffle. Afterwards, he left school and went to a friend's house where he got a pistol from a bedroom dresser drawer. Then, the boy went back to school, looking for his opponent in the playground fight. He ran into a classroom and opened fire, killing one child and wounding two others. The police chief in Petersburg, Harold Anderson, told me that the boy used a .22 calibre, six-shot revolver. The barrel was about one-and-a-half inches long, and the gun was cheaply made—anyone could buy an identical pistol for about 15-dollars. It was a Saturday Night Special. Chief Anderson said that he did not know where the gun came from, but if it had not been in that dresser drawer, a life would not have been lost.

That happened in Petersburg, Virginia, Mr. Chairman, and the same kind of thing happens every night and day in the streets of Chicago, New York, Detroit, and every other big city in this country. The unrestricted sale of handguns and the unrestricted rate of crime that goes with it are symptoms of a national problem that demands a national solution—now. There are some statistics that make that point, statistics too compelling to ignore. More than 8-thousand people were murdered with handguns last year—more than half of all the murders in the country. Last year, 100 police officers were killed in the line of duty—73 of them were shot down with handguns. Take away the handgun and many of those people would be alive—with a broken jaw from a fist fight, perhaps, or a concussion from a lead pipe or a club, even a stab wound, but alive.

In the light of this kind of evidence from the FBI, the Administration has assumed a rather curious attitude. From the very outset, its crime program has seemed tough. There have been calls for preventive detention and more wiretapping and no-knock legislation. There have been frequent news conferences and press releases which have used accounting agility to "prove" that the crime rate is going down. But statistics and news conferences, no-knock laws and preventive detention and wiretapping do not help prevent murders or discourage armed robberies. A ban on the sale and manufacture of handguns would help simply because handguns are the criminal's tool of the trade.

The Administration has been astonishingly non-committal about stopping the traffic in handguns. Until today the Justice Department has not been willing to express its position on proposed legislation to get the guns off the streets. I am pleased that the Administration apparently has acknowledged finally that guns are related to crime, and that the problem is serious enough to merit the attention of the nation's principal law enforcement agency.

Attorney General Mitchell has talked about the Gun Countrol Act of 1968—the law with the loopholes that Senator Bayh would like to seal. The Attorney General has said we should wait a while longer to see what impact the 1968 law is having. In the meantime, a few more people are being shot to death every day—shot to death through the loopholes in that law. The country has been left with the unavoidable impression that this Administration is always ready to preach about controlling crime, but hardly ready to do something effective about it. I sincerely hope that Mr. Santorelli's presence here today signals an end to that posture.

Despite the rhetoric from the Justice Department, city streets are no safer this year than they were last year, and few people go out at night without some fear for their safety. Robbery and murder are so commonplace that people no longer think of controlling crime. Instead city residents are concerned with avoiding it, moving from "high crime" areas, stying off the streets at night. Crime has gained the stature of tornadoes and floods: it is a natural hazard.

The Administration's reluctance to do anything about handgun control has been difficult to understand—especially in the face of growing support for a ban on the sale and manufacture of handguns. National opinion polls have shown that most people are in favor of it. Most of the nation's police chiefs—from Chicago to Petersburg, Virginia—support it because they have seen too many of their men cut down by handguns. Most police organizations feel the same way. Big city mayors—like Richard Daley and John Lindsay—have called repeatedly for strong national legislation to stop the handgun traffic and the handgun crime. Newspapers and radio and television stations in big cities and small cities have used their editorial voice to ask for a ban on handguns. Yet handgun control is one of the most volatile political issues today. Public officials are afraid of it.

The gun lobby is one reason for that fear. It is the most highly-organized and self-serving lobby in the country, and it has contributed all of the heat and none of the light to the discussion about handgun control. The gun lobby promotes the kind of misunderstanding and misinformation that turns intelligent sportsmen and gun collectors into gun zealots. Mr. Chairman, I would like to spend a few minutes looking at the "arguments" against handgun control—specifically, a ban on the sale and manufacture of handguns.

Some people contend that current gun control and gun registration laws do not work, so there is no reason to pass more gun control laws. Certainly they do not work as well as they should. A strict gun control law in Chicago or New York does not prevent an aspiring hoodlum from buying a gun in the suburbs or across the state line and bringing it into the city. There are no guards or border patrols to prevent that. Handgun control will never work well unless it is instituted at a national level, and that is why this subcommittee is holding hearings now. But even with its flaws, local handgun control is better than no handgun control. The crime rate has been going up in Chicago and New York, but not as fast as it is going up in cities like Dallas, Atlanta and Houston where there is no handgun control at all. The experience of Great Britain and Japan is further evidence that even stricter handgun laws drastically reduce the crime rate. I would like to bring to the subcommittee's attention a column from the New York Times of October 3rd which should make every public official in America ashamed. The story includes an interview by Richard Halloran with the police chief of Tokyo, who described in some detail each case of the three people murdered with handguns last year in his city. Tokyo has a population of 11,398,801. Three handgun murders in all of 1970. For purposes of comparison, New York City has a population of 7,895,563—30% less than Tokyo. 538 people were murdered with handguns in New York last year. How can anyone who values human life defend our present system of firearms production and control in the face of such facts? I have appended Mr. Halloran's story at the end of my statement, for he goes on to make clear the relationship between Japan's strict gun control statutes and the low rate of crimes committed with firearms.

Some people contend that handgun control would deprive the homeowner of the chance to defend his family against a robber. That is an interesting argument. The National Commission of Violence found that in one year more homeowners were killed in gun accidents than were killed by robbers and burglars in the previous four years. That makes owning a handgun rather expensive crime insurance. The latest FBI crime report makes another argument. "Most murders," it says, "are committed by relatives of the victim or persons acquainted with the victim." Murder and violence are most often spontaneous and emotional. Because a gun is there—in the dresser drawer or under the bed—a domestic quarrel becomes a tragedy, a friendly disagreement becomes a murder, like the one in Petersburg, Virginia.

Some people contend that what this country needs is stricter enforcement of current gun control laws. They think the law ought to allow the unrestricted manufacture and sale of all guns, but discourage their misuse with harsh penalties. That theory does not apply to dynamite or poison. It should not apply to something that is just as lethal—handguns. Certainly, there should be strict enforcement and severe penalties, but that is not enough—strict enforcement does not prevent people from being shot, and severe penalties do not prevent a criminal from packing a handgun. The easy availability of handguns is an invitation to crime. Banning the sale and manufacture of handguns would discourage it.

Finally, some people contend that a ban on the sale and manufacture of handguns would discriminate against the sportsman. Mr. Chairman, your legislation meets that contention because it is directed only against Saturday Night Specials—handguns that have no conceivable sporting use. The only thing these guns are good for is killing people, that is their sole reason for existence. They are too inaccurate for target shooting—their range is too limited for hunting—and no serious sportsman would use one because they are just not safe. If a ban on all handguns were under consideration, not just a ban on Saturday Night Specials, the "discrimination" argument still would not be valid. It is a matter of balance: the convenience and pleasure of a few people who like to play with handguns against the safety and well-being of the country.

Those are some of the "arguments" against handgun control, Mr. Chairman. The gun lobby has another tactic that it uses regularly to cloud the issue: urging bail reform and the control of drug addiction to cut the crime rate. No one doubts the need for that, but it begs the question. Some things cause crime—like poverty, ignorance and frustration. Some things explain crime—like drug addiction, an antiquated system of judicial administration, and prisons that corrupt rather than correct. Then, other things make crime easy—like guns, especially handguns. Crime will plague the cities as long as there is injustice and inequality but, at the going rate of murder and mayhem, this country cannot wait for an end to poverty or a solution to the drug problem before it does something to stop the slaughter in the streets, a slaughter made possible by handguns.

Chicago's experience says something about that. Between 1968 and 1970, the number of people killed with handguns rose from 270 to 409. Between 1965 and 1970, the number of people fatally shot in armed robberies rose from 12 to 117. During the same period, the number of people 20-years-old and younger using firearms to commit murder rose from 38 to 271. These criminals did not use garrotes, poison, broken bottles or hunting rifles—they used cheap handguns, the one weapon that makes robbery and murder so safe, so sanitary, so sure. The gun zealots argue: "Guns don't kill people, people kill people." True enough, but without the glut of handguns, people would not find it so easy, so convenient or so tempting to kill other people. If there were no guns, there still would be murder because man's nature occasionally turns bad but, if there were no guns, there would not be so many murders.

Mr. Chairman, your bill has my unequivocal support. No public official really dedicated to fighting crime can possibly oppose it. It will close a loophole in a law that now permits gun manufacturers to import parts from abroad, then assemble them into a cheap handgun in the United States. Your bill will reduce the number of handguns on the market and will make it that much harder for a criminal to obtain one. However, a criminal should never be able to obtain a handgun—cheap or expensive. There should be a total ban on the sale and manufacture of any handgun in this country. The arguments and statistics that make the case for your bill make an even stronger case for a total ban because the only private citizens who really need handguns are criminals. With fewer handguns in the country, the opportunity for crime and gun accidents will decrease.

I have proposed legislation (H.R. 915) that would ban the sale and manufacture of all handguns. The only exceptions would be the police, the military, and licensed gun clubs that keep the guns secured on their premises. This is not confiscation. It is simply a way of saying that this country has enough handguns, it does not need any more. This legislation is not directed at rifles and shotguns which are legitimate hunting weapons and are difficult for criminals to conceal.

What would happen if Congress approved my bill to ban the sale and manufacture of all handguns? At the very worst, it would prevent a homeowner from purchasing a gun for "self-defense." It would deprive the sportsman of the pleasure of shooting at tin cans and small animals. (Both men could still use a rifle, though—more effective and not a good weapon for most crimes.) And, at the very worst, the bill would disturb America's reputation as an armed camp where everyone has a gun because everyone else has one.

At the very best, this legislation would prevent any number of accidental shootings because children would not be able to find a loaded pistol in a dresser drawer. It would prevent any number of robberies and murders because most criminals would not be brave enough to try it without a gun. And, it would save the lives of any number of policemen who would not have to shoot it out with every small-time crook who carries a revolver.

Mr. Chairman, your legislation is a good beginning. Until Congress can see through the smoke-screen of misunderstanding thrown up by the gun lobby, your legislation will at least enable us to hold our ground. Ultimately though, there must be a total ban on the sale and manufacture of all handguns. Too much is at stake to do otherwise.

CRIME IN TOKYO A MINOR PROBLEM—STIFF GUN LAWS AND DRUG CONTROLS ARE CREDITED

(By Richard Halloran)

TOKYO, Oct. 2.—The Japanese National Police obtained a warrant this week for the arrest of a rightist leader who mailed to Premier Eisaku Sato a pistol, 175 cartridges, and a note demanding that he shoot himself for failing to crack down on leftist radicals.

But the charge against Masamoto Yoshinga was not that of threatening the Premier. Rather, the warrant was for illegal possession of firearms in violation of Japan's gun control laws.

About the same time, narcotics control officers arrested six Americans, including an Air Force captain, and a Japanese woman for trafficking in hashish around Tachikawa Air Force Base outside of Tokyo.

The police began watching the alleged drug ring, officials said, about two months ago and stepped in this week to nab Capt. Richard J. Scotti, a medical officer at the base, and his associates.

The two events were reflections of the effective enforcement of this nation's strict gun control and narcotics controls laws, both of which Tokyo Metropolitan Police officials believe to be among the major reasons for the relatively low crime rate in this city.

THREE DIE BY HANDGUNS IN YEAR

One day not long ago a Metropolitan Police official ran his finger across a page of crime statistics.

"Ah, yes. Here it is. We had three people murdered here with handguns last year. One was killed by a gangster, another by an ordinary citizen, and the third by a juvenile gangster."

He looked up and chuckled at the incredulous look on his visitor's face. Of the 11,398,801 people in Tokyo, the world's largest city, only three were killed with pistols in an entire year.

During the same year in New York City, 538 persons were murdered with handguns.

Other figures on crime in Tokyo were equally startling to an American. The total number of murders here last year was 213, compared with 1,117 in New York, whose population in 1970 was 7,895,563, 30 per cent less than Tokyo's.

The largest number of slayings, 69, in Tokyo were committed by adults with kitchen knives, razors, and similar weapons that, in many cases, were at hand when a violent argument broke out. Eighteen were committed by gangsters and six by juveniles with similar weapons.

ROBBERIES TOTAL 474

There were 474 robberies here last year, compared with 74,102 in New York City. Tokyo records show 7,268 assaults, New York's, 18,410. There were 500 victims of rape here, 2,141 in New York. The number of narcotics cases here was 292. In New York it was 52,479.

The rate of crime in Tokyo, however, grew faster than the population. Crime was up 5 per cent in 1970 over 1969, while the number of people living in the city increased only 1 per cent. The biggest single category of crime was fraud, of which there were 9,397 cases, a 20 per cent rise over the year before.

Police officials here are confident that their statistics are accurate. There is no reason to doubt them since the Japanese keep perhaps the most complete statistics in the world.

If one searched long enough he could probably find out how many left-handed barbers here were born between 1 and 5 p.m. on Sundays in any given year.

The only exception, the police officials said, might be in the figures on rape. As in the United States, an unknown number of rape victims may not report to the police out of embarrassment.

It is illegal for any resident of Japan to own a handgun. Only the armed forces, the police, ballistics researchers, and sporting marksmen may have pistols—and the use of those is carefully regulated. The police officials said they thought the absence of handguns was particularly important in keeping the murder and robbery rate down.

PORTS ARE WATCHED CAREFULLY

Moreover, seaports and airports are closely watched to insure that handguns are not smuggled in.

Unlike the United States, there is no question of a citizen's right to bear arms here. In early days, only the samurai warriors who made up about 5 per cent of the population were permitted to carry swords. That tradition has passed over into modern times without protest.

A second reason for the low crime rate seemed to be strict controls over narcotics, which are illegal except for medical use. In addition to the police, the Ministry of Welfare has special narcotics force.

Particular attention is given the prevention of narcotics smuggling. The narcotics control forces maintain extensive networks of informants, especially in Yokohama, the great port down the bay from Tokyo, and in Kobe, the major port in central Japan on the Inland Sea.

PROJECT SPOKE

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, enrichment of the quality of academic instruction and curriculum and teaching materials is a goal of overriding importance in the education of our children, and it has been a source of great pleasure to note the outstanding progress in this sphere of scholastic activity achieved through Project Spoke, centered in Norton, in my 10th Congressional District in Massachusetts, and serving Foxboro and many other communities. The truest measure, perhaps, of the value of Project Spoke is in the high praise it has received from the teachers themselves, who find that the wealth of instructional materials the project affords, and access to film libraries, and participation in workshops, adds new dimensions to the impact of their classroom teaching.

I am most pleased to include in the RECORD at this point a column concerning Project Spoke which appeared in the Foxboro, Mass., Reporter of September 30.

The column follows:

PROJECT SPOKE PRAISED BY STATE EDUCATORS

Project SPOKE, the innovative resource and media center serving Foxborough, has just been hailed by the state Department of Education as having a greater impact on communities than any other Title III project in the Commonwealth.

The instructional media center, which is based in Norton and serves more than a half-dozen towns, helps teachers do a more effective job of teaching through workshops, film libraries, and facilities for creating instructional material for use in the classroom.

The project was one of many that were evaluated in a recent study conducted for the Bureau of Curriculum Innovation by Carolyn H. Denham, an independent evaluator.

Because of its greater influence on school districts, Project SPOKE will now be studied to determine why it is so successful, according to reports.

The evaluation was based on a survey of 270 superintendents who were sent questionnaires last April. Of these, 222 responded, giving 83 per cent coverage.

At present, five Foxboro teachers have signed up for a ten-session course at SPOKE in designing individualized learning packets, 10 have registered for a 10-session course in instructional media, and seven will attend a five-session series for individualizing the reading program (for elementary teachers only.)

In all, 10 per cent of Foxborough's teaching population will be enrolled at Project SPOKE this school year, according to Assistant Supt. Frank Toomey.

In a report to the school committee on in-service training, Mr. Toomey said 28 teachers are enrolled in a 15-week Socio-Biology I course to be offered at Foxborough High School beginning this week.

Many teachers from the Foxborough staff are also enrolled in graduate courses, he added.

Other in-service training programs and curricula meetings involve:

20 sessions in relation to "Man: A Course of Study," a "most fascinating" approach to social studies which delves into the question of what makes man human. Used on an experimental basis for two years, the course is now system-wide in fifth grades.

Ten hours of workshops on learning disabilities for teachers in grades 1 through 3, conducted through Project HEED.

Intermediate Science Curriculum Study program, in which students get involved in the processes of science. Pre-service training was received by science teachers Samuel Cashman, Louis Chandler and George Genereaux.

An industrial arts program at the Intermediate School which looks at manufacturing and construction as processes and engages in both.

Changes in the scope and sequence of the math program geared to correct deficiencies in certain skills as revealed by the Iowa tests. Mr. Toomey emphasized that the schools would not be "teaching to the test," but would be strengthening areas of weakness shown by the students, particularly in problem-solving.

Numerous other workshops, conferences and released-time studies involve reading, art, music, methodology, social studies, foreign language, English, teacher evaluation, improved test-making and other areas.

CONGRESSMEN AND CLERGY UNITE IN OPPOSITION TO AMENDING THE BILL OF RIGHTS

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. ECKHARDT. Mr. Speaker, yesterday, Representatives of several religious denominations met with concerned Members of the House of Representatives to express their opposition to the Wylie amendment, House Joint Resolution 191, which proposes to amend the Bill of Rights for the first time in history to authorize "nondenominational prayer" to "persons lawfully assembled in any public building." Under the rules of the House, the proposed amendment, which requires a two-thirds vote of both Houses of Congress for passage, may reach the floor of the House as early as November 8, 1971.

The group issued the following statement:

We, clergymen of various denominations, and members of Congress, are deeply concerned with the very real threat to religious freedom should the Wylie resolution, H.J. Res. 191, become a part of our Constitution. We feel most strongly about any constitutional amendment being brought to the floor without the possibility of amendment and with only one hour of debate, controlled by the sponsor, but more particularly we oppose any change in our Bill of Rights which throughout our long history has never been amended.

We believe and aver that we do now have adequate protection of religion in the First Amendment; that the Supreme Court decisions of 1962 and 1963 served to strengthen that freedom, and that, contrary to its supporters' contentions, H.J. Res. 191 would restrict that freedom.

Representative Wylie's resolution reads as follows: "Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer."

We, as Americans, are already guaranteed the right to participate in prayer—non-denominational or *denominational*, and in buildings public or private, and whether or not lawfully assembled. All this is now guaranteed to us under the free exercise clause of the First Amendment and none of it has been diminished by any opinions of the Supreme Court. Thus, the proposed amendment might actually serve to lessen our religious liberty rather than broaden it.

The so-called "school prayer" decisions of the Supreme Court (*Engel* v. *Vitale,* 370 U.S.

421, 1962; *Abington School District* v. *Schempp* and *Murray* v. *Curlett*, 374 U.S. 203, 1963) dealt with the power of governments to compose or require a particular prayer, not the inviolable right of the individual to pray as his conscience dictates. In contrast, the proposed amendment deals with the right of persons, a right not affected by the Supreme Court decisions. A child may still pray in school so long as he does not interfere with others.

H.J. Res. 191 would authorize "nondenominational" prayer. Assuming such a prayer could be composed, and disregarding the question of who should compose it, the very word is antithetical to religion. Religion is by its nature intensely personal and denominational. A "nondenominational" consensus prayer could only serve to reduce religion to its least common denominator, to neutralize it, and finally to create what might be called a nonsectarian public school religion. We do not believe that even the proponents of the Wylie amendment wish such a result.

Other questions are raised by the language of the proposed amendment, and would, we believe, eventually result in widespread, acrimonious controversy and litigation.

In short, the importance of these questions and others, requires, we believe, far more careful consideration than they are apt to receive in a scant hour of floor debate.

In 1964, in the wake of the Supreme Court's "school prayer" decisions, the House Committee on the Judiciary held extensive hearings over three months on a wide variety of proposed amendments and was unable to devise language which it could recommend to the House that would not do violence to religious liberty now guaranteed by the First Amendment.

In 1966, the Senate rejected an amendment intended to override the "school prayer" decisions.

Moreover, two Presidents have cautioned against hasty action to override the Supreme Court's "school prayer" decisions. Speaking shortly after the first such decision, *Engel* v. *Vitale*, 370 U.S. 421, President Kennedy said:

"You would have to make a determination of what the language was and what effect it would have on the First Amendment. The Supreme Court has made its judgment, and a good many people obviously will disagree with it. Others will agree with it. But I think it is important for us if we are going to maintain our constitutional principle that we support the Supreme Court decisions even when we may not agree with them.

"In addition, we have in this case, a very easy remedy and that is to pray ourselves. And I would think that it would be a welcome reminder to every American family that we can pray a good deal more at home, we can attend our churches with a good deal more fidelity, and we can make the true meaning of prayer much more important in the lives of all of our children. That power is very much open to us. And I would hope that as a result of this decision that all American parents will intensify their efforts at home, and the rest of us will support the Constitution and the responsibility of the Supreme Court in interpreting it, which is theirs, and given to them by the Constitution."

On July 4, 1964, the New York Times quoted former President Eisenhower as follows:

"General Eisenhower said he was opposed to the constitutional amendment on prayer in the public schools. He said religion should be taught in the schools, not as creed, but to show how great religions had influenced the course of civilization.

"But when you talk about prayer," he said, "this is in the nature of a personal communication and its use in public schools violates the First Amendment to the Constitution."

We hope that Members of the House will heed these calls for caution and will not act hastily to undo what has served us well for 180 years. In the words of James Madison: "it is proper to take alarm at the first experiment on our liberties."

We take alarm at this fresh experiment on our liberties and we hope that all citizens will join us in voicing our concern.

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INFLATION—SHOTGUN OR RIFLE

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. MOSS. Mr. Speaker, rarely have I read an article which sets forth with greater clarity the many problems of our economy than the following which was written by a constituent of mine, Mr. Paul W. Little, of Sacramento, Calif. Mr. Little, who retired from public service in 1969, served under four California Governors as an administrator of Employment Service and Manpower Operations, and as chief of Manpower Utilization.

Mr. Little is to be commended for his excellent article. It makes interesting reading and I highly recommend it to my colleagues:

INFLATION—SHOT GUN OR RIFLE

(By Paul W. Little)

I'm a retiree. I took a good licking from the stock market collapse. Fortunately, I didn't put all my eggs in one basket and didn't go under. But I got a good roughing up, and it started me thinking about why it all happened. My thoughts roamed over a wide range of subjects, but it wasn't long before they centered on inflation.

Because of my age, economic and social status and life style, I seem to have been certified by public opinion polls and media surveys to be a "Middle-American." One could take pride in this accreditation, for we are told it is in long-suffering "Middle-America" where you find the real stability and wisdom of the nation. The President tells us that it is an important reason why he wants to return to us some of the "power" of the great central government through his revenue-sharing plan.

In qualifying as a "Middle-American", I have the added bonus of being a part of a "Great Silent Majority" which, self-serving claims would have me believe, has been swept to the bosoms of the present leadership of this country in full support and defense of their policies.

In my case, these opinion surveys are a bit inaccurate. For example, I find it difficult to stomach the word vanity and clever rhetoric of a Vice President who seeks political advantage by attempting to muzzle the voice of the national media and spread divisiveness throughout the land.

I question the sincerity of a President who asserts he wants no "yes men" in his cabinet, yet fires an Interior Secretary just when that member of his cabinet begins making noises like a statesman with deep concerns for policies affecting the welfare of *all* the people.

For me, the "Domino-Theory" hasn't the validity of a lead nickel, and I deplore our having spent $25 billion each year to continue our involvement in the Vietnam Civil War when the nation and the world would have supported the President's acting to immediately terminate our involvement after taking office. It takes a man of wisdom, courage, and high principle to admit an error in judgment and to change his ways accordingly. Such a decision on the President's part, made on behalf of the nation, would have been worthy of the tradition and character of this nation.

INSTRUCTIONS TO "MIDDLE-AMERICA"

But if because of the profile of my life style I must be labeled as a "Middle-American" and a part of the long-suffering "Silent-Majority" I especially resent claims of ownership of my support on the part of political leaders who instruct me and my neighbors that:

A fractional drop in wholesale prices over the span of a couple of months is proof positive inflation has been brought under control.

A 6.8% increase in steel prices is acceptable within the framework of plans to curb inflation.

A rate of 6% unemployment is the price we must pay for past sins and that we'll solve it by deficit spending.

A rate fo 4% unemployment—involving joblessness of only about 3 million of our citizens at any one time—shall be regarded and accepted by this nation as a condition of full employment, and that after all achievement of the 4% rate is, at best, a myth.

A 4% per annum increase in the cost of living shall be regarded as an acceptable inflationary trend.

I'm not to worry about the 1970 last quarter drop in the rate of GNP increase—an 11-year low—since this was caused by the GM strike and by 1972, when I can cast my vote for President, everything will be all right.

This type of "instruction" to me as part of the "Silent-Majority" is particularly galling because it assumes I'm too addle-brained to perceive it is merely a facade to cover up the dismal failure of Administration "monetary control" policies to solve the problems of inflation. It assumes I have forgotten the admonition of one of the nation's greatest leaders who asserted, "We know now that government by organized money is just as dangerous as government by organized mob."

To me, in viewing the spectrums of problems confronting our nation, the one posing the greatest threat to our existence is the cancerous affluence-poverty paradox. Inflation feeds this cancer and the nation's high purpose and determination to make progress in finding solutions to such problems as unemployment, welfare, pollution, education, health, hunger, and law and order are dampened and thwarted by caution and uncertainty growing out of the economic dislocations caused by this tumorous paradox.

What to do about it?

Public opinion polls and various media surveys, because of my age, economic and social status and life style, bury me into the averages of the composite "Middle-American" whose dominant view is held to be that, "The President is closer to these problems than I am. He is my President and the President of all the people. Therefore he has my support!"

I would suggest that such blind support of the President or any leader is detrimental to the democratic principles upon which this nation was founded. At best such blind acquiescene is nothing more than a "Cop Out"! In its place I would focus attention on the fact that within the longsuffering "Silent Majority" there is a range of viewpoint reflecting a wide span of philosophical and political thinking and conviction. I would hope those noting these comments would come to realize that we of the "Silent-Majority" are not to be regimented as a faceless group to the blanket support of any particular leader or group of leaders regardless of how convincing claims of ownership may sound, as they are uttered within the steady beat of the rhythm of clever rhetoric. Most importantly, I would hope these comments would in some small measure direct us to a means, guided by the heart and conscience of the nation to, with skill, understanding, and courage, rid ourselves of the tumorous growth which is threatening our survival as a free people.

PARADOX

In final analysis, it would seem a nation's level of material wealth is determined by (1) its command of natural and basic resources and (2) its ability to produce. From this yardstick, America has to be judged the most wealthy nation in the world. A visitor from outer space would have good reason to assume that here in America there was opportunity for each citizen to realize his or her aspirations for economic and social security.

Upon taking a closer look, this visitor would see a nation mired in the deep dilemma and paradox of indescribable wealth and frightening pools of poverty and despair. He would see:

Engineers and scientists trained in the sophisticates of space travel relegated to unemployment insurance lines.

Millions of citizens without opportunity to complete education or engage in any type of work.

A nation gradually falling behind in meeting both the elementary and higher educational needs of its citizens.

Illiteracy in larger numbers of citizens (18.5 million functionally illiterate—Harris Survey 8/70)

Millions of citizens exposed to a $200 billion welfare system with all of the inefficiency and personal indignities which go with a government function which society hates to be saddled with.

Large blocks of citizens perplexed and confused by lack of opportunity to meet legitimate aspirations for economic and social security turning to crime, drugs, and other escapes.

Children and adults in the millions classed as the "hungry-poor" and clamped in the vise of malnutrition.

A nation talking much about correcting frightening trends which pollute its environment but cautious to "pay the price" to make needed remedies.

Concentration of over 85% of the nation's productive wealth in less than 5% of the nation's business and industrial establishments.

The hoarding of surplus wealth by large enterprises in great "Philanthropic Foundations" so this wealth can be protected from tax obligations.

Due to lack of job opportunity for millions of citizens, resort to distribution of "income" through unemployment insurance and welfare programs to which society affixes the stigma of "handouts."

Cautiousness and parsimony in providing needed health and legal services to millions caught in the pools of poverty.

Incarceration of thousands without hearing or trial as to guilt or innocence due to failure to pay for adequate court system.

Parsimony in providing adequate numbers of qualified teachers, police officers, firemen, doctors, and medical technicians.

A nation almost continuously at war or responding to the threat of war guided by policies which keep "production for waste" at high levels of output and cost.

If our "visitor" was brash enough to ask why these dislocations should be allowed to exist within an economy of indescribable wealth, he might be exposed to the coil of economic theory, the turns of which carry currents which can be modulated into a number of interesting rationales.

RATIONALE FOR LIVING WITHIN PARADOX

Today, among pundits, economists, media commentators, business and labor leaders, educators, and politicians, it seems they are in general agreement that the paradox of affluence and poverty is a viable and deploring element in our economic and social life.

This agreement turns to enigma when discussion on "What to do about it?" ensues. This enigma expresses itself in varying degrees of "output potential" for solution of the problem, as it is spliced off from various take-off points along the long "Coil of Economic Theory."

Turns on the end of the coil to your "right" give off currents which modulate to the "Friedman Free-Market" approach. Currents from turns at the "left" extremity of the coil modulate the "Socialistic" approach calling for abolishment of private property and control of all economic endeavor by the State.

Perhaps the "Free Market" output of the "Coil" is best summed up in Friedman's Capitalism and Freedom, p133, when he asserts:

"Few trends could so thoroughly undermine the very foundation of our free society as the acceptance by corporate officials of a social responsibility other than to make as much money for their stockholders as possible."

During the past two years, economist Friedman's "Free-Market" and "Profit Maximization" views have perhaps greater acceptance and influence on the Nixon Administration than views held by any other economist or group of economists.

High-level acceptance of these views calls for examination of typical postulates which are modulated from currents given out by turns at the Friedman end of the "Coil." Some of these are:

The only way to curb inflation is through the control of the flow and amount of money; i.e. high interest rates, increased taxes, lowered government spending, etc.

If monetary controls cause pain and disruptions such as high rates of unemployment, increases in welfare, and business failures, then so be it! It is the price we must pay for our past sins.

We should be prepared to live with a certain amount of unemployment in a free society and should consider a 4% rate-currently, 3 million unemployed at any one point of time—a condition of full employment.

Price and wage controls are an unthinkable solution to inflation. In all of man's history, when they've been tried they've never worked, and there is no way they can be made to work in a free society.

More than any other influence, America's cultural and economic greatness can be attributed to the "Free-Enterprise" and "Free-Market" system and approach.

A decrease in the wholesale price level of say $\frac{1}{10}$ of 1% in a month is a clear indication inflation is being curbed. If such a decrease extends for 60 days it is proof positive inflation is being halted. This is so despite concurrent rises in retail prices.

We must be prepared to accept and live with an annual cost of living increase of at least 4%.

Increased wages are a principle cause of inflation and must be curbed prior to any attack on price levels.

A principle cause of inflation is big government spending.

The "private sector" has a greater motivation for efficiency than the "public sector" and more government functions should therefore be turned over to business and industry.

To foster and preserve initiative within the "Free-Market" system, incentives, in the form of tax breaks, subsidies, and cost plus contracts, should be basic goals of the nation's purpose and policy.

MODULATION OF CURRENT AT STATISTICAL END OF COIL

With similar force and conviction, views are modulated from currents spliced off in the left section turns of the "Coil" at the "Socialistic" end. These views hold that our great problems of social injustice and indignities to man can *never* be solved under any arrangement of the capitalistic approach, and assert, therefore, capitalism in any form must be abolished! Some, whose views are spliced off toward the middle section of the "Coil", hold the abolishment of Capitalism can be achieved by legal means. But views from turns of the "Coil" on the extreme left support the assertion that Capitalism can only be uprooted by forceful overthrow of the government.

Since I hold we can and must find solutions to our problems within the Capitalistic system, I will not take the time here to enumerate or react to the specific views which can be spliced off the turns of the "Coil" at the Socialistic end.

REACTION TO "FREE-MARKET" VIEWS

As one is being bombarded by the views of "Free-Market" advocates, he senses that the primary weapon being used in this bombardment is dogma in its literal and arrogant form. For example, he is instructed on a TV talk show, beamed to a national audience by the foremost exponent of the "Free-Market" approach to the effect that, "There is only one way to curb inflation, and that it is through use of monetary controls. There is no other way, and it is useless to consider any other approach!"

To many of us, in this free society of ours, the point at which philosophers, politicians, preachers, and, yes, economists begin to lose our attention is when they assume a God-like mantle and surround their assertions in the unassailable cloak of the ultimate truth. To those of us who still believe we have the right to question and challenge restrictive abortion laws, the seniority system in the Congress, or even the existence of God, the advocacy of opinions in the form of dogma causes us to doubt whether such assertions have any foundation in truth. One's instinctive reaction to being instructed by dogma is to resist the declarations and proclamations by raising questions, challenging questions. Admittedly, one might over-react in clamoring for some semblance of the truth during exposure to the heat of blasts from dogma bombardment. In any case, here are some reactions of one individual to "Free-Market" assertions:

Why is it proclaimed that wage increases are the chief cause of inflation?

Is it because big unions and the members they represent are trying to wrench the concentration of the nation's wealth from big business to big labor? Was the "Blue-Collar" worker who recently told a national TV audience that, "I'd be willing to take a cut in pay if they would do something to guarantee me the cost of living would not go up anymore!" a "fink" in the eyes of his peers? Or wasn't he a thin voice crying out in the wilderness of charge-and-counter-charge that there is something phony about those who assert that labor is getting more than its fair share of the nation's wealth because American non-supervisory workers have gross weekly earnings of $121.36, a wage level which dwarf pay scales anywhere else in the world. It didn't take a degree in economics for this worker to *know* he was obliged to live under the umbrella of the world's highest cost of living rate and that after taxes, SSA and UI deductions and related deductions caused by price rises since 1957–1959, his "Real" spendable earnings today were a mere $77.68. How must this worker feel when on top of this depression of his spendable earnings—which levels are held to be causing inflation—he is instructed that he must tolerate a rise in the cost of living at the 4% rate, per annum, and that a 6.8% price rise in steel is acceptable? What is his level of frustration when he is obliged to pay 98c for a small bottle of aspirin, $10 for a dental filling, $85 per day for a hospital bed for his ailing wife, 83c for a dozen eggs, and $1.39 for a pound of pork chops? "Well," say the "Free-Market" advocates, "we admit the real spendable earnings indexes need constant study, but one thing we're sure of, and that is big government spending *is* a chief cause of inflation!"

If "Big Government Spending" is a principal cause of inflation, why is President Nixon reverting to FDR's "pump priming" Keynesian approach and promising the nation he'll insure a "full employment-4% unemployment rate" economy by running a $15 billion per annum deficit spending program through 1972?

If there is "fat" in government spending which is of little or no value to the nation, a good point of departure might be to examine the large spending categories first. This would bring under scrutiny our $75 billion defense budget, which is approaching half of the nation's total outgo. This obliges us to assess whether it is necessary for us to continue our involvement in the Vietnam Civil War. Is the "Domino-Theory" truly valid against today's reference points? If we truly believe in "self determination", are we not steadfastly and stubbornly defeating that very principle by failing to support a coalition government? If we had a commitment, informal or otherwise, to aid South Vietnam in their Civil War with the North, haven't we, in 10 years with 45,000 lives and over $200 billion, lived up to that commitment and more? Do the corruption and greed of the Saigon government justify any further expenditure on our part? Why are we dilly-dallying around in Cambodia and Laos? Isn't it time for the Indo-Chinese who really want freedom to stand up and be counted, putting their *lives* on the same line as their rhetoric?

In the interest of halting "Big Government Spending", which is fanning the fires of inflation, isn't it time we reassess the level of spending in Europe under NATO agreements? What about military equipment and weapons? In World War III, how long will a "Flat-top" be operative against an enemy world-wide fleet of nuclear subs? How many low-income housing units could we build with the savings achieved by deferring construction of a single "Flat-top"? With capability of firing missiles from subs and the fantastic increase in range of bombers, intermediate bombers and fighters, why do we need "Flat-tops" in World War III?

Could not a hard-nosed reassessment of our involvement in the Vietnam Civil War, NATO, and of spending for equipment and weapons of war, produce savings which could enable us to make major strides in meeting such urgent needs as eradication of slums, building of homes and schools, and beautifying recreational areas, control of air and water pollution and alleviation of malnutrition and disease? If government spending is *that* critical to curbing inflation, why was it *necessary* to spend 50,000 in refurbishing the Attorney General's office and grounds, and $35,000 for "dressing up" the work place of the Interior Secretary? How many millions does it take to maintain government operations at the President's second and third White Houses? Why the fat pay increases for the President and Vice President? Do not facts bear out that the Nixon Administration, which has been the most vocal advocate of "fiscal responsibility" and "curbing of big government spending", has proved to be the biggest spender in history when it comes to personal staff, ceremony, ritual, status, and personal image and convenience of top administration officials? To strengthen their argument, perhaps "Free-Market" advocates will want to "study" indexes of government spending a little more closely.

"Whatever the causes of inflation are," we are assured by "Free-Market" advocates, "monetary policies which have control over the amount of money in the economy have stemmed and halted the rise of inflation!"

"Just look at the drop in wholesale prices," they say. Are fractional drops in rates of wholesale prices over a 30- or even a 60-day period real evidence these policies are working? When these fractional drops are accompanied by steady increases in retail price levels, who benefits from this statistical "halting of the inflationary spiral"? The consumer? The engineer and scientist standing in the unemployment line? The hungry child whose school lunch program has been abolished? The promising youngster who can't afford to continue his college studies? The trained production worker who is obliged to go on welfare? Or isn't it pretty clear, by this time, that the real beneficiaries of these policies have been the banks and money-lenders?

Do those "Free-Market" advocates who proclaim that the only way to curb inflation is through "Monetary Control" policies also assert that on the matter of inflation man has reached the ultimate truth, and that it is useless for man, any longer, to attack this problem with imagination and innovation?

Does this mean that the "4 by 4" trends may not be subject to challenge, i.e. "we must accept a 4% per annum rate of increase in the cost of living as consistent with the goals of the nation for the welfare of all of its citizens; and we must accept a 4% rate of unemployment as a condition of full employment? If we accept these rules, without challenge, what will be the cost of a dozen eggs in 1985? And how many millions of our citizens will be exposed to the indignities of a life-long future of welfare hand-outs?

On the same score of the ultimate truth, must we accept without challenge the assertion that, "Never in man's history has the Wage-Price control approach been successful in curbing inflation."

If this is so, why do housewives recall that when their husbands were in the service of their country in World War II, that the OPA regulations "saved their lives" when they went to market? Was the cutting of wholesale price increases from a level of 7% per annum in 1941–1942 to 2.4% in the 1943–1946 period an indication of OPA failure to achieve the nation's purpose? Should OPA be condemned as a "bureaucratic mess" in that overnight it became a large, powerful, and unwieldy bureau obligated to undertake administration of perhaps one of the most difficult items of control from the standpoint of tradition and emotion namely, regulation of prices? Is it fair to pass whatever success OPA achieved off by saying these controls can *only* work in time of war? Haven't we been engaged in a $200 billion shooting war for 10 years? Isn't the national emergency of 24 millions of our citizens being at or below poverty levels as serious a threat to our survival as our involvement in a shooting war? Doesn't our Korean War experience, when wage and price controls dropped the wholesale index of capital goods from 7% to 1%, give us clues as to what this technique might do for us in peacetime? Regardless of national purpose and need is American "know-how" simply not up to operation of an efficient price control bureau?

And why do "Free-Market" advocates refer to price controls as something we buried when the "war emergency" was over?

Can travel and freight rates be raised at will, or do those rates have to come before public scrutiny in meetings of government boards and commissions? Similarly, isn't public scrutiny required of rates of phone service and heat, light, and power? Why? Oh, we say because these services affect the overall public good and welfare! Don't most citizens eat eggs, bread, and pork chops, wear shoes, drive a car, and live in a house? Aren't the costs of these commodities critically joined to the public good and welfare?

Is the declaration that efficiency, sound management, and motivation can only be found in the private sector yet another "ultimate truth" which must stand without challenge?

Why did Penn Central go under? Even the business community admits of inefficiency and poor management here. Didn't Merrill Lynch have to bail out Goodbody & Co. because of Goodbody's "record keeping, which got into a horrendous snarl" (TIME, 11–9–70)? Why did Lockheed get over its head on a government aircraft contract and spend thousands of taxpayers' money lobbying for a $200 million subsidy loan? Some say Lockheed got into that bind because of inefficient management and use of staff. Incidently, if Lockheed gets the subsidy loan, won't they earn the distinction as the nation's most prominent welfare recipient?

In private insurance, what would be the salary of the carrier head, and overhead to administer a claims service which paid out over $1 billion annually through a staff of 3,000 in the complex field of employment? The carrier head would probably get $150,000 per annum and the overhead would be 8% and up. In the public service, the unemployment insurance administrator gets $20,000 to $25,000 for this task, and performs it efficiently within a 3% to 4% overhead!

Isn't it possible that inefficiency is where you find it, and that desires to perform a public service in carrying out the great social goals of our statutes create a dedication and motivation for efficiency of performance equal to or surpassing that stemming from a base of profit maximization, earnings stability, and growth?

The "Ultimate Truism", that in effect asserts, more than any other influence, the free enterprise approach, which, rooted deeply in our entrepreneural tradition, has made America the great nation of free people it is today, also intrigues us.

Is this heritage of freedom based on the building of the Central Pacific Railroad over government-subsidized routes in the High Sierras with 20,000 Chinese who were paid $1 per day, sun up to sun down, obliged to maintain themselves, and whose numbers were rapidly diminished by hazardous work, lacking even the most primitive of safety practices? Is our tradition of individual freedom embodied in the employment of girls of 6 in textile mills and boys of 7 in mines for a few cents a day? Is this freedom embodied in exposure of workingmen at the gates of a large auto manufacturer in the '30's to armed hoods and thugs as they sought to receive a living wage from an enterprise experiencing fabulous profits? Is this entrepreneural tradition which exploited the people who produced the wealth the heritage we treasure? Was the entrepreneur who owned the land and the factory the only one who took the risk of the enterprise? Or was that risk not shared by workers who performed hazardous tasks without any protection for their safety?

We come now to an ultimate of ultimate truths, namely, "Tamper or disrupt the free-market system, and you threaten the destruction of individual freedom in America!"

Maybe it's brashness or just plain overreacting, but whatever the case, we pose the question, "What free markets?" Having put the question, a whole series of inquiries come tumbling out. These lead us to business literature, and we conclude anybody with a facility for simple arithmetic can take the May, 1970 issue of Forbes Magazine, entitled "Dimensions of American Business", 2nd Annual Directory Issue, and see that 85% of America's wealth comes from production of goods and services of perhaps 700 to 1,000 of America's 2.5 million business and industrial enterprises. And it doesn't take a degree in economics for one to glean from this and similar business literature what business know-how and initiative have accomplished in the way of market control.

For example, it immediately becomes apparent that a cardinal principle of largeness and greatness in the corporate enterprise is to plan so that the unreliability of buyers and sellers market will be minimized or eliminated. A classic example of elimination of a particularly sticky portion of a buyer's market is, of course, the auto manufacturer who set up its own foundries and metal producing operations. And typical of the "Big Ten" corporation's planning to minimize unreliability of markets has been the procurement of vast government contracts, where the price is certain and concern as to acceptance of products removed, before manufacturing operations are put into motion. Then there are inter-corporate "conspiracies", deemed perfectly legal within our anti-trust laws, where, by *informal* exchange of goals and plans, a few large concerns capture a seller's market and virtually remove price fluctuation, regardless of level of acceptance by the consumer. And, under this web of successful planning, the "little operator" has no other option than to string along in markets where the starch has been taken out of competition. If the little guy gets too ambitious, or too big for his britches, he is the one likely to get snared by anti-trust laws.

But to say these large corporate enterprises do not participate in the nation's responsibility goals is pure tommy rot! Look at the record. They pay out huge sums for social security and unemployment insurance contributions. They finance pension plans, health protection programs, and contribute to workman's compensation and safety programs. They make dramatic contributions to charitable enterprises and are most generous in helping to fund political campaigns of their persuasion.

Under their reliability of market, earnings stability and growth plans, they conveniently pass these "social responsibility" costs on to the consumer. They also advocate and support higher consumer taxes as a curb to inflation.

And under today's "Free-Market" environment, what precisely is the opportunity for individual freedom? Is there freedom in an environment of malnutrition, where 15 million Americans are classed as the "hungry poor"? Is there freedom for 24 million Americans at or below poverty levels where one's prospects for survival are at best a welfare handout, even in a shooting war economy? Will the carrot of a $2,400 guaranteed annual income plus food stamps improve this prospect when unemployment is at the 6% rate, and jobs are practically nonexistent for the illiterate (11.5 million) and the President vetoes the stepped-up job training program passed by the 91st Congress?

Do youngsters feel the exhilaration of freedom when they must abandon their college studies due to lack of funds? How free do parents of growing families feel when they are prevented from procuring adequate housing because of high interest rates on home mortgages? Does the small businessman feel the pride and warmth of freedom when he is blocked from expanding his business because banks won't lend him money to increase his inventories, even though his collateral is documented in firm orders for the goods to be procured in the expanded inventory of his business enterprise? Are these the characteristics of individual freedom the "Free-Market" advocates proclaim we must strive to preserve in a nation whose wealth is pushing the GNP to the trillion dollar mark?

WHAT IS INFLATION?

If inflation is blocking a direct attack on the inequities and indignities caused by our wealth-poverty paradox, and I assert it is, then if we're going to get out the scalpel and remove this cancerous paradox, we'd better know specifically where it is located in our economy; know where to cut and where the healing must take place.

My TV weatherman, who is nationally recognized for his expertise, sometimes deludes himself that his expertise extends to economics and asserts periodically that, "Inflation is nothing more than big government spending." And he has strong support of Undersecretary of the Treasury Charles Walker, who proclaims in the Reader's Digest that inflation *is* "Federal Spending." My doctor holds that inflation is simply an unbalanced budget, and if we would balance the budget, inflation would end. My stock broker is convinced inflation is the pressure of spiraling wages, which drive prices ever higher, and states we must, at all costs, halt the rise in wages. And, of course, there are those who declare that inflation is, "The availability of too much money in the economy."

As one notes these reactions, one senses what perhaps can be described as an emotional block against permitting the word "price" to enter into the diagnosis. Evidently, in their minds, price relates directly to the sacred cow of profit maximization, earnings stability, and growth. To disturb this arrangement and motivating force, which is rooted deeply in the autonomy, of our corporate enterprises, would be to threaten the very foundations of our freedom.

So, in respectable gatherings, one just doesn't mention that prices are a major cause of inflation. If he does, he's "way out of line" and probably a radical liberal, or maybe even a "pinko". In fact, let's face it, if, in polite society, one mentions price levels when discussing causes of inflation, he simply won't be regarded as a very nice person. And we can't have that, can we?

Oh, yes we can. Nobody is going to say this "Middle-American" is not a very nice person in the face of the overwhelming evidence of polls, opinion, and media surveys, which certify I am a long-suffering, God-fearing, up-standing, law-abiding citizen. We can and will, therefore, define inflation for what it is. Inflation is not federal spending, is not spiraling wages, is not too much money in the economy and is not an unbalanced budget. Inflation *is* price levels which are higher than the economy can support or tolerate. If we can achieve price stability—and this will take some cutting—we can then find means and resources to cause the wealth-poverty tumor to wither up and die. And, mark you, unrighteous person which I am, I didn't include spiraling wages in my definition, because I hold that when and if true price stability is achieved, wage stability will follow. Just how much of a bargaining point would UAW's Woodcock have if, when he went to the bargaining table, it could be demonstrated that the cost of living had been stabilized, that wages had been able to catch up, and there were no foreseeable prospects for continued increases in living costs? I suspect, in this type of situation, Mr. Woodcock's concern would go to worker productivity, working conditions, and job content and satisfaction. If the corporation were in deep trouble as to earnings stability, he might even agree to a wage cut. Oh, don't laugh. This has happened in a number of instances where workers have felt they had a real stake and say in the planning of the business enterprise.

SOLUTION

OK, call it brashness, or over-reacting but I have defined inflation as price levels which the economy cannot support or tolerate, and I'm trapped with the obvious requirement, "Stabilize price levels or shut up!" Here again, some of my self-righteous friends advise, "Well, if you must take *that* position, for God's sake talk about 'guidelines' and not 'controls'." "Guidelines," they counsel, "denote a much softer and more cooperative solution than controls."

Well, there isn't much time left for subtleties and niceties. The patient is in shock, the diagnosis has been made, and we can't fiddle-faddle around any more with aspirin and rest. The scalpel is out and we're ready to cut. The tumor has spread so widely our incision will not merely be to achieve temporary relief but to achieve the relief promised by permanent price controls. If the operation is to succeed, we're obligated to examine the market glands with care and be sure we understand their nature and characteristics.

NATURE OF PRICES WITHIN MARKETS

Our position exposes us to, "Now that you have embraced the 'controls' technique as a solution, where are you going to find indications that prices and costs are out of line?" My response is that examples of where the problem lies are pretty close to the surface, and that you don't have to dig very deeply to begin to see the magnitude of the problem.

For example, Time, on November 16, 1970, reports on how Royal Inns, by zeroing in on customer's desire for luxury, has been able to set costs of units at $20 for single, $30 for double, and $250 for high roller suites, in Las Vegas. Because of this policy, Royal Inns, in the first half of 1970—a bad year for the motel industry—tripled its profits in its eleven state operation. Taking a "price controls" approach, one has to ask, "Just how much 'running room' does this enterprise have before they would cease to be a profitable business?" This is pretty well answered by entrepreneur Gagosian, who told Time's reporter, "If times should really get bad in the economy," he says, "there is not a room in our chain that we couldn't rent for $8 and pay our expenses at 70% occupancy."

There is the saga of entrepreneur John King, who, in a few short years, parlayed $1,500 into a financial empire of $480 million (Time, 5-25-70). King, through innovative use of the computer, came up with geological survey procedures and techniques which resulted in substantial savings to firms needing this service. Because of profits from the service and Mr. King's acknowledged marketing genius, he has a fleet of custom-built limosines with fur upholstery, 9 airplanes, 3,000 pairs of cuff links, (many of them solid gold), and homes in Denver, Hawaii, Palm Springs, and Manhattan, and a ranch at Grandy Colorado, encompassing 4,000 acres, with guest-houses that accommodate 120 people, a shooting gallery, and a beauty parlor. As the article states, "King is a man who is willing to take the big risk to get the big reward and knows how to use technology and the tax laws."

Fine, we'll all agree that the guy who takes the risk deserves the reward. The only question here is, how much reward? If King had charged 10% less for his service, would not the reward have been ample? One even wonders if King could not have eked out a reasonable profit it he had charged 20% less for the service. If we're really concerned about the wealth-poverty paradox, how much reward in terms of net profit and tax breaks does an entrepreneur need to motivate him to take the risk? Entrepreneur King deserves the thanks of the oil companies and of the nation for his innovative use of the computer to cut costs of oil exploration. But $480 million worth? How high is up?

The fact that King is now facing bankruptcy (Forbes, 7–15–71) doesn't change the significance of this entrepreneural adventure into "instant riches" through inflated prices and tax shelter manipulations. Rather it suggests even the entrepreneur can be overwhelmed with vast wealth and that such an enormous accumulation of riches can be a confusing experience to him and an utter waste to society. For example, if King had charged a reasonable fee for his exploratory service", and tax loopholes had been plugged, perhaps the price level of gasoline might have been a quarter or a half cent cheaper. Think what this would have meant in terms of economic security to millions of low-income motorists throughout the nation.

While we're looking for clues as to where reasonable price levels might be established to halt the inflationary spiral, let's return to FORBES' annual report on "Dimensions of American Business" May, 1970 and 1971 issues. Here listed among the nation's great corporate enterprises are:

American Telephone and Telegraph with assets of $43,903,121,000. Their *Net Profits* for 1969 were listed at $2,198,698,000 after Capital Expenditures of over $5.5 billion, in 1970 their net profits held to $2,189,000,000. One suspects the FCC has been very fair with AT & T over the years and wonders if a 4% hike in long distance rates is justified.

General Motors with $14,675,736,000 in assets. Their *Net Profits* for 1969 are listed at $1,710,695,000 after Capital Expenditures of $1,906,942,000. In 1970, despite James Roche's heart-rending wails over disastrous wages increases, GM's *Net Profits* held to a healthy $609,000,000! Is it really necessary for GM to raise prices on autos and parts after the recent settlement with the AUW? If so, how much? Must the consumer be slugged for the entire cost of the increase? How high is up? Seven of the nation's largest steel producers with combined assets of $14,472,314,000 are listed in 1969 for *Net Profits* of $674,292,000. For the second quarter of 1971, U.S. Steel alone recorded a whopping $77,879,954 in *Net Income*. Does steel really need to force another price rise of almost 7%? What would be the effect on price levels of refrigerators, washing machines, autos, construction, and other commodities and services using steel as a basic resource if steel could live within a $674,000,000 profit range?

Standard Oil of New Jersey is listed with assets of $17,537,951,000 with 1969 *Net Profits* of $1,310,000,000, after Capital Expenditures of $1,690,716,000. Similar profits ranges are listed for Texaco, Gulf, Atlantic-Richfield, etc. From a review of these indicators of successful carrying out of earnings stability and growth plans, one wonders if an annual price hike in gasoline of 9.4% is needed. One also wonders why the entire costs of production of un-leaded gasoline should be passed on to the consumer.

Certainly a few minutes of study of price indexes reveals that, in a recent 9 months period, copper prices increased by 24% and zinc by 11%. It appears that in any review of business literature and other organized data concerning operations of business and industrial establishments clues come rolling out as to where one might make a start in achieving price stability through the "Controls" approach.

BLAME

Lest the reader, at this point, feels that what I'm building to is a wholesale condemnation of business and industry, attributing to it blame for the monstrous tumor of economic dislocation which has the nation in its grip, let me set the reader straight.

First, on a purely selfish basis, if business and industry can't realize a reasonable return of net profits for their efforts, a part of the financial security I have built to sustain my wife and me for the remainder of our lives will be wiped out. I freely admit that in an assessment of the role of business and industry in our society, my views are perhaps canted toward supporting the contribution it has made and can make rather than embracing a sweeping indictment of this role.

Second, I suspect history pretty well bears out my canted leanings. Past events show that whenever the nation's leaders have *clearly* set forth national peril and emergency, and sought assistance and cooperation from industry, the response has always been positive and immediate in support of the nation's effort.

Surely the generals and admirals and their forces drawn from both the "regular services" and the "civilian pools" deserve a full measure of credit for pulling this nation out of the shambles of disastrous defeat after Pearl Harbor. It was through their courage, skill and determination this nation achieved victory over the most formidable enemies any nation has faced in the world's history.

Let's face it, the "Awakening Giant," to which the Supreme Commander of the Japanese Forces referred after the successful ravage of Pearl Harbor, was the incredible *potential* of the American business and industrial establishment to produce the weapons of war. He knew that, when that productive power was coupled with the determination of a people infuriated by sneak attack and blatant aggression, that defeat of the aggressor was inevitable. The Supreme Commander knew this, and that is why his reaction to the "glorious" victory at "Pearl" was sheer sadness.

The common thread running through our experiences in World Wars I and II—which posed the great threats to the nation's survival in modern history—was that business and industry received from the nation's leaders (1) clear definition of the magnitude of the threat to the nation's survival and (2) specific direction as to the nation's means to meet the threat. More recently, President Johnson expressed the nation's determination to wrench the goal of "equal opportunity" from the rhetoric of statute and make it a way of life in America. As a point of departure, he appealed to leaders of business and industry to find a means to substantially increase participation of minorities in the work force of the "private sector". Henry Ford II stepped forward and offered the prestige and expertise of his organization to organize and administer the "National Alliance of Businessmen". To date, no effort to increase participation of minorities in "private sector" employment has come close to matching that of the NAB!

Other examples of generous and effective response of business and industry to meet emergency needs of the community, state, and nation are legion. This experience seems to fully justify the view that whenever a public need is clearly described to business and industry, and specific *direction* and purpose set, the cooperation and dedication of business leaders is assured in efforts to meet the need.

CULPRIT

To me, the culprit for failure to halt spiraling inflation has not been the leadership of corporate establishments who have influenced the steady increase of price levels across the economic spectrum. Rather to me, the real culprit is the nation's leadership in its dismal failure to present the nation's dilemma to business and industry in terms of its true characteristics, namely, a dilemma born of the wealth-poverty paradox which is eating away at the roots of democracy and threatening our survival as a free people.

In attempting to clearly define the magnitude of this threat to leaders of business and industry, President Nixon *could* have said, "Twenty-four millions of the nation's citizens are at or below the poverty level. Fifteen million, despite all welfare measurements, are relegated to status of the "hungry poor". Eleven million are illiterate and almost 5 million of our "employable" citizens are facing long terms of unemployment. Yet our GNP is pushing toward the trillion dollar mark."

"Gentlemen, inflation is at the root of our inability to solve the wealth-poverty dilemma, and spiraling prices are feeding and strengthening the inflationary root system. So long as I am President of all of the people, I intend to bring the total force of the nation's purpose and determination to end this dilemma, the outcome of the 1972 elections notwithstanding!

"In the magnitude of its threat to our existence as a free people, where each citizen *has* the opportunity to seek a productive life in line with his or her legitimate aspirations and to live in dignity, I compare this threat to the assault on our freedom at Pearl Harbor in 1941. To meet this threat in 1941, the nation asked you to perform "Mission Impossible." This you did by only asking, "When must the mission be accomplished." I now ask you to join me in meeting our present threat by attacking and halting the momentum of the price spiral. This we will do by working together to develop and place in effect a system of controls, just as we did during World War II and the Korean War. These controls will insure your continued activities under the umbrella of reasonable profits levels based on reasonable earnings stability and growth.

As these controls become operative, we will act at once to rearrange the nation's priorities and go forward with all urgency and speed with attacks on problems of health, hunger, education, employment, and pollution which threaten the well-being of large segments of our citizens. I know the nation can count on your dedication to this great and sobering purpose!"

Instead, Mr. Nixon has, in effect, told the nation's business leaders that, "Oh, I want to halt inflation, let there be no mistake about that. I deplore hunger and joblessness. I understand the despair of poverty, for I have seen it in the eyes of the man without hope of job or income who has come into my father's grocery store when I was a boy.

"Let me make it perfectly clear that this administration did not start inflation. We inherited it. Already, through our "monetary controls" approach, which has limited the flow and supply of money in the economy, we have brought inflation under control. Decreases in wholesale prices in some months show that progress has been made. Admittedly, these measures have caused pain and dislocations in terms of unemployment and business slowdowns and failures, but this is what we must pay for our past sins.

"I deem wage increases are a dominant factor in driving prices up, and deplore pressure exerted by the big unions which is causing this dislocation."

"Whatever the case, I assure you I will not support any type of price controls approach, and I am certainly not going to engage in 'jawboning', when you really get out of line."

"I am pleased the FED is dropping the discount rate and that the supply and flow of money in the economy is being increased. I am announcing to the nation I am going to engage in "expansionary budget" spending to the tune of about $25 billion through 1972, in the hope that through deficit spending, we can pump more jobs into the economy.

"Let me assure you that somehow we'll lick this problem without upsetting your autonomy to get as much return from your activity as your participation in the "Free-Market" system will allow. I know I can count on your cooperation to use restraint in pursuing your goals!"

It would seem that a businessman, pledged as he is to goals of profit maximization, earnings stability and growth, wouldn't be worth his salt unless he reacted to this type of direction and instruction from the nation's Chief Executive, as it being the "green light" and full license to "grab while the grabbing is good!", and let someone else worry about "social responsibility" matters. After all, that reaction by business leaders appears to be entirely consistent with the view of the nation's leading advocate of the "monetary controls" approach—which has been followed so assiduously by the Nixon administration—when he advocated that, "Few trends could so thoroughly undermine the very foundations of our free society as the acceptance by corporate officials of a social responsibility other than to make as much money for their stockholders as possible."

One wonders if Messr's Friedman and Nixon perceive what opportunities lie ahead for corporations to make money for their stockholders when the point is reached when 25 million Americans, who are at or below poverty levels, become infuriated by the specter of hunger and malnutrition facing their families and loved ones. One ponders on how susceptible these Americans might be to "outside" leadership which beckons their joining in a violent and forceful effort to attack and destroy the structure of their government; a government which denies them opportunity to provide for themselves and their loved ones. Is a climate of disruption and upheaval the climate in which goals of maximum profits, earnings stability and growth can be achieved? Or, in such a case, will Mr. Nixon, in order to "preserve the American Dream", turn to the military to insure these rabble rousers are kept in their place?

So, I resist labeling business and industry as being singularly responsible for the inflationary spiral through its greed and avarice, just as I resist the claim that it is only in the private sector where there is motivation for efficiency. For me the truth more clearly lies in the view that mis-management, greed, inefficiency, and crookedness are where they are found, whether it be in Penn Central, Lockheed, or the activities of the Bobby Bakers. Any idiot can generalize from the extreme case, and attempt to set up a smoke screen by using the ploy of clever polemics to draw attention away from the truth.

Men of goodwill, love of nation, and generosity are present in all walks of American life, whether it be in the public or the private sector. The question is, is the leadership of this nation competent to provide a means whereby these men can join together in common effort to rid the nation of the tumorous dilemma which threatens our freedom.

FEASIBILITY OF CONTROLS

If it is agreed that inflation is directly influenced by the price spiral, then we must face two questions: (1) Is it possible to set up and administer a system of price controls? and (2) Is the nation ready for controls?

When we pose question (1) to the experts, the response is clearly in the negative. When it was asked of a foremost "Free-Market" advocate before a national TV audience last year, he responded in the God-like mantle of proclaimer of the ultimate truth to the effect that, "Never in man's history have price controls worked, and they won't work, now or ever!" In the hope of finding some chink in the armor of this dogma, we listened to the same question directed to a top administration economist by an NBC commentator before a national TV audience, in January of this year. He responded to the effect that, "Yes, we need some kind of control over the price spiral, but it is impossible to achieve this through a system of price controls. This would mean study of the trends and characteristics of over 200,000 price items, and this is, in volume of work and complexity, beyond our capability to do. It is not worth the trouble to try it."

So there you have it, folks: "It's much too complex and difficult a job for American know-how!" My problem with these declarations—I guess because I'm a Middle-American square and don't know any better—is that they go against the grain and raise my hackles. I have a propensity for curiosity which I've never been able to curb. This gets me into a bit of trouble, on occasion, because my darned curiosity more than not leads me to challenge whatever seems to smack of dogma.

It seems to me also that the challenge of history has also been pretty rough on dogma and demagoguery. I recall it was proclaimed as an ultimate truth that were this nation's Congress to pass the Social Security Act, that this "socialistic" measure would lead us down the road to destruction of our democratic institutions and threaten our existent as a free people. The legislation, it was claimed, was inspired by "communists" and "pinkos." "Besides," it was concluded, "it is a bad law and will falter under its own dead weight of the complexity of keeping records of employee and employer payroll taxes and the making of eligibility determinations for millions of Americans." And yet, under the national purpose of freedom and dignity of the individual citizen, it was deemed urgently necessary that our citizens be accorded a measure of protection from problems of age, disability, health, and unemployment, and the SSA was passed post haste!

Since its passage, it has become administratively feasible and widely accepted as an indispensable element of our free society. And about the only thing you hear about social security programs today is a bit of squabbling about increasing levels of benefits to match cost of living hikes and extension of benefits to a wider segment of the population.

And my persisting curiosity impells me to ask, "Could Neil Armstrong have taken the first 'giant step for mankind' on the moon if it was beyond the reach of American know how to accumulate data in depth on some 200,000 separate items?" Is it beyond the capacity of computer technology and mathematical genius of this nation's engineers, scientists, and technicians to organize price data so that reasonable judgments can be made as to trends and levels? And why must all 200,000 items be covered in a controls system? As a matter of fact, if we focussed attention on a half dozen of the "durable" and "non-durable" items involving products of some four to five hundred corporations, wouldn't most of the other related price levels of smaller enterprises fall into line? What if, as a modest start, we covered Oil, Tobacco, Steel, Chemicals, Electrical, and Autos? Wouldn't price stability on these items have far-reaching ramifications throughout the economy? Why must we judge the merits of price controls by engaging in polemics based on achieving ultimate coverage. In its inception SSA coverage was far below needs. It still hasn't caught up. Did we postpone VE day until we could account for every last soldier who would be killed or put out of action? Did we *wait* until we could be sure as to each piece of equipment which would be immobilized? If we had, we'd still be planning the invasion of Europe.

What would happen if the problem of programing and organizing price data were given the hundreds of space engineers, scientists, and technicians who have been laid off from NASA and related programs? "How long," I ask, "Mr. Administration Economist, do you think it would take these men and women to develop an efficient system to handle data, in depth, on some 200,000 price items?" I suspect, Mr. "party-line" Economist, the answer you'd get back from these Americans is something like, "Only 200,000 lousy items? When do you want the data? How about yesterday?"

"But," we are instructed by free-market advocates, "price controls have never worked in all of man's history and never will work!" "What about our experience in World War II and the Korean War when, almost overnight, our price structure was stabilized," I ask. "Oh, those were wartime measures and don't count," the FM advocates reply, and add, "And besides, in times of national peril, the people will go for anything." "Haven't we been in a $250,000,000,000 'shooting war' for the past 10 years?" I ask. "Yeah, but that'll be over soon, what with the Vietnamization policy and everything," they reply. "Besides," they add, "the worst thing which has happened is a little unemployment, and now that Mr. Nixon has adopted 'Keynesian' economics, we'll lick that by 1972!"

This dialogue has little satisfaction for my curiosity; for it seems to me that, along with our status as a world power, comes prospects for continued levels of "Defense" spending. These sums take more than half of our out-go as we engage in either "shooting wars" or preparation against threats of wars and for maintenance of military bases and installations throughout the globe. Who is to say that, whether we are in or out of a shooting war, that our level of military spending, which we must maintain as a world power, does not have the basic characteristic of keeping us in the grip of a "War Economy" which feeds inflation, and that on that basis alone, a "price controls" approach is needed?

Apart from this feeling that price controls might be fully justified by reason of continued prospects for high levels of military spending, which, in effect, expose us to living within a "wartime economy", my curiosity leads me to surmise that we've maintained a system of price controls during "peace time" for many decades.

I note that AT&T cannot increase their long-distance rates without examination of their case by the Federal Communications Commission. And, as I look a bit farther, I see that freight and passenger rates and costs of similar services are, and have been, for many years, under public scrutiny and control.

"What, then, do you mean, Mr. Free-Market Advocate, when you say that never in man's history have price controls been a viable part of our society?", I ask. "And are you asserting that all regulation of freight and passenger rates, and rates of heat, power, and light should be scrapped? If not," I ask, "why should telephone rates be subject to public scrutiny and not Chemicals, Steel, Oil, or Autos? Aren't these goods also important to the national welfare? When you come to think of it, Mr. Advocate, isn't it a little silly to use the 'Never-in-man's-history argument' to a nation which put the first man on the moon, a nation which is capable of exploring the entire universe, and to a nation where the challenge, 'Mission Impossible,' is just a matter of stimulating a response of, "When must it be done!"

PUBLIC OPINION

So I suggest that, whenever the nation determines that the price controls approach is a best means for attacking inflation, then, at the point of time of that determination, a system of controls can be promptly established, efficiently administered, and the impact of the operation of the system can be felt almost immediately in terms of price stability.

The means of establishing and administering a controls system, then, isn't really the question. The real question is, is the nation ready for this step? And here I depart from my own opinions in favor of noting the views of others. These illustrations of public opinion range all the way from the "Voluntary" to the "Permanent" controls approach.

Although I favor the "Permanent" approach, I naturally favor *any move* which will acknowledge need for a direct assault on the price spiral, no matter how modest it might be in its inception.

This "Rifle" approach of zeroing in on the price level structure would be vast improvement over the "Shot-Gun" approach, where, under imposition of monetary controls, blasts of "tight money" pellets mowed down whatever came in their paths. These blasts left in their wake, in the name of "paying for our past sins," unemployment, swelling welfare rolls, bankrupt businesses, stock market collapse, and general loss of confidence in the economy.

The illustrations which follow, then, appear to show a widening groundswell of opinion which would have us put the "shot-gun" back in its rack and, in its place, pick up our "rifle" and zero in on the price spiral by dead center aiming. This, of course, is the basic shift in national policy which I advocate we must make if we are to preserve individual freedom in our nation.

Gallop Poll, June, 1970; as reported by SF Chronicle: "Actually, if the question of wage and price controls were put to the people of the nation in the form of a referendum, the odds are that they would go further than voluntary controls and vote for mandatory controls. . . . The latest survey shows that 48% . . . favor "freezing prices and wages at their present level as long as the Vietnam War lasts. . . ."

Gallop Poll, as reported by SF Chronicle, November 10, 1970: "Government to Set Wage-Price-Controls":

"Should ---------------------------- 65%
"Should not------------------------ 35%"

Committee for Economic Development (formed by a group of businessmen); as reported by NY Times Service, November, 1970: "A majority of a study group, composed mainly of prominent businessmen, concluded yesterday that the time had come for the government to try to influence private price and wage decisions, though not by mandatory controls."

International Monetary Fund, Pierre-Paul Schweitzer, managing director; as reported by SF Chronicle, November, 1970: "The managing director of the 116-nation International Monetary Fund yesterday suggested the United States consider wage and price controls."

Knight, John S., Editor Detroit Free Press; as reported by Sacramento Bee, December, 1970: "In my judgment, the President should have asked for wage and price controls long ago. Now, even the FED is increasing the money supply, thus giving evidence that Washington has lost its courage in the fight against inflation."

Leggett, Robert L., Congressman, 15th District, California; as reported by Sacramento Bee, November 1970: "Instead of relying on high interest rates and spending cuts to check inflation and rising budget deficits . . . the administration should switch to a firm policy of wage and price guidelines, coupled with stronger federal investment in domestic programs."

McFall, John J., Congressman, 15th District, California; as reported by Sacramento Bee, November 15, 1970: "McFall and other Democrats on Capitol Hill maintain both objectives could be met if Nixon were to use the full power of the White House to hold wages and prices in line. . . ."

Christian Science Monitor, November 1970; "Means must be found to provide them (wage and price controls) with teeth which can really bite and hold. We therefore propose that wage and price guidelines be accompanied by, say, a 90-day waiting period. During that period, any major wage or price increase could be challenged, studied, and asked to justify itself. This is little enough to demand of any American citizen, union, or industry when so much is at stake."

Sacramento Bee Editorial; November 17, 1970: ". . . the President cannot avoid pondering whether he should not have taken more drastic measures, such as wage and price controls, a year ago. And why not? These have proved effective in past economic instabilities resulting from war, and surely the nation has been engaged for some years now in a major war effort which has been a principal spur to inflation."

New York Times-Post Reporting Service, November 19, 1970: "Maurice Mann, Assistant Director, Office of Management and Budget, and Murray L. Wiedenbaum, Assistant Treasury Secretary, urged the President to shift emphasis earlier this year by trying to hold down price and wage increases through direct action-using "guidelines" or direct pressure of public persuasion. . . . After Mann and Wiedenbaum spoke out publicly in support of this policy change, they lost standing with the White House."

Burns, Arthur F.; speech to American Bankers Association, as reported by Time, June 1, 1970: "There may be a useful—albeit a very modest—role for an 'income policy'." Time reports by 'incomes policy' Burns means (1) presidential preachings to business and labor that they have a social responsibility to hold down wages and prices; (2) wage-price guidelines drawn up by business and labor; (3) federal compilation and publicizing of statistics that would point a finger at industries, such as construction, where wage and price boosts have been distressingly high.

Hayes, Alfred, president, Federal Reserve Bank of NY; December 1970; as reported in SF Chronicle: "Alfred Hayes . . . told a meeting of the national Association of Mutual Savings Banks he hoped for development of an incomes policy enforced either by "jawbone or some more tangible carrot or stick."

Rinfret, Pierre, President Rinfret-Boston Associates; as reported in Forbes magazine, June 1, 1970: "We should follow Bob Roos's (Former Treasury Under Secretary) suggestion of a six-month moratorium on wages and prices, and then put on credit controls."

Galbraith, John Kenneth, Harvard Professor; as reported in Forbes magazine, June 1, 1970: "The solution . . . is federal controls on prices and wages. In the end, awkward and disagreeable as the prospect may be, businessmen should be the first to argue for direct controls, because, in the absence of them, you wreck the financial markets."

Lurie, Louie, Real Estate Magnate; as reported in SF Chronicle, February 1, 1971: ". . . I wrote a letter to the President which consisted of three words: wage-price control. It would bring the situation back to normal."

Bergeron, Victor, Owner, "Trader Vic" Restaurant Chain; as reported in SF Chronicle, February 1, 1971: "Somebody's got to say you can't raise your prices any more."

Meany, George, President, AFL–CIO, as reported by Clayton Fritchey on January 30, 1971: ". . . George Meany . . . has told Nixon what he told Johnson before him—that the only effective answer is government wage and price control."

Childs, Marquis, Commentator, February 4, 1971: "The only visible answer, therefore, is wage and price control or some equivalent form of restraint."

Albert, Carl, Speaker of the House of Representatives, as reported by UPI on February 8, 1971: "Speaker Carl Albert, joined by Democratic leader Hale Boggs, La., and whip Thomas P. O'Neill, Mass., told newsmen they will drive for congressional passage of legislation to extend for two years Nixon's power to impose controls over wages and prices."

Langendorf, Stanley S., President Langendorf Bakeries, as reported by the Sacramento Bee in editorial on 1–18–71: "Now he (Langendorf) wants price and wage controls to stop inflation, measures to guarantee full employment and regulation of market speculation."

Porter, Sylvia, Commentator, National News Syndicate Inc., as reported in SF Chronicle, 7–7–71: "'Incomes policies' to fight inflation may not work either, but at least they must be tried. The world is watching and waiting for our President to act."

Bank for International Settlements, Basel, Switzerland, as reported by Wall Street Journal, June, 1971: ". . . the BIS also hinted it would like to see some form of wage and price controls in the US. . . ."

Javits, Jacob K., Senator, R-New York, as reported by AP: "The Senator said he believed a national wage and price controls board was the key to stabilizing the economy despite the Nixon administration's reluctance to adopt controls because they worked out badly in many countries."

LOBLOLLY RANCH

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. SYMINGTON. Mr. Speaker, I would like to commend to my colleagues a letter written by Dr. John B. Shapleigh, a noted St. Louis physician, describing Loblolly Ranch, an innovative approach to the problems of the young drug abuser. The letter follows:

LOBLOLLY RANCH,
St. Louis, Mo., September 24, 1971.

Congressman JAMES W. SYMINGTON,
St. Louis, Mo.

DEAR CONGRESSMAN SYMINGTON: As Chairman of the Loblolly Committee I would like to describe to you the basic concepts and plans for Loblolly Ranch which as you know is the idea of Mr. Edward Hooper, a former drug-addict. Having been through the disaster of drug addition for many years, Mr. Hooper has become very sympathetic and conversant with young drug abusers.

The basic idea of Loblolly Ranch is to recruit young people who have recently been motivated to stop the use of drugs. We will offer them a challenge based on the Outward Bound philosophy; supervised by individuals who have not only experienced the horrors of drug addiction themselves, but have had training in the Outward Bound Schools. Through this program, it is hoped that these participants will acquire the necessary self-respect and ambition to stay off drugs and contribute to society in general.

The present plan is for perhaps 10 to 15 ranchers to participate in the program for a 2 to 4 week period on a year round basis. This will allow some 250 individuals to complete the program annually. Selection of participants will be without regard to race, color or religion.

More recently the idea of drug abuse *prevention* has been discussed. The idea here would be to include border-line school dropouts and others who are experimenting with drugs and integrate them in the program. Interest in this phase of activity has been expressed by area public and private schools.

Application for a Missouri Law Enforcement Assistance Council grant has been made and is pending. Financial support by interested individuals and private governmental agencies is very much needed. If this innovative project is successful, it could well become a model to be adapted elsewhere in the country.

Very truly yours,
JOHN B. SHAPLEIGH, M.D.,
Chairman, Loblolly Committee.

LIBERALS DEMONSTRATE THAT EQUAL OPPORTUNITY MEANS PREFERENTIAL TREATMENT OF MINORITY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. RARICK. Mr. Speaker, the American people certainly must be wondering by now what is meant by "equal employment opportunity." The only sure thing is that this overused phrase of Government bureaucrats does not mean that the man best qualified for the position gets the job—regardless of race, color, or creed.

Recent newspaper articles dealing with announcements of major policy changes at two of our "leading liberal universities on opposite ends of the country, confirm that the proper definition of the phrase "equal employment opportunity" is preferential treatment of blacks and other minority groups in job hiring practices and in admissions. It is an "educated" world indeed when the English language has deteriorated to the point where equal and preferential mean one and the same thing.

Other aspects of life in America today also tend to create confusion over the meaning of "equal employment opportunity." While many native-born Americans are unemployed, certain foreign-born immigrants enjoy guaranteed success.

A classic example of this is Stalin's daughter, Svetlana Alliluyeva, and her brother-in-law, Dr. Samuel Hayakawa—who also happens to be the president of the State college in California that decreed that the college's new hiring for the next 2 years be primarily of blacks or other minority members. He has said that his goal is "to achieve within each school and within the college as a whole a diverse, multiracial faculty."

I include related news articles and a biography from Who's Who in America, 1970–71 in the RECORD:

[From the Washington Post, Oct. 5, 1971]

UNIVERSITY OFFERS PLAN TO ADD MORE NEGROES

(By Eric Wentworth)

Chancellor Charles E. Bishop of the University of Maryland at College Park announced steps yesterday to help increase black enrollment despite high admissions standards.

Bishop's announcement followed recent charges by black faculty, staff and students that new admissions policies adopted by the board of regents last month to control total enrollment were discriminatory.

These critics primarily attacked the planned use of scholastic aptitude tests (SAT) scores as a factor in the index on which freshman admissions would be based starting next fall. These tests, they asserted, were culturally biased against blacks, other minorities, and low-income students generally.

Plans so far have called for an index combining high school grades and class standing with SAT scores into a predicted college grade point average. To be guaranteed admission, a student's predicted average would have to be at least 1.9 (on a 0-to-4 scale) for three years and 2.0 thereafter.

Bishop, acknowledging the anti-SAT criticism, said yesterday he has asked his institutional research office to come up with a standard based upon high school grades and class standing alone that would equal to 1.9 predicted average.

Such a system, presumably, would be more acceptable to the SAT critics. Whether the regents would have to approve its adoption was unclear last night.

Bishop said he has also asked the Cultural Study Center on campus "to intensify its ongoing studies of the accuracy of predictors of achievement at College Park and to provide continuing analysis of the effects of the new admissions policy."

The chancellor also said he was seeking addition of Glenwood Brooks, one of the center's staff, to the committee reviewing the new admissions policies. He said he wanted to make sure that the panel considered fully the results of research to date.

At the same time, Bishop announced that College Park recruiters would intensify efforts to attract minority students who could meet the admissions standards. He called on civic leaders and high school counselors to help identify and encourage such students.

He also ordered admissions, counseling, housing and financial aid officials to coordinate their programs "in order that recruiters may be able to do a better job in counseling prospective students."

The chancellor disclosed that only about half the black students admitted to College Park this fall actually enrolled. Many of the others, he said, failed to enroll for want of financial aid. Blacks at present represent only about 4.5 per cent of College Park's 35,000-student enrollment.

"This campus," Bishop pledged, "will continue to intensify its programs to achieve a better racial balance of the student population."

Since Mrs. MacFarland was out of the country during the summer and the grievance committee could not meet to consider her complaint, Mandel decided to take a look at the file himself, Thomsen's statement said.

[From the Washington Post, Oct. 3, 1971]

MINORITY HIRING POLICY SET AT SAN FRANCISCO STATE

SAN FRANCISCO—President S. I. Hayakawa of San Francisco State College, saying not enough has been done to end job discrimination, has ordered that the college's new hiring for the next two years be primarily of blacks or other minority members.

In a letter to key personnel, Hayakawa said all departments will be included in an aggressive program to comply with recent interpretations of the 1964 Civil Rights Act.

He said the college could face "suspension of federal grants and money" unless it does so.

Hayakawa, himself a minority group member by virtue of his Japanese ancestry, took over as president of the college in November, 1968, during a violent student faculty strike over demands for creating an ethnic studies department. He gained national attention for his hard line against militants.

He said in his letter that the goal "is to achieve within each school and within the college as a whole a diverse, multi-racial faculty capable of providing for excellence in the education of its students and the enrichment of the college community."

"Unless it can be clearly demonstrated that the goal is impossible to attain because qualified or qualifiable employes are not available it is understood that each school and department of SFSC shall hire a substantial majority of women and persons from minority groups whenever openings occur during the 1971–73 period."

[From Parade magazine, May 30, 1971]

PERSONALITY PARADE

Q. What is the relationship between Stalin's daughter, Svetlana Alliluyeva, and Dr. Sam Hayakawa, president of San Francisco State University?—Desmond Westerley, Lancaster, Pa.

A. Dr. Sam Hayakawa is Svetlana Alliluyeva's brother-in-law. Svetlana is married to Wesley Peters, the architect in charge of Taliesin West, the Frank Lloyd Wright Foundation outside Phoenix. Wes Peters' sister, Margedant, has been married to Sam Hayakawa for more than 30 years.

WHO'S WHO IN AMERICA 1970–71

Hayakawa, S(amuel) I(chlye) ha-ya-ka'wa), educator, writer; b. Vancouver, B.C., Can., July 18, 1906; s. Ichiro and Tora (Isono) H.; B.A., U. Manitoba, 1927; M.A., McGill U., 1928; Ph.D., U. Wis., 1935; D.F.A. (honoris causa), Cal. Coll. Arts and Crafts, 1956; m. Margedant Peters, May 27, 1937; children—Alan Romer, Mark, Carol Wynne. Came to U.S.., 1929. Fellow English, U. Wis., 1929–30, asst., 1930–36. instr. English extension div., 1936–39; instr. English, Armour Inst. Tech., 1939–40; asst. proft. English, Ill. Inst. Tech., 1940–42, asso. prof., 1942–47; lectr. univ. coll. U. Chgo., 1950–55: prof. English, San Francisco State College, San Francisco 1955–68, acting pres, of coll., 1968—; Alfred P. Sloan vis. prof. Menninger Sch. Psychiatry, 1961. Recipient Claude Bernard Medal Exptl. Medicine and Surgery, U. Montreal, 1959, Fellow A.A.A.S., Am. Psychol. Assn.; member Modern Language Assn., Am. Dialect Soc., Nat. Council Tchrs. English, Internat. Soc. for Gen. Semantics (pres. 1949–50), Am. Anthrop. Assn. Soc. for Psychol. Study Social Issues, Consumers Union U.S. (dir. 1953–55), Inst. Jazz Studies (dir.). Clubs: Press San Francisco; Pannonia Athletic. Author: Oliver Wendell Holmes (with Howard M. Jones), 1939; Language in Action (Book-of-the-Month Club selection), 1941; Language in Thought and Action, 1949; Language, Meaning and Maturity, 1954; Our Language and Our World, 1959; Symbol, Status and Personality, 1963. Columnist for the Chicago Defender, 1942–47; reviewer Chicago Sun Book Week. Editor: ETC.: A Review of General Semanitics, 1943—. Editor: Funk & Wagnalls Modern Guide to Synonyms, 1968; supr. editorial bd. Funk & Wagnalls Standard Dictionaries. Contbr. to Middle English Dictionary, U. Mich., 1933–38. Home: 225 Eldridge, Mill Valley, Cal. 94941. Office: 1600 Holloway, San Francisco 94132.

HON. WILLIAM O. COWGER

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. BLACKBURN. Mr. Speaker, like other Members of this body, I am deeply saddened by the passing of my esteemed friend, the former Congressman from the Third Congressional District of Kentucky, William O. Cowger.

Bill and I began our service in the House together. During his tenure in the House, it was my privilege to work closely with him. That close day-to-day association brought about a profound respect for his abilities and knowledge. Bill Cowger had deep convictions and worked diligently in pursuit of his ideals. The many accomplishments of his life, both within and without the U.S. Congress, could not have been attained without his genuine concern and interest in people as individuals.

My wife, Mary, joins me in expressing our deepest sympathy to Bill's survivors.

I hope that knowing of the high esteem in which Bill Cowger was held will afford them some measure of comfort in their time of grief.

RURAL DEVELOPMENT

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. DOW. Mr. Speaker, I would like to compliment my colleague, the Honorable JOHN CULVER, of Iowa, on the fine statement he made before the House Committee on Agriculture on the subject of rural development.

It is now recognized that urban as well as rural Congressmen share a common concern about rural development. I am inserting this testimony in the RECORD for those who may not have seen it because it is such a comprehensive statement of the rural problems faced in America today. Congressman CULVER offers some imaginative approaches to the solution of these problems through such mechanisms as credit incentives, better information, community centers, expansion of rural credit sources, and improved organization to serve the rural constituency. His testimony follows:

STATEMENT OF THE HONORABLE JOHN C. CULVER BEFORE THE HOUSE COMMITTEE ON AGRICULTURE

Mr. Chairman. I want to thank you for the opportunity to appear before the committee today, to address the need for a commitment to a national growth policy establishing a sound balance between urban and rural America.

A good starting point in any discussion of rural development is the nation's population distribution. More than 20 million people have abandoned the small farms and towns for the large cities, so today more than 75 percent of our people are now crowded into less than 2 percent of our land. The recent census confirmed that rural America has been undergoing an outmigration crisis. From 1950 to 1960, 1,500 of the 2,700 rural counties lost population because of failing incomes, disappearing jobs and other economic opportunities, and because of a deteriorating or lagging ability to support community facilities and institutions. In the decade of the 1960's, the story was the same—nearly half of this country's counties lost population, and 1,000 of them were the same counties as during the previous decade. In Iowa, 74 of our 99 counties lost population; 24 lost over 10 percent. If this trend is not reversed, it has been projected that by the year 2000 over 100 million more Americans will be crammed into the large urban areas where 150 million are already living.

President Nixon reflected awareness of the rural crisis when he disclosed in his first State of the Union message that the objective of national policy must be not only to "stem the migration to urban centers but to reverse it." And the Congress last year formally expressed its awareness of the rural crisis when it committed itself, in the Title IX of the Agriculture Act, to "a sound balance between rural and urban America" and declared, "the highest priority must be given to the revitalization and development of rural areas." Yet the executive has proposed no measures, and the Congress has enacted no measures that come anywhere near to being adequate to achieve the policy objectives of a national growth policy covering the geographic distribution of economic opportunity, jobs and people.

If we are to implement such a national growth policy we must first recognize that the headlong pace of urbanization cannot be checked without very strong government assistance to rural areas. We must realize that the forces of urbanization are powerful and will require governmental action of sufficient leverage.

The forces I am talking about are economic, not social. It is a myth that most people want to live in big cities. A 1968 Gallup poll indicated that where people are given a choice, 56 percent preferred a rural setting; 25 percent suburban; and 18 percent the city. But people have to live where jobs are. Concentration of population has followed concentration of economic activity. This trend can be reversed if the Federal Government helps bring about greater balance in national investment through diverting into rural areas much of the economic growth that would otherwise take place in already congested population centers.

If we are serious about developing as well as successfully implementing a comprehensive rural development program, we must answer two questions: (1) How do we get technical assistance in the form of permanent professional staffs into rural areas so that there is somebody on hand who can communicate with the Federal Government, promote development, fill out those complicated application forms for assistance, design a comprehensive development plan, mobilize resources, coordinate and expedite projects? (2) How can rural areas compete with urban areas for Federal programs and dollars?

Urban mayors are the men the Federal Government and the State government deal with as representing half a million or a million people; they have staffs with the expertise to develop plans and projects, to act as grantsmen in getting money from the Federal Government, and to coordinate the execution of the projects. They also have a powerful lobby and service organization—in fact two of them—the U.S. Conference of Mayors and the National League of Cities—to help them develop programs and obtain funds.

Unlike their urban counterparts, small town mayors are part-time officials working with very limited staff and equally limited financial resources. In many cases, they cannot employ the planners and experts and grantsmen who have the time and talent to conceive and implement development programs. Moreover, it is seldom that you see small town mayors or any organization which represents their interests beating down the doors of Washington in order to develop programs tailored to their special needs.

Consequently, all of us must be more sensitive to the unmet needs that stare us in the face when we travel to small towns but often go unreported in major news stories or unconveyed in lobbying sessions. In short, the federal as well as state government must make a special effort to insure that the institutions representing rural America recognize its problems and are equipped to solve them.

I would like to submit an illustration of why these two questions must be answered before rural development can be successfully undertaken.

In September of 1969 the town of Andrew, Iowa, inquired about receiving financial assistance for the construction of a sanitary sewer system for the community. The inquiry was initiated by filing the requested form 101 with a request to meet with a representative of the Economic Development Administration in order to discuss their problem. Two subsequent meetings were held in Jackson County with an economic development specialist, and a town meeting was held prior to March, 1970. An initial pre-application conference was scheduled for March 10, 1970 and then cancelled. A pre-application conference was scheduled and held in *Duluth, Minnesota* on April 11, 1970. At this meeting, the town was instructed to complete its application and submit it for review. A review was held with a representative from EDA on July 15, 1970. The corrections, additions, and review comments were then resubmitted to EDA again on August 11, 1970.

The town of Andrew, population 350, after expending much time, energy and money, or to be more specific, after filling out, reviewing and correcting a seventeen page form, a form for assurance of job opportunities for the unemployed; eleven eight page certificates of non-relocation; writing six letters from the town council to the EDA; Department of Commerce and the Department of Agriculture; petitions from the citizens of Andrew; 35 letters from citizens of Andrew to the EDA; and the hiring of a professional consulting firm, the town received, one year and eight months later, a direct grant of $86,000 for its project.

Just imagine the difficulty Andrew would have experienced had it applied at the same time for funds for other projects to improve their social services and attract economic activity; or imagine, if you will, the compounded difficulty if Andrew were a town of 3,500, 10,000, 15,000 or 25,000.

We have reflected on rural development for two decades and now the luxury of time has run out—the crisis demands action.

The following suggestions are not specific legislative recommendations, but rather guidelines that, in my judgment, the committee should follow in preparing a legislative package. I suggest that a government policy designed to effectuate a balanced national growth policy must have five facets.

1. *Information:* A good starting point is the need to redefine and restate what we mean by rural community. Traditionally, a rural resident has been defined as a person living in places of 2,500 population or less, or in open country. The definition of "rural area" adopted in the President's "report on Government Services to Rural America", however, is the definition of a non-metropolitan statistical area. A non-metropolitan area is defined as a place which does not contain at least one city of 50,000 in population.

The old definition of a rural area is too narrow for the purpose of analyzing the need for additional rural services. However, the breakdown into standard and non-standard metropolitan areas is even less appropriate. The problem with this classification is it gives us very little information about the kinds of services needed in our smaller communities.

This definitional problem surfaces most dramatically in the lack of coordination and planning at the Federal level. For example, many critics say HUD does not operate very effectively in communities having a population of less than 25,000, and the Farmers Home Administration has authority to operate only in towns of up to 10,000 in population for housing, and 5,500 for water and sewer. Obviously, thousands of small towns are left out by the gap between these two agencies.

If Congress intends to fulfill its commitment to meeting the critical needs of our rural population and small towns, in the face of a heavy outmigration to the cities, it must have the quantitative and qualitative information by which to take informed legislative action on comprehensive national growth policies and programs.

2. Community services: Economic growth depends primarily upon an infrastructure of public services. Too often public services in rural communities fall far short of the standards set by the metropolitan areas with which they compete for industry. In order to be able to provide adequate access roads,

water and power supplies, and sewage facilities for industrial plants, rural communities need Federal assistance. In addition, rural communities often cannot, through their own efforts, provide the other services that make a community an attractive place in which to live and work—good schools, health facilities, park and recreational facilities, adequate housing, sanitation facilities and so on.

In short, balanced population growth will not occur until public services in non-metropolitan areas are raised to a parity with the level of public services in the metropolitan areas with which they must compete for industry. This will require both adequate funding and programs tailored to small community needs rather than to urban problems. To this end, I introduced this year the Small Community Development Act of 1971, which would provide Federal assistance to small communities in renovating their business districts, and in constructing community centers which would provide government, health, and recreational facilities.

3. Economic incentives: People live where there are jobs. Without new investment incentives to encourage industry to locate more facilities in rural America, the jobs will continue to be in our already over-congested metropolitan centers. During the 19th century we utilized incentives to encourage people to move westward; today we should do no less for rural areas throughout the country since to do so would help alleviate both the urban and rural crisis.

4. Rural credit sources: The Congress many years ago created a series of credit instrumentalities for agriculture, but non-agriculture enterprises in rural areas are equally remote from the Nation's financial centers and thus have the same kind of difficulty in obtaining credit. This is a gap that needs to be filled by some form of public or quasi-public credit institution.

A rural development bank, similar to the one proposed in the Consolidated Farm and Rural Development Act, of which I am a cosponsor, is a step toward providing adequate credit for rural communities and businesses. A rural development bank, in whatever form it finally takes, should guarantee loans made through private lenders for community or area development and improvements; fund housing; provide loans to industry and businessmen who are willing to establish or relocate business in smaller communities; provide direct loans to communities for special community facilities and services; and provide a full range of technical and planning assistance to those groups and individuals eligible to borrow money from the institution.

5. Organization: If rural development is to succeed we must create a new national and regional planning framework to develop and coordinate the thousands of Federal and State rural development programs, individual projects, and area planning efforts operating both in the Federal Government, and at the various political subdivision levels within the States.

In order to simplify the administrative burdens of small town mayors, we need multicounty and multicommunity organizational groupings. Tiny jurisdictions lack expertise, and professional skills. To assist these organizations in planning promotion, and implementation of development, technical assistance and community development management assistance should be available on a full time, permanent basis to each multicounty or multicommunity organization. The availability of full time technical assistance would have simplified and expedited Andrew's problem in obtaining a sewer and water grant.

I have set forth a rough plan for a balanced national growth policy. In the days ahead we must remain cognizant of three problems inherent in the course we are dedicating ourselves to follow. First, we must realize that we cannot sacrifice effective agricultural programs to rural development. We have to build on our economic base of agriculture, not risk that base in the name of rural development. Second, we must plan rural America's rebirth carefully so as to preserve its environment. We must not again enslave ourselves to progress and technology. We must recognize that growth simply for growth's sake is not an appropriate goal. Third, and most important, we must soon bring a halt to rhetoric. The rural crisis has been as much studied as neglected for 20 years; immediate and sustained action is all it now needs.

RESEARCH IS THE KEY TO METHADONE ALTERNATIVE

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. PEPPER. Mr. Speaker, the September 29 edition of "The Blue Sheet" published by Drug Research Reports includes an article concerning a meeting between members of the Select Committee on Crime and representatives of some of the Nation's top drug houses. The purpose of the meeting was to initiate cooperation between Government and industry that will lead to the discovery of a successful antagonist drug to heroin.

The meeting was an important first step. Witness after witness has told the Crime Committee at our public hearings that at least half of all crimes committed against person and property in the United States is traceable to the addict's necessity to feed his expensive habit.

It will be of no small interest to the House, I believe, to carefully read and consider the recommendations that its Crime Committee will soon be making on the matter of developing an antagonist drug to combat heroin addiction. We also plan to announce a national program for the treatment and rehabilitation of the many thousands who have fallen victim to the influence of heroin and other dangerous drugs.

At this point, Mr. Speaker, I insert the brief notice of our executive session with representatives of the drug industry:

The article follows:

[From "The Blue Sheet," Drug Research Reports, Sept. 29, 1971]

REPRESENTATIVE PEPPER (D. OF FLORIDA): GOVERNMENT SHOULD PAY MOST ANTIADDICTION RESEARCH COSTS

The congressman who first suggested industry should collaborate on research to find a suitable compound for narcotics addiction therapy, Rep. Pepper (D-Fla.), now suggests that the govt. should award grants or contracts to pharmaceutical mfrs. for 75% to 90% of such compounds' development costs.

Representatives of 10 firms attending a Sept. 22 meeting with Pepper, who heads the House Select Cmte. on Crime, said they need help with clinical evaluation of existing investigational drugs. After that, they said govt. support is needed for working out new screening methodology. Concurrently, basic research should be funded to discover new leads or theories pointing to compounds not now known.

Other crime cmte. members at the meeting were Reps. Charles Rangel (D-NY), William Keating (R-Ohio), and Larry Winn, Jr. (R-Kan.). Company delegations were led by Robert Herting, Abbott; Wilbur Lippmann, Ayerst; Irwin Pachter, Bristol; Joseph Conlon, Endo (duPont); Earl Herr, Lilly; George Poos, McNeil; Robert Hodges, P-D; Carl Lunsford, Robins; Philip Jehle, SK&F; and Sidney Archer, Winthrop; and Jack Kelly and Frank Voris, PMA. Merck was invited but did not attend.

TESTIMONIAL DINNER FOR NATIONAL PRESIDENT

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. GARMATZ. Mr. Speaker, the women of this Nation are demonstrating their leadership ability in many fields of endeavor, and they deserve to be recognized for their accomplishments.

On Saturday, October 9, 1971, the Ladies' Auxiliary, Ancient Order of Hibernians, will sponsor a testimonial dinner for its national president, Miss Rita A. McDonough.

I am proud of the fact that—in addition to living in my home State of Maryland—Miss McDonough is a resident of the Third Congressional District, which I happen to represent.

I would like to insert Miss McDonough's biographical sketch into the CONGRESSIONAL RECORD, because I think this information aptly describes her as a woman of great dedication and talent; it certainly explains why she has received such an honor, and I recommend its reading to my colleagues. A copy of the biographical sketch follows:

BIOGRAPHICAL SKETCH—MISS RITA AGNES MCDONOUGH, NATIONAL PRESIDENT, LADIES AUXILIARY, ANCIENT ORDER OF HIBERNIANS

A native Baltimorean, Rita Agnes McDonough attended St. Brigid's School, Seton High School and the University of Maryland, College Park. She is the daughter of the late Edward Patrick and Christina McDonough. Her father, a lifelong Democrat, was Executive of the First Ward for fifty years. He handled Docket A of the Circuit Court No. 2 for thirty-five years.

Rita's love for the Hibernians had been instilled during childhood when her father served on Division, City and State levels of the Ancient Order of Hibernians. He also served two terms as a National Director of the organization. In recognition of his dedicated service to the Hibernians, Division No. 10 of Anne Arundel County, Maryland was named in his honor, the Edward Patrick McDonough Division. Mr. McDonough was also the recipient of an Honorary Life Membership Certificate from the National Board in recognition of fifty years of service to the organization.

Rita, as a child, accompanied her parents, brothers, and sister to local Hibernian functions and National Conventions. Upon reaching the age of eighteen, she joined the Ladies' Auxiliary, Ancient Order of Hibernians, Division No. 14 in Baltimore. She has served with distinction in many Division offices as well as on the Baltimore City Board and Maryland State Board. In 1956 she was elected State President and reelected in 1958 to her second term.

Her spirit of dedication and fruitful accomplishments locally were recognized nationally, and in 1960 she was nominated and elected to the National Board of the Ladies' Auxiliary as National Chairman of Missions.

In this position she instituted locally the first annual Mission Festival for the benefit of the Columban Missions, the recipient of all funds raised for the Missions by the Auxiliary. This year, the eleventh annual Mission Festival sponsored by the Maryland State Board raised nearly two thousand dollars for the Columbans. Rita spurred other States on to similar projects. As a result national contributions to the Columbans increased by fifty percent during her term in office.

After serving two terms as National Chairman of Missions, Rita was elected as National Director-Organizer. She was instrumental in reorganizing Division No. 4 in Baltimore which soon became a hard-working and thriving Division with its sister Division No. 14.

The 1966 Biennial National Convention brought the honor of election to the office of National Historian to Rita and to Maryland. One of the subjects selected by Rita during her term for the National Irish History Essay Contest was: THE LABOR MOVEMENT—FROM CARDINAL GIBBONS TO THE PRESENT DAY. Among the National Judges of the contest was an official of the Communication Workers of America which organization also contributed a savings bond to the first prize winner in the State.

In 1968 the National delegation at the biennial convention elected Rita as the National Vice President. In the Auxiliary, one of the principal duties of this office is the development of the Junior Divisions throughout the country. Rita formulated for the first time a national program of competition suitable for participation by all Junior Divisions. The three-phase competitive plan included a Pen Pal program, photo contest of activities, and a poster contest. It was most successful and is the base upon which the current Junior programs operate.

She also instituted and published the NATIONAL NEWSLETTER, a quarterly publication of the National Board, for the purpose of promoting better communication between the Board and State Presidents.

In Indianapolis, Indiana, the delegates to the 1970 National Convention unanimously elected Rita as National President. She will serve in this capacity until the conclusion of the 1972 Convention in Dublin, Ireland.

Rita has been employed by the United States Government in the Department of the Army since 1942.

Her career in government service began in the Army Signal Corps at Fort Holabird. With the Baltimore Signal Depot, Rita initiated and organized annual Christmas parties for various orphanages throughout the City. Approximately three thousand dollars in donations solicited by Rita and her Committee made Christmas happier for many of the City's children each year.

From 1954 to 1956 Rita was with the Chemical Corps Material Command in the Butler Building in Baltimore. In 1956 she was transferred to Edgewood Arsenal where she is now employed as a Production Equipment Specialist.

Rita resides on Linwood Avenue in the former home of her parents and is a member of St. Elizabeth's Parish.

She is also a member of the Catholic War Veterans Auxiliary and the Guild of St. Joseph's Spiritual Center. She has held office in both of these organizations.

SALUTE TO ITALIAN AMERICANS IN OBSERVANCE OF COLUMBUS DAY

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. KARTH. Mr. Speaker, it is a pleasure and honor today to rise and pay tribute to our Italian Americans as we prepare to participate in the first nationwide celebration of Columbus Day on Monday, October, 11. For this day of observance gives us the opportunity to reflect upon the courage of the first Italian American, Christopher Columbus. His dedication in overcoming nearly unsurmountable obstacles opened up the New World to Western Civilization.

Indeed, the heritage of that great explorer is carried on today. Just as Christopher Columbus sailed into the unknown with the *Nina*, *Pinta*, and *Santa Maria*, so have we discovered new frontiers in our exploration of space. I might add, Mr. Speaker, that we today have a far better idea of what our space age explorers will face in their own small crafts than Columbus did when he ventured forth. It is the spirit of Columbus that we pay tribute to each time we extend our explorations into space.

In remembering the great individual courage of Columbus this day, we are reminded of the great heritage the Italian people have brought to the United States. Justifiably proud of their rich heritage, Italian Americans have enriched all of our lives with their contributions in so many areas.

Mr. Speaker, I not only speak today from a deep appreciation of the Italian-American heritage, but from my own personal experiences. Many of my colleagues in the House are proud bearers of their Italian-American heritage, and their concern for their fellow citizens is firmly marked on many works of legislation that have been passed by this body. In addition, one of the most meaningful events I have the honor of participating in is a dinner regularly given for me by the Italian Americans of my district. Many of my colleagues know that this affair is unsurpassed for good fellowship, good food, and yes, even good speeches.

Mr. Speaker, it is good that we will pause in our deliberations October 11, to reflect upon the great contributions Italian Americans have made, and to remember that it is true when we say, "It all started with Columbus."

PROMOTING RURAL INDUSTRIAL DEVELOPMENT

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. PRICE of Texas. Mr. Speaker, as part of my continuing effort to promote the development of rural America, I am today introducing legislation to increase from $5 million to $10 million the amount of tax exempt bonds by States and their political subdivisions that can be issued for industrial development.

This bill becomes part of a package of rural development legislation I have previously sponsored, including my proposals to provide a tax credit for businesses which relocate in rural areas and to provide a similar credit to businesses which maintain ongoing training programs for the unemployed and underemployed.

The bill I introduce today would allow States and local governments to be more self-sufficient in attracting much needed industry to the countryside by allowing them to raise money at a favorable interest rate. It is becoming all too apparent with our spiraling cost of living and doing business that the present $5 million limit is simply inadequate to do the job of raising sufficient capital to attract any but the most modest of business enterprises. Furthermore, it should be emphasized that since Federal bonds are exempt from State or local taxation, as a matter of tradition and equity, it is only appropriate that State and local securities be accorded similar treatment by the Federal Government.

I strongly recommend my bill be given favorable consideration by the Congress so that we may continue and accelerate our efforts to reinvigorate rural America, the very heartland of our great Nation.

A VOICE OF AUTHORITY ON VOLUNTARY PRAYER IN OUR PUBLIC SCHOOLS

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. DONOHUE. Mr. Speaker, ever since the Supreme Court, several years ago, determined that it was unconstitutional for New York State to permit its own State school board to compose school prayers and ordered them recited in the presence of a teacher, great confusion, as to the exact meaning and effect of the Court's ruling, has increasingly developed.

Because of the legal uncertainties and the great doubt that exists among so many of our citizens on both sides of the question I think it is in order, particularly now that the U.S. House of Representatives has approved a discharge petition, for all of us to review and weigh the testimony of the highest authorities on the subject of voluntary prayer in our public schools.

For these reasons I am pleased to include, at this point, testimony given to the Worcester, Mass., City Council on April 1, 1966, by the most highly esteemed and respected bishop of the Catholic diocese of Worcester, His Excellency Bernard J. Flanagan, D.D., in support of a recommended—and subsequently passed—resolution calling on the Congress to propose a prayer amendment to the American people. The statement follows:

> It has now been nearly four years since the United States Supreme Court struck down a twenty-two word prayer in New York's public schools as "establishment of religion." That prayer, composed by religious leaders in New York and made available on a voluntary basis to the schools of the State, read:
>
> "Almight God, we acknowledge our dependence upon Thee and we ask Thy blessings upon us, our parents, our teachers and our country."
>
> Eleven of the thirteen justices who had

previously judged the case saw nothing unconstitutional in so simple a prayer. Nineteen State Attorney-Generals petitioned as "friends of the court" saying:

"Our Founding Fathers together with the great and God-fearing leaders of the last century and a half would be profoundly shocked were they to have been told in their day that in this year of Our Lord. . . . a voluntary nondenominational acknowledgement of a Supreme Being and a petition for His blessing, recited by American children in their classrooms, is being seriously attacked as a violation of the Constitution of the United States."

Hardly has the Court's majority reached what Harvard Law Dean Griswold called its "thought-denying" decision than Americans everywhere rose in protest. Proposal after proposal was dropped into the hoppers of the Congress demanding the right of the American people to be heard in an issue so clearly critical. Many predicted that this incredible denial of a consensus prayer would lead on to successive denials until the nation stood stripped of its long and good traditions of public reverence. We said ourselves;

"Many people will be deeply concerned about the continuing erosion of our religious traditions implicit in these decisions."

On June 28, 1963, after the Court had widened its ban in a second decision, a major editorial in "the Pilot", publication of the Archdiocese of Boston, spoke thus under the heading "All Public Life Affected":

"The Supreme Court, in the Lord's Prayer and Bible ruling, has continued along a path unhappily familiar to all from its earlier decisions. The same tedious arguments emphasizing the establishment of religion clause are brought forth to support a position which turns its back on the total American tradition and outlaws the present practices of 39 states.

"Let us suppose that the Lord's Prayer and the Bible are excluded from the American public schools for precisely the reasons given by the Supreme Court. What is the next step? Clearly, all other expressions of religion in public life must now be deleted. Let us not wait for them to come up case by case, but in one single gesture let them be suppressed.

"It may take the Court a long time to come to the full understanding of what its decision means, but by that time the American public may make some decisions of its own. In democratic life the tyranny of the few is always a temporary victory: it may be uncomfortable, but its fortunes will ultimately be reversed."

On July 19, 1963, our own diocesan publication, 'the Catholic Free Press', ran this editorial:

"It would seem that the only way to stem the tide which threatens to banish any reference to God from American public life is the passage of an amendment to the Constitution clarifying the first amendment. We are not anxious to see the Constitution become a patchwork, amended each time a grievance cannot be resolved to everyone's satisfaction by the Supreme Court of the land. In this instance, however, the implication of the High Court's pronouncements on the relationship between church and state are so patently contrary to the intent of the Founding Fathers that a clarification by the people seems in order. We applaud the gesture of the several Senators and Congressmen who have filed resolutions in the Congress requesting that a prayer amendment be made to the Constitution. Proponents of a prayer amendment are all agreed on one basic principle—that the Founding Fathers never intended to identify the separation of church and state with the separation of God from state."

Also on record for amendment is the National Conference of Catholic Youth. So is the National Governors Conference (on two occasions). On February 17 and 21, 1966, the Massachusetts General Court repeated its petition of March 18, 1964, to the Congress urging immediate proposition of a prayer amendment to the American people.

Despite such widespread evidence that the prayer-ban decisions were very seriously questioned by the American people and that a restorative amendment was needed to return the first amendment to its original and traditional good sense, effective action continued for four years to be blocked in Congress. Hearings were held, in the House only after a nearly successful discharge petition had forced a recalcitrant Chairman to move, but no bills were forthcoming. Efforts are now once again underway.

We join our voice enthusiastically to those men of good will of varying faiths and parties who are wrestling with this difficult matter. We believe, as in all such issues, that a reasonably worded prayer amendment is possible. We believe that this amendment will constitute not an attack upon, but rather a counter-attack against a dangerous misinterpretation of the first amendment. We call on the Worcester City Council today and on all citizens and their legislative spokesmen—on all in fact who honestly believe in the democratic process—to respect the clear will of the nation and demand from the Congress without further delay a proposal for a prayer amendment. We believe in the wiseness of the American people to act rightly on such a proposal. We have confidence they will decide as their ancestors decided before them, when they wrote into the seal of the City of Boston, those good words—"Sicut-patribus, sit Deus nobis." As God was with our fathers, so let Him be with us!

GIVE THE PRESIDENT'S ECONOMIC PLAN A CHANCE

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. YOUNG of Florida. Mr. Speaker, the Congress must avoid any action that would tend to prejudge President Nixon's new economic program—at least until we know exactly what phase II of that program will be. With 39 days still remaining under the present wage-price freeze, unseeming haste on our part could have serious consequences affecting the future of our Nation.

The Congress cannot predetermine a few details in a program that must be fully integrated and extremely wide in application if it is to be truly effective.

The President, I am certain, will not be stampeded into taking any ill considered action, and the Congress should refrain from pressuring him during this sensitive stage in the planning process.

The issue demands statesmanship, rather than seizing the opportunity for a short-term gain by taking what might appear to be the "popular" side.

This thought was echoed Tuesday by a newspaper in my district, the St. Petersburg Times. The Times is recognized as one of the leading newspapers in America, and here is what the paper had to say:

[From the St. Petersburg Times, October 5, 1971]

TOO SOON TO VOTE

It isn't often one can make a case for congressional delay. The usual complaint is that Congress is not moving fast enough.

But the House was moving far too hastily in seeking a Monday vote on whether to give federal workers their scheduled pay raises in January, rather than in July as President Nixon ordered.

The House delayed the vote until Wednesday, but it should be set completely aside until President Nixon outlines Phase II of his economic plan. Only then can the House see how the timing of federal pay raises fits into his post economic freeze plans.

President Nixon has already given some hints the House should heed in this regard. He has pledged to seek controls with teeth in them for the post freeze period, and to pay special attention to wages and prices in major industries.

If further restraints are imposed on the private sector, it would be greatly unfair to leave federal workers free of restriction. The federal machinery should support, not wreck, attempts to stabilize the nation's economy.

On the other hand, it would be equally unfair if federal employes were singled out to swallow the largest share of the post freeze economic pill. All wage earners should be treated equally, regardless of whether they are employed in the public or private sector.

The House (and the Senate, which is seeking not only to speed military pay raises but to increase them as well), should wait until all the economic cards are on the table before playing their hands.

WTOP COMMENDS REPRESENTATIVE GUDE FOR OPPOSITION TO POTOMAC DAMS

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. REUSS. Mr. Speaker, Congressman Gilbert Gude, a member of the Conservation and Natural Resources Subcommittee, has taken a firm stand against environmentally-harmful dam building on the upper Potomac River. His stand was endorsed in a recent WTOP editorial, a copy of which follows:

[WTOP Editorial]

OPTIONS OTHER THAN DAMS FOR POTOMAC

We agree with Congressman Gilbert Gude that the dam builders shouldn't be given free rein on the Potomac River.

The Maryland Congressman recently announced his opposition to the construction of six new dams on tributaries of the upper Potomac. The dams long have been advocated by various agencies as safeguards for Washington's future water supply.

Mr. Gude seems to be trying to break the old knee-jerk response which goes like this: water shortage? build a dam!

The problem with dams is that they frequently destroy other important ecological values while in the process of conserving water. There are several possible alternatives to such dams for insuring a future supply for Washington's water faucets.

For the forseeable future, water shortages will occur during seasonal periods of low-flow in the Potomac. Why not cut down on the waste of water during those periods—and there is plenty of waste—by jacking up the price of water for consumers?

The Potomac estuary between, say, Chain Bridge and the city, might be tapped as a supplementary water source. It's plenty dirty now, but it ought to be cleaned up in any event.

For the long haul, why not push research into the re-cycling of water? Three key officials who work in the field of waste water treatment have conceded to us in the last couple of weeks that very little effort is being expended in that direction. According to a spokesman at the federal government's advanced waste treatment laboratory, the technology for achieving the re-use of water basically is in existence now.

Washington's future water supply obviously is something not to be trifled with. Upriver dams may yet prove to be essential. But those who are pushing dams have cast aside some other options without giving them a fair test.

This was a WTOP Editorial . . . Norman Davis speaking for WTOP.

ATTICA AND "MICROVIOLENCE"

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. ROBISON of New York. Mr. Speaker, since the tragedy of Attica in my State last month, a number of my constituents have written me about all aspects of crime and violence in this Nation. Because of the tremendous interest in the increasing danger of uncontrollable violence to our democratic society, I attempted recently to discuss some of the sources of the problem.

The occasion of my remarks was the installation dinner-dance of the zone 3, New York District Optimistic International, held in Vestal, N. Y., on September 25. The text of my speech follows:

ATTICA AND "MICROVIOLENCE"

One of the pitfalls for the dinner speaker who desires to stay reasonably up-to-date is that events in our fast-moving society so often out-distance his best laid plans. Tonight, for example, I had planned to discuss with you the President's New Economic Policy—and Congressional reaction thereto—because there is little question but that we are entering a new economic age; one in which the new realities of our domestic economy and of our financial relationships with other nations are being boldly recognized. I was going to try to make that an interesting speech; although economics can be a pretty dry topic, but I doubt that any passions would have been stoked by my position on liquidity, balance of payments, or accelerated depreciation schedules.

However, certain events in recent weeks make it impossible to ignore an even graver danger to the Republic than its present economic difficulties.

First there was Attica.

What *can* a responsible person say about a prison uprising that results in 42 lives being so senselessly lost? There is surely much fury and bombastic rhetoric at anyone's disposal if he wishes to engage in a bit of demagoguery. At the one extreme is the prison guard who—after the revolt was put down—complained angrily that it should have been done days earlier and concluded by saying, "no one is safe as long as the Oswalds and the niggers run the state." On the other extreme are some of the prisoners and their short-sighted supporters of the far left who applaud the dead prisoners as visionary champions of justice and revolution.

But what should the thoughtful, decent American think or say? What can he learn from Attica? What can he do in the face of the tragic penchant for confrontation that Attica represents? And finally, can the fabric of our society long stay together when such divisive pressures are ever-present?

And then there is that report as made by the *New York Times* earlier this week cataloging the incredible increase in irrational violence and acts of terrorism throughout the country. Terrorism—because it often has no easily ascertainable motive—is the most difficult form of crime to deal with, and its spread is particularly dangerous to democratic societies.

Consider these disturbing facts:

During an eleven-month period from July 1, 1970, to June 1, 1971, there were 1,425 bombing incidents reported in this country. A spokesman for the International Association of Chiefs of Police reports that, "It used to be that only the hardened elements set off bombs, but now it's gotten to be general. All kinds of people are fooling around with explosives." Police have reported in several instances that high school students are putting together bombs in their suburban homes.

During the past summer, small riots or urban disorders sharply increased over the previous year, despite the fact that large-scale disturbances were less frequent. Small disorders have become so commonplace, the *Times* reports, that they are not even reported outside the communities in which they occur in most cases.

Or consider this: In the 13-month period ending July 31 of this year, 116 policemen were killed in violent clashes and 965 policemen were wounded. A study of the murdered policemen indicates that the largest single cause of death was just plain, unprovoked ambush attacks for no reason except alienation and hostility against policemen generally.

Then, there are incidents like the one that happened in Washington, D.C. this summer. A young man was on his way home from work one Friday afternoon. He was inching along with the rush-hour traffic on a major city street. Suddenly, a driver coming in the opposite direction swerved and side-swiped several cars, including this young man's vehicle. The man got out of his car to inspect the damage, while the careless driver in the other lane calmly got out of his car, walked up to the young man and shot him in the chest five times with a pistol, killing him. No words were spoken between them, and the subsequent police investigation determined that the two men had never even seen each other before.

The assailant was, quite obviously, mentally deranged. But this incident was not a rarity. In every urban center, and increasingly in suburban areas as well, this kind of motive-less carnage is taking place with greater and greater frequency. It is what Dr. John P. Spiegel, director of the Lemberg Center for the Study of Violence, calls "microviolence", or scattered, unconnected fragments of violence. It is a new phenomenon—though with very old roots—and it is as difficult to understand as it is to counter.

What is easier to dissect is what impact this all has on a democratic society. On the one hand, we are appalled by instances such as those I have described, and we feel that something must be done, immediately if society is to long survive. On the other hand, we are somewhat afraid of the situation and we clearly do not know what to do about it. The natural result of this is a flammable combination of apathy and extremism—some citizens, not being able to answer the quandaries presented, simply ignore the problem hoping it will go away; while other citizens will grasp any measure, seek the protection of any authority, or permit any action on the part of the established order, in the illusory hope that this will put an end to unrest and violence.

In my judgment, neither apathy nor extreme reaction is going to help. The case against apathy is so obvious I won't belabor it. Suffice it to say that we are shadow-boxing with reality if we think violence can be contained by indifference. But the case against extreme reactions may not be as clear. Wouldn't it make sense just to stiffen our existing laws, beef up our present prisons, cut out things like rehabilitation efforts and parole and leniency, forget about the Bill of Rights as it applies to those charged with crimes, start using the death penalty again for a wider number of crimes than is now permissible, and so forth? There is a certain superficial appeal to this list of actions; for at the very least we would be doing *something*, or so it would seem.

But there is a very strange thing in this respect. That is precisely what the self-styled revolutionaries in this country would like the government to do. They feed on the paranoia produced by peoples' fear of the government. Remember the rumors last year that the President had asked for a study on how to avoid having an election at all in 1972? Remember the charges last summer that the Justice Department was secretly building concentration camps for dissident blacks somewhere in the Midwest? Such rumors, ridiculous as they are, were put to great use by some individuals, because those rumors were used, in turn, to justify violent activity.

If the Bill of Rights was repealed, you can be certain that these same individuals would be crowing, "I told you so," to anyone who would listen; and their case for guerilla warfare against the government, against the police, against the "establishment" if you will, would be strengthened accordingly.

On a very practical level, then, repression is counter-productive in a nation as large and diverse as our own. Just as importantly, of course, none of us would want to live under those conditons in any event. You can't just suspend the Bill of Rights for certain people and not for others; or put another way, if all of us are not safe from unwarranted interference by certain authorities, none of us are.

Well, all right, if we reject these two extremes—and I hope all of you agree with me that we should—where do we go from there? As I asked earlier, what *does* the thoughtful decent American do?

I think the answer, in short, is that we have to begin putting our Nation back together again. It must be put together in equal parts this time around, for no group of citizens can be systematically denied equal opportunity without disastrous results. It is going to take years, decades, perhaps generations to accomplish, because the social dislocations that produce much of our violence and crime have long histories.

To buttress my argument in this respect, I'd like to refer to a perceptive analysis made by Carl Rauh, Advisor to Attorney General John Mitchell—hardly, as you know, a "bleeding heart" sociologist. Rauh has singled out what he considers the four major causes of crime and violence, and in the process, provides us with a useful frame of reference.

First he refers to what he calls the "root causes"—things that relate to the quality of life most obvious to the would-be criminal, including poverty, the breakdown of the family unit, inadequate schools, the inability to find jobs, racial discrimination, and the all-encompassing bitterness and frustration. As he puts it, "There is no question that these root-cause factors play a substantial part in the rising crime rate."

Second, there is narcotic addiction—a habit which may cause, in and of itself, almost fifty percent of all crime in our urban centers.

Third, there is "the inadequate criminal-justice system and, coupled with it, the loss of confidence in the system on the part of the general public."

Fourth, there is the attitude on the part of the criminal that "crime really does pay"—that being "straight" is unrewarding, that the path to status and comfort is by means of the criminal world; that whatever the possible penalties if one is caught, they are not as serious as the prospect of forever living ones life in grinding poverty and despair.

If these are the major reasons for crime, then it follows that our efforts must relate directly to them or we are just kidding ourselves about finding remedies. Perhaps two examples will clarify my point. Unemployment among black youths is about three times as high as for their white counterparts. Is it any wonder, then, that narcotic addiction and the crime rate in the ghettos of our cities are astronomical? It is any wonder that in Chicago a black woman is ten times more in danger of assault than a white woman?

A different example: according to a 1970 survey by the Justice Department's Law Enforcement Assistant Administration of the Nation's 4,037 jails, 86% had no facilities for recreation or even exercise, 89% lacked educational facilities, 49% lacked medical facilities, 26% were without visiting facilities, and 1.4% even lacked toilets. As Norman Miller, an astute reporter for the Wall Street Journal, noted in Wednesday's edition of the paper, "These are medieval conditions, and homosexual rape, drug traffic and beatings of inmates and guards are rampant amid them." Is it any wonder, then, that in the District of Columbia, 75% of those convicted of felonies this past year had already preserved time in jail?

These examples suggest that violence has many forms and they all tend to reinforce each other. An individual in one of our urban ghettos, unable to find a job, tempted by the temporary euphoria of heroin, ruthlessly robs someone to support his habit. He's caught and eventually imprisoned, after waiting six months for a trial. While in prison, several of the older inmates mistreat him physically. He is released a year later—with no training or psychiatric care—and sent back to the same ghetto. Now, in addition to his other problems he has a criminal record. This makes it even more difficult to find a job; and by this time he may not even want one anyway. Two months later he kills someone in the process of robbing a bank. At his trial, he defends his action in revolutionary terms and accuses the judge of being the real criminal. Crazy? Well, certainly by our lights it is; but insofar as that logic is accepted and reinforced, it is a theory we have to recognize and deal with.

To break that pattern we have to do a lot more than threaten that sort of offender with the death penalty, because simply put, he's not listening to our threats anymore. Our task as a society is not only to protect law-abiding citizens from him, but also to erase the conditions that created him, if that is possible.

Now some people confuse this sort of analysis with "coddling criminals." But I'm not suggesting that sentences have to be shorter or that we should turn our backs on antisocial conduct. If anything, that would make matters worse. What I am suggesting is that we protect ourselves by removing some of the incentives of violence against ourselves.

If we could give convicts training and incentive and thereby reduce the rate of recidivism by—let us say—50%, we could, by that action alone, reduce the crime rate in our urban areas some 25–30% next year. That's not "coddling criminals"; that's just common sense.

If we could break cycles of unemployment, we might have better luck reducing the number of heroin addicts. Along the way, we'd also be making life a good deal easier for our hard-pressed police forces.

In short, we've got to try—in every way we can—to stop not only the criminal violence in our streets, but also the violence done to scarred individuals who have lost hope.

That is why Attica and the random "micro-violence" threatening the Nation are both part of the same problem.

In my judgment, the people who will be successful in meeting the challenge this problem presents to the United States will be those who love justice and demand decency at every quarter. They will not be deterred by the far left which hopes to use the agony of individuals as a springboard to political power they know they cannot win legitimately. And they will not be deterred, either, by those who seek to consolidate their own power by creating a police state in the name of protecting us against the "criminal element."

They will not rail aimlessly against criminals without giving us a plan which will help us reduce their number; and neither will they take the opposite tack and endlessly express masochistic guilt, for that is the last thing this country needs. What they will do is take the long view and work steadfastly for a better quality of life for *all* Americans. What they will also do is encourage a widened sense of social consciousness that can be translated into concrete political action—action directed at the real problems of real people. It will be the kind of action not only worthy of your support, but impossible without your support. I hope you will provide it in the difficult, challenging years just ahead; for the future of the Republic may well depend on your response.

HOUSE RESOLUTION 630

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. JACOBS. Mr. Speaker, I was wondering, in view of the events of the past few weeks in Saigon, if any Member of Congress or any member of the executive branch would care to say he or she is willing, from this day forward, to give his or her life, limb, sanity or freedom—POW even for another day—further to prop up the Saigon dictatorship.

Other Americans are being ordered to do so today.

Following is the language of House Resolution 630, which I introduced on September 30, 1971:

> Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."
>
> Whereas Madame Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on July 1, 1971, that the policy of her government is: "If the United States Government sets a terminal date for the withdrawal from South Vietnam in 1971 of the totality of United States forces and those of the other foreign countries in the United States camp, the parties will at the same time agree on the modalities:
>
> "A. Of the withdrawal in safety from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp;
>
> "B. Of the release of the totality of military men of all parties and the civilians captured in the war (including American pilots captured in North Vietnam), so that they may all rapidly return to their homes.
>
> "These two operations will begin on the same date and will end on the same date.
>
> "A cease-fire will be observed between the South Vietnam People's Liberation Armed forces and the Armed Forces of the other foreign countries in the United States camp, as soon as the parties reach agreement on the withdrawal from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp."
>
> Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from South Vietnam within sixty days following the signing of the agreement: Provided, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

POLLUTION: A TIME TO ACT

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. HANNA. Mr. Speaker, pollution and the environment seem to be the topic of the day. Much has been said about the quality of our environment in the past few years. The quantity of articles, books, letters, and so forth, is so great as to pose a threat to that very environment which the authors hope to save. In my mind, the time has come to stop talking and start doing.

A major problem, which few, if any, have addressed themselves to is just what constitutes pollution. Given the industrial and technical society in which we live today, there is going to be some rearrangement of natural resources. But at what point does the putting of nitrous oxides into the air become dangerous to the environment; at what point does the dumping of refuse in the waters of the Nation become dangerous? In general, then, at what point does the price we pay—monetarily as well as environmentally, over both the short and long run—exceed the benefits of the ease by which we dispose of waste? These are questions which I believe only experts in the field of environmental biology and chemistry can answer.

Once we have defined the problem, Mr. Speaker, we must develop methods of measuring the amount of pollutants in the environment. On this matter, there seems to be some disagreement.

Dr. Lewis W. Branscomb, Director of the National Bureau of Standards, is quoted on page 119 of a study prepared for the Subcommittee on Science, Research, and Development of the Committee on Science and Astronautics entitled "National Bureau of Standards, Review of Its Organization and Operation," as saying the following during the Department of State, Justice, and Commerce appropriations hearings for fiscal year 1972:

> Measurements to determine the quantities of pollutants present in the air are not yet sufficiently accurate and reliable to permit air pollution regulations to be set fairly and enforced with confidence.

Yet, Mr. Speaker, for some 15 years Air Pollution Control Districts—APCD—in southern California have been keeping continuous records of ozone, oxides of nitrogen, nitrogen dioxide, sulfur dioxide, hydrocarbons, carbon monoxide, hydrogen sulfide, and particulants in the air. In addition, the Los Angeles County APCD and the Orange County APCD also keep records on lead content in the air. Further, there have been over 100 successful prosecutions of polluting industries brought by the Los Angeles APCD alone.

I pursued this seeming inconsistency with Dr. Branscomb before the Science, Research, and Development Subcommittee in oversight hearings of the National Bureau of Standards. At that time, Dr. Branscomb indicated that California was almost universally regarded as a national leader in air pollution control, not only from a legislative and policy point of view, but also in terms of their technical competence and success. He quoted the results of a study dealing with the reliability of instrumentation for air monitoring. The study, which concentrated on ozone reading, revealed that 67 percent of the instruments were found to give consistent readings within 10 percent in subsequent calibration, and 83 percent were within 20 percent. Dr. Branscomb stressed the point that this study dealt with precision not accuracy, that is, with repeatability of results not with whether or not the instruments measured the amount of ozone in the air.

California, according to Dr. Branscomb, has used the best state of the art available and used it responsibly. Yet, it was his desire to have instruments with increased specificity, improved reliability, extended automation, and flexible field use. Mr. Speaker, I find that I must concur with this statement, as it has recently come to my attention that such a technique has been developed by two scientists at the Bell Laboratories. The system, as I understand it, uses a laser-light technique and can measure several gaseous oxides of nitrogen in quantities as small as 10 parts-per-billion of air, using samples as small as 1 cubic centimeter of air, in as little as 4 seconds. This, I believe, must now become the focus for our hopefully constructive and timely efforts in restoring and preserving our vital environment.

During the last Congress, it was my privilege, as a member of the Merchant Marine and Fisheries Committee to conduct hearings into the affect of sewage outflows on the water life in the ocean off of Orange County, Calif. It was the consensus of the hearings that the effect of the sewage outflow at the very least was to upset the ecological balance in that there was an abundance of food, making it possible for fish who would normally not be able to compete for sustenance to survive and reproduce in such numbers as to create a preponderance of abnormal fish.

As I mentioned previously before this distinguished House, the method considered by many jurisdictions who wish to stop pollution in their area is that of strict pollution laws. This, however, puts them on the horns of a dilemma. By enacting strict laws, they may be saving the environment of the area at the expense of keeping new industry from locating there and forcing existing industry to relocate. The result of this loss of industry is a loss of jobs as well as a loss of the tax base upon which the jurisdiction survives.

All of the problems that I have alluded to, Mr. Speaker, are those that the experts must solve. The definition of pollution in chemical terms; the setting of realistic goals as to how much pollution we can live with; the development of techniques to measure the amount of pollution more reliably and accurately; the methods of dealing with the potential chemical offenders before they enter the environment; and the removal of the pollution that is already in the environment are problems that we in this House can only talk about. It is the technicians, engineers, inventors, and innovators who must now solve the problem.

In this time of high unemployment of highly educated people, Mr. Speaker, this country must do everything in its power to channel these people into solving the problems that face us in the environment. We, the Members of this distinguished legislative body, must do more than tax our way out of pollution. We, as a Nation, must redirect our priorities and our commitment to solve this problem before it consumes us.

ATTICA PETITION

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. HARRINGTON. Mr. Speaker, the following petition was signed by more than 200 students at the Harvard Law School. It is significant for many reasons. First, because the program of action it outlines is a sensible and urgently needed one; second because it shows how deeply this tragedy has seared the conscience of America; and finally because it is a very hopeful sign that those who are about to join the legal profession and provide the personnel of what should be—and sadly is not—a system of fair and efficient criminal justice are aware of how badly society has failed in this area.

I wait the report of the Pepper committee and the other bodies studying the Attica tragedy with great interest and intend to press for affirmative action by the Congress as soon as these reports are available to us. It is my hope that the speed which Chairman PEPPER has so far displayed will be maintained so that we may take appropriate action in the immediate future.

It is the duty of all of us in positions of leadership to respond to the lesson of Attica before it is repeated dozens of times across the country.

The petition follows:

ATTICA

We the undersigned, of Harvard Law School, in deploring the actions and results of the Attica situation, do hereby call upon the Federal Government: (1) To immediately institute investigatory proceedings into the Attica tragedy, where the rule of force took precedence over the rule of reason; that a Commission be appointed to report in full its findings to the public no later than 15 January 1972; (2) To analyze the precipitating and underlying causes of the failure of this aspect of the penal system; That the Federal government call a National Conference on Prison Reform for no later than 15 February 1972; that study groups be immediately appointed to prepare materials for participants in the Conference; That the findings, discussions, and conclusions of this Conference be made available to the public and forwarded with a letter of guidelines for administrative and legislative action to the appropriate offices and branches of the State and Federal Governments no later than 1 April 1972; That the Justice Department be required to file a public report with Congress in January 1973 with respect to the progress of corrective actions which have been undertaken by State and Federal authorities.

NEEDED—CLEARER THINKING ON VOLUNTARY PRAYER

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. WYMAN. Mr. Speaker, indicative of some of the fuzzy thinking going around on the subject of allowing voluntary prayer in the public schools is an editorial in the Washington Post of September 30, entitled "The Wall That Shields Religion." Allowing youngsters the option in school to voluntarily pray or to silently pray, or to refrain from praying at all, combined with the use of a nondenominational expression of acknowledgment of the existence of a divine being before whom we are devoutly humble, breaks down no walls between church and state.

Many of the problems we are encountering today among young people, especially within the so-called mod groups, are directly attributable to the fact that many of these young people grew up without developing a sense of humbleness before God Almighty—whatever may be the denominational frame of reference.

As with a distressingly unnecessary number of other subjects, Supreme Court decisions of the Warren era have contributed materially to unrest, domestic discord, civil conflict, and a growing supposedly sophisticated agnosticism that leaves its holders high and dry on the rocky shores of nihilism in a time of moral and spiritual crisis. Few of these decisions have been more deeply offensive to those vitally concerned with a strengthened America than the decision against voluntary prayer.

Of course, the home, the church, and one's own heart and mind are most appropriate places for worship. But it is elemental that to worship at all one must learn how. It does no harm and in fact much good to expose young people to at least the option of prayer and to observe that other young people do pray. This is denied youngsters by excluding even voluntary prayer from our schools. This is not good for the country or for the character of our people no matter how many misguided fuzzy thinkers may urge that the first amendment prohibits voluntary prayer in public schools. It does no such thing except in the rationalizing of the tortured semantics of intellectual theoreticians.

Our Founding Fathers never intended to deny the option of voluntary prayer in the schools of this land. Voluntary prayer neither denies nor enjoins a particular religious preference of any citizen, young or old Voluntary means what it says—one can pray or not pray. That is up to each boy or girl. To assert that an option of voluntary prayer imposes "religious by rote" is ridiculous.

The article follows:

THE WALL THAT SHIELDS RELIGION

Although there are those who seem to regard it as a restraint on religious worship, the First Amendment is, above all else, a guarantor of religious liberty. It reflects a recognition, as Mr. Justice Clark once put it for the Supreme Court that "the place of religion in our society is an exalted one, achieved through a long tradition of reliance on the home, the church and the inviolable citadel of the individual heart and mind." The Justice continued, however, with a reminder: "We have come to recognize through bitter experience that it is not within the power of government to invade that citadel, whether its purpose or effect be to aid or oppose, to advance or retard. In the relation between man and religion, the State is firmly committed to a position of neutrality."

Justice Clark wrote those words in an opinion for the court holding that the First Amendment, by virtue of the Fourteenth, forbade a Baltimore school board to require the use of the Lord's Prayer, or any other prescribed form of worship, in public schools. This is to say simply that schools supported by public money and used by children of every faith and of no faith at all are not appropriate places for religious worship. Use of them for worship, even if participation be nominally voluntary, imposes on children a kind of coercion, a pressure toward conformity, wholly alien to the First Amendment's spirit of complete toleration. The appropriate places for worship are "the home, the church and the inviolable citadel of the individual heart and mind."

Yet today a majority of the House of Representatives seems disposed to repeal the religious freedom clause of the First Amendment. They have signed a discharge petition to bring from the Judiciary Committee to the floor of the House a proposed constitutional amendment designed to authorize public school prayers. Devout and well-meaning these men may be; but understanding of their country's history and institutions they are surely not. They would give away, for the sake of a shallow show of religious devotion, the great constitutional bulwark against governmental control of religion that has kept America for nearly two centuries the world's foremost bastion of religious liberty. What folly it would be to breach the wall that shields conscience from the reach of secular authority.

When men seek to use the public schools, which children attend by the requirement of law, to propagate faith, they confess a loss of faith in the home, the church and the inviolable citadel of the individual heart and mind. When men strive, in the name of divine worship, to impose religion by rote, they perpetrate what is, in truth, a sacrilege. Genuine religion germinates only in the soil of freedom.

A HAND OF HELP

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, as a Member of the Congress who has long been deeply concerned with, and involved in, the problems of the physically handicapped, and mentally ill, it was with the keenest of interest that I reviewed the findings of a research study program recently conducted under the aegis of the Federation and Employment Guidance Service. The increasing prevalence of mental illness, and the alarming rise in the number of adults who have found themselves incapable of coping with crises, in times of stress, underscores the need for additional attention to this urgent problem. The experimental project undertaken by FEGS in which disabled senior citizens acted as "buddies" to retarded adults, and the highly encouraging results of this experiment, suggest the timeliness of the adaptation of this approach in other areas of mental health. This study program, which demonstrated that insecure and retarded adults, with a helping hand from one similarly disadvantaged, if only less so, have learned to fill meaningful roles, is most relevant, and worthy of widespread attention. For this reason, I include a commentary upon the Federation and Employment Guidance Service's program, which appeared in the Quincy, Mass., Patriot Ledger on October 1, at this point in the RECORD.

The commentary follows:

RETARDED ADULTS HELPED BY ELDERLY "BUDDIES"

(By Martin E. Segal)

A recently completed three-year experimental project concerning the vocational rehabilitation of mentally retarded adults has come up with some astonishing conclusions.

PHYSICALLY DISABLED

The Federation and Employment Guidance Service (FEGS)—the agency which conducted the adult retarded project—discovered that the mentally retarded trainee functioned and adjusted much better when placed in the care of an older, physically disabled, person who became his "buddy." In effect, it was learned that one group of disabled persons, the elderly physically handicapped possessed sufficient resources to offer meaningful assistance to another group of disabled, the mentally retarded.

Major barriers to the successful rehabilitation of some adult mental retardates are that they are emotionally unstable and tend to exhibit inappropriate behavior. This is especially true of retardates who have long been sheltered by family or an institution, and these formed the majority of the 70 participants in the project.

Bearing these facts in mind, the FEGS staff incorporated the "buddy system" into their project from the very beginning. They hoped that the establishment of such a protective relationship with an older person would help the retarded person adjust to his surroundings and facilitate his rehabilitation.

PROGRAM EXPANDED

In order to test the system theory, an initial experiment was conducted with the first 30 retardates to participate in the project. Half was assigned older buddies; half were not. Statistically, the results overwhelmingly supported the buddy system. Fourteen of the 15 retardates who had buddies remained in the program until completion, while only nine of the 15 retardates in the group without buddies remained through completion. Upon final evaluation, staff ratings showed that 14 of the first group of 15 (with buddies) made good progress in their rehabilitation process, while only eight of the second group of 15 (without buddies) made good progress.

Although the initial test of the system was brief, the results were so favorable that buddies were assigned to all of the remaining 40 retardates who participated in the project.

The buddies were selected from groups of disabled senior citizens who were participating in other FEGS rehabilitation programs. Most were over 65. There were no formal education or background requirements. In fact, two-thirds of the buddies had a history of blue collar work and the typical number of years of schooling was 7.4.

In general, buddies needed a warm personality, special patience, and the ability to understand and accept mentally retarded adults. It was important that the buddy had made sufficient progress in solving his own rehabilitation problems so that he was not preoccupied with his own difficulties. Also each participant was carefully matched with the retardate so as to be compatible in the areas of sex, personality, life style, and common interests.

TAX BILL

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. MOLLOHAN. Mr. Speaker, it is my intention to support the tax bill before us on the floor today. I hope that it will provide a basis for economic recovery within a stable price system that the country badly needs at this time. Like many others, however, I, too, have reservations both as to the effectiveness of and the justness embodied in this legislation.

It is disturbing to me, for instance, that while we are being asked by the administration to incur close to $30 billion of Federal revenue losses over the next 2 years, they are willing to predict an increase in employment of only half a million people at a time when there are 5 million people who are looking for jobs. Additionally, the Government is undertaking to remove 140,000 jobs from our Federal employment.

While there is little question that we should encourage the most efficient and modern productive plant system we can, there is a substantial question that this can be accomplished with the investment credit and the accelerated depreciation. Most industries, when they have a sufficient backlog of sales, already have access to the capital markets to provide for plant and equipment outlays. What is decidedly lacking, at this time, is not access to capital but the backlog of sales and any real confidence in the volume of future sales.

Of course, the remedy for an unhealthy sales outlook is an increased consumer purchasing power, which we are providing for in the acceleration and liberalization of the personal income tax exemption and deductions. We are also providing a further incentive in the auto industry by giving their consumers the benefit of removing the automobile excise tax.

The question remains, however—how many jobs will be generated by these measures? And we might also add, how much will it cost to provide those jobs? At this time all we can say is that it will cost $25 billion less the additional taxes that we will gain from the profits and wages generated by those jobs.

In my judgment, we have not yet generated the kind of analyses either in the House or in the executive branch that will give us either the information or an acceptable basis for predicting the effectiveness of this measure. We should begin to gather that information and insist that the administration do the same, or we may find ourselves in the position of having lost a great deal of revenues without having made any appreciable improvement in the employment situation. We should be ready, if these measures do not prove effective, to take further steps that will guarantee the creation of jobs in those areas where we have work that needs to be done. And we should do these things now so that we can act rapidly if necessary.

In addition to the questions regarding the effectiveness of this approach, I think we should be concerned about the judgment and the justness of this program. Essentially we are seeking to stimulate employment and investment in the private enterprise area of the economy, and that, of course, is desirable.

Yet, it is the investment in the public plant and the public service area of our economy that so desperately requires our attention. Our cities and towns are polluting our rivers because they cannot build sewage treatment facilities. Our colleges and schools are cutting back in their investments in our children because financial resources are not being made available to them. We need a near revolution in the manpower and resources for adequate health care in this country. We need more parks and recreation areas. We need more resources for research. But the administration has asked us to cut $5 billion from the Federal investment in these areas.

Much the same situation exists in the area of housing, where we have, on the one hand, between 11 and 13 percent unemployment in the construction trades, and a substantial housing shortage on the other.

In short, it is of questionable judgment that we are on the one hand attempting to stimulate private investment and employment at such high cost where the returns are, at best—if the administration's figure of 500,000 reduction in unemployment is reliable—modest, and on the other hand cutting back in our public investment when we know both that it would provide employment and that we so badly require the plant and services that public works and public employment could bring us.

We need both private and public investment and private and public employment if we are to have the goods and services we need in this country, but the policy we are considering today will not give us the balance in those two areas that today's priorities demand. Indeed, if anything, they will intensify the private affluence and public squalor that has seriously hampered the quality of American life throughout the past two decades.

There is also the question of justness, and this probably reveals the most serious shortcomings of the legislation we are today considering. It holds out no real hope for a substantial reduction of unemployment that could eradicate poverty or fulfill the needs in the fields of health, environment, science, transportation, housing and education. It also gives little relief or equity to the working Americans in the low- and moderate-income brackets who have suffered so much from inflation. These are the Americans who work but who do not make enough to give their families the benefits of a good home and good medical services and good education along with the other necessities. They and their families comprise nearly 40 percent of our population and they pay more than their full share of our taxes. It is time that we make concrete plans to help this set of Americans fulfill their goals, as well by opening the channels of employment and housing and services to them.

We should consider a strong minimum wage hike that would give this family the income it needs to stay off welfare and not incidentally to swell consumer demand. We should consider housing legislation that will make private and public housing available to this family. We should consider a realistic and responsible revenue sharing plan that will allow cities and States to establish the social services that are needed and can employ the men and women who are now looking for work.

We should fully fund our investments in health care and environmental protection as well. If we are willing to take these steps we will provide the jobs and the consumer purchasing power that is needed to make both our private and public economies healthy.

SENATE—*Wednesday, October 6, 1971*

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, giver of life, ruler of men and of nations, we thank Thee for this Nation conceived in liberty and dedicated to the proposition that all men are created equal. Help us so to live, so to work, and so to legislate that all citizens may be equally free under Thy rulership to find fulfillment and a high purpose in life.

Mindful that from the beginning, this Government was ordained to establish justice, insure domestic tranquility, provide for the common defense, and promote the general welfare, guide Thy servants here this day in furthering these objectives that their plans and appropriations neither be too little nor so excessive as to be wasteful but that their actions may be only in accord with Thy will for His people and the peace of the world. Keep them brotherly in their conduct and faithful in their dedication to Thee.

In the Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, October 5, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar under New Reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nomination on the Executive Calendar under New Reports will be stated.

AMBASSADOR

The second assistant legislative clerk read the nomination of Malcolm Toon, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Socialist Federal Republic of Yugoslavia.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed; and, without objection, the President will be immediately notified of the confirmation of this nomination.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I yield back my time.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Texas (Mr. BENTSEN) is now recognized for 15 minutes.

(The remarks of Mr. BENTSEN when he introduced S. 2657 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from Virginia is recognized for not to exceed 15 minutes.

THE UNJUSTIFIED EMBARGO ON RHODESIAN CHROME ORE

Mr. BYRD of Virginia. Mr. President, section 503 of the pending legislation would end the United States dependence on Communist Russia for a vital defense material.

The situation in which the United States finds itself today is that, because of an embargo on trade with Rhodesia, the United States must obtain most of its chrome from Russia. Rhodesia is the No. 1 chrome-producing nation in the world. It has two-thirds of the world's reserves.

Mr. President, the matter has been debated at some length; so I will not restate the arguments.

I rise today, however, to point out that a clear majority of the Senate had made known its position in favor of the committee action in inserting section 503 into the pending legislation.

On September 23, the Senator from Wyoming (Mr. McGEE) sought to knock out section 503. However, when the votes were counted, 46 Senators had sustained the committee position by a record vote. In addition seven other Senators were either paired in favor of sustaining the committee position or were announced in favor.

So, 53 Members of the Senate are on record as favoring ending U.S. dependence on Russia for a vital defense material—a material that is essential in the construction of jet aircraft, nuclear submarines, and many other weapons systems.

Mr. President, when I introduced this legislation on March 29, I had two objectives in mind.

One was to end U.S. dependence on Russia for this vital defense material. The second objective was to focus attention and debate on the unsound and, in my judgment, wrong policy of banning trade with Rhodesia.

Up to this point both objectives have been achieved. None of us know what will happen this afternoon when the Senate votes on the modifying amendment that has been offered by the Senator from Arkansas (Mr. FULBRIGHT). However, even if the Fulbright amendment should prevail, the Senate would still be on record as favoring the ending of this policy of U.S. dependence on Russia for this vital defense material. The second objective, that of focusing attention and debate on this matter, already has been achieved.

Mr. President, when the vote was taken on September 23, it was the first time in 5 years that either House of Congress had voted on the matter of an embargo on trade with that small African country, Rhodesia.

The embargo was put on unilaterally by the President of the United States without reference to the Congress.

I think it is a matter of great significance that when the Senate had an opportunity to vote on this matter, such as it did on September 23, a clear majority of the Senate registered its support of the proposal which would permit the United States to trade with Rhodesia insofar as this strategic material, chrome, is concerned.

Mr. President, on September 23, the distinguished minority leader of the Senate, the Senator from Pennsylvania (Mr. SCOTT) made a speech about this matter. I will read into the RECORD parts of his speech. I now quote the Senator from Pennsylvania:

> First, there are legitimate and important national security considerations involved in reliance on the Soviet Union for more than 60 percent of our national needs for chrome.

The Senator from Pennsylvania is absolutely correct in that statement. Then the Senator from Pennsylvania said:

> Second, the Rhodesian sanctions are economically damaging to U.S. interests.

Mr. President, they are damaging to U.S. interests. Then the Senator from Pennsylvania said:

> Third, the rising prices of chrome ore, which result from Russian domination of the world market, are costly, inflationary, and damaging to the U.S. chrome industry, the ferroalloys industry and the stainless steel industry.

Again, the Senator from Pennsylvania is correct. Then, he said:

> Fourth, the Rhodesian sanctions can probably be regarded as a failure.

Again, I think the Senator from Pennsylvania, the Republican leader of the Senate, is correct in that assertion.

Senator SCOTT's vote did not coincide with his speech—but that in itself makes significant his assertions that U.S. interests and security are being harmed by the embargo.

I think this debate that has been going on now for several weeks has been a desirable one. It has had a good effect.

I state again that until the issue was drawn on September 23 neither House of Congress had cast a single vote in regard to the sanctions imposed against trade with Rhodesia.

When, for the first time, the Senate had an opportunity to vote, a clear majority of the Senate, 53 Members of this body, either voted to rescind the embargo insofar as chrome is concerned, or were paired that way, or announced that if present they would have voted that way.

I think it is very important that this matter be fully debated. I think the more the Congress and the American people consider the action this country has taken against Rhodesia in the sanctions, put on unilaterally insofar as this country is concerned, by President Johnson, the more concerned they will become.

It just is not logical that we should spend billions and billions of dollars of tax funds taken from the pockets of the hard-working wage earners of our Nation and spend those tax funds for defense against the potential threat from Communist Russia and yet at the same time be dependent on Russia for a strategic material.

Again I want to say, that in presenting this legislation, first beginning March 29, I had in mind two objectives: One, to end U.S. dependence on Russia for a strategic defense material; and, second, to focus attention and debate on the unsound and wrong U.S. policy regarding Rhodesia.

Up to this point both of those objectives have been achieved.

Even if the amendment offered by the Senator from Arkansas (Mr. FULBRIGHT) should prevail this afternoon, and I hope it will not because I think the Senate and the Congress should be willing to take action on their own and not turn the matter over to the President, but even if the Fulbright amendment prevails, the Senate will have expressed itself that something needs to be done in regard to this vital defense material and the Rhodesian embargo.

Mr. President, I yield back the remainder of my time.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the transaction of routine morning business, for which 15 minutes have been set aside, with a limitation of 3 minutes on statements.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Nos. 383, 384, 386, and 387.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SAMUEL R. McKELVIE NATIONAL FOREST

The bill (H.R. 9634) to change the name of the "Nebraska National Forest," Niobrara division, to the "Samuel R. McKelvie National Forest," was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–385), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SHORT EXPLANATION

This bill would rename the Niobrara division of the Nebraska National Forest, redesignating it the Samuel R. McKelvie National Forest. The Niobrara Division, which is one of three divisions of the Nebraska National Forest, contains 116,820 acres.

BACKGROUND

The report of the House Committee on Agriculture on this bill contains the following biography of Samuel R. McKelvie:

SAM M'KELVIE

Samuel Roy McKelvie, the 20th Governor of the State of Nebraska, farmer, rancher, businessman, publisher, and public servant, was born April 15, 1881. The fourth of nine children of Sam and Jennie McKelvie, he was raised on their farm near Fairfield in Clay County, Nebr.

Marked by boyhood days in which he acquired a deep feeling for, as well as knowledge of agriculture, Sam McKelvie began a multiplicity of careers on graduation from Lincoln Business College in 1901. At the age of 21, his first employment was a field man for one of a half-dozen farm publications in Nebraska at the time—The Twentieth Century Farmer. In just 3 years of covering and reporting agriculture for the farm newspaper, he had established himself as an authority in his field, and on change of ownership of another farm publication, The Nebraska Farmer, Sam McKelvie was made editor of the newly based Lincoln publication.

In 3 more years he purchased and became publisher of the 50-year-old publication, a move that was to result in The Nebraska Farmer becoming the sixth largest farm publication of more than 40 in the Nation by the mid-twentieth century—and the establishment of the authoritative publication in nine of every 10 farm homes in Nebraska alone. Under the signature of his "By The Way" column, and throughout The Nebraska Farmer, Sam McKelvie was devoted to the improvement, progressiveness and establishment of agriculture as the major occupation and industry it was in supplying food to the Nation. Over the course of years in his publishing, political and agricultural careers, Sam McKelvie was to influence the promotion of agricultural improvements and marketing by encouraging establishment of farm cooperatives and mutual livestock associations.

At the time his interests focused on politics and elected government office, the State of Nebraska was in the throes of early development of State government. Sam McKelvie saw the need for change, and after quick successions in public offices of city council in Lincoln, a term in the State House of Representatives, and a term as Lieutenant Governor, he bid for and was elected Governor of Nebraska in 1918. In two successive terms of service from 1919 to 1923, he initiated such large-scale government reform that he was called the biggest reform/reorganization Governor the State had ever had.

Sam McKelvie's Civil Administration Code was a forerunner of modern State government, not only in Nebraska but throughout the United States. It provided for the consolidation of more than 20 far-flung departments, bureaus, commissions, and boards into six State departments. He provided an executive budget for the State's cabinet structure of government. With lagging programs in some areas, and others nonexistent but needed, Sam McKelvie established a State parks system, a State road program, new agricultural programs including the State Agricultural Information Service. State accounting and auditing procedures, and diversification of funding of roads and highways and other programs.

In the first 2 years as Governor, the reforms and reorganizations that were made resulted in a reduction of more than $2 million in appropriations to run the State and a cut of one-third of the State's property taxes. The effectiveness of his reform programs lay in the reduction of waste and duplication, the efficient accounting of State programs and operations and the increased efficiency in these operations. But most importantly to Sam McKelvie, the reform resulted in an opening of the doors of elected government to the people—the renewal of responsibility to the people.

Besides his government reform and establishment of important road work programs, Sam McKelvie was to be instrumental in one other important project for Nebraska as its Governor. Perhaps the most visual contribution he made to the State is the Capitol Building that stands today. Considered one of the architectural wonders of the world, the new Nebraska Capitol was more than a brainchild of Sam McKelvie. It was needed, its design fitting and appropriate to the people and land it symbolizes. Chairman McKelvie and a bi-partisan Capitol Commission solicited plans and designs from around the Nation for a year before Governor McKelvie signed the construction contract for the plans of New York architect Bertram G. Goodhue. Sam McKelvie laid the cornerstone for the new $10 million building that when completed several years later, had no costs remaining to be paid against it because of McKelvie's pay-as-you-go plan for financing the building.

Not choosing to seek a third term as Governor, and with his government reorganization plans in effect, Sam McKelvie returned to his publishing career and began anew in livestock production. In the years that followed his elected public office, he was to continue to be of service to Nebraska and the farm people he loved. First as a successful producer of beef cattle for breeding, Sam McKelvie served on the American Hereford Association board of directors, including one term as president; he organized, served as president for 10 years, and published the bulletin of the Sandhills Cattle Association to promote, advertise, improve, and establish sandhills feeder cattle of Nebraska as the highest quality beef in the country.

Sam McKelvie's interest in, and promotion and knowledge of farming and agriculture did not go unnoticed beyond the boundaries of Nebraska. He was asked by President Hoover to be Secretary of Agriculture in 1929, but declined because of illness. Later, after an operation and recovery, another request by the President led to his acceptance of a position on the new nine-member Federal Farm Board, on which he served 2 years.

Sam McKelvie died January 6, 1956, at the age of 74. He had been a man of many interests, many careers, from farm publications, farming and ranching, to politics and government. But most important, Sam McKelvie had been a Nebraskan, a sower of belief and strength, and determination in the land and its people. He had seen the fruition of many dreams, many aspirations, many beliefs, and concerns come true in his lifetime.

The stabilization and establishment of farming through cooperative programs and alliances with business; the improvement and production of purebred, high quality beef through association of growers and marketers; the establishment of a State road program and State park system in Nebraska; the reorganization and reform of State government into efficient, progressive, and responsible representation; the establishment of a new, architecturally acclaimed and debt-free capitol building—all had been the efforts and concerns and product and love of Sam McKelvie.

Always in the interest of Nebraskans and farmers and the Nation as a whole, always for the benefit of improvement, betterment, progress, success, and deep concern for the good life, Sam McKelvie felt, breathed, slept, worked, and lived Nebraska, agriculture, economy. He was honest, often daring; he was respectful of personal friend and political opponent alike; he was determined and open-minded; fair and frugal; hard-working and devoted. A man of integrity, he trusted and believed in his fellow man, in Nebraskans, and in his State. Sam McKelvie was a Nebraskan first and always. He was a part of Nebraska.

PERISHABLE AGRICULTURAL COMMODITIES ACT AMENDMENTS

The Senate proceeded to consider the bill (S. 1838) to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to the practices in the marketing of perishable agricultural commodities which had been reported from the Committee on Agriculture and Forestry with an amendment on page 1, line 9, after the word "following", strike out "If the order is preceded by an oral hearing on the complaint or on a counterclaim filed in the proceeding, the prevailing party shall be allowed reasonable fees and expenses incurred in connection with the hearing," and insert "The Secretary shall order any commission merchant, dealer, or broker who is the losing party to pay the prevailing party, as reparation or additional reparation, reasonable fees and expenses incurred in connection with any such hearing."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (c) and (d) of section 6 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f), are amended by striking out "$1,500" in each place it appears and inserting in lieu thereof "$3,000".

SEC. 2. Section 7 (a) of such Act (7 U.S.C. 499g(a)) is amended by inserting after the first sentence thereof the following: "The Secretary shall order any commission merchant, dealer, or broker who is the losing party to pay the prevailing party, as reparation or additional reparation, reasonable fees and expenses incurred in connection with any such hearing."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–386), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF BILL

This bill, with the committee amendment, would amend the Perishable Agricultural Commodities Act to: (1) require that an opportunity for a hearing be provided in a reparation proceeding only if the amount claimed exceeds $3,000 (instead of $1,500 as at present); and (2) provide for the assessment of reasonable fees and expenses incurred in connection with the hearing in favor of the prevailing party where the losing party is a commission merchant, dealer, or broker.

This bill was requested by the Department of Agriculture, which advises that by reducing the number of oral hearing cases the bill would speed up the handling of reparation complaints and reduce the cost of such action, both to the parties involved and to the Government. The Department further advises that the provision for assessing hearing cost would discourage requests for hearing by parties whose claims or defenses were not well founded. In addition the Department advises that the PACA—Industry Conference Group, an official advisory committee representing all segments of the fresh fruit and vegetable industry established by the Department, recommends enactment of the bill.

COMMITTEE AMENDMENT

The committee amendment would make it clear that fees and expenses (*i*) could be assessed only against commission merchants, dealers, and brokers, and (*ii*) could be assessed against the losing party whether complainant or respondent. The Department of Agriculture advised that this was its original intention, and assisted the committee in preparing the amendment. The regulatory provisions of the act apply only to commission merchants, dealers and brokers, and a reparation order may not issue against a person who is not a commission merchant, dealer or broker. The Department advised that it was intended that this principle should be continued.

COST ESTIMATE

No costs would be incurred in carrying out the bill in the current fiscal year or any of the succeeding 5 fiscal years. Rather the bill would result in a slight decrease in costs as a result of the reduced number of oral hearings required. This estimate agrees with the estimate contained in the attached letter from the Department of Agriculture.

COOPERATION WITH MEXICO IN SUPPRESSING COMMUNICABLE ANIMAL DISEASES

The bill (S. 2395) to amend the act of February 28, 1947, as amended, to authorize the Secretary of Agriculture to cooperate with the Republic of Mexico in the control and/or eradication of any communicable disease of animals in order to protect the livestock and poultry industries of the United States was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act of February 28, 1947, as amended (61 Stat. 7; 80 Stat. 330), is further amended by changing the first sentence to read: "The Secretary of Agriculture is authorized to cooperate with the Government of Mexico in carrying out operations or measures to eradicate, suppress, or control, or to prevent or retard, any communicable disease of animals, including but not limited to foot-and-mouth disease, rinderpest, screwworm, and Venezuelan equine encephalomyelitis, in Mexico where he deems such action necessary to protect the livestock, poultry, and related industries of the United States."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–388), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION

The bill would extend to any communicable animal disease the present authority to cooperate with Mexico in suppressing certain named diseases.

The act of February 28, 1947 (21 U.S.C. 114b) authorizes the Secretary of Agriculture to cooperate with the Government of Mexico in suppressing foot-and-mouth disease, rinderpest, and screwworm in Mexico where he deems such action necessary to protect the livestock and related industries of the United States. This bill would expand this authority to—

(1) Extend it to any communicable disease of animals;

(2) Specifically mention Venezuelan equine encephalomyelitis along with foot-and-mouth disease, rinderpest, and screw worm as examples of such diseases; and

(3) Authorize such action where necessary to protect the poultry and related industries of the United States as well as the livestock and related industries of the United States, making it clear that the amended act wouud apply to poultry diseases.

COST ESTIMATE

The Department of Agriculture advises that it is not providing any estimate of additional appropriations. It is not possible to estimate the amount of additional costs which might be incurred in carrying out the bill in the current fiscal year or any of the succeeding 5 fiscal years, since that would depend on the nature and extent of the problem at some future time. The purpose of the bill, of course, is to prevent, through the expenditure of a modest amount of money, the entrance into this country of communicable diseases which may cause great losses to our livestock and require the expenditure of large sums to control or eradicate. The ultimate purpose of the bill is therefore to prevent these losses and reduce Government expenditures.

This estimate is in agreement with the information contained in the attached letter from the Department of Agriculture.

COOPERATION WITH CENTRAL AMERICAN COUNTRIES IN SUPPRESSING COMMUNICABLE ANIMAL DISEASES

The bill (S. 2396) to amend the act of July 6, 1968, to authorize the Secretary of Agriculture to cooperate with Central American countries in the control and/or eradication of any communicable disease of animals in order to protect the livestock and poultry industries of the United States was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act of July 6, 1968 (82 Stat. 294), is amended by changing the first sentence to read: "The Secretary of Agriculture is authorized to cooperate with the several governments of Central America in carrying out operations or measures to prevent or retard, suppress, or control, or to eradicate any communicable disease of animals, including but not limited to foot-and-mouth disease, rinderpest, and Venezuelan equine encephalomyelitis, in Central America where he deems such action necessary to protect the livestock, poultry, and related industries of the United States."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–389), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION

This bill would extend to any communicable animal disease the present authority to cooperate with the several governments of Central America in suppressing certain named diseases.

The act of July 6, 1968 (21 U.S.C. 114d–2) authorizes the Secretary of Agriculture to cooperate with the Central American governments in suppressing foot-and-mouth disease and rinderpest in Central America where he deems such action necessary to protect the livestock and related industries of the United States. This bill would expand this authority to—

(1) Extend it to any communicable disease of animals;

(2) Specifically mention Venezuelan equine and encephalomyelitis along with foot-and-mouth disease and rinderpest as examples of such diseases; and

(3) Authorize such action where necessary to protect the poultry and related industries of the United States as well as the livestock and related industries of the United States, making it clear that the amended act would apply to poultry diseases.

COST ESTIMATE

The Department of Agriculture advises that it is not providing any estimate of additional appropriations. It is not possible to estimate the amount of additional costs which might be incurred in carrying out the bill in the current fiscal year or any of the succeeding 5 fiscal years, since that would depend on the nature and extent of the problem at some future time. The purpose of the bill, of course, is to prevent, through the expenditure of a modest amount of money the entrance in this country of communicable diseases which may cause great losses to our livestock and require the expenditure of large sums to control or eradicate. The ultimate purpose of the bill is therefore to prevent these losses and reduce Government expenditures.

This estimate is in agreement with the information contained in the attached letter from the Department of Agriculture.

The PRESIDENT pro tempore. Is there further morning business?

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE DD–963 AWARD TO LITTON

Mrs. SMITH. Mr. President, last year I vigorously opposed the award of the construction of 30 DD–963 class destroyers exclusively to the Litton Shipyard in Mississippi. Obviously I wanted at least some of those destroyers to go to the Bath Iron Works in Maine.

But I gave some reasons that are bearing up rather well as time goes on—in which I questioned the capability of Litton to produce at the contract price and on time. I questioned the credibility of Litton's price and the procurement policy of placing the award of so many ships in one yard at considerable risk to national security interests.

In the time that has intervened, some very interesting developments have occurred which corroborate the fears and the challenges that I made. The Department of Defense has since repudiated the McNamara "single package procurement" policy under which Litton received the entire award exclusively.

And doubt about the credibility of Litton's ability to produce on time and at the contract price has significantly grown. Litton is beset with higher costs and delays. Indications are that the cost will be at least $136 million more than the bid price and that construction is unlikely to start until early 1973. Litton has only recently come out of an extended strike. Litton is having serious difficulties in recruiting necessary skilled personnel.

I have received many reports of inefficiency on the part of Litton—and most of these reports have come from workers at the Litton Shipyard in Pascagoula, Miss. I have then inquired of the Navy about the charges and the Navy has denied them and that there was anything wrong at Litton in Pascagoula, Miss.

Frankly, I am dubious about the denials of the Navy after my experience with the Navy last year on the pre-award leak of Bath's price in its bid on the destroyer contract. Representative WILLIAM HATHAWAY told Bath president James Goodrich of the leak and Mr. Goodrich, in turn, complained to me. I then filed a complaint with the Navy Department. The Navy dragged its heels on my complaint and delayed its investigation and after much delay went to Representative HATHAWAY to get him to identify his source on the leak of Bath's price.

Representative HATHAWAY then identified Mr. R. J. Farrington of the Todd Shipyards as the person telling him precisely the total price differential between Bath and Litton at a time significantly prior to the contract award. The Navy then went to Mr. Farrington and asked him where he got his information. When he said that he could not remember specifically, the Navy did not press him for a better recollection and did not press him for identity of the person or persons so telling him. Instead the Navy dropped the case, thus making a mockery of the law against such leaks of information.

If the Navy does not believe that Litton is in deep trouble and is not concerned about conditions at the Pascagoula Litton Shipyard and its ability to produce on time and at contract price, then the Federal Maritime Commission is. I have received a very authentic report and summary from a responsible person in the Federal Maritime Commission on Litton's shockingly inferior performance on its contracts to build four container ships for Farrell Lines and four container ships for the American President Lines.

That report not only reveals Litton's poor performance on merchant marine ship production but as well on production for the Navy. I quote specifically from that report:

> Because the Navy has become very concerned and frightened they also are cutting their contract of LHA's from nine to five ships with a $109,500,000 cancellation clause for these four vessels. Persons in the shipbuilding industry said that they would like to have that kind of cancellation clause.
>
> Litton is one year behind on the LHA already and only recently has cut the very first piece of steel for the first LHA. The Navy has assigned a rear admiral on permanent duty at Litton because of their great concern over the situation there. This is the first time the Navy has ever had to do this.
>
> Not only has Litton been plagued by the lack of shipbuilding expertise in the management end, but a great number of workers are "red necks" who are hardly skilled in even the art of welding let alone in intricacies of detailed shipbuilding.

Last year the Litton bid on the 30 DD–963 destroyers smacked strongly of a buy-in with the very favorable repricing provisions and in the atmosphere of the leak of Bath's price prior to the award of the contract and Navy's subsequent failure to make a credible investigation of that leak. Last year I warned that this award to Litton was another potential C–5A scandal.

As time goes on, the DD–963 award to Litton looks more and more like a buy-in and another C–5A scandal in view of Litton's performance to this time and the conditions existing in its shipyard in Pascagoula.

I ask unanimous consent to place in the record at this point the text of the summary report given to me by a responsible person in the Federal Maritime Commission.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

REPORT ON LITTON-INGALLS

Ingalls Shipbuilding (Litton Industries) signed a contract on October 3, 1968, to build eight container ships for Farrell Lines (four) and American President Lines (four) at their new shipyard on the West Bank in Pascagoula, Mississippi.

This memorandum will deal primarily with the Farrell Line since the APL ships were moved from the new shipyard to the old shipyard (East Bank) when it was finally determined that they could not build them from the new yard. They are only 13 months behind schedule.

The Farrell Line ships were supposed to be completed and delivered on the following dates: December 22, 1970, March 22, 1971, June 20, 1971, and September 5, 1971.

The present schedule for delivery is: March 1, 1972, May 31, 1972, August 15, 1972, and October 31, 1972, or about 14 months per ship if the present schedule can be maintained. The total lost time is 1,702 days at a contract price of $3,000 a day for each day of delay.

When the first Farrell ship was launched on June 26, 1971, the hull was only 50 per cent completed rather than the traditional 85 per cent at launching time.

As the ship has progressed, it has been apparent to Farrell officials that the quality of construction is "very bad." For example, the shell frames on the entire ship were not evenly lined up with the floor. The transverse bulkheads are out of line. Three weeks after the launching the entire superstructure sagged one-half inch and the shipyard had to go into the base of the ship and lift it to straighten up the vessel. Throughout the vessel, patchwork prevails. Farrell is very, very distressed not only about the delays, but the very poor quality of the ship with which they may be saddled.

Meanwhile, these two subsidized steamship lines are losing money to competitors because they don't have the right kind of equipment in the rapidly changing transportation picture.

There has been a frequent change of personnel at Litton with no regular shipbuilders on hand but only space experts. Ellis Gardner, who was Litton's vice president in charge of all shipyard operations, on September 16, 1971, told the Farrell president that he was now "out" and that Harry J. Gray from Litton in Beverly Hills had the responsibility exclusively. On September 27, Gray was out with the responsibility directed to a Mr. Fred W. O'Green.

It is said by responsible people that Litton will lose $50 million alone on these eight container ships.

Because the Navy has become very concerned and frightened, they also are cutting their contract of LHA's from nine to five ships with a $109,500,000 cancellation clause for these four vessels. Persons in the shipbuilding industry said that they would like to have that kind of cancellation clause.

Litton is one year behind on the LHA already and only recently has cut the very first piece of steel for the first LHA. The Navy has assigned a rear admiral on permanent duty at Litton because of their great concern over the situation there. This is the first time the Navy has ever had to do this.

Not only has Litton been plagued by the lack of shipbuilding expertise in the management end, but a great number of workers are "red necks" who are hardly skilled in even the art of welding let alone in intricacies of detailed shipbuilding.

Former Secretary of Defense McNamara frequently said that the shipbuilding industry of the United States would be much better off if they would use the systems analysis method of building ships rather than adhere to the old-line standards of building vessels. Apparently, Litton took him to heart!

He also was the one who pushed for serious procurement on untested and unproven projects!

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the President pro tempore:

A letter from Martin Malinou, of Providence, Rhode Island, relative to a petition which he filed on December 29, 1970, praying for his certification as a duly qualified Rhode Island Democratic Party primary candidate for the office of United States Senator in the 1970 general election; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MOSS, from the Committee on Post Office and Civil Service, without amendment:

S. Res. 169. Resolution disapproving the alternative plan for pay adjustments for Federal employees under statutory pay systems recommended by the President to Congress on August 31, 1971.

By Mr. EAGLETON, from the Committee on the District of Columbia, without amendment:

S. 2652. A bill to provide an elected Mayor and City Council for the District of Columbia, and for other purposes (Rept. No. 92-390).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. BENTSEN, from the Committee on Armed Services:

Dudley C. Mecum, of Massachusetts, to be an Assistant Secretary of the Army.

Mr. BENTSEN. Mr. President, as in executive session, from the Committee on Armed Services, I report favorably the nominations of 15 flag and general officers in the Army and Navy. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER (Mr. Nelson). Without objection it is so ordered.

The nominations, ordered placed on the Executive Calendar, are as follows:

Lt. Gen. John Arnold Heintges, Army of the United States (major general, U.S. Army); to be placed on the retired list, in the grade of lieutenant general;

Col. Edwin Howell Smith, Jr., Dental Corps, U.S. Army, for appointment as Assistant Surgeon General, U.S. Army, as major general, Regular Army of the United States, and as major general in the Army of the United States;

Col. Surindar Nath Bhaskar, and Col. Jack Paden Pollock, Dental Corps, U.S. Army, for appointment in the Regular Army of the United States, in the grade of brigadier general;

Rear Adm. Frederick J. Harlfinger II, U.S. Navy, for command and other duties determined by the President, for appointment to the grade of vice admiral while so serving; and

Gayle T. Martin, and sundry other Reserve officers of the U.S. Navy, for permanent promotion to the grade of rear admiral.

Mr. BENTSEN. Mr. President, in addition, I report favorably 201 appointments in the Army in the grade of major and below; 400 promotions to the grade of captain in the Navy; and 631 appointments in the Marine Corps in the grade of colonel and lieutenant colonel. Since these names have already appeared in the Congressional Record, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Vincent R. Aceto, and sundry other persons, for appointment in the Regular Army of the United States;

William Benjamin Abbott III, and sundry other officers, for promotion in the U.S. Navy;

Lewis H. Abrams, and sundry other officers, for appointment in the U.S. Marine Corps; and

Louis R. Abraham, and sundry other officers, for appointment in the U.S. Marine Corps.

By Mr. SAXBE, from the Committee on Armed Services:

Robert M. Duncan, of Ohio, to be judge, U.S. Court of Military Appeals.

By Mr. MAGNUSON, from the Committee on Commerce:

Rush Moody, Jr., of Texas, to be a member of the Federal Power Commission; and

Harold B. Scott, of Connecticut, to be an Assistant Secretary of Commerce.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BENTSEN:

S. 2657. A bill to amend title 18 of the United States Code to define and limit the exclusionary rule in Federal criminal proceedings. Referred to the Committee on the Judiciary.

By Mr. HATFIELD:

S. 2658. A bill to amend the Internal Revenue Code of 1954 to exempt from tax the first $25,000 of corporate income. Referred to the Committee on Finance.

By Mr. BAYH (for himself, Mr. Beall, Mr. Brooke, Mr. Case, Mr. Church, Mr. Cooper, Mr. Cranston, Mr. Hart, Mr. Hartke, Mr. Humphrey, Mr. Kennedy, Mr. Moss, Mr. Muskie, Mr. Pastore, Mr. Scott, Mr. Stevenson, Mr. Tower, and Mr. Tunney):

S. 2659. A bill to provide for a procedure to investigate and render decisions and recommendations with respect to grievances and appeals of employees of the Foreign Service. Referred to the Committee on Foreign Relations.

By Mr. HARTKE (for himself, Mr. Hughes, and Mr. Thurmond):

S. 2660. A bill to amend title 38 of the United States Code to provide equality of treatment for married female veterans. Referred to the Committee on Veterans' Affairs.

By Mr. JORDAN of North Carolina:

S. 2661. A bill to authorize expenditures from the contingent fund to improve the payroll and personnel system of the Senate. Referred to the Committee on Rules and Administration.

By Mr. MOSS (for himself and Mr. Miller):

S. 2662. A bill to promote the foreign policy of the United States by improving the Foreign Service personnel system of the Department of State and U.S. Information Agency through the establishment of an equitable appeals procedure for officers and employees in the matters of adverse actions and grievances. Referred to the Committee on Foreign Relations.

By Mr. HUMPHREY:

S. 2663. A bill to provide for the conveyance of all right, title, and interest in certain lands to present owner or owners of record. Referred to the Committee on Interior and Insular Affairs.

By Mr. TOWER:

S. 2664. A bill to amend the Communications Act of 1934. Referred to the Committee on Commerce.

By Mr. SAXBE:

S. 2665. A bill for the relief of Gaston Landry. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENTSEN:

S. 2657. A bill to amend title 18 of the United States Code to define and limit the exclusionary rule in Federal criminal proceedings. Referred to the Committee on the Judiciary.

Mr. BENTSEN. Mr. President, I think all of us are tired of cases where we have seen obviously guilty criminals released by the courts on technicalities.

With that in mind, I am introducing today legislation to amend title 18 of the United States Code, by providing a new section dealing with the exclusion of evidence in Federal criminal cases.

Recently, in his opinion in the Bivens case, Chief Justice Burger challenged the Congress to take up the problems posed by the exclusionary rules and to provide some legislation.

This is exactly what my bill intends to do. It would provide the courts with an opportunity to weigh the gravity of the crime charged to a defendant and then consider the seriousness and circumstances of the offense in seizing or searching for evidence. The court would then make a relative decision on the admissibility of the evidence involved.

In substance, I propose that the courts be given greater latitude in decisions on admissibility of evidence.

My bill removes us from the unreasoning straitjacket in which the present exclusionary rule has placed us.

It follows the conclusion of Justice Jackson when he declared—

> Rejection of the evidence does nothing to punish the wrongdoing official, while it may and likely will release the wrongdoing defendant. It deprives society of its remedy against one lawbreaker because he has been pursued by another. It protects against whom incriminating evidence is discovered, but does nothing to protect innocent persons who are victims of illegal but fruitless searches.

The present exclusionary rule was first made binding on Federal courts in Weeks against United States in 1914. The court therein held that any evidence obtained in violation of the fourth amendment may not be introduced against a defendant in Federal criminal proceedings. This rule was later expanded in 1961 in the case of Mapp against Ohio under the due process clause of the 14th amendment to extend it to the State courts.

The intended purposes of the exclusionary rule are twofold: First, to preserve the judicial process from contamination, and second, to serve as a sanction against violators of defendants' constitutional rights and thereby reduce violations of the search and seizure rule.

There can be no quarrel with these purposes. But often the intended results and the actual results of the rule have been something quite different.

Exclusion or suppression of evidence frequently occurs in cases where law enforcement personnel have violated the 14th amendment in seizing evidence. It is of no concern whether the violations were intentional or not.

Tragically, this rule has forced courts into an arbitrary posture which actually allows the guilty in some cases to go scot free, while failing to penalize the policeman who violated the suspect's rights.

I am well aware that the hue and cry against the abuses and alleged abuses within our Federal system can be fully as unreasonable as the abuses themselves.

But there can be no question that the

arbitrary nature of the exclusionary rule diminishes respect for our laws and our courts.

We simply cannot allow our system of criminal justice to become a game in which the slickest stratagems can save the most blatantly guilty individual.

The exclusionary rule has become an inflexible loophole through which a criminal can walk to freedom. In my opinion, the time has come to plug that loophole with a fair and workable alternative to the suppression doctrine. We have the opportunity here to contribute to an improved system of justice in our Nation.

Let me state in the clearest possible terms that my proposal is in no way designed to skirt or dilute the constitutional rights of any citizen. I am persuaded that responsible and effective law enforcement does not depend on compromising the guarantees built into our system. Rather, this bill seeks to afford the courts more flexibility in determining reasonable standards relating to the suppression doctrine—standards which would be fully subservient to the test of constitutional validity.

Perhaps the key words in all of this are checks and balances, those fundamental precepts so important in our American system.

The intent of this bill is to protect the rights of the accused without forfeiting the rights of the victim, because in seeking to restrain the wrongdoing policeman, the courts have frequently succeeded in defeating justice by frustrating the prosecution of a wrongdoing criminal.

> The criminal is to go free because the constable has blundered.

How many times has every law student in the United States heard those words of Justice Cardozo—so many times that they have become cliche.

But cliches are not without value, and Justice Cardozo's famous statement finds an answer from Chief Justice Burger who said—

> We can well ponder whether any community is entitled to call itself an organized society if it can find no way to solve this problem except by suppression of the truth in search for truth.

The incredible effects of the exclusionary rule have been seen in any number of cases.

In a 1958 case, here in the District of Columbia, Miller against U.S., a narcotics peddler—a pusher—was arrested and evidence was seized that conclusively proved his guilt. But the evidence was excluded and the conviction subsequently overturned because the officers failed to state properly their authority or to give sufficient notice.

The court held that the police must make an "express announcement" before entering and making an arrest.

In other words, an officer fails to speak in a loud enough voice or utter a few extra words and as a result a criminal is set free.

In another instance, U.S. against Ravich, a warrant is held defective and the evidence is excluded because it authorizes only daytime searches and the evidence was seized at night. It is of no consequence that the showing made to the magistrate would have justified a nighttime warrant anyway.

Thus, a technicality goes unobserved in administering a warrant, and a convicted bank robber therefore goes free.

A study of narcotics cases in one of our largest cities showed that over one-third of the cases considered were disposed of by suppression of the evidence presented against the defendant. As a result, known narcotic offenders are returned to the street without even having to stand trial.

This parade of injustices could go on to no end. The simple, unvarnished truth is that we have overstepped the bounds of reason in seeking to preserve the rights of the accused and are undermining the pursuit of justice in the process.

The exclusionary evidence rule as now applied in the U.S. courts is unique to our system of jurisprudence. The English, one of the most civilized of modern nations with a preeminent concern for individual liberties has no such rule. The French with their zeal to protect the integrity of the individual has no such provision.

The inequities in the present rule are glaring. The remedy provided by my bill is both simple and effective.

This legislation would require a court to consider the gravity of any fourth amendment violation before suppressing the evidence involved.

In determining whether to admit or suppress certain evidence, the court would consider such factors as the extent to which the violation was willful, the extent to which it deviated from sanctioned conduct, and the extent to which it invaded the privacy of the defendant or prejudiced the defendant's ability to defend himself.

Other factors to be considered would be the extent to which suppression would deter such violations in the future and whether the evidence seized would have been discovered despite the violation.

In effect, then, the guarantees and protection secured by the fourth amendment would continue to be protected under this bill.

I am not seeking to repeal the fourth amendment. I am seeking, however, to restore some semblance of reason and balance to the rules by which we administer the fourth amendment to see that justice is done.

I am seeking to insure that a criminal does not go unpunished simply because a policeman violates some minor rubric in obtaining clear physical evidence of his guilt.

Many eminent jurists and legal scholars have studied this issue and I am confident that the bill will have their support.

The American Law Institute, for instance, advocates a revision of the exclusionary rule in order to provide greater leeway for the courts in determining fourth amendment violations. That is the kind of support this effort has.

It would be tempting for us to cling to the practices of the past without raising a question—to stand pat with the present rules of evidence and all of their abuses simply for the cause of consistency.

Such reaction brings to mind the statement of Justice Holmes on a certain intransigent legal opinion:

> It is revolting to have no better reason for a rule of law than it was laid down in the time of Henry IV. It is still more revolting if the grounds upon which it was laid have vanished long since, and the rule simply persists from blind imitation of the past.

The exclusionary rule must be modified. We must restore a balance between the treatment accorded the victims of crime and the protection afforded the perpetrators of crime.

My bill does this and I urge the Senate to give it prompt and favorable consideration.

By Mr. HATFIELD:

S. 2658. A bill to amend the Internal Revenue Code of 1954 to exempt from tax the first $25,000 of corporate income. Referred to the Committee on Finance.

INTRODUCTION OF SMALL BUSINESS TAX INCENTIVE

Mr. HATFIELD. Mr. President, I send to the desk a bill and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

Mr. President, with the announcement of President Nixon on August 15, regarding his administration's new economic initiatives, added attention has been focused on our domestic needs. Essential to the vitality of our economy, both historically and today, is the strength of small businesses across the country. As a member of the Select Committee on Small Business, I have become especially aware of this.

For the small business this is a time of fighting for survival: while corporations with incomes above $1 billion have shown recent profit increases of 16 percent, those with incomes below $1 billion have shown profit declines of 19 percent, and those with incomes below $1 million have shown profit declines of 40 percent.

Proposals to stimulate the economy which have focused on business have done so in a general way, being of particular benefit to big businesses. And as the earlier mentioned figures indicate, particular incentive must be supplied to owner-manager small business. At present, the corporate tax laws provide a 22-percent tax on the first $25,000 of net income with a 48-percent tax on income above that. Of course, income paid out to stockholders is taxed as ordinary income. But for the small business, this may mean anywhere from 22 to 48 percent of business profits are taxed when earned in a family business and then taxed again when withdrawn from the business at ordinary income tax rates running up to 70 percent.

To give a better break to small business, I propose that the first $25,000 of corporate business income be tax-free, as it would be if the business were organized as a partnership, even though any money withdrawn from the business in dividends would be taxed as usual. This would provide more immediate capital for small businesses to survive and expand and would only be a miniscule bonus for the larger corporations, some $5,000.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 11(b) of the Internal Revenue Code of 1954 is amended by striking out "the taxable income" and inserting in lieu thereof "the amount by which the taxable income exceeds the normal tax exemption (defined in subsection (f)) for the taxable year".

(b) Section 11 of such Code is amended by adding at the end thereof the following new subsection:

"(f) Normal Tax Exemption.—For purposes of this subtitle, the normal tax exemption for any taxable year is $25,000."

(c)(1) Section 1551(a) of such Code is amended by inserting after "disallow" the following: "the normal tax exemption (as defined in section 11(f)),".

(2) The caption of section 1551 is amended to read as follows:

"Sec. 1551. Disallowance of Normal Tax Exemption, Surtax Exemption, or Accumulated Earnings Credit."

(3) The table of sections for part I of subchapter B of chapter 6 is amended by striking out the item relating to section 1551 and inserting in lieu thereof the following:

"Sec. 1551. Disallowance of Normal Tax Exemption, Surtax Exemption, or Accumulated Earnings Credit."

Sec. 2. The amendments made by this Act shall apply with respect to taxable years beginning after December 31, 1971.

By Mr. HARTKE (for himself, Mr. Hughes, and Mr. Thurmond):

S. 2660. A bill to amend title 38 of the United States Code to provide equality of treatment for married female veterans. Referred to the Committee on Veteran's Affairs.

Mr. HARTKE. Mr. President, today I introduce legislation to eliminate sex discrimination in veteran's benefits. It has recently come to my attention that title 38 of the United States Code contains certain provisions which discriminate on the basis of sex. While the male veteran is entitled under various provisions of the code to additional compensation or educational assistance allowances if he is married, no such rule applies for a female veteran generally. She may receive additional benefits only if her husband is incapable of self-maintenance and is permanently incapable of self-support due to mental or physical disability.

This is, of course, inherently discriminatory, makes no sense, and often works a great hardship on the young family trying at the same time to make ends meet and attend school. The result of this discrimination is all too evident. Recently, I received a letter from a young woman who after serving in the U.S. Navy entered college and began receiving benefits under the GI bill. She wrote:

> Three months ago I married, and my husband is a full-time student as well. Under the provisions of the GI Bill, married veterans attending college on a full-time basis receive $205 monthly for educational assistance. However, because I am a female I am not entitled to this amount, but instead receive only $175.
>
> According to law, I am ineligible for increased benefits because I am a woman, and it is assumed that a woman is a dependent of her husband. My husband does not work. Yet I am unequal to my fellow veterans in the eyes of the law. College expenses are extremely demanding especially when a married couple has no income. Yet the discriminatory policy of the GI Bill would ease this burden if I were a man.
>
> I contend that the law is unjust, and I am entitled to the same rights as other veterans. Since an imbalance does exist, it is my responsibility to protect my rights and the rights of other women under the Constitution.

Mr. President, the bill which I introduce today would eliminate this discrimination, and provide equal treatment for women veterans. It should also be noted that this bill would eliminate certain discriminations that presently operate against men as well. Under the current law, additional requirements are imposed in the case of husbands and widowers. My bill would provide that benefits for husbands and widowers of female veterans would become payable under the same conditions that now apply to wives and widows of male veterans.

The Veterans' Administration recently acceded to this point of view when it stated:

> On the principle that Veterans' Administration benefits are designed to cushion family living standards for the loss of, or lessened income stemming from the veteran's disability, school attendance or death, it would seem appropriate to drop the requirement of actual dependency for the husbands or widowers of veterans' wives.

The Veterans' Administration further acknowledges that a revision of current law would make it easier to administer since dependency determinations require considerable effort and time and are difficult to administer. Beyond this, however, is my own view that such discrimination is plainly unconstitutional. The existing law must be particularly galling to those women who have volunteered and served their country so faithfully in order to preserve the Constitution.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the Record immediately following these remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2660

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102 of title 38, United States Code, is amended as follows:

(1) Subsection (b) thereof is amended to read as follows:

"(b) For the purposes of this title, (1) the term 'wife' includes the husband of any female veteran; and (2) the term 'widow' includes the widower of any female veteran."

(2) The heading of said section is amended to read as follows:

"§ 102. Dependent parents; husbands".

Sec. 2. The analysis of chapter 1 of title 38, United States Code, is amended by striking out

"102. Dependent parents and dependent husbands."

and inserting in lieu thereof

"102. Dependent parents; husbands."

By Mr. MOSS (for himself and Mr. Miller):

S. 2662. A bill to promote the foreign policy of the United States by improving the Foreign Service personnel system of the Department of State and U.S. Information Agency through the establishment of an equitable appeals procedure for officers and employees in the matters of adverse actions and grievances. Referred to the Committee on Foreign Relations.

Mr. MOSS. Mr. President, I am today introducing a bill to amend title VI of the Foreign Service Act of 1946 in order to establish an equitable appeals procedure for officers and employees of the Foreign Service in matters of adverse actions and grievances.

In the last 3 months, the press has reported almost on a daily basis about the state of affairs in the personnel system of the Foreign Service. The central fact which has emerged is that Foreign Service personnel have no appropriate appeals procedure which they can invoke to assure that their records have been maintained correctly and that judgments of selection panels are made on the basis of all the facts.

In the case of Charles W. Thomas, a veteran Foreign Service officer with a brilliant military and scholastic record, it developed that he was fired through selection out because he had not been promoted for 8 years. Yet, one of the main reasons, it now appears, for his failure to be promoted was the misfiling of highly laudatory reports about his Foreign Service record in the dossier of another Charles Thomas.

The Department of State has now finally acknowledged that the records of Foreign Service Officer Willard Brown also had been lost for several years, so that he also was passed over for promotion and was fired through selection out. When Mr. Brown indicated he would sue the State Department, to obtain compensation, the State Department proposed that it would seek to make amends by promoting him to Foreign Service Officer Class 1 and retain him on the rolls for a sufficient time to compensate him for his monetary losses. Mr. Brown however rejected this solution and insisted on a retroactive promotion. To achieve this, the State Department has now requested Congress to pass a private bill—S. 2359 introduced on July 28 by Senator Tower—for his relief.

Excerpts from the transcript of the hearings in the John Hemenway case have also appeared in the press, indicating that in recent years Foreign Service officers have been fired through selection out on the basis of documents which, contrary to law and regulations, were placed into their files without their knowledge. It has been reported in the press that, in several instances, the Department had denied the officers access to records on the grounds that they were internal documents and would not be available either to the officers or the selection boards. Yet, subsequently, the Department forwarded these documents to the selection boards which based their adverse ratings primarily on the material contained in these internal documents.

Newspapers, the television, and a national news magazine recently reported on the denial of due process to Foreign Service Officer Allison Palmer, who had suffered discrimination because of sex.

I understand that these dramatic and glaring instances of denial of due process are not unique but representative of at least several scores of other cases which have not yet been publicized. It is thus evident that the situation in the personnel system of the Foreign Service needs urgent correction.

My bill seeks to do this by establishing appropriate appeals procedures to handle both grievances and adverse actions within the State Department. In addition, in the serious case of adverse actions resulting in the firing of Foreign Service officers, whether by selection out or for cause, my bill would establish a review mechanism outside the State Department.

This review mechanism, entitled "The Adverse Actions Appeals Board," would have final jurisdiction over appeals of Foreign Service officers and employees subjected to adverse actions. The Board would have the power to review and reverse all adverse actions, including selection out, and its decisions would bind the Secretary of State, the Director of the U.S. Information Agency, and the Director General of the Foreign Service.

Because Foreign Service officers and Foreign Service information officers are appointed and promoted by the President of the United States with the advice and consent of the Senate, my bill provides a role for the Congress in the designation of two members of the Board. For this reason, the Board would be composed of one of the Civil Service Commissioners, or his designee, acting as Chairman, and one person each nominated respectively by the chairman of the Senate Foreign Relations Committee and the chairman of the House Foreign Affairs Committee. These latter two members would be appointed to serve readily on call for periods of not more than 2 years. To assure full access to all information, the Board would have the power to issue subpenas and to require attendance and shall take testimony by transcript and under oath. Under my bill, the Department of Justice would render every service the Board requested in carrying out its functions.

As a further protection, my bill would extend to the Foreign Service the safeguards regarding appeals included in the Veterans Preference Act of 1944. That act, originally intended to assure our veterans employment rights and protections in the Federal service, established an appeals mechanism to assure that these provisions were enforced. These protections have been extended, by executive order, since then, to all civilian employees in the Federal competitive service. However, they do not apply as yet to the Foreign Service.

There is one other provision in my bill to which I wish to call special attention. It appears as section 706 and, in my opinion, is so important that I wish to quote it here. It is entitled "prolongation of appeal right" and reads as follows:

> Any employee "selected out" prior to the effective date of this Act under sections 631 and 637 of the Foreign Service Act of 1946, as amended, shall have the right to avail himself of the provisions of this Act relating to "adverse actions," notwithstanding any other statutes of limitations, for one additional year subsequent to the date of enactment of this Act. In the event of the death of the "selected out" officer prior to the date of enactment of this Act, the appeal may be filed on his behalf by the surviving dependent or annuitant.

The purpose of that provision is to assure that injustices which have occurred in the past can be corrected by the appeals mechanism which this bill would authorize and will not need to be submitted to the Congress in the form of a host of private bills, such as in the case of Foreign Service Officer Willard Brown.

I am most pleased that the Foreign Relations Committee intends to hold hearings on the problems of the Foreign Service personnel system this week. I understand that one of the other bills which the Foreign Relations Committee will be considering is S. 2023 introduced by Senators Bayh, Cooper, Humphrey, and Scott. My bill differs from S. 2023 primarily in providing for an appeals mechanism outside the State Department as well as within it; by extending the Veterans Preference Act to the Foreign Service; and by the prolongation of the appeal right.

Because of the imminence of the hearings by the Foreign Relations Committee and the deep interest in the Senate on the issues of due process, I ask unanimous consent to insert in the Record at this point the full text of my bill.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2662

A bill to promote the foreign policy of the United States by improving the Foreign Service personnel system of the Department of State and United States Information Agency through the establishment of an equitable appeals procedure for officers and employees in the matters of adverse actions and grievances.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

STATEMENT OF POLICY

Section 1. It is the policy of Congress that officers and employees of the Foreign Service personnel system of the Department of State and United States Information Agency are entitled to the same career principles of an appeals procedure in personnel matters as other Federal employees, including the right of review of decisions in adverse actions outside the agency involved.

Sec. 2. It is the further policy of Congress that it is improper to deny to veterans of the uniformed military services employment opportunities and appeals procedures within the Foreign Service which are accorded them in the classified and competitive services of the United States.

VETERANS PREFERENCE

Sec. 3. In conformance with the policy enunciated in Section 2, the Veterans Preference Act of 1944 shall apply to all career appointments and assignments under the Foreign Service Act of 1946 as amended. It shall also apply to all adverse actions taken against veterans, including but not limited to "selection out" or other form of removal from, or termination of, employment; suspensions for more than 30 days; and reductions in rank or pay or withholding of normal within-grade step increases.

ADVERSE ACTIONS APPEALS PROCEDURES

Sec. 4. In conformance with Sections 1 and 2 of this Act, Title VI of the Foreign Service Act of 1946, as amended, is amended by adding at the end thereof the following part:

"Appeals Procedures for Adverse Actions and Grievances

"PART J

"Sec. 691. When used in this part, the term—

"(1) 'Employee' means any officer or employee of the Foreign Service who is a citizen of the United States and appointed or employed under the provisions of this Act;

"(2) 'Board' means the 'Foreign Service Adverse Actions Appeals Board' established under this Act with binding appellate jurisdiction.

"(3) 'Committee' means the 'Foreign Service Adverse Actions Appeals Committee' established under this Act which shall have initial jurisdiction over adverse actions.

"(4) 'Panel' means the 'Foreign Service Grievances Appeals Panel' established under this Act; which shall have jurisdiction over grievance appeals.

"(5) 'Adverse Action' means any removals, whether by 'selection out' or by other means of involuntary termination of employment; denial of normal within-grade step increases; or suspensions for more than 30 days; or reductions in rank or pay.

"(6) 'Grievance' means any complaint, except for 'adverse action' brought by any officer or employee against any injustice, unfair treatment, or aspect of work arising from employment or career status, or from any actions, documents or records which could result in career impairment or damage, monetary loss to the employee, or deprivation of basic due process.

"ADVERSE ACTIONS APPEALS BOARD

"Sec. 692. (a) There shall be established a Foreign Service Adverse Actions Appeals Board which shall have appellate and final jurisdiction over appeals involving adverse actions. The Board shall have the power to review and reverse all adverse actions, including 'selections out,' and its decision shall bind the Secretary of State, the Director of the United States Information Agency and the Director General of the Foreign Service.

"(b) The Board shall be composed of one of the Civil Service Commissioners or his designee, acting as chairman, and one person each nominated respectively by the chairman of the Senate Foreign Relations Committee and the chairman of the House Foreign Affairs Committee and appointed to serve readily on call for periods of not more than two years. All designees shall be compensated, when on duty, at the rate paid to top grade in the General Schedule. The Board shall have power to issue subpenas and to require attendance and shall take testimony by transcript and under oath. The Department of Justice shall render every service the Board requests in carrying out its functions.

"(c) Office space and all clerical and other support services shall be supplied to the Board by the Civil Service Commission and the General Services Administration.

"(d) Except in extraordinary cases, the Board shall not act as the original appeals hearing body in adverse actions. In all cases appealed to it, however, the Board shall consider the merits of the cases *de novo* and shall permit any and all evidence to be introduced by the parties to the appeal. In extraordinary cases, the Board may act as the original appeals hearing body in adverse actions but shall have the prior consent of either the Chairman of the Civil Service Commission, or the Chairman of either the Senate Foreign Relations Committee or the House Foreign Affairs Committee before seizing original jurisdiction over any appeal.

"ADVERSE ACTIONS APPEALS COMMITTEE

"SEC. 693 (a) There is established within the Department of State a Foreign Service Adverse Actions Appeals Committee which shall be directly responsible to the Secretary of State. All expenses of the Committee, including compensation of the witnesses for travel and appearance before the Committee, shall be assigned to the Secretary of State.

"(b) There is separately established with the United States Information Agency a Foreign Service Adverse Actions Appeals Committee which shall be directly responsible to the Director of the United States Information Agency. All expenses of the Committee, including compensation of witnesses for travel and appearance before the Committee, shall be assigned to the Director of the United States Information Agency.

"(c) The Committee shall have original jurisdiction over all adverse action appeals by members of the Foreign Service. It shall yield original jurisdiction to the Board only under conditions complying with Section 692 (d) of this Act.

"(d) (1) The Committee shall consist of the following three members:

"(A) a member designated by the Federal Mediation and Conciliation Service who shall be the chairman;

"(B) a member designated by the Department of State or, in matters involving its own personnel, by the United States Information Agency;

"(C) a member designated by the employee filing the complaint

"(2) A member designated under clause (A) or (B) of paragraph (1) of this subsection shall serve for a term of two years, except that if any such member is designated to fill a vacancy occurring before the expiration of the term for which his predecessor was designated, he shall serve for the remainder of such term.

"(3) The member appointed under clause (C) of such paragraph shall only serve until the complaint of the employee designating the member has been disposed of. Any member designated under such clause (C) is not required to be an officer or employee of the Government. If he is not such an officer or employee, that member shall receive from the Department or United States Information Agency compensation up to the maximum rate for Consultants (including traveltime) during the time he is performing duties as a member of the Committee.

"(4) A member of the Committee may be redesignated. Each member shall be reimbursed by the Department or United States Information Agency for travel, subsistence, and other necessary expenses incurred in the peformance of his duties.

"(5) A decision, finding, or recommendation of the Commitee shall be made only upon a vote of at least two members.

"(e) A member designated under subsection (d) (1) (A) or (B) of this section shall disqualify himself from sitting in any case in which a substantial question exists as to the impartiality or objectivity of that member. If so disqualified, or in case of the inability or unwillingness for any other reason of any member of the Committee to serve or continue to serve in a particular case, an alternate member—

"(1) shall be designated in the same manner in which the member who is disqualified or unable or unwilling to serve was designated;

"(2) shall be designated within ten days (excluding Saturdays, Sundays, and holidays) after the date on which the member for whom he is an alternate is disqualified or is unable or unwilling to serve, in the case of a member designated under subsection (c) (1) (C) of such section; and

"(3) shall only serve until that case is disposed of.

"(f) Designations to fill vacancies shall be made in the same manner in which the original designations were made.

"(g) The chairman of the Committee—

"(1) shall have the administrative responsibility for assigning the business of the Committee to the other members and to the employees of the Committee; and

"(2) may obtain such facilities and supplies, and appoint and fix the compensation of such employees, as may be necessary to permit the Committee to carry out the provisions of this part. Such employees shall be appointed and compensated in accordance with the provisions of title 5, United States Code.

"(h) All expenses of the Committee, including compensation, shall be paid out of funds appropriated to the Department and United States Information Agency.

"(i) The records of the Committee shall be maintained by the Committee and shall be separate from the personnel and other records of the Department (including records of the Service). Except as otherwise provided in this part, no notation of any pending or concluded action by the Committee shall be placed in the personnel records of any employee connected with such action in any way.

"GRIEVANCES PANEL

"SEC. 694. (a) There is established respectively and separately within the Department of State and in the United States Information Agency a Foreign Service Grievances Appeals Panel which shall be respectively responsible to the Secretary of State and the Director of the United States Information Agency.

"(b) The Panel shall be comprised of three members who shall be designated in a manner identical with the designation of the three members of the committee and whose terms of office, rules of procedure and evidence and compensation shall be identical with those described for the Committee under Section 693(d) of this Act.

"FREEDOM FROM RESTRAINT; RIGHT TO COUNSEL; REVIEW OF EMPLOYEE RECORDS

"SEC. 695. (a) An employee filing a complaint under this part shall be free from any restraint, interference, coercion, discrimination, or reprisal in presenting his complaint, or by reason of it.

"(b) The employee has the right to a representative of his own choosing to advise him, represent him, and accompany him as necessary, at every stage of the proceedings under this part. The employee's representative need not be an attorney at law or an officer or employee of the Government.

"(c) Witnesses and other persons involved in proceedings under this part shall be free from any restraint, interference, coercion, discrimination, or reprisal in taking part in such proceedings or by reason thereof.

"(d) The chairman of the Committee or Panel shall have the authority to review all personnel records of any employee taking part in complaint proceedings in order to insure that no reference of such participation is in any manner included in such employee's personnel records. Any such employee shall have the right to request the chairman to make and the chairman shall make, such a review.

"FILING OF COMPLAINTS; ACCESS TO DOCUMENTS

"SEC. 696. (a) No particular form is required for any complaint filed by an employee under this part. Such a complaint, however, shall be in writing. The following may be included in the complaint:

"(1) the employee's name, his foreign service category and any employee group designation within that category, his class, post of current duty, and the date, if known, of departure from the post of current duty;

"(2) a statement, with reasons, explaining the employee's complaint;

"(3) evidence supporting the employee's complaint, which may include, but is not limited to, copies of official records and statements of witnesses; and

"(4) the designation of the member of the Committee which the employee is authorized to make under section 693 or of the Panel under Section 694 of this Act.

"(b) If any matter referred to in subsection (a) of this section has not been included in the complaint, the Committee or Panel may request that the matter be furnished within thirty days after the request is made by the Committee or Panel. If the matter requested is the designation of a member of the Committee or Panel by the employee, and the employee does not furnish such designation within thirty days, the complaint of the employee shall be considered withdrawn.

"(c) The complaint and any written statement or document submitted in connection therewith by the employee, a witness, or any officer or employee of the Department of State or the United States Information Agency shall be subject to the provisions of sections 287, 1001, 1621 and 1622 of title 18, United States Code.

"(d) In order to determine the validity of the complaint, the Committee or the Panel shall have access to any document or information considered by the Committee or Panel to be relevant to the complaint, including the personnel records of the employee, and of any rating and or reviewing officer (if the subject matter of the complaint relates to that officer), or any other document or information requested shall be provided by the Department of State or the United States Information Agency within five days (excluding Saturdays, Sundays, and holidays). A rating officer or reviewing officer shall be informed by the Committee or Panel if any report for which he is responsible is being examined.

"(e) The Department of State or United States Information Agency shall furnish the employee within fifteen days (excluding Saturdays, Sundays and holidays) from the date of request therefor any document or information which the employee considers necessary to the development of his evidence. In no event, however, shall the employee be furnished personnel records of any officer or employee of the Government.

"(f) The Department of State or United States Information Agency shall expedite action on any security clearance necessary for the purpose of allowing any member of the Committee or Panel, the employee, his counsel, or any witnesses to have access to classified material.

"RULES OF EVIDENCE

"SEC. 697. (a) The Committee or Panel may consider any relevant evidence coming to its attention, whether or not such evidence has been formally presented to it. The employee shall, however, be advised of all evidence considered by the Committee or Panel and shall be given a reasonable opportunity to rebut it.

"(b) In its investigation of a complaint, the Committee or Panel shall be guided by the principle of relevance. It shall not be limited in its investigation by the rules of evidence as applied in courts of law to either criminal or civil proceedings. Cases of doubt shall be resolved in favor of admissibility.

"(c) Testimony may be received by the Committee or Panel in the form of sworn affidavits or in the form of unsworn statements. A copy of any such affidavit or statement not furnished by the employee shall be provided to the employee. Submission of any affidavit or statement by the employee shall not affect his right to a hearing under section 698 of this Act.

"(d) The chairman of the Committee in adverse actions or Panel in grievances shall have the authority to review all personnel records of any employee taking part in complaint proceedings in order to insure that no reference of such participation is in any manner included in such employee's personnel records. Any such employee shall have the right to request the chairman to make, and the chairman shall make, such a review.

"HEARINGS

SEC. 698. Any employee may request the Committee or Panel to hold a hearing. If any such request is made within thirty days after the employee files his complaint, the Committee or Panel shall hold the hearing as soon thereafter as practicable. In the further exercise of its responsibility in regard to the conduct of any of its hearings, the Committee or Panel shall apply the following rules—

"(1) The Chairman of the Committee or Panel shall have the responsibility for notifying all interested parties of the date of the hearing at least ten days (excluding Saturdays, Sundays, and holidays) prior thereto.

"(2) Hearings shall be open unless the employee requests otherwise.

"(3) Except as provided in paragraph (4) of this section, the employee is entitled to be present at the hearing if he desires and be represented by some one of his own choosing as well. At any time he is not present, the employee shall be represented at the hearing by counsel.

"(4) Hearings shall be conducted in an orderly manner, and the Chairman may exclude or expel any person from the hearing for contumacious conduct or misbehavior that obstructs the hearing.

"(5) Testimony at hearings shall be given under oath or affirmation, which the Chairman shall have authority to administer.

"(6) Each party shall have the right to examine and cross-examine all witnesses. The Chairman shall adjourn the hearing, if necessary, in order to obtain evidence of witnesses outside the metropolitan area of Washington, District of Columbia. The evidence of witnesses may be by deposition on notice before any official in the United States authorized to administer an oath or affirmation, or, in the case of witnesses overseas, by deposition on notice before an American consular officer. However, in 'selection out' cases, the employee has the right to insist on cross-examination, in which case the Committee shall require the presence of a witness and the Department of State or the United States Information Agency shall arrange for the attendance of the witness.

"(7) Where the Department of State or the United States Information Agency determines that it is not practicable to comply with the request of the Committee or Panel to make an employee available as a witness, it shall notify the Committee or panel in writing of the reasons for its determination. If, in the Committee or Panel's judgment, compliance with its request is essential to a full and fair hearing, it may postpone the hearing for a reasonable period of time. The Committee or Panel shall notify the Department of State or United States Information Agency of the reasonable period within which the witness is to be made available, and that failure to comply with the request shall be construed as an admission of the facts at issue in favor of the employee. If the Department of State or United States Information Agency then fails to make the witness available within such period, such facts shall be so construed and the Committee or Panel shall automatically find in favor of the employee.

"(8) The hearing and any depositions shall be recorded and transcribed verbatim, the cost to be borne by the Department of State or United States Information Agency, and a copy of the transcript shall be furnished to the employee without charge.

"(9) The Committee or Panel shall keep a minute book of its disposition of all complaints, and shall keep in its permanent custody the full record of all its investigations.

"(10) Service on the Committee or Panel shall be considered official duty status. Hearing time shall be considered official duty time. The employee and his representative, if a Government employee, shall be afforded reasonable official time to prepare and present the evidence in furtherance thereof.

"SUSPENSION OF DEPARTMENTAL ACTION

"SEC. 699. If, during its investigation, the Committee or Panel determines that (1) the Department of State or United States Information Agency is considering any action (including any action that may lead to separation or termination of the employee or any action with respect to post-promotion board or post-selection board procedures) which is related to, or may affect, an investigation of a complaint before the Committee or Panel, and (2) the action should be suspend, the Department of State or United States Information Agency shall suspend such action until the Committee or Panel has ruled upon such complaint.

"FINDINGS BY THE PANEL

"SEC. 700. The findings of the Panel shall be communicated to the Secretary of State, or the Director of the United States Information Agency, and shall be binding on them.

"FINDINGS BY THE COMMITTEE

"SEC. 701. The findings of the Committee shall be communicated to the Secretary of State, or the Director of the United States Information Agency. The Committee shall at this time forward the entire record of its investigation, including the transcript of the hearing, if any, to the Secretary or the Director with such recommendations for relief as it deems appropriate, including but not limited to—

"(a) permanently prohibiting any action suspended under section 699 of this Act;

"(b) removing from the employee's personnel record any efficiency, development appraisal report or any other document or record to which the employee has objection;

"(c) cancelling the rank in class assigned to the employee by Perfomance Evaluation Boards or Panels;

"(d) extending the time-in-class for the employee for a period sufficient to compensate the employee for the inequities suffered;

"(e) providing for retroactive within-grade step promotions to compensate the employee for losses in pay resulting from inequities suffered;

"(f) providing for immediate promotion of the employee to the next higher class;

"(g) any other recommendation in place of, or in addition to, the foregoing which the Committee considers to be justified in light of the particular facts of the case.

"SEC. 702. The Secretary of State, or the Director of the United States Information Agency, shall within thirty days of receipt of the findings of the Committee implement the findings of the Committee. In the event the Secretary of State or the Director of the United States Information Agency does not concur in the findings, he shall forward the entire record of the Committee, together with his reasons for non-concurrence, to the Foreign Service Adverse Actions Appeals Board for final action. Similarly, an employee can appeal a finding of the Committee to the Board within thirty days after notification of the finding.

"FINDINGS OF THE BOARD

"SEC. 703. The Board shall render its final judgment, binding on the Secretary of State or the Director of the United States Information Agency, within three months of receipt of its communication from the Secretary or the Director.

"RETENTION OF RECORDS

"SEC. 704. All records involving grievances shall be in the permanent custody of the Panel. All records involving adverse actions shall be in the permanent custody of the Committee, excepting that duplicate copies of records of matters brought to the Board shall be deposited permanently also with the Board.

"SEC. 705. No records involving grievances or adverse actions may be entered into the personnel records of employees unless the employees specifically request their inclusion in writing.

"PROLONGATION OF APPEAL RIGHT

"SEC. 706. Any employee 'selected out' prior to the effective date of this Act under sections 631 through 637 of the Foreign Service Act of 1946, as amended, shall have the right to avail himself of the provisions of this Act relating to 'adverse actions" notwithstanding any other statutes of limitations, for one additional year subsequent to the date of enactment of this Act.

"In the event of the death of the 'selected out' officer prior to the date of enactment of this Act, the appeal may be filed on his behalf by a surviving dependent or annuitant.

"CERTIFICATION TO DOCUMENTS IN PERSONNEL RECORDS

"SEC. 707. No document may be submitted to a selection panel without first having been shown to the officer being rated who shall signify that he has seen the document by signing each page of the document involved.

"RIGHT OF UNION REPRESENTATION

"SEC. 708. Unions of Foreign Service employees shall have the right to attend all Hearings of the Board, Committee and Panel as observers and, upon their written request, shall have the right to introduce testimony, comments, or evidence. In the event any union has exclusive recognition, it alone shall have this right and any other employee organization or union may participate as an observer only on a specific request of the employee filing an appeal.

"PENALTIES AND ENFORCEMENT

"SEC. 709. The Board, Committee or Panel, in addition to their communications to the Secretary of State or the Director of the United States Information Agency regarding relief for appellant employees, shall also recommend, where appropriate, disciplinary actions to be taken against other employees for the contravention by any person of any of the rights, remedies or procedures contained in this Act.

"SUPERSESSION OF OTHER PROVISIONS

"SEC. 710. In the event of conflict between the provisions of this Act and any other provision of the Foreign Service Act of 1946, as amended, the provisions of this Act shall have precedence and shall have the power of supersession."

By Mr. HUMPHREY:

S. 2663. A bill to provide for the conveyance of all right, title, and interest in certain lands to present owner or owners of record. Referred to the Committee on Interior and Insular Affairs.

Mr. HUMPHREY. Mr. President, I am today introducing legislation which authorizes and directs the Secretary of the Interior to convey by quitclaim deed and without compensation to the owners of record all right, title, and interest in certain lands situated in Hennepin County, Minn.

On March 3, 1947, the Federal Farm Mortgage Corporation by the Federal Land Bank of St. Paul deeded, by special warranty deed, this property to Kurt Topel and Esther Topel. The deed, however, reserved mineral rights and an ingress, egress easement which makes title to the property unmarketable.

Prior to September 6, 1957, the Federal Land Bank inquired of the property owners whether or not they wanted to repurchase the mineral rights and easement for the nominal consideration of $1. This was not done, and the mineral rights were deeded by quitclaim deed from the Federal Farm Mortgage Corporation to the United States of America. The deed is dated September 6, 1957.

Mr. President, the State of Minnesota says there are no minerals underlying the property in question. In view of this, and in view of the earlier offer to the property owners to repurchase the mineral rights and easement, I urge that this bill be acted upon favorably.

I ask unanimous consent, Mr. President, that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2663

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to convey by quitclaim deed and without compensation to the present owner or owners of record all right, title, and interest in the following described lands situated in Hennepin County, Minnesota: The Southwest ¼ of the Southeast ¼ of Section 7 and the Northeast ¼ of the Northeast ¼ of Section 18, excepting therefrom a parcel of land deeded to school district Number 86 described as follows: Beginning at the Northeast corner of said Section 18, thence West 8 rods, thence South 10 rods, thence East 8 rods, thence North to the place of beginning, all in Township 117, Range 24, excepting that part described as the West 220 feet of the South 231 feet of the Southwest ¼ of the Southeast ¼ of Section 7-117-24.

By Mr. TOWER:

S. 2664. A bill to amend the Communications Act of 1934. Referred to the Committee on Commerce.

Mr. TOWER. Mr. President, I introduce today legislation which amends section 308 of the Communications Act of 1934 by requiring that in instances where there are two or more qualified license applicants for a single television transmission channel, that there be mandatory comparative hearings held by the Federal Communications Commission at which all such competing applicants be afforded an opportunity to testify. At such a hearing each applicant may present affirmative evidence upon the single issue of proposed program service to the community in which the station is to be located. My primary reason for introducing this legislation is to clarify the intent of Congress that the overriding purpose of the Federal Communications Commission in administering this act, and more specifically its licensing procedures, is to provide for the general public the best possible broadcast service. And, while carrying out this task, the Commission must maintain that intricate balance of providing sufficient stability for the established market, yet not to the exclusion of enterprising potential new station operators. The legislation which I offer today would greatly aid in this endeavor.

The primary method by which this legislation will be of aid to both the Commission and the public is that it will set forth a method by which the Commission will necessarily be required to consider programing in its determinations of license recipients. In many instances under the present rules of the Commission, the quality of programing will be given no consideration in determining comparative cases, and it is my belief that we should not permit decisions of such significance to be rendered without consideration of this premise.

In addition to requiring that the Commission consider solely the broadcast service to be rendered by the station, the legislation which I have introduced requires that in instances where there is an applicant with a past operating record, this applicant may rely only upon such past record and may not fall into the role of only a promise-maker regarding its future service. This is the policy which has been set forth by judicial precedent over the past 40 years.

This legislation would also require that the burden of proof at such hearings be carried by competitors of existing licensees, it being incumbent upon the new applicant to demonstrate by the greater degree of credible testimony that he will provide better program service for the general public. This certainly is not too onerous for him, for if the existing operator has not performed in the past as he should have performed, then the burden will be quite easy to sustain. In a like manner, if the existing station owner has an exemplary performance record of public service, then it rightfully should be more difficult for the new applicant to prevail.

The U.S. Supreme Court recently noted that the "Communications Act is not notable for the precision of its substantiative standards." The amendment which I introduce will not usurp any of the decisional functions of the Commission; however, it will set a broad based policy of requiring that the Commission make its decisions upon the intent of the Federal Communications Act rather than creating and adopting independent regulations and guidelines which may tend to circumvent the act's primary purposes.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2664

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 308 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(d) Whenever mutually exclusive applications for a broadcast station to serve the same community are accepted for filing, the Commission shall first determine, in accordance with Sec. 309 (a) and (e) hereof, which, if any, of such applications should be denied on citizenship, character, financial, technical or other qualifications grounds under this Act or applicable Commission's Rules. The applications of any two or more of the applicants who are not disqualified under such determination shall be designated for hearing on the single comparative issue of which will provide the best program service to the area to be served. Where one of such applicants is applying for renewal of station license, his past operating record shall be taken as the most reliable indicator of his future performance. No applicant for renewal of license shall be denied on comparative consideration with a mutually exclusive applicant for a new station, except upon a finding supported by the weight of the record evidence that the new applicant will provide a substantially superior program service."

By Mr. SAXBE:

S. 2665. A bill for the relief of Gaston Landry. Referred to the Committee on the Judiciary.

Mr. SAXBE. Mr. President, I would like to take this opportunity to introduce and send to the desk for referral to the appropriate committee a bill for the relief of Gaston Landry. Mr. Landry was born at Ste Marie de Beauce, Rang St. Louis, Province of Quebec. He entered this country at Champlain, N.Y., on October 1, 1968.

Mr. Landry is currently residing in Flushing, Ohio, and is employed by Hoosier Engineering Co. Because he brings unique work skills to the company, I ask that he be granted permanent residence in this country.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 869

At the request of Mr. RIBICOFF, the Senator from Indiana (Mr. HARTKE) was added as a cosponsor of S. 869, to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns.

S. 1373

At the request of Mr. KENNEDY, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 1373, to revise the Immigration and Nationality Act.

S. 1975

At the request of Mr. TUNNEY, the Senator from New Jersey (Mr. CASE) was added as a cosponsor of S. 1975, to lower the minimum age for serving as a juror in Federal courts from 21 years of age to 18 years of age.

S. 2079

At the request of Mr. HARTKE, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 2079, a bill to amend the Fair Packaging and Labeling Act to provide for open dating of perishable foods.

S. 2289

At the request of Mr. HARTKE, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 2289, a bill to liberalize the definition of disability under the black lung disease compensation program.

S. 2302

At the request of Mr. ALLOTT, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2302, to amend the National Science Foundation Act of 1950 to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application.

S. 2500

At the request of Mr. Byrd of West Virginia, the Senator from North Dakota (Mr. Burdick) was added as a cosponsor of S. 2500, to establish producer owned and controlled emergency reserves of wheat, feed grains, and soybeans.

S. 2513

At the request of Mr. Hartke, the Senator from Montana (Mr. Metcalf) was added as a cosponsor of S. 2513, the Older Americans Rights Act of 1971.

S. 2556

At the request of Mr. Allott, the Senator from Idaho (Mr. Jordan) was added as a cosponsor of S. 2556, to establish a municipal mine demonstration plant.

S. 2568

At the request of Mr. Kennedy, the Senator from South Dakota (Mr. McGovern), the Senator from California (Mr. Tunney), the Senator from Delaware (Mr. Williams), the Senator from Iowa (Mr. Hughes), the Senator from Rhode Island (Mr. Pastore), the Senator from California (Mr. Cranston), the Senator from Utah (Mr. Moss), the Senator from Alaska (Mr. Gravel), the Senator from Texas (Mr. Bentsen), and the Senator from Minnesota (Mr. Humphrey) were added as cosponsors of S. 2568, to authorize appropriations for the relief of Pakistani refugees in India.

S. 2592

At the request of Mr. Hartke, the Senator from Pennsylvania (Mr. Schweiker) was added as cosponsor of S. 2592, the Foreign Trade and Investment Act.

S. 2636

At the request of Mr. Hartke, the Senator from Rhode Island (Mr. Pastore) was added as a cosponsor of S. 2636, a bill to amend the Federal Hazardous Substances Act to regulate hazardous detergents.

SENATE JOINT RESOLUTION 112

At the request of Mr. Brock, the Senator from North Carolina (Mr. Jordan) was added as a cosponsor of Senate Joint Resolution 112, proposing an amendment to the Constitution of the United States relating to open admissions to public schools.

SENATE JOINT RESOLUTION 117

At the request of Mr. McIntyre, the Senator from Georgia (Mr. Gambrell) and the Senator from South Carolina (Mr. Thurmond) were added as cosponsors of Senate Joint Resolution 117, requesting the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day."

SENATE JOINT RESOLUTION 160

At the request of Mr. Tower, the Senator from North Carolina (Mr. Ervin) was added as a cosponsor of Senate Joint Resolution 160, relating to disaster assistance in flooded areas.

SENATE RESOLUTION 175—SUBMISSION OF RESOLUTION AUTHORIZING SUPPLEMENTARY EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

(Referred to the Committee on Rules and Administration.)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, submitted a resolution, as follows:

S. Res. 175

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Rules and Administration, or any subcommittee thereof, is authorized from October 1, 1971, through February 29, 1972, for the purpose stated in section 2 and within the limitations hereinafter imposed in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The Committee on Rules and Administration, or any subcommittee thereof, is authorized from October 1, 1971, through February 29, 1972, to expend not to exceed the sum of $78,000 to examine, investigate, and make a complete study of any and all matters relating to the use of computer services for the Senate. Such sum is in addition to the amount specified in section 2 of Senate Resolution 28, Ninety-second Congress, agreed to March 1, 1971, and was not included in that resolution because at the time at which that resolution was considered there was insufficient information to determine the scope of, and the total amount of expenditures required by, the study to be undertaken pursuant to this resolution. Of such $78,000, not to exceed $45,000 may be expended for the procurement of individual consultants and organizations thereof.

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to the study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 29, 1972.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 66

At the request of Mr. Metcalf, his name was added as a cosponsor of Senate Resolution 66, relating to the termination of U.S. military participation in the Indochina conflict.

RURAL COMMUNITY DEVELOPMENT REVENUE SHARING ACT OF 1971—AMENDMENT

AMENDMENT NO. 459

(Ordered to be printed and referred to the Committee on Agriculture and Forestry.)

Mr. Allen submitted an amendment, intended to be proposed by him, in the nature of a substitute, to the bill (S. 1612) to establish a revenue-sharing program for rural development.

NOTICE OF HEARINGS ON TRUTH IN LENDING ACT

Mr. PROXMIRE. Mr. President, I wish to announce that the Subcommittee on Financial Institutions of the Committee on Banking, Housing and Urban Affairs will hold hearings on the bill, S. 652, to amend the Truth in Lending Act to protect consumers against careless and unfair billing practices, and for other purposes.

The hearings will be held on Tuesday, Wednesday, Thursday, and Friday, October 26, 27, 28, and 29, and will begin at 10 a.m. in room 5302 New Senate Office Building.

Persons desiring to testify or to submit written statements in connection with these hearings should notify Mr. Kenneth A. McLean, room 5300 New Senate Office Building, Washington, D.C. 20510; telephone 225-7391.

NOTICE OF HEARING ON A NOMINATION

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, October 13, 1971, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination:

William J. Bauer, of Illinois, to be U.S. district judge for the northern district of Illinois, vice Joseph S. Perry, retiring.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. McClellan), the Senator from Nebraska (Mr. Hruska), and myself as chairman.

ADDITIONAL STATEMENTS

ALLEN ELLENDER—AMERICAN PATRIOT

Mr. SYMINGTON. Mr. President, it is with respect and affection that I salute the President pro tempore of the Senate, my good friend, Allen J. Ellender, of Louisiana, on the celebration of his birthday.

For more than a third of a century, Senator Ellender has brought nothing but honor and wisdom and humor and outstanding public service to his State and Nation during his long and distinguished career as a U.S. Senator.

As an architect of a great portion of the farm legislation which is still in operation today, he was, is, and is certain to continue to be, a most effective force in behalf of Nation's producers of food and fiber.

Although in Missouri, as in so many other States, Allen Ellender is known as a true friend of farmers, that is not his only distinction among my constituents.

No Member of Congress has made more of a contribution in the area of the control and preservation of our water resources than has this great American. With total dedication to the welfare of all sections of the Nation, he served for 15 years as chairman of the Subcommittee on Public Works of the Committee on Appropriations; and in that position sought and obtained wise expenditure and allocation of Government funds for flood control, power development, and reclamation and improvement of the Nation's waterways.

Senator ELLENDER's vigorous efforts to preserve our water and land resources will mean just as much to future generations as it does to the American people of today. The development of the Mississippi River Valley and the Columbia Basin are but two major results of the goals set by our distinguished colleague.

Rural and urban communities throughout Missouri know only too well how mighty important the Federal flood control programs have been to our State. Agricultural land which for years had suffered annual floods has now been restored to regular production, by means of the many dams and reservoir projects which have been constructed. Straightening the channel of the Missouri River in itself gave to Missouri farmers 90,000 additional acres of rich bottom land; and at no additional cost to the more fortunate farmers in question.

Senator ELLENDER's dynamic leadership has helped to transfer various projects in many States, including Missouri, from the planning boards to actual construction, thereby boosting the recreational and economic potential of the surrounding areas as well as expanding the production ability of our farmers.

Table Rock Lake and Dam, the Harry S. Truman Dam, and the Stockton Dam are but a few of the testimonials in my State to the services of Senator ELLENDER.

In addition, and with typical insight, many years ago this wise American offered sage advice about how the Nation could alter to its advantage the economic course which our foreign policies had been taking. As but one example, since the mid-1950's Senator ELLENDER has been calling for a reduction of our troop force in Europe. He knew only too well what this "form as against substance" expense was doing to our economy, including the danger involved in our continuing unfavorable balance of payments.

More than a decade ago, it was this Senator from Louisiana who warned of the dangers which would proceed from the large quantities of gold that were steadily leaving our Nation's Treasury.

Today his drive, personality, and extraordinary capacity for many long hours of extended hard work are recognized by his colleagues as the primary reason that this year the Senate was able to complete its work on 10 of the 14 appropriations bills before the summer recess.

For such reasons, it is a privilege to join my colleagues in thanking ALLEN ELLENDER for his magnificent public service. May he have many more birthdays in the Senate, for our Nation can only continue to benefit from his experienced leadership.

INTERNATIONAL DAY OF BREAD

Mr. DOLE. Mr. President, Tuesday, October 5, was the International Day of Bread. In more than 60 cities throughout the world producers, millers, and bakers honored bread for its amazing ability to provide nutrition to the people of the world.

Appropriately, yesterday morning, Secretary Hardin spoke at a ceremony at the Department of Agriculture which was followed by similar events throughout the Nation and the world. His comments are deserving of wide exposure, and I ask unanimous consent that they be printed in the RECORD. During the ceremony President Nixon's proclamation and acknowledgement of this event was presented, and I ask that this document also be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

REMARKS BY SECRETARY OF AGRICULTURE CLIFFORD HARDIN, TUESDAY, OCTOBER 5, AT DAY OF BREAD CEREMONIES, ON THE PATIO AT THE U.S. DEPARTMENT OF AGRICULTURE

Once again our Nation is blessed with a year of agricultural bounty, assuring a continuation of food abundance which through the ages has been symbolized by bread.

America's farmers are reaping unequaled harvests of wheat and grain in a new demonstration of their matchless productivity. Even though they all too often have gotten far too little net return, farmers have built a bulwark against inflation, have strengthened our balance of payments, and have fed this Nation well. This year is no exception.

Our superabundance has enabled us to move in a dramatic way, in the words of President Nixon, "as no nation in the world has been able to move, to provide for those who cannot provide for themselves."

Through direct distribution to 3.5 million persons and a sharp expansion of the food stamp program to encompass 11 million recipients, a total of 14.5 million needy people are being assisted in the campaign to eliminate hunger and malnutrition. Additionally, some 7.3 million needy children are receiving free or reduced-price meals in school, an increase of 82 percent in the past year.

Not only is America attacking poverty-based hunger on a scale without parallel in the history of this or any other country, but is doing so in innovative ways that have long-range significance for the health and well-being of all people. Of special importance, for example, is the work of 10,000 nutrition aides recruited from urban and rural communities, given paraprofessional training, and assigned to low-income areas to teach essential facts on the proper purchasing, storing, and preparation of nutritious foods.

Meanwhile, through the plentiful foods program of the Department of Agriculture, the benefits of the best food values are extended to all consumers; at the same time, farm products are given extra impetus on their way to market. The biggest-volume food purveyors—supermarkets, commercial food services, institutions—cooperate in buying commodities that come into abundant supply with turns of the seasons or the fortunes of harvest.

Another distribution mechanism, which like the plentiful foods program has marked a quarter century of service, is the school lunch program. Today 24.1 million children throughout the United States are reached with a school meal. This vast sharing of abundance has been achieved by unsurpassed farm production and the cooperation of local, State, and Federal governments, dedicated school officials, and concerned local citizens.

Yet the benefits of our plenty go even farther—to countries the world around, in increasing amount. Last year the foreign business of American agriculture set a triple record, in total volume of farm exports, in total value of exported farm products—amounting to $7.8 billion—and in sales for hard dollars.

The efforts of the Foreign Agricultural and Export Marketing Services to develop and serve growing trade outlets overseas, to negotiate concessions gaining greater access for American products to foreign markets, and to support promotional and sales activities—these are of paramount importance to farmers and all Americans.

Last year, more than half of all our production of wheat, soybeans, and rice went to foreign markets. The overseas market potential is growing, and this means many opportunities for American producers, if our trading partners show a willingness to ease their protective practices and if our own dock workers and longshoremen will quit their labor feuding and move the goods.

We are pausing today to pay tribute to the bounty of food produced by the nation's farmers. There is a harvest-time satisfaction in their success. Farmers can feel proud. Yet, this is also a sad day. A sad day for farmers.

We are at this moment engaged in a great national effort to halt inflation and strengthen the nation's economy. It is an historical time as we deescalate a long war with its inflationary excesses and return to a peace-time without inflation so that we can build our nation at home.

Yet we meet here while the testimony of a prominent labor leader reverberates across the land demanding that labor should get what its leaders want, seemingly regardless of whether it is inflationary—and seemingly without regard for what it does to the rest of society.

We also meet at a time when the ports of the nation are closed tight. The greatest trading nation in the world is on its knees, its overseas market outlets idled to a standstill.

This is a sad day, and a painful day for the nation's farmers. They are hurt in several ways:

No. 1: The inflation that is triggered by this kind of unrestrained use of power pushes farm costs higher and higher and grasps farmers tight in a cost-price squeeze. The farmer's business suffers; and his family living suffers.

No. 2: Costs of getting farm products to their important foreign outlets are increased. This makes farm products less competitive, loses sales for farmers, harms our national balance of payments, and hurts our nation.

Meantime, while the docks are tied up, farm products are backing up clear to the farm gate. Many markets, as a result, are demoralized. Just when we have a bountiful harvest to move, it isn't moving. The abundance that farmers have produced for this country and for the world becomes for our farmers a nightmare—with farmers and their families distressed by low prices, distressed by seeing their markets lost, distressed by seeing the upward march of their costs, distressed by the lack of statesmanship on the part of some labor leaders.

This nation, and the nation's farmers, deserve better on this Day of Bread.

Through the genius of cooperative effort—farmers, millers, bakers, distributors—our Nation of consumers can be assured its daily abundance of the energy and satisfaction derived from the partaking of good, nourishing bread.

So as we break bread together in the tradition of fellowship and thankfulness, let this Day of Bread also be an occasion for a renewal of the spirit that has made America a great and good land.

NATIONAL DAY OF BREAD, 1971

The real wealth of a nation can sometimes be measured by what it takes for granted. In America, there is no better example of this than our abundant food supply. As we celebrate the National Day of Bread this October 5, I welcome the opportunity to pay tribute to the hard work and resourceful spirit which has brought forth our immense harvest.

Only in the last century has it been possible for entire nations to ensure adequate food for their people. In too many lands men, women and children are sadly still desperately undernourished. But in America, our agricultural industry has provided us with an assurance of plentiful food of high quality, wide variety, and reasonable cost. Moreover, it has enabled us to share this blessing with other countries in time of need. And by its extraordinary productivity, it has made it possible to launch an unprecedented program in the United States to assure better nutrition through school lunches, food stamps, nutrition aides, and other measures—all directed toward our ultimate goal of wiping out hunger in America.

On this National Day of Bread, I salute the farmers, millers and bakers of America and all who assist them in their important continuing contribution to our economy and to our well-being as a people.

RICHARD NIXON.

NO NEED TO FEAR OUTSIDE INTERVENTION

Mr. PROXMIRE. Mr. President, many people in the United States are worried that if the Senate ratifies the Genocide Convention, this country will be dragged before the International Court of Justice and be forced to do something that is contrary to our Constitution. Nothing could be further from the truth.

For, example, the Senate has ratified the Supplementary Convention on the Abolition of Slavery, which permits the International Court of Justice to adjudicate disputes between nations. This provision is the same as the article in the Genocide Convention governing the use of the International Court.

Has the United States ever been "hauled" before the International Court to answer charges of slavery? No.

Will the United States ever be "hauled" before the International Court to answer charges of genocide? No.

The Genocide Convention, like the Slavery Convention, does not give such authority to the International Court or any other international body. We have no need to fear outside intervention.

Mr. President, I urge the speedy ratification of the Genocide Convention by the Senate.

NATION'S GOVERNORS ENDORSE TAX INCENTIVE FOR RURAL JOB DEVELOPMENT

Mr. PEARSON. Mr. President, over the past several years the Nation's Governors have been in the forefront in urging that we seek the development of a national growth policy. As the chief executive officers of their respective States they see, first hand, the consequences of unguided urbanization. They know full well the enormous problems generated by the overcrowding of the megalopolis and the underdevelopment of the smaller communities. Therefore, for the past several years, the Governors in their annual national conference, have urged the adoption of rural development and balanced national growth policies.

At the recent conference in San Juan, Puerto Rico, the Nation's Governors again adopted policy positions spelling out the vital importance of moving ahead with rural development and balanced national growth efforts.

All of their policy recommendations are deserving of consideration and attention. Of special importance at this particular time is the recommendation of the Nation's Governors that "Congress should adopt a system of tax incentives to encourage business and industry to locate in nonmetropolitan areas."

Mr. President, I have long advocated the use of tax incentives, such as provided in my Rural Job Development Act, to encourage the establishment of job-creating industries in rural areas. Fifty of my colleagues here in the Senate have joined in cosponsoring the Rural Job Development Act.

And, Mr. President, because of the growing interest and support in the use of tax incentives as a means of expanding economic opportunities, I intend to seek an amendment to the Administration's Job Development Act providing for additional tax incentives aimed at increasing the number of new jobs in rural areas.

Mr. President, I ask unanimous consent that policy positions E–1 through E–7, adopted by the 1971 National Governors Conference, and dealing especially with rural development and balanced national growth be printed in the RECORD.

There being no objection, the policy positions were ordered to be printed in the RECORD, as follows:

POLICY POSITIONS OF THE NATIONAL GOVERNORS' CONFERENCE—SEPTEMBER 1971

National Governors' Conference Executive Committee for 1970–1971 are Governor Warren E. Hearnes, Missouri, Chairman; Governor Jack Williams, Arizona; Governor Robert D. Ray, Iowa; Governor Marvin Mandel, Maryland; Governor Forrest H. Anderson, Montana; Governor William T. Cahill, New Jersey; Governor Robert W. Scott, North Carolina; Governor Luis A. Ferre, Puerto Rico, and Governor Linwood Holton, Virginia.

For 1971–1972 are Governor Arch A. Moore, Jr., West Virginia, Chairman; Governor Thomas J. Meskill, Connecticut; Governor Cecil D. Andrus, Idaho; Governor Richard B. Ogilvie, Illinois; Governor Wendell R. Anderson, Minnesota; Governor J. James Exon, Nebraska; Governor Frank Licht, Rhode Island; Governor John C. West, South Carolina, and Governor Winfield Dunn, Tennessee.

E.–1: ADOPTION OF A COMPREHENSIVE NATIONAL COMMUNITY DEVELOPMENT POLICY

Congress and the Administration should develop a comprehensive National Community Development Policy with the effectuating funds, agencies and programs. The Policy should provide the means whereby federal, state and local elected officials should participate directly in the formulation of national policies and goals and the establishment of major strategies and programs for implementation of such policies and goals. The formulation and implementation of such national community development policies in coordination and consonance with state development policies is essential to achieve the objectives of balanced growth.

A National Community Development Policy should embrace the major areas and issues of concern for the quality of life within the United States. The most basic components for consideration in the formulation of this policy are policies relating to population growth and distribution and to economic development. Other components are policies relating to allocation of natural resources, agriculture, transportation, housing, human resource development, and financing and administration—all established in a manner that will support policies concerning these two basic components.

E.–2: ADOPTION OF A NATIONAL POPULATION GROWTH AND DISTRIBUTION POLICY

There should be an adoption of a National Population Growth and Distribution Policy, developed in concert with state and local planning policies, to lessen the congestion, and reduce pressure, on the already overburdened resources of our cities, to offer opportunities for the free movement of all of our citizens to realize their maximum personal potential, to match manpower and job training programs with the needs for community development and to lessen the problems of transportation, environmental decay and social service delivery that are not being adequately dealt with for today's population. Such a policy shall be consonant with a rural-urban balance of needs and regional potentials.

E.–3: ADOPTION OF A NEW COMMUNITIES DEVELOPMENT POLICY

To effectuate a population growth and distribution policy, there should be the adoption of a comprehensive New Communities Development Program which would include expanded communities, new-towns-in-towns and new towns as major components of a national policy designed to relieve growth stresses upon existing metropolitan areas and to promote growth in appropriate areas which have growth potential.

E.–4: ADOPTION OF A NATIONAL ECONOMIC DEVELOPMENT POLICY

A National Economic Development Policy should be adopted to coordinate economic assistance measures with a national population growth and distribution policy, thereby providing the employment concentrations and economic base that will make such a policy workable, offering more efficient operating environments for industry and concentrated employment centers accessible to workers in either rural or urban areas. Such policy should provide additional incentives to private business and look to new ways that public and private interests can be combined to meet public needs. Congress should adopt a system of tax incentives to encourage business and industry to locate in non-metropolitan areas.

E.–5: ADOPTION OF A NATIONAL AGRICULTURAL DEVELOPMENT POLICY

There should be a National Agricultural Development Policy as an integral part of a National Community Development Policy to assure the Nation it can feed itself and meet its responsibilities to other people in the world. Such a policy should reflect the importance of and a system for the preservation and maintenance of agricultural land for future supplies and as a necessary habitat for wildlife water resources and hunting and fishing, all of which are a necessary part of providing quality environment in consonance with a population growth and distribution policy. Further, this policy should focus attention on improving agricultural production capabilities, transportation, foreign market development, processing agricultural products near the source of production and efforts aimed at developing rural America.

In addition, Congress must act on a viable farm program to assure rural America "parity of opportunity" with the rest of the Nation.

Congress and the Administration should adopt the concept of stability and parity of resource earnings as the long-term policy goals for modern agriculture and then establish an appropriate vehicle such as a National Food and Fiber Board to develop the detailed production management programs necessary to insure an adequate supply of food and fiber for the future.

A new farm bill by Congress should be shaped to give rural producers an equal opportunity to share in the Nation's prosperity and growth as all other areas. A federal farm program should be continued by the Federal Government until the market can maintain an adequate price for producers.

A strong farm program is recognized as a deterrent to further out-migration from rural areas to crowded metropolitan centers, a necessary element for a growing economy, and vital to providing reasonable food prices for consumers while assuring a fair return for all agricultural producers.

The National Governors' Conference urges the federal government to take whatever steps are necessary to insure that sufficient public works funds are available under the Economic Development Act of 1965 so that rural areas will not receive less in the coming years than they did in the past as a result of the "special impact" provision of the recently passed amendments to that Act.

E.–6: JOINT FEDERAL-STATE EVALUATION OF RURAL DEVELOPMENT PROGRAMS

The new Office of Intergovernmental Relations, in cooperation with the appropriate federal offices and the National Governors' Conference and local government groups, should evaluate the possibilies and mechanisms for better coordination and delivery of federal and State programs in rural areas. The joint evaluation should examine and make recommendations for action on the following issues:

a. Avenues of cooperation between existing HEW, Agriculture, Commerce and HUD programs and state community development programs.

b. Restructuring of federal field operations to support and complement emerging State and local efforts for comprehensive rural development. As federal departments decentralize, they should utilize to the fullest extent possible the personnel, administrative and technical services of state and local government rather than building up federal field staff to handle delegated authorities for decision-making accompanying the federal field office reorganization.

c. Recognition of state designated multi-county planning and development districts, primarily composed of local officials, as the primary delivery system for most state and federal programs in rural areas.

d. Recognition and support of several States as pilot projects for the purpose of coordinating federal and state programs into a package of rural development services.

E.–7: ADOPTION OF A NATIONAL LAND DEVELOPMENT POLICY

There should be an adoption of a National Land Development Policy providing guidance as to what lands are appropriate for urban development, agricultural production, conservation and open space and recreation. Such national policies must be related to the allocation and conservation of water, air, minerals and other natural resources and be an integral part of a National Community Development Policy.

THE SCHOOL PRAYER AMENDMENT

Mr. ERVIN. Mr. President, recently the required number of Members of the House of Representatives signed a discharge petition which brings before the House for its consideration a so-called school prayer amendment reading as follows:

SECTION 1. Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer.

With all due deference to its authors, I respectfully submit that this proposed amendment would do more harm to the free exercise of religion than the Supreme Court rulings which it is avowedly designed to circumvent. In the last analysis, these Supreme Court decisions merely prohibit the State from requiring students in public schools to say prayers dictated by the State. They do not prohibit any person from making a voluntary prayer according to his own creed.

This proposed amendment, however, would impliedly prohibit any person in any public school or other public building to say a denominational prayer, in accordance with his creed. Hence, it would impliedly prohibit Protestants from saying Protestant prayers, Catholics from saying Catholic prayers, Jews from saying Jewish prayers, and Mohammedans from invoking the aid of Allah. It would even prevent one from voluntarily praying the Lord's Prayer because that is a prayer which has been adopted by the various denominations which call themselves Christians.

With further due deference to its authors, I make these inquiries:

What is a nondenominational prayer?

Who desires to pray a nondenominational prayer rather than a prayer which harmonizes with his own denominational beliefs?

As an editorial in the Morganton, N.C., News Herald for September 24, 1971, stated, there is "more than meets the eye" in this proposed amendment.

I ask unanimous consent that a copy of this editorial which was written by my longtime friend, W. Stanley Moore, be printed at this point in the body of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MORE THAN MEETS THE EYE

A sufficient number of Congressmen have signed petitions to force the so-called school prayer amendment out of committee to the floor of the House of Representatives for consideration. The bill was reposing in the House Judiciary Committee until sufficient signers could squeeze it out for debate and a vote.

It may be that there will be sufficient representatives voting in favor to approve the measure, but most observers foresee less chance for passage in the Senate.

Forcing the measure out of the House committee's pigeonhole was made possible by concerted effort stemming from many promptings. There may be those who signed the petition who think it wise to bring the measure to a decision and dispose of it and may not themselves vote for it at final passage. Others undoubtedly are as sincere as they can be, while still others may be considering the public's attitude which will look favorably upon those lawmakers who join in a righteous cause to strike down the anti-school prayer decisions of what they have thought of as the antireligious Supreme Court. And a Congressman to be worth his salt and reelection must be sensitive to the will of the people who have to decide every two years whether to keep him in office or not.

But only vestiges now exist of the emotionalism which was generated by two decisions of the Supreme Court in 1963 which outlawed required Bible reading and compulsory prayer in the public schools. What is left is spirited enough, however.

Even this will be subject to further abatement if the public can follow closely enough the debate which will develop in the House about the proposed amendment and the two court decisions at which it is aimed.

The constitutional amendment sounds simple enough. Its wording is this:

"Nothing contained in this Constitution shall abridge the rights of persons lawfully assembled, in any public building which is supported in whole or in part through expenditure of public funds, to participate in non-denominational prayer."

But much reading between the lines will be necessary for a full understanding of the matter. Nobody was more vociferous than we when the Supreme Court handed down its decisions. Our objections, in the perspective of time, were not so much against the decisions themselves. The rulings were inevitable if the issues had to be faced by the high court. What irritated at the time was that the court, we felt, had far more important things to consider, in its broad discretion as to what cases it would hear, than to go hunting for highly emotional issues. The timing, we felt, was also poor in that the country was experiencing, in the opinion of many disturbed citizens, a wave of godlessness that would only be heightened by the action of a court which, in all consistency, might move on to strike "In God We Trust" off our coins and outlaw the daily prayers offered in the houses of the Congress at the opening of each session.

But deep-down, who could object to the real decision of the court? What the justices did was to ban required Bible reading and compulsory prayer. Nobody could prescribe as a matter of required practice a religious ritual or enforce a policy of prayers in the classroom. "Required" and "compulsory" were the key themes which brought the court's stand.

Is it the wish of the American people that school boards and administrators now be empowered to require and compel each classroom to have a specific pattern of devotional periods with prayer?

The answer for many people might be "yes" if they were assured that these religious periods were steeped in solid Baptist background or at least were in keeping with such a background. But what about Jews, Roman Catholics, Seventh-day Adventists, Presbyterians, Methodists, Lutherans and all the rest? Would they approve a Baptist-slated devotional period? On the other hand, would the Baptists approve if they resided in a predominantly Catholic or Jewish school district where, under the proposed amendment, the school officials could require and compel religious service or prayer? The proposed amendment's use of the term "non-denominational prayer" would appear at a glance to be a safeguard against denominationalism, but persons who have spent their lives in a denominational orientation hardly know anything else and this shows through despite their best efforts at religious detachment and ecumenical broadness.

What the Supreme Court really did, when all the irritating terminology and confusion were lifted, was, in keeping with the American principle of separation of church and state. Bible reading and prayer couldn't be "required" and "compulsory." As we understand it, voluntary and spontaneous classroom exercises are still practiced without violating the tribunal's edict.

Should we now turn back the clock to

cover an eight-year span and open the door to possible overlappings of state and church which the Founding Fathers foresaw as a danger and for which the Supreme Court simply issued a cease-and-desist order? It strikes us that this would be opening a can of worms we do not need at this time.

ADDRESS BY GEN. BRUCE K. HOLLOWAY, COMMANDER IN CHIEF, STRATEGIC AIR COMMAND

Mr. BROCK. Mr. President, recently in San Francisco, before the Commonwealth Club of California, Gen. Bruce K. Holloway, commander in chief of the Strategic Air Command, delivered a penetrating speech which goes to the very heart of a serious problem facing the Nation today, the lack of full understanding by the public of the country's military force.

In the country's past, he points out, the military forces were close to the public. The standing Army was small and its job much less complex. In peacetime, the professional soldier used to be highly visible to the community, doing such things as guarding the fort, escorting settlers, building roads or training. The public understood these activities and approved of them.

Today, however, as General Holloway explains, the situation is vastly different. Masses of troops operate overseas and perform their duties and assignments with only the media to report on what is happening. Considerable activities of the military are necessarily shrouded in secrecy. Military problems are frequently so complex that the public just cannot grasp the whys and wherefores of some of the activities of U.S. military forces at home and abroad.

All of this, says the general, tends to create doubts and antagonisms on the part of the public. People wonder just what their tax dollar is being spent for on the armed services.

First, there are several answers to this problem, General Holloway suggests. It is the responsibility of the services, through their public information officers, to be as explicit and enlightening as possible on what the services are doing. This is a very necessary function of the military in a democratic society.

Then, the media which reports on the activities of the services should be encouraged to be scrupulously accurate and unbiased. Necessary secrecy should be observed. And, finally, the public has got to be more understanding of the inherent communications problems of the services in telling their stories.

I believe this is a speech well worth everyone's reading and one which is especially appropriate to ponder now as we review some of the arguments we have heard in support of reducing our military appropriations.

I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY GEN. BRUCE K. HOLLOWAY

I should like to discuss with you today a subject which affects all of us daily in every facet of our lives. It is a problem which needs some action, and I refer to communication between the citizen and soldier of the United States.

One might judge by the tone of some recent statements that the only proper communications for the soldier are those he has with his superiors when receiving orders, and subordinates when giving them. On the other hand, many who support G.I. dissidence seem to think that no limits can be placed upon the serviceman's right to speak. The truth is, of course, somewhere in between. But it is certain that in a democracy the defense establishment needs communication with its stockholders—the electorate—perhaps more urgently and continually than any other group of public servants.

That is so because—though the military spends significant public funds, guards public trust, and integrates large numbers of the citizenry into its affairs—it is extremely difficult for the citizen to know how well his investment is being handled. The soldier does not produce automobiles or sell butter or make law. A great part of military thought and activity is hidden from the public behind a necessary screen of security. Since 1957, thousands of officers and airmen of the Strategic Air Command have disappeared from public view for up to half of their time to stand alert—an invisible investment in freedom. But the very idea of secrecy is anathema in a democracy.

There was a time when the informal communication between citizen and soldier was more extensive. To begin with, the standing army was small and its job much less complex. In peacetime the professional soldier was visible to his nearby community—guarding the fort, escorting settlers, building roads or training. Citizens had free access to the fort or camp. When there was a war, the citizen joined the soldier in battle and returned afterwards with a true, if limited, view of what soldiering was all about. Because of this direct citizen-to-soldier interchange, a feeling of mutual confidence developed between the society and its protectors.

But even for those who had no direct involvement with the military, there was a measure of accomplishment. The fact that Jackson "won" the battle of New Orleans was proof enough for the average citizen that his army was a worth-while investment. No American doubted the effectiveness of the U.S. Navy after the War of 1812, or 1898. The measure of success for the military in those days was quite simple and forthright.

That time has long passed. The complexities and criticalities of modern war have increased the distance separating the citizen from his soldier-servant. The large peacetime force on strategic alert, closed or isolated military installations, long-term foreign military involvement, and the sophistication of modern civilization are all factors in this. In many cases the citizen never sees the serviceman who works behind top-secret inclosures and lives predominantly in a military community. And the greatest measure of success for the American military in the last quarter century has been not the winning of wars, but the absence or existence of them. So it is more difficult for the citizen to know with certainty whether lack of war or coercion results from military prowess, good will on the part of our adversaries, or other reasons.

We have always depended on the commercial news media to bridge the gap of communications between voter and warrior. This has been especially true in regard to major defense issues and the "big picture." There are essentially three steps in the chain of information to the citizen: someone in the military either acts or fails to act; someone in the communications business assemblies, reports and possibly comments on the information; finally, the citizen receives and acts on the information. Actually, there is another step in the process. Because military activities are so complex, far-reaching and large in scope, the services use intermediaries to gather and process information and act as central agents for its release. We refer to these as "public affairs" or "information" offices and find that they make the communications process a great deal more efficient than would otherwise be possible.

The return communications channels back to the service member are more vague but their resolution is rather clear cut: the public votes; the President and Congress direct; the military obeys. It is a slow and cumbersome system, but one which is intrinsically a part of our governmental processes.

After 34 years' involvement in military affairs, I am convinced that all the participants in the soldier-to-citizen chain of communication have been for the most part well-serving and well-served. I am aware of many instances in which newsmen selflessly risked or gave their own lives for a story whose immediate purpose was simply to inform the people of America, but whose long-range impact was importantly far-ranging. Yet, I have seen them withhold or delay irresponsible stories when release would have meant big headlines and great coverage for the media but loss to the nation.

Before the invasion of Europe in June 1944, General Eisenhower gave a great deal of information to newsmen which, if released prematurely, could have meant the failure of the operation and hundreds of thousands of American and allied deaths. The confidence was not betrayed. A bit later on the other side of the world, reporters knew of the success of the initial kamikaze attacks of Japanese aircraft against the U.S. Navy in the Pacific. At that time there were over 50,000 Japanese aircraft remaining in the home islands. But American reporters voluntarily published stories which played down the success of the attacks, and since the Japanese suicide crews who had flown the planes could not report their successes, their high command was forced to assume that they had failed, and downgraded the mission. Thus American reporters probably saved thousands of American lives.

I have seen military public affairs and information officers under similar circumstance, and heard them speak out for the public right to know when such a position was the least politic one in the defense establishment. The case of Dan Henkin and "The Selling of the Pentagon" television program is a recent case in point. Dan Henkin moved from a successful career as a civilian journalist into public affairs for the the Department of Defense and is the Assistant Secretary there. "The Selling of the Pentagon" could never have been produced without his cooperation and that of many other military public information offices. I believe the government contributed some $3,000 in materials and man-hours supporting the television taping. Mr. Henkin also participated in a lengthy filmed interview for the program. I'm sure you know that the outcome was highly uncomplimentary to the Department of Defense, and that the Henkin interview was edited in such a way that many thought it made Dan appear, in the words of one writer, "incapable of answering a simple question with a pertinent answer." Nevertheless, Dan Henkin, when called before the Congressional committee investigating the propriety of some of the production, stoutly defended the producers' right to do the show. He indicated that just as the Pentagon is not for sale, and I now quote him: "Not for sale either is the right of a free press to criticie the Pentagon."

Today we are more dependent on the efficiency of our chain of communication to the public than ever. It is especially so because defense considerations are so complex. It is so because the horrible destructiveness of modern weapons means that there are no small decisions. Here are just a few of the complexities involved in integrating a new system—the B-1 bomber—into the strategic inventory under present criteria: acceptance that the concept of deterrence is and will remain the most effective national defense for the proximate future; acceptance of nuclear war as the final instrument of national policy; acceptance of the manned bomber as a valid system for nuclear or conventional combat; acceptance of the continuation of a "standing army" of professional airmen geared to immediate combat response; determination to employ billions of dollars, thousands of people and years of unrelenting effort toward the task.

The reality of strategic concepts and forces must invariably depend on the long-term acceptance of propositions such as those above by the great preponderance of the American people. To fund a project such as a new bomber or an antiballistic missile system until it was almost complete and then drop it would be very wasteful economically and could be militarily disastrous because of the planning and dependence that had been placed on its acquisition. If we fail to proceed with foresight and to plan for the systems needed or expected in the future, no money, no effort, no support can bring them when they are really needed. The people have to know the ideas, what is happening, and what is expected. It is that dependence on communication with the people which concerns me most today and induces me to talk to you about the problem.—For the cold truth is, that the effectiveness of our communication with the populace leaves a great deal to be desired. There are two aspects of this lack which I would like especially to spotlight. One concerns what the public thinks of its military profession. The other concerns what the public thinks of the military threat.

The image of those in uniform in much of the public mind appears to be the worst it has been in our history. There is significant public resentment against the military profession in general and military leaders in particular. Many scholars are convinced that this has been engendered with the public because of Vietnam. I believe it is rather widely accepted that the military got our country into Vietnam, that our leaders supported every military need and plan, and that the military then failed to achieve its objective—leaving us back where we started, 40,000 lives poorer. An awful lot of people are apparently convinced of a series of conclusions so far from the truth that it makes soldiers wonder what to do.

In my opinion there is no soldier who would have fought the war in Vietnam as it has been fought if it had been simply a military problem. The essence of military victory is contained in a small group of words commonly called the principles of war which include such imperatives as: offensive, unity, mass, economy, maneuver, and surprise. Our actions in Vietnam have not followed these imperatives for a number of reasons. Significant in these has been the fact that Vietnam is not simply a military problem, and so the major decisions of policy, strategy, and tactics were not made by soldiers. At one time this was apparently better understood—or at least not widely questioned—but now there are many who ignore these points and seek to blame the soldier for the consequences of decisions he quite correctly did not make.

Denigration of the military is a very serious concern because it could mean the deterioration of the defense structure. It is not, however, our most immediate crisis in defense communications. The most immediate crisis is the lack of public knowledge of the military threat against the United States of America.

The actual physical threat to the existence of the United States is greater now, in the 1970s, than at any time in our history since the 1770s. Not since that time has there been the military power arrayed against us by an antagonist which could immediately destroy us as an nation. That power is under the single control of the USSR—not the entire communist bloc, but one country—a country which has been amassing military power of all types at forced draft since the early 1960s. Moreover, the greatest emphasis of the Soviet buildup has been in strategic forces—those forces which undergird all international discourse, negotiation, diplomacy, and lesser forms of military action.

The facts of the strategic threat stand in stark comparison. The Soviet Union has long since amassed strategic forces requisite for deterrence, yet those forces keep growing. Valid comparisons of strategic power are necessarily subjective and complex, but this much is clear: the USSR exceeds us in every major offensive and defense strategic weapon system, except missile submarines, and, at the present rate of building, can outnumber us there before mid-decade. I do not profess to know their detailed intentions. Neither do I think necessarily that they do either as far as a master plan or grand strategy is concerned. Communist dogma and doctrine really have only one large fixation, which is to establish communism for all peoples of the earth. Their strategies also have only one large invariable, which is to serve this end goal—and to adapt—as circumstances dictate—to this service. And they understand the meaning and indispensability of superior military force to successful prosecution of this grand ambition. Many people in our country—apparently—do not understand it.

The case of Cuba in 1962 illustrates as well as any I know the meaning of superior overall military power—strategic force power. We were determined to get Russian missiles out of Cuba. They knew we were, and we had the chips at a ratio of about five to one. I am convinced we would have used military force if necessary, and if we had, there was little doubt anywhere as to the outcome.

Now, I think it is reasonable to suppose that those of us charged with national defense should have adequately communicated our concern over the Soviet threat to the public. Yet a national poll last spring showed that 50 per cent of those sampled expressed the opinion that the government is spending too much for national defense and military purposes.

What is the cause then of our communication problem? Why is it that today our defense establishment which is charged to defend the nation against all enemies, "foreign and domestic" now is frequently unable to communicate effectively with those whom it is trying to defend. I think that the answer, as in most problems, must be sought in several places.

Some have said that the public hears but does not understand. Defense issues are complex, and some people tend to ignore them or oversimplify them or emotionalize them. Because dreams are frequently more pleasant than reality, some people tend to believe what they wish were true, rather than what is true. Because the world is a difficult place, some people tend to look for an easy answer. But these are universal human flaws, not the real problem.

In a democracy we accept the ultimate wisdom of the people to decide when presented the issue. That has always served us well.

Certainly the defense community itself is a part of the problem. We have lost a measure of public trust because some of our number have deserved to lose it. The percentage is small, but there are sometimes sloths in the military, there are sometimes cheats in the military, there are sometimes criminals in the military. The fact that most public disaffection is without foundation does not mean we must not seek out and eliminate those among us who do not belong.

Probably the worst fault of the military in the communication problem, however, is that we as soldiers do not try hard enough to communicate. One problem is the great mass of data which is classified because of a former need, but which needs faster revaluation. Another problem, is the number of man hours involved in declassifying. Yet that effort will surely improve our communications with the public. At the direction of the President Mr. Laird, the Secretary of Defense, has had such an effort under study since early this year.

Another problem in the military is that we don't work hard enough to present positive information. Too often our efforts to inform are simply responses to critical or negative queries. Too often the commander is too busy to be "bothered" telling people what needs to be said. There is a favorite saying of mine that "the telling is as important as the doing," and in the Strategic Air Command we try to remember it in our dealings with the public, military and civil. In connection with the telling is the explaining. Often a military specialist is the best person qualified to explain military happenings, yet he is least likely to be doing so, whether from disinclination or worrying over saying the "wrong thing."

Sometimes we are at fault because we are speaking to another generation than our own and the accent of age is difficult for youth to overcome. Frequently we are at fault because we speak in many tongues. It is not that the separate services really disagree on fundamentals, but that our differences in orientation of roles or missions make us seem to be diverging. And we falter in communicating with the public because most of us simply are not trained professional communicators. We are trying hard, however, to bridge the gap because it is the citizen's right to know.

Now I turn to the media, because they play the key role. And as the professional communicator is the best prepared and qualified to transmit the facts and notions of defense to the public, so must he also be held responsible when the communication is inadequate.

You don't have to be a journalist to note that a fair amount of reporting today is emotional rather than factual. I do not so note as a charge of merely anti-military reporting. I agree with Miss Edith Efron that bad reporting tends to treat all sides unfairly. I do not suggest a monolithic conspiracy, but I think I am not alone in feeling that the newsman's advocacy sometimes shines through his story so strongly that it is difficult to determine his news. Certainly a great deal of this advocacy has been counter to our national position in Vietnam and anti-military.

A few weeks ago a reporter cited for my comment a charge by another writer that, though President Nixon had promised to "wind down" the war in Vietnam, he had actually increased American involvement—especially in regards to air power. Yet it is difficult for me to see how any amount of political motivation could change the military facts that there are now 300,000 less American servicemen in Vietnam than there were when the President entered office, less than 10% of the casualties, 800 less B-52 sorties per month, and proportionate reductions in tactical air sorties.

Early this year we had some problems with airmen at Travis Air Force Base, near here. We consider all such incidents in the Air Force as serious, both because they indicate the possibility of unfair treatment, and because military leadership depends upon the ability of a very few to give explicit and sometimes dangerous orders to many in time of conflict, and have them obeyed without question. But the problem at Travis Air Force Base was minor compared to some in and out of the service. As I recall, there was about $5000 worth of damage and 135 men detained, most very shortly. But that was not the way it was presented to the public. Here is a quote from a national newspaper of some stature: "Early press reports were grossly inaccurate. A Sacramento paper reported $40,000 worth of damage and over 600 men involved in the fracas. Another paper said that a fireman had been killed by gunfire. A television network called it the 'worst race riot' ever on a military base."

I think that there are contributions from all segments of the media toward weakening the effectiveness of the communications link from soldier to citizen. It is evident that television, when it errs, has the greatest potential for damage, both because so many Americans get most of their news from television, and because the shortage of total exposure on television makes it more probable that a mistaken impression from one source will not be corrected by a more balanced presentation on the same subject.

Nevertheless all of us, soldiers and communicators alike, bear responsibility for the failure of our efforts to make known the facts on defense.

We live in a time of great peril and of great hope. The needs of national defense were never more critical, and perhaps never less well understood. The Americans who dedicate their lives to national defense are trying desperately to communicate. We need help, understanding, and trust.

SMALL BUSINESS BURDENED WITH REDTAPE

Mr. McINTYRE. Mr. President, for the past several years the Senate Select Committee on Small Business has been concerned with the massive paperwork burden imposed by the Federal Government on the small businessman. On October 8, 1968, the committee issued a report—90–1616—which found that Federal reporting programs over the past 10 years have increased at a rate of 50-percent greater than that of the Federal budget, and the cost of all of these reports to the Government exceeded $8 billion in 1967. This, I might add, is not the cost to the small businessman, who has to file all of the voluminous forms, but merely the cost to the Government to collect and file them. The report further noted that there are over 2 billion public-use forms printed by the Government Printing Office each year. This is approximately 10 forms for every man, woman, and child in the United States.

Mr. President, the small businessman is deeply concerned about the ever-increasing paperwork burden imposed on him by the Federal Government. He questions the need for the large variety of information requested of him; he is concerned about the massive duplication required by different agencies, but most of all he questions why Federal forms, particularly the income tax forms, are so difficult and complicated, necessitating that he hire professional help at considerable out-of-pocket expenses.

These are vital issues which we in the Congress must grapple with or we will surely contribute to the variety of economic pressures now forcing many small businessmen to close up shop. An excellent article on this subject appeared in "The National Public Accountant" of September 1971.

Mr. President, I would not suggest at this time that the proposal outlined in the article is the solution to our problem, but I do feel that the article is a good example of the kind of creative thinking we must do, and for that reason I want to share it with Senators.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Small Merchants Need Help

It is not the intent of this article to criticize any single government agency, but rather to criticize the effects, on the small businessman, of legal requirements that he supply up to 100 forms, filled in, annually, to these agencies. (Parenthetically, we admit that these forms are necessary for the information needs of government and for taxpayer compliance with complex tax laws).

For an example, let us take a small businessman, a sole proprietor operating a grocery store which also sells wine and beer, shotgun shells and seeds. The store is operated by the proprietor and his wife, two full-time and two part-time helpers. Sounds like a fairly simple set-up, doesn't it? Basically, it *is* a simple set up, until the proprietor sets various wheels in motion by applying for a set of numbers, and qualifies for unemployment insurance on his employees.

To begin with, Mr. Proprietor and his wife file their individual North Carolina income tax returns and their joint Federal income tax return. That's only three forms. Perhaps he has to file a North Carolina intangibles tax return—another form. Then there are the eight North Carolina estimated income tax forms to be filed, and the four Federal estimated income tax forms. There will be four quarterly North Carolina withholding tax forms and four Federal FICA and withholding tax forms. The four Federal forms must each have as many as three (average) depositaries, used at the rate of one each month for small businesses. Larger firms have a twice-monthly Federal depositary obligation. Some firms deposit weekly by choice. State and Federal annual reconciliations of withheld taxes must be prepared at year-end, and W-2 forms must be issued to all employees. There is an annual Federal employment tax form with four (average) depositaries. A dozen North Carolina sales tax returns must be filed. A county inventory tax form must be prepared.

Mr. Proprietor must apply to the North Carolina Department of Revenue for his Schedule B license taxes on soft drinks, tobacco and a number of other categories. He must apply for his beer and wine permits from the ABC Board, and he must apply—at a time different from that for Schedule B taxes—for his beer and wine sales permit taxes. He must apply again for his seed sales license from yet another agency. The Federal government supplies a beer and wine sales license upon proper application, and the Feds also require another tax and permit to sell the shotgun shells. The county government must have an application for a beer and wine permit. And, there are four returns to be filed with the North Carolina Employment Security Commission. But Mr. Proprietor may not be finished with his forms.

It is possible that our small store has been selected by the Federal government as one of the firms that must supply sales records to the Census Bureau six times a year, on both cash and credit sales, as part of the Bureau's statistical task. Too, our store might have been selected by the Department of Agriculture to supply a monthly report on prices paid by farmers for certain commodities. And, again, it might have been selected to supply the Bureau of Labor Statistics with hours and pay for one weekly payroll each month for *its* statistical use.

Our grocery man does not operate a diesel truck. If he did, he would have to supply 12 Carolina Department of Revenue and buy a "gas stamp" from the same department. Unmonthly reports on fuel use to the North der certain conditions, Revenue allows some diesel fuel users to report quarterly. Too, he must file a Highway Use Tax report, with the tax itself, to the Federal government on trucks of certain weights.

(It should be explained here, in all fairness, that only a few firms are chosen by the various agencies to make these statistical reports. Our small accounting firm has three Census reports every two months, one monthly labor statistical report, and one monthly report to Agriculture.)

Not only must our businessman supply all these reports, and the cash that goes with most of them, but he is also subject to audit and inspection by several North Carolina agencies and, generally, three Federal agencies. Our North Carolina audit and compliance inspections come from the State Departments of Revenue, Employment Security, and Labor, with Agriculture and the Board of Health sometimes on the scene.

Most certainly our compliance workers are needed. There is no disputing the fact that all these agencies have problems in the enforcement of their lawful functions. It happened recently that one of our clients had a North Carolina Revenue spot check and an audit by North Carolina Employment Security in the same day. The proprietor was unable to attend to any of his business affairs for one full day, since he had to supply records and form copies for the auditors.

The deluge of forms is rapidly coming to the point that amounts to cumulative harassment. Certainly some firms may—and do—employ accountants to keep their completed forms flowing to the right place at the right time. However, while we would like to emphasize the work of qualified, ethical accountants in such matters, we must recognize that the paper burden being placed on small businesses is nearly intolerable. And, as of January 1, 1972, the problem will increase, when firms with only one employee will come under Employment Security taxation from both North Carolina and Federal governments. Businesses with fewer than four employees are not now covered in this state.

Now that we have posed the paperwork problem, is there a solution? We believe so, at least partially, in what we shall call UNITAX.

As we see it, UNITAX would consolidate the enforcement and collection functions of Revenue and Employment into a single UNITAX agency. Common sense dictates that there should be some modification of beer-and-wine and seed taxes, along with license taxes, etc., as to due dates, so that these dates would coincide. There would be no need to put a single Revenue or Employment auditor or collection man out of work. There would, necessarily, be some re-training required for personnel to carry out the UNITAX aims of auditing and enforcing for these agencies. It has also been suggested that alcoholic beverage and seed permits' enforcement be included in the UNITAX setup, since both these fields of government collect money for taxes and permits. There is merit, therefore, as well as admittedly deep problems, in combining these two jobs into UNITAX. But it *could* be done, and would benefit the business community immeasurably.

Under UNITAX there would be only four quarterly reports filed with the proposed agency for North Carolina government units. Now, you could, quite legitimately, ask, Would you deprive Revenue of its monthly sales taxes? No. The four quarterly reports, easily adaptable to those punch cards that computers handle so beautifully, would summarize the depositaries of the two previous months in the quarter-year being reported. Our businessman would make State depositaries for the first two months of a quarter-year in an amount equal to the previous month's liability for sales taxes, with a small error allowance. The actual quarterly sales tax return would report the full liability for the three-month period, with the balance of the liability remitted with a check that would also contain the estimated income tax payment, State withholdings and employment taxes.

The computer ability already exists to record and distribute these taxes properly. The ultimate in UNITAX and intergovernmental cooperation would occur when the State agencies combine with the US Internal Revenue Service for a State-Federal UNITAX unit. But perhaps that is just too much to hope for. The two revenue agencies are already exchanging audit reports.

Admittedly, the UNITAX plan is far from perfect. A critic could charge that the quarterly report would be far more complex than the current several reports that the businessman must file. This would not necessarily be true. It is our belief that the UNITAX report could be far simpler and less time-consuming than the system now used, and would offer, in addition, the advantage of one-check payment. Although the tax agencies do not forbid the single-check payment of different types of taxes, experience has taught businesses and accountants the advantage of paying each tax with a separate check. Not doing this sometimes requires correspondence to allocate the taxes properly.

Further, the three reporting numbers now required by State agencies should be simplified to one. Currently, there are reporting numbers for sales tax, North Carolina withholding, and Employment Security. These numbers are already county-coded. (Our home county is No. 35 with Revenue, and No. 34 with Employment.)

Also, there is a Federal reporting, or Employer Identification, number—beginning with 56 in North Carolina.

The entire concept of UNITAX will require changes in the laws which set up the various agencies, but the end result, we believe, would provide seriously-needed help to the businessman with his growing battle against paperwork. An expanding economy and expanded governmental tax policies have placed upon business an ever-increasing load of forms, as the agencies and bureaus proliferate. Each of these agencies, as it is formed (or so it seems), immediately grows enforcement, audit or compliance arms.

We do not challenge these agencies. They are discharging their lawful functions. But we do challenge the more-or-less one hundred forms that descend annually upon the small businessman. Many of these forms could be shortened or eliminated. But it is an undeniable fact that practicality demands some unification and/or reduction of this paperwork.

(As a direct result of the strong feelings of Author Shelton and others in the North Carolina accounting community, a resolution—House Joint Resolution DRR7233—was introduced into the 1971 Session of the General Assembly of North Carolina. The text of the resolution follows.—Ed.)

A joint resolution directing the Legislative Reserch Commission to study the wide range of forms, reports, audits and inspections required of businesses, large and small, by various government agencies, and to propose practical ways to simplify and consolidate record-keeping, coordinate the timing and filing of reports, and reduce the mounting burden of government-imposed paperwork.

Whereas, businessmen are increasingly obligated by Government agencies at every level to file a myriad of forms and reports and to submit to repeated inspections and audits of their books and records, so that it is difficult and expensive for the most able and often impossible for the small businessmen to keep up; and

Whereas, businessmen are now filling out each week or month various local, county, State and Federal forms for taxes, licenses, permits, special stamps, inventories, prices, credit sales, cash sales and other commercial census studies, employment and other purposes; and

Whereas, no doubt each of these forms has been required for a worthy purpose of government; and

Whereas, in order to ensure compliance and enforcement of various laws each agency checks, inspects and audits from time to time, each on its own, and one after the other; and

Whereas, suitable records must be made and kept, often in different forms to suit the different agencies. For example, each business in North Carolina is now required to have at least three different identifying numbers; one for the sales tax, one for the withholding tax, and one for the Employment Security Commission. These are in addition to the different Federal reporting numbers that may be required. All these could be reduced to one identifying number, coded for the county and the State; and

Whereas, the cumulative effect of all this paperwork can be overwhelming on businesses and impose serious burdens on the economy of the State; and

Whereas, it is believed that many of these records and forms could be unified, coordinated and their filing dates synchronized; and the inspections and audits made by or for more than one governmental agency at the same time, thereby saving money and time for the businesses and the government. Also, it is believed that government use of computer science and shared computer facilities may offer additional savings; and

Whereas, any increase in overall efficiency would improve the economy of the State, lower the actual cost of all goods and services produced in the State, and in no way weaken the quality of government in the State; and

Whereas, we believe that other states share a similar concern in reducing paperwork and eliminating duplications. We should explore with other interested states every practical approach toward achieving such efficiencies and convenience;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The Legislative Research Commission is hereby directed to study and recommend practical ways to simplify and consolidate record-keeping required by the State or any of its subdivisions or agencies, to coordinate the timing and filing of reports and the making of inspections and audits and otherwise to reduce the mounting burden of government-imposed paperwork.

SEC. 2. The Commission shall propose any appropriate legislation on this subject.

SEC. 3. All agencies of the State and subdivisions thereof shall cooperate with the Commission in this study and where no further legislation is necessary, all agencies of the State and its subdivisions shall put into effect such efficiencies at the earliest opportunity.

SEC. 4. The Commission shall report its findings and recommendations to the 1973 General Assembly.

SEC. 5. This resolution shall become effective upon ratification.

THE PENTAGON AND CREDIBILITY

Mr. HATFIELD. Mr. President, during the debate on the extension of the draft, many of us who favored nonextension pointed to the contradictory conclusions and data being supplied by the Pentagon as to our military's manpower needs. The record speaks for itself on this matter.

During the debate, it was also pointed out that if military pay increased along the lines recommended by the President's Commission on an All-Volunteer Armed Force and the 95,000 men on nonmilitary duty, such as KP and grass cutting, were placed in more productive areas, there would be no need to give the President the authority to draft; there would not be any shortfalls for fiscal year 1972. Apparently that message, seemingly simple as it may be, did not get through; and as we all know, the Selectve Service Act was passed.

Since that time draft calls for the remainder of the year have been announced: 10,000. Keep in mind the dire predictions of danger that were made by the Pentagon and certain Members of Congress as to what would occur if the draft were not extended. Then compare these statements with the draft calls. The credibility gap widens, to the loss of our country, its citizens, and its Armed Forces.

Mr. President, I ask unanimous consent that an editorial published in the New York Times of October 6, 1971, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE PENTAGON CRIES "WOLF"

The Pentagon's credibility gap is showing again. Defense officials put heavy pressure on members of the Senate last month to obtain quick passage of the new Selective Service Act, arguing that unless the draft were speedily reinstated the nation faced a serious military manpower "crisis." What crisis?

Now that the draft bill has been signed into law, the Department of Defense has asked for only 10,000 conscripts for the last three months of this year, the lowest call-up rate since 1965. On top of that, it is now revealed that at the very time Defense Secretary Laird was prodding Congress with alarms about a manpower shortage, the Army was instructing recruiting offices not to let ex-G.I.'s reenlist except those with critical skills.

Renewal of the draft no doubt eases the Pentagon's recruitment problems; it may even have been necessary to insure a smooth transition to the all-volunteer force anticipated by1973 . But it is clear that the emergency pictured by the Pentagon was grossly exaggerated.

Defense officials who resort to such scare tactics to obtain their legislative objectives do themselves and the nation a dangerous disservice. By crying "wolf" when there is no wolf, they undermine the mutual confidence essential to insure effective White House-Congressional cooperation in support of genuine security requirements.

TRAGIC IMPLICATION OF MASSIVE PROGRAM OF FORCED BUSING

Mr. BROCK. Mr. President, I was struck anew by the tragic implication of the massive program of forced busing of this Nation's children recently when I read an article written by Mr. William V. Shannon and published in the Chattanooga Times which may very well foretell the complete collapse of our public school system.

We who are willing to face fact know that more and more citizens, unwilling to subject their children to the hazards—known and unknown—inherent in the busing program, are placing those children in private schools. In Chattanooga alone, several hundreds of white children who were expected to enroll in two largely black high schools simply did not do so. If my information, derived mostly from parents, is correct, those children have been sent out of the school district to stay with relatives and to attend school there, or they have simply refused to go to school at all. In a word, they have become dropouts.

If this continues to be the pattern, our school system can look forward to lean days, indeed, for these are the patrons who pay a great deal of the taxes to support that system. Will they continue to support a school system in which they have lost faith? I think not. What then will be the advantage to those children who must continue in the program? Will they have available better education than could have been provided by preserving the neighborhood school system? Again, I think the answer would have to be "No."

I ask unanimous consent that Mr. Shannon's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DISCUSSING THE DILEMMA OF BUSING

(By William V. Shannon)

WASHINGTON.—In many communities across the nation there are sharp disputes over the busing of children to achieve racial integration in the schools. The controversies evoke so much anger and generate so much confusion because two valid aspirations are in conflict.

Each family wants the best possible education for its own children. But, at the same time, as good citizens most parents want to obey the law and help this country end the shame of racial segregation. For many parents, predominantly those who are white but also some who are black or Chinese, these values contradict one another.

They believe they are being asked to sacrifice in some degree the education of their children to achieve a hypothetical public good.

It is not useful to denounce these concerns as racist. America is a racist country, but unfortunately so is practically every other human society. In India, men advertise for light-skinned brides. In Indonesia, the Chinese are persecuted. In Kenya, a black government has expelled Indians. Political demagogues get votes out of the racial problem in Birmingham, England, as they do in Birmingham, Ala. Where racial relationships are concerned, Americans have no grounds for complacency, but neither are they uniquely guilty.

Can private anxieties and public ideals be reconciled? No one can answer with complete confidence but certainly if racial concerns about the schools are to be eased, the limits and difficulties of integration have to be candidly faced. Not all of the ideals of racial integration are likely to be achieved in the near future. For example, one of the virtues of integration is that it enables children of both races to rub shoulders together in school and thereby gradually learn the pluralist values which this heterogeneous society needs to survive as one nation. That goal is not likely to be achieved in the elementary grades by busing.

Children who do not play together after school and on weekends are not really learning to live together. Dividing them into groups by race at the end of the school day and busing them away in opposite directions is more likely to heighten rather than diminish racial differences. For integration really to work; there has to be a carry-over by the children themselves from the formal situation of the school room to the informal situations of the playground and the sidewalk.

Integration is still worth pursuing if it provides black children with a better education than they have been getting in all-black schools. The black children benefit in two ways. They have whatever stimulus is provided by classmates of diverse backgrounds. Secondly, in some communities, busing enables them to have better teachers and better facilities which are there because white parents had the political muscle to achieve quality schools.

If these white children are to stay in the schools and the white financial and political support is to continue, the newly integrated school must continue—or in some cases to be—thought of as a "white school." To that end, racial quotas are probably necessary, obnoxious though they may seem at first glance.

Experience suggests that if a school's student body and faculty are approximately two-thirds white, its future is probably viable as an integrated school. But once a school "tips over" and has a black majority, the black students begin to feel themselves once again in a black school while the number of whites begins rapidly to diminish toward zero.

What is at stake are the values that are honored in the particular school, and these in turn depend on family backgrounds, career aspirations and the emphasis placed on doing well academically. As long as most blacks in American society are perceived as lower on the social and economic scale than whites, then most whites are going to resist sending their children to schools where blacks are in the majority.

Expressed another way, black militants are in a sense right when they argue that black students who get along well in a white-dominated integrated school are being made into "chocolate-covered white men." But competing notions about "soul" provide no basis for any integrated education.

If white parents believe their public schools are not providing what they want, they will shift their children to private schools or move their families to the suburbs.

The situation in Washington, D.C., sadly demonstrates the power of this white veto. The number of white children in the public schools here has steadily declined since 1954. The few remaining academically prestigious public schools are in a white section in the far northwest corner of the city and their future is precarious. Meanwhile, the city's mayor, congressional delegate and many of its other black leaders have abandoned the public school system for their own children for the same reasons as their white middle-class counterparts.

In fashionable Georgetown, which is overwhelmingly white, the few remaining public schools are almost solidly black. "I believe in busing," one white liberal Georgetown matron remarked the other evening. "I bus my children four miles every day to a private school."

Unless integrated education proves itself to be quality education, this dinner party witticism may become the epitaph of the public school system in every large city in America.

SCHOOL LUNCH PROGRAM

Mr. HUMPHREY. Mr. President, at 11 o'clock this morning, Assistant Secretary of Agriculture Richard Lyng held a news conference. At that time he announced that the Department has decided to agree with the Senate position and pay the Nation's school districts a minimum of 45 cents per meal for school lunches.

Last week, the Senate passed overwhelmingly a resolution by Senator HERMAN E. TALMADGE, myself, and a number of others, which would require the action the Department took today.

We should be grateful to Senator TALMADGE for his diligence in this matter, and the fact that he brought the problem to our attention. Without the resolution many school districts would have received severe cutbacks in school lunch money, and many would have abandoned the program.

At this point, Mr. President, I would like to remind the Senate that this is the second time we have had to challenge the administration because it ignored hungry children. In June, we made it clear that this Congress wanted a decent school breakfast program, and we succeeded in preventing cuts in the summer nutrition program.

Today's Department of Agriculture announcement is a victory not for the Congress, but for the Nation's school children.

However, the Department has also announced that it will hold school districts to providing free or reduced price lunches only to children whose parents earned income at or below the poverty level. I am deeply concerned about this restriction. That is why, I believe, it is important that the Senate act on the Universal Child Nutrition and Nutrition Education Act of 1971, S. 2593, which I introduced on September 28. We must eliminate the incredible patchwork of limiting legislation and regulations that afflict our child nutrition programs. The health and well-being of all our children demands that we meet their nutritional needs regardless of the residence or income of their families. My bill takes account of the widespread evidence of inadequate nutrition among American children even in higher income areas, and it provides for the establishment of a nutrition education program and the substantially improved administration of child feeding programs by State and local governments.

NEW YORKER WINS U.N. ASSOCIATION ESSAY CONTEST

Mr. JAVITS. Mr. President, on September 23, 1971, the Foreign Relations Committee met to hear the winners of an essay contest held by the United Nations Association of New York in the topic "What should be done now to make the United Nations a more effective force for Peace?"

The winner in the high school division was Paul Rosenberg of Jamaica, N.Y., who attends the Horace Mann School in Riverdale, Bronx, N.Y. He wrote a most interesting and enlightened essay on this vital subject, reflecting learning and originality.

I ask unanimous consent that a copy of Paul Rosenberg's essay be printed in the RECORD:

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY PAUL ROSENBERG TO SENATE AND HOUSE COMMITTEES

Before structural changes or even new national commitments can be successful in making the United Nations more effective, a psychological rebirth must restore vigor and sense of purpose to the organization itself. Only after the UN achieves a position of ethical pre-eminence can it proceed with its specific tasks: making the world realize the awful dangers with which it is confronted, and convincing governments that the world organization must be given the power necessary to deal with these dangers.

To make nations whose defense apparatus is so awesome that attack is clearly suicidal willing to entrust the guardianship of world security to the United Nations, the UN must assert a moral supremacy that has been severely compromised by the moral nature of political deliberation. A distinct separation should be made between the UN that is an assembly of the representatives of factional and contentious nations, and the UN which has moral prerogatives of its own. Both these functions should be maintained, but clearly delineated. To strengthen its moral position, the UN should become the focusing agent of all humanitarian efforts throughout the world; a UN Human Rights Authority should be set up to enforce the Universal Declaration of Human Rights and various other agreements, such as the Geneva Conventions and the precedents established at Nuremberg. Enforcement would not be easy, of course, but the concentrated force of world opinion can be effective in many cases. The United Nations should provide the impetus and apparatus to solve the nonpolitical problems of the world that are too great for any one nation to handle—such as overpopulation, illiteracy, and pollution—and to coordinate scientific efforts in such fields as space exploration and solar power. A scientific project with commercial implications, such as the SST, could have been better managed by the UN. Scientists with the experience of the SST and the deceleration of the space program behind them, would be eager to work for an organization whose international spectrum of clients would protect them from the vicissitudes of national policies and economic patters.

The greatest dangers to world peace are economic—both the gap between rich and poor nations that produces so much hostility, and the need of the developed nations to stimulate and maintain prosperity through arms spending. By levying a tax, or mandatory contribution, from each member's GNP, the UN could be provided with the relatively modest funds necessary for it to oversee the development of undersea resources, and the distribution of these resources so that the gap between rich and poor is narrowed. The wealth of the oceans is great enough to do this—if the United Nations can insure it is used where it is most needed. The money can be raised if the UN has the nerve to make it a prerequisite of continued membership. This choice of submitting to the decisions of the organization or leaving it will have to be offered to members time and time again—and I feel it is likely most will remain within. Other monies are needed for the UN to provide the foundation for an international market in peace-related products, so that nations can be convinced that their economies can run as smoothly as they do now geared to peace, instead of war.

But if we wish to achieve any of these new roles for the United Nations, its structure must insure that the realities of power are not forgotten. I suggest a bicameral arrangement, with a lower house apportioned by military and economic strength, and an upper house where all nations would meet on the basis of equality. These two houses would alternately goad and restrain one another, insuring that decisions correspond to political realities while moving steadily toward international law.

Somehow, the United Nations must stave off disaster from two sides—nuclear annihilation and social disintegration. To withdraw the world from the awful precipice of nuclear destruction, it must force all men to look over the edge. Old fears must be rearoused, not by creating dangerous situations, for there will be more than enough of these, but by informed, rational appeal to an irrational instinct—survival. *Fear is the only sane reaction* to such prospects as we have, and it is up to a revivified United Nations to make the world face up to this fear, realize the reasons for it, and destroy them.

It cannot destroy them by turning their own violent methods back on them. While a permanent UN military force is probably necessary to allow the UN to move flexibly and to give it credibility in a world where power is measured in overkill estimates, renewed strength of the United Nations *must* be non-violent. You cannot "kill for peace" without losing the ethical superiority of your position. And it is not necessary for the United Nations to be invested with military force for it to fulfill its primary objectives. The leaders of the great powers realize that the continued threat of nuclear war gives neither side a definite advantage, and that the real danger to governments all over the world lies not in ideological aggrandizement but in anarchy or annihilation. The great powers of the status quo have, after all, the greatest stake in the continued existence of this world, and it is their leaders who can most clearly see that, unless the great social problems of our world are solved, government itself will be utterly unable to function in the future. But these leaders, no matter how acute their perception of these truths, must wait for an international psychological climate to be created in which honest desire for peaceful settlement does not appear to the world as weakness, nor adherence to international law submission to alien authority. The UN must help the great powers save face through its moral position; its great task is to make peaceful solutions honorable as well as expedient. And so, if the UN is successful in the attempt to become the acknowledged leader of all who wish for peace, and thus provide a means for nations to tone down their rhetoric and scale down their arms expenditures, it will be unnecessary for the United Nations to be militarily oriented at all.

I have tried to outline a number of ways in which the United Nations chances for success might be improved. Clearly, I support such steps and I am interested in the work of the UN. But at this point it seems to me that the government of the United States is no longer interested in experimenting with international institutions. The government seems to display little ongoing interest in the United Nations, and indeed the present Administration has made clear its coolness towards the organization by failing to appoint as Ambassador a man of worldwide renown. Also, the government is supported in its indifference by many Americans; it cannot at this time be claimed that the country clamors for increased support of the UN. However, there is reason to believe that this situation will change sooner than most of us expect. The question I should try to answer then—perhaps a more important one than "How should the UN be made a more effective force for peace?"—is that of "How can the U.S. be convinced that the UN should be made more effective?" Once *this* is accomplished, I am sure better means than mine will be suggested.

America's needs in the area of international relations have changed radically in the last few years, and yet our foreign policy remains substantially a reaction to the beginning of the cold war some twenty-five years ago. The keystones of this policy have been the maintenance of national prosperity through the placement of armaments contracts and a competitive nuclear stalemate of mutual deterrence. Domestically, an inefficient industrial establishment has produced poorly designed weapons at fantastic cost-overruns, threatened its employees' jobs, and forced government subsidies. This prosperity is already on the decline and the people are beginning to reject the entire system. The narrow defeat of the SST was a slow Congressional reaction to a growing popular conviction.

Internationally, the practice of mutual deterrence has worked rather well so far. It has not only avoided nuclear war, but worked to calm local conflicts because of worldwide fear of big power involvement. It has even allowed for some measure of detente. But three factors make it an outworn, disastrous policy for the future: First, proliferation, while ostensibly halted, is bound to surface at some time, as most technologically advanced nations now have immediate nuclear capability. Secondly, the possibility of a realistic China policy on the part of this nation means that the old two-power balance of terror will have to be remade to suit the new three-cornered situation, and this will be a difficult process. In any case, the resulting readjustment may be far less stable than the present system. Thirdly, the actual machinery of nuclear deterrence, the arms race, is bound to break down as it accelerates, due to its spiral nature. It is even now straining the resources of the nations involved.

So we must begin to seek a new nuclear policy to replace mutual deterrence. Any such nuclear policy is bound to produce at best stop-gap measures. The only possibility of securing some degree of safety from nuclear destruction involves the elimination of the reasons that could bring nations to nuclear war. Some of these are elemental components of human nature and cannot be altered. Other roots of belligerency, however—political instability, illiteracy, hunger, poverty—could be changed favorably if international cooperation, international law, and active support of international oragnizations become United States policy. In the process, none of our old goals—democracy, liberty, equality, or the pursuit of happiness—will have to be abandoned; our attitude will have to change only in regard to our ideological arrogance, and our belief that nations that receive our help should conform to our system.

When subjected to an overall analysis, it seems clear that the policies formulated in the early fifties will have to be remade, in any event, if we are to survive the next ten years. The edifice the United States constructed at the end of the Second World War is breaking apart. The Common Market makes a United Europe a possible Fourth Superpower; NATO loses members, men, and money; our supremacy is lost in the Mediterranean; our military forces in Europe may be withdrawn; and the Bretton Woods agreements are broken. As we stand at present, there is nothing for a young person living in America to look forward to but a long struggle on the part of our government and military to suppress any evidence of dissatisfaction wherever we may have a degree of influence, the result of which may be an eventual retirement to a "Fortress America" awaiting a sordid end as a result of a senseless nuclear war or an equally senseless domestic anarchy and repression. Perhaps this explains why young Americans are so anxious to see foreign policy changed. Present policy leaves us nothing to look forward to.

The most damaging characteristic of our foreign policy has been an ability to see a particular regime for what it is—in many cases, corrupt, despotic, futureless—and still to support it. Voting patterns in the United Nations have mirrored the transfer of power in many developing nations from pro-American governments to socialist-nationalist groups; while, in other nations, oligarchies remain in control. It is, of course, true that many so-called "popular" revolutions have brought to power only a new set of dictators, and there is no more reason to support these governments than the old oligarchies.

Instead of pursuing our present policy and watching the strength of the regimes we support being whittled down over the years while Peking and Moscow are able to exploit the understandable hatred of deprived people towards us, we should compete with Moscow and Peking for support among indigenous popular movements in developing nations throughout the world. The most potent force in most of these countries is nationalism—and it is very possible that against the Breshnev doctrine and the militancy of the Chinese, our friendship will appear most attractive to most nations—once we cease to be identified with the forces of oppression.

It seems to be time to realize that economic conditions in most developing nations are utterly unsuited for American-style democracy and that some form of socialism represents the only possible answer to the problems of these nations. The phenomenon of convergence may assure us that so long as individual political leaders do not interfere with a natural process, this socialism will not in the end be very different from our own system. We should immediately repudiate those governments which, though they may be staunch allies, are clearly corrupt and unpopular dictatorships. We should extend all possible aid to nations genuinely trying to find a middle path through democratic means, such as India.

The role the United Nations could play in a transition of our policy is an important and many-sided one. By recognizing all nations on an equal basis through the UN, we recognize their implicit right to decide their own ideological and political policies. We must do so if we are not to remain exclusively identified with the decaying despotisms of the world. We can further aid neutral nations in resisting anarchy, rebellion, and social disintegration through aid under the auspices of the United Nations, for we clearly are not ready to provide direct support to nations at odds with our ideology.

Once we begin looking for something to help us in our reformation of foreign policy, and to provide a safety apparatus to prevent nuclear war, the United Nations is the obvious choice. As the oldest surviving large international organization, it is the only intact remnant of the Great Alliance of World War II. It has the advantage of being the place where the new nationhood of the post-colonial world was confirmed. It is the only institution with any hope of marshalling the worldwide support and prestige needed to organize international efforts which are the only real hope for a secure future. It deserves our active support. The only way to avoid the collapse of moral leadership is to change our present policies, and then change them again if necessary. For the most debilitating effect of any power is its inability to seriously consider change.

LATIN AMERICA

Mr. KENNEDY. Mr. President, the recent conference of the Inter-American Economic and Social Council at Panama has spotlighted the legitimate concern of the leaders of the Latin American nations that they are low on the priorities of this administration.

Faced with a fait accomplis by the representative of this administration's new economic plan, the Latin nations spoke not only for themselves but for all the nations in the developing world when they expressed the view that they were being punished for a balance-of-payments situation that they had done almost nothing to create. Their balance of payments with the United States has been in the past and continues to be today highly favorable to the United States.

But this most recent incident in the declining relations with Latin America simply reflects an administration outlook that began with the ill-fated Rockefeller mission and continued through the refusal of this administration to permit the Export-Import Bank to finance the sale of Boeing aircraft to Chile's airlines. This latest event is viewed by Latin American nations as an affront to their independence, regardless of their differing attitudes toward the Allende government.

Our attitude toward Latin America has been more than benign neglect. It has been accompanied by heavy handed attempts to indicate our displeasure at the coming to power of a new government in Chile and a low keyed but still evident policy of weighing the commercial interests of private U.S. companies far higher than other aspects of our national interest.

In a recent article in the New York Times, Theodore S. Sorenson discussed the deterioration in the U.S. relationship with Latin America. In his conclusion, he reminds us of President Kennedy's admonition that if our policies tend to impede peaceful change, we shall reap violent revolution in its place.

Mr. President, I ask unanimous consent to place in the Record the article by Mr. Sorenson.

There being no objection, the article was ordered to be printed in the Record, as follows:

We Don't Have Any Friends There

(By Theodore C. Sorensen)

This nation's relationship with Latin America is about to be drastically, perhaps permanently, damaged as the result of narrow and inflexible commercial pressures.

Those large U.S. oil, copper and other companies which now find themselves, in the face of surging Latin-American nationalism, unable to do business in the same old way, are understandably resentful and are entitled to the full protection of international law. But our much broader national interests will not be served if our Government views these disputes, and Latin America generally, only in a hostile business context. Nevertheless, the Treasury Department, over State Department opposition, is today basically advocating that kind of negative posture; and President Nixon is said to be in the process of deciding whether to permit this approach to fill the present Latin-American policy vacuum.

The Treasury's position is evidently based on Secretary Connally's reported conclusion that "We don't have any friends there anyway." That remarkably uninformed and insensitive statement mistakenly assumes that only anti-U.S. sentiments motivate those Latin-American governments wishing to control the exploitation of their natural and marine resources, or wishing to break up the giant property holdings that have long kept their *campesinos* in virtual peonage, or wishing to reduce their national overdependence on decisions made in New York board rooms. In truth, those hemispheric leaders most determined to play a larger role in guiding national economic development are the very same leaders who recently expressed to me the most genuine admiration and affection for the people and ideals of the United States.

To be sure, their feelings may not have come through in our news media, which have a tendency (reflected occasionally even on The New York Times editorial page) to employ conveniently brief but pejorative labels—such as "leftist," "rightist," and "military dictatorship"—to explain complex developments south of the border that are in fact more pragmatic than ideological. But the present military Government in Peru, to cite one example, is in fact vastly different in background and in motivation from the traditional "junta" we assumed it to be. Similarly, the vitality of Chile's opposition parties and press is directly contrary to our customary image of "Marxist" nations. And why must we continually be asked to shed tears for the passing of "democracies" in which actual political and economic power was wholly exercised by and for a small privileged oligarchy?

Yes, we still have friends in Latin America. But the Connally statement unfortunately has all the earmarks of a self-fulfilling prophecy. If we do start responding to each act of economic nationalism with instant and automatic hostility—without waiting to see, for example, whether those governments nationalizing properties will meet the broad international law standards of fair compensation, or whether an international conference can sensibly fix territorial sea limits—then inevitably more Latin-American students, intellectuals, workers and peasants will be driven further to the left. This can only dismay their hardpressed governments, delight presently scattered guerrilla movements, and endanger those modern-minded U.S. investors and businessmen who are fully desirous of working with these governments through joint ventures, service contracts and other collaborative arrangements.

If rigid financial interests thus succeed in dominating our Latin-American relations, it will be in part because no one else showed much interest. In ten year since the Alliance for Progress, the Hemisphere has gone from priority to purgatory in U.S. foreign policy. Those leaders with whom I met could discern no Administration "policy" for Latin America today, no single overriding program to submerge the dissonant attitudes of the Congress, corporations and competing executive departments, no bold new concepts of cooperation to replace the constant haggling over bits and pieces of policy, fishing rights, sugar quotas and the price of coffee. State Department pronouncements range from the politely tolerant to the mildly indifferent. While we are busy sseking normalization of our relations with China, we resist their normalizing relations with Cuba. In place of the trade preferences they were solemnly promised to diversify their exports, we have imposed an additional 10 per cent surcharge.

The proposed get-tough or the present benign-neglect policies may cost us nothing today. But, over the long run, do we really want a series of Calcuttas in this hemisphere which would be infinitely more dangerous than a series of Castros? Or will we remember in time that, in Latin America in particular, "Those who make peaceful revolution impossible make violent revolution inevitable."

A RECKLESS WASTE OF RESOURCES

Mr. MOSS. Mr. President, I invite the attention of Senators to an article published in the Christian Science Monitor of September 30, 1971. The story details the shortage of trees, the competition between the commercial and recreational uses of forests, and the vastly increased logging that may have to be done over the next 20 years in order to meet the demand for wood fibers. The National Forest Products Association warns that the situation is "tantamount almost to a national crisis."

We cannot afford to waste these resources that are in such short supply Yet that is precisely what we are doing by refusing to recover and reuse wood fibers from our solid waste.

Regrettably and outrageously, the Federal Government is the worst culprit. Nearly 200,000,000 pounds of paper were used last year by the Government Printing Office, but not a single sheet of it was recycled paper. Every pound of it was virgin pulp from our shrinking forests—about 1,500,000 trees worth.

In this, the Federal Government is lagging significantly behind private industry and State and municipal governments, who have shown a willingness to experiment, and whose experience has shown that recycled paper is every bit as tough, long lasting, and versatile as paper made from virgin wood.

Those who set the paper standards for our Government had better wake up before it is too late, while our forests are still standing. They must remember that it is their duty to protect the public interest, not the status quo relationship of the Government Printing Office and its favorite virgin pulp suppliers. And the public interest is, overwhelmingly, immediate and large-scale use of recycled paper by the Federal Government.

I urge timely consideration of my bills S. 2266 and S. 2267, and other bills now in Congress relating to the use of recycled materials. Time is growing short.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Fight on the Timber Line: Crop or Heritage?

(By Peter C. Stuart)

Eureka, Calif.—To a Georgia-Pacific Corporation forester, his boots planted in the dust of a logging trail, that timber on the next ridge is "a crop" to be harvested.

But to a Sierra Club conservationist, the same timber possesses "extraordinary beauty and unique quality" to be preserved.

This particular timber happens to be a controversial mountainside of redwoods bordering Redwood National Park near here, which the company owns and now is logging. But it could just as well be other forest lands most anywhere in the country.

From the rugged slopes of Douglas fir here in the Pacific Northwest to the yellow-pine flats of the Deep South, timber companies and environmentalists are locked in a footrace for American forests.

EFFECTS PROJECTED

The outcome is likely to affect even the most urbanized Americans:

Lumber prices will rise and housing needs go unmet unless logging accelerates, says the timber industry. "Tantamount almost to a national crisis," warns the National Forest Products Association.

But public use of forests—for recreation, water, fish and wildlife, scenery—will be spoiled by heavier timber production, reply environmentalists. "The forest lands of the nation," charges Rep. John D. Dingell (D) of Michigan, are being systematically destroyed by unsound forest practices. . . ."

Both sides have incorporated their views into bills now competing in Congress. Public hearings have just been completed by a Senate subcommittee in several parts of the country—Atlanta, Ga., Portland, Ore., and Syracuse, N.Y.—with climactic hearings in Washington due soon.

The industry supports a bill by Sen. Mark O. Hatfield (R) of Oregon intended as he puts it, to "permit substantial increases in timber production," chiefly in private and state-owned forests through incentive grants. As balancers, the bill provides an advisory board and public hearings for national forests, and earmarks receipts from federal timber sales for management "improvement."

"Our main interest," a trade-association official told this correspondent during a visit to Oregon forests, "is to encourage development of privately owned small forest lands, most of them in the East." These contain more than one-half of the nation's forests, but produce only 18 percent of its timber.

Conservationists prefer legislation by Sen. Lee Metcalf (D) of Montana (introduced in the House of Representatives by Mr. Dingell) putting teeth into the old concept of "multiple use." The bill curtails clearcutting (removing all timber in one cutting), wood exports, and logging in areas qualifying as wilderness.

"We are simply attempting," said an aide of Senator Metcalf, "to get a degree of state and federal control over a basic resource."

Disagreement between the two measures rages with all the intensity of a forest fire. The Metcalf-Dingell bill would "actually discourage tree growing," charges one industry group. The Sierra Club retorts that the Hatfield proposal "would give the exploiters of our forests a free rein."

DISPUTE SIMMERS

The dispute over the future of American forests has been smoldering toward a decision since early last year.

The first sparks flew when the House—recording one of the first congressional victories of the fledgling environmental movement—in February, 1970, rejected by a stunningly wide margin of 228 to 150 a bill increasing the "allowable cut" in national forests. The pending Hatfield bill revives some of its provisions.

The White House Task Force on Softwood Lumber and Plywood Supply that summer renewed a call for more timber, and the executive branch answered. President Nixon ordered logging in public forests boosted 60 percent and the U.S. Forest Service asked a correspondingly larger budget. But lack of funds has stymied implementation.

The wood-products industry now has prepared itself for another push by broadening its base (embracing professional foresters and homebuilders) reorganizing its Washington lobby—even buying full-page newspaper ads and television commercials in an effort to counteract what it regards as an unfair "antienvironment" image.

The outlook: hearings concluding in this waning session of Congress, followed next year by search for a compromise—or a showdown.

DRUG ABUSE PREVENTION WEEK

Mr. BROOKE. Mr. President, this week is Drug Abuse Prevention Week. It has been designated as a reminder of the seriousness of the problem afflicting us and of the measures we must undertake to correct it.

Throughout our Nation's history we have enjoyed unprecedented successes and achievements; we have attained unsurpassed heights of social and technological development. Yet we are now in the clutches of an evil which has spread at an alarming rate through our social fabric in the guise of a remedy for minor ills, in the guise of relief. In reaching toward the zenith of industrial development, we have been negligent in our development of human response mechanisms. We simply do not know how to cope with the forces that have been unleashed. And where the complexities of our lives have too far exceeded our individual capacity to cope, we have turned to artificial means of escape.

Drug abuse prevention goes far beyond reducing the amount of illegal heroin coming into the country. Granted, this is a vital mission and one which should be increased and intensified. Our emphasis should not be on the white powder itself—it has always been with us in some form—but on the reasons why it is in such demand. What are we to do to lessen the demand for illegal drugs? What are we to do to lessen the demand for legal therapeutic drugs which are also being abused? How can the youngster, the teenager, the housewife, the businessman, and the scientist be reached so that each can face problems and stress without relying on a powdered substance to sustain him? This is a tremendous task. It involved nothing less than a change of heart, a change of thought, a change of mind.

The Nation is up in arms. Our people are crying out for help. Government and private agencies are making every effort to provide aid and assistance. It is greatly encouraging that more support is being given for research into methods of reaching the addict or the potential addict, of developing the child's ability to grasp reality and its meaning, of directing his behavior in such a way that he can cope with it. Many of our private as well as public institutions are beginning to recognize that society has gone beyond us, and that we must catch up and again control. This can and is being done with new techniques and new dedication.

But now, when our population is so deeply concerned with the problem of drugs, we must accept the challenge of eradicating the causes of drug use. We cannot cure the disease by simply treating its symptoms. That has never worked and will never work. We must fortify ourselves to understanding people and their real needs. We must eliminate the underlying causes: poverty, irrelevant education, poor housing and unemployment, to name but a few. Only by focusing on the individual and his needs can we once again establish control over the system we have devised.

I am, therefore, grateful that we have this week to reconsider what we are doing and where we are going. We have a tremendous challenge facing us. It is through new methods and new directions in every level of society that we will meet this challenge. We must each rededicate ourselves to this purpose. We must be willing to accept the new, to understand the concepts and methods necessary for survival in today's society, and to reshape our institutions, and our individual responses to insure a full and constructive life for all our people.

THE FOOD AND DRUG ADMINISTRATION

Mr. JAVITS. Mr. President, in these days when government in general and regulatory agencies in particular are attacked in some quarters as unresponsive to citizen interest and demand, it is refreshing to read what one of our Nation's leading medical publications has to say about Dr. Charles C. Edwards, the head of one of our hardest working and underrated consumer protection agencies, the Food and Drug Administration.

An editorial published in Medical Tribune for September 8, 1971, closes by saying about FDA Commissioner Charles C. Edwards:

Dr. Edwards has been a good, indeed an outstanding commissioner. If he successfully provides the answers to the questions he posed, he may well be a great one.

I ask unanimous consent that the editorial, entitled "Good—And Outstanding," be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Good—And Outstanding

The Food and Drug Administration is fortunate to be headed by a commissioner who is a physician and an administrator and who excels at both disciplines. Since taking command, Dr. Charles C. Edwards has had the herculean task of reorganizing and restructuring the FDA and of recruiting scientific and technical manpower for it. Along with this major chore, he has simultaneously had to confront sticky problems and make decisions in the area of public health while under fire from contending vested interests and while constantly reporting to Congressional committees. All this, in addition to the almost impossible task of the FDA's day-to-day regulatory activities.

Although Medical Tribune has often taken issue with FDA decisions, it has done so with admiring respect for Commissioner Edwards' achievements, his surgical coolness under stress, and his round-the-clock dedication to his responsibilities.

In a recent speech at the Symposium on National Policy and the Life Sciences, held at Woods Hole, Mass., Dr. Edwards emphasized that public interest and sophistication in scientific matters must be encouraged by the scientific community, which must see to it that this interest "is predicated upon and nourished by scientific fact and not emotionalism." Dr. Edwards posed a number of fundamental questions that confront the FDA and that are of great importance to physicians, to patients, and to the public weal in general.

He asked: (1) "How do we get across to the public and to our public critics the double face of our responsibilities—the positive responsibility to regulate good products onto the market as well as the negative responsibility to regulate bad products off the market?" (2) "Where do we draw the line in demanding scientific proof of safety and efficacy of existing products in order to be certain we are protecting the public and yet not stifling research to discover still more beneficial cures?" (3) "How do we deal with the constant problem of having to make regulatory decisions in the face of incomplete and inconclusive scientific knowledge?" (4) "Finally, in the face of doubt and skepticism, how do we in government, in the scientific community, and industry restore public confidence in our decision making?"

This last crucial question calls for understanding and participation on the part of all responsible for the care of the sick and the preservation of health. From a long view, "public confidence in . . . decision making" will evolve out of hard decisions that may be unpopular with industry as well as with consumer lobbyists—hard decisions based on the perspectives of medicine and silence that may be unpopular with legislators as well as with the lay press. Scientific perspective, the traditional procedures, and the forums of medicine are not easy to maintain in the face of hysterical headlines, but they must be if progress in medicine is to be preserved within the context of scientific freedom as well as responsibility.

Dr. Edwards has been a good, indeed an outstanding, commissioner. If he successfully provides the answers to the questions he posed, he may well be a great one.

INSUFFICIENT FUNDING OF RECLAMATION CONSTRUCTION PROJECTS

Mr. MOSS. Mr. President, a situation has recently come to my attention which demonstrates a lack of concern on the part of public officials toward the citizens they serve and the contractors who do business with them.

When Federal construction agencies such as the Bureau of Reclamation request bids for construction work, they, understandably, do not reveal their own estimates of the cost of the job. The contractors who bid on the work must within the framework of the specifications determine a specific way of performing the tasks involved. They usually choose a schedule and method which will provide the most efficient total cost, and their success in obtaining the contract often depends upon their ability to devise the most modern and effective methods.

A problem, however, arises when the successful contractor has selected a work schedule faster than the one the agency has comtemplated in requesting appropriations to fund the project. In effect, the contractor then proceeds to accomplish more work in a given fiscal year than the agency can pay for. He is then faced with the need to carry the costs of financing his own work for a portion of the year; or, alternatively to bear the costs of terminating and restarting his operation. On a large construction project either of these alternatives can be a sizable financial burden and one which was not anticipated in the estimate. In effect, efficiency is penalized.

Of course, all Government construction contracts contain a proviso making the Government's performance dependent upon the availability of appropriations. The contractor, therefore, has been warned and has little legal recourse.

Government contracting and policy, however, should not penalize the independent contractor through the use of this saving clause. Occasions when contractors are faced with such a situation should be very rare and until recently they have been. In the past few years, however, there have been numerous situations of this kind on Reclamation and Corps of Engineers projects and there are a number taking shape at present.

The case with which I am most familiar involves a contractor at work on a tunnel of the Strawberry Aqueduct, a feature of the central Utah project. This is a very vital water supply project to the State of Utah and its costs will be largely repaid by the citizens of Utah. I am concerned that it be completed expeditiously and economically. The contractor, who was the lowest bidder on the job by a significant margin, based his bid upon the use of very sophisticated tunneling machinery. The contractor now finds that his rate of progress is so much in excess of the Bureau of Reclamation's estimate that there will be insufficient funds in fiscal year 1972 to permit him to keep working. He will have to lay off 100 men and either have expensive equipment lying idle or he must dismantle the massive tunneling machine and move it to another job.

There are a number of reasons why so many of these cases have recently come up. Public works funds have been so stringently limited by the administration that the normal margins of safety no longer exist which have in the past provided the agencies with management latitude to make fund transfers among projects. In fact the funds are spread so thinly among the projects underway that no contingencies can be accommodated. Second, the generally depressed economy has limited the work which is available to contractors. Consequently, they are about to concentrate their best men and equipment upon the few jobs they have, and thereby they will make swift construction progress.

Whatever the reasons for this situation, it is past time for the Federal construction agencies to recognize the existence of this abnormal situation. The agencies should begin immediately to put into effect new contracting procedures to adequately warn contractors when they are contemplating schedules which are too swift to match the snail's pace funding program. The sanctity of the President's budgetary slowdown should not be preserved at the expense of American businessmen who are already bearing the burdens of a depressed construction industry.

Furthermore, the Office of Management and Budget should submit to the Congress a request for supplemental appropriations to fund those contractors who are already committed and on the job. The American people need these resource development projects and they deserve the economic benefits of the most efficient construction methods. And those citizens who are directly involved as employees of Government contractors deserve fair and equitable treatment by their Government agencies.

NATIONAL DRUG ABUSE PREVENTION WEEK

Mr. COOK. Mr. President, last month President Nixon signed a proclamation designating this, the week of October 3, 1971, as National Drug Abuse Prevention Week. His action was more than a simple recognition of drug abuse as a problem of national scope and a cause for national concern. His emphasis was on educating our Nation to effectively meet this problem. The prevention of further drug abuse in the United States requires the understanding and cooperation of every segment of our present population—teachers, parents, students, and clergy alike. The thorough understanding and realistic assessment of our present problems involving drug abuse will provide the only effective avenue toward their solution.

Two facts must be recognized. First, that the problem of drug abuse is not just one problem but many. The misuse of drugs encompasses everything from the most commonplace stimulants and depressants to the most powerful of our hallucinogens and narcotics. Each drug carries with it its own peculiar set of problems and abuses. Each must be assessed and dealt with in a different manner. Second, drugs are abused by more than one segment of the population. Prevention of drug abuse requires the firm and coordinated efforts of every segment of society and every level of government.

The misuse of drugs is a problem which effects and concerns each one of us. The prevention of further abuse demands more of us than just lipservice, it demands educated action and legislation. Let me urge every American to take advantage of National Drug Abuse Prevention Week, and to learn more about the facts involved. The only way to prevent further drug abuse is to correct the ignorance which is at its root.

SENATOR GAYLORD NELSON'S INTEGRATED PEST CONTROL BILL: A RATIONAL ALTERNATIVE TO ENVIRONMENTALLY DESTRUCTIVE CHEMICALS

Mr. HUMPHREY. Mr. President, my good friend and colleague, the Senator from Wisconsin (Mr. NELSON) introduced a bill last May to provide an alternative to the Nation's rigid reliance on the use of broad-spectrum chemicals to control agricultural and forest pests.

This bill, S. 1794, has the bipartisan support of 26 Senators, and I am proud to be among the cosponsors.

Senator NELSON's bill would establish a large-scale, 5-year demonstration program to test and develop an integrated approach to controlling pests. This approach incorporates the several alternate—chemical and nonchemical—methods of suppressing plant pests in a scientific manner. In addition, the bill would earmark funds to expand the grant program of the National Science Foundation to elicit the research support of the Nation's universities in helping develop a sound, rational pest control approach to assure a continuing and adequate supply of food and fiber through a means compatible with a healthy environment.

Hearings were conducted on the bill on September 30 and October 1 before the Committee on Agriculture and Forestry's Subcommittee on Agricultural Research and General Legislation, of which the distinguished Senator from Alabama (Mr. ALLEN) is the chairman.

There was unanimous and enthusiastic support for the integrated pest control concept embodied in Senator NELSON's bill expressed by witnesses from the private sector and from 11 universities across the country.

The National Farmers Union, the Associated Dairymen, the Associated Milk Producers, Inc., the National Cotton Council, the Delta Council of Mississippi, the National Forest Products Association, and the Plains Agricultural Council of Texas were among the supporters of S. 1794 who appeared at the hearings or submitted statements for the record.

I commend to the reading of Members of Congress the very fine statement by Senator NELSON in testimony on S. 1794. I ask unanimous consent that Senator NELSON's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR GAYLORD NELSON

Mr. Chairman, I want to thank you for the opportunity to appear before your committee as lead-off witness at this hearing to consider S. 1794, a bill that I introduced on May 6 of this year. This legislation would provide for the establishment of demonstration projects and expanded basic research in the principles of integrated pest control. A companion to this bill, H.R. 8159, has been introduced in the House by Congressman David Obey of Wisconsin and others.

It is particularly pleasing to me that you, Mr. Chairman, and two distinguished members of your committee, Senator Eastland of Mississippi and Senator Chiles of Florida, have joined with 24 other Senators in cosponsoring this bill. Few pieces of legislation receive such strong, bipartisan support in advance of committee hearings.

I think that the excellent list of witnesses that has been assembled for this hearing is further evidence of the strong support for the concept of providing a sound alternative to this nation's addiction to the widespread use of broad-spectrum chemicals to control agricultural and forest pests. I cannot recall another instance when leaders of agriculture and leaders of the environmental movement in this country have demonstrated in unison the support that has been demonstrated in this case for getting on with the job of providing food and fiber for a growing society without depending on broad-spectrum, persistent chemicals to control insect pests. The bill being considered here provides the thrust that is needed to accomplish this highly desirable goal.

I think these hearings will give recognition to the thesis that with the single strategy of chemical pest control we not only have saturated the environment with deadly poisons that endanger a wide spectrum of living organisms, including man himself, but that we have begun to seriously disrupt the economic stability of the farming community. Entomologists, ecologists and biologists, along with a good many others, have been warning us for some time of the folly of single-strategy chemical pest control. But we seemed to be so mesmerized by the apparent magic and efficacy of the chemical approach that we refused to listen.

The environmental damage and human health hazards posed by persistent pesticides contamination is quite clear. Ample documentation of this is provided in the hearing record on the Federal Environmental Pesticide Control Act that was compiled before this same committee last March.

The peregrine falcon is extinct as a breeding species east of the Rocky Mountains and is so suppressed west of the Rockies that it borders on extinction. The bald eagle, osprey, brown pelican and numerous other species of carnivorous birds have shown substantial reproductive failure as a result of contamination by chlorinated hydrocarbons. The increasing concentration of persistent pesticides in the environment threatens the survival of fresh water and ocean fisheries.

The hazard of genetic toxicity due to pesticide residues clearly is implied by findings in experimental animals. Even the human species carries an average of 10 parts per million of the residues, substantially more than the level allowed for most foods in interstate commerce.

Today some of the persistent chemicals are being phased out of use, partly due to recognition of the documented environmental dangers which have resulted in more stringent regulations. The chemical companies have responded only by marketing chemicals with less persistence but with much higher toxicity.

Last year, Mr. Chairman, it was reported by the Poison Control Center in the Food and Drug Administration that 200 persons died from pesticide poisoning. In 1969, the last year for which nonlethal accident figures are available, the Center reported 5,747 cases of accidental ingestion or poisoning due to pesticides. The Center estimated that this probably represents only 10 to 15 percent of the cases which actually occur.

We can only expect that these figures will be increased if the trend toward the use of high potency pesticides continues.

Too, there have been serious economic disruptions due to pesticides use.

Among the numerous examples are the seizure of Coho salmon from Lake Michigan processors and, more recently, the removal from the market of Lake Michigan fish clubs due to the high level of DDT residues in the fish. Millions of dollars have been paid by the Federal government to cranberry growers and dairymen whose products were removed from the market because of pesticide contamination. Honeybee operators have been driven out of business when entire apiaries were severely damaged, if not destroyed, by pesticides.

The problem with honeybee damage has become so acute that a special pesticide indemnification program was authorized by Congress in the Agricultural Act of 1970. That indemnification, by the way, may assure the economic stability of the apiarists, but it does nothing to guard against the loss of the important pollination work carried out by the bees.

And the evidence is accumulating rapidly that chemical pesticides have failed in controlling agricultural and forest pests. This is dramatically evident in the High Plains of Texas and surrounding states where producers of cotton, grain sorghum and other crops have become alarmed over the invasion of pests—in this case a new strain of the greenbug—despite massive chemical treatments. In California, many cotton farmers have seen their cost of chemical control double in the last 20 years. In northeastern Mexico, many farmers have abandoned their fields because production no longer was profitable in the face of massive tobacco budworm infestations—a direct result of a massive chemical pest control program. In regions where citrus, soybean, alfalfa, stone-fruit and forest crops are produced, pests are increasing in number and pesticides decreasing in effectiveness.

The fact of the matter is that the single strategy of chemical pest control has been an agricultural, economic and environmental failure. The use of broad-spectrum chemicals was doomed from the start because this practice ignored the phenomenon of genetic diversity—that remarkable ability of insects to continually evolve and develop resistant strains capable of withstanding even heavy dosages of toxic chemicals.

Insect resistance to chemicals is the primary reason why farmers are seeing their cost of chemical control rise to the point, where, in the case of some, the break-even threshold is perilously close.

Still, some would have us believe that either we use pesticides or starve. The evidence, however, suggests the contrary: if we continue to rely on broad-spectrum chemicals, we may very well imperil our abilities to continue to produce an adequate supply of food and fiber.

On August 4 of this year, the *Medical News* in New York published an item based on a report by the World Health Organization. The WHO report said that more than 200 species of insects, including 105 disease vectors, have developed resistance to one or other of the insecticides used against them. The list included: 30 species of malaria mosquitoes, 19 species of the mosquitoes carrying a disease (filariasis) that can lead to elephantiasis, the yellow fever mosquito, the rat flea which carries bubonic plague, and blackflies, houseflies, lice, and cone-nosed bugs, all of which carry disease.

On August 8 of this year, the *New York Times* published a dispatch from Palo Alto, California, which reported that two species of mosquitoes native to California have acquired complete immunity to all man-made pesticides. One of the immune mosquitoes, the *Times* said, has a special capacity to transmit certain deadly encephalitis viruses among humans and animals. Further, the article said, the insects acquired their immunity after 20 or more years of adaptation to increasingly potent chemical poisons used in pest control programs.

That same *New York Times* article also reported that some carriers of the equine encephalitis, responsible for the deaths of more than 1,000 horses in the Southwest earlier this year and the illness of scores of humans in the same area, also have become immune to insecticide controls.

One of the scientists quoted in the *Times* story is Dr. Robert van den Bosch of the University of California at Berkeley. I understand that Dr. van den Bosch, who is very knowledgeable of the pest immunity situation, will testify at this hearing later today.

The point in this discussion is this: whatever value that chemicals may have in preventing widespread disease in a plague situation, then that value is severely minimized—if not eliminated—when these same chemicals are continually applied in a control program.

There is a compelling and urgent need to reconsider our approach to pest control by recognizing a very basic ecological principle. That is, each integral part of the natural system survives in balance with—not at the expense of—the other parts.

I believe that integrated control offers the alternative that recognizes this principle.

Integrated control involves the use of the best-suited combination of alternate pest control methods to suppress pest insects in a given crop situation below the economically disruptive threshold.

There is a wide variety of alternate pest control methods that have been developed over the years. I'm sure that Dr. Edward F. Knipling, an entomologist who is considered one of the most prominent pioneers of alternate pest control methods in this country, can better describe some of these approaches when he testifies later at this hearing.

Some of the approaches outlined by Dr. Knipling and others include the use of predators and parasites of pest species to control the pests, cultural controls involving the alteration of farming practices to create a better environment for beneficial insects, the development of plants resistant to pests, the development of synthetic hormones to interrupt the physical cycle of selected insect species, and the development of insect diseases to control pest populations. One approach that has a rather remarkable degree of success is the controlled release of sterile male insects to suppress pest populations.

Under the integrated control approach, the field is surveyed by scientists to determine the insect populations and other characteristics so that the best combination of control methods can be integrated into an effective pest management program. The key here is the word "integrated." We are not talking about a unilateral, one-method approach that we have become accustomed to in the application of broad-spectrum chemicals. And we aren't ruling out the use of chemicals in an integrated control program, because some situations may call for selective chemical applications during a particular phase of the overall program. But the use of chemicals — particularly broad-spectrum chemicals—necessarily is very limited in integrated pest control so as not to interfere with other aspects of the program, most notably the use of beneficial insects.

This, essentially, is what integrated control is. I'm sure that many of the details of this approach will be discussed by the several excellent scientific witnesses that are scheduled to be heard at this hearing.

At this point, Mr. Chairman, I want to emphasize that the continued development of nonchemical methods of pest control is an important program to improve the arsenal of weapons that can be utilized by scientists in an integrated control program.

In the last session of Congress, I sponsored an amendment to increase funding of nonchemical pest control in the Agriculture Appropriations bill when it was before the Senate. The amendment had broad support in both the House and the Senate, and eventually it was agreed in conference to add $1 million to the bill specifically for expanded nonchemical pest control research.

However, after this bill was signed into law the Administration impounded the $1 million for Fiscal Year 1971. Only recently part of the money, $775,000, was added to the budget for Fiscal Year 1972. The effect of all this is that money specifically appropriated by the Congress was not spent during the fiscal year for which it was appropriated and now, one year later, we may get $225,000 less than the Congress wanted.

Now, we have heard much rhetoric from the Administration about environmental enhancement generally and about the need to reduce our reliance on the use of pesticides. However, it is difficult to reconcile this rhetoric with the action by the Administration in imposing this freeze of the nonchemical pest control research money.

I certainly hope that this ill-advised action by the Administration is not an indication of the fate of the bill being considered at these hearings. If so, it will do little good for Members of Congress to earmark $4 million for development of an integrated control demonstration and research program and direct the Secretary of Agriculture to carry out this program if the Office of Management and Budget is going to turn around and impound the money.

On another point, I recognize that this bill is granting authority to the Secretary of Agriculture to do something that already can be accomplished under existing authority.

There have been several instances when legislation being considered by the Congress was deemed unnecessary by the Federal department or agency that would be affected because it was claimed that authority to carry out the intent of the legislation already was in effect.

When the Environmental Education Act of 1970 was being considered, the Department of Health, Education and Welfare said the legislation was unecessary because HEW already had authority to establish an environmental education program. However, it wasn't until the Congress enacted this bill that the Department got on with the job of establishing a meaningful environmental education program.

The Clean Air Act of 1970 established a deadline for the automobile industry to meet strict emission standards several years ahead of the schedule that was being contemplated by the National Air Pollution Control Administration. The Administration could have moved the deadline up on its own, but it took Congress to enact a law to make this improvement in the air quality program.

It took an emendment to the Water Quality Bill of 1970 to provoke the Administration into establishing the Environmental Protection Agency. It took another act of Congress to establish the President's Council on Environmental Quality.

In the case of integrated pest control, it is generally known that several persons within the Agriculture Research Service have been attempting for several years to get the Department of Agriculture not only to expand nonchemical pest control research but to embark on a meaningful demonstration program in integrated control. But obviously the Department's budget managers have not been convinced that this program is worth the commitment of the level of funding that is needed.

It is a credit to the ARS that some work in integrated control has been started very recently. However, from all indications this program will not move ahead nearly as rapidly as it could because the Department still isn't convinced of its high worth.

The legislation being considered here, S. 1794, would direct the Secretary of Agriculture to establish a meaningful demonstration program in integrated control, and just to make sure that the commitment is followed by positive action the bill specifically earmarks $2 million to begin work on these demonstration projects. No longer could the Department hold back on the implementation of this extremely important program.

The bill provides that both the demonstration projects by the Agriculture Research Service and the basic research through the National Science Foundation would continue to be funded through at least a five-year period. I consider it extremely important that a program as critical as developing sound integrated control concepts be funded for at least five years so that a solid foundation can be laid for substantially reducing our reliance on chemicals to control agricultural and forest pests.

The legislation consists of two sections. The first insures that those farmers participating in the demonstration program will be indemnified for any economic losses that they may suffer as a result of the testing program. The chances are not great that any losses will be suffered by anyone. Several farms in the country already are engaged in integrated pest control programs, and many report improved crop quality and greatly improved profit margins.

Also under the first section of S. 1794, the Agricultural Research Service would receive $2 million specifically for the demonstration program. The ARS is well equipped to handle such a demonstration program. It has a nationwide network of offices to coordinate and direct this effort, and it has the laboratory facilities and highly qualified scientific personnel necessary for success in a complex technical program such as integrated pest control.

The second section of the bill would authorize the appropriation of another $2 million to the National Science Foundation which, through its grant program, would enlist scientific researchers in universities throughout the country in an expanded effort to provide the basic studies to assist in the development of successful integrated programs on a wide variety of crops and in varied climates.

We are very fortunate here that the Agricultural Research Service and the National Science Foundation last spring initiated a joint agreement in the area of alternatives to chemical pest control. Already these two governmental agencies have joined hands in this effort.

It is my understanding that some 18 universities in the United States, together with the Agricultural Research Service, the U.S. Forest Service and elements of private industry have done some extensive planning in how to implement a demonstration program in integrated pest control. This, of course, is a major effort, one that will depend on strong financial support if success is to be attained. I believe that the Congress, with S. 1794, has the opportunity to lend a great assist to this program by committing the necessary funds. In succeeding years, the commitment of Federal funds may very well have to be increased over the $4 million in this bill for the first-year effort.

But the potential for success in this program very likely will be in direct proportion to the level of funding that is appropriated by the Congress.

Thank you very much.

IMPORTANCE OF THE MULTINATIONAL CORPORATION IN WORLD TRADE

Mr. TOWER. Mr. President, the economic press is increasingly noting the importance of the multinational corporation in the world trade situation and in the formation of export industries and subindustries in the United States. These large U.S. firms have been forced economically to establish manufacturing and service subsidiaries overseas, during the last decade particularly, because U.S. wage rates have pushed up so far in advance of productivity increases that these firms could not compete in foreign, or sometimes even U.S. markets unless they utilized less expensive foreign labor.

This natural economic reaction to rising costs at home does not appear at all to be harmful to U.S. interests; in fact, it would appear that the U.S. economy is benefiting from this type of efficient international resource allocation. An article published in Industry Week magazine for October 4, describes the favorable impact on U.S. employment and exports that the multinational firm is creating. I call attention to these developments to help allay the fears expressed by some U.S. labor groups that the multinational firm is somehow depriving the United States of jobs when it utilizes foreign production facilities. On the contrary, if such firms did not follow lower costs overseas, they would probably not be producing the affected products at all, in most cases, because of too high U.S. costs that make product prices uncompetitive. But when they do produce overseas, they usually create demands for various U.S. capital goods and component parts and services, which demands create and maintain U.S. jobs where there would be none otherwise.

Mr. President, I ask unanimous con- that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. MULTINATIONAL FIRMS OUT TO CORRECT "ERRONEOUS" CHARGES

When a U.S. company goes multinational, is it in effect taking jobs away from American workers?

No, says the Emergency Committee for American Trade (ECAT), Washington. International firms are actually providing more new jobs here than their strictly domestic counterparts.

ECAT backs up this statement with results of a survey of 40 multinational member firms. The study, says Donald M. Kendall, chairman of ECAT and chairman and chief executive officer, Pepsico Inc., Purchase, N.Y., is a "first step in a program to correct the erroneous and often inflammatory charges that so-called multinational companies are exporting American jobs and eroding the nation's trade balance."

Total domestic employment of the ECAT members equaled 12% plus of total manufacturing employment in the U.S. in 1969, notes the study. In the 1964–69 span, members' domestic employment rose more than 27% vs a 16.8% increase for total U.S. manufacturing employment. "The growth in U.S. employment, moreover, was broadly based among our membership with 37 of 40 firms reporting increased employment from 1964 to 1969."

The foreign investments of these firms have been beneficial to the U.S. economy, contends the ECAT report. "Initially, new investments provide a major market for U.S. capital goods. They also provide a continuously expanding market for U.S. produced [components] and enhance the marketing and service capabilities which are required to maintain and enlarge U.S. industrial exports. . . ."

Some specifics.—The ECAT companies, it continues, showed a net export surplus (a surplus of exports from the U.S. over their imports to the U.S.) of $5.4 billion in 1968 and $4.8 billion in 1969—the decline being "almost wholly attributable to a substantial reduction in exports of aircraft and parts in 1969."

Data uncovered by the survey, says ECAT, demonstrate "that the $5 billion average annual trade surplus of our members is representative of our entire membership (54 companies) which spans a broad spectrum of U.S. manufacturing activity. It is, therefore, illustrative of the export potential for energetic, export-oriented firms in most major U.S. industries."

Trade surpluses are only part of the story, however, adds the organization. Favorable contributions to the U.S. balance of payments also include repatriated earnings (net of foreign taxes) totaling $1.2 billion in 1968 and $1.3 billion in 1969, representing returns on equity investment of 9.9% and 9.2% respectively.

The next step, explained Mr. Kendall, will be a more detailed and comprehensive survey including non-ECAT members which will cover about three-fourths of U.S. direct investment in manufacturing abroad. Returns are expected to be analyzed by early 1972. "With the facts before us, we anticipate a national educational effort to be carried out in cooperation with other business organizations and with groups concerned about the future of U.S. international economic policy," Mr. Kendall said.

REASON FOR ABSENCE OF SENATOR COOK FROM VOTE ON PASSAGE OF SELECTIVE SERVICE ACT, H.R. 6531

Mr. COOK. Mr. President, there has been some confusion among my constituency concerning my absence at the time of the final vote on the Selective Service Act, H.R. 6531.

When this bill was originally debated on the Senate floor, I voted against both the 1- and the 2-year extensions of the draft as I am unequivocally opposed to this system and support the establishment of an all-volunteer Army, which I believe can and will work. When the conference bill on H.R. 6531 was presented to the Senate I voted to table the measure as I was quite disappointed in the many compromises that the Senate was forced to make with the House. For instance, the significantly weakened Mansfield amendment, which I strongly supported; the reduction in military pay increases; the extension of the draft and the abolition of college deferments among others persuaded me to support efforts to write up a whole new bill. Unfortunately, this effort failed by a vote of 47 to 36.

On September 21 cloture was agreed to on ending debate on the conference report on the Selective Service Act and the vote on final passage was agreed to immediately following that. This was the first indication that there would be a vote that same day on final passage. Usually, a unanimous-consent agreement is made on the day preceding an important vote thus giving all Senators 24 hours notice on the date and time. Due to a previous commitment, I was unable to be present for the vote on final passage. Notice for the vote was approximately 30 minutes at the most. I was, however, able to be positioned against final passage. Had I known within reasonable time, I certainly would have made every effort to be present for such an important vote. As you know, the bill was passed by the Senate by a vote of 55 to 30, and the measure has now been signed into law.

I know my constituents and the Nation expect responsible representation whenever there is a matter before Congress that is of concern not only to Kentuckians, but also to all Americans. I sincerely regret that I was not able to be present on this important vote.

THE JUDICIAL WORK OF HUGO BLACK

Mr. MOSS. Mr. President, many Senators have expressed most eloquent tributes to the qualities of intellect, lucidity, and judicial wisdom displayed in the life and career of the late Justice Hugo L. Black.

Justice Black sought to secure the guarantees expressed in the Bill of Rights for every American. He was dedicated to seeing that the law was to the benefit of all—no matter what their race, creed, color, or national origin. But in making constitutional rights inviolable for the personal freedom of individual citizens, Justice Black also saw to the security and permanence of the Republic itself.

Justice Black saw clearly that the Nation can only survive by striking a balance between the individual and government. He sought to maintain a continuing dialog between the state and people, preserving the "marketplace of ideas" as the cornerstone of a free government. Hugo Black dedicated his life to a strong nation of free men.

In the October 5, 1971, Washington Post, Justice William O. Douglas expresses "a colleague's appreciation" for the judicial work of Justice Black, and in lucid prose portrays Hugo Black's judicial view of guaranteeing that the Nation remains both strong and free by striking that balance between the individual and government.

I recommend this enlightening article to the Senate and ask unanimous consent that it be printed in full in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A COLLEAGUE'S APPRECIATION—THE JUDICIAL WORK OF HUGO BLACK

(By William O. Douglas)

(NOTE.—This appreciation of Mr. Justice Black was written by Associate Justice William O. Douglas for Progressive magazine and is reprinted with that magazine's permission.

It will appear in the November issue of Progressive.)

I knew Justice Black before he went on the Court only as the public knew him. He was prominent as a senator investigating the lobby that was seeking a defeat of the Public Utility Holding Company Act of 1935, an experience which I suspect gave him certain predilections concerning the Fourth Amendment. He valiantly pursued miscreants under the antitrust laws; and he was vigorous in his promotion of laws protective of labor. When Roosevelt proposed that the Supreme Court be enlarged, Hugo Black was in the forefront of the endorsers of that Court-packing plan. He was a powerful speaker and in great demand. He travelled the country extensively in the years of political campaigns. No one on the hustings in my time was a more effective pleader of human rights.

This legislative and political record made him the symbol of the populist, Wilsonian, Rooseveltian left. He was promptly confirmed by the Senate largely because he was one of them. But when it shortly appeared that once he had been a member of the Klan, a great torrent of criticism descended on him. Though his membership in the Klan was nominal and fleeting (albeit foolish), he was made out as a devil incarnate. The animus or drive behind that deluge of abuse was not really distrust of his civil rights record but rather fear of the economic issues Hugo Black has sponsored. The result was a campaign of invective unequalled, I think, in our Court's history.

In reflecting on that period, he once referred me to I Corinthians 13: "And now abideth faith, hope, charity, these three; but the greatest of these is charity."

His charity toward his detractors made him grow in stature and dignity. And by the time he retired 34 years later, he was one of the most revered men who had ever sat on the court.

Early in 1938, he filed a lone dissent (303 U.S. 77), stating that in his view a corporation was not a "person" within the purview of the Fourteenth Amendment. I was then Chairman of the SEC, with no thought ever of being a judge. But the dissent so moved me that I wrote him a congratulatory letter. As time passed he filed other dissents or separate opinions that signalled other breaks with judicial precedents at the constitutional level; and often those opinions were very upsetting to the established interests as was the holding (322 U.S. 533), that the modern insurance business was "commerce" within the meaning the Constitution and the antitrust laws.

There was not a drop of racism in Hugo Black. He was tenacious in his view that the constitutional theme of equality protected all people no matter their color, their creed, of their ideology. While he was a law-and-order man, he demanded that sheriffs and the police as well as the people obey the law of the land. He knew that the framers designed the Constitution to make it difficult for government to do anything to the citizen. He searched the record in every case that charged overreaching to make certain that officials had acted responsibly and within bounds. The beneficiaries of the law in times past had only been corporations and the elite. Hugo Black made certain that the lower echelon were also included. Racial minorities were his concern. So were religious dissidents and even those accused of being "Communists."

Most people called Hugo Black a liberal, and he was such in the popular sense. But measured by the Constitution he was, I think, a conservative. For he was a "strict constructionist" who read the Constitution quite literally. Great debates have taken place over the interpretations he favored. But he believed with all of his heart and mind that when the First Amendment said "Congress shall make no law—abridging the freedom of speech or of the press," it meant what it said; and the reports are replete with Hugo Black's view that it was impossible for him to read the First Amendment as if it said "congress may make some laws—abridging the freedom of speech or of the press." And after the First Amendment became applicable to the states by reason of the Fourteenth, he could see no logical way in which the states could escape the same restraint.

Hugo Black abhorred vulgarity. Yet he saw no constitutional way—unless there was an amendment—to censor or punish so-called "obscene" literature. Hugo Black was deeply religious and abhorred the sacreligious; but he knew no constitutional way to suppress that kind of publication. Hugo Black's philosophy was the antithesis of "Communism," yet so far as beliefs, speech, or publications were concerned, he saw no constitutional way to punish or suppress its advocates.

Hugo Black honored all phrases and paragraphs of the Constitution. It was to him a venerable but living document under which the noblest experiment in government had been launched. He would neither cut it down nor expand it to fit his own personal tastes and inclinations. The generalities of some clauses gave choices of interpretation.

Hugo Black knew that the constitution sought to strike a lasting balance between the individual and government, one that would guarantee that the nation was both strong and free. In his judicial work he sought to maintain that structure. Opposed was the notion that judges should "balance" a particular guarantee of freedom against a particular grant of power to regulate. In Black's view that process created a new ad hoc constitution for each decision and short of amendment performs a function that only the framers of the Constitution could have undertaken.

The judicial task in Black's view was to maintain the original constitutional protection of the freedom of the individual against the constitutional grant of power to regulate. In cases involving the First Amendment that task was easy: Since "no" law was permissible which abridged freedom of speech or of the press, there was no constitutional authority for judges to decide that some speech or some publications ran against the grain of public approval. The original design of the Constitution was to keep lines of communication and ideas open, the hope being that, in time, experience would help produce a mature people.

When it came to the construction of laws, as distinguished from the provisions of the Constitution, Hugo Black usually came down on the side of freedom of the individual. That choice led him to strict applications of the antitrust laws, to liberal construction of laws applicable to laborers, and to what some called expansive readings of civil rights legislation.

The mosaic formed by his decisions is too intricate to present in a memorial paper. His central theme was certainly the First Amendment. The market place of ideas was to him a political reality. He took Jefferson and Madison literally and he felt deeply and sincerely that the real secret of our security and success was the maintenance of a society of the dialogue.

ONSLAUGHT AGAINST THE PRESS

Mr. CHURCH. Mr. President, the first 10 amendments to the Constitution were adopted as a result of bitter experience of American colonists living under arbitrary government. These amendments sought to assure Americans a panoply of guarantees under which to live their lives—the right to be secure against arbitrary governmental acts, the right to worship freely, the right to assemble peaceably, and the right to an uncensored, unlicensed press. These guarantees were highly prized, so much so that there were States whose legislative assemblies refused to ratify the Constitution as a whole until the first 10 amendments, the Bill of Rights, were incorporated.

These guarantees, of course, are never permanently secured because they run counter to the impermeable inclination of men in government to insist on having their own way. Consequently, in times of crisis—real or feigned—these rights have been intruded upon, temporarily, in many instances, and lost ground has been regained only because there were men and women in public and private life who insisted that the Constitution be a living presence, not an historical anachronism. These rights, history informs us, are never permanently won.

Today, we are launched on another struggle to repel infringements under the First Amendment's guarantee of a free press. This occurrence is more alarming than on past occasions, because government looms so large in our lives these days—its role in human affairs being incomparably greater than that envisioned at the Constitutional Convention nearly 200 years ago.

Senator Sam Ervin, of North Carolina, has raised the alarm about the abuses to our liberties by the agents of the Federal Government. He has persistently pursued his task to awaken the Senate and the Nation as a whole to what is taking place. He quite properly points out to the complacent that constitutional guarantees are in a very real sense designed not to protect what they may agree with but to protect what they emphatically do not agree with.

Senator Ervin has recently written:

> It means that thoughts and ideas which we hate and despise will appear in print and be broadcast across the land.

Mr. President, the Washington Sunday Star of October 3, 1971, published a text of a statement with which Senator Ervin opened a recent set of hearings by the Senate Subcommittee on Constitutional Rights of which he is chairman. The subject before the subcommittee was freedom of the press.

Senator Ervin's statement is an excellent exposition of our predicament and of what we must do about it. I ask unanimous consent that Senator Ervin's statement be printed in the Record at this point in my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Sunday Star, Oct. 3, 1971]

STATEMENT OF SENATOR SAM J. ERVIN

Many years ago, at the birth of our great Republic, Thomas Jefferson observed:

"No government ought to be without censors and where the press is free, no one ever will."

Today, nearly two centuries after our Founding Fathers incorporated Jefferson's observation in the First Amendment to our

Constitution, the Senate Subcommittee on Constitutional Rights opens a series of hearings to examine the state of freedom of the press in America.

These hearings, and the subcommittee study of which they are a part, have been organized because it is apparent that in today's America, many people doubt the vitality and significance of the First Amendment's guarantee of freedom of the press. There have been at least four recent examples of this:

First, the increased subpoenaing of journalists by grand juries and congressional committees;

Second, the recent publication by several newspapers of classified information and the government's unsuccessful attempt to enjoin the publication;

Third, the widespread use of false press credentials by government investigators; and

Fourth, new fears about government control and regulation of the broadcast media.

These developments have brought into sharp relief existing concern about the relationship between government and the working press.

In addition, we have heard sharp and angry attacks upon the news media by high government officials. These attacks have brought equally hostile responses from spokesmen for the press. Some government officials appear to believe that the purpose of the press is to present the government's policies and programs to the public in the best possible light. These officials have forgotten Jefferson's words. Indeed, they appear to have lost sight of the central purpose of a free press in a free society.

Likewise, some members of the press appear to have forgotten that the First Amendment's guarantee of free speech and free press was not intended as their exclusive possession. Those enlightened men who devised our constitutional system did not mean to secure freedom of the press by suppressing the right of Americans, whether private citizens or public officials, to criticize the press. Not every critical word about the press is an attack on the First Amendment.

UNCERTAINTY

These continuing controversies, and the bitterness and suspicion that accompany them, make it evident that many Americans are uncertain about both the role of free press in a free society and the necessary conditions for its preservation.

In my judgment, it is time to challenge this uncertainty by considering again the reasons underlying the Constitution's guarantee of freedom of the press.

It is time to re-examine and to re-emphasize First Amendment principles.

And, it is time to measure developments in the law as they affect both the printed and broadcast press against these principles. Such are the objects of this series of hearings.

The struggle to establish and preserve freedom of the press has been long and bitter. From the moment the type was set on the first printing press, kings and parliaments have attempted to control the press. Public officials have always feared the threat that a free and vigorous press poses to their power and tenure.

Anglo-American history has been no exception to this struggle. During the reign of Henry VIII, the manuscript of any material intended for publication had to be submitted to royal officials empowered to censor objectionable passages. Licensing was another means of controlling the press, and these officials also had the power to approve or deny a license for printing the material. Licensing continued in England until 1694. Thereafter, the common law crime of seditious libel emerged as a substitute for the system of licensing as a means of control.

Historical studies indicate that there were hundreds of convictions for seditious libel during the 17th and 18th centuries in England.

"WICKED LYES"

American colonial history is replete with examples of government attempts to censor the press.

Time and time again in colonial America, men were arrested and thrown in jail for "wicked lyes and slanders upon Government," for "sundry vile insinuations against His Majesty's rightful and lawful authority," and "for inflaming the minds of his Majesty's subjects."

There is a fundamental similarity among these and other historical instances of restriction of the press in the government's rationale. Government justified prior restraint or prosecution on the grounds of the necessity of preserving its good reputation among the people. All too often, this is still the real, if no longer the explicit justification for government attempts to control the press.

In a truly free society this is not a sufficient justification. Our Founding Fathers understood that however incomplete, unfair, and even vicious the press may be in its attacks upon government and government officials, the press cannot be censored or punished without undermining one or the cornerstones of free thought and expression.

The first widespread discussion in America of the significance of the First Amendment's guarantee of freedom of the press occurred during the bitter days at the close of the eighteenth century. By 1798, our young Republic was on the verge of collapse. A Federalist majority in Congress, determined to stifle opposition, enacted the Alien and Sedition Laws of 1798. The Sedition Act made it a federal crime, punishable by fine and imprisonment, to publish "any false, scandalous and malicious writing" against the government, Congress, or the President. Ironically, this legislation passed the Senate on July 4, 1798.

The Sedition Law was vigorously enforced. The government brought to trial, convicted, and imprisoned many Americans who dared to put in print their opposition to the policies of the incumbent Administration. Many others were intimidated—or as we now say "chilled"—by fear of retribution.

From this sad chapter of repression in the history of repression in the history of our country came a greater appreciation for the necessity of protecting the press from government intimidation. While the Alien and Sedition laws were repealed and never held to be unconstitutional by the Supreme Court, most Americans accepted the view that the First Amendment's guarantee of freedom of the press was incompatible with the traditional common law of seditious libel.

Our historic commitment to freedom of the press means that we must tolerate absurd, misleading, and vindictive reports which sometimes appear in newspapers and magazines and on radio and television. It means that thoughts and ideas which we hate and despise will appear in print and be broadcast across the land. James Madison recognized that "Some degree of abuse is inseparable from the proper use of every thing; and in no instance is this more true than in that of the press." Most Americans have come to understand that the irritating excesses of the press are a small price to pay for a press independent of government control.

They realize that only an independent press can vigorously and effectively contribute to that wide-ranging and critical discussion of public affairs which is a prerequisite to a democratic society.

This view of the role of a free press in a free society necessarily means that there will be tension and sometimes hostility between the press and government. Indeed, it is the conflict between the press and government which attests to the vitality of the First Amendment.

This conflict exists today. It is manifested in a number of relationships between government and the press.

SUBPOENAS

In recent years an increasing number of subpoenas have been issued to newsmen in connection with various government investigations. In the past government prosecutors and members of the press have attempted to adjust their different interests in a way that would serve justice without endangering freedom of the press. Apparently, the mutual understanding on the part of the press and the government which underlay this adjustment of interests has disappeared, perhaps another victim of the fear and suspicion that has developed between them. Confrontation has replaced negotiation. Today, there are members of the press who believe that their integrity and independence is being threatened by government's zealous demand for their notes, their pictures, their films, and other working materials. Some of them suggest that the government views the reporter as another investigative arm of government. The government, on the other hand, sees no reason why members of the press do not have exactly the same obligations as any other citizen when it comes to law enforcement.

It is not an easy task to resolve the conflict between First Amendment interests and the interests of justice that is involved in the subpoena controversy. The Attorney General, in August 1970, issued Guidelines to govern the issuance of subpoenas at the federal level. A case is presently under consideration by the Supreme Court which directly raises the issue of whether or not the First Amendment requires the granting of a privilege for newsmen not to appear before a grand jury under certain circumstances.

The conflicting interests of the government and the press were dramatically underlined this past summer in connection with another problem. On June 30, 1971, the Supreme Court handed down one of the most important opinions ever issued concerning freedom of the press. The case of New York Times v. United States is a touchstone for any analysis of the state of the law concerning freedom of the press. The conflicting positions put forth by the parties in this case underscore the need to re-examine First Amendment principles.

The government sought to enjoin publication by The New York Times and The Washington Post of the Pentagon Papers which contain classified information concerning our country's involvement in the Vietnam war. The government argued that the President's constitutional responsibility for foreign affairs and for national security entitled the President to an injunction against publication upon persuading a court that the information to be revealed threatens "grave and irreparable" injury to the country. Quite simply, it was an argument that the "inherent" presidential power to protect the national interest was superior to the proscriptions of the First Amendment.

In wisely rejecting the Government's application for an injunction, the Supreme Court reaffirmed the belief of our Founding Fathers that a press free from governmental control is essential to a free society.

Mr. Justice Black in his opinion emphasized the purpose of a free press:

"In the First Amendment the Founding Fathers gave the free press the protection it must have to fulfill its essential role in our democracy. The press was to serve the governed, not the governors. The Government's power to censor the press was abolished so that the press would remain forever free to censure the Government."

Notwithstanding the Supreme Court's

holding in this case, the Government's attempt to restrain publication of the Pentagon Papers has raised serious doubts about the security of freedom of press. This case represented the first time since the adoption of the Bill of Rights that federal courts have been asked by the government to halt publication. Furthermore, a careful analysis of the various opinions filed in this case makes uncertain just how free from government restraint the press is.

BROADCASTING

It is my hope that these hearings will provide a forum for the examination of the impact of this important case on the state of freedom of the press.

Another special concern of these hearings is the First Amendment implications of existing government regulation of the broadcast industry. The increasing amount and scope of government regulation of broadcasting has occurred without sufficient attention to its effect upon principles of freedom of press.

While the Founding Fathers did not contemplate the media of radio and television when they wrote the First Amendment, their reasons for protecting the printed press from government control apply equally to the broadcast media. More people get their news from radio and television today than any other single source. Studies show that the impact of the broadcast media upon Americans is without precedent in the history of communications. If First Amendment principles are held not to apply to the broadcast media, it may well be that the Constitution's guarantee of a free press is on its death bed.

Great confusion surrounds the Federal statutes, regulations, and the few court decisions which affect broadcasting. Congress enacted the Radio Act of 1927 and the Communications Act of 1934 to prevent the air waves from being flooded with such a host of voices that the medium of broadcasting would be rendered useless. Whatever government regulation of broadcasting was authorized, it was only for the purpose of securing the most effective use of available air waves and communications technology. As is often the case with government control, this limited authority with respect to broadcasting has greatly expanded.

The power of the Federal Communications Commission has increased to the point that many broadcasters believe principles of freedom of the press no longer have significance with respect to broadcasting. With the promulgation by the Federal Communications Commission in 1949 of the "fairness doctrine," the Commission's power over broadcasting was greatly enhanced.

Whatever one's view of the "fairness doctrine," it must be clear to everyone that such a doctrine has placed in the hands of a federal agency a not very subtle form of censorship. A recent Federal Court of Appeals decision, for example, has sustained an FCC determination that since the relationship of smoking to health is no longer a "controversial issue," tobacco interests are not entitled to the benefit of the fairness doctrine. In other words, mankind, at least as personified by the FCC, has discovered the ultimate truth with respect to the hazards of smoking. There is no reason for further discussion.

The irony in this decision underscores its absurdity and its danger. It was only a few years ago that opponents of smoking were fighting an uphill and largely discouraging battle to convince the FCC and the courts that smoking was dangerous and therefore a "controversial issue." In less than 10 years, "absolute truth" has shifted from one side of this issue to the other.

The lesson of this one example is that whatever the dangers to freedom of expression that result from concentrated ownership of the broadcast media, it is nowhere near as dangerous as leaving to a few government officials the power to decide what can be discussed and what cannot; and when ultimate truth has been discovered and what it is.

MORTAL BLOW

There are some Americans who apparently think they know what is good and what is bad for other Americans to hear on the radio and to see on television. They believe that the power of government should be used to protect Americans from falsehood, bad programing, harmful thoughts, and zealous advertising. While I do not quarrel with the good intentions of these people, I believe that the sweeping government regulation of broadcasting implicit in this view foreshadows the end of a free broadcast media and with it, a mortal blow to the First Amendment.

Our Founding Fathers were wise enough to know that there is no way to give freedom of speech and press to the wise and deny it to fools and knaves. Certainly, they did not intend for the government to decide who were the wise and who were the fools and who were the knaves.

The troublesome consequences of government regulation of broadcasting were dramatized this summer when Dr. Frank Stanton, President of Columbia Broadcasting System relied upon the First Amendment in refusing to appear before the House Committee on Interstate and Foreign Commerce. That Committee issued a subpoena to Dr. Stanton in connection with its investigation of a controversial television broadcast. The Committee's assertion of authority to protect the public from misleading presentation of the news was challenged by Dr. Stanton's insistence that First Amendment principles apply to broadcasting as well as to the printed press.

Another manifestation of today's tension between government and the press involves the issuance of press credentials by government to reporters and the alleged use of these press credentials as "covers" by government investigators. This problem was underscored by a recent incident in Madison, Wis. This summer members of the Madison Newspaper Guild unanimously voted to destroy their press cards and denounced them as "a form of license." Speaking for its members, the Guild President said, "We take this step not lightly but in response to repeated police use in this country of undercover agents using press cards." He added, "the power to license . . . implies the power to withdraw the right."

These and other conflicts between government and the press should give liberty-loving Americans cause for concern. They have prompted this Subcommittee study and this series of hearings on the state of freedom of the press. In many situations the interests of government and the press appear to be irreconcilable. Often they are not, but only seem so because the two sides have taken intransigent positions out of mutual distrust and fear. Rarely if ever in our history have we actually had to choose between suppression of the press or disaster.

Nonetheless, it is easier to preach freedom of the press than it is to practice it. In the midst of controversies which seem to us now as earth-shaking, we tend to lose sight of the higher issues at stake. These hearings are designed to let us take pause from the daily battle, and assess where we are and where we should be going.

POW'S—MISSING OR DEAD?

Mr. KENNEDY. Mr. President, the agonizing situation in which all too many of the relatives of American prisoner's of war and missing in Indochina now find themselves, is thoughtfully discussed in two recent articles published in the Wall Street Journal and the New York Times Magazine.

I believe these articles do much to clarify some of the misunderstanding and controversy which now surrounds our Government's handling of the prisoner of war problem. I invite the attention of Senators to these articles and ask unanimous consent that they be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New York Times Magazine, Oct. 3, 1971]

POW's—Missing or Dead?

(By Joseph Lelyveld)

Dear President Nixon: The last 24 hours has again been another day of pure hell for Americans in prison camps, cells and cages in Southeast Asia.

The Air Force sends regular newsletters to the families of all the men it lists as captured by this country's enemies in Southeast Asia or missing in action there. Usually these communications are appropriately solemn, but sometimes they fall into a chatty, upbeat tone as they describe for the relatives the grassroots campaign—involving the writing of letters and sending petitions to Hanoi—that Legionnaires, Jaycees, church women and highschool students have undertaken on behalf of their husbands, sons and brothers. Most of this huge outpouring (amounting now to more than 50 million letters) has never reached Hanoi, and there is scant reason to suppose that Vietnamese officials able to read letters in English from Salina, Kan., or Sante Fe, N.M., bother to do so. Yet such students of Vietnamese psychology as the Dallas multimultimillionaire H. Ross Perot have promised that "making the treatment of our men a visible issue in the United States will bring the North Vietnamese to their knees." Vietnamese Communists, Perot has discovered, suffer from an "inferiority complex" that leads them to crave the goodwill of Americans.

And so in May of last year, before some skepticism over Hanoi's susceptibility to American boosterism began to develop among the relatives, the Air Force newsletter described the efforts of Mrs. Shirley Odell of Mt. Clemens, Mich., mother of four and wife of imprisoned Maj. Donald Odell, in organizing a Prisoner of War Week for Michigan and listed her phone number for those who wanted to pitch in. The week proved to be a big success, adding thousands of letters and signatures to the pile before culminating in a ceremony at a Detroit Tigers baseball game, for which an Air Force general was specially dispatched from Washington—a big success except for the fact that one year later Major Odell was still in North Vietnam along with the 338 other Americans whose imprisonment Hanoi has acknowledged.

Once again Mrs. Odell undertook a letter-writing campaign, only this time the Air Force newsletter did not recommend it for emulation. "I write to Mr. Nixon every day and so do my four children," she said. "One day I ask him how he can enjoy his dinner in the White House when my husband has to survive on pumpkin soup. Another day I mention that while he and Mrs. Nixon are watching TV, my husband is watching a light bulb, rotting."

Since July 1, when the Vietcong offered in Paris to start the release of American prisoners in exchange for the setting of a final date for withdrawing American forces from South Vietnam, every letter she writes insists that the President name the day. On

July 17, she wrote, "How many more men must die until you make a decision?"

In August Mrs. Odell sent Mr. Nixon a 6½-pound package containing hard candy, vitamins, medicinal soap and toothpaste—the same package she is allowed to send her husband every two months. With it went a letter saying, "I hope you can survive on this till I can send you another package."

The disillusionment of this one wife may have driven her to more desperate extremes than have so far been reached by the overwhelming majority of the relatives of the 1,623 men listed as captured or missing. But it shows how awkward and even embarrassing the question of the prisoners' release—"the only remaining war aim of any respectability," Richard Rovere recently called it—has suddenly become for an Administration that for two years always encouraged and sometimes led the public outcry on their behalf.

Lately Washington has been discretely advising the relatives that it would be a help, given the delicacy of the diplomatic moment, if they would muffle their movement. "We believe it would be best if public statements be kept in a relatively low key," said the Marine Corps in a letter in May to the families of its captured and missing men.

The relatives have heard it before. "I'm at the point where I don't believe anybody," said Sybil Stockdale, who started organizing Navy wives in San Diego and then across the country back in 1968 when the Johnson Administration was imploring the relatives to remain patient and quiet. Mrs. Stockdale still attends the periodic meetings that Henry Kissinger and other high officials have with representatives of the families. "I've never left Washington," she said, "without someone taking me aside and telling me in confidence, 'In two or three months we expect a development of a substantive nature.' Now I say, 'Don't tell me. I don't believe it.' But I don't believe the Vietcong either."

Of course, the wives and relatives are not the only Americans who find anything said about the war by anyone whomsoever beyond all reason, comprehension or belief. But unlike other Americans, they cannot sign away their dismay and change the channel when the subject comes up. Every diplomatic feint and thrust sends a tremor through their ranks. The prospect of imminent release held out in the latest Vietcong proposal on the prisoners left a jagged fissure that will certainly deepen if the hope for movement in Paris evaporates again.

Straddling the fissure is the National League of Families of American Prisoners and Missing in Southeast Asia, which gathered in Washington for its annual meeting last week as this article went to press. The league would speak for a membership of 3,000 relatives if it could still speak with one voice. But the organization, which works out of a small three-room suite in the American Legion building in Washington, had nothing to say all summer long about the Vietcong proposal. Almost anything it could have said would have angered some segment of its membership.

The division is not simply between those who back the President and those who think a withdrawal date is long overdue. Sometimes it is between those whose loved ones are known prisoners—and likely, therefore, to be among the first to go free—and those who have waited years to find out whether theirs are living or dead, the families of the missing in action (M.I.A.'s). Sometimes it is between parents who say sons are harder to replace than husbands and wives who say the parents will not have to live with the men when they get home. Sometimes it is between families that are military by tradition and families with no experience of military life.

The Nixon Administration decided to make an issue of the prisoners soon after it took office. In May, 1969, Secretary of Defense Laird "went public" on the question of their treatment, calling attention to Hanoi's refusal to abide by the Geneva Convention of 1949—specifically its failure to release sick and wounded prisoners, to permit inspection of camps, regular mail or even, then, to publish a list, so wives of missing airmen could at least discover whether they were widows. For the better part of two years American diplomats at the Paris talks raised the question of the prisoners at virtually every session, expounding on it at great length—more, it seemed, to underscore the other side's intransigence on the issue than in any real hope of breaking it down, for this was one of the few ways the Americans had to gain an edge of righteousness in the exchanges.

A propaganda battle was joined. Ross Perot started his "Have-a-Heart-Hanoi" campaign, flying wives of the prisoners to Vientiane and Paris. Hanoi contended that the captured airmen were war criminals within the meaning of the Nuremberg judgments, but also said that they were being treated humanely. The North Vietnamese put on display several prisoners who had apparently been well-treated—allowing foreign journalists to film them playing volleyball or celebrating Christmas—and the United States sent on tour some of nine P.O.W.'s Hanoi had released to tell Americans about the sufferings of the men they left behind. Not surprisingly, Hanoi then halted the releases. Two years have passed since the last release, so little is actually known about the circumstances or condition of the majority of prisoners, especially those taken in South Vietnam and Laos.

Hanoi may or may not have had a heart, but it obviously had the wit to see that the campaign on behalf of the American prisoners could be turned to its advantage. In September last year it offered to "discuss" their release in return for a firm withdrawal date. This raised the question of what provision was made for their release in the President's Vietnamization program; none, said his critics. The abortive Sontay raid was one way the Administration showed its concern for freeing the men but, of course, none were freed. Finally, Mr. Nixon pledged: "As long as the North Vietnamese have any Americans as prisoners of war, there will be Americans in South Vietnam."

In other words, Vietnamization could not be the whole answer; a "residual force" would remain until the prisoners were negotiated out. The trouble, said the President, was that "a promise to discuss means nothing from the North Vietnamese." Others—including some relatives— wondered whether the "residual force" was to be left in South Vietnam for the sake of the prisoners, or whether the prisoners were to be left in North Vietnam for the sake of the "residual force."

Closing the loophole in its own proposal—and calling the American hand—Madame Nguyen Thi Binh, the Vietcong negotiator in Paris, then presented the revised offer, which dropped the "discuss": A withdrawal date, it appeared, now would bring the actual release of American prisoners captured in North and South Vietnam.

The Administration did not start—and probably could not have prevented—the campaign by the wives to bring the plight of their husbands into the open. But there is no doubt that it helped orchestrate their efforts. Shortly after Laird "went public," a Defense Department team made a 45-stop tour around the country, meeting most of the families. "We brought them together for the first time," says Richard G. Capen Jr., a former Laird assistant who made all the stops.

Capen denies that exploitation of the issue helped the Administration buy time for the war. Its only purpose was "humanitarian," he says. But time passed: 13,172 Americans have died in Vietnam and 71,569 have been wounded since Washington took to decrying the mistreatment of prisoners; in addition, the list of imprisoned and missing men has lengthened by more than 300 names.

If the relatives of the imprisoned and missing men were not exactly conscripted for this campaign, they became at least the objects of an active recruiting drive. The Air Force sent the relatives membership forms for the National League of Families and advised them how to handle interviewers from the media. ("Use a humanitarian approach—i.e., my children and I are required to bear additional anxieties because the enemy refuses to release welfare information concerning my husband; this is in violation of the Geneva Convention. . . .")

Soon the campaign was bigger than the wives. Now if you dial POW–MIAS in Los Angeles you hear a recording of Ernest Borgnine urging North Vietnam to be "civilized." Or if you send $2.50 to a students' organization called VIVA—Voices in Vital America—you get a nickel-plated bracelet engraved with the name of a P.O.W. or M.I.A., which you then will be expected to wear until he is freed. (Add 50 cents and it comes in copper, which is said to ease arthritic pains.) The Vice President donated his royalties from the Spiro Agnew watch to a campaign on the prisoners' behalf. Supreme Court Justice Harry Blackmun found their predicament a reason for suppressing the Pentagon Papers. There have been a commemorative postage stamp, a day of prayer, a week of remembrance, a fly past at the Super Bowl, a joint session of Congress and civic luncheons by the thousands.

The fact that the prisoners in North Vietnam were allowed last year to write nearly 3,000 letters (on the six-line forms their captors provide) is cited by the promoters of the various campaigns as evidence that they have had an effect. The fact that fewer than 400 letters were delivered to the families in the first seven months of 1971—evidence that the campaigns may be proving counterproductive—is cited less frequently.

In the beginning, most of the relatives welcomed the "Have-a-Heart-Hanoi" campaign. If nothing else, it was a relief just to be doing something and to gain, in the process, an excuse for going out.

Neither the hope nor the novelty lasted long. Occasionally, wives now tell stories of civic leaders whose solemn expressions of sympathy took on sly overtones ("What do you do for fun?"). More commonly, they tell of their discovery that all their globe-trotting to foreign capitals in search of hopeful omens, their interviews on TV and the endless appearances before civic groups served only to heighten the emotional strain on themselves and their families.

"You're baring your soul and everyone just sits there eating chicken salad," recalled a wife who has foresworn the luncheon circuit. "For a while you go on, crying inside, then all of a sudden you ask, 'What in God's name am I doing this for?' Then you pull back."

Mrs. Barbara Mullen, the wife of a Marine pilot missing over Laos, continued to appear at luncheons even after she decided to divert her energies to pressing for a withdrawal date. Her last was a Chamber of Commerce affair in San Francisco where she was asked to serve, in effect, as a visual aide for a speech by the Chief of Naval Operations. "I'm not performing anymore," she declared when it was done. "I'm no longer a Nixonette."

The relatives may differ on the question of who is doing the exploiting, but the feeling of being exploited is universal. So is the suspicion that Americans really care no more deeply about the prisoners than they have about the war in general; that when it is convenient, the prisoners will simply be stranded and forgotten by the majority.

Depending on how one is inclined to view the war and the prospects for its end, the National League of Families' inability to take a stand seemed patriotically selfless or pathetically self-defeating. But it has been the distinguishing characteristic of the outcry in this country over the prisoners of war and their suffering families that it has gone on in nearly perfect abstraction from other facts about the war and even as an escape from them—from Mylai, the free-fire zones, bombing, napalm, defoliation, relocation programs, the toll among the Vietnamese. Much has legitimately been said about the Geneva Convention on the Treatment of Prisoners of War, little about the Geneva Convention on the Protection of Civilians. Schooled as they have been in the theological position that the question of war and the question of prisoners are wholly unreleated, most relatives have been unable to work up even an opinion on the Vietcong proposal to release the prisoners in exchange for a firm withdrawal date.

Assailed by fears they cannot put down and hopes they dare not entertain, the relatives are, as the old Army adage has it, "between the rock and the hard place." So it is natural that many wives—most of them, probably—still take their cues from their spouses' brother officers. That, they tell themselves, is what their husbands would expect. "My husband is a career officer," said Mrs. Robinson Risner of Oklahoma City, wife of the senior Air Force officer in the camps. "I don't think he'd like me to feel very anti-this or anti-that, and until he comes back and tells me it wasn't worth it, I'm not going to let myself feel that way."

Some wives may still mention a desire not to harm their husbands' careers in the military, but after six or seven years that particular anxiety is more wistful than real. A deeper craving now is that which demands a little meaning from the ordeal, an urge that seems particularly strong among the wives of men missing in action, women who have to acknowledge to themselves, in their darkest hours, that they may never see their husbands again. Carole Hanson of El Toro, Calif., whose husband is missing over Laos, still cares about the outcome in Saigon. "If my husband is dead," she explained, "I don't want it to have been for nothing. If he's alive, I don't want all his suffering to have been in vain."

The division among the wives that has emerged in recent months may be expressed in political terms, but it is not really political at all. The differences are too narrow, the feelings too deep and personal. Thus relatives of pilots who are known to have been prisoners for five or six years are likely to react bitterly to the suggestion that their loved ones' suffering still needs to be justified by a satisfactory outcome in Saigon, not because they have different views about what a satisfactory outcome would be, but because they want that suffering to end.

"It's a little easier to sacrifice your husband if you're not sure he's there," a prisoner's wife said bitterly.

"We're very narrow-minded in this thing," said a father. "We want our son."

Ross Perot has been silent on the Vietcong proposals, though he once said, "My interest is simply the release of our men." The Texan's lavish effort on behalf of the prisoners, it will be remembered, grew out of an earlier campaign in which he asked the "silent majority" to "let the world know we stand squarely behind our elected President." He is also a director of the Richard M. Nixon Foundation. Perot, an aide explained, supports the Presidency as an institution and would not think of pressing any views on the man who happens to personify it now.

The patience required for such distinctions comes harder to the relatives. With release in sight, a number of them have become especially fed up with the official American theme that the prisoners issue is "humanitarian" and not "political," involving only the treatment and not the freedom of their men. "They don't have to worry," a wife said, "I'll treat him humanely."

Many wives and relatives who have not favored Madame Binh's terms, are now fed up, nonetheless, with the "Have-a-Heart-Hanoi" campaign. Only in recent months, however, have the dissident relatives started to make themselves known. One of the first was Mrs. Virginia Warren, the mother of a downed airman, who had, after arranging to have a billboard with a message for Hanoi's leaders mounted in Ypsilanti, Mich., asked herself how they would ever see it there. Later, she started gathering support to have a series of billboards put up with a message to the President favoring withdrawal from Vietnam.

Bernard Talley, a conservative Baltimore real-estate appraiser who flies the flag from his home and admires Spiro Agnew, believed in "victory" in Vietnam until President Nixon announced that victory was not the American aim. Last March Talley, whose son is a P.O.W. in North Vietnam, sent a telegram to the White House suggesting an offer to withdraw forces in exchange for the prisoners. "The hawk-and-dove business is over," he said. Not satisfied with the White House response, he arranged for his telegram to appear in May as an ad in The Washington Post, over the signature of other disillusioned relatives.

That same month Barbara Mullen and Delia Alvarez—sister of Everett Alvarez, who was the first airman shot down in North Vietnam and is now in his eighth year there—announced they were forming a group to be called Families for Indochina Peace. Later they changed the name. "We have to avoid the naughty word 'peace,' " Mrs. Mullen explained. "Many of the families think that means you're for North Vietnam."

The two women flew to Washington from California where they joined forces with a small group of wives who had been busy lobbying on behalf of the McGovern-Hatfield and Mansfield amendments. There they took the name Families for Immediate Release.

At the National League's board meeting in May, Louise Mulligan of Virginia Beach, Va., pressed for a poll of the membership to see if it would favor pressure on the President for an early withdrawal. Her efforts had already brought her a letter from another Navy wife accusing her of "disgracing" her husband. Bitter over the abuse and the resistance to the poll, she quit the league, which she had helped to found. "It's nothing but a P.R. firm," she said.

The discovery that they are now virtually at one with the peaceniks has been profoundly disturbing to the dissident military wives. After Madame Binh put forward her proposal in Paris, David Dellinger and Cora Weiss of the Committee of Liaison—the group of peace activists selected by Hanoi as the channel for mail from the prisoners—sent a letter to the families that said, "Every day of delay in acceptance is another day of needless, continued separation, of continued killing and destruction of homes and land." Mrs. Mulligan called the letter "garbage."

Mary Ann Fuller of Jacksonville, Fla., went to two of Dr. Kissinger's meetings with the wives and "cried all the way home." Later she returned to Washington to lobby on behalf of the Mansfield amendment. This Navy wife wants an unequivocal withdrawal date set today, since yesterday is no longer possible, but does not think of herself as belonging to the peace movement. Asked if she had any views about the bombing, she replied: "That's not my thing. I want a live husband home. That's all."

And Mr. Talloy wanted it clearly understood: "I'm not going to march and picket."

Such reservations are lost on the relatives who still have no intention of breaking rank. As most of them see it, there can be 100 views of how the war will or should end, but to say it should be ended now on the basis of the enemy's proposal comes close to backing the other side.

Carole Hanson, a slender, dark-haired housewife with a sweet voice and immense fortitude. went on TV and started distributing "Don't-Let-Them-Be-Forgotten" bumper stickers in 1968 when the Johnson Administration was asking the relatives to lie low. She has traveled around the world, met the Pope, pleaded with the Pathet Lao in Vientiane, presented a VIVA bracelet with her husband's name on it to Ronald Reagan, and now is the main organizer for the group of relatives from the area that meets monthly at the Los Alamitos Naval Air Station near Long Beach under the name P.O.W./M.I.A. International, Inc.

Mrs. Hanson says her recent efforts to back the President were inadvertently triggered by Representative Paul McCloskey when he spoke to the Los Alamitos group in May. The Congressman promised the relatives to arrange for an expenses-paid trip to Washington if they would lobby on the various end-the-war amendments then before Congress. It was plain he meant lobby for their passage, though he did not say so.

Mrs. Hanson and her friends were outraged. The prisoners meant something to the nation as well as to their families, and that was because the relatives—private people, little people as they saw themselves, with no experience in the arts of public persuasion—had been willing to exhibit themselves and their plight. Without putting it in so many words, the Congressman seemed to be saying it had all been unnecessary, pointless. "The prisoners are the only issue of the Vietnam war on which the American people are united," Carole Hanson said stanchly "and he was trying to divide us."

By then they had considerable experience in public persuasion and, over the next few weeks, they arranged for ads they designed themselves to appear in The New York Times and other papers on the day the McGovern-Hatfield amendment came up for a vote, hoping it would lose; organized a series of press conferences across the country for like-minded wives, and sent a letter to more than 800 families, arguing that the President should be backed and the prisoners kept "out of the political arena." More than half these families responded and the response, Mrs. Hanson says, was 9-to-1 in favor of their stand.

Barbara Mullen, whose husband was shot down over Laos 14 months before Carole Hanson's, was one of those who disagreed. Why, she asked, was it basely "political" to agree with the majority of the United States Senate that the time had come for a withdrawal date and purely "humane" to back the President? "Your husband and mine are Marine pilots missing in Laos," she wrote to Mrs. Hanson. "I know, and President Nixon knows, that they will not be released as long as U.S. bombs fall there. . . . I am not willing to allow my husband to play hostage to any more face-saving, whoever the face belongs to."

On a lazy summer Sunday three weeks after Madame Binh made her new proposal in Paris, about 70 relatives gathered at an officers' club at Los Alamitos for their monthly meeting. A Marine Corps film crew was on hand to get some footage of their barbecue. The evening's featured speakers were to be a Congressman from northern California and one of the nine P.O.W.'s who have been released by Hanoi. The small talk was neighborly, familiar, the mood that of a fraternal organization, which is what dire circumstances had made the relatives.

The Congressman, a ruggedly handsome Republican named Burt Talcott, had himself been a P.O.W. in World War II. He spoke for 20 minutes, over the laughter of the officers' bar behind him, without once alluding to the Vietcong proposal. "World public opinion," he asserted, was forcing Hanoi to improve its treatment of the prisoners, so the relatives would be well-advised to step up their pressure on the media. As for the President, he had, said Talcott—seeming to forget for an instant what audience he was facing—"a bigger stake than anyone in this room in the problem of the prisoners, a bigger stake than all of us put together."

"You're getting away from the point," an angry young voice called out from the back of the audience. The voice belonged to Peter Nasmyth, whose brother John is a prisoner in North Vietnam. The point he wanted elaborated was why Madame Binh's proposal could not be accepted "in principle" at least. "I'm tired of the Administration telling us to wait," he said.

The Congressman dismissed Madame Binh's proposal with a flat denial that it promised the release of American prisoners. "It's unfortunate that somebody representing your kind of group can have this kind of idea," he said. "It's shocking to me."

"It's shocking to me that a Congressman can be so naive," the young man retorted heatedly. But the audience was with the Congressman and not in a mood to hear what any Communists might or might not be offering.

Between speakers, everyone wrote postcards to Dr. Frank Stanton of C.B.S., voicing various objections to a network special on the prisoners. Then the microphone was handed to the ex-prisoners, a former Navy seaman named Doug Hagdahl. An intense young man dressed in a doublebreasted suit with a radiant sheen, he spoke in a low voice of how he had suffered for 28 months and the heroism of the men he left behind, who still cling, he said, to the faith that "their country will get them out."

It was as if he were bearing witness at a revival. The questions that came from the floor seemed to solicit not information—the relatives had been feeding on the same scraps of disparate fact for years—but some buttressing for the hopes that kept them going. "What's the best thing we can do to help them?" Carole Hanson asked softly.

The microphone gave Hagdahl's voice a hard cutting edge. Don't forget who the enemy is," he replied. "North Vietnam is the enemy. It isn't the Administration. It isn't Congress. It's those bastards in North Vietnam!"

Now the feeling in the room was one of uplift and rededication, not urgency or despair. Pete Nasmyth sat in silent dejection. No one spoke of the release of the men.

Tammy Bloodworth, the young wife of an Air Force pilot missing in Laos, presented the draft of a letter to be mailed by the thousands to members of Congress. The letter said the United States had never learned the fate of 389 men believed to have been prisoners during the Korean War and demanded that American negotiators in Paris insist that Hanoi live up to the Geneva Convention "before our country makes any more concessions."

That same week Tammy had gone to the Western White House at San Clemente to present a letter she signed with five other relatives urging acceptance of Madame Binh's proposals. Her open, vulnerable face knitted itself into a look of troubled concentration when she was asked to reconcile the two letters. "I have a great part of me that says, 'Do anything you can to end this war,'" she said. "I have another part of me that says, 'Do anything you can not to hurt Donald's chance of coming home.'"

The 389 from the Korean War have long been a cause for right-wing groups, which claim, typically, that the men were "abandoned." U.S. officials say there has never been a shred of evidence that any of them were alive when prisoners were exchanged at the end of the Korean War. In any case, officials point out, the record of the Vietnamese Communists on prisoner exchanges appears reassuring. All French prisoners of war held by the Vietnamese Communists were returned within the stipulated 60 days at the end of fighting in 1954.

But the Californians, like the Vietcong, appear to have caught the Administration in the coils of its own logic. If the North Vietnamese have, as President Nixon declared as recently as April 16, "without question, been the most barbaric in their handling of prisoners of any nation in modern history," then isn't it obvious that the resolution of the prisoner issue must precede a settlement?

There were two hopeful news items for the relative before their reunion ended. One concerned a self-styled contractor who was said to be on the verge of arranging the internment of all American P.O.W.'s in a "neutral" third country which was—you guessed it—Communist China. As evidence that this was a serious proposal it was mentioned that the contractor was working closely with Larry Crosby, brother of Bing. The other item concerned an Illinois preacher who was said to be organizing an invasion of North Vietnam by unarmed American students to free the prisoners.

"I have never seen such unison," the final speaker intoned about those assembled in the room.

But unison among the families—as those who want to hold them together are finding—depends increasingly on silence. And silence is easily broken. So from now on until the ice finally melts in Paris, there will be relatives of P.O.W.'s and M.I.A.'s to speak out on both sides of every issue concerning the war's end.

Some who have been speaking out longest warn that it will not do any good. "They are going to carry out whatever plan is on their minds and nothing we can say or do will change it," Louise Mulligan declared. "I'm not bitter, really I'm not. I just keep throwing up."

"Blessed is he who expects nothing," said Mary Ann Fuller, "for he shall not be disappointed. We've had the carrot moved so many times. But one day the men who survive are going to get off an airplane, they're going to look everybody in the face, and they're going to ask, 'Why were we left there so long?'"

P.O.W. POLITICS

Issues of war and peace have splintered the movement to secure the release of American servicemen held by the Communists in Indochina. To the dismay of nearly all the wives and relatives of the men, clashes between the factions have become increasingly public and bitter.

The biggest organization is the National League of Families of American Prisoners and Missing in Southeast Asia, which claims a membership of 3,000 relatives. The league has labored effectively to spur the various campaigns in the United States on behalf of the prisoners and missing men; whether the campaigns have been effective is another question. It has also tried, somewhat quixotically, to arouse the sympathies of foreign governments. At present, it is going ahead, with support from the Advertising Council, on a national campaign that is expected to use about $25-million worth of donated space in the public prints and time on TV and radio. The ads will talk about Hanoi's treatment of the prisoners but will not have anything to say about how or when they should be released. That, league officers have said in the past, is a "political" question, and they have been "nonpolitical" by charter—a legalism meaning, in effect, that they can apply pressure on any but their own government.

For this reason, the league has often been dismissed by disconsolate relatives and peace activists as a mouthpiece for the Nixon Administration. The women do not see it that way, preferring to view the Administration's activities on the prisoners' behalf as a response to their pressure rather than a political necessity. "Sure there's been a calculated campaign," said Mrs. Carol North of Wellfleet, Mass., the board chairman. "But it's our calculated campaign, not theirs."

Nevertheless, the women have also had to concede that they have been nearly immobilized by the refusal, inability or fear that keeps them from confronting the larger issue of peace and war. "We've made people aware," said Mrs. Joan Vinson, the league's national coordinator, "but we've just about used up all our ideas in the process." Last week, the main question on the agenda as the organization met in Washington was whether to amend the bylaws to permit such tactics as lobbying for legislation and support of political candidates.

Before the meeting, there had been sporadic attempts from within to get the league to take a strong "political" stand. Last March, it even discussed the possibility of a vigil outside the White House, but fewer than 30 percent of the membership were said to be prepared at that time to take part. When some relatives finally started getting "political" later in the spring, they did so outside the league.

A loose-knit relatives' lobby—functioning under the letterhead Families for Immediate Release—started taking shape in May and now claims to have had messages of support from more than 300 relatives, all of whom agree that the families should not be putting pressure on the White House rather than the Politburo in Hanoi.

"The prisoners have become political hostages," the new group declared. "We feel our Government's obligation to the prisoners should take precedence over its obligation to the Government of South Vietnam."

The emergence of this faction within the league produced a series of angry counterattacks, mainly from members of a group of relatives in Southern California who go under the name P.O.W./M.I.A. International, Inc., and attract about a hundred people to their monthly meetings. They say the families must not "tie the President's hands or restrict his bargaining power."

"We all have the same doubts, the same fears, the same goals, the same motives," said Mrs. Valerie Kushner of Danville, Va., whose husband, a doctor, is held by the Vietcong. Mrs. Kushner is one of those who have been accusing the President of "using" the prisoners to prolong the war. But this summer, in what she said was an effort to heal the breach among the families, she tried to organize a candlelight vigil by relatives on the steps of the Capitol. Though she said it would be "nonpolitical," the National League of Families urged its members to stay away. Any demonstration by the families now, it seemed to be saying, would be taken as a call for a negotiated settlement on the basis of the Vietcong proposal.

P.O.W. ARITHMETIC

The campaign to free American P.O.W.'s has been clouded by confusion about their numbers. President Nixon this year spoke of "1,600 Americans in North Vietnam's jails." In fact, it will be a stroke of good fortune if even half the 1,623 Americans listed by the Defense Department as captured or missing in action prove to be alive.

The "final and complete" list issued by Hanoi last year has the names of 339 men "captured in North Vietnam." Hanoi is also presumed to hold other men captured by its forces in South Vietnam and Laos, but U.S. officials venture no guesses as to the number. The whereabouts and numbers of prisoners held by the Vietcong and Pathet Lao are also a total mystery.

Of the 1,623 names on the Defense Department list 1,160 are in the missing-in-action category. Of those listed as P.O.W.'s, 378 were said to have been captured in North Vietnam, 82 in South Vietnam and 3 in Laos. Some of the 378 in North Vietnam were among the 20 whose deaths in detention Hanoi has announced. Thus the difference between Hanoi's list and Washington's amounts to about 25 names. There is no way of knowing whether Hanoi will be able, or willing, to account for those 25 until negotiations get to that point.

H. Ross Perot, the Texas multimillionaire, says he started the "Have-a-Heart-Hanoi" campaign because he discovered in meeting North Vietnamese diplomats that they always referred to the captured and missing Americans as "just 1,500 men," implying that their fate could never become a matter of national concern in the U.S. Now that the Vietcong have made an offer on the prisoners, it is not Hanoi but Senator Robert Dole—the Republican National Chairman and one of the first Congressional champions of the P.O.W. cause—who notes how few men are really involved. "We don't want to get out just for the prisoners," he said recently. "They're very important but they represent less than ½ of 1 per cent of the Americans who've died in South Vietnam."

[From the Wall Street Journal, Sept. 30, 1971]

MISSING OR DEAD?

Four years ago, Mr. and Mrs. Samuel Beecher Jr. of Terre Haute, Ind., received a telegram from the Army:

". . . Your son Warrant Officer Quentin R. Beecher has been missing in Vietnam since 11 June 1967 . . ."

Two months later, the Beechers learned from the Army that their son's helicopter had run afoul of violent thunderstorms, become hopelessly lost, run out of fuel and gone down, not over a battlefield or an enemy sanctuary, but 18 to 25 miles out in the South China Sea. There wasn't any water-survival gear aboard. An extensive two-day rescue effort turned up nothing.

"It took us two tortuous years, but we finally confronted reality," Mr. Beecher says. Here husband, an attorney and a licensed pilot, adds, "I've crashed that helicopter a thousand times in my mind, and under those conditions there isn't any way Quentin could have made it."

CLASSIFYING THE MISSING

But the Army won't drop Quentin Beecher from the list of 1,610 servicemen missing in the Indochina conflict—a list that U.S. government officials prefer to call the Vietnam "prisoners of war/missing in action" (POW-MIA). Pointing to men who were declared dead in World War II and Korea but who later turned up alive, the Army, as well as the other military services, rules a Vietnam combatant missing and keeps him that way unless his body is discovered or an eyewitness is found. Because the laws of various states won't allow the wife of a missing man to remarry, Mr. Beecher had to arrange a Mexican divorce for his daughter-in-law.

The case of Quentin Beecher and his anguished parents typifies a development unheard of in previous U.S. wars. For as interviews with 70 other parents and wives in places like Virginia Beach, Va., Colorado Springs, Colo., and suburban Portland, Ore., show, a growing number of families of the missing contend that the military should have mercifully declared their loved ones dead long ago. And some also accuse the federal government of coldly stringing them along for selfish political reasons.

"I think they're misleading us for their own purposes," Mrs. Beecher says.

These parents and wives are aware of the problems of ever finding out what happened to crews of aircraft that explode in midair, to pilots of jets that never pull out of power dives and to infantrymen who just disappear in ominous jungles. Thus, these relatives conceded that no man should be written off as dead when there is reasonable hope of finding him. But these families shake their heads in disbelief at U.S. policy, which was laid down in a June 1970 statement from the Defense Department. It said in part that "what we want from the enemy is a . . . full accounting of all who are missing."

A PLOY FOR NEGOTIATIONS?

Some wives and parents go further. They believe that top-level U.S. policy makers are being deliberately misleading when they denounce the North Vietnamese as liars because the Hanoi officials say they can't produce an accounting of anything like 1,600 men. (North Vietnam has produced a list of 339 men it says have been captured. These wives and parents suspect that Washington's demand for the accounting is just a throwaway bargaining ploy for the Vietnam negotiations in Paris.

Many of these feelings surfaced earlier this week during a Washington meeting of the National League of Families of American Prisoners and Missing in Southeast Asia, the largest organization of its kind. Dissidents within the league picketed the White House and groaned over the remarks of at least one administration spokesman. They aimed a resolution at President Nixon that said the league "conveys to you . . . its extreme distress at the continuing failure to resolve the prisoner-of-war-missing-in-action tragedy."

Many families, however, do believe the government is doing the best job possible under difficult circumstances. Mrs. John K. Hardy Jr., wife of an Air Force officer shot down over North Vietnam, says she has had several meetings with presidential adviser Henry Kissinger and feels that "President Nixon can do something about the situation, he's the only one who can."

CLINGING TO HOPE

And as might be expected, many families cling to the hope, however faint, that Hanoi can account for their missing relatives, that most of the 1,610 might in fact be alive. Mrs. Edward Beck, for instance, says she feels that her son, a Marine PFC who disappeared in South Vietnam, is a prisoner of the North. Producing a photo of prisoners in the North, she points to a man with his back to the camera and says she is convinced that he is her son. Other families, however, reportedly have identified this same man as their husband or son.

Such feelings often stem in part from the natural refusal to accept the death of a loved one, and in part from the vagueness of circumstances surrounding a man's disappearance. Whatever their basis, these intensely personal feelings have captured the imagination of official Washington.

The Pentagon concedes that as far as hard evidence goes, only 463 of the men on the list are thought to have been captured—378 of them in North Vietnam, 82 in South Vietnam and three in Laos. Nonetheless, a figure of about 1,600 has been used by administration officials and members of Congress.

At a March 4 news conference, President Nixon said that "There are 1,600 Americans in North Vietnamese jails under very difficult circumstances at the present time." (The White House subsequently said the figure used by Mr. Nixon referred to both those who are prisoners and those who are missing in action.)

The next month Defense Secretary Melvin Laird told crowds at the opening game of the major-league baseball season that "there are a great many men in uniform, some 1,600 of them who have not seen a ball game in a long time."

Last year, while telling a House subcommittee of his plans for a POW rally, Sen. Robert Dole of Kansas, chairman of the Republican National Committee, assured Congressmen that "we have not forgotten that there are almost 1,500 Americans who have been prisoners and who have been in danger not for two days, not for three days or four days."

The Senator's guess on the number of American GI prisoners was remarkably close to that contained in a concurrent Congressional resolution passed about the same time; it urged that "every possible effort" be made to obtain the release of prisoners. Part of its preamble stated that "1,500 American servicemen are imprisoned by Communist forces in Southeast Asia."

PRESSURE ON THE OTHER SIDE

Asked for comment yesterday, White House Press Secretary Ronald L. Ziegler said: "In all of our fact sheets and virtually all of our statements, we break down the numbers between captured and missing." He added that "only on several occasions has the figure 1,600 been used, and then it was clearly stated that this referred to missing and captured." It is important, the press secretary said, "to apply the pressure to the other side—not here—to give the facts about the prisoners."

In February 1970, almost eight months after the Nixon administration took the wraps off the POW/MIA list, a public poll was conducted by Gallup International for Dallas computer magnate H. Ross Perot's POW group, United We Stand. It said 68% of those questioned had heard of the prisoner issue; of those, more than one-third estimated the number of prisoners at more than 2,000—higher than the politicians' top estimates.

Regardless of the actual number, the hopes of some families that their missing sons or husbands are still alive have been put to a severe test. Consider the case of Mrs. John Swanson, wife of an Air Force captain shot down four years ago while on a bombing mission over North Vietnam. (Like many other relatives of missing men, she has asked that her home town not be given to avoid nuisance telephone calls and mail.)

Several days after the crash, she received a letter from her husband's wing commander. It said that after Capt. Swanson's jet was hit by antiaircraft fire, he had headed for the sea, finally going down two miles off the coast of North Vietnam. "Although a good chute was sighted all the way to impact with the water," the letter said, "search and rescue personnel who arrived within 10 minutes were unable to rescue John."

Two months later, Mrs. Swanson received another letter, this time from the chief of the Air Force casualty section. Recounting earlier details, this letter said, "His ejection, fully deployed parachute and descent were observed by the pilot who had followed him."

What the Air Force didn't tell Mrs. Swanson she later found out from the pilot who had seen the chute. "He said it was very indefinite that my husband was even in that chute," Mrs. Swanson recalls. "He was very discouraging."

RAISING HOPES

But her hopes were raised almost two years later by yet another letter from the Air Force. This one said: "Intelligence information just received at this headquarters indicates that your husband may be a captive of the North Vietnamese. Unfortunately the content of the information is extremely limited, and we are not absolutely certain of its reliability. . . . I cannot say anything more so as not to jeopardize the source."

Excited by the letter. Mrs. Swanson says she tried to elicit more information from the military. "They were close-mouthed about it, to say the least," she reports.

Confused, Mrs. Swanson turned to her only nonofficial source, the pilot who had followed her husband's plane out to sea. "I explained that I had received this letter," she says, "but he said that didn't alter the picture, that the odds aren't that good."

While many of those among families of the missing accuse the federal government merely of badly handling the POW situation, a sizable number bitterly charge Washington with deliberately exploiting the bereaved for selfish political reasons.

One of those is Mrs. Louis Jones, whose husband was lost over Laos and whose brother was listed as missing and who never returned from Korea. She insists that families of the missing are being misled to believe that maintenance of a residual U.S. force in Vietnam is the only way to get an accounting of the missing.

"They tell us we can't trust the Communists, that we must keep a residual force in Vietnam, until they account for the missing. Well, I wish my husband were held by the Australians. But he's not. If he's alive, he's held by the Communists, and these are the people we must deal with. If there were any living POWs who weren't allowed to return from Korea, it was probably because we still have a residual force there today."

Mrs. Jones adds that she isn't convinced living POWs were abandoned in Korea. But she also asserts that talk of a residual force for the sake of the missing is the administration's way of placating families, "of keeping us quiet."

Another is Mrs. Randolph Ford, whose husband, a Navy pilot, went down over North Vietnam in 1968 and who voted that same year for President Nixon. The Pentagon lists her husband as a prisoner, but Hanoi doesn't. "It shook me up when the administration made it appear we were there (in Vietnam) because of the POWs," she says angrily. "This is a bunch of bull. I resent using the POWs as an excuse to stay in Vietnam. Washington is just trying to save face."

Asserts Mrs. James Warner, whose son is a known prisoner and who headed the National League of Families in Michigan until she "resigned in disgust": We've been used to drum up war sentiment."

PESSIMISM BY THE EXPERTS

Experts tend to be pessimistic about the chances of ever unraveling the fate of most of the missing. Bodies of those who have died in damp jungle areas are quick to decompose. Veteran fliers say that in cases of high-speed crashes, only a trained pathologist can possibly tell if human remains are in the wreckage.

And the experts are equally pessimistic about survival chances of those who were lost, alive, on the ground. Marine Lt. Col. Pat Caruthers, who heads up the corps' rugged survival-training program, describes what it is like for a man lost in Vietnam.

"It depends on the terrain," he says. "If you're in elephant grass, it cuts your uniform to ribbons, and you usually don't have any medicine to stop the infection. If you're in the mountains, you've got rocks and bramble bush and just rough ground to put up with."

The colonel says that in any lowland area, rain becomes a problem: "Everything is under water, your feet look like prunes, any orifice or opening in the body becomes a problem, you get blood leeches which you can pick off all day, but all you do is open sores.

"If a man's not found within 10 days," the colonel concludes dryly, "he's got a real personal problem."

Late last year, Hanoi released a list of 339 men it identified as "pilots captured" in North Vietnam, along with a list of 20 GI's who, it said, had died of wounds or disease. The Vietcong have yet to release a list, but a spokesman told reporters in Paris this summer that a list of American prisoners held in South Vietnam would be released on the same date the U.S. begins a total withdrawal of troops from Southeast Asia. The Vietcong spokesman, Madame Nguyen Thi Binh, also said release of prisoners in both the North and the South would begin on that same date.

The Pathet Lao, a Hanoi ally not represented at the Paris peace talks, indicate only that they will "discuss prisoners when the U.S. pulls out of Laos. (Mrs. Stephen Hanson, whose husband, a Marine captain, was seen alive on the ground after his helicopter was shot down over Laos, says a high-ranking U.S. diplomat confided to her that there were "70 or 80" U.S. prisoners in Laos. State Department officials, however, say intelligence sources indicate the possibility of "around 30 men, and that's low-level stuff—things like reports of Caucasians spotted on the Ho Chi Minh Trail."

Most families don't accept the Communist lists. But some are beginning to take those figures more seriously. "I can't see how the North Vietnamese can say somebody is dead or was never captured and then turn him up after the war," says Mrs. Billie Cartwright, wife of a Navy pilot missing over North Vietnam.

COMMUNIST READINESS?

About midyear, former Defense Secretary Clark Clifford, among others, began suggesting that the Communists were ready to deal: a list of all prisoners held in the South and their phased release to match a date for phased withdrawal of U.S. forces.

Since such suggestions became public, some families of the missing are complaining that the Nixon administration is changing its stand on the POW/MIA question. Mrs,. William Mullen, wife of a Marine captain missing in Laos, recalls remarks by Defense Secretary Laird that apparently expressed U.S. policy last spring. At that time he told reporters: "We are willing to take every American out of Vietnam providing that (POW) question is settled."

Mrs. Mullen contrasts that stand with more recent comments by Press Secretary Zeigler. He said that a deal tied simply to the prisoners would impose "a deadline so precipitous that it wouldn't give the South Vietnamese the opportunity to defend themselves and determine their own future."

She also refers to Sen. Dole's statement this summer to CBS television reporter Bob Schieffer: "We have to be very candid about it. We don't want to stay there just for the prisoners, we don't want to get out just for the prisoners. They're very important, but they represent less than one half of one percent of the Americans who've died in Vietnam."

Referring to the U.S. Officials, Mrs. Mullen observes: "They want to maintain their license to continue the war."

THE 125TH ANNIVERSARY OF THE SMITHSONIAN INSTITUTION

Mr. PERCY. Mr. President, the New York Times recently published an article honoring the 125th anniversary of the Smithsonian Institution. It is a birthday which all Americans can and should celebrate with pride.

"The Nation's Attic," as the Smithsonian has been affectionately dubbed, has provided thousands of visitors with endless hours of pleasure. Whether discovering new treasures or reminiscing over the old ones, those who have wandered through these halls know the Smithsonian to be truly the "people's museum."

My work on the Interior Appropriations Subcommittee this year has given me a good opportunity to review the operations of the Smithsonian in depth. Having been a frequent visitor to the Smithsonian over the years with my children, I have experienced the impact of these programs. Now I know how they were inspired and created.

In this regard, America owes an enormous debt of thanks to S. Dillon Ripley, present Secretary of the Smithsonian, for his role in preserving and exhibiting the country's memorabilia. His ingenuity and energy have helped to provide us with this irreplaceable legacy, reminding us of our rich heritage while pointing us to the future.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Smithsonian, Swept by Change at 125, Still a Haven of History and Folklore

(By Nan Robertson)

Washington, September 26.—It has been called the octopus on the Mall, the nation's attic, a temple of learning and a lot of other things by those groping vainly to describe the indescribable.

It is the Smithsonian Institution, and it celebrated its 125th anniversary today with speeches, music, movies, open houses and medal-giving in the heart of Washington.

Major changes have swept the Smithsonian under its eighth secretary, S. Dillon Ripley, a 6-foot, 3-inch tower of suave energy known variously as the "Sophisticated Pelican," "King Dillon" or "the Buccaneer." The most aggressive secretary since the first one, Joseph Henry, he has shaken up this lethargic giant and moved it in new directions, eliciting praise and blame.

Mr. Ripleys reign, beginning in 1964, has brought three major visible changes. First, there is expansion—vast acquisitions of buildings, collections, land. Second, although he is an ornithologist, a man of science like all the secretaries before him, he has also reached out to get and house more art, of which the most envied and controversial plum is the Joseph H. Hirshhorn collection.

Third, the exhibits have changed, too—from what one Smithsonian official called "the dusty, cluttered fascination of an old-fashioned general store" to the slick, sophisticated presentation of a "supermarket," with both its attractions and its drawbacks.

Mr. Ripley has put voices into locomotives and elephants in his museums and pushed for "total environment" shows that include not only sounds, but also smells and real, live people making things such as apple butter and fiddles.

All this has brought protests that Mr. Ripley is a show-biz simplifier, a power grabber, an autocrat who is moving too far too fast and making changes without properly consulting, for example, Congress, which is giving the Smithsonian $55.8-million this year. On top of that are about $8-million in Federal grants for private research and an estimated total of $4-million in gifts and endowments from citizens.

But the criticism seems to be dying down. Representative Jonathan B. Bingham, Democrat of the Bronx, who was a tough questioner in 1970 at the first overview hearings on the Smithsonian in a century, said:

"Anyone moving that fast will tread on some toes and Ripley trod on Congressional toes as well. By now I think he's learned a lot about Congress and over-all I think he's done a super job."

MORE SUPPORT

And Representative Julia B. Hansen, Democrat of Washington, who is chairman of the Appropriations Subcommittee on the Interior and Related Agencies that hands over the Government's money, remarks: "Goodness, gracious, anybody in America who does anything creatively and imaginatively is going to have people say he is moving too far too fast. That's the old talking."

Many Americans still think of the Smithsonian as two buildings—James Renwick's brownstone castle on the Mall, where Mr. Ripley works in the first secretary's old bedroom, and the red-brick Arts and Industries Museum next door.

Instead, of a huge physical complex, focused on Washington and the Mall, comes under the Smithsonian's giant wing. It includes the National Museums of History and Technology, Natural History; the old Air and Space Building in a World War I, hangarlike hulk; the projected new one; the Freer and National Galleries of Art, and the Hirshhorn Gallery and Sculpture Garden now being built. All these are on the Mall.

PEOPLE'S MUSEUM

The National Zoo belongs to the Smithsonian. Also under its aegis-acquired, restored, finished or deeded during the Ripley years—are these buildings dedicated to the arts: the old Patent Office Building near the Mall, housing the National Collection of Fine Arts and the National Portrait Gallery; the John F. Kennedy Center for the Performing Arts; the Renwick Gallery for American Arts, Crafts and Design; Mrs. Merriweather Post's Hillwood Estate with its collection of imperial Russian and French art and furnishings, and the Carnegie mansion on Fifth Avenue in New York, which will shelter the Cooper-Hewitt Museum of Decorative Arts and design.

In contrast to these expensive trinkets in the Ripley stocking is the Anacostia Neighborhood Museum in one of Washington's poorest areas, run by and for the people of that area in an abandoned movie house.

Beyond all this and far bigger than this is what David Challinor, the museum's secretary for science, called the iceberg's invisible bottom—an enormous series of scientific installations activities reaching out from Washington across the world.

From Cambridge, Mass., to Panama; from Point Barrow, Alaska, to Jerusalem; from Fort Pierce, Fla., to Mount Hopkins, Ariz.; in Debre Zeit, and Khereddine, Tunisia, everything from snakes in the sea to stars in the sky is being studied by Smithsonian scientists or researchers and explorers on Smithsonian grants. The scientific Smithsonian has also been greatly expanded under Mr. Ripley.

But the visible Smithsonian is what the public knows about and remembers. A smattering of its infinite variety (13 million objects in the Museum of History and Technology alone) would be: President Warren G. Harding's golf ball and the $6-million painting of Ginevra Benci, the only acknowledged Leonardo da Vinci outside Europe; Mrs. Nixon's inaugural gown, and 60,000 bees in a plastic hive, flying in and out of blue-and-yellow-painted slots in a museum wall on Constitution Avenue. (Bees like blue and yellow).

Or the Hope Diamond and the stuffed figure of Owney, the mongrel dog that visited post offices around the world, or George Washington's campaign tent, or a sister ship of a lunar module that went to the moon.

Or the Enola Gay, the plane that dropped the first atomic bomb, now waiting in a Maryland storehouse for a niche in the new Air and Space Museum.

Under Mr. Ripley and his men there has been a great deal of "sorting out" and trying to make sense of and a connection between these objects and the lives of the people who go to see them.

The old, glorious confusion is going or gone. The sort of visual cacophony in which a viewer's eyes could light almost simultaneously upon "a stuffed bear, a steam engine or a picture of an Indian" is no longer so, according to Charles Blitzer, the assistant secretary for history and art.

One such vanished experience is related by Geoffrey Hellman, who fell a hopeless victim to the old Smithsonian. He relates in his book "The Smithsonian: Octopus on the Mall," that when Leonard Carmichael became secretary in 1953, he made three tours of the natural history building to sort the Smithsonian out, and then gave up.

SELECTIVITY AND COHESION

"In the old days, if we had 50 stone axes, we'd probably show all 50," said Richard Cowan, director of the Natural History Museum. "There are people who just love to see them all."

Mr. Ripley emphasized selectivity and cohesive exhibits.

"We want to use the visitors' senses other than sight," he said. "Give them smells, sounds, touch."

The Smithsonian's exhibition on Presidential races, among many, plunged the tourist into bunting, banners and the recorded voice of would-be and successful candidates from William Jennings Bryan to John F. Kennedy. There was the sound of bands and the sight of posters.

When the Smithsonian's exhibitors set up an old Georgetown candy shop, Mr. Ripley's response was: "It doesn't smell. It's got to smell." So they finally devised an aerosol can and timer that would squirt just enough chocolate odor to lure the approaching visitor without permeating the entire Museum of History and Technology.

A sound track simulates the approaching and diminishing chuffs of a splendid steam locomotive in the same building.

"They all smile—A great, nostalgic smile," says Mr. Blitzer of adult tourists who remember the days before diesels.

FOLKLIFE FESTIVALS

Another of the Ripley innovations is the yearly Festival of American Folklife, which draws at least half a million visitors each time to watch and listen to weavers, carvers, moonshiners, country bands, bakers of bread and makers of jelly.

"I felt America was losing contact with hand work," the secretary said.

Of the old-time instruments played and made on the Mall, he added: "I wanted to take them and other objects out of cases, into the open air, so that people could see how they were made, played and used."

What of the future? Mr. Blitzer's view is that enough new worlds have been conquered by now. He hates the word "consolidation," but for want of a better one, used it.

"The important thing now is for every museum to do everything and play its own role as best it can," he says. (The biggest single project coming up is the Smithsonian's participation in the 200th anniversary of the American Revolution.)

He does not want the Smithsonian to become "one supermuseum with branches," and feels the directors should run their own operations, encouraging scholars in their disciplines and creating "splended exhibits for the education and delight of the public."

"There's plenty to keep them busy for a long time to come," he says.

JUSTICES HARLAN AND BLACK—EXAMPLES OF EXCELLENCE

Mr. McINTYRE. Mr. President, the distinguished conservative columnist, James J. Kilpatrick, recently paid homage to Hugo Black and John Marshall Harlan. And yet his words are more than mere words of praise; they are a reminder to all of us that men must learn to disagree without being disagreeable.

These two great legal minds came to the Court with different backgrounds, different interests, and different legal persuasions. In fact, they soon came to be known as leaders of two entirely different philosophical orientations on the Court; Black, the liberal, and Harlan, the conservative.

And yet, as Mr. Kilpatrick so adeptly points out, these men surpassed the partisanship and rigidity that confine smaller men and wrote opinions that defy political pigeonholing. By this act of singularity to purpose, these men assured themselves of that immortality that comes from a Supreme Court opinion read and admired for generations.

That these great men put fidelity to duty above all else does not surprise us. But their loss on the Court reminds us of an even greater principle, a principle that seems more crucial today than ever before—that men can sit side by side, day after day in disagreement and never resort to derogatory or abusive remarks to upbraid a disbelieving colleague.

Mr. President, every American should take note of the lives and actions of these two monumental Justices. They knew the difference between an opponent and an enemy. They knew that there is a time for listening and a time for speaking out. Their example makes us blush that all our Nation is not more like them.

In the last few years, they kept their heads while many Americans around them were losing theirs. This makes their loss on the Court even more lamentable.

I pray that the President will replace these men with Justices of that same high calibre.

Although I do not necessarily endorse every interpretation of fact in this column, I believe that its basic message is one that deserves study by Senators.

Mr. President, I ask unanimous consent that Mr. Kilpatrick's important column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Two Great Legal Minds on Supreme Court

(By James J. Kilpatrick)

Forgive me for coming so belatedly to the sad news of Hugo Black and John Marshall Harlan. The Supreme Court is my beat, but Harlan's retirement was not news in the Transkei, and it wasn't until I reached Rio de Janeiro that I learned of Black's death. Both the court and the country have suffered a stunning loss.

A hundred men have served on our highest bench, but not more than 15 or 20 hold much claim on history. Black and Harlan were among the great ones. They used to sit side by side, two gray old eagles on a branch, Black rocking a little in his chair, Harlan silent and immobile. We styled one a liberal and the other a conservative but the labels lacked precise meaning.

Black's death is especially sad. In the court's longevity sweepstakes, he had passed this year Story and the first Harlan. If he had remained on the bench until March, he would have passed Marshall and Field also, and would have served longer than any justice in history.

As it is, he served for 34 years and 28 days; he left his imprint indelibly on our law.

For those of us on the conservative side, Harlan has ranked as "out judge" since he came on the court in 1955. He disappointed us now and then, but usually this was when he felt bound by precedents he could not ignore. As a general rule, he functioned as a necessary brake against activism. His dissenting opinion in *Baker* v. *Carr*, the Tennessee reapportionment case, will be read for many years as a classic statement of judicial restraint.

It takes nothing from Harlan's enduring reputation to remark that Black was the more interesting of the two men—interesting in the sense of his whole career. When Roosevelt named him to the Court in 1937, few persons would have dreamed that this "radiclib" had the stuff of greatness in him. He was a Southern senator, poorly educated, tainted by his onetime membership in the Ku Klux Klan; his sole judicial experience had come with part-time service as a Birmingham police judge 17 years earlier. His nomination touched off a torrent of abusive comment.

Yet Black survived to become one of the five dominant intellects on the court. The others were Cardozo, Brandeis, Frankfurter—and John Marshall Harlan. Almost singlehandedly, Black won his colleagues to his conviction that the 14th Amendment, through its due process clause, had made the protections of the Bill of Rights applicable to the states no less than to the federal government.

Brilliant though he was, Black had his lapses. He delivered the worst single opinion of the 1970–71 term in construing that portion of the Voting Rights Act of 1970 which extended the franchise to 18-year-olds in all elections. Black's "own view of the case" was a mockery of the dedication he so often professed to strict construction. Harlan dissented in a long and scholarly opinion that made rubbish of Black's specious statement.

Yet, just a few weeks later—and this is a fascinating aspect of Supreme Court coverage—the court dealt in the Canton, Miss., case with another part of the Voting Rights Act. And this time Black was right and Harlan wrong. This time it was Black protesting "perversion" of the Constitution.

The two were more often antagonists than allies. One might have supposed that Black, the liberal, would have small use for states' rights; but this past term, in a case from California, he wrote one of the most eloquent defenses of "our federalism" ever penned. In a Connecticut case, a few weeks later, it was again Black who defended state powers against what he acidulously terms a "strange" opinion by Harlan.

Now they're gone. The two vacancies create a problem for Chief Justice Warren Burger and a great opportunity for President Nixon. Meanwhile, it may suffice simply to pay tribute to the two gray eagles. They were the best the court had, and they will be keenly missed.

INCREASE IN THE MEDICARE HOSPITAL DEDUCTIBLE CHARGE

Mr. CHURCH. Mr. President, on October 1, Secretary Elliot L. Richardson of the Department of Health, Education, and Welfare announced that, starting January 1, 1972, those on medicare would be required to pay the first $68 of their hospital bill—as opposed to the $60 payment now required.

The Secretary said that the increase in cost to medicare users is caused by health care cost increases which took place before the President's freeze order of August 15. However, as chairman of the Special Committee on Aging, I believe that the Secretary's decision is a cause for deep concern. It is an action based upon bookkeeping considerations at a time when every possible effort should be made to deal with two crucial problems: the daily erosion of the purchasing power of the elderly, and the large part that rising medical costs play in contributing to more general inflationary pressures.

Our elderly are already burdened with staggering health costs. In fiscal year 1969, the average health bill for a person 65 or over was $692, six times that for a youth and two and one-half times that for a person 19 to 64. Of the average health bill for an aged person, $335 was for hospital care, $107 for physicians' services, and $250 for all other types of health expenditures. The hospital bill, then, represents the biggest portion of the medical expenses of the elderly.

In 1966, when medicare went into effect, the charge for the hospital deductible was only $40. Recent changes pushed this charge up to $60. Now our senior citizens are faced with another increase—to $68. At a time when prices are supposed to be frozen for all Americans, our elderly—who are least able to pay, yet most burdened by medical bills—are singled out for this type of treatment? It is clear that added medical expenses at this time would represent another hard blow to America's senior citizens.

In announcing the increase to $68, Secretary Richardson stressed the need for urgent action to slow down the rising costs of hospitalization. He emphasized that policies are now being developed to curtail these as a part of the administration's plans for phase two of its wage-price stabilization program.

We are faced, therefore, with a strange paradox: at the very time that the administration is designing new regulations to curb rising hospital costs, it is contributing to the cost-increase spiral by pushing up the hospital deductible under medicare.

I appeal to President Nixon and Secretary Richardson to consider a postponement of this increase. This suggestion for a postponement is not unprecedented. Secretary of Health, Education, and Welfare Wilbur Cohen, on December 31, 1968, decided not to increase medicare part B premiums, in spite of advice given to him from the Social Security Administration. In so deciding, Mr. Cohen stated:

> I want to avoid further fanning of the flames of inflation throughout our entire medical care system.

This same reasoning should apply today, and I urge the administration to reconsider this decision and postpone the increase at this time.

A CLEAN INTERNATIONAL ENVIRONMENT

Mr. CHURCH. Mr. President, one of the foremost problems facing those concerned with U.S. foreign policy is that of establishing international controls on pollution. Contamination of the world environment is no idle threat as we can see from the increasing attention given to the subject. An article published recently in the Washington Post points out that between June and October of 1971 there are at least 17 international conferences convening to discuss one or another aspect of pollution. These conferences will culminate in the United Nations Conference on the Human Environment which will meet on June 5, 1972, in Stockholm.

It is important that Americans have an understanding of some of the questions that will arise at the forthcoming United Nations Conference on the Human Environment. A recent article by Mr. Marshall I. Goldman, professor of economics at Wellesley College, commenting on some of the problems that are likely to arise, was published in the Washington Post on August 29, 1971. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AT WORLD CONFERENCE ON THE ENVIRONMENT: AMERICANS SPOKE WITH THE RADICAL VOICES

(By Marshall I. Goldman)

(From June to October of this year, at least 17 international conferences have been called to discuss one or another aspect of pollution. Spread out between such places as Addis Ababa, Ethiopia, and Jyvaskyla, Finland, these sessions not only afford a stimulating itinerary for those hardy aficionados of pollution, but they also provide a foretaste of what promises to be the granddaddy of all scientific-political conferences, the United Nations Conference on the Human Environment which is scheduled for June 5–16, 1972 in Stockholm.

Having attended three such warm-up conferences in the last 15 months, the author senses both hope and hazard in the struggle to come to terms with our environment. This was particularly apparent this summer at the eight day International Conference on the Environmental Future sponsored and arranged by the government of Finland, the Finnish National Commission for UNESCO and the Jyvaskyla Arts Festival with an able assist from the editor of the journal, Biological Conservation.)

For Americans who are used to believing that their problems are always the biggest and most unique in the world, it is comforting even if somewhat frightening to see the growing ranks of those from other countries who believe that their environmental disruption may be just as serious.

For those who take pride in leadership, there will probably be some compensation in the fact that the United States still is about five years ahead in terms of both the dimensions of its problem and the awareness of its public as to what is happening. Yet more and more scientists, economists and citizens all over the world are being aroused by the dangers of pollution.

This was reflected at the conference in Finland. It was refreshing to observe that when confronted with the specter of environmental disruption, the participants from most of the developed countries were willing to forget old political slogans and conditioned responses. As shocking as it may be to some, environmental disruption is not just the result of capitalist greed; socialist greed has proven to be just as hard on the environment.

There were virtually no polemics between the representatives of the East and West as to which form of political system had brought the most harm to the earth. Moreover there was mutual concern that sewage and oil discharge from Estonia affected the fate of the Baltic Sea as much as sewage and oil discharge from Sweden. Furthermore it made no difference to the Scandinavians whether the polluted air over the country originated in East or West Germany, the important thing was that the air be cleaned up.

Strangely enough, in terms of environmental control, the most radical and iconoclastic voices came from the Americans at the conference.

Most of the participants from the other countries never did understand what was going on. They were incredulous that a randomly selected group of Americans could always agree with one another and be so uniformly distrustful of governmental assertions that all is well with the environment.

Yet because of the disquiet engendered by the war in Vietnam, the distrust evoked by the Pentagon Papers and the feeling of having been mislead by governmental authorities on the merits of the SST, the Americans who spoke were openly skeptical if not distrustful of almost any official claim regarding the innocuousness for the environment of some new invention or project.

That this should come from the otherwise mild David Brower of the Friends of the Earth was not too surprising but that it should come from establishment types like Stuart Udall, the former Secretary of the Interior or the scholarly Raymond Fosberg of the Smithsonian Institution seemed unreal for otherwise sophisticated Europeans.

MAIN BATTLE

At the same time, the Americans often found it hard to understand or accept the passivity of the other participants toward the activities of their own governments or industries. We asked, for example, why virtually no representative of the United Kingdom, France or the USSR questioned the wisdom of their countries' continued efforts toward building their SST's. Didn't they realize that if they pursued their efforts, this might lead to the resurrection of the SST in the United States?

Some of our scientists asserted that the daily flight of commercial SSTs (not to mention military SSTs which are already flying) could set in motion a process which could destroy much of the ozone belt shielding the earth from the full intensity of the sun's ultra-violet rays and warned that there were too many potential hazards connected with the SST to permit any further development anywhere. Yet the English, French and Russians were filled with national pride at their technological process or at best were unworried or unintimidated by it. In any case, there was too much silence or even support for the SST which the Americans found bewildering.

Except for the issue of the SST, however, the infighting between the developed countries was of secondary importance to a main battle lines that evolved at the conference.

Next year the debate promises to be even more disruptive in Stockholm.

The issue is not so much one of capitalism versus socialism or the United States versus the United Kingdom, but the hostility of the developing countries toward the whole notion of environmental control and strangely enough, the resistance of the United Nations agencies to the changes environmental control seems to require.

The attitude of the developing countries is partially based on the fear that environmental control is also a device to hamper industrialization and economic growth among the poorer countries of the southern hemisphere. They see laws requiring the installation of emission controls as a means of imposing higher production costs on infant industries so they will not be able to compete with more established producers in the developed countries.

The two opposing positions clashed most sharply over the issue of DDT.

In response to warnings about the pending extinction of American bald eagles and Peregrine falcons and the likelihood that DDT has a carcinogenic effect on humans, spokesmen for the developing countries warned that banning the production of DDT was viewed as genocide in their countries.

It is DDT which has put an end to the malaria epidemics which used to strike down millions each year in countries like India. Nor is the issue made any simpler when it is pointed out that the curbing of malaria may have been good for the individual but it was also responsible for the population explosion in much of the world. This only invited charges of racism and perplexing moral issues which lacked solution.

The fact remains, however, that just as environmental disruption within the boundaries of one European country often spreads over into another so it overflows the boundaries of the developing countries.

The long life of DDT and its failure to dissolve readily means that its widespread application in India builds up in the food chain and may even have a deleterious effect on those who have banned DDT within their own borders.

Similarly, mercury dumped in Japan affected a large percentage of the swordfish that was being sold in the United States.

Massive projects which seek to restructure and improve on nature have sometimes set off reverberating effects that generally give rise to new costs that are as high as the hoped for benefits.

The Aswan Dam in Egypt has not only resulted in a higher incidence of diseases such as bilharzia or schistosomiases, but it has also disrupted irrigation patterns, led to increased soil salination and adversely affected the river bed downstream of the dam as well as the fishing in the Mediterranean. Consequences somewhat similar in nature have also been noted in the USSR and even the USA.

There is even concern that the new hybrid seeds of the Green Revolution may expose the world to a massive ecological catastrophe if new diseases should suddenly strike the few selected seed strains now being used over vast portions of the earth. In effect, we have put all our seeds in one basket and that exposes us to all kinds of risks.

As intractible as these opposing approaches were, there were areas of mutual concern and action. One of the most intriguing was suggested in a paper by Reid Bryson, a meteorologist from the University of Wisconsin. After careful study, Bryson found that shortsighted agricultural practices in developing countries like India set off massive dust clouds. These clouds negatively affected the weather so that there was less rainfall which in turn affected agriculture.

CHEAPER NOW

By reducing air pollution, India stands to gain by increasing agricultural production.

Similarly, others are trying to show that steps taken to assure clean water and air at an early stage of industrialization in developing countries are more easily and cheaply put into effect than later. Nevertheless, if a country is poor, no matter how rational it may be from the long run point of view, it is hard in the short run to invest in electrostatic precipitators rather than electric power generators.

Increasingly, however, the richer countries are imposing their environmental codes on others whether the latter like it or not. Even though the Japanese say it is still safe to eat, we banned their swordfish. More and more buyers are supporting the ban on the use of skins from exotic and rare animals in developing countries. Foreign auto manufacturers must meet US exhaust standards, even if they do not observe them at home.

Many foreign manufacturers view this as a device to curb foreign auto sales. A glance at the resistance thrown up by the US industry to such controls should show that this is not the initial motivation of the automobile manufacturers. But once such laws are on the books they undoubtedly tend to curb imports.

That at least is the interpretation put on the decision of Volvo to support the imposition of American exhaust standards in Sweden. This will tend to keep some auto imports out of Sweden.

With time, other laws requiring the observance of environmental standards regardless of where production takes place are likely to affect foreign trade. After all, how long can American steel and copper manufacturers stand by and watch their costs rise by as much as 10 percent as they try to observe pollution control laws only to watch a foreign manufacturer take away their business because most foreign firms are spared such expense, and therefore can sell at a cheaper price.

BUREAUCRACY

Somewhat more perverse is the attitude of some of the United Nations organizations toward environmental control. While presumably they are supposed to support the greater interests of mankind, all too often representatives of one UN agency or another seem to end up supporting the interests of their particular organization.

According to them, whatever the problem is, each UN organization has either been doing something to correct the problem for at least the past decade or they did not have anything to do with it in the first place.

At one point, these conditioned responses became so annoying that some of us stood up and predicted disaster. We pointed out that the same shirking of responsibility takes place in the U.S., where the Federal government blames industry for pollution, industry blames the states, the states blame the cities and the cities blame the Federal government for the lack of effective environmental control.

In fact, each party has failed to do its part, including the individual consumer and taxpayer who resists the higher prices and taxes which come with greater pollution control.

In the same way, all countries are responsible in some way as are all UN groups for what has happened. We must all be less defensive and parochial. There must be less thinking of the particular self and more thinking of the universal self if environmental disruption is to be curbed.

AGREEMENT

Although it seemed like an impossibility, the conference ended on a positive note. Despite the volume of verbiage, the adroitness of the dodging and the blandness of what was offered as a final statement, the participants suddenly coalesced and strengthened their resolve at the last minute with a forceful conclusion.

A weak statement on the SST was rejected in favor of a strong declaration which urged the cessation of production of not only civilian supersonic planes but also of military planes, at least until it could be shown that such planes would not have a deleterious effect on the environment. This statement was remarkable in two respects.

First, the Russian delegation did not oppose it. In fact, the senior Russian acknowledged to some of us his concern that there might be something to the theory about the elimination of the ozone layer in the atmosphere. And like the rest of us, as long as there was a reasonable doubt, he felt that the SST should be challenged.

Second, the principle was accepted that the manufacturer (state and private) bears the burden of proof to show there will be no damage from his activities. Traditionally the burden has fallen on the public to show how it will be hurt.

The Conference also adopted a statement that there was an urgent need for population control in both developing and developed countries.

It also urged that an effort be made to include more of the true social costs of pollution in the price of what we produce.

Finally, wherever possible it was suggested that substitutes be found for the more toxic insecticides such as DDT. In any case, such materials should be used more selectively. A call was also made to prohibit the use of defoliants. While none of this meant that action on all of these resolutions would be taken overnight, it did nonetheless represent a big step forward for principle over pettiness.

THREE HYPOCRISIES OF THE BUSING ISSUE

Mr. KENNEDY. Mr. President, in the Washington Post on Monday, October 4, Garry Wills presents what may be the most precise and straightforward treatment of our national preoccupation with the crisis of busing to achieve "integration," "quality education" or "whatever."

He correctly identifies the three hypocritical shields that we Americans use to justify our current failure to provide adequate public schools for black children. According to Mr. Wills, the concept of neighborhood, the term "quality education" and the phrase "forced integration" are all used to justify and solidify our traditional prejudices and hatreds, based on racial differences.

I was deeply impressed with "The Busing Issue: Three Hypocrisies" because I believe it tells the story of busing and its problems with a very factual and forthright delivery.

I ask unanimous consent that Mr. Wills' article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE BUSING ISSUE: THREE HYPOCRISIES

(By Garry Wills)

The busing dispute goes on with much hypocrisy. For one thing, we are given hymns to the concept of neighborhood. The neighborhood school is untouchable—this in a society where the father commutes to work, the mother wants a second car to drive around shopping centers, friends and family are scattered all over town and country. We deal in distances easily—to go purchase a bargain, to have things delivered, to reach places of work or recreation.

Some of the very people now insisting on enclosure within neighborhoods helped bring about one of the major anomalies of our big cities—the fact that much if not most of the city police departments are made up of men who do not even live in the city they protect. Why is this? Two things happened: whites moved out to the suburbs, yet police departments tried to remain predominantly white. Hardhat types made no protest then about the neighborhood's sacrosanct nature, about living and working together. Apartness and travel were justified on racial grounds—just as nearness and community are used, now, for the same reason. The only constant is prejudice; the rationalizings shift easily—as easily as our loose and barely existent "neighborhoods."

A second hypocrisy hides behind the term "quality." We want a quality education, and any attention to social balance districts from the pursuit of this goal. The funny thing is that this argument is now used by right-wing education critics like Max Rafferty and Russell Kirk, who have for years been telling us there is no quality in public schooling anyway. All of a sudden they do not want us distracted from a nonexistent concern.

The whole argument is rickety. It is not a question of quality or social concern, as if educators were unable to entertain more than one idea. Besides, one reason for poor quality is the apathy, aimlessness, and general "baby-sitting" nature of our education, which does much less than it could, and has to fill up time with busywork. Engagement in real problems, a dose of actual life, would counter the apathy and improve quality, giving schools some aim and a start at self-questioning for the students.

A third hypocrisy centers on the phrase "forced integration." Integration would be all right if it happened as an accident, not on a plan, not imposed by courts. This argument assumes that there was a prior freedom of movement, and travel, and habitation, suddenly violated by the introduction of force.

But the situation we now have, which calls for remedy, was created by force—force exerted on men's ability to travel, move, choose their locale or habitation. A man who served on the Chicago school board told me how that board worked overtime to redistrict and gerrymander, creating arbitrary schooling units to preserve segregated schools.

Laws and "gentlemen's agreements," social and economic pressures, have forced blacks into ghettos, forced schools into a segregated pattern, forced people to live apart from each other—not in natural and organic neighborhoods, but in unnatural and strained patterns of prejudice. The cop on the ghetto beat is not a "neighborhood cop," but a white suburbanite maintaining a forced occupancy in his job. The man at the local engine house is not a neighborhood fireman. And most of those in the faculty of ghetto schools are not neighborhood teachers.

The whole ghetto is an artificial and exploitative arrangement, at odds with the ideals we are supposed to be teaching in public schools. We owe it to ourselves to start breaking down the walls—and it is better that we do it with buses than with bombs.

TRIBUTE TO HENRY "HANK" EGGERT

Mr. PERCY. Mr. President, memorial tributes on the floor of the Senate are generally reserved for nationally or internationally renowned individuals. Today, however, I would like to take a moment to acknowledge the passing of a man who was not well-known outside of the village in which he resided, but who made his community—Kenilworth, Ill.—a better place in which to live.

At the time of his death, Henry "Hank" Eggert was one of the most highly respected, well-loved men in Kenilworth, where he had worked in various capacities as a village employee for nearly 40 years.

The position Mr. Eggert held longest was that of school crossing guard at Kenilworth Avenue and Abbotsford Road. At that corner, he not only watched two generations of children grow up, but he guided them, listened to their problems, taught them a respect for his regulations, gave them a cheerful greeting, an occasional piece of candy, and became their friend.

My own children were among those whose safety was partially entrusted to Hank Eggert and they are among his greatest admirers. For 20 years, as I drove by his corner, I would always pause to talk with him, or at least, wave as I drove by, and I invariably felt better for having seen or talked with him.

The qualities Hank Eggert possessed—civility, understanding, dedication—are those which have been valued throughout all time. The steadfast loyalty he showed the citizens of Kenilworth, his family, and, most particularly I would think, the children at his street crossing, endeared him to all who came into contact with him. He was a good, decent man and he will be missed. It is not only the passing on of great presidents, kings and prime ministers that should be noted on the Senate floor. There is much greatness in lesser known but sometimes even nobler citizens.

TRIBUTE TO SENATOR ELLENDER

Mr. TAFT. Mr. President, forgetting important birthdays is a problem which I am sure is not unique for any of us, and I regret to say that I am a recent culprit.

I have noted that our distinguished President pro tempore, the Senator from Louisiana (Mr. ELLENDER) celebrated his 81st year on the first of this month. Belatedly, I wish to extend to him my heartiest congratulations and to recognize his many years of valuable service to the Nation.

To me, he has always been very much of a legend, from the first time I enjoyed his gumbo in my father's days, down to the present time, when I am honored to serve with him.

I note the affection and respect in which he has been held throughout all of these years by his colleagues, and I share with them in wishing him many more years of good health and valuable service to the Nation.

DOCK STRIKE MUST END

Mr. PERCY. Mr. President, I am heartened that President Nixon has decided to invoke the Taft-Hartley Act in connection with the current dock strikes that are crippling the Nation's economy. I fully support the President in this regard.

As a first step toward sending the Nation's striking longshoremen back to work for an 80-day cooling off period, the President signed an Executive order on Monday setting up a five-member Board of Inquiry to assess the status of negotiations in the current strike situation. After the Board issues its report, hopefully sometime today, the President will then determine whether to ask the Justice Department to seek an injunction for 80 days as a result of the impasse in strike negotiations.

The President must also decide whether to apply the law nationwide or selectively. Clearly, the 97-day-old west coast strike which has already inflicted untold damage to farmers and consumers, and to the economy as a whole, must be terminated at the earliest possible time. The threat of similar harm from the closing of Atlantic and gulf coast ports since October 1 also constitutes a situation that requires prompt action, lest we find ourselves faced with even increased economic dislocations.

Having returned from one of many weekend journeys back to Illinois and having discussed the implications of these strikes with a substantial number of farmers, labor leaders, businessmen, consumers, and transportation representatives, I am more convinced than ever that disruptions such as we now have are needless. In connection with our current national effort to control inflation, restore our competitiveness in international trade, and improve our balance of payments, the dock strikes that have closed major ports around the Nation cannot be permitted to continue.

Illinois farmers, industries, and consumers rely heavily on our national transportation system, the very system that is now severely debilitated because of lack of a mechanism that would assure prompt and equitable settlement of labor/management disputes. A stable and productive economy requires a better way to deal with labor disputes in the vital transportation sector. We need methods to provide an incentive for real voluntary negotiation consistent with the principles of collective bargaining and minimum Government interference.

The farm community has been especially hard hit. Most segments of the society, those in urban and suburban centers, live far from the farms that produce so much of the food and fiber that sustains us. Whenever our transportation system is halted for any length of time, farm essentials cannot be moved. As a result of the current strike situation, farmers are enduring huge losses in income from depressed prices. Their stockpiles, unable to be moved to market and to be exported, are suffering spoilage and will be completely lost. What good are record harvests if crops cannot be shipped and sold?

I am reminded of the last strike to affect the gulf ports for any length of time. Because of the gulf coast strike in 1969, farm exports dropped $570 million from the previous year. Substantial losses were associated with soybeans, feed grains, wheat, meat and meat products. Specific but partial estimates of business lost by farmers during that strike included: Soybeans: 10 million bushels of beans and 300,000 short tons of soybean meal—valued at $50 million—lost to competitive fish meal, rapeseed, peanuts, and palm oil. Competitors benefitting were Peru, Argentina, Malaysia, and China. Feed grains: 900,000 metric tons, valued at $58 million; France benefitted by 300,000 tons of corn. Wheat: 30 million bushels, valued at $50 million, lost to Australia and Argentina. Meat and meat products: 20 million pounds, representing about $5 million, replaced in part by Argentina.

The transportation impasse has a critical effect on the Nation's balance of payments through our agriculture exports. Last year, agricultural exports reached a new high of $7.8 billion. These farm exports, our present balance-of-payments deficit would have reached crisis proportions long ago. If world markets cannot rely on a steady quantity and dependable quality of U.S. farm produce, they will turn to other countries for their needs. According to the Department of Agriculture, the west coast dock strike has grievously impaired our exports to foreign markets. For the months of July and August 1971, an estimated $215 million worth of farm goods, which would have moved through west coast ports, went undelivered. Almost $40 million of that amount consisted of fresh fruits and vegetables—perishable products—that can hardly wait for a strike to end. This business, once lost, may be impossible to regain.

Similar problems beset producers of grain and soybeans. Literally millions of bushels of these commodities normally move through gulf ports, and farmers depend upon these exports to stay in business. Elevators, rail and barge lines, and other preparations have been meticulously planned for months for the purpose of moving these commodities to terminal elevators to await ultimate shipment to Europe and the Orient. Yet the threat of a strike, and now the actuality of a strike, has made elevators turn away from buying up these harvests because of lack of storage space caused by the uncertainty of shipping schedules and because of the attendant certainty of price drops.

At this critical juncture, I feel that we should begin to develop a more effective approach to the problem of national transportation emergencies. We must assign the highest priority to developing a plan that will strengthen free collective bargaining in the Nation while at the same time assisting the parties to these disputes with a minimum of governmental intervention. We must guarantee that the health and safety of the Nation is protected against widespread transportation stoppages. Where Government intervention is necessary, however, the intervention should enhance rather than reduce the incentives for free collective bargaining.

Toward this end, when strikes proceed beyond the selective or regional stage and take on nationwide proportions, the Railway Labor Act has proven incapable of preserving a viable collective bargaining stance. While the Taft-Hartley Act has had a less crisis-ridden history, and in fact has proved more workable, that act also has its limitations. Accordingly, increased attention should be given to certain facets of the administration proposal, embodied in S. 560 and expertly shepherded by Senator GRIFFIN, which would furnish the President with three new options for all transportation industries upon exercise and conclusion of the present Taft-Hartley procedures. These options are, first, extension of the cooling off period; second, partial operation of the troubled industry; and, most important, third, a procedure for "final-offer selection." These options would permit the President to deal effectively with transportation emergencies which imperil the Nation's health and safety. Intrinsically, and by reason of their multiplicity, they would provide an incentive to collective bargaining.

"Final-offer selection" if determined necessary by the President, would have the effect of forcing closer together the positions of disputing parties, since the principle requires an ultimate selection, without modification, of the most reasonable offer of one of the parties to the dispute. It would narrow the one of disagreement by moving each party toward a middle ground, inasmuch as the penalty for maintaining an extreme position would be the possibility of its rejection by the neutral panel that has been appointed. Expectably, early settlements would follow from the encouragement of more realistic demands and alternatives at an early stage in the negotiations.

This is not compulsory arbitration. In effect, it is the opposite of that. Compulsory arbitration is self-defeating in that it drives the parties apart. Instead of encouraging collective bargaining and narrowing issues and disagreements while limiting Government interference, compulsory arbitration tends to polarize the positions of the parties in the expectation that the arbitrator will split the difference.

At this time, I support the President in taking whatever steps are necessary under existing procedures to end the current strike situation at the earliest possible time. For the future, where selective strikes come to have national ramifications, I urge my colleagues to give extensive consideration to new mechanisms and procedures which would avert the national trauma that we are faced with today.

Mr. President, I ask unanimous consent to have printed in the RECORD excerpts from a recent article entitled "The Waterfront Crisis," written by Mr. Lawrence M. Lesser, and published in Traffic Management. The piece provides an excellent insight into the narrow views of labor, carriers, and shippers on this subject, which strikingly do not reflect the national interest that is at stake.

I also ask unanimous consent to have printed in the RECORD and a representative sampling of telegrams urging a quick end to the dock strike.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE WATERFRONT CRISIS

(By Lawrence M. Lesser)

"I'm convinced that I don't want a strike. I'm convinced my people don't want a strike. So what we've got, don't try to take away from us."

With this warning to management, Thomas W. (Teddy) Gleason, president of the 110,000-member International Longshoremen's Association, opened the door last month to negotiations over new contracts for 60,000 East and Gulf Coast dock workers. The old contracts expire Sept. 30.

This marks the fourth time in 10 years that the men who load and unload the ships at East and Gulf Coast ports have sat down with the port employers to negotiate new contracts. In the past, contract talks led to lengthy strikes that tied up ships and cargo and caused countless losses. In fact, since 1948, no settlement has been reached without a strike.

On the Pacific Coast, 15,000 members of the International Long Shoremen's and Warehousemen's Union walked off their jobs July 1 for the first time in 23 years.

Some very tough language on the West Coast situation comes from Harry Bridges, president of the ILWU. In a statement obtained directly from Mr. Bridges, he said:

"Our real economic power rests with our strength to keep vessels from loading or discharging in the Pacific Coast ports of the

United States. There is enough power in that strength to prevent the movement of vessels, except military, to win the strike. The economics of the profits in this industry is the quick turnaround time. Keep the ships at sea carrying cargo. That's where the employers make their money.

"The power of the union lies in its ability to prevent ships from moving with cargo . . . As long as that power is exercised, we have a tight strike.

"We have a good tight strike, and we know for sure that should we need it, we will have the full support of the entire AFL–CIO and the labor movement everywhere."

In 1948, a dock strike shut down Pacific Coast ports as well as all other ports throughout the nation for up to 95 days.

David Rockefeller, chairman of Chase Manhattan Bank, feels a longshore strike can run on for about two months without having any lasting impact on the nation as a whole. "But a strike that lasted more than two months would have extremely damaging effects on the economy. By that time, you would have used up stocks of all sorts of imported raw materials, and industry, would just start winding down."

For the past six years, the maritime industry has been going through a tremendous worldwide technological revolution in order to increase productivity. New automated ships, with such names as LASH (lighter-aboard-ship), Seabee (sea barge), Ro/Ro (roll-on, roll-off) and OBO (oil-bulk-ore), are starting to appear on the sea lanes of the world. Highly productive cargo-handling equipment, such as container cranes and overhead conveyor systems, has replaced manual labor. Twenty tons of cargo can now move as a single unit in a container across the world in less than half the time it took 10 years ago. In short, an industry that for years depended heavily on manual labor is now becoming so automated that much of labor is finding itself unwanted and unneeded.

It is the owners and operators of this highly mechanized equipment that provide the number one target for their employes who are fighting for job security and a share in the expected benefits from this new technology. By the same token, these ship owners and port operators are more vulnerable than ever to a strike, since they cannot afford to let their huge capital investments stand idle for very long.

Richard Pollard, vice president and maritime loan officer for Chase Manhattan, a major lender to the ocean carriers, believes that a prolonged longshore strike is "going to be a serious thing" for the steamship industry. "The U.S. flag subsidized liner services have been running pretty tight cashwise and profitwise over the last couple of years," he explains. "And it's unfortunate timing for a longshore strike, because they're hitting these companies just when they are in the poorest position to really absorb that kind of a blow."

One of the most vulnerable steamship companies is Prudential-Grace Lines, which earlier this year and last had its brand new $25 million LASH vessel, described at the time as "the United States' most innovative ship," tied up for nearly 12 weeks by a labor dispute with the ILA. The cancellation of three voyages cost the company an estimated $500,000 in out-of-pocket losses.

On July 19, the chairman of the Federal Maritime Commission, Helen Delich Bentley, warned the ILA that Prudential-Grace "sits on a financial precipice which threatens to give away to disaster with only the slightest push." Without refuting her statement, A. W. DeSmedt, president of Prudential-Grace, says the same statement applies to almost all the major American flag lines with heavy investment in new capital equipment. "We've seen the Penn Central, for instance, go into receivership, and if that can happen without the government blinking an eye, I guess we can go down, too, and the American shipping industry can go down."

American Export Industries, parent company of American Export Isbrandtsen Lines, also is suffering financial woes. Last year, the shipping-based conglomerate lost $15.6 million and ran another deep deficit in the first quarter of this year. Several months ago, Jakob Isbrandtsen, whose family controls almost 25% of the company, was ousted as president and chief executive officer in a major management shake-up.

"I would say it's tough to single out one of them as being ripe for failure," says one Wall Street analyst. "But I would say that all of them are in a position where a prolonged strike could do serious damage."

Labor's demands center around wage hikes, increased pensions for retired longshoremen, tightened control over the handling of containers and guaranteed pay for 40 hours a week, 52 weeks a year, whether or not work is available.

While longshoremen in the Port of New York and several other East Coast ports have received a gauranteed annual wage (GAW) since 1965, none of the ports on either the South Atlantic, Gulf or Pacific Coast have pay guarantees, and labor insistence on establishing such programs has met stiff employer opposition.

New York, regarded as the pacesetter for the rest of the industry, wants to do away with the GAW completely. In the past four years, hirings there dropped 21%—a decline of one million jobs. But because of the guarantee, management had to pay for work that wasn't there. The Port of New York, which includes New Jersey piers, is the world's largest container complex.

Alexander P. Chopin, chairman of the New York Shipping Association, the bargaining agent for most East Coast ports, told delegates to the ILA convention in Miami Beach July 21 that the guaranteed income was costing the industry $30 million this year, or double the original projection. He also said that at least four major New York-based shipping companies were on the verge of bankruptcy.

Faced with fewer jobs and an aging membership (many longshoremen are in the 58 to 63 age bracket), Teddy Gleason recently explained why the ILA is seeking to extend the GAW to South Atlantic and Gulf ports:

"We're looking for that because of all the brand new ships coming out in that particular area—they'll be increasing their productivity anywhere from 1,000% to 1,500%. We're also looking for better pensions to encourage men 62 and 63 years of age to get out of the industry. Some of our guys . . . still have families at 62, and they have to support them," he added, four days before being reelected to his third term as president of the ILA.

Management—the shipping companies, port authorities and businesses that suffer from a disruption in the flow of goods—is far from sympathetic, however. They criticize longshoremen for picking and choosing only the easiest jobs and for turning down work when it is available.

"They don't really want to go to work every day taking pot luck on good ships and bad ships," says the director of a leading East Coast port. "If they're handling one type of cargo and they come to something they don't like, they just walk off. And there's not a damn thing you can do about it!"

Michael R. McEvoy, chairman of Sea-Land Service, the largest U.S. container operator, warns that the maritime industry cannot go on much longer paying guarantees for work not actually performed. "We've either got to bring work to the worker or bring the worker to the work—one way or the other," he says in reference to New York, where jobs go begging in one area of the port while men sit idly by in another. "This industry will go completely bankrupt just having to pay guarantees on a straight 40-hour week to people," he claims.

When alerted to Mr. McEvoy's comments, the fiery ILA chief, who will be 71 on Nov. 8, replied:

"It's very funny. They were looking up a mule's ass 10 years ago and last year, they made $39 million in profits because of the longshoremen. They increased their productivity tremendously from the old ships to what they've got now.

"I sat down with them when they didn't have anything; they were lucky they had a rowboat. And I convinced our men that we should go along with progress . . . and in return for that, they said no man should lose his job because of automation . . . In New York alone, attrition took 5,000 jobs away from us last year—men dying and those going on pensions.

"It's only a matter of time, if this type of attrition continues, that there will not been enough men in the industry to service it. And there won't be any guaranteed annual wage!"

With the contract deadline drawing near and barring a sudden reversal in the positions of labor and management, it may well be up to President Nixon to decide whether much of the foreign commerce of the United States will be moving on Oct. 1.

Decatur, Ill.,
October 4, 1971.

Hon. Charles H. Percy,
U.S. Senate,
Senate Office Building,
Washington, D.C.:

Dock strike causing sporadic temporary layoffs of employees at plant in Decatur, Illinois. Several days at a time for past several months. Flying material in at large expense has minimized layoffs. Pipeline of material available for flying is drying up. Need vessel shipments to continue to run plant of over 1,000 production employees.

B. K. Simpson,
Manager, Employee and Community Relations, General Electric Co.

Chicago, Ill.,
October 4, 1971.

Senator Charles Percy,
Washington, D.C.:

Instant help is needed. This firm and hundreds of our distributors will be bankrupt unless millions of dollars worth of Christmas merchandise frozen in San Francisco and eastern ports is released immediately. Please use your strongest influence to invoke Taft-Hartley law.

Sterling Novelty Products.

Winchester, Ill.,
October 4, 1971.

Senator Chas. Percy,
Senate Office Building,
Washington, D.C.:

Urge immediate settlement of coastal strikes cost to farm belt prohibitive.

Richard Coon,
Coons Grain and Feed.

Chicago, Ill.,
October 2, 1971.

Hon. Charles Percy,
U.S. Senate,
Washington, D.C.

My Dear Senator: On behalf of the national economy and most particularly, on behalf of the economy of the midwest and of Illinois in particular, we strongly urge you to help persuade the President to invoke Taft-Hartley in response to the widening dock strike should the strike be allowed to continue, it will undoubtedly have a serious effect on employment in general and will certainly weaken further our all too slow economic recovery. I'm sure you are giving the situation your own careful consideration.

F. Sewall Gardner.

Atlanta, Ill.,
October 4, 1971.

Hon. Charles Percy,
U.S. Senate Building,
Washington, D.C.:

We urge you to immediately invoke the Taft-Hartly Act in the case of the dock strike for this is disastrous to the American farmer.

Eminence, Grain and Coal Co.

Chicago, Ill.,
October 2, 1971.

Hon. Charles H. Percy,
U.S. Senate,
Washington, D.C.

Dear Sir: The widening dock strike can and will wreak havoc with the national economy and most particularly with the economy of the midwest and Illinois. We urge you to persuade the President to use the Taft-Hartley Act on putting an end to this strike.

Charles McCann.
William Allen.
Richard Nunn.
Avril Polson.

Gurnee, Ill.,
October 1, 1971.

Senator Charles Percy,
Washington, D.C.:

We just lost a client who manufactures fishing reels in Japan because his business is on the verge of bankruptcy due to West Coast dock strike and the East Coast slowdown. We urge you take immediate steps. Bring such outlaw type tactics to an end.

Jerry Martin,
President, The Jerry Martin Co.

Lincolnwood, Ill.,
October 1, 1971.

Senator Charles Percy,
U.S. Senate,
Washington, D.C.

Dear Sir: Because of the devastating effect the East, West and Gulf Coast dock strike have on the American economy I strongly urge your immediate invocation of the Taft-Hartley Act. I further request that specific Federal controls be implemented that will limit union power. We cannot allow the selfish demands of a few to so completely alter, change and engulf the entire country.

Raymond R. Burns.

Bloomington, Ill.,
October 2, 1971.

Hon. Charles H. Percy,
U.S. Senate,
Senate Office Building,
Washington, D.C.:

We urge you to urge President Nixon to invoke the provision of the Taft-Hartley Act requiring an 80-day cooling off period in the current dock strike. Permitting the strike to continue at this harvest peak of a record grain crop, much of which must be exported, will not only impose a severe economic hardship on Illinois farmers but also the total economy which is so vitally affected by our balance of payments. The current situation again points out the need for congressional action on sound legislation to resolve such disputes. We urge your support for prompt congressional consideration of H.R. 3596 or similar legislation.

Leonard Gardner,
Secretary, Illinois Agricultural Association.

Belleville, Ill.,
October 2, 1971.

Senator Charles Percy,
U.S. Senator,
Washington, D.C.:

Grain prices will drop radically if dock strike allowed during record harvest. Invoke Taft-Hartley immediately.

Jack Murray.

Lincolnwood, Ill.,
October 2, 1971.

Senator Charles H. Percy,
New Senate Office Building,
Washington, D.C.

Honorable Charles H. Percy: As a member of the consumer public who stands to suffer the greatest from further continuation of the west coast-east coast dock strike, I urge you to use your good offices to convince the President of the United States regarding the immediate necessity to invoke his powers under the Taft-Hartley Act and to bring an immediate end to the strike.

G. Honda.

Lincolnwood, Ill.,
October 2, 1971.

Senator Charles H. Percy,
New Senate Office Building,
Washington, D.C.:

Please encourage the President to invoke the Taft-Hartley Act immediately on the International Longshoremen's Association. Every port in the United States should be opened. If immediate steps are not taken it will affect the income of every American. I also feel that the ten percent surcharge is only going to lead us into an international trade war which we cannot afford.

Gordon C. Macdonald.

Lincolnwood, Ill.,
October 2, 1971.

Senator Charles H. Percy,
New Senate Office Building,
Washington, D.C.:

I recommend invocation of the Taft-Hartley Act to stop the Longshoremen's strike.

T. D. Rivers.

Hon. Charles H. Percy,
U.S. Senate,
Washington, D.C.:

We urge your immedate action end port strikes. Our agriculture and economy is at stake.

Whitehall Cooperative Elevator, Whitehall, Illinois.

Bradfordton Cooperative Association, Bradfordton, Illinois.

Merl Welch Grain Company, Elkhart, Illinois.

Pleasant Plaines Farmers Elevator Co., Pleasant Plains, Illinois.

Kaiser Grain, F. J. Kaiser, Manager, Alexander, Illinois.

Farmers Elevator Company, Lowder, Illinois.

Roggston Grain Corporation, George Deterding, Riggston, Illinois.

Rees Farmers Elevator, Franklin, Illinois.

Robert Larson, Farmers Grain Company, Green Valley, Illinois.

Mancel T. Wilson, Manager, Winchester Farms Elevator Company, Winchester, Illinois.

Pillsbury Company, Rural Route 1, Pittsfield, Illinois.

Whalen & Sons Grain Company, Waverly, Illinois.

The Pillsbury Company, Rural Route 2, Springfield, Illinois.

Alsey Elevator, Richard Swarringin, Manager, Alsey, Illinois.

Hon. Charles H. Percy,
U.S. Senate,
Washington, D.C.:

We urge you to do everything within your power to halt the dock strike which if allowed to continue threatens to bring severe economic hardship upon the farmers of Illinois.

Ernest Cody, Voorhies Cooperative Grain Company, Dement, Illinois.

Francis T. Luedke, Farmers Spring Company of Dorams, Mattoon, Illinois.

A. H. Wiemer, Delavan Cooperative Elevator Company, Delavan, Illinois.

Frank Grussing, Sidney Grain Company, Sidney, Illinois.

BRAZIL

Mr. KENNEDY. Mr. President, for the past 10 years, the United States has spent nearly $10 million in a police training and improvement program operated by AID in Brazil.

Soon we will be asked to approve another year's authorization for the continuation of this program as well as similar programs in other nations I believe that there are serious questions that must be answered before we continue this assistance. And in the case of Brazil I believe there already is sufficient reason to end this program immediately.

Brazil, which has the resources and potential to be the leading nation in the Western Hemisphere, continues to be ruled by a government that opposes a transition to free political participation and free political action.

Despite its major economic strides, the current military government has permitted torture and official repression to answer the political terrorism of those who oppose the regime.

The reports of tortures cannot be disregarded. They continue to call forth denunciations by international agencies and by various elements of the Roman Catholic hierarchy.

Although we can only comment on the attitude and actions of another independent and sovereign government, we do have a responsibility to determine whether the continuation of the public safety program and the military assistance program is in the best interests of the United States.

Following hearings this spring by the Subcommittee on Western Hemisphere Affairs, Senator Church stated clearly his belief that police and military assistance programs identified the United States all to closely with the present Brazilian Government. I share that view and believe that we should not accept the political price of being linked with this repressive government.

Perhaps the clearest example of the negative consequences of our policy is the instance in 1968 when Brazilian police carried gas masks with a U.S.A. insignia as they occupied the University of Brazilia.

If we view political repression and torture as antithetical to our beliefs, then I do not believe we can continue to support internal security forces which are identified with those activities.

Similar questions must be asked concerning our military assistance program with Brazil. This is all the more important when it is understood that military personnel occupy most of the positions of authority in the various Brazilian police forces as well as a majority of the State secretaries of public safety. Ultimately, all of the so-called civilian police are under the control of the Brazilian armed forces.

I have stated in the past that both police and military assistance programs should be halted and I believe the recent hearings merely underline the need that action be taken.

Mr. President, I ask unanimous consent to have printed in the Record an editorial published in the Washington Post, a letter to the editor concerning that editorial, and a series of articles on the subject.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post, Sept. 26, 1971]

Brazil Keeps Quiet on Security Cases

(By Lewis H. Diuguid)

Rio de Janeiro.—The only news printable in Brazil on persons detained under national security decrees is that which the government chooses to release.

There are hundreds of national security cases, and government information on them is little, late and often contradictory.

Several weeks ago, a professor at the University of Sao Paulo and his wife were arrested in their home. The Rui Coelhos were friends of the Mesquita brothers, Julio and Ruy, who publish Sao Paulo's famous O Estado newspapers.

Among other friends of the Coelhos were many of the city's most prominent families, and they turned to the Mesquitas for help in finding the couple.

O Estado is perhaps the most powerful institution independent of the government, and the Mesquitas were able to use this power to discover where the Coelhos were held and, informally, why.

The friends thus learned that the Coelhos were in jail for questioning because the wife was alleged to have permitted mimeographing in her garage of student documents that the police deemed to be subversive.

But O Estado could print nothing. It had to wait until the arrest was denounced abroad, after which it announced the fact of the arrest in a cabled foreign dispatch. Other papers here printed nothing even on this.

The Coelhos are still in jail, and it is bruited about that the wife will be tried for subversion.

Word on the Coelhos spread quickly, because they are well known and their friends are influential. But when those elements are missing, and sometimes even when they are not, the family of a victim may learn nothing for weeks.

The case of another prominent Brazilian—former Congressman Rubens Paiva, who disappeared—is an example. The police were finally moved to disclaim any knowledge of an arrest, although there were records of it. Months later, they announced that Paiva had been killed in a shootout between Paiva's guards and would-be rescuers.

The official reason for the government's imposing utter silence in security cases is that questioning of suspects can lead to the capture of their accomplices, and that publication of the fact that a suspect is in custody would tip off those still being sought, But the vacuum of information often continues for weeks.

Several cases involve newsmen's personal liberty as well as press freedom.

A Brasilia correspondent for Rio's Jornal do Brasil, Jaccoud D'Alembert, who is also a stringer for the New York Times, is in jail at the moment. Again, because his associates are influential, some information on his case has trickled out. He is alleged to have been accused of taking part in a meeting in Brasilia with a subversive, perhaps an exile who returned illegally.

As in all these affairs, the defense lawyer cannot see the charges against his client until 60 days after the arrest.

Another press case involves Helio Fernandes, editor of one of Rio's many lesser newspapers, A Tribuna da Imprensa. Fernandes has often been in trouble for offending government officials, and last month he broke the one rule recognized as cardinal in the press—he suggested that there was a division of loyalties in the armed forces high command.

This brought his arrest and suspension of his paper's publication: but a couple of days later, he and the paper were again circulating.

Newspaper editors report little interference now, and say that they experience real trouble only when terrorism increases.

No censors are found in the newsrooms, although this practice has occurred in the past. No phone calls come in the night. But an interview with a police inspector, for instance, would have to be cleared by his superior.

Just how the censorship affects the public is difficult to measure. O Estado and Jornal do Brasil, along with the newsmagazine Veja, offer ample international and national coverage, and there are some respected newspapers in state capitals.

It is widely acknowledged that the government's strongest but sublest control on the press is financial.

Most of the newspapers have limited capital, and any action that increases their costs could close them.

Several papers own television stations, or want to, and this can be their prime source of income. These stations' permits can be lifted at will by the government.

[From the Washington Post, Oct. 4, 1971]

U.S. Aid to Brazil

Your editorial of Sunday, "Brazil and Torture," was an excellent analysis of the present situation in Brazil but failed to analyze Washington's direct and continuing financial support of the repressive and inhumane Brazilian military government.

For example, this country has been training Brazilian police since 1959 through the Public Safety program of AID at a total cost of over $8 million. Our Military Assistance program has been training and continues to train large numbers of Brazilian military personnel.

Our government has not only supported this repressive government, it has tried to ignore the political situation in Brazil completely. The Nixon administration, represented by Assistant Secretary of State Charles Meyer, in response to questions by Sen. William Proxmire at a Senate hearing concerning Brazil, said that instances of torture "seem to be professional excesses."

Furthermore, the present administration has requested that Congress approve appropriations for FY 72 of $20 million in Foreign Military Credit Sales and $60 million in Economic Development assistance for Brazil. In both instances, Brazil is scheduled for more assistance than any other of our Latin American neighbors.

It is irresponsible and inconsistent for the news media to criticize the nature and tactics employed by a foreign power while seemingly ignoring the large amount of U.S. assistance being provided to that power.

Congress, through the efforts of Senator Proxmire and Senator Church, has become increasingly aware of the situation in Brazil. I hope your paper will be consistent with your editorial on Brazil and strongly support any efforts by these two senators to halt or restrict our foreign aid to Brazil.

Hunter Horgan.

Alexandria.

[From the Washington Post, Sept. 26, 1971]

Brazil and Torture

Torture is bad for the governments that inflict it. The damage to them may not be as visible as the injuries to their victims, but it is profound and cumulative. Once learning to depend on physical pain to coerce its dissidents, a government begins to forget the other means of commanding respect. The massive evidence of widespread and systematic torture in Brazil is an evil portent for any prospect of prosperous stability.

Since the Brazilian government declines to allow impartial investigators to pursue the accusations, it is impossible to assess the accuracy of all the ugly stories now in circulation. Some of them, certainly, come from hostile groups of exiles. But a very sufficient indictment lies in the formal protests, over the past two years, by the Roman Catholic hierarchy. They include denunications by Eugenio Cardinal de Araujo Sales and the late Jaime Cardinal de Barros Camara, archbishop of Rio de Janeiro. In some cases newspapers have been able to question at length the survivors of torture. This newspaper's interview with Marcos Arruda, published last Sunday, is an example. The pattern is, unfortunately, beyond argument.

Both police and armed forces have been using physical duress regularly in political interrogations for the past three years. Although there were scattered incidents earlier, the practice seems to have become established in late 1968 after the army, in its final triumph over the civilian politicians, shut down the Congress. Those three years are also the period of the rise of political terrorism in Brazil. Police torture and terrorism became the justification for each other. The terrorists' most spectacular successes were the kidnapings of diplomats to free prisoners in government jails. After the United States' ambassador was seized and exchange for 15 prisoners in September, 1969, the Japanese consul was taken and exchanged for five the following March. The West German ambassador was exchanged for 40 in June, 1970, and with the price steadily rising the Swiss ambassador was exchanged for 70 last January.

Long before this series ran its course, the Brazilian government apparently concluded that it was futile to hold terrorists in prison. Within the past two years, the army has tracked down most of the known leaders. Very few of them have been taken alive. Most of them was shot while "resisting arrest," according to the police reports, or while "attempting to escape." When Carlos Lamarca was killed earlier this month in northeastern Brazil, he was the last of the widely known guerrilla leaders.

Terrorism now appears to be much less frequent. There have been no kidnapings for nearly a year. The government may, in fact, have succeeded in suppressing the terrorist movement for the time being. The beatings and electric shock treatment, of course, continues in the police stations.

The generals would no doubt defend themselves by asking whether Brazil would be better off sliding into the chaos of, say, Uruguay, where the Tupamaros appear to have the run of the country. But other governments, confronted with political terrorism, have demonstrated that the choices are not limited to simple brutality or simple anarchy.

When terrorists in Canada seized two hostages last October and killed one of them, police were seriously hampered by a lack of information about the secret organization that they were fighting. They carried out mass arrests, but no one was physically abused. Public order survived, and the terrorist movement did not. Currently in Northern Ireland, in the face of bloody and continuous guerrilla warfare, British authorities have detained several hundred people on suspicion of membership in the terrorist Irish Republican Army. But they have not questioned these suspects under physical duress. In a large country with an expanding economy, the Brazilians are working in a much more hopeful atmosphere than Northern Ireland's. The real difference is that both Britain and Canada have self-confident and experienced governments.

The issue of police practices runs not only to morality but to basic competence in governing. The quality of rule in Brazil has declined in the seven years since the military took power. The original junta, under General Castello Branco, represented the intellectual elite of the army: cosmopolitan men with outstanding academic records and wide interests. Under that government cases of torture occurred, but they never became the general practice. The second junta, under General Costa e Silva, was a compromise with the element of jingoism that exists in the Brazilian army as in most others. Under this government the police and military interrogators began to turn regularly to duress as a standard method. The third and present junta, under General Medici, who took office two years ago, is a further compromise in the same direction.

By invoking torture, a government reveals its doubts of its own competence. It signals the abandonment of any hope of the peaceful and voluntary reconciliation that is the reward of successful politicians. No outsider could render as scathing a judgment on the present Brazilian leadership as the judgment that, by resorting to torture, they have pronounced upon themselves.

Senator Church Assails U.S. Aid to Brazil Police

(By Dan Griffin)

U.S. aid programs to Brazilian military and police agencies are "nullities" which serve mainly to identify the United States with a repressive government, Sen. Frank Church (D-Idaho) charged in a statement released today.

Church also characterized U.S. bilateral aid programs in Latin America generally as "palliatives at best and self-defeating at worst."

Brazil's ambassador to the United States, Jose de Araujo Castro, responded that "Sen. Church's remarks as they have been reported to me certainly do not reflect either an accurate knowledge or a valid interpretation of the real situation of my country, and certainly do not help in the cause of promoting understanding between friendly nations."

Stressing that his nation "does not admit and will not admit any interference whatsoever on matters of its internal affairs," Ambassador Araujo Castro added that "Brazil is interested in keeping the closest bonds of friendship and cooperation" with the United States.

Church's comments came at a press conference at which he released what he called "a sanitized version" of testimony given in May at closed-door hearings of the Subcommittee on Western Hemisphere Affairs, which he chairs.

His sharpest criticisms were directed at U.S. programs in Brazil. The United States, he said, has twice as many officials there in proportion to the host-country's population, as the British had in India "when they were providing the government for that entire country."

Administration of U.S. programs in Brazil required 588 official Americans, or "approximately one per 150,000 Brazilians," the testimony showed. The British had approximately one civil servant there per 300,000 Indians. The American figure, he added, did not include the more than 800 Brazilians working for U.S. agencies in Brazil or the more than 300 Peace Corps volunteers there.

Furthermore, he said, American programs in Brazil were not particularly effective in accomplishing any of their aims, except in providing a favorable climate for U.S. investment.

Stressing that his aim was "not to criticize Brazil, or the Brazilian government or any government," he said that the hearings had been "in part, a response to the widespread public interest in the relationship, if any, of United States police and military programs to the repressive activities of the Brazilian government."

His subcommittee "could find no evidence of any such direct relationship," he said.

POLICE AID QUESTIONED

However, he continued, the hearings did "reveal what in my personal judgment is an altogether too close identification of the United States with the current Brazilian government, and they raise a serious question about the wisdom of assistance to the Brazilian police and military."

Among those testifying at the hearings were Central Intelligence Agency Director Richard Helms, whose testimony was depleted from the transscript; U.S. Ambassador to Brazil William M. Rountree; the chairman of the U.S. delegation to the Joint Brazil-U.S. Military Commission; the director of U.S. AID-Brazil and the chief public safety police adviser of U.S. AID-Brazil.

Calling the police and military assistance programs not so much iniquitous as they are nullities," Church said, I don't believe that the advisers engaged in these programs really do much of anything; yet the fact that they are present on the scene means that the United States has to pay the political price of identification with a repressive government.

"Of course," he added, "most of our policies in Brazil also exact this price. Indeed, the principal difference between me and the Executive Branch on this subject is that the Executive Branch does not regard our identification with this government as harmful."

"It is not coincidental," he said that anti-Americanism in Brazil has increased as U.S. involvement in Brazilian internal affairs has grown, or that American aid to Brazil "was used in such a way as to support the new government (following the 1964 military takeover) and that (Brazil's) restrictions on foreign investment were then swept away."

As examples of U.S. involvement in Brazil's internal affairs, Church cited the setting of educational standards and tax-collection advice given to Brazilian tax authorities by personnel of the Internal Revenue Service.

He mentioned a particular concern with military training which, he said, "embraces a number of sensitive fields which could be of value in carrying out political repression." Some such fields mentioned in the transcript of the testimony he released included censorship, handling of mass rallies and meetings, the use of informants and clandestine operations.

"We can't buy internal reforms with our money in Latin America," he said; such reforms "can come only through the internal workings of (Latin American) political institutions.

"In some countries," he added, "reform is not enough. In some places revolution may be the only way to break the present political and military order," which he characterized as bringing poverty to the many and wealth to the few.

Church criticized bilateral aid programs in general. He called them, "on balance, more inimical to our interests abroad than beneficial." Such programs should be cut so as to "loosen the embrace with governments that are the antithesis of what we stand for as a nation," he said.

Church pointed out that such countries as France, Britain and Italy—which either do not maintain such programs or maintain them on a much smaller scale—have continuing cordial relations with Brazil.

"Except for maintaining a very favorable climate for private investment, there is precious little evidence of Brazilian cooperation with the United States," he said.

"Brazil has refused to sign the [nuclear] non-proliferation treaty. It has extended its territorial sea to 200 miles. It walked out of the OAS (Organization of American States) foreign ministers' conference in January. It did not display much inclination to cooperate in OAS meetings at Punta del Este in March and Costa Rica in April."

Testimony during the hearings revealed that the total American private investment in Brazil is about $1.7 billion, while U.S. aid to Brazil since the military takeover of 1964 was about $2 billion.

"The net effect of this private investment has been to take more money out of Brazil in the form of profits than has been put into Brazil in the form of new capital," he said.

[From the New York Times, June 14, 1971]

U.S. Plans To Increase Aid to Foreign Police Forces To Help Fight Subversion

(By Tad Szulc)

Washington, June 13.—The United States plans to increase its assistance to police forces in 25 countries in Southeast Asia, Latin America and Africa to help them deal with guerrillas and subversion.

Among the nations that would receive the increased aid are South Vietnam, the Congo, Tunisia, Colombia, Honduras, Jamaica and Panama.

The United States has been assisting foreign police organizations for nearly a decade through the public safety programs of the Agency for International Development. But the agency's request to Congress for $26 million in police-support funds for the fiscal year 1972, starting on July 1, represents a new approach to subversion.

In the past, the emphasis has been on military assistance wherever there appeared to be a threat to the stability of friendly regimes. This assistance ranged from the massive American military involvement in Vietnam to the assignment of Special Forces teams to Latin-American armies to train them in antiguerrilla and antisubversion techniques.

URBAN GUERRILLAS A FACTOR

The new strategy, however, centers on the modernization of the police forces and their instruction in antisubversion techniques. The emergence of urban guerrillas, notably in Latin America, was a factor in the changing strategy.

The new philosophy was expressed by the Agency for International Development at hearings held by the Senate Foreign Relations Committee on aspects of the $3.3 billion reorganization plan for foreign aid that President Nixon presented to Congress April 27.

It was stressed that the public-safety programs "can serve to prepare civil police forces to prevent the development of threats to internal order before they become explosive problems requiring military action."

The $26 million in police-support funds requested is $4 million more than last year. Defense Department funds, however, are separate from those of the aid agency. In the case of Vietnam, for example, the agency and the Defense Department are asking a total of $32.7 million for police support—three times last year's total.

The new approach has already raised serious criticism here and abroad.

Because the South Vietnamese police are fighting Vietcong subversion in conjunction with Operation Phoenix, an intelligence-gathering operation directed by Americans, members of Congress have charged that the public-safety program involves the United States in "political assassinations." Hearings on this and other aspects of Operation Phoenix are to open June 21 before a House of Representatives subcommittee.

The training of policemen by American experts in Latin-American countries with varying degrees of political repression, such as Brazil, Guatemala and the Dominican Republic, has led to bitter criticism of the United States by opposition elements in those nations.

In Brazil, where charges of widespread torture have been made against the police, the United States in less than 10 years has helped train locally more than 100,000 policemen. Six hundred more police officials have been trained in the United States. Secret hearings on the Brazilian operation were held here last month by a Senate Foreign Relations subcommittee.

The national police force in South Vietnam is to be increased this year from 100,000 to 124,000 men, chiefly for Operation Phoenix. The Agency for International Development told Congress that in 1970 the South Vietnamese police had arrested 153,000 persons, "including more than 26,000 suspected Vietcong."

Because of the agency's conclusion in its Congressional presentation that "Communist insurgency in Thailand remains a serious problem," the United States plans to double police aid to the Thais to $9-million in 1972.

A high-ranking official of the Agency for International Development, noting that police-support programs are to be doubled this year in the Congo, and increased in Tunisia, Colombia, Honduras, Panama and Jamaica, remarked: "The United States is becoming the world's policeman in the most precise sense."

Programs, however, are being reduced in 13 Latin-American nations.

ESTABLISHMENT OF EMERGENCY GRAIN RESERVE

Mr. BURDICK. Mr. President, the set-aside wheat and feed grain programs as presently administered combined this year with nature's bounty to produce record crops in North Dakota and the Nation as a whole. The most recent North Dakota crop report shows that total wheat production in the State is expected to be 82 percent higher than last year, with Hard Red Spring Wheat 85 percent higher and Durum Wheat up 76 percent. Both barley and soybean crops are expected to be around 50 percent higher than in 1970, corn 25 percent higher, and oats 4 percent higher.

This abundance is a blessing in reverse to North Dakota farmers. Farmers in the southeastern part of the State today were being offered $1.34 per bushel for wheat, 90 cents for barley, 56 cents for oats, and $2.74 for soybeans. At Alexander in the northwest, wheat was quoted at $1.02 per bushel, barley at 80 cents and oats at 50 cents.

Since Government policies, abandoning the principle of supply management, have brought about these plunging prices, Government now should assume responsibility for insulating this surplus production from the market. We require, as a national policy, sufficient reserves of wheat, feed grains and soybeans to meet domestic needs, cash exports, aid program supplies and unforeseen emergencies. Producers, however, should not have to suffer loss of income to meet requirements of this national policy.

Therefore, Mr. President, I have joined the Senator from South Dakota (Mr. McGovern) in sponsorship of S. 2500, to establish an emergency grain reserve.

I have sponsored similar grain reserve legislation in past years. When production was maintained, through farm program policies, at a level in reasonable balance with use, such a reserve was not necessary. Now, with a U.S. wheat crop 18-percent larger than last year and a record feed grain crop 25-percent larger than needed, grain reserves should be established.

The bill authorizes the Secretary of Agriculture to contract with producers on a pro rata basis as far as possible, to put 200 million bushels of wheat, 500 million bushels of feed grains, and 100 million bushels of soybeans into storage under producer control, either on farms or in elevators. The Secretary would advance producers 125 percent of the loan value of the commodity. Present prices are low and 125 percent of loan value would be far below parity and lower than the market should be. Reasonable storage costs would be paid. When carryover stocks fall to a stated release level, storage contracts could be terminated, with safeguards against flooding the market.

Mr. President, unless positive legislative action such as this is taken to improve farm prices, thousands more of our hard-working efficient midwestern producers will be forced off their farms.

Mr. President, I ask unanimous consent that the text of the bill, S. 2500, be printed at the close of my remarks in the Record.

There being no objection, the bill (S. 2500) was ordered to be printed in the Record, as follows:

S. 2500

Be it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. It is the policy of the Congress to establish and maintain reserves of storable agricultural commodities adequate to meet any foreseeable food and fiber shortage which might arise in the Nation as a consequence of any natural disaster, adverse food production conditions for one or more years, military actions, or other causes, and to assist other nations of the world in any food emergency. It is further the policy of Congress to establish such reserves in the control of producers in years of surplus production and to assure their segregation from the commercial market so that existence of the reserves will not affect the level of market prices.

Sec. 2. The Secretary of Agriculture is authorized to enter into agreements with producers of not more than two hundred million bushels of wheat, five hundred million bushels of corn and/or its equivalent in other feed grains, and one hundred million bushels of soybeans to place such commodities in storage under their control until released under the provisions of this Act. To the extent possible, the opportunity to make such agreements shall be extended to producers who are cooperating in the appropriate programs on a pro rata basis. In consideration of the producers' agreement to store such commodities, the Secretary shall make loans to the producers at 125 per centum of the current price-support loan rate on the commodities stored out of funds of the Commodity Credit Corporation, without interest, and shall pay reasonable storage charges each year so long as the commodities are not required for consumption: *Provided,* That when the domestic supply of wheat available to the commercial market drops below 15 per centum of the year's requirements, the supply of feed grains drops below 10 per centum of the year's requirements, or the supply of soybeans drops below 5 per centum of the year's requirements, the Secretary of Agriculture may, on sixty days' notice, terminate the payment of storage charges and waiver of interest charges on a sufficient amount of the earliest agreements to rebuild the commercial market supply of wheat and feed grain by 5 per centum of one year's requirements above the level at which the release of such emergency reserve commodities occurs, and of soybeans by 3 per centum of annual requirements. The holder of an agreement thus terminated shall have not less than a year following the termination notice to repay any Government advances against the commodity involved, or until the time of sale of such commodity if it occurs earlier, together with interest at a rate of not more than 5 per centum per annum from the date of termination of the reserve agreement, or to deliver the commodity to the Government, in discharge of any obligation.

Sec. 3. Producers may, under regulations prescribed by the Secretary of Agriculture, rotate commodities to keep the reserve stocks in good condition. A producer may terminate his agreement to carry emergency reserves at the beginning of a marketing year for such commodity by giving the Secretary of Agriculture notice of such termination not less than sixty days before the beginning of such marketing year, and by repaying any loans or advances to the Government at the time of sale, or by delivering the commodity to the Secretary of Agriculture.

TRIBUTE TO SENATOR ELLENDER

Mr. BOGGS. Mr. President, some days ago numbers of my colleagues took the floor of the Senate to pay tribute to a most distinguished Senator on a most auspicious occasion.

Unfortunately, I was unable to be present on that day, and I missed the opportunity to extend my warmest congratulations to the Honorable Allen J. Ellender, the President pro tempore of the U.S. Senate, on his 81st birthday.

It has been my great pleasure this year to work under the direction of the distinguished Senator from Louisiana on the Appropriations Committee. I must say the job before us has been performed with dispatch and precision. The committee's record this year in getting the appropriations bills reported has been unmatched for many years. In addition, I think very great and careful consideration has been given to every appropriation bill and that the measures reported to the floor have represented the best thinking of Senator Ellender and all members of the committee.

I must say that Senator Ellender's great vigor and energy are matched by few whose ages are the numerical reverse of that of the distinguished Senator from Louisiana. However, we all know his experience, wisdom, and knowledge are matched by few, no matter what age.

Again, I am most sorry I was unable to be present on the 24th of September, but I do wish to extend my warmest congratulations and best wishes to the distinguished senior Senator from the State of Louisiana.

LOOPHOLES IN THE BLACK LUNG LAW

Mr. HARTKE. Mr. President, on December 31, 1969, President Nixon signed into law the Federal Coal Mine Health and Safety Act. One title of that law established a compensation program for those miners suffering from pneumoconiosis, more commonly known as "black lung."

On paper, the legislation was a major step forward for miners who had suffered the disablement brought about by this disease. Two years later, however, we find that there are more loopholes in this law than there are lesions on the lungs of a disabled miner.

In an effort to save the Federal Government a few dollars, administrative regulations have been established which have had the effect of denying the claims of almost 50 percent of the applicants for black lung disability compensation. Surely, there is something wrong when such a large number of claimants are turned down.

Part of the trouble appears to be caused by the fact that the statute gives the Social Security Administration too much flexibility to establish debilitating regulations. For this reason, I have proposed legislation to liberalize the definition of disability in the black lung law. Other proposals to improve the law have also been made.

What concerns me most is the frustration, disillusionment, and justifiable indignation which is now being felt by coal miners. Congress has established a program to assist them, but the compensation they were promised is being delayed and denied.

This week, I am acting as host for more than a dozen coal miners who have sought to receive black lung benefits. Each has been unsuccessful; yet there is no doubt in my mind that each is deserving under any reasonable interpretation of the law.

Mr. President, to meet these men is to learn of the human side of the black lung question. They ask only what we in Congress have previously decided they deserve. Surely, that is not an unreasonable request. I ask unanimous consent that an article on this subject, published recently in the Wall Street Journal, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Coalfield Clash: Bitter Miners Assert the "Black Lung" Law Is Filled With Loopholes—Disabled Men Say Benefits Are Difficult To Collect; "Slipshod" Diagnoses Cited—"Our Only Weapon: A Strike"

(By Bob Harwood)

Beckley, W. Va.—Peter Bob Gibson, a 67-year-old ex-coal miner, steps onto the treadmill. Blood-sampling needles protrude from his left arm. A rubber mouthpiece and tube connect his respiratory system to a bank of testing devices, while electrodes taped to his chest monitor his heartbeat.

Slight, pale and stooped, Mr. Gibson is obviously tired as he begins a six-minute walk on the treadmill. The testing devices are measuring his ability to breathe and the capacity of his lungs for transferring oxygen to the bloodstream. He is going through two days of tests here at the Appalachian Regional Hospital to find out exactly what 31 years in the coal mines have done to his body.

Mr. Gibson, a resident of Rainelle, W. Va., was forced to retire earlier this year after a stroke. He now complains of constant fatigue and shortness of breath. He contends these maladies are caused by a lung disease named pneumoconiosis, more commonly called "black lung," which is an occupational hazard of work in dusty coal mines. But the federal government has told Mr. Gibson he doesn't have a black lung disability—and, through medical tests, Mr. Gibson is determined to prove the government wrong.

Mr. Gibson isn't alone. In fact, he's one of thousands of coal miners who have lost faith in a program they initially thought was a major legislative victory for the country's underground coal workers. The victory they had hailed was the passage of the Federal Coal Mine Health and Safety Act, signed by President Nixon on Dec. 31, 1969. Besides setting mine-safety standards, the act established a black lung compensation program providing cash benefits ranging from $153 to $306 a month for miners who are disabled by pneumoconiosis resulting from their work and for widows of miners who died of the disease.

BITTERNESS AND FRUSTRATION

On paper the legislation seemed to be a major advancement for the miners. But initial joy in many cases turned to bitterness and frustration. More than half of almost 300,000 miners who have applied for black lung benefits have been rejected by the Social Security Administration, which has the responsibility under the act for deciding, case by case, which miners meet its requirement of total disability stemming from mine-contracted pneumoconiosis. Social Security statistics show that through Sept. 3 of this year, 145,428 claims for benefits have been allowed while 147,761 have been rejected.

Indeed, the black lung program has proven far more complicated and controversial than anyone imagined in 1969. As the miners' disillusionment with the program has deepened the controversy has led to a campaign in the coalfields, the Congress and the courts to change the program. And there are rumbles of "black lung" strikes if the change doesn't come.

"It may take a shutdown of production to get fair black lung benefits," warns Arnold Miller, a retired miner from Ohley, W. Va., who is now president of the Black Lung Association, a miners' group formed to lobby for such benefits. Strikes, Mr. Miller adds, are "the only real weapon" miners have.

The outcry over the Social Security Administration's black lung rejections has been particularly loud in West Virginia and Kentucky, due to a noticeable disparity in the rejection rate from state to state. In Kentucky, 68% of 31,694 miners' claims have been turned down; in West Virginia, 54% of the state's 55,549 claimants have been rejected. But, in sharp contrast, some 70% of the 93,854 claims processed in Pennsylvania have been approved.

DIFFICULT TO DETECT

Unhappy miners charge that the rejection-rate disparity isn't caused by chance. Pneumoconiosis is a difficult disease to detect, and the miners claim there aren't enough qualified doctors and properly equipped medical facilities in the isolated mountain regions of Kentucky and West Virginia to permit thorough medical examination.

The miners further charge that doctors in these mountain regions are often influenced by the coal industry—which stands to inherit a large financial liability when the financing of black lung benefits reverts to state administration. (The program will be federally financed at least until Jan. 1, 1973. When the states take over the program, the coal companies will pay costs either through direct assessments or through state workmen's compensation systems.)

Social Security officials say there are other reasons for the disparity. Bernard Popick, director of the Bureau of Disability Insurance, says the Pennsylvania claimants were, on average, "significantly older" with a longer exposure to coal dust than claimants in the other states. He adds, furthermore, that black lung is more prevalent among anthracite (hard) coal miners than among bituminous (soft) coal miners, and Pennsylvania still has thousands of retired workers from the once-large but now-dying anthracite industry.

The real battle, however, isn't over state-by-state differences but over methods of testing for the disease. Disgruntled miners contend that the Social Security Administration is rejecting claims on the basis of insufficient and even slipshod diagnoses. And to back up their contention, the miners have marshaled an impressive corps of lung specialists.

CRUX OF THE CONTROVERSY

The crux of the controversy is the government's reliance on X rays as the primary basis for accepting or rejecting a claim. The miners' groups and their supporting medical authorities contend that a single X ray and a simple accompanying breathing test aren't sufficient to prove the absence of black lung. Instead, some miners recommend a series of X rays and a "blood-gas" test, which measures the amount of oxygen absorbed by the blood.

A group of 12 disabled Kentucky miners, aided by a local legal-aid organization, has filed suit in federal district court in Washington, D.C., seeking to eliminate altogether the use of the X ray in determining whether a benefit claimant has black lung. The 12 miners claim to be totally disabled by the disease but have had their benefit claims rejected either because their X rays didn't show spots on the lung or, if they did show spots, a subsequent breathing test ordered by Social Security officials disqualified them.

Some of the plaintiffs claim their examinations were inadequate. Ray Hubbard, a 39-year-old ex-miner from Manchester, Ky., says "a nurse took one picture and I never saw a doctor" during his test at a local hospital. Mr. Hubbard says he's disabled and out of work because of heart trouble and lung impairment; but his black lung claim, he says, was rejected on the basis of that one X ray and one quick breathing test.

Dr. Donald Rasmussen, director of the cardiopulmonary laboratory at the Appalachian Regional Hospital in Beckley, backs up the suing miners. "Many, many miners have been unjustly deprived of compensation," the doctor says. "The Social Security Administration has employed only the simplest and least costly testing procedures in its approach to this complicated problem."

A second court test, backed up by other medical authorities, is being prepared by the Appalachian Research and Defense Fund, a private, nonprofit lawyers' group in Charleston, W.Va. The evidence for this group's case was gathered by 12 doctors from medical schools and in private practice around the country who recently examined about 30 black lung rejectees in Beckley. Following their examinations, the doctors issued a public statement calling the Social Security testing "unduly and unnecessarily restrictive" and recommending more thorough diagnostic efforts, including blood-gas tests.

One of the dozen physicians is Dr. John Rankin, chairman of the department of preventive medicine at the University of Wisconsin. Dr. Rankin says the breathing test used by Social Security only measures the ability of an individual to breathe air in and out—while black lung interferes with the lungs' ability to transfer oxygen to the blood. "A man can have a perfectly normal breathing test and be severely disabled," the doctor says. A blood-gas test, however, detects impairments such as black lung.

Another doctor in the group says that rejections based on the current Social Security tests "should offend us all as doctors." He adds: "The denial of benefits to men too short of breath to walk half a flight of stairs should offend us all as citizens."

On the congressional front, the black lung controversy is spurring an amendment to the 1969 act. The House Labor Committee has passed an amendment sponsored by Rep. Carl D. Perkins of Kentucky that would prohibit rejection of claims solely on the basis of chest X-rays and would extend for two years the federal administration and financing of the black lung program.

KEEPING THE HEAT ON

The full House is scheduled to vote on the amendment next week. Passage is considered likely, since little opposition to the change has appeared. Indeed, coal industry interests would welcome a two-year reprieve from shouldering the black lung cost burden. The cost is no small matter. The benefits paid thus far exceed $400 million and are currently running at a monthly rate of more than $25 million.

In the coalfields, the Black Lung Association and its allies are campaigning to keep the heat on the government to improve the medical screening of claimants. "Our goal isn't to see that everyone who files a claim gets paid, but that they get proper consideration," says the association's Mr. Miller.

Mr. Miller's group is widely distributing in mining areas a "how-to-fight-the-establishment" cartoon booklet titled, "Black Lung Bill Battles Social Security." Featuring heavy-handed caricatures (one drawing depicts President Nixon and a coal company man, hand in hand, standing on a pile of downtrodden miners), the booklet advises miners what evidence is needed to prove black lung, how to appeal a rejected claim and how to "play the Social Security game."

Significantly, the United Mine Workers union isn't playing an important activist role in the black lung controversy. The union hasn't joined in the Kentucky miners' suit or aided in the gathering of evidence to back those fighting the Social Security. In fact, the black lung battlers are generally allied with the dissident factions in the union who are at odds with their president, W. A. "Tony" Boyle, and his administration. Mr. Miller charges the union "isn't concerned" with the black lung controversy.

A spokesman for the Mine Workers responds that the union has supported black lung compensation since the early 1950s and, since the passage of the law, has established conselors in each of its district offices to aid miners in filing claims. The spokesman, however, concedes the union won't have anything to do with the anti-Boyle black lung battlers.

Social Security Administration officials also defend their role—although they admit there is room for improvement. To complaints about testing procedures, Mr. Popick counters that "there's a small minority (of doctors) who question the use of the X-ray but the predominant medical opinion is that without an X-ray you can't prove total disability."

NO BASIC DISAGREEMENT

Mr. Popick adds that he has "no basic disagreement" with critics who say that more thorough testing methods should be utilized and that more medical examining facilities should be made available to miners. But he says that tests other than the X-ray and the simple breathing test currently being used "take sophisticated knowledge, techniques and equipment" that aren't widely available in mining regions for the processing of large numbers of black lung claims.

Mr. Popick further reports that Social Security and the Public Health Service are jointly starting a new pilot program "which will test a few hundred miners whose applications have been denied" to determine what other tests might be used in the future.

Still, Mr. Popick contends, the Social Security Administration is administering the law as passed by Congress. He further asserts that many of the agency's difficulties, and the resulting controversy, stem from "misinformation." For example, he says, miners with disabling diseases other than pneumoconiosis—including emphysema, asthma and bronchitis—that may have been aggravated by work in the mines are nevertheless ineligible for black lung benefits.

"It's difficult for a man to understand that he can be totally disabled but not by pneumoconiosis and thus not receive benefits," Mr. Popick says. And, reflecting on the black lung program's many problems, he adds: "We don't have the final answer by a long shot."

Nor does Peter Bob Gibson have his final answer from his tests at the Appalachian Regional Hospital. He, and others like him, continue to wait and hope, ironically, that their diagnostic results will indicate the presence of black lung disease.

COOPERATION WITH MEXICO IN CONTROL OF COMMUNICABLE DISEASES OF ANIMALS

Mr. TOWER. Mr. President, today the Senate will consider two important pieces of legislation directed toward preventing future outbreaks of disease which could cost the Nation's agricultural industry millions of dollars in loss of income and cost of preventative measures. I refer to S. 2395 and S. 2396 which I am cosponsoring with the Senator from Iowa (Mr. MILLER).

These two bills would authorize the Secretary of Agriculture to cooperate with the Governments of Mexico and Central America in carrying out operations or measures to eradicate, suppress, or control any communicable disease of animals. Had the Secretary been given this authority earlier, my home State of Texas might have been spared the tragic loss of horses from Venezuelan equine encephalomyelitis this year which resulted in significant economic loss and emotional stress. It would have allowed our Government to cooperate with Mexican and Central American officials in preventing the spread northward of this highly communicable disease. Improved transportation facilities are extremely desirable but they only compound the threat of a disease capable of spreading rapidly. Today, African swine fever is a threat to our Nation as it looms on the shores of Cuba, creating a peril to our Nation's agricultural community. Passage of this legislation will encourage the Department of Agriculture to pursue, with cooperating governments, every available avenue for prevention and spread of disease to the mainland. I urge the passage of this legislation for the increased safety it may provide.

PRESERVATION OF U.S. AEROSPACE INDUSTRY

Mr. INOUYE. Mr. President, since last July 27, when I issued what might be called a plea for the preservation of one of our Nation's most precious resources—the collective ability of our aerospace industry—the attacks upon that industry for which I then expressed great concern have not abated. Rather, they have redoubled—especially in political quarters—in what I referred to as a continuing, futile attempt to fix the blame instead of the problems currently threatening the survival of the industry's resources.

In view of the heightened threat, I would, at this point, redouble my plea for sane, preservative action, this time appealing on a broader—perhaps more significant—plane.

The resource of aerospace talent has—until recently—enabled this country to defend itself adequately and provide the kind of security to which its people are entitled; and it has—until recently—afforded us the leadership position in the race for technological supremacy among the world's nations.

I place heavy emphasis upon the words "until recently" because the gap that once existed between us and other world powers in the defense and technological supremacy races is no longer a gap at all. We have fallen behind.

To those growing numbers in both political and public sectors who oppose technological advancement—the kind of which has been provided by the aerospace industry in our Nation's space programs—I recommended the observation made by Dr. Wernher von Braun in a recent speech. He said:

> It seems strange that America is about the only nation in the world where technology and science are held in such low repute. All the so-called "have-not" countries in Africa and Asia are straining their limited resources to gain what some of us seem bent on destroying.

Aside from the very substantial contributions made by the aerospace industry in the areas of defense and technological advancement there are also to be considered the beneficial side effects—often referred to as "fallout"—that accrue to this Nation through the industry's efforts.

Technologically, I would cite "fallout" advancements that range from the teflon on the bottoms of frying pans to lifesaving developments in the field of medicine—witness the introduction of the many instruments now used in hospitals to monitor every function of the human body.

However, there is another very important factor to be considered, and that is the serious direct and indirect effects which the attacks on defense and aerospace spending are having on our entire national economy. The annual report of the President's Council of Economic Advisers of last February, focused special attention on this problem. The Council reports that employment directly attributable to defense and aerospace expenditures decreased by nearly 1.8 million workers from 1968 to fiscal 1971. Most of that drop is in private employment which declined by 1.3 million. In 1970 alone they estimate that jobs directly attributable to such expenditures declined by 1.1 million—600,000 of those in private employment. Loss of jobs on this scale is a serious cause for concern, but these figures do not tell the whole story.

In particular, they do not reflect the chain of adverse effects which these cutbacks have on employment and income in other parts of the economy—in the service industries, in supplier industries, in transportation, and the like. In one recent study it was estimated that defense expenditures of $1 generated almost $4 of indirect expenditures in the region where the initial expenditure was made.

The figures also do not reflect the extent to which cutbacks have fallen on particular geographic areas and on particular individuals and firms. In the aerospace industry in 1971, cuts in both defense procurement and space programs have coincided with a weakened market for commercial aircraft. As a result, regions of high concentration of aerospace employment like Los Angeles, San Francisco, and Seattle, are faced with unemployment rates ranging to twice the national average. Many of these areas are suffering severe depressions including loss of income and a general decline in property values.

Also as a result, unemployment has been serious among highly skilled production workers and professional engineers and scientists—many of whom will suffer permanent loss of those jobs for which they have the most experience and expertise, thereby destroying individual and team skills which are the backbone of our technological and production superiority. Furthermore, our youth will be discouraged from undertaking careers in engineering, science, and technology, thus seriously undermining our longrun ability to defend ourselves.

Let's look at the record concerning funding for the aerospace industry's space activities. In 1969 the Government spent $65.2 billion on social action programs and $4.2 billion on space. In 1970, $75.4 billion on social action programs and $3.7 billion on space. Furthermore, our fiscal year 1972 budget calls for social action spending of over $100 billion while our budget for space activities totals no more than $3.2 billion. The social action spending ratio is now over 30 times the space budget and increasing yearly.

In 1970, the aerospace industry's exports, alone, pumped $3.4 billion into the economy, playing a major role in maintaining our rather precarious balance of trade. It was the seventh consecutive year in which aerospace exports increased, indicating to some degree the recognition of our technological expertise by foreign nations.

For those who adhere to the "retreat from technological advancement" philosophy I recommend the words I read in an editorial which appeared in Aviation Week and Space Technology for July 26. The editorial concerned itself with the midyear outlook for the aerospace industry, and touched upon the antitechnology dilemma. It read:

> The real tragedy is the failure of the politicians and economists alike to understand the role of the aerospace depression in the national economy. In a modern economy, the high technology areas, most of which are encompassed within the aerospace spectrum, furnish the significant dynamics for growth and prosperity. When they lose their velocity, the whole industrial system gets soggy.
>
> Until this vital fact is understood at the highest levels of political leadership and an effective program organized to re-stimulate the dynamics of technology, this country will continue to suffer economic ailments. A nation of dam builders, leaf rakers and garbage collectors may have been adequate to stave off economic disaster in the 1930's, but it will not suffice for survival in the 1970's.

Mr. President, I am desperately concerned with the possibility that we, as keepers of the Nation's security and guides for its progress, will live to regret the current popular trends against technological advancement and military strength—that we will find ourselves in the future involved in a contest in which we will be forced to play a "catch-up" game—the most dangerous and expensive sort of contest known among nations.

As I have broadened the base of my previous argument to include the economic benefits which accrue to this Nation through the efforts of the aerospace industry, so will I broaden my previous plea for the preservation of its collective capability.

Mr. President, I ask, once again, that we concentrate our future efforts not only on fixing the problems rather than the blame, but on solutions which will guarantee our defensive security, technological progress, and continued prosperity—all of which goals are dependent upon our support and on future growth of our aerospace industry.

A COLUMN BY JACK McCLOSKEY, EDITOR, MINERAL COUNTY, NEV., INDEPENDENT

Mr. BIBLE. Mr. President, in this age of modernization, mechanization, and syndication the small town voice of the independent, crusading newspaper editor often seems to be a thing of the past. No so. Their numbers may have diminished, but there are still plenty of country editors around who give a courageous and outspoken personality to their papers. We have them in Nevada, and one of them is a close personal friend, Jack McCloskey of the aptly named Mineral County Independent.

Jack writes a front-page column called Jasper, and he never hesitates to let his readers know what he thinks, even if he steps on some community toes. No one, friend or foe, is safe from his blunt, plain-spoken typewriter. And that takes in everyone from a city councilman to a U.S. Senator or President.

Jack McCloskey's column took on a somber tone last month, however. It was a farewell to his mother who died recently. As it turned out, however, the column was more than a tribute to a wonderful woman. Some very basic truths crept in and with them some thoughts that should be shared with all Americans, whether they live in mountains and desert of Nevada or in the urban sprawl of New York.

Columnist Robert S. Allen, whose syndicated writing probably appears in more newspapers than Jack McCloskey has readers, called the column to my attention and commented:

> To me, it is one of the most superb things I have read in a very long time, and a great tribute not only to his valorous and esteemed mother, but to Jack and the profession he has honored and distinguished so long.

I ask unanimous consent that his column of September 22 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JASPER

My mother died last week.

That is an expression we have heard countless times in writing obituaries over a period of more than 40 years. This time it was different. It was my Mom. She lived a long life but a good one, much of it a hard life (she outlived her husband and seven children), but always with an abiding faith in God and Country. Though she was born in a foreign land she lived most of her 88-plus years in the United States and was proud to be an American.

She was of humble birth—her father was a shoemaker and her mother's family were "sharecroppers" who struggled to eke out a living on an allotment of land in a little spot in Ireland, paying "tithings" to an absentee landowner. They were of "minority" status in Ulster because, through faith or stubbornness, or a combination of both, they would not yield to the pressures of Henry VIII, Cromwell or William of Orange.

When Mom was only 15 months old the family "won passage" to the United States and what they dreamed would be a better life. It was, even though it meant a new struggle in the mining camps of Colorado for those of "immigrant" status. While my father was born in Colorado, his family story was a parallel—his parents leaving the North of Ireland for the coal mines of Pennsylvania then on to the hard-rock mining of Colorado.

Little wonder that my Dad carried a Socialist card in his younger days (later to become a staunch New Dealer) and was active in the Western Federation of Miners in their long struggle for an eight-hour day. (Paid vacations and sick leave were not even thought of as "negotiable items.") Mom knew the strain and suffering of the big labor dispute in Goldfield and the 1919 and 1921 strikes in Tonopah.

She was a proud lady but she did not let pride deter her from working as a hotel maid to insure there would be meat on the table, even if only on Sunday. Our family was so far below the present day "poverty" levels it is doubtful if we could have qualified for welfare if there had been such a thing in those days.

There was no family car, no radio, no indoor plumbing. Those were luxuries Mom did not enjoy until after moving to Hawthorne, when she was almost 50 years old. But she was thankful progress was being made, albeit slow and rough at times. Although only the youngest of all her children enjoyed the luxury of a college degree (thanks in a large measure to the GI Bill of Rights), Mom was proud and happy to know that all her grandchildren were afforded the opportunity to attend college, and lived to see a great grandson enrolled at the University of Nevada this year.

Mom was patient. She also was understanding. She learned from her own mother, and impressed upon her children, that "tolerant" is a word used by smug and self-emulating people. "You must learn to accept people for what is in their hearts, not for the color of their skin or the label they might be wearing on their coat," was the admonition repeated again and again in our home.

Saddened by the current strife in the place of her birth—now called Northern Ireland—only a month before her death Mom expressed sorrow for the plight of the young British soldiers who are being sent to "England's Vietnam" to risk their lives for the mistakes of their forebears. "If Lord Asquith, David Lloyd George and Winston Churchill were around today, I wonder if they would admit their blunder of 50 years ago," she said.

My Mom, like her Mom, seldom spoke of Great Britain, only England. Many times we heard them say: "Ireland has no quarrel with Scotland, Wales or Canada, it is those starched collar Englishmen who think they are 'born to the purple' who have fanned the religious flames and have brought sorrow to the whole of Ireland. Why don't they let them live in peace, regardless of their church, the way we do here in America?"

But in the past few years as the picture changed in the United States, Mom offered a warning against the trend that can only bring "division" that caused so much suffering and separation in Ireland. She referred to "new-fangled labels" for "hyphenated" Americans—Irish-Americans, Afro-Americans, Spanish-Americans, Jewish-Americans, Italian-American, etc., and made it quite plain:

"Never be ashamed of your ancestry, but always remember you are an American, and be proud of it."

She was, and I, too, am proud to be an American.

If this be considered "establishment" thinking then I am also proud to be a member of the establishment. My mother was a very small cog, but an important one to me, in building the American establishment. I can only hope, and pray, that she does as well in her new life.

ADMINISTRATION'S ATTITUDE TOWARD THE POOR

Mr. HARTKE. Mr. President, during the past 2½ years, I have been increasingly concerned about the administration's attitude toward the Nation's poor. Six years ago, the attention of the country was focused on the plight of the poor with the passage of the Economic Opportunity Act and the creation of the Office of Economic Opportunity.

Major portions of the antipoverty effort are suffering from underfunding and lack of attention. Other segments have been dispersed from OEO to compete with more powerful forces within the Federal bureaucracy. Now we find that OEO itself is becoming a nonentity. Its role as a spokesman for the poor will cease to exist. For a brief period of time in the history of this great and affluent Nation, one of our less powerful but very needy minorities had a voice in Washington.

The poor are a disquieting influence on our society, for they desire to improve their economic status. In pursuit of the American dream, they have agitated for causes and programs that would upset the status quo. If that has been a criminal act, then most of us have parents, grandparents, or great grandparents who are equally guilty. Our Nation was founded by persons who agitated for social and economic justice. We revere them; but too often we despise and resent those who have followed in their footsteps.

Poverty is on the rise in the United States, and it will continue to rise until we take effective action—both individual and governmental—to ease the plight of the poor. A job, adequate education, proper food, decent housing, minimal medical care—these are some of the things to which all Americans are entitled, no matter what their income or social status. The achievement of this goal will mean justice for all Americans, and that—I suggest—is far more important than all of the temporary discomfort which may be caused in the interim.

Mr. President, I am alarmed at the steady dismantling of OEO. An article published recently in the Christian Science Monitor provides an objective appraisal of the administration's attitude toward the poor as reflected in its plans for the Office of Economic Opportunity. I ask unanimous consent that the article and an editorial from the New York Times be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

Antipoverty Unit Quietly Dissolving

(By William C. Selover)

WASHINGTON.—The Nixon administration is carefully but resolutely dismantling the antipoverty agency—the Office of Economic Opportunity—with little prospect of any new efforts to aid the poor on the immediate horizon.

The President's nomination of the third director of the atrophied agency in the past year underscores OEO's decline in prestige.

The fragmentation and emasculation of the so-called "war on poverty" is probably the best-kept campaign promise of the Nixon administration. During the 1968 campaign, the OEO, and particularly its activist community action and legal services programs, became an issue. Mr. Nixon promised to change things.

RUMSFELD APPOINTED

Without much fanfare, this is exactly what he has done.

It was a signal of things to come when Mr. Nixon appointed U.S. Rep. Donald R. Rumsfeld (R) of Illinois as director of the OEO. Mr. Rumsfeld's task clearly was to preside over the dissolution of the agency, which he had opposed as a congressman.

Mr. Rumsfeld quickly announced some quixotic new regulations—including forbidding OEO officials to use the word "poor."

But the real dismantling took place behind the scenes. With the appointment of Dr. John Wilson as an assistant in charge of program planning and evaluation, Mr. Rumsfeld had an aide who would tackle determinedly the dismantling of the ungainly and often raucus agency.

PROGRAMS DEFLATED

Dr. Wilson put together a dedicated and talented staff and began deflating OEO programs, spinning them off to other agencies, cutting federal ties to them, and putting them under local political structures. The unspoken but clearly implied intent of this task force was to put OEO out of business altogether.

One of the group's most impressive findings about poverty was used to justify the phasing out of the OEO and the phasing in of the President's welfare-reform legislation. This finding was that the great body of Americans living in poverty may be a fairly fixed number, but that the actual makeup is constantly changing, fluctuating. And, while some may be rising above the poverty level at any given time, they are replaced by others who fall below the poverty line.

TURNOVER DISCOVERED

They found that there is as much as a one-third turnover in any single year.

This has been used as a reason for deemphasizing the long-term, service-oriented OEO antipoverty efforts and stressing the welfare-reform legislation with the minimum income factors.

It may be a logical and progressive substitute to move from OEO-type programs to the income-support-type programs. But the President, in announcing the 90-day wage-price freeze, at the same time announced that the White House would not press for the welfare reform program for another year.

This means that the antipoverty program has been weakened, and welfare reform, designed essentially to take up the slack, has been put off, leaving America's growing number of poor without any strong federal efforts in their behalf.

SANCHEZ QUOTED

It would be misleading to give the impression that President Nixon's latest nominee for OEO director, Phillip V. Sanchez, is lacking in his commitment to the poor. But it is clear that he is loyal to the President in his efforts to phase out the OEO program.

"I have been impressed with the quality of OEO programs," says Mr. Sanchez, who has been an OEO assistant director for six months, "and with the strong commitment of the Nixon administration to the interests of the poor and the disadvantaged people of this country."

But others fear the opposite is true, especially given Mr. Nixon's recent unflattering references to welfare recipients, the cutback in school-lunch-program funds for the poor, the delay and thus denial of funds for summer programs or hungry poor people in inner-city ghettos, and the delay in expanding the food-stamp programs.

FUNDING INCREASED

It would be misleading, too, to say that the Nixon administration vastly cut back funds for the OEO. In fact, over three years it has increased the funding slightly. But it was a period when the number of people living in poverty jumped dramatically, from some 25 million to around 32 million.

At the same time, the administration has moved to effectively place the OEO's Community Action Programs under local government officials, by looking to the eventual funding of local programs through block grants administered by local politicians.

This is one way to check criticism and hold down the kind of challenge to the local establishment which characterized the early days of the OEO, when the poor were able to confront a system that had for decades kept them in poverty.

All in all, Mr. Sanchez is faced with a formidable challenge—to phase himself out of a job while at the same time convincing a skeptical public that the administration does, indeed, have a "strong commitment" to the poor and disadvantaged.

Out of Sight

Operating on the "out of sight, out of mind" theory, the Administration has put on a skillful political performance in dispersing and defusing the war on poverty.

The Office of Economic Opportunity, which started out seven years ago as both a powerful agency conducting its own programs and coordinating the antipoverty efforts of several Federal departments, is now rapidly shrinking into a mere research center. The Head Start program, the Job Corps, VISTA and the Upward Bound program have all been spun off to other agencies.

Not all of these changes are in themselves ill-advised. The pending proposal, for example, to place the legal services program under the control of an independent public corporation is a worthwhile effort to shield this pioneering effort from political interference. Furthermore, it can be argued that the O.E.O. under Sargent Shriver, its first director, expanded too rapidly, with the result that Administrative control suffered.

But Mr. Shriver did keep the attention of the public and Congress focused on the poverty problem. Under the Nixon Administration, O.E.O. has had three directors in the past two years, each less visible than his predecessor. As the agency's more successful programs merge into the grayness of the old-line bureaucracies, there is rising danger that the more than 25 million Americans who still dwell in poverty will slip back into the shadows and be forgotten.

Moreover, a successful effort against poverty cannot be prosecuted without occasionally stepping on the toes of some local establishments, some political machines, some old-line Federal agencies. There should not, of course, be a continuous adversary relationship between poverty program officials and other political and bureaucratic elements, but neither can there be perfect harmony. When it is all quiet on the poverty front, that usually means nothing is being done.

The economic recession of the last two years has done more to keep poverty in the forefront than the leadership of the Government's own antipoverty agency. The first sign of urgency in meeting the needs of the poor came only last week from Secretary of Labor Hodgson, who has shown both sensitivity and sound judgment in his plans for distributing $200 million voted by Congress to create public service jobs in areas of severe, chronic unemployment. He is reaching into slum neighborhoods to get at the places most in need of help. But even this program got no White House welcome when it was first pushed on Capitol Hill.

THE ATTACK AGAINST CANCER

Mr. CRANSTON. Mr. President, the Senator from Wisconsin (Mr. NELSON) presented testimony on September 16 before the House Subcommittee on Public Health and Environment on S. 1828 and related legislation proposing the establishment of a Federal agency responsible for leading the attack against cancer. His testimony, I believe, presents issues and concerns, many of which I and many outstanding members of the biomedical scientific community share, that must be fully deliberated in legislative consideration of this very important matter.

Although I voted for the Senate-passed bill—S. 1828—the Conquest of Cancer Act, I did so with apprehension that the organizational structure established could be successfully implemented in order to mount the most effective attack on cancer. I nevertheless chose to support S. 1828 as a means of mobilizing the enormous public concern and the conviction of outstanding health care leaders in the fight against cancer. With such strong backing there is reason to believe that the new agency's urgent objectives would be achieved in spite of any weakness in the organizational structure.

Because Senator NELSON's testimony of September 16 summarizes and delineates the issues involved in a very effective fashion, I believe it will be of interest to my colleagues and the public and ask unanimous consent Mr. President, that it be set forth in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR NELSON ON CANCER LEGISLATION, S. 1828

I appreciate the opportunity to appear before this Committee to comment on the Senate-passed measure, S. 1828, sometimes called, inappropriately I think, the Conquest of Cancer Bill.

This Committee and its chairman, Mr. Rogers, have a well deserved reputation for knowledgeability in the health field. I am moved to hope that this Committee would preserve and even enhance its reputation and distinction in affairs of health by saving the country from the folly of the Senate bill. One of the fundamental strengths of the bicameral system is the opportunity afforded one body to correct the errors of the other. I think it is fair to say that not more than a handful of Senators addressed themselves to the implications of that provision of S. 1828 which creates an independent Cancer Authority outside of the jurisdiction of the National Institutes of Health. Declaratory language in the bill attempts, without success, to paper over this fundamental if not fatal assault on the organizational structure of NIH.

There should be no misunderstanding on this critical point. If the Congress adopts the language of the Senate bill it is the first giant step in the dismantling of the National Institutes of Health. Next will follow the National Heart and Lung Institute with a political case for independent status equally as compelling as the political case for cancer. I emphasize the word political as contrasted with scientific because no scientific case whatsoever has been made for separatism. In fact, the scientific case is overwhelmingly against it.

What we are dealing with in S. 1828 is a mischievous political compromise of a very important scientific matter. I do not in any way question the good intentions of those who support an independent Cancer Authority, but I do question their judgment. The independent authority concept originated with the Panel of Consultants, half of whom were laymen and half scientists. Some of the Panel's most distinguished scientists have now publicly stated their opposition to this provision of the bill.

S. 1828

S. 1828 as passed by the Senate sets up a Conquest of Cancer Agency which the bill says is "within NIH," but in fact the Agency has independent status. Its Director would report directly to the President and the Office of Management and Budget.

The only statutory ties with the NIH—where the present National Cancer Institute is the largest and central Institute—is a requirement for the Cancer Agency Director to "take necessary action together with the Director of the NIH so that all channels for the dissemination and cross-fertilization of scientific knowledge and information existing prior to the effective date of this act between the National Cancer Institute and the other Institutes of Health shall be maintained between the (Cancer) Agency and the Institutes of Health to insure free communication between cancer and the other scientific, medical and biomedical disciplines." (Sec. 407E(a)(11).)

This language will have only whatever meaning the Director of the Cancer Institute wishes to give it. The Cancer Agency Director would, in fact, be at the same grade level as the NIH Director. He would statutorily *by-pass* the NIH Director in all matters pertaining to cancer budget and program plans.

The Cancer Agency Director *and* the Deputy Director would be politically appointed by the President, by and with the consent of the Senate. This in itself is an unprecedented situation as regards the head of any federal biomedical activities. Not even the Director of NIH is politically appointed; he is a career public servant.

The bill, therefore, sets several precedents: it calls for politically appointed heads of one phase of federally-supported research; and it opens the door for other research areas to seek comparable status, thereby spelling the future demise of the cohesive agency known as the National Institutes of Health. I believe this would be counter-productive to cancer research in particular, and to biomedical research in general. The NIH is a unique arrangement, and probably the finest institution of its kind in the world, and certainly is the undisputed leader in the field of biomedical reesarch.

The Senate-passed bill, then, presents a number of problems.

It doesn't make clear exactly what is meant by "within NIH".

It presents enormous operational problems as regards the role of the NIH Director in Cancer plans and budget formulations, and in management of NIH facilities which will be used by the Cancer Agency.

It portends even worse management problems for the Executive Branch. Once two or more Institutes report directly to the President, then what? He will have to delegate the responsibility to some qualified scientist. Who will he be and what will be gained by such a procedure? It will soon become obvious the logical next step would be to return the Institutes back to the jurisdiction of NIH.

This bill is a bad approach for furthering cancer research. The effort can best be advanced through utilization of the NIH facilities, expertise and peer review system as devised and refined through the years for coordinating all biomedical research.

Testimony on the cancer legislation before the Senate Health Subcommittee overwhelmingly opposes a separate agency approach.

There *are* areas within NIH and the National Cancer Institute where change is warranted to expedite decision-making, funding of grants and contracts, and other things. As you yourself have stated, Rep. Rogers, a look at the entire NIH is a good idea; Director Marston says he welcomes this.

As you know, I proposed, along with Senators Cranston and Schweiker, that NIH be established as an independent agency. It may be that a separate Department of Health is a better step, as you have indicated.

However, after reviewing the Panel's recommendations and the Senate-passed bill, it is my opinion that many of the recommendations have been in effect for a long time, already have been implemented, or can be brought about without dismantling NIH, or creating a new bureaucracy.

Each of the Panel's arguments should be carefully examined.

ADMINISTRATION POSITION

First of all, the Administration's position has been one of about-face.

A separate Cancer Agency is not what the President originally wanted, not what the President's Science Advisor, the Secretary of HEW or the scientific community wanted.

HEW Secretary Richardson testified before the Senate Health Subcommittee June 10: "The Administration regards it as vitally important that the cancer conquest effort go forward within the framework of the National Institutes of Health."

He testified strongly in favor of such an integrated effort, despite the fact that the "compromise" had been worked out at staff levels with tacit high-level approval prior to his testimony.

It is quite clear that the Administration changed its position on the separate agency concept as a face saving political compromise when it became obvious that S. 34 was going to be adopted despite Administration objections. A compromise was reached which simply changed the bill number from S. 34 to S. 1828, changed some language without changing the substance and substituted Republican primary sponsorship for Democratic primary sponsorship. It was an unfortunate and mistaken compromise of a fundamental principle. The President and his administration were right in the first place and their position against independent status should be supported.

Proponents of a separate agency argue that the Panel of scientific and lay experts unanimously recommended a separate Cancer Authority.

In the early deliberations of the 26-member Panel, many in the scientific half strongly opposed a separate cancer research effort, and, at one point, we are told, the consensus was 60% in favor, 40% against a separate Authority. That represents a 16–10 vote. Eventually, of course, the Panel endorsed the separate Authority unanimously. Since that time, however, three representatives of the scientific group have changed their minds and oppose a separate Authority.

Thus, the image of a unanimous panel of scientists is erroneous.

In addition, it is clear that the Panel did not interview Secretary Richardson or Dr. Marston until after the Panel's decisions had been made, and that they did not talk in depth to the top administrative officials of NIH or HEW about cancer research and what is currently being done at the federal level.

In response to Sen. Dominick's request that the hearing record "reflect to what extent members of the Panel consulted with officials within the Department of HEW and the NIH regarding the scientific and managerial aspects of cancer research during the course of their study." Secretary Richardson wrote Sen. Dominick on April 5:

"The Panel staff was quartered within the Office of the Director of the National Cancer Institute during the time of the study (May 1970 to mid-February 1971). Officials and employees of the NCI, the Panel of Consultants and their staff did not interview Department and NIH top management officials during the study. Specifically, the Director of NIH received courtesy calls from the staff at the beginning and the end of the study, but no substantive discussions on either scientific or management questions were held with him. The Deputy Director, the Deputy Director for Science, the Associate Director for Administration are key officials within the Office of the NIH Director, and each is particularly well qualified to comment knowledgeably upon the questions of administrative overlap, duplication and delay, and the problem of competition for funds. None of these officials was interviewed during the study by the Panel staff.

"The Office of the Secretary did not participate in the conduct of the study either . . .

"It is thus clear that, with the exception of the officials and employees of the NCI, members of the Panel did not consult with top management officials either of the Department or NIH with regard to the scientific and managerial aspects of cancer research."

NIH CAPABILITIES

The enormous irony of proposing a moonshot-type agency for cancer is that the breakthroughs to date have occurred *because of the capabilities of* the National Institutes of Health and its National Cancer Institute, *not in spite of them.*

All of the major discoveries, including numerous ones which fell out inadvertantly from non-cancer research, have occurred largely because of the present broad-based, multi-disciplinary system of federally-supported research embodied in the NIH.

Secretary Richardson testified June 10:

"It is the existence of these capabilities, the research accomplishments to date, and the vigor and vitality of present programs that makes it possible to consider launching an expanded effort of the kind now proposed."

He further stated:

"From a scientific point of view . . . the work done during the past 15 years—not merely under the aegis of the Cancer Institute but of the National Institutes of Health as a whole—has created the opportunities that now exist for the further expansion and acceleration of cancer research. There is a solid foundation on which to build an enlarged program."

PLAN

Dr. Carl Baker, National Cancer Institute Director, and Secretary Richardson, have outlined in several hearings the plans for cancer research.

The National Cancer Institute has a comprehensive and complex plan for long-range research. The plans involve all research areas that touch on cancer, including chemotherapy and viral oncology. Extramural panels of experts are presently being appointed to draw up plans for other cancer research areas.

Therefore, the charge by the Panel that "At the present time there is no coordinated national program or program plan" is simply incorrect. The Panel further asserts, "the overall research effort (in the NCI) is fragmented and, for the most part, uncoordinated."

Where can such plans be better coordinated—given the basic nature of the research—than by the Institutes which conduct all forms of research touching on cancer?

The Panel also urged greater cooperation on an international level in cancer research. The NCI is heavily involved with the activities of the International Agency for Research on Cancer, a body associated with the World Health Organization, in coordinating such research world wide. In fact, it is probably safe to say that NCI is the fulcrum of such international efforts.

PERSONNEL

The separate agency proponents also argue that better personnel will be attracted to a Cancer Agency. Given the accomplishments of the NIH–NCI to date, are we to say that the men who directed these efforts were not of the highest quality? It would seem that these accomplishments were effected because of the wisdom and leadership of such men as Dr. Shannon, former and long-time NIH Director, Dr. Baker, and now Dr. Marston, and their predecessors.

It occurs to me that a real danger lies in making these scientific leadership positions into political appointments, as the Panel recommends and the Senate bill proposes. Under the Senate bill, the two top persons in charge of cancer research would be the only politically appointed directors of a segment of federally supported biomedical research. This raises enormous questions about the potential pork-barreling of federal scientific research. Such a situation is not possible under the present NIH setup with its careful peer review of funding applications.

It must also be remembered that scientists are not attracted by a managerial approach to research. The best scientists are turned off by being told that they must limit themselves to one direction.

BIOMEDICAL OPPOSITION

The biomedical community almost unanimously opposes such a separate Agency. Thirteen noted scientists—including five Nobel Prize winners—in a letter to the New York Times July 29 stated:

"Senator Javits (in his July 24 rebuttal to the Times' cancer editorial) implied that there is widespread scientific support for this legislation. There is not." Their letter concluded: "The bill passed by the Senate does not offer a rational approach to the conquest of cancer because it narrows the scientific focus."

The list of opponents to the separate Agency approach is impressive, and the impact of such an effort on the morale of the nation's and the world's best scientists must be considered by Congress in passing any legislation. These are the men and women who are doing the research.

The only major organization that testified in favor of a separate Agency was the American Cancer Society. The American Heart Association favored a separate agency on the stipulation that heart research receives equal status.

Scientific organizations which oppose the separate Agency bill include: The Federation of American Societies for Experimental Biology, representing six scientific societies and 11,000 scientists; the Association of American Medical Colleges, representing 103 medical schools and 401 major teaching hospitals; the American Medical Association; the National Tuberculosis and Respiratory Disease Association; the American College of Physicians; the American Association of Pathologists and Bacteriologists; the American Physiological Society; the Federation of Associations of the Schools of the Health Professions; the American Hospital Association; the American Society of Biological Chemists; and the Chairmen of Departments of Biochemistry at American Medical Schools. The Association of Professors of Medicine, representing 77 heads of departments of medicine, unanimously opposed the idea of a separate cancer agency at their meeting in Atlantic City last May.

The President of the American Society of Biological Chemists, Dr. Eugene P. Kennedy, in prepared testimony, stated:

"It would seem highly desirable to incorporate the new program into NIH. In this way, wasteful duplication of programs, competition of two separate agencies for limited funds, and the expenses of two separate administrative structures would be avoided."

Dr. Philip Handler, President of the National Academy of Sciences, in a letter to Senator Kennedy March 15, wrote:

"It is my view, and that of all knowledgeable colleagues with whom I have discussed this matter, that the public purpose would be best served by utilizing this opportunity to strengthen the National Institutes of Health in a variety of ways, most particularly the National Cancer Institute, rather than create a National Cancer Authority. I know this view to be shared essentially unanimously by the membership of the Institute of Medicine of the National Academy of Sciences and by the membership of the President's Science Advisory Committee."

Handler went on to say that: "Those responsible for the proposed National Cancer Authority will find it necessary to re-invent virtually all of the National Institutes of Health within the Authority if the actual charge to the Authority is ultimately to be successful."

OTHER RESEARCH

The promoters of the separate authority argue that "cancer is the No. 1 health concern of the American people." Indeed, it is, and no one argues that the public fears this disease more than any other. The fact remains, however, that heart disease is the world's number one killer. Of course, we recognize that eventually, everyone's heart must give out with age. But, the case can be made for independent status for the National Heart and Lung Institute equally as strongly as the case for cancer research. Advocates of heart research already have asked for status comparable to cancer's.

Tens of thousands of Americans suffer from arthritis, a crippling disease. The case can just as strongly be made for independent status for the National Institute of Arthritis and Metabolic Diseases.

While the Panel argued that, for every person in the United States, only 89 cents was spent on cancer research in 1969, it is important to note that—while the sum is small compared to $410 per person spent for national defense—cancer received more money than any other federally-supported research area.

Seventy-nine cents per person went for heart and lung research; 55 cents for mental health; 50 cents for neurological diseases and stroke; 50 cents for allergy and infectious diseases; 14 cents for dental research; 68 cents for research on arthritis and metabolic diseases.

STATE OF THE ART

As for the state-of-the-art, proponents of a separate agency argue that "a national program for the conquest of cancer is now essential if we are to exploit effectively the great opportunities which are presented as a result of recent advances in our knowledge" and a "moonshot"-type agency is warranted "whose mission is defined by statute to be the conquest of cancer at the earliest possible time." (from Panel report)

The overwhelming opinion of the biomedical community disputes this view of the state-of-the-art in cancer research. Most scientists believe that cancer research is not at the "moonshot" stage, not far enough advanced to establish which areas should be the target of concentrated efforts.

Dr. Philip R. Lee, former assistant for Health and Scientific Affairs in HEW, testified in the Senate: "Cancer is not simply an island waiting in isolation for a crash program to wipe it out. It is in no way comparable to a moon shot . . . which requires mainly the mobilization of money, men and facilities to put together in one imposing package the scientific know-how we already possess. Instead, the problem of cancer—or rather the problem of the various cancers—represents a complex, multifaceted challenge at least as perplexing as the problem of the various infectious diseases. We do not know where the breakthroughs will come and I think it would be a great mistake to begin to dismantle NIH in favor of an untested approach."

Even the Panel acknowledged that "the nature of cancer is not yet fully known. It is erroneous to think of cancer as a single disease with a single cause. Cancer comprises many diseases and results from a variety of causes that will have to be dealt with in a variety of ways."

The view of the biomedical community may be best summed up by the statement of Dr. Sol Spiegelman of Columbia University: "An all-out effort to cure cancer at this time would be like trying to land a man on the moon without knowing Newton's laws of motion."

BUDGET PROCESS

The Panel argues that a major reason for setting up a separate agency is to give cancer more budget visibility.

No one opposes giving cancer research more money. In fact, the President has already requested $100 million on top of the cancer budget, the Congress has already appropriated it, and part of the money has been made immediately available by the Budget Bureau, in a unique demonstration of funding for a priority.

The argument for separate budget authority is based on the assumption that without it government officials will keep cancer budgets low because they want (1) to keep federal expenditures down, and (2) to give all research a fair share of available funds. Thus cancer would suffer as one of the many areas competing for funds.

The fact remains that the budget people are responsible for keeping all federal expenditures within a budget, and will consider the cancer budget accordingly, regardless of whether it is independent or not.

It is important to remember that the budget process does not start at the bottom program level. It starts at the top, with the setting of fiscal policies and priorities and dollar ceilings.

These priorities will affect the cancer budget, regardless of its independence. A separate Cancer Agency, like NASA and the National Science Foundation, would be subject to overall fiscal policies established in the Executive Office of the President, and would be obliged to defend the President's decisions before Congress.

It is clearly demonstrated, by the actions of the Administration and Congress, that cancer has a high priority as regards its budget, and is getting the money without delay.

It is the commitment and the national climate surrounding an issue that gives it real priority, not independent budget status in the organizational framework. Broad public support, and the commitments of the President and Congress, will insure ample funding, whatever the organizational setting.

FUNDING DELAYS

The Panel recommended that several specific administrative powers be given the cancer authority to expedite contract and grant-making approval.

Most of the recommendations have already been implemented or have been recommended in a report by the Comptroller General's Office on the "Administration of Contracts and Grants for Cancer Research," made at the request of the Senate Labor and Public Welfare Committee (reported March 5, 1971).

Specifically, one recommendation was to grant the Cancer Agency the power to enter into prime contracts. HEW already has granted the National Cancer Institute this power.

Another recommendation—to enable the Cancer Agency to commit available funds until expended rather than on a year-to-year basis—must be acted upon by Congress in terms of advance funding. Congress could appropriate funds for the Cancer Institute to be available for succeeding fiscal years. Thus, cancer projects, which often extend for 3 to 5 years, would be funded in advance, rather than on a yearly basis.

This type of advance funding has been authorized for certain other programs, including aid to educationally-deprived children under Title I of the Elementary and Secondary Education Act of 1965.

Another cause for delay in funding is the recent practice followed by both Congress and the Executive Branch of setting annual spending ceilings. Such ceilings might be eliminated for cancer budgets.

Again, the fault is not with the NIH–NCI structure. Establishing a separate Cancer Agency would not correct these problems without attending action by Congress and the Executive Branch—and the problems can be corrected without establishing a new agency.

DELAYS IN GRANTS, CONTRACTS APPROVAL

As for the length of time presently alloted for approval of grant applications and contract proposals, I have several observations to counter the Panel's objections to these time periods.

Grants: Grants during the calendar year 1970 required an average of 6 to 8 months for review and approval.

In fiscal 1971, NCI awarded 354 research grants amounting to $23 million dollars. Grants considered totalled 903, of which 688 were approved for funding, and 354 were funded. Study sections consider some 80–100 at each session. The National Advisory Cancer Council considers 400–500 applications at each meeting.

It is evident from the GAO report that some time may be eliminated from the 6 to 8 month review process, particularly in waiting periods between review steps. Most of the grant applications reach the first review step, the study section, within 3 months. It then may take 6–10 weeks after consideration by the Advisory Council.

Part of the delay is caused by the fact that the study sections and the Advisory Council meet only three times a year. It is difficult, however, to require the members of these bodies who are eminent scientists engaged in other work in laboratories and schools—to meet much more often than that.

They might meet four times a year. Furthermore, the review process no doubt, could be expedited at the administrative levels.

However, it is the opinion of distinguished scientists that the peer review system as now structured is one of the best ever devised, and should not be tampered with at the expense of its merits.

Grants are reviewed first for scientific merit by the study sections, then for relevance and priority by the Advisory Council. The reviewers are non-federal and eminently qualified in their respective fields. The system has a built-in check and balance to preclude the funding of poorly-qualified projects, or duplication of projects.

Any time-saving improvements would be worthwhile, but it is questionable whether the system should be dropped or significantly modified simply to expedite the handing out of federal research money.

The GAO recommended that one way to expedite the grant review process would be to award grants up to a specified dollar amount without review by study sections but with review and recommendations of the Cancer Advisory Council.

This suggestion seems to have merit, in light of the fact that 45% of the 1,182 grants funded in 1970, representing 12% of the total dollar amount (12% of $71.4 million), were for grants of under $30,000 each.

Contracts: As for the Panel's recommendation that more use be made of the contract mechanism in funding cancer projects, it should be noted that NCI in recent years has made extensive use of contracts for collaborative research programs. Of the Institute's $181 million in fiscal 1970 obligations, NCI awarded 333 research contracts for $49.7 million (more than one-fourth the total obligation.)

In addition, as previously noted, the Cancer Institute has been given the legal authority to enter into prime and sub-contracts, as recommended by the Panel.

The contracts require an average time of 7 months for review and approval. The GAO found that about 1½ months of that time was the result of unnecessary duplicative reviews by both NIH and NCI.

Contract awards are not subject to the same peer review system as grant applications. There is a problem in recruiting outside peer consultants with no conflict of interest. Contracts are reviewed by standing in-house NCI program committees and then by the Scientific Directorate, an in-house body unique to the Cancer Institute, because of the number and various types of contracts which the Institute lets out. (The Directorate is composed of 5 members: the NCI Director, the Director of Laboratories and Clinics, the Scientific Director for Chemotherapy, the Scientific Director for Etiology and the Associate Director for extra mural programs.) The Cancer Advisory Council periodically reviews plans and status of the contract program. A report in 1966 (known as the Ruina Report) recommended against a project-by-project review by the Advisory Council of contracts like that done for grants.

The GAO recommended dividing the process of contract development and award into two phases. No doubt the contract review process, like the grant review process, can be speeded up, but this can be accomplished administratively, also. The duplication of review by both NIH and NCI can be eliminated, if the total contract award process is concentrated in the Cancer Institute.

STRAIGHT LINE OF AUTHORITY

Now we come to the most crucial part of the problem, as I see it, in the Senate-passed bill—the concept of bypassing the Director of NIH in formulating cancer budgets and programs. This is anomalous, if the intention of an expanded cancer effort is to work closely with NIH and to "maintain the existing balance between fundamental and targeted research," as Dr. H. Marvin Pollard, President of the American Cancer Society, stated in a letter to the editor of the New York Times, July 28.

Secretary Richardson testified before the Senate Health Subcommittee, June 10:

"The primary purpose (of a cancer program) is to keep cancer research in close and constant contact with the mainstream of biomedical research of which it is an integral part. Such contact is, in fact, essential. Cancer research has in the past profited greatly from work done in other fields, and, as you know, some of the most promising leads in the search for the causes and the cellular mechanics of cancer have come from work done in other fields. . . .

"To create the optimum conditions for a major attack on cancer, the relationships that have been so productive in the past must be maintained. Moreover, the indivisibility of knowledge and understanding in the life sciences is such that research on other diseases will also have much to gain from close contact with a greatly expanded cancer research effort," Richardson said.

This is sound advice, but in order to accomplish such a cohesiveness among the biomedical sciences, it is necessary to have the heads of all areas of research share information and funnel it through a single source. The NIH Director is the most logical person through which to funnel and coordinate such information regarding programs and budget. The NIH Director is in the most logical position to know what programs are being conducted throughout the biomedical community, where duplication might occur, and to adjudge priorities.

The argument is made that lines of command must be direct between the cancer agency Director and the President and OMB, that the bureaucratic layers in HEW must be eliminated in order to facilitate the cancer program.

The Panel argued that 6 layers of bureaucracy above the National Cancer Institute slowed decision-making for cancer activities. Three of the layers which the Panel cited are not even involved in cancer decision-making. Those involved under the present arrangement are the Director of NIH, the Assistant HEW Secretary for Health and Scientific Affairs, and the Secretary of HEW. The Deputy Director of NIH, the Under Secretary of HEW and the Surgeon General—whom the Panel cited—are not involved in cancer program decision-making.

Two of these channels can be eliminated by having the Cancer Director report directly to the NIH Director, who then reports directly to the President.

Without some overall direction on the part of the NIH Director, unnecessary and competitive lines of communication and command will be set up between the Cancer Director and the NIH Director, who then reports directly to the President.

The thirteen scientists who wrote the New York Times, July 29, stated: "It is hard to imagine a scheme with more potential for undermining the scientific integrity of the NIH and the authority of its Director."

There is even the danger that a separate research entity will create its own bureaucracy. It would seem better to eliminate those now in existence, than to create potential new ones.

The major argument in favor of involving the NIH Director lies in the fact that little evidence, if any exists to support the conclusion that progress in cancer research has been significantly impeded by administrative problems, and that existing inadequacies are not correctable within the organizational framework of NIH.

OTHER POINTS IN PANEL REPORT

No one quarrels with the recommendation of the Panel that more manpower be trained to conduct cancer research. There appears to be a clear need for this. At the present time, there is not enough manpower to fill a large number of cancer research centers. The Panel would like to see more such centers built, but more manpower is the first necessity. There is also a need for more demonstration treatment centers, where new forms of treatment can be tried on larger populations than at present.

These recommendations of the Panel can be fulfilled with a substantial monetary support.

The Panel also recommended a central data bank and information retrieval center. This is also a good idea, but, I am told, difficult to accomplish. The NIH presently has a computerized data bank listing grants by type of project, and a list of contracts is being added to the information. The Smithsonian Institution maintains a general Scientific Information Exchange.

However, it is evident that progress in cancer research is not held up for want of an easy information system.

SERENDIPITY, AND THE RELATIONSHIP TO NIH BROAD-BASED RESEARCH

Cancer research has produced some very heartening steps in recent years, particularly in controlling some forms of the disease such as leukemia and Hodgkin's disease. Many of the breakthroughs were the outgrowth of basic research, which was not cancer-targeted.

The discovery of the cancer-uses for several drugs—including methotrexate and prednisone—fell out of basic research in other areas.

These drugs are now used to treat various leukemias and lymphomas.

There are many examples like these of how basic research turns into applied research.

This kind of basic research must be continued. I believe that the present NIH structure is the best source of support for such basic, multiphase research.

The Panel, in its "afterword," agreed that, "Concerted, large, broadly-based research efforts are required" to facilitate cancer research, stating further: "It is the Panel's opinion that a large and essential component of any future effort must be the continued accumulation of fundamental information, in order to provide the rational basis on which to build better methods of prevention, diagnosis and treatment."

It is my belief that such an effort can best be moved forward through the NIH.

THE SPIRIT OF COLORADANS

Mr. ALLOTT. Mr. President, Life magazine of October 8 contains a very fine short article which speaks volumes about the spirit of Coloradans. It concerns a brave town's tragedy and its moving response to it.

The article is entitled "A Town Fights Past Its Grief." I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A TOWN FIGHTS PAST ITS GRIEF

(By Loudon Wainwright)

A dreadful local disaster staggered the little Colorado town of Gunnison last month when a bus carrying 42 of its junior varsity players to a football game went out of control and crashed going down a steep Rocky Mountain pass. Survivors later recalled the smell of smoke from the burning brakes filling the bus and the silence inside until the very end of that awful, careening, faster-and-faster plunge. Then, as the bus skidded and started to turn over, the boys screamed together in fear. Eight of them and one of their coaches were killed, and many others were hurt, several critically.

Virtually every one of Gunnison's 4,500 citizens was in some way personally struck by the tragedy. It is the sort of American town where a kid has access to many kitchens, and most people who weren't related to any of the boys knew one or more of them. And the boys, of course, along with all the town's children, were Gunnison's greatest source of pride and joy. People in Gunnison don't feel especially alienated from their teen-aged youngsters. Communications between the generations remain pretty good. Drugs have arrived, but they aren't pervasive and Gunnison parents believe that they are raising their kids, as indeed they are, in a healthy, beautiful and relatively unspoiled environment. Status and responsibility are given early in such a place, and though most of the dead boys were only 14 or 15, they were recalled as individuals who had already achieved a rank beyond childhood.

After the accident the town came to a stop. Businesses were shut down, and the schools were closed. During the three days of preparations for the funerals and the mass burial, the sad processions of callers to the homes of the grieving went on, and the bereaved and bewildered parents visited each other. Anxious families and friends of the injured traveled for hours to see boys who had been placed for intensive treatment in hospitals as far away as Denver, 200 miles northeast across the mountains. Gunnison was caught up in a tight communion of shock and sorrow. A younger brother of one of the dead boys tried to comfort his father with the thought that possibly God had needed a football team. In another mourning household, another kid brother made precisely the same observation.

Then, somehow, the town began to encounter its own strength, its own resources for recovery. The grief, of course, produced them. One Gunnison clergyman who found those days the most painful of his ministry said: "This whole town was standing in line waiting—not just to do things for people, but to step into their shoes. I saw people surprising themselves. They ceased to exist for themselves."

The father of a boy killed in the accident told a friend he was overcome by the sense of shared humanity he felt surrounding him. The mother of one of the eight boys said: "When I got back home that first night, there were hams, salads and cakes in the kitchen and a lady was doing the ironing. Three hundred people came to the front door, their hearts in one hand, food in the other." The Gunnison clergy backstopped each other and shared services without regard to denomination. At a service for all the dead, nearly 3,000 people filled the local college gymnasium. Nothing could really restore Gunnison's loss, but in those rows of scrubbed and sad faces there was a resoluteness quite apart from the sorrow.

The town awaited the results of an investigation which might reveal whether mechanical failure or human error had caused the wreck. Yet it was those who knew the victims best, their teammates, who provided Gunnison with its biggest lift. The varsity had a home game scheduled with Leadville less than a week after the accident. The football squad was offered the chance to cancel the game. Instead, because the boys thought the town needed it, they voted to play. In a late summer snowfall they beat Leadville, 18–0, and cheered for themselves exuberantly with their coach. The following week, as the last of the injured came off the critical list, the team was scheduled to play again, this time more than 100 miles away. Earlier, when she had called on a grieving family in those first days, a Gunnison woman told another visitor: "We don't just have kids of our own here—we have everybody's kids." And when everybody's kids won again, 34–10, they had 650 rooters from back home in Gunnison watching in the stands.

EUROPEAN ECONOMIC COMMUNITY TARIFFS ON INDUSTRIAL PRODUCTS

Mr. FANNIN. Mr. President, a spokesman for the European Economic Community has recently stated that on January 1, 1972, the EEC's tariffs on industrial products will be lower than those of the United States. Without going into a discussion of statistics, if the EEC combines any tariff rate with their system of border taxes and export rebates, they have one of the highest, most discriminatory trade systems in the world.

The spokesman further contended that while the EEC duties vary little from a low average, certain American products are protected by very high customs duties—sometimes reaching 50 percent ad valorem.

Mr. President, the EEC seems to be forgetting their own agricultural policy. This system under which duties are assessed on food imports to bring prices up to the relatively high EEC level is equivalent to a tariff of 35 percent. This is higher than the agricultural tariff of any other industrial country. Further, Mr. President, let us examine the EEC policy on purchases of heavy electrical equipment. This policy intentionally eliminates foreign competitors and enables their manufacturers to maintain a high home market price and sell their excess capacity abroad at sharply reduced prices. Mr. President, this is not a question of high or low tariffs—the EEC merely places an embargo on the product and refuses to purchase the product at any price or at any tariff rate.

Mr. President, the most puzzling of all the statements made by the spokesman for the EEC was that this country was behind in granting aid to developing countries. This country, through an overgenerous program of foreign aid, maintained at the heavy expense of the American taxpayer, enabled the EEC and Japan to become prosperous competitors. We are not asking for repayment, only that these countries begin acting as mature competitors rather than maintaining a protectionist policy designed to aid fledgling industries.

Mr. President, let us look at the tax and tariff rates relating to automobiles that the EEC spokesman conveniently forgot to mention.

Germany—13.2 percent tariff, an 11-percent value added tax and an annual road use tax of $3.60 per 100 cubic centimeters displacement. Like many nontariff barriers levied on automobile imports, the road tax is aimed directly at the larger American made cars.

United Kingdom—13 percent tariff and a 36⅔-percent purchase tax. In addition, the United Kingdom requires an import deposit of 50 percent of the value of goods before release from customs. The deposit is to be returned to the importer after 180 days.

France—13.2 percent tariff; a 33⅓-percent value added tax on both the vehicle and the duty; a customs stamp duty which is 2 percent of the import duty, and an annual tax based on age and horsepower.

Italy—13.2 percent tariff; a compensation tax of 7.8 percent on the duty paid; a turnover tax of 4 percent of the duty plus fees; an administrative tax of 0.5 percent; a stamp tax of 0.2 percent of duties and other taxes, and an annual road tax based on horsepower.

Mr. President, these figures are discussed in a very illuminating article by Richard Ryan of the Detroit News. I ask unanimous consent that the article, published on September 19, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY U.S. CARS LAG IN IMPORT-EXPORT RACE

(By Richard A. Ryan)

(NOTE.—The role of Michigan industry in international commerce is strikingly illustrated in this story comparing U.S. auto imports and exports, and describing a situation typical of those that influenced President Nixon's decisions in drawing up his new economic policy. The writer, Richard Ryan of The News' Washington Bureau, drew his figures together from both auto and Commerce Department sources.)

WASHINGTON.—A 1971 Chevrolet Impala that sells for $3,859 in the United States costs $8,164 in West Germany.

That same Impala sells for nearly $8,000 in London and Stockholm.

A 1971 Vega sells for $2,200 in the United States. It would cost $4,000 to purchase that same vehicle in Japan.

Only the very rich in most foreign countries can afford to purchase an American made car. This did not result by accident. It was by design.

Most foreign governments have created a system of tariffs and taxes that are aimed directly at making the price of an American automobile prohibitive for the majority of its citizens to purchase.

Meanwhile, foreign imports have gained an increasingly larger percentage of the American automobile market. In 1970, for example, 1,230,961 imported cars excluding those brought in from Canada, were sold in the United States.

Imports in 1970 accounted for 14.67 percent of the total automobile sales in the United States. In contrast, in 1953 imports accounted for only 0.50 percent of the domestic car market.

More than one million of the cars imported last year came from West Germany and Japan, with the German-made Volkswagen being No. 1. Other countries exporting cars to the United States were the United Kingdom, Sweden, Italy, and France.

All of them sent more cars to this country than they imported from it. Much of the disparity between exports and imports can be traced directly to discriminatory tariffs and taxes levied against the U.S.-made cars by foreign countries.

A mitigating factor, however, is that U.S. auto makers also manufacture cars in foreign countries for domestic sale within those countries as well as for export to this and other countries. In fact, such "captive" imports into this country this year jumped 71 percent in the first eight months.

Until President Nixon raised the tariff to 10 percent last month, the only discriminatory levy against foreign manufacturers was a 3.5 percent duty on their automobiles.

In addition to the tariff, foreign manufacturers also are required to pay the 7 percent auto excise tax. This tax is passed on to the customer.

The excise tax, which President Nixon has asked to be repealed, is not discriminatory, however, in that it is levied equally on domestic as well as foreign manufacturers.

In comparison to the U.S. levied tariffs, the following is a sample of some of the charges placed on American automobiles by foreign countries:

Germany—13.2 percent tariff, an 11 percent value added tax and an annual road use tax of $3.60 per 100 cubic centimeters displacement. Like many nontariff barriers levied on automobile imports, the road tax is aimed directly at the large American-made cars.

Japan—10 percent tariff; a commodity tax based on the size of the car, ranging from 15 percent on small cars to 40 percent on larger cars; an annual road tax also related to car size, ranging from $50 to $250, and a 3 percent purchase tax.

United Kingdom—13 percent tariff and a 36⅔ percent purchase tax. In addition, the United Kingdom requires an import deposit of 50 percent of the value of goods before release from customs. The deposit is to be returned to the importer after 180 days.

France—13.2 percent tariff; a 33⅓ percent value added tax on both the vehicle and the duty; a customs stamp duty which is 2 percent of the import duty, and an annual tax based on age and horsepower.

Italy—13.2 percent tariff; a compensation tax of 7.8 percent on the duty paid; a turnover tax of 4 percent of the duty plus fees; an administrative tax of .5 percent; a stamp tax of .2 percent of duties and other taxes, and an annual road tax based on horsepower.

Sweden—13 percent tariff; a sales tax of 11.11 percent of vehicle and duty paid, and a transaction tax based solely on vehicle size.

Numerous other countries restrict imports in other ways. Several countries, for example, require that any car sold within their borders must contain a certain amount of locally produced materials.

Such content requirements are in force in most developing nations in Africa, Asia and South America. Spain and Portugal, however, also have such requirements.

Requirements vary from country to country, ranging between the 5 to 14 percent called for in Venezuela to the 95 to 100 percent requirement of Brazil.

Another factor driving up the price of American cars abroad is the considerably higher shipping costs, resulting from both dockside charges to actual freighter costs.

Major foreign exporters have special car-carrying freighters which considerably reduce the shipping costs per car and their dockside costs, mainly because of lower wages, are less.

Still another reason for the higher prices is that foreign countries base their tariffs and taxes on American cars on the wholesale price of the car plus marine insurance and freight costs.

The U.S. tariff on foreign cars, on the other hand, is levied on the wholesale price of the auto only and not on insurance and freight costs.

Although foreign manufacturers pay less duty to export their cars to the United States, they must conform to all U.S. imposed safety and pollution control standards. Meeting these requirements has resulted in increasing the cost of the imports.

While a considerable portion of the disparity between U.S. imports and exports of automobiles can be traced to taxes that discriminate against large cars there are other reasons too.

A major deterrent to the use of the larger

American cars in Europe, for example, is the exorbitant price of gasoline resulting from high taxes.

In some European countries fuel taxes are 175 percent to 450 percent higher than in the United States. As a result, European auto manufacturers have designed cars that place an emphasis on low fuel consumption.

Road conditions and city congestion also are more suited for the smaller European car than they are to the larger American-built automobile.

"Europeans don't have anything like the number of freeways we have here," said one automobile company spokesman. "And they usually don't have to drive very far at one time. Europeans just don't jump into their cars for a 2,000 mile trip as we do," the spokesman asserted.

While American companies have been effectively barred from exporting large numbers of cars by tariffs and taxes, they have not been prohibited from investing abroad. And that they have done in a significant way.

IMPORTS AND EXPORTS—THE 1970 FIGURES

Following is a comparative list of foreign auto imports, which include cars made by U.S. firms abroad, and U.S. auto exports for 1970:

	Exports to United States	Imports from United States
West Germany	674, 945	2, 476
Japan	381, 338	159
United Kingdom	76, 257	434
Sweden	57, 844	1, 091
Italy	42, 523	159
France	37, 114	394

A factor that should be considered in any relative comparison of these statistics is the widely-differing populations of each country: The United States—204,000,000; West Germany—60,842,000; Japan—102,322,000; United Kingdom—55,534,000; Sweden—7,978,000; Italy—53,170,000; and France—50,330,000.

General Motors, for example, is one of the largest auto producing companies overseas. GM's Opel manufacturing plant in Germany produced 807,000 cars in 1970. The firm's Vauxhall plant in England turned out 269,797 automobiles in the same year.

"We don't really expect to export the Vega to Europe," conceded one GM spokesman, "when we manufacture Opels and Vauxhalls there."

Currently, oversea car production accounts for almost 24 percent of GM's car output.

The firm also is involved in exporting its Opel into the United States. Last year 86,630 Opels were sold in the United States. Through August of this year 65,330 German-made Opels were sold here.

Ford Motor Co. also has an extensive overseas operation with major plants in Germany and Britain.

In 1970, Ford of Britain sold 480,948 automobiles. Ford of Germany sold 643,649. Ford's foreign operations in 1970 accounted for 26 percent of its sales and 24 percent of its net income.

Ford also imports its overseas-built Capri into the United States. Last year more than 41,000 foreign-built Ford's were sold here.

Chrysler Corp., the remaining member of the Big Three auto fraternity, also has a large overseas manufacturing operation.

Chrysler of France, which produces the Simca, turns out about 400,000 cars a year and has about 18 percent of the French car market.

Until recently the Simca also was exported to the United States. The company discontinued exports of the car this year because, as a company spokesman explained it, the cost of installing safety and pollution control equipment became too high to justify selling the car here.

Chrysler-United Kingdom produces the Sunbeam and Hillman. A car similar to the Hillman Avenger is exported to the United States where it is sold as the Cricket.

The Dodge Colt is produced in Japan by Mitzubishi Motors. Chrysler recently purchased 15 percent control of the Japanese plant and agreed to acquire 35 percent over a three-year period.

Approximately 35,000 each of the Crickets and Colts are expected to be brought into the United States this year.

While American auto firms have invested heavily in overseas plants in recent years, there has been little investing here for foreign firms.

The reason, according to industry spokesmen, is that the much higher wages paid to auto workers in the United States would make the cost of their cars and parts considerably higher, and thus uncompetitive.

An industry spokesman said that although the additional tariff levied on foreign imports by President Nixon may be helpful in curtailing import sales in the short run, the industry favors complete free trade between all countries.

GM board chairman James M. Roche appeared to sum up the industry's feeling in an interview on the Today show one week after President Nixon raised the import tariff:

"I am a firm believer in free trade," Roche said, "because I think free trade among the nations is essential to peace and prosperity in the world.

"On the other hand, we have some very important differences in this country. Our labor rates are four times as high as they are in Japan; twice as high as in Germany, and three times as high as in Great Britain.

"These are economic factors which we have to recognize in this country and we have to find some way of competing . . . with these countries if we expect to maintain our economy on a sound basis."

CITIZENS FOR A NEW PROSPERITY

Mr. BENNETT. Mr. President, if the President's new economic policy is to succeed it must have the full support and cooperation of the American people. The President has asked our citizens to make a shortrun sacrifice to bring long-term prosperity, and the evidence so far is overwhelming that the private sector is cooperating to the greatest extent.

I was particularly interested in a full-page ad published in the Washington Post of September 27, 1971. The ad called for the American people to work together to achieve peacetime prosperity and halt inflation. It was sponsored by an impressive group of civic and business leaders which calls itself the Citizens for a New Prosperity. Among the many distinguished citizens on this panel are three former Secretaries of the Treasury who served in the Eisenhower, Kennedy, and Johnson administrations.

Mr. President, the Citizens for a New Prosperity are calling for a goal we all must support. I ask unanimous consent that the advertisement be printed in the RECORD.

There being no objection, the advertisement was ordered to be printed in the RECORD, as follows:

PROSPERITY IS A JOB FOR EVERYONE

We, the undersigned, believe in the American people's capacity to come together on great goals.

Creating full employment in a time of peace is a great goal.

Stopping inflation once and for all is a great goal.

Making American products and services competitive around the world is a great goal.

These great goals can be achieved—and they *will* be achieved, if Americans stay together, as they always have when the chips are down.

On August 15, America set its course toward a new prosperity without inflation.

We have made a fine beginning.

From all corners of the country have come expressions of support—from employees whose wages were caught in the freeze—employers whose profits were hurt by frozen prices—homemakers, farmers, retailers, senior citizens.

Soon we will move forward into Phase II when the fight against inflation will be won or lost.

We know that winning will take sacrifice. We know that every group and every individual will have to exercise restraint in the days ahead. We must sacrifice today for prosperity tomorrow.

The willingness to unite and go forward together is what made this a great nation. That's what the American spirit is all about.

Citizens For A New Prosperity is a group of Americans—non-partisan, nationwide—who believe that the far-reaching objectives of the President's new economic policy are in the interest of all Americans. Putting other differences aside, we intend to support those objectives steadfastly and vigorously.

If you believe as we do, we ask you to join us. Together we can encourage all Americans to stay the course and win.

Robert B. Anderson, Former Secretary of the Treasury, (Eisenhower Administration).

Dwayne O. Andreas, Chairman, Archer Daniels Midland Co.

Don T. Barry, President-Elect, American Nursing Home Association.

William M. Batten, Chairman, J. C. Penney Co.

William Blackie, Chairman, Caterpillar Tractor Co.

Fred J. Borch, Chairman, General Electric Co.

Alfred P. Chamie, Attorney, Los Angeles, California.

Colonel Frank Borman, Sr. V.P., Operations Group, Eastern Airlines, Inc.

Harry E. Brinkman, President, National Small Business Association.

James H. Browne, President, National Insurance Association.

Berkeley Burrell, President, National Business League.

Wallace E. Carroll, Chairman, Katy Industries, Inc.

George Champion, President, Economic Development Council of N.Y.C.

Albert L. Cole, Vice President and Director, Reader's Digest.

John T. Connor, Chairman of the Board, Allied Cemical Corp.

Justin Dart, Chairman, Dart Industries.

C. Douglas Dillon, Former Secretary of the Treasury (Eisenhower and Kennedy Administrations).

J. William Doswell, Public Relations Consultant, Richmond, Virginia.

Fred Faassen, President, American Association of Retired Persons.

Dr. John F. Fielden, Dean of Graduate School of Business, University of Alabama, Tuscaloosa.

Max Fisher, Fisher New Center Company.

Henry Ford, II, Chairman, Ford Motor Company.

Henry H. Fowler, Former Secretary of the Treasury (Johnson Administration).

Miss Chloe Gifford, Past President of National Federation of Women's Clubs.

John S. Gleason, Jr., Chairman, Mercantile National Bank, Chicago.

Najeeb E. Halaby, Chairman and Chief Executive Officer, Pan American World Airways, Inc., Former Administrator, Federal Aviation Administration (Kennedy and Johnson Administration).

John D. Harper, President, Alcoa.

Mrs. Claire G. Hoffman, San Francisco.

Melvin C. Holm, Chairman, Carrier Corporation.

Dr. William H. Hudnut, III, Senior Minister, Second Presbyterian Church, Indianapolis.

E. Ralph Hostetter, President, Tri-State Publications, Elkton, Maryland.

Dr. William S. Jackson, Professor of Social Work, Atlanta University.

Wilson Johnson, President, National Federation of Independent Business.

W. Seavey Joyce, S.J., President, Boston College.

Hobart Lewis, President, Reader's Digest.

Edgar Mallick, Academic Dean, Mount St. Joseph, Cincinnati.

J. Willard Marriott, Chairman, Marriott Corporation.

Murray Miller, Vice President, International Brotherhood of Teamsters, Director, Southern Conference.

Einar O. Mohn, Vice President, International Brotherhood of Teamsters, Director, Western Conference.

Carla Paaske, Professor, Administrative Officer, Boston University.

Mrs. Katharine Pearce, President, National Association of Retired Teachers.

John S. Reed, President, Atchison, Topeka & Santa Fe Railway.

Pierre Rinfret, Economist.

Mary Roebling, Chairman, Trenton Trust Company.

Robert V. Roosa, Former Under Secretary of the Treasury for Monetary Affairs (Kennedy and Johnson Administrations).

Terry Sanford, President, Duke University, Former Governor of North Carolina.

Ray Schoessling, Vice President, International Brotherhood of Teamsters, President, Joint Council 25, Chicago.

Mrs. Oscar C. Sowards, Chairman, Kentucky Consumer Affairs Committee.

George A. Stinson, Chairman, National Steel Corporation.

D. Joseph St. Germain, Springfield, Massachusetts.

Mrs. Jeannette St. John, President, Consumer Conference of Greater Cincinnati.

Rev. Leon H. Sullivan, Chairman, Opportunities Industrialization Center.

Joseph Trerotola, Vice President, Director Eastern Conference, International Brotherhood of Teamsters.

Joseph L. Vicites, Commander in Chief, Veterans of Foreign Wars.

Judge William E. Walk, Jr., Immediate Past President, Rotary International.

Thomas G. Walters, President, National Association of Retired Federal Employees.

Sumner Whittier, Executive Director, Citizens for a New Prosperity, 1627 K Street, N.W., Washington, D.C. 20006.

ESTABLISHMENT OF PORTS OF ENTRY IN NEVADA

Mr. BIBLE. Mr. President, Nevada went international recently with the establishment by the Bureau of Customs of two ports of entry. One is in Las Vegas and the other in Reno, and the cost of operating them the first year will be financed by the progressive business communities in each city. If the volume of cargo and passenger business justifies it, they will be continued at Federal cost after the first year.

The people of Nevada, recognizing theirs is the fastest growing State in the Nation, are satisfied that these customs stations will become permanent and will, in turn, stimulate more tourism and trade.

Commissioner of Customs Myles Ambrose, with whom the Nevada congressional delegation worked closely on the port-of-entry projects, paid tribute to the vitality of Nevada's economy when he addressed a joint meeting of the Greater Las Vegas Chamber of Commerce and Rotary Club September 24 in Las Vegas. His comments on State growth are worth noting for the Congressional Record.

But the main thrust of Commissioner Ambrose's talks was directed to drug abuse and the increased activities of the Customs Bureau with the aid of additional funds provided by Congress. He reported that Customs seizures of heroin registered a dramatic rise in the first 8 months of this year—up 2,600 percent over the same period of 1970. Sharp increases in opium and cocaine seizures also occurred. Commissioner Ambrose urged community leaders across the Nation to join in a united effort to control and eradicate the drug abuse problem.

I ask unanimous consent that Commissioner Ambrose's address be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

U.S. Customs: Its Activities and Responsibilities

Distinguished Guests, Ladies and Gentlemen: Whether here in Las Vegas or New Haven, Connecticut or elsewhere in the country, the news in recent weeks has been dominated by conomic developments.

The President has announced a series of fundamental changes in our Nation's economic life and its handling of international commerce.

I believe that the outcome will be beneficial and will strengthen our Nation's economic fiber.

Just as in the months ahead our national economy will feel the full impact of the President's actions; so you here in Las Vegas will experience the full impact of your new port of entry status. Your commercial activities will undoubtedly expand as more tourists and imported merchandise pass through your port.

Yours is a unique city—a one-of-its-kind place. Las Vegas to the average man in the street means glittering casinos, spectacular hotels, fantastic signs, and showgirls.

These are your "trademarks" and they are known the world over; but there is much more to your fine city and to your great State.

The 1970 Census reports that Nevada led all other states in the rate of population growth; an impressive 71 percent climb in the last decade.

You also have the highest per capita income in the far west, exceeding California by a solid margin, and

Nationally you are among the top 10 states in the growth of personal income.

Nevada is a leader, and Las Vegas deserves special status because it is first in the state in population, in total revenues, and in tourism.

The magnetism of your city is international in scope. Between 1961 and 1968 the flow of international air traffic into Las Vegas jumped almost 600 percent.

The dollar value of your foreign shipments has climbed at an annual 50 percent rate in recent years. Your port of entry should boost this impressive rate, especially after new permanent facilities are ready in October.

At your port we are offering much the same services we offer at New York—only the scale is different. Our purpose, wherever the port, is to render the *best possible service*.

I encourage you to take advantage of these new facilities and services. All of us will benefit.

I feel quite certain that commercial activities will justify the optimism of Senator Bible, Senator Cannon, and Representative Bearing when they said that the opening of ports at Las Vegas and Reno marked ". . . the beginning of an important era of economic expansion for Nevada."

As you know, it was largely through their dedicated efforts that a port of entry was established here. They along with community representatives, deserve much credit for what has taken place.

Speaking on behalf of the Bureau of Customs, we are pleased to add Las Vegas to the list of cities we serve.

Many of you may not be familiar with all that Customs does.

—We collect duties. Last year this amounted to $3.5 billion. In collecting this we processed $42 billion worth of imported merchandise; cleared 232 million persons, and inspected some 67 million vehicles, aircraft and ships. At the moment we are occupied with implementing the new 10% surcharge.

—We enforce a number of other controls at our borders . . . everything from barring insect pests, to regulating quotas, to interdicting illicit drugs.

This last activity is one of our most important responsibilites today. Our country is being swept by an epidemic of drug abuse.

Here in Las Vegas arrests for narcotic offenses have gone up steadily in recent years: from 601 in 1969, to 942 last year . . . to over 1,000 arrests in the first 8 months of this year.

Through last month you had 29 drug overdose deaths, nine of which were from hard narcotics—heroin. This compared with only 2 or 3 such fatalities in the preceding several years. These statistics simply reflect what is happening all over the country.

It is estimated that there are between 250,000 and 300,000 heroin addicts, and 30,000 to 40,000 more in the armed services.

When I left the Treasury Department in 1960, there were an estimated 53,000 heroin addicts. From this you can see the tremendous growth in drug addiction that took place in the 60's.

A recent Gallup Poll reported that 42% of college students interviewed said that they had tried marijuana. In 1969 the total was 22%, and in 1967 it was just 5%.

President Nixon has called for a "national offensive" against narcotics to curb this threat to our society. Early in his administration he moved on several fronts with a wide-ranging action program.

. . . He elevated the drug problem to the foreign policy level and took personal initiatives in seeking the cooperation of other governments.

. . . He stressed the critical role of education, research and rehabilitation.

On June 17th he told the Nation that drug abuse had "assumed the dimensions of a national emergency" and he asked Congress for $155 million in supplemental funds for the administration's anti-drug program.

At the same time he created a "special action office for drug abuse" in the White House to coordinate the government's rehabilitation, education and research efforts.

In enforcement he called for supplemental funds for new personnel and equipment for the Justice Department's Bureau of Narcotics and Dangerous Drugs, and for the Treasury Department's Bureau of Customs.

Treasury's Internal Revenue Service was also ordered to intensify its investigation of persons involved in large-scale narcotics trafficking. The targets have been selected and the program is now underway.

Recognizing the importance of international cooperation, the President initiated a worldwide escalation of existing programs for narcotics control. Through the State Department he called home key ambassadors to consult on how better to cooperate with nations in the effort to regulate opium output and narcotics trafficking.

He directed ambassadors to East Asian governments to review the increasing problem in that area with emphasis on the effects of the drug problem on American servicemen in Southeast Asia.

On August 17, the President established a "cabinet committee on international narcotics control" and gave it responsibility "for formulation and coordination of all policies of the federal government relating to the goal of curtailing and eventually eliminating the flow of illegal narcotics and dangerous drugs into the U.S. from abroad."

As a result of these and other actions, the government of Turkey announced last June that it would stop all opium production within one year, and that it would prevent the diversion of opium to the illicit market during the interim.

In Mexico a farmer who is convicted of cultivating marijuana or opium poppies can now be deprived of his land, and in the Republic of Viet Nam narcotics trafficking can bring the death penalty.

On August 13th the Laotian National Assembly voted unanimously to make the cultivation, sale, transportation or use of opium derivatives illegal.

The results of these actions will be seen in the months and years ahead. As the momentum for international anti-narcotic cooperation grows I anticipate other nations joining us in disrupting global drug trafficking.

Now let me tell you a bit about the role Customs plays in the President's campaign against drug abuse:

With the additional funds which Congress has approved we will have increased our personnel in the last two years from about 9,000 to 15,000 by the end of this year.

We have acquired and will continue to acquire modern equipment, such as helicopters, light aircraft, high-performance patrol boats, interceptor vehicles and related items, for use by our personnel.

We have put technology to work for us in the form of computer identification systems, and highly sophisticated radio communications networks.

With our additional personnel and equipment we have initiated an intensified enforcement program in which we are looking very carefully at more people, vehicles, aircraft, boats, cargo, and mail entering this country from abroad.

And in keeping with the Administration's major policy goal of disrupting narcotic trafficking routes, we along with other government agencies, have implemented a policy of seeking international cooperative action. In this regard, we have become full members of the Customs Cooperation Council, an international organization representing the Customs services of over 65 countries.

At its annual meeting last June in Vienna the Council adopted a resolution calling for the exchange of narcotic trafficking information. Our government was instrumental in obtaining approval of this resolution.

I have met with my counterparts in Europe, including eastern Europe, Mexico, Canada, and the Far East, to discuss avenues of cooperative action for disrupting narcotic trafficking.

An indicator of our progress can be found in the number of drug seizures we have made. I am happy to report that our seizures for the first 8 months of this year have been very extensive.

The quantity of pure heroin seized during this period was in excess of 620 pounds, representing an increase of almost 2,600% over the previous year!

Opium seizures were up 104%; cocaine seizures up 69%; while the quantity of other dangerous narcotic substances climbed almost 400%.

Some of our seizures have been spectacular. One, which occurred just last May near San Francisco, involved 10,000 pounds of marijuana—the largest in U.S. history.

Nationally, through August, we had seized over 188,000 pounds of marijuana . . . more than 94 tons! This is a 60% increase over the last year.

The fact that the demand for marijuana has skyrocketed is familiar to you. In recent weeks your newspapers have carried several stories of light plane crashes—one on August 4th near Battle Mountain in the northern part of the state, and another just a few weeks ago, on the 9th, at Alamo, only 90 miles from here—in which large quantities of marijuana were involved.

Right here in Las Vegas, since your port opened in July, our agents have seized 1,142 pounds of marijuana.

It also was here at the North Las Vegas Air Terminal that seven persons were arrested in early 1968 on one of the first major cases involving the use of private aircraft for transporting large quantities of marijuana.

Just last Friday, two individuals were arrested here on smuggling conspiracy charges involving 2,863 pounds of marijuana moved by private plane. The case involves 16 other defendants in two other states

The rapid increase in the use of private light aircraft for smuggling has made this an important enforcement program for Customs. Our aircraft are being equipped with radar and other sophisticated sensing devices.

We will soon have the capability of tracking, pursuing and forcing aircraft to land. Our pilots are already trained for this mission.

I have outlined the magnitude of the national drug problem and some of the steps being taken by the federal government. It is a strong overall program, but it alone cannot eliminate the traffickers and their cohorts.

What is required is a united national effort. No single agency of government—no one private organization—can succeed alone. Together we can end the drug plague.

You, as representatives of a dynamic business community, are in a position to exert leadership. I urge you to join us in a united effort to control and eradicate the drug abuse problem.

Thank you.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Is there further morning business?

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

What is the pleasure of the Senate?

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

Mr. MANSFIELD. Mr. President, I ask that the unfinished business be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

A bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 419

The PRESIDENT pro tempore. Under the previous order, the pending question is on agreeing to the amendment (No. 419) of the Senator from New Mexico (Mr. MONTOYA). Debate thereon is limited to 3 hours, to be equally divided between and controlled by the Senator from New Mexico and the Senator from Mississippi (Mr. STENNIS).

Without objection, the text of the pending amendment will be printed in the RECORD.

The amendment (No. 419) is as follows:

At the end of the bill add the following new section:

SEC. . (a) The purpose of this section is to reaffirm the position of the United States Government with respect to the establishment of democratic processes of government in South Vietnam. Congress declares that United States military assistance to the Government of South Vietnam has consistently been founded on the concept of free and open elections. These elections should allow meaningful opponents to qualify as candidates, guarantee fair and open competition among these candidates, protect campaign workers from harassment and intimidation by opponents, the government, or private interests, and guarantee that voters are allowed to freely exercise their franchise. This has been the stated policy of the United States Government for many years.

(b) Funds authorized or appropriated under this or any other law to support the deployment of United States Armed Forces in or the conduct of United States military operations in or over Indochina may not be expended beyond February 3, 1972; however, such date may be postponed by the President to a date not later than six months after the date of enactment of this Act if he finds, and notifies the Congress in writing, that:

(1) the Government of South Vietnam has conducted a democratic, freely contested presidential election; and

(2) the procedures used in such election guaranteed the rights of campaign workers and protected the franchise of the people of South Vietnam; and

(3) such election was conducted in a manner consistent with the purposes of United States efforts on behalf of the Government of South Vietnam as defined in subsection (a) of this section.

(c) Nothing in this section shall be construed to affect the authority of the President to—

(1) provide for the safety of American Armed Forces during their withdrawal from Indochina;

(2) arrange asylum or other means of protection for South Vietnamese, Cambodians, and Laotians who might be physically endangered by the withdrawal of American Armed Forces; and

(3) provide assistance to the nations of Indochina, in amounts approved by the Congress, consistent with the objectives of this section.

(d) The Congress hereby urges and requests the President to negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established in subsection (b) of this section.

(e) This section shall not be construed to affect the constitutional power of the President as Commander in Chief.

The PRESIDENT pro tempore. Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be taken equally out of the time allotted to both sides.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MONTOYA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered. Who yields time?

Mr. MONTOYA. Mr. President, I call up my amendment No. 419, and I yield myself such time as I may require.

The PRESIDENT pro tempore. The Senator from New Mexico may proceed.

PRIVILEGE OF THE FLOOR

Mr. MONTOYA. I ask unanimous consent that my legislative assistants, Karl Braithwaite and Michaele James, be permitted to be present in the Chamber during the proceedings on this amendment.

The PRESIDENT pro tempore. Without objection, it is so ordered.

DEMOCRACY IN VIETNAM

Mr. MONTOYA. Mr. President, elections allow a country to assess the path it has recently covered and make some judgment as to the proper path for the future. The presidential elections in South Vietnam should have provided that country and the United States a chance to make a judgment—a chance to weigh the rightness and wrongness—of the present conflict now covering the beautiful but ravaged jungles of Indochina.

How far have the two countries come in the past 7 years since the United States presence in Indochina took on its expanded role? How many of the needs and desires of both countries have been met by the long and costly engagement in Vietnam? Elections should provide an opportunity for redirecting policy through peaceful means. Unfortunately, the presidential elections held in South Vietnam did not adequately afford the populace of that country an opportunity to express their desire for a new turn in the policy now followed by the present government. The lack of choice among candidates provided to the Vietnamese people is due in large part to the presence of the United States in Vietnam. The availability of United States manpower and foreign aid have allowed the government of Nguyen Van Thieu to follow policies that do not reflect the broad cross-section of opinion in that country.

The effect of our involvement in Indochina has been devastating for all parties concerned. When the specific impact in our country and in Vietnam is analyzed, it becomes increasingly apparent that both countries should have used the opportunity of the recently completed presidential elections as an opportunity to choose another path more beneficial to their respective countries. We did not do so, and we must reconsider that lost opportunity.

At the outset of my remarks about our involvement in Southeast Asia, I should like to explain the amendment I have offered to the Military Procurement Authorization bill which relates to that involvement.

Six days ago, this body went on record by a vote of 57–38 in support of a policy ending U.S. combat activity in Vietnam by a specific date. I am extremely pleased that the Senate once again enacted the Mansfield amendment. My amendment is complementary to the majority leader's. My amendment would call for funds used for the activities of U.S. combat forces in South Vietnam to be cut off no later than the date established for withdrawal by the Mansfield amendment, and was specifically designed to correspond with that date.

My amendment also provides an incentive for South Vietnam to establish the kind of open and broadly based government that is necessary for the survival once we have withdrawn our forces. I do not agree with those who have no concern for the kind of government we leave behind; a government established through truly popular support, established by open democracy, attracting the participation of most groups, will have a much better chance of preserving the gains purchased by the deaths of so many Americans.

Once we withdraw, the dictatorial Thieu government is very likely to crumble and precipitate chaos. Since our President has consistently stated a policy of withdrawal, and by vote the Senate has established a specific date for the completion of such a withdrawal, it behooves the Senate to provide incentives for the establishment of a government in South Vietnam that will have the true support of its people. Such a government will be much more able to provide civil liberties and democratic processes of government leading to actual self-determination for that war-torn country.

IMPACT OF THE WAR ON THE UNITED STATES

Economy. The most pressing problem facing the United States today is the fact that millions of able-bodied men and women are not allowed by present economic conditions to find meaningful jobs. In addition to this, those who do hold employment find inflation undercutting the buying power of the wages they presently earn. To halt this inflation and attempt to gain control of the economy, President Nixon has engaged in the most drastic economic policy ever announced in the absence of a declared war. It is this latter point that I would like to stress. Press accounts have analyzed the new economic policy of the administration by using the terms of "unprecedented peacetime action." Such comments miss the mark. The economic difficulties faced by our country are substantially attributable to our involvement in Southeast Asia. Whether the war is declared or undeclared has little effect on the economic results of the expenditure of war-related funds.

Economic equations are immune to the diversionary tactics of carefully formulated advertising phrases. Economic reality cannot be turned away by words. The high war expenditures undertaken in the late 1960's came at a time of relatively high employment. They also occurred during the growth of nondefense expenditures in the Federal budget. When these two factors were mixed together with the catalyst of deceptive involvement in Indochina and underestimated war expenditures, the inflation which resulted was only to be expected.

As a country, we were not allowed to view the information that might have enabled us to anticipate the consequences of our involvement in Vietnam and adopt policies designed to alleviate the effect of heavy wartime spending. It is clear from the publication of the "Pentagon Papers," that the President's own Council of Economic Advisers was not informed as to the exact expenditures generated by our involvement in Vietnam. The combined effect of adding sizable defense and nondefense expenditures to the economy in the late 1960's led to an increase in interest rates, a decline in housing, and higher prices which have eventually led to a decline in exports from this country. One does not have to be a professional economist to understand the implications of such an economic policy. An overheated economy led to price rises and increased wage demands that began to price American goods out of the competitive international market place. The result was a growing deficit in our balance of payments, which accelerated the flow of dollars from the United States to foreign countries.

For the past few years, our balance-of-payments deficit has been roughly equivalent to the net war payments needed to cover our costs in Vietnam. If the present rate for 1971 continues, the deficit for this year will be $9 billion in our balance-of-payments account, which will be higher than the net war payment for the year.

Let us make no mistake about the connection between the war in Vietnam and our present unhappy economic situation at home. War expenditures added to an economy of high employment and led directly to rapid inflation. This in turn handcuffed American goods in the international marketplace, and led to a precarious international position for the U.S. dollar. The policies of the Nation in the late 1960's and early 1970's were inadequate to deal with the situation; they simply led to devastating unemployment with continued inflation. While other factors were certainly operating, there is no doubt that Vietnam was the main factor that derailed the strong economy of the mid-1960's. The Consumer Price Index rose over 30 percent during the decade of the 1960's, but three-fourths of this rise occurred after our build-up in Vietnam. Annual corporate profits, which had been rising steadily in the 1960's, actually declined $4.4 billion from 1965 to 1970. These two key economic indicators clearly demonstrate that neither the consumer nor the businessman gains from our involvement in Vietnam.

The present new economic policy announced to cure our country's economic ills is a drastic but necessary step to halt the deterioration of our economy. It is important to see how crucial our balance-of-payments deficit is associated with our presence in Vietnam. Had we not entered the war so significantly in 1965, it is very likely that our balance of payments would have shown a surplus in the late 1960's. Instead, we maintained a growing deficit, and the international money market finally began to crumble under the weight of excess dollars held abroad. When Germany chose to float its currency in May and thereby weaken the dollar, the international money community knew that the action by Germany was not merely a warning sign, but actually sealed the fate of more drastic changes to come. This international money situation, coupled with persistent domestic inflation, forced the U.S. Government to take the action announced in August. In no way can any of these moves be separated from our heavy expenditures in Southeast Asia.

Can anyone doubt that our lives have all been worsened by the conflict and the necessary economic adjustments associated with the horrible carnage of modern high-powered warfare? In earlier statements on Vietnam, I have discussed the human misery involved in the killing and carnage of the war. We must also realize how far that misery is extended when a war affects an entire economy and its international markets.

I ask unanimous consent to have printed at this point in the RECORD a recent article by Alice M. Rivlin, published in the Washington Post, September 20, 1971, entitled "Inflation: The Search for a Cure," which illustrates dramatically how common it is for war to create major disturbances in our Nation's economy. The war in Vietnam is certainly no exception to this rule.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INFLATION: THE SEARCH FOR A CURE

(By Alice M. Rivlin)

The wage-price freeze has forced the nation to face a hard question: what do we have to do to run a reasonably free economy at full employment without inflation? Most economists do not pretend to know the answer to this question or even whether it has an answer. They are hoping that the experience of the 1970's will teach us all.

Inflation, like a fever, is a symptom, not a disease. At the moment, the economic doctors are not sure what the underlying disease is, how the patient will respond to various treatments or what prognosis to make.

One reason for their ignorance is that they have not been dealing with inflation, certainly not the present variety of inflation, for very long. It may come as a surprise to anyone under 40, but historically inflation has not been the normal condition of the American economy. Wholesale prices were no higher in 1940 than in 1801. Indeed, the normal condition in the 19th century was falling prices. Technology was changing, productivity was increasing, especially in agriculture, manufacturing and transportation. Producers competed to sell for less and productivity gains were passed on to consumers in lower prices. Moreover, there was no government intervention to counteract unemployment when it occurred. The pattern of falling prices, however, was interrupted abruptly and dramatically every time there was a war, when excess wartime demand for increases in goods caused prices to shoot up rapidly. Btu there was nothing mysterious about these wartime inflations—just too much money chasing too few goods—and the downward movement of prices was reestablished after each war was over.

Since World War II, however, we have been living in a different environment—one in which the general price level never seems to fall, in which moderate price increases of 1–2 per cent annually have come to be regarded as normal (not characterized as "inflation"), and the term "inflation" is reserved for accelerations in the upward drift of prices, say to 3 per cent per year or higher. By that definition there have been four distinct inflations since the end of World War II, but at least two of them have the historic war-demand explanation.

Price controls held inflation pretty well in check during World War II itself, but prices shot up in the period 1946–48 when controls were lifted and wartime savings and pent-up demands for consumer goods were unleashed on the private market. Partial mobilization and panic buying by consumers produced another jump in prices at the beginning of the Korean conflict in 1950–51, before controls were reinstituted. A less rapid, but much more mystifying inflationary spurt, however, followed in 1956–57, when there was no war and the economy was not even running at full capacity. The mystery caused many economists to theorize that the economy had entered a new era in which inflation could be caused by cost increases, even though demand for goods was sluggish, or in which a few noncompetitive basic industries like steel could raise prices, causing an upward-spiraling chain reaction throughout the economy.

Inflation subsided in the early sixties, began again in 1966, and persisted with exasperating tenacity until the Presidents' desperation move of last August 15. At the beginning, the current inflationary episode posed no mystery—the rapid increase in government expenditures for the Vietnam buildup of 1966–67 (on top of an investment boom) made this inflation appear to conform to historical precedent. But the persistence of price rises, indeed their rapid acceleration in 1969–70, when the war was winding down and unemployment beginning to rise, revived the concern of the late 1950's that the current inflation was a new virus, one perhaps not susceptible to treatment with acceptable dosages of known drugs.

No one thinks that inflation is incurable if enough unemployment antidote is administered. At some level of unemployment and underproduction sellers will stop raising prices and workers will forego wage increases rather than be entirely out of work. But when the amount of unemployment necessary to bring this about is large, the cure looks worse than the disease, and other treatments, like direct price and wage controls begin to look attractive. It was the persistence of inflation in the face of a 6 per cent unemployment rate that led President Nixon to prescribe the freeze—costly medicine, but surely less costly than even more unemployment.

The question of what kind of wage and price control mechanism should follow the freeze depends on a diagnosis of what has really happened to the economy in the last few years. Have there been some underlying changes which make it impossible for full employment and price stability to coexist without permanent price and wage controls? Or can we expect, after a period of temporary controls, to return to free-market setting of wages and prices? No one is really sure.

The current problem may be simply that once inflations get started they are hard to bring to a close, even if the demand for goods and services is no longer high. Cost-of-living clauses keep wages rising; unions strive for wage increases at least as large as those already achieved by other unions; and past inflation generates self-fulfilling expectations of continued price and wage escalation. If this is the basic difficulty then temporary controls may work. If they hold back inflation for a while the factors which keep it going may peter out and controls may no longer be necessary.

Alternatively, there may well have been a basic increase in the amount of unemployment which is compatible with stable prices, an increase due to changes in the composition of the labor force and other factors. It is true that at a given rate of unemployment, say 5 per cent, a higher proportion of the unemployed are women and inexperienced young workers now than in earlier years. It may be harder to reduce unemployment among these groups without bidding up the wages of relatively scarce and skilled adult males, whose wage increases, in turn, tend to increase prices. If this is the basic explanation, then permanent price-wage controls may not be needed provided other means, such as public employment programs or intensive skill training for the young, are used to reduce unemployment.

A more pessimistic view, held by economist John Kenneth Galbraith, among others, is that price-wage controls will be needed from now on if we are going to have any chance of achieving price stability and full employment simultaneously. Galbraith believes wage and price competition is a thing of the past. Our current economy is dominated by a few giant firms. ("The numbers are not great; we must think without error of most work being done by five or six hundred firms") and a few big unions. The giant firms can set prices where they want them—they do not have to react to market pressures as small sellers do in a competitive market. The unions can exact large wage increases, because the firms know they can pass the costs on to consumers. An upward wage-price spiral is inevitable. Unless the government is willing to put pressure on firms and unions by allowing massive unemployment—hardly an acceptable alternative—it will have to resort to direct controls on wages and prices to mitigate the spiral. Few economists are as pessimistic as Galbraith, but plenty would admit the possibility that wage-price controls may prove a permanent necessity if inflation is to be controlled.

Nor does past experience with wage-price controls provide much guidance for the future. History tells us that in wartime—with the full cooperation of business and labor leaders and an elaborate bureaucracy—comprehensive mandatory controls can operate effectively, at least for a while. The World War II and Korean price controls did work. There was a special wartime spirit of sacrifice, of course, and besides not much real sacrifice was necessary. Production employment and profits were at extremely high levels—no one was hurting—a fact that suggests that general prosperity may be one of the keys to general cooperation with wage-price controls. The costs in red-tape and loss of freedom were considerable, but most people were willing to pay these costs in the interests of maintaining reasonable price stability in wartime.

The past success in voluntary controls is more questionable. The experience with the Kennedy-Johnson guideposts in the 1960's is open to interpretation.

The Kennedy administration came into a situation in which price stability had been bought—in the last Eisenhower years—at the price of considerable unemployment. The new team was eager for economic expansion, but equally eager to accomplish it without inflation, in part because the balance of payments deficit was growing, and, in those days, letting the dollar float was an unthinkable thought. So they promulgated the guideposts—a set of rules about wage and price increases—and urged voluntary compliance with them.

The first rule was that wages should rise at the rate at which productivity (output per man hour) was rising for the economy as a whole. That was to be a general rule, although it was noted that wages would be expected to rise somewhat faster in industries with exceptionally low wage rates or with labor shortages, and somewhat slower in other industries. The second rule was that prices should change in line with costs, going down in industries with higher than average productivity, especially those with high profits, and up in those with below average productivity. The net result was supposed to be fairly stable general price level with gradually rising wages.

The rules were sensible and, in fact, the early 1960's were years of relative price stability, although it is not clear how much credit goes to the guideposts. There were a few spectacular incidents, notably the government's confrontation with the steel industry in 1962, in which presidential pressure to conform to the guideposts was clearly effective. There were others, like construction wages, where the guideposts were clearly violated. Efforts to induce actual price cuts, such as would have been appropriate in the highly profitable automobile industry, met with failure. On balance, the guideposts moderated price and wage increases in the early 1960's, although it is impossible to say how much.

The pressure of the Vietnam build-up made the guideposts more difficult to take seriously. In fact, the government abandoned the practice of issuing specific numerical guideposts and tried instead to exert its influence on a few crucial wage and price decisions. This practice, which came to be known as "jawboning," probably also had a moderating influence, but was vociferously rejected—as unwarranted interference with a free economy—by the Republicans when they took office.

In the light of this history it is not at all obvious what should follow the current freeze, if only because no one yet knows for sure exactly what is causing this inflation, how long it will last, or what should be done about it. In view of all the uncertainty, whatever controls are tried should be seen as frankly experimental. As a nation we will have to try various approaches until we find one that works. What has finally become clear is that the American people are no longer willing to tolerate either high unemployment or rapid inflation and are willing to put considerable effort into finding a workable mechanism that does away with both.

GROWTH OF NATIONAL DISTRUST AND SUSPICION

Mr. MONTOYA. Mr. President, the war has done more than disable and kill many of our fine young men, or robbed us of income, jobs, and a stable dollar. It has also eroded the very soul of this country. The unity and purpose that began to coalesce in this country under President Kennedy have been shattered by our presence in Southeast Asia. Distrust has replaced cooperation; division has replaced common efforts toward the public good.

Deception has been one of the key traits in official explanations of our involvement. The tragedy of this is not so much that a handful of men lose their honor, but that an entire Nation jeopardizes its soul. Our Government is based on mutual trust between our elected officials and the people. The damage done by the violation of that trust will bear bitter fruit for years to come. The appearance of the Pentagon Papers washes away any attempt to explain our involvement on the basis of rational and open deliberations. The continuation and extension of the air war at the same time that our rhetoric heralds the return of combat troops is simply a further continuation of the process and principles that ensnared us in the jungles of Vietnam those many years ago.

The Senate, in a closed session last June, discovered that the air war in Laos was leading this country into a new bed of quicksand while our pronouncements were claiming steady withdrawal from Vietnam. 300,000 Laotians have been turned into refugees by our air war over their homeland. Already our Nation has released more than three times the tonnage of World War II bombing in the air of Indochina. To continue such activity under the cover of pronouncements of disengagement will simply lead to further shattering of the bonds that have so delicately held this country together. Rather than causing a rallying together of our national effort, Vietnam has caused the growth of division and faction. This is too large a cost to pay.

DRUG ADDICTION IN THE U.S. ARMY

We are not the only Americans who realize the impropriety of our involvement in Vietnam. The men serving in our Armed Forces also recognize this fact. As a result of the unclear rationale for American presence there, and the inaction associated with a military strategy based on holding enclaves, the men in our Armed Forces have turned to drugs. It is estimated that over 50,000 troops have now been involved in the use of drugs in Vietnam, and that at least 15 percent have become addicted. Precise figures in this area are difficult to obtain, but it is unanimously agreed that the drug problem is extensive among our troops in Vietnam. The net result of this will be a tremendous drain of human and financial resources of this country as we attempt to deal with the problems these young men will carry with them upon their return to their homeland. Again we must ask the question, Is our involvement worth this price? The answer must be a resounding "No."

PRISONERS OF WAR AND SEPARATED FAMILIES

The war has placed a tremendous load on the family life of many American servicemen. Though all servicemen assigned to Vietnam must bear this burden, no one bears it with the severity of those whose loved ones are now jailed by the enemy forces in that country. The longer we prolong this war, the more we impose separation on the families of servicemen and prisoners of war. The only way to reunite these families is to end the war. Former Secretary of Defense Clark Clifford announced earlier this year that his discussions with representatives of North Vietnam indicated that arrangements for the release of prisoners would be made as soon as this country set a specific date for the withdrawal of its combat forces and ended the bombing. The same statements have been made by Senator GEORGE MCGOVERN and Representative SEYMOUR HALPERN, of New York, after their visits to Indochina. The only way to test this argument is to arrange for the withdrawal of our troops.

It is the usual practice in warfare for prisoners to be exchanged after hostilities cease. It seems to me that those who argue for continuation of the war bear a responsibility to these spearated families to provide an explanation for the continued separation of husbands and fathers from their families.

LEADERSHIP IN FOREIGN AFFAIRS

The war in Vietnam has made Congress aware of the responsibilities it has neglected in past decades. This is to the benefit of Congress and the country, but the overall pattern of leadership now being formed as a result of contentions over this war is not healthy for this country. The President and Congress should cooperate in formulating policies on foreign policy, and the result seems best when the President first establishes the lead. But the present situation in Vietnam does not allow this kind of pattern. We can wait no longer.

In order to rationalize executive leadership that has led us in the wrong direction, advocates of presidential power have gone to unhealthy extremes. The comments of the State Department on March 10, 1969, regarding the national commitments resolution are a clear example of this:

> As Commander in Chief, the President has the sole authority to command our Armed Forces, whether they are within or outside the United States. And, although reasonable men may differ as to the circumstances in which he should do so, the President has the constitutional power to send U.S. military forces abroad without specific congressional approval.

The point I would make is this: Such comments are not in the best interests of developing cooperative leadership in foreign affairs for this country. Some degree of struggle between the branches of Government is always healthy: The degree of contention between the executive and congressional branches over Vietnam has clearly gone beyond the point of beneficial competition. The state of our Nation demands unified leadership. Vietnam has instead produced contentions at the highest levels of Government.

EFFECT OF THE WAR ON VIETNAM CASUALTIES

The war has been devastating for South Vietnam. Its military forces have absorbed twice the number of casualties received by U.S. forces. Over one-third of the population are now refugees. The war has chased the peaceful civilian population of Vietnam back and forth across its beautiful mountains and jungled valleys. Every study of Vietnam shows that the greatest desire of the population is simply to achieve peace.

THE ECONOMY

The war has caused severe dislocation in the U.S. economy; but it has virtually devastated the economy of South Vietnam. Prices have risen 700 percent since 1965. South Vietnam's balance-of-payment account showed a deficit of $588 million in 1970. That deficit takes on increased meaning when we see that South Vietnam imported $600 million worth of goods and only exported $12 million worth of their products. South Vietnam has come to depend overwhelmingly on U.S. aid for its existence. A minimum of 50 percent of the South Vietnamese governmental budget is financed through U.S. aid. This is not healthy for any government.

POSTWAR ADJUSTMENTS

Modernization brought by U.S. money has created rising expectations among the population of South Vietnam. The influx of technology and a higher standard of living can only be supported by the flow of dollars from the United States to South Vietnam. Austerity measures will certainly be necessary after the war is over and U.S. presence declines. The longer America maintains its presence in Vietnam the more difficult this readjustment will be. Our presence has already brought difficulties by creating life styles that cannot be supported after we withdraw. The least we can do is to avoid making the situation worse by continuing our presence and making the readjustment more and more difficult as more Vietnamese become accustomed to our way of life.

AGRICULTURE

Vietnam was once the rice basket of Southeast Asia. Our presence in Vietnam has now made past history of such productivity. Rice production has been cut in half since 1965. The country used to export great quantities of rice, but has not done so since 1964. This is particularly harmful in light of the fact that 65 percent of the 17 million South Vietnamese make their living through agriculture. The bombing, population shifts, and use of chemicals in warfare have had immediate effects which have caused a drop in production, and will continue to bring long run difficulties for the agricultural sector of the Vietnamese society.

DEFOLIATION

One-seventh of the land area of South Vietnam has been sprayed with defoliants. This is enough for 6 pounds per person in the Vietnamese population. The use of such chemical substances has destroyed food that would supply 600,000 people for 1 year, and enough timber to supply Vietnamese needs for 30 years. Can anyone imagine that the cost of this war has matched the benefits for the Vietnamese society?

DEMOCRATIC ELECTIONS

South Vietnam has just completed a farcical election. President Thieu ran as an unopposed candidate. Perhaps the most telling comment about this election was the fact that President Thieu can only manage such an election through the control of the apparatus he has established with American support and aid. The immediate effect of such an election is to give an image of hypocrisy and deceit to the present government in Vietnam and to our involvement with it. The longrun effect, however, could be even more disabling to Vietnam. If the present Government in Vietnam does not establish broad-based participation in its processes, it is doomed to failure. That failure will come when American presence is withdrawn. Since the President has indicated that we are definitely withdrawing—though he has not established a definite date for withdrawal—it is only a matter of time before the Thieu government has to face such a reality.

Let me emphasize this point: The viability of a postwar government in Vietnam will depend on its ability to draw the various factions in Vietnam together to form a unified government. As long as our presence is used to defeat such a purpose, we are being used for the disservice of the future of Vietnam. The gains made over the last few years toward establishing a rudimentary form of participatory democracy have been swept aside by the recent elections.

We must do more than attempt to bring other candidates in by offering them financial support. We must instead exert our influence to force a truly open election. If we do not, our entire effort in Vietnam will be for nothing. The present government is doomed to failure if it does not broaden its support; Communist takeover is inevitable if President Thieu follows the pattern of Diem and narrows the portion of the population allowed to participate in the political process. A viable election would show North Vietnam that South Vietnam is moving toward a government that actually reflects and controls its population. This in turn would be much more likely to lead to meaningful discussions with North Vietnam for a permanent solution to the warfare that nows covers that land.

STRATEGIC NEEDS OF THE UNITED STATES

The role of China in Southeast Asia is crucial to determining the needs of the United States in that area in the future. Our misconceptions regarding the Peoples Republic of China helped lead us into Vietnam in the beginning. We mistakenly thought that China controlled North Vietnam, and that she was attempting to expand her military control throughout the region. Such, in fact, has not been the case. North Vietnam has constantly feared close association with China. Those who know Southeast Asia know that countries there have an inherent dislike for China, and that if left alone they would seek at a minimum to establish neutrality rather than close ties with China.

Our involvement in Vietnam may indeed force countries closer to China in order to balance the undue influence they feel from our country. Recently, the Government of Thailand initiated contacts with China and in the process gave a very interesting reason:

> Vietnam shows how dangerous it is to be too loved by a major power.

Just as the influence of China turned out to be a mirage leading us into Vietnam, so also is the notion that the road out of Vietnam lies on a path through Peking. If the announced trip by our President to Peking is for the purpose of negotiating an end to the war, it is based on misconception. The fact that North Vietnam is a Communist country is indeed an unhappy reality. Given that fact, the best role for the strategic interests of the United States is for North Vietnam to remain the "buffer" state between the Soviet Union and China. Attempts by our Nation to drive Vietnam into the arms of China will only lead to disaster.

Our strategic interests in Southeast Asia rest with the dominant powers in that area, Japan and China. Our success there will depend on how well we keep our friendship with Japan and how soon we establish stable relations with China. Vietnam hinders both these developments. We are paying a strategic cost for our involvement in Vietnam as well as other costs known so well in our country.

I want to restate my belief that we must take steps to encourage the establishment of a broadly based government in South Vietnam. If the rulers of South Vietnam will not allow the development of a democratic government, then we should cut our losses and sever our ties with such men as rapidly as possible.

After 55,000 dead Americans, more than 300,000 wounded and $130 billion spent, all we have to show is a dictator eliminating opponents, making himself the sole candidate and overwhelmingly reelecting himself by force. This is where we stand after almost two centuries of independence. Here lies the heritage of Thomas Jefferson, lover of liberty and apostle of individual dignity; betrayed by an Asian dictator and the Government of the country he helped found.

Throughout our history, we have fought not to enslave others, but to free them. Now, in the name of political expediency, we have reversed our tradition by openly assisting Thieu to stifle representative democracy, negating sacrifices made by our Nation during this misdirected war.

Worse, the American Embassy in Saigon, including the Ambassador himself, acted as an arm of the Thieu regime, accepting silently the ugly reality of wholesale suppression of dissent. In the process, our degradation before the world was compounded.

Is this an example we are determined to set for a generation of American youth? Can we expect to exercise leadership anywhere on the basis of moral rectitude and respect for human rights? Can we hope to command any respect save that engendered by a mailed fist?

From this moment on, we stand branded as champion of President Thieu, whose police and troops effectively silenced dissenters; people who took our words about self-determination and parliamentary institutions.

There can be no evasion of responsibility. We cannot say to anyone that we did not know what was being done in our name.

Every American boy who dies or is wounded in Viet Nam now is a monument to our persistent desire to embrace dictatorship, no matter how blatant. That is what our amendment is about.

We cannot prop up and do battle for this kind of cause without being indelibly stained by it and its deeds. We are what we believe in and stand for. We become what we defend and embrace. Will we want to exhibit pride in such a venture in times to come? Hardly.

One would have to search diligently today to discover any thinking American to endorse further American commitment to the Indochina conflict. Now it is time for us to confront the reality of what a continuation of our involvement will mean to the future of our Nation and its institutions.

Many a great power throughout history has been drained of vitality through blind persistence in a sterile foreign adventure. Athens found its Syracuse. Napoleonic France found its Spain and Russia. Napoleon III found his Mexico. No state, whatever its might, can pursue such a course without being bled of its physical strength and ideological ferver.

America's military power has always been mounted on a vehicle of positive ideology. Self determination, an end to slavery, Federal power versus States rights and a struggle against tyranny; these have been motivating forces behind our most spectacular victories.

An ignoble cause can never help but degrade and eventually defeat those who fight for it. Who can deny that colonialism, imperialism, slavery, and race hate degraded our opponents in the past? Who can deny that our persistent embrace of all the evil this war represents will not erode us in a similar manner?

We would do well as a country to calculate what prolongation of our involvement will mean. It will multiply and expand the already severe effects of negative factors in our national life.

Dialog between groups has in many instances given way to utter estrangement. Whatever happened to the theme of President Nixon's inaugural, "Bring Us Together?" It has gone the way of our prosperity, progress in human rights and dedication to domestic problems. If we continue to wage war in southeast Asia, meaningful discussion of differing points of view on vital issues will become a rarity. We cannot afford further stifling of such discussion. As a result of our Asian adventure, we have sustained an unprecedented rebuff. We are unaccustomed as a nation to such shocks. The longer we remain committed there, the more severe will be our eventual harm. One ultimate result of such a chain of happenings will be an unprecedented insularity on the part of the mass of Americans.

If we persist in an already sterile military enterprise, complete with oppression characterizing our Saigon clients, we shall lose what is left of any good will we have accumulated around the world. Never before has America loomed over the international stage as a potential aggressive force, complete with intervention, abuse of technology and abuses against civilian populations.

Previously, we have been a defender of liberty, liberator of enslaved peoples, and nation of rebuilders. In the eyes of much of the nonwhite world, we have become a destroyer of non-Anglo-Saxon cultures and societies. Even though we did not intend it, such an image has been created in the minds of hundreds of millions of people with no memories of the Kaiser, Hitler, and the Korean invasion.

They see only devastated villages, defoliated vistas, mutilated youngsters, and fleets of bombers dropping tonnages that have turned much of South Vietnam into a landscape rivaling the moon in desolation. Today we stand before much of the world, like it or not, as a domineering, ultra-powerful state, gorged with foreign raw materials and destructive technology, tearing up small countries resisting our will.

We can hope to be respected only by coming to grips with the reality of Vietnam and leaving it as swiftly as possible. Only by such action can we salvage a vestige of pride, self respect, and national dignity, avoiding the fate of being considered a pariah among nations; a kind of super-powerful Albania or North Korea.

It is written that he who sows the wind reaps the whirlwind. Such a truism will bear bitter fruit in our land in years to come, emanating from the very men who have had to fight this war. It will come from boys we have trained; a generation of killers for a cause that turned out to be devoid of meaning.

It would be a beneficial exercise if Americans made it a point to seek out and speak to veterans of the Indochina adventure. Most people will recoil in alienation from the reaction, such is its force, bitterness and barely repressed violence.

Nothing is worse than idealism, patriotism, and commitment turned sour by a sense of betrayal. Millions of veterans harbor a sour taste of being let down by the very society they fought for. Idealism has been replaced by cynicism, patriotism by bitterness and commitment by anger. Across our land there have been no victory parades for these men. Rather, they have returned to violent polemics and acrimonious debates dividing us over the war most now feel is a waste. Memories of friends dead and suffering shared become betrayals to be avenged instead of recollections to be cherished.

Worse, our society has shortchanged them in terms of jobs, skills, training, and a feeling of being wanted. As they join lines of patients waiting treatment in staff and fund-short veterans hospitals, they ponder.

We extend our commitment to Saigon at the risk of producing still more such frustrated men. It behooves America to get about the long-delayed task of easing their transition and absorbing the harsher edges of their emotions rather than creating more of them, risking even greater divisions and alienation.

America would do well to ponder another nondegradable byproduct of this conflict: creation of a wartime mentality already lasting close to a decade. An entire generation of Americans has grown to maturity knowing nothing but conflict. Our guns have never been silent to them. War has become a permanent state of mind. Peace is a word used by people running for office or mentioned in sermons. We teach it in school. We pay lipservice to it at public festivals. Yet in real life we exist in a constant state of war. Our foreign policy is at odds with our ideals and national goals in the minds of millions of young people. Is it a source of wonder, then, that so many of them are harshly estranged from society?

Another result has been virulent hatred of America by those very minorities who have borne such a disproportionate share of sacrifices in the field. Well-to-do America has lived sheltered in large measure from the ugliness of Indochina. Not so the case in our minority communities. Black, brown, red, Appalachian, poor southern white, poor rural, poor urban ethnic, poorly educated, and noncollege-deferment people. All have spilled their blood in more than full measure. If we persist in this conflict, we shall end by incurring more alienation on the part of these citizens than from anyone else.

This conflict has prostituted, corrupted, and bastardized every ideal we purport to stand for. Jefferson spoke of the tree of liberty sprouting in the soil of America. What chance does it have to flourish if it is poisoned by dictatorship, abrogation of civil liberties, and suppression of dissent?

Indochina has led to the development of a fullblown counterculture, hostile to every traditional American value. Everywhere we are confronted by evidence of its infrastructure, hating our ideals, damning our institutions and villifying our way of life. Many of its representatives are our own children, who, in the face of national endorsement of an inexcusable conflict, in moral agony turn upon us as personifications of national hypocrisy.

America's capacity for cultural and political pluralism is also being irreparably damaged. Previously, the American genius was compromise. Every crisis confronting us was averted or watered down by compromise. The only time that failed us, we were plunged into civil war. Today pluralism and its corollary of compromise are in grave jeopardy because of political polarization, one of the bitterest, most menacing byproducts of Vietnam.

More than ever before, the American people deeply distrust their Government. Before now, we were almost unique among nations in that most citizens were predisposed to grant credence to claims and statements of their Government. European regimes enviously noted this syndrome, knowing centuries of hard lessons had taught their citizenry to exhibit the opposite reaction.

Today, the United States is no longer an exception. Our people have been lied to and lied to again. Falsehood has been piled upon exaggeration. We have had fraudulent victories, secret negotiations, plans to end the war, light at the end of the tunnel, and a host of other claims by people garbed in traditional symbols of authority and credibility. All have been proven false. No nation can long survive if its people overwhelmingly distrust its leaders and the institutions they dominate and mold. For the second time we have met with frustration in Asia. I fear creation of a new American attitude of hatred for Asia, Asians, and things related to that area of the world. We must act more out of a sense of national self preservation than through mere indignation. I have offered my amendment as an alternative to a program of endless withdrawal and continual support of the present dictatorship. I hope that this body will recognize the need to help establish a popular, broadly based government in South Vietnam coupled with a definite date to liquidate U.S. military presence, and I hope the Senate will vote to pass this amendment.

Mr. BYRD of Virginia. Mr. President, I yield 10 minutes to the Senator from Georgia.

Mr. GAMBRELL. Mr. President, I rise to oppose the amendment offered by the distinguished Senator from New Mexico. I believe I understand its appeal under present circumstances. However, I strongly urge the Senate to reject the amendment offered, which is designed to force a new presidential election in Vietnam. I am not here to attack, or to defend, the recent elections in Vietnam. I believe it is enough to say that what transpired in Vietnam on Sunday did not measure up to the standards of democratic processes as they are applied here in the United States. However, the question propounded by the Montoya amendment is whether we will seek to apply made-in-the-United States standards to events in a country 10,000 miles away. I think we cannot, and should not, do so.

As I see it, we have been trying to help the South Vietnamese people defend themselves so that they can develop their own democratic processes. We have not demanded, up to now, that their processes necessarily mirror ours.

If we seek to require that Vietnamese elections meet U.S. standards, I think we will be sending an unfortunate message to capitals around the world. We will be saying that the United States will capriciously intrude into the political processes of its allies and into the political processes of the nations to whom it provides assistance on the threat of withdrawing that assistance. I would not like Congress to send out any such message.

Whatever countries will these guidelines be applied to?

Further, I question whether the standards set forth in this amendment could ever be honestly met and whether President Nixon could ever make the findings which the amendment requires.

For example, the amendment says elections should "guarantee free and open competition" among opposing candidates. I suggest that Congress has recently been at work because we are not convinced that free and open competition is guaranteed in the United States.

The amendment requires that campaign workers be free from "harassment and intimidation." In many democratic nations, including the United States, charges are often made involving such intimidation.

The amendment says that open and free elections should guarantee that voters "are allowed to freely exercise their franchise." I suggest that in the United States, which is generally thought of to be the freest of the free nations, we have not always been able to deliver on that guarantee.

In other words, Mr. President, the Montoya amendment can be read as requiring not only that South Vietnam conduct elections as we conduct them, but even that South Vietnam conduct elections as we would like to see them conducted. It has been frequently said in this debate that the United States is withdrawing from Vietnam. One amendment to this bill has already been adopted which is designed to accelerate the pace of the U.S. withdrawal.

In reality, the Montoya amendment is not really an amendment directed at the elections in Vietnam; it is in truth and in fact a Vietnam withdrawal amendment. It is not only a withdrawal amendment, but it is also a funds cutoff amendment.

The amendment provides that funds authorized or appropriated for operations in Indochina may not be expended beyond a period up to February 3, or possibly up to April 1, 1972. In other words, all that could be gained by a new election in Vietnam under this amendment prior to February 3, 1972, would be the extension of an additional 3 months of U.S. assistance to the new government. What sort of assurance, guarantee, or support is that for the type elections, the type democracy that this amendment seeks to support?

Mr. President, I suggest that inasmuch as other allies that we support and to whom we give financial assistance have elections of which we would not approve, we should not discriminate in our commitment against South Vietnam.

The amendment, therefore, simply supersedes the Mansfield amendment which already has been adopted to the pending measure. The amendment not only urges the President to negotiate, but also, in fact, places a termination point on those negotiations and at the absolute termination point of our negotiations with the Vietnamese Government it requires termination of participation in Vietnam at the end of 6 months, regardless of what takes place. I think we have already plowed that ground several times before in connection with the draft bill. The so-called McGovern-Hatfield amendments of similar character have been voted down time and time again in this assembly.

Mr. President, in the elections recently held in Vietnam, of course none of us know the exact circumstances and I find it very difficult from reading newspaper accounts to determine exactly what took place as measured by our own standards, but I would say that we need not leave it to the President of the United States to make a determination about the character and quality of that election. It has already taken place; it is behind us. If we wish to condemn it, let us condemn it on our own, but let us not leave it to the President with nothing but a vague, indefinite, and uncertain yardstick to determine whether the election was democratic or not democratic and whether it met high standards or not.

An amendment such as this simply delegates to the President a determination which this body should make on its own, if it is to be made at all.

Therefore, I hope Senators will decide that this proposed amendment by the distinguished Senator from New Mexico is ill-advised and that it is a poor way to express our commitment to free and open government processes which this Government supports in South Vietnam and other countries with which it is allied around the world.

Mr. President, I yield the floor.

Mr. BYRD of Virginia. Mr. President, I yield 10 minutes to the distinguished Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

guished colleagues from Virginia and to express appreciation to my distinguished colleagues from Virginia and Georgia. I also rise in opposition to the Montoya amendment.

I was listening with considerable care to the colorful speech which was made by the Senator from New Mexico. I must say I was somewhat surprised by it. If one were to listen to that speech and accept what he said, the whole problem in Vietnam consists of the United States; not a word was mentioned about the North Vietnamese, they being the ones who invaded South Vietnam, Laos, and Cambodia. We have not invaded anyone; we have gone to South Vietnam to try to preserve the rights of the people of South Vietnam to be able to defend themselves. Our objective has been to let them live in peace without being subjected to Communist takeover.

I did not hear any of that mentioned in the Senator's speech. I did hear a lot of other words about the problems over there. Of course we have problems there. We have had problems in Chicago, if that needs to be said, and problems in all parts of this country in our elective process.

But the thing that is surprising to me and that is never brought home is that while the Republic of South Vietnam which is referred to in this amendment as the "government of South Vietnam" has conducted about seven or eight congressional elections in terms of what we would call congressional elections, and an enormous number of local elections, they have now gone through two presidential elections while they have been at war.

It is nice to say that since 1964 the horrors have gone up and that they are not exporting rice. Of course, they are not exporting rice. They have been fighting a war since that time. Most of what they produce has gone for their own supplies and to take care of their people, and some of it has been destroyed. It is true where it was being used for support of the Vietcong or the North Vietnamese that was done with approval of the Province chiefs.

This is not a hit or miss proposition. We get all these emotional statements back and forth. The truth is that the United States acted with the acquiesence of the Senator from New Mexico. He voted for the Gulf of Tonkin resolution, as I did, and for appropriation and authorization bills all the way through which provided funds for Indochina; and just a few days ago he supported the Symington amendment which provided $350 million for expenditure in Laos, not counting expenditures required to bomb the Ho Chi Minh Trail and areas around Laos.

So it seems to me we have two different things. We have actions of the Senator from New Mexico and then we have the speech that he has just made.

What is the effect of the amendment if it is agreed to? Among other things, the amendment would cut off all aid to Laos, and cut off the funds provided in the Symington amendment, which the Senator has just supported.

I did not support it. I voted against it. I voted against it for a different reason, I am happy to say. But I do not think we ought to simply say we are going to cut out all aid in Indochina simply because we do not like the form in which they have their elections. It just does not seem to me to make good sense.

Secondly, I would point out that although it is a different type of election than we desire in this country, nevertheless there was an opportunity for other candidates to participate. Mr. Minh and Mr. Ky were certified as being eligible. Both of them said no, they did not want to run. They did not want to be beaten. Nobody likes to get beaten in an election. That is perfectly true of all of us here. Some of us run and take a chance. Some of us are successful even when we think we are not going to be. These two gentlemen decided they did not want to run, and that is all right. That is their prerogative. But I do not see why people should say that simply because only one man ran for office, at that point we are going to cut off all aid, disrupt the country, require new elections, interfere even more in their own internal affairs, and disrupt the whole program for withdrawal that the President has been trying to work on. That would be the effect of it.

There are some other things that I think should be said about the amendment itself. While on page 2 it says that we have to cut off all aid, over on page 3 it says:

> Nothing in this section shall be construed to affect the authority of the President to—
>
> arrange asylum or other means of protection for South Vietnamese, Cambodians, and Laotians who might be physically endangered by the withdrawal of American Armed Forces.

Now I ask you, Mr. President, this question. We do not have military in there. We do not have any aid. We do not have any money. We do not have anything else. How in the world are we going to provide asylum for three countries, with the millions that are in Cambodia, the millions that are in Laos, and the millions that are in South Vietnam? Are we going to provide asylum for them? How? It just does not seem to me this amendment holds at all in a sensible program of trying to complete the withdrawal which every one of us is working for at this point.

There are a few other points which I think are of interest. What is going to happen, if this amendment should be adopted, as I said, to the authorizations which have been approved and the Symington amendment for the protection and support of the people in Laos? What is going to happen, for that matter, in Thailand, where we have a SEATO obligation, if we suddenly, by act of Congress, say, in an area of hostilities, "We do not like the way the government is going in one particular area and, therefore, we are going to stop it"? How many of our allies are going to believe that the United States has any firmness of determination in any of its alliances? How are we going to convince the Japanese or the Thais or anybody else in the Asian area that we are going to support what we have said in duly executed, carefully worked out treaties of mutual support and defense? It does not seem to me that that could possibly be carried out with an action of this kind by Congress, if we adopt the amendment.

Mr. President, with all due respect to the Senator from New Mexico, and giving him a full plus for idealism, I would say that, from the standpoint of practical operations, this amendment is not only unworkable but, if it were adopted, would undercut us in all our alliances in Asia, which would most certainly start the domino theory in operation again and, above all, it would create civil strife in Vietnam which would be beyond belief—the very thing we have been trying to avoid.

With reference to the question of democratic processes, this is really quite interesting. I have before me a press dispatch from the AP this morning which says that Ky has charged that there was a rigging of the election—I do not know whether there was or not—and also that four people have now filed before the Vietnam Supreme Court a contest of the election on the ground of irregularities. Here we have a country at war. Here we have an election going on. Here we have an individual who has been elected by a referendum. It is said there are no democratic processes there, but each person can still go to the supreme court and get an injunction against it. The people themselves are doing it, not the U.S. Government.

It strikes me there is nothing more suitable to challenge the question of whether or not this election was good or bad than the particular method of having it challenged by the people in the country itself.

One other point, Mr. President, I think is of interest. I want to make sure I have is properly worded here. I referred previously to other elections. I refer to the Republic of Vietnam's Senate elections in August of 1970. I believe it was universally agreed, or almost universally, anyway, that that election was scrupulously fair. There were six or seven parties represented, as a result of that election, in the Vietnamese Senate. More recently, in the lower House the Buddhist candidates have had a greater broadening of their representation, showing the democratic process there.

Of course it is not perfect. There are many countries in Latin and South America, I might say to my friend from New Mexico, which have had what under no circumstances could be said to be democratic elections. As a matter of fact, most of them have been military takeovers.

So I would say there is no point in trying to put the blame for the whole situation on the basis of one election, after a country has been engaged in war for some 6 years and we have seen what went on in previous elections, when the government was disrupted. This proposal would be a further downgrading of the purpose, the will, and the objective of the United States and of the South Vietnamese people in trying to preserve for themselves their own rights of freedom.

I thank the Senator from Virginia for yielding to me.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum, with the time to be charged equally to each side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, I yield 20 minutes to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Virginia for yielding me this time to discuss the pending Montoya amendment. I rise in opposition to the amendment.

It is a somewhat different amendment from the amendment as originally filed, it now being a star print of the amendment, changing the amendment in one very important particular which I shall discuss in just a moment.

We are back, as I see it, where we were a few weeks ago when some Senators were claiming that we could legislate a date certain to end the Vietnam conflict.

This amendment, it occurs to me, is a combination of the McGovern-Hatfield amendment and the Mansfield amendment, and if any issue has been fully debated on the floor of the U.S. Senate, it is the issue embraced in the McGovern-Hatfield amendment.

We are back to the point where some Senators have become military strategists overnight. Not only that—they have been endeavoring to put the President in a straitjacket by robbing the executive department of authority it has rightfully used since the borning days of our Nation.

Let me be specific. The Montoya amendment seeks to force the President of the United States to encroach upon the sovereignty of the Republic of Vietnam by prohibiting the expenditure of funds authorized or appropriated under H.R. 8687 or any other law to support the deployment of U.S. Armed Forces in, or the conduct of U.S. military operations in or over, Indochina beyond 4 months after last Sunday's presidential election in South Vietnam unless the President submits a report to the Congress that the Vietnamese election met certain criteria established in the proposed new section.

The original amendment provided that the funds should be cut off at the end of 4 months unless the President made a certain certification with regard to the democratic processes in the election in South Vietnam. If the President made that certification, then the 4 months limitation was lifted, and there would be no prohibition on the expenditure of funds, no cutoff of funds; whereas, in the star print, the funds are cut off at the end of 4 months unless the President buys an additional 2 months by the making of the certification as to the holding of a so-called democratic election in South Vietnam.

Under the original amendment, if the President made the certification, there was no cutoff of funds. Under the star print, if the President makes the certification as to the holding of a democratic election, then the funds are not cut off for a total of 6 months, but at the end of that time, the funds would definitely be cut off, getting back to the old McGovern-Hatfield principle calling for a definite time on the withdrawal of troops, or in any event, the withdrawal of funds to support the troops, which would force a withdrawal.

AMENDMENT 419

Mr. President, in the debate on amendment 419 to the military procurement bill let us put the question in perspective. For this purpose, I want to quote the remarks in the opening three paragraphs from the introduction to the monograph prepared by Sol. W. Sanders entitled "The Arc of Free Asia".

> Much of the great debate over Vietnam policy in the United States is irrelevant. It often lacks historic perspective; ignoring or distorting, for example, the enormous impact of our relations with Asia on American history from the founding of the Republic. Looking toward the future, much that is said refuses to take cognizance of the vast technological changes which must apply to world politics in the coming decade.
>
> My argument here is straightforward: Whatever happens in Vietnam—whatever the outcome of that conflict—the U.S. is committed to a growing involvement in Asian affairs in the 1970s and beyond. The complexity of our commitment will grow, whatever the exact nature of its demands, due to the enormity and the complexity of Asian problems. This is the outgrowth of the accumulated failures of the past in Asia, but particularly of the immediate two post-World War II decades.
>
> Radical new concepts and methods will have to be applied to these problems if their enormity does not overwhelm the Asians—and threaten our own security. Despite our obvious mistakes, the U.S. is uniquely qualified to lead this revolution in Asian development. In fact, the impact of American culture and technology in Asia today is the chief revolutionary force dwarfing the self-styled revolutionary approach of the Communists to change the fundamentals of Asian societies.

Mr. President, with these observations in mind, it is appropriate to ask what is the purpose of the proposed amendment?

Let us refer to its language. "Section (a)—The purpose of this section is to reaffirm the position of the United States Government with respect to the establishment of democratic processes of the government of South Vietnam."

Let us forget South Vietnam for the moment. What is meant by the term "democratic processes"? Now specifically what is meant by the word democracy?

Mr. President, this term has tripped up many people for many years. When we turn to the opinions of authorities on the subject, we find no consensus of opinion. One can turn to Carl L. Becker in his interesting book entitled Modern Democracy and get several points of view. Or one can turn to any one of a host of other authors for definitions, few of which agree in all the attributes of democracy or democratic processes.

So-called liberals and so-called conservatives are confronted with a semantic dilemma. However, since the amendment under consideration is offered by professed liberals, it is only fair that we turn to liberal sources to demonstrate the semantic dilemma. In the scholarly treatment of the subject by Sol. K. Padover in his book entitled The Meaning of Democracy, one could quote endlessly on the subject, but a few quotations picked at random will suffice to illustrate the point:

> As democracy is difficult in practice, so it is also hard to explain fully in words. It has never been easy to say with precision and inclusiveness what democracy is, primarily because one of its salient characteristics is its lack of rigid dogma or structured form. Being essentially a humane polity, that is, one that on the ideological plane is rooted in ethics and justice, an understanding of it may lie in feelings as much as in reason.
>
> Still others, possibly a majority of those who profess faith in democracy, consider it primarily a welfare system. They equate democracy with social welfare, regardless of how it is achieved or maintained.

The author, Mr. Padover, calls our attention to this very pertinent question:

> In countries like India and Japan, this writer has frequently been asked by thoughtful individuals whether democracy, being a product of Western and Christian civilization, had any applicability to Asians and others whose culture was neither Occidental nor Protestant. They expressed serious doubt whether the democratic idea, so widely proclaimed as embedded in American policy, could really be exported.
>
> Similar doubts have been raised by others, including Westerners, who have questioned whether democracy was suitable to any other peoples except the nations of North America and northern Europe. In an article entitled "Can Democracy Survive?" an acute critic, C. Northcote Parkinson, stated flatly, "Where democracy exists, it may well survive for a further period; but there is good reason to question whether it is likely to take root in any soil to which it is new."
>
> On the behavioral level, democracy has wider applications. It is, as John Dewey emphasized, "a way of life." It is a way of looking at things. It is a way of feeling about humanity and society. It is a way of political behavior.
>
> One finds nowadays skepticism about the applicability of democracy to modern conditions. Some consider it too dated, and hence unfit for the space age. Their doubt is based on the fact that democratic ideas and institutions were created in—and presumably for—a world radically different from today.

Mr. President, I hope I may be forgiven if I question whether the proposed amendment affirms a proposition with respect to a national policy which does not exist and perhaps never existed outside the idealistic imaginings of word mongers. Can it be said that there can be no healthful skepticism about the applicability of our concept of democracy and democratic processes of government in South Vietnam? Or can we agree with the judgment of Rousseau expressed in this observation:

> As for democracy, the basic definition was made by Aristotle and subsequently accepted by others, including men such as Montesquieu and Jefferson—namely, that it is a system of government where the "supreme power is lodged in the people." This does not mean "perfect democracy" where all the people rule directly, which Jean Jacques Rousseau admitted was an impossibility, saying "it never has existed, and never will."

Mr. President, I could continue to quote ad infinitum on the concept of democracy, but this is not my purpose. We have an amendment to be voted on which proposes to reaffirm the position of the United States Government with respect to the establishment of democratic processes of government in South Vietnam.

The point is that there is no consensus of opinion anywhere in the United States or in the nations of the world on the meaning of the term "democracy" or "democratic processes."

Nevertheless, in the language of the amendment:

> Congress declares that United States military assistance to the Government of South Vietnam has consistently been founded on the concept of free and open elections.

This particular section of the proposed amendment rattles off additional attributes of what the authors consider to be democratic processes, and then declares:

> This has been the stated policy of the United States Government for many years.

Mr. President, I think the average citizen will be forgiven if he questions the wisdom of our right to establish by law "democratic processes" for any nation.

But, Mr. President, this is not the end of questions about the proposed amendment. Section (b) provides, in part, as follows:

> (b) Funds authorized or appropriated under this or any other law to support the deployment of United States Armed Forces in or the conduct of United States military operations in or over Indochina may not be expended beyond February 3, 1972; . . .

This means that after the fiscal year, beginning in July 1971, no funds may be used to support military operations against a Communist takeover of Southeast Asia after a maximum period of less than 4 months from today, depending upon the date of enactment of this amendment—should it be enacted. We would thus be creating a power vacuum in an area of the world vital to the interest of the United States. The term "Armed Forces" includes military advisers, instructors, and maintenance presonnel absolutely necessary to defense, not alone of South Vietnam but other free nations in Indochina.

To be fair, the proponents say that the date for cut off of support for the nations of Indochina may be extended beyond February 3, 1972, if the President of the United States notifies the Congress in writing that:

> (1) The Government of South Vietnam has conducted a democratic, freely contested presidential election; and
>
> (2) the procedures used in such election guaranteed the rights of campaign workers and protected the franchise of the people of South Vietnam; and
>
> (3) such election was conducted in a manner consistent with the purposes of United States efforts on behalf of the Government

of South Vietnam as defined in subsection (a) of this section.

The Commander in Chief of the Armed Forces of the United States may be given a 6-month reprieve to protect the vital interests of the United States in Southeast Asia, provided he employees "democratic processes" to undo results of the election already completed, and by "democratic processes" compel the people of South Vietnam to hold a new election supervised by the United States.

Mr. President, I submit that this proposal is utterly preposterous. This proposal would require the overthrow of the only government that is in South Vietnam and then lay down ground rules and dictate the conduct of a new election.

Is it proper to ask if the authors of this amendment are willing to establish the same criteria for assistance to Communist nations? War is war and there are wars by other means.

Mr. President, I might support an amendment in the language proposed by the authors of this amendment, if it established the same criteria for elections held in Communist nations. Or if we established the same criteria for elections held in all nations of the United Nations. But this is obviously unrealistic.

Mr. President, under the constitution of the Soviet Union, the power to rule the nation is delegated to the Communist Party. It is the Communist Party that rules the Soviet Union. The government of the Soviet Union is but an instrumentality of the Communist Party. Yet they insist that their single party elections are consistent with democratic processes.

What is good for the goose should be good for the gander. If it is a wise policy and one consistently to be followed that our aid to help nations defend against Communist aggressions should go only to countries which conduct free and open elections, then I think the assistance in every shape, form, and fashion should be excluded from all communist nations and all other nations which do not conduct free and contested presidential elections and elections in which procedures used guarantee free, fair, and open competition among the candidates and protect campaign workers as provided by criteria established in the amendment before us.

Why should the proponents of this amendment not urge the President to insist on the same criteria for elections in North Vietnam and urge the President to seek an agreement with North Vietnam to provide for a series of phased and rapid withdrawals of their troops from South Vietnam and from other nations of Indochina.

It seems to me that the issue presented by the proposed amendment must be decided on the basis of our national interests. Where does our national interest lie? It is a fact that United States troop involvement in South Vietnam is being wound down. The President's policy of phased withdrawal of Armed Forces from Vietnam is ahead of schedule. Why handcuff the President in related matters in Indochina?

The conduct of foreign affairs is by nature the primary responsibility of the executive branch of Government. This was clearly recognized by the authors of the Federalist Papers and in the debates on the adoption of the United States Constitution. It would seem to me that all Senators recognize that the Congress of the United States cannot, on a day-by-day basis, conduct the foreign affairs of this Nation. Why else do we have a State Department with primary responsibility for foreign affairs under direction of the Chief Executive?

This is not to say that Congress is without a proper role under our unique system of checks and balances. It is the repository of the purse and it can interpose its will by denying funds to the President for implementation of foreign policy which either he or his principal advisers may have determined upon.

The fact is, however, that the President is doing his dead level best to pull us out of the mess in South Vietnam but in a manner consistent with our responsibilities to our SEATO allies.

Let us be honest with ourselves. If the Senate were to enact this amendment, the President of the United States would be confined by a straitjacket. He would be confined to a time framework which imposes limitations on Executive prerogatives and initiatives and on the flimsiest grounds that the time element is more important that our national interest in preserving stability in Southeast Asia. This being so, we can only ask who would most profit by restrictions on the options of the President of the United States? Communist North Vietnam would be the immediate beneficiary and the forces of international communism would be the ultimate beneficiary. Why create a vacuum which invites their intervention and ultimate domination in Indochina?

Mr. President, it is my sincere conviction that the interests of the United States would best be served by leaving the President free to continue on a realistic schedule what all of us recognize to be a most desirable objective of extracting U.S. Armed Forces from the morass of our involvement in South Vietnam fighting.

There are those who say that the issue is really a partisan political matter. Pundits in the media ask if the Democratic party can permit the President of the opposition party to claim credit for pulling us out of the quicksand of Southeast Asia military involvement.

I believe most sincerely that in a matter of this consequence—in a matter that involves the integrity of our commitment to allies—in a matter that involves the fate of Southeast Asia—that politics should stop at the water's edge. I am a Democrat, as I understand that word, but I will gladly concede to the President of the opposition party full credit, which he deserves if he can continue to wind down the war in South Vietnam under terms which do not sacrifice our honor or the integrity of our Nation's commitments, and under terms which protect to the fullest extent possible the safety, security and the lives of troops who remain in South Vietnam and our prisoners of war.

This proposed amendment does not help the President in pursuit of these objectives.

Mr. President, I urge Members of the Senate to put aside political considerations and to vote on this issue on the basis of our national interests. I know they will. For this reason, I am confident of the outcome of this vote. I am confident that this proposed amendment will be voted down.

Specifically, the President must find and certify to Congress in writing that "the Government of South Vietnam has conducted a democratic, freely contested presidential election"; that "the procedures used in such election guaranteed the rights of campaign workers and protected the franchise of the people of South Vietnam"; and that the "election was conducted in a manner consistent with the purposes of U.S. efforts on behalf of the Government of South Vietnam as defined in subsection (a) of this section." Such a certification, which would be false, doubtless, would convert the 4-month deadline to a 6-month period.

Frankly, I am not aware of any policy of our Government which, in effect, directs the government of any other nation to follow electoral procedures that are first approved by the United States.

I would suggest that such a policy would be odious, not only to the people of South Vietnam, but to other sovereign nations of the world.

I would also suggest that such a policy would be a most dangerous precedent for this or any other nation to design, to legislate, or to export.

I would suggest, too, that any such policy would be ridiculed, ignored, and foredoomed to failure.

I would further suggest that if we were to apply the same criteria and show the same concern for internal affairs in other nations of the world, we would be left with a very short list, indeed, of governments that we would feel completely comfortable with and to whom we would give our 100-percent approval.

Accordingly, Mr. President, I reject the premise upon which this amendment is made and urge the Senate to do likewise.

As the President has frequently emphasized, the essential objective of the United States in South Vietnam is to seek the opportunity for the South Vietnamese people to determine their own political future without outside interference. This desirable objective does not imply the intent of our imposing any form of government upon the people of South Vietnam or for the United States to dictate that nation's internal political procedures as suggested by the amendment now before us. Nor would the application be an appropriate vehicle to exact compliance by South Vietnam or any other foreign government with the political predilections of the United States. In short, such a measure could well lead to an out-and-out failure of our objective to help the people of South Vietnam gain their place in the sun by becoming self-sufficient both economically and militarily.

Mr. President, our interests concerning the political evolution of the Vietnamese would be best served by the development of a stable political environment throughout all of South Vietnam by the people of that nation themselves. I wholeheartedly agree with the President's declaration that:

> What the United States wants for South Vietnam is not the important thing. What North Vietnam wants for South Vietnam is not the important thing. What is important is what the people of South Vietnam want for South Vietnam.

It is the Vietnamese, not the U.S. Government, who are charged with the responsibility to insure the self determination of the Vietnamese people.

As we know, the people of South Vietnam responded on October 3, 1971, by casting some 95 percent of their votes for President Thieu. Although President Thieu was the only candidate, it should not be forgotten that the Vietnamese voters were free to express at the ballot box their dissatisfaction with his administration with a negative vote. Thus, the overwhelming vote given President Thieu can only be viewed as a vote of confidence.

I, too, wish that more individuals had stood for president in the election for South Vietnam's highest office. Let me remind the Senate, however, that as the Government of Vietnam has gained control of an overwhelming majority of hamlets in South Vietnam, more than 90 percent of these now have elected officials chosen by the people where there was spirited competition for the various local offices. Thus, precipitate action over one disappointing development should not be allowed to jeopardize the remarkable progress that has been achieved in South Vietnam through democratic processes.

To my way of thinking, it is certainly more appropriate for the Congress of the United States to view political developments in South Vietnam from the vantage point of a historic perspective, realizing that democracy in the Western World required centuries of germination and strife to reach even its present role in the affairs of men. In a much shorter period, we have expected South Vietnam to assume our democratic institutions and traditions, which are alien to their culture, while engaging in an all-out war for survival against an external power.

All of this goes to say that Vietnamization to date has proven to be a valid concept. We are transferring to the South Vietnamese, in an orderly manner, the responsibilities which we had assumed. The armed forces of South Vietnam have made great strides in assuming responsibility for conducting combat operations, with the consequence that American casualties have been dramatically reduced. As the military arms of South Vietnam steadily achieve a greater capability and greater reliance, it would be extremely disadvantageous to submit the various Vietnamization programs to an arbitrary curtailment of funds on the grounds that the Vietnamese Government must comply with U.S.-inspired electoral procedures.

As I understand the rationale of military assistance, it is to aid and strengthen those nations whose aims coincide with the national interests of the United States. South Vietnam certainly falls into this category. If we are going to spend taxpayers' dollars for military hardware, the very least they can expect is an increase in their security. For us to deny military assistance to South Vietnam just because there are some objections to their present electoral process and present government would be a serious blow to our common defense. South Vietnam is not simply a tiny southeastern Asian country 7,000 miles across the Pacific. South Vietnam is a front line of American security.

Mr. President, I do not want Congress to be a rubber stamp. But, by the same token, I do not want Congress to be obstructionist. Far be it from me to say that we should accept or approve everything done or proposed by the President. But what I have in mind is something bigger than a tug-of-war between the legislative and executive branches. I believe that the time is soon coming when this Nation cannot deal with crises if it is to be bedeviled by incessant wrangling within our Government each time unity of purpose is an overriding necessity.

It is this sort of thing, this heaping up of reservations, that has made our country's course in world affairs a source of disquietude among our friends and allies.

It is this course of delay and divided counsels which have caused a complex of doubts and fears, frustration and apathy, and, yes, even defeatism, in the United States.

I am convinced that too many in Congress are forgetting that what we say and do here can affect our national defense disastrously. What I fear is that constant use of pettifogging devices may lead to a mood of futility which could undermine the entire defense effort, both at home and abroad.

Long ago, it was written, "when I became a man, I put away childish things." Our Nation simply cannot afford the childishness of business as usual, politics as usual, selfishness as usual, at a time when unity and cooperation are indispensable for survival.

The immediate aim of Vietnamization is to make the Republic of Vietnam militarily self-sufficient. The long-term objective of Vietnamization calls for the building of democratic ways, as we work to eliminate the ignorance and disease, the oppression and hunger, the despair and discontent that are the fertile soil of godless communism.

Mr. President, neither I nor anyone else can guarantee that Vietnamization will prove successful. All things considered, however, Vietnamization programs have a good track record to date. It may very well be, though I doubt it, that this policy may turn out to be love's labor lost. But our very pursuit of it will serve to reestablish in the minds of the people of America—indeed, freedom-loving people everywhere—that we prize democracy as a reality, not as a slogan.

I urge defeat of the pending amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 51 minutes. The other side has 55 minutes.

Mr. STENNIS. I thank the Chair. I yield myself 10 minutes.

First, Mr. President, I want to emphasize to the author of this amendment, as well as those who have been here in opposition to the amendment, that I greatly regret my absence from the Chamber this morning. I have great regard for the Senator from New Mexico, and I respect him and anything he proposes. I had no choice, however. I had to appear at a meeting of the Foreign Relations Committee.

I am most grateful to the Senators from Colorado, Virginia, and Alabama and others who have contributed to this debate.

Mr. President, let me point out that I have great understanding of the concern of the Senator from New Mexico and the Senator from Montana (Mr. MANSFIELD) who had an amendment with reference to the war and for those who spoke in favor of it and voted for it; but I must respectfully says that with the Mansfield amendment already in the bill—and I am certainly going to sponsor it at the conference again—my study of the Montoya amendment in light of the Mansfield amendment being already in the bill makes them contradictory and would put the conferees in a most difficult position.

Earlier this week we voted for an amendment, the original draft of which would have limited expenditures in Laos for this fiscal year to $200 million, excluding the bombing of the Ho Chi Minh Trail. But the final form of the amendment excluded the bombing of the Ho Chi Minh Trail in northern Laos and then allowed $350 million to be spent. The amendment was passed by an overwhelming vote, 67 to 11. We were passing on the question for fiscal year 1972. That was certainly the sentiment of the Senate, and the vote was for continuation along the present lines of operation with more legislative control.

Thus, there are in the bill now two amendments directly relating to the war. With the greatest deference I say that perhaps the Montoya amendment was filed first in its original form but, at the same time, the Mansfield amendment is already in the bill now, and the Montoya amendment is a contradiction to the Mansfield amendment, and also to the amendment of the Senator from Missouri (Mr. SYMINGTON) where there was an overwhelming vote for it in its final form.

I am not trying to pick flaws here, but I have been concerned for a great while about this question of a sanctuary. I want us to pull out. That will create other problems. I have been concerned about an effective sanctuary for people in some of these countries over there that we know have been persecuted and many of them have lost their lives by the North Vietnamese Communists.

What will become of them? What protection will they have, particularly those who have taken a leading part in the war? There must be some kind of refuge for them. The Senator from New Mexico recognizes that and in his amendment says he does not want to limit the President's authority to—

> (2) arrange asylum or other means of protection for South Vietnamese, Cambodians, and Laotians who might be physically endangered by the withdrawal of American Armed Forces; . . .

Mr. President, how are we going to do that if we are going to withdraw all our soldiers, all our military power?

How are we going to protect these people?

Will we get some people from the State Department over there to protect them by fighting with their fists?

It is going to take some kind of force that is effective and that knows how to handle those situations, in order to do it.

Thus, this provision it seems to me, is like the main part of the bill, requiring this full deployment and would preclude the President from any consideration of any appreciable asylum or any appreciable program that could possibly be an effective asylum, unless our military were kept there—not just a few advisers, not just a few squads of men, and not just a few battalions, in order to protect these people effectively. I do not know—that may be one of the main troubles the President had in getting some kind of terms that he thinks would justify us in pulling out even more precipitately than we are.

Mr. President, this whole matter of the war has already been gone into thoroughly. We have met some limitations more or less by agreement. The opposing groups, led by the Senator from Missouri and I as manager of the bill on the other side, were able to reach an agreement which we could more or less, jointly, recommend. We did not know how it would be taken by the Senate. No poll was taken on that one. As it turned out, it met with the overwhelming will of the Senate. It is now in the bill. It has a good chance to survive in conference.

So now, coming in with this contradiction, and I say it with all deference, this contradiction with the Mansfield amendment, we strongly advise against it.

We are down to the closing arguments and the closing hours of debate on this bill. It has been most thoroughly debated. The pros and cons have been heard day after day. I commend all Senators who were in opposition to some of the provisions in the bill for their hard work, their diligence, and the very fine and exceptionally well-thought-out presentations of their views to back up support of their amendments.

The star print amendment is substantially different from the one originally introduced.

It provides for a fund cutoff on February 3, 1972, but with the proviso that this date may be extended not more than 6 months upon certification—that is, 6 months from the date the bill becomes law—by the President of certain findings in connection with the election in South Vietnam. Also identical language regarding continuation of further safety during withdrawal, and so forth.

This amendment says in effect that regardless of whether there are free elections or not, there will be no funds expended 6 months after date of enactment. In other words, if they hold the freest kind of elections regardless of what the President certifies, the funds will be cut off.

Well Mr. President, why go into the matter about the elections? Why put that into this version here? We have elections of our own. The President of South Vietnam over there ran without opposition. I tell the Senate frankly that I do not want a government to operate without opposition. I had the privilege of running that way one time. I want all of the elections in New Mexico to go, when our friend the Senator from New Mexico is involved in them, the way our friend wants. I do not want to tie this bill into the elections in Vietnam. We want to encourage elections, and we have.

The **PRESIDING OFFICER** (Mr. BENTSEN). The Senator's time has expired.

Mr. **STENNIS**. Mr. President, I yield myself 3 minutes.

Mr. President, I think we have done a lot of good along that line, even though it took a long time. However, if they can hold what they gain through our efforts, the fruits will be plenty.

I do not like to accept the idea of the President having to certify the election in a foreign country by saying that he approves or disapproves of it in order to keep this money flowing 4 more short months. I object to it on that ground.

It is one of the things that we can stay out of and that we had better stay out of so far as making it a basis of legislation.

Mr. President, I hope that point will be considered. The Mansfield amendment at least provides for the concurrent release of U.S. prisoners. And that is a powerful point. This amendment merely says that we would cut off the funds whether or not we get back the prisoners.

If we do cut off these funds, that really ends our part in the matter and what about those prisoners then?

I do not see how there would be a chance if we were to announce now that we should wait 6 months and let the clock tick and that for 6 months it will be unlawful for the President to do anything over there. I think that is the last chance we have to get our prisoners out.

The amendment—and I am familiar with this point, too—casts its case in terms of the policy of the United States, argues for that policy, and says that is the policy that should be established. This amendment says that we will cut off the money as a matter of law.

That would be a stalemate, a stoppage of everything. I cannot imagine any more chaotic condition than a reversal of all the good that has come about than our passing a mandate and cutting off the money.

There will not be any use in waiting 6 months if that is going to become law. Everyone had better get out of there before nightfall. There will not be any sanctuaries to worry about. And there will not be POW's coming home, in my opinion, if we just cut off the money.

I strongly advise that we all think a second time. We can see ourselves marching back up the hill and down the hill again in a dozen different ways.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **STENNIS**. Mr. President, I yield 5 minutes to the Senator from Kansas.

The **PRESIDING OFFICER**. The Senator from Kansas is recognized for 5 minutes.

Mr. **DOLE**. Mr. President, I rise to state that the Senator from Kansas shares with his colleagues in the Senate a strong desire to have the American military presence in South Vietnam ended in such a way as to leave in South Vietnam a self-sufficient and representative government. But the Senator from Kansas disagrees with the methods with which the pending amendment proposes to accomplish these objectives.

UNACCEPTABLE ALTERNATIVES

The amendment of the Senator from New Mexico casts the issue of U.S. withdrawal from South Vietnam in the context of ideological imperialism. It would have U.S. withdrawal in an orderly manner be held hostage to an election "circus" in South Vietnam, offering as the alternative, the threat of a precipitous removal of the American presence. The price which this amendment would exact would be nothing less than direct U.S. involvement in Vietnamese domestic politics through support for reluctant opposition candidates. The pending amendment would have the United States back candidates and become involved in South Vietnamese elections at the very time in which our President is carefully diminishing our presence in Vietnam. The Senator from Kansas finds this logic difficult to understand.

THE RISK OF PRECIPITATE WITHDRAWAL

At stake are several principles and issues of considerable importance. First, is the question of the advisability of risking the fragile fabric of national independence in South Vietnam by precipitate withdrawal when careful and definite withdrawal is already underway. Withdrawal, according to the 4-month or 10-month mandate of this amendment, would hand the enemies of South Vietnam an operational timetable and destroy any incentives they might have to negotiate, and it would do nothing to aid the release of our prisoners of war and those missing in action.

IMPOSITION OF OUTSIDE SYSTEMS

A second question of principle raised in the pending amendment is whether it can be considered proper to hold an ally "hostage" to American concepts of elections and government. The idea of contested elections held regularly between adversary political parties is the imperfect product of 300 years of Anglo-Saxon evolution. Even today this system is a frail innovation in much of Western Europe and but a vague ideal in many non-European states. Its origin is to be found in a history of stable and traditional governments characterized by gradual evolution and dependence upon the existence of a loyal opposition. This loyal opposition, in conjunction with a demonstrated willingness of the incumbent party to relinquish power, stands as the key to institutionalized mechanisms for the peaceful political transfer of power.

In this context I believe it should be pointed out that, far from stating a determination to retain power at all costs, President Thieu showed a willingness to resign if he received less than an affirmation of popular support. This point is particularly significant in the light of the performance of the supposed opposition which was singularly unimpressive at best.

The Senator from Kansas would once again bring to the attention of his colleagues the rather remarkable series of six democratic and successful elections which have been held since the election of the Thieu government in October of 1967. The elections were both local and national and were subject to intense foreign scrutiny as well as Vietcong harassment. I ask unanimous consent to have printed in the Record a brief description of South Vietnam's electoral history since 1965.

There being no objection, the description was ordered to be printed in the Record, as follows:

Chronology of Elections in the Republic of Vietnam Since 1965

May 30, 1965—Province Level Elections. These elections were conducted throughout South Vietnam for provincial and municipal councils. Government of Vietnam officials and ARVN personnel were prohibited from running. Throughout South Vietnam, 1,000 candidates contested 471 seats. Of the 4.7 million registered voters, 3.5 million, or 74% cast ballots. To make voting easier for those who read with difficulty, each candidate chose an identifying symbol to emblazon on his campaign posters. The major organized labor confederation elected 13 of its 16 candidates. In the central provinces, candidates associated with Buddhist organizations made strong showing. Foreign press observers termed the elections the most honest Viet Nam had ever had up to that time.

September 11, 1966—Nationwide election for a 117-member Constituent Assembly brought out some 4.3 million voters, representing 80.8 per cent of the registered electorate and over 55 per cent of the estimated population of voting age, despite a major Viet Cong effort to disrupt the elections.

September 27, 1966—The Constituent Assembly convened and prepared a democratic Constiution which was promulgated on April 1, 1967. Constitution provides for a modified presidential system, a bicameral legislature, an independent judiciary, a basic bill of rights for citizens.

March-June 1967—The first round of village and hamlet elections held. These elections were bitterly opposed by the Communists, who killed six and kidnapped 18 candidates, killed 15 and kidnapped 38 voters, in 555 terrorist incidents. Despite Viet Cong attempts to frustrate the elections, 2,511,543 voters (77.6 per cent of those registered) elected officials in 984 villages and 4,600 hamlets.

September 3, 1967—Election of President Nguyen Van Thieu, Vice President Nguyen Cao Ky, and 60 members of the Upper House of the National Assembly. There were 8,824 polling stations in the 50 provinces and municipalities of Vietnam. Out of the 5,853,251 registered voters, 83.3% went to the polls. There were 11 candidates for the Presidency and 480 candidates for the 60 Senate seats. The Thieu-Ky slate received 34.8% of the vote, twice as much as the next closest slate which received 17.2%. Eighty percent of the votes went to candidates who advocated no compromise with the Viet Cong. In addition to 116 official observers, more than 600 foreign correspondents, cameramen, and TV crews, representing the world's major news services overwhelmingly concluded that the Government of South Vietnam had made every attempt to hold an honest election, that voting officials had demonstrated a high level of efficiency, and that the elections themselves were free and fair by any reasonable standards.

October 22, 1967—Election of a 137-member Lower House with representation based on population and including deputies from minority groups. Seventy three percent of the registered voters of South Vietnam selected 135 men and two women for the Lower House membership widely representative of both national and local political interests. The major religious groups were widely represented with about 65 Buddhists, some 35 Catholics, and the remainder split among the various other religious groups: Hoa Hoa, Cao Dai, Confucianists, and others.

October 31, 1967—Inauguration of President Nguyen Van Thieu and Vice President Nguyen Cao Ky. Several of the defeated Presidential candidates take positions in the national government.

March 1969—Village and hamlet elections took place in more than 3,600 communities throughout South Vietnam on four successive Sundays in March. Over one million men and women, representing nearly 90% of the eligible electorate, went to the polls and elected 7,741 leaders—village council members, hamlet chiefs, and deputy hamlet chiefs. These March elections, together with rural elections held in 1967 and 1968, brought elected councils to 1,693 of South Vietnam's 2,130 villages and elected chiefs to 7,867 of its 10,755 hamlets.

June 1969—Almost 90% of the eligible voters turned out to choose 1,121 hamlet chiefs and 1,092 village council members in rural elections held on the first four Sundays in June. It was the second phase of the Government's program to hold country-wide rural elections before the end of 1969. Combined with previous election results, these June elections brought fully-elected councils to 1,891 of Vietnam's 2,130 villages and locally-elected chiefs to 8,776 of its 10,775 hamlets.

July 11, 1969—President Thieu proposed elections in which "all political parties and groups, including the 'NLF' . . . can participate . . . if they renounce violence and pledge themselves to accept the results of the elections." To provide special guarantees to ensure fairness, he proposed the establishment of an electoral commission with NLF participation, and an international supervisory body—in his six-point proposal for a political settlement of the war in Vietnam.

March, April and May 1970—Village Council elections. By early 1970 council elections had been held in more than 2,000 of the 2,300 villages of South Vietnam. In March 1970 the three-year terms of the councils elected in March 1967 expired and by May 1970 more than 900 second round elections had been conducted. Elections will continue over the next three years as the three-year terms of the councils expire. Voting percentages averaged about 85 percent of the registered voters, versus 78 percent for 1967. There was a major turnover in village council membership, averaging around 50 percent. A significant percentage of those elected were local officials, Regional and Popular Force and Revolutionary Development personnel.

June 28, 1970—Province/Municipal elections. Elections were held for city councils in the cities of Saigon, Vung Tau, Dalat, Cam Ranh, Hue and Danang and provincial councils in each of the 44 provinces. Seventy-three percent of those eligible cast ballots. Increasing interest was demonstrated in these elections by political parties and religious associations, but most candidates ran without publicizing party affiliations.

August 30, 1970—Upper House Elections. Sixteen slates of ten men each contested for the thirty seats up for re-election in South Vietnam's Senate. The leading ticket in the balloting was the Buddhist slate. (The opposition Buddhists had boycotted the 1967 elections.) The second winning slate was an Independent Opposition slate and the third leading slate was a ticket generally in support of the present South Vietnamese administration and its policies. More than 65% of the eligible voters of the country participated in the voting. Representatives of the 13 losing slates described the elections as the most honest they had ever experienced.

August 1971—Lower House elections.

October 1971—Presidential and Vice Presidential elections.

August 1974—Upper House elections for one-half of the Senate.

The above record of competitive and increasingly progressive political development in the Republic of Vietnam stands in sharpest contrast with the totally restrictive Stalinist pattern imposed as a monopoly of the Lao Dong (Communist) Party in North Vietnam.

Mr. DOLE. Mr. President, the Senator from Kansas believes that this record speaks loudly and clearly against those who characterize the government of South Vietnam as totalitarian. Indeed, it sets an example with few peers in the developing areas of Asia or Africa.

THE RESPONSIBLE COURSE

The situation in South Vietnam which occupies us here today has been recently viewed by the Senator from Kansas, firsthand. Although he viewed without relish the prospect of the uncontested election, he also earnestly believes that this body must concentrate its efforts toward support of the careful and flexible withdrawal which is presently being managed by the President of the United States. Any attempt by this body to bind the President to a date certain or a farcical "show election" in South Vietnam will only diminish the prospects for a termination of the conflict and the recovery of our prisoners of war.

It would be a travesty against the intentions of the American people and three presidential administrations should this body force the disorderly and disgraceful termination of U.S. presence in Vietnam. The alternative sought by this amendment would be a "circus election" in which a U.S. "ringmaster" would elicit a staged performance by a reluctant foreign country.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOLE. Mr. President, will the Senator from Mississippi yield me an additional 5 minutes?

Mr. STENNIS. I yield an additional 5 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized for an additional 5 minutes.

Mr. DOLE. Mr. President, the pending amendment would constitute a blatant example of moral imperialism. It would make a mockery of America's professed belief in national self-determination. Worse yet, it would turn an orderly and definitive withdrawal into an ignominious and disorderly exit from a difficult problem which the President is succeeding in reducing with distinction.

Even the Washington Post has editorially stated that—

> The time is past for the United States to try to arrange the politics of Vietnam for its own convenience.

NO DATE CERTAIN

The Senator from Kansas would also point out that this amendment, like the many so-called end the war amendments before it, deceptively holds out to the American people the promise of a "date certain" for ending the war.

There is no "date certain" in this amendment. First it speaks of February 3, 1972. But then it says "not more than 6 months after the date of enactment." Who knows when that will be? today? tomorrow? 6, 8, 10 months from now?

No, Mr. President; this amendment, like so many others before it, is merely an exercise in appealing to the emotions and anxieties of a war-weary American people. It is not an effective, a responsible or a positive approach to achieving the end of American involvement. President Nixon is the one who is pursuing such an effective, responsible, and positive course. And, as I said, if the Senate wants to do something to speed the end of this tragic and costly war it can do so by uniting with the President and backing his efforts to end the war and achieve a lasting world peace.

SUPPORT FOR THE PREVIOUS ADMINISTRATION

The Senator from Kansas takes note that the position of the Senator from New Mexico, as expressed in the pending amendment, stands out in contrast to the positions he presented to the public only a brief time ago.

During the previous administration, the Senator from New Mexico was one of the most forthright and outspoken supporters of U.S. policy in Southeast Asia.

On June 7, 1965, the Senator took the floor of the Senate to commend the student council of the University of New Mexico for its action in passing a resolution pledging its "support to the actions being taken by President Johnson in Vietnam."

On August 10, 1967, the CONGRESSIONAL RECORD contained the text of a speech delivered by the Senator from New Mexico before the annual convention of the Disabled American Veterans. The Senator's remarks on that occasion were clear, forcefully spoken and unambiguous:

> But, loss of American lives in Viet-nam is not my only concern, nor perhaps even the greatest concern of this day. I have come to accept the fact that our nation has a self-imposed commitment to protect for others the freedom we so jealously cherish ourselves. And this commitment becomes more acute when aggressors attack a nation incapable of protecting its own freedom because of the overwhelming might and methods of the aggressor.
>
> I believe our men in Viet-Nam are fighting—and yes, dying—for the freedom of many peoples; just as surely as Americans fell for liberty and human dignity in the trenches of the Meuse-Argonne or on the beach at Normandy—or the frozen hills of Korea."

The Senator went on to say:

> I, for one, and I know the membership of the DAV will back this statement all the way—am ready to make any sacrifice here at home in order that our men will not be deprived of any of their needs in Viet-Nam. I believe we are not safe here at home until Communist aggression is halted—and it must be halted in Viet-Nam.
>
> Because of this conviction—I pledge full support of our fighting men in Viet-Nam—for whatever they may need to carry on the war and assure them maximum safety while carrying out their task.
>
> The basis for this unquestioned support for our fighting men in Viet-Nam stems from the fact that I am convinced the threat of communism is real. It is real in Viet-Nam—it is a dark shadow in Thailand and Laos. It stands off our own shores in Castro's Cuba.
>
> I have commented that I am concerned over our internal problems. But this concern is only because of the bigger picture. Communist eagerly awaits our apathy—our letting barriers down. If we fail in Viet-Nam—we shall surely have signed over our birthright to democracy.
>
> If those despoilers of patriotism have their way, opposition to the spread of communism will be obliterated. It will be a welcome sign to war and destruction—or capitulation of our Government to Communistic rule.
>
> Yes—I am concerned that Communists continue to talk out of both sides of their mouth. They speak of peace—but their reference to peace has a different meaning than what the remainder of the world considers peace. They mean another Munich—peace through capitulation—peace by submitting to Communist rule.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield the Senator 5 additional minutes.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 5 additional minutes.

Mr. DOLE. Mr. President, still later, on October 5, 1967, the Senator from New Mexico took the Senate floor to discuss the topic, "What Is Our National Interest in Vietnam?" in the course of that statement he said:

> The problem is not whether one or another country in the area is going to be the base for missiles that might be used against us tomorrow. It is whether the millions of people are going to be able to live in freedom. It is whether their skills and resources and energies are going to be used for cooperation in creating a freer and better world or whether they are going to be harnessed under a system that has as one of its primary goals our destruction—and the destruction of all we believe in.
>
> Looked at in this light, can there be any doubt of where our national interest lies?

And in conclusion, the Senator stated:

> Yes, Mr. President, we do have a vital national interest in Asia. And in fighting in Vietnam we are expressing that interest in a highly effective way.
>
> I predict that if our stand now begins to waver and to weaken, the Members of this body, the American people, and the world are going to rue the day. On that day, we can begin to prepare for World War III.
>
> I pray that that day never comes.

A CHANGED POSITION

The Senator from Kansas would submit that the adoption of the amendment sponsored by the Senator from New Mexico might well mark such a day as the Senator suggested in his remarks of October 1967.

In any event, the pending amendment—standing out as a blueprint, on the one hand, for a precipitate American withdrawal and, on the other hand, for the imposition of a moral imperialism in Vietnam—bears little resemblance to the views expressed by the Senator from New Mexico during the previous administration.

The Senator from Kansas would point out that it was the policies of the previous administration which raised American troop strength in Vietnam to more than 550,000 with no plan for an end to their presence or an end to their deaths in combat.

It is the present administration, the Nixon administration, which has turned the corner in Southeast Asia. It is this administration, the Nixon administration, which has brought back to America some 335,000 Americans who were in South Vietnam. Under President Nixon, casualties were reduced by 90 percent; that is still too many. But the deaths are being reduced. I say that the record is a good one.

But I believe in all sincerity, and with all respect to the distinguished Senator from New Mexico, that the pending amendment does not solve any problem; it creates problems.

I suggest, as I have before, that our military involvement in South Vietnam is being ended and in such a way as to avoid the imposition of imperialistic ideals or the accomplishment of the enemy's goal of domination and subjugation of the South Vietnamese people.

I respectfully urge that the amendment be rejected.

I visited in Southeast Asia and talked with President Thieu and Vice President Ky, and I tried to talk to Minh, but he was in the process of withdrawing from the race that day.

Much of what happened prior to the election was politics, much like politics in America. But I also discovered that there is no two-party system, no three-party system, and no discipline or party responsibility.

I hoped for a contested election. That did not happen, but we could not by force of our Government force them to have some kind of election, whether it be a circus, a show, or whatever it might be.

I hold no brief for any elected leader in that country, but I can remember when the Thieu-Ky regime would be condemned almost daily on the floor of the Senate. Now, however, Ky is apparently a good guy and only Thieu is criticized.

I believe in the President's policy of Vietnamization, and it does little good to adopt an amendment of this kind. I urge that the amendment be rejected. In that way there can be an orderly withdrawal, a return of American prisoners, and we can leave South Vietnam so they may have the right of self-determination.

Our country was not perfect in the early days, and it is not now. Neither are other countries perfect. I see signs of progress in Vietnam. I was there prior to the election and saw the campaign activity and believe a democracy is emerging. I see some hope in South Vietnam and therefore, see little realism in the amendment offered by the Senator from New Mexico.

Mr. President, I yield back the remainder of my time.

MESSAGE FROM THE HOUSE

A mesage from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 47. An act for the relief of Flore Lekanof;

S. 617. An act for the relief of Siu-Kei-Fong;

S. 1489. An act for the relief of Park Jung Ok; and

S. 1759. An act for the relief of Leonarda Buenaventura Ocariza and her daughter, Lucila B. Ocariza.

The message also announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 26. An act to revise the boundaries of the Canyonlands National Park in the State of Utah; and

S. 29. An act to establish the Capitol Reef National Park in the State of Utah.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 2566. An act to authorize the Secretary of the Army, or his designee, to convey to the State of Texas certain lands at the Fort Bliss Military Reservation in exchange for certain other lands;

H.R. 3304. An act to amend the Fishermen's Protective Act of 1967 to enhance the effectiveness of international fishery conservation programs;

H.R. 3808. An act to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to provide additional free letter mail and air transportation mailing privileges for certain members of the U.S. Armed Forces, and for other purposes;

H.R. 6568. An act to limit the authority of the Veterans' Administration and the Office of Management and Budget with respect to the construction, acquisition, alteration, or closing of veterans' hospitals, and to prohibit the transfer of Veterans' Administration real property unless such transfer is first approved by the House Committee on Veterans' Affairs;

H.R. 10203. An act to amend the Water Resources Research Act of 1964, to increase the authorization for water resources research institutes, and for other purposes; and

H.R. 10879. An act to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to enter into agreements with hospitals, medical schools, or medical installations for the central administration of a program of training for interns or residents.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 374) calling for the humane treatment and release of U.S. prisoners of war held by North Vietnam and its allies in Southeast Asia, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 2566. An act to authorize the Secretary of the Army, or his designee, to convey to the State of Texas certain lands at the Fort Bliss Military Reservation in exchange for certain other lands; to the Committee on Armed Services.

H.R. 3304. An act to amend the Fishermen's Protective Act of 1967 to enhance the effectiveness of international fishery conservation programs; to the Committee on Commerce.

H.R. 3808. An act to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to provide additional free letter mail and air transportation mailing privileges for certain members of the U.S. Armed Forces, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 6568. An act to limit the authority of the Veterans' Administration and the Office of Management and Budget with respect to the construction, acquisition, alteration, or closing of veterans' hospitals, and to prohibit the transfer of Veterans' Administration real property unless such transfer is first approved by the House Committee on Veterans' Affairs; and

H.R. 10879. An act to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to enter into agreements with hospitals, medical schools, or medical installations for the central administration of a program of training for interns or residents; to the Committee on Veterans' Affairs.

H.R. 10203. An act to amend the Water Resources Research Act of 1964, to increase the authorization for water resources research institutes, and for other purposes; to the Committee on Interior and Insular Affairs.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 374) calling for the humane treatment and release of U.S. prisoners of war held by North Vietnam and its allies in Southeast Asia, and for other purposes, was referred to the Committee on Foreign Relations.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on October 5, 1971 the President had approved and signed the following act:

S. 1253, An Act to amend section 6 of title 35, United States Code, "Patents", to authorize domestic and international studies and programs relating to patents and trademarks.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. Bentsen) laid before the Senate a message from the President of the United States submitting the nomination of Rear Adm. Kent L. Lee, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving, which was referred to the Committee on Armed Services.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. MONTOYA. Mr. President, I yield myself such time as I may require.

I have heard from the opposition to this amendment this morning, an opposition which I respect and to which I have accorded my most cordial attention.

First, we heard from the junior Senator from Georgia who made quite a point that we should not tell the people in South Vietnam how to conduct their elections, that we should not interfere in the elective processes in Vietnam, and that my amendment was designed to do that.

I submit most respectfully that my amendment does no such thing. My amendment merely states that the funds which are going to the support and deployment of our forces in Indochina may not be expended in Indochina unless the President certifies that certain conditions do exist in Vietnam. One of those conditions is a free and meaningful election and all the attendant elements in the process.

We are not telling them to conduct a free election. We are not telling them that they have violated our expectations. We are merely saying that we will extend no more money. We have adequate precedent for this type of action.

The Senator from Colorado tried to fortify his argument by saying that there were some real democratic elections for the senate and then the lower house in Vietnam. That is not the point. The point of concern is this: Do the people of Vietnam have a share in self-determination and do the expended lives of more than 55,000 American men and over 300,000 casualties mean anything? President Eisenhower, President Johnson, and now President Nixon have stated time after time that our boys were being sent to Vietnam in order to provide self-determination to the people within Vietnam, in order to conserve democratic ideals.

Does that expenditure of life, does that suffering mean anything? Are we going to let these boys down now? Has that expenditure been in vain? I think that is the decision we have to face here today.

Are we going to try to reorient the Government of Vietnam toward the democratic process? The very expectation of a democratic process is what brought us into Vietnam initially. We said to our boys—

> Go there to persevere the democratic process. Stop the advance of communism. Yes, integrate that democratic process in Vietnam with our security as a world power. Let us stop communism there.

Those were the arguments that motivated the patriotism and the unity of the American people in supporting Presidents heretofore.

I have no apologies to make for supporting President Eisenhower, President Kennedy, and President Johnson, and I support President Nixon today. I have never deviated in my support of these Presidents, and I applaud President Nixon for trying to withdraw our troops. I have not said anything by way of condemnation of his policy. I support it.

Another red herring that was raised here was that we have supported dictatorships in Latin America; so why did we not enact something to tell them to have elections there? That was the implication.

I can answer that, Mr. President: In Latin America we had not expended 55,000 American lives and suffered over 300,000 casualties. Otherwise I would have offered this amendment to cover those countries, too.

Another argument that was brought up here is that this is a changed amendment. It is a changed amendment because initially it was directed at an oncoming election, which has since been held. Then, because of the timetable here in the Chamber, the election was held in the interim.

There has been a statement made that there is a conflict between my amendment and the Mansfield amendment which was approved. I submit respectfully that there is no conflict. The change in the amendment came about because the election was held after it was introduced, and it is now directed toward encouraging, if possible, a meaningful, free, and open election. It would not order the Vietnamese people to do so; it would merely encourage this. It is complementary to the Mansfield amendment for this reason: If the President certifies that a meaningful election has been held between the date of enactment of this bill and before the 4 months have expired, then the withdrawal date shall be postponed within the mandate of the Mansfield amendment, which carries a period of 6 months from the date of enactment.

So there is no inconsistency, there is no contradiction, there is no conflict between the Mansfield amendment and my amendment.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. MONTOYA. Yes, I yield.

Mr. DOLE. What if the President has not certified that it has been, under this section, a freely contested presidential election?

Mr. MONTOYA. Then the 4 months will apply under my amendment.

Mr. DOLE. How does the Senator suggest that the election be brought about? Through U.S. pressure, or just the passage of this amendment, or how?

Mr. MONTOYA. I am glad the Senator from Kansas brought that up. There is an atmosphere here of reluctance to apply pressure on Vietnam, and the reluctance expressed here is contrary to the actual facts that have transpired during the last few months in Vietnam. We read in the press about Ambassador Bunker conferring with President Thieu, about Ambassador Bunker conferring with General Minh, about Ambassador Bunker conferring with General Ky, urging them to run, and about Ambassador Bunker tying to prevail upon President Thieu to ask the Supreme Court to reopen the ballot for meaningful opposition. This government is on record as applying pressure.

If the Senator does not want to say that that is pressure, that is his privilege, but I say that we have applied it, and I am not criticizing the application of that pressure. I commend our Government for doing it, because I think it is our responsibility to the memory of our boys who died that we try to bring about the very expectations that they had when they expended their lives in Vietnam.

Mr. DOLE. Mr. President, will the Senator yield further?

Mr. MONTOYA. I yield.

Mr. DOLE. I think we probably have been in serious trouble in Vietnam since the overthrow of the previous government, the Diem regime, on November 1, 1963. I suggest that there was urging by Ambassador Bunker and others to have a contest this year, but the contest did not develop. We cannot force people to engage in politics. Vice President Ky and General Minh understood this, and decided not to contest the election.

Under this amendment, if an opponent could not be found for President Thieu, then is that the fault of the system? Is that the fault of our Government? Is that the fault of our administration? How do we force people into politics?

Mr. MONTOYA. Then the President can truly say that there was a free and open election.

Mr. DOLE. Even if no one else runs?

Mr. MONTOYA. That is correct. But that did not happen in Vietnam recently. The ballot was closed. Repression set in. Instructions went out to the election officials to rig the election, to make it a Moscow ballot. That is what happened in the recent election.

But if it is a free and open election, and no competition, my amendment permits the President to certify to Congress that there was a meaningful free and open election, and the funds will not be cut off.

Mr. DOLE. If the Senator will yield further, I suggested to those I talked to in South Vietnam that whatever happened their election would be misunderstood in America, particularly in the U.S. Senate, and urged very strongly that there be a contest. But there was no contest.

I had the privilege of having dinner with four of their Senators, one of whom was a Ky supporter, one a Thieu supporter, and two of whom were independent.

They all thought they were proceeding fairly rapidly down the route of the democratic process, and they did not understand, even though one supported Ky, one supported Thieu, and two were independent, why the great concern in the United States.

They pointed out that, after all, they were making progress. Ky is a young man, I believe he still has political ambitions. I do not believe General Minh ever intended to be a candidate, frankly, and General Thieu always intended to be a candidate for reelection. But at least I asked the question.

As much as we would all have liked to have a contested election, I assume there could have been some strawman put up who might have received some small percent of the vote. As it was, there was really no contest, except that voters could express opposition to President Thieu, and there was some opposition expressed.

Mr. MONTOYA. May I say to the Senator from Kansas that that is not a very plausible argument, because they do that in Russia. They can go in there and, by not voting or by submitting a blank ballot, they can express their opposition, too.

Mr. DOLE. They do it here, too, in America.

Mr. MONTOYA. Yes. But when 91 percent of the vote is counted as without opposition, there is something wrong there.

The Senator from Kansas is fully aware, and he knows full well, being the Republican national chairman, that only in a very local election can any candidate get 91 percent of the vote in America. It could not happen in a presidential election; 91 percent is impossible.

So what conclusion do I reach from that? I reach the conclusion that those election officials were rigged to make that kind of a count, and that the National Election Bureau was also rigged to announce that kind of a count.

Mr. DOLE. I might say to the Senator from New Mexico that there has been some suspicion of elections being rigged in this country; I could not cite all of them.

They did have inspection in Vietnam. The Senator from New Mexico could have gone; I could have gone. The Sentor should also remember that the dream of any of us in the Senate would be to have an uncontested election. We do not relish competition, but that does not excuse the situation in South Vietnam, particularly for the office of the presidency. But I say there has been some progress made.

I do not believe the amendment would accomplish anything, if Ky, Minh, or anyone else who had been interested chose not to run, how can one say the election held on October 3 was repressive, and then say that one next February might be free and open? I am unable to see the distinction.

Mr. MONTOYA. Mr. President, I have only a little time left, and I hope the Senator from Kansas will appreciate this.

We could go on arguing this point, but I do want to say that the thing at stake here is this: are we going to be passive? Are we, with our silence, going to say to the rest of the world, "We went in to try to preserve democracy and to nurture free institutions, we expended 55,000 lives and 300,000 casualties, we incurred the wrath of the world in the process"—I think the image of America has been tarnished all over the world, because of this war—"and now, at the end, as we are withdrawing, and we are leaving behind one-man rule in South Vietnam and are relinquishing the expectation that we had when we told our boys, 'Go in there and fight for free institutions, and for self-determination of the Vietnamese people.' "?

Are we going to suffer that kind of incrimination before the eyes of the world? Are we going to be silent? That is what is at stake in this amendment.

Mr. DOLE. Mr. President, will the Senator yield for one further question?

Mr. MONTOYA. Yes.

Mr. DOLE. I know he is on limited time.

I have submitted for the RECORD, as I assume the Senator from Colorado has, a list of the elections that have been held in South Vietnam since 1965, in the latest of which in August 1970, many of President Thieu's opponents were elected to the lower House.

But, when we discuss what the Senator suggests has happened and will happen, because of the so-called one-man rule, the Senator must have an alternative. Assume that the amendment does not pass; is the Senator suggesting that President Thieu resign, or be overthrown, that there be a military coup and that someone else take over in South Vietnam?

Mr. MONTOYA. I am not suggesting any such thing. If the Senator from Kansas will read the amendment, he will find that I am providing in my amendment that we shall not expend any more funds unless the President certifies that there has been a free, open, and meaningful election in Vietnam.

Mr. DOLE. But if that does not happen, what does the Senator from New Mexico suggest?

Mr. MONTOYA. Then there is a 4-month cutoff device in my amendment.

Mr. DOLE. But if the amendment fails, then what does he suggest?

Mr. MONTOYA. I suggest that we go back to the Mansfield amendment and have an absolute, unconditional withdrawal in 6 months. I support the Mansfield amendment, which is already a part of this bill.

Mr. DOLE. It has been adopted by the Senate.

Mr. MONTOYA. Yes.

Mr. DOLE. It hopefully will not be a part of the bill.

Mr. MONTOYA. Mr. President, I yield the floor at this time.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I suggest the absence of a quorum on my time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, how much time do I have remaining, and the other side, also?

The PRESIDING OFFICER. A quorum call is in progress.

Mr. STENNIS. Excuse me. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi has 22 minutes remaining.

Mr. STENNIS. And how much on the other side, if I may inquire?

The PRESIDING OFFICER. The Senator from New Mexico has 35 minutes remaining.

Mr. STENNIS. Mr. President, I yield 12 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, never before has Congress been asked to jeopardize the existence of an ally, because some allege that that nation's election did not come up to America's standards.

This amendment, No. 419, would provide for a cutoff of funds for United States and allied forces in Vietnam by February 3, 1972, if the South Vietnamese Government does not call a new election by that date. The author of this amendment requires that this new election be "free and open" allowing for the qualification of meaningful candidates, an open campaign, protection of campaign workers, and protection for voters.

Regardless of how well-intended this amendment may be, it is neither realistic nor workable. The President of the United States could not provide such guarantees for an election in this country. Neither could the President of Vietnam do so. Could President Nixon insure Democratic campaign workers would not be harassed or intimidated somewhere in this city, the States of Maryland and Virginia, or elsewhere in this Nation? Of course, not. Neither can President Thieu do so in Vietnam.

Mr. President, this Nation has never undertaken to dictate to a foreign nation how it should run its elections. President Nixon has stated our goal in Vietnam is that of seeking the "opportunity for the South Vietnamese people to determine their own political future without outside interference." It is not and should not be the policy of this Government to dictate internal political procedures to other sovereign nations.

The distinguished Senator from New Mexico (Mr. MONTOYA) has offered an amendment which would have us make a precipitate withdrawal from Vietnam. The result would be chaos for the South Vietnamese and our other allies in Indochina. The Communists would quickly seize upon the situation and possibly gain control of South Vietnam. Then you would see some elections that would make the October 3, 1971, election look like the most democratic ever conducted.

The Senator apparently bases his amendment on the grounds that since U.S. lives and treasure have been spent there, we have a right to dictate procedures of elections to that Government. Apparently, the United States did make real efforts to have the election conform as much as possible to our own, but once again we cannot and should not dictate. A country is stronger when it resolves these problems on its own. If one props a country up, then it will fall when the prop is removed. They must learn to stand on their own feet, and this requires administering their own government no matter how imperfect it may be by American standards.

Further, it is nothing new for the United States to aid a government where the democratic process as we know it is not in force. In fact, the United States provides military and economic aid to many countries which have no elections at all, such as Ethiopia and Spain, and we do not hear this hue and cry about those countries. Undoubtedly some of the sponsors of this amendment support these programs. Many other countries we aid either through foreign military sales or the military assistance program do not have real elections. These would include Nationalist China, Afghanistan, Greece, Iran, Jordan, Nepal, Pakistan, Saudi Arabia, the Congo, Mali, Morocco, Nigeria, Argentina, Bolivia, Brazil, Portugal, Peru, and Panama.

The supporters of this amendment may counter by saying that our military forces did not fight in these countries. That may be true, but although our men fought and died in Vietnam, we have no more right to dictate election procedures to them than to the other allies I have cited.

There is much progress to be seen in the South Vietnamese political scene despite the fact that the country is at war. It is no easy job to conduct elections when an enemy force controls sections of one's territory and is actively fighting in the cities and rural areas where the election has to be held. It is really amazing that under these conditions more than 90 percent of the people had the courage to go to the polls and vote. It is further significant that more than 90 percent supported the reelection of President Thieu. Perhaps that is what is bothering some of these people—that such a large percentage did go to the polls and that such a large percentage did support President Thieu.

This body should also remember that the South Vietnamese Senate election on August 1 of 1970, under the new constitution, was by all accounts scrupulously fair. More recently, the lower house elections evidenced a widening representation of the Buddhist-backed candidates, thus reflecting the efficacy of the democratic process. Further, more than 90 percent of the villages and hamlets are governed by locally elected officials.

Mr. President, the Senate should also be aware there is a significant change in the language in the Star print of amendment No. 419 when compared to the original amendment. Under the new amendment, which the Senate is now considering, the language absolutely requires withdrawal of U.S. forces from Vietnam within 6 months after the date of enactment of this act. In other words, whereas the Mansfield amendment did not make such a withdrawal mandatory, the pending amendment would give the withdrawal the force of law.

The only way withdrawal within 4 months would not have the force of law would be if the South Vietnamese conducted a new election prior to February 3, 1972, and the President found that the new election met all the requirements set out in this amendment. Even then the 6-month withdrawal requirement after the date of enactment would remain in force.

Thus, this amendment goes further than the Mansfield amendment regarding the point of withdrawal. All of the arguments as to the Mansfield amendment would, therefore, apply to the Montoya amendment.

Finally, this amendment would have the United States withdraw whether or not our prisoners are released. It would cut off funds based simply on the refusal of President Thieu to call a new election. It urges negotiation for our POW's but does not require their release along with any withdrawal. It also provides in section "c" that nothing in the amendment should be construed to affect the authority of the President of the United States to assure a safe withdrawal and provide aid for our allies. This contradicts the amendment itself, as the United States could not withdraw by February 3, 1972, without endangering our men and jeopardizing aid for our allies.

Mr. President, this amendment is not only unwise but also unworkable and I hope the Senate will see fit to reject it.

In closing, Mr. President, I want to say again that I hope Congress will see fit to give President Nixon a chance to wind down this war in the proper way, as he is trying to do.

The war did not start under President Nixon. I repeat, the war started, as I said yesterday, under President Kennedy. It continued under President Johnson. President Nixon is now trying to wind down the war. He has brought out of Vietnam more than 300,000 of our fighting men. There are less than 200,000 remaining there now. That is something the other Presidents did not do.

Let us give President Nixon a chance.

Why do we want to try to tie his hands? Why do we want to embarrass President Thieu before the whole world? President Thieu has held the elections. They have not shown corruption or wrongdoing. Why should we not stay out of the affairs of other countries and attend to our own affairs, because that is what we are called upon to do, anyway.

The PRESIDING OFFICER (Mr. STEVENSON). Who yields further time?

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Ten minutes remain to the Senator from Mississippi, and the Senator from New Mexico 35 minutes.

Mr. MONTOYA. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. MONTOYA. Mr. President, I think we have covered all the points that were brought out by the distinguished Senator from South Carolina. He probably was not in the Chamber when I covered the points he elaborated in his presentation. However, I do want to say, by way of additional emphasis, that our country has much at stake. Because of the election held in Vietnam recently, we are being judged throughout the world as condoning an election of a dictator or a dictatorship.

I am not going to get into an argument as to whether President Thieu has been a good President of Vietnam, but I say that when a man under those circumstances is elected, when reprisals set in, when repressive measures are taken, the body of public opinion in this country will have no respect for such a government or such an institution. Certainly world opinion will not have any respect for it. This is accentuated by the fact that the freely-elected members of the Vietnam Senate, petitioned President Thieu by a vote of 28 to 3 to hold another election, and he refused. I think this is evidence of the concern of many of those who serve in the Parliament of Vietnam. Certainly, it should be of concern of all of us because, after all, if we do not sustain the kind of government in Vietnam that will have the fiber of freedom and a cross-section representation of the wishes and makeup of the population, then that government will not endure. It will become a candidate for a takeover by a military junta. We have no guarantee that such a takeover will be in the interests of freedom, in the interests of democracy, in the interests of the United States, or in the interests of what our boys fought and died for.

That is what is at stake here. I am not telling the South Vietnamese people to conduct an election. I am saying that we went in there to fight for free institutions, for self-determination for those people. I am saying that we went in there so that there would not be a repetition of what happened to President Diem when he was overthrown, because he was repressive, because he was dictatorial. I am saying that we shall not expend any more funds unless the President certifies that Vietnam is living up to the expectations for which our boys fought and died and that is meaningful self-determination on the part of the people of South Vietnam. He must certify the existence of free and open elections, and unless he does that within 4 months, we withdraw.

If meaningful elections are held, then my amendment relegates itself to the time limitation of the Mansfield amendment, which is 6 months. The Senate has already spoken most eloquently and overwhelmingly, with the Mansfield amendment vote, that we must withdraw. I am sure that when the Mansfield amendment came up, many Senators made up their minds, because of what was happening in the elective process in Vietnam, and I am sure that the eyes of the world are upon us today here in the Senate.

Are we passively going to endorse what has happened in South Vietnam? Are we going to say to the world by our votes here today against this amendment that we are actually saying there was a meaningful and free election in Vietnam?

I say no. We should not do that.

Mr. President, I am most sincere about the amendment. I respect the arguments which have been presented against it. I respect the sincerity of those who have presented those arguments, but I think that underlying all this debate is the respect which we all share for the memory of those fighting men who were told to go to South Vietnam and fight for democracy in that part of the world, to fight for self-determination, to fight to see that the onslaught of communism does not advance any further; and now, those expectations have come to naught because of the election.

Mr. President, I yield the floor.

Mr. DOLE. Mr. President, will the Senator from Mississippi yield me 3 minutes?

Mr. STENNIS. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Mississippi has 10 minutes remaining.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 3 minutes.

Mr. DOLE. Mr. President, I have listened carefully to the comments of the distinguished Senator from New Mexico. I do not quarrel with his sincerity. He did make the point about the onslaught of communism. I am not certain what the pending amendment does to halt communism if it were to be adopted.

As we look at the amendment, we should also look at some of the alternatives in the event it does not pass or in the event there is not what is described as a "free election" which can be, as I understand, an election without an opponent.

Whatever the Senator from New Mexico may suggest, whether he suggests the overthrow of the present government, or a takeover by the Communists, or a resignation by the present President of South Vietnam, what are the alternatives, after stirring up the emotions of the American people with regard to this war?

I suggest there has been a lot of effort by the Senate to help President Nixon. Many positions have changed in the Senate over the past 2½ years. But I would submit, as I have done before, that President Nixon's program is working. I have cited the statistics before this morning. I say again, there has been a withdrawal of more than 300,000 Americans from South Vietnam by President Nixon, without any legislation being passed by the Senate, without any termination date being set by the Senate, and without any legislation to control the President's actions. He has done it on his own.

He has done it voluntarily. And he has kept his word with the American people. Every time he has announced a troop withdrawal, he has been on time or ahead of schedule with the accomplishment of that withdrawal. The casualties, instead of running at the rate of about 200 or 300 a week, as in 1968, are now at about 20. Those are still too many casualties; however, it is progress. The South Vietnamese Army is stronger. The democratic process is taking root in South Vietnam.

There were elections in South Vietnam. In fact, there have been a half-dozen elections since 1967—democratic elections, free elections. There were elections in the lower House of South Vietnam as late as August of this year.

So I say very sincerely the amendment does nothing. It is another effort to fix a date. It is an effort to force the South Vietnamese Government to yield to some demand from our Government to force an election and to literally force people to run for public office.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 1 additional minute to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 1 additional minute.

Mr. DOLE. We have had Senators unopposed in their elections to the Senate.

The Senator from Vermont (Mr. AIKEN) was unopposed in 1968.

The Senator from Louisiana (Mr. LONG) was unopposed in 1968.

The late Senator from Georgia (Mr. Russell) was unopposed in 1966.

The President pro tempore, the senior Senator from Louisiana (Mr. ELLENDER), was unopposed in 1966.

The distinguished chairman of the Armed Services Committee, the Senator from Mississippi (Mr. STENNIS), was unopposed in 1970.

So it is not unheard of that there are elections in which people are unopposed.

As the Senator from Vermont (Mr. AIKEN) said, it is nice. I have never had that pleasure. However, it probably would be.

In conclusion, I see nothing in the pending amendment but an attempt to force the South Vietnamese Government—if the amendment is agreed to—to hold a farcical election, a circus election, or a sideshow election to satisfy the requirements of an amendment which in my opinion has no merit.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I do not have very much more to say about this matter. There has been thorough debate here. The Senator from New Mexico is a very resourceful man. His original amendment would have given a chance, insofar as a contrast with the Mansfield amendment is concerned, to squarely draw this issue. However, now with the lapse of time, with the holding of the election and with the Mansfield amendment having passed, I respectfully submit to the Senate that the two measures are contradictory to a large degree.

If the Senate sends two amendments on this issue to the same conference, as I have said before, we might as well admit that this will be a hostile conference on this point about the war.

If we send two amendments to conference on the same subject, amendments that are substantially contradictory, we would just be giving the House conferees an excuse to stand on rather than to get down to the real issue. The issue will not be clearly drawn. It will not be positively drawn. It will be a double-barreled proposition. Instead of giving the Senate conferees a chance to bear down on one thing, we will have two feet—one foot up and one foot down. We will be at a great disadvantage, especially under a hostile situation.

I respectfully submit to the Senate that this reason within itself is a good reason to reject the amendment in view of the fact that the other amendment has already been passed.

If this measure goes to conference with the Mansfield amendment that has already been passed and is already in the bill, it will be my duty—and I expect to live up to it—to do the best I can to represent the Senate. The Senate has spoken on the Mansfield amendment. However, with this double-barreled situation, this twofold situation here, it leaves the conferees between the sediment and the ground, if I may use a good Western expression. I hope that does not happen.

Viewing a comparison of these amendments, assuming for the moment it is all right to go into the elections, time wise, the Montoya amendment says—

> Six months and we are through; no more money.

The Mansfield amendment says:

> "Six months and the POW's and no more money."

So the Senator from New Mexico is not overlooking the POW's. He is not forgetting them. He is concerned about them. However, as to the method used, I strongly believe that the interpretation of the "6 months and no money and the POW's" is not a strong enough approach.

The Mansfield amendment is clearer and therefore stronger on that point. However, even passing on beyond that, I do not believe it is a sound formula here to enact legislation on an amendment of this kind trying to end the war—which is a national issue and particularly in the field of foreign relations and foreign policy—with an amendment that has tied into it the election in South Vietnam and the requiring of the President of the United States as our spokesman on foreign policy to make a judgment here on the merits of that election.

I just do not believe that is a guideline or a proper foundation. I believe that we just should not do it. I would rather just strike out altogether the part about the election. We ought not to put a provision in this bill about the election. We certainly ought not to try to have the President of the United States certifying the election, and so forth, as a price for getting a little more time. I just believe that that is the wrong approach.

Mr. President, one other point and I will be through. With respect to the matter of the sanctuary, a place for these refugees, political refugees, displaced people who are fighting on the same side that we have been fighting, I believe it is wrong to just write into the amendment that they will be taken care of and that we will make an exception to that, and at the same time we say "No more money for the troops."

I hope the Senate will reject the amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MONTOYA. Mr. President, I want to say again that I truly respect the Senator from Mississippi who has offered opposition to my amendment.

I respectfully submit that it is the concern of the American people, the concern of the U.S. Congress, and the concern of this body, to make a judgment of our expectations as to whether we are interested in seeing a viable government in South Vietnam, because I believe we went there with that intention. We told our boys to go in there and to fight for the self-determination of these people. We went in there to fight for free institutions and 55,000 or more Americans have died. There have been over 300,000 casualties, over $130 billion has been expended, our economy has been shattered, inflation is rampant, and because of it the fiber of our society has been weakened and debilitated and respect for our free institutions tarnished. That is what Vietnam has done to our society here at home.

Those boys went over there to spill their blood and to leave their bones for self-determination by the Vietnamese people, for free democratic institutions. Now, toward the end of the war, one-man rule has set in. We are back to the days of President Diem when he had one-man rule and was overthrown, and when his overthrow triggered the initial steps taken by our Government to go in there. Are we going to forget that history? Are we going to forget what these boys fought for? Are we going to say in the name of not interfering that we endorse the one-man election that was held under a Russian ballot in South Vietnam recently? That is what is at stake.

Are we going to be the laughing stock of the world, having expended all these resources and all this agony, only to be back where we started? I do not think that America is made of such kind of thinking. I say that we have determination as a people and I say that this Senate represents that determination, and unless we enact this amendment, I feel that world public opinion is going to laugh at us.

Now, there have been many statements made. We went into Vietnam to train the Vietnamese forces, and that turned into combat by our forces. As of last May, South Vietnam had 1.2 million fighting men in their forces. They have the capability to defend themselves. I say we must withdraw. I say that my amendment rides in tandem with the Mansfield amendment and is not contradictory to it. It is within the noble purposes of the Mansfield amendment.

The distinguished chairman of the committee presented an argument that the adoption of this amendment together with the Mansfield amendment will make it difficult in conference. May I respectfully submit that I have attended many conferences with the House and when a conferee has two marbles to play with, he plays with strength, with more strength than with one.

I submit that the two amendments going to conference will give the chairman strength to sustain the will of the Senate for an early withdrawal from Vietnam.

Mr. President, I think the issue is clear cut. Does the Senate, by its vote, passively endorse the one-man rule of South Vietnam, which is the rule against which over 55,000 of our boys died and 300,000 became casualties?

I submit this amendment is proper and fitting as an attachment to this particular bill.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time

having been used or yielded back, the question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. EASTLAND. Mr. President, on this vote I have a pair with the Senator from West Virginia (Mr. Randolph). If he were present and voting, he would vote "yea"; if I were permitted to vote, I would vote "nay." I therefore withhold my vote.

Mr. HART. Mr. President, on this vote, I have a pair with the Senator from South Dakota (Mr. McGovern). If he were present and voting, he would vote "yea"; if I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from South Dakota (Mr. McGovern), the Senator from Maine (Mr. Muskie), the Senator from West Virginia (Mr. Randolph), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from Washington (Mr. Jackson) is absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson) would vote "nay."

I further announce that, if present and voting, the Senator from South Dakota (Mr. McGovern), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), and the Senator from Maryland (Mr. Beall) are necessarily absent.

The Senator from Arizona (Mr. Goldwater) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Hawaii (Mr. Fong) is detained on official business.

If present and voting, the Senator from Maryland (Mr. Beall) would vote "nay."

The result was announced—yeas 25, nays 60, as follows:

[No. 253 Leg.]

YEAS—25

Anderson
Bayh
Byrd, W. Va.
Church
Cranston
Eagleton
Fulbright
Hartke
Hatfield
Hughes
Humphrey
Inouye
Javits
Kennedy
Magnuson
Mansfield
Mondale
Montoya
Nelson
Pell
Proxmire
Ribicoff
Symington
Tunney
Young

NAYS—60

Aiken
Allen
Allott
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Case
Chiles
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Ellender
Ervin
Fannin
Gambrell
Griffin
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
Mathias
McClellan
McGee
McIntyre
Metcalf
Miller
Moss
Packwood
Pastore
Pearson
Percy
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevens
Stevenson
Taft
Talmadge
Thurmond
Tower
Weicker
Williams

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Eastland, against
Hart, against

NOT VOTING—13

Baker
Beall
Cannon
Fong
Goldwater
Gravel
Harris
Jackson
McGovern
Mundt
Muskie
Randolph
Sparkman

So Mr. Montoya's amendment (No. 419) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote whereby the amendment was rejected.

Mr. TALMADGE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 438

The PRESIDING OFFICER (Mr. Stevenson). Under a prior order, the Senate will now proceed to vote on the amendment (No. 438) of the Senator from Arkansas (Mr. Fulbright).

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Will the Chair restore the Senate to order, and identify the question? I respectfully suggest that the amendment should be stated, because it is several days since the matter has been considered.

The PRESIDING OFFICER. The Senate will be in order.

The question is on agreeing to the amendment (No. 438) of the Senator from Arkansas (Mr. Fulbright), which the clerk will state.

The assistant legislative clerk read as follows:

> On page 16, line 11, after the quotation mark, strike out the word "On" and insert the following: "Unless the President determines that the national interest or a treaty obligation of the United States otherwise require, and so informs the Congress on".

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Is this a straight vote on the amendment, up or down?

The PRESIDING OFFICER. The Senator is correct.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. GRIFFIN. On this vote I have a pair with the Senator from Tennessee (Mr. Baker). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

Mr. MATHIAS (after having voted in the affirmative). On this vote I have a pair with the Senator from Maryland (Mr. Beall), who is unavoidably absent. If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. MOSS (after having voted in the affirmative). On this vote I have a live pair with the senior Senator from Alabama (Mr. Sparkman). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the Senator from Nevada (Mr. Cannon). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. NELSON (after having voted in the affirmative). On this vote, I have a pair with the senior Senator from West Virginia (Mr. Randolph). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), the Senator from Maine (Mr. Muskie), the Senator from West Virginia (Mr. Randolph), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from Washington (Mr. Jackson) is absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel), the Senator from Washington (Mr. Jackson), the Senator from South Dakota (Mr. McGovern), and the Senator from Maine (Mr. Muskie) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker) and the Senator from Maryland (Mr. Beall) are necessarily absent.

The Senator from Arizona (Mr. Goldwater) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The respective pairs of the Senator from Tennessee (Mr. Baker) and that of the Senator from Maryland (Mr. Beall) has been previously announced.

The result was announced—yeas 38, nays 44, as follows:

[No. 254 Leg.]

YEAS—38

Aiken
Bayh
Boggs
Brooke
Burdick
Case
Church
Cooper
Cranston
Eagleton
Fong
Fulbright
Hart
Hartke
Hatfield
Hughes
Humphrey
Inouye
Javits
Kennedy
Magnuson
McGee
McIntyre
Mondale
Packwood
Pastore
Pell
Percy
Proxmire
Ribicoff
Scott
Stafford
Stevens
Stevenson
Symington
Taft
Tunney
Williams

NAYS—44

Allen
Allott
Anderson
Bellmon
Bennett
Bentsen
Bible
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Chiles
Cook
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Gambrell
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Metcalf
Miller
Pearson
Roth
Saxbe
Schweiker
Smith
Spong
Stennis
Talmadge
Thurmond
Tower
Weicker
Young

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—5

Griffin, for
Mathias, for
Moss, for
Mansfield, for
Nelson, for

NOT VOTING—13

Baker
Beall
Cannon
Goldwater
Gravel
Harris
Jackson
McGovern
Montoya
Mundt
Muskie
Randolph
Sparkman

So Mr. FULBRIGHT'S amendment (No. 438) was rejected.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. TUNNEY). The Senator from Mississippi will state it.

Mr. STENNIS. Is that vote subject to a motion to reconsider?

The PRESIDING OFFICER. It is.

Mr. STENNIS. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. THURMOND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 455

Mr. MATHIAS. Mr. President, I call up my amendment now at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

At the proper place, insert the following: "Notwithstanding any other provision of law or any action taken by the President pursuant thereto, the pay raise authorized under section 3(c) of the Federal Pay Comparability Act of 1970 to be effective on or after January 1, 1972, shall take effect at the beginning of the first pay period on or after January 1, 1972, and no alternative plan submitted by the President in accordance with section 5305(c)(1) of title 5, United States Code, shall take effect in lieu thereof except, however, that no pay increase shall exceed the highest of any wage or salary adjustment that may be authorized under any wage or salary stabilization order issued by the President under authority of any statute of the United States, including the Economic Stabilization Act of 1970 (Public Law 91-379; 84 Stat. 799), as amended, and as may be in effect in January 1972, at the time the comparability adjustments for each Federal statutory system become effective."

The PRESIDING OFFICER. The time on the amendment is limited to 30 minutes, 15 minutes for the Senator from Maryland and 15 minutes for the Senator from Mississippi. That time comes out of the 3 hours on the bill.

Mr. MATHIAS. Mr. President, before I make any remarks, I yield to the Senator from Utah such time as he may require for the purpose of offering an amendment to the amendment.

Mr. MOSS. Mr. President, this morning in the Post Office and Civil Service Committee, we considered at great length my bill which was introduced 2 days ago, S. 2647, which was on the same general subject matter as the amendment of the Senator from Maryland.

The wording of the bill that was finally voted unanimously by the committee to be reported, I now intend to offer as an amendment to the amendment of the Senator from Maryland.

The parliamentary situation is that we are not going to be able to get a bill up for consideration and action before the deadline for rescinding the increases in the Federal salaries, which deadline expires at midnight tomorrow night.

As the Senate knows, I have a resolution pending which we had hoped to call up tomorrow. That resolution would rescind the freeze. However, the committee recognized and my bill recognizes, as does the Senator from Maryland, that the Federal employees should not have any advantage and neither should they be disadvantaged.

The bill the committee ordered reported this morning would provide that Federal employees, if the freeze is lifted, may receive their salary increase on the first day of January or the end of the pay period that comes after the first day of January, but they would not be permitted to get an increase beyond that which is allowed generally to all wage earners.

In other words, if the President comes forth in phase II of his economic program and sets some sort of ceiling on salary increases, say 3 percent, 5 percent, or 1 percent, or if he freezes it entirely, then the Federal employees must abide by that decision. However, if the President in his order gives some leeway to private industry, the Federal employees may not be disadvantaged and may receive the salaries authorized by statute as an increase.

Therefore, in order to accomplish that purpose, I intend to offer an amendment as a substitute for the language contained in the amendment of the Senator from Maryland. I have talked to the Senator from Maryland on this matter and I have discussed it fully with many Senators.

Mr. President, I ask unanimous consent that the name of the Senator from Alaska (Mr. STEVENS) be added as a cosponsor of my amendment in the nature of a substitute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. Mr. President, I offer an amendment in the nature of a substitute for the language contained in the amendment of the Senator from Maryland and ask that it be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

That, notwithstanding any provision of section 3(c) of the Federal Pay Comparability Act of 1970 (Public Law 91-656) or of section 5305 of title 5, United States Code, as added by section 3(a) of Public Law 91-656, such comparability adjustments in the rates of pay of each Federal statutory pay system as may be required under such sections 5305 and 3(c), based on the 1971 Bureau of Labor Statistics survey, to become effective on the first day of the first pay period that begins on or after January 1, 1972, shall not be greater than the general average of any wage or salary adjustment that may be authorized under any wage or salary stabilization order issued by the President under authority of any statute of the United States, including the Economic Stabilization Act of 1970 (Public Law 91-379; 84 Stat. 799), as amended, and as may be in effect in January 1972. The President shall place such wage and salary adjustments into effect at approximately the same time as such wage or salary stabilization order applies to wages and prices in the private sector of the United States economy. Nothing in this Act shall be construed to provide any adjustments in rates of pay of any Federal statutory pay system which are greater than the adjustments based on the 1971 Bureau of Labor Statistics survey.

The PRESIDING OFFICER. The amendment of the Senator from Utah is not in order under the unanimous-consent agreement until all time has expired on the Mathias amendment.

Mr. MOSS. Mr. President, I thank the Chair.

Mr. MATHIAS. Mr. President, as the author of the original amendment, I accept the amendment of the Senator from Utah as a modification to my original amendment.

The PRESIDING OFFICER. That request is in order.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, I was going to make a parliamentary inquiry concerning that very point. Is the amendment now a substitute for the original Mathias amendment?

The PRESIDING OFFICER. The amendment becomes the pending amendment inasmuch as the Senator from Maryland has accepted it.

Mr. STENNIS. A further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, that was possible under the unanimous consent agreement?

The PRESIDING OFFICER. There was no unanimous consent agreement on the amendment of the Senator from Maryland. Therefore, a modification is appropriate.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRIFFIN. Mr. President, were the yeas and nays ordered on the Mathias amendment?

The PRESIDING OFFICER. Not yet.

Mr. MATHIAS. Mr. President, I was just about to make that request.

Mr. President, I request the yeas and nays.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, should not the time start over again? We have another amendment. I understand that there is controlled time.

The PRESIDING OFFICER. No. It is the same amendment. It has just been modified.

Mr. MATHIAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MATHIAS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Maryland has 7 minutes remaining, and the Senator from Mississippi has 15 minutes remaining.

Mr. McGEE. Mr. President, will the Senator yield me 3 minutes?

Mr. MATHIAS. Mr. President, I yield 2 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 2 minutes.

Mr. McGEE. Mr. President, this is not the measure I had advocated. I had felt that if the President had an economic crisis that confronted the Nation concerning inflation and increasing wages of such consequence that he felt wages should be frozen, it is just as inflationary if we pay the military, however noble the purpose—a measure for which I voted—$2 or $3 billion, as it is to pay civilian employees. They are already agreed on comparability.

Therefore, I think it is important that we clear up the inflation issue once and for all. Are we in a period of inflation that the President wants to turn around, or not? If so, I say this should take precedence over all others for the simple reason we may not have a chance to have a useful and effective volunteer Army. If it is not, and we are picking on Federal civilian employees as a gimmick to impress others, I say we are doing them an injustice and a wrong.

But because it was important that we get a bill out of committee this morning, I supported reporting this measure, but I want to report to the Senate as a matter of record that I think we are still falling short in what we should be doing, if the President is sincere in his efforts to combat inflation. Inflation cannot be impeded piece by piece or by being for someone and against someone else.

I do commend the Senator from Maryland for his efforts in this matter, but I must register my misgivings about the bill with these qualifications on it.

Mr. MATHIAS. Mr. President, I yield 2 minutes to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. FONG. Mr. President, as the ranking minority member of the Committee on Post Office and Civil Service, I ask that my name be added as a cosponsor of the amendment offered by the Senator from Utah (Mr. Moss).

Mr. MOSS. Mr President, it certainly is acceptable to me that the Senator be added as a cosponsor

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FONG. Mr. President, this amendment I am cosponsoring would place Federal employees on the same level as private employees after the present wage-price freeze expires on November 12. When the President froze the pay of Federal employees until July 1, 1972, he did it under a statute which forced him to act by September 1, 1971. Under present law he has no power to amend or rescind his decision. Should the President decide to allow pay increases to the private sector before July 1, 1972, he will be unable to do likewise for Federal civilian employees and military personnel. This amendment will place Federal employees on the same basis as employees in the private sector should the President decide to allow increases to private salaries. I am of the firm conviction that employees in the private sector should not be treated more favorably than Federal employees, and that Federal employees should not be treated better than employees in the private sector.

In this amendment we are saying to the President, "When you give private employees a salary increase, you must treat Federal employees on the same basis."

We do not know what phase II wage controls for private employees will be. The President may control pay increases, industry by industry and give industry A a certain percentage, whereas there may be a different percentage for industry B. However, in the Moss-Fong substitute amendment we are telling the President to average these increases and give the average increase to Federal employees. We do not feel Federal employees should bear the brunt of sacrifice in the anti-inflation program. If one sector is going to bear the brunt, let all sectors bear the brunt. If all sectors are not going to bear the burden, then do not force Federal employees to bear it alone.

Our amendment proposes that fairness and equity be applied in the matter of pay increases to Federal employees as well as to those in the private sector.

Mr. President, I strongly favor fair and equitable salary treatment for Federal employees at all times. This is why I worked so hard over the years to establish in law the principle of comparability, whereby Federal pay scales would be comparable to private. This principle is now embodied in the law governing Federal employees' pay.

During the Nation's present wage stabilization anti-inflation program, I believe the principle that Federal employees should be treated fairly and equitably should continue to prevail.

I believe just as strongly that private employees should be treated fairly and equitably during the wage stabilization-anti-inflation program.

Through November 12, Federal employees and private employees are being treated on the same basis.

In phase II, which begins November 13, when all Americans are asked to continue to make sacrifices so that inflation can be curbed, so that more jobs can be created, and so that our economy can be put on an even keel, the burden of sacrifice should be distributed fairly and equitably among all.

Mr. STENNIS. Mr. President, I yield myself 5 minutes. I will use 1 minute of that and then I will yield the remainder to the Senator from Pennsylvania.

Mr. President, has this amendment been printed? Are any copies available?

The PRESIDING OFFICER. The amendment has not been printed. There are copies being made right now.

Mr. STENNIS. May I direct this question to one of the Senators sponsoring the measure. The matter of vetoing the President's deferment will be considered tomorrow. Is that right? Is that the plan?

Mr. McGEE. Yes.

Mr. MOSS. Yes.

Mr. STENNIS. What is the purpose of running in this measure today as an amendment on this major bill?

Mr. MOSS. If I may respond to the Senator from Mississippi, in committee this morning we considered this matter and the committee voted to report it out. However, the mechanics of getting it before the Senate are that it could not come up prior to our consideration of the resolution unless it came on today.

Mr. STENNIS. I thank the Senator. I yield 4 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCOTT. Mr. President, I share the deep misgivings of the Senator from Wyoming on this matter. In the first place, this is being brought up ahead of the resolution of disapproval which is set for tomorrow, on which we can determine the issue. Secondly, I hope the resolution, when it comes up, will be voted down, because it anticipates what the President is going to do.

The President announced that he will address the Nation at 7:30 tomorrow night and discuss what he intends to propose in phase II of the economic plan.

The Senate is engaged here in a process of trying to second guess the President and anticipate what he is going to say, trying to establish certain rules which might shoot grievous holes in the President's fight against inflation.

To pass this amendment would place the responsibility on Congress and directly on Congress for failing to support the anti-inflationary efforts of the President.

All of us are for comparability. It is almost a sacred code word around here, and everybody in the executive department that I know of is for comparability, and comparability can be worked out.

But this is an attempt to respond to all sorts of outside pressures to pacfiy people who, in my opinion, are not justifiably concerned about their future here. There will be comparability and everyone is being asked to exercise a certain restraint, discipline, and responsibility. I think it would be unfortunate, indeed, if the Senate today were to act favorably on this amendment as a substitute, or for that matter on the resolution of disapproval tomorrow, without a single Member of this Chamber, including the leadership on both sides, knowing what the President intends to propose tomorrow night on what phase II will constitute. I do not think this is a responsible way to go about it.

I hope the amendment is rejected and I think it is extremely important that it be rejected. If it is not defeated, Congress—or at least the Senate—will have to bear the responsibility for having shot holes in the anti-inflationary fight. I, for one, will continue to hold them responsible day by day until the days of accountability occur.

If, in spite of all our vast commitments to avoiding inflation in this country, we are going to be the first ones to break the dike it will not hold along the line, and I think it should hold along the line. I urge the defeat of the amendment. I thank the Senator for yielding.

Mr. STENNIS. Mr. President, I yield myself 3 additional minutes.

I am opposed to this amendment. It looks to me like a race to see who can anticipate the President's recommendations and get this on the law books. Just the reverse method would be to wait to see what he is going to say and then have a bill, let it be debated on the merits, and then go to the other body.

The bill under consideration today was the pending order of business when we came from the recess and hopefully it is going to be passed this afternoon and go to conference where there will be 100 different amendments, 100 differences between the House version and the Senate version, and that is leaving out the minor matters. There are at least 100 major differences. That means there will be a great deal of work which takes time in conference.

In addition, we have the Mansfield amendment, which is well known, and which will be a very difficult matter. Long before that bill gets to the President, this question will be moot. It is not necessary to have it here today or on this bill in particular. It will lie there in a dormant position for 30 days or more; I hope it will be less. But there are no magicians around here that I have found in getting agreements in conference.

So this matter is premature. I almost said illegitimate. I think parliamentary-wise it is illegitimate to come in here at the last moment on this bill, after we reached an agreement last week to have a vote on final passage today. I cannot explain it. That is why I am not going to try. I hope the Senate will vote down the amendment and let us proceed in an orderly way.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. ERVIN. Is not this, in effect, proposed legislation to take effect on the happening of some kind of "if" sometime in the future?

Mr STENNIS. The Senator is correct.

Mr. ERVIN. Is it not complicating simplicity and is it not a rather vain proceeding because the subject will be taken out in conference, particularly since the House has rejected the proposal to veto the freeze?

Mr. STENNIS. The Senator has made a wise statement, as he always does.

I will yield time on this matter to any Senator who wishes to speak.

Mr. SCOTT. Mr. President, will the Senator yield me another 2 minutes?

Mr. STENNIS. I yield 2 minutes to the Senator.

Mr. SCOTT. Mr. President, I think the Senator from Mississippi has made a highly valid point here about the parliamentary illegitimacy of this amendment. Nobody really knows the import of the amendment. All we know is the Senate is in a rush so it can gain considerable face with Federal employees by saying "We are going to do a lot for you. We are going to put a lot of sugar in the cake we bake, and we will send the cake to the other body," where it will grow stale for 30 days, until everybody will have forgotten the promise, except that when Senators run for election they will be able to say then, "See, I was for the Federal employees."

Lest it be overlooked, I am for them, too, and I will quote that in context in due time.

Really, this is an exercise in complicating simplicity, as the Senator from North Carolina has said. It is an exercise in urgency, yes, but in urgency for what. For running in place. For running very hard while standing still and while giving the illusion of motion to people who, we hope, will believe we love them.

Let us, instead, pass a resolution saying we love them. At least they are entitled to a valentine rather than a fake Christmas present. This is all ribbon and fluff and wrapping paper and stuffing. None of it is edible and none of it is cashable at the bank.

I think it is high time we exercised our responsibility. As I see it, those who support the resolution, with all due respect, are simply trying to beat the President in his announcement tomorrow night. They do not know what it is, and I do not know what it is. When you try to beat a man to a speech you have not read, you are taking an awful risk. Therefore, I hope the Senate will vote down the amendment.

Mr. MOSS. Mr. President, will the Senator yield me 2 minutes to try to answer the Senator?

Mr. STENNIS. The Senator has time of his own.

Mr. MATHIAS. Mr. President, I was about to say we are just about at the bottom of the barrel.

Mr. MOSS. That is because all our time was spent reading the bill. We should not have taken that time.

Mr. MATHIAS. I promised to yield 1 minute to the Senator from Alaska (Mr. STEVENS).

Mr. STEVENS. Mr. President, I am sorry that the distinguished minority leader has taken this position on the amendment, because this amendment is accomplishing nothing more than what Government employees are entitled to, and that is to be treated exactly like the private sector is treated. It is necessary because, while we contemplate what the President will propose tomorrow night, we have to consider whether or not to veto the President's action. It is reassuring to the Federal employees to know that Government employees will be treated exactly like those in the private sector. I do not think this is a Valentine or gift; it is a promise of equal treatment. That is all we are asking for, and I think it is timely to take it up at this time.

IN SUPPORT OF PHASE II PAY INCREASES FOR FEDERAL EMPLOYEES

Mr. KENNEDY. Mr. President, every so often, the U.S. Senate is asked to vote on a question of such elemental fairness and equity that the merits of the issue are all on one side. Today, the Senate votes on such an issue—a provision to give fair treatment to Federal employees under phase II of the President's economic program.

Of all the aspects of the President's new program, none is more unconscionable than the cruel demand that Federal employees should be singled out to bear the heaviest burden of the President's economic policy. I can find no rational economic justification for the President's demand that Federal employees should bear such a burden. In recent weeks, responsible economists of every political persuasion have emphasized that the most effective route to the Nation's prompt economic recovery is through an immediate and vigorous stimulus to consumer spending. The relevance of this point is incontestable. Dollar for dollar, new money in the hands of Federal employees is precisely the sort of effective economic stimulus the economy needs at the present time. It make no sense, therefore, on economic grounds, for the administration to oppose the comparability pay increase for Federal employees scheduled for next January.

The sole justification I can find for the administration's action is a justification based on the discriminatory principle of partisan political expedience. The administration's decision to take $1.3 billion out of the hide of Federal employees is no more nor less than an assault on the pocketbooks of a group in our population who usually vote as Democrats, and who are too weak to mount effective opposition.

As such, the extra burden the administration now seeks to impose on Federal employees is a symbol of what is basically wrong with so many other aspects of the administration's economic program—the distorted priorities that give special favor to the few, while ignoring the overwhelming needs of the many. You don't find business being asked to bear a special burden—not when the heart of the new economic policy is a multibillion dollar tax windfall for plant and equipment through accelerated depreciation and the investment credit.

Instead, in an effort to find a partial offset against such overgenerous largesse for the special interests, the administration has produced an unseemly and unfair hodge-podge of budget cuts to balance the Federal books—cuts inflicted on the groups with the least voice in White House policy and the fewest Republican votes on election day. It is no accident, therefore, that the principal revenue savings in the administration's program are achieved partly at the expense of Federal employees, through the 6-month freeze on pay increases, and partly at the expense of the poor, through the postponement of welfare reform.

The facts of the situation with respect to Federal employees are clear. In the Federal Pay Comparability Act of 1970, Congress established the basic principle that Federal employees should be paid the same wages as private employees for the same level of work. Under the act, so-called comparability pay increases for Federal employees are automatic, and their magnitude is determined in accord with regular surveys of private pay levels by the Bureau of Labor Statistics. In accord with the provisions of the act, the next pay increase for Federal employees is scheduled to take effect on January 1, 1972, and would have averaged in the neighborhood of 6 percent.

Under the terms of the 1970 act, however, the President has the authority to delay any wage increase if he determines that it is unwarranted "because of a national emergency or economic conditions affecting the general welfare." The act gives Congress 30 days to disapprove any such delay requested by the President. Last August, in accord with this provision of the act, the President proposed that the increase scheduled for next January 1 should be deferred 6 months, until July 1, 1972.

The terms of the pending proposal on the Senate floor are simple, fair and reasonable. The amendment seeks no special exemption or dispensation for Federal employees. All that it provides is that Federal employees shall be treated on an equal basis with all other employees under phase II of the administration's economic program. As such, Federal employees would share the benefits and burdens of phase II with every other citizen. Thus, whatever comparability increase is called for under the terms of the 1970 Act would be modified to meet the requirements of phase II. As modified, the increase would go into effect on January 1, 1972, the originally scheduled date.

That is the route we ought to take. No amount of rhetoric can mask the inequity and partisan appeal of the administration's discriminatory demand for a special financial sacrifice by millions of Federal employees. I urge the Senate to accept the pending proposal, and to end the second-class status to which Federal employees have been consigned by the administration's policy. Surely, at a time when the Senate has only just bestowed yet another military pay increase—worth nearly $400 million—on top of the $2 billion military pay increase signed into law a week ago by the President, we can ill afford to discriminate against the civilian employees of the Federal Government.

Mr. JORDAN of North Carolina. Mr. President, at no time since I became a Member of the Senate have I advocated favored or preferential treatment for Federal employees.

It has always been my contention that those working for the Government were entitled to the same consideration given employees of business and industry—no more and no less.

That is my position today and my basic reason for opposing the President's plan to delay until mid-1972 the comparability pay raise which the Government had promised its people next January.

Let me make it abundantly clear that I supported the President's wage price freeze order as a necessary step at the time it was taken.

I am going to support just as strongly any control measures which I conclude are appropriate and necessary for economic reasons after the freeze expires.

But I think they should apply equally to everybody.

People in the private sector who were promised raises before the freeze are going to get them after November 13, to the full extent permitted under the phase II guidelines.

A commitment has been made to Federal employees and I think it should be honored on the same basis.

There is no equity in an order which would force them to shoulder a disproportionate share of the burden in the battle against inflation.

I, therefore, favor the pending amendment which will permit the January 1 raise within any control limits in effect at that time and I hope in the interest of fairness it will be adopted.

Mr. President, how much time do we have left?

The PRESIDING OFFICER. The Senator from Maryland has 2 minutes and the Senator from Mississippi has 5 minutes.

Mr. MOSS. Mr. President, will the Senator from Mississippi yield me 2 minutes of his time?

Mr. STENNIS. If the agreement will permit, but I will not yield any of the time on this amendment.

The PRESIDING OFFICER. If that is the decision of the Senator from Mississippi, it is permissible.

Mr. STENNIS. I will yield 2 minutes to the Senator, because he is the author of the amendment.

May I take 30 seconds first to say we do not know what is in the Mathias amendment. We do not know what is in the amendment of the Senator from Utah. We do not know the difference, and yet we are being asked to vote on it today.

Mr. MOSS. That is why I was going to say there has been a lot of humor in this debate about frosting the cake and so on. The plain, stark fact is that at midnight tomorrow the power of the Congress to rescind the freeze is gone and the freeze then is permanent through the 30th of June 1972.

We are told here very blithely that we ought to wait until tomorrow night and hear what the President has to say. Whatever he says he is going to say after the Senate has adjourned its session, and at midnight it is locked in. What could be plainer than the fact that we ought to act today if we do anything? Tomorrow we will have to face a vote on the resolution that would rescind the freeze and allow the increase to become effective on the 1st of January.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. FULBRIGHT. Why could not this come after the vote on the bill, so we could have time to understand it?

Mr. STENNIS. The Senator from Mississippi did not call it up.

Mr. FULBRIGHT. The Senator agreed to it, did he not?

Mr. STENNIS. Oh, no.

Mr. FULBRIGHT. I do not know what is being offered. It ought to come after the vote on the bill.

Mr. MATHIAS. Mr. President, I yield 1 minute to the Senator from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY. Mr. President, the amendment of the Senator from Maryland is a simple matter of fundamental equity. The fact is that there are two groups singled out under the President's program to carry special burdens. One of them is Federal employees. We know that Federal employees are one of the weakest groups in our society in terms of political muscle. What is being proposed by the administration for Federal employees may be called a valentine or stuffing in a turkey, but it means dollars and cents to those who need it, and we have every obligation to give it to them.

The second group that has been singled out is those who would benefit from welfare reform, who also demand justice and equity. We shall have the opportunity to air that issue in the near future, but today, we have a responsibility to give equity to Federal employees. That is why we should vote for the amendment of the Senator from Maryland.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. STENNIS. Mr. President, I yield myself 2 minutes. What I have to say is repetitious, but there is good reason to say it. I cannot explain this amendment or the opposite side of it. I do not know enough about it. I cannot explain the Mathias amendment. We substituted one for the other. We do not know what is in either one. We do know it has no proper place in this bill and that it will not save any time to put it in this bill, for the reasons I have already given.

My goodness alive, why the stampede? Why the rush? Where is the considered judgment? Where is the recommendation from a committee or some kind of guidelines that we should have? We did not even have copies of the amendment. I saw one just 3 minutes ago. The staff director has not had time to go over it. Why throw away all the safeguards, all the standards, all the procedures, and just rush pell-mell here to try to adopt an amendment to a military procurement bill that will take weeks and weeks even to be brought back into this Chamber, perhaps, not even to mention how much time it will take to send it to the President's desk?

I yield to the Senator from North Carolina.

Mr. ERVIN. Mr. President, does the Senator from Mississippi agree with the Senator from North Carolina that the excuse given by the able and distinguished Senator from Utah is without any validity whatever; that although the time for passing the resolution may expire, Congress still has all the legislative power in this field that the Constitution gives it?

Mr. STENNIS. Absolutely. And I have already said weeks ago that this procurement bill——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I yield myself another minute. This procurement bill must move into some figures before the Appropriations Committee can even write up its bill, before the House Appropriations Committee can start their recommendations and start the bill through the House of Representatives; then it has to come here, of course, and be finally enacted.

So there is every reason why it should not be put on this bill, and I have not heard a single one why it should. I hope the Senate, if for no other reason than to protect itself, will rise up here and vote down this amendment.

That is all I have to say.

The PRESIDING OFFICER. Who yields time?

Mr. MATHIAS. Mr. President, I have an amendment to the amendment.

The PRESIDING OFFICER. All time on the amendment has not expired, and the amendment to the amendment is not in order until all time has expired.

Mr. MATHIAS. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has no time. The Senator from Mississippi has 2 minutes. Who yields time?

Mr. MOSS. Does the Senator from Maryland have any time remaining?

Mr. MATHIAS. I have no time remaining, but I have an amendment at the desk.

The PRESIDING OFFICER. Time is running against the Senator from Mississippi.

Mr. MANSFIELD. Mr. President, is it possible to get time on the bill?

The PRESIDING OFFICER. It is possible to get time on the bill.

Mr. STENNIS. Mr. President, what is the pending matter before the Senate?

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the Senator from Maryland, as modified.

Mr. STENNIS. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. SCOTT. Mr. President, will the Senator yield me 1 minute?

Mr. STENNIS. I yield it to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I think the fact that there is no real merit in this amendment, how thin it is, how moot it is, and how well people know that it is moot, is evidenced by the fact that most of the presidential candidates have not been heard on the subject. Most of them have not returned from their travels or their journeys to the States, to come in and be heard. Few of them have appeared to beat their breasts for the Federal employees. No chest is sore. No self-inflicted wounds have been recorded.

Therefore, I think, we all know that this is a paper chase, and that is all it is. It is just a fruitless paper chase in which we hope we can get something on the RECORD to show people that we want to help them.

It will not work. It will not be passed in the next 30 days, and probably never. Therefore, any "yea" vote on this amendment is an act of supererogation. That is a long word, which I suspect uses up the rest of the minute. [Laughter.]

The PRESIDING OFFICER. The Senator's 1 minute has expired. All time on the amendment has expired.

Mr. MATHIAS. Mr. President, I have an amendment at the desk which I call up.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On line 14, strike the words "January 1972" and substitute "on and after January 1, 1972".

The PRESIDING OFFICER. The time on the amendment is limited to 30 minutes.

Mr. STENNIS. Mr. President, will the Chair have that amendment read again?

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On line 14, strike the words "January 1972" and substitute "on and after January 1, 1972".

The PRESIDING OFFICER. The time on this amendment is 30 minutes, 15 minutes to a side. Who yields time?

Mr. MANSFIELD. No, Mr. President; 20 minutes, I believe. Is that not correct?

The PRESIDING OFFICER. It is 30 minutes.

Mr. MANSFIELD. No, Mr. President; this is an amendment to an amendment, and I think under the agreement it was to be 20 minutes, 10 minutes to a side.

The PRESIDING OFFICER (Mr. TUNNEY). The agreement reads as follows:

> *Ordered further*, That, after the disposition of amendment No. 438, debate on the bill, H.R. 8687, be limited to 3 hours, to be equally divided and controlled by Mr. Stennis and Mr. Scott or his designee. *Provided*, That time for debate on any further amendment to the bill be limited to 30 minutes, to be equally divided and controlled by the mover and Mr. Stennis.

The time is to come out of the 3 hours on the bill. Who yields time?

Mr. MATHIAS. Mr. President, how much time do I have at this point?

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. MATHIAS. I yield 3 minutes to the Senator from Utah.

Mr. MOSS. Mr. President, one thing that I think is overlooked, and the opponents of this amendment overlook it, is the fact that this Congress passed the pay raise for the Federal employees to get comparability. We passed that in the last session. What we did then was say that they might have 4 percent then, and on the 1st of January they get the additional 6 percent. So by law, signed by the President into law, the Federal employees are entitled to an increase of 6 percent on the 1st day of January.

Now they have been frozen back beyond anyone else. They have been frozen back to the 30th of June. All this amendment says that if the freeze is lifted by a vote of this body, then the President may still control the amount of the raise, provided it is equal with what is made available in the private sector.

What could be clearer than that? And what could be clearer than the need for such an amendment right now, to say, "Yes, Mr. President, you may control the wage rates, and if you do it in the private sector, do the same thing for the Federal employees." That is all it says, to do the same thing for both, private and Federal.

Mr. STENNIS. Mr. President, will the Senator yield for a question?

Mr. MOSS. I yield.

Mr. MATHIAS. Mr. President, I believe I have the floor.

Mr. MOSS. Excuse me.

Mr. MATHIAS. Is this on the time of the Senator from Mississippi?

Mr. STENNIS. I want to ask the Senator from Utah a question on my time. I yield myself 1 minute.

If we vote down the freeze tomorrow, if we should go that way and veto the postponement, that will settle the whole thing, will it not?

Mr. MOSS. That will settle the whole thing.

Mr. STENNIS. Why offer this today, on this bill?

Mr. MOSS. Because we may not vote it down. We may undo the freeze tomorrow, and if we do, we want to have that equity provision in there, so that the Federal people are treated no better and no worse than the private sector. That is all it is for.

Mr. STENNIS. But the Senate could still pass a measure that would do what you are proposing to do today.

Mr. MOSS. We might be able to do that sometime later, but without this kind of control on it, many Senators might well be influenced in whether they vote for relaxing the freeze or whether they vote to continue it.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. STENNIS. I yield myself 1 more minute.

Does the Senator think that this bill, within this amendment on it, would really reach the President's desk sooner than one the Senate might pass on that subject alone? What is the Senator's judgment?

Mr. MOSS. I do not know whether it would reach it any sooner, because, as the Senator has pointed out, it must go through conference, and a long course. But what it does is say right here, today, on this floor, that the Senate believes Federal employees ought to be treated equally with all the private sector employees, and that if we tear that down tomorrow, the Senate may decide to undo the freeze and permit Federal employees to have some kind of a pay raise on the 1st of January if the private sector is going to get that leeway.

Mr. MATHIAS. Mr. President, I yield myself 5 minutes, because I would like to address myself to the very interesting question that the Senator from Mississippi has raised, which is the heart and soul of this amendment, about why we seek to do this today, if there will be a resolution of disagreement offered to the Senate tomorrow.

The Senator from Mississippi knows far better than I the hazards that lie along the legislative road, and that it is better to seize opportunities when they are before you. But more substantive than that is the fact that the question the Senate is debating today is not the question immediately involved in the resolution of disagreement.

The resolution of disagreement would totally abrogate the act of the President of the United States in suspending pay raises and otherwise regulating compensation of Federal employees without regard to what we all recognize as the changing economic situation of this country.

This is not speaking to the abrogation of the President's economic plan. This is middle ground which, as the Senator from Utah says, treats Federal employees and employees in the private sector with an equal hand. It does not let anybody have an advantage because he is in public service, but at the same time it is punitive to him and his family because he devotes his life to public service. It is middle ground respecting the very serious situation with which the President was confronted and the conditions under which he acted. But it also recognizes that no one element of our society should be made to bear an unequal burden in fighting the battle of inflation.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial published in the New York Times of October 6, 1971, entitled "Double Talk on Federal Pay."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DOUBLE TALK ON FEDERAL PAY

Unless the Senate introduces some element of sanity today into the Government's approach to wage policy for Federal civilian and military employes, Congress and the Administration will be partners in leading the national fight against inflation into a dangerous cul-de-sac.

President Nixon began it all by his increasingly frenzied demands for a six-month postponement of the general pay increase all Federal workers are scheduled to get next Jan. 1. These demands meant that Federal pay would stay frozen after all other workers had been made eligible to get raises under whatever stabilization rules govern Phase Two of the anti-inflation effort.

As if this were not inequitable enough, the President promptly began undercutting his own policy by letting it be known that, as soon as the existing wage-price freeze expires Nov. 13, he would put into effect—without any limitation—the $2.4-billion military pay increase Congress incorporated into the new draft law.

This week a coalition of House Republicans and Southern Democrats sustained the President's proposed delay of the Jan. 1 Federal wage boosts. Ineptitude on the part of the House Democratic leadership and the absence of a score of liberal Democrats enjoying a Columbus Day junket to Italy at the expense of the Italian Government helped explain the Administration's success.

While the House was voting, the Senate was jacking up the projected extra pay raises for the military by nearly $400-million. If it fails today to make all the promised increases for Federal civilian and military employes subject to the same restraints and the same immunities that apply to everybody else's wages, the Senate will be contributing to the establishment not merely of a double standard but of a triple standard.

The postfreeze period will have one set of rules governing wages in private industry and state and local government, another disadvantaging the great bulk of Federal workers, and still another exempting from any curbs those military grades which benefit from special raises Congress has just authorized with the Administration's blessing. All hail equality of sacrifice.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield.

Mr. MANSFIELD. The Senator has mentioned the question of equity. What about the schoolteachers who signed their contracts last spring, who are not now getting the increases which were granted to them by the school boards in their respective municipalities, counties, and States? I think that group as well needs a great deal of assistance and equitable consideration. What do we do to help them?

Mr. MATHIAS. The Senator has raised an extremely interesting question. I would anticipate—and that, in fact, is the very reason I offered this amendment—that in phase II, the employees of local government, including schoolteachers, policemen, and firemen, will be given some flexibility.

Mr. MANSFIELD. But firemen and policemen and the other municipal employees, when they got their raises, got them. When the teachers signed the contracts 3 or 4 months and even longer before the President's announcement, they were penalized, in my opinion, and they are a group that also needs a great deal of consideration at this time.

Mr. MATHIAS. I would agree with the Senator, and I would hope that in phase II, when we look at the stabilization of the economy, we recognize the equity of the schoolteachers, as of other people who have contracts providing for advances, within the guidelines that may be established. What we are doing is simply saying, "Apply the same kind of rule to the Federal employees, who do not have a contract, but who had the understanding implied in the act of Congress which provided for their compensation."

I think this is particularly necessary, Mr. President, because the underlying reason for the act of Congress, in the first place, was that many of the Federal employees were already at a level below what their comparable employment in the private sector would have produced for them. If that were not the case, there would have been no reason and no basis for the legislation in the first place.

All we are trying to do is to say that, since they have, in effect, a contract with the Government, as implied in the legislation, we shall give effect to that contract, but only to the same extent that everybody else in the country will get the benefit of contract raises that are already provided for in their employment.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield.

Mr. MOSS. I point out that the situation with respect to schoolteachers and others becomes unfrozen on the 13th of November unless the President enters a further freeze order; whereas, the Federal employees are frozen until the 30th of June, 1972.

Mr. MANSFIELD. Does the pay of the teachers go back retroactively, or does it start again on November 15, when the freeze is lifted? Do they lose all that with respect to the contract they signed last winter? I am deeply concerned about these questions.

Mr. MOSS. I am in the most hearty agreement with the majority leader. I think it is shocking that the board would rule that when contracts had been made before the freeze went into effect on the 15th of August, the freeze would be applied to teachers. I do not want to be understood as being unsympathetic. I was simply pointing out that there is a lengthier freeze with which we are dealing with respect to the Federal employees. It goes to June 1972.

Mr. MATHIAS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. MATHIAS. Mr. President, in further response to the distinguished majority leader, let me just say that I would hope that the condition of school teachers to which he has referred will be relieved as of the 13th of November, at which time the total freeze will end, under the President's announced program, and at which time I would assume some flexibility would be restored to the economy; and those who have contract rights to increases should be given the benefit of those contract rights within the guidelines with which we all will have to live. That is exactly the kind of principle we are trying to establish here—no more and no less.

Mr. BENTSEN. Mr. President, will the Senator yield?

Mr. MATHIAS. Mr. President, let me say further that the amendment I offered to the Senate which was printed several days ago had the same thrust as the amendment which was unanimously agreed to by the Committee on Post Office and Civil Service today. The difference in meaning is very small. The difference in language is apparent.

Mr. BENTSEN. Mr. President, will the Senator yield for a question?

Mr. MATHIAS. I yield.

Mr. BENTSEN. Would the fact that we voted a military pay raise establish any precedent at all that would cause us to have to equate the Federal employees' pay raise to it?

Mr. MATHIAS. I do not think there is a precedent. I do not think it is a question of precedent. I think what we have is equity as it applies across the board. I do not believe it requires it, but I think we have obligations to civilian employees as well as the very serious obligations to the military.

Mr. BENTSEN. I am not asking as to the question of equity. I am asking as to the provisions of this amendment. Would that be the type of wage increase referred to in this amendment?

Mr. MATHIAS. I think it is agreed that the answer to that question is "No."

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 13 minutes.

Mr. STENNIS. I yield myself 3 minutes.

I ask the Senator from Maryland just how the last amendment he sent to the desk changes the amendment that was pending before that. He covered this once, but I am not sure that I understand. Some say it is just a clerical change.

Mr. MATHIAS. Does the Senator refer to the question of dates?

Mr. STENNIS. Yes, the question of dates.

Mr. MATHIAS. The original language in the committee was, I believe, "in January of 1972." The language I have offered is more precise. It refers to on and after January 1, 1972. "In January" is a somewhat imprecise definition of a period of time.

Mr. STENNIS. Is it not fair to say,

then, that the last amendment is for clarification and exactness alone?

Mr. MATHIAS. I would not say "alone." As the Senator, with his distinguished record as a lawyer, well knows, time is of the essence in many matters of human existence. I would not say that this was merely exactness alone.

Mr. STENNIS. Frankly, I was thinking that just to get it out of the way and to get back to the real issue, we could perhaps adopt this amendment by a voice vote. As I see it, there is no substantial change, except for clarity. The Senator is so much better versed than I in this subject, that I would not know.

Mr. MATHIAS. If we want to get on with it, I will yield myself several additional minutes and conclude my remarks, and we can have a vote on the main amendment, if the Senator has no further requests for time. I have no desire to delay the vote.

Mr. STENNIS. What does the Senator call the main amendment?

Mr. MATHIAS. The Mathias amendment as modified by the Moss substitute.

Mr. STENNIS. The Senator makes his argument. I will hold all my options. I am not agreeing to anything now.

Mr. MATHIAS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Maryland has 5 minutes remaining.

Mr. MATHIAS. I yield myself 2 minutes.

Mr. President, this matter is not one that is taking the Senate by surprise. The Senate has been on notice for some days that this matter would be debated and decided. It is not a question of second-guessing the President or wondering what he will do because, as the Senator from Utah has pointed out, some of the options to act will expire tomorrow night. What it is in fact is an attempt rationally to consider a difficult problem which faces some 3 million Americans and how they are going to live in this overheated economy in which we find ourselves. It is a question even more than that, I think, of national honor in talking directly to all Americans as equals, treating them as equals, seeing that they are compensated by an even-handed and equal rule.

It is as simple as that.

It does great deference to the President's plan for a new economic program, which I support and which I recognize is necessary.

It acknowledges the President's right to establish the guidelines and it says that Federal employees will have to live within the guidelines the President establishes. It simply says that we are not going to bear down more heavily on these people because they are in his grip than others who may not be in his grip. That is all it says.

Mr. COOPER. Mr. President, will the Senator from Maryland yield?

Mr. MATHIAS. I yield.

Mr. COOPER. I must say, before I ask my questions, that I intend to vote against the amendment. My question goes, I hope, to a somewhat larger issue, than the specific amendment.

The President by his declaration changing economic and military policy has received, I believe, the approbation of the people of our country. They look forward to his decisions regarding phase II. We assume, and I believe, that he will lay down guidelines and recommendations according to what he believes is necessary for valid economic progress, for monetary adjustments, and the increase of employment.

Why then this amendment attempting to prejudge and lay down specific rules, when the President must look, and will look at the question as a whole for the benefit of the country as a whole? Why should we not wait and see what he does about phase II, unless we want to throw the whole thing out? With the adoption of this amendment and perhaps others; we can pick his program to pieces.

Mr. MATHIAS. I am inclined to remind the Senator from Kentucky of the old saw, "I am glad you asked me that question," because it is important that the Senate understand it. This is not a question of waiting until the President has acted to see what he will do. He has acted. He has said that he will put the Federal employees in a position where, regardless of their contracts with the Government, they will not be allowed to get a pay raise.

But it is commonly known, and I think the Senator from Kentucky would agree, that it is highly likely the private sector would be allowed some flexibility, that it will be allowed to get benefits from the contracted-for pay raises which it may have negotiated in the past. School teachers, and others who work in local governments, might also ultimately get the benefit of their contracts which will provide for pay raises; but the President has already said no to anything concerning Federal employees. In other words, if we do not act, the freeze will end, so far as the general economy is concerned, on November 13; but it will be continued until next July so far as the Federal employees of this Government are concerned.

I just do not believe that is fair treatment. It is a question of keeping the freeze on for, really, a year longer for Federal employees than for employees in the private sector. That is the reason we should act now.

Mr. COOPER. I understand the Senator's thesis. But I take the position that as the country approves phase I and as we look forward to the President taking action in phase II, necessary to improve the economic and monetary problems of this country, that I just cannot see any sense in approving amendments prejudging and delimiting in advance, what he might think is most important for the country as a whole.

Mr. STEVENS. Mr. President, will the Senator from Maryland yield me 30 seconds?

The PRESIDING OFFICER (Mr. ROTH). All time of the Senator from Maryland has now expired.

Mr. STEVENS. Mr. President, will the Senator from Mississippi yield me 30 seconds to ask him a question?

Mr. STENNIS. Yes, I yield to the Senator for 30 seconds, as a courtesy.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 30 seconds.

Mr. STEVENS. Mr. President, I would like to ask the manager of the bill this simple question: The amendment is vitally necessary if we do disapprove of the President's action tomorrow. Without this on the books, the President would not have the power to change the pay and make it equivalent to the private sector in phase II of his control program. I should like to ask, what is wrong with this amendment? Why can the manager of the bill not accept it? If we fail to act tomorrow to disapprove the President's recommendations, this will not harm the bill at all. The Senator can take it to conference and get rid of it. If we do disapprove, this language is vitally necessary as we proceed.

Mr. STENNIS. Mr. President, the point has already been made that all legislative avenues are open to everyone. We do not have to put it in this bill. It may not get to the President's desk for 5 or 6 weeks. That is elemental. This is a matter of jumping the gun. We do not know what is involved. I do not. I do not believe anyone else does, either.

Mr. President, a parliamentary inquiry. What is the time remaining on this amendment?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. STENNIS. How much remains on the other side?

The PRESIDING OFFICER. That is all the time there is.

Mr. STENNIS. Mr. President, I yield back my 9 minutes on the amendment.

Mr. President, I move to table the Mathias original amendment—the Mathias amendment in the first degree.

Mr. MATHIAS. Mr. President, a parliamentary inquiry—a parliamentary inquiry——

Mr. GRIFFIN. Mr. President, I ask for the yeas and nays on that.

Mr. MOSS. Mr. President——

Mr. MATHIAS. Mr. President, a parliamentary inquiry——

Mr. MOSS. Mr. President, is it possible to lodge a tabling motion against the original amendment when there is an amendment to the amendment pending? Does it not have to be disposed of first?

The PRESIDING OFFICER. No. A motion to table the original amendment is in order.

Mr. STENNIS. Mr. President, the yeas and nays.

Mr. GRIFFIN. Yeas and nays, Mr. President.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the first degree amendment of the Senator from Maryland (Mr. MATHIAS) which carries with it the second degree amendment if agreed to.

Mr. MATHIAS. Mr. President, a parliamentary inquiry——

Mr. GRIFFIN. Mr. President, regular order.

Mr. MATHIAS. Mr. President, I was seeking recognition. Do I have the right to withdraw the amendment to the amendment which was pending at the time of the motion to table by the Senator from Mississippi?

The PRESIDING OFFICER. It is in order for the amendment in the second degree to be withdrawn.

Mr. STENNIS. Mr. President, a parlimentary inquiry. My motion to table will still apply, will it not?

The PRESIDING OFFICER. That is correct.

Mr. MATHIAS. Mr. President, I so withdraw it. Let us go ahead and vote.

The PRESIDING OFFICER. The amendment in the second degree is withdrawn. The question is on agreeing to the motion to table the first degree amendment of the Senator from Maryland (Mr. Mathias).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Arkansas (Mr. Fulbright), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from South Dakota (Mr. McGovern), the Senator from Maine (Mr. Muskie), the Senator from West Virginia (Mr. Randolph), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from Washington (Mr. Jackson) is absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson), the Senator from Oklahoma (Mr. Harris), the Senator from West Virginia (Mr. Randolph), and the Senator from South Dakota (Mr. McGovern) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker) is necessarily absent.

The Senator from Arizona (Mr. Goldwater) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The result was announced—yeas 34, nays 54, as follows:

[No. 255 Leg.]

YEAS—34

Aiken
Allott
Bellmon
Bennett
Brock
Buckley
Byrd, Va.
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Griffin
Gurney
Hansen
Hruska
Jordan, Idaho
Long
McClellan
Packwood
Roth
Saxbe
Scott
Smith
Stennis
Taft
Thurmond
Tower
Young

NAYS—54

Allen
Anderson
Bayh
Beall
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, W. Va.
Case
Chiles
Church
Cranston
Eagleton
Fong
Gambrell
Hart
Hartke
Hatfield
Hollings
Hughes
Humphrey
Inouye
Javits
Jordan, N.C.
Kennedy
Magnuson
Mansfield
Mathias
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Ribicoff
Schweiker
Spong
Stafford
Stevens
Stevenson
Symington
Talmadge
Tunney
Weicker
Williams

NOT VOTING—12

Baker
Cannon
Fulbright
Goldwater
Gravel
Harris
Jackson
McGovern
Mundt
Muskie
Randolph
Sparkman

So the motion to lay on the table Mr. Mathias' amendment, as modified, was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Maryland. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Arkansas (Mr. Fulbright), the Senator from Oklahoma (Mr. Harris), the Senator from South Dakota (Mr. McGovern), the Senator from Maine (Mr. Muskie), the Senator from West Virginia (Mr. Randolph), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from Washington (Mr. Jackson) is absent on official business.

I also announce that the Senator from Wyoming (Mr. McGee), abstained from voting and has previously stated his reason.

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson), the Senator from Oklahoma (Mr. Harris), the Senator from West Virginia (Mr. Randolph), the Senator from Nevada (Mr. Cannon), and the Senator from South Dakota (Mr. McGovern), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), is necessarily absent.

The Senator from Arizona (Mr. Goldwater) and the Senator from Alaska (Mr. Stevens) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Alaska (Mr. Stevens) would vote "yea."

The result was announced—yeas 60, nays 27, as follows:

[No. 256 Leg.]

YEAS—60

Allen
Anderson
Bayh
Beall
Bellmon
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Chiles
Church
Cook
Cranston
Dole
Eagleton
Fong
Gambrell
Gravel
Hart
Hartke
Hatfield
Hollings
Hughes
Humphrey
Inouye
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Ribicoff
Schweiker
Spong
Stafford
Stevenson
Symington
Talmadge
Tunney
Weicker
Williams

NAYS—27

Aiken
Allott
Bennett
Buckley
Cooper
Cotton
Curtis
Dominick
Eastland
Ellender
Ervin
Fannin
Griffin
Gurney
Hansen
Hruska
Jordan, Idaho
Packwood
Roth
Saxbe
Scott
Smith
Stennis
Taft
Thurmond
Tower
Young

NOT VOTING—13

Baker
Cannon
Fulbright
Goldwater
Harris
Jackson
McGee
McGovern
Mundt
Muskie
Randolph
Sparkman
Stevens

So Mr. Mathias' amendment (No. 455), as modified, was agreed to.

Mr. MATHIAS. I move to reconsider the vote by which the amendment was agreed to.

Mr. MOSS and Mr. BROOKE moved to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. McGEE subsequently said: Mr. President, I ask unanimous consent, in keeping with my remarks made here on the floor in regard to the discussion on the Mathias amendment, that I be recorded as "present but abstaining."

I did not vote, but I want the record to show that I was here and did not vote as a matter of policy, in line with the statement I made in regard to it.

The PRESIDING OFFICER (Mr. Roth). Without objection, it is so ordered.

AMENDMENT NO. 454

Mr. CURTIS. Mr. President, I call up my amendment No. 454.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 9, line 8, strike out "$1,818,256,000" and insert in lieu thereof "$1,820,456,000".

Mr. CURTIS. Mr. President, how much time do I have?

The PRESIDING OFFICER. Under the previous order, each side has 15 minutes.

Mr. STENNIS. Mr. President, will the Senator yield to me for 1 minute on my time?

Mr. CURTIS. I yield.

Mr. STENNIS. Mr. President, for the information of the Senate, I am not predicting now that we are almost through. I think that is bad luck. But the only thing I see in sight is a few amendments that probably will be settled by colloquy, and I hope that there will be no more amendments by the Senator from Maryland today and that we can finish.

Mr. CURTIS. I yield myself 7 minutes.

Mr. President, it is unusual for me to challenge the judgment of this particular committee and its esteemed chairman, the Senator from Mississippi (Mr. Stennis), and I want the record to show my respect for the overall good job done by the committee and the chairman not only this year, but through the years.

Now, the instant issue which prompts my amendment is a $2.2 million reduction by the committee in the food research, development, testing, and engineering program of the Department of Defense.

I know something about this program, both as a member of the Agriculture Committee and as a member of the Aeronautical and Space Sciences Committee and as a former member of the Joint Committee on Atomic Energy.

This is probably the most comprehensive food research and development program in the Federal Government today.

The Department of Defense spends $1.25 billion for the purchase of food alone annually. Of this amount, approximately 40 percent, or $500 million, is for the procurement of beef alone, and beef happens to be a very important product of the State of Nebraska.

This $2.2 million reduction by the committee is in work performed at the Natick, Mass., Laboratories or under the auspices of the Natick Laboratories. These facilities belong to the Army, and until this year, fiscal year 1972, practically all of the work at Natick was performed by and for the Army. This is the first year that food research and development programs of all the armed services have been combined. Thus, the work now being done at Natick, under the budget currently under consideration, is for the Air Force, Navy, and Marine Corps as well as the Army.

This work does not duplicate research and development carried out by any of the other Federal agencies. As a matter of fact, in the area of food irradiation research, it is closely and carefully coordinated with work now taking place under the auspices of the Atomic Energy Commission, the Department of Agriculture, the Department of Commerce, the Department of the Interior, and the Food and Drug Administration. The food irradiation program at Natick is an important link in a Government-wide effort to perfect the art and safety of the radiation preservation of food for civilian as well as military uses.

I will come back to this point in a moment, because it is important. It involves not just a military program, but a national program.

It may be that the committee were under the impression they were actually approving a budget increase from $3.652 to $4.012 million.

I asked the officials of Natick Laboratories to check this out for me, and they advised me the actual amount spent last year was $4.831 million. The $4 million figure which the committee approved apparently was based on information supplied by the Department of Defense to the committee last February. The Army Material Command, recognizing certain shortages, transferred additional funds to the Natick Laboratories from unexpended balances from the previous year and from other programs. I understand that this flexibility to transfer no longer is possible this year. Therefore, it is very important that the amount authorized accurately reflects the needs for ongoing research and development work.

I regret that I do not have a listing of all of the activities by dollar amounts that are being phased out by the Air Force, Navy, and Marine Corps. However, I understand that the phasing out process has spanned a period of several years and that Natick has gradually assumed broader responsibility.

For example, the Navy closed its Bayonne, N.J., food equipment laboratory in 1966. The annual budget for the Bayonne facility was running about $3 million a year. What the people at Natick are trying to do in combining the food research, development, testing, and engineering activities of the various branches of the military is improve the food service system in order to achieve long-range savings for the Government.

I previously mentioned the matter of food irradiation and the possible effects of any cut in this national program. The committee report does not reflect an awareness of the broad impact that the reduction would have upon other agencies with related or interdependent activities.

The committee records reflects that Mr. Hyman Fine, a member of the Research and Development Subcommittee staff, may have been under the impression that this program "would appear to be appropriate for the Department of Agriculture and HEW," after which he asked officials of the Army, "Why are you doing work in these areas?"

I think such a change should be considered first by the Joint Committee on Atomic Energy, since it is primarily responsible for national policy in this area, before this cut in the military authorization is effective.

One of the items that specifically would be cut if the committee action prevails is the purchase by the Natick Laboratories of $350,000 worth of Cobalt 60 to refuel the irradiators that are being used in this national food research program. The purchase of this fuel is quite a technical matter. It is sensitive because it involves not the policy of any particular agency, but a Government-wide policy and program. The Natick Laboratories have reason to believe that they can acquire this fuel from the Atomic Energy Commission for a cost of $350,000 if they move quickly. By November 1, of this year, they have to make a commitment for it. If they do not receive authorization in this bill to make this commitment, the cost of the fuel is likely to rise to a figure in the range from $1,500,000 to $5 million.

Now, I ask you, Mr. President, would it not be false savings to deny the allocation of $350,000 to buy a product that we need when we know the cost is going to multiply at least 4 times and possibly 14 or 15 times if we delay?

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Joint Committee on Atomic Energy on this very point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 9, 1970.

Hon. STANLEY RESOR,
The Secretary of the Army,
The Pentagon, Washington, D.C.

DEAR MR. SECRETARY: I have received a letter dated January 31, 1970, from Assistant Secretary of the Army (R&D), the Honorable H. L. Johnson. I was shocked and dismayed to learn that the Army proposes to discontinue its Radiation Preservation of Foods Program at the end of this fiscal year. This proposed action is completely contrary to the many statements repeatedly made by responsible Army officials over the years and most recently in the September 3, 1969, letter from your Chief of Research and Development. That letter set out a five-year program beyond the date upon which you now propose to terminate. You have continually stressed the important benefits to be derived by the military from the food irradiation process and its high priority in the Army's RDT&E program. We not only have agreed with the Army's position but have vigorously and consistently supported it. We did not object to the inclusion of FIS costs in the five-year projection, because the program was to be completed.

There appears to be nothing fundamentally new in the justification given by Assistant Secretary Johnson for discontinuing the program. There has always been competition for funds though perhaps not so keen as at present. There have always been alternate food preservation processes, but none, either singly or in combination, possesses the unique advantages of irradiation preserved food. For example, we knew that certain foods like hams and roasts cannot be maintained in a highly acceptable, fresh-like, ready-to-eat condition for long times by any other food preservation method except refrigeration. We would be derelict in our obligation to provide the Armed Forces with the best means of subsistence possible if we were not to exploit the potential advantages of the irradiation process.

Mr. Johnson has mentioned the high investment risk in proving wholesomeness as a reason to terminate the program. I offer the exact same reason to continue. The high-risk, high-payoff aspect is the argument which the Army proffered to convince us to begin the program in the first place, because this is the type of program which only the government, and not private enterprise, can afford to undertake. The Army has successfully resolved all the other major high-risk technological and scientific issues involved in this program. I have every reason to believe that the Army has the ability to resolve successfully the wholesomeness issue which is the only remaining major scientific hurdle.

I fully recognize the pressures of planning in a stringent budget environment. However, in the matter of costs, Professor Walter Urbain of Michigan State University recently sent me a copy of a speech he delivered last October in which he demonstrated that the Department of Defense could have saved approximately $12,000,000 in one year had irradiated meats been available for the Southeast Asian Theater. Such an annual saving, particularly over several years, would more than offset expenditure of the R&D funds needed to successfully complete the irradiation program. Termination of the program so near to completion amounts to placing the lid on an investment of over $35 million and over 15 years of research with no yield. While it certainly will take money to complete the program, and I certainly favor savings realized through efficient and economic planning, I cannot accede to the view that we can afford to throw away such an investment.

The most recent estimate of additional costs involved to complete the ham wholesomeness program (approximately $2.8 million) represents less than 10% of our present investment. Such an additional expense would itself seem justifiable to realize a return on our present investment. Moreover, recent experience of the Atomic Energy Commission in obtaining contractor services through competitive bids for the low dose irradiation of papayas indicates the strong possibility that the Army program might be completed for significantly less than is presently estmated. Contractor services would also obviate the need for additional government personnel or construction activities and costs which were mentioned in Mr. Johnson's letter.

I seriously doubt that the statements in Mr. Johnson's letter are meant to imply that the Army and the FDA are unable to develop a research protocol which would provide the data necessary to satisfy FDA on wholesomeness. The Army has consistently reassured the Joint Committee that irradiation preserved foods are safe to eat, most recently in July, 1968. (JCAE print "Status of the Food Irradiation Program", pages 87 and 88.) Am I to assume that the Army now finds itself not scientifically competent in this field or that FDA, with its many Advisory Groups drawn from the outside scientific community, will not cooperate?

Mr. Johnson expressed the view that the

program continues to merit support and should be placed "in an appropriate agency". The Army has done an outstanding job with its excellent team of scientists in the world's finest facility for research in food irradiation. What could be gained by a transfer of responsibility at this juncture? Clearly an attempt to establish a workable organization in a different agency would result in at least the partial loss of this outstanding group of experts which would be disastrous to the continuity of the program both from the military standpoint and from the standpoint of world leadership by the United States in this field.

I am enclosing a copy of remarks made only last week by Chairman Holifield and me at the hearing on FY 1971 Authorization Legislation for the Atomic Energy Commission. I am also enclosing remarks I made on the floor of the House of Representatives which expand on the reasons why I believe the Army must not discontinue this program at this time.

I urge the Army to proceed with what I consider an essential program—one which has as its goal for the 1970s providing the military consumer with an assortment of high quality irradiation preserved meats. To accomplish this I request that the Army resubmit to me the 5-year program of September 3, 1969, augmented with sufficient funds to cover the FIS costs and a 10% increase for inflation, for review by both the Armed Services Committees and the Joint Committee on Atomic Energy. I also request that the Army defer any actions which would slow down progress or lead to loss in scientific personnel until this subject is reviewed by those Committees.

Please contact me immediately if you have any problems in complying with my request.

Sincerely yours,

MELVIN PRICE.

EXCERPT FROM CHAIRMAN HOLIFIELD'S OPENING STATEMENT ON AEC'S FY 1971 AUTHORIZATION REQUEST

The cut of 50% in the food irradiation program also causes me concern. The Committee expects to review this matter closely inasmuch as it is our understanding that researchers are very near the point of obtaining final data upon which they will be able to evaluate this new and very promising method of preserving food.

Mr. CURTIS. Mr. President, moreover, a delay in procurement of this cobalt will result in increased labor costs to conduct on-going research in this national program because of the low activity of the current cobalt source, resulting from its normal decay of 1 percent a month. This is technical, and I will not go into detail, but it is true.

The food irradiation work being done at Natick Laboratories has military as well as civilian implications. There is considerable evidence that the Soviet Union has been putting a great deal of effort into this same type of research. The Soviets are interested, as we have been, in developing food products that can be served fresh to front-line troops without having to be refrigerated in order to prevent spoiling. They are already serving some of these products to citizens in remote areas where refrigeration is not available or is not practical.

I have in my hand a copy of a 3-page summary of irradiated food products that have been cleared for human consumption in different countries. On page 2 I note that only two items, wheat and wheat flour for the purpose of "insect disinfestation" and white potatoes for the purpose of "sprout inhibition," have been cleared by the Food and Drug Administration for consumption in the United States.

On the next page, the products cleared by the Soviet Union are listed. They take up the entire page. They are potatoes, grain, dried friuts, dry food concentrates, fresh fruits and vegetables; semiprepared raw beef, pork and rabbit products in plastic bags; poultry eviscerated in plastic bags; culinary-prepared meat products including fried meat in plastic bags; and onions.

All of these products in the Soviet Union are cleared for treatment with Cobalt-60, the same type of fuel that will be denied to the Natick Laboratories for experimental purposes if this budget cut prevails.

It might be well to look at what some of the other countries are doing. Canada has cleared three products, the Netherlands eight products, Israel two products, and Denmark, Hungary, and Spain one each. I do not believe we can afford to slip any farther behind in this field of research. This is why the Joint Committee on Atomic Energy, in 1970, ordered the Army to continue its phase of the research program at Natick Laboratories when the Army itself wanted to discontinue this program for budget purposes.

The PRESIDING OFFICER. The time of the Senator from Nebraska has expired.

Mr. CURTIS. Mr. President, I yield myself 3 more minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 3 more minutes.

Mr. CURTIS. Mr. President, I ask unanimous consent to have printed in the RECORD a letter to the Honorable Melvin Price, from Assistant Secretary of the Army for Research and Development R. L. Johnson, dated March 18, 1970.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE ARMY,
Washington, D.C., March 18, 1970.

Hon. MELVIN PRICE,
Chairman, Subcommittee on Research, Development and Radiation, Joint Committee on Atomic Energy, Congress of the United States.

DEAR MR. CHAIRMAN: This letter is a further reply to your letters of 9 February and 5 March concerning continuation of the Army program to determine the feasibility of preserving foods by high-dose ionizing radiation. As discussed by you and Mr. Poor, Deputy Assistant Secretary of the Army (Research and Development), on 12 February 1970, the Army will initiate an animal feeding study to attempt resolution of the wholesomeness problem for benefit of the nation.

As you have stated, the wholesomeness issue is the remaining major scientific hurdle. This is more complex than the technical research because FDA and the public must be convinced of the safety and nutritional adequacy of foods preserved by the high-dose sterilization process. Since the safety and nutritional aspects of wholesomeness fall into the safety areas currently being emphasized by the public and government, our protocol and data from the animal study are subject to scientific controversy. Although we have not changed our belief in the wholesomeness of foods preserved by this process, there is no evidence to indicate that our efforts will be successful in removing the FDA questions and the emotional public doubts.

Our food requirements have changed significantly over the past few years. The parallel efforts in food research and development, product improvements, improved packaging and packing, improved transportation and storage capabilities, and organizational improvements are permitting us to meet our feeding requirements. Although we could use the high-dose sterilized meat, poultry, and marine products when they are proved safe, acceptable and commercially available, there is no unique military requirement that alone justifies our expenditure to prove wholesomeness for the public. For this reason we are identifying the food radiation sterilization program as a national program conducted by the Army.

We are providing as Inclosure 1 a new funding program based upon the estimated cost of a contractual wholesomeness study and maintaining a scientific technical capability. As compared to the September 1969 program, this program emphasizes wholesomeness and decreases technical advancement. The decrease in technical effort is possible because several foods have been developed and are ready for wholesomeness testing. We believe that we should not continue developing technology when the issue is wholesomeness and any further developments will be wasted if the wholesomeness is not proved.

Our estimated annual requirement for the wholesomeness study of one food is $1,000,000. Although the award of the contract may change our estimate, we do not expect to approach the lower costs in the low-dose program. Our costs are significantly higher because of greater animal requirements, more extensive tests, more testing requirements, and longer time requirements. For example, the high-dose preliminary study requires 60 more days for rodents; the dog study requires 990 dogs, covers three years, and stresses three generations as compared to 112 dogs, two years, and one generation in the low-dose study; and the low-dose study does not contain the rodent reproduction study, protein efficiency test, and search for antinutrient factors.

We are inclosing the seventh draft of the protocol for conducting the animal feeding study. This protocol contains the scientific experimental procedures to be used for a feeding study on any food. This draft must again be coordinated with FDA for comments on FDA's previously recommended changes and to attempt to resolve the difference in the selection of a preservation method for the control item. FDA has submitted the entire protocol to its Protocol Advisory Committee for recommendations. Until all differences are resolved, we cannot provide a final copy of the protocol. This draft does show the changes the Army has made due to FDA recommendations.

We are now exploring the possibility of changing the first feeding study from ham to beef. This change has the advantage of eliminating the problems caused by the curing process in ham. Unless FDA raises objections, the protocol for ham can be used with only minor wording changes and the cost estimate will be unchanged.

I appreciate the support you have given to the Army and this program. I regret that our past efforts were unsuccessful in removing the doubts concerning the safety and nutritional adequacy of foods preserved by the high-dose process. I sincerely hope that the completion of the next wholesomeness study will resolve these doubts.

Sincerely,

R. L. JOHNSON,
Assistant Secretary of the Army,
(Research and Development).

Fiscal Summary of the Planned Army Food Irradiation Research Program—Fiscal years 1971 through 1975

[Proposed funds in thousands of dollars]

PROGRAM TOTALS

Radiation preservation of food:

Fiscal year 1971	$1,825
Fiscal year 1972	2,350
Fiscal year 1973	2,000
Fiscal year 1974	2,000
Fiscal year 1975	2,000

TASK DISTRIBUTION—FISCAL YEAR 1971

Technical feasibility of meats, poultry, and marine products	45
Assurance of wholesomeness	1,000
Flexible packaging	47
Adaptation to military needs	80
Basic food irradiation research	169
Radiation services	180
Facilities and installation support	304
Total	1,825

NOTE.—The task distribution of funds within the total is the first approximation and is subject to modification as more detailed analysis is made and more precise wholesomeness cost is known.

Mr. CURTIS. Mr. President, the food research and development program at Natick Laboratories is important to our national security. This program is important to agriculture because it offers the prospect for developing new food products not merely for domestic consumption but more importantly for building new foreign markets.

I want to point out also that the Natick food irradiation program presently has a beef research project as its principal effort in the national food irradiation research program. The long-term results of this research will be important to ranchers and cattle feeders in terms of finding new markets for beef.

The House approved a $6.2 million budget for the food research and development work of the Department. I have looked into this matter carefully and I do not find any valid factual reasons for the Senate to reduce the House figure. I have cited the overriding factual reasons why the full House figure should be restored.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter addressed to me on September 22, 1971, from the U.S. Army Natick laboratories.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE ARMY,
U.S. ARMY NATICK LABORATORIES,
Natick, Mass., September 22, 1971.
Hon. CARL T. CURTIS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CURTIS: Because of your strong personal interest in food processing and preservation, I am bringing to your attention that the Army Natick Laboratories are facing a funding crisis in the Food R&D program in FY '72 as the result of action by the Senate Armed Services Committee on the President's recommendations. I hope that you will help remedy the situation before it is too late. The bill authorizing appropriations for DOD during FY '72, as reported out by the Senate Armed Services Committee, "cuts" $2.2 million in the DOD Food Research and Development Program conducted at Natick Laboratories for the Air Force, Navy, Marine Corps and the Army. This action by the full committee came as the result of recommendations of its R&D Subcommittee of which Senator McIntyre was Chairman.

A capsulated review of the actions follows:

[In thousands of dollars]

Program element/project	President's budget [1]	H.R. 8687	Senate Armed Services Committee action
6.27.13A/1J062713A033: Radiation preservation of food	$1,389	$1,389	
6.27.13A/1J062713A034: Food technology	2,893	2,893	
6.27.13A/1J062713AJ45: Systems studies in military feeding	980	980	
6.27.13A/1J662713D552: Packaging engineering	950	950	
Subtotal food	6,212	6,212	[2] $4,012
6.27.13A/1J662713DJ40: Clothing and equipment technology	4,988	4,988	4,988
Total	[1] 11,200	11,200	9,000

[1] P. 2295, hearings before the Committee on Armed Services U.S. Senate, 92d Cong., 1st. sess. on S. 939, pt. 3 of 5 parts, research and development, copy attached for ready reference.

[2] P. 110; Rept. No. 92-359, authorizing appropriations for fiscal year 1972 for military procurement, R. & D., construction of facilities for Safeguard ABM, Reserve component strength and other purposes, dated Sept. 7, 1971, Senate Armed Services Committee to accompany H.R. 8687, copy attached for ready reference.

I believe the reason for the reduction was that the FY '71 Food R&D program of $3.6 million supported only the Army requirements whereas the FY '72 program, as recommended by the President's budget, was to meet requirements of the Air Force, Navy, Marine Corps, as well as the Army. This apparent increase was probably not understood by Senator McIntyre's Subcommittee—otherwise it is unlikely that they would have reduced it.

The impact of this loss will be very critical and specifically will stop efforts directed at:

(1) Continuing Operations Research studies in garrison feeding systems for the Air Force, Navy and Marine Corps designed to give: increased consumer attendance (now 52% of Servicemen entitled to eat without paying in the dining facilities elect to buy their meals elsewhere); better general management at the local level; 30 to 40% reduction in manpower requirements for food service; and responsiveness to changing food expectations.

(2) Exploiting new cooking and baking techniques to produce high quality food products with increased yield resulting in substantive savings conservatively expected to exceed $1 million annually.

(3) Creating standards for prepared frozen foods to insure high quality and increased acceptability. Centralized efficient food preparation with satellited dining halls yielding high quality meals at lower costs depend on the establishment of these standards.

(4) The procurement of Cobalt 60 for the National Food Radiation Program. Inability to procure this essential radiation source in FY '72 will result in a significantly increased price of the Cobalt 60 from $350,000 to $1,435,000. In addition, a delay in this procurement will result in increased labor costs to conduct on-going research in the wholesomeness aspect of this National program because of the low activity of the current Cobalt source resulting from its normal decay of 1% monthly. We are devoting our major effort to prove wholesomeness of irradiated beef, a subject of direct concern to Professor R. Burt Maxcy of the University of Nebraska. It is estimated that the delay would result in additional labor costs of about $160,000 in FY '73 and progressively more thereafter.

Because of your years of serving on the Joint Committee on Atomic Energy and your visit to the Natick Laboratories in May 1963, I am sure you are very familiar with the great potential this program has for America and also for contributing to the solution of the nutritional problems in about 75 developing countries.

I am sure you are familiar with the substantial contributions which the Army Natick Laboratories have made toward feeding astronauts in the Apollo program. Our ability to continue this support to the Space Program will depend upon having sufficient funds to maintain the cadre of highly qualified and dedicated scientists.

In view of the above, it is my hope that when the bill comes on the floor of the Senate for debate you will offer an Amendment to restore the $2.2 million which the Senate Armed Services Committee has cut in the DOD Food RDT&E Program. This restoration will permit us at the Natick Laboratories to conduct the research and development on methods to process and preserve foods which have potential, not only for all the Armed Services, but also for the economy and nutritional well being of the Nation as a whole.

Sincerely yours,
EDWARD S. JOSEPHSON,
Associate Director for Food Radiation Food Laboratory.

The PRESIDING OFFICER (Mr. ROTH). The time of the Senator from Nebraska has expired.

Mr. CURTIS. Mr. President, I yield 4 minutes to the distinguished Senator from Massachusetts (Mr. BROOKE).

The PRESIDING OFFICER. The Senator has only 2 minutes time remaining.

Mr. CURTIS. I yielded myself 7 minutes, Mr. President, when I was told I had 15.

The PRESIDING OFFICER. Two minutes were used at the beginning before the Senator was yielded time.

Mr. CURTIS. My recollection is, Mr. President, when I asked for time, that the distinguished chairman of the committee, the Senator from Mississippi (Mr. STENNIS), asked that I be yielded time on his time. I do not intend to use this time——

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator be yielded time on the time of the Senator from Mississippi.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. I thank the Senator from Montana because I do not want to deny the distinguished Senator from Massachusetts the opportunity to speak.

Mr. BROOKE. I thank the Senator from Nebraska.

Mr. President, I rise in support of the amendment offered by my distinguished colleague, the junior Senator from Nebraska.

For many years, the Natick Laboratories in my home State of Massachusetts have pioneered in the development of food preservation technology. They have developed new techniques for freezing, dehydrating, and freeze-drying innumerable meat and vegetable products. They have discovered ways to preserve fresh vegetables for long periods of time so that our military men on shipboard might enjoy the benefits of fresh, healthful foods. They have learned how to process foods for extended travel in space, how to feed men nutritious and attractive meals whether undersea, in the air, or in the field. Today, the Natick Laboratories are the world leaders in this area.

Because of their commendable efforts and their extraordinary successes, the Natick Laboratories have recently been given responsibility for food and fiber research for all of our Armed Forces, where previously they had served just the Army's needs. The transfer was first signaled in a 1968 reorganization plan. Last year, for the first time, their operating budget reflected their increased responsibilities, as it rose from a programed $3.6 million to an actual operating budget of $4.8 million. The additional $1.2 million which was not planned for in the fiscal year 1971 budget came out of other operating funds of the U.S. Army.

This year, the Department of Defense submited a budget request of $6.2 million for the Natick Labs. The increased cost was a result of the need to undertake new programs designed to meet the specific requirements of the Air Force and the Navy. Included in the budget was the planned purchase of new equipment in order to meet these expanded requirements, and the purchase of $350,000 worth of cobalt-60, a product used in food irradiation and preservation.

Just in order to maintain their present level of activity, the laboratories will require an appropriation at least equal to their actual expenditures for last year; that is, $4.8 million. If, in addition, they are to purchase the cobalt-60 and expand their operations to meet projected requirements of the other services, then the full $6.2 million requested by the Department of Defense must be approved.

It was therefore a source of grave concern to the laboratory personnel, the Department of Defense, and to me, when the Armed Services Committee approved an authorization of only $4 million for this fiscal year. The Laboratories cannot operate even at their present capacity on such a sum.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BROOKE. Mr. President, I ask for an additional——

Mr. CURTIS. Mr. President, I yield 1 minute to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 1 additional minute.

Mr. BROOKE. Mr. President, Mr. Dale Sieling, director of the Natick Laboratories, has discussed this problem in extensive conversations with my office. He believes that it is vitally important for the full appropriation to be approved, particularly in the first year of the laboratory's service to all branches of our Armed Forces. If the amount is not approved, Dr. Sieling has projected that the laboratories would first have to forgo the purchase of cobalt-60—a development which would require them to work double shifts, paying overtime and probably reducing their staff in other areas in order to provide adequate exposure to radiation for foods being processed with the plant's present weakened cobalt-60 bars. As a second step, the laboratory would be unable to take on any new projects for the Navy and Air Force, and would probably have to cut back both in operations and personnel on existing projects as well. As a result, Dr. Sieling points out, the Air Force and the Navy would be forced to turn elsewhere—most probably to private contractors—for the experimentation in food processing which they require. This would result in long delays, because no other laboratory comes close to the state of technology and experimentation which presently prevails at Natick, and it would also lead to higher long-term costs.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BROOKE. Mr. President, would it be in order to ask unanimous consent for 3 additional minutes out the time under the bill?

Mr. MANSFIELD. Mr. President, I must object. I would give the Senator time, but I sort of usurped the time of the Senator from Mississippi in making the arrangement.

Mr. CURTIS. My time has expired. Mr. President, I yield 3 minutes from the time on the bill to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 3 additional minutes.

Mr. BROOKE. Mr. President, this body recently approved legislation extending the draft for 2 more years. At the same time, we incorporated in that legislation wage increases and benefits totaling $2.4 billion in an effort to make military service more attractive to volunteers and hopefully to facilitate the transition to an all-volunteer force.

Food is one of the most critical elements in sustaining high morale. On board a ship or submarine, in the field in wartime, or in the air on extended space flights, nothing can provide quite as much of a lift and sense of satisfaction as a well-prepared and well-served meal. The Natick Laboratories have the capability of insuring that such meals can be provided to all of our military services under virtually all conditions. Are we now to say to those who serve in our military forces, "No. You can have your $2.4 billion for salary increases and better housing, you can have as much as you need for more advanced weapons, but you cannot have a niggling $2.2 million for better food"? When our armed services are presently spending several billions of dollars a year to feed their members, where is the economy in denying them $2.2 million for research into better ways of preserving that food and preparing it for human consumption?

Mr. President, Natick Laboratories cannot serve its purpose, or ours, on a budget of $4 million for fiscal year 1972. I therefore strongly urge that the pending amendment, increasing the authorization from $4 million to the budget request of $6.2 million, be approved forthwith.

Mr. KENNEDY. Mr. President, I strongly support the amendment to restore $2.2 million to the Department of Defense food research and development program. The program, which is carried on at the U.S. Army Natick Laboratories in Massachusetts, is important to the civilian community as well as the military services. Their research and development, which serves the needs of all branches of the service, has significant application in the civilian sector in the areas of environmental control and the delivery, storage, and preservation of food.

For a long period we have paid too little attention to the nutrition content and radiation preservation of food. The main body of Government research in this field is undertaken at the Natick Laboratories. At this point in our history, when so much of our technological and engineering skill is wasted, the Natick Laboratories are making effective use of this important reservoir of talent.

A budget cut at this time will severely affect the procurement of cobalt for the food radiation program. This could have disastrous results for our own country and the developing nations we seek to assist. If cobalt-60 is not purchased within the next fiscal year, the price will increase from $350,000 to $1,435,000. The total increase in cost will also include increased labor costs for double shifts due to the low actvity of the current cobalt source. A delay in purchase of cobalt-60 could result in additional labor costs of $160,000 in 1973. The national food radiation program which the Army is carrying out will have effects far beyond the military services. Unfortunately, we will be able to measure in the future the dimensions of our failures to adequately fund this research, and contaminated food will be the price we pay.

Other important aspects of the food research and development program will also be affected by a $2.2 million budget reduction. Studies in garrison feeding for the Air Force, Navy, and Marine Corps are designed to increase servicemen attendance. Approximately 52 percent servicemen entitled to eat in military dining facilities buy their meals at restaurants. These studies also aim at improving management techniques and automating of food service.

The Army is currently studying new cooking and baking techniques to produce high-nutrient food products with increase yield which could save as much as $1 million a year. The concentration of efforts on frozen food product research likewise has significant application in the civilian sector. Current research aims at increasing the food appeal along with insuring high quality.

The Army is not conducting research in these areas to accrue benefit to the Army alone. The Army is researching specialized projects to serve scientific needs at the requests of the other branches of the service. More importantly, the results of all of this research are important to civilian life as well. In the field of food research and development, Government has taken the lead and the Army is carrying out the responsibility.

Rather than consideration of a cutback in research which develops techniques for food distribution, we should be finding ways of expanding the program to other Government agencies and departments. Surplus commodity distribution within the United States and emergency food delivery around the world are two areas that will benefit from this type of research. As chairman of the subcommittee to investigate problems connected with refugees and escapees, I have seen time and time again what fast and efficient food delivery in an emergency situation means. It can mean the difference in terms of growth, in terms of health, and very often in terms of survival. Government research in the field of food technology is the responsibility of the Army. No cutback in the budget request for this program should be considered. Mr. President, I urge the Senate to restore the $2.2 million to the appropriation for the food research and development program.

The PRESIDING OFFICER. Who yields time?

Mr. McINTYRE. Mr. President, I yield myself 6 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 6 minutes.

Mr. McINTYRE. Mr. President, I speak in opposition to the proposed amendment No. 454 which would restore $2.2 million to the army research, development, test and evaluation program for the food technology project under the program entitled "Technical Support of the Military Man."

The request submitted for this program for fiscal year 1972 amounts to $6.2 million which is an increase of $2.6 million above the program for fiscal year 1971. The Research and Development Subcommittee held special hearings on this program and determined that the proposed increase was not justified. The subcommittee, therefore, recommended a reduction of $2.2 million which provided $4 million for this program in fiscal year 1972. The $4 million represents a 10-percent increase to provide in part for anticipated inflation, and also to provide a modest level of increase in this exploratory development program. A meeting was held on October 4, 1971, at the request of the subcommittee staff, which was attended by representatives of the Army Natick Laboratories, the Army Office of the Chief of Research and Development, the Army Materiel Command, and the Office of the Director of Research and Engineering.

Despite a previous specific request by the subcommittee staff for participation of a representative of the Army comptroller organization, who could address specific questions concerning the financing of this program, the Army elected not to include such a person in the meeting. As a result, none of the participants were able to answer specific questions regarding the financial status of the fiscal year 1971 and 1972 programs in any detail which would be essential to any discussion to determine the necessity for restoring the program to the $6.2 million level.

As a result of this meeting and the facts as reported by the staff, I consider that the Army has ample flexibility among the 100 odd individual task and work units involved to support the most important work to be done in fiscal year 1972 including the requirement to procure a quantity of cobalt at a cost of $350,000 to support the food irradiation work. I am also convinced that the program can be supported in fiscal year 1972 at the $4 million level without necessitating the firing of any civilian employees at the laboratory and without prejudice to the essential work that the laboratory conducts.

I would like to emphasize the fact, Mr. President, that the principle argument made to add the $2.2 million is the requirement for $350,000 for the cobalt in food irradiation. That is only 15 percent of that increase. I submit, Mr. President, that the $350,000 item can be accommodated within the $4 million program recommended by the committee at the expense of other lower priority work.

Mr. President, it should be clearly understood that the exploratory development program in which this program falls is not governed by a specific time schedule which is tied to an operational military requirement. It is the nature of exploratory development that the work performed is maintained at a relatively constant level of effort which normally varies little from year to year. The absence of an overriding military operational need makes it clear that the $4 million level recommended for this program will be adequate. In view of these facts, Mr. President, I would ask my colleagues to join with me in voting against the proposed amendment.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. McINTYRE. I am happy to yield to the distinguished Senator from Nebraska.

Mr. CURTIS. Mr. President, I thank my distinguished friend, the Senator from New Hampshire.

I would like to ask the Senator if he is aware that a leadtime of 15 months must be provided the Atomic Energy Commission in order to order this $350,000 total.

Mr. McINTYRE. I would not deny that. In my work on the R. & D. Subcommittee, I have learned to know what R. & D. is and what it means. One of the things I want to make clear is that the subcommittee looks at these programs.

This Army group came in, and they did not make out their case for the money. As a consequence, we took a hard look at this and reduced it $2.2 million.

Mr. CURTIS. Mr. President, the distinguished Senator from New Hampshire referred to staff conferences on this matter. Could he elaborate on that?

Mr. McINTYRE. Mr. President, I received correspondence from the distinguished Senator from Massachusetts (Mr. BROOKE) bringing to my attention the fact that this cut was of great interest to him and his constituents. As a result, I ask Mr. Fine of the Armed Services Committee staff to sit down and go through the matter again and see if there was any chance of restoring all or any part of the cut. That was at the meeting on October 4.

Mr. CURTIS. Mr. President, I am sure that the Senator has a very good staff. However, my research indicates that the figure they had before them as to how much money was spent last year was inaccurate and that it was a sizable amount more than that because of the transfer of funds and that the figure used was based upon a statement made by the Department of Defense last February.

Mr. McINTYRE. Mr. President, it is my information that this reprograming that brought this level up from $3.6 million to $4.8 million was only brought to our attention at the reading on October 4.

I might say to the Senator from Nebraska that in the Defense Department statement in support of the Senator's amendment, on page 2 they readily admit the following:

> Candor requires admission that in the original explanation of the DOD Food Program we did not clearly enough emphasize the reorientation to a Joint Service effort, the important link between this program and an all-volunteer force, nor the technical thrust which requires development and testing of more expensive (but more economical) food service equipment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McINTYRE. Mr. President, I yield myself an additional 2 minutes.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. McINTYRE. I yield to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, I have the great pleasure of serving on the subcommittee chaired by the Senator from New Hampshire. Is it the Senator's position, that simply because the group failed to have the proper personnel before the subcommittee, therefore the need did not exist and the committee should not authorize the necessary funds?

I think the chairman has already admitted that the amount of money spent in the fiscal year 1971 was only for the Army.

It has now been expanded to the Navy and Air Force. It seems to me that in order to do the job effectively certainly additional funds would have to be authorized for the expansion to meet the needs of the Air Force and the Navy.

Mr. McINTYRE. I agree with the Senator that if they made a poor presentation or did not adequately explain the reasons for their request, this should be given reconsideration. We went into that on October 4.

In talking with staff member, Mr. Fine, he asked them to bring someone who knew the financial picture. They did not bring that man. Mr. Fine's advice to me is that they did not sustain their case on October 4.

Mr. BROOKE. I think the Senator read a statement from the Department of Defense in which they admitted they did not make their case in their first presentation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BROOKE. Mr. President, will the Senator yield to me for 1 minute?

Mr. McINTYRE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. McINTYRE. I yield 1 additional minute to the Senator from Massachusetts.

Mr. BROOKE. In that statement the

Department of Defense still stood firm in its advocacy of the authorization to $6.2 million.

Mr. McINTYRE. The Senator is correct.

Mr. BROOKE. So the Department of Defense still feels it needs $6.2 million in order to expand to include the Navy and the Air Force, in addition to the Army. Is that correct?

Mr. McINTYRE. The Senator is correct. I hope the Senator from Massachusetts, who served on this subcommittee with me, realizes that unless we get the answers to our questions we intend to be hardheaded and tough nosed about this. I am sure my good friend from Massachusetts agrees.

Mr. BROOKE. We should be hardnosed, but we should not therefore arrive at the conclusion that the need is not there or that the merits of the case do not warrant the additional $2 million.

Mr. CURTIS. Mr. President, will the Senator from Maine yield to me for 3 minutes on the bill?

Mrs. SMITH. I yield.

Mr. CURTIS. Mr. President, it is very evident that at least some of the facts were presented to the subcommittee at a late date—only October 4. I think it is also very evident that there is some disagreement on how much money the Natick Laboratories had last year as well as other facts in the case.

I have confidence in this subcommittee and the full committee, and I believe that we can best serve the Natick Laboratories by giving them a little more time, between now and the time we go to conference with the House.

I am about to withdraw my amendment for that reason. But there is another very persuasive reason why I am considering withdrawing the amendment and that is this.

We have been debating this bill since September 10. Today is October 6. I believe that any amendment that might be agreed to at this late date, and overriding the position of the committee, would have to have very wide national support and it would have to have an opportunity to have the support of more Senators than are present at this time. I do think it is important that the committee take another look at this matter. I do not ask that they accept my figures as to how much was available last year, but they should have an opportunity to look at the entire matter; and also I believe we should keep in mind that this does have the full support of the Department of Defense and that it is urgently recommended by the Atomic Energy Commission. Also, this would be a change in the course of our national program, the food research program, without taking into account the desires of Joint Committee on Atomic Energy.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CURTIS. Mr. President, if the distinguished Senator from New Hampshire would be willing to further discuss this matter with the conferees, I would withdraw my amendment.

Mr. BROOKE. Mr. President, will the distinguished Senator from Mississippi yield to me 1 minute on the bill?

Mr. STENNIS. I yield.

Mr. BROOKE. I would like to say to the distinguished chairman of the subcommittee that the House now has approved $6.2 million. The Senate subcommittee has authorized $4 million, a difference of some $2.2 million.

If the distinguished Senator from Nebraska withdraws this amendment, the distinguished Senator, in conference, would take up this variation between the House and the Senate and take expressly into consideration the $350,000 for cobalt-60 that was asked for by the Department of Defense for the Natick Laboratories. Is that correct? That is a very important item that must be included in the agreement on the matter.

Mr. McINTYRE. Mr. President, responding to the Senator from Nebraska and the junior Senator from Massachusetts, in view of the information they have provided on the floor today, along with the interest exhibited by the distinguished Senator from Rhode Island and the distinguished Senator from Massachusetts, I can assure the Senator from Nebraska that in consideration of withdrawing the amendment we will try to take a relook at the situation and try to be as fair and reasonable in conference as we can, hopefully to bring it back from a conference more in line with the Senators' wishes.

Mr. STENNIS. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, this matter has been discussed with me by the distinguished Senator from Nebraska. I have discussed it in turn with the Senator from New Hampshire, and I discussed it in part with the Senator from Maine, and also with each of the Senators from Massachusetts.

I am entirely in sympathy with the statements made by the Senator from New Hampshire. I know his work is excellent on matters he has before him. I agree with him that this should be looked at in conference in light of what we have learned here and I think we will be able to work out something.

As the Senator said, he does not expect his figures to be accepted but he does want them considered.

Mr. CURTIS. Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. PROXMIRE. Mr. President, will the Senator from Mississippi yield to me for 10 minutes.

Mr. STENNIS. I am glad to yield to the Senator from Wisconsin such time as he may desire.

Mr. PROXMIRE. Mr. President, earlier in the debate on this bill I introduced a "test-before-you-buy" amendment. Its purpose is to implement the operational test and evaluation recommendations made last year by the Fitzhugh Commission, recommendations which were approved unanimously by the Commission's members but which have not been implemented by the Department of Defense.

When I introduced this amendment over a week ago, I explained its three main provisions:

First, it requires that operational test and evaluation be performed on all new weapon systems prior to the expenditure of procurement funds on those systems in an amount greater than 10 percent of total research and development expenditures which have been incurred. This first provision, in other words, is designed to institute a "fly-before-you-buy" policy, with allowance for long leadtime production funding, into all new weapon system procurement on a prospective basis. It does not apply to systems already under contracts of a different kind.

Second, it establishes an independent office to supervise and monitor all operational test and evaluation programs of the Department of Defense. At present, responsibility for test and evaluation is lodged in the same office charged with responsibility for developing all weapon systems. The Fitzhugh Commission was clear about the need for an independent office. The present arrangement, it noted, made objective test and evaluation impossible. It is like sending a fox to guard the chicken coop or a boll weevil to watch over the cotton fields.

And finally, my amendment established reporting requirements designed to aid the Congress in its monitoring of test and evaluation programs in the Department of Defense.

When I introduced this amendment, I noted that I had made its text available to the Armed Services Committee a week before and that its terms were subject to negotiation. I expressed the hope that the committee might find it possible to accept the amendment at least with several modifications.

I have now learned that negotiations to this end have broken down. The reason, I understand, is not an opposition to the basic "test before you buy" principle of the bill. That would be sacrilege, since ostensibly this is our official policy. The reason, instead, is uncertainty over the wisdom of specific provisions and phrases in the amendment and a desire not to legislate without more information and without more careful study.

I can understand these feelings. If I remember correctly, however, precisely the same sentiments were expressed when I offered a more comprehensive "fly before you buy" amendment last year, designed only to establish reporting requirements which would indicate Department of Defense compliance with the Fitzhugh Commission recommendations. It was said then that the Commission's report was only 1 month old, that the Defense Department had not yet studied it, and that the Armed Services Committees had not yet had time to hold hearings on the matter.

Such hearings were promised in debate over my amendment last year. They were promised several times by the distinguished Senator from Mississippi (Mr. STENNIS). For example, I quote from the CONGRESSIONAL RECORD of August 17 of last year:

> Mr. STENNIS. If we have a session following the November elections I would hope to get some hearings started during this calendar year. . . . I am sure the House of Representatives would follow the pattern I have outlined.

And these comments were echoed then by other members of the committee. I quote again from the CONGRESSIONAL RECORD of the same date:

> Mr. GOLDWATER. The Chairman of the Armed Services Committee of the Senate and the chairman of the similar committee in the other body have both assured us that there will be long hearings on this matter. . . .
>
> Mr. MCINTYRE. Once our conclusions [on the Fitzhugh Commission Report] are reached, we want to compare them with the conclusions reached by the Defense Department, and then to hold formal hearings designed to elicit a well-constructed bill.

Mr. President, another year has come and gone and those hearings have not been held. And in the interim, the major recommendations of the Fitzhugh Commission have been scuttled by the Department of Defense.

There may be good reasons why hearings have not been held. Few committees have worked harder this year than the Armed Services Committee, which has struggled with the draft bill in addition to its other annual duties.

But we cannot continue indefinitely with a "business as usual" approach in our weapons procurement policies. Every year, it seems, there is a new horror story in the continuing saga of cost overruns. First it was the C–5A. Now it is the F–14.

And there will be others next year. The new milestones policy announced by this administration is more of a public relations gimmick than a true "fly-before-you-buy" policy which will prevent successors to the C–5A and the F–14. It is fashionable now in the Department of Defense to blame the C–5A and the F–14 on prior administrations. But keep an eye on the S–3A and the F–15, two new programs which will soon be going through the roof.

We simply must do something to get a handle on these major programs earlier in the game, before they go into production and billions of dollars are sunk in them. Last year we appropriated funds to buy 26 F–14's before the plane had flown even once. With the F–15, a similar commitment will be made as soon as the plane takes off and circles the field for the first time, for a few minutes and at a fraction of its normal speed.

And we need a "fly-before-you-buy" policy not only to control costs, but to insure that our troops in combat are supplied with systems which will work. I detailed our experience in Vietnam with unreliable weapons in introducing my amendment last week. From the M–16 to our air-to-air missile family, the list of deficiencies was a long one.

This combination of cost overruns and unreliable weapons is leading us to a crisis in this country. The nature of this crisis was spelled out well by the Armed Services Committee in the basic considerations section of its report on this bill. It is a crisis of gold-plated unilateral disarmament. Because of cost overruns, the defense budget goes up and our force structure goes down. And the increasingly fewer systems we have are so complex and so unreliable that only half of them are available at a given time.

The only way we are going to deal with these basic considerations is by coming to grips with the basic problems in our weapons acquisition policies which are responsible for them. And unless we do so soon, we are going to find ourselves both militarily weak and financially bankrupt.

It is on these basic problems that the time of the Department of Defense and the Congress must be spent if meaningful improvements are to be realized. If time is not spent on these basic problems, efforts elsewhere will be negated. Let me cite just one example. The Armed Services Committee deleted about $1.2 billion from this procurement bill in an attempt to improve the efficiency of Department of Defense operations. Yet cost growth on just two major weapon systems has been so great in the past year as to offset fully half of this reduction. I refer to the more than $400 million for the C–5A, most of which is a simple payment of Lockheed's cost overrun, and the almost $200 million which was reprogramed to cover overruns on the F–111 program. This kind of progress we do not need.

Mr. President, I am not terribly concerned about the fate of my amendment here today. I agree that better legislation might be forthcoming if hearings were held in advance.

But I am greatly concerned by the continuing crises in the weapons procurement area. Now that the draft bill is out of the way, I would like to ask the Senator from Mississippi if it will be possible in the next year for the Armed Services Committee to hold hearings on this test-before-you-buy or fly-before-you-buy principle, which the Fitzhugh Commission unanimously recommended and which the committee endorsed in principle, but which has not been implemented, as we know, by the Department of Defense.

Mr. STENNIS. Mr. President, first I regret that the committee has not been able to get into this problem—and it is a problem—in a broader way and a deeper way this calendar year. I think most of the membership, however, are familiar with the immediate demands on this committee for legislation this year, illustrated first by the extension of the Selective Service Act, on which hearings started in January, and it traveled through the legislative branch until the week before last, and was signed by the President last week.

It bears on the bill on the floor that we are about to complete today as far as the Senate is concerned, and it will then be ready to go to conference. Other matters came before the committee. But there is nothing I am more concerned about and few things that are more important than the matters the Senator has mentioned.

I am appalled at the increased cost of weaponry. I think if it goes unchecked, it will be the load that will require us to reduce our forces beyond the safety point. We have an increased cost in manpower. We have poured additional billions of dollars into that this year, and I think we are going to have to reduce manpower somewhat to carry that load. But I tell you, Mr. President, I just do not like to come here and try to meet situations and explain enormous overruns in expensive weapons. We find the money that was originally estimated to be needed has doubled, or we get half or less than half the number of weapons, such as planes. Furthermore, I think about the most difficult thing——

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. STENNIS. Mr. President, I yield myself 3 minutes.

It is about the most difficult thing on the books to deal with, but we have been dealing with Mr. Packard and he has been trying hard. We will have a statement in a few minutes about a prototype plane that we are going to back. I will have an amendment that has to do with filing of reports. We may consult with the Senator's staff about that. It may overlap somewhat the Senator's amendment, but it is a very small start on the real problem.

Mr. PROXMIRE. Will the Senator be able to schedule hearings on the fly-before-you-buy proposition?

Mr. STENNIS. That is my intention, and I believe that we will be able to do it. We expected to do it this year, and I found that I can overspeak myself very easily.

Mr. PROXMIRE. Well, this year the draft required enormous energy. The Armed Services Committee is probably the hardest working committee, and the Senator from Mississippi as chairman may be the hardest working Senator.

Mr. STENNIS. No, not at all, though I thank the Senator. But this problem must be gone into, and I think we have a special responsibility. I want to consult with the Senator further about it. The hearings might not prove to be as extensive as the Senator from Wisconsin would think should be had; but I am going to work, in part, with Mr. Packard, frankly. I shall not stop with him; I intend to go further. But I am going to pay a lot of attention to his advice.

We have got to get something written into law, though. Secretaries come and go, deputies come and go, and secretaries of the services come and go; they are fine men, and we have two exceptional ones now, I think, but they are temporary.

Mr. PROXMIRE. I agree wholeheartedly. I think the Senator will agree that if this kind of legislation could be enacted, it would help Secretary Packard in his very difficult work. I believe that this kind of legislation—fly before you buy or test before you use, if this is enacted it would greatly help.

Mr. STENNIS. I agree with the Senator. We have got to get something in the law that is permanent, but there is still a lot in the man operating under the law.

That is in accordance with my wishes. That is the way we are headed. It is a very difficult problem, and all Senators do not see the situation alike. But we are going to make some progress, and hearings will be a part of it.

Mr. BROCK. Mr. President, I call up an amendment which I have at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. BROCK) for himself, Mr. ROTH, Mr. DOMINICK, and Mr. TAFT, proposes an amendment as follows:

On page 16, lines 11, 12, and 13, strike out "On or after the effective date of this sentence" and insert in lieu thereof: "On or after January 1, 1972".

The PRESIDING OFFICER. Under the previous unanimous consent agreement, 15 minutes is allotted to each side. Who yields time?

Mr. BROCK. Mr. President, I yield myself such time as I may require.

I have discussed this amendment with the Senator from Mississippi, the Senator from Virginia, who is the author of section 503, and the Senator from Maine. Its purpose is to delay the application of section 503 until January 1, 1972.

I raise this point because a number of Senators had expressed concern that the passage of legislation incorporating section 503 would have the effect of creating a grave and difficult situation for the British and the Rhodesians, who are in the process of very serious negotiations right now in an effort to resolve this problem; and the simple thrust of my amendment is to ask for a delay in the implementation of this particular section so as to give those negotiators time to work out their own problems.

I think we all feel that in any difficult situation of this kind it is better for the two parties contesting to resolve their own difficulties than for a third party to involve itself in what is essentially an internal matter.

I am supported in this effort by the Senator from Delaware (Mr. ROTH), the Senator from Ohio (Mr. TAFT), and the Senator from Colorado (Mr. DOMINICK), all of whom had expressed serious concern as to the effect of the immediate passage of section 503 without any clarifying or qualifying language.

Mr. President, I have no desire to belabor the point. I think it is clear, but if the Senator from Mississippi wants to make any comment on this particular matter, I should be delighted.

Mr. STENNIS. Mr. President, this matter has been examined by the Senator from Tennessee with the Senator from Virginia, who is the author of the amendment, and a member of our committee. The matter has been carefully examined.

It seems to me that the request of the Senator from Tennessee is very reasonable. It simply accelerates the application of this amendment forward a little more than 60 days for an adjustment period. Should it become law, it would allow that much time to make the necessary adjustments. I think it is very reasonable.

Did the Senator from Maine have something to say on this point?

Mrs. SMITH. I have no objection and if the distinguished Senator from Virginia does not object, I ask the able chairman to accept the amendment offered by our distinguished colleague, Senator BROCK, take it to conference, and try to achieve its acceptance.

Mr. STENNIS. We support the amendment, Mr. President, at least to take it to conference.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BROCK. I yield.

Mr. TAFT. I thank the Senator for yielding, and I commend him for his amendment with regard to the language presently in the bill.

There are pending in the United Nations very delicate negotiations regarding a number of things. The question of the admission of Red China is one of those. There are also underway, I understand on very good authority, very delicate negotiations with Rhodesia on the part of the United Kingdom, and to give some time for these negotiations to be worked out seems to me to be extremely desirable. Indeed, I might say that even though I supported the Fulbright amendment which failed on the floor today, had that amendment passed, it would have required affirmative action on the part of the President to negate the effect of the language presently in the bill in section 503, and I would have offered an amendment identical to this amendment to delay the effect of that provision as well, for the same reason.

It seems to me that any action that we take to change the status quo as it presently exists with regard to this issue might have the effect of upsetting the very delicate situations that I have mentioned. I certainly give strong support to the amendment, and I am glad to be a cosponsor of it.

Mr. BROCK. I thank the Senator for his contribution.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. MANSFIELD. Mr. President, in behalf of the Senator from Mississippi, I yield back the remainder of the time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Tennessee.

The amendment was agreed to.

Mr. TUNNEY. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

At the end of the bill add a new section as follows:

"SEC. 505. None of the funds authorized to be appropriated by this or any other Act may be used for the purpose of carrying out aircraft flying operations at the United States Naval Air Station, Los Alamitos, California, until 30 days after the Secretary of Defense has submitted to the Congress a written report which discusses and determines the best use to which the naval air station might be feasibly devoted."

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, 30 minutes are allotted for consideration of the amendment, 15 minutes on each side. Who yields time?

Mr. TUNNEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TUNNEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TUNNEY. Mr. President, I have discussed this amendment with the Senator from Mississippi (Mr. STENNIS) and the Senator from Maine (Mrs. SMITH). It is designed to have the Secretary of Defense himself, make a decision as to whether or not there should be a Reserve Army helicopter unit stationed at the Los Alamitos Naval Air Station in California.

I am offering this amendment because certain conditions prevail in the Los Alamitos area which I think require that the Secretary of Defense make a decision personally regarding the establishment of a helicopter unit on that naval air station.

The Los Alamitos Naval Air Station originally was established in 1942. At that time, the area was agricultural and undeveloped. Today, Orange County and the surrounding area is developing very rapidly, and we have around the Los Alamitos Naval Air Station a population of more than 500,000.

The Department of the Navy, on March 6, 1970, announced the phaseout of the air related activities and the closure of naval flight operations by July 1, 1971. However, I am dismayed to learn that the Defense Department is planning to locate an 87-man Army military Reserve helicopter squadron at this facility, where they have just phased out air activities.

It seems to me that many of the same reasons why naval air operations were suspended apply to this Reserve helicopter unit.

First, the area is highly urbanized, and air-related activity would be dangerous not to mention the severe noise problems that are created.

Second, the Navy plans to develop family housing on the base, and these plans are underway. This development is incompatible with the relocation of aircraft at the base, since the California State Department of Education will not approve the construction of any school facility within 2 miles of an operating helicopter base.

Therefore, if the Navy's housing plans were implemented at the same time that the helicopter squadron is based on the facility, thousands of school children housed there would be left without access to nearby school facilities.

Navy plans for family and other fleet support needs at Los Alamitos were in part based on the cessation of air operations. Yet, the Department of Defense apparently has decided to go ahead blindly with the decision to relocate other equally incompatible air-related units on the base.

I feel very strongly that the question of the effect of air-related activities on an urban environment has not yet been studied thoroughly by the Department of Defense, and it seems that the left hand does not know what the right hand is doing in that department.

Although representatives of the various communities of western Orange County have visited the Department of Defense several times, they have been unable to secure information as to the reasons for the seemingly incongruous decision to locate helicopters on the base.

I feel very strongly that the decision should be made by the Secretary of Defense and the people in the Secretary's office, because of this very important, in my opinion, base-community relationship.

By offering this amendment, I am not trying to stop any movement of a Reserve unit onto the base if, after consideration is given to all sides of the argument, it appears that it is absolutely essential that the Reserve unit be located at Los Alamitos. But my opinion is that a study by the Secretary of Defense is going to prove that it is not necessary to locate that helicopter reserve unit at the Los Alamitos base.

There are other bases in the area where such a Reserve unit could be located. For example, we have in the neighborhood El Toro Marine Corps Air Station, which is located 12 miles easterly, and this should be studied. We have the Santa Ana Marine Corps Air Station, which is located 10 miles easterly. The southerly portion of the U.S. Naval Weapons Station is located 2 miles southerly, and portions of the U.S. Marine Corps facility at Camp Pendleton, located 30 miles southerly, would be another possible location for such a helicopter Reserve unit.

I feel very strongly that we should have a place in the Los Angeles area where these Reserve units can have the opportunity to train with helicopters. But why not put it at an airbase where it is acceptable to the people in the community and where we would not have the problems of grave dislocation of many school children as a result of the California law not allowing any schools to be built or operated within 2 miles of a helicopter air base?

The PRESIDING OFFICER. Who yields time?

Mr. McINTYRE. I yield myself 2 minutes to respond to the distinguished Senator from California.

Mr. President, the chairman of the committee is necessarily absent from the floor, but he has informed me that he is understanding of the amendment offered by the distinguished Senator from California. It is my understanding that the Senator from California desires to obtain a decision relative to these helicopters from the Secretary of Defense or the Secretary of the Navy.

Mr. TUNNEY. From the Secretary of Defense. The way the amendment reads, the Secretary of Defense would have to submit to Congress a written report which discusses and determines the best use to which the naval air station at Los Alamitos may be feasibly devoted and that they cannot locate the helicopter unit at the base until 30 days after the report is submitted. So it certainly would not block the location of such a unit at the facility if, in the opinion of the Secretary of Defense, it is necessary to do so.

The one thing that I feel is important is that we have decision being made by the Secretary of Defense, himself, taking into consideration the problems of the Department of the Navy as well as the problems of the Department of the Army; because the Department of the Navy had determined that they were going to cease air operations on this base for a variety of reasons, not least of which was the problem of having schools in the neighborhood for the children of naval personnel who were stationed on that base.

Mr. McINTYRE. Mr. President, on behalf of the chairman of the Armed Services Committee, this amendment will be accepted and taken to conference, and we will do everything we can. It seems to be an entirely reasonable request.

Mr. THURMOND. Mr. President, will the Senator yield me 10 minutes?

Mr. McINTYRE. I yield.

Mr. THURMOND. Mr. President, I commend the distinguished Senator from California for his deep interest in this matter and for looking out for his constituents on this point. I should like to make some observations, however, in this connection, because this is a very important matter upon which the Secretary of Defense will have to pass.

First, I will make the statement that the Los Alamitos Air Station has been in existence for many years, so the people who have built houses since the station was constructed knew the station was there.

Next, prior to the Navy decision to colocate Reserve units with Regular units, there were no significant citizen complaints. A member of the staff of the Armed Services Committee went to California and talked with the commander there, and the latter said that he had received only a few letters in the several years he has been there.

Next, regarding the pressure to stop flying at Los Alamitos, we are informed, is stimulated to a large extent by real estate interests which would like to build on adjoining property in order to possibly make millions of dollars from housing projects in that area.

Next, planes leaving the air station do not fly over public property, as the Government owns the land all the way to the ocean. So there is safety as a result of this corridor over which the planes can fly.

Next, compared to some of the other airports in the United States, Los Alamitos is one of the safest, for there is congestion around the big airports such as Los Angeles and San Diego which would be very much more of a hazard than at this particular location.

Next, I believe that the main reason the Navy left was not due to the congestion. My information was that the Navy moved Reserves to colocate and, hopefully, save money. Unfortunately, the units moved away are seriously below strength, because there is not sufficient population at the new sites which are in less populated areas. Reserve units need to be near people. They cannot be located in isolated places like regular units. Reservists cannot be transferred around like regulars.

Next, the Los Alamitos situation has been studied and restudied for over a year. As I stated, a member of the preparedness investigating staff went out there for the subcommittee. He found it is an excellent facility. It is particularly needed by the Army and Air Force Reserves and the Guard units which are now operating from civilian fields. Some of these situations are dangerous, because of the lack of security at these civilian airports.

The next point is that if this installation were closed, the Government would have to spend tens of millions of dollars to buy new land, construct new runways and hangars, support buildings, air control towers, and other facilities to accommodate the Reserve units. This would seem unnecessary and inadvisable since we have such a good facility there now and it is presently available. So, we have a chance here to save some money.

Next, I would like to say that when one Reserve force or the Reserve force of one service leaves a station, Congress requires by law that the other service be offered the facility. The Navy has moved out and the Army and Air Force Reserve and guard need this facility. They have asked to use it. It has not been declared surplus. It is still in the hands of the Navy.

I would also say that the State of California is one of the States which benefit most from defense spending, and I feel certain that the people of that State, and I feel certain that the distinguished Senator who offered the amendment would feel the same way, and that is to accept responsibility to provide for these Reserve units.

The Navy already has a total of 10 nonflying Navy and Marine Reserve units at Los Alamitos and intends to retain them. The Army Reserves in California and the National Guard want to relocate five helicopter units at Los Alamitos, if allowed to do so.

In view of this, it appears logical to construct a new center there, which has already been authorized, and thus concentrate Reserve operations for the metropolitan area at a single location in a major population center, able to provide a ready source of Reserves.

I would also call attention to the fact that as a result of these interests and newly developed Reserve requirements, the DOD assigned an interservice group to study the situation. DOD now has the recommendations of this group and the recommendations in substance amount to, first, retain Los Alamitos as a joint service Reserve and National Guard base, including Reserve helicopters and fixed-wing flying, but no jets; second, locate a new Reserve center planned for Fort McArthur at Los Alamitos instead and, third, construct Navy housing at Fort McArthur and other locations in Navy-owned areas rather than at Los Alamitos.

Mr. President, as the distinguished Senator from California said, this is a decision which should be made and will be made by the Secretary of Defense and involves directly our national security.

I did want to bring out these facts and give some of the background and history of this station, because I think it is important.

Many Members of Congress have already expressed their views on this problem. Secretary Laird has the benefit of those views in making a final decision.

Now, as I interpret the amendment, it is advisory to the Congress and does not depend upon any congressional approval.

On that basis, as I understand the distinguished Senator from California, he wants to be sure that Secretary Laird has time to study prior to his decision and wants the Secretary to act and then they will cooperate with the Secretary of Defense.

On that basis, I do not object to the amendment.

Mr. TUNNEY. Mr. President, I want to thank the very distinguished Senator from South Carolina for his remarks, particularly his interpretation of the amendment, which coincides with mine; namely, that the Secretary of Defense will make the decision and that a report will be made to Congress so that everyone will know why the decision was made.

Certainly national security is an important consideration.

I would like to make one additional point and that is, it certainly is not my intention to eliminate the Reserve units at the Los Alamitos Naval Reserve Station. It is the helicopter reserve units which we are deeply concerned about because they would have, as I indicated, an adverse impact upon the community and the education of the children of Navy personnel stationed on the base.

It appears that many Navy personnel cannot afford to pay the $55 necessary to have their children bused as far as 8 miles away to the school. It is my understanding that the Navy Department very much wants to have a school built on the base or close by the base, and that was one of the reasons they were happy to suspend Navy aircraft activities at the base.

If the Reserve unit comes in, it will mean that the children will have to be bused, which could mean that thousands of children will be affected. I point out that there are only 87 men in the Reserve unit. There are other bases in the area—four others—where we could look at to have the helicopter Reserve unit located. I believe strongly that we need to have a helicopter unit in the Los Angeles area where the helicopter pilots can maintain their skills, but it would be my hope that the Secretary of Defense would realize the other bases might be more compatible with this activity than at the Los Alamitos Base, which has such a highly dense population center surrounding the base.

I want to thank the chairman of the committee very much for his cooperation and for his consideration of this amendment.

Mr. STENNIS. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 3 minutes.

Mr. STENNIS. Mr. President, under all the circumstances, I am glad to support the amendment for the purpose of taking it to conference. Many matters like this are gone into by the staff of the committee, sometimes with good results. This will require attention at a high level in the DOD.

My suggestion to the Senator from California is that if the amendment is agreed to, the Senator, rather than waiting for the period of time it will be in conference, can start now calling on the Pentagon, calling their attention to the fact that the amendment has passed the Senate.

The Senator should request that these things be done, because time will be running. Whatever persuasion there is to it, it will have a little weight perhaps by virtue of the fact that the Senate has agreed to it.

Mr. TUNNEY. I thank the Senator from Mississippi very much.

Mr. STENNIS. The Senator can move forward on that.

We have looked into this and we can support it. I hope that on a voice vote the Senate will agree to the amendment.

Mr. President, I yield back the remainder of my time.

Mr. TUNNEY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The amendment was agreed to.

Mr. STENNIS. Mr. President, except for an amendment that I have, these are all the amendments that I know about. I will yield, after the amendment is disposed of, to the Senator from Wisconsin (Mr. NELSON).

Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk proceeded to read the amendment.

Mr. STENNIS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

At the end of Title V add a new section as follows:

"SEC. 506. (a) Beginning with the calendar year 1972, the Secretary of Defense shall submit to the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives each calendar year, at the same time the President submits the budget to the Congress pursuant to section 201 of the Budget and Accounting Act, 1921, a written report regarding development and procurement schedules for each weapon system for which any funds for procurement are requested in such budget. Beginning with the calendar year 1973, there shall be included in the report data on operational testing and evaluation for each such weapon system for which funds for procurement are requested (other than funds requested only for the procurement of units for operational testing and evaluation and/or long leadtime items). A weapon system shall also be included in the annual report required under this subsection in each year thereafter until procurement of such system has been completed or terminated, or until the Secretary of Defense certifies in writing that such inclusion would not serve any useful purpose and gives his reasons therefor.

"(b) A supplemental report shall be submitted to the committees named in subsection (a) by the Secretary of Defense not less than thirty nor more than sixty days before the awarding of any contract or the exercising of any option in a contract for the procurement of any such weapon system (other than procurement of units for operational testing and evaluation and/or long leadtime items).

"(c) Any report required to be submitted under subsection (a) or (b) of this section, as the case may be, shall include detailed and summarized information with respect to each weapon system covered by such report, and shall specifically include, but shall not be limited to—

"(1) the development schedule, including estimated annual costs until development is completed;

"(2) the planned procurement schedule, including the best estimate of the Secretary of Defense of the annual costs and units to be procured until procurement is completed;

"(3) the results of all operational testing and evaluation up to the time of the submission of the report, or, if operational testing and evaluation has not been conducted, a statement of the reasons therefor and the results of such other testing and evaluation as has been conducted.

"(d) Whenever funds are requested by the President for the procurement of any weapon system in any fiscal year after the Budget for such fiscal year has been submitted to the Congress, the same reporting requirements shall be applicable to such system in the same manner and to the same extent as if funds had been requested for such system in such budget, except that the initial report shall be submitted to the committees named in subsection (a) at the time the request for funds for such system is made to the Congress."

Mr. STENNIS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 5 minutes.

Mr. STENNIS. Mr. President, this is a relatively simple amendment. It relates to requiring periodic reports that the two committees—one of the House and one of the Senate—on the procurement schedule, including estimated annual costs, until the development is completed of each weapons system; the planned procurement schedule, including the best estimate of the Secretary of Defense of the annual costs and units to be procured until procurement is completed; and the results of all operational testing and evaluation up to the time of the submission of the report, or, if operational testing and evaluation has not been conducted, a statement of the reasons therefor and the results of such of the testing and evaluation as has been conducted.

This amendment is partly a follow-on to a plan for prototypes that has been developed largely by Deputy Secretary of Defense Packard who took the lead in the program.

I have a few remarks here that I will make on that program and will then come back to the amendment. And I will be brief.

I want to comment on one important matter which has not been extensively discussed in the debate on this procurement bill. This is an important new program which involves the use of experimental prototyping, rather than paper studies for the development of new weapons.

The Deputy Secretary of Defense,

David Packard, has taken the lead on this program. I think Mr. Packard is to be congratulated on this as on other initiatives in the troublesome field of weapons procurement.

The prototyping in this program is not designed to produce complete weapon systems. It does not necessarily involve competition between manufacturers, as in the prototyping of the AX aircraft. Involved here are experimental prototypes, to produce new technology, which would be funded research and development activities.

I stress that no commitment to production is involved in the development of these prototypes. For example, the Air Force wants to explore the technology which might, at some point in the future, lead to development of a lightweight less expensive fighter plane. This program would not produce such a plane ready for production. It would produce experimental prototypes for testing the new technology.

Engineering experts would have a chance to work with hardware and not just with paper studies. When and if the time for prototyping does arrive, proven systems would be ready on the shelf. It will not be necessary to perform research and development concurrently with production.

Many critics of military procurement believe these two factors—excessive reliance on paper studies and concurrency—generate many of the production problems which result in cost overruns and other procurement difficulties.

The various services have identified research and development programs costing $67 million which could go forward in this fashion. The research and development funds which would finance the prototyping will be a matter for the Senate-House conference on this bill, and no action is required now.

However, I want Senators to know of this program and of the high hopes held for it. Prototyping is surely not a panacea, but it may help us to acquire better weapons at a somewhat lower cost.

Mr. President, I believe, and I think the other committee members agree, that this prototype program may be a major step forward. If successful, it can help put a checkrein on the escalating weapons costs.

These are not mere words. This has been developed through work by Mr. Packard, one of the most able men in the Nation, I think, in the field of manufacturing, as I use the term, industrial production. He has brought together the services, and they are moving together on this.

Mr. President, with respect to the vast sums that are now in the bill for the respective services—and they differ between the House and Senate figures—the committee feels that the conferees might agree on these. This matter that I am discussing can be absorbed by adjustments there and by settlements and comprise in the conference bill.

I have talked about this with the chairman of the House committee who is fully familiar with the program. It has also been presented to him. He is in sympathy with selling it moneywise in this fashion.

I read out a list of the items included for the Army. There is the unmanned surveillance vehicle, the remote attack vehicle, and so forth.

The complete list is as follows:

[*In millions*]

	Fiscal year 1972
Adv med stol transport	$5
Very low RCS test vehicle	5
Lightweight fighter aircraft	10
Quiet aircraft	4
Totals	24

Army prototypes selected

[*In millions*]

	Fiscal year 1972
Unmanned aerial vehicle	$8.0
Remotely controlled attack missile	3.0
Air defense effectiveness demonstration	6.0
Clean air engine	3.5
Multi-mission missile—M3	3.0
Total	$23.5

Navy program summary and estimated funding level

[*In millions*]

	Fiscal year 1972
ASW sensors	5
Weaponizing of ships	4
VSTOL for sea control ship	11
Annual estimated funding level	20

For the Navy, there is the most effective sonar buoy and so forth, the fixed wing V/STOL aircraft, the advanced Harrier, the Air Force version of the short takeoff and landing, STOL, transport.

This is not a new question of authorization for any new weapons systems or planes. This is merely recognizing the research and development of new planes. It is not planned to go any further than this prototype. And out of that may evolve the selection of some of these to be put in inventory.

I have checked this out. We had all of this matter before the full committee. It was fully discussed. Mr. Packard made a special appearance. There was a uniform agreement that it was worthy and that we would recommend it.

I am not asking for any addition in the bill on the prototypes. All I am talking about is merely with reference to reporting.

I hope that the amendment will be agreed to.

I want to insert in the Record a portion of page 18, the committee report regarding operational testing.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Lack of Operational Test and Evaluation

In testimony before the committee, representatives of the Army and Air Force testified that new emphasis is being placed on operational testing and evaluation before production. DOD Directive 5000.1 also emphasizes this policy. The Navy representative, however, supported the proposition that the current Navy practice of "suitability testing" after production is sufficient. And the Secretary of Defense testified that he had decided not to accept the President's Blue Ribbon Panel recommendation of establishing an Assistant Secretary of Defense for Operational Testing and Evaluation; instead a subordinate office has been established under the Director of Defense Research and Engineering. The Blue Ribbon Defense Panel pointed out what it considered weaknesses in operational test and evaluation—lack of testing independent of weapon system developers, service opposition to independent operational test and evaluation, lack of funds and facilities, and lack of high-level attention and management. While the committee hopes that the modified approach will succeed in correcting these weaknesses, other steps along the lines suggested by the Panel may be necessary if the present modified approach does not prove successful. Insufficient operational test and evaluation in the past has meant that we have produced some weapons too complex to be effective. Evidence of this tendency was illustrated by testimony concerning the failures of our air-to-air munitions.

Mr. STENNIS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Mississippi.

The amendment was agreed to.

Mr. STENNIS. Mr. President, I yield the floor. The Senator from Wisconsin has been very considerate in waiting to be recognized. I yield the Senator 10 minutes on the bill.

Mr. NELSON. Mr. President, this is a military authorization bill totaling in excess of $20 billion. It authorizes expenditures for a range of purposes, including procurement of a wide variety of weapons, deployment of weapons systems and support of combat operations. A substantial amount of the appropriations contained in this measure I would support if they were presented on an item by item basis. That, however, is not our choice. Therefore, I am casting my vote against this measure. It contains a number of appropriations which I cannot support.

In particular, it authorizes the continuance of American support involvement in a war in Laos contrary to the specific intent of the Congress.

During the last session of Congress, a bill was passed and signed into law prohibiting U.S. support for Vietnamese or other free world forces to engage "in actions designed to provide military support and assistance to the governments of Cambodia or Laos."

It was a clear legislative decision to stop the expanding involvement of the American military forces in war-torn Southeast Asia and to stop the U.S. financing of Thai forces to fight in Laos.

But in total disregard of the law, and in the Executive secrecy we have come to expect, there are thousands of Thai troops fighting in Laos financed by the United States. The executive department now is acknowledging the presence of these forces but claims they are all volunteers serving under the Lao military comand.

Few, if any Members, of Congress were made aware of the rapidly mounting cost of our military program in Laos because the actual total program was never presented to Congress, not even to the Armed Services Committees.

Each year, the Senate was told that certain amounts would be needed for military assistance in Laos, but in the end the actual figures totaled much more.

In 1970 the Defense Department told the Armed Services Committee it needed $74.2 million for military assistance, but the recently declassified figure for the actual cost was $146.4 million. For 1971, $117.3 million was sought, but actual costs were $162.2.

This year the Defense Department talked of a new authorization of $125.8 million, but it was learned that the estimate for fiscal 1972 actually was $252.1 million, just twice the amount described to the Senate Armed Services Committee.

It was further revealed that expenditures in Laos will actually total $490.2 million this fiscal year, including $143.4 million for U.S. air support. This $490.2 million does not include the additional $350 million for Air Force operations in the Ho Chi Minh trail areas.

Congress, especially the two committees of the Senate most directly involved, the Armed Services and Foreign Relations, have been given only partial and misleading reports of what has been going on in Laos.

In the context of the knowledge of the official blundering that mired us so deeply in the war in Vietnam, one would have assumed that this would not have happened again.

But here we are in another illegal, undeclared war. In a war hidden by Executive secrecy. It is a growing, dangerous commitment that denies all the assurances we have been given that we are extricating ourselves from Southeast Asia—we are lessening our involvement in Vietnam, but are expanding it in Laos.

And now we stand ready to pass the military procurement authorization bill, with the executive branch now asking Congress to authorize additional funds to continue the fighting and to pay the additional Thais fighting there.

It is time Congress called a halt to the Executive secrecy, to wars that nobody knows about and to the purposely misleading requests for money used to perpetuate and expand the fighting.

The reason no one knows much about these vast expenditures and clandestine military operations is that they are run by the CIA which does not report to the Congress.

How long are we going to continue to permit American Presidents to conduct private wars through the secret instrumentality of the CIA?

The risks of acting without knowledge are too grave to be ignored, especially in expanding wars that may involve other nations.

We have a constitutional obligation to review this Nation's military involvements and must share the responsibility for those decisions for whatever will follow in the future.

We have not adequately fulfilled that obligation therefore I cannot support this bill.

Mr. President, I yield back the remainder of my time.

The **PRESIDING OFFICER**. Who yields time?

Mr. **STENNIS**. Mr. President, as far as I know that completes the consideration of all matters pertaining to the bill. As far as I know there are no amendments pending. Unless someone wishes to speak further we might have third reading.

The **PRESIDING OFFICER**. The bill is open to further amendment. If there be no further amendment to be proposed. The question is on the engrossment of the committee amendment, as amended, and third reading of the bill.

The committee amendment, as amended, was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 8687) was read the third time.

NATIONAL ACADEMY OF SCIENCES STUDY ON EFFECTS OF HERBICIDES IN VIETNAM

Mr. **McINTYRE**. Mr. President, section 506(c), Public Law 91-441, the fiscal 1971 Military Procurement Authorization Act, provided that the Secretary of Defense would make arrangements with the National Academy of Sciences for that organization to conduct a study on the effects of herbicides in Vietnam.

It also required the Secretary of Defense to request the Academy to submit a final report of the results of the study not later than January 31, 1972, for transmittal to the Congress by March 1, 1972.

The Department of Defense has acted in full accord with the letter and intent of section 506(c), and the committee has been diligent in its close monitorship of the various actions which have been taken.

The promptness with which the various actions have been taken pursuant to section 506(c) is best illustrated by a chronology of events which have occurred following enactment of the fiscal 1971 Military Procurement Authorization bill on October 7, 1970. Mr. President, I ask unanimous consent that this chronology be printed at this point in the Record.

There being no objection, the chronology was ordered to be printed in the Record, as follows:

Chronology of National Academy of Sciences Contract

1. Public Law 91–441 signed 7 October 1970.

2. 15 October 1970: Initial contact by Dr. John S. Foster, Jr., Director of Defense Research and Engineering, with Dr. Philip Handler, President of the National Academy of Sciences (NAS).

3. 26 October 1970: Response to Dr. Foster by Dr. Handler, concurring in study and discussing classification problems.

4. 14 November 1970: Response to Dr. Handler from Dr. Foster; concurs in need for declassification of data but suggests withhold until committee report is published.

5. 29 November 1970: Initial meeting between NAS and DOD representatives for preliminary contract discussions.

6. 7 December 1970: Letter to Dr. Foster from Dr. Handler; presents NAS proposal of a two-phase contract—Phase I (exploratory study)—Phase II (conduct of full-scale study).

7. 8 December 1970: Letter of intent issued by Defense Supply Service–Washington (DSSW) to NAS allowing work to begin.

8. 16 December 1970: Request for Contract with detailed scope of work and cost estimate forwarded to DSSW by Office of Director of Defense Research and Engineering.

9. 19 February 1971: Amended scope of work to include recommendations for repair of any damages detected.

10. 5 March 1971: Coordinated news release issued by DOD announcing contract initiation.

11. 9 March 1971: Contract No. DAHC15 71 C 0211 signed by both NAS and DSSW.

12. 17 June 1971: Contract amended to extend delivery of Phase I report from 15 June 1971 to 15 August 1971 at no additional cost.

13. 27 July 1971: Request from NAS to DOD to extend contract to 31 August 1971 (work completion) and delivery of Phase I report to 15 September 1971 at an additional cost of $25,000.

14. 16 August 1971: Amendment to basic contract drafted by DOD providing for initiation of Phase II and initial funding of $200,000 for first four months.

15. 7 September 1971: Letter from NAS to DOD transmitting formal proposal for Phase II with completion date of 31 August 1973.

16. 15 September 1971: Letter from NAS informing Dr. Foster of new completion date and reasons therefor.

17. 24 September 1971: Secretary of Defense letter to Chairmen of House and Senate Armed Services Committees advising that the final reporting date required by P.L. 91–441 cannot be met and advising of revised dates as estimated by NAS. This letter transmitted a copy of the NAS letter dated September 15, 1971 (No. 16 above).

Mr. **McINTYRE**. Mr. President, I will briefly discuss some of the major actions which have been taken.

Following a series of meetings between the Department of Defense and the National Academy of Sciences, a letter was written by the National Academy of Sciences dated December 7, 1970, to the Director of Defense Research and Engineering which proposed the program and funds required to conduct the study requested by the Department of Defense. Mr. President, I ask unanimous consent that a copy of this letter be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

National Academy of Sciences,
December 7, 1970.

Dr. John S. Foster, Jr.
Director of Defense Research and Engineering, Department of Defense, Washington, D.C.

Dear Dr. Foster: I was pleased to have your letter dated 14 November and its proposal for an approach to the Vietnam herbicide study. The proposal seems quite acceptable to me in its present form, and was accepted in principle by our Council at its meeting on December 5.

On November 24 several members of our staff met with Messrs. Hayward and Dashiell of your office with respect to the proposed study. As a result of these preliminary discussions, and with the understanding that it is the wish of the Department of Defense, the National Academy of Sciences proposes to undertake at the earliest possible date an exploratory study (Phase I) of this problem leading to the preparation of a specific proposal for the conduct of a subsequent full-scale study (Phase II).

The Phase I study would include the compilation and preliminary analysis of existing information, data and reports from U.S. and possibly non-U.S. sources, the convening of one or more meetings of experts to review the status of earlier investigations relating to these effects and to assist in the formulation of a plan for a detailed study responsive to the needs of the Department and of the Congress.

Although it is not possible at this time to describe in detail the preliminary study in terms of content, time required or cost, we propose that by letter of intent and subsequent contract, the Academy be authorized to incur costs not to exceed fifty thousand dollars ($50,000) over a period of six months commencing December 1, 1970, or as soon thereafter as possible to prepare and submit a full proposal for the conduct of a Study of the Effects of the Military Uses of Defoliants in Vietnam. It is understood that the proposed study would examine not only the natural ecology of the Vietnam and neighboring regions, but also those effects relating to agriculture and to the physical and economic health of affected populations. It is further understood that the Department is prepared to make available on a privileged but otherwise non-classified basis all information and data in its possession directly related to the matters under consideration as well as full access to various civilian and military personnel whose particularized experience and information may be considered necessary in the development of the study program.

If the foregoing is acceptable to you and to Secretary Laird, I can assure you that the Academy will exercise its best efforts to carry out this difficult and highly complex task. Until other arrangements can be made, I have asked Mr. Coleman, Executive Officer of the Academy, to stand ready to assist in completing these arrangements.

Sincerely yours,

PHILIP HANDLER, *President*.

Mr. McINTYRE. Mr. President, the Department of Defense issued a letter of intent on December 8, 1970, which authorized the National Academy of Sciences to initiate the study.

A news release was issued by the Department of Defense on March 5, 1971, announcing contract initiation. I ask unanimous consent, Mr. President, that this news release be printed at this point in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

DOD INITIATES HERBICIDE STUDY

The Department of Defense has initiated a contract with the National Academy of Sciences to plan a comprehensive study on the ecological and physiological effects of the use of herbicides, as required by the 91st Congress in Public Law 91–441. Special emphasis will be placed on the defoliation program conducted in the Republic of Vietnam. In addition to a report on the effects of the use of herbicides in South Vietnam, the National Academy of Sciences will recommend appropriate actions necessary to ameliorate any damage from herbicides which may be found in Vietnam. The approval and cooperation of the Government of Vietnam will be sought in connection with the study.

The planning phase of the study will include a review of available information and consultation with the informed members of the scientific community to establish a suitable background data base and to develop detailed plans for the actual study. The conduct of the study will involve on-site visits and surveys of areas of interest including South Vietnam. The actual study is expected to include the following components:

Such ecological matters as successional trends in forest vegetation following defoliation, any effects of defoliation on soils and watersheds, any effects on animal and bird populations, and any effects on the forest, fishing and agricultural industries.

Medical evaluation to include any changes in the incidence of disease and any effects on human and animal reproduction.

Recommendation of remedial measures designed to ameliorate any harmful effects or to control any ongoing deleterious processes which might be discovered during the course of the study. Such recommendations for remedial action, if found to be necessary, would be made so that appropriate action could be taken.

The effects of crop destruction operations in South Vietnam on the local population and ecology.

The general composition of the detailed study will be determined at the conclusion of the planning phase.

Dr. Anton Lang of Michigan State University has been selected by the President of the National Academy as chairman of the study. Additional persons will be appointed to represent the desired scientific diversity and experience needed. South Vietnamese scientists will be invited to participate as appropriate in the study.

The Department of Defense will cooperate as required to support the study, which has been assigned to the NRC Division of Biology and Agriculture of the National Academy of Sciences.

Mr. McINTYRE. A letter of intent was converted to a formal contract on March 9, 1971. Under the terms of the contract, $50,000 was provided to conduct phase I of the study. A final report on the phase I study was required to be delivered by June 15, 1971. I might briefly describe the work required to be performed by the National Academy of Sciences under phase I of the study.

This phase includes compilation and preliminary analysis of existing information, data and reports from U.S. and non-U.S. sources, the convening of one or more meetings of the advisory committee to review the status of previous investigations relating to the ecological and physiological effects of herbicides in Vietnam and regions with similar climate, and to formulate a plan for the comprehensive study, phase II.

The first quarterly progress report required under the contract covers the period from the beginning of the contract on December 8, 1970 through April 30, 1971. I request unanimous consent that a copy of this report, together with a copy of a memorandum for the record dated May 24, 1971, written by the Department of Defense Assistant Director for Environmental and Life Sciences, be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE DIRECTOR
OF DEFENSE RESEARCH AND ENGINEERING,
Washington, D.C., May 24, 1971.

Subject: Status of the National Academy of Sciences Herbicide Study Contract.

The first Quarterly Progress Report was received on 20 May 1971.

A copy is enclosed for information.

A current critical problem is the lack of formation of the NAS Committee which will develop the detailed plan for Phase II, the comprehensive study. This is partly precipitated by Dr. Lang's having a full academic load until 17 June 1971. The consequence is that the contract expiration dates for termination of the planning phase by 1 June, and submission of the report to DoD by 15 June, cannot be met.

Telephone conversations with Dr. Philip Ross, NAS Staff Officer, on 19 May disclosed that the Academy desired a no-cost contract extension through 31 July 1971, and a cost extension amounting to $28,000, through September 1971. Further discussions on 20 May developed the impracticality of such an arrangement, both from the standpoint of conduct of the actual study in Vietnam due to the diminishing resources to adequately support the study team and to meet the requirements of PL 91–441 which require a report to the Secretary of Defense by 31 January 1972. Dr. Ross, as a result of internal discussions at the NAS, subsequently informed DDR&E on 21 May that Dr. Handler will become involved in the work in an effort to provide more responsive dates. He will request a task force approach to Phase I, i.e., a committee to meet probably in late June at a designated location, Woods Hole for example, with the Phase I report to be then presented to DoD by 31 July. The Academy, therefore, will request a no-cost extension of the contract through 31 July 1971.

This time schedule will allow the review of the report by DoD, the development of detailed cost and time estimates, and negotiation of the Phase II contract to be completed by the end of August. The first scientific team from the NAS could then visit CINCPAC and MACV in early September. This coincides well with a proposed visit by DoD personnel to the test field plots in Thailand, last surveyed in 1966, for a re-evaluation of the effects of herbicides under very closely controlled conditions.

A no-cost extension through 31 July 1971 is therefore being requested of the Contracting Officer.

A. E. HAYWARD,
Assistant Director (Environmental and Life Sciences)

Attachment.

QUARTERLY PROGRESS REPORT, DECEMBER 8, 1970–APRIL 30, 1971

Contract No., DAHC15 71 C 0211.

Contract Expiration Date, June 1, 1971.

Short Title of Contract Work, Effects of Military Uses of Defoliants in Vietnam.

Name of Contractor, National Academy of Sciences.

Contractor's Project Director, Dr. Philip Ross.

Phone Number, (202) 961–1761.

I. BACKGROUND INFORMATION

The Defense Authorization Act (Public Law 91–441) passed on October 7, 1970, stated in part that the Secretary of Defense shall request the National Academy of Sciences to conduct a comprehensive study to determine "(A) the ecological and physiological dangers inherent in the use of herbicides and (B) the ecological and physiological effects of the defoliation program carried out by the Department of Defense in South Vietnam."

A plan for the preliminary work was approved in principle by the Council of the NAS on December 5, 1970, and reaffirmed by the Executive Committee of the NAS Council on January 16, 1971. A detailed proposal for the study itself is now being developed for final consideration by the NAS Council.

The contract between the Department of Defense and the National Academy of Sciences has an effective date of December 8, 1970. Dr. Philip Ross, Staff Officer, Division of Biology and Agriculture, NAS/NRC, has been assigned to the project, and Dr. Anton Lang, Professor, Michigan State University, has accepted appointment as Chairman, Committee on the Effects of Herbicides in Vietnam.

II. OBJECTIVES

Phase I of the study includes the compilation and preliminary analysis of existing information, data and reports from U.S. and non-U.S. sources, the convening of one or more meetings of the Committee to review the status of previous investigations relating to the ecological and physiological effects of herbicides in Vietnam and regions with similar climate, and to formulate a plan for the comprehensive study.

III. MAJOR ACCOMPLISHMENTS

Considerable effort has gone into identifying eminent scientists with skills and background experience as possible members of the Committee. The Chairman has traveled in the U.S. and to England to further identify scientists who have appropriate expertise.

There have been discussions with Senator McIntyre and Hyman Fine, professional staff member of the Senate Committee on Armed Services.

During the past quarter, source persons have been identified and discussions held on the ecology and physiology of herbicides and their use by the military (see Appendix A). Over 350 reference and background documents have been collected, assessed for relevance to the project, and filed in the office of the Project Director (See Appendix B).

IV. FUTURE PLANS

As soon as prospective Committee members have been identified, the list of nominees will be submitted to the President of the NAS through the Chairman of the Division of Biology and Agriculture. A meeting of the Committee will be arranged as soon as the prospective members have accepted the President's invitation. Future plans will be formulated at this meeting, including the duration of the study, the NAS staffing necessary to support it, and cost estimates.

Meetings with congressional personnel

1. Drs. Lang, Farner, & Ross met with Senator McIntyre and Ross Hamachek on March 3, 1971.

2. Dr. Ross and Messrs. Hayward and Dashiell met with Hyman Fine, professional staff member of the Senate Committee on Armed Services, on April 8, 1971.

Libraries researched

National Agriculture Library (USDA).
Vietnam Reference Library (AID).
Pan American Health Organization.
Michigan State University Library.

Source persons contacted

Dr. Fred Tschirley, USDA.
Mr. Barry Flamm, U.S. Forest Service.
Dr. I. C. Gunsalus, Univ. of Illinois.
Dr. Charles Minarik, Fort Detrick.
Dr. Robert Darrow, Fort Detrick.
Dr. Matthew S. Meselson, Harvard University.
Mr. Peter Hendry, FAO Information Officer.
Dr. Guy Camus, Director General, Office de la Recherche Scientifique et Technique Outre-Mer, Paris.
Messrs. Thomson, O'Neil & Ottinger, Engineer Agency for Resources Inventory.
Dr. David Pimentel, Cornell University.
Dr. Harold Coolidge, former Exec. Director, Pacific Science Board.
Dr. Raymond Johnson, EPA.
Dr. Richard Miller, Yale University.
Dr. Jack T. Spencer, Org. for Tropical Studies, Inc.
Dr. George Sprugel, Illinois Natural History Survey.
Dr. Henry Setzer, Smithsonian Institution.
Dr. Sterling B. Hendricks, USDA (ret.)
Dr. Walter H. Hodge, National Science Foundation.
Dr. Malcolm E. Phelps, Director, Health Administration, Vietnam, AID.
Mr. Lawrence Doran, Agriculture, Vietnam, AID.
Mr. Charles P. Fossom, Assoc. Asst. Adm. for National Development, Vietnam, AID.
Mr. William A. Platt, Chief, Public Affairs Staff, Vietnam, AID.
Dr. Robert T. Cutting (M.D.) Walter Reed Army Medical Center.
Dr. Joseph M. Ballo (M.D.) Walter Reed Army Medical Center.
Messrs. H. Pollack & J. Blowers, OST, Department of State.
Dr. W. B. Drew, Michigan State University.
Dr. F. T. Adicott, Univ. of California, Davis.
Dr. H. G. Baker, Univ. of California, Berkeley.
Dr. Allen Smith, Academic Vice President, Washington. State University, Pullman.
Dr. L. J. Audus, University of London.
Dr. D. J. Osborne, Cambridge University.
Dr. J. D. Fryer, Weed Research Organization, Oxford.
Dr. E. K. Woodford, Grasslands Res. Inst., Maidenhead.
Dr. G. E. Blackman, Emeritus, Oxford University.

REFERENCE CLASSIFICATION

Agriculture, tropical.
AAAE herb. assessment comm.
Cacodylic acid.
CBW, general military evaluation.
Congressional hearings.
Demography.
Ecology and physiology, general nutrient cycling.
Herbicides, general ecological effects. Physiological effects. Soils. Toxicity.
Laos.
Maps.
Pesticides, general, mammalian systems, public health, toxicity, wildlife.
Photo-interpretation.
Picloram.
Public Health, general nutrition.
Soils, tropical.
Southeast Asia, agriculture, anthropology, climate, forestry.
2,4-D.
2,4,5-T.
Vegetation, tropical bamboo, mangrove, teak.
Vietnam, general, agriculture, climate, ecology, fishery, forestry, future development, public health, soils, statistics, wildlife.
Weed control.

Mr. McINTYRE. Mr. President, on May 24, 1971, the National Academy of Sciences advised the Department of Defense by letter that additional time was needed beyond the current expiration date of June 1, 1971, to complete the phase I work contemplated under the contract. It requested that the contract be extended without additional funds until July 31, 1971. I request unanimous consent that a copy of this letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ACADEMY OF SCIENCES,
Washington, D.C. May 24, 1971.

Re Contract DAHC15-C-0211.

MR. ALBERT E. HAYWARD,
Acting Deputy Director, Research and Technology, Office of the Secretary of Defense, Washington, D.C.

DEAR MR. HAYWARD: The referenced contract has a current expiration date of June 1, 1971. We have reviewed the work under this contract and as a result have determined that additional time is needed to complete the work contemplated.

The balance unexpended in the contract as of April 30, 1971 was $32,121, and appears sufficient to cover all anticipated expenditures through the period of the requested extension.

Therefore we request that the contract be extended without additional funds until July 31, 1971.

If this request meets with your approval, we would appreciate having an appropriate amendment sent to us for execution at your convenience.

Sincerely,

B. L. KROPP,
Deputy Business Manager.

Mr. McINTYRE. The contract was amended on June 17, 1971, to provide that the actual research work shall be completed not later than July 31, 1971, and that the contractor's final report shall be delivered not later than August 15, 1971. I ask unanimous consent that a copy of this contract amendment be printed at this point in the RECORD.

There being no objection, the contract was ordered to be printed in the RECORD, as follows:

Whereas, the Contractor and the Government entered into Contract No. DAHC15 71 C 0211 under date of 8 December 1970, which is hereinafter referred to as "the contract", and

Whereas, the Government and the Contractor have mutually agreed to extend the term of the contract at no cost to the Government in order to allow the Contractor to produce a final report of higher quality than would otherwise be possible,

Now, therefore, in consideration of the mutual covenants and agreement herein contained, and for other good and valuable consideration, the parties hereto do mutually agree to amend said contract as follows:

First: Article I. Scope of work, is hereby amended by deleting reference to 1 June 1971, and substituting 31 July 1971 in lieu thereof.

Second: Article V. Delivery Schedule, is hereby amended by deleting the delivery date of 15 June 1971 for the Final Report, and substituting 15 August 1971 in lieu thereof.

Third: Article IX. Term of Contract, is hereby deleted in its entirety and the following substituted therefor:

"ARTICLE IX. TERM OF CONTRACT

"The term of this contract begins on 8 December 1970 and ends on 15 August 1971. The actual research work shall commence on 8 December 1970, and shall be completed not later than 31 July 1971. Contractor's final report shall be delivered not later than 15 August 1971."

This supplemental agreement No. P00001 neither increases or decreases the allowable cost.

Mr. McINTYRE. The National Academy of Sciences, by letter dated July 27, 1971, requested the Department of Defense to extend the contract for phase I to August 31, 1971, with the report on phase I to be delivered by September 15, 1971. It also requested that the contract be increased by $25,000, to a new total of $75,000 to cover this additional period of time. I request unanimous consent that a copy of this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ACADEMY OF SCIENCES,
Washington, D.C., July 27, 1971.

Re contract DAHC15-71-C-0211.

MR. ALBERT E. HAYWARD,
Acting Deputy Director, Research and Technology, Office of the Secretary of Defense, Washington, D.C.

DEAR MR. HAYWARD: In accordance with discussions between representatives of the Academy and your office this is a request that the referenced contract be extended to August 31, 1971, with the report due September 15, 1971 and with additional funds in the amount of $25,000. There is enclosed an estimate of costs for the requested $25,000.

In early August the Advisory Committee will meet to formulate plans for conducting the study contemplated in the contract. As soon as possible after mid August we will submit a proposal including a cost estimate for the second and larger phase of the study.

Will you please authorize the Defense Supply Service to amend the contract by adding $25,000 and extending the date of performance to September 15, 1971.

Sincerely,

B. L. KROPP,
Deputy Business Manager.

Estimate of costs

Personal services	$5,500
Fringe benefits	600
Travel Expenses:	
Domestic:	
Committee	3,000
Staff	600
Total	3,600
International:	
Committee	4,000
Staff	2,100
Total	6,100
Communications and shipping	200
Materials and services	2,700
Indirect costs	6,300
Grand total	25,000

Mr. McINTYRE. Informal discussions between NAS and DOD resulted in the preparation by DOD of an amendment dated August 16, 1971, to provide for initiation of phase II of the study covering the first 4-month period with an initial increment of $200,000. The proposal for phase II involves two stages—a reconnaisance survey designed to pinpoint problems and localities, followed by a longer range study which will be based upon the results of the reconnaisance study. The $200,000 initial increment would pay for the reconnaisance stage of phase II.

Under the current NAS proposal which has been accepted by DOD, phase II is estimated to cost $1,202,935 for a 2-year period commencing September 1, 1971, through August 31, 1973. The details of this formal proposal were transmitted by letter from NAS to DOD dated September 7, 1971. Mr. President, I consider the importance of this effort to be of such significance that I request unanimous consent to insert a copy of the transmittal letter and proposal at this point in the RECORD. I am advised informally that NAS is expected to sign the proposed amendment momentarily.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ACADEMY OF SCIENCES,
Washington, D.C., September 7, 1971.

Mr. A. E. HAYWARD,
Assistant Director, Environmental and Life Sciences, ODDR&E, The Pentagon, Washington, D.C.

DEAR MR. HAYWARD: The attached proposal has been prepared in our Division of Biology and Agriculture and requests support in the amount of $1,202,935 in support of Phase II of the work of the Committee on the Effects of Herbicides in Vietnam for the period September 1, 1971 through August 31, 1973. It is our understanding that this will be negotiated as an amendment to Contract No. DAHC15 71 C. 0211, which terminated August 31, 1971 and which supported Phase I of the Committee study.

Our immediately responsible staff officer is Dr. Philip Ross, with whom you have had frequent contact over the past several months. He will be in a position to furnish additional details if they prove necessary.

We shall appreciate your consideration of this matter.

Sincerely,

JOHN S. COLEMAN,
Executive Officer.

COMMITTEE ON THE EFFECTS OF HERBICIDES IN VIETNAM: PROPOSAL FOR PHASE II OF CONTRACT NO. DAHC15 71 C 0211, SEPTEMBER 1, 1971, TO AUGUST 31, 1973

INTRODUCTION

I. Origin and time schedules

The assignment with which this Committee has been entrusted has its origin in a provision which the U.S. Congress has written into the Defense Authorization Act for Fiscal Year 1970 (Public Law 91-441, Section 506(c)). This provision directs, in paragraph (1), the Secretary of Defense to "undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation to determine (A) the ecological and physiological dangers inherent in the use of herbicides, and (B) the ecological and physiological effects of the defoliation program carried out by the Department of Defense in South Vietnam." Paragraph (2) provides that "of the funds authorized by this Act for research, development, testing, and evaluation of chemical warfare agents and for defense against biological warfare agents, such amounts as are required shall be available to carry out the study and investigation authorized by paragraph (1) of this subsection."

The Council of the Academy gave its approval to proceed with the planning work on December 5, 1970, and a contract was signed between the Academy and the Department of Defense under date of December 8, with a delivery date for the report of June 15, 1971, later amended to August 31. This contract covered what is referred to as Phase I or planning phase of the study; the actual work will form the Phase II or working phase.

The objectives for Phase I included—apart from the selection and appointment of the Committee—compilation and preliminary analysis of existing pertinent information on herbicide effects, mainly under tropical conditions, and on the ecology, demography and other features of Vietnam and of comparable countries or regions; consultations with source personnel capable of providing information in these and other disciplines and on a number of scientific and practical problems potentially important for the study; and conferences with personnel from Congress, the Department of Defense, and other agencies to establish contacts and prepare logistics. The cooperation encountered in all discussions and consultations has been very encouraging and is greatly appreciated.

The present report completes Phase I, except that plans particularly in one certain area are still tentative for reasons to be explained. The report is both a summary of the Committee's views upon the study, and a blueprint for Phase II, the working phase. As will be explained in more detail below, Phase II will be carried out in two stages, a brief reconnaissance stage followed by the main, long-range work.

The original date for submission of the final report for the study to the Secretary of Defense was January 31, 1972; the Secretary was to transmit it to Congress by March 1. This deadline was clearly unrealistic, and in a meeting with Senator McIntyre—who had been instrumental in writing Section 506(c) into the Defense Authorization Act—it was agreed that an interim report would be submitted by the original deadline, while the final report would be prepared upon completion of the entire study. The time needed to carry out Phase II, we now estimate as two (2) years.

II. Selection of objectives

It was necessary to select objectives which could be studied in the time and with the support available and would yield the highest return in terms of understanding herbicide effects and their repair. The areas of study chosen are:

(1) Herbicide, agriculture and animal husbandry studies, with some related toxicological studies, mainly on dioxin.

(2) Soil studies.

(3) Studies of natural biological systems:

i—Mangrove.

ii—Upland forests: disturbed and undisturbed semi-deciduous.

(4) Studies in human ecology:

i—Medical.

ii—Epidemiological-ecological.

iii—Socio-economic and psychological effects.

The Committee is of the opinion that these study areas cover the most important problems raised by the military use of herbicides in Vietnam, that is, problems which concern the major ecosystems, including humans, affected by herbicides, which may have the longest-range consequences, and which have aroused greatest public concern in the United States and elsewhere. The localities which will be covered under this plan of study should include those likely to have been maximally affected and to have suffered long-term if not permanent damage; they should be liable to be typical of wide-spread situations and also representative of situations, irrespective of their ecological or environmental character, where people, crops and livestock may have been heavily exposed; they would include crop lands, plantations, gardens and other small cultivated plots where it may still be possible to assess direct herbicide effects and where persistence of the agent may be a particularly critical problem, as well as areas where defoliation may have had maximum, although unintentional beneficial effects (clearing of land for crop production).

III. Work plan

The Committee plans to carry out the work in two stages, a reconnaisance survey designed to pin-point problems and localities; and a longer-range study the details of which will be determined using the results of the reconnaissance study.

(a) *Reconnaissance stage: site selection.* The main objectives of the reconnaissance stage will be twofold: firstly, to select the most suitable localities (sites) or materials for the longer-range work; secondly, to obtain an idea of the range of variables that may be encountered.

The first source for site selection are the records of herbicide use which have been maintained by the Department of Defense for all airborne missions (fixed-wing aircraft and helicopter). This information, in combination with vegetation maps, should permit us to select herbicide treated areas in different ecosystems, according to a time scale, to the extent of treatment (single or repeated sprays, dump sites), and other criteria that may be of interest. The selected areas will then be inspected from the air and analyzed with the aid of aerial photography, and finally examined on the ground. By this three-stage process it should be possible to find the sites and conditions necessary for the comprehensive study.

The second source for site and sample selection will be records and other information from local sources. This will include hospital records, records of midwives, records of herbicide damage claims submitted and approved, information from American and Vietnamese source persons (agricultural advisers, medical personnel, officials) and any other information that can be obtained at the country, province, district and village levels.

(b) *Reconnaissance stage: other activities.* Along with the site selection, some sampling, particularly of soil for residue and preliminary fertility analyses, and some observational as well as experimental studies will be carried out, focussing attention on extreme situations. For studies on ecological effects in natural systems, sites will be selected representing heavy treatment and no treatment. Observations will be made on the extent of destruction, presence or absence of regeneration from seeds and by vegetative means, invasion by "foreign" species, and on signs of erosion. Experimental studies will consist of belt transects designed to determine species diversity and condition of the plants (trees), and sampling and subsequent analysis of soil, water, organic matter, aquatic microorganisms (plankton) and possibly fish. The objective is to bracket the range of situations that will have to be taken into account in the main or longer-range studies. In addition, some replanting experiments may also be initiated, as start of the long-range work on this crucial problem.

(c) *Long-range studies.* The results of the reconnaissance studies will permit, it is hoped, a much more precise and specific planning for the main part of the work, the longer-range studies, than it is possible at present. In principle, while the reconnaissance studies are designed to identify the extremes of the spectrum of possible effects and while the information will be of a semi-quantitative nature, the main or longer-range studies will use as much as possible quantitative approaches, both with regard to the "timing" of the effects (that is, analysis of sites sprayed in a sequence of years) and to the parameters investigated, and will place special emphasis on repair and rehabilitation aspects.

(d) *Cooperation with Vietnamese.* Since the study will center on effects of herbicides in Vietnam, it is almost axiomatic that staffing and administration must include Vietnamese. Contacts with Vietnamese scientists will be established directly and their cooperation sought. Some Vietnamese personnel may have to be given special training for work in the human-oriented parts of the study. For this, they may have to be brought for two to four weeks to a laboratory in the U.S. This will be decided during the reconnaissance stage of the study.

WORK PLAN OUTLINE

NB. The preliminary nature of parts of these plans, especially those concerning the long-range studies, should be kept in mind. The present lists represent mostly maximum programs, in which all eventualities have been included; final plans will be drawn up after the results of the reconnaissance studies are available.

I. Herbicide, agriculture and animal husbandry studies

A. Objectives

1. *Residue analysis:*

a. Soils.

b. Plant materials, especially edible portions (fruits, seeds, tubers, etc.) of persistent plants.

c. Plant products (oil concentrates).

d. Animals, especially domestic and species near end of food chains.

e. Man (liver, fat tissue).

2. *Toxicological studies:* a. Dioxin.

3. *Damage to crops:*

a, Direct kill or kill back.

b. New crops (e.g. rice) grown on sprayed areas.

4. *Damage to domestic animals.*

B. Work Plan for Reconnaissance Study

1. *Site selection:*

a. Recent dump or other heavy-spray areas.

b. Single-spray areas of different "age"; multiple-spray areas.

c. Mangrove undisturbed and disturbed semi-deciduous forests, crop and horticultural lands.

d. Helicopter inspection—aerial photography.

e. Ground inspection.

f. Damage claim records, other local sources of information.

2. *Sampling and analyses:*

a. Sections from soil cores at three depths (0–50–100 cm).

b. Preliminary tests to determine behavior of soils in residue tests.

c. Chemical and biological residue determinations.

d. Microbiological tests.

e. Priority order: picloram—2,4,5-T—2,4-D—cacodylic acid.

3. *Dioxin Studies:*

a. Animal tests in mice and rats.

b. Fish, shellfish, birds.

4. *Scientific team:*

a. Three Committee members, field assistant, consultant.

b. One Vietnamese, technician.

c. 4 weeks in field, 2 weeks in lab.

C. Work plan for long-range studies

1. *Review of literature data:*

a. Uses of herbicides under tropical conditions, including effects on animals.

b. Breakdown of herbicides under tropical conditions.

2. *Sampling and analyses:*

a. Soil—according to B2a,c,d, sampling and analyses extent depending on results of Reconnaissance Study.

b. Other materials listed in A1b-e.

3. *Observations:*

a. Crop damage.

b. Damage to animals.

4. *Plantings of selected crop species in sprayed areas:*

a. Forest, mangrove, abandoned crop lands.

b. Species selected according to nutritional and economic value, and value for diversification of agri- or horticulture.

5. *Scientific team:*

a. Three Committee members, field assistant, consultant.

b. One Vietnamese, technician.

c. 6 months in field and lab.

II. Soil studies

A. Objectives

1. *Estimation of standing balance of fertility elements:*

a. Soils and vegetation in sprayed and unsprayed (control) areas.

b. Analysis of fertility elements in soils and vegetation.

2. *Analyze soil types in treated areas in relation to:*

a. Forest types.

b. Single sprayed and multiple sprayed.

c. Time since last sprayed.

d. Cultural use, shifting cultivation, high grading.

3. *Vegetation analysis by remote sensing techniques:*

a. Determination of location, extent and time of spray operation.

b. Sequential effects.

B. Work Plan for Reconnaissance Survey

1. *Site selection:*

a. Mangrove, undisturbed and disturbed semi-deciduous forest.

b. Sprayed and control area.

2. *Sampling schemes:* (Not printed in the RECORD.)

3. *Soil samples analyzed for fertility elements:*

a. Carbon.

b. Nitrogen.

c. Phosphorus.

d. Calcium.

e. Magnesium.

f. Potassium.

g. Manganese.

h. pH.

i. Total exchange capacity.

j. Organic matter.

C. Work Plan for Long Range Studies

1. *Intensive sampling in defoliated areas:*

a. Forest types.

b. Soil types.

c. Single and multiple spray.

d. Intensive land spray.

e. Cultural land use, shifts, cultivation, logging.

D. Estimation of standing storage and fertility elements in soil and vegetation in sprayed and control areas

III. Studies of natural biological systems

Mangrove

A. Objectives

1. *Susceptability of mangroves to herbicides:*

a. Single versus multiple spray.

b. Differential effect on species:

1. by age and size.

2. by location in swamps.

c. Kinds of damage:

1. death of trees.

2. partial defoliation.

2. *Normal pattern of general and species in mangrove:*

a. Normal successional pattern.

b. Successional pattern after clear cutting.

3. *Recovery:*

a. Normal reproduction pattern, seed sources.

b. Regeneration or coppicing.

4. *Implications of destruction of mangroves:*

Ecologic:

a. Erosion of coast line and accretion.

b. Nutrient and organic materials for marine organisms.

c. Effect on animals—crabs, monkeys.

Economic Uses: a. Fish nurseries, charcoal, tanbark, fuel, construction timbers.

5. *Rehabilitation:*

a. Vegetative versus seed planting of mangrove.

b. Agriculture.

c. Other alternative land uses.

B. Work Plan for Reconnaissance Survey

1. *Site selection:*

a. Single spray areas and control.

b. Three coastal areas plus a canal area in Rung Sat.

c. Aerial photos—helicopter inspection.

d. Ground inspection.

2. *Observational Studies:*

a. Extent of destruction.

b. Reproduction of survivors, seed and coppicing.

c. Invasion of other species—fern.

d. Animal life—birds, crabs, others.

e. Erosion of coast line.

3. *Experimental Studies:*

a. Belt transects—coastal areas back to non-spray areas—2 for each site.

b. 2 water samples, BOD—1 liter sample of out-flow for dissolved organics.

c. Plankton net for organic particles—10 liters of water.

d. Seining for fish.

e. Algae samples from mud.

f. Begin embryo planting studies for long range work plan.

4. *Literature search for unpublished mangrove data:* a. Committee member to visit Philippines, Malaya, Thailand forest service.

5. *Scientific team:*

a. One Committee member, field assistant.

b. Two Vietnamese—botanist, field biologist—animal.

c. Two western scientists, marine intertidal biochemist, biologist.

d. 4 weeks in field, 2 weeks in laboratory.

C. Work Plan for Long Range Studies

1. *Review of literature and vegetation data revelant to problem area.*

2. *Experimental Studies:*

a. Plant embryos of mangrove species for survival potential—protected, shaded.

b. Plant other vegetative parts for regeneration.

c. Establish 10 permanent belt transects to monitor regeneration.

d. Study input and output of water from mangrove sites.

3. *Scientific team:*

a. One Committee member, field assistant.

b. 2 Vietnamese scientists—botanist, field biologist.

c. 3 trips for 3 weeks each.

Upland forests: Disturbed and undisturbed semideciduous forests

NB. The same plan will be carried out in each of the two forests.

A. Objectives

1. *Extent and degree of destruction of trees, shrub, vines:*

a. Single spray versus multiple sprays.

b. Differential effects—species, life forms.

c. Animal disturbance in sprayed versus unsprayed area—endangered species—butterflies, insects.

2. *Normal pattern of genus and species in control areas:*

a. Normal successional patterns.

b. Successional pattern under shifting cultivation.

c. Effect of windthrow, shifting cultivation, fire, cutting.

3. *Recovery:*

a. Condition of canopy, understory, ground vegetation—leaf area index of important species.

b. Growth characteristics—injury.

c. Seedlings (diversity), seed source and dispersal, saplings, seed viability.

4. *Implications of destruction in defoliation forests:*

Ecologic:

a. Erosion.

b. Role of bamboo and grass in the forest.

c. Condition of dead trees—salvageability, durability, windthrow.

d. Nutrient cycles—litter fall.

e. Medical ecology.

Economic Uses: a. Bamboo, grass, dead trees.

5. *Rehabilitation:*

a. Natural growth.

b. Clear cutting and planting.

c. Selective cutting.

B. Work Plan for Reconnaissance Survey

1. *Site selection:*

a. Control, one recent spray area, and one triple spray area.

b. Aerial photographs, helicopter inspection.

c. Ground inspection.

2. *Observation studies:*

a. Extent of destruction—dead, kill-back.

b. Extent of invasion of bamboo, grass, vines.

c. Extent of seedling growth.

3. *Experimental studies:*

a. Line transect at each site—500 trees.

b. Light penetration.

c. Percent foliage remaining on affected trees.

d. Dead trees.

e. Diversity of species.

f. Diameters at breast height.

g. Ground litter.

h. Tree cores.

4. *Scientific team:*

a. 2 Committee members, field assistant.

b. 2 Vietnamese—botanist or forester.

c. 1 Western Tropical botanist.

d. 4 weeks in field.

C. Work Plan for Long-Range Studies

1. *Review of literature and vegetation relevant to problem area.*

2. *Experimental studies:*

a. In ten areas, establish permanent line transects in areas sprayed once, twice, three times and control.

b. Establish ground and air photo stations to gather time-history sequence.

c. Establish demonstration plots for rehabilitation, Rome plow, bamboo, etc. plant dipterocarp species.

3. *Study economic uses of forest species.*

4. *Scientific team:*

a. 1 Committee member, field assistant.

b. 2 Vietnamese botanists and foresters.

c. 3 Three week visits.

IV. Studies in human ecology

A. Objectives

1. *The medical effects of the herbicide on humans:*

a. Direct effect of exposure to herbicide.

b. Reproductive, teratogenic, mutagenic effects.

2. *The epidemiological-ecological effects of herbicides in relation to human disease vectors.*

3. *The socio-cultural and psychological effects on the population of the use of herbicides.*

B. Methods of Study

1. *Medical Effects:*

a. Data from midwives' records.

b. Follow-up of children with spina bifida and cleft palate referred to the Saigon Childrens' Hospital.

c. Reproductive histories of women associated with sprayed areas.

d. Direct observation of humans in sprayed areas:

(1) Karyotyping.

(2) Skin blisters, gastrointestinal.

e. Search for somantic mutations: (1) HGPRT deficiency, G6PD mutants.

2. *Epidemiological-Ecological Effects:*

a. Feld investigation of rat and other rodent populations in defoliated versus non-defoliated areas: (1) Plague.

b. Trapping and biting collection of mosquitoes:

(1) Malaria, dengue, hemorrhagic fever, Japanese B encephalitis, etc.

(2) Blood tests of humans for presence and absence of plasmodium and antibodies.

3. *Socio-Cultural and Psychological Effects Derived from Questionnaires:*

a. Economic effects and loss of production resources:

(1) Charcoal, fuel and tanbark production in Mangroves.

(2) Lumber industry.

(3) Crop and domestic animal destruction.

b. Population dynamics.

c. Ethnobotanical studies.

d. Slash and burn agriculture.

e. Psychological effects:

(1) Perception of effects of defoliation.

(2) Faith in traditional solutions to natural disasters.

(3) Acceptance of technological solutions.

C. Scientific team

1. *Three Committee members, Human Geneticist, Medical Ecologist, and an Anthropologist.*

2. *Vietnamese personnel, midwives, technicians, interviewers.*

IV. The proposed amendment to Contract DAHC15 71 C 0211 will include the following:

A. To be provided by DoD:

(1) Logistic support in Vietnam.

(2) Computer time for analysis of herbicide tapes in U.S. and Vietnam.

(3) Supplies and office space in Vietnam.

(4) Military mess, PX, commissary, and check-cashing privileges in Vietnam.

B. It is agreed by DoD and by the National Academy of Sciences that the following items will be strictly adhered to:

(1) Planning direction and execution of the study are the exclusive responsibility of the National Academy of Sciences through the Committee on the Effect of Herbicides in Vietnam including the selection and appointment of scientific and technical personnel needed to carry out the work.

(2) During the course of its work, the Committee will continue to have, through the Chairman and the Staff Officer, access to any information within the Department of Defense that in the opinion of the Committee may be pertinent for its work. Classified information needed for inclusion in or as backup material for the final report will be declassified by the DoD.

(3) Results obtained under the Contract may be made available to the public by the Academy through normal and accepted channels without restriction. The Academy may authorize others to publish after completion of and with credit to the study but otherwise subject to no limitations except as outlined below.

(4) Statements of individuals are legally privileged communications and are not to be disclosed to anyone without prior consent of the respondent.

(5) Data from surveys shall not be attributed to any individual without his written permission.

(6) It is explicitly understood that studies on repair and rehabilitation will be included.

(7) Every effort should be made to safeguard the privacy and welfare of all respondents in the study, regardless of their political positions or their responsibilities regarding defoliation.

(8) All publicity should be agreed upon in advance and coordinated between the Department of Defense and the Academy.

Estimate of Costs: September 1, 1971 to August 31, 1973

Personal services:	
Professional	$214,500
Secretarial-clerical	32,000
Total	246,500
Fringe benefits	18,000
Travel expenses:	
Domestic:	
Committee	50,000
Staff	10,000
Special conferences	20,000
Total	80,000
Foreign:	
Committee	90,000
Staff	25,000
Total	115,000
Total domestic and foreign	195,000
Communications and shipping	10,000
Materials and services:	
Printing and duplicating	2,000
Equipment	50,000
Books and periodicals	600
Final report	20,000
Supplies and services	3,000
Total	75,600
Subcontracts:	
Herbicides, agriculture and animal husbandry	75,000
Soils	140,000
Natural Biological Systems	80,000
Human Ecology	155,000
Total	450,000
Indirect costs (34% on items 1–5; 5% on item 6)	207,835
Grand total	1,202,935

Mr. McINTYRE. NAS, by letter dated September 15, 1971, advised the Director of Defense Research and Engineering of its conclusion that, because of the long-range nature and the complexity of the study required by Public Law 91–441, the final report date specified in the law, January 31, 1972, is unrealistic and cannot be realized if the work required is to be completed. NAS stated that it will provide an interim report to be transmitted to the Secretary of Defense by January 31, 1972, with a final report by August 31, 1973. A copy of this letter was formally transmitted to the chairman of the House and Senate Armed Services Committees by letter dated September 24, 1971.

The Secretary of Defense states that the NAS interim report can be submitted to the Congress by March 1, 1972, and the final report by September 30, 1973. He concluded by stating that, in view of the arguments set forth by the National Academy of Sciences, he plans to accept their time schedule for the reports. I ask unanimous consent that a copy of the September 24, 1971, letter from the Secretary of Defense, which enclosed a copy of the letter from NAS dated September 15, 1971, be inserted at this point in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

The Secretary of Defense,
Washington, D.C., Sept. 24, 1971.

Hon. John C. Stennis,
Chairman, Committee on Armed Services, United States Senate, Washington, D.C.

Dear Mr. Chairman: The FY 71 Authorization Act, Section 506(c), Public Law 91–441, provided that the Secretary of Defense make arrangements with the National Academy of Sciences to conduct a study on the effects of herbicides in Vietnam and that the Secretary of Defense request the National Academy of Sciences to submit a final report containing the results of the study not later than 31 January 1972 for transmittal to the Congress not later than 1 March 1972.

The Department has entered into a contract with the Academy to undertake the study. After consideration of the factors involved, the Academy has informed us by letter, copy of which is enclosed, that the final reporting date as set forth in Public Law 91–441 cannot be met if a satisfactory study is to be done. The National Academy of Sciences committee performing the study believes an overall period of at least 2 years is needed to provide the kind of data necessary for a genuine assessment of the ecological and physiological effects of herbicides in Vietnam. The Academy will provide an interim report which can be submitted to the Congress by 1 March 1972 and a final report to the Secretary of Defense by 31 August 1973 which would be transmitted to the Congress within 30 days thereafter. In view of the arguments set forth by the National Academy of Sciences I plan to accept their time schedule for the reports.

Sincerely,

Melvin R. Laird.

National Academy of Sciences,
Washington, D.C., September 15, 1971.

Dr. John S. Foster, Jr.,
Director of Defense Research and Engineering, Department of Defense, Washington, D.C.

Dear Dr. Foster: The Committee on the Effects of Herbicides in Vietnam under the Chairmanship of Dr. Anton Lang has met and considered the charge given to it under Public Law 91–441. The Committee arrived at the unanimous conclusion that because of the long-range nature and the complexity of the study, the final report date (January 31, 1972) set forth in PL 91–441 is unrealistic and cannot be realized if the charge is to be met. I enclose a copy of a memorandum from the Committee listing the considerations which led to this conclusion.

The Committee will provide an interim report to be transmitted from the National Academy of Sciences to the Secretary of Defense by January 31, 1972, and will submit a final report by August 31, 1973. The scope of the study and the work plan for the proposed two-year study was transmitted to your office on September 7, 1971.

Sincerely yours,

John S. Coleman,
Executive Officer.

National Academy of Sciences,
Washington, D.C., Sept. 10, 1971.

Subject: Time period required to complete Vietnam-Herbicide Study
To: Mr. John S. Coleman,
From: Dr. Philip Ross

1. The study has been planned in two stages (1) the reconnaissance stage during which selection will be made of the most suitable localities or materials for more detailed study in the long-range or second stage and analysis of the range of variables that might be encountered; and (2) the long-range stage during which a study in detail of the sites and conditions that developed from the reconnaissance stage will be made.

2. At least one year is needed for planning, formation, and training of work teams for the study of the effects of herbicides on the human population, and for the training of Vietnamese scientists for follow-up studies in the experimental ecological studies.

3. At least twelve months will be necessary for observation of the vegetation, for natural leaf fall, flowering, seed viability and dispersal, and seedling growth.

4. Collection of soil samples and analysis for herbicide residues and plant nutrients will take at least 18 months.

5. At least twelve months will be necessary to follow experimental studies on planting selected species of trees as well as agri- and horticultural crops in defoliated areas under a wide range of variables. Only such experimental studies will provide data for assessing methods for rehabilitation of damaged areas.

6. At least eighteen months will be necessary to analyze the complexities of herbicide treatment, type, number of treatments, and time of treatment; type of vegetation, land use and differential plant susceptibility to herbicides; and the interaction of herbicide treatment with other weapons such as high explosives, fragmentation bombs, artillery, and Rome plows.

7. The Committee recognizes the necessity of inspecting sites other than Vietnam where herbicides have been applied on a relatively large scale under tropical conditions.

8. The Committee does not feel that a study of a short period of less than two years will provide the kind of precise data that is necessary for a genuine assessment of ecological and physiological effects of herbicides in Vietnam.

Mr. McINTYRE. In summary, Mr. President, I have addressed this subject in great detail because it is of interest to many of the Members of the Senate, as well as to the people of the United States. In my view, the requirements of Section 506(c), Public Law 91–441, with the exception of the need to extend the time for reporting the results of the study, are being implemented by the Secretary of Defense with the cooperation of the National Academy of Sciences in a highly exemplary manner. These agencies should be recognized for the completely satisfactory manner in which they are proceeding with this work. As further progress is reported, I will make it a point to keep the Members of the Senate advised of all of the significant details.

Mr. STENNIS. Mr. President, as we approach a final vote on this procurement bill, I want to commend all who have participated in this extensive debate. I believe the Senate has shown, in recent weeks, that it can deal rather quickly with rather complex subject matter when it has a mind to do so.

Of course, I especially want to thank the Senator from Maine (Mrs. Smith), who has made her usual perceptive and valuable contributions. I want to thank Senator McIntyre, chairman of our Research and Development Subcommittee, and Senator Cannon, chairman of the Tactical Air Power Subcommittee.

I also want to thank the Senator from Virginia (Mr. Byrd), and the Senator from Texas (Mr. Bentsen), members of the committee who functioned as assistant floor managers. Finally, I want to thank the Senate leadership for helping to expedite us on amendments of unanimous-consent agreements. The Senator from Montana and the Senator from West Virginia have rendered highly valuable service to all Senators in arranging unanimous-consent agreements regarding time for debates and rollcall votes.

There have been relatively few changes in this very comprehensive bill on the Senate floor. The total for the procurement and research and development programs of the Department of Defense is still some $21 billion, about 5.3 percent less than the budget request recommended to the committee. To that total is added, by a floor amendment, $381 million in military pay provisions. An extensive outline, project by project, of the contents of the bill begins at page S14087 in the printed Congressional Record for September 10. As I said at the outset of the debate, I believe this is the only authorization bill, for certain specified Government activities, which is below budget requests in the present congressional session.

I believe the bill carries a prudent minimum in procurement and research and development authorization for the current fiscal year. I am pleased that the Senate has rejected attempts to make major cuts.

Under the bill, I think the armed services will be able to go forward with reasonable weapons development and procurement. I want to stress that strategic programs will not be curtailed. Neither will they be accelerated, with the strategic arms talks now in progress.

As I have said, the bill will provide a second installment of pay incentives for the Armed Services. These supplement pay provisions of the Draft Act together, they provide incentives which are designed to give the concept of an all-volunteer military force a full and fair test.

As Senators know, a new version of the Mansfield end-the-war amendment has been added to this bill. Finally, in another noteworthy action, the Senate has approved a new reporting system requiring annual reporting of certain development and procurement data by the Department of Defense.

This may be a good time to say that the job of providing an adequate national defense at a cost the taxpayers can bear, becomes annually more difficult.

The Senate Armed Services Committee is concerned, as all Senators are, with the escalating costs of weapons and manpower which threaten to give us less defense for more money.

We are pressed for time, but I want to assure the Senate that the Armed Services Committee will continue to explore every avenue which may lead to economy in the procurement of weapons and military manpower, recognizing, of course, that national security is the keystone which supports all the freedoms which we cherish.

Mr. President, the fine work of the committee staff was essential for this bill. I want to commend them for the excellent work and the long hours they have spent on all phases of this legislation. Those of the committee staff who have assisted directly are:

T. Edward Braswell, Jr., chief counsel and staff director; R. James Woolsey, general counsel.

Professional staff: Charles J. Conneely, Charles H. Cromwell, Hyman Fine, George Foster, Jr., LaBre Garcia, John Goldsmith, Don Lynch, Ben Gilleas, Edward B. Kenney.

Staff aide: Mrs. Fran Funk.

Mr. President, I do not know of any other matter to come before the Senate. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. THURMOND. Mr. President, will the Senator yield to me for 1 minute?

Mr. STENNIS. I yield to the Senator such time as he may require.

Mr. THURMOND. Mr. President, the pending bill, H.R. 8687, to authorize appropriations during fiscal year 1972 for the procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons is now ready for final passage.

This bill would also provide for the necessary research, development, test, and evaluation for the Armed Forces and prescribe the authorized personnel strength of the Selected Reserve of each of the Reserve components of the Armed Forces, and for other purposes.

The total requests which the Senate Armed Services Committee considered in this bill amounted to $22,188,337,000. The committee recommended an authorization of $21,018,482,000, or a decrease of $1,169,855,000. This represents a reduction of 5.3 percent from the sum requested by the Defense Department.

Mr. President, this bill contains many important items to insure the defense of our Nation. It provides funds for vital strategic systems such as the intercontinental ballistic missiles, the submarine-launched ballistic missiles, and development of a new manned bomber. Further, it meets critical needs in weaponry for our conventional forces, such as development of a new battle tank.

The chairman of our committee, the distinguished Senator from Mississippi (Mr. Stennis) has handled this bill in an exemplary manner. He has fully considered each amendment and given the Senate the benefit of his views on each. His handling of the bill has enlightened the Senate and the Nation reference the need for the vital authorization contained in H.R. 8687. The discussion of this bill has occupied the Senate since early September.

The distinguished Senator from Maine (Mrs. Smith) has also spoken on the many amendments offered to this bill. As have other members of the committee, she has provided valuable counsel to the Senate in the lengthy consideration of this legislation.

If our Nation is to insure that the American people will not have to live under the fear of an enemy attack, we must provide a defense which is superior to that of any would-be aggressor. This point was made in the opening pages of the committee report in which it was stated:

> As the Nation debates its many serious domestic needs in an atmosphere of weariness with the war in Vietnam, it is important to remember that a superior defense capability is and must remain our No. 1 national priority.

Mr. President, there are those of us on the committee and in the Senate who feel this bill does not go far enough to meet our defense needs and the challenge being made by the Soviet Union. It is my hope that future procurement bills will more realistically address the threat which faces us. I urge the Senate to approve H.R. 8687.

Mr. STENNIS. Mr. President, I wish to say one word about the Senator from Montana and the Senator from West Virginia and the long days of excellent service they have rendered here in arranging unanimous-consent requests in reference to the debate and rollcall votes on these many amendments. These arrangements have saved untold time to each individual Senator and days and days of time to the Senate. I believe their work has probably cut in half the time it would have taken to dispose of the bill.

I especially want to thank them and have it placed in the permanent Record. Of course, we were assisted by the minority leaders, but the real majority of it was carried by the majority leaders.

I wish to pay tribute to the Senator from Maine (Mrs. Smith) who over the long months of this year never failed to be on duty and ready to be consulted and make suggestions on the floor of the Senate, and usually with a fine attitude and in a constructive way.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. MANSFIELD. Mr. President, I intend to say something a little later, but first I want to thank the distinguished chairman of the committee, the Senator from Mississippi, for the gracious remarks he has just made. The Senator gives too much credit to the majority leader, but I do think credit should go to the distinguished assistant majority leader, the Senator from West Virginia (Mr. Byrd), and the distinguished minority leader, the Senator from Pennsylvania (Mr. Scott), and the distinguished assistant minority leader, the Senator from Michigan (Mr. Griffin).

I will have more to say but I thank the distinguished Senator.

Mrs. SMITH. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mrs. SMITH. Mr. President, I want to express my deep appreciation to the distinguished chairman of the committee for his kind words in regard to me. I also join him in commending the leadership on both sides of the aisle for their assistance in getting this bill through in such time as it has taken. Less than 1 month ago when we first took up this bill it was expected that it would be 6 or 8 weeks before it was passed. Much of this is to be credited to the distinguished and able chairman of the committee, the Senator from Mississippi (Mr. Stennis). He is a dedicated man, especially when it comes to military and national security matters. He has complete knowledge, extreme patience, and understanding. How he stands on his feet day after day for such long periods is beyond the conception of most of us. His expert leadership and dedication has brought this measure to completion today. I express my appreciation and the appreciation of the minority side for his dedication and perseverance.

While expressing to our distinguished chairman, I would be remiss if I did not add my sincere thanks to the staff for their conscientious and dedicated attendance and effort throughout the long months of hearings, the markup and the floor debate.

This important legislation could not have been accomplished without the efficient contributions of the committee staff who have labored long hours without ever complaining. This has all been accomplished under the able direction of Mr. T. Edward Braswell our chief counsel and staff director who has performed a magnificent job.

Mr. STENNIS. Mr. President, I yield back my time.

Mrs. SMITH. I yield back my time.

The PRESIDING OFFICER. The bill having been read the third time the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. HATFIELD (after having voted in the negative). Mr. President, on this vote I have a live pair with the distinguished Senator from West Virginia (Mr. Randolph). If he were present and voting, he would vote "yea." I have already voted "nay." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Oklahoma (Mr. Harris), the Senator from South Dakota (Mr. McGovern), the Senator from Maine (Mr. Muskie), the Senator from West Virginia (Mr. Randolph), the Senator from Alabama (Mr. Sparkman), the Senator from Indiana (Mr. Bayh), the Senator from Illinois (Mr. Stevenson) and the Senator from

Washington (Mr. Jackson) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson) would vote "yea."

On this vote, the Senator from Illinois (Mr. Stevenson) is paired with the Senator from South Dakota (Mr. McGovern).

If present and voting, the Senator from Illinois would vote "yea" and the Senator from South Dakota would vote "nay."

Mr. **GRIFFIN**. I announce that the Senator from Tennessee (Mr. Baker) is necessarily absent.

The Senator from Arizona (Mr. Goldwater) and the Senator from Alaska (Mr. Stevens) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The result was announced—yeas, 82, nays 4, as follows:

[No. 257 Leg.]

YEAS—82

Aiken
Allen
Allott
Anderson
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Griffin
Gurney
Hansen
Hart
Hartke
Hollings
Hruska
Hughes
Humphrey
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McClellan
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—4

Fulbright
Gravel
Mansfield
Nelson

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Hatfield, against

NOT VOTING—13

Baker
Bayh
Cannon
Goldwater
Harris
Jackson
McGovern
Mundt
Muskie
Randolph
Sparkman
Stevens
Stevenson

So the bill (H.R. 8687) was passed.

The title was amended, so as to read: "An act to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize real estate acquisition and construction at certain installations in connection with the Safeguard anti-ballistic missile system, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes."

Mr. **STENNIS**. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. **SCOTT**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER TO REPRINT H.R. 8687 AS PASSED

Mr. **STENNIS**. Mr. President, I ask unanimous consent that the bill be reprinted with all amendments as passed by the Senate, and that the Secretary be authorized to make purely technical corrections, such as renumbering sections.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **MANSFIELD**. Mr. President, for nearly a month the distinguished Senator from Mississippi (Mr. Stennis) has been leading the Senate in the consideration of this most important and highly complicated measure. As chairman of the Senate Armed Services Committee he defended and advocated the military procurement bill. He did so with great stamina, with forthrightness, and all of the many outstanding qualities which John Stennis has exhibited throughout his long and successful career. The Senate appreciates his devotion deeply.

Even before this measure was made pending he handled the Selective Service Act and together these proposals meant that Senator Stennis was called upon time and time again to clarify, to expedite, and generally to help the Senate get through its business; and there was none more important.

In recent years I must say, there has been an increased awareness of the importance of the military procurement bill. It is the authorization that outlines the future defense posture of the United States. Senator Stennis, as chairman of the Armed Services Committee, has helped institute significant and helpful changes in procedure to allow the Senate the type of rational deliberation that is necessary to prepare this Nation for the future. I note with particular appreciation his committee report pertaining to the need for less extensive, more effective weapons systems. It is because of these types of acknowledgments that the Senator from Mississippi has been so adept at managing his committee's legislative proposals. The Senate owes a great vote of thanks for the tremendous service the Senator from Mississippi (Mr. Stennis) has rendered this body.

The ranking minority member of the Senate Armed Services Committee, Mrs. Smith, is equally to be commended. Through her thoroughness and dedication to service she assisted with the outstanding expertise and cooperation that has marked her years of public service. The gracious lady of the Senate in a quiet and dignified manner contributed greatly to the expeditious handling of the bill. Her judicious remarks contributed to the overall high caliber of debate. The Senate owes Senator Smith a deep note of thanks.

The Senator from Nevada (Mr. Cannon) and the Senator from New Hampshire (Mr. McIntyre) each played very important roles as chairman of Subcommittees of the Armed Services Committee. They were called on frequently to give in depth analyses about proposed amendments and their willingness to participate in floor discussions was most instructive. The Senate owes each of them a note of appreciation as well.

As has been the case in recent years, there were a number of significant and well-thought-out amendments to the procurement bill. Some were accepted, some were defeated, but they all contributed to the deliberations and our enlightenment. On the important matter of national defense, the Senator from Iowa (Mr. Hughes), the Senator from New York (Mr. Buckley), the Senator from New Mexico (Mr. Montoya), the Senator from Ohio (Mr. Saxbe), and the Senator from Alaska (Mr. Gravel) each offered specific amendments that were debated in the best tradition. The exchange of information that occurred with each of these amendments were of great importance and the Senate is most appreciative

The Senate is indebted as well for the amendments offered by Senator Hartke of Indiana, Senator Symington of Missouri, Senator Mathias of Maryland, Senator McGovern of South Dakota, Senator Byrd of Virginia, and Senator McGee of Wyoming. Their contributions are always noted and appreciated in this Chamber.

The able and distinguished Senator from Wisconsin (Mr. Proxmire) was particularly active in discussing and offering amendments to this authorization bill. His thorough knowledge of the different proposals in this legislation was demonstrated innumerable times. The constructive colloquies he participated in were most helpful. Senator Proxmire has gained a reputation for his thoroughness and dedication—two qualities the Senate appreciates very much.

The distinguished Senator from California (Mr. Cranston) and the Senator from Minnesota (Mr. Humphrey) were also actively engaged in the floor discussion on this bill. Their insight and comments were most helpful and their willingness to cooperate with all Members was of significant importance.

Senator Eagleton and Senator Nelson through their diligent efforts were most helpful in raising important questions of policy that I am sure the Senate conferees will take note of in their deliberations with the House. Their effort is much appreciated.

The chairman of the Senate Foreign Relations Committee, Mr. Fulbright played an important role in helping to clarify issues. It is only through this type of accommodating-style that the Senate is able to do its legislative work. His efforts are noted with an appreciative thanks.

The Senate as a whole has displayed once again its ability to deliberate, debate, amend, and finally enact important legislation within a reasonable time period. Through the efforts of the distinguished chairman of the Armed Services Committee, Mr. Stennis, and all the members of the Armed Services Committee the Senate can take pride in its legislative accomplishments. If the present schedule is maintained, which I am reasonably sure it will be, we will have an adjournment before too long. Each Senator is to be thanked for his individual cooperative efforts.

Mr. **CRANSTON**. Mr. President, the Senate has disposed of this bill this year with considerable dispatch—perhaps, in the case of some amendments, with less time for deliberation than some Senators might have liked. Nevertheless, the debate did provide some opportunities to go to the root of what is troubling many Senators in connection with military procurement: The fact that all too often we tend to confine ourselves to an examination of the details of controversial programs without taking time to reexamine the underlying reasons why those programs exist in the first place. For example, in yesterday's debate over the amendments of the Senator from New York (Mr. Buckley) we had the privilege of hearing from the chairman of the Armed Services Committee, a lucid and much needed reminder of the basic consideration underlying the size and composition of our strategic forces: deterrence, not counterforce. I was pleased to stand beside the Senator from Mississippi yesterday to applaud his driving home that lesson.

In another vitally important area, however, we still seem to be navigating in a heavy fog. We are still groping for the real intentions of the administration with respect to total withdrawal from Vietnam.

On September 30, in an extended colloquy with the distinguished minority leader, I stressed the fact that in approving title IV of the draft extension bill, Congress by overwhelming votes expressed its view that there should be total American military withdrawal from Vietnam contingent only on the release of our prisoners of war.

The Senate reaffirmed that position that very day by again passing the Mansfield amendment.

I pointed out that the essential differences between the Congress and the President were:

First. The Congress wants us to get all our men out; the President implies leaving a residual force.

Second. The Congress sets only one condition for withdrawal; the President sets many, including giving the people of South Vietnam a chance to develop a democratic system.

In the course of the colloquy, I asked the distinguished Senator from Pennsylvania when the President ever promised total withdrawal provided there was a total release of prisoners and an accounting for those missing in action.

The minority leader replied that he had a letter to that effect.

He then introduced into the Record a letter sent to him by Clark McGregor, counsel to the President.

The pertinent paragraphs of that letter quoted President Nixon as stating:

> Our goal of ending the American involvement, of preventing a Communist take-over, of obtaining the return of our POWs, can be attained, in my opinion, and will be attained, and the complete American withdrawal consistent with that goal will occur.
>
> In the event, however, that as a result of a change of policy, a change of policy that might be brought upon the Administration by Congressional action—I don't anticipate this, but it has been speculated about—we move more precipitately, everything that we have fought for in Vietnam could be lost.
>
> So I would simply say that we feel that our policy of ending American involvement in a way that would prevent a Communist take-over and give the people of South Vietnam a chance to develop a democratic system which more closely meets our standards—that goal can be reached.

I submit, Mr. President, that my original question remains unanswered: When did the President ever promise total withdrawal provided there is a total release of POW's and an accounting for missing men?

The answer is: Never.

I submit, too, Mr. President, that my original contention holds true: The Congress sets only one condition for total American military withdrawal—the release of our POW's. The President sets many conditions.

The fog surrounding the administration's intentions in Vietnam has not lifted.

That is why we must insist, this time, that the stronger Mansfield amendment in the present military procurement bill not be watered down. We must stay with it.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Wisconsin (Mr. Proxmire) be recognized for not to exceed 15 minutes on Thursday morning, following the remarks to be made by the distinguished Senator from Florida (Mr. Chiles).

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 30. An act to establish the Arches National Park in the State of Utah; and

S. 1116. An act to require the protection, management, and control of wild free-roaming horses and burros on public lands.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1867. An act for the relief of Bernadette Han Brundage;

H.R. 1970. An act for the relief of Mrs. Andree Simone Van Moppes and her son, Alain Van Moppes;

H.R. 1997. An act for the relief of Joseph F. Sullivan;

H.R. 2108. An act for the relief of Nemesio Gomez-Sanchez;

H.R. 3082. An act for the relief of Ronnie B. (Malit) Morris and Henry B. (Malit) Morris;

H.R. 3383. An act for the relief of Mrs. Mauricia A. Buensalido and her minor children, Raymond A. Buensalido and Jacqueline A. Buensalido;

H.R. 3425. An act for the relief of Helen Tziminadis;

H.R. 6503. An act for the relief of Captain Claire E. Bron;

H.R. 6670. An act for the relief of John Vincent Amirault;

H.R. 8083. An act to amend title 5, United States Code, to provide a career program for, and greater flexibility in management of, air traffic controllers, and for other purposes; and

H.R. 10422. An act to amend title 10, United States Code, to limit the separation of members of the armed forces under conditions other than honorable, and for other purposes.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 415) providing for adjournment of the House from Thursday, October 7, 1971, to Tuesday, October 12, 1971, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 47. An act for the relief of Flore Lekanof;

S. 617. An act for the relief of Sin-Kei-Fong;

S. 1489. An act for the relief of Park Jung Ok; and

S. 1759. An act for the relief of Leonarda Buenaventura and her daughter Licila B. Ocariza.

The PRESIDENT pro tempore subsequently signed the enrolled bills.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 1867. An act for the relief of Bernadette Han Brundage;

H.R. 1970. An act for the relief of Mrs. Andree Simone Van Moppes and her son, Alain Van Moppes;

H.R. 1997. An act for the relief of Joseph F. Sullivan;

H.R. 2108. An act for the relief of Nemesio Gomez-Sanchez;

H.R. 3082. An act for the relief of Ronnie B. (Malit) Morris and Henry B. (Malit) Morris;

H.R. 3383. An act for the relief of Mrs. Mauricia A. Buensalido and her minor children, Raymond A. Buensalido and Jacqueline A. Buensalido;

H.R. 3425. An act for the relief of Helen Tziminadis;

H.R. 6503. An act for the relief of Captain Claire E. Bron; and

H.R. 6670. An act for the relief of John Vincent Amirault; to the Committee on the Judiciary.

H.R. 8083. An act to amend title 5, United States Code, to provide a career program for, and greater flexibility in management of, air traffic controllers, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 10422. An act to amend title 10, United States Code, to limit the separation of members of the Armed Forces under conditions other than honorable, and for other purposes; to the Committee on Armed Services.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 6, 1971, he presented to the President of the United States the following enrolled bills:

S. 47. An act for the relief of Flore Lekanof.

S. 617. An act for the relief of Sin-kei-Fong.

S. 1489. An act for the relief of Park Jung Ok.

S. 1759. An act for the relief of Leonarda Buenaventura Ocariza and her daughter Lucila B. Ocariza.

CREATION OF A COPYRIGHT IN CERTAIN RECORDINGS

Mr. McCLELLAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 646.

The PRESIDING OFFICER (Mr. Roth) laid before the Senate the amendments of the House of Representatives to the bill (S. 646) to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recording, and for other purposes, which were on page 2, line 17, strike out "P" and insert: "℗"; and on page 5, line 9, strike out all after "enactment." down through and including "date." in line 16, and insert "The provisions of title 17, United States Code, as amended by section 1 of this Act, shall apply only to sound recordings fixed, published, and copyrighted on and after the effective date of this Act and before January 1, 1975, and nothing in title 17, United States Code, as amended by section 1 of this Act, shall be applied retroactively or be construed as affecting in any way any rights with respect to sound recordings fixed before the effective date of this Act."

Mr. McCLELLAN. Mr. President, S. 646 seeks to eliminate the pirating of phonograph records and tapes by extending copyright protection to records and tapes. This legislation was passed by the House of Representatives on October 4 with two amendments, one of which is of a technical nature. The other amendment provides that the granting of copyright protection shall expire on December 31, 1974. The purpose of the amendment is to permit the Congress to again consider this subject when it acts on the long delayed omnibus copyright revision bill. The amendment is agreeable to the proponents of this legislation, and the minority concurs in my recommendation that the Senate accept the House amendments.

I may say that at a meeting of the subcommittee this afternoon, I was directed as the chairman of the subcommittee to take the action I have now requested of the Senate.

Mr. SCOTT. I have no objection.

Mr. McCLELLAN. Mr. President, I move that the Senate concur in the amendments of the House to S. 646.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas.

The motion was agreed to.

REVISION IN COTTON GINNING REPORT DATES

Mr. TALMADGE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 932.

The PRESIDING OFFICER (Mr. Roth) laid before the Senate the amendment of the House of Representatives to the bill (S. 932) to amend title 13, United States Code, to provide for a revision in the cotton ginning report dates which was, on page 1, line 5, strike out "report" and insert "reports".

Mr. TALMADGE. Mr. President, the House yesterday passed S. 932 with a technical amendment, merely substituting the plural "reports" for the singular "report" in the section heading. This is a purely technical amendment. It has been cleared with the ranking minority member of the Committee on Agriculture.

I move that the Senate concur in the amendment of the House to S. 932.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Georgia.

The motion was agreed to.

PROGRAM

Mr. SCOTT. Mr. President, I rise to ask the distinguished majority leader if he will tell us the schedule for the remainder of the week.

Mr. MANSFIELD. Yes, indeed.

In response, may I say to the distinguished Senator, the minority leader, that the Senate will come in at 10 o'clock tomorrow morning. The Senator from Florida (Mr. Chiles) and the Senator from Wisconsin (Mr. Proxmire) will be recognized, and there will be a morning hour not to exceed 30 minutes, with statements therein limited to 3 minutes.

When that is completed, the pay resolution will be brought up immediately, and, if perchance it is not, we hope to take up the continuing resolution on appropriations and supplemental appropriations instead, both of which will take little or no time at all.

Mr. ELLENDER. Both have been passed by the House and will be sent to the Senate tomorrow.

Mr. MANSFIELD. Excuse me. They will be coming up Friday.

Mr. ELLENDER. They will be considered by the Senate Appropriations Committee and reported to the Senate as soon as possible.

Mr. MANSFIELD. That is right.

Tomorrow there will be a rollcall vote on the pay resolution.

On Friday, the Senate will come in at 10 a.m. After the recognition of any Senators who have special orders, the business will be the two appropriation measures—the continuing resolution and the urgent supplemental having to do with unemployment compensation for Vietnam veterans.

In addition, the Senate will consider S. 2482, authorizing financial support for improvements in Indian education. According to those who will be managing the bill, there will be a rollcall vote on S. 2482.

If this is out of the way, the Senate will then adjourn from Friday until Tuesday, because the calendar will be virtually clear.

On Tuesday, the Senate will convene at 12 o'clock noon. Following the usual procedures during the morning hour, the Senate will turn to the consideration of S. 1437, a bill to amend the Airport and Airways Development Revenue Acts of 1970.

When that bill is disposed of, the Senate will take up the D.C. home rule bill, which will be under the managership of the distinguished Senator from Missouri.

Mr. SCOTT. I thank the distinguished majority leader.

I take due note of the fact that the Senate will not be in session on Monday next for the purpose of celebrating the victory of the Pittsburgh Pirates in the National League and their forthcoming victory over Baltimore in the World Series.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. MANSFIELD. May I say that the Presiding Officer and the majority leader who both happen to be from Montana, even though representing different States, anticipate that Dave McNally will put a different ending to that game when it comes off on Monday next.

Mr. EAGLETON. Mr. President, I have the floor, but I feel constrained to yield to the Senator from Maryland—either Senator from Maryland—for at least 30 seconds.

Mr. MATHIAS. We just want to say that the Senator from Pennsylvania may well enjoy his moment of pleasure and pride, because we think it will be short-lived.

Mr. BEALL. We are happy to be allied with the majority leader in this case.

Mr. MANSFIELD. Mr. President, I yield at this time to the distinguished Senator from Ohio, for the purpose of calling up a nomination.

EXECUTIVE SESSION

Mr. SAXBE. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination reported earlier today.

There being no objection, the Senate proceeded to the consideration of executive business.

Mr. SAXBE. Mr. President, I ask unanimous consent that the requirement that the nomination lie over for one day be waived, and that it be brought up for immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. A point of order, Mr. President. To what nomination are we addressing ourselves?

Mr. SAXBE. This is a nomination to the Court of Military Appeals.

The PRESIDING OFFICER. The nomination will be stated.

U.S. COURT OF MILITARY APPEALS

The legislative clerk read the nomination of Robert M. Duncan, of Ohio, to be judge of the U.S. Court of Military Appeals.

Mr. SAXBE. Mr. President, this relatively young man has demonstrated over the years a capacity for hard work, good sense, and the ability to be a judge under our Constitution. I think that because of his wide experience, both military and judicial, he will be a credit to this important court.

Mr. THURMOND. Mr. President, I had the pleasure of meeting and talking with Judge Duncan, and I went into his legal experience and his qualifications.

He has been a judge in Ohio. He served 2 years in the Army. He appears well qualified to be on the Military Court of Appeals, and it is my judgment that he will be a credit to that court.

Mr. TAFT. Mr. President, let me take this moment to comment on the confirmation of the appointment of Robert M. Duncan, of Ohio, to be a judge on the U.S. Court of Military Appeals.

I have known Judge Duncan for a number of years. He enjoys a very high reputation in the legal profession and in his service on the bench. I believe that his will be an outstanding appointment. We are, I believe, fortunate to have a man of this caliber undertaking such a difficult position at this time.

The PRESIDING OFICER. The question is, Will the Senate advise and consent to the nomination?

The nomination was confirmed.

Mr. SAXBE. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. SAXBE. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

AMENDMENT OF DISTRICT OF COLUMBIA ELECTION ACT

Mr. EAGLETON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2495.

The PRESIDING OFFICER (Mr. ROTH) laid before the Senate the amendment of the House of Representatives to the bill (S. 2495) to amend the District of Columbia Election Act, and for other purposes, which was to strike out all after the enacting clause, and insert:

That the District of Columbia Election Act (Act of August 12, 1955 (69 Stat. 699) as amended, D.C. Code, sec. 1–1100 et seq.) is amended as follows:

(1) Subsection (2) of section 2 is amended as follows:

(A) Clause (A) is amended by striking out "one-year period" and inserting in lieu thereof "six-month period" and by inserting at the end thereof immediately before the semicolon ", except in the case of an election of electors of President and Vice President of the United States the period shall be thirty days".

(B) Clause (B) is amended by striking out "twenty-one" and inserting in lieu thereof "eighteen".

(2) Paragraph (7) (A) of subsection (a) of section 10 is amended by striking out "on the twenty-first day following such election" and by inserting instead "on the twenty-eighth day following such election".

(3) Subsection (a) of section 8 is amended by adding at the end thereof the following new sentence: "In the case of a petition nominating a candidate for the office referred to in clause (2) of the first section of this Act, if the rules of the political party of the candidate for whom such petition is being circulated require a statement on such petition indicating which prospective presidential candidate such candidate supports, or a statement indicating that he supports no prospective candidate, the Board shall affix such statement to such petition."

(4) Subsection (c) of section 8 is amended by adding at the end thereof the following new sentence: "With respect to the ballot for any election for the office referred to in clause (2) of the first section of this Act, if the rules of a political party require the voters of such party to be informed on the ballot as to which prospective presidential candidate each candidate of such political party for such office supports, the Board shall indicate such commitment, or lack thereof, for each candidate on the ballot for such political party."

Mr. EAGLETON. Mr. President, I move that the Senate concur in the House amendment with an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

That subsection (2) of section 2 of the District of Columbia Election Act (Act of August 12, 1955 (69 Stat. 699) as amended, D.C. Code, sec. 1–1100 et seq.) is amended as follows:

(1) Clause (a) is amended by striking out "one-year period" and inserting in lieu thereof "ninety-day period" and by inserting at the end thereof immediately before the semicolon", except in the case of an election of electors of President and Vice President of the United States the period shall be thirty days".

(2) Clause (b) is amended by striking out "twenty-one" and inserting in lieu thereof "eighteen".

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri.

The motion was agreed to.

SOUTH ASIAN RELIEF

Mr. DOLE. Mr. President, much has been said about the tragedy in East Pakistan and its consequences. All of us have been deeply moved by the suffering of uncounted millions of human beings who have been affected by events there this year.

But, Mr. President, the time has come to restore balance to the public and congressional discussion of this issue. I fully understand why a great deal of emotion has crept into and warped the discussion.

This is a time for all of us to talk reasonably about the best way to help these people. No one can afford the luxury of exploiting this emotion for partisan political purposes here. The job is difficult enough and costly enough as it is.

Let me first lay to rest the myth that the administration has not responded to this crisis with compassion for the suffering of others and has stood idly by. The public record shows that U.S. assistance—now valued at $222.8 million—is about 50-percent more than that of all the other nations combined. Let me review for just a moment the outlines of our present assistance program for East Pakistan and for the Pakistani refugees in India:

For the over 8 million refugees in India, the United States has so far contributed $77.8 million under U.N. coordination. This has gone for emergency food, clothes, vitally needed medical care, shelters, and sanitation facilities for those who crossed the borders in flight. And an important and sometimes unnoticed factor in providing such assistance is the U.S. capability for having the appropriate transport facilities to get these items in quickly or, for example, to move refugee populations closer to relief distribution centers. In short, for the refugees in India the United States responded immediately and generously with both the funds and the machinery to expedite our relief assistance.

For some 70 million people in East Pakistan, the United States has committed $145 million in humanitarian relief, through the U.N. relief operation. This includes shipment of over 1 million tons of food and assistance of all kinds—transport, technical advice, housing, medical supplies, and help in the distribution of relief items. Everything possible is being done to help avert the famine which has been a very real prospect. The United States almost singlehandedly is keeping the food supply pipeline full and is also providing the means to get the food from the overburdened ports to the people. The United States is also meeting much of the cost of the U.N. relief operation.

Much more, of course, needs to be done, and this also is recognized by the administration. This week the President submitted a request to Congress for an additional $250 million. In doing so, he has endorsed the $100 million inserted into the foreign assistance appropriation by the House of Representatives and, reflecting the administration's close review of the situation, he has recommended an additional $150 million. This money will go for nonfood assistance and will be supplemented with more food shipments and nondollar aid as they are required. As to the future, the administration is continuing to review the situation at a high-level. It is being assisted in this job by a distinguished panel—the Advisory Panel for South Asian Relief—of prominent and concerned Americans appointed by the President.

I would like at this point to emphasize an important premise that underlies the President's program. It is unfortunately a premise that has not been adequately recognized in much of the discussion on this floor.

All of this assistance is based on the view that one cannot approach this problem by dealing only with the refugees in India. Legislation has been proposed in this Chamber to provide $400 million in assistance for refugees in India. That is welcome, and there will be serious discussion of how best to help those people. But that proposal makes no provision at all for dealing with the root of the problem in East Pakistan.

Everyone agrees that we must help the refugees in India. That is not an issue. Anyone who tries to make an issue of it reveals a narrow, one-dimensional approach to the problem.

The problem of the refugees is only one part of a larger problem. It is woefully shortsighted to talk only about them. If we were to concentrate only on their relief, we would almost certainly assure that they would become permanent refugees, and we would probably assure that their number would increase.

I, for one, could not be party to a policy which in effect doomed millions of people to a permanent life as refugees and made no realistic provision for at least trying to create conditions which might permit them to return home, and allay conditions which would create still more of them.

Of course, we want to help the refugees, and the President has requested substantial funds for that purpose. But it is the situation in East Pakistan that will determine whether there is an additional flood of refugees or whether conditions will develop which will encourage some of the present refugees to return to their homes. If there is famine in East Pakistan, certainly none of the present refugees will return and, worse yet, millions more people may flee their homes.

That is why the President's program provides not only for the refugees in India but also seeks the means to alleviate suffering and avert famine in East Pakistan. This is a broad and balanced humanitarian approach to the whole problem—not an ideologically inspired half solution.

Second, let me address the general posture of our Government toward the situation in South Asia. I must again say that all of us are deeply moved by the great human misery that has resulted from events this year in South Asia. There is compassion and moral indignation in all of us over these events. But the issue for foreign governments is what they can actually do in the real world to keep the situation from getting worse and even hopefully to help set it on the road toward improvement.

Some have suggested that we can best help by simply giving outraged voice to our indignation. Some individual Americans—certain Members of this body in particular—have tried that and have been denied access to East Pakistan. Yet East Pakistan is where the solution or the exacerbation of this problem will be found. It is, therefore, of the greatest importance that in the name of morality we not cut ourselves off from the only people—the Government of Pakistan—that have the capacity to change the immediate situation.

I do not say this harshly, but with regret. How much better would the Senate, the Government, and the people of the United States have been served if Members of this body recently in the area had been able to bring back to us insights and proposals for a total solution to this problem. As it is, we are given only a proposal for meeting the needs of those who are already committed as refugees. We are given no proposal for meeting the needs of people in the area where there is hope—hope that people already in their homes may remain there and hope that people who are now refugees may return to their homes.

What if the U.S. Government had similarly been denied access to that area of potential famine? Would it serve the interests of the men, women, and children in East Pakistan and the interests of the men, women, and children in the Indian refugee camps, or for that matter the Government of India, for the United States to be standing by as a spectator unable effectively to bring to bear its great resources to avert famine? Giving vent to our emotions satisfies moral impulse, but it is not always the best way to achieve results, and when this is the case—as it is in East Pakistan—is it not a very questionable morality?

The answer is clearly that there are some situations in which it is more effective to swallow one's emotions and to get on with the job in the best way that circumstances permit. There is a strong argument in this case for quietly doing what is necessary to restrict the flow of military and economic assistance—as the administration has done—and doing what is necessary to meet the needs of the situation but without antagonizing those who control the area which is the source of the problem.

Otherwise, we would only be satisfying ourselves and destroying any opportunity we might have to do anything of real significance to help those who are suffering. This is not acting without reference to traditional American humanitarian values and principles as some have implied. It is, I submit, a basic humanitarian response to act first in the interests of others who are suffering rather than to satisfy oneself.

It has been recognized by the administration that there can be no normal economic development assistance in a situation as disrupted as this one. The United States has not made any new commitments of such development assistance this year. All assistance committed to Pakistan this year has been directed at the relief effort and surely no one can find fault with helping innocent people.

A great deal has been made about what is described as the continued flow of military assistance. What are the facts? Some $3½ million in spare parts have left the United States in the last 6 months. At the same time, no new commitments have been made and no new licenses for export have been issued. At most, another $2½ million might be shipped, if present practice were continued. Is it conceivable by any objective standards that this kind of equipment could have changed the military balance in East Pakistan? The answer is obviously that it could not. Nor can the Government of Pakistan have any illusions that it is being supported militarily by the United States when many millions of dollars' worth of equipment orders have not been filled.

Mr. President, this is a plea to my colleagues to restore balance and perspective to the discussion of this issue. We are all subject to the great emotional pressures generated by human misery on this scale. But let us, at least in our discussion of what we can do, try to put those emotions in perspective and try to leave politics aside. The President has proposed a major program which addresses the totality of this problem—not just one part of it—and this deserves serious, unemotional, nonpartisan discussion. Members of the Senate and the House of Representatives have made proposals of their own, and they should be seriously discussed.

In the true American humanitarian tradition, let us think first of the people suffering as a result of developments in East Pakistan and construct our policies to meet their longer run needs and not just what we might perceive to be our own shorturn gains or satisfactions. This is the foundation of the administration's policy toward South Asia and it deserves our full support.

So, Mr. President, I would close by saying that this is a plea to all my colleagues to restore balance and perspective in the discussion of this issue.

Mr. President, I ask unanimous consent to have printed in the Record a statement of President Nixon concerning East Pakistan and the problems there.

There being no objection, the statement was ordered to be printed in the Record, as follows:

PRESIDENTIAL STATEMENT

I am today requesting the Congress to appropriate additional funds to meet human needs in South Asia. The United States has been deeply concerned over the situation in South Asia both on humanitarian grounds and because of the implications for peace.

Recent events in East Pakistan, compounding the destruction from natural disasters, have led to widespread human suffering. Unchecked this situation could drift toward greater disaster in the form of famine or even war. It is a primary objective of the Administration to relieve suffering and help avert such a situation.

Acting on its mandate as the conscience of the world community, the United Nations, under the leadership of the Secretary General, has focused concern on the plight of those who are caught in this situation. Through its special missions in Dacca and New Delhi, the United Nations has also provided the operational framework for channeling relief supplies to the millions who need them both in India and in East Pakistan.

Many countries and private donors are responding to this enormous challenge. The United States has already provided substantial amounts of food and foreign exchange to support the programs of the United Nations in aid of the millions of refugees in India and the millions who could face starvation in East Pakistan.

But more needs to be done—by the United States and by other donors. The costs of dealing with this problem through this fiscal year are expected to be over a billion dollars, far beyond the means of India and Pakistan. The House of Representatives early recognized the need for unusual humanitarian relief for South Asia and on August 3, 1971, authorized $100 million in additional funds under the Foreign Assistance Act. Since that time, however, the magnitude of the need has grown. It is also important that we be able to play our proper role promptly if contingencies in the relief operation arise.

I therefore urge that, in addition to completing action on the House initiative, the Congress authorize and appropriate an additional sum of $150 million for the relief and rehabilitation of refugees from East Pakistan and for humanitarian relief in East Pakistan under the Foreign Assistance Act. Together with food supplied under Public Law 480, these funds will enable us to do our share in mitigating the effects of this human crisis, and thus help avert the deeper tragedies that all too easily could follow.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the adjournment of the Senate over until 10 o'clock tomorrow morning, the Secretary of the Senate be authorized to receive messages from the House of Representatives.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m. After the two leaders have been recognized under the standing order, the following Senators will be recognized for not to exceed 15 minutes each and in the order stated: the junior Senator from Florida (Mr. Chiles) and the senior Senator from Wisconsin (Mr. Proxmire).

Following the recognition of the two Senators under the orders previously entered, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The pay resolution will be called up during the day, and in all likelihood immediately following the period for the transaction of routine morning business.

Under the law, the time for debate on that resolution will be limited to 2 hours and no amendments may be offered thereto. The resolution is not subject to any motion to recommit, nor is a motion to reconsider the vote thereon in order. There will be a rollcall vote on the adoption of the resolution.

ADJOURNMENT TO 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 16 minutes p.m.) the Senate adjourned until tomorrow, Thursday, October 7, 1971, at 10 a.m.

NOMINATION

Executive nomination received by the Senate October 6, 1971:

U.S. Navy

Rear Adm. Kent L. Lee, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 6, 1971:

Diplomatic and Foreign Service

Malcolm Toon, of Maryland, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Socialist Federal Republic of Yugoslavia.

U.S. Court of Military Appeals

Robert M. Duncan, of Ohio, to be judge, U.S. Court of Military Appeals, for the term of 15 years expiring May 1, 1986.

HOUSE OF REPRESENTATIVES—*Wednesday, October 6, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

God has not given us the spirit of fear: but of power, and of love and of a sound mind—II Timothy 1: 7.

Almighty God, our Father, in whose hands are all the nations of the earth, grant to them Thy guidance and Thy wisdom that they may prosper in promoting the welfare of their citizens and the well-being of mankind. Grant that all people and all races may feel their kinship with each other since all men are Thy children.

We pray especially for our own beloved Nation, set amid the perplexities of a changing order and face to face with new and challenging tasks. Deliver us from hatred, jealousy and ill will. Stimulate within us the spirit of justice, tolerance, and friendliness. Unite us as a people that we may work together for our own good and for the good of all mankind. May wars soon cease and the day come when there will be in reality peace on earth and good will among men.

All this we ask in the spirit of the Prince of Peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

STEED-LENT ANTIBUSING DISCHARGE PETITION

(Mr. DOWNING asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. DOWNING. Mr. Speaker, I take this time to advise my colleagues that the Steed-Lent antibusing discharge petition is now at the Clerk's desk and available for signature. I know this is a long rocky road to a distant goal, but it is the only route available to us.

I say to the Members, if forced busing has not reached your district yet, that is no reason not to sign this petition, because the forced busing will reach your district, and when it does you are in trouble. So I hope as many of my friends as possible will sign this Steed-Lent discharge petition.

PERSONAL EXPLANATION

(Mr. JAMES V. STANTON asked and was given permission to address the House for 1 minute.)

Mr. JAMES V. STANTON. Mr Speaker, the business of the Cuyahoga County Board of Mental Retardation, of which I am chairman, required that I return unexpectedly to Cleveland on Monday, October 4. Thus I was unable to vote on House Resolution 596, disapproving the President's action in postponing the Federal employees' scheduled pay increases. Had I been present, I would have voted "yea," for the resolution.

THE 1970 HANDGUN MURDERS IN TOKYO: THREE

(Mr. BINGHAM asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, in 1970 538 people were murdered with handguns in New York City.

In 1970 in Tokyo, a city almost half again as large as New York, how many people do you suppose were murdered with handguns? Exactly three.

This startling contrast was reported last Sunday in the New York Times. The article will appear in today's Extensions of Remarks.

Also in 1970 there were 74,102 robberies in New York City. In Tokyo—474.

According to Japanese police officials, the absence of handguns in the hands of the public is a key factor in keeping the murder and robbery rate down.

In Japan only the armed forces, the police, ballistic researchers, and sporting marksmen may have pistols, and their use is carefully regulated.

Mr. Speaker, when are we going to come to our senses and start moving in the same direction as the police commissioner of New York City is pleading with us to do?

TEXTILE QUOTAS

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, American jobs are at stake in the present textile negotiations with Japan. The future of our textile industry and the jobs of 2.3 million Americans are hanging in the balance. The good faith of the administration is on the line, in view of its repeated pronouncements that the textile industry is in a different category and is in need of special assistance.

The textile negotiations with Japan have reached a critical stage. The Japanese have manifested unprecedented hostility toward any meaningful agreement. I urge the President to stand firm and invoke quotas if an agreement is not forthcoming by October 15. In such action the President would have the support of a majority of this House, which passed the Mills fair trade bill last year. The Mills bill was introduced again on January 22 of this year and would have passed, but for the hope of a negotiated agreement. Mr. MILLS has assured us his bill will yet be considered should the Japanese fail to adopt a fair trade policy. We must not permit the Japanese to delay longer. We must not play politics and international flim-flam with an industry so vital to the defense and the economy of our country. We have been long suffering and patient in dealing with our Japanese friends. The time has come for forthright action.

SALUTE TO NATION'S 4-H CLUB MEMBERS

(Mr. MYERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MYERS. Mr. Speaker, I rise to pay tribute to more than 231,500 young people involved in 4-H programs in Indiana as we observe National 4-H Club Week.

As a former 4-H'er and member of the 4-H Council in Fountain County, Ind., I am proud to be among the more than 27 million men and women who once were active in the 4-H program in our Nation.

The 4-H theme for 1971, "4-H Bridges the Gap," is most appropriate for the more than 4 million boys and girls now enrolled nationally in this organization dedicated to positive involvement and community action programs.

One of the major attractions of the 4-H program, which makes it relevant in a constantly changing world, is its flexibility. While it was originally established as a rural-oriented organization, it has for the past two decades become increasingly involved in the small towns, metropolitan suburbs, and the inner city areas.

Today's 4-H program focuses on the young people of our Nation, wherever he or she lives, providing them with an opportunity for personal development into strong, conscientious, and dedicated citizens. Through individual projects, including agricultural projects, domestic skills, and citizenship training, 4-H'ers have the opportunity to learn by doing.

In observing National 4-H Week, I would be remiss if I did not emphasize the vital role the Cooperative Extension Service, volunteer leaders, parents, and businessmen play in the 4-H success story. Their selfsacrifice and personal involvement and the response of these young people reveal an important element that is often talked about but ignored in our society—two way communication is necessary to successfully bridge the generation gap.

Thus, 4-H does help bridge the gap between farm and city, old and young, rich and poor, and the races. I offer this special salute to all 4-H'ers this week. Your program serves as a model at home and abroad of motivating discipline and responsibility.

CALL FOR HUMANE TREATMENT OF AND RELEASE OF AMERICAN PRISONERS OF WAR IN SOUTHEAST ASIA

(Mr. QUILLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUILLEN. Mr. Speaker, 7 years and 194 days have elapsed since Capt. Floyd Thompson was captured in South Vietnam and became the first American prisoner of war in Southeast Asia.

The number of members of our Armed Forces listed as prisoners of war or missing in action has soared to more than 1,600 as Hanoi continues to violate the terms and provisions of the Geneva Convention.

While it is inconceivable that any civilized nation would refuse to afford these men humane treatment, the facts are clear that Hanoi is doing just that.

It is appalling that Hanoi has repeatedly refused to identify all prisoners, to allow impartial inspection of prison facilities, to permit the free exchange of mail between prisoners and their families, refused to release the seriously ill and wounded, as well as to negotiate for their release.

The President has given top priority to this issue. Earlier this week this body reaffirmed its position toward Hanoi pledging to do everything in its power to bring about the earliest possible release of our prisoners of war. The House passage of this resolution should lay it on the line to Hanoi that the American people do not intend to forget these men, nor do we in any way condone their actions.

Cooperation from the North Vietnam Government is long overdue. Nothing is more important than the safe return of our prisoners of war and we must continue our efforts toward this end.

EXPORT TRADE ON AMERICAN-FLAG VESSELS

(Mr. PELLY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PELLY. Mr. Speaker, very shortly, we will be voting on H.R. 10947, the Revenue Act of 1971. I would like to take this opportunity to point out to my colleagues that the Committee on Ways and Means has adopted a suggestion of the distinguished chairman of the Committee on Merchant Marine and Fisheries, the gentleman from Maryland (Mr. GARMATZ). Several weeks ago, Chairman GARMATZ in a letter to the distinguished chairman of the Committee on Ways and Means, the gentleman from Arkansas (Mr. MILLS) pointed out that increased carriage of our export trade on American-flag vessels would contribute substantially to improving our balance-of-payments picture. Millions of dollars are spent annually by American corporations to ship goods on foreign-flag vessels, while at the same time through a variety of means we have committed ourselves to a national program to revitalize the American merchant marine.

The Committee on Ways and Means has recognized this serious balance-of-payments drain and as provided in the provisions of the legislation dealing with domestic international sales corporations that such a corporation may include as export promotion expenses 50 percent of the freight paid for shipping export property on board U.S.-flag vessels. This provision should go a long way toward encouraging American businessmen to insist upon U.S.-flag vessels. All too often in the past, American business concerns have left the routing of cargo up to their foreign trading partners.

Mr. Speaker, I wish to commend the distinguished chairman of the Merchant Marine Committee, the gentleman from Maryland (Mr. GARMATZ), for his timely proposal, and I wish also to thank the Committee on Ways and Means for adopting this valuable suggestion.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

THOSE SUPREME COURT VACANCIES

(Mr. WYMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WYMAN. Mr. Speaker, few things President Nixon can do that will more profoundly affect the future well-being of the United States can match in importance the men—or women—he puts on the U.S. Supreme Court. I deeply regret that our distinguished and able colleague Congressman RICHARD POFF has seen fit to remove himself from consideration for he would have been a tower of strength and stability on the High Court. With others in this body I feel strongly that when the chips were down in the other body, Mr. POFF would have been confirmed if nominated.

Today's Washington Post editorially suggests that it ought not to be too difficult for the President to find two candidates whose nominations will not set off the kind of controversy the nomination of Mr. POFF would allegedly have engendered. Presumably the Post refers to the traditional attitude of gentlemen from south of the Mason-Dixon line in regard to segregation. Unfortunately, for America, Mr. POFF would have assured the Court of a member whose eminent fairness is matched only by his proven capability to decide legal cases on their merits without preconceived philosophical or sociological predilections.

Among all the criteria that must be critically evaluated by a President with such a tremendous responsibility, the assurance that a nominee will not run hogwild on such a bent is high on the list. What former Chief Justice Earl Warren did after his appointment by former President Eisenhower on the basis of his record in administration as Governor of California and in law enforcement as attorney general of California, is a warning of what can happen unless a President is convinced that his nominees will keep their feet on the ground and stand four-square for America once they are on the High Court for life.

VETO RED CHINA'S ADMISSION TO U.N.

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, there are very disquieting reports from the United Nations that the U.S. "two-China policy" may very well be rejected by the General Assembly. In fact, it begins to look more and more like the General Assembly will oust Nationalist China from that world body.

Mr. Speaker, it would be my hope that those who are tempted to vote in that direction would realize there is a growing number of Members in Congress who are very much opposed to this approach. There is a respectable number of Members in Congress who may very well vote to deny any more American financial support to the U.N. if Nationalist China is thrown out.

Mr. Speaker, it would be my fervent prayer that the United States would exercise its veto power in the Security Council and veto the seating of Communist China on the Security Council if indeed the General Assembly should oust Nationalist China from that world body.

The State Department has tried to create the impression that there is some question whether we can use such veto power, but I have talked to international specialists and lawyers who are very learned with reference to the rules of the United Nations, and there is no question in their mind but what the United States does have veto power in the Security Council over seating Red China if Nationalist China is ousted.

Mr. Speaker, I hope that veto power is used, otherwise we shall see another Yalta in our lifetime.

KTUL–TV RANKS HIGH IN PUBLIC SERVICE IN OKLAHOMA

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDMONDSON. Mr. Speaker, as you know it was our privilege recently to participate with our colleague, Page Belcher, in the 1971 Oklahoma telethon for the Muscular Dystrophy Association.

The great success of the telethon was due in large measure to the contribution made by television station KTUL–TV of Tulsa, Okla., in providing considerable public service air time for broadcasting of the program.

The president of KTUL, James C. Leake, is a dedicated citizen with a long record of service to his country and to the State, and I know the entire Oklahoma congressional delegation will join me in offering sincere thanks for the fine effort in support of this year's telethon.

Jimmy Leake and his excellent staff at KTUL–TV are to be commended for their very fine work and many personal sacrifices in behalf of the telethon, and for once again demonstrating the important contribution his station makes in behalf of important public service projects.

THE REVENUE ACT OF 1971

Mr. MILLS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Arkansas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 10947, with Mr. Cabell in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday the amendment offered by the gentleman from Arkansas (Mr. Mills) on behalf of the Committee on Ways and Means was pending.

Mr. MILLS. Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Are there any further committee amendments?

Mr. MILLS. Mr. Chairman, there are no further committee amendments.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Cabell, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes, pursuant to House Resolution 629, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 208, EQUAL RIGHTS FOR MEN AND WOMEN

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 548 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 548

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 208) proposing an amendment to the Constitution of the United States relative to equal rights for men and women. After general debate, which shall be confined to the joint resolution and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Massachusetts (Mr. O'Neill) is recognized for 1 hour.

Mr. O'NEILL. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. Anderson), pending which I yield myself such time as I may consume.

Mr. O'NEILL. Mr. Speaker, House Resolution 548 provides an open rule with 4 hours of general debate for consideration of House Joint Resolution 208 proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

House Joint Resolution 208 proposes the constitutional amendment to insure that the equality of rights of any person under the law shall not be denied.

As a group, women have been victims of wide discrimination. In many States they are denied educational opportunities equal to those for men. In some States they are not allowed to manage their own property and a wife has fewer property rights.

Our legal system currently contains the vestiges of a variety of ancient common law principles which discriminate unfairly against women. This legislation would clarify the intent of the Congress that all irrational discrimination on the basis of sex be eliminated.

A similar proposal passed the House in the last Congress but did not pass the Senate.

Mr. Speaker, there is ample time for debate on the amendment and I urge the adoption of the rule in order that the bill may be considered.

The SPEAKER. The gentleman from Illinois (Mr. ANDERSON) is recognized.

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in support of House Joint Resolution 208 as originally introduced and in opposition to the measure as reported from committee with the addition of the so-called Wiggins amendment. I am sure my colleagues will recall that in the last Congress this body overwhelmingly passed the equal rights amendment without any such amendatory language. I was proud at that time to be a cosponsor of that constitutional amendment to prohibit sex discrimination and to have voted for it. And it is with the same measure of pride and enthusiasm that I once again rise to urge passage of the amendment as originally introduced.

I must confess that when this amendment emerged from committee I had a new appreciation for how the characters of George Orwell's "Animal Farm" must have felt when they awoke one morning to discover that the seventh commandment on the barn wall had been revised to read:

> All animals are equal, but some animals are more equal than others.

Now, I do not want to extend this analogy much further, because then we would get into the whole question of which sex fit which role in this scenario, and as far as I am concerned, there is already been excessive use of the term "chauvinist pigs." Suffice it to say, I do think it is curious that so many women are so adamantly opposed to this additional language which was ostensibly designed with their best interests in mind. There seems to be considerable disagreement as to just who is made more equal by this language and who is really protected by the "protective" laws this language is designed to protect.

It has been said that chivalry is dead, and if by that it is meant the age when women were placed on pedestals as you would a piece of statuary, then I do not think we need mourn its passing. But the dictionary tells us that chivalry includes such qualities as courtesy and courage, fairness, and respect for women; and in that sense of the word I do not think chivalry is dead.

I believe it was Charles Kingsley who wrote:

> The age of chivalry is never past, so long as there is a wrong left unredressed on earth.

Indeed, we are being called upon today to do the chivalrous thing—to redress a wrong out of fairness and respect for women. We are being called upon once and for all to make women equal under the law of the land—to remove the last vestiges of their second-class citizenship from the books.

Mr. Speaker, it seems to me that we are either serious about this or we are not. If we begin to hedge and qualify the word "equality," then we are engaging in what I would call an exercise in quixotic chivalry—we are tilting at windmills instead of smiting the pervasive discrimination which has held American women in legal bondage for nearly two centuries.

The very distinguished Presidential Task Force on Women's Rights and Responsibilities, reporting in December of 1969, urged passage of this amendment, fully recognizing that it would impose upon women as many responsibilities as it would confer rights. But it viewed this objective as desirable. The task force notes the special need for the equal rights amendment because thus far the Supreme Court has not accorded the protection of the fifth and 14th amendments to female citizens. To quote from the task force report:

> A constitutional amendment is needed to secure justice expeditiously and to avoid the time, expense, uncertainties, and practical difficulties of a case-by-case, State-by-State procedure.

I think the task force report was very appropriately entitled, "A Matter of Simple Justice," and that is really the central and overriding issue in this debate today. Miss Virginia Allan, chairman of the President's task force, made a most eloquent statement on this theme in her cover letter to the President when she said, and I quote:

> Equality for women is unalterably linked to many broader questions of social justice. Inequities within our society serve to restrict the contribution of both sexes. . . . What this task force recommends is a national commitment to basic changes that will bring women into the mainstream of American life. Such a commitment, we believe, is necessary to healthy psychological, social, and economic growth of our society.

Mr. Speaker, I concur in Miss Allan's appraisal of the link between equality for women and the broader questions of social justice and a healthy society. I especially agree that so long as inequities do exist in our sociey, the contributions of all individuals and consequently the growth of that society are inhibited. This is especially reprehensible in a society such as ours which prides itself on its democratic principles of liberty, justice, and equality of opportunity for all.

It seems to me these principles dictate our strong and unyielding support for the equal rights amendment as originally introduced without any crippling amendments which would qualify equality or compromise justice.

Mr. PEPPER. Mr. Speaker, will the able gentleman from Illinois yield?

Mr. ANDERSON of Illinois. I am pleased to yield to my colleague on the Committee on Rules, the gentleman from Florida (Mr. PEPPPER).

Mr. PEPPER. Mr. Speaker, as one who has long supported the equal rights amendment, I wish warmly to commend the distinguished gentleman for his able statement and associate myself with it.

Mr. O'NEILL. Mr. Speaker, has the gentleman from Illinois any requests for time?

Mr. ANDERSON of Illinois. Mr. Speaker, I have no further requests for time.

Mr. O'NEILL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RESIGNATION FROM COMMITTEES

The SPEAKER laid before the House the following resignation from committees:

WASHINGTON, D.C.,
October 6, 1971.

Hon. CARL ALBERT,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I herewith submit my resignation from the Committee on Science and Astronautics and the Committee on Merchant Marine and Fisheries.

With kindest regards, I am,

Sincerely yours,
JOSEPH E. KARTH,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ELECTION TO COMMITTEE ON WAYS AND MEANS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a privileged resolution (H. Res. 636) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 636

Resolved, That Joseph E. Karth of Minnesota be, and he is hereby, elected a member of the standing Committee of the House of Representatives on Ways and Means.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPLEMENTAL APPROPRIATION, DEPARTMENT OF LABOR, 1972

Mr. MAHON. Mr. Speaker, pursuant to the order of the House of September 29, I call up the joint resolution (H.J. Res. 915) making a supplemental appropriation for the Department of Labor for the fiscal year 1972, and for other purposes, and ask for unanimous consent that the joint resolution be considered in the House as in the Committee of the Whole.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 915

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1972, namely:

DEPARTMENT OF LABOR

MANPOWER ADMINISTRATION

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For an additional amount for "Federal unemployment benefits and allowances", $270,500,000.

Mr. MAHON. Mr. Speaker, I move to strike the last word.

The SPEAKER. The gentleman from Texas is recognized for 5 minutes.

Mr. MAHON. Mr. Speaker, an urgent request has been made for $270,500,000 in additional funds for unemployment compensation for certain beneficiaries under laws we have passed during the last several years. These funds are needed for returning veterans and Federal workers who have lost their positions and cannot find jobs, and for industrial employees who have lost their jobs because of imports under certain circumstances specified by law.

The committee report, which is available at the desk, explains the situation as to the need.

I yield to the gentleman from Ohio for any comment which he might wish to make as ranking minority member of the Committee on Appropriations.

Mr. BOW. Mr. Chairman, I am in support of this bill. It is necessary for us to take care of these funds for the Department of Labor.

The gentleman from Illinois (Mr. Michel) has handled this in the subcommittee, and I would like to have the gentleman from Texas yield to the gentleman from Illinois for any comment he may have to make.

Mr. MAHON. I thank the gentleman from Ohio.

The committee was unanimous in the approval of this resolution. The hearings were conducted by the chairman of the subcommittee on the Departments of Labor and Health, Education, and Welfare, the gentleman from Pennsylvania (Mr. Flood). I am sure he will explain the committee's action.

Mr. FLOOD. Mr. Speaker, I move to strike the last word.

Mr. Speaker, there is not a great deal I can say about this resolution. Believe that or not. It involves a rather substantial sum, $270,500,000. It is the full amount of the request and, as the gentleman from Texas said, it has met with the unanimous approval of the full committee.

It seems clear that even this amount is an underestimate of the requirements for the remainder of this year, and for practical purposes, under the law there is no administrative control or any control through the appropriation process. The amount of funds required, and of the appropriations we will have to pass, is simply determined by the extent of the unemployment of those covered by the law, period.

During the last few years—and this has nothing to do with the politics of this administration, because they have all been doing this same thing—but during the last few years, the executive branch has consistently underestimated the rate of unemployment, which has resulted in the necessity for supplemental appropriation after supplemental appropriation after supplemental appropriation. It goes on like a Tennyson's brook. There is no doubt in the minds of the members of the subcommittee who heard the testimony that this estimate we are dealing with now is underestimated. It is predicated, believe it or not, upon 5 percent average unemployment for the period July 1, 1971, through June 30, 1972. It has averaged 6 percent since July 1 and is over 6 percent right now. It was 6 or a little more when this thing came up to us from the executive branch. They knew that. They knew we knew it. But there we are. It is based upon 5 percent, while 6 percent is the reality.

One of the reasons why the supplemental is so large is that the funds for 1971 were exhausted early in the fourth quarter, and the Department used the very special authority they had to mortgage the 1972 appropriation to make up that deficit in the last quarter of 1971. This accounts for $125 million of the $270,500,000 total.

Of the remaining $145,500,000, which is for the deficit in 1972, there are three categories, and these are by law: $16 million is for unemployed former Federal employees; $75,500,000 is for unemployed ex-servicemen; finally, $54 million is for benefits under the Trade Expansion Act of 1962 and the Automotive Products Act of 1965.

Mr. Speaker, if this joint resolution is enacted—of course, it will be—it will bring the total amount for 1972 to $420 million compared to $442,080,000 for 1971, a reduction of approximately $22 million.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. Flood was allowed to proceed for 1 additional minute.)

Mr. FLOOD. However—now, mark this—this is what is going to happen. If the unemployment situation does not improve dramatically during the rest of fiscal year 1972 we will be back here again next spring with another supplemental appropriation bill. That is all there is; there is not any more, Mr. Speaker.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. Of course I yield to the gentleman from Missouri.

Mr. HALL. I wonder if the gentleman would exemplify and explain to the Members in a little more detail the referred to "authority in law," whereby one can "mortgage against" next year's appropriation to finish out the balance of last year's indebtedness or overspending?

Mr. FLOOD. That is in our Labor-HEW Appropriation Act for fiscal year 1971. By the way, the gentleman might like to know that we did cut down the time limit of the mortgage from 3 months that has been carried in the last seven appropriation acts to 2 weeks in the 1972 Labor-HEW bill. And we did this because, in the opinion of the committee, they were abusing this special authority.

The SPEAKER. The time of the gentleman from Pennsylvania has again expired.

(On request of Mr. Hall, and by unanimous consent, Mr. Flood was allowed to proceed for 2 additional minutes.)

Mr. FLOOD. We know how the gentleman feels. We feel the same way on matters such as this.

Mr. HALL. I appreciate the gentleman's yielding.

If the gentleman will yield further, there is one other thing which concerns me. At a recent departmental seminar concerning the new National Health Standards, with which the gentleman is eminently familiar, the statement was made that regardless of authorizations and appropriations from Congress the Health Maintenance Organizations are now being funded as demonstration projects on directive of the Secretary of Health, Education, and Welfare, regardless of the final approval or not of the Congress. These grants have been forthcoming. The demonstration projects are being arranged.

Is there any legal basis in this prior commitment of obligatory authority, for such action on the part of the Department?

Mr. FLOOD. No, definitely the advance funding we have been discussing would not apply to anything like that.

Mr. HALL. Mr. Speaker, this is just one example of the perversion of the legislative process and the executive grant. I can advise and tell much from experience, of such plans.

Mr. FLOOD. There is no doubt about that.

Mr. HALL. I believe the lesson should be clear to the Members that we should watch carefully the construction of our authorization bills, which "come home to roost," and must be funded. It seems to me we should watch the obligational authority granted in advance; as the gentleman so aptly defines it "as a mortgage against next year's appropriations," so that they do not seize dictatorial power with the taxpayers' funds.

Mr. FLOOD. The gentleman is as right as rain.

Let me say this, which is off that point: The Office of Management and Budget makes these people from the Department of Labor come up here and testify on these figures they know are too low. I asked them at the hearings if they didn't know that this latest estimate was again too low. We had to press them fairly hard first but they admitted that their own estimate was more than $100 million higher than the one they were forced to try to justify.

Mr. HALL. Then would the gentleman not agree with me, Mr. Speaker, that the only final solution is that the Congress tighten the purse strings?

Mr. FLOOD. Certainly. Again, the gentleman is as right as rain.

Mr. MICHEL. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I want simply to underscore the comments and remarks of our distinguished chairman, the gentleman from Pennsylvania (Mr. Flood) and the distinguished chairman of the full committee, the gentleman from Texas (Mr. Mahon).

It is rather ridiculous to have a committee sitting in good faith to hear such faulty estimates presented to us as was the case in this particular regard. We look at the specific figures in the original estimates, and they call for $274.5 million. With this supplemental we will be up to a figure of $545 million. As the gentleman from Pennsylvania (Mr. Flood) said, we will still be $100 million to $110 million short, mark my words, at the end of the fiscal year, because I cannot conceive that there will be that much of an improvement in the unemployment picture. Admittedly these estimates came to us with unemployment estimated at 4.6 percent while there is currently unemployment at a rate of 6 percent, and it is hovering at one-tenth of a point either way. I would expect certainly through the period of the balance of this fiscal year that will still be a valid figure and it will require an additional $100 million for this one item.

It might be interesting for the Members to note the number of weeks compensated for former Federal employees is expected to increase from 1,429,000 to 1,692,000 in fiscal year 1972 and for exservicemen from 3,012,320 in 1971 to an estimated 4,420,000 in fiscal year 1972.

One final word. The number of claimants to be paid under the Trade Expansion Act is expected to be 28,285 receiving 907,930 weeks of compensation compared with original estimates of 9,690 paid and 238,270 weeks of compensation. The revised estimate for trade payments is based on the recent data of several States which was not available when the original estimates were made to your committee.

There is nothing we can do but support the resolution and hope that the next budget presentation coming to us will have much more solid figures than we have had to deal with in the past so that we will not be forced to come to you time after time with these supplementals.

Mr. FLOOD. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DELLENBACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present. The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 393, nays 9, not voting 30, as follows:

[Roll No. 289]

YEAS—393

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Arends
Aspin
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrnes, Wis.
Byron
Cabell
Caffery
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Dennis
Dent
Devine
Dickinson
Dingell
Donohue
Dorn
Dow
Dowdy
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Landrum
Latta
Leggett
Lennon
Link
Lloyd
Long, Md.
Lujan
McClory
McClure
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Zablocki
Zion
Zwach

NAYS—9

Ashbrook
Camp
Flynt
Gross
Hall
Landgrebe
Rarick
Saylor
Schmitz

NOT VOTING—30

Alexander
Annunzio
Archer
Ashley
Byrne, Pa.
Clay
Denholm
Derwinski
Diggs
Edwards, La.
Evins, Tenn.
Foley
Frelinghuysen
Fulton, Pa.
Gettys
Giaimo
Grover
Kee
Kyros
Lent
Long, La.
McCloskey
McMillan
Miller, Calif.
Passman
Pirnie
Widnall
Young, Tex.

So the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Archer.

Mr. Denholm with Mr. Frelinghuysen.

Mr. Diggs with Mr. Derwinski.

Mr. Alexander with Mr. Fulton of Pennsylvania.

Mr. Evins of Tennessee with Mr. Grover.

Mr. Foley with Mr. Lent.

Mr. Giaimo with Mr. McCloskey.

Mr. Byrne of Pennsylvania with Mr. Widnall.

Mr. Miller of California with Mr. Passman.

Mr. Ashley with Mr. Clay.

Mr. Kyros with Mr. McMillan.

Mr. Young of Texas with Mr. Pirnie.

Mr. Gettys with Mr. Kee.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 10947, THE REVENUE ACT OF 1971

Mr. MILLS of Arkansas. Mr. Speaker, I have been advised that in connection with the passage of H.R. 10947, the Revenue Act of 1971, there are two or three printing errors in the bill.

Therefore, I ask unanimous consent that in the engrossment of H.R. 10947 the Clerk be authorized to make certain corrections in punctuation, spelling, and paragraphing to correct printing errors in the reported print of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, I believe it is fairly well known that although we were not anxious to have a motion to recommit with instructions we were anxious to have a vote on final passage. A vote on a measure of this magnitude should be approved or disapproved by a rollcall vote. Mr. Speaker, of course, we want the engrossed copy to be accurate.

How do we return to the point from which we started earlier this afternoon to have such a rollcall?

Mr. MILLS of Arkansas. I did not ask for a rollcall vote. In response to the gentleman, there were some Members on the floor any one of whom could have asked for it. There was no quorum present at the time. The rollcall, therefore, would have been automatic. I think my friend from Michigan was on the floor at the time.

Mr. GERALD R. FORD. The gentleman from Arkansas is correct. I was on the floor. And I am not condemning the gentleman from Arkansas for not asking for a rollcall vote, but there were many on our side of the aisle who wanted a rollcall vote and wondered why it was not taken. I was somewhat preoccupied trying to arrange a motion to recommit and, therefore, I was not in a position to ask for a rollcall.

Mr. MILLS of Arkansas. Will the gentleman yield further?

Mr. GERALD R. FORD. Surely.

Mr. MILLS of Arkansas. I think my friend from Michigan knows whenever I think there is to be a great political advantage to be gained by all of the Members out of a rollcall vote on a bill coming from the Committee on Ways and Means, I invariably ask for a rollcall on it. Where I think there is questionable gain politically I do not ask for one.

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. DENT. Mr. Speaker, reserving the right to object, and I do not intend to object, I just want to state that if I had not been called to the telephone at the moment that the bill was passed, I would have asked for a rollcall vote. I would have voted "no" for obvious reasons.

I hate to see the advantage being given to certain imports with a surcharge on them when the so-called surcharge has been lifted. The charge against imported parts was dropped from 10.5 to 3.5 percent.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. GROSS. Mr. Speaker, reserving the right to object, I am usually ready to accommodate in the matter of rollcalls, but nobody asked today for an accommodation.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, 1972

Mr. MAHON. Mr. Speaker, pursuant to the order of the House of September 29, I call up the joint resolution (H.J. Res. 916) making further continuing appropriations for the fiscal year 1972, and for other purposes, and ask unanimous consent that the joint resolution be considered in the House as in the Committee of the Whole.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 916

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of July 1, 1971 (Public Law 92-38), as amended, is hereby further amended by striking out "October 15, 1971" and inserting in lieu thereof "November 15, 1971".

Mr. MAHON. Mr. Speaker, I move to strike the last word.

Mr. Speaker, this is the third continuing resolution which the House has considered for this fiscal year. Just prior to July 1 Congress approved a continuing resolution, and just before that resolution expired we approved an extension of it. That second continuing resolution expires on October 15.

The present resolution simply provides that the existing resolution be continued for a period of 1 month to November 15, by which time it is hoped that the remaining regular appropriation bills will generally be disposed of.

Of course, much depends upon authorizations and other factors.

Ten of our regular appropriation bills for fiscal 1972 have been approved. Four of them have not been considered by the House because there is not adequate legislative authorization for them. We have been awaiting adequate authorization. Those bills that are awaiting authorization and which must be passed before we adjourn concern defense appropriations, military construction appropriations, foreign aid appropriations, and District of Columbia appropriations.

The District of Columbia appropriation bill is awaiting the passage of a revenue bill which is, of course, handled by another committee.

There will also be a final supplemental bill.

Under leave to extend, I include an excerpt from the report of the committee accompanying the pending resolution:

STATUS OF THE APPROPRIATION BILLS

Ten of the 14 regular annual appropriation bills for the fiscal year 1972 have been enacted into law. Four remain to be reported to the House. They are:

1. Military Construction, on which hearings were concluded June 29, but which has been awaiting the related authorization bill (H.R. 9844), now pending in conference.
2. Foreign Assistance, on which the main hearings were concluded July 1, but which has been awaiting the related authorization bill (H.R. 9910), now pending in the Senate.
3. District of Columbia, on which hearings were concluded prior to the August 6 recess, but which is significantly dependent on revenue legislation not yet considered by the House.
4. Department of Defense, on which hearings were concluded June 10, but which has been awaiting further developments on the related authorization bill (H.R. 8687), now pending in the Senate.

There will also be a closing supplemental bill to be considered.

FISCAL YEAR 1972 REGULAR ANNUAL APPROPRIATION BILLS

Bill	House passed	Senate passed	Conference report cleared	Signed into law
1. Education	Apr. 7	June 10	June 30	July 9.
2. Legislative	June 4	June 21	do	Do.
3. Agriculture-EPA, etc	June 23	July 15	July 28	Aug. 10.
4. Treasury-Postal Service-General Government	June 28	June 29	June 30	July 9.
5. State-Justice-Commerce-Judiciary	June 24	July 19	Aug. 3	Aug. 10.
6. HUD-Space-Science-Veterans	June 30	July 20	Aug. 2	Do.
7. Interior	June 29	July 16	do	Do.
8. Transportation	July 14	July 22	do	Do.
9. Labor-HEW	July 27	July 30	Aug. 6	Do.
10. Public Works-AEC	July 29	July 31	Sept. 22	
11. Military construction	(1)			
12. Foreign assistance	(1)			
13. District of Columbia	(1)			
14. Defense	(1)			

[1] Pending developments on related authorization bills.

It is hoped that a great deal of progress on the bills can be made prior to November 15. It is possible that we could adjourn by that date insofar as the appropriations business is concerned.

Therefore, it is with that in mind that the resolution is presented.

We considered several dates such as sine die adjournment; November 24, the day before Thanksgiving; November 30; and December 15. But the resolution before us provides for a 1-month extension. We can take stock of the situation before that date and decide where to go from there if the appropriation bills have not been finalized. That is about the situation as I see it, and I am sure that the ranking member on the committee, the gentleman from Ohio (Mr. BOW), will have some comments with reference to this continuing resolution.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

In the supplemental appropriation approved a few moments ago for Federal unemployment benefits and allowances, nearly one-half of the total of $270 million represented money that was taken or purloined from some other fund in the amount of $125 million.

Does the gentleman think there will be more of this skulduggery going on if we continue this authority until November 15?

Mr. MAHON. I would say that, no, there is nothing of that nature involved in my opinion that will be before us prior to our adjournment this year.

It is true that there have been some miscalculations otherwise and supplementals will, no doubt, be required in some instances next spring, but insofar as I am aware nothing in the nature of the unemployment benefits fund. The rate of unemployment was underestimated. However, it is mandatory under the law, as the gentleman well knows, for these benefits to be paid. The estimate was just too low. We had to fulfill the requirements of the law and provide funds for these benefits to the veterans who are returning and others who are covered under the law, as the gentleman knows.

Mr. Speaker, under leave to extend, I include a table of the appropriation measures relating to the fiscal year 1972. Continuing resolutions are not, of course, included because expenditures under them are chargeable to the regular bills when they are enacted.

I might first add that the appropriation bills not yet reported—the five bills still in the Committee on Appropriations—presently involve budget requests for appropriations—new budget authority—of roughly $83 billion.

The table follows:

APPROVED FISCAL YEAR 1972 APPROPRIATION MEASURES (AS OF OCT. 6, 1971)

[Note: Fiscal year 1972 new budget (obligational) authority only]

Bill	Total approved	Over or under fiscal year 1971	Over or under fiscal year 1972 budget requests
1. Education	$5,146,311,000	+$563,104,500	[1] −$6,875,000
2. Legislative	529,309,749	+86,405,430	−6,039,858
3. Treasury-Postal Service-General Government	4,528,986,690	−1,038,472,210	−280,229,310
4. Agricultural-Environmental and Consumer Protection	13,276,900,050	+3,727,992,500	[1] +1,172,086,200
5. State-Justice-Commerce-Judiciary	4,067,116,000	+243,763,700	−149,686,000
6. Interior	2,223,980,035	+189,759,135	+29,386,000
7. HUD-Space-Science-Veterans	18,339,738,000	+1,342,850,000	[1] +882,721,000
8. Transportation	2,730,989,997	−253,630,608	+44,983,000
Advance 1973 appropriation	(174,321,000)	(+174,321,000)	
9. Labor-HEW	20,704,662,000	+3,149,983,500	+581,025,000
10. Public Works-AEC	4,675,125,000	+210,140,000	+59,043,000
11. Emergency Employment Assistance (H.J. Res. 833)	$1,000,000,000	+$1,000,000,000	
12. Summer feeding programs for children (H.J. Res. 744)	17,000,000	+17,000,000	+$17,000,000
13. Federal unemployment benefits and allowances (H.J. Res. 915)	[2] 270,500,000	+270,500,000	
Gross subtotal, these 13 measures	77,510,618,521	+9,509,395,947	+2,343,414,032
Net adjustment [3]			−600,000,000
Net total, these 13 measures	77,510,618,521	+9,509,395,947	+1,743,414,032

[1] These amounts are the ones affected by the net adjustment of $600,000,000 detailed near the end of the table.

[2] Passed House.

[3] Net adjustment of $600,000,000 to the budget requests (that is, a combination of (1) an amount which should be excluded from fiscal year 1972 budget requests—$400,000,000 not included in the education appropriation bill but requested in the budget for purchase of student loan notes from colleges and universities, contingent upon legislative authority not yet enacted, and (2) an amount which should be included in fiscal year 1972 budget requests—$1,000,000,000 which was a proposed supplemental for special revenue sharing which was to make up for only one-half year funding requested in the budget for certain housing and urban development programs but for which Congress, revenue sharing not having been adopted, funded on a regular 12-month basis).

Mr. BOW. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I go along with this resolution to extend continuing appropriations for another 31 days, to November 15.

I wish I might have the optimism of my distinguished chairman. My crystal ball is very cloudy when he refers to the possibility of our adjourning by the 15th of November.

I thought, perhaps, we might have extended the continuing resolution for a few more days, but if this has the effect of bringing about an earlier adjournment, I certainly hope that we pass it. However, I have some serious doubts that we will not be back in here for one more or, perhaps, two more continuing resolutions, unless we decide to do what I suggested before on the floor, and I repeat it now: If we have further delay in the authorizations and it is necessary to pass our appropriation bills. I would hope we would be able to go up and get a rule waiving points of order so we could bring the appropriation bills in and complete the work of the House and go on 3-day recesses, or whatever is necessary in order to prove that the Committee on Appropriations has done its work. We have completed the hearings and are ready to move. All we need are the authorizations or a rule. It seems to me we can conclude the activities of the House and go on with other work but be here for conferences, if necessary. However, I would hope that the leadership on the other side of the aisle would give serious consideration to the possibility of passing these appropriation bills under a rule.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the continuing resolution, and that it may be permissible to insert pertinent tables and extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DELLENBACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 387, nays 12, not voting 32, as follows:

[Roll No. 290]

YEAS—387

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Arends
Aspin
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Colmer
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Dennis
Dent
Devine
Dickinson
Dingell
Donohue
Dorn
Dow
Dowdy
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Fish
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gude
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McClure
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan

Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
Obey
O'Hara
O'Neill
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Zablocki
Zion
Zwach

NAYS—12

Ashbrook
Clay
Collins, Tex.
Gross
Hall
O'Konski
Rarick
Roncalio
Rousselot
Schmitz
Smith, Iowa
Young, Fla.

NOT VOTING—32

Alexander
Anderson, Ill.
Annunzio
Archer
Ashley
Byrne, Pa.
Carey, N.Y.
Denholm
Derwinski
Diggs
Edwards, La.
Evins, Tenn.
Findley
Foley
Ford, William D.
Frelinghuysen
Fulton, Pa.
Giaimo
Grover
Gubser
Hagan
Ichord
Kee
Long, La.
McCloskey
Miller, Calif.
Nedzi
Passman
Rees
Stephens
Widnall
Young, Tex.

So the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Archer.

Mr. Denholm with Mr. Frelinghuysen.

Mr. Diggs with Mr. Derwinski.

Mr. Alexander with Mr. Fulton of Pennsylvania.

Mr. Evins of Tennessee with Mr. Grover.

Mr. Foley with Mr. Nelsen.

Mr. Giaimo with Mr. McCloskey.

Mr. Byrne of Pennsylvania with Mr. Widnall.

Mr. Miller of California with Mr. Passman.

Mr. Ashley with Mr. Findley.

Mr. Carey of New York with Mr. Anderson of Illinois.

Mr. Nedzi with Mr. Gubser.

Mr. William D. Ford with Mr. Rees.

Mr. Stephens with Mr. Kee.

Mr. Ichord with Mr. Hagan.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EQUAL RIGHTS FOR MEN AND WOMEN

Mr. EDWARDS of California. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 208) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

The SPEAKER. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 208) with Mr. BOLLING in the chair.

The clerk read the title of the joint resolution.

By unanimous consent, the first reading of the joint resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. EDWARDS) will be recognized for 2 hours, and the gentleman from California (Mr. WIGGINS) will be recognized for 2 hours.

The Chair recognizes the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. Mr. Chairman, it is with great pleasure that I yield 15 minutes to the gentlewoman from Michigan, the author of this legislation (Mrs. GRIFFITHS).

Mrs. GRIFFITHS. Mr. Chairman, before I begin discussing this joint resolution I would like to once again thank those 350 Members who last year voted for equal rights for men and women, and to announce now that I forgive the 15 people who did not, and to hope that they can be converted, and will see the light so that this year this bill will pass unanimously.

It is not necessary to point out to this body that both political parties have endorsed the equal rights amendment for more than the last 20 years in the exact form in which it has been introduced; and many of the Members have introduced this bill in the exact form in which it is before you today; therefore it seems to me that if the political process is to work properly that this bill should pass without any amendment whatsoever, and should go forward to the other body, where I trust it will pass, and back to the State legislatures.

This amendment has been sought by women for more than 100 years. Fifty years before women's suffrage there were those women who believed that the way to achieve rights for women was to have an equal rights bill. They finally settled upon suffrage, and then the equal rights bill.

I think it is of course essential to point out, even to lawyers, that the only two rights guaranteed to women today under the Constitution of the United States is the right to vote, and the right to hold public office. No woman seeking the protection of the 14th amendment has ever won a case before the Supreme Court, whether she was plaintiff or defendant.

I would also like to point out that one of the original objections to equal rights was that it would destroy the protective legislation that has been granted through the years by States to women, and another point that has always been made is that it would destroy the hours law.

The weight lifting laws never were realistic. There was not a single State in the Union, I believe, that ever had a weight lifting law that applied to a hospital or to a mercantile establishment. In any area where women really worked, the weight lifting law did not apply.

In the State of New York a weight lifting law applied only to women who worked in foundries, but it did not apply if they were really employees of the establishment.

The types of protective—so-called protective legislation that said that women could not work within a certain job—for instance, she could never be on the desk of a hotel at night, ignored the fact that right beside the male clerk there was a charwoman working and that down in the entertainment rooms there was a woman singing or playing the piano. So, in fact, protective legislation is a farce. It has been used to protect jobs for men. It, too, in most States as has already been decided was knocked out by title VII of the Civil Rights Act. So it is no longer really a point of contention.

But now I would like to come to two other matters—two other objections to this bill.

The distinguished gentleman from Michigan who wrote one of the opinions in the report pointed out that his real objection is that it denies Congress the power to legislate. I would like to say that I have the highest regard for that gentleman from Michigan—we went to the same law school—we started in the Michigan Legislature together—and I have the highest regard for his opinion. Yet, I must say in this one instance I think the gentleman is wrong.

The equal rights amendment does not deny Congress the right to legislate. It denies Congress the power to discriminate—as it denies it to all other legislative bodies. But it says to every legislative body—"Act now—equalize these laws—wipe out these old discriminations." This, in my judgment, is what we should be doing. This is what we are paid to do. This is what we know how to do. If we do not do it, I would like to show you what is going to happen.

Contrary to the view held by the beloved chairman of this committee, that this amendment would create chaos in the courts, permit me to point out to you that there are at least six States that have equalized their laws, of which Delaware was the first. They equalized those laws more than 6 years ago. There has never been a case brought before any court from the State of Delaware objecting to the laws.

Let me show you what is going to happen if we do not act. If we are not the ones that legislate—if we are not the ones that write out the discriminations—then you are going to have case after case after case brought in one district after another, in one State after another, and finally to the Supreme Court. Because we do not announce a national policy—because we do not do what we do best—we legislate.

So we are going to leave it to the Supreme Court of the United States to bring you their legislation piece by piece and bit by bit, and I would like to submit, Mr. Chairman, there are no worse legislators in this country than those sitting on the Supreme Court. The real place to legislate is with the people who know how.

In 1960 the case of Hoyt against the State of Florida was decided on jury duty for a woman. Since that time there have been four decisions on jury matters brought in various State courts and in various district courts on behalf of women, and each of those courts has carefully picked its way around Hoyt against Florida. They have, in fact, repudiated it, but as yet the Supreme Court has not spoken.

The best of all these decisions came out of the district of Alabama, in which the Court placed it squarely on the 14th amendment.

At the present time there are three cases before the Supreme Court on the right of an illegitimate father to the custody and control of his son or children. Case after case will come again. At least three districts have tried the case as to whether or not a school board can make an ordinance that prohibits a pregnant girl from attending school.

I have said, when we had before us the social security bill, that perhaps no person in all our midst faces a greater burden than a little 14-year-old pregnant girl. If there is any person that this Nation should move forward to assist it is that child.

This is one of the ways in which we are making obviously faulty judgments as legislators. Three cases have been tried in the United States on this question. Seven cases have been tried since Gossaert against Cleary, a case coming from Michigan, in which the State legislature prohibited women from tending bar. In every case that has been tried since 1960 I believe the court has said that it is an unfair discrimination, and in some instances they have specifically said that it denies to a woman the equal rights guaranteed by the 14th amendment.

The truth is that chaos is going to be created if we do not step up and assume our rightful positions and legislate. Many people are worrying now about busing. But this is legislation coming out of the court system. Why should we ask women to be subjected to this? Why should not this body pass this national policy amendment on equal rights for all women, and then let the courts determine whether or not we have made them equal, not to force every woman for the next five generations to go back to the courts to test again and again and again the validity of her cause at the great personal expense to make the laws equal?

Some of the Members have objected because they fear that women will be drafted under this bill. It is possible that women will be drafted, but I should like to point out that we had quite a little time passing a draft bill this time. It will take a few years before this bill becomes the law. It is entirely possible that by the time this bill becomes law we will not have a draft law, and that what this bill will really say is that men and women can volunteer on exactly the same basis—and they cannot do that now. So from that standpoint it is not too bad.

But second, I would like to say to the Members—and the Members themselves know it—if this country gets into any real trouble, women are going to be drafted whether we have this bill or some other bill. We cannot have 40 percent of the work force free from a draft, because if we do we have given that 40 percent of the population an enormous advantage over the other 60 percent.

In Tennyson's "Locksley Hall," he remarked that: woman is a man's chattel:

> Something better than his dog, a little dearer than his horse.

We have come a long way from that day, but the way to go now is to require that every legislature in this country equalize their laws—and that is all the Equal Rights Amendment would require. I beg the Members to fulfill the commitment of both our political parties, and in our time see to it that women are at last human, recognized under the Constitution. Pass this bill without any amendment whatsoever.

Mr. WIGGINS. Mr. Chairman, I yield the gentlewoman from Michigan an additional minute, so she may respond to some questions.

Mr. Chairman, the gentlewoman from Michigan has authored House Joint Resolution 208, and as such, I think it is important we have her views as to certain meanings of words used in the amendment. Particularly, I direct the gentlewoman's attention to the first word, "equality," and ask the gentlewoman to explain the meaning of that word.

Mrs. GRIFFITHS. Of course, "equality" is a cherished word in the history of the United States and cherished within the minds of the American people, but "equality," I would like to say to the gentleman, does not mean "identical."

Mr. WIGGINS. If that is the case would legislative bodies be permitted to make rational distinctions between persons on the basis of sex?

Mrs. GRIFFITHS. Not on sex. They would be permitted to make that type of distinction, but they would not require of a sex something that was not within the sex's capabilities. That is, a woman would probably never be considered guilty of rape, because the definition of rape is exclusive.

Mr. WIGGINS. Do I understand then that the gentlewoman's definition of "equality" would permit such distinctions between men and women as may be generally related to their physical differences?

Mrs. GRIFFITHS. In some instances it certainly would. One of the areas I think, perhaps, is in the criminal laws. We could not say that a woman committed a rape by the very definition of the word.

I cannot think of other things off hand. Does the gentleman have something specifically in mind?

Mr. WIGGINS. No. I thank the gentlewoman for her response.

The CHAIRMAN. Does the gentleman from California (Mr. WIGGINS) desire to yield time?

Mr. WIGGINS. Yes, Mr. Chairman. I yield myself 15 minutes.

Mr. WIGGINS. I support House Joint Resolution 208 as amended and look forward to the debate on this important constitutional amendment.

As I reflect upon the many months which this matter has been before me, I feel a sense of regret with respect to two matters only:

First, it has been difficult for me to convince many of the Members that this matter of equal rights for men and women must be taken seriously.

I regret this very much. For nothing is more serious than our constitutional function in recommending to the States amendment to our basic charter. We must give careful, even meticulous, attention to our task. The questions we raise must be answered and when we conclude our deliberations we must be certain that the effect of our labors is known and that the effect is desirable.

Second, I regret that some feel that our opposition to the original language is opposition to the principle of equality. Nothing could be further from the truth. We all agree on objectives—freedom from irrational discrimination on the basis of sex—but we differ on the means for achieving it.

The Judiciary Committee is the lawyer for the House. The Members have every right to expect the Judiciary Committee to approach its task as lawyers. The committee bill reflects our considered judgment on the legal issues involved in amending our Constitution to implement a national policy of freedom from invidious discrimination on the basis of sex.

These same legal questions may not be as persuasive to all Members, but as we begin this debate, let me suggest an orderly development of the issues along the following lines:

First. Are there differences between the legal rights and responsibilities of men and women which are unjustified?

I suspect that much of the floor debate will be devoted to this threshold issue. To belabor it is unnecessary. The Judiciary Committee agrees that invidious discrimination between the rights of men and women exists and that we should put an end to it.

Second. Is a constitutional amendment legally necessary or appropriate for other compelling but nonlegal reasons to accomplish our objective?

Clearly, the amendment is not legally necessary. I can state categorically that the power exists under various constitutional provisions to end discrimination on the basis of sex in America wherever it may be found. That existing power is far broader than the limited thrust of the constitutional amendment before us.

Some may oppose the amendment as unnecessary for this reason. But the Judiciary Committee was persuaded that there exists an emotional need based upon a moral imperative that our Constitution contain a statement of sexual equality.

The committee bill is responsive to this moral imperative.

Third. What is the meaning of the language used in the proposed constitutional amendment?

The key word is "equality." I urge every speaker to explain his or her understanding of the meaning of this word.

The inevitable meaning as used in the original proposal was unacceptable to the Judiciary Committee and prompted limiting amendments. Those who opposed the committee amendments should understand the consequences of their opposition and speak directly to that issue.

Mr. Chairman, I revise and extend my remarks for the purpose of developing the history of the equal rights amendment before the Congress and the current status of the case law interpreting the 14th amendment and the Civil Rights Act as it bears upon this issue.

The document follows:

MEMORANDUM

I. A BRIEF HISTORY

In 1923 the first Equal Rights Amendment was introduced in Congress by Senator Charles Curtis and Representative Daniel Anthony, both Republicans from Kansas. Similar resolutions have been introduced in every Congress since then. During the years 1924 and 1938, the Senate Judiciary Subcommittee favorably reported the proposal to the full committee three different times. Up until this time, the proposed amendment had read:

"Men and Women shall have equal rights throughout the United States and every place subject to its jurisdiction. Congress shall have the power to enforce this article by appropriate legislation."

In May, 1943,[1] the amendment was reported to the Senate with amendments. The Senate Judiciary subcommittee altered the language to read:

"Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. The Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation."

The current wording of Mrs. Griffiths' amendment, H.J. Res. 208, which was favorably reported, unamended on voice vote, by Subcommittee No. 4 of the House Judiciary Committee to its full committee on April 29, 1971, is essentially the same used since the Amendment was rewritten in the Senate Judiciary Subcommittee in 1943, with one exception, that is, H.J. Res. 208 provides that *Congress* shall have the power to enforce this article by appropriate legislation and makes no mention of States having concurrent enforcement power.

In 1946, the Senate considered the Amendment and defeated it by a vote of 35 to 23.[2] The Senate has approved the Equal Rights Amendment on two occassions, in 1950,[3] by a vote of 63 to 19, and in 1953,[4] by a vote of 73 to 11. On both of these occasions the so-called "Hayden Rider" was adopted on the floor of the Senate and made part of the Equal Rights Amendment.

In 1945, after public hearings, the House Judiciary Committee favorably reported the amendment to the House for the first time, but no other action was taken.[5] The Judiciary Committee again held public hearings in 1948, but no further action followed.[6]

On August 10, 1970, Mrs. Griffiths, on the floor of the House, moved to discharge the Committee on the Judiciary from the further consideration of her resolution, H.J. Res. 264, Equal Rights for Women amendment. On a roll call vote, the motion was agreed to, 332 to 22. Mrs. Griffiths then moved that the House proceed to the immediate consideration of H.J. Res. 264. After one hour of controlled debate, it passed the House 350 to 15.[7]

In 1950, the only other substantial change in the Amendment's language appeared in the so-called "Hayden Rider" which was made part of the Equal Rights Amendment when it passed the Senate in 1950 and 1953. This Amendment bears the name of its author, Senator Carl Hayden of Arizona. His amendment reads as follows:

"The provisions of this article shall not be construed to impair any rights, benefits, or exemptions now or hereafter conferred by law upon persons of the female sex."

The purpose of this amendment is to invalidate laws that discriminate against women without nullifying existing laws reasonably designed to protect and benefit women.

II. PRESENT STATE OF THE CASE LAW

One of the most persuasive arguments put forth by the opponents of the Amendment is that it is unnecessary because women are presently covered by the equal protection clause of the 14th Amendment and therefore Congress presently has authority under Section 5 of the 14th Amendment to legislate in areas that discriminate against women. Further, they contend that the Congressional authority under the commerce clause, as the civil rights legislation indicates, is adequate to deal with discriminations, whether private or governmental, based on sex as on race. This position is countered by the proponents of the Amendment by agreeing that the 14th Amendment may encompass women, but the United States Supreme Court has not yet so held and the Court has in earlier cases held that classification based on sex is valid.

The purpose of this memorandum is to properly assess the above contentions in light of those court decisions which have addressed the issue on a constitutional basis. This memorandum does not undertake to explore, except in passing, those federal cases concerning the interpretation of the Civil Rights Act of 1964 and the Equal Pay Act of 1963 [8] nor does it undertake to discuss the possible legal effects of the proposed Equal Rights Amendment in the area of domestic relations.[9]

It is agreed that Congress has authority to legislate with regard to sex discrimination without such a constitutional amendment.[10] The issue to be discussed in this brief is whether the U.S. Supreme Court is likely to hold that *sex alone* is not a valid basis for classification under the equal protection clause and that this 14th Amendment guarantee demands that individuals be treated on the basis of their qualifications.

As far as the U.S. Supreme Court is concerned, it all began in the year 1872 when it handed down *Bradwell* v. *State*,[11] wherein the Court upheld the Illinois Supreme Court's barring of women from the practice of law because of their sex. The constitutional question in this case was whether or not the right to practice law was one of the privileges or immunities guaranteed by the 14th Amendment. The Court held that the right to practice law in State courts was not a privilege or immunity of a citizen of the United States within the meaning of the 14th Amendment and that the power of a State to prescribe the qualifications of its own courts is unaffected by the 14th Amendment. It would be most difficult, if not impossible, to find any court in the United States that would cite this case as authority for denying women the right to practice law. With reference to this and similar cases, Professor Freund stated that they "are museum pieces and should not figure in any present discussion of equal rights." [12] It is important to note, however, that the *Bradwell* case was not decided on the equal protection clause, but rather on the privilege or immunity provisions of the 14th Amendment.

In 1905, the U.S. Supreme Court was asked to determine the constitutionality of a New York statute which provided that no employee be required or permitted to work in bakeries for more than 60 hours a week, or ten hours a day.[13] The Court held that the New York statute violated the right of a person to contract and that such a right is part of the liberty of the individual protected by the 14th Amendment. More specifically, the Court said:

"There is no reasonable ground for interfering with the liberty of a person or the right of free contract, by determining the hours of labor, in the occupation of a baker . . . Viewed in the light of a purely labor law, with no reference whatever to the questions of health, we think that a law like the one before us involves neither the safety, and morals, nor the welfare of the public, and that the interest of the public is not in the slightest degree affected by such an act."

It seems clear in this case that the issue was whether the State of New York, under the guise of its police power, had good reason to regulate the number of hours that a person could labor in a bakery based on the general health, safety, and welfare of the public and the Supreme Court could not find such a basis with regard to a bakery. This is not to say that the State was without authority to regulate the number of hours a man could labor, on the contrary, it merely stated that the State had no reasonable grounds to regulate the number of hours a man could work in a bakery. In an earlier opinion, the Supreme Court upheld a Utah [14] statute which limited the number of hours of employment of working men in all underground mines to not more than eight hours a day and in a decision that followed *Lochner*, the Court upheld an Oregon statute which limited to ten hours a day the time a "person" could labor in any mill, factory, or manufacturing establishment.[15] In the latter case, the Court without mentioning its earlier decision in Lochner, concluded that the Oregon legislature acted reasonably and that regulation of hours is a basis for classification and is not in violation of the 14th Amendment.

Classifications based on sex presented itself in 1908 in *Muller* v. *Oregon* [16], where a less restrained U.S. Supreme Court in upholding an Oregon statute, which provided that no female shall be employed in any mechanical establishment, or factory, or laundry for more than ten hours a day, held that the physical well-being of women is an object of public interest and the regulation of her hours of labor falls within the police power of the State, and a statute directed exclusively to such regulation does not conflict with the due process or equal protection clauses of the 14th Amendment. In a brief opinion, the Court, per Justice Brewer, discussed a woman's maternal role in society:

"That woman's physical structure and the performance of maternal functions place her at a disadvantage in the struggle for subsistence is obvious. . . .

"Still again, history discloses the fact that woman has always been dependent upon man. He established his control at the outset by superior physical strength, and his control in various forms, with diminishing intensity, has continued to the present. . . . Education was long denied her, and while now the doors of the schoolroom are opened and her opportunities for acquiring knowledge are great, yet even with that and the consequent increase of capacity for business affairs, it is still true that in the struggle for subsistence she is not an equal competitor with her brother."

This language has, today, offended many people and is rejected by almost all people, proponents as well as opponents of the Equal Rights Amendment. To say that *Muller* stands for the proposition that women are not to be considered "persons" guaranteed equal protection of the law is a misstatement of its holding. To say that it is authority for the proposition that a State may regulate via its police power the working hours for women, but not for men is too a misstate-

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Footnotes at end of article.

ment. The Supreme Court has upheld State statutes before and after the *Muller* decision that regulated the working hours of men. All that can be gotten from *Muller* is that the Court, sixty-three years ago, decided that the State, under its police power, could regulate the working hours of women for her protection as a class, based on conditions as they existed at that time and the importance of maintaining the health, safety, and well-being of this similarly situated group of people.

With regard to the types of employment a woman may not engage in, the case most often cited by the proponents of the Equal Rights Amendment is *Goesaert* v. *Clency*.[17] The U.S. Supreme Court upheld a Michigan statute forbidding a female to act as a bartender, unless she be the wife or daughter of the male owner of the establishment. The question was whether the Equal Protection Clause of the 14th Amendment barred Michigan from making the classification between wives and daughters of owners of liquor places and wives and daughters of nonowners. The Court, per Justice Frankfurter, stated that the—

"Constitution in enjoining the equal protection of the laws upon States precludes irrational discrimination as between persons or groups of persons in the incidence of a law. But the Constitution does not require situations 'which are different in fact or opinion to be treated in law as though they were the same.' "

The Court found that the Michigan Legislature acted with reason and that the Court was not in a position to gainsay such legislative judgment.

The Court in *Goesaert* did not address itself to the question of sex discrimination inherent in the Michigan statute, to the contrary, it specifically rejected that question by stating: "Since the line they (Michigan legislators) have drawn is not without a basis in reason, we cannot give ear to the suggestions that the real impulse behind this legislation was an unchivalrous desire of male bartenders to try to monopolize the calling."

The questions of the number of hours a female can labor in *Muller* and the type of employment prohibited in *Goesaert* are legally no longer relevant because such sex classification would not be permitted under the 1964 Civil Rights Act[18] which requires that persons of like qualifications be given employment opportunities irrespective of their sex. The U.S. Supreme Court has not yet decided the issue of whether the word "persons" contained in the 14th Amendment is equally inclusive of women. However, the lower Federal courts have ruled that women are entitled to the guarantees of the 14th Amendment on a parity with men.

In *Hoyt* v. *Florida*,[19] the U.S. Supreme Court found that the Florida statute providing that no women be taken for jury service unless she volunteered for it was constitutional. There was no evidence, said the Court, that Florida has arbitrarily undertaken to exclude women from jury service. In *White* v. *Crook*,[20] a three-judge Federal court held that an Alabama statute denying women the right to serve on juries violated the Equal Protection clause of the 14th Amendment. The lower court stated that the effect of the Equal Protection clause is to prohibit "prejudicial disparities" before the law. "This means prejudicial disparities for all citizens—including women." The Court distinguished *Hoyt* as being concerned with systems of jury selection under which service by women was voluntary. The *White* decision was never appealed to the higher court.

In *Abbot* v. *Mines*[21] the Court of Appeals for the 6th Circuit reversed a lower court because the judge dismissed women jurors from the panel because the case required testimony concerning cancer of male genitals. The Court stated:

"If any of the women who had been called as jurors in this case had asked to be excused on the ground that the trial would in fact be distasteful to them, the District Judge could have properly excused them. But the Judge did not make such an inquiry. It is common knowledge that society no longer cradles women from the very real and sometimes brutal facts of life. Women, moreover, do not seek such oblivion. They not only have the right to vote, but also the right to serve on juries."

In *Seidenberg* v. *McSorely's Old Ale House, Inc.*,[22] the Court struck down on constitutional grounds a tavern's 114 year-old practice of serving only male patrons. In the first of two opinions, the Court overruled the defendant's motion to dismiss, holding that an action seeking an injunction against such practice was authorized under Title 42, Sec. 1938 U.S.C.A.,[23] and that the granting of liquor licenses by the State was sufficient to establish the necessary "State action" to invoke the 14th Amendment prohibition against unreasonable discrimination. The Court stated that:

". . . oft-quoted principles that 'sex is a valid basis for classification' or that the State may draw 'a sharp line betwen the sexes' should not be applied mechanically without regard to the reasonableness of the relationship between the purposes of the discrimination and the sex-based classification. . . . Nor should it be overlooked that the Supreme Court has been particularly sensitive to the basic civil rights of man, not hesitating to strike down an invidious classification which, as in the instant suit, had both history and tradition on its side."

In its second opinion,[24] the Court granted plaintiff's motion for summary judgment. In recognizing that the public accommodations sections of the 1964 Civil Rights Act did not include discrimination based on sex, the Court nonetheless found that discrimination by sex was wholly unwarranted in this area and further was prohibited without any statute by the Equal Protection clause. By way of response to the Supreme Court's holding in *Goesaert*, the Court simply noted that:

"Social mores have not stood still since that argument was used in 1948 to convince a 6–3 majority of the Supreme Court that women might rationally be prohibited from working as bartenders unless they were wives or daughters of male owners of the premises . . . without suggesting that chivalry is dead, we no longer hold to Shakespeare's immortal phrase, 'Frailty, thy name is woman'. Outdated images of bars as dens of coarseness and iniquity and of women as peculiarly delicate and impressionable creatures in need of protection from the rough and tumble of unvarnished humanity will no longer justify sexual separatism."

In *Kirsten* v. *University of Virginia*,[25] the Court held that the exclusion of prospective female students from the University's Charlottesville campus violated their rights to equal protection of the law.

"We hold, and this is all we hold, that on the facts of this case these particular plaintiffs have been, until the entry of the order of the district judge, denied their constitutional right to an education equal with that offered men at Charlottesville and that such discrimination on the basis of sex violates the Equal Protection clause of the 14th Amendment."

The Court then approved U. Va.'s three year plan for phasing into a totally nondiscriminatory admissions policy. This case was not appealed.

In *U.S. ex rel Robinson* v. *York*,[26] and *Commonwealth* v. *Daniel*,[27] the Courts invalidated statutes which provided more severe penalties for women than for men convicted of certain offenses. In the latter case, the Court held that the sole reason for this sentencing differential created by the State statute was because the defendant is a woman and as a result of her rights under the Equal Protection clause of the Federal Constitution have been violated. The Court stated that the Equal Protection clause of the 14th Amendment forbids a State to:

"Deny to any person within its jurisdiction the equal protection of the laws. Women are undoubtedly entitled to this protection of equality of treatment."

From a reading of the cases two things emerge, (1) there is still some division on the lower Federal court level as to whether women are to be treated on a parity with men before incidence of equal protection of the law; and (2) the weight of authority in the lower court holdings clearly indicate that sex alone is not a valid classification under the Equal Protection clause.

Current opinions on the subject of the 14th Amendment's application is that given modern social and economic conditions, and the expression of congressional intent, the U.S. Supreme Court, when given the proper opportunity, will hold that classifications based on sex alone are irrational or arbitrary and in direct contravention of equal protection. This is especially probable in light of the Court's expansion, in recent years, of the protections guaranteed by the 14th Amendment. The Court has invalidated legislative classifications based on such factors as poverty,[28] illegitimacy,[29] and duration of residence.[30]

The Supreme Court has granted certiorari in three cases which will be argued and most likely decided during its next term. One such case is *Reed* v. *Reed*,[31] where the Idaho Supreme Court upheld a statute providing that as between persons equally qualified to administer an estate, males must be preferred to females. The State Supreme Court held that this was not an "irrational and arbitrary classification" that would violate the 14th Amendment. This case seems to best present the issue of whether sex alone is a valid basis for classification under the Equal Protection clause. In *re Stanley*,[32] the Illinois Supreme Court upheld a provision of the Juvenile Court Act which regards unwed mothers of illegitimate children as parents, but does not so consider unwed fathers, hence custody of fathers is not protected. The Illinois high court held that this was not a denial of equal protection as the distinction between the class of mothers and the class of fathers "is rationally related to the purposes of the Juvenile Court Act." And in *State* v. *Alexander*,[33] the Louisiana Supreme Court held that absence of women on general venire lists for grand jury duty is not cause for quashing an indictment.

FOOTNOTES

[1] See S.J. Res. 25, S. Rept. No. 267, 78th Cong., 1st Sess. (1943).

[2] S.J. Res. 61, S. Rept. No. 1013, 79th Cong., 2nd Sess.; 52 Cong. Rec. p. 9405 (1946).

[3] 96 Cong. Rec. p. 872 (1950).

[4] 99 Cong. Rec. p. 8974 (1953).

[5] H.J. Res. 49, H. Rept. 907, 79th Cong., 1st. Sess., before Subcommittee No. 1 of the Committee on the Judiciary, Serial #6 (1945).

[6] Before Subcommittee No. 2 of the Committee on the Judiciary, 80th Cong., 2nd Sess., Serial #16 (1948).

[7] 116 Cong. Rec., p. H7984 (daily ed. Aug. 10, 1970).

[8] See Donaho, "The Proposed 'Equal Rights' Amendment in Relation to Labor Opportunities", *Library of Congress*, AP 161, July 7, 1970. Miller, "Sex Discrimination and Title VII of the Civil Rights Act of 1964," 51 *Minn. L. Rev.* 877, 894 (1967); Kanowitz, "Sex-Based Discrimination in American Law, III," 20 *Hastings L. J.* 305, 320, 341 (1968); Notes 1968, *Duke L. J.* 671, 705; 42 *So. Cal. L. Rev.* 183, 200 (1969).

[9] See Donaho, "The Possible Legal Effects of the Proposed 'Equal Rights' Amendment in the Area of Domestic Relations", *Library of Congress*, AP 160, June 5, 1970.

[10] See "Hearings Before Subcommittee No. 4, Committee on the Judiciary, House of Rep-

resentatives", 92nd Cong., 1st Sess., Serial No. 92.

[11] 83 U.S. 130 (1872).

[12] "The Equal Rights Amendment is not the Way," 6 *Harv. Civ. Rights—Civ. Lib. L. Rev.* 234, 237 (1971).

[13] *Lochner* v. *New York*, 198 U.S. 45 (1905).

[14] *Holden* v. *Hardy*, 169 U.S. 366 (1897).

[15] *Bundting* v. *Oregon*, 243 U.S. 426 (1916).

[16] 208 U.S. 412 (1908).

[17] 335 U.S. 464 (1948). In *Paterson Tavern and Grill Assn., Inc.* v. *Borough of Hawthorne*, 270 A2d 628, 39 L.W. 2296 (1970), the N.J. Supreme Court held that a municipal ordinance which, with the exception of female licensees tending their own bars and wives of male licensees, prohibited licensed taverns from employing female bartenders did not constitute necessary and reasonable exercise of its police power and was thus invalid.

[18] Sec. 703 of the Act, 42 USC Ser. 2000 c–2. In the regulations of the Equal Employment Opportunity Commission issued pursuant to Title VII of the Civil Rights Act of 1964, "Guidelines on Discrimination Because of Sex", the Commission ruled that State laws such as those which forbid or limit the occupation of females as a class in certain occupations or in excess of prescribed hours, etc., are in conflict with the Act because they "do not take into account the capacities, preferences, and abilities of individual females and tend to discriminate rather than protect." (29 C.F.R. 1604, f(b) (f).

[19] 368 U.S. 57 (1961).

[20] 251 F. Supp. 401 (1966).

[21] 411 F. 2d 353 (1969).

[22] 308 F. Supp. 1253 (1969).

[23] This section provides, in part, that any person who, under color of any State statute or regulation, subjects any citizen of the United States to the deprivation of rights secured by the Constitution and laws shall be liable to the injured party. Title 28, U.S.C. Ser. 1343(3) (4) establish original jurisdiction in the district courts to entertain civil action to redress such deprivations against the equal rights of citizens secured either by the Constitution or by any Act of Congress.

[24] 317 F. Supp. 593 (1970).

[25] 309 F. Supp. 184 (1970).

[26] 281 F. Supp. 8 (1968).

[27] 430 Pa. 642, 243 A. 2d 400 (1948).

[28] *Harper* v. *Virginia Bd. of Elections*, 383 U.S. 663 (1969).

[29] *Levy* v. *Louisiana*, 391 U.S. 68 (1968).

[30] *Shapiro* v. *Thompson*, 394 U.S. 618 (1969).

[31] 465 P. 2d 635 Idaho 1970, cert. granted March 2, 1971.

[32] 256 N.E. 2d 814 (Ill. 1970, cert. granted Jan. 26, 1971).

[33] 233 So. 2d 891 (La. 1970, cert. granted Feb. 2, 1971).

Mr. Chairman, I rise in support of House Joint Resolution 208, as amended by the Judiciary Committee.

This resolution proposes an amendment to our Federal Constitution. Two-thirds vote is necessary for final passage. Your Judiciary Committee, after extensive hearings and careful consideration, has concluded that there are serious injustices directed toward women in our society and that a constitutional amendment is necessary to right these injustices.

This constitutional amendment has been before the Congress in one form or another since 1923. The Congress has not let it languish. These proposals have been reported to the other body on 10 different occasions and to this House twice since 1938. In 1946, the Senate considered the amendment and defeated it. In 1950 and 1953, the other body approved the resolution. However, on both of these occasions, the resolution was amended on the floor of the other body to include the so-called Hayden rider.

Last year, the House discharged its Judiciary Committee from consideration of a resolution dealing with equal rights for men and women. It then passed that resolution and referred it to the other body where it eventually died. Mr. Chairman, that particular resolution received very little deliberation from this House, although it was the Constitution we were amending. I simply could not go about that task without serious thought and consideration. There were too many questions affecting millions of people—men, women and children—that were not thoroughly thought out, let alone answered. To discharge a committee from consideration of a constitutional amendment, and to then pass it after 1 hour of controlled debate, was to forgo our legislative responsibilities; and for these reasons I voted against final passage of that resolution when it was before the House a year ago. This year, however, your committee has spent many days reviewing, researching, and revamping House Joint Resolution 208, and brings before you a proposal to amend our U.S. Constitution in a manner meaningful to all—men, women, and children.

I am sure that you are aware that during the subcommittee's consideration of this matter, we had some disagreements. Those members of Subcommittee No. 4 of the Committee on the Judiciary, who heard the public testimony on the equal rights amendment were closely divided on the legal impact of House Joint Resolution 208 as it was introduced. The subcommittee, after nearly 6 full days of public hearings was still unable to place in focus the legal implication of such a broad sweeping constitutional amendment. In executive session, the subcommittee and the full committee discussed at great length the possible social and legal ramifications of amending the Constitution in the manner provided for in House Joint Resolution 208, as introduced, and in the end, still had no consensus as to the possible answers to some very basic and fundamental questions. The subcommittee had many serious questions which remained unanswered until the full committee amended House Joint Resolution 208.

House Joint Resolution 208, as introduced, reads in pertinent part that—

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

During the course of the committee's extensive deliberations on this proposal, thorough consideration was given to the record of the public hearings conducted by the subcommittee in March and April of this year, as well as to the lengthy legislative history of similar proposals in past years. That consideration has led us to the conclusion that, in the form in which it was introduced, House Joint Resolution 208 would create a subtantial amount of confusion for our State legislatures and for our courts. To a large extent this confusion eminates from the fact that there is widespread disagreement among the proponents of the original text of House Joint Resolution 208 concerning its social and legal ramifications. These disagreements are so great as to create a substantial danger of judicial and legislative chaos, if the original text is enacted.

Although some of the proponents of the original language argue that the original text would permit both the Congress and State legislatures to make reasonable classifications into which sex is taken into account, other proponents argue strenuously that the use of the word "equality" in the original text is intended to assure that men and women are given identical legal treatment. As introduced, House Joint Resolution 208 has but one rational meaning for the word "equality," that is, identical treatment of the sexes in all cases. Professor Freund of Harvard law school clearly made this point. He stated:

> Presumably the amendment would set up a constitutional yardstick of absolute equality between men and women in all legal relationships. A more flexible view, permitting reasonable differentation, can hardly be regarded as the object of the proposal, since the fourteenth amendment has long provided that no State shall deny to any person the equal protection of the laws, and that amendment permits reasonable classification while prohibiting arbitrary legal discrimination. If it were intended to give the courts the authority to pass upon the propriety of distinctions, benefits, and duties as between men and women, no new guidance is given to the courts, and this entire subject, one of unusual complexity, would be left to the unpredictable judgments of courts in the form of constitutional decisions.

As amended by the Judiciary Committee, guidance is given to our State legislatures and our courts. House Joint Resolution 208, as amended, creates a standard of absolute equality except as modified by section 2; that is, absolute equality except in those cases in which the public health and safety calls for a legislative and judicial recognition of the differences that do, in fact, exist between the sexes. Should the word "equality" impose a single standard of sameness on the positions of the sexes in all their multifarious roles regulated by law, or should the word "equality" permit State legislatures and the Congress to enact laws that recognize reasonable differences in the sexes? The single standard of sameness would demand that any law, regardless of how reasonable, which differentiates between the sexes, be automatically stricken as unconstitutional. This construction would compel the courts to interpret the new amendment as a mandate to sweep away all statutory sex distinctions.

The Judiciary Committee felt that this standard would be undesirably rigid because it would leave no room to retain statutes which may reasonably reflect differences between the sexes. It is the committee's belief that the word "equality" should permit differences which are justified by good and compelling reasons, and that any difference having a partial basis in sex should be suspect, but not automatically invalidated. In such a case the State and Federal Government would have the up-hill burden of proving the compelling need for its enactment. It is this interpretation which the committee believes is both meaningful and effective in solving the injustices directed toward women. And to assure this result, the committee recommends that House Joint Resolution 208 be amended in two respects.

The first committee amendment corrects an error of omission. The original text contains no reference to people. In most all other provisions of the U.S. Constitution reference is made to people, persons, or citizens. In the interest of sound draftsmanship and clarity, the committee added the words: "of any person" which includes both citizens and noncitizens, but not things or animals.

The second committee amendment is the one which most of you have been hearing about and it reads as follows:

> This article shall not impair the validity of any law of the United States which exempts a person from compulsory military service or any other law of the United States or of any State which reasonably promotes the health and safety of the people.

This recommendation of the committee does two things. One, it makes it clear that Congress may continue to exempt women from compulsory military service; and two, neither Congress nor State legislatures would be paralyzed from taking differences between the sexes into account when necessary and reasonable to promote, in fact, the health and safety of the people.

Most everyone agreed that if House Joint Resolution 208 were left unamended, the Congress would not be permitted to draft men unless women were also drafted on an equal basis, with integrated facilities. Also, in a time of national emergency, when young fathers would be subject to the draft, Congress could not discriminate in whether to draft the father or the mother. Under the amendment recommended by the committee it is clear that Congress may continue to draft men and not be forced into drafting women, including young mothers. Women during periods of peace and during times of war have served this Nation with great distinction and have given invaluable service both at home and on the battle fronts. No one doubts this fact.

The committee amendment would also retain for Congress its authority to make rules for the Government and the regulation of our military forces. That is, the amendment the Judiciary Committee recommends is not limited to compulsory military service, but also extends to voluntary military service. The committee amendment reads in part that this new constitutional amendment "shall not impair the validity of any law of the United States—which reasonably promotes the health and safety of the people." This would permit military regulations which pertain to volunteers to differentiate between men and women and provide for separate facilities and training programs. Women or men could not, for example, demand that they be sent into combat as a matter of right under the new constitutional amendment once they have volunteered for service. They may request, as may enlisted men today, combat duty and it may or may not be granted.

A person who volunteers for service in our military forces does so knowing full well of the military rules and regulations that are necessary for the maintenance of a stable, effective and well-disciplined military, and could not, as a matter of right, effectuate his personal preference during the time for which he or she has agreed to the military service of this country. Anything less would create disorganization culminating in confusion and absolute chaos.

In recommending this amendment, the Judiciary Committee was very much aware of the fact that in previous Congresses efforts have been made to attach to various equal rights proposals the so-called Hayden rider. When the equal rights amendment passed the other body in 1950 and 1953, Senator Carl Hayden of Arizona offered the amendment on the floor and it was adopted. His amendment reads that—

> The provisions of this article shall not be construed to impair any rights, benefits, or exemptions now or hereafter conferred by law upon persons of the female sex.

When this amendment was adopted by the other body, it received mixed reactions by both its proponents and opponents. Both sides claimed a victory, opponents of the measure expressing themselves as "much gratified" that special labor and other legislation had been safeguarded by the amendment offered by Mr. Hayden. In 1950, during floor debate on this amendment it was pointed out that its sole purpose: "is to protect women against the loss or impairment of rights, privileges, or benefits which they now enjoy under the law.

Mr. Chairman, let me make it clear that that is not the purpose of the amendment which the Judiciary Committee recommends to this House today. Women do not want this special treatment, nor does the Committee intend that it be given. It is common knowledge, Mr. Chairman, that our society no longer coddles women from the very real and sometimes brutal facts of life. Furthermore, women do not seek such oblivion. I cannot overemphasize that our committee amendment differs significantly from the so-called Hayden rider. Our amendment does not automatically embrace all laws that reflect a difference between the sexes as would the Hayden rider, nor would it automatically strike down these laws. To the contrary, it would embrace only those laws, be they domestic, labor or criminal, that in fact "reasonably promote the health and safety of the people" and strike down those laws that arbitrarily and unreasonably set women apart from men. The committee amendment is not a grant of authority to Congress or to the States. That part of the amendment which refers to the "health and safety of the people" is as broad in scope as the existing police power of the States in the area of public health and safety, but it does not grant such a power to the Federal Government.

In *Seidenberg* v. *McSorely's Old Ale House, Inc.* (308 F. Supp. 1253, 1969), a Federal court struck down, on constitutional grounds, a tavern's 114-year-old practice of serving only male patrons as violative of the equal protection clause of the 14th amendment. The court noted that—

> Social mores have not stood still since that argument was used in 1948 to convince a 6–3 majority of the Supreme Court that women might rationally be prohibited from working as bartenders unless they were wives or daughters of male owners of the premises. . . . Without suggesting that chivalry is dead we no longer hold to Shakespeare's immortal phrase 'Frailty, thy name is women'. Outdated images of bars as dens of coarseness and inequity, and women as peculiarly delicate and impressionable creatures in need of protection from the rough and tumble of unvarnished humanity will no longer justify sexual separation.

Mr. Chairman, the equal protection clause of the 14th amendment is presently being used by our lower Federal courts to invalidate arbitrary and invidious discrimination directed toward women. These discriminatory features of our legal system could be eliminated, in my opinion, without amending our Constitution if the U.S. Supreme Court were eventually to accept these lower court rulings that accord women the full benefits of the equal protection clause of the 14th amendment. However, to date the case law in this area has not been thoroughly developed. Yet it is important that we make clear that House Joint Resolution 208, as reported to this House, is very similar in meaning to the equal protection clause of the 14th amendment, except that under House Joint Resolution 208 as reported, sex alone would not be a valid basis for classification. Under the proposed constitutional amendment, as amended by the Judiciary Committee, the courts, both State and Federal, would be directed to eliminate all unfair and irrational sex distinctions. Just as statutes classifying by race are subject to a very strict standard of equal protection scrutiny under the 14th amendment, so too any State or Federal statute classifying by sex would likewise be subject to a strict standard of scrutiny under the proposed new constitutional amendment. Under such a strict standard a heavy burden would be placed on the State or Federal Government to show that any legal distinction between the sexes was compelled by some fundamental interest of the State or Federal Government in the health and safety of the people. However, while being strict, the court could also be flexible and apply rules of reason in those cases in which an overriding State or Federal interest relating to the draft or to health and safety calls for judicial recognition of the differences that do, in fact, exist between the sexes.

Mr. Chairman, many of our colleagues have received correspondence stating that the Judiciary Committee has encumbered House Joint Resolution 208 by "crippling amendments" and these same people will, no doubt, support an attempt to reject the work product of the Judiciary Committee and return to House Joint Resolution 208 as it was introduced. It may assist your understanding of this emotional issue to know who opposes the equal rights amendment in its original form. Because of its vagueness, its ambiguities, and its adverse impact upon the working women of America, persons commonly regarded as America's most distinguished and learned constitutional scholars. Profs. Paul A. Freund of the Harvard School of Law and Philip B. Kurland of the University of Chicago, both found the original language unnecessary and unwise. Professor Freund put it this way:

> Lawyers, in particular, have an obligation to ask these questions and to weigh the answers that are given. For if the amendment is not only a needless misdirection of effort in the quest for justice, but one which would provide anomalies, confusion, and injustices, no symbolic value could justify its adoption.

Mr. Chairman, because of the adverse impact which the amendment would have upon the working women of this country, many leaders of our labor unions testified against the amendment in the form it was introduced. For example:

Mr. Andrew J. Biemiller announced the opposition of the AFL–CIO to the equal rights amendment, declaring it "a blunderbuss approach" which can only result in throwing all protective labor laws applicable to women out of the window.

Miss Ruth Miller, speaking for the 390,000 members of the Amalgamated Clothing Workers of America, 75 percent of whom are women, opposes the equal rights amendment "because it would in one fell swoop wipe out those remaining protective labor standards—standards which were designed to shield women from excessive exploitation to which they were and still are subjected." My colleagues from California may remember Miss Miller as chairman of the California Advisory Commission on the Status of Women, appointed by Governor Brown. She makes the compelling point that the enactment of the equal rights amendment, as originally proposed, will immediately cost low-paid women working in agriculture in California between 5 cents and 35 cents per hour.

Mrs. Leon Keyserling, on behalf of the 12 million members of the National Council of Catholic Women and the National Consumers League, opposes the equal rights amendment because—

> It would deprive many women of rights, opportunities and benefits . . . would create confusion . . . and would do the majority of women more harm than good.

It will be recalled that Mrs. Keyserling, a distinguished economist in her own right, served as Director of the Women's Bureau for the Department of Labor in an earlier administration.

Mrs. Myra K. Wolfgang, international vice president of the Hotel and Restaurant Employees Union, AFL–CIO, strongly opposes the equal rights amendment on behalf of the thousands of female members of that union. She testified:

> All the equal rights amendment will do . . . is to make the role of the working women harder by removing the legislation that protects her . . . and sending her home to her second job exhausted. Our goal should be to humanize working conditions for all, not to dehumanize them for women in the name of equality.

The International Union of Electrical Workers, AFL–CIO, supports the concept of equal rights for women, but opposes the equal rights amendment as originally proposed. In this, the union echoes the sentiments of other organizations, such as the National Council of Negro Women and such distinguished individuals as anthropologist, Margaret Mead.

Mr. Chairman, the so-called crippling amendments to House Joint Resolution 208 adopted by the Judiciary Committee which have caused some to complain are intended to achieve two desirable objectives:

First, to dispel the uncertainty in the original language as to whether the amendment is applicable to "persons" or "citizens" or, perhaps, "things" as well. This amendment is consistent with the style and pattern of other amendments to the Constitution.

Second, to permit Congress to retain the option of exempting women from compulsory military service; and to avoid the automatic abolition of all State and Federal laws, however badly needed and however rational and reasonable, which distinguish between the sexes and which reasonably promote the health and safety of the people.

The amended text is a ringing declaration of sexual equality which we can and should suppport. It avoids, however, the unreasonable and unwanted consequences which follow if government is compelled as a matter of constitutional law, to treat men and women identically in all cases.

Mr. Chairman, for the record, it is the official position of both the Republican and Democratic Parties to strongly favor the adoption of an amendment to the Constitution providing for equal rights for men and women. This has been their position for many years. In the 1944 national platforms of the two major political parties, the Republican platform stated:

> We favor submission by Congress to the States of an amendment to the Constitution providing for equal rights for men and women.

The Democratic platform declared:

> We recommend to Congress the submission of a constitutional amendment on equal rights for women.

Both parties have historically supported equal rights for women. However, they have never been inflexibily wedded to any particular language to accomplish this objective. What each of the two national parties have in mind is an endorsement of the general idea of equal rights for women, without specifying just how that result would be attained. It is my contention that Members can comply completely with the pledges made by the Republican and Democratic Parties if they vote for House Joint Resolution 208 with the Judiciary Committee amendments added to it.

Mr. Chairman, I also contend that House Joint Resolution 208 as amended, is consistent with the position of the administration. Speaking for the administration and the U.S. Department of Justice, Assistant Attorney General, William H. Rehnquist testified before Subcommittee No. 4 that—

House Joint Resolution 208, as amended by the Judiciary Committee declares:

> While the President, the Administration and undoubtedly most of the Nation are united in their desire to achieve equality for women, as that term has been commonly understood, there is some question as to whether the broadest possible construction of the amendment may not go substantially beyond that common understanding. We would have some doubt as to whether there is a national consensus for compelling all levels of government to treat men and women across the board as if they were identical human beings. Certainly many people feel that publicly maintained restrooms should continue to be separate, that differing ages of consent and majority are, under some circumstances, justifiable, and that laws which are adopted with the genuine purpose of protecting women, rather than as a disguise for discriminating against them, are likewise permissible. Even if one were to determine for himself that all of these differences in treatment ought to be abandoned, under a Federal system such as ours, the question would remain as to whether a unitary rule should be promulgated by constitutional amendment which would deny each State the right to choose for itself among rational alternative policies.

House Joint Resolution 208, as amended by the Judiciary Committee declares:

> Equality of rights of any person under the law shall not be denied or abridged by the United States or any State on account of sex.

This ringing declaration of sexual equality is consistent with the historical position of both parties. Subsequent language in the amendment which was added by the Judiciary Committee merely anticipates and avoids the unwanted consequences which are predictable when such sweeping language becomes part of our fundamental law and available for judicial interpretation.

To its credit, the Judiciary Committee has proposed an amendment to our Constitution which declares, as a matter of constitutional principle, the equality of the sexes and insures that women will receive equal protection under the laws of the States and of the United States. It avoids, however, the unreasonable and unwarranted consequences which would follow if Government is compelled, as a matter of constitutional law, to treat the sexes identically in all cases.

Your support in resisting amendments to strike portions of the Judiciary Committee approved text will be greatly appreciated.

Mrs. GRIFFITHS. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. Of course I yield to the distinguished gentlewoman from Michigan.

Mrs. GRIFFITHS. The Constitution, as the gentleman will agree, does not protect the rights of birds, fishes, and so on; is that right? It applies only to people, is that not correct?

Mr. WIGGINS. Yes; I would answer that in the affirmative. But there is a difference between "persons" and "citizens." The amendment offered by the gentlewoman from Michigan is ambiguous in that it does not indicate whether it refers only to citizens or to persons who are not citizens.

Mrs. GRIFFITHS. The wording of the amendment is not ambiguous at all. The word "persons" is totally unnecessary.

Mr. WIGGINS. I respect the gentlewoman's opinion. However, the 14th amendment, for example, in referring to people differentiates between persons and citizens and there is no valid reason to permit this ambiguity to stand in this constitutional amendment.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from California.

Mr. EDWARDS of California. Mr. Chairman, I am sure the gentleman is not inferring that Professors Freund and Kurland are endorsing the resolution reported by the Committee on the Judiciary?

Mr. WIGGINS. No; I only wish to infer that they oppose the equal rights amendment as introduced by our colleague, the gentlewoman from the State of Michigan (Mrs. GRIFFITHS). I do not wish to indicate support of the committee amendment.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I would ask the gentleman from California whether in the committee deliberations there was a discussion on the possible implications of this proposed amendment, and if so, what the committee determined would be the effect on the laws of the several States relative to abortions? Would it abolish them, or what would the legal effect be?

Mr. WIGGINS. Let me say first of all that the specific issue of abortion was not discussed at length, but I think it is fair to say that the original amendment as proposed by the gentlewoman from Michigan would require identical treatment of women and men in all cases except those limited number of cases in which there is an obvious physical reason for the difference. There were mentioned only two or three in the whole testimony. A man could not be an actress. A man could not be a sperm donee. Only a woman, for example, would be entitled to maternity leave, and the like. These very narrow differences would be the only differences permitted under the original amendment.

Insofar as the abortion laws are concerned, it does affect a physical condition and I suspect that classification would be permissible under the equal rights amendment as proposed by the gentlewoman from Michigan.

Mrs. GRIFFITHS. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentlewoman to respond to that question.

Mrs. GRIFFITHS. Mr. Chairman, I think the gentleman for yielding and thank him for his response because the equal rights amendment has absolutely no affect on any abortion law of any State.

Mr. EDWARDS of California. Mr. Chairman, I yield 5 minutes to the distinguished Speaker of the House of Representatives, the gentleman from Oklahoma (Mr. ALBERT).

Mr. ALBERT. Mr. Chairman, both of the preceding distinguished speakers have referred to the fact that this has been a bipartisan issue for a number of years. I know that in 1964 at the Democratic Convention in Atlantic City, I was chairman of the Platform Committee and the gentlewoman from Connecticut (Mrs. GRASSO) was cochairman. We adopted an amendment in principle identical to the resolution sponsored by the gentlewoman from Michigan (Mrs. GRIFFITHS).

I think the same was true of the Republican Convention both in 1964 and in 1968.

When the House passed the equal rights amendment last year we passed a resolution that would have provided equality of rights without qualification.

The equal rights amendment has been introduced in every Congress since 1923. And ever since 1943 the essential provision of the amendment has remained the same:

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Simply stated, the equal rights amendment merely directs governments not to discriminate on the basis of sex.

Sex discrimination touches all women in our society—young and old, married and unmarried, homemakers and wage earners. Young women face discrimination in education. Older women face discrimination in public accommodations and in housing.

Married women in community property States have no right to help manage the property of the marital community. Unmarried women who become pregnant are often expelled from school or fired from their jobs.

Homemakers lack adequate protection under social security. For example, a wife who is divorced in her fifties and who has never worked outside the home, having been married 20 years, has no social security of her own and may not draw on her husband's unless he has been supplying half of her support. This would be corrected by H.R. 1 as reported by the Ways and Means Committee, but much more remains to be done.

Female wage earners also face discrimination in employment. More than 43 percent of all adult women are in the labor force, but the average female full-time worker earns only 60 percent as much as the average male full-time worker. As these examples clearly show, sex discrimination is a national problem.

The problem of sex discrimination must be corrected, and the Equal Rights Amendment is the proper means of correction. The 14th amendment will not do the job. The 14th amendment was ratified more than 100 years ago, and the Supreme Court has not yet found unconstitutional any law that discriminates on the basis of sex.

Nor will piecemeal legislation alone be effective. Without a firm national policy to give impetus and direction, legislative changes will take decades. The Equal Rights Amendment would create such a policy.

Although the Equal Rights Amendment would attack directly only sex discrimination sanctioned by law, the amendment would challenge indirectly the prejudice and private discrimination against women which pervade our society. The Equal Rights Amendment would signify a national commitment to eliminate sex discrimination.

Laws should not rest on faulty assumptions about over half of the population. Legal rights and responsibilities should not be conferred or denied on the basis of sex. To initiate and coordinate the revision of all laws and official practices that discriminate on the basis of sex, and to provide for constitutional protection against sex discrimination, we need an Equal Rights Amendment to the Constitution.

I urge you to approve House Joint Resolution 208 without amendments.

Mr. WIGGINS. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, the debate this afternoon will center around the Wiggins amendment. But there is a more fundamental question before us. Is a constitutional amendment required at all to establish equality of rights under the law between the sexes? I submit it is not.

Legislative power already exists to strike down every vestige of inequality between the sexes under the law. A constitutional amendment is not needed, either to create that power, to extend it, or to perfect it. Whatever distinction may still exist between men and women as to their legal rights is found in statute law or in the common law. It does not exist by reason of any provision in the Constitution. Therefore no change in the Constitution is required. The common law can be superseded by statute and changes in statute law can be accomplished by legislation.

So if a constitutional amendment is unnecessary, why do we resort to it?

Well, one reason the proponents give is impatience with the piecemeal approach of the legislative process. They want to remove all inequality at one time by denying the power of Government to recognize any inequality. What they apparently fail to see is that they are simply trading one piecemeal approach for another. Instead of working with State legislatures and the Congress to write laws, amend laws, and repeal laws to remove such vestigial inequalities as yet remain, they will be suing in the courts to define the word equality, case by litigated case. All they will have accomplished is to change the forum, from the legislature to the courts. They will transfer the power to make public policy in this important and rather fundamental area out of the legislative branch of Government. The branch most directly responsive to the public will, and place it in the judiciary, the branch least responsive, and the Federal judiciary is not reachable by the people at all.

Far different than enacting a statute which may be amended to reflect changing times or to correct court interpretations of it, once Congress assents to the placing of language in the Constitution it puts that language beyond its reach. The language then becomes the tool of the Supreme Court to interpret as it will. The legislative power to determine public policy in response to the public will is thereby restricted. Every legislative enactment becomes subject to still another constitutional test—is the statute free of distinction on account of sex?

I do not favor the transfer of policymaking decisions out of the Congress and out of State legislatures into the Supreme Court of the United States.

And it is hard for me to understand why the proponents of this amendment fail to see they are doing just that. During debate on another bill on September 16, at page 32098 of the RECORD, the gentlewoman from Michigan (Mrs. GRIFFITHS) stated with much feeling that—

> If there is any group that should not be willing to trust their rights to the Federal courts of the country, it is women.

She stated further:

> If there is any group to which I am not willing to trust my rights it is the Supreme Court of the United States.

These words by the sponsor of the proposal before us make it evident the proponents do not intend to transfer this whole question of women's rights to the courts, but a constitutional amendment does just that. Better public policy would be to seek legislative solutions to these inequalities.

Now another thing wrong with the proposal under debate is the further violence it does to our Federal system. Section 1 is a limitation upon legislative power, both State and Federal, section 2 then vests in Congress the power to enforce the provisions of section 1 by appropriate legislation. It is not beyond the realm of possibility that sometime in the future the Court may find that by this amendment, and particularly the second section thereof, Congress was vested with power to take from the States the whole body of domestic relations law and perhaps part of their property law as well. These vast new powers would of course be exercisable by Congress only under the definitions given by the Court to the word equality.

The proponents say this amendment will not reach nongovernmental action. They argue that by its language the prohibitions of amendment will reach only the United States and any State.

The 14th amendment by its terms reaches only State action. Still, the court has extended that amendment to cover private actions and we should expect the language here to be similarly stretched. Under the 14th amendment the court has applied the equal protection clause to private land covenants and to trusts. It accomplished that by declaring that no agency of Government could be used to enforce those otherwise valid covenants and trusts, and agencies of the Government included the courts themselves.

So we should anticipate the time when the court, applying the equal rights amendment, will hold a trust unenforceable if it makes distribution of either income or corpus to the daughters of a trustor at a different age or on a different basis than distribution to sons.

Suppose a private boys school sued for breach of contract in any court in the land with this proposed amendment part of the Constitution. It is possible the court could be persuaded the plaintiff had no right to use the court, an agency of Government, in which to sue, since it did no enroll both boys and girls.

We have learned that the Supreme Court has found meanings and powers in constitutional amendments undreamed of and unintended by the Congress which proposed them and the State legislatures which ratified them. In the light of this history, Congress should painstakingly and exhaustively inquire into and even speculate upon all possible interpretations the court may place upon the language if Congress would truly understand the scope of the restriction upon legislative power this proposed amendment encompasses.

The extensive hearings held by the Judiciary Committee on this proposal earlier this year point up the disagreements among its supporters as to the precise meaning of it. The key phrase is "equality of rights under the law." Some witnesses thought this should require an identity of treatment without regard to sex. Others thought some rights would subsist, such as a right of privacy, which would permit the separation of the sexes where appropriate. The question of sexual segregation in prisons and penitentiaries, in educational institutions, and in medical and mental hospitals arises. The right of privacy is not clear in the law. Until now, when it has been recognized at all it has been asserted only as a personal right. Could the legislative power make it a criminal offense to violate the segregation of sexes in institutions or even in public buildings if consenting persons chose to waive their personal rights of privacy? Proponents want to leave all of these policy decisions to the courts. I believe they should be left in the legislatures and in the Congress, and the way to leave them here is to defeat this amendment.

I am apprehensive the Courts may in the future find within this amendment constitutional power to effect a revolutionary change in the institution of the family. I realize that at this point in our history America is suffering under weakened family ties and a crumbling sense of responsibility of parents for their children. I believe our public policy should be to restore the family unit. I do not mean that we should limit women to the role of housewife and homemaker. Far from it. But most women in our society will continue to perform that function in the future as they have in the past—and they will do it as a matter of choice and out of a sense of responsibility albeit they are highly educated. The legislative power should remain to afford them some preferences in property law and in domestic relations law as a recompense. This Amendment, it seems clear, will deny them those protections.

> The Wiggins amendment will preserve the legislative power not to subject them to a military draft and to afford working women such preferences as legislatures and the Congress may enact in response to the public will. But the Wiggins amendment will not preserve the legislative power over domestic relations law or property law which is so vital to a strengthening of the family.

Responding to the popular demand for absolute equality in nearly everything these days, there are vestigial inequalities between men and women which probably should be legislatively removed. But the change should be by legislation which can be again altered as the tenor of the public will changes in the future. Provisions chisled into the Constitution are terribly permanent and are changeable only by judges not reachable by the people.

Consider if you will how far along the road we have already traveled in this country toward Government by judges. We describe our governmental system as a democracy in a republic. But where is the seat of ultimate decision today? It is in that court across the street. Of the three branches of Government, it is the least democratic, the least representative. Why do we hasten to give it more words to interpret, restricting our own legislative powers in the process, especially in cases such as this where we already have the power—we in this Congress and the several State legislatures—to right whatever inequality seems now improper.

If the legislative branch of Government is to recapture its position of a coequal in this federal system of ours, we have the responsibility to jealously retain the legislative power with which the Constitution vests us.

I oppose the amendment as constitutionally unnecessary and unwise.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield for a question.

Mr. HUTCHINSON. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I am intrigued by the gentleman's argument that one of the dangers of this amendment would be that it would open up a field for interpretation by the courts instead of retaining it for legislative interpretation. I wonder if this same sort of argument could not be made on every provision of the Bill of Rights. How does the gentleman square this with his position on the rest of the Bill of Rights?

Mr. HUTCHINSON. I believe that the Bill of Rights is pretty complete as it is. The fact of the matter is I am pretty well satisfied that the 14th amendment as it is being interpreted today is strong enough to take care of any constitutional rights which now exist.

Mr. WIGGINS. The gentleman has heard the argument repeated many times that women are not persons under the 14th amendment and no rights have been accorded a woman under the 14th amendment. I wish the gentleman would comment on the accuracy of that statement.

Mr. HUTCHINSON. All citizens, all persons, are entitled to rights under the 14th amendment. All of the rights that you and I enjoy as persons and citizens under the 14th amendment are given to our wives, our sisters, and mothers and to all women of the country.

Mr. WIGGINS. Would you not say it is accurate that practically all of the rights conferred by the first 10 amendments have been incorporated in the 14th amendment, and are applicable to women?

Mr. HUTCHINSON. Because that is the way the court interprets it, and certainly it applies to women equally with men, as all of the Bill of Rights does.

Mrs. GRIFFITHS. Will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentlewoman.

Mrs. GRIFFITHS. If that is true, then, may I ask, why Mrs. Minor from Missouri in the 1860's was denied the right to vote after the 15th amendment was passed?

Mr. HUTCHINSON. Because at that time the 14th amendment——

Mrs. GRIFFITHS. It was already in effect. Both the 14th amendment and 15th.

Mr. HUTCHINSON. At that time, the gentlewoman well knows, the 14th amendment was not nearly as broadly construed as it is today.

Mrs. GRIFFITHS. No; that is not really the reason. The real reason is because they said that you could make any rule against women as a class and they could not vote. If it were true that the 14th amendment really applies to women, can you name one case in which a woman has asked for due process or equal rights or for any other right under that amendment and has been granted that right?

Mr. HUTCHINSON. In her unique character as a woman rather than as a——

Mrs. GRIFFITHS. No; just because she is a human being. Name one case.

Mr. HUTCHINSON. I would not agree with the gentlewoman because I am sure——

Mrs. GRIFFITHS. Name one case.

Mr. HUTCHINSON. Because I am sure there have been many cases before the Supreme Court of the United States where women have been parties.

Mrs. GRIFFITHS. There has never been a case.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I am glad to yield to the gentleman from California.

Mr. WIGGINS. Since the gentlewoman from Michigan referred to Mrs. Minor, it might be appropriate to quote from the case of Minor against Happersett, the case to which she referred.

In *Minor* v. *Happersett,* 88 U.S. 162 (1874), the U.S. Supreme Court was asked to hold that a Missouri law confining the State's elective franchise to males was invalid under the 14th amendment. The argument was based on the "privilege and immunities of citizenship" clause and on "equal protection"; the Court, in upholding the statute, discussed primarily the former. Conceding that women were both "persons" and "citizens" within the meaning of the 14th amendment, the Court held that suffrage was not one of the "privileges" referred to. The Court relied on the existence of the 15th amendment as demonstrating Congress' belief that suffrage was not covered by the 14th amendment. The Court stated:

> There is no doubt that women may be citizens. They are persons, and by the fourteenth amendment "all persons born or naturalized in the U.S. and subject to the jurisdiction thereof" are expressly declared to be "citizens of the U.S. and of the State wherein they reside." (See *Yick Wo* v. *Hopkins,* 118 U.S. 356, 369; 16 A.C.J.S. Sec. 503).

Sixty-three years ago, the U.S. Supreme Court in *Muller* v. *Oregon,* 208 U.S. 412 (1908), upheld an Oregon statute which provided that no female shall be employed in any mechanical establishment or factory, or laundry for more than 10 hours a day. The Court held that the physical well-being of women is an object of public interest, and the regulation of her hours of labor falls within the police power of the State. To say that the Muller case stands for the proposition that women are not to be considered "persons" guaranteed equal protection of the law is a misstatement of its holding. To say that it is authority for the proposition that a State may regulate via its police power the working hours for women, but not for men, is too a misstatement. The Supreme Court has upheld State statutes before and after the Muller decision that regulated the working hours of men. All that can be fairly gotten from the Muller case is that a State legislature acted rationally when it regulated the working hours of women for her protection as a class, based on conditions as they existed in 1908.

The Muller decision may have served a useful purpose in 1908, but has no relevancy in 1971. With reference to this and similar cases, Professor Freund of Harvard Law School stated that they "are museum pieces and should not figure many present discussions of equal rights."

If women were not considered "persons" under the 14th amendment, they would not have the rights which they enjoy today. Women, as well as men, have freedom of religion, freedom of speech, freedom of the press, and the right to petition the Government for a redress of grievances. Women have the right to be secure in their persons, houses, papers against unreasonable searches and seizures. Women may not be twice put in jeopardy of life or limb, nor be compelled in any criminal case to be a witness against herself. They have a right to be advised of their rights when arrested and before being interrogated and they have the right to the assistance of an attorney. The amendments guaranteeing these rights use the term "persons" or "people." No one doubts that these federal guarantees are fully applicable to women. These same prohibitions apply to the States via the 14th amendment. The term "person" as used in the 14th amendment as it incorporates the Bill of Rights does include women.

Therefore, it is not entirely accurate to say that women are not included in the 14th amendment. The courts have always permitted rational classification under the equal protection clause, and women as a group in some instances were classified differently than men. By the same token, men as a class, have been denied special benefits available to women.

Both are persons under the Constitution. Statements to the contrary is simply in error.

Mr. EDWARDS of California. Mr. Chairman, I yield 15 minutes to the distinguished chairman of the Committee on the Judiciary, Mr. CELLER.

Mr. CELLER. Mr. Chairman, at the outset my position is this: Discrimination against women exists. I do not condone and, indeed, I deplore the practice of discrimination. My opposition is addressed to the remedy. That remedy should be by statute, not by constitutional amendment.

My concern is the broad sweep of the amendment. It wipes out much that is bad but much more that is good. It uses a bulldozer rather than a pick and a shovel.

In considering this important amendment, history, tradition, custom, mores cannot be disregarded. You cannot abolish the differences in sex. That difference must involve in many instances difference in treatment. There is as much diversity between a man and a woman as there is between lightning and a lightning bug. That distinction has been recognized since the dawn of history and it will continue until kingdom come.

The equal rights amendment can well overkill, can be counterproductive; it would wipe out every vestige of difference in treatment. Many of these differences of treatment are essential for the well-being of women, for women's protection.

Despite history and tradition, I do not applaud the idea of man's so-called preeminence, the mores, the traditions which regard him as such.

Keep in mind this: The courts will be compelled to define and redefine the final meaning of every word of the amendment if it is adopted. And the courts cannot disregard history and custom in shaping the future; it cannot disregard the past. The amendment cannot be construed in a vacuum.

It is not enough to safeguard the future; we must have a future worth safeguarding. This amendment will not help our future. It has even been suggested by a proponent of the amendment that the "underlying social reality of the male as provider and the female as child bearer and rearer of children has changed." May I ask, in turn, who is bearing the children and who is rearing them? As far as I know, the Fallopian tube has not become vestigial.

The women's lib organization says, "We do not want protection. We want liberty." Most women's labor organizations call that sort of "liberty" a lot of nonsense.

I repeat, irrational discriminations exist against women. Of that there can be no denial. Let it be understood that my opposition on the equal rights amendment is not to be equated with condoning practices or patterns of discrimination. The dissent runs not against the purpose of the amendment but against the method.

Equality of opportunity for women can be achieved. We can by statute sharply outline the areas of discrimination, supplying specific remedies to specific wrongs, instead of venturing into a quicksand of phraseology, guilty of imprecision and ambiguity, and highly susceptible to contradictory definitions.

In the swirling arguments and differing interpretations of the language of the proposal, there has been very little thought given to the triple role most women play in life; namely, that of wife, mother, and worker. This is a heavy role indeed, and to wipe away the sustaining laws which help tip the scales in favor of women is to do injustice to millions of women who have chosen to marry, to make homes, to bear children, and to engage in gainful employment, as well. For example, in most States, the primary duty of support rests upon the husband. One possible effect of the equal rights amendment would be to remove that primary legal obligation. The primary obligation to support is the foundation of the household. I refuse to allow the gladsounding ring of an easy slogan to victimize millions of women and children. As one witness put it before the committee:

> It is doubtful that women would agree that a family support law is a curtailment of rights. The divorced, separated, or deserted wives, struggling to support themselves and their children, may find claims to support even harder to enforce than they are right now.

Some have suggested the equal rights amendment may open the door of the cage imprisoning women.

A recent Roper poll proved women were not interested in so-called escaping from the so-called cage. It is true that male arrogance, brawn, and bravado have at times thwarted women's attempts to be accorded their due rights. This must change; this is up to us.

Is it not passing strange that women have had the vote for half a century, but used the vote overwhelmingly, not to elect women, but to elect men? And they have done that for 50 years.

Some of the amendment's sponsors seek, in a way, to annihilate the effects of and role of sex; their efforts are as useless as a gun without a bullet. There are areas now dominated by men into which women cannot enter. Construction workers on skyscrapers will continue to be men. Work on high suspension bridges will be continued by men. Women are not likely to serve as sanitation workers lifting heavy garbage cans.

Shall women enter the battle formations integrated with men for actual battle and carnage with fixed bayonets? Even mothers could not be shielded from war duty if fathers must respond to war duty.

You will recall that the sixth labor of Hercules was to clean the Aegean stables where the stalls of 3,000 oxen had been unattended for 30 years. And while it is reported that he did the job in a single day by diverting the waters of two rivers, Alpheus and Peneus, through the stables in 1 day, the account makes no reference to the consequences downstream, the pollution downstream. And so it is with the equal rights amendment. We have banners flying, with enticing slogans, "Equal Rights," "Crush Phallic Imperialism"—but what of the aftermath, the damage downstream? As to that, there is ominous silence, or glossing over.

I stress that we are dealing with a constitutional amendment. Every word thereof will have exacting scrutiny. It would be irresponsible to dismiss the language as a mere declaration of policy without consideration of the possible injurious effects that can flow therefrom. Family life is threatened. The institution of marriage is threatened.

Some credit is due the women's lib movement for emphasizing dramatically the need to eliminate sex discrimination. But in their zeal and excitability they use a cleaver instead of a blade. The age of consent, dower and courtesy, domicile, insurance rates, custody of children, duty to support, segregated correctional institutions, are only a few of the subjects as to which existing social benefits will be set at naught.

Shall we disregard such results, such welfare pollution downstream?

These questions would become litigable issues, bringing the Federal courts into the delicate fabric of domestic relations.

There will be an avalanche of cases clogging our already overcrowded Federal courts for years to come.

The amendment calls for unitary treatment regardless of facts or circumstances. That alone will give rise to endless interpretations. Would, for example, separateness based on sex apply in federally, as well as State and locally assisted or maintained institutions such as universities, colleges, prisons, and congressionally chartered groups?

It would take years and years to decide these questions.

Part of the problem of discrimination is not made by law and cannot easily be erased by law. It can only be abolished by changed attitudes of society—erasing the work of our forebears. Others can be eliminated by statute.

Many of the discriminations I abhor—they are unfair against women. But many of these discriminations are the result of traditions and mores. Others are the result of nature, the result of the germ plasm. No amendment can change them.

Inequities between the sexes arise out of law—or even the absence of law. They can and should and are being changed by statute.

We have passed a statute providing equal pay for equal work and the fair employment opportunity statute—doing away with bias against women in jobs.

State laws prohibiting women as bartenders, mine workers, and police guards and in jobs involving night work have been abolished.

These reforms are continuing unabated. These discriminations are gradually being broken down. No amendment is necessary.

Some advocates of the amendment say that the interpretation of the amendment is not absolute or doctrinaire. They say reasonable classification can be made. They say West Point need not be dismantled because girls could enter. The Naval Academy would function with girls. Well, I wonder. I wonder, indeed.

So they say about our Air Force Academy. They say there could still be a Boston Boys Latin School or a Girls Latin School. This is just wishful thinking. There could be no such schools based upon sex. The amendment would forbid it.

They say life insurance companies could still charge women lower life insurance premiums because they have longer life expectancy. Well, I wonder whether men would take that as discrimination against them under the amendment.

Presently we have many protective statutes for women—there are restraints on employers to prevent excessive hours of work, fair standards to insure health and well-being of female workers, rest periods, separate rest and wash rooms.

These statutory provisions for the protection of women would be cast into limbo. They do not affect men and, therefore, would be in violation of the equal rights amendment.

To this argument the women's lib organizations say:

> We do not want protection—we want liberty.

Well, most labor organizations call that sort of liberty just a lot of nonsense—a lot of malarky.

So, my good friends, I agree with the Department of Justice which inclines to the view that a constitutional amendment is not necessary. We have adequate remedies in the law and if statutes are not meeting the situations further statutes should be enacted. We have the 14th amendment and we have the fifth amendment under which, in cases which could be presented to the courts thereunder, women could be amply protected in their equal rights.

An equal rights amendment has an appealing sound. But when closely examined, it is found to be fraught with ambiguities destined to produce years of litigation in every segment of our social structure.

There is no question about it—discrimination against women does exist in this country. We find it in employment, in education, in federally assisted programs, in public accommodations; we find it almost everywhere. What is more—we find sex discrimination practiced not only in the private sector, but at all levels of government.

My abhorrence of discrimination of any kind is well known to all of you. But when legislation can deal with such inequities, the legislative route is the one to follow. Legislation can pinpoint a problem area and pinpoint a remedy. Title VII of the Civil Rights Act of 1964, directed in part at sex discrimination in employment, is a good example. Legislation can be enacted here in Congress; it does not have to await ratification by the legislatures of 38 of our States. Legislation will be applicable to both the government and the private sector.

Senator ERVIN of North Carolina reminded our subcommittee that custom and law have traditionally imposed upon men the primary responsibility to provide a habitation and a livelihood for their wives and children and have imposed upon women the responsibility to make homes out of these habitations and to furnish nurture, care, and training to their children during their early years. He recalled the ancient Yiddish proverb that God could not be everywhere, so He made mothers. He warned us that a country which ignores the physiological and functional differences between men and women in fashioning its institutions and laws is woefully lacking in rationality. Thus far we have not been such a country. Our institutions of marriage, home, and family are still cherished and our laws have adhered generally to reasonable distinctions in rights and responsibilities of men and women.

Though many women find stimulation

and satisfaction in business and professional pursuits, many—perhaps most—find their fulfillment in raising their children and maintaining their homes. We must be certain that we do not trample their aspirations while opening opportunities to others.

The effect of the amendment on questions of family domicile, responsibility for support, dependent children, divorce, alimony, child custody, and a myriad of other aspects of domestic relations cannot be predicted. We are being asked to swallow the ocean in one gulp.

The gentlewoman from Michigan (Mrs. Griffiths) recently sent to each Member of the House a copy of an April 1971 Yale Law Journal article on the equal rights amendment. I find it difficult to believe the authors are serious when they suggest that husbands and wives need not have the same family name. Nor can they be serious when they suggest that a State might require a couple to have the same family name, but leave it to them to determine whether it will be his, hers, or some other name they select.

The authors conclude that, in the field of domestic relations, couples should be free to allocate privileges and responsibilities between themselves according to their own individual preferences and capacities. Are we not inviting chaos if, for example, States can no longer impose a primary obligation of support, as is now done in all 50 States?

And, can we realistically expect the States to work out in 2 years, as required by the amendment, all of the domestic relations adjustments which will be required? Could they work them out in 10?

Without doubt, the amendment will make a hopeless morass of domestic relations—a ship without a compass on a sea without a shore.

Even the proponents of the amendment are not in agreement as to its scope. Some are apparently of the view that it would require identical sameness of treatment of men and women. If such a view prevails, our courts will be jammed with litigation and our mail will be flooded with correspondence from irate women as they learn of the loss of many advantages they now possess under Federal and State laws. Labor's representatives have already voiced the view that the amendment will hurt more than it will help working women.

I cannot in good conscience support the proposed amendment. However, I would vigorously support legislation calling for first, comparable salaries for comparable work; second, extension of the Fair Labor Standards Act to professional administrative personnel as well as to domestic and other workers not presently covered; third, further elimination of discriminatory employment and promotion practices in government and in industry; fourth, equality of treatment under our social security and tax laws; fifth, elimination of discrimination based on sex in colleges and professional schools; sixth, securing the rights of women to control their own financial and commercial interests, and seventh, removal of sex discrimination in the sale, rental, and financing of houses, and any other appropriate legislation. In this way each issue of sex discrimination would be joined clearly, directly and effectively.

For these reasons, I hope, indeed, that this amendment will not prevail.

Mr. WIGGINS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Ohio, the ranking Republican member of our committee.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. McCULLOCH. Mr. Chairman, I am pleased to be back in Congress after an enforced absence of many months. I believe I came back on a day in which some of the best oratory has been heard in many years.

It is hardly necessary for me to say that I love the ladies. I have one myself. But I do not feel that I am qualified to get into this legal debate, although I participated either 4 or 5 years ago when the matter was up before.

Although I know of no woman who is, on the average, of less ability and of less dependability than men on that average level, I do not think the best interests of our country—and I have been participating in debates on this question from the time since I was a freshman in the Ohio House of Representatives—I do not think that the proposed resolution, although the work thereon has been as good or better this year than ever before, if the amendment becomes a part of the law of the land by reason of what we do in this session of Congress, that it will solve the problems that it is thought will be solved, but will bring as many or more problems in its wake as we now have.

I expect to vote against the resolution.

Mr. EDWARDS of California. Mr. Chairman, I yield myself 12 minutes.

The CHAIRMAN. The gentleman from California is recognized.

Mr. EDWARDS of California. Mr. Chairman, as chairman of the subcommittee that initially considered this legislation in the House Judiciary Committee, I want to emphasize that a substantial majority of the members of my subcommittee voted to support the proposal in the form that it was originally introduced by Representative Martha Griffiths—that is, without any qualifying amendments whatsoever. In expressing my support for the equal rights amendment today, I want especially to stress that I, as well as 15 of my colleagues on the House Judiciary Committee, voted within the committee in opposition to the so-called Wiggins amendment. In my view the Wiggins amendment, as well as any other crippling amendment, are totally unacceptable. Not only would such an amendment defeat the objective of the original proposal, it would even sanction forms of discrimination that are currently prohibited under the Supreme Court decisions. As a result, I want to make it clear that my strong, wholehearted support for the original Griffiths bill is coupled with the most strenuous opposition to any amendments which will be read or offered when the bill is being considered by us under the 5-minute rule.

Mr. Chairman, my views in favor of the original text of Mrs. Griffiths' proposal are set forth separately in the report of the Judiciary Committee. As I stated in that report, the hearings held by the subcommittee of which I am chairman established beyond dispute that women are the victims of discrimination in a number of substantial ways. For example, in every State women are denied educational opportunities equal to those of men. In many States, a woman cannot manage or own separate property in the same manner as her husband. In some States, she cannot engage in business or pursue a profession or occupation as freely as can a member of the male sex. Women are classified separately for purposes of jury service in many States. Some community-property States do not vest in the wife the property rights that her husband enjoys. In a number of States, restrictive work laws, which purport to protect women, actually result in discrimination in the employment of women by making it more burdensome for employers to hire a woman than a man.

A wide variety of more specific examples of these forms of discrimination are set forth in detail in the published record of the hearings held by our subcommittee in March and April of this year.

All of these various forms of discrimination undermine the confidence of many Americans in our institutions and have an adverse effect on our national morale. Even if these injustices injured only a small number of our female citizens, they constitute wrongs that ought not to go unremedied. The tragic fact is that such discrimination prevents many millions of women from realizing their true capacity to lead full and creative lives.

Under the circumstances, an amendment to our Constitution is not merely appropriate, but it is imperative. For it is only by enacting such an amendment that we can declare a national commitment to the concept of equal justice under the law for men and women alike.

Mr. Chairman, even the opponents of the original text are compelled to admit that sex discrimination is widespread. All of the opponents also concede that sex discrimination should be remedied. However, most of the opponents argue that the Supreme Court of the United States, rather than the Congress, ought to provide an effective remedy by holding squarely that women are entitled to all of the benefits of the equal protection clause of the Constitution. Mr. Chairman, the simple truth is that the Supreme Court has not applied the equal protection clause to women and is not likely to do so being bound by some of its earlier unfortunate decisions. As a result, the only effective way to eliminate laws that discriminate against women is for Congress to face up to its responsibility by enacting the original text of House Joint Resolution 208 as introduced by the gentlewoman from Michigan (Mrs. Griffiths).

The objective of the original Griffiths text is simple and straightforward. The text states that—

> Equality of rights under the law shall not be denied or abridged . . . on account of sex.

Yet, simple and straightforward as is this language, and the concept which it embodies, opponents of the proposal would have us believe that the use of the word "equality" will create confusion and chaos, and will have the most dire social consequences. Some of the opponents express the irrational and unfounded fear that the use of the word "equality" will require the elimination of separate toilet facilities in public buildings. They also express the fear that "equality" of the sexes requires us to permit unmarried couples to cohabit together in university dormitories, in prisons, and in Army barracks. Still others express the illogical fear that "equality" means sameness and will require that we ignore the differences between men and women for the purposes of the draft or of military service in general.

Mr. Chairman, all of these irrational types of arguments were dealt with at length in the testimony before our subcommittee by many distinguished witnesses. They were also dealt with in separate views signed by myself and 13 other committee members in the report of the Judiciary Committee. They are likewise effectively rebutted in the separate views of my good friend and distinguished colleague, Representative Robert McClory, in the report of the Judiciary Committee.

So as to dispel once again today some of the irrational confusion that has been created by the opponents of the original text, let me summarize briefly some of the major legal consequences of the original text—both in terms of what the equal rights amendment will do and what it will not do:

In the area of education, the equal amendment would prohibit State-supported schools from discriminating against either men or women. Thus, all public educational institutions would be required to be coeducational. It should be emphasized, however, that this does not mean that such coeducational school could permit cohabitation by unmarried students. It should also be emphasized that the equal rights amendment would apply only to State-supported institutions and not to privately financed schools.

The original text would also require that correctional facilities, like public schools, be operated on a "coeducational" basis. However, once again this does not mean that male and female prisoners would be permitted to cohabit together in the same cells or dormitories. This is because the amendment would in no way restrict the present power of the State to prohibit cohabitation by unmarried persons.

In the area of labor law, as a general rule, those so-called protective laws which purport to benefit women but which actually discriminate against them would be invalidated. At the same time the amendment would tend to extend to men the benefit of those labor laws which now bestow benefits only on women.

In the area of domestic relations the amendment would promote a full economic equality between men and women. Special restrictions on property rights of married women would be invalidated. Married women could engage in business as freely as men and manage their separate property such as inheritance and earnings. Those laws which currently impose on men the responsibility to support their wives, but which do not impose a similar responsibility on wives to support their husbands, would be invalidated. The grounds for divorce would be required to be identical regardless of whether the husband or the wife is the plaintiff in a legal action. With respect to the custody of children, the amendment would eliminate any legal presumption favoring the granting of custody to the mother. As a result, child custody cases would have to be determined by the courts in terms of the need and best interest of each individual child.

With respect to the administration of justice, the amendment would invalidate those laws which impose greater penalties on one sex for the same crime than on the other. Also, in this area, the amendment would invalidate those laws which currently exempt women, but not men, from jury service.

Finally, let me also comment briefly on the matter of military service and the draft—since it is in this area, perhaps more than any other, that opponents of the amendment seem to have created confusion and irrational fears. Under the original text it is clear that any system of military draft would have to provide for the drafting of some women in addition to men. However, women of draft age who are mothers, or whose circumstances present a hardship case upon their dependents, could be placed in deferred categories, just as males are now deferred upon such grounds. Young women students and those employed in State health and welfare activities could also be placed in deferred categories, just as young men presently are. Women in the military could be assigned to serve wherever their skills or talents were applicable and needed, in the discretion of the command, as men are at present.

Of course, these are only a few of the major legal effects of the equal rights amendment. However, I believe these examples serve to illustrate that equality for women is neither a new nor an irrational idea—that it will neither create chaos nor revolutionize our society. Instead, the equal rights amendment, in its original form, simply reaffirms the applicability to all of our citizens, including women, of our traditional American concepts of fairness and of equal justice under the law.

In conclusion, Mr. Chairman, I believe that it is especially appropriate for us to note today that the original text of this measure as introduced by Representative Martha Griffiths has had the official support of both the Republican and Democratic Parties for many years. Beginning with the late President Eisenhower, who was the first President to make the proposal part of his administration's official program, the equal rights amendment has had the support of President Kennedy and President Johnson. In its original form, it currently has the support of President Nixon and his administration. For a number of years now, a majority of Members of both Houses of Congress have also publicly expressed their support for this proposal in its original form and have sponsored bills containing the original text.

In the last Congress the original text of this proposal was cosponsored by some 275 Members of the House of Representatives. Subsequently, the House overwhelmingly supported the original text in the last Congress by a vote of 350 to 15.

The question before us today is essentially this: Will we keep our commitment to the concept of "equal justice under the law" for both men and women by passing this legislation in its original form? Or will we be hypocritical, and with "tongue in cheek," offer to women a constitutional amendment which is so crippled that it will actually sanction the discrimination that we pretend to eliminate?

Mr. Chairman, I believe that we should face this issue squarely today and give our full support to the equal rights amendment as originally introduced by the gentlewoman from Michigan (Mrs. Griffiths).

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Indiana.

Mr. DENNIS. Does the gentleman believe that under those circumstances a man might successfully go to court and get relieved of a support decree on the ground that the law did not require his wife to support him and therefore the court could not require him to support her?

Mr. EDWARDS of California. The gentleman is a distinguished lawyer, and knows that support decrees right now are under the continuing jurisdiction of the court, and either the husband or the wife can go in, where there are children involved, at any time, to ask the court to review and change the decree.

Mr. DENNIS. If the gentleman will yield further, of course I agree to that, but I do submit that at present one could go in but one could not get anywhere with the argument I just advanced. But under the amendment, it seems to me, a man might very well assert that a decree which required him to pay money to support his wife was no longer valid because the law of the State did not equally require her to support him.

The gentleman said a moment ago that it would enforce exact economic equality in domestic relations. I am just putting it to him, whether that is not an example of what he is talking about.

Mr. EDWARDS of California. All this amendment would do would be to require that the court look at the entire situation, as to who can afford the other? Who is ill? Who has property? What are the equities and proper responsibilities in either case?

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to a member of the committee, the gentleman from Illinois (Mr. McClory).

Mr. McCLORY. It is frequently and in my opinion erroneously asserted that somehow or other the constitutional amendment proposed by the gentlewoman from Michigan would nullify or serve to repeal the support laws and alimony laws and things of that nature. Actually, the intent and purpose is to equalize these laws, to impose additional responsibilities on both parents equally to support the children, and both parents equally to provide support for the other if they are in need of support and the other party to the marriage is capable of providing support.

What it does is to extend the benefits on an equal basis. According to my understanding of the purpose and intent it would have no effect to deny existing laws of the States.

Mr. EDWARDS of California. The gentleman is entirely correct.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Alabama.

Mr. DICKINSON. I am a bit confused by the answer the gentleman in the well just gave plus the statement by my distinguished friend, the gentleman from Illinois (Mr. McClory).

If I understand this correctly, then I understand what the gentleman said about children always being able to go back to court and have the court review the case, but this is not always the case in respect to alimony. The two are separate and distinct, alimony as opposed to child support.

In all cases now pending, where a husband is under an obligation, under the common law or statutory law, to provide support, and this is the basis on which the award is made, when we do away with that obligation, would it not be so, with respect to the husband under the obligation to pay alimony, that he would have the right to go back to court and say, "There is no longer any obligation of support on my part anymore than on her part," and thus do away with all alimony awards?

Is that right or wrong?

Mr. EDWARDS of California. I see no reason why the enactment of this constitutional amendment would be ex post facto or would open up any old cases.

Mr. DICKINSON. I am not talking about it being ex post facto. I am talking about a presently existing situation, even though based on a decree previously rendered.

One can go into court now and say, "There is no longer an obligation of support; therefore I should be relieved of it."

Why would this not be the case?

Mr. EDWARDS of California. I do not know the exact answer unless I have facts of each individual case.

Mr. DICKINSON. I do.

Mr. EDWARDS of California. I will say this: I would certainly trust the judge. In the event the case were reopened the judge would make a valid and totally supportable decision as to who would be the appropriate person to support the other.

Mr. DICKINSON. If the gentleman will yield further, did he not just say that the judge must base his decision on the law of the land, on what is the law at that time? If there is no obligation of support, then there is no reason to continue the payment of alimony.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Illinois.

Mr. McCLORY. I am certain the significance of the constitutional amendment would be to provide or require statutes which now impose a primary responsibility on one parent for support to be enlarged so that the responsibility would be applied equally to both parents.

As the gentleman from California properly stated, the court in retaining jurisdiction can review the subject.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. EDWARDS of California. Mr. Chairman, I yield myself 3 extra minutes to complete my statement.

Mr. McCLORY. Will the gentleman yield for just a brief moment?

Mr. EDWARDS of California. Yes. I yield to the gentleman.

Mr. McCLORY. And also on revising the order of support they could take into consideration the equal obligation which the two parents have one to the other and dependent on what the circumstances are to revise the order or reaffirm the order that was given.

Mr. WIGGINS. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois (Mr. McClory) a member of the committee.

Mr. McCLORY. Thank you, Mr. Chairman.

Mr. Chairman, I had the privilege of serving on the subcommittee that heard the testimony and reviewed the evidence with regard to this proposed amendment. And I might say, when I entered the committee hearings, I did so with an open mind. I endeavored not to avoid a position one way or the other until all of the evidence was in.

As a matter of fact, at the opening of the hearings, I questioned the wisdom of the action we had taken last year when we voted 350 to 15 to support substantially the same amendment that is before us now.

But, as the testimony was presented to the committee, more and more it seemed to me that this constitutional amendment was the only way in which this problem could be resolved.

Certainly, there is the prospect of the Supreme Court suddenly deciding that the 14th amendment does, indeed, provide equality of rights to women, and some of the witnesses said that if that should occur then this proposed amendment would become redundant.

There was also the suggestion that we could guarantee all such rights by legislation, but that would be a long, drawn-out affair in which there would not only have to be a revision of the Federal statutes, but also the laws of all the 50 States, the District of Columbia, and Puerto Rico. All of these laws would have to be revised in order to provide the equality of rights which this constitutional amendment undertakes to do.

So, finally, it seemed to me that there was only one way by which we could guarantee to all of our citizens equal justice under the law and that was to provide for this constitutional amendment.

It is true that at the time this was voted out of committee I was the only Member on our side of the aisle who opposed the so-called Wiggins amendment, and I want to demonstrate to my colleagues that in doing so I not only voted my own convictions but I also supported a position which is entirely consistent with the party position of those who sit with me on our side of the aisle.

In the Congressional Record of yesterday at page 35078 I inserted the statement of our President which was made in October of 1968 in which he reaffirmed his support of the equal rights amendment for women.

I also want to recall to the Members of this body the flat, unequivocal statement of Assistant Attorney William H. Rehnquist, the representative of the administration who appeared before the committee and who stated the President's position in these words:

> The Administration is committed to the support of H.J. Res. 208.

I know that the Republican Members have received communications from the cochairman of the Republican committee, Mrs. Anne Armstrong, and I know that they have also heard from Mrs. Gladys O'Donnell, the president of the National Federation of Republican Women, who pointed out that at the Republican National Committee meeting in Denver earlier this year a resolution was adopted in support of this amendment containing the precise language which is contained in House Joint Resolution 208.

The Republican National Committee resolution provided, as follows:

> RESOLUTION
>
> Whereas The Equal Rights Amendment, House Joint Res. 208, and Senate Joint Res. 8 and 9 as presented to the House and Senate respectively in January 1971, reads:
>
> Sec. 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.
>
> Sec. 2. The Congress shall have the power to enforce by appropriate legislation, the provisions of this article.
>
> Sec. 3. The Amendment shall take effect two years after the date of ratification, and
>
> Whereas, this Amendment would grant first class citizenship to women of the United States by eliminating inequities and discrimination on the basis of sex;
>
> Therefore be it resolved, That the Republican National Committee, officially assembled in Denver, Colorado on July 24, 1971, hereby endorses the Equal Rights Amendment as worded above, without nullifying amendments and urges its adoption by the Ninety-Second Congress.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from California.

Mr. WIGGINS. I think the gentleman received a communication, as other Republican Members of the House did, in which the national chairman explained the intent and purpose of the national committee in adopting the resolution was no more than to reflect the view of our party that we support equality of rights of both men and women, which is a fact, but did not intend to dictate any kind of language to the Constitution of the United States. In fact, our national platform supports the equality of rights for both men and women, but I do not believe it was the intent of our party to support this exactly as it stands.

Mr. McCLORY. I am glad the gentleman has asked that question because I have a communication from Mrs. Gladys O'Donnell—and the gentleman has communicated with various Republican Members back and forth—wherein the same statement appears and I want to read from her letter which rejects the suggestion of the gentleman from California.

I want to read from her letter which rejects the suggestion of the gentleman from California that the executive committee of the Republican National Committee took no action, and none was requested. She states:

> I am a member of this committee without vote, but with a voice.
>
> When I was called upon I explained to them in detail the political implications of the "nearly unanimous vote of the Republican members of the House Judiciary Committee."
>
> Mrs. Anne Armstrong, co-chairman of the Republican National Committee and I, jointly presented the resolution to the Resolutions Committee which in turn presented it without change to the full Republican National Committee. It passed unanimously. The sense of the Committee is explicitly expressed in the wording of H.J. Res. 208, followed by "Without Nullifying Amendments," and urging its passage by this Congress.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield further?

Mr. McCLORY. I wanted to discuss the merits of the legislation in the form in which the subcommittee recommended them, and also I want to respond to the gentleman who stated that he wanted us to comment directly on the subject of the gentleman's proposed amendments, and that is exactly what I would like to do.

This proposal has been before the Congress since 1923. As a matter of fact, it passed the Senate twice in 1950 and 1953, but attached to it was the so-called Hayden rider. This is an updating of the Hayden rider. This is a form of killing the bill.

As a matter of fact, when the session of the committee was adjourned, the recommendation of the Wiggins amendment was described by a prominent member of the committee as "the kiss of death" according to a report in the Washington Star. It does exactly that. As a matter of fact, you can hardly distinguish between the statements that are made by those who talk in behalf of the amendment offered by the gentleman from California (Mr. WIGGINS) and those who talk against the bill. Their position is virtually identical. This is the device that has been employed in years past to kill this measure. At the last session the so-called Ervin amendment was offered in the other body and it had the effect of killing the measure and of thwarting the action that the Members of the House took. So I do not think we should have any question about that, because we will have a chance to vote on the amendment. It is something that will have to be supported by a vote of this House, and I suppose there will be a recorded teller vote on this amendment, so we will all have a chance to announce where we stand on the issue.

I suggest that if you vote in support of the so-called Wiggins amendment you are effectively voting to kill the bill.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I would prefer not to yield at this time, because I have not gotten to the subject of the two exemptions that are provided in the so-called Wiggins amendment. One of the exemptions would perpetuate the advantage of the so-called protective laws.

Who was the principal witness in support of perpetuating those so-called protective laws? The principal witness was the representative of the AFL–CIO. And why was he interested? One of the women witnesses, the head of the Business and Professional Women's Organization, explained why he supported it, because he represents an essentially male organization, and to provide for equal rights for women would destroy the advantage that male members have in his organization, and would open the doors for women to have many more jobs, many more job opportunities. And the protective laws, these laws that say women cannot have a job if they are required to work more than a certain number of hours in a day or a week, or if the job involves lifting 10 or 15 pounds, or you have to provide chairs for women when they are on the job. All these discriminatory laws would be thrown out the window, they would be gone, and the advantages, the special advantages which male members have to those jobs, would disappear too, and the opportunity for women to have better employment, especially in skilled trades and things of that nature, would suddenly appear because it would be written into the Constitution where it belongs.

The other point that was raised, and the other point involved, of course, is the subject of exemptions from the selective service laws. That is the good point. It is a hard point to handle, I suppose, and there is a great deal of emotional appeal in the argument favoring the Wiggins amendment especially if you say that this Congress by adopting the equal rights amendment is going to force women into the front lines. Of course, that is a ridiculous statement when you hear it, and when you think about it, because the Congress is not going to take any such action at all.

We know that in the military service today probably about 10 or 15 percent of the jobs at the most involve some kind of combat duty. Most military duty involves civilian-type jobs which can be performed by men and women equally.

Young women want the opportunity not only to serve, but to get the special educational benefits, the training, the pensions, hospitalization, and other veterans' benefits and the other advantages. Denying women that right and especially denying that they have the right or the capacity to have the opportunity to participate in our national security, well, it would be about the most degrading thing you could do to women, it seems to me.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman.

Mr. WIGGINS. Is it the position of the gentleman in the well that the U.S. Government could deny all women in the military as a class service as riflemen?

Mr. McCLORY. I think that the decisions that might be made, if there are riflemen in some future selective service law that might be enacted sometime after the effective date of this constitutional amendment—I think that persons would be assigned in the military service essentially as they are now. Lawyers may be put in the front line, engineers may become janitors, draftsmen may be turned into stenographers. There is no sense to it. This constitutional amendment would not guarantee that some future selective service law would be applied equally to utilize the talents of men and women. However, the law would have to be applied without discrimination based solely on sex.

Mr. WIGGINS. The consequences, therefore, of the position the gentleman is taking is that there would be a total integration within the military of all units on the basis of sex.

Mr. McCLORY. I would not say that. I would not say that there would be integration or segregation on the basis of sex. I think it would depend on what the requirements of the service are.

I think there is a very reasonable and logical way it could be carried out. As a matter of fact, the restrictions now for women getting into the service, without a draft, if they want to enlist, are so high for women that very few have an opportunity to serve. Many more would like to. As a matter of fact, the young women who testified before our committee and the young women who expressed themselves in statements on this subject have all asserted that they want the opportunity to participate in the application of any selective service law. The effect of this Constitutional change on some future selective service law was well known to the Republican National Committee. It was well known to Mrs. Armstrong and to Mrs. O'Donnell and well known to the National Association of Business and Professional Women's Clubs and all of the other women's organizations which are supporting this equal rights amendment. They know what the consequences are and they do not want to have this exemption put into the Constitution as a part of the equal rights amendment.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman.

Mr. DENNIS. Mr. Chairman, I just want to be clear. The gentleman is now going on record, if I understand, as favoring an amendment to the Constitution which would put the Congress of the United States in the position that if, and when, it ever wants to draft men that it has to draft women; and if, and when, it ever wants to draft fathers, then it must draft mothers—and it has no choice because the Constitution says so; is that correct?

Mr. McCLORY. You are not going to put me in any such position.

Mr. DENNIS. That is the position you are putting yourself in, I would say to the gentleman.

Mr. McCLORY. Mr. Chairman, I think what the Congress is going to do—I think the Congress, if it enacts a future selective service law, which I hope it does not have to do—can provide exemptions which will apply equally to men and women. They can exempt parents. They can exempt parents who are required to stay with their children. They can exempt either or both parents if they have small children. I can think of many exemptions which might be made part of a possible future selective service law. But, if this equal rights amendment is approved, exemptions—in the law—based solely in sex would be invalid—and, in my opinion, would be quite undesirable.

Mr. EDWARDS of California. Mr. Chairman, I yield 15 minutes to the gentlewoman from New York (Mrs. ABZUG).

The CHAIRMAN. The gentlewoman from New York is recognized for 15 minutes.

Mrs. ABZUG. Mr. Chairman, there has been a lot of questioning here today about the need for an amendment. Why should we have an Equal Rights Amendment? I think I can address the question very simply.

An amendment seeks national approval for changes in basic problems and basic conditions that exist in our society. Once this amendment is passed by Congress, the people, through the political process called ratification, will be able to participate in this national decision, to have their say concerning the very important principle of equality under the law for women. That is why women want an Equal Rights Amendment.

Why are women not satisfied, Mr. Chairman, my friend and the head of my delegation (Mr. CELLER), with leaving the issue of discrimination for the action by Congress, the courts and the State legislatures?

Why do women refuse to depend upon existing law or vehicles such as the courts to address the problem of discrimination against women? You all admit it exists, but you do no more than pay lip service when it comes to really doing something about it. Deeply rooted in the legal, social, and political system of this country is discrimination against women. The discrimination has been perpetrated through a power structure completely dominated by males. This power structure, which shuts out women's participation, cannot be relied upon to eradicate the discrimination—in fact, to the contrary, the evidence is that it maintains and perpetuates existing discrimination.

Let us examine the political institutions and the lawmaking bodies of this land.

Let us examine Congress. In this legislative body, there are 12 women. Of 100 Senators, one is a woman. This token number, has the formidable task of representing 51 percent of our population in the lawmaking branch of our Federal Government.

Let us examine the courts, to which many of you would continue to send us to seek redress of our grievances. Once the laws are made, women, like men, must look to the courts for their interpretation. The courts remain an almost exclusively male stronghold. Only one of 97 U.S. courts of appeal judgeships is filled by a woman. Four of 402 Federal district court judges are women. And the Supreme Court, the ultimate arbiter of those human rights so often denied women, has not one female justice. So much for the representation of women in the legislative and judicial branches of our Government.

Let us examine the executive branch. The Chief Executive of the United States so completely disregards the political and human rights of women that he felt free to announce his recruitment policy for a new Supreme Court Justice, a recruitment policy which would be in direct violation of title VII of the Civil Rights Act of 1964 if the Federal Government were covered as an employer * * * he would hire, and I quote—the best man for the job.

So permeated is our society with sexual stereotypes which punish women for their chromosomes, much as blacks have been punished for their unalterable trait of color, that probably very few of you recognized any discrimination in the president's announced policy for finding the best man for the job. Members of Congress, it is that kind of traditional, very often nonmalicious thinking that has produced the great body of law relegating women to second-class status in our society. And it is from these sexually discriminatory laws that the equal rights amendment will deliver us by establishing women's constitutional right to full citizenship and equality. Enactment of this amendment will provide the foundation for specific legislation to insure the rights of women just as the 14th amendment provided the basis for civil rights legislation.

It is for these reasons that we must make a national statement through an amendment to the Constitution, which we take to the people to ratify. Let us not leave the job to existing mechanisms alone. Let the people determine whether there should be an equal rights amendment to the Constitution of the United States.

Let me say something else with respect to this. Mr. WIGGINS has indicated that he wants to know our definition of equality. We have no problem with that either. We are looking for a unified system of law which treats men and women equally. We are not going to be satisfied with the argument which says that we can treat women differently but equally. Differently but equally, separately but equally—does that not sound familiar to those of us, including you (Mr. CELLER), who have been very much engaged in the struggle to fight for and preserve the rights of minorities to equal treatment?

Let me say something very briefly about some of the arguments.

Mr. CELLER. Mr. Chairman, will the gentlewoman yield?

Mrs. ABZUG. Not now, Mr. Chairman. Later I will be happy to yield.

Let me briefly review those arguments which opponents to the equal rights amendment have offered. Perhaps the most serious charge, and one which is reflected in the Wiggins amendment, is that the equal rights amendment will destroy the "protective legislation," particularly labor legislation, which has so benefited women.

I want to explain that I spent many years as a lawyer in the field of labor law. For many years, I myself questioned the need for an equal rights amendment. But once I studied the meaning of these laws, I have reached the conclusion that it is absolutely preposterous and a smokescreen to believe that "protective" labor laws actually protect women.

As others have said here before, the Wiggins amendment would weaken the equal rights amendment, rather than strengthen it. As my colleague, MARTHA GRIFFITHS, the originator of this great amendment, has already indicated, much has been made of the hazards to which women workers will be exposed if this protective legislation is extended to men. In point of fact, the issue is already a dead one. Title VII of the Civil Rights Act of 1964 has largely either eliminated protective labor legislation affecting only women or has extended the protection to men. Title VII provides that—

> It shall be an unlawful employment practice for an employer . . . to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin.

It is revealing to examine the test that has been applied to determine if these so-called protective laws should be extended to cover men, because they actually do bestow a benefit, or, alternatively, should be eliminated, because they are in fact discriminatory. There are three types of protective laws: First, laws which confer supposed benefits, such as day or rest or minimum wage laws; second, laws which exclude women from certain jobs, such as bartending, mining, and employment before or after birth; third, laws which restrict women's employment in certain conditions, such as night work, overtime, and weight-lifting laws.

The Equal Employment Opportunities Commission has applied title VII by extending those laws conferring benefits to men, and eliminating those laws which exclude women from certain jobs and restrict women's employment under certain conditions.

There can be no doubt that the vast majority of working women are united in their recognition that these laws restricting their employment have served as an excuse for employers and unions to keep women in lower paying jobs. The best gage of the opinions of working women can be found by reviewing the vast increase in the number of lawsuits that have been filed under title VII protesting these restrictive labor laws.

Let us examine the argument that has been made here that women want the protection of strong men.

Nightwork laws, which restrict women in the kinds of work that they can do, may sound like paternalistic protection.

However, the coverage of these laws indicates something very different from protection for women. Nightwork laws do prevent women from working in jobs, such as elevator operators, at night, when the work is less than in the daytime and the pay is more. These same nightwork laws do not protect the cleaning women in this country from the back-breaking toil that they regularly perform at night while their protectors sleep.

As for the laws which actually do confer benefits upon women, the benefits are ridiculously slight. For example, although some States require that women, unlike men, be given chairs for rest periods, I want the Members to show me what States provide a guarantee of security for maternity leaves. What is the real need of the working woman in this country—a chair to sit in for a 10-minute break, or the security of knowing she has a job to return to after she has given birth to her child? That is the question I am asking you.

State weight-lifting laws limiting the amount of weight that a woman can lift on her job have proved a convenient means of eliminating women from the competition for the higher-paying jobs, whether or not weight lifting was actually required on the job. And what kind of weights are we talking about? Ten States limit the amount of weight that women can lift to a maximum ranging from 15 to 35 pounds—approximately the weight of a small child. And yet mothers lift their children many times every day, with no resulting damage to themselves.

The answer to the question of protection must be that those who need protection should qualify under nondiscriminatory protective laws, and those who need protection cannot be determined by gender. For example, can there be any doubt that a 6-foot-tall woman weighing 180 pounds is able to lift more weight than a 5-foot-tall man weighing 110 pounds, assuming comparable degrees of health? The law must protect those who are unable to lift excessive weights from jobs requiring them to do so, and not all women are unable, any more than all men are able.

More than 40 States also have laws restricting the number of hours that women can work. These laws, like the weight lifting laws, cannot be justified on the basis that all or substantially all women cannot or do not want to work overtime. It is a fact that many working women are dependent on overtime work to provide an adequate standard of living for themselves and their children. Persons adverse to women working overtime often overlook the fact that these laws do not apply to the working women, but rather to the employer. Consequently, many women who work at low-paid jobs resort to working two or three such jobs to provide for their families. If the evil to be combatted here is excessive work which is detrimental to the well-being of women, it is clear that restrictive overtime laws are not an effective weapon.

In short, women have been precluded from working overtime in the name of family responsibilities, which millions of working women do not have; health needs which cannot be proved to exist; and female lack of desire to make more money, which the poverty status of many women contradicts. This is not protection, this is discrimination which locks women into low-paying, routine, dead-end jobs; the courts have recognized this fact by invalidating the maximum hours laws which apply only to women, and the Equal Employment Opportunities Commission has labeled these restrictive overtime laws affecting women for what they are—outright discrimination whose effect is to deny women higher pay and promotional opportunities.

Let us remember that, on the average, women earn 60 cents for every dollar earned by men. Black, Puerto Rican, Chicano, and Asian women—the most heavy concentrated in low wage, low-skill jobs—earn less than half of what men do. The price of inequality is high indeed. According to one union, the average woman worker in manufacturing is paid $3,864 a year less than men, resulting in $22 billion extra profit for the companies a year.

This is why we need an equal rights amendment. An argument that has been voiced with the greatest frequency and vehemence in opposition to the equal rights amendment is that women would be subject to the draft. My colleagues, I hope that my position on the draft is clear to you. I am unalterably opposed to the draft. The draft is a terrible thing. I voted against it, I brought on an amendment which called for the total dismantling of the military conscription system, and I believe that nobody, male or female, ought to be subject to compulsory military service. I am adamant and uncompromising in my opposition.

But I am equally adamant in my resolve not to stand by and see the equal rights amendment weakened or defeated by those who do not believe in the concept of full equality for America's women. And these foes of sexual equality have seized upon the issue of the draft as their best means of defeating this measure. It would be a mockery of justice to allow this dishonest issue to deny women their just rights.

This last tragic decade of war has made clear to us that the draft, so long as it persists, and I would hope that it would not continue another day, is without question the most serious and onerous feature of citizenship. A whole mythology, based on the concept of women's physical inferiority, has developed in connection with military service and the result has been to reinforce women's status as subcitizens.

The social stereotype persists that women should somehow be less concerned with the affairs of the world than men. In the Congress of the United States and in the political life of this Nation, political choices and debate often reflect a belief that men who have fought for their country have a special right to wield political power and make political decisions. When women are limited by Armed Forces regulations to no more than a fixed percentage of the total Armed Forces, they are denied this right. And this right is no less than the right for a woman to be taken seriously as a citizen who shares equally with men all civic responsibilities and enjoys the full complement of privileges associated with citizenship. So long as this right and responsibility are denied women, they are denied the status of full citizenship, and the respect that goes with that status.

What are the arguments against making women subject to the draft? The only compelling argument in my view is that no one should be subject to the draft, but I confront much lesser points.

The first argument is that women are incapable of combat duty. History is replete with examples of women who have fought side by side with men in defense of their homes and countries, if there is a national purpose and if there is a national reason. Women have done this all over the world, in Israel and other places, where there is a national purpose.

The second argument voices speculative concern for matters of discipline if men and women serve together in combat situations. I am just going to pass over that, because that is too insulting.

The final argument raises the terrible prospect of women engaged in killing. All combat is degrading, dehumanizing, and dangerous. As between brutalizing our young men or our young women, there is little to choose. I voted against student exemptions from the draft on the grounds that special burdens should not be placed on the poor and those with minimum education. It is my belief that if all young men were equally subjected to the draft, the move to end the draft would be immeasurably strengthened by the extension of personal interest. So too, I feel that making women subject to the draft would be one of the quickest ways to end this repressive regulation for all citizens.

The equal rights amendment would make voluntary as well as compulsory military service, available to women and men on the same basis.

Although it has long been recognized that the military service has served as the "poor boy's college," apparently no thought has been given to what has happened to the poor boy's sister while he has found a road out of his cycle of poverty and despair. The equal rights amendment would insure that the real and substantial benefits available through military service are available to women on the same basis that they are available to men.

What are these benefits? These benefits include educational benefits through the GI bill, medical care through Veteran's hospitals, home loans, life insurance policies for minimal premiums, and life-long job preference for Government jobs. Remedial training is available: Since October 1966, more than 246,000 males who have not met mental or physical entrance requirements for military service have been given opportunities for training or correcting their problems. The veteran enjoys greater employment status than the nonveteran: In answer to one interview, over one-half of the veterans interviewed said that their military training resulted in better pay and higher titles in their jobs. My colleagues, I remind you that women are in sore need of obtaining an equal footing with men in the terms and conditions of employment.

Women who wish to participate in

these benefits available through military service are confronted with the barrier which decrees that women constitute no more than a fixed percentage of the total personnel in the Armed Forces. Women must meet higher educational and minimum age requirements than men.

Once a woman gains admission to the services, she confronts formidable in-service discrimination. She is excluded from numerous educational and training programs available to her male counterpart. In fact, if she has not already received training, she is unlikely to gain admission: although the Armed Forces offer training to men, their attempt is to recruit trained women. And women are forced to fulfill their obligation in stereotyped "female" jobs such as clerical work or nursing, in line with the recruitment pamphlet's statement that "they—women—release men for men's work." Thus, rather than providing training and educational programs to dedicated women who are fulfilling a service commitment, the Armed Forces are presently a bastion, immune from attack, which reflects the very worst sexually discriminatory policies in regard to educational and employment practices.

We are confronting an ironic situation. The cry has been against compulsory military service for women because they will be involved in combat. The truth is that only a very small percentage of men, 8 percent, presently serving in the Armed Forces are in combat zones. While the remaining vast majority fulfill their military obligations in noncombat positions, they are receiving valuable training and education, and they will continue to receive benefits from their military service after they have left the service to return to private life. The equal rights amendment would insure that women who seek, or are subject to, military service receive the same training and benefits to which men are now entitled, but which are denied to women.

Let us not forget that the Armed Forces is a very substantial employer with approximately 2.7 million employees. Women have a right to seek employment in the Armed Forces on the same basis as men, to receive the same training, and to benefit from the same privileges now accruing only to men. We cannot indulge in hypocrisy by allowing this sector of the Federal Government to discriminate in a manner, which, were the Government covered as an employer under title VII of the Civil Rights Act of 1964, is directly in violation of Federal law.

The matter of sex discrimination in education is such an important matter that I feel I must touch on it, although I do not have the time to give it the full attention that it deserves Why is this such an important issue? The answer is twofold: It is because sex discrimination is so pervasive in our every level of educational system, and because it shapes the aspirations of young girls when their personalities and expectations are most malleable. Females first learn in the classroom that they can aspire to no better than second-class citizenship. The message is clear in many ways—in textbooks, illustration, and teacher models. Girls can grow up to be nurses, but only boys can be doctors: Girls can aspire to motherhood which consumes all their energies, while boys become fathers and master careers, girls can learn to take dictation, but boys can learn to dictate.

The formative influence on young minds of societal expectations cannot be exaggerated. Young girls who seek to achieve educationally rather than to assume the submissive, dependent, and deferential role that society has dictated for them are found by psychologists to suffer fear of social rejections should they succeed.

Sex discrimination in education extends beyond students into the teaching and administrative level to find its victims. Although men are only 12 percent of the elementary school teachers, they account for 78 percent of the elementary school principals. Of the 13,000 school district superintendents, only two are women, and education is traditionally a woman's field.

At the secondary school level one-half of the teachers are women but only 4 percent of the high school principles are women.

One example can illustrate graphically the discrimination that women encounter in seeking admission to colleges and universities. In 1964, 21,000 women were turned down for college entrance in Virginia. During that same time, not one male applicant was rejected.

Even beyond the graduate level, women continue to suffer from academic myths. The myth is that there is a shortage of qualified female candidates for doctorates, but the fact is that a higher percentage of women with doctorates go into teaching than men with doctorates. And now that we are beginning to see a surplus of Ph. D's in some academic areas, we have begun to see the plight of women worsen, for women are often the "last hired" and the "first to be let go" in the academic community.

It is a revealing statistic that of the hundreds of charges filed by the Women's Equity Action League against colleges and universities for sex discrimination in employment of faculty, none has ever been refuted.

When young girls and young women are denied the right to an equal education, without regard to their sex, they are handicapped for their lifetimes.

The equal rights amendment proposes to give equality of rights to women and men, so that sex is not a factor in determining what rights one enjoys. There are two qualifications to this general rule: The equal rights amendment will not preclude legislation, or official action, relating to physicial characteristics unique to one sex and will not preclude legislation respecting personal privacy. For example, laws providing maternity benefits will not be violative of the equal rights amendment since only women can qualify as mothers. Similarly, laws regulating sperm donors would stand since only men can fulfill this function. This is not discrimination: It is simple recognition of a physical characteristic unique to one or the other sex.

A particularly frivolous argument opposing the equal rights amendment is that men and women would be forced to use the same restrooms and bedrooms. The obvious solution is for the Supreme Court to extend the right of privacy recognized in Griswold against Connecticut to permit separate restrooms and sleeping quarters in public institutions. We will be able to have separate toilets, if that is such a big problem.

Mr. Chairman, I find it appalling that so noted a constitutional lawyer as Senator SAM ERVIN bases his opposition to the equal rights amendment, in part, upon the position that women are presently assured adequate protection of their rights under the equal protection clause of the 14th amendment. No case has reached the Supreme Court of the United States in which the Court has ruled that a woman was "a person" within the meaning of the equal protection clause of the 14th amednment, although blacks and corporations have been declared persons. In fact, the 14th amendment has never been applied by the Supreme Court to guarantee an individual female citizen the right to work at any lawful occupation of her choice, although the Court has applied the equal protection clause to insure the right to work to Chinese laundrymen, Japanese fishermen, a train conductor and an Austrian cook. The question is not whether the 14th amendment could provide protection for the rights of women, the question is whether the 14th amendment has been interpreted so that it protects women from arbitrary discrimination. The answer is that it has not.

If Senator ERVIN expects any heightened sensitivity on the part of the Supreme Court to the issue of sex discrimination, he is mistaken. Less than a year ago, when the Supreme Court was hearing oral argument in the case of Phillips against Martin Marietta, the first title VII case to go before the Supreme Court, whose basis was a charge of sex discrimination in employment, the record of that argument shows that the proceeding was repeatedly interrupted by laughter on the part of the Justices. Sex discrimination, like race discrimination, is no laughing matter. Women need the equal rights amendment to combat sex discrimination, just as blacks needed the 14th amendment to combat race discrimination.

I have noticed, upon reviewing testimony on the equal rights amendment, that a question frequently asked of witnesses is why, since as the majority sex, women can use the vote to protect their interests, a constitutional amendment is needed. The answer is twofold: First, although a numerical majority, women have been powerless in this society; second, the proposition that constitutional protection should depend on a group's numerical power is outrageous.

I think that you should know something else. The women of America know that polite society looks with ostensible horror at one who tells an ethnic joke, portrays racial stereotypes, or acknowledges religious prejudice. Yet, in this same society, women are the butt of crude jokes on the cocktail circuit, the object of gross discrimination in the employment and educational sector, and caricatured pawns of the advertising world. But the women of America will no longer content themselves with leavings and bits and pieces of the rights enjoyed by men.

Finally, but I want to mention those cages that women supposedly want to be in, Mr. CELLER, and those votes which they may not have used.

Let me tell you about those cages. Let me tell you about those votes. Women are coming out of those cages. They are using that vote. They are not only using that vote in support of the equal rights amendment, for they have organized their political power and fashioned the National Women's Political Caucus. In State after State, women—middle as well as lower and upper class, black, brown, and yellow as well as white, independents as well as Republicans and Democrats—are demanding the same obligations, responsibilities and benefits as men in our society have.

What is happening, ladies and gentlemen of the House, is that women are organizing their political power. They are going to use the vote that they secured 50 years ago and which they may not have used sufficiently thus far I think this will be done for the benefit of themselves, for the young people, for the minorities, but most of all, for the benefit of all men and women.

You must realize what is happening here. Women are organizing their political power. As one of who has helped organize the National Women's Political Caucus, I can attest to the fact that the response has been fantastic in every State. Women will want to know who supported the equal rights amendment and who did not, and I mean without the Wiggins amendment.

Equal rights—equal responsibilities. We demand no more and will accept no less.

Mr. WIGGINS. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey (Mr. SANDMAN).

Mr. SANDMAN. Mr. Chairman, this is a very difficult position to take at this time following the last speaker. I had hoped to have the privilege of asking her a question, which I did not get a chance to do, but maybe we will get that chance later.

So much has been said about what a terrible thing the Wiggins amendment is. I do not know of anything in it which takes away any of the things that the gentlewoman from New York wants to accomplish. The only thing it really does in a broad sense is it gives to the Congress of the United States that right not to draft women into the Armed Forces. This seems to be something that is sticking in their craw, although I do not know why.

It is extremely difficult to take the position that I think I have to take here today.

First of all I would like to explain something. I hope nobody is misled over the fact that the last time this amendment was here it passed by a vote of 350 to 15. The truth of the matter is I was one of those 350. But you can bet your life I am not going to be one of them this time.

Last time there were no hearings on the bill. Last time the bill had less than 1 hour's consideration on both sides. Since then I have had an opportunity not only to listen to the witnesses on the committee that took the testimony, but I also had the opportunity of watching the demeanor of those witnesses and to watch how well they could take cross examination on their very affirmative statements.

It is real easy to be affirmative, but it is another thing to answer questions well.

Now, before the committee there were many people who did not testify in favor of this amendment.

At the outset I may say that I am absolutely convinced that the gentlewoman from Michigan (Mrs. GRIFFITHS) is sincere in what she is trying to do. I believe that she has spent a couple of decades in trying to do good in this particular path for the members of her sex and for this she must be commended.

Mr. Chairman, if I thought for one moment that this proposed amendment would accomplish all those things, I would support her constitutional amendment. However, I have chosen another path. I have chosen to take the position which has been taken by the chairman of the Committee on the Judiciary, the gentleman from New York (Mr. CELLER). I have chosen to believe the testimony given by Senator SAM ERVIN when he testified before our subcommittee, and I choose to take that path which I conscientiously believe, although it is not popular, it is right. It is not the best way for me to get reelected. I am sure of that. I am sure there will be many people in my area who will misinterpret the reason why I take this position.

I am convinced by organized labor's, representative, Mrs. Myra Wolfgang, vice president of the National Hotel and Restaurant Employees and Bartenders International Union when she said that this measure would take away 60 years of hard work and accomplishment on behalf of the working woman. She gave many reasons why this is so. She pointed to what happened in the State of Michigan when their particular work laws were suspended for a short time. She said—and her testimony appears on page 213 of the hearings—that when the Michigan 54-hour-a-week law was temporarily suspended in the winter of 1967–68 that the Chrysler Corp., to be specific, immediately went into an overtime basis and forced the women working for them to work 69 hours a week.

Mr. Chairman, I prefer to treat women as ladies. I prefer to treat them equally. I prefer to do everything for them that I can so that they do get their proper share of everything. In fact, the people I love most in this world happen to be members of that sex—my wife, my mother, my sister, my daughters—and I want them to have equal rights as compared to those of everyone else.

But, again, in the State of Michigan what happened during that period? Mrs. Wolfgang reports that one particular company imposed a 70-hour week. It happened to be a refrigeration company where the female employees had to work in freezing temperatures during those particular hours. I do not think that helped those women and I do not think this amendment is going to do any more.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. SANDMAN. I am glad to yield to the gentleman from California.

Mr. WIGGINS. I wish to make the observation that these are not examples that are unique to the State of Michigan, but in my district many women are being compelled to work double shifts as a condition of remaining employed, solely by reason of the recent decision of the State of California removing the hours of work in that State. These are very real problems. I have received more letters from women protesting that clear discrimination against them and their obligations at home and their obligations to their children, more letters by far than I have ever received from women in support of the amendment.

Mrs. GRIFFITHS. Mr. Chairman, will the gentleman yield?

Mr. SANDMAN. I will be happy to yield to the distinguished gentlewoman when I complete this statement.

One of the outstanding things to which we have to agree that has come about is the fact that in all the testimony not a single witness before our committee, nor has a single person who has taken this floor today, disagreed with the contention that this amendment would make women subject to the draft. This I think we are in accord with. You can say you do not like the draft and you can say you do not like war, but it is here.

The draft is here. It is in effect right now. Let us assume that this amendment becomes law while the draft is still in effect. Those who say "Vote for this amendment as is, without the Wiggins amendment," say "I favor making women subject to the draft." And that is precisely what it is, and nothing else.

I happen to be one of those people who do not believe that women should be subject to the draft. I can tell you this: regardless of what the previous speaker says, and remember what she said, "Women want this"—let me tell the gentlewoman from New York that it says, in the testimony here, from McCall's magazine, that 76 percent of the people said they did not want women subject to the draft. And let me tell you what I found in my district—and this, I think, is something for everybody to think about. I sent out a little postcard just to see how people would answer it. A simple question. And I told them the constitutional amendment that was before the Congress, which is called the Women's Equal Rights Amendment, will make women subject to the draft. "If that statement is true, do you favor the constitutional amendment?"

I got back only 420-some replies. These are the returns: 93 percent said "no"; 7 percent said "yes."

But the interesting thing about it is that six out of every seven who voted "yes" were men, they were not women.

So I can say to you that in my district, at least, the women do not want to be subject to the draft, and they should not be.

I happen to believe that a woman is entitled to those rights that different labor movements have given them in almost every field. I do not believe that a woman should sacrifice those rights that she has as a matter of domestic relations laws in 50 States, including the one I come from. I believe that a deserted woman has the right to separate maintenance, and she should be paid separate maintenance. I believe that a married woman is entitled to have preferential consideration as to who should have custody of her children when she is separated from her husband. And I do not propose to take any of these rights away by voting for this amendment.

In closing, much has been said about the fact that the Wiggins amendment kills the bill. To those people who have said this——

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. WIGGINS. Mr. Chairman, I yield 2 additional minutes to the gentleman from New Jersey.

Mr. SANDMAN. Mr. Chairman, I thank the gentleman for this additional time.

Mr. Chairman, the language of the Wiggins amendment, section 1, says:

> Equality of rights of any person under the law shall not be denied or abridged by the United States or by any State on account of sex.

How does that take away any of the privileges that the amendment offered by the gentlewoman from Michigan (Mrs. Griffiths) gives? I do not know. I cannot find anything wrong with that sentence. I think it is altogether right. The gentleman from California (Mr. Wiggins) adds the words "any person," because he wants to be very careful that it applies to all persons, and not just citizens of the United States. That is why he said he did it. And I think that is a good reason.

Mrs. GRIFFITHS. Mr. Chairman, will the gentleman yield?

Mr. SANDMAN. I yield to the gentlewoman from Michigan.

Mrs. GRIFFITHS. Mr. Chairman, I would like to point out to both the gentleman in the well (Mr. Sandman), and the gentleman from California (Mr. Wiggins), that these hours that you are pointing out, that the women worked, did not occur under an equal rights amendment. That had nothing to do with the equal rights amendment. The situation that you refer to, where Mrs. Myra Wolfgang complained that the Continental Baking Company made women work double shifts, there were no men involved there at all. That had nothing to do with equal rights, either.

Mr. SANDMAN. Let me ask you this question. In a case where you do have both sexes working, in a case say where a man has to work 60 hours a week, and your amendment becomes the law, would a woman have any privilege of working less than 60 hours a week?

Mrs. GRIFFITHS. There would only be the question of whether a man should be required to work 60 hours a week.

Mr. SANDMAN. That is right.

Mrs. GRIFFITHS. The point is, may I say to the gentleman in the well, the whole purpose of the amendment is to give men and women equal rights and we are going to have plenty of time for the State legislature to enact those bills. That is what the amendment seeks to do. To have the legislatures of the States and this body to equalize these laws.

Mr. SANDMAN. I do not have much time remaining, but may I ask you a question. Will you please tell me what the objection is to the Wiggins amendment in section 1? How does that take anything away from your amendment?

Mrs. GRIFFITHS. It is totally unnecessary.

Mr. SANDMAN. It is totally unnecessary—why?

Mrs. GRIFFITHS. It is absolutely unnecessary. The Constitution of the United States does not mention dogs and animals and so on.

Mr. SANDMAN. Does it take anything away from your amendment?

Mrs. GRIFFITHS. It is totally unnecessary.

Mr. SANDMAN. Does it take anything away from your amendment—that is the inclusion of the words "any person"—how does it hurt your amendment I want to know?

Mrs. GRIFFITHS. I do not know that it hurts the amendment. It just is not necessary.

Mr. SANDMAN. In closing, Mr. Chairman, there is not one blessed thing that the Wiggins amendment takes away from the original sponsor's amendment by adding these two words, and everybody here knows it.

The only thing the Wiggins amendment does is that it gives to the Congress of the United States that right not to draft women, if they chose to make such an act.

To those who oppose the Wiggins amendment—when it comes up—please be prepared to tell the women in your District that you believe women should be drafted and that the Congress should not have the right to exempt women if the draft law exempting women should be presented to them.

Discrimination against women does exist. It must be eliminated. It should be accomplished by specific legislation for this specific case. This amendment does not accomplish those things, I therefore support the Wiggins amendment.

Mr. EDWARDS of California. Mr. Chairman, I yield 15 minutes to the gentlewoman from New York (Mrs. Chisholm).

Mrs. CHISHOLM. Mr. Chairman, I think that I can safely say I am the one person in this august body who is actually a product of two segments of our society that is discriminated against. I am black and I am a woman.

I think this whole question of "separate but unequal" that has been applied to blacks for many years in this country can also be applied to women on many levels in this country.

I would just like to refer back to a few remarks which have been made previously in the Chamber and which I noted—then I will go ahead with my brief statement.

First. The venerable chairman of the committee, my good friend, the gentleman from Brooklyn (Mr. Celler), who comes from the congressional district next to mine, indicated that even though women have had voting rights for such a long time, they never have been really elected to office—that people have not elected them. This goes to show the necessity for the equal rights amendment to be decided by the specific States. This inherent attitude, Mr. Chairman, in our society against women—this inherent attitude is the same inherent biased attitude in our society against blacks.

Second. We heard the distinguished chairman, the gentleman from New York, also mention that this can only be abolished by changed attitudes. But many things cannot be abolished—such as attitudes—but we do recognize that we who are responsible for legislation have a right, and it is a very important right, to provide the kind of atmosphere and the kind of situation in this country that will lead people in terms of the direction that we must go—that the time has come to really make sure that we have equal rights for women in this Nation.

We have to assume leadership roles and to recognize that the traditional way of doing things is not the answer any longer to many of the problems confronting us in today's society. Tradition is not the answer to all.

Mr. Chairman, in 1836, the New England Association of Farmers and Merchants passed a resolution that read:

> Whereas, labor is a physical and moral injury to women and a competitive menace to men, we recommend legislation to restrict women in industry.

The language that the gentleman from California (Mr. Wiggins) proposes to add to the original equal rights amendment amounts to nothing but a modern version of that resolution. The pious sentiments of gallantry we often hear in this Chamber today are the same, and the practical effect of the phrase in the committee version—which reasonably promotes the health and safety of the people—would be the same.

There is no truth whatever to the assertion, on which much of the support for the Wiggins version rests, that the equal rights amendment in its original form would sweep away laws that the States have passed for the protection of women. The laws that would be nullified are laws that discriminate against women, although they were passed under the color of protective legislation. They are, without exception, based on the belief that women have their place and must be kept in it, for society's good and their own. That belief is dying. When it gives its last gasp, I dare say, that gasp is likely to be heard in this very Chamber.

The State laws that are in question fall into two classes. Either they guarantee to women benefits that should be guaranteed to men as well, or they deprive women of rights that men are allowed to exercise. Into the first class fall laws regulating maximum daily and weekly hours of labor, limits on weightlifting, and rest periods, into the second, laws that forbid women to work at certain hours, bar them from some occupations or prevent them from working overtime. These laws are so dear to the venerable and respected gentleman from Brooklyn, my neighbor, Mr. Celler, that for many years he has refused to let the equal rights amendment move through his committee. They are, may I say with respect to him, transparent male frauds. Their effect, and in many cases their intention, is to protect women out of the better paying jobs. Women have been forbidden to wait on tables late at night—when the tips are large—but they have seldom if ever been forbidden to scrub office floors all night. They have been saved from working more than 8 hours a day in some States: Who is it, then, who collects the overtime?

In State and Federal courts across the country, these laws are being invalidated one by one because they violate the provisions of title VII of the Civil Rights Act of 1964. This is an expensive and time-wasting process which could be eliminated at a stroke by passage of the equal rights amendment as the gentlewoman from Michigan (Mrs. GRIFFITHS) proposed it in its original form. Many of the supporters of the Wiggins version are Members whom I have heard, on other occasions, express concern for the overburdened judicial system; they have today an excellent chance to demonstrate their sincerity by relieving it of one of its burdens.

I view the committee version of the amendment as nothing less than a subterfuge to eliminate title VII of the Civil Rights Act, the only legislation that has been any significant value in alleviating the effects of years of discrimination against women. Judicial decisions relying on title VII have sounded the deathknell for discriminatory State laws. The Wiggins version would breathe new life into them.

Mr. Chairman, let me turn now briefly to some statistics. They demonstrate, with an authority beyond the reach of any opposing argument, that women are consistently and cruelly discriminated against in the most fundamental field of all, the economic.

Pamela Roby of the Center for Manpower Policy Studies, in the Sociology Department at George Washington University, in a study of university faculties, found that it is almost unheard of for a woman to reach the rank of full professor at a major American university. At the University of Michigan she found that 40 percent of the instructors were female, but only 4.3 percent of the full professors. At Columbia, women made up 29 percent of the part-time associates, assistants, and preceptors and earned 24 percent of the doctor's degrees, but they made up only 5 percent of the full professors in the entire university—and that average was boosted by including Barnard College, where 22 percent of the full professors are women.

On Harvard University's faculty of arts and sciences, 16.7 percent of the instructors are female, 4.6 percent of the assistant professors, and not one—not one—of the 483 are associate and full professors. It is undebatable that women are deliberately, routinely, and almost universally barred from promotion to the upper levels of university faculties.

The story in Government is the same. The Metropolitan Washington Council of Governments found women heads of local government departments almost nowhere—except for an occasional library director or welfare administrator.

Mr. Chairman, fully to document an outrage as nearly universal as the discrimination against women in hiring, pay, and promotion would consume far more time than is alloted to this entire debate. If these examples I have given are not convincing, it would add nothing to my argument to multiply them, although one could do so almost endlessly. I have concentrated in my remarks on the economic injustice our present laws and customs work on women, because this subject is of major importance to me and to my constituents, and because I expect that other aspects of the question will be covered by other supporters of the amendment in its original form, more fully and ably than I can do. But let me in conclusion make a final and more general point.

If the amendment under debate passes this House in the distorted form in which it was reported by the committee, it will amount to killing the Equal Rights Amendment question for this year, and perhaps several years to come. In the form reported, the amendment is unlikely to pass a single State legislature and by no means will ever pass two-thirds of them. The reason is that no women's group will support it, and consequently there will be no pressure on the legislatures to act. Of this fact, I believe the gentleman from California and his supporters are well aware. The amendment in the Wiggins version will surely die. Either it will die quickly here today, as I hope, or it will die slowly from the contemptuous disregard it will receive from the general public, and which it will entirely deserve.

The Wiggins version is a parliamentary trick meant to permit Members of this body who are opposed to equality for women, to appear to vote for it. It is a desperate, deceptive, last-ditch design to thwart a victory that women have fought for for more than 40 years, and which they will soon win. But it has not deceived anyone. Let me implore my male colleagues now at least to act like men on this question; if you oppose equality for women, vote down the Wiggins version and then stand up and cast your votes openly against the original form of the amendment as it was introduced by the gentlewoman from Michigan. But stop trying to fool us: It will not work any more.

Let me say also today that I would like to point out to the gentleman that it is not a question of whether or not we are going to snip clitoral imperialism or smash male oppression. The question is whether or not in reality we are going to accord to the women of this country equal rights being determined by an amendment which must secure the ratification of the respective State legislatures. We are merely serving to give the direction and the leadership and trying to get the country into the kind of atmosphere that will be now conducive for giving equal rights to women in the same way that, for many years, we got the country ready for giving equal rights—not completely equal yet—to blacks. I think that this at heart is the issue, and any attempt to minimize what the gentlewoman has proposed will merely be an attempt to try to make the public believe that we are really for giving equal rights to women when deep down inside we are not interested in that at all.

Mr. WIGGINS. Mr. Chairman, will the gentlewoman yield?

Mrs. CHISHOLM. I yield to the gentleman from California.

Mr. WIGGINS. The gentlewoman has made the assertion that a purpose of the committee bill is to undermine title VII of the 1964 Civil Rights Act. I do not believe that statement should remain unchallenged. Title VII of the Civil Rights Act of 1964 refers to private employers engaged in commerce with 25 employees or more. The provision before us has nothing to do with private employment and applies only to public employment. The two acts are not mutually destructive. There is no intention on my part or on the part of the committee to undercut title VII of the Civil Rights Act, and the measure does not do so.

Mr. McCLORY. Mr. Chairman, will the gentlewoman yield?

Mrs. CHISHOLM. I yield to the gentleman from Illinois.

Mr. McCLORY. I believe, quite to the contrary, that this does apply to Federal and State laws and it does affect private employment insofar as affected by Federal and State laws. The effect of the Wiggins amendment, it seems to me, would be to do exactly what the gentlewoman said. It would build into the Constitution and perpetuate the inequalities we are trying by this constitutional amendment to eliminate.

Mrs. CHISHOLM. I believe it must be further understood that any accomplishment which has been made under title VII can really be minimized in terms of this Wiggins amendment insofar as women are concerned.

Mr. WIGGINS. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, we consider here today an important legal and constitutional question. We should approach it as such; and whatever emotional overtones this issue may have, we clearly ought not to resolve it on any emotional basis.

I take as a starting point the assumption—which I believe to be entirely factual—that no one in this House believes in invidious discrimination toward or in unfair and unjust treatment of either sex, whether by governmental action or by private attitude or conduct.

The question before us is whether this proposed constitutional amendment is either a necessary or a desirable method whereby to strike at such unjust or discriminatory conduct.

Here again I start with a very basic assumption; namely, that the Constitution of the United States—a truly well-drawn and fundamental document which has served us well with few changes for almost 200 years—is not to be amended except in case of a demonstrated necessity. I submit to the House that, very clearly, no such necessity exits here.

In the hearings before the Subcommittee of the Judiciary Committee, our colleague Mr. WIGGINS of California—at page 324 of the hearings—questioned Mr. William H. Rehnquist, Assistant Attorney General, as follows:

> Mr. WIGGINS. Do you feel the constitutional amendment is necessary to implement the Federal policy you have enunciated, that is, no discrimination on the basis of sex?
>
> Mr. REHNQUIST. No, I don't. I think one could do it by statute.

Prof. Paul A. Freund, of Harvard Law School, a recognized constitutional authority, has said in a statement submitted to the committee:

> Congressional power under the commerce clause, as the civil-rights legislation shows, is adequate to deal with discrimination (whether private or governmental) based on sex, as on race.

And again:

> Congress can exercise its enforcement power under the fourteenth amendment to identify and displace state laws that in its judgment work an unreasonable discrimination based on sex.

As Professor Freund has said:

> The proposed amendment attempts to impose a single standard of sameness on the position of the sexes in all the multifarious roles regulated by law—marital support, parental obligations, social security, industrial employment, activities in public schools, and military service—to mention the most prominent.

Very clearly, I submit, the statutory approach, with its far greater flexibility, is much to be preferred to the nonflexible route of amending the fundamental law; and, moreover, questions of policy—which is what we deal with here—are much better determined by the legislative branch, which, under our system, was created for that primary purpose.

Another reason why a constitutional amendment is unnecessary is that there is a very good probability that governmental discrimination based on sex, on the part of the several States of the Union, is already barred under the "equal protection" clause of the 14th amendment.

Three cases are pending before the Supreme Court of the United States at this present time which present this question: The Stanley case from Illinois, Reed against Reed from Oregon, and Alexander against Louisiana, and—according to the clerk of the Supreme Court, to whom I talked this morning—the Stanley case and the Reed case are set for argument on October 18 or 19.

I ask the House, does it make sense for us to amend the Constitution here today when the Court in a few weeks' time is likely to render a decision which will make any such amendment demonstrably unnecessary?

Mr. McCLORY. Will the gentleman yield?

Mr. DENNIS. I yield to the gentleman.

Mr. McCLORY. I thank the gentleman.

I want to comment that it is true that a great many proponents of this principle do feel that the entire action could be taken by legislation. I conceded that in my remarks.

Also, the gentleman is correct that the 14th amendment could be applied to provide equal rights to women, but it has not been so far, and if the pending cases do achieve this before the ratification, why, then, of course, it is possible that this would be redundant. But there is nothing here to indicate in their decisions that that would be the case.

Mr. DENNIS. I thank the gentleman for his contribution.

I think the way cases have been going, and the way the interpretation of the law in the lower courts has been going, the probability is quite good that the courts will take that point of view, but what I am saying is they are going to argue it in a couple of weeks, so we can at least wait to see what they are going to do.

Here a few days ago, as has already been pointed out, the distinguished gentlewoman from Michigan—and I see she has left the floor and I am sorry about that—made the argument that the women of this country were the last people who ought to trust their rights to the Federal courts, because the courts had never treated them fairly; this was substantially what she said. Yet I submit to the House that by following the amendment route, if we do, we are going the route of submitting this whole proposition to the courts. I say that because in litigated case after litigated case we are going to have to decide what this new amendment with its language on equal rights means. Of course, at present we litigate the commerce clause and equal protection under the 14th amendment, but we are going to add to it a new amendment, the equal rights amendment and we are going to spend 20 years litigating that and deciding what it means. That is the very thing the gentlewoman says we ought not to do and which I personally agree we ought not to do.

There is danger in this process, too, for our already weakened and increasingly weakened federal system; for, in the interpretation of the meaning of this amendment the Federal courts will have to pass on its effect on State laws protecting the health, safety, and welfare of women in industry, on the rights of a woman to support and to child custody, on questions of property rights and inheritance, all of which are matters now largely entrusted to the several States and which, I would think, we ought to be very loath to turn over to determination by the Federal courts.

Moreover, the amendment as originally proposed by the gentlewoman from Michigan (Mrs. GRIFFITHS) and as interpreted, I think it fair to say, by a majority of its prime supporters equates "equality" with "identity," and insists upon a sameness of treatment, without leeway for any reasonable difference in law based upon an existing difference in fact.

Professor Freund has pointed out that a proposal which was made in the Senate a year or 2 ago to revise the amendment to read that "equal protection of the laws shall not be denied or abridged—on account of sex" was rejected by the proponents of the amendment for the very reason that the courts and legislatures, under this language, might find some compelling reasons for certain classifications, and that this was not acceptable.

As Professor Freund says:

> A doctrinaire equality, then, is apparently the theme of the amendment. And so women must be admitted to West Point on a parity with men; women must be conscripted for military service equally with men—though classification on an individual basis for assignment to duties would be valid, it is asserted—girls must be eligible for the same athletic teams as boys in the public schools and State universities; Boston Boys' Latin School and Girls' Latin School must merge—not simply be brought into parity; and life insurance commisisoners may not continue to approve lower life insurance premiums for women—based on greater life expectancy—all by command of the Federal Constitution.

On one thing, at least, there is no dispute.

The proponents of the proposed amendment in its original form all concede that if this amendment is written into the Constitution of the United States the Congress will be compelled, at any time it drafts men for military service, to draft women, and at any time it drafts fathers to draft mothers.

To me, the drafting of American women and mothers into the military service is a thoroughly undesirable social development which would go far, indeed, to transform us into a national socialist state. I am totally against it, and I have found no substantial support for it anywhere I have gone, whether among men, or among women's groups.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. WIGGINS. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. DENNIS. Yet, if the Congress wants to do this the Congress has undoubted power to draft women, by legislation, today. Congress has not seen fit to do so, and, quite obviously, has no such desire or intention at the present time.

Are we then, by the adoption of a constitutional amendment, to force ourselves to draft women, whether we want to or not, whenever we decide that we must draft men?

The question would seem to answer itself, and I suggest to my colleagues that it will take a great deal of ingenuity, should the amendment be adopted in its original form, to explain and to justify this result to a majority of our constituents, both men and women.

The Wiggins version of the amendment, as reported by the Committee on the Judiciary, of course represents an effort—vigorously opposed by proponents of the original amendment—to meet some of these objections.

It does serve to meet some of them, and the Wiggins, or committee, version is very definitely to be preferred to the original version of this amendment which is sponsored by the distinguished gentlewoman from Michigan and which is supported by a minority of the Judiciary Committee.

As I have already pointed out, however, no amendment at all is either necessary or desirable in order to achieve the legitimate goals of the proponents of these amendments.

The route of State and Federal legislative action, and of Court decision under the existing provisions of the commerce clause and of the fifth and 14th amendments, is open, is adequate, and is preferable to the new constitutional amendment now proposed.

Mr. Speaker, the legitimate legal rights of women are already guaranteed under the Constitution of the United States; and to safeguard these rights it is wholly unnecessary to tamper with the broad and protective provisions of that great document.

Mr. WIGGINS. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio (Mr. KEATING), a member of the committee.

Mr. THONE. Mr. Chairman, will the gentleman yield?

Mr. KEATING. I yield to the gentleman from Nebraska.

Mr. THONE. I thank the gentleman for yielding.

Mr. Chairman, the House of Representatives has the opportunity to take a historic step forward tomorrow. We can do this by passing House Joint Resolution 208 as originally proposed by Representative MARTHA GRIFFITHS.

We could also take a step backward. House Joint Resolution 208, as amended by a close 19-to-16 vote of the Judiciary Committee, would not just make the resolution meaningless, but would violate the principle of democracy currently guaranteed by the equal protection clause of the 14th amendment,

The Wiggins amendment, if accepted here and eventually ratified by the State legislatures, would write into the Constitution some of the very evils of law and administration that the original resolution was intended to eliminate. Under the guise of protecting the health and safety of women, the Wiggins amendment would retain and strengthen discriminatory practices against women.

House Joint Resolution 208 as originally introduced is not just an equal-rights-for-women amendment. It is an amendment to provide for equal rights for people. The resolution, when it becomes a part of the Constitution, will aid women by allowing them to compete on merit for jobs and opportunities. When this equal rights amendment is ratified it will also provide for equal treatment now denied the men of this Nation. The equal rights amendment will give men justice in matters of divorce, alimony, child custody, and other fields.

The amendment to provide equal rights for all people is not a unisex measure. After this amendment becomes a part of the Constitution, legislation and administrative actions may take into account a physical characteristic unique to one sex. What would be illegal would be law or administration that requires employers to give women more rest periods, and thus lower pay, than men, regardless of size, weight, or physical condition.

The legal doctrines of "separate but equal" and of "benign quotas" and "compensatory aid" have not constitutional nor beneficial relations between the races. These theories will not provide for justice between the sexes either.

To approve the Wiggins amendment would be a betrayal of the women of our country and of the principles which our President has repeatedly supported. I urge my colleagues to follow the precedent set by this body in 1970 and overwhelmingly support House Joint Resolution 208 as originally introduced.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. KEATING. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, I should like to associate myself with the remarks of the gentleman from Nebraska.

Mr. Chairman, as one of the many authors of the equal rights amendment, I support it enthusiastically in its original, pristine version.

The case for equal opportunity is obvious. Protections which are said to be available under the 14th amendment simply have not been available. The equal rights amendment is more than symbolic. It is also a vital need.

The committee bill now includes the Wiggins amendment. It is attractive and apparently reasonable, but only the original bill gives a real guarantee of equality.

Therefore, I urge removal of the Wiggins amendment and prompt approval of the original version of the equal rights amendment.

Mr. KEATING. Mr. Chairman, I rise to support House Joint Resolution 208, as favorably reported by the Judiciary Committee.

There is no question that women in the United States often suffer from unfair discrimination in the fields of employment, education, and in countless other areas. Women are frequently denied opportunities and privileges granted to men as a matter of course. Many of these discriminations arise out of law, and many exist purely as a result of prevailing social attitudes.

In confronting this problem, the Judiciary Committee squarely addressed itself to the elimination of discriminatory practices arising from deficiencies in the law. The amendment reported by the committee will provide a constitutional basis to strike down those laws which use sex alone as grounds for denial of equal rights. This amendment will be effective. This amendment will produce meaningful, substantive results. This amendment represents a responsible approach to the issue now before us. Passage of this amendment is a must to those who desire a fair and impartial application of the law to members of each sex.

In considering House Joint Resolution 208, the Judiciary Committee became aware of sharp differences of opinion concerning how this amendment should be worded. The committee concerned itself with striking a proper balance between those situations where women are discriminated against by law, and those situations where the law allows for some rational distinctions to be made between the sexes. Deliberations took place with the knowledge that laws which treat men and women differently are not, for these reasons alone, necessarily discriminatory. The committee is of the opinion that an amendment to the original text is necessary in order to make absolutely clear the intent of Congress. We must avoid irrational, predictable consequences which would actually damage the cause of equal rights for women.

This amendment makes clear that—

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

This amendment makes clear that women are to be treated as equal human beings with men, but not as human beings identical to men in every respect. This represents no compromise on principle. This does represent a responsible and legally sound basis for insuring equality under the law for our Nation's women.

It is commonly charged that the committee amendments would be "crippling." This charge is completely without legislative basis. The amendment reported by the Judiciary Committee would in fact nullify any law in which sex alone was the basis for denial of a right. I cannot overemphasize this point. These laws simply will not stand under this amendment. In summary, there is absolutely no substance to the charge that this measure would in any way damage the cause of equal rights for women.

The so-called unisex approach of the original text would cause unwanted and chaotic consequences which I am certain we must avoid. Congress has thus far chosen to preclude young women from being conscripted into military service and assigned to combat alongside men. We have laws which allow private, sexually-segregated educational institutions to receive Federal funds. We have laws and regulations which protect the privacy of males and females. We have laws which discourage women from engaging in occupations particularly arduous and hazardous; and we have laws which allow for compensatory health insurance rates for women in view of their longer life expectancy. The list is nearly endless. There are many, many laws which in fact are not discriminatory, but which merely make some rational distinction between men and women. I am certain that this Congress has no desire to nullify all existing laws of this kind.

All of us desire to insure equality under the law for women. The question before us is what is the best means to accomplish this objective. This is the crux of the issue. As a former judge I can well appreciate the enormous difficulty in attempting to apply laws which are vaguely worded, and which may be read with the broadest possible construction. Remote and esoteric questions of law will arise, as this is a simple and undeniable fact of judicial life. Admittedly, it could sometimes be difficult for a judge to determine when a statute affords protection and when it imposes a disability. However, this sort of question would be appropriate for judicial resolution on a case by case basis. The amendment reported by the Judiciary Committee does offer some guidance in attempting to resolve these difficult issues. The original text does not.

It is a crucial point to bear in mind that just as it is the duty of the judiciary to effectuate the aims of legislation, it is also the duty of the legislature to make clear what its aims are. For it is an act of usurpation for the judiciary to read legislation to effect its own aims and purposes, it is an abdication of the legislature's responsibility to promulgate law which fails to clearly state its aim and purposes. The Judiciary Committee has acted wisely in confronting this question. Uncertainty about the amendment's effects and duplicity about its meaning have been effectively resolved in the committee amendments. On the other hand, the original text would have accomplished little more than producing anomolies, confusion, and further injustices on our Nation's women. In the original text, there were simply too many basic, commonplace, and recurring questions which were left unanswered.

I support the bill as reported. It is good, strong legislation, and should be approved.

I will give my support to the unamended House Joint Resolution 208, if this is necessary to sucure final passage of the Equal Rights Amendment. I urge my colleagues to do the same. In my view, however the committee bill represents a more responsible legislative approach and should receive affirmative action from this body. The women of our Nation are worthy of nothing less than this total commitment to their cause for true equality under the law.

Mr. EDWARDS of California. Mr. Chairman, I yield such time as he may use to the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Chairman, I rise in support of the equal rights amendment, as originally introduced by our colleague from Michigan (Mrs. GRIFFITHS), and I commend her for the effective and inspiring leadership she has given this issue. In this Congress I joined as a cosponsor of the original Joint House Resolution 208, by introducing its companion House Joint Resolution 284. In past Congresses I have also introduced bills similar to House Joint Resolution 208.

The first legislative call for an equal rights amendment was introduced in 1923. Last year, after 47 years of inaction, the House overwhelmingly passed this constitutional amendment. Unfortunately, the Senate added crippling riders, and the bill was withdrawn. Today, we are faced with a similar problem in the House. During committee consideration, the original language was unacceptably weakened by the Wiggins amendment, which would permit the maintenance of restrictive Federal and State laws in the name of protection of "the health and safety of the people." I opposed this attempt to gut the resolution in the Judiciary Committee, upon which I serve, and I urge my colleagues to vote against it now. If the Equal Rights Amendment is to accomplish its objective, there must be no compromise of the "equality" guaranteed to the sexes.

The need for this constitutional amendment is clear. In employment, in education, and in legal status, women have long suffered from discriminatory laws and practices, without legal remedy.

The earnings of women workers, who now comprise over 40 percent of the labor force, are only 60 percent of male earnings, and the gap is widening. Of those in the workforce, twice as many women are unemployed. A male college graduate earns about $12,000, a woman about $7,000—about the same as a man with a 12th-grade education.

Women are still barred completely from many public educational institutions; in others they are subject to restrictive quota systems. Those in school receive fewer incentives and scholarships to go into challenging technical and professional fields.

In several States women cannot contract or sign leases until they are 21 while men can do so at 18; in others there are special restrictions on the right of a married woman to contract.

It has been argued that an additional constitutional amendment is not necessary to reform these practices, that the due process clause of the fifth amendment and the equal protection clause of the 14th amendment make another constitutional provision unnecessary. It is also said that title VII of the 1964 Civil Rights Act, which forbids discrimination in employment on the basis of sex, provides a way to enforce women's rights. However, the fifth and 14th amendments have not been construed by the courts to grant women full and equal protection under the law, although the Supreme Court has recently agreed to hear three cases brought under the 14th amendment.

While the Equal Employment Opportunity Commission, set up to enforce title VII, has brought several suits on employment discrimination based on sex, it lacks real enforcement powers, and relates to only one aspect of the many-faceted discrimination which affects women. Many discriminatory State statutes remain on the books. Any attempt to change these laws through piecemeal litigation, as witnessed by the creeping and uncertain pace of change in the past, would at best be a tentative and grossly inefficient way of bringing about reform. The ratification process and the 2-year waiting period before the amendment takes effect will give the States motivation and opportunity to review their laws and bring them into conformity with the new constitutional principle.

The fact that the equal rights amendment will take a probable 5 years before implementation means that we cannot neglect other modes of legislative action to eradicate sex discrimination. In this regard, I have cosponsored a bill to implement the recommendations of the President's Task Force on Women's Rights and Responsibilities, H.R. 916. This bill would extend the benefits of major civil rights legislation to women. The 1964 Civil Rights Act attacks discrimination in five major areas—public facilities, public accommodations, public education, federally assisted programs, and employment. Only one of these sections, that dealing with employment, prohibits discrimination on the basis of sex. This bill would extend protection in all areas to women, and strengthen the employment provisions of the act.

A factor related to discrimination against women with children who are seeking educational or employment opportunities is the lack of adequate child care services. In 1969, 5.4 million families were headed by women, women who in many cases had to work full time to support their families. These women do not have access to proper child care services. Those who do find some sort of care for their children can claim only partial tax deductions for such expenses. I have cosponsored H.R. 4377, which would allow full tax deduction for child care expenses, and H.R. 7340, the Comprehensive Child Development Act of 1971, which would extend health, education, nutritional, and social services to children of working mothers and single parents of either sex. Some of the provisions of this bill were incorporated into the legislation extending the Office of Economic Opportunity recently passed by the House.

The time is long overdue for the removal of all barriers to full equality of the sexes. It is essential that House Joint Resolution 208 be passed, in its original unadulterated form.

Mr. EDWARDS of California. Mr. Chairman, I yield 5 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK. Last year this House passed the equal rights amendment by an overwhelming vote. There would be no cause for concern this year if the bill were identical to the one passed last year. However, this year the bill is being assaulted by a highly mischievous amendment. This constitutional amendment for equal rights without regard to sex would be not only worthless but demeaning and destructive to women if this so-called Wiggins amendment is adopted. In my view it would be far better not to pass the bill if it includes the Wiggins amendment. And I for one intend to vote against the entire bill if this amendment is appended to it.

If you vote for the Wiggins amendment make no mistake about it, you are voting against women, and I advise you to plan on explaining your reasons. The women of this country will no longer be fooled. They know exactly what the Wiggins amendment does, that it will completely nullify the purpose of a constitutional amendment on equal rights.

It is my view that women are already under the Constitution of the United States guaranteed equal rights. The 14th amendment clearly specifies that each person shall have equal protection under the law. It does not say each man, but each person. Therefore, a constitutional amendment I agree is redundant, but the fact of the matter is that the courts have refused to acknowledge this right in case after case which have been brought to the courts' attention.

In voting for the equal rights amendment last year, I did so to underscore this fundamental human right which I believe is guaranteed by the Constitution but which the courts have denied. It may be redundant to have this constitutional amendment, but there are worse things than redundancy, among them the lack of action by our executive, legislative, and judicial bodies to put into effect the equal rights safeguards already in the Constitution.

The equal rights amendment as originally offered will awaken our somnolent public servants to the fact that women are people and fully entitled to equal protection of the laws. Adoption of the amendment would, I also agree, leave us the formidable task of seeking extensive legislation and judicial actions to implement it in all States and local jurisdictions across the country. But we would be in no worse position than we are today. we will face a large task of action and enforcement but at least we will have the backing of a constitutional amendment. There can be no more rationalization and equivocation. This country will have to finally come to grips with discrimination against women. Women will note and be reminded of what is done here today. They know that by our actions today we disclose and reveal our attitudes which are the real objects of this effort. In the final analysis these must be changed, if progress is to be achieved.

The Wiggins amendment under the guise of seeking to protect the health and safety of women if retained will legislate discrimination and confer congressional sanction to a wide range of invidious laws that now deprive women of equal opportunity. I urge my colleagues to consider this matter from a serious perspective and to face this issue squarely. If you are for justice for women you must vote to reject the Wiggins amendment. No constitutional provision claiming to pronounce equality for all with the Wiggins amendment will guarantee equality in fact.

I support the bill as introduced by my colleague from Michigan and I urge this House to reject all amendments.

Mr. WIGGINS. Mr. Chairman, I yield 10 minutes to the gentlewoman from Massachusetts (Mrs. HECKLER).

Mrs. DWYER. Mr. Chairman, will the distinguished gentlewoman yield to me?

Mrs. HECKLER of Massachusetts. I am happy to yield to the distinguished gentlewoman from New Jersey.

Mrs. DWYER. Mr. Chairman, I rise in support of the Equal Rights Amendment without the crippling Wiggins amendment.

Mr. Chairman, I am deeply proud to be associated once again with the gentlewoman from Michigan and now with the gentleman from Illinois in this endeavor. As a long-time sponsor of the resolution proposing the equal rights amendment and as a sponsor last year of the discharge petition, I hope our efforts will compel the assent they deserve. For they involve the basic freedoms that belong to all Americans—freedoms that have for too long been denied to the majority of our people simply because of their sex.

In considering the pending resolution, there are three questions that should be answered. First: Is there a demonstrated need for the protection to be afforded by the amendment? Second: Is the Equal Rights Amendment an appropriate way of achieving the desired objective without bringing with it consequences of an undesirable nature? And, third: What is the effect of the amendment to the resolution approved by the committee, the so-called Wiggins amendment?

The need for the amendment should by now be obvious. Time after time after time, presidential commissions, advisory councils, interdepartmental committees, and task forces have documented the continued existence of legal discriminations based on sex. They range from laws prohibiting women from working in certain occupations and excluding women from certain colleges and universities and scholarship programs, to laws which restrict the rights of married women and which carry heavier criminal penalties for women than for men.

In our present legal structure, these discriminatory laws come in three forms: some exclude women from rights, opportunities or responsibilities; some are so designed as to confer special protection; and others create or perpetuate a separate legal status for women without explicitly assigning women to higher or lower rank.

Yet, the effect of them all is to provide statutory support for the economic and social subordination of women. They do so by permitting or requiring differentiation between the sexes in areas where such differences do not exist, the equal protection of the laws. Thus, they have established and sustained a dual system of rights—a system which can only be discriminatory and which can most effectively be corrected by constitutional amendment.

The documentation is extensive, but I would refer our colleagues especially to the report of the President's Task Force on Women's Rights and Responsibilities, which was released last year, the memorandum report on the equal rights amendment by the Citizens' Advisory Council on the Status of Women which was published in March of 1970, and the very useful study of the subject published by the Yale Law Journal in April of this year.

The equal rights amendment is also an appropriate vehicle for ending discrimination against women. It states—very simply and in the best tradition of American liberty—that—

> Equality of rights of any person under the law shall not be denied or abridged by the United States or by any State on account of sex.

Unless the Wiggins amendment is removed, Mr. Chairman, we would, for the first time in modern history, be sanctifying in the Constitution of the United States—the basic law of this land—the very pattern of discrimination we seek to outlaw. We would be endowing with the highest legal authority, which does not now exist, practices we know to be unfair and unwise. We would be revoking, in effect, the work of generations which have led to as least some statutory prohibitions against discrimination based on sex.

Just about 14 months ago, we voted 350 to 15 to approve the straightforward and unqualified language of the Equal Rights Amendment. I see no evidence of new information or new interpretation that would justify reversing our earlier decision and turning our backs on womens' long struggle for equal opportunity.

The basic principle of the equal rights amendment rests on two fundamental judgments which the Congress and the people have long subscribed to: First, the moral judgment that women as a group should not be forced into an inferior position in our society; and, second, the practical judgment that classification by sex automatically excludes consideration of the real differences that exist among women as among men, and thus forces all individuals into a single mold where rights as an individual person no longer receive recognition.

This is why the equal rights amendment is so fundamental.

It would require only that women have the same protection of the laws as men. There are no hidden meanings or tricky implications in this language. It is straightforward and means no more nor no less than it says. It imposes obligations just as it protects rights. But it does not—and this deserves special emphasis—it does not obliterate the differences between male and female.

Those differences exist, and I, for one, welcome them. But the differences between men and women are principally physical and psychological. Where those differences have a significant effect on the capacities of individual women, the law will continue to recognize them, just as the law respects similar differences among men. But these differences should not serve, as they have, as a subterfuge for denying the human and civil rights that belong to all of us. Women, like their male counterparts, should be judged by the law as individuals, not as a class of inferior beings.

This is all the equal rights amendment would do. It would not take women out of the home. It would not downgrade the roles of mother and housewife.

Indeed, it would give new dignity to these important roles. By confirming women's equality under the law, by upholding woman's right to choose her place in society, the Equal Rights Amendment can only enhance the status of traditional women's occupations. For these would become positions accepted by women as equals, not roles imposed on them as inferiors.

For the very reasons, Mr. Chairman, that the Equal Rights Amendment is needed and is appropriate, the Wiggins amendment should be defeated.

Very simply, it would destroy the Equal Rights Amendment. It would contradict the very principle of equality. It would introduce qualifications on which more and more discrimiation could be constructed. It would be worse than nothing at all.

In considering the majority report and its rationale for the Wiggins amendment, one gets the distinct impression that its authors' hearts and minds simply were not in it. In its extreme brevity and its reliance on vague generalization, it is not only an unconvincing document but it makes no real effort to persuade the House to its point of view.

On the other hand, the views expressing opposition to the Wiggins amendment are strongly supported by rational argument, by important and clearly stated distinctions, and by the testimony of outstanding legal scholars. These views also carry with them the authority of a majority of Members who actually participated in the hearings, who questioned witnesses, and who spent considerable time in the effort to master the issues.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I rise in support of the original text of the equal rights for men and women amendment.

I feel that the debate that we have enjoyed today has centered around a basic lack of understanding about the matter of discrimination which women have experienced in all phases of life in America.

It seems to me that the opposition to the original text of the equal rights amendment stems from a fatal initial error in equating identical with equal in considering both the letter and the spirit of the amendment to the Constitution.

It is all too obvious to me, Mr. Chairman, that men and women are not identical. They differ quite obviously physically. This was the plan of creation, and we would tamper with it at our peril.

But men and women, I submit, do not differ in a basic and most fundamental characteristic—their humanity. They are both, simply, human beings, and that is what we are talking about today.

I might even introduce a note of theology to say that men and women differ in form, but not in substance. And we are concerned here with substance.

Having made the false assumption that passage of this amendment to the Constitution would make men and women identical rather than equal, it is extremely easy for opponents of the basic proposition to pile absurdity upon absurdity in attacking it. It is easy to conjure up all manner of social convolutions and perversions of the basic roles of the sexes.

It is easy to presume a coed military in coed barracks, common public rest rooms, unisex dress, and the overturning of the family structure and a general social vortex in which all things familiar and ordered are uprooted, swirled about, and deposited back on the landscape that bears no resemblance whatsoever to what we have known and adjusted to throughout the long history of the world. So we are embarked on a misconception and, that being the case, we can never really hope to produce anything from a consideration of this issue.

I think at the outset we would be best served by disabusing ourselves of this false assumption, by addressing this issue as it really is, and not what we assume it to be.

Let us understand that when we are talking about equality of men and women under the law, we are talking about real people, human beings, not a Xerox society.

What the adoption of this amendment would basically mean in this context for women would be equality of educational opportunity without quota or restriction, equality of employment without exploitation, equality for women in matters of property, inheritance, and the execution of legal documents.

It likewise means no special restrictions on the work habits, facilities, hours, pay, duties, or emoluments of women. In sum, it means for women the same rights, privileges, and freedom to pursue individual destinies. It means true equal humanity, it means the sameness of standing before the law, and in all the public acts as human beings, and it means no more than that.

One of the principal sticking points in all of this seems to be the proposition that women shall serve in the armed services. Need I remind my colleagues that the pioneer women did just that in the American West, and that Israel women do just that today? So that we are not considering and debating the draft law, but the equal rights for men and women in America.

The idea of drafting women is not original to the concept of the debate on the subject of women. As a matter of fact, it was discussed during World War II, when it looked like it might be a necessity, and it has been reported that as high an authority as General Eisenhower himself said that if the war continued much longer we would have to draft women.

The real point here is not the drafting of women, and certainly this amendment does not preclude the drafting of women, in much the same way that it would not demand it; it would merely lift the restriction that is based on some traditional concept that men and women are not equal, and can never be.

Parenthetically, I might point out that the whole issue of conscription in America today may be just a moot point. We have recently enacted legislation that would terminate the draft in 2 years. It is the announced intention of the administration to seek an all-volunteer Army.

And volunteer to me denotes freedom of choice. I think we would do well to understand that the basic issue we are discussing today means that that freedom of choice or any other extends to all and is withheld from none. If we can disabuse ourselves of this semantic confusion over identical and equal, perhaps we could then consider this issue in the proper context.

There is abundant evidence, of course, that discrimination against women does exist and has existed for a very long time. In fact, every speaker today has admitted it exists. It is manifest in many ways, some implicit, some as a matter of policy.

Lest there be any doubt whatsoever, that this contention is less than valid, I can testify from personal experience as a woman who was graduated from law school with a law degree and tried to embark on a legal career. There was no doubt whatsoever that my attempts to gain entry into the legal profession were met with something less than overwhelming enthusiasm by the law firm on whose doors I knocked, despite the fact that I had been on the Law Review—and everyone wanted me to served in their research department.

My presence here would seem to contradict the fact that there is such a thing as sex discrimination in politics. But I am reminded of one of my first campaigns for the Congress, when I happened to bump into an opponent after I had defeated him in a primary.

His approach to me was:

> If I had known then what I know now about you, I would have really let you have it.

I was naturally nonplussed, fearing the worst, afraid that he had uncovered some fatal association in my past.

But he went on to say:

> If I had known you were a mother, that race would have really been different. If I had only known that.

And he left the rest to my imagination. I would have been happy to tell him, if he considered it relevant.

But I think that tells us something about attitudes and false assumptions.

We seek the constitutional amendment route not because it is the only route or approach but in the belief that remedy does not lie in the legislative or judicial process and those remedies are far too slow. There has been ample opportunity in both areas for progress—and some has been made—but the Supreme Court itself has never overturned a case on the grounds that a women was discriminated against because of her sex. And I suspect that the Congress and the State legislatures are somewhat less than clamorous in their desire to equalize men and women before the law.

An amendment to the Constitution, therefore, requiring as it does not only Congressional enactment but State ratification, would stitch into the fabric of our jurisprudence the requirement that men and women be and are equal, and its very presence in the body of that law would do a very great deal to right the wrong.

Let me be very very quick to point out that I do not approach this question from either extreme, the one being as wrong as the other. If the one assumes "identical" is the synonym for "equality," the other assumes a great new world of matriarchy with attendant vengence against the male sex for all the wrongs of the centuries, real or imagined.

I reject both extremes. I seek only to persuade not only the uncommitted but the avowed opponents that we do not seek revolution or evolution. And we do not seek so much a redress of grievances as we seek the acknowledgement that the enormous contribution American women have made and can make be recognized and ratified.

Anything that deletes the original language of the amendment withholds the recognition and ratification that there are two sexes but only one humanity.

Mr. **WIGGINS**. Mr. Chairman, will the gentlewoman yield?

Mrs. **HECKLER** of Massachusetts. I am very happy to yield to the gentleman.

Mr. **WIGGINS**. The gentlewoman made some comment, as have others, concerning the role of women in the Army of Israel. I think there is a broad misconception of what that role is. Without explaining it at length, let me say that women do not serve with complete equality in the Israeli army.

With that, I ask unanimous consent to extend my remarks and insert a full explanation in the RECORD.

The **CHAIRMAN**. Without objection, it is so ordered.

There was no objection.

Mrs. **HECKLER** of Massachusetts. Mr. Chairman, if I may respond—if there is enough time.

In view of the fact that this question has been raised, let me just say that on my recent visit to Israel I learned that a small percentage of women were in combat, but indeed they do serve in the armed forces.

By the same token, in the American Armed Forces only a small percentage of our servicemen serve in actual combat duty. From my very recent experience in Israel, which included conversations with many male and female soldiers in the Israeli army, I found that the women felt a great sense of pride and commitment in sharing in the defense of their country. Their service is considered ennobling and a constructive contribution as well—a means by which the women of Israel come to understand and share their national life to the fullest extent.

I believe it is consistent with American tradition that a form of national service be contributed by all our youth. The Selective Service Act, which, I repeat, is not the basic issue of discussion here, will have expired by the time the equal rights amendment has been ratified by the 50 States. Hopefully our Nation will then see a type of voluntary enlistment which, in accordance with newly recognized rights and responsibilities of both the sexes in America, will permit each young man and woman to seek his or her destiny in a way that will conform to the mandate of individual destiny rather than to preconceived ideas that prejudice full personal development of young women today.

Mr. WIGGINS. Mr. Chairman, women, if unmaried or childless, are subject to compulsory Army training, along with the young men in the country, but their term of service is shorter.

The Defense Service Law of 1949 makes Israel the world's only country with a full scale peacetime conscription of women, on the same basis as men. The law states that all 17-year-old boys and girls must register with their local draft boards and army recruitment centers. After a preliminary medical examination, they are inducted as conscripts shortly before their 18th birthday. There are three classes: regulars, conscripts, and reservists. Volunteers are accepted from the age of 17. Men serve 2½ years—30 months—as conscripts. If they do not sign up for regular service, they are discharged from active service, after 30 months, and transferred to the combat ready reserves, where they will serve for an additional 40 days per year until they are 39 years old. From then until age 49, they serve in rear area reserves for 15 days a year.

Girls serve 2 years as conscripts unless they marry. In case they do get married while serving as conscripts, they must be discharged. Pregnant women or mothers of babies are excused from any kind of service. Married women of private and sergeant grades must serve in the reserve forces until they are 29 and until age 35 if they are commissioned officers.

Women regulars—career officers—are allowed to serve when married, pregnant, or mothers of children. A pregnant officer must serve during the period of her pregnancy, except during the 9th month, unless the medical commission decides otherwise. She then gets 1 month of pregnancy leave, 2 months of motherhood leave, and 1 month of regular leave, for a total of 4 fully paid months. She must then find a nurse or babysitter and return to full-time duty, or resign from regular service.

A girl can disqualify herself from the draft, either by getting married before she is 18, or by swearing in the presence of two rabbis that her religious beliefs are so orthodox that service in the Armed Forces would seriously interfere with her religious conscience and way of life.

Exemptions and deferments from compulsory military service are few. The primary basis for exemption is permanent physical disability and for religious grounds. Others eligible for deferment or exemption include teachers and students who are taking courses in subjects deemed to be in the interest of the Nation, including medicine, engineering, agronomy, and teaching. Rabbinical students are exempt upon request. Persons who are sole support of their families may also request exemption or deferment.

Israeli girls may study nursing, medicine, engineering, chemistry and physics at universities and technical schools with all expenses paid by the Israel Army. In return they must sign up for 2 years of regular service for each year of study and promise to serve even if they marry and have children. Thus an 18-year-old girl who has just graduated from high school may study medicine for 5 years at the army's expense, but upon receipt of her doctor's diploma she is obligated to serve 10 years in the armed forces.

Girls, after having received their basic training, are mostly assigned to kibbutzes—collective farm settlements made up of pioneers and volunteers—military villages and desert outposts. There the girls live in tents, eat simple army rations and set an example to the farmers by their spartan way of life. They teach the village children, are in charge of the village arsenal of rifles, light machine guns, grenades and light mortars.

Most of these women soldiers living in desert villages are expected to marry, build farms and beget children and settle permanently on their homestead. This is one way the army keeps alive these villages for few volunteers would be willing to settle in these outpost places.

Theoretically, girls are forbidden to serve in combat formations. But this rule is only observed by the Navy and Air Force. Israel Navy warships had numerous women radio operators, radar experts, nurses, and medics aboard during the 1948 war. Since 1949, however, the skippers of Israeli warships have refused to allow female bluejackets aboard. According to the regulations, they would have to be given separate cabins and toilet facilities. Since space aboard ship is so restricted that even officers must share cabins, there is simply no room for girls.

In the Air Force, girls served as pilots and navigators until 1956. During the Sinai-Suez campaign, women pilots flew troop transports, medical evacuation planes, and reconnaissance aircrafts. Early in 1957, the Israel Air Force command issued new regulations prohibiting flight training for women. Air Force generals explained that pilot or navigator training is very costly, ranging from $100,000 to $200,000. If all this money is spent to teach a man how to fly a jet or a helicopter, the Air Force receives in return at least 18 years of active and reserve service in the air.

But all this money goes down the drain, if spent on a girl who gets married, has children, and is no longer able to fly. What with the rising cost of aircraft, training, and equipment, the Air Force can no longer afford the uncertainty of training women as pilots.

However, in radar observation units, radio and telephone communications, technical and supply services, headquarters, operations rooms, intelligence and administration, both in the navy and the air force—girls fill hundreds of different posts and specialties, ranging from the folding of parachutes to operating searchlights and control towers.

Although, as mentioned before, theoretically, girls are forbidden to serve in combat formations, the general staff has issued "provisional orders" allowing women to serve in combat units on a temporary basis where male experts are lacking—provided there are no less than eight girls per battalion.

Service on company or platoon level—except for Nahal Corps—is not allowed and the eight-girl squad attached to battalion headquarters must be commanded by an officer or senior sergeant and must be provided with separate living facilities.

Tents and barracks of girl soldiers are strictly off limits to men. Anyone entering them without permission and unaccompanied by the female commander is subject to immediate court-martial.

Girls serve nowadays in infantry, artillery, parachute, commando, armored, and engineering battalions as radio operators, map interpretation experts, administration supervisors, and nurses.

On the brigade or regimental level, there is a headquarters company composed almost entirely of girls and even larger size units on division and corps headquarters levels.

Mr. EDWARDS of California. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. SEIBERLING).

The CHAIRMAN. The gentleman from Ohio is recognized for 4 minutes.

Mr. SEIBERLING. Mr. Chairman, I hesitate to take the floor in support of this amendment. I do support it. But after the lucid arguments so charmingly delivered by so many examples of exquisite feminity, I think I have very little to add. But I just want to point out one seeming basic discrepancy in the arguments of the supporters of the Wiggins amendment and the opponents of the proposed equal rights for men and women amendment. On the one hand they take the position that it is not necessary, because the 14th amendment already takes care of this problem. And, frankly, I think the 14th amendment, if properly interpreted, does take care of this problem.

Unfortunately, in over 100 years it has not been so interpreted. So it seems to me it is time we did something to make sure that it is.

Then on the other hand they say that while they support judicial interpretation of the 14th amendment, they are very fearful of judicial interpretation of the proposed equal rights for men and women amendment. It is very difficult for me to understand why, because this amendment is a much more limited, much more explicit, and much clearer amendment than the 14th amendment. It is a very simple proposition that we are not going to deny equality of rights to any person on account of sex.

If we accept their position in order to meet their fears about what this amendment is going to do unless the Wiggins amendment is adopted, then they must logically consider attaching the Wiggins amendment to the 14th amendment. And I submit that that would produce an absurd result, and I am sure they would agree.

But, gentlemen, you cannot have it both ways. Either the 14th amendment encompasses this amendment, in which case your fears are groundless as to the implications, or else it does not, in which case this amendment is absolutely necessary.

I have no further comments to add, Mr. Chairman.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from California.

Mr. EDWARDS of California. Does it seem to the gentleman that what the Wiggins amendment generally is saying is that a law can discriminate against women as long as the law benefits her health and safety?

Mr. SEIBERLING. That is exactly the effect of the Wiggins amendment, in my opinion, except for the part that deals with the draft, and that says it can discriminate against women as long as it relates to the draft.

Mr. EDWARDS of California. So that any legislature or any local government could pass almost any law it might want to which would discriminate against women, but add the magic Wiggins phrase at the end and it would be constitutional?

Mr. SEIBERLING. I quite agree, and I feel that that is the vice of the Wiggins amendment.

Might I add one philosophical comment, and then I will yield to the gentleman. It seems to me the reason why some people have hangups on this amendment is that times are changing and it has forced us to confront ourselves with the changing concepts of the role of the various elements in our society. The role of women has been changed by technology, by medical science, by our changing sociological concepts, and by a whole raft of factors which require us to rethink our Constitution, to rethink our concepts of law and our concepts and our relationships to each other. It seems to me that the argument on the draft has an underlying absurdity in it. The idea has been advanced that because polls were taken which show that women oppose the idea of being drafted does not prove a thing. I have seen polls taken in my district which show that overwhelming numbers of men in my district oppose being drafted. So what have you proved by saying that women oppose it? They all oppose it.

The problem on the draft question is very simple. If women can physically meet the requirements of the Armed Forces for military service, then they have not only the duty, but the right to perform military service.

As has already been pointed out by the gentlewoman from Massachusetts, General Eisenhower contemplated drafting women in the Second World War. This is not a matter of something new. It is an old phenomenon we have been dealing with for centuries, and our pioneer ancesters dealt with it also. It simply requires reapplying in a modern context.

Mr. WIGGINS. Mr. Chairman, if the gentleman will yield, the gentleman from Ohio is a distinguished lawyer. I am surprised at a statement that he made in response to a question by the gentleman from California (Mr. EDWARDS) that a legislative body could insulate itself simply by inserting a finding of fact at the end of its legislation to the effect that it was intended for the benefit of the health and safety of the people.

Mr. SEIBERLING. Mr. Chairman, let me clarify that. Obviously mere assertion of a finding of fact in the language of the statute would not be sufficient, but as long as they could show the legislation resonably protected the health and safety of the people, that is all they would have to show.

Mr. WIGGINS. That is correct, and that is the constitutional standard at the persent time under the 14th amendment.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. WIGGINS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I take this 5 minutes, as far as I know, to close the debate on our side of the aisle. I think this has been a constructive exchange in which some of the issues have been sharpened at least for the benefit of a later court which must decide what this Congress intended when it enacted some sort of an equal rights amendment to our Constitution. However, let me say that the result of the hearings and the result of this debate have left open the following questions or positions which can be asserted with some certainty.

First of all, the concept of separate but equal, first recognized in Plessy against Ferguson and struck down in Brown against Board of Education cases would not be resurrected in order to permit legislative bodies to create separate but equal facilities for men and women. That is the unanimous view of the witnesses before the committee.

Let me say that result would produce a devastating impact in some areas with which we must deal. Prisons, for instance: To require as a matter of constitutional necessity that prisons could not be separate but equal for men and women is absurd.

Another example: Women as a class could not be prevented from serving in any work capacity by any unit of government. That sounds just fine until we apply it to the unit of Government named the military. It means sex could not be a bona fide occupational qualification, to exclude women as a class from serving as a rifleman, or from driving a tank, for example. Each woman's capability would have to be measured as an individual. To some that is just fine; to others, and to me, it creates a problem—a problem, at least, of morale. At least that, but moreover the ability of this Nation's Military Establishment to defend this country may be seriously eroded if we require that women be totally integrated into every unit. Think about that when we vote tomorrow.

In addition, Mr. Chairman, millions of women in America today are now the beneficiaries of either alimony or child support orders. Those orders are based upon State statutes which all would agree would be rendered unconstitutional under the Griffiths form of the constitutional amendment. The question arises as to what is the validity of those orders if based upon an unconstitutional statute. The consensus of the legal thinking is that under existing orders, accrued support, would remain valid, but that future payments would be invalid. One should reflect upon the burden we would impose upon millions of women in America to say they must find their ex-husbands and get them back to court to modify that order if these former husbands and fathers are not going to go in of their own volition, but instead the ex-wives are going to have to find them and hire an attorney to resolve the issue.

That is no small burden to impose upon millions of women in America.

Another question. The judicial enforcement of private acts of discrimination is clearly up in the air. I refer to the problem raised by the famous case of Shelly against Kraemer in which the court would not lend its powers to enforce private acts of discrimination. In the Kraemer case, of course, it was a racial covenant.

The question now is, can the court now lend its enforcement power to implement a private act of sexual discrimination; for example, a testamentary gift to an all-boys institution. That issue is very much up in the air, and it is not resolved by the Griffiths form of amendment.

Finally, Mr. Chairman, it has been suggested by some eminent legal scholars, whom I respect, that it would be possible under the Griffiths form of amendment for laws which confer benefits to women to stand but laws which discriminate against them to be compelled to fall.

I ask, Mr. Chairman, who makes that decision? Very few State legislatures enact laws for the purpose of discriminating against women. It is their purpose initially to benefit women. Some may disagree. Some may feel they have made a mistake. But who makes the decision? In the final analysis the courts will make the decision.

But if we recognize legislative bodies have the power to impose classifications to grant benefits to women and deny them discriminatory legislation we have not accomplished a thing under this amendment, because that is the law under the 14th amendment.

All these questions and others, Mr. Chairman, remain. I hope that these questions and others will be answered at least in the minds of Members when they vote tomorrow.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Illinois.

Mr. McCLORY. I should like to make a few comments with regard to these difficult areas to which the gentleman made reference, because these are samples of the kinds of questions that occurred during the committee hearing. Whenever they could be used to try to make a situation appear absurd or ridiculous they seemed to carry some weight.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. WIGGINS. Mr. Chairman, I yield myself an additional 5 minutes.

Mr. McCLORY. For a time it seemed

to me that the most awkward question which was posed was that with respect to toilet facilities. Would this compel the equal use of toilet facilities by parties of different sexes? Of course, then when it was explained that they do use the same toilet facilities in all of our aircraft that point seemed to dissipate.

Then we get to the question of education. Of course, it has appeared that actually, right here in the adjoining State, at the University of Virginia, a State university was discriminating against women and was subject to a court order that is requiring them to admit women equally with men under a sort of long-range program.

It seems to me that each one of these different questions really disappears when one thinks it through and finds that reasonable people can resolve the problem of legal equality without jeopardizing any of the rights or privileges we have.

So frequently there has been reference made in the course of this discussion to the subject that somehow or other those who support the Wiggins amendment are rational and reasonable and those who oppose the Wiggins amendment would be irrational. I have looked at the Constitution, and I do not find the word "reasonable" used in the same way as in this amendment in any other similar context. I question that we can charge those who support the equal rights amendment with supporting positions that are unreasonable, irrational, awkward, impossible, embarrassing, or invasions of privacy, or of doing any of the ulterior maleovent things suggested with respect to this legislation.

I would also reject the thought that somehow or other in the application of a selective service law—to which this bill could not possibly apply, since it would not take effect until 2 years after ratification and the present law expires before that time—that if there were a selective service law somehow it would compel those in the military to assign equally people to certain duties.

That is because there is no such requirement now with regard to male draftees. They can be assigned to wherever the military chooses to assign them, where they can be best employed.

Mr. WIGGINS. Because we are operating under the equal protection clause at the present time and not an equal rights amendment. That is why we can make that type of classification.

Mr. Chairman, I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, I would simply like to comment that I think my colleague, the gentleman from California, made a very able summation of the problems presented by this question before us.

I want to make one additional observation.

It seems to me that much of the very eloquent argument we have heard on the other side of this question has been criticism of social attitudes and old prejudices with respect to women, in much of which I completely join with the very eloquent ladies who made this criticism. I am sure the gentleman from California does, too. We feel basically the same way. But in this amendment we are talking about I think we should not lose sight of the fact that all it does is say that the United States or any State government cannot deny or abridge equality of rights under the law on account of sex. It does not reach and it cannot reach the social attitudes which have been justly criticized here.

It seems to me, with all respect to the Members who made those arguments, that they are really beside the point. We have no quarrel with them, but they are not addressing themselves to the issue before us.

Mr. WIGGINS. I appreciate the gentleman's comment.

In conclusion, I think it is quite possible for all of us to keep our commitment to equal rights for men and women in this country and to do so within the context of commonsense. That is the purpose of the committee amendments, and I hope they are supported.

Mr. EDWARDS of California. Mr. Chairman, I yield the balance of my time to the gentlewoman from Michigan.

Mrs. GRIFFITHS. Mr. Chairman, I would like to refute some of the statements made by the gentleman from California.

It would be most unfortunate, I believe, to permit to stand unchallenged the statement that a testamentary trust could be breached through the equal rights amendment and you could disburse your money equally between sons and daughters if it could not be breached through the 14th amendment. Through the 14th amendment is the way they breached the boys' schools in Philadelphia, as I recall it.

First, the gentleman from California and others are arguing that the 14th amendment will do all we ask. Then they say that the equal rights amendment would do something far more. Oh, no, Mr. Chairman, that is not true. The real truth is that the equal rights amendment, even if passed, might still be interpreted as the 14th amendment has been interpreted and give no rights to women. The 14th amendment has been interpreted to permit any classification that the Court deems to be reasonable; to permit women to be discriminated against in any way. They are not judged as human beings, Mr. Chairman. They are judged as a class. But when the blacks come up before that same court, Mr. Chairman, they are not judged that way. Any type of classification against them is unfair but not against a woman.

Now, all of this nonsense about the Army, saying that they would have to be equally distributed in every regiment. Has the gentleman ever read any cases where anyone appealed to the Supreme Court against Army regulations and asked that he be given equal treatment? Not one that I know of has ever won.

The draft itself is equal. That is the thing that is equal. But once you are in the Army you are put where the Army tells you where you are going to go. The thing that will happen with women is that they will be the stenographers and telephone operators. If you had, really, an arduous campaign, you could cut the draft call in this country by 50 percent.

However, the real truth is that it will affect the whole social body. You will have one whole looking over the problem of war and maybe they will increase their voice on the side of peace even more vociferously than they are doing today.

Mr. Chairman, what the equal rights amendment seeks to do, and all it seeks to do, is to say to the Supreme Court of the United States, "Wake up! This is the 20th century. Before it is over, judge women as individual human beings. They, too, are entitled to the protection of the Constitution, the basic fundamental law of this country."

Mr. WIGGINS. Mr. Chairman, will the distinguished gentlewoman from Michigan yield for an observation?

Mrs. GRIFFITHS. Yes, I yield to the gentleman from California.

Mr. WIGGINS. I realize that the distinguished gentlewoman feels strongly about these matters and I sympathize with her because it must be frustrating to look back over 53 years or 47 years, or whatever it is, and see no success in achieving the objective which the gentlewoman thinks is appropriate.

But if I were to talk about the way things are in the military, we are talking about a new situation, a situation in which there is a section added to the Constitution of the United States that says equality of rights under the law. They have to think about the situation in the future and it is that future specter that disturbs me.

Mrs. GRIFFITHS. Let me say once again that equality of law would merely mean that you would have an equal draft. You will still have equal people placed exactly where the military wants to place them.

Mr. ROSTENKOWSKI. Mr. Chairman, I would like, at this time, to add my support to House Joint Resolution 208, the equal rights amendment as introduced by my distinguished colleague, Mrs. GRIFFITHS of Michigan. This amendment will eliminate, under the law, discrimination in any form because of sex, and equally distribute the responsibilities and privileges of American citizenship among all citizens. In my opinion, this legislation represents a long overdue and necessary addition to the 14th amendment.

I feel that to embellish this resolution with amendments that would destructively limit its effectiveness would in practice reduce it to a most vulnerable position, and would once again allow loose and discriminatory interpretation of the 14th amendment.

House Joint Resolution 208 as introduced insures that women can no longer be "protected" from promotion, job limitation, and full and equal social security and insurance benefits. It also insures that men will have equal rights in matters such has divorce, and child custody cases.

If the so-called Wiggins amendment is added to House Joint Resolution 208, we will once again have to necessarily revert to the practice of placing the burden of interpretation solely on the Federal, district, and supreme courts, whose decisions, in my opinion, because of a lack of explicit legislation, have often proven to be discriminatory in cases concerning equal rights of women.

Mr. Chairman, if the action we take here today is to strengthen and improve the Constitution of the United States, then we must pass this amendment in its original form. This will insure all American citizens their equal rights and responsibilities under the law.

Mr. ROY. Mr. Chairman, the first women's rights convention was held in Seneca Falls, N.Y., in 1848. The women in attendance demanded an end to the "absolute tyranny" of men over women, and asked specifically for laws enabling a woman to vote, to own property, to defend herself against abuses in marriage, to earn a living in the professions, and to attend college. Progress in this regard has been slow. Today, 123 years after the Seneca Falls Convention, and 47 years after the first introduction of the Equal Rights Amendment in the House of Representatives, we are on the verge of passing a constitutional amendment which, when ratified by three-fourths of the States, will make equality between the sexes a constitutional guarantee.

Yes, progress has been slow. Throughout the years, our society has perpetuated the traditional roles which have been assigned to men and women, which have been traditionally assigned to women by men. As Samuel Johnson asid:

> A man is in general better pleased when he has a good meal than when his wife talks Greek.

These traditional roles have resulted in psychological strain on women, and perhaps worse, in creative waste.

There are two types of working women in the United States today—those who work in the home, and those who are part of the labor force. For many years, prior to the publishing of Betty Friedan's book, "The Feminine Mystique" in 1963, the first group of women were considered to have it made according to the values of our culture—for example, they have the security of a home, a husband, and children. But it has become more and more evident that America's homemakers are not fulfilled, but frustrated.

Working women in the labor force have been no better off, being faced with such frustrations as low wages, boring work, and slim chances for advancement. In their work, most women serve others—typing, filing, cleaning—and are paid less than the few men doing the same work. Women in the United States make 60 cents for every dollar a man makes and often rise in salary only to the point at which a man starts. Women are the nurses not the doctors; the secretaries not the managers; they seldom occupy decisionmaking or policymaking roles. Forty-three States have "protective" laws which limit the number of hours a woman can work—generally to 8 hours per day. This legislation serves to prevent women from earning overtime pay and promotions to jobs requiring overtime.

Yes, progress has been slow. From the time our children are very young, they are indoctrinated into their proper roles. Girls play with dolls, dress them, cook for them, serve their meals, care for them when they are sick. Boys build houses, drive trucks, and play baseball. Girls serve cookies in school while boys raise the flag. Girls get nurse kits when they are young; boys receive doctor kits. It is not surprising, then, that 98 percent of all nurses are women, yet only 9 percent of all physicians are female.

In school, children daily read such stereotyped statements as "Boys invent things; girls use things boys invent." We have eliminated Little Black Sambo from schools, why not "Dick and Jane"?

Girls are programed to fail, because it is not ladylike to be bright, to compete, to succeed. Traditionally the only thing a girl cares to succeed in is attracting and keeping a husband. As Dr. Grayson Kirk, former president of Columbia University, put it:

> It would be preposterously naive to suggest that a B.A. can be made as attractive to girls as a marriage license.

Women who decide to obtain a higher education have been thwarted in many ways. Many schools, particularly graduate schools, admittedly discriminate against women because of their sex. Women applicants to medical schools have increased 300 percent in the last 36 years; men applicants have increased only 29 percent. Yet during that time, the proportion of women accepted has fallen and that of men has risen. Of 25 medical schools questioned in 1969, 19 admitted they accepted men in preference to women unless the women were "demonstrably superior." Women have not been treated equally in the United States.

Progress has indeed been slow. Bright women—including those with degrees—are discriminated against. Women college graduates in English applying for jobs are given typing tests; men college graduates in English are given aptitude tests to find out where they can fit in with the management. Women are 51 percent of the population, 53 percent of of the electorate, and 35 percent of the working force. Yet, 70 percent of all clerical workers are women, 99 percent of all private household workers are women, 55 percent of all other service workers are women, while only 14 percent are employed as professional or technical workers.

My State, Kansas, has no law prohibiting discrimination on the basis of sex. According to one anthology on women's rights:

> The Commission on the Status of Women is demanding an end to sex discrimination in Kansas. According to its spokesman, "As long as things proceed reasonably, Kansas women are going to be non-violent." (But what if legislators continue to laugh at women's efforts and things do not proceed reasonably?)

In Kansas, progress has been very slow.

I wholeheartedly support the equal rights amendment. I do not believe that the day after ratification by the 38th State all sex discrimination will cease, since much of the problem is attitudinal. It should, however, in view of the historic refusal by the Kansas Legislature to legislate against discrimination on the basis of sex, help protect the women of my State against discrimination. It should also help to remove the "protective" laws of 43 States which act to prevent advancement by women. This is a start. It is important that women have a constitutional guarantee insuring equality. Perhaps during the next 47 years, and the next 123 years, progress will be rapid.

Mrs. HICKS of Massachusetts. Mr. Chairman, I hope all of my colleagues will join with me in supporting House Joint Resolution 208, the equal rights amendment, without amendments. Discrimination against women—on the job, in education, in civil and criminal law—is a disgrace to a Nation which has long proclaimed its belief in equality before the law and individual dignity for all citizens.

The woman who cherishes a full-time role as wife and mother will always have an honored place in our society, but I believe that the woman who wants more is entitled to develop the full extent of her capabilities without the demeaning drag of discrimination.

Passage of the equal rights amendment is essential if we are ever to achieve full legal, social, and economic equality for women. The courts have denied women the protection of the 14th amendment, and legislative attempts to secure equal treatment for women will inevitably be piecemeal and tardy. There should, furthermore, be no restrictions on the simple principle that "equality of rights under the law shall not be denied or abridged . . . on account of sex." To amend the amendment would weaken it and render it virtually meaningless.

The two main objections to the equal rights amendment in its original form in recent years have been the aversion to the idea of women being drafted for service in the Armed Forces, and fear of the loss of protective labor legislation for women.

There are several things to be said about the fear of subjecting women to the draft. In the first place, there is no reason why women should not carry equally the burdens as well as the rights of full citizenship; indeed, most are willing and eager to do so. Second, just as there are many legitimate reasons for exempting men from the draft, there will be equally good reasons for exempting women, and among these would doubtless be marriage and family responsibilities.

Finally, it is an absurd scare tactic to summon up images of girls slogging through rice paddies with M-16's and full 60-pound packs strapped to their backs. Even in Vietnam, the number of men involved in active combat is a small percentage of our forces. There are any number of roles in all branches of the Armed Forces which could very well be carried out by women—in personnel, supply, intelligence, communications, and other fields as well as the secretarial and nursing jobs to which they have traditionally been limited.

As for the protective labor legislation, it is well known that in recent years such regulations have primarily been used as a cover to prevent women from competing for jobs which they are qualified to fill.

Any such regulations should either be extended to men as well, or they should be eliminated. The passage of the equal rights amendment would not force working women into harsh or inhuman jobs; rather, it would permit them to apply for any job, and to be judged on the basis of their qualifications, mental and physical, rather than their sex.

In one form or another, the equal rights amendment has been before Congress since 1923. Both major political parties have included it as part of their platforms since the 1940's. To delay any longer will encourage and perpetuate discrimination against women, and allow conditions to continue which are repugnant to our long-standing constitutional principles.

Mr. SCHEUER. Mr. Chairman, it is essential that this Congress pass the equal rights amendment. To fail to do so would be intolerable. Women are a majority in this country. Yet they are denied full equality. One need only look to family law, military law, labor law, or education law to find flagrant examples. We have State laws that require married women, but not married men, to obtain court permission before they engage in an independent business. Laws place special restrictions on the legal status of married women and on their right to establish a legal domicile. We have dual pay schedules for men and women teachers in public schools, and even laws in some States which prohibit women from working in certain occupations. There are laws restricting the hours which women can work, and sex-based exemptions from jury duty. We have laws and practices operating to exclude women from State colleges and universities. We cannot continue to call our country democratic while continuing to refuse to grant equality to a majority of our citizens.

I reject the presumption that sex can be a reasonable legal classification. Laws which confer benefits must be extended to both sexes, and laws which restrict opportunities must be declared unconstitutional. This might be accomplished through piecemeal legislation, but that is not an adequate substitute for fundamental constitutional protection. We must articulate a national policy by adopting an amendment to our Constitution; an amendment which will give women an effective weapon against legal, economic, and social injustice.

We cannot qualify this amendment; we cannot cripple it by adding sections which allow discrimination and condescension under the guise of protection. We must act boldly and clearly and say that "Equality of rights of any person under the law shall not be denied or abridged by the United States, or any State, on account of sex."

The elimination of all remnants of sexual inequality and discrimination in this society will not be easy. The problems are many and their solutions will have to be varied and complex. But women have been forced to wait too long and we must now provide a constitutionally mandated change.

Mr. HARRINGTON. Mr. Chairman, I rise in support of House Joint Resolution 208 without amendment.

At this point in our history, continued retention of any statutes or general policies which discriminate against or in any way restrict the mobility of women is insupportable. Obviously, an amendment to the Constitution unfortunately cannot eliminate those attitudes which work so effectively to the disadvantage of women. But it can abolish their legal effects. The purpose of this amendment is to do this and to establish the doctrine of equal rights for women as a matter of national policy. To be as effective as necessary, the amendment should be presented in as uncompromising terms as possible. Qualifying the principle only provides a means to negate or circumvent the original purpose, and lessen the proposal's impact.

The second section of this proposal should therefore be omitted. This section only detracts from the logic of the first. For the principle of equal rights to mean anything, women must be subject to the same requirements as men. This then would mean that women under this principle should become eligible for the draft, and, as the next step, available for combat. Since it is now national policy to phase out the draft, however, there is little reason to alter this amendment on that ground. And in the interim period, the principle that members of the Armed Forces are used according to their basic ability alleviates the possibility that women will be sent into combat. The Israeli Army—hardly an example of military ineptitude—demonstrates that women can be quite usefully and sensibly employed in the Armed Forces.

Allowing the underlying principle to be compromised as it is in section 2, in order to avoid what some consider to be a potentially unpleasant byproduct which actually has little chance of being realized, does not make sense. In effect, this section provides an enormous loophole for circumventing the basic proposition. This should not be permitted. The amendment should be adopted in its original form, omitting the second section.

In conclusion, Mr. Chairman, to continue to allow so much of the enormous talent and potential which the women in this country represent to be frustrated because of certain prejudices is totally inconsistent with the theory of American democracy. To pass this amendment, without section 2, is the beginning of the end of what otherwise is a national disgrace.

Mrs. REID of Illinois. Mr. Chairman, as a sponsor of a companion resolution, I rise in support of House Joint Resolution 208 as originally introduced.

For 47 years the women of the United States have come before Congress to petition for an amendment to the Constitution which would guarantee them not only full equality under the law, but their full responsibility and dignity as American citizens. For 47 years this amendment has failed to pass—either because of the outright refusal to recognize the need for it, or because of nullifying language attached to it. This year we have the opportunity to demonstrate that the legislative process—although slow and deliberate—can respond when the proper time arrives.

Let me say at the outset that I personally have not felt that I have been discriminated against, but I do know there are and have been many instances in all walks of life in which women have been unfairly denied their full constitutional and legal rights in this era when our Nation is dedicated to the principle of equal rights for all. The most compelling argument in favor of an equal rights amendment is the need to establish a clear legal status for women, so that they may act to end the discrimination against them in our courts, schools—particularly in higher education—and job markets.

In my judgment, the majority of American women are not seeking special privilege but they do want equal opportunity, equal responsibility, and equal protection under the law. It is for this reason that most women do not support the qualifications included in the committee amendments exempting women from military service and sanctioning any and all State and Federal laws which discriminate on the basis of sex provided only that they had some reasonable relationship to health and safety. The basic concept of the original text—"Equality of Rights under the law shall not be denied or abridged by the United States or by any State on account of sex"—embodies a moral value judgment that a legal right or obligation should not depend upon sex but upon other factors—factors which are common to both sexes. In regard to State protective laws concerning employment of women, the pattern of existing measures shows there is no consensus of what is needed protection for either men or women. It would seem to me that those laws which confer genuine benefits to women can and should be extended to men under the equal rights amendment.

An abiding concern for home and children should not restrict the freedom of women to choose the role in society to which their interest, education, and training entitle and qualify them. But this legislation is more than an effort to insure equal rights for women for it would impose upon them as many responsibilities as it would confer rights. I believe this objective is desirable. For instance, while it would guarantee women and girls admission to publicly supported educational institutions under the same standards as men and boys, it would also require women to assume equal responsibility for alimony and child support within their means as is the standard applied to men. Women presently bear these responsibilities in some States, but not in all. It would also require that women not be given automatic preference for custody of children in divorce suits. The welfare of the child would become the primary criterion in determining custody.

Once the equal rights amendment has been passed and ratified, the burden of proving the reasonableness of disparate treatment on the basis of sex would shift to the Federal Government or the States, whereas presently the burden is on the aggrieved individuals to show unreasonableness. On the other hand, the mere passing of the amendment will not make unconstitutional any law which has as its basis a differential based on factors other than sex. It will, in the broad field of rights, eliminate discrimination in that it will make unconstitutional any laws providing disparate treatment based wholly or arbitrarily on sex.

As I have said, the equal rights amendment has been debated for 47 years. Certainly during this time most questions should have been answered. It is my hope that House Joint Resolution 208 will be approved as originally introduced and that it soon will be considered by the Senate and submitted to the States for ratification. Women campaigned 74 years to obtain the right to vote. Let us insure that they will not have to wait two, three, or four times that long to obtain an even more fundamental and essential right—the right to be viewed as individuals under the law.

Mr. WIGGINS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.J. RES. 208

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"SEC. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"SEC. 3. This amendment shall take effect two years after the date of ratification."

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 2, after the word "rights" insert the following: "of any person."

Mr. EDWARDS of California. Mr. Chairman, I ask unanimous consent that debate under the 5-minute rule on the first committee amendment and all amendments thereto be limited to 30 minutes, to be equally divided and controlled by the gentleman from California (Mr. WIGGINS) and myself.

And I further ask unanimous consent that debate on the second committee amendment, and all amendments thereto, be limited to 1 hour, to be similarly divided and controlled by myself and the gentleman from California (Mr. WIGGINS).

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. HALL. Mr. Speaker, I object.

The CHAIRMAN. Objection is heard.

Mr. EDWARDS of California. Mr. Chairman, I move that the committee do rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 208) proposing an amendment to the Constitution of the United States relative to equal rights for men and women, had come to no resolution thereon.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on House Joint Resolution 208.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO FILE A REPORT ON H.R. 7248, AMENDING THE HIGHER EDUCATION ACT OF 1965, AND OTHER EDUCATION ACTS, UNTIL MIDNIGHT, FRIDAY

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor have until midnight Friday, October 8, 1971, to file the committee report on H.R. 7248, to amend and extend the Higher Education Act of 1965, and other acts dealing with higher education.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DISCHARGE PETITION ON CONSTITUTIONAL AMENDMENT OUTLAWING BUSING TO ACHIEVE RACIAL BALANCE

(Mr. ABBITT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ABBITT. Mr. Speaker, a discharge petition has been filed on House Resolution 610 which has for its purpose the bringing before the House of Representatives the constitutional amendment outlawing busing to achieve racial balance.

This is a vitally important matter. It should receive first priority of every Member of the Congress. The whole issue of school assignments has come to the point where the technicalities of where a child goes to school is receiving far more official attention than what the student learns after he gets there. The Federal courts have made a mockery of our system of education by undermining the authority of the educators to educate, the administrators to administer, and the students to learn in an atmosphere of peace and tranquillity.

A vast number of the Federal judiciary have arrogated unto themselves powers over our schools and schoolchildren that they never have had under the Constitution nor was it ever intended they should have. They have set themselves up to preside over the education of the children of America, much to the great detriment of public education. We have seen—almost—a Federal oligarchy take over the assignment of schoolchildren to achieve racial balance. This must be stopped if public education as we know it is to survive. If the youth of America is to be educated properly, we must have a constitutional amendment prohibiting the Federal judiciary and HEW from further wrecking the public schools and the public educational system of America.

The constitutional amendment is very simple. It simply provides that no child shall be assigned to a school because of his race or color and, of course, that no child shall be bused to a distant school to achieve racial balance. There is no hope other than an amendment to the Constitution. I call on the people of America to support the efforts of those of us who are trying to get submitted to the people the question of outlawing the busing of our children to achieve racial balance. We must have the help of all of our people in demanding that the Members that represent them in the House of Representatives and in the Senate sign the discharge petition bringing this matter before the House of Representatives and the Senate for consideration. So far the Judiciary Committee, acting through its chairman, has refused to even have a hearing on this amendment which is so important to our people. The only hope is by a discharge petition. We must have 218 Members sign this petition so we can bring it to a vote, merely to submit it to our people for their consideration. We must do this before the Federal courts and the Federal bureaucracy further downgrade our educational system. Public education is too valuable a commodity in America for it to be sacrificed on an altar of political expediency or disfigured by ill-advised philosophies.

Mr. Speaker, I feel that it is vital that this matter come to the floor of the House as soon as possible, because protracted delay can only mean more confusion in an already very complicated hodgepodge of court decisions and HEW directives which is causing chaos throughout America. I strongly urge those Members who are concerned about the future of public education to sign the discharge petition and thereby hasten the time when this matter can be given a full airing.

We are facing a crisis in America's schools which neither Federal money nor political rhetoric can diminish. It matters not how many billions of dollars in Federal funds are poured into our schools if the basic fabric of public education is being destroyed by insistence on achieving racial percentage balances to the detriment of everything else.

For the past decade Congress has watched in frustration while the Federal courts and the Office of Education have established a patchwork pattern of compliance on the question of overcoming racial imbalance in the public schools. We all are aware that things are not working out; that HEW has far exceeded congressional intent; that the Justice Department has moved with inconsistent strides; and that the Federal courts have created an atmosphere of fear and frustration. Some Federal judges have arrogated unto themselves powers which they were never intended to have. They have sought to become unofficial school superintendents—having dictatorial power over the schools but bearing none of the responsibility for the results of their labors.

If there is a national policy today on the question of overcoming racial imbalances, it is certainly not clear to the majority of the Members of Congress or to the public at large. The President says one thing and HEW says and does another. The Justice Department presents one position in court and yet allows HEW to go far adrift in contravention to its established policies. The lower Federal courts appear to have opened up countless uncharted paths and the Chief Justice has intimated publicly that some of these decisions may have been based on misinterpretations of the Supreme Court in the Charlotte-Mecklenburg case.

Meanwhile, the tragedy of public school degeneration goes on its merry way. School officials are having to spend far more time on court appearances and complying with HEW directives than they do on the day-to-day operations of the educational program. They are unable to plan with any assurance and the system of legal uncertainty in which they operate has a retarding effect on everything they do. Most school superintendents are trained to educate and it must cause them anguish and bewilderment in not being able to do that for which they have been trained.

Many of these pitfalls were openly predicted on this floor when some of the civil rights legislation was being debated. Time and time again warnings were given that it would be impossible to regiment the school systems from Washington—especially when such regimentation was almost exclusively aimed at one section of the country. However, many of the problems which we are experiencing today were never envisioned by opponents or proponents. Many of these situations were created by contradictory positions taken by the Federal courts and the bureaucrats in the Office of Education.

Those who have been charged with achieving percentage balances have often disregarded the total effect on the school systems and in some instances Federal judges have reached down to the classroom level to assure that racial balances would be carried out the way they have decreed.

The principal instrument for achieving this unnatural pattern has been through busing. This costly surrender to the ridiculous has created a monster which we may never be able to control. Although its effects have so far been felt primarily in the South, it has reached into Pontiac, Mich., San Francisco, and other places with disastrous effects. Those the North and West who have been most vocal in their opposition to busing might consider seriously what will happen when HEW runs out of places to intimidate in the South. Are the army of bureaucrats likely to then fold up their tents and go off the public payroll? Obviously not. They will then turn their attention to other places in the country where racial imbalances are even more evident than they have been in the hard-hit sections of the South.

This is the reason why I urge a nonpartisan, nonsectional approach to this problem. There are members here from other sections of the country who are deeply concerned about what is happening. They know full well that this mass busing of students is contrary to all the laws of practical education and health concern.

Why, then, is there reluctance to face this issue headon? Why should Congress sit back and passively watch its intent defied by over-zealous Federal judges or anonymous HEW bureaucrats? If this defiance were being fostered by those who sought to prevent integration of the schools, it would be one thing; but this preoccupation with percentages and artificial goals can defeat the progress of public education which has been achieved under the administration of both major parties.

We are now trying to achieve a procedural objective—to get the resolution to the floor for a vote. Certainly, there is more than ample evidence that the public considers this a major issue, if not the most important problem of today. We cannot hide it simply by refusing to discuss it. The issue will not go away simply by wishing it so. Meanwhile, Health, Education, and Welfare directives are pouring out by the dozens, Federal judges are contemplating new edicts and the schoolchildren are bearing the brunt of the load.

I call upon Members of the House to seriously consider the problem before us. I plead that reason triumph over politics and that we be willing to admit the dangers of continuing to pursue the present course of action.

Unless Congress acts on this question, I am afraid that we will continue to go aimlessly down the path of misfortune and the road back—if it ever comes—will be much more difficult. It is no more possible to run the schools from the Federal courts than it is from the cloistered inner sanctums of HEW offices, but when one arm of the government points one way and another arm is giving conflicting directions, the schools are caught in an impossible situation.

There must be a better way and I call upon Congress to exercise its function and call a halt to this ridiculous situation.

FREE LUNCHES OR FREELOADERS: WHICH IS IT?

(Mr. RONCALIO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, recently the county school district No. 1 board of trustees of Washakie County, Wyo., passed at a regular meeting a resolution of more than ordinary significance for all of us. I am happy to state that the resolution follows and is supported fully by Mr. Bill Lucas, the principal of North Side and West Side schools in Worland, Wyo., and by Mr. Roger Youtz of the Worland school district, as well as by Mr. John H. Seyfang, superintendent of the school district at Worland, Wyo.

This resolution was passed to call attention to the fact that the board is not opposed to free lunches, but feels there should be some responsibility attached to free lunches. To me the most important message in the material is the fact that we have lost some basic concept of our system of government and of our civilization itself when a mode of life which encompasses rudeness, discourtesy and offensiveness takes the place of the basic requirements of good manners and gentility and common courtesy that have always governed the ways of civilized people.

It has been traditional in my life in Wyoming that "manners and knowledge maketh the man." I wonder sometimes what the product of the system is that turns out one who is deficient in both.

This concern stems from the free lunch program in the schools of Wyoming. I think we are all in accord that any program that feeds children who are undernourished or starving or hungry is beneficial but we cannot help but ask if there ought not be some corollary to an act of responsibility by those who receive this food. For example in one junior high school, there are 41 on free lunches. Of this number, only 7 have volunteered to help serve or work in the kitchens. The remaining majority of 34 are either embarrassed or downright rude and offensive when they come through a lunch line. Some demand their lunch ticket, and tease and provoke those remaining who work, or indeed those few who are not eligible for free lunches.

The problem is how to keep from raising parasites. We need to teach our children the worth of work and the privilege of accomplishment and I think that we must consider removing the clause from the lunch program orders that would prohibit a child from working when there is work around the school that needs to be done.

The resolution follows:

Whereas the Federal Hot Lunch Program has established rules and regulations for the allowing of free meals to students, and,

Whereas these rules and regulations allow students to receive something for nothing with no responsibility, and,

Whereas student attitude now indicates that politeness is a thing of the past, merely demand and you shall receive, and,

Whereas obligation is a thing of the past, of our own experience, students now indicate they have the laudable call in life to become a welfare recipient, and,

Whereas the education of children should entail education in the idea that reward is granted by hard work and responsibility and that pride and accomplishment is taught by teaching responsibility,

Be it therefore resolved that the National Congress and Federal Bureaucracies consider the American attitude and reconsider the rules and regulations for free lunches, allowing students to be required to serve in lunch lines or do some token work that teaches responsibilities for services received.

Be it also resolved that a copy of this resolution be made a matter of record of the minutes of the Washakie County School Dist. #1 Board of Trustees, that it be sent to Senator McGee, Senator Hansen, Representative Roncalio, Rep. Carl D. Perkins, Governor Hathaway, Dr. Robert Schrader, Wyoming School Boards Association, National School Boards Association and Wyoming Association of School Administrators.

Reasons: 1. We can point out instances and identify students that now feel free lunch is a right and not something to be earned; students that as a result of free lunch program indicate their call in life is a welfare recipient.

2. We are in favor of serving free lunches to needy children, but we feel that this is part of the educational program that they also have a responsibility that needs to be taught, not only to the receiving of school lunch, but a responsibility to the American way of life which we believe is not a welfare state.

3. Experience of our personnel in schools this year in administering this program has resulted in abusive language to our supervisory personnel. Parents of welfare children have used abusive language to same personnel. Also free lunches have been granted to people with large families who have chosen to raise these large families now finding the public should subsidize these children under standards set forth by the free lunch program.

4. From actual experience, some parents from low income have had enough pride that they have chosen to make sacrifices to pay their own way. Their children have accepted responsibility for working out their meals and these young people are much better adjusted socially, proving our contention that something for nothing attitude is not the answer.

PROVIDING TUTORIAL AND RELATED INSTRUCTIONAL SERVICES FOR HOMEBOUND CHILDREN

(Mr. BADILLO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BADILLO. Mr. Speaker, I am pleased to introduce today, on behalf of myself and 72 other Members of the House an amendment to the Education of the Handicapped Act to provide tutorial and related instructional services for homebound children through the employment of college students.

Approximately 1 million youngsters in our Nation fall into the category of the homebound handicapped. These children, for varying lengths of time, are unable to attend school. As a consequence, they suffer academically and emotionally. A considerable portion of those who are eventually enrolled into regular classes experience all the difficulties of children coming from a deprived background—poor social adjustment, academic difficulties, emotional problems.

In some parts of our Nation handicapped youngsters enjoy more academic advantages than in others. There are localities that provide for 5 or more hours of home instruction weekly. In other cases, however, children receive a scant hour a week, and some educational agencies, due to lack of funds, have been unable to make an assessment of their needs.

I have discussed with many State educational officials my intention to introduce legislation providing financial compensation to qualified college students, of their choosing, who could act as home tutors for these youngsters. Forty-eight States have responded to my proposal and have supplied me with suggestions that I have incorporated into the bill we are introducing today.

I am grateful to my colleagues for the interest they have shown in the plight of these youngsters. I want to express my appreciation for the truly bipartisan response I have received and would like to take this opportunity to request the support of all the Members of the House for this very necessary legislation.

For the information of my colleagues, I am inserting here the full text of the bill and the list of the cosponsors:

H.R. 11132

A bill to amend the Education of the Handicapped Act to provide tutorial and related instructional services for homebound children through the employment of college students, particularly veterans and other students who themselves are handicapped

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Education of the Handicapped Act (20 U.S.C. 1421–1426) is amended by adding at the end thereof, a new part II, as follows:

"Part H—USE OF COLLEGE STUDENTS AS TUTORS AND INSTRUCTIONAL ASSISTANTS FOR HOMEBOUND CHILDREN

"AUTHORIZATION OF PROGRAM

"SEC. 671. (a) The Commissioner is authorized to make grants to State education agencies to enable them to develop and carry out programs, at their and at local educational agency levels to provide, through the use of students in institutions of higher education, tutoring and instructional assistance, under the supervision of a qualified teacher, for homebound handicapped children who, though able to benefit from preschool, elementary, or secondary education, are prevented by their handicaps, by lack of facilities, or because they experience special difficulties when in school, from attending school. Homebound children for whom services under this part may be provided include but are not limited to those as defined under section 602, paragraphs (1) and (15), and such services may be provided to children who are homebound for short or long terms.

"(b) For a local educational agency to receive assistance under this part from a State education agency, it shall make a proposal to the State educational agency for a tutorial or instructional assistance program to be carried out through a cooperative arrangement with one or more institutions of higher education. The local educational agency shall give assurances that:

"(1) in selecting students to participate, (A) special consideration will be given to veterans qualified for vocational rehabilitation under chapter 30 of title 38, United States Code, and to other handicapped students (provided in either case that their handicaps do not make their working with homebound children ineffective); and (B) among students otherwise equally eligible to participate in the program, preference will be given to those having greater financial need,

"(2) the program will be administered by the local educational agency in accordance with its rules and regulations relating to homebound instruction, and

"(3) participation in the program will not interfere with the academic progress of participating students,

"(4) compensation paid to participating students will be set by agreement between the local educational agency and the student's institution, the maximum to be established at the direction of the Commissioner. In no case shall the compensation be established below the prevailing minimum hourly wage,

"(5) funds will be used in such manner as to encourage equipping the homebound handicapped children for eventual full assimilation by society, with every effort to avoid development of a segregated, permanent system of education for the handicapped.

"(6) Federal funds made available under this part will be so used as to supplement and, to the extent practical, increase the level of State, local, and private funds expended for the education of handicapped children, and in no case supplant such State, local and private funds.

"APPLICATION

"SEC. 672. (a) The Commissioner shall make grants under this part to State educational agencies on the merits of their proposals to him which shall be submitted on such application forms and under such guidelines, as he shall prescribe. Proposals shall contain, among other information as required by the Commissioner (1) all data from local education agencies' proposal to the State, as is required to support the total amount of funding requested by the State; (2) the State's detailed plans for conducting, or providing for the conduct of, evaluation of the program supported under this part; and (3) the State's detailed plans for locating and identifying all of its homebound children who could benefit from this program.

"(b) An amount not to exceed 10 per centum of the total funds awarded to a State under this part shall be available to the State for it and its local education agencies to administer the program.

"AUTHORIZATION OF APPROPRIATION

"SEC. 673. There are hereby authorized to be appropriated $55,000,000 for the fiscal year ending June 30, 1973, and such sums as may be necessary for fiscal year ending June 30, 1974 and for fiscal year ending June 30, 1975, for carrying out the provisions of this part.

"ALLOTMENTS TO STATES

"SEC. 674. All of these sums shall be granted at the discretion of the Commissioner; however, the Commissioner shall set aside 25 per centum of the total appropriation and preliminarily allocate (but not automatically grant) to each State (as defined by Sec. 602(6)) an amount which bears the same ratio to such amount as the number of children aged three to twenty-one, inclusive, in the State bears to the number of such children in all the States. The Commissioner shall approve or disapprove applications from the States, and any funds preliminarily allocated to a State whose application is disapproved, or which fails to file timely application, shall be added to, and be included for distribution under, the remaining 75 per centum of the funds. The Commissioner shall not disapprove any State's application until he has offered and (if the State accepts his offer) provided technical assistance to that State in an effort to bring that State's application to a level of approvable quality, so that the State may then be granted its proportionate share of the 25 per centum set aside, and, if then applicable, an appropriate portion of the remaining 75 per centum."

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THE CONSTITUTIONAL OATH SUPPORT ACT

(Mr. ICHORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ICHORD. Mr. Speaker, I have today jointly with the distinguished gentleman from North Carolina (Mr. PREYER) introduced a bill titled "The Constitutional Oath Support Act." It is the purpose of the bill to remedy several deficiencies which have been revealed in oversight hearings undertaken by the Committee on Internal Security into the administration of the Subversive Activities Control Act and of the Federal civilian employee loyalty and security program. As I stated at the beginning of the hearings, it is time to "fish or cut bait." The Subversive Activities Control Board should either be given something to do or it should be abolished.

The proposed measure we introduce today, not only abolishes section B, it repeals the Subversive Activities Control Act of 1950. This act, as you know, has been the subject of much attention during recent years. It may come as a surprise that we should seek to repeal it, but I would hasten to point out that, although the bill would repeal the Subversive Activities Control Act, it would establish in its place a new and, we believe, a more effective and useful program for coping with certain activities which, unless controlled, are capable of doing great damage to our free political system.

Procedures are established by the bill to assure that the oath or affirmation to support the Constitution, required of Federal officers and employees by explicit provisions of the Constitution—article VI, clause 3—and by statute—5 U.S.C. 3331—shall be taken in good faith. These procedures are intended to provide a means for assuring that only such persons as are loyal to the Constitution, disposed to maintain it against all enemies, foreign and domestic, and committed to the efficient execution of their duties, are employed by the Government of the United States. In aid of this purpose, the bill lays down an employment standard that will enable employing officers intelligently to make the determination that prospective governmental servants will in good faith support the Constitution of the United States.

Preappointment investigations of applicants for Federal employment are required, the scope of the investigation being determined by the "sensitivity" of the position. Inquiry with respect to membership in, and association with, certain organizations is authorized by the act, and a commission is established to make determinations of the character of such organizations under procedures fully conforming with the requirements of due process. It is made clear that such inquiry is not intended to punish organizational membership or to restrict the liberties or rights of association, assembly, and speech. The inquiry is limited to a purpose of adducing relevant and material evidence in relation to a proper standard and a permissible objective of Government; namely, to assure that those persons are employed who will, in fact, "support the Constitution." The bill thus accords with the latest and most restrictive pronouncements of the Highest Court on this subject. See *Law Students* v. *Wadmond*, 401 U.S. 154 (1971); *Lerner* v. *Casey*, 357 U.S. 468 (1958); and *In re application of Walter Marvin, Jr.*, 53 N.J. 147 (1969), cert, denied October 31, 1969.

Obvious failures in the administration of the Subversive Activities Control Act have been a matter of concern to the Congress within recent years. As a consequence, the funding of the Subversive Activities Control Board, a quasi-judicial agency established by the act, has been a subject of controversy both within and without the Congress. Likewise, a June 4, 1969, decision of the Federal district court which voided the Hatch Act loyalty oath provisions, in the case of *Stewart* v. *Washington* (301 F. Supp. 601), has left the whole problem "up in the air." The committees' investigation, thus prompted, was initiated in the 91st Congress, and was continued into the 92d through a subcommittee chaired by the gentleman from North Carolina. He has examined the practices and procedures of all of the Cabinet departments and major independent agencies of the Government. The hearings to date comprise three volumes, two of which have been published. A third will be available shortly. Indeed, I regard the gentleman as one of the most knowledgeable in the Congress on the subject.

Three major issues were involved in the course of the hearings: the first was the question of the repeal or retention of the Subversive Activities Control Act of 1950. You will recall that it was a purpose of this act to make public the identity, purposes, and mode of operation of Communist organizations within the United States. To this end a duty was imposed upon the Attorney General to bring petitions before the Subversive Activities Control Board, a quasi-judicial agency established by the act, which would have the function of making public determinations as to the character of organizations alleged to be Communist in the categories—action, front, and infiltrated—as defined in the act. As everyone knows the act has not been zealously enforced. In fact, many of its provisions have been voided by the courts. We suggest that the act should be repealed.

While recommending a repeal of the act, we recognize a need for the establishment or maintenance of a board or commission to make determinations, within a due-process framework, of the character of organizations. However, we do not regard it as necessary, or even desirable, that such determinations be made solely for the purpose of public disclosure in the context of the Subversive

Activities Control Act which we submit has proven to be unenforceable. Such a board or commission, however, should be maintained for the purpose of establishing a guide, hitherto a role filled by the "Attorney General's list," as an auxiliary for screening applicants on loyalty and security grounds for employment in Government. Accordingly, the bill would establish the Federal Employee Security and Appeals Commission which will serve that purpose and also serve as an appeal agency for reviewing adverse decisions on application of individuals who have been dismissed from employment on loyalty-security grounds, or under the provisions of the bill.

The second issue was the question of remedial legislation in view of the district court's action in Stewart against Washington which voided paragraphs (1) and (2) of section 7311 of title 5, United States Code. These provisions would deny employment in the U.S. Government to any person advocating the overthrow of our constitutional form of government and to any person holding membership in an organization that he knows advocates such overthrow. These Hatch Act provisions undoubtedly had considerable utility in serving as a device for screening out subversives from employment in the Government, particularly in nonsensitive positions in which full field investigations are not undertaken. Despite the break in the chain of protective legislation resulting from the decision, the Department of Justice chose not to appeal it. The decision, however, appears to reflect some of the recent decisions of the Supreme Court. We would repeal, rather than amend, these provisions. However, in view of the importance of the objective of the provisions, we have written into the bill a requirement of a similar nature, as an aid in the investigative process, by which all applicants for employment in the Government are required to execute a questionnaire with respect to membership in described and specified organizations.

The third issue on which testimony was heard was the question of the maintenance of the Attorney General's list pursuant to Executive Order 10450 in relation to the Federal employee security program. I should point out that this Executive order is the principal basis for the present program. It requires that the employment of persons be subject to investigation so as to determine whether their employment is "clearly consistent with the interests of the national security." This order was, in fact, a revision and expansion of the earlier program established in 1947 by President Truman under Executive Order 9835. It was intended to resolve certain deficiencies in the Truman order and to combine a "loyalty," "security," and "suitability" program. Executive Order 9835 required only "a loyalty investigation" of persons entering civilian employment and established a standard of "reasonable doubt as to the loyalty of the person involved to the Government of the United States." Under both orders, however, the Attorney General was required to designate those organizations which were the subject of inquiry for loyalty or security purposes. No organization has been designated since October 1955.

This measure would follow the principles of disclosure laid down in the Truman Executive order, however, unlike the Truman order it would not have the Attorney General prepare a list but would establish a clearly defined program for the designation of subversive organizations in aid of the administration of the new screening program to be maintained pursuant to the standard provided by the bill. Determinations will also be made by a newly created agency, the Federal Employee Security and Appeals Commission, on application by the Attorney General and, in certain cases an application by the heads of departments or agencies. Moreover, these provisions will provide a basis for the necessary revamping of procedures now maintained pursuant to Executive Order 10450, an order which has evidently failed in some of its objectives. Indeed, in *Cole* v. *Young*, 351 U.S. 536 (1956), an important decision involving the administration of Executive Order 10450, the Supreme Court described the order both as "ambiguous" and "awkward in form."

It is apparent in the record of the committee's inquiry that the order has generated much confusion. In the welter of concepts, including those of "loyalty," "security," and "suitability," it is even clear that a semantic confusion exists and, indeed, no program has yet been constructed to establish a reasoned and logical base for the administration of these aspects of an employment program. The professed effort of the executive to clarify and reorganize the prior Truman order by the promulgation of a combined loyalty, security, and suitability program under a standard of clearly consistent with "the interests of national security" has not proved fruitful. As a consequence many departments and agencies of the Government have adopted no regulations to implement or maintain a loyalty program; many security officers who are charged with the responsibility for executing the loyalty-security program under Executive Order 10450 are confused as to the status of the law and procedures regarding dismissals on loyalty and security grounds; and accordingly, as may be anticipated, decisions of the courts adverse to the administration of the loyalty and security program increase in scope and number. It should also be noted that not one single employee has been dismissed on loyalty and security grounds during the last 5 years.

Despite the obvious confusion surrounding the administration of the order, and despite the deep-seated criticism of the order by the U.S. Supreme Court, it is a fact that over the years since its promulgation, no effort has been made by the Department of Justice to clarify its basic deficiencies. It may be urged, Mr. Speaker, that the executive communication of July 7, 1971, a message of the Attorney General to the Speaker, under which you were advised of a draft bill to give support to a July 2 amendment to Executive Order 10450, will serve this purpose. This message, you will recall, being on a subject within the jurisdiction of the committee which I chair, was referred to the Committee on Internal Security. I regret to say that, in my opinion, the proposal thus forwarded is not directed to subjects which formed the basis of criticism by the Supreme Court or, indeed, to deficiencies revealed in the hearings of this committee.

The draft bill accompanying the Presidential message would simply change the name of the Subversive Activities Control Board by renaming it the Federal Internal Security Board—a change hardly of any significance. Other provisions, however, of some substance would make applicable to proceedings for the designation of subversive organizations pursuant to the July 2 amendment—Executive Order 11605—the subpena, contempt, and judicial review provisions of the Subversive Activities Control Act. This amendment in my opinion, does little more than purport to define expressions hitherto used, such as "totalitarian," "Fascist," "Communist," and "subversive," and will give the Subversive Activities Control Board the function of making Executive Order 10450 determinations rather than the Attorney General. Indeed, the effect of the proposal has not been wholly constructive. It has rather created a storm of controversy on the question as to whether the President by Executive order can enlarge the function and duties of an independent agency which has been the creature of statute and whose duties have been defined by statute. There is serious doubt as to its constitutionality. On the other hand, with respect to the important questions raised in Cole against Young, supra, the message is silent.

Moreover, while the Department would retain the Subversive Activities Control Act, it does so only to utilize the Board for the purpose of making determinations of the character of organizations. This, in effect, is the Attorney General's "list." The Department has made clear that it seeks no amendment of the Subversive Activities Control Act so as to strengthen the function of the Board in fulfillment of the disclosure purposes of the act itself. Thus, for all practical purposes, the Board will cease to operate in aid of its original statutory purpose. Nevertheless, it is apparent that there are possible areas of agreement between us and the Department, principally with respect to the basic concept of establishing a board or commission which will have a function of making determinations in support of the administration of a loyalty and security program.

In light of these facts, it is a matter of disappointment to me that the Department, despite repeated requests made to it by the committee—the first of which was made as early as June 1970, at the commencement of the committee's investigation—refused to furnish any information as to its position. It was only following the July 7, 1971, message to the Speaker, and thus by indirection, despite direct requests, that we learned of the Department's thinking with respect to the subjects of inquiry. The Department had not earlier accepted our effort to engage in dialog on these urgent issues.

Mr. Speaker, I am fully aware that this measure will not be free of controversy. There will be those who favor repeal of the Subversive Activities Control Act and the SACB without setting up the program envisaged by this proposal. There will be others who oppose the repeal of SACB under any circumstances. I am sure that we are all in agreement that something should be done. It is ridiculous to retain a law on the statute books which is either unenforced or unenforceable. Such retention is demeaning to the rule of law. I am not irrevocably wedded to any of the concepts or proposals contained in this measure we introduce today. I am, however, irrevocably wedded to the concept that we should resolve this issue "once and for all." Executive Order 11605 does not resolve the issues. I am sure that the Department of Justice would be the first to so admit. The Department of Justice, however, is to be commended by reason of the fact that at least it did have the fortitude to make some recommendation in this most controversial area. This is the first recommendation in this area to emanate from the Department that I have seen during my 11 years in Congress. However, as I have heretofore stated we have received no proposals from the administration as to how to finally resolve this question. Mr. Robert C. Mardian, Assistant Attorney General, Internal Security Division, Department of Justice, in a recent appearance before the committee declined to express any personal or departmental views on the subject but he did state that the Department would issue an "appropriate response." It is my hope that the administration will meet the issues as forthright as we have met them in advancing this proposal. If the administration is opposed to the enactment of the measure, I would hope that it will come up with an appropriate alternative. If the administration is opposed to certain provisions, I express the hope that it will propose alternative provisions if such are necessary and appropriate. Executive Order 11605 is not such an alternative for the reasons previously stated. Such an approach with the executive and legislative branches working together, I believe, is necessary if the controversial issues involved are to be effectively resolved.

REPRESENTATIVE PREYER OF NORTH CAROLINA JOINS IN INTRODUCING CONSTITUTIONAL OATH SUPPORT ACT

(Mr. PREYER of North Carolina asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PREYER of North Carolina. Mr. Speaker, I am today joining with Chairman Ichord in introducing the Constitutional Oath Support Act. This act repeals the whole of the Subversive Activities Control Act of 1950 and sets up a new Federal employee security program. Recent hearings before the Internal Security Committee have demonstrated the need for change in our present program. For one thing, the present program is confusing to the agencies and individuals affected. The Supreme Court has described the present program as "confused" and "awkward and ambiguous." It needs to be simplified and clarified. For another, the present program was designed as a response to the cold war period—a simpler period when the source of danger to our internal security was more easily identified. The earlier program was directed at, and phrased in terms of, Russian communism only. Today, security problems not only involve Chinese-oriented communism but "nonideological" radical groups such as the Weathermen.

The most serious security threat remains the existence of the Communist conspirational movements which continue to exploit the institutions of freedom in order to destroy the defense of freedom. The Communist movements operate in coordination with the most powerful states in Europe and Asia, and therefore pose a much more serious problem than the free-floating radical groups like the Weathermen.

But the latter group presents a more difficult problem in designing a security program because they operate in an area where it is difficult to distinguish between dissenters or heretics—whose criticism is essential to the health of a democratic community—and conspirators playing outside the rules of the game. Any security program should concern itself only with the conspirators, the hidden enemies of society, not the dissenters and heretics. There must be substantive due process—by refraining from investigating unpopular ideas—as well as procedural due process. This is easy to state but hard to implement. We are living in a rare period of serious revolutionary movement within the United States. These movements express, often vehemently, their discontent with the present, their desire for change. They challenge the power structure and the "establishment." They use new forms of social expression, such as sit-ins. Many of their statements of objectives and aims, like the SDS manifest, are simply Thomas Jefferson plus four-letter words plus Emersonian, "do your own thing." Most of this unrest falls on the dissenter side of the line and offers no security threat. Other groups go further. Rebecca West has pointed out that "there is nothing spiritually easier than being in opposition." In today's climate, many believe that salvation lies on the left and that "patriotism exists only to have its claims transcended." Such minds turn all too eagerly to groups that put them farther left than anyone else and which regard disloyalty to the country as a positive duty. Treason to them has a certain style, a sort of elegance. Should such people be working for the Government, even in clerical or nonpolicymaking positions?

It offers a great temptation to the establishment—all of us over 30, I gather—to lash out indiscriminately at these groups whose values and aims are totally alien to our experience. Our reaction to these groups' new assertions of what is desirable and good are especially fierce because what now seems wrong to so many people once seemed right to everybody. The dangers to free speech are clear.

But because this is a delicate and sensitive area is not a good reason to ignore it. The new bill attempts to draw the line in terms of the democratic process; no one is a risk to the internal security of the country as a Federal employee so long as he is willing to play by the rules of the game; but kicking over the checkerboard is not simply another way of playing the game. The test that every employee must meet is whether there is "reasonable doubt that he will support the Constitution." This does not eliminate advocating change, demonstrating or marching for change; but it means accepting the constitutional process of change—that is, change within lawful limits, amending the Constitution, not by revolution.

Any expression of concern about security, especially if it comes from the Internal Security Committee, is apt to raise the cry of "hysteria" or "witch hunting." American liberals in the past have been insensitive to ideologically motivated subversion of democratic institutions and processes. This is partly because liberalism has traditionally been our opposition movement sympathetic to any group opposed to entrenched power without paying too much attention to the grounds of opposition. Such liberalism felt itself justified, too, because of an immature conservatism that indiscriminately tagged progressive ideas as "Communists" and so blinded itself to the real article. The confusion was heightened when subversive groups kidnaped the vocabulary of American liberalism and corrupted words like "truth," "liberty," "freedom," and "justice." Sidney Hook remarks that "Security is like liberty, in that many are the crimes that have been committed in its name." The crimes have been committed by both the ritualistic liberals on the left and the cultural vigilantes on the right.

But at this stage in our history it should be clear to all that the systematic effort to undermine our free institutions requires some kind of internal security system. All liberals by now must surely appreciate the great stake they have in the survival of the democratic system, whose defects they can freely criticize under the ground rules of the Bill of Rights—and thus have a great stake in seeing that those ground rules are not abused by subversives. Liberals properly should attack abuses in security programs—but they must recognize the unpleasant necessity of such programs.

Conservatives, for their part, must recognize that absolute security is impossible and that we can pay too high a price in straining to achieve an impossible ideal. The problem is to achieve more security in particular areas of risk and do so in such a way that we do not lose more by the methods we use than by the disasters we present. We must use creative intelligence to protect our free society from its hidden enemies without making less free those who are not its hidden enemies. A key point here is how to handle the nonsensitive and nonpolicymaking position in Federal employment. Should such positions be exempt from any sort of security check? Or is it not proper to ask whether a Weatherman, for example, can be an effective employee of an organization—the Federal Government—when he is antagonistic to the ends of the organization? How much harm can small fry do with the "paper explosion" in government? The new bill responds to this question by making the nonsensitive position subject to a national agency check but not a full field investigation. We cannot afford the wasteful exercise of having a large group of people proving there is no needle in the haystack.

A problem in security programs in the past is that too often the programs have been administered by those with a police mentality. Sidney Hook has pointed out that a liberal attitude is necessary for the reasonable administration of a security program:

> Just as only those who love children can be trusted to discipline them without doing psychological harm, so only those who love freedom can be trusted to devise appropriate safeguards without throttling independence or smothering all but the mediocre under blankets of regulations.

In this spirit, the present Subversives Activity Control Board is abolished and is replaced by a Federal Employees Security and Appeals Commission. The Commission is not just different in name; it serves an essentially different purpose than the SACB. While the SACB was conceived basically to serve a disclosure purpose, to inform the public generally of the identity and activities of Moscow-controlled organizations, on the other hand, the Commission is intended to serve a limited disclosure purpose in aid of the administration of the Federal employee security program. The function of such a Commission is not to keep an official eye on all Americans but only on Federal employees. Unfortunately, any findings of such a Commission will have wider application. The alternative, however, would be decisions made in the dark by the agencies themselves, the Justice Department or the Civil Service Commission about allegedly subversive groups, with no right of cross-examination and other legal safeguards. It seems better to set out clearly for all to see the qualifications required for Government employment and the procedures to be followed in determining whether the qualifications are met. It should not be necessary to point out that the right to a specific job is not part of the Bill of Rights but depends on certain qualifications. If the qualifications are appropriate and not arbitrary there is no denial of civil rights. Also, the new bill does not automatically deny employment to any Federal employee on the basis of membership alone in a subversive organization.

Striking the balance between security and personal freedom is a difficult task. I am not sure this new bill strikes it properly. I am sure that it represents an improvement over the present system. Let us discuss this bill and attempt to improve it, with commonsense and without shouting the slogans of freedom or security. On balance, there should be no irreconcilable conflict between the legitimate demands of national security and the freedom of the individual. It is important for our social health that we reach a fair resolution. Rebecca West has pointed out that the worst offense of Maclean and Burgess in England was "the spreading and degrading cloud of doubt their flight engendered. It followed that suspicion often fell on people who were innocent." Similarly, in this country the source of much of Joe McCarthy's support was the apparent indifference to national security on the part of those in authority. A fair and effective security program can prevent this sowing of mistrust in our society.

As Rebecca West concludes in "The New Meaning of Treason"—

> If we do not keep before us the necessity for uniting care for security with determination to preserve our liberties, we may lose our cause because we have fought too hard. Our task is equivalent to walking on a tightrope over an abyss, but the continued survival of our species through the ages shows that, if we human beings have a talent, it is for tightrope walking.

THE HONORABLE RICHARD H. POFF OF VIRGINIA

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAGGONNER. Mr. Speaker, Richard Poff is a great American, who, by today's standards, has had the misfortune of being from the South. He is a man of integrity and character; a learned man with a strong sense of judicial fairness, well-versed in the law and a firm believer in upholding the written word of the Constitution. In short, Richard Poff is a man eminently qualified to sit on the bench of any court in the land, including the Supreme Court of the United States.

But because Richard Poff is not someone who has attempted to placate special interest groups—and you here know who I am talking about—and because Richard Poff has not yielded to the demands of the fringe element of the liberal establishment and has not become actively engaged in so-called civil rights activities, and because he is a southerner, Richard Poff will never be a member of the Supreme Court. In fact by the standards which some subscribe to today an angel would have a pretty poor chance of ever becoming a member of the Supreme Court.

Something is terribly wrong with our system when a person of Richard Poff's qualifications cannot be a member of that Court.

I wish someone would tell me, for example, why the American Bar Association has to be consulted every time there is a vacancy on the Court? I have not found anything in the Constitution which says the ABA has any advise and consent authority over presidential nominations.

I think the time has come in this country when we should consider a person's qualifications without basing it on civil rights, or disqualifying someone because he is from the South, but for those qualities which would make for a good judge. I would like to know why in this country southerners are considered to be less of a citizen or any less of a person merely because he has had, in the misguided opinions of some, the misfortune of being born and having lived in the South.

We hear a lot of talk these days about discrimination. But I know of no worse discrimination than that which is evidenced daily against persons from the South.

There are those few who have called Dick Poff a "racist." I know Dick Poff is not a racist and so do you. God in Heaven knows that Dick Poff is not a racist. The real racists are those who call Dick Poff one.

It is about time that something other than civil rights be used as a criteria for persons serving on the Supreme Court.

Under our present system with some of the standards that have been prescribed, unless they were active in civil rights, I doubt if even George Washington or Thomas Jefferson would today be acceptable to the liberals, and the special interest groups and the opinion makers, because they too were both from the South.

EFFECTS OF FORCED SCHOOL BUSING EXTEND TO PRIVATE SCHOOLS IN THE NORTH

(Mr. BROYHILL of Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BROYHILL of Virginia. Mr. Speaker, a lower Federal court has denied tax exemption benefits to certain private schools which do not accept students of all races. The court decision supports a policy of denial of tax benefits to such private schools which was announced by the Nixon administration more than a year ago. The customary tax benefits are necessary for the survival of such schools.

The court has declared that it would be within the authority of the Federal Government to make its decision applicable nationwide.

There are many private schools in the North that would fit the court's no-benefits category as easily as do any in the South. Thus a new offshoot of forced integration and forced school busing increases conflict throughout the Nation.

A constitutional amendment as proposed in House Joint Resolution 620, of which I am one of the sponsors, is necessary to end the dissatisfaction over forced school busing which is spreading in the North as well as in the South as has been reported in the public press within the last several weeks.

Mr. Speaker, I insert in the Record at this point a recent article from the Washington Star relating to this matter:

Test on "Segregation Academies"

(By Lyle Denniston)

Unless the Supreme Court gives it a way out, the Nixon administration has a new North-South problem over racial segregation in schools.

This time, the issue involves the racial policies of private schools. It grows out of an exceptionally clever maneuver by a lower federal court.

In a ruling that is on its way to a test in the Supreme Court, a special three-judge court here posed a major test of the administration's sincerity in enforcing its year-old policy on the "segregation academies."

That policy denies tax benefits to private schools which do not stand ready to accept students of all races. Tax exemption for the schools, and tax deductions for donations to them, are critical to their survival.

Thus, *if the no-benefits policy is enforced rigorously and nationally, it could seriously impede the growth of "white-only" private academies as an alternative to integrated public schools.*

The new judicial decision insists upon rigor in enforcing that policy against some schools, but it leaves the administration the option of confining that tough approach to private schools in the Deep South, or extending it across the nation.

By its own promise, the government has said it will deny tax favors to any avowedly segregationist school anywhere in the country. It is now canvassing 15,000 schools on their admissions policies. There will not be one rule for the South, another for the North, on private school segregation, officials insist.

Of course, that promise came before the three-judge court announced its ruling. Since the government believed that no court decision was necessary to see that the no-benefits policy was carried out, it undoubtedly feels that the bold decision that did emerge goes too far.

At the moment, however, officials have not even decided whether to file their own appeal in the Supreme Court in an attempt to overturn the three judges' ruling. But parents of private-school children already have appealed, so a test is assured whatever the government does.

If the Supreme Court agrees with the lower tribunal, and that would be a fairly sound prediction, then the North-South dilemma becomes a real one, and the government must commit itself.

The lower court, in a burst of judicial creativity of a kind that "strict constructionists" abhor, has worked out a precise legal formula on the tax status of segregation academies. The ideas are, basically, those of the opinion's author Judge Harold Leventhal.

First, the court ruled that the federal tax law must be read to deny any favors to schools that do not follow the "federal policy" on desegregation. That would be a binding interpretation, and the federal tax collector would have no chance to change his mind administratively and approve tax-exempt status for "white-only" schools.

But more important, the lower court has defined a brand-new category of private schools: Those which were set up just before or just after a court order requiring integration of nearby public schools.

When there is "reasonable proximity" between a desegregation ruling and the opening of a private school, that school automatically fits into a class of schools wearing "a badge of doubt" over their right to federal tax exemption, the judges declared.

The schools in that group cannot even be considered for tax breaks, the court held, unless they publicize—in conspicuous ways, aimed at minority families in the community—the fact that they will accept students of any race, and will treat all students equally, once enrolled.

Under the government's year-old approach, a school's assurances of an open-admission policy were accepted with little or no guarantee that minorities had been informed.

The lower court also imposed special reporting requirements on schools in the "doubt" category. They would have to specify the racial makeup of their student bodies, their new-student applications and their faculties, and would have to disclose the names of their founders who had worked to promote school segregation.

Since only private schools in Mississippi were involved in the test case before it, the lower court expressly limited its orders to those schools. At the same time, it insisted that the "principle" of the ruling was not confined to that state.

The government, the three judges said, "would be within its authority if it chose to make the decision applicable nationwide.

As a matter of fact, *there are private schools in the North that would fit the court's category as easily as do those in Mississippi,* and Southern people—always sensitive to racial conditions in the North—know that. (Italic added.)

In Dixie, then, there will be keen interest in whether the administration accepts the lower court's challenge. And they will be watching, in particular, how the new federal tax collector—Johnnie M. Walters—reacts. He is from South Carolina.

"ELECTION" IN SOUTH VIETNAM

(Mr. HELSTOSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HELSTOSKI. Mr. Speaker, as the cosponsor of the privileged resolution which came before this body last week requesting the Secretary of State to furnish the text of all communications pertaining to the Vietnamese presidential "election," I can only express my deep regret that an indepth discussion of the proposal did not take place. The outcome of the October 3 uncontested "election" in South Vietnam underlined my reasons for actively supporting that measure. Only under a totalitarian regime does a candidate receive over 95 percent of the votes cast. Thieu's popularity rivals Stalin's.

Throughout my 6 years in the House, I have registered my opposition to our continuing presence in Southeast Asia. A number of my colleagues have expressed similar views. We could not justify the appropriation of funds to intervene in a civil war. We could not justify sending Americans to Vietnam to be killed. We came to believe that even if information were provided to furnish some pragmatic justification for our immoral conduct of the war, that most of the information we were given was at best misleading. It became an exercise in finding an iota of truth in what we were told, which was indeed an exhausting task.

When it became clear that there were no logistical considerations to outweigh widespread feelings of revulsion to our involvement in the war, we heard repeatedly that our devastation of Southeast Asia would insure free and democratic elections in South Vietnam. Yes, we could guarantee the ideal of Jeffersonian democracy in that country. In passing, I must admit that I always found this a contradiction in terms: To guarantee, we would have to intercede; were we to intercede, elections would not be free.

Nevertheless, there were those who felt this was a justifiable, even laudable objective. The events surrounding the presidential nonelection in South Vietnam have negated this excuse.

In recent months, we in Congress have been able to discern that the United States intervenes in the machinations of the South Vietnamese Government at virtually every level. With such overwhelming influence, it must be extremely embarrassing that this administration was not successful in making President Thieu acquiesce to something even vaguely resembling the democratic electoral process. There were rumors that General Minh was offered a substantial sum to stay in the race—with the great prospect of probably losing the fixed election and the consolation that he would become the opposition's leader under a dictatorial regime. Vice President Ky was finally given the opportunity to run, but he, too, realized that it was too late to salvage the election—his participation would only have given it a facade of legitimacy. In view of the above, it was not surprising the opposition forces shared the opinion that the only honorable course of action was to boycott the "election."

It is true that President Thieu graciously consented to explain how one could vote "against" him accordingly to the new election law: By casting an irregularly marked ballot or one mutilated in some way. Thieu also commented that he would have to receive a certain percentage of the total votes cast to remain in power. However, it was widely conceded that he had enough power to persuade those counting the ballots to give him whatever percentage he deemed respectable—if that term can be employed in this instance. Judging from the results, it seems that Thieu indulged in electoral "overkill"—no one can honestly believe a free referendum was held. A case in point was a province managed by one of Thieu's relatives where he reportedly received 99.67 percent of the votes.

Apparently, Ambassador Bunker attempted to effect a reversal of President Thieu's decision to go ahead with the presidential nonelection. Unfortunately, the Ambassador failed in that endeavor. Yet, President Thieu had admitted he could not continue without American military and economic assistance. Did the administration really make it clear to Thieu that it would not recommend this assistance if he continued to flout freedom of speech, freedom of the press, and freedom of choice? I am still of the opinion that as it is our responsibility to appropriate such funds, we have the right to know all of the instructions the Ambassador received from the Department of State in this regard, his responses and reports, and his communications with Thieu, Ky, and Minh. The State Department refused to comply with the request for this vital background knowledge.

We must not blindly continue appropriating funds on the basis of vague reassurances. We cannot legislate in the national interest without information. Most of all, we cannot continue to support a corrupt regime in South Vietnam.

INTRODUCTION OF A BILL TO REMEDY DEFECTS IN EXISTING HOMES

(Mr. BARRETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BARRETT. Mr. Speaker, I wish to introduce for appropriate referral a bill which would require the Secretary of Housing and Urban Development to compensate low- and moderate-income families for any serious defects found in the homes they purchased under the FHA section 235 and 221(d)(2) programs.

Twenty-two years ago the Congress of the United States proclaimed the national housing goal of providing a "decent home and a suitable living environment for every American family." Now 22 years later, not only have we failed in reaching this goal, but recent disclosures show that many of the programs designed to reach this goal have been used against the very people whom Congress intended to benefit.

In the past year and a half, the House Committee on Banking and Currency has devoted considerable attention to problems relating to the quality of existing housing being purchased under programs administered by the Federal Housing Administration. As dramatically pointed out by recent newspaper and other media, many of these houses have turned out to be nothing more than slum housing. In Philadelphia, for example, many families are now living in FHA insured houses, which the Philadelphia Department of Licenses and Inspection aptly describes as "unfit for human habitation." Most of these families were former tenants living in slum dwellings who desperately sought decent housing. They thought that by buying a house through the Federal Government they would finally be able to move out of their former ghetto and into better living conditions, for themselves and their children. They were able to purchase these homes under the FHA section 235 program which subsidizes mortgage interest rates, and under section 221(d)(2), another FHA mortgage insurance program, which assists low- and moderate-income families by providing liberalized payment schedules.

The FHA administration of both these programs has, in many cases, proved to be nothing short of disastrous. Many of the families who were supposed to be assisted now find themselves in conditions much worse than those in which they had previously lived. The so-called American dream has literally collapsed around them. The pride and dignity of owning a home has turned into frustration, fear, and a serious health and safety hazard to themselves and their families. Ironically, and Philadelphia again is an example, people have been prosecuted for having serious housing codes violations found within 2 weeks of the purchase of their FHA insured homes. As tenants, these families might have had some place to turn to for legal recourse. Now, they have nowhere to go. Some have spent the entire winter living without heat and basic utilities and now face another winter ahead.

The question we must ask is why? The answer is not simple but centers around a philosophy and an attitude which seems to be inherent in the FHA. There can be no question that the section 235 and 221(d)(2) programs were established to expand home ownership to those who have been formerly excluded from the housing market. Yet, recent disclosures concerning these programs reveal that in many cases they are being administered with a totally different intent. The purchaser is ignored. Although many of these purchasers are buying their first home, FHA will provide no counseling program and when a problem arises, FHA responds by telling the purchaser to see his real estate broker. Inspection of properties by the FHA is all too frequently shown to be atrocious with conflicts of interest prevailing at every level. Although the purchasers are ignored, FHA always makes sure that the economic interests of the speculator and mortgage companies are well protected. As a result, the poor, desperate for housing, became victims of unscrupulous speculators and mortgage companies who find high profits in these programs.

In response to this situation, the Congress passed section 518(b) of the National Housing Act in 1970. This provision gave section 235 purchasers the right to apply to HUD to correct serious defects in their homes. There have, however, been many difficulties in the administration of this new section. Certainly until very recently there has been little effort by FHA or HUD to publicize the existence of a remedy under 518(b) for 235 purchasers. To my knowledge, the only notice given was through the mortgage companies, which notice, lower income home buyers often have found to be confusing, ineffectual or worthless. Under these procedures, mortgage companies have also been given the responsibility of filing the application under 518(b). There is a clear conflict of interest here because the mortgage company was usually the partly initially responsible to determine if required repairs were completed. Indirect communication to buyers through mortgage companies in lieu of direct contact has been a disturbing symptom of FHA's avoidance of responsibility to the buyer.

Through maladministration the 221(d)(2) and 235 housing programs have been given a notoriety they do not deserve. The concept of home ownership for the poor is vital to the strengthening and remaking of our cities. These programs must be expanded and revitalized and incompetent and callous administration must be eradicated for the poor of this country need decent housing and they need it desperately.

The bill I introduce today is designed to achieve this purpose by compelling the local FHA offices to administer the 221(d)(2) and 235 programs in compliance with the existing law. This would be done by speaking to these local officials in the only language that many of them seem to understand—cold cash. Section 221 of the National Housing Act contains a requirement that—

> To be eligible for insurance under this section a mortgage shall . . . be secured by property on which there is located a dwelling . . . meeting the requirements of all State laws, or local ordinances or regulations relating to the public health or safety, zoning or otherwise, which may be applicable there to.

This requirement also applies to the section 235 program; yet recent disclosures show that it is frequently ignored. Under my bill, the Secretary of Housing and Urban Development would be required to compensate the owners of homes purchased under the 221(d)(2) or 235 programs if the homes were over 1 year old at the time of purchase and the defect which is complained of is one which is attributable to a failure of the home to meet State or local housing and other applicable codes. The only exception to this liability would be cases where the Secretary could show that the defect complained of is one that did not exist at the time of purchase.

In effect, this gives the lower-income home buyer—the one who suffers most if there is nonfeasance or malfeasance at the local level—some voice in policing local FHA operations. He can complain, and unless HUD can show his complaint is unjustified, he must be compensated. It is unfortunate that experience over the years has shown that a measure such as this is necessary, but it has become clear to me that no Secretary, and no FHA Commissioner, no matter how energetic and talented, can effectively police local FHA operations from Washington. The operations of that agency are too vast and the temptations and opportunities for conflicts of interest at the local level are simply too great. It is a tribute, perhaps, to the integrity and competence of the vast majority of local FHA officials that scandals such as that we are now experiencing in the 221(d)(2) program in Philadelphia do not occur more frequently, but when such scandals do erupt, they tarnish the reputation of the entire FHA and threaten the very existence of our low- and moderate-income housing programs.

Forcing the FHA to pay for housing code defects unless it can be shown that the defect did not exist at the time of purchase will have the desirable effect of encouraging—if not requiring—local housing code enforcement activities with respect to FHA-insured homes. Local housing code officials also have a major role to play in protecting unsophisticated purchasers of FHA-assisted homes, and it is the intent of my bill to protect the FHA from liability if, in fact, there is an inspection by local officials showing no code violations prior to issuance of the insurance commitment.

Another effect of my bill would be to right the injustice that has been done to those who have been bilked into purchasing slum housing under the 221(d)(2) and 235 programs. To my mind, it is unconscionable that the unsophisticated lower income home buyer—the person least to blame and least able to afford it—should also be the one to bear the burden for this scandalous situation.

Simple equity demands that those who are at fault be the ones to bear the burden. It is the duty of the FHA to help make these home buyers whole. Where others are also at fault, appropriate criminal action should be taken and heavy fines, as well as prison terms, should be levied.

Some may object that this course of action will be expensive to the FHA. I can assure you that the costs will be far less than both the financial and human costs of foreclosures—and foreclosures will continue at an accelerating rate if justice for these homeowners is not quickly forthcoming. A far more incalculable cost is involved here also. Nothing could undermine the success of our housing programs more effectively than the existence of a great number of FHA-assisted "home buyers" pointing with bitterness and disillusion at their abandoned and vandalized FHA-held "homes." This should not and must not happen.

Finally, Mr. Speaker, my bill would provide a means for better congressional oversight in these programs. Periodic reports could be required which would show just how much the FHA has to pay out to compensate past home buyers. Improved administration of these programs in the future would also clearly be shown by the drastic reduction, if not elimination, of such payments.

Mr. Speaker, I urge both my fellow members of the Banking and Currency Committee and all other Members of the House to give this bill their most serious consideration. The problem it addresses itself to is most serious and the consequences of insufficient congressional action in this area would be tragic.

A bill to authorize expenditures to compensate low- and moderate-income home-buyers for defects in FHA mortgaged homes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 518 of the National Housing Act is amended to read as follows:

"SEC. 518. (a) The Secretary is authorized, with respect to any property improved by a one- to four-family dwelling approved for mortgage insurance prior to the beginning of construction which he finds to have structural defects, to make expenditures for (1) correcting such defects, (2) paying the claims of the owner of the property arising from such defects, or (3) acquiring title to the property: *Provided*, That such authority of the Secretary shall exist only (A) if the owner has requested assistance from the Secretary not later than four years (or such shorter time as the Secretary may prescribe) after insurance of the mortgage, and (B) if the property is encumbered by a mortgage which is insured under this Act after the date of enactment of the Housing Act of 1964. The Secretary shall by regulations prescribe the terms and conditions under which expenditures and payments may be made under the provisions of this subsection, and his decisions regarding such expenditures or payments, and the terms and conditions under which the same are approved or disapproved, shall be final and conclusive and shall not be subject to judicial review.

"(b) If the owner of any one- to four-family dwelling which is covered by a mortgage insured under section 221(d)(2) or section 235 of this Act, and which is more than one year old on the date of the issuance of the insurance commitment, makes application to the Secretary not more than one year after the insurance of the mortgage (or, in the case of a dwelling covered by a mortgage which was insured prior to the date of enactment of this subsection, one year after the date of enactment of this subsection) to correct any structural or other defect of the dwelling attributable to a failure of the dwelling to meet applicable State laws, or local ordinances or regulations, relating to the public health or safety, zoning, or otherwise, the Secretary shall, with all reasonable promptness make expenditures to correct, or compensate the owner for, such defect, unless the defect is one that did not exist on the date of the issuance of the insurance commitment. The Secretary may require from the seller of any such dwelling an agreement to reimburse him for any payments made pursuant to this subsection with respect to such dwelling."

BOYCOTT FRENCH-MADE PRODUCTS TO HALT EXPORTATION OF HEROIN TO UNITED STATES

(Mr. RANGEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. RANGEL. Mr. Speaker, yesterday we learned that Postmaster General Blount had called for a boycott of French goods because of the failure of France to halt the exportation to this Nation of heroin processed in France.

I applaud the Postmaster General for endorsing a position I took in June of 1970.

It is reported that upward to 90 percent of the heroin that enters the United States is processed in France bringing death, sorrow, and disruption to our shores. We must stop it and stop it now. I am therefore asking you to support this boycott, in a resolution I will be introducing today, in the hope that Congress will demonstrate the courage and initiative to do what obviously our executive branch of the Government has not done, insisting that the French halt this criminal activity which is destroying our society.

As most of you know, in the inner cities imported drugs, heroin has not only ruined many of our youth but has also been directly responsible for the corruption of our police departments which threatens the very stability of our society. I have discussed this serious question with New York City Police Commissioner Patrick Murphy, who has testified before the Congress asking for our support and legislation to curb this deadly drug which is continuing to flow unchecked into our cities.

Again I ask you to join in this national boycott against imported French products. A fact sheet revealing the extent of France's lack of cooperation is made a part of this record. I believe this boycott of French products is consistent with the President's economic program as well as the full employment programs of our labor leaders who ask us to "buy American."

Thank you.

I would like to insert the resolution in the RECORD at this point; other facts supporting the need for such a national effort of this kind, and the full statement of Postmaster General Blount:

H. CON. RES. 419

Concurrent resolution expressing the sense of Congress that there should be a boycott in the United States of French-made products until the President determines France has taken successful steps to halt the processing of heroin and its exportation to the United States.

Whereas heroin addiction has reached epidemic proportions across the United States and in our armed forces; and

Whereas France is the center for the processing of most of the heroin smuggled into the United States; and

Whereas the Franco-American agreement of February 26, 1971, on cooperation in the area of narcotics has not led to the closing of any of the clandestine narcotics laboratories in France; and

Whereas the French Government has made inadequate attempts to stop international drug traffic in its own country; and

Whereas American officials have provided the French Government with the names of leading French drug processors and smugglers who still have not been arrested; and

Whereas the United States imported nearly $1 billion worth of goods from France in 1970; and

Whereas American tourists spent $160 million in France in 1970; and

Whereas between 1946 and 1969 the United States gave France $9,415,900,000 in economic and military aid: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the American people should boycott all French-made products until such time as the President of the United States determines that the Government of France has taken successful steps to stop the processing of heroin within its borders and to stop the illicit transport of heroin to the United States.

FACT SHEET PREPARED BY CONGRESSMAN RANGEL—FRANCE'S LACK OF ENFORCEMENT

1. France is the country where the majority of the heroin illegally entering the United States is processed. Labs which do the processing are centered primarily in Marseilles, due to the availability of shipping facilities. Other labs are believed to exist in the Le Havre and Paris areas. Arthur K. Watson, U.S. Ambassador to France has stated, "These laboratories we believe have operated in the Marseilles region of France with little interruption since 1935."

2. French police have closed only 13 clandestine labs in 20 years. The Police Judiciare have failed to locate and raid any labs or warehouses since the Fall of 1969.

3. Despite the February 26, 1971, signing of a Franco-American agreement of cooperation on narcotics, there have still been no raids on clandestine laboratories in France.

4. John Cusak, European desk chief of BNDD has estimated that between 8 and 12 labs are currently operating in the Marseilles area alone.

5. Cusak charged on August 26, 1971, "Right now there are in Marseilles three or four big shots of the drug racket who feel secure, fortified with their bank accounts, their connections and the respect that surrounds them."

6. Congressman Morgan Murphy (D–Ill.) and Robert Steele (R–Conn.) have reported to the House Committee on Foreign Affairs the names of the leaders of the Marseilles drug traffic. The names mentioned were "Jean and Dominique Venturi, Marcel Francisi, Antoine Guerini and Joseph Orsini."

7. On September 1, 1971, regional leaders of the French national union of customs officials charged. "There is a very influential underworld in Marseilles which had and still has political protection."

8. François Le Mouel, new head of the

French Narcotics Bureau, despite the presentation of names to him, has denied knowledge of who is processing heroin in France.

9. Despite an increase of shipping from the port of Marseilles, the number of customs agents has dropped from 940 in 1950 to 670 in 1971, according to Claude Gravagna, a spokesman for the customs union.

10. The occasional seizures of heroin by U.S. Customs officials, such as the discovery of 96 pounds of pure heroin worth $12 million in April, 1971, hidden in an automobile shipped from Le Havre are an indication that French police and customs personnel are failing to take decisive action against the producers of illicit heroin.

11. Despite France's promised contribution to the United Nations Fund for Drug Abuse Control, as of September 15, 1971, it had not made its payment.

News Release of U.S. Postal Service, October 4, 1971

DALLAS.—Postmaster General Winton M. Blount, warning that drug abuse has reached a critical stage, called on the American people to institute a boycott of all French goods in an effort to force French authorities to take more effective action against the flow of heroin into the United States.

"There is no reason why the individual American citizen cannot have a role in the war against the international drug traffic," Blount said. "Why should the American people buy French goods when an estimated 80% of the heroin which finds its way into this country and into the bloodstreams of our young still comes from France?"

"If the American people decided to boycott French goods and did so until the cost of the boycott exceeded the benefits of the drug traffic out of Marseille, then greater efforts might be taken to end that traffic," he said Noting that drug abuse is a problem which cannot be left to the federal government alone, the Postmaster General suggested a boycott as something citizens can do on their own to combat the problem.

Mr. Blount's comments on the trafficking in narcotics came during a ceremony in which he dedicated a new postal stamp designed to draw attention to America's drug problem.

He particularly focused on France as being a major source of illegal heroin for the big-time international narcotics peddlers.

"While drug abuse is on the increase in other nations, America—of all the countries in the world—is the nation with the largest drug problem," Mr. Blount said.

This situation exists, he said, despite the fact that the United States does not grow the poppy. In those nations where it is grown, the addict problem is negligible, he said.

"Now we don't grow it, and we don't manufacture it, and yet despite this, we have the largest population of heroin addicts in the world," Mr. Blount said.

The Postmaster General said explanations about why people persist in taking drugs and marijuana—"the war, the bomb, the new life style, and so forth"—fail to get to the heart of the problem.

"It isn't so much that none of these explanations make sense, as it is that they simply don't matter," Mr. Blount said.

"We need a whole lot less emphasis on trying to find out why people have a desire to take drugs, and a whole lot more emphasis on why they have the opportunity to take them.

"We need less sociological conjecture and a lot stronger enforcement procedures.

"This is why," he said, "the problem cannot be left with the federal government. It simply cannot deal with a problem of this magnitude when it needs to be dealt with at the state, municipal and local levels" as well.

Mr. Blount said the new postal stamp is a step toward educating people to the gravity of the drug situation.

"The stamp we dedicate today is an unusual one for a commemorative stamp," he noted. "It is not, in fact, a commemorative stamp at all.

"It is, rather, a warning, a plea for help, and a call to the American people to take every step to lift up those who have fallen under the use of drugs, and to strike down those who profit from the misery of others—who have brought others into the use of drugs."

The vertical, eight-cent stamp carries the message "Prevent Drug Abuse." It depicts a young girl in loneliness and despair from the consequences of drug dependency.

Remarks by Postmaster General Winton M. Blount, Drug Stamp Dedication, Dallas, Tex., October 4, 1971

It is a great pleasure to be here with you this afternoon. I say that with some qualification—our purpose here is not a pleasant one, but there is satisfaction in believing that the effort we are engaged in today may have a positive effect on a problem of grave concern to our country.

America is a nation dedicated and consecrated, from the very beginning, to its young. Men have fought and died for American liberty—so their children might be free. Parents have worked and struggled and denied themselves to provide advantages to their children which they themselves never had: Life in a better neighborhood, education in better schools, higher education, a start in life on a higher economic rung.

Our society is adjusted to serve the best interests of our children; our economy is adjusting to accommodate them; even our political system is opening to provide a place for them. And certainly, all these things are justified—for our youth are the wealth of our Nation.

And yet, despite the great emphasis on the best interests of our children, at no time in our history have the young people of America been under a greater threat than they are today. That threat comes from the menace of narcotics and dangerous drugs.

President Nixon has very clearly acknowledged the danger of this menace and has taken very strong and comprehensive steps to deal with it. He has asked for more stringent and far-reaching laws to combat drugs in the area of enforcement. And he has brought to the government a man, who is probably the best equipped man in the country—Dr. Jerry Jaffee—to deal with the drug problem through treatment and prevention.

Both these efforts are going forward, and both are showing progress—sometimes it is only the slim satisfaction of learning what still has to be learned, or of disproving what was thought to be true: This is slow progress, but it is going on.

In other areas, spectacular progress has been made. With the assistance and the diplomatic encouragement of the United States, Turkey—which is the largest opium producer in the world—has agreed to stop cultivating the poppy. This is a very substantial accomplishment, and a very large sacrifice on the part of the Turkish people and their government.

As I speak on various occasions around the country, I frequently direct my remarks to the matter of putting the power and the responsibility for running this Nation back where it belongs—with the American people.

If there is anyone more concerned with seeing this come about than I am, it is President Nixon himself. He was talking about "power to the people" before the so-called militants and other pseudo-revolutionaries ever came along.

It is difficult to know, at this point, what effect the effort to get power out of the hands of the Federal Government and back to the States and the people is having. I think it is felt by many that this is an optional matter, that they have a choice—that they can choose to run their own lives as they wish or let the Government do it. And they're in no hurry to make a decision.

Let it be understood by all that drug abuse is a problem which cannot be left to the Federal Government to deal with alone. Let it be understood by all that the decision to let Washington worry about it is a decision to let the drug addicts, the drug pushers, and the big-time international narcotics traffickers destroy the Nation we have created and preserved and made great for our young—and to destroy our young as well.

Drug abuse is a problem of the most critical dimensions. While drug abuse is on the increase in other nations, America—of all the countries in the world—is the nation with the largest drug problem. Consider what this means just in the area of heroin addiction. The United States does not grow the poppy; in those nations where it is grown—those nations which produce opium—the addict population is negligible.

The United States does not produce heroin—which is a derivative of morphine, which in turn comes from opium. The production of heroin is a laboratory process which is carried out abroad—France, as we know, is a major source of illegal heroin, for example.

Now we don't grow it, and we don't manufacture it, and yet despite this, we have the largest population of heroin addicts in the world. Consider what that suggests about the size of the problem of marijuana—which can be grown here, and which is grown in abundance on our borders. Consider what this suggests about the size of the problem stemming from barbiturates and amphetamines and other pills which we do manufacture here, and which our young people have relatively easy access to.

There is, of course, much uneasiness over the fact that the problem exists and there is deep concern as well over why the problem exists. Drug addiction is a phenomenon that has consistently baffled and dismayed the sociologists.

First, it was thought that drug addiction was a ghetto problem because of the misery and the boredom of ghetto dwellers. And this made sense, because there is certainly enough misery and boredom in the ghettos to explain a resort to drugs.

But then it was discovered that the problem has moved to the "nice" neighborhoods—to the suburbs. The case for misery and boredom was lost here. While the problem in the suburbs had and has qualitative and quantitative differences, it was still a drug problem—and these differences are being eliminated.

For example, where pills and marijuana seem once to have been the preferred method of "turning on," heroin usage is on the increase now.

There have been other explanations—the war, the bomb, the new life style, and so forth. It isn't so much that none of these explanations makes sense, as it is that they simply don't matter. We need a whole lot less emphasis on trying to find out why people have a desire to take drugs, and a whole lot more emphasis on why they have the opportunity to take them.

We need less sociological conjecture and a lot stronger enforcement procedures.

This is why the problem cannot be left with the Federal Government. It simply cannot deal with a problem of this magnitude when it needs to be dealt with at the State, municipal and local levels.

Whatever other responsibilities Americans may choose to relinquish to the Federal Government, they just cannot and must not relinquish responsibility for the lives of their children. It is inconceivable to me that we have not seen stronger local action on this account.

The pusher at your local high school—and it is almost a statistical certainty that there is at least one—that pusher is trying to destroy your child. There can be no action too strong and no penalty too harsh for those who would take young and impressionable children in the morning of their lives and seek to wreck those lives—and to do it for profit.

Because, make no mistake, despite all the reasons we have heard for the drug problem—social or economic disadvantages, political despair, and the rest of it—the overriding reason why the problem persists and grows is because it is a big business and there is an enormous amount of money in it. It is an international business, and this Nation is being victimized by those nations which overlook the production and export of illegal drugs from their territory into our own.

I am and always have been a businessman, and I know it is a very difficult matter to kill a business that makes money—whether it is legal or illegal. It takes strong, concerted, comprehensive, and absolutely ruthless action at all levels to do the job. The sooner the American people recognize this, the sooner they are as prepared to take independent, private action as they are to let the Federal Government act, the better off our country will be.

Because this is a matter that every American can take a hand in. One citizen effort which has been very successful is called TIP—for Turn In a Pusher. The TIP program provides a bounty to anyone who reports a drug pusher when the report results in a conviction. This has been done in areas in Florida, and I know it is being done now in areas of Northern Virginia just outside the District of Columbia.

I think the program should be taken up everywhere. It must inevitably succeed, because not only does information come from private citizens, but it is virtually certain that it will come from within the drug culture as well. A junkie will sell his mother for money, and pushers will sell each other out to eliminate competition.

In other efforts, particularly in the ghettoes, private groups go about combating drugs by taking private action against traffickers. It is appropriate, it is to be hoped, and to be expected that those who are most damaged by the trade should strike back the hardest.

Other methods will suggest themselves to responsible Americans. There is no reason why the individual American citizen cannot have a role in the war against the international drug traffic. Private citizens can make themselves felt beyond our borders. Why, for example, should we import French goods—cars, clothing, food and such—why should the American people buy these goods when an estimated 80% of the heroin which finds its way into this country and into the bloodstreams of our young still comes from France?

If the American people decided to boycott French goods and did so until the cost of the boycott exceeded the benefits of the drug traffic out of Marseilles, then greater effort might be taken to end that traffic.

I call on the American people to institute a boycott of all French goods now—until the French clean up this cesspool with which our young are being contaminated.

Finally, a major step toward a solution of this matter must involve education of our people, and communication with them—not all are aware of the gravity of the situation nor of its widespread nature. It is in this area that the U.S. Postal Service is particularly well-equipped to help.

The stamp we dedicate today is an unusual one for a commemorative stamp. It is not, in fact, a commemorative stamp at all. It is rather a warning, a plea for help, and a call to the American people to take every step to lift up those who have fallen under the use of drugs and to strike down those who profit from the misery of others—who have brought others into the use of drugs.

This stamp is a vertical eight-cent stamp, designed by Miggs Burroughs of Westport, Connecticut, based on a concept by K. Gardner Perine of the Bureau of Narcotics and Dangerous Drugs. It depicts a young girl in a posture of loneliness and despair—reflecting the consequences of drug dependency. Its purpose is clearly written on the stamp. It is to "Prevent Drug Abuse." And we dedicate it now with a fervent hope that it will accomplish its purpose.

MISINFORMATION FROM EXPORT-IMPORT BANK

(Mr. DENT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DENT. Mr. Speaker, the information given to Congress on export-import volumes in both product and dollar volume is confusing in most cases and deliberately misleading, for the sole purpose of influencing the Congress in the matter of legislation dealing with tariffs and customs in favor of free trade.

For years as a Member of Congress, I have tried every avenue trying to get definite facts and figures, either by State, district, or even national totals, and I have never been able to get any figures that in any way resemble other sets of statistics from various departments.

Recently I received a communication dated September 8, 1971, from Henry Kearns, president and chairman of the Export-Import Bank of the United States, which is one of many such communications I receive from the great number of internationally oriented organizations, saying that their studies reveal and I quote:

> The Twenty-First District of Pennsylvania has made a significant contribution to our Nation's export volume and the Eximbank has been instrumental in this achievement. In the calendar year 1970, total exports from your general area supported by Eximbank's programs reached $124,522,572 from $63,827,900 in 1969.

This struck me as being a little off-base since in 1969 this Nation had, according to figures given to the Congress and the people, a trade balance in our favor that was larger than in 1970. As a result of my questioning their figures and the general tone of their letter, which compares to other such letters from governmental organizations, I asked Mr. Kearns to give me the particulars on my country, which is the 25th District of Pennsylvania.

At this time, I would like to read you their answer to my inquiry:

> I will attempt to partially answer your questions at this time, and as further information is developed by our staff we will make it available to you. As you may understand, the practice of identifying the actual origin of exports is not a completely exact science: We must use available information comparisons—not analyses. Of course, major suppliers can be identified and some major users of Eximbank have furnished lists of subcontractors. From this information and from the changes that take place in trade composition, we are able to arrive at what appears to us to be reasonably accurate estimates of the exports covered by some aspect of Eximbank financing. You will recall that our programs include direct loans, guarantees on loans made by banks, export credit insurance, and the discount of credits made available by private banks.
>
> The "general area" referred to in our letter is that of Pittsburgh and surrounding territory; however, we have been unable to identify by Congressional District as such.

This is the tone and temper of all of the replies you receive when you inquire into the specifics of international trade.

Of course, the people in the 25th District believe that we exported $124,522,572 in calendar year 1970 from the information Mr. Kearn gives; therefore, they agitate for free trade. However, the 25th District and surrounding area has a problem of unemployment, and considering the manner in which unemployment is counted they have the greatest number of nonproducing nonworking persons that I have known in my 40 years of political experience.

The figures on agriculture attempt to show that the U.S. agricultural economy depends on exports and it would be a severe blow to our balance of payments if our trade policies had more restrictive covenants. However, in looking at report figures, I discovered that the exports to Great Britain and the Scandinavian countries are in excess of $9 billion, but with a breakdown in the product exported we find that less than $300 million of the total was nonsubsidized products, which means that the profit, if any, was undershaved by the taxpayers' contributions of subsidies.

There is an interesting story that tells of a store that sells three pairs of shoelaces for 10 cents. When the storekeeper is approached by his competition and asked how he can afford to sell at that price, since he pays 4 cents a pair for the shoelaces, he is told that the volume he sells makes it possible. Japan operates on this philosophy. She buys over a billion dollars worth of American agricultural products, but we fail to realize that a fairly high percentage is paid for by the U.S. Treasury by subsidies in cotton and wheat and other products.

I would like at this time to call upon our Committee on Ways and Means to do a job, which I imagine they may hesitate to do, and that is to hold a series of on-site hearings both here and abroad, if necessary, to get the truth of the effect of international trade on American prosperity and well-being. Unfortunately, my own committee only has jurisdiction of job displacement and this appears to be a minor consideration to the President, the Tariff Commission, and the State Department.

However, when Jack Anderson, who is not exactly a free trader, notes that "United States Foreign Aid Hurts Workers in America," and James Reston says "Hong Kong Gathers Rosebuds While It May"—the rosebuds being American jobs—and Ray Moseley says "United States and Japan: Troubled Alliance" and when unnamed writers in the Philadelphia Bulletin say "Neighbors Wary of Japanese Forces" and "Up From the Ruins of War, Japan Is the Third Wealthiest Nation on Earth," unemployment is not a minor problem and it is time to do something about our trade policies.

I can personally develop the military angle since I say the Japanese forces and they compare with our forces in both mobility and training. The headline titles I quoted are just one page of editorials of one newspaper in 1 day. Multiply this by millions of lines and printed words, oral arguments, and discussions in the United States on our trade policies and you will get a broader picture of the international trade dilemma.

REMARKS OF HON. WILBUR D. MILLS BEFORE THE BLUE KEY NATIONAL HONOR SOCIETY, UNIVERSITY OF GEORGIA

(Mr. LANDRUM asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include a speech by the Honorable WILBUR D. MILLS).

Mr. LANDRUM. Mr. Speaker, on last Friday evening a distinguished Member of this body, the chairman of the House Ways and Means Committee, the gentleman from Arkansas (Mr. MILLS), addressed the Blue Key National Honor Society of the University of Georgia at Athens.

At that time the gentleman from Arkansas (Mr. MILLS) made a very profound statement on the challenges facing our American institutions today and the challenges that likewise face the students in their academic life today. I want the membership of this body to have an opportunity to read that statement and include it at this point in my remarks.

The statement referred to follows:

REMARKS OF HON. WILBUR D. MILLS

It gives me a great personal pleasure to appear tonight, because I have long been an admirer of the Blue Key Society. Your fundamental tenet that a belief in God should be perpetuated and intensified—your theme that the United States government must be both supported and defended—and your goal to preserve the established institutions of our society and the principles of good citizenship, should be echoed by every thinking American.

I am proud that my alma mater, Hendrix College, has had a Blue Key chapter for some 30 years, and I congratulate you on 47 years of devotion to your principles and your recognition of those who stand for them.

I have mixed feelings about the fact that Blue Key was not established at Hendrix during my undergraduate days. On the one hand, I would have striven for the recognition which goes with the conferring of the Blue Key—on the other hand, I was spared the critical application of your criteria for membership. Looking back, perhaps it is just as well.

Your support of our American institutions is particularly critical today, when the viability of those institutions is being challenged to an unprecedented degree.

Events we read about in the news every day provide ready examples:—the Mylai affair and its impact on the military;—the bussing decrees and their impact on public schools;—the Vietnam War and its impact on the concept of separation of powers and the determination of foreign policy. The list is endless. The ability of our institutions to meet these pressures and to adapt to them, is of crucial importance to the future of America. Central to all these events is one common factor—radical, even violent change!

The enormous advances in technology and the rapidly changing patterns of life in America produce a constant demand that our institutions respond to accommodate these changes. This process has been going on apace throughout our history. However, a disturbing by-product of this process has developed in recent years: the reverence for change as some kind of a panacea, good in and of itself, which is invariably equated with progress.

Some of those who are concerned with the serious problems which challenge America have somehow transformed this genuine concern in to an attack on existing institutions in our society. They charge that these institutions represent the status quo—and, since to them the current state of the nation is unacceptable—the institutions themselves are to blame and must fall. Unfortunately, change itself thus becomes the primary goal. Solution of the real problems is relegated to a goal of secondary importance.

The fallacy and danger of this logic are obvious. Most of our problems also exist in practically all societies throughout the world—societies which have vastly different social institutions and cultural patterns. They are not unique to America.

What is unique is that America has led mankind's struggle for the better life and in the process has become the wealthiest and most powerful country on earth. We have always used our skills, resources, and initiative to overcome the most insurmountable problems without resorting to a destruction or denial of the institutions that conferred these benefits. We have always used the fruits of these institutions to better our condition. These very institutions have survived and grown because they had the flexibility and willingness to adapt and meet the changing needs of the people—not their own. Man has always been the master in America.

It is clear that most Americans don't subscribe to the destructive approach in the name of progress. Such an extreme attitude is, however, symptomatic of a fear which has enveloped much of society.

And fear stems from despair that America—as we know it—can no longer overcome the problems which it is facing. This is a supreme irony. Americans have a material wealth and standard of living unparalleled in the history of the world. We have made tremendous advances in medicine, space exploration, communications, and production of food and goods. We have conquered the dread four horsemen of ancient times. Yet this same civilization is demoralized and panicked because it cannot find an instant solution to all of the age-old problems of mankind. Racism, urban deterioration, ever-expanding welfare rolls, hunger in the midst of plenty—these are conditions which have been allowed to fester for decades. But we have turned our attention toward these problems, and what do we find? Our characteristic optimism has been replaced by frustration and despair, our determination by impatience and intolerance.

Instant solutions are demanded by many, but none are instantly forthcoming. Any action which is taken is not enough or soon enough. But this is not a unanimous assessment. A mass polarization of attitude and response has emerged in our land. Yet a lack of faith or conviction in our ability to overcome our problems seems to be common to all. Those on one side reject the values and institutions that they identify with a society that they fear is *unwilling* to right its wrongs. The other side, fearing that society is *unable* to do so, responds by lashing out at proponents of change and blindly defending the existing values and institutions of society and ignoring or denying the existence of any problems.

Let us not become so concerned with the need to eliminate the grievances and injustices we see around us that we destroy the means by which we hope to solve these problems. Let us not work ourselves into such an hysteria for reform that we forget what illness we set out to cure.

I am reminded of an incident related to me by a young law student who does volunteer legal aid work. He was acting as counsel for a group of undergraduate students who had been sanctioned by the university for occupying the President's office during a student demonstration. This demonstration had been staged to publicly protest certain events of national concern which occurred last spring not connected with that particular university. During the course of a meeting held to discuss an appeal of the disciplinary action taken against them, they began expressing their disappointment that their actions had not accomplished very much. At this point one of their leaders ironically reassured them that their sentiments were uncalled for—that their efforts had indeed had a great impact. He announced that he had just learned that $1½ million in alumni pledges had been withdrawn because of their actions. The group responded to this news with cheers, laughter, and applause.

My first reaction to this story was to query as to whose actions had been the most irrational or counterproductive—the alumni who had cut off the university from desperately needed funds because twenty students occupied an office—or the students who feel that they can cure the ills of society by preventing a college president from carrying out his duties. I was later struck by the realization that the real significance of this incident was that these young people had equated impact with success, regardless of the nature of that impact.

Are the conflicting interests and groups in our society destined to become more polarized, thereby reducing their potential ability to make constructive contributions to society? To avoid this catastrophe, we must learn again to balance the conflicting interests. We owe our very existence as a nation to our past ability to adjust our differences regardless of the depth of the diversity. America is too large, its population too diverse, its problems too complex, to allow any one group to demand instant and total submission to its judgment and wishes. No one group has all the right answers. In fact, a democracy is *supposed* to be an accommodation of the various divergent views.

Let us hope that a lack of faith in existing institutions is not the only bond between conflicting groups and forces in our society. Let us hope that those who would seek change for its own sake will *not* prevail. Let us hope, *instead,* that we will have progressive, carefully-reasoned, effective and beneficial change based upon the facts, the needs and the priorities of our great country.

The problems facing our country should be of common concern to all of us. The question which must be answered is what provides the most effective means of attacking them. I believe that the basic institutions which have brought us this far hold the answer.

Our free enterprise system has proven itself to be—and provides—our greatest hope of developing means of increasing production to fill the needs of an every expanding population while at the same time decreasing and minimizing environmental pollution and protecting the quality of life.

A strong family unit provides the surest means of instilling in our young a respect for the rights and property of others. And we know that this same strong family unit gives us our greatest strengths and pleasures.

And what could be a more effective channel to give man a renewed commitment to peace and brotherhood than our churches and synagogues?

Is all this merely patriotic rhetoric? Does all the evidence say that our institutions are failing to respond and adjust to these problems? I don't think so. Clearly no revolutionary changes can or have taken place overnight, but progress is being made. Examples of institutional response to our most pressing problems abound. Recently one huge corporation (Xerox) announced a plan whereby each of its employees could take a year's leave of absence in order to enable him to work on social problems of his choosing while he is still in his prime. Many businesses have implemented minority hiring programs, and the country's largest corporation (GM) has named its first Black to its board of directors. Educational institutions now give special consideration in admissions policies to the underprivileged. Mass advertising campaigns reveal the fierce competition to develop the least polluting product—particularly soaps and gasoline. Educational institutions at all levels have greatly expanded curricula into areas of current concern.

The samples are endless. None of them, standing alone appears to be very significant, and many would argue that they are but token responses. However, they do reveal that institutions have the resources, technology, power, flexibility, and willingness to attack the problems we must overcome. They also illustrate the sensitivity of all of our institutions to public opinion.

Management has at long last recognized that Labor should be given a "stake in the game". Our Federal tax laws, which I like to regard as enlightened, make this possible through investment in an employer's stock by a qualified employees' trust. The stock can then eventually be distributed to the employee beneficiaries of the trust, giving each one a capital investment in the business—a second income by way of dividends on the stock—and a unity of purpose between Labor and Management, translated from the philosophical to the practical.

This, then is the need of our times—a new morality in economics. Reaching toward this new morality demands that we employ our resources to maximize our capacity for economic growth. Our resources are not unlimited—we cannot achieve all our aspirations at once and overnight. We must recognize this as a nation and as individuals, and it is immoral for us to delude ourselves or those whose needs are so pressing into thinking that we can. As we look to the Federal government more and more for effective action on those many fronts which have previously been the domain of the state and local governments, we must be constantly on our guard against the creation of a "coercive society." *We must not win the battle but lose the war.*

It is my belief that the highest morality available to man lies in devising social and economic systems that help the people to realize their potentials. To take one example, our welfare goal must be to increase the ability of the poor to contribute to society through the means of income supplements—rather than having the means become the end, with the income supplement doing no more than keeping body and soul together while perpetuating the role of the poor as second class citizens.

I, for one, am confident that these institutions under which America has become the greatest country in the world, will not fail us now. Let us exhibit a renewed faith and confidence in our ability to solve our problems working through these institutions. Let us not be ashamed of our values, traditions and accomplishments because we suddenly begin to focus our attention on our shortcomings. Let us not stampede toward change for its own sake. Let us recognize our problems and get to work.

If I judge correctly the philosophy of the Blue Key Society, you would subscribe to this basic premise.

THE CONSUMER PROTECTION ACT OF 1971

(Mr. HOLIFIELD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include a section-by-section analysis of the Consumer Protection Act of 1971.)

Mr. HOLIFIELD. Mr. Speaker, on behalf of myself, Mrs. Dwyer, and Mr. Horton, as Members of the House may know, the Rules Committee as cleared for floor action H.R. 10835 on October 12 and 13, the Consumer Protection Act of 1971, which will provide clear and definite protection to the consumer and help rid the marketplace of practices and conditions which have been so detrimental to the legitimate sector of our business system. Most importantly, it will help insure that the Federal Government carries out the intention of Congress expressed in many statutes to assist the consumer in getting full value for his dollar.

In essence the bill does the following:

First. Continues the Office of Consumer Affairs in the Executive Office of the President and gives it a statutory base. Its principal function will be to assist the President in coordinating the often diverse and overlapping consumer programs of the numerous Federal departments and agencies and to make more effective such programs.

Second. Creates an independent Consumer Protection Agency which will represent the interests of consumers in proceedings being conducted by other Federal agencies—and in certain cases the courts—where such interests may be substantially affected by the results of those proceedings.

Third. Sets up a Consumer Advisory Council to be composed mainly of private citizens who, through this mechanism, will furnish the input from the consuming public into the activities and policy formulations of the office and agency.

Other provisions of the bill authorize: Programs of consumer education and and information; procedures for handling consumer complaints and making those complaints available to the public; a limited amount of product testing in connection with the consumer representation and safety function and the dissemination of test results; and continuing studies of household product safety.

The bill also requires all Federal agencies in taking actions within their responsibilities to give due consideration to the interests of consumers.

The bill also contains safeguard provisions prohibiting the disclosure of trade secrets and other confidential information and requires fair and equitable procedures in carrying out its objectives.

I have sent each Member of the House a copy of our committee report—House Report No. 92-542—which explains in detail the contents of the bill and the reasons it was supported by the committee. There follows herewith a section-by-section analysis, which should be helpful:

SECTION-BY-SECTION ANALYSIS OF H.R. 10835, THE CONSUMER PROTECTION ACT OF 1971

Section 1. The short title will be the "Consumer Protection Act of 1971."

Section 2—Statement of findings. The Congress finds that the interests of consumers are inadequately represented and protected within the Federal Government; and that vigorous representation and protection of consumer interests are essential to the fair and efficient functioning of a free market economy.

TITLE I. OFFICE OF CONSUMER AFFAIRS

Section 101—Establishment. An Office of Consumer Affairs is established within the Executive Office of the President to be headed by a Director and seconded by a Deputy Director, both to be appointed by the President and confirmed by the Senate. This section would give a statutory foundation to the existing Office of Consumer Affairs, established under Executive Order 11583, dated February 24, 1971.

Section 102—Powers and duties of the Director. The Director is given the administrative powers and responsibilities ordinarily conferred upon agency heads, such as appointment and supervision of personnel, including experts and consultants, in accordance with the civil service and administrative expense laws; appointment of advisory committees; promulgation of rules necessary to carry out his functions; delegation of authority; making agreements with and obtaining the support of other Federal, State and private agencies.

The Director is required to submit annually to the President and to the Congress a comprehensive report of activities of the Office, including recommendations for additional legislation and an evaluation of selected major consumer programs of each Federal agency.

Federal agencies, upon request of the Director, are to provide to the Office services and other support, and are to supply information to the Office as may be necessary and appropriate. Reimbursement for such assistance will be governed by existing provisions of law.

Section 103—Functions of the Office. The functions of the Office of Consumer Affairs will be to—

(1) assist the President in coordinating the programs of all Federal agencies relating to consumer interests;

(2) encourage and assist in the development and implementation of Federal consumer programs;

(3) assure that the interests of consumers are considered by Federal agencies both in the formulation of policies and the operation of programs;

(4) cooperate with and assist the Administrator of the Consumer Protection Agency;

(5) advise Federal agencies on programs and activities relating to the interests of consumers;

(6) recommend to the Congress and the President means by which consumer programs can be improved;

(7) conduct conferences and investigations on consumer problems not duplicative of other Federal agencies;

(8) encourage and participate in consumer education and counseling programs;

(9) support and coordinate research leading to improved products, services and consumer information;

(10) provide technical assistance to State

and local governments in protection of consumer interests;

(11) cooperate with and assist private enterprise in the promotion and protection of consumer interests;

(12) publish in a Consumer Register or in other suitable form the actions of Federal agencies and other useful information in non-technical language; and

(13) keep the appropriate committees of the Congress fully and currently informed of all its activities.

Section 104—Transfer of Assets and Personnel. The personnel and other assets of the Office of Consumer Affairs and of the Consumer Advisory Committee both established by Executive Order 11583 dated February 24, 1971, as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function granted to the Office or to the Council established by this legislation are transferred respectively to said Office or Council.

TITLE II. CONSUMER PROTECTION AGENCY

Section 201—Establishment. The Consumer Protection Agency is established as an independent agency in the Executive Branch to be headed by an Administrator and seconded by a Deputy Administrator, both to be appointed by the President and confirmed by the Senate. Employees of the Agency may not engage in business or employment or have interests inconsistent with their official responsibilities.

Section 202—Powers and Duties of the Administrator. The Administrator is given the usual administrative powers and responsibilities conferred upon other Federal agency heads, such as appointment and supervision of personnel, including experts and consultants, in accordance with the civil service and administrative expense laws; appointment of members of advisory committees, promulgation of rules necessary to carry out his functions; delegation of responsibilities; entering into contracts; and obtaining the support of other Federal, State and private agencies.

The Administrator shall transmit annually to the President and the Congress a comprehensive report of activities of the Agency, including recommendations for legislation and an evaluation of selected major consumer programs of each Federal agency.

Federal agencies, upon request of the Administrator, are to provide to the Agency services and other support, and are to furnish information to the Agency as may be necessary and appropriate. Reimbursement for such assistance is subject to existing provisions of law.

Section 203—Functions of the Agency. The functions of the Consumer Protection Agency will be to advise the Congress and the President, to promote and protect the interests of consumers, and to—

(1) represent the interests of consumers before Federal agencies and the courts as authorized;

(2) in the exercise of its responsibilities under section 207 (relating to product testing), support and encourage research studies and testing leading to better understanding and improved products, services, and information;

(3) make recommendations to the Congress and the President;

(4) publish and distribute material developed pursuant to the exercise of its responsibilities which is of interest to consumers;

(5) conduct conferences, surveys and investigations concerning the needs, interests and problems of consumers which do not significantly duplicate similar activities conducted by other Federal agencies;

(6) keep appropriate committees of Congress fully and currently informed of all its activities; and

(7) cooperate with and assist the Director of the Office of Consumer Affairs.

Section 204—Representation of Consumers. This section authorizes the Consumer Protection Agency to represent the interests of consumers in proceedings conducted by other Federal agencies under the provisions of the Administrative Procedures Act (5 U.S.C. 551, et seq.) and in actions pending before courts of the United States under the following circumstances:

Rulemaking and adjudications

If the Agency finds that the result of such a proceeding before a Federal agency may substantially affect the interests of consumers *and* that the interests of consumers may not be adequately protected unless the Agency does participate or intervene, *and* if the Agency files in the proceeding and issues publicly a written statement setting forth such findings and also stating concisely the specific interests of consumers to be protected, *then* the Agency *as a matter of right* may—

(1) *participate* in any *rulemaking* proceeding (other than one for internal operations);

(2) *intervene* as a party and enter an appearance (in accordance with the Federal agency's rules of practice and procedure) in any *adjudicatory* proceeding if it is not one seeking primarily to impose a fine, penalty, or forfeiture.

Adjudication primarily leading to fines, penalties or forfeitures and court actions when Federal Government a party

With respect to an adjudicatory proceeding before a Federal agency which does seek primarily to impose a fine, penalty or forfeiture, or to an action before a court of the United States in which the U.S. or a Federal agency is a party and which in either case it is the opinion of the Agency that the interests of consumers may be substantially affected, the Agency may, upon its own motion or at the request of the officer charged with presenting the case for the Federal agency or the United States, transmit relevant information or evidence. Furthermore, in the discretion of the agency or court, the Agency may appear as *amicus curiae*.

Court review of agency decisions

The Agency is also authorized (1) to *intervene* as a party in a *court review* of a rulemaking or an adjudicatory proceeding where it had already participated or intervened in the Federal agency proceeding; and (2) to *institute* a review in a competent court of such a Federal agency proceeding if a judicial review is otherwise accorded by law. If the Agency had *not* intervened or participated in the Federal agency proceeding it may also intervene in or institute an action for court review of the Federal agency's action if it could have intervened below and if the court finds that (1) the agency actions may adversely affect consumers *and* (2) the interests of consumers are not otherwise adequately represented in the actions. If law or Federal agency rules so require, the Agency must petition for a rehearing or reconsideration before seeking to institute a review proceeding.

Request to initiate a proceeding

The Administrator of the Agency is further authorized to request another Federal agency to *initiate* a proceeding or take such other actions as it may be authorized to take when he determines it to be in the interests of consumers. If the Federal agency fails to take the action requested, it is required to notify the Agency promptly of the reasons for its failure to do so and such notification shall be a matter of public record.

Orders for witnesses and information

In order to assist the Agency in its functions involving representation and to provide it with necessary information *when* the Agency has become a party to a proceeding before another Federal agency, it may request that Federal agency to issue and the Federal agency shall issue orders within its powers and subject to the usual rules of relevance and scope for the copying of documents, papers and records, summoning of witnesses, production of books and papers, and submission of information in writing.

Appearances by Agency

Appearances by the Consumer Protection Agency in Federal agency or court proceedings shall be in the Agency's name and shall be made by qualified representatives designated by the Administrator of the Agency. It is the intent of this legislation that the Agency direct and control its own representation of the interests of consumers.

No interventions in State or local proceedings

This legislation gives the Agency no authority to "intervene" in proceedings before State or local agencies and courts. But the Agency is not prohibited from communicating with Federal, State or local agencies in other manners not inconsistent with law or agency rules.

Section 205—Processing Consumer Complaints.—The Agency shall receive, evaluate, develop, act on and transmit to the appropriate Federal or non-Federal entities complaints concerning actions or practices which may be detrimental to the interests of consumers. Whenever the Agency may (a) receive or (b) develop on its own initiative such complaints or other information that may involve the violation of Federal laws, agency rules or court decrees, it shall (a) take such action as may be within its authority (for example, investigation) or (b) promptly transmit such complaints or other information to the appropriate Federal agency. If the latter, it shall ascertain the action taken by that agency. It shall also promptly notify the party against whom the complaint has been made.

The Agency shall maintain a *public document room* in which the complaints will be available for inspection. However, a complaint would only be listed and available for inspection (a) if the complainant had not requested confidentiality, *and* (b) after the party complained against has had 60 days to comment on the complaint and such comment, when received, is displayed together with the complaint, and (c) the entity to which it has been referred has had 60 days to notify the Agency what action it intends to take on the complaint.

Section 206—Consumer Information and Services. The Agency is authorized to develop on its own initiative, gather from other sources—both Federal and non-Federal—and disseminate in effective form to the public, information concerning its own functions; information about consumer products and services and information about problems encountered by consumers generally, including those commercial and trade practices which adversely affect consumers.

All Federal agencies which possess information which would be useful to consumers are authorized and directed to cooperate with both the Agency and the Office in making such information available to the public.

Section 207—Product Testing and Results. The Agency is directed to *encourage and support* through both public and private entities the development and application of *methods and techniques for testing* materials, mechanisms, components, structures and processes used in consumer products and for improving consumer services. It shall make recommendations to other Federal agencies on research which would be useful and beneficial to consumers.

The Agency is also directed to investigate and report to Congress on the desirability and feasibility of establishing a National Consumer Information Foundation which would administer a voluntary, self-supporting *tag program* (similar to the "Tel-Tag" program of Great Britain) under which any manufacturer of a non-perishable consumer product to be sold at retail could be authorized to attach to each copy of such a tag, standard in form, on which would be found information based on uniform standards, relating to the performance, safety, durability and care of the product.

This section directs all Federal agencies possessing testing facilities to perform promptly to the greatest practicable extent within their capabilities such tests as the Administrator may require in connection with his representation function or the protection of consumer safety. Under these circumstances expeditious handling of testing requests would clearly be required. The provisions of law usually governing reimbursement for services would apply.

This bill forbids a Federal agency engaged in testing products under this section or the Administrator from declaring one product to be better, or a better buy, than any other product.

The Administrator is directed to review periodically products which have been tested to assure that such products and resulting information conform to the test results. Note, however, that section 209 below prohibits certain disclosures and protects trade secrets and other confidential business and financial data.

Section 208—Consumer Safety. The Agency shall conduct studies and investigations of the scope and adequacy of measures employed to protect consumers against unreasonable risks or injuries which may be caused by hazardous household products. It should consider identifying categories of hazardous household products and the extent to which industry self-regulation affords protection. Such studies and investigations should not duplicate activities of other Federal agencies.

Section 209—Prohibition Against Certain Disclosures. Any agency or instrumentality created by this legislation is forbidden to disclose to the public

(1) information (other than complaints listed and available for inspection under section 205 of this Act) in a form which would reveal trade secrets and commercial or financial information obtained from a person and privileged and confidential; or

(2) information received from a Federal agency when such agency has notified either of the instrumentalities created by this Act that the information is within the exceptions to the availability of information in 5 U.S.C. 552 and the Federal agency has determined that the information should not be made available to the public. This latter prohibition would make it clear that no agency or instrumentality created by this Act could serve either purposely or inadvertently as a conduit for information which would not otherwise be made available to the public.

This legislation does not require Federal agencies to release any information to instrumentalities created by the Act the disclosure of which is prohibited by law.

In releasing information, except in court or agency proceedings, three provisions are applicable:

(1) Data concerning consumer products and services is to be made public only after it has been determined to be accurate and not within the categories enumerated in 5 U.S.C. 552.

(2) In disseminating test results, or other information where product names may be disclosed it shall be made clear that not all products of a competitive nature have been tested, if such is the case, and that there is no intent to rate the products tested over those which were not tested or to imply that products tested are superior to those not tested.

(3) Additional information which would affect the fairness of information previously disseminated will be promptly disseminated in a similar manner.

Section 210—Procedural Fairness Requirements. In the exercise of various powers conferred the Agency shall act pursuant to rules issued, after notice and opportunity for comment by interested persons in accordance with administrative procedures required by 5 U.S.C. 553 relating to administrative procedures—rulemaking. This is to assure fairness to all affected parties and provide opportunity for comment on the proposed release of product test data, containing product names, *prior to such release.*

TITLE III

Section 301—Consumer Advisory Council. A Consumer Advisory Council will be established, composed of 15 members appointed for staggered terms of 5 years by the President. It will not be a constituent part of either the Agency or the Office but will work closely with them both.

The Council, whose members are to be experienced in consumer affairs and will be compensated when actually performing their duties, will advise the Administrator and the Director on matters relating to the consumer interest, including means for improving the effectiveness of the Agency and Office and the effectiveness of Federal consumer programs and operations.

The President shall designate the Chairman of the Council and the Administrator of the Agency or his designee will serve as Executive Director of the Council and provide needed staff assistance and facilities.

Section 302—Protection of Consumer Interest in Administrative Proceedings. Every Federal agency which takes any action substantially affecting the interests of consumers must give notice of such action to the Office and the Agency at such time as notice is given to the public or upon the request of the Agency; and consistent with its statutory responsibilities take such action with due consideration to the interests of consumers.

In taking such action the agency concerned shall, upon the request of the Agency or in those cases where a public announcement would normally be made, indicate concisely in a public announcement of such action the consideration given to the interests of consumers. To make certain that the failure of Federal agencies to make the required announcement would not result in a proliferation of collateral attacks by private parties on the decisions of the agencies, only the Agency itself may act to enforce this provision in a court.

Section 303—Saving Provisions. Nothing in this legislation shall alter or impair the authority of the Administrator of General Services to represent executive agencies in negotiations with carriers and other public utilities and in proceedings involving carriers or other public utilities before Federal and State regulatory bodies. Nor does this legislation alter or impair any provision of the anti-trust laws or any act providing for the regulation of the trade or commerce of the United States or the administration or enforcement of any such provision of law.

However, nothing in the legislation shall be construed as relieving any Federal agency of any authority or responsibility to protect and promote the interests of consumers.

Section 304—Definitions:

1. "Agency" means the Consumer Protection Agency.

2. "Office" means the Office of Consumer Affairs.

3. "agency", "agency action", "party", "rule-making", "adjudication", and "agency proceeding" shall have the same meaning as in the Administrative Procedures Act, now codified as 5 U.S.C. 551.

4. A "consumer" is any person who uses for personal, family or household purposes goods and services offered or furnished for a consideration.

5. The term "interests of consumers" means the cost, quality, purity, safety, durability, performance, effectiveness, dependability and availability, and adequacy of choice of goods and services offered or furnished to consumers; and the adequacy and accuracy of information relating to consumer goods and services (including labelling, packaging and advertising of contents, qualities and terms of sale).

Section 305—Conforming Amendments. The Director of the Office and the Administrator of the Agency are both placed on the Executive Schedule at Level III. ($40,000 per annum).

The Deputy Director of the Office and the Deputy Administrator are placed on the Executive Schedule at Level IV ($38,000 per annum).

Section 306—Appropriations. Authorizes the appropriation of such sums as may be required to carry out the provisions of this Act. No limitation is placed and fixing the amount will be in accordance with the annual appropriations process.

Section 307—Effective Date. The legislation takes effect 90 days after it has been approved, or earlier if the President so prescribes.

A NOMINATION THAT SHOULD BE WITHDRAWN

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VAN DEERLIN. Mr. Speaker, along with many colleagues on both sides of the aisle, I was gratified by President Nixon's recent announcement that he had selected a distinguished Mexican American, Mrs. Romana Banuelos, of Los Angeles, to become the next Treasurer of the United States.

Since many of the residents of my own border district are of Mexican descent, I naturally viewed this appointment as both praiseworthy and exemplary—never before had a Mexican-American woman held such a high Federal post.

You can imagine my sense of disappointment — and disillusionment — Mr. Speaker, when I read the newsstory this morning about the arrest yesterday of 36 illegal Mexican nationals at Mrs. Banuelos' highly successful food processing plant in the Los Angeles suburb of Gardena.

According to the press accounts, this was not the first, but the sixth time Mrs. Banuelos' establishment has been raided in the past 3 years for this violation.

As the Justice Department so swiftly pointed out yesterday, the onus for the employment of aliens illegally in this country rests on the aliens rather than their employers, who are not required to determine the immigration status of the people they hire.

But in my view, this technicality hardly exonerates Mrs. Banuelos. To suppose that as many as 36 persons could be illegally on her payroll without her knowledge overtaxes our credulity—and the lady's credibility.

As our distinguished colleague (Mr.

White) pointed out in these pages yesterday, illegal aliens are taking away at least 1 million jobs from our own citizens. Every border area Congressman can validate Mr. White's estimate.

What a disturbing commentary it is when one of our most successful Mexican-Americans is thus revealed as exploiting Mexican nationals at the expense of her jobless fellow Americans, including those of Mexican descent.

Mr. Speaker, it is with heavy heart that I must state my feeling that Mrs. Banuelos has demonstrated that she is not qualified to serve as Treasurer or in any other responsible position in the U.S. Government—not simply for employing illegal aliens, but for widening this administration's credibility gap.

Her nomination should be withdrawn, before it evolves into a Latin-flavored Carswell case.

Mrs. Banuelos' propensity for hiring these unfortunates evidently escaped the notice of the Federal agents who examined her credentials for high Federal service.

With more competent sleuthing, the President and the Justice Department should be able to come up with a genuinely qualified nominee from among the thousands upon thousands of our outstanding Mexican-American citizens. Many of us would be happy to suggest candidates.

At this point, I include the article from this morning's Los Angeles Times about the arrest of the illegal aliens in Mrs. Banuelos' place of business:

Illegal Aliens Seized in Plant of Woman Named U.S. Treasurer

(By Harry Bernstein)

Federal immigration agents Tuesday caught 36 illegal aliens in a raid on a food processing company owned by Mrs. Romana Banuelos, who was nominated Sept. 20 by President Nixon to be Treasurer of the United States.

Between 30 and 35 other workers in Ramona's Food Products Co. plant in Gardena escaped the government agents by running out side and back doors, then scrambling over a chain fence nearly six feet high, discarding their white aprons and hats as they ran, agents said.

Mrs. Banuelos' $6 million-a-year corporation had been raided five times prior to Tuesday, and illegal aliens were found on each previous occasion by agents of the Immigration and Naturalization Service.

On Aug. 8, 1969, George K. Rosenberg, district director of the service for this area, sent Mrs. Banuelos' company a letter pleading for it to stop employing illegal aliens since "it not only encourages additional aliens to enter the United States illegally, but deprives United States citizens and lawful resident aliens of necessary employment."

Mrs. Banuelos, who was working at the plant when the raid was conducted Tuesday morning, said she never received the letter from the government and that she did not know illegal aliens were employed by her company.

She said the government move Tuesday may have been "part of an attempt by Democrats to block my nomination as Treasurer of the United States."

Six agents went to the plant at 13633 S. Western Ave. in Gardena, and were stopped by Carlos Torres, vice president of the company, who said the government agents failed to identify themselves properly.

After several minutes of discussion, the agents were admitted to the modern plant where about 140 workers, mostly women, were preparing packaged Mexican food products.

As the government officials entered the front door, about half of the work force began walking and then running out the back and side doors.

Twenty-four female workers went into a ladies' rest room, which is also a dressing room, while others raced out the back way and escaped over chain link fences.

Nine of the men were apprehended without a struggle as they were trying to run away. Three women were caught before they could enter the rest room.

After warning the women that they were coming in, the agents, accompanied by a female supervisor, entered the rest room where they found the workers hiding in the shower room, the toilet stalls and in metal lockers.

TO BE DEPORTED

The illegal aliens were then taken to immigration service headquarters and officials said they would be bussed back to Mexico, probably today.

Mrs. Banuelos, 46, did not leave her offices on the second floor of the building during the raid, but voiced her indignation to a newsman during an interview as the aliens were being taken away.

"I am not doing anything wrong," she insisted, adding:

"If I asked every person who came to us for a job about their immigration papers, I'd start a fight."

She said Ramona "pays good wages and our workers have good fringe benefits. Ask the Teamsters Union people. They have a contract with us."

Workers start at $1.65 an hour, but can earn more than $2.50 an hour, she said.

FRINGE BENEFITS

"We have a profit-sharing system and many other benefits, and nobody can make me appear a dirty person," Mrs. Banuelos said.

Mr. Nixon, in introducing Mrs. Banuelos at a ceremony in his Oval Office at the White House last month, said his Administration had "searched the country for a person of truly outstanding credentials and ability" to serve as Treasurer, and "I was delighted to find such a person in Mrs. Banuelos."

The President said that "in her extraordinarily successful career as a self-made businesswoman, Mrs. Banuelos has displayed exceptional initiative, perserverance and skill."

Her appointment is still subject to Senate confirmation.

Her son, Carlos Torres, 27, vice president of the company and a Los Angeles County deputy sheriff, said his firm does not ask job applicants about their status as aliens, and contended that "only small companies seem to get raided by Immigration."

He said that while the firm does not check on the citizenship papers of its workers, "Mexican people naturally make good workers and we like them. They work hard."

The company's general manager, Samuel Magana, contended that Ramona's "just can't get Americans to work. This whole thing is a matter of the government making people get off welfare. The Americans we get only come here and stay until they can get back on welfare."

While denying any knowledge of illegal aliens working at Ramona's Magana did say that illegal aliens "work hard because they know the risk they take when they come here."

He also said, "I believe it is against the law to ask a job applicant for his immigration papers, and so we do not ask for them."

In the letter Rosenberg sent to Ramona's asking for help in curbing employment of illegal aliens, he specifically said:

"Employers are permitted by law to inquire of their employes as to their right to be employed in the United States."

URGES LEGISLATION

Rosenberg said one key way to "eliminate this problem of the illegal aliens taking jobs from American citizens is to adopt legislation now pending in both Washington and Sacramento to make it a crime for employers to hire such aliens.

"We give employers who have been found employing illegals a booklet telling employers how easy it is to find out about the status of most of their workers," he said.

"If an employer continues to hire illegal aliens in large numbers, then I have to conclude as a reasonable person that they don't give a damn," he said.

Since any person can get a Social Security number by simply asking for one, the government warns employers who have been using illegal aliens that it is not enough just to ask a prospective employe for a Social Security number, he said.

FEW APPREHENDED

Rosenberg said it is estimated that only one illegal alien out of every three or four is actually apprehended, which means there are hundreds of thousands still living and working in this country.

In the past fiscal year, 820,241 illegal aliens, mostly Mexican nationals, were expelled.

Mrs. Banuelos contended that the raid Tuesday was known in advance to "some Democrats."

"Four or five days ago, Paul Hernandez, president of the Pan American National Bank, told me a certain fellow from the Democratic Party said the Immigration might raid my company to try and block your appointment as Treasurer," Mrs. Banuelos said.

Hernandez, she added, was given the information by Philip Montez, western regional director of the U.S. Commission on Civil Rights.

(Mrs. Banuelos is the founder and chairman of the Pan American National Bank.)

The bank president, Hernandez, said Tuesday that he had "heard a rumor, but I know nothing more about it," and he would not say whether the rumor of a raid on Ramona's came from Montez.

Montez said he was called by someone whom he would not identify, but that the person asked only whether Mrs. Banuelos' plant had ever been raided by the government before.

There was nothing in that call to suggest knowledge of any plan to discredit Mrs. Banuelos, Montez said.

Rosenberg said the "investigation of the Ramona company was made because the firm is still in our active file as a company where illegal aliens are likely to be found, and were found again as recently as today (Tuesday)."

IN OPPOSITION TO THE PRESIDENT'S PROPOSED REORGANIZATION OF THE EXECUTIVE BRANCH OF THE FEDERAL GOVERNMENT

The SPEAKER. Under a previous order of the House, the gentleman from Missouri (Mr. Burlison) is recognized for 60 minutes.

Mr. BURLISON of Missouri. Mr. Speaker, in his state of the Union address at the beginning of this year, President Nixon announced that he would submit to the Congress a comprehensive plan for the reorganization of the executive branch of the Federal Government. The most important part of this proposal, and the one with the most far-reaching consequences, is his plan for the reorganization of the cabinet level departments.

The cabinet now has 11 departments. It did have 12 until the Post Office Department was transformed into the new U.S. Postal Service. The President's plan calls for eight departments. The Departments of State, Treasury, Justice, and Defense would remain much as they are now. The remaining departments—Agriculture, Interior, Commerce, Labor, HEW, HUD, and Transportation—would be lumped together into four new super departments. These new departments would be named the Departments of Economic Affairs, Community Development, Human Resources, and Natural Resources.

The Department of Agriculture, like most of the present Departments, would be broken up and scattered among the four new ones. For instance, the Forest Service, the Soil Conservation Service, the Soil and Water Conservation Research Division of the Agricultural Research Service, the Natural Resource Economics Division of the Economic Research Service, and the FHA Watershed Protection, Flood Protection, and recreation loans would be transferred to the new Department of Natural Resources.

The new Department of Community Development would encompass the REA, the housing and water and waste disposal grant and loan functions of the FHA, and the Economic Development Division of the Economic Research Service. The Food and Nutrition Service, the Food Inspection programs of the Consumer and Marketing Service, plus the Human Nutrition and Home Economics Research Programs of the Agricultural Research Service would be included in the new Department of Human Resources.

The proposed Department of Economic Affairs would contain the majority of present Department of Agriculture programs. It would include the Agricultural Stabilization and Conservation Service, the Export Marketing Service, the Foreign Agricultural Service, the Federal Crop Insurance Corporation, and the Commodity Exchange Authority. Also in this department would be the Extension Service, the Cooperative State Research Service, the Farm and Operations Loans of the FHA, the Farmers Cooperative Service, the National Agricultural Library, the Foreign Economic Development Service, the Statistical Reporting Service, the Packers and Stockyards Administration, and the remaining portions of the Economic Research Service, the Consumer Marketing Service, and the Agricultural Research Service.

As you can readily see, the Department of Agriculture, the stronghold of the American farmer, would be widely scattered and dispersed. Take as an example the Farmers Home Administration which works directly with a large portion of our farmers. It alone will be divided among three of the new departments. With agriculture reporting to the new Secretary with a voice representing only 5 percent of the population, will it be heard above the voices of labor and commerce? I do not think so. We need a forceful spokesman to speak to the President for the farmer. This is the only way we can offset the influence of the larger constituencies. The Department of Agriculture was established to look out for the interests of the farmer. That is exactly what it has done and should continue to do. Any attempt to eliminate the Department of Agriculture as a separate agency of the Government is an insult and a slap to the farmer. I, therefore, oppose the President's reorganization proposal. As Senator TALMADGE has said:

> This proposal would be similar to trying to cure a sick man by cutting out his heart.

My major objections to the plan are that: First, it would remove agricultural programs and agencies from the direct control of an accountable Secretary of Agriculture, and second, it would shift the primary focus of Government agencies and programs away from benefiting the farmers as such, and toward rural development generally. Farmers would benefit from Government programs indirectly as a part of rural development, rather than directly as farmers; third, it would abolish the Department of Agriculture, and in so doing, would diminish the farmers' voice and influence on, and within, the Federal Government.

It has been suggested that with four large departments, major decisions would be made by the departmental secretaries rather than by the White House. The departments would be less likely to buck their problems to the President, and, therefore, the President would lose additional contact with the Government he is supposed to supervise.

There is a strong possibility that the Department of Natural Resources may fall under the control of the energy resource interests. Fossil fuels supply the majority of the energy market. Oil is king of the fossil fuels and is now acquiring ownership of other energy sources, especially coal. Agencies such as the REA and the Atomic Energy Commission which are strong today in their own right, might be subordinated by the oil, connected agencies in their access to the secretary and their ability to demand funds under this new setup.

In the past, attempts to consolidate agencies have not been as successful as had been hoped. A case in point was the attempted inclusion of the Federal Maritime Commission and the Civil Aeronautics Board in the Department of Transportation. It was hoped that a combined national transportation policy would emerge. This did not happen because each agency was designed to administer a separate set of laws and regulations. This could be the result of the newly proposed combination.

Presidents since Roosevelt have tried to increase and decrease the support for particular Government programs by raising and lowering them in the bureaucratic hierarchy. By raising them closer to the President, they gain access to the President and have a stronger voice. On the other hand, lowering them further from the President gives them less access and a weaker voice. Under the reorganization plan, farm programs would be lowered at least one rung on the ladder.

I have also noted that three secretaries of the Department of HEW, Secretaries Ribicoff, Gardner, and Finch, have claimed that HEW, the department with the largest conglomeration of programs, is unmanageable. If this is true, why, I ask, should we make even larger departments with an even wider panorama of programs? Mammoth departments would be more remote and would fail to serve the diversified segments of our population. Political power and influence in Government are built around constituencies. With the responsibilities of the Department of Agriculture split among four of the new proposed departments, the constituent strength, hence the power and influence of the American farmer, will also be split or diffused.

Another agency of importance to the people of Missouri's 10th District, as well as the mid-south and other areas, is the U.S. Army Corps of Engineers. The major operations of the corps would remain with the Department of Defense. However, the critical planning, evaluation, and funding functions would be moved to the new Department of Natural Resources. This could only add to the already frustrating and lengthy process of obtaining flood control projects for our areas.

The timing of the reorganization is poor. This plan proposes to weaken farm programs and policies at a time of depressed conditions in the agricultural sector. An organizational framework for coordination of farm and rural programs is now being formed in the Department of Agriculture in an effort to revitalize rural America. The President's plan would abolish the Department and fragment this structure for coordination at a time when it is just beginning to emerge.

I am afraid that combining farm programs with commerce activities and labor problems would definitely add to the detriment and eventual disappearance of the family farm and its social and economic values. Farming is the number one business in rural America, and the number one activity for generating the income of bankers, grocers, implement dealers, and others in rural communities and small towns. In this sense, farming is the foundation on which rural development must be built. If the farms go, so will the communities dependent upon them, thus creating a shift of power, not back to the people, but to the corporate community.

The President's reorganization plan ignores the fact that rural programs relate directly to one another because the problems of rural America are directly related. The human, economic, natural, and community resources of the rural communities are inseparable. The farmers need a Department of Agriculture. The President's plan does not include one. Therefore, I cannot approve of this proposal. I favor a stronger, more efficient, and more responsive Department of Agriculture.

Mr. Speaker, this is not to say that I agree with every ruling and decision made by the Secretary of Agriculture. Most of us do not. Our efforts, however, should be in the realm of changing those undesirable rulings or changing the administration, rather than eliminating our spokesman. To paraphrase something you may recall having heard before:

I may not agree with everything the Secretary of Agriculture says, but I will defend with my political life his existence to say it.

Mr. MELCHER. Mr. Speaker, will the gentleman yield?

Mr. BURLISON of Missouri. Mr. Speaker, I yield to the gentleman from Montana.

Mr. MELCHER. Mr. Speaker, I want to commend the gentleman from Missouri for taking this time today to bring to the attention of the House an important proposition that is confronting us. I particularly want to address my remarks to some of the phases that will be considered by the Department of Agriculture as it views its place and function in the Government; its place and function in carrying out the mandates that Congress has given to it; and its place and function and its responsibilities to the people of this country.

HARI-KARI AT THE USDA

Hari-kari, a cultural form of suicide practiced by some fanatics in Japan, is not to my liking. I have more objection to it than from just the moral values in which I believe. Man's life is a gift from God and should not be terminated by his own action. In addition, I think the form of suicide involved in hari-kari where one disembowels himself is messy, gory, and extremely cruel. I do not think it will ever catch on and become a part of the American culture. It is fading out in Japan, too.

So it is with a great deal of surprise that we are now witnessing an attempt by the venerable U.S. Department of Agriculture to commit a slow, gradual, painful act of hari-kari. Once committed, the guts would be strewn all over the country. Whoever the Department's critics may be and wherever they live throughout this Nation, no one should allow the current leaders at USDA to start on the suicide procedure they are now proposing.

In a proposal for shuffling and consolidating positions and department staffs, titles, functions, duties, and programs, the Secretary and all the staff of the Department of Agriculture would be transferred to low level jobs in the Department of Interior, renamed Resources, or the Department of Commerce, renamed something else. But they can take comfort in the fact that no one believes that the President's proposal to conglomerate Interior, Agriculture, Commerce and Labor, will ever come about.

Although I am greatly concerned with the President's proposal, there are other reorganization plans not as vast nor as sweeping, but nevertheless dangerous and foolhardy, that are being contemplated within the Department of Agriculture.

Later this month, Agriculture Secretary Clifford Hardin is listed as a speaker in the U.S. Animal Health Association annual meeting at Oklahoma City. The title of his talk on Monday evening, October 25, is given on the program as "Decentralization of Federal Government Agencies—Project 4."

The U.S. Animal Health Association is holding their 75th annual meeting so they are not a Johnny-come-lately crowd but are veterans of the long and continuous fight to control animal disease.

Within the Department of Agriculture one of the important functions is the task of controlling and eradicating animal diseases. They have worked hand in glove with the many members of the U.S. Animal Health Association during the past seven decades. Drs. Theobald Smith and F. L. Kilbourne discovered the cause of tick fever in cattle which, incidentally, also led to the control of yellow fever, malaria, and typhus in man. Following the discovery work on the cause of tick fever, the Department veterinarians cooperating with the States ended this cattle disease in the United States. They worked on tuberculosis, brucellocis, and have all but eradicated these diseases in the United States. Often the research into the cause and control of animal disease contributes to our understanding of those diseases that affect mankind. Control of animal diseases, particularly those that are infectious for man such as the latter two—tuberculosis and brucellosis is of special significance in public health.

In this area the strong leadership of the Federal forces, cooperating with the States is of special significance. The Department veterinarians led the fight when hoof and mouth disease invaded or threatened this country and this year, although somewhat belatedly, led in the control of Venezuelan Equine Enchephalomyelitis when it broke out in Texas, a disease sometimes contracted by humans. The States also have their staffs to control and fight animal diseases. Through the years they have gradually worked out an acceptable relationship with the Federal forces in the U.S. Department of Agriculture. They now usually supplement each other. This is not to say there are not times of friction or that there are not times of overlapping and duplication. There certainly have been, there are now, and undoubtedly will be in the future.

There is a problem of money, too. Sometimes it does not go far enough on the Federal level and often is short on the State level and the pooled cooperative agreements end up being underfunded.

But in spite of its shortcomings, some excellent work has been done and devastating diseases controlled. Now comes a proposal by the Department of Agriculture to evaluate what they can do to decentralize their functions. In this regard, all aspects of the Department's work is being considered, but I wish to address myself at this time only to the Department's function in controlling and eradicating animal diseases and protecting the health of both animals and people as it is affected by these diseases. We have detailed Federal statutes concerning the production, processing, and distribution of meat and poultry products, milk, eggs, and numerous other agricultural products. To the extent that these statutes already outline the responsibilities of the Department and the States and other Government agencies, re-evaluation of these functions is not under consideration. But Agriculture has a vast area of powers, duties and programs and it has inquired of the States as to their recommendations to facilitate and expedite the various functions. It is in essence an invitation to the States to recommend transfer of responsibilities from the Federal level to the individual State levels.

The Department plan to decentralize Federal programs among the States is called Project 4. A task force and a steering committee have been assessing ways and means of placing control and regulations with individual States that want the responsibility. Project 4 envisions turning back to the States many of the responsibilities for controlling animal diseases and for the programs which guard against those diseases. Of course Project 4 does envision maintaining existing standards while permitting the States to have a greater voice in determining the thrust and the focal points of their own programs. The money to finance the programs would flow from the Federal Treasury to the State treasuries.

On the surface it does not sound too bad, but underneath the veneer of phrases of "local control and less bureaucracy" lies the danger of disemboweling a Federal-State relationship that has been forced cautiously and gradually since the turn of the century. We really never got anywhere in controlling the animal diseases I have mentioned, and the many others I have not enumerated, and did not even hope for eradication of any of them until the leadership and forces were developed on the Federal level. The reason for that, naturally, is that the State boundaries do not mean anything to the viruses, bacteria, protozoan, and insects that cause and spread the diseases that affect man or animals. There certainly is a need for both State and Federal participation in disease control work, but it takes a combination of the States involved working together under the leadership of one authority.

Will Rogers once said that veterinarians had to be smart because their patients could never tell them when they were sick or where they hurt. Outbreaks of contagious diseases in animals are often more explosive than in people, and result in epidemics. Prompt and vigorous action to bring an epidemic under control is necessary in the case of diseases that are widespread and especially when they are a threat to the health of man or are extremely contagious. Swift and conclusive leadership of one or the other group, State or Federal, is essential.

In this regard, the forces within the Department of Agriculture that control or prevent animal diseases have some pretty good credentials. I am not going to attempt to list them for you today, but I can assure you that they are good enough to make me believe that any plan to weaken or diffuse the Federal responsibility and Federal action on animal disease control work should not be permitted.

I do not know what Secretary Hardin is going to say about Project 4 when he gives his talk in Oklahoma City, but I hope it is along the lines I have been talking about today. I think it is essential that he reassure all of us that in this important field of controlling animal diseases there will not be one iota of weakening the Department's efforts or responsibilities. It is too important to all of us, no matter where we live in the 50 States, that a positive Federal responsibility for control of animal diseases be continued. Project 4 would diffuse this responsibility, would be a weakening of the system, and would in effect be a form of hari-kari for this function of the Department of Agriculture. The tragedy would be slipping back to positions from which we have struggled upward for over a half century as we faced and fought the diseases that plague animals.

Mr. BURLISON of Missouri. I appreciate very much the contribution of the gentleman from Montana, a respected member of the Committee on Agriculture.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. BURLISON of Missouri. I am delighted to yield to my colleague from Missouri (Mr. HUNGATE).

Mr. HUNGATE. I thank the gentleman for yielding.

Mr. Speaker, I am particularly pleased to join with my colleague from Missouri in what I regard as a very worthwhile cause. We in Missouri have long had a great interest in the subject of agriculture. It is one of the most important, if not the most important, industry in the State, and we have been blessed with many great Congressmen who have spoken out in the cause of agriculture. We could go back to Congressman Hatch of Hannibal, who is known as the father of the Department of Agriculture. The predecessor of Congressman BURLISON in Congress, Paul Jones, served ably on the Committee on Agriculture. When he left the Congress we thought there would never be—and there will never be—another Paul Jones, but we are fortunate to have a Congressman like him in Congressman BURLISON, who speaks with great courage and ability and is very dedicated to the cause of improving life on the farm and the agribusiness associated with farming.

The importance of agriculture is very easily overlooked today, when much of our attention fixes in the urban areas. William Jennings Bryan, a man with very little favorable reputation in my district, did make one statement that I think was eminently correct. He said that if you burned down the cities and destroyed the cities of America, they would rise again from the ashes as if by magic. But if you destroyed the farms and rural areas of this country, the country would sink from sight and there would be no great America as we know it.

Of course, we know that Thomas Jefferson said that we should have no fear for our democratic—or, if you will, Republican—form of government, so long as the country remained agricultural, and Mr. Jefferson becomes wiser with the years.

Mr. Speaker, In view of the great concern in my congressional district, I would like to urge continuance of the U.S. Department of Agriculture as a separate department of the Federal Government.

There are millions of farmers throughout our Nation who have become familiar with and have benefited from this department devoted to agriculture. It has been successful in dealing with the special problems and needs of the farm community.

Historically, agriculture has been a most important segment of our economy, of our country, and we must maintain the best possible Federal-level service to this integral part of America.

I cannot overemphasize the importance of this agency to farmers. The Department of Agriculture has developed many useful and worthwhile programs for farmers; it coordinates services and represents the farmers' interests when other Federal agencies are developing programs that will affect farmers.

The Department of Agriculture has evolved over the years as an effective and vital source of protection for farmers. I can only believe that elimination of the Department would have the most adverse affects on agriculture.

Mr. BURLISON of Missouri. Mr. Speaker, I appreciate very much the contribution of the gentleman from Missouri (Mr. HUNGATE).

Mr. ABOUREZK. Mr. Speaker, will the gentleman yield?

Mr. BURLISON of Missouri. I yield to the gentleman from South Dakota.

Mr. ABOUREZK. Mr. Speaker, I would like to thank my colleague, Congressman BURLISON of Missouri, for arranging this special order to allow a discussion of the proposal of the administration to reorganize the executive branch. I know that this is a reflection of his concern, which I share, that the dispersal of the Department of Agriculture over four new executive departments will effectively destroy a coordinated agency which speaks for and develops programs in the interest of the American farmer.

It seems to me that this dispersal plan is just another bureaucratic scheme reflecting the total failure of the White House flow charts' experts to understand the needs of farm families in States like South Dakota. While the Agriculture Department under Clifford Hardin has certainly not led the way in helping farmers and ranchers, leaving protection of our rural economy to huge superdepartments dominated by nonrural interests would be even worse.

Perhaps the administration believes that our country has become so urbanized and that agriculture plays such a small part in our national life that we no longer need the Department of Agriculture. I do not. In fact, when I look at the silly farm regulations that come from departments other than Agriculture, regulations like the farm truck driver qualifications proposed by the Department of Transportation, I am convinced that if anything, the Department of Agriculture should be strengthened. The farm truck regulation that I refer to looked good on paper in the Transportation Department, but to the farmer who counts on his son for help, it looked like a disaster. Even today's Agriculture Department would have known that farm youths have been driving trucks for years by the time they reach age 18. But the Transportation Department apparently did not know that and they almost got away with a regulation that would have kept our farm youths off the roads. We managed to stop them on the farm truck issue, but with nonagriculture people making all the decisions once the Agriculture Department is gone, it will be impossible to get anyone to listen to the commonsense viewpoint of the working farmer and rancher.

The new proposals of the President provides for the consolidation of seven executive branch departments and about a dozen independent agencies, boards, and commissions into four new executive departments. These would be called the Department of Community Development, the Department of Economic Affairs, the Department of Natural Resources, and the Department of Human Resources.

The Department of Agriculture would be dismantled with its functions spread among all four of the new departments.

The Department of Agriculture was established 109 years ago. The original act provided:

> That there is hereby established at the seat of Government of the United States a Department of Agriculture, the general designs and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture in the most general comprehensive sense of that word, and to procure, propagate, and distribute among people new and valuable seeds and plants.

The law was very broad in scope. It gave the Department great latitude and discretion.

History has shown that the Department of Agriculture has used its discretionary powers in a manner that has helped to produce the most productive agricultural economy in the world. One hour of farm labor produces nearly seven times as much food and other crops as it did 50 years ago. Crop production per acre and output per breeding animal have doubled.

Productivity of the American farmworker in the 1960's increased by 6 percent a year. Output per man-hour in nonagricultural industry increased by only about 3 percent a year. About the turn of the century one farmworker produced enough food and other agricultural products for himself and seven other persons. Today he produces food, fiber, and other commodities for himself and 46 others.

Because of the phenomenal increase in farm productivity, consumers in the United States in 1970, spent only 16.7 percent of their disposable income for food, compared with 20 percent in 1960, 22 percent in 1940, and 24 percent in 1930. A major factor accounting for this has been research carried on by the Department of Agriculture which led to the development of improved farming methods, development of new seeds, improved livestock breeding and care, and the development of new farm technology generally. Of course, the willingness of farmers to apply the new technology about as rapidly as it was made available to them must also be recognized.

Even though farms have increased in size and decreased in number during the past 30 years, the family farm is still predominant throughout the Nation.

In view of this major contribution to

our society, it appears ironic that a proposal is being seriously considered to dismantle the Department of Agriculture. It is alleged by reorganization proponents that while the proposals will result in the disestablishment of the Department of Agriculture, the needs and interests of farmers will be significantly better served than at present. However, I find this argument hard to believe. Political power and influence in Government are built around constituents. With the responsibilities of the Department of Agriculture split among four new Departments, constituent strength, hence the power and influence of the American farmer, will be equally split.

A good illustration of the dilution of farmer influence in the determination of Government actions under the new proposal would be the new Department of Economic Affairs. As pointed out by the National Grange:

> The Administrator for Farms and Agriculture would supervise Farm Income Stabilization, Commodity Grading and Standards Service, Conservation Assistance, Farm Business Loans, and Agricultural Research and Extension Service. He would report to one or more of five Assistant Secretaries or directly to the Deputy Secretary or Secretary.

Under such an arrangement "the Administrator could be five times removed from the President." It was further pointed out by the Grange, that if the Administrator reports directly to the Secretary, he will be in competition for the attention of the Secretary with the Administrators for Business Development, Social, Economic, and Technical Information, Labor Relations and Standards, National Transportation and International Economics. With agriculture reporting to the same Secretary as labor and commerce, how can it be assumed that the voice of agriculture representing a smaller percent of the total population will be heard over the voices of the much larger constituencies of labor and commerce? It appears abundantly clear that if the needs of agriculture are to be adequately met, and if we in the United States are to maintain an economically strong family farm structure, we must have a forceful spokesman to speak to the President of the United States on behalf of the farmer.

An editorial in the February 26, 1971, issue of the Des Moines Register, among other comments, stated:

> We see it as another instance where agricultural affairs would be run by government agencies who don't know farming and who don't understand rural areas. There is more than just a change in labels here: The Present functions of the United States Department of Agriculture would become a subordinate part of larger departments.
>
> There would no longer be a secretary of Agriculture to speak for farmers and for American agriculture to the White House.

The American farmers and rural people generally, understand the functions of the Department of Agriculture. They are familiar with the vast number of agencies within the Department dealing with the many problems which farmers face from time to time. They may not always know the specific agency to contact with respect to a given problem, but they do know that the desired information and help can be secured from the Department of Agriculture. Under the proposed reorganization it would be a matter of guessing which department to contact. A case in point is the Agricultural Research Service. Currently the functions concerning agricultural research are centered in the Department of Agriculture. It would be necessary to contact only one agency for information. Under the proposed reorganization, research functions of one kind or another would be carried on in all four of the new departments.

Agricultural research activities are now well coordinated in the Department of Agriculture. Dividing these research functions among four different departments would be more costly and less efficient.

Tony Dechant, president of the National Farmers Union, argues that the proposed reorganization would spread agricultural programs through four new agencies on the basis of a superficial definition of their functions. He pointed out that—

> It ignores the fact that these programs relate directly with one another, because the problems of rural America relate directly with one another.

Instead of dismantling the Department, Dechant recommends an opposite course:

> The Department of Agriculture should be strengthened and more closely coordinated. The human, economic, natural and community resources of rural America are inseparable.

I could not agree with Tony more.

The problems of farm income cannot be solved outside the context of natural resources and rural community development requires primary attention to human resources.

American agriculture is still the Nation's largest industry. It is composed of nearly 3 million independent producers and employs some 4.5 million workers. Its assets total $317 billion, equal to about two-thirds of the value of current assets of all corporations in the United States or about one-half of the market value of all corporation stocks on the New York Stock Exchange, according to a recent report of House Committee on Agriculture. The value of agriculture's production assets represents approximately $54,000 for farmworker, about double that of each manufacturing employee.

Farmers are also good customers. They spend more than $40 billion a year for goods and services to produce crops and livestock and another $16 billion a year for the same things that city people buy—food, clothing, drugs, furniture, appliances, and other goods and services.

In view of the importance of agriculture to the Nation and the achievements of the Department of Agriculture which have been instrumental in developing an agricultural economy that is the envy of the world, we must not permit that Department to be weakened by dividing it among four newly created departments. We should instead work to strengthen the Department to make its voice more reflective of what farmers want and then to make their voice heard in the high councils of government.

Mr. BURLISON of Missouri. I thank the gentleman from South Dakota for his contribution.

Mr. Chairman, I yield to the gentleman from North Dakota (Mr. LINK).

Mr. LINK. Mr. Speaker, I thank the honorable gentleman from Missouri (Mr. BURLISON) a most valued member of the Committee on Agriculture, on which I serve, for his efforts in making this time available, so that those of us who have a deep and long understanding of and devotion to agriculture and the rural community of America might have the opportunity to present a case for the continued place of agriculture as a department in the executive branch of the Government.

Agriculture is this Nation's most basic industry, because it provides food and fiber, the necessary ingredients to sustain human life. As such, a healthy agriculture is indispensable for a healthy national economy.

Farming employs 4.5 million workers—more than the combined employment in transportation, public utilities, the steel industry, and the automobile industry.

Farming consists of 3 million independent producers.

Farming creates 8 million jobs in industries related to agriculture. Three of every 10 jobs in private industry are related to agriculture.

Farmers spend more than $40 billion a year for goods and services to produce crops and livestock and another $16 billion a year for food, clothing, drugs, furniture, appliances, and other products and services.

Because of the importance of agriculture, we have a Cabinet-level agency, the U.S. Department of Agriculture, to focus on the problems of food and fiber production since 1862.

Early this year, President Nixon advanced a proposal to slice up the Department of Agriculture into four new superagencies—the Departments of Economic Affairs, Community Development, Human Resources, and Natural Resources.

Here is the hodgepodge that would result:

The Agriculture Stabilization and Conservation Service, part of the Farmers Home Administration, part of the Agricultural Research Service and the Extension Service would be transferred to the new Department of Economic Affairs.

The Rural Electrification Administration and another part of the Farmers Home Administration would be transferred to the new Department of Community Development.

The school lunch program, the special milk program and part of the Agricultural Research Service would be transferred to the new Department of Human Resources.

The Forest Service, the Soil Conservation Service, a third part of the Farmers Home Administration, and still another part of the Agricultural Research Service would be transferred to the new Department of Natural Resources.

Rather than to abolish the Agriculture Department, the constructive approach is to strengthen and coordinate the Department and to cut its red tape—and I am confident this can be done.

Abolishing the Agriculture Department would destroy the focus the Federal Government has given agricultural problems since the creation of the Department 109 years ago. It would further weaken the already weakened voice of the farmer in Washington.

The President's proposal comes at a time when farmers are caught in a cruel cost-price squeeze that has led during the past 20 years to a 52-percent rise in the prices farmers must pay for all items, while the prices received have increased only 7.8 percent.

And the President's proposal comes at a time when there is a strong national need to achieve a better population balance in the United States. By increasing farm income and promoting new economic enterprise in rural America, we will stop the migration to the Nation's overcrowded cities, clogged in traffic, choking on pollution, grappling with rising crime rates, and other serious problems.

Clearly, the Agriculture Department is needed as never before to find solutions to these problems and to maintain a balance to American life—economic, geographic, and social.

Mr. BURLISON of Missouri. Mr. Speaker, I thank the gentleman for his contribution.

I am delighted to yield now to my friend and colleague from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Speaker, I shall oppose the proposal of this administration's reorganization plan which calls for eliminating the Secretary of Agriculture from the President's Cabinet and moving the Department of Agriculture from its position as a front-line agency to a lower tier within the suggested Department of Economic Affairs.

In attempts to dissolve organizational problems at the masthead of our Government, by shifting and streamlining structures and organizational functions it seems to me that some problems may be eliminated only to reappear in larger, more harmful dosages elsewhere in the Government. I fear that if we transport the executive's responsibilities with respect to agriculture to a sublevel, as proposed, American agriculture will be downgraded.

Today, agriculture in America is in the midst of crisis. The family farmer is being squeezed out by the development of certain corporate farm systems. Farmworkers are still the lowest-paid workers in the country. A union that was recently awarded a $1.85 per hour wage recently cheered heartily, for even the prospect of this minimal figure had seemed dismal. However, such wage attractions have caused thousands of our farmers and farmworkers to leave their rural communities for urban jobs, only to compound the problems of our overcrowded cities. These facts, Mr. Chairman, lead me to believe that American agriculture, which still accounts for a large share of our GNP and represents 2.9 million citizens, deserves the guidance, representation, and policymaking effectiveness of a member of the President's Cabinet and a special department to support all the many facets of American agriculture.

In considering the present executive proposal, I have carefully weighed its advantages and disadvantages. Whereas the Federal Government, that is, the Executive, might achieve big strides in administrative output, I see a backward step in leadership output. In other words, where the infrastructure of the Federal Government may be improved, the external product, which in this case should be "the best of all possible national agriculture policies," is not improved; in fact, it is weakened.

By eliminating the Secretary of Agriculture and his front-line Department, American agriculture may very well suffer the following: loss of the special recognition it deserves as a supporting arch of our economy; loss of independence as a viable, competitive instrument in helping America lead the nations of the world; loss of a high-level audience for its special problems; loss of a bargaining chip for better economic conditions for the family farmer, cooperatives, and corporate systems as well; loss of a significant conduit for the transmission of ideas and technological advances; loss of a competitive pillar to uphold firm positions and appropriate judgments among the more superstructured agencies of the Government. In essence, relocating agriculture in the Government, as proposed, is to demote the importance of agriculture in our land. We have already reached a period in history where if we show any less concern for agriculture, the farmer may well be the new "vanishing American."

The Secretary of Agriculture, now and in the past has always been an expert in his field, able to advise the President on agricultural affairs. A strong department under his care and supervision enables him to extend his influence quickly and efficiently without having to penetrate any middle-ground or buffer-zone. Under the reorganization proposal, he would become simply an "Administrator for Farms and Agriculture" in the larger "Department of Economic Affairs." He would serve in this new department along with five other administrators, one for national transportation, another for international economics, and so on. These administrators do not advise the President. They only report to an undersecretary, deputy, or secretary of the department. So, where we have a lack of special expertise by the President himself, which is understandable, we also have a lack of special expertise by the secretary who is supposed to advise him. I cannot visualize any secretary of the Department of Economic Affairs becoming an expert in the required sense in all of the areas his department would hold responsibility for. It seems that if the reorganization proposal is implemented, the President's cabinet members are just not going to be able to provide all the special expertise that the President needs. The gap between the President and the categorical departments of the executive branch would be drastically widened, and the credibility between them greatly shortened.

The architecture of the executive reorganization proposal rests on an understanding that each of the categorical departments are related and tied together by common purposes and problems. This may be true in some instances. The executive agencies and departments have always been interdependent. But this does not mean that interdependency is served best by having everyone jump into the same bed under the same set of sheets. As this Nation has learned better than any other, sovereignty is a prerequisite for an harmonious balance among structures that have individual identities.

To achieve peak levels in agriculture, the Federal Government must retain a strong, independent force to form and regulate policy, and to advise the President. That force has been and should remain the Secretary of Agriculture and the Department he presently manages. There just cannot be a workable alternative, especially none in the development of some substrata office several tiers removed from the Chief Executive.

Mr. BURLISON of Missouri. I thank the gentleman from Missouri for his remarks.

Mr. MATHIS of Georgia. Mr. Speaker, the President's proposal to reorganize the Federal Government—and in the process abolish the Department of Agriculture—has not been received with open arms in my State and District.

Although I realize this proposal is still very much alive, I have heard from a number of Georgians who would most likely volunteer to serve as pallbearers if a funeral for the proposal can be arranged.

As I understand the reorganization plan, it calls for restructuring seven cabinet-level Departments and a number of independent agencies into four new super departments. The Department of Agriculture would have some of its functions transferred to each of the four new departments which would be called the Department of Economic Affairs, the Department of Community Affairs, the Department of Human Resources and the Department of Natural Resources.

If the plan should be approved, the Rural Electrification Administration, for example, would be placed in the Department of Community Development along with programs for urban mass transit, highway safety, urban community development, community action, Federal riot insurance, crime insurance, and subsidized housing. In addition, the Department of Community Development would include a conglomeration of other programs borrowed from HEW, HUD, OEO, Agriculture, Transportation, Commerce, SBA, OEP, and others.

Do you think the primary interest and the background of the person selected to head up such a department would be urban or rural? I think I know the answer to that question, and it would not set too well with my farmers.

Mr. Speaker, agriculture continues to be the foremost contributor to the economic well-being of this Nation and its people. Therefore, it does not stand to reason that American agriculture should be denied a representative in the President's Cabinet and a Federal agency which has the mission of working for and with the American farmer and rural America.

Executive reorganization for the purpose of promoting economy in government and eliminating any duplication of efforts among the various agencies is desirable on the surface. But the creation of a superagency will not necessarily accomplish these goals.

We already have one super-agency called the Department of Health, Education, and Welfare. It was established under the last Republican administration to consolidate existing agencies with a common interest.

HEW is an administrative nightmare, to say the least. It makes little sense, in my opinion, to create four more HEW-type departments.

As big and impersonal as Government is now, at least the worker has the Department of Labor, the small businessman has the Department of Commerce, and the farmer has the Department of Agriculture to turn to as a place to express his grievances and a place to find some understanding for his problems.

The farmer's voice in Washington is already weak. To eliminate the Department of Agriculture would destroy any influence the farmer may have left in this urban-dominated Government.

In closing, I would like to congratulate my colleague from Missouri for taking this special order today. He has performed a great service for the rural people of America.

The very fact that he has taken the leadership in calling this problem to the attention of the American people demonstrates his concern with the farmers, the farm families, and the agribusiness industries in his State of Missouri. I know that the agricultural interests in Missouri have a friend in BILL BURLISON, and after serving in this House with the gentleman from Missouri, I can understand why he has the friendship and support of his constituents. BILL BURLISON is an outstanding member of the House Committee on Agriculture, and I hope his voice and his influence on this vital committee will continue for many years to come.

Mr. PURCELL. Mr. Speaker, on March 25, 1971, the President sent to Congress his plan for the reorganization of seven executive departments. Considering the policies of this administration toward the farmers and rural townspeople of America, it was not surprising after all that the proposal suggested wiping out entirely the U.S. Department of Agriculture.

Established in 1862, the Department of Agriculture has since developed into the one executive department which has successfully embodied the true spirit of decentralized Government. In the case of the price support programs; for example, there are no less than 2,830 county offices and 87 suboffices, 50 State offices, and a number of area offices to supervise and direct such programs.

The county ASCS offices are not manned by bureaucrats sitting comfortably behind shiny mahogany desks. These county offices are administered by farmer county committees elected by farmers themselves. The entire system developed because we had a separate Department of Agriculture.

Congress has assigned many other functions to the Department. For example, it is now involved in establishing standards for agricultural products, consumer protection including meat and poultry inspection, comprehensive production and marketing research, economic analysis, conservation of land resources, watershed and flood protection programs, agricultural and rural credit systems, and literally dozens of Federal-State cooperative ventures.

These programs designed by the Congress and administered by a Department of Agriculture have done far more good for the entire Nation than anyone seems to be willing to acknowledge. The fact that the American farmer is the only element of the national economy who has increased his productivity—his output per man-hour with regard to his return—within the last 25 years is no accident.

American housewives pay a smaller percentage of their budget for food products than in any other country. This is directly the result of the effective assistance provided by the Department of Agriculture in administering the laws dealing with food and fiber production.

The farmer has immediate access, through local offices, to whatever information he needs. He has a direct contact with a separate executive department. It is inconceivable to me that the President can think that by abolishing this Department, he can bring about a better working relationship between the people and the Government.

I strongly suspect that when this program was designed, it was automatically assumed that "We can take the Department of Agriculture—it is secondary anyway." The readily apparent lack of concern for the American farmer indicates no less.

To destroy the one Department with over a century's heritage of solid progress, the one Department upon which American agriculture can rely, would be the greatest mistake the Government of the United States could ever make.

Mr. JONES of North Carolina. Mr. Speaker, I am happy to have this opportunity to express my views concerning the administration's proposals regarding the reorganization of certain governmental agencies.

With no attempt to pass judgment on the complete proposal, I do want to register my opposition to any change in the present status of the Department of Agriculture. At a time when the American farmer is being neglected in the economic affluence of this Nation I do not consider it appropriate to minimize the function or the status of the U.S. Department of Agriculture. All too often when we think of the Department of Agriculture we confine our thoughts to bulletins, the ASCS operations, Farmers Home Administration, and other agencies in the Department. If this were all that were involved, the idea of consolidation might not be too serious, but on the contrary, we must look at the broad scope of the operation of the Department of Agriculture. First, it has played a major part of cultivating foreign markets for our agricultural products, which, until recent months had caused this Nation to enjoy a favorable balance of trade. Yes, the administration of Public Law 480 has been of inestimable value to the American producer.

In addition, the surplus food program and the food stamp program have been handled admirably by the Department.

I think it is important that we should remember that through the efforts of the Department of Agriculture American consumers enjoy the consumption of pure food unequaled by any other nation. This is due to the multiple inspection programs, both of foreign and domestic foods. Its research through its own Department and the land-grant colleges has contributed much to the production of many of our commodities which was believed impossible a few years ago.

In this day of a declining farm population, rather than weaken the Department of Agriculture, I think it is more proper to consider ways to strengthen its operation and its status in the field of agriculture. Therefore, I hope my friends, not only from the agricultural area, but also from the urban areas, will give serious thought and join in opposition to any proposal to undermine our present Department of Agriculture.

Mr. BLANTON. Mr. Speaker, I wish to associate myself with the remarks of my distinguished colleague from Missouri (Mr. BURLISON) and my other friends who are concerned with the President's proposal to merge the Department of Agriculture's functions with other departments.

Mr. Speaker, as a representative of one of the few predominately agricultural districts in this country, I can say frankly that I would have to oppose any reorganization plan which would diminish the voice of the American farmer in the executive branch of the Government.

The American farmers, Mr. Speaker, are experiencing one of the worst years in over a decade. I am alarmed that the President would propose that the Department of Agriculture should be abolished. The farmers in my district, and in my State, are understandably upset over this shoddy treatment they have been receiving, and the prospects of even worse treatment in a bureaucratic arrangement which would all but nullify any government influence they might have.

Do not get me wrong. I am not saying that the farmers are happy with the way the Agriculture Department represents them now. But at least they have some official representation in the executive branch, at the highest Cabinet level. Under the President's proposal, this representation would be reduced to some second level bureaucrats, and bureaucracy has been one of the reasons for the demise of the farmer's best interest in Government for years.

Mr. Speaker, at the close of the World War II, the U.S. Government paid American industry in excess of $50 billion in subsidies to retool and get business back into the normal channels of trade. But the farmers received little or no assistance in readjustment for peacetime production. Geared to a wartime economy and needs, he was now left holding the bag. The farmer has been in trouble ever since.

The American farmer is courted for his vote every 4 years. He has been betrayed every year by every administration since World War II. But the elimination of the Department of Agriculture amounts to a stab in the back.

The President, in a speech to farmers in Des Moines, Iowa, on September 14, 1968 made this statement:

> I propose that our Nation commit itself to a national agricultural policy that will maintain an efficient flourishing agricultural economy keyed to opportunity and abundance, with family farm enterprise as its cornerstone.

Forty thousand family farms have disappeared every year Mr. Nixon has been in office. The inroads of industrial conglomerates who are taking over the family farms and making farming a subsidiary of some giant corporate entity is the rule, rather than the exception, under the current administration.

The statistics concerning the plight of the American farmers in 1971 are bleak, and I could fill this proceeding with them.

The one important fact I want to get across to my colleagues is that if the one voice the farmer has in the executive branch is eliminated, and replaced with second-string bureaucrats, then the plight of the farmer is going to worsen, not improve.

I am all for reorganization of the Government. I am for eliminating the "shadow government" we now experience—the bureaucrats who really run the show. But farming is still too important for America to be relegated to a second place standing in the executive structure, and that is what the President's proposal would do.

Mr. ROY. Mr. Speaker, I would like to express my congratulations to my colleague from Missouri (Mr. BURLISON) for his initiative in obtaining this special order, which allows those of us vitally concerned with the future of agriculture in this country to express our views on the proposed executive reorganization plan which would dismantle the Department of Agriculture.

Anyone who reads the President's message to Congress in regard to executive reorganization will be in sympathy with many of the sentiments expressed in that document.

The President said:

> Good people cannot do good things with bad mechanisms.

Very true.

We have good people, who want to do good things, but they are frustrated by the machinery with which they work. The obvious answer to the problem is a full-scale reconstruction of the machinery, says the President. Perhaps not so true.

The President, as we are all aware, wants to consolidate seven of the existing departments into four new ones, organized around goals instead of methods, in his words. The objective would be to provide better service to the entire Nation, including "farmers, workers, minorities, and other significant groups."

The question before those of us in Congress is whether the President's proposal would indeed bring us closer to his—and our—objective. I think it would not.

How would the farmer fare under the new setup? The Department of Agriculture, the representative of the farmer in the high councils of the executive branch, would be split among all four of the proposed departments.

The Extension Service and the Farmers Home Administration would probably go into the new Department of Community Development; the ASCS programs into the Department of Economic Development; and the REA into the Natural Resources Department. All the old USDA programs and agencies would find a home—somewhere.

The administration says that under this plan the needs of agriculture would be served more efficiently. I disagree. I believe that the needs of the farmer would more than likely become lost in the shuffle of nonfarm interests. As the Farm Journal said in an editorial on the subject last March:

> Farm affairs in these new departments would be the tails on an urban dog.

It is true that rural population has steadily declined for decades to the point where slightly less than five of every 100 Americans are farmers. This decrease in size, however, in no way detracts from the importance of the farm population, which continues to supply the food and fiber needs of this country and then some.

The establishment of farm-oriented agencies and bureaus in new super departments would not serve better the interests of the farmer. One recent example of how farmers fare in an urban-dominated department was the proposed farm vehicle regulations promulgated by the Department of Transportation.

It is charged that the USDA is pro-farmer. Within obvious limits, I would argue that it needs to be. Someone in Washington must be directly charged with representing the farmer.

All this is not to say that the farmer deserves some sort of privileged status. He does not. He does deserve to feel that the Federal Government is actively engaged in working on his behalf.

Many of the administration's objectives are indeed worthy ones. We need increased administrative coordination and managerial responsibility. But let us make sure we remember the most basic objective—service to the people. This objective can best be attained—in the case of the farmer—by retaining and improving the Department of Agriculture.

Mr. ANDREWS of North Dakota. Mr. Speaker, the subject which we are discussing today, the proposed reorganization of the executive branch as it pertains to the Department of Agriculture, is of great concern to me. I am sure my colleagues in the House are aware of the fact that North Dakota is the most agricultural State of the Union. Eighty-five percent of our income comes from farming. Therefore, this plan would probably affect the people I am privileged to represent more than the people in any other State.

The situation in rural America at the present time is, to say the least, a very serious one. In each of the last 6 years, an average of 500,000 to 600,000 farmers and their families have left their farms—forced off largely because farm income has dropped from 7.1 percent of investment in 1942–49 to 3.3 percent in 1970. These statistics should concern all of us. What is more they occurred at a time when farmers have had Secretaries of Agriculture, Democrats and Republicans alike, representing them at the Cabinet level in the White House.

While many of us from agricultural areas have not been particularly happy with various Secretaries of either political party, we have to assume that they were acting in good faith for agriculture. Imagine what would have happened to family farmers if even this type of representation was taken away and the various agencies now under one Cabinet official were scattered throughout four separate agencies. Those of us who represent farmers are very concerned about what might happen if agriculture is downgraded by not retaining Cabinet status. Farmers themselves are concerned at what seems to be adding insult to injury.

But perhaps one of the most unique and potent arguments against this has been brought forward by the man who has the feel for the human potential of agriculture, Dr. Norman Borlaug who won the Nobel Peace Prize for helping solve food problems of underdeveloped nations. Dr. Borlaug, in appearances befor the Minnesota House and Senate, voiced strong opposition to this elimination of the Department, saying he is concerned that both agriculture and forestry would suffer if the change is made. He said, and I quote—

> I think we will have even greater problems of communication and coordination.

Dr. Borlaug, who should know, told the State legislators he has worked under governments ranging from the far left to the far right—

> But bureaucracy is also universal, and the more we spread the responsibility for certain kinds of things around in many different government agencies, the more complicated it becomes.

Certainly, those of us who have seen that happen can easily agree with Dr. Borlaug. This diffusion of responsibility is one of the quickest ways for the big conglomerate to end up on top, with the small independent farmer getting the short end of the stick.

Mr. Speaker, abundant food production and maintenance of an efficient and prosperous agricultural economy are basic elements in the preservation of our domestic security and free world defense. The difficult economic situation our Nation currently finds itself in, which has led President Nixon to propose his new economic program, has been brought about because of a lack of competitiveness in overseas trade. Agriculture represents one of our biggest potential overseas dollar earners, and can do more to rescue our Nation from our unfavorable balance of payments than any other industry in America. For these important reasons and many more, it is imperative that agriculture maintains its rightful rank as a basic Cabinet level participant in Federal Government councils. In my opinion the dismantling of the Department of Agriculture is contrary not only to the farmers' interest, but also to the national interest. Farm affairs under the new proposed departments would be, as someone recently said, "the tail on an urban dog."

We cannot afford to let this happen. We have the ability to grow enough food to feed a hungry world, and, perhaps, avoid future Vietnams. Wars are caused by troubled people, people who suffer from a lack of the basic necessities of life. It may be an oversimplification, but the war in Vietnam perhaps came about because the North Vietnamese were hungry and the South Vietnamese had the rice paddies. How much more sense it would have made to use our food rather than our bullets and bayonets to resolve this situation that has weighed so heavily on our Nation and the world in the past decade.

Certainly, it is incumbent on all of us to realize the important role our farmers can play in bringing peace to a troubled world—the goal all of us are striving for. With this in mind surely more emphasis should be placed on agriculture at the highest levels of our Government. Certainly, the need for a healthy agriculture cannot be served by dismantling the Cabinet level position farmers now have.

Mr. Speaker, the citizens of rural America are justly concerned over the proposal which we are today discussing. They are afraid that this may result in even less consideration for agriculture's problems than at present. This fear is based on the experience of what has happened in the past, the tragedy that has befallen the most basic industry of all—farming—through neglect on the part of administrations over the last two decades. It is about time America begins to realize that food is basic and our Nation and the world cannot survive without it. Our economic stability begins with a healthy and profitable agriculture. Ignoring this can only imperil all our people, city and farm alike.

I am strongly opposed to the elimination of the Department of Agriculture and I urge my colleagues to thoughtfully consider the consequences that could arise if this proposal were accepted.

Mr. SEBELIUS. Mr. Speaker, I appreciate this opportunity to discuss a matter which is of paramount importance to the citizens in my district—efficiency in Government and possible Government reorganization. I want to commend my colleague, Representative BILL BURLISON, for his leadership in providing this meaningful forum.

During the recent congressional recess, I toured my 57-county, First Congressional District of Kansas. Citizens repeatedly expressed a sense of frustration and skepticism regarding the Federal bureaucracy, and a hope that Government can be restructured to better serve the people.

In short, individuals are taxed beyond their means without witnessing any tangible evidence of local progress for their sacrifice.

The views of my constituency were clearly summarized by President Nixon in his state of the Union address:

> The time has now come in America to reverse the flow of power and resources from the States and communities to Washington, and start power and resources flowing back from Washington to the States and communities, and more important, to the people all across America.

Even though the principles of efficiency in Government and returning power to the people rate top priority, citizens in my district have also expressed concern regarding proposals to realine USDA authority and the authority of other departments and agencies in Government.

I think it is appropriate to consolidate overlapping programs and to redirect Government programs to give the grassroots citizens a "piece of the action." I think this would do a great deal to prompt the type of cooperation that is necessary to administer programs that emphasize practicality and reality.

I embrace the principle of the administration's initiative to return the power to the people. However, I urge this distinguished body to study all Government reorganization proposals carefully.

In this regard, I think those of us vitally interested in rural and small-town America should keep two points in mind. First, representation in behalf of rural America is steadily declining. Second, although our Nation is still undergoing a decline in rural population, the farmer and his role in our society remain most important. The farmer is still being asked to provide the best quality food for the lowest price in the history of the world. Despite economic hardship of the first magnitude, the farmer is still doing that. The task of providing food and fiber for our Nation and for a troubled and hungry world is all important and essential if we are going to be successful in winning the war against malnutrition and hunger and as a consequence contribute to world peace.

As a result, I feel we must insure, regardless of what reorganization program is proposed, that the Department of Agriculture remain an autonomous agency and that the Secretary of Agriculture remain on the President's Cabinet as a spokesman for agriculture and the farmer. We must be careful not to downgrade this agency and the Secretary's position through any reorganization plan.

We can make Government more responsible to the needs of the individual citizen through meaningful and constructive reorganization and responsible program reform.

In doing this, I have every confidence that my colleagues who have spoken here today will cooperate in such a way so as to protect the interest of the farmer.

Mr. McCORMACK. Mr. Speaker, I appreciate the opportunity today of joining in this special order to make some observations in connection with the Agricultural Department reorganization plan. I congratulate the Honorable BILL BURLISON of Missouri for calling this special order.

I believe the central question that must be asked of the affects of this plan to splinter the Department of Agriculture into four newly created superdepartments is, "Will the farmer and the rest of society benefit significantly from this reorganization?" Those supporting this reorganization plan state that many of the programs and services now so ably administered by the Department of Agriculture are separated from similar programs and services conducted by various administrative departments: Housing and Urban Development, Interior, Commerce, Labor, and Transportation. They argue that these programs should be consolidated and centralized, to bring about maximum efficiency in their administration.

Mr. Speaker, this has been the goal and trademark of the Department of Agriculture since its inception in 1862. In its service to farmers, the Department has concentrated on centralizing the interests of rural America into a branch of the Government which grants a maximum voice to the farmer. To segment these responsibilities and to combine them with the general administration of urban related services would doom the American farmer to a diminished voice, and cause unnecessary and burdensome conflicts between rural and urban interests in their quests for Federal services. I believe that we all agree, keeping in mind the present crises plaguing our rural and urban areas, that we cannot afford to ask either to compete with the other within agencies that should be dedicated to serving one or the other. Such a "centralization" of programs and services could not satisfy either urban or rural interests of our society.

For over 100 years, Mr. Speaker, the Department of Agriculture has served the farmers of this country not only through the services it offers but by its presence before the Congress as a knowledgeable and arduous lobbyist for rural opportunity and development. The Congress has charged the Department with establishing standards for agricultural products; agricultural market news servicing; warehousing; consumer protection, including meat and poultry inspection; comprehensive agricultural production and marketing research; economic analyses pertaining to agriculture and rural development; new uses for agricultural products; conservation of resources; management of natural forests; watershed protection and flood prevention; environmental protection; food distribution; rural development; agricultural and rural credit; service to cooperatives; price support programs; and Federal-State cooperative ventures as they concern agriculture and the people. To uproot this organization now—apparently for the sake of change itself—is foolhardy at best; but more likely catastrophic.

Senator HERMAN TALMADGE, chairman of the Senate Committee on Agriculture and Forestry, in a letter to the distinguished chairman of the Senate Committee on Government Operations, voiced my opposition best when he wrote:

> It seems incomprehensible to me that over 100 years of solid building, block by block, be torn down, that the achievements of over 100 years of progress be ignored, and that

> the confidence of the people secured by over 100 years of service be cast to the winds, solely to make changes for the sake of change. Nor can I understand how any reorganization, whatever the nature, can result in a closer relationship between the Federal government and the people, than now exists between the Department of Agriculture and the people whom they serve. To abolish the Department of Agriculture and transfer its functions among four new, untried, generalized, and purposeless Departments would be the greatest mistake this government could ever make.

Mr. Speaker, I join with many of my colleagues in the House in opposing the fissioning of the Department of Agriculture. My opposition to such a plan lies not solely on the welfare of the 54 million persons of America's rural population—of which 9.7 million are farmers—but also on the welfare of 200 million consumers who have as much to lose from this proposal as does the American farmer.

Mr. YATRON. Mr. Speaker, the plan that President Nixon unveiled in his state of the Union speech to reorganize the executive branch would dismantle the 109-year-old U.S. Department of Agriculture — USDA — completely. Forestry, Soil Conservation, and the Rural Electrification Administration might be taken over by a new Natural Resources Department. The Extension Service and the Farmers Home Administration might slip into a new Department of Community Development. The Economic and Agricultural Research Services, and perhaps the Agricultural Stabilization and Conservation Service could be absorbed by a new Department of Economic Development. In effect, the Department of Agriculture would be dissected and funneled into three or four different departments under such a myriad of headings and titles that the poor farmer may never emerge from such an abyss unscathed. There is more than just a change of labels here: The present functions of the USDA would become a subordinate part of larger departments and there would no longer be a Secretary of Agriculture to speak for American farmers and for American agriculture.

This attempt at governmental "streamlining" would do much more harm than good for U.S. agriculture since a decentralization and fragmentation of present programs would be a disservice not only to the farmers but also to the American consumer. Even during the last decade of low prices received by farmers, our agricultural produce has played a major role in keeping our balance of payments in better shape than it might have been without these exports. In fact, during the times when we have had a surplus in our balance of payments, the saving difference came from the export of farm products.

Eventually, it is hoped, demand will catch up with supply and farm income will become stabilized in this country. But even then the farmer will still be subject to changing Government policies, foreign governmental pressure affecting farm exports and, eternally, the weather. Consequently, taking all of these factors into account, it seems to me that the Congress has to be more aware of the farmer and his unique problems when it legislates.

The work of our Nation is no greater than its individual parts, so let us work together as Americans for equity in our economy and strength in our Nation. Let there be a mutual respect in industry and in agriculture. This great Nation was founded on agriculture and the farmer has met every challenge for over 200 years to keep us supplied with an abundance of food and fiber to contribute greatly to our national prosperity. Therefore, it seems only fitting that the farmer now receive not only an equitable share of the national economy, but also continued strength within the USDA to deal with the pressing problems within the farm economy today.

The USDA is a centralized area where farm programs and interests can be focused and is a place where the farmer's interests can be communicated to the executive branch. The proposed executive reorganization will take these programs and spread them out through three or four different departments. Now, I certainly approve of the concept of tightening the management of the executive branch to save money, but the abolition of the USDA is nothing more than another example of the neglect, indeed more than neglect, of the open betrayal of the rural American citizen.

It is time, therefore, for action. Congress must reaffirm the Nation's commitment to the farmer. The farmer has done his part to see that our Nation enjoys the world's highest standard of living. The cost of food, as a percentage of total income, is lower here than in any other country in the world. Yet the farmer is not allowed to share that high standard of living when the price that he receives for his labors remains static and the price that he must pay goes up. The concept of parity was designed to deal with just that problem, and the farmer must be reassured that parity has not been abandoned. I call upon my colleagues in Congress, both rural and urban, to seize the initiative in putting together a comprehensive program of legislative action which will not only improve farm income and bring dignity of living to rural America, but also give a vote of confidence to the U.S. Department of Agriculture. I make this call because it will benefit both rural and urban America. It is just. It is right. And it is long overdue.

Mr. MONTGOMERY. Mr. Speaker, I commend my very able colleague, Congressman BURLISON of Missouri, for requesting this special order and providing the Members an opportunity to discuss the proposed elimination of the Department of Agriculture.

I highly favor proposals that will simplify the Federal bureaucracy as we know it today, but I have serious misgivings that the proposed departmental reorganization will result in any increased efficiency. In fact, I believe in the case of the Department of Agriculture, we will realize only continued and increased redtape facing the farmers of America.

The Department of Agriculture as we know it today would be split up helter-skelter between four new departments. I just do not believe this will result in the Federal Government being able to provide any better service for the rural areas of America. In fact, I believe our farmers would only become more frustrated in their attempts to provide food and fiber for their fellow Americans. Mr. Speaker, what we should strive for is a stronger Department of Agriculture that will insure the continued existence of rural America—a very important segment of our society.

Mr. HULL. Mr. Speaker, I want to join with my colleagues today who are expressing their concern and reservations over the President's departmental reorganization plan which would eliminate the Department of Agriculture. I do not question the fact that there are many reorganization possibilities which would simplify the operations of Government and which would provide for a more orderly administrative process. However, I believe that such adjustments in the Federal Government can be carried out while still retaining the logical departmental organization.

Agricultural progress in the United States has been tremendous since the Department of Agriculture was established in 1862. There is no question but that the development of scientific practices was fostered and that this information was disseminated to the public by the Department making possible the rich bounty of food and fiber over the years.

American agriculture is now at a crossroads. The family farm is threatened by marketing practices, rising costs, and expanding competition from huge integrated producers: If the Department is to be dismembered and its various services and agencies divided among new departments, added confusion will result for the American farmer. The traditional lines of authority and advice will be broken and the assistance offered will surely suffer in quality as responsibilities are shuffled to the new departments.

Perhaps most importantly, the Department which has been the supporter of American agriculture and producers will disappear. Instead, the rural sector will find itself in competition with urban interests for community development funds and similarly competing interests for the maintenance of most operating activities.

The Subcommittee on Legislation and Military Operations of the Government Operations Committee has conducted hearings on the general scheme of reorganization proposed by the President. When the subcommittee takes up the individual measures creating the new departments, I am confident that it will find that the proposed elimination of the Department of Agriculture undesirable.

Mr. EVINS of Tennessee. Mr. Speaker, I want to join with my colleague, the gentleman from Missouri (Mr. BURLISON) in opposing the dismemberment of the Department of Agriculture.

The Department of Agriculture should not be divided and split four ways between other departments—as is proposed in a reorganization plan. The existing Department should be strengthened and continued to provide continuing service to our farmers and rural areas.

The Department of Agriculture was officially created in 1862—109 years ago—and its services are needed more now than ever before with our farmers facing problems that are more and more complex and with our rural areas in need of more assistance because of outmigration to our metropolitan areas.

Public opinion polls and surveys have shown consistently that a majority of the people in the United States would prefer to live in small towns and rural areas. These polls show that much of the outmigration occurs because our young people go to the big cities in search of employment opportunities.

Our programs of rural development should be strengthened within the Department of Agriculture to assist not only rural areas but our metropolitan areas by easing the pressures from outmigration.

The Department of Agriculture is the advocate in our National Government for our farmers and rural Americans. The Department should be continued strengthened rather than having its effectiveness and power dissipated by a scattering of its functions to other departments.

Mr. SHOUP. Mr. Speaker, the existing Department of Agriculture—frequently called the USDA—is a highly effective Federal Government agency. Our Nation's farmers, agribusiness interests, and consumers of food and fiber have been greatly aided by this Department and its dedicated employees. Other nations similarly have recognized our USDA and have sent many of their experts to study it.

The importance of this Department to my constituents in the First District of Montana, the whole State, and the Nation cannot be overemphasized or overstated. My district is well known for its production of wheat, beef, lumber, and other important commodities. Many dedicated farmers and others are doing a splendid job which in many cases partly depends on the continued efforts, trust, and expertise of USDA units such as the agriculture extension services and other components.

Our farmers are an indispensable and critical element of the total workers and businesses. They literally feed all of us plus provide extra portions for exporting to many hungry nations throughout the world.

It is my sincere hope that all our people realize this and are as grateful as I am for their past, present, and future performance.

A great amount of controls over the farmers' efforts are handled by the various forms of government. Thus, the farmers are greatly dependent on equitable Federal, State, and local government treatment. A deemphasis of the farmer's role in our society by any means, such as disassembling the USDA, particularly by the Federal Government can cause inequitable measures to be taken in the name of "trading off" the farmers' needs with other programs.

This one possible problem is a conceivable factor derived from my analysis of the President's proposal to reorganize the USDA along with other departments into four new consolidated ones. They would be called the Department of Economic Affairs, Department of Natural Resources, Department of Human Resources, and Department of Community Development. The only existing departments left unchanged would be the Departments of State, Treasury, Defense, and Justice.

In the final analysis to all our constituents, I would state any reduction of our food supply caused in any way by the proposed USDA reorganization would be a mistake.

As a former businessman in the city of Missoula, Mont., and that city's mayor, I can certainly broadly support the President's proposed reorganization plans because they are oriented to remedying fragmented Federal responsibilities; reducing duplication of effort and confusion in dealing with the maze of Federal offices; and eliminating the hobbling of our elected leadership. The President's recommendations are certainly dynamic and generally reasonable in that the executive branch of Government would be organized around goals rather than simply historical developments or other reasons.

It should be noted that conflicting recommendations have been made by the President's Advisory Council on Executive Organization—called the Ash Council—and the President as they affect the present USDA. For some 33 current USDA programs, the President's reorganization plans would transfer 19 to the new Department of Economic Affiairs, six to the Department of Natural Resources, four to the Department of Human Resources, and four to the Department of Community Development. In contrast the Ash Council would place 23 in the Department of Economic Affairs, three in the Department of Natural Resources, two in the Department of Human Resources, and five in the Department of Community Development. Thus, there appears to be considerable disagreement on the best split of USDA's programs.

Mr. Speaker, it may well be that some of the USDA's programs should be relocated in other existing or proposed departments, but I would particularly hope that at least those USDA programs which relate to farm productivity, farm economy stabilization, and the marketing of agricultural commodities both domestically and abroad would remain in a Department of Agriculture or similarly named new department like a "Department of Agriculture and Economic Affairs."

Other than renaming and expanding on the USDA, this proposal of mine would be partly patterned after the Department of Defense with its Army, Navy, and Air Force Departments in which the present but somewhat adjusted USDA would be in the same overall Department but would be co-equal with the President's proposed Department of Economic Affairs. In this case both agriculture and economic affairs would be departments headed by a secretary within the Department of Agriculture and Economic Affairs.

A major area where my proposal departs from that of the President's is found in the analysis of his Department of Economic Affairs where the proposed Administrator for Farms and Agriculture would instead be a Secretary of Agriculture and a Secretary of Economic Affairs would control the other programs transferred to the new department.

If the President's reorganization plan for a new Department of Economic Affairs gains favor in the Congress, I will want my suggested alternative seriously considered.

At the appropriate time I will come forward with a bill which would specify my recommendations in the form of amendments to the President's bill, H.R. 6960.

Mr. JONES of Tennessee. Mr. Speaker, the President has proposed that the executive branch of the National Government be reorganized in a manner which he believes would lead to increased efficiency. His plan would allow the continuation of the Departments of State, Treasury, Defense, and Justice. The other departments would be reorganized according to function into four new bodies called the Departments of Community Development, Natural Resources, Human Resources, and Economic Affairs.

The U.S. Department of Agriculture as we know it today would have its functions spread among all four of the new Departments, with Economic Affairs apparently assuming the largest portion.

The USDA was established in 1862 with the original purpose of providing and diffusing useful information on subjects connected with agriculture. Since that time, the Congress has assigned many additional duties to the Department, most of which are intended to promote the interests of agriculture and rural America.

Most of these functions were placed in the USDA in order that the problems of rural America would receive the primary attention to which they are entitled. As the proportion of persons living in rural areas continues to decline, the wisdom of placing these functions with the Department of Agriculture becomes more apparent.

Today, no department or Federal agency is closer to the people whom it serves than the USDA. The Nation is literally blanketed with its offices designed to serve agricultural and rural America.

To destroy the Department of Agriculture by allowing its functions to be assimilated into four larger departments would be to yield to the pressures which lead ever to bigger and less personal government. I urge the Members of this body to resist the attempt to abolish the U.S. Department of Agriculture.

Mr. ULLMAN. Mr. Speaker, by seeking a major reorganization of the Federal bureaucracy—in fact, the most comprehensive ever attempted—the President apparently thinks he might be able to bring Government, at a time when it seems to be growing ever more obscure, back to the level of the people it is supposed to serve. While there is certainly much valid criticism about the current bureaucratic order and its frequent inability to respond without cumbersome pressure, I cannot see how the creation of four "superagencies" would make it any more responsive.

Moreover, I am frightened by the priorities the new agencies have been designed to respond to. According to Andrew Rouse, executive director of the Ash Council—the group which formulated the reorganization proposals—the four major domestic concerns are supposed to be "people, the cities, the environment, and the economy." I see no mention in there of rural problems. Yet the problems of our cities are in fact largely the results of problems in the Nation's rural areas. And the very Department which has so long served the Nation's rural areas completely disappears in this new scheme. There will be no Department of Agriculture under the reorganization.

More than 77 bills have already been introduced in this session dealing with rural development. Many of them propose a thorough strengthening of the Department of Agriculture. It appears, then, that just when the Congress is beginning to realize the value of this Department, the Department will be quietly dissolved. It does not make sense. While there is always a need for review and revamping of existing organizations, and the Department of Agriculture is no exception, there is certainly no need to completely eliminate it. No other executive organization will ever have the scope, the expertise or the will to work with rural America which the USDA has displayed.

Mr. BEGICH. Mr. Speaker, I have always believed that government, if it is going to serve the people, must undergo frequent and meaningful self-examination. Critics must evaluate current programs and then determine their value and effect. Often, agency, departments and programs can be improved by reorganization rather than abolition.

The idea of executive reorganization is not new. Every President since Franklin Roosevelt has submitted such a plan. Executive reorganization is fine if it remedies the ills of the present system. However, the President's plan to abolish the Department of Agriculture is detrimental to the American farmer and unnecessary for the needed organizational reform.

Abolition of the U.S. Department of Agriculture would diminish the farmer's voice in the executive branch of Government. Big city problems would draw too much of the President's attention while the farmer would not have a vehicle to carry his problems to the Chief Executive.

Similarly, there would be a shift in focus from farm and rural development to that of urban needs. While not underestimating the needs of the cities, rural America is entitled to equal representation on the executive level.

The guiding principle behind this type of government reorganization is—How can we best affect the farmer and how can we justly increase his income?

In the agricultural area, a farmer oriented department is certainly justifiable. In view of the depressed level of farm prices, farm programs necessitate representation in the President's Cabinet.

There is no doubt that certain aspects of the administration's departmental reorganization plan have merit and should be considered. Significant administrative reform can be executed without the total dismantling of the Agriculture Department.

The human resources functions of the Department such as the food stamp program could be transferred to the Department of Health, Education, and Welfare. Some of the natural resource activites could be transferred to the Interior Department. Food inspection activities could be transferred to the Food and Drug Administration.

However, because farming is the No. 1 business in rural America, and farming is the No. 1 activity for generating the income of bankers, grocers, implement dealers, and others in rural communities and small towns, every effort must be made to see that the voice of the farmer is heard loud and clear.

I join with my colleagues today to express my concern for the American farmer and assure them that I stand in opposition to placing farm interests anywhere but in the Department of Agriculture.

GENERAL LEAVE TO EXTEND

Mr. BURLISON of Missouri. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BURLISON of Missouri. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subjects of the special orders of the gentleman from Florida (Mr. SIKES) and the gentleman from Arkansas (Mr. ALEXANDER)

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

OPPOSITION TO THE PRESIDENT'S PROPOSED REORGANIZATION OF THE EXECUTIVE BRANCH OF THE FEDERAL GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 60 minutes.

Mr. ALEXANDER. Mr. Speaker, I rise in opposition to the President's proposal to dismantle the Department of Agriculture and redistribute its authority to several new subagencies which have been proposed in the President's reorganization plan now being considered by the Congress.

Having been raised on a farm in Arkansas, I know the feeling of most farmers toward this proposal. Though farmers generally are frustrated and disappointed with their present state of condition, they feel that to destroy the Department of Agriculture would leave them without a voice in the executive branch of Government. The strength and determination of that voice to speak for the American farmer, varies from Secretary to Secretary. If the farmers do not like the current Secretary, so long as the USDA remains in existence, they have hope that the next Secretary will be an improvement over the present one. To destroy the Department would be to destroy their hope.

There exists in this Nation today a crisis in American agriculture the likes of which we have never faced before. It is an economic and moral crisis. The American farmer is the most efficient producer of agricultural products in the world. The American consumer is the most fortunate consumer in all the world, because Americans pay a less percentage of their income for food than any other nation in the world.

Our farmers are good people. They are the backbone of America. They are taxpayers. They are proud and they do not deserve the second-class treatment that is being proposed by the President of the United States.

Not too long ago I received a letter from an Arkansas farmer which bears upon the subject of farm legislation in particular, but this letter from Mr. Mack L. Harrington, of Lepanto, Ark., demonstrates the exasperation that now exists. After I have read this letter to you, I will then ask you to consider the feeling of the American farmer if the Department of Agriculture is abolished.

The letter follows:

THE FARMERS' PROBLEM: SURVIVAL

"Survival of the fittest" is a phrase applied to a process in nature in which living things constantly compete with each other to live. Some thrive—some barely exist—some die. The American farmer, caught in a cost-price squeeze of his own unmaking, has doubts in 1970 that even the "fittest" of farmers will survive.

Can concern and worry pay the farmer's creditors? Can complaining to his congressman assure him of positive action or favorable legislation? Can re-shuffling his figures pay the taxes? Can producing more and receiving less and paying more produce a profit?

A concerned farmer who is interested in the survival of the farmer has prepared this report to acquaint the American consumer with the farm problems. Lacking an agricultural public relations department, individual farmers must act. A solution? The farmer feels that the failure of the giant agricultural industry would have repercussions which would reverberate around the world.

The facts, statistics, and case histories reported are drawn or were obtained from local (Poinsett County, Arkansas) sources—individual farm records, gins, elevator operators, the Extension Service of the University of Arkansas, and the United States Department of Agriculture (USDA). Although the report is local in scope, one farmer's problem is every farmer's problem.

The world looks with envy upon the agricultural industry in America—the exception being the American consumer. Why does today's farmer view the future of agriculture with pessimism and alarm? Why The Gloom? Graphic evidence of a multi-faceted problem gives support to the farmer's claim that his problems are real:

(1) Empty farm houses standing in mute testimony to the fact that profits on farms are not adequate;

(2) Average age of farmers and their workers rising due to lack of opportunity or incentive (Who knows what effect this will have in future years!);

(3) Farm equipment being repaired for

"one more year" or equipment being "custom-rented";

(4) Crops growing up in weeds due to high costs of chemicals, poisons, and labor;

(5) Figures in farm accounts showing that income does not match expense;

(6) Farm sale notices filling the newspapers—"Work a lifetime; sell all on a Tuesday . . .";

(7) Wives working to supplement the income—to compensate for rising costs of education, household furnishings, health expenditures, and clothing;

(8) Bankruptcy or foreclosure listings—perhaps more painful than an obituary notice. "A way of life is dead."

These farm problems are the result of a revolution unparalleled in agricultural history. The American farmers have been eager to adapt and apply new technology and research findings to their agricultural enterprises. The American farmer, with his learn-how—know-how abilities, has increased his food and fiber production rate to such an extent that domestic consumption uses only 80% of his total crop; the remaining 20% must be exported. Had the farmer remained at farm output rates of 1900–1925, not only would the United States be importing one-third of its total food and fiber requirements, but the consumer would be paying much higher prices for food. Learn-how—know-how leads to share-now. Farm specialization, coupled with research, education, and mechanization, enables one farm worker to supply 35 to 39 persons (compared with 23 supplied as recently as 1957–59). Since 1919–21, crop production per acre is 75% higher, and output per man hour of farm work is five times greater.

On the basis of these statistics, *why,* in the name of *production success,* do the farmers have economic problems? *Fact:* in 1969, the prices farmers received in relation to prices they paid were 78% of the 1910–14 base period (used for computation of these figures). *Question:* "Hasn't farming basisally changed during this time? Thus, is this 1910–14 base period really valid?" Unquestionably, all phases of farming have changed during this period. Mules and turning plows have been replaced by tractors; tractors have been replaced by larger and better tractors. In the rice fields, combines and dryers have replaced the old binders and threshers; self-propelled combines have replaced the pull-type combines. Chemical herbicides have replaced hoe hands in row crops; cotton picking machines have replaced hand pickers in the cotton fields.

But while all these magnificent new machines were coming along to take most of the back-breaking drudgery out of farming, other radical changes were taking place (changes affecting the farmer's survival). Competition from the ever-expanding industrial complex of the cities lured many of the most capable laborers from the farm with wage offers which farmers could not possibly match. To check the drain of the labor force, farmers were faced with higher wages to be paid even though the worker was only gainfully used six months of a year. "Work" must be "furnished" even though productivity of the farm was not increased nor was per unit cost of the crop reduced. In other words, farmers began to experience an "overhead" cost they had not had previously. Machinery costs, already high, continued to climb rapidly although farm prices remained static or declined. As a result, farmers have needed to increase productivity—both of their labor and their land—to stay in the same place. Hard work resembling treadmill action! To illustrate the cost-price squeeze, the following figures were taken from local (county) farm records and farm-related businesses.

COTTON

Long live King Cotton! Is the King dead? Cotton is probably the crop with the most serious problems. An east Poinsett County gin was asked to take the account of a typical customer and report the prices that customer received for cotton in the years 1949–1969. The price obtained each year was averaged with the two following years to overcome price fluctuations and give a steadier price picture. In the three year period, 1949–50–51, the average price received by the farmer for cotton was 35.23c per pound. At that time, hand choppers were paid about $3.00 for a 10-hour day; tractor drivers got $4.00 to $5.00 for an 11-hour day. In 1953–54–55, the price was 34.55c; in 1958–59–60, 31.31c; and in 1963–64–65, 30.12c. During this time, production costs were steadily rising; chopping was up to $5.00, and tractor driving rose to $7.00 per day.

In 1966 a new cotton program was effected. Under this program, cotton would be sold on the open market at a "world price", and a subsidy would be paid the producer for the difference between a "fair market price" in this country and a "world price" on his cotton that was produced for "domestic consumption"—an amount deemed 65% of his allotted acres. To follow up the example of the Poinsett County typical farmer—in 1966, his price received was 23.23¢ per pound; his subsidy payment was 9.42¢—making a total of 32.65¢ he received for 65% of his cotton crop. This is assuming he made a normal yield (which few cotton farmers did in 1966 or 1967 due to adverse weather conditions). In 1969 the sum of the prices received and the subsidy payment was 36.79¢, but this price is for the 65% domestic allotment only. If 100% of the allotment were planted, the other 35% was sold for 22.06¢. This is a complicated program; many details have been omitted for the sake of clarity. Look at the 1949–50–51 price of cotton—35.23¢. Then look at the 1969 price on the domestic allotment alone—36.79¢. During this time, chopping costs rose from 30¢ per hour to $1.30 per hour. Tractor driving costs from $4.00 per day to $1.30 per hour (*tripled*). Machinery costs have skyrocketed; yet cotton prices have remained the same or dropped, even with subsidy payments included.

The cotton survival problem boils down to this: the American farmer is expected to sell his product on a free (world) market and, at the same time, buy on a "protected" market.

WHEAT

Wheat is not a major crop in Poinsett County, Arkansas, but it is a top crop in other parts of the nation. Local elevators paid $1.50 per bushel in 1965. In 1968–69, wheat prices ranged from $1.13 to $1.16 per bushel—the lowest price for wheat since the depression days of the 1930's. (The development and progress of civilization can be linked to the history of wheat—so what's in store for agriculture?) Meanwhile, the price of a combine has spiraled from $6,000 to $12,000. The farmer receives about 2¢ for the wheat in a one-pound loaf of bread in the grocery store. What is the price of the bread?

SOYBEANS

Soybeans—the Wonder Crop. The farmer wonders if this farm crop that supplies animal feed, food for human beings, and many raw materials for industry will survive the cost-price squeeze. The farmer wonders if this 2½ billion dollar plus crop can hold its own in the market. Soybeans come along to take up acres which had gone out of production of other crops. Until the last two years, beans had provided a steady, if not large, source of income. Soybean prices have always been subject to erratic patterns due to little or no carry-over; consumption equalled production. A short bean supply would drive up the price. In 1968, however, a fairly large bean surplus developed as a result of high price supports which the federal government instituted to promote more production. Farm records show that in 1961, local elevators paid $2.28 per bushel; in 1964, $2.68; in 1966, $2.85; in 1968, $2.43; and in 1969, $2.32. The present price of beans approximates the 1961 price while many farm costs involved in their production have doubled. The farmer wonders if the soybean bubble is about to burst!

RICE

The rice industry looks at cotton and soybeans and finds itself in a similar economic bind. Even though Arkansas is one of the three leading rice growing states, rice farmers in western Poinsett County are having financial problems. Rice producers have been fortunate in that they have been able to increase their productivity dramatically and thus have not experienced so great an economic strain as cotton and soybean farmers. Yet rice farmers are caught in a cost-price squeeze also. Figures from a local elevator show the following prices per bushel paid to farmers for rice: 1962, $2.30; 1964, $2.20; 1966, $2.20; 1968, $2.30; and 1969, $2.30. As these figures show, the price received by farmers for rice has remained almost constant while most all production costs have risen considerably. As mentioned earlier, combines, the harvesting machines for rice, have almost doubled their costs of ten years ago; other machinery, labor, equipment repair, poison, fuel, insurance, rent, taxes, irrigation—*all* reflect price increases to compensate for their own rising costs. What about the rice producer? Like all farmers—no bargaining power—he takes what he is offered (not always willingly)—but he pays the asking price.

MORE DILEMMA

How have farmers compensated for their lowering net incomes? "Another notch to take up the slack?" Cliches cannot answer so serious a problem. The American farmer has produced more volume of product to obtain the same income. Today, most farmers have larger crop acreages with more crop specialization. Statistics show that fewer farmers are farming the same number of cultivated acres. An improvised formula can show how the farmer has hung on: More work plus more fertilizer plus top production plus larger investment plus better weed control plus research plus more acreage plus gamble equals same income. Economic treadmill again! The margin of profit is so low that there is no room for failure—no allowance for a drought or hail storm; it takes several good crops to make up for one bad. A living farm economy? A surviving farm economy? A dead farm economy?

Why aren't farmers banded together? Why haven't farmers tried to control their production to affect supply and demand—thereby pushing prices up? Traditionally, farmers have been independent, free-thinking individualists who do not want to give up the freedom of doing as they want on their own farms. A price below cost for one farmer may give another farmer a profit. A solution to a farm problem may satisfy one farmer but draw a violent reaction from another. Why have farm organizations had trouble with farm programs? With the exception of rice, price-supported crops have never presented a united front for their needs. It seems to be necessary for government control to be exercised to some degree, therefore, in order to keep stocks of these commodities within reasonable bounds. It is in the public interest that the nation have a healthy agriculture which is an integral part of the whole economy. The agricultural industry may expect that farm programs of the future may be justified only insofar as the public interest is concerned, since these decisions will probably be political and not economic ones.

If the public were as interested in Why Farmer Can't Survive as it is Why Johnny Can't Read, perhaps even Congress would remove the agricultural complex from its political sparring ring. The American farmer is in desperate need of friends.

He is a minority group.

He does not want sympathy.

He does not march.

He does not riot.

He does need your understanding.

He does need your ears.

He does feel his grievances are more serious than some which receive front page headlines.

He does want to survive.

If the great agricultural industry falters or fails, what happens to America? Economists and historians have taught that the Great Depression of the late 1920's and the 1930's was triggered by the farmer failing to share in the prosperity—agricultural depression.

HEALTHY AGRICULTURE IS PUBLIC ASSET

Why should the American consumer be concerned about or desire a healthy agricultural industry? First, the percentage of income spent by the average American family for food is between 16 and 18 percent. Compare this with 35% for Western Europe; 50% for Soviet Russia; 70% for some Asian countries. American farmers are providing their fellow countrymen with food at the cheapest rate ever paid in comparison to income earned. In 1900, a farmer received 87¢ from a $1.00 paid for food; today, he gets 40¢ of the dollar. If a housewife would divide her "groceries" into food items and non-food items, her ideas about the high cost of food might change. Approximately 20% of the money spent in the grocery store is for non-food items.

Farming is big business; its demands produce jobs and more jobs. (It has been reported that for every 2,500 pobs created in the synthetic fiber industry, 11,000 jobs are lost in the cotton industry.) In 1966 (the latest figures available), farm assets were 226 billion dollars, or $25,000 invested for each employee. These assets amounted to two-thirds of the value of all United States corporations at that time. Farm buying power means six million jobs. (When the farmer loses his buying power, the impact shakes the entire industrial complex tremendously.) Another 10 million jobs are created by transporting, processing, storing and selling farm products. Farmers spend 30 billion dollars a year for farm-related goods and services and another 15 billion for other life necessities and luxuries. Farmers use more petroleum than any other single industry; use 9% of all domestic rubber production; use 5 million tons of steel—one-third that used by the entire automobile industry. Agricultural products are the greatest contributing factor in dollar sales of goods abroad. Agricultural exports help alleviate the balance of payments deficit. Farming is big business!

These statements give substance to the fact that farming is vitally important to the national economy. Bringing the focus down to the local level shows that farmers spend 70% of their income directly on their farms or in towns of fewer than 5,000 population. This income is the life blood of all communities in northeastern Arkansas, as well as for other rural areas of the nation. (These small communities have felt the pinch of cost-price squeeze in their pocketbooks.) How important are the smaller communities to the nation?

MISUNDERSTANDING OF FARM PROGRAMS

Two of the biggest criticisms of farm programs by people outside the industry are: (1) subsidy payments to "big" farmers and (2) payments for "not growing" some crop. The critics point to huge agricultural appropriation figures as evidence that the government is heavily subsidizing agriculture. The facts are that a large part of the agricultural appropriations goes for programs other than subsidies and price support payments. Food stamp programs, school lunch programs, all USDA food inspection programs, experimental research, and administrative expense of these and other programs take a large bite out of the "subsidies" which Mr. Farmer always gets credit for receiving.

A concerted effort, by urban-dominated Congress, misinformed consumers, and some news media, is being waged to limit the direct subsidy payments made to "big" farmers to a level which would eliminate all medium to large acreage farmers. As previous figures indicate, this payment is approximately one-third of the gross price a cotton farmer gets for his crop. Any farmer falling within the limiting area would suffer even more than he already is. Any farmer growing more than 250 acres of cotton would lose. And the farmer would have no assurance that the limited subsidy figure would not be lowered eventually to $5000 to even $3000—which would affect practically every cotton farmer in the county. The idea that a "big" farmer is more efficient than a "small" one is a myth. The facts indicate otherwise. The farm unit has had to grow to maintain income levels; volume does not always spell "efficiency". The small farmer who has a working unit sized to economically utilize his equipment is far more efficient than a large farmer. He has no management expense; by doing most of his own work, he not only eliminates much of the necessary labor costs but all of the "overhead" expenses incurred by retaining a labor force full-time. Despite his efficiency, the small farmer has suffered loss of income too.

Many other segments of our economy are subsidized by large payments from the federal treasury. American ships, built by American workmen, are financed by a 55% subsidy from the government; American seamen's pay is also subsidized since it cannot compete with foreign workers' salaries. Airlines, newspapers, railroads, housing projects, direct rental payments, education, public libraries, vocational schools—all receive subsidies. In fact, nearly all segments of the American economy are subsidized, directly or indirectly. (What if all subsidies to all receivers were limited? Would the national economy collapse?) Why is no mention made of limiting these subsidy payments? Why are subsidized farmers the only group singled out for criticism? Is the farmer merely a "whipping-boy"?

DOES AMERICA NEED HER FARMERS?

Will the farmer survive this economic problem which mainly is two-fold: cost-price squeeze and the limitations payment. This, then, is in essence the farm problem. The farmer can shout about his economic strait until the cows come home; improve his farming know-how; practice soil conservation; employ the best available labor; keep accurate records and use the keenest accountants. . . . But withal, he must inevitably recognize this: in today's highly competitive market, the business that does not show a profit does not survive! Finish!

Do the American people think they are getting enough of a bargain in the products the farm produce that they are willing to subsidize some segments of agriculture at a level of income that will allow the farming people of the nation an income comparable to the remainder of the people? Are they willing to support farm legislation which will make farming attractive enough and profitable enough that young people will again become interested in careers on the land? If not, can the American people replace the food and fiber that will not be produced here in this country with that from some other source? Can they create jobs for those who will not be needed on the farms? These and many other questions will have to be answered soon. Does America need her farmers?

In conclusion, I plead with my colleagues to give thoughtful consideration to the affects of this dramatic proposal. I urge all of you to vote against the President's proposal to abolish the U.S. Department of Agriculture.

CROSSROADS FOR THE U.N.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Sikes) is recognized for 60 minutes.

Mr. SIKES. Mr. Speaker, within the month, the United Nations will act on a matter of the gravest concern to this Congress—the seating of Communist China at the expense of one of our old and valued friends—the Republic of China.

This must not happen. Congress can help to make certain that it does not happen. Strange to relate, Congress has not been consulted in this matter and this is difficult to understand. Congress is a partner in Government and Congress has a very considerable interest in the operation and in the financing of the United Nations. As a matter of fact, there are many who have serious misgivings about the value of the United Nations in comparison with the share of the costs which the United States bears. The views of Congress should have important bearing.

The seating of Communist China is not a new issue but the real confrontation on the question is now getting closer and closer. The fact that the showdown is to come this year has probably been precipitated by our own administration's preoccupation with establishing a rapport with Communist China. This has taken some of the fight out of those who oppose that country's admission. The problem is further aggravated by the announcement on the eve of debate on the issue that Mr. Kissinger is to make a new, highly publicized trip to Peking. This one-way traffic of personnel and concessions to the seat of government of Chinese communism is very unfortunate. It strengthens the hands of the Communists at a most inopportune time.

A new and very serious iscue has now surfaced. The Chinese Communists are demanding that the Republic of China be expelled. It is incomprehensible that this should take place, but there is grave concern over the outcome. This despite the fact that during the history of the United Nations dozens of countries have been admitted, many of them smaller in area and population than the average congressional district. Two-thirds of the nations in the U.N. have populations smaller than Taiwan. Many countries have contributed nothing to the U.N. but obstruction. Most have been in arrears at one time or another on their payments. Yet none have been expelled. There has not even been a proposal for expulsion.

The simple fact is the forces of world communism are calling the tune, and sadly I must say that our State Department is dancing to their tune in this vital matter. The State Department has not provided the vigorous defense which is necessary to offset the Communist drive. For instance, there are those of us who firmly believe the United States has the legal authority to veto any decision to expel the Republic of China. Russia has exercised its veto time and again. We have not questioned their right to do so. Now it is very important that the United States exercise its veto power.

Amazingly, it is the State Department's own opinion that we cannot exercise a veto in this situation. There are many legal authorities who say differently. The State Department should reexamine its position and reverse it forthwith. I cannot conceive of the forces of Commission committing themselves so naively to the detriment of their interests. That is what we are doing and this makes the task of America's earnest representatives in the U.N. doubly difficult. the U.S. Government should make it very clear that we do have the power to exercise a veto and that we shall exercise it when free world interests require it. There must not be a reluctance in this crucial moment to actively and openly defend those interests with all the power we possess. This is not a time to turn the other cheek.

The Congress now has a responsibility to express itself very clearly on this serious matter. The Congress also has a responsibility to look more carefully into the substantial U.S. financial support for the United Nations. I personally question that the American taxpayer is getting a justifiable return for his investment in the U.N. We are paying 40 percent of the budgeted costs of that organization—nearly $110 million per year. All other countries pay much less. Some of them pay nothing. That means the American taxpayer is carrying well over half the financial burden of the United Nations. Russia pays far less than we, yet Russia has three votes to our one. The dozens of small countries which make token or no payments all have a vote equal to ours. This makes no sense. A complete reassessment of U.S. financial and moral support of the United Nations is long overdue. The Congress has a responsibility to the American people, much more than to world commitments. We should exercise these responsibilities more vigorously and the United Nations is a good place to start.

I, for one, sincerely hope that each of the 130 member nations take note of the growing congressional concern on this important question. The nations which have indicated they plan to oppose us in this matter have shown no reluctance in the past to receiving U.S. foreign aid and military assistance. This should also be a matter for reassessment.

To demonstrate congressional concern over this question, there have been circulated in recent days petition forms calling on the President to take heed of the voice of this Congress in its opposition to the expulsion of the Republic of China from the U.N.

To date, more than 300 Members of Congress have signed that petition which we hope to be able to present to the President next week and to Ambassador George Bush of the United Nations later in the month, prior to the U.N. vote on the expulsion question.

The petition represents the clear consensus within the House of Representatives—a consensus that, as the petition itself states:

> We, the undersigned Members of Congress, are strongly and unalterably opposed to the expulsion of the Republic of China from the United Nations.

That, Mr. Speaker, is the message the United States must convey to the world. It is the message this Congress will transmit to the President and to the United Nations in unmistakable terms.

If the Republic of China should be expelled from the United Nations, take it from me that country will be leaving a dying organization. Concern for the future of the United Nations is not reserved for the China question alone. The gradual decay in that organization's prestige is pinpointed many ways. It is well stated in an editorial which appeared in the Washington Evening Star on Thursday, September 30, entitled, "Crossroads for the U.N." This is indeed the crossroads for the U.N. I submit the editorial for reprinting in the CONGRESSIONAL RECORD.

CROSSROADS FOR THE U.N.

There is near-unanimity on one thing: The 26th annual session of the United Nations General Assembly that opened in New York last week will be among the most fateful in the history of the world organization. The decisions that must be made in the coming weeks can make or break the U.N. as an effective international institution.

It is not just a question of membership in the U.N. for mainland China. However the voting may go at this session, the issue is as good as settled. The principle of universality in the world organization—applying not only to Peking but to East and West Germany, North and South Korea and the two Vietnams—is supported by a substantial majority of the member nations.

Even more important, perhaps, for the future of the U.N. are two other items high on the agenda: The search for a peaceful solution to the conflict in the Middle East and the selection of a new secretary general as the successor to U Thant. Between them, the resolution of these two issues could determine the status of the U.N. as a peace-keeping institution for many years to come.

The two have a direct relationship with each other. It was under the relatively assertive leadership of Sweden's Dag Hammarskjold that the U.N. played its most dynamic peace-keeping role, notably in the Middle East in 1956 and in the Congo after 1960. And it has been under the hesitant guidance of U Thant that the organization has recorded its most conspicuous failures—in Vietnam, Biafra, Ireland, Pakistan and, once again, in finding a solution to the continuing Arab-Israeli conflict.

But perhaps, as U Thant has often complained, this is in the nature of the institution. The U.N., however it may evolve, is not likely to become anything approaching a world government for a long time to come. In the case of internal disputes, such as those in Biafra, Ireland and Pakistan, its impotence has been convincingly demonstrated. And in situations where national survival is involved, as is the case with Israel, even the smallest countries have shown a readiness to defy a consensus of the world forum.

The leadership of the U.N. must accept these realities. If the coming Middle Eastern debate merely serves to consolidate opposition to Israel in the General Assembly, the result will be to increase, rather than diminish, tensions in the area and the danger of renewed war. A far wiser course would be a revival of the quiet diplomacy of U.N. envoy Gunnar Jarring in an effort to reach an accommodation between the two sides. So far as the Middle East is concerned, mediation, rather than coercion, is the best the U.N. can offer.

Mr. PRICE of Texas. Mr. Speaker, the United States will soon make an important diplomatic and moral choice at the United Nations.

Our Government, which pays nearly half of the bills to keep the United Nations in business and has been one of its most ardent supporters even when that body has contributed little in return to American or world security, will either half-heartedly allow the Republic of China and her people on Taiwan to be unceremoniously expelled from membership in the U.N., or for once will stand with a friendly power and traditional ally to vigorously oppose and prevent expulsion. I ask simply, which will it be?

This is not a question that should divide us in this Chamber. The principle is not one of party or of faction or of outlook on foreign policy. The principle is justice. Are we going to abandon an ally in the face of the combined offensive being exerted by the Communist and all-too-often anti-American third world bloc? Would U.S. and free world interests be better served by trading a friendly vote in the United Nations for that of a rabidly anti-American Communist dictatorship? For once let us stand up and say "no" to appeasement and capitulation.

And in this respect, I am prepared to offer a suggestion for a course of action:

Let the United States request a meeting of the United Nations Security Council. The meeting called into session, the United States should then request that the President of the Council make a ruling that any action by the Security Council to unseat the Republic of China and accept, instead, the credentials of the "very different government" of the People's Republic of China, be considered a "substantive" matter, thereby requiring the concurring votes of the permanent members of the Council. Using the French text of the rules, if the President should so rule in favor, and if his ruling is challenged by the U.S.S.R. or other opponent, that challenger must locate nine votes to overrule the President or the ruling shall stand. Then, when the challengers take the next step of offering a resolution calling for the rejection of the credentials of the Republic of China and the acceptance of the credentials of the People's Republic of China—Red China—following debate the resolution can then be vetoed by the Republic of China—and the United States—as a permanent member of the Council. The Red China offensive will have been appropriately defeated.

Mr. Speaker, let us join together in a united effort to take immediate, decisive, and vigorous action to assure the protection in the United Nations of the rights of the Republic of China. Any other course of action or lack of action would be an inexcusable failure for the United States and a frustration of our own best interests.

Mr. BAKER. Mr. Speaker, I welcome this opportunity to join with the gentleman from Florida (Mr. SIKES) and other colleagues in taking time on the floor of the House to reemphasize those things which need to be said, time and time again, about the effort to realine the membership of the United Nations in favor of Red China. I commend all who take part in this special order as a means of wielding some influence on decisions yet to be made on the reshaping of U.N. history.

All of us recognize that the present meeting of the U.N. General Assembly will be one of the most fateful in that history. There are many questions to be decided which will determine the effectiveness of the United Nations as an instrument of international cooperation. Paramount among these questions is the seating of Communist China and how this will affect the membership of one of the respected charter members of the organization—the Republic of China.

They say we must face facts and bow to the realism of the moment. They say the handwriting is on the wall—Red China has the votes to be admitted to the United Nations this year, just as it did last year. The only question is, will its admission cause the expulsion of Nationalist China?

I stand steadfastly with those who maintain that the Republic of China must not be excluded, even if it means that the some 800 million people on the mainland of China never have representation in the United Nations. This is why I have joined with 21 Senators and 33 House Members of both parties in the issuance of the statement declaring that if the Republic of China were to be expelled from the United Nations, we would feel compelled to recommend a complete reassessment of U.S. financial and moral support of the U.N.

That is also why I accepted the invitation this week from William L. White, publisher of the Emporia, Kans., Gazette and Prof. Frank Trager of New York, cochairmen of the organizing committee, to join and serve on the "Committee to Keep the Republic of China in the United Nations."

The message of the mailgram extending the invitation sums up the purpose and need for such a committee. It bears repeating here:

> Invite you join group of prominent Americans serve on the "Committee to Keep Republic of China in the United Nations". Activities limited strictly to purposes stated in Committee's title. Committee takes no position on other questions concerning American-Chinese relations. In March President Nixon stated Republic of China should not be expelled from United Nations. On July 15 he guaranteed this projected mainland China trip would not involve actions "at expense of old friends". Secretary Rogers August 2nd reaffirmed U.S. would oppose any action expel Republic of China from world body. This week 22 Senators and 33 Congressmen expressed support this position. For quarter century Republic of China has faithfully observed letter and spirit of U.N. Charter. America cannot now renege on solemn pledge backed by treaty obligation.

Mr. Speaker, I was honored to wire my acceptance. I do not know who else is serving on the committee, but I join with them in seeing that the United States keeps its word and that we do not try to circumvent the letter of the U.N. Charter in seeking to accommodate a new member.

I am aware of the "Two China" policy which has been formulated to handle this delicate situation. Ambassador George Bush prefers to call it a "dual representation" policy because it accommodates two existing realities. As he points out, no one at this point knows whether it will be acceptable to either of the Chinas, or whether it will be approved. Ambassador Bush sees a reasonably good chance for success, but he admits the vote will be close.

He puts the issue in perspective when he observes:

> There are people in this country who don't want to see Peking represented at all and who want to see the Republic of China as the sole representative of the people of China. What they must face up to is the fact that last year a majority of the nations voted to seat Peking and throw the Republic of China out. That was prevented by procedural maneuvering on our part—maneuvering that would unquestionably fail this year.

I respect this assessment; I am sure it is realistic, but I think that all concerned should be put on notice that should Nationalist China be expelled from the United Nations, because of any realinement, then there should definitely be a reassessment of our own role in the United Nations, especially of the money we contribute and the moral support we give.

It seems to me the renowned China expert, Walter Judd, a former member of this body, poses the proper question when he asks:

> Would the American people continue to support the United Nations if it were illegal to expel one of its founding and law-abiding members in order to seat a regime whose words and actions prove it an international outlaw, a regime which cannot possibly be claimed to represent the Chinese people and their interests? To admit Peking's rulers into the UN and thereby strengthen their stranglehold on the Chinese people could only prevent the constructive participation of those 750,000,000 Chinese in the world community and its search for peace.

Mr. LANDGREBE. Mr. Speaker, my immediate reaction to President Nixon's announcement of his planned visit to Peking was a favorable one. While I find the principles and practices of the Mao regime to be totally repugnant to those of freedom-loving people everywhere, I believe that little harm and much good can come from opening a door of communication to this enigmatic, potentially dangerous power.

I still support President Nixon's efforts to enter into an era of negotiation, and I believe he meant his public pledge not to sell out our friends, notably the Republic of China, in the process. But lately there have come disquieting rumblings from high places that cast some doubt on how firmly we intend to stand by our friends on Taiwan, especially as regards the Nationalist seat in the United Nations.

Strong indications are that Red China is not all that anxious to join the U.N. anyway. They appear to be much more interested in the expulsion of the Chinese Nationalists. This was never more clearly shown than in yesterday's unequivocal statement by the Albanian delegation, long considered to be the U.N. voice of Chairman Mao.

Mr. Speaker, I submit that it is time for a reordering of priorities in our foreign policy. While it is important that we do all that we can responsibly do to better relations with our enemies, we need to give far greater emphasis to our determination to stand by our proven friends. Never should we betray our allies in the vain hope that our enemies will somehow think better of us.

If we make it a practice to sell out our friends to appease our enemies, we are soon going to find ourselves friendless, probably with our enemies' hostility unremitted.

I still support the President's initiatives toward better relations with Red China. I think that it would not really hurt anything to allow Mao's regime a seat in the United Nations; it could even improve the prospects for world peace. But if the price of Red China's admission is the expulsion of a good and faithful ally, then the U.S. delegation should take every available measure to stop this treacherous proceeding. If the members of the United Nations decide to dump Taiwan, we should make matters much simpler by giving Peking our seat. Let them pay the bills for a change.

Mr. Speaker, just as I was pondering what to say today about the need to stand by our friends on Taiwan, a most excellent editorial column by nationally syndicated Columnist Holmes Alexander was brought to my attention. The article appears in the Valparaiso, Ind., Vidette-Messenger of October 2 and deserves the attention of every Member of this body. I insert Mr. Alexander's article at this point in the RECORD:

NATIONAL SCENE

(By Holmes Alexander)

WASHINGTON, D.C.—To Hon. Charles Yost, United Nations, New York (Please Forward):

Hey, Charlie, cut it out. I read an article under your name that could have been titled, "Perfidious America," or "How To Paint A Black Lie White." We've known one another since college days, and I have never before found you to be devious—not until that piece you wrote on our relations with the two Chinas.

Why, last winter I turned President Nixon's picture to the wall for a couple of days after he fired you from your job at the UN and replaced you by a lame duck Congressman, George Bush, who'd just been beaten in his race for the Texas Senate seat.

HAS SECOND THOUGHTS

But now I've had second thoughts about those regrets. George couldn't possibly know as much about international matters as you do, but I would rather have the United States represented by the Village Blacksmith if that's what it takes to keep America honest even in a den of thieves like the UN.

We wouldn't be playing fair and square if we followed the advice given in your article. You say that we should "devoutly hope" that the United States gets beaten on its policy for two Chinas, or what is now called dual representation.

Not only are you pulling against us, but you're telling Bush, Secretary of State Rogers and President Nixon to play it crooked and to throw the game.

WANT US TO REFRAIN

You want us to refrain from lobbying for our policy, and to go into the smoke-filled room with representatives of other nations and scheme to defeat the policy which we profess to favor. You want us to be the covert patron of Red China, and the smiling betrayer of Nationalist China, an unoffending friend and ally.

If your machinations worked out, to use your own words: "Peking would be seated in the Security Council and the General Assembly and the Nationalist Chinese would consequently lose their seats."

I ask you—is that cricket? Is it even smart politics? When the Republic of China was made one of the original five members of the Security Council, it was a big country and a major power.

LOSES ALL BUT ONE

It's true that Nationalist China has lost all but one province of what was a vast domain, but if that's a good reason for betrayal, when do we begin to sell out Great Britain which has lost the front part of that name along with a whole empire since the Security Council was formed?

France, another charter member, has lost all its holdings in Indochina and North Africa. When do we say, "Lafayette, here's your hat. What's your hurry?"

People who know about such things in Washington tell me that the smaller countries at the UN will refuse to go along with any skull-duggery that would result in the total ousting of the government on Formosa.

WHO IS NEXT?

The question in the minds of insecure countries would be, "Who's next?" The socialist nations of north Europe would be tempted to gang up on the dictatorships of Spain, Portugal and Greece.

Some President, following your proposal, might decide to give Israel's seat to a future People's Republic of Palestine.

There isn't any real good time to plunge the dagger in a friendly back, but right now is about the worst time. Our troops are shaming us in Europe, and we hardly have any face to save in Asia.

A SIZABLE HINT

There's a sizable hint, which very much resembles a threat, in the section of your article where you imply that if Red China doesn't get what it wants in October, the invitation for the President to pay his later visit may be withdrawn.

It seems to me, Charlie, that we already have reason to lament that we ever opened any dealings with Red China.

Here's an enemy nation which now has the opportunity of humiliating our President and of reducing his chance of re-election. Some days it just doesn't pay to play Ping Pong.

Mr. WAGGONNER. Mr. Speaker, now that I have read a legal memorandum prepared by the State Department regarding the question of admitting Red China to the United Nations, I can understand why we have taken the turn we have in our foreign policy with regard to this question. I would expect nothing more from the State Department. However, I would have hoped that President Nixon, as President Johnson before him, would have stopped listening to the "America last" bunch at State. It is indeed a pity that the President did not fulfill his campaign promise to the American people and clean house at State as he said he would do.

The one legal weapon the United States has in refusing to admit Red China to the U.N. and at the same time refusing to allow Nationalist China to be expelled, is the power to exercise the veto in the Security Council. Unfortunately, the State Department has decided in advance to admit Red China and has prepared a memorandum to "legally" justify that position, veto power notwithstanding.

Well, I can tell you one thing. I, for one, am getting pretty sick and tired of the "America last" group in the State Department, and pretty sick and tired of the United Nations as a whole. It is past time that we here in the Congress began thinking about decreasing our support—financially and otherwise—to the United Nations. Why should the American people continue to carry the financial burden of an organization that consistently works against those things which are in the interests of the United States; and particularly at a time when we are having our own economic problems. President Nixon has suggested cutting back on Federal spending. I agree, a good place to start would be the United Nations.

To admit Red China to the U.N. when the U.N. Charter itself precludes admitting any nation other than a "peace loving" nation, would make even more of a mockery of the U.N. than it is already.

Now, I see in this morning's Washington Post where the U.N. has agreed to allow a known Soviet agent, "a veteran officer of the Soviet Secret Police—KGB"—to serve on for 2 more years in his ostensible capacity as a director of external relations for the U.N. office of public information. Is that not a joke? He is in the public information business alright. Stealing classified information from the U.S. Government. This same article mentions that American security experts have said that one of this Soviet agent's key assignments "was to cultivate American scientists." And we wonder why the Soviets are on the verge of passing us in scientific technology? Well, I think there is one thing we can say about the United Nations. And that is it is a good place to harbor anti-American spies.

I insert in the Record at this point the above-mentioned State Department memorandum and the article from the Washington Post for today, October 6, 1971:

Memorandum

A question has been raised as to the legal basis for seating the People's Republic of China in the UN Security Council as one of the five permanent members of the Council.

It should be noted that the question of participation of the People's Republic of China in the UN does not involve the question of admission of a new member to the UN. China is already a member, and the question to be resolved is "How shall China be represented?" The proposal that both the People's Republic of China and the Republic of China be represented in the General Assembly, with the People's Republic of China seated as one of the five permanent members of the Security Council, would accord fully with existing realities and the objective of permitting all of the people on both sides of the Taiwan Strait to be effectively represented in the UN.

Since the General Assembly represents all the membership of the UN and is the UN's only completely representative body, it is entitled to state its opinion to the Security Council on the question of the Chinese seat in the Council. Indeed, some twenty years ago, in 1950, the General Assembly adopted Resolution 396 (V) which states that "in virtue of its composition" the General Assembly should consider questions concerning competing governmental claims of this character. While, under the Charter, the Security Council must of course finally determine questions concerning its composition and operations, it is perfectly clear that the members of the Security Council would pay the most serious attention to a General Assembly expression of opinion. Amendment of Article 23 of the Charter would not be required in order to seat the People's Republic of China as one of the five permanent members of the Council, since the right of representation of the PRC in the Security Council would be derivative from the status of the ROC as an original member of the U.N. dating from the entry into force of the U.N. Charter pursuant to Article 110 (para 3) of the Charter.

U.N. Extends Contract of Russian Called Spy

United Nations, October 5.—The United Nations extended for two years today the contract of a Russian working as a U.N. information official who was named in a news report as "a veteran officer" of the Soviet secret police (KGB).

A U.N. spokesman said the Soviet mission had agreed to a request to allow the official, Vladimir P. Pavlichenko, to serve two more years as director of external relations for the U.N. office of public information.

The New York Times said Sunday that Pavlichenko was identified by "American security experts" as a KGB agent and that one of his "key assignments" was to "cultivate American scientists."

Pavlichenko denied the report last night, terming it "slanderous and false."

The U.N. spokesman said Secretary General U Thant had received "no official information from the U.S. government on the subject" and that Thant was not going to "dignify an unsubstantiated report of this kind" by making an inquiry.

U.S. Ambassador to the United Nations George Bush told newsmen that "at this point . . . I must say nothing on that subject."

However, American and U.N. officials said privately they believed Pavlichenko would soon develop a "diplomatic illness" and leave the United Nations.

Mr. BEVILL. Mr. Speaker, there has been a lot of discussion within recent weeks over the possible admission of Communist China to the United Nations and the expulsion of Taiwan. I would like to take this time to say that I am strongly and unalterably opposed to the expulsion of the Republic of China—Taiwan—from the United Nations.

When the President first announced his intention to visit Communist China, I made the statement that in my opinion this trip, which has many obvious dangers, could be very instrumental in bringing about peace in Southeast Asia. I still hold to this opinion. However, I have some serious reservations over the possible admission of Red China to the United Nations, especially if it means that Taiwan will lose her seat.

We must, of course, eventually have dialog with Red China. But I strongly oppose rushing to accept Red China as a friend and at the same time repudiate our friends on Taiwan who have stood with us through the years in our fight against Communist domination of Southeast Asia.

It is probable that Red China is headed for eventual membership in the United Nations regardless of the position we take. But I plan to do everything within my power to see that Taiwan retains her seat in the United Nations.

I do not believe Communist China will suddenly change her revolutionary tactics simply because there is a change in her relationship with the United States.

We must not forget that Communist China poses a threat to the entire world with its continued development of intercontinental ballistic missiles and its announced goal of subverting the world to Maoist Marxism-Leninism by every means at its command.

Mr. ZABLOCKI. Mr. Speaker, I wish to thank the gentleman from Florida (Mr. Sikes) and commend him for arranging this special order in order that we may have this opportunity to discuss a most important issue: the China question.

The issues which have been raised with respect to the representation of China in the United Nations go to the very core of the integrity and world standing of that organization.

If the United Nations, in order to accommodate itself to what some people describe as "the reality of the world situation," should turn its back on the Government which has represented the Chinese people in that organization for the past quarter of a century, then the United Nations shall suffer the consequences of its own lack of principle.

I hope that the United Nations will not be a party to any such action. Certainly the United States should not, must not be a party to any such action.

What puzzles and concerns me, therefore, is the course of action which President Nixon's administration has proposed with respect to the issue of Chinese representation in the United Nations.

In a document purporting to explain "the legal basis for seating the People's Republic of China in the U.N. Security Council as one of the five permanent members of the Council," the administration has argued that "existing realities and the objective of permitting all of the people on both sides of the Taiwan Strait to be effectively represented in the U.N." dictates this course.

In short, the administration's position maintains that China should be represented in the United Nations by two governments—just the way the Soviet Union is represented by three delegations and three votes: the Soviet, the Byelorussian, and the Ukrainian.

I am not opposed to the membership of the People's Republic of China to the United Nations, but I would hope that such admission could be accomplished within the framework of article 4 of the U.N. Charter which provides that membership in that organization is open—

> To all . . . peace-loving states which accept the obligations contained in the . . . Charter and, in the judgment of the Organization, are able and willing to carry out those obligations.

Whenever the People's Republic of China is willing to abide by the provisions of the charter, the doors of the United Nations should be open to her.

I am, however, concerned about the administration's suggestion that the Republic of China should be kicked out of the Security Council and that the permanent seat, and veto power, in that body should be given to the People's Republic of China.

Article 23 of the U.N. Charter provides specifically that the "Republic of China" shall be a permanent member of the Security Council. How can that provision be changed without amending the Charter—and without the concurrence of the Republic of China?

The administration's "legal" position is that—

> The right of representation of the People's Republic of China in the Security Council Republic of China as an original member of would be derivative from the status of the the U.N. . . .

This kind of a "derivative right" would be in order if the Republic of China did not exist. But it does exist—from the very existence of the U.N. Republic of China was a contributing member, always in good standing. Further, in the administration's view, not only exists but is entitled to represent "China," at least a part of it in the General Assembly.

It seems to me that the administration is doing its best to stretch the U.N. Charter—and to stretch it beyond reasonable limits—in order to make it fit what it calls the existing realities.

There is one other things that concerns me about the way in which this entire issue has been approached by our Government in recent months.

In addressing the issue of the Chinese representation in the United Nations, the United States has filed two resolutions in the U.N. General Assembly.

The one resolution embodies the "two Chinas" concept.

The other one proposes that the General Assembly decide that—

> Any proposal . . . which would result in depriving the Republic of China of representation in the United Nations is an Important Question under Article 18 of the Charter.

All important questions must be settled by two-thirds vote in the General Assembly.

On the surface, this U.S. proposal seems reasonable and solid—except for two things:

First, the Charter already provides, in article 18, that "the admission of new members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of members," and certain other issues are "important questions" which require a two-thirds vote.

Surely the expulsion of the Republic of China from its permanent seat in the Security Council is already covered by article 18 and should not require a separate action by the General Assembly to make it so.

But there is a second aspect to this matter: The "important question" resolution filed by the United States can be defeated in the General Assembly by a majority vote— not a two-thirds vote called for in the Charter for settling "important questions."

This would seem to mean that the United States is in effect proposing to amend the requirements of the U.N. Charter by a simple majority vote in the General Assembly—an action which would have to be considered most extraordinary, to say the least.

Mr. Speaker, I am certain that there is room in the U.N. Charter for the accommodation of conflicting claims, and for a reasonable solution of perplexing and complex problems. But in my view, such solutions should have some foundation in justice and equity—or else the United Nations will find itself going down the road of the defunct League of Nations.

In a report which Congressman JAMES FULTON of Pennsylvania and I submitted to the Congress after our services as members of the U.S. delegation to the 14th General Assembly of the United Nations, we wrote:

> We are deeply concerned lest, in the resort to expediency, a race may be set off in the United Nations to settle issues on the basis of strength and of a number of votes, not on the basis of right or wrong. We must determine to face issues squarely. We must also actively discourage the apparent willingness of some nations to allow a wrong to be swept under the rug. Unless we do this, (i.e. the positions on the basis of right or wrong) the latter attitude can spread with disastrous consequences for the future of the United Nations. On our part, we believe that under certain circumstances, the U.S. representation in the United Nations must have the courage to fail for principle—or else we may ultimately fail because of lack of principles.

What we said in 1959 still applies today.

I earnestly hope, therefore, that when the hour of hard decision arrives, that our Government will do not only what needs to be done but also, and more importantly, what ought to be done.

Mr. Speaker, in concluding my remarks I place in the RECORD the full text of the memorandum from which I quoted, relating to the so-called "legal basis" of the current U.S. position on the China representation issue:

MEMORANDUM

A question has been raised as to the legal basis for seating the People's Republic of China in the UN Security Council as one of the five permanent members of the Council.

It should be noted that the question of participation of the People's Republic of China in the UN does not involve the question of admission of a new member to the UN. China is already a member, and the question to be resolved is "How shall China be represented?" The proposal that both the People's Republic of China and the Republic of China be represented in the General Assembly, with the People's Republic of China seated as one of the five permanent members of the Security Council, would accord fully with existing realities and the objective of permitting all of the people on both sides of the Taiwan Strait to be effectively represented in the UN.

Since the General Assembly represents all the membership of the UN and is the UN's only completely representative body, it is entitled to state its opinion to the Security Council on the question of the Chinese seat in the Council. Indeed, some twenty years ago, in 1950, the General Assembly adopted Resolution 396 (V) which states that "in virtue of its composition" the General Assembly should consider questions concerning competing governmental claims of this character. While, under the Charter, the Security Council must of course finally determine questions concerning its composition and operations, it is perfectly clear that the members of the Security Council would pay the most serious attention to a General Assembly expression of opinion. Amendment of Article 23 of the Charter would not be required in order to seat the People's Republic of China as one of the five permanent members of the Council, since the right of representation of the PRC in the Security Council would be derivative from the status of the ROC as an original member of the U.N. dating from the entry into force of the U.N. Charter pursuant to Article 110 (para 3) of the Charter.

Mr. FISHER. Mr. Speaker, within a month the United Nations is to decide on the admission of Red China. Within a month a resolution in the United Nations is to be considered which would expel the Republic of China from the Security Council and from the United Nations.

If the latter should occur, such an

action would in my judgment mark the beginning of the end of the United Nations as a peacekeeping international establishment.

These developments and the actions that are taken must be of grave concern to all Americans who think of the United Nations as a place where nations are supposed to be engaged in the business of promoting peace and not in warmaking. On that score Red China simply does not qualify. Admitting the Peking regime would be like adding a known outlaw to a police board to maintain order in a community.

Above everything, the Republic of China must not be expelled from the Security Council. Its place there is secure from a legal and moral standpoint. It was placed there when the United Nations was established, as a spokesman for the people who live in Formosa and those who live on the Chinese mainland. That status and that responsibility has not changed. Its status was established then, and nothing has occurred since that time to change that status.

If it comes to that, the United States should and must exercise its veto power in that council, should that become necessary. It can assert that authority if it chooses, notwithstanding some legalistic gyrations indulged by some. If the United States is to remain a member of the U.N. it is high time, and it is imperative, that we assert ourselves there firmly and forthrightly, and not equivocate over legalistic theories.

Moreover, Mr. Speaker, if our veto authority in the Security Council should be challenged, and if by some fortuitous ruse or accommodation that challenge is sustained, then we should immediately withdraw from the United Nations.

Moreover, the time is overdue for the Congress to reexamine the amount of our contribution to the U.N. budget, and this fact is accentuated by the developments about which I have spoken. Indeed we must make crystal clear that we will take appropriate steps through the appropriation process to immediately reduce our commitment and henceforth have it relate to our population and the size of our national debt—as compared percentagewise with the public debt of other member nations.

Mr. Speaker, the issue of treatment accorded our proven friend—and the friend and defender of peace and freedom, the Republic of China—is of transcendent importance. On this issue the United States must not equivocate or compromise. Regardless of whether the Peking regime is admitted or not admitted, we must insist, and indeed demand, that the Republic of China retain its rightful seat in the U.N. and in the Security Council.

I am convinced the vast majority of Americans subscribe to what I have said. It is the duty of the Congress, and it is the duty of all who represent our Government, to confirm our policies and conform our actions with the composite will of the American people.

Mr. CRANE. Mr. Speaker, there is much discussion today about the Albanian resolution which is before the United Nations, proposing to expel the Nationalist Chinese from that body and replace them with the Communist Chiese Government of Mao Tse-tung.

Few of those who have entered into a discussion of this question have done so with any evident awareness of what the Charter of the United Nations has to say with regard to the question of expelling a member.

Section 2 of article 18 states quite clearly that—

> Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: . . . the expulsion of members.

According to the charter itself the expulsion of any member is an important question requiring a two-thirds majority vote. Yet, we hear that the General Assembly is being asked to decide whether or not the expulsion of Nationalist China is an important question. Those concerned with maintaining the integrity of the United Nations Charter should read section 2 of article 18 with some care.

In a recent statement published in the Washington Post for October 1, Jen-Chao Hsieh, convenor of the Foreign Relations Committee of the Legislative Yuan of the Republic of China, notes that—

> Without a recommendation of the Security Council, the General Assembly has absolutely no right to debate or to vote on any resolution to expel any member. As a matter of fact the Republic of China is a founding member. Article 6 of the charter states: "A member of the United Nations which has persistently violated the principles contained in the present charter may be expelled from the organization by the General Assembly upon the recommendation of the Security Council." The first thing to do is to prove that the Republic of China . . . has "persistently violated the principles of the present charter."

It is not the Republic of China which has violated the Charter. The Communist government of Mao Tse-tung, however, has been declared an aggressor in Korea by the United Nations itself. The Peking Government has launched an attack upon India, and has committed genocide in Tibet. It has eliminated religious freedom and barred exit and entry from the country. By doing these things it is in clear violation of the U.N.'s Declaration of Human Rights.

To admit Communist China and expel Nationalist China would be making a mockery of the United Nations Charter and, accordingly, of the United Nations itself.

Beyond this, the Republic of China is a permanent member of the Security Council. This is a right that cannot be taken away except by an amendment to the Charter. Those who seek to bypass the Security Council and to declare that the expulsion of a Member of the United Nations is not "an important" question are clearly violating the very rule of law which the United Nations is pledge to uphold.

I share Mr. Jen-Chao Hsieh's statement with my colleagues, and insert it in the RECORD at this time:

TAIWAN AND THE UNITED NATIONS

Concerning the China debate in the United Nations there seems a great deal of confusion which should be clarified. They have all forgotten the U.N. Charter—the "constitution" of this world body. Any resolution violating the charter is "unconstitutional"; anything unconstitutional cannot be debated, if debated, cannot be voted, and if voted, it is legally invalid.

(1) Without a recommendation of the Security Council, the General Assembly absolutely has no right to debate or to vote on any resolution to expel any member. As a matter of fact, the Republic of China is a founding member. Article 6 of the charter states: "A member of the United Nations which has persistently violated the principles contained in the present charter may be expelled from the organization by the General Assembly upon the recommendation of the Security Council." First thing to do is to prove the Republic of China, a founding member, has "persistently violated the present charter." Second step, the Security Council—only the Security Council—considers this resolution. Then, a recommendation is made by the Security Council to the General Assembly. Now the so-called Albania resolution and even the American resolution are debated in the General Assembly without any recommendation whatsoever from the Security Council. Evidently the debate itself is "unconstitutional."

(2) Any resolution to expel a member must "be a two-thirds majority of the members." The General Assembly has no right to vote whether "a two-thirds majority" is required or not to expel a member. If a vote is made by the General Assembly, the vote itself is "unconstitutional."

Please read Section 2 of Article 18: "Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: . . . the expulsion of members . . " "The expulsion of any member" is always an "important question" and naturally it is entirely not necessary for the General Assembly to consider whether it is an important question. A resolution to consider it is legally "unconstitutional" in violating the charter.

The so-called Albania resolution proposing to expel a member is evidently governed by Section 2 of Article 18; and a two-thirds majority is always required. This requirement is stated in Section 2; it is not a category under Section 3 for a majority of the members to decide whether a two-thirds majority is required or not.

(3) The Republic of China is a permanent member of the Security Council—an inalienable right that cannot be taken away by any means without an "amendment" to the charter. The Article 23 states: "The Republic of China . . . shall be a permanent member(s) of the Security Council." Any resolution of the General Assembly to take away this constitutional right of the Republic of China or even thinking of such a thing is clearly "unconstitutional."

I shall be grateful to you if you would kindly print this letter of mine sent to you directly from the Legislative Yuan (Congress) of the Republic of China.

JEN-CHAO HSIEH,
Convenor, Foreign Relations Committee,
Legislative Yuan, Republic of China.
TAIPEI.

Recently, a paper has come into my possession which is purported to be a position paper prepared by the State Department. This paper totally rejects the position advanced by Mr. Jen-Chao Hsieh. It argues, instead, that the "question of participation of the People's Republic of China in the U.N. does not involve the question of admission of a new member to the U.N." This paper goes on to state that—

> China is already a member, and the question to be resolved is: "How shall China be represented?"

It is rather unusual for our own Government to advance a position which serves the interests of Communist China, eliminates the interest of the Republic of China, to whom we have both moral and legal obligations, and, most importantly, violates both the spirit and letter of the United Nations Charter.

I share this surprising document with my colleagues:

Text Prepared by State Department

A question has been raised as to the legal basis for seating the People's Republic of China in the UN Security Council as one of the five permanent members of the Council.

It should be noted that the question of participation of the People's Republic of China in the UN does not involve the question of admission of a new member to the UN. China is already a member, and the question to be resolved is "How shall China be represented?" The proposal that both the People's Republic of China and the Republic of China be represented in the General Assembly, with the People's Republic of China seated as one of the five permanent members of the Security Council, would accord fully with existing realities and the objective of permitting all of the people on both sides of the Taiwan Strait to be effectively represented in the UN.

Since the General Assembly represents all the membership of the UN and is the UN's only completely representative body, it is entitled to state its opinion to the Security Council on the question of the Chinese seat in the Council. Indeed, some twenty years ago, in 1950, the General Assembly adopted Resolution 396 (V) which states that "in virtue of its composition" the General Assembly should consider questions concerning competing governmental claims of this character. While, under the Charter, the Security Council must of course finally determine questions concerning its composition and operations, it is perfectly clear that the members of the Security Council would pay the most serious attention to a General Assembly expression of opinion. Amendment of Article 23 of the Charter would not be required in order to seat the People's Republic of China as one of the five permanent members of the Council, since the right of representation of the PRC in the Security Council would be derivative from the status of the ROC as an original member of the U.N. dating from the entry into force of the U.N. Charter pursuant to Article 110 (para 3) of the Charter.

Our own Government, for many years, has taken an unusual position with regard to the United Nations. While we have paid a preponderant portion of the U.N.'s bills, we have had only a single vote—which is just and proper according to the Charter. Yet, we have not objected to the fact that the Soviet Union has three votes—including three of its states—the Ukraine, Georgia, and Byelorussia—as independent members. Thus, each time a vote is taken the Soviet Union outvotes us 3 to 1, for no other reason than that we have permitted such an unfair and illegal position to exist.

Given the fact that there is precedence for a single country having more than one vote, it is difficult to understand how the United Nations Communist members can argue that such a situation could not exist for Communist China and the Republic of China. To argue that Nationalist China shoud be removed from the United Nations while Peking is to be admitted and to have such a motion voted upon by such alleged "independent" states as the Ukraine, Georgia, and Byelorussia, makes a mockery of that organization.

The facts of life in today's world are that many nations are divided. East and West Germany, North and South Korea, North and South Vietnam, provide examples of such an unfortunate division. China is also divided, and for the United Nations to expel that portion which has lived up to its obligations under the Charter and which is specifically named as a permanent member of the Security Council and to replace it with that portion that has been condemned by the United Nations as an outlaw, hardly makes sense. It is, of course, a raw show of power. What makes it even more regrettable is that our own country seems to be assisting rather than resisting this rejection of the Republic of China.

Both we and the United Nations have an obligation to the Government of Nationalist China. If we abandon it, our commitments to other nations will hardly be credible, and the United Nations' alleged dedication to rule by law will be shown to be no more than a sham. These are the real choices before us, and it is to be hoped that we will grasp the nature of these choices before it is too late.

Mr. BUCHANAN. Mr. Speaker, for the United Nations to even consider the expulsion of the Republic of China from its membership is, to my mind, unthinkable.

The Government on Taiwan is a charter member of that body and has, without question, lived up to the principles prescribed by the United Nations. Notwithstanding this and the fact that Communist China has participated in a war with the United Nations forces—a war not even today ended by treaty—there are those who would expel the Republic of China, because that is the price demanded by Communist China for its participation in the U.N.

I am dismayed and outraged that such a step should even be considered by the United Nations. Such action would constitute an immoral and illegal violation of all the principles upon which the United Nations was founded.

Taiwan has been a model for the developing nations, reflecting a broadly shared economic progress within a framework of individual freedom unheard of in the repressive society of Communist China.

In every way except in control of territory and people, Taiwan is the true China. If the Republic of China falls, the hope of all the Chinese people falls with it.

In vivid contrast to the poverty and repression which mark the mainland of China, Taiwan has blossomed like a rose. Its impressively successful land reform program and its growing industry have made it an outstanding example for the developing world. Indeed, Free China has joined the United States and others as an aid-giving country to developing nations and its technical assistance in agriculture is a particularly impressive story in Africa.

The Republic of China is a moving force for peace and development in an organization which was created to promote world peace.

How can the fact that it controls less territory and population than its Communist counterpart justify the expulsion of a government which clearly and directly represents more people than do 90 other governments holding seats in the U.N. General Assembly and which claims the support of many other Chinese people living under the heel of a repressive government on the mainland?

In the U.N. does all power come from the barrel of a gun? Is that organization willing to deny representation to millions of Chinese in order to appease a Communist government, because it controls more millions of Chinese?

If so, the United Nations has become a whited sepulchre filled with dead men's bones, and all its lofty statements of principles are reduced to "a tale told by an idiot, full of sound and fury, signifying nothing."

Mr. Speaker, should the Republic of China be expelled from the United Nations, I for one, will not vote one penny in further support for an organization which would so abandon its principles and so unjustly and despicably abuse one of its charter members.

Mr. SCHMITZ. Mr. Speaker, I welcome the chance to participate in this special order. There is very little question in my mind, and indeed there should be little question in the mind of any reasonable man—whether friend or enemy of the United Nations, that the expulsion of Nationalist China from that body would be the final proof that it is unwilling even to attempt to achieve the goals which are set forth in its charter. Expelling a nation which has lived up to the charter and made every effort to contribute to the peace and security of the world, and accepting in place of such a nation a group of international outlaws who have been rightly branded as an aggressor by the United Nations itself, is to encourage aggression at the expense of peace-loving nations.

The United States should not contribute one nickel to an organization which encourages and promotes aggression.

However, there is another question which has not been adequately addressed in the general discussion surrounding the question of Chinese representation in the United Nations. Why acquiesce in the admission of Red China to the United Nations in any case? By focusing on simply retaining membership in the United Nations for Nationalist China we are sidestepping a most important question. Many say that Red China's admission is inevitable and, therefore, we should ignore this question.

The myth of inevitability is one of the most important weapons of the world Communist movement. It is designed both to motivate the followers of this doctrine of class hate and continuing war and to demoralize the opposition. Its demoralizing effect is based on the sound premise that few people will determinedly resist something that they feel is bound to come to pass no matter what they do. It is designed to introduce a sense of fatalistic resignation in the opposition and provide a "reasonable" explanation for failing to fight what we know to be undeniable evils. Although few Americans accept the absurd Marxist myth of mysterious material productive forces determining the course of history with "the inevitability of a law of nature," it is unquestionably true that a myth gathers its strength not from being true or false, but from being believed, and that there are many ways other than doctrinal dissertations on the fundamentals of Marxism-Leninism to produce the sapping of enemy strength which comes with acceptance of the notion of inevitability.

A good example of this myth, which is sometimes referred to as the self-fulfilling prophecy, can be seen in a book written in the 1930's by pro-Mao Tse-tung writer Edgar Snow. In his book, "Red Star Over China," the inevitable conquest of China by the Chinese Communists is the major theme. Now the fact that the Communists did in fact succeed in conquering China, and have destroyed from 34 to 60 million of the Chinese people, is less a proof of the foresight of Mr. Snow, and others like him, than of their own efforts to destroy the resistance to this conquest. The prophecy was fulfilled because, among other things, many influential individuals were induced to accept it. Mr. Snow and the others did not once refer to the influence of the material productive forces as the causal factor but used arguments to which the non-Communist Western mind was more receptive; that is, Mao Tse-tung was an agrarian reformer who had the overwhelming support of the Chinese people while Chiang Kai-shek was a corrupt tyrant.

While the situation we face today is not identical, as no historical situation can be, the myth of inevitability has again raised its hydra head. The administration has in truth brought about a situation in which it seems unlikely that Red China will be denied entry to the U.N. When the administration uses the inevitability argument to rationalize its abandonment of a longtime policy and a longtime ally, we ought to remember that the administration has been pursuing a policy toward Red China which had to bring about exactly this state of affairs. The administration has been making various moves to "normalize relations" with the Chinese Communists since the outset of Mr. Nixon's term. This has all been documented by the President himself in his two state of the world messages.

However, there is one point not generally known which I would like to bring to the attention of my colleagues. On April 15, 1971, the date when the President announced the easing of certain trade restrictions which had applied to Red China for 20 years, Mr. Harrison Salisbury of the New York Times made an interesting statement over BBC Radio. Mr. Salisbury claimed that the President had told him of his intention to "normalize relations" with Red China prior to his election and went on to state that—

> In quiet, persistent and very intelligent ways, he and the State Department have steadily moved in this direction ever since.

If Mr. Salisbury is telling the truth it is unfortunate that the President did not see fit to announce to the voters that he was going to "normalize relations" with Red China prior to this election. It was obviously an important issue of which the voters should have been made aware in order to intelligently assess the merits of the various candidates. It will be an issue in the upcoming election and it is important that the voters understand that the possible admission of Red China to the United Nations, and the possible expulsion of Nationalist China from that body, was brought to pass by the conscious action of the administration. Although the administration may put up a fight over the expulsion it possibly can be laid at the door of the policy actively pursued by our current President.

Mr. Nixon knows, as well as everyone else, that foreign policy decisions do not take place in a vacuum but in the real world where appeasement is taken as a sign of weakness and other nations make their plans not according to the professed desires of the American leaders, but according to their own national interests as they understand them. The flood of support for the admission of Red China to the United Nations and the expulsion of Nationalist China has manifested itself, because the administration began tearing down the dikes of free world solidarity.

The admission of Red China to the United Nations is not inevitable. Since Red China has not been admitted to the United Nations at this point there is still the possibility that it will not be. The administration could reverse its position and the course it has been following for the last several years and take a strong stand against admission. A strong stand consists of reminding all the members of the U.N. that we foot one-third of the bill for that organization and it is not inevitable that we continue to do so. There is nothing in the Constitution demanding that our taxpayers support a body which has shown itself not only incapable of preserving the peace but has actually served as an instrument of aggression. The case of Katanga immediately comes to mind.

Whether or not the administration takes such a stand, Congress can do so on its own. Many Members of Congress see no merit whatsoever in the admission of Red China to the United Nations, whether Free China retains its membership or not. The attitude and past action of the Chinese Communist leaders should be well known to all of us. They are ardent followers of the Leninist cult which has been accurately described as "the dogmatic worship of a self-righteous idol derived from logical absurdity and deceit and maintained through power fanaticism and blood." The men in charge of the Chinese Communist Party are some of the worst butchers of our time. The following table showing the death which can be definitely attributed to these fanatics appeared in the Senate Internal Security Subcommittee report entitled, "The Human Cost of Communism in China":

CASUALTIES TO COMMUNISM IN CHINA

	Range of Estimates	
1. 1st Civil War (1927–36)	250,000	500,000
2. Fighting during Sino-Japanese War (1937–45)	50,000	50,000
3. 2d Civil War (1945–49)	1,250,000	1,250,000
4. Land reform prior to "Liberation"	500,000	1,000,000
5. Political liquidation campaigns (1949–58)	15,000,000	30,000,000
6. Korean war	500,000	1,234,000
7. The "Great Leap Forward" and the communes	1,000,000	2,000,000
8. Struggles with minority nationalities, including Tibet	500,000	1,000,000
9. The "Great Proletarian Cultural Revolution" and its aftermath	250,000	500,000
10. Deaths in forced labor camps and frontier development	15,000,000	25,000,000
Total	34,300,000	63,784,000

Please note that 90 percent of the killings took place after Mao Tse-tung, Chou En-lai, and their apostles came to power.

If the United Nations admits these people to membership, the Congress of the United States must take it upon itself to reassert congressional prerogative and move to stop all funding of the United Nations. There is no other sensible course to follow. To those who say this is unrealistic, I say that we are the ones who have the power to decide whether the U.N. continues to get U.S. funds. For those who say that the admission of Red China is inevitable I say if the United Nations is so devoid of justice, reason, morality, and sound purpose as to bring the Red Chinese in, thus helping to seal forever the fate of over 750 million people then it is time the Congress return from myths to commonsense and end our participation in the United Nations. If tyrants and their friends want to hold a continuing dialog that is their business. There is no reason for the American taxpayer to help pay for these discussions, and that is our business.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 60 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation.

Americans are leaders in the field of medicine. Tuberculosis vaccine produced in the United States was developed first in 1928 by Dr. William Park of the research laboratory of the New York City Health Department.

THE REVENUE ACT OF 1971

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, it has been argued that because nearly 30 percent of U.S. plant capacity lies dormant, we should not stimulate further investment of capital in plants and machinery. But it should be realized that just about all of this unused equipment and machinery is outmoded and unproductive. If the aforementioned out-of-date capacity were put into operation, those plants would actually lose money. This points up the fact that 30 percent of our capacity to produce, unused or even used as is, cannot produce the profits we need to expand this free economy and is, therefore, a very real burden to the economy and to our desire to produce more jobs.

Therefore, I rise in support of the Revenue Act of 1971 which includes a 7-percent investment tax credit. I also support the Treasury's administrative reform of depreciation allowances which was put into effect on June 22, 1971. Together they approximate the President's original request of a 10-percent job development credit for industry. This two-pronged effort will revive industry by a tax credit of $2.7 billion which will be invested in job-producing equipment and machinery as well as helping make American industry more competitive in world markets.

With a free market and in our advanced economy, much of the returns from production go to the workers—roughly 80 to 88 percent. Competition forces this. If workers are supplied with good tools and equipment, they are more productive and their wage level generally is higher than it would be otherwise.

The general level of wages is higher in our country when there is a relatively high investment in tools and equipment per worker. It is just that simple. In the United States, the investment per worker in tools may be $20,000, and it is not unheard of to find a particular business with an investment of $100,000 in tools and equipment per worker.

It is also important to point out, Mr. Speaker, that this tax package is well balanced. First it will bring much-needed profits, the benefits of which I have just mentioned. Second, it reduces taxes paid by individuals by $3.3 billion. And third, it relieves consumers from $2 billion in excise taxes.

It is important to emphasize at this point that high prices are not the result of fat profits. Average profits before taxes in the past two decades has been about 20 percent. Today, profits are down to 13.4 percent before taxes and prices are higher. The figures are dangerously accurate.

Furthermore, we must keep firmly in mind the fact that the profit motive is basic to the free enterprise system. And in turning from the philosophical to the pragmatic, we find that government, at all levels, gets over half of all corporate profits. So let me speak the unspeakable—rising corporate profits are good for the average man and are needed more than ever by the poor and the unemployed. Conditions in my own district, in Erie County, N.Y., have made this fact very clear. And what we need more of today is a healthy, dynamic economy where all can profit.

If we are to continue to compete in world markets and also pay the wages necessary to maintain the standard of living Americans deserve, we must increase productivity. This can only be accomplished by continuous improvement in technological equipment.

The investment tax is an amount deducted from the income tax liability of a corporation or individual for a percentage of the cost of new machinery and equipment. The purpose of the credit is to promote economic growth by encouraging modernization and expansion of machinery and equipment. The investment tax credit was first enacted in 1962, temporarily suspended from October 1966 to March 1967, and repealed in 1969. When first conceived, it was intended to be a permanent part of our tax structure. In my opinion, it has been very damaging to our economy to have it manipulated in this erratic fashion.

During the decade of the 1960's much of the Nation's long uninterrupted economic expansion was provided by capital investment which increased at an annual average rate of 8.8 percent as compared to an annual average rate of 5.4 percent in the 1950's. From a level of $36 billion in 1960, plant and equipment expenditures rose to more than $75 billion in 1969.

Last year, as a result of the repeal of the credit and the Government's efforts to curb inflation by slowing the pace of economic activity, the rate of capital investment slowed markedly. Plant and equipment expenditures rose only 5.5 percent, considerably below the annual average of the 1960's. Latest Government surveys taken before the President's new economic program was announced, indicated that investment in plant and equipment this year would creep up only about 3 percent from 1970's level of $79.7 billion. Obviously something had to be done to stimulate this sector of the economy.

The President had initially recommended an investment tax credit equal to 10 percent of the cost of new machinery and equipment produced in the United States and placed in service on or after August 16, 1971. This credit was changed to 7 percent for new machinery and equipment placed in service after April 1, 1971. No credit will be allowed with respect to machinery and equipment predominantly produced abroad so long as the import surcharge remains in effect. At the time the import surcharge is terminated, a 7 percent credit will be allowed with respect to such foreign-produced machinery and equipment.

The President has aptly termed the credit a job development credit. By encouraging investment, it will stimulate employment. The stimulus to invest will be greater during the next 12 months because of the larger credit for machinery and equipment placed in service during that period. Our machine tool and other capital goods producers should experience the earliest impact, creating new jobs in these and supporting industries. Such an upswing would certainly be welcomed by the machine tool manufacturers in the Buffalo-East Aurora area and Erie County who have suffered severe economic setbacks the last 2 years.

On a long-term basis, the replacement of our productive facilities with new, modern equipment will increase the productivity of our workers, making our domestic industries more competitive both at home and abroad. The resulting industrial expansion will in turn provide additional jobs, provide a sound basis for future wage increases where productivity has increased, and decrease inflationary pressures on prices.

The limitation on the credit for machinery and equipment which is predominantly produced abroad will create a preference in favor of American produced machinery and equipment. This will give our capital goods producers an opportunity to strengthen their capacities to meet the increasing foreign competition which they are experiencing.

The investment tax credit is an important fiscal tool. In addition to being a real and effective incentive to corporate investment in industrial equipment, the tax credit increases internal generation of corporate investment funds, lessening the need for industry's use of the perennially overcrowded capital markets.

The state of the economy at the moment is ideally suited for the reinstatement of the credit. Inflation has slowed appreciably, and the temporary wage-price freeze will slow it further. What is needed now is a shot in the arm to lower unemployment, provide new jobs for returning veterans, provide a permanent basis for the maintenance of reasonable wage and price levels, as well as to enable American industry to compete successfully with foreign manufacturers.

So long as capital investment remains flat, the overall economy will not recover strongly. The reinstatement of the investment tax credit, coupled with the recently liberalized depreciation regulations—the asset depreciation range system—which I also strongly favored, will provide the necessary stimulus to capital investment that will ultimately benefit Erie County and the Nation.

If the Senate passes the President's recommendation for the 7 percent investment credit and the bill is signed into law, it has been estimated that capital spending in the fourth quarter will show an increase of from 5 to 10 percent.

Unfortunately, there had been some discussion recently that the Treasury's administrative reform of depreciation allowances—just put into effect on June 22, 1971—must be sacrificed as a price for congressional enactment of the investment credit. I strongly disagree with this approach, and on June 3 of this year, I introduced a resolution to the effect that the Treasury has ample power to prescribe realistic, up-to-date depreciation allowances, without being subject to congressional approval or veto.

As a matter of fact, when the Kennedy administration first proposed the investment credit in 1962, it was widely advertised as part of a two-pronged attack against the problems of lagging capital investment, obsolescence of plant and equipment, and increasing the competitiveness of American exports in world markets.

The second prong was, of course, accelerated depreciation, which at that time took the form of "guideline lives" for various classes of capital assets. At that time, the Ways and Means Committee said in the committee report on the Revenue Act of 1962, and I quote:

> The 8-percent tax credit provided by this bill is a complement to the administration's plans for revising the guidelines for the tax lives of property subject to depreciation. It is believed that the investment credit, coupled with the liberalized depreciation, will provide a strong and lasting stimulus to a high rate of economic growth and will provide an incentive to invest comparable to those available elsewhere in the rapidly growing industrial nations of the free world. * * *
>
> Realistic depreciation alone, however, is not enough to provide either the essential economic growth or to permit American industry to compete on an equal basis with the rapidly growing industrial nations of the free world. The major industrialized nations of the free world today provide not only liberal depreciation deductions but also initial allowances or incentive allowances to encourage investment and economic growth. This is true, for example, in Belgium, Canada, France, West Germany, Italy, Japan, the Netherlands, Sweden, and the United Kingdom.

On balance, Mr. Speaker, I think the economic actions taken by the President and his recommendations for legislative action are excellent.

I would be reluctant to trade ADR for the investment tax credit. Also, I am not in favor of the frequent tampering with the investment tax credit. My position will continue to be to favor a permanent 7-percent investment tax credit along with the accelerated depreciation allowances.

The Congress must act decisively on this and other elements of the President's program requiring legislation. While many of his proposals are stern, they are needed to combat persistent inflation and unemployment and strengthen the dollar at home and abroad. I intend to do everything I can to expedite this program.

GOOD OLE KHRUSHCHEV

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 30 minutes.

Mr. ASHBROOK. Mr. Speaker, I call to the attention of my colleagues this eulogy:

> He has bequested to his country the heritage of dimensions that only his death will begin to make, the writer wrote in his tribute. Before he died he published a "curious volume" containing his philosophy and many of his ideas for his country's future, "particularly for a freer, more humane, more contemporary, more liberal land."

Were these words penned by contemporaries of Washington, or maybe Gandhi, or perhaps Churchill? No indeed. These comments were made in the New York Times on September 12, 1971, by Harrison E. Salisbury following the death of Nikita Khrushchev, dictator, tyrant and former party and Government chief of the U.S.S.R., incidentally, Khrushchev subsequently repudiated this "curious volume" which Salisbury mentions, entitled "Khrushchev Remembers."

The Cleveland Plain Dealer, of the same date, reported that Khrushchev was mourned by statesmen and citizens yesterday as a leader of high stature. It pointed out that Senator Edward M. Kennedy said that during the Cuban missile crisis, the Russian leader "chose to put the cause of peace and the fate of mankind above national interest." Kennedy also remarked:

> That decision stands as his hallmark on the international scene.

To the Kremlin leader was attributed the bringing down of "many of the barriers which previously had isolated Russia from the political and economic institutions of the West," according to Senator Hubert H. Humphrey, who added:

> Nikita Khrushchev was truly one of those select individuals that history will remember for bringing about change in the world.

High stature and select individual, indeed. Clearly objective historians will remember him for his role in recycling the Ukraine and Hungary.

According to Mr. Eugene Lyons, former senior editor of the Reader's Digest, former press correspondent in the U.S.S.R., a serious student of international communism and biographies of the late Soviet leader, Khrushchev, as the No. 1 Communist official in the Moscow area, sent thousands to their death, scores of thousands to hideous slave-labor camps;

Was sent in 1937 as Stalin's trusted killer—to the Ukraine. His first move was to summon a conference of the entire Ukrainian Government, staged as a social occasion. The gathering was surrounded by the secret police, arrested en-masse, and most of his "guests" died in the cellars of the Kiev and Moscow secret police. When his 2-year Ukrainian purge was over, an estimated 400,000 had been killed and terror gripped the whole population;

Assumed—in 1943—the task of punishing the Ukrainian people for their welcome to the Germans. This second or post-war purge, again under Khrushchev's command, was if anything more bloody and more horrifying than the first. Those liquidated, by exile or death, ran into hundreds of thousands;

Made the final decision—as No. 1 in the Kremlin in 1956—to unleash the Red tanks that crushed Hungary's freedom and Hungary's freedom fighters. Our ambassador in Moscow at the time asked Khruschkev what he would do to stop the blood flowing in Hungary. To which the master of the Kremlin replied:

> We will put in more troops and more troops and more troops until we have finished them.;

Issued the order that trapped the top freedom fighter, General Maleter, who was summoned to a fake conference under a flag of truce, then arrested, and in due time killed;

Issued the order that lured Nagy, head of the shortlived anti-Communist government, out of the Yugoslav Embassy where he had found asylum. Though he had been assured immunity, Nagy was arrested and eventually executed.

Mr. Lyons' statement was given as sworn testimony before the Committee on Un-American Activities on September 4, 1959. Other witnesses followed and gave firsthand accounts of Khrushchev's deeds which some current obituaries papered over.

Petro Pavlovych, former editor of a Ukrainian newspaper described the atrocities committee in that unfortunate land when he established the point that, all activity of the NKVD and other terror mechanisms were completely in Khrushchev's hands and, specifically, the purges and mass murders were by party order which he promulgated.

Dr. Ivan M. Molinin, who as a member of an official commission, performed autopsies on the bodies found in mass graves in the Ukrainian community of Vinnitsa, testified:

> May I emphasize that the events that occurred at Vinnitsa stagger the imagination with their revolting inhumanity. The Vinnitsa massacres occurred only in one area at one time. But they were reported ad nauseum throughout Ukraine during Khrushchev's regime.

According to Dr. Lev E. Dobriansky, of Georgetown University, about 9,500 persons were massacred at Vinnitsa alone.

Nicholas Prychodko, who had observed firsthand the famine of the Ukraine in 1930–33, detailed the horrible scenes of starvation during Khrushchev's regime in that area caused by the seizure of the crops by the Communist Party. He testified:

> First, I observed covered wagons moving along the street on which I lived and also on other streets in Kiev. They were hauling corpses for disposal. * * * These were peasants who flocked to the cities for some crust of bread.

The witness also saw 2,000 to 3,000 corpses in a large garage near a hospital. When asked who caused the deaths, he replied that the starvation was caused by police and the brigades under orders from Moscow. There had been enough food in the Ukraine to feed the population of that Republic for 2 years and 4 months but the police removed 90 percent for export. Prychodko said that the crops were removed because of the discontent and resistance to the Communist government in the Ukraine and to Moscow's collectivization program. Khrushchev at the time was one of "the esteemed executors of Stalin's genocide of the Ukrainian population whose ranks were reduced by 6 to 7 million persons, most of whom were peasants.

In 1938 Khrushchev was sent again to the Ukraine with a large group of NKVD men from Moscow and their arrival was followed by a full-scale purge throughout the Ukraine. The Communist purges of the 1930's wiped out over 400,000 Ukrainians.

Constantin Konomenko substantiated the above and added that—

> Although Khrushchev may * * * properly assess against Stalin the basic decision that there was to be a mass starvation in Ukraine, * * *, Khrushchev was the one who carried out the basic policy of Stalin pursuant to which millions of human beings were deprived knowingly, premeditatively, of

> the food which they themselves had raised. Khrushchev cannot disassociate himself from the blood and misery of the awful epoch in the history of Ukraine, in which he directly, actively, and knowingly participated as the chief engineer of the policy of his then chief, Stalin.

Mykola Lebed testified respecting the mass deportation of the Ukrainian population conducted by Khrushchev in 1944. Brutal terror was used against members of the Ukrainian insurgent army as well as the Ukrainian population at large. The NKVD, in which Khrushchev was a security general, and the NKGB used the following methods on members of the Ukrainian movement who were caught:

With hot irons they tortured those prisoners who were caught.

They cut into the skin and tore the skin off from the living body.

They also nailed people to the cross.

They cut off the sexual organs, and breasts of women.

They cut out eyes, broke bones in legs and arms, and extracted nails.

In some Ukrainian areas, sickness and illness broke out which required certain medical supplies. The police therefore poisoned medical capsules with injections of typhus which became widespread following this devious practice. Public water supplies were also poisoned as were candy and cigarettes. Khrushchev, first secretary of the Central Committee of the Ukraine's Communist Party and chairman of the council of ministers at the time directed these atrocities through his subordinate, Lieutenant General Riasnyv, the NKVD chief in the Ukraine.

Khrushchev's purpose was to terrorize the population and depress its will to resist Moscow. Following the war Khrushchev intensified his reign of terror against the Ukraine particularly against the Ukrainian Catholic Church and the Ukrainian Orthodox Autocephalic Church.

Dr. Gregory Kostiuk testified about Khrushchev's alleged rehabilitation of former dignitaries such as party officials and others who had been purged under Stalin. Following his secret speech against Stalin at the 20th Congress of the Communist Party of Soviet Union, Khrushchev rehabilitated, posthumously, well-known personalities such as Kossion, Chubar, Zatonsky, and many others and stated that they were persecuted without reason.

But Dr. Kostiuk then added:

> I would like to state, however, that Khrushchev was not only responsible but actually was a leader in the murder of those people whose names I just mentioned.

Prof. Ivan Wowchuk testified regarding Khrushchev's alleged change to a "very humane person" and to the so-called liberal trend which supposedly followed Stalin's demise. The witness gave the following illustration involving prisoners in Soviet concentration camps who went on strike for better living conditions. At Camp Kingir, for example, 500 women were killed in 1954 by Soviet tanks. He added that the industrialization of the Soviet Union had continued to be based on slave labor, and that the number of prisoners under Khrushchev's reign definitely did not measurably decline. Only the methods of arrest were changed.

Dr. Lev Dobriansky, national chairman of the Ukrainian Congress Committee of America, testified that during Khrushchev's 1954–55 so-called virgin land policy, he had precipitated a forcible resettlement of countless Ukrainian youth, male and female, to Kazakhstan. This was nation-destroying genocide conducted under the guise of economic resettlement. Khrushchev, according to Professor Dobriansky, had rightly earned the title of the "Hangman of Ukraine."

In March and May 1956 the Soviet leader had dispatched Soviet tanks to Tiflis, Georgia, for the purpose of quelling an uprising there.

Joseph Kovago, former mayor of Budapest, testified that during the Hungarian uprising 30,000 Hungarians were killed by Khrushchev's armed forces. Officially, 2,500 persons were executed but unofficially the secret police victims were probably higher—and 12,000 persons were also deported to the U.S.S.R., 15,000 persons were confined to forced labor camps while hundreds of thousands of others were imprisoned. Concentration camps which had been abolished were reestablished after the revolt, the brutal suppression of which earned for Khrushchev the title, "Butcher of Budapest."

Harrison E. Salisbury wrote that Khrushchev "was not himself a killer." The former mayor of Budapest, told the committee that—

> I think that Khrushchev is the best disciple of Machiavelli because if his own interests dictates it, he will kill; while he finds it useful, he will smile, will kiss children, will shake hands and show a good face.

Under Khrushchev's compulsory transfer program, many thousands of young Latvians "volunteered" to occupy the virgin lands of Kazakhstan, where according to Latvian Communist publications at the time, they would be required to "spend all their lives." The speaker was Dr. Vilis Masens, former high official of the Latvian Government who added:

> The aggressive aims and designs, as well as methods of fraud and violence, of international communism basically have not changed under Khrushchev and are, in fact, as cruel as they were under Stalin.

Gen. N. S. Zakharov, who had accompanied Khrushchev to a formal White House dinner, was the deputy chief of the NKVD in Latvia, and was responsible for the mass deportation of Latvians to Siberia, including 200,000 in 1949 alone.

Vaclovas Sidzikauskas, former Minister Plenipotentiary of Lithuania, testified that—

> The Lithuanian people consider Khrushchev * * * as being co-responsible for all the crimes committed by the Soviet Government against the Lithuanian State and the Lithuanian people.

He stated that Khrushchev's crimes in the Baltic States, of which he remained silent during his anti-Stalin speech, included not only physical deportation but also "Khrushchevfication" or intellectual decapitation of the nation.

When asked, "What will be the reaction in your native land when the Communist publication features these pictures of Khrushchev in the White House and Khrushchev meeting the top officials in this country?" Mr. Sidzikauskas replied: "The impact will be disastrous."

Obviously this can be the expected reaction for most of the long-suffering mainland Chinese and Nationalist Chinese—and also throughout the Communist world—when President Nixon is pictured shaking hands and "breaking rice" with Mao Tse-tung and Chou En-lai. Tensions may be lessend in foreign offices and state departments in various quarters of the globe, but it can only increase the tensions for the inhabitants of peoples living in areas under Communist control.

Mr. Ergacsh Schermatoglu, a native of Turkistan, which had been forcibly taken over by the Communists, stated that, under Khrushchev's colonization policy, about 1,500,000 came to Turkistan from the European part of the Soviet Union. The committee's witness stated that—

> Brutality has very much increased, even as compared to the Stalin regime. Under Khrushchev it has increased strongly.

Under Stalin, 174 state-controlled agricultural enterprises—defined as forced labor camps by the witness—were created. Khrushchev increased this number to almost 900. "Our entire homeland is a forced labor camp" operating under an "iron-fisted dictatorship from Moscow," he testified.

Dr. Vitaut Tvmnsh, chairman of the Byelorussian Institute of Arts and Sciences in the United States portrayed Khrushchev's program for annihilation of Byelorussia. Under Khrushchev's initiative and design, hundreds of thousands of Byelorussians were transported yearly to Soviet Asia and to the northern European Soviet districts. The difference between Stalin's and Khrushchev's methods were not in goals, which remained the same, but in objectives. Stalin destroyed individuals but Khrushchev destroyed nations by depopulating them of their natural inhabitants and replacing them with Russians.

Anton Shukeloyts testified about communism's antireligious terror. He noted that the Byelorussian people had been Christian for almost 1,000 years. Under the Kremlin not a single Eastern Orthodox, Roman Catholic, Protestant, or Jewish facility remained.

In the capital of Minsk, the Orthodox Cathedral was dynamited to prepare a site for a circus. The metropolitan's Orthordox church was turned into an amusement club for Soviet officers, while the Catholic cathedral of St. Mary's, converted first into a garage for trucks, later became a sport club. The Jewish synagogue in Minsk was reconstructed to serve as a Russian theater. Minsk's oldest synagogue, built in 1633, was made into a warehouse. Before World War I, 4,500 Orthodox, 700 Jewish, and 450 Catholic churches flourished. Subsequently, these facilities were reduced to a mere handful and the priceless ancient relics of Byelorussian architecture and art destroyed.

Guivg Zaldastani, vice president of the Georgian National Alliance, spoke about certain newspaper accounts to the effect that Khrushchev no longer operated slave labor camps. He testified that the Kremlin merely changed the names of such camps whenever the "evil was discovered," in the same way that the Soviet secret police had adopted new names for itself. The regime, said another Georgian, George Nakashidse, maintained power "by terror, by force, by intrigue, under the bayonets of Moscow."

The members of the press who, in their recent "obituaries," glossed over the Nazi-like methods and programs of "good ole" Khrush should note the remarks of the next committee's witness who was addressing himself to Khrushchev's description of himself and other Communists as "humanitarian." The speaker was Dimitar K. Petkoff of the Bulgarian National Committee:

> My people regard it as a sacrilege to suggest that either Khrushchev or his Communist apparatus could be humanitarian. They are under the whiplash. They have seen their sons deported to far lands. They have had their property seized. They have had friends and relatives literally destroyed by this awful mechanism which is the enemy of their own freedom, both as a nation and in their individual lives. It is cynical to suggest that either Khrushchev or his regime could be humanitarian.

Tens of thousands of people were in Bulgarian prisons and for those crimes, as well as for the enslavement of the Bulgarian nation, "the Soviet dictator, Nikita Khrushchev, is responsible," said Mr. Petkoff.

Yet in spite of the above record, in country after country, a Los Angeles Times-Washington Post dispatch could state that Stalin's "great stroke of domestic reconciliation was de-Stalinization. Khrushchev undertook to smash the legend of Stalin and thereby to purge Soviet life of Stalin's ominous legacy of terror and fear." Khrushchev's "secret speech," the Los Angeles Times-Washington Post dispatch stated, destroyed the old god, but put up no new one; it released old hates and habits of obedience, but drew no fresh limits of authority.

In his analysis of Khrushchev's famous speech of January 6, 1961, on international Communist strategy, Dr. Stefan T. Possony, a leading American student of Soviet affairs, drew numerous deductions including the following:

First, the traditional goal of communism, the conquest of the entire world, is not only reaffirmed—by Khrushchev—but is held far more strongly and hopefully than in the past.

Second. Communist strategy has become more sophisticated than it was under Stalin.

Third. Armed struggle is inevitable. Such specific forms of armed struggle, as liberation wars, uprising, and "pressure from below" also are inevitable.

Fourth. A global thermonuclear war is not entirely inevitable. If the free world, and especially the strongest democratic countries, like the United States, capitulate then such a war may be avoided.

Fifth. The Communist Parties in the free world and their sympathizers must do everything in their power to facilitate nuclear blackmail by the Soviet Union and to prevent military resistance by the free world.

Sixth. The great turning point will come when the Soviet Union irrespective of per capita production in industrial goods, achieves technologically superior armaments and attains a military force which, qualitatively and quantitatively, will be superior to the military forces of the United States.

Seventh. The achievement of a military, political, and psychological paralysis of the free world is a paramount objective of Soviet strategy.

Eighth. This objective can be attained by such means as peace propaganda, pavlovian conditioning, infiltration, threats, and diplomatic negotiations.

Ninth. Propaganda on disarmament, specifically nuclear disarmament and disarmament negotiations are an integral part of the Soviet strategy aimed at paralyzing the free world and strengthening the power of communism.

The above are but a few of the points which Dr. Possony had drawn from the content of Khrushchev's candid remarks. But the remarks of a Possony or a Eugene Lyons or those of numerous, former high-placed officials or national leaders from Communist states are, one is led to believe, self-serving. Listen instead to the well known figures in America, the Kennedys, the Humphreys, the fashionable thought leaders of the press who, because their knowledge in these matters is in inverse ratio to that of serious students in the field, must for this reason be objective.

The press today, and for decades past, has been misleading the American public about the nature and goals of the Communist-bloc nations. Elementary in the cold war context is the fact that Communist governments are mere fronts for their respective Communist parties. However, it is the propaganda pronouncements of such governments which the mass media's international "experts" find so fascinating and which are promulgated to the American audience. Sound interpretive analysis of foreign Communist Party publications—not their governments—is the type of information which is required by a well-informed public. To the degree that the press refuses to do its homework, to that degree will the American public remain in the dark about matters which are vital to its welfare.

The press adamantly refuses to recognize that all the king's men cannot put the Humpty Dumpty of peace together again by negotiations, conferences, detents, disarmament, troop withdrawals, nonexclusionary U.N. membership policies, et cetera, with Communist states. In the game plan of international communism in which the cold war with the United States is conceived as a championship match, the book—the diplomatic book—was long ago thrown out. Nor will peace come by rationalizing the sordid deeds of a ruthless Soviet dictator by emphasizing his space or agricultural achievements. Is Mussolini remembered because the Italian trains ran on time?

Reportedly Khrushchev died peacefully in his sleep. May his untold, forgotten victims who died painfully and awake, find the true peace of those who sought vainly for justice here; especially the millions of paupered peasants to whom promises of land, by Lenin, were finally fulfilled when Khrushchev's agents deposited on their weary bodies several shovelfuls of the rich soil they so loved.

At this point, Mr. Speaker, I include a brief summary of the tyrannical career of the late Khrushchev, compiled by the Legislative Reference Service of the Library of Congress in July 1957:

Who Are They?

(By N. S. Khrushchev, First Secretary of the Communist Party of the Soviet Union)

The 20th Congress of the Soviet Communist Party opened with great fanfare in the Kremlin on February 14, 1956. Over 1,400 party representatives from all over the Soviet empire, as well as foreign delegates from 55 Communist parties the world over, were in attendance. This global representation of Communist leaders—some of whom participated in such secrecy that not even their names were divulged—was indicative of the role of Moscow as the political and ideological center of international communism.

Nikita Sergeevich Khrushchev, 63-year-old party boss, addressed the assembled delegates twice—each time in quite a different vein. His 45,000-word opening speech, in which he reported on domestic and international affairs, demonstrated his dominant role in the party and government. Of greater importance, however, was the frontal attack on Stalin which he made in a secret session on February 25, from which even the foreign Communist guests were strictly excluded.

On Stalin's 70th birthday, in December 1949, Khrushchev had hailed the then Soviet dictator as "our father, sage teacher, and brilliant leader of the party, the Soviet people, and the toilers of all the world." Now, only 3 years after his master's demise, Khrushchev depicted Stalin as the head of a gang of murderers and secret police terrorists, who had done immeasurable harm to the cause of communism. "Criminal violation of socialist legality," "barbaric tortures," "monstrous falsifications," "a mania for greatness," and "fantastic ideas of a person divorced from reality," were some of the accusations which Khrushchev used in his indictment of Stalin.

What were, however, the credentials of the first party secretary entitling him to assume the role of a prosecutor and judge rather than to sit as an accomplice in the dock of history? Had not the official Soviet "Political Dictionary" flatteringly referred to Khrushchev in 1940 as the "faithful disciple and companion-in-arms of Comrade Stalin"? For the last 14 years of Stalin's rule, Khrushchev was a member of the infamous Politburo, the highest policymaking organ of the Communist Party, where all decisions had to be taken unanimously. Indeed, it is a bitter irony that one of the very men who share the responsibility for the death of innocent people in Stalin's purges is now parading as the advocate of their posthumous "rehabilitation."

In drawing Khrushchev's profile, it may well be useful to throw some light on his past activities which, as we shall see, were replete with mass repression, intrigue, and two-facedness.

It was a peculiar coincidence that Khrushchev's rise to the summit of the party came at the time of the notorious purges of the mid-1930's. In 1934, on the eve of the "great purge," he became the first secretary of the Moscow Communist Party Committee as well as a member of the party's Central Committee. In the following year, he was also given the post of first party secretary for the entire Moscow region. At the peak of the purges in 1938, Stalin selected him as an alternate member of the Politburo and soon thereafter sent him to the Ukraine to carry out the party purge as first secretary of the Central Committee and a member of the Politburo of the Ukrainian Party.

Contrary to his present disclaimer of responsibility for the crimes committed in the Stalin era, Khrushchev actually took a prominent part in the mass terror in the 1930's and vigorously promoted what he now calls "the annihilation of honest Communists."

Thus, as Moscow party chief, he was in August 1936 an untiring organizer of numerous "crowded" meetings in which his underlings demanded the execution of members of the party's elite. Resolutions were passed on these occasions to address congratulatory messages to Stalin, Secret Police Chief Yagoda—who was in charge of the terror—as well as to Khrushchev. Again, at the beginning of 1937, when haranguing 200,000 Moscow workers at a mass rally which expressed thundering approval of the death sentences imposed on other old Bolsheviks, Khrushhev had this to say:

> We are gathered here in Red Square to make our proletarian words resound, words full of approval of the sentences passed by the Military Collegium of the Supreme Court on the enemies of the people, the traitors to the Motherland, the betrayers of the cause of the toilers, the spies, the saboteurs, the agents of fascism * * *.

It is noteworthy that the same man who in 1937 had called for the liquidation of—to use his own words—the "enemies of the people" has this version to offer today:

> Stalin originated the concept "enemy of the people" * * * This term made possible the use of the most cruel repression, in violation of all norms of revolutionary legality, against anyone who in any way disagreed with Stalin * * * This concept "enemy of the people" actually eliminated the possibility of any kind of ideological fight or the making of one's views known on this or that issue * * * The only proof of guilt used was the "confession" of the accused himself; and, as subsequent probing proved, "confessions" were achieved through physical pressures against the accused.

Because of his insistent attempts to subdue Ukrainian national consciousness and desire for self-determination, Khrushchev is among the men most hated in the Soviet Ukraine. He had been chosen twice—before and after World War II—to implement the sovietization of the Ukraine. In carrying out this assignment, he was as systematic as he was ruthless. His first target was the Ukrainian intelligentsia, whose members were accused by the Communists of trying to separate the Ukraine from the Soviet Union and to preserve the traditional Ukrainian culture. "We have destroyed," he declared in 1938, "a considerable number of enemies, though not all." Toward the end of the war, Khrushchev resumed his repressive policies in the Ukraine, exercising for 3 years a virtual 1-man dictatorship subject only to the control of Stalin. In a report which he submitted to the party in August 1946, he noted with satisfaction that a "mass replacement" of leading officials in the Ukraine was in progress and that in the preceding 18 months one-half of such personnel had been dismissed. In the same report, he took the local Ukrainian party organizations to task for their failure to combat national sentiment and "the rebirth of bourgeois nationalist concepts of the Ukraine in books, magazines, and newspapers." It is needless to say that 10 years later, when he became the most influential figure in the Kremlin, Khrushchev continued to be a determined foe of the national self-assertion of the Ukrainian people.

A salient feature of Khrushchev's record is to be found in his relentless onslaught on the farmers' independence. Even after the Soviet Government had taken away from the farmers the bulk of their land, Khrushchev did everything within his power to deprive them of the small lots that were still left to them. In the early 1950's he became one of the main advocates of a plan to urbanize the countryside, an undertaking clearly motivated by the desire to bring the collective farmers under closer economic and political control. Khrushchev's undertaking not only met with strong peasant opposition but was even criticized by influential circles in the party. No sooner was he entrenched in power than he resumed in 1956, his efforts to cut down the size of individual plots and reduce the number of people engaged in cultivating them.

This then, in short, is Khrushchev's record of accomplishments. His rise to power was accompanied by the betrayal and the physical destruction of his closest associates. At the helm of the party, he lost no time in undermining and finally ousting Malenkov and Molotov, his political rivals from the "collective leadership," and in establishing himself in Stalin's fashion as master of the Soviet land. He was instrumental in destroying the independence of the Soviet farmer. His expert knowledge in enslaving other peoples was first tested with regard to the Ukrainian nation; and only recently, implementing his decision, heavy Russian armor, in combination with deceit and treachery, crushed the national aspirations of the Hungarian people. "Pitiless and unabashed by any shameful act," the secret police is again at work there.

Khrushchev is a sworn enemy of the democratic form of government and the American way of life. He reviles this country as being devoid of political freedom and economic stability and ruled by a handful of greedy capitalists who enslave the working people. He and his fellow Communists are driven by the desire to outdistance the United States, the most advanced and powerful capitalist country. His fanatical belief in the superiority of the Communist system leaves no doubt in his mind that, whether there be peace or war, the ultimate communization of the world is certain to arrive. Only recently, television viewers in the United States had an opportunity to witness his prediction that their "grandchildren will live under socialism" (i.e., communism).

To attain this objective, Khrushchev displays versatility and flexibility in selecting the device which he considers most effective and promising at the moment: Nuclear blackmail, subversion, propaganda, interference in the domestic affairs of other states, driving a wedge between peoples and their governments, exploitation of anticolonial and nationalist feelings in Asia and Africa, and direct revolutionary action. All these expedients serve the single-minded goal of Soviet aggrandizement and of accelerating the march of communism.

"If anyone believes" he observed bluntly at a reception for East German Communist leaders in September 1955—

"That our smiles involve the abandonment of the teachings of Marx, Engels, and Lenin, he deceives himself badly. Those who wait for that must wait until a shrimp learns to whistle."

It appears that Khrushchev on this occasion, as on others, acted in line with the old Russian proverb that "what is on a sober man's mind is on a drunken man's tongue."

INDIVIDUAL INCOME TAX RETURNS ARE OPEN TO INSPECTION BY WIDE VARIETY OF PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Bell) is recognized for 15 minutes.

Mr. BELL. Mr. Speaker, I recently was surprised to read in the Federal Register that the House Internal Security Committee had been granted by Executive order the right to inspect an unlimited number of individual income tax returns. Combining this power with legislative privilege in the right to publish the contents of an investigation, it follows that such a committee would be able to publish the contents of any personal income tax return for any individual whom the committee decides to investigate.

Upon further investigation I learned that this Executive order was not unusual—that the right of Government officials to inspect individual income tax returns is granted to a whole range of congressional committees, Government agencies, and State and local officials.

In the past 10 years, for instance, Federal agencies have used these personal income tax returns 4,177 times. In the 91st Congress, 169 individuals had their income tax returns opened for inspection by congressional committees with presumably, the right to publish what they saw.

There may be instances where inspection of the returns by Government officials is very helpful to the agency or committee undertaking the investigation. But I do feel that it is time for us to rethink and discuss publicly the entire issue of using personal income tax returns for clearly nonrevenue purposes.

The current law states that income tax returns are "public records" but that "they shall be open to inspection only upon order of the President and under rules and regulations prescribed by the Secretary or his delegate and approved by the President." As the materials below indicate, the orders, rules, and regulations have permitted widespread disclosures of returns to a myriad of officials at all levels of Government.

For a long time I have publicly supported recommendations to make the financial affairs of U.S. Congressmen and Senators open to public inspection. The fiduciary duty which is imposed upon such officials enhances the desirability of such disclosures.

But I think we should seriously question the wisdom of a policy which permits Government officials to make widespread use of the personal returns of ordinary citizens. Such a policy converts the income tax return from a necessary evil, directed toward revenue purposes, to an instrument for governmental peeping toms.

In this era when technology has given Government snooping such a vast potential for violating the individual right of privacy, we should seriously question whether our taxation system should be yet another instrument for the invasion.

Mr. Speaker, I ask unanimous consent to place in the Record the reply I received from the Internal Revenue Service concerning their disclosure practices, as well as newspaper articles on the subject.

The materials follow:

Internal Revenue Service,
Washington, D.C., August 25, 1971.

Hon. Alphonzo Bell,
House of Representatives,
Washington, D.C.

Dear Mr. Bell: In your letter of August 10, 1971, you requested data concerning the use of Executive Orders issued under the authority of section 55(a) of the Internal

Revenue Code of 1939 and section 6103(a) of the Internal Revenue Code of 1954.

We are happy to comply with your request, and in order to clarify our response we have answered your letter with four exhibits, as follows:

Exhibit "A"—Committees of Congress authorized to inspect income tax returns and the number of requests received from the 86th Congress to date.

Exhibit "B"—The annual frequency of use by Federal agencies.

Exhibit "C"—Inspection of income tax returns by the House Internal Security Committee during the past three years.

Exhibit "D"—Use of income tax returns by the White House and its Staff employees.

If we can be of further assistance, please let us know.

Sincerely,

D. W. Bacon,
Assistant Commissioner (Compliance).

INSPECTION OF RETURNS BY CONGRESSIONAL COMMITTEES

EXHIBIT A

	Executive Order	Number of requests	Number of taxpayers
86TH CONG.			
U.S. Senate:			
Select Committee on Improper Activities in Labor-Management Relations	10801	37	221
Committee on Government Operations	10806	5	42
Committee on the Judiciary (Internal Security Act of 1950)	10808	1	3
Committee on Agriculture and Forestry	10846	1	13
Committee on the Judiciary (Antitrust and Antimonopoly Laws—Professional Boxing).	10855 and 10876	1	125
House of Representatives:			
Committee on Un-American Activities	10815	1	13
Committee on Government Operations	10818	1	5
Committee on Public Works	10871	2	28
Total		49	450
87TH CONG.			
U.S. Senate:			
Committee on Government Operations	10916	29	226
Committee on the Judiciary	10981	1	4
Committee on Armed Services	11020	1	7
Committee on Foreign Relations	11065	1	12
House of Representatives:			
Committee on Un-American Activities	10935	0	0
Committee on Public Works	10947	2	142
Committee on Government Operations	10966	5	35
Select Committee on Small Business	11055	0	0
Total		39	426
88TH CONG.			
U.S. Senate:			
Committee on Foreign Relations	11080	3	15
Committee on Government Operations	11082	3	49
Committee on Rules and Administration	11133	2	7
Committee on the Judiciary	11153	1	12
House of Representatives:			
Committee on Government Operations	11083	1	89
Committee on Public Works	11099	0	0
Committee on Un-American Activities	11109	1	6
Total		11	178
89TH CONG.			
U.S. Senate:			
Committee on Rules and Administration	11192	3	9
Committee on Government Operations	11194	9	118
House of Representatives:			
Committee on Government Operations	11201	1	5
Committee on Public Works	11204	0	0
Committee on Un-American Activities	11217	3	131
Committee on Banking and Currency	11235	0	0
Total		16	263
90TH CONG.			
U.S. Senate:			
Committee on Government Operations	11337	8	49
Select Committee on Standards and Conduct	11383	1	5
House of Representatives:			
Committee on Government Operations	11332	1	29
Committee on Un-American Activities	11358	2	14
Committee on Public Works	11370	0	0
Total		12	97
91ST CONG.			
U.S. Senate:			
Committee on Government Operations	11454	12	112
Committee on the Judiciary	11505	0	0
House of Representatives:			
Committee on Government Operations	11457	0	0
Committee on Public Works	11461	0	0
Committee on Internal Security	11465	2	43
Select Committee on Crime	11483	1	8
Committee on the Judiciary	11535	2	6
Total		17	169
92D CONG.[1]			
U.S. Senate: Committee on Government Operations	11584	6	95
House of Representatives: Committee on Internal Security	11611	0	0
Total		6	95

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[1] 92d Cong. figures are through Aug. 19 1971.

EXHIBIT B

Income tax returns requested by Federal agencies

Fiscal year:	*Number of requests*
1962	536
1963	608
1964	513
1965	324
1966	369
1967	392
1968	392
1969	317
1970	357
1971	369

INSPECTION OF INCOME TAX RETURNS BY HOUSE COMMITTEE ON INTERNAL SECURITY

1968—No requests were received.
1969—One request involving 8 taxpayers.
1970—One request involving 35 taxpayers.
1971—No requests received to date.

REQUESTS FOR COPIES OF INCOME TAX RETURNS BY THE WHITE HOUSE OR ITS STAFF EMPLOYEES

Eisenhower administration—1953–60: We have no record of any requests.

Kennedy administration—1961–63: Our records show that a Presidential Assistant made requests to inspect income tax returns, but we are unable to determine the dates or number of taxpayers involved.

Johnson administration—1963–68: We have no record of any requests.

Nixon administration—1969–71: Our records show that from December 1969 through April 1970 we received seven written requests involving nine taxpayers from a Presidential Assistant. We have no record of any requests since that time.

[From the Washington Evening Star, Apr. 12, 1970]

TAX RETURNS—AN OPEN BOOK

(By Robert S. Boyd)

White House aide Clark Mollenhoff isn't the only one examining federal tax returns. The right to inspect such material is granted to numerous government officials in Washington—and it extends right down to city halls and county court houses throughout the country.

Among those with the authority to request confidential returns on a "need to know" basis are:

Any official of the Treasury Department, if his "official duties" require such inspection.

Any "officer or employe" of any other federal department or agency, if the request is "in connection with some matter officially before him" and is submitted in writing by the head of the department to the Internal Revenue Service.

The Federal Bureau of Investigation, upon written request submitted by the attorney general, deputy attorney general or any of the eight assistant attorneys general.

Any of the more than 90 U.S. Attorneys across the nation, "where necessary in the performance of his official duty," by simply writing to the IRS commissioner.

Three congressional committees with automatic, statutory authority—the Senate Finance Committee, House Ways and Means Committee and Joint Committee on Internal Revenue Taxation.

Six other congressional committees, authorized under executive order—the Senate Judiciary and Government Operations, Public Works, Internal Security and Select Crime Committees.

In fiscal 1969, there were requests to examine 346 individual income tax returns from such executive branch agencies as the Federal Trade Commission, Commerce Department, Renegotiation Board and Advisory Commission on Inter-Governmental Relations. All were granted.

On the local level, the federal government automatically provides selected information from tax returns to 45 state governments. In 26 states, the material is supplied on computer tape for cross-checking with state and local tax returns.

Furthermore, on the request of the governor of any state, any state or local tax official may inspect federal tax returns at the nearest IRS office.

The law requires the IRS to make the returns available to "any official, body or commission lawfully charged with the administration of any state tax law."

The same privilege can be extended, by the governor, to the tax authorities of any county, city, town or other political subdivision of his state.

The federal returns are supposed to be used only to prevent cheating on state and local tax returns. They are not supposed to go to local investigative agencies.

But federal officials admit they have little control over the use made of the information given state and local authorities. It can—and has been—abused.

[From the Wall Street Journal, May 6, 1970]

INCOME TAX SNOOPING THROUGH HISTORY

(By Richard F. Janssen)

WASHINGTON.—There's an ominously Orwellian undertone to the capital's continuing flap over whether the White House is taking too many liberties with income tax returns. The disclosure that Presidential aide Clark Mollenhoff can tap the supposedly sacrosanct files at will, shudders a former LBJ aide, is a chilling reminder that "we're only 14 years from 1984."

It might also be said, however, that we're only 109 years from 1861.

That was the year of the first income tax, to pay for the Civil War. The 37th Congress having omitted any mention of privacy in the tax law, the first Internal Revenue Commissioner, George Boutwell, made his own policy: Not only would the returns be open to the public, but those curious about their neighbors' fiscal affairs wouldn't even have to leave the house.

According to research by Mitchell Rogovin, a Washington lawyer and former IRS Chief Counsel, Mr. Boutwell "instructed the assessors to publish lists in local newspapers throughout the country containing taxpayers' names, addresses, amounts of taxable income and taxes paid."

SOME EMINENT SUPPORT

Such aggressive disclosure enjoyed, at least briefly, eminent support. Editor Horace ("Go West, young man") Greeley espoused the publicity as "likely to prove beneficial to the revenue as well as to the consciences of some of our best citizens." The open book approach, he argued, "has gone far toward equalizing the payments of income tax by the rogues with that of honest men."

The war-spawned tax became unpopular in peacetime, though. In 1870, Internal Revenue—perhaps in hopes of lowering voices—reversed itself and no longer put the information in the newspapers, and two years later Congress let the tax expire. When it cranked up another in 1894, it added criminal penalties to deter loose-lipped revenue agents. The next year the Supreme Court ruled the income tax unconstitutional, and the cause of confidentiality received its ultimate victory, the burning of all tax returns.

But the idea of having an income tax was to be revived of course, and the idea that community pressure would help compliance never quite died either. It was at the Union League Club in Chicago in 1898, Mr. Rogovin recounts, that this philosophic case for free access to tax returns was presented by former President Benjamin Harrison:

"We have treated the matter of a man's tax return as a personal matter. We have put his transactions with the State on much the same level with his transactions with his banker, but that is not the true basis. Each citizen has a personal interest, a pecuniary interest, in the tax return of his neighbor. We are members of a great partnership, and it is the right of each to know what every other member is contributing to the partnership and what he is taking from it."

So it was with this mixed legacy of privacy and publicity that the "modern" income tax law crept in (at 1% of income over $3,000) through Constitutional amendment in 1913. Again, Congress didn't directly say who could see the returns, but the Treasury had a flat rule: "Returns of individuals shall not be subject to inspection by anyone and under no conditions made public."

This piqued such Progressives as the La Follettes, who kept trying to amend revenue acts along Harrisonian disclosure lines. In 1924, their campaign paid off, and Congress by law required Internal Revenue to make available for public inspection the identity and amount of tax paid by individual income taxpayers. Within 24 hours after it was announced that tax lists were ready for inspection, Mr. Rogovin reports, Internal Revenue offices throughout the country "were besieged by applications from promoters, salesmen and advertisers."

The direct mailers' delight was dashed by Congress in 1926, however, and the lawmakers kept the lid tightly clamped on tax returns until 1934. That's when the disclosure forces pushed through the "pink slip" provision, a compromise requiring each taxpayer to enter the highlights of his return on an extra sheet which anyone could examine.

The resulting furor must have been far more flamboyant than today's Mollenhoff affair. A group calling itself the "Sentinels of the Republic" mobilized to push for repeal before anyone would actually have to submit the tell-tale pink slip. Its race with the March 15, 1935, filing deadline stirred wide press and popular support, for this time the question of access to tax returns loomed as a matter of life and death: "The 1932 Lindbergh kidnap gripped the public consciousness, and debating Congressmen conjured up the image, Mr. Rogovin writes, "of kidnappers diligently sifting pink slips to identify worthwhile victims and the appropriate amount of ransom to request."

The tinge of terror was enough to bury the pink-slip scheme before it could be implemented. Congress instead simply decreed that state and local officials could peruse Federal returns; beyond that, authority for inspection would be up to the President. Since the emotional upheaval of 1934, according to Washington authorities, Federal law hasn't had anything new to say about the sanctity of tax returns.

WHAT THE LAW SAYS

In light of the historic ambivalence, perhaps what the law does say—as expressed in the current revenue code—doesn't seem so strange: "Sec. 6103(A)(2).—All returns . . . shall constitute public records and shall be open to public examination and inspection to such extent as shall be authorized in rules and regulations promulgated by the President."

The pursuant rules, of course, preclude the merely curious, and pretty well limit access to governmental investigators. Yet, considering the potential for politically motivated peeping (and no instances of that are being alleged), the Congressmen who would like the law tightened to make it tougher even for the President's emissaries probably are right; they might make the onrush of 1984 just a little slower.

But they might have just a twinge of regret that, in so doing, they're pulling us farther away from that simpler time when the country didn't need armies of revenue agents and platoons of computer sleuths to collect the taxes. All it needed was a healthy faith in the inherent nosiness of neighbors.

PROCEDURE AND ADMINISTRATION

§ 6102. COMPUTATIONS ON RETURNS OR OTHER DOCUMENTS

(a) Amounts shown in internal revenue forms.—The Secretary or his delegate is authorized to provide with respect to any amount required to be shown on a form prescribed for any internal revenue return, statement, or other document, that if such amount of such item is other than a whole-dollar amount, either—

(1) the fractional part of a dollar shall be disregarded; or

(2) the fractional part of a dollar shall be disregarded unless it amounts to one-half dollar or more, in which case the amount (determined without regard to the fractional part of a dollar) shall be increased by $1.

(b) Election not to use whole dollar amounts.—Any person making a return, statement, or other document shall be allowed, under regulations prescribed by the Secretary or his delegate, to make such return, statement, or other document without regard to subsection (a).

(c) Inapplicability to computation of amount.—The provisions of subsections (a) and (b) shall not be applicable to items which must be taken into account in making the computations necessary to determine the amount required to be shown on a form, but shall be applicable only to such final amount. Aug. 16, 1954, c. 736, 68A Stat. 753.

Historical Note

1939 Internal Revenue Code. No similar provisions were contained in the 1939 Internal Revenue Code.

Legislative History. For a comprehensive analysis of this section as contained in House Report No. 1337 Senate Report No. 1622, and Conference Report No. 2543, which accompanied the Internal Revenue Code of 1954, see pp. 4549, 5218 of the 1954 U.S. Code Cong. and Adm. News.

Library References

Internal Revenue—1203.

C.J.S. Internal Revenue § 555.

§ 6103. PUBLICITY OF RETURNS AND DISCLOSURES OF INFORMATION AS TO PERSONS FILING INCOME TAX RETURNS

(a) Public record and inspection.—

(1) Returns made with respect to taxes imposed by chapters 1, 2, 3, and 6 upon which the tax has been determined by the Secretary or his delegate shall constitute public records; but, except as hereinafter provided in this section, they shall be open to inspection only upon order of the President and under rules and regulations prescribed by the Secretary or his delegate and approved by the President.

(2) All returns made with respect to the taxes imposed by chapters 1, 2, 3, 5, 6, 11, 12, and 32, subchapters B and C of chapter 33, subchapter B of chapter 37, and chapter 41, shall constitute public records and shall be open to public examination and inspection to such extent as shall be authorized in rules and regulations promulgated by the President.

(3) Whenever a return is open to the inspection of any person, a certified copy thereof shall, upon request, be furnished to such person under rules and regulations prescribed by the Secretary or his delegate. The Secretary or his delegate may prescribe a reasonable fee for furnishing such copy.

(b) Inspection by States.—

(1) State officers.—The proper officers of any State may, upon the request of the governor thereof, have access to the returns of any corporation, or to an abstract thereof showing the name and income of any corporation, at such times and in such manner as the Secretary or his delegate may prescribe.

(2) State bodies or commissions.—All income returns filed with respect to the taxes imposed by chapters 1, 2, 3, and 6 (or copies thereof, if so prescribed by regulations made under this subsection), shall be open to inspection by any official, body, or commission, lawfully charged with the administration of any State tax law, if the inspection is for the purpose of such administration or for the purpose of obtaining information to be furnished to local taxing authorities as provided in this paragraph. The inspection shall be permitted only upon written request of the governor of such State, designating the representative of such official, body, or commission to make the inspection on behalf of such official, body, or commission. The inspection shall be made in such manner, and at such times and places, as shall be prescribed by regulations made by the Secretary or his delegate. Any information thus secured

by any official, body, or commission of any State may be used only for the administration of the tax laws of such State, except that upon written request of the governor of such State any such information may be furnished to any official, body, or commission of any political subdivision of such State, lawfully charged with the administration of the tax laws of such political subdivision, but may be furnished only for the purpose of, and may be used only for, the administration of such tax laws.

(c) Inspection by shareholders.—All bona fide shareholders of record owning 1 percent or more of the outstanding stock of any corporation shall, upon making request of the Secretary or his delegate, be allowed to examine the annual income returns of such corporation and of its subsidiaries.

(d) Inspection by Committees of Congress.—

(1) Committees on Ways and Means and Finance.—

(A) The Secretary and any officer or employee of the Treasury Department, upon request from the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, or a select committee of the Senate or House specially authorized to investigate returns by a resolution of the Senate or House, or a joint committee so authorized by concurrent resolution, shall furnish such committee sitting in executive session with any data of any character contained in or shown by any return.

(B) Any such committee shall have the right, acting directly as a committee, or by or through such examiners or agents as it may designate or appoint, to inspect any or all of the returns at such times and in such manner as it may determine.

(C) Any relevant or useful information thus obtained may be submitted by the committee obtaining it to the Senate or the House, or to both the Senate and the House, as the case may be.

(2) Joint Committee on Internal Revenue Taxation.—The Joint Committee on Internal Revenue Taxation shall have the same right to obtain data and to inspect returns as the Committee on Ways and Means or the Committee on Finance, and to submit any relevant or useful information thus obtained to the Senate, the House of Representatives, the Committee on Ways and Means, or the Committee on Finance. The Committee on Ways and Means or the Committee on Finance may submit such information to the House or to the Senate, or to both the House and the Senate, as the case may be.

(e) Declarations of estimated tax.—For purposes of this section, a declaration of estimated tax shall be held and considered a return under this chapter.

(f) Disclosure of information as to persons filing income tax returns. The Secretary or his delegate shall, upon inquiry as to whether any person has filed an income tax return in a designed internal revenue district for a particular taxable year, furnish to the inquirer, in such manner as the Secretary or his delegate may determine, information showing that such person has, or has not, filed an income tax return in such district for such taxable year. Aug. 16, 1954, c. 736, 68A Stat. 753; Sept. 2, 1964, Pub.L. 88–563, § 3(c), 78 Stat. 844; June 21, 1965, Pub. L. 89–44, Title VI, § 601(a), 79 Stat. 153; Nov. 2, 1966, Pub.L. 89–713, § 4(a), 80 Stat. 1109.

MEDICAL CARE SYSTEM CHALLENGED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Bow) is recognized for 5 minutes.

Mr. BOW. Mr. Speaker, Dr. Jack Schreiber is a distinguished physician in my congressional district. He feels deeply the responsibility of the medical profession in its contribution to the welfare of the Nation. He has written a series of three articles for the Ohio State Medical Journal. I think these articles would be interesting to my colleagues, particularly in view of the fact that we are now giving consideration to many health programs. I, therefore, include with these remarks one of the articles written by Dr. Schreiber:

The Fallacy of Using Selected Statistics To Measure the Effectiveness of Medical Care

(By Jack Schreiber, M.D.)

The present medical care system in the United States is being challenged by numerous individuals and groups who often use misleading statistics to make their case.

Who are those that have been working so diligently to control medical care in this country? For the past 20 years or so, COPE of the AFL–CIO has been turning out pamphlets, news releases and misleading facts and figures. During this same period, and especially during the years since Medicare, entrenched Civil Service employees of government in the Department of Health, Education and Welfare, and in numerous positions in the legislative branch, such as the staff of Congressional Committees, have been lobbying against private practice and for a system of federal medicine.

The third source of the propaganda has come from the universities. Most of the so-called research into health care has been done by university professors and their assistants who develop their premise first, plan projects next, and write their conclusions last. The combined efforts of much of this faulty research and the propaganda of the proponents of Socialized Medicine is to convince the American people that medical care in the United States is (1) inferior, (2) much too expensive, and (3) not available to everybody who needs it.

Let's take a close look at these allegations. Almost daily we hear that medical care in this country is second rate. The CBS Television special "Don't Get Sick in America" implied that the quality of medical care, in this country may be the worst in the western world. Invariably, infant mortality figures are quoted showing United States ranking 13th in the world behind "progressive" countries such as Sweden, England, The Netherlands, West Germany, France, Finland, etc. The source of this information is the *United Nations Demographic Yearbook*. What is the truth behind the infant mortality argument in trying to prove that the quality of medical care in this country is inferior?

MORTALITY STANDARDS DIFFER

I. Those who quote the infant mortality figures from the *United Nations Demographic Yearbook* are either dishonest, or haven't done their homework. The introductory chapter of the section on infant mortality states clearly that infant mortality statistics of different countries should not be used for comparison. The *Yearbook* points out that there are different standards of measurement. In the United States, for example, a baby is listed as a live birth if there is any sign of life, such as a heart beat in the umbilical cord. Some countries do not record a live birth unless the child takes a breath. Other countries do not list a live birth until the birth has been registered, and this can occur some days or even weeks after birth.

In the United States, the responsibility of reporting births and deaths is clearly assigned to the physician. In many countries of the world, especially in Europe, this responsibility is that of the parents or of the clergy. With no uniform method of measurement or reporting, comparing infant mortality figures is like comparing apples to potatoes.

II. Even if there were uniform methods of measurement of these figures, infant mortality statistics are not a good index of the health care delivery system. Infant mortality is a social, rather than a medical problem. Such factors as poor housing, poverty, malnutrition, ignorance, and racial ethnic differences are surely much more highly corelated with infant mortality than such factors as the number of physicians and hospitals, or how medicine is practiced.

III. There are better yardsticks for measuring the status of health in a given nation, other than infant mortality.

In the United States, in 1969, 70 percent of all deaths were related to heart disease, strokes, and cancer. Only 2.2 percent of all deaths were classified as infant mortality.

WHERE THE U.S. RANKS HIGH

How does the United States rank with other countries in regard to diseases which can be more easily and more meaningfully measured? Studying those countries that supposedly have a better standing of infant mortality figures according to the *United Nations Yearbook*, the United States, for example, has a much better ranking in the mortality of tuberculosis, still the world's leading killer among infectious diseases. We rank higher than any nation except Denmark, the Netherlands, and Australia. In deaths from pneumonia, we have better results than half the countries that supposedly outrank us in infant mortality. Our death rates from pneumonia in 1967 were 28 per 1000 as compared to 51 per 1000 in Sweden and 66 per 1000 in England. In mortality from bronchitis the death per 100,000 in 1967 the United States had the lowest mortality in the world. In the treatment of ulcers of the stomach, our mortality figures were almost half that of the Socialist countries of the western world. In the number of deaths per 100,000 for all malignant tumors in 1967 United States ranked higher than Finland, France, West Germany, The Netherlands, Sweden and England. Only Japan and Australia have consistently had better results in the cancer mortality figures over the years.

GOOD HEALTH—THE REAL STANDARD

IV. All of these figures, so far, have dealt with mortality. Let's take a brief look at how the United States compares with other nations in terms of good health. The Department of HEW recently released figures showing American children, ages 6 through 11, are taller and heavier on the average, than any other national population in the world. American children, according to this report, have increased height ½″ each decade for the past 90 years and increased weight 15 percent to 30 percent. An average 8 year old boy, today, is almost 4.5″ taller and 8 pounds to 19 pounds heavier than his counterpart of 90 years ago. Adults correspondingly are taller and heavier than they were 90 years ago.

If health care here is the worst in the western world, as vociferous critics in and out of the medical profession claim, then why are Americans fast becoming the largest people on earth?

V. Infant mortality is not a good measure of the health status of a population or the performance of the health delivery system in the country. If it is to be used at all, it should be used for the discussion of a nation's social problems. Even, in that context, however, it should not be used alone; it should be used in conjunction with other sources of indicators.

If one is interested in infant mortality as a social problem which can be improved upon, international comparisons are not particularly useful. The relevant information is whether the United States infant mortality record is improving or deteriorating. Obviously, the United States experience in infant mortality has been improving. In 1940, in the United States, the infant mortality rate was 47 per 1000 live births; in 1950 this dropped to 29.2; in 1960 to 26 and in 1969 to 20.7. In less than 30 years, the rate has been cut in half! This is good, but it could be better. However, the physicians and other health professionals in the United States should neither be exclusively blamed for the fact that it is not better, nor accept exclusive responsibility for the significant improvement that has occurred since 1940.

In conclusion then, infant mortality figures have been misused and misinterpreted for some years. It is time to dispel the idea that it is a valid indicator of the health status of the United States population—it is not. United States figures are often compared to Sweden, who has the lowest infant mortality rate in the world. The implications, comparing the two countries, although it is not usually stated, is meant to imply that the United States should adopt the Swedish health system and/or social system. This is an absurd line of reasoning to follow because (1) United States has over 200 million people and Sweden has about 8 million; (2) United States covers over 3.6 million square miles, Sweden covers 170,000 square miles, or slightly more than the state of California; (3) United States has an extremely heterogeneous population, Sweden has a relatively homogeneous population. Both United States and Sweden are at approximately the same point, as far as medical knowledge and technology are concerned.

Given the above points which country would one expect to have the lower infant mortality rate? The fact is that the United States has a much larger and complex problem to deal with. By this reasoning, New York City should adopt the same type of public transportation system as Billings, Montana, because traffic congestion in Billings, is much less than in New York City.

BAN ON OIL EXPORT LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin) is recognized for 45 minutes.

Mr. ASPIN. Mr. Speaker, yesterday I testified before the Merchant Marine and Fisheries Committee on two pieces of legislation I introduced in the House yesterday which would have the effect of, first, making our oil import quota system more rational and, second, increasing the amount of oil shipped on American-owned tankers.

The first bill, H.R. 11086, which was cosponsored by 19 Members of the House, would ban the export of oil from the United States—without prior congressional approval—as long as the oil import quota system is in effect.

A list of the cosponsors of H.R. 11086 follows:

List of Cosponsors

Representative Herman Badillo, Democrat of New York.

Representative Jonathan Bingham, Democrat of New York.

Representative Shirley Chisholm, Democrat of New York.

Representative Silvio Conte, Republican of Massachusetts.

Representative John Dent, Democrat of Pennsylvania.

Representative Sam Gibbons, Democrat of Florida.

Representative Seymour Halpern, Republican of New York.

Representative James Hanley, Democrat of New York.

Representative Ken Hechler, Democrat of West Virginia.

Representative Margaret Heckler, Republican of Massachusetts.

Representative Edward Koch, Democrat of New York.

Representative Norman Lent, Republican of New York.

Representative Spark Matsunaga, Democrat of Hawaii.

Representative Bradford Morse, Republican of Massachusetts.

Representative Fernand St Germain, Democrat of Rhode Island.

Representative Louis Stokes, Democrat of Ohio.

Representative Robert Tiernan, Democrat of Rhode Island.

The second bill, H.R. 11085, would close several possible loopholes in the Jones Act.

A copy of my testimony before the Merchant Marine and Fisheries Committee and a National Journal article by Richard Corrigan on the possibility of Alaskan oil being shipped to Japan follows:

Testimony of Congressman Les Aspin

Mr. Chairman, I appreciate this opportunity to testify before the Merchant Marine and Fisheries Committee today at these important hearings.

I do not come before the Committee, in any sense, as an expert on the merchant marine industry. But I am interested in a subject which potentially has a very great bearing on the merchant marine and shipping industry—namely the trans-Alaska pipeline.

Although I have been, and will continue, to oppose construction of the trans-Alaska pipeline for both environmental and economic reasons, I am convinced that if the proposed Alaska pipeline is constructed—which appears likely—there are some economic benefits from the pipeline and the North Slope oil which would be very important to the merchant marine and shipping industries.

Two years ago, Alyeska—the Alaska pipeline company—purchased a $100 million pipeline from a Japanese company, without even allowing U.S. Steel and Kaiser Industries to bid for the project because they expected quick approval of the project from the federal government, and only the Japanese company was able to meet Alyeska's timetable. This is strong evidence that the sale of the North Slope oil will serve to benefit other American industries only when it is most profitable for Alyeska and its member companies. It is clear that the sale of the North Slope oil will result in enormous profits—in the billions of dollars—to the oil companies involved. Strong congressional action is, I believe, necessary to insure that if the trans-Alaska pipeline is built, it economically benefits to the fullest degree possible the country as a whole, as well as the North Slope oil companies.

With your permission, I would like to have printed at the conclusion of my testimony an article which appeared in the July 31 issue of the prestigious magazine, National Journal. The article, by Richard Corrigan, is entitled "Resources Report/Japan may get some Alaskan oil; foreign-flag shipping of exports is likely." This article is the most objective and comprehensive report concerning the ultimate destination of the North Slope oil that I have seen so far.

By the admission of Alyeska's own President, Edward Patton, by 1980 as much as 500,000 barrels of oil a day (25% of the expected two million barrels a day production from the North Slope) will be shipped to non-West Coast ports. Conceivably, all 500,000 barrels could be shipped on foreign tankers.

I would like to quote four different sections of this article which, I believe, demonstrate in a convincing fashion that if the trans-Alaska pipeline is built, the oil companies with interests in the North Slope oil may attempt to "pull an end run" around the Jones Act, in the words of one of the company's presidents. I believe the Committee will find these sections of particular relevance to these hearings.

Phillips, which has a relatively small interest in North Slope reserves, has proposed an "import-for-export" program involving Japan.

Under this proposal, which has been submitted to Administration officials and to the House Interior Committee, North Slope oil could be sent to Japan. In exchange, the exporting company would be allowed to import an equal amount of oil from the Middle East or Venezuela to the U.S. East Coast under an exception to present limits on oil imports.

John M. Houchin, president of Phillips, said in a lengthy statement to the House Committee in the spring of 1970 that one advantage of this arrangement would be great savings in transportation costs, because U.S.-flag vessels would not have to be used.

"It's just a question of trying to save investments," said one industry executive familiar with the proposal. The plan would allow oil to be brought to the East Coast market without the necessity of building more pipelines or using U.S.-flag tankers, he said.

"One of the rationales behind this thing, quite frankly, was that we could use foreign-flag ships," he said. This would permit industry to "pull an end run" on the Jones Act, he said. (p. 1597).

The import-for-export proposal was mentioned by Washington economists Charles J. Cicchetti and John V. Krutilla in a critique of the trans-Alaska plan they gave to the Interior Department in March.

The Cicchetti-Krutilla report said: "The most attractive alternative for the oil producers would be the use of North Slope oil for export at world market prices to Japan, while importing a similar amount from Venezuela, selling same at the support price in the United States.

"Since the beneficiaries of the low-cost North Slope oil would be Japenese consumers, while the environmental costs would be borne by the United States, there is an issue of equity and propriety associated with this proposal . . ." (p. 1601).

In a June 22 tabulation of projected tanker traffic, Alyeska said 41 tankers would carry oil out of Valdez, Alaska, when the pipeline reaches a rate of two million barrels a day.

Of the 41 tankers, Alyeska said, eight would be in the 250,000-dead-weight-ton supertanker class, and 16 would be in the 120,000-DWT class.

There are no U.S.-flag tankers of either of these sizes in operation now, although the Japanese and some international oil firms such as BP have them.

Alyeska said in the tabulation, which was submitted to the Interior Department among stacks of data, that all of the supertankers and some of the 120,000–DWT vessels would be involved in the "Panama" trade, handling an average cargo of 500,000 barrels a day.

None of the supertankers was destined for U.S. West Coast ports, which are not now able to receive vessels of that size.

The Panama Canal cannot handle tankers larger than 65,000–DWT, which suggests that the companies intend to take one of three alternative actions:

Transport oil by supertanker to the Central American Pacific coast and pipe the oil to the Atlantic coast, where other tankers would pick it up, or send it through the canal in smaller tankers.

Send the oil around Cape Horn and up to East Coast markets.

Send the oil to Japan.

The Jones Act might not apply to any of these three alternatives, despite Commerce

Department claims that the Alaskan oil trade will bring a boom to America's maritime industry. (p. 1600).

Oil companies might be able to avert the Jones Act by taking oil from Alaska to the Virgin Islands for refining before moving it to the East Coast market.

The Virgin Islands has been regarded as outside the scope of the Jones Act; but it remains to be decided whether Alaskan oil would be exempt in this situation.

Amerada Hess Corporation, an oil firm with lease interests on the North Slope, has expanded its Virgin Islands refinery complex to handle 450,000 barrels a day. Leon Hess, chairman of the company, reported to stockholders this spring that the company plans to obtain tankers in expectation of refining oil from the North Slope.

Tankers could dock at the Virgin Islands after picking up oil from a Central American pipeline or after rounding Cape Horn. (p. 1601).

Today, I will be introducing in the House two bills which will have the effect of, first, making our oil policies more consistent and beneficial to the interests of the country as a whole and, second, preventing "an end run" of the Jones Act.

The first bill, which nineteen other members of the House have joined me in cosponsoring, would prohibit the export of domestically produced oil, without prior congressional approval, as long as the import quota system is in effect. The purpose of this legislation is straightforward. The present oil import quota system costs the American consumer from $4–8 billion a year. It is designed to limit imports of oil and, thus, to make oil more expensive, so that domestic producers of oil can make a sufficient profit to encourage them to fully develop our own domestic supplies of oil, so that we are as little reliant on foreign oil as possible, so that we can help insure our national security. Without at this time getting into the merits of such a program, it is obvious that to export oil at the same time we are paying a good deal to keep oil within the United States makes little sense.

It is important to note that if and when the import quota system were to be abolished this legislation, if enacted, would be voided. Under a free market situation, the oil companies would be free to export whatever oil they wished. It is important also to note that if extraordinary circumstances do exist which would justify the exporting of some oil, then the oil companies concerned could come to Congress and present their case. Knowing the oil industry's powers of persuasion, I have no doubt that they could convince Congress to act favorably whenever such a situation did exist. Simply put, this legislation would place the burden of proof on the oil companies concerned to show that the exporting of some oil in specific situations makes sense and is in the national interest, as well as the oil companies' interests.

At present, while 260,000 barrels a day of oil are exported from the U.S., there are no restrictions whatsoever on the exporting of oil. If much or all of these 260,000 b/d were prohibited from being exported, it would, I believe, significantly increase shipments on American-owned tankers.

With your permission, I would like to include a copy of this bill, along with a list of its cosponsors, in the record of the Committee's hearings at the conclusion of my testimony.

The second bill I will introduce today would specifically require that all oil from Alaska be transported in vessels which are documented under the laws of the United States. It should seem, of course, that the first bill, prohibiting the export of oil, would require the use of American-owned tankers under the terms of the Jones Act. Unfortunately, as pointed out in the National Journal article, there would still be a couple possible "end runs" open to the oil companies, such as the Virgin Islands' loophole. Although this second bill would close off such loopholes only in the case of Alaska oil, the Committee might want to consider the possibility of closing off such loopholes in all cases involving oil shipped from one American port to another.

With your permission, I would also like to include a copy of this bill in the record of the Committee's hearings.

While these two bills are separate, and could be acted upon separately, they are strongly interrelated in their effect on the American merchant marine industry. The first, by prohibiting the exporting of domestic oil, would prevent the legitimate use of the Jones Act to ship the oil on foreign tankers. The second, by closing off possible loopholes, would prevent the oil companies from getting around the intent of the Jones Act. The effect of enacting these two bills would be, first, to make our energy policies more rational and, second, to increase the shipment of oil on American-owned tankers.

Resources Report/Japan May Get Some Alaskan Oil; Foreign-Flag Shipping of Exports Is Likely

(By Richard Corrigan)

A growing Japanese presence in Alaska is adding new dimensions to the controversial trans-Alaska oil pipeline project.

If and when the oil beneath the state's North Slope is pumped to market, it will travel across the state in 48-inch steel pipe made in Japan.

And, once the oil reaches the Gulf of Alaska port of Valdez, some of it is likely to be carried in Japanese tankers—to Japan.

"Japan is a natural market" for Alaskan oil, said Hideo Yoshizaki, commercial counselor at the Japanese Embassy in Washington. "We are so much reliant on the Middle East," he said. "We are very hungry for low-sulfur oil. We are expecting a lot from Alaskan oil. I think the majors (the major oil companies) can sell us a substantial amount."

In the past, advocates of the controversial pipeline project have emphasized the rationale that development of Alaska's oil reserves is necessary now to reduce this nation's dependence on foreign sources of petroleum, particularly in the Middle East and Africa.

A $4-million nationwide advertising campaign of the American Petroleum Institute expresses this theme: "A country that runs on oil can't afford to run short."

The Department of the Interior, in its January environmental impact statement on the pipeline, said there is a "compelling" and "unequivocal" need for speedy delivery of North Slope oil to United States markets.

"The prospect of importing increasing amounts of petroleum from Eastern Hemisphere nations," the report said, "contains important implications for United States foreign affairs and national security." The statement said that the United States could find itself in a "vulnerable diplomatic and economic position" if the North Slope were not exploited.

None of the arguments for the pipeline has mentioned possible exportation of the oil.

Yet, there are strong indications that a sizeable percentage of the oil would be consumed in Japan rather than the United States, and that the opportunity to reach the burgeoning Japanese market was a factor in the oil companies' decision to route the pipeline to the Pacific coast—where tankers could reach it—rather than across Canada to the U.S. Midwest.

Judging from *National Journal* interviews with Washington officials, there has not been much discussion at the policy level of the long-run implications of exporting North Slope oil to Japan.

Japan's interest

The Japanese have expressed interest in Alaskan oil to help meet their country's spiraling demand for energy.

The prospects are excellent for sales of Alaskan oil to Japan, said one specialist in Japanese affairs at the State Department.

"Japan wants all the oil it can get, and I certainly wouldn't rule this out," said Hollis M. Dole, assistant secretary (mineral resources) of the Interior Department, when asked about the prospects of marketing Alaskan oil in Japan.

Dole said, however, that "we're going to need all the oil we can get" by 1985, judging from current projections of U.S. demand.

Administration

The level of oil imports has been a high-priority issue, but the federal government has had little occasion in recent years to consider the question of U.S. oil exports.

Elmer F. Bennett, special assistant to the director of the Office of Emergency Preparedness and adviser to the White House Oil Policy Committee, said: "The policy committee has not had this matter before it. If there were any West Coast surplus, it would be a mighty-short-term proposition. We don't see it as any problem of any consequence whatsoever."

Later in the same interview—after a review of plans already under way regarding a fleet of supertankers capable of carrying North Slope oil to Japan—Bennett said that any sale of U.S. oil to Japan "would be an important policy question which would be resolved at the time it came up."

The transaction, he said, could not be made without "a lot of questioning" from the Administration and Congress.

"This is certainly an issue that will be raised and examined very closely," said Jack O. Horton, deputy under secretary of interior and coordinator of Alaska pipeline studies.

These questions have not been raised before publicly, Horton said, although department officials have considered them in private.

"We're going to have to wait and see what they (the oil companies) come up with" in formal submissions of projected foreign traffic, Horton said.

A Commerce Department official said that "there are certainly no export controls" governing possible sales of U.S. oil abroad.

"What you're dealing with here is a question of economics," the Commerce official said. The likelihood is that Alaskan oil would not be competitive with Middle East oil, he said, and that would take care of the national-security aspect.

If shipping a small amount of oil to Japan helps U.S. oil firms develop capital to seek still more oil, he said he could see nothing wrong in that.

He also said that traditionally there are "absolutely no restrictions on any foreign investment in the United States" that would apply to Japanese investments in Alaskan resources.

A White House staff assistant said the Administration is aware of the possibility that Alaskan oil might go to the Far East.

"There is no formulated policy, positive or negative, that I know of," he said.

One proposal for selling oil to Japan would involve shipping North Slope oil to the Japanese and permitting an equal amount of oil to be imported from other parts of the world.

Asked about this arrangement, Edward Mitchell, staff assistant on energy policy for the Council of Economic Advisers, said: "There is some logic to that."

But, he said, the proposal does raise some serious questions of national security.

"I don't see that it's gotten much response," he said, "but I think it's interesting."

EXPORT POTENTIAL

Edward L. Patton, president of Alyeska Pipeline Service Co., the consortium seeking permission to build the trans-Alaska pipeline, discussed the prospects for foreign sales during a July 20 interview with *National Journal.*

Targets for 1980

Patton said that, according to confidential estimates recently submitted to the Interior Department by the companies participating in Alyeska, 25 per cent of North Slope oil is targeted for sale beyond the U.S. West Coast by 1980, when North Slope production is expected to reach two million barrels a day.

Patton said the 500,000 barrels a day are lumped under the heading "Panama," a reference to possible movement of the oil by pipeline or tanker through Panama to the East Coast.

The "Panama" total is a catchall listing for oil to be marketed outside the West Coast, Patton explained: it could include direct sales to Japan.

Patton estimated that sales to Japan might amount to 100,000 barrels a day in 1980. By 1985, he said, the West Coast will be able to absorb a full two million barrels a day of North Slope oil, according to present forecasts.

Import levels

A 100,000-barrel-a-day business with Japan would account for only 5 per cent of North Slope production, Patton noted.

And the Interior Department's Office of Oil and Gas has estimated that if North Slope oil is not available to the West Coast, overseas imports to that area alone would rise to 2.3 million barrels a day by 1980.

Compared with statistics on current U.S. oil imports, however, the 100,000-barrel-a-day figure takes on some significance.

No single nation in the Middle East or Africa sold more than 50,000 barrels a day to the United States during 1970, according to compilations by the Interior Department's Oil Import Administration.

Total imports from 12 Middle Eastern and African nations averaged about 300,000 barrels a day. Imports from all nations totaled 3.3 million barrels a day—more than half of it from Venezuela and Canada, and four-fifths of the imports coming from the Western Hemisphere.

Imports represented about 23 per cent of the total U.S. demand of nearly 15 million barrels a day.

(These figures contradict a statement in an Alyeska Pipeline Service Co., brochure: "Why do we need Alaskan oil? . . . We import crude oil from overseas sources—primarily the Middle East. We have the choice of increasing our dependency on other nations or developing our domestic reserves."

Projections

Thus, warnings of U.S. dependence on Middle Eastern and African oil derive from projections of future U.S. production and demand rather than from current import levels.

Patton's estimate of a possible temporary 100,000-barrel-a-day trade with Japan likewise is based on individual oil company projections.

As a common carrier pipeline, Alyeska would have no voice in the ultimate destination of North Slope oil; the amount of oil that might be sold to Japan could be greater than or less than that figure, depending on the marketing policies of the companies.

JAPAN

Japanese interests already have entered the Alaska scene—to such an extent that one federal planning official in Anchorage privately voiced fears that the state could become a "second Manchuria."

Presence

The Japanese presence is widespread. The Japanese own a large timber mill in Sitka, buy salmon eggs from Cordova canners, market Toyotas and Datsuns in the state, and have surveyed Alaska's substantial reserves in coal, iron ore and minerals.

Several major Japanese businesses have established offices in Anchorage, where the Japanese government maintains a consulate and where Japan Air Line jets are a significant part of the traffic at the Anchorage airport.

Energy interests

Asked about Japanese interest in Alaskan oil, Homer L. Burrell, director of the state's oil and gas division, produced a handful of calling cards from Japanese businessmen.

Natural gas—Under a 15-year, $375-million contract with Phillips Petroleum Co. and Marathon Oil Co., Japanese utilities are buying 50 billion cubic feet of natural gas a year from the Cook Inlet region of southern Alaska.

The gas is liquefied in Alaska and transported in two new Swedish-built, Panamanian-registered tankers.

Oil exploration—Japanese oil companies are joining with major oil firms in exploring for new petroleum reserves. They have drilled for oil (unsuccessfully, thus far) on their own, are negotiating for interests in other companies' leases and are awaiting future federal and state lease auctions. (The Interior Department plans to auction offshore leases in the Gulf of Alaska by 1976.)

These ventures are backed by Alaskan Petroleum Development Co. Ltd. of Tokyo, a consortium. North Oil Inc., the Anchorage subsidiary of North Slope Oil Co. Ltd. of Tokyo, operates north of Alaska's Brooks Range; its sister company, Alaskco U.S.A. Ltd., covers the remainder of the state.

Alaskco has teamed with Gulf Oil Corp. to gain rights on several leases; North Oil has been conducting Arctic explorations with three other companies (Cities Service Co., Getty Oil Co. and Skelly Oil Co.) and has been negotiating for North Slope leases, according to Takao Ogino, Anchorage representative of Alaskco.

Pipeline contract

Japanese steel mills furnished the pipe for the Alaska project after the Trans-Alaska Pipeline System (TAPS), predecessor to the Alyeska firm, rejected offers to bid for the project from U.S. Steel Corp. and Kaiser Industries Corp. in early 1969.

At that time, TAPS said it needed the pipe quickly because it expected the project to get speedy approval from the federal government; only the Japanese mills were able to meet the timetable and specifications for the pipe, TAPS said.

In the course of their worldwide trading operations, Japanese firms sometimes provide oil pipeline in exchange for a portion of future oil production, under a "product-sharing" arrangement.

Alyeska's Patton told *National Journal* that the trans-Alaska pipe was purchased under a straight-cash contract for $100 million.

The estimated cost of the construction project, originally placed at $900 million, now is in the $2-billion range.

Petroleum purchases

Japan already buys a limited amount of petroleum products in the United States, such as residual fuel oil and lubricants, from refineries throughout the country.

According to the United States-Japan Trade Council, an association sponsored by the Japanese government. U.S. exports of petroleum products to Japan in 1970 were valued at $87 million.

The Interior Department's Bureau of Mines said that Japan bought one million barrels of residual fuel oil from the United States during the first three months of 1971.

Market

Takao Ogino said in Anchorage that Japan's demand for oil by 1985 is projected at 4.5 billion barrels a year—nearly five times the current consumption.

The Japanese government's Oil Industry Council has projected a two-billion-barrel demand by 1975, double the current figure. Japan now relies on the Middle East for about 90 per cent of its supply.

Strategy

"Until now, we didn't think that there was any possibility of bringing North Slope oil to Japan," said Katsuyuki Matsumura, a Washington representative for Japanese engineering firms who is returning to his country to deal with oil policy in the government's Ministry of International Trade and Industry.

The old policy was based on the traditionally high price differential between Middle Eastern and U.S. crude oil.

Two factors have changed that, according to Matsumura: recent price increases by the oil-exporting nations of the Middle East and ever-stiffening air-pollution-control programs in Japan that necessitate the use of low-sulfur oil.

The sulfur content of North Slope oil ranges from .9 per cent to 1.5 per cent by weight, according to one industry study submitted to the American Petroleum Institute. This is considered relatively "sweet" or clean, although some desulfurization treatment might be required to meet U.S. and Japanese pollution standards.

"Japanese companies don't like to pay high prices, but they might have to," Matsumura said.

The prime concern of the Japanese government, said Kazuo Nukazawa, research consultant at the United States-Japan Trade Council, is to diversify its source of supply. "That is the main strategy."

INDUSTRY PLANS

Oil companies operating in Alaska generally say that the West Coast will be the prime market for Alaskan oil and that any surplus production might be sent to the Midwest or to the East Coast via additional pipelines or by tanker.

Otto N. Miller, chairman of the board of Standard Oil Co., of California, said, "Obviously, a sizeable part will go to the West Coast."

But he said that it was "a little bit difficult to speculate at this time" about other markets because of questions involving the timing and rate of North Slope production.

But there have been scattered references to the possibility of sales to Japan in statements that cast doubt on the idea without rejecting it.

British Petroleum

British Petroleum Co. Ltd., of London (BP) through its subsidiaries and associated companies, controls the major share of known reserves on the North Slope's Prudhoe Bay field—some five billion barrels, or about half the estimated discoveries thus far.

BP has no refining or retail sales outlets on the West Coast, which means that the company would have to sell its crude to other companies until it could operate as a fully integrated firm in that region.

On Sept. 30, 1970, Eric Drake, chairman of BP, signed an agreement in Tokyo with a group of Japanese oil firms that included North Slope Oil Co. and Alaskan Petroleum Development Co. The agreement provided for joint exploration projects in the Middle East and the marketing of BP crude oil in Japan.

Speaking of BP's sources of crude oil in connection with future marketing arrangements in Japan, Drake said:

"There was also Alaska where BP has sizable potential production; but here I am afraid there does not appear to be much interest for Japan, since, on the basis of statistics I have seen, this oil will almost certainly be completely absorbed in the fast-growing markets of the U.S.A."

Atlantic Richfield

Atlantic Richfield Co., which, along with Humble Oil and Refining Co., a subsidiary of Standard Oil Co. (New Jersey), controls most of the remaining proved Prudhoe Bay reserves, likewise has mentioned the possibility of selling oil to Japan.

In a presentation to the Alaska Science Conference in August 1969, Rollin Eckis, vice chairman of the board of Atlantic Richfield, said:

"Assuming the continuation of import controls . . ., there is little possibility that Alaska oil would move into foreign markets."

However, he said, Japan is a possibility. Japan would be in a "highly sensitive position" in the event of a crisis in the Middle East, he said, and "it is possible that she would be willing to pay a premium for a secure source for a portion of her needs."

Phillips Petroleum

Phillips, which has a relatively small interest in North Slope reserves, has proposed an "import-for-export" program involving Japan.

Under this proposal, which has been submitted to Administration officials and to the House Interior Committee, North Slope oil could be sent to Japan. In exchange, the exporting company would be allowed to import an equal amount of oil from the Middle East or Venezuela to the U.S. East Coast under an exception to present limits on oil imports.

John M. Houchin, president of Phillips, said in a lengthy statement to the House committee in the spring of 1970 that one advantage of this arrangement would be great savings in transportation costs, because U.S.-flag vessels would not have to be used.

"It's just a question of trying to save investments," said one industry executive familiar with the proposal. The plan would allow oil to be brought to the big East Coast market without the necessity of building more pipelines or using U.S.-flag tankers," he said.

"One of the rationales behind this thing, quite frankly, was that we could use foreign-flag ships," he said. This would permit industry to "pull an end run" on the Jones Act, he said. (p. 159)

(The Jones Act of 1920 (41 Stat 988) requires the use of U.S.-built, U.S.-manned ships in coastwise trade. It would apply to tankers running from Alaska to the West Coast, but not to tankers operating between Alaska and Japan or between other nations and the East Coast.)

This source said the import-for-export idea has attracted little interest from the major companies thus far.

"We've had so much controversy over the trans-Alaska pipeline already," he said, "but this idea would just muddy the water more."

"I'm telling you, everybody's scared to death to even talk about" methods to avert the Jones Act's provisions, he said. "Those sailors are going to be the best-paid sailors the world has ever seen."

Alaskan views

An oil lobbyist in Anchorage, speaking privately of the prospects for oil trade with Japan, said Alaskan oil probably would bring a far higher price in the United States than the Japanese now pay elsewhere.

But, he said, "If the Japanese are willing to pay it, who knows what might happen 10 years from now?"

Thomas E. Kelly Jr., former state commissioner of natural resources and at present an Anchorage oil consultant, said in an interview that Japanese interests could make a profit by selling any oil they might develop in Alaska to U.S. markets, or could exchange their oil for oil from other regions.

Kelly expressed interest in the import-for-export plan: "I was hot as a pistol on it for a while." But he said it does not have much acceptance.

Gregg K. Erickson, an economist and aide to a joint legislative committee on oil policy, also speculated that the Japanese could develop oil in Alaska and sell it in U.S. markets in exchange for surplus Middle Eastern oil controlled by major companies.

U.S. DEMAND

The question of where Alaskan oil will be marketed revolves around various projections of how much oil the United States—particularly the West Coast—is going to need and how much oil Alaska can produce.

Rising estimates

Projections of U.S. oil demand have risen sharply in recent years.

In a 1968 report ("United States Petroleum Through 1980"), the Interior Department predicted that the United States would need 18.2 million barrels a day in 1980.

In February 1970, the Nixon Administration's Cabinet Task Force on Oil Import Control adopted a figure of 18.6 million barrels a day for 1980. (*For a report on the task force recommendations, see Vol. 2, No. 10, p. 494.*)

The task force report included comparable estimates from three other sources: Mobil Oil Corp. (17.7 million barrels), Interior Department staff (18.8 million barrels), and Standard Oil Co. (New Jersey) (19.3 million barrels).

The Interior Department, in a January 1971 statement on the Alaska pipeline, forecast the 1980 demand at 22.3 million barrels a day and the 1985 demand at 27.1 million.

The department's 1980 estimate was 20 per cent higher than the Administration's task force estimate one year earlier.

The National Petroleum Council, an Interior Department advisory board composed of top oil industry executives, on July 15 released its interim forecast of future petroleum needs: 22.5 million barrels a day for 1980, 26 million for 1985.

This report said that the United States would become heavily dependent on Middle Eastern and African oil unless government policies became more conducive to domestic U.S. oil investments.

Council meetings

Transcripts of the National Petroleum Council's private committee meetings provide a glimpse into the preparation of these forecasts.

At a March 29 meeting in Houston of the council's coordinating subcommittee on the U.S. energy outlook, a research consultant from Battelle Memorial Institute said that, in confidential projections from various energy industries, the total energy demand was generally agreed upon, but the forecasts varied widely on future consumption of individual fuels.

"I don't find that either surprising or too disconcerting," said Warren B. Davis, director of economics for Gulf Oil Corp. and chairman of the panel.

Vincent M. Brown, executive director of the council, said during that session, "I would guess right now it's about 50–50 in Washington in government circles" between those who are seriously concerned about the nation's energy needs and those who believe the "energy crisis" is being "whipped up" by the industry.

"All this is evolving so rapidly that the need for an interim report becomes acute, both from I think our point of view and from the Department of the Interior," Brown said.

At another point during the two-day meeting, on March 30, N. G. Dumbros, vice president (industry and public affairs) of Marathon Oil Co. and chairman of the council's government policies subcommittee, said of the Washington climate:

"Christ, they are talking about everything. I mean, you can get—if you just wander around and talk with the policy makers, you can come up with an encyclopedia."

W. T. Slick Jr., assistant manager of Humble Oil's corporate planning department, told the group that "one of the sticky problems to work in this thing is the Alaska problem." He said that, in trying to coordinate various companies' estimates on Alaska's oil reserves, "the people who want to go into the most detail are ones that have the least information."

At a May 26 committee meeting in New York, Harry Gevertz, special projects manager of El Paso Natural Gas Co., said, "It is very difficult, I think, to urge government to change major policy . . . if you don't see a sense of urgency . . . I think if you come out with a report that says, well, you know, we are going to find all we can get and if we can't find it, we can import it—that sounds more like some of my Harvard friends than a report out of the National Petroleum Council."

Slick said at that meeting that his panel was reviewing figures from two different subcommittees, one on demand and the other on supply, "and there was next to no chance at all that you could add them all up and get the same answer."

John M. Kelly, an independent Washington oil entrepreneur, said, "When you have the NPC come out and tell the public that by 1985, under present policies, they are going to have to depend on 55 per cent of their oil supplies by imports and 28 per cent of their gas supply by imports, don't you think this is going to have an impact on the Hill and in the executive branch?"

"I hope it does," said Slick.

Interior Department representatives attended these committee meetings, serving as "government cochairmen" of all council panels.

Morton speech: In a speech to the National Petroleum Council on July 15, Interior Secretary Rogers C. B. Morton said, "Even with the North Slope producing two million barrels a day by 1980, the gap between domestic supply and demand would approach eight million barrels a day, equal to 35 per cent of total supply.

"Our central problem is national security. . . . All the experience of the past 20 years, plus what we can infer from the bargaining actions of the O.P.E.C. (Organization of Petroleum Exporting Countries) nations during the past year and the actions of the Soviet Union in the Middle East and the Mediterranean, lead us to conclude that we had better not become overly dependent on our energy supplies from that part of the world."

To lessen that danger, Morton said, one of the things that Interior Department can do is "expedite the safe movement of North Slope oil and gas to market."

West Coast outlook

In a recent submission to the Interior Department, Alyeska said that when the pipeline reaches a two-million-barrel-a-day capacity, 1.5 million barrels would be delivered to the West Coast and 500,000 to "Panama."

Alyeska said 190,000 barrels a day would be delivered to the Puget Sound (Seattle) area, 540,000 barrels to San Francisco and 770,000 to the Los Angeles area.

(Atlantic Richfield has built a 100,000-barrel-a-day refinery at Bellingham, Wash., to receive Alaskan crude. California had a total refining capacity of 1.8 million barrels a day as of Jan. 1, according to the Oil and Gas Journal, ranking that state second in refining capacity after Texas.)

"By 1985 the West Coast can take all of it," Patton said. "There's no point in hauling this oil any further than you have to. Common sense says you drop it at the first available market."

Interior projections—In Interior Department projections, District V includes the states of Washington, Oregon, California, Arizona, Nevada, Hawaii and Alaska.

District V consumed some two million barrels a day in 1970, according to Interior figures. District V produced about two-thirds of that amount and got the remainder from

Canada, other foreign sources and other parts of the United States.

In a June 2 speech to the Pacific Coast Electric Association at San Diego, Gene P. Morrell, deputy assistant interior secretary (mineral resources), said that District V demand is projected at 3.2 million barrels a day by 1980.

District V demand is expected to grow at a yearly rate of 4.5 per cent, Morrell said, in contrast with the department's nationwide growth figure of 4 per cent. District V production (excluding the North Slope potential) has ben declining at a 10-per cent annual rate.

Other projections—Others have offered different projections.

Herbert S. Winokur Jr., a management consultant who served on the staff of the Cabinet task force, has projected District V demand at 2.7 million barrels a day by 1980.

"Every projection of North Slope production indicates that it will far exceed the petroleum demands of the West Coast," Winokur said in a statement to the Interior Department, in which he cited advantages of an alternative pipeline route across Canada.

"I estimate that in 1980, the North Slope will produce at least 600,000 barrels per day more than the West Coast can absorb, even assuming the West Coast gives up all its non-Canadian imports," Winokur said.

John H. Lichtblau, director of the Petroleum Industry Research Foundation in New York, told *National Journal* there might be "a million barrels left over" once North Slope oil reaches substantial amounts.

"I don't think that they (the West Coast) can absorb a full two million barrels by 1980." The excess North Slope oil would be sent elsewhere, he said.

"They could export some of the oil to Japan," Lichtblau said. But in that case, he said, Japan might pay a far lower price for North Slope oil than the U.S. consumer would pay, since North Slope oil would be competing with low-priced Middle Eastern oil.

An import-for-export plan makes "some sense," he said, but would require "a fairly radical change in our import policy."

Alaskan production

Lichtblau said some companies have estimated that North Slope production might reach three million barrels a day or more.

W. J. Levy Consultants Corp., a major New York oil consulting firm that advises the Alaska legislature on state oil policy, has forecast North Slope production at three million barrels a day by 1980.

In a December 1970 report to the legislature, the Levy firm said, "It is clear that the West Coast will be able to absorb substantial volumes of North Slope crude. However, indications are that when North Slope production builds up to a large volume, by 1975 or thereabouts, substantial movements beyond District V will be required to absorb the prospective production."

And, at a July 15 press conference at the Interior Department, National Petroleum Council officials said North Slope production—which they had listed at two million barrels in their energy report—might well amount to three million or even four million barrels a day.

TANKERS

In a June 22 tabulation of projected tanker traffic, Alyeska said 41 tankers would carry oil out of Valdez, Alaska, when the pipeline reaches a rate of two million barrels a day.

Of the 41 tankers, Alyeska said, eight would be in the 250,000-deadweight-ton supertanker class, and 16 would be in the 120,000-DWT class.

There are no U.S.-flag tankers of either of these sizes in operation now, although the Japanese and some international oil firms such as BP have them.

Alyeska said in the tabulation, which was submitted to the Interior Department among stacks of data, that all of the supertankers and some of the 120,000-DWT vessels would be involved in the "Panama" trade, handling an average cargo of 500,000 barrels a day.

None of the supertankers was destined for U.S. West Coast ports, which are not now able to receive vessels of that size.

The Panama Canal cannot handle tankers larger than 65,000 DWT, which suggests that the companies intend to take one of three alternative actions:

Transport oil by supertanker to the Central American Pacific coast and pipe the oil to the Atlantic coast, where other tankers would pick it up, or send it through the canal in smaller tankers.

Send the oil around Cape Horn and up to East Coast markets.

Send the oil to Japan.

The Jones Act might not apply to any of these three alternatives, despite Commerce Department claims that the Alaskan oil trade will bring a boom to America's maritime industry.

Commerce campaign

Commerce Secretary Maurice H. Stans has been in the forefront of Nixon Administration officials in advocating approval of the trans-Alaska pipeline.

Stans spoke before a Washington convention of the Seafarers International Union of North America (AFL–CIO) on June 21 and said that the Alaska oil discovery would help revive U.S. maritime strength.

Advocating a trans-Alaska instead of a trans-Canada pipeline. Stans told the Seafarers the Canadian line would "eliminate all of the great maritime opportunities" that the Alaska line would provide.

The Seafarers, agreeing with Stans, adopted a resolution endorsing the pipeline and re-endorsing the Jones Act.

Andrew E. Gibson, assistant secretary of commerce (maritime affairs), told the Portland, Ore., Propeller Club on May 21:

"We have estimated that with the completion of the Alaska pipeline a fleet of approximately 30 new U.S. tankers would be added to the American merchant marine to transport the oil from southern Alaska to the West Coast.

"The construction of these vessels at an estimated cost of $1 billion would give an added stimulus to our shipbuilding industry and would provide approximately 48,000 man-years of work in U.S. shipyards and allied industries.

"Manning and maintaining these vessels would create many additional permanent maritime jobs, while the estimated annual operating and maintenance cost of $30 million would provide added employment in the related service industries.

"It should be obvious that much, if not most, of this increased maritime activity would be of direct benefit to the Pacific Northwest." (*For a report on the progress in the Administration's program to revive the nation's merchant marine, see No. 30, p. 1565.*)

Construction

In 1969, Atlantic Richfield ordered three 120,000-DWT tankers from Bethlehem Steel Corp. for the Alaska oil trade. The oil firm said these were the largest commercial vessels ever to be built in U.S. shipyards.

A spokesman for the Shipbuilders Council of America said that 17 tankers were under construction or on order in U.S. shipyards as of June 1.

In addition to the three Atlantic Richfield vessels, only three were in the 120,000-DWT range or above, and none was necessarily destined for Alaskan traffic. None was as large as 250,000 DWT, he said.

A spokesman for the Maritime Administration said tanker construction orders probably are being delayed pending approval of the Alaska pipeline.

A spokesman for Alyeska, asked where the supertankers would be coming from, said the oil companies have been holding preliminary talks with U.S. shipbuilders about future supertanker contracts.

Levy Consultants Corp., in a report to the Alaska legislature, estimated that construction costs in foreign shipyards are about one-half those in U.S. yards. "The per-barrel cost of moving oil in a foreign-built and registered vessel is approximately one-third less" than in a U.S. tanker, he said.

Virgin Islands

Oil companies might be able to avert the Jones Act by taking oil from Alaska to the Virgin Islands for refining before moving it to the East Coast market.

The Virgin Islands has been regarded as outside the scope of the Jones Act; but it remains to be decided whether Alaskan oil would be exempt in this situation.

Amerada Hess Corp., an oil firm with lease interests on the North Slope, has expanded its Virgin Islands refinery complex to handle 450,000 barrels a day. Leon Hess, chairman of the company, reported to stockholders this spring that the company plans to obtain tankers in expectation of refining oil from the North Slope.

Tankers could dock at the Virgin Islands after picking up oil from a Central American pipeline or after rounding Cape Horn.

Tankers plying the Valdez-to-Japan route would be outside the Act.

OUTLOOK

A well-established oil consultant, speaking on a not-for-attribution basis, said of the Alaska pipeline system, "I say the goddamned line should go down through Canada anyway."

The spokesmen for environmental causes are "an emotional, dishonest bunch of bastards, in the main," he said, but "they're right in this instance" in opposing the trans-Alaska line.

The key to the situation, he said, is that the companies backing the project need to get a cash return for their North Slope investments as quickly as possible, and the trans-Alaska route offer the speediest opportunity.

"Japan will buy it," he said of the North Slope oil, and the amount will be determined in part by the sulfur content of the oil and perhaps by Japanese willingness to provide tankers.

An authoritative Canadian source offered this general appraisal:

Originally, the oil companies figured on supplying the West Coast with oil from the North Slope, building another pipeline from Puget Sound to the Midwest for transshipment of additional oil and selling any surplus to the Japanese.

The idea of a trans-Canada pipeline from the North Slope directly to the Chicago market has been a less-favored plan that the companies have kept alive for the sake of prudence.

Now, the drawing-board proposal for a trans-United States pipeline is losing its attractiveness, in part because "any major oil pipeline system through scenic territory is going to run into a hell of a lot of trouble."

Without a pipeline into the Midwest, "Japan would be the logical market."

The import-for-export proposal was mentioned by Washington economists Charles J. Cicchetti and John V. Krutilla in a critique of the trans-Alaska plan they gave to the Interior Department in March.

The Cicchetti-Krutilla report said: "The most attractive alternative for the oil producers would be the use of North Slope oil for export at world market prices to Japan, while importing a similar amount from Venezuela, selling same at the support price in the United States.

"Since the beneficiaries of the low-cost North Slope oil would be Japanese consumers, while the environmental costs would be borne by the United States, there is an issue of equity and propriety associated with this proposal. . . ."

Taking Industry's Case to the People

"(Heartbeat) *The United States of America.* (Heartbeat) *Sometimes it doesn't run the way we'd like it to.*

"*(Heartbeat) But it keeps on running. That's our job.* (Heartbeat)

"We're the oil companies of America . . . working to keep this country working.

"Because a country that runs on oil . . .

"Can't afford to run short."

This message and variations on the same theme are being delivered to the U.S. public in a $4-million (for 1971) advertising campaign sponsored by the American Petroleum Institute, chief trade association and lobbying arm of the oil industry.

The campaign got under way on April 26 and is scheduled for a long run, according to James C. Shelby, advertising manager of API.

"We are using nighttime network television . . . plus the Today Show on NBC. Also, about 180 newspapers and petroleum trade magazines. The newspaper offer of the 'Energy Gap' booklet has drawn excellent response from over 500 cities in 47 states," Shelby said.

Counterattack: The campaign clearly represents a counterattack by the industry against its critics in government, the news media and the public.

Taking its case to the people, the industry is not adopting a defensive posture of emphasizing its expenditures on pollution-control programs or explaining the intricacies of oil tax laws.

Instead, the industry campaign stresses this theme: "75 per cent of the power and energy this country needs comes from oil and natural gas."

The campaign literature includes statements stressing the need for development of Alaskan oil to lessen U.S. dependence on foreign suppliers.

API President Frank N. Ikard, a former Member of the House (D-Tex., 1951–61), said in a statement announcing the campaign:

"Energy, in ample supply and reasonably priced, is essential to the public's comfort, economic progress, industrial expansion and national security. We believe this program will contribute to a greater understanding of the complexities involved in maintaining an uninterrupted flow of energy for the consumers of this nation."

Origin of campaign

Shelby said that a private survey of the U.S. public taken in 1970 for the oil industry led to the advertising campaign.

Without going into detail, Shelby indicated that the poll showed the general public had little understanding of the industry or sympathy for it.

"I guess when you take a survey you find out what people think about you," he said. The survey showed the need for an "educational" campaign.

TV spots

The television advertisements, which are scheduled for prime-time evening shows and weekend sports programs and news-interview broadcasts, were produced by Leo Burnett Co. Inc. of Chicago.

Shelby said he particularly likes the "heartbeat" commercial.

This advertisement was taped in Grinnell, Iowa (pop. 8,402), a farmland community 55 miles northeast of Des Moines.

The ad shows some of the uses of oil and gas: a housewife making a cup of coffee, a doctor with a hypodermic needle ("Doc Evans may never stop to think that some of his medicines begin with oil"), a grandmother at her sewing machine and lights glowing in comfortable frame houses along quiet, tree-lined streets.

Shelby was asked why no automobiles appear in this ad, since nearly half the petroleum consumed in this nation is used for gasoline.

"I think people are pretty used to the fact" that petroleum is used to power cars, he said. This spot was designed to show people in their homes rather than outside, he said, although consideration had been given to featuring a farmer riding his tractor.

(On June 30, in a unanimous opinion, the Federal Communications Commission ruled that an ad on NBC–TV, in which Standard Oil Co. (New Jersey) described its Arctic Alaska operations, violated the "fairness doctrine" because the ads, in effect, constituted an endorsement of the contested trans-Alaska pipeline system.)

Flattening the Energy-Consumption Curve

One of the few Nixon Administration officials to call for a slowdown in U.S. energy consumption is S. David Freeman, who is leaving government service.

Freeman, assistant director of the Office of Science and Technology and director of the office's energy policy staff, said he worries about the way this nation eats up its natural resources. Privately and publicly, Freeman has suggested ways in which the government could seek to restrict energy consumption.

He also has been involved in devising government policies that seek to encourage development of new and cleaner sources of energy.

"I think there's a big question mark about what the demand (for oil) will be in 1980," he said in an interview. "If we really got serious about it, we could cut down . . ., flatten out some of those growth curves."

But, he said, "it's not happening yet. . . . We're hooked on the stuff."

(Projections of future U.S. demand for oil have been cited by proponents of the Alaska pipeline as a justification for developing North Slope oil.)

"It seems to me almost inevitable that one of these days congestion is going to call a halt to it. It makes a hell of a lot of sense to me to ban the internal combustion engine in downtowns of major cities."

Freeman said "there's no reason that I can see" why an urban automobile needs more than 100 horsepower.

Yet, he said, with a trace of irony in his Tennessee drawl, congressional adoption of emission-control standards for automobiles is leading to more consumption of gasoline, rather than less—because the control devices cause a 10- to 15-per cent increase in the engine's gasoline consumption.

On the subject of development of Alaskan oil, Freeman said, "The (natural) gas is a more pressing need for the national economy than the oil. It may be that the strongest justification for proceeding with the marketing of the oil is the need for the gas."

(North Slope natural gas is associated with the crude oil reserves, and the gas cannot be brought out until the oil is produced.)

"It's a cold hard fact that there's a shortage of natural gas," Freeman said. "It's much more acute than any supply problem with oil."

Asked about a proposal to market Alaskan oil in Japan in exchange for crude oil from other sources, Freeman said, "I have some question about whether that makes much sense from a national security point of view."

Freeman, 44, holds degrees in law (University of Tennessee) and civil engineering (Georgia Tech). A former Tennessee Valley Authority engineer, he served from 1961 to 1965 as assistant to the chairman of the Federal Power Commission and has been at the Office of Science and Technology since 1967.

Freeman is a strong supporter of President Nixon's proposal to establish a Department of Natural Resources to coordinate federal energy policies.

"The energy problems have reached the point where you need an agency in charge," he said. Until the government establishes an agency to look after energy matters, he said, "I think we'll kind of limp along with paste-together solutions."

Freeman is leaving government to help the University of Pittsburgh establish a degree program in energy resources development and management. He expects to remain based in Washington.

Son of Sansinena

In a much-publicized attempt to gain an exemption to the Jones Act, Union Oil Co. of California sought approval from the Nixon Administration in 1970 to use the oil tanker *Sansinena* to transport Alaskan oil.

The *Sansinena,* a U.S.-built, Liberian-registered vessel, was owned by Barracuda Tanker Corp. of Bermuda, a firm that Peter M. Flanigan, assistant to the President, helped organize.

The Treasury Department granted a waiver in March 1970 that would have allowed the vessel to be used in U.S. coastal trade—an extraordinary exemption from a provision of the Jones Act (41 Stat. 988) that requires shipping in U.S. coastal trade to be on vessels built and registered in the United States.

The waiver touched off a political controversy, and the Treasury Department quickly withdrew the exemption. (*See Vol. 2, No. 11, p. 542.*)

Union Oil, which was using the 67,000-deadweight-ton vessel under long-term charter, recently took delivery of a new, similar-sized vessel built in the United States by Bethlehem Steel Corp. for use in the Alaska trade.

Union Oil President Fred L. Hartley christened the new tanker the *Sansinena II.*

THE SHARPSTOWN FOLLIES—XLIV

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, I had never imagined, up until now, how cold and calculating a Government official can be. I had never imagined how callous and disdainful a politician might become. And I have been around public life for a few years. I have known hard and ambitious men. But never have I seen such crass disregard for the very institutions of Government as I now see in the Department of Justice.

I have never imagined that the Attorney General did not even care about the integrity of his Department, up until now. Yet all I can conclude is that he honestly does not care, that he believes that as long as nobody catches Will Wilson stealing, he has no need to dispense of that man's services, no matter how inept he might be, no matter how inattentive he might be, no matter how deeply involved he might be in the great Sharpstown scandals. The Attorney General apparently thinks that the wise political thing to do is ignore the stench emanating from Wilson's office, and not even answer questions about the situation, let alone show any concern about it.

And so we have the Attorney General making the rounds of the political dinners, raising funds for the forthcoming presidential campaign, and getting the machine in order so that everything will be running smoothly when he takes over a few weeks or months hence. And so we have Will Wilson, carrying on business as usual, pursuing his financial ambitions at the expense of doing a decent job for the people, even if he is capable of that.

But I am here to say that Mr. Mitchell is wrong. He cannot ignore the fact that Wilson is unfit; he cannot disdain to answer questions; he cannot forever depend on the flash of public relations to hide the incredibly absurd actions of the Department of Justice in granting Frank Sharp immunity, and ignoring Wilson's own role in that scandal. He may succeed in the short political run, but if he does, that success will come at the expense of respect for law and trust in the decent administration of justice. Mitchell might never have to answer me, and I do not care about that; but sooner or later, he who today undermines the foundations of the Justice Department will see it crumble about him. That is the tragic thing; through crassness, carelessness, calculation—whatever it may be—Wilson and Mitchell are destroying the very agency they are sworn to uphold.

PRISONERS OF WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Shipley) is recognized for 10 minutes.

Mr. SHIPLEY. Mr. Speaker, American citizens have long been appalled and angered by the cruel and inhumane treatment accorded our prisoners of war by the Communist Government of North Vietnam. There is abundant evidence that the North Vietnamese have used methods for treatment of Americans that are far short of humane. We have confirmation of what has been a great concern for us as Americans—that our men are being seriously physically and mentally mistreated. North Vietnam denies accepted standards of humanitarian treatment for prisoners and has violated several provisions of the Geneva Convention. Some of these are:

Refusing to identify the prisoners it holds and account for those missing in North Vietnam.

Torturing prisoners both physically and mentally.

Failing to provide an adequate diet.

Failing to repatriate the seriously sick and wounded.

Failing to provide adequate medical care to all prisoners in need of treatment.

Escaped prisoners have told of maltreatment in Vietcong jungle camps. Most recent evidence about those imprisoned in North Vietnam discloses that many have been tortured by being deprived of sleep, refused food, hung from ceilings, tied with ropes until they developed infected scars and burned with cigarettes. At least one had his fingernails ripped from his hands. The broken bones of another, set by Communist doctors and still in a cast, were rebroken by guards.

It is difficult to know how typical these examples may be. But, regardless of the continuing secrecy in certain areas, substantial information is available on some prisons and the basic treatment of some prisoners.

Another factor to consider is the heartbreak and anguish relatives and friends are suffering from not knowing the fate of a loved one. The wives and families of a number of these heroic, yet all-but-forgotten men live in my State, and the letters I have received can only be described as heartening. These gallant wives, children, and parents are forced to wait in tormenting helplessness for months on end, indeed, some of them years, knowing that a loved one is a prisoner of the North Vietnamese but unable to learn anything about his condition or to communicate with him in any way. Others know only that a loved one is missing and can only hope that if he is a captive somewhere in North Vietnam, he is not ill or injured, that he is not being tortured, starved or otherwise abused.

Regardless of one's convictions about the war, no American can overlook the blatant inhumanity reflected by the North Vietnamese. I cannot understand the reasoning behind the mistreatment of prisoners. Certainly, it can only serve to unite concerned citizens in the United States in condemnation of Hanoi's cruelty.

This is not a political issue—it is a humanitarian issue of the utmost concern to our entire Nation. I support the administration in whatever efforts it makes on behalf of the American servicemen held captive in North Vietnam and urge that these efforts be continued and increased. Every possible step should be initiated through diplomatic, military, and any other channels to insure that the tenets of fair and humane treatment are accorded to American prisoners of war.

If there is to be peace in this world, it must begin with the mutual recognition by all peoples of the basic rights of mankind. War results when these basic rights are violated and war will continue to plague the world until these basic rights are restored to their proper place in the world.

For my part, I intend to continue my attempts to marshal public opinion against Hanoi's outrageous and brutal treatment of our boys in North Vietnam and to continue to assist other concerned individuals in their efforts to press for proper treatment of prisoners of war.

Certainly, this is a situation unparalleled in our Nation's history.

FOREIGN IMPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Dent) is recognized for 10 minutes.

Mr. DENT. Mr. Speaker, I would like to present to my colleagues the eloquent presentation on "Foreign Imports" by State Senator John F. Parker of Massachusetts.

I think this speech deserves the attention of all my colleagues.

Foreign Imports Speech by State Senator John F. Parker, Republican, Taunton Minority Leader, Massachusetts Senate

There is an ancient biblical expression that says, "No man can live by bread alone. . . ."

It applies, not only to men as we know them, but also to nations, for like men, no civilized nation can live by bread alone.

As individuals, we need a mixture of things to survive, and as a nation, we need also a mixture of things. Our lives cannot be all bread. We know this, and that is why we eat vegetables, meat, fish, cereals, and other foods. A nation likewise survives economically and materially on an equal mixture of things produced in that nation and brought in from abroad.

And yet, whenever the mixture gets too overbalanced—too much meat, too much fish, too much bread—we suffer, for our bodies function best on balanced diets. Our nation also can function best on a balanced diet. I need not tell you ladies present what happens when diets go askew. Everybody who has had a weight problem has been told that they are taking in too many sweets, too many potatoes, too much bread, and on it goes. If you want to survive, you pay attention to the doctor and you cut down. If not, you know the answer.

Nations are no different than people. If the intake is too heavy on special items, the nation takes on excess weight of products. It functions poorly, economic stress sets in, it balloons and finally explodes and collapses.

The trouble with America today is that its diet of imports is too rich. It is taking on too much weight. It is heading for trouble and needs above all else some serious economic weight watching, so far as imports are concerned.

And, so, we meet here today in this fine motel in Andover, Massachusetts, one of thousands of like motels, products of American initiative and energy. It is summertime, the beautiful month of August, the very height of vacationtime in the United States.

Of course, summertime means different things to different people. For most people we know, middle-class American working people, summertime means vacationtime—

In the mountains, maybe,
Or a trip across the land,
Or beside some lake, stream or oceanfront.

For many people, vacationtime means staying at home and relaxing, free for a time of the responsibilities of work, free of the discipline which the rest of the year requires.

At vacationtime, we are free for awhile to be aware of what we want to be aware, and free to ignore what we wish to ignore.

But, as we all know, vacations end and we have to assume the responsibilities of work. These responsibilities extend to feeding and clothing our families, perhaps buying a home, purchasing goods, saving again for vacations, a few dollars for a rainy day, putting money aside for college for the youngsters.

In other words, when we return from vacation to our workaday world, we must shed the atmosphere of vacationtime, since obviously we would get little or nothing accomplished.

As I came in here today over massive Routes 495 and 93, I was caught up in the tremendous flow of vacation travelers going north for the open spaces of New Hampshire, Maine and beyond. Automobiles packed with people, trailers, license plates from every state in the union, happy American faces, speeding along to their destinations, eager to eat up every minute of their vacations, forgetting for the moment that job back home, happy to get away from the tedium of work, but hopefully secure in the knowledge that their jobs will be there when they get back.

Not only coming along the expressway this morning, but also on visits to the beaches, resorts, and other places where vacationers gather, I feel the almost cavalier attitude toward something that is throwing America's economic diet into a cocked hat. For the American workingman is buying foreign cars as never before, Japanese radios and cameras, Spanish and Italian shoes, Hong Kong suits, English bicycles, French tooth paste, Swiss watches, and what have you—and despite that, he expects his job back when he gets home from vacation.

So, whether or not we are on vacation retreating from our workaday lives, we cannot afford to retreat from or ignore the incredible phenomena of the past 20 years so far as imports into America are concerned. It is an increasingly serious problem, this expanding glut of foreign-produced goods pouring freely across our shores.

And I am referring to the problem of an unconcerned army of American consumers who snatch up these foreign goods in ever-increasing numbers, blissfully unaware of the growth of another army across the land.

An army of unemployed Americans. An army which, in many cases, owes its existence to the unrestricted flow of foreign imports into the United States.

As Americans, we seem to ignore the fact that the economics of imports is the economics of people.

As Americans, we seem to ignore the fact as of today, we have almost 6 million persons unemployed in America, a substantial number of whom lost their jobs because of the unchecked influx of imported products into this country.

That is the economics of the people.

As Americans, we seem to ignore the fact that over 2 million jobs had been lost to foreign imports by the end of 1969, and that current projections indicate that 5 million jobs will have been lost by 1980.

That, too, is the economics of the people.

So the question arises—why do we continue to ignore these figures?

Why do we place the problems of foreign imports at the bottom of our economic concerns?

The first reason, I think, is a very simple one.

With some notable exceptions, foreign imports seem to cost less than their American counterparts.

Never mind that the quality of imported goods is often markedly inferior to domestically produced goods.

Never mind the number of American jobs that are wiped out with every new import agreement.

Foreign goods cost less—and that's it!

Never mind that I am demanding $7.00 an hour for my efforts as an American working man; if I can buy something that some foreign worker produced for 35 cents an hour, I'm buying it. In America today, that's the attitude.

The fallacy of this argument is simply explained—and a lot more to the point.

The American jobs which go unfilled because of imports means a growing number of American consumers who are unable to consume.

And that applies to the consumption of foreign goods as well as American goods.

In other words, we are diminishing—or eliminating outright—the buying power of our citizens.

The power to buy anything.

And that economic fact of life has some pretty far-reaching implications, because the strength and very existence of the American economy rest squarely on buying power. Unemployed people don't buy much other than the bare necessities of life.

When you weaken buying power, industry suffers and very often must go out of business.

Labor suffers, for if the doors of the factory are closed, where do you go?

Communities and States suffer. People cannot pay real estate taxes which affect communities, they cannot earn enough to pay income taxes and the state suffers, and if there are no industries, there are no corporation taxes.

The Federal government suffers because its tax base is eroding. Instead of providing moneys to stimulate the economy, it finds itself having to subsidize a sharply increased number of former taxpayers.

Former taxpayers who have no desire to become wards of society.

Former taxpayers who have no desire to become recipients of welfare.

Former taxpayers who have no desire to be forced to use up their unemployment benefits and unemployment compensation.

And former taxpayers who, in fact, had every reason to believe that their incomes and their standard of living would improve as the American gross national product and standard of living improved.

Man, what a cruel awakening!

What a cruel awakening to find that neither they, as individuals, nor their companies, nor their unions, have any power to turn things around to protect themselves and to protect the goods which they produce from being swallowed up in an ocean of freely imported goods.

Which leads me to my second reason. The Federal Government and our Congress continues to exercise its policy of "Indifferent Neglect" toward the whole problem of unrestricted foreign imports.

The United States, which almost single-handedly, rebuilt the economies and production of the war-ravaged nations of the world, refuses to extend similar assistance to American industries and American workers suffering from unfair foreign competition.

Unfair competition, I say, because the very nations which we rescued have turned around and set up a whole series of insurmountable hurdles to trade.

They have set quota restrictions, import levies, so-called "equalization taxes," and unequal dollar exchange rates.

They are giving us the business of a different nature. We, in turn, provide virtually no protection to foreign importation.

And the result is just what you would expect—a flood-tide of foreign goods that threatens the American economy at home and the position of the United States in the World Market.

The government up to this point has done little to stem the tide of imports, but encourages through its inaction, the flight of giant American corporations abroad.

The runaway American plants who close down production at home, lay off their workers and open up operations overseas where they can pay subsistence wages in Europe and slave wages in Asia, turn around and sell their products in America, cutting sharply below prices of goods produced by American workers.

And the American worker suckers himself into the whole mess by eagerly buying everything in sight based upon price alone. In fact, the greatest outlets for foreign-produced goods are the low income areas where huge market outlets and stores sell everything imaginable to factory-worker Americans. A trip through a shopping center in middle-income America will find the parking lot filled with foreign cars and the shopping bags filled with foreign merchandise. And then the working man complains he has no job or is on short time. *Price blinds him to the realities of life and economics.*

It is not only the working man who has become caught up in foreign imports, it is almost everybody all the way up to the politicians. The rich are buying their boats in Holland or Sweden. The Union member loves Italian shoes and doesn't feel ashamed to be driving a foreign car. Even politicians are involved. Years ago, every politician I know would wear nothing but a union-made suit or sports coat. He made sure he drove an American made car. He made an issue of his union-workingman orientation. Now, they are like everybody else. They boast about their Datsuns, Toyotas and Volkswagens. They park them in the State House parking lot and tell about their performance to fellow legislators. They feel no guilt in their Hong Kong suits, nor do they fear any retaliation from Unions, who are doing the same thing. They profess concern for the unemployed and legislate to help them—and campaign in a Volkswagen or a Toyota. Times surely have changed since we cried, "Buy American". My, how old fashioned that phrase has become!

Imports of electronic products and components has increased 328% since 1964. Is it any wonder Route 128 is a disaster area? Footwear imports have increased 311% since 1964. Is it any wonder there are only two shoe factories left in Brockton? Hardware imports have increased 306% in seven years. What has this done to some of our shops and foundries? Leather goods imports have increased 183% in seven years. This means ladies pocketbooks, suits, belts, baseball gloves, etc. It has practically killed the leather business in Massachusetts and the United States.

Foreign companies and foreign nations have literally dumped their goods on the American market, endangering every facet of American industry. United States imports of automobiles rose to 1,847,000 in 1969, a 237% increase over 1964.

In the area of automotives, textiles, steel, electronic equipment, television, radios, shoes, etc., the trade balance, U.S. foreign is now listed at a 6 billion dollar deficit.

Foreign imports are not just nibbling at the American market. They are gobbling huge slices of it. Kids ride up to my house on Honda motorcycles and tell me they can't find a job. Veterans just out of the service are as infected as anyone else. They buy foreign whenever they can. "But foreign" has replaced "Buy American" and it's getting more serious every day.

Japan alone is making inroads into United States consumers that is beyond belief. 25% of the United States television market is now Japanese; 50% of the American motorcycle registrations are Honda; 90% of the white shirts sold here are made in Japan; 50% of the fabric for American suits is made in Japan; a 200% increase in Toyota and Datsun cars has left the American auto dealer on his heels.

Japan will sell two billion dollars more goods this year to the United States than it will buy from this country. While nearly 90% of Japan's exports to the United States are manufactured products, about 70% of the items Japan buys from this country are raw materials and agricultural products. Take note of that.

And yet, Japan maintains import quotas on at least 120 categories. In other words, it is difficult for the United States to sell certain finished products to Japan. As a comparison. Japan's duty on imported cars is 10%, compared with 3.5 on foreign cars entering the United States market. On top of this, retailers of American cars in Japan must pay commodity taxes ranging from 15% to 40%. So what do we do? Give up.

So we stand, this week in August, with an awesome array of figures, imports versus exports. The government reported that Americans spent $374 million dollars more for imports than the economy earned from exports during the first six months of the year. *We may go over a billion dollars before the year is out. It is impossible to maintain that ratio and have a solid economy and everybody knows it.*

The terrible crush of all this has adversely affected New England as well as the rest of the United States. 549 textile mills have closed in the last few years, with 33 of these in New England alone. From 1962 to the present, 115 shoe plants have closed down as imports skyrocketed to 236 million pairs of shoes.

My good friend, Congressman James Burke of Milton, in a speech before the American Federation of Labor, C.I.O., declared that for the first time since the Korean War, the United States has registered two successive months of trading deficits. He further stated that the free trade lobby was the most powerful in Washington and that their efforts to open wide the doors for imports has resulted in frightful pockets of unemployment in this nation's industrial sectors.

Congressman Burke further stated that the United States Congress should create a policy of balance on imports and exports and substitute orderly growth for runaway flooding. "Nothing short of an across-the-board review of this nation's foreign trade policies can guarantee full employment for the people of this nation," said Burke. "We must get off the disastrous course of the last 20 years or foreign imports will eat us out of house and home and the American worker will be forced to subsist off the crumbs of employment, unemployment benefits, and worse still, public welfare."

There is a new book on the best seller list. It is called the "Greening of America". It is a fine book and all should read it. On the import front, someone should put together all the facts of foreign imports as they apply to America and the percentage escalation of those imports and then write a book entitled the "Swamping of America".

When I started to write this speech some few days ago, I was not aware that something would be done on the national level to hold the line and turn back the tide. You know, as well as I, that President Nixon this past week took a dramatically bold step in his price and wage freeze which goes into effect for the next 90 days.

I am not going to burden you with details of that far-reaching decision by President Nixon. It is all in the papers for you to read. However, one point you will note, and it ties in with what I have to say, is that the President has imposed a 10% extra tax on imports of foreign goods. He hopes through this method to slow down the incredible flow of goods into this country.

The President stated that the import tax is a temporary action—not directed at any other country, but an action to make certain that American products will not be at a disadvantage because of unfair exchange rates. When the unfair treatment is ended, the President said the tax will end. Through this method, the President hoped the products of American labor will be more competitive and the unfair edge that some of our foreign competition has had, might be removed.

The President further said that the time has come for exchange rates to be set straight and major nations must compete as equals, and that the United States cannot compete any longer with one hand tied behind its back.

How much long-term effect it will have, I cannot say for sure. All I know is that there is a Filene's basement rush to buy foreign cars, diamonds, French wines, and other commodities that are stockpiled in this country and thus not subject to the new tax surcharge. I might add, the stockpiles of foreign merchandise are tremendous, so what effect the price freeze and 10% surcharge will have over the next 90 days remains to be seen.

Other than President Nixon's bold step to hold the line, Congress has done little to balance imports and exports. *Here in my hand I hold a report of the Congressional Committee on Ways and Means background material on selected trade legislation.* It is filled with the story of the agony of American business. I suggest you read it, then get on the line to your Congressman.

Typically, House Resolve 17481 reads:

"The Congress finds that the markets for certain leather goods, particularly footwear and personal items of leather in the United States have been disrupted by the large and increased volumes of foreign imports. . . . .", and on it goes, pleading for quota restrictions and other proposals.

While these bills and many others languish in Congress, the flood-tide continues by land, sea, and air, and Americans continue to lose their jobs.

Despite these bills, Government still maintains its vacation-time attitude—all year round.

This attitude is creating permanent vacations for employers, for employes, for working men and women, who find themselves cut off from the mainstream of the American economy.

The once full-time jobs of many Americans have become full-time vacations:

Vacations without benefits

Vacations with no pay

Vacations of frustration and aggravation, and

Vacations with no future.

All this doesn't mean, of course, that we should tear down the machinery of trade, close our ports, and retreat behind impenetrable walls of tariff restrictions. It means we must re-cast our economic philosophies and mold them into 1971 thinking and conditions as they now exist.

Unless we do this, and wake up to what is going on—who knows, this nation and its people might well have to live on bread alone. It is that serious!

VIOLENCE FEARED AT PANAMA DURING MAMMOTH DEMONSTRATIONS ON OCTOBER 11

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, it has often been observed by students of history that coming events cast their shadows before they occur. The truth of this saying has been repeatedly illustrated during recent years in the Caribbean where the Panama Canal has become a prime objective for the Communist conquest of that strategic area.

October 11, 1971, will be the third anniversary of the 1968 coup d'etat that overthrew the constitutional government of Panama. The present revolutionary government there plans to celebrate the occasion with mammoth demonstrations. Reports from the isthmus are to the effect that Reds are planning violence that could exceed that of January 1964 and that many innocent persons in the Canal Zone and Panama could be injured and possibly killed. A great fear on the isthmus is that "rum fortified" celebrators, already whipped into a frenzy of hatred by the revolutionary government and its controlled press against the United States and Panama Canal authorities, will be impossible to combat.

As to the possibility of such danger, even our own Department of State in its September 1971 memorandum on "Background on Panama Canal Treaty Negotiations" has admitted that the—

> Renewal of violence in Panama, possibly more extensive than experienced in 1964, might be unavoidable if the treaty objectives considered by the Panamanian people to be reasonable and just are not substantially achieved.

Thus, again our State Department is showing abject cowardice in dealing with the Panama Canal situation. Moreover, during recent years that Department has uniformly sought through weakness and shabby sentimentalism to betray the indispensable interests of the United States at Panama; and it has followed policies not only detrimental to our Government but also helpful to powers bent upon the destruction of the United States.

Mr. Speaker, the stage is set at Panama for another act in the drama of the isthmus. The situation is so acute that our authorities must be prepared to protect not only the lives of our citizens in the Canal Zone and Panama but also the Canal itself. The people of our country are not going to stand for a Suez situation at the vital Panama Canal.

MAJORITY LEADER CALLS FOR NEW INITIATIVES IN FOREIGN TRADE POLICY, REMOVAL OF TRADE BARRIERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Reuss) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, last Friday the distinguished majority leader (Mr. Boggs) issued a statement calling upon President Nixon to propose new initiatives in foreign trade policy aimed at reducing trade barriers. The majority leader rightly points out that the current 10-percent surcharge should be removed as soon as possible, and further protectionist measures avoided, if such initiatives are to be successful.

The majority leader's statement is timely and constructive, and I commend it to my colleagues and to President Nixon:

STATEMENT OF REPRESENTATIVE HALE BOGGS

With the completion today of the meeting of the International Monetary Fund and the World Bank, the opportunity exists for major, constructive steps to reform the world trade and payments system.

Such initiatives are essential if we are to take advantage of the new opportunities opened up by the President's new economic policy of August 15th and to avoid its pitfalls.

The choice we face is clear: the disintegration of the system so laboriously constructed since World War II or revitalization and reform in the interest of expanding world and trade and investment and achieving higher standards of living for all.

I am encouraged to believe that the initial phase of currency realignment will be completed successfully no later than the end of this calendar year. This will require compromise and adjustment on all sides, including that of the U.S.

In this regard, I wish to reaffirm my support for the proposal advanced by my colleague, Congressman Henry Reuss of Wisconsin, that the United States undertake some moderate devaluation of the dollar in terms of gold as evidence of our good faith. It should be understood that such a step does not mean that the United States will re-open the gold window or that the position of gold in the international financial system will be restored. That issue should be resolved as part of the longer term reform of the international monetary system on which negotiations could begin as soon as the short term steps for currency realignment have been agreed upon.

Major issues of trade relations remain unresolved. I am pleased that the Administration has apparently changed its mind about including elimination of trade restrictions against U. S. exports as part of its short term package of currency realignment and reform.

The proper way to deal with trade issues is by undertaking a major, multilateral negotiation under the aegis of GATT. I call upon President Nixon to undertake the necessary preparation and prior consultation that will permit him to propose to the Congress a new trade policy package, including such recommendations for legislation, at the opening of the second session of the 92nd Congress.

This is the time for initiatives equal in boldness and imagination to the new economic policy announced on August 15th. Half way measures will not do. I am sure the response both at home and abroad to such an initiative will be overwhelmingly favorable.

To make such an initiative credible, the President must remove the import surcharge as soon as agreement is reached on the general rules for currency realignment. This should be about the middle of November on the present timetable, and it would be a happy event if it coincided with the announcement of phase two of the new economic policy. Secondly, the President should avoid any further restrictive measures in the field of trade in order to eliminate the possibility of prejudicing currency measures which are forthcoming as well as the longer term initiatives in trade liberalization and cooperation which I have proposed.

YOUNG DEMOCRATS OF LOUISIANA HONOR HALE BOGGS

The SPEAKER. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 10 minutes.

Mr. FULTON of Tennessee. Mr. Speaker, our distinguished majority leader (Mr. BOGGS) was honored recently in New Orleans at a dinner hosted by the Young Democrats of Louisiana.

The featured speaker for that occasion was one of our colleagues from a neighboring State, Congressman BILL ALEXANDER of Arkansas.

Congressman ALEXANDER spoke of the role young people can play in the democratic process and of our majority leader, an individual who has never lost a youthful enthusiasm for public service.

The speech follows:

SPEECH BY REPRESENTATIVE BILL ALEXANDER HONORING HALE BOGGS

1968 was my maiden voyage on the political seas. I have now completed one term in Congress and am in the midst of the first session of my second term. What a privilege it is for a newcomer in politics to have the opportunity of participating in honoring our majority leader this evening!

Having been elected to serve my people as their national representative is indeed a rare privilege. This is enhanced only with the additional pleasure of knowing and working with the great leaders of this Nation.

Next to the experience of service to my people, the personal association with such national leaders as Hale Boggs is the greatest reward public service has to offer.

The man we honor tonight was first elected to Congress in 1940. His first years in service to our Nation were tempered in the cauldron of triumph and tragedy. He was weaned in politics during the war years of the Roosevelt administration.

Those were the years when the very fabric of the civilized world was threatened by a war spawned of the tyranny and fascism.

What a time to begin the long journey that led this man to political leadership! The people of our Nation were united in the cause of freedom. The human sacrifices were great. The men and women who led this Nation were strengthened by that struggle as our Nation entered a new era with a broader view of humanity and responsibility.

During the post-war era, that young Congressman saw many changes in and out of Government. There was a rise in the bureaucracy.

This Nation and its leaders saw the demise of American isolationism as a foreign policy. All of America learned that we could not build a wall around this Nation and survive.

Hale Boggs saw both the cause and effect of the Marshall plan. He witnessed the formulation of NATO. As a Member of Congress, he and this Nation learned about a new kind of cold war, and a doctrine called "containment."

The man whom we honor tonight saw a world that was changing, and though it was not apparent to all, he foresaw that the United States was changing even more rapidly than its foreign neighbors.

We suddenly found a Nation where more than 70% of the people lived on less than 1% of the land. He saw our citizens by the hundreds of thousands leave the rural areas of this great country to seek a better life in the cities most under-educated and ill equipped to live in urban society. Hale Boggs has helped prevent the problems of the cities from growing into a national nightmare.

As the decade of the 1950's grew old and the 1960's rolled onto the horizon, there developed what we have come to know as "new politics". Individual rights emerged as the single most important political issue. The men charged with the responsibility of leading this Nation through the social revolution of the 1960's—Presidents Kennedy and Johnson—were gifted with a super sense of sensitivity.

They often relied in the Congress on men who possessed this same quality—men like Hale Boggs.

A majority leader must possess an extra quality of human awareness. Without it, he could not detect the under-currents running through the Nation and therefore, through the Congress. He must know when to be firm, as he must recognize the need for compromise. He must deal with the aggressive freshman as well as the entrenched octogenarian. He must have a feel for history in order for this Nation to benefit from the mistakes of the past.

In 1968, as chairman of the Democratic National Convention Platform Committee, Hale Boggs was among the first to recognize that the time had come to extend the right to vote to the youth of America.

Two years later, during my first term in Congress, when the defensiveness of older Members reached its highest peak, Hale Boggs led the battle for legislative reform which now gives younger Members more authority and more responsibility than ever before in the history of the United States Congress. His efforts ended the secret vote which, translated into meaningful terms, means that any congressional commitment may now be voted upon in the Congress.

Hale Boggs has always preached "unity". For our party's representatives in the Congress are not peas in a pod.

Sparky Matsunaga in his seconding speech for Hale Boggs, summed it up effectively:

"We have regional, economic, ideological and personal differences. This diversity is the true strength of our Party. But for us to be effective—and to serve our people—we must develop a consensus. We must, out of this combination of two hundred and fifty-four separate and distinct individuals, construct a working majority."

In selecting its majority leader, the Democratic caucus chose a man who understands unity and minority, for Hale Boggs represents the Nation's oldest minority—the South.

PERSONAL ANNOUNCEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 5 minutes.

Mr. DANIELSON. Mr. Speaker, on Monday, October 4, I was forced to leave the floor shortly before 6 p.m. because of a previous commitment. It was not possible to foresee that the House would stay in session until 10:06 p.m., based on the announced schedule of House Resolution 596, plus 14 noncontroversial bills brought up under suspension of the rules.

Nevertheless, I was unable to vote on the three rollcalls that came up after I left. I would like to announce that if I had been present on roll No. 284, H.R. 9961, relating to providing temporary insurance for members accounts of certain Federal credit unions, I would have voted yea. On roll No. 285, H.R. 8083, relating to improvement of the air traffic controllers career program, which was passed by a unanimous vote, if present I would have voted yea.

Following this, action was taken on the conference report on H.R. 8866, the Sugar Act Amendments, on roll No. 287. If present, I would have voted yea.

TAX BILL: BUSINESS BONANZA, PEANUTS FOR INDIVIDUAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. DULSKI) is recognized for 10 minutes.

Mr. DULSKI. Mr. Speaker, I rise in opposition to H.R. 10947.

I strongly supported President Nixon when he invoked the wage and price freeze in August under the authority given him by Congress last year under legislation which I favored.

Inflation had become so rampant under his old policy that I was pleased when the administration took some positive steps to deal with this problem.

I was hopeful that when the tax phase of the new economic plan emerged from the Ways and Means Committee, it would be of some help to the middle working class. These are the ever-neglected people in tax legislation, despite the fact that these people pay almost 68 percent of the income tax revenues.

Having carefully studied our tax laws, I regret to find that the pending bill, H.R. 10947, gives only a pittance to the average taxpayer while providing another bucket of bonanzas for big business. Of course, this should not be surprising. Indeed, it is par for the course for this administration which has favored big business consistently since it took office in 1969.

BENEFITS ARE MINIMAL

It is true that the pending bill provides some slight gains for the individual taxpayer, but close analysis shows that these gains really will mean very little in terms of dollars and cents.

As an example, an average taxpayer earning $9,000 per year with three dependents will receive a tax break of only about $24 in 1972. This is equivalent to a paltry 7 cents per day.

Let me repeat, the so-called tax break for the individual taxpayer with three dependents would be only 7 cents a day in 1972.

There is much being said about the great help that will result from the repeal of the excise tax on automobiles. I believe this will be only short term.

It is my conviction that when this automobile excise tax is repealed and the wage-price freeze is lifted, the price of automobiles will be increased to make up the difference so that future automobile purchasers will gain nothing from it.

REASON FOR SUSPICION

I am most suspicious of this bill because it has a flavor of misguided legislation which is being pressured through Congress once again. I recall the bill to help stockholders of the Du Pont Corp. This was publicized as intended to bail out the average taxpayers who owned a few shares of Du Pont stock. As it turned out, however, the bill really provided a huge tax break for the large stockholders—the millionaires.

How did we get caught with such a distorted tax bill, the Du Pont case? What happened was the pressure from the thousands of Du Pont stockholders owning just a few shares. Indeed, the combined holding of all those thousands of small investors was less than 25 percent of Du Pont's issued stock.

It was the fat cats who instituted the drive among the smaller stockholders to pressure their own Members of Congress to support the bill on the contention that it was to the advantage of the small stockholders.

When the tax gains actually were figured out, it was the fat cats who saved millions of dollars and, as always, the small stockholders saved only peanuts.

MORE OF THE SAME

The pending tax bill reads like more of the same for the average taxpayer. I am not opposed to fair tax treatment for business, but at the same time I do not see how we can justify all these bonanzas for the business community in exchange for mere token gains for the individual taxpayers.

I do not intend to be caught again with a tax bill that is out of kilter and, indeed, the pending tax bill should be described as the "Revenue Give-Away Act of 1971."

This has been the year for giving away the public's tax money. First, we came to the rescue of the mismanaged Penn Central Railroad and rewarded them with a major financial assist. Then we approved a huge loan to the Lockheed Aircraft Corp. Now, we are being asked to give away tax revenues which we desperately need for essential programs.

Even the business community itself is concerned about the so-called Domestic International Sales Corp., which constitutes a revival of a tax haven that Congress halted several years ago.

PERMANENT DEFERRAL

Under the DISC, corporations are allowed to defer Federal income taxes on profits from exports. But rather than simply a deferral, this proposal may well result in a complete exemption from taxes—another bonanza.

What we really need is action to hold down inflation and reduce unemployment. That means putting more money in the hands of the buying public.

My own thought on this matter is that, for one thing, we should act to reduce the oil depletion allowance as I have consistently advocated since I came to Congress.

Second, there is no doubt in my mind that there are too many loopholes in our tax system. These have been brought to the attention of the committee many, many times but they continue to exist.

With regard to the proposed 7-percent investment credit for business, I wonder what real help it will be for a company which is struggling for survival? Further, what help will it be to change the guidelines for depreciation?

Struggling companies cannot afford to take advantage of these programs—it is not the kind of help they need. The 7-percent investment credit will cost the Treasury $2.4 billion for fiscal 1972, while the so-called asset depreciation range system will cost about $1.5 billion.

INVESTMENT CREDIT CIRCA 1969

Incidentally, it is interesting to find the Chief Executive proposing to renew the investment credit program. Back on April 22, 1969, the President urged its repeal with the assertion that "this subsidy to business investment no longer has priority over other pressing national needs."

If the Chief Executive was right in April 1969 in calling for the repeal of the investment credit, how can he justify urging its reinstatement now as permanent law plus adding the asset depreciation range system?

The pending bill would cut revenue from business taxes by $14.1 billion over a 3-year period and would cut income tax revenue from individuals by only $5.7 billion in the same period.

I fail to understand how we can continue to tend to our national needs if we sharply reduce our Federal revenue.

NEEDED TAXPAYER HELP

I agree heartily with the bill's proposal for an increase in the low-income allowance and the one-time, 1-year speedup in the deduction and exemption increases for individual taxpayers.

These proposals in themselves certainly will stimulate buying power and would be of assistance to the taxpayers who need and deserve it. But it is a high price to pay for the tax bonanzas for business that ride on their coattails.

Mr. Speaker, this tax package is inequitable and under the closed rule there is no opportunity to modify this bill during floor debate.

I have the greatest respect for the distinguished chairman of the Committee on Ways and Means (Mr. MILLS) and for the valiant efforts of him and his committee.

However, I see no choice but to oppose the entire bill.

RURAL DEVELOPMENT AND POPULATION DISPERSION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PURCELL) is recognized for 15 minutes.

Mr. PURCELL. Mr. Speaker, I have been joined today by the gentleman from South Dakota (Mr. ABOUREZK), the gentleman from North Dakota (Mr. ANDREWS), the gentleman from Washington (Mr. FOLEY), the gentleman from North Dakota (Mr. LINK), the gentleman from Kansas (Mr. ROY), and the gentleman from Oklahoma (Mr. STEED), in introducing the "Rural Development and Population Dispersion Act of 1971." It is not a complicated bill. It is not an expensive bill.

But it is a bill which would recognize the critical problem of this country's population shift at the Executive level. The passage of this bill would create a Council on Rural Development and Population Dispersion within the Executive Office of the President. It is intended that this council would have status comparable to the Council of Economic Advisers and other agencies in the President's office.

Fifty years ago, the population of the United States was evenly balanced between cities and countrysides. Today, 70 percent of the Nation's population is crowded into 1 percent of its land area. All told, 14 out of each 20 people live in the cities.

This trend has created massive problems for both urban and rural America. As Americans, we are witnessing a picture of increasingly congested cities—particularly on the coastline—blighted by noise and tension. Crime has made streets and parks unsafe as violence increased 57 percent in the last decade. Pollution has struck at rivers, lakes, air, and land. For many, unemployment has become a way of life. Welfare is often unbearable to its recipients, and a burden for the Nation.

At the same time, hundreds of small towns across the country have become virtually deserted, scarred by boarded-up stores and half-empty houses where only the elderly live. Young people often have fled from the countryside where there are few good job opportunities. Agricultural workers, who once made up 31 percent of our total national work force, now account for less than 9 percent. The 30 percent of our population living in rural areas includes over one-half of the Nation's poor, and the average farmworker sees his income amount to only half of what his city cousin is making.

Federal attention to this problem is long overdue, Mr. Speaker. Had a logical policy for revitalizing the countryside been in effect even 10 years ago, the situation would not be as bad as it is now. Our duty to our descendants is too clear to allow them to be brought up in a choking, overcrowded megalopolis while the clean country outside lies dormant, broke, and deserted.

The Council on Rural Development and Population Dispersion could begin to meet this need. The bill does not detract in any way from the several action-oriented rural development bills currently before this Congress. In the final analysis, only these action bills can succeed in pumping true opportunity into the veins of rural and small-town America. But above them all we need a basic policy commitment to balanced growth directed toward a simultaneous solution to big city problems and small-town decay. This council, at the ear of the President, could provide that vital commitment.

Mr. Speaker, the creation of this council would be our first step into the heart of the overbearing crisis of population maldispersion. The continuing internal migration of the American population will inevitably fan the flames of our many domestic problems. I am hopeful this legislation can be passed with the urgency which its objectives demand. I am confident in urging this quick action.

Thank you, Mr. Speaker.

PERSONAL ANNOUNCEMENT

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, on Monday evening, I was called away from the Chamber after having spent most of the day participating in the legislative program. I was not aware that any further record votes would be taken since it was after 7 o'clock at that time. Unfortunately, three record votes and a quorum call were demanded during my absence. Had I been present in the Chamber, I would have voted for passage of the credit union share insurance amendments, I would have voted against passage of the air traffic controllers career program.

Mr. Speaker, I regret that these record votes were demanded during my absence, especially in light of the fact that I participated in drawing up the air traffic controllers bill in the Post Office and Civil Service Committee and I participated in drawing up the credit union share insurance amendments in the Banking and Currency Committee.

I FEEL LIKE I HAVE BEEN PROCESSED

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include pertinent material.)

Mr. HALL. Mr. Speaker, as the Congress continues to explore the health needs of this Nation and begins to turn its attention toward some sort of a national health plan, the term "health maintenance organizations" will make its way into the conversations and debate.

HMO's can take many forms, from large corporations to a small group of doctors combining for such a purpose. Once formed, the organization contracts for preventive services at an annual rate per beneficiary.

On the surface this might sound like a good plan, indeed, it is an important part of the administration's health concept, and many think it a new and sparkling concept. However, for those who would like to look beneath the surface I offer the following article which recently appeared in the publication private practice, from one like myself who has been down this road many times, many years.

The article follows:

BRITISH HEALTH CENTRES: "I FEEL LIKE I'VE BEEN PROCESSED"

(By Joan Hobson)

The middle aged man I met coming out of a Nottinghamshire Health Centre was pale, unsteady and obviously in need of reassurance. His reaction to treatment in that recently completed, somewhat stark medical establishment indicated both dissatisfaction and disillusionment. "I feel like I've been processed rather than healed," he said.

There are around 100 Health Centres now operating in Britain, buildings from which varied numbers of family doctors practice in combined operation. The local government provides the premises and GPs pay rental for accommodation and maintenance services. The Health Minister then reimburses that sum to the doctors (less a percentage to cover any use of the premises for treatment of private patients). Nursing, clerical and maintenance staff receive their salaries direct from the Local Authority.

The establishment of Health Centres throughout Britain was originally suggested in 1934. According to a 1944 survey 50 percent of the general practitioners were then in favour of such Centres—subject to the condition that doctors still work on a capitation fee basis and remain free to undertake private practice.

When the National Health Service was established in 1948, doctors counted on the Health Centres to revolutionize working conditions. By organizing duty periods and providing telephone cover, the Health Centre, it was thought, would relieve GPs of non-stop duty and the need to work from consulting rooms incorporated into their homes.

But the profession was in for a shock. First, the act of making health care free at the time of service increased work load beyond all expectations. Then, within six months, Parliament instructed local authorities to postpone provision of the promised Health Centres.

Only 20 Health Centres were built in the first 18 years of the NHS. After 1966 Health Centres were included in plans for numbers of new housing estates, resulting in the increase to 100.

Ironically, the government's delay in implementing the original promise has resulted in an about face by many of the doctors who initially voted for Health Centres. Armed now with knowledge that bureaucracy is constantly spreading its tentacles into all areas of medical practice, the profession has withdrawn its half-approval. A recent poll among doctors in one southern county revealed that 75 percent are now anti-Health Centre.

In view of the way in which the Centres have developed, many fear that working from Centres will further damage the doctor-patient relationship.

Every doctor likes to have his own consulting room, but local authorities say it is uneconomical for rooms to stand empty while the "owner" is making house calls, so there is sometimes insistance that the rooms be shared by other people. Four practitioners operating a Centre near London complain that a welfare clinic, a chiropody service for the aged and occasional blood donor sessions take over their personal offices during the afternoon. A Lanarkshire Centre now in the planning state, has been designated on the premise that whenever any particular doctor is not there his room will be used by someone else. That Centre will house 18 doctors to cater for 50,000 patients.

Medical men have also come to realise that in providing premises the local authorities could also forbid doctor-tenants access to those premises if future disputes with the Ministry of Health drove the profession to undertake sanctions. How could its members take effective action knowing they would be left without practice premises were they to quit the NHS?

Some doctors have already found that they are locked out of their consulting rooms without prior notice. A Flintshire doctor arrived at the Centre he and five colleagues share with a local Antenatal Clinic to find a notice: "Surgery closed owing to infectious disease in the Clinic." The six doctors had to hastily arrange for accommodation in private houses nearby.

Many local authorities have publicly excused the prolonged delay in providing Centres by implying that their budgets have more deserving calls, but privately they are seriously concerned lest insufficient doctors come forward to staff them. They fear having expensive "white elephant" Centres, unoccupied and unused.

In 1958, all eight family doctors of Clerkheaton in Yorkshire decided to form a Health Centre. They informed the government of their decision and asked for premises, but no progress was made until 1963. Only then, when the Divisional Medical Officer and the Public Health Department also asked for new headquarters, did building commence. For the past six years those departments, the doctors, a dental clinic, mothercraft classes, the Infant Welfare Department, an Antenatal Clinic and the town's Registrar of Births and Deaths have all been operating from the same premises.

Such centralisation has proved convenient in some respects, but patients who live on the outskirts of town must now travel considerable distances to reach a doctor.

At a six-doctor Centre which recently opened in Bedfordshire, a white-haired lady told me "Three miles is a long way to walk when you're not feeling well. The area is poorly served by public transport and even when I get here there's no guarantee I shall see my own doctor. I find the place very impersonal in comparison with the friendliness of the doctor's house. The carpetless floor and colour-washed walls give the place an institutional air."

Her neighbor whispered "It's the visiting arrangements that I object to. Previously I knew that my doctor would visit when I needed him, but now it could be any of the doctors who work here. In five consultations I haven't seen the same man twice. No doubt they all have access to my records but this constant change of medical adviser isn't very confidence-inspiring!"

Although patients at Health Centres still register with the doctor of their choice, each doctor in turn covers a different area for house-calls. There is no previous indication of which doctors are on duty during consulting hours and in some Centres the patient is not even told by whom he will be seen. "Wait outside door No. 4" could mean that it is a member of the practice on duty, a temporary assistant or even a locum.

In one Midland Centre I saw a determined-looking lady cause confusion in the appointment schedule by walking out when she caught a glimpse of the very young, shirt-sleeved doctor who would be treating her. Another woman nodded understandingly and said "I've often been too embarrassed to tell the reception clerk that I only care to see Dr. B., I take my turn but pretend I've only come about some trivial matter, then return in hopes of seeing Dr. B. a couple of days later. It was better when I could rely on seeing my own doctor every time."

A male patient in the same waiting room told me "I don't care for this method of working at all. If I get out of bed feeling unwell I want to see my doctor that morning.

I was given this appointment two days ago."

A providential downpour allowed me to get some unexpectedly frank comments from patients at a Centre near Brighton. People who had been reticent in the waiting room talked more freely in the covered approach while we waited together for the rain to ease-off.

A bowler-hatted gentleman commented "I have to use this Centre because all the doctors in the area have now closed their home-based offices, but I'm very much aware that the personal relationship has been lost. I know that doctors are busy people and it is not likely that my doctor remembered me in great detail, but at least I knew him, and as each interview progressed the rapport we had earlier established was renewed and developed. Now it's often a fellow I've never previously met and unless I ask him directly, or can make out the signature on his prescription, I don't even get to know with whom I've been discussing intimate aspects of my life. I feel like a case history rather than an individual."

The wife of a newly-retired Army Colonel, who had been attended only by Army doctors for the past 25 years said she was shocked at the deterioration in medical care under the NHS. "We used to hold the family doctor in great respect and affection; so the impersonal medicine practiced here comes as an unpleasant surprise. I get the impression that doctors now only deal with actual sickness, they're no longer interested in their patients as people."

Doctors working in Health Centres find it necessary to meet for a daily discussion about patients and administration. This makes for smooth working but it is time consuming. At a medical conference held recently in Oxford Dr. Fairlea, senior member of a 16-man Health Centre, said that when he worked alone, with only his wife as aide, he was able to commence his house calls immediately after the morning consulting session came to an end. Now he spends an hour conferring with other members of the practice and briefing the ancillary staff, which totals 17. Parkinson's law now operates fully at the Health Centre. The nurses think it beneath their dignity to make tea, so the juniors employed to do this and other small tasks swell the staff to a total which justifies a bookkeeper and a personal secretary.

Maintenance of the Health Centre is a frequent bone of contention. A GP in Cheshire showed me examination cubicle curtains tattered and threadbare from use. He told me "We have twice gone through the procedure of submitting long requisition forms in triplicate to the local authorities but we are still awaiting the curtains. When I worked from home my wife produced such things in a matter of hours."

Some doctors have come to feel that practicing medicine from a Health Centre is more like running a business than conducting a dedicated profession. They consider themselves entitled to observe office hours and at other times employ one of the several privately-run emergency services which have been set up in Britain (mainly staffed by junior hospital doctors using their off-duty time to augment income).

Undoubtedly Health Centres have lost the doctors working in them the image of family friend and adviser. Pooling resources enables doctors to afford better equipment and additional facilities, but do those things outweigh effects of the new type medicine being practiced from the Health Centres?

George Partridge, a recently retired Sussex GP described his first visit as a patient to the Health Centre which replaced the separate practices of himself and several other GPs. "I know that the furnishings alone cost ratepayers over $48,000, and the place is certainly very spick and span. Each patient is received by one of several officious clerks. If he has an appointment with Dr. X he is told to sit on a red chair and wait; if his appointment is with Dr. Y he is directed to a green chair. If one of Dr. X's patients inadvertently sits on a green chair he is ticked off as if he were a naughty child and made to feel he has committed an unforgivable social faux-pas. When his turn comes, the patient's name is bawled out by a loudspeaker."

Dr. Partridge sounded bitter when he described the case of a local fisherman who cut his leg while mooring a boat. The man struggled five miles to the new Health Centre but was refused treatment because he hadn't made a previous appointment.

While on a walking holiday in Scotland I developed a painful heel and took the opportunity to visit a Health Centre as a temporary patient. To avoid confusion among patients of the 12 doctors, colour coding was also used there. I was instructed to pass down an orange-linoleumed corridor until I reached a mauve door. On the way I met a man who remarked "We're like a lot of ants following trails so that scientists can use us for study. They'll be putting us on conveyor belts next."

Doctors working from Health Centres are increasingly being called the "nine to fivers" by their patients, and many of them have become aware that true involvement in patient-care is impossible under the impersonal conditions such Centres impose.

Dr. Paul Sharpe showed me a report from the Mental Health Officer who occupies an office in the same Centre. It was headed "re Patient No. 4796" and at no point in the context did the person's name appear. Dr. Sharpe said "Patients are becoming mere cyphers. Registration numbers, indentification digits and NHS numbers now figure so much in my work that I sometimes feel more like a mathematician than a physician."

Although it is now nearly 40 years since a British political party first talked about establishing Health Centres there still seems considerable doubt that they will ever come into country-wide operation.

At present Health Centres are still in the experimental stage, but there is no central agency for planning. No department of the Health Ministry has ever collected information about the Centres already built, let alone made any objective assessment of their performance. Until contraindication is available the trend is towards ever-larger Centres. One now being built in Middlesborough will house 21 GPs to take care of 62,000 patients. Several of the Centres planned for Glasgow will each be used by 25 practitioners and their patients.

Dr. Ditch of Wolverhampton wrote recently in a medical publication "While working on the Planning Committee 20 years ago I came to accept the view that the Health Centre was to be the linchpin of future general practice, but the more I have seen since, the less I believe that family medicine can be satisfactorily carried on through Health Centres . . . sophisticated equipment and the ever-accumulating mass of data only form part, and possibly a minor part, of what is demanded in the care of the patient . . . this can be provided only by a medical attendant fully conversant . . . with all aspects of the patient's life and readily available in need. It is a hopeful sign . . . that so many general practitioners have preferred to continue in individual practice."

Evidently most of the 17 doctors who went into occupation of a Durham Centre a few years ago agree with Dr. Ditch. Only four of them remain and they now work there on a part-time basis.

A doctor in Newcastle expressed his antipathy to the Health Centres: "Personal relationship is an important aspect of doctor-patient communication. It is necessary not only to see the condition but to know all the background of the patients, their trepidations, their attitudes to life, their special fears. You cannot know this if the patient may be seen by any doctor in the Health Centre practice. A proper personal service just cannot be given in this way."

CLEVELAND STATEMENT ON THE MANSFIELD AMENDMENTS

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, attempts by Congress to legislate an end to the war in Vietnam centered last spring on the Nedzi-Whalen amendment in the House and the McGovern-Hatfield amendment in the Senate. Since that time, Senator Mansfield has introduced two amendments with similar objectives. Last summer I voted against the first Mansfield amendment which had been tacked on to the draft extension bill in the Senate. The House and Senate conferees modified the Mansfield amendment and I voted for the amendment as it was modified.

The modified Mansfield amendment for which I voted emphasized the sense of Congress that the United States terminate at the earliest practicable date all U.S. military operations in Indochina and withdraw all U.S. military forces at a date certain subject to the release of all American prisoners of war and an accounting for all American missing in action. The modified Mansfield amendment also urged the establishment by negotiation of an immediate cease-fire.

It seems to me, Mr. Speaker, that the Senator from Montana should have been satisfied by the adoption of his modified amendment, but apparently he was not.

Now he has offered another amendment, this time to the military procurement bill. I am not sure in just what form this amendment will come to us for a vote or what the parlimentary situation will be. In reading over the debate in the Senate, I was particularly impressed with the remarks of Senator Smith from Maine who opposed the amendment on the grounds that it would tie the hands of the President in his program for an orderly withdrawal of our forces from Vietnam.

Mrs. Smith also suggested the Mansfield amendment would be a slap in the face of the President.

The distinguished Senator from Maine pointed out that the amendment was hardly relevant to the military procurement bill and that a similar resolution is now being considered by the Senate Committee on Foreign Relations.

Mr. Speaker, last spring I commented at some length on Vietnam and the Nedzi-Whalen amendment. My remarks appeared in the Record, Thursday, June 17. Because much of what I said in connection with that amendment is relevant to present consideration of the latest Mansfield amendment, I will not repeat in detail those comments.

PHONY CHARGES

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, some of the left-wingers, not only in the media, but in public service as well, moan and cry about repression in our Nation. Obviously they piously are trying to mold and twist public opinion with emotional misinformation.

On August 1, 1971, former president of the American Bar Association, Lewis F. Powell, submitted an article entitled "Civil Liberties Repression: Fact or Fiction?" which treats this important matter accurately and objectively. I commend it to the attention of my colleagues and all others interested in preserving the traditional image of our great American society.

Civil Liberties Repression: Fact or Fiction?

(By Hon. Lewis F. Powell, Former President of the American Bar Association, Richmond, Va.)

At a time when slogans often substitute for rational thought, it is fashionable to charge that "repression" of civil liberties is widespread. This charge—directed primarily against law enforcement—is standard leftist propaganda. It is also made and widely believed on the campus, in the arts and theater, in the pulpit, and among some of the media. Many persons genuinely concerned about civil liberties thus join in promoting or accepting the propaganda of the radical left.

A recent syndicated article by Associated Press writer Bernard Gavzer cited several such persons. According to Prof. Charles Reich of Yale, America "is at the brink of . . . a police state." Prof. Allan Dershowitz of Harvard decries the "contraction of our civil liberties."

The charge of repression is not a rifle shot at occasional aberrations. Rather, it is a sweeping shotgun blast at "the system," which is condemned as systematically repressive of those accused of crime, of minorities, and of the right to dissent.

Examples ritualistically cited are the "plot" against Black Panthers, the indictment of the Berrigans, the forthcoming trial of Angela Davis, and the mass arrests during the Washington Mayday riots.

The purpose of this article is to examine, necessarily in general terms, the basis for the charge of repression. Is it fact or fiction?

There are, of course, some instances of repressive action. Officials are sometimes overzealous; police do employ unlawful means or excess force; and injustices do occur even in the courts. Such miscarriages occur in every society. The real test is whether these are episodic departures from the norm, or whether they are, as charged, part of a system of countenanced repression.

The evidence is clear that the charge is a false one. America is not a repressive society. The Bill of Rights is widely revered and zealously safeguarded by the courts. There is in turn no significant threat to individual freedom in this country by law enforcement.

Solicitor General Griswold, former dean of the Harvard Law School and member of the Civil Rights Commission, recently addressed this issue in a talk at the University of Virginia. He stated that there is greater freedom and less repression in America than in any other country.

So much for the general framework of the debate about alleged repression. What are the specific charges?

The attack has focused on wiretapping. There seems almost to be a conspiracy to confuse the public. The impression studiously cultivated is of massive eavesdropping and snooping by the FBI and law enforcement agencies. The right of privacy, cherished by all, is said to be widely threatened.

Some politicians have joined in the chorus of unsubstantiated charges. Little effort is made to delineate the purposes or the actual extent of electronic surveillance.

THE FACTS

The facts, in summary, are as follows. The Department of Justice employs wiretapping in two types of situations: (1) against criminal conduct such as murder, kidnaping, extortion, and narcotics offenses; and (2) in national security cases.

Wiretapping against crime was expressly authorized by Congress in 1968. But the rights of suspects are carefully safeguarded. There must be a prior court order issued only upon a showing of probable cause. The place and duration are strictly controlled. Ultimate disclosure of the taps is required. There are heavy penalties for unauthorized surveillance. Any official or FBI Agent who employs a wiretap without a court order in a criminal case is subject to imprisonment and fine.

During 1969 and 1970, such Federal wiretaps were employed in only 309 cases. More than 900 arrests resulted, with some 500 persons being indicted—including several top leaders of organized crime.

The Government also employs wiretaps in counterintelligence activities involving national defense and internal security. The 1968 act left this delicate area to the inherent power of the President.

CURRENT MYTHS

Civil libertarians oppose the use of wiretapping in all cases, including its use against organized crime and foreign espionage. Since the 1968 act, however, the attack has focused on its use in internal security cases and some courts have distinguished these from foreign threats. The issue will be before the Supreme Court at the next term.

There can be legitimate concern whether a president should have this power with respect to internal "enemies." There is, at least in theory, the potential for abuse. This possibility must be balanced against the general public interest in preventing violence (e.g., bombing of Capitol) and organized attempts to overthrow the Government.

One of the current myths is that the Department of Justice is usurping new powers. The truth is that wiretapping, as the most effective detection means, has been used against espionage and subversion for at least three decades under six Presidents.

There may have been a time when a valid distinction existed between external and internal threats. But such a distinction is now largely meaningless. The radical left, strongly led and with a growing base of support, is plotting violence and revolution. Its leaders visit and collaborate with foreign Communist enemies. Freedom can be lost as irrevocably from revolution as from foreign attack.

The question is often asked why, if prior court authorization to wiretap is required in ordinary criminal cases, it should not also be required in national security cases. In simplest terms the answer given by government is the need for secrecy.

Foreign powers, notably the Communist ones, conduct massive espionage and subversive operations against America. They are now aided by leftist radical organizations and their sympathizers in this country. Court-authorized wiretapping requires a prior showing of probable cause and the ultimate disclosure of sources. Public disclosure of this sensitive information would seriously handicap our counterespionage and countersubversive operations.

As Attorney General John Mitchell has stated, prohibition of electronic surveillance would leave America as the "only nation in the world" unable to engage effectively in a wide area of counterintelligence activities necessary to national security.

Apparently as a part of a mindless campaign against the FBI, several nationally known political leaders have asserted their wires were tapped or that they were otherwise subject to surveillance. These charges received the widest publicity from the news media.

FALSE CHARGES

The fact is that not one of these politicians has been able to prove his case. The Justice Department has branded the charges as false.

The outcry against wiretapping is a tempest in a teapot. There are 210 million Americans. There are only a few hundred wiretaps annually, and these are directed against people who prey on their fellow citizens or who seek to subvert our democratic form of government. Law-abiding citizens have nothing to fear.

In the general assault on law enforcement, charges of police repression have become a reflexive response by many civil libertarians as well as by radicals.

Examples are legion. Young people are being incited not to respect law officers but to regard them as "pigs." Black Panther literature, in the vilest language, urges the young to assault the police.

The New York Times and the Washington Post reported, as established fact, that 28 Panthers had been gunned down by police since January 1968. Ralph Abernathy attributed the death of Panther leaders to a "calculated design of genocide." Julian Bond charged that Panthers are being "decimated by police assassination arranged by the federal police apparatus." Even Whitney Young referred to "nearly 30 Panthers murdered by law enforcement officials."

These charges, upon investigation (by the New Yorker magazine, among others) turned out to be erroneous. The fact is that two—possibly four at most—Panthers may have been shot by police without clear justification. Many of the 28 Panthers were killed by other Panthers. There is no evidence whatever of a genocide conspiracy.

But the truth rarely overtakes falsehood—especially when the latter is disseminated by prestigious newspapers. Millions of young Americans, especially blacks, now believe these false charges. There is little wonder that assaults on police are steadily increasing.

The latest outcry against law enforcement was provoked by the mass arrests in Washington on May 3. Some 20,000 demonstrators, pursuant to carefully laid plans, sought to bring the Federal Government to a halt.

This was unlike prior demonstrations in Washington, as the avowed purpose of this one was to shut down the Government. The mob attempted to block main traffic arteries during the early morning rush hours. Violence and property destruction were not insignificant. Some 39 policemen were injured. Indeed, Deputy Attorney General Kleindienst has revealed that the leaders of this attack held prior consultations with North Vietnamese officials in Stockholm.

Yet, because thousands were arrested, the American Civil Liberties Union and other predictable voices cried repression and brutality. The vast majority of those arrested were released, as evidence adequate to convict a particular individual is almost impossible to obtain in a faceless mob.

The alternative to making mass arrests was to surrender the Government to insurrectionaries. This would have set a precedent of incalculable danger. It also would have allowed a mob to deprive thousands of law-abiding Washington citizens of their rights to use the streets and to have access to their offices and homes.

SHEER NONSENSE

Those who charge repression say that dissent is suppressed and free speech denied. Despite the wide credence given this assertion, it is sheer nonsense. There is no more open society in the world than America. No other press is as free. No other country accords its writers and artists such untrammeled freedom. No Solzhenitsyns are persecuted in America.

What other government would allow the Chicago Seven, while out on bail, to preach revolution across the land, vastly enriching themselves in the process?

What other country would tolerate in wartime the crescendo of criticism of government policy? Indeed, what other country would allow its citizens—including some political leaders—to negotiate privately with the North Vietnamese enemy?

Supreme Court decisions sanctify First Amendment freedoms. There is no prior restraint of any publication, except possibly in flagrant breaches of national security. There is virtually no recourse for libel, slander, or even incitement to revolution.

The public, including the young, are subjected to filth and obsenities—openly published and exhibited.

The only abridgment of free speech in this country is not by government. Rather, it comes from the radical left—and their bemused supporters—who do not tolerate in others the rights they insist upon for themselves.

Prof. Herbert Marcuse of California, Marxist idol of the New Left, freely denounces "capitalist repression" and openly encourages revolution. At the same time he advocates denial of free speech to those who disagree with his "progressive" views.

It is common practice, especially on the campus, for leftists to shout down with obscenities any moderate or conservative speaker or physically to deny such speaker the rostrum.

A recurring theme in the repression syndrome is that Black Panthers and other dissidents cannot receive a fair trial.

The speciousness of this view has been demonstrated recently by acquittals in the New Haven and New York Panther cases—the very ones with respect to which the charge of repression was made by nationally known educators and ministers.

RIGHTS SAFEGUARDED

The rights of accused persons—without regard to race or belief—are more carefully safeguarded in America than in any other country. Under our system the accused is presumed to be innocent; the burden of proof lies on the state; guilt must be proved beyond reasonable doubt; public jury trial is guaranteed; and a guilty verdict must be unanimous.

In recent years, dramatic decisions of the Supreme Court have further strengthened the rights of accused persons and correspondingly limited the powers of law enforcement. There are no constitutional decisions in other countries comparable to those rendered in the cases of Escobedo and Miranda.

Rather than "repressive criminal justice," our system subordinates the safety of society to the rights of persons accused of crime. The need is for greater protection—not of criminals but of law-abiding citizens.

A corollary to the "fair trial" slander is the charge that radicals are framed and tried for political reasons. This is the worldwide Communist line with respect to Angela Davis. Many Americans repeat this charge against their own country, while raising no voice against standard practice of political and secret trials in Communist countries.

The radical left, with wide support from the customary camp followers, also is propagandizing the case of the Berrigans.

The guilt or innocence of these people remains to be determined by juries of their peers in public trials. But the crimes charged are hardly "political." In the Davis case a judge and three others were brutally murdered. The Berrigans, one of whom stands convicted of destroying draft records, are charged with plots to bomb and kidnap.

Some trials in our country have been politicized—but not by government. A new technique, recently condemned by Chief Justice Warren Burger, has been developed by the Kunstlers and others who wish to discredit and destroy our system. Such counsel and defendants deliberately seek to turn courtrooms into Roman spectacles—disrupting the trial, shouting obscenities and threatening violence. It is they—not the system—who demean justice.

The answer to all of this was recently given by former California Chief Justice Roger J. Traynor, who said:

"It is irresponsible to echo such demagogic nonsense as the proposition that one group or another in this country cannot get a fair trial. . . . No country in the world has done more to insure fair trials."

America has its full share of problems. But significant or systematic government repression of civil liberties is not one of them.

The radical left—expert in such matters—knows the charge of repression is false. It is a cover for leftist-inspired violence and repression. It is also a propaganda line designed to undermine confidence in our free institutions, to brainwash the youth, and ultimately to overthrow our democratic system.

It is unfortunate that so many non-radical Americans are taken in by this leftist line. They unwittingly weaken the very institutions of freedom they wish to sustain. They may hasten the day when the heel of repression is a reality—not from the sources now recklessly defamed but from whatever tyranny follows the overthrow of representative government.

This is the greatest danger to human liberty in America.

WHERE SHOULD STUDENTS VOTE?

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, on July 22, 1971, I introduced House Joint Resolution 801, and to date it has not been set for hearings. Meanwhile, across the country State supreme courts, legislatures, and attorney generals are making rulings relative to voting places for college students. Not, however, with any consistency.

In connection with this overall problem, I am submitting an editorial which appeared in the Barnsville Enterprise entitled "Where Should Students Vote?" The editorial follows:

WHERE SHOULD STUDENTS VOTE?

"Taxation without representation is tyranny" are words attributed to James Otis, a Massachusetts statesman of pre-Revolutionary War days. This is not what he actually said, but as expressed here it became the battle cry of American colonists.

Reverse Otis' words to read: "Representation without taxation is . . ." well, what would you say it is? We can think of a lot of words to end his saying, none of them reassuring.

But representation without taxation is what the current stampede to allow college students to vote in college town elections instead of their home towns amounts to. We think this has built-in perils.

Here in Ohio taxpaying residents in such places as Oxford, Kent, Athens, Bowling Green, Oberlin, to name only a few, would be very much in the minority if their temporary student residents voted. They could very well be the deciding factor on such local issues as tax levies, bond issues and other questions which taxpayers would have to pay for many years after the students have departed.

Under Ohio laws, it involves very little trouble for students to vote in any election. A request for an application for an absent voter's ballot; filing the application with the board of election; marking the ballots and mailing them back, this is all that is required. Many could even avoid this by voting at the board of elections while home.

Hundreds of men in the service of their country have been voting by mail ever since we have had an absent voter's law. Do college students deserve to have it easier or more conveneint then men in uniform?

The nation, the state and the county need the student vote. Elections will be improved by their participation. Most of all, there home towns need their intelligent votes. This is where the money that keeps them in college comes from, and this is where their vote belongs.

More important than this, however, is the threat that longtime taxpaying residents of college towns will, in effect, lose their votes on issues affecting their best interests by being overwhelmed by the votes of students with no roots in the local community.

RURAL SOLUTION TO URBAN PROBLEMS

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, an annual report from Administrator James V. Smith of the Farmers Home Administration invites attention to the growing importance of rural development as an influence on the solution of urban problems.

My congressional district in the heart of Ohio ranges from the city of Columbus into rural territory two counties to the north. Until recent times, conditions of living contrasted visibly between the city and the outlying areas. Where urban services ran out, the prevailing quality of homes began to decline. Small towns were fading. Farms were disappearing.

Today, an upswing is apparent in the countryside not associated with the spread of suburbia. Bright new homes are becoming more noticeable in small towns and on the rural landscape.

This gradual but quickening transformation appears to be born of a new appreciation of rural environment as a place to live, plus new resources that are being made available to create essentially modern conditions in rural areas. A major factor is credit programs for housing and community facilities developed through the good offices of the Farmers Home Administration.

Housing credit, once a scarce commodity in rural areas, is now in better supply because a massive new home financing system has been created in the past 2 years from once inadequate FHA programs. Not only in the countryside but in rural towns of up to 10,000, families who live on low or modest incomes can get housing credit now through county offices of Farmers Home if no other credit is available.

Families of this income bracket who struggle for survival in obsolete sections of cities may find that a fully modern home is within their reach of ownership, at the lower costs prevailing out beyond the urban boundaries.

In rural sections of our district, this housing program is beginning to roll. More than one-third of the 240 homes, the $3.1 million of housing credit FHA has underwritten over the years is accounted for in Farmers Home's report on activity during the year just past.

Modernization of public services such as water and sewer systems also is part of the rural program administered by Farmers Home. Delaware County of my district has in prospect two large rural water systems, combining service to smaller towns and the open country, that can be built with about $5.5 million in FHA loan financing. Morrow County has been assisted by the agency in surveying prospects for countrywide water and waste disposal services.

These advances will satisfy one of the prerequisites for modern home and community development long lacking in so many rural areas.

The dissolution of an urban problem area through good new rural community development can be a gain for all concerned, and a step forward for the city and its supporting territory.

Farmers Home's increasingly important work in the rural sections of our district is a credit to the leadership of Administrator Smith and his Ohio organization headed by State Director Lester M. Stone. They are making an invaluable contribution to the greater Columbus area.

THE NINTH DISTRICT OF NEW JERSEY—SEVENTH ANNUAL QUESTIONNAIRE

(Mr. **HELSTOSKI** asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. **HELSTOSKI**. Mr. Speaker, each year I have sent a questionnaire to the residents of the Ninth Congressional District of New Jersey, the district which I have the privilege and honor to represent, soliciting their views and opinions on various issues confronting our Nation.

This year, I sent my seventh annual questionnaire to the 160,000 households in the Ninth Congressional District. The volume of response to the 1971 questionnaire, which 26,572 replies, has been most gratifying. This, I feel, indicates the widespread interest the residents of the Ninth District have in the problems facing us today.

The annual questionnaire method of sampling my constituents' opinions continues to be an effective means for district residents to convey their views on major issues. I employ this method because I want my constituents' reflections about matters we are aware of as Members of Congress.

Through extensive sampling, I was able to obtain a good index of prevailing opinion in my district. This knowledge is an invaluable aid in helping me to formulate my judgments in the legislative considerations of Congress.

The enthusiastic response indicates that my constituents are concerned about their Government. In submitting answers to my questionnaire, many constituents attached detailed letters to explain the positions they took on issues and problems. Others placed concise and cogent remarks on their questionnaires. During our August recess, I had the opportunity to read each questionnaire sent to me with additional responses: I found an acute awareness of the work that must be done not only at the Federal level, but at all levels of government, to get our Nation moving.

All of the responses have now been tabulated. I shall send a copy of the results to every household in the Ninth District so that my constituents may compare their individual views with the consensus of opinion of district residents.

Tabulating the questionnaires required a tremendous amount of effort. I wish to extend my thanks publicly for the wonderful cooperation of the many volunteers and members of my staff who spent countless hours completing this tabulation.

At the conclusion of these remarks, I will insert in the RECORD a numerical summary of the responses to the 21 questions I posed, but at this point I wish to call your attention to some of the significant reactions to several important issues:

Over the years from 1966, it has become increasingly apparent that our involvement in the war in Southeast Asia was losing the support of the American public. A majority of my constituents have consistently expressed support for a greater emphasis on peace initiatives and for the inclusion of the National Liberation Front in arriving at a settlement of the conflict. By 1969, over three-quarters of those responding favored our withdrawal from Vietnam for a mutual cease-fire agreement. Last year, the questionnaire was sent shortly after the Cambodian invasion commenced, and considerable dissatisfaction with the administration's handling of the war was evidenced as 62.5 percent of my constituents responding supported the Cooper-Church amendment, and 53 percent favored complete withdrawal of our military forces. These feelings culminate now in the view held by 51.7 percent of the people of the Ninth Congressional District in asking the administration to set a firm deadline of December 31, 1971, for complete withdrawal of American troops. I might point out that the time the questionnaire was mailed, the one-candidate election in South Vietnam on October 3 had not been held.

The fourth question was included to gage district opinion on the issue of continuing or abolishing the Selective Service System. The results showed that the majority—52.1 percent—was of the opinion that the draft should be replaced by an all-volunteer military force, a view I supported in Congress. It is interesting to recall that a 1-year extension of the draft lost by only two votes in the House of Representatives this past spring.

Another subject receiving great attention in the press and in Congress is health care, as we find our Nation, compared to the world, rated approximately 18th in the quality of health-care services. About 55 percent of the responses favored the establishment of a national health care insurance plan which would include dental coverage.

Reaction to the President's revenue sharing proposal was quite mixed, with 39.9 percent in favor, 44.2 percent opposed, and 15.8 percent undecided. As an alternative, it was asked whether my constituents would prefer the Federal Government to take over the operation and funding of the 50 States present welfare programs. The latter proposal received wider approval, with 55.2 percent in favor, 33 percent opposed, and 11.7 percent undecided.

The President's plan to provide a federally guaranteed income for every family, with some State financial participation, was favored by 39.1 percent, opposed by 44.7 percent, and 16.2 percent were undecided.

I asked if my constituents would favor or oppose the setting of wage, price, and interest controls. Two-thirds responded in the affirmative; however, it is extremely important to note that interest controls were incorporated in the question. Obviously, the public was aware of the need for such controls as early as May and June; yet, it appears that district residents had an equitable structure of controls in mind. From the volume of mail I have received, I feel such that the current situation, with various wage and salary contracts being negated by the Presidential directives, would not have garnered such support.

Concern for our environment was strongly demonstrated in the responses. The vast majority—84.6 percent—believed that an organization with the structure and form of the Delaware River Port Authority or the Port of New York Authority should be created to restore and maintain the Passaic River Basin. To use the Passaic River as a model river was an administration consideration, but unfortunately, subsequently rescinded.

This interest in the environment was also shown in the last section of the questionnaire, which presented five major problems—inflation, unemployment, crime, pollution, and the Vietnam war—and requested the respondent to number these in order of importance. Pollution was given top priority by my district, as 23 percent of the respondents registered that view. Unemployment—22.75 percent—and the Vietnam war—20 percent—followed. Crime was rated first by 18 percent. Inflation was considered the most pressing problem by 15 percent.

Under the priorities section, a number of unsolicited additional comments were made. Below are those added priorities listed by at least 5 percent of those responding, in order of frequency, as being of primary importance:

LIST OF PRIORITIES

1. Drug abuse and rehabilitation problems.
2. The need for welfare reform.
3. Questionable credibility of administration.
4. Insufficient mass transit.
5. Corruption in Government.
6. Supreme Court decisions too lenient.
7. Lack of housing and oppressive rent increases.
8. Rising tax (including local property) burden.
9. Care for the elderly.
10. Infringement of civil liberties.
11. Inadequate anti-trust law enforcement.
12. Union abuses.
13. Excessive military expenditures.
14. Doctor shortage.
15. Population explosion.

The following is the completed questionnaire tabulation:

1971 LEGISLATIVE QUESTIONNAIRE

[Congressman Henry Helstoski, 9th District, New Jersey]

	Favor	Oppose	Undecided
1. Do you favor or oppose setting a firm deadline of Dec. 31, 1971, for complete withdrawal of all U.S. troops from Southeast Asia?	51.7	41.6	6.6
2. Do you favor or oppose the reducing of our military troop commitment in Europe?	69.0	23.9	7.1
3. Do you favor or oppose the elimination of the selective service draft within 1 year with reliance placed on recruiting an all-volunteer military force through higher wages and greater fringe benefits?	52.1	37.3	10.6
4. Do you favor or oppose continuation of the system of granting selective service draft deferments to those attending college until they complete 4-year courses of study?	59.8	34.9	5.2
5. Do you favor or oppose the Social Security Act amendments that would among other things increase benefit payments by 5 percent; provide for cost-of-living increases in benefit payments; increase the present work earnings limitation from $1,680 to $2,000 a year; extend medicare coverage to those receiving disability benefit payments?	86.6	8.9	4.4
6. Do you favor or oppose establishment of a national health insurance plan for all people to be financed by increased social security taxes?	54.5	34.7	10.7
7. Do you favor or oppose a proposal to have dental care covered in a national health insurance program?	56.0	34.0	9.9
8. Do you favor or oppose setting of wage, price, and interest controls to combat inflation?	66.7	22.5	10.8
9. Do you favor or oppose a temporary program of providing public service jobs for the unemployed because of present high unemployment?	80.7	11.4	7.8
10. Do you favor or oppose the President's proposal for general revenue sharing whereby the Federal Government would distribute a share of Federal revenues to States and local governments with little or no restrictions on their use?	39.9	44.2	15.8
11. As an alternative to the President's revenue sharing proposal, would you favor or oppose the Federal Government taking over the operation and funding of the 50 States' present welfare programs?	55.2	33.0	11.7
12. Did you favor or oppose the action of Congress in withdrawing government financial support for development of the supersonic transport (SST)?	59.7	31.9	8.3
13. Do you favor or oppose establishment of a Federal Government lottery, similar to the one operating in New Jersey, with proceeds from it placed in a trust fund for fighting all forms of environmental pollution?	69.5	22.7	7.8
14. Do you favor or oppose proposals to exempt from income taxes winnings from government-operated lotteries?	52.6	41.0	6.3
15. Do you favor or oppose pending legislation which would require Federal protection of endangered species of animals, ocean mammals (e.g. seals, porpoises, whales) and free-roaming horses?	93.2	2.8	3.9
16. The State of New Jersey plans to construct a horse racing track in southern Bergen County. Do you favor or oppose this plan?	43.1	41.5	15.3
17. Do you favor or oppose admission of mainland China to the United Nations?	62.7	23.8	13.4
18. Do you favor or oppose the President's proposal for a federally guaranteed income for every family with some State participation in the cost of the program?	39.1	44.7	16.2
19. Do you favor or oppose creation of a no-fault automobile insurance program?	60.8	19.1	20.0
20. Would you favor or oppose creation of an organization such as the Delaware River Port Authority or the Port of New York Authority to clean up the Passaic River Basin, restore it, develop and maintain it in 1st-class condition?	84.6	6.5	8.8
21. In your opinion what are the most pressing problems facing our Nation? (Please number in order of importance):			
(a) Inflation			15.0
(b) Unemployment			22.75
(c) Crime			18.0
(d) Pollution			23.0
(e) Vietnam War			20.0
Other			1.25

MARTZ COUPLE CELEBRATE THEIR 79TH WEDDING ANNIVERSARY

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, 79 years ago today, George C. Martz, then 21, and Annie Huber of Shannondale, Pa., were joined in matrimony. The Mayport, Pa., couple, now at a combined age of 202 years, are today marking a rare milestone in marital longevity.

With the exception of a few child marriages of long ago, the area couple is in select ranks of those boasting long marriage records. I know the Martz couple hold the Pennsylvania record, but according to the statistics I have been able to find, Annie and George Martz hold the U.S. record, also.

After their marriage, Mr. and Mrs. Martz moved to a Mayport area farm which had been purchased by Mr. Martz from his father, Benjamin, who originally had secured it from an old land company for $1.50 an acre in the early 1830's. The couple has remained on the farm since that time, and in earlier years they made their living from tilling the soil. That homestead is now owned and operated by a son, Frank, with whom they are living.

Mrs. Martz celebrated her 102d birthday on June 5, and 20 days later her husband reached the century mark.

Seven children were born to the couple six of whom survive. They are Frank; Miss Mable Martz and Miss Jennie Martz, both at home; Fred Martz of Oil City; Mrs. Harry Young of Punxsutawney; and Harry Martz of Clarion.

I know my colleagues join with me in extending hearty congratulations to Mr. and Mrs. Martz on their 79th wedding anniversary, and in wishing them many more years of happiness.

ONLY SICK PEOPLE NEED DRUGS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, I would like to take a few minutes today to commend Attorney General John Mitchell, his Director of the Bureau of Narcotics and Dangerous Drugs, Mr. John E. Ingersoll, and all their associates and assistants who were responsible for planning and developing the excellent publication, "Katy's Coloring Book About Drugs and Health." Only sick people need drugs is the extremely important message emphasized over and over again, in language and pictures a child can understand; and beyond that, it graphically illustrates that well people who foolishly take drugs for fun can only become sick.

This publication is designed for the young coloring book set, and I believe this is really the right age to initiate this type of awareness. The benefits which accrue to the people from such a project can be measured in millions of dollars when you consider the vast sums spent on after-the-fact drug abuse programs. But there is no way at all to place a dollar value on the incalculable benefits which are inherent in early prevention—the heartaches and misery that parents and other loved ones will be spared, and the great benefits to the country when these young people are able to assume their proper places and meet their responsibilities in adult life, instead of becoming a burden and menace to society through drug addiction.

Mr. Speaker, the encouragement of an antidrug culture cannot be started at too early an age—we should attack this evil at all ages—and again, I commend the officials responsible for this valuable contribution to our fight against what has become one of our Nation's most serious problems.

REVERSE PRIORITIES ON TAXES

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, I opposed H.R. 10947, the Revenue Act of 1971. This legislation, intended to implement the President's tax proposals, is based on the fallacious theory that a massive tax giveaway to big business will somehow trickle down and ultimately benefit the working people of this country. This approach has not worked in the past, and it will not work now. Rather, the real needs of the American public will suffer.

The so-called job development features of this bill are, in fact, nothing more than profit boosters to big business. The economy would be better served by financing job programs, providing a guaranteed annual income, and aiding our beleaguered cities. These benefits would go directly to those hurt most by unemployment and inflation—the poor and local government.

Yet this bill would drastically slash the money available to the Federal Government over the next decade—money that is desperately needed to meet our social programs. This loss of revenue averages over $9 billion every year for the next 10 years. To put this in perspective, $9 billion is roughly three times the amount the Federal Government will spend on elementary and secondary education during this entire fiscal year.

The 7-percent investment tax credit will have virtually no influence on business investments absent an increase in consumer demand. It will not spur investment nor create new jobs. Rather, it will increase profits at a time, when workers' wages are frozen.

A system of tax deferral for the Domestic International Sales Corporation—DISC—and its shareholders is at best inefficient and at worst another tax loophole to aid big business while neither adding jobs nor improving the balance of trade.

Even the accelerated tax cuts favor the wealthy taxpayer.

In sum, the Revenue Act of 1971 is a bonanza to big business with the American people picking up the tab—in terms of abandoned social programs and in continuous inflationary pressure.

At this point I include in the Record an editorial that appeared in the New York Times of October 6 on the reverse priorities of this legislation. I commend it to my colleagues:

REVERSE PRIORITIES ON TAXES

The tax bill the House of Representatives will vote on today is an improvement on the legislation originally sought by President Nixon, but it remains a bill that has its priorities all wrong.

Advertised as a bill to spur the economy to full employment, it gives its biggest tax cuts to industry for the sake of boosting investment in new plant and equipment. While industry is still operating at less than three-fourths of capacity, it seems highly dubious that the combination of accelerated depreciation and a restored 7 per cent tax credit will do much to speed the return to full employment.

An approach which focused upon providing more tax relief for lower and middle-income taxpayers would provide more immediate thrust to the economy—and, with rising rates of capacity utilization and higher earnings, industry could be counted on to increase outlays on new plant and equipment.

There is no need to tilt the economy's use of resources toward more capital spending; one of the underlying causes of the persistent sluggishness of the American economy has been the hangover of excess capacity created during the investment boom of the 1960's.

Chairman Wilbur Mills and the Ways and Means Committee have somewhat altered the grossly unfair balance in the bill toward the corporations and the rich and against the poor and lower-income taxpayers. While approving most of the Administration's faster tax write-offs, they have scaled down tax cuts to the corporations by $1.7 billion in 1972. At the same time, they have increased tax cuts to low-income taxpayers by about $1 billion through an increase in the minimum standard deduction.

However, even in the field of individual taxes, the bulk of the cuts is not focused on those in the lower income brackets. For instance, the 7 per cent cut in automobile excise taxes obviously goes only to those who can afford a new car. Increases in personal exemptions give more of a tax break to upper-income families than to lower.

Unquestionably, the economy needs fiscal stimulus to help it return to full employment. It is too early to be sure that the House tax bill provides enough stimulus. Many economic forecasters do expect the economy to surge ahead next year, but the recovery is still sluggish. If the fourth quarter does not show a much stronger rise. Congress should consider postponing the $7.5-billion increase in Social Security taxes scheduled for Jan. 1, which would wipe out most of the personal income tax reductions in the new bill.

The hallmark of good tax legislation at this time would have been a measure that would give the economy a strong boost to counteract unemployment but that would not permanently erode the Federal tax base. The bill before Congress fails to meet this test on two counts: It gives a relatively mild short-term boost to the economy and causes a large permanent loss of tax revenues over the long run. The nation will pay the price in truncated or abandoned social programs and in continuous inflationary pressure.

SUPPORT SOVIET JEWRY

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, it is extremely gratifying to learn that the administration has taken a significant step toward recognizing the plight of Soviet Jewry, and acting to evince U.S. opposition to their oppression. By letter of September 30, 1971, Attorney General Mitchell has informed the distinguished chairman of the Judiciary Committee (Mr. Celler), on which I sit, and the distinguished chairman of the Subcommittee on Immigration of that committee (Mr. Rodino), on which I also sit, that he will exercise his parole authority to enable the entrance into this country of Soviet Jews.

Much credit for this action must be given to our distinguished colleague from New York (Mr. Koch), who is the chief sponsor of H.R. 5606, the Soviet Jews Relief Act. As a cosponsor of this bill, and as a member of the Judiciary Committee subcommittee directly concerned with the emigration ban imposed on Soviet Jewry, I can attest to his efforts, as well as to those of our distinguished colleagues from Illinois (Mr. Mikva and Mr. Yates).

In addition, the efforts of the distinguished chairman (Mr. Celler) and subcommittee chairman (Mr. Rodino) of the Judiciary Committee have been enormously important. I would note that I joined in cosponsoring House Concurrent Resolution 245, which the distinguished gentleman from New Jersey (Mr. Rodino) introduced, expressing the sense of the Congress that the President shall take immediate and determined steps to encourage and persuade the Soviet Union to permit persons of the Jewish faith who express the desire to immigrate to a country of their choice to do so.

However, I fear that the plight of Soviet Jewry will persist, despite this action taken by the administration. An organized program of cultural and religious repression has been undertaken by the Soviet Union, with the aim being the destruction of the Jewish identity of its 3 million Jewish inhabitants. That program's grip is tightened by the refusal of the Soviet authorities to allow more than a bare trickle of emigres, despite the thousands who wish to leave the Soviet Union.

An additional step which must be taken, and one which the administration still refuses to act affirmatively on, is my legislation—House Resolution 454 and companion bills—expressing the sense of the Congress that the Voice of America should undertake broadcasts in the Yiddish language into the Soviet Union. As of today, 100 Members of the House have joined me in cosponsoring this resolution. In addition, since my initial introduction of House Resolution 454, Senators Tunney, Case, Buckley, and 19 of their colleagues have introduced the same resolution in the other body.

By broadcasting in the Yiddish language into the Soviet Union, we can bring to Soviet Jewry tangible support for their cause. Even for those who do not speak this language so basic to European Jewish culture, the very fact of the broadcasts can provide enormous psychological support.

Thus, in light of the administration's action with regard to exercise of the parole authority to admit those Soviet emigres who might manage to leave the Soviet Union, I call upon the administration to act affirmatively in support of House Resolution 454.

ANNOUNCEMENT OF HEARINGS ON THE FEDERAL GOVERNMENT'S ROLE IN THE ACHIEVEMENT OF EQUAL OPPORTUNITY IN HOUSING

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, I would like to announce that the Civil Rights Oversight Subcommittee of the House Committee on the Judiciary will hold a series of public hearings on the Federal Government's role in the achievement of equal opportunity in housing. These hearings will commence with testimony from the U.S. Department of Housing and Urban Development on October 20, 1971, and from the General Services Administration and the U.S. Commission on Civil Rights on October 21, 1971, at 10 a.m. each day in room 2141 of the Rayburn House Office Building. Public witnesses will be scheduled to testify at later dates.

Those wishing to testify or to submit statements for the record should address their requests to the Committee on the Judiciary, U.S. House of Representatives, Room 2137, Rayburn House Office Building, Washington, D.C. 20515.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Byrne of Pennsylvania, for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Michel, for 15 minutes, tomorrow, and to revise and extend his remarks and include extraneous matter.

Mr. Arends (at the request of Mr. Gerald R. Ford), for 60 minutes, tomorrow, Thursday, to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. Frenzel) to revise and extend their remarks and include extraneous material:)

Mr. Miller of Ohio, for 1 hour, October 7.

Mr. Conable, for 1 hour, October 12.

Mr. Kemp, for 15 minutes, today.

Mr. Ashbrook, for 30 minutes, today.

Mr. Bell, for 15 minutes, today.

Mr. Bow, for 5 minutes, today.

(The following Members (at the request of Mr. Burlison of Missouri) to revise and extend their remarks and include extraneous material:)

Mr. Aspin, for 45 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Shipley, for 10 minutes, today.

Mr. Dent, for 10 minutes, today.

Mr. Flood, for 10 minutes, today.

Mr. Reuss, for 10 minutes, today.

Mr. Fulton of Tennessee, for 10 minutes, today.

Mr. Danielson, for 5 minutes, today.

Mr. Dulski, for 10 minutes, today.

Mr. Purcell, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Wiggins (at the request of Mr. Frenzel) his remarks immediately following the remarks of Mrs. Heckler of Massachusetts during general debate in the Committee of the Whole today.

(The following Members at the request of Mr. Frenzel and to include extraneous material:)

Mr. Broyhill of Virginia in two instances.

Mr. Edwards of Alabama.

Mr. Wyman in two instances.

Mr. Schwengel.

Mr. Derwinski in three instances.

Mr. Pettis.

Mr. Anderson of Illinois.

Mr. Wylie.

Mr. Young of Florida in five instances.

Mr. Terry.

Mr. Price of Texas in three instances.

Mr. Hosmer in two instances.

Mr. Steiger of Arizona.

Mr. Schneebeli.

Mr. Steiger of Wisconsin in two instances.

Mr. Fulton of Pennsylvania.

Mr. McDonald of Michigan.

Mr. Mizell in five instances.

Mr. Ashbrook.

Mr. Findley.

Mrs. Heckler of Massachusetts in three instances.

Mr. Baker in two instances.

Mr. Gude.

Mr. Schmitz in two instances.

Mr. Coughlin in six instances.

Mr. Hunt.

(The following Members (at the request of Mr. Burlison of Missouri) and to revise and extend their remarks and include extraneous matter:)

Mr. McFall in two instances.

Mr. Dingell in two instances.

Mr. Gonzalez in three instances.

Mr. Hagan in three instances.

Mr. Rarick in five instances.

Mr. Corman in five instances.

Mr. Waldie in two instances.

Mr. Jacobs in two instances.

Mr. Downing in two instances.

Mr. Helstoski in two instances.

Mr. William D. Ford.

Mr. Stephens.

Mr. Bennett in three instances.

Mr. Rosenthal in five instances.

Mr. Dent.

Mr. Steed in two instances.

Mr. Vanik in two instances.

Mr. Bingham in two instances.

Mr. Fulton of Tennessee in two instances.

Mr. Rogers in five instances.

Mr. Murphy of New York in two instances.

Mr. Dorn in five instances.

Mr. Kyros.

Mr. Celler.

Mr. Badillo in two instances.

Mr. Griffin in three instances.

Mr. Roy in two instances.

Mr. Rodino.

Mr. Rangel.

Mr. Roncalio in four instances.

Mr. Scheuer in four instances.

Mr. Moorhead.

Mrs. Griffiths in two instances.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 47. An act for the relief of Flore Lekanof;

S. 617. An act for the relief of Sin-Kei-Fong;

S. 1489. An act for the relief of Park Jung Ok; and

S. 1759. An act for the relief of Leonarda Buenaventura and her daughter Licila B. Ocariza.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on October 5, 1971, present to the President, for his approval, a bill of the House of the following title:

H.R. 8866. An act to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes.

ADJOURNMENT

Mr. BURLISON of Missouri. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 38 minutes p.m.), the House adjourned until tomorrow, Thursday, October 7, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

1192. Under clause 2 of rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Tariff Act of 1930, as amended, to effect certain administrative reforms; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MAHON: Committee on Appropriations. H.J. Res. 915. Joint resolution making a supplemental appropriation for the Department of Labor for the fiscal year 1972, and for other purposes (Rept. No. 92–550). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. H.J. Res. 916. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes (Rept. No. 92–551). Referred to the Committee of the Whole House on the State of the Union.

Mr. SISK: Committee on Rules. House Resolution 637. Resolution providing for the consideration of H.R. 10835, a bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes (Rept. No. 92–552). Referred to the House Calendar.

Mr. POAGE: Committee on Agriculture. H.R. 10458. A bill to broaden and expand the powers of the Secretary of Agriculture to cooperate with countries in the Western Hemisphere to prevent or retard communicable diseases of animals, where the Secretary deems such action necessary to protect the livestock, poultry, and related industries of the United States; with amendment (Rept. No. 92–553). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARRETT:

H.R. 11109. A bill to authorize expenditures to compensate low- and moderate-income homebuyers for defects in FHA mortgaged homes; to the Committee on Banking and Currency.

By Mr. BENNETT:

H.R. 11110. A bill to assist in combating crime by reducing the incidence of recidivism, providing improved Federal, State, and local correctional facilities and services, strengthening administration of Federal correction, strengthening control over probationers, parolees, and persons found not guilty by reason of insanity and for other purposes; to the Committee on the Judiciary.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 11111. A bill to amend the Federal Aviation Act of 1958 to provide civil penalties for certain aircraft hijack hoaxes; to provide felony penalties for carrying weapons aboard aircraft in certain circumstances, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BLACKBURN (for himself, Mr. Shoup, Mr. Rhodes, Mr. Halpern, Mr. Rangel, Mr. Keith, Mr. Dickinson, Mr. Harrington, Mr. Alexander, Mr. J. William Stanton, Mr. Jones of Tennessee, Mr. Spence, Mr. Brasco, Mr. Bevill, Mr. Duncan, Mr. Bob Wilson, Mr. Steele, Mr. Mizell, Mr. Cleveland, Mrs. Hicks of Massachusetts, Mr. Metcalfe, and Mr. Snyder):

H.R. 11112. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 11113. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. DOW:

H.R. 11114. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. FLOOD:

H.R. 11115. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, and for other purposes; to the Committee on Ways and Means.

By Mr. GARMATZ:

H.R. 11116. A bill to provide for orderly trade in iron and steel products; to the Committee on Ways and Means.

By Mr. GUDE:

H.R. 11117. A bill to amend the Internal Revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 11118. A bill to assure an opportunity for occupational education (other than that resulting in a baccalaureate or advanced degree) to every American who needs and desires such education by providing financial assistance for postsecondary occupational education programs, and to strengthen the concept of occupational preparation, counseling, and placement in elementary and secondary schools, and for other purposes; to the Committee on Education and Labor.

By Mr. HOWARD:

H.R. 11119. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. ICHORD (for himself and Mr. Preyer of North Carolina):

H.R. 11120. A bill to repeal the Subversive Activities Control Act of 1950 (title I of the Internal Security Act of 1950), to establish procedures assuring that the constitutional oath of office shall be taken in good faith, and for other purposes; to the Committee on Internal Security.

By Mr. KOCH (for himself, Mr. Carey of New York, Mr. Annunzio, Mr. Eilberg, Mr. Green of Pennsylvania, Mrs. Hicks of Massachusetts, Mr. Metcalfe, Mr. Price of Illinois, Mr. St Germain, Mr. Charles H. Wilson, and Mr. Roe):

H.R. 11121. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain emergency grants to assure adequate rapid transit and commuter railroad service in urban areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. MARTIN:

H.R. 11122. A bill to provide for the establishment of the George W. Norris Home National Historic Site in the State of Nebraska, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MATSUNAGA:

H.R. 11123. A bill to require that the prices charged for packaged alcoholic beverages in outlets on military installations be within 10 percent of the lowest prevailing rates charged therefor by local civilian outlets; to the Committee on Armed Services.

By Mr. MILLS of Arkansas:

H.R. 11124. A bill to amend section 103 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. RARICK:

H.R. 11125. A bill to require banks to pay interest on certain public moneys which are deposited by the Secretary of the Treasury in demand deposit accounts; to the Committee on Ways and Means.

By Mr. SCOTT (for himself, Mr. Abbitt, Mr. Broyhill of Virginia, Mr. Daniel of Virginia, Mr. Downing, Mr. Poff, Mr. Robinson of Virginia, Mr. Satterfield, Mr. Wampler, Mr. Whitehurst, Mr. Saylor, and Mr. Widnall):

H.R. 11126. A bill to authorize the Secretary of the Interior to establish the George Washington Boyhood Home National Historic Site in the State of Virginia; to the Committee on Interior and Insular Affairs.

By Mr. SMITH of New York:

H.R. 11127. A bill to permit suits to adjudicate disputed titles to lands in which the United States claims an interest; to the Committee on the Judiciary.

By Mr. STEIGER of Arizona:

H.R. 11128. A bill to authorize the partition of the surface rights in the joint use area of the 1882 Executive Order Hopi Reservation and the surface and subsurface rights in the 1934 Navajo Reservation between the Hopi and Navajo Tribes, to provide for allotments to certain Paiute Indians, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of Texas:

H.R. 11129. A bill to provide for the conversion of Servicemen's Group Life Insurance to Veterans' Group Life Insurance, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. VANDER JAGT:

H.R. 11130. A bill to amend the Internal Revenue Code to designate the home of a State legislator for income tax purposes; to the Committee on Ways and Means.

By Mr. BADILLO (for himself, Mr. Abourezk, Mrs. Abzug, Mr. Addabbo, Mr. Baker, Mr. Begich, Mr. Bingham, Mr. Blackburn, Mr. Brasco, Mr. Brinkley, Mr. Broyhill of North Carolina, Mr. Broyhill of Virginia, Mr. Burton, Mr. Carter, Mr. Celler, Mr. Collins of Illinois, Mr. Danielson, Mr. Davis of South Carolina, Mr. Dent, Mr. Diggs, Mr. Drinan, Mr. Eilberg, Mr. Fauntroy, Mr. Forsythe, and Mr. Fulton of Tennessee):

H.R. 11131. A bill to amend the Education of the Handicapped Act to provide tutorial and related instructional services for homebound children through the employment of college students, particularly veterans and other students who themselves are handicapped; to the Committee on Education and Labor.

By Mr. BADILLO (for himself, Mrs. Grasso, Mr. Gray, Mr. Green of Pennsylvania, Mr. Gude, Mr. Halpern, Mr. Hansen of Idaho, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Hogan, Mr. Koch, Mr. Jacobs, Mr. Leggett, Mr. Long of Maryland, Mr. Madden, Mr. Matsunga, Mr. Metcalfe, Mr. Mikva, Mr. Mizell, Mr. Moorhead, Mr. Nix and Mr. Patman):

H.R. 11132. A bill to amend the Education of the Handicapped Act to provide tutorial and related instructional services for homebound children through the employment of college students, particularly veterans and other students who themselves are handicapped; to the Committee on Education and Labor.

By Mr. BADILLO (for himself and Mr. Pepper, Mr. Perkins, Mr. Pike, Mr. Price of Illinois, Mr. Price of Texas, Mr. Rangel, Mr. Rees, Mr. Rodino, Mr. Rosenthal, Mr. Roybal, Mr. Ryan, Mr. Scheuer, Mr. Schwengel, Mr. St Germain, Mr. Stokes, Mr. Taylor, Mr. Tiernan, Mr. Vigorito, Mr. Waldie, Mr. White, Mr. Whitehurst, Mr. Wolff, Mr. Wright, and Mr. Yatron):

H.R. 11133. A bill to amend the Education of the Handicapped Act to provide tutorial and related instructional services for homebound children through the employment of college students, particularly veterans and other students who themselves are handicapped; to the Committee on Education and Labor.

By Mr. EDMONDSON (for himself and Mr. Camp):

H.R. 11134. A bill to amend section 103 of the Internal Revenue Code of 1954 to increase the small issue exemption from the industrial development bond provision from $5 million to $8 million; to the Committee on Ways and Means.

By Mr. LENT:

H.R. 11135. A bill to amend the Outer Continental Shelf Lands Act, to establish a National Marine Mineral Resources Trust, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MATSUNAGA:

H.R. 11136. A bill to permit greater involvement of American medical organizations and personnel in the furnishing of health services and assistance to the developing nations of the world, and for other purposes; to the Committee on Foreign Affairs.

By Mr. PRICE of Texas:

H.R. 11137. A bill to amend the Natural Gas Act as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. PURCELL (for himself, and Mr. Abourezk, Mr. Andrews of North Dakota, Mr. Foley, Mr. Link, Mr. Roy, and Mr. Steed):

H.R. 11138. A bill; Rural Development and Population Dispersion Act of 1971; to the Committee on Government Operations.

By Mr. QUIE:

H.R. 11139. A bill to amend title 37 of the United States Code in order to deem illegitimate children to be dependents under certain circumstances for purposes of paying quarters allowances; to the Committee on Armed Services.

By Mr. DOW:

H.R. 11140. A bill to end the economic crisis in America through a cessation of American military involvement in Indochina, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HUNT:

H.R. 11141. A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MAHON:

H.J. Res. 915. Joint resolution making a supplemental appropriation for the Department of Labor for the fiscal year 1972, and for other purposes; to the Committee on Appropriations.

H.J. Res. 916. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes; to the Committee on Appropriations.

By Mr. CAMP (for himself, Mr. Broyhill of North Carolina, Mr. Meeds, Mrs. Dwyer, Mr. Passman, Mr. Schwengel, Mr. Skubitz, Mr. Edmondson, Mr. Belcher, Mr. Crane, Mr. Steed, and Mr. Jarman):

H.J. Res. 917. Joint resolution authorizing the President to proclaim the week of April 2 through 8 of 1972, as "National Future Business Leaders of America and Phi Beta Lambda Week"; to the Committee on the Judiciary.

By Mr. EILBERG:

H.J. Res. 918. Joint resolution asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day"; to the Committee on the Judiciary.

By Mr. GARMATZ (for himself, Mr. Mills of Maryland, Mr. Sarbanes, Mr. Hogan, Mr. Byron, Mr. Mitchell, Mr. Gude, and Mr. Long of Maryland):

H.J. Res. 919. Joint resolution granting the consent of Congress to certain boundary agreements between the States of Maryland and Virginia; to the Committee on the Judiciary.

By Mr. HOWARD:

H.J. Res. 920. Joint resolution to amend the Disaster Relief Act of 1970 to authorize disaster loans with respect to certain losses arising as the result of recent natural disasters, and for other purposes; to the Committee on Public Works.

By Mr. RARICK:

H.J. Res. 921. Joint resolution asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day"; to the Committee on the Judiciary.

By Mr. CELLER:

H. Con. Res. 417. Concurrent resolution to commend the Intergovernmental Committee for European Migration for sucessfully performing valuable humanitarian work on the occasion of its 20th anniversary; to the Committee on the Judiciary.

By Mr. DELANEY:

H. Con. Res. 418. Concurrent resolution calling for the American people to boycott all French products until the cost of the boycott to the French people exceeds the benefits to them of the drug traffic out of Marseilles; to the Committee on Ways and Means.

By Mr. RANGEL:

H. Con. Res. 419. Concurrent resolution expressing the sense of Congress that there should be a boycott in the United States of French-made products until the President determines France has taken successful steps to halt the processing of heroin and its exportation to the United States; to the Committee on Ways and Means.

By Mr. WOLFF (for himself, Mrs. Abzug, Mr. Brademas, Mr. Drinan, Mr. Dellums, Mr. Fauntroy, Mr. Helstoski, Mrs. Mink, Mr. Mitchell, Mr. Moss, Mr. Ryan, Mr. Scheuer, Mr. Stokes, Mr. Tiernan, and Mr. Koch):

H. Res. 638. Resolution directing the Secretary of State to furnish to the House of Representatives certain information concerning the role of our Government in the events leading to an uncontested presidential election in South Vietnam on October 3, 1971; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRETT:

H.R. 11142. A bill for the relief of Carlo and Elvira Viola; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.R. 11143. A bill for the relief of Stanley Bialowas, Jr.; to the Committee on the Judiciary.

By Mr. GRAY:

H.R. 11144. A bill for the relief of Lawrence C. Henk; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 11145. A bill for the relief of Mitchell L. Balutski; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

JUDICIAL RESTRAINT?

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, October 6, 1971

Mr. BYRD of Virginia. Mr. President, the September 23 edition of the Bristol, Va., Herald Courier included an interesting editorial on my proposed constitutional amendment which would require periodic reconfirmation by the Senate of those named to the Federal judiciary.

The editorial states, and I agree, that regardless of the outcome of my proposal, the debate over the status of the Federal judiciary is worthy of the attention of all Americans.

I ask unanimous consent that the editorial, "Judicial Restraint?," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Judicial Restraint?

Sen. Harry F. Byrd, Jr. has made a reasonable proposal with reference to service on the U.S. Supreme Court, though it is not a proposal which is likely to win approval—not anytime soon, at least.

The senator, through a constitutional amendment, would subject members of the Supreme Court to congressional review every eight years by the Senate Judiciary Committee.

Those who passed scrutiny would be reconfirmed for another eight years; those who did not would be replaced. Gone would be the lifetime appointments which have always been tendered members of the nation's highest court.

In what might be termed an understatement, Sen. Byrd points out that "everyone should be subject to some review."

He adds: "The federal judiciary is the only group in the world—except for some kings or dictators or sultans or something—that does not have to answer to someone."

Sen. Byrd decided to introduce the constitutional amendment after concluding that the "era of judicial self-restraint appears to be over."

He has "enormous respect for the men who drafted our Constitution 184 years ago," and believes that "had the Supreme Court followed the role designed for it by those framers of the Constitution, an amendment such as this would be unnecessary."

However, he said, "not even the strongest of the Federalists ever suggested that the federal courts should, or could, extend federal law into the domain reserved for the states and the legislative branch of government."

But, he continued, the federal judiciary has, in large measure, rejected the doctrine of self-restraint and, "accountable to no one, has run rampant in asserting its authority over the daily lives of all Americans."

Sen. Byrd points out that every state sets fixed terms for the members of its judiciary, and only the federal government appoints judges for life.

Of course, such appointments also apply to federal judges at levels below the Supreme Court, and it is not clear whether Sen. Byrd's proposed amendment would subject them also to congressional review.

The danger, of course, is that Supreme Court justices might be subjected to pressures and, thus, not render decisions in an objective manner. But it must also be recognized that a great many of the high court's decisions in recent years have been as much subjective as they have been objective.

As we noted in the beginning, Sen. Byrd's proposal probably will not be approved by Congress and then submitted to the states for ratification—at least, not for many years to come, if then. But he has pointed clearly to a failing in the present system and he has suggested a remedy.

When and if Congress gets around to considering that suggestion, the debate, itself, should be worth the careful attention of all Americans.

NATION'S DETERIORATING DEFENSES: MOST PRESSING PROBLEM OF OUR TIME

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, October 6, 1971

Mr. BYRD of Virginia. Mr. President, the Cincinnati Enquirer recently published an interesting account of the recent colloquy on the floor of the Senate concerning the military posture of the United States.

This article, reprinted on September 25 in the Lynchburg News, contains cogent quotations from the several Senators who took the floor to stress the continuing need for maintaining a strong national defense.

I ask unanimous consent that the article, "Most Pressing Problem of Our Time," be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Nation's Deteriorating Defenses: Most Pressing Problem of Our Time

Shortly before Congress recessed last Friday, seven lawmakers took the Senate floor and sought, at some length and in some detail, to alert Congress—and the nation—to the growing disparity between U.S. military power and that of the Soviet Union.

The colloquy was, in the words of Sen. Hugh Scott (R-Pa.), the Senate minority leader (who was not among the colloquy's participants), "a noteworthy attempt to call the attention of the Senate to the need to strengthen the President's hand."

It was that, to be sure. But it was also a reminder of all Americans that neither in national defense nor any other field of endeavor is a margin of superiority permanent.

Let the senators speak for themselves:

"The security of the United States," said Sen. James L. Buckley (Con.-R.N.Y.), "is endangered to a degree unparalleled in its modern history. If present trends continue much longer, the ability of the President of the United States to support U.S. foreign-policy objectives in Europe, the Middle East, in Asia and even in the Caribbean will be in jeopardy because of the precipitate erosion of U.S. strategic power in the late 1960s and early 1970s."

"The United States virtually halted any increase in strategic strength during the entire decade of the 1960s," said Sen. Peter H. Dominick (R-Colo.), "while the Soviets devoted enormous sums and energy to the mushroom growth of their economic power. In relative terms, the United States is far weaker in relation to the Soviet Union than at any time during the past 25 years and

. . . at present growth rates the Soviets will have superior strategic strength in the very near future."

"It is especially noteworthy," declared Sen. William E. Brock (R-Tenn.), "that the acceleration in the Soviet naval buildup was accomplished precisely at a time when the United States started to reduce the scope and offensive nature of our armed forces . . . Our unilateral reduction in forces did not stop the Soviet drive for more and newer sophisticated long-range weapons; rather, it seems to have spurred the Soviets on to a greater effort coupled wtih the all-out psychological and political offensive in every part of the globe."

"We shall be heading for serious trouble," said Sen. Harry F. Byrd, Jr. (D.-Va.), "If we let our hopes (for the success of the strategic-arms-limitation talks (SALT) and of President Nixon's impending trip to Peking), rather than our realistic assessment of the world situation, dictate our defense policies. None of us knows just what are Communist Russia's intentions. We do have evidence, however, as to her capabilities. It is on her capabilities that we must judge our defense needs."

"Today," said Sen. Strom Thurmond (R-S.C.), "the Soviets not only have a working antiballistic-missile (ABM) system around Moscow, they are working steadily toward achieving a crushing first-strike capability, a capability they could achieve within 36 to 48 months at their present rate."

"We must remember," said Sen. Edward J. Gurney (R-Fla.), "that the United States can never match its potential enemies in numbers of land armies or in ships or in numbers of tactical weapons. We can and must maintain an extensive leadtime in military technological superiority if we are to maintain a viable defense posture. And yet we appear to be engaging in a continued policy of eliminating projects involving scientific and technological progress."

"For some obscure reason," said Sen. Carl Curtis (R-Neb.), who spoke in support of the development, without further delay, of the B1 strategic bomber, "every heavy bomber ever built by the United States has fought its stiffest battle in Congress."

Senator Curtis reinforced his view by citing the conclusion of George P. Hunt, a former Marine Corps officer and a former Life magazine editor, who wrote in the June 18 issue of Life:

"In some eight years Russia has caught up and is now going ahead of us in many categories of missile strength. She could today concentrate off Cuba a powerful surface fleet, newer, faster than ours and equipped with weapons we do not have and an underwater fleet outnumbering ours by many times. It will surprise most Americans that today, as opposed to 1962, we are the ones who could find ourselves at a military disadvantage. It will take fast and skillful work to put (our) military back in shape."

Curiously enough, when the senators completed their discourse on the nation's defenses, the Senate shifted to a discussion of the railroad strike and never returned to the serious and far-reaching questions the senators raised.

Yet the dire warnings their colloquy imparted come on the heels of a growing number of similar alarm signals.

At roughly the time the senators spoke, in fact, the editor of "Jane's Fighting Ships," internationally recognized as the authoritative guide to naval power, warned in London that U.S. naval power is in a serious decline. "By any standards," added Raymond V. B. Blackman, "the Soviet fleet now represents the 'supernavy of a superpower'."

Somewhat earlier, seven members of the Blue-Ribbon Defense Panel (appointed by President Nixon in 1969 to assess the nation's defense establishment) reported that "U.S. strategic superiority had ended." They added: "The situation which our country faces is without precedent . . . It is not too much to say that in the '70s neither the vital interests of the United States nor the lives and freedom of its citizens will be secure."

What makes such findings doubly disturbing is that they unfold in an era in which the military establishment—along with the so-called military-industrial complex—has become the favorite target for growing numbers of Americans and in an era in which every defense expenditure is represented as robbing the hungry, the jobless and the destitute.

The fact of the matter is that the nation's investment in the urgent business of national defense has been declining almost as rapidly as its expenditures in behalf of health, education and welfare have been increasing.

As Senator Dominick told the Senate last month, the $76 billion requested for defense for the fiscal year that began July 1 is the lowest figure, when viewed as a percentage of the U.S. gross national product (GNP), since fiscal 1951—before the upsurge in spending occasioned by the Korean War.

The same figure—6.8 per cent of the GNP—is notably lower than the 9.5 per cent figure of fiscal 1968.

Almost as disturbing has been the failure of the nation's defense planners to keep abreast in the crucial area of research and development. "While military research and development expenditures made by the Soviet Union have been growing at a rate of approximately 14 per cent per year," Senator Gurney told the Senate, "this country's funding in that category has remained nearly constant."

The further fact is that the Soviet Union has nearly one and a half times as many scientists and engineers employed in research and development as the United States.

Indeed, as Senator Gurney declared, existing pools of skilled technical and scientific personnel are being rapidly dissolved.

"A vast national resource of some of the most highly skilled workers in our history," Senator Gurney went on, "are now selling hamburgers or hot dogs, doing a host of things that any high-school dropout could do. Thousands are on welfare. Most are bitter and disillusioned. I do not doubt that, in years ahead, we will look back in wonderment and inquire: How could a nation be so criminally wasteful of its greatest resource, skilled scientists and engineers and technical people?"

No less baffling has been the growing disposition to treat technology itself as a national enemy rather than as the principal advantage that stands between U.S. national security and the threat of any external enemy.

A final factor—and perhaps the most disquieting of all—is the resolve, particularly among the current crop of Democratic presidential candidates, to slash defense spending to make more money available for a variety of domestic priorities, ranging from welfare to health insurance and from urban renewal to environmental improvement.

The fact of the matter is any government's first obligation must be the preservation of its people from external assault.

Senator Henry M. Jackson (D-Wash.) sought some weeks ago to put the issue into realistic perspective:

"My father and mother came from Norway back in the 1880s," he said. "That little country had one of the highest standards of living, relatively speaking, in the world. A thousand years of freedom, clean air and clean water. But what good did that do when the hobnailed boot moved in and took over in 1940 and destroyed the Norwegians' liberties, their freedom, their standard of living.

"The issue," he added, "is survival."

NATIONAL 4-H—BRIDGING THE "GENERATION GAP"

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. BAKER. Mr. Speaker, this week, October 3–9, is National 4–H Week. I want to take this opportunity to call attention to the outstanding achievements of this organization nationwide and to commend especially 4–H members and leaders in my home State of Tennessee.

National 4–H, which counts over 4 million members in rural areas as well as urban communities, has designated the theme of this year's observance, "4–H Bridges the Gap."

This title is appropriate, because the 4–H program indeed bridges the gap between the idealistic aspirations of youth and the practical wisdom of parents and adult leaders.

We have always experienced a so-called generation gap between youth and the older generation, and today presents no exception. National 4–H, however, is actively working toward constructive achievements utilizing the special talents and experiences of many age groups. Combining skills of members from elementary school through college age, teen and adult leaders, 4–H puts abilities of all to good use in reaching common goals.

Other adult-youth community programs would do well to study what cooperation has enabled 4–H to accomplish.

It was an honor to meet with leaders of the Tennessee 4–H, in Washington to attend a citizenship conference at the National 4–H Center in Bethesda, in June of this year. The high caliber of the youth and adults representing our State organization left a tremendous impression upon me.

They combine high goals and ambition with practical knowledge. The 4–H program has equipped them with pragmatic experience which will enable them to be better citizens and leaders of tomorrow. While a few of their contemporaries are criticizing the flaws of our society, 4–H'ers are digging in and working to achieve solutions.

Figures tell the story of the program's success in Tennessee. Since its inception in the State in 1911, 4–H now reaches into every county of Tennessee, boasting 3,360 clubs and nearly 129,000 members. In addition, over 9,000 teenage and adult leaders volunteer their time and know-how to contribute to the program's smooth operation.

The dedication and initiative of Tennessee 4–H'ers is demonstrated by the fact 374,419 individual projects were completed in 1971 in such areas as food and nutrition, clothing, field crops, animal science, and electrical skills. Through their endeavors, these young people are learning first hand the values of perseverance, ambition, and hard work.

Each year, the National 4–H Foundation selects several topics as the focal points of its commemoration, designed to better acquaint the people of the community with 4-H and its contributions. This year, the emphasis is upon the environment, nutrition, development, health, and careers, all areas of concern to today's young people.

I commend the USDA extension personnel, nearly 7,000 adult volunteer leaders, parents, local civic leaders, and Tennessee 4-H members for their demonstrated ability to select and attain high goals. All of us, young people and adults, would do well to adopt the 4-H pledge as our inspiration for better living:

> I pledge my head to clearer thinking, my heart to greater loyalty, my hands to larger service, my health for better living for my club, my community and my country.

FORWARD IS BACKWARD

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, October 6, 1971

Mr. BYRD of Virginia. Mr. President, the September 27 edition of the Roanoke Times included an excellent editorial on the subject of compulsory busing of school children as it applies to the Chinese-American population in San Francisco.

The editorial makes the point that money for education should be spent on teachers, books, and buildings, and not on unnecessary and unwanted buses.

I ask unanimous consent that the text of the editorial "Forward Is Backward," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FORWARD IS BACKWARD

The protest from Chinatown in San Francisco illustrates precisely what has gone wrong since the Supreme Court's desegregation decision of 1954. The court ruled—rightfully and unanimously—that it was unconstitutional to assign students to school because of their race. What are the schools doing now? Under court orders they are assigning—and busing—students to school because of their race. That is the ironic result of all the vain resistance measures.

Whether Chinatown's neighborhood schools have been as inferior as Negro neighborhood schools is not known here. Black schools in many cases have been inferior, in cases vastly inferior. There is one similarity among the racial neighborhoods: The black man is beginning to show racial pride and a desire to keep his one identity just as the Chinese-American does. There is another similarity: Chinatown's protest has been rejected. It, too, must pay the penalty for mistakes made elsewhere and embodied in court rules adopted to counter the mistakes.

A solution to these problems will contain many elements, but one of them is to spend money on teachers, books and buildings, not on unnecessary buses. Today's solution seems to have come from Alice in Wonderland, where up can mean down and forward can mean backward. Greater wisdom must be applied in the true spirit and meaning of the 1954 decision.

EMPLOYMENT TAX CREDIT—A WORTHY CONCEPT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. WALDIE. Mr. Speaker, the House is acting on legislation today that will map this country's economic future. The Revenue Act of 1971 includes a number of proposals designed to untrack our lethargic economic system and induce greater spending through increased confidence in the entire system.

Yet, the legislation reaches the floor unamendable, on a take-it or leave-it basis. Unfortunately, the Revenue Act of 1971 contains one proposal that will confound the average citizen over and over again in the months to come. The investment tax credit was submitted by the administration to provide a direct inducement to order new capital equipment—thus increasing aggregate demands and subsequent production of goods and increased employment. It is a sound concept, but not designed specifically for a period of high unemployment and strong inflationary pressures.

Through conventional means the investment tax credit operates on a demand-and-supply principle, yet does not guarantee a drop in unemployment or an increase in goods produced or profits. There are loopholes, especially for the major corporation that already planned to purchase new equipment this year. Most important of all, there is no guarantee for the labor force under this system. Certainly we will find some situations in the future where the Federal Government gave a tax break to a corporation that purchased new equipment, only to see that corporation lay off part of its labor force because of the increased capability of production in the new equipment.

Essentially, Mr. Speaker, the investment tax credit is a gift for business that offers little or no help to the workingman in America and, much worse, offers little evidence that unemployment can be brought down to an acceptable level, while stimulating the economy. The investment tax credit is no more than a faltering step toward solution of our economic troubles from an administration that promised a giant stride forward.

Mr. Speaker, a study submitted to me by the University of California at Berkeley has prompted my remarks today. In preparation for phase two of Mr. Nixon's economic program, Prof. B. F. Roberts and Richard Thunen have come forward with a novel idea I think is worthy of our consideration. It is called an "Employment Tax Credit," and would give employers a tax credit for net additions to employment. I am including in the RECORD the text of a public policy workingpaper on the subject, prepared by Professor Roberts and Mr. Thunen, which goes into great detail on the idea.

Mr. Speaker, the employment tax credit is truly a novel idea. It is designed to accompany the conventional economic instruments which operate through a supply-demand channel. It is designed to increase the primary factor of production—labor—and provides a direct inducement to increase employment of labor, production of goods, and subsequently, raises total wage incomes and increases demand. The tax credits under this plan would be structured on the unemployment rate—as the unemployment rate falls the credit rate would fall accordingly.

Just last week the Washington Post editorialized—

> . . . if post-freeze rules are to work they must treat labor and business in what both regard as an even handed manner and must not leave substantial numbers of people feeling victimized by accidental circumstances like the timing of their wage contracts or price announcements. The challenge is to design a system that seems likely to be fair and effective without erecting a lot of administration machinery . . .

Mr. Speaker, it is my opinion that this proposal provides the simple and effective means to get this economy untracked—with a minimum of bureaucracy. This concept could be easily administered by existing Government agencies. Yet, it also provides an even break to both business and labor. The Nation cannot afford another 90-day period in which labor organizations and individual workers lose confidence in the Government. Granted, there is a loophole for those businesses which intended to hire more workers. But in comparison I would much rather see such a loophole go to General Motors for hiring an addition 200 assembly-line workers than see this Government give them a tax break for purchase of machinery that would eventually mean a layoff of 200 men.

Simulation experiments with econometric models indicate this plan will prove quite effective in lowering the unemployment rate, while increasing our GNP, profits, and wages. In addition, it is also expected that implementation of this plan will improve the unemployment-inflation trade-off and permit the phasing out of wage-price controls as early as 1972.

Mr. Speaker, because of these economic factors and my belief the investment tax credit will do little to stimulate this depressed economy, I submit this proposal for stabilization policy for inclusion in the RECORD.

The material follows:

EMPLOYMENT TAX CREDIT: PROPOSAL FOR STABILIZATION POLICY [1]

(By B. F. Roberts, Richard N. Thunen, University of California, Berkeley, September 22, 1971)

This paper suggests a fiscal policy instrument—employment tax credit—which in the current economic situation could significantly stimulate employment and production, increase both labor income and profits, reduce the federal deficit, and diminish inflationary pressures.

It is estimated that a modest application of this instrument as a supplement to the President's new economic program could, by fourth quarter 1972, increase employment by

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Footnotes at end of article.

1.9 million workers, GNP by $23.7 billion, real GNP by $17.0 billion, wages by $24.3 billion, and profits by $3.7 billion; and reduce the unemployment rate by .7 percent, and the federal deficit by $5.9 billion, more than can be obtained by the President's program alone. Also, it is expected that implementation of the employment tax credit will improve the unemployment-inflation trade-off and permit the phasing out of wage-price controls as early as 1972. In addition, this fiscal instrument can easily be structured as an automatic stabilizer which once implemented will not need adjustment, and can be administered by the Internal Revenue Service in cooperation with the Bureau of Labor Statistics without additional bureaucracy.

The proposed policy instrument is a tax credit granted to employers for net additions to employment. The tax credit associated with each net new employee would be calculated as a fraction of the wages paid to the employee during a specified period of time.[2] The magnitude of the credit fraction, or credit rate, granted the employer can be structured to depend progressively upon the unemployment rate, such that when the unemployment rate is high, the credit would be relatively large, but when the unemployment rate is low (at a level reflecting only transitional or frictional unemployment and generally regarded for practical purposes as full employment"), the credit rate would go to zero. The employment tax credit would thus provide a progressive inducement, through labor cost reduction, to hire additional employees when labor markets are slack but would eliminate the inducement when labor markets are tight to avoid upward pressure on wage rates.[3] Structured this way, the employment tax credit has the character of an automatic stabilizer.

The presumption that the employment tax credit will induce additional employment rests on the plausible notion that entrepreneurs will find the utilization of additional factor inputs more profitable if the cost of additional input units is reduced. This notion has been the basis for numerous incentive schemes to promote local industry.[4] It is also the basis for belief in the effectiveness of the investment tax credit toward promoting expenditures for capital goods.[5]

While the employment tax credit shares the same conceptual foundation as the investment tax credit, and is in some ways symmetric with it, there are important distinctions relevant to the design of economic policy. The employment tax credit is tied to a primary factor of production (labor), provides a direct inducement to increase the productive employment of labor and thus increase the aggregate supply of goods and services and, subsequently, by increasing total wage income, stimulates demand. The investment tax credit is tied to a produced factor of production (capital), provides a direct inducement to order new capital stock and thus increase aggregate demand, and subsequently stimulates increased production of capital goods and the employment of labor.

The alternative channels of supply-demand versus demand-supply, through which the two instruments are routed, are of crucial importance for designing stabilization policies under the current circumstances of high unemployment and strong inflationary pressures (price rises are being confined by the freeze but inflationary pressures persist). The conventional monetary and fiscal instruments, including the investment tax credit, operate through the demand-supply channel and are currently thought to face an unfavorable trade-off between attainable unemployment and inflation.[6] By supplementing the conventional instruments by others, such as the employment tax credit, which operate through the supply-demand channel, the terms of the apparent unemployment-inflation trade-off might be substantially improved.[7] A crucial effect expected from the employment tax credit is an expansion of the aggregate supply of goods and services relatively faster than aggregate demand, thus shifting the unemployment-inflation trade-off.

Whether the employment tax credit will actually work is, of course, an empirical matter that can be verified only if implemented. Reasoned estimates of the effects can, however, be derived from simulation experiments with econometric models. The numerical results of two such experiments, using the California Economic Forecasting Project national econometric model, are reported here.[8] The two cases reported are:

CASE I—PRESIDENT'S NEW ECONOMIC PROGRAM

The principal assumptons of this simulation are: the President's program of August 14 is enacted, wage-price control will be implemented after the freeze to restrict inflation to three percent annual rate, the import surcharge is converted to a five percent revaluation of the dollar, and monetary expansion is gradually slowed to seven percent annual rate.

CASE II—PRESIDENT'S NEW ECONOMIC PROGRAM PLUS EMPLOYMENT TAX CREDIT

The principal assumptions of this simulation are identical with those of Case I plus a modest application of the employment tax credit. The credit rates and dollar amounts of the credits for this simulation are:

Quarters	1971 IV	1972 I	1972 II	1972 III	1972 IV	1973 I	1973 II
Credit rate (percent)	26.0	23.8	20.0	16.6	12.2	8.2	5.0
Credit (billion dollars)	2.1	4.0	5.5	6.6	5.2	3.7	2.5

The credit rates shown here have been calculated as an increasing function of the unemployment rate of the preceding quarter. This formulation permits the credit rate which will apply for any specific period to be calculated and announced at the beginning of that period. These credit rates represent the percent of wages paid to net new employees (at wage rate prevailing when hired) for a period of one year. Employers must maintain or increase the level of their employment for a one year period in order to receive the full credit. Numerous other formulas, giving various degrees of employment incentive, are possible.

The simulation results of Cases I and II for selected variable are summarized in the following tables:

Footnotes at end of article.

TOTAL CIVILIAN EMPLOYMENT

[In millions of dollars, seasonally adjusted]

	1971		1972				1973	
	III	IV	I	II	III	IV	I	II
Case I	78.9	79.3	79.8	80.5	81.2	82.0	82.8	83.7
Case II	78.9	79.9	80.9	81.9	82.9	83.9	84.9	85.9

UNEMPLOYMENT RATE

[In percent, seasonally adjusted]

Case I	6.1	6.0	5.8	5.7	5.5	5.3	5.1	5.0
Case II	6.1	5.9	5.6	5.3	4.9	4.6	4.4	4.2

GROSS NATIONAL PRODUCT

[In billions of dollars, seasonally adjusted annual rate]

Case I	1,056.3	1,079.7	1,106.1	1,131.0	1,155.8	1,180.6	1,205.5	1,230.5
Case II	1,056.3	1,085.5	1,117.7	1,147.7	1,176.7	1,204.3	1,230.9	1,256.4

REAL GROSS NATIONAL PRODUCT

Case I	742.3	754.7	768.1	780.2	792.3	804.1	815.9	827.6
Case II	742.3	759.1	776.7	792.6	807.5	821.1	833.8	845.7

WAGES AND SALARIES

	1971		1972				1973	
	III	IV	I	II	III	IV	I	II
Case I	580.7	587.0	597.6	608.3	622.0	635.2	648.6	662.1
Case II	580.7	592.3	609.5	625.4	643.5	659.5	673.9	687.5

CORPORATE PROFITS AND INVENTORY VALUATION ADJUSTMENT

Case I	77.0	82.7	87.5	91.6	94.4	97.4	100.4	103.4
Case II	77.0	84.3	90.0	95.1	98.6	101.1	103.8	106.3

CHANGE IN BUSINESS INVENTORIES

Case I	1.1	5.2	8.5	10.2	11.4	11.7	11.7	11.4
Case II	1.1	7.5	11.8	13.6	14.4	13.9	13.1	12.1

FEDERAL DEFICIT

Case I	22.3	24.2	29.5	27.6	26.1	21.2	18.5	14.6
Case II	22.3	24.9	29.2	25.8	23.0	15.3	10.3	5.1

The simulation results for Case I, the President's program, represent a moderately optimistic view. Some forecasters are suggesting greater optimism based largely on greater consumer and investor enthusiasm than is suggested here. Regardless which view of the President's program is used, the employment tax credit supplements that program and the relative improvement represented by Case II is of the greatest importance for estimating the impact of the employment tax credit.

The Case II results show an immediate response to the fourth quarter 1971 introduction of the employment tax credit. Employment, output, inventories, wages, and profits all show substantial gains. With the pace of activity increased, the federal deficit is gradually decreased suggesting that the employment tax credit more than pays its way.

The employment tax credit rates used for the Case II simulation may actually be higher than required to induce these levels of hiring. The model's response to the credit was intentionally dampened to minimize the possibilities of overstatement in favor of the tax instrument. Even if the initial rate is higher than necessary, the automatic stabilization feature of the proposal would make the system self correcting during subsequent periods and there would be little if any federal revenue loss due to the initial high rate.

The assumption of wage-price control has been maintained for both simulations. All indications to date are that phase II of the President's program will include some form of wage-price controls so this assumption is probably realistic. However, it is interesting to question whether controls are actually necessary to contain inflation. The reasoning developed above suggests that the employment tax credit could be an inflation dampening force. To investigate this, simulations of Cases I and II with price controls removed mid-year 1972 have been run. For Case I (the President's program) the simulation suggested that the economy tends toward a stable situation characterized by a 5 percent unemployment rate and a 3.3 percent annual inflation rate, in terms of the consumer price index. For Case II (Case I plus employment tax credit) the economy tends toward a stable situation characterized by a 4.2 percent unemployment rate and a 3.7 percent annual inflation rate. Case II has a substantially lower unemployment rate but a higher inflation rate, but this combination seems to represent a favorable shift in the unemployment-inflation trade-off.[9]

The tentative nature of the estimates given in this paper should be recognized and their use in contemplating policy implications should be tempered with caution. They are estimates obtained through experiments with a specific econometric model and our judgments. Our work is continuing and we hope that the issuing of these estimates, while the nation is searching for effective new economic programs, will prompt other investigators to conduct independent experiments with the employment tax credit to evaluate its probable impact.

FOOTNOTES

[1] This revises and extends an earlier draft given limited circulation dated April 26, 1971.

[2] The employment tax credit is similar to the negative wage bill tax discussed by Ragnar Frisch, *Price-Wage-Tax-Subsidy Policies as Instruments in Maintaining Optimal Employment,* Economic and Employment Commission, Economic and Social Council, United Nations, April 14, 1949.

[3] Locational variations in the credit rate to preferentially promote employment in high unemployment areas could be obtained by calculating the credit rate as a function of the local unemployment rate.

[4] See John E. Moes, *Local Subsidies for Industry,* University of North Carolina Press, 1962, and Harry Richardson, *Regional Economics,* Praeger, 1969, for discussions of local incentives to industry.

[5] See Robert E. Hall and Dale W. Jorgenson, "Tax Policy and Investment Behavior," *American Economic Review,* June 1967, and subsequent related communications by Robert M. Coen; Robert Eisner; and Robert E. Hall and Dale W. Jorgenson, *American Economic Review,* June 1969, for detailed examination of the investment tax credit.

[6] It is widely believed that low unemployment and stable prices are competing objectives and that the unemployment-inflation trade-off is such that high inflation must be accepted to maintain relatively full employment or, high unemployment must be accepted to maintain stable prices. This topic has received considerable recent discussion. See for example: *Economic Report of the President 1971,* Government Printing Office; Milton Friedman, "The Role of Monetary Policy," *American Economic Review,* March 1968; Arthur M. Okun, *The Political Economy of Prosperity,* Norton, 1969; George L. Perry, "Changing Labor Markets and Inflation," *Brookings Papers on Economic Activity 3,* 1970; Robert J. Gordon, "Inflation in Recession and Recovery," *Brookings Papers on Economic Activity 1,* 1971.

[7] A reminder of this possibility was given by Professor Stefan Robock in the *Wall Street Journal,* May 18, 1970:

> . . . strategy should shift to one of increasing supply rather than reducing demand. Inflation is most frequently described as an excess of demand over the supply of goods and services. But it is equally valid to consider inflation as a shortage of supply in relation to demand. In other words, inflationary pressures can be reduced by expanding supply faster than demand.

[8] A technical description of the CEFP national econometric model is in preparation.

[9] Estimated unemployment-inflation trade-off curves for the U.S. economy have been constructed by Robert J. Gordon, "Inflation in Recession and Recovery," *Brookings Papers on Economic Activity 1,* 1971. The unemployment-inflation combination of 5 percent, 3.3 percent, respectively, of the President's program is compatible with these trade-off curves. The combination 4.2 percent, 3.7 percent of the President's program supplemented by the employment tax credit falls below Gordon's trade-off curves.

CBS EXPANDS THOUGHT CONTROL FROM THE LIVING ROOM TO THE HISTORY CLASSROOM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. RARICK. Mr. Speaker, CBS News and Grolier Educational Corp. have announced a new series of audio cassettes to provide schools and libraries with a continuing history of major contemporary news events.

Now not only TV news but also educational aids will be distorted to adhere to the CBS slant. Apparently CBS feels they can prove their lies are true by writing history for the coming generations.

If these cassettes are as biased and incorrect as CBS television "documentaries" have been, there will be little improvement in our children's minds. In fact, their highly impressionable minds can be expected to regress to the stage of confusion and chaos—the only future for an issue-oriented world.

One wonders if this CBS venture is financed by taxpayers' funds or out of the tax-free foundation; there is little difference. The proposal for truth in broadcasting (H.R. 6536) now needs to be extended to truth in education.

I insert a related news clipping in the Record at this point:

[From the Evening Star, Oct. 6, 1971]

CBS, Grolier Plan Venture To Aid Schools

New York (D.J.).—CBS News and Grolier Educational Corp. announced a new series of audio cassettes to provide schools and libraries with a continuing history of major contemporary news events.

CBS News is a division of Columbia Broadcasting System and Grolier Educational is a unit of Grolier Inc.

The joint venture is designed to give libraries and schools a resource center of all history analogous to the archives of CBS News.

Included in the series will be news conferences, major talks and speeches of President Nixon and interviews and talks with a wide range of prominent national and international figures.

SOVIET SEA POWER

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. DOWNING. Mr. Speaker, very timely remarks on Soviet seapower were delivered by Mr. W. Tilford Smith of the Newport News Shipbuilding & Dry Dock Co. at a seminar of the Navy League of the United States in San Francisco, Calif., on September 25. I am pleased to include them in the Record so that everyone who is concerned about the threat which the Soviets pose on the high seas may have an opportunity to read them.

The remarks follow:

Soviet Sea Power

Mr. Chairman, distinguished members of the panel, ladies and gentlemen. It is a pleasure to be with members and friends of the Navy League today in this magnificent City by the sea and to participate in this timely discussion of sea power.

It is more than 3,000 miles across our great land to my home in Newport News, Virginia—a city, too, that sits by the sea. But, our country is virtually surrounded by navigable waters: the Pacific Ocean here on the West Coast; the Atlantic Ocean washing our Eastern shores; the Gulf of Mexico bordering much of our Southland, and the Great Lakes with outlets to the Atlantic. One half of our States border these great water areas, and 80 percent of our States have access to the seas either directly or via major waterways such as the St. Lawrence and the Mississippi River with its tributaries.

To put all of this water in clear perspective, let me cite a few unassailable facts:

Our nation has land boundaries with only two of the 150 or so countries of the world with which we conduct trade and commerce.

More than 90 percent of our import and export tonnage is carried by sea transportation.

Five out of every six of the world's nations border on the seas which make up 70 percent of the earth's surface.

Ninety-five percent of the world's population live within 600 miles of the ocean's shores.

Our nation, occupying only 2 percent of the surface of the globe, is sensitively dependent on sea commerce for vast quantities of goods and materials for industrial uses and consumer needs.

Just a few days ago, on Wednesday of this week, the Secretary of Navy John Chafee, speaking at the Launching of the new frigate USS California, at Newport News Shipbuilding, said "Of the 71 so called strategic materials critical to our national defense, we must import all or part of sixty-eight."

Our life style would be quite different without those liquid refreshments—coffee, tea, cocoa and Scotch, for example—which come to us from across the seas in ships.

The products of our farms and factories are shipped to consumer markets abroad, and those exports have an important bearing on the vitality of our national economy.

I believe it can be accurately claimed that we are a maritime nation, a trading nation whose history and development have, in great measure, been shaped by a commercial interchange with other nations and thus on the mobility of the seas.

The Soviet Union, on the other hand, has long been a land-oriented nation. There were occasions in the past when Russian ships were seen on the oceans, but until Nicolai Krushchev, the Soviet Union was a nation preoccupied with expanding and defending her land frontiers. That man, who died almost in obscurity a few weeks ago, believed that political tactics alone could not effectively spread international communism—to him economic penetration beyond Russian borders was necessary, and this could not be accomplished without exploitation of the seas—without merchant shipping resources.

Josef Stalin may be given credit for the long range program to build a Soviet naval fleet, but it was a coal miner from the Ukraine who set the stage for the phenomenal growth of the Soviet Merchant Marine.

In 1950 the USSR had 432 merchant ships aggregating 1.9 million deadweight tons. Fifty-one of these were loaned to Russia by the United States under the Lend Lease program of a quarter of a century ago, and I am not sure that we were ever paid for them.

As of the first of this year, the Soviet Merchant Marine consisted of 1,942 ships of 14.3 million deadweight tons—a 700 percent increase in tonnage in two decades. A truly remarkable growth!

By comparison, the United States privately-owned active fleet, which in 1950 numbered 1,100 ships of 13.5 million tons today consists of 754 ships of 14.1 million tons. This latter tonnage figure reflects the greatly increased sizes of today's tankers and cargo ships having three to five times the capacity of vessels ten years ago.

There is now little doubt that deliveries of merchant ships this year will place the Soviet merchant fleet ahead of our own in both numbers of active ships and tonnage within the next two years. It might also be noted that Liberia, Japan, Britain, Norway and Greece continue to rank ahead of the USSR and the USA in shipping tonnage.

Advances in Soviet maritime affairs are more remarkable when one considers that the Soviets were practically without a Navy, and had few merchant vessels for domestic use at the close of World War II. Many of her major shipyards had been destroyed. In this predicament, communist leaders came up with a plan—or plans if you think of the glowing pronouncements that came from the Kremlin every five years.

The first goal was to construct a modern Navy for defensive power and international stature. Second, ports and inland waterways were to be improved for domestic trade needs. The third objective was to build a modern mrechant fleet as a major instrument for the extension of Soviet power and influence throughout the world. Attainment of the first objective is frightening to free people for the Soviet Navy is today second only to that of the United States and closing fast. Her accomplishments in connecting her far flung land areas with navigable waterways are feats of brilliant engineering and hard work that cannot be ignored.

In the decade of the fifties, Russia relied on Finland, Poland and East Germany for merchant ship construction, mainly for fishing vessels, coastal freighters and barges. But, when the Soviet naval program was in full swing in the late fifties, the Kremlin was ready to devote attention to building her own merchant ships for world commerce, and today Russia's shipbuilding complex possesses a capability equal to that of the United States. But, unlike the United States, design and construction as well as employment of all Soviet ships—navy, merchant marine, fishing and oceanographic—are carefully coordinated in the upper echelons of the Soviet bureaucracy, and matters of shipbuilding, shipping and international trade are given high priority.

Unlike the new, large ships of the Western World and Japan, ranging from 40,000 to 400,000 tons, the Soviets have concentrated much of their building on smaller ships in the 5,000 to 8,000 ton class—to meet her particular needs and to make use of the inland waterways and shallow coastal ports many of which require icebreaking operations during parts of the year. Additionally, the Soviets build smaller vessels for service to underdeveloped foreign countries where port facilities for large sophisticated ships are either not available or limited as to draft. Presently, about 20 percent of the Soviet Fleet is involved in domestic shipping accounting for about 55 percent of the total tonnage of cargoes carried.

There are thus thouse who suggest that the Soviets are not in the big league of maritime nations, that she is not a serious merchant marine competitor. In certain respects, her ships do not have the same payload coefficients, but then profits, in the usual sense, are not their motivation. *Presence* has much to do with sea power, and the ships flying the "hammer and sickle" are now seen on the seas throughout the world whether they be fishing vessels, trawlers with intelligence gathering equipment, cargo, or passenger vessels. These ships provide a formidable strategic political and propaganda function as well as providing sufficiency for their own shipping needs.

Last year, Soviet merchant ships visited more than 900 ports in 98 different countries. The equivalent of millions of dollars in military and economic aid were distributed from these ships. On almost every port of call, there is a Soviet consular representative or a Russian trade group and as these calls multiply, her fleet enlarges, her trade increases, Soviet communist influence becomes greater.

Soviet officials proudly predict that by 1980, cargoes for developing countries will be worth more than the equivalent of 11 billion dollars. By using the seas, communist Russia expands her political and economical presence around the world, and this is a strategy of sea power of most alarming dimensions and definite purposes.

Mr. Guzhenko, Minister of the USSR Merchant Marine, boasts that Soviet merchant vessels now service 33 regular freight lines abroad and maintain 15 international passenger lines connecting the ports of 24 countries. Soviet shipping agreements have been completed with several western countries including France, Great Britain, the Netherlands, Japan and Canada, and one permitting ports of call here on the West Coast of the United States has already been approved.

Even with relatively small ships, she has been able to successfully supply Cuba with oil estimated at some 12,000 tons per day from tankers of about 50,000 deadweight tons. Of course, the missiles brought to that island just 90 miles from our shores, during the historic confrontation of several years ago, were carried in Russian bottoms. The communists do not intend to suffer again the embarrassment of an American sea blockade to thwart their ambitions.

The Soviets are in no way satisfied with the composition of their present shipping fleet. Mr. Bakayev, Guzhenko's predecessor as Soviet Maritime Minister, frequently states that Russia, by adding a million tons of shipping per year, will be the number one maritime power by 1980. Whether or not that goal will be accomplished by the end of the present decade remains to be seen. But, it must be remembered they started from scratch just a few years ago, and the intensity of their ambitions should not, and must not, be underestimated.

Within the past several months, the Soviets have departed from the norm. They have announced construction of a series of tankers in the 150,000 deadweight category. Mr. Guzhenko openly states that the size of the ships is geared to passage of the Bosporous and Baltic Straits. In another departure from the cast of the past, the keel for her first all container carrier was laid last year. This ship, it is said, is the first in a series having the capacity to accommodate approximately 300 international standard 20 foot containers. A second series of containerships capable of carrying 700 standard containers is believed to be in the offing. How many of these new tankers and containerships are planned is still not known.

From available data, however, it is estimated that the Russians are spending the equivalent of $1.7 billion for new merchant and fishing vessels each year whereas in 1970 the United States expended $253 million for merchant ships and virtually nothing for the fishing fleet. Again, from available data, as of January 1970, the USSR had 131 merchant ships under construction compared to our 49, and for the past several years, new ship deliveries to the Russian merchant fleet have outpaced deliveries in our country by nearly 4 to 1.

Our merchant fleet carries less than six percent, by volume, of our imports and exports while the Soviet merchant fleet moves close to 75 percent of all her cargoes in her "red flag" ships. In addition, the Soviets maintain "effective control" over some 700 ships of about 6,500,000 deadweight tons total of satellite countries. United States corporations own about 50 percent of the so-called "flags of convenience" fleet under the registry of Liberia, Panama and Honduras, but more than half of these ships are tankers and far less valuable from a total ocean strategy point of view than the cargo vessels which constitute 90 percent of the Soviet "effective control fleet."

In their intense effort to move their commercial shipping throughout the world, the Soviets have no problems with training or wages of seamen; carrying as much of their own trade as they wish; or devoting vigorous efforts to marine engineering and naval architecture. By manipulating cargo rates, and even perhaps by commodity dumping, the Russians could seriously threaten free world shipping—virtually at will.

The Center for Strategic and International Studies has stated: "By winning the dominant role in world shipping, the Soviet Union might hope to be in a position to deny strategic materials to the United States or to dictate the terms under which they could be provided. Such leverage would endanger our national security and is possible because foreign flags now carry more than 95 percent of the many strategic materials that the United States imports."

To meet the Soviet threat on the seas, several truisms should be self-evident. We must revitalize our merchant marine. Seventy-five percent of our merchant ships are 20 years of age or older while 80 percent of the Soviet fleet has been built in the last ten years. We must carry more of our own cargo in our own bottoms and seek out opportunities for increased shipping with foreign nations. By such measures, we can decrease the flow of gold from our nation, bring aid to our balance of payments problem, strengthen our national employment, develop a healthier base for marine technology and, importantly, have the sealift to support our military forces whenever called.

As Edwin M. Hood, President of the Shipbuilders Council of America, has said: "Soviet Russia is mounting at sea a new challenge that the United States will have to deal with long after the fighting in Southeast Asia is ended. This challenge extends across the full spectrum of sea power. If the United States is to continue as a preeminent world power, this challenge must be faced squarely."

I can think of no more appropriate thought with which to end these remarks.

Thank you.

CHINA, HERE AND THERE

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. SCHNEEBELI. Mr. Speaker, with his usual sensitivity and perspicuity, Mr. Erwin Canham in an October 4 editorial in the Christian Science Monitor has given us a fine, expressive presentation of a great group of people—the Chinese in this country. Native Americans would do well in emulating the excellent spirit of citizenship and dependable character which these people have displayed.

The editorial follows:

CHINA, HERE AND THERE

(By Erwin D. Canham)

Probably the most interesting and distinctive minority in the United States is the Chinese.

Now that President Nixon has opened a doorway to Peking, now that other minorities—notably the African—have vigorously demanded a whole series of "rights," it is interesting to contemplate how the Chinese live and what they signify.

In the first place, the Chinese create and prefer segregation. They dwell in the most intense and clearly separated ghettos in the nation. They run most of their own affairs: governance, some education, social controls. They have recently burst into the news as they resisted efforts to integrate their children in public schools by bussing. San Francisco's Chinatown produced a spectacular protest as the sturdy Irish or Italian policemen of that city's finest found themselves totally unable to cope with the tiny but far from inscrutable Asian mothers.

CRIME RATE LOW

The Chinese-American rate of juvenile crime is very low indeed, presumably the best of any ethnic group in the nation.

Historically, the Chinese have been discriminated against as much or more than any other people who came to the United States. They were branded as inferior by the Chinese Exclusion Act of 1882, and the stigma was not removed until 1943. Only in Hawaii have they taken anything like an equal and prominent role in civic affairs.

Chinatowns are growing and producing serious urban pressures. This is because migration from Hong Kong and Taiwan proceeds apace. More than half the Chinese in New York City's Chinatown, and presumably in others, have come to the United States since 1961. A large proportion of them do not speak English. Most of them, it appears, have no intention of becoming Americans. They are in the United States—now as ever—for strictly economic reasons, they contribute substantially to their relatives back home, and they intend to return to China as soon as they may.

PARABLE OF SORTS

What the Chinese in the United States have done, and have not done, is something of a parable of China in the world. Discreet, hard-working, rigorously self-disciplined, organized by clans and tongs, they show all the evidences of their ancient civilization and social order. They are a formidable people, wherever they exist in the world.

But their threat is not military. It is not activist. They do not demand "rights," except latterly in the "right" to segregated education. They should be studied by the political scientists and by the sociologists, for their sense of community is so deep-seated and effective. They have an inner confidence, a sense of racial pride and security, which brings them through severe trials and contributes to their survival.

Lin Yutang, I believe it was, compared his people to sand. He used rock as a symbol for the Japanese. He pointed out that a severe blow, even an explosion, could not destroy the essence of sand as sand but would shatter rock as rock. The Chinese sand has taken many blows down through history and has always retained its being as sand. It is the oldest and the most numerous of all human civilizations.

VICTIMS OF WEST

For the last century or two, until recent decades, China was victimized at the hands of the West. Its sovereignty was grossly violated. Its pride was insulted at home. China survived, and from the chaotic sand emerged a powerful national structure. Now, in the latter stages of its 20th-century history, a gulf seems to yawn between the nationalist refugees on Taiwan and the mainland government. The breach is complicated by the Taiwanese, themselves Chinese of earlier migration, who want at least autonomy.

Most Americans have come to respect the Chinese in their midst. They respect their discipline, order, and social values. They should respect what Chinese society over the long run stands for in the world, regardless of the police-state Marxist regime which exists in Peking. Americans have long felt, though rarely understood, some sort of affinity with China.

And so, as we hear about and puzzle at the events in Peking, we can remember, wonder at, admire, and learn from their brothers who live among us.

ETHICAL AND MORAL TRAINING NEEDED IN PUBLIC SCHOOLS

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. BENNETT. Mr. Speaker, I am again introducing a bill to provide for Federal grants to assist local school systems in providing instruction in ethics and standards. This bill has wide support from both sides of the aisle and throughout the Nation.

The time has come in the United States when this type of instruction is greatly needed. The texts and content of this instruction would be determined by the school boards. For example, instances of courage, heroism, and other distinctive American and democratic ideas might be taught through individual classes, lectures, and auditorium programs, or the origins of criminal statutes and their necessity and community responsibilities might be stressed.

The Roper organization polls recently reported that nearly two-thirds of the American people believe that their country has lost its proper sense of direction; additionally, almost half the people polled in a Gallup survey in June, reported they are pessimistic about the Nation's future and believe there could be a real breakdown in this country.

There is a great need in America for broad instruction in the development of man's moral and ethical values, and the legislation we propose today is an answer to the need to fill the vacuum evident today in this important segment of our life. Many State education leaders and civic leaders have expressed strong support for the bill.

Cosponsors of H.R. 8782, introduced June 1, 1971, are Congressmen SIKES, GARMATZ, CLARK, HALPERN, PEPPER, BEVILL, KUYKENDALL, NICHOLS, RARICK, MANN, WHITEHURST, and METCALF.

Cosponsors of the bill introduced Tuesday are Congressmen FISHER, FULTON of Pennsylvania, BARING, PERKINS, HALEY, FASCELL, QUIE, DENT, NIX, DANIELS of New Jersey, NELSEN, UDALL, GIBBONS, MATSUNAGA, CARTER, DUNCAN, VIGORITO, BLACKBURN, BRINKLEY, GALIFIANAKIS, BIAGGI, CHAPPELL, MCCORMACK, and BAKER.

HOUSE RESOLUTION 630

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. JACOBS. Mr. Speaker, I was wondering, in view of the events of the past few weeks in Saigon, if any Member of Congress or any member of the executive branch would care to say he or she is willing, from this day forward, to give his or her life, limb, sanity or freedom—POW even for another day—further to prop up the Saigon dictatorship.

Other Americans are being ordered to do so today.

Following is the language of House Resolution 630, which I introduced on September 30, 1971:

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madame Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on July 1, 1971, that the policy of her government is: "If the United States Government sets a terminal date for the withdrawal from South Vietnam in 1971 of the totality of United States forces and those of the other foreign countries in the United States camp, the parties will at the same time agree on the modalities:

"A. Of the withdrawal in safety from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp;

"B. Of the release of the totality of military men of all parties and the civilians captured in the war (including American pilots captured in North Vietnam), so that they all rapidly return to their homes.

"These two operations will begin on the same date and will end on the same date.

"A cease-fire will be observed between the South Vietnam People's Liberation Armed Forces and the Armed Forces of the other foreign countries in the United States camp, as soon as the parties reach agreement on the withdrawal from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from South Vietnam within sixty days following the signing of the agreement: *Provided*, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

OIL AND GAS PRODUCTION INCENTIVES

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. PRICE of Texas. Mr. Speaker, this afternoon I am introducing the third in a series of bills designed to stimulate the domestic exploration for and production of oil and gas.

My bill, which I previously introduced in the latter stages of the last Congress, revokes the Federal Power Commission's jurisdiction to regulate the price of natural gas at the wellhead. This bill is quite compatible with the efforts the Federal Power Commission has been making to alleviate the substantial and serious shortage in domestic supplies of natural gas.

Inasmuch as I have outlined the extent of the natural gas shortage in other statements I have made before this body, I will not rake over old ground again today. I would, however, like to emphasize that the present natural gas shortage has not been caused by inflated prices—on the contrary, it has been caused largely because the FPC controlled prices have been set at such artificially low levels that the incentives for oil and gas producers to engage in the exploration for and the development of new sources of supplies have become critically weakened.

The bill I am introducing today is addressed precisely at the cause of the present situation, the FPC pricing structure. In general terms, I propose that certain provisions of the Natural Gas Act relating to rates and charges shall not apply to new sales of natural gas so long as the sales in question are treated as being in interstate commerce and so long as the sales are made by persons engaged solely in the production, gathering, and sale of natural gas. In more specific terms, the prices of new gas contracted for between the independent producer and the pipeline company would no longer be determined or approved by the Federal Power Commission. All prices and price increases would be stated in unit terms. And natural gas contract provisions unrelated to price would still be subject to FPC regulation.

Mr. Speaker, while my proposal has the blessings of former FPC Chairman Carl Bagge, and is consistent with present FPC policies, it represents but one step—the major step—but one step toward my goal of removing FPC regulation in its entirety from the natural gas business. As I have said on an earlier occasion:

FPC regulation of natural gas prices has created more problems than it has solved. As I see it, the regulatory system should be scrapped, not face lifted.

AIR TRAFFIC DEMANDS

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. McFALL. Mr. Speaker, it is my pleasure to present for the RECORD an editorial of September 22, 1971, in the San Francisco Chronicle entitled "Air Traffic Demands."

In future plans for airport construction the subject of this editorial is of great importance to the Members of the Congress because a substantial share of the funds for future development will come from the user taxes under the Airport Development Act of 1970.

The steps being taken for a regional San Francisco Airport system are in the right direction and that concept should be expanded.

The next outer ring of airports in the system, which eventually should form a web of air transportation corridors, should include those airports in Stockton, Modesto, Fresno, and Sacramento.

Those of us responsible for appropriating Federal funds know that airports are complex transfer points between air and ground transportation and are part of a total transportation system that must consider a door-to-door destination of travelers. The development of a sound transportation system and future plans will require that planners keep this concept in mind.

James K. Carr, mentioned in the editorial, is a former Under Secretary of the Interior who has been assisted in this commendable regional air transportation effort by Ben E. Nutter, executive director of the Port of Oakland, and James M. Nissen, director of aviation at San Jose. The editorial follows:

AIR TRAFFIC DEMANDS

New York's prolific air traffic, which even now produces time-consuming and somewhat perilous stack-ups over the three metropolitan airports, demands creation of a gigantic offshore facility, at an estimated cost of $8 billion, according to a $400,000 study financed by the Federal Aviation Administration (FAA). Located three miles out in the Atlantic and connected by fast train with ten satellite terminals, it would be able to handle 600 takeoffs and landings an hour, as compared with the 173 now handled by Kennedy, LaGuardia and Newark combined.

San Francisco International airport, one of the world's busiest, is facing congestion problems, too, but through foresight and geography, is under no compulsion to go out to sea. Together with Oakland and San Jose airports and with help from the FAA, it has studied the situation in depth, and its findings are now under review by the Association of Bay Area Governments (ABAG).

According to James K. Carr, general manager of San Francisco airport and a prime mover in the study, it looks toward creation of an integrated, regional airport system. Such a system would include the existing (and possibly enlarged) airports at San Francisco, Oakland and San Jose, with the addition, as required, of new airports in Sonoma, at Livermore, and, for private planes, San Carlos. Such a system would not only be capable of handling all predictable air traffic in and out of the region, but would be exceptionally supplemented through its networks of surface transportation to carry travelers between airports and destinations.

CLEAR THOUGHTS FROM CLEARMONT

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. RONCALIO. Mr. Speaker, living daily in the bustle of business in our Nation's Capital sometimes makes it hard to realize that people removed from our immediate surroundings may also have a very real understanding of the problems the United States is facing. Such insight is witnessed in a poem by Mrs. Edith McDonough, a lady living in a town of about 140 people—Clearmont, Wyo. This poem contains an excellent message and I am sure my colleagues will enjoy reading it.

The poem follows:

AN ODESSEY OF MAN AND HIS FUTURE

The moaning wind blows the stinking black sand,
O're the ugly and lifeless stinking black land.
The grit and the grime of a million years,
Compared to a day of Big Industry's smears,
Was clean and shiny and sunny and bright,
Like telling the time of day from night.
God gave man a planet, the best of all,
That came from His Hand in stately fall,
He clothed this planet with grass and trees,
With flowers and streams and beautiful seas.
He filled this planet with living things,
From the tiny gnat and the bird that sings,
To the eagle who soars on majestic wings.
From the mouse so small it is nothing at all,
To the mighty elephant and giraffe so tall.
Fish in the streams and creatures that creep,
And all sorts of things in the ocean deep.
Then He said to man, "This planet you see,
Rule it well and keep it for Me".
But man in his power and man in his might,
Set out for to plunder all in his sight.
He thought he could improve on God's Mighty Hand,
And that there was no end to the give of the land.
He put all the water to work his will,
He used all the trees to make paper and fill,
He killed all the non-subservient life,
And fashioned their skins to fit his wife.
He sang as he sprayed the birds and the bees,
A far better place the land will be,
A far better place to live for me.
But is it far better all seared and black,
Covered with muck in Big Industry's track?
Is it far better with the mountains all bare,
With the murky streams that once were so fair?

Is it far better all lifeless and dead?
Why, even the rats and the mice have fled!
Is it far better now man doesn't care,
And he sits in a bubble because of the air?
Can a plastic bubble be serene or fair?
Can turf made of rubber, paint, plastic and glass,
Ever replace the living grass?
How long before man himself will die,
For the want of the things he killed nearby?
Yet he thought he could improve on God's Mighty Hand,
And that there was no end to the give of the land.

EDITH R. McDONOUGH.

MISSION FOR THE WEST IN SOUTHERN AFRICA II

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. SCHMITZ. Mr. Speaker, Ian G. Anderson, editor, Rhodesia and World Report in "The Ultimate Weapon," said:

> It may be that we, here in Rhodesia, with the aid of our neighbors to the East, west and south, and the good will of a host of friends overseas, can emulate the gallant little island that, 400 years ago, defied the might of tyranny. Maybe we shall be the rock on which Communism broke itself, and from which the Christian world took heart and started to fight back. If so, in the words of the greatest Grand Master of the Order of the Knights Militant of St. John of Jerusalem: "If heaven requires the sacrifice of our lives, there can be no better occasion than this."

This Rhodesian writer is referring to one of the most magnificently heroic episodes in all of history, the glorious and successful defense of the island of Malta against the great Turkish assault on the Christian West in the 16th century. The role he sees for his country and its neighbors—the Portuguese overseas provinces of Angola and Mozambique, along with the Union of South Africa, all of which I recently visited—may or may not come to pass; but what is most significant is to find men of the West still speaking and thinking in these terms, which my visit showed to be quite typical of this part of the world.

It has been a long time since people talked that way about our own country. In fact, many of our leaders and spokesmen rather pride themselves that America's days of crusading have passed.

But no civilization or way of life can endure unless enough of its members are, in a crisis, willing to crusade for it. That willingness is being demonstrated by the representatives of the West in southern Africa—but at the moment, almost nowhere else.

Everyone has heard a great deal about the racial situation in southern Africa, nearly all of it slanted against the Western peoples, when not downright false. As I pointed out in this newsletter 2 weeks ago, describing my visit to the Portuguese African province of Angola, there is no color bar there; blacks are full citizens with equal rights, expected eventually to run the country. The same is true in the other Portuguese southern African province of Mozambique.

In cooperation with the Union of South Africa, the Portuguese in Mozambique—who are making no financial profit in this area, but rather are suffering a loss—have undertaken the fourth largest electric power project in the world, a 500-foot dam across the mighty Zambezi River at Cabora-Bassa. To fly across hundreds of miles of African wilderness and then to see this huge undertaking below was one of the most impressive sights of my trip. Significantly, halting this great project has become a prime target of Communist-backed revolutionaries in Mozambique. The Mozambique Revolutionary Committee, headquartered in Communist East Germany, has reportedly stated:

> We shall either destroy the dam or make it completely uneconomical.

Flying over the dam, it seemed to me that the bulldozers busy there were like peaceful tanks driving the terrorists back.

Rhodesia and South Africa are prospering, so much so that the allegedly persecuted blacks are flocking into these countries from the rest of Africa, and very few are leaving. It is officially estimated that well over 1 million new blacks have come into the Union of South Africa in recent years, and remain there. In the Rhodesian Senate, 10 black chiefs sit and vote with their white colleagues.

The U.S. Senate vote September 23 to eliminate our absurd, self-defeating ban on the importation of Rhodesian chrome—which ban has forced us to depend on the Soviet Union for this strategic metal—may be the harbinger of a more realistic policy toward Rhodesia.

PRAYER AMENDMENT

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. WYLIE. Mr. Speaker, I respectfully take issue with the statement issued by a group of church leaders and Congressmen that my amendment "would alter the Bill of Rights for the first time in the Nation's history and would threaten religious freedom."

Sixteen amendments have been added to the Constitution since the adoption of the first 10 amendments. Each has been in the nature of a clarifying amendment as to basic fundamental rights.

For 171 years constitutional lawyers and people across this great Nation alike thought the first amendment clause "Congress shall make no law respecting an establishment of religion" meant exactly that. It was understood that the establishment of a religion meant the setting up or recognition of a state church or the conferring upon one church special favors denied to others. The word religion presupposed, for constitutional purposes, that a belief in God was the common denominator of all religions. The first amendment was designed to compel neutrality among religious sects. It was never contemplated that this clause would be tortured into compelling neutrality between religions which profess a faith in God and non-theistic religions or theism.

How can the language of my amendment "legalize a kind of religion?" It specifically says nondenominational which means without reference to a particular religious faith or sect.

In the Engel case, decided by the Supreme Court in 1962, the Court held:

> State officials may not compose an official state prayer and require that it be recited in the public schools of the state at the beginning of each day—even if the prayer is denominationally neutral and pupils who wish to do so may remain silent or be excused from the room while the prayer is being recited. The prayer in question was: "Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our Country."

I think the decision was constitutionally wrong as an erroneous application of the doctrine of neutrality. The Court found the prayer to be denominationally neutral. In my judgment that meets the test of the establishment clause.

In the Stein against Oshinsky decision in 1965, the Supreme Court had a beautiful opportunity to clarify this whole situation. But, the court denied certiorari leaving the court of appeals' decision to stand. There students had asked to be allowed to initiate a prayer period on their own for those who wished to participate. The principal refused. A group of parents brought action to enjoin school officials from preventing recitation of prayers on the children's initiation. The court held:

> The constitutional rights to free exercise of religion and to freedom of speech do not require a state to permit "student-initiated" prayers in public schools; the Court of Appeals would direct judgment dismissing the complaint. The prayer they recited: "Thank you for the world so sweet, thank you for the food we eat, thank you for the birds that sing—thank you, God, for everything."

My amendment is clarifying in nature only and could not alter the meaning of the Bill of Rights one whit.

Of course, prayers are being recited in schools across the Nation. They are being recited in schools in my district. But, the persons involved believe they are acting unconstitutionally in view of the Court decisions. My amendment would say that recognition of a Supreme Deity is perfectly proper and is a basic constitutional right as the framers of the first amendment intended. If, as Bishop John Wesley Lord said, "voluntary prayers may be said and are being said," my amendment would say only that it is right and proper and his argument falls of its own weight. My amendment would only write into the Constitution a practice which he feels is proper according to the first amendment. How does that alter the Bill of Rights?

THE LATE HONORABLE NOBLE J. GREGORY

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. ROONEY of New York. Mr. Speaker, I was saddened recently to learn of the passing of my good friend from Kentucky, the late Honorable Noble Gregory who for 22 years so ably served in this body. Noble Gregory was already a member of the distinguished House Committee on Ways and Means when I came to Congress. Over the years I watched with great admiration as he used legislative skill and know-how to see important tax legislation through to a successful conclusion. A quiet determined man, he avoided the center stage, yet he was extremely effective in representing his district. He had many friends here and we shall all miss him. To his family I extend my deepest sympathy.

THE MANPOWER FIELD—A PASTURE FERTILE WITH IDEAS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, on Monday, October 4, Secretary of Labor James Hodgson, spoke at the 35th annual meeting of the Interstate Conference of Employment Security Agencies. I had the privilege of attending that meeting and listening to Secretary Hodgson's remarks.

The issues in manpower policy are many and varied. But Secretary Hodgson in his remarks did an exceptionally fine job of outlining some of the problems and guidelines needed for a comprehensive manpower policy in the United States.

I commend his thoughtful and perceptive address to all of my colleagues:

The Manpower Field—A Pasture Fertile With Ideas

When a Federal government official appears before an assemblage of consummate manpower specialists such as this one, he usually is tempted to follow one of two courses.

First he may boast. He may point to the great deeds, superb programs, and manifest accomplishments of his Agency or Administration.

Or he may exhort. He may plead for support for a point of view, make a pitch for harder work or for a change of policy he believes is needed to lead us all out of some fancied wilderness.

Much as I am tempted by both approaches today I shall forego the temptation. I should like, for instance, to boast of the incredible speed with which Mac Lovell and Bill Mirengoff have launched our new Public Employment Program. I'm equally tempted to try to win new converts to greater local control over manpower programs—A very big thing with this Administration. But I'll let these matters wait for another time.

Today I want to talk about ideas—about the scope, nature, role, and impact of ideas in the manpower domain. The theme goes something like this. We live in changing times and changing values. Depending on the intensity of the rhetoric, our times are described either as transitional or revolutionary. But what is often not clearly recognized is that a major focus of much of our change is centered directly on this fascinating subject of manpower. So we would do well to examine both the ideas that prompt this phenomenon and the ideas that are produced by it.

Let's start with a bit of historical perspective. Back in the 1940's that brilliant and prophetic Harvard economist Sumner Slichter sat down and wrote out four ideas he suggested would mark the future course of American history. Slichter listed these four. First, the idea that government must become an instrument of economic policy and intervene in economic matters. Second, the idea that there is no single panacea that will solve all our problems. Third, the idea that there must be an opportunity for all to find employment. And, finally, the idea that everyone should have a chance to enjoy the good life here and now.

When he wrote, all four could have been sharply questioned. Today they all have practically consensus acceptance. And the fascinating thing is where manpower fits into this prophecy—two of these four ideas directly affect the manpower domain, and the other two have marked indirect interrelationships. In short, this means that the manpower millennium is right at the center of our rapid recently evolving social and economic history. In the argot of the day, manpower is where the action is.

We need to examine the ideas that have propelled manpower to this center stage and at the same time to look at the ideas its new position is spawning.

Take Slichter's first idea—"that government must be an instrument of economic policy and intervene in economic matters." That shot, made in the forties, is certainly right on target today.

For during the interim government has discovered manpower activity to be a useful tool for its new-found active role in economic policy. Like a rocket going into orbit our investment in manpower programs shot up from $50 million nine years ago to $1.5 billion today. I personally see no leveling off.

The main reason for the sudden flowering of manpower activity as an economic instrument can be found in another of Slichter's prophetic ideas, that "there must be an opportunity for all to find employment." History bears out the validity of this prediction.

Full employment or "A job for everyone" has through the years become an increasing demand of the American people. The nation's tolerance of unemployment is now at a lower level than ever before. This is one of the reasons that the contention that current levels of unemployment are really no higher than in other peace-time periods falls on deaf ears today. Today government is expected to be better. Old standards no longer apply. This means that in setting our economic policy goals we have upgraded the objective of full employment to a higher level of priority than ever before. And it means we must upgrade it still further.

It may be that we as a nation are now evolving through a phase similar to that experienced by major American corporations 20 to 30 years ago. Then, for a number of reasons, American industrial corporations had to upgrade personnel policy to a higher level of priority. They had to assume greater responsibility for their employees on the job and for cushioning employees from the adverse effects of management actions. In consequence corporations began to engage in long-range manpower planning, to build up sizeable personnel organizations, and to establish policies to cushion effects of management policy decisions on the work force.

My thesis is that we may have now reached a point in time when we must inject this same kind of thinking and action into Federal economic policy. For instance, when government takes steps that will have a major dislocating effect on the nation's workforce, could we not couple these steps with counter-measures designed to ameliorate any resulting adverse effects on the workforce?

Let me illustrate. As the nation has turned its economy away from war to peacetime production, we have drastically cut back defense spending, turning loose hundreds of thousands of people into the labor market. The normal operation of the labor market did not result in a reasonably rapid and appropriate re-employment of many of these people elsewhere. Such reemployment did not occur for two reasons. First, the level of economic activity was not adequate to provide jobs for some. Second, adverse structural conditions existed, including lack of job openings appropriate for the skills available.

This experience suggests what I might call the number one manpower idea for the future—that the nation's future economic policy might be formulated in such a way that we not only maintain overall employment opportunity at a high level, but that we either develop specific areas of job opportunity to match the talents that become available through government policy shifts or that we provide timely retraining of those talents.

We are, in my judgment, well on our way toward endorsement and support of this basic idea. We are spending one and a half billion for manpower programs and proposing to increase that to two billion. We have just instituted a $1 billion experiment in public employment—the first such venture in 30 years. We are proposing to spend around another billion annually to move people off welfare roles into jobs.

Programmatically we are providing what is called "trade adjustment assistance" to tens of thousands of workers displaced by foreign competition. Through training we are converting engineers and scientists to new disciplines. We have instituted special programs to speed employment of returning veterans and have required government contractors to list job openings with the Employment Service. It all adds up to a tremendous new emphasis on manpower activity as an economic tool.

The manpower sphere has also produced a number of narrower ideas that have caught a fragment of attention but which are as yet far from realized. The idea of training and education for a career, not a single job, is one. Another centers on the need for a major infusion of new priorities and methods for vocational training. As a nation I believe we are still searching for a more satisfactory approach to government supported on-the-job training. And the comprehensive and updated apprenticeship concepts so many have been talking about for years still are largely on the drawing board. There are a dozen other worthwhile similar ideas that are either dormant or are still struggling for a foothold in the manpower field.

It is well to ask why this field so pregnant with good ideas is experiencing such difficulty in their realization. I suggest there are three reasons, one focused on "what we do" and two on "how we do it." The "what" reason has to do with policy. The more I examine our activity in the manpower field the more I am convinced it suffers from an absence of policy focus.

The structure of American government and the pragmatic tradition of American politics have too much defined public policy in forms of program, and in consequence have inhibited the development of true policy. In effect, a collection of programs is put together, and it is hoped these will somehow add up to a policy. There is little regard for system. Programs relate to a single part of a system, policy seeks to respond to the system in its entirety.

Certainly in earlier and simpler times a programmatic approach was an effective way to go about public business. The problem, it seems, comes with complexity. If gears are to mesh in a complex society, government programs must *fit in* rather than *stand out*. It is a wise program that knows its place and does not aspire beyond its station.

Certainly our manpower programs have grown topsy-like in the last ten years. The result is that today we have an impressive accumulation of programs but little in the way of cohesive policy focus.

In discussing manpower policy recently with Kenzaburo Hara, the Japanese Labor Minister, he gave me a one-sentence statement of that nation's manpower policy. He said it focused on "grasping of talented people and rediscovery of human capacities, cultivation of rewarding job opportunity, and the recovery and enhancement of humanity through it." Quite simply this means that Japan endeavors to cultivate and *capitalize on the strengths* of its manpower resource. If anything, our policy is the opposite, we seek to *remedy weaknesses*. But we do not do it with cohesive breadth or adequate impact.

Now let's examine the two reasons limiting our manpower progress that fall in the "how we do it" category. First, I believe we have too much program control and concentration at the national level. And second, we have not devised a suitable system to bring the citizen and his government together for effective manpower service at the community level.

The first deficiency we hope to remedy in substantial measure with a revenue-sharing approach to manpower programs—to let local communities use uncategorized funds to respond to local needs. The remedy for the second deficiency is more elusive. We need to bring together, both physically and administratively, such diverse services as unemployment compensation, labor exchange activity, training and related services, and certainly the contemplated new effort to get welfare recipients into jobs.

From a bureaucratic view we may be doing these things reasonably well now. From the view of the citizen, our activity is fractionated and unresponsive. A winning wager would be that the next 10 years will produce widespread system changes.

Perhaps we might draw this to a conclusion with a reflection on Professor Slichter's two ideas that have a less direct but still important relation to manpower. You'll recall he suggested we would come to accept the fact that no single panacea will solve all our problems. Certainly the complexity and interrelatedness of things today prove his point. Few would contend that even in the manpower sphere is there a single idea or action available to bring about the millennium.

But it is Slichter's final idea that fascinates me most—his prediction that Americans would one day subscribe to the idea that "everyone should have a chance to enjoy the good life here and now." Slichter certainly anticipated present national values with that observation. With his emphasis on "everyone" he anticipated the effort our nation would expend on Civil Rights, on Equal Employment Opportunity, and on helping the disadvantaged, with his emphasis on "here and now" he anticipated the so-called "now generation" with its penchant for immediate gratification of needs. But most of all he anticipated what has become perhaps our dominant national theme, an emphasis on improved quality of life. This, of course, was the theme of President Nixon's 1969 inaugural message. It is the motive force behind the current passion for environmental improvement. And it reflects the underlying sentiment that prompts support of our wide ranging manpower efforts. To those of us in manpower work it has special meaning. To help improve the quality of American lives, we must provide useful ideas, policies, and programs and services. We are engaged in a mission, not just an activity. And it is a mission central to the foremost hopes and aspirations of American people today. For all our many frustrations and troubles, we are fortunate to be in manpower work—to be where the action is.

Now perhaps a brief summary. Today the manpower domain abounds with ideas. Some are of long standing and not yet fully realized. Some are emerging and need examination and testing. And nowhere are additional new ideas more welcome. This means that those of us in the manpower business have unusual opportunities to be creative, to be selective, and to be effective and importantly, to be buoyed by the realization that our work is peculiarly relevant to the felt needs of our times. We must all work to capitalize on those opportunities. I'm sure we will.

SAN FRANCISCO BUSING SURVEY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. RARICK. Mr. Speaker, I insert in the RECORD the results of a survey taken by Multi-Media Research to determine the attitude of the people of San Francisco to the busing of school children.

[From the San Francisco Sunday Examiner & Chronicle, Aug. 29, 1971]

WHAT SAN FRANCISCO THINKS ABOUT BUSING

(NOTE.—Multi-Media Research and Development Company is an independent research company experienced in public opinion and consumer research. A member of the national Market Research Association, the company has conducted studies for government commissions, school districts and political candidates as well as market analysis and advertising awareness.)

A poll to determine the attitudes of San Francisco parents toward busing shows a majority of whites, Negroes, Chinese and Latin-Americans oppose busing their children.

The poll, carried out for the Examiner by Multi-Media Research Co., found that most parents seem to be saying, "We think integration is OK, but don't take my child out of my neighborhood to accomplish it."

The sample, according to Multi-Media Research, was composed of white 35.3 percent, Negro 30.7 percent, Chinese 17.0 percent and Latin-American 17.0 percent.

Here are the questions and answers as reported by the poll:

Q—Do you feel the education your child is getting is excellent, good, fair or poor?

A—The opinion of parents regarding the quality of education their children are now receiving was as follows: 46 percent felt it was excellent or good, 42 percent felt it to be fair or poor; the remainder have not yet had children in City schools.

The highest degree of satisfaction was in the Latin-American group, the lowest in the Negro community. Here is the rating breakdown:

Excellent: white 15 percent, Negro 8, Latin-American 25 and Chinese 15.

Good: white 38, Negro 24, Latin-American 35, Chinese 31.

Fair: white 22, Negro 39, Latin American 27, Chinese 46.

Poor: white 8, Negro 18, Latin-American 4, Chinese 2.

Q—A plan for busing children to school in order to achieve racial balance has been ordered in San Francisco. Do you approve or disapprove?

Approve: White, 14 percent; Negro, 39 percent; Lat. Amer., 38 percent; Chinese, 6 percent.

Disapprove: White, 83 percent; Negro 56 percent; Lat. Amer., 59 percent; Chinese, 92 percent.

"Not Sure" Omitted.

A—Overall the parents disapprove of busing by a ratio of 4 to 1. This again varies among ethnic groups with the Chinese population being the most emphatic with 92 percent opposed. The Negro population showed the least opposition with 56 percent disapproving.

Q—Our children will benefit from the experiences of racially balanced schools.

A—A slight majority of parents indicated agreement with this statement—48 percent agreed, 40 percent disagreed and 12 percent indicated they were not sure.

The Latin-American respondents were high in this area with many write-in comments that the schools in the Mission were already racially balanced. This same group of respondents showed a very high objection to having their children taken out of the Mission on the basis of losing contact with the schools and fear of racial tension.

The Negro respondents were strongest in this area with 64 percent feeling their children would benefit from racially balanced schools.

White, agree 38 percent, disagree 51 per cent; Negro, agree 64, disagree 24; Latin-American, agree 59, disagree 21; Chinese, agree 28, disagree 54.

Q—Busing would deprive my child of participating in after-school activities.

Agree: white, 74 percent; Negro, 51 percent;

Q—Busing would deprive my child of par-cent.

Disagree: white, 17 percent; Negro, 39 percent; Latin-American, 44 percent; Chinese, 17 percent.

A—An overall 62 percent agree with this statement, with 29 percent disagreeing and 8 percent no opinion.

The Chinese population showed 79 percent agreeing due to their children attending regular classes in Chinese language after school. White parents also were high in agreeing that busing would limit after-school activities for their children.

Q—I am sure my child would be well treated and understood by teachers in another neighborhood.

A—Overall most parents felt sure their children would be well treated and understood by teachers in another neighborhood. However, the ethnic pattern here is very revealing.

The white, Negro and Latin-American parents follow the same thinking, while the Chinese parents show great fear for how teachers in another neighborhood would treat and understand their children.

Twenty-three percent of the Chinese parents agreed their children would be well treated and understood, while 38 percent felt they would not and 40 percent were undecided on this question.

Agree, white 59 percent, Negro 67 percent, Latin-American 60 percent and Chinese 23 percent. Disagree, white 28 percent, Negro 18 percent, Latin-American 23 percent and Chinese 38 percent.

Q—Busing my child to another area would make me feel out of contact with the school.

Agree: White 88 percent; Negro, 53 percent; Latin-American, 71 percent; Chinese, 82 percent.

Disagree: White, 11 percent; Negro, 44 percent; Latin-American, 23 percent; Chinese, 6 percent.

"Not Sure" Omitted.

A—This is a major point with parents—75 percent agreed that busing would make them feel out of contact with the school. This same feeling was strong in the write-in comments. Parents want their children in close physical proximity to them and indicate a desire for the neighborhool concept of schooling at the elementary level.

Q—I do not feel I could talk as satisfactorily with the teacher in another neighborhood as I could if my child were going to school in this neighborhood.

A—Half the parents interviewed felt they could not talk as satisfactorily with teachers in another neighborhood. Spanish speaking and Chinese parents were high in this category, possibly on the basis of language barrier.

Q—I feel the school my child attends

should reflect the racial characteristics of our neighborhood.

Agree: White, 60 percent, Negro, 39 percent; Lat. Amer., 50 percent; Chinese, 58 percent.

Disagree: White, 33 percent; Negro, 50 percent; Lat. Amer., 30 percent; Chinese, 27 percent.

A—Fifty-one percent agreed, 38 percent disagreed, with the remaining 11 percent not sure. The white population felt more strongly on this question than any other group. Chinese parents agreed by about the same margin; Latin-Americans agreed close to the same degree, but Negroes disagreed by a large margin.

Q—I feel the school my child attends should reflect the economic characteristics of our neighborhood.

A—The response to this question was interesting in relation to the response to the previous one. There was slightly less agreement with this statement—again, the whites being highest in agreement, but the Chinese parents disagreed most strongly that the school should reflect economic characteristics of their neighborhood.

This is one question that showed a correlation between home ownership and renting. Parents who felt this need for the economic status quo being reflected in the school by a 55 percent yes and 37 percent no. Renters were reversed with 38 percent yes and 54 percent no.

Q—I really am in favor of integrated schools but do not favor busing.

Agree: White, 88 percent; Negro, 60 percent; Latin American, 73 percent; Chinese, 96 percent.

Disagree: White, 10 percent; Negro, 37 percent; Latin American, 23 percent; Chinese, 4 percent.

A—Parents in all ethnic groups indicated a strong agreement with this statement—78 percent agreed, 19 percent disagreed, the remainder not sure.

The ethnic breakdown lacks validity because many in the Negro community expressed the fact that they wanted busing so could not agree with the statement. The Chinese community, on the other hand, expressed their almost unanimous agreement (96 percent) but this does not correlate with their response to question 18 which indicated 27 percent not wanting integrated schools.

It would appear that the overall percentage is fairly accurate with the reasons stated making up the balance pro and con.

Q—I would worry about the physical safety of my child attending school in another neighborhood.

Agree: White, 75 percent; Negro, 53 percent; Latin American, 88 percent; Chinese, 92 percent.

Disagree: White, 23 percent; Negro, 45 percent; Latin American, 10 percent; Chinese, 6 percent.

'Not sure' omitted.

A—Three-fourths of our respondents agreed with this statement; however, the reasons given to the question "why" reflect a real difference in attitudes.

The Latin Americans show a real fear on racial grounds. They were the only group in our sample indicating the racial tensions to be the primary fear in regard to the busing of children. Most of the other groups expressed greatest concern for their children being away from the parent in case of illness or accident. There was mention of some of the school buildings and facilities being unsafe, a fear of the neighborhood being strange in case their youngsters miss the bus.

However, the greatest concern was simply being too far from home, with the exception of the Latin American parents who are fearful of their children going out of the Mission in the Negro schools.

Q.—I would worry about my child's safety if he had to ride a bus each day:

Agree: White, 68 percent; Negro, 53 percent; Latin American, 73 percent; Chinese, 100 percent.

Disagree: White, 30 percent; Negro, 48 percent; Latin American, 23 percent.

"Not sure" omitted.

A.—Parents are worried about their kids riding a bus every day. In answer to the "why," such things as heavy traffic, inadequate supervision on the bus, incompetent drivers, no seat belts on buses and not enough money to provide safe buses were cited. Also repeatedly mentioned was the belief that elementary children were too young to have to assume the responsibility of riding on a bus.

Although the Negro community showed the least amount of worry, two parents from Hunters Point said they were afraid to have their children waiting on the corner for a bus in their own neighborhood.

Q—I feel my child might get a better education at a school not in our neighborhood.

Agree: White, 13 percent; Negro, 46 percent; Latin American, 29 percent; Chinese, 2 percent.

Disagree: White, 73 percent; Negro, 43 percent; Latin American, 54 percent; Chinese, 67 percent.

A—Overall, parents disagree with this statement. With the exception of the Negro community, parents do not feel their children might get a better education elsewhere. Even the Negro community is fairly evenly divided on this question. The question brought a high percentage of "not sure" responses in all ethnic groups. Overall, 16 percent were "not sure."

Q—I really prefer non-integrated schools.

A—Seventy-eight percent of the parents disagreed with this statement. On this question, the white and Negro communities were aligned in favoring integrated schools—82 percent of the white sample; 90 percent of the Negro. Although both other groups favor integration, they show a great deal less enthusiasm—54 percent of the Latin community and 72 percent of the Chinese community indicated favoring integrated schools. The home ownership correlation was exactly the same as the overall percentage, that is, 78 percent of both owners and renters favor integrated schools.

Q—Do you believe integrated schools will cause too much contact between the races?

A—Sixty-nine percent of our respondents answered "no" to this question. However, we found an imbalance on a racial basis. The Chinese and Latin-American parents were evenly aligned on this question—52 percent answered "no," 33 percent answered "yes" and the rest refused to give an opinion. Contrast this with the white response—76 percent "no," 15 percent "yes" and 8 percent no opinion, and the Negro with 80 percent "no," 7 percent "yes" and 12 percent no opinion.

Q—Do you believe racial balance achieved by busing will raise the standard of education very much; raise the standard of education somewhat; lower the standard of education somewhat; lower the standard of education very much; not make any difference in the standard of education?

Raise the standard of education: White, 7 percent; black, 38 percent; Latin American, 30 percent; Chinese, 2 percent.

Lower the standard of education: White, 43 percent; black, 12 percent; Latin American, 31 percent; Chinese, 44 percent.

Not make any difference in standard: White, 44 percent; black, 40 percent; Latin American, 35 percent; Chinese, 35 percent.

A—The largest percent believe that busing would make no difference in the standard of education—20 percent felt it would raise the standard. As would be expected from the previous questions, the Negro parents (38 percent) felt this would be the case. Only 2 per cent of the Chinese respondents felt it would raise the standard. There were write-in comments to the effect it would raise some, lower some, lower all for a while and then raise all in time.

Q—If you had to describe busing in one or two words, how would you describe it?

A—Half our respondents answered with such negative words as lousy, unfair, unnecessary and a few unprintable words. It was also described in positive ways, such as equal opportunity, and bettering education. Money was mentioned frequently, waste of time, confusing, morally wrong, unconstitutional, Communistic, and unfortunate but necessary were all ways of describing busing by parents.

TRIBUTE TO HARRY ANSLINGER

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. EDWARDS of Alabama. Mr. Speaker, until Harry Anslinger retired in 1969 after serving 32 years as U.S. Commissioner of Narcotics and 23 years—some of them overlapping—on the United Nations Narcotics Commission, he proved himself almost more than a match against the sleezy legions of drug pushers and underworld henchmen who constantly found themselves being forced back into the woodwork as a result of his aggressive efforts. His service to his country has been an inspiration to those who carry on the battle against drugs.

In tribute to this great American, Washington Post writer Michael Kernan has authored an inspiring commentary, extolling Harry Anslinger as he was during his earlier life and as he is now, during his twilight years. The article, which was carried in the Post of Tuesday, October 5, 1971, is hereby submitted for insertion in the RECORD:

TURNING THE WORLD OFF

(By Michael Kernan)

Last year the East Village Other ran a full-page photo of Harry Jacob Anslinger with marijuana leaves superimposed on his bald forehead. The caption read: "The Man Who Turned the Whole World Off."

The same man drew this comment from a congressman in 1943: "He deserves a Medal of Honor . . .", and this from a leading psychiatrist in 1951: ". . . one of the greatest men that ever lived."

The Mafia calls him "that bastard Anslinger."

Rounding one of those majestic, tire-tugging highway curves that sweep through the Pennsylvania coal hills, a visitor comes upon Hollidaysburg all at once, sprawling across a broad valley, yet clearly centered upon the time-blackened spires of the Blair County Courthouse and the First Presbyterian Church.

It is close to the heart of this town, barely five miles from his native Altoona, that Harry Anslinger lives by himself in a house crowded with Oriental vases, joss tables, ivory carvings, bronze trays, Kurdistan rugs, a knotty-pine bar and mementoes of his 32 years as the first U.S. commissioner of narcotics and 23 years (some of them overlapping) on the United Nations Narcotics Commission.

At 79, he is still a commanding presence, a big man with clear, measuring eyes, though he walks with difficulty. A cane dangled from the mantel, and in the bedroom stood an oxygen tank.

This is the man who, perhaps more than any other individual, erased opium addiction in America, made cocaine a rarity for decades, outlawed marijuana and made possible today's international network for the control of narcotics. He is also the man whose relentless drive for strict prosecution has drawn the wrath of a wide spectrum of Americans.

He was talking about the Mafia, which he was battling as far back as the early 1930s.

"There were only three of us in law enforcement who believed in the Mafia in those days," he said. "The first indication we had was that we were deporting so many Sicilians—300 one year. We also had some very fine Sicilian agents we sent to Italy, and they found the thing was all tied together, here and Sicily. The syndicate moved in on every big city in America (in drugs) except San Francisco, where the Chinese used to keep a pretty tight hold. There was one big Mafia man we heard was trying to take over San Francisco. We located him in his car, over the bridge in Oakland, with his brains all over the windshield."

An entire generation had to pass before the confessions of Joseph Valachi in 1963 forced many other top enforcement officials, not to mention congressmen and assorted opinion molders, to admit that the Mafia does in fact exist.

At that, Valachi was handed over to the Justice Department only after "we'd had him for two years," Anslinger said. Valachi named Vito Genovese as the kingpin of organized crime in this country; today, Anslinger added, the real leader is Meyer Lansky: "We didn't see much of him, though, because he was in gambling and not much in drugs."

The Valachi case opened many American eyes. So did Appalachian, the top-level Mafia conference in upstate New York that was broken up by a remarkably alert state trooper who had spotted the limousines streaming through town. Appalachia was no surprise to Anslinger. He had happened upon a similar parley years earlier in Hollywood, Fla., where he was investigating racehorse doping.

"I walked through one of the fancy restaurants," he said, "and there was Lucky Luciano big as life, and a lot of others. One of them came around to me later and said, 'Lissen Comish, we're clean, no narcotics. This is just business.' Well, we got them out of town pretty quick anyway. What they were doing was having a trial. A while later we got word that Bugs Moran had been executed."

At Appalachian, according to Anslinger, the older Mafiosi tried to get the syndicate out of the drug business—largely because of the pressures applied by Anslinger's bureau—but the young turks insisted on sticking with it despite the harsh penalties of such Anslinger-inspired laws as the 1956 mandatory five-year sentence aimed at pushers.

It was typical of the Mafia's attitude to the man who has hounded them for nearly half a century. Though he was probably the most important single factor in the downfall of Louis (Lepke) Buchalter and the other leaders of Murder, Inc., and though he brought down Luciano, among many others here and in Europe, the syndicate has always seemed to tolerate Anslinger as an antagonist (in contrast to undercover men. who are murdered on discovery).

"I thought one guy was coming after me once," said Anslinger. "But he never showed up. If you get scared at these bums you shouldn't be in the business."

The Mafia deals in many forms of crime. but for Anslinger it has been merely one part of a global war on drug traffic.

Establishing a reputation for bravery behind German lines in World War I (in 1917 he liberated the Kaiser's personal field kit) and for law enforcement in his years as consul in the Bahamas and Venezuela, Anslinger cut his eye teeth on international relations in London, Paris, Antwerp and Ottawa during the 1920s at conventions on everything from smuggling to alcoholism. After brief service with the Prohibition Commission, he moved into the narcotics post.

Penalties have been a theme of the Anslinger years. He was responsible for the 1937 Marijuana Tax Act, which first placed controls over the drug, and for the 1956 mandatory sentence. He also was a leader at the 1931 Geneva conference of 67 nations where international drug traffic first was effectively curbed.

Opium, which once was virtually sold over the counter in every village, today has almost disappeared from America. The great-power imperial monopolies throughout Asia are long gone. The once-ubiquitous bamboo opium pipes, of which an addict needed a dozen a day, are all but impossible to find even for exhibition. Anslinger has some fancy ones in a display cabinet along with krises and other trophies. Morphine was a legal drug, and laudanum (a 10 per cent opium tincture) was used like aspirin, especially by women. Cocaine dropped from sight after Anslinger closed the factories in Bolivia and Peru. For 20 years, he said, not a single cocaine user was reported in U.S. drug hospitals.

Today it is back in a big way. And heroin addicts are showing up in our junior high schools.

"I remember when you could get heroin in certain New York hotels for $12 an ounce. Pure. The same thing would be worth $35,000 today.

"We used to get a lot from China, but no more. Today the sources are Turkey and Iran. There are some hill tribes in Thailand that still make it from opium and ship it down through Hong Kong, but the Chinese are working hard to eradicate it. But you know, it's all over the place."

Harry Anslinger shook his head. He was among the first to see narcotics as a world problem; he was among the last to believe it could be solved by law enforcement alone. His final years in office (he retired in 1969) were increasingly noisy with attacks on his clobber-the-pusher policies and his strict attitudes even toward victim-users.

"I don't know what the answer is now," he said. "You can't blame the enforcement people. It's the courts and state legislatures and Congress, reducing the penalties. Maybe the laws on marijuana were too stiff, but they were a deterrent for years. It's this permissiveness. It's gone through the moral fabric of the people of the United States."

Methadone he views as monstrous: "It's more stimulating than heroin, and just as addictive. Addicts use it to keep going when they're low on money. I hear they find ways to put it aside and sell it on the street."

Note: When heroin was first manufactured in Germany, it was hailed as a cure for morphine addiction.

And then there is marijuana. The 1937 act was a result of Anslinger's brisk campaign highlighted by his magazine article, "Marijuana, Assassin of Youth," and his subsequent work through international conventions has tied up the weed so thoroughly that its legalization in this country may never be feasible.

In a recent magazine forum with writer William Burroughs, philosopher Alan Watts, Richard Alpert and other proselytizers for marijuana, Anslinger did not seem to be speaking the same langauge.

"I never tried it," he said. "You never know if one cigarette will trigger violence. Something beneath the surface, I've watched research with prisoners. I've seen its effects."

He cited an article by a Bureau of Narcotics adviser, listing instances of violent behavior by users, and recalled warnings by African UN delegates who linked mass murders in the Congo and Cameroons to hashish (which word has long been believed the origin of the word "assassin" because of its use by a murderous sect of smokers). African hashish, American hash and marihuana are related forms of the same plant but are not identical.

"I smoke a cigar," Anslinger smiled. "That's about it. And Jack Daniels cheers you up on a bad day."

His wife Martha is dead, but his son Joseph lives next door. Hollidaysburg is full of old friends and the country-side is still, for him, the world's greatest place to fish and hunt. There are changes even in Hollidaysburg though. Marijuana is commonplace there among the young, and hard drugs have begun to appear.

"It wasn't on the campuses when I left the job," he said. "I would have adopted the hot-pursuit policy and got it out of there. I don't know. I don't know what the answer is."

ENERGY POWER CRISIS

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. TERRY. Mr. Speaker, there is in this country an approaching crisis—which, if nothing is done to avert it, will worsen with each passing year. The Congress will shortly have to come to grips with the problem, and this year may not be soon enough.

I call the attention of my fellow colleagues to the following editorial which very adeptly points up the seriousness of this situation:

[From the Syracuse (N.Y.) Herald-Journal, Sept. 27, 1971]

ENERGY POWER CRISIS

Are the seemingly endless supplies of power really endless?

Congress is beginning to believe those who say a power crisis is close at hand.

Two major studies are already under way.

Other committees are investigating the location of new power plants, economic concentration in the fuel production industry, energy research and development and the cost of home heating fuel.

All this might mean that Americans used to consuming power to heat homes, cool offices, run factories, light their streets and carry on the major and minor tasks of living may soon have to change their ways.

Right now fears of power blackouts and brownouts in the summer are growing more numerous as are concerns over shortage of heating fuels in the winter.

Annual consumption rates of some fuels exceed the discovery of new reserves in this country, increasing U.S. dependence on foreign supplies, and the prospect of the use of nuclear energy to supplement coal, gas and oil systems appears further in the future than originally estimated.

Some congressmen believe that a national policy on energy is needed immediately because there has been too much planning on a piecemeal basis. Too often one governmental agency sets a policy and a second takes action independently of the other, even at odds at times.

Michael D. Hathaway, director of the Republican Task Force on Energy and Resources, said this fragmentation has resulted in equal confusion of congressional actions.

What we have today, Hathaway said, is a "mishmash of energy policy."

There are efforts now to clear away the mishmash, besides the congressional committees and studies.

President Nixon has called for a new Department of Natural Resources to consolidate most, but not all, of the agencies dealing with energy matters. He also has outlined a "broad range of actions to ensure an adequate supply of clean energy."

We had better consolidate soon for U.S. reserves of petroleum and gas are declining every year. Coal reserves appear to be sufficient for the near future but certain kinds of coal pollute the atmosphere. This leaves nuclear energy, on which many are pinning their hopes for the future.

But increasing use of nuclear energy can increase thermal pollution (excess heat into lakes and streams), discharge of radioactive gases into the air and the disposal of radioactive wastes.

Maybe the power crisis is already here.

HUMANITIES OF THE SEA

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. HOSMER. Mr. Speaker, the University of Virginia this semester is offering a new course in "The Humanities of the Sea," the first such course to be offered in the United States.

This course should serve as the foundation for a new discipline, widening man's horizons to the challenges and opportunities in the sea and offering new professions and careers.

The distinguished gentleman from Tennessee (Mr. ANDERSON) and I have been invited to be among the guest lecturers for this course.

Following is a Copley News Service story on the program and its meaning to its cosponsors, the University of Virginia and the Oceanic Educational Foundation.

HUMANITIES OF THE SEA

CHARLOTTESVILLE, VA.—The first college course in "The Humanities of the Sea" has been added to the University of Virginia's Adult Education Program, President Edgar F. Shannon has announced.

The course will be co-sponsored by the university and the Oceanic Educational Foundation, and will be taught as part of a pilot research program to introduce the new discipline of oceanic education into the American school system.

Shannon also serves as senior vice president of OEF.

"Man's future is dependent on his knowledge of the seas and his understanding of their dynamic relationship to his society," the course outline says. "In no facet of education do the seas receive sufficient curriculum and program emphasis to impart comprehensive knowledge of the dependence of mankind on the world ocean."

The first course has been fully subscribed.

Horace M. Kallen, distinguished philosopher of the New School of Social Research who will lecture on "Peace and Prosperity—The Philosophy of the Sea," says the new discipline of oceanic education should reach students from childhood through all levels.

"Oceanic education . . . should make possible new professions, new vocations, and new careers, parallel to the innovations on land and in the air," he said.

The university hopes to utilize the lectures, dialogues and discussions of the humanities of the sea to construct a textbook in oceanic education. Guest lecturers will include Robert B. Abel, director, National Sea Grant program; Rep. William R. Anderson, D-Tenn.; George E. Love, U.S. Office of Education; Dr. Klaus P. Heiss, mathematican, Princeton, N.J.; Dennis Brezina, environmentalist at the National Academy of Engineering; Mrs. Helen Delich Bentley, chairman of the Federal Maritime Commission and Rep. Craig Hosmer, R-Calif.

GUAR: NEW CROP FOR SOUTHWESTERN OKLAHOMA

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. STEED. Mr. Speaker, the article that follows was written by one of Oklahoma's top agriculture authorities, Herb Karner, farm editor of the Tulsa Daily World. It tells the story of the development of a crop new to southwestern Oklahoma, guar. Through the enterprise of growers in the Mangum area, it is becoming a significant cash crop and is claiming a growing role in the economy of our State.

The article follows:

[From the Tulsa (Okla.) Daily World, Aug. 9, 1971]

GUAR PROMISES TO BE "WONDER-CROP" FOR SOUTHWEST OKLAHOMA

MANGUM.—Guar spells m-o-n-e-y, cold cash upon which the Empire of Greer is hoping to bring stability to the drought-ridden area.

"There's just nothing wrong with it . . . it's almost too good to be true, is the candid appraisal of Adrian Richardson, agent for Stein-Hall, major buyer of Guar.

This year some 25,000 acres of the exotic wonder crop will be harvested and marketed at Mangum with most of the production contracted to Stein-Hall at $5 a hundred.

Guar is not a new crop to Greer County. It has been grown off and on for the past 10 years, but has not gained favor until about three years ago.

"The old variety we started with was called Groehler and it grew tall—much like a sunflower. Seed was all concentrated in an area about the size of your fist. It was hard to harvest, yield was low and price nothing to brag about," Richardson said.

Results at Oklahoma State University Sandy Land Experiment Station show Groehler average yield was 554 pounds an acre.

But because the crop held promise, plant breeder Lester Brooks, Iowa Park, Texas, worked on improving Guar. Today the Brooks strain is most popular variety in the Mangum area. It grows much as does soybeans; will get waist high and is bushy with bean pods distributed fairly evenly over the plant. Yield has been boosted to 1,207 pounds average an acre at the experiment station.

"We have yields as high as 2,000 pounds an acre," said Ray Babb, manager of the Mangum Chamber of Commerce who believes in the future of Guar and has vigorously pushed it as a cash crop.

"Additional uses have been found for Guar products which has pushed demand beyond production," Babb said. "Predictions are that prices may surpass the contract price of $5 a hundred this year and go as high as $6 a hundred. Years ago Guar sold for around $2.50 a hundred.

"Last year was not a good year for Guar because of dry weather, but we averaged better than 800 pounds an acre with price at $4.60 a hundred. At top yields of 2,000, income from a crop that costs practically nothings to grow, amounts to an income of $100 an acre," Richardson said.

Guar grows extremely well on the thin, sandy lands of Greer County. "Grows where nothing else will . . . even sunflowers, and because it's a legume, don't need fertilizer," Babb said.

He recalled that many farmers in early days grew Guar as a green manure crop to improve the tilth and nitrogen content of the sandy soil.

"It only takes six pounds of seed an acre to plant and seed only costs 11 cents a pound which puts you in at 66 cents an acre. You plant with a corn planter and harvest with a combine. It'll stand all winter and not shatter," Richardson said.

Of the 25,000 acres expected to be harvested Clinton Nesmith has possibly the largest amount, some 500 acres, followed by Bob Davis with 480 acres. Many growers have small plots they are banking on for ready cash.

"You can plant Guar as late as July 15 and still make a crop," Richardson said. Guar, a plant native to India and Pakistan, has ability to withstand unusual dry weather. "When it gets hot and dry, it just stands there, and when you get rain, it really takes off," he said.

Insects are no worry and there does not appear to be any natural enemies in this dry part of the country where most successful crops of Guar are grown. "We had one field pretty heavily infested with careless weeds. Webworms stipped the weeds, but didn't touch the Guar," Richardson said.

Babb touts the wonder crop not only because it means cash to area farmers, but the possibility exists a plant will be built at Mangum "if we get the acreage up to 40,000" Babb said.

While Greer County has the majority of acres in Guar, some is also grown in Beckham, Jackson, Harmon and Kiowa counties. Currently the crop is hauled to a mill for processing at Vernon, Texas.

"We have a potential of 50,000 acres in Greer County alone," Babb said.

Babb believes Guar may replace much of the wheat grown in the area. "With dry weather and government programs affecting wheat, and with prices as low as they are, it looks like Guar is going to push wheat into the background," he said. There are no planting or government restrictions on Guar production.

What's Guar used for? According to a brochure printed by Stein-Hall, the oil industry uses Guar products to reduce friction loss, give viscosity and fluid loss control.

"New York City is saving millions annually by using Guar in their water supply. It makes water slicker. They've found they can pump as much water through a 3-inch pipe when it is treated with Guar, than they can through a 4-inch pipe before," Babb said.

The dairy industry uses Guar as a stabilizer in ice cream and the food industry uses it as a stabilizing agent.

Paper makers uses Guar to improve strength of paper and textile industry uses it as printing compounds for many fabrics. The pharmaceutical industry uses Guar to help in the disintegration of tablets.

In addition to Guar gum, processing of Guar seed produces a high protein meal as a secondary product. When mixed with other feed components, it makes an ideal stock feed.

How about competition? "Practically none. There are not many places in this country suited for Guar production. It requires from 17 to 24 inches of moisture a year. In this area we normally get 24–26 inches," Richardson said.

Leonard Graumann, who has a 40-acre field of registered seed south of Granite, said at his place so far this year he has received 7 inches of rain . . . three of that came in

June. "But my Guar looks good because the rains came at the right time," he said.

Graumann said one drawback to growing Guar—if it can be called that—is "the seed runs out pretty fast. You've got to keep planting good seed."

"I AM NOW A KEYNESIAN IN ECONOMICS"—PRESIDENT NIXON

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. RARICK. Mr. Speaker, President Nixon has publicly stated, "I am now a Keynesian in economics."

Just as many Americans have found it incredible to believe the President of the United States would accept the advocacy of J. M. Keynes in economics, they certainly hope that he does not extend his affection to the full repulsive philosophy. Is it possible to support a man's economic theories without understanding the vile nature of the author's total objectives or to be sympathetic to the total Keynesian philosophy?

I submit a newsstory explaining the full disgusting philosophy of J. M. Keynes:

[From the Manchester (N.H.) Union Leader, Sept. 23, 1971]

SUGAR KEYNES: THE IMMORAL MAN BEHIND IMMORAL ECONOMIC THEORIES

President Nixon has said that he is a Keynesian in economics. Well, we are happy that the President of the United States limited his affection for Keynesianism to Mr. Keynes' economic theories, bad as they are. While it is very evident that neither President Nixon nor Walter Lippmann nor Felix Frankfurter have done nothing but abhor the immoral excesses attributed to Keynes and his companions, this newspaper believes they should have the common sense to evaluate the total philosophy of one whose economic theories they now endorse.

The goal of Keynes' philosophy is obviously atheism, communism, degradation of the human personality and the abolition of individual liberty. We are quite sure that neither the President nor Mr. Lippmann nor Justice Frankfurter ever endorsed such objectives, yet this is the nature of the man whose economic theory they embrace.

If you want to realize just how horrible Keynes' character was, be sure to read the article at the top of our back page today. This is written by Mr. Zygmund Dobbs and is reprinted from American Opinion magazine of June 23, 1971.

Mr. Dobbs, in association with the last surviving son of Theodore Roosevelt, Archibald Roosevelt, has written a great deal exposing the influence of Keynes at Harvard, from which Mr. Roosevelt graduated. After you have read this article at the top of our back page today you will see the cause for concern over students or groups of other individuals who are so foolish as to associate themselves with Keynes' economic philosophy which, in the opinion of this newspaper, is as irresponsible and immoral as were his own personal habits.

Unfortunately, the activity of Keynes is one of many matters being swept under the rug by a permissive society which seems to recognize fewer and fewer moral standards.

WILLIAM LOEB,
Publisher.

[From the Manchester (N.H.) Union Leader, Sept. 23, 1971]

STATEMENT MAKES RESEARCHER WONDER IF NIXON KNEW WHAT HE WAS SAYING: "I AM NOW A KEYNESIAN IN ECONOMICS"

(By Zygmund Dobbs)

Singing the Red Flag, the highborn sons of the British upper-class lay on the carpeted floor spinning out socialist schemes in homosexual intermission. Sometimes, one of the participants would shout out an obscenity—then, as if on signal, the entire group would join in a frenzied babble of profanity. Here and there individuals would smoke or chew hashish. Most had unkempt long hair, and some sported beards.

The attitude in such gatherings was anti-establishmentarian. To them the older generation was horribly out of date; even superfluous. The capitalist system was declared obsolete, and revolution was proclaimed as the only solution. Christianity was pronounced an enemy force, and the worst sort of depravities were eulogized as "that love which passes all Christian understanding."

The year was 1904, and the participants were destined to become the intellectual and political leaders of the British Empire.

Chief of this ring of homosexual revolutionaries was John Maynard Keynes, who eventually became the economic architect of English socialism and gravedigger for the British Empire. The chief American Fabians, acting as carriers of the Keynesian sickness, were Felix Frankfurter and Walter Lippmann. Covertly, they mobilized their Leftist comrades to spread this pollution in America also.

So successful were they that on January 4, 1971, President Richard Nixon announced: "I am now a Keynesian in economics." What does that mean?

Keynes was characterized by his male sweetheart, Lytton Strachey, as "A liberal and a sodomite, an atheist and a statistician." His particular depravity was the sexual abuse of little boys. As a sodomistic pedophiliac, he ranged throughout the Mediterranean area in search of boys for himself and his fellow socialists.

These Leftists degenerates began to scheme over 60 years ago to secure public acceptance of their depravity, Havelock Ellis, a founder of the Fabian Society, compiled a massive erotic work entitled, Studies In The Psychology Of Sex. Ellis was a sexual pervert and drug user. He and a group of fellow Leftists even pioneered in the experimental use of hallucinogens in private orgies.

MOVE ON SCHOOLS

The Fabian socialists used the writings of Ellis as a wedge for sex education in the schools. They started in the colleges and gradually eased into the high school level. Today, his perversions are standard reference material for the sex educators, and Havelock Ellis is popularly called "the father of social psychology."

Keynes and his cohorts seized upon the works of Ellis as justification for their depravities. They were also greatly bolstered in their campaign by the theories of an Austrian Leftist named Sigmund Freud. Dr. Freud acknowledged in private correspondence that he copied the thesis of sex as the central determinant in human action from Havelock Ellis. Echoing Ellis, he laid down the premise that homosexuality and carnal depravities are not a matter of abnormality, but merely a case of personal preference.

During the same period (1925) Keynes struck out against drug control. He laid down the line which has been pursued by Leftists to the present day in demanding that distribution of narcotics be unrestricted.

Keynes and his conspirators projected homosexuality and drug addiction as an intrinsic part of their collectivist society of the future. His male sweetheart, Lytton Strachey, wrote privately that they would corrupt the whole population, "subtly, through literature, into the bloodstream of the people, and in such a way that they accepted it all naturally, if need be without at first realizing what it was to which they were agreeing." He pointed out that the object was "to write in a way that would contribute to an eventual change in our ethical and sexual mores—a change that couldn't be done in a minute, but would unobtrusively permeate the more flexible minds of young people."

PUBLISHED IN UNITED STATES

Keynes and Strachey used their malignant writings to help contaminate the entire English-speaking world. In the United States they both found expression in the New Republic, the New York Times, and the Saturday Review of Literature.

In 1939, a comrade of Keynes and Strachey named Bertrand Russell came to America to push their obscenitarian socialism and was (he says in his Autobiography) legally charged as "lecherous, libidinous, lustful, venerous, erotomaniac, aphrodisiac, irreverent, narrow-minded, untruthful, and bereft of moral fiber." His aborted object had been to permeate the College of the City of New York with the corruption of the British Fabians. Immediately, John Dewey and other American Fabians organized to cry that "Academic Freedom" was under attack. The National Education Association and the whole Leftist educational complex began to percolate pervasive degeneracies as being "Liberal" and "progressive."

The works of Keynes, Lytton Strachey, and Bertrand Russell have been, and are today, required reading in almost every college and university in the United States and Canada.

In the spring of 1905 Keynes and his lavender cohorts had been thrilled by a conference of Russian revolutionaries in London. British Fabians and Joseph Fels, an American soap manufacturer who was also a Fabian, had financed the Russian gathering and furnished them a hall in a Christian church. Key revolutionaries at this London conference included Nikolai Lenin, Leon Trotsky, and Joseph Stalin.

BECAME PACIFISTS

Keynes and his fellow debauchees became active pacifists and conscientious objectors during World War I. The socialist position against military service dovetailed perfectly with the homosexual aversion to any kind of physical danger and the manly requirements of military training. Yet, in spite of Keynes' sheltering of "queer conchies," and his own refusal to serve his country, he was made the head of an important division of the British Treasury. During March of 1917 he confided privately that he supported the bolshevik group among the Russian socialists after the overthrow of Czar Nicholas.

The seizure of power by the bolsheviks in November of 1917 elated Keynes and the rest of the Fabian coterie. At leftist parties in London, Keynes and his fellow perverts celebrated by dressing in women's clothes and performing lewd dances. He has as his consort an eighteen-year-old boy who was ensconed as his assistant in the Treasury Department.

Just before the Bolshevik Revolution, Keynes had made a hurried trip to the United States for the British Government. Here he had a chance to make contact with the American Fabians who were similarly entrenched, via the Frankfurter-Lippmann group, in key positions of the Wilson Administration.

On February 22, 1918, Keynes proudly boasted of "being a bolshevik." Yet the British Government blindly sent Keynes to the Versailles peace talks. There he joined forces with his Fabian American comrade, Walter

Lippmann, who was among those representing the equally blind U.S. Government.

In 1919 Keynes authored The Economic Consequences Of The Peace, which was promptly acclaimed from Moscow by Nikolai Lenin, himself. The Red dictator declared: "Nowhere has the Versailles treaty been described so well as in the book by Keynes." A special edition of The Economic Consequences was printed under the label of the Fabian Society; and, Frankfurter and Lippman brought the manuscript to the United States and arranged with Harcourt and Brace to publish it here. The volume became required reading among American socialists and Communists.

LENIN PROTECTS

However Keynes' value as a hidden Red was in danger. The Fabians had developed the posture of "respectability" to a fine art and the value of Keynes' book as an "impartial work" was in jeopardy. With Keynes' future usefulness in upper-class circles at stake, Lenin had personally come to the rescue. He pulled the classic Leftist double-twist, praising Keynes' book as a model for Communist revolutionaries and at the same time covering for Keynes by labelling him as "anti-bolshevik."

Thus was launched the career of Fabian leader Keynes as a "non-Leftist" and "non-Communist."

In 1925, John Maynard Keynes was married. It was a bizarre performance. His best "man" was Duncan Grant, his male lover for many years, and intimates swear that Keynes held Duncan's hand as the marriage vows were spoken. But the background of the bride was equally odd. She was Lydia Lopokova, the premiere ballerina of the Diaghilev Ballet. She was an habitue of Leftist circles, and had at one time been engaged to Heywood Broun, the well known socialist and confidant of Leon Trotsky, but had broken the engagement to marry a dwarf named Marocchi.

Following the wedding to Comrade Lydia, Mr. and Mrs. Keynes were the special guests of the Soviet Government.

Meanwhile, the perversion continued apace. It was quite a pace. As I have noted in the new edition of Keynes At Harvard:

Keynes had relations with Strachey; Strachey had affairs with Duncan Grant; Keynes stole Grant from Strachey; Lytton's brother James Strachey adored Rupert Brooks, but so did Keynes; Strachey reports to G. E. Moore on seduction of new boys; Keynes steals Edgar Duckworth from Lytton . . . Strachey and Keynes promote obscenitarian talk in colleges; Lytton lives with Dora Carrington, a Lesbian; Carrington solicits homosexual partners for Lytton; Keynes, Lytton and Carrington have orgies . . .

INCREDIBLE SUCCESS

The Fabian homosexual circle was incredibly successful in gaining influence and control in a wide area of activity. They staked out the entire British Empire and the United States as well.

J. M. Keynes became the mastermind behind the economic structure of British and American socialism. Strachey was responsible for writing books that undermined the Christian ethic of the Nineteenth Century and set the tone for the pornographic and depraved literature of today. Leonard Woolf worked out the details of the socialist drive for World Government. He was not only the architect of the League of Nations but outlined the structure of the United Nations.

Others of this perverted group of Keynesians have set the tone in art, music, education, and religion. Today, alas, even the President of the United States says: "I am now a Keynesian in economics." It is disgusting!

WHO ARE THE IMPERIALISTS?

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. SCHMITZ. Mr. Speaker, James Burnham, "Suicide of the West," said:

> What is ending in our age is not empire, but merely the empires of the West.

Incredible as it may seem, some Americans really do suffer under the delusion that the United States, and the West in general, is imperialistic. Those who watch television news, with the inordinate amount of time it devotes to our credit card revolutionaries, are aware that the label of imperialist applied to the United States has become a favorite cliche of the radical left.

The utter disregard of the historical record necessary to adhere to this view may be easily demonstrated. The fact that this view exists and appears to be gaining in credibility when in the last 25 years over 1 billion people—one-third the population of the planet—have been granted independence by the Western nations, is a staggering example of the efficacy of the big lie.

The imperialistic nature of the West is an unassailable tenet of Marxist-Leninist dogma. Supporting facts and figures are manufactured and the theme is constantly reiterated both by the organs directly controlled by the agit-prop sections of the Communist parties and by various fellow-traveling publications. Repetition in this case has proved to be a powerful form of rhetoric.

The chart which follows simply establishes some historical facts. Independence from Western administrative control has frequently resulted in bloody tribal warfare, coup followed by countercoup, with all the side effects of chronic instability, the establishment of individual dictatorships, the opening up of these nations to Communist domination, and a decided lowering of the general well-being of the inhabitants. Absorption by the Communists has brought with it all the trappings of totalitarianism including the wholesale purges of minority groups, planned famines, and the complete suppression of political and religious freedom:

NEW INDEPENDENT NATIONS SINCE WORLD WAR II

Country	Area	Population	Year of independence	Former control
Algeria	919, 352	12, 943, 000	1962	French.
Barbados	166	251, 000	1966	British.
Botswana	238, 605	629, 000	1966	Do.
Burma	261, 721	26, 389, 000	1948	Do.
Burundi	10, 744	3, 406, 000	1962	Belgian.
Cambodia	69, 898	6, 557, 000	1949	French.
Cameroon	183, 381	5, 562, 000	1960	Do.
Central African Republic	241, 000	1, 518, 000	1960	Do.
Ceylon	25, 332	11, 964, 000	1948	British.
Chad	495, 624	3, 361, 000	1960	French.
Congo (Brazzaville)	132, 000	826, 000	1960	Do.
Congo (Kinshasa)	905, 328	16, 730, 000	1960	Belgian.
Cyprus	3, 572	621, 000	1960	British.
Dahomey	44, 685	2, 571, 000	1960	French.
Equatorial Guinea	10, 830	286, 000	1968	Spanish.
Fiji	7, 055	519, 000	1970	British.
Gabon	103, 000	480, 000	1960	French.
The Gambia	4, 003	357, 000	1965	British.
Ghana	92, 100	8, 376, 000	1957	Do.
Guinea	97, 000	3, 702, 000	1958	French.
Guyana	83, 000	710, 000	1966	British.
Iceland	39, 758	200, 000	1944	Danish.
India	1, 261, 483	523, 893, 000	1947	British.
Indonesia	735, 268	112, 800, 000	1949	Dutch.
Israel	7, 992	2, 813, 000	1948	British.
Ivory Coast	127, 520	4, 200, 000	1960	French.
Jamaica	4, 411	1, 900, 000	1962	British.
Jordan	37, 738	2, 071, 000	1946	Do.
Kenya	225, 000	10, 209, 000	1963	Do.
South Korea	38, 012	30, 400, 000	1948	Japanese.
Kuwait	6, 178	555, 000	1961	British.
Laos	91, 429	2, 825, 000	1949	French.
Lebanon	4, 015	2, 367, 000	1943	Do.
Lesotho (Basutoland)	11, 716	1, 000, 000	1966	British.
Libya	679, 182	1, 869, 000	1951	Italian.
Malagasy	228, 000	6, 643, 000	1960	French.
Malawi	48, 443	4, 285, 000	1964	British.
Malaysia	128, 430	11, 835, 000	1957	Do.
Maldive Island	115	104, 000	1965	Do.
Mali	478, 640	4, 900, 000	1960	French.
Malta	95	319, 000	1964	British.
Mauritania	397, 850	1, 120, 000	1960	French.
Mauritius	720, 000	810, 000	1968	British.
Morocco	171, 843	14, 816, 000	1956	French/Spanish.
Nauru	8	6, 053	1968	Australian.
Niger	489, 062	3, 909, 000	1960	French.
Nigeria	356, 574	62, 650, 000	1960	British.
Pakistan	365, 532	109, 520, 000	1947	Do.
Philippines	115, 800	35, 993, 000	1946	American.
Rwanda	10, 170	3, 306, 000	1962	Belgian.
Senegal	76, 104	3, 685, 000	1960	French.
Sierra Leone	27, 625	2, 475, 000	1961	British.
Singapore	225	2, 004, 000	1965	Do.
Somalia	246, 000	2, 500, 000	1960	Italian/British.
Southern Yemen	111, 080	1, 146, 000	1967	British.
Sudan	967, 275	14, 979, 000	1956	British/Egyptian.
Swaziland	6, 705	375, 000	1968	British.
Syria	71, 228	5, 738, 000	1944	French.
Tanzania	362, 820	12, 926, 000	1961	British.
Togo	22, 000	1, 818, 000	1960	French.
Tonga	270	81, 000	1970	British.
Trinidad and Tobago	1, 980	1, 010, 000	1962	Do.
Tunisia	63, 379	4, 533, 000	1956	French.
Uganda	93, 981	8, 133, 000	1962	British.
Upper Volta	105, 946	5, 278, 000	1962	French.
South Vietnam	66, 263	17, 414, 000	1954	Do.
Western Samoa	1, 097	137, 000	1962	New Zealand.
Zambia	290, 586	4, 144, 000	1964	British.
Total	13, 223, 124	1, 153, 452, 053		

HERE IS THE SOVIET AND COMMUNIST CHINESE RECORD AS OF 1970

	Area (square miles)	Population (before annexation)
Territories annexed:		
Romanian provinces	19,446	3,700,000
Estonia	18,353	1,122,000
Latvia	25,400	1,951,000
Lithuania	22,059	2,957,000
Northern East Prussia	5,418	1,187,000
Eastern Czechoslovakia	4,900	731,000
Eastern Poland	70,000	11,800,000
Finnish provinces	18,000	450,000
Tannu Tuva	64,165	65,000
Japanese possessions	17,850	433.000
Tibet	560,000	1,200,000
Total	825,591	25,596,000
"Socialist camp" dependencies:		
Albania	11,100	2,019,000
Bulgaria	42,845	8,370,000
Cuba	44,218	8,074,000
Czechoslovakia	49,370	14,362,000
Eastern Germany	41,500	16,100,000
East Berlin	155	1,100,000
Hungary	35,919	10,284,000
Poland	120,632	32,207,000
Romania	91,660	19,721,000
Outer Mongolia	604,090	1,174,000
North Korea	46,814	13,100,000
North Vietnam	63,360	20,000,000
Total	1,151,663	146,511,000
Total annexations and dependencies	1,977,154	172,107,000
Under attack:		
Cambodia	69,898	6,557,000
Laos	91,429	2,825,000
South Vietnam	66,263	17,404,000
Total	227,580	26,786,000
Grand total	2,204,834	198,893,000

VICE PRESIDENT A DIVISIVE INFLUENCE

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. JACOBS. Mr. Speaker, comes now Vice President AGNEW and says:

> So that there can be no misunderstanding about my feelings on this subject, I not only plead guilty to this charge (being a divisive influence in American politics) but I am somewhat flattered by it.

The Vice President goes on to explain that he is a "positive" divisive influence.

So I took down my copy of the American Political Dictionary and found under the term, "positive divisiveness," the following definition:

> One who calls those with whom he disagrees "Christine Jorgensen," "pusillanimous pussyfooters," "nattering nabobs," and a whole bunch of other stuff.

In conceding his own divisive influence on our country, the Vice President has insisted that the far left is divisive too.

No argument there from those of us who all along have deplored the hateful and divisive ways of both the far right and the far left.

In essence the Vice President's remarks are me-tooism in reverse—"them too, but they can do it worse."

In any case, the divisiveness of the Vice President about which you can be most positive is the clear division between what he has been saying on behalf of the administration and the inaugural words of the administration, "bring us together."

MARINE LANCE CPL. JAMES D. HOWE

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. DORN. Mr. Speaker, the following concurrent resolution was introduced by the Pickens County delegation and adopted by the South Carolina General Assembly honoring the memory of Marine Lance Cpl. James D. Howe, posthumous recipient of the Congressional Medal of Honor.

The resolution follows:

> TO HONOR THE MEMORY OF LANCE CORPORAL JAMES DONNIE HOWE OF LIBERTY, SOUTH CAROLINA, POSTHUMOUS RECIPIENT OF THE CONGRESSIONAL MEDAL OF HONOR
>
> Whereas, Lance Corporal James Donnie Howe of Liberty, South Carolina, was recently awarded our Nation's highest tribute, the Medal of Honor, for gallantry far above the call of duty in service as a Marine in Viet Nam; and
>
> Whereas, Corporal Howe, the twenty-one year old son of Mr. and Mrs. Odis S. Howe, gave his life to save the lives of fellow Marines by covering an enemy grenade with his body in a combat situation; and
>
> Whereas, by his devotion to duty at the cost of his life this young gentleman from Pickens County has earned forever a place of honor and respect in the hearts of all South Carolinians, and indeed the entire Nation; and
>
> Whereas, despite the tragedy of his death, the sorrow of his family and the loss to the community, the memory of this young man will provide an example and inspiration to those who must follow in his footsteps, for "Greater love has no man than this, that a man lay down his life for his friends."; and
>
> Whereas, the people of South Carolina would most certainly wish to honor the deed and memory of Lance Corporal Howe.
>
> Now, therefore, be it resolved by the House of Representatives, the Senate concurring:
>
> That the General Assembly by this Resolution recognizes and salutes Lance Corporal James Donnie Howe, posthumous recipient of the Congressional Medal of Honor for gallantry and intrepidity above and beyond the call of duty while serving as a rifleman with the First Marine Division in Viet Nam on May 6, 1970.
>
> Be it further resolved that the members of the General Assembly would at this time recall that James Donnie Howe joins perhaps the most select group of men from Pickens County, Pfc. Furman L. Smith, Pfc. William A. McWherter and Pfc. Charles H. Barker, other Medal of Honor winners whose valiant deeds are not forgotten.
>
> Be it further resolved that copies of this Resolution be forwarded to Mr. and Mrs. Odis S. Howe, Wanda Howe, Brenda Howe and Sandra Howe, all of Liberty and Mrs. Shirley Ann Edens of Pickens with the assurance that their sorrow and loss is tempered with a pride which few persons are allowed to share.

AMBASSADOR PORTER ADDS REFRESHING DIMENSION TO PARIS PEACE TALKS

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. HUNT. Mr. Speaker, a little-noticed news article appeared in the inner pages of the Washington Post on October 1 which caught my attention because its heading highlighted a reference to the Paris peace talks in which there seems to have been a sustained lack of interest of late. Upon reading the article, however, I was surprised that it had not been given a higher priority than page A22 inasmuch as it was reporting on the activities of the President's newly appointed negotiator at the talks, Ambassador William J. Porter. Even more significant was what the Ambassador had to say to his North Vietnamese and Vietcong counterparts. His remarks were in reference to the persistent demands by the Communists for a total and unconditional withdrawal of American troops from South Vietnam. Quoting the excerpts verbatim from the news story:

> You apparently overlook the fact that your military position is unimpressive. One needs only to keep in mind that, of the 300 or so district and province capitals in South Vietnam, you do not hold a single one after these many years of war, and your best military efforts.
>
> You are, in fact, further from military victory than ever. In such circumstances, your use of peremptory language seems rather pretentious. Perhaps the use of such language is intended tc conceal your lack of authority and military success in South Vietnam, but I would suggest that . . . you keep in mind that your negotiating proposals . . . would be much more effective if they reflected a greater sense of realism on your part.

Mr. Speaker, as I read this forthright statement of fact, I could not help but get the impression that the former stance of our negotiating team was one of not doing anything to offend the Communist negotiators for fear they would pick up their marbles and go home. Regardless of the validity of that impression, no one can dispute the fact that we have taken the brunt of the propaganda beating at the Paris peace talks and I am quite certain that the primary reason for this is the predisposition of the news media.

It is my firm belief that if we had not crawled into the conference room at the peace talks on our hands and knees in the first place, the war would have ended long ago and we would not now be faced with the impossible negotiating stance of the Communists of trading our POW's for a commitment to set a deadline for the withdrawal of American troops.

Perhaps the new vigor and candidness of the Ambassador reflects the air of futility that has plagued the peace talks, but it is certain to add stature and credibility to the United States/Vietnamese position in contrast to the pompous rhetoric of the implacable and arrogant Communist negotiators.

JUSTICE HUGO L. BLACK

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. GONZALEZ. Mr. Speaker, only a few men have ever had the honor to be named a member of the U.S. Supreme Court. Hugo Black was one of these. Fewer men still come to be recognized as great Justices—men who leave their personal imprint on the highest body of law in the land. Hugo Black was one of these.

The Supreme Court is a unique body; it has no equal anywhere in the world. The Court represents the living Constitution, safeguards it and passes it on, ever changing and yet always intact, the foundation of our laws and our Republic. I suppose that not many citizens know who the members of the Court are, but virtually all citizens honor it without question. It is the Court that assures us all that this is a government of laws, not of men; and it is the Court that is our ultimate defense against assaults on liberty. Every act of our Government is subject to measurement against the single standard of the Constitution, and it is the Court that applies the measure. The burden and the glory of the Court are impossible to imagine; the weight of its work and the import of its decisions affect us all, and so we have all the more reason to be grateful for the outstanding men who have graced it. Hugo Black was one of these.

Controversy is not new to the Supreme Court; by its very nature the Court is called upon to settle the fundamental legal issues of the country. Nor was the Supreme Court free of controversy when Hugo Black was named to be a member in 1937. Indeed the Court had just emerged from a storm of political controversy, in which there had been bitter attacks.

Mr. Justice Black was no patrician; his background hardly seemed suited to the great tribunal. He had been a senator, once had even been a member of the notorious Ku Klux Klan; and his legal credentials were not impressive. His judicial experience was limited to the role of a former police judge.

But Hugo Black earned the highest respect of the Court. He served on it almost longer than any other man, and he became its intellectual leader. He was not the legal craftsman that his colleague Justice Harlan was, but he was unquestionably the guiding spirit of the Court.

It was Justice Black who said that the 14th amendment bound all the States to the Bill of Rights, and that therefore every citizen of every State was covered by those amendments. And though his was at first a minority voice, his idea became the doctrine of the Court later, and from it flowed a whole body of law, perhaps the greatest single bulwark to assure every citizen in the land of equal rights. Thanks to this doctrine, the States must apply to every citizen those same standards prescribed for the Federal Government, measured against the same Constitution—the right to counsel, the universal freedom of speech and press, protection against self-incrimination—all those politicial rights and protections that are the essence of freedom.

Black was a strict constructionist, in the highest sense of the term. He applied the law as he saw it, and though he was considered among the "liberals" of the Court he was no prisoner of doctrine; his decisions sometimes confounded and dismayed his stanchest admirers. Yet none faulted him, for Black very simply applied the law as he saw it.

Black was not particularly concerned that he would leave the court some day; he was aware of his mortal state; he did not regret that his career would some day end. For he had faith in the judicial system, which he had served so long, faithfully, and well. He had an abiding faith in the law and in the Constitution; he had seen the law grow, and with it his faith, and in him they became one, living testament to the strength of the Court that he served so honorably and well.

Few men can serve on the Supreme Court, and fewer are great members of that honorable body. Mr. Justice Black has earned his rest; we are in his debt, and we shall miss him.

THE LATE HONORABLE WILLIAM COWGER

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, the news of the sudden and unexpected death of one of our former colleagues, Bill Cowger, of Kentucky came as a very real shock and sorrow to Mrs. Steiger and me.

Bill Cowger and I both came to Congress in 1967; he was a close and valued friend during his 4 years of service. Bill Cowger took the lead in urban affairs and had an exceedingly fine record in the House of Representatives. He was chairman of the House Republican Task Force on Urban Affairs and carried on an excellent program of education and legislation.

During his service as mayor of his home city, Bill Cowger successfully undertook to reconcile differences that divided groups and individuals. He made that city a better place to live in. His years as mayor of Louisville made him one of the most knowledgeable House Members regarding urban needs.

His family can be assured that the memory and leadership of Bill Cowger will be with us for a long time to come. In his short lifetime he made an extraordinary contribution to his Nation and to all those who came in contact with him.

Mrs. Steiger joins with me in extending our deepest sympathy to his family.

DRUG ABUSE PREVENTION WEEK IDEAL TIME TO RENEW EFFORT TO SECURE ACTION ON COMPREHENSIVE DRUG TREATMENT BILL FOR SERVICEMEN

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. BAKER. Mr. Speaker, many of my colleagues, as I have introduced legislation to control drug abuse, particularly heroin addiction, among our U.S. troops abroad. During Drug Abuse Prevention Week, it is important to reemphasize the importance of prompt action on this legislation. We must keep in mind that we risk losing an entire generation of young Americans to the scourge of heroin addiction unless we wage an all-out war on drug abuse.

The bill my colleagues and I are cosponsoring presents a two-pronged approach to the rehabilitation of addicted U.S. servicemen. It provides funds for an accelerated attack upon drug abuse among our men in uniform.

Our measure would allocate funds for the Department of Defense to develop an efficient and thoroughly reliable means of detecting heroin addicts. Accurate and prompt identification of military addicts is essential if these men are to be rehabilitated before being discharged from our Armed Forces.

Our bill would also make additional funds available to our Armed Forces for increased detoxification and rehabilitation services.

The second stage of the measure provides for extended rehabilitation programs where military efforts prove unsuccessful. Under the bill, the unrehabilitated addict could be assigned by the Administrator of Veterans' Affairs for a maximum period of 3 years to any existing civilian rehabilitation program, including that operated by the VA itself, and those of the Public Health Service, National Institute of Mental Health, and State and community rehabilitation centers. Funds would be appropriated, under this bill, to expand military, VA, and other treatment facilities to accommodate addicted veterans.

In my opinion, one of the most significant points of our bill is its provision to crack down on in-service drug pushers. The measure provides for mandatory jail sentences without possibility of parole for those convicted of peddling narcotics to our servicemen.

In America today, we face a very serious, tragic, and baffling problem in drug abuse. Unless we immediately undertake a massive rehabilitation program, the number of young Americans becoming addicted in Southeast Asia will compound this severe national problem.

The latest study conducted by a special House Foreign Affairs Committee has revealed some 30,000 to 40,000, or 10 to 15 percent of our U.S. troops in Southeast Asia, are addicted to heroin. In some units, estimates of addiction rates run even higher—up to 25 percent. Clearly, the problem is serious.

When we study figures revealing U.S. military deaths due to drug abuse, we can see the severity of the problem even more clearly. In a 5-month period, between August and December 1970, 59 U.S. servicemen in Southeast Asia died of drug overdoses. Since then, drug-related deaths among our men in uniform have averaged 18 per month. If this trend continues, it is estimated over 200 young Americans will die of heroin addiction this year.

Heroin addiction at home, too, is on the rise. Once confined to our inner-city ghettos, heroin addiction has spread to smaller towns and cities and suburbs of major metropolitan areas. The National Institute of Health has estimated there are at least 250,000 heroin addicts in the United States, excluding the number in uniform overseas.

When we review the cost of financing the average heroin habit, it is easy to see the tremendous cost of addiction to our society in terms of crime alone. Experts say the average heroin addict must spend a minimum of $30 a day, or nearly $11,000 per year, to finance his habit. Authorities further estimate the average addict must steal goods worth at least four times that figure—or $44,000 worth of merchandise—to buy these illegal drugs. Any legislation to curb addiction, therefore, will pay for itself many times over in the long run.

Current efforts by the military to curb growing addiction rates have met with only limited success. Educational programs relating to drug abuse in some units may have had some success in discouraging servicemen not to become addicted to heroin, but rates of cure in existing rehabilitation programs are discouraging. Current efforts have been hampered by the fact there are now no adequate, reliable procedures for detecting heroin addiction. Improved programs of urinalysis are needed, and our measure would provide funding for necessary research in this area.

In addition, success of present rehabilitation programs has been limited by the fact participation by addicts has been on a voluntary, not mandatory, basis. Our bill would make participation required.

An extensive program combining education and rehabilitation is necessary if we are to curb addiction among our troops. At the same time, of course, we must continue to enforce sanctions upon governments in countries where U.S. troops are stationed to halt the illegal flow of opium into these areas. The fight to curb addiction would be greatly aided if we could cut off the heroin supply at its source.

Our bill is in line with recommendations of the House study committee and will implement President Nixon's announced massive program to curb drug abuse throughout our society. I believe this measure will take a giant step forward in helping to curb a potentially disastrous new source of drug addiction in our society.

I heartily concur with the President that the time for an extensive battle on drug abuse is here. I join with my colleagues in supporting the committal of all available U.S. resources into this battle. Short-term costs will be heavily counterbalanced by the immense long-term gains to our Nation.

COMMUNITY DEVELOPMENT NEEDS

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. ALEXANDER. Mr. Speaker, a fact sheet prepared by the Bureau of the Census to present some of the highlights of the 1970 census contains some facts which I find particularly worth reviewing during any consideration of community development needs in nonmetropolitan areas.

For instance, about one-half of the Nation's counties lost population between 1960 and 1970. In addition, another one-fourth of the counties had a low rate of growth. Of the counties which showed a decrease in the last decade, two-thirds of them had also lost population between 1940 and 1960. Since 1960, the farm population has declined by approximately one-third. This population group dropped from about 15 million to some 10 million persons.

The migration pattern is well established. Coastal areas continue to grow as outmigration goes on in the midcountry region. The shift continues from rural to urban. Residents leave the sparsely populated areas in search of jobs. The small towns' and counties' tax base continues to shrink. They cannot afford to carry out economic development programs on their own. Thus work opportunities in these areas expand little, if at all, and more often than not, they diminish.

As I have repeatedly reminded my colleagues, we need to widen our horizons in the effort to solve the Nation's economic, population, and social ills. At least as much attention must be paid to the salvation and development of small towns and communities which these migrants are forced to leave in search of jobs as is put into solving the urban crisis.

In line with this, I would like to share with my colleagues testimony presented at my August 30 hearing in Brinkley, Ark., on community development needs. This informative statement was made by the very able J. Dan Roebuck, executive director of the Arkansas Industrial Development Commission.

Mr. Roebuck's testimony follows:

TESTIMONY PRESENTED AT COMMUNITY DEVELOPMENT PROPOSAL HEARING

Congressman Alexander, I am Dan Roebuck, Director of the Arkansas Industrial Development Commission. I am appearing at this public hearing in support of your proposed legislation for a community development bank which would lend money on favorable terms to local county and municipal governments to enhance economic development prospects.

So many people in high places are wringing their hands over the problems of U.S. cities that the real picture of America is becoming more and more distorted.

If those who are stewing so much about the problems of the cities would take time to look around America, they would see a land with elbow room to spare. A flight across the country from the Atlantic to the Pacific reveals vast open areas that are beautiful and unspoiled. If more people would drop down off the superhighways that carry them from one city to another, they would find thousands of communities where the quality of life is in sharp contrast to the fears and frustration of big-city living. In these communities removed from the teeming urban areas, crimes of violence are the exception rather than the subject of daily headlines as in big-city newspapers.

Yet, much of the nation's money and brains are devoted to stop-gap solutions of problems in the metropolitan areas while the possibility of solving the problems in rural areas gets relatively little attention. So far, heavy spending on U.S. cities seems only to have brought a greater and greater concentration of unemployable people into their crowded confines. At the rate of 500,000 to 600,000 a year they come, many of them completely unprepared for a useful role in big-city life. New slums spring up as fast as the old ones can be rooted out, or faster.

Many people are wondering what will stop this greater and greater big city concentration. People are going to move where they want to and the mobility of the American people is well established. If the jobs are available in the metropolitan areas, the people are going to those jobs. By the same token, if jobs are available in the thousands of small towns and cities away from the metropolitan areas, I think most of the people in the rural areas will not move. They will prefer to live in the circumstances in which they were raised. People everywhere can read. They see television and they read the papers. They know about urban crowding and the urban crimes. They also know that smaller places are friendly. They know that in the small town or city it takes only five to fifteen minutes to travel between home and work.

There is a good deal of industrial decentralization going on right now. Industrial plants are springing up in many places throughout the country, but they are also still springing up in the metropolitan areas as well and in greater population. At the present time we have a continuation of the trend to greater and greater big-city crowding.

By the latest figures available, the number of people employed in manufacturing plants in the rural counties is about 1.1 million and has gone up only 450,000 in 20 years. The number of people in manufacturing plants in metropolitan areas is 8.5 million and has gone up 3.4 million in 20 years, over seven times as much as in the rural counties.

If manufacturing were to schedule a fair share of their new plants to the smaller places distant from the metropolitan areas, this could well bring down the wrath of the metropolitan chambers of commerce and real estate promoters, but it shouldn't. Even if there were no more manufacturing plants built in the already overcrowded urban areas, there is still more cleaning up to do, more building expansion, more growth in the urban centers than probably can be handled well.

The fact that there is considerable unemployment in the poor sections of big cities would seem to argue for concentrating new plants in such areas. This seems to me to be a superficial conclusion. There are plenty of job opportunities now in the big cities for trained people.

If most of the new manufacturing plants are loaded into the metropolitan areas, this won't solve the unemployment problem of the uneducated, but it will cause millions more from the rural counties to drift to the big cities to look for jobs.

Steps must be taken to upgrade the image and facilities in the smaller communities in order to alleviate the unemployment problems in the larger cities and to reduce the migration of people to the larger cities. This, however, requires considerable planning and effort to reverse.

Recognizing that a business is only, in essense, a group of people assembled together in a physical facility, communities which are actively seeking new industry, recognize that making the family of the employee contented makes for happier employees and higher productivity. The personal amenities, then, are more and more considered vital by smaller communities.

There are, however, some obstacles to operating manufacturing plants in the small communities. The difficulties might be considered to be these: lack of management and executive personnel, reluctance of some company executives or their wives to take assignments in small communities, lack of trained mechanical workers, inadequate utilities, poor housing supply, including rental and lack of construction work forces.

Obviously, every business doesn't belong in the small community. It happens that there is an enormous segment of the business complex that can't be disassociated from the greater population of the metropolitan centers. Specifically the services industry which includes retailing, wholesaling, utilities, transportation, construction, entertainment, banking, insurance and all other types of services that are necessarily indigenous to the population. They must be located where they are needed. It also happens that the services part of our economy is our fastest growing portion and now exceeds in employment the manufacturing part. The metropolitan areas will have their hands full adjusting to the growth in the services industries without further massive manufacturing plant loads.[1]

Mr. Chairman, I agree with your statement that the problems of metropolitan areas like New York are inextricably tied to those of places like Strawberry, Arkansas. I have tried to point out some of the challenges that face us in solving metropolitan problems and to touch on the tremendous potential of labor and resources in our country's rural areas and smaller communities. Since there is a just correlation between the problems of metropolitan and non-metropolitan areas, I would like to present some specific areas of concern to us at the Arkansas Industrial Development Commission.

Perhaps the biggest need for us in Arkansas is to develop leadership in our communities. We need also to develop youthful leadership which will provide a reservoir of talent to solve the problems of tomorrow. We need to encourage our elected officials, both city and county, to identify the community problems and plan approaches to solve these problems. These elected officials should, and are in many cases, taking the lead by analyzing their community needs and outlining ways to fulfill them. These community leaders should place service above their self and personal interests and make this contagious in their communities. After the community leaders have set the goals and objectives, alternatives can then be determined to achieve these goals. It is estimated that of 420 incorporated cities in Arkansas, only 10% of these cities have identified their needs and made plans to solve them.

Good jobs and adequate housing are high on the list of needs of Arkansas' communities. Industrialization can help fullfill these needs, but we quickly get into "the chicken and the egg theory," i.e., industry creates housing demand and housing creates job demands. Without delving into this theory any further, we can conclude that industry and housing go hand in hand and would solve many problems if they are available. Adequate jobs in our communities are essential in order to prevent the outmigration of our people. Plans should be made to develop industrial parks in some of our communities in order to have an attractive site for industry.

Our community transportation systems need improving. Many of our residential and business areas need upgrading by providing better streets, water and sewer facilities.

Another need is continuation of the educational activities in public schools and adult vocational schools to upgrade the quality of education of our people. Arkansas has a relatively low per capita income, and I believe this is directly related to both the quality and attainment levels of education. The average educational attainment level in Arkansas is 9.7 years, which again is reflected in our per capita income level.

Better health care delivery systems are needed for all age groups in our communities. Our people must have proper medical attention, in order to accomplish their community objectives.

The natural gas and electrical energy demands on our communities is increasing daily, and there appears to be a shortage of these energy demands. Adequate community growth and development will require solutions of these problems.

Community centers and recreational facilities are needed to provide outlets for our people's needs, especially our young people.

These are a few of the critical needs of our communities which must be met in order to stimulate our smaller communities and help prevent problems in our metropolitan areas.

The total funding requirements to accomplish these needs will be astronomical. However, many of the communities in our state would be most cooperative in sharing this cost in order to make the total funding requirements more feasible. Some of our communities have such a low tax base that obtaining matching funds is very difficult. Communities such as these may require grants in order to give them the initial stimulus to develop themselves.

Part of the low tax base situation in Arkansas has been enhanced by the recent legislative session which expanded the tax base. Hopefully, this increased base will provide additional funds to our communities to use in their development.

Industry will play a key role in community development by providing jobs to the people who in turn will boost their local economic situation.

To illustrate what I am saying I would like to present some statistics from the United States Chamber of Commerce. A plant which will employ 100 people in a typical community will provide the following:

296 more people, 112 more households, 51 more school children, $590,000 more personal income per year, $270,000 more in bank deposits, 107 additional car registrations, 174 more workers employed, 4 additional retail establishments, $360,000 more retail sales per year.

An industrial center occupying 1.2% of a town's total area costs the town $25,000 in municipal services, yet pays $292,000 in taxes, saving each property owner an average of $45 per year.

I think these figures speak for themselves.

Arkansas had a population gain of 137,000 (7.7%) between 1960 and 1970, and an estimated net outmigration of 51,000 persons from the State. It is estimated that during the 1960's that there was a net in-movement of 43,000 whites into the State and that there was a net outmigration of 94,000 nonwhites, increasing a migration rates for the two groups of 2.9% and −25% respectively. Thirty-four of the State's 75 counties experienced net in-migration for a total of 88,000 between 1960 and 1970 and the remaining 41 counties a net outmigration of 139,000. These net outmigration rates ranged from −1% in Madison and Craighead Counties to a high of −31% in Mississippi County. Practically all of the 41 counties that experienced a net outmigration during the past 10 years are located in the State's Eastern and Southern Regions.[2]

A dollar amount has not been calculated for the loss of the outmigration, but it is obvious that this loss is substantial.

There are many existing federal programs which are aiding cities and counties in their community development projects. The Planning and Development Districts have improved the health, social and economic situations in their regions. The Farmer's Home Administration is actively assisting in housing loans in our rural areas. The Green Thumb Project (Program for the Aged) has provided jobs for our retired people by developing parks and recreational facilities for others to enjoy. HEW and HUD are also actively developing community resources in many ways.

The attitude of many municipal and county officials towards existing federal programs could be improved. Some of the comments we have heard are that there is a maze of "red-tape" to weave through and many stringent requirements in order to receive federal money. On many of the 50–50 matching programs, the moneys are funded equally, but the federal programs completely dictate how the money may be spent. Many officials believe that there is too much overlapping of programs and planning and not enough coordination of efforts. Specifically these officials would like to see a state-wide clearing house with the authority to set priorities on funding requirements in areas such as job training, recreational development, health care improvements and economic development. Many officials feel that there is too much federal money siphoned off the top for administrative functions and little left for doing what the funds were intended to do. Some officials would like to see more multi-agency funding for common community and regional interests.

I have briefly summarized the status and potential of our Nation's rural areas and smaller communities and firmly believe that the solution of many of our metropolitan problems can be solved at the smaller community level. We have a tremendous reservoir of people and resources that provide us an outstanding potential.

The needs that I mentioned are, in my opinion, extremely urgent and I strongly believe that your proposed community development bank legislation could greatly assist us in fulfilling these needs through federal government low interest, long term loans to our communities.

It is my hope that your proposed legislation will provide ways and means to solve some of the challenges I have mentioned. Thank you very much for inviting me to appear before you.

This is the third insertion into the CONGRESSIONAL RECORD of testimony and other material which I have gathered during my search for ways to assist community development in areas of low population. Other material on this subject appears in the CONGRESSIONAL RECORD of September 22 on pages 32740 and 32741, and of October 1, 34505 and 34506.

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[1] Excerpts from Maurice Fulton.

[2] Arkansas Population Migration Estimates, 1960–1970, Forrest H. Pollard and Kenneth D. Jones.

HELPING THE HOMEBOUND HANDICAPPED

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. PRICE of Texas. Mr. Speaker, I am pleased to add my support and sponsorship to legislation on behalf of the homebound handicapped children of this country. These children have an impossibly difficult time in securing an adequate education. This is a problem we have been neglecting in this country for far too long, and I believe this bill when enacted will serve as an important first step in meeting an essential need.

There are over 7 million handicapped children under the age of 19 in the United States, a figure that represents almost 10 percent of the total number of children in that age group in this country. For many years the educational needs of the handicapped were largely unmet, but during the past decade or so, the Congress has enacted a number of far-reaching legislative programs designed to bring special education services to children with handicaps. These programs have been largely successful for those children that have been reached, but even so, there are still millions of handicapped children whose needs are as yet unmet. In 1968–69, for instance, only 2¼ million of the slightly more than 7 million handicapped children in the United States were served by special education programs.

Mr. Speaker, the facts are clear. There are still many handicapped children for whom adequate educational programs are not yet available. This is why I am sponsoring legislation designed to meet the very special needs of the million or so young people in this country described as homebound handicapped. These children, because of one handicap or another, are not able to attend classes in a school for varying lengths of time. They suffer immeasurably from this inability to attend classes. The majority of existing special education programs for the handicapped are designed to utilize special techniques and materials in the context of special classes within a school facility. Because of their lack of mobility, the homebound handicapped cannot benefit from such programs.

To benefit from an educational experience, the homebound handicapped require individual attention within their own homes. This is what this bill will provide. The bill will authorize Federal funds to State educational agencies for the development of programs using college students as tutors for individual homebound handicapped children. It also provides a special preference for the use of disabled veterans and other handicapped college students as tutors under the program. Besides providing valuable educational assistance to homebound handicapped children, the program will provide an opportunity for handicapped students to supplement their incomes as tutors while they are furthering their education.

The legislation I am sponsoring today will create a modest program in comparison with other Federal aid programs, but it can also be of invaluable assistance to the million homebound handicapped children of this country. Their needs have been forgotten and neglected for too long.

There is one final aspect of this matter which must be considered, Mr. Speaker; namely, that this legislation gives young people participating in this effort a chance to involve themselves in community affairs in a direct and rewarding way.

I have often stated that today's youth face three basic choices when they consider their future; drop out of society; join the youth rebellion and become a rock thrower; or, join with other concerned individuals of differing ages and attempt to make our world a better place to live.

This legislation is a small but important way to give concerned youth a chance to help others in need while at the same time enriching themselves. It represents an opportunity that Congress should examine very carefully, for it is only through bridges such as this that the gaps in our society will be bridged and our national spirit will be made whole.

JOHN CLARENCE WATTS

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. COLLIER. Mr. Speaker, one of the many rewards that accompany service in this great body is the opportunity to associate with men of varied backgrounds and experience. One learns much from such associations and the resulting exchanges of views. An especially rewarding friendship was the one that I enjoyed with John Clarence Watts, who served in the House of Representatives for over 20 years.

We must ever be mindful that "in the midst of life we are in death," as the Book of Common Prayer so eloquently puts it, but it is nonetheless a shock when a friend of many years suddenly leaves us. One of those whose passing will leave a void was the gentleman from Kentucky, with whom I was privileged to serve on the Committee on Ways and Means.

His years of experience as a lawyer and banker in his native State qualified him to become a valued member not only of that committee but of the Joint Committee on Internal Revenue Taxation as well. On both these important bodies he had attained sufficient seniority to entitle him to a seat next to those of the leaders. His combined legal and financial counsel left its imprint on the revenue measures that emanated from the former committee and eventually became law.

John C. Watts represented his district, his State, and his country with great distinction. While he was devoted to his party and its interests, the good of his country received a higher priority.

May he rest in peace and may God comfort those he left behind.

CROSS FLORIDA CANAL VALUES UPHELD BY FEDERAL COURT

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. BENNETT. Mr. Speaker, the following interesting press release from the Cross Florida Canal Counties Association came to my desk today and I am happy to include it in the RECORD:

JACKSONVILLE, FLA., September 30.—The U.S. District Court here issued a ruling today which refused permission to dismantle a part of the Cross Florida Barge Canal project by the lowering of the Rodman Reservoir.

The ruling by Judge Harvey M. Johnsen of Omaha, Nebraska, made mention of the new "environmental conditions and the enjoyment of them now existing" and was viewed as a major victory by the supporters of the canal project.

The decision was hailed by canal supporters from many of the areas in the state almost immediately after the release of the ruling.

Jack Bush, chairman of the Putnam County Board of County Commissioners, said he viewed the ruling as "evidence that benefits to man will be considered in our courts and that the current status of the trees in question is very highly debatable at this point."

Bush continued, "The decision is obviously a major defeat for the opponents of the canal. I think that in their emotional zeal to destroy the project the opponents may themselves be guilty of the charges that they level against us—that of bringing damage to the environment.

"The self-appointed environmentalists completely ignored the benefits of Lake Okalawaha to our citizens and taxpayers and as Chairman of the County Commissioners in Putnam County, I would like to point out this is a very large benefit indeed. In fact we have already had hundreds of thousands of visitors to this wonderful new recreational lake which they seek to destroy."

The decision was termed to be "just what we expected all along" by Jack Lucas, president of the Florida Waterways Association and chairman of the port and waterway development committee of the Jacksonville Chamber of Commerce.

"We have been convinced and stated publicly on frequent occasions that when the unfounded excuses for lowering the Rodman Reservoir gave way to facts gathered under oath, the proposed lowering would be rejected.

"Today we rejoice in the fact that this expectation has been realized. This is a signal victory and we look forward with great optimism to the forthcoming full court hearings on the legality of the halting of the project and other issues pending."

L. C. Ringhaver, chairman of the Canal Authority of Florida, said, "Judge Johnsen's decision today shows that those persons calling themselves ecologists are not necessarily always acting in the best interests of our environment. The judge weighed courtroom testimony rather than publicity and emotionalism, and he determined that, in fact, the proposed reservoir lowering, heralded as a great benefit to the environment, might actually have created some losses.

"We were naturally very pleased with the outcome of these preliminary hearings and, as we have said before, we are glad that the facts are now being heard in an impartial courtroom setting. Two leading scientists in opposition to the Canal admitted under oath that they had not even visited the project at all before signing letters of opposition. Therefore, it seems to us to be a case of their emotionalism weighing heavily in the mass media but being less convincing under the scrutiny of sworn testimony and cross-examination."

One of the plaintiffs in the case, Gene Loftin, who is also secretary of the St. Johns Bass Anglers Club, said simply, "I'm delighted. It appears that the judge concluded that the stated intent of saving a few trees was a mere pretext for the actual goal of some anti-canal forces to destroy a very valuable recreational area."

He added, "The periodic lowering of the Rodman Reservoir to deter the development of waterweeds was a planned part of the reservoir management. It was lowered to 18 feet for this purpose and would have been restored to the 20 foot level early last spring. Periodic lowering of the reservoir should be done as part of a sensible fish management program and certainly that was not the intent of the canal opponents."

In an earlier decision, Judge Johnsen ruled against a complaint from a private citizen, Thomas Chapin of Tampa to stop the Corps of Engineers from dismantling railroad relocation work near Dunnelon. Judge Johnsen ruled that the citizen would not suffer irreparable damage. The work can be re-built and thus dismantling is not viewed as irreparable.

However, on the Rodman case Judge Johnsen ruled that lowering the reservoir would constitute irreparable environmental damage.

EDUCATION FOR HANDICAPPED CHILDREN

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. MIZELL. Mr. Speaker, I rise today seeking support and swift action on legislation I am cosponsoring to provide special education services for homebound handicapped children.

With the distinguished gentleman from New York, Mr. BADILLO, and more than 70 others, I am introducing today a bill for which there is a compelling and urgent need.

Educational opportunities for homebound handicapped children have in the past been severely limited, a fact acknowledged by every educational system in the Nation, no matter how large or advanced it may be.

Today there are 1 million handicapped children in America who are homebound and who have suffered from inadequate educational training. The program we are proposing would help these youngsters to overcome the social, academic, and emotional adjustments required to successfully compete and grow in society.

The legislation we are introducing would also provide jobs for handicapped veterans and other handicapped college students who would serve as instructors in the program.

The new service, with a proposed funding of $55 million in the first year, would be administered by State and local educational agencies, and the student instructors would be supervised by qualified professional teachers.

I believe this is good legislation, Mr. Speaker, and I urge the swiftest possible consideration in committee and on the floor.

HOPE FOR THE CITIES

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. KYROS. Mr. Speaker, the great majority of the Members of this chamber are concerned on a day-to-day basis with the numerous and severe problems plaguing our metropolitan areas. Air and water pollution, law enforcement and crime prevention, housing, and urban planning are just some of those problems. These areas of vital concern were the subject of a series of seminars held on Capitol Hill. Sponsored by the Washington Operations Research Council, a professional group comprised of scientists and technologists from government, industry, and universities, each evening session brought together a Member with a special legislative commitment to a particular problem and a private sector specialist who had been focusing on the same problem.

The result of this unique group of meetings was a book, appropriately entitled Hope for the Cities—New York: Spartan Books, 1971. Not only does this volume contain the formal remarks of the featured speakers, augmented by useful commentary from hand-picked panelists, but the dialog between them and knowledgeable and concerned persons in the audience is recorded. Congressional contributors to this work include my distinguished colleagues BROCK ADAMS of Washington and WILLIAM A. STEIGER of Wisconsin, as well as a former Member of this body, the Honorable Emilio Q. Daddario of Connecticut. Also authoring a major section of the book is Senator CHARLES H. PERCY of Illinois.

The "Introduction" to the volume, which places in a helpful context the factual and interpretive material on the four problem areas, was prepared by its editor, Robert L. Chartrand, who initially conceived of the seminar series and served as the moderator for the sessions. Mr. Chartrand, for 5 years the specialist in information sciences for the Congressional Research Service at the Library of Congress, has extensive experience in the application of innovative technology to societal problems. At this time I should like to commend this introduction to "Hope for the Cities" to my colleagues:

HOPE FOR THE CITIES

INTRODUCTION

(By Robert Lee Chartrand)

The cry of the cities reverberates across the land, and echoes in the chambers of those who govern. The contemporary compression of people, buildings, institutions, and time factors has brought society perilously close to disaster. Increasingly the question is asked: Can our present governmental forms cope with the domestic challenges of our times?

Any consideration of this problem must reflect the positions and opinions of diverse public and private sectors. Those who conceive strategies and goals, program managers and monitors, project planners and implementers, should be represented. In the belief that better communication *must* be established between legislators and technologists, the two groups with critical assignments in the formulation of the nation's future, a series of seminars was established under the aegis of the Washington Operations Research Council. Four top-priority problem areas were selected for treatment: environmental pollution, law enforcement and crime prevention, housing, and urban planning. Each session—and all were held in the buildings of Congress between February and May, 1969—featured a member with responsibilities and a personal interest in one of the problem areas. Following the presentation of the problem from the congressional vantage point, a senior member of the operations research-systems analysis community set forth the possible role of systems technology in meeting the subject problem. Comments of experienced discussants and audience dialogue with the panel followed.

Inasmuch as this type of forum is necessarily limited in attendance, it was determined that the publication of the formal papers and the edited discussion would benefit large numbers of involved persons and organizations throughout the country. The willingness of the congressional participants—Senator Charles H. Percy and Representatives Emilio Q. Daddario, Brock Adams, and William A. Steiger—to communicate candidly and face the penetrating questions of the attending melange of disciplines is evidence of the importance which they attach to these national problems.

It was realized by the sponsors of this series that other problems of equal magnitude exist and require remedies of high potency. Furthermore, it was believed that the initiation of an idea-action exchange between congressmen and technologists would further both groups' *involvement* in determining how, when, and where powerful new tools and techniques could be applied to the "human problems" of the age.

ENUNCIATION OF THE PROBLEMS

As the specter of disaster has loomed larger and larger, those responsible for the well-being of the citizenry have hastened to reexamine the problems facing the United States. In some instances the problem may be relatively straightforward, but in others its elements may be so subtle and interrelated that a belief in its simplicity is deceiving.

In looking at the environmental quality situation, Representative Emilio Q. Daddario of Connecticut notes that science often may be applied in a direct way, and reminds his listeners that:

> The environment is used simultaneously for raw materials, recreation, agriculture, esthetic enjoyment, and waste disposal. Economic indicators are insufficient to evaluate quantitatively all of the uses of the landscape. Management of the environment depends on legal, institutional, and political aspects as well as technologic and economic feasibility.

Defining the problem, communicating it to all involved, helping to lay out jurisdictional boundaries—both for government and the private sector—and marshaling the resources necessary to come to grips wtih the problem are the direct responsibility of the federal government, State, county, city, and sometimes regional managers will be affected, and may have to carry the burden of organizing the actual thrust against the problem. How well the efforts of the various governmental echelons mesh and are effective depends on such facets as the persuasiveness of key individuals, the language of the law, the inducements (*e.g.,* tax benefits) to encourage change, the measure of trauma prompting citizen groups to exert pressure, and the willingness of these grass-roots elements to bear an increased tax load.

Establishing a perspective on a problem as complex as crime is not easy. Representative Brock Adams of Washington underscores certain things which still are not known, as well as those which have been identified:

> We cannot yet identify that crucial element which transforms the law-abiding man into a violent criminal in our central cities. We

know the criminal statistically. We can put a profile on his age, his family background, and his economic status. We can in fact pile up a portfolio of data on the chronic offender. But we cannot identify that catalytic agent which turned him to crime in the first place.

While the essence of third problem may be captured in a brief phrase, such as providing "a decent home and a suitable living environment for every American family," its translation into tangible components for subsequent action is more complex. Senator Charles H. Percy of Illinois recognizes that even the most cursory analysis of the national housing problem reveals such tough subproblems as homeownership, rental assistance, creation of new towns, public housing, urban renewal, mortgage financing, and the role to be played by the new National Housing Partnership.

Of course no problem in the urban context really stands alone. The regional coordinator, state planner, or city manager who might attempt to neatly isolate a problem may find himself caught up in a maelstrom of unprecedented capriciousness and severity. Most certainly the implementation of "urban planning" is replete with pitfalls for the unwary or the inflexible. Representative William A. Steiger of Wisconsin believes that the complexity of the problem requires a dual approach:

In the first instance we are concerned with achieving greater rationality in the delivery of public services. In a very real sense we might characterize such programs as remedial or compensatory. . . . Our second concern is more properly characterized as focusing on the evolutionary development of the city. In this area we are not only concerned with better services, but with the development of new goods and services within the city and with basic changes in social, economic, and political activities and institutions.

Since nearly two thirds of all Americans live in metropolitan areas, and since this tremendous concentration of human beings has occurred largely in the past quarter-century, the creation of new governmental entities at the local level to cope with the urban condition was hurried and haphazard. Thousands of special districts have been formed to maintain or improve transportation, water supply, solid-waste disposal, education, and other services. Expediency has led to jurisdictional squabbling, chaotic communications, and frequent impasses which prevent corrective action. In *Building the American City*, a report of the National Commission on Urban Problems, it is pointed out that our metropolitan areas were served in 1967 by 20,745 local governments! What this means when we project a coordinated approach to a multijurisdictional problem can be imagined.

OF POLICIES AND DREAMS

An acceptable grand design for the plight of our urban areas has yet to be announced. A reflection of the thinking of Daniel P. Moynihan, Assistant to the President for Urban Affairs, indicates that such a "national urban policy" is being worked on. The demands of the people, many of whom seek identity as groups as well as individuals, are sustained and intense. It must be recognized that "the 'crisis of the cities' arises from the interaction of these intense new demands and the relative inability of the urban social system to respond to them." He goes on to say that "the issue arises as to whether the demands of the time are not to be met in terms of *policy*, as well as program." The consensus of the participants in the congressional seminars was that such a step was imperative—that government must perform the soul searching which could lead to a meaningful national policy.

The formulation of a national policy is more difficult than many think. When we consider a policy which would provide an optimum environmental quality level, for example, we learn that some people have in mind the condition which existed in pre-Columbian days. At the other extreme is the group which opines that man can adjust to his changing environment, and that its deterioration is not a matter for serious concern. President Nixon has determined that useful advice in this problem area should be forthcoming at two levels: from the Environmental Quality Council (at the cabinet echelon) and from the Citizen's Advisory Council on the Environment. It may be anticipated that a national policy for environmental control will follow these steps as enunciated by the President:

First, we should recognize that some problems—like air and water pollution—spill over traditional political boundaries. We must now begin to perfect and expand regional and federal approaches to controlling pollution. At President Eisenhower's urging, the basic federal air pollution law was enacted in 1955, and the Water Pollution Control Act followed in 1956.

Second, we need to accelerate the development of more effective and less expensive pollution control devices. The same technology which caused our pollution problems can correct them.

Third, we need to develop more objective standards for measuring air and water pollution. Our research efforts in this vital effort must be strengthened.

Fourth, we have to develop and implement effective and fair enforcement procedures. The widespread application of proven control devices can reduce pollution sharply, and we must improve our capability for identifying and fixing the responsibility for pollution.

Fifth, to eliminate expensive bureaucratic confusion, duplication, and red tape, we should give careful consideration to the transfer of all related pollution control programs now administered by other federal agencies to the Federal Water Pollution Control Administration. We need to match advances in technology with advances in government.

Sixth, the federal government must set the example by eliminating, as soon as possible, all pollution from federal facilities. The federal government must practice what it advocates.

The expression of a policy may be stipulated in specifics, as illustrated above, or it may take the form, in concept, of a rallying cry. President Johnson, in his March 9, 1966, message to the Congress, stressed the commonality of challenge and responsibility:

The problems of crime bring us together. Even as we join in common action, we know there can be no instant victory. Ancient evils do not yield to easy conquest. We cannot limit our efforts to enemies we can see. We must, with equal resolve, seek out new knowledge, new techniques, and new understanding.

The question may be asked: how can a practical national policy be forged out of an abstract comprehension of a given problem? What mechanism will help us achieve that degree of understanding which will allow the creation of a national policy? In the area of crime, the President's Commission on Law Enforcement and Administration of Justice was formed. The report of that commission led to further action in both the executive and legislative branches.

The importance of understanding the many ramifications of the national policy on housing was seen by Senator Percy and Howard R. Moskof who had served as the Executive Director of the President's Committee on Urban Housing. It was noted that the committee's assignment—a reflection of a policy-in-being and a policy yet to reach inception—was to:

. . . harness the productive power of America—which has proved it can master space and create unmatched abundance in the marketplace—to the most pressing unfulfilled need of our society. That need is to provide the basic necessities of a decent home and healthy surroundings for every American family now imprisoned in the squalor of the slums.

It quickly becomes apparent that within our democracy a favorite way of coping with a problem is to organize a committee or a council or a task force and "have a go at it." Considering the multitudinous aspects of urban planning and growth, and the numerous organizations already active in the field, it was not surprising that a National Committee on Urban Growth Policy should be formed. Represented on this committee were The National Association of Counties, The National League of Cities, The United States Conference of Mayors, and Urban America Inc. Unquestionably, the problems concomitant with urban growth transcend the competence of any one individual or single organization. The crux of this "Chinese puzzle" is described by Vice President Agnew in *The New City*:

To those responsible for urban planning and administration, the problems faced by American cities seem an unending chain of crises. Not only are suggested solutions few, but the general ability to think through the intricate maze of political, technical and geographic interrelationships is almost totally lacking. Often the most expert in one problem area find it impossible to compensate for difficulties totally alien to their field of expertise.

And so we are beginning to learn that while some of our dreams become policies, unfortunately some of our policies remain dreams. Our political system has been used to formulating policies in response to a given issue or priority crisis. All too seldom, however, has leadership in government—whether at a federal, state, or local level—generated an overall policy structure that is flexible enough to anticipate the major changes inherent in our present pattern of living.

AN AWAKENING TO THE ROLE OF TECHNOLOGY

While the ingenuity and production methods of American industry are well known, and often seem limitless in their potential, the full impact of technology on society has gained only *gradual* appreciation in many quarters. In particular, the role of systems technology—featuring operations research techniques, systems analysis, PERT/PEP applications, and the diverse uses of computers—is still unfamiliar to a large number of senior management personnel in government and the private sector.

In the last few years, Congress has had its attention forcibly focussed on the benefits and shortcomings of new tools and techniques. Committees in both chambers have come to grips with such pressing civil sector problems as transportation, crime, environmental pollution, urban redevelopment, housing, health services, and education. Individual members of Congress have immersed themselves in studying some of these problems, and are contributing to this seminar series in the belief that bridges must be built between "the analytical community" and the practical politicians.

Indicative of the importance attached to innovative methodology and devices as aids in curing urban ills was the commissioning of a special report by the Senate Committee on Labor and Public Welfare. A series of hearings was held from 1965 to 1967 by a special subcommittee on the Utilization of Scientific Manpower, exploring the adaptability of aerospace technology to nondefense problems. Senator Gaylord Nelson of Wisconsin, chairman of the subcommittee, then had the Science Policy Research Division of the Legislative Reference Service at the Library of Congress prepare a milestone study entitled "Systems Technology Applied to Social and Community Problems." In presenting this report to Congress, Senator Nelson iterated his belief that:

> The systems approach is no substitute for the political commitment to devote the resources necessary to meet our domestic crisis. But the systems approach already is of decisive help in isolating solvable problems and working out paths to their solution.

Committee activity has concentrated in two broad areas. The planning-programming-budgeting activities which found their genesis in industry have been adopted and refined within the federal framework. The second involved looking at discrete problem-centered developmental activities, which in many cases would cut across governmental lines and include private sector elements. The quartet of subjects selected for exposition in this congressional seminar series has been explored fully—but doubtless will receive future attention—through the media of hearings, seminars, and colloquia.

Legislation has been introduced which would allow the nation to identify, organize, and apply systems technology to the problems besetting our society. One legislative approach, conceived by Senator Hugh Scott of Pennsylvania and Representative F. Bradford Morse of Massachusetts, proposes the creation of a National Commission on Public Management, charged with providing:

> . . . a study with respect to the utilization of systems analysis and management techniques in dealing with problems relating to unemployment, public welfare, education, and similar problems.

Taking a different tack (but one which its author later deemed to be complementary to the Scott-Morse bill) was Senator Nelson's Scientific Manpower Utilization Act, which stressed ". . . the utilization of the scientific, engineering, and technical resources of the nation" and provided for grants to the states or entering into agreements with universities and other institutions, to determine how systems tools and techniques should be used.

The range of applications for the "models" of the operations research specialist, or the man-machine communications techniques of the computer technologist, is virtually infinite. The orientation and education of congressmen, executive branch decision makers, and their nongovernmental counterparts often is a barely discernible process, but it is ongoing. Members of Congress are concerned with the regular publishing of a machine-stored listing of federal assistance programs; the use of automatic data processing and systems procedures to improve administration of the courts, through action instigated by the Federal Judicial Center, and the necessity of having an "intergovernmental information system" to service states and localities. Representative Daddario's Subcommittee on Science, Research, and Development suggested in its report:

> To place pollution abatement on a comparable basis with other national technology programs, systems analysis and management capability should be established within the federal government. This approach should be used along with the "planning, programming, budgeting" technique to organize both near and long-term federal research and operational efforts in pollution abatement.

Congress has begun to perceive, and it now must alert the populace to its perception and concern. Only through a forceful, sustained program of public enlightenment can the federal government derive the support it must have to overcome these all-encompassing crises.

A PERIOD OF ADJUSTMENT

Out of the sessions of this novel forum, where legislators and technologists confronted each other's *raison d'etre* and the inescapable need for greater mutual effort, several realizations have emerged:

The esoteric viewpoints and jargon of the lawmaker and the systems analyst (or whatever title he professes) *can* be overcome and communication *can* be established.

The horizons of the hardened, and often defense-oriented, operations research analyst can and must be expanded to include social and community problems.

The doubts, and in many cases the cynicism based on experience of the congressman regarding "new ways," are *not* intractable. Indeed, he would wish to see great expectations fulfilled.

For the most part, the mechanisms for applying systems tools and techniques to our domestic problems have not been developed adequately. Experimentation and evaluation must take place. Government support of these activities is a *sine qua non*.

The responsibility for shaping the future must be shared by all elements in our society. Showing those groups and individuals *how* to contribute is the lot of Congress and its advisers from all walks of life.

We live in troubled times, and yet our record of inadequacy, tardiness, and incomprehension is not one to be ashamed of. People must adjust to change, and as they do, their institutions, laws, and mores will adapt to the new conditions. John Steinbeck, writing in *America and Americans*, spoke of the wonders of this land—of labor-saving machines, better preventive medicines, and new leisure—but cautioned about the calamity which had accompanied these good things:

> We have the things and we have not had time to develop a way of thinking about them. We struggle with our lives in the present and our practices in the long and well-learned past. We have had a million years to get used to the idea of fire and only twenty to prepare ourselves for the productive-destructive tidal wave of atomic fission. We have more food than we can use and no way to distribute it. Our babies live and we have no work for their hands. We retire men and women at the age of their best service for no other reason than that we need their jobs for younger people . . . To repeat, we have not had time to learn inside ourselves the things that have happened to us.

As we possess a greater capacity to accomplish miracles of production, communication, and construction, the need for introspection, cognition, and perseverance in the face of adversity becomes undeniably apparent. These qualities exist in Americans. At no time in history will they be more critical to the survival of man.

Coping with the human problems of this nation, and the world, causes us to forge an urban control policy that will—and *must!*—be effective. We must harken to the words of President Nixon when he sounded the clarion call for united, responsive action:

> If our cities are to be liveable for the next generation, we can delay no longer in launching new approaches to the problems that beset them, and to the tensions that tear them apart.

We have not seen the rebirth of a single major city. But we have seen proof of the failure of the old ways. These old ways are still the conditioned reflex of those whose policy approaches are rooted in the 1930's—the old ways of massive spending piled on massive spending, and of looking to Washington to solve the problems of every locality. In the ruins of Detroit and Watts and Newark lie the ruins of a philosophy of government that has outlived its origin and no longer speaks to its time.

With this concept firmly in mind, and guided by the ideas and actions of congressional leaders such as those who have contributed to this volume, the people of the United States will experience a renaissance of physical well-being, spirit, and hope.

THE END OF AN ERA

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. COLLIER. Mr. Speaker, the death of Hugo Lafayette Black, which followed almost immediately after his retirement from the Supreme Court of the United States, may in time come to be considered as the end of an era. It was 34 years ago, on August 17, 1937, that his colleagues in the other body confirmed his nomination to the highest tribunal in the land.

His appointment was the first of nine made by Franklin Delano Roosevelt during his last 8 years in the White House, one of them being the elevation of an Associate Justice to the position of Chief Justice. Roosevelt had been frustrated in his attempt to increase the size of the Court so as to provide a majority that would uphold the constitutionality of laws passed by a Congress in which his party enjoyed overwhelming majorities. Several major New Deal laws had been voided by the Justices whom his predecessors had appointed.

Some of the men appointed by Roosevelt and his successors did not limit themselves to passing on the constitutionality or unconstitutionality of laws, but arrogated unto themselves the right to make laws on their own. Instead of considering whether a law was in accordance with the Constitution as written and proceeding accordingly, they considered whether it harmonized with the Constitution as it ought to have been written.

Now that President Nixon has the opportunity to make two more appointments for a total of four, we hear suggestions that he should not make appointments consistent with his own political philosophy, which holds that a member of the Supreme Court should be a strict constructionist. These suggestions ought to be rejected outrightly.

From 1937, when Senator Black was named to the Court, until the present time, Democratic Presidents have made 17 appointments and their appointees have served a total of 207 years. Republican Presidents have made seven appointments and their appointees have served a total of 68 years, only a third as long as the Democratic appointees. A little balancing of the scales would be good for the country.

I am sure that many of my friends on the other side of the aisle will be pleased if the President names two strict constructionists. When laws passed by the Congress become the subject of litigation, the question before the court should not be: "Is this law conservative or liberal?", but: "Is this law constitutional or unconstitutional?" The question should not be: "Is this law in accordance with the Constitution as the Constitution ought to read?", but "Is this law in accordance with the Constitution as it does read?"

Hugo Lafayette Black's career was a remarkable example of the American success story. Born in poverty and apparently doomed to a life of obscurity and unrewarding toil, he nevertheless achieved a position of eminence.

I most emphatically disagreed with many of his decisions dealing with constitutional questions. Perhaps some of his opinions in that field were meritorious, and he may have functioned as a balance wheel on a court that for years seemed to lack more than a minimum of judicial restraint. If he kept his brethren from straying too far from judicial responsibility, may it be remembered to his credit.

CALENDAR OF THE SMITHSONIAN INSTITUTION, OCTOBER 1971

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

CALDENDAR OF THE SMITHSONIAN INSTITUTION, OCTOBER 1971

SMITHSONIAN POST OFFICE OPENS

An original general store-post office, more than a century old, has been reconstructed as a working exhibit in the National Museum of History and Technology. It will be staffed by Postal Service personnel in period costume and will provide card and letter mail service for the public as well as philatelic services for collectors. The post office will have its own postmark, reading "The National Museum of History and Technology, Smithsonian Station."

The building, constructed during the early 1860's, housed the Headville, W. Va. post office and had remained unaltered in structure, inside and out, from its earliest days. The original counters, shelving, floor, windows, walls and ceilings were intact, as well as the shutters which had inscriptions written by the Civil War soldiers who were stationed in or passed through the area. After the postal activities were moved in 1914, the building continued to serve as the general store for several years. It was eventually closed with the non-perishable stock still on the shelves and as a result the Smithsonian exhibit includes high button shoes, tins of spices, patent medicines, slate pencils and poultry lice medicine.

The exhibit serves as a reminder of the part the postal service played in the growth and development of the United States. Historically, the most representative American post office has been the country store-post office.

Anacostia Neighborhood Museum, 2405 King Avenue, S.E.:

Science: Man's Greatest Adventure. Black scientists are honored with this exhibit, which covers achievements from the earliest times to the present and projects future roles. Through Nov. 7.

Arts and Industries Building, 900 Jefferson Drive, S.W. (Air and Space Museum):

Apollo 11 Artifacts. Command module Columbia, lunar module, space suits and many working tools and support material used in actual flight or in training. Also included are replicas of flag and plaques left on the moon by Apollo 11, 12 and 14 crews. On display indefinitely.

Freer Gallery of Art, 12th and Jefferson Drive, S.W.:

The Eugene and Agnes E. Meyer Memorial Exhibition. Chinese and Japanese objects including bronzes, archaic jades, stone sculpture, paintings and ceramics. On display indefinitely.

Museum of History and Technology, 14th and Constitution Ave., N.W.:

Thomas Nast. Self-portrait of political cartoonist Nast, with several of his cartoons. Hall of Historic Americans. On display indefinitely.

Museum of Natural History, 10th and Constitution Ave., N.W.:

Spiders. Photographs of spiders by Ann Moreton, live specimens and collected webs. Closing indefinite.

A Korean Village: Its Changing Culture. The rapidly changing lifestyle of the Korean people is shown by a comparison of old and contemporary objects. Closing indefinite.

National Collection of Fine Arts, 8th and G Streets, N.W.:

Boris Anisfeldt; Twenty Years of Design for the Theater. Retrospective including watercolors, drawings, set and costume designs by Anisfeldt, best known for his ballet and opera designs. Through November 7.

National Portrait Gallery, 8th and F Streets, N.W.:

Portraits of the American Stage: 1771–1971. Portraits in various media of personalities that have figured in the history of the performing arts in the United States. Also historic costumes, and other memorabilia. Through October 31.

HOURS

Smithsonian museums are open seven days a week from 10 a.m.–5:30 p.m. In the Museum of History and Technology, a cafeteria is open 11 a.m.–5 p.m.; and a snack bar, 10 a.m.–2 p.m.

National Zoo buildings are open weekdays 9 a.m.–4:30 p.m.; weekends, 9 a.m.–6 p.m. Beginning October 25, weekend hours will be 9 a.m.–4:30 p.m.

Anacostia Neighborhood Museum is open 10 a.m.–6 p.m. weekdays; 1–6 p.m. weekends.

RADIO SMITHSONIAN

Radio Smithsonian, a program of music and conversation growing out of the Institution's many activities, is broadcast every Sunday on WGMS–AM (570) and FM (103.5) from 9–9:30 p.m. The program schedule for October:

3rd—*The Gagliano Trio.* A Smithsonian concert featuring the Trio in C Minor by Beethoven, performed by Jacqueline Anderson, violin; Lane Anderson, cello; and Helen Hollis, piano.

10th—*A Visit with the Spider Lady.* Mrs. Ann Moreton tells how you can learn to love spiders; *What Does a Microlepidopterist Do?* an interview with Dr. Gates Clarke, Senior Entomologist at the National Museum of Natural History.

17th—*Street, Blues and Gospel Music of Washington, D.C.* Experts from a concert presented at the Smithsonian.

24th—*You and Your Teeth,* with Dr. Lucile St. Hoyme, Curator of Physical Anthropology; *The Center for Short-Lived Phenomena,* explained by Robert Citron, Director.

31st—*Can They Survive?,* a report on endangered species of wildlife and the efforts being made to protect them.

The program is also heard in the Washington area on WAMU–FM (88.5) Tuesdays at 1:30 p.m.; WETA–FM (90.9), Mondays at 9:30 p.m.; and in New York City on WNYC–AM Sundays at 10 p.m., and FM Mondays at 9 p.m.

Tom Sawyer, an original production designed, constructed and performed by Allan Stevens and Company, which has created 15 new puppets and a multi-media setting for this adaptation of the Mark Twain classic. The show is presented by the Smithsonian Institution's Division of Performing Arts as the first in a series written specifically for the Smithsonian which will be representative of different facets of Americana. Performances are at 10:30 a.m. and 12:30 p.m. Wednesday through Friday; 10:30 a.m., 12:30 and 2:30 p.m., Saturday, Sunday and holidays including Oct. 11 and Oct. 25 in the History and Technology Building auditorium. Admission: $1 children; $1.50 adults; 75 cents group rate per person for 20 or more. For advance sales call 381–5395.

Mailing list requests and changes of address should be sent to the Smithsonian Calendar, 107 Smithsonian Institution Bldg., Washington, D.C. 20560. When applicable, please include old calendar label.

MUSEUM TOURS

Tours for school or adult groups may be arranged for the following museums:

Freer Gallery of Art—381–5344.

National Portrait Gallery—381–6347.

National Collection of Fine Arts—381–6305.

National Zoological Park—332–9322.

Weekend tours and school tours for other museums are scheduled to begin mid-October. Reservations are currently being accepted. Call 381–6471; 5304.

FOREIGN STUDY TOURS

For members of the National and Resident Associates. All 1971 tours are full. For further details on 1972 tours, listed below, write to Miss Kennedy, Smithsonian Institution, Washington, D.C. 20560.

Mexico and Guatemala: Jan. 3–22. A visit to the historic sites including Yucatan, Oaxaca, Mexico City, Tikal, Antigua.

St. Croix and Puerto Rico: Feb. 1–14. A study of early Danish and Spanish architectural heritages.

Australia and New Zealand: Late March-April. Via Fiji and return via Tahiti, with visits to Canberra, the Australian Outback, and Christchurch.

No-Tour Tour: Dulles-Paris-Dulles. May 29-June 19. Air France Excursion. Members make their own arrangements for travel in Europe.

Greece and Yugoslavia: June 15-July 8. Classical tour of Greek archeological sites plus Yugoslavia's Adriatic Coast and inland sites. Romanian churches and other areas may be included.

No-Tour Tour: New York-Frankfurt-New York. July 3–24. Qantas Excursion. Members make their own arrangements for travel in Europe.

King Arthur's England: July 12-Aug. 2. An archeological, architectural and literary adventure. Directed by Mrs. Helen Hill Miller, author of *Realms of Arthur.*

The Pilgrimage Road: Sept. 11-Oct. 9, traversing Burgundy, southwestern France and northern Spain, the route of the medieval pilgrims to Santiago de Campostela.

No-Tour Tour: Dulles-London-Dulles. Sept. 11-Oct. 2, BOAC Excursion. Members make their own arrangements for travel in the British Isles.

Pakistan and Afghanistan: Oct. 7-Nov. 5. Overnight stops en route in London and Paris; motoring through the provinces of Pakistan; tour will be joined by local scholars at the sites.

OCTOBER AT THE SMITHSONIAN

October 1

Folk Sampler: Sampling of music from the diverse talents of members of the Folklore Society of Greater Washington, 8:30 p.m., History and Technology Building auditorium. Sponsored by the Division of Performing Arts and the Folklore Society of Greater Washington. $1 FSGW members; $2 nonmembers. For reservations call 381–5395.

October 2

Bach Concert: *Concentus Musicus Vienna.* 8:30 p.m., Natural History Building auditorium. Tickets $4; for information call 381–5157. Sponsored by the Division of Musical Instruments and the Smithsonian Associates.

October 3

Workshop; With the *Concentus Musicus Vienna,* 3 p.m., Hall of Musical Instruments, Museum of History and Technology. Free; for information call 381–5010.

October 4

Italian Baroque Concert: *Concentus Musicus Vienna*, 8:30 p.m., Natural History Building auditorium. Tickets $4, for information call 381-5157.

October 6

Free Film Theatre: *Einstein and Fermi*—biographical films. Einstein's friends tell of his loneliness and isolation and of his contribution to "a new Universe"; Fermi's life is traced from childhood in Italy to his contribution in the first controlled nuclear reaction, 12:10 and 1:10 p.m., Natural History Building auditorium.

Exhibition: *Lee Gatch (1902–1968)*. Thirty of Gatch's works from stylized abstraction to collages of stone, canvas, and paint. National Collection of Fine Arts, through November 29.

October 7

Free Film Theatre: *Einstein and Fermi*—biographical films. Repeat. See October 6 for details.

The Graphic Art of Felix Vallotton. Woodcuts and other graphics by this Swiss artist, who contributed to the revival of the woodcut as an artistic expression. Organized by the Smithsonian Traveling Exhibition Service with the cooperation of Maxime Vallotton; sponsored by the Ambassador of Switzerland. University of Maryland Art Gallery, through Oct. 17.

October 8

Folk Concert: *Country Music and Old Time Fiddling*, 8:30 p.m., History and Technology Building auditorium. Sponsored by the Smithsonian Division of Performing Arts and the Folklore Society of Greater Washington. FSGW members, Free; non-members, $1. For reservations call 381-5395.

The Proposition: A completely improvised show—people, places, situations, music and lyrics are created spontaneously by the actors and musicians, built on audience suggestions, phrases, psychological problems, political issues or public personalities. No two shows are alike. Sponsored by the Division of Performing Arts and the Smithsonian Associates, 8:30 p.m., Natural History Building auditorium. Tickets: $5 general public; $4 Resident Associates. For reservations call 381-5395.

October 9

The proposition: Repeat. See October 8 for details.

The Proposition Circus: An improvised review for children using music, games and stories to interpret their suggestion. 1:30 and 3:30 p.m., Natural History Building auditorium. Sponsored by the Division of Performing Arts and the Smithsonian Associates. General public: $2 children, $3 adults with children; Resident Associates: $1.50 children, $2.50 adults with children. For reservations call 381-5395.

October 11

Lecture/Film: *Wildlife of Southern and Eastern Africa*, by Dr. Donald H. Messersmith, professor of entomology, University of Maryland. The program is based on tours of Africa during which Dr. Messersmith photographed wildlife and collected exotic specimens of insects, some of which will also be on display. Sponsored by the Audubon Naturalist Society. 5:15 and 8:30 p.m., Natural History Building auditorium. Free.

October 12

Lecture: *Shiba Kokan, an Uncommon Man*, by Professor Calvin French, University of Michigan. Dr. French discusses the activities of Shiba Kokan, an 18th century Japanese artist and colorful forerunner of modern Japan. First in the 19th annual series illustrated lectures sponsored by the Freer Gallery of Art. 8:30 p.m., Freer Gallery. Free.

October 13

Free Film Theatre: *Images Medieval*. Miniature paintings and illuminated manuscripts of the 14th and 15th centuries and musical background of original medieval melodies reflect life in the Middle Ages; *Vivaldi's Venice*. The beauty and poetry of Venice portrayed through the photography of Carlo Baragnoli, accompanied by Vivaldi concerti. 12:10 and 1:10 p.m., Natural History Building auditorium.

Informal Concert: *Music from Woodlawn*. Works by J. C. Bach and Haydn, performed by Jean Hakes, soprano; Robert Sheldon, flute and John Fesperman, harpsichord and piano. 1:30 p.m., Hall of Musical Instruments, History and Technology Building. Free.

October 14

Creative Screen: *Permutations*—Computer/graphics create a diversity of abstract graphic forms; *Printmaking: Four Artists, Four Media*—Techniques in silkscreen, woodcut, lithograph and intaglio are demonstrated. Continuous half-hour showings 11 a.m. to 2 p.m. *The Look of a Lithographer*—Techniques used by well-known artists and printers. One showing 2:30 p.m., National Collection of Fine Arts. Free.

Free Film Theatre: *Images Medieval; Vivaldi's Venice*. Repeat. See October 13 for details.

October 15

Film: *Canny—The Life of a Wild Coyote*. Gerald L. Coward's photography, in the Puente Hills of California, offers a significant contribution to the understanding of coyote behavior. Sponsored by the National Parks and Conservation Association. 8 p.m., Natural History Building auditorium. Free.

October 16

Printmaking Day: *Demonstrations* of silkscreen, woodcut, etching and lithography by John C. Sirica, NCFA artist-in-residence, and other local printmakers. NCFA Education Department's Print Workshop. *Tours* of NCFA print collection, print study room and workshop begin in the Granite Gallery. 11 a.m. to 3 p.m., National Collection of Fine Arts. Free.

Creative Screen: *Permutations; Printmaking: Four Artists, Four Media; The Look of a Lithographer. Repeat.* See October 14 for details.

October 18

Botany Seminar. *Ethnobotany of the Cuna Indians in Panama*, by Dr. J. A. Duke, ARS-USDA. 6 p.m., Natural History Building Room WW531. Free.

October 19

Illustrated Lecture: *Designs on the Postage Stamp*, by Stuart Rose, Design Director of the British Postal Service. Sponsored by the Smithsonian Associates and the Division of Postal History. 8:30 p.m. History and Technology Building auditorium. Free.

October 20

Free Film Theatre: *Fra Angelico at San Marco*. The convent in Florence where the artist lived and painted is shown now as the Fra Angelico Museum; *Michelangelo: The Medici Chapel*. Analysis of the gigantic marble figures by Michelangelo in the New Sacristy of San Lorenzo; *Florentine Workshop of the Pietre Dure*. The process of the workshop, active 1558 to the present, in creating objects of marble and semi-precious stones. 12:10 and 1:10 p.m., Natural History Building auditorium.

October 21

Free Film Theatre: *Fra Angelico at San Marco; Michelangelo: The Medici Chapel; Florentine Workshop of the Pietre Dure*. Repeat. See October 20.

October 27

Free Film Theatre: *The Rise and Fall of the Great Lakes*. A hilarious but pointed ecology lesson; *Teamwork on the Potomac*. A source of comprehensive new ideas in conservation with visits to several river-bank plants. 12:10 and 1:10 p.m. Natural History Building auditorium.

Informal Concert: *Howard Bass*, lute and guitar. Works of Dowland, Byrd, Manén and Poncé. 1:30 p.m., Hall of Musical Instruments. History and Technology Building. Free.

October 28

Creative Screen: *A trip to the Moon (1902)*. Produced by French pioneer filmmaker George Méliès, this was the first film to portray a possible voyage of a manned rocket; *Echoes, A Voyage to the Moon (1970)*. National Geographic film by John Lavery using still photos to convey the sensation of motion and weightlessness in space. Continuous half-hour showings from 11 a.m., last showing at 2:30 p.m. National Collection of Fine Arts.

Free Film Theatre: *The Rise and Fall of the Great Lakes; Teamwork on the Potomac.* Repeat. See Oct. 27.

October 30

Lecture: *Lee Gatch and His Contemporaries: Abstract Expressionism in the 40's*. Dr. Ben Summerford, Chairman, Department of Fine Arts, American University. 3 p.m., Lecture Hall, National Collection of Fine Arts. Free.

Creative Screen: A Trip to the Moon (1902); Echoes, A Voyage to the Moon (1970). Repeat. See October 28 for details.

Dial-A-Museum—737-8811 for daily announcements on new exhibits and special events.

Dial-A-Phenomenon—737-8855 for weekly announcements on stars, planets and worldwide occurrences of short-lived natural phenomena.

DEMONSTRATIONS

Museum of History and Technology

Musical Instruments, from the Smithsonian's collection. Monday, Wednesday, Friday, 3 p.m., Hall of Musical Instruments, 3rd floor.

Music Machines—American Style. Mechanical and electronic music machines. Monday, Tuesday, Thursday and Sunday, 1:30 p.m., 2nd floor.

Spinning and Weaving. Tuesday, 10:30 a.m.-12:30 p.m.; Wednesday through Friday, 10:30 a.m.-12:30 p.m. and 1:30-3:30 p.m.

The Smithsonian Monthly Calendar of Events is prepared by the Office of Public Affairs. Editor: Lilas Wiltshire. *Deadline for entries in the November Calendar*: October 5.

FREE FILM THEATRE

A potpourri of films has been scheduled by the Women's Committee of the Smithsonian Associates. The programs will be presented through December in the auditorium of the Natural History Building at 12:10 and 1:10 p.m. each Wednesday and repeated the following day. The schedule for October is listed in this Calendar.

CLASSES AND WORKSHOP

(Sponsored by the Smithsonian Associates)

(By Subscription Only—Call 381-5157)

Fall Classes begin October 4 for adults and children.

Adults (10 weekly sessions):

Oct. 4—*Design, Ancient Peruvian Art; Basic Photography.*

Oct. 5—*Medical Technology; Etching; Stitchery I; Stitchery II.*

Oct. 6—*French Cinema* (began Sept. 15); *History in American Art; Fabric Construction Workshop; Fabric Design I; Fabric Design II; Intermediate Photography.*

Oct. 7—*Anthropology of Greater Washing-*

ton; Gemology; Design in Enamel I; Design in Enamel II; Stitchery I; Basic Photography; Advanced Photography Workshop.

Oct. 8—*Basic Film Making; Darkroom Workshop.*

Oct. 9—*Ecology; Teenage Photography.*

Young People (8 weekly sessions):

Art, Botany, Magic of Sound, Mammal Laboratory, Architectural Workshop, Atoms and Molecules, Ecology of Marine Life, Embryology, Sculptural Design, Systematics of Mammals, Trip to the Moon (and Back).

Workshops for adults and young people.

Adults:

Oct. 15—*Leatherwork,* by John Carter.

Oct. 16—*Leatherwork.*

Oct. 29.—*Raku,* by Martin Amt, Anthony and Trew Bennett.

Oct. 30—*Raku.*

Young People:

Oct. 17—*Printmaking,* by Harold Isen.

Oct. 31—*Nonloom Weaving,* by Thurid Clark.

U.S.A. AND THE SOVIET MYTH

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. DERWINSKI. Mr. Speaker, although in the area of foreign policy much of our attention has been focused on events and developments in Asia, the Middle East, and Western Europe, the changes and frictions taking place in Eastern Europe, including the major part of the Soviet Union, have even far greater meaning and significance for our national security in the future. Lest we forget, the power center of the dominant threat to our Nation resides in the Soviet Union itself. The multiple drives of Soviet Russian imperio-colonialism are meeting with increasing resistance by non-Russian nationalism within the Soviet Union, not to speak of counterforces in other areas of Eastern Europe.

For an appreciative understanding of the glaring vulnerabilities of Moscow, the current work "U.S.A. and the Soviet Myth" is, as one commentary puts it, "highly recommended." Authored by Dr. Lev E. Dobriansky, of Georgetown University, the book provides background insights, and perspectives that are not generally found in analyses pertaining to U.S.S.R.-U.S.A. relations. In addition to the numerous reviews of this book, the following commentaries in Freedom's Facts, a publication of the All-American Conference to Combat Communism, in the selection of the book by the Anti-Communist Book Club in Washington, and in a KACE radio editorial in southern California should be of considerable interest to concerned Americans:

U.S.A. and the Soviet Myth

Is the Soviet Union invincible? Must America give in bit by bit until Communists triumph all over the world? Are the only American alternatives capitulation or conflict?

Not so, says Dr. Lev E. Dobriansky, of Georgetown University, in his exciting new book, "USA and The Soviet Myth" published by Devin-Adair.

The Soviets are vulnerable, says this world renowned authority on the Soviet world. Their greatest vulnerability is the strong nationalist sentiment of non-Russians held captive in the Communist Empire. This book points one practical way to peace without world war. It's highly recommended.

U.S.A. and the Soviet Myth

(By Lev E. Dobriansky)

"In this struggle for keeps . . . the only alternative to victory over Soviet Russian imperio-colonialism is disastrous defeat for ourselves. The historical dynamics of our time disallow any middle ground."

Here, in a penetrating analysis of America's foremost adversary, Dr. Dobriansky gives expert data which explains the dangers of our current policy of "peaceful coexistence" with our enemy.

The author shows how many American leaders have ignored the imminent danger to U.S. security. His chapters deal with such issues as—

"The Russian Problem"
"Seeing Russia in Toto"
"The ABCs on Russia and the USSR"
"U.S. Illusions on the Captive Nations"
"The Russian Trade Trap"

Dr. Dobriansky pointedly demonstrates that today's Soviet government has never stopped following Czarist ideas of expansion. The Russians have thrust westward into Europe, eastward to the Pacific and south to the Middle East, Africa and even South America.

The United States and Russia are on a collision course today because only a powerful America is capable of stopping the Kremlin conspirators from carrying out their designs of world-wide empire.

There is nothing new about the Russian urge for domination over others. Even in the 12th and 13th centuries, the **Duchy of** Moscow (originally founded by invading Vikings from Scandinavia) began conquering and absorbing neighboring states.

Russian expansion itself started long ago with attacks on Lithuania and other Baltic states. Today 1/6 of the total area of the globe is under direct Russian control and the Russian empire straddles the globe from the Baltic to the Sea of Japan.

Unlike the United States, an association of freedom-loving peoples, Russia has long been a despotic dictatorship dominated by a relatively small number of Russians who rule over Ruthenians, Ukranians, Estonians, Latvians, Georgians, and more than 100 other separate nationalities which are captives of the Red Empire.

Dobriansky pays special attention to the role of these Captive Nations. He effectively argues for freeing the Captive Nations including The Ukraine—as a key to dismantling the Russian Empire.

These peoples and lands cannot be compared with American states such as Pennsylvania and Wyoming, because they are truly conquered nations. Some of these nations, including The Ukraine, regained a brief independence following World War I—until they were once again forcibly annexed into the Soviet Russian Empire.

Dr. Dobriansky makes an ironclad case for the fact that Soviet Russia's empire building and imperial ambitions are an implacable foe of the U.S.A. He points out the absolute necessity for a policy towards the Soviet Union based on realistic facts rather than wishful State Department thinking. He further points out that if America could work for the independence of the Captive Nations of the USSR, the Russian colossus might eventually be brought to its knees. As Dobriansky explains, these non-Russian nations in the USSR are of crucial, strategic importance in the overall patterns of power distribution in the world.

This is a disturbing book. But it is one that had to be written. For the first time, it points out why the Russians, no matter how friendly they may try to appear are determined to eliminate the United States as an obstacle on their path to world domination.

KACE Editorial

Here is today's KACE editorial. What can we do about today's greatest menace to the United States . . . the Soviet Union. Numerous solutions have been offered, most of them unfortunately along the lines of compromise, arguments about live and let live . . . as though the Kremlin will permit us to do that . . . and so on. One offering the most commonsense analysis and solution to the problem is Dr. Lev E. Dobriansky, a brilliant writer and analyst who is of Ukranian origin, Professor of Economics at Georgetown University, Director of the Institute on Comparative Political and Economic Systems of Georgetown, a lecturer before the Naval War College and other armed forces institutions, and author of numerous articles and books on East Europe as well as author of the Captive Nations Week resolution, and president of the Ukranian Congress Committee.

Dr. Dobriansky propounds his solution in his newest book entitled, the U.S.A. and the Soviet Myth. The Soviet myth he says is the common belief held widely in this country that the Soviet Union is a powerful nation of Russians. He says we have failed to recognize the real enemy, which he describes as a Soviet Russian "imperio-colonialism." Dr. Dobriansky points out that the Kremlin finds it useful to wear a mask of communism and to espouse what we label as "Marxist propaganda" when in actual fact they pursue the path of world empire, blocked only by the powerful United States. To that end, they foster illusions voiced by at least two United States presidents, that the U.S.S.R. is a nation of "two hundred million Russians" . . . according to another recent United States president: "The common interest of the peoples of Russia and the United States are many . . . and this I say to the people of the Soviet Union: 'There is no American interests in conflict with the Soviet peoples anywhere' ".

Dr. Dobriansky adds: "Whoever wrote this for the president should have been fired. Too much is at stake to tolerate such gross incompetence."

There are not two hundred million Russians in the universe, much less in Russia. Actually there are 120 million non-Russians peoples in the U.S.S.R., and most of these non-Russians want out, among them are the Ukranians, the White Luthenians, the Georgians and other non-Russian nations held captive in the Red Empire. Dr. Dobriansky offers two solutions: One, a positive political trade policy which he calls "pol-trade," in which we offer to trade with our communist "friends" only in exchange for political concessions, and secondly, the dismemberment of the Soviet Union. He does not advocate war . . . and never has . . . no sensible man would do so in this atomic age.

Moreover the methods of encouraging non-Russian peoples to struggle for independence are numerous, and trade is one of them. Once the non-Russians within the Soviet Union achieve their independence, then we can discuss a European and an Asiatic Federation of free nations.

Dr. Dobriansky's book U.S.A. and the Soviet Myth is a welcome contribution to this subject. It should be must reading for every policymaker in Washington.

Any responsible views opposing those expressed in this editorial are welcome.

HON. JAMES S. GOLDEN, SR.

SPEECH OF

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. ROONEY of New York. Mr. Speaker, the State of Kentucky lost a fine leader with the passing of the late Honorable James S. Golden, Sr., who represented the people of the Fifth Congressional District here for 6 years. Jim

Golden left a distinguished law career to serve in the House of Representatives. His service here was an extension of that outstanding record. He worked hard for rural development and compiled an outstanding record. He was a congenial man of integrity and honor—a true gentleman. These attributions earned him many friends here in the House. I join in expressing our sympathy to his bereaved ones.

MEADOWLANDS SPORTS COMPLEX

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. HELSTOSKI. Mr. Speaker, as the Representative from the congressional district where a proposed Meadowlands sports complex is to be located, I feel it my duty to register the strong opposition to this project reflected by many of my constituents. Plans call for vast construction, including a football stadium, a racetrack, a baseball park, and an indoor coliseum. The New Jersey Sports and Exposition Authority, circumventing the State constitution through the enabling legislation, is currently undergoing judicial review. It deleted the constitutional requirement that a referendum be held on the racetrack. As a result, many of my constituents in the immediate vicinity of the site will not be given the opportunity to voice their reactions to the plans. Second, my constituents reflect a serious concern about the environmental impact of this proposal which will add additional problems to this densely populated area.

Under the new legislation, the Sports and Exposition Authority, created last May 10, would build the complex, issuing bonds to defray the construction costs. Betting taxes from the racetrack would pay the bondholders. However, the New Jersey constitution prohibits the use of tax revenues to support private enterprises. Were this to be permitted, the State has little to gain from this questionable venture: Although the State usually earns a 9-percent return from racetrack revenue, it will only get one-half of 1 percent from the Meadowlands track because the bulk of the revenue will be used to pay bondholders. In addition, property taxpayers will suffer, as many potentially lucrative tax ratables will be preempted.

In my view, two articles by Alex Michelini, which appeared in the New York Daily News on September 28 and 29, effectively describe the issues raised by the sports complex. The articles, entitled "The Giant Game Plan for the Meadowlands" and "Meadows Project is a Gamble on a Racetrack," appear below:

THE GIANT GAME PLAN FOR THE MEADOWLANDS

(By Alex Michelini)

The furore over the future of the Yankees—and Yankee Stadium—has swung public attention away from what triggered the debate in the first place: the decision by the football Giants to move to a promised sports complex in the New Jersey Meadowlands. This week, however, the ambitious land development will be back in the news when it meets its first serious challenges in the Jersey courts. How did the Meadowlands scheme really get started? Who were the men who pushed it through the Legislature? Who stands to benefit if it succeeds? These and other searching questions are answered by The News in a two-part series starting below.

Joe McCrane loves football. Back in the late 1940s, Joe played football at West Point. In 1963, Joe tried to buy the Philadelphia Eagles. It didn't work out, however, because another football buff by the name of Jerry Wolman showed just as much fondness for the game and a lot more cash.

But Joe McCrane never stopped trying.

On a frigid, windy January afternoon last year when William Thomas Cahill was inaugurated governor of New Jersey, McCrane became state treasurer, and took his seat at the right hand of the governor, his long-time friend and political ally. In a little more than a year, McCrane achieved in government what he couldn't do in private life. He finally got a football team. He got the Giants.

"It's Joe McCrane Day," beamed Cahill on Aug. 26, as he watched the signing of the contract that will bring the football Giants to the Hackensack Meadowlands no later than 1975, and maybe as early as 1973. For it was McCrane, more than anyone else, who has masterminded one of the biggest coups in sports history.

GLITTERING GEMS

His instrument was the New Jersey Sports and Exposition Authority, born only last May 10. It was created by the Legislature with the express purpose of turning 750 acres of marshes into a mammoth sporting complex.

On the drawing boards, Giant Stadium is the hub of the complex, the center jewel of a sports crown bedecked with other glittering gems—a racetrack, a baseball stadium, a coliseum for basketball and hockey, and even an aquarium.

Even more important than making New Jersey No. 1 on the sports pages, Cahill sees in the ambitious plan a greater purpose. It will serve, he says, as the "catalyst" for development of the entire meadowlands, 19,600 acres of soggy earth overlapping 14 communities, an expanse larger than the island of Manhattan and a territory considered to be "the most valuable undeveloped real estate in the world."

This Thursday the scheme faces a major legal hurdle. Superior Court Judge Morris Pashman will hear a package of law suits challenging the constitutionality of the Sports Authority. Judging by past performance, Joe McCrane is apt to glide smoothly over this latest obstacle.

However, let's go back to the beginning of McCrane's dream—to Feb. 12, 1970, in fact.

On that day, Lincoln's Birthday, most New Jersey officials were on holiday.

But Joe McCane was working. He hustled to New York for an appointment with Wellington Mara, owner of the Giants. Several hours later, he had what he wanted: encouragement from Mara. The Giants were ready to move if the deal was right.

Immediately, McCrane, together with Cahill, legislative leaders and an old sports pro named David (Sonny) Werblin went to work and by March 29 of this year, the blueprint was ready for the State Legislature.

PAY THEM OFF

Under the legislation, the New Jersey Sports and Exposition Authority would build the complex. It would cost somewhere between $150 million and $200 million. The authority would issue bonds to pay for the construction, and then use the betting taxes from the racetrack to pay them off. While the state normally gets 9 percent of the revenue from racetracks, it would put only one-half of one percent into the treasury, and use the rest to pay bondholders.

What about the law requiring a referendum on racetracks? The legislation creating the authority would delete the requirement, and it would also dictate to the State Racing Commission the number of dates for the new track—100 days for harness racing and 56 for thoroughbred racing. It had to be that way, McCrane and his strategists figured, because of the lesson of Secaucus, where in 1967 the voters went to the polls and scratched a plan for a harness track.

Sen. Fairleigh S. Dickinson (R.–Bergen) was among the early dissenters. He became so angered over the elimination of a referendum on the racetrack that he erased his name from the list of sponsors. "I don't see any compelling reason to push this bill through when the difference in waiting for a referendum amounts to about six weeks," said Dickinson.

On the exclusion of Civil Service jobs in the proposed sports complex, the state's Civil Service Association declared: "Of all the barefaced, unashamed steals in behalf of the restoration of the century-long discredited political spoils system, this is about the worst in New Jersey's history."

On the use of betting taxes to pay off the bonds, Alfred Porro, an attorney handling the current suits against the authority, said it for all of them: "It's illegal. It violates the constitution of New Jersey because you can't use tax revenue to support private enterprises."

The legislative opposition, however, never really got off the ground.

For the 120 members of the Legislature, 1971 is an election year, and the idea of getting the Giants to move to New Jersey appealed to not a few of them. "Everybody wanted to get behind the bill," said Sen. Frank X. McDermott, (R.Union). "You know, everybody wants to be in favor of motherhood."

Acting with a speed rarely seen in the old statehouse, the Assembly approved the authority bill on Apr. 26. The Senate gave its okay May 3. Cahill signed it into law May 10. Passage was so swift that the New Jersey State Chamber of Commerce never had time to draw up a position on the plan.

The blueprint for Giant Stadium is impressive. Consisting of three separate levels, the stadium will accommodate 75,000 to 80,000 fans in deep-cushioned, theater-type seats.

Outside, there will be parking space for 25,000 cars. According to the authority, the stadium will be 14 minutes from the Verrazano Bridge. A network of approved highways will carry cars and buses to the site, with a rail link a possibility in the future.

For McCrane, 44, the creation of the authority was his biggest success. In his private life, he had managed Garden State Racetrack, owned by his father-in-law, Eugene Mori. He had headed the law firm of McAndrews and Forbes, and he had served as chief fund-raiser in Cahill's winning gubernatorial election. But McCrane still didn't have the Giants. There was the matter of a lease.

President Nixon's old law firm, Mudge, Rose, Guthrie & Alexander, was enlisted to help draw up the lease.

And the negotiations were strictly private. Asked if he had seen the lease, one Senator remarked: "Not at all. We weren't privy to it. It was handled by McCrane."

The result is a 30-year pact, under which the authority will receive 15 percent of the gate receipts plus 50 percent of the concessions. According to McCrane, the authority should come out with an estimated $1 million a year. But he could offer no estimate on how much the authority would have to shell out to keep up its end of the agreement after the stadium is built.

Clearly, the authority gave what it had to give in order to make the pie sweet enough for the Giants to bite.

For one thing, the lease stipulates that if the team moves into the meadows before

1974, the expiration of its lease at Yankee Stadium, it will receive "an appropriate" reduction in rent to offset the rent it must pay at Yankee Stadium. And, if the meadows stadium is not ready for occupancy in 1975, the Giants may extend their Yankee Stadium lease and receive a rent reduction from New Jersey to underwrite the extension.

A WORD FROM LINCOLN

While the two will go 50-50 on many of the concessions, the Giants will keep all the proceeds from programs, souvenir books and year books. And they'll get half of the revenue from most of the stadium advertising; 25 percent of the parking lot revenue; all revenue from stadium club membership fees, and all of the radio and TV take.

Literally, all the Giants will have to do is show up to play football.

The authority will be responsible for hiring—and paying—ushers, ticket sellers and takers, maintenance, repair and cleanup personnel and security guards. And it will also be responsible for paying for the materials that go into keeping a field and stadium in shape.

Almost comically, the lease adds, that the authority will not be responsible for providing or paying for "football officials, players, training or coach personnel."

When you walk into McCrane's Trenton office, a stack of leaflets containing a quote from Abraham Lincoln sits on his desk. When you leave, Joe hands you one of them. On it is written: "I do the very best I know how, the very best I can and I mean to keep doing so till the end; and if the end brings me out all right, what is said against me won't amount to anything."

Maybe so. But some people are raising some serious questions about McCrane's cherished project.

MEADOWS PROJECT IS A GAMBLE ON A RACETRACK

(By Alex Michelini)

The ambitious master plan for a sports kingdom in the Jersey meadows includes, apart from a new home for the football Giants, a racetrack—and it is a vital aspect. Reason: the fledgling New Jersey Sports and Exposition Authority will use betting revenue from the track to finance construction of the whole sports complex. Indeed, the track was the key from the start, although nobody ever told Robert Baumann about it.

Baumann is a self-made millionaire from Oceanside, N.Y. He played a little pro football for the Pittsburgh Steelers back in 1945, but he accumulated his wealth from busing kids to schools on Long Island. In 1969, Baumann had a dream. He wanted to build a $30 million harness track in the meadows of Carlstadt, N.J.

The State Racing Commission, however, scratched his bid because of "insufficient financial backing." Baumann applied again in 1970, and although he produced new support willing to shell out $22 million, he was rebuffed again on financial grounds.

The second rejection came on Sept. 24, 1970. What Baumann didn't know was that his dream already had run out of the money at least as far back as Feb. 10, 1970, for it was then that Joe McCrane, the state treasurer and brains behind the meadows scheme, was shuttling to and from New York convincing the Giants to take a one-way ride to Jersey. And since McCrane's strategy centered around a racetrack to finance a stadium, Baumann's bid clearly was doomed from the start—along with $200,000 Baumann spent to organize his venture.

Furthermore, the Hackensack Meadowlands Development Commission, a state agency which regulates what can and cannot be built in the meadows, had dealt the Baumann plan a staggering blow by labeling it "incompatible" with the plans for the meadows. Curiously, it was later to give its full support to the proposal that would establish the sports complex track only a few miles from Baumann's Carlstadt site.

NOT A BONANZA

Under the Baumann proposal, it was estimated that New Jersey would receive $11.3 million a year in betting taxes. In addition nearly $3 million would be paid annually for supplies and services, another $20 million would be generated for the area's economy, and countless thousands would be paid in property taxes.

The state can expect no such bonanza under the plan for the authority-operated track. In an interview, McCrane conceded that the state will receive less revenue for the general state fund which finances education, housing and other services. But he insisted that it will get more "over the long run." What he was saying, of course, is that the state should realize more revenue after the bonds financing the sports palace are paid off, and that could mean 40 years, or longer.

Phillip H. Iselin, president of the Monmouth Park Jockey Club, is among those who believe the state is going to wind up a loser.

Here's some of his reasoning:

The tracks (Monmouth, Garden State Park, Atlantic City Raceway and Freehold Raceway) are not exactly knocking 'em dead in attendance, and consequently in handle.

The state's revenue from the existing racetracks—9% of the handle—amounts to about $37 million a year. It will be reduced, however, because the proposed new state track will cut into the attendance of the others, thus shrinking the tax share to the state. The new track cannot overcome the expected losses either, because only one-half of 1% will be funneled into the general revenue fund. The rest of the 9% goes for subsidizing the sports complex.

"We believe," concluded Iselin, "that the new racetrack will do irreparable economic harm to other tracks."

Groundbreaking for the complex could come as early as the spring, but there are a lot of big "ifs" to consider. There is the financing to be worked out. There is the package of lawsuits seeking to knock out the authority. And there is the question of who really owns the site, something the courts will ultimately have to settle.

The state claims ownership of about half of the acreage by virtue of riparian right, a legal hook which gives it all land which was or is washed by tidal water. Even if upheld on this score, the authority would still have to condemn the half the state doesn't own, and that means spending millions.

Sixty owners claim a piece of the tract. It is assessed for $7.7 million. In addition, buildings and other improvements are assessed at $5.8 million. Some feel the site is too valuable to be used for the sports complex, since the authority will not pay property taxes but an amount, considerably lower, in lieu of taxes.

State Sen. Fairleigh S. Dickinson, (R-Bergen), is among the critics. He favors a section of the meadows in Kearney because the East Rutherford location represents a high potential for more valuable ratables. Actually, the Kearny location, mostly undeveloped acreage, was prominently pinpointed as the place for the stadium when the land use plan for the meadows was released in 1969.

Figures by the Kearny tax assessor's office show that acreage there is assessed between $5,000 and $30,000, while in East Rutherford the figure is between $50,000 and $60,000. Supporters of the Kearny site also point to the proximity to the new interchange 15W of the New Jersey Turnpike and rail lines of PATH, the Penn Central and the Erie Lackawanna.

McCrane, however, said the authority surveyed six sites in the meadows, and found the East Rutherford spot the most feasible. Soil stability is better, he says, and improvements planned on area highways "will be more than adequate to handle the maximum requirements" of the sports complex.

WHO WILL PROFIT?

The signing of the lease with the Giants was cause for jubilation by landowners around—but not actually part of—the complex site. One realtor bubbled that land value in the vicinity probably will zoom up to nearly $90,000 an acre. Who will profit?

Well, more than 3,000 parties claim pieces of varying size in the vast, 19,600-acre meadowlands. The biggest chunk, 750 acres in North Bergen and Secaucus, is owned by McCrane's father-in-law, Eugene Mori, together with Mrs. Joan Galbreath Phillips, daughter of millionaire developer John W. Galbreath.

Mori, 75, who controls the Garden State track and Hialeah in Florida, has owned the land for more than a dozen years under the corporate name of Cromakill Realty. It is situated about two miles east of the proposed sports complex. The section in Secaucus had been selected for a racetrack in 1967, a venture that included in its complexities none other than Hudson County political boss John V. Kenny, but while the racing commission and county voters approved the plan, the home folk in Secaucus turned it down.

Six days after the lease signing last month, the Mori-Galbreath combine unveiled plans before the meadowlands commission for a $50 million residential-business-commercial development to be known as "Metro Meadows." But since then, a Mori associate insisted privately that Mori has no intention of building the complex, and instead plans to sell the tract to United States Steel. Mori, the associate confided, already has a contract with the giant steelmaker.

George Hess, a spokesman for U.S. Steel in New York, says he knows of no contract, but he confirmed that the company has "looked at the property, but we've done nothing with reference to any development plans." He added that "many problems would have to be resolved before we'd even consider" the project.

TRACE OF IRRITATION

McCrane sees no conflict of interest in his role as prime mover of the sports complex and his kin's real estate ventures. "People who want to believe evil are going to believe evil," he says, with a trace of irritation. "What should I have done, married an Italian shoemaker's daughter?"

Whatever the effect of the sports complex on surrounding real estate, one thing is sure; simply financing the complex itself is apt to be a complicated and expensive affair.

The estimated price tag on the entire complex is $150 million to $200 million. And the interest rate of the bonds will run one to two percentages higher than municipal bonds, because the authority will not have the benefit of the state's credit or "pledge of faith" behind them.

"They're going to pay through the nose," says investment executive George J. Haney of A. G. Edwards & Sons, Inc., Clifton, N.J.

But Elliot Friedman, president of J. B. Hanauer Co., East Orange, N.J., the state's oldest and largest investment firm, says he sees no difficulty in marketing the bonds.

Friedman, who has been talking with the authority about the financing and expects to play a role in the bonding plans, cited two major reasons for his optimism. First, he says New Jersey governmental agencies, including the Turnpike Authority and the Garden State Parkway, have established "excellent credit reputations throughout the country." And second, the complex is a glamorous issue which should be much sought after.

"Who doesn't want to own a piece of the Giants?" he asks.

McCrane hedges on the bonding question.

He said that if the bond market is too high, the authority may turn to temporary financing, that is utilize bond anticipation notes which are taken out for periods of a year or so.

Whatever the course, it all must await the showdown on the lawsuits set for tomorrow in Bergen County Superior Court, Hackensack where Joe McCrane will find out if his touchdown in landing the Giants will stand or if it will be nullified by a legal penalty.

TAX INCENTIVE FOR MORE JOBS

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. HANNA. Mr. Speaker, a few days ago I entered into the RECORD for my colleagues' study a proposal for a tax credit aimed at giving employers an incentive to hire people, rather than an incentive to hire machines as in the case with the investment tax credit.

I am today introducing into the House a bill which would provide such an employment incentive. I am including here a copy of the bill and an explanation of it. I invite my colleagues to consider the bill carefully and to see it in the light of the paper by Professors Roberts and Thunen which I put into the RECORD on October 1, 1971, on page 34584.

The bill I have introduced is very close to the bill introduced in the Senate by Senator JACOB JAVITS and 12 others. The principle difference in the two bills is that my bill contains the $25,000 limit on the full tax credit, whereas the Javits bill contains no limit:

THE EMPLOYMENT TAX CREDIT BILL

A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for the expansion of employment

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by renumbering section 40 as 41 and by inserting immediately after section 39 the following new section:

"Sec. 40. Expansion of employment.

"(a) General Rule.—For purposes of encouraging the expansion of employment, there shall be allowed to a taxpayer as a credit against the tax imposed by this chapter an amount determined by multiplying 4 dollars by the number obtained by subtracting the total number of man-days worked by all of his employees during the base period from the number of man-days worked by all of his employees during the current taxable year.

"(b) Limitation Based on Amount of Tax.—Notwithstanding subsection (a), the credit allowed by this section for the taxable year shall not exceed—

"(1) so much of the liability for tax as does not exceed $25,000, plus

"(2) 50 percent of so much of the liability for tax as exceeds $25,000.

For purposes of this subsection, the liability for tax for the taxable year shall be the tax imposed by this chapter for the taxable year, reduced by the sum of the credits allowed under section 33 (relating to foreign tax credit), section 35 (relating to partially tax exempt interest), section 37 (relating to retirement income), and section 38 (relating to investment in certain depreciable property).

"(c) Definitions.—

"(1) Base period.—As used in this section, the term 'base period' means the taxable year immediately preceding the current taxable year.

"(2) Man-days.—As used in this section, the term 'man-day' means a calendar day on which at least 7 hours of work is performed by one employee; except that, in the case of employees working less than 7 hours per day, each 8 hours worked by one or more such employees shall be counted as one man-day.

"(d) Special Rules.—

"(1) New businesses.—A taxpayer who had no employees during the base period, or who was not engaged in business during the full base period, shall determine the credit allowable to him under subsection (a) in accordance with regulations prescribed by the Secretary or his delegate.

"(2) Merger consolidations, etc.—Whenever a taxpayer increases the total number of man-days worked by his employees during the taxable year by purchasing or otherwise acquiring the business operations of another taxpayer, he shall adjust his base period in accordance with regulations prescribed by the Secretary or his delegate in order to determine the credit allowable to him under subsection (a) for that and subsequent taxable years.

"(3) Minimum pay.—No credit shall be allowed under this section for any man-day worked by any employee unless such employee was paid for his work during such man-day at a rate not less than the minimum rate of pay then prescribed under section 6(a)(1) of the Fair Labor Standards Act.

"(e) Regulations.—The Secretary or his delegate is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) The table of sections for such subpart is amended by striking out "Sec. 40. Overpayments of tax." and inserting in lieu thereof:

"Sec. 40. Expansion of employment.

"Sec. 41. Overpayments of tax."

(c) The amendments made by this section shall apply to taxable years beginning after December 31, 1971, and before December 31, 1972.

Let me, at this point, offer an analysis and explanation of the bill. This legislation would create a new section of the Internal Revenue Code, entitled "Expansion of Employment." The purpose of the bill is to encourage employers to expand their job opportunities. This is done by offering the employer a tax credit of $4 for every day of full-time work by employees who are net additions to that employer's labor force of the previous year.

The bill limits the amount of the full credit to $25,000. Over that amount the employer would be entitled to half of the normal credit.

I am well aware, Mr. Speaker, that many people will raise the issue of the amount of funds lost to the U.S. Treasury by this measure. I answer this criticism by pointing out that the Treasury will indeed lose money through the tax credit—when someone leaves the welfare or unemployment rolls and starts collecting a paycheck, and paying taxes. I am confident that the reduced drain on the unemployment rolls and the increase in tax-paying wage earners will easily offset the amount of tax credit involved.

In order to qualify for a tax credit under this bill, Mr. Speaker, an employer must be able to show an expansion of employment over the previous year. A credit cannot be earned by firing a man in December and rehiring him in January. The credit applies only to net additions of employment.

A "man-day" is the unit of measure against which the credit is applied. The bill defines a man-day as 7 hours of work performed by one man or 8 hours performed by two or more persons. The bill allows credit for an employer who wishes to take additional workers on a part-time basis.

In conclusion, Mr. Speaker, let me say that the enactment of the investment tax credit as recommended by the distinguished members of the Committee on Ways and Means does not preclude favorable action on an employment tax credit. Indeed, the enactment of the latter may provide the insurance that the investment tax credit will be used for the purchase of new machines for new employees to operate, rather than for the purchase of machines that put more people out of work.

MORE ON THE PRAYER AMENDMENT

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. SCHWENGEL. Mr. Speaker, opposition to the proposed constitutional amendment regarding prayer in public buildings continues to grow as evidenced by the following editorial which appeared in the September 24 issue of the Washington Daily News:

THE PRAYER AMENDMENT

Congress should reject as unwise the latest proposal to bring religious ritual back into the public schools.

Over the objections of its own Judiciary Committee, the House has agreed to vote Nov. 8 on a constitutional amendment permitting "nondenominational prayer"—whatever that is—in schools and other public buildings.

This is the same amendment the late Sen. Everett McKinley Dirksen championed without success in the 1960s. And it has no more merit now than it had then.

The Supreme Court ruled in 1962 and 1963 that neither the recitation of prayer nor the required reading of Bible passages has any place in the nation's public schools.

Such ceremony is a clear violation of the separation of church and state and, in many cases, a ritual that tends to degrade religion rather than glorify it.

The prayer amendment is opposed by many churches as a government intrusion into the religious affairs of the people.

Yet the amendment seems to have a good chance of passing the House, and at least a fair chance of getting the necessary two-thirds approval in the Senate.

This would be an appropriate time for Congress to put an end to such controversy—once and for all—and turn its attention to more urgent public business.

AGRIBUSINESS THREATENS FAMILY FARM

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. OBEY. Mr. Speaker, for the past 3 days the Washington Post has run an excellent series of articles by Nick Kotz on the threat corporate agriculture poses to this country.

I say to this country, Mr. Speaker, because if conglomerates are allowed to force farmers off their land, and the "family farm" is eliminated, every citizen—urban and rural—will be affected. Our cities will become more crowded, our rural areas will become ghost towns, our food will cost more and, as Mr. Kotz pointed out, it may even be less nutritious and tasteless.

Some States have attempted to control the corporate takeover of agriculture by legislating in this area. Others should do so. No doubt the Congress should look into this also. In any event, Mr. Kotz has performed a public service by pointing out so well the problems facing the family farmer today:

[From the Washington Post, Oct. 3, 1971]

FARM-TO-MARKET CONTROL: CONGLOMERATES RESHAPE FOOD SUPPLY

(By Nick Kotz)

The name "Tenneco" is not yet a household word to American consumers, but it weighs heavily on the minds of the nation's embattled farmers and of government officials who worry about the cost of food and the fate of rural America.

For Tenneco, Inc., the 34th largest U.S. corporation and fastest-growing conglomerate, has become a farmer.

Its new activities symbolize an agricultural revolution that may reshape beyond recognition the nation's food supply system. Dozens of the largest corporations with such unfarmlike names as Standard Oil, Kaiser Aluminum and Southern Pacific have diversified into agriculture.

What concerns farmers, processors and wholesalers is that the new breed of conglomerate farmers does not just grow crops or raise cattle. The corporate executives think in terms of "food supply systems," in which they own or control production, processing and marketing of food.

"Tenneco's goal in agriculture is integration from seedling to supermarket," the conglomerate reported to its stockholders. Its resources to achieve that goal include 1970 sales of $2.5 billion, profits of $324 million and assets of $4.3 billion in such fields as oil production, shipbuilding and manufacturing.

The conglomerate invasion of agriculture comes at a time when millions of farmers and farm workers have already been displaced, contributing to the problems of rural wastelands and congested cities. More than 100,000 farmers a year are quitting the land, and more than 1.5 million of those who remain are earning less than poverty-level farm incomes. Their plight is severe.

Although the U.S. census still counts 2.9 million farmers, 50,000 grow one-third of the country's food supply and 200,000 produce more than one-half of all food. The concentration of production is especially pronounced in such crops as fruit, vegetables and cotton.

In 1965, 3,400 cotton growers accounted for 34 per cent of sales, 2,500 fruit growers had 46 per cent of sales and 1,600 vegetable growers had 61 per cent of the market.

The medium to large-size "family farms"—annual sales of $20,000 to $500,000—survived earlier industrial and scientific revolutions in agrculture. They now face a financial revolution in which traditional functions of the food supply system are being reshuffled, combined and coordinated by corporate giants,

"Farming is moving with full speed toward becoming part of an integrated market-production system," says Eric Thor, an outspoken farm economist and director of the Agriculture Department's Farmer Cooperative Service. "This system, once it is developed, will be the same as industrialized systems in other U.S. industries."

Efforts to bar large corporations from farming have come too late, says Thor: "The battle for bigness in the food industry was fought and settled 35 years ago—chain stores versus 'Ma and Pa stores.' "

* * * question is whether large-scale industrial food systems provide cheaper food for consumers. Corporate takeover of the poultry industry did result in lower consumer prices. But for numerous food products, corporate farming has not lowered grocery costs, because the price of raw food materials is not a significant factor in determining final retail prices. For example, the cost of a food container is sometimes more than the farmer receives for the food packaged in it.

The new corporate farmers account for only 7 per cent of total food production, but they have made significant inroads in certain areas. Twenty large corporations now control poultry production. A dozen oil companies have invested in cattle feeding, helping shift the balance of production from small Midwestern feed lots to 100,000-head lots in the High Plains of Texas. Just three corporations—United Brands, Purex and Bud Antle, a company partly owned by Dow Chemical—dominate California lettuce production. The family farmer still rules supreme only in growing corn, wheat and other grains, and even here constantly larger acreage, machinery, credit and higher prices are needed for the family farmer to stay profitably in business.

Tenneco hopes that its new brand name, "Sun Giant," will one day become for fresh fruits and vegetables what "Del Monte" now means for canned foods. It hopes housewives will pay premium prices to buy its nationally advertised specially packaged fresh produce.

Tenneco, which started out as Tennessee Gas Transmission Co., says it made "giant strides" in 1970 toward its agriculture goals.

Resources rapidly accumulated by the giant conglomerate include: Kern County Land Co., which controls 1.8 million acres of land in California and other states; J. I. Case Co., a manufacturer of farm machinery; Packaging Corp. of America, which makes food containers; Tenneco Chemicals, a producer of pesticides, and Heggblade-Margoleas, the nation's largest processor-marketer of fresh fruits and vegetables.

Even the largest independent California farmers question how they can compete with a corporation which can, at least in theory, own or control virtually every phase of a food supply system. Tenneco can plant its own vast acreage. It can plow those fields with its own tractors, which can be fueled with its own oil. It can spray its crops with its own pesticides and utilize its own food additives. It then can process its food products in its own plants, package them in its own containers and distribute them to grocery stores through its own marketing system.

Financing the entire operation are the resources of a conglomerate with billions in assets, hundreds of millions in tax-free oil income and interests in banking and insurance companies. Tenneco, according to reports filed with the Securities and Exchange Commission, had 1969 gross income of $464 million and taxable income of $88.7 million. Yet due to federal tax breaks, Tenneco not only paid no taxes on that income, but had a tax credit of $13.3 million.

Tenneco officials—who don't want to be named—acknowledge they are building a vertically integrated food delivery system, but they deny any plans for coordinated use of the conglomerate's total resources. Each company must compete and earn a profit separately, they say. Nevertheless the Federal Trade Commission is actively scrutinizing the corporation's agricultural activities for possible antitrust violations.

Tenneco is reluctant to discuss details of its finances in agriculture, but available information indicates the scope of its present agricultural interests.

In 1970, Tenneco reported agricultural and land development sales of $107 million and profits of $22 million. It farmed 35,000 acres directly and 95,000 acres through 324 tenant farmers. It produced 2 million boxes of grapes, 1.5 million boxes of strawberries and large amounts of other fruits and vegetables. But that is only the beginning.

MARKETING FIRM

Heggblade-Margoleas, Tenneco's processing and marketing firm, sold its own products and those of about 2,000 other farmers. Heggblade-Margoleas is the nation's largest marketer of fresh fruits and vegetables and the world's largest marketer of table grapes. Its processing facilities include a new 8-acre plant and the world's largest date processing plant. Tenneco even has its own farm lobbyist in Washington.

Tenneco agricultural operations employ 1,100 full-time workers and 3,000 at the peak of harvest. Faced with a boycott of its other products, Tenneco last year signed a contract with Cesar Chavez's United Farm Workers Organizing Committee.

The 1970 contract signed with Tenneco and other grape growers raises basic wages to $1.75 to $1.80 an hour and provides a piecework bonus that can add another $1 an hour during harvest season. Before Chavez's union began its grape strike, wages averaged between $1 and $1.25 an hour. The contract also established a medical care fund, an economic development fund and safety precautions to protect workers from pesticide poisoning.

Tenneco's future plans include development of its Sun Giant brand produce and putting into production 30,000 newly irrigated acres.

FARMERS OVERPOWERED

The type of food system being put together by Tenneco and other conglomerates frustrates and frightens independent farmers. They see every element of the food business acquiring market power but themselves. On one side, they confront the buying power of giant food chains. Now they must compete with conglomerates that can take profits either from production, processing, or marketing. The individual farmer usually does not have such options. The giant competitors also benefit most from a variety of government subsidies on water, crops and income taxes.

Contrary to popular notion and most galling to the efficient, large, independent farmer, the corporate giants generally do not grow food cheaper than they do. Numerous USDA and university studies show that enormous acreage is not needed to farm efficiently.

For example, maximum cost-saving production efficiency is generally reached at about 1,500 acres for cotton, less than 1,000 acres for corn and wheat, and 110 acres for peaches. Thousands of independent family farmers possess such needed acreage, and farm it with the same machinery and techniques used by their new rivals.

In fact, studies show that the largest growers incur higher farm production costs as they employ more workers and layers of administrators.

A full-scale economic battle between the conglomerates and independent farmers is now unfolding in the nation's single most important farm area, the rich central valleys of California, which far outdistances Iowa as the first-ranked state in farm sales. California farms grow 40 per cent of the nation's vegetables, fruits and nuts. The state produces at least 90 per cent of the country's supply of 15 crops and leads the nation in 25 others.

"If the Tenneco operation is allowed to go unchecked, it can change the whole complexion of farming in the valley," says Fresno attorney Donald Thuesen. "They have the marketing power to make or break the market. They can sell below cost, as a loss leader, to get other business, and sustain losses that no farmer can afford."

Thuesen represents a large grape grower who claims Tenneco forced him into bankruptcy by selling the grower's grapes below the market price. A former Tenneco tenant farmer makes similar claims involving the marketing of his potatoes. Tenneco denies these charges.

"Tenneco sells their produce first and you get what's left over," contends John Giacone, who grows cantaloupes in the San Joaquim Valley.

In an effort to market his own cantaloupes, Giacone built a plant to box and market his produce. But now he finds supermarket chains will not buy his cantaloupes unless he uses a different kind of container. The chains have changed their container specifications deciding that another kind of box is more convenient for their retail operations.

Remodeling his shed for the newly required packing process would cost $500,000, says Giacone, and that "will take the family jewels and then some."

At a time when they are confronted with overproduction in numerous crops, California's independent farmers are distributed to see the conglomerates, with taxpayer's help, each bringing into production 5,000 to 100,000 newly irrigated areas.

A California state water project will irrigate 450,000 new acres for crops. A Ralph Nader task force calls the waterproof an unwarranted, $1,000-an-acre "welfare scheme" for a few big landowners. Tenneco plans to grow fruits and vegetables on 30,000 of these areas. Other major beneficiaries include Southern Pacific, Standard Oil of California and Belridge Oil Co.

INEFFICIENT FARMING

"Belridge Oil Co. is spending $185 million to develop 20,000 acres of fruit and vegetables," says Jack Bowen, a peach grower in Modesto. "They grew 640 acres of peaches last year just to see whether they wanted to grow them. If corporations like that get serious, we've had it. "We can produce more efficiently than these corporations but we may not be around long enough to prove it."

Bowen is not a small peach grower. A sign outside his spacious 350-acre orchard proudly proclaims "A Family Business for Four Generations." His annual sales exceed $300,000. He replaced the jobs of several hundred nonunion migrant workers with a giant machine, which clutches peach trees by their trunks, then shakes off the peaches into a conveyor and onto trucks.

As a practical matter, Bowen and other California peach growers have become too efficient for their own good. Faced with ruinous prices last year, they destroyed 40 per cent of their harvest.

"We only have 53,000 acres of peaches in production," says Ugo Caviani, president of the California Peach Canning Association. "One big corporate grower like Tenneco could wipe us all out."

Caviani says the number of California cling peach growers has declined from 2,200 to 1,700 in only three years, while the number of canners has dropped **from** 40 to 14.

The nation's fruit and vegetable growers are not strangers of the tough competition of agribusiness. For many years, they have wrestled with the market power of chain stores and major food processors. They sell to canners such as Del Monte, Libby-McNeil & Libby, Green Giant Co., H. J. Heinz Co. and Minute Maid Corp. (a subsidiary of Coca Cola). Each of these canners also competes with the independent farmer by growing large amounts of its own food supply.

But the new conglomerate represents a different kind of competition. The older agribusiness corporations are primarily food companies and must make money somewhere in the food distribution system. Such is not necessarily the case with the new conglomerate farmers, for whom millions of dollars of agribusiness investment may represent only a fraction of their total holdings. Only 4 per cent of Tenneco's sales are from agriculture.

In fact, the conglomerates may find their food investments profitable even without earning anything from them. The profits may come from land speculation, federal crop subsidies, or generous federal tax laws. Tenneco recieved almost $1 million in 1970 cotton and sugar farm subsidies.

The new conglomerates utilize a variety of federal tax provisions that permit them to benefit from tax-loss farming and then profit again by taking capital gains from land sales. Tenneco, for example is now developing six new California suburban communities on former farm land.

Tenneco officials insist they are farming to make money, to serve the consumer quality products and to help strengthen American agriculture.

"LAND AS INVENTORY"

However, Simon Askin, Tenneco's executive vice president for agriculture and land development, recently told the Los Angeles Times: "We consider land as an inventory, but we're all for growing things on it while we wait for price appreciation or development. Agriculture pays the taxes plus a little."

The federal government has been hesitant to bring antitrust actions against conglomerates that move into farming. So farmers and corporations are watching closely a key test case that is developing in California's Salinas Valley, the lettuce and celery capital of the country.

The Federal Trade Commission has charged both United Brands, the 81st largest U.S. corporation, and Purex Corp., the 316th largest, with seeking to monopolize the production and supply of fresh vegetables.

The FTC is negotiating a settlement with Purex but the United Brands case is in federal court. The government charges that United Brands is transforming the lettuce and celery business from a competitive one of small, profitable, independent growers into a non-competitive industry dominated by large conglomerates. The FTC will seek to prove that United Brands cannot grow lettuce more cheaply and that it provides no price benefits to consumers.

In its reply to the FTC complaint, United Brands contends that the country needs large corporations in the farming business. United Brands, represented by President Nixon's former law firm, states:

"Although there may be some nostalgic desire to see a market composed of many small growers, that structure cannot survive against a market buyer (chain stores) that is composed of fewer and fewer companies with larger and larger market shares."

"SMALL FARMERS"

United Brands contends there is no economic justification for "a lettuce market composed of many small farmers who all are at the mercy of the buyers."

The FTC case illustrates dramatically the vastly different concepts by which industry and farmers measure bigness in agriculture. Most of the "small farmers" referred to by United Brands, are by present farm standards, among the largest independent farmers in the country. Their annual sales range from more than $100,000 to several million dollars.

Although admitting the increasing concentration of corporate power in fruit and vegetable production and the corporate takeover of poultry farming, USDA officials generally contend that this phenomenon will not spread to other farm products.

Many Midwestern cattle, hog and grain farmers disagree.

The fear that the cattle and hog feeding businesses, their best source of income, may follow the pattern in which independent poultry growers were wiped out.

About 20 corporations including Allied Mills, Ralston Purina and Pillsbury Co., originally went into poultry production as a means of developing markets for their feed. Farmers were signed up to grow the corporations' poultry, using their feed.

According to USDA studies, the poor but once independent poultry farmers are still poor as contract workers, earning about 54 cents an hour. A Ralph Nader task force on agriculture called this corporate farm system "poultry peonage."

The corporations, however, contend that they have benefited small farmers with a steady, if small, source of income. And, they say, they have given consumers lower priced chicken and turkey.

The farmer sees everyone he must deal with in the food production system acquiring more power except him. The supermarket chains, the grocery manufacturers and the new conglomerate farmers all have economic clout in the marketplace and political influence in Washington. Even migrant farm workers, still the lowest paid laborers in the country, have made some progress, signing contracts with the new conglomerate farmers, who are vulnerable to boycott of their brand products.

Only the individual farmer, with the exception of powerful cooperatives in a few crops, remains unorganized in the marketplace.

A battle to achieve market power now pits rival farm producer groups against each other, farmers against processors and farmers against migrant farm workers.

The battle has produced some strange new alliances and has strained old ones. It is now being fought with strikes and boycotts and in the halls of Congress.

[From the Washington Post, Oct. 4, 1971]

Agribusiness Threatens Family Farm

(By Nick Kotz)

Thomas Jefferson: "Those who labor in the earth are the chosen people of God—his peculiar deposit for substantial and genuine virtue."

Joseph Weisshaar looks the part of Modern American Farmer, textbook version: educated at Iowa State, conservative in speech and manner, efficient in the latest technology, industrious as a businessman, proudly independent.

He is 39 years old and grossed more than $100,000 last year selling hogs. He has presumably "made it." But in fact he is a troubled man, fearful that he and thousands of farmers like him in this country cannot survive the industrial and financial upheavals in American agriculture that have been brought about in recent years by the emergence of enormous "agribusiness" corporations.

So he has become a "militant" of sorts, a card-carrying member of the hell-raising National Farmers Organization which is using collective bargaining, law suits, strikes, boycotts, crop dumping and even occasional violence to win higher farm prices for its growing membership.

The NFO's ultimate goal is to protect the "family farmers" of the world from forces over which they have minimal control—giant food chains, food manufacturers and conglomerates that are attempting to bring to agriculture the industrial bigness, efficiency and control that characterizes much of the American economy.

The threat to the "family farm," and the way of life it represents, is so strong that even the American Farm Bureau Federation, the nation's largest and most conservative farm organization shows symptoms of upheaval. In the past, the AFB has consistently and vigorously opposed federal intervention in the farm economy. But today it is swallowing its ideology and asking for federal laws to strengthen individual farmers in dealing with the new corporate forces in agriculture.

The stakes in this struggle between farmers like Weisshaar and the giant new farm corporations are immense:

Food is the nation's largest business with $114 billion in annual retail sales. More than $8 billion in annual farm exports keep the U.S. balance of trade from becoming an economic disaster. The question of who in agriculture is to share in this bounty and on what terms is at the root of the NFO's militance and the Farm Bureau's philosophical turnaround.

Will the family farm survive in the years ahead? Or will agriculture become—like steel, autos, and chemicals—an industrial dominated by giant conglomerate corporations such as Tenneco, whose operations were described in an article yesterday? In that case, the nation will have lost its prized Jeffersonian ideal, praised in myth and song, of the yeoman farmer as the backbone of America.

What will become of rural America if the greatest migration in history—40 million to the cities in 50 years—is further accelerated? Farmers have provided the economic base of the small towns and that base is becoming perilously small.

What will be the effect of a rural wasteland on the American political system? The power of all the farm lobby and the small towns, already in sharp decline, has traditionally provided a counterbalancing force to the politics of the big cities.

How will the nation's food supply be affected? Production efficiency of the family farmer and general affluence have made food a relative bargain in the United States. Can the conglomerates glance at unfavorable provide a steady, efficient supply of food?

FAMILY UNITS DOWN

On all these questions, the symptoms are not encouraging for the family farm system. A million farms are eliminated every 10 years and only 2.9 million remain.

The average farmer today is 58 years old—compared to a median age of 38 for all Americans in the work force. Young aspirants who would like to fill the retiring farmer's shoes can't get capital. And many who start farming soon quit, discouraged by low returns and mounting debts.

The contest between the family farmer and the conglomerates is, on the surface, incredibly unequal. There is Tenneco with its $4.3 billion in assets and its ability to employ its own land, tractors, pesticides, oil, processing plants, and marketing system. On the other side, there is Joe Weisshaar trying to hold on. Weisshaar has not quit, but he is perplexed about what it takes to earn a decent living farming.

GOAL REACHED

After 10 years applying the lessons taught him at agriculture college, Weisshaar last year reached his personal goal—the magic circle of 50,000 farmers who sold at least $100,000 worth of farm products and produced one-third of the nation's food.

It was not a happy experience.

"I figured I would have it made when I reached the $100,000 mark," (in sales) says Weisshaar, 39, who farms 540 acres near Creston, Iowa, "but I ended up $1,300 further in debt. It seems like the bigger you get, the harder you fall. You depend heavily on credit and with one bad year of hog prices you are in deep trouble."

The Weisshaars have taken only one vacation in 10 years. The family bought only one costly item last year, a new refrigerator. Mary Jane Weisshaar, an attractive college graduate and mother of three young children, paid for it by driving a corn-hauling truck in a job that begins at 5 a.m.

"All that talk in the cities about free time and recreation?" questions Weisshaar. "I wonder whether we farmers aren't subsidizing that recreation."

With his credit already stretched to meet operating expenses, including payments on expensive farm machinery, Weisshaar must farm leased land, rather than buying his own.

"The doctor and lawyer uptown are buying up the farm land as a tax write-off and a hedge against inflation," he complains. "When they get done with it, there is only one place it can go—to the farm corporations."

INVESTMENT IN YOUTH

"This country is going to wake up one day and discover that the price of food has doubled," says Weisshaar's banker, Charles Ehm, who worries that young men can't get a start in farming. "We decided to start out five young farmers a year—a good investment for the community. It's not working and it just tears my heart.

"The worst part of it is that they are not 'pool hall boys.' They work night and day. They are efficient, good farmers. I could name at least a half dozen who will sell out this winter, and they shouldn't have to."

Ehm says the family farm will soon disappear unless farmers get higher prices, and the government provides special financial credit for beginning farmers.

Weisshaar worries that Midwestern farming will be taken over by "vertically integrated" corporate farms, similar to ones that now dominate California agriculture.

While the Tennecos haven't yet moved into Iowa on the grand scale they have spread through California's central valleys, you can almost hear their footsteps.

Feed manufacturers, processors and other corporations already have taken over poultry production, and are now applying similar tactics to move in on hog and cattle feeding—the midwestern farmer's best source of income.

Ralston Purina Co., a leader in the corporate takeover of poultry, has made a pitch to Weisshaar, offering to finance his hog operation, if Weisshaar will buy the corporation's feed and grow its hogs on contract. Remembering what happened to the once independent poultry grower, Weisshaar doesn't want that kind of partner. He doubts the advertisements of Kleen-Lean, Inc., the Ralston Purina subsidiary, which beckon him with "Swine Leasing Will Work for You."

THE PROFITCHAIN

But Weisshaar is faced with a dilemma. If the processors and conglomerates gain control of hog and cattle feeding, then Midwestern family farmers will have to get all their income from growing corn, wheat, and soybeans. Farmers fear they cannot survive, if their only function is to provide grain for an integrated food system in which most profits are taken further up the food chain of animal feeding, processing, marketing and retail sales.

"It doesn't matter whether there are 500,000 of us left or 50,000," says the muscular but soft spoken Iowa farmer. "If we are powerless in the marketplace, we'll just keep on overproducing and killing each other off."

Out of this dilemma, the NFO arose and the Farm Bureau began rethinking its strategy. Farmers started turning up in unfamiliar places—with picket signs at packing plant gates, and with highway barricades seeking to bar farm products from going to market at low prices.

The NFO plan for saving the family farmer includes legislation prohibiting farming by large conglomerate corporations, closing loopholes that promote tax-loss farming by non-farmers, and providing easier financial credit for young farmers.

But the NFO has little confidence in getting help from a Congress in which the farm vote has shrunk into political insignificance.

Its basic strategy is to organize farmers into bargaining blocks of sufficient power to raise prices for their beef, hogs, grain, and other commodities. When buyers refuse to bargain or market prices get too low, the NFO tries to withhold commodities from the marketplace.

Weisshaar believes that an NFO-bargained contract with the John Morrell Co. will mean high prices this year for his hogs and better income to support his family.

"The NFO is the only hope we've got," he says. "We've got to block together our production and demand prices that will give us a decent living."

The Farm Bureau has called for relatively mild legislation that would require processors "to bargain in good faith" with farm groups representing a significant number of farmers. A three-man board, appointed by the President and approved by the Senate, would approve the farmer bargaining agents.

The Farm Bureau legislation, introduced by Rep. B. F. Sisk (D-Cal.), represents, at least in part, a response to the competition of the NFO.

BUSINESS BALKS

Several years ago the Farm Bureau organized voluntary bargaining associations, but learned to its surprise that its old friends and philosophical allies in agribusiness were not cooperative. Agribusiness corporations such as Campbell Soup Co., Green Giant Co., Del Monte Corp., and Pillsbury Co. flatly refused to sit down at the bargaining table.

Many Farm Bureau members suddenly looked at their prestigious organization in a different light. The Farm Bureau had built a $4-billion empire selling life insurance and supplies to farmers. But what, asked farmers, had the Farm Bureau done for them?

So John Kuhfuss, Illinois farmer and Farm Bureau President, went to a House Agriculture Subcommittee to complain. Agribusiness will not bargain with the Farm Bureau, he said, but insists on buying from individual farmers on "a take-it-or-leave-it basis—a one-sided process that is getting more one-sided as changes continue to occur in American agriculture."

Still another approach to increased farmer power is taken by advocates of giant cooperatives, which already are powerful in the dairy industry and in California citrus. The coops believe farmers must compete by creating their own vertically integrated systems of production, processing and marketing.

The giant dairy coops also seek to win higher prices under government-approved marketing orders by exercizing political muscle in campaign financing. The dairy coops already have poured $170,000 into a 1972 Republican campaign chest for President Nixon's re-election.

"Agriculture is acting a great deal like the buggy whip industry acted at the turn of the century," says Eric Thor, director of the Agriculture Department's Farmers Cooperative Service and an advocate of giant, integrated coops. Instead of trying to reduce costs and sell cheaper buggy whips, says Thor, that outmoded industry should have become a manufacturer of fan belts or air cleaners.

Similarly, Thor says "the family farm could disappear" unless farmers compete collectively as processors and marketers of food. He believes farmers are wasting time concentrating all their energy on production effiency, at a time when food industry profits are controlled in food marketing.

COOPS BIG TOO

Some farmers complain, however, that the "super coops" have become just another kind of conglomerate giant from which they get few benefits. For example, Sunkist Growers, Inc., which dominates 80 per cent of California citrus, is a many-layered, pyramid-shaped corporation. Small growers are at the bottom. Contrary to general knowledge, the processors at the top of this "super coop" include major private corporations as well as farmer-owned processors. Critics contend that decisions are made and profits are taken at the top of the pyramid, with too little consideration paid to the economic interests of the small grower.

Iowa farmer Weisshaar is not eager to have his interests buried in such coops. "If I wanted to go into something like that," he says, "I would have gone into meat packing or the grocery business. I like being a farmer."

The various plans of farm groups to save the family farm face an uncertain future.

Their legislative and organizational prospects are seriously weakened by traditional divisions in their own ranks. The NFO is suspicious of the Farm Bureau and is itself distrusted as too "radical" by other farmers. The National Farmers Union, which represents midwestern grain producers, has its own legislative goals.

Other farmers, including cattlemen, fear that mandatory bargaining—a Farm Bureau proposal—will merely stimulate further vertical integration by the conglomerates. Faced with the prospects of collective bargaining, giant meat packers, canners and sugar refiners may respond by growing even more of their own raw food materials.

It is difficult to design legislation to meet the differing problems of Iowa corn producers or California fruit growers.

Furthermore, the agriculture committees of Congress are confronted with new conflicts of interest. In the past, these committees had little trouble satisfying both big farmers and corporate food processors.

The big farmer and conglomerate both benefitted from farm subsidy payments, a cheap labor supply, and foreign aid food programs.

But now the Senate and House Agriculture Committees are faced with difficult choices—resolving new conflicts between independent farmers and the corporations. Agribusiness, led by the National Canners Association, National Broiler Council, and the American Meat Institute strongly oppose bargaining legislation.

These committees give considerable weight—as do many economists—to the agribusiness argument that farm commodity prices are determined on a day-to-day basis in a highly competitive world market and that rigid bargaining legislation might well weaken the ability of American agriculture to compete in world trade.

They are concerned, too, about maintaining the vigorous competition that now exists among food processors who fight for position in retail stores and who seek to satisfy shifting consumer preferences that often are geared to price. Processors want to retain this pricing flexibility and fear the rigidities that could come from enforced bargaining.

MANY LOBBYISTS

In terms of effective political power, 200 Washington lobbyists representing the food industry are far more influential than farmer lobbyists. Food processors have plants scattered all over urban America and can appeal to urban as well as rural Congressmen. For example, the Grocery Manufacturers of America maps out its legislative campaigns with charts showing the location of food plants in each congressional district.

"Most members of the Agriculture Committees wish this farm bargaining issue would just go away," says one agribusiness lobbyist. "Whatever they do, the politicians figure they will make one friend and six enemies."

The Nixon administration also feels and reflects the conflicting pressures from farmers and food manufacturers. The administration has tentatively supported the Farm Bureau bargaining bill. But a high administration source confides:

"The White House owes a political debt to the Farm Bureau, but we aren't very enthusiastic about this legislation. If you look at our proposed qualifying amendments, you'll see there really isn't much left."

The political disputes and maneuvering are still largely regarded by consumers, urban politicians, and the news media as intramural issues involving "the farm problems."

But the broadest issue involves the future shape of America and of its rural communities.

There is the strong, compelling desire in rural America to maintain the family farm and the small town.

Joe Weisshaar questions whether a way of life his family loves will be replaced by another industrialized system, administered by the forces of big labor and big industry.

And migrant farm workers struggling to organize, question whether society does not have some obligation to help the lowest-paid worker who is being replaced by machines.

WHY BIGNESS?

Creston banker Charley Ehm asks: "Why is this country so obsessed with bigness? Why can't a young fellow farm 300 acres and make a living? We need to replace the economists and corporate planners with someone who has a concern for human beings."

Even assuming that industrial agriculture can be more efficient. Don Paarlberg, the Agriculture Department's chief economist, says: "People are asking, whether in as affluent a country as the United States, efficiency should be the sole criterion for the form of agriculture we are going to have. We now supply ourselves with food—the best diet ever, anywhere, with 17 per cent of our income. How much is it worth to drive that percentage down to 15 or 12 or 10?

"Should we sacrifice a form of agricultural production that has served us well, that has produced good people as well as good crops and livestock?"

Paarlberg had no answer for the question.

[From the Washington Post, Oct. 5, 1971]

U.S. POLICY HANDCUFFS SMALL FARMER

(By Nick Kotz)

Tereso Morales has struggled all his life at the bottom of the richest agricultural system in history. Since he was nine years old, he has stooped in fields from Oregon to Texas, harvesting wealth owned by big farmers, retail food chains, canners and now, by agribusiness conglomerates.

Morales, 35, is still breaking his back in the fields, but with new purpose. His mind is now fired with a dream at sharing in some of the richest of American agriculture. He has joined with 30 other migrant workers and small farmers to grow strawberries in Watsonville, Calif. He hopes to earn $10,000 a year to raise his 11-member family in someplace other than a labor camp or a big city slum.

The 31 families of Cooperativa Compesina in many ways symbolize the problems and aspirations of 13 million poor rural Americans. They are among the 1.5 million small farmers and more than one million migrants who now work the land at far less than poverty-level incomes. They contribute to national statistics one-half of the nation's poverty and substandard housing.

The cooperative movement may give some of these people a way out of poverty. But the odds on their success are small.

They are competing—like the "family farmers" of the country—against powerful, efficient and aggressive "agribusiness" corporations that have moved into American agriculture on a large scale.

Morales and the other families of Cooperativa Compesina, for example, are competing in the California strawberry market with Tenneco, Inc., a $4.3 billion conglomerate corporation, and with S. S. Pierce Co., which both grows and distributes its own brand of premium-priced foods.

They are competing, in a larger sense, with political forces that have shaped federal agricultural policies in ways that favor the largest and most efficient interests in agriculture.

For more than 35 years—to take the most obvious case in point—American industrial workers have been represented by powerful labor unions that have secured minimum wage legislation, unemployment compensation, child labor regulations, workmen's compensation for injuries on the job, collective bargaining right and so on. Farm workers, like Morales, generally enjoy none of these rights and benefits.

UNDERCUT BY GOVERNMENT

When the United Farm Workers Organizing Committee, led by Cesar Chavez, sought to achieve some of the same benefits, government responded by undercutting the movement with policies permitting employers to import cheap labor from Mexico and Puerto Rico. When Chavez and his union sought to gain bargaining rights with a retail boycott of grapes and lettuce, the Defense Department increased its purchases of grapes and lettuce.

At the same time, the government has continued its subsidies to large farm operations through the provision of low-cost irrigation water, the development of labor-displacing machinery and generous tax laws.

The U.S. Department of Agriculture, through various policies and actions, has discouraged the development of cooperatives for low-income farmers on grounds that the industrialization of agriculture and the elimination of stoop labor is in the interests of both country "Government," says James Hightower of the Agribusiness Accountability Project, a foundation-financed operation, "has provided socialism for agribusiness and free enterprise for the small farmer and farm worker."

The problems created in "rural America" by these policies have prompted politicians and residents to come up with new programs and new rhetoric to "save" the small towns and the small farms of the country. There have been, in recent years, "wars on poverty," "rural development" schemes and concept of "balanced national growth". But thus far, the powerful and impersonal forces of corporate agriculture have been the dominant factors in the changes sweeping the farm economy.

TREND REVERSES ABSENT

The measures that might reverse the trend—strong farm worker labor unions, generous subsidies to small cooperatives, the redistribution of land from corporate farmers to individual farm entrepreneurs—have not been undertaken.

What is happening in American agriculture—bigness concentration, and the efficiency these things produce—may be good or bad for the country in the long run. But the implications of these tendencies transcend the question of whether Tenneco, Inc., or Tereso Morales will harvest strawberries in California. These implications include the following:

The future shape of the American landscape. Already in this country 74 percent of the population lives on only 1 percent of the land. If present trends continue, only 12 percent of the American people will live in communities of less than 100,000 by the 21st century—60 percent will be living in four huge megalopoli and 28 percent will be in other large cities.

Rural life, already seriously undermined by the urban migration, will be further eroded. Today, 800,000 people a year are migrating from the country side to the cities. Between 1960 and 1970 more than half of our rural counties suffered population declines. One result is the aggravation of urban pathology—congestion, pollution, welfare problems, crime and the whole catalogue of central city ills.

The domination of what is left of rural America by agribusiness corporations is not only accelerating the migration patterns of recent decades but raises the spectre of a kind of 20th century agricultural feudalism in the culture that remains.

In response to this vision of the future, the federal government in the 1960s undertook limited measures to stimulate the survival of the small farm and the small towns of America. The antipoverty programs administrated by the Office of Economic Opportunity touched the problem in certain ways.

A START THROUGH OEO

Tereso Morales, for example, learned to read and write in an adult education course sponsored by OEO for migrant workers. He learned, too, that he and other farm laborers might earn a living growing high-value fruits and vegetables. So he persuaded three of his OEO classmates to join him in putting up $500 apiece to launch Cooperativa Compesina, with Morales as president.

Working from sunup to dark in the coop's 140-acre leased fields, Morales has little time or patience to talk with visitors about abstractions. He is laying several miles of irrigation pipe, and supervising the leveling of irrigation ditches. It is an exacting job. If the irrigation troughs vary by more than one inch in 100 feet, water may slop over and mildew the precious strawberries.

The dream or heartbreak at the end of this labor will come next year. If all goes well, each acre of strawberries should produce gross sales of about $9,000. Then the cooperative will find out whether corporate competitors attempt to frustrate its marketing plans.

"In a good year I could earn $5,000 as a migrant," relates Morales, "but that meant traveling for 12 solid months. "It's very hard on the family. How are you going to do that and raise nine kids, send them to school, give them a chance? You can't keep running forever. I'm not moving anymore."

KEYED TO FAMILY

The coordination of cooperative farming is no easy matter, and has produced some failures. Cooperativa Compesina divides up land and profits on the basis of family size and family contributions to work. Its members so far are sticking together.

"We want to benefit our community and do all we can to exist," says Morales. "Our members are not afraid to work. With what we have to go back to, this looks pretty good."

The coop got its crop started with a $100,000 loan from an OEO-funded consulting firm, and a $150,000 loan from the Wells-Fargo bank. When local growers tried to block the loan a local Wells Fargo official reportedly told them: "You'll take your money out of the bank, but they'll burn the bank down. What am I supposed to do?"

Despite the indirect assistance from OEO, the federal government—and particularly the Agriculture Department—has done little to assist Morales' coop and similar ones that are being started by blacks in the South and whites in Appalachia.

TURNED DOWN BY FHA

The Farmers Home Administration turned down Cooperativa Compesina's request for a loan.

"The low-income farmer problem is not personally my cup of tea," says Homer Preston, deputy administrator of USDA's Farmer Cooperative Service. "Our conventional coops are not exactly enthusiastic about them. They don't have much to offer except labor and it is less important today. These people were cotton choppers.

"They're tied in with idealism and civil rights, and a lot of romanticism. The purpose of cooperatives is not to keep mass numbers in farming but to help those who remain. You can't go against market trends when everything else points to bigness."

Although the conventional co-ops were started by struggling farmers of yesteryear, they today essentially represent big business and seek farmer members who can invest in processing and marketing.

In the course of assisting "bigness," Preston says the FCS is helping merger negotiation between the country's two largest dairy "super co-ops," which between them, control about 40 per cent of the fluid milk supply.

When he came to Washington seeking management training assistance for 100 low-income southern co-ops, says Father A. J. McKnight, FCS advised him to seek help from a private foundation.

"The USDA programs have favored the big commercial farmers and have deliberately tried to eliminate the small family farm," said McKnight, referring to research sponsored by the Agriculture Department and land grant colleges.

At a time when poor Southerners are starting to earn a living growing labor-intensive specialty crops like okra, tomatoes, sweet potatoes, and cucumbers, McKnight said USDA is developing strains of the same vegetables which can be harvested mechanically.

TOUGHER STRAWBERRY

Similarly, government-backed research at the University of California is developing a tougher variety of strawberry—with a primary emphasis not on flavor or nutrition, but on its ability to be shipped and picked by machine.

"When I asked about the effects of that strawberry picker on migrant workers," says Alfred Navarro, a consultant to Cooperativa Compesina, "the Extension Service guy said: 'All I worry about is the economic part of it. Let the sociologists worry about that'."

"Mechanization is a fact of life," says Navarro, "but the field worker can't eat the machine. Who deals with the social effect of these machines? The Agriculture Department has got to be responsive to more than one sector of the rural economy."

The clash of farm worker and grower has been highlighted in recent years by the rise of Cesar Chavez's United Farm Workers Organizing Committee.

UFOC's major successes to date have been in winning contracts from the new conglomerate farmers, who have entered California fruit and vegetable farming. Primarily because they fear boycotts of their nationally-branded products, the conglomerates say, they have signed contracts while most large independent growers have not.

In the Salinas Valley, for example, four of five contracts won by the union are with national firms: Purex Corp., United Brands, S.S. Pierce Co., and Heublin, Inc.

UNION STILL RESISTED

Meanwhile, the largest independent growers are still bitterly resisting the union, and seek state or national legislation that would restrict its activities. The growers want a law that would prohibit strikes during harvest season and the secondary boycotts by which Chavez has appealed to sympathetic consumers.

The outcome of these battles over agricultural wealth could be an industrialized system of conglomerate farmers and of unionized labor. However, Chavez so far has organized only a small percentage of California migrants, and even these victories are fragile ones, subject to renegotiation in a year or so.

Chavez's ultimate goal is to win economic independence for migrants by creating cooperatives such as Cooperativa Compesina.

They could be helped by a new system of crop subsidies, which base government assistance on economic need rather than on acreage.

Present subsidies, theoretically aimed at controlling overproduction, go mainly to the wealthiest farmers who own the most land. But John Schnittker, Under Secretary of Agriculture in the Johnson administration, argues that subsidy payments for wheat and cotton are far larger than those needed to control surpluses. A substantial part of these subsidies, says Schnittker, simply provide income supplements to the wealthiest farmers.

Some reformers argue that the small farmer can still be given a place in America if the government brings about "land reform," including enforcement of the 1902 Reclamation Law.

This law originally was designed to protect the small farmer. It provided that government-irrigated land could not be owned by absentee landlords, and that no individual could own more than 160 acres of government-irrigated land.

The law has never been enforced. In California alone, corporate landholders continue to occupy and benefit from more than one million acres subject to the 160-acre limitation.

Rep. Jerome Waldie (D-Calif.) and others have proposed legislation by which the government would buy this illegally-held land, and then resell it on generous credit terms to small farmers and low-income cooperatives.

Unless present trends are reversed, the ultimate cost of the new conglomerate revolution in agriculture will be paid by the small towns of the Midwest and of California.

CALLED DISASTROUS

Jack Molsbergen, a real estate man in Mendota, Calif., describes as "disastrous" the effects of conglomerate farming on his town in the western San Joaquin Valley.

Conglomerate farmers such as Anderson Clayton and Co., the country's 185th largest corporation with 1970 sales of $639 million, contribute little to the local economy, says Molsbergen. The conglomerates buy their farm machinery and supplies directly from the factory and their oil directly from the refinery, he says.

When Mendota tried to build a hospital several years ago, says Molsbergen, Anderson Clayton and two other large corporate landowners blocked the project, because it would increase their property taxes.

LIVES ELSEWHERE

"The guy who made the decision for Anderson Clayton lives in Phoenix," explains Molsbergen, "and if you live in Phoenix, you don't need a hospital in Mendota. These corporate guys don't go around with a Simon Legree mustache. They are nice men. It's just the way things are."

Agriculture Department economists do not see any future for the Mendota, Californias, of the country.

"These towns represent the unfulfilled dreams of the people who went there," says USDA economist Warren Bailey. "They are going the same way as the neighborhood grocery. People want to shop where they have a choice. With air-conditioned cars and good roads, they choose to do their shopping in the cities. Iowa really doesn't have room for more than 12 regional centers. The small town will remain only as a pleasant place to live."

As matters now stand, the small town will die and the small farmer and farm worker will be replaced without any of the attention and national debate that has focussed on other economic disruptions.

LOCKHEED CONTRAST

There is a marked contrast between national concern shown over the economic problems of a Lockheed and the problems of 150,000 small North Carolina tobacco farmers, who soon will be displaced by a new tobacco harvester.

Woodrow L. Ginsburg, research director of the Center for Community Change, contrasts that concern:

"When tens of thousands of scientists and skilled technicians were threatened with loss of jobs in the aerospace industry, a host of industrialists, bankers, and others besieged Congress for large-scale loans and special legislation.

"But when even larger numbers of workers are threatened with loss of jobs in the tobacco industry, scarcely a voice is raised. What corporate executive speaks for such workers, what banker pleads for financial aid for them, what congressman or state official calls upon his colleagues to enact special legislation?"

Ginsburg believes no voice is heard because America lacks "a national rural policy that considers the needs and aspirations of the majority of rural Americans—farm workers, small farmers, small independent business men and the aged."

"The farmhouse lights are going out all over America," says Oren Lee Staley, president of the National Farmers Organization. "And every time a light goes out, this country is losing something. It is losing the precious skills of a family farm system that has given this country unbounded wealth. And it is losing free men."

WASHINGTON, D.C., HOSPITAL CENTER CUTS ITS RATES

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. GUDE. Mr. Speaker, I certainly need not call anyone's attention to the rising cost of medical care today. Unfortunately it is a fact that we are all aware of, and it has become an issue of national concern. However, I would like to call attention to an article from the AMA News which reports Washington Hospital Center's laudable decision in reducing its room rates for the second time in 2 months.

The article follows:

D.C. HOSPITAL CUTS ROOM RATES AGAIN

The Washington, D.C., Hospital Center dropped its room rates for the second time in two months.

The city's largest hospital lowered the basic room charge by $5 and trimmed charges for medicines and patient services that will produce an expected $3-a-day saving for most patients. Rates were cut $3 daily in July.

Higher-than-expected Medicaid payments and service efficiencies—earlier discharges, temperature taking once daily rather than four times—helped the center reduce the rate to $59 for a semi-private room.

RESTORE SCHOOL LUNCH FUNDS

HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. STEPHENS. Mr. Speaker, I am very concerned about the Department of Agriculture's decision to drastically reduce funds for the school lunch program. However, the Senate has now passed Senate Journal Resolution 157, which assures that every needy child will receive a free or reduced price lunch as Congress intended when the school lunch program was established. Soon, the House will also vote on this important legislation introduced by my friend and fellow Georgian, Senator HERMAN E. TALMADGE.

A fine editorial on this recently appeared in the Athens Banner-Herald, my hometown newspaper. The editorial points out that hungry children should not be made to suffer simply because the Government needs to reduce its expenditures. Surely there are other programs where reductions would be less harmful.

Mr. Speaker, I insert in the CONGRESSIONAL RECORD this editorial calling for immediate action by Congress to restore the school lunch funds:

CONGRESS SHOULD RESCUE SCHOOL LUNCH PROGRAM

All Americans should support emergency legislation introduced recently by Senator Herman Talmadge of Georgia to restore funds cut from the nation's school lunch program for needy children.

Talmadge developed his proposal in response to new regulations established by the Nixon Administration that would expand the program in some areas but cut an estimated $150 million in funds for free or reduced lunch prices.

The Talmadge bill would order the Secretary of Agriculture, who administers the lunch program, to restore the funds cut with money available to the department through import duties.

Needy children in Georgia and other states will suffer unless the Talmadge proposal or some other plan to restore funds cut is approved.

Under the proposed cutback, the USDA would reimburse school systems at the rate of 35 cents a meal rather than the 42 cents a meal that school officials had anticipated.

Since most local and state budgets are locked in at this time, this cutback would mean that school systems would either have to reduce the number of children getting meals or cutback on the meals.

Some children pay all or part of the cost of their lunches, but these costs cannot be increased at this time to help defray the losses because of the price freeze.

Raising the prices likely would be self-defeating anyway. It might mean that some who pay part of the cost could not afford lunches and that some who can afford lunches might start bringing their own.

The government's decision to cut the program seems unwise. There are other places where cuts can be made without hurting children. But certainly the late announcement of the cutback is unfortunate because it leaves local school systems without a satisfactory recourse.

We urge the Congress to support the Talmadge proposal or some other proposal to restore the food money at the 42-cent level on which local systems based their programs for this year.

The case for reductions, if there is one, can be considered for next year.

Children need at least one good meal a day to perform satisfactorily in school. The free lunch program is the only means some have of getting that meal. It deserves full support.

VETERINARIANS FOR THE SOUTH

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. RARICK. Mr. Speaker, veterinary medicine does not enjoy the public awareness and perhaps the public prestige of some of the other health professions. This, by no means, reflects on the importance of the profession nor has it deferred veterinarians from participating in activities that safeguard the health and welfare of man. Principally among these activities are programs in preventive medicine, protection of our protein food supply, improvement of our environment and research in comparative medicine.

The essentiality of veterinary medicine as a health profession needs no defense, however, the societal responsibilities of the profession are not always evident and consequently must be promoted to increase public awareness.

The publication "Veterinarians for the South. A Report on Veterinary Medical Education," by a special committee of the Southern Regional Education Board—SREB—points out the need for programs to assist in reducing the manpower shortage in veterinary medicine. Release of this report in August 1971 coincided with efforts of the conference committee to extend the health manpower legislation and relates to the problems confronting Congress in resolving the health manpower shortage.

All of the information contained in the report is important. However, because of its length, I insert for expediency in the RECORD at this point only a few selected excerpts pertinent to the needs for veterinarians in the South and to the recommendation for facilities for the new developing veterinarian medical school at Louisiana State University, which has approved but unfunded application for Federal funds for 2 years and which depends on allocation of Federal funds for its opening:

EXCERPTS FROM THE SOUTHERN REGIONAL EDUCATION BOARD SPECIAL COMMITTEE REPORT—"VETERINARIANS FOR THE SOUTH"

"There are considerable problems in veterinary medical education nationally and regionally. Veterinary Medicine has an important and expanding role in efforts to lessen physical and environmental threats to society and an emerging role in marine and space biology, oceanography and other areas. In addition, the profession's traditional role is expanding. These changes have increased the present shortage of veterinarians who are pressed to deliver the kind of veterinary services society asks for. In addition, there are large numbers of qualified students who wish to study veterinary medicine and cannot be accommodated in existing schools.

"There are numerous projections on supply and demand of veterinarians. There are some variations in the estimates, the size of the shortages now and through 1980, but little doubt that there will be a considerable shortage nationally and in the South by 1980. The shortage can be lessened if we expand the training opportunities in the next few years.

"One of the most successful of the SREB student contract programs has been in veterinary medicine with five regional schools during the 20 years providing students spaces to other states, generally in the numbers to meet the state needs. All the SREB veterinary medical colleges have expanded—some more than others—and have shared their expanded capacity with SREB as best they could. But each SREB contracting state desires more spaces than are now allocated and substantial numbers of qualified young people are being turned away at a time when the need is for more graduates.

"Veterinary medical education is very costly and significant expansion of any SREB veterinary medical school is dependent primarily on federal funds for the expensive facilities required.

"The same problem exists for providing the facilities for new veterinary medical schools. There is in the region, *one new developing school—Louisiana State University—which has had an approved but unfunded application for federal funds for two years. It's opening is dependent on allocation of federal funds.* Other Southern schools—several of them—are in early stages of discussion.

"Present SREB veterinary medical schools include Auburn University, The University of Georgia, Oklahoma State University, Texas A & M University and Tuskegee Institute. The entering classes for these five SREB veterinary medical schools provide about 165 spaces for residents of the Southern States which have no veterinary medical schools. In each such school a large number of applicants from each state are competing for the limited number of spaces available. The number of applicants increases each year while opportunities for training have remained relatively constant. In 1970, at least four qualified applicants were turned away for each one accepted in American Veterinary Medical colleges. For the several SREB states, the rejection rate for lack of student spaces is higher."

TABLE 1.—THERE FOLLOWS INFORMATION ON ESTIMATED VETERINARIANS IN SREB STATES IN 1968, AND SREB STATES NEEDS ON THE BASIS OF 17.5 DVM's PER 100,000 BY 1980

	1968, number of DVM's in State	1972, number of DVM's needed	1976, number of DVM's needed	1980	
				Population (thousands)	Number of DVM's needed
Alabama	455	533	611	3, 930	688
Arkansas	216	270	324	2, 160	378
Florida	821	1, 040	1, 259	8, 458	1, 479
Georgia	605	705	805	5, 172	905
Kentucky	351	428	505	3, 329	583
Louisiana	299	446	594	4, 232	741
Maryland	608	669	730	4, 525	792
Mississippi	214	290	366	2, 525	442
North Carolina	415	603	791	5, 588	978
South Carolina	197	355	513	3, 842	672
Tennessee	366	497	628	4, 339	759
Texas	1, 593	1, 803	2, 011	12, 678	2, 219
Virginia	544	674	804	5, 331	933
West Virginia	93	159	225	1, 669	292
Total	6, 777	8, 472	10, 166	67, 778	11, 861

MEETING NEEDS IN SOUTHERN VETERINARY MEDICAL EDUCATION

"There are a number of measures which might be taken to expand the veterinary medical training available in the south. Some of these measures would expand the supply of student spaces—building new schools, expanding present schools, moving to the year-round program. Others would have an effect on the quality and effectiveness of training or on the delivery of veterinary health care—revision of the curriculum—provision of more non-academic professionals in veterinary medical schools and increased faculty.

"*New Schools.* The problem for this region and for all others is to expand enough to meet the demands for graduates, but to avoid over expansion of expensive facilities. To meet the needs of the region we need one other new veterinary school in addition to the new school at LSU. The region probably does not need a total of three new schools."

"The Louisiana State University is a developing school dedicated to the region wide education service. The ability of LSU to contribute to training regional students now depends on when federal construction money becomes available. LSU plus one of the other schools now in early planning (Florida, North Carolina of a second Texas school) should meet the region's training needs especially if there is desired expansion of SREB schools (Georgia and Oklahoma State University).

"The Committee felt that there were special reasons why the State of Florida should consider a new regional school and continue efforts toward establishing one. The state has been the largest user of SREB student spaces and has a large and expanding need for DVMs. In light of the state's circumstances and the anticipated training needs of the region, the Committee recommends that Florida continue to work toward a new school.

"The Committee recommended that federal funds be provided to LSU for the approved but not funded construction grant. Further the committee recommended that in awarding construction grants to veterinary medical schools, federal authorities give special consideration and priority to those firmly committed to education residents of other states and that consideration be given to opening a second new veterinary medical school in the SREB region in the mid or late 1970's."

The pressures in veterinary medical education today requires further expansion within the same framework of regional cooperation with recommendation that SREB states and veterinary medical schools continue with renewed determination and cooperative participation in the regional training program.

The Committee suggests that the region needs can be better met if institutions consider the adoption of the year round calendar, revise a veterinary and pre-veterinary curriculum to reduce the years required for a degree; increase non-academic and technical support to aid the faculty; allowing faculty members to become more productive.

The report also recommended that the federal government move swiftly to provide increased financial assistance. Without assistance, substantial expansion in the veterinary medical capacity is impossible. This federal support should be selective, aimed at the strong institution which serves regional needs and is ready for expansion. Such institutions could quickly increase their enrollments and the output of regional graduates if funds for expensive facilities and staff were made available to them.

HON. WILLIAM O. COWGER

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. WHALEN. Mr. Speaker, I was deeply saddened to learn of the death of my 90th club colleague, William O. Cowger, of Louisville, Ky.

As representatives of large urban areas, Bill and I shared many concerns in the 4 years we served together in the House. I was impressed particularly by the expansiveness of his municipal interests. This was reflected in the scope of the achievements made during his term as mayor of Louisville. Under his administration, the city's human relations commission was formed; the Brown Theater was opened; additional representation in State government was obtained; a new zoo was established; a new senior citizens home was completed; and an award-winning urban renewal program was developed. It is truly an understatement to say that the understanding which he brought to the needs and problems of the Nation's cities is missed in the deliberations of this House.

Mrs. Whalen joins me in extending our sympathy to his family. May Bill Cowger rest in peace.

PAROLE AUTHORITY FOR ENTRY OF SOVIET JEWS TO AMERICA

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. VANIK. Mr. Speaker, as a cosponsor of legislation to assist in the emigration of Soviet Jews, I am very pleased to take note of an agreement worked out between the House Judiciary Committee and the U.S. Department of Justice to provide for the entry of Soviet Jews into the United States under parole status when no visas are available. In the past, Cuban, Czechoslovakian, and Hungarian refugees have been allowed to enter by this method. This procedure is now extended to Soviet Jews—with no numerical limitations placed on the number who may enter.

In a letter to the Honorable EMANUEL CELLER, chairman of the House Judiciary Committee, dated September 30, the Attorney General states that "I can assure you that I would exercise my discretion if the situation demanded and parole Soviet Jews who are able to leave the Soviet Union." This is a significant change in Government policy in which doubts about the Attorney General's authority in this area have been resolved in favor of a humane immigration policy for refugees.

I want to commend the efforts of the Judiciary chairman, EMANUEL CELLER, and of the Immigration Subcommittee chairman, PETER RODINO, for their untiring work to make the road to freedom a little easier. This has been a long struggle, but the battle has finally been won.

Yet the major problem still remains. While the door has been opened to this country, the Soviet Government still imposes the most severe controls on the emigration of people from its country. Hopefully the action on the part of our Government will now focus world attention on the Soviet Union and on its policy of religious freedom.

While I commend this development in

administration policy relating to immigration of Soviet Jews to the United States, it does not substitute for the need for an American declaration of policy to support and insure the integrity of the State of Israel.

A RESPONSE TO CHARGES OF FOOT-DRAGGING IN THE BUREAU OF INDIAN AFFAIRS

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. STEIGER of Arizona Mr. Speaker, the following views are inserted in the CONGRESSIONAL RECORD in the interests of equity. I do not know how accurate these specifics are. I do know that the BIA bureaucracy has succeeded, to date, in completely frustrating President Nixon's new Indian policies as articulated by Secretary Morton and BIA Commissioner Louis Bruce.

BRICE HARDWARE & EQUIPMENT CO.,
Peoria, Ariz., September 28, 1971.

Hon. SAM STEIGER,
House of Representatives,
Washington, D.C.

DEAR MR. STEIGER: On September 21 you held a press conference concerning certain Indian matters and inserted three pages of material into the Congressional Record of that date. Since I was mentioned by name five times in the material and since I am a native, third generation Arizonan, I thought it best to correspond directly with you regarding the matters with which you referenced my name. Let me say that having met you on occasion, both in Arizona and in Washington, and knowing your good reputation for integrity, I believe that those who supplied your staff with so-called facts for your release did you a disservice.

I have, of course, no quarrel with the philosophy of Indian self-determination and have worked to implement the concept, both in Arizona, and since coming to Washington a little over a year ago at the request of Commissioner Bruce to join the "new team." My job here has been in Support Services, or administration. It was decided early that Support Services would not be the tail wagging the dog and for that reason we have not been involved in either programs or policies except as administrative support. For that reason I was surprised to be listed so prominently in your statement and I must say in honesty that neither my job description nor my duties or influence here quite merit the attention received. I think the answers are hidden somewhere in the motives of those who provided you with the "information."

I have, as a civil service employee, and unlike some other members of the new team, limited my congressional contacts to those authorized by the Legislative Liaison Section and my contacts with the press to those made through the Public Information Office. However, if you can break precedent to hold your first Capitol Hill press conference, I'm sure you'll forgive me for breaking precedent considering that I was one of the persons given considerable attention at that press conference. I shall, however, comment only upon those matters with which my name was associated. I have quoted each of your statements with a response following.

1. "Since Calvin Brice and Harold Cox have captured contracting—more than three months ago—no Indian self-determination contracts have been approved nor processed."

First, let me say that by memorandum signed by Commissioner Bruce contracting has not been under Mr. Cox for almost a year. I report directly to the Commissioner's office on all contracting matters. Recommendations that I report through Mr. Cox have not been approved.

The people in charge of the various programs of the Bureau determine what type of services they wish to purchase by contract and how much money has been budgeted or is available. These "statements of the work" are then brought to our contracting technicians for negotiation if a sole Indian source exists, or for preparation of a Request for Proposals if there are several possible sources. Over ninety *new* "Buy Indian" contracts have been executed since May 1, 1971 and, of course, a great number of annual contracts have been renegotiated. Our dollar value is running ahead of last year. Our contracting is not as extensive as I would like it to be and the reasons as I see them are set forth in the attached information memo.

2. "Over a hundred have lain unread and untouched gathering dust in the Bureau of Indian Affairs contract office while the tribes were told they were being worked on for eventual processing."

When I assumed responsibility for Central Office contracting at the end of June, I found 67 so-called proposals stacked on a table in the office. These were then read, placed in files, cataloged and sent to the proper program activity with instructions to make the policy determination as to whether they wished to consider a contract, the availability of funds in their budget, and for preparation of work statements. I scheduled and held classes for Central Office program people on their role in the procurement process. No proposals are in the contracting office except those for which contracts are being prepared. It is my wish that contracts could be prepared faster, but many are extremely complicated and General Accounting auditors have been with us since August 3. In addition, as a result of the Office of Survey and Review audit findings regarding calendar year 1970 contracts, we are now required to submit contracts of $10,000 or more to the Solicitor's office for legal review. There is a discussion with the Department concerning possible increases in staff but this runs counter to employment cutback policies.

3. "On the Indian preference policy which has been held up in the Bureau by Harold Cox and Calvin Brice, of contracting fame. . . ."

The matter you refer to is the proposed extension of Indian preference to promotions within the BIA. This was discussed by the Bureau's planning committee, of which neither Mr. Cox nor I are members, on the agenda of the last Area Directors' meeting at which the legal and constitutional problems were discussed. Attempts to extend Indian preference via the courts have failed with the United States District Court in New Mexico ruling against one phase of the Bureau's present application. The matter of whether or not the Act was intended to apply to promotions is presently being litigated. The president of the American Federation of Government Employees has stated in writing that his organization will file suit challenging the entire matter if an extension is made. It is out of fear of losing the preference in initial employment that caused a number of Bureau people, Indian and non-Indian, to urge that the Solicitor's office be involved.

Several drafts were prepared, the latest of which I never saw, but understand went to the Department for referral to the Solicitor some time ago. This leaves me perplexed as to just what I am holding up.

4. "Also in the name of good management Indian innovators and supporters of the Commissioner, Ernest Stevens, Alexander MacNabb, and Leon Cook have been demoted by Deputy Commisisoner Crow and non-Indian Cox continued in his position backed by Wilma Victor and the Oklahoma delegation. Non-Indian Calvin Brice of contracting and Indian preference fame, a non-Indian, trained by former Phoenix Area Director Wade Head took responsibility for contracting from Alexander MacNabb, under the direction of William Rogers, non-Indian member of the Super BIA."

The above contains so many mis-statements of fact that those supplying your staff the information must fall suspect of chicanery. I will, however, limit my comments to only those matters involving support services.

First of all, Mr. MacNabb is not an Indian by definition of Indian law. He states, and I have no reason to doubt, that his grandmother was of a Canadian Indian tribe. Any legal definition that would make Mr. MacNabb an American Indian would also make Indians of over 7 million citizens of Mexican-American descent as well as a large number of Puerto Ricans. Mr. Cox, on the other hand, is a descendant of the 1906 Creek Indian roll, a tribe recognized by the Secretary of the Interior and is of one-quarter Indian blood, thus meeting every legal requirement as an American Indian.

The Indian Press Association referred to Mr. Cox as a non-Indian but later, when this was discovered to be in error, a representative came by personally to apologize. I was present at the Executive Staff meeting when Mr. Cox laughingly told the group that he guessed he was no longer an Indian because he had read it in the paper. This event apparently was reported to you as an admission by him that he is not an Indian.

As for Mr. MacNabb's demotion, let me say that he has been, and still is, Director of Operating Services. Last November, Commissioner Bruce by memo asked Mr. Cox and myself to devote a major portion of our time to the budget preparation process and, also by memo, asked Mr. MacNabb to report for a period of six months directly to the Commissioner's office instead of through Mr. Cox. When the budget process was completed Commissioner Bruce announced to a staff meeting of all Central Office employees that he had been told by congressmen that the presentations had been the best in several years. The six months expired and the normal organization of the Bureau has Mr. MacNabb reporting through Mr. Cox.

Your statement that I was trained under Mr. Head must come as much of a surprise to Mr. Head as to me. I was a middle-aged lawyer when I joined the BIA. I am a graduate with B.A. and M.A. degrees from Arizona State University and a law degree from the University of Arizona. I practiced law and was involved with the family business. I have been in government for a relatively short time and always in a technical capacity but because I have the same regard for the integrity of government funds as I have for my own, I guess I qualify as a "green eyeshade boy" or maybe under some people's definition as a "bureaucrat."

Let me say on Mr. Head's behalf that our statistics show that the Phoenix Area has led and continues to lead, all other areas in Indian involvement through "Buy Indian" contracting.

As far as taking responsibility for contracting from Mr. MacNabb, I received written instructions from Commissioner Bruce to lay aside other duties and devote full time to the contracting problem and that I should report directly to the Commissioner's office. I do not know the extent of Mr. Bill Rogers participation in the matter as I am not well acquainted with him and we have had limited contacts. The contracting situation is explained more fully in the statement attached hereto. I did not ask for the task and have worked exceedingly long hours since receiving it. I can only speculate as to why Commissioner Bruce gave me the assignment, but perhaps it is connected with the fact that I cautioned him quite early upon my arrival in Support Services that our procedures in contracting would not meet the requirements of the Federal Procurement Regulations.

The procedural contracting deficiencies of the BIA were not of Commissioner Bruce's making. Through our Survey and Review audits covering calendar year 1970, the basic problems go back several years. As more emphasis was placed on Indian involvement contracts, the defects in procedure merely became more apparent. We believe that we are on the right track in overcoming these procedural difficulties and that we are going to be able to involve Indians through the contract route to a much greater extent than before. These are my instructions from Commissioner Bruce and Mr. Crow.

Personalities have no part in this process, and those who presented the problem to your staff as a matter of personalities did both the Bureau and the Indian people a disservice.

5. "Calvin Brice functions as the General Counsel for the Super BIA."

This will be news to the Indian Legal Activities staff of the Solicitor's office. Those mentioned as belonging to some alleged Super BIA are very high officials of this Department and have considerable legal resources and expertise at their disposal. I should add that this charge is the only one in your statement which flattered me professionally, but in all honesty I must admit that it is as much news to me as it must be to the prestigious people to whom I am allegedly giving legal advice.

6. "Several months ago, Commissioner of Indian Affairs Louis Bruce and Secretary Rogers C. B. Morton convened a high level interagency task (sic) to review BIA management. The findings of that task force . . . were briefly reviewed with the National Tribal Chairman's Association . . . now complete, this report is being kept from all Indian members of the Commissioner's new executive team . . ."

We received a request relayed from the Office of Management and Budget to comment upon the Preston report. We reported that we had not seen any such report and as a result a brief outline of recommendations was given to us by the Department. This I forwarded to Bureau program Directors for comments on possible implementation. I have no way of knowing if the report is completed or who has seen it in the Department. The answer to the complaint that Indian members of the new team have not seen it is that as far as I know neither have any of the non-Indian members seen it.

Because my reputation has been damaged by your statements and because I do not have access to the Congressional Record for purposes of corrections, I am sending copies of this letter to certain fellow members of the bar, business associates, family and friends in Arizona. If you doubt the facts as set forth in this letter, please check with the Chief of the Bureau's Contract Action Team, Chief of the Enrollment Section, or the Bureau's Statistician. If any of my facts are erroneous, I shall send a written apology to you and to each person to whom I am sending this letter.

If you should wish to make a reply, I would be glad to forward copies of it without editorial comment to all receiving copies hereof.

Sincerely yours,

CALVIN N. BRICE.

BUREAU OF INDIAN AFFAIRS CONTRACTING

I. Contracting, within the Bureau of Indian Affairs, has evolved from procurement of needed supplies into a method for the training and employment of Indians, and finally, durng the last five years, as an instrument for greater Indian involvement in the conduct of their own affairs. The vehicle used primarily has been the so-called "Buy Indian Act" (36 Stat. 861, 25 U.S.C. 47).

II. The Buy Indian Act, dating back to 1910, states that "in the purchase of Indian supplies" at the discretion of the Secretary of the Interior "so far as may be practicable Indian labor shall be employed, and purchases of the products of Indian industry may be made in open market . . ." The Interior Solicitor determined that "in open market" gives the Secretary authority to negotiate contracts with Indians under the "as otherwise authorized by law" exception to the competition bid requirement of the Federal Property and Administrative Services Act of 1949. In other words the Secretary may negotiate a contract with Indians but that negotiated contract must comply with the Federal procurement statutes and regulations. Under the present administration, field officials of the Bureau of Indian Affairs were put on notice that greater Indian involvement under Buy Indian was necessary and members of the "new team" toured Indian country urging greater Indian participation.

III. The Buy Indian Act was used to a very limited extent until the 1960's, with heavy emphasis being placed upon it the last five years. The Bureau of Indian Affairs, lacking the broad granting authority of later created agencies, has had to rely upon Buy Indian as a principal tool for Indian involvement programs. In the rapid expansion of Buy Indian contracting a dual system of procurement developed in the Bureau of Indian Affairs with the contracting officers generally complying with the procurement laws and regulations in competitive purchasing but often giving less than token compliance when supplies or services were being purchased under the Buy Indian programs. This conduct caused the Department auditors to conclude, after an audit of Central Office contracts negotiated during calendar year 1970, that "noncompliance . . . represents a serious situation calling for direct involvement by the Department in effecting corrective action . . . the program people, in their zeal to get new programs underway, have more or less taken over the procurement process. And in so doing have more or less ignored the administrative process and regulatory requirements." The respective Committees of the Congress, sensing the contracting difficulties within the Bureau of Indian Affairs, have caused the General Accounting Office to involve several audit teams in a lengthy audit of central and field office Buy Indian contracting. As a result of the Department audit and in anticipation of the General Accounting Office findings the Bureau of Indian Affairs has issued guidelines to the field requiring much closer compliance with the Federal Purchasing Regulations.

IV. The problem is that raising Indian expectation now collides with Bureau of Indian Affairs efforts to bring "Buy Indian" contracting within general compliance with the procurement laws and regulations. Noncompliance is so extensive that minimal corrective action may not be considered as mere nit picking. To ease the transition an advisory group was created from other agencies within the Interior Department and this group has conducted a seminar for all Bureau of Indian Affairs contracting officers and are making continuing recommendations for improvement of contracting methods. They will visit field offices in an attempt to find and remove bugs in the contracting process. A contract action team has been organized within the Bureau of Indian Affairs and new guidelines published and provided to all offices and tribes. The most urgent need is to educate program people in their role in the contracting procedure so that proposals are well thought out and organized. This will call for an even greater degree of Indian involvement and participation but will have more positive results.

V. The greatest single problem is time. It takes a great deal more time to negotiate properly. Several hundred Buy Indian contracts expired at the end of the fiscal year and therefore came under the new guidelines. In order to avoid adverse economic impact these already existing contracts have been extended to allow time for proper negotiation of new contracts. This backlog represents the poor contracting procedures of the past several years and will take the remainder of this year to overcome unless staffs are increased. Action on new proposals have been delayed, but not halted, in order to concentrate on the existing backlog. New proposals will have priority by December.

Unfortunately Indian matters are often expressed in terms of personalities and the contracting difficulties have been no exception. Greater efforts must be made to communicate the problem, planned solutions and time frame to Indian leaders and this we intend to undertake immediately.

DESIDERATA

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. DORN. Mr. Speaker, during these critical times I commend to the attention of my colleagues and to the citizens of our great country the following inscription which was found in Old St. Paul's Church, Baltimore, Md., dated 1692.

DESIDERATA

Go placidly amid the noise and haste, and in silence. As far as possible, without surrender, be on good terms with all persons. Speak your truth quietly and clearly; and listen to others, even the dull and ignorant; they, too have their story. Avoid loud and aggressive persons. They are vexations to the spirit.

If you compare yourself with others, you may become vain and bitter; for always there will be greater and lesser persons than yourself. Enjoy your achievements as well as your plans. Keep interested in your own career, however humble; it is a real possession in the changing fortunes of time. Exercise caution in your business affairs; for the world is full of trickery. But let this not blind you to what virtue there is; many persons strive for high ideals; and everywhere life is full of heroism.

Be yourself, especially do not feign affection. Neither be cynical about love; for in the face of all aridity and disenchantment it is perennial as the grass.

Take kindly the counsel of years, gracefully surrendering the things of youth. Nurture strength of spirit to shield you in sudden misfortune. But do not distress yourself with imaginings. Many fears are born of fatigue and loneliness.

Beyond a wholesome discipline, be gentle with yourself. You are a child of the universe, no less than the trees and the stars; you have a right to be here. And whether or not it is clear cut to you, no doubt the universe is unfolding as it should. Therefore, be at peace with God, whatever you conceive Him to be, and whatever your labors and aspirations, in the noisy confusion of life, keep peace with your Soul. With all its sham, drudgery, and broken dreams, it is still a beautiful world.

Be careful . . . strive to be happy.

DISCREPANCIES IN GOVERNMENT CONTRACT AWARDS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, several small businessmen, all members of the painting and decorating field, recently called my attention to a relatively new Government policy which threatens their livelihood and quite possibly that of a large segment of their industry nationwide.

They are increasingly learning that Government jobs on which they once had opportunities to bid, are being negotiated privately with minority contractors.

To be considered for Government contracts, these businessmen must be bonded, experienced, and have adequate insurance coverage and show proof of financial solvency. Yet, they learn that many minority contractors now working on Government contracts are allowed to perform without bond, with little or no previous experience, little or no supervision, inadequate insurance coverage, and without proof of financial resources. Further, they say fees being paid for these services have far exceeded the reasonable sum they might have received had they bid for the jobs.

Mr. Speaker, this news distresses me and indicates that in our zeal to assist minority groups we may be in actual violation of law and injuring one of our vital industries. I am asking the General Services Administration to completely review this policy, and I insert at this point in the RECORD a letter from one of these businessmen describing the problem in more detail, together with pertinent attachments:

A-1 CONTRACTORS, INC.,
Arlington, Va., August 12, 1971.

Hon. JOEL T. BROYHILL,
House of Representatives,
Washington, D.C.

DEAR SIR: The Federal Government's authority to contract is well established. It is equally well established that the government acts through agents who generally must have statutory authority to bind the government. Congress has enacted statutes which make criminal, acts by public officers violating two basic concepts: (1) that government employees must always be impartial and maintain public confidence in the integrity of the government, and (2) that no government employee is entitled to an advantage over private persons in the conduct of business with the government by virtue of his government position (AFM 110-9), Procurement Law, Pg. 3.1). We are concerned that the rule of impartiality in government contracting is being violated with increasing frequency.

You are our elected representative; you are the expert in legal matters, and in that context, please consider and investigate our complaints—we know they are valid. To our questions, please find answers, for our right to work is threatened and our livelihood is at stake.

As you know, government contracts are awarded on the basis of formal advertising or negotiations. Congressional policy requires that purchases of and contracts for property or services shall be made by formal advertising unless the property or services fall within one of the seventeen exceptions authorized for negotiations. Has Congressional policy been changed or laid aside? Why is the policy of formal advertising being replaced by private negotiations that eliminate the competitive process? Why is the General Services Administration permitted to contract government jobs with minority groups without formal advertising, when the services to be contracted is not one of the seventeen exceptions authorized for negotiations.

As small businessmen, we do not ask for special favors or special treatment. We do not oppose any minority group nor the competition they offer in the market place. We only ask that the integrity of the formal advertising system be maintained. We only ask for an equal footing in a free market. The democratic process is being replaced by a process of private legislation. Investigation would reveal that numerous contracts have been made with minority groups through private negotiations. This has resulted in a brazen gouge of the U.S. taxpayer.

When government contracts are awarded on the basis of formal advertising, unless all bids are rejected, award of the contract is made to the lowest responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the government, price and other factors included. A responsible bidder is one which is a manufacturer, regular dealer, service or construction contractor having adequate financial resources, experience, and record of integrity to comply with the terms of the contract. If the General Services Administration is contracting privately with minority groups because they do not meet the requirements of a responsible bidder, then we contend it is an unlawful procedure.

The procurement of property and services for federal purposes may be by negotiation under circumstances designated by law 10 USC 2304. The legislative basis for permitting negotiations, in lieu of formal advertising is found in Senate Report No. 571, 80th Congress, 5th Session, Pg. 8. Congress has stated that competitive bidding is the cornerstone of federal procurement, and although authority to negotiate does exist, it does not give government agents carte blanche authority to use this tool of procurement indiscriminately as stated in United States versus Warne, 190 Supp. 645 (1960) "Such procurement shall be on a *competitive basis* (emphasis added) whether by formal advertising or by negotiation, to the maximum extent possible." How frustrating! We are not even notified of many government contracts until after those contracts have been offered to minority groups and accepted. That is not impartial contracting. That is favoritism.

To be considered for government contracts, a contractor must meet certain minimum standards. For instance, he must be bonded, he must be experienced, he must have adequate insurance coverage, and he must show proof of financial solvency. And aren't government standards applicable to all? Many minority contractors working on government contracts are allowed to perform their work without bond. They are allowed to work with little or no prior experience, with little or no supervision, with inadequate insurance coverage and without proof of financial resources. Interestingly, the fees paid by the government for the services of these minority group contractors, have far exceeded the reasonable sum to be expected by a contractor for the work performed.

It is the declared policy of the Congress that the government should aid, counsel, assist, and protect, insofar as is possible, the interest of small business concerns in order to preserve free competitive enterprise (*15 USC 631A*). As your constituents, and as small businessmen, we need your counsel and would sincerely appreciate a meeting with you at your earliest convenience.

Very truly yours,

S. P. SMITH,
President.
LILLIAN SHORTER,
Secretary-Treasurer.

ATTACHMENT I.—CIRCUMSTANCES PERMITTING NEGOTIATION, 10 USC 2304(A)

"Purchasing of and contracts for property or services covered by this chapter shall be made by formal advertising. However, the head of an agency may negotiate such a purchase or contract if . . ."

The seventeen individual exceptions enumerated by this statute are:

1. National emergency.
2. Public exigency.
3. Purchases of $2,500.00 or less.
4. Personal or professional services.*
5. Services of educational institutions.
6. Purchases outside the U.S.
7. Medicine or medical supplies.
8. Supplies for authorized resale.
9. Perishable or non-perishable subsistence supplies.
10. Absence of competition.
11. Research and development contracts.
12. Classified purchases.
13. Technical equipment requiring standardization.
14. Property requiring substantial initial investment.
15. Negotiation after advertising.
16. Purchases in the interest of National Defense.
17. Otherwise authorized by law.

*NOTE.—Personal services may be procured only when they are required to be performed by an individual contractor in person (not a firm), and only if of a technical nature or are to be performed under government supervision and paid for on a time basis.

ATTACHMENT II

Because Federal Government contracts are being awarded privately, the exact number of contracts offered to and accepted by minority groups is not known to us. A partial known listing, however, is offered here for your review and to underline the gravity of the situation and the frequency of the violation of Congressional directive.

Contracts awarded to minority groups as of March 31, without benefits of formal advertising are as follows:

Hud Building—garage painting	$43,285
Justice Building—clean, point, and paint	205,507
FOB 2—Interior and exterior painting	92,813
Newport News Courthouse—interior and exterior painting	24,923
Huntington Courthouse painting	35,600
Parkersburg Federal Building	14,897
Veteran's Administration	+40,000
Navy Yard Annex Bldgs. 110 and 199	86,000
Clean and point—GSA building, 19th Street	160,000
S. Agriculture—renovate entrance gates	14,216
FOB 9—miscellaneous mechanical changes	32,660
Treasury Annex—replace electrical panels	9,251

ATTACHMENT III

Contractors from the 10th Congressional District actively competing for government contracts and signatories to this list are:

Robert J. Miller, Paintrite, Inc.

Layman Saltz, Saltz Associates.

James E. Ballard, Ballard & Associates, Inc.

Clifton Mayhew, Clifton D. Mayhew, Inc.

Walter Bainbridge, W. Walter Bainbridge, Inc.

George Groves, George Groves Painting Co., Inc.

Alexander Ploutis, Ploutis Painting Co., Inc.

Charles E. Bainbridge, Charles Bainbridge, Inc.

James F. Boyd, Boyd's Construction Co.

URGENT NEED FOR COORDINATION OF RAIL AND WATER TRANSPORTATION

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. DULSKI. Mr. Speaker, the need for coordination of rail and water transportation has become better understood since the publication last April of the study of feed grain rates into New England.

The study was made by the Water Transport Association, which since has received strong support for its plan that has obvious benefit to both government and industry.

The advantages of the cooperation were spelled out for the Great Lakes Commission at its meeting in Buffalo this week in a speech by John A. Creedy, president of the Water Transport Association.

Mr. Speaker, as a part of my remarks, I include the text of Mr. Creedy's speech:

REMARKS OF JOHN A. CREEDY, PRESIDENT, WATER TRANSPORT ASSOCIATION, BEFORE GREAT LAKES COMMISSION, AT BUFFALO, N.Y., OCTOBER 4, 1971

Transportation of freight accounts for about 10 percent of the gross national product, 10 cents out of every dollar of production expense for agriculture and industry.

Clearly, transport is a crucial factor in the efficient performance of the economy.

A glance at the nation's freight bill will confirm the fact that water transport is the most efficient means of surface transport. Inland river and Great Lakes carriers perform 16 percent of the inter-city ton miles, but receive in revenues only about one percent of the total freight bill.

That's why priority consideration is always given to using water transportation. That's why so much authority was given to the Interstate Commerce Commission to prescribe rail rates to and from ports at levels which permit coordination of the best efficiencies of water and rail transportation.

That's why the Great Lakes Commission has the subject of coordination of rail and water transportation high on every agenda. It is essential to the economic health of the region to make sure that no artificial barriers are placed in the way of making optimum use of the Great Lakes water highways.

IMPORTANCE OF EFFICIENCY

Northeast agriculture has recently collected the most dramatic evidence ever assembled on the crucial economic importance of efficient transportation.

The freight rates on feed grains from the midwest have risen in recent years until today they are double the rate charged for the same service over the same distances into the Southeast.

As a result of this artificial rate disparity, Northeast agriculture cannot compete in its home markets and agriculture throughout the region is in a state of rapid decline.

In the 1930's, when the South faced the same disparities, the state of Georgia went to court in a famous suit and forced equality in rate treatment. What's going on in the northeast today is much more interesting.

The Water Transport Association published a study last April of ways of improving efficiency of transport for northeastern agriculture.

The study demonstrated that there were tremendous opportunities for improving productivity in the handling of grain at destination, in the use of volume unit train or trainload services, in the use of Great Lakes steamships and modern bulk handling systems in Buffalo.

If the movements were re-organized to include a coordinated lake-rail service as an effective alternative to all-rail trainload service, a saving on the order of fifty per cent in grain transportation costs could be achieved, enough to permit Northeast agriculture to regain its competitive position.

COOPERATION IS REQUIRED

What's required is the cooperation of steamship lines, ports, railroads and the grain and feed industry. The potential exists for a reversal of the decline of Northeast agriculture and greatly expanded traffic for the transportation companies at rates which are lower but because of better utilization of rail equipment more profitable than the current rates.

It would have been easy to get into a law suit and spend years fighting the issue through the courts as did the State of Georgia. What's happening instead is a serious attempt to reach a voluntary solution which will be in the interest of everyone.

The Interstate Commerce Commission, in an unprecedented move, on September 16th held an informal staff conference of the interested parties. These included the water carriers, the railroads, the principal shippers, the egg and broiler producers, livestock and dairy interests, the Northeastern state commissioner of agriculture, the New England Governors' Conference, the Great Lakes ports and leaders of the Congressional delegation from the Northeast.

ICC HEARS COMPLAINTS

The proposal was laid out in detail, the complaints of northeastern agriculture fully heard. The railroads have promised an answer in 60 days. It is so clearly in the enlightened self interest of the railroads to use widely accepted volume trainload services in this important trade that the results should be favorable.

If so, we will have saved ourselves years of litigation and, more important, Great Lakes transportation would, in a significant way, prevent years of further deterioration of northeastern agriculture.

The lesson to be learned here is that efficiency in transportation is not a private matter. Transportation is an all-pervasive influence. It can be a serious drag to the production efficiency of a region as it has been in the Northeast; it can be a healthy stimulant.

It should always command the priority interest of the leadership of the region. The New England delegation in Congress, for example, from the moment the WTA study was published, followed the course of the discussions with one constructive view in mind: how can we help?

The New England Governors' Conference asked the Commission to help the project along. The Commission was highly creative and innovative in arranging the September 16th conference. The record made that day would convince anyone of the need for changes.

NO WORD FROM DOT

In all the outpouring of interest and support, one of our leaders is curiously missing. The Department of Transportation is not a silent service. It has opinions on everything, but, in striking contrast to the initiative taken by the Commission, it has so far said nothing to comfort Northeastern agriculture.

At the ICC hearing, the Department had an opportunity to lend its weight to an important effort to improve transport efficiency. It was mute. Its charter requires it to be in support of rail-water coordination, but it said no kind words about it.

It favors competition, but the idea of a lake-rail service competing with an all-rail service evoked no interest. The Department has views on coordination, on competition, on efficiency, on even-handed treatment as between regions.

It should favor eliminating artificial disparities in transport services which discriminate against one section of the country. Northeastern agriculture is dying on the vine, clearly being knocked out of its home markets by unnecessary transport inefficiency.

OBVIOUS OPPORTUNITY

There is an obvious opportunity to make a contribution that will not cost the Government a dime. A revived Northeastern agriculture will keep people on the farm, out of the crowded cities and off mass transit facilities, saving the Government money. Where is the DOT?

What significance does the proposal have for the Great Lakes region? I think it is clear that an aroused interest on the part of the leadership of the region in the efficiency of transportation can produce results.

A principle has been distilled which if applied generally will make sure that the best efficiencies of water and rail are available to industry and agriculture. The principle is simple to state. Rail rates and services to and from the ports must be comparable, cost and distance considered, with the all-rail alternative.

If that principle, so often endorsed by the Supreme Court in the past 25 years, is more firmly established, the region can achieve the best efficiencies of both rail and water transport and bring home to industry and agriculture in the region the true advantage of the Great Lakes water highways.

COORDINATED SERVICE

On millions of tons a year of coal transported to electric utilities there is a special opportunity to keep transport rates low through coordinated lake-rail service and so directly benefit everyone who pays a light bill.

Of course if the principle is not established, low cost water transportation can be eliminated. It's as simple and serious as that.

Tremendous momentum has been developed as a result of the proposal for lake-rail service on the grain traffic to the Northeast. The leadership of the Great Lakes region should build on that momentum, examine the potential for improved efficiencies in transportation and see that they are made effective at Chicago, Toledo, Detroit, Milwaukee and all the other ports.

Economic growth of the Great Lakes region is slowing down compared to growth in other regions. Before transport service gets to the stage reached in the northeast, there should be an awareness of the crucial importance of transport efficiency and the favorable potential of combining the best efficiencies of water and rail.

NEEDS OF THE ECONOMY

The Secretary of Transportation, and former Governor of Massachusetts, John A. Volpe, recognizes the urgency of the problem of efficient transportation. He said in Cleveland last May that "to meet the needs of this economy we shall in the next 18 years, almost double the capacity of our transportation network."

He went on, "I can tell you right now we are not going to meet this goal simply by building more of everything—more highways, more railroads, airports or more sea-ways. We are going to achieve this increased capacity, by more efficient utilization of our present systems.

"We are, consequently, going to need the Great Lakes-St. Lawrence Seaway System and we are going to need all the seaway capacity we can get."

Clearly, one way to improve efficient utilization of our present systems is to encourage the coordination of rail and water service.

It is time for a breakthrough on this important issue. With proper recognition of the public stake in a successful outcome, optimum efficiencies can be achieved.

IMMIGRATION AND NATURALIZATION SERVICE CHANGES ITS PROCEDURES

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. KOCH. Mr. Speaker, in June of this year, I was informed by an attorney in New York of a procedure used by the Immigration and Naturalization Service to which aliens were subjected which can only be described as outrageous. What occurred in the case of one immigrant has occurred in a number of other cases and rather than restate the outrageous behavior, I urge our colleagues to read the correspondence which is appended.

I am pleased to say that as a result of my bringing this matter to the attention of the Immigration and Naturalization Service, I have been informed that the procedures governing the custody of applicants for admission to the United States have been changed so as to eliminate the abuses which I brought to the attention of the Immigration and Naturalization Service. I want to commend Commissioner Raymond F. Farrell for his prompt and excellent disposition of this matter.

The correspondence follows:

WILLKIE FARR & GALLAGHER,
New York, N.Y., June 3, 1971.

Hon. EDWARD I. KOCH,
Member of Congress,
New York, N.Y.

DEAR CONGRESSMAN KOCH: I am writing to give you full details of a procedure being regularly followed by the United States Immigration and Naturalization Service.

On Monday morning, May 31, I received a call from a friend, Mr. Russell Thompson of New York City, who advised me that he had gone on Sunday morning, May 30, to Kennedy Airport to meet a friend, Mrs. X of Lima, Peru, who was arriving that morning on Braniff Flight 900.

It seemed that, when Mrs. X arrived, she was seized by Immigration officials, held for several hours and finally taken away with no opportunity for Mr. Thompson to speak to her. Since the Immigration officials refused to speak to him, Mr. Thompson learned from Braniff that Immigration had determined on the spot, with no prior advice or warning, that Mrs. X would need to have posted on her behalf a $1,000 bond to insure that she did not work while in this country and that she did eventually depart. Mrs. X had come as a tourist, with a two-way ticket intending to stay for only a month or two. Nothing had been said to her about a bond at the time she obtained her visa at the U.S. Embassy in Peru.

Mr. Thompson then learned that Mrs. X had been taken under guard to the Idlewild Riviera Hotel, where she was to be held until Tuesday, June 1st, since there was no procedure at the airport to obtain the necessary bond and since the Immigration officials at the airport would not in any case be authorized to accept a bond without some sort of clearance from the main office at 20 West Broadway, which office was closed for the holiday weekend.

Mr. Thompson located a Spanish speaking person who managed to call Mrs. X at the Riviera, during which conversation she learned that $200 had been forcibly taken by the guards from Mrs. X and each of the other 10 or 12 persons being held under the same circumstances. Since apparently none of these individuals spoke any English, no one knew why the $200 had been taken.

After a minute or so of this phone conversation with Mrs. X, it was realized that a guard was on the line listening in. The guard at this point forcibly ended the conversation and later attempts to communicate with Mrs. X were unsuccessful.

On being informed of this situation on Monday morning I agreed, as a favor to Mr. Thompson, to look into the situation to see what if anything could be done.

Since there is no listing for Immigration at JFK, I called the hotel and was connected with one of the guards, a Mr. McKinley who is employed by the Beatty Protective Agency. Apparently this agency is retained by the airline to guard people in this position. Mr. McKinley advised me that I had better not "mess around" since I was dealing with the U.S. Government. When I kept "messing around," he gave me the number of Immigration at JFK. I called there and spoke to a Mr. Moroni (phonetic spelling) who was reasonably courteous and advised me that nothing could be done since the "supervisor" had determined that this bond was necessary. He told me that if the bond was not forthcoming on Tuesday, Mrs. X would be sent back to Peru, and he gave me the name of a Mrs. Ohliger at 20 West Broadway to contact on Tuesday for details on how to secure this bond. I was informed by the "supervisor" that the reason for the requirement of a bond was that Mrs. X had a husband living somewhere in the U.S., had two children in Peru and had bought her airline ticket from Braniff on credit. (Later Les Trager also called Mr. Moroni and found, after a series of questions, that the "supervisor" who had made this determination was none other than Mr. Moroni.)

Having been unsuccessful in my attempts to either communicate with Mrs. X or get some explanation as to why I couldn't, I picked up Mr. Thompson and drove out to the Riviera Hotel, accompanied by my wife who speaks fluent Spanish.

At the hotel, we found out the room number, knocked at the door and were told by a voice inside that there was nobody there, that it was the "ladies room." I then knocked at the guards' door and was told that these people were indeed being held in the room where I had first knocked, which was the ladies room only in the sense that this was where they were holding the ladies. I was also told gruffly that I damn well could not talk to anyone in there, and the guard was unimpressed that I was this lady's attorney; that I could see anyone I damn pleased about it but I better be careful since I was "messing around" with the U.S. Government.

I then went downstairs to call the "supervisor" at Immigration. By this time (about 3 o'clock) there was a new supervisor, a Mr. Aursman, who was somewhat more helpful. After some discussion he agreed to release Mrs. X in Mr. Thompson's recognizance and defer the determination as to her admission until later in the week at 20 West Broadway when, I suppose, a bond will have to be posted.

When I asked Mr. Aursman about the $200 he, as Mr. Maroni had done, denied any knowledge as to what this could be and suggested that I either talk to the guard service or Braniff.

After a while Mrs. X was produced by Mr. McKinley and released at which point McKinley asked me to meet him back at the hotel where I could pick up Mrs. X's luggage and settle "accounts." When I asked what this was all about, it turned out that Mrs. X was to be charged for the privilege of being guarded by the Beatty Protective Agency at the rate of $3.85 per hour. When I asked whether this was the purpose of the $200, Mr. McKinley stated that this was so (although, earlier, he had denied that anything had been taken from Mrs. X).

Back at the hotel, I was taken by Mr. McKinley up to another hotel room where about 8 or 10 Latin-American men were being held (apparently under similar circumstances) and I was refunded the sum of $111.50.

When the unfortunate people who were being held in that room realized that I was an American and had apparently had gotten someone out of this fix, they clustered around me and asked me what was happening. Each was anxious to tell me his story. My Spanish is rather poor but I gathered that these men were under the impression that they were to be held until whatever amount of money they had with them equalled the product of $3.85 times the number of hours they had been held, at which point they would be sent back to South America. I do not know whether this was so but I do know they were not allowed to see anyone or obtain any information from anyone who spoke their language and their ability to make and receive calls was, at best, severely restricted. I was also told that at least $200 was taken from everyone. (Mrs. X had in fact been given a scribbled receipt for the $200—the receipt did not indicate what it was for.)

When I asked Mr. McKinley why the people were held incommunicado, he stated that they were permitted to make two phone calls (this seems questionable in light of what I saw and heard) but they were not permitted to see anyone (including attorneys) for fear of an attempt to escape.

As we were leaving the hotel, one of the women being held came to the window and threw a note out which was in Portuguese. The note indicated a telephone number which I called and spoke to a friend of this woman. I told this friend what I had learned and advised her to get down to immigration on Tuesday and see about the bond. (I later learned that this was done and the woman was released on Tuesday.)

During the return trip to Manhattan, Mrs. X told us about her experiences. She stated, among other things, that, while she was not physically mistreated in the sense of being beaten or starved or deprived of essential facilities, her treatment, as well as that of the others, was very gruff and discourteous and some of the men were pushed when they did not move fast enough. One woman was threatened with handcuffs at one point when she tried to look out the window.

Mrs. X stated that one of the women being held was coming here for her health and intended to stay for only 15 days which she told the first official she saw at the Immigration desk. He replied that she was entitled to stay for six months and he would mark her papers accordingly. When she protested, among other things, that she did not have money for such a lengthy stay, he brushed her protests aside and marked the papers to indicate a six month stay. When the woman proceeded down the hall a few yards she was confronted by another official who looked at her papers, demanded to know how much money she had and stated that since this was obviously not enough money for a six month stay, she would have to post a bond which couldn't be done that day and she was marched off to the Riviera.

I am writing you this lengthy letter in the hope that you will be able to somehow persuade the Immigration Service that, if they must have this bonding requirement, it should be done in such a way that aliens are advised at the time they obtain their visas whether such a bond will be necessary and provided with a procedure to arrange for it. In the alternative, a procedure for bonding at the spot at the airport might be provided comparable to that which is available to those charged with crimes.

In any case, there is absolutely no reason why visitors to this country cannot be treated with courtesy, and due regard to their right to contact and be visited by friends, relatives or attorneys. Since this is virtually a bilingual city and the vast majority of those subjected to this treatment appear to be Latin-Americans, there is no reason why there cannot be Spanish speaking personnel available or, at least, a printed card which would advise these individuals, in Spanish as to what is happening and what are these choices. To make these people pay for their guards is an indignity to which even murderers are not subjected.

I am, of course, outraged and disgusted that the U.S. Government is subjecting perfectly innocent visitors to this horrendous treatment. I have no idea how long this has been going on but I did learn that it is a daily occurrence. Undoubtedly, the burden is compounded every weekend and especially on holiday weekends.

I do not intend to let this matter rest and I sincerely hope that you will be able to render assistance. I would be most happy to meet with you to discuss this matter and I, as well as my wife (who is a Cuban refugee and has had her own past history of discourtesy at the hands of the Immigration Service), would be happy to assist you by providing further details, accompanying you to the scene, acting as interpreter or in whatever other way you think fit in order to help civilize this disgraceful, inhuman and probably illegal practice.

Very truly yours,

EDWARD N. WILSON.

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 1, 1971.

Hon. RAYMOND F. FARRELL,
Commissioner, Immigration and Naturalization Service, Washington, D.C.

DEAR MR. FARRELL: I am sending you a copy of a letter I have received from a constituent detailing a case of horrendous mistreatment of visitors to this country by the Immigration Service and agents acting under its direction.

I should appreciate your investigating this case—which would appear to be but an example of a reoccurring practice of a Kafkaesk detention of aliens arriving in this country. Frankly, I was stunned when I read the letter that such a callous disregard of feeling and human rights could be perpetrated by agents of our government.

Surely, a decision as to whether a bond is required for an alien can be made in all cases before he boards his plane for this country. I would appreciate having your comments on this aspect of the case.

Another disturbing aspect of this matter is that money should be forceably taken from a person. You will note that $200 was taken from Mrs. X by the guards without any explanation. Later she learned that this was to pay the $3.85 per hour guard service performed by the Beatty Protective Agency. Surely, this per person rate is rather high, and I would appreciate knowing more about your policies that permit the Agency to extract such a payment from an alien. In fact, I don't understand why, if the Immigration Service requires this protective service, it doesn't pay for it.

As you read Mr. Wilson's chronology of events, the story seems to be too ludicrous to be true. But, I have every reason to believe that he has given us an accurate accounting of what happened.

I would encourage you to look into this matter personally and take what remedial action is required, for if the facts outlined by Mr. Wilson are correct, this is an unfortunate blemish on the history of the U.S. Immigration Service.

Sincerely,

EDWARD I. KOCH.

U.S. DEPARTMENT
OF JUSTICE, IMMIGRATION
AND NATURALIZATION SERVICE,
Washington, D.C., August 5, 1971.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: Further reference is made to your letters of July 1 and July 2, 1971 forwarding copies of a letter you received from Mr. Edward N. Wilson describing the experiences of a Mrs. X upon her arrival at the John F. Kennedy Airport, New York on a Braniff plane.

As you were advised in my letter of July 9, 1971, the matter was referred to Mr. Solomon Marks, our District Director at New York, with the request that he take corrective action, and advise. I am enclosing a report furnished me by Mr. Marks, in which he sets forth in detail the circumstances involved, and describes the procedure which has been instituted to prevent a recurrence of an incident similar to that which occurred in the case of Mrs. X.

I wish to again thank you for bringing this matter to my attention in order that appropriate remedial action could be taken.

Sincerely,

RAYMOND F. FARRELL,
Commissioner.

Mrs. X, a native and citizen of Peru, arrived at John F. Kennedy International Airport, New York on Sunday, May 30, 1971, aboard Braniff Airlines flight #900 from Lima, Peru. She was questioned concerning her eligibility for admission into the United States as a non-immigrant visitor for pleasure by an Immigration officer, pursuant to official inspection procedures.

It was ascertained that Mrs. X had purchased her round trip airline ticket on credit; that she had left her two minor children in Peru; that her husband was in the United States but his whereabouts were unknown to her. It therefore appeared, to the inspecting officer, that Mrs. X was not at that time entitled to enter the United States as a bona fide visitor for pleasure. Her inspection was deferred to permit her to post a bond in the amount of $1,000.00, ensuring that she would maintain her status as a visitor in the United States and would depart when required.

In view of the fact that Mrs. X's arrival occurred on a holiday weekend, she was returned to the custody of Braniff Airlines, in accordance with statutory authority. Braniff Airlines was charged with the responsibility of presenting Mrs. X, for completion of inspection, on Tuesday, June 1, 1971 at the New York office of the Immigration and Naturalization Service, 20 West Broadway, New York City.

On June 3, 1971, Mrs. X was admitted into the United States as a visitor for pleasure, until August 30, 1971, subsequent to the posting of a $1,000.00 maintenance of status and departure bond in her behalf by Mr. Russell A. Thompson.

Inquiry has been made concerning the mistreatment of Mrs. X, that Mr. Edward N. Wilson set forth in his letter to the Honorable Edward I. Koch, Congressman, 17th District New York. It was ascertained that Braniff Airlines had authorized the Beatty Protective Service to assume custody of Mrs. X and present her for completion of inspection on June 1, 1971 at the New York office of the Immigration and Naturalization Service. Beatty Protective Service was further authorized by Braniff Airlines to collect from Mrs. X the cost of her lodging, transportation and escort service, for which expense the protective service would formerly have billed the airline. The foregoing procedure has been recently instituted by Braniff Airlines, relative to all its passengers in similar situations, in an attempt to effect economy in its operations.

On July 13, 1971, Mr. Edward N. Wilson informed an Immigration Officer that Mrs. X had departed from the United States on June 8, 1971 and was therefore not available for interview. The revised procedures concerning alien applicants for admission, effective July 6, 1971 and which are referred to hereinbelow, were explained to Mr. Wilson. He advised that he was satisfied with the remedial measures taken. Mr. Wilson's letter to Congressman Koch reflects that he was able to secure the release of Mrs. X in Mr. Thompson's recognizance, on Monday, May 31, 1971, upon his intercession with a Supervisory Immigration Officer. It is further reflected therein that Mr. Wilson obtained, from the Beatty Protective Service, a refund in the sum of $111.50 of the $200.00 that has been exacted from Mrs. X.

A number of incidents, similar in nature to that of Mrs. X, had come to the attention of the New York Office of the Immigration and Naturalization Service during the months of May and June, 1971. It concerned alien passengers on Avianca and KLM Airlines, whose applications for admission into the United States, could not be readily resolved. Said airlines had contracted with the Beatty Protective Service to assume custody of the aliens in the same fashion as heretofore described in the case of Mrs. X.

It was determined that the airlines mentioned in this report, together with some other airlines, had changed their policy during the month of April 1971 relative to the aliens returned to their custody by the Immigration Officers. Whereas heretofore the airlines would absorb all expenses involved in such custody, they now sought to avoid such costs by having the Beatty Protective Service collect the charges purportedly due, directly from the aliens.

In a move to prevent recurrence of these incidents and to counteract any further abuses, new procedures governing the custody of applicants for admission were put into effect on July 6, 1971 in the New York District. Whenever feasible, an alien is to be granted parole for appearance and further inspection at the New York office of the Immigration and Naturalization Service, if an immediate determination cannot be made as to eligibility to enter, upon the alien's arrival in the United States. Where custody of the alien is unavoidable it will be accomplished only at a facility subject to the direction of the Immigration and Naturalization Service. All aliens being escorted to such a facility by Immigration Officers or any other guard, are personally instructed by a Supervisory Immigration Officer that they are prohibited from paying any monies for guard service, accommodation expense, or any other expense.

The above-mentioned procedures were instituted in furtherance of established policy of the Immigration and Naturalization Service to afford every possible consideration to persons coming within its jurisdiction, consistent with its mandated obligation in administering and enforcing the Immigration and Nationality Laws. No incident, similar to that of Mrs. X, has occurred since its implementation.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks:

"How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

RELIGION AND THE SCHOOLS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, under leave to extend my remarks, I want to call to the attention of my colleagues an excellent letter written to the Evening Star by Mr. Floyd Robertson, assistant to the general director of the National Association of Evangelicals, in response to an editorial on religion in the schools which appeared in the September 24 issue.

I am a cosponsor of a constitutional amendment to restore prayers in our schools and I am in accord with the contents of Mr. Robertson's letter.

The editorial and letter follow:

[From the Washington Star, Sept. 24, 1971]

RELIGION AND THE SCHOOLS

New life has suddenly been breathed into a proposed constitutional amendment to allow prayer in the public schools, and we can only view this development with misgivings. Congress has too many ponderous matters on its hands and the country has too many volatile divisions to undertake an emotional debate over religion in the schools.

Nonetheless, that now seems ordained, at least in the House. The senators should leave well enough alone and thereby embalm the proposition if it reaches their domain.

That's what the House has wisely done until recently. For eight years Representative Emanuel Celler of New York has kept a parcel of school-prayer proposals bottled up in his Judiciary Committee. But the other day he was overruled by a majority of House members, whose signatures on a discharge petition took the matter away from his committee. A House vote is probable in November on a First Amendment alteration permitting "nondenominational prayer" in schools.

The amendment is aimed at nullifying Supreme Court decrees of 1962–63 that prohibited organized prayers in public schools, and its proponents think they can muster the required two-thirds majority in the House. In the Senate, the resistance would be stiffer, for that body never was cordial to a similar proposal advanced with evangelistic passion by the late Everett Dirksen.

But House members shouldn't burden the Senate with that decision. They should summon the courage to reject the measure, as an affirmation of the founding principle that religion and the state must be separate. Any amending of the Constitution is a serious matter, to be approached with great caution. But to set in motion history's first revision of the Bill of Rights would be an act of the profoundest gravity, fraught with peril. It could be the precedent for making the charter a patchwork in which basic rights would be diluted.

Not only would the amendment intrude into the area of religious-state separation, it also promises to create more confusion than currently exists on the subject. For, as 38 religious leaders and organizations pointed out in opposing the measure, it is impossible for the major faiths to agree on what constitutes "nondenominational prayers." Hence that task would fall to school boards, and government would be into religion, establishing forms of worship. That's no way to protect religious beliefs, which is the business of government, or to spread religion around, which is not the business of government.

Religion in all its diversity is a vital element of strength in American life, and its erosion is a cause for deep concern. But it is folly to expect the schools to transmit it to the young, when many homes and churches are failing in that task, and to propose writing that desperate wish into the Constitution. Religious enrichment must flow from the family and the church; it cannot be legislated into being.

NATIONAL ASSOCIATION OF EVANGELICALS,
Washington, D.C., September 28, 1971.

The EDITOR,
The Evening Star,
Washington, D.C.

DEAR SIR: Even when we do not agree with your conclusions we usually find your editorials accurate and fair in your manner of handling the facts. However, the one on the so-called Prayer Amendment (9/24/71) was a shocking departure from this high standard we have learned to expect from reading your paper.

You indicated the Senate was never cordial to the identical Dirksen proposal yet your own newspaper reported the fact that less than a year ago as a rider to another bill it passed the Senate by an overwhelming majority of 50 to 20. It is now pending in the Senate with no less than 37 cosponsors.

Contrary to your contention, this would not be "history's first revision of the Bill of Rights." The Fourteenth Amendment as interpreted by the U.S. Supreme Court changed the entire Bill of Rights and the First Amendment in particular by about 1800. Mr. Justice Potter Stewart stated in his eloquent dissent from the 1962 and 1963 decisions in question:

"As a matter of history, the First Amendment was adopted solely as a limitation upon the newly created National Government . . . it is not without irony that a constitutional provision evidently designed to leave the States free to go their own way should now have become a restriction upon their autonomy."

Except for the fact that the First Amendment had been changed by the Fourteenth the Court itself clearly indicated in the first paragraph of its own decision that it would not have had jurisdiction over the "practices at issue" regarding Prayer and Bible Reading in the public schools.

The 38 religious leaders you mentioned may have been speaking for whatever church hierarchies they purported to represent but other writers have more aptly described them as generals without armies. They certainly do not represent their constituent members as evidenced by the fact that virtually every poll taken on the subject for the past nine years clearly reflects at least a 3 to 1 majority in favor of corrective action by Congress.

You say, "Any amending of the Constitution is a serious matter to be approached with great caution." We agree. Surely the current proposal meets both of these criteria which is far more than could have been said of the Fourteenth Amendment.

No other issue on the current scene has had a longer or more sustained public interest than the Prayer Amendment.

What really appalls us is your reference with approbation to the fact that "For eight years Representative Emanuel Celler of New York has kept a parcel of school-prayer proposals bottled up in his Judiciary Committee." Does this really say what is inescapably obvious?

We are reminded of B. F. Skinner's most recent book "Beyond Freedom and Dignity". In it he advocates a system whereby a select few would be able to abolish freedom and the dignity of the individual because, as he contends, the average person doesn't really know what he needs nor does he have the ability to properly exercise freedom. Are you suggesting the same thing and that the wisdom of Mr. Celler and a select few on his Committee is so far superior to the combined wisdom of some 75% of the other Americans that he should be allowed to bottle up an important piece of legislation for eight long years and circumvent the will of the public?

Is this why you did not share with your readers the substance of this legislation which you describe in such horrendous terms? It is very short (only 36 words) which reads as follows:

"Nothing contained in this constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer."

If enacted the proposed Amendment will restore the freedom of persons to pray in public places when and if appropriate. It will leave absolutely undisturbed the freedoms secured by the First Amendment and the entire Bill of Rights.

Sincerely,

FLOYD ROBERTSON,
Assistant to the General Director.

CHICAGO ELEVATOR STRIKE STOPS GRAIN SHIPMENTS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. FINDLEY. Mr. Speaker, the Nation's attention has been focused for several days on the strikes in our ocean ports. There is no doubt these are cause for serious concern for the entire Nation, but a Midwest tieup of grain shipments from the port of Chicago is equally distressing especially for our Midwestern grain farmers.

This strike, now in its sixth week, coupled with the strikes on our ocean ports, will soon cause harvested grain to be piling up on the streets of Corn Belt towns.

In an effort to get the grain shipments underway again, I sent a wire to President Nixon last week urging him to use the Taft-Hartley law to bring both the Chicago grain elevator workers back on the job along with the coastal dockworkers. These strikes are causing corn and soybean prices to decline, and could easily result in the permanent loss of overseas markets. It will without a doubt result in needless destruction of grain which could be used for livestock and human food.

Attached as part of these remarks are copies of my telegram to President Nixon, a letter I received from Secretary of Labor Hodgson, and my reply to Secretary Hodgson of yesterday:

SEPTEMBER 30, 1971.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Chicago Grain Elevator strike in 5th week having extreme effect upon farmers. 75% of grain storage capacity shut down. 70 million bushels corn and soybeans affected. Price of corn to farmers already depressed due to record crop. Strike causing futures market to decline further. Estimate total loss to farmers alone during October–December may reach $74 million. Foreign markets lost may be permanent. Closing of St. Lawrence Seaway less than 90 days away. Movement of grain critical for both farmers and our commitments to overseas markets. Foreign buyers will find new supply of corn.

Lost sales will add to adverse effect on our balance of payments already carrying a deficit. Urge you to invoke Taft-Hartley law and impose 90-day cooling-off period. Thanks for your consideration.

PAUL FINDLEY, M.C.

U.S. DEPARTMENT OF LABOR,
Washington, D.C., October 4, 1971.
Hon. PAUL FINDLEY,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FINDLEY: This is in reply to your telegram of September 30, 1971, concerning the five-week strike involving nine Chicago grain elevator operators and some 200 of their employees represented by the International Longshoremen's Association. You urge that the emergency procedures of the Taft-Hartley Act be invoked to end the stoppage.

We share your concern for the adverse economic effects of this labor-management dispute. However, use of the national emergency provisions of the Taft-Hartley Act is limited to work stoppages which affect an entire industry or a substantial part of an industry, and which, if permitted to continue, will imperil the national health or safety.

The Government has provided intensive mediatory assistance by the Federal Mediation and Conciliation Service. A Federal mediator has been assisting directly in the negotiations. We will continue an active interest in resolving this dispute and fully recognize the acute hardships it is causing.

Sincerely,

J. HODGSON,
Secretary of Labor.

OCTOBER 4, 1971.

Hon. JAMES D. HODGSON,
Secretary of Labor,
U.S. Department of Labor,
Washington, D.C.

DEAR MR. SECRETARY: Thanks for your prompt response to my wire of September 30, 1971, regarding the Chicago Grain Elevator strike. I appreciate, as do the nation's farmers, your recognition of the "acute hardships it is causing."

I feel these hardships, when considered alongside the other strikes affecting farmers, create a situation which imperils the national health and safety.

Closing down of Eastern and Gulf ports by the dockworkers' strike last Friday greatly aggravated the situation as far as farmers are concerned.

The strike in Chicago of the Grain Elevator Workers effectively embargoes the shipment of grain by Midwest farmers. The result threatens the well-being of this significant segment of our economy.

Robert Butcher, a Sangamon County, Illinois, farmer and commodities broker told me today the prices farmers are receiving are already depressed because of the dock and grain elevator strike. He said grain barges which normally ship grain on the Illinois and Mississippi Rivers are not available.

He said, "We'll soon have to dump the grain in the streets of our towns. There just isn't enough storage space available for this crop. Farmers are very upset as they see their grain prices fall apart while they see little action in the federal government to get the workers back on the job to handle and ship the crop. Farmers know they have produced an extra large crop. Its size alone depresses the price. To permit grain prices to slide even further because of strikes gives farmers a good reason to be mad. Major Illinois grain purchasers have stopped buying grain for delivery anytime during October."

I recognize that the decision to invoke the Taft-Hartley 80-day cooling off period involves many considerations. I am sure that you agonize over this very question. Should you decide to recommend affirmative action to the President, as I hope you will, I urge that in addition to the striking dockworkers you also recommend covering the strike of the Chicago Grain Elevator workers in any Taft-Hartley injunction.

Sincerely yours,

PAUL FINDLEY, M.C.

CITIZEN INTEREST IN AFFAIRS OF STATE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. DERWINSKI. Mr. Speaker, recently I had the privilege and pleasure of mailing a questionnaire to the residents of the Fourth Congressional District of Illinois. I am happy to report the response was unusually heavy, demonstrating substantial citizen interest in the affairs of state. But as important as the quantity of the replies received was the substance and thought which went into the views expressed by my constituents.

We hear much from vocal elements within our country that the President ought to set a "date certain" regarding the time when the last American will be withdrawn from Vietnam. In my opinion the President has wisely rejected that counsel, while sticking to the commitment that American troop withdrawals will continue in relationship to the improved effectiveness of the South Vietnamese defense forces. Should the North Vietnamese and the Vietcong participate in legitimate discussions for a cease-fire and peace, our troop withdrawals would then be more substantial. It also appears that the good people of my district reject the counsel of those who would "cut-and-run." An amazing 85 percent expressed their support for "the President's troop withdrawal program in Vietnam."

The people of the Fourth Congressional District of Illinois voiced their opposition to a federally controlled program of national health insurance financed by increased social security taxes and other Federal taxes. More than two-thirds of those responding informed me that they are opposed to a government program providing medical care to Americans. Whatever the problems, there seems to be strong support for a medical service system based on individual doctor-patient relationships and nongovernment medicine.

In addition, the questionnaire showed that 55 percent of those voting were in favor of expanding diplomatic and trade relations with Communist China; 75 percent in favor of increasing military pay in order that an all-volunteer service might be tried; and almost two-thirds felt that the Federal Government has the responsibility of developing laws to prohibit strikes by public employees.

An itemization of the questionnaire and the results follows:

[In percent]

	Yes	No
(1) Do you support the President's troop withdrawal program in Vietnam?	85	15
(2) Would you favor a federally controlled program of national health insurance financed by increased social security taxes and other Federal taxes?	32	68
(3) Do you favor the continuation of manned space exploration?	52	48
(4) Should the Federal Government develop laws to prohibit strikes by public employees?	63	37
(5) Are you in favor of the United States expanding diplomatic and trade relations with Red China?	55	45
(6) Do you approve revenue sharing of Federal funds by direct payment to the States and local governments without Federal control?	42	58
(7) Do you support increasing military pay and adiusting manpower practices in order to attract an all-volunteer military?	75	25
(8) Do you concur with my view that a 3d airport should not be built in Lake Michigan?	88	12

OPPOSITION TO WYLIE AMENDMENT—HOUSE JOINT RESOLUTION 191

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. CORMAN. Mr. Speaker, Wilber G. Katz, professor of law at the University of Wisconsin and former dean of the University of Chicago Law School testified before the House Judiciary Committee in 1964 stressing the need for Government agencies to remain impartial not only between religions but also religious and nonreligious philosophies if our religious freedom is to be maintained.

Because our religious freedom is again being threatened by the proposed school prayer amendment, I would like to insert Mr. Katz' testimony in the RECORD as reminder of the importance of impartiality.

The testimony follows:

STATEMENT OF WILBER G. KATZ, PROFESSOR OF LAW, UNIVERSITY OF WISCONSIN

I am opposed to the amendments which are before your committee because I believe that the adoption of any of them would make our Constitution less appropriate to the religious diversity of American society. Our society includes believers in many different religions and also many who find no basis for belief in God and whose ultimate devotion is to their fellow men or to ethical principle.

Our general constitutional policy has been one of freedom and equality for all of these groups. To assure this equal freedom, a requirement of impartiality is imposed upon our State and Federal Governments. Government agencies must be impartial not only between religions but also between religious and nonreligious philosophies.

The requirement of impartiality means that Government must be neutral with respect to religion. This is not because the religious and ethical beliefs of its citizens are a matter of no concern to Government. It is because one of the deepest concerns of democratic government is that its citizens have freedom in the area of their ultimate devotion. It is for this reason that Government agencies should stay out of the business of promoting religious practices or beliefs.

When Government schools include regular religious devotions in their programs, the school authorities are not impartial. They discriminate not only against those who have no religious belief but also against those whose beliefs are incompatible with the particular devotions in question.

There is a special danger inherent in public school prayers which are "nonsectarian" and which have wide support among Protestants, Catholics, and Jews. The danger is that those who cannot conscientiously participate may be regarded as less than 100 percent American, and that those who oppose such prayers may be branded as "cynics, atheists, and unbelievers."

The objection to regular prayers or devotional reading in public schools is not met by merely excusing those who do not wish to participate. Making excuses available does not make the program truly voluntary. The supreme court of my State (Wisconsin) recognized this in 1890 when it held that devotional Bible reading is forbidden by the State constitution. The court said that a pupil who has to withdraw from group devotions "loses caste with his fellows, and is liable to be regarded with aversion and subjected to reproach and insult."

In recent years this view has been expressed by many experienced educators and child psychologists. A committee of the National Council of Churches concluded that "so-called voluntary exemption does not overcome the compulsion exerted by majority behavior."

No constitutional amendment is necessary to permit continuance of provisions for worship in the armed services. Our traditional practices in this area have not been designed to promote religion. They have reflected rather a policy of neutrality. Without some provision for worship, the regulations of the armed services would result in restraining religious freedom.

No constitutional amendment is necessary to permit continuance of prayers offered in the Houses of Congress and on occasions such as the inauguration of a President. There is no doubt that a President is free to express publicly his need for God's help as he takes his oath of office.

Nor does the constitution forbid all religious expression in the public schools. For example, if a teacher had expressed her shock at President Kennedy's assassination by a prayer for the Nation and for the bereaved family, her action would not have been open to criticism.

What is open to criticism is a regular public school program designed to inculcate religious beliefs or habits. I respectfully urge the committee to preserve the constitutional barrier to such programs.

SIXTY YEARS OF LOYALTY AND FRIENDSHIP

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. PELLY. Mr. Speaker, for the past 60 years, America has had a loyal and faithful friend in the Republic of China. We have been fortunate to have had this friend stand beside us through these turbulent years.

On October 10, the Republic of China commemorates its 60th anniversary, and this observance comes at a time of uncertainty. Meanwhile, China's seat in the United Nations is threatened, and America appears to be almost ready to turn her back on this long-time and trusted friend.

Mr. Speaker, this loyalty must not be permitted to be cast aside. It is for this reason, I have joined in signing a petition to the President of the United States strongly and unalterably opposing the expulsion of the Republic of China from the United Nations.

The friendship of Taiwan's 16 million people is well known. We must rally to their side at this critical time.

WANTED: A FLEXIBLE U.N.

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. PETTIS. Mr. Speaker, I would like my colleagues to read the following article written by our former distinguished colleague, George Bush, Ambassador to the United Nations.

The Ambassador outlines some of the specific issues on the U.N. agenda this session—China, the Middle East, Pakistani refugees—in terms of what he believes the proper role of the United Nations to be. His concept of the function of the United Nations can be shared by a vast majority of the American people—a flexible and responsive body able to meet the rapidly changing conditions of world society in its quest for a lasting peace.

None of us envy the task that confronts Ambassador Bush in these coming days. Yet we all know that he will succeed in representing the people and policies of this country in an able, knowledgeable, and dynamic manner.

The article follows:

WANTED: A FLEXIBLE U.N.—ISSUES DEMAND QUEST FOR A WORLD TRULY AT PEACE

(By Ambassador George Bush)

United Nations.—Plato put it this way—"The only thing permanent is change."

And Justice Holmes wrote—"Behind every scheme to make the world over lies the question, what kind of world do you want?"

In my view, these two quotes encompass the very natures of the immensely important and challenging issues confronting member nations at the 26th General Assembly starting Tuesday.

We hear much today about change. In the fall of '71, more than ever, issues will be brought before the General Assembly that demand flexibility, that demand a United Nations that is responsive to constructive change, that demand a United Nations that is willing to look ahead in its quest for a world truly at peace. And that's exactly my answer to the question in Justice Holmes' quote—what kind of world do you want—or, for now, what kind of United Nations do you want? Flexible, responsive, realistic—that's the kind of United Nations I want—that I think all Americans want and deserve.

Here are some of the issues that will challenge the United States this fall:

China: The U.S. has enunciated a new policy on China at the U.N. It is a realistic policy and a simple policy. If it's successful, it will represent a significant step in helping shape the U.N. into a much more representative body. What we hope to accomplish at the General Assembly is to have the U.N. accommodate two realities—the People's Republic of China (Peking) and the Republic of China (Nationalist China), without prejudicing either's claims. This does not represent a "two China" policy as has been erroneously reported.

Our policy offers representation to the People's Republic of China, but also seeks to prevent the expulsion from the U.N. of the Republic of China, our friend and ally of long standing. It points up the importance of their continued representation in the U.N. Importantly, our policy, unlike the Albanian resolution, avoids the dangerous precedent of expulsion of a member.

The Republic of China is bigger than 92 other countries represented in the United Nations. Indeed, a dues paying and important member, playing a useful role in a variety of ways. The Republic of China represents a large number of people and we want to see them stay there. We want to see the General Assembly on record as favoring their retention and we will be battling every moment to achieve this goal.

On the other side of this issue, the President is determined in his effort to communicate effectively with another reality, a very large reality—the People's Republic of China. U.N. representation for that reality will be an important move in this direction.

The fact is that President Nixon has made a bold reappraisal of our China policy. This move has the support of the American people. Through this U.N. policy we are not promising a millennium. We simply face up to a fact: the People's Republic of China is there. Within the context of our commitment to freedom and to peace, what are we going to do about it?

The answer is the U.N. offers representation to the People's Republic of China and at the same time refuses to kick out the Republic of China.

Middle East: While the China question will certainly be a focal point for world attention, the Middle East will be the subject both of behind-the-scenes discussions and perhaps public debate in the Security Council or the General Assembly.

The U.S. remains convinced that Security Council Resolution 242 remains the best foundation on which to build a just and lasting peace in the Middle East. For the past several months attention has been focused on efforts to achieve an interim agreement on reopening the Suez Canal. The U.S., at the request of Israel and the UAR, has been actively seeking to promote such an agreement. While problems remain, we believe the door to an interim agreement on the canal is still open and we are cautiously hopeful progress on this front will be made. In the event an interim agreement on the canal is made, we consider that this will materially contribute to efforts to bring about an overall settlement.

When it comes to the Middle East, the U.S. believes quiet diplomacy offers the best prospect for success rather than heated debates in the Security Council and General Assembly.

While we are continuing our quiet diplomatic efforts, our basic position remains unchanged. That is, we support Security Council Resolution 242, including the efforts of Ambassador Jarring, and we adhere to the policy set forth in the secretary of state's speech of Dec. 9, 1969, and the President's foreign policy report to Congress, Feb. 25, 1971.

India-Pakistan: During the General Assembly, there will be discussion of the report of the U.N. High Commissioner for Refugees (UNHCR). This year major attention will be focused on the activities of the UNHCR in assisting refugees from East Pakistan. Here exists a situation in which the U.N. and the secretary can help dramatically in organizing and planning relief activities both in India and in East Pakistan. Our government will continue to support the Secretary general and the entire U.N. system in these efforts.

CRIME IN TOKYO

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. BINGHAM. Mr. Speaker, following is the text of the New York Times article on crime in Tokyo which I referred to in my remarks on the floor of the House today:

Crime in Tokyo a Minor Problem

(By Richard Halloran)

TOKYO, Oct. 2.—The Japanese National Police obtained a warrant this week for the arrest of a rightist leader who mailed to Premier Eisaku Sato a pistol, 175 cartridges, and a note demanding that he shoot himself for failing to crack down on leftist radicals.

But the charge against Masamoto Yoshinga was not that of threatening the Premier. Rather, the warrant was for illegal possession of firearms in violation of Japan's gun control laws.

About the same time, narcotics control officers arrested six Americans, including an Air Force captain, and a Japanese woman for trafficking in hashish around Tachikawa Air Force Base outside of Tokyo.

The police began watching the alleged drug ring, officials said, about two months ago and stepped in this week to nab Capt. Richard J. Scotti, a medical officer at the base, and his associates.

The two events were reflections of the effective enforcement of this nation's strict gun control and narcotics control laws, both of which Tokyo Metropolitan Police officials believe to be among the major reasons for the relatively low crime rate in this city.

THREE DIE BY HANDGUNS IN YEAR

One day not long ago a Metropolitan Police official ran his finger across a page of crime statistics.

"Ah, yes. Here it is. We had three people murdered here with handguns last year. One was killed by a gangster, another by an ordinary citizen, and the third by a juvenile gangster."

He looked up and chuckled at the incredulous look on his visitor's face. Of the 11,398,801 people in Tokyo, the world's largest city, only three were killed with pistols in an entire year.

During the same year in New York City, 538 persons were murdered with handguns.

Other figures on crime in Tokyo were equally startling to an American. The total number of murders here last year was 213, compared with 1,117 in New York, whose population in 1970 was 7,895,563, 30 per cent less than Tokyo's.

The largest number of slayings, 69, in Tokyo were committed by adults with kitchen knives, razors, and similar weapons that, in many cases, were at hand when a violent argument broke out. Eighteen were committed by gangsters and six by juveniles with similar weapons.

ROBBERIES TOTAL 474

There were 474 robberies here last year, compared with 74,102 in New York City. Tokyo records show 7,268 assaults, New York's, 18,410. There were 500 victims of rape here, 2,141 in New York. The number of narcotics cases here was 292. In New York it was 52,479.

The rate of crime in Tokyo, however, grew faster than the population. Crime was up 5 per cent in 1970 over 1969, while the number of people living in the city increased only 1 per cent. The biggest single category of crime was fraud, of which there were 9,397 cases, a 20 per cent rise over the year before.

Police officials here are confident that their statistics are accurate. There is no reason to doubt them since the Japanese keep perhaps the most complete statistics in the world.

If one searched long enough, he could probably find out how many left-handed barbers here were born between 1 and 5 p.m. on Sundays in any given year.

The only exception, the police officials said, might be in the figures on rape. As in the United States, an unknown number of rape victims may not report to the police out of embarrassment.

PORTS ARE WATCHED CAREFULLY

It is illegal for any resident of Japan to own a handgun. Only the armed forces, the police, ballistics researchers, and sporting marksmen may have pistols—and the use of those is carefully regulated. The police officials said they thought the absence of handguns was particularly important in keeping the murder and robbery rate down.

Moreover, seaports and airports are closely watched to insure that handguns are not smuggled in.

Unlike the United States, there is no question of a citizen's right to bear arms here. In earlier days, only the samurai warriors who up about 5 per cent of the population were permitted to carry swords. That tradition has passed over into modern times without protest.

A second reason for the low crime rate seemed to be strict controls over narcotics, which are illegal except for medical use. In addition to the police, the Ministry of Welfare has special narcotics force.

Particular attention is given the prevention of narcotics smuggling. The narcotics control forces maintain extensive networks of informants, especially in Yokohama, the great port down the bay from Tokyo, and in Kobe, the major port in central Japan on the Inland Sea.

PIRATES WIN NATIONAL LEAGUE PENNANT

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. MOORHEAD. Mr. Speaker, I proudly take the floor to tell my colleagues that the Pittsburgh Pirates today won the National League pennant by beating the San Francisco Giants, 9 to 5.

The Pirates combined good pitching with lusty hitting, as they have done all year, to beat the Giants today.

Now it is on to Baltimore and the world's series, starting Saturday. I know the Pirates will play the brand of ball befitting the champions of the National League.

I am sure that Pirate fans everywhere are as proud of that team as I.

The Bucs have thrilled and delighted Pittsburghers the entire year and they deserved their shot at the world crown.

Good luck Pirates.

THE ATTORNEY GENERAL EXTENDS A HAND TO SOVIET JEWS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. KOCH. Mr. Speaker, Jews around the world have won one battle in the struggle to ease the plight of Soviet Jews. For many months, I and many others have been attempting to have the United States make it absolutely clear that we are willing to accept any Soviet Jews allowed to emigrate. Now, in a major shift of policy, the Nixon administration has unequivocally stated that it will act to admit Soviet Jews into the United States if and when they are allowed to leave the Soviet Union.

In a letter dated September 30, sent to Congressman EMANUEL CELLER, chairman of the House Judiciary Committee, Attorney General John Mitchell said:

> The mounting evidence that Soviet Jews have unsuccessfully sought permission to emigrate from the Soviet Union has compelled a Departmental reexamination of the Attorney General's parole authority with respect to refugees . . . . Accordingly, I can assure you that I would exercise my discretion if the situation demanded and parole Soviet Jews who are able to leave the Soviet Union.

Great credit for our success in getting this commitment from the Attorney General must go to Chairman EMANUEL CELLER of the House Judiciary Committee, House Minority Leader GERALD FORD and Immigration Subcommittee Chairman PETER W. RODINO, Jr. The thousands of Jews and non-Jews in this country concerned about the plight of Soviet Jews surely share my gratitude toward these men.

The willingness of our Government to state now that we are ready to accept Soviet Jews recognizes that the special harassment to which Soviet Jews are subjected requires special attention at this time. Our attitude is a challenge to the Soviet to permit emigration and an example of moral persuasion to other countries. Prior to the Attorney General's letter, the problem for all concerned was not only to persuade the Soviet Union to allow the emigration of Jews, but also to secure from this country a guarantee that Jews could enter if they wished. Now that the latter has been done, we must press even harder than before to force the Soviet Government through world public opinion to allow the Jews to leave—to reunite with their families, wherever they might be, or to go to Israel, the Jewish homeland.

The Attorney General may grant entry under parole status when no visas are available, as would be the case for Jews allowed out of the Soviet Union. In the past, Cuban, Czech, and Hungarian refugees have been allowed to enter in this fashion.

However, the administration—for a long time—has balked at making a commitment to use this executive parole authority and that is why in March of this year I introduced a bill, H.R. 5606, that would provide 30,000 nonquota refugee visas for Soviet Jews. Given the administration's earlier reluctance, I introduced this bill so that the Congress could invoke its primary authority in this area and do by law what the executive branch refused to do administratively—to welcome Soviet Jews. Although my bill has 123 cosponsors in the House, I will not now press for passage of the bill, for the Attorney General's letter is an unequivocal statement that has the same effect that passage of the bill would have with one favorable addition—that no limitation is placed on the number of Jews who will be allowed to come into this country.

This change of policy is extremely gratifying to me, for it is one I have sought with much labor. Shortly after the introduction of my bill, I went to the Soviet Union—at the request of constituents—to see for myself how Jews were treated. I spoke to many Jews including the wives of Lassal Kaminsky and Lev Yagman who were then awaiting trial in the Leningrad jail and later sentenced to 5 years' imprisonment. I spoke to Soviet officials about their policy as well. During my trip, I saw firsthand the persecution of Soviet Jews; I saw their fear, but most memorably their extraordinary courage and their hope for a better way of life.

After my return, I implored the executive branch to indicate this country's willingness to accept Soviet Jews. I am grateful to Attorney General John Mitchell for his action. It is particularly fitting that his announcement came on the eve of the Succoth holiday, a joyous festival for the Jewish people around the world.

Two other Members of the House who did an enormous amount of work in pressing this legislation whom I want especially to thank are SIDNEY YATES and ABNER MIKVA, both of Chicago.

While our country's action cannot, by itself, ease the plight of Soviet Jewry—it is a strong moral incentive toward that end, and, most important, it is a step that shows the hopes of Soviet Jews will not be in vain.

WOMEN IN MEDICINE

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, the role of a woman in American life, as our discussion of the equal rights for men and women amendment demonstrates, has come to occupy an increasingly significant amount of attention throughout the Nation, and, in view of the great interest in the role of women in modern society, I am pleased to incorporate in my remarks a perceptive and timely series of articles which appeared in the Boston University Medical Center magazine Centerscope for July–August of 1971 concerning the role of women in medicine. These thoughtful and provocative columns are of particular value, beyond the insight they afford into the capabilities of women for a meaningful role in modern life, for the important implicit considerations they suggest as to the promise of women doctors and paraprofessional specialists in meeting the growing crisis in health manpower personnel.

The articles follow:

WOMEN IN THE BUSM—A BRIEF HISTORY

(By Dorothy Campbell Keefer)

Boston University School of Medicine is the successor medical institution of the New England Female Medical College and graduated its first class in 1874. Of the five graduates in this class, two were women.

For the past 97 years, the School has admitted women on the same basis as men and every class has graduated women even when the graduating classes were small and contained fewer than 20 students.

The admission to our medical schools and the education of women for the practice of medicine in the United States and the world have always reflected the attitude and culture of the society of the times.

In Philadelphia, in 1762, an attempt was made to found a school for midwives, but no woman applied for admission.

It was not until November 1, 1848, that the first institution in the United States for teaching medical subjects to women was created. This institution was named the *Boston Female Medical College*. The title was changed to the *New England Female Medical College* in November, 1851. The year that the Boston Female Medical College opened its doors a national convention for women's rights was held in Philadelphia where one of the several principles advocated was the right of women to enter the professions of law, medicine and the ministry.

Elizabeth Blackwell, the first woman medical school graduate in the United States applied to four medical colleges in Philadelphia and 12 other colleges before she was admitted to the Geneva Medical College in November, 1847. This fact in itself is significant but it also reflected public attitude and public opinion about the admission of women to colleges for the preparation of medicine.

Perhaps of equal significance is the fact that *Miss Blackwell was finally admitted by a vote of the student body, 150 strong, and not by a vote of the faculty or the trustees.*

Following admission, she performed admirably and received her degree at the top of her class.

Although little notice was taken of Miss Blackwell's admission to medical school, her graduation in January, 1849, was given extensive publicity in the newspapers and by the advocates of women's rights.

It still was not until 1950—more than a century later—that all medical schools admitted women on an equal basis with men.

In contrast to Dr. Blackwell's "press," little notice was taken of the graduation of Mrs. Rebecca Lee of Boston from the New England Female Medical College on March 1, 1864—although she was a Black and the first woman of her race to receive a medical degree in the United States. This was another "first" for the School.

Still another "first" is attributed to a former faculty member of the New England Female Medical College, Dr. Marie Elizabeth Zakrzewska, Professor of Obstetrics and Diseases of Women and Children from 1859 to 1862. She founded (with Dr. Elizabeth Blackwell and her sister Dr. Emily Blackwell) the first hospital for women and children in the United States in 1857, and in 1862 founded the New England Hospital for Women and Children, the second oldest hospital of its kind in this country.

Thus, it may be seen that the history of Boston University School of Medicine is an integral part of the history of women in medicine in the United States.

WOMEN IN THE FEMALE MEDICAL COLLEGE

(By Elizabeth Moyer, Ph.D.)

It fell apart when the 58-year-old Dr. Samuel Gregory died on March 23, 1872!

The Trustees of the New England Female Medical College met on April 2 to decide what they could do. There was a mortgage of $27,000 on the still very new college building which had welcomed its first classes in November of 1870. And the Trustees had lost their money raiser, Dr. Samuel Gregory who, in 1848, had founded the College, as the New England Female Medical Education Society and had been secretary of its governing body from 1848 until his death.

The Trustees decided to solve their financial problem by negotiating at once to affiliate the College with the Massachusetts Homoeopathic Hospital which (thanks to the Ladies) had just completed a very successful fair on Boston Common which netted $76,000.

At the same time Boston University was making arrangements to establish a medical school with the Massachusetts Homeopathic Hospital. In 1873, there appeared the 25th (and last) catalogue of the New England Female Medical College and the first catalogue of the Boston University School of Medicine.

In 1874, the two schools were united by an Enabling Act of Massachusetts legislature, which marked the end of the New England Female Medical College and its yearly reports of the Trustees as part of the school catalogue.

The vivid, careful descriptions in the reports by Samuel Gregory form a history of the New England Female Medical College from the time the lectures were held in a private house on Franklin street until the opening of the new college building on Concord street in November, 1870. They furnish a basis for determining how much responsibility was exercised by women in the developing institution.

The founding fathers (Incorporators of 1850 were Timothy Gilbert, William Bowditch and Samuel Gregory) clearly state in Article I of the Constitution that the object of the Society was: "to provide for and promote the education of Midwives, Nurses and Female Physicians and to diffuse among women generally a knowledge of physiology and the principles and means of preserving and restoring health."

Men or women could join the Society by paying a dollar, or become a life member for twenty dollars. Their dues produced a working capital. The members, numbering 3,000 in 1851, had the right to visit the school, look at the anatomical apparatus or consult its registry of nurses.

Governing the Society, which was to become the college in 1856, were men: a President, Treasurer, Secretary, and seven directors. The constitution provided for seven directresses; the directors were to appoint them and supervise their activities. At first, there were no directresses because they were not needed until a hospital was added, when their responsibilities were to assist in conducting the internal affairs of the hospital, select the patients, collect the funds, cooperate with the directors, and send reports of meetings to the directors.

From 1859 to 1862, the college maintained a hospital on Springfield street. It had paid the City of Boston $5,000 toward this purchase, but could not complete the payments. (The Civil War was at its height). "The occupancy of the building enabled the Trustees to try the experiment of a hospital branch, which they discontinued at the end of three years" is the way Gregory described the unsuccessful expansion.

With the loss of the hospital, the directresses (now called lady managers) were not needed and thus, not reappointed.

The faculty of the Female Medical College numbered two in 1848, and from then until

1872 consisted of six or seven persons. As early as 1852, the Demonstrator of Anatomy was a female M.D. In 1859, women held the posts of Professor of Obstetrics and the Diseases of Women and Children, Professor in Physiology and Hygiene, and Demonstrator of Anatomy. In 1862, there were three women and one man, and in 1864, there were four women and two men on the faculty. During these same years, a woman was Dean of the Faculty. (Women seemed to be taking over; the men were busy with the Civil War.) In 1870, the faculty numbered two women and four men. The Professor of Medicine, Materia medica, Therapeutics and Chemistry and of Principles and Practice of Surgery were men. The Professors of Physiology and Hygiene, Anatomy and of Obstetrics were more often women. A man was Professor of Obstetrics in 1863 and in 1869. For some reason, the Demonstrator in Anatomy was always a woman until 1873, when a man was appointed to that post and a woman served as assistant Demonstrator. In that same year, the last for the New England Female Medical College and the first for Boston University School of Medicine, the faculty had grown to 26 in number: 23 men and three women. The Anatomy, Professor of Diseases of Women and Professor of Diseases of Children.

Dr. Gregory worked hard to have professorships endowed, so that tuition would be less important. In the Eighth Annual Report he reported that Mrs. Waterhouse had given $1,000 toward endowing the first Professorship, to be in Anatomy. "Dr. Waterhouse was accustomed to speak of the necessity and importance of having women in the medical profession, not as practitioners in some special branch merely, but as physicians". (When she asked what would be a suitable endowment for a professorship, the sum of $10,000 was decided satisfactory by the Trustees, and in 1864, Mrs. Waterhouse left $9,000 to the College to be added to the thousand dollars she had given in 1857.)

In 1865 Doctress Frances Cooke was the first Waterhouse Professor of Anatomy.

All the students were women. Some took courses to satisfy their curiosity, some were nurses improving their knowledge, and some studied to become medical doctors. At least 90 M.D.'s were produced during the years of the N. E. Female Medical College.

In the entering class of the Boston University School of Medicine in 1873–74, of the 43 students twenty were women.

THE WOMAN AS MEDICAL STUDENT

(By Felicia Liu, BUSM 1973 and Alice Rothchild, BUSM, 1974)

This will be a discussion of our personal experience preparing for and entering medical school.

In examining reports by other investigators of "women in medicine" we have found that our experiences are by no means unique! Therefore, we shall cite evidence from other authors. (A reference bibliography appears at the end of this article.)

In retrospect we realize that in the process of growing up we felt numerous pressures that did much to discourage us from entering a male dominated profession such as medicine—or at best made the decision a very ambivalent one. We see that society's expectations for an intelligent woman are very contradictory; she is praised and supported for good academic performance in school, for superior drive and motivation, and at the same time discouraged from pursuing a career like medicine which requires just these qualities.

We find, looking back, that adults encouraged us until we entered college and it became apparent we really meant to become doctors. The discouragement then became very subtle and consequently more insidious and harder to cope with. Premedical advisors reminded us that to succeed we would have to be "superwomen." Peers expressed anything from fear at having us as competitors to ridicule at our naive aspirations. Interviewers always asked us our marital plans. Now at medical school we find that we have to face the daily irritation of having to deal with male medical students who do not take our presence or our futures seriously.

While we were growing up, and today as medical students, we realize that the traditional expectations for women are often barriers. The public media and its observation of adult occupations soon taught us that women were expected to enter those fields that reinforced the characteristics defined by the role of mother, i.e., one-third of all professional women are nurses, one-third are teachers (1).

We also began to sense that our peers, primarily boys, were very threatened by an intelligent, highly motivated girl. It was discouraging to watch our female friends, as early as sixth grade, weighing the odds and choosing popularity over high grades, thus internalizing society's definitions of womanhood and femininity. A study has shown that in a review of intellectual differences between female and male children, none were found until high school. (If anything the girls did better.) However, once in high school, the girls began to do worse on a few intellectual tasks such as arithmetic reasoning. Given the fact that previous tests had established that the girls were of similar ability to the boys, these differences in performance can only be seen as the fulfillment of society's expectations (2). As Margaret Mead has noted, "in our culture boys are unsexed by failure, girls by success" (1).

An examination of parental attitudes has indicated that while 15 per cent of girls' fathers were opposed to their desire to study medicine, 47 per cent of the mothers were against their decision (3).

So in addition to the barriers of social and cultural expectations, there is a serious lack of appropriate role models and support from other women. The importance of models for career choice is indicated by the fact that 15 per cent of women medical students are daughters of professionals, while only 5 per cent of the men have mothers who are professionals (3). It was also found that women tend to choose medicine for primarily abstract reasons, (i.e., humanitarian, inspiration from reading, etc.), or personal experience with illness, rather than because of a desire to be like someone (3).

Having made the decision to enter medicine, we found that as women we were faced with additional difficulties over and above the already fierce competition for places. Our medical school interviewers, with their frequent probing into motives, marital plans, and the usual reminder that women have to make great social sacrifices as medical students, were very discouraging. We soon sensed that we were not being interviewed as individuals. How many male applicants were asked similar questions? Interviewers assume that a woman with marital plans is a greater risk. However, a recent study has shown that marital status bears no relationship to the completion of medical studies. We began to feel that the interviewer was often merely testing his preconceived notions about women doctors rather than listening to our replies:

"The ability of the woman candidate to convince the admissions officer sitting across from her in the interview that she is feminine but strong, dedicated but healthy in her needs, and intelligent but not boorish or domineering, depends probably in the end on some very basic and nonverbal transactions: did the officer like her, did he feel that he could get along with her in a work situation, or at least that she would not aggravate him?" (3).

The percentage of female to male applicants to medical school has increased over the years (from 1920—3.5 percent to 1964—9.5 per cent (4). However, in examining the present four classes at our own medical school, we see no such trend. 1971 has 11 percent women; 1972—9 per cent; 1973—13 per cent; 1974—10 per cent (5).

A disproportionate number of women are in the six year medical school program—1971-25%; 1972-21%; 1973-28%; 1974-25%. (5). The difference in the percentage of women in the four and six year programs is undoubtedly a reflection of the number of women who are discouraged by the socialization process that occurs while they are in college. A recent study showed that one-third of the high school National Merit Scholars interested in medicine were women. However, by the time the National Merit Scholars applied to medical school, less than 8 per cent of the applicants were women (6). Another important fact is that from 1940 to 1965 the number of women applying to medical school nearly tripled while the number of men rose by only 50 per cent. The number of women accepted also rose, but not in proportion to the rise in applications (1).

In a recent discussion with an officer of an internship selection committee we were told that women applicants were primarily compared against each other rather than against the entire applicant pool because having more than a few women interns was not considered desirable or good for the prestige of the department. (We suspect that similar discriminatory admissions policies exist also at the medical school level.)

At BUSM we have been distressed by the kinds of interactions that occur between women medical students and their male classmates and male doctor-instructors, especially because these same men will be treating female patients and will probably also be relating to a wife and daughters. The interactions that we find destructive are frequently unimportant in themselves, but they reflect a larger socialization process that has serious consequences for human relations. For example: the dissection partner who has difficulty letting you (as a "girl") do any of the dissecting; the cardiologist who continuously refers to the women in his physical diagnosis class as future pediatricians (even after they have informed him differently); the gynecologist who has the gall to inform the women in the class that they shouldn't be in medical school (they should be home having babies); the doctor who announces to the class, "Today we will pick on the girls; after all, ladies first."

There are so many daily oppressive moments: the male medical student who prefers a female medical student as a subject in physical diagnosis and yet is unable to treat her with the appropriate professional attitude; the doctor who comes in and begins his lecture, "My, we have some lovely young ladies here . . ." or even worse, the doctor who will only address the class as "men . . . ," the student wives whose photographs are captioned "an extremely decorative assembly . . . experts in the area of pastry making . . ." (7), rather than as intelligent young women.

But most depressing are the everyday jokes and comments by our classmates, comments that only serve to show how greatly they misunderstand and misperceive women, comments that are so often reinforced by the doctors who teach us. A recent survey of doctors asked if they felt there was any discrimination towards women in medicine. The following remarks were elicited: "I dislike female doctors of either sex. [sic] . . . Women MD's irk me, though some are good doctors . . . A silly question. Women were created to be wives . . . I'm glad my daughter isn't neurotic enough to want to be a doctor (6). We can only wonder what kinds of role models these doctors provide.

We have found that there are many things that are particularly oppressive to women as they work towards becoming doctors. Students now, we find it disheartening to look into the future and see that the same men who do not want to accept women—because they do not engage in practice as much as men while they are raising children—also support very rigid residency programs that are almost impossible for many young mothers; that the interviewers who doubt a woman's motives for a medical education also create a system where virtually no woman is allowed to become a department head or dean, or to enjoy the same salary as her male counterparts; that the women doctors who do chose to spend the majority of their child-rearing years in practice are then frowned upon for being bad mothers.

In short, the inflexibilities of the present medical system and the cultural expectations of America are such that a woman will always find it more difficult than a man to do that for which they are equally qualified.

We feel very strongly that this situation will change only if alternative solutions are developed. Such solutions must involve very basic redefinitions of the appropriate behavior and expectations for women and men. There must be changes in the ways in which men and women learn to relate to each other, and equally important, a serious restructuring of the medical system. We often feel closer ties to the women who make up 80 per cent of the health care work force than to the doctors who dominate it; for it is with these women that we share the common experience of struggling with and defining ourselves within the health system.

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Women Interns and Residents

(By Leah M. Lowenstein, M.D., D.Phil.)

Women physicians now account for 8% of all doctors in the United States; they will soon constitute 10 to 15%. Medical schools are now accepting greater numbers of women in their classes than ever before, and in some Boston medical schools 20% are women.

Although women are now able to enjoy good medical school training, definite problems exist in the *post-graduate training* of women doctors, during internship and residency.

Some of these problems are posed by the hospitals. Many excellent internship services do not select women interns. This reluctance arises from several reasons. One is that women on an intern staff, like foreigners, are considered a detraction to prestige and a sign of failure to attract men. Many hospitals feel that women do not have the stamina to survive an internship or that they are not serious about medicine. Finally, many chiefs of departments are afraid that women interns may not finish internship because of pregnancy. (The interview of a BUSM IV student for an internship at a Boston University teaching hospital last year included detailed questions about her methods of contraception, rather than her plans for a career and her goals as a physician; this hospital has not had a woman intern for years.)

Some of these concerns are valid; others are ephemeral. The "diminished prestige" suffered by a service that admits women will be lessened over the years as more and more women graduate from excellent medical schools; but this statement is difficult to reconcile with an internship service that is concerned about its "public relations image."

Fears about a woman lacking the stamina for an internship at a hustling teaching hospital are not justified. The internship is the most stressful year of all (for a man *or* woman physician) with its long hours, inflexible schedule, continual demand for critical decisions, and restriction on outside activities. There have been no studies on the comparative ability of men and women to survive these rigors. But classic studies of the stamina of women under situations of stress (during World War II London bombings and concentration camps and I suppose our internships have a little of both situations) have indicated that they survive such stress better than men. However, both men and women find themselves exhausted *and* exhilarated by internships; and if both are devoted they are quickly involved in the intensity of the internship.

The women interns at Boston City Hospital I've spoken to enjoyed their year. They found it intense, tiring, immensely worthwhile—"the best year of my life," said one. None mentioned any disadvantage encountered as women.

Possible pregnancy is listed by hospitals as a major deterrent for accepting women. The number of women who do become pregnant during their internship is probably small since this year is such a critical one in their training. The number is also small compared to the number of men who leave their internship suddenly for emotional reasons. If we add the number of men who have to leave in the middle of their residency training because of their being drafted, women become much more "permanent trainees" than men.

During the residency period however, problems arise for a woman who wants to start a family and pursue her training. Some women avoid this problem by postponing children until after training. Of physicians graduating in 1956, 80% of all men and 63% of all women were married by the end of their residency training. It is during this period that opportunities to acquire post-graduate training in addition to raising a family is of importance. This means that the residency program needs to be made more flexible for mothers.

Unfortunately, many post-graduate training programs have rigid full-time requirements. Training programs awarded by the National Institutes of Health are only awarded on a full-time basis. Specialty boards in general do not recognize training on a part-time basis and part-time career positions are often not given adequate status. The most popular fields for women are psychiatry, pediatrics, internal medicine, anesthesiology, and pathology. Because of the popularity of the first two fields with women, the American Board of Psychiatry and Neurology and occasionally the Board of Pediatrics gives credit for less than full-time residencies.

Internal medicine and anesthesiology are the other two most popular fields, and the possibility of these boards accepting less than full-time residencies in these fields is extremely important.

On a final practical note, in a recent survey by the American Medical Women's Association, the major problem of women doctors, both in and out of training, had nothing to do with their acceptance into this or that internship or residency program—but with obtaining household help! This was summarized by one woman doctor who said that all the other problems in her career were miniscule by comparison. The problem has been recently intensified by immigration service regulations for overseas help. The high expense of housekeepers is not tax deductible. A solution to this problem would provide the country with an instantaneous increase in the number of practicing doctors virtually equal to the building of ten new medical schools.

91% of the women physicians in the United States are practicing medicine: half of these full-time, the rest part-time. The highest prevalence of part-time activity is among physicians who still have small children but who have difficulty in finding good child-care centers or domestic assistance so that they feel secure enough to return to work.

The BUSM, with its high percentage of women in medical school classes, could make a very real contribution to solving the problems of women in medicine and thereby increase the number of physicians practicing in this country. Model child-care centers could be established here. Training programs could be set up for professional homemakers to take over household management. The internship programs could lead the way by showing no prejudice against the appointing of women as interns. Residencies could be constructed with flexible schedules (e.g. ten months on, two months summer vacation off).

The BUSM could be the leader among medical schools in ensuring that its women graduates obtain good internships and flexible residencies, and the opportunity to become full-time active physicians.

NEW HOPE FOR SOVIET JEWRY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. ROSENTHAL. Mr. Speaker, I welcome the recent shift in policy by the Nixon administration, which now says it will admit into this country those Jews who are permitted to leave the Soviet Union. This is a great victory for those of us who have been working to extend to these beleaguered people the hope and haven America has symbolized for oppressed persons for nearly two centuries.

This major policy shift is long overdue. I can only hope that it signals other concrete steps which the administration will take to help end the decades of persecution, ill treatment and denial of human rights under which Soviet Jewry has suffered.

As chairman of the Subcommittee on Europe of the House Foreign Affairs Committee, I wish to announce that I will very soon resume hearings begun last spring on the denial of human rights to Jews in the Soviet Union.

Our hearings in May revealed the suffering of a people forbidden to teach or fully practice their religion, a people kept virtual prisoners in the Soviet Union, unable to emigrate to the land of their choice—all in contravention of the United Nations Charter, the U.N. Declaration of Human Rights and, indeed, Soviet law itself.

The focus of these new hearings will be the Anderson-O'Neill resolution, sponsored by more than 100 Congressmen from both parties, urging the State Department to raise the issue in the U.N. General Assembly of the Soviet violation of the Declaration of Human Rights. It also requests the President to demand of the Soviet Government that it permit Jews and all other citizens to emigrate freely.

In recent days there have been indications out of the Soviet Union that the glare of adverse world publicity over that government's treatment of its Jewish citizens may be having some effect. This, hopefully, will result in removal of some barriers to Jewish emigration from Russia.

I applaud the courage of those prominent Soviet citizens who could no longer ignore the constant injustices they witnessed and have publicly expressed their abhorrence of the official policy.

Perhaps it is too much to hope that hearings and protests will overnight work a change in years of calculated harassment and persecution, but I do know that we must continue to avail ourselves of whatever methods of influence we have at our disposal until this blot on the freedom of all the world's peoples is erased.

JOHN BELL WILLIAMS AND CHARLES B. RYAN HONORED FOR SERVICE TO THE HANDICAPPED

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. GRIFFIN. Mr. Speaker, I want to bring to the attention of our colleagues the achievement of two outstanding Mississippians in their efforts to help handicapped persons help themselves.

On Monday, September 28, 1971, industrialist Charles B. Ryan and Gov. John Bell Williams were presented Distinguished Service Awards for their work in this direction.

Mr. Ryan, one of Mississippi's premier industrialists, is now president of MPI Industries and has for years worked to assure that handicapped persons had ample opportunity for employment with companies in which he was associated. He has also been serving as the chairman of the Governor's Committee on Employment of the Handicapped under two Governors.

John Bell Williams, as you know, is presently Governor of Mississippi and is a former Member of this body. He has worked tirelessly and diligently to secure proper training and rehabilitation programs for the handicapped, through the years, as well as various other efforts designed to give handicapped persons an equal shot at employment and a rich, fulfilling life.

At this point, I include an article in the Jackson, Miss., Clarion-Ledger of September 28, 1971, giving a full account of their activities in behalf of the handicapped:

GOVERNOR WILLIAMS AND C. B. RYAN GIVEN SERVICE AWARDS

(By Charles Hills, Jr.)

Gov. John Bell Williams and industrialist Charles B. Ryan were presented Distinguished Service Awards here Monday for their efforts in helping Mississippi's handicapped persons find productive jobs.

The presentations were made by Harold Russell, a nationally-known handless individual, who heads two private companies and serves as chairman of the President's Committee for Employment of the Handicapped.

The program at Northgate Restaurant was the key feature of Mississippi Hire the Handicapped Week.

Also participating in the program was Dr. Frank Cotton, head of the Department of Industrial Engineering at Mississippi State University, who outlined what is being done in Mississippi to employ the mentally and physically restored in compatible jobs.

Russell, who lost both hands in a war-time training accident in the Army, said the state of Mississippi has made "fantastic" progress with its rehabilitation program. He said he was greatly impressed.

Since it is still difficult for handicapped persons to get jobs, Russell said the best "hope" lies in "educating" the employer—showing the employer that the handicapped can do the job, and getting the right quality of training to handicapped people.

"Most times," he said, "a handicapped person will try harder. Most of them have the determination to do a good job. They have enthusiasm and faith."

Ryan, who is president of MPI Industries Division of DeSoto, Inc., Jackson, and chairman of the Governor's Committee on Employment of the Handicapped, was given a special service award for his outstanding work under two governors.

Russell said that Ryan's "tireless, selfless devotion to this cause has resulted in unparalleled benefits to handicapped persons, and through his dedicated efforts Mississippi is making great strides in hiring of the handicapped.

Williams, Russell said, has pushed development of training programs for the handicapped, and many Mississippi industries have begun handicapped hiring programs at his urging.

Approximately 250 persons attended the award luncheon and workshop. Included were a large number of industrial leaders who were present to learn how their companies can aid and participate in the handicapped person hiring program.

Sponsoring the program were: the Governor's Committee on the Employment of the Handicapped; the Association of Building Contractors; the Electric Power Association of Mississippi; Mid-Continent Oil and Gas Association; Mississippi Dairy Products Association; Mississippi Farm bureau; Mississippi Hospital Association; Mississippi Retail Furniture Association; Mississippi Retail Merchants Association; Mississippi Road Builders Association; Mississippi State Medical Association; Mississippi Trucking Association; and the Mississippi Manufactures Association.

Williams, Russell noted, is a personal example of one who has overcome physical handicaps to attain the high positions of congressman and governor. He was injured in a plane wreck in 1943 while flying a bomber to the war front in North Africa. Three years later, at the age of 27, Williams became the youngest congressman in Mississippi's history and served continuously until becoming governor in 1968.

Ryan is a native of Rochester, New York, who has been with the MPI Division of DeSoto Inc., and its predecessor companies since 1938, and has served as president of the Jackson plant since 1961. He has been most active in Jackson and Mississippi civic projects.

MAJOR URBAN CITIES SUFFER FINANCIAL CRISIS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. RODINO. Mr. Speaker, last Thursday, September 30, the mayor of Newark, the Honorable Kenneth A. Gibson, spoke before a meeting of the New Jersey congressional delegation. He eloquently described the plight of our major central cities as a spokesman on behalf of all cities that suffer a financial and urban crisis. His message of concern for the fate of welfare reform and revenue sharing received a very sympathetic ear and I would like to share with my colleagues Mayor Gibson's recent correspondence with the administration and his statement in behalf of the Legislative Action Committee of the U.S. Conference of Mayors:

NEWARK, N.J.,
August 17, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The recent announcement of your new economic policy, which clearly points up the power and authority of the Chief Executive, has rightfully generated much immediate public response. The prospects of a generation of peace and prosperity must be the number one priority of all Americans.

I applaud the new direction you have taken in attempting to slow down inflation and increase employment. Decisive action against these two enormous problems could no longer be delayed.

I do question, however, some of the steps you have taken towards our common goal of economic stability. For, in a certain sense, the cities of America seem destined to bear the heaviest burdens of your new economic policy.

The high prices and unemployment which now afflict all Americans have existed chronically and with greater severity in our cities for the past decade. Any postponement of immediate and massive Federal action can only serve to insure these conditions in our urban centers for years to come.

Mr. President, the unemployment rate in Newark is now approximately 16%; while another 30% of our people are under employed. Our property tax is among the highest in the nation with the result that buildings are being abandoned at the rate of one a day. The poor who remain in Newark, approximately half the population of the city, are paying more and more for inferior goods.

In short, Newark is a ravaged economy.

It appears to me that none of the measures you have just taken will effectively cure this condition. In fact, some of your actions will definitely aggravate the already desperate problems of Newark and other troubled American cities.

Postponing revenue-sharing and welfare reform legislation further puts off the long delayed fundamental assistance that our cities must have in order to survive. Every delay makes survival an even more tenuous question.

In light of your desire "to reorder our budget priorities," I would hope that the 4.7 billion dollar cut in Federal spending will not come at the expense of the people who need assistance most. I hope the needs of the poor will not be postponed as those of the cities have been by your new economic policy. Our most precious national resource is the people, and any major decrease in Federal programs aimed at total human development will cause far greater damage to this country than the past decade of unemployment. The cut backs should only be made in those areas which are of secondary importance to the survival of this nation such as space exploration and wasteful military projects.

In short, Mr. President, I would hope that this price freeze and the other aspects of your new program could be aimed more at the battle to end the enduring problems of this economy and not so much at "freezing" the misery of the poor so that big business and the middle-class can regain their lost prosperity.

Unfortunately it seems that your policy will do no more than simply maintain the disparity of wealth which pervades the Newarks of America. The citizens of Newark willingly stand ready to share the responsibility of stabilizing the economy but we must not become victims in the process.

Sincerely,

KENNETH A. GIBSON,
Mayor.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., September 24, 1971.

Hon. KENNETH A. GIBSON,
Mayor of Newark, N.J.,
Newark, N.J.

DEAR MAYOR GIBSON: Thank you for your letter of August 17, to the President commenting on his New Economic Policy. I know the President is grateful for your support of his decisive move to restore the nation's economy to a course of non-inflationary growth and full employment.

In his speech before the joint session of Congress on September 9, the President emphasized the need for a strong and healthy economy and urged the Congress to pass his welfare reform and revenue sharing proposals in this session to "strengthen the health of [its] government institutions".

The announced delay in welfare reform and revenue sharing was a delay in *implementation*, not in enactment. The Congress' own delay in considering welfare reform and revenue sharing made later effective dates inevitable. The magnitude of the administrative challenge posed by welfare reform is without precedent—surpassing even that encountered in Medicare. The effective dates in H.R. 1 were recommended last January and are no longer administratively feasible.

As your letter suggests, the President's dramatic proposals were essential to moving the economy to full employment without inflation. The twin problems of inflation and unemployment, while hurting everyone, hit the poor especially hard.

To attack these problems, it was necessary to avoid an excessive deficit in the Federal budget. Thus, the President proposed reductions in Federal spending of $5 billion. Included are $1.6 billion due to the adjusted effective dates for the implementation of revenue sharing proposals and $0.6 billion for delaying welfare reform implementation for one year. These programs could not have gone into effect on their previously scheduled effective dates even *without* the New Economic Policy, since Congressional action was delayed.

In summary, let me emphasize that a successful New Economic Policy is essential to easing the plight of the poor and of fiscally-troubled cities. Enactment of the welfare reform and revenue sharing measures in this session of Congress is more important than ever—as the President said in his address of September 9. These measures will strengthen our Federal system and replace the present welfare system with a fairer one designed to enhance the dignity of its beneficiaries. Strong support from the nation's mayors at this time could do much to assure passage of both of these important initiatives. I hope that we may look forward to your support.

Sincerely,

GEORGE P. SHULTZ,
Director.

WELFARE REFORM

(Statement of Hon. Kenneth A. Gibson, Mayor, city of Newark, N. J., on behalf of the Legislative Action Committee of the U.S. Conference of Mayors, Boston, Mass., Sept. 23, 1971)

After months of delay by the U.S. Senate in acting on welfare reform, we were dismayed at the President's request for a one-year delay of welfare reform legislation. In light of the President's desire "to reorder budget priorities," I hope that the projected $4.7 billion cut in federal spending will not come at the expense of the people who need assistance most. The long-delayed promise of national welfare reform is more urgently needed today than ever before.

While several years of debate have produced no major changes in the Federal welfare program, States have begun to act in negative and restrictive ways. Recent legislation in New Jersey and other States is aimed at reducing eligibility levels and benefits for already hard-pressed welfare recipients. These State actions increase the welfare burden which must be carried at the local level.

The deficiencies in the welfare system are clear:

(1) Benefit levels are too low to support individuals and families. Inadequate welfare payments almost guarantee a continuation of the present welfare syndrome.

(2) Welfare benefits, requirements, and financing in the 50 States vary widely. We treat a national problem as if it were 50 separate local problems.

(3) There are inadequate incentives for the family unit to remain together.

(4) There are inadequate incentives for able-bodied persons to seek employment.

These deficiencies will not be corrected without a federally administered and financed national welfare system—a system which must be designed to provide adequate maintenance support levels for all Americans in need. If our welfare system continues to be shaped by individual State actions in response to local tax and fiscal pressures, the result will be disaster for millions of poor Americans and for the cities in which they live.

The responsibility to reform the present inadequate welfare system rests at this moment with the Congress and particularly the Senate, where welfare reform legislation now is bogged-down in Committee. We urge the Administration and the Congress to recognize that our most precious national resource is our people. Postponement of national reform of our welfare system, at the same time that we allocate hundreds of millions of dollars for subsidies of ailing corporations and idle farm-lands, would be a cruel and deceitful hoax for the Newarks of America.

Urban Americans stand ready to share the responsibility of stabilizing the economy, but we must not become victims in the process. We must not "freeze" the misery of the poor, in the process of returning big business and the middle-class to their lost prosperity.

OIL AND WILDLIFE: A BIOLOGIST'S VIEW

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. ASPIN. Mr. Speaker, I would like to place in the RECORD today a paper by Robert B. Weeden of the University of Alaska. Mr. Weeden is the former head of the State of Alaska Fish and Game Agency.

Those of my colleagues interested in the proposed trans-Alaska pipeline will, I believe, find Mr. Weeden's paper both informative and interesting.

His paper follows:

OIL AND WILDLIFE: A BIOLOGIST'S VIEW

(By Robert B. Weeden)

In this brief review of oil-wildlife relationships in Alaska, I will discuss three different questions:

Has contemporary Alaskan petroleum development caused serious wildlife problems?

Are important future problems likely, that will be directly attributable to the oil and gas industry?

As oil and gas development catalyzes economic and population growth in Alaska, what consequences to wildlife will result?

Most of the scanty literature on environmental effects of arctic and subarctic oil activities deals with the exploration phase of petroleum development. The North has seen little of production and transportation phases. The varying views of industry, science, and government on the effects of petroleum operations in Alaska and northern Canada can be found in two recent book-length publications: Change in Alaska (Rogers, ed., 1970), a selection of papers from the August 1969 Alaska Science Conference, and the Proceedings of the Conference on Productivity and Conservation in Northern Circumpolar Lands held in Edmonton, Alberta, in October 1969 (Fuller and Kevan, eds., 1970). Weeden and Klein (1971) reviewed the evidence of conflict between oil and wildlife in Alaska; only a few of the items discussed there will be repeated in the present paper. The Environmental Impact Statement of the proposed trans-Alaska pipeline (United States Department of the Interior, 1971) is a valuable reference to problems of northern pipeline construction. Other reports are cited later in this paper.

EVALUATION OF PAST OIL-WILDLIFE CONFLICTS

Alaska's experience with oil and gas development activities has come from two widely separated and ecologically different areas. One hundred miles north of the limit of trees, south and east of Point Barrow, prolonged exploration by the federal government and private industry in and around Naval Petroleum Reserve Number 4 culminated in March 1968 with discovery and subsequent development of the Prudhoe Bay field. About 750 miles south, the Swanson River field was found in 1957 within the Kenai National Moose Range. An adjacent series of oil and gas pools was tapped a few years later under the silty, shallow waters of upper Cook Inlet. Production from the Kenai-Cook Inlet area totaled 317,643,000 barrels of crude oil and 614,284,000 cubic feet of natural gas through the end of 1970. About 1.5 million barrels of crude oil have been produced at Prudhoe Bay for local fuel needs. Reserves at Prudhoe Bay are estimated variously at 10 to 20 billion barrels.

Oil operations to date have caused only one major wildlife disaster that we know of. A large number of lesser problems have occurred whose cumulative impact is hard to estimate.

The exceptional incident was the massive mortality of sea birds east of Kodiak Island in February and March 1970. A minimum of 10,000 waterfowl, alcids, and other marine birds were killed by oil, and biologists were sure that many more died—perhaps up to 100,000 (United States Department of the Interior, 1970). No major commercial fishery activities were present in the area at the time. The pollution probably resulted from the deliberate discharge of slop oil or oily ballast from tankers.

Ruptured underwater oil pipelines and carelessness and accidents on offshore drilling platforms, tankers, and shore facilities have caused many small- to moderate-sized oil spills in Cook Inlet over the past 12 years. Kinney et al. (1969) estimated that approximately 0.3 per cent of all oil handled in Cook Inlet is spilled. Their studies showed that oilslicks disappeared from surface waters in two days, that bacteria feeding on Cook Inlet crude oil could consume nearly all of a sample in a few months, and that tides and winds flushed oil from the Inlet rapidly (90 per cent in ten months). Acute problems from spills have been moderate to date (with the exception noted above). Chronic effects, if any, are completely unknown.

Evans (1969) gives a more thorough documentation of biological problems stemming from Cook Inlet oil operations.

Onshore, on the Kenai Peninsula and in upper Cook Inlet marshes, the impact of oil development has been more complex. Spilled oil has been a very minor problem in comparison with the ecologic and especially the recreational and esthetic effects of oil-related activities.

The Kenai National Moose Range, created by executive order in 1941, has been a somewhat reluctant host to the oil industry for over 13 years. Petroleum operations have been under relatively intensive regulation and surveillance on the Range. This work has paid dividends, as a comparison of seismic and drilling practices in and adjacent to the Moose Range clearly demonstrates. The policing effort also has taken its toll of the limited staff and budget of the Range, diverting energies from research, habitat manipulation, and recreation programs.

The Kenai account shows a mixture of credits and debits. The presence of the oilfield on the Kenai National Moose Range seems to have caused no noticeable sustained changes in wildlife numbers. The 3000 miles of seismic trails cut through the part of the Range open to oil exploration are esthetically displeasing to many people, but have become access roads for fishermen, hunters, and snowmobile enthusiasts. Where open to public travel, roads built to drilling pads and other facilities have become arterials for recreationists. These gravel roads were built to high standards of landscaping and construction. Fire hazards have increased.

Fires, always costly in an economic sense, may be "good" or "bad" ecologically, depending on individual viewpoints and the characteristics of specific burns. Infrequently, carelessness by seismic or other field crews driving heavy equipment has caused severe siltation of streams and excessive vegetation damage. Lastly, the paraphernalia and activities of petroleum development (helicopters, bulldozers, drill rigs, pipelines, gas flaring, seismic shots, etc.) are intrusive factors that diminish the enjoyment of the Range for people sensitive to those sorts of disturbances.

Alaska's North Slope (the land area north of the crest of the Brooks Range) has experienced extensive seismic exploration for three decades. Part of this huge area has been subjected to exploratory drilling. A still smaller area in and around Prudhoe Bay is under more intensive oil operations, including intensive seismic exploration, development drilling, and construction of permanent roads, airfields, camps, and storage areas.

Almost nothing is known about the effects of this activity on wildlife populations. The main difficulty lies in not knowing what was there before oil operations began. The general oilfield area at present seems to have a similar fauna to adjacent lightly-explored areas. However, it is reasonable to expect delayed effects which may show up only after several years of increasingly intensive and widening oilfield activities. Severe losses to wildlife certainly could occur (for example, see Bartonek, 1969, for comments on the vulnerability of arctic waterfowl to oil spills in coastal lagoons).

Large carnivores are much less common on the North Slope than before intensive petroleum activities occurred, and their numbers are declining. The decline seems to have encompassed wolves, wolverines, and grizzly bears. The diminution in numbers has not been well documented, but wildlife biologists who have visited the region in the last two years agree that these carnivores are in serious trouble. The oil industry itself is not solely responsible; government contractors, military station personnel, field parties of scientists, a handful of unethical guides, and legal hunters all have taken their toll. Harassment from helicopters and cross-country vehicles, legal and illegal shooting, and destruction of "nuisance" animals around poorly planned campsites have caused a cumulative attrition among carnivore populations. Elimination of these species from the Alaskan Arctic is a possibility, although not an immediate threat.

FUTURE DIRECT THREATS TO WILDLIFE

Even without new petroleum developments in Alaska there are risks of worse damage from existing operations than have occurred so far. For example, an oil spill of moderate size (on the order of 1000–2000 barrels, the amount lost in a tanker mishap in Cook Inlet early in 1968), pushed by a south wind and an incoming tide, could wreak havoc in the marshes of upper Cook Inlet at peak waterfowl migration times.

Quantifying the risks of such catastrophes is extremely difficult because certain risk-inducing factors will increase with time (intensified development activity at Prudhoe Bay, for example) whereas others should decrease (such as technologic and operational weaknesses).

Schofield and Hamilton (1970) pointed out the potential severe damage to lichen populations in and around high-latitude oilfields from chronic sulfur dioxide pollution. Using an estimate of 0.7 per cent sulfur for North Slope crude oil (this being a world average, as no specific analysis was available for Prudhoe crude), they calculated that potentially damaging concentrations of SO_2 could accumulate during a four-day period of stable air at Prudhoe Bay from normal fuel burning and flaring. Recently (Anon., 1969) an analysis of crude oil from this field showed a 1.12 per cent sulfur content. This is considerably above the average for US crude (0.75 per cent) but lower than Venezuelan crude and that from some other foreign fields. Lichens are critical in the diet of caribou in the region. Widespread damage or destruction to the pollution-sensitive fruticose lichens would cause the loss of some existing range and might result in caribou population losses.

Recognizing that petroleum reserves (other than oil shales) in the conterminous United States are at least half consumed (Hubbert, 1969) and knowing that close to 20 per cent of Alaska's land area and very large segments of adjacent offshore areas are underlain by geologically promising sedimentary basins, Alaskan biologists are deeply concerned about environmental effects of expanding oil and gas exploration and development in the near future. Just to list a few of the sources of an ecologist's anxiety, I will mention (1) the extraordinarily enticing oil prospects in the Chukchi Sea adjacent to Alaska's northwest coast, where oil spills could cause heavy mortality in migrating whale, seal, walrus, and polar bear populations; (2) the present industry interest offshore from Prudhoe Bay in the ice-and-water environment of the Beaufort Sea; and (3) the long-standing explorations along the Bristol Bay coast of the Alaska Peninsula, where discovery of a commercial oil reserve could lead to serious economic losses to the area's world famous salmon fishery.

It is hard to know how to approach these problems most effectively. There seems to be very little middle ground between crying wolf and playing ostrich. Before-the-crisis research has never had much attraction to budget review committees in government, and industry has moved so quickly from semisecret exploration to billion-dollar developmental investments that science always seems to be putting on its trousers when the fire starts. A good example is the lack of meaningful information about Prince William Sound, terminus of the proposed trans-Alaska pipeline. It would take at least two years and $500,000 to provide thorough baseline data on the physico-chemical environment, biota, and pollution problems of that body of water. At this point there is time but no money; later, there may be neither.

In recent years nearly all private oil companies in Alaska have been very responsive to wildlife and general environmental problems their operations might be influencing. Policies at the top have been exemplary. Companies have gone to considerable expense to alleviate problems stemming from poor waste disposal, improper use of tracked vehicles, illegal shooting, and so on. Performance in the field is—as engineers are fond of saying—"orders of magnitude" better than during the disgraceful seismic operations by the federal government 10 to 20 years ago. Nevertheless, human error and a degree of environmental ignorance will accompany oil and gas activities into new parts of Alaska. Occasional catastrophes and the cumulative attrition of local harassment and habitat loss will diminish—temporarily or otherwise—some wildlife populations, especially the large carnivores, waterfowl, and other vulnerable groups.

OIL: A STIMULUS FOR ECONOMY GROWTH

Present or foreseeable effects of petroleum development on animals, vegetation, soil, or water, though important, pale when compared with the eventual secondary effects of economic and population growth stimulated by petroleum extraction. The ecological problems accompanying oil operations can be tackled with science and technology, our society's strong points. The other problems are rooted in economic myth, frontier attitudes, and life styles, none of which respond well to logic.

The drive for economic security has long dominated the Alaska political scene (Morehouse and Harrison, 1970). This in itself is not a uniquely Alaskan phenomenon, but in no other state in the last half century has popular sentiment tied economic progress so closely with geographic expansionism and natural resource extraction. In the conventional wisdom of the North, roads, new settlements, mining and homesteading are synonymous with progress. This frontier notion thrives despite the near impossibility of commercial agriculture in all but a tiny fraction of the state, despite the fact that metallic mineral production has not equalled value of sand and gravel for years, despite the fact that government payrolls and construction contracts have been the lifeblood of the Alaskan economy for three decades, and despite the increasing urbanization of the Alaskan populace.

Vast areas of the State still are virtually uninhabited. Fur and gold spread people to the hinterland of Alaska, but neither survived as a significant employer of people or source of revenue beyond World War II. In the span of the generation you and I represent, the important economic happenings have been urban ones: the growth of military bases, the birth of a pulp mill industry in southeast Alaska, modernized transportation, the building of educational facilities, and the growth of government as prime employer.

Now oil has "arrived" and a latter-day Klondike is in the making. The petroleum industry will go where there is promise of oil. For them there are no far corners of the earth, only greater or lesser cost distances from Houston or London. The North Slope experience sets the pattern. Early in 1968 there were only a few wildcat wells being drilled north of the Brooks Range; the wells drilled during exploration of Naval Petroleum Reserve No. 4 were plugged and abandoned. In spring Atlantic-Richfield and British Petroleum found oil. The next year witnessed the largest peacetime airlift in history, as tons of freight were flown to Prudhoe Bay. Two years later we seem on the verge of building the continent's biggest pipeline across Alaska and extending the present continental road network 365 miles to the Arctic Ocean. As I mentioned earlier, this sequence could be repeated in the remotest parts of Alaska, given three or four discoveries in other sedimentary basins. (Alaska's Governor Egan recently announced projections showing that the State will be operating with a serious deficit by 1980, even with North Slope oil produced at 2-3 million barrels per day. His conclusion: another rich oil strike is needed.)

Thus, oil development can play leapfrog with geography, wiping out with extraordinary speed the protection that distance and inaccessibility give to wildlife populations. If new and more costly forms of protection are not provided by management and enforcement programs, ensuing harvests and disturbances can threaten vulnerable fish and game species. (It can be argued that access is a benefit, which it can be. The key is control—and we have a very spotty history of control in Alaska.)

The oil industry itself is capital-intensive and highly mechanized; probably more dollars are produced by fewer people than in any other private endeavor except counterfeiting. During an initial phase of intensive exploration and developmental drilling, oilfields require more manpower than after production starts. The men are usually housed in work camps in remote fields like Prudhoe Bay where they work for periods of a few weeks, interspersed with rest trips to distant regional headquarters cities such as Anchorage. If semi-permanent oilfield settlements do develop they are likely to be small freight-handling and service centers with few or no family facilities. The greatest direct population effect of petroleum development, therefore, is in existing communities selected as administrative and service headquarters. With development and discovery of the Cook Inlet and Swanson River fields, for example, Kenai, Soldotna, and other communities nearby grew from a combined population of 6100 in 1960 to over 13,500 by 1969 (Rogers, 1970).

The most important economic effect of oil and gas production is to channel very large sums of money directly into the treasuries of landowners. In Alaska the present major oilfield proprietor is the State by virtue of offshore grants and upland selection grants provided at statehood. State oil revenues stem from bonus bids on competitively leased lands, lease rentals, royalties on production, and severance taxes. Bonus revenues occur only during bidding for leases. They can be extremely important—witness the $912 million bid on September 10, 1969, when Prudhoe Bay leases were offered—but in the long run are outweighed by production taxes. Royalty and severance taxes now total about 16 per cent of wellhead prices of oil and gas in the Cook Inlet fields. The effective rate will be closed to 20 per cent in Prudhoe Bay due to increasing scale of taxation on highly productive wells. This may amount to an annual income from North Slope crude of about $200-300 million at a production rate of 1 to 2 million barrels per day, or roughly 50 per cent of the State's income at projected 1976 levels.

The full effect of this revenue in a state with a frontierman's goals is difficult for a non-resident to appreciate. There will be a tremendous pressure for state investments in roads to "open up" lands alleged to contain vast deposits of metallic ores and other politically less glamorous natural resources. Whether the resources actually exist is not important, as Alaskans generally accept the idea of speculative transportation investments. The Alaska Department of Highways has publicly announced a plan for new roads to be built by 1990, which includes highways to the Arctic Ocean, Seward Peinsula, Bristol Bay, the Southwest Interior, and other areas, amounting to a doubling of the present non-urban road mileage of the State. Other public works investments will be important, too, in encouraging the growth of a large local construction industry that will make its demands for annual encores. The shape of things to come was visible in the ways the State proposed to spend the first of its bonus bid windfall from the Prudhoe sale of 1969. For example, the 1969 budget included only $1.6 million for capital improvements. In 1970 the Legislature authorized $50.6 million, most of the increase being for an expanded marine ferry system.

Any wildlife biologist could predict the impact of this apparently inevitable spread of settlement, transportation, and economic activity into the bush, if the game is played according to traditional rules. Funds for research and resource protection will lag far behind needs. Fishing pressures on slow-growing subarctic and arctic freshwater fish populations will exceed sustained yield levels. Grizzlies, wolverines, wolves, and some raptorial birds will disappear from land near highways and other activity centers. Presently liberal hunting seasons and bag limits on most big game species will be reduced progressively.

It would be overly pessimistic, perhaps, to predict the disappearance or even the widespread reduction of populations of wild animals. This has not occurred around present communities and road systems, despite the pressures of 300,000 people. I am confident of the fundamentally conservative attitude of Alaskans toward wildlife resources, and of the ability of Alaskan fish and game biologists to point the way to successful sustained-yield management.

But if most problems of *quantity* can be averted or alleviated, the problems of *quality* remain: poorly defined, neglected, and almost completely overshadowed by the urgencies of daily management crises. To me, maintenance of that complex interaction of scenic beauty, faunal diversity, uninhabited countryside, solitude, and sense of personal adventure that we call the Alaskan experience, is the foremost challenge to wildlife biologists in the North today. And when I wake in the night darkness, listening to the sibilant drone of another load of drilling mud on its way to the North Slope, I have a deseparate feeling we are not going to meet it.

In conclusion, the petroleum industry, like the little girl of nursery-rhyme fame with the curl in the middle of her forehead, is of mixed character. On one hnad, the large companies working in the North are willing and able to absorb extra costs to provide needed protection when ecological problems are perceived. Secondly, the industry is highly automated and will in itself bring relatively few people to the North. Furthermore, the petroleum industry pays well for the right to extract and ship oil and gas, making funds available for intensified natural resource protection and management.

The potential for environmental mischief also is great. Oil and gas could occur in Alaska in more than a dozen large sedimentary basins beneath tundra, boreal forest, deltas, tidelands, open ocean, or marine ice. In many places the industry would be operating at the fringe of ecologic and technical knowledge, where familiar problems are magnified and new risks loom unexpectedly. Despite all efforts to prevent them, damaging oil spills are still a statistical certainty in large and prolonged petroleum activities. Finally, the petroleum industry is a massive political force that historically has held the upper hand whenever its interests were challenged.

In looking beyond the first-order effects of oil and gas exploitation I expressed forebodings that the economic spark of oil discovery has set off a chain of roadbuilding, settlement, mining, urbanization, and human population increase that would have a more profound environmental impact. This assumes the continued ascendancy of the frontier mythology in Alaskan government. There are developmental strategies that could delay or in some areas prevent the overrunning of Alaska by commerce. (As an example applying to the petroleum industry, Alaska could set an upper limit to daily North Slope oil and gas production, calculated to be within the capacity of one transportation route chosen as a least-cost route from an environmental standpoint. In addition to this policy's many land management and environmental benefits, it could also help prevent the State from stepping onto the wrong budgetary escalator.) It is also possible that new environmental preceptions could make themselves felt politically—as seems to be happening occasionally today—and could lead to significant shifts in economic and social policies. Along with many other groups of concerned natural and social scientists, wildlife biologists must help provide a sound factual basis for these heightened environmental interests and to make all Alaskans aware of the implications of their daily economic and political decisions.

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TO IMPROVE NARCOTIC ADDICTION REHABILITATION ACT

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. MIZELL. Mr. Speaker, I rise today with a sense of strong purpose and a sense of urgency, for legislation is being introduced today to effectively curb drug abuse and illegal distribution of drugs in America.

President Nixon has identified drug abuse as public enemy No. 1 in the United States, and I am extremely pleased that the Congress has begun to mount a comprehensive attack on the enemy, and that I have the opportunity to cosponsor the legislation that will serve as the attack strategy.

With the distinguished gentleman from Florida, (Mr. FREY) and several other colleagues, I am today offering a measure providing for a national involuntary civil commitment program, a narcotic addiction manpower training program, extensive and continuing research into the drug problem in America, and a partial realinement of the Federal judicial system to better serve the purpose of this legislation.

The bill is designed to amend and improve the Narcotic Addict Rehabilitation Act of 1966, one of the earliest congressional responses to this growing national menace of drug abuse.

The cornerstone of this new proposal is the establisment of a national involuntary civil commitment program, the voluntary commitment program, provided under the Narcotic Addict Rehabilitation Act.

The voluntary program has only been responsible for the treatment of 6,000 persons since 1966, and with an addicted population estimated at between 250,000 and 500,000, a program of this small scope simply will not get the job done.

With extensive safeguards, the program being proposed today could be responsible for providing treatment—not punishment, but treatment—to a far larger percentage of drug addicts in this country.

This more comprehensive plan would, as mentioned, put substantially more addicts in a therapeutic climate; protect the addict against himself; prevent the contamination of others and protect society against criminal acts; and reduce the demand for narcotics by placing any known addict under medical supervision and control.

Japan has already adopted a massive involuntary civil commitment program and the drug abuse problem in that country has been largely eliminated.

Similar programs are already underway in New York, California, Missouri, and Illinois, and indications are that with adequate facilities and sufficient personnel, involuntary commitment achieves excellent results and the incidence of abuse in due process is very, very low.

The legislation we are introducing provides for a manpower training program especially designed to supply treatment facilities with the trained personnel they need for operating an involuntary commitment program.

In addition, the bill calls for continuing and extensive research into the whole problem of drug abuse. The Secretary of Health, Education, and Welfare would be authorized to conduct research into the causes and effects of narcotics and drug abuse; research in finding a nonaddictive narcotic substitute to dangerous drugs like heroin; and research into the chemistry of narcotics to develop some form of drug abuse immunization.

These are comprehensive and desperately needed proposals aimed at combating this deadly enemy of American young people and of our society as a whole. I urge the most rapid consideration of this bill in the appropriate committee. It has been painstakingly researched, and its merits, I believe, will be readily seen and approved. In this matter, we can afford no delay.

COMBATING THE GYPSY MOTH—A COMPREHENSIVE APPROACH

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. DOW. Mr. Speaker, on September 8 members of the Tocks Island Regional Advisory Council, interested officials, and gypsy moth specialists met in Stroudsburg, Pa., to focus on the regional gypsy moth crisis in the New York, New Jersey, and Pennsylvania areas. I would like to commend them on their plans for a plan, a comprehensive and coordinated strategy, to combat the moth epidemic. I feel this approach has substantial merit and I would like to call it to the attention of my colleagues. The report of their meeting is as follows:

TRI-STATE GYPSY MOTH CONTROL MEETING

Attached are details of a meeting held on September 8th in the TIRAC office, Stroudsburg, Pennsylvania to review the gypsy moth situation. Present were several representatives of area Congressmen, federal and state officials who oversee control programs, and federal agency personnel involved with the Delaware Water Gap National Recreation Area.

The meeting was most valuable in that it allowed the various disciplines to come together, exchange information, and air viewpoints. Several accomplishments also came out of the meeting in the form of realistic directions for the region to take. In summary, they are:

An integrated, uniform policy for regional control of the gypsy moth was formulated, and agreed to.

A Memorandum of Understanding should be executed among federal, state, and local authorities so that this uniform policy will be adhered to on an interstate basis.

An area within the tri-state, seven county region should be selected for use as a national field laboratory to observe and evaluate alternative control methods.

A Forest Pest Advisory Group should be established for the region to carry out the uniform control policy and oversee the functioning of the national laboratory area.

1. INTRODUCTIONS

List of attendees is attached. Each state was represented by the agency currently directing control efforts. Federal interests were represented by Forest Service and Park Service personnel. Realities of public concerns were supplied by aides of two area Congressmen.

2. EXPLANATION OF PURPOSE FOR MEETING

Mr. Klock explained that elected officials are in a quandry on how to deal with the gypsy moth. Opposing viewpoints are being publicly espoused, and no clear cut direction is being given for the region. The controversy over the Park area control approach exemplifies the emotion being exhibited. The meeting was called to explore the situation, and determine if direction can be established to better prepare the region for next year's infestation.

3. DISCUSSION: CURRENT SITUATION

National Park Service—According to Mr. Hutchison, the originally infested Park area of 200 acres in 1969 around Millbrook has spread through the Kittatinny ridge area to Worthington Tract line, and comprises 7500 acres. Egg masses are showing up throughout the flood plain area and on the Pennsylvania side near Bushkill. Climax situation is felt to be attained on the ridge top. Considerable hemlock has been defoliated where interspersed with hardwoods, especially in VanCampens Creek gorge. Estimates are that 80% of the DWGNRA is susceptible to infestation. Present control methods are entirely biologic, with heavy reliance on egg parasites.

New Jersey—Mr. Metterhouse reported that even though 180,000 acres were defoliated in varying degrees throughout the state, ⅓ of all acreage so infested showed a decline in activity. He predicted that next year an equilibrium would be reached, and many areas would experience population collapse. He credited natural controls as gaining enough foothold to have a stabilizing effect.

New York—Mr. Terrell stated that where spray was applied, good control has been achieved. However, because of the continued spread, the state may be nearing the point where budgetary limitations will restrict future spray programs to high use areas. The cost of the spray program this year approximated $3.00 per acre.

Pennsylvania—Messrs. Nichols and Bitzer relayed that 42,000 acres were defoliated in this region, and the prospects for next year are frightening. Some areas defoliated this year are not showing a strong comeback, and there is some mortality already. One ridge in western Monroe which has experienced 3 years repeated attacks is approaching 100%

tree mortality. The ridge cover is dominantly chestnut oak.

Presented was a mapping program being conducted by state Dept. of Environmental Resources to identify areas of high value which are threatened by moth infestations. The officials anticipate using this material to press for a more concerted and integrated bio-chemical effort next year.

4. DISCUSSION: REGIONAL EFFORTS AND INTERSTATE APPROACH

A general discussion followed on the implications of the current situation and the policies being followed, with these salient points being made:

a. New Jersey is taking the approach of identifying how best to live with the pest. Eradication is not possible, nor is preventing the spread of infestation. Operational and financial feasibilities dictate that only high value forest areas be sprayed, with major dependency being placed on biologics to flood over and dampen major outbreaks. Spraying of limited acreage will not affect overall forest ecology, but massive spraying is vehemently opposed.

b. The Forest Service realizes that the present program is entomologically unsound; however the biological approach is still not a science but a concept. In time an integrated chemical and biological approach will be possible but not now. Efforts will continue to be directed toward year by year chemical suppression in certain critical areas to hold off intolerable losses until a better solution becomes available.

c. Evidence shows that quarantine measures do not work.

d. National Park Service local officials advocate limited spraying to attain minimum protection of high value scenic and historic areas. However, higher level NPS officials have displayed resistance to any spraying efforts, and only under special circumstances will individual tree spraying be authorized (no aerial spraying).

e. The expenditure of $50 million of taxpayers funds for purchase and development of a recreational, scenic, historic area (DWGNRA) which subsequently becomes denuded will not be tolerated by the public. If the additional $25 million needed for land acquisition is to be granted, then measures must be taken by the responsible federal agency to ensure preservation of the scenic and historic setting. The public expects this and will not accept anything less.

f. The Forest Service advocates that a tri-state and federal policy be adopted for providing uniform treatment of high value areas in the TIRAC region, such as centers of recreational activity, conifer stands, and other unique areas, but not ridge tops nor wild woodlands except where special values exist. A system would be developed to identify and establish priorities for high value areas.

g. All of the governmental agencies involved should become party to a Memorandum of Understanding, which would set forth the above as uniform guidelines to be employed on an interstate basis to combat the gypsy moth.

h. An area within the seven county, tri-state region should be established as a national laboratory for field observation and evaluation of various control techniques now being researched. This would allow:

Close coordination and comparison of research projects.

Long range consequences to be measured.

Use of an area (Delaware Water Gap National Recreation Area) which has not been ecologically disturbed by previous spray programs.

High degree of public exposure to the comparative results and consequences.

i. A Forest Pest Advisory Group for the TIRAC region should be established, to be made up of agencies represented plus the Agricultural Research Service and EPA. The Advisory Group would address itself to monitoring the gypsy moth situation, establishing a uniform tri-state and federal policy, developing a priority system for control in high value areas, and overseeing the establishment and functioning of an area for use as a national field laboratory.

5. ADJOURNMENT

The meeting was adjourned on the note that much more was accomplished by the participants, and the next meeting would be called for late November or early December to review activity surveillance reports by the Forest Service.

ATTENDEES

William Slippey, Bureau of Forestry.
William W. Metterhaus, N.J. Dept. of Agriculture.
Barney Kalb, National Park Service.
Elmer G. Terrell, Insect & Disease, N.Y.
Peter DeGelleke, Del. Water Gap Nat'l Rec. Area.
Conrad H. Idukas, Asst. to Cong. Fred B. Rooney.
John H. Bitzer, Dist. Forester, Pa. Bur .of Forestry.
William T. Deitz, Ad. Asst. to Rep. Frank Thompson, Jr.
Harry Serfass, Co. Agric. Agent, Warren Co., N.J.
James O. Nichols, Pa. Dept. Environmental Resources.
L. F. Thoumsen, Corps of Engineers—Env. Section.
D. O. Vandenburg, U.S. Forest Svc. Forest Pest Mgt.
John F. Chansler, U.S. Forest Svc., Portsmouth, N.H.
Andrew E. Hutchison, Del. Water Gap Nat'l Rec. Area.
Thomas E. Klock, TIRAC Director.

HOUSE JOINT RESOLUTION 620

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. McDONALD of Massachusetts. Mr. Speaker, this body has before it Discharge Petition, No. 9, which when signed by a majority of Members will bring to the House floor for action House Joint Resolution 620, a Constitutional amendment regarding assignment of schoolchildren based on race, color and or creed.

The people of this Nation, through their elected representatives, have time and time again expressed their wishes regarding this issue. In the Civil Rights Act of 1964, Congress signaled its intent to enforce the landmark Supreme Court decision of 1954 which stated that the concept of "separate but equal," was unconstitutional and that all public school systems must be dismantled. In the Civil Rights Act, Congress declared that no funds contained in the act could be used to force any student to attend a particular school against the choice of his or her parents in order to overcome racial imbalance.

In April of this year, however, the Supreme Court, citing the equal protection clause of the 14th amendment, upheld the use of busing as an interim method for eliminating from the public schools all vestiges of segregation.

The Court was aiming at State laws which fostered segregation, or, as more recent Federal court decisions have shown, at gerrymandering on the part of local school districts in order to maintain segregated facilities.

Mr. Speaker, I feel strongly that the Courts have misinterpreted the equal protection clause. The will of the people, as articulated through their elected representatives, has been thwarted by first of all the Court decisions and secondly, by the lack of action by the House Judiciary Commitee on the several bills offered to them which have dealt with this issue.

This discharge petition gives those people the opportunity to reaffirm their opposition to busing to achieve racial balance, by amending the Constitution to specifically prohibit public school students from being assigned to or required to attend a particular school based on race, color or creed.

The wisdom of the framers of the Constitution was never more evident than now. Here is a constitutionally guaranteed opportunity for the citizens of this Nation to let their voices be heard.

Congress can debate this issue, and it can pass bills against this concept. But until a constitutional amendment is passed and made available to the individual States for ratification there will be no relief from what I consider poor judgment on the part of the courts.

The dissent and subsequent violence that followed the Court decisions were irrational and wrong, but equally significant is the fact that it was predictable. In the past decade there has been much progress made toward improving not only race relations but equal opportunities as well. We must continue our work in this delicate area, and press for improvements of all educational employment, social and political opportunities. But while this work is continuing, order must prevail.

Violence and demonstrations against the Court decisions must stop now or result in a legacy of hatred, intolerance and misunderstanding which will only divide this great Nation. Those hurt most by this irresponsible behavior will be our children.

The decision to bus followed a legal interpretation of the Constitution of the United States. If we are to modify that decision, we must do so here in this building, and in the capitols of our sovereign States—not in the streets, not in the school halls.

I love this country. And I respect our Constitution and the judicial system. We of this generation have been provided one of the greatest tools yet devised by man with which to maintain a free and representative Government. We must take advantage of this great tool, and let the people's voice be heard here in Congress.

CRACKING DOWN ON THE "LEGAL" PROFITEERS IN HEROIN TRAFFICKING

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. RANGEL. Mr. Speaker, two owners of a Washington, D.C., pharmacy were recently convicted of possessing, as implements of a crime, 36,500 gelatin capsules, 384 ounces of quinine hydrochloride, 36 pounds of dextrose, and 125 pounds of lactose. These are the "legal" implements of heroin trafficking and, until now, those possessing them were immune from prosecution in the District of Columbia.

Last year, the Select Committee on Crime, on which I am privileged to serve, conducted a major inquiry into the heroin paraphernalia trade. At that time, Congressman Claude Pepper, the distinguished chairman of the select committee, stated:

> Our investigation has shown that there is no legitimate need for these millions of empty gelatin capsules, the millions of glassine envelopes, and the thousands of ounces of quinine and other cutting agents reaching certain retail druggists. It is outrageous that men who call themselves legitimate businessmen make huge profits from the manufacture and sale of these items.

These two successful prosecutions are a promising sign that we are becoming aware that these otherwise innocuous and legal materials are an integral part of the cutting, packaging, and marketing of heroin. It is necessary, however, to promptly give our district attorneys and law enforcement agencies the authority to crack down on the legal profiteers in heroin paraphernalia.

I am proud to be a cosponsor of H.R. 8569, introduced by Chairman Pepper. This bill would make it unlawful in the District of Columbia to intentionally promote or facilitate the illegal traffic in drugs by possessing, selling, or distributing certain enumerated heroin paraphernalia. This bill, if enacted, can be a major tool in our efforts to stop the hypocrisy of "legitimate" businessmen who are getting rich on the blood of our children. In addition, this bill can serve as a model for other communities and States across the country.

The Washington Post of October 5 carried an account of the arrest and prosecution of these two accomplices to heroin trafficking.

The article follows:

TWO MERCANTS CONVICTED IN DRUGS CASE

Two drugstore owners have been convicted of possession of implements of a crime in a trial testing a new theory of criminal responsibility in illicit drug traffic.

Superior Court Judge Tim C. Murphy found Richard P. and Jerry Rosenberg, owners of the Petworth Pharmacy, guilty of possessing 36,500 gelatin capsules and other items that are commonly used in cutting heroin for street sales. Each has been sentenced to one year's probation.

The store is located at 4201 Georgia Ave. NW.

Possession of the capsules and other material—in this case 384 ounces of quinine hydrochloride, 36 pounds of lactose—previously never has been held to be a crime.

But in the Petworth Pharmacy case the government presented evidence that the businessmen know or should have known those items were being used to further illegal drug trade.

In his decision, arrived at Sept. 24 but not made public until yesterday, the judge said, "The thrust of the government's case here is not that . . . gelatin capsules, quinine hydrochloride, lactose and dextrose are in themselves sinister, but that their possession by a retail pharmacy in vast quantities does give rise to sinister implications."

The two store owners, neither of whom is a pharmacist, first were tried in July 1970, but their case ended in a mistrial after a juror was accused of showing up drunk and a bailiff overheard the repeated jury room deliberations.

Subsequently the defendants agreed to let Judge Murphy decide the case by reviewing the transcript of their trial.

According to the U.S. attorney's office, the case was "one of a kind." Charles R. Work, chief deputy U.S. attorney at Superior Court, said that heroin traffickers in the city have switched from using gelatin capsules to tinfoil wrappers in recent months.

CONGRESSMAN EMANUEL CELLER ANNOUNCES ATTORNEY GENERAL WILL USE PAROLE AUTHORITY FOR SOVIET JEWS

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. CELLER. Mr. Speaker, I insert in the Record a copy of my remarks at a press conference held this noon, October 6, wherein I announced the pledge of the Attorney General to use his parole authority to permit the entry of Soviet Jews.

The world in general and the Soviet Union in particular must know that Soviet Jewry will not be forgotten. This unalterable fact has been emphasized by the letter I received from the Attorney General of the United States on September 30. It reads:

Hon. Emanuel Celler,
Chairman, Committee on the Judiciary, House of Representatives, Washington, D.C.

Dear Congressman Celler: I am aware of your concern with the plight of the Soviet Jews and can assure you that I share your views.

As you know, the Department has had reservations as to the extent of the Attorney General's parole authority under section 212(d)(5) of the Immigration and Nationality Act. The mounting evidence that Soviet Jews have unsuccessfully sought permission to emigrate from the Soviet Union has compelled a Departmental reexamination of the Attorney General's parole authority with respect to refugees.

In recent weeks, members of my staff have been in contact with the staffs of the appropriate subcommittees of the House and Senate Judiciary Committees. These contacts, together with communications with individual Committee members, have diminished our earlier doubts as to the extent of the Attorney General's statutory authority to parole refugees into this country.

Accordingly, I can assure you that I would exercise my discretion if the situation demanded and parole Soviet Jews who are able to leave the Soviet Union.

Sincerely,

John N. Mitchell,
Attorney General.

A similar letter was sent to Peter W. Rodino, Jr., chairman of Subcommittee No. 1 of the House Judiciary Committee, which has jurisdiction over immigration matters.

By pledging himself to use parole authority to permit Soviet Jews to enter the United States, the Attorney General of the United States has informed the U.S.S.R. that he has taken official notice of the desperate plight of the Jews in Russia and has made it clear that our country has not turned away from its traditional humanitarianism.

Preliminary talks between the staff of the Judiciary Committee and the staff of the Department of Justice have already taken place in a joint effort to make certain that the most effective procedures in the use of parole will be appropriately available when needed.

We have opened a door, but the door of the Soviet Union remains shut. The fact that now and then, with the tantalizing inhumanity of sadistic prison guards, the Soviets permit the exit of a few Jews, cannot turn us away from the central core of the tragedy—the Jews of the U.S.S.R. cannot leave as Jews nor live within the Soviet Union. Only unceasing civilized pressure can open the door for Soviet Jewry and keep it open, The Soviet Union is not immune to world opinion.

The Koch bill, cosponsored by some 120-odd Members, served notice that the needs of Soviet Jewry had not been set aside. As Member after Member dropped a companion bill into the hopper, the realization grew that a means would be found to give hope to Soviet Jewry. In the intervening period others of us worked exploring other avenues, including the use of parole.

The door of the United States is open. Let the Soviet Union reply in kind.

I also take this occasion to state my appreciation to the Department of State, which helped achieve this breakthrough. In a discussion of the Koch bill, which would provide for the issuance of 30,000 special immigrant visas to Jewish citizens of the U.S.S.R., via a letter to me dated August 16, 1971, David M. Abshire, assistant secretary for congressional relations, stated:

> However, as you are of course aware, the parole authority of the Attorney General has been used in a number of emergency refugee situations to bring refugees into this country when existing machinery and visa and conditional entry numbers were insufficient to meet the demand. This means was used, for example, to assist large numbers of Hungarian refugees after the 1956 uprising in Hungary and is presently being used for large numbers of Cuban refugees. You may be certain that in a similar situation the Department would strongly support the use of parole by the Attorney General for a substantial number of Soviet Jews.

The basic humanitarianism of the United States has been underscored.

YAKOV A. MALIK'S ANTISEMITISM MUST NOT GO UNCHALLENGED

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. KOCH. Mr. Speaker, on Saturday, September 25, Yakov Malik, the Soviet Union's delegate to the United Nations made a slanderous and anti-Semitic speech in a Security Council meeting. On September 27, my colleague from New York (Mr. Rosenthal) and I responded and our statement appeared in the CONGRESSIONAL RECORD of that day. I should like now to insert in the RECORD for the benefit of my constituents and interest of our colleagues a digest of our remarks:

We, as Members of Congress and as Jews, believe it is imperative that we respond to the slanderous and anti-semitic remarks uttered by Yakov A. Malik, the Soviet delegate to the United Nations, on September 25. Speaking in a Security Council meeting on the subject of Jerusalem, Mr. Malik is reported as having said:

"Zionism and Fascism are both racist ideologies . . . the chosen people, people elected by God—in the 20th century, this is a criminal and absurd theory."

Surely it will shock the consciences of decent people everywhere to have "Zionism", expressing the love that Jews have had for their ancestral homeland from time immemorial equated with Fascism. Here we are, proud Members of the United States Congress devoted to the United Statesand also proud to be referred to as "Zionist."

The Soviet Union does in fact define Zionism as a crime. Even in the Soviet Union it is not acceptable to openly encourage anti-semitism, and so, an acceptable codeword, "Zionism" has been found, making it respectable for Soviet citizens to revile Jews in the Soviet Union—only they are reviled not as Jews but as Zionists.

The attempt by Mr. Malik to stir the bestial prejudices that rise so quickly when sparked is abundantly clear. His intent to slur the Jews and the phrase, "chosen people", was a blatant attempt to set Jews and non-Jews against one another. So many religions have cardinal principles which set them apart from other religions and this is accepted by all as it should be. Would Mr. Malik make similar references and use his crude obscene language to the Japanese delegation or to any of the Christian delegates sitting at that table. We know he would not dare.

Now let us tell you what the concept of the "chosen people" is. The Jews believe that God imposed upon the Jews, and the Jews willingly accepted no matter what the cost, the obligation to speak out against injustice and to be ever faithful to God and to the concept of montheism.

Rather than give up these cardinal principles, Jews through the centuries have died horrible deaths in almost every country—Russia being one of the foremost to have that infamous honor.

Our distress today is even greater than it would otherwise be because not one delegate other than Israel's rose to challenge or denounce Mr. Malik's anti-Semitic remarks and our own delegate, George Bush, sat silently by.

For us and we hope for many others, Jews and non-Jews alike, the memory of the holocaust will always be with us and new Jew-baiters will be denounced when they raise their ugly heads, wherever they may be, including in the United Nations.

We think that the response by Benjamin Disraeli in 1837 to another anti-Semite is appropriate for Mr. Malik:

"Yes, I am a Jew, and when the ancestors of the right honorable gentleman were brutal savages in an unknown island, mine were priests in the Temple of Solomon."

A REACTION TO GOING METRIC

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. HANNA. Mr. Speaker, the Congress will shortly consider several bills which would make the metric system the standard system of measurement for this country. "A Metric America, a Decision Whose Time Has Come," a report submitted to the Congress by the National Bureau of Standards, discusses the feasibility of conversion to the metric system at this time. I commend this report to my colleagues.

The report concludes that the United States should convert to the metric system under a planned program as soon as is feasible.

The report discusses the difficulties that may be encountered by different industries and institutions in both the public and private sector by conversion. I recently came across an article in the quarterly magazine section of the October 4, 1971 issue of "Realtor's Headlines," analyzing the changeover in terms of the real estate business. The article makes the point that while the conversion itself will not be easy, once accomplished it will make it easier to describe parcels of land.

The article, which speaks for itself, follows:

GOING METRIC—A DECISION WHOSE TIME HAS COME

What do varas, rods, wagon wheels, chains, and arrow shots have in common?

They all were used at one time, or are still used, to measure land area. For instance, the "vara" is a measure found in the Spanish land grants of the farwest and is equal to about 33.33 inches. And in New Orleans, a term called the "French foot" of pre-Napoleonic times is found.

A rod is equal to 16.5 feet, and it takes 160 square rods to equal an acre, or 16 square chains, a chain being equal to four rods. While these are rather precise, the wagon wheel, and the arrow shot, are not. The wagon wheel, as a measure of distance, can be found in some old deeds and was that distance defined as so many revolutions of a wagon wheel. The size of the wheel supposedly, depended on the two persons involved in the transaction agreeing. Still, this would seem to be more constant than the arrow shot as a mark of distance, for this would depend on the strength of the bowman's arm.

Which all goes to say that the standards of measurement have been many and varied.

Throughout recorded history, and even before then, man has used various methods of determining time, distance, and volume. For the most part, his standards has been something readily discernible, the width of his hand, the distance from his outstretched fingertips to the tip of his nose, the rate of his pulse beat, or the volume of the queen's wine cup.

Some of these ancient forms of measurement are still in existence today. We measure the height of a horse by hands, and we measure the depth of water by fathoms, being that distance between the outstretched fingertips.

Efforts to agree on a single, world-wide standard have met with varying degrees of success until recently.

DEVELOPED IN FRANCE

Prior to World War II, most of the non-English speaking world had adopted the metric system. The system was developed in France during the Revolution by Charles Maurice Tallyrand. Its keystone was, and is, the "meter," a unit of length defined as a fraction of the earth's circumference measured on a meridian passing through Paris. Today, more sophisticated means of measurement define the meter as equal to 1,650,763.73 wavelengths of the orange-red light of excited krypton of mass number 86.

Since World War II, the rest of the world, except for the United States, Burma, and several small countries, has committed itself to conversion to the metric system. Canada, while committing herself to the conversion, has established no timetable, possibly because of her closeness to the United States, which is as yet uncommitted.

The primary system of measurement in the United States today is called the "customary system," and uses those familiar terms of inch, foot, mile, yard, pint, quart, gallon, bushel, ounce, pound, degree fahrenheit, and the like. This is not to say we are exclusively customary, since many of our measurements are already in the metric system like the ampere, the second, and the candela.

SIMPLE AND LOGICAL

The metric system is termed a simple and logical system to use. It is streamlined, and each measurement relates to others in a consistent pattern.

On the other hand, the customary, while seeming to have no logical pattern, is closely related to everyday human experience, and even the human anatomy. The foot is roughly equal to the length of a grown man's foot, the yard is close to being the distance between a grown man's outstretched hand and the tip of his nose, and the mile is about equal to 2,000 paces.

While both systems are accepted and used in the United States, the customary system still dominates, but it is losing ground to the metric system, particularly in the areas of highly technical industries, in education, in pollution standards, and, most importantly, in international trade and relations.

What does all this search for a standard measurement mean for real estate?

Not much, really, since the change would be gradual, most likely according to a 10 year plan. It won't, for instance, mean the wholesale rewriting of all deeds and land titles. These would be changed only as the various properties were resurveyed and the titles changed hands.

The initial positive result in converting to the metric system would be noticed on the international level. Here, all persons involved in real property transactions would be talking a common language, and there would be a minimum of arithmetic. In the metric system, all measurements are directly related to the meter, thus a hectare is 10,000 square meters, and the square kilometer is one million square meters.

In the customary system, rods and chains have little direct relationship with inches, feet, and yards, and still less relationship with varas. The conversion of square meters, hectares, and square kilometers, to one of the other two forms of square measure is a simple matter of multiplying or dividing by 10, or a multiple of 10. In the customary system, the arithmetical conversions are much more complicated.

METRIC IS GAINING

As has been noted already, the metric system is gaining ground in its use in the United States, and the advantages of a common language are readily evident when one realizes how much our world has shrunk in terms of communication and travel time.

At the time the National Bureau of Standards was conducting the study on the advantages and disadvantages of increased use of the metric system as the basis for measurement in this country, they contacted more than 700 major national groups, inviting them to submit their views and cost-benefit estimates of a metric changeover for their particular sectors of interest.

In contacting NAREB and its affiliated institutes, societies, and councils, the National Institute of Farm and Land Brokers, accepting the recommendation of its Agriculture, Urban Land, and Legislative Committees, endorsed the adoption of the metric system since "the metric system operates on units or multiples of 10, it is thought that once the conversion is made, it would make land description and land measurement more exact." (National Bureau of Standards publication, SP 345-12, U.S. Metric Study, Interim Report, Testimony of Nationally Representative Groups, page 128.)

A popular phrase nowadays concerns the power of an idea whose time has come. Perhaps the decision to convert to the metric system is a decision whose time has come.

REVITALIZING THE ECONOMY

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. PRICE of Texas. Mr. Speaker, I urge my colleagues to support H.R. 10947 the Revenue Act of 1971. This bill, which essentially embodies the President's legislative program for the new economic policies enunciated last August 15, must be enacted promptly if these new policies are to be successful.

The economic difficulties the Nation has been experiencing that gave rise to the need for this bill began long before President Nixon took office in January of 1968. As far back as the early sixties the Federal Government began spending money like water in an effort to finance the war in Vietnam while simultaneously generating a period of economic boom. In those days the phrase "guns and butter" was on everybody's lips. While on the surface these expansionary loose money policies were successful, they set in motion the forces of inflation and economic imbalance, forces that had reached alarming proportions by the time President Nixon took office.

In an effort to turn back the rising tide of inflation, the President engaged a series of traditional and time-tested steps. He attempted to reduce excessive Federal spending. He attempted to reduce outsized Federal payrolls. He lowered the rate at which Federal dollars were entering the already overheated economy.

Despite the fact that these initiatives were linked with restrictive monetary policies including higher interest rates and other limitations on the movement and flow of money, the economy continued to boil. Although there were some bright spots in the economy, and some progress was made in stemming inflation the costs of inflation to the American people were still way too high. Federal Reserve Board Chairman Arthur Burns put the matter in square perspective when he observed that the traditional economic principles just did not seem to work the way they used to.

To President Nixon the fact that the traditional economic practices and principles were no longer producing the needed results was no reason to give in to the ravages of inflation or accept them as being an inevitable part of our economic growth. Instead he gathered together his most trusted advisers and economic experts and devised a series of new economic policies which he unveiled last August 15.

Part of the initial set of policies that emerged out of the President's deliberations is the freeze the Nation is presently waiting out. Other principal components of these policies are contained in the legislation before the House this afternoon.

In principal terms, the Revenue Act of 1971 may be considered in the following general sections: tax reductions for individuals; job development investment credit and readjustment of the accelerated depreciation regulations; repeal of the excise tax on automobiles and small trucks; and tax adjustments for U.S. export firms. Taken together, these sections are designed to restore national economic health by stimulating private industry, generating economic productivity, encouraging consumer spending, and creating additional jobs.

From my point of view, I think the legislative provisions in the committee bill make eminently good sense and, in fact, I have earlier in this Congress personally introduced legislation which parallels certain parts of the Revenue Act of 1971. For example, I have proposed restoring the investment tax credit but at the level of 7½ percent rather than 7 percent. And while my proposal was restricted to smaller commercial operations, I am confident the committee-drafted investment tax credit will stimulate a higher level of economic growth. I say this because when the investment tax credit was in effect in the early sixties it helped to stimulate a significant amount of real economic growth.

In the area of job development tax credits, I have introduced legislation to stimulate rural areas of the Nation suffering from unemployment, underemployment, and sluggish economic conditions. I have proposed that tax and other incentives be provided to companies that locate their operations in rural areas and establish and operate in-house training programs for area residents of all ages who want to learn new job skills or upgrade their present ones. Given the present nationwide level of unemployment, I think consideration should be given to incorporating a strictly jobs-oriented tax credit along with the investment tax credit contained in the Revenue Act of 1971.

As regards automobile and truck excise taxes, I have introduced legislation paralleling the committee actions which removes the excise taxes on farm trucks, farm truck parts, and accessories. I know from personal experience and from my continuing involvement in the farming community that this tax relief, although modest in terms, will be most welcomed by the farmers and ranchers of this Nation.

Finally, I have introduced a series of bills designed to ease the Federal tax burdens on individuals. One measure would enable an individual to deduct 20 percent of his total State and local taxes from his Federal tax bill. Another measure would allow parents to write off part of their children's higher education or vocational training expenses. A third would allow homeowners to take a depreciation deduction for their residences in much the same manner as owners of rental property are now able to do.

In conclusion, Mr. Speaker, I would emphasize that on the basis of the tax relief legislation I have introduced in the past, coupled with my knowledge of the prevailing economic conditions throughout the Nation. I think the Revenue Sharing Act of 1971 will provide much of the tools and much of the means needed to get the economy on track and moving briskly again.

Congress must move swiftly on this bill; I urge my colleagues to give it their overwhelming approval.

U.S.A. AND THE SOVIET MYTH

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. DERWINSKI. Mr. Speaker, the recent expulsion of 105 Russian diplomats and officials from Great Britain revealed again to the world the conspiratorial and insidious nature of Soviet Russian diplomacy and its network operations. This was, of course, a mass expulsion, but in terms of the long record of Soviet Russian subversive activities in accommodating countries, it is just an additional case. To understand the compulsive character of this traditional Russian political bent requires an appreciation of the institutional makeup of the Soviet Union itself.

A current work that provides keen insights into this makeup is "U.S.A. and the Soviet Myth." It is authored by Dr. Lev E. Dobriansky, professor of economics at Georgetown University an authority on the Soviet Union. The book has received numerous favorable reviews. Two such reviews appeared recently in London's East-West Digest and the New Guard, publication of the Young Americans for Freedom. A reading of these reviews will show why it is necessary for all interested Americans to examine the contents of this disturbing work.

[From the East West Digest, July 1971]

U.S.A. AND THE SOVIET MYTH

(By Lev E. Dobriansky)

Even today, years after the passing of the great African and Asian empires of the Western powers the very word "colonialism" can move many to a mood of angry indignation. Curiously enough, however, all their finely honed moral concern is conspicuous by its absence when the subject of present Soviet colonial subjugation of Ukrainians. Byelorussians, Georgians, and others arises. Indeed, it is rarely understood (or admitted, at any rate) here that the USSR is not a nation at all but is rather a colonial empire and nothing more. It is the great merit of Professor Dobriansky's brilliantly devastating analysis that it underscores the essentially imperio-colonialist character of the USSR.

While the more politically perceptive American will appreciate the true nature of the relationship of satellite countries of Central Europe to Moscow, he is perhaps less likely to comprehend that within the primary empire which is the USSR itself there is an even more oppressive imperial structure. He is even less likely to comprehend that it is partly an aggressive Russian expansionism, behind a facade of Communist ideology, that really threatens the Free World including the

United States today. Professor Dobriansky clearly exposes the true nature of this expansionist menace with its roots deep in the dark soil of Tsarist times. He does not, as no doubt some misguided critics will charge, minimize or deny the role of Communist ideology here. To the contrary, he points up how it is very effectively exploited for expansionist purposes by the Machiavellian power clique in the Kremlin.

One other line of criticism (again mistaken) may perhaps be anticipated: that the author is possessed of a Russophobe bias originating in his Ukrainian antecedents and present organizational connections. An honest and careful reading of *USA and the Soviet Myth* sustains no such charge. Though he clearly shows that the majority of the so-called "Russian" people in the USSR are in reality non-Russians (Byelorussians, Georgians, Turkestani, Ukrainians, etc.) and very logically demonstrates that any effective Free World policy must therefore contemplate ultimate liberation not merely for satellite peoples like Czechs, Germans, Hungarians, and Poles, but also political self-determination within the USSR itself. He throughout distinguishes the pernicious structure of the expansionist Communist state from the Russian people. Indeed, one might well wish that everyone who had written about say Germany in the 1930's and 1940's had been so scrupulous about distinctions.

In conclusion, this is a truly indispensable book for anyone who would understand world affairs and particularly US–USSR relations today. The price of failure to understand here will be much too high. As the author himself expresses it: "In this struggle for keeps, lest we delude ourselves, the only alternative to victory over Soviet Russian imperio-colonialism . . . is disastrous defeat for ourselves."

[From the New Guard, September 1971]

A VIEW ON THE NATURE OF BOLSHEVISM

(By Royal M. Wharton)

At the time that Senator Muskie was touring the Soviet Union in a quest for mutual understanding, Professor Lev Dobriansky's *USA And the Soviet Myth* (Devin-Adair, 1971) was being published. The Senator would have been better advised to stay home and read Dr. Dobriansky's latest book rather than continue his well publicized tour.

Dr. Lev E. Dobriansky, YAF national advisor and head of Captive Nations Committee, with this book continues his efforts to enlighten the American people as to the real nature of the Soviet Union, its ultimate goals and its fatal weaknesses.

The history of Russia he writes, is largely the history of the Russian empire. Even from the time of Muscovy, its rulers held the notion of state greatness, and followed a messianic mission of world redemption through world domination. Throughout its history Russian rule was typified by totalitarian despotism and tyranny, and even included the practice of leader worship. It was also characterized by an expanded bureaucracy and it followed a foreign policy of concessions when expedient. Russian Communism has proved to be just the third ideological rationale for Russian imperialism, building upon the legacy established by the "Third Rome" ideology and "Pan-Slavism." Communism, writes Dr. Dobriansky, has only magnified and refined the collectivist economic instruments for a more extensive state political control. He notes that even Karl Marx had referred to Russian foreign policy as changeless—a policy aimed towards world domination.

The USSR is today as in Tzarist times a multi-national state which incorporates in itself at least twelve separate national entities. Lenin, prior to his successful coup had recognized this multi-national character and agitated for the independence of these nations. However, once in power, he quickly reestablished the Russian empire by reconquering these nations, some of which had already been recognized by several western powers as well as by his own government.

It is these states that compose the Soviet Union's greatest strength and also its greatest weakness. The peoples of the captive nations now comprise 60% of the Soviet Union's total population. By language, history, culture and religion, these nations are as different from each other as, in Dr. Dobriansky's words, "the French are from the Germans or the Spanish, or the Chinese from the Japanese." Dr. Dobriansky stresses that the key to the destruction of the Soviet empire is the universal force of nationalism which, although presently held in check, is still felt in these captive nations as elsewhere.

He notes that it is through the economic exploitation of these captive areas that the USSR has been able to build an economy second only to the U.S. The Ukraine, the largest non-Russian nation both in Eastern Europe and in the Soviet Union, is a world leader in iron-ore and wheat. With a population of over 40 million people and a militantly anti-Russian history, Dr. Dobriansky looks to this captive nation as the primer for the nationalistic break-up of the Soviet empire. With its strategic location within the USSR, its importance would skyrocket with any direct conflict between the US and the Soviet Union.

THE SOVIET WORLD STRATEGY

Dr. Dobriansky views the policy of the Soviet Union as a global "troika strategy." Its three essential components are the continuance of a deceptive "peaceful coexistence" policy towards the West, allowing time for material, especially *The Vulnerable Russians* (Pageant, N.Y., 1967). It presents a strong case for a new policy directed towards the Soviet Union. *USA And The Soviet Myth* is a refreshing change from the literature of the detente and should be on the reading list of all those who seek a more realistic view of Soviet-American relations.

PENAL REFORM

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, in recent days, all Americans have come to have a deepened awareness of the urgency of penal reform, and the tragic loss of lives at Attica and the growing unrest throughout other penal institutions within the country, attest to the validity of this need. It was with a realization of the need for a thorough reevaluation of our penal codes and system, as well as an intensive study of the success with which the rehabilitative procedures within our Federal and State institutions have met, that I have introduced legislation to establish a Commission on Penal Reform.

For if we truly believe that the genuine worth of a man is as much in what he may become as in what he is, we must act to analyze what possible imperfections within our reformatories and correctional institutions have contributed toward the high rate of recidivism, which is, unfortunately, too predominant a characteristic of correctional institutions.

Perhaps one worthwhile solution, of which there undoubtedly are many, would be to emphasize the excellent work that is being done by the Teacher Corps, which was authorized by the Higher Education Act of 1965, as amended in 1970, to undertake programs and projects of a remedial educational and literacy nature as a means of enriching the skills and meeting the intellectual needs of offenders. This present year, the Teacher Corps is conducting five such programs, in different localities throughout the United States, two of which are located in New England, for juvenile offenders. Teacher Corps personnel work with youngsters, with correctional difficulties, in the public school systems, encouraging their progress and success in civil life, and some teachers assist in the county jails in providing services.

The extension of this program to adult offenders in State and other correctional institutions would be an impressive step forward in our joint commitment to improving the rehabilitative features of penal life, from which will flow its concomitant, a more peaceful and stable prison setting, with the attendant benefit to inmates, prison administrators and staff, and the general community as well.

HOUSE OF REPRESENTATIVES—*Thursday, October 7, 1971*

The House met at 12 o'clock noon.

Rabbi Alvan D. Rubin, Temple Israel, St. Louis, Mo., offered the following prayer:

Almighty God and Father, we make supplication to Thee this day to bless the labor of our hands, "May the words of our mouths and the meditations of our hearts be acceptable before Thee."

Place Thy hand upon these servants who minister to this Nation. Clothe them mightily with wisdom of mind and love of heart. Grant unto them patience, love, strength, and faith in their service to our people so that all of our citizens may realize a unity where there is discord, hope where there is despair, plenty where there is poverty, love where there is bitterness, light where it is dark, righteousness where there is injustice. The hand that gives is the hand that receives.

We pray that our hands may strengthen this Nation and we pray that our hands may receive of Thy blessings. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 9634. An act to change the name of the "Nebraska National Forest", Niobrara division, to the "Samuel R. McKelvie National Forest"; and

H. Con. Res. 415. Concurrent resolution providing for adjournment of the House from Thursday, October 7, 1971, to Tuesday, October 12, 1971.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 646. An act to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recording, and for other purposes; and

S. 932. An act to amend title 13, United States Code, to provide for a revision in the cotton ginning report dates.

The message also announced that the Senate agrees to the amendment of the House with an amendment to a bill of the Senate of the following title:

S. 2495. An act to amend the District of Columbia Election Act, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1838. An act to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities;

S. 2395. An act to amend the act of February 28, 1947, as amended, to authorize the Secretary of Agriculture to cooperate with the Republic of Mexico in the control and/or eradication of any communicable disease of animals in order to protect the livestock and poultry industries of the United States; and

S. 2396. An act to amend the act of July 6, 1968, to authorize the Secretary of Agriculture to cooperate with Central American countries in the control and/or eradication of any communicable disease of animals in order to protect the livestock and poultry industries of the United States.

GENERAL LEAVE TO EXTEND AND TRANSFER OF SPECIAL ORDERS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that without establishing a precedent, all Members may be permitted to extend their remarks in the Extensions of Remarks section of the RECORD today, and that special orders scheduled for today be transferred to Tuesday, October 12, 1971, and be called first on that day.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule on Wednesday, October 13, 1971, may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

RESIGNATION OF THE HONORABLE CHARLOTTE T. REID FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following resignation from the House of Representatives:

WASHINGTON, D.C.,
October 7, 1971.

Hon. CARL ALBERT,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I wish to inform you that I have transmitted to the Governor of Illinois, the Honorable Richard B. Ogilvie, my resignation as Representative in Congress from the 15th District of Illinois, effective at the close of business this date, October 7, 1971. Having been nominated by the President on July 2 to be a member of the Federal Communications Commission and confirmed by the Senate on July 29, I will be assuming these new duties tomorrow.

I cannot leave the Congress where I have been privileged to serve for so long without again expressing my sincere appreciation to you and all of my colleagues in the House for the many courtesies extended to me throughout the years. Not only shall I cherish the memory of these friendships, I shall always have the deepest admiration for you who give so generously of your time and talents in the public interest. It has been a distinct honor to have the opportunity to represent the people of the 15th District of Illinois in this great body, the House of Representatives.

With best wishes,
Sincerely,
CHARLOTTE T. REID.

RESIGNATION AS CONFEREE ON THE ECONOMIC OPPORTUNITY ACT

The SPEAKER laid before the House the following resignation as a conferee:

WASHINGTON, D.C.,
October 5, 1971.

Hon. CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I hereby resign as a conferee on the Economic Opportunity Act.

Due to other pressing matters I will be unable to participate as a conferee.

Very sincerely,
ALPHONZO BELL,
U.S. Congressman.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of asking the distinguished majority leader the program for today and the rest of the week, if any, and the schedule for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, in response to the first part of the question propounded by the distinguished minority leader, the balance of today will be devoted to eulogies for our late colleague, the gentleman from Pennsylvania (Mr. FULTON). We will then adjourn over under the resolution until Tuesday next.

The program for next week is as follows:

Monday is, of course, part of the Columbus Day recess.

On Tuesday and the balance of the week:

District day. There are four bills scheduled for District day:

H.R. 10383, to enable individuals and firms to incorporate;

H.R. 456, tax exempt Reserve Officers Association;

H.R. 10738, to regulate practice of dentistry; and

H.R. 8744, the Police and Firemen's Salary Act amendment.

These will be followed by the amendments and vote on House Joint Resolution 208, equal rights for men and women.

This will be followed by the Consumer Protection Act, which comes here under an open rule, with 4 hours of debate.

This is to be followed by House Resolution 593, from the Committee on Ways and Means on investigation authority, and finally by H.R. 8293, the International Coffee Agreement. The coffee agreement will be considered under an open rule, with 2 hours of debate. The rule has already been adopted.

And, of course, conference reports may be called up at any time. Any further program will be announced later.

I should state further to the Members that we do hope to start the Consumer Protection Act bill on Tuesday. Hopefully we will conclude consideration of the equal rights amendment in time to start the Consumer Protection Act.

Mr. GERALD R. FORD. I thank the gentleman.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will receive unanimous consent requests from Members, but not for 1-minute speeches, at this point.

WYOMING'S GREEN RIVER

(Mr. RONCALIO asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. RONCALIO. Mr. Speaker, today I am introducing a bill which calls for a study of the Green River, Wyo., and its tributaries, looking toward the inclusion of this river into the national wild and scenic rivers system.

When the Wild and Scenic Rivers Act was established in 1968 the Department of the Interior and the Department of

Agriculture embarked upon a nationwide search for potential rivers that might be suitable for wild and scenic classification.

On September 1970, the Secretary of the Interior and the Secretary of Agriculture announced the joint identification of all or portions of 47 rivers in 24 States as potential additions to the national wild and scenic rivers system, their selection being based on the statutory requirements of the Wild and Scenic Rivers Act of 1968.

The initial identification simply says that the Green may have some characteristics which might make it worthy for inclusion in the national wild and scenic rivers system, and is, in effect, a holding category. My bill seeks to move the Green River from this holding category to an "active" category so that a detailed and specific study can get underway.

PERSONAL EXPLANATION

(Mr. ADAMS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ADAMS. Mr. Speaker, on rollcall No. 275 on September 30, I am recorded as not voting on the amendment to strike out the Legal Services Corporation title from the Economic Opportunity Act Amendments of 1971. It was necessary for me to be absent from the floor at the time of the vote. My position is that I would have voted against the amendment.

I have been a strong supporter of the legal services program since its inception, and share a belief in its underlying principle that access to our system of justice through the courts should be as nearly equal as possible for rich and poor alike. I had become increasingly concerned, however, over political pressures and considerations which jeopardized the vigorous advocacy of the rights of the persons the program was designed to serve.

For this reason I supported legislation establishing a new National Legal Services Corporation independent of the political arena. The version of this legislation contained in the Economic Opportunity Act amendments passed by the House represents a compromise, and is not as strong as I would like. However, it does recognize the basic need for an independent legal services corporation, which I feel is essential if we are to meet our obligation to provide equal justice under law for all our citizens.

ERLICHMAN DOUBTFUL AID PLAN HELPS POOR

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, having been one of those members who has opposed the administration's welfare program from the start because I felt it would not work, I was delighted to see in the Washington Post for Sunday, October 3, that the administration itself has now confirmed my belief.

John Erlichman, the President's chief adviser on domestic affairs, and who, if anyone, should know more of the shortcomings of this program, has stated that the program would reach only a few at the poverty level and would be a failure.

I would gather from Mr. Erlichman's statement, that the administration plans now to testify against the welfare program when hearings begin on it next week in the Senate Finance Committee. It might well be that Erlichman's statement will have the effect of putting the final nail in the coffin of a hopefully dead piece of legislation. I would like to think so.

I include the article from the Washington Post for Sunday, October 3, 1971:

EHRLICHMAN DOUBTFUL AID PLAN
HELPS POOR

[From the Washington Post Sunday, Oct. 3, 1971]

President Nixon's chief domestic adviser said yesterday he doubts whether the administration's proposed welfare program can make a significant dent in the number of poor Americans.

"The best we're going to be able to do is to accomplish some marginal inroads in poverty," John D. Ehrlichman told a student group.

Defending Mr. Nixon's family assistance plan pending in Congress, Ehrlichman said a principal aim of the administration is to simplify the nation's welfare system.

The plan would provide a virtual federal takeover of welfare payments while including work requirements for some classes of recipients.

"What we're trying to do for the poor is just send them money," he said. "It's almost too simple."

"Let's send them a check instead of insulting their intelligence and demeaning their dignity with programs like food stamps, Ehrlichman told the annual conference of the Association of Student Governments.

RECORDING INDUSTRY FIGHTS DRUG ABUSE

(Mr. MYERS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MYERS. Mr. Speaker, since much of the news is bad these days and since good things often pass unnoticed, I am very pleased to take note of one of the current events.

This is Drug Abuse Prevention Week, the second year during which our country tries to take some action against the terrible and growing menace of illegal drugs. Starting this week, and continuing throughout the year, millions of adults and young people will hear experts on drugs "tell it like it is" on the radio.

Nearly 100 questions and answers about drugs are being answered through a recording called "Some Things You Always Wanted To Know About Drug Abuse—But Didn't Know Who To Ask." Each answer is by a noted authority, and is based on research from the National Institute of Mental Health.

The recordings were paid for and distributed by the Recording Industry Association of America—RIAA—in cooperation with the White House Special Action Office for Drug Abuse Prevention, and the Federal agencies most concerned with the drug problem. I am especially proud that the records were actually made by Columbia Records, whose main plant is in my district, at Terre Haute, Ind. They have been sent to every radio station in the United States completely without cost to the Government.

It was not very long ago that a lot of highly placed people were throwing verbal rocks at the recording industry for producing so-called drug-oriented records. A lot of radio stations were being shot at for playing these records.

These people, well-meaning as they may have been, were searching for a "fall guy" on whom to blame this festering problem of drugs. Some critics even suggested that record companies should censor artists and composers.

Fortunately for all of us, I think, experts in the field pointed out that these critics were vastly and dangerously oversimplifying a complex problem, noting that word meanings change over the years. "Tea for Two," for instance, could be accused of "drug orientation" because of the way in which "tea" is talked about by some of the hip generation.

Other experts pointed out the dangers of censorship.

What was not generally known was that the recording industry was one of the first to volunteer to help in the Government's drug abuse information program. What also was not publicized very widely was that radio stations had taken a lead in putting out useful information about drugs.

Some time ago, the Recording Industry Association of America—whose members make and sell about 85 percent of all recordings sold in the United States—produced a record called "Where Are You Then?" RIAA paid for this excellent antidrug message which was recorded by the New Christy Minstrels and distributed by RCA Records, whose major plant also is in Indiana. Additionally, many individual companies in the recording industry have produced commercial records with antidrug themes.

As I said at the outset, this is an age when good news may be hard to come by. It certainly is an age when it is fashionable to point a finger and to criticize.

That is why, Mr. Speaker, I am so proud to tell you and my colleagues of this great and effective contribution by a concerned and responsible industry.

THE PROPOSED CAMPAIGN COMMUNICIATIONS REFORM ACT

(Mr. FREY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. FREY. Mr. Speaker, after 5 days of hearings in June—many hours of work by all members of the Subcommittee on Communications and Power, 4 days of executive session, over 20 amendments were discussed and voted on—a substitute bill changing most that had gone before was introduced by the gentleman from Massachusetts (Mr. MACDONALD). The entire committee was allowed about 10 minutes to debate the more than 10 page substitute bill. Many, including myself did not have time to read it in full. This bill was somewhat humorously entitled the "Campaign Communications Reform Act."

The content of the bill reflects the nature of its birth. It will be more noted for what it does not do, than what it accomplishes. The Members on the Republican side, following basically the suggestion of the bipartisan Anderson-Udall group, proposed amendments to:

First. Include other items under the 10-cent limitation, such as telephones, flyers, billboards, and postage. Statistics show that the money spent in 1970 on campaign spending for the media was estimated at only one-sixth to one-third of the total spent. Conversely, money spent on the items I wanted to include, are estimated at 30 percent of the total spending. The chairman of the committee ruled this amendment not germane and said the committee did not have jurisdiction. Jurisdiction was taken over newspapers and magazines, but not printed flyers or brochures. This type of reasoning speaks for itself.

Second. Close the loopholes that result from committees being formed to defeat a candidate such as the "gun control" group in Maryland during the 1970 election. The Senate included such language in section 102(c) (1) through (13). This was defeated by the Democratic majority in the committee.

Third. Provide for free debate on TV and radio by repealing section 315 for all Federal offices. Statistics show that in 1960 when section 315 was repealed for the President, 10 times the amount of free time was given as in 1964 and 1968, when section 315 was not repealed. This is one of the few ways a challenger can have a fair chance. It also helps limit campaign spending as the stations can give large amounts of free time in the House and Senate races. This amendment was defeated and section 315 was repealed only in the presidential race. This is obviously discriminatory. All Federal offices should be treated the same. Could politics have raised its ugly head in this vote?

Fourth. To allow a candidate within the 10-cent limitation to spend his money where he wishes. The Macdonald bill puts a 5-cent limit on radio and TV. The sin is in the total amount of dollars spent—not on how it is spent. Apparently it is OK to spend 10 cents on massive newspaper advertising, but conversely bad if spent on radio and TV. This is blatantly discriminatory illogical. The President vetoed the last campaign reform bill on the basis of such discrimination. Every district and State is different and each candidate must approach the campaign differently. Limiting spending is the key. I have done this with the 10-cent ceiling. As long as this is done—how it is spent should be at the candidate's discretion.

Fifth. To limit the extension of credit to candidates for Federal offices by business regulated by the CAB, FCC, and ICC. In 1970 it was estimated that over $5 million were written off as "bad debts" by such businesses—an obvious violation of the intent of the Federal Corrupt Practices Act. Two approaches were taken to correct the loophole. First, an amendment was offered to require a candidate to post a bond or other security. When this failed—I offered an amendment to require the CAB, FCC, and ICC to promulgate regulations with respect to credit—not requiring security. This also failed on a party line vote. Yet the Senate approved the latter provision in section 401 of its act.

These were some of the key amendments that lost—all were in the spirit of true reform. All were aimed at making this a tough, fair bill. All failed. One can but wonder about the reasons for their failure. Some have suggested that it would be politically advantageous to the Democratic Party if the President were faced with a poor and unfair bill such as this that has to be vetoed. This could then become a campaign issue with the President and Republicans being "against campaign reform." Personally, I do not think so. Many Democratic members have supported the bipartisan Anderson-Udall approach and obviously want reform. Hopefully this bill can be cleaned up on the floor and the word "reform" in the title can become meaningful.

PERSONAL EXPLANATION

(Mr. TERRY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. TERRY. Mr. Speaker, on Friday, October 1, I am listed as failing to answer to rollcall No. 279, a call of the House. I am also listed on Tuesday, October 5, as failing to answer to rollcall No. 288, another call of the House. I have since discovered that the legislative clock in my office had a broken wire and thus, the call was not registering in my office. This defect has now been corrected.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. BYRNE of Pennsylvania (at the request of Mr. SAYLOR), for today, on account of illness.

Mr. ASPINALL from October 12 until 5 p.m., October 13 (both inclusive), on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. RODINO, for 60 minutes, on Tuesday, October 12, to revise and extend his remarks and include extraneous material.

Mr. GROSS, for 60 minutes, on Wednesday, October 13, 1971.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ZABLOCKI, and to include extraneous material.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1838. An act to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities; to the Committee on Agriculture.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 9634. An act to change the name of the "Nebraska National Forest," Niobrara division, to the "Samuel R. McKelvie National Forest."

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 646. An act to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recording, and for other purposes; and

S. 932. An act to amend title 13, United States Code, to provide for a revision in the cotton ginning report dates.

ON THE PASSING OF MY FRIEND AND OUR COLLEAGUE, JAMES GROVE FULTON

(Mr. SAYLOR asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SAYLOR. Mr. Speaker, it is with a heavy heart and a deep sense of personal loss that I announce to the Members the passing of JAMES GROVE FULTON, Representative of the citizens of the 27th District of Pennsylvania.

JIM FULTON was Republican dean of the Pennsylvania delegation and his loss will be felt by his Keystone State colleagues. He served his constituents faithfully in 14 Congresses since they first elected him in 1944 while he was still serving his country as a naval officer. His loss leaves a vacancy in the House, a void in our delegation, but a chasm in the hearts of the people he loved and was loved by in Allegheny County.

I believe most of you recall that JIM had a serious heart attack last year, but you also know he simply would not slow down in spite of the advice of his doctor and friends here in the House. If ever a man gave a full life in the service of his country and constituents, it was unquestionably JIM FULTON.

Congressman FULTON, perhaps unintentionally, expressed his own eulogy not long after his attack when he told me:

> The people elected me and I intend to serve. If I cannot serve, I'll quit. I will not be a part-time Member of Congress.

Let me give you just one small example of JIM's dedication. His attack came on Monday of this week, after a vote in this body. In spite of the fact of being hospitalized and in extreme pain, he called his office on Tuesday morning with instructions to his staff to find pairs for the votes pending that day that he would miss. JIM FULTON never missed a rollcall.

JIM FULTON, a bachelor, was nevertheless "married" to the U.S. House of Representatives. How married? I ask you to remember his congressional office. It was decorated, not with the usual trappings of the successful politician, rather, it was decorated as the home of a public servant. Often asked why his office looked like a living room, Jim replied:

> This is my home.

Mr. Speaker, you will recall Jim's speeches on behalf of our space program and his remarks on the floor of the House on the full range of our Nation's foreign policy. As a respected member of the Foreign Affairs Committee and a builder of a weekly newspaper chain, Jim Fulton was uniquely equipped to get his point of view into consideration by this body. Just last year, Jim was awarded the Silver Quill Award for outstanding writing on science and space.

He served with distinction on the House Science and Astronautics Committee and was the ranking Republican member of that committee. His experience and expertise held shape and guide our Nation's brilliant and successful manned space program. I doubt that any other Member of the House could have been prouder than was Jim Fulton when Astronaut Armstrong stepped on the moon in 1969.

Congressman Fulton's expertise in the arena of foreign affairs was recognized and utilized by Presidents Truman, Eisenhower, Johnson, and Nixon. Each appointed him to our United Nations mission in one or dual capacities. Jim's knowledge in the fields of science was recognized by many organizations. He served on the Board of Visitors of the Pittsburgh School of Engineering, the Naval Academy, and the Pennsylvania Academy of Science.

The breadth of his interests is evident when we know that he also served on the boards of the Pittsburgh Opera and the Pittsburgh Playhouse.

And as anyone knows who visited his office, he was perhaps one of the great art collectors in the House. I would be remiss in my duty to our departed colleague if I did not mention that Jim's interests were not all in the technical and cerebral fields—he was, without a doubt, the leading congressional fan of the Pittsburgh Pirates baseball team.

Mr. Speaker, I believe that Congressman Fulton would like to be remembered first and foremost as a conscientious public servant. His 26 years in the House of Representatives is physical proof of his effectiveness but that does not do justice to the deeper meaning of his dedication. In every sense of the word, Jim Fulton lived and died to serve his constituents. When the scribes above enter his name, I know they will write, "Well done faithful servant."

On behalf of the Speaker and on behalf of the Members of the House, I extend our profound sympathy to Mr. Fulton's family—his brother, Robert D. Fulton of Pittsburgh, and to his sisters, Mrs. Fredonia Gephart of Pittsburgh, Mrs. Elizabeth Krivibok of Rochester, Minn., and Mrs. Emilie Green of Ridgewood, N.J.

The body of our beloved colleague will be at the Beinhauer Funeral Home, 2630 West Liberty Avenue, Pittsburgh, from 7 p.m., Friday through Sunday. Funeral services will be conducted at 2 p.m., Monday, October 11, at the Mount Lebanon United Presbyterian Church, Washington Road, Pittsburgh.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the distinguished minority leader, the gentleman from Michigan (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. Mr. Speaker, one of the most devoted public servants ever to sit in the Congress of the United States has been taken from our midst by death.

James G. Fulton was a deeply dedicated Member of this House—dedicated to his constituents in the 27th Congressional District of Pennsylvania and dedicated to his country.

Jim Fulton was a distinguished graduate of Penn State University and a graduate of Harvard Law School. Founder and former owner and publisher of seven suburban Pittsburgh weekly newspapers, he was serving his 14th term in the Congress.

Jim was a member of the House Foreign Affairs Committee and the ranking Republican member of the Science and Astronautics Committee and its Manned Space Flight Subcommittee. Jim was keenly interested in space and completely absorbed by the subject. He might be called Congress' Space Man. He was a member of the original Select Committee on Science and Astronautics, on which I also was privileged to serve. He was adviser on space to the U.S. Mission at the United Nations. In 1970 he won the Silver Quill for outstanding writing on science and space. He could speak for hours about the challenges of space, the need for space exploration and the benefits of space travel. He was an expert on the subject.

Jim Fulton will be sorely missed in the House of Representatives. He was one of its hardest working, most conscientious Members. It was said of him that although he was a bachelor he was married to the Congress of the United States. This House was his life.

One more word about Jim Fulton. No tribute to him would be complete without mention of his love for his country. It must be said about Jim Fulton that he was patriotic even when it was not considered good form to be patriotic—so deep was his devotion to this Nation.

The country and this House must be reckoned poorer today. Jim Fulton's death leaves a void among us. We have lost a truly outstanding man. I extend to Jim's family my heartfelt condolences.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the distinguished majority leader.

Mr. BOGGS. I appreciate the gentleman's yielding to me. I subscribe wholeheartedly to the expressions of the distinguished gentleman from Pennsylvania and the distinguished minority leader. Jim Fulton enjoyed probably as broad a friendship on both sides of this aisle as any Member of this body. His support at home was bipartisan. He was elected for 25 years, as the gentleman has pointed out, and I dare say over the years Jim received as many Democratic votes as he did Republican votes.

I can testify to what the minority leader has said about his devotion to duty here. During the many years that I served as majority whip, it was my responsibility to know who was here and who was not here, and who was voting and who was not voting, and Jim Fulton was constant in his attendance. Seldom was he absent.

As the gentleman has so beautifully said, Jim Fulton loved this body. He liked to serve here. He liked to give his time and his attention to the work of the House of Representatives. So we have, indeed, lost a dear friend and an able legislator, a devoted American, and the House is, indeed, poorer for his passing but richer for his service.

I join in extending sympathy to his family.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to my colleague from Illinois.

Mr. ARENDS. Mr. Speaker, many people were saddened this morning by the announcement of the death of our good colleague, Jim Fulton, which came as a shock to many of us, although we had known for some time that he had had a heart condition which had bothered him from time to time. Within the last 2 or 3 days it was my privilege to visit with Jim. No mention was made at all of his illness, but rather he talked about the future, about the things he had planned to do in this body of the Congress, which he loved so well and where he served so many years.

I am one of the few in this body who served with Jim each and every one of the 27 years he has been here. I came to know him real well and became his steadfast friend. It was always a pleasure to sit with him and discuss legislative matters, to learn his approach to problems, and why he felt the way he did on the pending questions. You always got an honest answer from Jim. He was a man of conviction, a man of dedication, and a man so in love with his country and the service he was giving that he devoted himself tirelessly to it.

As a party whip for these many years I have had many consultations with Jim about problems that concerned us legislativewise. He was honest in his opinion about what he thought should be done, and he frankly stated it. In other words, he was a man of deep conviction and the courage of his convictions.

Many of us will sorely miss Jim Fulton. The country, the State, and this Nation has lost indeed a public servant who gave his all.

Mr. MORGAN. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to my colleague from Pennsylvania, the dean of the Pennsylvania delegation, Dr. Morgan.

Mr. MORGAN. Mr. Speaker, it was a shock to every one of us to learn that our distinguished colleague, James G. Fulton, had passed away last night at Walter Reed Hospital.

It is a particularly sad occasion for me. Jim and I came to Congress together at the beginning of the 79th Congress in 1945; and we had been friends long before we were elected to Congress. The 27th District, which he served so long and with such distinction, adjoins my district, and he owned a farm in my district. We served together on the Committee on Foreign Affairs for more than 20 years.

JIM FULTON was one of Pennsylvania's most distinguished citizens. His family had been prominent in southwestern Pennsylvania for two centuries. He attended Pennsylvania State, the Harvard Law School and Carnegie Tech.

He was a member of the bar, a former State senator, a successful publisher of a chain of suburban newspapers, a farmer, an art patron, and took an active interest in science during his lifetime.

As a lieutenant in the Naval Reserve, he was called to active duty in 1942 and served with distinction in the Pacific during World War II.

In addition to JIM's service on the Committee on Foreign Affairs, he was the ranking minority member of the Committee on Science and Astronautics.

JIM FULTON combined with his exceptional intellect and diversified interests a tremendous energy. He served his constitutents well, he managed his newspapers, and he took an active part in the work of the two committees of the Congress on which he served.

He was a collector of paintings, as all of us who visited his office in the Rayburn Building can testify, and was himself a painter of considerable skill.

JIM FULTON was one of the more colorful figures of our State. He received national publicity when he purchased the bridge piers which were left standing in the Monongahela River near downtown Pittsburgh after the bridge had been demolished.

Everyone who crosses the Memorial Bridge here in Washington and sees the golden horses that adorn it should credit JIM FULTON for the active role he played in cooperating with the Government of Italy in bringing them to the United States.

Jim retained and continued to live on the farm which had been in his family for generations, located in the Mount Lebanon area of Pittsburgh and which had been completely surrounded by the city.

The most impressive thing about JIM FULTON, Mr. Speaker, is the fact that while carrying on all of his varied activities, he served the people of his district and the people of this Nation diligently and well. He gave priority to and worked hard at being a Congressman. He was in attendance every day and took an active part in floor debates.

Mr. Speaker, the House and the Nation have suffered a great loss in the passing of our distinguished colleague.

We will miss him on the Foreign Affairs Committee, where we served side by side for many years; and I have sustained a great personal loss in losing a neighbor and a friend.

Mr. REID of New York. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from New York.

Mr. REID of New York. Mr. Speaker, I thank the gentleman for yielding.

Those of us who were privileged to call JIM FULTON a friend have lost an individual who was remarkable. Our Nation has lost one of its most dedicated, able, and articulate public servants. In a sense, however, JIM FULTON is not lost to us because he will always be part of this House and part of our Nation's history.

As I think of him today, I am struck first by the fact of his great zest for life. I never saw him when he was really down. He always had a hearty word, a smile, a gift for encouraging those who sometimes felt things were not all they should be. Among other things, he had a sense of humor which was ever present, and equally it was a sense of humor that he played against himself. He never let his own personal problems dominate at any point his sense of being a public servant.

As the gentleman in the well has so clearly pointed out, JIM FULTON served at the peak of his powers. He could be nothing but a full-time Congressman and a full-time national leader. As a newspaperman, as an individual concerned with the foreign affairs of this country, as one of our most eloquent spokesman for an effective space program, he made his mark on the future of this country.

At all times he represented a spirit of independence. He never hesitated to speak out when he thought his party was wrong, and there was no one who fought harder for his party when he thought the position and the principles were clear.

There is no question but what the space program and our signal accomplishments in this field were due in no small measure to his faith, his conviction, his constant support and his tireless efforts both in this House and throughout the country to carry the message that this was an endeavor in which the United States must and could excel.

I remember, just the other day, his telling me the pride with which he accompanied an astronaut to his home district, the delight he had in making available to all the constituents of his district an opportunity to view a new space rock, and how intimately he was involved in presenting the kind of issue that was so important to the future of our country, but doing it in a personal way.

The 27th District of Pennsylvania has lost a leader.

Our Nation has lost a spokesman.

But I believe that all Americans are the better for the life that JIM FULTON led. Newspapermen will remember and cherish his belief and conviction in a free press. All of us who served with him in the Congress will count it a privilege to remember and to be inspired by his example, his sense of self-service, and above all his love of his native State of Pennsylvania, which was only exceeded by love of the United States of America.

Mr. MOORHEAD. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to my colleague from Pennsylvania (Mr. MOORHEAD).

Mr. MOORHEAD. I thank the gentleman for yielding.

I awoke this morning to the sad news that my colleague from Pittsburgh and very dear friend, JIM FULTON, had passed away during the night.

This is the second time our delegation and our city has lost a Representative in the past 6 months.

How does one describe JIM FULTON? He was a delightful and somewhat unique person, who was never afraid to speak his mind—as he often did—no matter what the subject.

He was loved, literally, by his constituents, whom he went to great lengths to serve. His strength was always in his ability to handle a problem, no matter how small, to the satisfaction of his constituents.

He was a radical in his own way. He had great plans and schemes for doing the impossible, not a few of which have today come to pass.

We worked together on many a knotty problem for the Pittsburgh area and I could always count on JIM's wise counsel and experience.

This Chamber and my city lost a great individual last night. Although somebody will succeed to his office, there will never be a replacement for JIM FULTON.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to my colleague from Pennsylvania (Mr. JOHNSON).

Mr. JOHNSON of Pennsylvania. Mr. Speaker, in the passing of Congressman JAMES FULTON I have lost one of my very best friends. The Congress has lost one of its finest and most loyal Members. The Nation has lost a loyal patriot, a great American, a fighter for what he thought was right, a servant of the people. He was a strong advocate of a bold program in space and had strong opinions as to the need of this Nation to keep ahead in this exploration activity.

He favored a strong national defense as the best means of keeping the peace in the world. As the dean of our Pennsylvania Republican delegation he was ever ready to help the Members of our delegation and kept us informed of all activities of the Congress so that we could do our job better. We honored and respected him and sought his counsel.

I am sure the people of Pennsylvania, and his congressional district will always remember JIM FULTON as a great leader, an excellent Congressman, a faithful servant, and warm friend.

I, too, want to join with my colleagues in the House in extending deepest sympathy to his family.

Mr. GAYDOS. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to my colleague from Pittsburgh, Mr. GAYDOS.

Mr. GAYDOS. Mr. Speaker, it is with heavy heart that I join in tribute to a man I have known and admired, both as a friend and as a colleague, for many years. I was deeply shocked when I learned of his unexpected death last evening. His passing is a loss which will be deeply felt by the entire Nation, as well as his constituency from the 27th District of Pennsylvania. Many who never knew him have been the beneficiaries of his work here in the Congress.

Jim Fulton was no ordinary legislator. His boundless energy and untiring efforts made him stand out as an exceptional Representative. I do not believe it is necessary to trace his accomplishments in the House. We all know how he labored unceasingly for what he believed to be best for his people and for his country. We know he did not spare himself in urging the Nation to continue its exploration of space; for Jim Fulton firmly believed the technology developed to conquer the outer void would later be used to conquer the ills of man.

How many of his colleagues knew that he displayed the same zeal and dedication with problems back home that he did in formulating legislation in the House. How many knew he was presented the 1970 Silver Quill Award for outstanding writing on science and space, a tribute to his efforts as the ranking minority member of the House Science and Astronautics Committee? How many knew he was last year's Pennsylvania chairman for the Heart Fund or that he had been decorated by the Republic of Italy for his service to the Italian people? I could go on and list his many activities and accomplishments indefinitely for Jim Fulton was a man who gave of himself.

During his long and distinguished career in this body, Jim Fulton served under four Presidents: Eisenhower, Kennedy, Johnson, and Nixon. He was always cooperative and placed the best interest of the Nation above partisan politics. At home he was a man who would reach out his hand to a stranger, smile and say, "Hi, I'm Jim Fulton." If you were one of his constituents, you could not fault Jim Fulton for not keeping you abreast of what was going on in Government.

I flew down to Washington with Jim Fulton last Sunday, one of several trips I have had the pleasure to make with him. We chatted about many things concerning problems in Congress and at home. I had no indication then that in a matter of a few days we would have lost a man who never hesitated to guide and counsel me on any issue even though he sat on the other side of the aisle.

I join my colleagues today in paying tribute to Jim Fulton. His passing will be deeply felt in the House of Representatives and especially by the people he so ably represented.

Mr. SAYLOR. Mr. Speaker, I am very pleased to yield now to my colleague the gentleman from Florida (Mr. Frey).

Mr. FREY. I thank the gentleman for yielding to me.

Mr. Speaker, it was with obvious sorrow and shock that we learned of the passing of Jim Fulton. As one who had the privilege of serving with him on the Committee on Science and Astronautics and who knew him before I was elected to the Congress while working on the space program, it is hard for me to think of Jim Fulton as not being here any longer.

As a matter of fact, Jim's vision and drive, which enabled man to reach the moon and which enabled us to use space for the benefit of man on earth, will always be with us. The contributions that he made in this area, with which I am very familiar, are ones that will go on for the benefit of all mankind and not just for those in this country.

I must admit those of us involved in the space program and those of us in Florida probably share the loss as deeply as those from his own home district and the State of Pennsylvania. Jim Fulton was always something to us down there, something special, and he was down at the Cape a great many times.

As in all things, we did not agree 100 percent on everything, but there was one thing that you knew with Jim, and that was you always knew where you stood and there was no question about it. Once that issue was over you went on to the next one.

Jim was a gentleman in every sense of the word. For a younger Member of Congress, the one thing that we can strive and work for is to try to get to the point where we have the respect and the devotion that Jim Fulton commanded in this body. If we do that, we will have done pretty well.

I thank the gentleman for yielding to me.

Mr. JACOBS. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Speaker, I thank the the gentleman for paying this most fitting tribute to a dear friend and colleague.

Mr. Speaker, it seems to me that an occasion of this kind reminds us all over again of the riddle of life. Knowing how Jim Fulton has been with us within the past few days, warm, friendly, civilized and above all kind and thoughtful and then to try to realize that suddenly he will be here no more only emphasizes that riddle.

Mr. Speaker, when we look around for that friendly gesture, that smile of encouragement, to which the gentleman from Florida (Mr. Frey) and the gentleman from New York (Mr. Reid) referred. But it will be no more.

We shall miss our dear friend Jim Fulton not only today on this occasion but again and again as we continue our journey through life.

I thank the gentleman from Pennsylvania (Mr. Saylor) for taking this time to pay this tribute to our departed colleague.

Mr. SAYLOR. I thank the gentleman from Indiana for his kind remarks.

Mr. COUGHLIN. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Speaker, it is with shock and deep sadness that we mark the death of Jim Fulton last night. He was a beloved colleague and dedicated public servant who loved the life he unselfishly chose.

One can gain some appreciation of the stature of the man by noting that he was at once the dean of the Pennsylvania Republican delegation, the ranking Republican on the House Science and Astronautics Committee and a member of the House Foreign Affairs Committee. During his lifetime Jim Fulton was a State senator, a newspaper publisher, a naval officer who served in combat in the Pacific, and a scientific scholar.

His dedication to the House of Representatives, his patriotism and love of country, his deep appreciation of the importance of scientific development, his work throughout the years in civic affairs in western Pennsylvania and his representation of our country have won him a place of high standing in our Nation's history.

Each of us in the Pennsylvania delegation, Republican and Democrat, extend to Jim Fulton's family and his many friends our sincere sympathy at this time of sorrow and unexpected loss.

His absence brings sorrow to his colleagues and he will be missed as well for himself as for the contributions he has made to the House of Representatives over the past 27 years and to the people he represented in Pennsylvania's 27th Congressional District.

Words do not pay proper tribute—his life will.

Mr. SAYLOR. I thank the gentleman for his remarks.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the distinguished gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Speaker, It is with a heavy heart that I join with our colleague the gentleman from Pennsylvania (Mr. Saylor), my chairman, the gentleman from Pennsylvania (Mr. Morgan), and other colleagues to express our sorrow at the death of Jim Fulton.

For over 20 years, I have served with him in the House and on the Committee on Foreign Affairs. It was an association which I shall always remember and treasure.

Jim Fulton was a most unusual man. His interests ranged from problems that may have confronted one member of his constituency to broad questions of national and international policy. Throughout his years of service on the Committee on Science and Astronautics, he also added the complex issues of space exploration to his daily work schedule.

He was seldom what one might call orthodox in his approach to world problems. He had a mind that probed each issue from every angle, never accepting the easiest or the expedient answer, always trying to uncover those aspects of a given problem which were not immediately apparent to others. And he was never afraid to voice his thoughts, or to propose solutions, which appeared to him appropriate to the issue at hand.

I shall never forget the time when he and I served on the U.S. delegation to the 14th General Assembly of the United Nations. This happened when the cold war was in full bloom and when the United Nations was seized of numerous questions relating to decolonization and the economic advancement of the peoples of Africa, Asia and of other developing areas. Jim's outlook on those questions came as quite a revelation to some people. He believed, and believed firmly, in the need to bridge the differences which divide our world, and he did his best to make his views known in the United Nations forums—at times to the consternation of our Department of State.

Jim was compassionate to those less fortunate than he, and true in his friendship. His acts of quiet, thoughtful generosity won him the affection of many of his associates.

Above all, JIM FULTON was young at heart. He had boundless energy and quick humor. He worked long hours and still found the time to attend every social and cultural event worthy of note in Washington. And he loved art, finding new joy in each print, painting or sculpture that he added to the marvelous collection displayed in his office.

I shall miss JIM. All of us will miss him. With his passing, the House of Representatives has lost a Member who contributed something of value to its deliberations and enlivened its proceedings. And the people of his district have lost an able and dedicated champion of their interests.

My wife, Blanche, joins me in extending our condolences to JIM's family. May they find some consolation in the thought that all of us here share in their lives.

Mr. SAYLOR. Mr. Speaker, I am happy now to yield to my colleague, the gentleman from Indiana (Mr. BRAY).

Mr. BRAY. Mr. Speaker, it was with great sorrow that I heard about JIM FULTON's passing. Many things can be said about JIM FULTON. He was a great legislator, and he was an extremely brilliant man. I once had the opportunity to talk to a man who had known JIM FULTON when he was in the university, and he stated that JIM FULTON was one of the most brilliant men who was ever graduated from that school.

As I said, many fine things that can be said about JIM FULTON. The attribute I want to emphasize about JIM was his great kindness. He was one of the kindest men I have ever known. He befriended many many people always attempting to keep his kind acts from being publicized.

He was a successful man. He was successful in everything he ever did; he was successful in business. He was successful as a student. He was successful in politics and a highly respected Member of the Congress.

I have been recalling conversations I have had with him, and I never remember his uttering an unkind remark toward anyone. He was an excellent story teller. I would like to repeat a joke that JIM told on himself, and this story I have repeated many, many times. JIM had not been in Congress so very long when the Taft-Hartley bill came up for a vote. JIM had a district that had a heavy labor vote, but did vote for the Taft-Hartley Act. A prominent union official was waiting for him when he returned to the district—and as I recall it was a United Mine Workers official. The labor leader said, "JIM, I have got a crow to pick with you," or words to that effect.

JIM said, "Well, I knew this was coming." And he added, "Are you going to forgive me for voting for the Taft-Hartley Act?"

The man looked at JIM and he said, "Well, JIM, we boys got together, and we agreed that we are going to go along with you because everybody has got a right to make one mistake; but son, that was yours."

That was the kind of delightful, friendly humor that characterized JIM FULTON.

We are going to miss him more and more as time goes by. He was a rather quiet person. He never shoved himself or showed authority.

He was a person you would not especially notice at first glance, but he was the kind of person that "grew on you." He was a man of courage. And again, there is one thing I especially want to say of him, he was one of the kindest men that I have ever known.

Mr. SAYLOR. Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, I thought it was fitting that, as I looked in the CONGRESSIONAL RECORD this morning before I had heard of the untimely, unexpected, and shocking death of JIM FULTON, that in the Extensions of Remarks for yesterday, under JIM FULTON's name, is the Calendar for October 1971, of the Smithsonian Institution.

As I remember JIM FULTON and all of the work that he did in the Committee on Science and Astronautics, and on the Committee on Foreign Affairs, the one thing that I can remember most vividly of this man, and the fantastic devotion to his Nation and the ability that he had, was his continual love of art, architecture, and sculpture, things of peace and quiet, not just of space and world affairs, but things of beauty—and all of that is represented by his very deep support for the Smithsonian Institution.

This Congress has lost an exceedingly effective legislator and I have lost a personal friend who, as a young Member of the Congress I can so well remember coming to me and giving me guidance, and criticism, and suggestions and, above all, maintaining his humor and his kindness in everything that he did.

Mrs. Steiger joins with me in extending our very deepest sympathy to JIM FULTON's family.

Mr. Speaker, I thank the gentleman from Pennsylvania for making it possible for us to pay tribute to the work and memory of JIM FULTON.

Mr. SAYLOR. Mr. Speaker, I yield to the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Speaker, JAMES GROVE FULTON was a man for all seasons. He was diligent. He was informed. He was literate. And he was kind.

Each of us has come to the House of Representatives with questions concerning our functions here. We have soon learned that some men not only serve as examples of service to their constituents and their country, but also as teachers. JIM FULTON was such a man, and we who came to the House Foreign Affairs Committee as new members soon came to value his counsel and his wisdom.

His educational record prepared him for his service to his country. His undergraduate work stressed political science and mathematics—two disciplines that may seem diverse but were essential elements for a public official. He earned his doctorate in law at Harvard, then took 2 years of work at Carnegie Tech and went to the Pennsylvania Legislature before his World War II service in the Navy.

His congressional record was also broad and diverse. He was a delegate to the United Nations by appointment of President Eisenhower, and three more Presidents wisely called on him for further service in United Nations roles. His service on the Foreign Affairs Committee paralleled his work on the Science and Astronautics Committee, and he won wide esteem in the House, the Nation, and in foreign countries.

I said he was a kind man. I share with many Members appreciation of his friendship. We shall all miss him, and we honor the memory of JIM FULTON. Our sincere sympathy goes to his family.

Mr. SAYLOR. Mr. Speaker, I yield to the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Speaker, it is difficult for me to think of JIM FULTON not being here with us and that one of the doors will not soon open and JIM will not walk in.

JIM FULTON was an individual who had a unique life. I dare say he was one of the few Members of Congress who was ever elected without even being present in his campaign.

When I first came to the Congress, I recall a story JIM told about his first election to the Congress. He was fighting for his country in the South Pacific. The election was held in November; and in January, some 2 or 2½ months later, an officer came in and said, "Lieutenant FULTON, you have just been elected to the Congress of the United States." It took that long for the mail to get down here because we were at war. But here was a man that the people back home considered so highly that they elected him to this body even though he was not present to campaign.

During the time JIM FULTON was in Congress, he certainly distinguished himself in his actions. His district and the people of Pennsylvania should be proud of JIM FULTON. I know that I am a relatively new Member of this body, being in my third term, but I could always turn to JIM for advice. Sometimes he would give me criticism, constructive criticism; he would give me counsel and he would give me guidance. He was always willing to help his colleagues. This, I think, will stand out in my memory of JIM FULTON. I was not privileged to serve on the same committees with him, but those who have, knew him to be a hard-working Congressman; and certainly this Nation, and I am certain his State, mourn his loss. I would like to extend my sympathies to his family.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to my colleague from Texas.

Mr. PICKLE. Mr. Speaker, the staggering loss of JIM FULTON to this body also is a great loss to the American people. In his particular fields of service, both science and astronautics and the fields of foreign affairs, few men in this body have rendered greater service to the American people. I will always remember the leadership that JIM FULTON gave to our space program, and I think all of us would agree that he probably was more aggressive, studied harder, and knew more about the subject generally than perhaps anyone in our midst. Therefore, his contribution to the American people and to the world has been tremendous.

I also speak from a personal standpoint. I have been privileged to go with JIM FULTON on some field trips. We traveled over the country in connection with the space program, and I learned to respect him, to like him, and to know him as an individual.

JIM FULTON has visited my congressional district. Less than a year ago, when we dedicated the Lyndon Johnson State Park and we transferred over the birthplace of the President to the Interior Department, JIM FULTON not only went to Austin, Tex., and up to the President's ranch, but he made it clear that he wanted to go, and he had that word spread. He felt privileged to go. He told the President then that he was a great admirer of his, and he considered it an honor to be there. Time after time on this floor JIM FULTON has asked me "How are President and Mrs. Johnson doing?" He said:

> I think he was one of our greatest Presidents. I think in time history will prove that fact.

And he said:

> I tell you, I was on the other side of the aisle, but I supported him because I think he was a great American.

He voluntarily made those statements over and over again, and I am sure he gives the same kind of support to the present occupant of the White House.

He believed in his country and in its leadership. He went out of his way to make it known.

We will miss him. We all extend our sympathies to his family. I consider him a great American, and I know this body is deeply grieved over the loss of this great statesman.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to my colleague from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Speaker, it was with a deep sense of shock that I heard only 2 minutes ago of the death of JIM FULTON. As a matter of fact, Mr. Speaker, we came to your office with 10 members of the French National Assembly, one of whom is Mme. Jacqueline Thome Patre-Notre, Member of the Chamber of Deputies of the French National Assembly, who was a great friend of JIM FULTON. The delegation was at Williamsburg last night and I was with them, and on the way from the airport today she said, "Can I see JIM FULTON? I must see him while I am here."

We came to your office, as I have said, 2 or 3 minutes ago and heard the news. In fact, I was going to use your phone to call JIM FULTON. So it came as a great shock to me.

He had many friends in France and other countries, because he has been on the Foreign Affairs Committee for many years, and he traveled to those countries and made friends with the people in them. He was a good ambassador for us.

It is difficult to say anything when you have had a shock like this within the last few minutes. JIM and I have been on the Foreign Affairs Committee many years. We often argued and debated with each other, but never got angry. It was always in the spirit of camaraderie; I enjoyed needling him a little, as he did me. We will miss him. He was my neighbor. His district is very close to mine.

I join with all of his colleagues in expressing sympathy to his family. We have lost a very outstanding American and a good Member of Congress.

Mr. SAYLOR. Mr. Speaker, I yield to my colleague, the gentleman from Pennsylvania (Mr. WARE).

Mr. WARE. Mr. Speaker, I thank the gentleman for yielding.

I am well aware of the fact that our distinguished colleagues have very ably paid their respects to JIM FULTON, and I shall not repeat them, but it does seem appropriate to me to mention the fact that as the newest addition to the Pennsylvania delegation, I am well aware of the kindness and courtesy with which our late departed dean of the Pennsylvania Republican delegation treated me.

In this he followed, of course, in the path of Bob Corbett, who was dean of our delegation at the time of my being sworn into the 91st Congress.

This, of course, was typical of JIM FULTON, and I think we might say in the words of the poet Sam Walter Foss, as JIM could have said and quite possibly did say:

Let me live in my house by the side of the road
Where the race of men go by:
They are good, they are bad, they are weak, they are strong,
Wise, foolish—so am I.
Then why should I sit in the scorner's seat,
Or hurl the cynic's ban?
Let me live in my house by the side of the road
And be a friend of man.

Mr. RANDALL. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Missouri.

Mr. RANDALL. Mr. Speaker, I was shocked early this morning when my administrative assistant called our home to tell me of the untimely passing of my good friend, JIM FULTON.

I look back with pleasant recollections on my association with this man. I was privileged to serve with him on the House Space Committee several years ago, when he served as the acting ranking Member, of that committee although the former Speaker, the gentleman from Massachusetts, Mr. Martin, was actually his senior on that committee. One thing I distinctly recall was his enthusiasm for the space program. On some of our first trips to the cape, in those early launches of Alan Shepherd and John Glenn he would ask permission for some of us to go out to the launching pad just after liftoff. The pad would still be hot from the booster fuel but he would search around for some little memento of the launch. Sometimes it was a piece of wire or a small piece of metal which he would have framed in commemoration of the event. Then he always made it a point to pay a visit to those handling ground control to commend them upon their work.

We went out to the Nevada testing ground one time many years ago, perhaps in 1959 or 1960. There I saw once again his great enthusiasm for our space effort. He believed in the value of space exploration and was never willing to back down to those who criticized the program.

JIM FULTON was a man who also had a great sense of humor. When we were together on a trip outside the States checking on our tracking stations in other parts of the world, sometimes the going would get a little rough and unpleasant. On any work trip one needs somebody around who has a good sense of humor. It is great to have one who at the right time can tell a humorous story to lift the spirits of those who may be getting a little tired near the end of a day or when called upon to start out very early in the morning. That person was JIM FULTON.

Our late departed friend was an exceptional person. He is one of the few Members of this House who was first elected without a campaign. That was true because he was elected to Congress while he was serving his country in the Pacific in World War II.

We have all heard of his many distinguished awards from organizations in the Pittsburgh area and, of course, we recall he was decorated by the Republic of Italy for service to the Italian people. He was an unselfish man and only last year served as chairman of the Heart Fund for the entire State of Pennsylvania. He was a good businessman, but in the businesses he operated, he was known as a fair competitor, who applied the Golden Rule to the business world. I am sure we will all agree such a trait of character is a rarity today.

He was always willing to help a new Member. I distinctly recall the counsel he gave when we first came here back in 1959. He went out of his way to help any fellow Member who asked for his help or advice. He is going to be missed. A man like JIM FULTON is an extraordinary person. We in this House because of his passing have sustained a loss.

Mr. MILLER of California. Mr. Speaker, the tragic news of the death of JIM FULTON comes as a most grievous shock to me. My profound sorrow is compounded, not only by the fact that he was the Ranking Republican member on the Committee on Science and Astronautics, but also by the fact that he and I began our service in Congress at the same time and, despite our differing political persuasions, we were the warmest of friends.

His devotion to the national space program began in 1958 during the days of the deliberations of the Select Committee on Astronautics and Space Exploration. He was one of the earliest and most stanch supporters of this Nation's venture into space and he rejoiced, with pardonable pride, over the success that the United States has achieved. He was truly one of the architects of the National Aeronautics and Space Administration and always guarded jealously its interests in the fact of broad and deep critical attacks upon its programs.

His human qualities, his kindness, his charity, and above all his patriotism, were well known to those of us who were closest to him in our committee work. It is a true mark of his character and his modesty that he consistently tried to hide or depreciate those human qualities.

At a time like this words always seem inadequate. The greatest accolade that we can bestow upon JIM FULTON is to say that he was a good man, totally committed to the welfare of his Nation and to his fellow man. May he rest in peace.

Mr. WAGGONNER. Mr. Speaker, I join my colleagues in expressing grief over the passing of our friend, JAMES G. FULTON, who was serving his 14th term as Congressman from the Pittsburgh area when he undertook that inevitable journey that we all must take.

JIM's solid achievements as a statesman won him his constituents' esteem, and he also won several journalism awards, particularly in the realm of science. In addition to his Congressional duties, JIM served a term as a delegate to the United Nations and as an adviser on space to the U.S. mission to the U.N.

Thus it was inevitable that I had the pleasure of working closely with JIM on the House Science and Astronautics Committee where his scientific expertise served as a vantage point in our quest to explore the unknown.

So as JIM fulfills his commitment with destiny in some yet unexplored part of the universe, it is a step ahead for him—but a giant loss for those of us he leaves behind.

Mr. GOODLING. Mr. Speaker, I am deeply grieved over the sad news that our distinguished colleague and my good friend JAMES G. FULTON has passed away.

JIM was a friendly type of person, always smiling easily and constantly ready with a warm handclasp. He was willing to extend a helping hand to anyone who needed it, and he had a wonderful way of making a person feel completely at ease in his presence.

He had great compassion for his fellow man, constantly conscious of the fact that what he did as a legislator would have, in some manner or other, an effect on the citizens of America. The action he took on legislation was motivated by what he thought would bring the greatest good to the largest number of people.

JIM derived great enjoyment from his legislative work, and he was consummately dedicated to getting the job done, whether the legislative work was in the committee or on the floor of the House of Representatives. He was recognized by his colleagues in the House as a highly skilled craftsman in the legislative workshop.

He recognized that being a Federal legislator was a huge responsibility which not only touched on the lives of all Americans but on the very life of our Nation itself. He bore this responsibility with dignity and competence, serving the best interests of his constituency in particular and the American citizenry in general.

JIM had a unique manner of introducing humor to a situation fraught with tension and dissent. A few calm words with a touch of humor and a soft smile were the oils that he applied to troubled waters.

In addition to this, JIM was a natural-born leader, assuming this role with the Pennsylvania delegation in the House of Representatives and in his legislative endeavors.

JIM will be missed. We can console ourselves, however, that the House of Representatives had the good fortune of having him as one of its Members for a good substance of time.

Mr. McDADE. Mr. Speaker, every Member of this House of Representatives has lost a rare and wonderful friend through the death of our beloved colleague, the Honorable JAMES G. FULTON.

It is difficult, even impossible, to put into words what JIM FULTON meant to me. He was a friend, but even more than a friend. He had an easy and relaxed grace about him that made his comradeship so delightful and so valuable. He had such a wealth of knowledge acquired through 14 diligent terms here in the Congress that he could instantaneously go to the heart of any problem and could suggest solutions which others might take weeks to find.

He was a man of deep culture. It was not possible to walk into his office without being startled immediately by the beautiful art works which adorned the walls. In the somewhat forbidding office buildings in which all of us perform our daily work, it was an oasis of tranquility that gave one a sense of the great continuity of man's quest for beauty, and so perhaps gave a sense also of mankind's quest for peace and justice under the law.

He was, above all else, an outstanding Congressman. He had come to Congress from the battlefields of the Pacific during the Second World War. For 14 terms, spanning a whole generation, his people returned him to office to serve them, and to serve them well, and to serve the people of the entire Nation even more. If you attended a meeting with the Postal Workers of America, the mention of the name of JIM FULTON evoked tremendous cheers. If you met with the business community to discuss their great challenge to keep America competitive in the world, they spoke of JIM FULTON as their friend. If one spoke of our enormous technological triumph, the space program, the name JIM FULTON came immediately to mind. You could go nowhere without meeting the friends of JIM FULTON and the admirers of JIM FULTON. He was a complete man who was respected everywhere, because he earned that respect.

To his brother, Robert G. Fulton, and to his three sisters, Elizabeth Krivobok, Emilie Thomas, and Fredania Gephart, every Member of this House, and I in a very personal manner, extend our heartfelt condolences. It is difficult to offer words of consolidation at a moment like this, but surely some of the pain of his departure must be eased by thinking of what manner of man he was. In the long history of the Commonwealth of Pennsylvania, the name of Fulton has been one which has always represented the highest aspirations in public service. In JIM FULTON, that name has achieved a new distinction.

We will miss this man who, in an age of hurry and anxiety, could always find time for the peace and tranquillity of great art. We will miss this man who, in a time of noise and confusion, could always find time to give some of his life to the beauty of great music. We will miss this man who was not only the leader of the Pennsylvania delegation here in the House of Representatives; he was one of the distinguished leaders of this whole Nation.

Mr. DULSKI. Mr. Speaker, the sudden passing of our distinguished colleague, the Honorable JAMES G. FULTON of Pennsylvania, comes as a great shock to me.

I am grateful for having had the opportunity to come to know JIM FULTON very well since I came to Congress in 1959.

We served together earlier on the Committee on Veterans' Affairs where he was a vigorous advocate of legislative help for our Nation's veterans.

Although he never served on the Committee on Post Office and Civil Service, he had an intense interest in our work. His was a continuing and outspoken concern for the welfare of our Federal employees.

Indicative of JIM FULTON's great interest in the Federal workers is the fact that he was here on the floor of the House last Monday for a crucial vote affecting Federal pay. He supported the position of our committee.

That was the day he entered Walter Reed Army Medical Center for a checkup. He was still at the hospital when he suffered his fatal attack last evening.

The last rollcall he answered came a little later that same day, Monday—a rollcall he personally forced by citing the lack of a quorum. The issue was House Concurrent Resolution 374, calling for the humane treatment and release of U.S. prisoners of war held by North Vietnam and its allies in Southeast Asia.

JIM FULTON was an outstanding legislator and a highly respected public servant. He will be sorely missed, but we can take comfort in having had the benefit of his intense interest, counsel, and leadership during his 14 terms in the House.

Mr. FINDLEY. Mr. Speaker, I will miss JIM FULTON as friend and colleague. He was a friend from the first day I arrived as freshman Member. He also took personal interest in every problem I presented to him.

On many occasions I made personal requests of him, asking his support for proposals, statements and legislation. I do not recall an occasion on which he failed to cooperate.

My association with him became even closer when I became a member of the House Committee on Foreign Affairs. I sat next to him and frequently looked to him for support and counsel.

He was a good citizen in every sense of the word. He was imaginative, courageous, kindly.

Mr. ANDERSON of California. Mr. Speaker, I was shocked when I heard of the untimely passing of our distinguished colleague from Pennsylvania, JAMES FULTON.

Congressman FULTON, the ranking Republican on the House Science and Astronautics Committee, was an effective spokesman for our space program. Through his guidance, the country watches NASA progress from infancy to a mature agency with amazing rapidity. Our accomplishments in space are no small token of the wisdom of the late JIM FULTON.

First elected to the 79th Congress, JIM's knowledge in the space and scientific fields was recognized by four Presidents—from Eisenhower to Nixon—as they appointed him to be an adviser on space to the U.S. mission at the United Nations. Prior to his appointment by President Eisenhower, JIM was appointed by President Truman as a U.S. delegate to the U.N. Trade and Employment Conference.

A member of the House Foreign Affairs Committee, JIM was recognized by the Italian Government for his assistance to Italian people, and was decorated by that Republic.

Mr. Speaker, the people of the 27th Congressional District, the people of Pennsylvania, and the people of this Nation, have lost a dedicated public servant. Mrs. Anderson joins with me in expressing our condolences and our deepest sympathy to the friends and family of the Honorable JIM FULTON.

Mrs. SULLIVAN. Mr. Speaker, the death of Congressman JIMMY FULTON of Pennsylvania comes as a shock. Just a day or so ago, we rode together on the subway from the Rayburn Building to the Capitol and he was his usual, genial, bantering, gallant, and chivalrous self. We had been good friends for many years. We had joined together, although of different political parties, in many legislative battles. He was one of the early supporters of the food stamp bill at a time when few Members of Congress from his party were willing to help on this effort to solve the problems of hunger and malnutrition in the United States But in company with several other Members of Congress with coal-producing areas in their districts, he was acutely aware in 1954—when I first introduced the food stamp bill—of the magnitude of distress and unemployment in the coal fields, and had the political courage to support this and numerous other programs to help alleviate human suffering.

He and former Congresswoman Elizabeth Kee of West Virginia, and the late Vera Buchanan, Herman P. Eberharter, and Robert Corbett, Gus Kelley and our present colleague, Congressman JOHN SAYLOR were instrumental at that time in persuading the Secretary of Agriculture to send boxcars full of surplus Government food into the mining areas, initiating a free food distribution program which grew to vast proportions. But those early proponents of surplus food distribution also recognized the limitations of that program and were enthusiastic supporters of the food stamp idea of distributing food to the needy through the regular grocery stores.

Congressman FULTON was also a strong advocate of Federal housing assistance programs, mass transit, urban renewal, and many other programs on which I have worked as a member of the Committee on Banking and Currency, and I always appreciated his help on these issues. As a member of the Committee on Foreign Affairs, he was deeply aware of human suffering around the world, and was instrumental in helping malnourished children abroad through UNICEF.

He was, like the late Sam Rayburn, a bachelor who tried to make all of humanity, and particularly children, part of his "family."

We shall all miss him deeply.

Mr. BLATNIK. Mr. Speaker, a distinguished Member of this body is no longer in our midst. JAMES GROVE FULTON, after serving the people of Pennsylvania and the Nation for over a quarter of a century, has been taken from us.

This man was a truly remarkable human being. He was the son of one of the most illustrious families of Pennsylvania. Members of the Fulton and Fettermen families had been leaders in government, religion, business, and law decades before the Revolutionary War.

JIM FULTON himself, in both his academic and legislature careers, carried on the tradition of excellence and public service that is the hallmark of his distinguished forebearers:

Doctor of laws, honors in mathematics and science, student of advanced technology, ranking minority member of the House Science and Astronautics Committee, Delegate to the United Nations, outstanding publisher and practicing journalist, Dean of the Pennsylvania Republican congressional delegation.

Mr. Speaker, JIM FULTON's achievements and honors could not be recited and commented on within the space of an hour. They are as numerous as the admirable facets of his talents and personality. But most significantly, JIM FULTON matched this excellence—this intelligence—this expertise—with a real genuine feeling for people. Indeed, everything he worked for and achieved would have been meaningless to JIM unless the good it represented reached the people.

After being with a colleague in the House for 25 years, you get to know him pretty well. I most particularly enjoy remembering how JIM related to his people. He was outgoing, without being overwhelming. He was good humored without losing his gentle dignity. He understood the most complex and abstruse scientific matters without becoming aloof from people and without divorcing that knowledge from the welfare of the people it must promote.

Mr. Speaker, JIM FULTON struck that balance in his life that we all strive for. We in the House will miss him. We assure his family that their loss is our loss—Pennsylvania's loss—the American people's loss.

Mr. BIESTER. Mr. Speaker, I join my other colleagues both from Pennsylvania and from around the Nation in mourning the sudden passing of our late dean of the Republican Pennsylvania delegation, JIM FULTON.

JIM FULTON was in every sense of the word a truly civilized man. He was warm and witty in his associations with Members. He cared deeply about the progress and the problems of his district and also about the individual problems of each of his constituents. He was thrilled by the challenge of the unknown and struggled long and hard for the success of the space program which has so successfully challenged the mysteries of space. He loved the Smithsonian and was devoted to music and the arts, as well as science. He was a man who sought to replace ignorance with knowledge, timidity with courage, ugliness with beauty, inequity with justice, and despair with hope.

Mr. Speaker, these are truly the qualities of a man devoted to what we so frequently characterize as civilization, and his embodiment of these qualities graced this House all the years he served. Mrs. Biester joins me in extending our sympathies to his family and the people he served so well.

Mr. STRATTON. Mr. Speaker, I was shocked and saddened this morning, arriving at the Capitol, to learn of the sudden passing of my good friend and our beloved colleague JIM FULTON.

JIM was one of the outstanding and very dedicated Members of this body, and one who never hesitated to speak his mind on any question, without reference to mere party affiliations and without regard to whether his point of view might or might not currently be popular. He was a Republican who represented a working-class Democratic district in Pennsylvania, and yet the support which his people gave to him year after year demonstrates the successful job he performed for them and the esteem in which they held him.

JIM FULTON was also a pillar of strength on the Science and Astronautics Committee from its very outset. He enjoyed reporting to the House on the floor, even when it meant interrupting debate on other subjects, on the progress of individual space shots, and he consistently supported the continuation of an effective space program, even in the face of the opposition which has been mounting in recent years because of our budget difficulties.

I remember only a few weeks ago talking with JIM about this subject and about the matter of whether we should continue manned shots to the moon. JIM pointed out to me the vast scientific data which has already been picked up by virtue of our moon landings and indicated that some of the information we have acquired could prove of invaluable assistance to us in the future. For example, he pointed out that some qualities of space dust impede the growth of bacteria and thus might some day result in moon dust being used to sterilize wounds in the operating room. He also mentioned how other elements found in moon dust appeared to encourage the growth of certain plants, and suggested that in the future moon dust might also be manufactured as a highly effective fertilizer.

JIM's mind was always active and fertile and he was an interesting and exciting person to be associated with.

Mr. Speaker, my own acquaintance with JIM FULTON began back in 1959 when I first came to this Chamber and he was one of the more senior Members of the House who took time out to participate in the seminar for newly-elected Members that was originated and operated by the Library of Congress at that time. I remember on one of those afternoons that Jim Fulton took me to his office, then located in the Cannon House Office Building, and pointed out the remarkable paintings which largely took up his office space there, and still do in the Rayburn Building. He warned me then, although I am afraid I probably have never followed his admonition as strictly as I should have, that it was most important for a Member of Congress to leave adequate time for himself to think, and not to let himself get bogged down with the routine of the office. Jim succeeded in this regard in a remarkable way, transferring almost all of his office routine from Washington to his district office in Pittsburgh. Yet the success with which he was returned to office year after year from a district where the opposing party far outnumbered his own in enrollment demonstrated that he had not, in finding time to think about the larger questions with which we are all concerned, neglected the very essential job of effectively representing his constituents in meeting their needs and problems.

Jim Fulton was also a member of the Naval Reserve and, until the time of its termination, an active and interested member in the Reserve company, made up of Members of Congress and members of congressional staffs, which met each week here on the Hill.

I was honored and pleased to regard Jim as a friend, and I know we will miss his counsel and advice in these Halls for many years to come.

Mr. BENNETT. Mr. Speaker, our country suffered a great loss in the passing of Congressman James Fulton. He was a close personal friend of mine and in fact we claimed to be cousins because of a believed relationship between each of us to Congressman Buzz Lukins who recently served here in Congress. In any event, we were mutual supporters of what we felt to be best for our country. It was always an inspiration for me to talk with him about things he was planning to introduce or to support for the betterment of all America. He joined in encouraging and assisting me in legislation I had under consideration and in fact the last communication I had from him was the following wire in support of legislation for the instruction in ethics and standards in public schools:

> Dear Charlie: Count on my cosponsoring with you the legislation which we cosponsored in the 91st Congress to provide Federal grants to assist elementary and secondary schools in carrying out programs to teach ethical and moral principles. It is a pleasure to continue my support for this good cause.
>
> Congressman Jim Fulton.

Mr. Speaker, it is never easy to say goodbye to a fine man like Congressman Fulton, but he went at a time when he was at the peak of his great abilities and pressing forward to even greater attainments than he had already achieved. This truly puts a cap of glory upon his long and devoted service.

Mr. PRICE of Illinois. Mr. Speaker, the news of the passing of our colleague, the Honorable James G. Fulton, of Pennsylvania, came as a shock to me as it did to all Members of this body. I knew that Jim had suffered a serious heart attack about a year and a half ago but the suddeness of his death took me by complete surprise since it was only a few days ago that I had engaged in a most pleasant conversation with him.

Jim Fulton and I entered the 79th Congress together and through the 27 successive years of our service in the House we have been close friends. His background in newspaper work was similar to mine, providing a mutual interest. Like myself he was elected to Congress in 1944 while still in military service in World War II.

He had a remarkable background, political, newspaper, and law—in all of which he excelled. As a Member of this body he performed important service in committee assignments in foreign affairs and science and astronautics—in the latter field he was considered a congressional leader. He was the ranking Republican member of the Committee on Science and Astronautics and frequently took the floor in defense of manned space flights.

Mr. DANIELS of New Jersey. Mr. Speaker, I want to join my colleagues in expressing my deep regret at the unexpected passing of our colleague from Pennsylvania, Jim Fulton.

I was deeply shocked today to learn of Jim's untimely death. I remember him as a hardworking man who prided himself on his knowledge of the legislation which came before, not only the two committees of which he was an active member, but the entire House.

I think we were all especially grateful to Jim for his understanding of the problems of foreign policy. Often, as ranking minority member of the Foreign Affairs Committee, his presentations of his arguments in debate gave all of us a better understanding of the problems with which we had to deal. In that respect especially, he will be greatly missed for we all counted on him a great deal.

I for one, shall miss him personally. He was a wonderful man whom I consider it a privilege to have known.

Mrs. Daniels and I offer our deepest sympathy to Jim Fulton's family.

Mr. FUQUA. Mr. Speaker, the passing of Representative James Fulton removes from our midst an outstanding Member of the Congress and a warm personal friend.

It was my privilege to meet him when I first came to the Congress and was assigned to the Science and Astronautics Committee, of which he was a vigorous and articulate member.

The thing I shall most remember him for was his sincere and dedicated interest in scientific development, particularly as it applies to cooperation between nations in this field.

It was largely through his efforts that a subcommittee titled International Cooperation in Science and Space came into being, and I was privileged to be named chairman of that group. Jim Fulton was a man with a keen mind and was most helpful with constructive suggestions to develop this area.

Particularly should credit be paid for his contribution to the space program. His was a strong voice for America's space program and man's age-old dream of landing a man on the moon.

When Neil Armstrong walked on the surface of the celestial body, much of the life's work of Jim Fulton reached fruition. There were so many contributions that he made to the space program that they would be impossible to enumerate.

Suffice it to say that in his life, his contribution to space exploration was essential for his time and that he deserves a special niche in the hall of history for those contributions.

The good people of his district in Pennsylvania elected him to Congress for 14 terms. Only 19 Members have served longer at his passing. But, it is not the length of his service that we honor today—it is rather the quality of his work and his dedication. He will be missed in the Congress.

Mr. BELL. Mr. Speaker, it was with profound shock and sadness that I learned of the death of our beloved colleague, Jim Fulton.

The feeling of disbelief that he is gone will not fade. I had the pleasure and the privilege of serving with Jim on the Science and Astronautics Committee ever since I came to Washington nearly 11 years ago. Jim was our ranking minority member for 5 of those years. His strong leadership on the committee and in this House will be missed no less than his indomitable spirit of good will and his impish sense of humor. Also missed will be his extraordinary innovative methods of attacking problems.

But Jim Fulton has left a legacy that will influence not only the lives of this and future generations, but, indeed, of world civilization itself. That legacy is a program of space exploration now in its infancy that might never have even begun without Jim's dedicated support, untiring work and unsurpassed leadership as he annually helped to steer the complex space authorization through legislative channels.

Jim's foresight and stanch recognition of the incalculable benefits of our Nation's role in space never dampened. In lighthearted moments during committee work. Jim would suggest that a crater or rille on the moon should appropriately be named in honor of our distinguished committee chairman, Mr. Miller of California. But perhaps the most fitting tribute to Jim's memory would be the naming a moon landmark after Jim Fulton himself. I am sure he would prefer a memorial on the moon to any mere earthbound recognition.

We will miss Jim Fulton. And I join in offering deepest sympathy to Jim's brother and sisters for their loss, a loss we all share.

Mr. FLOOD. Mr. Speaker, as a colleague, as a Pennsylvanian, and most of all as a dear friend, I too mourn the sudden unexpected passing of our beloved fellow Member of the House, James G. Fulton.

Jim Fulton was an accomplished man in every sense of the word. He was in the service of his country first as a distinguished naval captain in World War II. As a member of the Committee on Foreign Affairs, he showed depth, good judgment, and wise counsel in the concern he had for the American interest in our foreign affairs.

As a Member of the House, he will always be remembered as the advocate and champion of the greatest scientific undertaking ever conducted by this country, from the launching of early unmanned space satellites to the landing of man on the moon. As the ranking minority member of the House Committee on Science and Astronautics, he put partisan interest aside, and helped to lead the expressions of support for our space program in the Congress.

Mr. Speaker, a certain kind of friendship is bound to develop among Members from the same State delegation, but our friendship was of the closest and warmest over the years. JIM FULTON and I were sworn in for the first time on the same day in 1945 and since then it was always my privilege to know him and call him my friend. May God rest his soul.

Mr. MANN. Mr. Speaker, JAMES GROVE FULTON was a man whose roots ran as deep into the soil of this Nation as the history of the American dream itself. He was not a man to rest calmly on his inherited laurels, however, as are so many well-born people. He graduated from Penn State with high honors, both in math and in political science, and went on to win a doctor of laws degree from Harvard Law School 3 years later. Following 2 years of postgraduate study at Carnegie Tech, he entered the Pennsylvania State Senate, but shortly volunteered for military service in 1942. He returned from the Philippine combat area in 1945 to take a seat in the 79th Congress and has been here ever since, in a remarkable career that stretched over nearly three decades.

Study and perseverance were the keys to the success of JAMES GROVE FULTON. Foreign policy and technology were his interests. He was appointed U.S. Delegate to the United Nations by President Eisenhower in 1959, and since then served as space adviser to the U.S. Mission at the U.N., being reappointed in a noteworthy show of bipartisan approval by Presidents Kennedy, Johnson, and Nixon. As ranking Republican member of the House Science and Astronautics Committee, JAMES GROVE FULTON had enormous impact upon our space advances during the technologically exciting past decade.

This surely was a man with whom one was proud to serve. With his remarkable combination of dedication and ability, he leaves this House and this Congress the poorer for his passing. But he also leaves us with an inspiration, which has been put so well in an immortal poem:

> Lives of great men all remind us
> We can make our lives sublime.
> And, departing, leave behind us
> Footprints on the sands of time;
>
> Footprints, that perhaps another,
> Sailing o'er life's solemn main,
> A forelorn and shipwrecked brother,
> Seeing, shall take heart again.
>
> Let us, then, be up and doing,
> With a heart for any fate;
> Still achieving, still pursuing,
> Learn to labor and to wait.

Mr. BROOMFIELD. Mr. Speaker, it is with a heavy heart that I rise today to pay my respects to our late colleague the Honorable JAMES G. FULTON of Pennsylvania.

During my years in Congress, I have had the pleasure to count him as a friend and able adviser. As members of the Foreign Affairs Commitee, we had occasion to share many moments together; moments which I especially value today. I, for one, profited from his advice and direction. He possessed a singular ability to grasp and unravel the most perplexing problems.

As the dean of the Pennsylvania congressional delegation, his devotion to his State and district was outstanding. His passing creates a void that will not be easily filled. Congress and all those who were privileged to call him a friend will long remember him for the gentleman and statesman that he was throughout his life.

Mr. Speaker, JAMES FULTON was truly a renaissance man—a leader, counselor, a patron of the arts as well as science The man possessed a rare combination of talents and chose to dedicate them in a life of public service for the benefit of his country and fellow Americans. For this reason then, we all mourn and regret his sudden passing.

Mr. FASCELL. Mr. Speaker, I deeply regret the sudden death of our colleague and my good friend, Congressman JAMES FULTON, and join in tribute to his long and distinguished career in the House.

I served with JIM on the Foreign Affairs Committee for many years, and found the scope of his interest and the extent of his knowledge quite remarkable. His penetrating questioning during committee sessions always showed a keen comprehension of difficult and diverse issues. Preparation marked his success. His diligence and conscientious study of each issue must be commended. We on the committee will certainly miss his help and influence.

Special note must also be made of his contributions to our space efforts. As ranking minority member of the Science and Astronautics Committee JIM played an important leadership role in shaping the success of our space program.

While fulfilling his committee responsibilities, JIM admirably represented his congressional district in Pennsylvania. He executed his duties in every sense in an exemplary manner.

The Nation, the Congress, the State of Pennsylvania, and the residents of Pennsylvania's 27th Congressional District have lost a valuable public servant.

Mr. GOLDWATER. Mr. Speaker, I was grieved to learn that America has lost a great statesman. I had the honor and privilege to serve with Congressman JAMES FULTON from Pennsylvania, on the Science and Astronautics Committee. As the ranking Republican, he contributed much to our country's national space program. During these trying times, we will certainly miss the strength of JAMES FULTON. My deepest sympathies go to the Congressman's family.

Mr. MONTGOMERY. Mr. Speaker, I join with my colleagues in mourning the untimely passing of our colleague JIM FULTON of Pennsylvania. He was a very warm person that always showed a sincere interest in others. It was only within the last year that I had an opportunity to know JIM FULTON on a really close, personal basis. I realize now how much I missed by not knowing him better for the 5 years I have served in Congress. I extend my sincerest sympathy to his family. JIM FULTON will truly be missed.

Mr. ROONEY of New York. Mr. Speaker, I was utterly shocked this morning to learn of the sudden passing of the Honorable JAMES G. FULTON of Pennsylvania. JIM FULTON was a good and close friend of many years' standing—he came to the 79th Congress after my arrival in the latter part of the 78th Congress. JIM'S warmth, good humor, and candor won him the admiration and respect of all Members on both sides of the aisle. The longer one knew JIM, the more one came to like him and admire his many fine accomplishments. He brought great talent to this body. An award-winning science writer, JIM was the ranking Republican member of the House Committee on Science and Astronautics, where his expertise was welcomed and put to good use. He had also served as an adviser on space to the U.S. delegation to the United Nations. He served, too, with great distinction as a member of the House Committee on Foreign Affairs. JIM FULTON was in every sense of the word a complete man, a man that we are all proud to have known and served with. We shall miss him very much. To his brother and sisters, I extend the Rooneys' deepest sympathy upon their great loss.

Mr. RYAN. Mr. Speaker, it is with a heavy heart that I join my colleagues in paying tribute to the memory of our departed colleague, JAMES FULTON. I am deeply saddened, as I know all of us are, by his sudden death.

My friendship with JIM FULTON was formed when I was first elected to Congress and became a member of the Science and Astronautics Committee where JIM served with so much enthusiasm and dedication. As a student of the space program, JIM contributed a great deal to all of the legislation which was reported out of the Science and Astronautics Committee. His imprint on the Mercury, Gemini, and Apollo manned space flights was clear. When the history of the development of the crash program to land American astronauts on the moon in the decade of the 1960's is written, the name of Congressman JAMES G. FULTON of the 27th District of Pennsylvania will loom large.

JAMES FULTON was the senior Republican member of the Pennsylvania delegation in the House and ranking Republican on the Science and Astronautics Committee. He was in his 14th term as a Representative from Pittsburgh. In his ability to work in cooperation with others, he developed many friendships on both sides of the aisle.

JAMES FULTON showed his independence on a number of votes in the House. He was concerned with civil rights and social justice. He was the author of a proposal several sessions ago to alter the

National Pledge of Allegiance to include a guarantee of equal opportunity for all.

JIM FULTON's forebearers were active since the 1700's in the civic affairs in western Pennsylvania and the South Hills section of Pittsburgh. He was, at different times in his career, a rancher, a lawyer, a newspaper publisher, and public official. He was the Republican candidate for solicitor of Pittsburgh's Dormont Borough in the 1930's, and was elected. Shortly afterward, he was the Republican nominee for State senator from the same district, and was again elected, serving from 1939 to 1940.

He served in World War II as a naval lieutenant, and while still in uniform in the Pacific area was elected to Congress in 1944.

As a Member of the House, JIM FULTON held numerous positions of distinction. In the 80th Congress, for example, he was chairman of a Special Subcommittee on Displaced Persons. Under President Eisenhower, he served as an American delegate to the United Nations. Under Presidents Kennedy, Johnson, and Nixon, he served as an adviser on space matters to the American mission at the U.N. He was at one point decorated by the Republic of Italy and was a recipient of the Columbus Medal, on the recommendation of Latin American ambassadors.

Congressman JAMES FULTON obviously had the respect and confidence of his constituents, and he was dedicated to their interest. I know he will be missed in his district in Pittsburgh, just as he will be missed in the House of Representatives. An able, independent, and compassionate colleague has left us, and we are the better for having known him and for having enjoyed his friendship.

Mr. CRANE. Mr. Speaker, it is with sadness that I rise to eulogize our departed colleague, the late distinguished gentleman from the 27th District of Pennsylvania, my friend, JIM FULTON.

JIM was a man of unfailing courtesy, good humor, and friendly helpfulness. Many times he was of assitance to me in various matters regarding pending legislation.

Others who had the honor of working with him on the Science and Astronautics and Foreign Affairs Committees can better extoll his virtues in those vitally important areas, but as a young Member of the House of Representatives, I could not let this opportunity go by without commenting on the personal loss I feel in JIM's passing. He will be missed by all of his friends. Arlene and I extend our sympathy to his father.

Mr. CELLER. Mr. Speaker, the sudden death of my colleague and friend, JIM FULTON, has left me bereaved. For many, many years we have associated in the work of this House, and a more understanding and sympathetic man would be difficult to find. He identified with the downtrodden and those who were helpless. His interest in the problem of refugees was boundless, and he devoted much of his time in helping them.

JIM was a man of the widest of interests, and his devotion to art is known by all. Each week would appear in the CONGRESSIONAL RECORD a list of activities of the National Art Gallery, which provided a unique service to those of us who follow the arts. His sense of humor and his empathy endeared him to all—the Members of this House, his constituents, and the staffs as well. He drew no social distinctions. His was a great heart. His departure leaves this world a little bit colder.

Mr. DENT. Mr. Speaker, all of us in Pennsylvania mourn the passing of a distinguished citizen, esteemed colleague, and a valuable friend, the late Representative JAMES G. FULTON. He will be sorely missed by the House of Representatives and by the citizens of the 27th Congressional District which he represented so faithfully for over 26 years.

Over the years, Representative FULTON and I have occasionally disagreed, but we have always resolved our differences in the spirit of fair play and statesmanship. JIM held fast to his ideas, but he was always willing to listen to reason and consider the other side. Many times I have watched him across the aisle effectively arguing his viewpoint, never out of passion, but always out of reason and heartfelt commitment. Above all, he was a man who rose above partisan politics when it came to the security and well-being of our country.

His mark has been made on many works of legislation that have passed before this body, and his contributions to our country's space program through his membership on the Science and Astronautics Committee—of which he was the ranking minority member—are numerous. JIM has always considered the conquest of space one of our country's highest goals, and thereby earned the respect of all those who have been involved in the program.

In addition, JIM has proved himself, over and over again, to be one of our country's most astute journalists. The many awards he has received over the years more than attest to this fact. His passing is a great loss to the State of Pennsylvania, to its people collectively, and to me as one of his friends and colleagues.

Mrs. Dent joins with me in extending prayerful sympathy to his brother, Robert Fulton, his staff, and his many friends.

Mr. O'NEILL. Mr. Speaker, I want to express my sorrow over the passing of Congressman JAMES G. FULTON of Pennsylvania. Congressman FULTON served for over two decades in the House of Representatives, both as a member of the House Science and Astronautics Committee, and the House Foreign Affairs Committee. A distinguished journalist and public servant, Congressman FULTON contributed to the stature and expertise of the House of Representatives. As well as serving the people of the 27th District of Pennsylvania, JIM FULTON was a U.S. delegate to the United Nations, and an adviser on space to the U.S. Mission to the U.N. His accomplishments thus spanned the diplomatic and legislative fields.

Mrs. O'Neill and the entire O'Neill family join me in mourning the untimely death of the late Member of Congress from Pennsylvania, JAMES G. FULTON.

Mr. ALBERT. Mr. Speaker, under leave to extend my remarks I include the following statement of former Speaker John W. McCormack, issued upon his having learned of the death of our distinguished colleague and friend, Representative JAMES G. FULTON. The statement follows:

> I am deeply touched and distressed with the passing of my valued friend, Congressman Jim Fulton of Pennsylvania. He was one of the closest friends I had, not only in the Halls of Congress, but outside. I admired and respected him very much. He always fought the battle of the people, and he always fought for a firm foreign policy and a strong national defense, so important particularly in the world of today.
>
> He served on the Select Committee on Outer Space of which I was chairman, and we cooperated with the other Members in getting through the bill establishing NASA. He was a member of outstanding distinction on the House Foreign Affairs and House Science and Astronautics Committees.
>
> Mrs. McCormack and I extend to his brother and sisters our deep sympathy.
>
> He was a great American, always buoyant, his personality captivating, one of the most dedicated Members of Congress I ever served with. He had the spirit of government and democratic institutions, and the government can be proud of the record he made.

Mr. NATCHER. Mr. Speaker, I rise to pay humble tribute to the memory of my friend, JAMES G. FULTON.

Honor, ability, and integrity were the hallmarks of JIM FULTON's long career in the House of Representatives. With his unsurpassed knowledge and understanding of the House of Representatives and its rules, he was a commanding figure throughout his long tenure in the House.

On October 4, 1957, the Soviet Union succeeded in placing their first sputnik in orbit. At that time, as you know, we did not have the thrust to place a satellite in orbit, and this fact was of great concern to the people in this country.

President Eisenhower called upon the Congress to make every move possible to see that we developed a space program which would not be second and inferior to any country in the world, but one that the strongest nation in the world economically, spiritually, and militarily could be proud of. A Select Committee on Astronautics and Space Exploration was set up in the House and in the Senate during the month of January 1958, and our former Speaker John W. McCormack, who was serving as majority leader at that time, was named as chairman of the Select Committee in the House. Twelve other House Members were selected by our Speaker, the late Sam Rayburn, and one of those selected was JIM FULTON. On the Republican side we had Joseph W. Martin, Jr., as the ranking minority member, LESLIE C. ARENDS, Gordon L. McDonough, JAMES G. FULTON, Kenneth B. Keating, and GERALD R. FORD. In addition to Mr. McCormack on the Democratic side we had Overton Brooks, Brooks Hays, Leo W. O'Brien, LEE METCALF, myself, and B. F. SISK. The chairman of the Select Committee on Astronautics and Space Exploration in the Senate was Lyndon B. Johnson, who, at that time was the majority leader. I have always considered it an honor to have been permitted to serve on this select committee. After holding hearings during the year 1958 with outstanding men and women from this country and other countries appearing before our committee, we prepared the space law which was submitted to the House and accepted without an amendment. The Senate accepted our bill, and this is the basic law under which we operate today. Following the space law enactment, the necessary standing committees on space were set up in the House and in the Senate.

Jim Fulton, in addition to serving as a member of the Committee on Foreign Affairs, was a member of the new Space Committee that was set up, and continued his membership on these two committees until the time of his death. Jim Fulton struggled long hours working with total dedication for the things in which he believed. He was a brilliant defender of our space program and was a close observer and a real advocate of a great many foreign policy decisions that were made down through the years. History will record the fact that Jim Fulton has been good for the House of Representatives and his service on the Space Committee especially will be recorded in history as dedicated service of a true believer and one who recognized the urgency and importance of this outstanding program.

My friend Jim Fulton was a humble man. We admired him for his brilliance. We loved him for his warm humanity, and certainly, Mr. Speaker, we will miss him in the House of Representatives.

I extend my deepest sympathy to the members of his family.

Mr. FISHER. Mr. Speaker, like all other Members of this body, I was shocked and grieved by the untimely passing of Jim Fulton. For 26 years he served with much alertness, ability, and distinction. His repeated reelection attested to the high quality of his character and responsible representation in the Congress. He will be remembered as one who was always present, always active, and always devoted to legislation which was in the public interest.

Our departed colleague was a ranking member of the Committee on Science and Astronautics. In that capacity he became an authority on matters related to NASA, and he always took an active interest in legislation on the subject. His counsel and advice was always welcome because of the expertise he provided.

Jim Fulton was highly respected by all who knew him. He was agreeable, never offensive, and operated on a high level of good manners and statesmanship. His shoes will not be easy to fill.

Mr. YATRON. Mr. Speaker, I would like to pay tribute to the memory of my good friend and colleague, the Honorable James G. Fulton. We who knew him in the House of Representatives and the State of Pennsylvania, know that we have lost one of our finest legislators. Pennsylvania has certainly lost one of its noble men and a Representative who thought always of the welfare of his State and his Nation. There can be no doubt, therefore, that he dedicated his life to superb service for his constituents during his 14 terms as a Congressman.

In recent years he has, of course, served with great distinction on the Committee on Foreign Affairs. He had the balance and the judgment which the major issues considered by that committee require.

Mrs. Yatron joins me in extending our deepest sympathy to his brother, Mr. Robert D. Fulton and his two sisters, Mrs. Paul Gephart and Mrs. Elizabeth Krivobok in their bereavement. All of us in this body feel a very deep sense of loss and sorrow in the passing of this distinguished lawyer and devoted legislator. We shall miss him greatly in the committee and in this House.

Mr. PELLY. Mr. Speaker, the sudden death of Jim Fulton, Pennsylvania's ranking Republican in the House of Representatives, was a shock to all his friends and especially to those of us who had long worked with him on the House Committee on Science and Astronautics.

That Representative Fulton was a unique character is to put it mildly. He made up his own mind and always voted and spoke his own views forcefully. I am sure he served the interests of his legislative district well because he was a very resourceful legislator.

When the history of the House and committees is written, it will be comprised mostly of biographies of individual Members, and so when the years 1945 to 1971 are compiled, the biography of James G. Fulton, Republican of Pennsylvania, will stand out for conscious, dedicated public service.

For this, and his friendship, Jim will be greatly missed.

Mr. SCHNEEBELI. Mr. Speaker, I should like to join in expressing grief over the passing of our late colleague, the Honorable James G. Fulton, who was the epitome of a Member of Congress

During his 14 diligent terms in the House of Representatives, Jim very willingly and generously shared his vast knowledge and expertise as a Federal legislator when called upon by his fellow Members. His specialty was in matters relating to foreign affairs and our country's role in the innovative space program. However, his billiance was not confined to these areas—he had a keen insight and perception of a wide variety of problems affecting our country. Outspoken when injustices presented themselves, Jim effectively sought changes and corrections where they were needed.

Jim was dean of the Pennsylvania delegation and as a senior member of the Committee on Committees was most cooperative in obtaining good committee assignments for the Pennsylvania delegation, for whom he had a great sense of loyalty.

His respect for our country and its fine traditions could not be surpassed. He was a dedicated public servant in Washington and Pittsburgh, probably motivated by the fact that his ancestors for several centuries had been actively engaged in civic affairs.

As a human being, Jim was a man of gentle nature, attractive personality, and spread an aura of warmth among the people with whom he came in contact. His compassion for his fellow human beings knew no bounds. His employees were the beneficiaries of his thoughtfulness—one fine example was his making his Florida home available to them on a generous basis. His personality ranked him among the top bachelors in Washington social functions and Jim was a favorite at numerous embassy parties.

Jim Fulton's presence in the House will be sorely missed. We, who have been fortunate to serve with him, can be gratified for having had that privilege.

Mrs. Schneebeli joins me in extending condolences to Jim Fulton's brother and three sisters in their great loss.

Mr. ESHLEMAN. Mr. Speaker, I was shocked and deeply saddened by the death of my colleague and friend, James G. Fulton. Pennsylvania and the Nation have lost a dedicated servant, and those of us in this legislative body know that the Congress has lost a colorful and valued Member.

Jim will be remembered by many people for the things he fought for hardest. He took a keen interest in the space program and President Nixon has noted his contributions to that great national adventure. He was committed deeply to the cause of equal justice for all men. He was a patron of the arts. And, as a member of the Foreign Affairs Committee and a delegate to the United Nations, he was a student and a participant in the international relations of our country.

But Jim will be remembered by those of us who knew him well for his many personal kindnesses. Recently, when I was recuperating from a heart attack, Jim made it a point to call me regularly. He phoned not just once but several times to inquire about my progress and keep me informed. And each time I knew that it was not just a call from the dean of the Pennsylvania Republican delegation but a call from a concerned friend.

Our country was the benefactor because Jim Fulton loved it and served it. Each of us in this Chamber are benefactors for having served with him. We mourn the loss of this great and good man.

Mr. EVINS of Tennessee. Mr. Speaker, I was shocked and saddened to learn of the untimely passing of our late colleague and friend, Congressman James G. Fulton of Pennsylvania, who passed away last week. Permit me, Mr. Speaker, to take this means of joining the members of the Pennsylvania delegation and others in paying a brief but sincere tribute to his memory.

Jim Fulton was an outstanding Congressman dedicated to the highest traditions of public service. As ranking minority member of the Committee on Science and Astronautics, he made a lasting and oustanding contribution to the advancement of science by America, especially in the field of space exploration.

He was also a senior member of the Committee on Foreign Affairs and served as a delegate to the 14th General Assembly of the United Nations.

Jim Fulton was able, genial, and personable. He will be greatly missed. His service to his district, State, and Nation was outstanding. As dean of the Pennsylvania delegation, he was a strong and unswerving advocate of the highest principles of public service.

Mrs. Evins and I extend our deepest and most sincere sympathy to members of the family of JIM FULTON in their loss and bereavement.

Mr. DERWINSKI. Mr. Speaker, I was deeply saddened to learn of the death of my colleague, JAMES G. FULTON of Pennsylvania.

Representative FULTON embodied all the qualities and talents that are essential to the makeup of an effective legislator, and handled the demanding responsibilities of his congressional committee assignments with intelligence and insight. He was also a genial and personable legislator devoted to the public interest. He served his district, State, and Nation well and faithfully. At all times he was cognizant of and served the best interests of our country.

Mr. Speaker, we have lost the services of a respected and dedicated colleague; one who had acquired many, many friends through his long years in this body.

Mrs. Derwinski joins me in extending our deepest and sincere sympathy to members of his family in their loss and bereavement.

Mrs. HANSEN of Washington. Mr. Speaker, I wish to join my colleagues in expressing my sorrow in the passing of the distinguished Congressman from the 27th District of Pennsylvania, JAMES G. FULTON. The strength of his convictions and the insight and depth with which he arrived at them were assets to the entire House of Representatives and they will be difficult to replace.

Such insight and depth were expected in a man who had, prior to and during his 26 years in Congress, served as a respected representative to the United Nations, a journalist esteemed by professionals, a successful lawyer, and a decorated naval officer. True to form, when we expected the best from him, he never disappointed us.

As the ranking minority member of the Science and Astronautics Committee, JAMES FULTON shared responsibility for the success of this Nation's space program, and of the residual benefits that program has produced. As a member of the House Foreign Affairs Committee, he represented our country before the United Nations' delegation with distinction on numerous occasions. As a Member of Congress for 26 years, his contributions to our great body of laws and to the legislative process are indelible evidence of his dedication to his country, and of his ability to serve that country, the people of Pennsylvania, and the 27th District in a most effective and honorable manner.

I regret his untimely death, and I offer my deepest sympathy to the family and to the closest friends of the late Congressman.

Mr. SHRIVER. Mr. Speaker, the House of Representatives once again has been shocked by the passing of our colleague, JAMES G. FULTON of Pennsylvania. I join other members in paying tribute to the late gentleman from Pennsylvania. We have lost a sincere, friendly, and capable member. JIM FULTON was a kind man with an excellent smile and warm personality. He was blessed with a good sense of humor and an attitude of fairness. It can be truly said that this is a better country because of the long and faithful service of JAMES G. FULTON.

Mrs. Shriver and I extend our heartfelt sympathy and condolences to the members of his family.

Mr. SIKES. Mr. Speaker, another of our valued colleagues has been taken from us and this House will mourn the passing of JAMES FULTON of Pennsylvania.

JAMES FULTON brought to the Congress a name prominent in Pennsylvania public life for over 200 years. He leaves each of us a legacy of service which will be hard to match in any State.

Serving as the senior member of his party on the House Science and Astronautics Committee, he also distinguished himself as a delegate to the United Nations as an adviser on space matters. He further left his mark on history as an important member of the Foreign Affairs Committee where he served with dedication and distinction.

JAMES FULTON stood for those things that are good in America and he never dispaired for the future of his beloved country. He worked only harder in the face of adversity to keep the Nation strong and free.

Even his entrance into Congress was unique, as was his service later. He was elected to this body while serving as a lieutenant in the U.S. Navy and was flown to Washington to take the oath of office from active combat duty in the service of the United States in the Philippine Islands.

None who served with JAMES FULTON soon will forget all that he meant to us. He served as a strong voice, a guiding hand, and a willing worker to all who knew him.

The Congress will miss him and I extend my deepest sympathies to his family and to the people of Pennsylvania whom he served so well for so many years.

Mr. BYRNE of Pennsylvania. Mr. Speaker, this Congress, and especially the Pennsylvania delegation, has suffered a grevious loss with the passing of our dear friend and colleague, JAMES GROVE FULTON, who represented the 27th District of Pennsylvania since February 2, 1945.

That might seem like an unusual date to take a congressional seat, and indeed it was; but JIM FULTON had a little longer to travel than is usual for a Congressman. JIM was elected to the Congress while in combat in the Pacific as a naval officer. He was actively engaged in the Philippines campaign when he returned to take his seat.

What can one say about JIM FULTON which has not been said before—and undoubtedly better. He was a man—a very human man, a very talented man, a very feeling man. Professionally, he was an attorney, a distinguished journalist and—especially—a legislator.

Science and science writing had a special fascination for him and, indeed, he became a recognized world expert in space and aeronautics.

He distinguished his career even further as a delegate to the United Nations, appointed by four Presidents.

His death leaves a serious vacuum to be filled in this House. And he leaves many friends here, among whom I am honored to number myself.

Mr. HELSTOSKI. Mr. Speaker, I rise to express my deep sorrow on the passing of our former colleague, JAMES G. FULTON.

Born 68 years ago in Dormont, Pa., he served 27 years in the House, representing the 27th District of Pennsylvania.

I had the privilege to serve with him for 2 years on the Science and Astronautics Committee. His knowledge in this field was widely recognized and respected. He became an adviser to the U.S. Mission at the United Nations because of his depth of understanding, legislative abilities, and experience as a U.S. Delegate to the United Nations.

His family, active in civic matters for over 200 years, was honored by the tradition he continued in his loyal service to his constituents.

In this time of great loss, I extend to his brother and three sisters my heartfelt sympathy.

Mr. PRICE of Texas. Mr. Speaker, I join with my colleagues in the House in expressing my deepest sorrow at receiving the news of the untimely passing of our good friend JIM FULTON. As the senior Republican from the State of Pennsylvania, JIM, who was serving his 14th term, was a thoroughly well-informed and conscientious legislator. His witticisms and depth of knowledge will be especially missed by those like myself who had the privilege of serving with him on the House Committee on Science and Astronautics. As ranking minority member, JIM, whose mind probed beyond the limitations of the average man's comprehension, handled admirably whatever assignment came to his attention.

JIM will always be remembered for being jovial whenever you met him, and no one will soon forget his reputation as a very capable debater on matters that came before the Congress.

Those of us who knew JIM and worked with him closely can rightfully honor him for the selfless dedication and steadfastness with which he served his constituents and our Nation as a whole.

Mr. WHALLEY. Mr. Speaker, the loss of my good friend and colleague, JAMES G. FULTON, is a tragedy in many respects. In life he was recognized as an outstanding leader and legislator. In death he is remembered with the greatest of respect on both sides of the aisle as man of principle, competence, and integrity. All of us who knew him as a friend and who warmed to the glow of his kind and gracious personality are saddened far beyond mere words.

JIM FULTON had a background of public service, with ancestors back as far as Revolutionary times involved in the civic affairs of Pittsburgh and western Pennsylvania. Before entering politics he attracted attention as a successful rancher and lawyer, attaining prominence as a partner in a Pittsburgh banking law firm.

In the 1930's, JIM was elected solicitor of Pittsburgh's Dormont Borough running as a Republican, and State senator from the same district.

When World War II broke out, JIM FULTON served in the Navy in the Pacific theater. In the 1944 election campaign, while still in uniform, he was named as the Republican candidate for Congress from the 27th District and was duly elected.

As a member of the House Foreign Affairs Committee, JIM served under President Eisenhower as Chairman of a Special Subcommittee on Displaced Persons and as a delegate to the United Nations. He was at one point decorated by the Republic of Italy and was the recipient of the Columbus Medal, on the recommendation of the Latin American Ambassadors.

Everything that JIM FULTON did—in Congress, in his committee, in his home district and home State—he did with honor and valor in a manner reflecting credit on himself and his constituents.

We are saddened by the departure of JIM FULTON and will sorely miss his presence in the Halls of Congress.

Mr. WHALEN. Mr. Speaker, the sudden death of our good friend and colleague, JAMES G. FULTON, is a shock to every Member of this House. We will miss not only his competence in the fields of space and foreign affairs, but also his warm and thoughtful personality.

JIM FULTON's interests extended far beyond the legislative sphere of his committee assignments to the promotion of the arts. Certainly, he admirably continued the traditions of his family which first became active in the civic affairs of Pennsylvania in the 1700's.

Mrs. Whalen joins me in extending our sympathy to JIM's brother and sisters. May he rest in peace.

Mr. BOLAND. Mr. Speaker, I join my colleagues in paying tribute to Congressman JAMES G. FULTON, Pennsylvania's ranking Republican in the House of Representatives and one of the ablest legislators in that State's history.

Like everyone else in this Chamber, I was deeply saddened by his death.

As much as any other man in the Congress, JIM FULTON was responsible for this country's dizzying triumphs in space exploration. Back in the 1950's, when space travel appeared little more than the whim of a few visionary scientists, JIM showed the kind of foresight that led ultimately to a manned landing on the moon. Serving on the original Select Committee on Outer Space—the body that created NASA—he pushed doggedly for President Kennedy's space program, convincing the Congress of its promise.

Everything JIM predicted came true. The space program brightened this country's tarnished image abroad, opened up hundreds of thousands of new jobs, yielded new technological advances useful everywhere in American society, restored a sense of national pride that had withered badly. JIM was right, too, about the program's more obvious benefits. It gave rise to scientific knowledge of incalculable value, and achieved a goal that has haunted mankind since civilization began—a trip to the moon.

The Select Committee on Outer Space later earned the status of a standing committee—the Committee on Science and Astronautics. JIM was its ranking Republican member, and he remained one of the space program's most able spokesmen and most ardent supporters until his death.

Although a layman to the sciences, JIM had a keen intellect and could grasp the most bewildering scientific problems.

These same abilities made him a valuable member of the Foreign Affairs Committee. Its members—no matter how knowledgable—always sought JIM's counsel.

He was a remarkable man, Mr. Speaker.

I am honored to have been one of his friends.

I extend my deepest sympathy to his family.

Mr. TEAGUE of Texas. Mr. Speaker, it is not possible for me to describe adequately the profound feelings of sorrow that I experienced when I learned of the death of JIM FULTON. I know every Member of the House, however, fully understands the depth of that sorrow, because we share the same feelings.

I think that above and beyond his devotion to the House and his dedication to his responsibilities as a Congressman, JIM FULTON can realistically be accepted as a great American. He devoted a major portion of his life to serving his country. He came to the House direct from duty aboard a carrier in the Pacific during World War II. For the past 26 years he gave every possible measure of his energies and his physical substance to the interests first of his country and next to the good people he represented. As most of you know, JIM was the ranking minority member of the Science and Astronautics Committee and was also a member of the Subcommittee on Manned Space Flight, which I have the honor to chair. He and I have worked long and hard to do everything possible to insure the success of the manned space flight program.

JIM's knowledge of our program of space exploration was indeed broad and deep. He often astonished his colleagues of the committee with the extent of his knowledge and the depth of his insight. He often went to great lengths to eliminate any sense of complacency about our space program wherever he found it in the House.

He was also a very highly respected member of the Foreign Affairs Committee and won the affection not only of his colleagues on that committee, but also many of the distinguished gentlemen of the diplomatic corps here in Washington.

I think the most important thing we can say about JIM FULTON is that he is a man who truly gave his life for his country without any reservation or conditions. We all will miss him sorely in the years to come.

Mr. BURKE of Massachusetts. Mr. Speaker, the other day the ranks of this House were diminished considerably by the passing of one of its finest Members, the Honorable JAMES G. FULTON of Pennsylvania. The House lost a team member—a key team member, at that. The House lost some of its spirit, some of its humor, some of its grace, and a good deal of its charm. All of us realize by now that this place is a poorer place for his passing. We all know now just how much we miss him.

The fact that I, a Member from the other side of the aisle, am expressing my deep sense of personal loss over the untimely death of JIM FULTON, I am sure, surprises no one. For that was part and parcel of the man and typical of his broad appeal to all Members on both sides of the aisle.

I know that JIM went about his work in a quiet way and only the passing of time will reveal much of the good that he accomplished while he was alive. I can personally testify to his complete unselfishness. He was a man of tremendous charity, whose numerous good works are scarcely known—even to his constituents who benefited in so many ways. I am not speaking lightly when I say that the city of Pittsburgh and the great Commonwealth of Pennsylvania has lost one of its great patrons and benefactors. This was a man who not only believed in ecumenicalism, but practiced it long before it was fashionable or in vogue.

It was typical and altogether fitting tribute to the man that his death should have come as a shock to most of us who were enjoying his company only a matter of hours before. As was common knowledge to all of us, JIM's recent years were not without serious medical crises. And yet, so completely did his spirit prevail and dominate his problems that it was difficult for anyone to think of him as a man with a serious problem in the world. In the end, his passing was a shock to us all.

I know I am speaking for Mrs. Burke and myself when I say that my sympathy and prayers go out to his loved ones and friends of his many years in public life.

Mr. HOGAN. Mr. Speaker, I join with my colleagues in mourning the untimely passing of our colleague, JIM FULTON of Pennsylvania.

As a relative newcomer to the Congress, I did not have the opportunity to get to know JIM as well as those of my colleagues who were able to share his company during his 14 terms in this body. He was, however, always very friendly and I enjoyed many pleasant conversations with him en route to and from the Capitol Building.

We did share one very important common interest: concern over the fate of the unfortunate victims of myasthenia gravis, a neuromuscular disease which strikes one in 10,000 in our population.

In fact, shortly after learning of JIM's death, the executive director of the Myasthenia Gravis Foundation of New York contacted me expressing her sadness over JIM's death and reminding me of JIM's association with the goals and aims of the Myasthenia Gravis Foundation to assist the victims of this dread disease. His friendship with the members of this foundation is again indicative of the warmheartedness and concern for mankind which all of us recognized in JIM FULTON during the many years he served in Congress.

Mr. Speaker, on July 27 I sponsored a resolution requesting the President to proclaim the week of September 12 through September 20 as "Myasthenia Gravis Week." This resolution is still pending before the Judiciary Committee. I hope that it will now receive speedy action and that this resolution can be dedicated to the memory of James G. Fulton of Pennsylvania for his years of service and friendship to the victims of this disease and to those who have dedicated their lives to helping those who are so afflicted.

To his family I extend my heartfelt condolences and my fervent hope that their grief will be lessened by remembering the stature of the man Jim Fulton was and the contributions to this country which he made.

Mr. HAMILTON. Mr. Speaker, the death of Jim Fulton of Pennsylvania leaves an empty place in the hearts of those who knew him.

I worked closely with Jim on the Foreign Affairs Committee and on the Subcommittee on the Near East, upon which he was ranking minority member. Jim had an unusual, inquisitive mind, that would often spot areas of concern that the rest of us had not noticed. He was a pleasure to work with, always cooperative, helpful, good humored, constructive.

At the core of Jim Fulton's philosophy of life and his approach to foreign policy was a concern for people rather than ideologies, for giving men economic opportunities rather than military armaments, for action rather than talk, and for hope rather than despair.

Jim Fulton was a particular friend of the world's nearly 20 million refugees. Out of his deep concern to help the some 60 nationality groupings in his own district, many of them recent immigrants, came a desire to help give refugees everywhere opportunity and dignity. On a personal level, he opened his own house to penniless immigrants seeking a new life in a strange land.

In one sense, Jim Fulton's approach to life was both American and universal. He saw America as the land of opportunity where anyone willing to work should be given a chance. But at the same time, he had a deep and abiding faith in man's ability to live and work in peace in a world free from the deceptions of dogma and extreme nationalism. He often felt that too much priority in this country was being given to the military in an era when the world was crying for economic development and opportunities. The rest of us must take up this unique man's challenges, but we do so with gratitude for the kind of example he lived for us.

Mr. SYMINGTON. Mr. Speaker, Jim Fulton was one of the Members of Congress I knew well before joining him as a colleague in this House and indeed on the Science and Astronautics Committee. It was his keen and knowledgable interest in foreign affairs which brought us together many times during my tenure in the State Department. Because of his many kindnesses to me during that period, I was naturally both delighted and grateful to find myself on a committee of which he was the ranking minority member.

Jim Fulton had a great love of this country, a tremendous patriotism which he expressed and implemented with ready humor and constructive ideas. It should be noted that on the day set aside for observances on his behalf the women's rights amendment to the Constitution had been scheduled for House action. As a bachelor, and a most gallant and courteous one, I am confident Jim would have wanted that piece of legislation to have gone forward that day. He will always be remembered here with great admiration and affection.

Mr. MATSUNAGA. Few events have saddened me as much as the death of our distinguished colleague from Pennsylvania, and my dear personal friend, the Honorable James G. Fulton.

Jim Fulton's service in Congress to his constituents and to his country began in 1944, when he was first elected to the House of Representatives. He was still on active duty as a naval officer when he won that first election.

But I did not have the honor of knowing this outstanding and talented man until 1963, when I first came to washington as a Representative. And it was not until 1965, during an extensive fact-finding tour of the Far East, Southeast Asia, India, and Pakistan, that I really came to appreciate the qualities that Jim Fulton contributed to the workings of the House.

As all of the Members know, Mr. Speaker, Jim Fulton was a bachelor, and on that trip I too was traveling alone, and so he and I became roommates as we literally encircled the globe. At the end of that trip I knew that Jim Fulton was among the most dedicated public servants in Congress. He had a keen and agile mind, and an appreciation for things cultural and educational, as well as things political.

Jim Fulton was possessed with outstanding expertise in the fields of foreign affairs and our space exploration.

His warmth, good humor and honesty won him the respect and admiration of his colleagues—and voters—of all political persuasions.

My condolences go out to Jim Fulton's brother and sisters. I trust their sorrow will be eased by the knowledge that their brother was loved also by his colleagues in the House, and that we share, as does the country, in their loss.

Mr. DOWNING. Mr. Speaker, we were all saddened and shocked by the recent loss of our good friend and colleague from Pennsylvania, James G. Fulton. It was my privilege to serve during my congressional tenure with him on the Committee on Science and Astronautics. During this time I had ample opportunity to recognize and understand his genius and zeal for pushing our country ahead in its scientific endeavors and in many other fields as well.

All of us will miss Jim. We will miss his lively contribution to the legislative process, his quick wit and abounding good humor. But most of all the country will miss his contributions to our future space activity, his participation in the foreign affairs of our country, his dedication to the House of Representatives, his patriotism, his stanch good sense and his determination to keep our country the leader in scientific affairs in the world.

Few of us have had his unbounded interest and curiosity of such wide scope as the law, the arts, politics, publishing, banking, farming, science, and many others and to have been so eminently successful at all of them. His achievements as a legislator won the fullest esteem from his colleagues on both sides of the aisle and the many statements of sorrow at his passing confirms our verdict of "well done."

I want to join with my colleagues in extending deepest sympathy to his family.

TIME OF FUNERAL SERVICES

Mr. SAYLOR. Mr. Speaker, I have been notified that the remains of the late Honorable James Fulton will be at the Beinhauer Funeral Home, 2630 West Liberty Avenue, Pittsburgh, Pa., Friday 7 to 9 p.m., Saturday and Sunday.

The funeral will be held Monday, October 11, at 2 p.m., at the Mount Lebanon Presbyterian Church in Pittsburgh.

GENERAL LEAVE TO EXTEND

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the life, character and public service of the late Honorable James G. Fulton.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE LATE HONORABLE JAMES G. FULTON

Mr. SAYLOR. Mr. Speaker, I offer a resolution.

The Clerk read the resolution, as follows:

H. Res. 639

Resolved, That the House has heard with profound sorrow of the death of the Honorable James G. Fulton, a Representative from the State of Pennsylvania.

Resolved, That a committee of forty Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were agreed to.

The SPEAKER. The Chair appoints as members of the funeral committee the following members on the part of the House: Messrs. Sayolr, Arends, Morgan, Barrett, Byrne of Pennsylvania, Flood, Clark, Dent, Nix, Moorhead, Schneebeli, Whalley, McDade, Rooney of Pennsylvania, Johnson of Pennsylvania, Green of Pennsylvania, Vigorito, Goodling, Biester, Eilberg, Eshleman, Williams, Gaydos, Coughlin, Yatron, Ware, Miller of California, McCulloch, Hays, Zablocki, Bell, Mosher, Fraser, Vander Jagt, Kazen, Price of Texas, Winn, Goldwater, McCormack, and Davis of South Carolina.

The Clerk will report the remaining resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

The SPEAKER. Pursuant to the provisions of House Concurrent Resolution 415, 92d Congress, the Chair declares the House adjourned until 12 o'clock noon on Tuesday, October 12, 1971.

Thereupon (at 1 o'clock and 1 minute p.m.), pursuant to House Concurrent Resolution 415, the House adjourned until Tuesday, October 12, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1193. A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting notice of the proposed transfer of the 36-foot motor launch, hull No. 24690, to the Maine Port Authority, Portland, Maine, pursuant to 10 U.S.C. 7308(c); to the Committee on Armed Services.

1194. A letter from the Attorney General, transmitting a draft of proposed legislation to permit suits to adjudicate disputed titles to lands in which the United States claims an interest; to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DELLUMS:

H.R. 11146. A bill to amend the National Housing Act to authorize the insurance of loans to defray mortgage payments on homes owned by persons who are temporarily unemployed; to the Committee on Banking and Currency.

By Mr. DENT:

H.R. 11147. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. Frelinghuysen (for himself, Mr. Biester, Mr. Burke of Florida, Mr. Burton, Mr. Cotter, Mr. Coughlin, Mr. Delaney, Mr. Dingell, Mr. Fascell, Mr. Forsythe, Mr. Harrington, Mrs. Heckler of Massachusetts, Mr. Hicks of Washington, Mr. Mailliard, Mr. Nix, Mr. Pepper, Mr. Rangel, Mr. Rees, Mr. Roe, Mr. Sarbanes, Mr. Saylor, Mr. Stokes, and Mr. Wyman):

H.R. 11148. A bill to provide a system for the regulation of the distribution and use of toxic chemicals, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON:

H.R. 11149. A bill to impose an excise tax on automobiles based on their horsepower and emission of pollutants, for the purpose of financing programs for research in, and Federal procurement of, low-emission vehicles; to the Committee on Ways and Means.

By Mr. HANLEY (for himself, Mr. Brasco, Mr. Udall, Mr. Charles H. Wilson, Mr. Galifianakis, Mr. Matsunaga, and Mr. Murphy of New York):

H.R. 11150. A bill to amend title 5, United States Code, to protect civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights, to prevent unwarranted governmental invasions of their privacy, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HANNA:

H.R. 11151. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for the expansion of employment; to the Committee on Ways and Means.

By Mr. McMILLAN:

H.R. 11152. A bill to authorize the Commissioner of the District of Columbia to permit certain improvements to a business property situated in the District of Columbia; to the Committee on the District of Columbia.

By Mr. RONCALIO:

H.R. 11153. A bill to amend the Wild and Scenic Rivers Act of 1968 by designating a river and its tributaries in the State of Wyoming for potential addition to the national wild and scenic rivers system, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SISK (for himself, Mr. Collins of Illinois, Mr. Fish, Mr. Gude, Mr. Halpern, Mr. Hawkins, Mr. Hays, Mr. Madden, Mr. Martin, Mr. Mayne, Mr. Meeds, Mr. Moss, Mr. Obey, Mr. Perkins, Mr. Rees, Mr. Rosenthal, Mr. Talcott, Mr. Udall, and Mr. Van Deerlin):

H.R. 11154. A bill to amend the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890; to the Committee on the Judiciary.

By Mr. TEAGUE of Texas:

H.R. 11155. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of pension, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 11156. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of pension, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SMITH of Iowa:

H.J. Res. 922. Joint resolution to direct U.S. officials to take the necessary action to establish certain rights of migration for citizens of any country; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

274. The SPEAKER presented a Memorial of the Legislature of the State of California, relative to establishment of a national park in the area of the Santa Monica Mountains and the shores and waters of the Santa Barbara Channel and Santa Monica Bay, which was referred to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. VEYSEY:

H. Res. 640. Resolution to refer the bill (H.R. 10477) entitled "A bill to clear and settle title to certain real property located in the vicinity of the Colorado River in Riverside County, California" to the Chief Commissioner of the Court of Claims; to the Committee on Interior and Insular Affairs.

By Mr. CHARLES H. WILSON:

H. Res. 641. Resolution to refer the bill (H.R. 10478) entitled "A bill to clear and settle title to certain real property located in the vicinity of the Colorado River in Imperial County, California" to the Chief Commissioner of the Court of Claims; to the Committee on Interior and Insular Affairs.

SENATE—*Thursday, October 7, 1971*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. Ellender).

PRAYER

The Reverend Clement Ockay, pastor, St. Joseph's Roman Catholic Slovak Church, Bayonne, N.J., offered the following prayer:

God saw all He had made, and indeed it was very good.—Genesis 1: 31.

Almighty God, You created, brought into existence from nothing, the universe and everything in it. You created man as the master of the visible creation and gave him, as our Founding Fathers so wisely noted, the right to life, liberty, and the pursuit of happiness.

Since we cannot conceive of Your bringing into existence anything that is not good, everything in this universe, since it was brought into existence by You, is good and Your plan for its use is good. Evil, then, is the misuse, the abuse of a good thing—evil is the misuse, the abuse of Your creation.

Man, however, is the only creature on earth that has free will and, therefore, can choose to misuse or abuse Your creation and cause evil. You guide man in the use of Your creatures by his voice of conscience and by the directions and decisions of Your religious and secular spokesmen.

This august body, the U.S. Senate, has as its prime objective the determination and declaration of Your plan for the use of Your creatures.

As we open today's deliberations we humbly ask You, our Creator and Guide, to inspire with Your divine spirit these our Senators so that their decisions may coincide with Your plans—plans that envision our attainment of relative happiness here on earth in preparation for the perfect happiness that we are destined to enjoy with You in the next life forever. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of

Wednesday, October 6, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ADJOURNMENT OF THE HOUSE FROM OCTOBER 7 TO OCTOBER 12, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives on House Concurrent Resolution 415.

The PRESIDENT pro tempore laid before the Senate House Concurrent Resolution 415, which was read by the assistant legislative clerk, as follows:

H. Con. Res. 415

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, October 7, 1971, it stand adjourned until 12 o'clock meridian, Tuesday, October 12, 1971.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the concurrent resolution was considered and agreed to.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, beginning with Calendar No. 284 but not including Calendar No. 295.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations, on the Executive Calendar, beginning with Calendar No. 284 but not including Calendar No. 295, will be stated.

FEDERAL MARITIME COMMISSION

The second assistant legislative clerk read the nomination of Clarence Morse, of California, to be a Federal Maritime Commissioner for the term expiring June 30, 1976.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF DEFENSE

The second assistant legislative clerk read the nomination of Dudley C. Mecum, of Massachusetts, to be an Assistant Secretary of the Army.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. ARMY

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

DEPARTMENT OF COMMERCE

The second assistant legislative clerk read the nomination of Harold B. Scott, of Connecticut, to be an Assistant Secretary of Commerce.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE ARMY, IN THE NAVY, AND IN THE MARINE CORPS

The second assistant legislative clerk proceeded to read sundry nominations in the Army, in the Navy, and in the Marine Corps, which had been placed on the Secretary's desk.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc; and, without objection, the President will be immediately notified of the confirmation of these nominations.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

A GOOD IDEA FROM TIME MAGAZINE

Mr. SCOTT. Mr. President, I congratulate Time, Inc., for its continuance of a policy of inviting from abroad prominent and leading industrialists in high executive positions in their countries to come to the United States and discuss the relationship of their problems to ours.

These are men of the highest responsibility. In the course of their meetings in this country, they met during the past several days in New York, and at Dartmouth College in Hanover, N.H.; and this morning they met with the distinguished majority leader and myself here in the Capitol for a most interesting exchange of views.

Mr. President, I ask unanimous consent to have printed in the Record a list of those who were present.

There being no objection, the list was ordered to be printed in the Record, as follows:

Breakfast, Thursday Morning, October 7, 1971, Sponsored by Time, Inc.

Senator Mike Mansfield, Senator Hugh Scott.

ENGLAND

Sir Eric Drake, C.B.E., Chairman and Managing Director, British Petroleum Company, Ltd.

Sir Reay Geddes, K.B.E., Chairman, Dunlop Holdings Ltd.

Evelyn de Rothschild, Director, N. M. Rothschild & Sons Ltd.

Sir Arthur G. Norman, K.B.E., D.F.C., Chairman, The De La Rue Company, Ltd.

GERMANY

Dr. Paul Dax, Executive Vice President, Siemens A.G.

Mr. Eberhard von Kuenheim, Chairman of the Executive Board, Bayerische Motorenwerke A.G.

Dr. Joachim Zahn, Chairman of the Executive Board, Daimler-Benz A.G.

Dr. F. Wilhelm Christians, Member of the Executive Board, Deutsche Bank A.G.

Dr. Konrad Henkel, President, Henkel & C^{ie}.

FRANCE

Georges Galichon, Chairman of the Board, Air France.

Alain Chevalier, Managing Director, Moët-Hennessy.

BELGIUM

Comte René Paul Boël, Honorary President, Solvay et C^{ie}.

Baron Edouard-Jean Empain, Chairman, Electro-Rail, S.A.

Fernand Josef Collin, Chairman of the Board, Kredietbank, N.V.

SWITZERLAND

Giuseppe Bertola, Member of the Board, Brown Boveri & C^{ie}.

Dr. Alfred Schaefer, Chairman of the Board, Union Bank of Switzerland.

Pierre Waltz, General Director, Société Suisse pour L'Industrie Horlogère.

NETHERLANDS

Alfred H. Heineken, President of the Board of Managing Directors, Heineken Breweries, Inc.

IR. Frederik J. Philips, President of the Supervisory Board, N. V. Philips' Gloeilampenfabrieken.

Dr. Gerrit van der Wal, President, KLM Royal Dutch Airlines.

Gerrit A. Wagner, C.B.E., President, Royal Dutch Petroleum Company.

SWEDEN

Pehr Gustaf Gyllenhammar, Managing Director, AB Volvo.

Folke Lindskog, Chairman, AB Svenska Kullagerfabrieken.

ITALY

Arv. Unberto Agnelli, President, Fiat.

Count Theo Rossi di Montelera, Chairman, Martini & Rossi.

Ing. Nino Rovelli, Managing Director, Societá Italiana Resine Sp. A.

AUSTRALIA

Sir Ian Potter, Chairman, Time-Life Australia (PTY Ltd.)

TIME INC. GUESTS

Ralph Davidson, Associate Publisher, Time Magazine.

Hedley Donovan, Editor-in-Chief, Time Inc.

Murray Gart, Chief of Correspondents, Time Inc.

Henry A. Grunwald, Managing Editor, Time Magazine.

Andrew Heiskell, Chairman of Board, Time Inc.

Henry Luce III, Publisher, Time Magazine.

James R. Shepley, President, Time Inc.

John L. Steele, Senior Correspondent, Time-Life News Service.

Robert W. Ankerson, Public Affairs Director, Time Magazine.

John Austin, News Service, Time-Life.

Charles Bear, Vice President, Time Inc.

Mrs. Irina Bagration, Public Affairs, Time.

HUGH SCOTT STAFF

Bob Hetherington, Martin Hamberger.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Florida (Mr. CHILES) is now recognized for not to exceed 15 minutes.

(The remarks of Mr. CHILES when he introduced S. 2666 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) is recognized for not to exceed 15 minutes.

(The remarks of Mr. PROXMIRE when he introduced S. 2667 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the transaction of routine morning business for 30 minutes, with a 3-minute limitation on statements therein.

Is there morning business?

BALANCED VIEW OF SOVIET THREAT—ORR KELLY ARTICLE

Mr. PROXMIRE. Mr. President, in the Washington Star for Tuesday, October 5, 1971, Mr. Orr Kelly who is the Star's chief expert on military matters, wrote a very balanced, thoughtful, and objective piece on the strategic relationship between the United States and the Soviet Union. I say this with some feeling, because Mr. Kelly has been very critical of me in the past, and I am sure he will be in the future. But I thought this was an excellent article.

The article was entitled "React Calmly to the 'Red Menace.' " Mr. Kelly cites a number of examples where the press has given unwarranted attention to certain recent Soviet developments. He warns against a sudden public demand to do something about the Russians and then gives this advice:

> A much more rational approach—but one that demands continuing public and congressional attention—is to react calmly and cautiously to Soviet defense efforts, with the full realization that the balance of arms between the two superpowers is an extremely complex affair and that the arms race, if indeed it is a race, has more the rhythm of a minuet than of a 100 yard dash.

Mr. Kelly is no dove or unilateral disarmer or antimilitarist. Neither are those of us who have been critical of Pentagon waste and profligacy. Too often the Pentagon defenders make that mistake in their superficial judgments of our motives.

What is important is that we keep this country strong and free. We must recognize that the Soviet Union is a real antagonist and a real threat to the security of the United States and the free world. But we must not react to her real threats in a stupid or hysterical manner. It is as bad to overestimate her strength as it is to underestimate her strength. In the long run our security depends not only on our military weapons, but the strength of our economy to produce, on the health and welfare of our people, and the skills and productivity of our industries and our people.

What we need then are cool, cold, precise assessments of Soviet strength. Our calculations about both the size and composition of our defense forces should be made on the basis of the facts rather than on superficial considerations. Among the latter are the waste and stupidities involved in the military politics of making certain that all three services have a roughly equal role in the strategic deterrent, when it is now clear that manned bombers will shortly be obsolete as weapons to deliver strategic warheads directly over enemy targets, and that our land-based intercontinental ballistic missiles are becoming more and more vulnerable. While I do not want to engage in the oversimplistic answers which Mr. Kelly rightly abhors, it is important to point out that at this point in time our underwater strategic deterrent is invulnerable and that a wise policy would emphasize those strategic deterrent forces which are invulnerable and deemphasize those which are becoming highly vulnerable.

Among the additional superficial considerations and arguments used to support excessive military spending is the argument that "jobs" are at stake. The needs of this country are so great that any policy which continues to build obsolete military weapons instead of transferring funds either to workable weapons or to unmet civilian needs is an unworthy and unworkable one.

I commend Mr. Kelly's article to the readers of the CONGRESSIONAL RECORD for its balance and its good sense. I ask unanimous consent that it be printed in full at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REACT CALMLY TO THE "RED MENACE"

(By Orr Kelly)

The current wave of antimilitarism and overemphasis on the costs of defense has barely reached its peak. And yet there already are ominous signs of the next wave—a sudden awakening to the Red Menace.

The signs so far are rather slim, but there they are just the same.

Life magazine, rather dovish in recent years, gave considerable attention to a report on recent Soviet military developments. The New York Times, even more dovish, gave front-page treatment to a story on a new Russian bomber—the same bomber no one got excited about when the late Rep. L. Mendel Rivers was talking about it two years ago.

The news media gave unwarranted attention to the recent report of the Institute for Strategic Studies when it reported—as Pentagon officials had done six months earlier—that the Soviet Union now has substantially more land-based missiles than the United States.

The obvious danger in this kind of thing is that there may be a sudden public demand to do something about the Russians.

A much more rational approach—but one that demands continuing public and congressional attention—is to react calmly and cautiously to Soviet defense efforts, with the full realization that the balance of arms between the two superpowers is an extremely complex affair and that the arms race, if indeed it is a race, has more the rhythm of a minuet than a 100-yard dash.

Here, to provide some perspective, is an outline of the way the Soviets stack up against the United States:

Strategic forces. The Soviets are well ahead of the United States in numbers of land-based nuclear missiles—1,550 to 1,068—with a very substantial lead in nuclear megatonnage. The United States is ahead in numbers of warheads, especially in the new independently targetable technology, and in numbers of bombers. The United States also is well ahead in numbers and quality of strategic missile submarines. While the Soviets have now deployed about 20 such subs, the United States has long had a fleet of 41 and is converting 31 of them to carry a much more advanced multiple-warhead missile.

The Soviets apparently have finished work on their older SS9 and SS11 missiles and are deploying a modified version of the older weapons or a new family of strategic weapons. Exactly what the Russians are up to is still in doubt here.

Conventional forces. The Soviet Union has a large standing army and large reserve forces. The invasion of Czechoslovakia showed they are able to move rapidly with impressive coordination—but it also showed that, if there had been resistance or if the operation had continued for a few more days, the Soviet forces would have run out of food and fuel.

Much of the Soviet force is oriented toward China, but the United States considers the total force in computing the possible threat to Western Europe. In comparing the forces of the two sides, the amount the Russians devote to what they consider the threat from China probably should be deducted in the same way the United States tends to subtract the amount being spent in Southeast Asia.

Naval forces. The Soviet navy has grown rapidly in recent years, both in numbers and in quality. Because of its geographic situation, the Soviet Union is forced to maintain four essentially separate fleets, so it is not surprising that it should feel the need for a large navy. The difficulty for U.S. defense planners is that, even if these ships are being built exclusively for defense purposes, they could, if concentrated properly, also form a major offensive threat.

Homeland defense. The Russians have been traditionally defense-minded—apparently believing that the best defense is a good defense. They have built an antiballistic missile system of questionable value to defend the western industrial and population centers of their nation. They have deployed 10,000 surface-to-air missiles—in such profusion that some U.S. experts think they are intended to be part of a more elaborate ABM system. And they have built thousands of short-range interceptor planes.

All of this could be simply defensive. But it also could be part of an elaborate plan to gain world domination—by nonmilitary means if possible; by arms if necessary. Whatever it is, it has not happened so suddenly as to demand a sudden spasm-like response from the United States.

Research and Development. This is the area in which something could happen suddenly. There is a major debate among scientists over the level of Soviet R&D effort. But all the estimates indicate that it is substantial and, given the shield of secrecy behind which Soviet scientists work, it certainly is capable of producing some surprises. The debate is over how big they may be and how many.

The Russians are neither 10-foot giants nor 3-foot pygmies. They are somewhere in between—precisely where, we are not quite sure.

One thing that really would help avoid the dangers of overreaction to some Soviet development—or supposed development—would be for Russia to tell us as much about their arms, their strategies and their intentions as we tell the world about ours. But that's certainly too much to hope for.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum and yield the floor.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following joint resolutions, in which it requested the concurrence of the Senate:

H.J. Res. 915. Joint resolution making a supplemental appropriation for the Department of Labor for the fiscal year 1972, and for other purposes; and

H.J. Res. 916. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

S. 646. An act to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recording, and for other purposes;

S. 932. An act to amend title 13, United States Code, to provide for a revision in the cotton ginning report dates; and

H.R. 9634. An act to change the name of the "Nebraska National Forest," Niobrara division, to the "Samuel R. McKelvie National Forest."

The enrolled bills were subsequently signed by the President pro tempore.

The message communicated to the Senate the intelligence of the death of Hon. JAMES G. FULTON, late a Representative from the State of Pennsylvania, and transmitted the resolutions of the House thereon.

HOUSE BILL AND JOINT RESOLUTIONS REFERRED

The following bill and joint resolutions were severally read twice by their titles and referred, as indicated:

H.R. 10947. An act to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes; to the Committee on Finance.

H.J. Res. 915. Joint resolution making a supplemental appropriation for the Department of Labor for the fiscal year 1972, and for other purposes; and

H.J. Res. 916. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes; to the Committee on Appropriations.

The PRESIDENT pro tempore. Is there further morning business?

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

DISAPPROVAL OF PRESIDENT'S PAY ADJUSTMENT PLAN—UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when Senate Resolution 169 is laid before the Senate at the conclusion of morning business, the time be equally divided between the distinguished Senator from Utah (Mr. MOSS) and the distinguished Senator from Hawaii (Mr. FONG), the time to be 1 hour on each side, under the law.

The PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ELLENDER, from the Committee on Appropriations, without amendment:

H.J. Res. 916. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes (Rept. No. 92–391).

By Mr. MAGNUSON, from the Committee on Appropriations, without amendment:

H.J. Res. 915. Joint resolution making a supplemental appropriation for the Department of Labor for the fiscal year 1972, and for other purposes (Rept. No. 92–392).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CHILES:

S. 2666. A bill to provide special advisory and counseling assistance to veterans at institutions of higher education and to authorize, on a trial basis, a special program to aid veterans with academic deficiencies to gain entrance to institutions of higher education. Referred to the Committee on Veterans' Affairs.

By Mr. PROXMIRE:

S. 2667. A bill to establish a Wage-Price Review Board to promote wage and price stability with maximum reliance upon voluntary compliance by the various sectors of the economy in furtherance of the national interest. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. PROXMIRE:

S. 2668. A bill to assist in the provision of housing for low- and moderate-income families by authorizing FHA mortgage insurance and VA guaranteed and direct loans for modular or industrialized housing meeting applicable code requirements but having less living space than is required under existing programs administered by the Department of Housing and Urban Development and the Veterans Administration. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BELLMON:

S. 2669. A bill to amend the Social Security Act so as more effectively to assure that certain children, who have been abandoned by a parent, will receive the support and maintenance which such parent is legally required to provide, and otherwise to enforce the duty of parents to provide for the support and maintenance of their children. Referred to the Committee on Finance.

By Mr. GRAVEL:

S. 2670. A bill for the relief of Juan Clemente Hernandez. Referred to the Committee on the Judiciary.

By Mr. CHURCH (for himself and Mr. JORDAN of Idaho):

S. 2671. A bill to amend section 8c(2) of the Agricultural Adjustment Act, as reenacted by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, so as to make potatoes for freezing, canning, and other processing subject to marketing orders; and

S. 2672. A bill to permanently exempt potatoes for processing from marketing orders. Referred to the Committee on Agriculture and Forestry.

By Mr. THURMOND:

S. 2673. A bill to amend section 1086 of title 10, United States Code, to permit a retired member of the uniformed services the right to elect whether he will receive health benefits under such section or under part A of title XVIII of the Social Security Act when he qualifies for benefits under both. Referred to the Committee on Veterans' Affairs.

By Mr. ANDERSON:

S. 2674. A bill to remove a cloud on the title to certain lands located in the State of New Mexico. Referred to the Committee on Interior and Insular Affairs.

By Mr. RANDOLPH (for himself, Mr. WILLIAMS, Mr. BYRD of West Virginia, and Mr. HARTKE):

S. 2675. A bill to amend certain provisions of the Federal Coal Mine Health and Safety Act of 1969 relating to payment of black lung benefits. Referred to the Committee on Labor and Public Welfare.

By Mr. GRIFFIN:

S.J. Res. 164. Joint resolution proposing an amendment to the Constitution of the United States relating to the assignment and transportation of pupils to public schools. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHILES:

S. 2666. A bill to provide special advisory and counseling assistance to veterans at institutions of higher education authorize, on a trial basis, a special program to aid veterans with academic deficiencies to gain entrance to institutions of higher education. Referred to the Committee on Veterans' Affairs.

Mr. CHILES. Mr. President, I am today introducing a bill to create a veterans educational advisory and assistance program. I was extremely sorry to learn that the House conferees on the draft bill deleted my amendment adopted by the Senate to H.R. 6531. This amendment contained the provisions of the legislation I am introducing today.

There was some concern that this particular amendment be struck from the conference report. That concern as expressed by the House conferees was that the proposal should have the benefit of public hearings in both Houses. I trust and hope that their position was sincere.

I am now offering my proposal as a separate bill, in the hope that Congress will deal with the facts of the situation. The fact is, 1 million veterans a year have been returning to civilian life. These young men, many of whom faced enemy fire in Vietnam and many of whom show the scars and wounds of this military action, are being dumped on a market with an excess of 6-percent unemployment. The fact is that the unemployment rate of veterans is considerably higher than civilians in the same age group. Colleges and universities are finding veteran enrollments increasing, with inadequate counselors to fill their needs. Men who have served this great country of ours, who have the desire but not the full academic requirements to enter college, are being forced to join the ranks of the unemployed.

Unfortunately, the fact is, if a cycle of disadvantagement and unemployment exists before military service, the 1 million men separating from the service each year seem to perpetuate that vicious cycle. Middle- and upper-middle class individuals, more likely to have obtained college deferments for 4 years or longer, often escaped the draft entirely. If they served at all, generally it was in a special, technical field, not in actual combat. But the more disadvantaged men were usually drafted into combat ground or support units, the infantry, the Marine Corps. When the men return to civilian life, the more advantaged have less difficulty obtaining employment. The less advantaged encounter great difficulty and often become embittered about their experience in this unpopular war. Worst of all, they become frustrated with society's lack of interest in them and in their problems. Their greatest skill is often violence—a danger not only to themselves, but also to society.

My amendment to the draft bill, which my colleagues accepted many weeks ago by amendment to the draft bill, would seek to turn these facts around by producing a plan to assist these men. It is my sincere hope that the Senate Veterans' Affairs Committee will consider this new proposal and conduct hearings. This type of legislation is long overdue. It is needed. Now is the time when we must give our help—not later when the vast majority of these men have given up any hope.

We have the opportunity to help these men, to give them educational guidance, counseling, and academic direction. Both the executive and legislative branches have recommended that much more be done for the veteran. We have the opportunity to secure educational benefits for the veteran to encourage him to continue his education.

On many campuses, aside from a minimal handling of GI bill paperwork, the registrar's office deals with veterans already enrolled or soon to be enrolled because they meet college requirements. These local offices on college campuses have no authority to deal directly with the Veterans' Administration. Their only function is to answer questions and attempt to direct student veterans with specific problems to the proper office or agency for assistance.

Though a special obligation to veterans has always been recognized by the American people, still there has been no concentrated effort on the part of the Executive or the Congress to deal with their unique problems.

This is especially true with respect to the veterans from the Vietnamese war. We had much more concern for the world war, the cold war, and the Korean war veterans. But somehow the veterans from the Vietnamese war have become victims of that war.

In addition to the problem of physical handicaps, the Veterans' Administration estimates that seven times more veterans than those who are disabled and entitled to compensation carry the invisible handicaps of inadequate or defective education and training.

Using a measure of a lack of a high school education, 16 percent of the Vietnam veterans now being released from service are educationally disadvantaged. They do not have the benefit of a high school education. And yet even this percentage does not reflect the full measure of veterans with educational deficiencies.

Ironically, participation in the GI bill education benefits is inverse to need according to available survey data. Almost 50 percent of the veterans with some college education at the time of discharge seek to upgrade their education under the GI bill. Yet those with serious education deficiencies show a participation rate as low as 10 percent.

Those who really have the advantage of some college are the ones who take advantage of this. However, the ones who need the help are the ones who are not getting the information or the help. They are the ones who need the actual upgrading.

My bill would try to change this. It would give the Administrator of Veterans Affairs the authorization to make grants to any participating institution of higher learning and would authorize the Secretary of Health, Education, and Welfare to carry out a special trial-basis program for veterans with educational deficiencies at participating institutions. It is fully realized that not every veteran wants, needs, or could successfully earn a college degree. But it is also felt there is a need for this type of program to enable veterans who could not otherwise enroll under restricted ceilings on admissions an opportunity to compete, perform, and prove themselves to be college-level material.

We now have a set score that they must achieve on a test in order to be entitled to enter a university. Yet in those same universities for members of the minority races we are allowing a deviation from that score. We are doing nothing like that for the veterans, although we are allowing these people to upgrade themselves a few points so that they can qualify. However, those who have gone to serve their country previous to obtaining an education or have not achieved high school equivalency while in the service miss an opportunity for that training.

At present, education benefits are proportionately far below the World War II level. If there is indeed universal agreement among all Americans that our returning veterans deserve the very best we can give them, then at the very least we need to offer them the increased educational benefits this legislation outlines.

Passage of this bill would serve the dual purpose of placing a central coordinating office to serve the entire spectrum of veteran problems on a university or junior college campus, and also give the veteran with certain academic deficiencies and opportunity to meet standard admission requirements.

One million veterans a year have been returning to civilian life. Again, I urge the Senate Veterans' Affairs Committee to conduct hearings on this legislation, or any similar legislation. These young men have given too much of themselves to their country for us to shirk this responsibility. We simply cannot allow this problem to go unnoticed.

I ask unanimous consent that a copy of this legislation be printed in full at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2666

A bill to provide special advisory and counseling assistance to veterans at institutions of higher education and to authorize, on a trial basis, a special program to aid veterans with academic deficiencies to gain entrance to institutions of higher education

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Administrator of Veterans' Affairs is authorized to make grants to, or to make contracts with, any institution of higher education for the purpose of assisting such institution to employ a full-time veterans' advisory and assistant officer to counsel and advise veterans on all matters relating to education and career guidance, and to assist and advise veterans on other matters as provided herein.

(b) The office of the veterans' advisory and assistance officer at any institution of higher education shall serve for veterans as a central coordinating office on matters relating to campus orientation, academic and career guidance, counseling, financial assistance, placement planning, registration processing, and tutorial assistance. Such office shall also serve as a central point to counsel and assist eligible veterans who may be interested in pursuing an undergraduate or graduate work on a full-time or part-time basis.

(c) The veterans' advisory and assistance officer at any institution of higher education shall be authorized, in accordance with such regulations as the Administrator may prescribe, to accept and process the claim of any veteran enrolled in such institution for any education and training benefit or for any other veteran's benefit.

SEC. 2. (a) The Secretary of Health, Education, and Welfare is authorized and directed to carry out on a trial basis a special program for veterans who have a high school diploma or the equivalent thereof and who have an academic deficiency which prevents them from qualifying for entrance in any education or training program, under standard entrance criteria, in any institution of higher education. Such program shall be carried out in cooperation with any institution of higher education which agrees to participate in such program (referred to hereinafter as a "participating institution").

(b) Under such regulations as the Secretary of Health, Education, and Welfare may prescribe, after seeking the advice of and consulting with appropriate officials of institutions of higher education, academically deficient veterans who have completed high school or the equivalent thereof shall be permitted to enroll in a participating institution on a one-year probationary basis. No agreement entered into between the Secretary of Health, Education, and Welfare and any participating institution shall require such institution to continue the enrollment in such institution of any veteran who has failed to meet the minimum standards prescribed for all first year students.

(c) In order to encourage institutions of higher education to participate in the trial program provided for under this section the Secretary of Health, Education, and Welfare is authorized to make grants to, or contracts with, institutions of higher education.

SEC. 3. As used in this Act, the term "institution of higher education" means any public or private educational institution in any State which admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, is legally authorized within such State to provide a program of education beyond secondary education, and provides an educational prgram for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree.

By Mr. PROXMIRE:

S. 2667. A bill to establish a Wage-Price Review Board to promote wage and price stability with maximum reliance upon voluntary compliance by the various sectors of the economy in furtherance of the national interest. Referred to the Committee on Banking, Housing, and Urban Affairs.

CONGRESS SHOULD ACT ON PHASE II ECONOMIC PROGRAM

Mr. PROXMIRE. Mr. President, tonight at 7:30 p.m., the President will outline his post-freeze anti-inflation program. It is good that he is doing this now—5 weeks in advance of the November 12 price freeze. Among other things, it gives Congress an opportunity to take a look at the program to determine whether we should legislate on it.

Today I am introducing legislation for controlling inflation following the expiration of the freeze on prices and wages ordered by the President on August 15, 1971. The legislation would establish an essentially voluntary program to be administered by a Wage-Price Review Board, although there would be certain sanctions available to the Board and the President.

While administration spokesmen have indicated they do not anticipate legislation to implement phase II of the Government's anti-inflationary program, I believe it is most important to involve the Congress.

The Joint Economic Committee held 5 weeks of hearings, and I think they were by far the most extensive hearings on the wage-price freeze. Most of the witnesses testifying before the Joint Economic Committee on the President's new economic program also stressed the need for congressional participation in phase II of the program.

The legislation I have introduced draws heavily on the testimony given before the Joint Economic Committee during the last several weeks. The witnesses at these hearings were virtually unanimous in their support for some type of phase II program for restraining inflation following the expiration of the wage-price freeze. Everyone agreed that labor and business should be involved in the program although there were differences over the extent of the involvement. Likewise, there was general agreement that full scale price and wage controls similar to those imposed during World War II would not be practical. Most witnesses preferred a voluntary program, but there was disagreement over the extent to which sanction should be imposed in the event voluntary compliance failed. Some witnesses felt a phase II program should apply only to the basic industries while others argued it should apply throughout the economy. Many witnesses were critical of the sweeping delegation of power given to the President to control prices and wages without any standards or legal safeguards customarily provided by Congress. Labor and consumer witnesses urged controls on profits, dividends, and interest rates. However most professional economists doubted the workability of direct controls over profits or an excess profits tax and favored instead an indirect limitation on profits through price restraints.

The basic problem then is to design an essentially voluntary program broad enough to bring inflation under control, with business-labor participation, with enough sanctions to be effective, with restraints on prices comparable to those on wages, and with enough congressional guidance to prevent an undue delegation of legislative power to the executive branch. The bill I have introduced attempts to meet these objectives. It has the following main features:

MAIN FEATURES OF THE BILL

The bill sets up a five-man Wage-Price Review Board whose members would be representative of the general public. The members would be appointed by the President with the advice and consent of the Senate. The President is required to appoint members who, to the maximum extent possible, enjoy the confidence of both business and labor.

The Board would be charged with developing guidelines for restraining inflationary wage or price increases. Increases in rents or salaries would also be covered. The guidelines would apply to all segments of the economy. They would be voluntary in nature, but the President could order compliance in a particular case upon the recommendation of the Board or upon his own initiative. An order compelling compliance with the guidelines could be issued only if the President determined the guidelines were exceeded and that noncompliance would have a seriously adverse affect upon the wage-price restraint program. For the most part, direct control would thus be limited to the major industries.

The Board itself would have the following powers to secure compliance with the guidelines:

First, it could seek voluntary compliance through direct negotiations with the parties involved;

Second, it could focus public attention on inflationary wage and price increases by holding hearings and issuing special reports;

Third, it could obtain information on prices and wages by requiring periodic reports from companies and unions and by issuing subpoenas;

Fourth, it could require a 30-day advance justification of an increase in wages or prices. I think this advance notice before price increases are put into effect or before wage increases are put into effect is absolutely vital.

Fifth, the Board could order a 60-day postponement of any price or wage increase;

Sixth, the Board, on its own initiative or when petitioned by consumers, could publish a finding that a firm has violated the guidelines. The Board is required to hold a hearing on consumer petitions when the goods or services involved have an annual sales volume greater than $5 million unless the Board finds the petition is clearly without merit. During such hearings, the burden of proof is on the company to show compliance with the guidelines;

Seventh, the Board could intervene in proceedings before Federal regulatory agencies to seek compliance with the guidelines;

Eighth, the Board could recommend the President issue an order directing compliance with the guidelines.

In seeking to achieve compliance, the Board would be directed to hire a staff large enough to measure productivity trends and other factors affecting prices and wages in each major industry so that the Board would have the expertise needed to challenge individual pricing actions.

The President's sweeping authority to impose price and wage controls on the economy would be repealed as of November 12, 1971, the date the freeze expires. In its place, the President could impose controls on a selective basis subject to the following restrictions:

First, the President must determine that the wages or prices involved are in violation of the published wage-price guidelines;

Second, the President must determine that noncompliance with the guidelines would have a seriously adverse affect upon the wage-price restraint program; and

Third, the order cannot reduce wages or prices agreed to by contract prior to August 15, 1971.

Orders by the President or the Board would be enforced through court injunctions or through class action suits brought by consumers who could recover any charges in excess of those permitted by the order. A fine of $5,000 is provided for cases of willful violation.

The Board would report to the President and the Congress once a year on its progress. The report submitted to Congress would be reviewed by the Joint Economic Committee along with the President's economic report.

The President's authority to compel compliance with the guidelines would expire on December 31, 1972. However, the Board itself and its other powers would continue.

CONGRESS SHOULD ACT

There are some who say the Congress should leave the design of the phase II economic program up to the President and that we should not act unless we are requested to by the President. In justifying this view, some argue that it is smart politics to stick the President with the entire responsibility of our economic problems.

I do not agree that the Congress should abdicate its constitutional responsibility. We have already surrendered too much power to the executive branch. We should not create a bad precedent by giving up still more power unless we are content with being mere rubberstamps. The rightful authority of Congress should not be sacrificed for narrow partisan political considerations.

Mr. President, I feel congressional action on the phase II economic program is imperative for the following reasons:

First, an essentially voluntary program must be accepted by the country at large if it is to be effective. One of the reasons why the guidelines in the Kennedy-Johnson administrations were not entirely successful was that they were formulated by the Council of Economic Advisers without public participation. The guidelines will be more acceptable if they are given a statutory base following congressional hearings and debate where all viewpoints have had an opportunity to be heard. With all due respect, ad hoc meetings—and I was privileged and honored to be able to take part in those hearings—in the President's office are no substitute for the legislative process.

Second, Congress must act if it is to maintain its constitutional position as a coequal branch of Government. To remain passive will only contribute to a further erosion of our powers.

Third, Congress should act because it has a lot to contribute on economic matters. The administration's original economic game plan has been a costly failure, whereas many of the points in the new economic policy have long been advocated by Members of Congress on both sides of the aisle. The country would be better off today if our advice had been listened to.

In saying that Congress is often more qualified on economic policy, I do not intend to claim any partisan superiority for the Democrats. I have been equally critical of Democratic administrations. Rather, I feel that Members of Congress from both parties are closer to the people and are better able to judge the popular significance of economic questions, whereas Presidents and their close advisers are more apt to fall under the influence of academic economists and bureaucrats whose advice is not always practical.

Fourth, Congress should act on phase II in order to restrict the sweeping delegation of power given the President in the Economic Stabilization Act of 1970. The President is given unprecedented power to control wages and prices with virtually no congessional standards or criteria on how the authority should be used and no legal safeguards for affected parties. Chairman Burns of the Federal Reserve Board, who has the respect of almost all Members of Congress, termed the powers dictatorial. Constitutional law experts testifying before the Joint Economic Committee agreed with this judgment.

There are those who have argued that such a broad delegation of power was necessary to enable the President to act quickly to impose a wage-price freeze. Whatever the merits of this argument, the authority has already been used for a general freeze hence it should not be needed again. We should not leave this sweeping authority on the books even until April 30—its expiration date—if it is no longer needed.

Fifth, there is a technical but important reason for modifying the 1970 Economic Stabilization Act. Earlier this year, Congress amended the act to restrict the President's authority to apply price and wage controls in a single industry unless the rate of price increase in that industry was grossly disproportionate to the general rate of price increase. The wage-price guideposts in effect from 1962–66 did not merely seek restraint in those industries with grossly disproportionate price increases. The guideposts also called for price reductions in those industries with higher than average productivity gains. Presumably any future guidepost system will adopt a similar criteria. Thus, the President's existing authority could be used to enforce the guidelines on a selective basis in some cases but not in others. It would therefore be difficult, if not impossible, to achieve an equitable enforcement of the guidelines.

COMPOSITION OF BOARD

Mr. President, the bill I am introducing calls for a five-man Board whose members would represent the public. Labor union representatives have generally favored a tripartite board with labor, business, and public representatives each having one-third of the votes. On the other hand, some business spokesmen have urged an all Government board which would consult with labor and business from time to time but which would retain final authority for any action.

Those who favor a tripartite board argue that labor and business representation is necessary to insure their acceptance of and voluntary cooperation with the wage-price guidelines. It is argued that similar tripartite boards for stabilizing wages were created during World War II and the Korean war and were successful in holding down inflationary wage increases.

Those who favor an all-Government board generally argue that a tripartite board will be much less successful in stopping inflation. It is argued that the business and labor members of the board will conspire with each other and outvote the public members. One model for a Government board is the current Cost of Living Council established by the President and consisting of present Government officials.

The bill I have introduced strikes a middle ground between these two approaches. The members of the Wage-Price Review Board would represent the public generally and could not be identified with either business or labor. On the other hand, the President is required to appoint men who enjoy the confidence of both labor and business. I am convinced there are enough people with reputations for impartiality and objectivity who could meet this test—men such as John Dunlop of Harvard, who serves on the Construction Council.

My bill would not flatly prohibit Federal officials from serving on the Board in a dual capacity. However, the official could not be identified with labor or business. This criteria would rule out men such as the Secretary of Commerce, Mr. Stans, who has had a distinguished business career prior to his Government service.

My bill also gives the Board the authority to appoint special labor-business committees to advise and assist it in developing and applying the wage-price guidelines. I would expect the Board to establish a general price committee and a general wage committee to review prices and wages. The Board could also appoint wage and price committees for individual industries similar to the Council established to review wage settlements in the construction industry. These committees would be tripartite in nature with representatives from business, labor, and the general public, and would operate under the rules and regulations issued by the Board. I would expect the Board would delegate many of its functions to the wage and price committees while reserving the right to act independently in cases where the committees failed to act.

USE OF SANCTIONS

During the hearings before the Joint Economic Committee, labor representatives generally supported a voluntary program for curbing inflation, without governmental authority to order compliance in cases where voluntary cooperation failed. I believe a wage-price restraint program must be largely voluntary if it is to be effective. Frequent use of governmental compulsion can only lead to full-scale price and wage controls which everyone abhors. On the other hand, a completely voluntary program can be rendered ineffective if a large recalcitrant company or union can flagrantly violate the guidelines with impunity. The willingness of others to cooperate with the guidelines will be understandably diminished if one company or union can thumb its nose at the guidelines. The entire program would thus be at the mercy of the least cooperative company or union.

Because of this, I believe the Government needs some means to enforce the guidelines in those cases where noncompliance threatens the viability of the entire program. The very existence of this authority will facilitate cooperation and compliance by labor and business. As a result, my bill gives the President authority to enforce the guidelines under carefully confined conditions with legal safeguards for the affected parties. I hope this authority will not have to be used frequently, but I believe it is essential to have it on the books as a backup to the voluntary program.

SCOPE OF GUIDELINES

The wage and price guidelines developed by the Board would apply to all prices and wages. As long as the system is essentially voluntary, I do not believe it is fair or equitable to apply the guidelines just to large corporations in major industries. Such an approach would constitute an open invitation to the exempted sectors of the economy to increase prices and wages in excess of the guidelines. Some of the most rapid increases in prices have been for services including medical services. Focusing only on large companies would leave a large portion of a customer's cost of living exempt from price restraints.

On the other hand, it is not feasible to apply sanctions to every firm which violates the guidelines without resorting to full-scale price and wage controls. Enforcement must necessarily be selective and limited to those companies or unions which have the greatest effect on price stability. Under the bill I have introduced, the guidelines would apply to everyone; however, compulsory enforcement would be largely confined to big unions. At the same time, the bill would not prevent compulsory controls from being applied to a small firm if the President found that noncompliance with the guidelines would have a seriously adverse effect on the effort to control inflation. Controls might be needed in a particular case to prevent an especially flagrant violation of the guidelines which, if unchallenged, could induce others to exceed the guidelines. Medical services might also be subject to controls if the guidelines were not effective on a voluntary basis.

WAGE GUIDELINES

The Board will be responsible for developing a specific percentage rate of increase as a guideline for all wage and salary increases in the United States. The percentage would be based on increases in national productivity, and the cost of living. During the hearings before the Joint Economic Committee, Dr. Arthur Okun recommended a guideline based on a full allowance for productivity growth and one-half the recent increase in the cost of living. This would produce a target of around 5 percent for wage and salary increases. Most economists agreed that full compensation for productivity and cost-of-living increases would only perpetuate the inflationary cycle, whereas a guideline based on less than the full allowance would halt the wage-price spiral and lead to price stability. The precise wage formula would be developed by the Board after taking into account the need to halt the inflationary wage-price spiral while at the same time permitting workers some reasonable catchup allowance for previous cost-of-living increases.

The wage guideline would be based on the growth in productivity of the entire economy rather than the industry or firm in which a worker is employed. While it is possible to base wage increases on industry or company productivity growth, such a policy would produce inequitable disparities in income. I believe it is fairer to develop a single standard for all workers as was done in the case of the Kennedy-Johnson guideposts in effect from 1962–66.

The Board would also be required to publish standards and criteria for modifying the percentage wage guideline in particular cases to prevent inequities or avoid market disruptions. For example, a higher wage increase may be appropriate for those workers whose present wages are unusually low due to a weak bargaining position. Likewise, higher wage increases might be required in those industries unable to attract enough workers to meet production needs. Similarly, a higher wage settlement might be justified for employees of those firms whose profits were exceptionally high and where price reductions are not feasible.

The wage guideline is not intended to be a rigid formula from which there are no deviations. Nonetheless, a specific quantitative percentage guideline is essential as a starting point for wage and salary negotiations. It will serve as a target or standard so that the public can judge whether a particular wage settlement is or is not inflationary.

PRICE GUIDELINES

The Board is also required to develop standards and criteria for determining prices and rents which are consistent with the wage guidelines and which will lead to ultimate price stability. For example, if the wage guidelines call upon workers to make sacrifices by foregoing some fraction of a cost-of-living wage increase, the price guidelines must impose comparable restraint upon business firms. If a business firm wants to raise prices because its costs are rising faster than its productivity, the price guidelines would call upon the firm to absorb some portion of the higher cost comparable to the forbearance being requested of its employees. Such a policy will insure that the benefits of wage restraint are transmitted to the economy as a whole and not just to company stockholders.

The price guidelines must be more general than the wage guidelines because of differences in the growth of productivity and nonlabor costs in each industry or firm. In general, the price guidelines should seek ultimate price stability in those industries with average productivity while permitting appropriate price increases in low-productivity industries and calling for price reductions in high-productivity industries. Price reductions are needed in these industries in order to pass along the benefits of wage restraint to the general public.

Unfortunately, the Federal Government does not have the expertise to measure productivity trends in each major industry. One of the criticisms of the Kennedy-Johnson guideposts is that they were relatively ineffective in obtaining price reductions in the high productivity industries. The Council of Economic Advisers which formulated the guidelines had neither the staff nor the expertise to make detailed judgments on individual pricing actions.

My bill requires the Wage-Price Review Board to develop and maintain a permanent capability for measuring productivity trends and other factors bearing on prices and costs in each major industry. The Board needs to assemble a qualified staff for each major industry so that it can review and evaluate the representations made by firms within the industry. Without an expert and impartial staff, the Board would have no way of judging whether the pricing actions of a given firm were in compliance with the price guidelines. While such a responsibility would require nowhere near the thousands of people involved in direct price controls during World War II, the Board would need several hundred staff experts if it expects to deal effectively with large corporations.

In many ways, the key to a voluntary wage-price restraint program is an effective system for holding down price increases. It is relatively simple to formulate a wage guideline. Employers have an obvious incentive to help make the wage guideline a reality. The situation on prices is far more complicated since there are hundreds of thousands of individual commodities, and price guidelines must be necessarily general. Moreover, there is not the same natural pressure for compliance with the price guidelines as there is with the wage guidelines. There must be a vigorous effort by the Board itself to secure compliance with the price guidelines if the program is to be fair and equitable and if the cooperation of labor unions is to be obtained.

CONSUMER PARTICIPATION

In order to achieve comparable restraint on prices, I believe it is also important to involve consumers in the administration of the program. Employers may be expected to assist the Board in enforcing the wage guidelines. Consumers should be equally involved in maintaining surveillance over prices and rents. Unfortunately, consumers as a group are not nearly as organized or articulate as are employers. Therefore, I believe the legislation must give an express statutory role to consumers in order to achieve a more evenly balanced program.

The legislation I have introduced assigns a role to consumers in two areas. First, any consumer could petition the Wage-Price Review Board for a finding that a company's prices or rents exceed the guidelines.

When a petition has been filed, the Board is required to investigate and to hold a hearing if the goods or services named in the petition have an annual sales of volume of $5 million unless the Board determines the petition is clearly without merit. The Board must also hold a hearing on petitions involving goods or services with an annual sales volume under $5 million unless the Board determines the petition is clearly without merit or the alleged noncompliance would not substantially affect the cost of living. The purpose of the $5 million cutoff point is to require a hearing in the larger cases while giving the Board some flexibility in the smaller cases.

When the Board holds a hearing, the company named in the petition has the burden of showing that its prices or rents are in compliance with the guidelines. If the company fails to convince the Board that it is in compliance, the Board is required to publish a finding that the company is not in compliance with the guidelines together with the reductions in prices or rents needed to achieve compliance. While a Board finding of noncompliance would have no legal effect, I believe the force of public opinion would cause many or most firms to comply with the guidelines once a formal finding were published by the Board. If the firm still failed to comply the Board could recommend to the President that he issue an order directing compliance with the guidelines.

Under its general authority, the Board can also hold a hearing and publish a finding of noncompliance on its own initiative without waiting for a petition from consumers and I would expect the Board to do so in many cases. The purpose of permitting consumers to petition the Board is to prod the Board into acting if for one reason or another it fails to enforce the guidelines.

CLASS ACTION SUITS

Second, consumers are permitted to file class action suits in the U.S. Federal courts to recover any charges in excess of those permitted in a Presidential order directing compliance with the guidelines or in excess of an order by the Board postponing a price increase for 60 days.

The availability of class action suits is intended to supplement the Government's enforcement authority. The bill does permit the Government to seek fines of up to $5,000 for each violation of an order issued by the Board or the President. In theory, the threat of criminal fines should be sufficient to induce compliance. In practice, criminal fines may not be an effective deterrant in all cases. The Justice Department may be unwilling to bring criminal charges against a large and politically powerful corporation. Moreover, the Government must prove a particular violation was willful before penalties can be assessed. A corporation could always claim it believed an order issued by the President or the Board did not apply in their specific situation and that the violation was unintentional. In such a case, it would be difficult for the Government to show the violation was willful.

The Board also has the authority under the act to apply to the courts for an injunction to enforce compliance with an order issued by the Board or the President. However, even if such an injunction could be obtained, it would apply only to future prices. Consumers would not be compensated for past prices which exceeded the legal ceiling. The threat of a court injunction does not really deter a firm from illegally charging prices in excess of the ceiling, particularly if it has a plausible defense against any charge of willful noncompliance.

This gap in effective enforcement can be remedied by authorizing class action suits by consumers to recover any charges in excess of the legal ceiling. The possibility of a class action suit should induce strict compliance with any order issued by the President or the Board and discourage any attempts at evasion or noncompliance.

POWERS OF BOARD

The Wage-Price Review Board would rely primarily on voluntary methods for enforcing the guidelines. It could hold hearings, obtain information on wages and prices, negotiate directly with the parties involved on a wage or price decision, intervene in Federal agency proceedings and otherwise focus public opinion on inflationary price and wage actions. In addition, the Board would have some substantive power to delay price or wage increases until the public has been adequately informed. The Board could require a company or union to submit a justification 30 days in advance of any price or wage increase. The Board may require the firm or union to show why its proposed actions are in compliance with the guidelines or why a deviation is necessary.

The Board could also order any wage or price increase postponed for up to 60 days. This authority coupled with the 30-day notice requirement can delay any price or wage increase for a total of 90 days.

In using these powers, I would anticipate that the Board would designate those major industries which have the greatest effect on price stability. The Board could freeze prices or wages in those industries for up to 90 days until the industry shows that any proposed price or wage increase is in compliance with the guidelines. By placing the burden of proof on the industry, the Board is assured of obtaining all of the relevant information needed to determine if the proposed wage or price increase is in compliance with the guidelines. If the industry cannot show that the increase is in compliance with the guidelines, the Board has the option of recommending to the President that he issue an order directing compliance. Hopefully, most cases will be settled before direct controls would need to be considered. The industry might justify its wage or price increases or voluntarily agree to accept a lower increase in order to comply with the guidelines. The 90-day delay will give the Board a chance to bring the power of public opinion to bear on the proposed wage or price increases.

PERMANENT VERSUS TEMPORARY AUTHORITY

There has been much discussion as to whether the phase II program should be permanent or temporary. I believe our economy needs a permanent program for restraining inflationary wage and price increases. There is a growing amount of economic activity falling under the control of large corporations and labor unions which tend to be immune from normal market forces. Guidelines will be needed to prevent these large corporations and unions from reactivating the inflationary wage-price spiral which we are now trying to reverse. Once inflation is brought under control, we need to keep it under control through a permanent guideline program.

At the same time, I believe Congress needs to keep a careful check on the authority to control prices and wages through compulsory orders. Direct controls are a substantial departure from our free enterprise economy and we should not authorize controls unless they are absolutely necessary. An unnecessary delegation of power can only lead to abuse.

Accordingly, the bill I have introduced provides for a permanent voluntary program, but the authority to control wages and prices expires on December 31, 1972. This authority is the real power in back of the guidelines. Hopefully, it will not be needed once inflation is brought under control and the guidelines become an accepted part of economic life. In any event, Congress should reassess the need for compulsory controls after the phase II program has been in effect from a reasonable period of time. If controls are no longer needed, the authority can be permitted to expire. If the controls still prove necessary, the administration can make its case to Congress for an extension.

CHECKS ON PRESIDENTIAL AUTHORITY

The legislation more carefully circumscribes the authority given the President to control prices and wages, which under the present statute is virtually unlimited. The bill I am introducing repeals the sweeping delegation of power given to the President last year and replaces it with a more carefully defined statute. For example, the President could not order general price and wage controls on the whole economy. He could order controls with respect to a particular industry or company, but in so doing, he must first make a determination that a price or wage is in violation of the guidelines and that noncompliance would have a seriously adverse affect upon the wage-price restraint program. An order could not be issued reducing a price or wage agreed to by contract prior to August 15, 1971.

Those affected by a Presidential order would have some basis for judicial protection against arbitrary or capricious actions. For example, should the President order a wage reduction, the workers affected could argue their wages were in compliance with the guidelines in any injunctive proceeding to enforce the President's order. While the courts may be reluctant to overrule the President on the facts of a case, even this minimal safeguard is not available under the present law.

Mr. President, the bill I am introducing represents one attempt to deal with a most difficult problem. I am not necessarily wedded to all of the details of my proposal and if it serves as a basis for further discussion and refinement a useful purpose will have been achieved. Whatever the outline of the phase II economic program, I believe the Congress has an important role to play and I would hope the administration will seek to involve the Congress in formulating the program. Our economic problems are far too important to be left entirely to the executive branch.

By Mr. PROXMIRE:

S. 2668. A bill to assist in the provision of housing for low- and moderate-income families by authorizing FHA mortgage insurance and VA-guaranteed and direct loans for modular or industrialized housing meeting applicable code requirements but having less living space than is required under existing programs administered by the Department of Housing and Urban Development and the Veterans Administration. Referred to the Committee on Banking, Housing and Urban Affairs.

FHA AND VA INSURANCE FOR INDUSTRIALIZED, MODULAR BUILT HOUSING UNITS—AMENDMENT TO NATIONAL HOUSING ACT

Mr. PROXMIRE. Mr. President, today I am introducing a bill which would allow the Federal Housing Administration and the Veterans' Administration to insure industrialized, modular built housing units on the same basis as they now insure mobile homes.

At the present time both the FHA and VA insure loans on mobile homes down to 400 square feet in size providing they meet the mobile home standards. These units are a quickly wasting asset—most mobile homes drop to less than half their purchase price in 6 years—with interest rates up to 10.75 percent. Furthermore, they are financed by chattel mortgages.

At the same time neither FHA nor VA will insure a building code-conforming, modular, industrialized housing unit of less than 960 square feet. Yet modular homes are built to a realty standard with realty mortgages. They are a more permanent construction, last the life of the mortgage, and may even appreciate in value. Modular units may last 40 years while the average mobile home built lasts only 10.

But because of the FHA minimum property standards, modular units below 960 square feet cannot be insured while mobile homes, which are at least as costly but generally of lower quality and a faster wasting asset, can be.

The purpose of my bill is to place the two types of construction on the same basis in terms of qualifying for FHA and VA insurance.

While mobile homes which meet the American National Standards Institute A-119.1 standard are of good quality and should be insured, there is no reason why the modular unit, which costs no more, meet building code requirements, and is most likely to appreciate rather than depreciate in value, should not be insured.

The passage of my bill will mean that conventional builders, prefabricators, and modular home manufacturers will now be able to compete with mobile home builders. The result should be a major increase in the quantity and quality of small homes on the market.

As Richard O'Neill, formerly editor of House and Home Magazine, member of the Douglas Commission, and presently a housing consultant, wrote in the May 1971, "O'Neill Letter":

> Why should the Federal government back up a program that insures rapidly wasting assets (mobiles) and then prevent low-income families from purchasing, for the same price, a code-conforming dwelling unit that would not only last the life of the mortgage but would probably appreciate over time?

There are some who will argue that neither mobile homes nor modular code-conforming units of less than 960 square feet should be insured by the FHA and the VA. But mobile homes are already insured. In these circumstances, the superior modular asset should also be insured. In many instances—especially in the case of newly married or retired couples—they can provide not only decent housing, but housing superior to that in which the families now live.

By Mr. BELLMON:

S. 2669. A bill to amend the Social Security Act so as more effectively to assure that certain children, who have been abandoned by a parent, will receive the support and maintenance which such parent is legally required to provide, and otherwise to enforce the duty of parents to provide for the support and maintenance of their children. Referred to the Committee on Finance.

Mr. BELLMON. Mr. President, I am today introducing the Federal Child Support Security Act. This is a bill to amend the Social Security Act so as to more effectively assure that children who have been abandoned by a parent will receive the support and maintenance which such parent is legally required to provide.

Mr. President, we are all too familiar with the sad condition under which many children of broken families exist. Also, we are familiar with the high and growing costs to State and Federal governments of various child support programs. These hardships and high costs are largely brought about because the parents, who bring children into the world, for one reason or another find it convenient to leave home and refuse to contribute to the support of their children.

The result is that the remaining parent, generally the mother, finds it difficult or even impossible to obtain the income required and to provide the care which children need. In many cases, this means that children of broken homes live in want and squalor. It also means that in literally millions of cases the mothers of these children turn to the Federal welfare programs for survival. This is the reason that we have seen the costs of aid to families with dependent children rise astronomically from $1.02 billion, in 1960, to more than $4 billion, in 1970. The trend continues sharply upward.

Under present law, it is expensive and almost impossible for either parents or State or Federal agencies to pursue the responsible parents and require payment for the support of abandoned children. Efforts to collect child support have placed a heavy burden on every court in the land and have contributed greatly to the estrangement between individual parents and between parents and children.

Mr. President, the legislation I propose today will create the authority and the legal mechanism to bring order out of the chaotic child support conditions which exist today. This legislation establishes the Federal Child Support Security Fund. It provides that court-established child support payments may be made from the fund. Such payments become an obligation of the responsible parent to the Federal Government. The act provides the Secretary of the Department of Health, Education, and Welfare the necessary authority to collect from responsible parents the amount of child support paid in behalf of the parent.

The act further provides for the release of necessary information by any department or agency to enable the Attorney General to take necessary action to recover child support payments made in behalf of responsible parents.

Mr. President, this Nation is deeply troubled by the growing instances of neglected children, of broken families, of parental irresponsibility, and by the apparent willingness of many individuals to unload their family responsibilities upon the Treasury and the taxpayers of our cities, states, and Nation. This act is intended to require parents to meet their responsibilities. By doing so, it will have the beneficial effect of helping to stabilize families, to assure children of broken families of a reasonable and dependable means of support, to relieve a large and growing burden of the taxpayers, to remove the temptation for the parents to abandon children, and incidentally to reduce the amount and costs of child support litigation which is presently causing congestion in courts all across the land.

Mr. President, I ask unanimous consent that the full text of this bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2669

A bill to amend the Social Security Act so as more effectively to assure that certain children, who have been abandoned by a parent, will receive the support and maintenance which such parent is legally required to provide, and otherwise to enforce the duty of parents to provide for the support and maintenance of their children

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Child Support Security Act of 1971".

SEC. 2. The Social Security Act is amended by adding after title XIX thereof the following new title:

"TITLE XX—ENFORCEMENT OF PARENT DUTY TO PROVIDE CHILD SUPPORT

"FINDINGS AND DECLARATION OF PURPOSE

"SEC. 2001. (a) The Congress finds and declares that—

"(1) in numerous cases children, who have been abandoned by a parent, are not receiving from such parent the support and maintenance to which they are entitled; and

"(2) the failure of parents of such children to carry out their duty of child support and maintenance frequently results either (A) in a lack of proper care of such children, or (B) the imposition of an unfair and unnecessary burden on the taxpayers who, because of such failure, are obliged through welfare programs to provide for the support and maintenance of such children.

"(b) It is, therefore, the purpose of this title further to assure that parents who have abandoned their children will be required to carry out their obligations for child support and maintenance, and that such children will receive the parental support and maintenance to which they are entitled.

"PART A—COLLECTION AND DISSEMINATION OF INFORMATION TO ASSIST IN LOCATING CERTAIN PARENTS

"PROVISION OF INFORMATION BY SECRETARY

"SEC. 2010. (a) Upon request (filed in accordance with subsection (c)) of any authorized person (as defined in subsection (b)) for the most recent address and place of employment of any individual, the Secretary shall, notwithstanding any other provision of law, provide such information to such person, if—

"(1) the Secretary (on the basis of the information supplied in, or in connection with, such request and any other information which is brought to his attention) is reasonably satisfied that such information is sought in connection with the enforcement against such individual of the legal duty of such individual to provide for the support and maintenance of a child or children of such individual; and

"(2) such information—

"(A) is contained in any files or records maintained by the Department of Health, Education, and Welfare; or

"(B) is not contained in any such files or records, but can be obtained by the Secretary, under the authority conferred by section 2011, from any other department, agency, or instrumentality of the United States or of any State.

"(b) As used in subsection (a), the term 'authorized person' means—

"(1) the child of the individual with respect to whom the information referred to in subsection (a) is requested, if—

"(A) there has been issued, by a court of competent jurisdiction, a court order against such individual for the support and maintenance of such child; or

"(B) such child is a qualified, approved applicant for, or recipient of, financial assistance under any welfare program which (i) is administered by any State or (political subdivision thereof) and (ii) is designed to provide for or assist in the provision of support and maintenance of children in destitute or necessitous circumstances; and

"(2) the parent, guardian, attorney, or agent of a child described in clause (1), or a public welfare agency providing financial or other assistance to such child because of such child's destitute or necessitous circumstances; or

"(3) the court which issued, with respect to such child, a court order described in clause (1)(A), or any agent of such court.

"(c) A request under this section shall be filed in such manner and form as the Secretary shall by regulations prescribe and shall be accompanied or supported by such documents as the Secretary may determine to be necessary to enable him to make the findings prescribed in subsection (a)(1).

"SECURING OF INFORMATION FROM OTHER DEPARTMENTS AND AGENCIES

"SEC. 2011. (a) Whenever the Secretary receives a request submitted under section 2010 which he is reasonably satisfied meets the criteria established by section 2010(a)(1), he shall promptly cause a search to be made of the files and records maintained by the Department of Health, Education, and Welfare with a view to determining whether the information sought in such request is contained in any such files or records.

"(b) If the search referred to in subsection (a) does not produce the information sought, the Secretary shall forthwith request such information of the head of any other department, agency, or instrumentality of the United States or of any State, if he determines that there is a reasonable probability that such information is contained in the files and records maintained by such department, agency, or instrumentality.

"(c) Notwithstanding any other provision of law, whenever the head of any department, agency, or instrumentality of the United States receives a request for information from the Secretary pursuant to subsection (b), the head of such department, agency, or instrumentality shall promptly cause a search to be made of the files and records maintained by such department, agency, or instrumentality with a view to determining whether the information sought is contained in any such files or records. The head of such department, agency, or instrumentality shall, if such search discloses the information sought, immediately transmit such information to the Secretary, and, if such search fails to disclose the information sought, immediately notify the Secretary of that fact.

"PART B—PAYMENTS BY SECRETARY FOR SUPPORT AND MAINTENANCE OF CERTAIN CHILDREN

"ESTABLISHMENT OF REVOLVING FUND

"SEC. 2020. (a) There is hereby established in the Treasury a revolving fund to be known as the Federal Child Support Security Fund (hereinafter in this part referred to as the 'Security Fund'), which shall be available to the Secretary without fiscal year limitation, in such amounts as may be specified from time to time in appropriation Acts, to enable him to make the child support payments authorized by this part.

"(b) To the extent authorized from time to time in appropriation Acts, there shall be deposited in the Security Fund amounts recovered, under section 2025, from parents of the children who receive child support payments under this part.

"(c) There is authorized to be appropriated to the Security Fund an initial sum of $75,000,000.00, and thereafter such sums as may be necessary to enable the Secretary to make therefrom the child support payments authorized by this part.

"CHILD SUPPORT PAYMENTS

"SEC. 2021. (a) From the monies available in the Security Fund, the Secretary shall, in accordance with this part, make child support payments to any child who is entitled to such payments under this section.

"(b) A child shall be entitled to child support payments under this part, if—

"(1) application for such payments has been filed (in such form, manner, and containing such information as the Secretary may require); and

"(2) the Secretary is reasonably satisfied (from the information contained in or supplied in support of such application and any other information that is brought to his attention) that—

"(A) a parent of such child is, and has been for a period of not less than 6 months immediately preceding the date the application is filed, absent from the State in which such child resides;

"(B) not later than 4 months prior to the date the application is filed there has been issued, by a court of competent jurisdiction in the State in which such child resides, against such parent a court order under which such parent is ordered to make periodic financial contributions for the support and maintenance of such child; and

"(C) such child has not, for a period of not less than 3 months immediately prior to the date the application is filed, received any periodic financial contribution from such parent as required under such court order.

"(c) Any child who is entitled to child support payments under this part shall be paid such payments on a monthly basis, beginning with the month in which application for such payments is filed, or, if later, the month in which the Secretary determines that such child is entitled to such payments.

"(d)(1) The amount of the child support payments payable under this part to any child entitled thereto shall, subject to paragraph (2), be equal to the amount of the monthly periodic financial contributions that the parent of such child has been ordered to make, under the court order referred to in subsection (b)(2), for the support and maintenance of such child, or, if less, $150. If the periodic financial contributions that such a parent has been so ordered to make are payable on other than a monthly basis, the provisions of the preceding sentence shall be applied so as to reflect, as nearly as possible, an amount which is equivalent to that which would be produced if such periodic financial contributions were payable on a monthly basis.

"(2) If for any month for which a child is entitled to child support payments under this part, the parent of such child, against whom the court order (referred to in subsection (b)(2)) for support and maintenance of such child is issued, makes any financial contribution toward the support and maintenance of such child (whether or not such contribution is made in compliance or partial compliance with such order), the amount of the child support payments payable to such child for such month shall be reduced (but not below zero) by the amount of such financial contribution.

"(e) No child shall be entitled, on the basis of any application for child support payments under this part, to be paid such payments for any month after the third consecutive month with respect to which the amount of the child support payments payable to such child has been reduced, pursuant to subsection (d)(2) to zero. Nothing in the preceding sentence shall be construed to preclude any child whose entitlement to child support payments on the basis of any application has been terminated pursuant to such sentence from thereafter applying for and again becoming entitled to such payments on the basis of a new application therefor.

"(f) Any application for child support payments under this part for any child may be filed by such child, by the parent, guardian, attorney, or agent of such child, or by any public welfare agency which is providing financial or other assistance to such child because of such child's destitute or necessitous circumstances.

"(g) Whenever the Secretary finds that more or less than the correct amount of child support payments has been paid with respect to any child, proper adjustment shall, subject to the succeeding provisions of this subsection, be made by appropriate adjustments in future payments to such child. The Secretary shall make such provision as he finds appropriate in the case of payment of more than the correct amount of child support payments with respect to any child with a view to avoiding penalizing such child who was without fault, and whose parent, attorney, or agent was without fault, in connection with the overpayment, if adjustment on account of such overpayment in such case would defeat the purposes of this part or be against equity or good conscience, or (because of the small amount involved) impede efficient or effective administration of this part.

"HEARINGS AND REVIEW, AND PROCEDURES

"SEC. 2022.(a) (1) The Secretary shall provide reasonable notice and opportunity for a hearing to any child who is or claims to be eligible for child support payments under this part and is in disagreement with any determination under this part with respect to his eligibility for payments, or the amount of such payments, if such child requests a hearing on the matter in disagreement within thirty days after notice of such determination is received.

"(2) Determination on the basis of such hearing shall be made within thirty days after the individual requests the hearing as provided in paragraph (1).

"(3) The final determination of the Secretary after a hearing under paragraph (1) shall be subject to judicial review as provided in section 205(g) to the same extent as the Secretary's final determinations under section 205; except that the determination of the Secretary after such hearing as to any fact shall be final and conclusive and not subject to review by any court.

"(b) (1) The provisions of section 207 and subsections (a), (d), (e), and (f) of section 205 shall apply with respect to this part to the same extent as they apply in the case of title II.

"(2) To the extent the Secretary finds it will promote the achievement of the objectives of this part, qualified persons may be appointed to serve as hearing examiners in hearings under subsection (a) without meeting the specific standards prescribed for hearing examiners by or under subchapter II of chapter 5 of title 5, United States Code.

"(3) The Secretary may prescribe rules and regulations governing the recognition of agents or other persons, other than attorneys, as hereinafter provided, representing claimants before the Secretary under this part, and may require of such agents or other persons, before being recognized as representatives of claimants, that they shall show that they are of good character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their cases. An attorney in good standing who is admitted to practice before the highest court of the State, Territory, District, or insular possession of his residence or before the Supreme Court of the United States or the inferior Federal courts, shall be entitled to represent claimants before the Secretary. The Secretary may, after due notice and opportunity for hearing, suspend or prohibit from further practice before him any such person, agent, or attorney who refuses to comply with the Secretary's rules and regulations or who violates any provision of this paragraph for which a penalty is prescribed. The Secretary may, by rule and regulation, prescribe the maximum fees which may be charged for services performed in connection with any claim before the Secretary under this part, and any agreement in violation of such rules and regulations shall be void. Any person who shall, with intent to defraud in any manner willfully and knowingly deceive, mislead, or threaten any claimant or prospective claimant or beneficiary under this part by word, circular, letter, or advertisement, or who shall knowingly charge or collect directly or indirectly any fee in excess of the maximum fee, or make any agreement directly or indirectly to charge or collect any fee in excess of the maximum fee, prescribed by the Secretary, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall for each offense be punished by a fine not exceeding $500 or by imprisonment not exceeding one year, or both.

"(e) The Secretary shall prescribe such requirements with respect to the furnishing of relevant data and material, and the reporting of events and changes in circumstances, as may be necessary for the effective and efficient administration of this part. The payment of child support payments to which a child is otherwise entitled shall be conditioned upon compliance with such requirements.

"PENALTIES FOR FRAUD

"SEC. 2023. Whoever—

"(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in any application for any child support payment under this part,

"(2) at any time knowingly and willfully makes or causes to be made any false statement or representation of a material fact for use in determining rights to any such payments,

"(3) being the parent, guardian, attorney, or agent of any child and having knowledge of the occurrence of any event affecting such child's initial or continued right to any such payments, conceals or fails to disclose such event with an intent fraudulently to secure such payments either in a greater amount than is due or when no such payments are authorized, or

"(4) having made application to receive any such payment for the use and benefit of another and having received it, knowingly and willfully converts such payment or any part thereof to a use other than for the use and benefit of such other person,

shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

"USE OF STATE WELFARE AGENCIES FOR ADMINISTRATION

"SEC. 2024. (a) The Secretary shall enter into an agreement with any State which is able and willing to enter into such an agreement under which the State agency administering or supervising the administration of the State plan of such State approved under part A of title IV will, on behalf of the Secretary, make in such State child support payments to the children residing in such State who are entitled to such payments, and make such determinations with respect to eligibility for and the amount of such payments as may be specified in the agreement.

"(b) The cost of carrying out any such agreement shall be paid to the State by the Secretary, from moneys in the Security Fund, in advance or by way of reimbursement and in such installments as may be agreed upon between such State and the Secretary.

"RECOVERY FROM PARENTS OF AMOUNTS PAID AS CHILD SUPPORT PAYMENTS

"SEC. 2025. (a) Any child support payments made under this part to any child shall be considered to have been made for the benefit of the parent of such child whose failure to make court ordered payments for the support and maintenance of such child gave rise to such child's entitlement to child support payments under this part, and such parent shall be liable to the United States for the amount of any such payments plus interest on such amount computed at the rate of 8 per centum per annum.

"(b) At the earliest practicable date after any child has first been paid child support payments under this part, the Secretary shall notify the Attorney General of that fact and shall advise the Attorney General of the name and address of such child and the name of the parent of such child whose failure to make court ordered payments for the support and maintenance of such child gave rise to such child's entitlement to child support payments under this part. Such notification shall, if the Secretary (utilizing the authority conferred upon him under part A) is able to provide the same, contain the most recent address and place of employment of such parent.

"(e) (1) At the earliest practicable date after having received any notification from the Secretary under subsection (b) with respect to any parent, the Attorney General shall initiate appropriate proceedings, including the filing of suit in the appropriate United States district court, for the recovery of the amounts due the United States from such parent by reason of the provisions of this section. Any amount for which any parent is liable to the United States under this section shall be treated as a debt due and owing to the United States, and may be deducted from any amount otherwise due such parent or becoming due to such parent at any time from any officer or agency of the United States.

"(2) If at the end of any taxable year of any parent having a liability to the United States under this section, there remains unpaid any amount of such liability, any credit to which such parent is otherwise entitled under section 31 (a) of the Internal Revenue Code of 1954 shall be reduced by the amount of such unpaid liability.

"(*d*) Amounts recovered from any parent under this section (whether by any deduction or reduction authorized under subsection (c) or otherwise) shall be transmitted to the Secretary of the Treasury for deposit by him in the Security Fund.

"DEFINITIONS

"SEC. 2026. For purposes of this part—

"(1) the term 'child' means an individual under 18 years of age, or an individual over 18 years of age if such individual is under a disability (as defined in section 223 (d) (1) (A)) which began before he attained such age; and

"(2) an individual shall be considered to be the parent of any child if such individual has been determined, by a court of competent jurisdiction, to have a parental duty to provide for the support and maintenance of such child and has been ordered by such court to provide for such support and maintenance.

"PART C—OBLIGATION OF PARENTS OF CHILDREN RECEIVING AID TO FAMILIES WITH DEPENDENT CHILDREN

"FINANCIAL OBLIGATION OF DESERTING PARENT

"SEC. 2030. (a) If aid under a State plan approved under part A of title IV is provided to the spouse, child, or children of an individual during any period for which such individual has deserted such spouse, child or children, such individual shall be liable to the United States in an amount equal to the Federal share (as computed by the Secretary in accordance with standards prescribed by him) of such aid furnished during such period.

"(b) The Secretary shall issue such regulations and make such arrangement with State agencies administering or supervising the administration of State plans approved under Part A of title IV as may be necessary to assure the provision to him by such agencies of any information which such agencies have or can obtain and which will be helpful in identifying and locating any individual who has a liability to the United States under subsection (a).

"(c) The Secretary shall promptly provide to the Attorney General any information which will be helpful to him in instituting appropriate proceedings for the recovery of amounts for which individuals are liable to the United States (including information obtained by the Secretary under authority of section 2011).

"(d) Any amount owing to the United States by reason of the provisions of subsection (a) may be recovered in the manner authorized by section 2025 for the recovery of liabilities owed to the United States by reason of the provisions of such section.

"(e) Any amounts recovered under this section (whether by any deduction or reduction authorized under section 2025(c) or otherwise) shall be deposited in the Treasury as miscellaneous receipts.

"DUTY OF ADULT RECIPIENTS OF AID TO FAMILIES WITH DEPENDENT CHILDREN TO PROVIDE INFORMATION CONCERNING DESERTING PARENTS

"SEC. 2031. (a) If any child has been deprived of parental support or care by reason of the continued absence from the home of a parent and is a recipient of aid to families with dependent children under a State plan approved under part A of title IV, it shall be the duty of any individual, who is the relative with whom such child is living (within the meaning of the 'relative with whom any dependent child is living', as defined in section 406(c)) promptly to disclose, to the local welfare office administering such plan for the area in which such individual resides, any information which such individual has regarding the identity, address, or place of employment of the parent of such child who, by reason of his continued absence from the home, has deprived such child of parental support or care.

"(b) Any individual, having a duty under subsection (a) to disclose information which he possesses and who willfully fails to disclose such information as provided in subsection (a), shall be fined not more than $1,000 and imprisoned for not more than one year.

"PART D—MISCELLANEOUS PROVISIONS

"PENALTY FOR TRAVEL IN INTERSTATE OR FOREIGN COMMERCE TO AVOID PARENTAL RESPONSIBILITIES

"SEC. 2040. Whoever travels from one place to another in interstate or foreign commerce, for the purpose of avoiding any responsibility imposed upon him under the law of any State for the support and maintenance of his child or children, shall be fined not more than $1,000 and imprisoned for not more than one year.

"DUTY OF POVERTY LAWYERS TO ASSIST IN SECURING CHILD SUPPORT

"SEC. 2041. (a) Notwithstanding any other provision of law, legal services programs established pursuant to section 222(a)(3) of the Economic Opportunity Act of 1964 shall be operated in such manner as to give first priority to cases involving the securing of parental support for children who have been abandoned by a parent.

"(b)(1) Whenever any State agency administering or supervising the administration of any State plan approved under part A of title IV determines that any child applying for or receiving aid under such plan has been abandoned by a parent, it shall be the duty of such agency to refer such child (or the adult relative with whom such child is living) to any legal services program (as referred to in subsection (a)) located in the area in which such child resides, for the purpose of obtaining legal assistance under such program in securing from such parent support for such child.

"(2) The Secretary is authorized to issue such regulations and to take such actions as may be necessary or appropriate to assure that State agencies having the duty described in paragraph (1) will carry out such duty.

"(c) Notwithstanding any other provision of law, on and after the period beginning one month after the date of enactment of this title, no Federal funds shall be available for the operation of any legal service program (referred to in subsection (a)) unless the Director of the Office of Economic Opportunity is satisfied that such program will be operated in a manner consistent with the provisions of subsection (a)."

By Mr. CHURCH (for himself and Mr. JORDAN of Idaho):

S. 2671. A bill to amend section 8c(2) of the Agricultural Adjustment Act, as reenacted by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, so as to make potatoes for freezing, canning, and other processing subject to marketing orders; and

S. 2672. A bill to permanently exempt potatoes for processing from marketing orders. Referred to the Committee on Agriculture and Forestry.

Mr. CHURCH. Mr. President, about 2 years ago, the Congress extended to potato dehydrators the then existing exemption for canners and freezers from coverage under potato marketing orders. The purpose was to grant equality of treatment to all potato processors, canners, freezers, and dehydrators alike.

However, that change in the law was limited to a 2-year period which will expire on February 20, 1972.

The objective of the 2-year experiment—to confer equal treatment to all segments of the potato processing industry—is an altogether proper one. There is no reason why potato dehydrators should not be treated in the same manner as canners and freezers. Discrimination as between processors is wholly unjustified.

However, there are farmers who feel that nondiscriminatory treatment among processors should be sought in a different way, not by broadening the existing exemption for canners and freezers to include dehydrators, but by eliminating the exemption for all three. It is time for Congress to determine whether it wishes to make the exemption granted 2 years ago to dehydrators permanent, or whether it wishes to eliminate the existing exemption for canners and freezers. Both sides have asked that legislation favorable to their position be introduced.

My colleague, Senator JORDAN, and I agree that both sides have the right to be heard, in order that final policy determination might be made on this matter. We are, therefore, introducing two bills: one bill would remove the existing exemption under the marketing order program for canners and freezers of potatoes; the other bill would reenact and make permanent the expiring exemption granted dehydrators 2 years ago, extending to them the same treatment now applicable to canners and freezers.

We feel that this is the only way to assure both sides in this controversy the opportunity to be heard, and we hope that the Senate Agriculture Committee will find it possible to give early consideration to the policy question posed by these two bills.

By Mr. THURMOND:

S. 2673. A bill to amend section 1086 of title 10, United States Code, to permit a retired member of the uniformed services the right to elect whether he will receive health benefits under such section or under part A of title XVIII of the Social Security Act when he qualifies for benefits under both. Referred to the Committee on Veterans' Affairs.

Mr. THURMOND. Mr. President, today, I am introducing a bill to amend the health benefit provisions for retired members of our Armed Forces.

At the present time, a retired member of the Armed Forces receives health care under civilian health and medical programs of the uniformed services—CHAMPUS. This program is provided for members who are not entitled to hospitalization insurance benefits—part A—under the social security health insurance program for the aged.

Mr. President, when the retiree reaches age 65, he then becomes eligible for benefits under part A of the social security program, and no longer eligible for CHAMPUS. The two programs after age 65 are supposedly identical in nature. However, it confuses some individuals, and they feel they have been deprived of a right and benefit that they heretofore enjoyed. Further, these individuals feel they are better served by CHAMPUS. This legislation merely permits the retiree to choose the program under which he will receive benefits.

I have received information that most agencies handle the medicare and CHAMPUS program in the same office. Thus, no additional problems would be created by this choice. At a time in a person's life when he needs assistance rather than confusion, legislation to provide this security is necessary.

Mr. President, I request that this bill be appropriately referred and ask unanimous consent that it be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2673

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 1086(c) of title 10, United States Code, is amended to read as follows: "Any person who is entitled to hospital insurance benefits under this section and under part A of title XVIII of the Social Security Act shall be offered the right to elect whether he will receive benefits under this section or under Part A of title XVIII of the Social Security Act. An election made under the preceding sentence shall be final."

By Mr. GRIFFIN:

S.J. Res. 164. Joint resolution proposing an amendment to the Constitution of the United States relating to the assignment and transportation of pupils to public schools. Referred to the Committee on the Judiciary.

Mr. GRIFFIN. Mr. President, today I am introducing a joint resolution proposing an amendment to the Constitution of the United States.

The important words in the proposal are these:

> This Constitution shall not be construed to require that pupils be assigned or transported to public schools on the basis of their race, color, religion or national origin.

Mr. President, it is fundamentally wrong for any instrumentality of government—including a court—to discriminate in the treatment of children on the basis of race.

To assign and transport a child to a school far from his home, solely because he happens to be black or white, runs counter to basic guarantees that our forefathers thought they wrote into our Constitution—a constitution which includes, of course, the adopted amendments.

Forced busing is not only expensive and time-consuming but it represents a wasteful diversion of scarce tax dollars that could, and should, be used to improve the quality of education.

Even more disturbing is the indication that forced busing actually works against the very objectives it is supposed to promote. Commonsense suggests that we will not achieve the goals of racial harmony and an integrated society by increasing racial tensions and by accelerating the flight from the cities to the suburbs and beyond.

We can, and we must, strive harder to reach those goals by making sure that job opportunities are really equal, that housing opportunities are really equal—and by improving the quality of education available to the poor, regardless of race.

When a court orders long-distance busing of children because they are black or because they are white, the court disregards and ignores a fundamental truth: Two wrongs do not make a right.

Whatever the sins of their fathers, unreasonable punishment ought not be imposed upon the children of a new generation who are guilty of nothing but being born black or white.

Racial discrimination is no less discriminatory just because it is court-ordered.

As I have said before, it should not be necessary to add more and more amendments to the Constitution. It would not be necessary to add this one if the Supreme Court should see fit in the near future to clarify the confused and muddled state of the law which has led some district courts to order busing.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of my proposal, Senate Joint Resolution 164, and a statement on forced busing that I issued prior to the recent decision by a Federal court which affects the Detroit school system and which could also affect many communities outside Detroit in a three-county area.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 164

Joint resolution proposing an amendment to the Constitution of the United States relating to the assignment and transportation of pupils to public schools

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States;

"Article —

"SECTION 1. This Constitution shall not be construed to require that pupils be assigned or transported to public schools on the basis of their race, color, religion or national origin.

"SEC. 2. The Congress shall have the power to enforce this article by appropriate legislation.

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

STATEMENT ISSUED IN DETROIT BY SENATOR ROBERT P. GRIFFIN, SEPTEMBER 24, 1971

Most parents, black and white, want quality and equality in educational opportunity for their children.

Those goals can eventually be reached if we make sure—

That job opportunities are really equal;

That housing opportunities are really equal; and

If we reform the system of financing education so that the quality of public education available to children of poorer districts is raised to the level of education living in wealthy areas.

As one who wants to make more and more progress toward racial equality and an integrated society, I am deeply concerned that forced busing solely for the purpose of achieving racial balance is counter-productive. Instead of helping in the effort to promote better race relations, it is resulting in more bitterness and more polarization. Unfortunately, forced busing is greatly accelerating the flight to the suburbs and beyond.

Along with President Nixon and Senator MUSKIE, I don't like forced busing. And that is the position of the overwhelming majority of the people, black and white.

I don't believe I have to say that I am, and have been, for equal rights and against discrimination. During my 15 years in Congress I've had the opportunity to support and vote for every civil rights bill that has become law since Reconstruction days following the Civil War.

I believe the laws of the land must be enforced—even those we do not like, Court orders must be observed, including those that are being appealed. I deplore the criminal acts of the few who resort to violence and take the law into their own hands. They should be swiftly prosecuted.

I know that most people are willing to obey the law—even laws they don't like. But in fairness it is essential that they know exactly what the law requires.

Recently Chief Justice Burger indicated that some district courts are going beyond constitutional requirements in ordering forced busing. The position of the President of the United States is at odds with what seems to be the position of the Supreme Court.

Needless to say, there is too much confusion at present, and it is important to have clarification as soon as possible.

There are a number of suits involving forced busing which are on their way to the Supreme Court right now. At present, the Justice Department is not a party to these suits. I refer, for example, to suits such as those affecting Pontiac, Michigan and Nashville, Tennessee.

Yesterday I met with Attorney General John Mitchell. I suggested and urged the Justice Department to intervene in these cases and perhaps in others. Because the public interest is so important and overriding, I do not believe the Justice Department should remain on the sidelines and leave the argument of such cases to counsel for private parties. Such a move makes sense, particularly since the Administration already has a position which has been spelled out by the President.

While I hope that forced busing can be kept to a minimum, I want to reiterate a position I took in 1967. I would not favor a cut-off of federal funds for voluntary busing.

The magnet school plan in the City of Detroit is a good example of how busing can be an important part of a voluntary program to improve the quality of education.

Back in 1967, Senator Dirksen offered an amendment which read as follows:

"No funds authorized in this or any other Act shall be used to pay any costs of the assignment or transportation of students or teachers in order to overcome racial imbalance."

I offered an amendment to his amendment which read as follows:

"Following the word 'imbalance' and before the period at the end of the amendment, insert the following: 'unless such use is in accordance with a policy formally and freely made by the affected State or by the affected local educational agency without the exercise of direction, supervision or control with respect thereto by any Department, agency or officer of the United States.' "

I disagreed with Senator Dirksen at that time because he wanted to cut off federal funds for voluntary busing as well as forced busing.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1282

At the request of Mr. RIBICOFF, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 1282, the Government Facilities Location Act.

NOTICE OF HEARING ON POLLUTION PROBLEMS

Mr. RIBICOFF. Mr. President, I wish to announce that the Subcommittee on Executive Reorganization and Government Research of the Committee on Government Operations will hold a hearing on October 13 on the pollution problems in Long Island Sound.

The hearing will be held in room 3302, New Senate Office Building, beginning at 10 a.m.

ADDITIONAL STATEMENTS

ANNOUNCEMENT ON VOTE ON MILITARY AUTHORIZATION BILL

Mr. GOLDWATER. Mr. President, on Wednesday, the day the vote was taken on the authorization bill, I had to visit the Military Academy at West Point, so I was unable to be here to cast my vote. Had I voted I would have voted in the affirmative, but I would also have voted with reluctance because I do not feel that we have authorized a sufficient quantity of new weapons or old weapons to start bringing our country into line with the strength of the Soviet. We are derelict in nearly every aspect of our weapon relations and I am hopeful that next year the President and Secretary of Defense will stand up and ask for the equipment and the money to pay for it which will commence this country's return to adequate power.

THE RESPONSIBILITIES OF BUSINESS IN THE MODERN WORLD

Mr. JAVITS. Mr. President, seeking since 1949 to define and discuss humanistic issues within the general framework of "Man in 1980," the Aspen Institute for Humanistic Studies, to which I was a scholar-in-residence, met again this past August. Of particular focus for this year's seminar was a thoughtful analysis by Gabriel Hauge, president of Manufacturers Hanover Trust Co. in New York City, detailing the relationship between issues of a changing society to the concept of economic growth and progress espoused by economists and industrialists.

In "Rewriting the Social Contract" Mr. Hauge discusses the need to reevaluate the responsibility—the social accountability—of business in meeting today's challenges. Although business is already meeting enormous obligations, it cannot, Mr. Hauge points out, continue to ignore the social costs of production and growth—to preserve productive efficiency at the expense of the public interest. As society reexamines its changing goals, he notes, it is time for business to redefine its social responsibilities toward broadening its accountability to include the full social and economic costs of production and growth and to utilize its special competence to deal with today's priority problems.

I ask unanimous consent that this excellent and thoughtful discussion be printed in the RECORD:

There being no objection, the discussion was ordered to be printed in the RECORD, as follows:

REWRITING THE SOCIAL CONTRACT

(By Gabriel Hauge)

It must have been like this in Babel: so many voices, so many tongues, so many causes. Public interest waxes and wanes as Viet Nam, poverty, plight of urban blacks, crime in the streets, drug use, college unrest, consumerism, women's liberation, pollution and the environment, each in turn commands attention. There seems to be no lasting focus, but the issues remain real and they are not settled.

The very diffusion of public attention suggests that these issues are symptoms of a deeper disturbance. The roots of social instability in the United States are many and complex but two will concern us here: a new awareness of the side effects of unprecedented economic growth of the last generation; and the awakening to a new emphasis on the quality of life which in turn results from the affluence that has been achieved for most, although not yet by any means for all.

Our society is both beneficiary and victim of a unique growth in quantity. Per capita income increased eight-fold during the past century, while population grew five-fold and in cities over one million by seventy-fold. It is no accident that urbanization and population growth accompanied the gain in productivity. Since 1950 real Gross National Product in the United States has doubled, the median education of the adult population has risen one-third, and the proportion of the labor force in professional and technical jobs has nearly doubled. Meanwhile, the stock of automobiles, for example, has more than doubled. Congestion and pollution have increased at least as fast, while life expectancy has remained virtually unchanged. And so the question is increasingly debated as to how much the sum of human happiness has risen.

There are those—not dissident youth alone—who fear that economic growth is creating problems faster than it is solving them. The very imperatives in the idea of progress: efficiency, rationality and ceaseless change, are seen by these critics as a grave threat to human values: the autonomy of the individual, the integrity of his personality and the unity of society.

Awareness of the quality of life and emphasis on protecting the environment from ourselves as producers and consumers constitute unfinished business carried over from the material surge ahead in recent decades. So too does the elimination of residual poverty and lack of opportunity, the rural lag and urban blight which remain blots on our advance. Consumerism, another respect of this unfinished business, is really only the gospel of productive efficiency as viewed from the perspective of buyer and use instead of producer and seller. These, of course, are not new priorities, but their current emphasis represents renewed interest in the search for balance in material progress.

There is another, more forward-looking side to social instability. Our long struggle against want is well on the way to being won. In a sense, we are at the end of one age and the beginning of another, in which many people flounder, not only because their choices are so much wider, but also because material prosperity and its broad dissemination are regarded as no more than instrumental value. These values, which has oriented our economy and society for so long, are now so near achievement that they no longer can serve as guides in any simple way. From the present search for new priorities and instrumental values derives a good deal of the social instability of the day. As the title of Patricia Griffith's new novel puts it, "The Future Is Not What It Used To Be".

Expectations, not facts, have always been the leading indicators of history. It is interesting that high levels of output and continued growth nowadays are usually taken as given, and even the elimination of congestion and pollution as accomplished, because these are not value or goals of life, but only conditions for their fulfillment. We know that racial discrimination is wrong, and we are working on the moral equivalent of a heart transplant. We know what a city should not be, and are proceeding to eliminate its glaring flaws. But we have yet to learn, or to agree, as to what a city should be or should accomplish. We know what a corporation should not do: discriminate, pollute, exploit. But what should it do, besides producing a product or service the public wants, and doing it well?

BUSINESS TODAY

President Calvin Coolidge's dictum of the 1920's that the business of America is business, sounds strange today. Henry Luce brought that view up to date in 1963 with his revision that the business of business is America. Business leaders have, of course, known this for generations, and have carried social responsibility into practice. They were once damned as paternalistic for their trouble, but attitudes have changed. Milton Friedman still argues that the only duty of business is to make profits for stockholders; but even he views private profit as a public duty, for much of our past achievement was the consequence of business doing well what it knows how to do best: providing the goods and services that people want. Friedman's doctrine finds fewer supporters today. What some businessmen have always done by personal choice is now increasingly accepted as a civic duty.

While the corporation has been transformed, so has the concept of the public interest. A participatory democracy has always existed on paper, but the conditions for its realization are only now being met. Among them, as Thomas Jefferson well knew, is a citizenry educated and informed as never before. More people have the leisure and opportunity to participate to an extent undreamed of in the nineteenth century: we now have something approaching a town meeting on a national scale. Recent triumphs of technology and the broadening of public policy goals have led many to believe that there are more things in our control than were dreamed of by the Utopians. Belief in the power of organized society to set and reach goals has, in turn, escalated expectations. It has propelled many formerly passive citizens to raise their voices and sometimes their fists. They see business as a major influence on the course of events, and therefore want to take a hand in its direction. The clear separation of roles as worker, as citizen, as consumer, that once characterized Americans, has become blurred. The skilled employee, the manager himself, is today a citizen at work.

The family firm has been largely replaced by the legally immortal (though often financially quite mortal) corporation whose products and markets are constantly changing, as are its technologies, plant locations, employees and stockholders. Nothing about it is very private any more. The owner-founder has mostly been replaced by relays of management teams. These are men of a new breed, professionally trained for their functions, career-minded, often taking as much pride in their own skills as in their firm or product. Lacking a founder's identification with one firm, they are mobile and increasingly view their functions as partaking of trusteeship. They are responsive to several publics, sharing a broad perspective as to the place of their corporation, and of business at large, in society. They generally come out of a background different from that of an older generation of businessmen, and have a somewhat different outlook. Most leaders of the 500 largest industrial corporations in the United States share middle class origins, nearly all have college training, almost half have postgraduate training as well. Although many were schooled in business administration, their education is diversified. In recent years they have included managers fully prepared to operate a shipyard with one hand and a perfume factory with the other, without getting the attar of roses mixed up with the piston grease. Multiple objective management is the pride of the modern corporation and the fact that some objectives are social rather than financial does not seem to overawe the well-schooled business administration graduate.

The large modern corporation, run by professional managers, supervised by a board of directors chosen by stockholders, and constrained by creditors, governments, employees and customers is as complex as many governments and typically more dynamic. It is a leading originator and agent of change, including its own. The 500 largest industrial firms in the United States, for example, accounted for almost two-thirds of domestic sales in 1969. They contributed an even larger share of total research performed and of the technological progress that on one hand complicates the environment, human health and social welfare and on the other hand provides the resources to counter these threats, with affluence and security to spare.

EVOLVING ROLE OF BUSINESS

Because of their overall performance, corporations are increasingly being asked to extend their activities beyond the core function of efficient production and marketing of goods and services. There are even some demands that they become political supermarkets, establishing and enforcing a full line of foreign and domestic policies. Like some children of permissive parents, they face the prospect of a corporate identity crisis.

The emergence of the corporation as the change-agent of society reflects a questioning judgment on government. Back in the 1930's when the self-regulatory functioning of the economy broke down, government stepped in, assuming responsibilities for general relief, for farm income, for employment, for regulation of the conditions of work. Now, after a generation of nearly uninterrupted economic growth, business has reestablished its credentials. In fact, what has caught public attention in recent times is the apparent inefficiency and incapacity of many government programs. Public education budgets rise sharply, but so does criticism of results. The costs of welfare grow even under conditions of high employment, side by side with widespread questioning of the effectiveness of these expenditures. Mail service declines while its deficit mounts. Poverty and malnutrition persist despite holy wars unleashed by government against them. Federal programs for medical care result in sharp escalation of medical costs with little evidence of achieving their goals. Many local governments appear unable to cope with developments in their own communities. Although a segment of opinion in the United States still believes that the public establishment is omnicompetent and that business does not care, a much larger and growing group has begun to doubt the ability and power of government to carry out the great remaining domestic missions and is turning hopefully to business as the only feasible alternative. It is appealing to many as an idea with yeast in it.

Business, of course, is already discharging enormous social responsibilities in performing its accustomed tasks. It mainly provides the jobs that opportunity is all about, the incomes that relieve us of the drudgery and limited standard of living of our ancestors, the economic progress that gives us hope, the resources for tackling the problems of the day. Without the income and wealth creating power of business in our society, we could not afford the tomorrow that our people aspire to. But here is the dilemma: the more we expand the agenda of business into areas of little or no return or actual loss, the more we tend to undermine incentives to efficient performance on one hand, or to checkmate management with takeover efforts and stockholder suits on the other. The law of action and reaction is common to physics, politics and economics.

REDEFINING THE SOCIAL RESPONSIBILITIES OF BUSINESS

In redefining its social responsibilities today, business faces two main challenges: to broaden its system of accounting to include the full social and economic costs of production and growth, so as to better harmonize the incentives of business and the welfare of society; and to utilize its special competence to deal with priority problems of the day.

Social costs of production

You will recall that the sixth labor of Hercules was to clean the Augean stables where the stalls of 3,000 oxen had been untended for thirty years. While it is reported that he did the job in a single day by diverting the waters of two rivers through the stables, the account makes no references to the consequences downstream.

Some social costs not incorporated in economic decisions, such as the cost of untreated waste discharged into the air, water or upon the land, are borne by the community and society, not by the producer responsible or by consumers of this product. Other social costs, i.e., litter, can be laid at the door of consumers, as costs of consumption not paid by the user, but by those who share his environment. Some social costs however are joint costs which no system of accounting can sort out but which also must be reflected in economic choices. For example, the worst congestion and pollution in our great cities is a combination of industrial location, concentration of urban population, commuting by car, labor migration from farming, federal subsidies for suburbanization, population growth, and failure of zoning, land use and transportation planning by urban governments. They are the social costs of our freedoms and our institutions. They are nobody's and everybody's fault.

Environmental issues have commanded little attention until recently because few people were aware of some problems until they hit the headlines, such as oil spills; or because their full consequences went unrealized, like the automobile; or for lack of an appropriate institution or authority, as still applies in international waters. Opinion now is in the process of veering from one extreme, with social costs of economic activity largely ignored and falling on society as a whole, to awareness and often exaggeration of these still unmeasured costs and a disposition to charge them to the producer. In some manifestations opinion is shifting sharply from apathy to overkill.

It is widely agreed now that business is accountable for the social costs of its production, that it should consume its own smoke, to paraphrase Dame Rose Macaulay's words in another context. But it does not follow that business can include among such costs those which it does not create, or cannot control, such as the unwillingness of the average automobile rider to fasten his safety belt. Reality, of course, is seldom as simple as our precepts. The voracious national appetite for electric power to operate household appliances, quite as much as for industrial plants, spews sulfur dioxide and other pollutants into the air we breathe. And the American love affair with the automobile, rather than any machinations of Detroit, is really what congests our cities and drives fresh air fiends to close their windows.

Americans, who consume 40 percent of world resources produced, junk seven million cars, 43 billion cans and 20 million tons of paper annually, but the limitations of the environment now challenge our personal freedom in this regard. The disposable handkerchief, the single-use toothbrush, disposable clothing are, of course, convenient. But who in the end is accountable for a "buy, use and throw away" economy? Ultimately this question must be answered by a political decision which business can help implement but can hardly make.

Costs of growth

There are special costs of economic growth, such as declining industries, distressed communities, displaced people and obsolete skills. The innovative firm that often contributes to these problems does not pay for most of these costs, and it is not suggested that it should, lest economic progress with its widespread benefits be unduly discouraged. Only recently has society begun to accept responsibility for distressed communities and retraining of workers, and the allocation of this responsibility between government and business is still open.

It is also clear that society has yet to face the full implications of metropolitan growth. Its social costs are the combined consequence of a dynamic technology and a free society. It is, of course, perfectly possible to operate a city of eight million without congestion or auto-inducted air pollution—look at Moscow. But to accomplish this, most people are denied cars, and the government determines the location of housing, employment centers and service facilities. It would be easier to prevent slums or to eliminate them if the institutions of society controlled migration and residence. It might be easier to cope with the problem of labor redundancy if individuals were denied freedom of education and occupational choice. Freedom comes at a cost, not a profit, and it is the responsibility of society to keep the price as low as possible. Business is the instrument that will build and rebuild, and possibly share in the running of cities, but citizens through government must make the decisions, including the vital compromise between freedom and order.

Social accounting

Science, said Hobbes, is the knowledge of consequences. But first, we must have the facts. The debate in my country about the supersonic transport well illustrates the point. So too does controversy running among economists over the Administration's target forecast of a $1,065 billion GNP for 1971. Whatever the total turns out to be, it will include surplus farm products, the medical costs of illness, the pay of policemen required to cope with crime; it will exclude most quality changes. The accounting practices of government, no less than those of business, clearly do not take account of many of the social costs of production and growth.

We have no measure of net social product. There is some discussion in the United States of the need for a Social Report by the President, similar to his annual Economic Report to the Congress, to be prepared by a new Council of Social Advisers or by a reconstituted Council of Economic and Social Advisers. The government of the United Kingdom has begun publication of a new periodical entitled "Social Trends". A current research project in the U.S. identifies over 200 social indicators, compared to which a profit and loss statement is simplicity itself. Yet in assuming new responsibilities, business, no less than government, must specify its goals. It must establish yardsticks for measuring goal achievement, however crudely. It needs to institute accounting procedures to provide information on performance relative to its expanded goals. In its own interest it must let all affected parties know just what it is doing and how well. It needs a bigger scoreboard.

In the narrower area of corporate philanthropy, most companies prepare an annual contributions budget. Many have established contributions committees with their own secretariats to survey potential donations and evaluate results. A growing number have established company foundations, professionalizing the function which Herbert Spencer cynically defined as "being kind by proxy", and separating philanthropy from dependence on the fluctuating fortunes of business activity. Corporations in the United States are now contributing an average of almost one percent of their pre-tax earnings to charitable, educational and related purposes, a sum approaching a billion dollars a year, which may fall short of hopes, but which is many times the amount and twice the percentage prevailing before 1952. The aggregate and the percentage of earnings can be expected to grow under the law which permits contributions up to five percent of earnings as deductible for tax purposes. Beyond these sums, devotion of corporate executive time to community service doubtless will also continue to grow, and this tithe of time is a real and valuable contribution.

Institution building

Since form and function interact, new institutions are frequently needed for new responsibilities. Business must find ways of reconciling the preservation of productive efficiency with a business-like furtherance of new concepts of the public interest. New forms of business-government partnership will develop, each building on the other's strengths, but the burden of innovation and reform cannot fall wholly on business. Governments too are subject to the new social audit.

The first priority in institutional reform might well be that of local governments in metropolitan areas. Cities cannot be made livable fragment by fragment. All of the major problems of cities require the combined efforts of all levels of government sharing a city among them. This may take various forms. One is government consolidation of the kind we see in Toronto. Another is the Council of Governments approach in the United States, which has yet to attain real leverage. A third is the special-function agency, such as the Port of New York Authority and transport authorities in several cities. None of this precludes, of course, a key role for business in urban rebuilding and investment, or even in the operation of the vital organs of cities, but a business-government partnership is not very productive where government does not govern.

There are many other variations of institutional reform which have been devised in the United States in reaction to new responsibilities. In regional development they include: the federal-state Appalachian Regional Commission established by Congress to direct development efforts in our largest depressed region; various interstate compacts; state and local hybrids of government and business, such as the New York State Development Commission; and completely private institutions, such as the Greater Hartford (Connecticut) Corporation established by thirty leading companies.

The federal government has created several "for-profit" corporations in which it retains a voice through appointment of some members of the board of directors. They carry out business activities fraught with public interest whose conduct requires government-like powers. Best known as the Communications Satellite Corporation. More in line with new domestic priorities is the National Corporation for Housing Partnerships, established last year to stimulate construction of housing for low-income families by a combination of equity investments, joint ventures and its own housing projects. The National Railroad Passenger Corporation, also newly created, has been given wide powers to develop a plan (Railpax) of intercity rail passenger transportation, relieving airport and road congestion, with the contribution of government funds and guaranteed loans.

In this process the dividing line between the private and the public sectors becomes more obscure. Governments, for their part, have been making wider use of business methods and criteria in the discharge of many functions. A tendency toward more realistic pricing of services to identifiable beneficiaries, such as users of local utilities or students at state universities, is a case in point. The efforts on behalf of cost-effectiveness analysis in public budgeting is another. The Lakewood (California) Plan, whereby smaller local governments buy services from larger ones instead of each providing its own, and thus achieving joint economies of scale, is a third. The creation of public corporations, from the Tennessee Valley Authority to the new U.S. Postal Service, offers another example of business-type operations, self-financing from the sale of services and access to the capital market and ultimately responsive to the dictates of the consuming public rather than to legislative bodies and government departments.

Much, of course, can be accomplished with minimal institutional innovation. The taxing power of government can be linked with the productive energies of business by contracts for services which business has not been in the habit of selling, nor government of buying. For example, the Office of Economic Opportunity in Washington has contracted with six firms to raise the reading and mathematical skills of 28,000 disadvantaged students, with payment based on performance. An electronics company has been given the task of evaluating and reorganizing the Camden, New Jersey public school system, hiring subcontractors on a performance basis. These are early efforts and no firm judgments are yet possible, but the initiatives are provocative.

Business has often organized on a wider scale for special social goals. The National Alliance of Businessmen, for example, has assumed the obligation of a continuing program to employ and train hard-core unemployed, mostly blacks. The American Bankers Association Key Cities program has set itself the objective of raising $1 billion for financing minority-owned business by 1975. The life insurance industry is carrying out a $2 billion program of mortgage lending in central city areas.

Business groups in most cities provide the leadership for community improvement in all its aspects, and have been doing so for many years. That is how downtown Pittsburgh was rebuilt and how air pollution in this steel center was greatly reduced long before urban decay and air pollution became national issues. The National Council for Air and Stream Improvement was organized by the paper industry as far back as 1943. Keep America Beautiful, a national organization combating litter, was formed by manufacturers and users of packaging materials years ago. These efforts, to be sure, are piecemeal, makeshift, and haven't begun to keep pace with the growth of the problem but they do provide the background against which more concerted efforts are taking shape.

Beyond legality

There remains a difficult aspect to all this: business management is confronted with the need to make value judgments concerning its activities beyond the criterion of legality. Should a company sell to South Africa? Lend to a pornographer who is operating within the law? Buy from a supplier who pollutes the atmosphere? Deal with a union which discriminates against blacks?

The direct answer clearly is that corporations are legal entities free to exercise their judgment within the law. Unless legality, morality and the economic advantage of the firm coincide. In some cases there may be no economic advantage, no matter how broadly construed, and there may be a penalty. Here a management will make its judgment on grounds that are important to it and its constituencies. For instance, two U.S. mutual funds will not invest in liquor or tobacco shares; another spurns the stock of companies engaged in munitions production. There are funds that invest as a matter of policy in racially integrated housing or in firms devoted to urban and population problems. A leading food company recently refused to locate a plant in an Illinois city until it adopted an open housing ordinance.

These and similar judgments a business may make, and the tools of public persuasion are always at hand to seek an increase in the number doing so. But a view that cannot muster enough support to become the official policy of a representative government should not be imposed on a company or any other organization. Coercion should be a public monopoly, sparingly used. In our pluralistic society, nothing is unanimous and that is why we make do with majority rule. Judgments or programs that are uncongenial to the majority may and often do find a haven in some organization, whether a charitable fund, a city, county or a corporation. That is as it should be. As part of this tradition, a business should be free to make its own way within the limits of the law and its own power.

AMENDING THE SOCIAL CONTRACT

There are many approaches to enforce the new Social Contract: incentives and subsidies for desirable behavior; penalties or taxes for undesirable performance; regulations setting standards and forbidding certain actions; encouragement of technology that can help find ways out of dilemmas. There is no one best approach, since conditions vary: the feasibility of technological solutions, the enforceability of standards, the effectiveness of inducements.

There is a pair of rules, however, that should guide the choice of methods:

First, whatever approach government selects should fit the framework of incentives for productive efficiency. We have yet to find an adequate substitute for the incentives of risk and return and competitive pressure for inducing efficiency in production and allocation. These same incentives can be directed toward alleviating our social problems. The role of government is to modify the choice among alternatives by suitable carrots, sticks, and fences, but to leave business free to arrange its own affairs to the best of its considerable abilities, subject to a revised set of standards. Business needs a considerable measure of freedom, if it is to function at its best. After all, business is people, too. As Nobel Prize winner Paul Samuelson reminds us, Henry Ford cannot operate today like his grandfather did, but neither, says economist Samuelson, can he operate like St. Francis of Assisi.

The second rule is that, whatever government does, it should not penalize compliers and allow a competitive advantage to violators. Only because of this problem is government intervention really needed at all. Most firms would be willing to abide by the new Social Contract if they were assured that their competitors would do likewise. But if low-sulfur fuel is more costly, or if anti-pollution devices are expensive, Gresham's Law of pollution comes into play: dirty plants and dirty cities drive out clean ones by underpricing them. In setting new standards or changing an old one, enough time must be allowed to avoid unequal treatment of existing capacity and new investment, of plant and equipment of different ages. Where a burden cannot be distributed equitably, or where equity might call for an excessively long period of grace, it is best to resort to incentives rather than to general regulation. This principle would also apply to the extra cost of hiring and training disadvantaged workers.

Standards

The mobility of the population, of business itself, the extensive areas from which goods are obtained and over which they are marketed, all suggest the need for national standards, supplemented by local action. No one community has the power adequately to protect its people. It may lack the legal powers to keep out unsafe products; it lacks the effective capability of keeping out polluted air. It will be penalized for enforcing standards within its limited area of jurisdiction which are much higher, and therefore more costly, than standards prevailing in competing jurisdictions.

"Clean the air. Clean the sky. Wash the wind.", wrote T. S. Eliot and his words have been mobilized by the Administration. A series of air and water quality acts have been building up the power of the federal government to set and enforce standards. The Environmental Protection Agency has been prescribing acceptable maxima for pollution emission. Recent legislation has set a 1975 target date for reduction of pollutants from automobile engine emissions by 90 percent. While Detroit has made a good case against the practicability of this date, supporters of the time schedule assert that, just as the prospect of hanging is said to remarkably concentrate the mind, this requirement may do wonders for antipollution research. Legislation proposed by the Administration would extend water quality standards from interstate waterways to all navigable streams, would expand the power of EPA to review the safety of pesticides, would allow it to set noise standards, would require its permit for ocean dumping, and its prior approval for the introduction of any new chemical. State and local governments also have a full legislative hopper on environmental regulation. One community in Maryland now has a law on the books banning all disposable containers within the city limits.

The recent surge of interest that has produced these environmental standards should not blind us to the longer history of progress in other areas, such as labor standards: wages, hours, and working conditions, unemployment compensation and social insurance. The Administration is in the midst of seeking from Congress major revisions in our programs of public assistance and in the system of medical insurance covering most workers. The difficulties of enforcing standards of nondiscrimination in hiring have not precluded progress in fact and in legislation, such as the Equal Employment Opportunity Commission established to eliminate discrimination against women and members of minority groups.

Underwriter of last resort

Most businessmen are risk-takers; it is an occupational attraction and hazard. Every time they support research or enter a new market they take the limited risk of losing their investment. What management cannot do, however, is assume open-end commitments, such as to employ the entire disadvantaged group or to renew central cities. The continued economic viability of businesses depends on their costs and their revenues in a competitive market. Only governments have revenue source sufficiently independent of immediate consumer satisfaction or cost-effectiveness for such undertakings. Government must bear the open-ended risks which are not a necessary condition of doing business but a social obligation of all. It must be underwriter of last resort, where greater business risks offer no compensating expectations of return. This is the case with the bulk of insurance for central city slum areas, housing and medical care for the poor, financing for marginal minority business. The banking and insurance industries have pooled their responsibilities and resources for these ends to a degree, but there is a limit to the extent they can employ other people's money which they hold when the problem is not simply a wider sharing of risk, but in fact much higher risks and costs.

International dimension

The jurisdiction of the new Social Contract obviously must reach around the world. Swordfish and tuna caught on the high seas can be contaminated by industrial wastes. Health hazards can cross international boundaries through trade: farm products containing dangerous pesticides, TV sets emitting unshielded X-rays.

Some nations obviously can impose social costs on others, as well as their own citizens. On certain health problems we already have a measure of broad cooperation, through the World Health Organization. On industrial pollution, the U.S. State Department has established an Office of Environmental Affairs, which is examining critical international aspects of problems in such fields as automobiles, pulp and paper and power plants. The OECD has established a Committee on Environment. The UN Economic Commission for Europe has scheduled a conference to coordinate national environmental policies. The NATO Committee on the Challenges of Modern Society has activated a 3-year study of methods of controlling pollution of inland waterways, part of an eight-section schedule. In 1972 the UN will hold a World Conference on Pollution in Sweden at which the U.S. may propose the creation of a World Environmental Institute. In the private sector, the theme of this week's biennial congress of the International Chamber of Commerce in Vienna is, "Technology and Society: A Challenge to Private Enterprise."

It is clear that trade could be seriously affected. The nation whose food products are contaminated, or whose manufacturers are unsafe, may find its exports barred. On the other hand, the nation that takes the most effective measures to conserve its environment and protect its citizens may find its products priced out of international markets, or even threatened by imports. Investment could be redirected to countries with lower standards and lower costs.

There obviously is room here for give and take. Common standards is the ideal, which would leave relative positions unchanged, except that nations whose standards are already high would gain. Until that day, domestic standards must be protected, at least by applying them also to imports. But exporters concerned about their social costs are still disadvantaged. This is a difficult issue, whenever their higher standards are reflected not in the intrinsic value of the product but solely in meeting the costs of various domestic social objectives. In all its many aspects, it is probably not too sweeping to say that achievement of environmental quality calls for international cooperation as far reaching as that required for the atom.

EVOLVING SOCIAL GOALS AND PRIORITIES

Between nations there is no consent of the governed, only common interests of sovereign states. Within the nation, we have been living under a Social Contract which is undergoing revision because of a change of circumstances and a related change of heart. Along with other parts of society, the role of business is changing because the goals of society are being re-examined. The process of continuing discussion and debate through which we move toward a consensus or compromise on goals and priorities is one in which all elements of society, including business, must participate. Although business will aid in rebuilding cities in conformity with new technology and population needs, for example, it is not for it to make the vital choices between diffuse suburbs and skyscrapers, between subways or expressways, or to devise the land use plans and zoning codes which shape the environment which, in turn, bends man. Business provides the tools and the alternatives and therefore should have a voice. It is the whole citizenry, however, that must choose and govern.

Looking back at the panorama of material achievement and at the exponential growth of knowledge, it is certain that tomorrow will be unlike yesterday, or even today. As most people become affluent by past standards, each generation will be free to define its own concept of the good life. Goals and priorities, once hemmed in by universal scarcity, now shaped by industrialism, urbanization, and the population explosion, will in time become freer of these constraints. We cannot predict the future, but we can do our best to hand on a strong, productive economy and a mechanism of social choice in good working order, so that succeeding generations may fulfill ". . . man's responsibility to bring the world, that ought to be, into being."

Mr. SPONG. Mr. President, the Federal Aviation Administration has sought to justify the heavy use being made of National Airport and its planned expansion on grounds that Dulles Airport would experience an accelerated increase in traffic during the 1970's. By the end of the decade, it has been argued, both airports will be used to capacity and a new airport might be needed.

In order to have a clear picture of the situation, I asked the General Accounting Office to review the patterns of use and growth at the two facilities. That report is completed and I believe it contains some very interesting findings. I want to draw particular attention to three points.

The first is the tendency of the FAA to overestimate growth in the use of Dulles. The FAA's projections of aircraft operations and passenger traffic at Dulles show a steeply rising trend through the 1970's but, in fact, "the use of Dulles has declined significantly since late 1969," according to the GAO report. The facts are that in the first quarter of 1971, aircraft operations at Dulles were down about 7 percent over 1970 and passenger traffic down about 13 percent.

The second point is that despite this discouraging underutilization of Dulles, the FAA has taken no positive actions to transfer a portion of the traffic from congested National Airport to Dulles. A study of alternatives for increasing utilization of Dulles was undertaken by the FAA at the direction of the Undersecretary of Transportation, but nothing was ever done to follow it up. The GAO report notes that—

> The study which was completed in September 1969 indicates that FAA could take action to create a better balance in the use of the area's airports. GAO found no indication, however, that such action had been planned.

To the contrary, the FAA has been proceeding in exactly the opposite direction: Toward expanding the equipment, facilities, and use of an already overtaxed National Airport. Not only is the airport handling virtually all of the short-haul service to and from this region, but according to GAO, substantial long-haul service is provided at National as well. The report contains a detailed comparison of the scheduled long-haul service at the three area airports.

Mr. President, the report goes on to discuss the FAA's plans to expand and modernize facilities at National at an estimated cost of $157 million, or more than it cost to build Dulles with its access road. The Office of Management and Budget disapproved the FAA's request this year for $26 million to cover the Government's share of this project, but according to GAO, the FAA plans to move ahead with the expansion using funds provided by the air carriers and concessionaires.

Mr. President, I have brought this complete report to the attention of the congressional committees concerned, ask unanimous consent that the digest of the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

GROWTH AND USE OF WASHINGTON AREA AIRPORTS

WHY THE REVIEW WAS MADE

At the request of Senator William B. Spong, Jr., the General Accounting Office (GAO) examined into selected aspects of the management and use of Washington National and Dulles International Airports. GAO also compared the flight service available at the three airports in the Washington area—National, Dulles, and Friendship Airports.

National and Dulles Airports, owned by the Federal Government, are managed and operated by the Federal Aviation Administration (FAA), Department of Transportation.

Friendship Airport, owned by the city of Baltimore, is operated by the city's Department of Aviation.

GAO did not obtain written comments on the matters discussed in this report from the Department or FAA.

FINDINGS AND CONCLUSIONS

National Airport development

National, opened for commercial air service in 1941, has become one of the busiest airports in the United States. National originally was constructed for the use of low-speed propeller aircraft but since 1966 has been used by multiengine jets.

Restrictions were placed on the use of jets, some directed at making National principally a short-haul airport—limiting service to cities within 650 miles. (See p. 10.)

Because of the scheduling practices of the airlines, however, substantial long-haul service is now provided at National. Nineteen cities outside the 650-mile limit have direct service from the Washington area only from National, and several cities beyond 650 miles have nonstop service only from National. (See p. 32 and app. II and III.)

In June 1967 the Civil Aeronautics Board (CAB) began an investigation to determine whether certificates of air carriers authorized to serve Washington area airports should be revised or suspended. The principal reason for this study was the need to relieve serious passenger traffic congestion in National's terminal and parking lots and on National's access roads.

In April 1970, acting on information furnished by the Department, CAB discontinued its investigation and stated that the need for the investigation no longer existed. (See p. 11.)

Use of stretch jets

In April 1970 air carriers were allowed to use a stretch version of the Boeing 727 at National, to temporarily alleviate conditions generated by an air traffic controllers' "slowdown" in effect at that time.

After the slowdown had been concluded, however, the air carriers were allowed to continue using the stretch jet at National. FAA planned to study the effects that the use of stretch jets would have on the future growth of Friendship and Dulles. (See p. 14.)

In February 1971 the Administrator of FAA concluded that the use of the stretch jet had no impact on conditions at National or on the growth and use of Dulles. The Administrator pointed out, however, that the general decline in operations at the airports in 1970 made it difficult to identify trends. (See p. 14.)

In March 1971 the Secretary of Transportation imposed a freeze on the number of stretch jet operations at National at levels existing at that time (78 flights daily) until facts warranted a change of this policy.

An FAA official stated that the limitation had been relaxed on 84 daily operations at the request of the CAB Chairman, because retention of the 78 daily operations limitation would have worked a hardship on the air carriers that already had scheduled crews, maintenance, and aircraft for the summer traffic.

Modernization of National Airport

In September 1968 a firm of architects employed by FAA to study the scope of future activity at National reported that the airport should be modernized and expanded to accommodate 16 million passengers annually by 1980. (See p. 16.)

FAA's 1972 budget submission to the Office of Management and Budget included a request for $26 million to cover the Government's share of a major modernization of National. FAA estimated the total cost of modernization to be $157 million. It was anticipated that the air carriers and concessionaires would provide $79 million and $52 million, respectively.

Although the President's budget for fiscal year 1972 included only $2 million for runway and apron improvements, an FAA official advised us that FAA planned to seek financial participation by the air carriers during fiscal year 1972 to initiate construction of the planned modernization of National without Federal assistance. (See p. 16.)

Dulles International Airport development

Dulles was opened in 1962. During its early years growth was below expectations.

After FAA's 1966 decision to allow jets into National, the air carriers began increasing scheduled jet service into National. Currently the majority of jet service for the area is furnished at National.

The result is that National is used at virtually maximum allowable levels, whereas use of Dulles continues to be at a minimum much of the time. (See p. 18.)

Air carriers' schedules have resulted in high use of Dulles during certain peak hours, virtual nonuse at other times, and fairly uniform use of National throughout the day. (See p. 24.)

Expansion of Dulles

In late 1969 FAA forecast an accelerated increase in the use of Dulles. FAA predicted that if this increase were achieved, the terminal facilities would have to be expanded before 1974.

The President's budget for fiscal year 1972 contains $14.7 million for the expansion of the Dulles terminal and $2.8 million for the expansion of the mobile lounge fleet. (See p. 27.)

Because the use of Dulles has declined significantly since late 1969 and because in the past FAA has tended to overestimate the growth in the use of Dulles, the planned expansion of the Dulles terminal facilities seem to be questionable. It appears that the expansion merely would serve to accommodate the air carriers in their practice of scheduling most of their service during a limited peak period during the day. (See p. 27.)

Concern over imbalance in use of airports

The National Capital Planning Commission, responsible for developing and adopting a comprehensive plan for the District of Columbia, became concerned in 1966 when FAA decided to allow jet service at National. At that time and again in May 1970, the Commission recommended that FAA study the future role of National as an air terminal in the Washington area and suspend further construction at the airport until study results were available.

The Commission advised GAO that it was studying long-range needs for air transportation and terminal facilities in the Washington area but that this study would not be completed until June 1973. (See p. 29.)

In April 1969 the Administrator began a study to determine alternatives for increasing utilization of Dulles. The study was directed toward methods to transfer a portion of National's traffic to Dulles. (See p. 29.)

The study which was completed in September 1969 indicates that FAA could take action to create a better balance in the use of the area's airports. GAO found no indication, however, that such action had been planned. (See p. 30.)

NO INQUISITION HERE

Mr. PROXMIRE. Mr. President, the fear has been expressed that if the United States becomes a party to the Genocide Convention the Federal Government will be required to turn American citizens over to foreign countries for trial and inquisition, incarcerating American citizens at will.

These fears are groundless. Articles 5 and 6 of the Genocide Convention clearly state that each nation shall enact laws, in accordance with its constitution, to provide for the trial and punishment of anyone accused of Genocide. And this trial is to occur in that citizens own country. There is no provision for any foreign nation to arrest, try, or punish an American. Therefore, there can be no inquisition here.

Mr. President, I call upon the Senate to ratify the Genocide Convention as soon as possible.

CANNIKIN NUCLEAR TEST

Mr. GRAVEL. Mr. President, more and more people are becoming involved in the effort to convince President Nixon to call off the planned Cannikin nuclear test scheduled next month for Amchitka Island, Alaska.

Americans, Canadians, and Japanese citizens have all expressed their opposition to the test. Several citizens' groups have sponsored peaceful demonstrations to voice their opposition to the test.

Telegrams have been pouring into my office by the hundreds, urging me to do all that I can to stop such a test.

The Washington Sunday Star of September 26, 1971, contains an editorial urging the President to call off the test as suggested by many of his advisers.

I ask unanimous consent to have printed in the Record the editorial and some of the many telegrams I have received in opposition to the blast.

There being no objection, the items were ordered to be printed in the Record, as follows:

The Amchitka Test

The nuclear test, scheduled to be touched off next month 6,000 feet below the island of Amchitka in the Aleutian chain, has already produced a series of intramural explosions and international temblors.

Predictably, an imposing variety of environmental groups has come out swinging at the proposed test, pointing out that exploding the equivalent of 5 million tons of TNT on a major fault line is to invite a major natural disaster. With equal predictability, the Atomic Energy Commission has issued assurances that no earthquakes or tidal waves will result, and the Defense Department has declared the tests vital to the national security.

So here we go again, with concerned citizens caught in the crossfire between the prophets of environmental doom and the disciples of military preparedness, wondering where salvation lies.

This time, though, there is a difference. This time, the environmentalists have picked up some unexpected support from a variety of governmental agencies whose opinions on the Amchitka test were solicited by the White House. It has been reported that 10 of the 12 agencies advised either cancellation or postponement, leaving only the AEC and the Pentagon holding out for the October boom.

Among those advising postponement, it is reported, is the State Department. It can be assumed that its advice was influenced considerably by the reactions of several countries with whom we share the Pacific Ocean—Canada and Japan in particular—who have let it be known that they take the threat of tidal waves and earthquakes seriously. And considering the fact that both of these friendly nations are still reeling from the body blow of the new U.S. economic policy, State would seem to have a point. This seems a singularly inopportune time for the test.

So unless there are overbearing security considerations, the President should take the advice he asked for and call off the test, at least for the present. Perhaps when the SALT sessions resume in November, an agreement on ABMs can be reached that will make it unnecessary for us to keep testing the vulnerability of the earth's flawed crust.

Juneau, Alaska,
September 26, 1971.

Senator Mike Gravel,
Washington, D.C.:

Please urge President Nixon to stop all Amchitka bomb tests now.

Marianne Sheridan.

Palmer, Alaska.

Senator Mike Gravel,
Washington, D.C.:

Mr. Senator: Notwithstanding grave doubts as to the propriety of the proposed Cannikin nuclear test at the Anchitka Island site with regard to possible environmental damage and a lack of demonstrated need in the area of national defense, I appeal to you as moderator of the Presbytery of Yukon (United Presbyterian Church in the USA) at the specific direction of that ecclesiastical judicatory that you take immediate measures to thwart such testing at that site both in the imminent and distant future. This request is prompted by our deep concern for the safety and welfare of the residence of St. Lawrence Island in the Bering Sea whose fears have been unallayed by assurances from the Atomic Energy Commission and other governmental agencies that the proposed test will not prove harmful to either the human or the natural environment. This judicatory also remains unconvinced and therefore urges you to utilize that power and influence vested in your office to institute an indefinite moratorium on nuclear testing on or near Amchitka Island, Alaska.

Respectfully,

Richard D. Madden,
Moderator.

September 21, 1971.

Senator Gravel,
Alaskan Representative, U.S. Senate, Washington, D.C.:

The following is a copy of a telegram which we sent to President Nixon, September 18, 1971. We request your support on this matter.

While we are awaiting your decision concerning the Amchitka test, please be advised that organized labor throughout Canada is alarmed and apprehensive about the results of following such a procedure.

Prior to making your decision, we ask you to note that pursuing your own national interests, at the expense of your northern neighbors, is embracing a policy which can only result in the total collapse of existing friendly relations between our two countries.

We therefore urge you to exercise your authority and cancel the blast, with a view to restoring some of the lost American prestige, brought about by previous acts of a similar nature.

H. Carruthers.

COMMENDATION FOR ARMED SERVICES COMMITTEE STAFF PERSONNEL

Mr. THURMOND. Mr. President, yesterday accolades were passed around by members of the Senate Armed Services Committee reference the excellent work of the committee chairman and the committee members on the military procurement bill.

There is a saying that behind every man there is a good woman. I wish to apply this saying on a committee basis by calling attention to the labors of the secretaries of the Armed Services Committee and Preparedness Investigating Subcommittee. These ladies are rarely recognized and during the past few months they have worked diligently, as they always do, in supporting the committee members in the long debate on the draft and procurement bill.

Mr. President, these ladies include E. Christina Winters, Doris S. Cline, Marie F. Dickinson, Carol L. Wilson, Frances Funk, Mary E. Keough, Maurine E. Dantzic, Phyllis A. Bacon, Nancy J. Bearg, and Kay Parker.

THE 81ST BIRTHDAY OF SENATOR ELLENDER

Mr. GOLDWATER. Mr. President, if there is a more honest person in this body than Allen Ellender I do not know who it might be, but I have to confess that when he states that he is 81 years old, and I take a close look at him, I have to come up with some doubts. He is a remarkable man for his age or in any age. His devotion to his senatorial duties and his performance in the execution of them serve as a model to all of us.

It gives me particular pleasure to salute this splendid gentleman from the State of Louisiana on the occasion of his birthday and I wish for him many, many more, not only for his own good, but for the good of the country.

NEW ECONOMIC POLICY AND CANADA

Mr. PROXMIRE. Mr. President, this morning's Washington Post contains a letter from Robert P. Kaplan, M.P., vice-chairman of Canada's House of Commons Standing Committee on Finance, Trade, and Economic Affairs.

Mr. Kaplan points out the problems that have been caused to Canada by the President's new economic policy and how, even in America's closest friend and ally, it is engendering new feelings of nationalism and retribution.

I think the feelings expressed by Mr. Kaplan indicate the dangers involved in setting up barriers to free trade no matter how well intentioned.

The problems caused to Canada by the 10-percent surtax and the dangers it poses to our own free market should cause the President to lift the 10-percent surtax as quickly as possible. Failure to do so will certainly impair our negotiating position with regard to the McKensie Valley pipeline and will set back our carefully nurtured relations with Canada.

I ask unanimous consent that the letter from Mr. Kaplan be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

A View From Canadian Parliament on U.S. Economic Moves

The recent economic moves of the Nixon administration, however temporary some of the programs may turn out to be, will leave a permanent scar on Canada's political consciousness which will remain whether the Canadian economy recovers fully or not.

The relationship of our two countries, that of the small man in bed with the elephant, is not unique. History is full of cases of great powers co-existing with small neighbors, and there are other such cases in the world today. What has been unique about Canada's relationship with the U.S. has been the fundamental decency of American policy toward us, which has meant for Canada absolute, if sometimes grudging, autonomy.

Our independent view of international affairs is shown as we trade with Cuba, exchange ambassadors with China, condemn atomic testing and the war in Vietnam, and harbor American deserters and draft dodgers. Contrast this with how China would react to its military deserters being welcomed in Afghanistan or how the Soviet Union would regard a Swedish application to enter NATO. In the economic sphere as well, our independence is visible. The American policy has not impeded Canadians in their aspirations to develop a high standard of living and an urban life style. The American investment in Canada by manufacturing companies and access to the American market for Canadian manufactures have brought us economic benefits.

This attitude of partnership of a great power to its small neighbor has also benefited the United States. It has been proved that there is more to gain for its own people from the prosperity of its neighbors than from the bleeding process of empires past. For example, Canada has abandoned its traditional policy of fostering local industries behind a tariff protection and challenged Canadians to meet world competition in our own markets. We have become America's best customer by far.

The surcharge of August 15 and the prospect of far-ranging U.S. tax subsidies to manufactured exports force Canadians to reconsider Canada's relations with the United States. For this purpose, it is immaterial whether the unilateral American act implies a new era, so far as the Americans are concerned, in their relations with Canada as such, or whether the Americans merely regard Canada's industrial prosperity as a pawn in its negotiations with third countries: In either case, our future is in peril.

Some Canadians feel retaliation is appropriate, that we should penalize the American subsidiaries carrying on business here and withhold the natural resources on which America has a growing reliance. Such reaction is understandable, but naive. Our trade with the United States means relatively more to us than it does to the U.S. An anti-American investment policy could result in a loss of access to American technology, the most advanced in the world. As for our natural resources, none is indispensible. Pulp and paper are cheaper in the U.S., due mainly to a better climate; oil is cheaper from the Middle East (between wars) and natural gas can be replaced by oil and nuclear-generated electricity.

Of course, Canada has options. We have other foreign customers and we can seek to increase our trade with them, but a shift of two thirds of our markets is not done overnight. Many Canadians would favor returning to protected domestic markets. If this means higher costs, it also means more assured independence.

To some Canadians, it may be acceptable to fall in line with the design for Canada implied by a U.S. policy of putting Canada out of manufacturing industries, of returning to the U.S. the employment which U.S. investments and markets have brought us and of gearing our economy as a conduit of our material to American population centers. But clearly, it is not acceptable to our government.

As traditional friends of the U.S., Canada must now ask how applicable to America today is the century-old maxim of a British statesman: "Great Britain has no permanent friends, only permanent interests."

ROBERT P. KAPLAN, M.P.,
Vice-Chairman, House of Commons Standing Committee on Finance, Trade and Economic Affairs.
OTTAWA.

THE PRESIDENT'S ECONOMIC POLICY

Mr. SCOTT. Mr. President, during the next few weeks, we will continue to hear a great deal about the merits, or lack thereof, of President Nixon's new economic policy. I wholeheartedly support his program and intend to work for its implementation.

The tax cuts and incentives originally proposed by the administration were, I believe, a bit light on the side of the consumer. However, the House Ways and Means Committee has produced a bill which does give a proper share of tax relief to individuals while at the same time providing the business community with the necessary economic stimulus. Additional stimuli for individuals merit our close study.

As the Senate now proceeds to consider the President's tax proposals, I intend to have more to say, especially in regard to the creation of additional jobs. I believe that we need to show a more direct correlation between industrial expansion and job development. In the meantime, "restraint" is the watchword for all of us—restraint on wages, prices, rents, interest rates, and all the rest.

The Glen-Gery Corp. in Reading, Pa., is one responsible company which not only preaches restraint, but practices it as well. Board Chairman Woodrow R. Eshenaur has written an excellent and thoughtful letter detailing his views and activities during this period of economic reevaluation. I would like the Senate to note particularly Mr. Eshenaur's plea for restraint in all sectors of the economy—business, labor, and government—so that the United States can pull out of the slump and achieve the prosperity we all know is possible. As far as setting an example for others to follow, Mr. Eshenaur, the chairman of the board, and every officer of the Glen-Gery Corp., has voluntarily taken a 10-percent pay cut in 1971. I congratulate the Glen-Gery Corp. on its tremendous effort, and can only hope that its spirit, if not its action, will be emulated by others.

Mr. President, I ask unanimous consent to place Mr. Eshenaur's letter in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GLEN-GERY CORP.,
Reading, Pa., September 30, 1971.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: It is not a practice of mine to write to members of Congress in regard to legislation that affects this country, because in most instances I feel that the legislators know more about it than I do. However, in the case of Price and Wage stabilization as put into force by the President of the United States, I feel that this has been a great help to small businesses such as I head in the Glen-Gery Corporation.

Small business has been struggling with an uphill battle with the continued escalation in costs and wages affecting our plants and products. With the money situation as it is, it has been almost impossible to generate profits in the economy as it was going prior to the Wage and Price stabilization program. My corporation has been a leader in our industry in giving benefits to its employees in all phases of fringes, and we could do this because we had been generating good profits. Our profit levels today are the lowest they have been since the beginning of World War II, and should costs continue to escalate as they have been, our possibilities of remaining in the profit column are almost nil.

This is not a good situation for the employees, the stockholders, or our customers because no one is assured of a stable situation when a company is unable to generate a fair profit. I believe—as do many of my employees and stockholders—that this nation needs a period of restraint and the best way to accomplish that is to put into force effectively the President's program.

It is, in my opinion, about time that some of the special interest groups such as Government employees, teachers and labor leaders, be willing to sacrifice as the rest of us are doing for the good of this nation. However, it seems they are the three main groups who are clamoring for wage increases far above what they are entitled to in light of the economic conditions in this country.

In this Corporation, we don't believe in just talking! For your information, every officer in this Corporation, including myself, has voluntarily taken a 10% pay cut in 1971 in order to meet the emergency that faces us in this Corporation. If more people would have the fortitude to go forth and do these things that are right for this nation as well as for the association or organization for which they work, we would be far better off, and I cannot sit back without voicing my opinion in this regard. That is why I have written this letter.

I ask you, as a taxpayer and voter, to support a program of restraint on wages and prices so that this nation can again go forward and be able to compete in the international markets as well as offer the public and wage earners of this nation products priced at such a level that they are able to afford to have them available for their use if they so desire.

Very truly yours,
WOODROW R. ESHENAUR,
Chairman of the Board.

THE PRESIDENT'S TAX PROGRAM

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the text of a statement presented today by Secretary Connally before the Senate Finance Committee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE HONORABLE JOHN B. CONNALLY, SECRETARY OF THE TREASURY, BEFORE THE SENATE FINANCE COMMITTEE, THURSDAY, OCT. 7, 1971

Mr. Chairman and Members of this Distinguished Committee:

I appear before you today to urge the earliest possible enactment of H.R. 10947 (The Revenue Act of 1971). These tax proposals are an integral part of the comprehensive economic program announced by President Nixon on August 15.

The success of the New Economic Policy is gratifying, and I expect this success to continue. Domestically, confidence is rising, inflationary expectations are diminishing, and the outlook for strong growth in employment and output is markedly improving. Internationally, there is progress in our efforts to improve our foreign trade and financial position. Steps are being made to create a viable and effective international monetary system.

Briefly stated, Mr. Chairman, H.R. 10947 would:

Establish a 7 percent Job Development Credit;

Reduce individual income taxes for 1971 and the years thereafter;

Repeal the 7 percent excise tax on passenger automobiles, and the 10 percent tax on small trucks;

Permit deferral of taxes for export income of Domestic International Sales Corporation (DISC's);

Provide for creation of a new depreciation system containing elements of the Asset Depreciation Range (ADR) System adopted by the Treasury Department in June, 1971, except the special first year convention (which resulted in a major part of the revenue loss); and

Make a number of structural improvements in the tax law, including some which are clarifications of existing law.

Mr. Chairman, with two exceptions the Administration is prepared to accept H.R. 10947 as passed by the House. First, we object to the action of the House in applying the DISC proposal on an incremental basis. We earnestly believe that all qualified export income should be eligible for the deferral. I shall discuss our reasons for this view later.

We also object to the rejection by the House of the President's request for a two-stage investment credit. In order to stimulate equipment purchasing and employment in the months ahead, President Nixon asked for a credit of 10 percent until August 15, 1972, and 5 percent thereafter. In authorizing a flat 7 percent credit, the House has eliminated some portion of the short-run stimulative effects of the President's program. Businessmen faced with the opportunity to obtain a 10 percent credit rather than a lower amount for increasing their level of activity in the short run would take advantage of it. Employment would be increased much more quickly.

Mr. Chairman, an objective analysis of the comments made in the House Ways and Means public hearings and the discussions in the Executive Sessions must conclude that this nation needs a Job Development Credit at a permanent rate of at least 7 percent in the years ahead. Experience with earlier investment credits demonstrates that the domestic benefits will be great. Such a credit will provide jobs and income for workers and will foster the greater productivity that promotes price stability and rising living standards for all Americans.

However, the really clinching argument for a long-run credit of at least 7 percent, coupled with the depreciation changes approved by the House, stems from the well-recognized need for the United States to enhance its competitive position in world trade. All of us are familiar with the remarkable progress made by Japan and the industrial nations of Western Europe—with, I might add, considerable help from us—in rebuilding their war-torn economies.

But what is not generally recognized is that many of these nations tailor their tax systems to encourage capital investment. After the war, these countries had to encourage savings and investment in their economies. Their economic survival was at stake. Our own country has never previously been so challenged. As a result, our tax system is to a considerable extent biased in the opposite direction.

For example, other industrial nations are relying increasingly on the value-added tax as a major source of revenue. As generally applied abroad, purchases of new capital equipment are exempt from the tax. To the extent these countries rely on the value-added tax instead of income taxes, the effect is the same as if the cost of capital equipment were allowed to be deducted *in full in the year purchased*, rather than being depreciated over a period of years as we require under our income tax system. Further, a value-added tax affects only *spending*, in contrast with an income tax, which hits the saver just as hard as the spender.

There are several ways in which tax structures in industrial nations can be analyzed to estimate their impact on new productive investment. The most informative analysis is the comparison of capital costs of manufacturing machinery and equipment, from country to country, when adjustment is made for income tax provisions. These tax provisions include the level of the corporate tax, depreciation allowances, and investment allowances and credits. Stated simply, we must ask how the total tax systems affect the cost of acquiring and using new manufacturing equipment in the various countries.

In this respect, the American tax system compared poorly with those of our major competitors. In Table I the cost of acquiring and using machinery and equipment in the U.S. in 1970 is equated to an index of one full dollar. As illustrated, businesses abroad enjoy tax provisions that lower their costs to—

79 cents in the United Kingdom;

81 cents in Japan;

82 cents in Italy; and

83 cents in Western Germany.

Will the 7 percent Job Development Credit and the new depreciation system put U.S. business on an equal footing with its competitors abroad? The answer is no. Even taken together they will lower costs only to 87 cents in the United States. It would take a long-term credit of at least 10 percent—plus the depreciation changes—to bring us into their range of capital costs.

Clearly, Mr. Chairman, if our producers are to be able in the years ahead to compete more effectively in an increasingly competitive world—protecting the American working man's job and income—we must enact an effective Job Development Credit and retain the features of the depreciation system approved by the House. Indeed, the case for both the short-run stimulation of a two-stage credit *and* the benefit to our competitive capacity of a permanent 7 percent credit is so strong that we urge the Committee to adopt an amendment that would effectively serve both goals—the establishement of a 10 percent Job Development Credit until August 15, 1972, falling to only 7 percent thereafter.

Mr. Chairman, H.R. 10947 has been criticized as favoring business over individuals. In this respect, I think any fair-minded person would agree that neither the House bill nor the President's proposals on which it is based should be judged alone. All of the recent and prospective changes in the income tax laws should be considered. As you know, the Tax Reform Act of 1969 granted a massive tax cut for individuals, spread over a four-year period, while it sharply raised taxes on corporations. In fairness, therefore, any judgment about the relative tax impact between corporations and individuals should cover the five-year period beginning in 1969. It should also include the impact of the new depreciation system as well as the other provisions in the House bill.

TABLE I.—*Comparative capital costs of manufacturing machinery and equipment as influenced by income tax policies: Corporation income tax rates, depreciation allowances, and investment allowances and credits; major industrial countries, 1971*

[United States, 1970=100]

Country:	*Comparative cost of capital*
United Kingdom	79.1
Japan	81.1
Italy	81.9
West Germany	82.8
Sweden	83.0
Belgium	84.7
France	89.7
The Netherlands	94.1
Canada	97.2
United States (1970)	100.0
United States with ADR	95.6
Plus 5 percent investment credit[1]	88.9
Plus 7 percent investment credit[1]	86.2
Plus 10 percent investment credit[1]	82.1
United States with ADR, less modified first-year convention	96.6
Plus 5 percent investment credit	89.8
Plus 7 percent investment credit	87.1
Plus 10 percent investment credit	83.0
United States without ADR	
But with 5 percent investment credit	93.2
But with 7 percent investment credit	90.5
But with 10 percent investment credit	86.4

[1] Effective credit assumed to be unaffected by income limitation for purposes of international comparisons.

Source.—Office of the Secretary of the Treasury, Office of Tax Analysis, October 6, 1971.

When this tally is made, as set forth in Table II, you will find that tax payments in this five year period by individuals (mainly in the low- and middle-income brackets) will have been *reduced* by $36.4 billion. Tax payments of corporations in the same period will have actually *increased* by $3.2 billion.

These figures indicate that rather than providing a "bonanza for business," we have if anything gone too far in cutting individual income taxes at the cost of productivity, growth and international competitiveness.

But the fact is, Mr. Chairman, that constructive discussion of tax policies in this country has been hampered for years by the old dogma which pits individuals against business. A croporation is not an entity that stands separate and apart from individuals. A corporation is simply a type of arrangement that every free nation has found exceedingly useful in serving the ends of any economic system—the creation of jobs and a rising standard of living.

Moreover, the task of "allocating" income tax cuts or increases to individuals versus corporations is greatly complicated by the fact that, by and large, an income tax levied on an individual cannot be passed on; he must bear the brunt of it. However, taxes borne by corporations inevitably affect individuals. If a tax cut is passed on in the form of lower prices, consumers benefit. If passed on in the form of dividends, stockholders benefit. And if reinvested in new and better equipment, jobs will increase in the industries that supply the equipment, future pressure on prices will be reduced, as productivity rises, and our trade position should improve as a result of increased competitiveness in world markets.

However, my purpose today is to not explain the fundamental aspects of our free enterprise system, but rather to illustrate the need for a little realism in dealing with tax policy.

Before turning to the specific provisions of H.R. 10947, I should like to emphasize the need for maintaining the fiscal balance in President Nixon's New Economic Policy. Although a small deficit in the full employment budget may be unavoidable in the fiscal year ending June 30, 1872, we shall run grave risks if we unduly enlarge that deficit.

TABLE II.—ESTIMATED EFFECT OF 1969 TAX REFORM ACT, ADR AND WAYS AND MEANS COMMITTEE ACTION ON CALENDAR YEAR LIABILITIES DIVIDED BETWEEN INDIVIDUALS AND CORPORATIONS

[Billions of dollars]

	Individual								Corporations								
	1969 act			Committee action					1969 act			Committee action					
Calendar year	Reform and relief	Termination of investment credit	ADR	Eliminate ADR ¾ year convention	Income tax reduction	Excise tax relief[1]	New investment credit	Total	Reform and relief	Termination of investment credit	ADR	Eliminate ADR ¾ year convention	New investment credit	DISC	Excise tax relief[1]	Total	Total individuals and corporation
1969		+0.4						+0.4		+0.5						+0.5	+0.9
1970	−1.4	+.6						−.8	+1.0	+1.9						+2.9	+2.1
1970	−1.4	+.6						−.8	+1.0	+1.9						+2.9	
1971	−5.2	+.6	−0.6	+0.4	−1.4	−0.8	−0.3	−7.3	+1.1	+2.5	−2.2	+1.7	−1.2		−0.1	+1.8	−5.5
1972	−8.1	+.6	−.7	+.3	−3.2	−2.3	−.7	−14.1	+1.2	+2.7	−2.7	+1.4	−2.9	−0.1	−.3	−.7	−14.8
1973	−10.8	+.6	−.8	+.3	−1.1	−2.0	−.8	−14.6	+1.3	+2.9	−3.2	+1.2	−3.1	−.2	−.2	−1.4	−16.0
Total	−25.5	+2.8	−2.1	+1.1	−5.7	−5.1	−1.8	−36.4	+4.6	+10.5	−8.1	+4.2	−7.2	−.3	−.6	+3.2	−33.2

[1] Split as per committee report.

Source: Office of the Secretary of the Treasury, Office of Tax Analysis.

It is, therefore, gratifying to note that H.R. 10947, together with the Administration's planned outlay reductions, will actually reduce the full employment deficit for fiscal year 1972. I would hope that your Committee and the Senate as a whole would guard carefully against increasing that deficit. This means that additional tax relief to individuals which is already huge in the five years since 1969 could not be granted unless offset with appropriate revenue increases from other sources. With the pressing need for cutting business taxes to stimulate investment, I know of no source from which such revenues could be drawn.

Let me now turn to the specific provisions of H.R. 10947, beginning with the Job Development Credit.

A. JOB DEVELOPMENT CREDIT

The President recommended enactment of a Job Development Credit, similar in many respects to the old investment credit, except that it would initially be at the rate of 10 percent and would later drop to 5 percent as the permanent rate. The two level credit was designed to achieve an immediate response in order to reduce unemployment and improve productivity quickly. The reward of a higher credit for immediate purchases of capital goods, and the prospect of a much lower credit if capital spending plans were not accelerated, would have had the effect of including a quick response.

After public hearings, the House Ways and Means Committee concluded that there were serious difficulties in a two level credit. The Committee expressed concern over the transitional problems in dropping from one level to another, the inequities to producers of some long lead-time equipment, and the danger of accelerating too much of the normal capital spending that would occur in 1973 and 1974 into 1971 and 1972. This led the House to adopt a flat 7 percent credit.

Nevertheless, we remain convinced that a two-stage credit is preferable. As noted earlier, however, the case for a 7 percent figure on a continuing basis is very strong. Consequently, we urge the Committee to adopt a 10 percent credit for property acquired in the period August 16, 1971, through August 15, 1972, or property ordered by August 15, 1972, and acquired by February 15, 1973. The credit should be at the permanent rate of 7 percent thereafter.

The other major difference of the Job Development Credit from the old investment credit is the exclusion of foreign-produced property from the benefits of the credit for as long as the temporary import surcharge remains in effect. The House improved upon our original recommendation by giving the President authority to allow the credit during this period for any article or class of articles if he determines that the disallowance of the credit is not in the public interest. This will permit the credit to be allowed, for example, in cases where there are no United States producers of the equipment, or where there is only one U.S. producer and allowance of the credit for that producer's equipment and no others would tend to create a monopoly. We recommend that the provision excluding foreign-produced property during the period of the temporary import surcharge, subject to this Presidential authority, be adopted by the Senate.

We also accept other actions by the House in revising the application of the credit—

In increasing the credit for property of regulated public utilities from 3 percent to 4 percent;

In allowing the credit in part (one-third) for property with a life of 3 or 4 years, in greater part (two-thirds) for property with a life of 5 or 6 years, and in full for property with a life of 7 years or more, rather than the longer lives required under the 1962 credit;

In extending the credit to livestock so that farmers will benefit to a great extent;

In limiting the credit for used property by offsetting against the new $65,000 limit the cost of used property acquired by the taxpayer so as to limit this allowance to small business for whom it was intended; and

In making other structural improvements in the credit.

We strongly endorse the action of the House in approving a new depreciation system which incorporates the major administrative advantages and simplifications of the ADR System adopted by the Treasury Department in June, 1971.

The House bill provides that the Treasury Department has authority to permit depreciation lives to be taken from a range which varies up to 20 percent from the anticipated industry-wide levels for the particular classes of assets. The House bill rejects the so-called three-quarter year convention, which was an element of the ADR System resulting in a major revenue loss ($2.1 billion of a total revenue effect of the ADR System of $2.8 billion in 1971 and somewhat lesser amounts in subsequent years). This special first year convention was designed, within the limits of the administrative authority of the Treasury Department, to provide more uniform benefits to long and short lived equipment. In general, the shortening of lives benefits long-life equipment more than short-life equipment, and the three-quarter year convention served to restore much of the balance.

The authority to prescribe a range of lives which varies up to 20 percent from anticipated industry-wide levels is essential, in conjunction with the Job Development Credit, as I have previously shown, to provide allowances in any way comparable to those granted by other major industrialized countries. We must provide comparable allowances if we expect our companies to continue producing in the United States for foreign markets rather than building factories abroad. The 20 percent variance is also essential to make all the major administrative reforms in the new depreciation system work effectively; to do equity between competing taxpayers, some of whom could establish their individual right to shorter lives within this range in any event; and to recognize the substantial degree of obsolescence which has occurred since 1962 (when the industry-wide guideline lives were adopted) as a result of technological change, increasingly severe environmental control requirements, increased competition from new highly efficient foreign plants, and other factors.

As was recognized by Congress in 1962 in enacting the investment credit in conjunction with a shortening of depreciation lives by administrative action at that time, the two provisions work hand in hand to encourage modernization of plant and equipment. The combination of the Job Development Credit and the new depreciation system in the limited form adopted by the House will be a highly effective incentive for investment in new productive facilities, enabling us to expand our productive capacity and our output of goods and services. The benefits will be shared by workers, consumers, and investors. Thus——

Workers will benefit because the number of jobs will thereby be increased, reducing unemployment. Permanent benefits from increased productivity as a result of giving workers the most modern machinery and equipment available will provide the basis for wage increases which are not eroded by higher prices.

Consumers will benefit because greater efficiency and productivity will help stabilize prices, and greater output will encourage development of new products and services. United States industry will become more competitive with foreign producers, with obvious resulting benefits to consumers.

Investors will benefit because the changes will help restore a reasonable level of corporate profits, providing adequate incentive to sustain investment for a continuing high level of economic activity and future growth in the United States.

This growth is essential if we are to achieve the goals we seek as a nation today. We seek a higher standard of living—higher wages without higher prices. We seek as a society to deal more effectively with poverty, inadequate health and educational facilities, undesirable living and working conditions in our congested cities, the deteriorating quality of our environment, and other pressing human problems. To achieve these objectives, we must increase productivity and thereby growth in our real output. The resulting increase in national wealth will provide revenues for wage increases, an adequate return on investment, and increased taxes in the long run to enable government to provide for the needs of all our citizens.

B. TAX REDUCTIONS FOR INDIVIDUALS

The House bill follows the President's recommendation to accelerate the individual income tax reductions scheduled for January 1, 1973, to January 1, 1972. As a result, the personal exemption will be increased to $750 and the standard deduction will be increased to 15 percent with a $2,000 maximum effective that date, resulting in additional tax relief for individuals in 1972 of $2.2 billion.

The House bill grants much greater tax relief for individuals by also increasing the personal exemption for 1971 from $650 to $700 effective July 1, 1971, resulting in additional relief of $900 million; by eliminating the "phase-out" of the Low Income Allowance for 1971, thus providing an additional $400 million in benefits in 1971 to low and middle income taxpayers; and by increasing the Low Income Allowance for 1972 and subsequent years from $1,000 to $1,300, resulting in tax reductions of $1.0 billion per year. The latter change will insure that no person or family with an income at or below 1972 poverty levels will be required to pay any tax or file a return; it will also provide substantial tax relief for persons and families with incomes above the poverty levels.

These changes would be implemented in part by changes in withholding taxes to take effect November 15, 1971, underscoring the great importance of early action on this bill by the Senate. The withholding tax changes on November 15, 1971, and on January 1, 1973, will also resolve in large part the problem of underwithholding which have occurred as a result of the increase in the Low Income Allowance in the 1969 Act, and which would be accentuated by the increases in that Allowance in the House bill.

The additional tax relief for individuals without important revenue loss in the bill was made possible by the reduction in the benefits of the liberalized depreciation system by the House. We consider these changes to be reasonable. The combination of these changes and the benefits accruing to individuals from repeal of the automobile and small truck excise taxes will mean reductions in taxes of individuals of $2.1 billion in 1971, $5.9 billion in 1972, and $3.6 billion in 1973. If the reductions already scheduled for 1972 and 1973 under the Tax Reform Act of 1969 are also taken into account, the *additional* tax reduction for individuals from preexisting 1971 levels will be $8.6 billion per year.

The resulting increase in consumer purchasing power at the rate of $8.6 billion per year beginning January 1, 1972, will provide a powerful stimulus to business activity. It will operate hand-in-hand with the Job Development Credit and the depreciation changes to increase the number of jobs, the level of output of goods and services, and services, and hence the level of government revenues in the future. They will thereby help finance a better society for all our people.

C. REPEAL OF THE AUTOMOBILE EXCISE TAX

The House adopted the President's recommendation for repeal of the 7 percent automobile excise tax effective August, 16, 1971, and also repealed the 10 percent excise tax on small trucks, effective September 23, 1971. These trucks, primarily pick-up trucks, are extensively used for pleasure and recreational purposes or are used by farmers and small businessmen, and to a very large extent they are sold in direct competition with private automobiles. While the truck tax goes to the Highway Trust Fund, the truck tax on these small trucks generates more tax than is appropriate in light of their cost responsibility for the highway system. We endorse this additional action in the House bill.

The repeal will result in refunds to persons who purchased cars or small trucks on or after these effective dates and prior to this bill becoming law. Purchasers after the date of actual repeal will pay reduced prices for their automobiles or small trucks. The average reduction per automobile buyer is $200 per car, and the four major United States automobile manufacturers have given assurance that the entire benefit of the repeal will be passed on to the consumers. The distribution of automobile purchases is roughly a constant proportion of income, so this reduction amounts to a fairly uniform benefit among all income groups. While a higher proportion of used cars are purchased by lower income groups, the repeal of the tax on new automobiles will result in a reduction in the price of used cars, so the lower income groups will obtain proportional benefits.

Lower prices will mean a substantial increase in the demand for automobiles and small trucks. When coupled with the temporary import surcharge and the denial of the Job Development Credit during this same temporary period for foreign-produced items, there will be an even larger growth in sales of domestic cars and small trucks.

D. DISC

Our fourth recommendation was for adoption of our prior proposal for tax deferral for export income of Domestic International Sales Corporations (DISC) if such income is used in export-related activities. Our original DISC proposal was favorably reported by the House Ways and Means Committee and adopted by the House in 1970. We recommend adoption of that same proposal now except that it should be fully effective on January 1, 1972, rather than being "phased in" gradually over several years as the 1970 House bill provided.

In the current bill, the House has substantially crippled the effectiveness of the DISC proposal in serving its main objective *of keeping jobs in the United States* by applying the DISC proposal largely only to increased or incremental export sales. We strongly urge the Senate at this time to restore DISC to the form in which we recommended it so that it will be fully effective in encouraging our companies to produce in the United States for export sale in foreign markets, rather than to move their factories abroad to take advantage of more favorable tax treatment for manufacturing abroad.

Under existing law United States companies may obtain deferral of U.S. tax by manufacturing abroad through foreign subsidiaries for sale in foreign markets. The DISC proposal would provide the same tax treatment for income up to 50 percent of profits attributable to the manufacture and sale of goods for export *if* the manufacturing occurs in the United States. The other 50 percent of the profits would be deemed to be the manufacturing portion of the total profits attributable to the manufacturing activity in the United States rather than the portion attributable to sale outside the United States, and such 50 percent would be taxable currently by the United States.

The income from export sales which receives the deferral treatment must be used either to increase the export sales activities of the DISC or it may be lent to a U.S. producer, usually the parent company, to finance increases in inventories, machinery and equipment and other fixed assets, or research and development expenditures. The amount of such loans could not exceed the portion of the total expenditures for these purposes which the borrower's export sales bear to its total sales. Thus, the deferral of tax on DISC income is available only so long as the income is, in effect, used for export-related activities. When the amounts are paid as dividends to the DISC shareholders, or when the DISC ceases to qualify as such for any reason, the income is fully taxed as ordinary income to the U.S. shareholders.

The DISC proposal is obviously designed to induce companies to continue manufacturing in the United States for sale abroad, thus keeping jobs at home, rather than exporting their manufacturing activities and know-how to foreign countries.

This purpose will be largely frustrated by the incremental concept. More than one-third of our top 100 exporters showed a declining or level export trend for the period 1964–1967, and it is fair to assume that this downward trend has worsened since 1967 as foreign competition has grown stronger. These companies will have no incentive to continue manufacturing in the United States for foreign markets. In the case of other companies, the incremental DISC concept at best provides only partial deferral treatment, so the effectiveness of the DISC in keeping jobs at home will be greatly reduced.

The original form of the DISC, as adopted by the House of Representatives in 1970, would be extremely effective in inducing U.S. companies to continue manufacturing in this country. Detailed presentations of the effect of the full DISC concept on their planning submitted by Union Carbide, Hewlett-Packard, and other companies made this clear.

Furthermore, the "incremental" limitation misconceives the importance the DISC would play in helping to resolve our balance of payments difficulties. A DISC on an incremental basis will not provide an incentive to help arrest the decline in export sales of so many of our companies. From a balance of payments standpoint, it is as important to maintain a dollar of existing export sales against loss as it is to increase export sales by one dollar.

The incremental approach gives rise to very serious inequities. It penalizes those corporations who made substantial efforts to maintain or boost their exports in the base period years, while favoring those who did not do so, thus creating disparities between companies directly competing with one another, some of which will get the benefits of tax deferral and some of which will not. Unless very complex adjustments are made, the approach takes no account of unusual business conditions which may have resulted in either abnormally high or low exports during the base period. Moreover, it favors new entities, who have borne no risks in developing new markets abroad, and discriminates against the exporters who have heretofore made the greatest effort. In a very real sense it betrays those businesses which acted responsibly by participating in the Commerce Department's voluntary export expansion programs. These companies are prejudiced in direct proportion to the extent they *increased* their export sales in the 1968–1970 base period at the Government's request.

Finally, the incremental concept poses extraordinary technical problems. This complexity greatly reduces the utility of the concept to smaller businesses.

The House Ways and Means Committee in 1961 considered in detail and possibility of adopting the investment credit on an "incremental" basis in an effort to respond to similar allegations of "windfall" benefits for investments in capital goods that would have been made anyway even without the credit. That Committee finally abandoned the idea as inherently inequitable and unworkable. The Senate should reject the incremental DISC concept as equally unworkable, inequitable, and damaging to the basic purpose of DISC to retain jobs in the United States.

In addition to serving the interests of labor by creating more jobs in the United States, the DISC proposal serves the interests of business and consumers as well. The interests of business are served because our present tax laws and those of other countries tend to favor overseas productions; many United States businessmen would prefer to continue producing in the United States for foreign markets if the tax treatment for U.S. production could be equalized. The interests of consumers are served because a higher level of exports is needed to support continued expansion in imports.

The DISC proposal, when fully effective, even without the incremental concept, would result in a revenue deferral of only approximately $600 million annually before allowing for the effect of increased revenues from the feedback benefits to the economy. This amount might be only $300 million in the first full year of its operation while exporters arrange to take full advantage of its provisions. We estimate that without the incremental limitation, it will result in an increase in annual export sales of $1.5 billion or more, which will mean more gross national product—more tax base in the United States and more tax revenues.

BUREAU OF INDIAN AFFAIRS MANAGEMENT OF INDIAN MONEYS

Mr. GRAVEL. Mr. President, 18-months ago the distinguished chairman of the Subcommittee on Indian Affairs (Mr. McGOVERN) and I asked the General Accounting Office to conduct a comprehensive review and audit and full program evaluation of Department of the Interior practices and procedures in managing Indian settlement funds for tribes that have won court judgments. Our request came from questions about BIA's investment management practices and arose out of hearings held on my precedent-setting bill which would have provided for no "secretarial oversight" of the disposition of settlement funds already awarded the Tlingit-Haida Indians of Alaska.

The two questions which I posed to GAO were: first "Given the present fact of Government involvement in Indian settlements after the awards are made, how capable is Interior in performing the role of investment counselor and financial manager? and second, What evidence is there that no departures from this blanket policy should be made even where particular tribes have demonstrated beyond reasonable doubt that they are clearly able to manage their own financial affairs?"

GAO has now completed its draft report. I feel its tentative findings are so important that they should be shared with the Senate at the earliest moment. These findings may well point toward needed changes in the legislation under which BIA operates and surely indicates the need for improvement in the agency's administrative practices in managing Indian moneys.

Recall that a 1938 act authorizes the Secretary of the Interior to invest both "tribal trust funds" and "individual Indian moneys" which are not required to meet current needs of the Indians. These funds may be deposited in commercial banks or invested in public debt obligations of the United States. They may also be invested in Government-sponsored but privately owned corporation securities such as Federal Home Loan Bank notes and bonds.

The amounts involved are not small. The three-man Albuquerque, N. Mex., office of the BIA is charged with the financial management of some $373 million as of last June 30—$73 million in individual Indian moneys and $300 million in tribal trust funds. From the standpoint of the investment manager the goal must be, first, to invest the moneys on a timely basis so as not to forgo earnings, and, second, to invest in the highest yield securities consistent with the law governing investment of Indian funds—(25 U.S.C. 162a).

As we suspected, the BIA has been deficient on both counts. Uninvested balances as high as $23 million were the case in earlier years, and more recently end-of-month uninvested surplus cash still runs at $4 million.

On the second count we found that investment income frequently could have been increased substantially by a more advantageous placing of the funds, despite the restriction on the types of securities eligible for purchase. Also, as of June 1970, about $28 million which was surplus to tribal needs and available for investment was left on deposit with the Treasury—$25 million of it earning 4 percent and $2.5 million in noninterest bearing accounts. That is a very costly way of doing business.

The General Counsel, Department of the Treasury; an Assistant Attorney General, Department of Justice; and an Associate Solicitor, Department of the Interior, have all expressed opinions that tribal trust funds can legally be invested in certain securities of Government-sponsored but privately owned corporations. Yet I understand that the Office of Management and Budget a couple of years ago urged Interior not to invest Indian trust funds in securities like the Federal National Mortgage Association and the Federal Home Loan Bank. Its request did not apply to the $70-odd million of individual Indian moneys, but only to the $300 million in trust funds.

For the Department of the Interior to follow this unofficial prohibition on the kind of securities purchased is to forgo income to the Indian tribes. In the private financial world no investment manager could long survive his clients' ire with similar practices.

When the final report is in, I will consider offering corrective legislation if this is what is indicated. After all, there have been a great many advances made in financial management practices since Congress enacted the basic legislation in the 1930's. We should make sure that our statutes governing the management of Indian moneys keep abreast of these developments so that the American Indian does not suffer financially for having Government manage his money for him.

Finally, there is the question of the need for supervision of all Indian settlements by the Secretary of the Interior as is the present policy. As I expected, the preliminary finding of the GAO review produced no evidence that a departure from secretarial oversight could not be made if permitted by law in cases where particular tribes could clearly demonstrate that they were able to handle their own financial affairs. This would seem only fair, logical, and in keeping with the trends of the times. There is something awfully bankrupt about a blanket policy that would preclude even a tribe of Bernard Baruchs from managing the settlement award it had won fair and square in court.

And while Indian lawyers and others have raised the twin specters of, first, the possible legal liability of the Government if secretarial supervision were removed by statute and the tribe then squandered its funds and, second, the possible adverse tax implications for an Indian tribe with respect to the nontaxable status of judgment funds; the GAO conclusions are that these are false fears.

The GAO report in its draft form is a particularly useful one, and I look forward—as I am sure all Senators do—to the publishing of its full analysis and findings on this much neglected but important subject.

EIGHTY-FIRST BIRTHDAY ANNIVERSARY OF SENATOR ELLENDER

Mr. ERVIN. Mr. President, it gives me a great deal of pleasure to offer my belated tribute to Senator ELLENDER on his 81st birthday because there is no Member of the Senate that I have greater affection and respect for than the senior Senator from Louisiana.

Senator ELLENDER's 81st birthday reminds me of a discussion which I had in recent years with a junior Senator who was strongly supporting legislation to provide for the mandatory retirement of Federal judges at the age of 70. In our discussions I told this junior Senator that I thought experience was a great teacher and if he did not know more when he was 70 than he knew then, that something was wrong. ALLEN ELLENDER is a living example that one knows more at 81 than he does at 70. There is no Member of the Senate who has greater vitality than Senator ELLENDER. His spirit, his energy, and his tireless curiosity make him one of the youngest men in the Senate.

I know I speak for every Member of this body when I compliment Senator ELLENDER on the amazing amount of work he does in the Senate. As chairman of the Appropriations Committee, his interests cover most of the legislative areas before the entire Senate. To be chairman of the Senate Appropriations Committee is an awesome task, but it is a task which seems particularly appropriate for the mind of Senator ELLENDER. His ability to analyze and resolve countless problems which arise from the numerous unrelated bills that come before his committee is a real inspiration to all of us in the Senate.

I congratulate Senator ELLENDER on his 81st birthday. To paraphrase Oliver Wendell Holmes, to be 81 years young, as is Senator ELLENDER, is far more cheerful and hopeful than to be 40 years old. I am very proud to have had the opportunity to work closely with Senator ELLENDER since I came to the Senate, and I wish him many years of continued good health and good fortune.

COLUMBUS DAY

Mr. ROTH. Mr. President, on this occasion, as often in the past, we hail the memory of the great explorer Christopher Columbus, in honor of the most majestic of geographical discoveries, revealing to the world the glories of the Western Hemisphere. And on this occasion, for the first time in history, we speak in the national behalf; because, at long last, Columbus Day has been officially proclaimed a Federal Holiday.

I am pleased to say in this regard that I supported from its inception the Columbus holiday proposal and, as a member of the House Judiciary Committee, did all I could from an early date, to secure its adoption.

The discovery of America on October 12, 1492, is something about which we have heard since we were children in school. Perhaps that is why we so seldom recognize it as among the most important events in the history of the world.

The circumstances of the end of that great first voyage of Columbus to the new world were dramatic. On October 8, the worried Columbus and the crews of his three vessels, out of sight of land and sailing on an unknown ocean for 30 days, saw land birds flying nearby. On the 11th, they fished out of the water a plank and a stick worked upon by human hands. That night, sighting by moonlight, a sailor on the Pinta saw white sand and trees behind it. Land had at last been reached, and, on the 12th, Columbus set foot on an island of the North American hemisphere.

One of our country's greatest historical scholars, Samuel Eliot Morison, has expressed his judgment of the importance of the achievements of Columbus in the following words:

> His four voyages—the first in 1492–93; the second, in which the lesser Antilles and southern Cuba were discovered, in 1493–94; the third, in which he first touched the mainland in 1497–98; and the fourth, 1502–04, in which he discovered unknown shores of the western Caribbean—are the most important in modern history.

That we should have so long delayed official recognition of this glorious occasion is lamentable, but no longer a matter of importance. Congress and the people have spoken. Columbus Day is now on record as an official moment of national jubilee, and the eyes of history cannot but smile on the event, in token of appreciation.

I should like at this time to declare my admiration for the spirit of Columbus, whose great vision and raw courage brought this hemisphere to the attention of the civilized world.

The same spirit, transmitted to our country itself, has urged us ever forward, to the grand development that has astonished mankind and rendered us a proper symbol of Columbian endeavors, to the benefit of all mankind.

ONE-HUNDREDTH ANNIVERSARY OF PESHTIGO, WIS., FIRE

Mr. PROXMIRE. Mr. President, this Friday, October 8, will be the 100th anniversary of the Peshtigo fire, the most disastrous conflagration in American history.

Ironically, the fire occurred the same night as the Chicago fire.

This week also happens to be Fire Prevention Week.

An account of the Peshtigo fire, published in the Milwaukee Journal of October 3, 1971, depicts the horror of fire. The writer, Robert W. Wells, was also the author of a book about the Peshtigo fire.

This weekend the town has planned a centennial commemoration of the fire. Church bells will toll and a memorial flame will be lighted at the mass grave where 350 identified victims have lain buried for a century.

Mr. President, I ask unanimous consent that Mr. Wells' account be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Peshtigo Was Ablaze 100 Years Ago

(By Robert W. Wells)

It will be 100 years next Friday since Peshtigo, Wis., was destroyed in the deadliest forest fire in American history.

From the standpoint of casualties, the conflagration that swept over the region north of Green Bay and burned extensive regions of the Door County peninsula outranks such better known disasters as the San Francisco earthquake and the Johnstown flood.

It killed four times as many persons as the great Chicago fire which, by coincidence, took place almost simultaneously with the one in the Wisconsin north country and diverted public attention from the greater tragedy 250 miles away.

Even in Wisconsin, it was several days before most residents realized that the spectacular fire in Chicago was merely the second worst to occur on Oct. 8, 1871.

Milwaukee firemen joined those from other cities in trying to save Chicago. In Peshtigo and other small communities hit by the forest fire, no professional firefighters from anywhere were on hand.

LINES BURN

The telegraph line linking Peshtigo with Green Bay had burned several weeks before in one of a series of smaller fires. Oct. 8 was a Sunday. Not until Wednesday did word of the disaster reach Madison.

By then, Gov. Lucius Fairchild and other state officials were in Chicago, planning Wisconsin's role in helping the victims there. When a plea for help arrived from the Peshtigo fire area, there was no one at the Capitol with authority to do a thing about it.

In 1871, even a governor's wife was supposed to know her place, and her place wasn't running the state. But with all the important men out of town, Mrs. Fairchild started issuing orders and a few hours after the wire came saying, "send help quick," she had a railway freight car of supplies on its way.

REFUGEES HUNGRY

The car had been intended for Chicago, but Mrs. Fairchild sent it north. The men had supposed that it was full, but what does a man know about packing things? The governor's lady and her friends converged on the freight yard in their carriages and stuffed blankets and quilts snatched from their beds into the car's nooks and crannies before it was allowed to depart.

The supplies from Madison and the help sent from such nearby communities as Green Bay and Marinette fed some of the hungry and clothed some of those who had lost everything they owned in the fire. Other refugees wandered through the stricken countryside, looking for potato or turnip patches so they could find food.

Even for those who lived through this unprecedented disaster, its extent was not fully realized until later. Early reports indicated that only a dozen or so had died.

Actually, the total was 100 times that. No exact count was possible. The best guess seems to be that about 600 persons died in Peshtigo itself—more than a third of its 1871 population—and about 250 more in the farming country near that community.

Another 200 or so died in isolated cabins, logging camps, trappers' huts and other places remote from statisticians in the 850 or more square miles which had been devastated.

Twenty-two more deaths occurred at Birch Creek, a small settlement in Upper Michigan which was near the northern limits of the fire. Another 100 or so died in Kewaunee and Door Counties.

SEVERAL FIRES

Many reference books list the toll at 1,500 dead. This is probably too high by two or three hundred, but even the most conservative estimates put the total number of dead well above the second place American fire—a 1904 disaster in New York's East River, when 1,034 persons were killed when an excursion steamer carrying Sunday school children burned.

For convenience, the Wisconsin disaster is called the Peshtigo fire. Actually, it was two and possibly three separate fires which burned simultaneously on both sides of the arm of Lake Michigan called Green Bay.

There were also several large forest fires in Michigan that same day. Luckily, they took place mostly in sparsely populated places, but hundreds of settlers fled and about 100 were killed.

The Michigan fires broke out in the daytime, one reason why the casualties there were lower. The Wisconsin fires arrived after many residents had gone to bed, catching them unaware.

The fact that the flames came sweeping in on a Sunday night instead of a weekday was also a factor. Sunday was the lumberjacks' day off, a time when the saloons and what were then called "whisky holes" did a brisk business.

By evening, a considerable percentage of the drinking men were in no shape to behave with clearheaded logic in trying to save themselves.

WEEKEND SPREE

A Peshtigo priest, Father P. Pernin, who wrote his account of the fire shortly after he'd lived through it, noted that while he was in the rectory yard burying churchly valuables a few hours before the community burned, the sounds of the usual weekend spree were heard from a nearby saloon.

Woods fires had been burning for several weeks, as they usually did in the fall. The season had been unusually dry and many of the residents worried about them, but except for volunteer firemen at the larger settlements there were no facilities for fighting such dangers.

It was hoped that rain would come in time. As it happened, the first October shower arrived one day too late.

Communications depended on horses and the great fire had ended before residents of Green Bay realized that 850 square miles of timber had been burned to the north and northeast, starting only a few miles from that city's downtown.

NONE KILLED

A prominent local resident named George W. Watson brought first word of the disaster, arriving home in his buggy from a Kewaunee County settlement called New Franken, 12 miles away. That community had been wiped out, he reported, and the fire had swept on north toward Door County.

None of New Franken's 80 residents had been killed, although every building was razed. Farther up the peninsula, residents had been less lucky.

The eastern wing of the fire extended to the arm of the lake called Sturgeon Bay. The Belgian settlement at Rosiere reported 44 dead, Forestville was also hard hit and a settlement called Williamsonville or Williamson's Mill in the Town of Gardner was totally destroyed.

Like other reports that followed that confusing night of Oct. 8, the casualty statistics for Williamsonville vary with the source. Thomas Williamson, one of the brothers who ran a shingle mill at the community, seems to be the most reliable authority.

He listed 59 dead by name. Some were his relatives. The others were his friends. Only 17 of the settlement's residents survived, he said, including just four of 15 women and two of 16 children.

About half of the residents followed the lead of Frank McAdams, the settlement's blacksmith, and sought refuge in a small hollow next to a fallen tree. All 35 of them died, huddled together in a space about 15 feet square.

"Apparently the men had circled outside to afford slight protection to the women," one of those who visited the scene the next morning reported. "Next to the group and fallen outside lay the blacksmith, holding a fragment of burnt shawl over the face of his little girl. Two feet from him lay his wife with her two little ones nestled beside her.

"Maggie Williamson lay a step from the rest, with a handful of curling black hair which she had torn from her head. Maggie was beautiful as she lay. Her betrothed had stood by her side, fleeing only after she had sunk to the ground.

"Maggie O'Neil, her rosy cheeked cousin, could only be recognized by pieces of jewelry in her hands, which had been given her by her lover."

The fire which moved north along the west side of the bay began in the town of Pittsfield just north of Green Bay, damaged Suamico, threatened Oconto, Marinette and Menominee and extensively damaged Menekaune, a community which has since become part of Marinette, with two wings of the conflagration continuing north into Michigan.

SAVED ON SCHOONER

At Menekaune, the losses included 35 houses, 10 barns, two hotels, three stores, three mills and a woodenware factory, but not a single life. Thanks to a short temper and a handspike, a shipyard owner named S. V. D. Philbrook deserves much of the credit for the lack of casualties.

A small schooner, the Stella, was tied up in the shipyard awaiting repairs when the fire approached. Several dozen Menekaune men outran the other refugees and jumped aboard the ship, whipping out jack-knives to cut it loose.

Philbrook yelled at them to wait for the others. They ignored him. He grabbed the handspike. The first man to cut the lines would get it across the head, he promised.

Deciding that the danger from the shipyard owner was more immediate than the peril from the fire, the men put their knives away until the settlement's women and children got aboard. Only after the ropes began to smoke did Philbrook lay down the handspike and permit the schooner to be cut free.

VARY IN INTENSITY

The wind that was driving the fire northward sent the ship out into the Menominee River, where it grounded on a sandbar, safe from the flames.

The fires which swept through the Wisconsin forests varied in intensity. The worst seems to have begun about six miles north of Oconto and headed directly for the village of Peshtigo and an area then called the Upper, Lower and Middle Sugar Bush.

What was then the Lower Sugar Bush begins about two miles west and a little south of Peshtigo. To the north of the Lower Bush and a little northeast of Peshtigo is Harmony, located in what was the Middle Sugar Bush. North of this, across the Peshtigo River, is Porterfield, a small community in what was the Upper Sugar Bush.

Contemporary accounts differ on how many bodies were found in the Sugar Bush farming area after the fire—one says 267, another 255. The reports agree that about half of the casualties came in the Lower Sugar Bush.

Twenty families in that region were killed without a single survivor to mourn for them. One mother lived through the fire with her young daughter but before rescuers found them the child had died of starvation in what had become a blackened waste.

FATHER KILLS CHILDREN

One father killed his children to save them from the flames, then turned the knife on himself. The single survivor of another farm family killed himself, apparently after discovering that his parents and two brothers had died.

One farmer, Henry Bateman, saved himself, his wife, their six children and eight neighbor children by herding them into a plowed field, scooping dirt over the others, then over himself.

A few settlers managed to save their homes. Abraham Place, a Vermonter who had married a Menominee Indian girl, had formed a barrier of plowed land all around his house and with the help of his sons and numerous in-laws kept the building from burning, later opening it to more than 100 refugees.

Reuben Slattery, a logging contractor, had a crew of lumberjacks to help form a bucket brigade. His house was another of the rare buildings which stayed intact.

In Peshtigo itself, the only wooden structure to survive the fire was a portion of a partially completed home. A shanty just outside the village also was spared and gave shelter to at least one of the women who gave birth to babies that night while the community was burning around them.

Most of those who survived saved themselves by standing in the river, which divides the town. Others found refuge in a low lying, swampy area called "the Flats."

The glow of the approaching forest fire was visible about 9:30 p.m., but the worst of it did not hit the village until 10. The western half of Peshtigo felt the fiery blast first and many of the residents started across the river's single bridge, located where Highway 41 now crosses the stream.

The east bank's residents were soon trying to get to the west bank, along with horses, cows and other livestock, while the west siders were pushing the other way. This caused a considerable traffic jam which was resolved when the bridge started to burn.

The Peshtigo Co.'s wooden boarding house, three stories tall, was the largest building on the east side, aside from the mill and woodenware factory. Most of 50 Norwegian men who had arrived in Peshtigo only a few hours before were there and numerous local residents sought refuge inside, among them the wife and nine children of Donald R. McDonald, the factory superintendent.

"Stay here, no matter what happens," McDonald told his wife, then hurried off to fight the fire.

Mrs. McDonald obeyed. She and the children perished, along with everyone else in the boarding house. No one could tell how many died there. All that remained the next morning was ashes and a few fragments of bodies.

Those who got to the river were generally able to survive, although some drowned. One girl, Carrie Heidenworth, got beyond her depth. As she went under, the 5 year old reached out in panic just as a cow went swimming past.

Carrie clung to one horn and was pulled along. The cow eventually got close enough to shore so a man grabbed the girl and pulled her to safety.

WIFE LOST

One man was pulling his wife along toward the river when he lost his grip on her arm. In the darkness and confusion, he stopped long enough to find her, then made his way to the water. Only after he got there did he look again at the woman he had saved.

"You're not my wife," he said. "I've saved the wrong woman."

By then, his wife was dead. A former prizefighter, John Mulligan, boss of the North Western Road crew that was extending the railroad toward Peshtigo, had better luck.

He put his wife on his back and ran for the river, going through the smoke and flames, one admirer reported, "like a quarter horse." Mrs. Mulligan, clad in her nightgown, snatched up a shawl on the way out of the house and by the time they got to the river, the gown was burned off and only a single remnant of the shawl was left.

Mulligan felt this was no time for false modesty. Once they were safely in the water, he held up the tattered shawl in triumph.

MESSAGE TO MARINETTE

It was Mulligan who carried the word of Peshtigo's disaster to Marinette. He sought out Isaac Stephenson, a lumber baron who became a senator, and asked politely if he could get some food to Peshtigo.

Ike Stephenson had been too busy fighting the fire at Marinette to give thought to what had happened elsewhere.

"Why, what is the matter at Peshtigo?" he asked Mulligan.

"My God, don't you know? Not a stick of the village is standing."

Stephenson dashed off a telegram to Gov. Fairchild, entrusting it to the captain of a lake steamer who promised to send it when he got to Green Bay. He sent word to fellow lumbermen to get supplies rolling toward Peshtigo, then arranged to have the Dunlap House converted into a temporary hospital before heading south to see for himself.

Stephenson saw that Mulligan had not exaggerated. It looked as if a tornado of fire had swept through the village, wiping it off the face of the earth.

It now seems likely that Peshtigo's disaster was a small scale replica of the World War II fire storms which destroyed much of Dresden and Tokyo after incendiary bombing raids.

The United States Forest Service has noted that such fire storms can occur in a forest fire and that "everything combustible within the fire storm zone is completely consumed."

The death toll in the 1871 fire was higher than in other huge forest fires because a large number of people happened to be in exactly the wrong place when the fire storm occurred. Except for the river, the number of casualties at Peshtigo might have been twice as large.

Some bodies were completely burned up. All that was found of several Swedes who had collapsed while digging a ditch to try to stop the fire was the metal parts of their shovels. A man who saw a girl named Helga Rockstad crumble to the ground as she was trying to reach the river went back to the spot the next morning to look for her body. Nothing was left but two nickel plated garter buckles and a small mound of ashes.

Entire families disappeared on some of the farms. It was assumed that they had died, but there was no way of telling for certain.

Lumberjacks who had been in the woods when the fire came were never seen again by their friends, but who could say whether they had died or simply decided they'd had enough of that part of the countryside and wandered on?

NO EXACT COUNT

As a result of such uncertainties, any exact count of the number of dead was impossible. Even the statistics on the number of homeless left by the fire are unreliable—one estimate was 5,000 families, but it was no more than a guess.

No one suggested that the federal government help the fire victims, but the Army voluntarily dispatched blankets, clothing and 200,000 rations of hard bread, bacon and beans. The state raised a total of $141,568.49, much of it from private contributions which came from as far away as Peru.

Relief committees were established in Milwaukee and Green Bay as well as in several smaller Wisconsin cities. Smallpox broke out shortly after the fire and was blamed on contributions of infected clothing.

One of the first buildings put up at Peshtigo after the fire was converted into an isolation hospital, with a man who had previously recovered from smallpox in charge. About the only medicine available for the patients was whisky. Those who recovered gave it full credit.

Peshtigo had been largely a company town and the Peshtigo Co.'s decision to rebuild it despite a $1.1 million loss gave the survivors work and made certain that the village would rise from its ashes.

The morning after the fire, supplies had been so scarce that a vigilante committee which wanted to hang a looter had to let him go because there wasn't a rope within miles. Within a week, however, some of the homeowners were busily putting up new quarters and complaining that all this talk about the fire was hard on real estate values.

Most of the new houses were built in the same locations as the old. The streets kept their old names. The new bridge was erected on the site of its vanished predecessor.

Before 1871 ended, the Marinette Eagle noted that "whisky holes are getting thick again" in Peshtigo and "many of them are an intolerable nuisance.

Interest in the fire was revived briefly in 1901 when a body was discovered in a swamp in the Town of Porterfield. It was assumed that the man had died while fleeing the flames in 1871.

Seeing an opportunity to make a buck, a nearby resident charged admission to see the last victim of the Peshtigo fire. Business was so slow, however, that he soon abandoned the enterprise and let the memory of Wisconsin's worst disaster sink back into the foggy haze of distant history.

BIRTHDAY TRIBUTE TO SENATOR ELLENDER

Mr. THURMOND. Mr. President, it is a distinct honor for me to join with my colleagues in paying tribute to our President pro tempore on his 81st birthday.

Allen J. Ellender has served in this body longer than any of us—35 years by January 1972; however, he warrants tribute for his present contributions to his State and country as well as for his longevity. He works as hard as any Member of the Senate and his efforts are productive. As the chairman of the important Appropriations Committee, he has seen to it that appropriation measures have been dispensed with all deliberate speed.

Mr. President, the State of Louisiana and our country are fortunate to have a man like ALLEN ELLENDER serving in the Senate. Before becoming chairman of the Committee on Appropriations he served as chairman of the Committee on Agriculture and Forestry for 18 years. It would be impossible to list all of his accomplishments, but the agricultural community of our country has reaped the benefits of his untiring efforts and devotion.

Today ALLEN ELLENDER celebrates his 81st birthday, and if he is 81 years old he is also 81 years young. Many who are half his age are envious of his stamina and vitality, and his dedication to his duties should serve as a goal for us all.

Mr. President, I congratulate Senator ELLENDER on his 81st birthday and also for his long, capable, and dedicated service. We wish him many more birthdays and good health and happiness on all of them.

THE PRESIDENT PRO TEMPORE

Mr. HANSEN. Mr. President, it is my very real pleasure to rise today to comment on one of those matters rare before the Senate: An issue to which there are no dissenters.

This is the unanimous tribute of the Senate to the distinguished senior Senator of Louisiana, the President pro tempore of the United States Senate, in recognition of his 81st birthday on this recent past September 24.

This is a man of the Senate whose vigor and keenness of mind would appear to increase with the passing of time. He is an inspiration to us all, and to all Americans, with his continuing bright, constructive and innovative solutions to the problems of our time.

Cicero, before the birth of Christ, wrote a passage that is not inappropriate today in our thoughts of the President pro tempore:

> For as I like a young man in whom there is something of the old, so I like an old man in whom there is something of the young; and he who follows this maxim in body will possibly be an old man, but he will never be an old man in mind.

Anyone who tries to keep pace with the brisk stride of the Senator from Louisiana when he moves through the corridors en route to his various and many responsibilities will doubt that he will ever be old in body either, I can say with assurance.

Among his Louisiana constituents he is revered for his many attributes, and the attorneys in that State who have dealt with him in legal matters over the years hold his ability in that field in high regard.

The Senator has in the past been best known and respected in my State of Wyoming for his long and dedicated work on the Committee on Agriculture and Forestry.

Wyoming is basically an agricultural State and it is only in recent years that our State has taken its position among the leaders of the Nation's mineral producers.

Wyoming people have always been impressed favorably that the distinguished senior Louisiana Senator has had great knowledge of, and concern for, the sugar cane industry in Louisiana and the sugar beet industry in Wyoming, the cotton industry in Louisiana and the wool industry in Wyoming, the beef industry in both States, the timber industry in both States, and the entire spectrum of the agricultural industry.

Mr. President, Wyoming is grateful for the long, productive years of service to this country by the Senator from Louisiana, and I am proud to join in extending best wishes and congratulations in recognition of his birthday.

ADDRESS BY STANLEY K. SHEINBAUM

Mr. GRAVEL. Mr. President, a recent speech by Mr. Stanley K. Sheinbaum of California and New York entitled, "Nixon and the New Isolationism" is deserving of wide attention, and for that reason I ask unanimous consent that it be printed in the RECORD.

In the deluge of articles and remarks that have been forthcoming on the administration's new economic policy only a few cut through to the larger implications of the direction in which this points our country. I find the economics of Mr. Sheinbaum's arguments to be sound and the criticism he levels to be valid.

He sees the whole fanfare about the administration's domestic moves in the price freeze as largely diversionary action for the main objective of finding a palatable way to devalue the dollar abroad. He argues that we used too much "economic overkill" in doing so.

Sheinbaum's thesis is that we have wasted our resources at home through persistent inflation and weakened the dollar abroad by spending more than we could afford on wars, defense commitments, overseas adventures and the like. He correctly points out that the dominance of the U.S. dollar in the world economy has properly depended on the underlying strength of U.S. productive capacity and that jeopardizing that basic strength is the cardinal sin. He concludes that the heavy-handed resorting to beggar-thy-neighbor policies which place enormous strains on the western—and Japan—alliance may quickly lead the world "back to a period of the worst kind of nationalism and economic protectionism."

There being no objection, the address was ordered to be printed in the RECORD, as follows:

NIXON AND THE NEW ISOLATIONISM

(By Stanley K. Sheinbaum)

One of the premises of Western economics is that man behaves rationally, and always acts in his own self-interest. Similarly, the socialists charge, the entrepreneurial class in capitalist societies enlist the power and the authority of government to achieve its goals, both domestically and internationally. President Nixon in his recent economic moves has promulgated as perverse a set of policies, from the point of view of himself and of the United States in general, as could be imagined. Equally remarkable is the praise he has received from both liberal and conservative commentators alike; never has American isolation and myopia served so much to undermine its own capacity to understand what it was doing both to itself and to the rest of the world.

I will not be extensive on the domestic aspect of the new NEP, the new Nixon Economic Policies. First, the arithmetic of what is stimulative and what is regressive is basically a wash. Numerous liberal writers have pointed this out. What he is relying on is a positive psychological effect so that businessmen and consumers alike will suddenly understand his super jawboning and realize that all will be well with the economy, that there is no further cause for their concern that either or both rising prices and disappearing jobs will have become a thing of the past, and that they should expand plants and buy retail now. Spend! This reliance on the psychological component means, in essence, that the old "game plan" is still extant, and that the new Nixon is merely this decade's version of Herbert Hoover's do-nothingism.

Then why all the dramatics? In essence, and unless he extends the wage-price freeze, the only crisis to which Mr. Nixon was attending was that of the value of the dollar abroad. The dollar had to be devalued, and it had to be told to the American people. But along with the many old myths devaluation is supposed to be bad (even though it stimulates the economy), (and even though no country wants to revalue either), and even worse, is politically bad for the administration that has to announce it. So dilute it with much bold to-do about the domestic economy, drop a remark about no longer selling gold, and the American people will painlessly accept the fact that their dollar ain't what it was, indeed will hardly notice it. And indeed they have not except for those few Americans caught up in importing or doing the grand tour and couldn't cash their dollars for a few hours.

So just like we were told we could have both guns and butter when we started in Vietnam so now we are told that despite years of wasting our resources we are not going to have to pay for it. Already higher prices and fewer jobs have become the cost for Vietnam; so also, if the protective devices take effect, shall we pay later for the mismanagement of the weaker dollar in the form of inefficient production, that is to say buying American goods more expensively than their foreign counterparts would cost. But clearly the American people are not capable of being told what's what, despite all of Mr. Nixon's "Now, let me make this perfectly clear. . . ."

What has happened over the years is that the strength of the dollar has been dissipated by a wastage of resources at home (domestic inflation) and an insatiable appetite abroad, the buying of more than we could afford, be it wars, European defense, and overseas investments. We wanted to live beyond our means; we wanted to buy more from "them" than "they" were willing to buy from us.

Result: either "they" had to accept more dollars than they needed with which to buy from us, or else we had to pay with gold. Actually, it was a split verdict. To some extent they accepted the dollars, and for the rest they took our gold.

At the start of the process "they" were not all that interested in having our gold. Why not accept the dollars on which "they" could earn substantial amounts of interest rather than take the gold from Fort Knox (where it basically did nobody in this country any good) to keep for themselves where it would earn nothing for them either? To the extent that they cared about gold the

US had earlier made a commitment that whenever they wanted to cash in their dollars for gold they could do so. In other words, the dollar was as good as gold, and besides which there was all that interest income to be gained.

In short time the attitudes toward gold dwindled except in two places, the United States and France. For the French the interest in gold goes way back to inflation almost as a way of life and therefore a deep distrust of money that insisted on depreciating, theirs or anyone elses. Even for the U.S. the explanation has a partial logic: Over the past two decades we have witnessesd our gold stock diminish by 60%, and having been so proud of it in the first place, we were certain of the old economic axiom that anything in increasingly scarce supply must be worth more. But we had failed to discern between those things that have an intrinsic value to begin with, which gold does not, and those things that don't. But there it was fleeing at the rate of a billion or two a year. And in this inability to perceive what was in our own interest lies an action that threw the game away, that destroyed an opportunity for economic world dominance that no country may ever again have.

For while we were preoccupied with gold (and the containment of communism everywhere and anywhere which caused the above mentioned dissipation of resources) the rest of the so-called advanced Western countries had just about accepted the fact that the dollar, given its real worth by the productive capacity of the most powerful economy in the world, had already in essence replaced gold as the key international monetary reserve. By the mid-Sixties this remark had become commonplace at international monetary meetings. A number of factors, including the strength of the U.S. economy, led to this attitude. In the first place, back in 1944 at Bretton Woods the dollar was given the role of the *numeraire;* each of the other currencies were to be quoted in terms of its value vis-a-vis the dollar, and the dollar, in turn, would be quoted in terms of gold, that value having been fixed at $35 to the ounce as long ago as 1934. Furthermore, the American payments deficit from excess expenditures abroad beginning at the start of the Fifties resulted in a flow of dollars outward that helped stimulate other Western economies (always including the Japanese), while at the same time, those dollars became a substantial part of the monetary reserves of many of those countries. For many, more so than gold.

For the U.S., then, we could buy more abroad than we sold. For the extra goods we got, be they wars, new factories, troop support, Germany, Italian shoes, or Eurorail tickets for the now ubiquitous American tourist, all we gave up were pieces of paper called dollars. At balance, trade between two countries is, in effect, an exchange of resources for different kinds of things. But to the extent that we ran a deficit we were getting a lot (goods and services) for nothing (paper).

The dollar had been supreme, not merely as good as gold, but even better. It paid interest; it swelled coffers; and even though paper it had the US economy behind it. What then went wrong and why the crisis?

What went wrong was several fold. First, and to repeat, we wasted our economy at home. The indiscriminate production of unproductive defense goods, especially after the Vietnam escalation, caused the inflation that swelled the flow of dollars abroad. Second, increasing U.S. self-styled commitments abroad sent more dollars outward. Lastly, in their hell bent desire for bigger and bigger, and with the economy at home weakened, many firms expanded their investments abroad—with dollars. What had been becoming a good thing, in fact the best thing possible, was being over done. "They" could absorb a lot of dollars, but not that much, and although in this context the phase "benign neglect" was not applied until just months before Mr. Nixon's crisis, the attitude had been almost official for years. Evidence of the need for international monetary reform had been building for years, and increasingly it had focused on the surfeit of dollars in foreign tills. Nevertheless, the U.S. stood pat on the reform issue, while also refusing to limit its foreign appetite.

When the final crisis came it was not because of concern among foreigners that the U.S. was losing gold. Actually we had already curtailed our willingness to sell gold for their excess dollars back in 1968. But the huge stock of dollars abroad, Eurodollars, forty or fifty billion of them, that had accumulated by 1970 was creating havoc in Europe. Uncontrolled, they sped from one country to another as their owners sought the highest interest return possible. This was the market system, and fair game. But countries, capitalist or not, do not run their economies on market principles. They manage their economies and in times of inflation will raise interest rates by fiat, and lower them if the need be to stimulate production and jobs. Money, however, recognizes no management in this sense, and especially Eurodollars, lots of them, can and will ignore national borders on search and destroy missions for those more attractive rates of interest. So when in the spring of 1971, because of the need to fight domestic inflation, Germany's central bankers raised interest rates to discourage business and personal spending by making it more expensive, lo and behold, like mercury those freely roaming dollars just born of American deficits oozed into Germany taking advantage of those high rates. The German money supply automatically increased and the hopes for curtailing expenditures collapsed. Thus, if the present structure of the international monetary mechanisms no longer permitted nations to manage their own economies, then the international system was indeed obsolete.

Then with the resulting Deutschmark "float" official Washington began to accede in principle to the need for reform as the dollar value sunk. Finally, when the President took his hasty steps that fateful August 15th, it was clearly in a moment of great pressure. It was a case of too much too late. Sheer economic power was brought to bear to protect that level of foreign extravagances, and the reforms that would result would undoubtedly be patchwork and in an environment not of cooperation, but rather of extreme self-interest among each of the national parties. From the U.S. point of view there will be no longer any opportunity to retrieve that special dominant role of the dollar; had the arrogance in Washington been less over time a better, not a worse role for the dollar could have been negotiated. This had become no longer possible. The U.S. had perversely let its dollar, an asset unique in history because of its key currency role, depreciate.

Despite that, the enormity of American economic power has never been more manifest than what we have witnessed since The Speech. Indeed few believed that power to be as great as we have now seen. Milton Friedman, just a few days earlier, had said that the world's central bankers would not cooperate as required. He was off base. When the time came it was not cooperation that was needed. Coercion is a better description of what happened.

When the time came, it was sheer power that was applied. Not the power of fleets and nuclear weaponry, but the enormity of the American economy, its purchasing power, combined with its unique lack of dependence on foreign trade, relatively speaking. That Richard Nixon should resort to power as the method should surprise no one. His 1968 presidential campaign speeches were loaded with explicit allusions to the power of the United States, and when it came time to act in this arena to him his course was clear. Just as overkill had become built into the system of U.S. defenses so also Richard Nixon resorted to overkill to solve the problem of the dollar. And by so doing he may very well have destroyed what was so dear to himself and to so many others, the Western Alliance. His solutions were from a mistaken perception of American interests, and he is very rapidly leading the world back to a period of the worst kind of nationalism and economic protectionism. With one Camp David weekend he has, consciously or not, removed the basis of the spirit of cooperation in the Western world, so carefully nurtured since World War II. His hoped for reversal of China policy really is merely a ping pong game when compared to the Wimbledon of his new international economic game plan. He had two serves and needed only one. But he made the second serve and by so doing it he made it clear to western Europe and Japan that the U.S. was not to be relied on when its own interests were involved. It was exactly that reliance that lies at the heart of NATO. Once damaged, be it in the economic sphere or diplomatic, the institutions and attitudes dependent on that reliance can no longer survive.

Closing the gold window, the first serve, would have been enough. It recognized the weakness of the dollar and would have allowed for currency rate readjustments according to a reasonable working of the demands for and the supplies of the world's various currencies, a market phenomenon that the Bretton Woods fixed rate arrangements had precluded. But no, Mr. Nixon could not resist using the power of his second serve; the 10% import surcharge. To lose Japan Mr. Nixon first turned to China and then this. But for Europe the surcharge was sufficient in and of itself. The Chinese ploy may or may not work. The surcharge already has. Both Western Europe and Japan are fully aware of, indeed frightened by, the disadvanatages to them because of this new US import duty. Eighty per cent of their exports are affected, and some estimates place their loss of sales to the U.S. at 50%. Unlike the U.S., almost all these countries are heavily dependent on their exports. And in that fact lies a major component of the vast U.S. economic armor; the resulting drag on trade will do far less harm. There is also almost an immorality in having applied the surcharge weapon so generally, since the U.S. trade balance is in comfortable surplus with the entire world excepting Japan (against whom some action was justified). Our international deficit has little to do with our failure to compete. Rather it is due to our greed to buy up investments all over, and to the cost of our myopic determination to deliver our way of life to such outlandish places as Vietnam, Greece, and the Congo. But, by God. we're going to make "them" bear a good part of the cost, either by their picking up the bill for our troops and NATO hardware (which the leverage of the surcharge may ultimately achieve) or by our increasing our exports at the expense of "theirs" and their economic well being. Now, it is true that reducing our imports and increasing our exports will indeed aid our ailing economy, but the positive effect for the U.S. will only be marginal at best, while for others even the word devastating barely states the case.

Worse, the years of increasing liberalization have been totally reversed. And so much for the only major piece of legislation that John F. Kennedy was able to get through the Congress, the Trade Expansion Act.

Cutting the dollar 's link with gold, the shutting of the gold window, would have been sufficient. It permitted the dollar to float its own level, downward. That de facto devaluation sufficed to eliminate the immediate problem of all Eurodollars racing disruptively around Europe and Japan by making those currencies relatively expensive to pick up. It sufficed to enhance the U.S. export picture, a mistakenly perceived need. And it was sufficient to signal the call for long overdue monetary reform.

But the import surcharge was an application of power far beyond anything necessary to the great detriment of the rest of the world and to the U.S. world trade, already shrinking, will decelerate further, and though U.S. exports will gain in the short run they too will suffer in the long. The currency exchanges, that lubricant of international economic relationships, now is full of sand, and in the resulting frictions the reforms will be patchwork at best. From the U.S. point of view the opportunity to perpetuate the elite key currency role of the dollar, whereby we had been blessed with the giving up of so little for so much, has now been blown.

The gold-dollar link, the balance of payments, Eurodollars, exchange rates, foreign deficits, foreigners' surpluses, all these are of a mysterious world to the average American isolated by two oceans, by a relatively self-sufficient economy, and by a not unfounded sense of the strength of the dollar over times past.

In their ignorance Americans will be long in learning what the arrogance of their President (and the second Texan, John Connally) will mean for them. On the economic front, the few who do will be getting less bang for their buck abroad. Corporate America will find both a more hostile and a more expensive world in Europe in which to buy their corporate needs. Domstically, the policy pronouncements are frivolous with the exception of the wage-price freeze, and that only if extended past the dozen weeks.

For their foreign affairs they will be awakening to a new set of arrangements. The Chinese may very well become the friendlies as the President tries to cover his attempt at extrication from Indochina. These cumulative escapades may very well have cost us our influence in Asia. Japan, formerly our mainstay, is incredulous about our credibility. Taiwan needs no comment. India has signed up with the Soviet Union, and Pakistan now relies even more heavily on Peking.

In the Western Hemisphere we are now at economic war with Europe with all its diplomatic effects on NATO mutual confidences. Latin America, in passing, is enjoying a wave of expropriation even in so friendly a piece of real estate as Venezuela. Mr. Nixon has placed us alone; it is the new isolationism. Just imagine his frustration when corporate, liberal and interventionist America awakens to that fact.

Capitalist economies must ultimately clash in the struggle for markets, their own or others. Polite attempts to cooperate will disintegrate when each in it own interest, correctly perceived or not, will take its own action regardless of the rest. Post World War II cooperation, the great international liberal experiment, is at an end, a failure.

The fear now is or should be that an America isolated and having power will resort too readily to the use of that power, economic, diplomatic and political. Men are easily tempted when power is available. However, in the past decades our hands have been stayed, although not enough, by the niceties of alliances and cooperation. How will we behave now? Already we know Mr. Nixon's predisposition.

FAA AND THE NEED FOR CHANGE

Mr. HARTKE. Mr. President, 1 year ago this week, 31 people died in the crash of a plane chartered by Wichita State University. The tombstones of those students stand as mute testimony to Government irresponsibility. Had the Federal Aviation Administration enforced effective safety precautions, that tragedy would never have occurred.

During 1970, there were 1,270 fatalities resulting from 4,927 general aviation accidents. While no one can say how many of these accidents were preventable, we can say with certainty that the FAA has not taken every reasonable step to improve air safety.

For almost 2 years, the FAA has known that its procedures for determining pilot competency and for regulating aircraft safety are totally inadequate. In April of 1970, the FAA had a report which called for sweeping internal reforms. That report, prepared by FAA personnel, has yet to be made public. Only five of its 30 recommendations have been implemented, and most of those five are only in the early stages of implementation.

On October 1 of this year, the Department of Transportation made public a new study which found that the FAA's safety procedures for private planes were in need of improvement. That report is further proof of FAA inaction during the past 2 years. Most of the areas of concern cited in the report released October 1, 1971, were also listed in the April 1970 report. The fact that nothing has been done since the spring of 1970 is ample proof that the FAA requires new leadership which is committed to achieving safety in the airways.

Mr. President, in the coming weeks, I intend to discuss at length the specific issues which I believe have not been handled properly by the FAA. For the time being, I would like to summarize these areas of concern.

First, general aviation pilot training. I am concerned that there is not adequate control over flight schools, their instructors, and their curricula. Most flight schools are not FAA approved, and 90 percent of all general aviation pilots receive their flight training at nonapproved schools. Neither the standards of these nonapproved schools, nor the degree of supervision over them is satisfactory.

Second, accident prevention. Much more needs to be known about the causes of accidents. Information about equipment failures and maintenance problems must be shared with the industry immediately. Statistics are useless unless they can be translated into meaningful information immediately. In this area, the FAA has been deficient.

Third, aircraft surveillance. It is imperative that new procedures be implemented to improve the surveillance of aircraft. Safety inspections and enforcement of regulation violations are inadequate at the present time.

Fourth, FAA regulations. There is considerable opinion that important FAA regulations are not clearly written. This can lead to misunderstandings, varying interpretations, and ineffectiveness.

Fifth, aircraft certification. There has been significant evidence that there are too many loopholes in present FAA regulations. These loopholes permit some aircraft operators to operate equipment which is unsafe or improperly inspected. These loopholes—one of which led to the Wichita State crash—must be corrected.

Sixth, quality control. The FAA does not have adequate procedures to check the quality control of major airplane manufacturers. As a consequence, it is possible that defective equipment is being used in general aviation.

Mr. President, I realize that I have been rather brief in this analysis of areas of concern. It is my intention to examine each of these areas in detail in future statements.

It is disturbing to know that the FAA has been suppressing reports on its procedures which indicate that it has been deficient in pursuing aviation safety. I realize the embarrassment which these reports must cause the FAA, but this is an issue of human lives. It cannot be submerged because of bureaucratic vanity.

During the past 2 years, there have been too many empty promises of action by the FAA. Unless the agency takes immediate action to reorganize itself and implement new safety regulations, Congress will have to act. The safety and well-being of the millions of Americans who fly in commercial and private aircraft each year is at stake. Further delays cannot be tolerated.

THE WAGE-PRICE FREEZE

Mr. CRANSTON. Mr. President, the distinguished former Representative from California, Jerry Voorhis, has commented incisively on a subject of keen interest to us all: The wage and price freeze and what should follow. In an article entitled "The Big Freeze: Hot and Cold," published in the Claremont Courier on August 28, 1971, Mr. Voorhis analyzes the administration's economic proposals. I do not necessarily endorse all that he proposes, but I believe his comments to be highly useful to our current discussion. I ask unanimous consent that his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE WAGE-PRICE FREEZE

(By Jerry Voorhis)

Mr. Nixon's imposition of the wage-price freeze is, of course, an admission that his previous policies were unworkable if not disastrous. For the first time in its history the nation has been suffering from severe and rising unemployment and economic sluggishness on the one hand and from a galloping price inflation on the other. Add to this a $23 billion budget deficit in fiscal 1971 with probability of an even larger one in 1972. Add also the first foreign trade deficit in several decades, deep depression of prices received by farmers, a serious threat to the "soundness" of the dollar, a progressive destruction of the environment—and we have the general picture that brought on the freeze.

It is no wonder that Mr. Nixon took drastic action. He had to.

It is, however, a matter of considerable enlightenment to find the most committedly conservative administration since Harding tacitly admitting in one short half hour that the "free market" economy was operating in reverse and that the gold standard was operating like a ridiculous millstone around the nation's neck.

Congress, concerned about what it saw coming, conferred upon President Nixon more than two years ago the power to institute economic controls—including control of the escalating interest rates. Mr. Nixon declared then and repeated that declaration through Secretary Connally only a few weeks ago, that he would never use these powers. And so far as controlling interest, profits or dividends he has kept his word—unfortunately—to this day.

But had the President acted promptly when Congress conferred these powers on him his action could have been far less drastic and would almost certainly have been far more successful. It would also have saved the country from its present abysmal crisis.

While Mr. Nixon has abandoned many of his life-long predilections there is one which he has not abandoned. That is what may be called the "trickle-down" theory of economic recovery and stimulation. This is the theory that if the people at the top—especially large-scale business—are given enough economic advantages, then their prosperity will trickle down to the people generally—to the workers and farmers and small businesses—and cause increased employment and economic recovery.

That theory simply does not work—not in a monopoly-ridden economy such as we have today. Mr. Nixon has certainly given it every chance to work. Military expenditures have been maintained at fantastically high levels, with new weapons systems emerging from the Pentagon woodwork to threaten the SALT talks with failure, every few weeks. Over the past few years, according to the General Accounting Office, more than $33 billion of our tax dollars have gone to military contractors for "cost overruns". And the GAO also reports average profits on some 140 such contracts to have been more than 56%! Still, Lockheed, the biggest of all contractors for the Pentagon had to be bailed out by the taxpayers.

Interest rates have been allowed to skyrocket to the highest levels since the Civil War. Money-lenders have had a field day. Even short-term government bonds are costing taxpayers 6% interest and more. And interest on the national debt has gone from $14 billion in 1968 to more than $20 billion in fiscal 1971—a full 50% increase in the Nixon years.

If this were not enough, Mr. Nixon granted some months ago—and probably exceeded his constitutional authority in doing so—a fast depreciation tax write-off to business, which is estimated to benefit industry, and cost the taxpayers, close to $3 billion this year and from $39 to $50 billion over the next decade.

Finally not a word has the Administration had to say about the cancer of monopoly pricing. Utility rates have been allowed to skyrocket, steel prices have been boosted more than once, the same with autos, aluminum and others.

But none of this did any good. Unemployment continued to rise. Inflation continued with a vengeance.

Then—suddenly—came the freeze of prices, wages, and rents. But NOT—significantly—of interest rates, profits or dividends.

The trickle down theory is still the basic policy of the Nixon Administration. True, the freezing of the dollar from its bondage to hold will probably benefit the nation generally. True, also that the President proposed to advance the second $50 increase in basic tax exemption, which Congress has scheduled for January 1973, to January 1972. But there the aids to the average family and its buying power pretty well end.

Instead, Mr. Nixon proposes, on top of his fast depreciation write-off, to give industries a 10% tax credit for money spent on new plant and equipment.

But more productive capacity is not what the nation needs. We're not using what we have. What is needed is a stimulation of consumer demand so the plant already in existence will go back to work and employ people. And there are several ways to bring about that stimulation of consumer demand. The most obvious one is by an immediate and substantial reduction in family taxes. Another is by a really effective program for training and public service and public works employment of the unemployed. Congress passed no less than 3 such bills in the past few months, all of which Mr. Nixon vetoed, only to finally sign a badly emasculated version of a bill he originally had castigated when he vetoed it.

A third and badly needed method would be an increase in prices received by farmers. The most constructive way to accomplish this would be by measures that would strengthen the market bargaining power of farmers' cooperatives. But Mr. Nixon's new game plan does not include any of the measures to increase the mass buying power of the people.

Again, and hardly noticed amid all the excitement about other measures, but Mr. Nixon announced a virtual abandonment of his proposal to provide the poor with a minimum of $2400 a year per family as a measure of "welfare reform".

So, in summary of these points, what Mr. Nixon's package amounts to is hardly any increase in the people's buying power and continued reliance on the "trickle-down" theory, benefiting those at the top—a theory whose utter ineffectiveness the whole history of the Nixon Administration amply demonstrates.

But there is more that must be said. If we do not need more productive capacity we need even less more automobiles! It is hardly necessary to reemphasize the fact that the automobile is the arch-destroyer of our God-given air. To try to cure the recession by encouraging production, sale and use of more automobiles by repeal of the excise tax or in any other manner is, to speak generously, the height of irresponsibility.

And the proposal of the President to "increase employment" by firing 5% of government employes (!) requires no comment beyond the simple observation. He could easily have saved his $4.7 billion by cutting the budget of the Pentagon, instead of disemploying workers. But he chose to fire the workers.

As for foreign trade, we have to wait and see. Certainly the imposition of a 10% tariff on imports will increase the cost of firing of American people. Prices for imports will go up at least by 10%. If this brings about increased employment behind this tariff protection that may balance out the loss to some extent. But whether the cheapening of the dollar plus the 10% tariff will actually increase American exports and reduce imports is a matter of doubt. It all depends upon whether other countries finding it harder to sell in the American market will choose to continue to buy from us, or whether they will take their trade elsewhere, or devalue their own currency. Only the future can answer these questions. But a certainty is that foreign trade is a two-way street. And another one is that more than one country can play the game of tariff retaliation.

We now come to the freeze itself, to how it will be enforced, and to what comes after it.

It is already all too evident that the freeze has "frozen" all sorts of inequities and injustices. That should have been foreseen. Had it been, some kind of fair and effective enforcement machinery would have been provided by the Administration. But this was not done. And widespread confusion and uncertainty has resulted.

Furthermore worry has already started in Administration inner circles, and among us all, as to what happens at the end of the 90 days. Will the freeze be continued for a longer period, perhaps indefinitely? Or will that "bureaucracy" which Mr. Nixon declared he would not create have to be instituted to administer some kind of selective controls? Or will the economy be turned loose again with the virtual certainty of a greater amount of inflation than ever before?

The second alternative would seem the more likely one. And this leads to the observation that it would have been far wiser, even at this late date, to have established an orderly system of selective controls on wages, prices, rents, interest, profits and dividends—difficult as its administration would have been—than to have imposed the freeze. Such a system would leave room for the correction of inequities and injustices, which the freeze does not. And it will probably have to be resorted to in any case unless present Nixon Administration policies are drastically changed.

For this reason, there are 3 factors in our present economy which make inexorably for both unemployment and recession and for price inflation.

These 3 factors are military expenditures (and also space expenditures and some others which produce no useful or saleable commodities or services), interest and monopoly.

Unless these 3 factors are effectively dealt with and the trickle-down theory abandoned, we will get simultaneous inflation and recession all over again once controls are removed.

About $2 out of every $3 of federal taxes paid by the American people, now goes for war—past, present and mostly, future. Every dollar that is spent for war and weapons of war is economic waste and a purely inflationary dollar. Tens of billions of those dollars are being dished out annually. A scandalous percentage of them wind up as a contractor's profits. Several billion of them are simply wasted. Some of them go into workers' wages. But not one of those military dollars produce a dime's worth of anything useful or saleable in the markets of the nation. The empire impact of the military budget is, therefore, to drive up the prices of the goods and services produced by the wealth-producing segment of the economy.

As for employment, a billion dollars spent on military weapons employs far fewer workers than does a billion dollars spent in almost any other way. Most of the war money is necessarily used for acquisition of very expensive materials, for salaries of highly paid technicians and scientists. Furthermore, our burgeoning war equipment is robbing the rest of our economy of much of its productivity and efficiency because the military usurps so large a percentage of our best scientific and technical talent and of our exhaustible natural resources.

In the face of all of this and despite his avowed concern about inflation, Mr. Nixon's budget for fiscal 1972 calls for an increase of close to $2 billion in the military budget.

Until that trend is drastically reversed and the military expenses cut back to what is really needed—without waste or profiteering—inflationary pressures will be intense.

High interest rates have been apologized for on the false grounds that they curb inflation. They do no such thing. The cost of borrowing is a major element in the cost of production and distribution of practically everything we buy in this country. The selling prices must reflect those costs. The higher the interest rate, the greater price inflation must inevitably be. For example, a $20,000 home carrying a 30-year mortgage at present interest rates will cost the home-buyer $55,000—$20,000 for all the land, brick, mortar, labor, contractor's profit, architect's fees—everything real—and $35,000 as interest to the money lender.

And the record for the 10 years, 1960 to 1970, is clear as crystal. The rates of increase in prices from 1960–1965 were moderate indeed. They were:

	Percent
1960–61	1.6
1961–62	.9
1962–63	1.2
1963–64	1.5
1964–65	1.1

In December 1965, the Federal Reserve Board, by a 4-to-3 vote, decided to raise its discouraged economic recovery and increase unemployment by making it more costly for farmers and businessmen to produce.

At present banks and lending institutions are bulging with money. There is not an economic reason on earth why interest rates—particularly on government securities—should not be cut to half what they now are. The President has the power to do that, if he only would. Unless he does he will confront a second powerful inflationary force when and if he tries to remove or modify his freeze.

The third factor making for both recession and inflation at the same time is monopoly control of industry. To take but one example we are witnessing today a progressive monopolization of the energy resources of the nation. Over the past few years, 7 out of 10 of the biggest coal companies in the country have been bought up by other power producing concerns. Four of the biggest of those coal companies now belong to major oil companies. Though the price of coal jumped some 60% in the year just passed, and 100% in the Tennessee Valley Area, Mr. Nixon's * * * conditions may be. Their consistent rule and policy is maintenance of the profit margin. To protect that profit margin, production will be curtailed to assure an excess of demand over supply. And even in times of recession when sales are slow monopoly industries do not reduce prices to stimulate sales and increase employment as competitive industries do. Instead they lay off workers, curtail production and actually raise their prices to protect their profit margins. Examples of such action are legion.

What this country really needs is not so much Tom Marshall's good 5-cent cigar, or even a 90-day wage and price freeze, but rather a continuing selective control of prices to be charged by monopolistically controlled industries. They should be treated as the public utilities which in fact they are, only regulation should be far more effective than present regulation is over what we now recognize as public utilities. Under such circumstances, with firm ceilings placed on the prices they could charge, monopolies would be compelled to protect their profit margins by increasing production and selling a larger volume of goods. And the only right or long-run effective way to cure a price inflation is by increasing production to the point where supply equals or somewhat exceeds demand.

If Mr. Nixon would propose to Congress that it establish machinery for control of monopoly prices (but not competitive ones), if he would cut interest rates in two, and lop all the fat and waste off the war expenditures, then and only then could we hope to have once more a prosperous, full-employment economy without harmful inflation, and free of freezes.

THE WAGE-PRICE FREEZE

Mr. GRAVEL. Mr. President, the economic dilemma currently confronting our Nation is a source of grave concern to all of us.

The implications of the President's current wage-price freeze are far-reaching and of vital concern to members of all segments of our society.

I was recently contacted by David H. Settle, president of FAA Local 3028 of the American Federation of Government Employees in Anchorage. Because of his position he is particularly concerned about the potential effect of a proposed restraint on wages, promotions, and hiring of Federal employees.

I, too, share his concern and would like to bring it to the attention of my fellow Senators and Members of Congress. I ask unanimous consent that a letter from the members of Local 3028 to the Members of the U.S. Congress be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Open Letter Is Directed To All Members of the Congress

Sirs: When you receive the President's request for legislated authority to effect restraint on wages, promotions and hiring of Federal employees, I urge you to consider very carefully the actions you will take.

Consider first the impact of freezing on work forces—wages—while allowing the remainder to go unchecked. What will be accomplished by freezing the wage of the Federal employee—a wage that already trails behind his counterpart in private enterprise. Furthermore, how can an employee in the high cost of living area such as the giant metropolitan areas and the State of Alaska be asked to sacrifice the decent income so his counterpart in private enterprise can increase his? Now the Federal employee is being asked to sacrifice any pay raises due him for six to ten months. It's a well known fact that the Federal employee's paycheck is nearly 6 percent behind that of private industry. Is it right to ask this man to carry all the weight on his shoulders?

Secondly, the President has called for an immediate slowdown in Federal hiring and in classification of its positions—he has said to reduce the average Grade Level by three-tenths.

We ask—what is the cause of the grade level push that the President speaks of? It stands to reason that there will be grade increases as we sophisticate our systems. We must also upgrade the requirements for the positions to be filled and consequently, upgrade that position. However, this does not mean that there is no deadwood in the system. The frolics of upper management have produced numerous overrated jobs in the upper echelons (GS–13 and above). This is the area we must weed-out; this is the biggest cause of grade level increases in the agencies today. The FAA calls it "Reorganization."

Finally, we come to an area that sticks in every Federal employee's craw, "Rollback of total Federal employment." We spend billions of dollars on unemployment and welfare (the act of paying someone to do nothing) and now we talk about eliminating more jobs. The big crime is realized though when the services provided by these people must be contracted out to private contractors, an outfit that tries to receive as much money as possible by using as few people as possible to do a job that he cares little or nothing about. Research can show that contracting out increases costs to the Government yet does not necessarily increase jobs available and does not prove to be as efficient as the work-force it replaced.

When we speak of inflation we must remember that it is the working man who keeps his money circulating—it is the working man who pays the bulk of our tax dollar—it is the working man who pays for every project that this country embarks upon. So it should be the working man who reaps the harvest!

How about socking it to big business, banks and profiteers? Let's reduce the Federal budget in areas that no longer demand our attention and let's increase it in the areas of jobs, education and health. Let's eliminate the necessity for welfare and welfare reform.

Consider this! How many jobs would be available if there were a flat twenty-year retirement in the Federal Service? How many people could be put to work?

Sincerely,

David H. Settle.
President AFGE Local 3028.

HOUSING FOR THE ELDERLY

Mr. PERCY. Mr. President, I have just recently been informed that there are as many as 10,000 elderly citizens in the city of Chicago who are on the waiting list for housing units under a program which was especially designed to meet the needs of senior citizens, the FHA section 202 of the 1959 Housing Act. Although the 202 program has now been totally phased out in favor of the section 236 program—an interest subsidy program which provides housing for all age groups—202 proved to be highly successful, and the units constructed while it was in operation are still in demand.

Many of the elderly people in Chicago have been waiting for as long as 3 or 4 years to gain entrance into 202 projects. Still others would like to obtain housing under this program, but they are discouraged by the long waiting list and, therefore, do not even go on it. Similar housing shortages for senior citizens exist throughout the country.

The problem of lack of housing for the elderly is compounded by deficiencies in existing housing, and by excessively high rents—particularly in the urban areas.

In a effort to alleviate these problems, I introduced a bill, S. 1584, earlier this year, which calls for a strong spokesman for the elderly within the Department of Housing and Urban Development, and which also seeks to revive the very useful and successful section 202 program.

I testified last week before the Banking, Housing, and Urban Affairs Committee on the housing needs of the elderly. I ask unanimous consent that my testimony explaining the provisions of S. 1584 in greater detail be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Hearings on 1971 Housing and Urban Development Legislation

The Subcommittee met, pursuant to recess, at 10:10 a.m., in Room 5302, New Senate Office Building, Senator David H. Gambrell presiding.

Present: Senator Sparkman (Chairman of the Committee and Subcommittee) and Senator Gambrell.

Senator Gambrell. The Housing Subcommittee will come to order.

This morning we are honored to lead off with the distinguished Senator from Illinois, Senator Percy.

STATEMENT OF HON. CHARLES H. PERCY, U.S. SENATOR FROM THE STATE OF ILLINOIS

Senator Percy. Mr. Chairman, I am very pleased to be able to return to my Committee home of 4 years, the Senate Banking, Housing and Urban Affairs Committee, to testify on the housing needs of elderly citizens, and in behalf of my bill, S. 1584, entitled the "Housing for the Elderly Act."

I would like to begin my testimony by quoting directly from a letter received last week from an elderly constituent. Regretfully I cannot reveal her name. We tried to locate her by telephone yesterday, but she wasn't in, and because of what she has to say I am a little afraid that she might be evicted unless she has an ironclad lease. So I will leave her name off for the moment at least.

She says:

"DEAR SENATOR PERCY: Please ask the President to keep the rents down. I am 74 years old and live in a building 70 years old. I moved here six years ago, was paying $90 a month for rent. The building was taken over by (a private company). The next two years my rent was raised $5 a month; then last year—1970—I got a $10 raise; and this year—1971—I got a $20 raise, and I can't pay it. This building has 12 apartments so the landlord will get about $3000 more this year. I have three rooms on the alley. A $5 raise would be o.k. But $130 for three rooms is too much. I get $141.00 Social Security. Rent is $130.00—plus gas, plus utilities, plus telephone, plus doctor bills, and Blue Cross is $1.70 a month.

"How can we eat? Thank you."

I include this letter as part of my formal testimony because I believe it brings home very quickly and poignantly the duress under which many senior citizens must operate.

And this is not an isolated case. I priced out the rental housing around Chicago and found that the rental rates are very high indeed, and they take up a very high proportion of family income, a disproportionately high amount for elderly people.

In fact the Bureau of Labor Statistics tells us that household costs—shelter, utilities, and repair—constitute the most expensive budget item for the aged; approximately 34 percent of the retired couple's budget goes for housing.

In its 1970 report on Developments in Aging, the Senate Aging Committee estimates that 30 percent of the elderly—or about six million people—live in housing which is dilapidated, deteriorating, or deficient in certain facilities.

These deficiencies can have special consequences for the elderly. A malfunctioning elevator which runs only on certain days can present extraordinary difficulties for a 79-year-old widow suffering from severe arthritis who must carry a heavy sack of groceries up to her fifth floor apartment. A broken-down air conditioning unit in a hot and humid city can make it unbearably difficult to breathe for an elderly man with a weak heart. The lack of good security measures in a building located in a deteriorating neighborhood can result in an elderly person's living in fright.

To assure that special problems such as these will receive special attention within our housing bureaucracy, I introduced S. 1584, the "Housing for the Elderly Act."

This legislation contains four main features. The first is that it would create an Assistant Secretary of Housing for the Elderly within the Department of Housing and Urban Development.

In the past, the housing needs of the elderly have become submerged within HUD, with unfortunate consequences. In this category, I would cite the tremendous delays and confusion which arose when the conversion was made from the 202 program (a direct loan program specifically for housing for the elderly) to the 236 program (an interest subsidy program for housing for all age groups). I believe the conversion might have been much smoother and less costly had there been someone within HUD concerned about the needs of the elderly and powerful enough to take action on this type of problem.

The elderly need a spokesman within HUD who understands, for instance, that any housing project built in a rural area must also include adequate transportation and shopping facilities, lest the social isolation of the elderly become even worse than it already is.

Since this Committee deals also with mass transportation, I would like to point out that the elderly live in the very areas in the country where mass transportation is dying. Many of our smaller, rural communities, and some of our medium-sized cities in Illinois within the last year have lost mass transit. Their companies have gone bankrupt. These are the very cities where the elderly live. When they can't get a driver's license and they don't have money for a taxi, they are isolated and they are without mass transportation. You simply can't imagine the isolation that these older people feel, just simply cut off from their contact with the world, dependent entirely upon the benevolence of a friend or family members who might come to pick them up and take them for an outing.

When I introduced this legislation Secretary Romney called me and he said, "Would you settle for a new Special Assistant to the Secretary for the Elderly?" I told him, "That is a very good start, start that tomorrow and it is an improvement. At least you would have one person close to the Secretary and with immediate access to the Secretary who would be responsible for housing for the elderly and who would look after the needs of 20 million Americans that within a decade will be 40 million Americans. But I wouldn't feel that that would be a full substitute for an Assistant Secretary."

I am still eager to learn whether a new Special Assistant has been appointed. I would hope that HUD would at least move in this direction, which does not require legislation and which can be done by the Secretary at any time. I took the Secretary's phone call to me to mean that he is deeply interested in the problem, and that he recognizes that some organizational restructuring is necessary. I hope that the appointment can be made at the earliest possible time. But I would think an Assistant Secretary would still be a desirable thing.

The advice of the Assistant Secretary would be sought regularly whenever housing programs affecting the elderly are considered. He would be responsible for coordinating and consolidating all housing programs for the elderly, and provide a central source of information and advice. Finally, he would carry out studies, and make recommendations for such administrative or legislative action as may be appropriate, to meet the needs of the elderly in rural areas. This latter responsibility might well imply making emergency grants for the repair and rehabilitation of dwelling units in rural areas.

The second main feature of S. 1584 calls for the revival of the Section 202 program. Section 202 of the National Housing Act of 1959 authorized direct loans from the government to nonprofit sponsors to provide housing for the elderly. Sponsors could borrow up to 100 percent of the project cost and repay the loan with three percent interest over 50 years.

The program turned out to be one of the most successful and efficient housing programs we have ever had. The people in the Housing Assistance Administration who administered it were sympathetic to, and knowledgeable about, the needs of senior citizens; and the sponsors which 202 attracted—primarily church groups—were responsible and conscientious in fulfilling their role of looking after the elderly participants.

In describing the atmosphere of one 202 project, one resident said:

"It is a nice pace. Everybody gets along with each other. It is in a nice residential section, but you can still walk over to the shopping district in about five minutes. There is a bus that goes by the door. As far as I can see, it has everything that any reasonable person should want in retirement. We have plenty of things going on. There are always people coming in to show slides and movies. We have two auditoriums, one in the annex, and one in the old building."

Mr. Chairman, I can just verify; having now served on the Senate Special Committee on the Aging, having conducted hearings on nursing home problems, and having spent a great deal of time with the leaders of programs for the aging—I can verify the fact that the comments I have just quoted represent a very, very isolated case. Most people in their aging years today in this country feel neglected and abandoned, embittered, unwanted. They are put on a shelf somewhere in a warehouse—a literal warehouse for the aging, to die; they are just waiting to die. They have really got nothing to live for.

When I see what other countries have done for their aging, the reverence they have for the elderly, the high priority they assign to their elderly, then I think it is a crime and a shame to give such low priority to the aging in America. Considering the fact that all of us are going to be in that category one day hopefully, I certainly think we can give higher priority than we do today.

This 202 program has now been effectively absorbed by another housing program, Section 236 of the 1968 Housing Act. 236 was written right in this hearing room. I can't disavow any responsibility for it because I was here every single session when we hammered that program out. It was a compromise program that we supported on both sides of the aisle. I think 236 has been a fine program just as 235 has been for home ownership. They have both been very popular programs. But I must say I didn't have the wisdom or the foresight or the vision or the knowledge at that time to realize that it was no real substitute for 202 and that we couldn't expect it to take over that program. There is a whale of a difference in terms of housing needs, aspirations and hopes, between people who, for the most part are not elderly and who can be served better by 236 than can the aging.

Under 236, the government agrees to underwrite the difference between the one percent interest rate paid by the sponsor and the going market rate—generally eight percent or above. The program was enacted to stimulate construction of rental housing by private groups for lower income people of all ages. It is estimated that only about 40 to 45 percent of the sponsors participating in 236 are nonprofit, as compared with at least 90 percent nonprofit sponsors participating in 202.

Anyone who has visited church or other nonprofit projects for the elderly—such as the marvelous Italian old people's home that I recently went through in Chicago, or the Swedish home, or whatever nationality or faith it may be, Catholic, Protestant or Jewish—recognizes that in addition to the bricks and mortar goes a great deal of human concern and compassion that is absolutely missing in any of the other housing projects for the elderly.

Although 236 has been in operation for less than four years, it is gaining a reputation for encouraging shoddy construction and for attracting get-rich-quick developers. Nonprofit sponsors who wish to participate in 236 must go to private money lenders—who profit from high interest rates—as well as compete with others for loans. Section 236 encourages the development of low-rise, low-cost construction on inexpensive land, which tends to take elderly people away from the transportation and shopping centers upon which they must rely. The 202 program enjoyed property tax relief, thus making lower rents possible. The 236 program does not enjoy such tax relief.

There are other differences between the two programs, but the important point is that the 202 program attracted sponsors who care about the elderly, while the 236 program seems to attract those who profit from the elderly.

It is conceivable that some of the current problems with 236—at least as they affect the elderly—could be eliminated if improvements in the regulations and administration of the program were made. Regardless of what action Congress takes with respect to 202, I would strongly urge the Federal Housing Administration, which currently administers the program, to make such changes as are necessary to make the 236 program more responsive to the needs of the elderly. *Changes in regulations are absolutely essential.*

The third main feature of S. 1584 would amend the mortgage insurance program for the elderly, Section 231, to allow private, nonprofit sponsors more flexibility in the design of projects so that one facility could include a combination of long-term care units as well as residential units. Basically, this amendment would make the 231 program more responsive to the changing health needs of older persons.

At present, nonprofit sponsors hesitate to use 231 because they are not supposed to include health care facilities within the housing project. By allowing the inclusion of such facilities, this provision would cut down on the number of unnatural and forced transferrals of old people from one kind of facility to another due to changes in health. The present arrangement contributes to a sense of insecurity among elderly people whose health is deteriorating. They know that once their health deteriorates beyond a certain point, they will be forced to move to an entirely different structure, or even to a different neighborhood. They are therefore reluctant to complain of illness out of fear of being transferred to another building.

If the change that I am recommending were made, the burden on the FHA 232 program—which is limited to the provision of nursing home care—could be eased.

The fourth and final provision of my bill would authorize the Secretary of HUD to make grants to public and nonprofit organizations to demonstrate the usefulness and feasibility of multi-purpose facilities or "campuses," centering on an intensive care unit and including residential, convalescent, and skilled nursing care units. Again, the idea here is to reduce the number of traumatic moves or transferrals from one environment to an entirely different one. This provision is in line with one of the recommendations issued by the White House Conference on Aging in 1961. That conference recommended "new housing of every type so that the elderly would have a wide range of choices of easy mobility from one type of housing to another."

These, then, are the major provisions contained in S. 1584. This legislation was introduced to alleviate the problems and to ease the anxiety of elderly persons such as the woman who wrote me the letter cited at the beginning of this testimony. I urge the enactment of S. 1584.

Mr. Chairman, I would like to notify my colleagues on this Committee that I know it is a practice to put in legislation so you can say you got bills in on a subject and then you have done your duty, put the bill in, and that is the end of it. But the more I have worked in the field of the aging the more I realize that the elderly need advocates. We have advocates on the Senate Special Committee on the Aging which, incidentally, is a hardworking committee, dedicated to the purpose of rectifying the priorities in this country. I think we are also well aware of the fight that is going on over in the House by an able Congressman David Pryor of Arkansas, who, when he couldn't even get the House to create a committee for the aging, set up such an office in a trailer right outside the House Office Building.

I hope this Committee and this staff will get together with the Committee and the staff of the Special Committee on Aging, and derive some benefit from the expertise which the special offers has gained through full time concentration in this particular field.

I know that the administration is opposed to certain aspects of my bill, S. 1584, just as the Johnson administration originally took a position against the whole concept of home ownership, but I hope we are all going to, so to speak, get "religion" about the elderly.

My basis for saying that this administration is going to give a very high priority to the elderly is a conversation I had with the President and Arthur Flemming, Chairman of White House Conference on the Aging, while flying back to Washington from Chicago where we had attended a national meeting involving the elderly. I detected that President Nixon was very angry about the treatment of the aged in this country, about the conditions in some of our nursing homes, about the way we are not caring for the elderly in real need. I heard him direct Dr. Arthur Flemming, Chairman of the White House Conference on Aging, and other members of his staff that were on the plane with us to initiate an active program, oriented toward rectifying the gross injustices affecting the aging in this country.

Housing for the elderly is an area above all others, that we have not emphasized enough. That was a mistake. Let's not make that same mistake again or perpetuate the unfortunate consequences of past mistakes. This committee can rectify past mistakes. You have the authority, you have the power, you have the expertise, and you have an outstanding staff. I tell you, even though I am not a member of this authorizing Committee any longer, I will fight on the floor of the Senate for everything that you can do to give higher priority to housing for the aging.

We must also take into account the fact that the whole job is not done once we have constructed the bricks and mortar. We must also recognize that the job is not done by simply providing an incentive for some organization to come in and make a profit off of housing for the aging. This is not the place to make a lot of money; nor are nursing homes—of which 95 percent are profit oriented.

I have personally seen, because we have subpoenaed the records of nursing homes, how some of them are exploiting the aging, making money out of the elderly. We can't continue to allow the building of cheap, shoddy housing for the elderly just so someone can make a profit.

I am all for the profit system, but not when it comes out of the hides of older people. We have the responsibility to make certain that we don't set up a mechanism that enables people to take advantage of the elderly. Yet in de-emphasizing the 202 program, we are moving away from a program which we know would not exploit the elderly. This is one area in which civic organizations and religious organizations really have a stake. They can do a great job and can back up the bricks and mortar and the money with the kind of human compassion that is necessary, and that the aging so desperately need.

I thank you, Mr. Chairman.

Senator GAMBRELL. We thank the very able Senator from Illinois for his remarks, and I think he is aware that the Committee is certainly sympathetic with his efforts to establish a basic advocacy for the aging. Of course, one of the problems has been in the area of appropriations as well as having some base of advocacy.

I would hope, and possibly you would have some thoughts along this line, that the White House Conference later this fall can establish a program and possibly do some advocacy itself in this particular area. So I hope we can make some progress on the proposal that you have made.

Senator PERCY. Well, I will also pledge to you, Mr. Chairman, that through the course of my years on the Appropriations Subcommittee dealing with housing that you will have an advocate in the "mark up" sessions every time a sensible and reasonable housing bill comes before us. While on the Banking Committee I became frustrated spending so much time writing all those beautiful authorization bills, and then watching them be under funded. Consistent with good budgeting we are going to try to fund just as fully as we can what this committee authorizes the Congress of the United States to spend. I think we can work in close partnership.

I am very pleased that my valued colleague from Illinois, Senator ADLAI STEVENSON III, who has a deep interest in the field of housing, has taken a position on this committee. Working together with him and other members of the committee, I certainly hope we can raise to the high priority that it deserves the housing needs of the elderly of this country.

Senator GAMBRELL. Thank you very much.

BLACK LUNG DISEASE IN HUMAN TERMS

Mr. HARTKE. Mr. President, within the next few weeks there will be extended discussion in the Senate about black lung disease and the compensation system which has been established to provide benefits to miners with this affliction. I am afraid that much of that discussion will be of dollars and cents; too little will focus on the human impact of this problem.

The charge has been made that the black lung program has not been reaching all of the people Congress intended it to help. There is quite a bit of evidence to support that allegation. By the end of this year, I believe that we will have enough hard information at our disposal to indicate that the frustration and anger of coal miners has not been ill-founded or baseless.

In the meantime, we will be asked to enact legislation designed to improve the black lung disability program. No doubt, these improvements will be costly. Black lung is a costly disability. It renders the miner unable to continue the only occupation he has known. It affects his wife and his children, not to mention his own health. It should come as no surprise then that any program of compensation for this disease will also be costly. Nevertheless, we have established this program to meet human needs, and that is the primary basis upon which we should evaluate it.

Mr. President, I ask unanimous consent that a newspaper article which discusses the plight of several coal miners be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"BLACK LUNG" BENEFITS: KENTUCKY'S COAL MINERS: FIGHTING TO BREATHE

(By Paul Cowan)

Down in the coal mines a man becomes a machine tool. After a decade or two many are too worn out to be useful. By then almost no one with power cares about repairing them.

Black lung, caused by the coal dust miners breathe daily, is their most common disease. When a miner has it he wheezes and coughs by day, can barely breathe at night. Sometimes, in the midst of making love, he begins to gasp for air and can't finish the act. When he tries to sleep in a prone position he feels smothered so he must plant pillows beneath his head and back. Then he tosses and turns, searching for a position that will let him breathe. On damp nights he had to get up four or five times to let oxygen into his lungs. Even sleep is rarely rest. It's often interrupted by a pain that feels like two thick hands squeezing against a man's chest.

Until a few years ago doctors didn't even recognize black lung as a disease. Some men who complained of its symptoms were told they had "miners' asthma" and advised to immunize themselves by chewing tobacco and spitting the dust out with the juice. Others were assured, by coal company officials, that the dust was actually good for them. Now doctors estimate that more than half of the nation's 450,000 active or retired miners have some form of black lung.

It is becoming a hot medical topic. Last week the New York Academy of the Sciences sponsored a week-long conference on the disease. It was a gathering of medical experts from the U.S., Europe, South Africa, and Australia. Nary a miner was invited to the affair.

A few of the guests, like Dr. Donald Rassmussen of West Virginia and Dr. Richard Naeye of Pennsylvania, had worked for years to help miners win black lung benefits. But most of those I listened to seemed more interested in the disease than in the patient. Never mind that 78 per cent of Kentucky's applicants for black lung benefits are turned down, thanks to the state's inadequate medical facilities. Never mind that most doctors—including many at the conference—agree 10,000s of ailing miners are deprived of their benefits by the government's rigid definition of black lung (a definition devised to cut the costs of payments). Those are political questions—doctors might discuss them as individual experts, but almost never as a committed group of citizens. The only urgent pleas at the conference were for more research (and research grants), although all the doctors who attended the final press conference agreed that the tools for abolishing the disease now exist. Black lung was treated as an interesting medical problem, not as the grim result of the coal industry's incredible carelessness.

Some miners did attend one session. Twenty-eight members of Kentucky and West Virginia's Black Lung Association rented a bus and travelled a full day to talk with the doctors. But they were treated more as gate-crashers than guests. Two of their representatives were allowed to read statements, but none of the doctors asked questions, none sought to talk with them about their ailments. The miners are courteous, restrained people, less angry (perhaps because they're less cosmopolitan and savvy) than the miners I met in Pennsylvania last year. They left as soon as they were done, for fund-raising meetings with union leaders and foundation heads. If the doctors had listened to their tales some of what they heard might have shaken their complacency, given their meeting a sense of human urgency.

When Frank Nickels, 50, was a boy in Kentucky his family lived in a "dug-out," an underground burrow which was only lit by two kerosene lamps. That was all they could afford. His father was a miner and most mines were closed during the Depression—he made his money by forging horseshoes in his cave and selling about three of them a day for a quarter apiece. He finally got his job back, but even then his family of 12 was terribly poor. Frank remembers that all his father ate during those strenuous days in the mine was cornbread and salt.

Frank, who stands about five feet five inches, was born with his right arm and leg several inches shorter than his left. But he was the oldest boy so he's been working since he was 10. He never learned to read, write, or tell numbers, so he's unfit for most factory jobs. His deformity makes it impossible for him to hold most laboring jobs—he tried to work in a sawmill once, but couldn't hold the wood as it was being cut. But he does know how to work coal. His father taught him to shovel left-handed, and started him in the mines when he was 14. During the 32 years he worked there he was able to keep pace with the other men.

But there was a toll. Most miners often switch positions when they shovel—now relying on their right hand, now on their left—and that spares their chest and stomach muscles. But Frank's unorthodox style often gave him cramps. Now, he says, his stomach is ruined—from his description it sounds like he's got a severe hernia, though no doctor has produced that diagnosis yet. He says that he can't digest any solid foods, that his weight sometimes dips to 95 pounds.

He also has black lung. Five years ago he was drilling holes in a mine, trying to clear a path for a worker who was loading coal onto a train, when he began to breathe heavily, then pant uncontrollably—and then he fainted. He had to be carried from the mine to the hospital, where he stayed for a month. He hasn't been able to return to work.

He hasn't gotten black lung benefits, though he first applied in 1969, soon after Congress passed them into law. Doctors agree that he has the disease, but according to X-rays it's not severe enough to win him his award. So his family of eight lives on the $103 a month he receives from welfare, plus the $64 his wife gets for taking care of her brother's kids. Food stamps allow them to survive. But survival is increasingly marginal. Mrs. Nickels owes the hospital for two operations; Frank recently traded in his 1959 Ford for $100 so that he could buy coal this winter. Two weeks ago the owners of a strip mine began to shoot dynamite 15 feet from his house, damaging his roof and part of his floor. But they won't agree to compensate him and he can't afford to hire a lawyer, so he'll have to pay for those repairs, too.

Boyd Thornbury, 54, has been working in Kentucky's mines since 1934, but, like Frank Nickels, he's never worked long enough in a union shop to qualify for a pension. In 1963 he had an epileptic seizure. The company doctor told him that it was nothing, he should return to work, but then he had a second seizure so he stayed out of the mines for several months. When he found pills that stabilized his condition he returned to work.

In June 1966, he collapsed in the mines, and doctors discovered he had blood clots in both legs. The clots were removed, but now he has no circulation in the lower part of either leg—they're both flour colored, and feel like flour covered with skin. In 1967 he tried to return to work, but collapsed after half a shift. Meanwhile, his black lung had become so bad that he couldn't walk two blocks without panting (doctors later decided he had silicosis). So he began trying to convince federal and Kentucky authorities that he's a sick man.

He's been refused black lung benefits twice—once, he thinks, because a hospital lost his X-rays. But his most frustrating battle was with Kentucky's state workmen's compensation program. Unlike the Social Security Administration, which provides free examinations, the state obliges miners to pay for all medical tests. Its bureaucracy is so complex that miners must hire lawyers to handle their cases.

Thornbury brought a sheaf of receipts to New York, to show what happened to him. They show that during the 16 months after he applied for his compensation he saw eight different doctors, all on the advice of his lawyer. (Lawyers know that cases are won on the sheer weight of medical testimony; of course they also know that victories fatten their commissions.) Each doctor charged him examination fees, clerk fees, and deposition fees. The depositions, which had to be submitted to the state board, took about 20 minutes of each doctor's time; some cost Thornbury $50, some cost him $100. All were more expensive than the examinations.

His total medical bills ran to $978.95. When he finally won his award of $18,700 he owed 20 per cent, or $3,740, for legal expenses. He'd had to spend an additional $264 traveling back and forth to clinics. So his award really amounted to about $13,725, which he'll receive a rate of $44 per week. In other words, doctors and lawyers cost him and his family about 112 weeks of checks.

In October 1950, Jarvis Howard, 64, of Evarts, Kentucky, was running a motor in deep coal, lying down to fit into the space between the coal and the mine roof. A rockfall twisted him into the motor. That day he broke his back, both collarbones, punctured his lungs four times, broke six ribs, and ripped all his ribs loose from his backbone.

He was unconscious eight days, hospitalized four months. The only income available to his family of eight was $32 from workmen's compensation. So he sued the company for damages. They not only refused to settle, but retaliated by throwing his family out of its company-owned house. And they saw to it he was cut off workmen's compensation. So his family's sole income was the salary one daughter earned at a five-and-dime store.

Then he won his suit and was granted $10,050 disability. But the company appealed the verdict, and soon his award was reduced to $2,400, paid at $6 a month.

He was too frail for anyone to hire him. He found work as an ambulance driver for the Evarts Funeral Home, and held the job until 1969, when he had two heart attacks. During the next two years he had four lung hemorrhages. One doctor estimated that his lungs were only functioning at 32 per cent of their normal capacity. He is supposed to take five kinds of medicine each day. But when he went to be X-rayed his doctors told him his lungs were bad all right—rock, coal, and sand were all embedded in them—but not bad enough for him to get his benefits.

His wife died a month ago. That's why he came to New York, he said, even though the 24-hour bus ride played hell with his kidneys and the city's damp air made his lungs feel even worse than usual. He wanted to escape the boredom and the memories. At home now, he spends his days watching tv or hanging around the Evarts Funeral Home, answering the phone.

Frank Nickels, Boyd Thornbury, and Jarvis Howard were all deprived of their black lung benefits because of the rigid way Social Security defines the disease. They say it is a specific lung disease whose extreme severity must show up on an X-ray before a patient can get his award; doctors—including many of those at the Waldorf conference—contend that you can't distinguish btween black lung and other mine-related respiratory ailments, and that the X-ray is often an inadequate way of measuring the disease.

Last month Congressman James Perkins (Democrat, Kentucky) introduced a bill that would abolish the X-ray as the sole means of determining black lung. It would let doctors cite other tests, like a blood gas test or a balloon that is inserted in a man's pancreas, as proof of a miner's sickness. It would also allow them to support the claim of someone like Jarvis Howard on the basis of his general physical condition or his overall medical history.

The measure may sound better in Washington than it does in Kentucky, where many miners are convinced that the coal companies pay doctors to block their benefits and won't be satisfied with anything less than their own clinics. Still, Dr. Lorin Kerr of the United Mineworkers Union estimates that it would extend coverage to about 70,000 new miners (76,000 miners and 60,000 widows now get coverage) and cost the government $250 million. It would also imply a new, liberal definition of occupational diseases which other industrial workers will certainly invoke. For that reason, Kerr says, though the House may pass Perkins' bill, the Senate will most likely kill it. He thinks that public support by a substantial number of respected doctors would improve the bill's chances of success.

But that probably won't happen. Many of the doctors I heard at the conference agreed with the bill's medical assumptions, but none of the eight I interviewed, except Dr. Rassmussen, was willing to do more than offer expert testimony before the appropriate legislative committee—none would join the miners to participate in lobbying activities or vigils for a political bill. (I asked the question generally, without specifying Perkins' bill) The desperate urgency of the miners' demands was not enough to push the doctors they met at the Waldorf over the line between professionalism and humanitarian politics.

SCHOOL LUNCH PROGRAM

Mr. HOLLINGS. Mr. President, I am very pleased that the U.S. Department of Agriculture has responded to the mandate of the Senate and to overwhelming public opinion in support of adequately feeding hungry schoolchildren. Yesterday's action has special meaning for South Carolina which stood to lose possibly more than any other State had USDA stood by its original regulations. The liberalization of those regulations will restore nearly $10 million to South Carolina and enable the State to feed up to 300,000 needy children.

I am pleased that the South Carolina legislature is on record as favoring full funding of the school lunch program. I ask unanimous consent that the concurrent resolution passed by that body on September 29, be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

A concurrent resolution to memorialize the Congress of the United States and the President to take necessary action to prevent drastic cuts in the funding of the school lunch program.

Whereas, it appears from stories in the news media that drastic cuts in the funding of the school lunch program are pending, which cuts may reach nearly ten million dollars for South Carolina; and

Whereas, this vital program should, in fact, be expanding rather than diminishing in size and scope and is of extreme importance to the health of all school children and most critical to the health and welfare of underprivileged children; and

Whereas, the loss of ten million dollars would deprive nearly one-half of the school children in South Carolina of free lunches, damaging the program in this State to a greater extent than anywhere else in the nation.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring: That the Congress of the United States and the President be, and hereby are, memorialized to take whatever legislative and executive action is necessary to prevent any cuts in the funding of the federal assistance to the public school lunch program apparently contemplated by the Department of Agriculture.

Be it further resolved that copies of this Resolution be forwarded to each member of the South Carolina Congressional Delegation, the President of the United States and the Secretary of Agriculture.

TRANS-ALASKA PIPELINE

Mr. STEVENS. Mr. President, a perceptive article by Mr. James G. Stahlman, published in the Nashville Banner of August 9 emphasizes once again the great strategic and economic importance of the proposed trans-Alaska pipeline. The article points out that not only would the economy of the State of Alaska be greatly benefited but the Nation would be assured of a secure source of crude oil to satisfy our ever-increasing energy needs. In addition, the article emphasizes the precautions which the Alyeska Pipeline Service Co., the consortium that will build the pipeline, has taken to protect the Alaskan environment. For these reasons, I commend Mr. Stahlman's piece to the attention of the Senate.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Nashville Banner, Nashville, Tenn., Aug. 9, 1971]

Alaska Pipeline Considered "Must"—State's Economy, Nation's Oil Supply Require Project's Completion

(By James G. Stahlman)

Alaska, the forty-ninth state in our Federal Union, covers as much territory as the states of Texas, California and Montana combined. This vastness stretches from the tip of the Aleutians, not too far from the mainland of Asia almost to the northwestern tip of the State of Washington.

The square-mileage embraced makes Alaska our largest state. Conversely, its population is the smallest, totaling 295,000 or three-fifths of the population of Nashville. Alaska's population is divided between the forty-six thousand or more in Anchorage, its largest and most thriving city, on through smaller municipalities like Juneau, the capital, Fairbanks, Ketchikan, Sitka, Nome and the vast mountain and tundra areas from the Bering Sea to British Columbia.

Much of Alaska's rural population is composed of Aleuts, Eskimos and Indians of numerous tribes native to that far-flung northern region which literally for a good part of the year, is "the land of the midnight sun."

Alaska, scenically, bedazzles the visitor. Its snowcapped peaks, fiords, glaciers, rushing rivers, sunkissed valleys form an incomparable montage. Its hunting and fishing make it a sportsman's paradise.

But Alaska's industry is skimpy, its commerce chiefly in furs and fishing, is impinged upon by other nations, including Japan, Russia and Canada.

All in all, Alaska, since the decline of the once highly profitable mining of gold, is no longer the region beckoning the adventurous type, willing to risk it all, as did the old sourdoughs questing for riches up the Yukon into the Klondike as they staged their frantic rush in 1898.

Alaska needs a double-dip of B-12 in the hip, so to speak.

ECONOMY NEEDS SHOT

Alaska must have that shot before too long, if her economy is to pull out of its lethargy and some of its population out of "the slough of despond."

This is where the proposed crude oil pipeline from Prudhoe Bay on the North Slope well above the Arctic Circle to Valdez on the southern coast at the head of Prince William Sound comes bursting into the picture, affording those of vision and enterprise the opportunity to turn stagnation into prosperity, put Alaska on top of the financial heap and give Uncle Sam a supply of oil reserves which he so badly needs, especially in view of what could happen in the Middle East any day.

In order to bring this great project to reality, the Alyeska Pipeline Service Company has been formed by Atlantic Richfield, Humble, Mobil, Phillips, Union, Amerada, Hess and their pipeline affiliates.

Alyeska will be responsible for the design and construction of the line as well as the operation and maintenance of the system. This pipeline will be the largest construction project ever undertaken by private industry. It will cost more than a billion dollars and will require more than three years to complete.

TEN BILLION BARRELS

The reserves which this line will tap have been evaluated as one of the world's greatest petroleum deposits, estimated conservatively at more than ten billion barrels of recoverable oil.

Much of the engineering has been done, most of the pipe and other material readied for laying of the line over tundra, rivers, over and through mountains to transport its precious cargo 780 miles under high pressure, and a temperature of 145 degrees, Fahrenheit, calculated to keep the viscous stream moving at normal rates between pumping stations and their attendant cut-off valves and surge-back tanks.

The oil will be pumped at the rate of 600,000 barrels per day initially, but when in full operation later, at 2,000,000 barrels a day.

As of 1971, crude oil consumption in the United States is at the rate of fourteen to fifteen million barrels per day, of which, excluding Alaska, ten million barrels come from domestic production.

PROTECTS UNCLE SAM

Uncle Sam has felt for years the necessity of protection from any loss of crucial supply from abroad, particularly the Middle East. With the Russians, Arab nations and the Israelis on the verge of renewed conflict, this danger cannot be overlooked. This is one of the principal reasons why the Alyeska pipeline is a must.

It is likewise a must in order to bolster the economy of Alaska which needs millions for education, hospitals, medical care and employment for all its citizenship.

Alaska has already realized almost one billion dollars from the sale of oil leases on the North Slope. The additional revenue annually, after the completion of the pipeline, should put Alaska on the road to the prosperity which the state and its people demand and should have.

Construction of the pipeline was delayed in 1970 by a suit to prevent the government from issuing the necessary permits. The suit grew out of zealous efforts on the part of ecologists, exercised lest the environment and wild life be damaged by the construction and operation of the pipeline.

EVERY PRECAUTION

The Alyeska Pipeline Company, its president, E. L. Patton, and others, have gone to every length to assure against such ecological hazards.

Here's what Mr. Patton has to say: "With an area twice the size of Texas and a population the size of Wichita, Kansas, the State of Alaska has faced a hard, uphill battle in attempting to provide education, medical care and other essential services to its citizens. High unemployment and rural poverty are chronic and painful problems.

"Some outsiders have voiced concern that all this new oil money might 'ruin' the natives. As anyone who knows Alaska can tell you, the native Alaskan has been the unwilling recipient of many of civilization's problems and precious few of its benefits. With the first coming of the white man, the advanced and admirable cultures of the Indians. Aleuts and Eskimos were touched, changed and altered for all time. Oil revenues will simply mean that the native Alaskan can at last have the opportunity to look at the newly imposed civilization and make up his own mind whether to take it on even terms or leave it.

KEYS TO NEW DAY

"Oil—and the pipeline—are the keys to this new day.

"One point that is sometimes missed is that people are part of the ecology too. In this case, the people—all the people—stand to benefit mightily.

"In building the organization required to accomplish this objective, we will be guided by some basic 'people' principles which I believe are fundamental to the successful conduct of business.

ALASKA'S ECONOMY, NATION'S OIL SUPPLY REQUIRE COMPLETION OF PIPELINE

"We will utilize to the maximum practicable extent, people from the local areas of Alaska for construction and subsequent operation. We will make the required extra effort in qualification training.

"We will preserve the environment and enhance it if we can. While construction will result in some scarring along the right of way, those scars will be removed. I have every reason to believe that our extensive ecological research activities will result in a long-term improvement in man's relationship to part of the Alaskan environment.

"Many have been concerned that the aboveground pipe would be a barrier to the normal migration of the caribou herds. In studying the habits of the caribou, it was determined that the animals migrate 25 miles, and frequently up to 40 miles, in a single day—which far exceeds the length of any anticipated barrier caused by an aboveground line.

"By Federal Law, a pipeline right-of-way extends 25 feet on each side of the pipeline—or a total right-of-way in this case of 54 feet. During construction only, additional working space will be required. The total area of permanent pipeline right-of-way, plus the terminal and the pump stations, will equal less than 1/100 of 1 percent of Alaska's total area.

AVOIDING DANGERS

"The route has also been modified to avoid areas having potential danger from high seismic activity. We have also consulted extensively with archeologists to avoid several regions of known archeological importance. It is interesting to note that as a result of our research, man's total knowledge of the Arctic has been dramatically increased. The pipeline has had a highly positive scientific effect before ever being constructed.

"Alyeska has now completed basic research in a number of disciplines affecting the pipeline and the Arctic environment. Helped by expert outside research, we have now become knowledgeable in the biology, botany and zoology as well as the geology and the engineering of the Arctic.

"It will take a great deal of care and a great deal of money, but we are sure that this pipeline can be built without severe damage to the land, the people, or the wildlife. Environmental disturbances will be avoided wherever possible, held to a minimum where unavoidable and restored to the fullest practicable extent."

GOVERNOR SPEAKS OUT

While I was in Alaska recently, I talked with Governor William Egan about this project. He is enthusiastic over its prospects as they could affect his state and like most of those I met and talked with, considers the completion and operation of the pipeline at the earliest possible date an absolute necessity, a "positive MUST."

Secretary of the Interior Rogers C. B. Morton had preceded us to Alaska, along with Secretary of Commerce Maurice Stans. Morton was accompanied by Deputy Under Secretary Jack Horton who has been in charge of the staff studies of this project.

In a newspaper interview, Secretary Morton said that the data for final study before approval is practically complete and is being reviewed by specialists in Interior and other interested agencies in Washington, to make certain that the pipeline would be "the most carefully constructed system, environmentally, that has ever been attempted."

Morton praised Alyeska's efforts and promised that any construction would be carefully monitored at every point.

He predicted that the Department of the Interior would make a decision on the right-of-way application by mid-September.

Secretary Stans was surveying complaints against sealing practices in the Pribiloffs which had come under assault by environmentalists.

He assured an Anchorage audience of leading businessmen that "the proposed trans-Alaska pipeline can be built safely and should be given the green light as quickly as possible.

"When we look at the tremendous needs and the great benefits from North Slope oil, there is no question in my mind that the pipeline must be built as expeditiously as possible," Stans concluded.

Things are apparently moving in Washington in that direction. Last week, the Justice Department asked a Federal Court in the District of Columbia to permit the transfer to Alaska of the suit brought to halt construction. This suit was instituted by the Wilderness Society, Friends of the Earth and the Environmental Defense Fund.

This would seem to indicate an early decision enabling Alyeska to proceed with this all-important pipeline.

On the basis of my own extensive research, I concur with what far-sighted Alaskans told me four weeks ago:

The pipeline is a must!

SENATOR ELLENDER ON HIS 81ST BIRTHDAY HAS ZEST FOR LIVING AND SERVICE TO HIS STATE AND COUNTRY

Mr. RANDOLPH. Mr. President, I join Senators in saluting the distinguished President pro tempore of the Senate, Hon. ALLEN J. ELLENDER, on the occasion of his 81st birthday.

Although he has been a Member of the Senate since 1937, I refrain from referring to Senator ELLENDER as an "institution" in this body. That designation too often implies a loss of usefulness and toleration of a senior Member only because of his longevity and past service. This most certainly does not apply to Senator ELLENDER who continues to provide inspiration and guidance to Members of the Senate.

Our colleague from Louisiana has for nearly 35 years been a forceful and respected leader of the Senate. His record of 18 years as chairman of the Committee on Agriculture and Forestry is unrivaled.

During his service on that committee, he has provided great leadership in matters of conservation and the development of water resources. As chairman of the Committee on Public Works, I have often had occasion to work with Senator ELLENDER on these matters and know him to be a man with an unswerving dedication to the preservation of our natural resources.

Senator ELLENDER has also shown great concern for areawide planning. This is evidenced by the fact that in 1965 he introduced the Community District Development Act, designed to create community development districts. The measure was passed twice by the Senate—in 1966 and 1967—and, although the bill twice died in the House, provisions which it brought forth later became law in subsequent congressional action.

The Ellender plans would have created multicounty development districts, much like the ones that are in existence today. They would have been composed of areas within a 30- to 50-mile radius of a small or medium sized hub city which would already be the area's center for trade, commerce, recreation, and cultural activities.

A planning board for the district would have been established, composed of representatives from municipal and county governments as well as other public bodies, such as soil conservation districts and other special purpose districts. Under the Ellender proposal, Federal grants could have been made for up to 75 percent of the cost of establishing a program aimed at assisting economic development and providing needed government functions and public services.

These proposals by Senator ELLENDER sound familiar because the Economic Development Administration's current program is very similar to the one he proposed several years ago. By the same token, the Department of Housing and Urban Development and the Department of Agriculture have also adopted programs which draw together a number of counties under an area planning board composed of representatives of local public bodies.

The success being demonstrated by today's economic development districts is testimony to the foresight Senator ELLENDER had several years ago when he personally originated this same concept of trying to build up rural economies by bringing in light industry and by providing expanded public services such as water, sewer, drainage, and waste treatment facilities.

I commend Senator ELLENDER on his birthday. He continues to grow in knowledge and wisdom, and the years seem but to add to his zest for living and for service to his State and country.

OPEN DATING AND BABY FORMULA

Mr. HARTKE. Mr. President, earlier this session I introduced S. 2079, a bill to require open dating for perishable foods. My proposal requires that all perishable food products be stamped with a date which indicates their usable shelf life. In this manner, the consumer is put on notice of the freshness of the product on the grocer's shelf.

All perishable foods are currently labeled for freshness, but this label is usually a code which is undecipherable by the consumer. This puts the shopper at the mercy of grocery store clerks who, themselves, are too often unaware of the meaning of the many different types of codes in use.

In this age of frozen and canned foods, when products go through many intermediaries before they reach the grocer's shelf, the consumer has the right to know the freshness of the product she is purchasing. Nowhere in this more poignant than in the case of baby formula. Not long ago, a constituent called my office to say that she had "cracked" the code of one of the distributors of baby formula and, upon checking in her local supermarket, had found several cans which were many years old. Surely, the enforcement of open-dating requirements, such as those contained in my bill, would prevent this sad occurrence.

Mr. President, I ask unanimous consent that a recent WTOP editorial on this subject be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BABY FORMULAS YOU CAN COUNT ON

Mothers in the Washington area have been getting a bum deal on commercially-prepared baby formulas. Neither the manufacturers, nor the retailers, nor the government have exercised proper responsibility.

WTOP newsman Jim Michie recently examined canned formulas on sale in drug stores in the District and in the nearby Maryland suburbs. He unravelled an incredible string of failures stretching all the way from manufacturer to consumer.

Start with the fact that there still are no labeling standards for baby food ten years after the federal Food and Drug Administration first began to explore special dietary foods. There are, on the other hand, federal labeling requirements for dog food. That tells you a good bit about the lobbying power of the baby-food manufacturers.

Then take the matter of freshness. Almost all manufacturers have abandoned the old secret codes by which individual cans were dated. Yet Mr. Michie found many of those old cans on local shelves, several of which bore an expiration date of 1964!

Even the new open-dating system, which puts the expiration dates onto the tops of cans, hasn't worked properly. As recently as last week, numerous retailers were selling out-of-date baby formula. That's pure-and-simple neglect. Routine inspections by druggists of canned formulas don't take that much time.

On top of that, Mr. Michie found lots of cans on which the expiration date was covered by pasted-on price labels. How's that for honesty with consumers?

Enforcement of such rules as exist seems to be slipshod. The D.C. Pharmaceutical Association says it prefers self-policing, but several different warning memorandums from the Association to local druggists by last week hadn't gotten out-dated formulas off Washington shelves.

The District government has one enforcement officer in this field. By his own admission, he never has cracked a whip over an offending druggist.

What does all this mean for Washington's babies? They're probably not in any danger, but mothers have a right, we believe, to know that baby formulas are fresh and that they meet standards of quality.

And in a dreary, familiar pattern, the manufacturers and the retailers—by inaction—are just begging for tough government regulation.

This was a WTOP Editorial . . . Norman Davis speaking for WTOP.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

DISAPPROVAL OF PRESIDENT'S PAY ADJUSTMENT PLAN

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 169.

The PRESIDING OFFICER (Mr. MCINTYRE). The resolution will be stated.

The legislative clerk read the resolution as follows:

Resolved, That the Senate disapprove the alternative plan for pay adjustments for Federal employees under statutory pay systems recommended and submitted by the President to Congress on August 31, 1971, under section 5305(c)(1) of title 5, United States Code, and section 3(c) of the Federal Pay Comparability Act of 1970.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the law, debate on Senate Resolution 169 is limited to 2 hours. By unanimous consent, the time is equally divided, 1 hour to the side, the time to be controlled by the Senator from Utah (Mr. MOSS) and the Senator from Hawaii (Mr. FONG). Who yields time?

PRIVILEGE OF THE FLOOR

Mr. FONG. Mr. President, I ask unanimous consent that Mr. Clyde DuPont and Mrs. Alyce Thompson, members of my staff, be allowed the privilege of the floor during debate on the pending resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. Mr. President, I ask unanimous consent that Mr. Douglas W. Owens, my administrative assistant, and Miss Marie Mathew, be given the privilege of the floor during the debate on the pending resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, I ask unanimous consent that Mr. David Minton be granted the privilege of the floor during the debate on the pending resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. Mr. President, I yield myself such time as I might need for a rather brief opening statement.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. MOSS. Mr. President, the Senate is considering Senate Resolution 169 which is the additional part of an action that was taken by the Senate yesterday. In a clear and resounding voice the Senate declared yesterday, in agreeing to the amendment to the military procurement bill, that all wage earners, whether they be Federal or private employees, should be treated equally in the wage stabilization program of the President during phase II.

We have all heard, of course, on the television and elsewhere that the President will make a speech tonight in which he is going to disclose what he proposes to do in phase II. There is much speculation on what he will propose. The speculation that seems to come from every source is that the President will announce that there will be some sort of ceiling put on wage increases during phase II. The speculation runs all the way from 2 and 3 percent up to 5 percent. It is generally thought that this will be one of the principal parts of the President's announcement today. None of us can know until we hear the President tonight. However, under the circumstances that confront the Senate today, the Senate is required, if it is going to take any part in this equalization program, to make a decision as to whether the freeze that has been imposed on Federal employees so far as wage increases are concerned shall be dispensed with and whether Federal employees will be able to participate in any wage increase that is permitted under the guidelines now.

This is so because the President at the time he issued his wage freeze announcement on August 15 froze all wages for 90 days. However, in addition he provided that the Federal employees, who were entitled to a wage increase on the first of January, would not only endure the first freeze, but that their wage increase would be also frozen clear through to the 30th of June 1972.

So, in effect, the President has said that Federal employees must have a wage freeze that is at least seven and a half months longer than the wage freeze that applies to private industry.

This matter was debated rather fully on the floor. And the Senate spoke its mind yesterday and said—by a vote of over 2 to 1, I might add—that we believe that all employees ought to be treated equally, whether they be Federal or private industry employees, and that if private employees are entitled to any increase in phase II the Federal employees ought to be entitled to a comparable increase—no more, no less, but the same. In other words, what is fair in the private sector is fair in the public sector. This is so because Congress passed in the last session of the Congress an increase of salaries for Federal employees in order to attain what we call comparability. It was the judgment of Congress that the Federal employees were entitled to a wage increase in order to keep them at an equal level with private employees.

This was related back to last year. However, in passing that law, it passed it in two phases, saying that they would get 4 percent last year and that this coming January 1 they would be entitled to the remaining, roughly 6 percent, increase.

Now, that decision already has been made. It has been signed into law by the President. That is what has been frozen by the President. This increase that would have gone to them on January 1 has been frozen. I say it is a principle of simple equity that the Federal employees, the civil employees of this Government, who are not paid a comparable wage now according to the judgment of Congress and the President, be permitted to have whatever is in the guidelines when the 1st of January arrives. The President himself has control of that because he is the man who is to announce what is the guideline.

If the President should say that it is to be 3 percent, the Federal employee would be entitled to get his 3 percent increase on the 1st of January and not wait until the 1st of July. Or if the President states that it is to be 2 percent, or 5 percent, whatever it is, they would get that. If the President should say it is to be 10 percent, the Federal employee could not get 10 percent because he can only get the 6 percent that has already been established for him. Nevertheless, he could get up to the amount he has been given by law, provided it is within the guideline.

Mr. President, that is what we have provided here by amendment yesterday. We said any guideline established by the President under his authority for the private sector shall be applicable to the Federal employee, the Government employee; and we also said it would be an average, so if the President picked out certain industries that were entitled to get a larger amount and some to get a smaller amount, it would be averaged out so far as Federal employees are concerned. There is somewhat of a disability there because we have already found the Federal employee is not receiving comparability.

Today we must adopt Senate Resolution 169 which takes the freeze off Federal salaries on January 1, 1972, and that would make applicable what we did yesterday in establishing the guideline. The two fit together. If we do not do that, if we do not adopt Senate Resolution 169, what we did yesterday is almost certain to be a futility. For one reason, Mr. President, the manager of the bill yesterday, the Senator from Mississippi (Mr. STENNIS), the chairman of the Committee on Armed Services, opposed the amendment as diligently as he could. He controlled the time. He was the leader of the opposition. But it was adopted as an amendment in his bill and he has to take it to conference.

If we have no supporting legislation today, I think it is a foregone conclusion that the amendment will be taken out in conference. It will be null and void; it will be gone.

We have the additional factor that the House, not having anything comparable, will, of course, oppose it in conference, and I suppose very strenuously. They will attempt to take it out in conference. However, the thing that will make it stay in the bill through conference is the adoption of Senate Resolution 169, that which would take the freeze off the first of January. Following such passage the whole focus changes because the President's forces will say then we need that amendment in order to protect the President's power to set a guideline that will apply to Federal employees, the same as private employees.

Therefore, I think we could say it is likely to stay there and likely to become the policy of this government which, I submit, should be the policy always of complete equity in treatment of the employees of this government, along with the treatment of employees who work in the private sector.

Why should we penalize Federal employees? Why should we say, "We will take out on you the slowdown on inflation, or whatever the reason is, when we do not take it from any other group of employees"?

I know that in some places it is easy to say that Federal employees are laggards and that they do not do much, and that sort of thing. In many institutions they will have some that are not the very best employees. But I submit that as a whole—and I would like the record to show, and I would like any Senator who disagrees to stand up and say so—Federal employees are competent, diligent, dedicated Americans, doing the best job possible. At the same time they have less opportunity, perhaps than they would have in some other areas of employment, or if they were to go out into the private sector. In the private sector many times they would have more opportunity to advance and to get high-salaried positions.

I do not believe that this Government of ours wants to punish and penalize Federal employees. They ought to be treated equally. So this is a plea for equality and equity, a plea for evenhanded treatment of these people. I do not believe they should have any special advantage, and neither should they be disadvantaged.

Therefore, Mr. President, I submit that the Senate today must adopt Senate Resolution 169 in order to trigger, nail down, and complete the action that was taken yesterday in the Senate. I believe that the Federal Government to say that very thing to our Federal employees: Whatever the President designates within his economic guidelines during phase II they will receive in their salary that amount; and if the President wants to limit it and say there will be no increase of any salaries at all, Federal employees would not get a nickel. They would be just like everybody else. But if he is going to let other employees have 2 percent, 3 percent, or 4 percent raises, Federal employees should be entitled to that, as the law now states.

The law states Federal employees are entitled to it on the first day of January, the pay period beginning January 1, and it will be taken from them for a 6-month period unless the freeze is lifted. That is what this resolution would do.

The PRESIDING OFFICER. Who yields time?

Mr. FONG. Mr. President, I yield 10 minutes to the distinguished Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, the issue that is before the Senate today is perfectly clear, and needs little reiteration. President Nixon has said that the Congress and particularly the Senate today, faces the acid test of its determination to cooperate in the national effort to control rising prices and whether in meeting this test it can withstand the political pressures that are being applied.

There is no question the President has the authority to take the action he has in delaying the Federal employees salary increases. We gave him that authority during the 91st Congress. Under that law the President has proposed a program that would delay for 6 months salary increases for Federal employees from January 1, 1972, until July 1, 1972. This deferral is, as every responsible economic spokesman has stated, a vital and integral part of the economic recovery program.

The legislation that is before us now, if passed, would overturn the President's alternative pay plan and force a comparability pay increase next January. We must, Mr. President, reject the idea of disapproval and support the President if we are to have economic stability.

In sending his alternative pay plan to Congress, the President states:

> Since continuing emphasis will be placed on the exercise of responsible industrial and labor leadership throughout the Nation in the months to come, I must apply such fiscal restraints as will clearly signify the good faith of the Federal government as a major employer, and to continue to set an example for the American people in our striving to achieve prosperity in peace time. I place full reliance on the willingness of Federal employees along with their fellow Americans to make whatever temporary sacrifices in personal gain may be needed to attain the greatest good for the country as a whole.

Mr. President, the deferral of that Federal pay increase for the period of 6 months will result in a reduction in the fiscal budget for 1972 of approximately $1.3 billion. This amount is a critical portion of the $5 billion which the President requested be cut from budget outlays if the accompanying tax reductions are not to be inflationary.

It would be a clear case of fiscal irresponsibility to insist on additional Federal expenditures in the form of salary increases while at the same time asking for and supporting a series of reductions in Federal tax revenues.

I think there can be no doubt that

this type of action was not considered in the passage of Public Law 91-656, the Pay Comparability Act which the President is administering. We all realized that situations would arise requiring adjustments and being subject to certain disciplines. The act itself states:

> If because of national emergency or economic conditions affecting the general welfare, the President should in any one year consider it inappropriate to make the pay adjustment, he may deny the pay raise entirely, reduce it, or postpone it.

I can think of no phrase that more clearly describes our current situation than, "economic conditions affecting the general welfare." It is ironical that the very people who supported this legislation when it was first introduced, the proponents of giving the authority to the President to fix Federal civilian pay, are among the first to speak out against the President's use of that authority.

We were told that it was essential that the authority to fix Federal salary schedules be moved out of the area of political pressures, that to give the President this authority would do a great deal to establish an orderly system for developing a realistic approach to developing comparability between private and Government salaries.

Now, we witness the strange spectacle of a political struggle developing the very first time the President uses the authority given to him in a supposed effort to make the system nonpolitical.

All of this consideration is over and above the fact that we have witnessed a dramatic increase in the salary of Government employees over the past few years. Since 1969, the rise in Federal employee percentages has been 21 percent. During this same time the Bureau of Labor statistics say that the cost of living has increased 10.8 percent. I am not happy with the increase in the cost of living, but I think these statistics point out that the Federal employee has seen an increase in his salary scale that has not only brought him even with his counterparts in private industry, but in many cases exceeded them. I could cite numerous examples of this case in my own State of Utah. The statistics point out that the Federal employee has received about 10 percent more than the rise in the cost of living since July of 1969.

It is important to stress again that the President's action does not mean that the increase will never be granted; rather, it is merely delayed for 6 months. The President has promised that tough standards will be enforced during phase II and that will probably mean many workers will have to do with a reduction in their scheduled salary increases. Should this be the case, the Federal employees will not be called upon to make any greater sacrifices than the other workers.

Mr. President, if we find after looking at the situation for a few months that this action needs readjustment, then legislative action can be taken. But for us to blindly reject the President's action, to legislatively grope around in the dark motivated by political reasons, would be a dramatic example of economic irresponsibility. I support the President and urge that we give him the tools necessary to achieve the goals that he so boldly outlined for the Nation nearly 2 months ago, under a program which has probably received greater public support than any other program since I have been in the Senate.

Polls have indicated that the President's program is supported by from 80 to 75 percent of the people of the United States, and on that basis I think the people will support us in the Senate if we follow the example of the House to give the President the power to use in this instance that we gave him in the bill we passed under which he proposes to use the power now.

This is probably one of the most serious times in our modern history. We are fighting to regain our strength in our international relations. We are fighting to recover our power as competitors with the nations whom we built up when they were in the rubble at the end of World War II. We are fighting to preserve even the greatly reduced value of the dollar in the face of determined efforts of our international trading partners to destroy us.

I wish I had with me the text of a column which appeared in this morning's Washington Post quoting an official of the Japanese Government which says, in effect, they consider that the United States has begun to take itself down the same path that Britain began on 20 years ago. We all know that by this time Britain is one of the weakest of the free world countries.

This Japanese official ends his statement by saying, once on that path, it is irreversible.

We have got to prove that, if we are on the path, we can reverse it, and I think we should use every device and every means possible to make that reversal.

The PRESIDING OFFICER. Who yields time?

Mr. FONG. Mr. President, I yield myself such time as I may need.

Mr. President, as ranking minority member of the Senate Committee on Post Office and Civil Service, I urge my colleagues to reject the pending resolution.

I do so on the same grounds that yesterday I urged approval of the pay amendment adopted by the Senate by a 60-to-27 vote. My argument then was that Federal employee pay increases should be treated on the same basis as increases for private employees in phase II of the President's anti-inflation and economic stabilization program.

The effect of approving the pending resolution would be that the Congress would be allowing the full pay increase for Federal employees without knowing whether pay increases will be allowed non-Federal employees or what rate of increase will be permitted.

This is what I call legislating in the dark.

At the moment we vote on this resolution, we are faced with two alternatives. If we disapprove the President's order deferring Federal pay raises for 6 months, then we will be saying that all Federal employees shall get their full pay increases on January 1 even though non-Federal employees may not be permitted any increase, or may be permitted a lesser increase, or may not receive any increase until after January 1, 1972.

By so doing, the Senate may well jeopardize the President's economic stabilization program. If the Senate by its vote today allows the full pay increase for Federal employees, the pressure will be irresistible for more than 80 million non-Federal workers to get at least that amount at the same time.

If the resolution of disapproval is rejected, then the President's deferral order stands.

But it stands only for the moment.

Congress will have plenty of time to change it.

Congress will be in session for some weeks yet. Our committees will still be in operation.

There is plenty of time for Congress to make any necessary fair and equitable adjustments in Federal pay before November 13, when phase II begins.

Tonight at 7:30 the President will reveal his plans for phase II.

Tomorrow morning, if we wish, Congress can get to work on legislation that will treat Federal pay on the same basis as the President plans to treat non-Federal pay after November 12.

In fact, by the large vote of 60 to 27 yesterday, the Senate went on record that Federal employees must be treated on the same basis as non-Federal employees.

Mr. President, our Federal employees suffer from inflation just as do the more than 80 million non-Federal employees in America. Our Federal employees want to see inflation curbed just as much as non-Federal employees do.

Let not the Senate now, barely 7 weeks after the economic stabilization program began, start poking holes into the anti-inflation dike.

In the case of Federal employees, their situation is very similar to that of millions of non-Federal employees, who signed contracts many months ago, effective after the wage-price freeze went into effect. Congress made a contract last December with Federal employees for a wage increase to go into effect on January 1, 1972.

Meantime, the wage-price freeze went into effect, and for the period of the freeze, no general wage increases can be made.

So far, everybody is treated on the same basis.

Let the Congress make sure that in phase II both non-Federal and Federal employees are treated on the same basis.

Yesterday, the Senate clearly indicated its support of this principle.

We insured that Federal employees will be treated equitably with their counterparts in private industry. The amendment we approved yesterday makes it mandatory for the President to give Federal employees the same general average increase he allows workers in private industry to receive.

The amendment also provides that the increase for Federal employees would go into effect at the same time private industry employees received their pay raises.

I have checked this amendment out carefully with the Senate Legislative Counsel, and I am assured that yesterday's amendment, if enacted, will indeed supersede the President's plan to defer Federal pay raises and would indeed provide increases for Federal employees at the same time non-Federal employees would be permitted increases and at the general average of non-Federal employees.

If there is any doubt that the language of the pay amendment voted by the Senate yesterday fails to carry out this intent, the conferees can certainly clarify the language so that it does carry out our intent.

Mr. MOSS. Mr. President, will the Senator yield for a question at that point?

Mr. FONG. I yield.

Mr. MOSS. The Senator, interpreting the language of yesterday, says that the President can put into effect the salary increase for Federal employees at the same time that he allows any increase for private employees.

Suppose the President tonight, in his announcement, says that on the 13th of November private employees will be permitted to get a 5-percent pay increase, and also that immediately thereafter some of them do get a 5-percent pay increase.

How can the President put that into effect for Federal employees? He cannot do anything until the 1st of January, and he has to act on legislation that has been passed through Congress and signed into law before he can have any effect on Federal salaries. So he could not do it until the 1st of January, is that not correct? And he could do that only if the freeze is off then; is that not right?

Mr. FONG. If the amendment which we passed yesterday were enacted into law, the President could act. Without that amendment, he will not be able to act. We will hear the decision in the President's speech tonight. If there is anything further which we have to do in order to put the Federal employees on the same basis as non-Federal employees—should the President in his phase II discriminate against the Federal employees, we here in Congress can still act on that proposition. There is plenty of time for us to act.

Mr. MOSS. The thing that intrigues me is that it seems that the Senator is saying that the amendment of yesterday, if it becomes law, has really delegated over to the President by law the power to raise salaries or to hold salaries, fixing a time for raises to go into effect. I cannot conceive that we can delegate anything like that. Congress is going to have to act.

Congress has already acted to say comparability requires that Federal employees receive an increase the 1st of January. Our amendment simply said that the President is given the power to suspend that in part by any guidelines that he puts out for this economic policy.

How could we delegate to the President the power to award a salary increase or deny it, if Congress has not made a law to do that?

Mr. FONG. The amendment passed yesterday reads as follows, in its next to last sentence:

> The President shall place such wage and salary adjustment into effect at approximately the same time as such wage or stabilization order applies to wages and prices in the private sector of the United States economy.

Mr. MOSS. Yes.

Mr. FONG. This is the sentence in the Senator's amendment which mandates the President to put into effect an equitable pay increase. We have given him the power to implement what we agreed to yesterday.

Mr. MOSS. What about my specific question? Suppose, on the 13th of November, when the freeze expires by the President's announcement, private industries may increase salaries 10 percent, and some of them do? Can the President then, on the 13th of November, come to a civil employee and say, "OK, your salary is up 6 percent," or 10 percent, or some other figure?

Mr. FONG. No, not under present law. Under the Pay Comparability Act which we passed in 1970, we really tied the President's hands. He could only present an alternate salary plan to the Congress if he disapproved the plan which was presented to him by his advisers, and he had to do it by September 1, 1971.

Mr. MOSS. Yes.

Mr. FONG. So, following that law, he did present to the Senate and the House the alternate plan which deferred Federal employee pay increases to July 1972.

The President, as of now, has no power to rescind his alternative pay plan or to do anything else with Federal employees' salaries until July 1972, or until we give him other powers.

Mr. MOSS. And so, if Federal employees are to get any salary increase, the President must revert to the law which we passed, saying that on the first day of January there could be up to a 6-percent increase? He has to use that power if he is going to let them have the increase?

Mr. FONG. Yes.

Mr. MOSS. And what we are talking about today is whether we ought to take the wraps off of that next 6 months, and let him have the power. On the 1st of January, which he can limit if he himself issues a general order saying that all salaries are frozen at 3 percent, or something of the sort?

Mr. FONG. Yes. We do not know what the President's phase II program is.

Mr. MOSS. That is right, we do not.

Mr. FONG. He may not permit any raise at all.

Mr. MOSS. That is right. Then the Federal employees would not get a nickel, would they?

Mr. FONG. But, since the chairman of the Armed Services Committee is diametrically opposed to yesterday's amendment and the Senator is doubtful of any chances for the amendment to be adopted, if we pass this resolution today, then Federal employees would receive in January 1, 1972, the 5.5-percent increase which the President has deferred, and all non-Federal employees would not be getting a raise if the President does not allow them to get one.

This would be an inequity.

We will be saying to the Federal employees and military personnel, who total 4½ million against 80 million workers who are non-Federal employees, that if the President tonight should decide against an increase, the non-Federal workers will not get an increase but the Federal employees will.

Mr. MOSS. But the Senator will recall that when I talked about that, I said that if we finish our job by taking the freeze off today, then the President's group will want to have that amendment stay intact. That is the whole structure of what we are trying to do. We are trying to gain their support for equity for our civil employees.

If the amendment stays in, I am sure that then the President will have full control of Federal, as well as non-Federal salaries, when he issues whatever order he is going to announce tonight.

Mr. FONG. The Senator from Utah knows that the amendment will have a very tortuous route, as it has to go to conference.

Mr. MOSS. That is correct.

Mr. FONG. And the chairman of the Armed Services Committee is against it.

Mr. MOSS. He will then be for it strongly, if the resolution is passed.

Mr. FONG. The Senator from Utah has already said that the Senator from Mississippi is against it.

Mr. MOSS. He was against it yesterday.

Mr. FONG. Under the House rules, it is my understanding that any Member of the House can raise a point of order that the amendment is not germane to the subject matter of the military procurement authorization bill and his point of order will be sustained. If that should occur, and if we should adopt the resolution as the Senator from Utah has presented it, then the Federal employees would be home free with a 5.5 percent increase; and if the President should say tonight that there should be no increase in the private sector, we would be discriminating against non-Federal employees.

Mr. MOSS. The Senator has not examined the political realities of that. The chairman of the Armed Services Committee will go, first of all, and argue very strongly for it. Second, the House Members, even if a point of order is raised, will be inclined to establish it; because I am aware of no one who has said that the Federal employees ought to be favored. They just want them to be treated equally, and the amendment is what keeps the equal treatment in effect.

If we do not release them on this, they will not get equal treatment. They will be frozen until the 30th of June.

Mr. FONG. Mr. President, if there is any doubt that the language of the pay amendment voted by the Senate yesterday fails to carry out this intent—that is, the intent to permit Federal employees the same increases as non-Federal employees would receive—the conferees can certainly clarify the language so that it does carry out our intent.

Should yesterday's Senate amendment fail to survive House-Senate conference or be knocked out in the House on a point of order, I am prepared, and I am confident other members of the Senate

Post Office and Civil Service Committee are prepared, to move quickly on a bill that would accomplish the intent of the Senate yesterday. Should the amendment be deleted from the military procurement bill, we would then have the advantage of knowing what the President's guidelines will be in phase II for non-Federal employees and we can adjust our bill accordingly.

Regarding comparability of pay scales for Federal employees vis-a-vis non-Federal employees. Bureau of Labor Statistics surveys show that Federal pay lags behind. Last December, Congress enacted the Federal Pay Comparability Act, expressly designed to bring Federal pay scales into closer alignment with private pay scales.

But, even in enacting those pay increases, Congress also recognized that there may be times of national economic emergencies and, in section 5305(c)(1) of the Federal Pay Comparability Act, Congress allowed the President to submit pay plans containing less than the comparability pay Congress provided in the act for Federal employees.

Our present national economic situation is exactly the type of situation we had in mind at the time we wrote this provision into law.

Hopefully, a year from now the economic emergency will no longer prevail and hopefully any increases shown to be required by BLS surveys could go into effect on October 1, 1972, as provided in the act in order to achieve comparability for Federal employees.

Mr. President, ever since coming to the U.S. Senate, I have done my utmost to make sure that Uncle Sam treats his employees in a fair and equitable manner. I have helped to write every pay increase and fringe benefit law for our Nation's employees enacted since I was appointed to the Post Office and Civil Service Committee in 1960.

During that period, Congress has approved eight different pay bills increasing Federal employees' salaries almost 60 percent. We have also enacted the landmark law of comparability in pay and landmark legislation on retirement and fringe benefits.

I believe that all workers—whether they be Federal, State, local, or private—should be treated fairly and equitably. At this time of emergency, when everyone is called upon to make some sacrifices, I believe the burden of sacrifice should be borne fairly and equitably.

Before we can make a sound, intelligent judgment in this matter and determine whether Government and private employees are going to be treated in a fair and equitable manner after November 12, we must await President Nixon's phase II announcement.

There is nothing to be lost by waiting until after the President makes his announcement tonight.

As the ranking minority member of the Post Office and Civil Service Committee, I pledge my utmost efforts to make sure Federal personnel are treated fairly.

I pledge that, after hearing the President's announcement tonight in the phase II guidelines for non-Federal employees, I shall begin work tomorrow on legislation to make sure Federal employees will be treated on the same basis.

There is ample time remaining in this session for the appropriate committees and the Congress to take whatever action may be justified on the basis of facts, not conjecture.

If the pending resolution of disapproval is accepted, then we shall be locking in a situation which could jeopardize the anti-inflation program and we in Congress may well be in the embarrassing position of favoring Federal employees, who constitute less than 5 percent of the total labor force, over non-Federal employees, who comprise more than 95 percent of the total labor force in America.

I urge my colleagues to vote "no" on the pending resolution.

Mr. McGEE. Mr. President, I rise to support the resolution. I wonder whether I might have some time.

Mr. MOSS. I yield 10 minutes to the Senator from Wyoming.

Mr. McGEE. Mr. President, the Senator from Hawaii and I disagree a bit on the issue that is pending this afternoon, the proposed resolution, although I must confess, in all candor, that I am backing into it. The reason I say that is that I have contended all along that if, in truth, inflation is a great crisis issue for our country and we have to face up to stopping it, I fail to see how freezing the civilian pay is going to cure that problem without freezing the military pay.

I think we have two issues mixed up here. If, indeed, inflation is desperately important as a factor, then it is just as inflationary to give the military $2.5 billion, as we do in one bill, as it is to give the civilians $2.5 billion. You cannot separate money by the difference in a uniform that is worn for the day.

Thus, I believe that the President, himself, has plunged us into whatever peril it may represent if we have only one segment of our employees singled out for freezing while sending a transfusion into the inflationary forces through the military pay increases. If the President believes that the military pay increase is so important and that we cannot have a volunteer Army in time without it, then why does not the President level with us and say that inflation really is not quite that serious, that it is not a great national disaster that is staring us in the face, that what we really need is the volunteer Army and that everything hangs on that? I happen to have believed the President the first time he spoke on August 15 when he defined for us the seriousness of the inflationary forces and, therefore, it seems to me, by the President's failure to freeze military pay in the same spirit that he froze civilian pay, he has made it impossible for those of us on the committee to help hold that kind of line.

It is not too late, as the President addresses the Nation tonight. While I am advised it is not going to happen, he still could announce tonight, as he should, that all salaries are frozen—all of them. It is that important. It is that serious. Then let him, over a period of time, unravel that in the order of priority and try to get us back on an even keel in the economy.

Mr. MANSFIELD. Mr. President, will the Senator from Wyoming yield?

Mr. McGEE. I am glad to yield to the Senator from Montana.

Mr. MANSFIELD. Before I left the Chamber, I thought I heard the distinguished chairman of the Committee on Post Office and Civil Service state that he was backing into the resolution. Frankly, I have two minds about the resolution. If I interpret the Senator's statement correctly, he has some doubts in his mind, too.

If the Senator would allow me, I should like to ask him some questions, because I am concerned about the teachers of this country who signed contracts last winter and last spring and whose last year's wages are now frozen. No one talks about the teachers. No one seems to be interested in the other people outside the Federal Establishment who will be affected by what the Senate does or does not do.

I voted for the Mathias-Moss amendment yesterday because I thought it was fair. It placed Federal workers on the same basis as any other workers insofar as possible guidelines could be announced.

I have been informed that the amendment passed yesterday will not be agreed to unless this resolution is agreed to. I have been informed that regardless of what happens to the resolution, that amendment will be agreed to, despite the opposition expressed on the floor yesterday. Thus, this is not an easy matter to face up to.

What if the resolution is agreed to?

What if the Senate conferees knock out the Mathias-Moss amendment?

Does that mean, then, that this coming January 1, under the law, all Federal employees, regardless, will be given a 6-percent increase in pay?

Mr. McGEE. The answer to that is yes, if the Senate does not then follow up and act; but, likewise, I am prepared to move with dispatch on the necessary covering legislation in the event the other is disallowed. But it seemed to me that we might be better advised to hear what the President has to say tonight on that score.

I do not believe, by agreeing to this resolution today, that we have gone over a course of action to which we cannot adjust and leave that ultimate decision with the President. It is just that it faces that prospect with the amendment passed yesterday.

Mr. MANSFIELD. In other words, we are not sure what the conferees will do vis-a-vis the Mathias-Moss amendment.

Mr. McGEE. No, we cannot be sure of that. I would think that a point of order will probably knock it out on the House side. They have talked about it over there. It is no secret. Therefore, it is more likely to be knocked out. But I want to emphasize on behalf of my colleague from Utah, that I am prepared in committee to offer and to press with every resource we have the necessary covering legislation in that eventuality. It would be wrong for the resolution to stand alone and make it. I think it would not serve its legitimate purposes. That is why I said I was backing into it.

Mr. MANSFIELD. The Senator is saying that if the resolution passes and stands on its own bottom it would be wrong because it would allow for a 6 percent increase to all Federal employees on January 1.

Mr. MOSS. If the Senator will yield——

Mr. MANSFIELD. Could I just follow this up first, please?

Mr. McGEE. Under the Stabilization Act, the President still has the power to freeze, so that he is not without some weaponry there; but we would hope to make it equitable with subsequent legislation.

Mr. MANSFIELD. The key words there are "subsequent legislation."

Mr. McGEE. Yes.

Mr. MANSFIELD. If the Senate approved the resolution reported by the committee, what it would do then, would be to reinforce the law already on the books and in effect. If this passes, pending subsequent legislation it would be imperative that on January 1 a 6 percent pay raise would go into effect for all Federal employees.

Mr. McGEE. Subject to the President's decision to freeze it. The President would still have the power to freeze even at that time.

Mr. MANSFIELD. I do not quite follow that.

Mr. McGEE. Because under the Economic Stabilization Act, he would still have the power to freeze, but it would take another decision by the President to so freeze.

Mr. MANSFIELD. Then it would take another resolution——

Mr. MOSS. No.

Mr. McGEE. No, I do not think so. In other words, this is the authorization the President has under the Economic Stabilization Act.

Mr. MOSS. Will the Senator from Wyoming yield to me for a moment?

Mr. McGEE. Yes, because I believe the Senator from Utah might have something to contribute here.

Mr. MOSS. The President has general power, under the Economic Stabilization Act, to freeze wages, provided he does it uniformly. That is the key word "uniformly." It has to be uniform. If he should decide to use that power, he could still freeze Federal employees but also everyone else's pay, in a uniform manner. What we are doing by this, if we pass the resolution, is to release the freeze that goes beyond what has been applied elsewhere.

Wages were frozen for 3 months with the order of the 15th of August and that will expire. We do not know what the President will propose from there on, but Federal employees are frozen until the 30th of June. That is the difference.

Mr. MANSFIELD. If the Senator will yield further, it is not only the teachers but also all the non-Federal employees we have to think of. We have to think of ourselves, too, because we are a part of the great mass which makes up the citizenry of this country. If, perchance, the 6-percent raise is allowed and nothing is done, what will be the effect on the rest of the economy?

Mr. McGEE. In my opinion, if the economy is in the desperate shape the President has said it is—and I agree with him—then it would have an inflationary effect. I would assume that the President would exercise the authority, however, that is in the Economic Stabilization Act. If he does not, then I would think he has fumbled his responsibility.

Mr. MANSFIELD. I would agree with him that it would tend to be inflationary. I am not at all certain that even at the time we have the economic situation anywhere near under control.

But one thing I do not want to see in this country, regardless of the political consequences, is an increase in inflation which will affect everyone's pocketbook. That is why I am asking these questions, because I am disturbed. I was in favor of the Mathias-Moss amendment yesterday, which I think was fair because, on the basis of any guidelines with percentages attached, to be issued after the expiration of the freeze on November 13, all would be treated equally and none would be discriminated against. But I cannot forget the teachers. I cannot forget others in the same category——

Mr. McGEF. If the Senator will permit me to interject there, neither can I.

Mr. MANSFIELD (continuing). Who signed the contracts in Wyoming, Montana, Georgia, North Dakota, Utah, Louisiana, and elsewhere. I cannot forget the other 75 million people who are non-Federal employees who are entitled to consideration under the concept of equity. I am disturbed by this. I will say to the chairman of the committee——

The PRESIDING OFFICER (Mr. McIntyre). The time of the Senator has expired.

Mr. MOSS. I yield the Senator 3 more minutes.

Mr. McGEE. I shall need a little more than that.

Mr. MOSS. I have several requests now for Senators who want to speak.

Mr. McGEE. I would like to finish what I had to say here. I had 10 minutes' worth of comments.

Mr. MANSFIELD. That is why I am asking these questions, because I am disturbed; but I am also concerned about those outside the Federal employee relationship.

Mr. McGEE. Mr. President, I could not agree with the distinguished majority leader more. I wonder if he is not equally disturbed as to the equally inflationary impact of giving $3 billion or $4 billion more to the military men, the men in uniform. One of the mistakes we are making is in saying that one is and one is not. And that is why we justify it.

Mr. MANSFIELD. Mr. President, I realize the concept of equity which has been expressed. However, if I have any doubts, I am going to resolve them in favor of the men in uniform. Many of them are carrying out their obligations as good citizens, even though they do not believe in what they are doing.

Mr. McGEE. Mr. President, as to the increases, the President ought to freeze everybody, excepting none and then get this whole thing turned around. That is equity, in my judgment. Otherwise it is difficult to believe that there is really a serious threat of inflation if we can play games like this.

Mr. MANSFIELD. The Senator knows that there is a serious threat of inflation with a 5.2-percent increase in the cost of living and with an unemployment figure of 6.1 percent. As far as I know, the unemployment figure has not decreased and neither has the inflation figure decreased.

Half of the 90-day wage-price-rent control period is over. I realize that we have to allow a little time. But I do hope that we go through all of these things with the greatest of care, because what we hold in our hands is the fate of the Nation if not the fate of the Western World.

I thank the distinguished Senator.

Mr. McGEE. I thank the distinguished majority leader. I have now committed myself to the ranking minority members of the committee to do everything we can in a legislative way to cover whatever happens in any way. I would now like to turn to the amendment we agreed to here yesterday. I am interested in setting at least the legislative record straight.

Let me put it bluntly. The amendment we adopted yesterday was not the measure we reported from the Post Office and Civil Service Committee. I had thought we were going to report that measure out and that we were going to seek to offer it as a substitute. However, this did not happen. I want to explain the differences between what the committee action was and what the actual action was, because it is imperative that this record be set straight.

First, the amendment we adopted yesterday provides in its language that the President of the United States, if he announces new wage-price lines, allow an increase in the civilian sector and at least guarantee an average of that allowance as a substitute for the comparability adjustment that was originally scheduled for January 1, 1972, for civilian Federal employees.

However, the language in the bill also says that this shall take effect at approximately the same time as whatever wage lines the President laid down. I know this was not the intent behind the proposal that was pending. It turned out simply to be badly worded legislation.

At the time the committee reported the measure, we turned over to the drafting counsel the task of putting that language together. By the time we got here with the language, the substitute had already been made. The intent of the bill is not borne out by its own language. For the sake of the committee action, I wanted to set the record straight. It now permits the President to allow wage increases on January 1. However, the language of the bill makes it retroactive to the day he sets the new wage-price guidelines.

Presumably, if the President tonight sets new guidelines, he will set them the day that the old freeze ends, which is around the 13th of November. So he would set them on the 14th of November. That means that there would be an unintended, unexpected, but undeniable 47-day retroactive pay increase under the legislation that was passed yesterday.

That was not the intent, I am sure. However, that is the way the law reads.

Similarly, under the law that is now on the books, the military gets the same adjustments in that comparability provision as the civilian sector.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McGEE. Mr. President, would the Senator from Hawaii yield me 3 minutes?

Mr. FONG. Mr. President, I am delighted to yield 3 minutes to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 3 minutes.

Mr. McGEE. Mr. President, under the military law now on the books, under the statute now on the books, the military would likewise get the same adjustment on January 1, whatever that average is, but again it would be retroactive back to the time that the President lays down his new guidelines.

Let us look at the situation if we are really worried about inflation. There will be a military pay raise on January 1. That is now on the books. There will be a military pay raise on November 14, and on November 16. There will be a military pay raise next October 1 under the present schedule of events. I think it is all meritorious, but I do not think this is the intent of the measure we adopted yesterday.

That is why I abstained from voting. That is why I withheld my vote, because the intent was to submit a measure that we hoped would stand up in legislative times. We do not have the opportunity to do that.

Mr. President, I ask unanimous consent that the language of the committee measure be printed at this point in the RECORD.

There being no objection, the language was ordered to be printed in the RECORD, as follows:

> That, notwithstanding any provision of section 3 (c) of the Federal Pay Comparability Act of 1970 (Public Law 91–656) or of section 5305 of title 5, United States Code, as added by section 3 (a) of Public Law 91–656, such comparability adjustments in the rates of pay of each Federal statutory pay system as may be required under such sections 5305 and 3 (c), based on the 1971 Bureau of Labor Statistics survey, to become effective on the first day of the first pay period that begins on or after January 1, 1972, shall not be greater than the general average of the wage and salary adjustments that may be authorized under any wage or salary stabilization order issued by the President under authority of any statute of the United States, including the Economic Stabilization Act of 1970 (Public Law 91–379; 84 Stat. 799), as amended, and as may be in effect in January 1972. The President shall place such wage and salary adjustments into effect (1) on the first day of the first pay period that begins on or after January 1, 1972, or (2) at approximately the same time as such wage or salary stabilization order applies to wages and prices in the private sector of the United States economy, whichever is later. Nothing in this Act shall be construed to provide any adjustments in rates of pay of any Federal statutory pay system which are greater than the adjustments based on the 1971 Bureau of Labor Statistics survey.

Mr. MANSFIELD. Mr. President, would the Senator from Wyoming read that language again? I was under a misapprehension there, too.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McGEE. Mr. President, would the Senator from Hawaii yield me 1 minute?

Mr. FONG. Mr. President, I yield 1 minute to the Senator from Wyoming.

Mr. McGEE. The language in the bill on page 35255 states:

> The President shall place such wage and salary adjustments into effect at approximately the same time as such wage or salary stabilization order applies to wages and prices in the private sector of the United States economy.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McGEE. Mr. President, will someone yield me 1 additional minute?

Mr. FONG. Mr. President, I yield 1 additional minute to the Senator from Wyoming.

Mr. McGEE. I think it is an important point. I want to clear it up in the RECORD.

Mr. FONG. Mr. President, I am happy to yield 1 final minute to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 1 minute.

Mr. McGEE. Mr. President, what it says is that it has to go into effect at approximately the same time. We are assuming that the President has to lay down such guidelines when the present freeze expires, which would mean that he woud lay them down on November 14, 1971.

Mr. MANSFIELD. Mr. President, I would hope that the distinguished Senator from Maryland and the distinguished Senator from Utah would give us the benefit of their views on the amendment which they jointly introduced yesterday.

Mr. McGEE. My last minute is about gone. I cannot yield the Senators any of the seconds that remain.

I do not think that is the intent or the purpose of the thing. I think that everyone was going from the first to the second to the third draft in a hurry to get something done. I wanted to indicate that this was not the committee action.

Mr. MOSS. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Utah is recognized for 1 minute.

Mr. MOSS. Mr. President, the President has no power to grant a salary increase except according to the law that has been passed by the Congress and has been signed into law. He does have the power to hold back on salaries. He can use the wage stabilization power he has to freeze them. He can use the power to freeze the Federal salaries to June 30.

But he cannot raise the salaries of Federal employees without power in law. Therefore, even if it is read in the way suggested that it means, the President has no power to act under that to increase salaries without authorization. This wording was worked out in committee and was taken by the Senator from Maryland as a substitute for his amendment.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. MOSS. I yield 5 minutes to the Senator from Alaska.

Mr. STEVENS. Mr. President, in effect, what we seek to do is to restore the President's options which I feel he has lost in postponing the increase from January 1 to July 1.

I seriously question whether the President had the authority to postpone the pay increase under the law we passed, reading from section 5305, title 5, United States Code:

> (c) (1) If, because of national emergency or economic conditions affecting the general welfare, the President should, in any year, consider it inappropriate to make the pay adjustment required by subsection (a) of this section, he shall prepare and transmit to Congress before September 1 of that year such alternative plan with respect to a pay adjustment as he considers appropriate, together with the reasons therefore, in lieu of the pay adjustments required by subsection (a) of this section.

We have questioned from the start whether the President had authority to postpone the effective date of the increase or the power to submit a different pay schedule to become effective on the same day required by Congress. It is almost a moot question. The approval of the resolution of disapproval will restore the President's option. As pointed out, he still has the power to freeze the salary increases, if that is what he wants to do, by taking action by September 1. We are trying to restore his options not diminish them.

I disagree with the chairman of the committee concerning his interpretation of what we did yesterday. What we actually did was to provide that these pay increases are to become effective on the first day of the first pay period that begins on or after January 1, 1972. It is true that the next section clouds that somewhat, but there is no effective date, except in the first sentence of the action yesterday.

We, as members of the Committee on Post Office and Civil Service, are advocates for Federal employees. As the chairman will recall, we agreed to a 10-percent pay increase. We agreed that because of the inflationary impact of such a large increase, part of it would go into effect January 1, 1971, and the remainder of it would go into effect January 1, 1972.

Federal employees have already borne the burden in the fight against inflation for a year. I respectfully point out to the distinguished majority leader that others have been bearing the burden for only 90 days. The Government employees have borne it for 1 year. After phase II is announced, we assume they will be entitled to some increases.

Mr. MANSFIELD. What about retroactive pay of the teachers? They lost that entirely.

Mr. STEVENS. That is true, but Federal employees lost it for a year. We agreed to postpone the second 6 percent for 1 year. Now the President has added another 180 days and has moved the date back to July 1, 1972.

We are saying that as of January 1, 1972, the pay increase that we authorize will go into effect unless it exceeds the average granted under phase II of the wage-price control program. We are not seeking special privileges for Government employees. We agreed that by the action we took yesterday and through what we seek to do today, we would restore the President's options. In effect, the President could continue to freeze the 6 percent as long as the authority continues under the economic control plan. We are restoring his options to deal with the concept of comparability.

I support the President's economic program. I think it is a bold and imaginative program. However, I disagree on this one facet in terms of taking the action he did by September 1. Despite what the President says about non-Federal employees tonight, he cannot, unless we pass this resolution of disapproval, put any pay increase into effect between January 1, 1972, and July 1, 1972, unless we pass another law.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STEVENS. Mr. President, will the Senator yield to me for 2 additional minutes?

Mr. MOSS. I yield 2 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I urge that this body fully take into account that this marks the last chance for Government employees to obtain some pay increase commencing January 1, if any pay increase is recognized in phase II of the economic control program. The President has but 90 days more under that economic control program. Let us assume Congress does not extend that authority. Government employees would still be without an increase until July 1, 1972, because of action taken under the pay bill and not under the wage-price freeze.

It is unfortunate that the news media has portrayed this as an attempt to overrule something the President did in connection with the freeze. This has nothing to do with the President's wage-price freeze. We are trying to restore the President's options.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period of not to exceed 5 minutes set aside for the introduction of some distinguished guests by the Senator from Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask unanimous consent that during that period there be a brief recess for the purpose of greeting our distinguished visitors.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE SENATE BY MEMBERS OF THE BUNDESTAG

Mr. TOWER. Mr. President, it is my pleasure to introduce to the Senate Dr. Werner Marx, chairman of Foreign Affairs and Defense Committee, CDU, and member of the Bundestag, and Dr. Richard Jaeger, Vice President of the Bundestag.

[Applause, Senators rising.]

RECESS

Thereupon, at 12 o'clock and 27 minutes p.m., the Senate took a recess until 12:29 p.m.

During the recess, Dr. Werner Marx and Dr. Richard Jaeger were greeted by Members of the Senate.

On expiration of the recess, the Senate reassembled and was called to order by the Senator from Florida (Mr. CHILES).

DISAPPROVAL OF PRESIDENT'S PAY ADJUSTMENT PLAN

The Senate continued with the consideration of the resolution (S. Res. 169) disapproving the alternative plan for pay adjustments for Federal employees under statutory pay systems recommended by the President to Congress on August 31, 1971.

The PRESIDING OFFICER. Who yields time?

Mr. MOSS. Mr. President, I yield 3 minutes to the Senator from Maryland.

Mr. MATHIAS. Mr. President, it seems to me that the difficulty of our decision today is the hardness of that decision. It is a hard decision because taken in the boldest and starkest terms, as the Senator from Alaska portrayed to us, we have the concept on the one hand that if the statutory comparability increases, the catchup increases, are to be allowed, government workers will get 6 percent, which may be more than any other group of employees in the country. Maybe, we do not know. When the guidelines are announced we will know, but we have to deal with what we know at the time we vote.

The other choice we have is that we will extend the freeze, as the Senator from Alaska says, until next July, a period which is the major part of a year, a period during which other Americans may be enjoying some degree of flexibility. I do not know what it will be. It may be different in different industries. It may be 1, 2, or 10 percent, but, nevertheless, there will be some degree of flexibility.

That is our problem. We have a choice between being right on one end or the other.

What we attempted to do yesterday, and what, if it were to become law, I think it would do is find a place in the middle that puts government workers exactly where everyone else is.

If, as the Senator from Alaska has pointed out, we do not support the resolution today, then we have in fact legislatively extended the freeze to 3 million Government workers and their families until next July and, barring some additional action by the Congress, the freeze will last longer for them than for any other people in the country. That is just the fact.

I would be opposed to giving them a preference—a 6-percent preference. I will personally vote for the resolution today because I think it gives a greater incentive to the administration, to the members of the conference committee, and to the Members of the other body, and a greater assurance to Members here that we will find this middle ground. It puts the carrot out ahead. I think that is what we must really do. I think whatever happens here today, we do as we did yesterday, which was to find the middle ground. Whatever legislative position we ultimately adopt—I would hope it could be done as a part of the military procurement bill, notwithstanding some technical objections that might lie, but be that as it may, if those objections are raised, I would hope, may I say to the Senator from Utah, we can go back—the Senate has put itself on record with its position and its concept of justice and fairness—if necessary, and start a new legislative trail. The easy way is to capitalize on what was done yesterday

Mr. MOSS. Mr. President, if the Senator will yield for just a moment. If we need a vehicle, there is a bill pending right now. It is in committee. It would accomplish the same thing that the Senate stamped its approval on yesterday. If it should become necessary, we could very quickly have it brought to the floor from the committee. I am happy to say that the commitee has already expressed itself as favoring the action we took yesterday on the Senator's amendment.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MOSS. I yield.

Mr. JAVITS. Mr. President, I voted with the Senator yesterday. I believe in the principle the Senator has espoused, and I am glad to hear the matter can be handled by a particular bill. What troubles me about this resolution is the signal that goes out to the world that the President is or is not being backed by the House and Senate in a major policy decision. I am troubled about that, but I am more troubled——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. MOSS. I yield 1 minute to the Senator.

Mr. JAVITS. I am so troubled about it that I am inclined right now to vote against the resolution rather than for any misconception to be inferred from this vote about our fortitude in the basic policies of the Nation, even though I recognize the risk, and even the possible injustice. Lastly I feel if two-thirds of the Senate—and yesterday showed that—and two-thirds of the House feel the Federal employees will be treated unfairly, the President will not, or if he wanted to, could not, stand in the way of justice being done.

Mr. MOSS. Mr. President, I yield myself 1 minute.

The President has already taken action to freeze salaries of Federal employees until the 30th of June 1972. This body said yesterday we believe that they ought to be treated equally with everybody else. If there is any signal that we sent out to the world or our people, it went out yesterday on our vote by over 2 to 1. All we are doing today is completing what we did yesterday. The President has all the tools, and this resolution increases his options, not decreases them, because he could freeze everybody at any time before April just as he did for 90 days, the period we are in. He could freeze them all. We worry about the schoolteachers.

I do, too. I think they have been unfairly treated. We worry about the steelworkers and what was done there under the freeze. Perhaps it is serious enough that it ought to be extended another 90 days. If the President wants to do that, he can.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. MOSS. I yield.

Mr. MATHIAS. Mr. President, I share with the Senator from New York his concern. I share his concern about the signal that may go out, but I think the Senator from Utah has put his finger on it, that this action today will have really nothing to do with the freeze, because it is to be taken in the shadow of what we did yesterday, and that shadow is the conviction of two-thirds of the Senate that Government workers should not be treated better than anybody else; that they must be subjected, as they are, to the freeze; that they must be subjected in the future to what will apply to everybody else thoughout the economy.

Mr. JAVITS. I think it is the difference between a micro-signal and a macro-signal. I have the deep feeling today that this is likely to be a macro-signal. I also think that so many of us, feeling as we do, will work our will and the President will ultimately yield on this particular point and see that all employees are treated alike.

Mr. FONG. Mr. President, I yield myself 3 minutes.

Mr. President, the two previous speakers, the Senator from Maryland and the Senator from Utah, said this was the easiest way to go because of what we did yesterday. This is a very perilous path, Mr. President, because the Senator from Utah and the Senator from Wyoming, who is the chairman of the Committee on Post Office and Civil Service, all feel in their hearts, and they have expressed it on the floor, that the possibility of that amendment going through is very, very slim. They know that it is subject to a point of order on the floor of the House of Representatives. If one Member on the floor of the House of Representatives raises a point of order, even if the conference committee were to adopt the amendment as passed by the Senate yesterday, it will go out. If the amendment goes out, what will happen by adoption of this resolution today?

We are not giving the President an option, as was stated by the distinguished Senator from Alaska. We are just pulling the rug out from under the President. The President says, "I am deferring Federal salaries, which were scheduled to go into effect on January 1, 1972, until July 1, 1972." By this resolution we are saying, "You have done the wrong thing and we are restoring those salary increases as of January 1, 1972."

Mr. STEVENS. Mr. President, will the Senator yield right there?

Mr. FONG. I yield.

Mr. STEVENS. Assuming that we adopt the resolution and we disapprove of the action which postpones the pay increase until July 1, it will, in accordance with such law, become effective January 1—not tomorrow, but January 1. Does not the President still have the option then, under the wage-price control law, to take such action as he wants with regard to Federal employees. And do we not still maintain, as the Senator himself said, authority in this Congress to act between now and January 1 to take whatever action we deem necessary concerning the recommendations of the President based on the announcement he will make tonight? For these reasons I believe we are restoring the President's options.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FONG. I yield some time to the Senator.

Mr. STEVENS. Can he not take action either through the wage and price control law, under which he can continue the action for 90 days beyond November, or through the second phase of the economic control program, under which he may ask Congress to deal fairly with Government employees along with all other employees?

Mr. FONG. There is a dispute, Mr. President, as to whether the President has the power, after we finish with this resolution, to impose another freeze on Federal employees' salaries.

What I am saying is this: If we pass this resolution, we are telling the President, "We do not agree with what you have done. We want the Federal employees to receive their 5.5 percent even though we do not know what your phase II program is."

If the amendment which we passed yesterday is not enacted, we are giving the Federal employees a privileged status as compared to the other 80 million American workers, the non-Federal workers in the Nation. I say that is discrimination. As the distinguished Senator from Wyoming stated, this resolution cannot stand alone, it cannot stand naked. He said we must have subsequent legislation.

If we are going to have subsequent legislation, let us wait until tomorrow to take substantive action. There is plenty of time for us to get to work and work out something that is fair and equitable to the Federal employees.

The PRESIDING OFFICER (Mr. CHILES). The Senator's time has expired.

Mr. FONG. I yield myself 2 more minutes.

Let us work out something equitable for the Federal employees as well as for the non-Federal employees, by saying to the President, "We do not want you to impose this freeze on the Federal employees only."

But this resolution, if it passes, says to the Federal employees, "You can get this 5.5-percent increase when January 1 comes, even if the President tonight says there will be no increases for anybody else until January 1, 1973." We would then be putting the Federal employees in a privileged status, after arguing yesterday on the floor of the Senate—and I was one of those who voted for the amendment yesterday—for putting the Federal employees on the same basis as non-Federal employees. Federal employees should not be called upon to bear a burden which non-Federal employees are not being required to bear. Federal employees should be treated the same as non-Federal employees, and that is why I voted for the amendment yesterday.

But, as I have stated, there is great doubt that that amendment which we passed yesterday will pass the conference. The chairman of the Armed Services Committee is diametrically opposed to it, and, I understand it probably cannot pass the conference.

Even if it passes the conference, as I have stated, one Member of the House of Representatives can raise a point of order.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FONG. I yield myself another half minute.

One Member alone on the House floor can raise that point of order, and if he raises the point of order and it is sustained, then we are going to have a case in which 4.5 million Federal employees and military personnel will receive a 5.5 percent pay increase on January 1, 1972, and 80 million non-Federal employees will not receive anything, if phase II of the President's anti-inflation program to be announced tonight does not give them any increase in salaries.

Mr. MOSS. Mr. President, I yield myself 5 minutes.

I submit that the President could hardly do what the Senator suggests. The Senator says that if we give the Federal employees a 5.5 percent increase, we will be denying it to other employees. That is absolutely false, on the basis of the evidence here, and of the amendment passed yesterday by this body. We said the Federal employees will get only that amount which the President establishes in his guidelines for any other employees. If the private sector is denied entirely, the Federal employees are denied entirely. If the private sector is permitted 3 percent, Federal employees are permitted 3 percent.

All we are pleading for is uniformity and equity, and the Senator has paid lip-service to that principle over and over again in his speech, saying, "I believe it ought to be fair, I believe it ought to be equal."

The facts are plain. At present, there is a freeze on now, on Federal employees, that applies to no one outside the Federal Government. The outside employees are frozen until the 13th of November. The Federal employees are frozen until the 30th of June next year, and so it does not apply equally. What we are trying to do is lift off the freeze, so that, on the first of January, the Federal employees can be treated like anyone else.

We all agree that the President, in trying to deal with the economy, has the power, and undoubtedly will exercise it and ought to exercise it, of trying to achieve some control over wage raises. The Senator from Hawaii says we are going to give the Federal employees a raise of 5.5 percent on the 1st of January. We are not at all. The Federal employees will get only what the guidelines permit, whatever the President announces. So we are not giving them that raise that has already been given to them by law. They are entitled to it by a law which this President signed. We are saying that will not become operative. It may become operative if his guidelines are high enough, but it will not become operative before any guidelines the President has set.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. MOSS. In a minute; I have one further point.

Another thing the Senator from Hawaii says is, "What's the hurry? We can wait until tomorrow or some other time, and then do what we want."

Mr. President, the Senator knows very well that the deadline is midnight tonight for Congress to exercise its option to free up the freeze for the 6-month period it goes into next year. We must act today. The reason that matter is privileged on the floor today is that if we do not act today, we have lost that option.

It is true that we can pass other laws of some kind, which would have to go through both bodies and be signed by the President, but we cannot exercise the option to say, "We do not believe that freeze should extend unfairly into next year; we think the Federal employees ought to take their place along with every other wage-earner of this country, whether in the private sector or the Government sector."

I yield to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I think I understand this, but I want to ask the Senator the question: Will the passage of this resolution have any impact on what we provided in the bill yesterday?

Mr. MOSS. Yes, it will.

Mr. McCLELLAN. In what way?

Mr. MOSS. What we said yesterday is that any increase that comes to Federal employees must conform with any guidelines for private employees.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MOSS. I yield myself another minute.

We stated that principle yesterday. Now today we are saying, "All right, Mr. President, having established that principle, we now lift the freeze and tell you to treat Federal employees the same as everyone else."

Mr. McCLELLAN. I understand. But the point I am making is simply this: If this freeze is lifted by this resolution, then the President is still compelled, or the operation of the amendment we passed yesterday will still be in effect, that Federal employees will receive no more than is granted all across the board?

Mr. MOSS. The Senator is exactly correct.

Mr. McCLELLAN. One other question. However, if the amendment we passed does not become law, what have we done?

Mr. MOSS. If the amendment does not become law, then this Congress, between now and the first of January, which is the earliest time the Federal employees can get their increase anyway, could enact a statute—and there is a bill pending now in committee—that would do exactly what we declared yesterday in an amendment.

Mr. McCLELLAN. If this resolution passes, then I think it is imperative, in view of what can happen in the House of Representatives and likely will, that that bill be processed immediately, passed here, and enacted into law, because I think that is what the objective is; I think that is what everyone would like to see: absolute equality of treatment with respect to Federal employees and employees in private industry. That I am willing to try to achieve.

But at the same time, I agree with some of what has been said here, that we are casting a bit of a reflection upon the President in this thing by the way it has developed. There is no question about that. It is unfortunate that the thing has not been worked out before now, but we are up against a deadline, and we have got to resolve it the best we can.

I thank the Senator for yielding.

Mr. MOSS. I thank the Senator from Arkansas. I think I can give him the assurance of the Post Office and Civil Service Committee that there would be immediate action to report a bill like that out of the committee. In fact, we have considered it already. This deadline was the only reason not to go on that first.

Mr. McCLELLAN. If I could be assured that the amendment passed here yesterday would become law, I would not give any concern or attention to this question. I think it would be wholly unnecessary.

Mr. MOSS. If that amendment does not become law, I can assure the Senator there would be immediate action in the Post Office and Civil Service Committee to report a similar bill.

Mr. McCLELLAN. And if I could be sure that bill would pass, I do not think this would be necessary.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. MOSS. I yield to the Senator from Alaska.

Mr. STEVENS. Even if the amendment we adopted yesterday does not become law, the President, himself, could still freeze the salaries, and could uniformly say that the 6 percent could not become effective. If he sets a guideline of 3 percent, 4 percent, or 5 percent, that could apply to Government employees. But we need this resolution passed today in order to disapprove his postponement of 6 months to bring about uniformity.

Mr. McCLELLAN. Is the Senator saying that if this amendment is passed, the President can still make any adjustment in the salaries that is necessary?

Mr. STEVENS. Yes.

Mr. MOSS. Yes. He may freeze the salaries, provided he freezes them uniformly.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCOTT. Mr. President, will the Senator from Hawaii yield me 1 minute?

Mr. FONG. Yes. Then I will yield 3 minutes to the distinguished Senator from Mississippi.

Mr. SCOTT. Mr. President, the President is having a bipartisan meeting at 4:30 today for the purpose of discussing phase II of the economic plan. Much of what he says tonight hinges on what the Senate does this morning. It is essential that this resolution be disapproved. The consequences of its approval are far more drastic than any Member of this body has so far even hinted at. I can assure the Senate, on my responsibility as the minority leader, that this is true. It would be hurtful to the constituencies of many of my colleagues who are urging its approval. Do not do it. It is a very dangerous step, and it would have very unfortunate consequences.

I regret that I cannot say more than that, but I am infused with the seriousness of this. I assure the Senate that it is correct and that it is extremely important that the President's program go through along the lines he intends to follow. The Senate should give him that confidence. The Senate should give him that opportunity. The Senate should not try to second guess the responsibility of the President in holding the line against the inflationary process.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MOSS. I yield 1 minute for colloquy with the minority leader, who comes here and pleads with us not to do something because of something he cannot tell us about. He says, however, it is very serious and he asks us to wait until the President has spoken tonight.

Midnight tonight is the deadline for action on this resolution. Our power is then gone. If we are going to do anything in this body about the freeze, if we think it is unfair to the Federal employees, we have to do it today. If the Senate wants to reconvene at 10 o'clock tonight, I will come. I have, however, not met, but I know that not enough Senators will be here to have a quorum. Our power will be gone if we do not do it now. Is that not true?

Mr. SCOTT. I can only say that the security of the Federal employee will be greater tonight if the Senate does not agree to this resolution than if it does.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MOSS. I yield myself 30 seconds to volunteer my opinion that the interests of the Federal employee already have been impaired by his taking the freeze clear into June of next year, when nobody else has had to take it.

We are only trying to put it back where the President can deal with the Federal employees' salaries on the same basis and with the same hand that he deals with the non-Federal employees. That is all we are doing. It does not curtail his powers in the least, except in the one freeze issue that he has already extended.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCOTT. What it does is to break the dike, and the flood starts.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. Mr. President, it seems to me that the logic of the argument made by the Senator from Hawaii is unanswerable, and the facts of the case as stated by the Senator from Pennsylvania are certainly clear. This is not in deference to the President of the United States. It is just commonsense that the executive branch and the legislative branch have to coordinate to some degree if we are going to do anything about inflation. That is the issue—not the President, not someone's salary. What are we going to do about inflation?

The President stepped out on this matter on August 15 and made his announcement and the people applauded. The only criticism I heard about it is that he should have done it earlier. He made a step forward here with respect to these anticipated increases in January.

Who thinks he can afford to be unfair to the people who are affected—the military and the civilians—in what he does in his next step? Of course, he is not going to discriminate against this large and powerful and deserving group. Whatever he says tonight and in the future will coordinate and conform to this first step he has taken.

I think this: Just a few weeks after his first speech and a few hours before phase II, if we were to pass this resolution, we would knock the blocks out from under the whole effort, and by our action here today we would pump $2 billion additional into the flood of inflation.

There are some voices I believe we will hear from once they get to speak, and they are the voices of the unorganized, the voices of those who are silent but are overtaxed and are unorganized. Inflation is eating up their savings and their earnings, and is jeopardizing our country at the same time. Their voice says, "Stay the hand of inflation." I am talking about the little folks, the smaller wage earners. That is the way they feel. They know that these fringe benefits and great increases come automatically to some groups under law, and, through strikes and so forth, to others. But these people are not organized, and they know that they do not benefit from all this. But they know that inflation eats up their earnings before they get it—their wages, their savings, their retirement benefits. We will hear their voices later. But let us stay the hand here and give this plan a chance.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. McCLELLAN. Assuming that this resolution is defeated and that tonight the President proposes a program that equalizes this apparent injustice and discrimination, that would take care of it.

Mr. STENNIS. Yes.

Mr. McCLELLAN. If he did not, Congress still would have from now until January to act with legislation; would it not?

Mr. STENNIS. Absolutely. The Senator has said it better than I. Do not count as the law the amendment that was adopted yesterday just because I happened to vote against it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I yield 30 seconds.

The Senator is correct. Under the rules of the House, it is my understanding that one voice over there can raise a point of order against that amendment, and it would have to be sustained, and it would go out.

Mr. McCLELLAN. That could be knocked out. But we have from now until January 1 to pass legislation by majority vote of both Houses and send it to the President to remedy this condition.

Mr. STENNIS. My point is, do not say we have already solved that matter, but we have plenty of time to solve it.

Mr. FONG. I yield myself 2 minutes.

Mr. President, what the Senator from Arkansas is saying is, "Let us open a floodgate." That is what he is saying. He says, "Let us pass this resolution, and let us give the Federal employees 5.5 percent." The Senator from Utah and the Senator from Arkansas say this. They say, "Let us open the floodgates now. Let us give them the 5.5 percent, and then let us close it little by little tomorrow."

It is like saying, "Let us open the doors of the Senate. Let everybody come in." And then, one by one, we push them out. Let the floodwaters come in, and then we will put in dikes, one by one.

Is this the way to legislate in Congress? Is this the way we are going to legislate here?—open the floodgates and then say, "Tomorrow we'll close it little by little"? Is it not better to wait until tomorrow and see what rally happens?

If we find that the Federal employees have been discriminated against by the President's phase II program, we can go to work tomorrow. As the ranking minority member of the Committee on Post Office and Civil Service, I pledge that if it is necessary we will start working tomorrow and see what we can do to put the Federal employees on the same basis as the non-Federal employees. But let us wait until tomorrow. Why do it today and then tomorrow, by patchwork, try to block up the dam little by little?

This is not the way to legislate.

Mr. MOSS. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER (Mr. CHILES). The Senator from Utah is recognized for 2 minutes.

Mr. MOSS. Mr. President, as a school boy, long before I came to the Senate, I often heard it called the greatest deliberative body in the world. We have now, in opposition to the resolution, someone standing up and saying, "Open the floodgates. Open the floodgates. Deluge the country. Open the floodgates and then put in little dikes."

What kind of deliberation is that, Mr. President?

What we are saying here is that under the statute, on the books now, Congress, this body—this House of the Congress—has the power, by a simple majority vote, to say to the President, "Mr. President, we think you are unfair in freezing Federal workers over to the 30th of June of next year. Therefore, we exercise our power to say that this much of the freeze will be put back. It will not take effect. You, Mr. President, have the power and, in fact, we called upon you yesterday, in an amendment, to say that you have the power to freeze all wages and set any guidelines you want. All we say to you, Mr. President, all that Congress says, is that Congress says, is that when you do that, that you do it evenhandedly and not do it only to one group and not to another, but do it on an evenhanded basis."

Mr. President, we are not opening any floodgates because the President may very well freeze everyone and the Federal workers will be included along with everyone else.

As to the plea to wait until tomorrow, that there is plenty of time, I seem unable to get my colleagues to recognize that the time has been set because it is already in the law. It has to be done today, if we are going to exercise that option. We cannot put it off and lose the option. Admittedly, we can start some legislation and try to get it through, but the House has already announced that it will not accept new bills by the middle of this month. I do not know what that means. It is only hearsay, but they are already talking about nothing new coming on the floor of the House over there. So that if we start here to hold hearings, report a bill out of committee, and go through all the other processes in the Senate, and it finally goes to the President himself, does anyone really think there is any chance for the Senate to work its will otherwise this year if we indeed think it is unfair to freeze Federal employees beyond any other workers in this country?

Mr. President, I reserve the remainder of my time.

Mr. FONG. Mr. President, may I ask, how much time is left?

The PRESIDING OFFICER. The Senator from Hawaii has 10 minutes remaining and the Senator from Utah has 6 minutes remaining.

Mr. FONG. I thank the Chair. I am happy to yield 2 minutes now to the distinguished Senator from Illinois (Mr. PERCY).

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 minutes.

Mr. PERCY. Mr. President, as we approach the question of what restraints should be placed on wages in the postfreeze phase II, my position is that all groups in our society should have the same restraints applied to them. The same restraints should be exercised over Federal pay that are exercised over the pay of those in the private sector. This position is consistent with the concept of comparability in pay toward which we have been moving and it would place the same obligations and rewards on Federal employees as on everyone else.

That is why I voted yesterday for the Mathias amendment, as modified by Senator Moss, which would allow Federal employees the same wage increases as authorized for private industry employees in the postfreeze period.

I plan to vote against the resolution offered by Senator Moss today because it would require that Federal employees' pay be increased by 6 percent on January 1, 1972. This would have the effect of giving Federal employees more favorable treatment than other groups in our society—assuming of course that the guidelines to be announced for phase II will permit wages to rise less than 6 percent.

Mr. President, I reiterate, I support comparability in government wages, salaries, and benefits with the private sector for comparable work. Having achieved comparability, then the Federal employees should not be favored or discriminated against in future treatment on compensation. The Federal employee is injured as severely as any other citizen unless we can stop the crippling effect of spiraling inflation on every family's pocketbook.

Let me indicate from what I know of the President's message to be delivered this evening, and from the preliminary indications I have received in talking with members of the staff, that I think we are going to have a phase II program that this Nation can unite around. The day is over when every single group can demand more. That goes for labor, for business, for the general public, and for Federal employees.

Mr. FONG. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 4 minutes.

Mr. FONG. Mr. President, summarizing my arguments, I want to say, facing the realities of the situation, facing what the amendment which we passed yesterday must undergo to become law, and the almost unanimous opinion that it will not be enacted, we are facing a situation in which we will, by agreeing to this resolution, give to Federal employees and those in the military service—4½ million people—an increase of 5.5 percent on January 1, 1972, even though the 80 million non-Federal workers in the Nation may not receive anything.

This certainly would be discrimination against the 80 million non-Federal workers in the United States. If we are to be fair to the 80 million workers who are not in the Federal Government, if we are to be fair to those people who are not in the military service, we must not pass this resolution today. If we do pass it, we will be putting Federal employees on a preferred status as compared to the other 80 million workers.

By locking in a pay raise for Federal employees, Congress may jeopardize the President's anti-inflation program, by giving only a few a 5.5-percent increase. If we pass this resolution today, there will be no amendment to curtail this pay increase. We know what the realities of the situation are in conference and in the House as it applies to yesterday's amendment. We will then be under a tremendous, almost irresistible pressure by 80 million non-Federal employees for treatment similar to that of Federal employees and military personnel.

The Congress will be faced with great pressure to give everyone a 5.5-percent increase. Everyone knows, then, what will happen to the economy.

Congress should make sure that all employees in America are treated on the same basis in regard to pay increases.

In a few hours, Mr. President, we will be hearing what the President's phase II program is.

Let us wait and see what it will be.

The distinguished Senator from Utah says that he is willing to go to work tomorrow and work on a bill to ensure equity and fairness to 4.5 million Federal civilian employees and military personnel.

If he is willing to go to work tomorrow on that basis, why the rush right now?

Let us wait until tomorrow so that we can all sit down when we know all the facts, and in an orderly manner legislate for the benefit of our Federal workers.

I am afraid that if we pass this resolution today, we will be sabotaging and—may I use the word the President used—we will be torpedoing the President's economic program.

Mr. DOLE. Mr. President—

The Congress faces the acid test of its determination to cooperate in the national campaign to control rising prices.

The President's statement of last Saturday summarizes very succinctly the issue before us today. Will the Senate be responsive to the expressed desire of three-fourths of the American public for enactment of the President's program to control inflation and inject new life into the economy?

The issue before us today addresses one element, but a very vital element of that program—holding the line against governmental contributions to inflationary pressures. The President's new economic policy is founded on the concept of providing a stimulus to the economy without causing renewed inflation and the avoidance of Government outlays not matched by sources of new revenue is fundamental to the success of this policy.

If a Federal/military pay raise was allowed to take effect on January 1 next year it would create an imbalance in the fiscal equation underlying the entire new economic policy; it would lead to a $1.3 billion increase in the fiscal year 1972 budget deficit and would create severe inflationary pressure by pouring this $1.3 billion into the economy with no offsetting increase in Government revenues.

EQUAL SACRIFICE REQUIRED

Opponents of the President's plan for deferral of Federal pay increases refer to its alleged inequity in demanding more sacrifice from Federal workers than from their counterparts in private life. It seems to the Senator from Kansas that this argument is deficient in two respects:

First, for the past 53 days, the public has shown its good faith and willingness to sacrifice by maintaining the wage-freeze which was instituted on August 16. During this time, no general Federal pay increases were scheduled to take place. Thus, the freeze has had virtually no impact on the lives of Federal workers and has required no sacrifice from them corresponding to that made by millions of Americans in the private and State Government sectors of the economy.

Second, the Federal Government under this administration has been a remarkably generous employer. White-collar workers have received more than a 21-percent increase in pay since mid-1969, so their real wages—the wages they take home after the impact of inflation is subtracted—have gone up. In contrast, for most employees in the private sector, real wages have not gone up, because pay increases have in many cases, not matched the rise in the cost of living. The average Federal white-collar employee affected by this proposal now receives approximately $13,000 per year in pay and benefits.

Further I would point out that acceptance of the 6-month deferral in no way affects the operation of the pay system which provides for ingrade, merit, and longevity increases which, during this period will total as much as $257 million for Federal/military workers.

A BALANCED PROGRAM

In addition, I would reemphasize the balanced character of the President's proposals which seek to reduce expenditures to match reduced revenues. If the pay deferral is rejected, the $1.3 billion outlay it will occasion must necessarily be compensated by cutbacks in other areas which could result in the loss of 200,000 jobs or other program cuts or deferral of badly needed services.

In a separate but related area, there have been references during this debate to the inequity in granting military pay increases while restricting raises for their civilian counterparts. Such an argument fails to take into account the fundamental pay disadvantage which the junior military ranks have suffered for years. Nor does it reflect appreciation for the major structural change—movement toward realization of an all-volunteer armed force—which the recent military pay raise was designed to achieve. This change is totally unrelated to the periodic comparability pay increases the President's plan defers.

FAIRNESS FOR PUBLIC AND PRIVATE EMPLOYEES

Yesterday the Senator from Kansas voted in favor of the amendment to the military procurement bill proposed by the Senator from Maryland (Mr. MATHIAS) which limited the potential harmful effects of the pending resolution. That amendment, as the Senator from Maryland pointed out, seeks to treat both Federal and private sector employees with an even hand. It was intended to provide assurance of an equal measure of sacrifice should the President's plan be defeated here today.

It effect it provides a measure of security to Federal workers that they would not be called upon to make greater sacrifices than those in the private sector, and on the other hand, it assures those in the private sector that individuals in Federal public service would not be given favored treatment.

It is necessary for the maintenance of the public's support to make provision for such equitable and fair treatment. Certainly the millions of Americans in Federal public service have a right to expect such protection of their interests, just as the millions outside the Federal Government expect their interests to be safeguarded. So I believe the Senator from Maryland's amendment was a valuable piece of insurance for both Federal and private workers in the event the President's policy is defeated by the Senate today.

A POINT OF CONFIDENCE

Finally, I would return to the fundamental rationale which underlies successful implementation of the total economic program. Americans must be given a basis for confidence that prices and wages will be restrained and that the Government will do its part to achieve a sound and stable economy.

The President's institution of this pay

deferral provides the public the evidence that he is willing to make the hard, necessary decisions to achieve success. The House of Representatives demonstrated—by upholding the President's proposal—that it, too, was willing to act responsibly and join in this effort. Now the Senate must indicate to the American people that it, also will be responsible and give the American people a firm measure of confidence in the Federal Government's desire and determination to stabilize the economy and provide the foundation for greater prosperity for all our people.

I urge the rejection of the pending resolution.

Mr. McGEE. Mr. President, I am sorely tempted today to ask unanimous consent to include in the Record of today's debate the Record of yesterday, October 6, insofar as it related to the so-called Mathias-Moss amendment providing for Federal salary adjustments, because I think that debate is so very pertinent to today's vote that they are inseparable. I also think those pages of the Record will illustrate to the student of political science the hazards of legislating.

Yesterday morning, the Committee on Post Office and Civil Service ordered reported to the Senate a bill to permit the President to adjust civilian salaries in 1972 in accordance with the wage-price guidelines he may establish under phase two of his economic program for controlling inflation. The bill we voted on in committee gave him complete control over civilian salary adjustments through the October 1972, salary adjustment period.

After that committee meeting, the Senator from Hawaii (Mr. Fong) and I met with our committee counsels and representatives of the Office of the Legislative Counsel, and studied the very technical language necessary to effect what we wanted to do; and we came to the conclusion that, as the distinguished senior Senator from North Carolina (Mr. Ervin) observed in the debate yesterday, the whole pay picture is very "iffy."

I would not say the committee was attempting to legislate in a vacuum; on the contrary, the complexities of the issue were so numerous that several hours passed before we are able to perfect the language necessary to accomplish our purpose—to carry out the formal but not particularly specific intent of the committee's agreement—that the President be authorized to control civilian salaries in 1972, but that such adjustments be approximately equal to the general average of wage-price controls, and effective at the same time.

The language of the Mathias-Moss amendment is not quite like that. I am not quite sure whence came the language of the substitute amendment yesterday; perhaps it was a first draft or a second, or a third. But it was not the bill which I, as chairman, am prepared to report to the Senate, and which, as a technical matter, I ask unanimous consent, to have printed in the Record at this point so as to distinguish what we were attempting to do in committee yesterday, and did, and what the Senate approved by a record vote of 60-to-27 yesterday.

There being no objection, the language was ordered to be printed in the Record, as follows:

> That, notwithstanding any provision of section 3(c) of the Federal Pay Comparability Act of 1970 (Public Law 91–656) or of section 5305 of title 5, United States Code, as added by section 3(a) of Public Law 91–656, such comparability adjustments in the rates of pay of each Federal statutory pay system as may be required under such sections 5305 and 3(c), based on the 1971 Bureau of Labor Statistics survey, to become effective on the first day of the first pay period that begins on or after January 1, 1972, shall not be greater than the general average of the wage and salary adjustments that may be authorized under any wage or salary stabilization order issued by the President under authority of any statute of the United States, including the Economic Stabilization Act of 1970 (Public Law 91–379; 84 Stat. 799), as amended, and as may be in effect in January 1972. The President shall place such wage and salary adjustments into effect (1) on the first day of the first pay period that begins on or after January 1, 1972, or (2) at approximately the same time as such wage or salary stabilization order applies to wages and prices in the private sector of the United States economy, whichever is later. Nothing in this Act shall be construed to provide any adjustments in rates of pay of any Federal statutory pay system which are greater than the adjustments based on the 1971 Bureau of Labor Statistics survey.

Mr. McGEE. Mr. President, the effect of yesterday's amendment, as I understand it—and I have studied that wording very carefully this morning as it is printed on page 35255 of the Record—is that the President is directed to adjust civilian salaries by amounts not in excess of the wage-price guidelines ordered by the President and in effect January 1, 1972, by no more, and no less. Second, the President is directed to place such civilian salary increases—if any—in effect at "approximately the same time" as the wage-price controls become effective in the private sector. Just how he will do that feat is not explained, and again, as Senator Ervin suggested, the situation is very "iffy." If the wage-price controls are effective November 14, and, say, call for a 4-percent wage increase average in 1972, then the President will wait until January 1, 1972, to see whether such controls are still in effect, and then he will make them, under the specific language of the Mathias-Moss amendment, effective November 14, 1971—retroactive by about 47 days, and splitting most pay periods wide open.

Since all comparability adjustments in the civilian sector are, by section 2 of the Military Pay Act of 1967, Public Law 90–207, automatically applicable to all military salary schedules, the comparability adjustment will also apply to the military. Thus, under the terms of the draft bill, the military will receive a $2.5 billion pay increase effective, the President has said, November 13. Then on January 1, the President will give the military a 4-percent comparability pay increase retroactive to November 14. In the meantime, of course, the military will already have received an increase on November 16, under the terms of the Allott amendment to the military procurement bill, and that raise will have to be refigured. So the military sector of our Federal employees will, by January 1, 1972, receive three pay increases, November 13, 14, and 16, plus the benefits of retroactive pay from January 1 back to November 14.

This may seem a page from Bleak House, Mr. President, but it is merely a page from the Congressional Record.

That brings us to the issue today, Mr. President. What effect yesterday's amendment has is not entirely clear. If it stands alone, without approval of Senate Resolution 169, it is clearly matter for the Comptroller General to interpret and apply, if not the U.S. Supreme Court. It is, as Justice Frankfurter would have said, an administrative monstrosity. Without the approval of the resolution, there may be one interpretation; with approval of the resolution, there may be another—or many others, giving the lawyers the benefit of the doubt.

The merits of this resolution are difficult for me to cope with. On August 15, when the President announced a wage-price freeze, I strongly supported his decision, and I hoped fervently that his policies would be firm and get to the root of the problem of wage-price control. In September, when he announced his policy for economic control to the Congress, and added that he would not continue the wage-price freeze, I regretted his premature announcement. In late September, when he announced his support of the Allott amendment for a $387 million add-on to military salaries, I regretted his decision. And also in late September, when he signed the Draft bill and said the military salary adjustments of $2.5 billion would become effective November 13, I realized that there was, and is, a very serious discrepancy between what wage-price controls are supposed to be, and what, in fact, they are.

Either inflation is a crisis in the Nation, or it is not. Either we pull out all the stops to fight it, or we do not. It simply cannot be played both ways. There is no possible justification for increasing military salaries by $3 billion in November and freezing civilian salaries until next July. It is entirely inequitable. It invites the very debate we have here today. It invites the working man in the public and private sector of our economy to criticize the administration's economic program as bitterly as some are attacking that program today. It is simply insupportable.

Unless the President is willing to assume the heavy burdens of putting inflation first, he cannot expect those of us in the legislative branch to report to our constituents that we vote for some wage controls, and against others.

The freeze has been breached by the President who imposed it. Until we have assurances that he intends to treat all employees fairly and equitably—and most importantly, equally, I cannot support that diverse policy. For that reason alone, I shall vote for the adoption of this resolution.

Mr. GRAVEL. Mr. President, I will vote in favor of the Moss amendment to override the freeze on the Federal pay raises earned and promised to our Government employees.

I do so not to create an inequity between the treatment of Government workers and non-Government workers. Quite the opposite. I do so to relieve an inequity against Government employees that would otherwise be the case if we did not pass the Mathias and Moss amendments.

After all, the issue is comparability of pay in these two sectors, not how to use one sector "as an example." What we will do by adopting the Mathias and Moss amendments is, first, achieve comparability of pay rates between the Government and non-Government sectors assuming they are presently in line or, second, at least maintain the differential between the sectors so that the Government employee does not fall still further behind his non-Government sector counterpart after the expiration of the President's 90-day freeze. What could be a fairer procedure?

This action, needless to say, is of enormous importance to great numbers of people in the Washington area as well as to Federal workers and their families everywhere. There is no way of describing our favorable action today as "wrecking the President's program."

In the case of my own State of Alaska our actions on this issue are of great interest. The reasons are clear and compelling.

The major part of the workforce in Alaska is still governmental. About 40 percent of wage and salary payments in the State are Federal and another 15 percent are State and local where there is a special kinship to the Federal employee. The Alaskan economy is at best "moving sideways" at the present time, and an injection of this sort would be of real benefit to get it moving forward again.

I hope that Senators will join me in voting in favor of the fair and equitable solution contained in the pending legislation.

Mr. BROOKE. Mr. President, the resolution of disapproval which we are now considering is one of the most serious issues to come before us in many years. True, it is not a life-and-death proposition. But the decision which we make today will affect the quality of life for all Americans for a long time to come.

We are in the throes of a serious inflation. Our present economic condition has shaken world faith in the dollar, rendered our exports less competitive, raised the cost of living for all our people, and led to a decline in capital investment which in turn has contributed to ever-increasing unemployment.

Nearly 2 months ago, the President announced a many pronged, new economic policy designed to bring inflation under control and to provide incentives for industry to expand its operations and its employment opportunities. In a rare address to a joint session of Congress, the President stated that providing jobs was his first, his primary, concern.

The resolution before us today represents the first test of the President's proposed economic plan. The President has proposed to extend a freeze on civil service salary increases from January 1, 1972 to July 1, 1972. The resolution would disapprove that freeze.

I am deeply concerned about the equity of an economic policy which requires one group of workers in our society to bear a burden which is not required of all. I fail to see why the 1.3-million civilians on the Federal payroll should suffer a 6-month extension of the wage freeze when all other workers at least will have the option of presenting their case for an increase to a wage-price board. I do not believe that because some of our citizens have chosen Federal service instead of a career in private industry, they should be asked to make a unique personal sacrifice in order to achieve a goal which will benefit all Americans. If all stand to benefit from controlling inflation, then all should contribute equally to the attainment of that goal.

It was with this consideration uppermost in mind that I supported the Mathias amendment which passed this body yesterday. That amendment sought neither to approve nor disapprove a wage increase, but rather to insure that all American workers—Federal, State, local, and those in private industry—would be treated equally under the same wage price limitations. In other words, if the wage price board were to approve a 2-percent increase in wages for private industry, then other workers would be entitled to the same considerations. If no wage increases were approved for the private sector, the Federal workers, too, would have salary increases postponed. This is the approach I would prefer to see adopted, and this is the solution toward which I will continue to work.

But the question before us today is not one of achieving a formula which will insure equity for all salaried employees. Rather, we are being asked today to approve, or disapprove, a 6-percent wage increase for Federal employees to take effect January 1, 1972, regardless of the policies which are adopted for other sectors of the economy.

Just as I do not want to see Federal workers discriminated against, I also do not believe that they should enjoy benefits which are not available to other workers. It seems to me, therefore, that approving a wage increase for 1.3-million workers, without extending similar considerations to the other millions of workers in our labor force, is equally discriminatory.

There are other considerations which must be weighed.

First of all, if a wage increase of 6 percent is approved for Federal workers, the precedent will have been established for approving similar increases in other sectors of the economy. If this precedent is followed, there will be virtually no limit on wage increases in the coming year, and an essential tool in the control of inflation will have been cast away. At a time when wage-price controls and other provisions of the new economic policy are just beginning to take effect—when the wholesale price index is finally showing a decline in its rate of increase—I believe we would be inviting economic disaster if we were to reverse what seems to be a working policy.

Secondly, I am deeply concerned about the potential effect of wage increases upon the job market. Any employer, public or private, who cannot meet his expenses has a choice of holding overhead steady, or reducing his output and laying off workers. For nearly a year, we have had an unemployment rate in this country which approaches 6 percent. Rising costs and rising wages would surely mean additional layoffs, both in the private and the public sector. I for one do not believe that we can afford to risk this eventuality. A job at a lower rate of pay for a few more months is certainly preferable to no job at all, accompanied by continually rising prices.

There is a third consideration which also enters into a determination of equity. There are many millions of workers in America who already have been adversely affected by the present 3-month wage-price freeze. There are teachers whose salary increases were scheduled to take effect with the opening of school in September; State and local employees who were also slated to receive raises during the autumn months; workers in private industry who saw the increases for which they had bargained and struck deferred until November 13. Even after November 13, there is no guarantee that any of these wage increases will be approved.

To date, however, no Federal workers have been affected by the wage-price freeze. They received prior increases which brought them up to comparability with employees in private industry, and their next increase was slated to take effect on January 1.

If the resolution of disapproval passes, and the wage increase for Federal employees takes effect on January 1 as originally planned, Federal workers will have felt no effects at all from the present freeze, and will be out from under the jurisdiction of the wage-price board as well. In the long run, therefore, they may be the only workers in American society to go on receiving their allotted wage increments regardless of official antiinflation policy. This, too, is inequitable.

It is with these considerations in mind that I have determined to cast my vote against the resolution of disapproval and for the President's economic policy. I do so, however, in the sincere hope that this will not be the final word. The Mathias amendment to the military procurement bill must now be considered in conference and by the House. I hope that it will pass. Alternatively, I would support separate legislation which would bring all wages and prices under the authority of a wage-price board, so that no group of employees in this country would be discriminated for, or against, in the allotment of personal income. But I cannot in good conscience vote for wage increases which will benefit only a small portion of our people in the long run—and which may have the effect of benefiting no one in the long run.

Mr. TOWER. Mr. President, the time has come for Congress to take a resolute, though unpopular, stand against inflation. We must decide today whether the biggest single employer in the country, the Federal Government, will delay payment of planned raises for several million Federal employees for 6 months, not only to slow down the rate of inflation by that direct step, but also to serve as the primary example for the private sector to follow in that period. If we in Congress do not show some backbone on this question, how can we expect any employer or union in the private sector to exercise restraint on price and wage questions once the 90-day freeze is lifted, or after the less severe controls of phase II are also removed?

The justification for the postponement of the Federal pay raises goes to the heart of the inflation problem, and is just as important to the Federal employee over the medium and long run as it is to everyone else in the country. If we do not bring the high rate of wage and salary increases under control, we will continue to decline as a competitive trading country, our employment and real income will tend to decline, and the large segment of our population dependent upon fixed incomes will suffer an increasing disparity between their limited incomes and the cost of living. Salary and wage increases must be generally guided by the path of productivity increases in the various segments of the economy, if inflation is to be controlled. In the 1960's, the economic boom caused people to lose sight of that hard economic fact, and salaries and wages have consequently risen faster than productivity has.

We must now decide whether this trend is to be stopped, and whether a strong measure of stability is to be introduced into our economy, by voting on the Federal pay raise postponement. It is in the interest of all U.S. citizens, including Federal employees, that Congress look beyond the short run in this vote and comprehend the effects of continued inflation on the country that a large Federal pay raise in January would tend to maintain.

Mr. HOLLINGS. Mr. President, yesterday, I was pleased to actively support the Mathias-Moss amendment to the military procurement bill. This amendment provides that if the freeze is lifted, Federal employees may receive a salary increase. Today, I will vote for the resolution which will disapprove the President's freeze of Federal employees' wage increase. In the midst of the economic crisis that faces us now, no Member of this body would consider advancing a measure which would be fiscally irresponsible. It is my feeling that the Mathias-Moss proposal reflects fiscal responsibility.

One year ago, this Congress put itself on record as supporting pay comparability for Federal employees. I believed then, as I do now, that Federal employees should receive equal wages. Congress provided then for a 4 percent wage increase and for an additional 6 percent to go into effect January 1972. During the first year of operation, the President would reverse the basic philosophy of the law. He would freeze Federal employees' wages while granting an increase to the military and while being fully aware of the increase soon to be realized in the private sector under whatever phase II guidelines he may issue.

The measure which this Senate passed yesterday would continue the concept of comparability. This is only fair. The measure would also allow the President full latitude in implementing phase II. Under this proposal, Federal employees would receive a pay increase in the amount equal to the average increase allowed the private sector under phase II guidelines. In this way, Federal employees will share the benefits and burdens of phase II with every other citizen.

The President's program is based on a national emergency calling for sacrifice by all Americans. I emphasize all—not some. No President should propose a program based on public cooperation and allow the program to discriminate against the public. We cannot expect to return to South Carolina and say to the postal worker, "You can get a pay raise because you are working for a private corporation," but say to the navy yard worker, "You must sacrifice yours for it would be inflationary."

I am sure that a program which is fair and equal across the board will receive their support and mine as well.

Mr. LONG. Mr. President, the pay raise originally scheduled for January 1972, would only provide Federal employees wage rates comparable to those in private industry as of last July 30—before the wage-price freeze.

If the pay raise is deferred until July 1972, they will then be more than a year behind the rates in private industry.

I think it is important that we understand what the Pay Comparability Act does. If there had been no wage-price freeze, Federal employees would have received an increase in January 1972. That increase would amount only to what the Bureau of Labor Statistics says private employees had as of last July 30—before the wage-price-freeze. If we adopt Senate Resolution 169 today, that in itself would make it possible for Federal employees to receive in January 1972, only what employees in the private sector had already received as of last July 30, 1971. That figure is to be determined by the Bureau of Labor Statistics. On July 9, the White House advised me in a letter that we would not know the exact results of what the private employees had last July until BLS gives us the preliminary tabulations early in July. That figure is now believed to be about 5.6 percent. If we adopt this resolution today and the pay amendment adopted by the Senate yesterday as a part of the Military Procurement bill is retained in conference, then Federal employees will not even get what private employees had last July. They will be authorized increases equal only to increases which the President may authorize after the pay freeze. He presumably will do that tonight. Consequently, we do not know what that amount will be. We do know that in any event, Federal employees could not receive more in January 1972, than private employees had last July.

To defer Federal employees increases until July 1972, would single them out and say to them, everybody else may receive some increases after the pay freeze, but you are going to be held in check 7½ months longer than anybody else. I do not believe that is equitable.

Mr. MOSS. Mr. President, I would like to reserve my time——

Mr. FONG. Mr. President, I would be willing to yield back my time now.

Mr. MOSS. Mr. President, I do want, in summary, to bring my arguments together, so that I would like to reserve the remainder of my time. Since I am the principal proponent here, I think that I should have the last word, perhaps.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Utah has 6 minutes remaining and the Senator from Hawaii has 4 minutes remaining.

Mr. MOSS. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Utah is recognized for 3 minutes.

Mr. MOSS. Mr. President, never have I heard so much lipservice paid to equality, to equal treatment, for all wage earners as I hear from the opponents to this resolution. However, at the same time they say, "Don't vote for the resolution."

If they voted yesterday as many of them did for the amendment that passed the Senate by a vote of 2 to 1, they cannot vote against the resolution today without being inconsistent in their vote. Yesterday they said, "We believe in equality, in treating everybody alike." Today we have it within our power to take off the freeze that treats people differently and that does discriminate. It was this President who put on the freeze and said that the Federal workers must have their wage freeze continued until the 30th of June.

We do not give them an automatic increase of 5.5 percent or 6 percent on the first of January, as the Senator from Illinois said. All we have said is that we take off the freeze. The law is already on the books. Yesterday we said that if the President issues any other guidelines and restraints on wages, they must apply uniformly to non-Federal workers and Federal workers. If the President is going to restrict it to 3 percent or 2 percent, so be it.

The Federal workers have to conform to that the same as everyone else does. However, they should not be singled out and treated differently than the law that Congress has already passed and the President has already signed stating that there will be comparability.

The Senator from Illinois likes to have comparability. The law declares that the Federal workers should receive this 5.5 percent or 6 percent to bring them up to comparable jobs on the outside on the first of January.

We have already decided that. All we are saying now is that such is the law and the President, if he is going to place any restraint on wages, must do it uniformly, and across the board.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FONG. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 2 minutes.

Mr. FONG. Mr. President, we who voted for the amendment yesterday to give Federal employees the same pay increase that would be given under phase II to those in private industry did not do so just for the sake of performing lip-service. We did it in good conscience and with good intent. We feel that the Federal employees should be treated on the same basis as any employees in the private sector, no better and no less.

It is on the same principle that I am saying this afternoon that the Federal employees should not be treated better than employees in the private sector.

Realizing what the situation is and hearing from the Senators who have taken the floor today and who said they do not anticipate the amendment will go through, and knowing that if this resolution is passed, there will be no restriction on the 5.5-percent pay increase, we are actually saying to the employees in the private sector that they will not get an increase if the President gives it to them in phase II. However, the Federal employees will get this 5.5-percent increase. We will then be putting them on a preferred basis and saying to them, "We are giving you something which the others are not going to get."

Mr. President, there is plenty of time for us to act. Tomorrow we can start working on a new bill.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FONG. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 1 additional minute.

Mr. FONG. Mr. President, tomorrow we can work on new legislation to insure that the Federal employees will receive the same pay increase that the employees in the private sector receive.

The Senator from Utah is willing to work. The chairman of the Post Office and Civil Service Committee, the Senator from Wyoming, has said he is willing to work. And I, as the ranking minority member of the Post Office and Civil Service Committee, am willing to go to work on this matter.

We assure the Senate that we will come out with a bill that will be fair to Federal employees. However, let us not open up the flood gates now by agreeing to this resolution and saying that we will legislate piecemeal.

I urge the Senate not to agree to the resolution.

Mr. MOSS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Utah has 3 minutes remaining.

Mr. MOSS. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Utah is recognized for 1 minute.

Mr. MOSS. Mr. President, I am indeed willing to work on any kind of legislation at any time.

What we are talking about here is that we want Federal employees to receive any part of the salary increases we have already granted to them on the 1st of January if employees on the outside receive an increase. It is already frozen by the President as to the Federal employees. Suppose the President gives an increase to the employees outside the Federal sector and does nothing about the freeze he has placed on the Federal employees? If we pass the resolution, we say that the Federal employee is to get the same increase as those employees outside the Federal service, 2, 3, or 5 percent.

Does the Senator think the President will sign a law into effect when he has already frozen it until the 30th of June?

We are trying to correct an inequitable situation. We think that any ceiling that applies to the outside employees should apply equally to the Federal employees.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FONG. Mr. President, I am willing to be magnanimous and yield my 1 minute to the Senator from Utah.

Mr. MOSS. I appreciate the courtesy of the Senator from Hawaii.

Mr. President, when President Nixon was campaigning for the office of President in 1968, he said,

> Federal employees in my administration are not going to be treated as numbers on a machine or second-class citizens.

I am sure that it does not apply in its broad terms to the present case. They have been singled out and given a delay in the salary increase that was granted to them by Congress, and the measure was signed into law by the President. That Federal salary increase has been frozen when the others are not frozen.

We are saying that we want them treated equally. As my friends on the opposition have been saying again and again and again, we want them treated equally. The President can treat them equally if this measure is passed. He can at any time the freeze is lifted give them a 2 percent, 3 percent, or 5 percent increase, whatever he gives the employees on the outside. If he gives those employees in the private sector wage increases, he must do it equally with respect to the non-Federal workers and the Federal workers. That is the full thrust of what we are doing today.

If the Senate believes, as it believed yesterday, in equality of treatment for the Federal employee and the private sector employee—for which it voted 2 to 1—then, today it must support this resolution. That is the only way we are going to get equality beginning on the first day of this January. Otherwise we will have inequality continue until the 30th of June and perhaps beyond.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the resolution.

Mr. FONG. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to Senate Resolution 169. On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ELLENDER. On this vote I have a live pair with the Senator from Massachusetts (Mr. Kennedy). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I withhold my vote.

Mr. MANSFIELD (after having voted in the negative). Mr. President, on this vote I have a pair with the Senator from Illinois (Mr. Stevenson). If present he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. McINTYRE (after having voted in the negative). On this vote I have a live pair with the Senator from Maine (Mr. Muskie). If he were present and voting he would vote "yea." I have already voted "nay." I withdraw my vote.

Mr. BYRD of West Virginia (when his name was called). On this vote I have a live pair with the Senator from Minnesota (Mr. Humphrey). If he were present and voting he would vote "yea." If I were permitted to vote I would vote "nay." I therefore withhold my vote.

I announce that the Senator from Indiana (Mr. Bayh), the Senator from Texas (Mr. Bentsen), the Senator from Nevada (Mr. Cannon), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. Humphrey), the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), the Senator from Maine (Mr. Muskie), the Senator from Illinois (Mr. Stevenson), and the Senator from California (Mr. Tunney) are necessarily absent.

On this vote, the Senator from California (Mr. Tunney) is paired with the Senator from Tennessee (Mr. Brock). If present and voting, the Senator from California would vote "yea" and the Senator from Tennessee would vote "nay."

I further announce that, if present and voting, the Senator from Nevada (Mr. Cannon), the Senator from South Dakota (Mr. McGovern), and the Senator from Indiana (Mr. Bayh) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Brock) and the Senator from Vermont (Mr. Stafford) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

On this vote, the Senator from Tennessee (Mr. Brock) is paired with the Senator from California (Mr. Tunney). If present and voting, the Senator from Tennessee would vote "nay" and the Senator from California would vote "yea."

The result was announced—yeas 32, nays 51, as follows:

[No. 258 Leg.]

YEAS—32

Beall
Bible
Burdick
Case
Cranston
Eagleton
Fulbright
Gravel
Hart
Hartke
Hollings
Hughes
Inouye
Jackson
Jordan, N.C.
Magnuson
Mathias
McGee
Metcalf
Mondale
Montoya
Moss
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Spong
Stevens
Symington
Williams

NAYS—51

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Boggs
Brooke
Buckley
Byrd, Va.
Chiles
Church
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Gambrell

Goldwater
Griffin
Gurney
Hansen
Hatfield
Hruska
Javits
Jordan, Idaho
Long
McClellan
Miller
Packwood
Pearson
Percy
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Stennis
Taft
Talmadge
Thurmond
Tower
Weicker
Young

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—4

Byrd of West Virginia, against.
Ellender, against.
Mansfield, against.
McIntyre, against.

NOT VOTING—13

Bayh
Bentsen
Brock
Cannon
Harris
Humphrey
Kennedy
McGovern
Mundt
Muskie
Stafford
Stevenson
Tunney

So the resolution (S. Res. 169) was rejected.

THE DEATH OF REPRESENTATIVE JAMES G. FULTON, OF PENNSYLVANIA

Mr. SCOTT. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Resolution 639.

The Chair laid before the Senate House Resolution 639, which was read as follows:

Resolved, That the House has heard with profound sorrow of the death of the Honorable James G. Fulton, a Representative from the State of Pennsylvania.

Resolved, That a committee of forty Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. SCOTT. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The resolution (S. Res. 176) was read, as follows:

S. RES. 176

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. James G. Fulton, late a Representative from the State of Pennsylvania.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the decease.

Resolved, That when the Senate adjourns today, it adjourn as a further mark of respect to the memory of the deceased Representative.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCOTT. Mr. President, it was with the most profound sorrow that I learned of the sudden death of my good friend and long-time colleague, Representative FULTON.

JIM FULTON came to Congress one term before I did, was out the term I entered, and has served continuously since the following term, the 78th Congress.

He was the dean of the Republican delegation in the House of Representatives, a man of the most interesting, entertaining, and effective attributes. He accomplished for the people of his constituency what many people regarded, and rightly so, as wondrous things, because he worked diligently and daily, and as a matter of fact kept most of his staff within his home district, for the purpose of furnishing its people with the quickest and most effective service.

He was an ardent man, a man of frequent innovative inspirations. He was a man who enjoyed his service in Congress, who was perhaps the best known individual in the city of Pittsburgh and the county of Allegheny, and he will be very sorely missed. Our delegation has lost its leader, and we have all lost a friend. We will long grieve for him and respect his memory.

I now yield to my distinguished colleague from Pennsylvania (Mr. SCHWEIKER).

Mr. SCHWEIKER. Mr. President, I thank my distinguished colleague from Pennsylvania for yielding. I wish to join with him in echoing my regret and my deep concern for the loss of a great Pennsylvania Representative, JIM FULTON.

I had the privilege to serve with JIM FULTON in the House of Representatives for 8 years. I recognized him as a distinguished leader in the field of foreign affairs, where he was one of the ranking members on the committee and a leader in our foreign policy at the congressional level, and also on the Science and Astronautics Committee, where he was the ranking Republican member, and was one of the stalwarts of administration leadership in the space race. He was an advocate of our preeminence there, and of America's being first to land on the moon.

I think he not only took these problems very seriously, but he worked harder, more dedicatedly, and more devotedly for the service of his constituents and the Pittsburgh area than any other Representative I knew, always finding full time to work with his people and his constituents. I share the concern and regret of my senior colleague in expressing sympathy in the loss of a great Pennsylvanian.

Mr. JAVITS. Mr. President, I hope the resolution will be agreed to promptly. It is routine. But it is more than that. JIM FULTON was one of my dearest friends for 25 years.

Representative JAMES G. FULTON of Pennsylvania was first elected in 1944. I served with him from the first day of my own service, which began immediately following the election of 1946, in the House of Representatives and as a fellow member of the House Committee on Foreign Affairs.

Representative FULTON was one of the most generous, warmhearted, astute Members with whom I have ever served, and, in my judgment, who ever served in the House of Representatives. He was highly devoted—indeed, I believe he remained a bachelor because of his dedication to the public service and his unwillingness, even so sacred a relationship as marriage, to give up the time and interest from the public service which might have been devoted to a family.

I remember him very well as a Member with me and Representative Chelf of Kentucky on a committee engaged in the investigation of the problem of displaced persons in Europe in 1947, and the tremendous influence he had in shaping the Refugee Relief Act of that year. The Displaced Persons Act, as it was called, did so much to take 2 million of the displaced persons out of Europe and transport about 350,000 of them to the United States and the rest to other parts of the world and to resettlement in Europe.

His interest in the space program was very well known in the other body and nationally. He was one of the principal architects of the constructive legislation on that score.

Altogether, he was a dear, beloved American, completely devoted to the interests of our country, and a warmhearted and generous friend, whom I had the great privilege of knowing intimately for a quarter of a century. He was a true son of our Nation who devoted his life to serving his country, and whom I know Members from his own State and throughout the country will remember with reverence, and gratitude that he spent such a fine and useful life.

Mr. CASE. Mr. President, I join my colleagues from Pennsylvania and New York in expressing the sorrow that I know we all feel at JIM FULTON's sudden death. It is still so new to us that it is hard to grasp. It brings back to memory very quickly, though, the time back in 1945 when he and I were Members of the 79th Congress, and he came back from the wars a month after Congress opened to take his seat.

He was a fantastic fellow. You never could be quite sure of what he was going to wear, what kind of decoration you would find in his office, or his personal hobby of the moment.

Many people thought him frivolous. He was very much interested in social activities and enjoyed them immensely, and graced many occasions, here and everywhere, with his presence. But the fact was that JIM was not a bit frivolous underneath. As my colleagues have said, he was a hard-working Member of the House, a hard-working Representative of his district and his State, a very good friend, and one who was, as a Republican in those days when moderate actions on the part of Republicans were not as commonplace as we like to think they are now, an outstanding Republican moderate. He added very greatly to keeping alive the two-party system in a time when many people thought it was doomed to oblivion.

So, for personal reasons and for reasons of his very important significance as a political figure and as a Member of the House of Representatives from the Commonwealth of Pennsylvania, he will be long remembered. He will be greatly missed, and those who knew him and served with him will miss him, I think, perhaps most of all.

Mr. MANSFIELD. Mr. President, I want to express my deep and personal regret at the passing of JIM FULTON, an old friend, with whom I served in the House, as did the distinguished Republican leader. JIM FULTON was a man of great talent and ability, a man whose passing we will mourn and whose presence we will miss deeply.

Mr. SCOTT. I thank the distinguished majority leader.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was unanimously agreed to.

The PRESIDING OFFICER. Under the second resolving clause, the Chair appoints the 2 Senators from Pennsylvania as the committee on the part of the Senate to attend the funeral of the late Representative JAMES G. FULTON.

ORDER FOR RECOGNITION OF SENATOR TALMADGE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at an appropriate time following the prayer and the recognition of the joint leadership tomorrow, the distinguished senior Senator from Georgia (Mr. TALMADGE) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 7, 1971, he presented to the President of the United States the following enrolled bills:

S. 646. An act to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recording, and for other purposes; and

S. 932. An act to amend title 13, United States Code, to provide for a revision in the cotton ginning report dates.

INDIAN EDUCATION ACT OF 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 382, S. 2482. I do this so that it will become the pending business.

The PRESIDING OFFICER (Mr. GAMBRELL). The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2482) to authorize financial support for improvements in Indian education, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with amendments on page 3, line 24, after the word "total", to strike out "enrollment." and insert "enrollment: *Provided*, That the requirements of this subparagraph shall not apply to any such agencies serving Indian children in Alaska, California, and Oklahoma or located on, or in proximity to, an Indian reservation"; on page 5, at the beginning of line 16, strike out "Application or grant" and insert "Applications for Grants"; on page 11, after line 19, strike out:

"DEFINITIONS

"SEC. 308. As used in this title, the term 'Indian' means any individual who (1) is an enrolled member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such enrolled member, or (2) is considered by the Secretary of the Interior to be an Indian for any purpose, or (3) is an Eskimo or Aleut or other Alaska Native, or (4) is determined to be an Indian under regulations promulgated by the Commissioner, after consultation with the National Advisory Council on Indian Education, which regulations shall further define the term 'Indian'.".

(b) Effective July 1, 1972, paragraph (1) of section 103(a) of title I of the Elementary and Secondary Education Act of 1965 is amended—

(A) by striking out subparagraph (B), and by striking out "(A)" where it appears after "SEC. 103. (a)(1)";

(B) in the fourth sentence thereof, by striking out "and the terms upon which payment shall be made to the Department of Interior"; and

(C) by striking out the third sentence thereof.

On page 12, after line 18, insert:

(b)(1) The second sentence of section 103 (a)(1)(A) of title I of the Elementary and Secondary Education Act of 1965 is amended to read as follows: In addition, he shall allot from such amount to the Secretary of the Interior—

"(i) the amount necessary to make payments pursuant to subparagraph (B); and

"(ii) in the case of fiscal years ending prior to July 1, 1973, the amount necessary to make payments pursuant to subparagraph (C).".

(2)(A) Section 103(a)(1) of such title I is amended by adding at the end thereof the following new subparagraph:

"(C) The maximum amount allotted for payments to the Secretary of the Interior under clause (ii) in the second sentence of subparagraph (A) for any fiscal year shall be the amount necessary to meet the special educational needs of educational deprived Indian children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, as determined pursuant to criteria established by the Commissioner. Such payments shall be made pursuant to an agreement between the Commissioner and the Secretary containing such assurances and terms as the Commissioner determines will best achieve the purposes of this part. Such agreement shall contain (1) an assurance that payments made pursuant to this subparagraph will be used solely for programs and projects approved by the Secretary of Interior which meet the applicable requirements of section 141(a) and that the Department of the Interior will comply in all other respects with the requirements of this title, and (2) provision for carrying out the applicable provisions of section 141(a) and 142(a)(3).".

(B) The fourth sentence of section 103(a) (1)(A) of such title I is amended by striking out "and the terms upon which payment shall be made to the Department of the Interior.".

(3) The amendments made by this subsection shall be effective on and after July 1, 1972.

(c)(1) Subsection (a) of section 5 of Public Law 874, 81st Congress, as amended, is amended by inserting "(1)" after "(a)" and by inserting at the end thereof the following new paragraph (2):

"(2)(A) Applications for payment on the basis of children determined under section 3(a) or 3(b) who reside, or reside with a parent employed, on Indian lands shall set forth adequate assurance that Indian children will participate on an equitable basis in the school program of the local educational agency.

"(B) For the purposes of this paragraph, Indian lands means that property included within the definition of Federal property under clause (A) of section 303(1).".

(2)(A) The Commissioner shall exercise his authority under section 415 of Public Law 90–247, to encourage local parental participation with respect to financial assistance under title I of Public Law 874, 81st Congress, based upon children who reside on, or reside with a parent employed on, Indian lands.

(B) For the purposes of this paragraph, the term "Indian lands" means that property included within the definition of Federal property under clause (A) of section 303(1) of Public Law 874, 81st Congress.

On page 15, line 14, strike out "American"; in line 17, after the word "for", strike out "American"; in line 21, after the word "for", where it appears the second time, strike out "American"; on page 16, line 1, after the word "to", strike out "American"; at the beginning of line 5, strike out "American"; in line 13, after the word "to", strike out "American"; in line 17, after the word "educational", strike out "agencies and other appropriate public and private educational and research agencies, organizations, and institutions (including" and insert "agencies"; in line 20, after the word "Indian", strike out "children)" and insert "children"; in line 21, after the word "Indian", strike out "tribes" and insert "tribes, organizations, and institutions"; in line 24, after the word "for", strike out "imposing" and insert "improving"; on page 17, line 1, after the word "for", strike out "American"; in line 18, after the word "for", strike out "American"; on page 19, line 12, after the word "public", strike out "and private agencies, organizations," and insert "agencies,"; in line 13, after the word "institutions", insert "and Indian tribes, institutions, and organizations"; in line 14, after the amendment just stated, strike out "(except that no grant may be made to an agency, organization, or institution other than one which is nonprofit)"; on page 21, after line 9, strike out:

(b)(1) Effective after June 30, 1972, the Elementary and Secondary Education Act of 1965 is amended—

(A) in section 202(a)(1), by striking out "(A) the Secretary of the Interior the amount necessary for such assistance for children and teachers in elementary and secondary schools operated for Indian children by the Department of the Interior, and (B)" and by striking out "Secretary of the Interior and the".

(B) in section 302(a)(1), by striking out "(A) the Secretary of the Interior the amount necessary to provide programs and projects for the purpose of this title for individuals on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, and (B)" and by striking out "Secretary of the Interior and the".

(2) Effective after June 30, 1972, the second sentence of paragraph (1) of section 612(a) of the Education of the Handicapped Act is amended to read as follows: "The Commissioner shall allot the amount appropriated pursuant to this paragraph among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, according to their respective needs.".

And, in lieu thereof, insert:

(b) (1) (A) The third sentence of section 202(a) (1) of the Elementary and Secondary Education Act of 1965 is amended by striking out "July 1, 1972," and inserting in lieu thereof "July 1, 1973,".

(B) The third sentence of section 302(a) (1) of the Elementary and Secondary Education Act of 1965 is amended by striking out "July 1, 1972," and inserting in lieu thereof "July 1, 1973,".

(C) Clause (B) of section 612(a) (1) of Public Law 91–230 is amended by striking out "July 1, 1972," and inserting in lieu thereof "July 1, 1973,".

(2) For the purposes of titles II and III of the Elementary and Secondary Education Act of 1965 and part B of title VI of Public Law 91–230, the Secretary of the Interior shall have the same duties and responsibilities with respect to funds paid to him under such titles, as he would have if the Department of the Interior were a State educational agency having responsibility for the administration of a State plan under such titles.

On page 23, line 2, after the word "For", strike out "American"; in line 10, after the word "Adult", strike out "American"; in line 12, after the word "educational", strike out "agencies and other appropriate public and private educational and research agencies, organizations, and institutions,"; at the beginning of line 15, strike out "tribes and other Indian" and insert "agencies, and to tribes, institutions, and"; in line 19, after the word "for", strike out "American"; in line 23, after the word "adult", strike out "American"; on page 24, line 19, after the word "public", strike out "and private"; in line 20, after the word "agencies", strike out "organizations, or" and insert "and"; in the same line, after the word "institutions" insert "and"; and, in the same line, after the word "Indian", strike out "tribes and other Indian" and insert "tribes, institutions, and"; in line 21, after the word "organizations", strike out "(except that no grant may be made to an agency, organization, or institution, other than one which is nonprofit)"; on page 26, line 7, after "PART D", strike out "Bureau" and insert "Office"; in line 8, strike out "Bureau" and insert "Office"; in line 10, after the word "the", strike out "Bureau" and insert "Office"; at the beginning of line 19, strike out "Bureau" and insert "Office"; on page 27, line 11, after the word "and", strike out "Alaskan" and insert "Alaska"; on page 28, line 5, after the word "Congress)", insert "as added by this Act,"; in line 7, after "1965", insert "as added by this Act,"; in line 8, after the word "Act," insert "as added by this Act,"; in line 12, after the word "program", insert "of the Department of Health, Education, and Welfare"; in line 23, after the word "Law", strike out "814" and insert "874"; on page 29, line 3, after the word "Federal", insert "education"; on page 30, line 7, after "Sec. 532.", strike out "(a)"; after line 14, strike out:

"(b) Nothing in this section shall be construed to authorize the transfer of funds available for the purposes of this part to the Secretary of the Interior.".

At the beginning of line 22, insert "Sec. 706."; and, on page 31, after line 5, insert a new section, as follows:

DEFINITION

Sec. 9. For the purposes of this Act, the term "Indian" means any individual who (1) is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (2) is considered by the Secretary of the Interior to be an Indian for any purpose, or (3) is an Eskimo or Aleut or other Alaska Native, or (4) is determined to be an Indian under regulations promulgated by the Commissioner, after consultation with the National Advisory Council on Indian Education, which regulations shall further define the term "Indian."

So as to make the bill read:

S. 2482

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Indian Education Act of 1971".

PART A—REVISION OF IMPACTED AREAS PROGRAM AS IT RELATES TO INDIAN CHILDREN

AMENDMENTS TO PUBLIC LAW 874, EIGHTY-FIRST CONGRESS

Sec. 2. (a) The Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by redesignating title III as title IV, by redesignating sections 301 through 303 and references thereto as sections 401 though 403, respectively, and by adding after title II the following new title:

"TITLE III—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR THE EDUCATION OF INDIAN CHILDREN

"SHORT TITLE

"Sec. 301. This title may be cited as the 'Indian Elementary and Secondary School Assistance Act'.

"DECLARATION OF POLICY

"Sec. 302. (a) In recognition of the special educational needs of Indian students in the United States, Congress hereby declares it to be the policy of the United States to provide financial assistance to local educational agencies to develop and carry out elementary and secondary school programs specially designed to meet these special educational needs.

"(b) The Commissioner shall, in order to effectuate the policy set forth in subsection (a), carry out a program of making grants to local educational agencies which are entitled to payments under this title and which have submitted, and had approved, applications therefor, in accordance with the provisions of this title.

"GRANTS TO LOCAL EDUCATIONAL AGENCIES

"Sec. 303. (a) (1) For the purpose of computing the amount to which a local educational agency is entitled under this title for any fiscal year ending prior to July 1, 1975, the Commissioner shall determine the number of Indian children who were enrolled in the schools of a local educational agency, and for whom such agency provided free public education, during such fiscal year.

"(2) (A) The amount of the grant to which a local educational agency is entitled under this title for any fiscal year shall be an amount equal to (i) the average per pupil expenditure for such agency (as determined under subparagraph (C)) multiplied by (ii) the sum of the number of children determined under paragraph (1).

"(B) A local educational agency shall not be entitled to receive a grant under this title for any fiscal year unless the number of children under subsection (a), with respect to such agency, is at least ten or constitutes at least 50 per centum of its total enrollment: *Provided,* That the requirements of this subparagraph shall not apply to any such agencies serving Indian children in Alaska, California, and Oklahoma or located on, or in proximity to, an Indian reservation.

"(C) For the purposes of this subsection, the average per pupil expenditure for a local educational agency shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, of all of the local educational agencies in the State in which such agency is located, plus any direct current expenditures by such State for the operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children who were in average daily enrollment for whom such agencies provided free public education during such preceding fiscal year.

"(b) In addition to the sums appropriated for any fiscal year for grants to local educational agencies under this title, there is hereby authorized to be appropriated for any fiscal year an amount not in excess of 5 per centum of the amount appropriated for payments on the basis of entitlements computed under subsection (a) for that fiscal year, for the purpose of enabling the Commissioner to provide financial assistance to schools on or near reservations which are not local educational agencies or have not been local educational agencies for more than three years, in accordance with the appropriate provisions of this title.

"USES OF FEDERAL FUNDS

"Sec. 304. Grants under this title may be used, in accordance with applications approved under section 305, for—

"(1) planning for and taking other steps leading to the development of programs specifically designed to meet the special educational needs of Indian children, including pilot projects designed to test the effectiveness of plans so developed; and

"(2) the establishment, maintenance, and operation of programs, including, in accordance with special regulations of the Commissioner, minor remodeling of classroom or other space used for such programs and acquisition of necessary equipment, specially designed to meet the special educational needs of Indian children.

"APPLICATIONS FOR GRANTS; CONDITIONS FOR APPROVAL

"Sec. 305. (a) A grant under this title, except as provided in section 303(b), may be made only to a local educational agency or agencies, and only upon application to the Commissioner at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary. Such application shall—

"(1) provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) set forth a program for carrying out the purposes of section 304, and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

"(3) in the case of an application for payments for planning, provide that (A) the planning was or will be directly related to programs or projects to be carried out under this title and has resulted, or is reasonably likely to result, in a program or project which will be carried out under this title, and (B) the planning funds are needed because of the innovative nature of the program or project or because the local educational agency lacks the resources necessary to plan adequately for programs and projects to be carried out under this title;

"(4) provide that effective procedures, including provisions for appropriate objective will be adopted for evaluating at least annually the effectiveness of the programs and projects in meeting the special educational needs of Indian students;

"(5) set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the education of Indian children and in no case supplant such funds;

"(6) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under this title; and

"(7) provide for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of Indian students in the area served, and for keeping such record and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"(b) An application by a local educational agency or agencies for a grant under this title may be approved only if it is consistent with the applicable provisions of this title and—

"(1) meets the requirements set forth in subsection (a);

"(2) provides that the program or project for which application is made—

"(A) will utilize the best available talents and resources (including persons from the Indian community) and will substantially increase the educational opportunities of Indian children in the area to be served by the applicant; and

"(B) has been developed—

"(i) in open consultation with parents of Indian children, teachers, and, where applicable, secondary school students, including public hearings at which such persons have had a full opportunity to understand the program for which assistance is being sought and to offer recommendations thereon, and

"(ii) with the participation and approval of a committee composed of, and selected by, parents of children participating in the program for which assistance is sought, teachers, and, where applicable, secondary school students, of which at least half the members shall be such parents;

"(C) sets forth such policies and procedures as will insure that the program for which assistance is sought will be operated and evaluated in consultation with, and the involvement of, parents of the children and representatives of the area to be served, including the committee established for the purposes of clause (2) (B) (ii).

"(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

"PAYMENTS

"SEC. 306. (a) The Commissioner shall, subject to the provisions of section 307, from time to time pay to each local educational agency which has had an application approved under section 305, an amount equal to the amount expended by such agency in carrying out activities under such application.

"(b) (1) No payments shall be made under this title for any fiscal year to any local educational agency in a State which has taken into consideration payments under this title in determining the eligibility of such local educational agency in that State for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

"(2) No payments shall be made under this title to any local educational agency for any fiscal year unless the State educational agency finds that the combined fiscal effort (as determined in accordance with regulations of the Commissioner) of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year.

"ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS

"SEC. 307. (a) If the sums appropriated for any fiscal year for making payments under this title are not sufficient to pay in full the total amounts which all local educational agencies are eligible to receive under this title for that fiscal year, the maximum amounts which all such agencies are eligible to receive under this title for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for any fiscal year during which the first sentence of this subsection is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

"(b) In the case of any fiscal year in which the maximum amounts for which local educational agencies are eligible have been reduced under the first sentence of subsection (a), and in which additional funds have not been made available to pay in full the total of such maximum amounts under the second sentence of such subsection, the Commissioner shall fix dates prior to which each local educational agency shall report to him on the amount of funds available to it, under the terms of section 306(a) and subsection (a) of this section, which it estimates, in accordance with regulations of the Commissioner, that it will expend under approved applications. The amounts so available to any local educational agency, or any amount which would be available to any other local education agency if it were to submit an approvable application therefor, which the Commissioner determines will not be used for the period of its availability, shall be available for allocation to those local educational agencies, in the manner provided in the second sentence of subsection (a), which the Commissioner determines will need additional funds to carry out approved applications, except that no local educational agency shall receive an amount under this sentence which, when added to the amount available to it under subsection (a), exceeds its entitlement under section 303.".

(b) (1) The second sentence of section 103 (a) (1) (A) of title I of the Elementary and Secondary Education Act of 1965 is amended to read as follows: "In addition, he shall allot from such amount to the Secretary of the Interior—

"(i) the amount necessary to make payments pursuant to subparagraph (B); and

"(ii) in the case of fiscal years ending prior to July 1, 1973, the amount necessary to make payments pursuant to subparagraph (C).".

(2) (A) Section 103(a) (1) of such title I is amended by adding at the end thereof the following new subparagraph:

"(C) The maximum amount allotted for payments to the Secretary of the Interior under clause (ii) in the second sentence of subparagraph (A) for any fiscal year shall be the amount necessary to meet the special educational needs of educationally deprived Indian children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, as determined pursuant to criteria established by the Commissioner. Such payments shall be made pursuant to an agreement between the Commissioner and the Secretary containing such assurances and terms as the Commissioner determines will best achieve the purposes of this part. Such agreement shall contain (1) an assurance that payments made pursuant to this subparagraph will be used solely for programs and projects approved by the Secretary of Interior which meet the applicable requirements of section 141(a) and that the Department of the Interior will comply in all other respects with the requirements of this title, and (2) provision for carrying out the applicable provisions of sections 141(a) and 142(a) (3).".

(B) The fourth sentence of section 103(a) (1) (A) of such title I is amended by striking out "and the terms upon which payment shall be made to the Department of the Interior.".

(3) The amendments made by this subsection shall be effective on and after July 1, 1972.

(c) (1) Subsection (a) of section 5 of Public Law 874, 81st Congress, as amended, is amended by inserting "(1)" after "(a)" and by inserting at the end thereof the following new paragraph (2):

"(2) (A) Applications for payment on the basis of children determined under section 3(a) or 3(b) who reside, or reside with a parent employed, on Indian lands shall set forth adequate assurance that Indian children will participate on an equitable basis in the school program of the local educational agency.

"(B) For the purposes of this paragraph, Indian lands means that property included within the definition of Federal property under clause (A) of section 303(1).".

(2) (A) The Commissioner shall exercise his authority under section 415 of Public Law 90–247, to encourage local parental participation with respect to financial assistance under title I of Public Law 874, 81st Congress, based upon children who reside on, or reside with a parent employed on, Indian lands.

(B) For the purposes of this paragraph, the term "Indian lands" means that property included within the definition of Federal property under clause (A) of section 303(1) of Public Law 874, 81st Congress.

PART B—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

AMENDMENT TO TITLE VIII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 3. (a) Title VII of the Elementary and Secondary Education Act of 1965 is amended by adding to the end thereof the following new section:

"IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

"SEC. 810. (a) The Commissioner shall carry out a program of making grants for the improvement of educational opportunities for Indian children—

"(1) to support planning, pilot, and demonstration projects, in accordance with subsection (b), which are designed to test and demonstrate the effectiveness of programs for improving educational opportunities for Indian children;

"(2) to assist in the establishment and operation of programs, in accordance with subsection (c), which are designed to stimulate (A) the provision of educational services not available to Indian children in sufficient quantity or quality, and (B) the development and establishment of exemplary educational programs to serve as models for regular school programs in which Indian children are educated;

"(3) to assist in the establishment and operation of preservice and inservice training programs, in accordance with subsection (d), for persons serving Indian children as educational personnel; and

"(4) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian children.

In the case of activities of the type described in clause (3), preference shall be given to the training of Indians.

"(b) The Commissioner is authorized to make grants to State and local educational agencies, federally supported elementary and secondary schools for Indian children and to Indian tribes, organizations, and institutions to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for improving educational opportunities for Indian children, including—

"(1) innovative programs related to the educational needs of educationally deprived children;

"(2) bilingual and bicultural education programs and projects;

"(3) special health and nutrition services, and other related activities, which meet the special health, social, and psychological problems of Indian children; and

"(4) coordinating the operation of other federally assisted programs which may be used to assist in meeting the needs of such children.

"(c) The Commissioner is also authorized to make grants to State and local educational agencies and to tribal and other Indian community organizations to assist and stimulate them in developing and establishing educational services and programs specifically designed to improve educational opportunities for Indian children. Grants may be used—

"(1) to provide educational services not available to such children in sufficient quantity or quality, including—

"(A) remedial and compensatory instruction, school health, physical education, psychological, and other services designed to assist and encourage Indian children to enter, remain in, or reenter elementary or secondary school;

"(B) comprehensive academic and vocational instruction;

"(C) instructional materials (such as library books, textbooks, and other printed or published or audiovisual materials) and equipment;

"(D) comprehensive guidance, counseling, and testing services;

"(E) special education programs for handicapped;

"(F) preschool programs;

"(G) bilingual and bicultural education programs; and

"(H) other services which meet the purposes of this subsection; and

"(2) for the establishment and operation of exemplary and innovative educational programs and centers, involving new educational approaches, methods, and techniques designed to enrich programs of elementary and secondary education for Indian children.

"(d) The Commissioner is also authorized to make grants to institutions of higher education and to State and local educational agencies, in combination with institutions of higher education, for carrying out programs and projects—

"(1) to prepare persons to serve Indian children as teachers, teacher aides, social workers, and ancillary educational personnel; and

"(2) to improve the qualifications of such persons who are serving Indian children in such capacities. Grants for the purposes of this subsection may be used for the establishment of fellowship programs leading to an advanced degree, for institutes and, as part of a continuing program, for seminars, symposia, workshops, and conferences.

"(e) The Commissioner is also authorized to make grants to, and contracts with, public agencies, and institutions and Indian tribes, institutions, and organizations for—

"(1) the dissemination of information concerning education programs, services, and resources available to Indian children, including evaluations thereof; and

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian children may participate in achieving the purposes of such programs with respect to such children.

"(f) Applications for a grant under this section shall be submitted at such time, in such manner, and shall contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Commissioner. Such applications shall—

"(1) set forth a statement describing the activities for which assistance is sought;

"(2) in the case of an application for the purposes of subsection (c), subject to such criteria as the Commissioner shall prescribe, provide for the use of funds available under this section, and for the coordination of other resources available to the applicant, in order to insure that, within the scope of the purpose of the project, there will be a comprehensive program to achieve the purposes of this section;

"(3) in the case of an application for the purposes of subsection (c), make adequate provision for the training of the personnel participating in the project; and

"(4) provide for an evaluation of the effectiveness of the project in achieving its purposes and those of this section.

The Commissioner shall not approve an application for a grant under subsection (b) or (c) unless he is satisfied that such application, and any documents submitted with respect thereto, show that there has been adequate participation by the parents of the children to be served and tribal communities in the planning and development of the project, and that there will be such a participation in the operation and evaluation of the project. In approving applications under this section, the Commissioner shall give priority to applications from Indian educational agencies, organizations, and institutions.

"(g) For the purpose of making grants under this section there are hereby authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1973, and $35,000,000 for each of the two succeeding fiscal years.".

(b)(1)(A) The third sentence of section 202(a)(1) of the Elementary and Secondary Education Act of 1965 is amended by striking out "July 1, 1972," and inserting in lieu thereof "July 1, 1973,".

(B) The third sentence of section 302(a)(1) of the Elementary and Secondary Education Act of 1965 is amended by striking out "July 1, 1972," and inserting in lieu thereof "July 1, 1973,".

(C) Clause (B) of section 612(a)(1) of Public Law 91–230 is amended by striking out "July 1, 1972," and inserting in lieu thereof "July 1, 1973,".

(2) For the purposes of titles II and III of the Elementary and Secondary Education Act of 1965 and part B of title VI of Public Law 91–230, the Secretary of the Interior shall have the same duties and responsibilities with respect to funds paid to him under such titles, as he would have if the Department of the Interior were a State educational agency having responsibility for the administration of a State plan under such titles.

Part C—Special Programs Relating to Adult Education for Indians

AMENDMENT TO THE ADULT EDUCATION ACT

SEC. 4. Title III of the Elementary and Secondary Education Amendments of 1966 (the Adult Education Act) is amended by redesignating sections 314 and 315, and all references thereto, as sections 315 and 316, respectively, and by adding after section 313 the following new section:

"IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS

"SEC. 314. (a) The Commissioner shall carry out a program of making grants to State and local educational agencies, and to Indian tribes, institutions, and organizations, to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for providing adult education for Indians—

"(1) to support planning, pilot, and demonstration projects which are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians;

"(2) to assist in the establishment and operation of programs which are designed to stimulate (A) the provision of basic literacy opportunities to all nonliterate Indian adults, and (B) the provision of opportunities to all Indian adults to qualify for a high school equivalency certificate in the shortest period of time feasible;

"(3) to support a major research and development program to develop more innovative and effective techniques for achieving the literacy and high school equivalency goals;

"(4) to provide for basic surveys and evaluations thereof to define accurately the extent of the problems of illiteracy and lack of high school completion on Indian reservations;

"(5) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian adults.

"(b) The Commissioner is also authorized to make grants to, and contracts with, public agencies, and institutions, and Indian tribes, institutions, and organizations for—

"(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations thereof; and

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian adults may participate in achieving the purposes of such programs with respect to such adults.

"(c) Applications for a grant under this section shall be submitted at such time, in such manner, and contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Commissioner. Such applications shall—

"(1) set forth a statement describing the activities for which assistance is sought;

"(2) provide for an evaluation of the effectiveness of the project in achieving its purposes and those of this section

The Commissioner shall not approve an application for a grant under subsection (a) unless he is satisfied that such application, and any documents submitted with respect thereto, indicate that there has been adequate participation by the individuals to be served and tribal communities in the planning and development of the project, and that there will be such a participation in the operation and evaluation of the project. In approving applications under subsection (a), the Commissioner shall give priority to applications from Indian educational agencies, organizations, and institutions.

"(d) For the purpose of making grants under this section there are hereby authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, and $8,000,000 for each of the two succeeding fiscal years.".

Part D—Office of Indian Education

OFFICE OF INDIAN EDUCATION

Sec. 5. (a) There is hereby established, in the Office of Education, a bureau to be known as the "Office of Indian Education" which, under the direction of the Commissioner, shall have the responsibility for administering the provisions of title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, section 810 of title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act, and section 314 of title III of the Elementary and Secondary Education Amendments of 1966, as added by this Act. The Office shall be headed by a Deputy Commissioner of Indian Education, who shall be appointed by the Commissioner of Education from a list of nominees submitted to him by the National Advisory Council on Indian Education.

(b) The Deputy Commissioner of Indian Education shall be compensated at the rate prescribed for, and shall be placed in, grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code, and shall perform such duties as are delegated or assigned to him by the Commissioner. The position created by this subsection shall be in addition to the number of positions placed in grade 18 of such General Schedule under section 5108 of title 5, United States Code.

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Sec. 6. (a) There is hereby established the National Advisory Council on Indian Education (referred to in this title as the "National Council"), which shall consist of fifteen members who are Indians and Alaska Natives appointed by the President of the United States. Such appointments shall be made by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations, and shall represent diverse geographic areas of the country.

(b) The National Council shall—

(1) advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, and section 810, title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act and with respect to adequate funding thereof;

(2) review applications for assistance under title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) as added by this Act, section 810 of title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act, and section 314 of the Adult Education Act, as added by this Act, and make recommendations to the Commissioner with respect to their approval.

(3) evaluate program and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(4) provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(5) assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under section 303(b) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress); and

(6) to submit to the Congress not later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include statement of the National Council's recommendations to the Commissioner with respect to the funding of any such programs.

(c) With respect to functions of the National Council stated in clauses (2), (3), and (4) of subsection (b), the National Council is authorized to contrast with any public or private nonprofit agency, institution, or organization for assistance in carrying out such functions.

(d) From the sums appropriated pursuant to section 401(c) of the General Education Provisions Act which are available for the purposes of section 411 of such Act and for part C of such Act, the Commissioner shall make available such sums as may be necessary to enable the National Council to carry out its functions under this section.

Part E—Miscellaneous Provisions

AMENDMENT TO TITLE V OF HIGHER EDUCATION ACT OF 1965

Sec. 7. (a) Section 503(a) of the Higher Education Act of 1965 is amended by inserting after "and higher education," the following: "including the need to provide such programs and education to Indians,".

(b) Part D of title V of the Higher Education Act of 1965 is amended by adding after section 531 the following new section:

"TEACHERS FOR INDIAN CHILDREN

"Sec. 532. Of the sums made available for the purposes of this part, not less than 5 per centum shall be used for grants to, and contracts with, institutions of higher education and other public and private nonprofit agencies and organizations for the purpose of preparing persons to serve as teachers of children living on reservations serviced by elementary and secondary schools for Indian children operated or supported by the Department of the Interior.".

AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Sec. 8. Section 706(a) of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"Sec. 706. (a) For the purpose of carrying out programs pursuant to this title for individuals on or from reservations serviced by elementary and secondary schools operated on or near such reservations for Indian children, a nonprofit institution or organization of the Indian tribe concerned which operate any such school and which is approved by the Commissioner for the purpose of this section, may be considered to be a local educational agency, as such term is used in this title.".

DEFINITION

Sec. 9. For the purposes of this Act, the term "Indian" means any individual who (1) is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (2) is considered by the Secretary of the Interior to be an Indian for any purpose, or (3) is an Eskimo or Aleut or other Alaska Native, or (4) is determined to be an Indian under regulations promulgated by the Commissioner, after consultation with the National Advisory Council on Indian Education, which regulations shall further define the term "Indian".

Mr. MANSFIELD. Mr. President, for the convenience of the Senate, the Senate will consider the pending resolution on appropriations tomorrow, and the supplemental appropriation having to do with funds needed for the training of Vietnam veterans. It is my understanding that neither of those measures are controversial. They were both reported by the full Appropriations Committee unanimously.

Then after that, we will turn back to the pending business. It is my further understanding, and I think the Senate should know, that the managers of the bill indicated that there would be a rollcall on this measure. Hopefully, we will reach that rollcall somewhere between 11 and 12 o'clock.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. May I ask if the rollcall vote will be on the Indian education bill or the appropriation bill?

Mr. MANSFIELD. The Indian education bill. We do not anticipate rollcall votes on the others.

Mr. President, there will be no debate, no action taken, on the pending business, which will be taken up tomorrow after the disposition of the continuing resolution and the supplemental appropriation bills.

QUORUM CALL

Mr. SCOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE SENATE BY MEMBERS OF THE TURKISH PARLIAMENT

Mr. SPARKMAN. Mr. President we are honored today by having a visit from a delegation of members of Parliament from one of the friendly countries—Turkey. We have just had lunch together and have had a very good discussion in the Foreign Relations Committee.

Senator Symington is chairman of the Foreign Relations Subcommittee on the Near East and South Asia but he had to leave on another matter and asked me if I would present these gentlemen to the Senate. I would like each of them to stand as I call their names.

The Honorable Selahattin Ozgur, Senator at Large in the Grand National Assembly.

The Honorable Siddik Aydar, Deputy for Bingol in the Grand National Assembly, Justice Party.

The Honorable Lutfi Bilgen, M.D., Senator for Icel in the Grand National Assembly, Republican People's Party.

The Honorable Hamdi Hamamcioglu, Deputy for Afyon in the Grand National Assembly, National Reliance Party.

The Honorable Mehmet Varisli, Senator for Konya in the Grand National Assembly.

[Applause, Senators rising.]

Mr. SCOTT. Mr. President, I look forward to joining other Members of the Senate in greeting our distinguished colleagues from the Republic of Turkey, our longtime and cherished friends. We are very honored that they came here today to see us.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SCOTT. Mr. President, if there be no further business to come before the Senate, I move, pursuant to the provisions of Senate Resolution 176, as a further mark of respect to the memory of the deceased Honorable JAMES G. FULTON, late a Representative from the State of Pennsylvania, and in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 1 o'clock and 57 minutes p.m.) the Senate adjourned until tomorrow, Friday, October 8, 1971, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 7, 1971:

FEDERAL MARITIME COMMISSION

Clarence Morse, of California, to be a Federal Maritime Commissioner for the term expiring June 30, 1976.

DEPARTMENT OF DEFENSE

Dudley C. Mecum, of Massachusetts, to be an Assistant Secretary of the Army.

U.S. ARMY

The following-named officer to be placed on the retired list, in grade indicated, under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. John Arnold Heintges, [redacted] Army of the United States (major general, U.S. Army).

1. Col. Edwin Howell Smith, Jr., [redacted] Dental Corps, U.S. Army, for appointment as Assistant Surgeon General, U.S. Army, as major general, Dental Corps, Regular Army of the United States, and as major general in the Army of the United States, under the provisions of title 10, United States Code, sections 3036, 3040, 3442, and 3447.

2. The following-named officers for appointment in the Regular Army of the United States, to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3306:

To be brigadier general, Dental Corps

Col. Surindar Nath Bhaskar, [redacted], Dental Corps, U.S. Army.

Col. Jack Paden Pollock, [redacted], Dental Corps, U.S. Army.

U.S. NAVY

Rear Adm. Frederick J. Harlfinger II, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

The following-named Reserve officers of the U.S. Navy for permanent promotion to the grade of rear admiral:

Line

Gayle T. Martin
Alban Weber
Frederick A. Wiggin
John B. Johnson
Michael Lorenzo

Medical Corps

Allan D. Callow
Eugene P. Cronkite

Supply Corps

Frank E. Raab, Jr.
Harland E. Holman

Civil Engineer Corps

George Reider

DEPARTMENT OF COMMERCE

Harold B. Scott, of Connecticut, to be an Assistant Secretary of Commerce.

IN THE ARMY

The nominations beginning Vincent R. Aceto, to be major, and ending Joseph P. Von Merveldt, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on September 10, 1971.

IN THE NAVY

The nominations beginning William Benjamin Abbott III, to be captain, and ending Fran McKee, to be captain which nominations were received by the Senate and appeared in the Congressional Record on September 13, 1971.

IN THE MARINE CORPS

The nominations beginning Lewis H. Abrams, to be colonel, and ending Gary L. Yundt, to be colonel, which nominations were received by the Senate and appeared in the Congressional Record on September 13, 1971; and

The nominations beginning Louis R. Abraham, to be lieutenant colonel, and ending John T. Zych, Jr., to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 1971.

EXTENSIONS OF REMARKS

PULASKI DAY

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mrs. GRASSO. Mr. Speaker, October 11 marks the anniversary of a man's death—a man whose life and whose memory represent the symbol and the substance of love of freedom and personal responsibility and dedication. Pulaski Day is marked each year with special memorial to the gallant hero who fought for liberty in his native Poland and in the United States.

The son of Polish aristocracy, Count Casimir Pulaski was born at Podola, Poland, in 1748. With his father, Count Jozef Pulaski, Casimir was active in the revolutionary movements to liberate Poland from Russian encroachment. There, he distinguished himself as a cavalry officer.

The defeat of his armies forced him to leave his native land, and in the course of his travels he met Benjamin Franklin—a meeting destined to have a powerful impact on the birth of democracy in the New World.

At the time Pulaski volunteered to assist the American colonies in their revolutionary struggle, the Continental Army had no regular cavalry. Again distinguishing himself on the battlefield, Congress gave Pulaski permission to organize an independent corps of cavalry and light infantry. Through many of the most difficult battles of the war, Pulaski's aggressive and daring action inspired his men and intimidated the enemy.

Count Pulaski never lived to see the independent America he fought to achieve. He was fatally wounded in a fierce battle at Savannah on October 9, 1779. However, the banner of freedom for which he gave his life passed on to many of his countrymen who, despite years of oppression, have been indefatigable in the zeal for freedom. Even in the search for a new life in a new world—whether on farms in the Midwest, or in coalfields in Pennsylvania, or in the industrial centers of the East—Polish Americans have upheld the legacy of the valiant general and made magnificent contributions to our Nation.

Throughout our history, when the call has gone out for volunteers to defend this country, the Polish-American community has responded eagerly—as Pulaski did—to the great cause of freedom. The honor rolls of American dead include descendants from Warsaw and Krakow, and the battle of the Vistula. True to the tradition of a noble heritage, Poles have fought and sacrificed in order that the fruits of personal liberty might be preserved.

Mr. Speaker, as we pay tribute to Count Pulaski—soldier and patriot—we also honor the distinguished contributions of Polish Americans. Their achievements, as well as their valor, resourcefulness, and devotion to the ideals of liberty and patriotism, have earned the deep respect of all Americans.

GEN. CASIMIR PULASKI: HE DIED FOR AMERICAN FREEDOM

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. COUGHLIN. Mr. Speaker, on October 11 we will honor the memory of a great Polish patriot and Revolutionary soldier, Count Casimir Pulaski, who 192 years ago gave his life for a cause—the struggle for liberty—to which he was deeply pledged.

Pulaski was only 32 when he died from wounds received in the Battle of Savannah. Despite his youth, he had established a brilliant reputation in sharing the perils of the Revolutionary War. Although his stay and his service to the American Colonies was brief—less than 2 years—his fame has endured the centuries and his name is endeared to all who are dedicated to the cause of liberty.

Pulaski best expressed his absolute dedication to the ideal of liberty when he said:

> I would rather live free, or die for liberty. I suffer more because I cannot avenge myself against the tyranny of those who seek to oppress humanity. That is why I want to go to America.

And true to his words, Pulaski came to America to give his assistance to the colonists in their struggle for independence.

He first distinguished himself at the Battle of Brandywine, and then, in subsequent encounters with the enemy, he continued to demonstrate exceptional bravery and superb leadership under stress of fire. The Continental Congress, recognizing his contributions and ability, conferred on him the rank of brigadier general and placed him in command of all our cavalry forces.

Fired with an ambition to mold a crack fighting unit, Pulaski reorganized, trained, and drilled the American cavalry. He supplied this branch of the army with its first set of service regulations and tried to inspire his men with discipline and spirit. His book of drill regulations and rules for officers and privates still serves as the basis of cavalry drills in the U.S. Army.

Although he did not live to see America win her independence, Pulaski's gallantry in the field of battle and his complete devotion to the cause of freedom helped our country immeasurably in winning the ultimate victory.

Pulaski's courage in the face of tyranny, his patriotism, his warmth and generosity, are all characteristics that the Poles have demonstrated throughout centuries of strife and foreign domination.

I am particularly aware of these extraordinary qualities of the Polish people because there are many Polish Americans in my own 13th Congressional District of Pennsylvania who, together with Americans of Polish descent throughout the United States, have contributed much to the advancement of our culture and the preservation of our Nation.

Pulaski was the embodiment of the best traditions of Polish courage and chivalry. The man who was destined to become the "Father of the American Cavalry," and who twice saved General Washington's army from disruption, was a nobleman born to high social position and a life of ease and complacency. Yet he remained loyal to his ideals and chose a career of many hardships in order to advance the cause of liberty and uphold the fundamental rights of the individual.

General Pulaski was not an American for he represented a different culture, a different language, a different way of life. But he had the same love of liberty as the people of this country, and therefore, he was an American as much as he was a Pole.

With deep pride and gratitude, I join my colleagues in the Congress and my fellow Americans in commemorating the anniversary of General Pulaski's death. His fame will last as long as liberty remains upon the earth. It now remains our task to recommit ourseves to the noble cause for which he lived and died.

TRIBUTE TO CASIMIR PULASKI

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. MINISH. Mr. Speaker, October 9, 1971, marks the 192d anniversary of the tragic and untimely death of Count Casimir Pulaski during the American war for independence. A true believer in the democratic cause of the colonies, Casimir Pulaski came from Poland, his native land, to give his life for principle in the interest of all mankind.

The American cause of that period attracted talented supporters from many lands, but none could be said to excel Pulaski in fighting spirit and dedication to victory.

As a member of the Polish aristocracy, Count Pulaski had grown to manhood under harsh political circumstances. Under the reign of Stanislas II Augustus, Poland was reduced to the level of an occupied territory, with Russian troops quartered throughout the land, in preparation for the First Partition of Poland in 1772. Against the outrage, Polish patriots, fighting under Pulaski's father, established the Confederation of Bar. As a cavalry officer in the army of the Confederation, Casimir Pulaski fought brilliantly, establishing a great and glowing reputation. In time, however, the Confederates were overcome, and Pulaski, in company with others, was driven into exile.

His journeys took him to France in 1775, where he was advised of developments in the American colonies. Won to the American cause, Pulaski contacted Benjamin Franklin who in turn referred him to George Washington.

Pulaski arrived at Boston during the summer of 1777 and soon was involved in some of the most important fighting of the Revolution. Serving as a volunteer under Washington, he participated with distinction that September in the battle of Brandywine. The following month he served again at Germantown. An expert on cavalry operations, he was at first unable to exploit this skill for want of an effective American cavalry force. Such a force was raised, however, in the winter of 1777, and Pulaski became its commander. Almost at once the cavalry saw service at Trenton, where it performed with distinction. At Flemington, N.J., the cavalry engaged in a major foraging expedition, to feed the troops encamped at Valley Forge.

At the insistence of Washington, Congress granted Pulaski permission to organize an independent cavalry corps in 1778. The following year he was ordered with his troops to South Carolina with the object of bringing his talents to bear in behalf of forces under General Lincoln. On October 9, 1779, with victory in sight, the American cavalry charged the British lines in a dramatic assault. Pulaski was there at the front, urging forward his cavalrymen. In the midst of the fray, he fell, mortally wounded.

Count Casimir Pulaski was a true and great American hero. Like the millions who have followed his path from Poland to the United States, he distinguished himself as a patriot of the highest order who believed in, and fought for, democracy and freedom.

THE U.N. IN TROUBLE

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. DUNCAN. Mr. Speaker, I insert in the RECORD an interesting editorial on the United Nations from the October 4 Knoxville, Tenn., News-Sentinel:

THE U.N. IN TROUBLE

During the 25th anniversary session of the United Nations last year, speaker after speaker described the organization as "the last great hope of mankind."

Despite such flattery, the truth is that the countries of the world will do anything for the United Nations—except pay for it.

In his latest report, Secretary-General U Thant disclosed that the United Nations is more than $250 million in debt. In fact it faces bankruptcy and may not be able to meet its payroll later this year.

Thant cannot be blamed for this. For 10 years the poor man has been juggling books like an embezzling Texas banker to keep the organization going. But there are no more bonds to float, loans to make or special funds to strip, and the moment of financial truth is at hand.

Most of the trouble stems from the pernicious idea, pioneered by the Soviet Union, that a member need not pay for a budgeted or properly voted UN activity that it disapproves of. Thus the Kremlin owes and will not pay $87.5 million for UN peacekeeping operations in the Congo, Middle East and elsewhere.

Russia's destructive precedent has encouraged the Soviet Bloc to withhold $31 million in assessments and France $17.7 million.

The United States hasn't helped matters by usually waiting until December or later to pay its share of UN expenses, which are due in February. This makes it easy for Russia, the entire Communist bloc, France and others to stall on their dues.

Among congressmen who care about the world organization, many point an accusing finger at Moscow and Paris for its troubles. How many have the guts to blame their own obstructive committee chairmen for not passing UN appropriations bills in time?

Another problem is the UN voting majority now enjoyed by have not and ministates. They can pass any kind of General Assembly spending resolution they want—without worrying where the money will come from.

Of course, the richer, older countries freely lecture the new ones about responsible behavior. Their strictures would carry more weight if they would set an example, say, by paying their UN bills.

Finally, the organization's staff has ballooned from 9500 in 1956 to more than 33,000 today. Many of the employes are hard-working international civil servants. Many others are no-work paper shufflers living it up on tax-free incomes. U Thant himself could make a contribution to his beloved United Nations by using its poverty as a pretext for purging the drones.

Because of the United Nations' potential for preserving peace, statesmen are fond of saying, "If the United Nations didn't exist, the world would have to invent it." It would be nice if they would invent a way of financing it, not waiting for it to collapse in bankruptcy.

ADMINISTRATION WITHHOLDING FUNDS FOR PROGRAMS IN RURAL AMERICA

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. EDMONDSON. Mr. Speaker, it is increasingly disturbing to millions of Americans to see the will of this Congress twisted or ignored by this administration on matters of great national urgency. Arbitrary administration withholding of appropriated funds is becoming almost a daily practice.

One of the most regrettable examples of this withholding is in funds for programs for rural America.

For example, Congress appropriated $195.5 million for the rural environmental assistance program, which was $55.5 million over President Nixon's budget. The result? All this money is frozen until the all-powerful Office of Management and Budget determines how much of the $195.5 million it will allow to be spent.

The situation is the same with $545 million in rural electrification funds.

In another case OMB has made a program decision which to me borders on irresponsibility. Congress, recognizing the growing national concern over pollution, appropriated $100 million for the Farmers Home Administration rural water and sewer grant program. What level of spending has OMB approved? $42 million, $58 million less than this Congress felt was necessary.

Mr. Speaker, there are two things which are deeply disturbing about this. First, as I have mentioned, is the total disregard of congressional intent. There is not a more careful or harder working body of people in Washington than the House Committee on Appropriations.

Their decisions on funding levels are not made out of whim or fancy, but are based on hours of exhaustive hearings, study, and analysis. Congress is the representative body most responsive to the people's needs. The will and intent of Congress should not be taken lightly, as the OMB obviously takes it.

Much more important, however, is that the cases I have cited offer a clear illustration of the priority assigned to rural development by this administration. Rural development obviously ranks down around the bottom, if you look at the investment the administration wants to make in this area.

My personal view is that there are few goals ahead of us which are more important than the development of rural America. We must provide modern utility services, quality education, roads and highways, and jobs in the rural areas if we are to reverse the national trend of migration to the cities.

These funds being withheld by the Office of Management and Budget are for programs aimed at just these national goals. These are programs aimed at making the rural areas better places to live. They are aimed at giving the rural people the modern conveniences that the city people enjoy.

When these are the goals we are pursuing, how can the administration justify withholding more than half the grant funds for rural water and sewer systems? It would be easier to justify doubling the expenditure in this area. The same holds true with rural electrification and with the overall rural environmental assistance program.

Mr. Speaker, I believe the budget experts downtown, who are elected by nobody, owe this Congress and the American people an explanation for their action in withholding these funds.

TRIBUTE TO CHARLES RAPER JONAS

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. MIZELL. Mr. Speaker, I rise at this time to pay well-deserved tribute to a man who has earned the respect of all of us who have served with him in the Congress.

The man is my distinguished colleague from North Carolina, the Honorable CHARLES RAPER JONAS. Mr. JONAS has recently announced his retirement at the end of this term and this Chamber will most certainly miss this man who has worked so well and with such dedication here for the past 20 years.

Mr. JONAS holds a very special place in the political history of my State, having served for so many years as the only member of my party in the North Carolina congressional delegation.

Since coming to the Congress in 1953, CHARLIE JONAS has built an envied reputation as a watchdog of the Federal Treasury, as a man dedicated to responsible government, and as a public servant who takes his duty seriously.

There are those who have disagreed with Mr. JONAS in times past on matters of policy, but none has ever questioned the integrity of his position or his sincerity in fighting for it.

These are qualities that seem all too rare among politicians, but then CHARLIE JONAS is no ordinary politician. He is a statesman in the truest and best sense.

I know that all my colleagues join me in wishing our colleague well in his retirement from public life, but even more, we are going to cherish what time we have left to benefit from his wise counsel, his long years of experience, and his dedication to the principles of good government.

His service here has greatly enhanced the work of Congress, and the Ninth Congressional District of North Carolina, the State and the Nation at large owe a large debt of gratitude for his untiring efforts in their behalf.

CRIMINAL RECORDS OF ATTICA'S DECEASED RIOTERS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. RARICK. Mr. Speaker, much is being said and made over the Attica prison riots, but information as to why the inmates were lodged in Attica is overlooked, almost as if suppressed.

So that the Members are reminded that these prison inmates were not sent to Attica prison as contest winners or to enjoy the comforts of a country club hotel, but rather for punishment, I include a breakdown on the crimes of the 30 prison inmate fatalities:

Murder or attempted murder	6
Manslaughter	4
Assault	2
Arson	2
Rape	1
Robbery	9
Sale of narcotics	1
Burglary	1
Possession of dangerous weapon	1
Grand larceny	1
Possession of drugs	1
Other	1

In order that our colleagues may have a better understanding of why the New York taxpayers were paying to protect society from these lodgers of Attica, I include the criminal records of those inmates killed in the riot:

DEPARTMENT OF CORRECTIONAL SERVICES,
October 1, 1971.

Congressman JOHN RARICK,
Longworth Building,
Washington, D.C.

DEAR CONGRESSMAN RARICK: Enclosed are several copies of requested criminal records of inmate fatalities at Attica Correctional Facility. This list does not include the two latest casualties.

I regret that I was unable to provide copies sooner but the immediate demand by the press exhausted the copies I had and, since, I have had more made.

Thank you for your interest and concern.

Very truly yours,

GERALD T. HOULIHAN,
Director of Public Relations.

RECORD OF CONVICTIONS OF ATTICA INMATE FATALITIES

James Robinson, New York City: Murder 1st Degree—Natural Life. New York Supreme Court. Sentenced 11–27–68.

Previous criminal record:

4–9–61: Grand Larceny of Automobile—Morrison Training School—escaped.

1–15–62: Interstate Transportation of a Motor Vehicle—3 yrs.

10–24–64: Larceny of Automobile—1 yr. to 1½ yrs.

1–18–65: Assault with Deadly Weapon—1½ yrs.

10–9–67: Assault, Third Degree & Petit Larceny—9 mos.

Barry Jay Schwartz, Queens: Manslaughter 1st—10 to 20 yrs. Att. Robbery, 3rd—5 to 10 yrs. Queens Supreme Court—Sentenced 11–22–68.

Previous criminal record:

2–1–65; Leaving the scene of an accident—60 days.

10-11-65: Petit Larceny—Probation.

3-25-66: Att. Burglary, Third Degree—Suspended Sentence & Probation.

5-10-66: Disorderly Conduct—30 days.

7-5-66: Violation of Probation—Committed to Natteawan State Hospital.

1-20-67: Unlawful Entry—Suspended Sentence of 60 days.

Robert Francis Joseph Hanigan, Valley Cottage, N.Y.: Murder 2nd degree. 20 yrs.—Life. Rockland County—Sentenced 1-27-65.

Previous criminal record:

1-14-61: Assault, Third Degree—Fined and 60 days suspended sentence.

Melvin Ware, New York City: Robbery 3rd Degree—5 yrs. Queens Supreme Court—Sentenced 11-25-69.

Previous criminal record:

2-3-61: Petit Larceny—Probation.

1-8-62: Att. Assault, 3rd and Possession of a Weapon—Discharged on own recognizance.

8-26-66: Resisting Arrest & Disorderly Conduct—60 days.

Milton Menyweather III, Buffalo, N.Y.: Attempt Arson 1st degree—10 yrs. Erie County —Sentenced—11-24-70.

Previous criminal record:

Three juvenile arrests.

9-10-68 Possession of a Dangerous Weapon & Harassment—6 months.

9-30-68 Criminal Tampering—6 months.

Samuel J. Melville, New York City: Arson 1st—6 to 18 yrs. Reckless endangerment 1st —2 Yrs., 4 Mos. to 7 Yrs. Assault 2nd—2 yrs., 4 Mos., to 7 yrs. New York Supreme Court. Sentenced 6-19-70.

Previous criminal record: None.

Charles Lundy, New York City: Attempted Murder—15 yrs. Robbery 1st—15 yrs. Assault 1st—15 yrs. Assault 2nd—7 yrs. New York Supreme Court—Sentenced 3-13-69.

Previous criminal record:

9-19-62. Affray—Fined.

1-5-68: Disorderly Conduct—Bond forfeited.

4-23-68: Petit Larceny—Conditional Discharge.

Rafael Vasquez, Bronx, N.Y.: Att. Assault 2nd—3 yrs. Bronx Supreme Court—Sentenced 10-26-70.

Previous criminal record: None.

Willie Fuller, Apopka, Florida: Rape 1st—10-20 yrs. Wayne County Court—Sentenced 10-31-60.

Previous criminal record:

12-30-56: Disorderly Conduct—90 days.

5-10-58: Vagrancy—Fined.

10-3-59: Simple Larceny—4 months.

Gidell Martin, Brooklyn, N.Y.: Att. Poss. of Dangerous Weapon—4 yrs. Kings Supreme Court—Sentenced 4-20-70.

Previous criminal record:

8-9-57: Auto Theft—1 yr.

2-15-62: Disorderly Conduct (fists & feet) —90 days.

5-23-67: Petit Larceny—1 yr.

Elliott James Barkley, Rochester, N.Y.

Previous criminal record: None.

Alfred L. Williams, Buffalo, N.Y.: Manslaughter 1st—20 yrs. Robbery 1st—10-15 yrs. Robbery, 3rd—7 yrs. Erie County—Sentenced 3-31-71.

Previous criminal record:

1-15-57: Auto Theft—Indeterminate Term in Ohio State Reformatory.

10-28-64: Unlawful Possession of Stolen Property—1 yr.

5-23-66: Assault, third degree—1 yr.

4-26-68: Theft by breaking and entering —3 months.

Thomas Hicks, Queens: Robbery 2nd—7 yrs. Kings Supreme Court—Sentenced 6-5-69.

Previous criminal record:

7-13-57: Petit Larceny—Committed to New York Reformatory.

6-14-58: Disorderly Conduct—Fined.

11-20-58: Unlawful Entry—1 yr.

11-5-60: Robbery, 2nd degree—5 to 10 yrs.

Santiago Santos, Bronx, N.Y.: Burglary 3rd—4 yrs. Bronx Supreme Court—Sentenced 6-12-70.

Previous criminal record:

4-27-67: Petit Larceny—7 months.

7-26-68: Attempted Grand Larceny—10 months.

Willie West, Buffalo, N.Y.: Robbery 2nd—15 yrs. Burglary 3rd—7 yrs. Gr. Larceny 2nd—7 yrs. Erie County Court—Sentenced 11-19-70.

Previous criminal record:

Three juvenile arrests.

10-9-62: Assault, Third Degree—Suspended Sentence.

11-13-64: Drinking in Public—Fined.

6-25-65: Possession of Marijuana—Sentenced to Elmira Reception Center.

William Allen, Bronx, N.Y.: Manslaughter 2nd—4 yrs. Bronx Supreme Court—Sentenced 1-19-70.

Previous criminal record:

6-19-67: Committed to New York City Reformatory.

12-28-67: Petit Larceny—Suspended Sentence.

Melvin Duvall Gray, Rochester, N.Y.: Crim. Selling Dangerous Drug—15 yrs. Monroe County Court. Sentenced 1-7-70.

Previous criminal record:

7-16-67: Unlawful Possession of Narcotic Drugs—Probation 5 yrs.

Carlos Joseph Prescott, Rochester, N.Y.: Murder 1st degree—25 yrs. to Life. Monroe County—Sentenced 2-5-70.

Previous criminal record: None.

Allen Durham, Brooklyn, N.Y.: Murder 2nd Degree—20 yrs. to Life. Kings Supreme Court—Sentenced 9-17-68.

Previous criminal record: Two juvenile convictions.

Kenneth Hess, Binghamton, N.Y.: Grand Larceny 3rd—4 yrs. Broome County Court—Sentenced 5-13-71.

Previous criminal record:

2-19-66: Public Intoxication—7 days.

5-24-66: Disorderly Conduct—30 days.

7-1-66: Disorderly Conduct—30 days.

7-19-66: Assault, Third Degree—10 days.

8-2-66: Assault, Third Degree—25 days.

9-5-66: Resisting Arrest and Assault on Police Officer—3 years.

John Barnes, Brooklyn, N.Y.: Att. Robbery 3rd—5 yrs. Kings Supreme Court—Sentenced 1-16-68.

Previous criminal record: No adult convictions.

Lorenzo McNeil, Queens: Robbery, 3rd—5 to 7 yrs. Queens Supreme Court—Sentenced 6-23-65.

Previous criminal record:

9-28-57: Disorderly Conduct—Suspended Sentence.

9-24-59: Attempted Robbery, Third Degree—2½ to 5 years.

William McKinney, Brooklyn, N.Y.: Manslaughter, 1st degree—20 yrs. Att. Assault, 1st degree—7 yrs. Possession of a Weapon—7 yrs. Kings Supreme Court—Sentenced 1-26-71.

Previous criminal record:

11-25-58: Assault, Third Degree—Committed to New York City Reformatory.

2-15-61: Attempted Petit Larceny—60 days.

12-30-65: Violation of the Public Health Law (marijuana) 60 months suspended sentence.

Michael Privitera, Buffalo, N.Y.: Murder, 1st Degree—25 yrs.—Life. Monroe County—Sentenced 10-14-68.

Previous criminal record:

1-23-50: Disorderly Conduct & Resisting Arrest—Suspended Sentence.

10-2-53: Assault, Third Degree—1 year.

5-26-55: Disorderly Conduct—Suspended Sentence.

7-5-55: Possession of Instruments used in administering narcotics—1 year.

5-10-57: Attempted Gr. Larceny, Second Degree—1 yr., 3 Mos., to 2½ yrs.

7-26-62: Petit Larceny—1 year.

7-15-64: Attempted Gr. Larceny, Second Degree—2 to 4 years.

Bernard Davis, New York City: Robbery 2nd Degree—7 yrs. Robbery 3rd Degree—7 yrs. Queens Supreme Court—Sentenced 12/2/70.

Prevous criminal record:

1-24-67: Committed to Elmira Reception Center—3 yrs.

1-13-69: Criminal Trespass—Conditional Discharge.

Raymond Rivera, Bronx, N.Y.: Crim. Poss. of a Dangerous Drug—3 yrs. Bronx Supreme Court—Sentenced 3-10-70.

Previous criminal record:

10-15-64: Possession of Policy Slips—Fined or 20 days in jail.

6-10-68: Criminally selling dangerous drug (consolidated with above three year sentence).

Harold Thomas, New York City: Robbery 1st (4 counts) 10 to 20 yrs. Robbery 2nd (4 counts) 7½ to 15 yrs. New York Supreme Court—Sentenced 5-14-68.

Previous criminal record:

3-27-61: Proceedings In Sanity following arrest for Robbery—Matteawan State Hospital.

8-8-63: Petit Larceny—1 yr.

7-22-64: Possession of Narcotic Drugs—60 days.

Kenneth Ivey Malloy, Queens, N.Y.: Robbery, 2nd Degree—3 yrs., 9 Mos., to 10 yrs. Queens Supreme Court—Sentenced 1-19-68.

Previous criminal record:

11-4-60: Petit Larceny—New York City Penitentiary.

2-27-62: Escape from Custody— 6 months.

10-15-62: Petit Larceny—6 months.

4-27-64: Robbery, Second Degree—5 years.

Jose Mentijo, New York, N.Y.: Assault, 1st degree—10 years. New York Supreme Court—Sentenced 6/24/71.

Previous criminal record:

12-23-53: Criminal Possession of a Pistol—Committed to New York City Reformatory.

5-19-55: Possession of Narcotic Drug—30 days.

6-14-55: Violation of Parole—Returned to New York City Reformatory.

3-26-56: Possession of Narcotic Drug—60 days.

8-1-58: Attempt to Feloniously Possess a Narcotic Drug—1 yr., 6 mos., to 1 yr., 9 mos.

11-29-60: Unlawful possession of Narcotic Drug—6 months.

2-26-62: Attempted Criminal Possession of a Pistol—3 to 5 years.

10-21-63: Sale of Narcotic Drugs (Federal Court)—4 years to begin upon expiration of New York State sentence.

2-5-71: Reckless Endangerment, First Degree—3 months.

Emanuel Johnson, Brooklyn, N.Y.: Robbery, 3rd Degree—5 to 8 years. Kings County Supreme Court—Sentenced 5-24-67.

Previous criminal record:

3-17-60: Attempted Petit Larceny—60 days.

12-26-60: Assault, Third Degree—Committed to New York City Penitentiary.

10-22-63: Assault, Third Degree—Time served.

2-13-64: Assault, Third Degree—6 months.

12-4-64: Robbery, Second Degree—2½ to 5 years.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

LITTLE IMPROVEMENT SEEN IN MAIL SERVICE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. DERWINSKI. Mr. Speaker, as a member of the Post Office and Civil Service Committee I am naturally interested in the developments which will be forthcoming under the new U.S. Postal Service. I am most interested in the public reaction to the postal reform legislation, which the Congress approved in 1970. Therefore, it is with special interest that I noted a column by Dean Linton, which appeared in the September 22 edition of Suburban Life and which, to say the least, is an interesting and fascinating commentary from a citizen's point of view on the Postal Service.

The article follows:

LITTLE IMPROVEMENT SEEN IN MAIL SERVICE

(By Dean Linton)

Nearly three months have passed since the inauguration of the United States Postal Service, a semi-private governmentally controlled organization which inherited the mess left by the old U.S. Post Office Department.

Postal rates have increased, some changes visible to the public eye have been made, but, in my opinion, little improvement has been seen in postal service.

In recent weeks news releases have been received from area post offices lauding a new one day service within certain areas. It sounds great and I hope it works.

But personal observations during the past month make me more than a little skeptical of the Postal Service's ability to deliver on time.

One such occurrence happened last Saturday when I received at home an airmail letter which I had mailed exactly one week prior in front of the Oak Park post office. Lacking sufficient postage for its weight, this airmail letter was returned to my Hillside home seven days later for additional postage. It had made it as far as O'Hare during the week.

Several weeks ago a friend of mine mailed a parcel from the Berwyn post office to an address on Chicago's south side. It arrived 10 days later.

Again a personal experience: about a month ago I received a first class letter mailed from Berwyn, arriving nine days later in Hillside. At least that's better time than the parcel, but I doubt if it would break the old Pony Express record.

Perhaps these are isolated cases, but they seem to be occurring more frequently.

Postal Service efficiency won't happen overnight. I will be the first to admit that point. I know that changes are being made. Manpower has been reduced and belts have been tightened to put the department within its operating budget. This would be welcomed by any taxpayer.

Less pickups at collection boxes are being made, but as long as the remaining collections make the the proper dispatches this can only be an efficiency measure. Mail is not speeded any faster if it is picked up every hour at the corner mailbox and then remains in the local post office for a late dispatch.

Somewhat angry Saturday when my airmail letter, which I thought had been delivered several days before, was returned, I proceeded to the post office, letter in hand, with its additional postage.

"I know it's not your fault, but can you tell me why it takes seven days for an airmail letter to go from Oak Park to O'Hare to Hillside," I asked of the sympathetic clerk.

Shaking her head in disgust, she said these things are happening "all the time."

"People better start writing letters to the right people before it's too late," she added.

Well, that's not a bad idea. But do you think they will get delivered in time?

A SOLID START—GI DRUG TREATMENT PROGRAMS

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. STEELE. Mr. Speaker, the military's new drug dependent treatment programs have come under strong criticism in recent weeks for allegedly being inept and ill-conceived. In my view, much of this criticism has been unfair and has obscured much of the progress that has been made in this field.

Military heroin addict treatment and rehabilitation programs were launched virtually overnight in mid-June 1971 concurrent with the appointment by President Nixon of Dr. Jerome H. Jaffe, special consultant on narcotics and dangerous drugs and as the director of the Special Action Office for Drug Abuse Prevention.

The implementation of any new and complex health care program will have its difficulties. Instead of seeking fault with the military's effort one might look at the expeditious manner in which the military established screening, treatment, and rehabilitation programs and their ongoing efforts to rapidly expand screening and to innovate and improve all programs despite great difficulty in finding military or even civilian experts who could advise on how to effectively treat drug dependent individuals.

The United States has a scarcity of qualified personnel who know how to implement, manage, and deliver direct care services in addiction treatment and rehabilitation programs. There is no reason to assume that the military should have had the expertise which the civilian sector of our society lacked. However, the military has recognized that its treatment and rehabilitation programs can use improvement and has taken constructive remedial actions. Some actions which have been taken in conjunction with the Special Action Office for Drug Abuse Prevention are:

First. Urinalysis testing of U.S. servicemen stationed in Vietnam was begun on June 18. This testing program has enabled the Army to identify approximately 5,214 addicts to date and place them in rehabilitation programs. The program has also provided the first scientific basis for estimating the size and seriousness of the heroin problem among our troops. Since June 18, 103,279 servicemen were given urine tests and 5.1 percent showed positive reactions to opiates. This is the approximate percentage of men believed to be hard-core addicts. It is estimated that another 10 percent of the men used heroin intermittently while in Vietnam.

Second. From September 6 to 17, 1971, 20 military treatment specialists received intensive drug abuse rehabilitation training at the Illinois State drug abuse programs in Chicago. These 20 men have already left for Vietnam where their knowledge will be utilized to improve the treatment programs in Vietnam.

Third. On September 9, 1971, six handpicked civilian treatment specialists, who are ex-addicts, departed for Vietnam to advise military treatment personnel there on the latest methods employed in civilian addict treatment programs. These six specialists will be in Vietnam for 21 days.

Fourth. On November 1, 2, and 3, 125 military treatment personnel from 39 bases in the United States providing treatment and rehabilitation will attend a special 3-day training course at Fort Sam Houston, Tex. The curriculum is being developed by the Special Action Office for Drug Abuse Prevention and the faculty for this 3-day Drug Abuse Training Institute will be conducted by 12 recognized authorities in the drug abuse field.

Anyone with the slightest degree of familiarity with heroin addicts is aware that a common trait of addicts is their propensity to complain about their treatment program. Obviously, one of the characteristics of addicts is a lack of self-discipline and a distrust of most institutions. These are some of the reasons why they have become drug abusers. The fact that a drug treatment program imposes discipline or the fact that the addict does not trust the program are signs that the program is trying to change self-destructive life styles by not indulging the addict. The additional fact that many of the young servicemen have been directed into drug treatment programs by the military, not voluntarily as in similar civilian programs, has heightened the propensity for individual displays of "dislike, distrust, and disenchantment."

It is difficult for a lay person to understand the complexities involved in swiftly initiating treatment programs for heroin addicts. The dynamics of clients in such treatment programs can be deceiving to the lay person who tries to draw hasty conclusions as to whether or not the program is effective.

It has been charged that the administration is inflexible. Clearly the record, as partially outlined above, speaks for itself. Innovation and acquisition of new knowledge is the keystone of the programs being developed by the Special Action Office for Drug Abuse Prevention and is, therefore, policy guidance which the Department of Defense has faithfully pursued.

We clearly have a long way to go in meeting the serious hard drug problem which exists among the military in Vietnam. However, this fact should not obscure the solid start which has been made.

DAMAGE EFFECTIVENESS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. SCHMITZ. Mr. Speaker, Mr. Anthony Harrigan has written an excellent short analysis of the deteriorating state of the United States defenses in relation to the Soviet Union.

Mr. Harrigan mentions that Gen. Bruce K. Holloway, commander in chief of the Strategic Air Command, testified before the Senate Committee on Armed Services about the extreme importance of increasing the accuracy of our missile force to the point where they have a hard target or counterforce capability.

General Holloway stated:

> A few important words on damage effectiveness: The probability of inflicting damage on a target depends on three basic factors: Target hardness, weapon yield and the accuracy of weapon delivery. The most important of these factors is accuracy—and I think this is the least understood.
>
> We would like options to accomplish second strike damage limitation to the extent technology practicably offers—as well as assured destruction of selected urban-industrial war-supporting resources. And we have to accomplish defense suppression before any objective target system can be struck effectively. These are difficult targets—even more so in a retaliation strategy—and they are being progressively multiplied and hardened.
>
> Another stimulant for more precision is reduction of collateral damage.
>
> I think it is very unrealistic to suppose that if we became involved in nuclear conflict, we would be unconcerned about limiting collateral damage. It is difficult for me to think that the only way weapons of such widespread destructive potential would possibly be used is indiscriminate attacks to maximize human death tolls.
>
> In addition to the matter of purely quantitative economy, I think these are good reasons why we should address the accuracy of our nuclear weapons. This issue sometimes becomes obscured in discussion of first strike versus retaliation. I personally believe this is a misunderstanding—and a terrible one—which need not foreclose reasonable discussion of and attention to accuracy.

It is extremely unfortunate that the amendments introduced by Senator BUCKLEY to the military procurement authorizations for 1972 on the floor of the Senate Tuesday, which would have provided our Minuteman and Poseidon forces with just such a capability, were defeated. There seems to have been some confusion between a "counterforce capability," the qualitative capability to render certain classes of strategic offensive forces ineffective prior to launch, and a "first-strike capability," the capability to reduce the enemy's retaliatory capability, through the use of counterforce and ballistic missile defense, to a level at which the damage they could inflict in response would not be unacceptable.

These are two entirely different kettles of fish. A first-strike capability implies both a quantative and qualitative relationship while a counterforce capability is simply qualitative. Of prime importance in first strike calculations is a determination of what is acceptable and what is unacceptable damage. There can be little doubt in the minds of anyone that the level of acceptable damage to the United States is several magnitudes lower that what the Soviet Politburo might consider to be acceptable damage. The most generally accepted criteria for unacceptable damage to the United States is the detonation of any nuclear weapon on any of our population centers. This low threshold of unacceptable damage makes the credibility of the Soviet deterrent effective at very low levels.

The Soviets actually have the necessary deterrent capability, that is the capability to inflict unacceptable damage to the United States, in their bomber force alone. Soviet basing procedures deny our submarine launched missile force the capability to destroy the requisite number of these weapons prior to launch and our bomber defense, as is well known to practically everyone who keeps up on these matters—as the Soviets surely do, are virtually nil. The critical number of Soviet bombers immune to our SLBM's could easily be flushed and on their way to the United States prior to the arrival of our land-based ICBM's. Our lack of adequate bomber defenses assures Soviet penetration and destruction of at least several large U.S. cities.

In other words even if the United States were to achieve the capability to completely destroy prior to launch the Soviet ICBM force we would still not have a first strike capability and the Soviets would therefore still maintain a realistic deterrent to U.S. attack. This means that it would be unnecessary for the Soviets to launch a disarming strike on the United States in a crisis since we could not successfully disarm them even if we were to initiate an attack. Their bombers alone provide them with a deterrent. Our inability to neutralize this force prior to launch, coupled with our lack of adequate bomber defenses, combine to produce a condition of deterrence no matter what might happen to the Soviet ICBM force.

Of course the Soviet bomber force is only one portion of the triad which we cannot effectively destroy through a first strike. There also exists a Soviet ballistic nuclear submarine force also immune to attack. The Soviet force of Y-class ballistic nuclear submarines—similar to our Polaris—now consists of 20 vessels and is being rapidly expanded at a rate of 8 to 10 per year. By the time the improvements in our Minuteman and Poseidon forces advocated by Senator BUCKLEY were operational the Soviet Y-class force would probably be larger than ours.

It is generally conceded that the state of the art of anti-submarine warfare techniques are such that these submarines are presently invulnerable. If there is no radical breakthrough in submarine detection methods in the next several years the Soviet ballistic nuclear submarine force by itself will provide them with an extremely credible deterrent against the United States.

There is no point within the United States which is more than 900 nautical miles from the open sea, approximately half of our urban industrial targets lie within 500 nautical miles of SLBM launch points in the Atlantic Ocean, and the Soviet SLBM range is approximately 1,500 miles. Is there anyone who would contend that a Soviet retaliatory capability sufficient to destroy up to 50 percent of our urban industrial areas would not serve as an adequate deterrent against the United States?

If there were a breakthrough in ASW techniques the damage limiting option for our land based missile force is obviously critical to the survival of our Nation.

We see then that even if we were to give our land- and sea-based missiles a counterforce or damage limiting capability on a quantitative level necessary to completely neutralize the Soviet ICBM force prior to launch we would still not have anywhere near a first strike capability. Even one surviving element of the Soviet triad provides them with the capability to inflict unacceptable damage on our Nation, and they would still have two increments of the triad surviving.

But Senator BUCKLEY was not asking even for that capability. He was simply asking that we make our missiles as accurate as the state of the art permits in order to foreclose developing Soviet options for a successful attack on the United States. He was asking for the upgrading of our forces necessary to maintain the credibility of our deterrent, not to impair the Soviet deterrent of the United States. The United States does not have the capability at this point, and will not have in the future unless Senator BUCKLEY'S amendments are acted upon favorably, to eliminate the 900 Soviet SS–11's which can serve as a counter-city reserve force in conjunction with an SS–9–SLBM strike against our Minuteman and SAC bomber forces. If the Soviets are able to critically degrade our land-based Minuteman force and strategic bomber force through a combined SS–9–SLBM attack while holding hundreds of hardened and invulnerable ICBM's in reserve we are going to be in a pretty fix. As was noted in a recent critique of the 1969 ABM debate in the Senate by the Operations Research Society of America a synchronized attack on both land-based elements of our triad is hardly impossible. In this situation the President, if still alive, will have only the option of launching our SLBM's at Soviet urban-industrial targets, with a resulting massive SS–11 attack on American cities, or surface our Polaris-Poseidon force and surrender. With a counterforce or damage-limiting capability against hard targets the President would not have to make a choice between these two extremely undesirable alternatives but could order the destruction of the Soviet counter-city reserve force. Giving the Commander in Chief this option forecloses the possibility of the Soviets successfully attacking the United States using this type of strategy, other things remaining equal, and thus greatly decreases the chances that they would attack.

By equipping our missile forces with a damage limiting capability of the type advocated by Senator BUCKLEY we are eliminating one of the possible attack strategies which could lead Soviet planners to believe that a successful first strike against the United States is possible. By failing to make our missiles as accurate as they could be we are increasing the danger that the Soviets will conclude that an attack can succeed and thereby increasing the possibility that such an attack will take place. We are allowing our deterrent to be called into question and bringing to the fore that very situation which is used time and time again to argue against upgrading our missile force—that in a crisis the Soviets will attack.

It is time to completely rethink our entire approach to nuclear strategy. Senator BUCKLEY has done the Nation a real service by bringing his amendments to the floor of the Senate. Hopefully this action will stimulate debate of a new type and allow the Congress to emerge from the suffocating and unreal concepts propagated by the McNamara theorists which have for so long dominated discussion of the issue most directly effecting the survival of our Nation.

The article by Mr. Harrigan follows:

THE NATIONAL SECURITY CRISIS: AMERICA'S DETERIORATED DEFENSE POSTURE

(By Anthony Harrigan)

(NOTE.—Anthony Harrigan is Executive Vice President of the Southern States Industrial Council. Mr. Harrigan is a frequent writer and lecturer on national defense topics. His articles on military matters have been published in Proceedings of the U.S. Naval Institute, Military Review, Armor, Marine Corps Gazette, Ordnance, Canadian Military Journal, Wehrkunde, Australian Army Journal, NATO's Fifteen Nations, Revue Militaire Generale. He has lectured at the U.S. National War College and at Harvard University. Excerpts from this Report have appeared in Modern Age and New Guard.)

In the last decade, the American people have been witnesses to a shocking reduction in their national military power. Whereas in the 1950's the United States was the dominant country in the world, possessed of military might second to none, American strength in the 1960's and early 1970's has ebbed rapidly. The erosion of America's defense forces can be seen in terms of expenditures for defense purposes. The $71.8 billion proposed for defense in Fiscal Year 1971 was $9.8 billion below the Johnson administration budget for Fiscal Year 1970 and constituted the lowest percentage of the gross national product since 1951. In the judgment of U.S. Sen. Barry Goldwater, a member of the Senate Armed Services Committee, the United States is fast on its way toward becoming a second-rate power in the world and "is no longer in a position of parity with the Soviets."

The total significance of the erosion of America's armed might is what thoughtful citizens must seek to understand. Warships, military aircraft and missiles are instruments of national purpose. The history of the U.S. armed forces is the history of the American Republic—an index to the survival instinct and goals of the American people. If the American people are unwilling to provide adequately for their own defense, it is clear that their survival instinct has been impaired.

Historically, the armed forces of the United States have been the shield of the Republic. This has been especially the case in the cold war years. Though it is fashionable now to say that the cold war has ended, realists know strife with the communist powers has simply entered a new phase. Today the communist states evidence both the capability and intention of new agressive moves against the capitalist world.

For almost a generation, America's nuclear armaments have deterred the Soviet Union from starting a third world war—a massive strike against the free world nations. The conventional armed forces of the United States have been busily employed in the quarter-century past in fighting limited wars against communist aggression and in checking Soviet and Communist Chinese advances in many parts of the world. In the Cuban missile crisis of 1962, America's nuclear superiority and supremacy at sea prevented the Soviets from establishing domination over the West.

Today, however—less than a decade after the Cuban missile crisis—the United States no longer is the first military power in the world. In a few areas such as the design of multiple warhead (MIRV) missiles, the U.S. is technologically more advanced than the Soviet Union. But in terms of overall military capability the Soviet Union is ahead of the United States. Where the Soviets are now on a basis of parity with the U.S., they are moving ahead rapidly to overtake America.

The U.S. public has heard the facts from the Joint Chiefs of Staff. But the full significance of the erosion of U.S. military strength seems to have escaped the public. In Congress the weight of opinion is on the side of reducing U.S. military expenditures. Those members of Congress who press for dramatic action to restore America's strategic superiority are in the minority. The grim facts they recite fail to impress many key legislators and large and influential segments of public opinion.

MISSILE FORCES

Yet facts are facts. The most ominous of these relate to the comparative strength of U.S. and Soviet nuclear forces. In 1965 the Soviet Union's strategic missile force consisted of approximately 220 missile launches.

The missiles were comparable to the first generation of American ICBM's. At that time the U.S. missile force consisted of 880 ICBM's. We not only had the advanced land-based Minuteman missile but we had absolute supremacy in sea-based Polaris missiles.

Today the Soviets possess approximately 1,500 ICBM's, whereas the U.S. has only 1,054.

The giant Soviet SS-9 missiles have a capability far exceeding anything in the U.S. arsenal. All in all, the Soviets have 50 per cent more land-based missiles than the United States.

That is only part of the story; the United States has stabilized its missile force, whereas the Soviets are pushing ahead with construction of new land-based and sea-based missiles. At the present rate of Soviet missile deployment, the USSR should have 2,500 ICBM launchers by 1975. Unless dramatic action is taken this year, the United States will still have only 1,054 missile launchers four years from now. This dangerous imbalance is the result of the doctrine of nuclear "parity" developed by former Secretary of Defense Robert S. McNamara and continued by the Nixon administration under the guise of nuclear "sufficiency." Other nations, with no need to resort to euphemisms, will see this nuclear situation in terms of alarming U.S. weakness.

Some recent policy decisions are nothing less than extraordinary. For example, Gen. Bruce K. Holloway, head of Strategic Air Command, told Congress that the United States has purposely passed up the opportunity to make its Minuteman intercontinental ballistic missiles more accurate. He blamed the situation on those who "fear" that the improved ICBMs might be used as a "first strike weapon."

If the nuclear balance situation is gloomy now, it will be even less cheering in the mid and late 1970's. Consider the situation with respect to missile firing submarines. No U.S. missile-firing submarines have been built in more than two years. None are definitely scheduled for the future. The only significant change in the U.S. missile submarine force is in installation of advanced missiles in submarines conceived in the 1950's. There are studies of an ULMS (underwater long-range missile) submarine class, but no firm plans for construction. This advanced missile submarine is essential in view of the USSR's lead in land-based missiles.

The Soviets, meanwhile, are expanding their missile submarine force at a rapid rate. Adm. Elmo R. Zumwalt Jr., USN, Chief of Naval Operations, told the Society of Naval Architects and Marine Engineers last fall that the Soviet strategic naval forces take the form of the modern "Yankee" class nuclear powered ballistic missile submarines similar to our Polaris boats. They currently have 15 of these submarines in operation and are building 12 a year, a clear indication of their desire to back up their land-based missile systems with a powerful strategic naval force.

Gen. John C. Meyer, Vice Chief of Staff of the Air Force and an expert in missiles, has pointed out the long-range effects of this submarine construction program, saying that if they continue at their present rate, the Soviets will match the U.S. sealaunched ballistic missile inventory by 1974 or 1975. The Soviets also are testing a new, longer range submarine-launched ballistic missile.

MANNED BOMBERS

The situation with respect to manned bombers—another factor in strategic deterrence—is equally discouraging. In 1965, the United States had two and one-half times as many bombers as the Soviet Union, consisting of B-52's and B-58's. Today, the American bomber force has been reduced from about 750 to 450. All of the very fast B-58's have been retired from service. The proposed B-1 bomber, designed as a replacement, is receiving only limited development funding.

Another element in stratgeic deterrence is aircraft and missile defense. A limited antiballistic missile defense was authorized by the Congress—after the most difficult of struggles, but the Soviets are well along on building a strong ABM defense system. While SALT talks were in progress last year, the Soviets started construction of giant ABM radar units. Dr. M. B. Schneider, writing in *Ordnance*, has reported that "about a half dozen are operational or nearly so." Dr. John S. Foster Jr., director of Defense Research and Engineering in the Department of Defense, has warned that these radars "can in the near future provide the same radar coverage which we will have some eight years from now if all the Safeguard ABM program is completed." Dr. Foster noted that the "vast network of Soviet radars and defense sites, whether antiaircraft or antimissile, has already complicated the problem of arms control of ABM to the point where it may not be practical." It is estimated that the Soviets have more than 1,000 surface to air missile sites. The United States has one-tenth this number of SAM's and no ABM radars operational today. Moreover, U.S. surface to air missiles are Bomarc and Army missiles developed in the 1950's. The Soviets have had wide experience with operational SAM's in both North Vietnam and in the Suez area.

Tactical fighter forces still have an important role in air defense against bombers armed with nuclear weapons. Here again, the United States is at a marked disadvantage. The Soviets have 3,600 jet aircraft. The United States tactical fighter strength is about 1,600 aircraft. Moreover, the Soviets have a qualitative edge. In the last decade, they introduced nine new fighter aircraft. In the same period, the U.S. failed to develop a single new aircraft for the air-to-air combat role. The new military realities are evident in Europe where the Soviet Air Force is now using the new supersonic strike version of the MIG-23 fighter in large numbers. This fighter, labeled "Foxbat" by the NATO command, is faster than comparable aircraft used by American forces. Its reported speed is Mach 3—three times the speed of sound—compared with a speed of Mach 2.2 for the F-4 fighter.

All of these situations with respect to diminishing inventories of American weapons reflect an alarming decline in research and development—the elimination or cutback of defense programs leading to advanced weapons systems. Existing U.S. armaments date back to programs launched 10, 15, or even 20 years ago. In many cases, there is nothing in the mill to replace them. The studies undertaken during the McNamara years proved sterile. New weapons simply were not authorized. For example, the Soviet Union's new bluewater fleet is superbly equipped with surface-to-surface rockets. The United States has yet to develop such a naval missile, though the uniformed professionals have cited the need for years.

NAVAL FORCES

The deterioration of America's combat strength is especially apparent in the U.S. Navy. Failure to start a major naval construction program in the 1960's led to today's sharp curtailment of U.S. naval strength.

During the sixties, the United States depended on warships built to fight the Japanese and the Germans in the 1940's. They were patched and repaired, but replacements were not authorized. These ships have reached the end of their useful lives and are being decommissioned in large numbers. Severe budget cuts in the last two years have forced decommissioning of other ships which still have combat capability. Adm. Zumwalt is on record as nothing that—

"The budget cuts that have been taken in the last two years have been in the field of sea control forces. As a result we have, during the last two years, come down on the order of 35 percent of these forces. We can go no further without great risk."

Robert D. Heinl Jr., a leading authority on naval affairs, has said that the U.S. Navy in 1971 is likely to reach the point at which it was in 1936 in numbers of ships in commission.

In the four years from June 30, 1968 to June 30, 1972, the U.S. Navy will have retired *463 ships from the active list. During that same period, 141 new ships will have been commissioned, leaving a net reduction of 322 ships*—more than one-third of the entire American fleet.

Control of the seas depends on a complex of naval weapons systems: carriers, submarines, destroyers, intelligence-gathering ships, mine sweepers, and service ships. The United States has need of new ships in all of these categories. The current naval shipbuilding program is grossly inadequate to meet accumulated needs of many years. For example, under the fiscal year 1971 defense appropriations bill, only one new nuclear guided missile frigate was approved, only one fast combat support ship, only two general assault ships, and so forth. Great need exists for an entirely new class of fast surface-to-surface missile armed, small destroyers. Anti-defense elements in Congress oppose funds for such vessels. Yet, the Navy's manpower situation will become critical in the mid-1970's and small, heavily armed ships will be more important than at any time in decades.

SOVIET SEA POWER

Throughout the 1960's, U.S. naval forces went largely unchallenged. In the 1970's, there may be numerous direct and indirect challenges. The Soviets have powerful naval forces in the Mediterranean. They have used them in daring and dangerous ways, including collision-course tactics with U.S. warships. Soviet naval vessels frequently operate in the Caribbean. Indeed Sen. Strom Thurmond has asserted that "current intelligence reports also indicate the Soviet have broken their 1962 agreement with the U.S. by deploying nuclear missile launching submarines at Cuban bases." With the installation of a Marxist regime in Chile, it seems only a matter of time before the Soviet Navy has access to the port of Valparaiso. Then the Soviets will be in position to menace the Panama Canal from both the Pacific and Atlantic.

To see Soviet naval growth and operations in perspective it is necessary to survey the decade past. In 1960, the Soviets were engaged in major naval construction. High seas operations were rare. The first Soviet exercises in the Norwegian Sea were held in 1961. The next year saw new operations by Soviet maritime aircraft and the Cuban crisis, in which the USSR learned a lesson in the importance of sea power. In 1963, a pattern of bi-annual naval exercises in the Iceland-Faroes Gap was established.

The Soviet Navy introduced missile-carrying warships in 1964 and the Soviet Mediterranean squadron was established. By 1965, the Soviets were holding numerous large exercises in the North Atlantic. The year 1966 marked the maturing of the Soviet high seas fleet. Adm. V. A. Kasatonov, first Deputy Commander in Chief of the Soviet Navy, said: "The USSR Navy flag can be seen in all parts of the world's oceans." In 1967, the Soviet fleet stepped up all its activities. A Soviet-built Komar rocket boat, operated by Egypt, sunk an Israeli destroyer, impressing on the world the power of new Soviet naval weapons. In 1968, the Soviets deployed their helicopter carriers in the Mediterranean for the first time. The next year saw large-scale relief of the Mediterranean forces by the Soviet Northern Fleet and deployment of a task force to the Caribbean. The fleet was being used to "show the flag" on a worldwide basis. In 1970, the Soviets conducted major naval maneuvers in the Atlantic and Pacific and vastly extended their Indian Ocean operations.

It is against this backdrop of Soviet military and naval activity in many parts of the world that the visible decline of U.S. strength must be viewed. In several important areas, such as the Persian Gulf, the U.S. has only token forces. And many of the units are aging vessels which compare unfavorably with the new, heavily armed Soviet warships in the same areas. For example the Soviets have dispatched rocket-armed destroyers to the Persian Gulf where the commander of the U.S. Middle East Force flies his flag from an antique seaplane tender with no combat capability. The occasional U.S. destroyer in the area usually is an old gun ship built during World War II. In the 1950's American naval forces often could be supported by land-based air forces. But the United States has been compelled to leave many key air bases throughout the world such as Wheelus Air Base in Libya. America's tactical air power is locked out of North and Central Africa and the Middle East.

While the U.S. has retreated from air bases in Libya, Morocco and elsewhere, the Soviets have created a massive military bastion bridging the zone between the Mediterranean and the Indian Ocean and providing a jumping-off point for Central and Southern Africa.

U.S. Rep. Michael A. Feighan of Ohio has summed up the character and importance of this Soviet Middle East bastion, noting:

"In the Middle East the Soviets have established a vast complex of sophisticated weaponry scattered in a 50-mile belt extending from Alexandria, Egypt, southward 180 miles to the Gulf of Suez. Stationed here are the most advanced surface to air missiles manned by Soviet crews, amphibious equipment and 8-inch artillery."

THE INDIAN OCEAN

The Soviet objective in this region seems comparable to the Japanese objective, prior to World War II, in creating secret naval and military bases in the South-Central Pacific mandated islands: a launching site for major operations. The Soviets are aiming at a new short route to the Persian Gulf, the Indian Ocean, the strategic islands and rich lands of Southern Africa and the Pacific beyond. In short, they seek total domination of the virtually unprotected Indian Ocean world.

Today the Soviet Indian Ocean fleet consists of approximately 15 warships including missile-armed ships. At times this force has numbered as many as 30 vessels, however. The Soviet ships call at ports around the rim of this 28 million square mile ocean, showing the flag and impressing weak nations with the growing naval power of the Soviet Union. The Soviets reportedly enjoy repair and fueling facilities in India, and the strategic island of Mauritius has become another frequent and important port of call for the Soviet squadron.

Another aspect of the Indian Ocean situation that should be more widely understood in the United States is the movement of Soviet and East Bloc ships through the area. In 1969 more than 3,900 Soviet flag ships rounded the Cape of Good Hope en route to Africa, Middle Eastern and Asian ports. Soviet merchant vessels have to be regarded as an arm of the Soviet fleet. Many of these ships have a military potential or carry military goods to client states of the USSR.

While the Soviet Union is engaged in the same kind of naval buildup in the Indian Ocean that it carried out in the Mediterranean, the United States has not made any attempt to provide a counter-force—except for an occasional fleet visit by ships from the 7th Fleet in the Pacific. In the late 1950's Adm. Arleigh Burke, then Chief of Naval Operations, cited the strategic importance of the Indian Ocean. Adm. John McCain, Commander in Chief Pacific, also has stressed the U.S. security interest in the Indian Ocean in many speeches and writings. But the failure to modernize the U.S. Navy has resulted in inaction with respect to that vital global region.

TECHNOLOGICAL CHALLENGE

Even as the U.S. must prepare for new military challenges in remote global regions where America has not been involved in the past, the American people must bear in mind the importance of the technological challenge posed by the Soviet Union. It is not enough for a nation to have a strong will to win or a grasp of global strategy; a country determined to remain free must appreciate the extent to which an effective defense depends on investment in research and engineering. There isn't any technological plateau to which the United States can climb and rest comfortably thereafter. New advances in nucleonics, radar, surveillance systems, metallurgy—all have a direct bearing on America's national security. Nothing is more mistaken than the notion that the U.S. is safe against attack because it has a large arsenal of nuclear weapons.

The element of surprise is still a key element in warfare—as much as it was at Pearl Harbor in 1941. And the foes of freedom are constantly seeking technological means of gaining the advantage of surprise—the advantage of a first strike that would eliminate the possibility of a retaliatory strike by U.S.

forces. To deny the enemy the advantage of surprise means technological effort and vigilance on the part of the United States and this, in turn, means substantial, continuing investment in defense research and development.

To augment U.S. defenses in any meaningful way is extremely difficult these days. As Adm. Zumwalt has noted, "there is a tremendous disenchantment with the military, and a disinclination on the part of many of our countrymen to be concerned." There is no similar disenchantment on the part of the enemies of the United States. On the contrary, the Soviet Union's traditionally aggressive foreign policy is now wedded to the most aggressive military policy in the country's history. The leadership of the USSR has set its sights on the acquisition of supremacy in every military field—on land, sea and air. The Kremlin is busily establishing a global military presence to advance both the Soviet political system and to secure national strategic objectives.

In the main the American people—or a very large segment of our population—do not want to hear about the Soviet Union's military buildup, its drive towards supremacy in all areas, any more than the French people in the late 1930's wanted to hear about Germany's rearmament. The American people seem tired of sustaining the defense effort—even though that effort has given them a generation free of direct enemy assault. The American people are preoccupied with social issues and with domestic expectations of one sort or another. They long to enjoy an even more comfortable existence at home. They respond to warnings about Soviet military expansionism with the counterstatement that there is not any real threat or that increasing Soviet military capabilities don't indicate dangerous intentions on the part of the USSR. It is difficult to deal with such denials of reality or to reach those who persist in arguing that danger to America is nonexistent. Thus defense budget levels are not in accord with national requirements. The capability of the U.S. armed forces to deal with threats to the nation is being reduced year by year.

ANTIDEFENSE MOOD

The problem of maintaining a moderately strong defense establishment, let alone augmenting its strength to deal with new Soviet threats, may worsen in the year ahead as the Vietnam war winds down. In the past, the end of conflicts in which the U.S. has been engaged has produced hasty dismantling of essential armed forces. This was the case at the end of World Wars I and II. The U.S. Army may face the brunt of the demands for "economy" in defense spending. Certainly, the size and composition of the Army will have to change after the Vietnam war is ended. But the Army must not be sacrificed. On the contrary, the Army will need to be re-equipped for missions elsewhere on America's strategic frontiers.

No one can deny that it will be expensive to refashion the Army, to undertake new naval commitments, and to provide new offensive and defensive nuclear systems. But since when has freedom been obtained at a cut-rate price? The British people maintained their freedom in World War II only at a staggering price in national treasure, not to speak of lives. There is no suggestion that the British are sorry they paid the price. Today the captive peoples of Eastern and Central Europe unquestionably would be willing to pay any price to be free of the Soviet yoke. If the American people, possessing the greatest amount of wealth in the world, are unwilling to make the necessary financial sacrifice for their own safety and national survival, the freedom and security they now enjoy will elude them in the future. The American people are truly fortunate in that they can, with good management and elimination of welfarism, afford *both* guns and butter—missiles and desirable public services.

The principal need today—even before military hardware—is to renew the American people's understanding of the vital importance of strong national security forces. These forces are not unreasonable burdens, as some citizens insist, but an opportunity to preserve freedom. Great peoples are willing to bear heavy burdens in order to ensure their freedom. In totalitarian countries ruling elites simply commit the nation. The people have no voice on defense issues. The American people, however, must understand the issues. They must acknowledge the need for a strong national defense and give their consent to expenditures for this purpose. It would be tragic beyond words if the American people, in their period of greatest prosperity and comfort, failed to understand the necessity of defense and refused to approve the essentials.

For America and its values to survive, it is imperative that Americans arrest the decline in U.S. military strength and acquire the arms essential to defense in the mid and late 1970's and 1980's. The American people can't afford to be outgunned by the enemies of Western civilization and freedom. Certainly, our people don't want to go the way of Carthage in the classical world. But if they want to avoid the fate of Carthage they must reject the counsels of those who are sounding the trumpets of retreat.

If the American people are awake, they will insist that the U.S. armed forces be provided with all the tools of defense—the nuclear navy, missiles and conventional forces—that spell the difference between national life and death.

A NEW OPPORTUNITY TO FIGHT CANCER

HON. BROCK ADAMS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. ADAMS. Mr. Speaker, I would like to commend to my colleagues an article by Dr. H. Marvin Pollard, president of the American Cancer Society, entitled, "A New Opportunity To Fight Cancer," which appeared in the Washington Post on October 6, 1971. Dr. Pollard clearly expresses the intent and thrust of the Conquest of Cancer Act—S. 1828—which is now being considered by the Public Health Subcommittee of the House Interstate and Foreign Commerce Committee and on which the House may soon be called to vote. The article follows:

[From the Washington Post, Oct. 6, 1971]

A NEW OPPORTUNITY TO FIGHT CANCER

The current House hearings in Washington and those scheduled to take place October 11th in Roswell Park Memorial Institute, Buffalo, New York, again make pertinent for the public an examination and clarification of Bill S. 1828, designed to establish an independent conquest of Cancer Agency, within the National Institutes of Health. The purpose is to expedite the Conquest of cancer.

Although the Senate passed this bill 79 to 1, there again appears to be some public, medical profession, and journalistic misunderstanding as to the effect of this bill.

To summarize:

1. The majority of doctors who are cancer specialists are for the bill. Most of the opposition comes from those who may be fine scientists in their own fields, but are not experts in cancer, and do not therefore fully understand the situation.

2. The bill is based upon a 7 months exhaustive study by a panel of experts, who, after interviewing 200 witnesses, reluctantly came to the conclusion that an independent Cancer Authority is necessary. (We would have liked to arrive at a conclusion supporting the *status quo*, but the facts dictated otherwise).

3. None of the opposition, honest but not fully informed, has made any parallel study.

4. Actually all that S. 1828 boils down to is an advance in mechanics of administration. The essential intellectual and scientific relationships would remain the same, but there would be less bureaucratic, structural, and more financial saving in overhead and administration. The National Cancer Agency would have autonomy and budgetary independence, while keeping within the structure of the NIH.

5. Concern has been expressed that the proposed National Cancer Agency will cause a fragmentation of the NIH. On the contrary, it will strengthen it. The American Cancer Society was one of the original supporters of the creation of the National Cancer Institute. Obviously, we would not embrace any proposal that would harm what we helped to create.

6. The time is ripe for an all-out attack against cancer. We cannot stand still in the cancer fight just because there may be a standstill in some other diseases. It took over a year to arrive at the cancer administrative idea. Cancer cannot wait while proponents of support for other diseases make their plans.

7. The provisions of S. 1828 will not financially harm the budgets of the other institutes. In fact, the appropriations passed in July, for fiscal 1972, for NIH (excluding the National Cancer Institute) are 142 million dollars more than the President's proposed budget. Bio-medical science benefits by this increase.

8. Conclusion: S. 1828 offers a new opportunity to fight cancer, which will not be met if the *status quo* is retained. It is vital that this bill be passed in the House, as it was in the Senate. About 300,000 persons in this nation will die of cancer this year.

H. MARVIN POLLARD,
President, American Cancer Society, Inc.
New York.

FIRE PREVENTION WEEK

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. WOLFF. Mr. Speaker, I want to take this opportunity to call to the attention of the Members that this is National Fire Protection Week.

In accordance with the serious purpose of the week the many excellent volunteer fire companies in my congressional district are observing the week with a number of important undertakings. There are open houses at the fire stations, visits to schools to lecture on fire prevention, fire drills, and the inspection of schools for fire hazards.

It is entirely appropriate that the volunteer and paid firemen on Long Island, throughout New York State and, indeed, across the country, are playing an active role in the affairs of fire prevention week. It is these men who through selfless service and devotion to community service provide the year-round firefighting that protects our population.

Fire Prevention Week is an appropriate time to pause and reflect on the invaluable services performed by firefighters throughout this country. Without their concern our children and grandchildren would not be as safe as they are today. I am certain my colleagues join me in recognizing National Fire Prevention Week and in extending our sincere appreciation to all the excellent paid and volunteer firemen throughout this country. We owe them a lasting debt of gratitude.

SURPRISING RESULTS FROM SURVEY OF BUSINESS EXECUTIVES' ATTITUDES TOWARD SST

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. FRASER. Mr. Speaker, the magazine Dun's recently polled the 300 corporate executives of its President's panel concerning their attitude toward the Government's decision to rescue the Lockheed Aircraft Corp. Surprisingly, according to Dun's, "almost all agree that the Government action set a dangerous precedent." The complete article follows:

SHOULD THE GOVERNMENT RESCUE COMPANIES?

The Lockheed bail-out, says the Presidents' Panel, has dangerous implications for American business.

Few recent issues have stirred up such widespread debate among politicians, businessmen and citizens alike as last month's Congressional decision to guarantee $250 million in bank loans to save ailing Lockheed Aircraft Corp. from bankruptcy. Certainly few measures have squeezed through Congress by narrower margins—by one vote in the Senate and three in the House—or cut so sharply across normal ideological lines, with conservatives, moderates and liberals forming "unholy alliances" on both sides of the issue.

And the dust has not settled yet. Although the Lockheed question has been resolved, at least for the time being, Congress' action has raised some serious questions about the role of the government in a free economy and about the future of the free-enterprise system itself. Should the government rescue private corporations from the perils of the marketplace? If so, what should be the criteria for such assistance? and what are the long-range implications of such a policy?

To get the thinking of the nation's business community on this controversial subject, DUN's put these questions to the 300 corporate presidents and chairmen who make up its Presidents' Panel. The panelists' overall view: While some of them believe that Lockheed might have been a special case, almost all agree that the government action set a dangerous precedent. As President Orin E. Atkins of Ashland Oil puts it: "Greater influence of government on the economic system is perhaps an inevitable consequence of the increasing complexity of our social and economic institutions. Nevertheless, private enterprise will regret anything that accelerates this trend, such as dependence on Big Brother."

In other words, the industry leaders caution, business will pay a high price for government help. "Capitalism," comments President J. Peter Grace of W.R. Grace & Co., "is a risk/gain, loss/reward system. If one limits the risk, it is inevitable that the gain will also ultimately be similarly limited, which means a breakdown of the basic tenets of our economic system."

Or, as Chairman William W. Keeler of Phillips Petroleum Co. warns: "Undoubtedly, severe government controls would be involved."

And that is not the only thing industry would have to watch out for if government got into the habit of rescuing sick companies. John T. Connor, the former Secretary of Commerce under Lyndon Johnson who is now chairman of Allied Chemical Corp., makes the point. "Political favoritism," says Connor, "would be bound to prevail."

Even disregarding these potentially dangerous factors, say the panelists, at the very least such a policy would have a deleterious effect on corporate management. For the knowledge that the government could be counted on to keep a company from going under would remove much of the incentive for managerial efficiency or increased productivity. Indeed, declares Chairman William P. Drake of Pennwalt Corp., "The incentive to succeed might well dissolve completely."

In effect, this would mean rewarding inefficiency and mismanagement by providing "a crutch"—a favorite word of the panelists—for the poorly run corporation. "To be efficient," says President Herbert E. Markley of The Timken Co., there must be rewards, and there must be penalties. We can't expect to survive if we wish to pay only the rewards."

Inherent in this general view, of course, is business' fear that large-scale government bail-out programs would only hasten the U.S.' already obvious trend toward socialism. The concept of government loans could snowball, with demands for similar aid for banking, insurance and other industries. Says Chairman Harleston R. Wood of Alan Wood Steel Co.: "We might as well give up capitalism and have socialism if the government is to rescue private corporations."

A SPECIAL CASE?

Some of the panelists, to be sure, say that Lockheed *might be* a special case, since it is so heavily dependent on the government for its livelihood. They point out that, as everyone knows, government procurement policies are sometimes ill-conceived at best, and are often changed in midstream. "There may be circumstances," says Chairman George R. Vila of Uniroyal, "where government policies, regulations and restrictions . . . may contribute to the financial difficulties in which the company may find itself."

But a lot of the panelists do not consider this a good enough reason. Speaking for the majority, Herbert Markley of Timken argues, "Any corporation that does business with the government should have to meet the same tests for being in business as any other private corproration. I think it is unfortunate," Markley adds, "that the government makes contracts in the way it does, because it encourages inefficiency, pays for questionable management and business practices, and thereby many times keeps a company alive unnaturally."

Even if Lockheed is a special case, the chief executives stress, the implications of the government action overshadow any other consideration. As President Roger W. Gunder of Stauffer Chemical Co. expresses it, "I believe Lockheed has a somewhat better case for federal aid than the typical corporation. But by no means do I consider the reasons sufficient to create such an important, far-reaching precedent."

Moreover, several of the panelists note, the TriStar jumbo jet (the planes for which the government loans are guaranteed) is not a defense product. "In my opinion," says Allied Chemical's John Connor, "Lockheed had a very weak case because its contract with Rolls [Rolls-Royce, the British company chosen to make the TriStar engines, which went bankrupt] was a private-sector contract, which was made possible by preferential financial arrangements by the British government that were unfair to the U.S. competitors of Rolls."

And what about the now bankrupt Penn Central Transportation Co., the most obvious comparison to the Lockheed situation? Last year the Nixon Administration also sought direct help for the nation's largest railroad, but backed off after key Congressmen refused to go along.

Some of the panelists believe that government action in the Penn Central case would have been more justified than in Lockheed's situation, on the grounds of both the nation's economy and public interest. And, of course, because the railroads are so heavily—and, most believe, badly—regulated. "Penn Central had a much better case for a government loan," says Harleston Wood of Alan Wood Steel, "since it is maintaining an essential service, and a large part of its trouble arose from over-regulation by government agencies." Agrees President J. Henrry Smith of Equitable Life Assurance Society, "Its services are desperately needed; it is more of a public utility than Lockheed."

Still, the majority of the panelists hark back to one theme: The Penn Central's bankruptcy, they say, was largely caused by bad management. And even if the railroad had reached the point of no return, they add, bailing it out was not the answer. "I don't believe in rescue operations," says Chairman M. Wilbur Townsend of Handy & Harman. "But I do believe in the government acting responsibly to help preclude the need for rescues, such as proper legislation."

Several panelists go further. In the words of Chairman Ralph J. Kraus of Giddings & Lewis, Inc.: "If the railroads must be nationalized in the public interest, then it appears to me this should be the route rather than loans."

Nor was there widespread sympathy among the panelists for resurrection of the old Reconstruction Finance Corp., which was formed during the Great Depression to make loans to banks, businesses and public agencies. Some Administration officials have mentioned in private the possibility of forming a new RFC, although so far nothing has been proposed in Congress as yet.

The panelists are afraid that "political favoritism," which led in part to the end of the RFC in the late 1950s, would follow any new Administration action in this regard. "The political pressures would be fantastic," says President Leo H. Schoenhofen, Jr. of Marcor. "It would adversely influence good business judgments and increase risks of more failures."

The whole system of defense contracts, the business leaders argue, needs to be reevaluated. For one thing, they say, companies should not be allowed to submit bids when it is obvious they will not be able to make a profit or may need outside help later on. The defense companies, says President Bruce E. Horst of Barber-Colman Co., get into trouble not only through bad management, but "by bidding too low on government work with the hope that they can get an 'add on' to their contract in the future."

Perhaps the most interesting "solution" to the problem is suggested by President Victor H. Pomper of H. H. Scott, Inc., who urges an American version of "Japan Inc.," an acryonym applied to the close cooperation among government, business and labor in Japan. Says Pomper: "We need a new cliché to replace 'free enterprise,' which has too many outmoded, emotional overtones. In a shrinking, ever more complex world, government, industry and labor should be interdependent, not independent. They should cooperate, not always be at each others' throats. Let's copy Japan for a change. They have the most intelligently directed economy in the world."

F. HURLBUT CO.

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. BYRNES of Wisconsin. Mr. Speaker, the F. Hurlbut Co. of Green Bay, Wis., is this year celebrating its 100th anniversary. During the past 100 years, the F. Hurlbut Co. has established itself as an innovative and progressive leader in a variety of business endeavors throughout Wisconsin. The company has played an important role in the economic growth of Green Bay and many other communities in the State.

The present officers and shareholders of the company are descended from or related to descendants of the original founder, Mr. Frederick Hurlbut, a Civil War veteran.

The chairman of the board, Mr. F. J. Lenfestey, and the president of the company, Mr. Wesley H. Garner, are the grandsons of the original Fred Hurlbut. Mr. Fred L. Garner, secretary and treasurer, is a great-grandson and Mr. Charles H. Bennett, vice president, is related by marriage.

Mr. Fred Hurlbut first went into business in 1871 as a wholesaler of building materials, coal, and foodstuffs, which were brought to his dock in Green Bay by sailboats via the Great Lakes.

In the early 1900's, the provisioning was phased out, and, as more immigrants came into Wisconsin to live and educate their children, the F. Hurlbut Co. supplied much of the brick and mortar used to build their homes, schools, churches, and factories.

Fred Hurlbut also was active in civic affairs and invested in and started other business firms in the area. In 1913, he died and a corporation was formed with Fred Hurlbut, Jr., as president.

Through the years the Hurlbut Co. expanded its operations and services, introducing higher quality coal to Wisconsin in the 1930's and at the request of the Federal Government during World War II, bringing in thousands of tons of agricultural limestone for Wisconsin farmlands which had gone sour.

After the war, the company went into the concrete production business, soon becoming a recognized leader in the industry for its many innovations and inventions.

At the present time, the company consists of four divisions: the dock operation; the concrete products division, which produces block, brick, telephone and electrical conduit, concrete culvert and sewer pipe, steel and aluminum pipe and casings; the prestressed concrete department; and the farm products division.

I extend my congratulations to the F. Hurlbut Co. on its anniversary. All those involved with the company can be proud of the fine service they have rendered to community, State, and Nation.

LONG BEACH NATIVE NOW NO. 1 WOMAN ATHLETE

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. HOSMER. Mr. Speaker, the other day, President Nixon took a moment to recognize a tremendous achievement by a young lady from my congressional district, Mrs. Billie Jean King, the world's No. 1 woman athlete.

Billie Jean last week became the first woman to earn more than $100,000 in 1 year as a professional athlete when she won the 1971 Virginia Slim Thunderbird Tennis Tournament in Phoenix, Ariz.

As a schoolgirl in Long Beach, Billie Jean Moffitt was a natural, all-around athlete. She played softball, touch football, and basketball. Once she scored 42 points in a single basketball game. She once outraced a group of boys in the 60-yard dash.

More important her parents, Mr. and Mrs. William Moffitt, decided to send their daughter for free tennis lessons at a public park in Long Beach when Billie Jean was 11. Soon she was winning at every local competition.

In 1966—just 11 years later—Billie Jean won the singles championship at Wimbledon, a feat she repeated in 1967 and 1968. During 1967, she also won the U.S. open as an amateur.

Mrs. King became a professional in 1968. This year her string of victories, including winning the U.S. Open without the loss of a single set, stamps her as one of the greatest athletes in the 98 years of world tennis history. She won 11 tournaments in the Virginia Slims series, including the season's largest purse—$10,000 in the Houston Invitational.

Before Billie Jean King came onto the scene, women athletes in America were woefully behind men in earning power. The peppy Californian not only spearheaded the movement for more equal prize money in tennis—but she went on to win a good portion of the new prize money herself.

While the names of famous women athletes—chiefly in tennis and golf—are often as well known as their male counterparts, many kept their amateur standings over the years, because of the relatively small reward offered by professional competition. In tennis, Helen Wills Moody, Helen Jacobs, Althea Gibson, and the late Maureen Connolly all played as amateurs for most of their playing years.

In golf, the late Babe Didrikson Zaharias played professionally for only 4 years, winning $15,087 in 1951, her best year. The female golf earnings record is held by Carol Mann, who won $49,152 in 1969. The year before, Kathy Whitworth reached $48,379.

In an era when women are demanding and achieving equality with men in a variety of fields, Mrs. King's achievement stands out.

PROVIDING TUTORIAL AND RELATED INSTRUCTIONAL SERVICES FOR HOMEBOUND CHILDREN

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. BADILLO. Mr. Speaker, I am pleased to introduce on behalf of myself and 74 other Members of the House an amendment to the Education of the Handicapped Act to provide tutorial and related instructional services for homebound children through the employment of college students.

Approximately 1 million youngsters in our Nation fall into the category of the homebound handicapped. These children for varying lengths of time, are unable to attend school. As a consequence, they suffer academically and emotionally. A considerable portion of those who are eventually enrolled into regular classes experience all the difficulties of children coming from a deprived background—poor social adjustment, academic difficulties, emotional problems.

In some parts of our Nation handicapped youngsters enjoy more academic advantages than in others. There are localities that provide for 5 or more hours of home instruction weekly. In other cases, however, children receive a scant hour a week, and some educational agencies, due to lack of funds, have been unable to make an assessment of their needs.

I have discussed with many State educational officials my intention to introduce legislation providing financial compensation to qualified college students, of their choosing, who could act as home tutors for these youngsters. Forty-eight States have responded to my proposal and have supplied me with suggestions that I have incorporated into the bill we are introducing today.

I am grateful to my colleagues for the interest they have shown in the plight of these youngsters. I want to express my appreciation for the truly bipartisan response I have received and would like to take this opportunity to request the support of all the Members of the House for this very necessary legislation.

For the information of my colleagues, I am inserting here the full text of the bill and the list of the cosponsors:

H.R. 11132

A bill to amend the Education of the Handicapped Act to provide tutorial and related instructional services for homebound children through the employment of college students, particularly veterans and other students who themselves are handicapped

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Education of the Handicapped Act (20 U.S.C. 1421–1426) is amended by adding at the end thereof, a new part II, as follows:

"Part H—USE OF COLLEGE STUDENTS AS TUTORS AND INSTRUCTIONAL ASSISTANTS FOR HOMEBOUND CHILDREN

"AUTHORIZATION OF PROGRAM

"SEC. 671. (a) The Commissioner is authorized to make grants to State education agencies to enable them to develop and carry out programs, at their and at local educational agency levels to provide, through the use of students in institutions of higher education, tutoring and instructional assistance, under the supervision of a qualified teacher, for homebound handicapped children who, though able to benefit from preschool, elementary, or secondary education, are prevented by their handicaps, by lack of facilities, or because they experience special difficulties when in school, from attending school. Homebound children for whom services under this part may be provided include but are not limited to those as defined under section 602, paragraphs (1) and (15), and such services may be provided to children who are homebound for short or long terms.

"(b) For a local educational agency to receive assistance under this part from a State education agency, it shall make a proposal to the State educational agency for a tutorial or instructional assistance program to be carried out through a cooperative arrangement with one or more insitutions of higher education. The local educational agency shall give assurances that:

"(1) in selecting students to participate, (A) special consideration will be given to veterans qualified for vocational rehabilitation under chapter 30 of title 38, United States Code, and to other handicapped students (provided in either case that their handicaps do not make their working with homebound children ineffective); and (B) among sudents otherwise equally eligible to participate in the program, preference will be given to those having greater financial need.

"(2) the program will be administered by the local educational agency in accordance with its rules and regulations relating to homebound instruction, and

"(3) participation in the program will not interfere with the academic progress of participating students,

"(4) compensation paid to participating students will be set by agreement between the local educational agency and the student's institution, the maximum to be established at the direction of the Commissioner. In no case shall the compensation be established below the prevailing minimum hourly wage,

"(5) funds will be used in such manner as to encourage equipping the homebound handicapped children for eventual full assimilation by society, with every effort to avoid development of a segregated, permanent system of education for the handicapped,

"(6) Federal funds made available under this part will be so used as to supplement and, to the extent practical, increase the level of State, local, and private funds expended for the education of handicapped children, and in no case supplant such State, local and private funds.

"APPLICATION

"SEC. 672. (a) The Commissioner shall make grants under this part to State educational agencies on the merits of their proposals to him which shall be submitted on such application forms and under such guidelines, as he shall prescribe. Proposals shall contain, among other information as required by the Commissioner (1) all data from local education agencies' proposal to the State, as is required to support the total amount of funding requested by the State; (2) the State's detailed plans for conducting, or providing for the conduct of, evaluation of the program supported under this part; and (3) the State's detailed plans for locating and identifying all of its homebound children who could benefit from this program.

"(b) An amount not to exceed 10 per centum of the total funds awarded to a State under this part shall be available to the State for it and its local education agencies to administer the program.

"AUTHORIZATION OF APPROPRIATION

"SEC. 673. There are hereby authorized to be appropriated $55,000,000 for the fiscal year ending June 30, 1973, and such sums as may be necessary for fiscal year ending June 30, 1974 and for fiscal year ending June 30, 1975, for carrying out the provisions of this part.

"ALLOTMENTS TO STATES

"SEC. 674. All of these sums shall be granted at the discretion of the Commissioner; however, the Commissioner shall set aside 25 per centum of the total appropriation and preliminarily allocate (but not automatically grant) to each State (as defined by Sec. 602(6) an amount which bears the same ratio to such amount as the number of children aged three to twenty-one, inclusive, in the State bears to the number of such children in all the States. The Commissioner shall approve or disapprove applications from the States, and any funds preliminarily allocated to a State whose application is disapproved, or which fails to file timely application, shall be added to, and be included for distribution under, the remaining 75 per centum of the funds. The Commissioner shall not disapprove any State's application until he has offered and (if the State accepts his offer) provided technical assistance to that State in an effort to bring that State's application to a level of approvable quality, so that the State may then be granted its proportionate share of the 25 per centum set aside, and, if then applicable, an appropriate portion of the remaining 75 per centum."

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HEARINGS ON THE OPERATION OF THE NATIONAL LABOR RELATIONS ACT RESUME OCTOBER 26

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. THOMPSON of New Jersey. Mr. Speaker, on October 26 the special subcommittee on labor will resume its oversight hearings on the operation of the National Labor Relations Act.

Earlier this year, the subcommittee examined the effectiveness of the remedies available to labor and management under the act, and explored the problems caused by the National Labor Relations Board's high caseload and the long delays already built into the act. We received valuable criticisms and suggestions from labor, management, the Board itself, and the academic community.

Now we are turning to a study of the administrative and legislative restrictions on the Board's jurisdiction and will once again seek the views of all segments of the labor-management community.

We will first look at groups over which the Board has recently either asserted or declined to assert jurisdiction. These are professional sports, race tracks and gambling casinos, proprietary hospitals and nursing homes, and educational institutions. Our purpose is to take a before-and-after look at labor-management relations within these groups and see whether the act made a difference where jurisdiction was asserted.

Then we will examine the statutory exemptions for nonprofit hospitals, domestic workers, State and local Government employees, and the exemption by Supreme Court decision for workers on foreign flagships. Our purpose here is to reassess the validity of these exemptions in the light of the changing conditions in these fields.

Our tentative hearing schedule is as follows: October 26 and 27, professional sports; November 3, race tracks and gambling casinos; November 9, educational institutions; November 10, 16, and 17, proprietary and nonprofit hospitals and nursing homes. The hearings will resume in January with the exemptions for foreign flagship workers, domestic employees, and State and local government employees.

The hearings I have announced today, together with those held earlier this year, represent the most comprehensive legislative review of the National Labor Relations Act by the House since 1961. We will be issuing a detailed report of our findings and conclusions sometime during the second session of this Congress.

NEW ECONOMIC POLICY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I insert in the Record an excellent editorial reply by Mr. Tom Turner, president, Metropolitan Detroit AFL–CIO, appearing on WJBK–TV2, Detroit, Mich.

Mr. Turner's comments on the views of labor with regard to the President's actions on setting a new economic policy merit careful consideration:

COMMENTS BY TOM TURNER

TV2's most recent editorial noted that the President has actively sought the views of labor in setting a new economic policy, making planned union demonstrations during his Detroit visit unnecessary or at least premature. Replying to that editorial here is the president of the Metropolitan Detroit AFL–CIO, Mr. Tom Turner:

The Metropolitan Detroit AFL–CIO has called for peaceful, responsible picketing of Cobo Hall during President Nixon's visit Thursday to try to convince him to put some fairness in his so-called economic game plan.

We reject TV2's position that our demonstration of concern is unnecessary on the grounds that President Nixon is responsive to the suggestions of labor leaders.

Quite the contrary. The record shows that Mr. Nixon has been most unresponsive.

For more than two years, we have cried out against rising unemployment, rising prices, rising interest rates and a sagging economy. For more than two years, Mr. Nixon did not respond. He said the economy was doing fine.

Then, abruptly, unfairly, and without consulting with labor or the people, the President slapped together a freeze which put the burden on the backs of the working people and the poor.

No, Mr. Nixon has not responded. Not on the economy, not on ending the war, not on meeting the needs of the cities, and not on most of the other pressing problems confronting us.

Our lawful, orderly protest at Cobo Hall Thursday night is designed to let the President know what we think of his programs and his lack of programs. If you agree, please join us in this peaceful demonstration. We hope that this time the President will listen, and that he will be fair to all of us.

Replying to a TV2 editorial, you have heard Mr. Tom Turner, president of the Metropolitan Detroit AFL–CIO.

PAN AM RESCUES STRANDED YOUTH

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. MURPHY of New York. Mr. Speaker, I know I speak for many of my colleagues when I express my concern over the recent stranding of untold numbers of American youth in Europe by unscrupulous charter organizations and nonscheduled airlines.

Many of these youth had saved their allowances and worked for years in order to accumulate sufficient money to make this trip.

During the summer of 1970, my own son, John Michael, was stranded in Europe following the collapse of the World Academy Tour. I have introduced legislation (H.R. 266) aimed at correcting the abuses which lead to such situations, and many Members have cosponsored or introduced similar bills.

The inconvenience generated by the stranding of innocent American citizens abroad must be brought to a halt and all reasonable efforts made to insure that those Americans who have been victimized by the charter strandings will be protected and that those still remaining abroad, and there are many, will be returned safely to their homes with a minimum of inconvenience and cost.

Mr. Speaker, it is in connection with this last expressed hope that I would like to commend Pan American World Airways and Najeeb E. Halaby, president and chief executive officer, whose concern for the public interest and the consumer was dynamically displayed by the recent rescue of many of these stranded youth by Pan Am.

I ask unanimous consent to insert in the Record an article which appeared in the September 7 issue of San Francisco Chronicle.

[From the San Francisco Chronicle, Sept. 7, 1971]

TICKETS ON CREDIT—PAN AM RESCUES STRANDED YOUTHS

London.—Pan American Airways said yesterday it has handled over 1000 young Americans wanting cut-price tickets home on credit in the five days since the company offered the credit ticket plan.

"A good 700 of these youngsters have come to us because their charter companies have sold them worthless round-trip tickets," a spokesman said.

"This is a huge number of people who are either stranded or broke," he said.

"Some of the stranded students we coudn't help because they hadn't the money back home to pay even $95."

ONE-WAY

Many of the students paid full round-trip prices to phony "student charter associations" and received a one-way ticket and a voucher for the return ticket, which the associations claimed could be redeemed in Europe.

But, when the students attempted to redeem the voucher, they were told it was worthless.

James Black, president of a Dallas travel agency, flew into London Thursday to give free tickets home to stranded students who couldn't get credit.

"I must have seen between 300 to 400 young people in the time I've been here," he said.

"But the trouble is sorting out the genuine cases from the ones that are just on the make. I've been really saddened by the number of young people around who will do anything to get something free. They talk about a generation gap—I guess the gap can't be too wide between me and that sort," 51-year-old Black said.

"The government will have to take immediate and decisive action to stamp out these crooked charter companies who are prepared to milk kids of their money and then leave them stranded in Europe. I have heard cases that make me ashamed I'm in the travel business," he said.

New York State Attorney General Louis Lefkowitz and the U.S. State Department are investigating fraudulent air charter companies based in New York.

EMERGENCY STRIKE LEGISLATION

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. HARVEY. Mr. Speaker, it was my privilege this morning to appear before the Labor Subcommittee of the Senate Committee on Labor and Public Welfare. This committee is currently holding hearings on emergency strike legislation, and I discussed the legislation that 70 cosponsors and I have introduced on this subject in the House.

I am most grateful for the strong support my proposal has received among my colleagues in the House, and I am delighted that the Senate is also considering this very important matter. I look forward to prompt and positive action by both bodies on this issue. I am happy to report that my good friend and former colleague, Senator ROBERT STAFFORD, has agreed to sponsor my proposal in the Senate, and the bill has been introduced as S. 2655.

At this point, Mr. Speaker, I would like to include my complete statement presented this morning:

STATEMENT OF REPRESENTATIVE JAMES HARVEY

Mr. Chairman, as a member of the Transportation and Aeronautics Subcommittee of the House Committee on Interstate and Foreign Commerce, I have long been aware of the problem now being studied at these Senate hearings and at the hearings just recently concluded in our Subcommittee in the House. National railroad strikes have been recurring with all-too-familiar regularity since I first came to Congress almost eleven years ago. Each time, to prevent economic hardship and to protect the public welfare, Congress has enacted temporary, eleventh hour solutions.

It's time—unquestionably late but still of great necessity—that this Congress show both the political courage and leadership that is so necessary in controversial legislation such as this. The 92nd Congress, unlike those of the past, must have the courage to tell both management and labor that our nation's 220 million people can no longer be pawns in all too frequent and crippling rail strikes. The kind of courage that I refer to was best recorded some years ago by a Member of this great body, the late President John F. Kennedy, in his book, "Profiles In Courage." It has been easy—too easy—for past Congresses to "ride the tide" of management-labor rail disputes. Emergency strike legislation has languished over the years. I submit, however, it's time that this Congress seize the opportunity and enact historic permanent legislation that is reasonable and fair to all concerned.

I believe sincerely that if Congress fails to act soon, we who serve as Senators and Representatives had better "bone-up" on how to run the railroads. "Nationalization" used to be a dirty word. More and more thought, however, is being given to such Government action. Just last week, in testimony before our House Subcommittee, C. L. Dennis, Brotherhood of Railway, Airline and Steamship Clerks, Freght Handlers, Express and Station Employees, outlined a legislative proposal that would authorize the President to "take possession and control and to operate the rail transportation system or systems involved in unadjusted labor disputes." On the same morning, a representative of the American Bar Association listed "Executive Receivership" as a possible alternative for the settling of rail disputes. Two of my colleagues in the House—Congressman Pickle and Congressman Dingell—have introduced legislation that calls for government seizure in times of emergency disputes. I note also that Senator Javits' "Emergency Labor Disputes Act of 1971" includes possession as a possible alternative solution.

I do not believe this is what our country wants or needs. We in Congress have an obligation to give our free enterprise system a chance. Frequent rail and air disputes are economically devastating. We cannot and we must not tolerate them any longer.

Just recently, the United Transportation Union concluded the first selective rail strike in railroad history. The difference, however, between this so-called selective strike and a national walkout was hard to discern. Without court-imposed limitations, the strike affected 17% of the revenue ton mile capabilities in the Eastern region, 26% in the Southeastern region, and 43% in the Western region. In all, ten Class-I carriers were struck. If the unions had escalated the walkout on August 6th as planned—fortunately the strike was settled on August 2nd—43% of the Eastern region and 55% of the Western region would have been without rail service. Technically, the U.T.U. stoppage was a selective strike; to the California farmer, the West Virginia coal miner, the Georgia poultry grower, or the Oregon lumberman, whose reliance on rail services is total and limited to one carrier, the effect was hardly selective.

During the August recess, I contacted some of the nation's major industrial and agricultural associations to determine the effect of the U.T.U. selective strike on their industries. The answers are startling! Curtailment of rail service in Oregon alone amounted to a $19.4 million daily loss in the forest products industry. The daily loss to the California economy from the inability of the farmers to ship their produce reached $11.2 million. Chrysler reported that if the strike had continued for another two weeks, it would have been forced to close 35 plants and to lay off an estimated 110,000 workers.

While the strike is generally accepted as a basic right of the American worker, it is clear that the "selective strike," as currently practiced, is little improvement over the national strikes which have occurred in the recent past in the railroad industry. In light of the Delaware and Hudson decision, we in Congress must admit that the rail unions now have the right to call selective strikes. From the testimony in my own Subcommittee, it is obvious that the Railroad Brotherhoods have fought long and hard for this right, and they do not intend to relinquish it. It is unrealistic to assume that Congress will act to remove this right and, yet, we clearly cannot permit selective strikes to remain unbridled. What is needed—and what is provided in the legislation which 70 cosponsors and I have proposed—is that the right to a selective strike be circumscribed with appropriate safeguards for the public interest. Both the burden of unlimited selective strikes and the threat of nationalization require that this Congress find a solution to rail industry disputes.

In my remarks this morning, I will address myself only to those issues relating to emergency rail and air disputes. While I realize that this Committee has before it legislation—notably Senator Javits' "Emergency Labor Disputes Act of 1971" and Senator Brock's "Management Labor Commission and Court Act"—which speaks to labor disputes in general, my work has been confined to amending the Railway Labor Act of 1926, chiefly because the inadequacies of that Act have brought emergency rail disputes to Congress so many times in recent years.

This Committee has and will hear testimony supporting the positions of both labor and management. Both groups have presented legislative packets favorable to their own positions. Clearly, we need a compromise solution, one that addresses itself to the realities of a very complex situation. We need legislation that will not neglect the court-imposed right of selective strikes, while at the same time provide for mechanisms that will handle these strikes should they escalate to a point that threatens the national health or safety. It must be an equitable solution, and one that is favorable to the Administration, for they will have the burden of enforcing it.

In recent years, the outcome of rail strikes has been fairly predictable: the threat of a complete stoppage of rail transportation forces the President to turn the matter over to the Congress. Here the substantive details of the individual dispute are settled, in whole or in part, in committee and on the Floor of the House and the Senate, the unions are required to resume their jobs, and the nation's railroads operate again.

During the recent U.T.U. strike, however, the circumstances were somewhat different. The Supreme Court, by refusing to overturn a District Court ruling, affirmed the right of the railroad unions to strike selectively. When national bargaining between the U.T.U. and the carriers broke down, and all provisions of the Railway Labor Act were exhausted, the United Transportation Union elected to strike first four and then six additional carriers; five more were scheduled to be struck if the walkout had not ended when it did. Since it is no longer required to shut down all of the nation's carriers simultaneously, and since a major part of the rail transportation system was supposed to continue to operate, the U.T.U. presumed that there would be no national emergency, and consequently, no need to involve the Congress in order to terminate the strike. Eventually, the U.T.U. felt, a settlement between the disputing parties would bring the selective strike to an end. That is precisely what happened, but not until the nation suffered very severe economic consequences and the Administration came within a whisker of calling once again for emergency legislation.

There is much to be said for using selective strikes in the rail industry labor disputes, provided, however, that proper safeguards and limits are applied. It has been the advent of national bargaining and a presumption that all carriers had to be struck, together with a public antipathy to such nationwide strikes, that have led to the unique situation in which the rail industry finds itself. Any possible remedies, such as the judicial ruling for selective strikes, which will preserve the benefits of national bargaining without inducing the national strike/Congressional settlement syndrome, should by all means be given serious consideration.

The public interest, however, is still not met under the present new selective strike situation. That is, the resulting economic impact on business and commerce, as well as the general disruption of public affairs, is such that public opinion will not long permit the Administration and the Congress to stand idly by. In addition, under the present law and judicial rulings, any selective strike is very apt to escalate to a full, nationwide strike. This could occur either as a result of careful move and counter-move by the carriers and union managements, or uncontrollably through individual carrier lockouts or wildcat strikes as the situation deteriorates across the country.

Now it must be admitted that the concept of public interest is one which has never been, and may never be, satisfactorily defined. For example, a major auto manufacturing strike such as we experienced last year, or a shutdown of the steel industry, may well be fundamentally more disruptive of the country's well-being than would stopping the nation's trains. Whether any one of these is to be considered a national emergency, however, depends on many factors, including the decisions of the Chief Executive, as well as the mood of the public.

Consequently, we can never hope to see laws written which will specify exactly to what degree a union can strike, or precisely when management is justified in a lockout. It may be that some day we will, in fact, proceed beyond today's acceptance of the strike and lockouts as tools of legitimized economic warfare in the settlement of questions of working conditions. But until that new day dawns, we need somehow to find a balance between three contending rights: that of the individual to work only under conditions acceptable to him, that of management to operate its business in an efficient and profitable manner, and that of the public to be protected from undue disruption of its affairs due to conflicts between the first two rights.

I believe that there are solutions to the problem. Certainly, the present law covering the railroad industry has not worked, as evidenced by the number of times the Congress has been required to intervene. And the recent interpretation of the right to strike selectively cannot be the final answer, since escalation to a national or near national shutdown is highly probable. What is needed is twofold. First, a revision of law which will restore the incentive to the parties to undertake serious collective bargaining and to reach settlements without, each time, resorting to Congress. Second, a revision of law which will enable the President, if and when negotiations nevertheless have failed, to take administrative actions until a resolution of the conflict is achieved.

With regard to this latter point, a key requirement is flexibility. Certainly, no one administrative procedure will be appropriate for all of the different situations and the wide variety of substantive issues which will arise in the future. The President must, therefore, be provided with a variety of tools with which to work. And, if these tools are in fact sufficient, he must be given the power—indeed, he must be required—to use them judiciously but inexorably until the dispute at hand is settled.

But this very flexibility, which is so necessary when finally needed, is also the key element in avoiding the need for its use in the first place. For almost every knowledgeable observer agrees that it has been the *certainty* of governmental action which has, in the past, contributed most to the failure of collective bargaining in the railroad industry. A situation is needed in which *neither party* can foresee that the Government will intervene to their potential advantage. Then, and only then, can the usual procedures of collective bargaining move forward fruitfully.

What solutions have been proposed to remedy the present, unfortunate situation? Several distinguished Members of the Senate have proposed solutions to emergency rail disputes which are contained in the various bills now before this Committee. Since the bill which I and my 70 cosponsors introduced on the House side adopts many of the best points of these various bills, I would like to take a few moments to describe and compare their various approaches. I have not attempted to describe Senator Taft's novel proposal simply because time only permits me to discuss those bills which had a direct influence on my own legislative work.

Let me illustrate with the first chart how the Railway Labor Act functions with regard to major disputes concerning changes in pay, rules, or working conditions. If the labor-management bargaining conference fails to solve a dispute, the National Mediation Board is required to use its best efforts to bring them to agreement. If it fails, and if either party then refuses to submit the dispute to arbitration, the parties are then required to retain the *status quo* for a period of thirty days.

During this period, the President may create an Emergency Board to investigate and report within an additional thirty days. After which the parties are free to resort to "self-help." That is, the carriers can institute changes unilaterally, and the unions can strike, either nationally or, now, selectively.

Among the various proposals now under consideration, the one which will most drastically affect not only the major dispute provisions, but also the entire Railway Labor Act, is the Administration bill, S. 560. This bill would transfer rail and air labor relations bodily from RLA to the Taft-Hartley Act. Then it would add new provisions to Taft-Hartley to cover major disputes in the entire transportation industry. This approach is somewhat over reactive, in my view. There are many useful provisions which have evolved over the years under RLA, and they probably should not be scuttled wholesale. Organized labor, in its testimony before my House Subcommittee, continually reaffirmed my opinion that the RLA should be kept intact. In addition, I believe the record shows that the maritime, longshore and trucking industry problems are all unique—and surely are all different from those of rail and air—and should not be linked together in new legislation.

The major provisions of the Administration bill are outlined on the second chart, where three presidential options are shown. The first option, Partial Operations, would have a committee decide how much each railroad should curtail operations to simulate the pressures of a strike. The approach is bureaucratic in the extreme, and would have the effect of having the Federal Government involve itself in the details of a pseudo-strike, hardly a situation to encourage collective bargaining settlements.

The other two options provided in the Administration bill are very promising, and I will defer speaking to them until later. A major limitation to the bill, however, is contained in the provision that only *one* of the options can be selected by the President in any dispute. If that selection fails to achieve a settlement, there would be no recourse but to send the dispute back to Congress. This flaw is so major I cannot emphasize too strongly how this provision undermines the whole idea of improving the present law. If we want to encourage collective bargaining and remove the Congress from the role of arbitrator, the President must be free to find solutions within the administrative process.

The bill supported most strongly by the railroad unions, S. 832, is outlined on the third chart. It quite simply modifies RLA by providing that, when all other provisions have been exhausted, the unions are free to strike either nationally or selectively. On the one hand, provision in law for a national strike would prohibit either the President or Congress from intervening, and the public interest would seem not to be adequately protected. On the other hand, the right to strike, while in accord generally with practice in other industries, needs both balance safeguards. S. 832, while permitting strikes, effectively removes from the carriers the balancing right to institute work rule changes (as they did in the U.T.U. strike) or to lock out.

An essential requirement in any attempt to reduce strife in the railroad industry, and to encourage the peaceful settlement of disputes, is that a careful balance between the parties should be fashioned. The main effect of this bill would be to place almost unlimited power in the hands of one party to the dispute. For this reason, although I accept the strike as an inherent right, I cannot support the bill as it is written.

Now, I would like to mention the major provisions of the bill my cosponsors and I have introduced. As I have suggested earlier, I believe RLA should be retained as enabling legislation, and I have added three options for Presidential action as shown on my last chart.

First, I would suggest that selective strikes be permitted by the President unless he finds, in a particular instance, that they would cause immediate imperilment of the national health and safety. However, this option must be circumscribed with appropriate safeguards to insure that the resulting shutdown of transportation does not immediately result in, nor escalate to, a situation which the public refuses to countenance.

In particular, our bill would require that any settlement arrived at between the union and any struck carrier must be offered, intact, to all of the other carriers who had participated in the national bargaining. This will help avoid any tendency to "whipsaw" by gaining successively better settlements from each carrier, in turn. In addition, the limitations on the selective strike are more firmly drawn, so that no more than 20% of the nation's rail service would be affected at any one time, regardless of the number of simultaneous disputes.

As a second option, I would, of course, permit the President to call for additional time at the bargaining table. Many instances will arise where the vagaries of calendars and of argument will require only more time to resolve.

Third, I would adopt the novel suggestion put forward by the Administration under the title of Final Offer Selection. This process, not yet tried anywhere to my knowledge, holds the promise of eliminating the divisiveness of compulsory arbitration while providing an extremely strong impetus to collective bargaining, and an assurance to the public that a final resolution of the dispute will be achieved. What this proposal provides is that, after the parties have bargained to their best ability, each puts forward a final offer which constitutes a complete and binding agreement. Then one and only one of these offers will be selected, complete and intact, by a board composed of public members. The essence of this procedure is that each party is induced, first to resolve as many issues as possible during bargaining, and, second, to make the most reasonable possible final bid on all outstanding issues. For the selection board, which is charged with the public interest, will select that final offer they find to be most reasonable in view of the facts of the situation.

In addition, I imagine that there are other options which might be given to the President to increase the flexibility of his response. In particular, I would like to stress the sequential aspects of my bill, which would permit the President to choose from among the three options until a solution is reached. As I mentioned earlier, the Administration's bill, on the other hand, permits the President one and only one option. However, the important point is that the Administration must be given the power to deal with labor disputes which threaten the nation, to deal with them fairly, and firmly, so that Congress does not have to be involved in each individual dispute, and so that the public interest will be protected.

The legislation that I have sponsored embodies the three major points that I have just mentioned. Since May 13, 1971, when I first introduced my proposal as H.R. 8385, I have received bipartisan support of 70 of my colleagues in the House. My bill has been reintroduced with minor technical modifications six times, as H.R. 9088, H.R. 9089, H.R. 9571, H.R. 9820, H.R. 10433 and H.R. 10781.

The broad support that my proposal has gained is both personally gratifying and significant, for it indicates the depth of feeling that exists in the House for permanent rail strike legislation. Naturally, I am very pleased that this distinguished Senate Committee has scheduled hearings on this very important subject, and it was an honor to speak with you today. I look forward to the rapid emergence of sound and equitable legislation that will serve the interests of all the people.

NATIONAL 4-H WEEK

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. MIZELL. Mr. Speaker, I rise at this time to remind my colleagues that this is National 4-H Week, which is set aside each year to recognize the many contributions to our national life that 4-H Club members make every day.

The theme for this year's observance is

"4–H Bridges the Gap," signifying that the 4 million youths now participating in the 4–H program have proven they can combine all the zeal and idealism of youth with the pragmatism and temperance of adulthood.

The many 4–H members in the Fifth District of North Caroina, which I represent, are excellent examples of this rare combination, and I am proud to represent them in Congress.

These young people take very seriously the 4–H pledge:

> I pledge my head to clearer thinking, my heart to greater loyalty, my hands to larger service, my health for better living for my club, my community and my country.

The 4–H members in my district literally live by those words, as evidenced by their active participation in a great many worthwhile projects in agriculture, citizenship, personal development, and leadership training.

I know that my colleagues in the House join me in congratulating the 4–H Club members in North Carolina's Fifth Congressional District and throughout the Nation. They are America's finest.

REPRESENTATIVE SMITH LAUDS RECORD OF FLOYD D. SNYDER, TOWN OF LOCKPORT, N.Y., SUPERVISOR

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. SMITH of New York. Mr. Speaker, within the past several weeks, this administration, with the cooperation of millions of Americans all across this Nation, has taken the initiative in a comprehensive program to defeat a debilitating inflationary spiral that for many years has been eroding the economy of our country. To anticipate ever-increasing prices and wages has become an accepted way of life for most Americans. Spending and taxation by all levels of Government have reached staggering proportions. Unfortunately the heaviest burden of this fiscal irresponsibility and unbridled taxation appears to fall on those who can least afford to pay.

Despite efforts made by Federal and State governments to curb spending, no final victory can ever be won in this war against inflation until local citizens and local governments commit themselves to the achievement of this same urgent goal. For this reason, Mr. Speaker, I am proud to call attention to the tremendous record of public service rendered by Floyd D. Snyder, supervisor of the town of Lockport in Niagara County, N.Y.

The record shows that during the 10 years of his administration, the town of Lockport has experienced an enviable record of progress while Mr. Snyder has secured for his taxpayers, lower town tax rates and lower water tax rates, each and every year. The first 8 years of this record of annual tax reduction was accomplished before the advent of a county sales tax. During this same period, county tax rates and school tax rates nearly doubled. Supervisor Snyder has achieved this record while at the same time providing great commercial, industrial, and residential expansion. During his administration, the town of Lockport witnessed: 17 contracts to extend water services; a 300-percent increase of water customers usage; a 10-percent increase in mileage of roads; a 30-percent increase in population; a 150-percent increase in sewered areas of the town; an expanded youth recreation program; and increased financial support of town of Lockport volunteer fire companies. All of these accomplishments have resulted in a $30 million gain in full value assessment: up from $25,471,982 in 1961 to its present level of $55,497,824.

Mr. Speaker, I must mention one final and almost unbelievable point. At a time when local, State and Federal payrolls are skyrocketing, Supervisor Snyder's record of unprecedented growth and increased services has been accomplished while decreasing the town payroll by one worker during the 10 years of his administration.

Let us have more local public officials like Floyd Snyder, Mr. Speaker, who will do this kind of a job for their constituents and for their country.

THE 50TH ANNIVERSARY OF THE RUKERT TERMINALS CORP. OF BALTIMORE, MD.

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. GARMATZ. Mr. Speaker, on Friday, September 24, I attended a dinner in celebration of the 50th anniversary of Rukert Terminals of Baltimore, Md.

This event was made memorable by the appearance of the Honorable Helen Delich Bentley, Chairman of the Federal Maritime Commission and distinguished Baltimorean. Mrs. Bentley delivered an inspiring speech in honor of Captain Rukert, who is one of the leading businessmen in Baltimore's maritime industry. I think the fact that this man became successful in a highly competitive industry without the aid of Federal help—and solely on his own—is an example of how private enterprise can and should be the back bone of America's economic strength.

The deserved tribute paid to Captain Rukert by Mrs. Bentley is certainly worth reading by my colleagues and I insert her remarks at this point in the RECORD:

REMARKS BY MRS. HELEN D. BENTLEY

This is one of the highest privileges and distinct honors ever accorded me to be invited to pay tribute tonight, not only to an outstanding frontiersman in the maritime industry, but to a real American.

Captain W. G. N. Rukert is a very, very special friend of Bill and me. In fact, he gave me away at my wedding.

Cap, Bill is very sorry he could not be with us tonight, but he has an antique show in Oxford, Maryland and just couldn't be in two places at once. He wanted me to let you know that he was here in spirit with us.

While we are paying tribute to Cap Rukert, we also are saluting a real Maryland company—Rukert Terminals Corporation—which has done so much for the Port and City of Baltimore.

The fact that Rukert still has some customers who began doing business when Captain Rukert first began operating fifty years ago, is in itself a testimonial of the company's excellence and honesty as a firm with which to do business.

Cap, some of your 50-year customers are here along with many of your other friends tonight to express their warm regards to you.

You know, ladies and gentlemen, fifty years is a long time. Not in the course of history or the development of man—but in the history of a port and in development of the maritime industry by men trying to make it great.

Tonight we celebrate 50 years in the history of a local waterfront firm founded by a man who has been doing just that: trying—no, helping and succeeding in making the port of Baltimore great.

For the Golden Anniversary, we mark here this evening represents not just the Jubilee of Rukert Terminals Corporation, but the culmination of a half century of unprecedented achievement in this world port of Baltimore, this modern maritime center which has played an integral part in building a city, state and nation.

Cap, the following text, for the most part, are exerpts from a story I wrote about you in the Sun on your 80th Birthday. You know to learn from Captain Rukert—and I learned a great deal about the waterfront from him and many others here tonight—I used to sit on his musty old leather hassock in his mento-filled office down there on Thames Street. He would loll back in his high-back chair and begin to recount events as he knew them around the waterfront. Sure, there was plenty of dust on all of the momentos and the odor from the fertilizer—that precious cargo—which has meant so much to Rukert and the port over the years—permeated the room. Some of that same dust and fertilizer is still there, I'm certain, Cap, if anyone is interested in tracing it a bit further.

One little story never printed about Cap, and never related publicly before, is how he was saved from staying in the newspaper business as a reporter and instead entered a business that became a very profitable venture for him.

As a fourteen-year-old youth, he got a job as a copy reader on the old Baltimore American. One of the greatest thrills in his life was that he covered the old Baltimore fire in 1904, even though he wasn't a full-fledged reporter at the time, but he was doing some leg work.

After being on the newspaper for nearly a year, one of the older reporters arranged for him to go to the burlesque house to see a "girlie" show. He thought this was really great and enjoyed it immensely as a 15 or 16 year-old boy would.

When he returned home, he told his father about his newest venture—thinking it was a great gag. His father took a very dim view of him staying in the newspaper business and a week later, Captain Rukert found himself at work as a clerk at the Pennsylvania Railroad. This experience at the Pennsylvania waterfront terminals prepared him for helping direct the Army in its military operations during World War I. It was that Army experience, in fact, which convinced him to go into business for himself instead of working for others as he had done before the War. So, in 1921, Cap Rukert and his brother George, established the company which now is one of Baltimore's leading private terminal operators, probably the only one left.

His early success in handling potash

movements from France and later Germany, started him on the road to becoming Baltimore's most innovative terminal operator.

More than 15 years ago, a railroad executive in Philadelphia made this discerning remark about him. He said: "Cap Rukert is ahead of all of 'em. Marginal wharves are the only type for the future, with trucks playing such an important role in moving freight today—unless you can afford a finger pier 400 or 500 feet wide."

Well, Cap invested in marginal wharves long before it was fashionable to do so, and he's still investing. Matter of fact, Rukert Terminals is virtually the only firm that has invested personal funds in public waterfront facilities in Baltimore in recent decades. Outside of the Maryland Port Administration, Cap is today the *only* one doing any such investing.

His complex currently includes Lazaretto Terminal, Pier 5 Clinton Street, Brown's Wharf and Jackson's Wharf. Major construction is presently under way at Pier 5, representing a $500,000 investment to increase warehousing capacity and extend and expand the pier. But expansion at Rukert Terminals is nothing new. For Cap's biggest dream—one that has been with him since he first bought the old Miller's Wharf at the foot of Caroline Street—is to have a modern marginal terminal running all the way from Broadway to Chase's Wharf right in the heart of downtown Baltimore.

He owns all but two buildings in that area now, and who is to say that the stalwart white-haired octogenarian, with his unyielding determination, will not end up owning those also? Though nearly 85 years old he still carries himself erectly and with pride. And he is still a workhorse—on the job five days a week from 8 a.m. on.

The principal regret of this man who is considered the port of Baltimore's most rugged individualist is that he is not 30 years younger, so that he could really give the nowcomers stiff competition by putting over some of his new ideas and dreams.

Just let someone try to interfere with his operation or steal some of his business—particularly if that someone is the Maryland Port Administration—and his powerful voice can be heard all the way uptown. The day he stormed an MPA commissioners' meeting several years ago after learning that the state agency was going to get an account he had nurtured and brought to Baltimore he has become local waterfront legend.

But what Cap really hates most is the infiltration of out-of-towners—particularly New Yorkers—into Baltimore waterfront circles. He gasps and swears vehemently whenever he learns of another New York branch office opening here. In this opinion the New Yorkers are not interested in the welfare of the port as he is: their interest is only to make money while business is good here, and pull up stakes as soon as it begins sliding downhill, he believes.

"We Baltimorans have to stay here forever," he roars. "No one is interested in this port as are Baltimore companies, and we have to stick together."

We all know Cap never hesitates to speak his mind. Yet his lusty lungs and sarcastic tongue—to which Joe Stanton and the old Port Authority and his son Norman and most of his other employees can well attest—have endeared him to nearly everyone, even his most intense competitors.

For when you add to those traits his crackling sense of humor, provocative personality, relentless drive and fierce sentimentalism—all of which belie the rugged outward appearance—you have a man with the proverbial heart of gold, a real soft touch whenever someone is in trouble.

This story old soul is like a ship at sea when trouble brews: "Let's see what we can do to save the situation and help humanity," is his typical response. Cap has probably financed more funerals, more births, more hospital bills, more mortaged homes and more automobiles for his people than any other single individual around the port of Baltimore.

Yet even those persons who have been, and still are, on opposite sides of the fence in legal dealings, rate fights and what-have-you, hold the highest regard for this remarkable old man who well realizes that change must be made if progress is to be made, and who keeps in close touch with every move made by Baltimore's competitors, always mindful that he might somehow be able to lure additional cargo this way.

Cap: the Port of Baltimore is in your debt. And we here tonight are proud to acknowledge it. You've come a long way these fifty years, and the rest of the Baltimore port community will likely have to go a long way to equal your achievements.

But you've set a noble example—a standard—for the rest of us to follow. We salute you! May you have many more years of prosperity and good health—and may you and the Rukert Terminals Corporation invite us all back again in 2021 for your company centennial!

OUR FRIENDS, THE ARABS: AN APPEAL FOR REASON IN THE MIDDLE EAST

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. RARICK. Mr. Speaker, much has been written during the last two decades about the Arab-Israel conflicts in the Near East. But few writers have had the knowledge, background or experience or vision required for making realistic appraisals. Moreover, I have observed that many who have been most vociferous in demanding a pullout of our forces from the jungles of South Vietnam have been generally silent as regards sending them to fight in the deserts of Sinai.

In an unusually able article in the New York Times of October 4, 1971, Maj. Gen. Thomas A. Lane, an experienced officer with combat experience on the staff of General MacArthur in the southwest Pacific and careful student of history, describes the Arab-Israel situation and summarizes the lessons to be learned from their protracted conflict. He emphasizes that Arab countries are rightly a part of the free world, deplores the bankrupt U.S. policies that have converted differences between free world countries into a confrontation with Soviet power, and calls for new policies that will restore Arab countries to their rightful position with the West and peace among neighbors in that divided area.

Because of its relevance to present policy problems facing our country, I quote the indicated article as part of my remarks:

[From the New York Times, Oct. 4, 1971]

Our Friends, the Arabs

(By Thomas A. Lane)

McLean, Va.—The Arab neighbors of Israel have for some seventeen years been embarked upon an alliance with the Soviet Union. There are lessons to be learned from the experience—lessons of special import to the Arab countries but important also to all free countries.

In the historic practice of Western politics nations have made alliances to serve special common interests. Whatever their differences in other matters, they had a common interest which brought them together. Thus, although the United States and the Soviet Union had irreconcilable political tenets, they were thrown into alliance in World War II by the circumstance that one was attacked by Germany and the other was attacked by Japan. Their sole common interest was to defeat the common enemy—though U.S. policymakers lost sight of that reality.

There is in alliance a tacit understanding that the differences of allies will be subordinated to the common purpose during the term of the alliance. During World War II, the United States overdid this obligation with praise of Soviet "democracy," and the Communist party, U.S.A., supported President Roosevelt, though it supported Stalin more.

The Communist powers do not of course subscribe to the traditional norms of Western diplomacy. Their object is conquest, and they follow the guidance of Lenin in achieving it. The criterion for policy in any circumstance is the advantage of the Communist interest.

In the Soviet-Arab alliance, the aim of the Arab countries has been to defeat Israel and to restore Arab sovereignty in Palestine. But is this also the Soviet aim? Does the Soviet Union really care about defeating Israel or is it more interested in conquering the Arab countries? Aren't the strategic locations and the oil wealth of the Arab countries richer prizes than the barren plains of Palestine, made fruitful only through heavy investment?

We must look for answers in the experience of the alliance. Seventeen years is a long time to take to arm and train forty million Arabs to defeat three million Israelis. The years have been studded with one Arab defeat after another. In the face of the alliance, Israel has expanded its territory. Why?

The Arabs are divided, they are technologically backward, they are not conditioned to the needs of modern tank and air warfare. Granting all this, it is still possible to develop competent military forces from technologically backward nations in less than seventeen years. The Greeks, the Turks and the Koreans have done it. Maybe the Soviet Union wanted to fail.

With the Arab world in these years, the extension of Communist influence has been the primary aim of Soviet policy. Under cover of the alliance, the Soviet Union has schemed for the ascendancy of its own power. This thrust of the internal Communist parties has kept the Arab world in continuous turmoil. Soviet intrigue has encouraged the Marxist Palestine Liberation forces to attack King Hussein, not Israel. It has worked to overthrow King Hassan in Morocco. In Libya and the Sudan, the Soviet Union has supported pro-Soviet nationalists. But we have seen in the Sudan that even a pro-Soviet nationalist can be the target of a Communist coup. General Nimeiry is lucky to have survived the attack on his Government. He had been slow to learn from the experience of others.

When will the Arab leaders awaken to the true aims of Soviet policy? Far from conquering Israel, they are wasting the resources of their people in futile armaments and risking their own survival in freedom. Their true destiny lies in the free world, which respects their sovereignty, honors their religious sentiments and offers the true course for the development of Arab culture. All the potential of modern technology lies open to their people if the leaders have the wisdom to choose freedom.

It is sorry U.S. policy which converts a difference between free-world countries into a confrontation with the Soviet Union. The U.S. and Israel have a duty in wisdom and prudence to offer a generous settlement of Middle-East differences which will detach the Arab countries from their Soviet alliance and restore them to the family of freedom.

TRIBUTE TO LYMAN GREEN HINSON

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. MATHIS of Georgia. Mr. Speaker, I received sad news indeed last week when I learned of the death of my friend, Lyman Green Hinson of Mitchell County, Ga. Mr. Hinson was my friend, but even more important than that, he was a friend of his fellow citizens, and especially of rural families in south Georgia.

Mr. Hinson was a man of foresight and vision, who provided leadership for his fellow Georgians in many ways. He was one of the first to realize what electricity would mean to rural Georgia, and in 1937, he and other men of vision came together and founded the Mitchell County Electric Membership Corp. He served as a member of the board of directors of the Mitchell County EMC since the incorporation, and he served with distinction as the president of that group since 1954.

Lyman Hinson will be missed by those who knew him, and his presence will be missed by many who never knew him, but have benefits from his foresight and perception. He was a good man.

There are two fine newspapers in Mitchell County, and both eulogized Mr. Hinson in front page stories last week. I include both accounts, from the Camilla Enterprise and the Pelham Journal so that Members of this Congress may know of the life and works of Lyman Green Hinson:

[From the Camilla Enterprise, Sept. 29, 1971]

LYMAN HINSON DIES SUDDENLY OF HEART ATTACK

Countless friends throughout the county joined members of the large family connection in mourning the death of Lyman Green Hinson, sixty-four year old farmer and county leader, which occurred early last Saturday morning, September 25th, at Mitchell County Hospital in Camilla. He had attended the football game at Ravenwood Friday night and became ill on the way home and was carried to a doctor's office in Pelham, later transferred to the hospital in Camilla where he succumbed.

Funeral services took place Sunday afternoon at five-thirty o'clock at the Hinsonton Baptist Church with the Rev. H. T. Montgomery officiating. Interment was in the family lot at Liberty Hill Church Cemetery.

Nephews served as pallbearers and they were Ricky Hatcher, David Hatcher, Earl Flowers, Walter Williford, Tim Glenn and Joey Glenn.

Honorary pallbearers were Y. M. Blanchard, James H. Holton, Mack Lodge, R. E. Amason, H. C. Lamar, C. E. Rigsby, O. L. Cook, N. B. Jordan, C. F. Coker, Thomas Thornton, Lamar Cooper, H. E. McNeal, George Kirksey, J. R. Odom, Hugh Gleaton, J. C. Brim, Jr., Ernest Smith, C. W. Joiner, Keaton Cox, Erwin Glausier, and E. D. Hilliard. Braswell Funeral Home of Pelham was in charge of funeral arrangements.

Survivors include his wife, Mrs. Maxine Hatcher Hinson, Hinsonton; two sons, John L. Hinson of Thomasville and Cecil L. Hinson of Cairo; five grandchildren, three brothers, Watt and Hubert Hinson of Deerfield Beach, Fla., and P. L. Hinson of Indiantown, Fla.; five sisters, Mrs. Ernest (Grace) Meyer of Pleasantville, New York, Mrs. D. D. (Annie Mae) Autry and Miss Lucile Hinson, both of Hinsonton; Mrs. Robert (Ruth) Ward of Tampa, Fla., and Mrs. J. W. (Sara) Glenn of Cotton.

He was born in Hinsonton January 19th, 1907, son of the late John D. Hinson and Mamie Rackley Hinson, pioneer citizens of this county for whom the community of Hinsonton is named. He was a member of Hinsonton Baptist Church for many years and served as a member of the Board of Deacons.

[From the Pelham Journal, Sept. 30, 1971]

LYMAN G. HINSON DIES AFTER BRIEF ILLNESS

Clouds of sorrow hovered over the entire County last Saturday morning when the death of Lyman G. Hinson, 64, of Hinsonton was learned.

Mr. Hinson, well known, loved and respected farmer died at the Mitchel County Hospital early Saturday morning September 25, following a brief illness.

Mr. Hinson attended the ball game at the Ravenwood stadium on Friday night.

Funeral services were held at the Hinsonton Baptist Church at 5:30 P.M. September 26, with Rev. H. T. Montgomery officiating, with interment in Liberty Hill Cemetery.

Mr. Hinson was born in Hinsonton, January 19, 1907 the son of the late John D. and Mamie Rackley Hinson.

He married Miss Maxime Hatcher Dec. 21, 1940.

He was a member of the Hinsonton Baptist Church and was a deacon.

Mr. Hinson was a loyal and devoted citizen of both his community and county. He was recognized as a successful farmer, provided a wonderful home for his family. Those who knew him best knew him to be a devoted husband, a loving father, and loyal and faithful friend.

He was a faithful member of his church, and lent his time in the spiritual uplift of his community.

He loved his fellowman and he contributed much of his time in doing those things beneficial to his friends and neighbors. He served Mitchell County Board of Tax Equalizers, Chairman of the Board of Mitchell County Electric Membership Corp., Chairman of the Mitchell County A.S.C.

During his life he served on many committees and groups working for the betterment of his county.

He is survived by his wife, two sons, John Lyman Hinson of Thomasville and Cecil Hinson of Cairo. Five grandchildren also survive.

Three brothers survive, P. L. of Indiantown, Fla.; T. W. and H. D. Hinson of Deerfield Beach, Fla.

His five sisters are Mrs. Annie Mae Autry and Miss Lucile Hinson, Hinsonton, Mrs. Robert Ward, Tampa Mrs. Ernest Meyer, Pleasantville, NY., Mrs. Sara Glenn, Cotton.

His nephews served as active pallbearers.

Honorary pallbearers, Y. M. Blanchard, James H. Holton, Mack Lodge, R. E. Amason, H. C. Lamar, C. E. Rigsby, O. L. Cook, N. B. Jordan, C. F. Coker, Thomas Thornton, Lamar Cooper, H. E. McNeal, George Kirksey, J. R. Odom, Hugh Gleaton, J. C. Brim, Jr., Ernest Smith, C. W. Joiner, Keaton Cox, Erwin Glausier, E. B. Hilliard.

Braswell Funeral Home in charge.

VIETNAM ELECTION CRITICISM

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. PELLY. Mr. Speaker, a great many Senators—especially those who are seeking the Democratic nomination for President—complain about the election in South Vietnam.

As for the claim of rigging, certainly the Democrats in Tammany Hall rigged elections in New York City for years. And, in 1960, rigging in Cook County, Ill. and Texas, cost Richard Nixon the election. So, Democrats should not throw rocks at presidential rigging elections.

However, if the Vietnam election were rigged as an editorial in the Christian Science Monitor on October 6, 1971, pointed out, it was rigged by people of our choice, not by Hanoi or by Peking or by Moscow.

As the Monitor says, no one else on the outside picked him. He is a native of South Vietnam. He is supported by a regime and an armed force which comes from South Vietnam. He owes the United States a great deal, but he owes nothing to Hanoi, Peking, or Moscow.

To quote the Monitor:

> So, today, there is a non-Communist government in Saigon which has been chosen by an electoral process devised by the people of South Vietnam which is totally independent of any Communist Government anywhere and that is precisely what Washington always said it wanted to do for Saigon.

Mr. Speaker, I am glad to note that the Christian Science Monitor has made this important point and I commend its wisdom in the conclusion that the President has reason to continue military support to the Army of South Vietnam. He wants to spare the Americans rear guard ordeal in withdrawing and also wants to give President Thieu a best possible chance of survival.

On the other hand, Hanoi wants to diminish survival prospects of the non-Communists.

If the American people are patient and do not listen to much to those Senators who want to undermine the President's leadership we could achieve yet the objectives for which 50,000 Americans have laid down their lives.

SOME VITAL ELEMENTS PERTINENT TO THE PRICE-WAGE FREEZE

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. GOODLING. Mr. Speaker, while we are making adjustments to the price-wage freeze instituted by President Nixon, we might reflect on some of the vital elements pertinent to this freeze.

An article that appeared in the September 13, 1971, issue of the Wall Street Journal does a remarkable job of focusing on these elements, and I insert it in the RECORD and commend it to the attention of my colleagues:

APPRAISAL OF CURRENT TRENDS IN BUSINESS AND FINANCE

While we wait for what's to come after "the 90 days," it may be well to ponder the most widely ignored fundamental fact about the so-called "wage-price spiral" that prompted the freeze. It is the heavily lopsided nature of the spiral. For every point of gain on the price side, there has been a two-point rise on the wage side. The popular idea that it has been more or less an even trade-off between the two sides of the spiral is just not based in fact.

It is human nature, of course, for every man (and his wife) to see only the "run-away" prices and forget any increments in income. It is human nature for journalists to emphasize the prices. And it is political nature for politicians—especially those out of office—to do the same. But any close look at the record since 1965, when the inflationary bulge began, suggests that the emphasis is clearly misplaced.

The table below traces the widely followed consumer price (cost of living) index and this country's median family income from 1965 through 1970. The family income figure for 1971, of course, is not yet available. The price index uses the new 1967 base as 100:

Year	Cost of living	Median family income
1965	94.5	$6,957
1966	97.2	7,500
1967	100.0	7,974
1968	104.2	8,632
1969	109.8	9,433
1970	116.3	9,867

What these figures add up to, over the five-year span of inflation, is—

Cost of Living: up 23%.

Family Income: up 42%.

There is a story here on the question of who has the power to push prices up. It is common to lump "big business" and "big labor" together as a team having this power. The reasoning is that labor, through organization, forces wage costs up more or less at will, and then business, somehow because of its "bigness," simply passes these costs right along to the public in higher prices.

But it doesn't work out that way. Business cannot hold up its end of the log. The country's huge corporations, and especially those in industries where output is concentrated in a few firms, do have economic power, of course. But the idea that they can pass on all cost increases in an increasingly competitive world just doesn't stand up.

Vastly expanded productive capacity, both in this country and abroad in Europe and Japan, making this passing along process steadily more difficult year after year.

This can be put sharply in focus by comparing the rise in producer prices on consumer goods (1967 equal 100) with the rise in weekly wages. The wages cover all private nonfarm payrolls of production workers or nonsupervisory employes. The 1971 figures are for June:

Year	Consumer goods prices	Average weekly earnings
1965	96.1	$95.06
1966	99.4	98.82
1967	100.0	101.84
1968	102.7	107.73
1969	106.6	114.61
1970	109.9	120.16
1971	113.1	127.57

Both of these columns, too, show big gains. But a little quick pencil work comparing the gains of each, reveals—

Consumer Goods Prices: up 17.7%.

Average Weekly Earnings: up 34.1%.

Footnote to the above: Prices on these manufactured products are up less than the cost of living index because the latter index contains the really big gainers—such things as services and taxes. A big factor in putting family income up more than weekly wages is the ever increasing number of double pay-checks (working wives) enjoyed by American families.

On the prices-vs-wage costs question, it can be assumed that producers do not abstain from passing on all wage costs out of charitable feelings for the consumer. Any business will pass on its costs—if it can. And it must be concluded that the failure to do so is due to lack of power to do so—in the face of competition.

Wouldn't this sort of lopsided "spiral" have a fundamental impact on the structure of the country's economy? Indeed it would. It has. While GNP and consumer income have climbed steeply over the past half-decade, corporate profits have just about been stopped in their tracks. Here is the record for (1) gross national product, (2) wage-and-salary income of individuals, and (3) after-tax corporate profits. All figures represent billions. The 1971 figures are second quarter annual rates:

Year	GNP	Wages, salaries	Corporation profits
1965	$685	$359	$46.5
1966	750	394	49.9
1967	794	423	46.6
1968	864	465	47.8
1969	929	509	44.5
1970	974	541	41.2
1971	1,041	572	44.6

The percentage figuring on these columns over the period since 1965, comes out—

Gross National Product: up 52%.

Wages and Salaries: up 60%.

Corporate Profits: down 4%.

This record, of course, as has been pointed out by people in and out of government, puts any talk of curbing "excess profits" in the ludicrous area. Profits in excess of what? Today's severely deflated level?

It is unfortunate that the word "profit" is so widely misunderstood. Millions undoubtedly think of profits and dividends as being the same thing. Actually, of course, profit is divided into two parts, (1) that retained within the business and (2) that paid to stockholders in dividends. When profits are good, the retained part is usually the larger.

Retained profit is used to modernize a business or expand it. Modernization directly benefits employes by making their employer's products more competitive—with imports, for example. And business expansion (new plants) creates new jobs, of course.

The last half-decade's wage-price spiral, with all the action on one side of the "spiral, is clearly not an ideal generator of new jobs.

WASHINGTON SEWAGE TREATMENT AUTHORITY

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. GUDE. Mr. Speaker, an editorial recently broadcast on WRC–TV by Mr. Bryson Rash deals with a suggested solution to the sewage treatment problems in the Washington metropolitan area. I have for some time been most concerned over this problem. The serious threat posed to the Potomac River, which has already been declared unsafe for human contact by the Environmental Protection Agency, by the daily dumping of millions of gallons of raw sewage is inexcusable.

Mr. Rash and WRC agree with a proposal by the Environmental Protection Agency that a regional sewage authority would effectively deal with the deplorable situation in Washington. Mr. Rash, however, suggests that such an authority be federally funded and come under the Metropolitan Washington Council of Governments rather than be another independent superagency dealing with area affairs. I believe that there is much to be said for this approach, and I commend the text of the editorial to my colleagues for their consideration:

SEWAGE TREATMENT AUTHORITY

The sewage treatment, water supply, air pollution and trash disposal problem in the Washington metropolitan area are enormous and equally pressing. For the moment let's discuss sewage treatment.

Maryland, Virginia and the District have signed an agreement to undertake a multi-million dollar improvement program at Blue Plains. It can't be completed until late 1974. Meanwhile, millions of gallons of raw sewage are being dumped daily into the already polluted Potomac.

Most of the excess sewage nearly 40 million gallons a day comes from Montgomery and Prince George's Counties.

To try to alleviate this problem, the District proposed a chemical treatment process as an interim measure. That was great except the Maryland communities haven't found a place to dump the 360 tons of sludge created daily by the process. So the chemical treatment is not being implemented and the millions of gallons of sewage continue to spew into the Potomac.

Virginia is getting impatient with the continued abuse of Blue Plains by Maryland and the lack of power in the District government to move on the sewage problem—and that goes back to the disinterest of Congress in the Washington area.

The Environmental Protection Agency has proposed a super regional authority to handle sewage treatment and other pollution problems. Certainly it is needed, but WRC–TV would prefer to see it federally funded, as part of the Council of Governments rather than another agency dealing with area affairs.

H.R. 11125 TO REQUIRE BANKS TO PAY INTEREST ON PUBLIC MONEYS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. RARICK. Mr. Speaker, yesterday I introduced H.R. 11125, a bill to require banks to pay interest on certain public moneys which are deposited by the Secretary of the Treasury in demand deposit accounts.

I felt prompted to introduce this legislation in the interest of our taxpayers and the overextended financial condition of our Federal Government on learning that the "custom" of the Treasury Department has been to deposit millions—possibly billions of dollars each year—free of interest or charge in less than 10 percent of the country's commercial banks.

I refer especially to the recent report concerning the First National City Bank of New York City, which upon learning it had made a $38.8 million error to the U.S. Government was permitted by the U.S. Treasury to use $38.8 million of Government funds free of charge from July 2 through September 27. At the prime rate of 6-percent interest, such a sum could earn a minimum of $482,000 by the bank; and by the use of the rule of 10, probably earned a great deal more. It also generated additional credit promoting the runaway inflation which is hurting our people so severely that the President has invoked a freeze on wages and prices but not on interest and profits.

I believe the American people feel that our Treasury Department in handling taxpayers' dollars should adhere to principles of good business practices. In fact, if anything, the Treasury Department using tax dollars should be held to a higher degree of responsibility and frugality than commercial banks handling private funds.

We would all agree that if such action were taken by private banker with our personal funds and we received no interest for the use of our money, individually we would each demand satisfaction and recompense. Since public funds belong to the American people and we in Congress are delegated the responsibility for the people's money, then it is our duty to see that our people's tax dollars are handled properly and that no one gets the use of free money or preferential treatment.

I insert a copy of my bill and a related newspaper story:

H.R. 11125

A bill to require banks to pay interest on certain public moneys which are deposited by the Secretary of the Treasury in demand deposit accounts

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (1) the Secretary of the Treasury shall not permit any public moneys for which he has responsibility to be deposited in any bank or other financial institution in a demand deposit account unless the depositary agrees to pay interest on such demand deposit account at a rate or rates determined by the President of the United States to be appropriate.

(2)(a) The payment of interest shall be applied against the average daily balance in each such demand deposit account over each quarterly period.

(b) To the extent that any Federal law which applies to any bank which is an insured bank under the Federal Deposit Insurance Act prohibits the payment by any such bank of interest on demand deposits, such prohibition shall be held and considered to apply only to demand deposit acounts containing moneys other than public moneys for which the Secretary of the Treasury has responsibility.

(c) For the purpose of this Act, public moneys for which the Secretary of the Treasury has responsibility refers to any public moneys with respect to which the Secretary of the Treasury has the authority to deposit, or cause to be deposited, in a bank or other financial institution.

(d) This Act shall take effect on the day following the expiration of the 180-day period which begins on the date of the enactment of this Act.

[From the Baton Rouge Morning Advocate, Sept. 21, 1971]

GIGANTIC GOOF NETS HUGE BANK WINDFALL

WASHINGTON.—The nation's second-largest bank lost almost $39 million through a bookkeeping error earlier this year, but quickly got the chance from the U.S. Treasury to turn the mistake into a windfall.

The error occurred when First National City Bank of New York paid twice in the same day for one government security worth $38.8 million.

Despite a federal banking system described by the Treasury as "truly the envy of governments around the world," it was the bank and not the government which discovered the error—2½ months later.

It immediately notified the Treasury by telegram and the money was returned.

But the bank also asked for, and got, an additional $38.8 million to use free of charge for 2½ months so it could make up for what it could have earned on private loans during the time the money was missing.

Furthermore, the lending rate subsequently increased, thus giving National City the chance to make more off the government's $38.8 million than it would have made with its own money.

The amount of the misplaced money and its potential yield in interest, are minute when compared to National City's total deposits of $19.6 billion, but the incident, confirmed by officials of the Treasury and the bank, illustrates the close relationship between the government and the country's commercial banking industry.

* * * * *

In a statement commenting on the transaction Patman said he thinks it is highly improper for the Treasury to use public funds to compensate the bank for its own internal bookkeeping mistake.

He said he is asking the General Accounting Office, Congress' fiscal watchdog, to investigate and would insist that the bank "return to the federal government any proceeds gained from the use of this money."

Exactly what the bank might earn from the money is difficult to determine since repayment to the Fed is not due until next week. At the prime rate of 6 per cent it could earn a minimum of $582,000. But Treasury officials said the bank could earn twice that in quick turnover loans to smaller customers whom they would charge much more.

The Nixon administration has actively sought to increase government deposits in the country's 32 minority banks. But, according to Edward Gannon, the Treasury official coordinating the year-old drive, government deposits in these banks had reached only $17 million by mid-September.

National City's error occurred March 3 when its London office and a New York branch paid $38.8 million for an Export-Import Bank series BB promissory note.

The error went undetected until May 19. Harry Conover, a National City vice president, said the mistake was discovered by the bank's controller.

FREE OF CHARGE

Conover notified the Treasury by telegram. The Treasury repaid the $38.8 million and agreed to let the bank have another $38.8 million free of charge from July 2 through Sept. 27.

If National City had not made the error, it would have been able to lend that amount between March and May, charging a minimum of 5.5 per cent interest, the prime rate banks charge their most favored customers.

On July 7, National City and other leading banks raised the prime rate to 6 per cent.

Asked why Treasury should help the bank make up for its own mistake, Conover replied:

"They had the use of the money, the Treasury did."

This comment underlines a major point of contention among those, notably Patman, who are critical not only of the close relationship between commercial banks and the Treasury, but also of Treasury depository practices generally.

Even if the Treasury had been aware it suddenly had $38.8 million extra and—speaking purely hypothetically, didn't want to give it back, it most likely would have deposited it in another of the nation's largest banks without charge and without collecting any interest.

This is what the federal government does with millions, possibly billions, of dollars each year—puts the money free of charge in less than 10 per cent of the country's commercial banks. The Treasury defends the practice on the ground that it compensates the banks for services rendered the government.

BANKERS RELUCTANT

The practice has been going on for decades, but bankers and Treasury officials are reluctant to discuss it.

"It's not a question of trying to withhold or conceal," said Bruce Budlong, chief of domestic banking in the Bureau of Accounts, the obscure agency which handles government deposits. "We don't want to confuse the public."

There is nothing unusual about the National City incident except for the amount of money involved. "You don't see amounts like that very often," Budlong said.

Budlong agreed with Conover's comment that the bank had been deprived of the money even though National City made the mistake. "It was a transaction, a normal transaction and a defensible one," he said.

Budlong attributed to routine bookkeeping another interesting fact about the National City incident: Although the bank isn't required to repay the money until Sept. 27, the Bureau of Accounts assumes it will be repaid and changed its records Aug. 31 to show it had been.

The change was made when the Bureau received a copy of an Aug. 26 letter from the Treasury's Office of Cash Management directing the bank to repay the Federal Reserve System Sept. 27.

CASIMIR PULASKI—POLISH PATRIOT

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. ANNUNZIO. Mr. Speaker, October 11 marks the 192d anniversary of the death of Count Casimir Pulaski. His name is well-known to all Americans for this great Polish patriot left an indelible mark on the development of our great country.

Born in 1748 in Poland to a distinguished and well-to-do family, Pulaski early joined the struggle to prevent the partition of Poland. Though initially successful in his fight against Russian oppression, Pulaski was eventually defeated. His father and a brother were killed, and Pulaski himself lost his position and wealth.

Undaunted, however, he managed to escape to France where he met Benjamin Franklin and learned of the desperate need for trained soldiers and leaders in the United States, which was engaged in its own war of independence. Because of Franklin's encouragement, Pulaski came to America where he offered his services to General Washington. They were accepted, and Pulaski quickly took on America's fight for freedom as his own.

General Washington immediately recognized Pulaski's military skills and personal qualifications for leadership which were demonstrated time and again on the battlefield. Soon Pulaski merited promotion to the rank of brigadier general. He was placed in command of a division, and by his determination and perseverance, Pulaski succeeded in training the first American cavalry units during the Revolutionary War.

General Pulaski commanded the cavalry during the winter of 1777 at Trenton and later at Fleming. Working with Gen. Anthony Wayne, he scouted for supplies to feed starving troops at Valley Forge. In 1779, he assumed command for both the French and American cavalry at Savannah. Bravely charging the enemy lines at the head of his forces, Pulaski was mortally wounded, and 2 days later on October 9, 1779, he died at the age of 31.

This great son of Poland made the supreme sacrifice in order that America might win her independence and take her place among the free nations of the world. This week, as we mark the 192d anniversary of his death, it is appropriate to note the legacy that Poland has left to America. Polish-Americans have contributed substantially to the economic, cultural, and spiritual growth of our country. The priceless contribution of Casimir Pulaski almost 200 years ago is reflected today in the continuing contributions of Polish-Americans to our country.

The Seventh District in Illinois which I represent has many thousands of Americans of Polish ancestry. They are active in every field of endeavor—in the professions, in business, and in civic, educational, religious, and political activities of the community. Because I represent a great number of Polish-Americans, I have come to know them well. I am particularly aware of their warmth, their talent, and their extraordinary characteristics. Over the years, they have indeed given generously to the enrichment of American culture. It is, therefore, with genuine pride that I join my colleagues in commemorating the anniversary of General Pulaski's death.

DAY CARE IN OTHER COUNTRIES: THE SOVIET UNION

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. FRASER. Mr. Speaker, on September 10 the Senate approved a child care bill and on September 30 the House passed a comparable version of the same bill. This legislation is considered by many as one of the most important new pieces of social legislation in recent years. This legislation originated without any initiatives from the executive branch and has been supported by a broad base of liberal and conservative opinion in both bodies of Congress.

Since there are so few models within the United States of good day care facilities, I feel it might be helpful to become familiar with some of the programs that have been instituted in other nations. The fact is inescapable that the United States lags badly in comparison with other industrialized nations. I have submitted to the RECORD studies on day care institutions in Sweden and France—CONGRESSIONAL RECORDS of September 28 and 29, 1971.

Today I would like to submit a study done by Urie Bronfenbrenner of day care in the Soviet Union. Dr. Bronfenbrenner is one of the acknowledged experts in the world, and this excerpt is taken from "Two Worlds of Childhood: U.S. and U.S.S.R." published by the Russell Sage Foundation, New York 1970.

As he points out, the major difference between the two countries in the upbringing of children lies in the source of responsibility. In the United States we ordinarily think of this responsibility as centered in the family. In the Soviet Union there is a much greater sense of collective upbringing. One of the most influential publications for parents in the Soviet Union, a sort of Russian Dr. Spock, is "A Book for Parents," by Anton Semyonovich Makarenko. A quote from this book best describes this fundamental difference:

> Our family is not a closed-in body like the bourgeoise family. It is an organic part of Soviet society, and every attempt it makes to build up its own experience independently of the moral demands of society is bound to result in disproportion, discordant as an alarm bell. In our country the duty of a father toward his children is a particular form of his duty toward society.

Dr. Bronfenbrenner accurately states the magnitude of the problem facing us in the United States: We are faced with the necessity of developing a new style of socialization, one that will correct the inadequacies of our contemporary pattern of living as it is affecting our children and provide them with the opportunities for humanizing experience of which they are now bereft.

In sum, it is not a question of whether or not there will be changes in the way in which we bring up our children, but rather what direction the changes will take. Shall we continue to drift, or shall we try to determine our course? If so, which approaches are both effective and feasible?

The excerpts follow:

TWO WORLDS OF CHILDHOOD—U.S. AND U.S.S.R.

(By Urie Bronfenbrenner, with the assistance of John C. Condry, Jr.)

INTRODUCTION: A CRITERION FOR TWO CULTURES

How can we judge the worth of a society? On what basis can we predict how well a nation will survive and prosper? Many indices could be used for this purpose, among them the Gross National Product, the birth rate, crime statistics, mental health data, etc. In this book we propose yet another criterion: *the concern of one generation for the next.* If the children and youth of a nation are afforded opportunity to develop their capacities to the fullest, if they are given the knowledge to understand the world and the wisdom to change it, then the prospects for the future are bright. In contrast, a society which neglects its children, however well it may function in other respects, risks eventual disorganization and demise.

In this book, we shall explore the "concern of one generation for the next" in the two most powerful nations of our time, the Soviet Union and the United States. We shall examine what each country does for and with its children both intentionally and, perhaps, unintentionally. Then, drawing upon existing research and theory in the behavioral sciences, we shall ask what are, or might be, the consequences of the modes of treatment we observe; that is, what values and patterns of behavior are being developed in the new generation in each society. Finally, we shall look into the possibilities for introducing constructive changes in the process as it is taking place in our own country. In pursuing this last objective, we shall draw even more extensively on available resources of behavioral science to identify what we know of the forces affecting the development of human behavior, the principles on which the forces operate, and how these principles might be exploited by our social institutions in a manner consistent with our values and traditions.

In the language of behavioral science, this volume is concerned with the process of *socialization*, the way in which a child born into a given society becomes a social being—a member of that society. It should be clear that being socialized is not necessarily the same as being civilized. Nazi youth were also products of a socialization process. The example is an instructive one, for it reminds us that the family is not the only possible agent of upbringing. The process typically begins in the home but does not end there. The outside world also has major impact, as the child becomes exposed to a succession of persons, groups, and institutions, each of which imposes its expectations, rewards, and penalties on the child and thus contributes to shaping the development of his skills, values, and patterns of behavior.

Accordingly, in our comparative study of socialization in the Soviet Union and the United States, we shall be examining the process as it occurs in a series of social contexts beginning with the family but then proceeding to other settings such as preschool centers, children's groups, classrooms, schools, neighborhoods, communities, and, indeed, the nation as a whole.

Our selection of the Soviet Union as the object of paired comparison was not dictated by considerations of power politics but by those of social science. We wished to profit from the contrasting perspective provided by a society which differs substantially from our own in the process and context of socialization but at the same time faces similar problems as an industrialized nation with highly developed systems of technology, education, and mass communication. In terms of socialization, the major difference between the two cultures lies in the localization of primary responsibility for the upbringing of children. In the United States, we ordinarily think of this responsibility as centered in the family, with the parents playing the decisive part as the agents of child rearing, and other persons or groups outside the family serving at most in secondary or supplementary roles. Not so in the Union of Soviet Socialist Republics. The difference is nowhere better expressed than in the following passage from one of the most influential Soviet publications in this sphere: *A Book for Parents* by Anton Semyonovich Makarenko, an eminent educator whose methods for rehabilitating juvenile delinquents in the nineteen-twenties and -thirties became the primary basis for the techniques of collective upbringing currently employed in all Soviet nurseries, schools, camps, children's institutions, and youth programs. In this volume, which came to be regarded as a guide to ideal Soviet family life, Makarenko defined the role of the family as follows:

> Our family is not a closed-in collective body, like the bourgeois family. It is an organic part of Soviet society, and every attempt it makes to build up its own experience independently of the moral demands of society is bound to result in a disproportion, discordant as an alarm bell.
>
> Our parents are not without authority either, but this authority is only the reflection of social authority. In our country the duty of a father toward his children is a

particular form of his duty toward society. It is as if our society says to parents:

You have joined together in goodwill and love, rejoice in your children, and expect to go on rejoicing in them. That is your own personal affair and concerns your own personal happiness. But in this happy process you have given birth to new people. A time will come when these people will cease to be only a joy to you and become independent members of society. It is not at all a matter of indifference to society what kind of people they will be. In handing over to you a certain measure of social authority, the Soviet state demands from you correct upbringing of future citizens. Particularly it relies on a certain circumstance arising naturally out of your union—on your parental love.

If you wish to give birth to a citizen and do without parental love, then be so kind as to warn society that you wish to play such an underhanded trick. People brought up without parental love are often deformed people.

Nor is the family the sole or even the principal delegate of the society for the upbringing of children. Such primary responsibility is vested in still another social structure, the *children's collective*, defined as "a group of children united in common, goal-oriented activity and the communal organization of this activity." As we shall see, such collectives constitute the basic structural units in all Soviet programs designed for the care or education of children.

The first difference, then, between the United States and the Soviet Union in the way in which children are socialized lies in the contrast between a family- versus a collective-centered system of child rearing. But of course, the family is not the only context of upbringing in American society. Children's groups also exist in the United States. But unlike their more formalized Soviet counterparts, they are more fluid, and relatively independent of the adult society.

Accordingly, in our comparative study, we shall focus major attention on similarities and differences in two principal contexts of socialization—the family and the children's group.

We begin with a consideration of the process of upbringing in the Soviet Union.

PART I: THE MAKING OF THE NEW SOVIET MAN

To date, no systematic studies of methods of child rearing have been carried out in the Soviet Union either by Soviet or non-Soviet investigators. The generalizations which follow are based on field notes of observations and interviews made by the author as a visiting scientist on seven different occasions from 1960 to 1967. Over the course of these visits, which ranged in length from two weeks to three months, opportunities were provided, through the courtesy of the Academy of Pedagogical Sciences, to observe and talk with children and adults in a variety of settings, including nurseries, kindergartens, regular schools, boarding schools, and the so-called schools of the prolonged day, as well as Pioneer palaces, camps, parks, and other community facilities for children and parents. In addition, particularly after the first one or two trips, there developed informal opportunities to become acquainted with Soviet family life. The presence of our own children on three of these visits not only increased such contacts considerably, but also set in high relief the contrasts between Soviet and American modes of upbringing both within and outside the family.

Although some observations were made in rural areas in the Russian, Ukrainian, and Georgian republics, and in the Asian republics of Uzbekistan and Kazakstan, the great bulk of the field work was done in several large cities in various parts of the U.S.S.R., specifically Moscow, Leningrad, Kiev, Odessa, Tallin, Tbilisi, Tashkent, and Alma-Ata.

1. UPBRINGING IN THE SOVIET FAMILY

The descriptions which follow are drawn both from field data and from published manuals on child care. Although the latter have wide circulation throughout the Union of Soviet Socialist Republics, with translations published in the languages of the several republics, the observations were essentially limited to Russian-speaking families in and around large metropolitan centers.

We begin with a discussion of parental treatment in infancy and early childhood.

Patterns of Maternal Care.

In this sphere, differences between Russian and American practices are most apparent in three areas.

PHYSICAL CONTACT

Russian babies receive substantially more physical handling than their American counterparts. To begin with, breast feeding is highly recommended and virtually universal. And even when not being fed, Russian babies are still held much of the time. The nature of this contact is both highly affectionate and restricting. On the one hand, in comparison with American babies, the Russian child receives considerably more hugging, kissing, and cuddling. On the other hand, the infant is held more tightly and given little opportunity for freedom of movement or initiative. Manuals on child care, prepared by the Academy of Pedagogical Sciences, frequently inveigh against this practice. Witness the following excerpt:

There are still mothers who, when the child is not asleep, never allow him to remain in his bed but continually hold him in their arms. They even cook holding the child with the left arm. Such a position is very harmful to the child, since it leads to curvature of the spine.

SOLICITOUSNESS

The mobility and initiative of the Soviet child are further limited by a concerted effort to protect him from discomfort, illness, and injury. There is much concern about keeping him warm. Drafts are regarded as especially dangerous. Once the child begins to crawl or walk, there is worry lest he hurt himself or wander into dangerous territory. For example, children in the park are expected to keep in the immediate vicinity of the accompanying adult, and when our youngsters—aged nine and four—would run about the paths, even within our view, kindly citizens of all ages would bring them back by the hand, often with a reproachful word about our lack of proper concern for our children's welfare.

DIFFUSION OF MATERNAL RESPONSIBILITY

The foregoing example highlights another distinctive feature of Russian upbringing, the readiness of other persons besides the child's own mother to step into a maternal role. This is true not only for relatives, but even for complete strangers. For example, it is not uncommon, when sitting in a crowded public conveyance, to have a child placed on your lap by a parent or guardian. Strangers strike up acquaintances with young children as a matter of course, and are immediately identified by the accompanying adult or by the child himself as *"dyadya"* [uncle] or *"tyotya"* [auntie].

Nor is the nurturant role limited to adults. Older children of both sexes show a lively interest in the very young and are competent and comfortable in dealing with them to a degree almost shocking to a Western observer. I recall an incident which occurred on a Moscow street. Our youngest son—then four—was walking briskly a pace or two ahead of us when from the opposite direction there came a company of teenage boys. The first one no sooner spied Stevie than he opened his arms wide and, calling *"Ai malysh!"* [Hey, little one!], scooped him up, hugged him, kissed him resoundingly, and passed him on to the rest of the company, who did likewise, and then began a merry children's dance, as they caressed him with words and gestures. Similar behavior on the part of any American adolescent male would surely prompt his parents to consult a psychiatrist.

Given this diffusion of nurturant behavior toward children, it is hardly surprising that Soviet youngsters exhibit less anxiety than their American age-mates when their mother leaves them in the care of another person or in a nursery. Such delegation of the care of the child is, of course, standard practice in the U.S.S.R., a nation of working mothers in which 48 per cent of all age-eligible women are in the labor force. But before turning to methods of upbringing outside the family, we must consider another aspect of parental child rearing, values and techniques of discipline.

VALUES AND TECHNIQUES OF DISCIPLINE

It would be a mistake to conclude that the affection and solicitousness that Russians, in particular Russian mothers, lavish on children imply permissiveness or indulgence with respect to conduct. On the contrary, much emphasis is placed, no less by parents than by professional educators, on the development of such traits as obedience [*poslushanie*] and self-discipline [*distsiplinirovanmost*].

What is meant concretely by these terms? For an answer we may turn to the authoritative volume, *Parents and Children*, prepared by a group of specialists from the Academy of Pedagogical Sciences with the aim of "helping parents to bring up their children properly so that they can grow up to be worthy citizens of our socialist nation." In a chapter on discipline, we read the following:

What is necessary and possible to demand of young children? First of all, a child must be *obedient* toward his parents and other adults, and treat them with respect. . . . The child must fulfill requests that adults make of him—this is the first thing the child must be taught. The child must fulfill the demands of his elders. In following the orders, instructions, and advice of grownups, the child manifests obedience. By becoming accustomed to obey from early childhood, to react to the demands of adults as something compulsory, the child will begin successfully to fulfill later demands made of him in family and school.

But to obey is not enough; the child must also develop *self-discipline*. On this score, our manual speaks as follows:

It is necessary as early as possible to develop in the young child an active, positive relation to the demands of adults, the desire to act in accordance with these demands, to do that which is necessary. Herein lies the great significance of our efforts in developing conscious self-discipline, indeed its very elements. Every person, including the young school-age child, will better, more quickly, and more joyously fulfill demands and rules once he has a desire to do so.

In other words, in the parlance of Western psychology, self-discipline is internalized obedience—fulfilling the wishes of adults not as commands from without but as internally motivated desires.

A more recent work by one of the Soviet Union's most popular writers on child rearing, I. A. Pechernikova (the first edition of 150,000 copies sold out in a few months), reiterates much the same idea and then poses a critical question.

Obedience in young children provides the basis for developing that most precious of qualities: self-discipline. Obedience in adolescents and older school children—this is the effective expression of their love, trust, and respect toward parents and other adult family members, a conscious desire to acknowledge their experience and wisdom. This is an important aspect of preparing young people for life in a Communist society. We shall be asked: what about developing independence [*samostoyatelnost*] in children? We shall answer: if a child does not obey and does not consider others, then his independence invariably takes ugly forms. Ordinarily this gives rise to anarchistic behavior, which can in no way be reconciled with laws of living in Soviet society. Where there is no obedience, there is no self-discipline; nor can there be normal development of independence. Training in obedience is an essential condition for developing the ability of self-discipline.

We quote at some length from these contemporary Soviet educators for several reasons. First, Soviet books on upbringing are widely read and taken very seriously by parents, teachers, and others engaged in work with children. Indeed, the interest extends beyond those directly concerned, since upbringing [*vospitanie*] is virtually a national hobby in the U.S.S.R. Daily newspapers frequently carry articles and letters on the subject, public lectures on the topic are widely attended, and questions of upbringing constitute a common subject of conversation among parents and non-parents alike.

Second, consistent with the foregoing statements, the passages cited present in more succinct form ideas frequently heard in conversations with Soviet parents, teachers, child-care workers, and the general public.

Third, parents, professionals, and people in general, when dealing with children, often act in accord with these stated convictions; that is, they actively strive to develop in children the traits of obedience and self-discipline described in the passages quoted.

Fourth, as we shall see, these efforts are not without success; many Soviet children do exhibit in their behavior the qualities so strongly recommended and admired by professional educators.

Finally, as we shall see also, the dilemma of obedience versus independence, which Pechernikova poses and then so readily resolves, at least at the ideological level, is likewise manifest in the behavior of Soviet youngsters, and may present problems for Soviet society in the light of changing educational, social, and economic needs.

But before considering the products of Soviet upbringing it is necessary to acquaint ourselves with the methods employed for achieving the stated goals. Once again we begin by examining recommended practices. The treatment of this subject in Pechernikova's book, which is the most recent at our disposal, is typical of its many predecessors. In her chapter on "How to Develop Obedience," Pechernikova recommends the following as the methods of choice.

The development of obedience is especially fostered by a brief and precise explanation to the child of the reason why he should behave himself in the given fashion and not otherwise. In pedagogy, we call this the method of persuasion.

Second only to persuasion in its presumed effectiveness is the use of encouragement and praise [*pooshchrenie*], but such techniques "should be employed only when necessary." For example, if a child is already doing well in school and is following the rules of conduct, he should not be praised for it.

The method of encouragement and praise should be used only in those cases when, under the influence of the teacher, the parents, or one's friends, the child is striving to correct faults of character, to become better organized, to begin to obey his elders.

Finally, Pechernikova takes up the question of how to punish disobedience. First of all, she sounds the primary proscription of Soviet experts on upbringing: "the inadmissibility of physical punishment," a measure which is viewed not merely as ineffective but harmful. However, after inveighing against this particular form of discipline for seven pages, Pechernikova warns against the opposite extreme, "the denial of any form of punishment whatsoever, on grounds of liberalism and spontaneity in child rearing." The so-called method of natural consequences, which allows the child to learn by touching the hot samovar and burning himself, is to be vigorously rejected.

We cannot risk our children's future by allowing their upbringing to be determined by spontaneous drift. The school and the parents [note the order] must hold the reins of upbringing in their own hands and take all measures necessary to insure that children obey their elders.

What measures are these? On first glance, we recognize familiar phrases, "reprimand," "dressing down," "deprivation of privileges," that is, the usual armamentarium of frustrated parents everywhere. But a more careful reading reveals a special emotional tone somewhat alien to present-day parental practices, especially recommended ones, in our own country, but possibly reminiscent of an earlier era. Witness the following examples:

A "talking-to" [involves] a brief but sharp evaluation of the behavior of the disobedient child including an expression of one's own indignation at such behavior. Moreover, after giving the reprimand, one should not permit himself to resume his usual affectionate manner with the child, even when the parent feels that the youngster has genuinely repented. For a period of time it is necessary to remain pointedly reserved with the child and somewhat cold, thereby showing him that his disobedience has hurt the adult. This measure turns out to be very effective and in most instances gives a palpable result. . . . Depriving the child of the adult's companionship in enjoyable activity as a punishment for disobedience is also a very effective means of influence.

For example, a mother says to her son: "Once again you disobeyed me by not coming home on time. Now I no longer wish to finish the chess match we began yesterday. It is even unpleasant for me to look at you." For the rest of the evening, she confines herself only to cold responses to her son's questions. About the same behavior toward the boy is shown by his father.

Sometimes the parents can resort to an even more severe method of punishment: for a period of time to cease talking to the child entirely. For example, a daughter not only disobeyed her mother by refusing to change her ridiculous hair-do but allowed herself to hurt her mother's feelings by a harsh word. The latter said nothing, but cast a reproving glance, showed by all her appearance how deeply insulted she was, and refrained from speaking with her daughter for several hours.

Students of Western research on parent-child relationships will recognize this pattern as a classic example of discipline through what has been called "withdrawal of love." Shortly, we shall review available evidence on the effects of this parental technique. For the moment, we must turn to the prior question of the extent to which Soviet families actually employ the methods recommended to them by professional educators.

Here we can rely only on the informal observations and interviews conducted primarily with urban professional families but also including more casual contacts with working-class parents and children in public conveyances, parks, recreation centers, and other public places. In general, the field notes indicate considerable correspondence between practice and precept, especially among professional families. Less-cultured parents do on occasion resort to physical punishment, and are less likely to engage in reasoning and persuasion. But what most differentiates Russian parents from their American counterparts is the emotional loading of the parent-child relationship, both in its positive and negative aspects. On the one hand, both adults and children in the U.S.S.R. are more demonstrative toward each other. On the other hand, any departure from proper behavior evokes from the parent a curtailment of this demonstrativeness. By gesture, word, intonation, or eloquent silence the parent is quick to convey this emotional wound. The child is made to feel not so much that his behavior was wrong as that he himself was ungrateful and had betrayed an affectional bond.

This same principle of discipline through withdrawal of emotional support turns out to be central in the second major context in which upbringing takes place for the Soviet child—the children's collective.

2. UPBRINGING IN COLLECTIVE SETTINGS

Although in the Soviet Union the use of communal facilities for the rearing of children is as old as the Soviet government itself, collective upbringing received its greatest expansion following the Twentieth Party Congress in 1956, which called not only for the expansion of existing institutions, such as nurseries and kindergartens, but also for the introduction of the so-called schools of the new type—the *"internats"* or boarding schools, and the "schools of the prolonged day," which offer essentially the same program as the boarding schools, except that the pupils go home at about six in the evening and return early the next morning.

The present scope of these programs can be gleaned from the following summary figures. Over 10 per cent of all Soviet children under two years of age are currently enrolled in public nurseries. The corresponding percentage for children between three and six years of age who attend preschool institutions is about 20 per cent. Approximately 5 per cent of all school-age children—i.e., those seven years old and older—are enrolled in boarding schools and "schools of the prolonged day." *

For all of these institutions, the stated aim is to provide the child, from early infancy onward, with the physical, psychological, and social conditions regarded as necessary for his full development but not readily available in his own home. In accordance with this aim, priority in admission is given primarily to children from families to which one parent is absent or away for long periods of time, or where the parents work on different shifts. Infants may be entered at three months of age.

What is the nature of the methods of child rearing employed in these collective settings? The following account is based on observations in some thirty centers visited by the author in various parts of the U.S.S.R.

TECHNIQUES OF UPBRINGING IN PRESCHOOL CENTERS

Training in the first year of life involves two major features. The first is early experience in collective living. The infants are placed in group playpens with six to eight children in each. To permit face-to-face interaction between staff members and children the pens are raised on legs, the one for the three-to-six-month-olds being higher than the near-toddlers. At these age levels, there is one "upbringer" for every four charges.

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* For a more detailed account of the development of institutions of communal upbringing in the U.S.S.R., including available enrollment figures, see Urie Bronfenbrenner, "The Changing Soviet Family," in Donald R. Brown (ed.), *The Role and Status of Women in the Soviet Union* (New York: Teachers College press, Columbia University, 1968). Although in his 1956 address, Nikita Khrushchev predicted "the education of all children in boarding schools," his successors have markedly reduced further expansion of this type of institution in favor of the cheaper and more popular extended-day schools.

The second core principle of upbringing is the so-called *regime*. Each child is on what a Western psychologist would view as a series of reinforcement schedules; that is, the upbringer spends a specified amount of time with him in stimulating and training sensory-motor functions. For example, at the earliest age levels, she will present a brightly colored object, moving it to and fro to encourage following. A bit later, the object is brought nearer and moved slowly forward to induce the infant to move toward it. Still later, the child is motivated to pull himself up by the barred sides of the playpen to assume a standing position. And infants learn to stand in such playpens not only in Moscow, but 2,000 miles away in Soviet Asia as well.

From the very beginning, considerable emphasis is given to the development of self-reliance, so that by eighteen months of age the children are expected to have completed bowel and bladder training and are already learning more complex skills such as dressing themselves. Physical activity outdoors is encouraged and it is usually followed by rest, with windows wide open and the smallest children swaddled in thick quilts.

During the first year of life, especial attention is focused on language training. The following passage from the official manual on the preschool program provides an accurate summary of our own observations:

> The upbringer exploits every moment spent with the child for the development of speech. In order that the infant learn to discriminate and understand specific words, the upbringer speaks to him in short phrases, emphasizes by her intonation the main words in a given sentence, pauses after speaking to the child, and waits for him to do what was asked. It is important that the words coincide with the moment when the child engages in the action, looks at the object which the adult has named, or is watching a movement or activity being performed by the adult. The speech of the upbringer should be emotional and expressive, and should reflect her loving tender relation to the child.
>
> In activities with children of this age, the upbringer develops the understanding of speech and enriches the children's impressions. Toward this end she carries the baby to different objects and shows him large colorful sound-making and wind-up toys; with children eight to nine months of age, she encourages them to pick out from a collection of many toys the one which she names; in order to acquaint the child with names of adults and other children she conducts games of hide-and-seek.
>
> In order that the child can learn the words associated with certain actions ("Clap your hands," "Goodbye," "Give me your hand," "So-o big," etc.), she teaches these actions, accompanying them with the appropriate words. The upbringer encourages the child to duplicate sounds which he already knows how to pronounce, as well as new ones, and structures his babbling and imitation of simple syllables.

The development of speech becomes the vehicle for developing social behavior. Thus in speaking of the nine- to twelve-months age level, the manual states:

> It is important to cultivate in the baby a positive attitude toward adults and children. At this age the child's need to relate to the adults around him increases. Interest develops in what others are doing. Sometimes children of this age play together: they throw balls into the same basket, roll downhill one after the other, smile at each other, call to one another. If the upbringer is not sufficiently attentive to the children, negative relations may arise among them; for example, the result of the attempt by one child to take a toy held by another.

How does the upbringer respond to such expressions of selfishness? The following example from our field notes is typical of a number of observations.

> Kolya started to pull at the ball Mitya was holding. The action was spotted by a junior staff member who quickly scanned the room and then called out gaily: "Children, come look! See how Vasya and Marusya are swinging their teddy bear together. They are good comrades." The two offenders quickly dropped the ball to join others in observing the praised couple, who now swung harder than ever.

Nor is such cooperation left to chance. From the very beginning stress is placed on teaching children to share and to engage in joint activity. Frequent reference is made to common ownership: *"Moe eto nashe; nashe moe"* [mine is ours; ours is mine]. Collective play is emphasized. Not only group games, but special complex toys are designed which require the cooperation of two or three children to make them work. Music becomes an exercise in social as well as sensory-motor articulation. As soon as children are able to express themselves, they are given training in evaluating and criticizing each other's behavior from the point of view of the group. Gradually, the adult begins to withdraw from the role of leader or coordinator in order to forge a "self-reliant collective," in which the children cooperate and discipline themselves, at meal time and in play activities, too. As is apparent in some of the photographs, play often takes the form of role-playing in real-life social situations, which gradually increase in complexity (e.g., taking care of baby, shopping, in the doctor's office, at school). Beginning in the second year of nursery and continuing through kindergarten, children are expected to take on ever-increasing communal responsibilities, such as helping others, serving at table, cleaning up, gardening, caring for animals, and shoveling snow. The effects of these socializing experiences are reflected in the youngster's behavior, with many children giving an impression of self-confidence, competence, and camaraderie.

3. THE PSYCHOLOGICAL IMPLICATIONS OF SOVIET METHODS OF UPBRINGING

We begin our analysis by considering the possible impact on a child of the pattern of demonstrative maternal warmth to which Russian youngsters are exposed from earliest infancy. The most relevant research in this connection is found in the pioneering studies of Percival M. Symonds and David M. Levy, along with more recent investigations summarized in reviews by Wesley C. Becker, Urie Bronfenbrenner, Bettye M. Caldwell, John A. Clausen, and Willard W. Hartup. In general, these researches point to the conclusion that a warm, constricting mother-child relationship maximizes dependency and produces a child who is readily socialized to adult standards. One can hardly improve on the original description provided by Symonds' own concise summary of the syndrome as he found it in America of the nineteen-thirties. He characterized children growing up in such a context as "obedient, orderly, submissive," and likely to "conform to the modes of the group in which they are reared. . . . This is a fair picture of the good child in our society." "The only trouble," he went on to say, "is that the men in our society are supposed to be independent, aggressive, forward, self-confident and strong."

THE EFFECTS OF AFFECTION AND ITS WITHDRAWAL

The later investigations were not only more sophisticated but made an important new contribution by identifying the disciplinary strategy involved in inducing conformity with adult standards. In summarizing these research findings, the present author described parents using this strategy in the following terms:

> . . . they reason with the youngster, isolate him, appeal to guilt, show disappointment—in short, convey in a variety of ways, on the one hand the kind of behavior that is expected of the child; on the other, the realization that transgression means the interruption of a mutually valued relationship. . . .
>
> The successful use of withdrawal of love as a disciplinary technique implies the prior existence of a gratifying relationship; the more love present in the first instance, the greater the threat implied in its withdrawal. . . . Our data indicates that it is a primarily mothers who tend to employ "love oriented" techniques of discipline. . . .

The foregoing analysis, derived from research done only with American children, would seem to apply rather well to patterns of child rearing in the Soviet family.

FATHER ABSENCE AND THE MOTHER-CENTERED FAMILY

The question may be raised as to how this particular pattern developed? How did it come about that the Soviet parents, especially mothers, are so affectionate with children and react to disobedience by withdrawal of love? Are these merely long-established cultural traits, passed down from one generation to the next, or are they promoted and maintained by certain social structural properties found in Russian society which, if they were altered, would modify the existing pattern?

Some light is shed on this issue by a growing body of research on the effects of father absence. Studies carried out both in the United States and Norway indicate that such absence not only affects the behavior of the child directly but also influences the mother in the direction of greater over-protectiveness. The effect of both of these tendencies is especially critical for boys. Children from father-absent homes, at least initially, are more submissive, dependent, effeminate, and susceptible to group influence, with the later course of development being determined by the character of the group in which the child finds himself. Thus in lower-class Negro families, where father absence is particularly common, the typically passive and dependent boy readily transfers his attachment to the gang, where, to earn and keep his place, he must demonstrate his toughness and aggressiveness.

Similar but not so extreme effects are likely to occur in homes in which the father is present but plays a markedly subordinate role. In a study of the relation between parental role structure and the child's behavior, Bronfenbrenner found that matriarchal families, in which primarily the mother held the power of decision, tended to produce children who "do not take initiative" and "look to others for direction and decision." At the same time, an asymmetrical family structure has somewhat different effects on the two sexes. Specifically:

> Both responsibility and leadership are fostered by the relatively greater salience of the parent of the same sex. . . . Boys tended to be more responsible when the father rather than the mother is the principal disciplinarian; girls are more dependable when the mother is the major authority figure.
>
> Further investigation qualified this finding in an important respect. It revealed that children of both sexes showing the highest degrees of leadership and dependability tended to come neither from matriarchal nor patriarchal families, nor from those in which the mother and father participated equally and similarly in the process of child rearing; rather, such youngsters were found in families where both parents took an active part but behaved rather differently, with some division between supportive and disciplinary roles.

What is the relevance of all these considerations to child rearing in the U.S.S.R.? First of all, particularly during and after World War II, millions of Russian children were brought up in fatherless families; and, fifteen years after the war's end, there was still an excess of 20,000,000 women over men in the Soviet population. Nor is this a new phenomenon in Russian history, which records an inexorable series of devastating invasions, civil wars, famines, massive exiles, and shifts in population, all of which had the effect of separating families and removing large numbers of men from their homes. Beyond the direct effect which such paternal absence would have had on the wives and children of missing fathers, there is the likelihood of an indirect impact of imposing matriarchal patterns in families where the father was physically present. Such an effect has been strongly indicated as one of the heritages of slavery in the Negro family of today, and could well be operative in any society experiencing a history of massive, enforced family separation. In any event, despite the equalization of the sex ratio in the Soviet population over thirty-five years of age, which encompasses the present generation of parents of young children, the continuing primacy of the mother in child rearing is reflected both in objective circumstances (such as the common practice of the *kommandirovka:* a work assignment in another locality without being accompanied by one's family) and in the popular literature on family upbringing, in which the mother is portrayed and addressed not only as the chief agent of child rearing but also as the principal maker of decisions affecting the child. (Witness the instruction, on pages 13–14, for "silent treatment" of the disobedient child, in which a lengthy passage addresesd to the mother ends, almost as an afterthought, with a reminder that "about the same behavior" should be shown by the father.)

Perhaps even more significant for the Soviet child is the fact that the saliency of females in his environment increases markedly upon his entry into nursery school, and continues thereafter. Even though some male teachers are to be found, especially at the secondary school level, the excess of female over male personnel is even more pronounced than in the United States. Moreover, the elected leaders of the peer collective are also likely to be girls (in the thirty or more schools, camps, and Pioneer palaces visited, there was only one instance in which the highest officer was a boy). Finally, as dramatically illustrated by the example of the trial, after the primary grades it is girls who take the most active role in collective discipline, and boys who are most likely to be its target.

COLLECTIVE UPBRINGING IN SOCIAL PSYCHOLOGICAL PERSPECTIVE

These considerations bring us to our last and perhaps most difficult question: what are the psychological effects of collective upbringing? This question in turn may be examined from two points of view. First, what evidence do we have from Western research bearing on the consequences of child rearing in communal settings? Second, what is known about the characteristics of Soviet children who are products of this type of upbringing?

EVIDENCE FROM WESTERN RESEARCH

Since available data on the first of these questions has already been examined in some detail elsewhere, we shall deal with the issue here only in summary form. Western studies relevant to the effects of collective upbringing derive principally from two major contexts. The first of these is, of course, the family. We have already seen that the practice of withdrawing group approval employed as a disciplinary measure in Soviet children's collectives has much in common with the "love-oriented" techniques, which research on American families has shown to be especially potent in effecting "good behavior" and making children "conform more closely to the modes of the group in which they are reared." This would suggest that analogous methods employed at a group level would have similar results. Moreover, the effectiveness of the collective in this regard would be enhanced by two distinctive features of the Soviet family already noted. The absence of a strong counterforce to the mother in the person of a frequently present and powerful father, coupled with the early diffusion of the nurturant role to persons outside the family should facilitate transition from the mother to the collective as a primary source of security and incontestable authority for the child.

A second body of research carrying implications for the effectiveness of collective upbringing deals with the power of the group in controlling the behavior of its members. Experiments on conformity behavior, notably the work on adult subjects by Solomon E. Asch, Morton Deutsch and Harold G. Gerard, and Stanley Milgram, and on children by Ruth Berenda, M. S. Neimark, and Muzafer Sherif *et al.*, testify to the power of the majority in shaping and regulating the behavior of group members and forcing the deviant individual to conform. Of particular significance of the Soviet case is Deutsch and Gerard's ingenious extension of the classical work of Solomon Asch on group influences in perception. In the original experiment as conducted by Asch, the subject, along with six or eight others, is asked to identify the longer of two straight lines presented for all to see. At first, the task seems simple enough. The lines are easy to discriminate; the subject hears others make their judgments and then makes his own. In the beginning he is in agreement, but gradually he notices that the judgments offered by others do not correspond with his own. Actually the experiment is rigged, the other group members having been instructed to give incorrect responses on a predetermined schedule. The effect on the subjects is disturbing enough so that in a third of the cases they follow the false lead of the majority. In designing their own experiment, Deutsch and Gerard took note of the fact that in the earlier work the subjects were not actually members of a "group"; they were simply a collection of strangers assembled in one room to participate in an experiment. If a prior sense of group consciousness had been developed before the perceptual task, they argued, the distorting influence of social pressure would have been more pronounced. They then proceeded to test this hypothesis by running two series of experiments. The first simply replicated Asch's original conditions; the second introduced before the perceptual task a procedure designed to enhance feelings of group membership. The results were strongly confirmatory: the subjects in the "group" condition made twice as many errors (i.e., distortions) as the controls run under the standard conditions.

What was the procedure used to develop a feeling of group identity? Immediately before being asked to make perceptual judgments, the experimental subjects were instructed as follows:

> This group is one of twenty similar groups who are participating in this experiment. We are going to give a reward to the five best groups—the five groups that make the fewest errors on the series of judgments that you are given. The reward will be a pair of tickets to a Broadway play of your own choosing for each member of the winning group. An error will be counted any time one of you makes an incorrect judgment. . . . The five groups that make the best scores will be rewarded.

In short, as their experimental treatment designed to enhance the Asch effect, Deutsch and Gerard employed "socialist competition." The only modification a Soviet upbringer could wish would be to have the winning team make a group decision on which play to see and then attend the theater as a "victorious collective."

In summary, on the basis of Western research both on parent-child relations and on group process, one would expect Soviet methods of child rearing both in the family and in the children's collective to reinforce each other in producing a child who conforms to adult standards of "good conduct."

STUDIES OF SOVIET CHILDREN

To what extent are these expectations realized in the actual behavior of Soviet children? Our data on this question come from two sources: unstructured observations and impressions recorded in field notes; and systematic investigations carried out with comparable groups of children from the Soviet Union, the United States, and other countries.

The results of unstructured observations can be conveniently summarized by the following excerpt from an interim research report made at the International Congress of Psychology in 1963. Subsequent visits have served only to confirm the earlier description:

> What impressed this observer, like others before him, about Soviet youngsters, especially those attending schools of the new type, was their "good behavior." In their external actions, they are well-mannered, attentive, and industrious. In informal conversations, they reveal a strong motivation to learn, a readiness to serve their society, and—in general—ironically enough for a culture committed to a materialistic philosophy, what can only be described as an idealistic attitude toward life. In keeping with this general orientation, relationships with parents, teachers, and upbringers are those of respectful but affectionate friendship. The discipline of the collective is accepted and regarded as justified, even when severe as judged by Western standards. On the basis not only of personal observations and reports from Soviet educators, but also from entries in the minutes of the Pioneer and Komsomol meetings which I had an opportunity to examine, it is apparent that instances of aggressiveness, violation of rules, or other antisocial behavior are genuinely rare.

The results of our systematic investigations point to similar conclusions. The most relevant data come from a series of experiments, some of them still in progress, carried out with children in a number of different countries including the U.S.S.R. Working with a sample of more than one hundred and fifty twelve-year-olds (six classrooms in three different schools) in each country, we placed the children in situations in which we could test their readiness to engage in morally disapproved behavior, such as cheating on a test, denying responsibility for property damage, etc. The situations were presented under three different experimental conditions, with ten "dilemmas" in each. Under the first, or *scientific* condition, the children were told that the research was being carried out by scientists under the sponsorship of a national scientific body (e.g., the National Science Foundation in the United States, the Academy of Sciences in the U.S.S.R.). They were informed that their responses would not be revealed to anyone whom they knew, such as parents, teachers, or fellow pupils. Even the scientists would be unaware of the behavior of particular individuals, since the data would be punched on cards, and analyzed by computers in terms of group averages. In the second, or *adult* condition, the children were asked to participate in another series, the results of which would be posted on a chart and shown to parents and teachers at a special PTA meeting. The last, or *peer* condition, was similar to the preceding. The children were asked whether they were interested in knowing how "kids" acted in situations like this. In response to the invariable "yes," we then offered to present still another series, with the understanding that the posted results would be shown only to the children themselves.

The results indicate that, under all three conditions, Soviet children are much less willing to engage in antisocial behavior than their age-mates in three Western countries (the United States, England, and West Germany). In addition, the effect of the peer group was quite different in the Soviet Union and the United States. When told that their classmates would know of their actions, American children were even more inclined to take part in misconduct. Soviet youngsters showed just the opposite tendency. In fact, their classmates were about as effective as parents and teachers in decreasing misbehavior.

In a second experiment, we compared the reactions of Russian children enrolled in three ordinary day schools (two classes in each) with responses of pupils in the same grade (the fifth, which means an average age of twelve) from three different *internats* or boarding schools (again two classes in each). As "schools of the new type," these institutions place even greater emphasis on collectivism and on the development of Communist morality. In keeping with this emphasis, the boarding school pupils were even more resistant to antisocial behavior than their age-mates in the regular schools, and showed an even smaller discrepancy in reaction to pressure from peers *versus* adults.

A third study sought to assess this special impact of collective discipline in schools of the new type while holding constant the factor of living away from home. Specifically, the responses of Soviet boarding school pupils (again about twelve years old) were compared with those of several hundred age-mates in children's homes in Switzerland, a nation in which the theory and practice of group upbringing have been well developed since the days of Johann Pestalozzi, but in the absence—and indeed in explicit rejection—of the collective approach. The experiment required each child to say what he would do if he learned that a classmate or friend had engaged in some form of misconduct. Twenty-one situations were presented ranging from minor misdeeds or annoying habits (e.g., littering, eating sloppily) to more serious offenses such as breaking rules, hurting other children, insulting teachers, damaging property, cheating on an important exam, or taking things belonging to others. In each situation the child could choose one of four courses of action:

Tell a grown-up so that he could put a stop to it.

Tell the other kids so that they could do something about it.

Talk to the child himself and tell him he should not do it.

Do nothing about it since it really is none of his business.

After the experiment had been conducted (but before examining the results), we had asked the upbringers in each country what responses they hoped the children had given. (The upbringers did not participate in the administration of the experiment, and were not told until afterward what it had involved.) Soviet educators were generally agreed that, at the age level in question (eleven to thirteen years), children should first take personal initiative in correcting the behavior of their friends and classmates, and then call on the collective only if this effort failed. Among Swiss staff members there was no clear consensus on the issue. The actual research results revealed a rather different pattern for children in the two countries. In the great majority of instances (75 per cent), the Soviet youngsters reacted by saying that they themselves would talk to the offender. In contrast, only a third of the Swiss children gave this response. To the extent that there was a preferred response among the latter, it was to tell an adult (39 per cent). Only 11 per cent of Soviet children preferred this alternative. Russian youngsters were more willing than Swiss to invoke the help of other children in dealing with misconduct (12 per cent in comparison with 6 per cent), particularly if the offense involved hurting another child or discourtesy to a teacher. But an even sharper discrepancy was apparent with respect to the remaining option: "Do nothing, since it is none of my business." Whereas 20 per cent of Swiss children chose to look the other way, less than one per cent of Soviet pupils picked this alternative.

Taken together, the results of these three studies strongly indicate that collective upbringing does achieve some of its intended effects—at least at the school age level. Not only does the peer group in the U.S.S.R. act to support behavior consistent with the values of the adult society, but it also succeeds in inducing its members to take personal initiative and responsibility for developing and maintaining such behavior in others.

In the light of our earlier analysis, one other feature of the research results deserves comment. Of the various groups of boys and girls in the several countries in which we have worked (now numbering half a dozen), the Soviet girls show both the highest level of commitment to adult standards and the least individual variation within the classroom. In other words, our empirical findings confirm the impression that it is Soviet girls in particular who support the society's values, and—both as individuals and in their collectives—exert pressure on others to conform to standards of good behavior. Though Soviet boys are not so committed as the girls, their responses, under all experimental conditions, were considerably more "adult-oriented" than those of their Western counterparts.

In summary, considering both the observational and experimental data, it would seem that Soviet methods of upbringing, both within and outside the family, are accomplishing their desired objectives. The children appear to be obedient; they are also self-disciplined, at least at the level of the collective. But what about the individual? Is he capable of self-discipline when self-determination is required, particularly when the situation demands going it alone, perhaps in opposition to the group?

Some light is shed on this issue by a study conducted by Robert R. Rodgers, Bronfenbrenner, and Edward C. Devereux, Jr., on standards of social behavior among school children in four cultures: England, Switzerland, the Soviet Union and the United States. Again the subjects were sixth-graders, with those from Switzerland and the U.S.S.R. coming from boarding schools and children's homes. The results showed that Soviet youngsters placed stronger emphasis than any other group on overt propriety, such as being clean, orderly, and well-mannered, but gave less weight than the subjects from the other countries to telling the truth and seeking intellectual understanding.

This result is, of course, not incompatible with the other data we have reported highlighting the obedience of Russian children. Indeed, another way of describing our findings as a whole is to say that, from a cross-cultural perspective, Soviet children, in the process of growing up, are confronted with fewer divergent views both within and outside the family and, in consequence, conform more completely to a more homogeneous set of standards.

PORTENTS OF CHANGE

Consonant as such a conclusion is with our data—as well as with commonly held stereotypes of the U.S.S.R.—to accept the foregoing statement as an appropriate conclusion is to do injustice both to Soviet society, and perhaps to our own. For Soviet society is changing, at least at the level of social institutions, if not of values. For example, with respect to families, the equalized sex ratio at ages below thirty-five means that father-absent homes are becoming far less frequent. And with regard to communal upbringing, Khrushchev's successors appear to be much less enthusiastic than he about the panacean powers of the schools of the new type. In sharp contrast to the frequent and fervid pronouncements about them a decade ago, the *internats* and schools of the prolonged day are scarcely mentioned in public statements by high Soviet officials; and there has apparently been a sharp decrease in new construction, particularly of the boarding schools. What accounts for the change in heart? Economic pressure is surely a factor, for these kinds of facilities are expensive both to build and to operate, but other considerations would seem to have played a role as well. Some of them were already apparent at the time the schools of the new type were introduced. Although the widespread expansion of institutional upbringing was enthusiastically welcomed by some Communist idealogues, there were also expressions of criticism and dissatisfaction both on the part of professionals and the general public. A case in point is provided by the strong reaction to an article published in the popular literary journal *Novy Mir* by a distinguished Soviet academician, economic planner, and "old Bolshevik," Stanislav Gustavovich Strumilin. His central conceptions are contained in the following excerpts:

"Under Soviet conditions it is especially noticeable how the lot of the woman worker is being lightened. She can work in one factory, her husband in another, both can eat in a communal dining facility while sending their children to nurseries, kindergartens and boarding schools. . . . Recognizing that communal forms of upbringing have an unquestionable superiority over all others, we are faced with the task in the immediate years ahead of expanding the network of such institutions at such a pace that within fifteen to twenty years they are available—from cradle to graduation—to the entire population of the country. Every Soviet citizen, upon leaving the maternity home, will be sent to a nursery; from there to a kindergarten maintained day and night; then to a boarding school from which he will enter independent life. . . .

". . . The question arises: will not this kind of early separation of the child from his family be too painful an experience both for parents and for infants who are so dependent on maternal affection?

"This question may be answered as follows: the communal organization of upbringing in no sense requires full separation of the child from the parents . . . and surely no one will keep a mother from visiting her children when she is not working, from looking into the children's area, located in the same building in which she works, as often as it is permitted by the established schedule.

"The 'vitamins of love' are necessary for all children in equal measure . . . but the easiest way to satisfy this need is through the system of communal institutions of upbringing.

". . . The former family is reduced to the married couple . . . and when these contracted families recognize that it is not sensible to expend so much work on maintaining an independent household just for two people, the family as an *economic* unit, having fused with other families and become incorporated into a larger economic collective, will dissolve within the context of the future social commune."

The article provoked so many critical letters from readers that the editors of *Novy Mir* turned to a prominent psychologist, V. N.

Kolbanovsky, to summarize the popular reaction and to express his own views on the issues raised. Obviously reflecting prevailing public sentiment, Professor Kolbanovsky challenged Strumilin's position on several counts. He began by questioning whether it was necessary "to deprive the family of that joy which is given by well-brought-up children."

"Already the Soviet work days are reduced to six or seven hours, and this is only the beginning. When one adds to this the fact that communal services are relieving the family of many household chores, it becomes clear that parents will be having more time to spend in bringing up their children. Moreover the family has certain unique qualifications for this job inhering in the affectional relationship between its members."

Finally, Kolbanovsky charged, "Children would be deprived indeed, if they had to survive solely on miserly 'vitamins of love' without being able to give anything back in return." He concluded by acknowledging that communal upbringing had its proper and important place in the Soviet way of life, "but this in no sense implies that the family is to be alienated from the process of rearing children. . . . the Party has never considered it possible to supplant the family by society."

Similar views were expressed by a number of prominent Soviet educators and social scientists including A. G. Kharchev, N. Solovev, and A. Levshin. A particularly strong case for the family was made in the writings of the sociologist Kharchev, who emphasized the unique, irreplaceable role of parental relationships in developing the emotional life of the child. In this connection he cited results of a Soviet study showing that children brought up exclusively in institutional settings, seemingly under the best of physical conditions, were at risk of being deprived of necessary "psychological stimulation."

"By virtue of its specificity, the non-repeatable nature of the influence of the family on the child constitutes an essential factor for normal child rearing. Children brought up without the participation of the family are at far greater risk of one-sided or retarded development than those who are members of family collectives."

At the same time, the popular press reflected both puzzlement and public concern. An example is provided by an article in *Pravda* written by a woman reporter. She described a visit to a boarding school in Moscow. Under a window she saw a young mother who, having missed the regular visiting hours, was hoping to catch a glimpse of her son or hear his voice. The correspondent found this incident disturbing:

"Once again my thoughts returned to that mother standing beneath the window of the boarding school. I cannot get her out of my mind. This is not a bad boarding school. But just the same, a mother's heart begins to yearn. Can we really reproach that heart for sentimentality? Of course not. A human being—especially a mother—is so constructed that she longs to warm her own child with her love and to be warmed herself by its side."

Nor was the reaction particular to mothers. Solovev in his *The Family in Soviet Society* quoted a factory worker as saying:

"We have a great need for boarding nurseries, but the fact that my son is becoming alienated from me is so painful that I can't even talk about it. I call him, "Sasha, my son." But he just runs away. No! I have to spend at least an hour or two each day with my son. Otherwise, it's impossible; otherwise, I can't stand it."

But in Soviet society (as in our own) neither the pronouncements of professional experts nor the complaints of parents can be viewed as major determinants of social change. Such change is more likely to be affected by objective factors of the type mentioned earlier: the equalizing of the sex ratio in the population, the increase in leisure time made possible by shorter working hours, and, above all, the easing of the housing shortage. If our analysis is correct, all of these institutional changes should have the effect of enhancing the role of the family in the upbringing of the child and, in particular, strengthening the father as a counterweight to maternal overprotectiveness and "love-oriented" discipline. Unless Russian fathers are altogether different from those in America, Germany, and England, they will differ from their wives in greater use of direct methods of discipline (in contrast to "withdrawal of love") and in being more task-oriented in their relations with the child, approaches which tend to promote the development of achievement and independence.

But there are changes to be seen in the behavior of Russian mothers as well. On a number of occasions, the author had opportunity to observe the behavior of the new generation of young mothers with their children, and was struck by the contrast with the traditional pattern. The following excerpt from the field notes provides a case in point.

"The plane was leaving Tashkent for Alma-Ata in a few moments. As I stepped aboard, I saw an empty seat next to a young mother with her baby, and seized the opportunity. The child was about six months of age. I was struck by the way in which the mother held it—the infant's upper body away from her own. There was more of the unexpected to follow. As we got into conversation, the child began to fuss; the mother, without turning her head, plumped a chocolate into the baby's mouth and continued to talk about herself. She and her husband were students at the University in Tashkent, she said. She was a chemist, he a mathematician. The little girl kept fussing, but the mother did not speak to her or even pull her close. I had to suppress an impulse to take her up myself. The inhibition was strongly reinforced by what was happening. Every time the child whimpered, another chocolate had been popped into her mouth so that by now her face, arms, and dress were streaked with brown. Still the mother did nothing.

"I reached into my jacket pocket. On the plane to Moscow, I had helped myself generously from the box of "wash-and-dries." Taking one out of my pocket, I explained its purpose and offered it to my companion. "*Spasibo*," she said with a smile, and, undoing the wrapper and sniffing the fragrance, proceeded, with slow, measured strokes, to wipe her own brow.

"I learned later the purpose of her journey. In Tashkent where she and her husband lived, there were no places left in the public nurseries. The situation in Alma-Ata was far better, and she was flying there to enroll her baby. Some relatives were living there. Besides it was only a couple of hours by jet so that it would be easy to get up to see the baby on occasional weekends."

Clearly this is not a good mother as judged by the standards of Soviet upbringing. Equally clearly, she is an exception to the rule. But I observed others like her—not so extreme to be sure—among the rising generation of married students and young professionals. If this is indeed a trend, it would represent a manifestation in Soviet society, admittedly on a much smaller scale, of the same disruptive process we have seen operating massively on the American scene in which urbanization, increased physical and social mobility, and other institutional changes are seriously weakening the power of the family as a socializing agent.

But in the Soviet Union an effort has been made to compensate for such limitation through the widespread use of collective upbringing. Are there changes that can be observed or anticipated in this important Soviet sphere? Without question, the most significant development has been the new emphasis in the work of Soviet educational experts and researchers on the relation between the collective and the individual. The most outspoken of these writers criticized Soviet educational practices for a one-sided interpretation of collective upbringing. The following excerpts from an influential paper by L. I. Novikova define the issue:

A substantial deficiency of our children's collective consists of the uniformity of the internal relations determining the life experiences of the child. Relations in school are most often limited to the sphere of task-oriented relations. It is precisely these which in the first instance are developed by teachers. These are relations of mutual dependence, mutual responsibility, mutual control, subordination and commanding, and intolerance to persons interfering with the common tasks. These are very important relations determining one of the essential aspects of the moral side of man. But one cannot include under them all of the varieties of human relationships. By developing primarily the task oriented aspects of human relationships in the children's collective and allowing other characteristics to develop as they may, we in the last analysis impoverish the personality of the child.

"Although the collective represents a means for moral education, it demands from each person a definite form of behavior corresponding to commonly accepted norms. Here are created not only the conditions essential for the harmonious development of personality, but there also arise social attitudes against those who do not wish to improve themselves. . . . But if every year we shall be obtaining more highly developed people but all of the same type, then this will be of little profit either to society or to personality. Socialist society is interested in original persons capable of revolution in the spheres of science, technology, and the organization of production. And the personality is interested in developing to the full those capacities with which it has been endowed by nature. And these capacities are by no means the same in all people. Thus we have an instance in which the interests of socialist society and personality completely coincide."

How did this one-sidedness come about? Novikova offers a historical interpretation:

"The function of the collective in relation to the individual in socialist society was expressed differently at different periods of socialist development. In the early years, in connection with the revolutionary reorganization of society, the upbringing functions of the collective were connected mainly with the development of revolutionary self-consciousness among its members, with the formation of the civic outlook. Having just mobilized all of its internal resources, the society could direct all the will and consciousness of its members on overcoming the difficulties connected with the war and the destruction of the economy. It was necessary to create those minimal material and spiritual conditions for all without which the individual is unable not only to develop but even to exist. It is natural that in that period the society was not able to provide adequate conditions for the many-sided development of each person.

"At the present time the solution of problems confronting the society depends in significant measure on the effectiveness of the process of forming personalities, personalities that are not only active socially and politically but also developed in all respects, not only ready to devote all their strength to the service of the Motherland, but also knowing how to find a position in society which permits the realization of all their individual potentialities, permitting them to realize with maximal effectiveness the individual abilities, talents, and gifts. If earlier we were confronted with the problem of creating that type of collective which could insure the necessary conditions for the existence of all its members, then today we have to discover how to create the kind of collective which will insure the most full and many-sided development of each person."

It is significant that Novikova's article was published as "an aid for party instruction," and that the foregoing passages were cited with approval and elaborated upon in a definitive essay on "The Development of the Basic Ideas of Soviet Pedagogy" by F. F. Korolev, a leading Soviet educator and Director of the Institute on the Theory and History of Pedagogy. Korolev goes on to say that, in contrast to the one-sidedness of Soviet educational practice in the preceding period, "In the 1960's the problem of the collective and the individual is beginning to be resolved in a new way. Precisely during this period there has been a striking growth of investigations concerned with the analysis of this problem." And, indeed, during my most recent visits to Soviet research centers in 1967 and 1968, I was told repeatedly of the organization of projects and even entire laboratories devoted to this topic. These studies are still in progress. It will be a matter of great interest to learn of the results and, what is more important, their effect on actual practice. At least, as of 1968, the new emphasis on the importance of developing the individual personality had not yet been reflected in the concrete procedures recommended in manuals for teachers, upbringers, and youth-group workers.

Nevertheless, it is clear, as in other spheres of Soviet life, Soviet upbringing is showing signs of flexibility. In particular, both within and outside the family, there is a shift away from features which foster dependency and conformity, toward new configurations more conducive to the emergency of individuality and independence. To the extent that these changes reflect and reinforce developments in Soviet society at large, we may anticipate some reduction in Soviet life generally of the primacy of the collective and its powerful sanctions against deviance in word or action.

But reduction does not mean radical change. The basic patterns of Soviet upbringing, both within the family and in collective settings, are likely to endure for some time to come. Though the young Soviet mother may not be so affectionate and solicitous as her own mother and grandmother were, she still commonly responds to her child's disobedience with a hurt look and studied coldness. And, as we have seen, she may be even more eager than her parents to enroll her child in nursery so that she can resume her studies or her job, for there is every indication that the Soviet Union will continue to be a nation of working mothers. So long as this is the case, all-day nurseries, schools of the prolonged day, Pioneer palaces, camps, and other communal facilities for children will continue to be popular.

An ironic witness for this prediction is found in the same newspaperwoman who could not forget the mother waiting longingly beneath the window of her son's boarding school. The journalist sees a solution to the problem.

"And you know what I'm dreaming about? . . . A house. . . . In the house families are living. Next door or not far away there is a building in which a boarding school complex is situated. Children from nursery to senior high school age spend their entire day there, but in the evening, when their parents come home from work, they meet with their children. On those evenings when the parents are busy with civic obligations or go to the theater, the children remain in their boarding school. They stay there too when Mother goes to a hospital or travels somewhere in connection with her job. . . .

"I know that this is the dream of many and many a mother. . . .

"Perhaps, when we are more prosperous, when we build communism, we shall live exactly so!"

Yes, perhaps exactly so.

In any event, whatever the future may hold, we have every reason to expect that Soviet society will continue to rely heavily on communal facilities for the care and education of children. And in all of these institutions, as well as in the regular schools, the well-proven techniques of collective upbringing, even if applied with greater tolerance for individual needs, will continue to be used.

All of this suggests that Soviet children of the future will continue to be more conforming than our own. But this also means that they will be less anti-adult, rebellious, aggressive, and delinquent. During our family sojourns in the U.S.S.R., we learned to our surprise and pleasure that the streets of Moscow and other Soviet cities were reasonably safe for women and children, by night as well as by day.

They say New York was that way once America, too, has been changing, and so have our ways of bringing up children. We turn next to an examination of current trends in child rearing in our own society.

THE UNMAKING OF THE AMERICAN CHILD—CONCLUSION

LOOKING BACKWARD

What explains this different course of social development in two large, highly industrialized countries? With respect to the U.S.S.R., we have already indicated a series of historical factors which fostered the development of strong and widely diffused dependency relations between children and adults. In addition, the primacy of the collective in claiming loyalty and submission across age and family lines has deep roots in Russian history.

The American pattern, too, has its historical antecedents. Perhaps in the first instance these derive from the fateful separation of church and state, which, as it freed the schools of religious control, also fragmented the process of education. The primary responsibility of schools became the teaching of subject matter. Character education, or what the Russians call *vospitainie*, was left to the family and the church.

The role of the church in moral education has withered to a pallid weekly session at Sunday school. And, as we have seen, the family, primarily because of changes in the larger social order beyond its control, is no longer in a position to exercise its responsibilities. As for the school—in which the child spends most of his time—it is debarred by tradition, lack of experience, and preoccupation with subject matter from concerning itself in any major way with the child's development as a person. Questions of conduct become of legitimate concern only if they "interfere with the lesson." The vacuum, moral and emotional, created by this state of affairs is then filled—by default—on the one hand by the television screen with its daily message of commercialism and violence, and on the other by the socially isolated, age-graded peer group, with its impulsive search for thrills and its limited capacities as a humanizing agent.

It is noteworthy that, of all the countries in which my colleagues and I are working, now numbering half a dozen both in West and East, the only one which exceeds the United States in the willingness of children to engage in antisocial behavior is the nation closest to us in our Anglo-Saxon traditions of individualism. That country is England, the home of the Mods and the Rockers, the Beatles, the Rolling Stones, and our principal competitor in tabloid sensationalism, juvenile delinquency, and violence. The difference between England and America in our results is not great, but it is statistically reliable. England is also the only country in our sample which shows a level of parental involvement lower than our own, with both parents—and especially fathers—showing less affection, offering less companionship, and intervening less frequently in the lives of their children.

LOOKING FORWARD

In summary, it is our view that the phenomenon of segregation by age and its consequences for human behavior and development, pose problems of the greatest magnitude for the Western world in general and for American society in particular. As we read the evidence, both from our own research and that of others, we cannot escape the conclusion that, if the current trend persists, if the institutions of our society continue to remove parents, other adults, and older youth from active participation in the lives of children, and if the resulting vacuum is filled by the age-segregated peer group, *we can anticipate increased alienation, indifference, antagonism, and violence on the part of the younger generation in all segments of our society—middle-class children as well as the disadvantaged.* From this perspective, the emergence of hippyism appears as the least harmful manifestation of a process which sees its far more destructive and widespread expression in the sharp rise in rates of juvenile delinquency observed in recent years, with a substantial number of the offenders now coming from "the right side of the tracks," including some of "the best families in town."

Why should age segregation bring social disruption in its wake? The dynamics of the process are not difficult to see. However important genetic factors may be in the determination of human behavior, it is quite clear that such qualities as mutual trust, kindness, cooperation, and social responsibility cannot be insured through selective breeding; they are learned from other human beings who in some measure exhibit these qualities, value them, and strive to develop them in their children. It is a matter of social rather than biological inheritance. Or, as one of the author's teachers, Walter Fenno Dearborn, used to put it: "He's a chip off the old block—not because he was knocked off it, but because he knocked around with it." But in either case, transmission cannot take place without the active participation of the older generation. If children have contact only with their own age-mates, there is no possibility for learning culturally-established patterns of cooperation and mutual concern.

Moreover, evidence for a functional interdependence between conceptual development on the one hand, and moral and social development on the other, as demonstrated by Lee Charlotte Lee, suggests that children may be incapable of developing such patterns *de novo*, or of maintaining them in the absence of intervention by adults or already-socialized older youth. Thus the bands of orphaned youngsters who roamed the Soviet Union during the early nineteen-twenties, many of whom came from good families, became notorious for acts of selfishness, callousness, and violence, and it required the genius and uncommon perseverance of a Makarenko and his dedicated staff slowly to bring about patterns of mutual trust and cooperation among the children.

The necessity of responsible adult involvement in the work of children's collectives and the consequences of its absence continue to be stressed in the writings of present-day Soviet educators:

"The very concept of children's collective is to some degree qualified, since in the life and activity of any children's collective one always assumes the participation of adults A collective which forms without adult involvement is not likely to endure. In those instances where it continues to exist for a prolonged period, then as a rule it gets into a blind alley. The life experience of its leaders turns out to be inadequate to hold the collective to a right course even if the goal which the children themselves have set is a proper one."

But as is frequently the case, it is literature which provides us with the most revealing picture of psychological process and effect. In *Lord of the Flies*, William Golding describes the course of events among a group of pre-adolescent boys marooned on an island. Patterns of civilized human relationships, epitomized in the person of "Piggy," are as yet too shallowly rooted, and are soon destroyed by the quickly rising sadism of peer power, Piggy is brutally killed just before the adult rescuers arrive. Their first question: "Are there any adults—any grownups with you?"

The message of the allegorical ending is clear, and, in our view, dictated no less by literary insight than the independent data of behavorial science. If adults do not once again become involved in the lives of children, there is trouble ahead for American society. New patterns of life have developed in our culture. One result of these changes has been the reduced participation of adults in the socialization of children. Although, to date, this pattern has continued to gain acceptance, there is reason to believe that it can do harm to our children and to our society. We are therefore faced with the necessity of developing a new style of socialization, one that will correct the inadequacies of our contemporary pattern of living as it is affecting our children and provide them with the opportunities of humanizing experience of which they are now bereft.

In sum, it is not a question of whether or not there will be changes in the way in which we bring up our children, but rather what direction the changes will take. Shall we continue to drift, or shall we try to determine our course? If so, which approaches are both effective and feasible? What are the forces that shape human behavior and development, and how can they be utilized for constructive ends? In our concluding chapters we examine possible answers to these questions.

A BLACK VICE PRESIDENTIAL CANDIDATE: AN ANALYSIS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. STOKES. Mr. Speaker, on Wednesday, October 6, 1971, a statement by Washington-based Attorney Hobart Taylor, Jr., came to my attention. His remarks concern the recent announcement, by presidential aspirant Senator Edmund S. Muskie, that America is not yet ready for a black vice presidential candidate. Attorney Taylor's statement is so cogent and so compassionate that I feel compelled to bring it to the attention of my colleagues.

Attorney Taylor is an outstanding black lawyer. He came to Washington from Detroit, Mich., in 1961. During 1961 and 1962, he served as special counsel to the President's Committee on Equal Employment Opportunity. In 1962, he worked as special assistant to the Vice President, and from that year, until 1965, he held the position of executive vice chairman of the President's Committee on Equal Employment Opportunity. Lawyer Taylor served as associate counsel to the President in the years 1964 and 1965. From 1965 to 1968 he was the director of the Export-Import Bank.

In 1968, Hobart Taylor, Jr. became a partner in the law firm of Dawson, Quinn, Riddell, Taylor & Davis. He is currently serving as director of A. & P. Co., Standard Oil of Ohio, and the Westinghouse Electric Corp.

Attorney Taylor's analysis of the implications of Senator Muskie's comments is extremely perceptive. I have forwarded a copy of his comments to Senator Muskie and have urged the Senator to reconsider his position in light of Mr. Taylor's analysis, with which I agree.

Attorney Taylor's statement follows:

Statement Issued by Hobart Taylor, Jr., Esq.

While traveling in Europe a few days ago, I learned that Senator Edmund Muskie told a political group in Los Angeles that should he attain the Democratic nomination for President in 1972, he would not consider a black American as a running mate because such a ticket would be "unelectable". I have further learned that he has since stated that he hoped that his bringing the matter up publicly might cause general consideration of the subject matter.

I have thought about these statements, I have followed the ensuing debate in the press, I have discussed them with prominent members of the Negro community, and I have come to the following conclusions:

(1) I disagree with Senator Muskie's views and I further feel that a candidate for the highest office in the land should not make such a statement for, wittingly or unwittingly, he has placed a ceiling on the aspirations of millions of his fellow countrymen, a ceiling which they and other Americans of good will have labored for more than 100 years to remove. I believe it is time to recognize that it is no longer stylish for black Americans to hold up their personal progress because others might not like it. I do not think that the nation is well served when the Senator issues a statement which dims the future of black Americans (and the hopes of a considerable number of whites) in order to ensure the success of what some might consider his own personal goals.

(2) Senator Muskie should consider the political facts of life that have been demonstrated. In the very state where he stood at the time of his remarks, the people of California have recently elected a black man to the very delicate post of Superintendent of Public Instruction by an overwhelming majority. From his own New England comes a black Senator elected from a state with a Negro population of 5%. There are countless other state and local officials who have been elected throughout the land by predominantly white electorates. I do not know why we are supposed to overlook this record of accomplishment, unless the Senator has factual data which would refute it and, to date, none has been advanced. I am also aware of the fact that there exists a rather substantial number of black Americans whose personal distinctions compare favorably with those of the Senator. Whether any of these persons is ready to be a candidate at the moment is one matter. But to say that all are disqualified on account of color strains the credulity and raises a question about the Senator's judgment and his sensitivity as to how Americans really feel.

(3) I am concerned about the effect of the Senator's remarks on the minority youth of America. For the last decade this country has devoted itself very strenuously to the elimination of the barriers which have adversely affected all types of opportunity for minority Americans, and we have asked them—and particularly the young—to put aside any bitterness or frustration resulting from past treatment and prepare for a new day in which they can participate and compete as equals. And, despite the problems which plague us still, all over this land hundreds of thousands of young people are following this advice—as our college enrollment, our skilled and white collar employment statistics, attest. Now, the Senator places a condition upon our national commitment. He says it applies only if one does not aspire too far. He does not mention that had John Kennedy not disregarded such advice 15 years ago, the myth of Catholic ineligibility for the Presidency would not have been shattered, and he himself would not now be seriously considered as a candidate for President.

There is also public danger in the acceptance as correct of the views expressed by Senator Muskie. All men of experience know that political predictions create attitudes—that a statement of this kind by so highly placed a person as Senator Muskie is bound to lead great numbers to think that others are not ready to accept minority citizens in positions of high responsibility and, hence, that they too should hold that view. In short, this kind of prediction may express public opinion, but it also can form it. And experienced men also know that subsequent disclaimers and qualifications do not alter the original force of such a statement. In the code language of race such subsequent modifications are regarded as purely strategic.

Finally, the impact of such statements is not restricted to the Vice Presidency or to politics. The principle has a bearing on public opinion as to any high office—in private life as well as government. So the inhibiting effect of this kind of viewpoint stretches to those who would aspire to rise in corporations, in labor unions, and in other important institutions throughout the structure of American economic life.

Now, I have already pointed out that I have discussed this matter with a large number of prominent black Americans since my return to the country. I am now prepared to say that all of these people share my belief that Senator Muskie's views are totally unacceptable in a candidate who hopes to receive the vast majority of their vote. Here we draw an important distinction which has been generally ignored in the press. The fact is that one of the major political parties generally gets a much higher percentage of the black vote than the other. Hence, we expect those who receive the benefit to be prepared to bear some of the risk and burden of sustaining the legitimate aspirations of this segment of their support—even as they do for others. And so I must report that it appears that Senator Muskie can look forward to severe and sustained opposition to his nomination and, if need be, to his election, unless this group of Americans is satisfied that he has taken adequate steps to remedy the harm which has been done, and positive action to further the advance of American blacks to positions of the highest public authority on their merit.

I want to make it clear that none of us are charging the Senator with racism, and that we do applaud his exhibition of candor—a candor which we hope will be extended to all the issues of public moment in the coming election. Nor does this statement mean that anyone is presently announcing against Senator Muskie or for anyone else, but it should be understood that since Senator Muskie has raised this issue, we will be watching this situation attentively and will be prepared to take whatever action is necessary to demonstrate that the time is forever past in American politics when a candidate can nullify the legitimate aspirations and ambitions of his fellow Americans on the basis of color, and still receive their support at the polls.

VA MEDICAL CONSTRUCTION IS HALTED BY ADMINISTRATION

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. DORN. Mr. Speaker, on Monday the House passed H.R. 6568, a bill I cosponsored which would vest more authority in the Congress in constructing Veterans' Administration facilities.

This legislation is sorely needed, Mr. Speaker, in light of recent developments which indicate that the administration has disrupted the previously adopted long-range construction and modernization plan for VA medical facilities. A prime example of this disruption of orderly planning is the recent announcement by the administration that construction and modernization work at the Augusta, Ga., and Columbus, S.C., veterans' hospitals is being indefinitely postponed pending study of the President's health care proposals.

All veterans are tired of this on and off again policy. We are tired of waiting for long-promised and long-overdue action on the Columbia hospital. Mr. Speaker, the following statement and resolution by the South Carolina American Legion deals with the administration's announcement that construction is being postponed indefinitely:

STATEMENT

The American Legion is deeply concerned over reports we have received recently indicating that the proposed renovation of the Columbia V.A. Hospital facility has again been postponed.

In December 1960, almost eleven years ago, by mutual agreement among the Veterans Administration, the South Carolina Congressional Delegation and the various Veterans Organizations, the Veterans Administration agreed to a proposal that the Columbia V.A. Hospital would be renovated as soon as the new VA Hospital in Charleston was completed. The Charleston VA Hospital was completed and dedicated on May 13, 1966.

Since that time the VA has on numerous occasions reiterated its intentions to carry out its commitments to completely renovate the Columbia VA Hospital in accordance with the original agreement made in 1960, and, in July 1970 publicly announced in the office of the Senior Senator from South Carolina its plan to renovate the Columbia facility on the present site. This renovation was to be started "In the very near future", which The American Legion was given to understand would be within a year of the date of the announcement. Yet, as of now, no action has been initiated, including appointment of an architect to draw up plans.

The American Legion took this announcement at face value and has hopefully awaited implementation of the VA renovation plan. But again, we are told, the renovation is being postponed.

The American Legion deplores this postponement. We believe eleven years is more than enough time for the Veterans Administration to initiate this project, which is sorely needed if the war veterans of South Carolina are to receive the medical care to which they are entitled and which is so badly needed. The American Legion believes the time has come for the Administrator of Veterans Affairs to take whatever steps are necessary to immediately begin implementation of the renovation plans. We are also requesting that the South Carolina Congressional Delegation take vigorous action in requesting that the VA fulfill its obligation to the veterans of South Carolina, and, if necessary, that an appeal be made directly to the President of the United States.

The American Legion is tired of waiting. We believe the renovation of the Columbia VA Hospital is not only needed, but is needed now. The VA has a long standing commitment—over 11 years—to the veterans of South Carolina. What is needed now is action by the VA in fulfilling its commitments to South Carolina.

RESOLUTION

Whereas, the Veterans Administration is charged by our government to administer laws and regulations for veteran affairs, which includes veterans hospitalization.

Whereas, in December 1960, by mutual agreement of the Veterans Administration with the South Carolina Congressional Delegation and various Veterans organizations, the Veterans Administration did agree to the modernization of the Columbia Facility upon completion of the new Charleston Facility of 500 beds.

Whereas, the Charleston Hospital Facility was built and was dedicated on May 13, 1966.

And Whereas, in 1966 and 1967, and on other dates, the Veterans Administration reaffirmed its intentions that modernization would be forthcoming for the Columbia Facility as per agreement in 1960.

Whereas, on July 9, 1970, the Veterans Administration, in the office of the Senior Senator of South Carolina, did publicly announce its plan of renovation of the Columbia Facility on the present site and that such construction of Nineteen Million Dollars would be started "In the very near future", which was later clarified in verbal conversation to mean within a year.

And whereas, this announcement was gratefully hailed by The American Legion of South Carolina in public statement, acknowledged, and accepted at face value, as the beginning of the fulfillment of an agreement and an inherent responsibility of the Veterans Administration to the veterans of South Carolina.

And Whereas, The American Legion, Department of South Carolina, conscious of its responsibility, is shocked and extremely disappointed to note that announced renovations have not started at the Columbia Facility, and to further observe that an architect for detailed drawings has neither been selected nor has been announced for this project.

Now, therefore, be it resolved by the Executive Committee of the Department of South Carolina, The American Legion, on this twentieth day of September, 1971, that this failure of the Veterans Administration to carry out its announced renovations of the Columbia Facility be brought to the immediate attention of the Administrator of the Veterans Administration and to the South Carolina Congressional Delegation.

Be it further resolved that we respectfully request members of the South Carolina Congressional Delegation to vigorously request action from the Veterans Administration, or, if it is deemed advisable, to appeal directly to the President of the United States.

Be it finally resolved that a copy of this resolution be released to the news media.

EULOGY TO JUSTICE HUGO L. BLACK

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. MATSUNAGA. Mr. Speaker, I would like to join my colleagues in honoring today the memory of one of America's legal giants. His service on the U.S. Supreme Court, the third longest in history, is remarkable for its outstanding quality. Americans will long remember and enjoy the broad social changes which were wrought by his hand in some of the Court's most difficult cases. If there was any inconsistency in his life, it was the fact that his southern background did not in any way hinder his liberal philosophy. He always regarded the matter of human rights as being paramount in a judicial decision.

The late Justice Hugo L. Black was an ardent defender of civil liberties and civil rights. He championed causes that would protect freedom of religion, freedom of speech, and freedom of the press. It is to his eternal credit as a jurist that some of his early dissenting opinions later became the law of the land.

Perhaps the one habit of Justice Black that might well be emulated by Americans, jurists, lawmakers, and school children alike, is that he always carried in his pocket and frequently referred to a copy of the U.S. Constitution. I am convinced that as long as there are Americans who are willing to continue in the tradition of the Black habit, this Nation will continue to be strong in the principles which make up its foundation.

There are three things in the life of Justice Black that I shall remember above all else: First, his humble beginning; second, his first law client; and third, his opinion invalidating martial law as it existed in Hawaii during World War II. Considered together, these three things, I believe, show the greatness of the man.

Justice Black himself referred to his humble beginning in an unprecedented television interview granted CBS in December 1968. He said on that occasion:

> It is a long journey from a frontier farmhouse in the hills of Clay County, Alabama, to the United States Supreme Court. But this nation, created by our Constitution, offers countless examples just like mine.

With those words Justice Black offered hope and promise to countless American youth of today to rise above their present humble surroundings to heights that are attainable to persons such as they only in a country such as ours.

Prophetic perhaps of what was to follow in later years, young Attorney Black's first law client reportedly was a Negro convict who had been held 15 days overtime as a slave. In behalf of his client Mr. Black filed a suit for damages and won his first verdict. This case established a precedent, as it were, for Justice Black in later years never forgot the little man, and never forgot to speak clearly and forcefully in his behalf.

The third noteworthy thing in the life of this distinguished American whose outstanding record in Congress was eclipsed by his later career on the High Court, was his opinion in the case of *Duncan* v. *Kahanamoku*, 327 U.S. 304 (1946). Justice Black wrote in that case what is generally regarded as the leading opinion of the 20th century on the limitations of martial law within American territory. He brought to bear on a difficult problem of the times his characteristic precision of reasoning and his deep understanding of the human aspects of the issues, both against the omnipresent background of the U.S. Constitution. The result was the invalidation of martial law as it existed in Hawaii during World War II.

Mr. Speaker, I join the many who are saddened by the passing of this great American who, as in the words of Chief Justice Warren E. Burger, "will be sorely missed, not only on the Court, but in American life."

I extend to Mrs. Black, the children of the late Justice Black, and the other members of his family my deepest sympathy in this period of sadness.

UNIVERSITY YEAR FOR ACTION

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, the "University Year for ACTION" program is one which gives America's young people a real chance to do something for the benefit of this Nation.

It is all too often the case that youths want to do something, yet they feel that they just are not provided the chance. Hence, they become disspirited and disillusioned and question a system that they feel stifles their idealism.

The administration's development of the ACTION agency is an affirmative step toward attaining the goal of involvement within the system for the good of the Nation.

Joseph Blatchford, director of ACTION, has written an article, which is being sent to student newspapers throughout the United States, explaining the ACTION program and urging young people to participate in it. At this point, Mr. Speaker, I submit the article for the information of my colleagues:

University Year for Action

(By Joseph H. Blatchford)

"University Year for ACTION" is the government's latest—and potentially broadest—response to the hundreds of thousands of young people now ready and eager to make their lives count for something.

This fall, approximately 500 students from 11 universities and colleges will enroll in school and then, without reporting for classes, set to work on the problems of poverty in nearby communities. How many more do so next year is up to the students, faculties, and administrators of our other colleges and universities.

We believe many more should. For, by joining "University Year for ACTION," universities can loosen their embrace on their students, tear down the walls that keep the students in and the greater world out, and break the isolation which has estranged so many campuses from the broader community in recent years.

"University Year for ACTION," will enable medical students from the University of Nebraska to deliver health services to migrant laborers, business majors from Pepperdine College to help black owned and operated businesses succeed in Watts, and education students from the University of Colorado to help Indians in South Dakota develop their own unique educational system.

And while doing all this, students will not be delaying their own careers, but will be enriching them with practical experience. Full academic credit up to 30 hours will be awarded for a full year's voluntary service.

Student volunteers will receive a modest subsistence allowance, varying with community living costs. The average monthly allowance will be $185. The volunteers also receive paid medical insurance.

But for many students, particularly married students with families or students who have no financial resources, participation will require a significant personal financial sacrifice.

Volunteers work full time and are prohibited from securing part-time or summer employment. To mitigate the financial hardship for students who otherwise would receive scholarship aid or who rely on part time and summer employment to finance their education, ACTION will set aside $50 a month in escrow to be paid to these volunteers on completion of 12 months service in the program.

Any student, undergraduate or graduate, enrolled in a participating university is eligible for the program. The university itself will seek out work assignments in poverty areas, looking to the poverty organizations and low-income people themselves to define the areas where assistance is needed.

"University Year for ACTION" is a partial fulfillment of a pledge President Nixon made in January to students at the University of Nebraska. He called for an alliance of generations—of rich and poor, black and white, youth and aged—which would blend the experience of one with the commitment of the other.

"University Year for ACTION" is a major attempt to forge that alliance. But beyond "University Year for ACTION" are other initiatives which must be considered if we are to provide young people with the equipment to make our world a more fit place in which to live.

We must start now to expand the capability of our schools to train young people for community service separate from their full-time careers. With the advent of the four-day week, the extended vacation and the secure retirement, citizens are in a position to seek ways to put their new-found leisure time to better use.

Idle hours are welcome as respite from the cares of the workday, but as the time allotted to leisure grows longer, many Americans will have the desire to fill those hours with meaningful service. If our schools have prepared them for a second career in service, our Nation's untapped talent could then be unleashed.

We are in need of men and women to provide supplemental health delivery services, to work in parole and probation work, to build parks, monitor air and water, plant trees . . . even to get the trash off the streets.

Because many of these problem areas require specialized training, our schools must take the initiative in structuring classwork to provide for part-time service after graduation. And inevitably, this must begin with our young people, for they are in our colleges and high schools now.

Much has been made of the "generation gap" which supposedly exists between those under and those over age 30. Pessimists would have us believe that this gap is unbridgeable, a manifestation of the divisive factors which rend our society today.

But the young of any generation have always sought to identify with the most noble aspirations of their society. What youth today is questioning is the credibility of values which lead to the pollution of our environment, the imprisonment of our poor in ghettos and the perpetuation of the cycle of poverty.

The solutions to these problems are being sought in Washington, on campuses and in local communities all over America. But more must be done to involve the young in these solutions. "University Year for ACTION" is an important step in encouraging that involvement.

LEADERSHIP?

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. CARTER. Mr. Speaker, in the past 20 years, far-reaching changes have occurred throughout our land. In many cases, the virtues which have been the basis of true accomplishment in our great country have been forgotten. Our country is on the verge of losing its place in the leadership of nations. Whether we retain this leadership or not may be of little moment. What is necessary to the health and strength of our Nation is our return to the true ideals which made our country great.

I include in the Record a copy of the Ten Commandments, a copy of the "Virtues" by Franklin, and a copy of the "Cannots" by Lincoln:

The Commandments of Moses

Thou shalt have no other gods before me.

Thou shalt not make unto thee any graven image.

Thou shalt not take the name of the Lord thy God in vain.

Remember the Sabbath Day, to keep it holy.

Honor thy father and thy mother.

Thou shalt not kill.

Thou shalt not commit adultery.

Thou shalt not steal.

Thou shalt not bear false witness against thy neighbor.

Thou shalt not covet thy neighbor's house, thy neighbor's wife, his servant, nor his ox, nor anything that is thy neighbor's.

The "Virtues" by Franklin

Temperance: Eat not to dullness. Drink not to elevation.

Silence: Speak not but what may benefit others or yourself.

Order: Let all your things have their place. Let each part of your business have its time.

Resolution: Resolve to perform what you ought. Perform without fail what you resolve.

Frugality: Make no expense but to do good to others or yourself.

Industry: Lose no time. Be always employed in something useful.

Sincerity: Use no hurtful deceit. Think innocently and justly; if you speak, speak accordingly.

Justice: Wrong none by doing injuries or omitting the benefits that are your duty.

Moderation: Avoid extremes. Forbear resenting injuries so much as you think they deserve.

Cleanliness: Tolerate no uncleanliness in body, clothes, or habitation.

Tranquillity: Be not disturbed at trifles or at accidents common or unavoidable.

Chastity: Rarely use venery but for health or offspring—never to dullness, weakness, or the injury of your own or another's peace or reputation.

Humility: Imitate Jesus and Socrates.

The "Cannots" by Lincoln

You cannot bring about prosperity by discouraging thrift.

You cannot help small men by tearing down big men.

You cannot strengthen the weak by weakening the strong.

You cannot lift the wage earner by pulling down the wage payer.

You cannot help the poor man by destroying the rich.

You cannot keep out of trouble by spending more than your income.

You cannot further the brotherhood of man by inciting class hatred.

You cannot establish security on borrowed money.

You cannot build character and courage by taking away man's initiative and independence.

You cannot help men permanently by doing for them what they could and should do for themselves.

CANCER: NO. 2 KILLER

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. CORMAN. Mr. Speaker, cancer is perhaps the most feared of all diseases. With good reason. It is the Nation's No. 2 killer and is responsible for about one out of every six deaths. No wonder, then, that there is an urgency about the need to obliterate this dread disease.

I do not sit on the committee now conducting hearings on the various legislative proposals on the conquest of cancer. But I was among those who, early in 1970, shared the unanimous sense of the Congress when it passed Concurrent Resolution 675 that—

> The conquest of cancer should be made a national crusade and that the Congress should appropriate the necessary funds so that citizens of this land and all other lands might be delivered from the greatest medical scourge in history.

There is considerable concern and confusion about the best means legislatively of attaining this national goal. In light of this, I was pleased to come across what I believe is an illuminating analysis of differing House and Senate bills on this issue. The analysis was prepared by the citizens committee for conquest of cancer in consultation with a number of members of the National Panel of Consultants on Conquest of Cancer.

Mr. Speaker, I commend the analysis to the attention of my colleagues with the hope that it will help to guide them in the direction the House should go in meeting the spirit of Concurrent Resolution 675. The analysis follows:

ANALYSIS OF DIFFERING HOUSE AND SENATE BILLS ON THE CONQUEST OF CANCER

(Comparison of S. 1828, Dominick and Kennedy, and H.R. 10681, Rogers, et al.)

1. Early in 1970, the Senate appointed a panel to develop a comprehensive report on cancer and to formulate recommendations for a program making the conquest of cancer a major national goal. Several months after the National Panel of Consultants on the Conquest of Cancer was set up, the House of Representatives joined the Senate in passing concurrent Resolution 675 expressing the unanimous sense of the Congress that "the conquest of cancer should be made a national crusade and that the Congress should appropriate the necessary funds so that citizens of this land and all other lands might be delivered from the greatest medical scourge in history."

The Cancer Panel heard close to 300 witnesses. It made an in-depth study, not only of the present scientific status of cancer research, but of the existing administration of the cancer program. The Panel was particularly influenced by a General Accounting Office study of the administration of the National Cancer Institute which documented the point that, even with a budget of $180 million, the National Cancer Institute took anywhere from seven to nine months for review and approval of contracts and grants. The GAO study concluded that "the present system of administration and funding National Cancer Institute research has resulted in delays in the approval and funding of contracts and grants."

On the basis of the massive information it accumulated, the Cancer Panel recommended to the Senate in December, 1970 the establishment of an independent National Cancer Authority similar administratively to the AEC and the TVA. The President would appoint the Director and a Deputy Director of the new Authority, and the Director would be empowered to submit his annual budget request directly to the President. The Panel Report made clear that the National Cancer Institute would become the foundation stone of the new Authority; it would continue to be located on the National Institutes of Health campus in Bethesda.

The National Cancer Authority Bill (S. 34) was sponsored by more than half the Members of the Senate, and it was generally assumed that it would be passed early in the 1971 session. However, just before the mark-up in the Senate Labor and Public Welfare Committee the Administration, through Senator Dominick, introduced a new bill (S. 1828). It differed in only one important respect from S. 34. It provided that the new Cancer Authority would remain within the National Institutes of Health but would still have direct budget access to the President. S. 1828 spelled out the following ways in which the newly named Conquest of Cancer Agency would remain an integral part of NIH:

1. Use of present laboratories and offices.
2. Use of NIH computer facilities.
3. Use of NIH clinical facilities.
4. Use of NIH study sections as required.
5. Continuing attendance by officers of the Cancer Institute at all meetings of Institutes—over 20 meetings per month.
6. Continuation and expansion of collaborative projects with other Institutes.

Furthermore, to insure that the Director of N.I.H. has complete knowledge and some voice in the operation, he is made an ex-officio member of the Cancer Advisory Council. But he no longer has absolute power over the Cancer Institute.

Also, the Secretary of H.E.W. and the Director of the Office of Science and Technology are made ex-officio members of the Cancer Advisory Council.

S. 1828 was regarded as an excellent, workable compromise between the Cancer Panel recommendations and those of the President; it passed the Senate by the overwhelming vote of 79 to 1. The legislation was enthusiastically endorsed by:

(1) The National Panel of Consultants on the Conquest of Cancer;

(2) The American Cancer Society;

(3) The Leukemia Society;

(4) The National Association of Cancer Institute Directors;

(5) The vast majority of cancer researchers;

(6) The great majority of the American people (they had sent more than one million letters and wires to their Senators urging passage of the Bill);

(7) The United States Senate;

(8) The vast majority of the House of Representatives (as evidenced in the passage of the Gallagher and Rooney Cancer Resolutions and in the sponsorship by 150 Members of the Staggers-Pepper Bill of February 1971 creating a National Cancer Authority);

(9) The President of the United States (in both his State of the Union Message and his Special Health Message in 1971);

(10) The Secretary of Health, Education, and Welfare;

(11) The Director of the National Institutes of Health, who testified strongly for the principles of S. 1828 before both Senate and House committees.

Opposition to S. 1828 comes almost entirely from medical school deans and medical organizations who are not experts in the cancer field and who feel threatened by any increase in cancer expenditures, supposedly at the expense of their particular medical areas.

A study of the history of the National Institutes of Health would show the exact converse to be true. As every new Institute was established, many of the bureaucrats and Establishment types cried out that it would cut into their existing monies. But this did not happen. The new Institutes merely added *visibility* to targeted attacks on specific diseases and all of them prospered as both Congress and the American people, through their voluntary health organizations, increased their total contributions to medical research.

2. *The Rogers Bill.*—On September 12, 1971 Representative Paul Rogers and some of his colleagues on the Public Health and Environment Subcommittee introduced H.R. 10681. It is a further attempt to allay the unreasoning fears of the scientific community. (In fact, the Association of American Medical Colleges participated to some degree in the drafting of the legislation.) It is supposedly a compromise, but it actually emasculates the central thrust of both the Cancer Panel Report and of the President's recommendations. It turns a national crusade into a very confusing jurisdictional jungle.

Under H.R. 10681, the Director of the National Cancer Institute assumes an additional title as Associate Director of the National Institutes of Health. Beyond having this additional title, which has very little meaning, the status quo is still preserved by keeping him under the N.I.H. Deputy Director for Scientific Affairs, both the Deputy Director and the Director of N.I.H., and a whole additional layer of bureaucrats in H.E.W.

The NCI Director, according to the Rogers Bill, has authority "to prepare and submit directly to the President for review and transmittal to the Congress an annual budget estimate for the National Cancer Attack Program with the comments of but without change by the Secretary of H.E.W., the Director of the National Institutes of Health, and the National Cancer Advisory Council."

This is a strange type of administration. Since the Director of the National Cancer Institute is only an Associate Director of N.I.H. he obviously has a number of bosses, including the Deputy Director for Science, the Deputy Director, and the N.I.H. Director. These people will still call the shots on personnel and policy, so how independent is the NCI Director in submitting a budget? Since he can't hire anybody without the approval of the top officials in N.I.H., how can he draw up a meaningful budget?

Control of personnel is a very revealing example of a sharp difference between the Senate and House bills. In S. 1828, the Director of the Conquest of Cancer Agency has full and absolute power to appoint no more than 50 scientific, professional and administrative personnel to the agency without regard to certain Civil Service limitations. In the Rogers Bill the *Director of the National Institutes of Health* appoints these 50 people, who are critical to the administration of an expanded effort against cancer. However, in the Rogers Bill, these super-grade people can be assigned to any of the Institutes. How many for the National Cancer Institute? It doesn't say. Maybe 20—maybe 10?

One of the key recommendations of the Cancer Panel is the establishment of a network of cancer research and treatment centers in various parts of the country. Under Section 407(d) of the Senate Bill, the Director of the Conquest of Cancer Agency is given full authority to "strengthen existing cancer centers and establish new cancer centers as needed . . ."

In the Rogers Bill, Paragraph 3 of Section 455 gives the *Director of the National Institutes of Health* the power to "acquire, construct, improve, repair, operate and maintain cancer, heart disease and stroke centers . . . as the Director deems necessary." There is really nothing new in this language; the N.I.H. Director has this power now.

H.R. 10681 is supposed to be a bill about cancer, and to be based to some degree upon the recommendations of the National Panel of Consultants on the Conquest of Cancer. However, it also makes the Directors of the Heart and Lung and Neurological Diseases and Stroke Institutes associate directors of the National Institutes of Health—equal in the pecking order to the National Cancer Institute Director. Apparently, the Heart and Neurology Directors don't have the authority to submit their budgets directly to the President, although both are appointed by him. In this can of worms, it is very difficult to discern who is more equal than the others.

3. Criticisms of Senate Bill.—The critics of S. 1828 come almost entirely from the existing medical Establishment. They are, for the most part, the ones who are the beneficiaries of N.I.H. grants; they don't want the system changed.

These critics seem incredibly unaware of the vast changes which have occurred in the National Institutes of Health since the National Cancer Institute was established back in 1937. In the decade after World War II, the Congress established a number of new Institutes, elevated some divisions of N.I.H. to Institute status, and engaged generally in a constant process of restructuring the N.I.H. to meet changing needs and expanding scientific knowledge. As recently as 1968, the Congress transformed the existing Neurological Diseases and Blindness Institute into one for Neurological Diseases and Stroke, removed the eye programs from the Institute and created a new Eye Institute. The then Director of N.I.H. fought the change fiercely. Many neurologists proclaimed Doomsday for research on blindness. But the fact is that the new Eye Institute in the past three years has done a remarkable job in gaining increased visibility and expanded Congressional support for a new crusade against blindness.

The removal of the National Institutes of Mental Health from the N.I.H. in 1966 stirred up much more of a fuss than the present rather moderate controversy over the cancer program. From its inception, the National Institutes of Mental Health put its emphasis upon clinical research, training and treatment programs which would benefit patients. Basic research was pursued, but it was secondary to programs designed to reduce the number of patients in our state mental hospitals.

This clinical emphasis involved the NIMH in constant conflict with the then Director of the N.I.H., Dr. James Shannon. When the Congress passed legislation authorizing Federal appropriations for the construction and operation of mental health centers, Dr. Shannon made his objections public, stating that "it involves the National Institute of Mental Health too much in services to patients. It should be a research Institute."

After several years of public airing of the dispute, the Director of the National Institute of Mental Health convinced the Secretary of H.E.W. that he needed independent status and visibility in order to respond to popular and Congressional demands for increased action in the fields of community mental health, alcoholism, drug addiction, etc.

At the time of its separation from N.I.H., there were dire predictions that the N.I.H. would collapse. However, the N.I.H. still prospers. But the National Institute of Mental Health has done even better. In the five years since 1966, its budget has gone up from $232 million to $612 million, and it even has a new National Institute of Alcoholism under its wing.

The Regional Medical Program in Heart Diseases, Cancer and Stroke was originally placed in the National Institutes of Health in 1965. Dr. Shannon found it too clinically oriented, and he constantly criticized it. However, several years later, when the Secretary of H.E.W. moved it out of the N.I.H., Dr. Shannon complained that another attempt was being made to destroy the N.I.H.

The story of the health manpower effort is another example of constant change, and it is surprising that the medical school deans who now oppose a new Cancer Authority did not protest when massive changes were made in the administration of the Health Manpower Program in H.E.W. After rattling around in a number of different places, the health manpower programs were finally lodged in the National Institutes of Health. Of course, this makes the deans protectors of the status quo—after all, most of their money now comes from N.I.H.

It can safely be said that most organizational changes enumerated here—and many others too numerous to detail—have given the major diseases the specific visibility and public identification they needed to achieve strong fiscal support. As recently as 1948, the National Institutes of Health was composed of the National Cancer Institute and a series of small divisions which had jurisdiction over many killing and crippling diseases. The subsequent establishment of the Heart, Neurology and other Institutes could be equally described by critics as efforts to loosen up tight central control by the N.I.H. In a sense, they were; each new Institute acquired its own degree of independence and its own legion of supporters.

In the light of all of these changes, it is not reasonable to contend that an administrative structure created in 1937 for the National Cancer Institute when it had a $500,000 budget is hardly adequate to run the billion dollar attack envisioned by the President and the Cancer Panel by 1976.

4. Criticism of Rogers Bill.—It is fair to state that the Rogers Bill does not really address itself to a dynamic program for making the conquest of cancer a national goal. With few minor changes, it retains the status quo. It is really a series of contradictions. For example, the NCI Director has "direct" budget access to the President, but he is fully under the control of the N.I.H. Director and his subordinates. He doesn't have the power to appoint the 50 key scientific, processional and administrative personnel he needs to run an effective program and although his authority to establish new cancer centers is restated (he already has it), the Director of the N.I.H. has the real power under Paragraph 3 of Section 455 to construct and operate cancer, heart diseases and stroke centers "as the Director deems necessary."

The Rogers Bill is even more puzzling because it encompasses heart disease and neurology in what is supposed to be a cancer bill. The Cancer Panel did not conduct studies of these diseases and how their programs should be administered. We all would agree that they are very important, but by the same token they are deserving of independent study and analysis.

The Senate Bill is a direct response to an exhaustive study of one disease—cancer. The Senate, therefore, resisted all efforts to piggyback other diseases on the bill, or to remove the National Institutes of Health from the Department of Health, Education and Welfare. These are matters which must be studied in greater detail.

The issue is a very simple one. The Senate Bill attempts to deal forthrightly with the development of a new administrative structure which will make it possible to run a billion dollar program against cancer. The Rogers Bill makes only a small attempt in this direction. If the Cancer Panel's recommendations are adopted, the budget of the National Cancer Institute will be 50 percent or more of the total N.I.H. budget by 1976. It would seem obvious that it's impossible to squeeze an effort of this dimension into the existing N.I.H. layers of bureaucracy.

LEWIS J. JOHNSON

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. ALEXANDER. Mr. Speaker, in a month one of this Nation's truly great Americans will be marking his 63d birthday anniversary. This man, Lewis J. Johnson, more familiarly known to hundreds of people as "Red" Johnson, on that day as with most other days will no doubt be giving some thought to an ongoing project or a new idea for helping Arkansawyers build a better life for themselves.

John Locke might well have been anticipating Red Johnson when he wrote in "An Essay Concerning Human Understanding":

> I have always thought the actions of men the best interpreters of their thoughts.

Mr. Johnson's unselfish deeds in behalf of his fellow men have frequently lent new meaning to their lives. Because I believe my colleagues would find inspiration in it, I would like to share an account of this fine man's activities. The story appeared recently in the Arkansas Gazette.

The Arkansas Gazette story follows:

Deserving Tribute to Red Johnson

Reader—I share one honor with Lewis J. (Red) Johnson. He and I, along with nine other intrepid folks, rode the inaugural American Airlines non-stop flight from Little Rock to Washington. On second thought, maybe it is two honors since this was also the last (for the time being at least) such flight. It happened last January, the time the big fog descended on Adams Field. We were supposed to leave at 12:30 p.m. but when departure time came we discovered that the 6:20 a.m. flight to Washington hadn't left yet so there was some slight confusion around the airport. About 1:30 p.m. Red came and got me. He said American was going to send one plane on to Washington without the usual stops at Memphis and Nashville so we got aboard. The way it worked out Red and I arrived at National Airport in the bright sunshine an hour ahead of schedule.

Coming in ahead of schedule is a common occurrence in the life of this affable gentleman who was honored yesterday here at Reader by a host of people who have felt his magic touch. Some of them he has known since childhood because the Johnson family farm is only about a mile from this little Nevada County railroad junction. Others who were present have been enriched because somewhere along life's pathway they have come in contact with this hail fellow well met who will be 63 come next November 7. Red Johnson could charm a cobra out of a 10-foot jardiniere without a flute.

What happened here yesterday was the dedication of the Lewis J. Johnson Park, a community park built by Arkansas Green Thumb workers. Green Thumb, in case you don't already know, is a federal program designed to provide extra work for low income rural elderly. It is sponsored by the National Farmers Union. Red Johnson is president of the Arkansas Farmers Union and this not so startling revelation allows us to get into the meat of the matter. But first a few vital statistics are needed.

THE EARLY YEARS

On that flight to Washington last January, Red was telling me about his childhood on a hilly farm but I had a little trouble separating the wheat from the chaff. When Red gets to reminiscing, you have to watch for the twinkle in his eyes. This time he was telling about his father and mother, Tom and Maudie Johnson, and the transition to a tale about the family dog was smooth as sirup. I missed the twinkle. He said this dog would start chasing a rabbit in the morning, chase the bunny until noon, mark his place in the woods, come home for lunch and then go back to chasing the rabbit again without missing a sniff.

Red attended country school and then went to high school at Prescott where he was a star in every sport then played. At the University of Arkansas he studied agricultural economics, worked for his meals in the kitchen of a fraternity house and found time to letter in football in 1931, 1932 and 1933. In 1933 he was the team captain but sat out most of the season with a bad knee. This was the first year that Arkansas ever beat Texas and the Razorbacks had the best record in the Southwest Conference. However, the Conference officials refused to award them the championship because of a few minutes of action by an ineligible player. Red gained further distinction by becoming the first player to undergo a knee operation that was paid for by the University. In this department his name now heads a distinguished list.

After he graduated from the University, Red returned to Nevada County and married his childhood sweetheart, Miss Elizabeth Neal of Prescott. He is now the patriarch of a family that consists of a daughter, Mrs. Richard Coffman, a school teacher in the Little Rock Public Schools; Lewis J. Johnson Jr., a regional director for National Green Thumb, and John Thomas Johnson, an architect at Kansas City. There are five grandchildren.

YEARS OF PUBLIC SERVICE

In an era that saw the agricultural economy of the United States bend radically away from the small farm, Red Johnson realized the acute need for someone to champion the cause of this important minority. He knows from first-hand experience the trials and tribulations of the man who tries to eke out a living from 40 acres. After a hardening process as a roustabout in the oil fields of the Southwest and five years with a wholesale grocery firm, he was employed by the Farm Security Administration which later became the Farmers Home Administration. A member of the Farmers Union from his youth, he became a director of the group in 1948, its public relations director in 1952, vice president in 1955 and president in 1960.

In April of 1957 Lewis James Johnson Sr. took over as secretary-manager of the Farmers Union Mutual Insurance Company. Since that time the Company has tripled its assets. However, it is the list of voluntary accomplishments that makes this man a living legend.

He has served ably on the State Advisory Committee on Trade and Vocational Schools and he was one of the original members of the Arkansas Water Conservation Commission, a group that made an exhaustive study of the state's water needs long before interest in clean water became a status symbol. He served a term on the Arkansas Water Pollution Commission during the period that the Ouachita River was rescued from oblivion. He was a member of the Arkansas Highway Users Conference.

Red Johnson walked many a lonely mile on the hard floors of Washington's Capitol Hill complex to bring the Neighborhood Youth Corps to Arkansas and 34,000 boys and girls from low-income families benefited from his efforts. In the first year of this program, Arkansas got more money than any state in the Union.

Green Thumb has allowed hundreds of elderly Arkansans to enjoy security and satisfaction in the autumn of their lives. The On-the-Job Training program, another program that helped care for 2,000 elderly Arkansans that couldn't fend for themselves, and a program to retrain displaced farm workers at AM and N College are Johnson-produced assets to Arkansas. No one knows how many miles this man traveled as a member of President Johnson's Commission on Rural Poverty.

The Lewis J. Johnson Formula is simple. He reverses the usual process. He gets things done and then talks about them later. The hiking trail across the Ouachitas is a case in point. One day last November Red and I were sitting in the lounge at Kennedy Airport in New York. I mentioned how nice it would be if efforts to build a hiking trail in the Ouachitas could be realized. "When do you want to start?" Red asked. Before I had a chance to answer he said: "Would next Monday be soon enough?" This was Friday, November 7, 1970. On November 23, 1970, work on the trail was begun and, as of today, about 80 miles of the 150 miles is completed. Until this moment, there hasn't been a single committee meeting. That's the way Red Johnson works.

LIEUTENANT SKINNER

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. GRIFFIN. Mr. Speaker, I want to pay tribute to an outstanding young Jackson, Miss., police detective, Lt. William L. Skinner, who lost his life in pursuit of his duty.

Lieutenant Skinner joined the Jackson Police Department in 1960 and was soon marked as a man of distinct leadership potential and dedicated to crime prevention. He was a highly respected officer and enjoyed widespread friendship among his colleagues and the general public.

The first real recognition of his leadership ability and dedication came in 1966 when Lieutenant Skinner and one other officer were named to establish and place into operation a new department—the narcotics and vice department.

Only recently Lieutenant Skinner was given the new and larger responsibility of heading the intelligence division of the Jackson Police Department.

On the morning of August 18, 1971, a number of FBI agents and Jackson policemen, including Lieutenant Skinner, possessing proper warrants, went to a house in Jackson then occupied and used by the Republic of New Africa as its headquarters. They went in search of a Detroit man wanted on a murder charge and three other men wanted on lesser charges.

The occupants of the house were ordered to come out by the officers. They were answered by a fusillade of gunfire, lasting some 20 minutes, which brought death to Lieutenant Skinner and severe injury to fellow policeman Billy Crowell and FBI agent William Stringer.

Lieutenant Skinner did not die immediately but, suffering a severe head wound, lingered for 21 unconscious hours before succumbing on Thursday, August 19th.

Mr. Speaker, Lieutenant Skinner's death is a tragic and senseless slaying. It has brought grief and despair to the citizens of Jackson, has deprived the city's police department of a bright young potential leader and, most importantly, has deprived his wife and children of a husband's and father's love, affection, guidance and protection.

Lieutenant Skinner's sacrifice was not in vain, however. His outstanding record with the Jackson Police Department and his dedication to duty will serve as a sterling example of the proper and necessary role of law enforcement. We, in America, are being constantly reminded, through ever increasing criminal activity, that the face of our society may be not much more than a thin veneer. Along with the honest, law abiding citizens of this Nation, men such as Lieutenant Skinner are the ones who deserve the real credit for holding it in place.

Mr. Speaker, the citizens of Jackson have established a memorial fund and, urging everyone to contribute to this worthy effort, I include an explanatory article from the August 20, 1971, Clarion-Ledger of Jackson, Miss., at this point:

SKINNER FUND IS ESTABLISHED

The "Louis Skinner Memorial Fund" has been established to assist the slain city detective's survivors—a wife and three children.

Det. Lt. Skinner died Thursday from a head wound received while attempting to serve arrest warrants on a black militant group's "Republic of New Africa" headquarters in Jackson. An intelligence officer, Skinner was a 10-year veteran on the police force.

Contributions should be sent to George Donavan at First National Bank, or W. P. McMullan Jr. at Deposit Guaranty National Bank, both in Jackson.

SCHOOL PRAYER

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. DORN. Mr. Speaker, I commend to the attention of my colleagues and to the people of our country the following editorial from the Anderson Independent, October 3, one of the South's leading newspapers:

SCHOOL PRAYER AMENDMENT: CHURCHES RIGHT IN WARNING AGAINST DANGER

Two hundred eighteen representatives, just the needed number, have appended their signatures to a discharge petition to pry the school prayer amendment out of committee and onto the House floor, and it may be that all of them have good intentions in so doing.

But you know what road is paved with those. We submit that the intentions of the 38 national religious leaders who signed a statement in opposition to the proposed constitutional amendment are just as good and their understanding of American traditions better.

The religious leaders include representatives of the Southern Baptist Convention and several other Baptist groups, the United Presbyterian Church, the National Council of Churches of Christ, the Episcopal Church, the United Methodist Church, the United Church of Christ, the Church of the Brethren, the Lutheran Church, the Synagogue Council of America and the American Jewish Congress.

Affirming "the right of school children or any other segment of the population to engage voluntarily in their own prayers without government authorization or supervision," the religious leaders point out that "this right is adequately protected by the First Amendment as it now stands."

So the school prayer amendment is, in the first place, quite unnecessary.

But in the second place, it is fraught with danger. For the evil at which the U.S. Supreme Court struck when it forbade officially authorized or supervised prayers and religious observances in the public schools was precisely the evil which our ancestors sought to escape from in Europe.

It is the kind of evil which produced centuries of religious persecution—government intrusion into the sphere of religion, which is and ought to be a private affair between the individual and the God he worships or does not, as he chooses.

What IS the "interdenominational prayer" which the proposed amendment would permit? As the religious leaders pointed out, they themselves can achieve no consensus on a definition. How, then, can politicians or school board members expect to?

And why should they? Why should prayer be cheapened by using it as a device to quiet unruly children?

The basic issue, though, was stated in simple terms by Sen. Sam Ervin almost exactly five years ago when the Senate rejected a similar amendment.

"Political freedom," the North Carolina Democrat declared, "cannot exist in any land where religion controls the state, and religious freedom cannot exist in any land where the state controls religion."

This the men who wrote the Bill of Rights knew full well, and we do not think their latter-day would-be successors are likely to improve upon their handiwork.

DRUG ABUSE PREVENTION WEEK

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. HOGAN. Mr. Speaker, this week has been declared Drug Abuse Prevention Week in an effort to focus the Nation's attention on the drug menace. Because of my concern over this problem, I have prepared a drug abuse newsletter which I mailed to my constituents this week. I include the newsletter in the RECORD at this point:

HOGAN APPOINTED TO DRUG ABUSE TASK FORCE

In May I was appointed by the Republican leadership in the House of Representatives to serve on a 15-member Republican Task Force on Drug Abuse.

The Drug Abuse Task Force is one of several Task Forces being organized by the House Republican Research Committee. The committee is part of the House Republican Conference and serves Republican Members of Congress by providing research services and by organizing Task Forces to undertake long-range studies of important issues.

I am pleased to have this opportunity to become more deeply involved in the fight against drug abuse. Everyone believes that drug addiction can only happen to the "other guy" in another family. But this is the first fallacy which must be unlearned.

HOGAN FIGHTS DRUG EPIDEMIC

Drug addiction is reaching epidemic proportions in this country, and it should be treated as the health plague which it literally is. It is a disease which has enslaved between 250,000 and 500,000 people in this country.

Heroin addiction is the greatest single cause of deaths among young people between the ages of 15 and 35.

The horrible fact is that the disease is spreading. The Washington Metropolitan area is now faced with an increasingly serious addiction problem.

Moreover, there is a direct correlation between drug addiction and crime. An addict may need from $50 to $150 a day to buy heroin to support his habit. In the District of Columbia, 60 percent of the funds used to support addiction are obtained through burglary, robbery and larceny; 15 percent through prostitution; and 10 percent from other illegal activities.

In addition, addicts must steal goods worth five times the cost of their habit. So, an addict with a $50 a day habit would have to steal over $90,000 worth of goods per year to maintain his habit.

In addition to the loss of lives and the huge economic costs due to addiction, there are mammoth social costs. The entire criminal justice system (police, courts and correction institutions) has an enormous burden placed on it. Families are destroyed, young lives are ruined and large segments of our society lives in the fear of becoming the victims of addiction-related crime.

I, along with other members of Congress, recently introduced a broad-based bill which I believe would be a major contribution to the nation's battle against drug addiction.

This legislation would provide for $120 million to train doctors and other health personnel in the treatment and rehabilitation of drug users. Also, under the provisions of this bill over $370 million would be used in a five-year research program designed to find a non-addictive drug which could be substituted for heroin and a vaccine to prevent drug addiction.

One of the major components of this legislation is involuntary commitment and forced treatment for any individual whom a court hearing determines is an addict. The Narcotic Addict Rehabilitation Act would be amended to allow a relative, law enforcement officer or health official who believes a person is an addict to report such a belief to the U.S. Attorney in a sworn affidavit. It would then be the responsibility of the Attorney, if he felt there was reasonable cause, to petition the court and ask that the alleged addict undergo 72 hours of physical and psychiatric testing. If the examination results indicated that the person was an addict, he could then be committed to a medical institution for treatment and rehabilitation.

Programs of involuntary treatment have had noteworthy success in California and New York. This concept offers great hope for a nationwide drive against the illegal drug epidemic. The only way to protect ourselves, our homes and our children is to get drug addicts off the streets and provide them with treatment that will help them conquer the curse of drug addiction and prevent them from infecting others with addiction.

Involuntary commitment and forced treatment are, in effect, a quarantine of people who are sick and who infect others with this sickness wherever they go. The government has the right and the obligation to quarantine a person with tuberculosis or to take someone who is insane out of society.

That is what we are proposing to do with this legislation—take heroin addicts, who are sick people, out of society and help them get well for their sake and for society's sake.

The Supreme Court has already ruled that involuntary treatment for drug addiction is constitutional because it is designed to protect the public health and welfare. Constitutional safeguards have been written into this proposal to insure that there would be no abridgement of personal rights. Among them are a guarantee of all the procedural rights to due process, including the right to a trial by jury, right to counsel and a right to a speedy hearing.

I have also introduced separate legislation which would call for mandatory jail sentences for non-addict pushers with no possibility of parole. These provisions were already in effect until the passage of the Controlled Substances Act. They were then omitted in order to prevent excessive penalties for the addict pusher. However, in my opinion, harsher penalties are still needed for the non-addict pusher—an individual who profits from addicting young people and does not even have the excuse of addiction and the need to support his habit for selling heroin.

PRINCE GEORGES COUNTY TO HAVE OUT-PATIENT DRUG REHABILITATION CENTER

In June I announced that the Maryland Governor's Commission on Law Enforcement and Administration of Justice was the recipient of a $144,593 grant from the Law Enforcement Assistance Administration.

These funds will be used by the Drug Rehabilitation Program in Prince George's County to treat drug addicts through an outpatient rehabilitation center.

The main thrust of this program will be to offer supportive services such as vocational counseling and guidance, as well as therapy to the drug user.

The rehabilitation center will be open from 8:00 a.m. to 10:00 p.m. with an ultimate goal of treating 400 patients a week. These individuals will be referred by social and law enforcement agencies. The clinic has now been fully staffed and the location of the site will soon be announced.

By the issuance of identification cards and the close coordination and cooperation of the various Washington Metropolitan agencies, it is hoped that the addict will be prevented from taking advantage of this program through registering at several clinics.

DRUG ABUSE IN MILITARY

Recent investigations indicate that the drug abuse menace is spreading rapidly, not only in our American communities, but especially among our American men in Southeast Asia. One Congressional study indicates that the American soldier in Vietnam is now in more danger of becoming a heroin addict than a combat casualty.

Along with my colleagues on the Republican Congressional Drug Abuse Task Force, in June, I introduced in Congress a legislative package to combat comprehensively drug abuse in the military.

I believe that these bills represent a realistic and viable solution to this staggering problem which is confronting our armed services. This legislative package builds upon present drug treatment and rehabilitation programs run by the military, the Veterans' Administration, the National Institute of Mental Health and other federal and state agencies and expands them in areas where each has the responsibility and the capability for providing additional needed assistance.

The most important bill in this legislative package is "The Military Rehabilitation Drug Act of 1971." Briefly, this bill includes provisions to cover the following areas of concern: identification of drug users by urinalysis; short term treatment in the military; centralized decisionmaking and coordination of facilities; and the referral of addicts or their dependents to civilian agencies. Also included is a service-wide amnesty program to provide immunity from prosecution under the Uniform Code of Military Justice.

This legislative package also includes the establishment of a drug rehabilitation program in the Veterans' Administration; amendment of the Uniform Code of Military Justice to make the penalties for use or possession comparable to those under the 1970 Drug Abuse Prevention and Control Act, which I supported last year; and amendment of the Narcotic Addict Rehabilitation Act to expand civilian treatment and rehabilitation programs.

It has been estimated that approximately 250,000 young people are already addicted to heroin in the United States, with an additional 30,000-40,000 servicemen addicted in Southeast Asia. This represents approximately 10–15% of our military personnel in that area. These shocking statistics make it obvious that the problem has reached magnitudinous proportions and that something must be done. I believe this legislative package which I have co-sponsored is the only realistic approach to a solution of the drug problem confronting our military establishment.

I am pleased to report that the House unanimously passed legislation similar to that proposed by the Task Force with respect to the establishment of a drug rehabilitation program in the Veterans' Administration. This more comprehensive bill now awaits Senate action.

HOGAN SPONSORS DRUG TRAFFIC CONTROL BILL

I have sponsored legislation designed to cut off funds to those countries failing to exercise adequate control over the illegal flow of drugs into this country.

Under the provisions of this bill the Comptroller General would have the authority to stop economic assistance, after making an annual study and determining which countries were not taking appropriate steps to curb their illegal narcotics traffic into the United States.

On August 3, 1971, the House passed the Foreign Assistance authorization bill which included provisions similar to those in my bill. Presently, this authorization measure is pending before the Senate.

I am hopeful that the threat of withdrawing economic assistance will provide an impetus for control and cause those countries where opium is grown to curtail the illegal exportation of drugs into this country.

DRUG ABUSE CHART

Experimentation with drugs among our youth is becoming more and more widespread, but many parents, through ignorance, do not recognize the signs of drug use in their own children. Please study this chart of the most commonly used drugs, the physical symptoms which usually accompany them, clues to aid in their detection, and the actual destruction they can and often do cause.

Please take note of these danger signals, since it is possible to save a user of narcotics from a life of horror if detection is early.

If you have a problem or if I can be of service to you or your family in any way, please do not hesitate to contact me.

Please write: Congressman Larry Hogan, Iverson Mall, Suite 120, 3847 Branch Avenue, Hillcrest Heights, Maryland 20031.

I cannot stress enough how important it is that you *write* to me, rather than call. A letter receives much faster service because a phone call must be reduced to writing before action can be taken.

Drug used	Physical symptoms	Look for—	Dangers
Glue sniffing	Violence, drunk appearance, dreamy or blank expression.	Tubes of glue, glue smears, large paper bags or hankerchiefs.	Lung/brain/liver damage, death through suffocation or choking, anemia.
Heroin (H, Horse, Scat, Junk, Snow, Stuff, Harry, Joy powder). Morphine (White stuff, Miss Emma, M., Dreamer) Codeine (Schoolboy).	Stupor/drowsiness, needle marks on body, watery eyes, loss of appetite, blood stain on shirt sleeve, running nose.	Needle or hypodermic syringe, cotton, tourniquet—string, rope, belt, burnt bottle, caps or spoons, glassine envelopes.	Death from overdose, mental deterioration, destruction of brain and liver.
Cough medicine containing codeine and opium	Drunk appearance, lack of coordination, confusion, excessive itching.	Empty bottles of cough medicine	Causes addiction.
Marijuana (Pot, Grass, Locoweed, Mary Jane, Hashish, Tea, Gage, Reefers).	Sleepiness, wandering mind, enlarged eye pupils, lack of coordination, craving for sweets, increased appetite.	Strong odor of burnt leaves, small seeds in pocket lining, cigarette paper, discolored fingers.	Inducement to take stronger narcotics.
LSD (Acid, Sugar, Big D, Cubes, Trips). DMT (Businessman's High). STP.	Severe hallucinations, feelings of detachment, incoherent speech, cold hands and feet, vomiting, laughing, and crying.	Cube sugar with discoloration in center, strong body odor, small tube of liquid.	Suicidal tendencies, unpredictable behavior, chronic exposure causes brain damage.
Amphetamines (Bennies, Dexies, Co-Pilots, Wake-Ups, Lid Poppers, Hearts, Pep Pills).	Aggressive behavior, giggling, silliness, rapid speech, confused thinking, no appetite, extreme fatigue, dry mouth, shakiness.	Jar of pills of varying colors, chain smoking	Death from overdose, hallucinations.
Barbiturates (Barbs, Blue Devils, Candy, Yellow Jackets, Phennies, Peanuts, Blue Heavens, Goof Balls, Downs).	Drowsiness, stupor, dullness, slurred speech, drunk appearance, vomiting.	Pills of varying colors	Death from overdose, unconscious.

HOTLINES

Area youth faced with drug problems now have several Hotline numbers to call for counseling and the opportunity to "rap" with someone who understands. This type of telephone service is the outgrowth of mounting community concern over youth's inability to communicate through normal channels. If your're desperately seeking help or if you just need someone to listen, please call: 864–7271 (Prince George's County Hotline), 498–4200 (HEAD, Laurel), 776–6811 (HELP, Laurel), 454–4357 (University of Maryland), 262–2433 (Bowie), 322–1788 (Cheverly Lighthouse).

DRUG PAMPHLETS

The following pamphlets on various aspects of drug abuse may be obtained from Congressman Larry Hogan's District Office:

(1) The Question-and-Answer Series from HEW: LSD, Stimulants, Narcotics, Sedatives, The Up and Down Drugs, Marijuana.

(2) "Don't Guess About Drugs When You Can Have the Facts"—National Institute of Mental Health—bibliography of available information on drug abuse and where to get it.

HERMAN BADILLO—AN EMERGING LEADER

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. CONYERS. Mr. Speaker, in the brief period since his election to this body last fall, HERMAN BADILLO, Representative from New York's 21st Congressional District, has proven himself a leader of quality. As a worker, he is tireless. As a legislator, he is more than responsive. And as a leader of 10 million Spanish-speaking Americans, he is a compassionate and dedicated spokesman.

I have had the good fortune to get to know Mr. BADILLO, and am pleased to call him friend as well as colleague. He possesses that unique combination of political experience and grass roots upbringing which makes him a peoples' leader. Mr. BADILLO knows that minority groups must work together, as a recent article in Jet magazine observes:

COALITION: PUERTO RICAN LAWMAKER BACKS MEMBERS OF BLACK CAUCUS IN U.S. CONGRESS

(By Theresa Booker)

For ten million Spanish-speaking Americans, Rep. Herman Badillo (D., N. Y.) is as much a hero as Black Caucus Chairman Rep. Charles C. Diggs, Jr. (D., Mich.) is for 25 million Blacks. Badillo was the first non-Black to go on record supporting the Congressional Black Caucus. The former Bronx borough president, who wanted his views known on Capitol Hill, published a statement in the *Congressional Record*, praising the Caucus as having the potential to create and obtain passage of meaningful legislation to improve conditions for Black Americans.

In an interview, the tall, handsome Puerto Rican lawmaker spoke of the need for a continuing political alliance between minority groups, including Spanish-speaking Americans, Blacks, the poor and the young. "Such an alliance would help bring about needed change in the structure of American politics," said Rep. Badillo.

His political career, which has included positions such as commissioner of relocation and Bronx borough president, was capped by his election last year as a congressman from New York. One of the main solutions he offers to the problem of continued migration into the cities is the improvement of areas from which these people migrate. For Blacks, it is the South and for Puerto Ricans, Puerto Rico. He feels that improvements in living conditions in these areas would reduce migrations that have overcrowded the cities.

Born in Caguas, Puerto Rico, Aug. 21, 1929, the lawmaker's family was among the first Protestant settlers in Puerto Rico and his ancestors reportedly brought the first Bible to Puerto Rico. His father, Francisco, was a teacher and was compiling a Spanish-English Bible when he died in 1930 at age 25. Both of Badillo's parents helped the poor during the Depression which hit Puerto Rico harder than the U.S. Both of them died of tuberculosis within four years of each other.

Orphaned when he was five years old, Badillo lived with relatives in Puerto Rico until he was 11, when he came to the U.S. He lived in Chicago, California and New York with relatives. Despite his nomadic youth, Badillo refused to give up his drive for an education He worked his way through City College of New York and the Brooklyn Law School with high honors.

After forming a law firm in New York City, he began his long road home in politics. As a lawmaker, Rep. Badillo supports the following bills now before Congress: manpower training programs, public service employment, federal subsidizing of low and middle income housing and health bills.

On the subject of the Vietnam war, the congressman responded, "The Vietnam war has diverted thousands of millions of dollars away from the cities and the poor. The tragedy of the war lies in its congressional priority over existing urban problems."

Today in Washington, Rep. Badillo, the pride of Spanish-speaking voters, is the first man to subscribe to the worthy goals of the Congressional Black Caucus.

C–5A LOSES ENGINE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. MOORHEAD. Mr. Speaker, my dear colleagues, on December 15, 1969, I took this floor in opposition to funding for the C–5A giant transport.

When I took the floor that day, in defense of my position, I cited 25 major structural flaws in the plane, including several defects in the wing alone.

In regard to problems with the engine, I said:

> Failures have been experienced with the engine mounts. Therefore, restrictions have been imposed on engine throttle limits and the plane cannot take off from unimproved runways.

My friends, I regret to say that I failed to mention that the engine could fall off the plane. I am sure, had I said that, the ceilings of this venerable Chamber would have shaken with laughs on MOORHEAD.

On September 29, of this year, as one of the C–5's was preparing for takeoff, the engine fell off.

With their usual candor and respect for Congress, the Department of Defense said nothing of this incident until some aggressive reporters got wind of the story and forced an explanation from the Air Force.

I hate to say I told you so. But, I told you so.

Long ago I stopped accepting the word of the military as gospel as far as defense needs are concerned.

And their lack of respect for Congress and the Nation, as evidenced by their silence, only adds to the list of incidents of Government suppression of information.

Let us use this occasion, since there were no injuries except to Air Force pride, as a lesson.

The President scolds the Congress for being spendeasies while he cuts down milk programs and threatens wage increases for Federal employees.

There are areas in our Federal budget far more ripe for the professed frugality of the administration and the majority are in the DOD budget requests.

I would like to enclose the article which appeared in the Washington Post today on the C–5 losing its engine:

C–5's GROUNDED AFTER ENGINE FALLS OFF

(By Michael Getler)

The Air Force has grounded seven huge four-engine C–5A jet transports after an engine fell off one of the planes as it was getting ready for take-off.

The incident took place Sept. 29 at Altus AFB, Okla., but was made public only yesterday after press inquiries to the service.

The Air Force says an investigation into the mishap is not completed, but preliminary indications are that the failure was due to a structural problem in the pylons that hold each of the big jet's engines to the wing.

The plane had taxied to the end of the runway before take-off and the engine fell off as the pilot applied full power in a final check.

The plane involved in the incident is one of six C–5As used for training, and has accumulated 1,300 flying hours and more than 3,000 landings thus far. That is far more than most of the planes in the C–5A fleet of 41 operational planes. The Air Force says it has grounded seven planes that have accumulated as many hours as a safety precaution until new pylons can be installed.

The pylons previously had been identified as a potential problem spot by Air Force investigators looking into the trouble-plagued aircraft. Eventually, all of the C–5A fleet will be fitted with new pylons. The 41 planes in service represent half of the 81 currently planned. They cost an estimated $56 million each.

The latest incident will do nothing to improve the plane's image which has been tarnished by both high cost overruns and continuing structural problems involving extensive and expensive new test programs. Until the structural problems are solved, the C–5As continue to operate under restrictions limiting the planes to 80 per cent of their intended load capacity.

Until last month, the Air Force had thought most of its problems were solved. Then, on Sept. 14, just two weeks before the latest engine incident, another wing crack was detected during static testing at Lockheed's C–5A plant in Marietta, Ga. The wing cracked at 130 per cent of its designed load rather than at the 150 per cent which the Air Force had set as its safety goal.

DO WE WANT ANOTHER BIBLE WAR?

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. DRINAN. Mr. Speaker, over the years the periodic reports to his constituents of my distinguished colleague from Arizona, Congressman UDALL, have achieved a justified fame. They are widely circulated and carefully read by Members of Congress and others.

On May 22, 1964, Congressman UDALL chose as the subject of his report the Becker amendment—a proposal designed to alter the Bill of Rights for the first time in American history in order to sanction nonsectarian prayer in public schools. Because the issues discussed in this report are once again before the Congress, I take this occasion to bring Congressman UDALL's analysis to the attention of my colleagues:

DO WE WANT ANOTHER BIBLE WAR?

A hundred years ago Protestant Christians and Catholic Christians fought each other in the courts—and in the streets—over the right of the State to compel Catholic school children to listen to readings from the King James Version of the Bible. In Massachusetts, Indiana, Iowa, Illinois, Ohio, Pennsylvania, Wisconsin and other states the use of public schools for religious instruction, usually described as "nonsectarian", was a bitter and divisive issue. In Maine a Jesuit priest was tarred and feathered. In Cincinnati the contending groups waged what came to be known as the "Cincinnati Bible War." There are those today who think we are headed for another such "Bible War." I hope they're wrong. These old passions have been inflamed anew by two recent decisions of the U.S. Supreme Court:

In *Engel* v. *Vitale*, decided in June, 1962, the Supreme Court held that a State may not compose and prescribe a form of prayer to be recited daily in its public schools, even though students may be excused if their parents object. The Court held that this was a violation of the First Amendment, which says: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . ." The prayer in question had been composed by the New York State Board of Regents and ordered recited in all public schools. The case was brought by parents who objected to this practice.

In *Abington School District* v. *Schempp*, decided in June, 1963, the Court held that the First Amendment forbids a State to require the Bible to be read and the Lord's Prayer to be recited each day in the public schools. The case was brought by parents of school children in Pennsylvania, where State law required that 10 Bible verses be read, without comment, in all school classrooms daily. Combined with this case was that of a Baltimore school boy and his mother, who objected to a local school board rule requiring Bible readings or recitation of the Lord's Prayer each day. In each case there was provision for children to be excused during these exercises if their parents objected.

On both occasions the Court spoke loud and clear with just one dissenting opinion. Speaking recently of these decisions, Arizona's Walter Craig, president of the American Bar Association, said they were "clearly predictable from prior opinion of the Court, and no other decision would have been consistent with the dictates of the First

Amendment." Nevertheless, charges were made that the Court had "expelled God from school", and many conscientious citizens took the decisions as indication that the court was hostile to religion. "They went and put the Negroes in our schools," one Southern congressman said, "and now they've taken God out."

Out of this controversy has come a movement to amend the Constitution to permit such State-ordered exercises. Of about 160 resolutions introduced in Congress, nearly half contain the language of the "Becker Amendment," first introduced by Rep. Frank J. Becker of New York. Here is what the Becker Amendment says:

"Nothing in this Constitution shall be deemed to prohibit the offering, reading from, or listening to prayers or biblical Scriptures, if participation therein is on a voluntary basis, in any governmental or public school institution, or place.

"Nothing in this Constitution shall be deemed to prohibit making reference to belief in, reliance upon, or invoking the aid of God or a Supreme Being in any governmental or public document, proceeding, activity, ceremony, school, institution, or place, or upon any coinage, currency, or obligation of the United States.

"Nothing in this article shall constitute an establishment of religion."

This Amendment, along with the other pending resolutions, is now the subject of lengthy hearings by the Judiciary Committee. Before it can become law it must (1) be reported favorably by the Committee, (2) pass the House of Representatives with a two-thirds majority, (3) pass the Senate by the same margin, and (4) be ratified by three-fourths of the States. If ratified, it would become the 25th Amendment to the Constitution.

Because certain church groups and other organizations have taken an intense interest in this proposal, I have been swamped by mail on the subject in recent weeks. In fact, the flow has exceeded that on any other issue arising in the last two years. The time has come for a discussion of the problem.

RELIGION IN AMERICA—A TRADITION WORTH PRESERVING

In some countries of Europe you can't get milk deliveries if your religion is different from the majority prevailing in your area. In spite of our many troubles, we are fortunate that religious rivalry has not reached that point in this country.

We should recall that it was for religious freedom that many of our first settlers came to America. Government-prescribed prayer, as authorized by Parliament in the Book of Common Prayer, was the *very issue* which prompted the Pilgrims to establish their colony in Massachusetts. Ironically some of the very groups which had opposed the established church in England proceeded to *establish their own churches* in the colonies and to write their own *official prayers* into law. In fact, by 1776 there were established churches in eight and possibly 10 of the colonies.

Because of this sad history James Madison included a "freedom of religion" amendment in his proposed Bill of Rights, introduced in the First Congress in 1789. After undergoing several revisions the amendment was ratified and made part of the Constitution in 1791. I believe it has contributed greatly to the atmosphere of religious tolerance which distinguishes this country from many other nations of the world. It has not deprived our country of religion but has drawn a rather distinct line between Chuch and State. I would hate to see any change in that pattern. As Madison said:

"It is proper to take alarm at the first experiment of our liberties. . . . Who does not see that the same authority which can establish Christianity, in exclusion of all other Religions, may establish with the same ease any particular sect of Christians, in exclusion of all other Sects?"

THE PUBLIC SCHOOLS—HISTORIC BATTLEGROUND

In our early history there were few public schools as we know them today. Most schools were operated by the churches. As tax funds came to be used for public education many of the religious aspects of the old schools continued. In time this led to bitter controversy, especially as Catholics immigrated into formerly Protestant areas. In one celebrated case an 11-year-old Catholic boy in Boston was whipped with a stick for 30 minutes before consenting to recite the Protestant version of the Ten Commandments. In the Cincinnati controversy Catholics were angrily accused of "atheism" because they objected to the same "voluntary" Bible-reading rule being debated today. Out of these encounters came various conflicting court decisions, none of them reaching the U. S. Supreme Court. However, since 1940 the high court has taken jurisdiction in a number of such cases, ruling that the 14th Amendment extends the provisions of the First Amendment to acts of state and local governments. What the 14th Amendment says, in part, is this:

"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States . . . nor deny to any person within its jurisdiction the equal protection of the laws."

As long ago as 1872 the Supreme Court of Ohio held that, "United with government, religion never rises above the merest superstition; united with religion, government never rises above the merest despotism; and all history shows that the more widely and completely they are separated, the better it is for both." Nevertheless, many of my correspondents apparently believe that until the recent decisions were handed down prayers and Bible-reading were the universal practice in public schools. The truth is that the Constitution or courts in 10 states had long forbidden such exercises.

It may surprise my readers to know that Arizona is one of these states. (I will return to this later.) The other nine states are Illinois, Nebraska, Ohio, South Dakota, Washington, Wisconsin, California, and Nevada. Fifteen other states have forbidden prayers and Bible reading by statute. And another 10 states generally look with disfavor on such practices.

WHAT THE SUPREME COURT DID NOT SAY

So many words have been spoken that I think it would be well to point out what the Supreme Court did not say:

The Court did not take "In God We Trust" off our currency. It did not take "under God" out of the Pledge of Allegiance. It did not remove chaplains from the Armed Services. It did not prohibit use of the Bible as part of courses in comparative religion or literature. It did not forbid occasional prayers or Bible-reading by teachers and pupils on a voluntary, non-official basis. And obviously it did not outlaw silent prayers or acts of devotion by anyone at any time or place, public or private.

As a lawyer I do not believe any such decisions will follow. As a Congressman I would oppose them if they were rendered. The issues now before us are entirely separate.

THE CURRENT DISPUTE

The current debate has turned more on emotion than fact. Speakers on both sides have made too much of the "extremists" on the other side. To be sure, there are some notorious racists and Supreme Court-haters (for example, Gerald L. K. Smith and the John Birch Society) campaigning for the Amendment. However, many prominent church leaders and church groups also favor the Amendment. To be sure, there are militant atheists, who frown on every reference to religion, opposing the Amendment. But the great majority of the nation's church organizations also oppose it. Here are a few typical views:

Rep. Frank J. Becker, R-New York: "Many people subscribe to no religion. Without school services millions of children would be deprived of knowing there is a God."

Rabbi Maurice N. Eisendrath, President, Union of American Hebrew Congregations: "The worst thing that could happen to the churches and synagogues would be to undermine their sacred role and their integrity by developing in the public schools an American public school religion which would consist of a set of meaningless, watered-down, nonsectarian platitudes. As Santayana said, religion in general is nothing."

Rep. Charles McC. Mathias, R-Maryland: "I think it is improper for a bunch of politicians to write a prayer and make children read it."

Gov. George C. Wallace, Alabama: "It (the Supreme Court) is a part of the deliberate design to subordinate the American people, their faith, their customs and their religious traditions to a godless state."

Baptist Joint Committee on Public Affairs: "When one thinks of prayer as sincere outreach of a human soul to the Creator, 'required prayer' becomes an absurdity."

Rt. Rev. Arthur C. Lichtenberger, Presiding Bishop of the Episcopal Church: "We are indeed a 'religious people,' but our varied beliefs are embodied in institutions which are not governmental and are not dependent on majority votes."

Evangelist Billy Graham: "The Ten Commandments could be read and said every day in our schools. Protestants, Catholics and Jews all agree on the Ten Commandments."

Executive Council, Lutheran Church in America: "If the 'Lord's Prayer' were to be recited in schoolrooms only for the sake of the moral and ethical atmosphere it creates, it would be worth nothing to the practicing Christian."

America, Catholic weekly: "The weightier reason for questioning the wisdom of this move is that, if it should succeed, it would only shake the faith of the American people in the firmness of our most basic civil liberty, freedom of religion."

American Baptist Convention (resolution): ". . . we reaffirm our historic Baptist belief that . . . prayers and religious practices should not be prescribed by law or by a teacher or public school official."

National Council of Churches: "Neither the church nor the state should use the public school to compel acceptance of any creed or conformity to any specific religious practice."

Obviously, the strong divergence of opinion, and the impact that such an Amendment might have on the Bill of Rights as it stands today, indicate the need for full and adequate debate and the most careful kind of study. Recently there was an effort through a device known as the Discharge Petition to bring this Amendment to the House floor without any committee study. I opposed this as extremely unwise and a grave risk to the Constitution.

ISSUES THAT NEED TO BE EXPLORED

There are a great many grave questions which need sober reflection before this country plunges into revision of the Bill of Rights. Here are some of them:

The First Amendment not only prohibits "establishment" of religion, but it protects the "free exercise" of religion. What happens if we now decide that "establishment" does not include publicly-ordered prayers and Bible reading? Opponents fear our rights under the "free exercise" clause will be impaired. Would this permit some future Gestapo to break up prayer meetings of unpopular church groups?

What scriptures would be "official"? The Catholic (Douay) Bible contains 14 Old Testament books not recognized by most Protestants and Jews. Should Protestant children be required to read passages from these books? Should Catholic and Orthodox children be required to read a version of the Bible not approved by their churches?

The Becker Amendment says, "Nothing in this article shall constitute an establishment of religion." Commenting on this the magazine *Christian Century* said, "In Sections 1 and 2 the proposal would destroy the First Amendment's guarantees of religious liberty and then in section 3 deny that it has done so. If adopted, the Becker amendment will imperil religious freedom in the name of religious freedom."

How can a prayer or scriptural passage be "non-sectarian" with respect to all the religions people practice? And if it is watered down enough to satisfy all religions, of what value is it?

As many church leaders have pointed out, it is absurd to suggest that a young child is free to leave the room when "voluntary" religious exercises are held. The desire to conform is exceedingly great in children; few want to be "odd balls."

If you're Protestant, how would you feel if your child recited the "Hail Mary" in school? If you're Catholic, how would you like your child reciting the prayer of Martin Luther? What happens in predominantly Mormon communities of Arizona if the school board prescribes reading from the Book of Mormon?

What agency of government will prescribe prayers and Bible passages? What language in this Amendment would stop the federal government from doing so?

I am not one who thinks the coming generation is hopelessly lost. The education and training of our youth rests on a three-legged stool: *school, home,* and *church*. Each leg must carry a share of the load. Has there not been too much of a tendency to shove onto already burdened teachers non-academic training in manners, sex education, health and personal care—duties which belong elsewhere?

Must we really, as Congressman Becker implies, protect America's children from the godlessness of their parents?

ARIZONA NOT AFFECTED

Now here's the big fact overlooked by *nearly all* of my correspondents on this issue. The Supreme Court *has not* "taken the Bible from Arizona schools" because daily recitation of Bible passages and regular school prayers have *never been there*. When the Arizona Constitution was adopted in 1912, Article II declared: ". . . No public money . . . shall be appropriated for or applied to any religious worship, exercise, or instruction, or to the support of any religious establishment." The First Arizona Legislature then passed this law, which is *still on the books:*

"A teacher who uses . . . denominational books or teaches any sectarian doctrine or conducts any religious exercises in school is guilty of unprofessional conduct and his certificate shall be revoked."

Thus the Supreme Court ruling has made no change in Arizona school practices, and the same is true of 24 other states with similar provisions. But passage of the Becker Amendment might invalidate existing Arizona laws and introduce a new element of interfaith friction in our communities. I'm proud of Arizona's schools, and I'd be reluctant to experiment with a successful pattern of 52 years' standing. I see no evidence that Arizona school children are less religious or moral than those in Alabama or Kansas, and I certainly don't regard Arizona (to use Gov. Wallace's expression) as a "godless state."

CONCLUSION

It is strange that many of the people writing in behalf of Mr. Becker's amendment have written on other occasions to denounce government interference with people's private affairs and individual freedoms. Yet they seem to believe that home and church can no longer be depended on, and that government must save religion by compulsory instruction.

America is a religious nation. Much of our strength rests on that fact. The First Amendment is at the very heart of our liberties and has successfully guaranteed our religious freedom for 170 years. I'm not ready to tinker with this or any other part of our Bill of Rights.

I intend to listen to all arguments, pro and con, but I am inclined to agree with the Baptist Joint Committee on Public Affairs when it said:

"Whatever it is, religion on a government platter has never provided much spiritual nuture for the people nor has it given strength to the nation."

DICTATORSHIP IN SAIGON

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. WOLFF. Mr. Speaker, Tuesday's New York Times contained an editorial appropriately entitled "Dictatorship in Saigon," in response to the voting in South Vietnam last Sunday. This is an excellent commentary on the "electoral farce" and its implications for U.S. policy in Vietnam. I insert the editorial in the RECORD for the benefit of my colleagues.

The editorial follows:

DICTATORSHIP IN SAIGON

The lopsided election results announced by the Saigon Government can give no comfort to Americans or for that matter to democratically inclined South Vietnamese. President Thieu's proclaimed 91 per cent mandate in a one-man vote is the kind of result that could be expected from the regime in Hanoi, to which Saigon was supposed to offer a democratic alternative.

The returns shatter the theory that President Nixon's policy of unwavering support for the Thieu regime can advance the proclaimed objective of assuring meaningful self-determination to the people of South Vietnam. President Thieu's victory undermines whatever hope is still left for a negotiated political settlement of the Vietnamese conflict and for the early peace that Mr. Nixon promised before his own election three years ago.

A reasonably fair election might have brought to power in Saigon a government willing and able to negotiate with the Communists. But President Thieu, with full United States Government support, has now re-established himself in office for four more years on a platform of "four no's—no coalition government, no territorial concessions to the Communists, no pro-Communist neutralism, no political freedom for the Communists."

Government banners displayed at the polls along with pictures of President Thieu proclaimed: "There is only peace in victory." Despite the vote, it is extremely doubtful that a majority of South Vietnamese support such a policy, one that the tragic course of the war long ago demonstrated to be delusive. Nevertheless, President Thieu is girding for a decisive battle with the Communists two years hence and he has made it clear that he expects direct American support in the military showdown.

It is time President Nixon disabused the Saigon regime of that expectation. Far too many American lives have been lost already in a mistaken cause that has been further demeaned by Sunday's electoral farce. The only way to persuade the one-man Government in Saigon of the necessity for a turn toward a negotiated peace is by setting an early terminal date for all American military actions in Indochina, as proposed by Senator Mansfield in the amendment which was adopted by the Senate last week.

HOW CITIZENS USE THE REFUSE ACT TO CLEAN UP RIVERS

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. REUSS. Mr. Speaker, on August 25 the Dallas (Pa.) Post published an article by J. R. Freeman, vice president of the Greenstreet News Co., entitled "Water Pollution Control Program Fizzles; Polluters Being Caught by Private Citizens." Mr. Freeman's article presents an excellent summary of the Refuse Act and how two young people are utilizing it to track down polluters of the Lackawanna River:

WATER POLLUTION CONTROL PROGRAM FIZZLES: POLLUTERS BEING CAUGHT BY PRIVATE CITIZENS

(By J. R. Freeman)

Bounty hunting died out with taming of the old West. But today it's staging a comeback, and this time in the East as well. Only in modern times it's added a new dimension: pollution bounty hunting.

Though it's a little known fact, an old law, part of the 1899 Rivers and Harbors Act, says that the government will split fine money 50–50 with whoever supplies the evidence against water polluters.

As more and more ecology groups and environmental clubs spring up across the country these days, citizens will obviously become more pollution-conscious. A good many are concerned enough now to try to do their part in cleaning up man's environment, and among them may develop a handful who are not satisfied to live with the frustration of knowing no way to make any major achievements toward pollution control. Using low-phosphate detergents is simply not enough.

But such frustration should diminish for those few people public-spirited enough to become pollution bounty hunters, at least when it comes to the filth pouring into our lakes and rivers.

Consumer crusader Ralph Nader has charged that the Federal Government's program to clean up the nation's water pollution problems is a total failure. According to Mr. Nader, 40,000 industrial polluters routinely violate the provisions of the 1899 Refuse Act, part of the old Rivers and Harbors Act, while the U.S. Justice Department has initiated legal action against only 14 of these violators. But that could change drastically, particularly if justice is prodded along by the new bounty hunters.

$3 BILLION WASTE

William Ruckelshaus, administrator of the new Environmental Protection Agency in Washington, agrees with Mr. Nader's conclusions. According to the administrator, Mr. Nader and his assistants are correct when they tell us that "we are in danger of creating a water wasteland if we permit to happen in the future what has in the past." But by explaining this old law, Mr. Nader has alerted citizens across the country to what they can do individually to clean up the nation's waterways.

The Federal Government, Mr. Nader tells us, has spent $3 billion and enacted seven new legislative acts in its attempt to foster water pollution abatement, all to no avail, while failing to recognize that if strong measures were taken to enforce the 72-year-old **Refuse Act, the nation's first clean water** law could curtail many water pollution problems. And that's where the pollution bounty hunters come in.

BOUNTY HUNTERS

From New York to Pittsburgh to Chicago and Seattle bounty hunters are becoming active to see that the Refuse Act is enforced. And some stand to reap substantial rewards for their public interest activities, in plain everyday dollars and cents.

In Pittsburgh, for example, John Zavodni and David Nixon, both associated with the Penn State McKeesport campus, have taken a 65-mile canoe trip down the Ohio and Monongahela Rivers. Along the way they noticed at least four corporations were polluting the rivers. Following the Refuse Act to the letter, the two zoologists have prompted the Justice Department to file criminal charges against the four violators on a total of 73 counts of water pollution which could net them rewards of as much as $91,250 in bounty money.

"It was never a question of whether I should do it, but one of how," Mr. Nixon said. "The 72-year-old law had to be it."

Included in the legal action started by the U.S. Attorney for Western Pennsylvania, Richard L. Thornburgh, are charges against U.S. Steel Corp., Jones & Laughlin Steel Corp., Wheeling-Pittsburgh Steel Corp., and Pennsylvania Industrial Chemical Corp. Mr. Thornburgh said the corporations have been notified of the charges, and that if convicted, could be fined a maximum of $2,500 on each of 73 counts. These 73 violations could mean total fines of $182,500, of which the two active environmentalists would receive half.

In New York City Gwen B. Ziechner and her son were awarded $12,500 by Judge Inzer B. Wyatt late last year for information that led to the prosecution of Transit-Mix Concrete Corp., which pleaded guilty and was sentenced to a 100-count indictment under the Rivers and Harbors Act for discharging concrete and alkaline water into the East River. The company was fined $500 on each of the first 50 counts (each day of polluting is considered a separate offense), for a total of $25,000. The Zeichners got half.

THE REFUSE ACT

The way the 1899 Refuse Act works goes something like this: the law states that no individual, group, or corporation is permitted to dump any refuse into a navigable waterway of the United States, either in liquid or solid form, unless first obtaining a discharge permit from the Army Corps of Engineers. And the courts have held that a navigable waterway is almost any body of water that will float a small boat, as well as tributaries thereto.

The fact that the old law was never enforced, while surprising, is based on the fact that until recently, the Corps of Engineers interpreted it to mean only pollution, which might obstruct navigation. The U.S. Supreme Court, however, several times had upheld the constitutionality of the act, declaring it the nation's first clean water law. The high court has ruled that refuse can be just about anything that is foreign to a natural body of water, including oil, chemicals, hot water, and other substances. As explained by Cong. Henry Reuss, chairman of the Conservation and Natural Resources Subcommittee of the Committee on Government Operations, in a citizens' kit his office prepared for distribution to prospective bounty hunters:

"The 1899 Refuse Act is a powerful, but little used weapon in our federal arsenal of water pollution control enforcement legislation. Section 13 of the act (Title 33, United States Code, section 407) prohibits anyone, including any individual, corporation, municipality, or group, from throwing, discharging, or depositing any refuse matter of any kind or any type from a vessel or from a shore-based building, structure, or facility into either the nation's navigable rivers, lakes, streams, and other navigable bodies of water, or any tributary to such waters, unless he has first obtained a permit to do so. Navigable water includes water sufficient to float a boat or log at high water. This section of the act applies to inland waters, coastal waters, and waters that flow across the boundaries of the United States and Canada and Mexico."

Additionally, the kit explains, "the section prohibits anyone from placing on the bank of any navigable waterway, or of any tributary to such waterway, any material that could be washed into a waterway by ordinary or high water, or by storms or floods, or otherwise and would result in the obstruction of navigation.

STIFF PENALTIES

As further explained by Rep. Reuss, penalty for violations are stiff. "Violations of the Refuse Act are subject to criminal prosecution and penalties of a fine of not more than $2,500 nor less than $500 for each day or instance of violation, or imprisonment for not less than 30 days nor more than one year, or both a fine and imprisonment. A citizen, who informs the appropriate United States attorney about a violation and gives sufficient information to lead to conviction, is entitled to one half the fine set by the court."

Because enforcement of the act has been lax, the Corps of Engineers has been asked for few permits across the country. A spokesman for the Pittsburgh regional office, for example, has admitted that no permits have been requested in that area. Likewise, a Corps spokesman for this region, headquartered in Baltimore, indicated that to his knowledge there had been no permits granted in Northeastern Pennsylvania, nor had any been asked for until recently. This means that virtually any polluter of any body of water in the region is in violation of the Refuse Act.

LOCAL HUNTERS

Regionally, at least two people are trying to become active pollution bounty hunters. Jodi Schautz, 19-year-old daughter of Mr. and Mrs. Georges Schautz, 214 Ashmore, Clarks Summit, and her friend, Robert Crimmel, also 19, the son of Mr. and Mrs. George Reiner, Haven Lane, Clarks Summit, have decided that they would concentrate their efforts on the polluted Lackawanna River in Lackawanna County. Jodi, a student at Juniata College, and Robert, a University of Nevada at Los Angeles student, teamed up several weeks ago and went in pursuit of possible culprits.

To date the students have made several trips, usually wading in waist-deep murky water, up and down the Lackawanna from the point where it empties into the Susquehanna River to Scranton.

Last Monday, with the help of Larry Pawlish of the Kingston office of the Pennsylvania Department of Environmental Resources, the students observed a host of river pollution violations.

Aided by Jodi's mother, Mrs. Shautz, the students reported to Mr. Pawlish that Montrose Beef in Duryea was permitting blood and animal tissue to flow into the river near where the Lackawanna and Susquehanna converge.

Further upstream, the students reported, they observed the Wallace-Murray Corp. discharging hot liquid, a brown liquid, and a foamy liquid into the river via four pipes. As with several of the other apparent polluters tracked down by the students, a chemical analysis performed by the DER laboratory in Harrisburg is being processed after samples were taken by Mr. Pawlish.

Continuing on their journey upstream, the students reported possible violations including:

A sewage outfall discharging raw sewage between Meadow Brook and Roading Brook, both tributaries to the Lackawanna;

A blue, milky substance flowing into Roaring Brook from the Chamberlain Corp., Scranton;

Animal tissue flowing from the Alan Beef Co., Dunmore, into Roaring Brook;

A discharge of clear hot water via a pipe one block north of the Hickory Street Bridge, flowing from an unknown source;

A raw sewage outfall and animal blood and tissue from a point just beyond the Lackawanna Avenue bridge;

A raw sewage outfall south of the Linden Street bridge;

The flow of a black dye substance from an unknown source between the Linden Street bridge and the Mulberry Street bridge;

Dumping of solid waste of stone and concrete into the river by the Stipp Construction Co., Scranton, north of the Mulberry Street Bridge;

A sewage outfall between the Mulberry Street bridge and the Olive Street bridge.

The bounty hunters told a staff writer of this newspaper that they were now awaiting on the DER analysis. They said they had the impression that the U.S. attorney's office in Scranton had never had a case of Refuse Act violation.

The procedure for a citizen to use in seeking enforcement of the Refuse Act, according to the bulletin from Rep. Reuss, entails the bounty hunter to first find the possible polluter, then determine whether the discharge is authorized by Corps permit.

"The Refuse Act specifically directs that the appropriate U.S. attorney (Atty. John Cottone in this region) shall 'vigorously prosecute all offenders.' In order to do so he needs adequate information to prove that the discharges were made and that they violated the law or the conditions of the permit. Furthermore, the statute specifies that the citizen's right to half the fine is conditioned on his providing to the U.S. attorney information sufficient to lead to a conviction of the violator."

Both Jodi and Robert said they were aware and prepared to face the day when they would be possibly called to testify in court against the violators they had detected.

In providing information to the U.S. attorney, according to the Reuss packet, the citizen should make a detailed statement, sworn to before a notary or other officer authorized to administer oaths, setting forth;

The nature of the refuse material discharged; the source and method of discharge; the location, name and address of the person or persons causing or contributing to the discharge; the name of the waterway into which the discharge occurred; and each date on which the discharge occurred.

The names and addresses of all persons who saw or knows about the discharges and could testify about them if necessary;

A statement that the discharge is not authorized by Corps permit, or, if a permit was granted, state facts showing that the alleged violator is not complying with any condition of the permit;

If the waterway into which the discharge occurred is not commonly known as navigable, or as a tributary to a navigable waterway, state facts to show such status;

Where possible, photographs should be taken, and samples of the pollutant or foreign substance collected in a clean jar which is then sealed. These should be labeled with information showing who took the photograph or sample, where, and when, and how; and who retained custody of the film or jar.

LEGAL PROCEDURE

Some environmentalists have charged the Justice Department with dereliction when it comes to prosecuting violators of the Refuse Act. But most often it is not that a U.S. attorney is reluctant to prosecute when the evidence is brought to him, but rather that his office is understaffed—with the legal expertise for such suits, or directives from Washington which appear complex for many attorneys at best.

Scranton Attorney Earnest Preate, Jr., for one, thinks the rules and regulations which have been forwarded to the U.S. attorneys across the country are much too restrictive and complicated to be readily effective when a violator is detected. But Cong. Reuss in his bulletin, covers this aspect with a possible solution.

"Where a statute, such as the Refuse Act," he explains, "provides that part of a fine shall be paid to citizens who furnish sufficient information of a violation to lead to a conviction of the violator, and the government fails to prosecute within a reasonable period of time, the informer can bring his own suit, in the name of the government, against the violator to collect his portion of the penalty. This is called a 'qui tam' suit. The informer has a financial interest in the fine and therefore can sue to collect it. The Supreme Court has upheld such qui tam suits. Some of these decisions are cited in the Report of the House Committee on Government Operations entitled 'Our Water and Wetlands: How the Corps of Engineers can help prevent their Destruction and Pollution.'"

The U.S. district courts apparently have exclusive jurisdiction to hear and decide such suits, the congressman points out. In such a qui tam suit, the citizen must prove that the alleged violator did, in fact, violate the act.

"QUI TAM" SUITS

A Greenstreet News staff writer addressed a letter to both U.S. Attorneys Cottone and Thornburgh last year, requesting information about the possible prosecution of Refuse Act violations. Though Mr. Cottone failed to reply, his counterpart, headquartered in Pittsburgh, did. His letter in part read:

"Your comments as to the apparent laxity of the Corps of Engineers may have foundation in fact. At this point, however, we have no evidence in support of your comments. Perhaps you may desire to communicate directly with the office of the chief of engineers in this matter to obtain the views of that agency on this important issue.

"We are quite interested in your comment to the effect that there are thousands of violations of the Refuse Act in Pennsylvania. Unfortunately, this office does not have investigative capabilities and we must rely upon specific information furnished by private citizens, such as yourself, or the agencies having an interest in these matters. Therefore, if you have any specific information of violations within this district, we would greatly appreciate receipt of same and shall endeavor to take action on a case by case basis.

"With respect to your comments pertaining to 33 U.S.C. Section 411 and in particular to the part an informant, you are advised that your interpretation requires some clarification. Section 411, which is the criminal section of the Rivers and Harbors Act of 1899, provides for payment of one half of the fine "to be paid to the person or persons giving information which shall lead to conviction.' Furthermore, said payment is a matter 'in the discretion of the court.'

"We trust that the forgoing response to your letter will be satisfactory for your purposes, and we encourage you and other interested citizens to furnish this office specific facts of pollution violations so that we may take whatever action the situation warrants."

FAUNTROY URGES STRENGTHENING OF EQUAL RIGHTS ENFORCEMENT

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. MIKVA. Mr. Speaker, our national commitment to equal employment opportunity suffered an unfortunate blow recently when the House refused to grant the additional enforcement powers needed by the Equal Employment Opportunity Commission in order to obtain compliance with Federal laws prohibiting job discrimination.

Rather than approve the cease-and-desist powers which H.R. 1746 would have given to the EEOC, the House agreed to a substitute version which would leave the EEOC with lots of bark, but a woefully inadequate bite.

The bill is now before the Senate, which hopefully will resist the efforts to weaken the original bill. One of the strongest advocates of increased enforcement powers in this area has been my distinguished colleague from the District of Columbia, Mr. FAUNTROY. I share with my colleagues a cogent statement made by my colleague from the District of Columbia when he appeared before the Senate Labor Subcommittee to testify in favor of strengthening the hand of the EEOC:

TESTIMONY OF CONGRESSMAN WALTER E. FAUNTROY BEFORE SENATE LABOR SUBCOMMITTEE ON S. 2515, THE EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

Mr. Chairman, and Members of the Subcommittee, first let me thank you for the opportunity to testify on behalf of what I believe to be the most vital piece of legislation that Congress has had the opportunity to consider in many years. Other legislation has been described in a similar way, but in this case the description rings particularly true. S. 2515 is a vital and urgent measure because equal employment opportunity rests at the center of the hopes of Blacks, Spanish-surnamed, and other minorities for an equal chance in our society. Without equal access to job opportunities and a fair chance for advancement up the economic ladder, the promise of decent housing, adequate education, and full participation in the life of our nation will remain an unfulfilled promise for minority groups.

S. 2515 offers basic and desperately needed changes in the way we go about ensuring equal employment opportunity, and it gives substance to the principles of non-discrimination in employment that have become embedded in our national policies over the past several years.

Others who will testify before you will argue ably in favor of S. 2515. I wish to take a moment to center your attention on one important feature of the bill that, for me and thousands of Federal employees, is of special importance.

Section 11 of S. 2515 would codify in statutory law the national policies expressed in legislation and presidential executive orders mandating non-discrimination in Federal employment. Most significantly, the bill would transfer the responsibility for implementing Federal non-discrimination requirements in Federal employment from the Civil Service Commission to the Equal Employment Opportunity Commission.

There are few in this Congress who can testify with more experience than I about the pervasive and continuing discrimination by the Federal Government in the employment of Blacks, Spanish-surnamed, and women employees. As a pastor and community leader in the District of Columbia during the past 12 years, I have had to respond to thousands of complaints of job discrimination from among the 58,000 Federal employees in the District who are Black. My father was employed at the U.S. Patent Office here for 44 wears before retiring. He knew the effects of discrimination and we, his children, knew his frustration and despair. He trained two generations of White employees who were then passed up and over the shoulder to higher level and higher paying jobs. From all the evidence I have seen, even today in this supposedly enlightened time, these practices continue daily with little substantive change.

When I came to the Congress five months ago, I expected that a significant portion of the casework of my office would be devoted to helping Federal employees resolve job discrimination problems. But I did not foresee the incredible deluge of pent-up grievances that have descended upon my office in the few short months I have been here. These are brought by people with just claims who are deeply angered and frustrated by the unfair treatment they receive at the hands of the Federal Government. These people have nowhere else to turn. They have sought help from their agencies, and from the Civil Service Commission—all with little success.

Allow me just one brief moment to give you a flesh and blood illustration of what it means to be Black and in the Federal service. Shortly after opening my district office last April, a GS–12 Computer Analyst came into the office complaining that he had been discriminated against because of his race. He had been rated eligible for a GS–13 rating by the Civil Service Commission but had been passed over for advancement several times. He filed an equal employment complaint with his agency, naming his supervisor. Shortly, thereafter, his superior filed an unfavorable career appraisal only four months after a favorable one had been entered. This latest appraisal, of course, became part of his permanent file, and robs him of any serious chance of further advancement. About this same time, two White GS–13's have been brought in and promoted over him, and he has been relieved of virtually all his responsibility and authority. The Civil Service Commission is aware of this case but no corrective action has been taken. This man's plight is not atypical and I am sure that there are hundreds of Federal employees who happened to be members of minority groups who have suffered similar fates.

At present national policy mandating non-discrimination in Federal employment has been strongly expressed by both Congress and the Executive. Congress has stated that it is "the policy of the United States to ensure equal employment opportunities for Federal employees without discrimination because of race, color, religion, sex or national origin . . ." (5 U.S. § 7151 (1970)). The primary responsibility for implementing this national policy has been given to the Civil Service Commission, pursuant to Executive Order 11748, President Nixon stated that "discrimination of any kind based on factors not relevant to job performance must be eradicated completely from Federal employment." This has not happened, and one important reason it has not happened is that the Civil Service Commission is not up to the job.

I am convinced that E.E.O.C. with its experience in battling job discrimination in the private sector and with its sensitivity to the systemics and institutional roots of job discrimination offers far greater hope to the thousands of employees who every day must suffer the indignity of being discriminated against because of their race, religion, sex, or national origin.

The Civil Service Commission's record in rooting out discrimination is all too clear. Statistical evidence demonstrates beyond serious question that minorities and women find it difficult to secure Federal jobs, particularly at higher paying, decision-making levels. Blacks, women, Spanish-surnamed employees are unduly concentrated in jobs paying the lowest salaries and having the least amount of policy-making responsibility. A report issued by the Civil Service Commission in May, 1970 showed that minorities make up 19.6 percent of the total number of government employees and 14.4 percent of the general schedule employees. Approximately 80% of these general schedule minority employees are locked at grades 1–8. While comprising slightly over 14 percent of the general schedule work force, minorities account for 27.3 percent of the lowest level GS 1–4 positions. The picture grows even more gloomy when we look at the record of individual cabinet level departments. As of November, 1970, only 5.2 percent of Interior's employees were Black, 5.8 percent of Agriculture's, and 6.2 percent of Transportation's.

These pervasive patterns are reflected in employment practices at Federal executive levels. In grades GS 14 and 15, minority employees account for only 3.3 percent of employees, and at grades GS 15–18 minorities account for only one in fifty of all employees. While Spanish-surnamed employees are 2.9 percent of employees, only 6/10 of one percent have managed to make it to executive level positions. Similar patterns also pertain to women employees.

In individual agencies, the presence of Blacks in executive level positions earning more than $15,000 and presumably having some decision-making authority, grows even more infrequent. In the Department of Interior, less than one percent of the Blacks in the agency earn more than $15,000. In Treasury, Defense, Agriculture, and Transportation, two percent or less of all Black employees make more than $15,000. Most remarkably of all, in the Justice Department, which at one time had the major responsibility for securing equal rights for all Americans, only 1.4 percent of Black employees reached a salary range of $15,000 or more.

When the "super grade" positions—GS 16–18—are sifted out and reviewed, the picture becomes nothing less than a national scandal. As of November, 1970, there were 5,586 super grades, but only 130 of these were minorities—92 Blacks, 18 Spanish-surnamed, 15 Orientals, and 5 American Indians. The most shocking instance of exclusion of minorities from high level positions is found in the regulatory agencies, especially in the so-called "big-six"—FCC, FTC, ICC, CAB, FPC, and SEC. This almost defies belief but of the 327 GS 16 through 18 employees, not a single one was Black, Spanish-surnamed, or American Indian. Almost as amazing, in the Departments of the Army, Air Force, and Navy, which have a total of 811 super grades, there were one Black, one Spanish-surnamed, and one Oriental in super grade positions. In the Department of Defense, having 216 super grades, only two of these are minority group members.

An inordinately large number of the 130 minority super grades are found in civil rights positions and therefore, have no direct influence on program decisions. The two minority super grades in the Department of Defense are both civil rights officers. The one minority super grade in the Small Business Administration is involved in civil rights work. Over 10% of all minority super grades in the government are in two agencies—the Civil Rights Commission, and the Equal Employment Opportunity Commission—which deal with civil rights matters.

The difficulty of minorities and women in curing Federal employment, their high concentration in low level jobs, their virtual absence from executive level positions, can only be attributed to systematic and institutional failures, failures that Civil Service Commission has proved unable to root out effectively.

These patters are not accidental; they are the direct result of the failure of the Civil Service Commission to come to grips with the deep roots of discrimination pervading Federal employment practices. The Commission's failure springs from several sources. The Commission has the ultimate responsibility for establishing Federal personnel policies. At the same time, Executive Order 11748 places primary responsibility for ensuring equal employment opportunity in the hands of the Civil Service Commission. It seems anomalous to have the Commission both establish policies for rooting out discrimination and at the same time have the basic responsibility for measuring the effectiveness of its personnel policies against the demands of the law. S. 2515 will remedy this inequity and provide for objective review of Federal discrimination policies.

Beyond the Civil Service Commission's conflict of interest in enforcing non-discrimination standards, the Commission has failed to acknowledge the institutional and systemic origins of discrimination in Federal employment. The Commission persists in searching out supervisors with malicious intent rather than focusing on personnel policies that have the inherent effect of discriminating against Black, Spanish-surnamed, and women employees. Yet even when such supervisors are identified, strong steps are almost never taken to discourage further discrimination.

We should have little reason to expect results from the Civil Service Commission when it cannot even keep its own house in order. The Commission's record in employing minority group members at the decision-making level is far from exemplary. Of the 53 super grades at the Commission, only two are Black, and as has become an emerging pattern, at least one of these is a civil rights officer. In its ten regional offices, the Civil Service Commission has not one Black in a regional director or deputy director position. Beyond the top leadership positions, the Civil Service Commission's record in employing minority group members at the regional level is dismal. As of February, 1971, in the Boston office, one of 39 employees at GS 10 or above was minority, and only seven of 66 employees at GS 9 or below were minority. In the Chicago office, only 3 of 182 employees at the GS 10 level or above were minority. In its headquarters staff, there is no improvement. In the Commission's Bureau of Recruiting and Examining, a scant 2 of 68 employees at GS 10 or above were minority; in the Bureau of Policy and Standards, 4 out of 117; and in the Bureau of Personnel Investigations, 3 out of 89.

The Commission's procedures in processing equal employment complaints are marked by long delays and timidity. The Commission's procedures generally give the agency against which an equal opportunity complaint is asserted the responsibility for investigating and initially resolving the matter. The agency is supposed to reach a decision within 60 days. Yet, according to recent figures that I have obtained, 59% of the complaints pending in the agencies are now overdue. The Civil Service Commission has the authority to reach down and pull a case from a dilatory agency, but it rarely does. Rather, it simply waits until the agency makes a decision, and then it is normally up to the employee to bring the case before the Commission. In addition, it is not at all unusual for an employee to wait eight or nine months before a complaint is fully resolved administratively.

Even when the discrimination is proved, the Commission is extraordinarily timid in imposing meaningful remedial action. In fact, the Commission's remedies fall far short of what the Government would accept from a private employer under Title VII of the 1964 Civil Rights Act. The Commission has refused to grant retroactive promotions. While it should be acknowledged that decisions of the Comptroller seem to limit back-pay awards, the Commission has nonetheless failed to seek vigorously authority for back pay awards—a remedy commonplace in private employment discrimination cases. Similarly, the Commission has steadfastly failed to institute government-wide affirmative action plans with goals and timetables to measure progress as are now routinely required of private employees having government contracts. The Commission will merely order that the employee be given some priority for future promotion when discrimination is proved. But little attention is given to compensating the employee for the damages that he has suffered as a result of the unfair treatment.

To many of us who have closely followed the work of the Commission in the area of equal employment programs, it has seemed that often it is more concerned with fashioning a tidy personnel system than in effecting equal job justice for Federal employees. Present Civil Service standards continue to overemphasize paper qualifications and test results, even when an employee in his work experience of performance has demonstrated a capacity for a better job or advancement. Furthermore, the tests used by the Commission are not directed in any significant way to specific job requirements. A recent study by the respected Urban Institute concluded that the "use of the (test) is unfairly discriminatory to many Black applicants. . . ." As the House Labor and Education Committee pointed out in its Report on H.R. 1746, "The inevitable consequence of this . . . is that classes of persons who are culturally or educationally disadvantaged are subjected to a heavier burden in seeking employment." These policies are wrong, but the Commission has utterly failed to see that they are wrong.

The time for change has arrived, and I urge you to seize the time. The Civil Service Commission has demonstrated that it is incapable of providing fair and equal job opportunities for all government employees. A new and more sensitive expertise is required. I believe that E.E.O.C. offers far greater hope to these thousands of employees who today have no real hope for change. I urge your approval of S. 2515, particularly the transfer of equal employment functions in the Federal Government from the Civil Service Commission to E.E.O.C. I believe that the transfer is desperately needed, and I urge your support for it.

CYNICISM IS HEALTHY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. DERWINSKI. Mr. Speaker, a bit of homespun philosophy was certainly evident in the editorial which appeared in the September 22 edition of the LaGrange, Ill., Citizen, commenting on the maintenance of a healthy cynical attitude.

I believe this commentary treats the subject properly and clearly and is a far better analysis than that of chronic complainers or bitter cynics who lose all of their objectivity:

CYNICISM IS HEALTHY

Seems only a few weeks ago that crusaders for a better environment, stimulated by a massive publicity campaign from the sacrosanct federal bureaucracy, were warning of the dangers of using detergents containing phosphorus.

As we remember, housewives were picketing grocery stores, posting brand names with percentage of phosphorus content and urging shoppers not to buy and merchants not to stock the detergents with the higher ratings.

College students, we recall, used their chemistry laboratories to make "scientific" analyses of cleansing preparations. All this was part of their concern for the environment.

Now comes a federal functionary with the word that phosphorus isn't all bad. It might, indeed, be better than some of the substitutes.

The question is not whether the latest pronouncement is right or wrong. It is a question of the credibility of a spokesman for the federal establishment.

"It is one of the happiest characteristics of this glorious country," said the First Lord in Gilbert and Sullivan's satiric operetta, "H. M. S. Pinafore", "that official utterances are invariably regarded as unanswerable."

That has been the handicap, and may be the doom, of the anti-pollution movement: to accept without question, reservation or investigation the pronouncements of those in official positions.

Governmental functionaries are usually more interested in the size of their appropriations than in the welfare of the commonwealth.

A little cynical scrutiny would be a healthy attitude.

WHO CARES FOR THE BROKEN MAN?

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. MICHEL. Mr. Speaker, few of us who have not directly experienced the tragedy of spinal cord injury have any conception of the kind of personal disaster it can be. Nor are many of us aware of what is required to treat or care for those who have suffered this type of injury, or what is involved in the rehabilitation process, where rehabilitation is possible.

As a member of the Appropriations Subcommittee exercising jurisdiction over the programs through which funds for spinal cord injury research, treatment and rehabilitation are directed, I have a special interest in this particular medical and social problem. One of my principal concerns is over the fact that so many of these injuries occur with young people between the ages of 18 and 25 years who have their whole vocational careers before them.

A recent issue of the Chicago Tribune magazine featured an article which I think does an excellent job of outlining the problems associated with spinal cord injury, and the fine work being done in this area by the Rehabilitation Institute of Chicago. I believe my colleagues will be interested in reading it.

Four years ago the institute undertook a major $26 million expansion project to provide new facilities to serve the severely disabled in the Midwest. These are to be very special facilities, to provide for research and training as well as patient care.

To finance this project, the institute turned to its own resources, and to the private community for more than two-thirds of the needed funds, and to the Federal Government for the remainder.

Our subcommittee has given the institute support and encouragement in this undertaking over the years and this spring President Heyworth and Dr. Henry Betts appeared before us to make their request for the final $3 million in Federal funds needed to complete the project.

We put that money in the appropriation bill which was signed by the President on August 10. I am happy to have been of help in obtaining these funds for the institute for this most worthy and meritorious project, and I think more than commendations are in order for the public-spirited and civic-minded folks in the Chicago area and all over the Midwest who have given so generously to make this plan a reality.

The article follows:

WHO CARES FOR THE BROKEN MAN?

(By Ridgely Hunt)

When you injure your spinal cord, a number of curious things happen to compound your original disaster.

In the first place, because you are probably both paralyzed and insensitive to pain in the lower part of your body, you can neither shift position in bed nor feel the necessity for doing so. Many hospitals, ignorant of the dangers imposed by this condition, will permit you to lie immobile for weeks and months while your body weight squeezes the circulation out of your skin. Inevitably, you will develop appalling bed sores, sometimes as big as a watermelon and deep enough to encompass your entire fist. These may become infected and eventually kill you. At the least, they will delay by many weeks any attempt to liberate you from the prison of your shattered body.

But worse, both psychologically and physically, is the loss of bowel and bladder control. The spinal-cord patient typically can neither force himself to urinate nor prevent himself from passing stool. To cope with the former problem, a catheter—a rubber tube—must be threaded thru the urethra and left in place with one end inside the bladder and the other end draining into a bag strapped to the leg. For the latter infirmity, the patient is diapered like a baby. [Dr. Henry B. Betts, medical director of the Rehabilitation Institute of Chicago, has seen such patients permanently installed in boxes of sawdust. When the patients' bowels moved, the attendants shoveled out the soiled sawdust and replaced it with new.]

The loss of control over these two most elementary functions presents enormous hazards for the patient. On the physical plane, the catheter causes a constant irritation. Altho the spinal-cord patient may not feel it, the catheter encourages the formation of calcium deposits that serve as the situs—the location and hiding place—for infections. These, in turn, may spread from the bladder to the kidneys with lethal consequences.

On the emotional plane, the results are frequently even more devastating. The patient is reduced to a humiliating dependency, literally as helpless as a baby. He is compelled to submit to procedures that from earliest childhood he has been taught to regard as disgusting and demeaning. And this at the hands of the nursing staff, many of whom are young and pretty.

Because hospitals are staffed in large part by attractive women, the male patient in particular is forever reminded of his crowning misfortune: the loss of his sexual competence. Not all spinal-cord patients are similarly afflicted in this respect. Some men remain capable of an erection, tho they need help to achieve an ejaculation. Whether they will receive that help hinges on the love and skill of their wives, a fact that further emphasizes their dependency. In any event, because they have lost sensitivity in the lower part of the body, they will get little physical gratification from the act of love and must content themselves with the knowledge that they are fulfilling their roles as men, if only after a fashion. Furthermore, their muscular impairment will usually cause the sperm to be projected backward into the bladder, rendering them unable to beget children. [As in everything else pertaining to medicine, exceptions can be found to this generally. There is on record at least one Illinois couple, both of whom are paralyzed from the waist down, who have produced a succession of offspring.] Because women can adopt an entirely passive role in lovemaking, a spinal-cord injury does not inflict so grievous a loss on their sexuality. They can conceive and bear children, and indeed, the inability to feel pain may come as a positive blessing in labor.

So the spinal-cord patient finds himself beset by a sea of difficulties. First is the catastrophic injury to his body, which may prevent him from walking or even moving his legs for the rest of his life. Worse, he may never move his arms. And second is the blow to his emotions, especially to his self-esteem. In several important ways, he has reverted to infancy: He wets his pants and soils his bed; he can neither feed nor dress himself; he must be lifted and carried like a baby. And third, he has lost his place as an adult—lost his job, lost his freedom, lost his manhood. He has become an anomaly in the eyes of the world. He knows that he will be stared at if he ventures out in public. He fears that his wife and friends will reject him, and in this he is sometimes right. Depending on the kind of person he was before his accident, he will feel resentful, angry, terrified and defeated. Or he will be determined, inventive, serene and courageous. Or typically he will be all of these things at one time or another.

It's surprisingly easy to injure your spinal cord. Cook County Sheriff Richard Elrod did it in a tussle with an S. D. S. rioter on Madison Street. Many victims do it while swimming, usually by diving into shallow water and hitting their heads on the bottom. The most common cause among patients at the Rehabilitation Institute of Chicago is automobile accidents. But one way or another, the victim has suffered a traumatic injury that has broken his spine and damaged the spinal cord, the bundle of nerves that runs like a trunk telephone cable from the base of the brain downward for about 18 inches to the small of the back. Sometimes the cord is entirely severed, in which case, in the present state of medical knowledge, it can never be rejoined. Sometimes it is merely bruised and in time will regain some—possibly all—of its function. Because the cord does not visualize in X-rays, you cannot tell for sure how badly it is damaged; you can only wait and see. Patients often announce a firm expectation of walking again. Usually they are disappointed, and their failure plunges them into deeper gloom. But some achieve the miracle.

The extent of the disability depends on the location of the injury. If it is high up in the cervical vertebrae of the neck, it will disrupt the nerves that control breathing, and the victim will die. If the damage occurs somewhat lower, he will be paralyzed from the neck down, breathing shallowly but unable to move arms, legs or trunk. [This happened to Jim Braun, a 21-year-old patient at the Rehabilitation Institute, who dove into 3 feet of water one golden afternoon during a picnic in South Dakota. Still entirely conscious, he lay on the bottom of the pond, looking up at the fading sunlight on the surface but unable to reach it. Happily, his friends eventually realized that he wasn't fooling and pulled him out half-drowned.] Lower still, as the 31 pairs of nerves branch off from the spinal cord to the various organs of the body, the victim retains more function. He may be able to move a single muscle in his left shoulder. Perhaps he can shift his entire right arm altho denied the use of the fingers. Or arms and hands may work while the legs dangle uselessly.

Tho the extent of the loss varies, all spinal-cord patients can be divided into two camps: the more fortunate who can move their arms but not their legs and the less fortunate who can move neither. The first are called paraplegics; the second as quadraplegics. In the vernacular of the rehabilitation business, they are often referred to as "paras" and "quads." Most doctors and therapists who work with them deplore the tendency to categorize, to put labels on them, because like all humanity, spinal-cord patients are infinitely varied. But certain classifications must be drawn for the sake of brevity, and so this man is a para and that girl is a quad. Thru the accident of a moment, they have become lifetime members of a special minority, an aberrant class feared or despised or patronized by the ambulatory majority.

And thus they come to the Rehabilitation Institute, some of them despairing, some of them hoping for the miracle and none of them knowing what they will find inside those white-painted brick walls. The place looks like another of the warehouses and loft buildings that dot the semi-industrial area on Ohio Street out by Lake Shore Drive. Motorists, hell-bent to get home for their evening martini, could pass it for a dozen years and never guess at the maimed and crippled people who dwell inside.

Just as well. At first glance, they would make you cry out in shock and horror. Here on this wheelchair is a little boy whose legs have been amputated above the knees. There, silent and withdrawn, sits a girl injured in a college laboratory explosion; the left side of her head is crushed in. On that bed lies one of the nation's ablest newspaper editors, paralyzed from the neck down by an automobile crash. His voice breaks on the edge of tears when he speaks of his misfortune. His brain is undamaged. Only his body is broken. He has not yet learned to accept this, and acceptance is an important requisite to adjustment and rehabilitation. The middle-aged woman with the gravy running down her chin, she's a "hemi," a hemiplegic, paralyzed on one side of her body by a stroke. She used to be an office supervisor, but she won't go back to that. Her powers of speech have been entirely wiped out by the hemorrhage in her brain. And over there, lying prone on a cart, that's a bilateral amputee with disarticulation. They took off both his legs as high as they could go, which in this case means removing the top joint of the leg from the hip socket. To look at him quickly, you would think he had been sawed in half at the navel, leaving only half a man. In ages past, a man like that could make a living by displaying himself in public places, and parents sometimes maimed their own children to capitalize on the popular delight in freaks. But modern society, grown delicate and refined, prefers to shut its freaks away from view—in hospitals, in nursing homes, upstairs in the back bedroom. In the Pepsi generation, where everyone is beautiful and no one passes the age of 28, no place remains for the lame, the halt and the blind.

Even the medical profession has traditionally turned its back on them. After the "acute-care" phase, after the arm has been amputated and the stump has healed, after the broken spine has been fused, the doctors have had neither the time nor the inclination to help their patients master their newly circumscribed lives. Most of them still don't, nor do they encourage their students to take up this work.

"When I was a medical student," says Dr. Betts, who is today an improbably handsome 43 years old, "there was a subtle disparagement of chronic disease. It was infused into our minds that geriatric and chronic problems were not the most interesting. Acute cases were the ones that the professors got excited about. There was a little groaning when you got an arthritic or an asthmatic. So you ended up with a subtle feeling against this sort of thing. I once had great hope for the younger generation of medical students. They just love 'dealing with the whole man,' which is what you have to do in rehabilitation. I was delighted with them. They came here to see what we were doing in the institute, and they loved it, and almost all of them went into something else."

When the institute first opened its doors in 1953, it was starved for patients because most doctors refused to refer patients there. The situation has vastly improved since then, but to this day, many doctors will not send a patient there, either because they are ignorant of or indifferent to the new science of rehabilitation or because they fear to lose a paying customer. Money, after all, influences all mortals, even physicians.

This fact helps to deter doctors from entering the field of rehabilitative medicine. There's more money as well as glamor in the practice of surgery. And the turnover is faster. Why tie yourself up in a long-term relationship with a physical ruin who soils his pants when you can knock off an appendectomy and collect your fee in a month? Besides, surgeons are community heroes, and lurking always in the background is the suggestion that rehabilitative medicine is somehow not quite respectable.

It is, in fact, a recent bloom in the garland of medical specialities, invented almost single-handedly by a physician named Howard Rusk toward the end of World War II. An Air Force medical officer at the time, Rusk observed and abhored the crippled future that awaited many seriously wounded soldiers. For them medicine offered little help and less hope. Rusk supplied both in the new speciality of rehabilitation, which was largely pioneered in American military and Veterans Administration hospitals.

Even today, few medical schools offer training in rehabilitation. Of these few, Northwestern University is a leader. Physicians skilled in this field are called physiatrists [usually pronounced "fizzy-*at*-rists," but not always]. Working under them is a corps of paramedical specialists: physical and occupational therapists; prosthetists, who make and fit artificial limbs; and orthotists, who make braces. Training in these skills usually takes two or four years on the college level and is available, among other places, in branches of Chicago City College.

But the field still suffers from a lack of specialists and indeed from a lack of civilian institutions devoted exclusively to rehabilitation. Many hospitals maintain departments of rehabilitation, but many of these are understaffed, ill-equipped and poorly trained. Of large centers like Chicago's Rehabilitation Institute there are not half a dozen in the country. This is a pity for two major reasons. In the first place, it dooms 90 per cent of the physically disabled to a sort of living death, immobilized and hidden away. And in addition to the cost in human agony, this shortcoming presents society with a huge financial bill to support the nation's 250,000 disabled. It has been reckoned that, for every dollar spent on rehabilitation, $8 has been returned in welfare costs saved and income taxes paid by workers restored to usefulness. If humanitarianism will not spur this endeavor, then perhaps the motivation will come from a decent regard for the buck.

Rehabilitation itself is not cheap. Each day of inpatient care at the Rehabilitation Institute costs $100, and the average patient stays 53 days. Federal and state funds pay for some of these cases, and the institute itself carries five per cent of them free. But the majority are financed by so-called "third-party payers," mostly insurance companies, of which by far the largest share is borne by Blue Cross-Blue Shield. In general, the rich can afford the treatment; the poor will get it for nothing; and the middle-class may very well be wiped out. But for all, the money can be found one way or another. Finding a vacancy among the institute's 71 beds is another matter. At the moment, the waiting list is 8 to 12 weeks long.

A spinal-cord patient can suffer a shocking amount of deterioration in 8 to 12 weeks. Frequently he will spend these months held rigidly immobile within a Stryker frame, a two-layer cot built like a sandwich in which the patient becomes the filling. Bed sores will ravage his skin. His joints will harden from disuse, and from inactivity his muscles will wither and his tendons will stretch until arms threaten to disengage from shoulder sockets and legs from hips. And in this condition, if he is lucky, he will at length be brought to the Rehabilitation Institute.

An enormous amount of work lies ahead. Before anything else, his bed sores must be healed and new sores prevented from developing. In this the principal tactic is to turn him frequently and regularly, day and night, as often as once an hour. In some cases, it may take three people to "logroll" the patient. If he had received this kind of nursing during his earlier hospitalization, his skin would not be so ulcerated now.

His sores healed at last, the patient can work toward the considerable feat of sitting upright. He has no tolerance for this exertion, but he can be led toward it. At first he will be strapped onto a tilt table and tipped so that his feet rest lower than his head. In time, he can learn to endure an upright position for an hour or more.

From the beginning, he has submitted to the attentions of the institute's large and variegated staff. He has been interviewed by a social worker, a psychologist and a psychiatrist. He has been examined by at least one doctor and a physical therapist and an occupational therapist. And unknown to him, he has been the subject of a large conference at which Dr. Betts presided while the staff reported at length upon his case. Teamwork is important in rehabilitation. The occupational therapist must know what pitfalls the psychologist has discovered, and the nurse's knowledge of the patient's bladder program may vitally affect the social worker's recommendation for family relationships. If the doctor has detected a return in the right biceps, the physical therapist will want to know about it. If the patient is contemplating suicide, they will all want to know about it.

The bowel and bladder programs assume early importance, primarily because of the need to remove the catheter before it causes an infection. Altho the patient may never recover the ability to urinate at will, it is possible to train the bladder to empty itself periodically into a leg bag. Similarly, thru training and diet control, the bowels can be taught to move on a predictable schedule. These accomplishments are vital if the patient is ever to venture forth into the world again.

And he must learn to use a wheelchair.

He may well have to spend the rest of his life in it. The wheelchair brings both freedom and restriction. In it he can move freely about his apartment—except into the bathroom. [Perversely, bathroom doors are almost always built too narrow to admit a wheelchair. If the door can't be widened, he will have to make do with a wash basin and a commode in his bedroom.] He can go outdoors, hoist himself into his car, fold up his wheelchair and stick it in the back seat, and drive away with the help of special hand controls. He can go to the movies, go shopping, go to work.

But he can't climb stairs. Unless he can find an elevator or a couple of husky friends to carry him, he is forever barred from the downstairs men's room, his favorite restaurant with the flight of steps out front, even the second floor of his own house. He will look for driveways whenever he wants to cross the street because Chicago has provided few ramps to help him up onto the curb. He can bounce his wheelchair over a curb by balancing it on its hind wheels and getting a running start, but that takes practice.

All of these tribulations must wait, however. At this point he can't even put on his own pants. The institute will teach him that too in a field of study called "activities of daily living." The problems here are formidable and the solutions often ingenious. The stroke victim, for instance, frequently suffers paralysis of both arm and leg on the same side and will probably have to get thru the rest of his life one-handed. He can make out quite nicely with a few exceptions. He can put on his clothes and button his shirt—all except the cuff button on his remaining useful wrist. This last cuff he can fasten by having a patch of Velcro sewed beneath the button and pressing it closed. Neckties can be tied one-handed more easily than he might suppose. So can shoelaces; there's a special trick that the therapists will show him. It would be easier to wear loafers, but stroke victims often need leg braces, and these work best with laced shoes. You can scrub all the parts of your body except the hand you're using, and you can scrub that, too, by gluing a scrub brush inside the basin and rubbing the hand against it.

Women stroke victims have difficulty fastening their bras. A front-opening model helps and can be equipped with Velcro instead of hooks. The application of a deodorant presents certain obstacles. So does lipstick. If she has lost all sensation on her paralyzed side, she cannot feel where she is applying her lipstick and sometimes winds up with a clown's mouth.

Often the stroke victim sustains a mental as well as a physical loss. He may no longer be able to speak or perform simple arithmetical chores such as counting his money. The institute's staff of speech therapists will help with these disabilities. But in addition, he may be subject to a general confusion so that he gets both feet into the same trouser leg or becomes lost while trying to work his arms and legs into his undershirt.

Aside from the neuroses that may stem from his injury, the spinal-chord patients usually suffers no such mental debility. Inside his wrecked body, his brain is scheming and plotting ways to help himself. And there are a thousand ways to survive in this predicament. Most of them he'd never think of for himself, but the therapists know all the tricks. They have forks that strap to the hand and typing sticks that can punch typewriter keys and paint brushes that can be held in the teeth. They have splints that convert wrist movement into gripping action.

And they make the patient work. They set him a task, like the construction of a bookshelf, and they keep him at it, endlessly sanding and sanding. It's good for the muscles. Jim Braun, the quad who lay so long on the bottom of the pond, has already completed a ceramic serving tray for his girl and gone on to a candleholder for his parents, both made almost entirely with his right arm since his left arm and both hands are pretty well useless. He gets around now in an electric-powered wheelchair which he controls by showing his right palm against a couple of levers. He is about ready to go home to South Dakota.

For the goal is always to go home. The institute staff talks a good deal about "goals," which differ in detail from patient to patient. Many hope to walk again, and some do. Even tho both legs are paralyzed you can stiffen them with braces and learn to walk on crutches. A few achieve the miracle and regain the ability to walk with no mechanical assistance whatsoever. Nancy Hendricks did that. A pretty, 16-year-old blonde, she broke her spine in a motorcycle accident. Last Christmas, she was a paraplegic, flat on her back in bed. Five months later she was walking without even a cane. Now she works as a volunteer in the institute.

Most working men want to go back to their jobs. For many, the ability to support their families has been their only pride in an otherwise drab life. The man accustomed to working with his brain can usually expect to work again, but the manual laborer faces a more dubious prospect. He can no longer earn his bread by the strength of his arms. Neither can he be readily turned into an intellectual, tho there are exceptions. One institute alumnus, a 51-year-old truck driver, was found to possess remarkable computational abilities. Now he's enrolled in junior college, learning to be an accountant. The stroke victim may hold a job again, but his loss of mental acuity may prevent him from regaining his old position. One 15-year railroad veteran was forced to accept a job working for men he had once trained. His mind may have slipped, but he fully knows how his status has been degraded, and it breaks his heart. For some men, the most practical solution lies in "role reversal," in which the man stays home and keeps house while his wife goes out to work. But to the man who sets great store by his masculinity, this is often no answer at all.

Amputees face a brighter future, depending on their physical condition, their sex and the extent to their loss. It takes considerable strength to swing an artificial leg attached to a stump above the knee. Two such legs are much harder. And many amputees lose their legs as a result of the vascular diseases attendant upon old age. They are too old and feeble to support this burden, much less to master the skill of walking on prostheses, and so they resign themselves to life in a wheelchair. Men usually take more readily than women to artificial limbs. A man, after all, can hide his leg inside his trousers, but a woman's dress displays her aberration. In both sexes, vanity plays an important part in fitting prostheses. Great care is taken to match shape and skin color as well as to construct a socket that will intimately fit the stump. And more ingenious devices are under development such as an artificial arm and hand that respond to electric impulses generated by the arm muscles. Much of this research, as well as the training of prosthetists and the fitting of artificial limbs, goes on within the walls of the institute. The amputees must buy their arms and legs from a commercial limb shop, but they learn to use them at the institute.

And learning is perhaps the most important part in rehabilitation. The institute sees an endless procession of nurses, therapists, medical students who have come for training. It will see still more three years from now when it completes its new $25-million building, twice as big as the one-time bookprinting plant it now occupies.

But the major portion of the learning falls to the patients themselves, who have so much to accomplish. Not only must they learn again to dress and feed themselves and perform useful work and walk or wheel themselves about as best they can, but also they must learn to live in a world that was never made for them. The institute helps them with this, too. As part of "recreation therapy," they make frequent sorties into the outside, sometimes to the theater or to a concert at Ravinia, sometimes to a ball game or a department store, occasionally even to Europe on a tourist's holiday.

The goal is not so much to divert them as it is to teach them how to exist in an ambulatory society. They learn that, if the theater restrooms are downstairs, they may be able to roll their chairs to the men's room in the soda shop, two doors away [or failing that, to empty their leg bags in a dark alley]. They learn that taxis sometimes refuse to stop for a man in a wheelchair [but the next cabbie will not only stop but haul him up three steps into a restaurant]. They learn to shift for themselves as much as they can, and when they must be picked up and heaved into an automobile seat, they learn to accept that, too, with grace and gratitude. They learn to live again—tho within their limitations.

For the limitations always remain, whether as a burden or a weapon. Some patients go forth from the institute as full-fledged wheelchair generals, determined to use their disabilities to bludgeon their families into servitude. Others, despite the best efforts of the staff, go out in defeat, convinced that they have lost their future and the love of their families.

But most set out with some improvement and with reasonable expectations. Tho they may never play golf again, perhaps, at least they can hobble around on braces and canes, which is better than they could do when they came in. If they must sit in a wheelchair, perhaps they can now feed themselves and type a letter. It may be a bitter bargain, but it's better than nothing. In the final extremity, most men cling to life, even tho it must be endured in agony.

And out of the pain may come some good. A remarkable number of patients embark upon their new lives with a deeper understanding of themselves, an enlarged wisdom about mankind. In their new weakness, many find new strength. And for some, that bargain is at least acceptable.

CHRISTOPHER COLUMBUS

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mrs. GRASSO. Mr. Speaker, this year we celebrate a new national public holiday. It is a celebration to honor the magnificent courage and boundless imagination of a discoverer who 479 years ago embarked on a voyage destined to change the course of human existence.

Christopher Columbus combined the creativity of the romantic with the precision of the scientist to challenge the established "facts" of his time. The dangerous challenges he undertook reaped rewards—he sailed uncharted seas until he found land where it was said there was no land.

Christopher Columbus is rightfully credited with having done more than chart the new waterways to a new land. More than perhaps any one individual, Columbus, through his personal daring, enabled us to become the beneficiaries of western civilization. Undeterred by setbacks and the discouragements of less adventuresome critics, Columbus sparked the American spirit which continues to seek out and discover new frontiers.

In 1492, Columbus established himself as the "Father of All Immigrants"—a distinction now recognized by this national day in his honor. He was the first of many Italian-Americans who have placed their mark of greatness on this country. Perhaps the greatest legacy he leaves us is the unifying symbol reflected in his life. In spanning the gulfs of ignorance and the oceans separating the hemispheres, Columbus incorporated the talents of his day—from Spanish ships to Portuguese charts—to make his journey a source of international achievement.

All Americans take special pride on this day. However, we share our celebration with the people of the world—whether through national or ethnic inheritance, through faith in and devotion to God, or through the benefits of his great deed in connecting the two halves of the world. In gratitude and in emulation, let us work together in a renewed spirit of unity to ease the divisions in the Nation and build a world whose strength lies in peace and friendship among all pepole.

HEARINGS ON THE DAY LABORER PROTECTION ACT OF 1971 WILL BE HELD OCTOBER 20 AND 21

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. THOMPSON of New Jersey. Mr. Speaker, I wish to announce to my colleagues that the Special Subcommittee on Labor will conduct hearings on October 20 and 21 on H.R. 10349, the Day Laborer Protection Act of 1971.

The purpose of the hearings is to inquire into the working conditions of people employed by temporary help supply firms. There appear to be some abuses of employees in this field but we are not sure whether they are isolated instances or are characteristic of the industry.

We plan to listen to workers, employer organizations, and social action groups working with day laborers, and then decide whether further hearings and legislative action are called for.

My good friend and distinguished colleague from Illinois (Mr. MIKVA), the author of H.R. 10349, proposes regulating temporary help supply firms by requiring that they obtain a license to do business from the Secretary of Labor. Firms which did not meet certain minimum standards would be denied a license.

In the event that legislation appears necessary, this strikes me as a sensible approach since only a few States, including my own, currently regulate these firms. We are, of course, open to other approaches and would be happy to hear from any of our colleagues who wish to present testimony at the hearings.

THE WORKING POOR: STOP THE FREEZE

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. RYAN. Mr. Speaker, on October 4, I introduced House Concurrent Resolution 414 to assure that low-paid workers are exempted from any wage freeze which may ensue following the end of the present freeze in November.

Millions of Americans, despite their toil, are unable to support themselves and their families at more than a bare bones level. The President himself acknowledged the plight of the working poor in his espousal of the family assistance plan, which would cover them. Yet his freeze on wages has locked these individuals and their families into poverty and near poverty.

That such should be the case in this land of untold affluence is unconscionable.

Today, 1,000 stewards and local officials from District 65, Distributive Workers of America, traveled from New York City to our Nation's Capital to say "no more freeze," and to show their support for House Concurrent Resolution 414. These workers are symbolic of the millions of Americans whose incomes derive from decent, steady employment—yet are far from adequate, especially at this time of inflation. They are the men and women to who this country belongs. And they must not be denied that which they have earned through free collective bargaining—their wages.

The need to spare the working poor from the ravages of the President's economic policies was eloquently stated at District 65's rally on the Capitol steps today on behalf of the entire union by Frank Brown, organizational director, and Cleveland Robinson, secretary-treasurer of District 65 and national president of the Distributive Workers of America. The Congress must not fail to heed their call for justice for the working man.

At this point I include in the RECORD a letter by David Livingston, president, District 65, Distributive Workers of America, which appeared in the New York Times of October 6. I commend this well reasoned and cogent letter to the attention of my colleagues. As David Livingston said:

> . . . If the President fails to meet the responsibility to those who don't make a living, then the Congress should. If both fail, it would be tantamount to a Government edict to condemn poorly paid American workers to permanent poverty.

The letter follows:

PHASE II: SPARE THE WORKING POOR

To the Editor:

If President Nixon in his proposed Phase Two of the Administration's New Economic Policy tries to freeze or limit wage increases to the working poor, it will be a national disaster. In New York City, 25 per cent of the work force earns less than $100 a week, and throughout the country the number runs into many millions. Among nonunion workers—about 75 per cent of the work force—the percentages whose earnings are substandard is even greater.

The leaders of the labor movement have directed attention to the fundamental inequities of President Nixon's program—especially its failure to control profits and interest rates. But even if these inequities were corrected, it would be criminal to try to limit the wages of many millions whose earnings are substandard. There are organized workers whose earnings do permit them to support their families properly. But what of those whose earnings do not?

Both the War Labor Board of World War II and the Wage Stabilization Board of the Korean war took note of the existence of many workers whose earnings were substandard. The War Labor Board specifically exempted from any control, even from the necessity of seeking, approval, any wage increases for workers whose earnings were at or below 50 cents per hour. At that time, the Federal minimum wage was 30 cents an hour. Thus, the automatically approvable rate was two-thirds above the legal minimum. Now the legal minimum is $1.60 per hour and the rate in New York State is $1.85. Using the same approach would lead to exempting from regulation any worker (union or nonunion) with hourly earnings between $3 and $3.50.

In truth, the current legal minimums are ridiculously low. That is why so many of the working poor must supplement their wages with welfare payments. To hold that wage increases for such workers are in some way productive of inflation is to insult the intelligence of people. There must be no freeze of controls applied against workers who don't make a living.

In our union, there are large numbers of workers whose contracts provide increases which will bring them up to or just barely $100 per week. In previous times, the Government did not attempt to destroy the results of collective bargaining. Indeed it was established national policy to encourage labor-management agreement through collective bargaining. Thus both wage boards in the 1940's and 1950's took pains to authorize all increases negotiated prior to the onset of the wage stabilization process. In both wars, the boards permitted any worker who had not received an equal wage increase in the same period to "catch up."

Perhaps our difficulties arise from the fact that the President has such unilateral power now to control workers' lives. Both in World War II and in the Korean war, the rules were set by Congress rather than permitting the President to wield absolute power. This is a proper and constitutional exercise of authority and responsibility. Working people, union and nonunion, the overwhelming majority of whom are struggling to make ends meet, look to the Congress to protect them. In the 1940's, in the midst of the most terrible war in history and the greatest threat to America, the Congress did not forget its duty to the working population. The Congress acted firmly to protect the working poor and declared, "The National War Labor Board may authorize wage increases clearly necessary to correct substandards of living."

In preparing for Phase Two, if the President fails to meet the responsibility to those who don't make a living, then the Congress should. If both fail, it would be tantamount to a Government edict to condemn poorly paid American workers to permanent poverty.

DAVID LIVINGSTON.

PERSONAL EXPLANATION

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. MINISH. Mr. Speaker, on Monday October 4, I was in Genoa, Italy as a member of our country's delegation to that city's celebration of Columbus Day. Consequently, I was absent for the vote on House Concurrent Resolution 374, calling for humane treatment and release of American prisoners of war held by North Vietnam and its allies in Southeast Asia.

This resolution is similar in spirit and intent to House Concurrent Resolution 115, which I introduced on February 3, 1971. Had I been present Monday, I, of course, would have voted "yea" for the resolution.

NATIONAL HEALTH INSURANCE

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. PETTIS. Mr. Speaker, the Ways and Means Committee is soon to begin extensive public hearings on national health insurance. One of the many facets to be considered is whether coverage for mental illness shall be included in the final package that is developed.

I believe that the following article from the October 4 issue of the American Medical News sheds some important light on whether coverage for mental sickness is feasible:

Mental Illness Coverage Urged Under NHI

If and when Congress enacts a national health insurance program, it should include provisions for treating mental illnesses the same as physical ones.

This conclusion was reached at the annual conference of State Mental Health Representatives last month in Chicago sponsored by the American Medical Association's Council on Mental Health.

The conference devoted its attention to the topic, "National Health Insurance: Implications for Mental Health," through a series of workshops, each of which presented recommendations.

Workshop areas dealt with public psychiatric hospitals, private psychiatric hospitals, general hospitals, private practice, community mental health and neighborhood health centers, extended care and aftercare programs and facilities, and medical education.

All indicated that insurance coverage should be available for diagnostic and/or treatment of mental illness equal to that of physical illnesses.

The AMA's Medicredit proposal includes coverage for mental illnesses.

Max H. Parrott, M.D., chairman of the AMA's Board of Trustees, described its proposal at a luncheon. He expressed concern that attempted solutions "will force a crisis if implemented as written. The present system," he argued, "offers opportunity and under this we are better able to grow with the times than we would be under a monolithic system."

Dr. Parrott said that Sen. Edward Kennedy's proposed health insurance program would "ultimately lead to the demise of health insurance." Dr. Parrott declared:

"The plan of American medicine is not poured in concrete. It is a flexible one. But there are some factors on which our House of Delegates stands firm. These include a distinct preference for general revenue financing as opposed to a payroll tax or a mandated payment plan with an employer; freedom of choice, both for the physicians and the hospitals; pluralism of delivery methods; keeping peer review under the supervision of physicians; and maintaining local jurisdiction and opposing national licensure and national standards of practice."

Dr. Parrott insisted, "The prospect of national health insurance doesn't alarm the medical profession. But we are generally concerned that in the pursuit of health goals we are charging off in the wrong direction. We believe," he concluded, "that the American Medical Association is the organization that should provide that direction."

Actuarial data showing widespread coverage of mental disorders under insurance plans were presented by Evelyn S. Myers, coordinator of psychiatric care insurance coverage for the American Psychiatric Assn. and managing editor of the *American Journal of Psychiatry*.

After a look at the various current health insurance packages, Mrs. Myers compared the number of people with coverage of various kinds of care for mental illness with the number of people with coverage of care for all illness.

"The Social Security Administration estimated that at the end of 1969, 157 million persons in the U.S., or 78% of the civilian population, had some private health insurance of hospital care," Mrs. Myers said. "About 126 million or 63% of the population had some coverage for hospital care of mental conditions.

"About 134 million people or 67% of the population had some coverage for physicians' in-hospital visits; for mental conditions, about 108 million people or 54% of the population had some coverage.

"About 86.3 million persons or 43% of the population had some coverage for physicians' office visits; for mental conditions about 73 million or 36.5% of the population had some coverage."

She concluded, "Those persons with some coverage of care for mental illness comprise about 80% of the total with health insurance for any illness—be it for hospital care, physicians' in-hospital visits, or physicians' office visits. While recognizing that the mental illness coverage is often meager, we think this settles once and for all the question of whether insurance coverage of mental illness is feasible. How could it not be feasible when it is so widespread?"

ANTIWAR DEMONSTRATORS ARE FREED TO DO IT ALL OVER AGAIN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. RARICK. Mr. Speaker, announcement that the U.S. Court of Appeals for the District of Columbia had dismissed the some 12,000 criminal arrests growing out of the Mayday antiwar demonstrations last spring was followed the same day by the announcement from Hanoi's "dear American Friends" that new "antiwar" demonstrations are to be held again in Washington, D.C. starting October 22.

Apparently the Federal judges have not had enough, although Chief Justice Warren E. Burger—who reportedly meets all after—sundown—guests at his door with a pistol in hand—has announced plans to redesign all Federal courtrooms now under construction. Chief Justice Burger's explanation is that the Federal courtrooms need "be made more secure"—for the judges and with an English flavor.

In the meantime those unfortunate, misled, idealistic young people who claim that they are against everything establishment continue to allow themselves to be exploited as ploys to soften public opinion for acceptance of the police-state rule by the establishment.

What better examples of pressure from the top, from the bottom, and in the preparation?

I insert related news clippings in the RECORD at this point:

[From the Washington Post, Oct. 2, 1971]

Court Voids Most Cases on Mayday

(By Sanford J. Ungar)

The U.S. Court of Appeals here acted last night to strike down virtually everything that the government has done to prosecute the more than 12,000 people arrested during the Mayday antiwar demonstrations last spring.

A three-judge panel of the court ruled that the police must refund collateral to the overwhelming majority of the people who forfeited it during the demonstrations and subsequent legal proceedings.

It also placed a total ban on dissemination of all Mayday arrest records, even to the FBI, except for the fewer than 200 persons convicted for illegal activities during protests between April 28 and May 5.

In a sweeping order filed in a case brought by the American Civil Liberties Union on behalf of arrested demonstrators, the Appellate Court also:

Temporarily enjoined further prosecution of all the estimated 325 Mayday cases remaining to be processed, pending a thorough "screening" of them by the D.C. corporation counsel.

Ruled that the city prosecutor must provide "adequate notice" to all people who are still expected to appear for trial in connection with Mayday after the screening.

Directed the corporation counsel to track down any copies that may already have been made of Mayday arrest records and get them back into the metropolitan police department files.

Told the prosecutor to report back to the court "within a reasonable time demonstrating compliance" with an earlier injunction entered in the case as well as the one entered yesterday.

Warned that unless the corporation counsel can demonstrate "legitimate governmental interests" in another course of action, it may order all Mayday arrest records to be completely expunged except those of persons convicted after trial.

Retaining jurisdiction over the case, the panel—Chief Judge David L. Bazelon and Judges Harold Leventhal and Spottswood W. Robinson III—left open the option of taking further action later.

Sources at the ACLU hailed the Court of Appeals decision as an "almost total victory" for the critics of government action during the militant antiwar demonstrations intended to keep the capital city from functioning.

A spokesman for the corporation counsel's office suggested that parts of the court order may be virtually "impossible" to carry out.

The city prosecutor will be required, however, to produce detailed statistics on Mayday that have been sought in vain by the courts, the press and private groups for the last five months.

Within 20 days, the court order said, the corporation counsel must spell out:

The total number of persons arrested during the protests between April 28 and May 5. (Police estimates have been 12,000 to 13,000.)

The disposition of all cases, including how many were dropped, the collateral forfeited, resulted in convictions or acquittals after trial, etc. (Since forfeitures and no-contest pleas have been lumped with convictions in court records, no one has ever been certain of the exact number convicted.)

The number of dismissals and dropped

cases due to the police lack of standard field arrest forms and photographs for the defendant or the inability of witnesses to identify the alleged offender with his offense.

The number of people who have already sought expungement of their arrest records in D.C. Superior Court and the decisions in those cases.

During a Sept. 22 hearing that resulted in yesterday's ruling, the city representatives were unable to provide the court with any of that information.

Assistant Corporation Counsel David P. Sutton argued at that hearing that the ACLU's efforts to represent all of the arrested persons as a single class should be rejected, leaving each individual to initiate his own court action.

Informed of the court order by telephone last night, the city prosecutor's office was still unable to estimate how many people would be affected by each of its provisions.

A spokesman suggested that the part of the order requiring a refund of collateral could affect more than 3,000 persons. This would mean a refund of at least $30,000 in fines.

Yesterday's court ruling, which reversed earlier decisions by U.S. District Court Judge Howard F. Corcoran, did not touch on the question of whether persons were illegally arrested and detained during the Mayday demonstrations.

Several lawsuits are pending that raise those questions, and the ACLU has mounted a fund-raising drive to finance additional broad legal actions critical of the government's response to the spring protests.

The White House and Justice Department have repeatedly praised Washington Police Chief Jerry V. Wilson for his handling of the mass demonstrations, and Wilson himself has insisted that he would follow the same course of action if such problems arose again.

Other court actions, however, have already struck down many of the Mayday arrests, including those made after the government revoked a camping permit for the demonstrators in West Potomac Park.

Some provisions of yesterday's court order leave the corporation counsel the option of sticking with its previous actions, but the court instituted strict procedural requirements.

In any case where it does not want collateral refunded, for example, the prosecutor's office must assure that probable cause existed for the individual's arrest in the first place and must demonstrate, by interviewing witnesses who would have been called at trial, that the case would have been a sound one.

If the Appellate Court eventually follows through and expunges the arrest records of those not convicted, the official record could show that only a few hundred people were arrested during Mayday.

As for the others, they may eventually be able to claim damages from the city under the requirements of another recent Court of Appeals decision holding the local government responsible for all wrongful police action.

[From the Washington Post, Oct. 2, 1971]

Antiwar Actions Set Here October 22–26

(By Paul W. Valentine)

Thousands of demonstrators will return to Washington late this month to convene a "people's grand jury" against the Republican administration and serve an "eviction notice" on President Nixon in a mass civil disobedience action around the White House Oct. 26, antiwar spokesmen said yesterday.

Part of the antiwar movement's "fall offensive," the actions mark the first large-scale demonstrations planned here since the Mayday disruptions last spring.

Rennie Davis, veteran activist and spokesman for the Peoples Coalition for Peace and Justice, outlined these general plans:

A "grass roots" grand jury of "working people, welfare mothers, people from the religious community, ex-prisoners and others" will be convened Oct. 22 to investigate Nixon administration policies, especially those pertaining to the Indochina war abroad and the treatment of prison uprisings at home. The jury will hear formal testimony from professional, academic and other witnesses.

A mass afternoon rally will be staged, probably at Sylvan Theater, on Oct. 25, Veterans Day, renamed "People's Armistice Day," by the antiwar movement. Speeches will be made and the grand jury will report its preliminary findings.

A public display of exhibits from the grand jury—enlarged photographs depicting ghetto poverty, alleged war atrocities, the siege of Attica State Prison and other items—will be shown simultaneously Oct. 25 on the Ellipse near the White House.

Protesters coming from the Sylvan Theater rally will conduct a candlelight procession around the White House on the evening of Oct. 25, carrying the grand jury displays with them.

The next morning (Oct. 26) at 7:30, demonstrators will surround the Whie House, Executive Office Building and Treasury Building. They will serve an "eviction notice" on Mr. Nixon, declare a "national mourning service" for the war dead, demand a work stoppage, block the buildings and possibly the surrounding streets if the government does not comply.

Davis said specific tactics of civil disobedience have not been worked out but "will depend somewhat on how the police behave."

He said organizers plan to negotiate with government officials for the use of Sylvan Theater and the Ellipse on Oct. 25 but will not seek any permits for the White House action Oct. 26.

The demonstrations will come two weeks after a national work strike and "moratorium on business as usual" called for Oct. 13 by the peoples coalition and the National Peace Action Coalition, the other large antiwar umbrella group in the nation.

The two coalitions have also set a series of traditional mass antiwar rallies for Nov. 6 in 16 cities, including Washington. Details for the Washington rally are being formed, Davis said, but it will probably be held on the Washington Monument grounds or at the Ellipse.

[From the Washington Post, Oct. 6, 1971]

Efficiency, Security Stressed—United States To Redesign Courtrooms

(By Sanford J. Ungar)

Government architects have altered the blueprints for federal courtrooms now under construction, making them smaller and more "secure," in keeping with the expected recommendations of a committee of lawyers and judges named by Chief Justice Warren E. Burger.

The committee, which has inspected courtrooms in Chicago, San Franciso and London in preparing a report for the U.S. Judicial Conference, has been asked to make long-range design suggestions for nationwide implementation.

Sources close to the commitee said yesterday that it will probably urge changes which increase the capacity of the federal courts for handling trials, while reducing courtroom spectators' space.

The new design plans raised the question whether the federal courts will continue to be able to accommodate large numbers of onlookers at controversial trials of special interest to the public.

Committee sources have stressed that security is only a secondary consideration to that of efficient design and operation.

"We paid a great deal of attention to courtroom security," one member said, pointing out that there had been discussion of the physical relationship of courtroom to cellblock and of the extent of public access.

Among the courtrooms visited, he said, was the one in Marin County, Calif., where black militant Angela Davis will be tried on first-degree murder.

Authorities have erected a "physical separation "between the trial participants and the public there, he explained.

The committee's report, based on months of study, is to be drafted at a meeting here Tuesday and presented to the Judicial Conference Oct. 28.

One aim, a committee member said, is to give the General Services Administration (GSA) new "guidelines" for courthouse and courtroom construction.

Under traditional specifications, which set out minimum size and little else, the committee member said, judges have often sat in "big mausoleums" while court calendars began to bulge with backlogs.

The committee is also expected to comment on a touchy issue in judicial politics, whether retired judges are entitled to retain full court facilities while newly appointed ones are shortchanged.

Robert L. Kunzig, the GSA administrator, who accompanied the committee members on the inspection tour, said yesterday that his agency has been "cooperating in every way" to facilitate the group's work.

He said new design techniques have already been incorporated in the federal courthouse under construction in Philadelphia.

As the committee is expected to recommend, that courthouse will contain more courtrooms—and smaller ones—than originally planned. Individual courtrooms being added to buildings around the country will be similarly adapted.

Every courthouse facility is expected, however, to keep at least one large ceremonial courtroom of the variety used for swearing in newly naturalized American citizens.

Chief Justice Burger named the committee last spring. It is officially labelled an ad hoc unit of the Judicial Conference, the organization linking all federal judges.

It includes federal district judges Edward J. Devitt of Minnesota, Lloyd F. MacMahon of New York, A. Sherman Christensen of Utah and Aubrey E. Robinson, Jr. of Washington.

Also on the panel are five prominent lawyers, W. Reece Bader of Chicago, William T. Kirbey of San Francisco, B. Warren Hart of St. Paul, Robert W. Meserve of Boston (scheduled to be the next president of the American Bar Association) and Edward Bennett Williams of Washington.

The chief justice has frequently expressed his concern about the need to achieve speedier justice in the federal courts.

In several speeches this year, he has also expressed his concern about courtroom security and the alleged misconduct of "a small minority of lawyers" whose vigorous advocacy has become an issue in trials with political overtones.

Burger was reportedly impressed with the courtrooms he and several committee members observed last July during London meetings of the ABA. In those courtrooms, the judge and other trial participants are on different levels, thus limiting their movement.

HON. WILLIAM D. COWGER

HON. EDWARD G. BIESTER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1971

Mr. BIESTER. Mr. Speaker, one of the privileges of service in this House is the opportunity to come to know a host of extraordinary men and women as colleagues in this Chamber. Among the most extraordinary in my brief experience here was, and how disconcerting it is to speak in the past tense, was Bill Cowger.

There was a clarity of purpose in Bill's public life. He wanted his city to be healed of racial division, he wanted his city to realize its enormous potential, and he wanted to find ways and means to carry into national policies the lessons he had learned as mayor of Louisville. These lessons were that racial division need not be a permanent scar in America and that our cities, if given the proper attention they deserve from Congress could become environments that grace their inhabitants' lives.

His strong, clear voice was naturally one the 90th Club wished to speak out in its behalf. We were proud to elect him our first president; and he was very proud to be chosen.

The ironies of life are often more than I can accept. How ironic and frustrating that at the moment his words are needed most they are suddenly hushed. But his vision for his city and for his country can still be attained, and I for one will always find an inspiration in his courage, his clarity of vision, and his optimism.

Our country has lost an extraordinary man at a time we can ill afford to do so.

WHAT IS BEHIND RED CHINA'S SMILE?

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. CRANE. Mr. Speaker, the forthcoming trip of President Nixon to Communist China is clearly based upon the American hope to reach a political accommodation with Peking that will promote stability and peace with honor in the Far East.

Americans often mistake their own fondest hopes and dreams for reality, thinking that the motivations which stimulate their own actions and policies are similar to those underlying the action and policies of their adversaries.

In an important article in the October Reader's Digest, Charles J. V. Murphy asks the question:

> Has China begun to open the Bamboo curtain out of a genuine desire to promote good relations with the United States? Or is this only a ploy to soften public opinion here and abroad and advance other, real objectives?

A look at the record gives some indication of the answer to this question. Peking has given strong, long-term support to North Vietnam—well over a billion dollars during the past 5 years—and has recently announced its intention of increasing that support. On May 20, with the American Ping-pong players barely out of sight, the official newspaper of the Peking regime, Jenmin Ji Pao, quoted favorably an earlier declaration of Party Chairman Mao Tse-tung which urged the masses of the world to unite against "the U.S. aggressors and their running dogs."

Mr. Murphy declares that—

> Peking's goals have . . . been plain, especially for those willing to study the record. An almost unending stream of manifestoes and pronouncements point irrefutably to a strategy of stirring up revolution among the masses of poor in the "have not" nations against the United States.

Peking has a number of steps by which it hopes to achieve its ends. These include breaking American guarantees to the Republic of China on Tiawan, capturing a seat in both the General Assembly and the Security Council of the United Nations, and raising China to the first rank of Asian powers.

Mr. Murphy once again looks to the record:

> If one wants proof of how serious the Chinese are, consider their behavior with the Soviet Union and India, the two nations which in the beginning transacted the most political business with the Mao regime. In October, 1962 India's friendship collapsed in gunfire . . . Communist China's break with Moscow became apparent in 1960.

President Nixon should remember, Mr. Murphy cautions, that "Mao's men are hard bargainers, and neither Red China's smile nor summit negotiations guarantee peaceful relationships."

This article challenges many of the euphoric ideas we have been hearing about, the alleged "new page" which is being turned in relations between the United States and Communist China. I wish to share it with my colleagues and insert it into the RECORD at this time:

WHAT IS BEHIND RED CHINA'S SMILE?

(By Charles J. V. Murphy)

Last April 14, Chou En-lai, the urbane, 73-year-old premier of the People's Republic of China, smilingly welcomed an American ping-pong team at Peking's mammoth Great Hall of the People. There he told the first group of U.S. citizens admitted to mainland China since the communist takeover in 1949, "You have opened a new page in the relations of the Chinese and American people."

From that moment on, events moved at a dizzying pace. On July 15, President Nixon stunned the world with his announcement of plans to visit Red China. The invitation had been extended by Chou through the President's National Security Affairs adviser, Henry A. Kissinger, who had slipped into Peking for secret discussions. Just a few days later, in a terse, carefully phrased statement, Nixon declared it was his "profound conviction that all nations will gain from a reduction of tensions and a better relationship between the United States and the People's Republic of China."

There could be no doubt the President was proceeding with all deliberate speed into a test of his skill in historic negotiation. The crucial, even fateful, part of the proposition still remains to be developed. How serious, how well-intentioned are those on the other side of the bargaining table? Has China begun to open the Bamboo Curtain out of a genuine desire to promote good relations with the United States? Or is this only a ploy to soften public opinion here and abroad and advance other, real objectives?

Actions Speak. It is essential that Americans keep these questions sharply in mind and seek straightforward answers, no matter how attractive may be the promise of rapproachement with communism's most populous power. We must in wisdom give credence to any forth coming evidence that Communist China is changing her ways. But on the side of caution we must make sure that the balance sheet takes full measure of Peking's deeply ingrained patterns of behavior. For even as the Nixon Administration lifts the latch of China's door, it must be recognized that Chou's hostly smiles do not negate his nation's all-too-familiar aggressive policies, both clandestine and open. Consider these typical items:

Peking has given strong, long-term support to North Vietnam—well over a billion dollars during the past five years—and has recently announced its intention of increasing that support. It maintains 20,000 troops in northern Laos, building roads aimed toward the Thailand frontier, and assists the communist guerrillas in their operations against the Royal Laotian government. Peking has provided arms for guerrilla forces in Thailand and Burma, and armed the primitive tribesmen on India's shaky northeast frontier.

On May 20, with the American ping-pong players hardly out of sight, the official newspaper of the Peking regime, *Jenmin Jih Pao,* drew attention to an earlier declaration by Communist Party Chairman Mao Tse-tung which urged the masses of the world to unite against the "U.S. aggressors and their running dogs." Taking note of the anti-war demonstrations in America, the paper hailed them as a hopeful sign of what it called the "violent revolutionary storms" sweeping over the United States.

Red China has lavished arms and military training on the radical East African nation of Tanzania. Now, she is furnishing an army of 10,000 Chinese laborers and an interest-free loan of $406 million to build a 1000-mile railroad that will link Zambia in central Africa with Tanzania's port of Dar es Salaam on the Indian Ocean. While primarily benefiting landlocked Zambia by providing a shipping outlet that will free her from any dependence on transportation through white-ruled southern Africa, the railroad will also give Red China access to the vast copper deposits of central Africa.

None of these actions should be truly surprising, for Chairman Mao and his designated successor, Vice Chairman and Defense Minister Lin Piao, wield absolute power in Peking. Mao denounced "U.S. imperialism" as early as 1945. By 1949, he had openly dedicated the totalitarian power of the People's Government to a course of unyielding opposition to the United States. In 1950, American diplomats left China because, as Secretary of State Dean Acheson stated, they had "in effect been summarily ejected from their offices." Within a year, Red China intervened in the Korean conflict and drove advancing American and United Nations forces back to the 38th Parallel.

Redprint for Revolution. Given this long-continuing hostility toward the United States, we must stop and ask: What is Communist China now after? What does it expect to gain from a resumption of contacts with Americans and their leaders?

The U.S. hope is plain enough: to reach a political accommodation with Peking that will promote a measure of stability in East Asia so that its 1.2 billion people can live in peace, not fear.

Peking's goals have also been plain, especially for those willing to study the record. An almost unending stream of manifestos and pronouncements point irrefutably to a strategy of stirring up revolution among the masses of poor in the "have not" nations against the United States and other advanced industrial nations. The steps by which Peking hopes to achieve this:

1. Break American guarantees to Taiwan—whose defense we pledged in 1954—and thus destroy our relations with the government of the Republic of China. This would gravely jeopardize the freedom of Taiwan's 14 million people.

2. Capture a seat in the United Nations, both in the General Assembly and on the Security Council. Red China would then operate as leader, strategist and propagandist for the underdeveloped nations.

3. Oppose the Soviet brand of communism, manipulated by "revisionist Soviet imperial-

ists," as too peaceful and thus unworthy of leadership of the revolutionary world. In doing so, try to drive a wedge between any possible Washington-Moscow agreements.

4. Raise China to the first rank of Asian powers, so as to dominate the great arc of nations running from Japan along China's periphery through Southeast Asia to India. Much of this would come about automatically as neighboring states became convinced that the United States was an unreliable ally and the Soviet Union a false prophet of communism.

5. By dogged effort and the sweat of 800 million Chinese rigidly controlled by the Peking dictatorship, build China up to true superpower status. Peking would count on nuclear weapons and strategic missiles to deter America's use of its superior strength, and would hope eventually to overshadow the United States and Soviet Russia by superior political strategy and a "People's War."

To some, this might sound like madness or idle propaganda. But it is how Mao interprets the turmoil and discontent of our times; and, in fact, numerous young revolutionaries in the West now proclaim aspects of Maoist doctrine. Mao says in his famous "Little Red Book" of quotations, "War is the highest form of struggle for resolving contradictions." And in a policy statement called "Long Live the Victory of People's War!" published six years ago, Lin Piao likened North America and Western Europe to "world cities" and Asia, Africa and Latin America to "world rural areas." Lin Piao says, "In a sense, the contemporary world revolution presents a picture of the encirclement of cities by the rural areas." The fact that the "rural areas" hold the "overwhelming majority of the world's population" assures them, Lin Piao argues, ultimate victory over the better-armed industrial powers.

Fate of friends. If one wants proof of how serious the Chinese are, consider their behavior with the Soviet Union and India, the two nations which in the beginning transacted the most political business with the Mao regime. In October 1962, India's friendship collapsed in gunfire when Red China quickly massed troops on India's disputed northeast mountain frontier and subsequently humiliated Indian forces in a sudden surprise attack. Indian Prime Minister Jawaharlal Nehru, who had generally sided with Peking against U.S. Asian policies, privately confessed that he had trusted the Chinese but that they had double-crossed him.

Communist China's break with Moscow became apparent in 1960. It was due partly to Chinese impatience with Soviet unwillingness to join Peking in showing up American military power as a "paper tiger." In the years since, Chinese propagandists have kept Russia under a drumfire of dialectical invective. The so-called Khrushchev revisionists are branded as cowards for having "no faith in the masses," for being "afraid of U.S. imperialism, of war and of revolution."

Now the invective against both Moscow and Washington has been somewhat muted, and visitors to Communist China are seeing and reporting a gentler side of the Chinese character. As they take their guided tours of the great cities and the countryside, most tend to be impressed by the thrifty, industrious, astonishingly neat people, a nation singularly at peace with itself, at least outwardly. This is precisely the impression Peking's skillful propagandists want to convey. It is their hope that the outside world will overlook the conditions that actually exist in China.

For the human and economic costs of the "Great Cultural Revolution," initiated in 1966 when Mao sent "Red Guard" youths rampaging across the land, were disastrous. All higher education came to a dead stop (and has yet to regain its momentum). In a society where scholars have been venerated for millenniums, Mao's goal is to destroy the elitist, classics-oriented system of education. Millions of college students and many professors have been sent to factories and communes to become "students of the masses," and scholars, scientists, technicians and administrators go into the factories to sweep floors or into the fields to spread manure while undergoing "ideological re-education."

The hurricane of revolutionary purging and civil strife exhausted China's economy. But Mao has succeeded in what he set out to do. In the aftermath of the convulsions, Chinese Communism has ended up substantially as a military dictatorship. Today, army officers hold nearly half (12 of 25) of the positions in the ruling politburo, and military men wield authority in most of the 29 provinces, autonomous regions and municipalities. Mao has vowed that the nation must learn discipline and revolutionary fervor from the military, and has deliberately shaped the three-million-man army as the instrument of his party control.

Open Eyes and Open Minds. Mao's men are hard bargainers, and neither Red China's smile nor summit negotiations guarantee peaceful relationships. We can prayerfully hope that Peking will demonstrate a real change in attitudes, for the benefit of Asia and all mankind. As the President so well knows, the risks are high in his "journey for peace," and no one should have undue expectations after more than two decades of enmity and aggression. Chou, we must also remember, has insisted to this day that his government cannot tolerate U.S. support of the Nationalist Chinese government on Taiwan. His unabashed aim is not only a seat in the United Nations but concurrent expulsion of the Taiwan delegation.

President Nixon, however, has assured Chiang Kai-shek that we will continue to honor our treaty to help defend the island. Meanwhile, all our allies are watching to see how we respond to Peking's moves in the crucial private negotiations that lie ahead.

It is a striking omen that in international diplomatic circles Soviet officials are privately opposing the seating of Peking in the United Nations. They fear that, once there, the Red Chinese are likely to win over a great deal of African and Asian support hitherto split among themselves, the Americans and the Europeans, and that dangerous strategic instabilities will result.

All the same, a new page is turning in relations between Communist China and the United States. Seldom has an American President been called upon to navigate such a hazardous course between friends and adversaries. As the time nears for him to go to Peking, we can only await the outcome with open eyes, open minds—and crossed fingers.

GOVERNOR GILLIGAN, OF OHIO, TESTIFIES ON ECONOMIC POLICIES

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. VANIK. Mr. Speaker, today, October 7, Gov. John J. Gilligan of Ohio delivered some very thoughtful testimony to the House Banking and Currency Committee concerning the present state of the economy and some of the possible steps which we must take to improve our economic situation.

The Governor and I both represent a State where, as he points out in his testimony, there are now 99,872 citizens claiming unemployment benefits and where 40,000 others have totally exhausted their unemployment benefits. We represent a State where 32,000 returned Vietnam veterans have been unable to find jobs—even though some have been in the labor market for over 18 months.

Governor Gilligan makes some very important observations and suggestions in his testimony. I recommend his statement to all my colleagues as we in the Congress continue to try to correct the present desperate economic conditions.

The statement follows:

TEXT OF GOV. JOHN J. GILLIGAN'S TESTIMONY BEFORE THE HOUSE BANKING AND CURRENCY COMMITTEE

Mr. Chairman and distinguished members of the committee: I am profoundly honored to be asked to appear before this distinguished Committee to offer some comments on the President's new economic game plan from my vantage point as Governor of the State of Ohio, a state of 11 million people that has historically played an important role in the industrial foundation of the American economy, and has been traditionally responsible for about 5% of our gross national product.

Let me say at the very outset that much of what I will offer for the consideration of the members of this Committee is based upon speculation and surmise, since no one really knows what the President may be planning to announce for Phase II, or Phase III, of his new program of economic controls.

An Administration spokesman was recently quoted in a national news magazine as saying, "Of course we are jittery. It's like blasting off in a two-stage rocket while the mechanics are still working on the second stage. The fact is that we don't have all the answers and we are committed to a course. This would make anyone nervous."

If that Administration spokesman is nervous in his position as a member of the launching crew, it is fair to say that those of us who must, willy-nilly, ride aboard the economic spacecraft designed by the President and his advisors are deeply apprehensive. Since we are uncertain as to where we are going, or how the flight director proposes to get us there, it might be useful to consider first where we are in the present state of the American economy.

At the recent National Governors' Conference in Puerto Rico, a substantial majority of the Governors present subscribed without equivocation to a statement outlining the dimensions of the economic crisis which presently grips America. They pointed out, among other things, that 'Our country now has the highest unemployment level in a decade, coupled with the highest rate of inflation in 20 years, the lowest business profits since 1938, the first negative balance of trade in this century, a disastrous cost-price ratio in agriculture, and the largest deficit in the Federal budget since World War II. One-fourth of existing factory capacity is idle. In short, it has finally been admitted that we are faced with the worst economic crisis in a generation."

While economists have estimated that 28% of America's plant capacity now stands idle, Vice President Agnew, in an address to the Governors in San Juan, declared that it was the Administration's view that it is unrealistic to believe that any substantial share of that idle industrial capacity could be put to use unless America became involved in a major war. Without any further comment, I will simply ask the members of this committee to mediate upon the long and short range implications of that astounding statement.

Permit me to attempt to translate the statistics of idle plant capacity into more human terms as they apply in my own state.

Ohio is a major industrial state with a

widely diversified base of primary industries: coal and steel production, fabrication, assembly and distribution of manufactured products of all sorts.

Two years ago this month the number of Ohioans claiming unemployment benefits under Ohio law was 23,582. Last year that figure had come to 63,562. Last week it was 99,872—and there are, moreover, 40,000 Ohioans who have exhausted their unemployment benefits, and are now no longer even a statistic in the unemployment compensation reports.

That means that in two years almost 100,000 Ohioans have lost their jobs, and their families today are facing privation, (desperation), and despair.

Startling as these figures may appear, they only trace the outlines of the problem. They do not take into account thousands of unemployed Ohio workers, who were laid off from their jobs not covered by the provisions of unemployment compensation programs. They do not deal with the problem of tens of thousands of young Ohioans coming into the job market in the last two years who have yet to find their first job, and who face a future that is bleak indeed.

I am not talking only about the high school and college graduates who are walking the streets searching for employment; I am talking as well about the men returning from service in Viet Nam.

Ohio was the first state to launch a program in which we sought to identify, and locate, every single returning Viet Nam veteran, to find out where he lived, what his phone number was, whether he was employed or in school, what his job skills might be, so that we could help him to reestablish himself in what the troops call "the real world."

We found that there were no less than 32,000 Ohio boys who had served their country in Vietnam yet could not find a job, although some of them had been searching for as long as 18 months. Many of them had families to support; many were reduced to asking for welfare; and it is not easy for me to convey to the members of this Committee the kind of resentment and bitterness which we found among these men who feel that this Nation has used them in an ugly and useless war, and as a reward for their sacrifice, has now consigned them to a sort of human scrap heap.

Again the statistics I have cited reveal nothing about tens of thousands of Ohioans who are still employed, but who are working shorter hours with less overtime, and who are bringing home reduced pay checks that are totally inadequate to meet the higher prices for every commodity and service their families require.

Last year, for the first time in 20 years, the *real income* of fully employed Ohio workers turned downwards! And I can only say again that the bare statistics are incapable of conveying the kind of economic distress and wide-spread suffering which press upon thousands and thousands of Ohio families.

As part of the answer to this problem the Administration has recommended an investment tax credit for industry, designed to encourage investment in new machinery and equipment, in the apparent hope that such investment will produce new jobs. That device should certainly be more effective than the earlier proposal of accelerated depreciation schedules for equipment and machinery already on the line; but no one should be deluded into believing that this constitutes any really effective response to the kind of problem that I have just outlined.

Some employment may result, but we all recognize that while new machinery and equipment often increase production, there is frequently a concomitant sharp reduction in the use of human labor in the productive process. And the experience over the last 20 years in our basic industry in Ohio is that production levels may well climb while employment levels in those same industries sag.

It would, in my judgment, be very dangerous for the Congress to assume that the tax credit approach will provide an automatic or effective means of cutting substantially into the unemployment problem. It has been estimated, for instance that we will need *4 million new jobs* in America next year, to bring unemployment levels below 5%! I am not a trained economist, but I would most respectfully suggest to this committee and to the Congress, that America must face the fact that these new jobs simply will not be developed in the private industrial production field, but must be developed in the fields of services and most especially in government services.

That brings me to the consideration of the very great problem in the field of public employment, and of the impact upon public employees of the measures already invoked by the President, including the wage-price freeze as well as the measures designed to stimulate additional employment in the field of private production.

Much has been said of the basic inequity of an across-the-board wage freeze, but let me attempt to relate that criticism to some of the fundamental facts of life in Ohio.

The State of Ohio today employs approximately 55,000 people, almost 3,000 less than during the month of August, because we were forced to dismiss hundreds of employees due to insufficient state tax revenues. Local government employs over 65,000 people in Ohio, and in some of our major cities hundreds of these employees have been laid off because of reduced municipal budgets.

There are 100,000 teachers in Ohio schools, and again hundreds of them have been dismissed because of inadequate resources available to the school boards.

It has been estimated that state and local governments throughout the Nation in the past year lost 3.5 billion dollars because of the impact of the current recession on anticipated tax yields.

Clearly, therefore, unemployment in the public sector is directly attributable to the economic policies of the national administration.

I would emphasize that almost all of these public employees are completely without the protection of unemployment compensation, and when dismissed they are immediately confronted with economic disaster. Hundreds of them are quickly reduced to absolute destitution. While welfare rolls continue to swell, there are those who would demand that welfare recipients simply go out and find a job. Where?

In March of this year I presented to our General Assembly the results of a study of income levels of state employees in Ohio compared to people doing similar work in the Federal Government, and other states, and in the private sector. We discovered that while the average weekly wage paid in Ohio industry was $151.45, the average wage in state government was $130.71. We discovered further that while in the spring of 1970 the U.S. Bureau of Labor Statistics declared that a minimum budget for a family of four was $6960 a year, and that anyone living below that level could be considered to be living in poverty, fully 60% of our full time state employees were earning less than that.

Incredible as it may sound, our study revealed that under the terms of the 1970 Disaster Relief Act, due to go into effect in December, nearly 2,000 full time employees disclosed that several hundred employees actually qualified for welfare assistance under the very low income standards established by our State.

I therefore recommend to the General Assembly an across-the-board wage increase of 16%, and about 2500 separate adjustments for specific job classifications within the wage structure. This proposal was designed to bring state employees up to a level with other states and with private industry. Although we are 2½ months into the new fiscal year, our General Assembly has not yet approved a biennial budget, and has not yet acted upon the pay package for state employees. Now it is apparently the intention of the Administration, by executive edict, to freeze the income levels these thousands of Ohio public employees at their present inadequate and unfair levels. Such a proposal clearly seems to me to represent a body blow to the effort to reestablish some basic equities, and to revitalize our Nation's economy.

Moreover, the President has announced his intention to reduce the Federal Government's payroll by 5%, and if we in Ohio are to take our proportionate share of such cutbacks, the result will be an additional 5 to 6 thousand unemployed.

I don't believe that I can overstate the case: millions of American men and women are engaged in public service employment today, doing work of every conceivable description, work that is vitally important to the standard of living which all of us enjoy. Millions more can, and should, be employed in the public sector, making their own contribution to the fields of education, public health, air and water pollution control, crime control and public safety, and all the other activities which are so capable of enriching the life of our society. To cut back spending in the public sector is a double disservice: it has a direct and deleterious effect upon quality of life in all our communities, and it disemploys, or denies employment opportunity, to millions of Americans who are eager to work, and to put their skills and efforts at the service of their fellow citizens. The proposed tax credits won't touch this problem. Wage freezes, laid on across-the-board, will exacerbate the present inequities. Reductions in public spending for domestic purposes will render the problem finally insoluble.

I know that the members of this Committee will understand that the task before all of us is to put Americans back to work, in useful employment—whether in the public or private sectors—at income levels which permit people to live in decency and dignity, and to raise their families in security.

Again, I want to thank the Chairman, and the members of this committee for permitting me to express my views on this critical problem.

OPPOSITION TO WYLIE AMENDMENT—HOUSE JOINT RESOLUTION 191

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. CORMAN. Mr. Speaker, when the House Judiciary Committee held hearings on the school prayer amendment in 1964 they discovered that the opposition to its enactment came from no particular special interest groups. Extensive opposition testimony was heard not only from church officials but also from renowned education and constitutional law authorities. As an example of the thinking of these learned men, I would like to insert at this time the testimony of Dr. Virgil M. Rogers, dean of the School of Education, Syracuse University:

TESTIMONY OF VIRGIL M. ROGERS,
WASHINGTON, D.C.

Mr. ROGERS. Mr. Chairman, my name is Virgil M. Rogers, and I am honored to have this opportunity today to tell the members of the Judiciary Committee why I have faith in the efficacy of the first amendment to the U.S. Constitution, and why it is my conviction that Congress needs to pass no law or resolution in matters of prayer and religion.

I am here primarily as a schoolman, as one who has accumulated a certain amount of experience over some 40 years as a teacher in the public schools, as a superintendent of schools in such widely different States as Michigan, Illinois, and Colorado, and as a dean in a university (Syracuse University, New York State). I have spent most of my adult life as a schoolman, working to improve public education and to bring closer to realization the ideals that give purpose and meaning to the institutions designed to bring children to responsible adulthood.

Parenthetically, Mr. Chairman, may I say that my children went through the public schools and my grandchild is in public schools and I hope the next two or three coming along, will also go through the public schools. So I am speaking as a person who is very close to public education. I don't represent anybody here today except myself and indirectly perhaps a million teachers over the country who are deeply concerned about this and from whom you will not hear.

Like most workers in the public schools, I have found the concepts of patriotism and free public education inseparable. It is especially for that reason that I wish to present my views to the committee.

There are four points which I should like to make:

(1) The public schools have been designed as a unifying agency in our many-faceted society, and the introduction of any provision making for divisiveness cannot wisely be encouraged. The Becker amendment would, in my view, be such a provision.

(2) The Becker amendment would unleash upon us a Pandora's box of troubles in the form of questions which could not satisfactorily be answered or resolved.

(3) The issue now before the committee is not the desirability of prayer or the desirability of Scripture reading, but the right of the individual, child, or adult, to pursue his own way in religious matters, uncoerced by the state.

(4) With authority for the conduct of the classroom vested by the state in the teacher and the administrator, there can be no such thing as truly "voluntary" participation in classroom prayer or Scripture reading. Let us then proceed to these points.

(1) It is with pride that we speak of our public schools as the paramount agency for bringing together children of various origins, of different colors and cultural backgrounds. The aim is not that we shall all be made to become alike but that our differences shall be respected to our mutual advantage and to the advantage of the Nation. It is important that the schools have accepted these differences without embarrassment to the child, and have worked to promote shared experiences and common concern, without which it would be impossible for our multifarious society to function.

The absence of religious sectarianism from our schools has been most welcome because it has meant the absence of an unnecessary divisive force. Were we now to adopt the Becker amendment, we should be opening the door to such a force—always latent, we know, in our culture, but largely confinable to the private sector, to our voluntary churches, synagogues, and temples, and to other institutions which we are free to support or neglect, to attend or avoid, to strengthen or oppose, with the state helping none as against another and therefore truly strengthening each one. Even the certainly well-meant provision of the amendment for "voluntary participation" is in itself a divisive element."

(2) The Becker amendment would unleash into our midst many troublesome questions. May the teacher's participation in classroom religious exercises also be "voluntary"? Will teachers, on request, also be excused from prayers? In such a case, what will be the reaction of the pupils, who often look to their teachers as models or examples? Will some parents demand that nonpraying (in public) teachers be dismissed? Shall we thus then, in effect, be reintroducing a religious test for the employment of teachers—a practice long since abandoned.

Above all, there is the question of which prayer is to be used. Whose prayer? Taught by whom? Must the teacher be ready with a prayer to fit the child? Can any religion be advantaged by having some watered down form of common prayer recited, as the multiplication table is recited, by children whose parents may be in complete disagreement over forms of worship?

Whose Scripture is to be used? Various Christians groups read from different Bibles, in only a part of which they have common cause with the Jews. To other groups these Bibles have no validity, and to some it is repugnant to refer to religious matters in unsegregated classrooms. Each of the 264 national religious bodies has zealots in the wings, waiting for the opportunity to promote their own educational program with public support. Some teach their children that it is a sin to come to my church or to go to yours; some, that it is a sin to dance in the gymnasium. (I have been castigated and had sermons preached against me as a school official for allowing students to have dances in the high school gym.) Some, that it is a sin to read books that I might wish all youth to read.

Research studies in some of our larger cities have disclosed that in some classrooms with an average of 32 pupils, we may find as many as 22 religious affiliations or loyalties. How can a teacher find any religious verbalization that will not have potentiality for offense to at least someone in her classroom?

For me as a Christian, not the least troublesome among the many troublesome questions is one I should have to ask myself whether anyone asked it of me or not: How can I square this amendment with the specific admonition not to pray "to be seen of men" but instead to "enter thou into the closet" where prayer may be personal and individual?

The CHAIRMAN. In extending your remarks I wish you would put in that entire passage from St. Matthew.

(Subsequently, Mr. Rogers supplied the following:)

"And when thou prayest, thou shalt not be as the hypocrites are: for they love to pray standing in the synagogues and in the corners of the streets, that they may be seen of men. Verily I say unto you, They have their reward.

"But thou, when thou prayest, enter into thy closet, and when thou hast shut thy door, pray to thy Father which is in secret; and thy Father which seeth in secret shall reward thee openly."—Matthew 6: 5–6.

(3) I cannot underscore too strongly the point that the issue now before the committee is not the desirability of prayer or the desirability of Scripture reading, but the right of the individual, child, or adult, to pursue his own way in religious matters, uncoerced by the state.

It was because the Founding Fathers knew well the evils attendant upon such coercion that they chose to have none of it, and to protect us as yet unborn generations from those evils which we might be inclined to minimize because we lacked firsthand experience with them. Thus our governmentally controlled institutions were designed as "secular"—that is, civilly controlled, which is not necessarily the same thing as "godless."

I would like to stress that point because I heard Mr. Billy Graham equate these terms on one occasion.

The history of many major religions includes numerous acts of martyrdom of men and women who chose to stand up for their faith in the face of persecution, torture, and other forms of opposition.

You heard Mr. Pfeffer's quotations of the Catholics who had the courage to fight back when the public schools were dominated by Protestants.

Unfortunately that still is sometimes true and in some cases the reverse is true. It is indeed deplorable that faithful, conscientious human beings should be put to this kind of test.

Were we to authorize prayer in our schools, we should be imitating certain totalitarian countries whose classrooms I have visited, where teachers are required to teach atheism, and the schools to maintain museums of atheism where all religions are ridiculed and downgraded. In countries where there is aggressive, government-sponsored atheism, it is necessary for a practicing Christian, Muslim, or Jew to stand up and be counted, sometimes allegedly without penalty. But we know that there is a penalty, whether exacted by the state or by neighbors who make it difficult for the individual who deviates from majority practice. Some neighbors practice discrimination in such cases because they are weak, some do it because they are fanatics, and still others do it hypocritically because they think this demonstrates their own loyalty to their government by picking on their devout fellow citizens. This we do not wish to encourage in our land. The public schools have helped us free ourselves from these barbarities.

We come finally to the question of what can be done "on a voluntary basis" in a public school classroom where 30 or so boys and girls represent religious groups as various as Southern Baptist, Protestant Episcopalian, Hebrew (which has also its divisions), Roman Catholic, Greek, or Russian Orthodox, Muslim, Coptic, Unitarian, Ethical Society, Black Muslim, Christian Scientist, Unity, Quaker, Jehovah's Witness, atheist.

I ask you, gentlemen of the Congress, what can be the meaning of "voluntary" for a third grader among his fellows and under the surveillance of the state authority in his classroom, represented by the teacher standing over the class and the school administration in the principal's office?

The teacher assigns the child his lessons in the secular subjects comprising his ordinary school day. She directs him to recite his number tables, to write his grammar lesson on the blackboard, possibly to remain after school for not performing as the teacher judged he should have done.

Now this same teacher—this person of unique authority—invites him to "volunteer" in an act of religious worship in the presence of some 30 of his peers and under pressure from either their open stares or their furtive glances. Because his prestige among his peers is involved, there can be no real connection between his action and the generally accepted meaning of the word volunteer.

The child thus invited has two choices, both unhappy if he cannot wholeheartedly accept. He may (*a*) go along with the majority out of weakness or indifference or (*b*) he may stand up and in effect announce that he is not eligible to the "brotherhood" of his fellow students.

Not only are both these alternatives bad; they are unnecessary. Let us permit the first amendment to continue to protect the child from being thus led toward simulation and hypocrisy, and the sense of being subtly excluded from the brotherhood of man into which, according to our major religions—he was born.

I believe that the Supreme Court prayer and Bible rulings take religion away from no one and force it upon no one. That makes religious sense, too, in light of the announced desire of the inspirer of a great religion to "draw all men unto me" rather than to impose Himself. As a nation under the Constitution, as interpreted by the Supreme Court, we have chosen the dream of Roger Williams: The civil state and the secular or civic-controlled school rather than the Puritan oligarchy of early Massachusetts, which in the name of religion hanged Mary Dyer on Boston Commons. As Zechariah Chafee, Jr. points out in his book, "The Blessings of Liberty," which I commend to all Americans:

"If the noble ideal of the Puritan had persisted, there would be no godless schools in Massachusetts, and there would be nobody in her churches but Congregation lists."

I am a member of the Congregational Church myself.

In conclusion, I believe in the separation of church and state, for the sake of the church as well as the state, and for the sake of all our citizens. To allow prayer in the publicly supported classroom would be a violation of American tradition which has been found to be useful and sound. The principle of separation has served us well because it has afforded equal opportunity of religious worship to all faiths, the large and the small, including those of unpopular or unconventional approach.

Indeed, Congress shall make no law respecting an establishment of religion. So be it. And let Congress make no law favoring prayers or ritualistic religious observance in the public schools.

I would like to close my remarks, Mr. Chairman, with one or two brief observations. My interest is that of a schoolman, who knows the difficulties of implementing such things in the classroom. Religious differences have no equals that I know of in terms of havoc that can be wreaked in otherwise peacefully cooperating communities. I want only to shed light with reference to children and their parents and their concerns. To be nondenominational a prayer would have to be collaborated upon carefully. Would not a prayer composed by a process of collaboration automatically become an official prayer? You gentlemen have a difficult task. You will be castigated by some no matter what your decision. Some of you have made serious studies of the problem of separation of church and state. As a long-time schoolman I say that I cannot honestly conceive of a valid measure that could be devised that would accomplish the ends sought here, which I take to be allowing freedom of expression to a possible majority without offense or embarrassment in any form to a minority.

Much has been said in the discussions these past 2 days about the question of going back to the way things were earlier. They were in fact not so idyllic as some have thought. That is why at long last after a number of small eruptions down through the years the grievances finally surfaced dramatically in the form of the test case of the New York State Regents' Prayer. The question did not arise in the homogeneous community of my South Carolina childhood. But these questions do arise in the heterogeneous community of my little granddaughter's kindergarten. Her class includes one child from Japan, one from Nigeria, and two from Turkey. Her teacher is Jewish as are possibly a fourth or a fifth of the pupils in her room. Some children are Catholic, some children are Protestant of a whole variety of denominations. Even in the old homogeneous community how clumsy we must have been and how thoughtless. What heartaches and secret embarrasments we must have caused. How unbelievably patient some of our Jewish friends have been over the years. So let us not go back.

The wisdom of our Founding Fathers is something to be constantly marveled at. They could not have conceived of our present complexity of population. Yet they provided for it with an uncanny sureness of touch. Surely God must have guided these men to have enabled them to provide so wisely. It was the missionary Schweitzer who said that example is not the main thing in teaching others—it is the only thing. In the final analysis it is truly the only thing. So must any religion we have be communicated.

As automation provides us with more time outside our daily work, religion is one field toward which man may properly turn his interests.

Thank you very much, sir.

THE PESHTIGO FIRE

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. BYRNES of Wisconsin. Mr. Speaker, tomorrow will mark the 100th anniversary of the Peshtigo Fire, the most disastrous forest fire in our Nation's history. On October 8, 1871, a fire killed over 1,200 people and devastated over 900 square miles on both sides of the waters of Green Bay in Wisconsin, completely destroying the town of Peshtigo and other communities.

Over 800 lives were lost in the town of Peshtigo and several hundred more perished in other areas including the Door County peninsula. Over 2 billion trees were destroyed and property damage was estimated at over $5 million in 1871.

Fate decreed that the Peshtigo Fire fell on the same day as the "Great Chicago Fire" which claimed 250 lives in that city. The devastating nature of both fires was probably due to the same climatic factor. From June to October of that year only occasional rains fell in the Midwest. Both forests and buildings were ideally prepared to feed the flames.

On the west side of Green Bay the fire swept through an area 40 miles long and 10 miles wide in 4 hours, completely destroying the town of Peshtigo in less than 1 hour.

The citizens of the city of Peshtigo of today will be commemorating this great holocaust for the next 3 days, including a ceremony at a mass grave, where over 300 unidentified victims of the fire are buried.

The tremendous effects of this fire are well described in the following recent article by Dave Devenport of the Green Bay Press-Gazette, which I include as part of my remarks:

PESHTIGO REMEMBERS THE FIRE

(By Dave Davenport)

PESHTIGO.—Framed and hanging on the wall in a prominent spot at the Peshtigo Historical Museum is a yellowed copy of a newspaper, 100 years old and describing the horrors of a hissing hell.

It reads:

"There is little heart to write tales of these sad and fearful times. Eyewitnesses cannot describe them by word. The pen can only give an idea and hardly even that of the woe, the weeping, the wailing, the homes ruined, the lives lost . . .

"We say we cannot describe the scenes; we cannot. Infants clapsed in mothers' last embrace; actual lines of dead from the once happy farm house to the adjoining creek, charred groups, blackened corpses, crumbling bones, lacerated and torn members; the smiling babyhood a few hours past, the adolescent, the old, in the horrid heap of death, is all that is left of the country traveled over.

"The roads are strewn with dead horses, oxen, cows, swine, fowl. Even the untamed of the forest flew towards civilization for relief, only to find death in their flight . . ."

The words were a first-hand report in a semi-weekly newspaper The Oconto Lumberman. It was written by a reporter who visited the Peshtigo area on Oct. 9, 1871—the day after over 800 persons were burned to death in flames that resulted in the greatest loss of human life from a fire in American history.

Oct. 8, 1871, was a Sunday. The air hung heavy over the community that morning and a copper sun hovered above. It was dry. Nearly every day that summer was dry because 1871 was one of the most parched in the memory of northern Wisconsin settlers.

Only a shower in July and a drizzle in September had interrupted the drought that dried out the entire countryside. People went to church and went about their usual Sunday business and activities. Families settled down to Sunday dinners, others sat in saloons, drinking and playing cards.

By late afternoon, white ashes drifted into town. Because fires had spread in other areas, the people of Peshtigo knew what was coming. About 9 p.m., a red glow appeared over the tree tops. Then a rumble, a brisk wind, then flames.

Pine sidewalks were suddenly ablaze, buildings flashed into flames, housetops were torn away by the wind, marsh gas exploded—and people burned to death.

Over 800 lost their lives in the Peshtigo area alone. Men sought to save their families in homes and perished. Mothers ran with their babies, many of them collapsing in the streets to be engulfed by flames. Children were separated from their parents and were trampled by the fleeing crowd. Others simply sat down and waited to die, all hope abandoned.

But many ran for the Peshtigo River, which separated the east and west sides of town. Thinking the bridge over the river would provide safety to the other side, people from both sides clamored onto the structure, only to meet each other.

The bridge collapsed, killing many while others drowned. A girl's hair caught fire and she was turned into a living torch. One man carried his injured wife to the river, jumped in, turned and lifted whom he thought to be his wife into the water. He began to scream insanely when he found he had rescued another woman and his wife had burned to death.

Many who could not reach the river committed suicide. There was one report that a father slashed the throats of his wife and three children, then killed himself.

Those who reached the river crowded in with cattle and other animals. They dodged burning logs and bobbed their heads under water when their hair caught fire.

A woodenware factory was struck by a gust of wind and exploded, raining thousands of tubs, buckets, broom handles and other items into the river, steaming the water and burning dozens who thought they were safe.

People who lived in neighboring Sugar Bush also suffered, with over 100 lives lost. In an hour's time, nearly all of Peshtigo and Sugar Bush were leveled. The fire raged north and east, razed the tiny village of Birch Creek, Mich., but touched only the outskirts of Marinette and Menominee, Mich.

The fire raced toward Green Bay, destroying 68 buildings there. Flames, swept by the winds, devastated the peninsula, destroying all or most of Robinsonville, New Franken, Williamsonville, Brussels and Little Sturgeon.

Finally, it was dawn. Fires began to die down and an autumn chill moved in. Some who spent the night in the Peshtigo River died of fever and shock. But 150 persons made their way out of the water. Some slumped to the ground, others walked slowly into what had been their town. They found black posts, trunks of giant trees reduced to cinders, twisted iron railroad tracks, blackened bodies, charred remains of animals.

Some of the survivors told about a man named "Big John" Mulligan, a lumber gang foreman, who walked six miles to Marinette to shock the citizens there in telling them what had happened. Wagons filled with supplies were dispatched to Peshtigo and rescue teams began to collect and bury the bodies.

About 24 hours later, it rained.

When the toll of dead was finally tallied, 855 were dead in the Peshtigo-Sugar Bush area, 75 in the peninsula (Door-Kewaunee Counties), 22 at Birch Creek, and over 200 at logging camps and isolated homes scattered over the countryside.

There are many accounts of what happened that day. Mollie and Nellie Anderson were granddaughters of August Jacobson, who moved his family to Peshtigo from Sweden in 1870. The Jacobsons moved in with the Lars Hansen family, sharing a double house.

Mollie and Nellie wrote down what their mother had told them and their story has been printed and framed in another niche of the Peshtigo museum. They remember the men and boys fighting the fires day and night, the fierce wind whipping the flames, before their grandfather finally shouted, "Fire, fire, gather your family and run for the river!"

Hilma Jacobson, who was 13 then and later was to be the mother of Mollie and Nellie, took the hand of 5-year old Aagodt Hansen and they ran for the water, only to fall into a train table. They were pulled out by other members of the two families.

Hilma's mother tied her wedding ring in the corner of her shawl, but lost the shawl as she ran. Two sons, Charlie and Gus, were believed lost, but were found the next morning floating on a log.

Both families survived. As Mrs. Jacobson walked to the ruins of her home, she found the remains of her scorched shawl. The ring was still inside, but the gold had been damaged by the heat. The ring is on display at the museum.

Mrs. Cecil Engels, Marinette, also remembers hearing the story several times from her mother, Katherine Hale LeBlond, who was the daughter of Levi and Hannah Hale.

"The town was almost encircled by forests, and the men in the town had been concerned for some time with the small bonfires left by picnickers and maintenance men on the railroad . . . For some time the fire, coming in their direction, had worried the men of Peshtigo.

"Finally, they plowed a wide strip of land all around the town. They thought the fire could not burn the freshly turned soil, and any place where it might get a foothold could be controlled . . . They had not taken into account winds of hurricane force."

Mrs. Engels said the family was eating their evening meal "when Grandpa excused himself, saying he was going upstairs and take a look out of the west window at the fire. He said quietly to Grandma that she should pack anything precious she wanted to save right away as he feared there might be trouble before morning. He then left and went out to the barns.

"But by this time Grandpa was not calling, but yelling to drop everything and get to the creek or be burned . . . Fire was everywhere." According to Mrs. Engels, they grabbed some large pans to keep their faces and hair wet.

"At last morning came, and they emerged from their all night bath, wet, cold and hungry. They went across to the stone basement of what had been their home. It was built into the side of a little hill, and the upper portion of the house had been entirely blown or burned away.

"According to Mother, Grandpa then built a bonfire from the remains of the back fence and the wood pile, and they dried their wet clothes. While their clothes were drying, Grandpa was anxious to see what happened in the town and went down there.

"When he returned, he came and put his arm around Grandma and said, 'Hannah, everything that we have worked for and saved for years is gone, but every person I have talked to downtown has lost at least some loved one, some three or more. We must never complain, we are rich indeed. We have each other and our two girls.' "

Mrs. Engels said her mother told her that even though she was only a little girl, she would always remember her father's story of devastation downtown—weeping mothers, crying babies, no place to go and nothing to eat.

Peshtigo will commemorate the tragedy with a centennial Oct. 8–9–10. Several activities will be included, and church bells will toll for five minutes before a procession starts from the Chollette Hotel late Friday afternoon to the mass grave and monument. Over 300 unidentified bodies were buried there.

WACL CONDEMNS TRIP TO PEKING

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. SCHMITZ. Mr. Speaker, the fifth conference of the World Anti-Communist League was held in the Philippines from July 22 to 25, 1971. Attended by 251 delegates from 44 countries, the conference passed a number of resolutions, one of which I include in the RECORD for the edification of my colleagues:

CONDEMNING THE PROPOSED TRIP OF PRESIDENT RICHARD M. NIXON TO COMMUNIST CHINA

Whereas, the projected trip of President Richard M. Nixon of the United States to Red China will surely undermine our purposes and ideals as an organization;

Whereas, it is not our purpose in registering this objection to interfere with the internal government of the United States;

Whereas, we believe that as citizens of Latin America and of the entire free world it is our duty to inform President Nixon of the catastrophe that will certainly engulf the whole free world if he carries on this trip on invitation of Mao Tse Tung:

Therefore, Be it Resolved:

1. That this resolution be issued by the WACL in its 5th Conference so that the whole world may know what dire consequences will follow in the event that President Nixon carries out this objective to visit Red China.

Be it further resolved that we register our protest to Mr. Nixon himself because of the following reasons:

1. It is well known that in accordance with our historical experience talks with the Communists have never produced beneficial results because the Communists have not been able, or have not wished to fulfill their own promises nor have the Communists observed solemn treaties like those of Potsdam, Yalta and other places, a fact which have enabled the Bolsheviks to subjugate the peoples of Central Europe, to imprison and enslave them in concentration camps within the Iron Curtain;

2. To extend a hand to Mao Tse-tung and his cohorts of despots is tantamount to giving him an indemnity for his criminal treatment and aggression against millions of Chinese who have been deprived of liberty and human rights, making them victims of his crimes and acts of gangsterism, drowning them in seas of blood in what has been called the "Great Leap Forward" and the "Cultural Revolution";

3. That since President Nixon who has sought to get an invitation from Chou En-Lai gives the whole world the impression that the United States has capitulated in two world wars to Red China, once in Korea where a treaty has not been definitely concluded and in Indo-China with the result that the countries affected will have to think of the United States no longer as their defender and renouncing its role as a leader of the free world especially after the Second World War;

4. The proposed visit fortifies the policy by those who wish to have Red China admitted into the United Nations and the recognition of two Chinas is an absurd policy since the Charter of the United Nations accepts only one China in the Security Council and therefore if Red China is admitted it means the elimination of Free China which will also be abandoned forcing Generalissimo Chiang Kai-Shek who has always stood for liberty of the Chinese people who are now subjugated in Mainland China and also for the progress and welfare of humanity;

5. Because we are quite sure that this projected trip of President Nixon which will be disastrous to the Latin American Countries because it will strengthen the Cuba-Chile axis and because it will be the political purpose of unscrupulous leaders of Latin America who wish to be counted among the friends of Cuba to incorporate the O.E.A. with the sinister plans of Fidel Castro and his associate Salvador Allende in the internal plots of the "OLAS" which seeks to make new colonies of Bolshevik imperialism.

THE PROBLEMS OF ADJUSTMENT ASSISTANCE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. FRASER. Mr. Speaker, the President recently took drastic unilateral action in an attempt to deal with the problems facing the United States in International Trade. However, the imposition of the 10-percent import surcharge and requests for discriminatory tax legislation against capital goods from other countries are steps that create additional barriers to trade.

These steps are not the only ones that could have been taken by the administration. They have had a startling international impact. However, the very real employment problems, in part stemming from trade disruptions, were ignored. No direct assistance to meet the needs of the unemployed was proposed. It is apparent from the following three letters that the administration does not have a clear idea on how to deal with trade disruption. Over the past 5 months I have written to the Treasury Department, the Department of Commerce, and the Department of Labor. Simply stated, I wanted to know if it would be possible for workers to receive adjustment assistance during a "dumping" investigation under the Antidumping Act of 1921.

The Tariff Commission believes that to make this assistance available, Congress would have to pass a law. The Secretary of Commerce, chairman of the Inter-Agency Adjustment Assistance Advisory Board, believes a worker can apply for adjustment assistance during an antidumping investigation. The Board, however, apparently is not investigating this possibility. The Secretary of Labor in effect said adjustment assistance was a problem of the Tariff Commission.

The recent report submitted to the President by the Commission on International Trade and Investment Policy recommended significant changes to ease access to adjustment assistance. Also included is a recommendation to create an Office of Trade Adjustment Assistance to improve the administration of this expanded program. Careful thought must also be given to widening the availability for assistance to workers to include the Antidumping Act of 1921. The existing proliferation of agencies concerned with this problem has aggravated the situation and has stifled all administrative means for improvement. The letters referred to follow:

U.S. TARIFF COMMISSION,
Washington, D.C., June 23, 1971.
Hon. DONALD M. FRASER,
House of Representatives,
Washington, D.C.

DEAR MR. FRASER: A copy of your letter of March 24, 1971, addressed to Mr. Eugene Rossides, Assistant Secretary of the Treasury, has been referred to us for comment on your inquiry as to what needs to be done to afford temporary Governmental assistance to workers who have become underemployed or unemployed obstensibly because of the effects of dumped foreign goods on the plant in which they worked. You propose such assistance be given during the period in which the Treasury Department makes its investigation of alleged sales at less than fair value.

Your question relates to a matter of legislative policy. In our field of experience the Congress has only granted assistance to underemployed and unemployed workers under specified circumstances. Proof of the existence of such circumstances must be established before the worker becomes eligible for the assistance. Until their eligibility is proven no relief has been granted, although it may be granted retroactively once eligibility is proven. For example, the adjustment assistance provisions of title III of the Trade Expansion Act of 1962 work in this manner.

The Congress has not as a matter of policy provided for any form of direct assistance to workers who may be hurt by reason of dumped imports. The Antidumping Act, 1921, as amended, seeks to protect domestic industries from injury caused by dumped imports. In this respect, the workers' jobs are afforded a degree of protection. However, the Act affords no more protection than that arising as an incidence of the protection afforded to the industry. If legislation were to be enacted to afford assistance as proposed by you, it is believed that the legislation might appropriately be made a part of the Antidumping Act.

Sincerely yours,
GLENN W. SUTTON,
Presiding Commissioner.

THE SECRETARY OF COMMERCE,
Washington, D.C., July 23, 1971.
Hon. DONALD M. FRASER,
House of Representatives,
Washington, D.C.

DEAR MR. FRASER: This is in response to your letter of June 22, 1971, suggesting that the Adjustment Assistance Advisory Board investigate the possibility of revising the Trade Expansion Act of 1962 in order to expand the benefits provided under the adjustment assistance provisions to include the Anti-Dumping Law of 1921 as amended.

At the present time it is possible for workers to apply for adjustment assistance at any time, including the period during which an antidumping investigation is underway by the Treasury Department. Under existing law, so long as the workers in a plant meet the tests of the statute as to imports being the major cause or threat of injury resulting in unemployment, adjustment assistance may be granted.

It would seem, therefore, that two objectives underlie your suggestion: first, to make it easier for workers to qualify for adjustment assistance; and second, to increase the benefits to unemployed workers determined to be eligible for adjustment assistance. The Administration, in last year's Trade Bill, proposed precisely to do this. However, the bill, after passing the House, failed in the Senate.

As you know, there are two major aspects to adjustment assistance—relating to industry and to workers. Commerce is mainly concerned with the former and the Labor Department with the latter. Both Departments have studies underway to come up with proposals to improve adjustment assistance policies and operations subject to their jurisdiction. I suggest that you may wish to write to Secretary of Labor Hodgson to learn at first hand what the Labor Department has in mind respecting adjustment assistance for workers.

Sincerely,
MAURICE H. STANS,
Secretary of Commerce.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, September 2, 1971.
Hon. DONALD M. FRASER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FRASER: In your letter of August 12 you raised questions concerning our activity in publicizing the adjustment assistance program and about steps we are engaged in that would lead to a liberalization of the adjustment assistance criteria.

With respect to the problem of easing the adjustment assistance criteria, you are aware that the Administration proposed legislation in the last Congress (The Trade Act of 1969) that would have significantly eased the criteria whereby workers gain access to the adjustment assistance program. This legislation failed to become law and new legislation has not yet been submitted. The Labor Department actively participated in the drafting of the Administration bill especially in the sections dealing with adjustment assistance and we are currently engaged in a thorough review of all aspects of the adjustment assistance program in preparation for the time that the President decides to propose new trade legislation.

On the matter of providing workers with information about the program, my adjustment assistance staff under the sponsorship of the Manpower Administration recently conducted a series of regional conferences to explain the program to federal regional Manpower Administration officials, State Employment Security Administrators, representatives from organized labor and representatives of the business community. Prior to that, we participated in a special conference of the Industrial Union Department (IUD) of the AFL-CIO which was devoted solely to the adjustment assistance program.

Other Departmental actions which increase the public's awareness of the adjustment assistance program include the issuance of press releases whenever an adjustment assistance certification is issued and the provision to all local employment security agencies of current reports on adjustment assistance activity.

In addition, we routinely communicate with unions and workers to provide them with information and assistance on the filing of adjustment assistance petitions with the Tariff Commission.

I also want to respond further to your concern about the ability of workers to file for adjustment assistance while an anti-dumping investigation is in progress. You should understand that the Anti-Dumping Law of 1921 does not provide for adjustment assistance. Workers seeking adjustment assistance who might have a stake in the outcome of anti-dumping proceedings would still be required to petition the Tariff Commission under the provisions of the Trade Expansion Act of 1962.

The Tariff Commission, if it accepted the petition, would conduct an investigation of the workers' situation to determine whether the criteria of the Trade Expansion Act have been satisfied. This procedure would follow regardless of the outcome or progress of an anti-dumping investigation.

Please let me know if I can be of further assistance.

Sincerely,
JAMES D. HODGSON,
Secretary of Labor.

THE AUTO INDUSTRY'S FUTURE

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. HARVEY. Mr. Speaker, the U.S. automobile industry, reaching into every one of our 50 States and practically throughout the world, is facing a critical point in its history. I believe John J. Green, Sunday magazine writer, for the Sunday News magazine, a supplement produced by the Detroit News, Detroit, Mich., has authored what I consider an excellent article entitled "The Auto Industry—A Giant Besieged." He has presented an extremely fair appraisal of an industry in which 700,000 citizens are employed—one out of six Americans are directly or indirectly associated with this industry.

One of his revealing points centers on the impact of the import of foreign cars into the United States. He wrote:

> It is estimated that for every percentage point of imported car sales in this country, there is a corresponding loss of from 20,000 to 25,000 U.S. automotive jobs. Last year the imports reached 15 percent.

I bring this fine article to the attention of all Members not in defense of the auto companies and their hundreds of thousands of workers throughout this land—for they need no defense. I do so only to provide information to all Members of an extremely serious situation and the unusual circumstances that have and may continue to confront this industry:

THE AUTO INDUSTRY—A GIANT BESIEGED

(By John J. Green)

Until the announcement of President Nixon's new economic policy in August, most economists in and out of the auto industry agreed that the deck of cards had been stacked against Detroit.

High tariffs abroad for U.S. auto exports were matched by low tariffs at home for growing foreign imports. New and costly safety regulations issued by the government and demands for equally costly emission controls added to the enigma.

Ross J. Wilhelm, a University of Michigan economist, sees the 1970's as a decade in which the American automobile industry will be engaged in "one of the great competitive battles of the century."

"The enormous competitive battle which is shaping up in the industry will decide how many cars are produced in the United States 10 years from now.

"If the American firms lose, there will be far fewer jobs here building cars. It is obvious that the auto companies are preparing for the battle of their lives. One wonders how long it will take unions and the federal government to realize what's at stake, how long before they begin to support instead of fight the manufacturers," said Wilhelm.

This was before the Nixon economic message to the nation in August.

Under almost constant attack from consumer advocate Ralph Nader, public sensitivity to defects mounted and costly callbacks followed costly callbacks.

Stockholders meetings were beset by contentious groups seeking new concessions on such things as the companies' investments in apartheid South Africa or pollution of the environment from the belching smokestacks that in earlier years were considered the symbol of economic well-being. Ford's investment in plant emissions alone over the last decade has totaled more than $130 million, one of a dozen new cost items that in other years would not have been figured into the costs of doing business.

Threatened by class action owners' suits, unnerved by changing markets, stung by a multitude of incidents, including the actual "burial" of a new car by a West Coast ecology group, the industry was dazed as it entered the 1970's.

In mid-September as the '72 model introductions began, "Wheels," a best selling book, hit the bookstands. Its impact has been to heap more criticism on the industry, even impugning the basic ethics of its leading executives. At one point the author advises the public not to buy a car unless it's made on Tuesday, Wednesday or Thursday, implying that workmanship on other days is poor because of high absenteeism for long weekends.

Until President Nixon acted, placing the 10 percent surcharge on imports and eliminating the 7 percent domestic excise tax on new car sales, 1972 was beginning to look like the industry's "last stand."

The Wall Street Journal observed that "Detroit's money machine is out of whack!"

It was, and, in the eyes of close observers, it still is.

"It's an industry in confusion," said one Ford official.

The Nixon game plan for the dollar may have purchased import time for the industry to clear its decks for the coming economic battle for world car sales, but it did little to bring order back to an industry that, above all else, prided itself on efficiency, flawless assessment (with the exception of an Edsel here and there) of trends and predictable profits.

Even as late as the early 1960's, the industry felt confident as ever, having beaten back decisively the "first invasion" of foreign compact cars with GM's Corvair, Ford's Falcon, Chrysler's Valiant, and American Motors Rambler. But confidence bred defiance and the U.S. firms got out of "Smallsville" as quickly as they had gotten into it. By 1971, the small car phenomenon had grown into much more than that.

This year, after frantic restyling efforts with attendant huge costs, the industry is on its way to slowing down the second invasion of small cars with its three subcompact entries. The Nixon policies will help, spokesmen say.

It is at home where the industry is living a kind of schizophrenic existence, wavering precariously between rising pressures of labor and materials costs and the increasing demands of its critics in and out of the government.

In the middle of the controversies is the 700,000-man army of U.S. workers who rely on the health of Detroit for their bread and butter.

The import growth may have already taken its toll.

It's estimated that for every percentage point of imported car sales in this country, there is a corresponding loss of from 20,000 to 25,000 U.S. automotive jobs. Last year the imports reached 15 percent.

GM's vice-chairman Richard C. Gerstenberg says the problem of Foreign competition is not limited to the auto industry, but extends to others including steel, shoes, textiles and electronics.

"The movement of important industries away from the United States should seriously concern every segment of our society.

"You would expect the reaction to be one of alarm.

"Our people don't view the problem with the sense of urgency it should command."

Ford president Lee A. Iacocca, presents a stripped-down assessment of what an unchecked foreign invasion could mean.

"The experience of the U.S. home radio industry in the 1960's suggests the direction in which the U.S. auto industry may be moving in the 1970's," he told an industry meeting.

In the '60's, sales of home radio sets in this country doubled. But by 1969, more than 90 percent of them bore Japanese labels.

In Michigan, where, according to the Automobile Manufacturers Association, one of every three domestic passenger cars on American roads is made, even a partial fulfillment of such a development would be disastrous.

Foreign competition is but one of the new pressures.

For the last two decades, there has been little in the way of good news for the executive board rooms at GM's headquarters in Detroit's New Center area or for those at Ford's "Glass House" in Dearborn.

The industry feels it has become a whipping boy for all that's wrong with the nation and the world. "Holding the industry's feet to the flame," is the way Henry Ford II, puts it.

Such feelings are widespread among the executives who have adopted a "what can come next" attitude toward the fast-moving pace of social and economic change. Ford, besides publishing a daily in-house news clipping service detailing what the world is saying and doing about automobiles, runs its own videotape television network beaming newscasts and flashes of latest production statistics throughout its World Headquarters building in Dearborn.

Government controls in safety and ecology have been costly. Ford's Iacocca has suggested the possibility of a $3,000 Pinto by 1975, if all the regulations are to be met.

The $1,000 price increase, says Henry Ford II, would include $600 for compliance with safety and emission standards, $200 for passive restraint systems and $100 for bumper regulations. In the marketplace, this could add a $10 billion addition to car price tags.

"After that, said Iacocca in his oft-quoted remark, "they won't have the automobile to kick around anymore." He meant it wouldn't be here.

The industry questions the creation of standards that car owners are reluctant to accept—seat belts with 30 percent use and shoulder straps with but four percent useage, according to surveys. The final irony, in the opinion of industry spokesmen, is the new demand for the passive restraints by 1974 that could force the driver to pay for air bags with doubtful effectiveness.

Henry Ford complains that such uncertainties not only commit the industry to hasty and expensive styling, but raise the prospect of annual restylings to accommodate restraint mechanisms and other government-mandated changes.

"This," he says, "at a time when we are trying to cut costs by reducing annual changes."

Everywhere new pronouncements issue forth.

The industry reasons it has been placed in the position of absorbing the costs of the human carelessness of its customers with bumpers that must withstand collisions to cut down on the repair costs of owning an automobile. By 1973, the new bumpers must withstand at least a five-mile-an-hour barrier collision. While tooling up for this, the industry is next informed that by 1976, the bumpers must withstand 30-mile-an-hour crashes.

Most cars, already 90 percent home in compliance with earlier emission standards were confronted with new, more stringent standards to reduce emissions by 90 percent from 1970 to 1975.

The industry feels the final few percentage points of emission control are unnecessary and too costly a burden.

Of the new emission standards, GM's Gerstenberg says:

"The last short step toward perfection will be very difficult. As every mountain climber knows, the last 10 percent is always the hardest.

"Perhaps the cost will be more than the individual American will feel it's worth."

"You'll be able to get down and breathe the exhaust right from the pipe," said one Ford official.

"What has been going on in the industry is one of the greatest acquiescences of all time, and still they're needling the hell out of us," he said.

Each facet affects overall styling and engineering budgets to the detriment of traditional model changeover and, for an industry that cut its teeth on changeovers, the effect was traumatic.

But the industry is not at all sure these days just what part cosmetic styling plays today or will play in the future of sales.

While critics of "planned obsolescence" applaud, marketing people wonder what it means in annual sales.

While sinking vast sums into compliance with standards, the industry has diverted enormous portions of its estimated $1.5 billion annual tooling costs to meet the apparent high demand for smaller cars.

Meanwhile, wages have soared beyond productivity increases at home and in the face of increased productivity of workers abroad. So have wages in other industries, such as steel, adding to costs of materials that go into a car.

"A car bumper," said Ford economist James W. Ford, "doesn't care where it's installed or how much it costs, whether at $1.50 an hour in Japan or $6.50 an hour in the United States."

Neither does the buyer. And in an international industry, the difference to the producer in the marketplace can be disastrous.

Less obvious pressures have beset the industry in the last decade. The move to the suburbs added new, unexpected costs—such things as the shift of dealerships out of central city areas. Ford alone spent several hundred million dollars in moves in just a few years.

The prospect for the industry has been that of turning out a product that cost more to build for less per unit profit margin.

According to Iacocca, profits in the industry have been "cut to the bone."

In other years, industry complaining might have been dismissed as poor-mouthing, but in 1971 the telltale downward lines on performance charts grew alarming.

In the five years from 1965 to 1970, GM slipped from 10.3 percent net profit on sales to 7 percent, Ford from 6.2 percent to 3.5 and Chrysler from 5.4 percent to a red ink year. AMC saw three consecutive red ink years before it managed a less than 1 percent profit margin.

As automotive company profit margins shrink, the stocks become less attractive to blue chip investors. For an industry once all but impervious to day to day effects of the economy, things such as a new styling demand, a strike or the failure of a model in the marketplace can scare investors away.

Arvid Jouppi, an investment analyst with Detroit's William C. Roney & Co., has kept close books on the automotive scene. He sees GM's 7 percent margin as a rock bottom for the company if the industry as a whole is to remain healthy. GM is the traditional industry leader and a dip in GM's profit margin below this level could mean trouble, not only for GM but for the other car makers, he says.

Operating in the same economic limits, all must follow the leader in pricing and in pegging profits. Should GM decide to live with less than 7 percent, the others would have to follow to hold their share of sales. Economists believe the smallest, AMC, would find it difficult to survive with even a 1 percent drop in its profit margin.

As cost pressures increased at home, the Big Three began investing abroad, a point of great concern to people such as Irving Bluestone, a United Auto Workers Union executive.

"They should be investing at home where the unemployment is," says Bluestone.

Bluestone believes the U.S. industry "goofed" badly by abdicating its small car lead during the mid-'60's, and an air of recrimination pervades Solidarity House over this issue. Bluestone says an item gaining prominence on his union's legislative agenda is that of a watchdog agency to monitor foreign investment.

Auto industry spokesmen say limiting foreign investment would be self defeating. "It wouldn't create any new jobs at home," said one.

Rather, says the industry, foreign investment has made possible economic survival during the past high pressure years. Returns of foreign investments are becoming bigger and bigger factors in year end profit columns.

Prof. C. C. Killingsworth, Michigan State University manpower expert, feels the natural trend will be toward a leveling off of employment in the industry.

"It happens," he said, "when productivity gets out of balance with growth in sales. It dictates a decrease in total employment. Look at the farm situation when productivity became two or three times the growth in sales."

In his view, the U.S. industry is not "going to crumble before your eyes, but it's going to change."

Unions are acutely aware of what is happening to the domestic work force.

UAW membership has slipped to 150,000 below a peak of three years ago.

From a relatively small number a couple of decades ago, Big Three foreign employment ranks have swelled to the point where the industry is close to a one-to-one proportion between foreign and domestic workers. In 1970, GM's U.S. employment was 349,000. It employed 340,000 abroad. Ford employed 299,000 at home, 192,000 abroad. Chrysler employed 129,000 American workers and 99,000 abroad. At the current rate of growth, foreign employment by GM and Ford could pass domestic employment figures in five years.

So job losses at home can be extrapolated, not only from the foreign import figures of foreign producers but from cars and car parts shipped in by subsidiaries of the Big Three. About 10 percent of all the imports are made by such foreign subsidiaries, says Bluestone.

Now consider Lordstown, Ohio, where GM has built a $100 million assembly plant for its Vega. The total Lordstown investment has been estimated at close to $200 million.

"Lordstown is the wave of the future," says one GM economist.

If it is, then even more automotive jobs are facing the ax.

At Lordstown, a highly automated facility, even bumpers are installed by robots. Hoped-for production savings run to 10 percent. Its 100-car-per-hour capacity makes once-vaunted industry claims of 60-car-an-hour assembly lines seem modest.

The industry, in economic jargon, has become "capital intensive" rather than "people intensive."

What this means is fewer jobs.

Cost-cutting is the watchword throughout the industry.

There are about 40 fewer models this year in the industry's showroom array than there were last year. The result: lower tooling costs. A Ford move toward "back-to-back" production launch of its cars (running one year's model run up to the next year's with a weekend halt) cuts costs too—and jobs—both inside and outside the actual car manufacturing business.

Parts suppliers have been hurt badly. One Detroit plant doing plating work cut out an entire shift of workers, a direct result of the tooling economy waves.

"During the next decade," says GM's President Edward N. Cole, "we can expect significant changes in products. in design, manufacturing, in marketing and in management . . . and they will be at a faster pace than in the past."

Already, in just a few years, GM has pared nearly 50,000 parts from its total inventory. Each of those parts in some way provided somebody's weekly paycheck.

The suppliers have been going through their own special agonies during the decade of automotive revolution.

Gilbert F. Richards, president of the Budd Company, a major parts supplier, is angry about foreign content provisions around the world.

Foreign investors welcome U.S. know-how, but they insist that a high percentage (as high as 50 percent in some countries) of the content of cars assembled there be fabricated in their country.

For Budd, which must respond to the auto manufacturers' needs, it can mean building expensive new parts plants abroad, far from the vital, highly skilled work forces at home.

Richards would like to see the United States impose similar content provisions on importers of cars here.

The slippage of automotive jobs from the U.S. scene is troubling.

The only balm the industry can offer is that the jobs left will be better jobs requiring higher skills. If the industry has made the correct decisions and is able to pick off some of the rich new car markets abroad in the years ahead, says Jouppi, then Detroit and Michigan, still the richest store of such skills, could experience a new car wealth boom.

According to Gerstenberg and others, productivity is the key. "If we achieve it," says Gerstenberg, "we will open up opportunity."

It is the Ifs that nag the Fords, Riccardos, Chapins and Roches, for in a fast-moving economy, they cannot be certain.

Jouppi feels that foreign imports will be beaten back by the U.S. generation of subcompacts (Vega, Pinto and Gremlin) leaving the imports at about 12 percent.

Most observers feel now that what the industry needs is time and some breaks from its critics.

The Nixon policy pronouncements of August provide some time.

From all indications, the additional import tax is having the desired effect of making U.S. cars more price competitive at home and abroad at the same stroke.

Jouppi sees the small car accounting for 50 percent of all new car sales by 1976. Translated, this would mean that in a 12 million car year, 6 million would be small cars. But Jouppi sees the U.S. makers supplying 75 percent of the small cars, leaving 25 percent for the foreign importers.

Yet the future holds great uncertainties. In plunging into the small car field is Detroit leaving its traditional big car flanks exposed? There are indications that European car makers are learning things about "market segmentation" and rising costs that Detroit learned in the 1920's.

Despite favored company status in their own countries, there are serious problems emerging, including skyrocketing wages.

Volkswagen is under pressure to stem the tide of Italian Fiats entering Germany and in Italy, the Fiat has been forced to upgrade its products which are getting as large as the old U.S. compacts of the 1950's.

Rising affluence may work the same pressures on foreign makers to build fancier cars and charge more.

The U.S. industry could gain from this.—If.

"If," says Godfrey E. Briefs, a GM economist, "we lick our inflation while they (other nations) take a bath in their own."

Detroit cannot afford to abandon the position of style maker of the car world anymore than Paris can afford to abdicate as the maker of clothing fashions.

"There is a fear in Detroit arising from the longer body style cycles . . . The sharpest people are concerned that the domestic producers will get locked into high-cost automation and Japan and Germany will take up the fashion part of the automobile industry—introducing annual changes into their cars," says Jouppi.

Said Briefs:

"We started out competing in the small car field. Now, as we add onto the small end of our lineups, they are adding onto the big end of theirs. Maybe, the final competition will be in the overlapping areas."

How it will end, few know and none will say.

"The company to watch," said Jouppi, "is GM. A graph of GM profits is a history of this business. If GM can't make it, then nobody can. And that's like saying that if IBM can't make it in computers, then nobody can."

Maybe what they're trying to say is that Charlie Wilson was right.

EQUAL RIGHTS AMENDMENT—RARICK REPORTS TO HIS PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. RARICK. Mr. Speaker, I recently reported to my people on the equal rights amendment. I insert my report in the RECORD at this point:

RARICK REPORTS TO HIS PEOPLE ON THE EQUAL RIGHTS AMENDMENT

In recent telecasts, I indicated that busing of school children to achieve some distorted racial balance formula was illegal under our Constitution and but a training exercise to prepare parents for future things to come, conditioning parents to accept more controls over the rearing of their children through so-called child day care centers, child advocates and other child development proposals. I expressed to you my fear that we face a real and present threat of growing federal control of rearing children making them, in effect, political children, that we are training them for a planned collectivist society—the opposite of life in America as we have known it.

On September 30th, the House of Representatives by a vote of 186–183 passed the Comprehensive Child Development Act amendment to the OEO bill. September 30th was a dark day for America. The Orwellian nightmare of 1984 is fast becoming a reality in America of 1971. The Federal government is on the verge of being authorized to take over our children.

Similar child development legislation was passed by the Senate on September 9th. There are small differences to be worked out in the two bills. The matter has now gone to a conference committee. There is a possibility that the bill may be returned to the House and Senate for another vote. However, the House version of the bill could be accepted and sent to the President for signing into law as is.

Today, I thought we'd talk about another legislative proposal which if enacted in its original form would further destroy the traditional family unit which has for 1900 years served as a pillar of Western civilization. The House will be considering soon the so-called "Equal Rights Amendment" the effect of which would destroy any distinction at law or custom between men and women.

The Amendment to the Constitution provides simply that "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex."

And believe it or not if you do not support full integration of the sexes you are called a "sexist."

The Judiciary Committee by a close vote of 19 to 16 amended the bill by adding:

Section 2—"This article shall not impair the validity of any law of the United States which exempts a person from compulsory military service or any other law of the United States or of any State which reasonably promotes the health and safety of the people."

The purpose of the added section is to make it clear that Congress can exempt women from compulsory military service and that Congress and the State legislatures can make allowances for differences between the sexes in enacting laws which reasonably promote the health and safety of the people for example separate but equal rest room facilities.

The purpose of the Equal Rights Amendment with the added Section 2 would be to prevent discrimination between women and men under the equal protection clause of the United States and of the States. It would also remove the likelihood of judicial chaos in the courts should the original resolution ever be adopted.

It is argued that the word "equality" in the original amendment is intended to assure that men and women are extended "identical" legal treatment. That would mean that the courts would be compelled to interpret the amendment as a mandate—an order—to eliminate all statutory sex distinctions. The courts would be forced to follow this line of reasoning and many revolutionary and undesirable results could be produced. For example, women, including mothers, would be subject to the draft, and the military would have to assign women alongside men in combat units. In fact, the backers of the original resolution say this is a sought after freedom—that women should have the opportunity to fight and die for their country. We can suppose they refer to someone else's daughters not theirs. The effect of requiring women in combat would be devastating to the military. Every citizen should ask himself: "If the military must assign all personnel to combat and support unit, without discrimination on the basis of sex, and if separate facilities are not permitted for men and women, will the military be able to discharge its function of providing for the defense of this nation?"

This same interpretation by the courts would invalidate protective work laws reasonably designed to protect the health and safety of women, or it might relieve the father of the responsibility of support of his children and their mother and place in doubt the legality of the many support decrees presently in existence.

Proponents of the original amendment are fighting the added Section 2 saying it defeats any effective constitutional amendment to provide equal rights for men and women.

The basic idea of the Equal Rights Amendment seems to be that sex must not be thought of as a factor in determining the legal and social rights of women or of men. Consequently, the treatment of any person by law should not be based upon the sex of the person. There would no longer be men and women, only persons.

Article IX and X of the U.S. Constitution have traditionally left control of education and the regulation of health and safety of citizens up to the individual states. However, as a result of thousands of law suits encouraged by the Civil Rights Act of 1964 and similar legislation the federal government has usurped state powers in an effort to break down the so-called color barrier. If the Equal Rights Amendment is passed in its original form, we can look forward to a great deal of litigation which could be expected to further weaken State sovereignty by a federal attempt to break down the sexual barrier.

The recommendation made by President Nixon's White House Conference concerning the family is an indication of this. The traditional family relationship of father and mother living in the same house with their children, a normal home, is referred to as a "nuclear" family. But because of the changes which conventional moral standards are undergoing, the typical home family alone was regarded by the "family experts" as not sufficient. So, the Conference recommended legal approval of a commune family, group marriage where adults and offspring are known as one family in which all individuals are married to each other and all are parents to the children. Still another type family would be the homosexual couple and child family.

In view of the arbitrary decisions of federal judges these days, there is a likelihood that numerous unusual situations might arise from adoption of the Equal Rights Amendment. Let's take a look at only a few.

The jobs of collecting garbage, ditch digging, and of delivering mail have traditionally been done by men because men are better equipped physically to do these jobs. But with the original Equal Rights Amendment in effect, we can expect the American Civil Liberties Union or the Legal Aid Society to bring suit on behalf of a few women demanding that women get their proportionate share of these jobs. And we can expect the Supreme Court to rule after all legal appeals have been exhausted, that the local sanitation department, labor unions, and the U.S. Postal Service must hire such a percentage of women as the total number of women is to the total population.

The same situation could apply to school faculties and even to the student body makeup. We might even see busing of women to overcome sexual imbalance.

In general, labor laws which confer special benefits upon women would have to be extended to men or be invalidated.

The States have traditionally legislated regarding the minimum age of marriage. In every state the age of consent for marriage differs. Then too we have an age discrimination between young men and women for insurance rates. The ultimate effect of the amendment would be that the States must set the same age for both men and women—a further erosion of State sovereignty.

The Equal Rights Amendment would likely necessitate changes in State laws regarding family support, rights of husbands and wives, ownership of property, community property, grounds for divorce, alimony, and custody of children.

If it is natural that the social and economic conditions of women should in some way be altered on account of socialistic changes being forced on the world of the Twentieth Century then why by shot gun approach? The government should adapt the civil rights of women to modern needs and requirements, taking into account the natural disposition and temperament of the female sex, good morality, and the family welfare; or better yet, let the states make any changes their people desire.

The original Equal Rights Amendment as the comprehensive Child Development Act if implemented would weaken and eventually destroy the traditional family unit and hasten the planned socialistic society. In many respects these two bills are companions—one supplementing the other.

Total socialism is communism. Under communism the emancipation of women is proclaimed as a basic principle. The woman is withdrawn from the family and the care of her children and is thrust into public life and collective production under the same conditions as a man. The collectivity or commune looks after the children. Also, the right and responsibility for education of children is denied to parents and becomes the exclusive prerogative of the community under state control.

Based on such materialistic foreign and alien philosophies, human society would become a collectivity with the economic system supreme. Its one mission would be the production of material goods by collective labor so that the goods of the world might be enjoyed in a utopia where each would give according to his capacities and would receive according to his needs.

Both the comprehensive child development programs and the original Equal Rights Amendment should be soundly rejected.

We should do more to strengthen the traditional family where the mother and father live together with their children with the father as the head of the family and the mother its heart—a family in which parents bring up their children in the "nurture and admonition of the Lord" and in which children are taught to honor their father and mother. This is the Biblical concept of the family. What happens to a family that loses the strong hand of a father?

George Washington, the father of our country, declared, "True religion affords government its surest support. The perpetuity of this nation depends upon the religious training of the youth. It is impossible to govern the world without the Bible."

STRIP MINING AND THE ENVIRONMENT

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. MIKVA. Mr. Speaker, technology has worked wonders for this country. It has made us the most prosperous people in the world with the highest standard of living. However, that technical progress has not been without a high price, and the bill too often has been paid at the expense of the environment.

There are many examples of that—strip mining is one of the best. It is an inexpensive and effective method of harvesting coal from the earth. It has made power and electricity cheaper for millions of people across the country but, in the process, it is destroying part of our land. Lighting the lights of the cities more economically is sending the environment into bankruptcy.

Strip mining chews up acres of land, and the power shovels leave a landscape distorted and twisted with jagged rock, deep trenches, and mountains of raw earth spoil banks. The ugliness of strip mining is more than just skin deep though. It generates water pollution and can irrevocably damage the future productivity of the land.

Many mine operators have taken steps to "reclaim" the land they strip mine. Several States, including my own, now have strict laws that set strict standards for reclamation. However, we have passed the point when reclamation was enough. Thousands of acres of ravaged land have not been reclaimed at all—thousands of other acres have been reclaimed in name only.

Strip mining should be stopped so that the land can be saved and not just "reclaimed." I have supported legislation, introduced by the gentlemen from West Virginia (Mr. HECHLER), that would ban new strip mining and strictly regulate current mining operations. It might mean the price of electricity would go up a few cents more a month, but that expense is far cheaper than the loss of the land.

An article by Ernest B. Ferguson in the Washington Daily News outlines some of the reasons for the legislation, and some of the opposition that it is encountering. I think my colleagues might find it of interest. The text of the article is as follows:

A SERIOUS BILL

(By Ernest B. Ferguson)

If the gentleman from West Virginia were a less stubborn sort, he might have been discouraged by the chairman's compliment.

Ken Hechler, who represents 10 counties in that part of the world where the strip miner is king, had just finished testifying on behalf of his bill to abolish that hopelessly destructive kind of mining.

He made the point that up to 1965, an area of the United States equal to the entire state of Delaware had been ravaged by stripping for coal. Since then, enough additional square miles to cover all of Rhode Island have been stripped. And by the time all the strippable coal under the surface of our country is torn out to feed our much-trumpeted "energy crisis" the devastated area will equal Pennsylvania and West Virginia put together.

The congressman went on for 26 legal-size pages explaining why his bill is urgently needed and the one proposed by the Administration for control of stripping would be laughably ineffective, if anyone had the nerve to laugh about it.

When he was thru, the chairman of the mining subcommittee of the Interior Committee, Rep. Ed Edmondson of Oklahoma, thanked him and praised him for his "sincerity and dedication to his cause."

Not "our cause," altho many acres of Oklahoma, too, have been destroyed by stripping. Not even "the cause." But "his cause." You don't have to speak congressionalese to get the nuance in that.

But Mr. Hechler has started out in the minority and persisted and ended up in the majority before. For example, on the mine safety bill that finally passed, with teeth in it, in late 1969.

This time, his bill (H.R. 4556) has 80 cosponsors in the House, and the beginnings of some influential support at the other end of the Capitol. But there is none at the other end of Pennsylvania-av. The White House, in line with the strip-mine operators, favors a measure designed to appease growing public concern about stripping without imposing any serious handicap on the operators—or providing any serious protection for the land.

Among its many other shortcomings, the Administration bill would put enforcement under the Interior Dept., which is committed formally to encouraging development of mineral output, rather than under the Environmental Protection Agency, whose function is just what its title says.

Even the operators are reluctantly willing to live with this weak version. They are pushing a campaign to change their image, blaming all the destruction wrought by stripping on earlier "irresponsible" operators, and contending that they themselves are much more public-spirited and careful—altho in fact their giant machines, which can tear out as much as 220 cubic yards of earth at a bite, cause far greater disruption of the earth than the picks, shovels and old-fashioned bulldozers of the past.

They make a great pitch about "reclamation," which in practice means backfilling the stripped land and planting fast-growing ground cover, which sometimes grows and sometimes does not. But reclamation is a misnomer; a Corps of Engineers forester and a West Virginia University specialist both estimate it would take 400 years or longer to restore the ravaged land and trees.

Nevertheless, the operators are spending many thousands to sell the public on the idea that reclamation works. The main thrust of the Administration's stripping bill is to require reclamation. But it is a mere threat of a mere slap on the wrist.

THE NORTHERN IRELAND SITUATION: A REPORT—NO. 10

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. BIAGGI. Mr. Speaker, more and more interest is being expressed in America concerning the problems in Northern Ireland. Several of my colleagues have introduced resolutions along with mine dealing with the question of a united Ireland. The American press is giving greater attention to the atrocities of the Special Powers Act.

However, all too frequently the true stories of these atrocities never reach the public. Too often, the heartbreaking stories of killings and abuses escape the American reporter who may be analyzing the situation from a safe refuge in Belfast or Dublin.

To further enlighten the American public and my colleagues, I will include in the RECORD today an article from the Tribune, a weekly in Great Britain, which describes the terrible conditions as a result of the occupation of Northern Ireland by British troops:

DEATH IN BELFAST: WHEN THE PARATROOPERS FIRED ON A MAN CARRYING A WHITE FLAG

(By Michael Walsh)

Patrick McCarthy died in Ballymurphy on August 11. He wasn't a terrorist, he wasn't even born in Ireland, and he died of "natural causes"—a heart attack. Yet Patrick McCarthy can be counted as one of the victims of a terror that officially never took place.

For Patrick McCarthy, the 45-year-old social worker who had come from England to organise the Ballymurphy Community Association, the terror began on Monday, August 9, as news of internment prompted demonstrations and the British army began to move into the area. At midnight he telephoned his sister in London asking if help could be sent to the community centre which had evacuated 220 children that day and expected to deal with at least as many more the following day.

WITNESSES

The subsequent facts are drawn from a statement made by Patrick McCarthy's mother after talks with witnesses, among them Joseph Camplisson of the Northern Ireland Community Relations Commission, Mrs. McMullen, Presbyterian chairman of the community association, and Sister Vincentia.

According to the statement, "troops came back into the area" shortly after 3:30 a.m. on Wednesday, although there had been no disturbance and other communities in the city were being refused the protection they requested. (This fact is verified by both Catholic and Protestant witnesses interviewed by *Tribune*).

"At 4 a.m.," says the statement, "the paratroops bombarded the centre from three angles—the walls began to ooze water—and this went on until about 6 a.m. Mr. Camplisson and Pat (McCarthy) tried to get a cease-fire order from the commanding officer so that the children could be safely ferried across the road.

"Pat was very concerned that the children might be hurt by ricochets, and he decided to go out with a white flag with red cross, which was tied to a broom. He had only walked about 20 feet when the flag was shot off the stick and a jagged splinter about 8 inches long was torn off, ripping across Pat's wrist, which bled profusely.

"He went back into the centre and said . . . 'even the Jerries respected the white flag.' He was given some sweet tea. Eventually there was a cease fire, the children were got away and Pat, Sister Valentia and three boys started loading a van with beds and blankets. Pat was in a very shaken state—he had had no rest since Monday.

"Knowing that no milk deliveries had been made locally . . . he loaded three crates of milk bottles on a trolley and went across to the opposite streets calling 'milk for babies.' Witnesses saw two paratroopers in Glenalina Crescent. Pat was told to get back. He explained that he was getting milk out for babies."

BACKWARDS

"One paratrooper pointed his gun at Pat's head while the other deliberately kicked a crate off the trolley, breaking some bottles. Pat bent down, replaced the crate and went on, walking backwards. 'If you are going to shoot me you are going to shoot me from the front.'

"He called out to householders who were there, asking if they needed any milk. He then went into a small cul de sac where he had a heart attack. Some women ran across and said "this man is dying' and were roughly told by the paratroopers to clear off.

"One of them tried heart massage and Pat was taken into a nearby house and later to hospital, where he died during the morning. One of the paratroopers, seeing the trolley with the remaining milk bottles lifted the crate and smashed every bottle, while women stood weeping in their doorways."

COLLEAGUE

A former colleague of Pat McCarthy's—Derek Loman of the London Council of Social Service—told *Tribune* that Pat "liked to have a challenge. He launched one of the first detached work projects in London in the

Portabello Road area, walking the streets, talking, standing on street corners, working terribly hard until he and the lads from the area built up their own cafe—it wasn't really to sell coffee."

And Pat's mother who attended his funeral said this of the people she met in Ballymurphy "I met with exquisite courtesy . . . The mother of the young shot boy who was buried a few hours before my son, is a deeply rooted Catholic while I am a humanist. But we met on common ground of grief and pity for the waste of promising young lives, including the unhappiness and corruption of young English soldiers—many must be ashamed of their role."

"She is now back in London trying to persuade the Labour Party politicians and trade unionists to support her over the issue. With her she brings the broom her son used to wave the white flag and the mark of the bullet on it.

Her immediate task, she says, is to get the white flag recognised by the army. For, as she points out, the priest shot last week, Father Mullen, was killed as he bent over a dying man to administer the last rites. The priest was carrying a white flag.

EMPLOYMENT

She adds: "It is not a policy of ruthless oppression or a course in religious toleration that is necessary in Ballymurphy. It is a need for employment, for hope for a life with some stability and opportunity for young people to work constructively. Forty-seven per cent of the men are out of work, and many have not had a job for years—some young people have not even had a job. The estate is steeped in poverty and sorrow. It is a political and social solution not a military one, which is needed."

SENATE—*Friday, October 8, 1971*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. Ellender).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty and everlasting God, in whom we live and move and have our being, we thank Thee for Thy providence which has watched over us and brought us to this new day. Direct us now in the work of this day as we fulfill our several vocations. Supplement our limited wisdom by divine wisdom. To our natural power add Thy supernatural power. Give us grace to be considerate and patient with others, obedient to conscience, teachable as little children, and trustful as the saints of old. According to our abilities help us to do good to all men that this Nation and the world may be well served. Guard us amid all dangers and watch over us in our journeying.

In Thy holy name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, October 7, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL TUESDAY, OCTOBER 12, 1971

Mr. MANSFIELD. Mr. President, has an order been entered that when the Senate adjourns today it adjourn to meet at 12 o'clock noon on Tuesday next?

The PRESIDENT pro tempore. No.

Mr. MANSFIELD. I make that unanimous-consent request at this time.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar under Federal Power Commission.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nomination on the Executive Calendar, under Federal Power Commission, will be stated.

FEDERAL POWER COMMISSION

The second assistant legislative clerk read the nomination of Rush Moody, Jr., of Texas, to be a member of the Federal Power Commission for the term of 5 years expiring June 22, 1976.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed; and, without objection, the President will be immediately notified of the confirmation of this nomination.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE UNITED STATES AND NATO; TROOP REDUCTION—XI

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record set No. XI of the commentaries, columns, articles, and editorials relative to the U.S. troop position in Europe in relation to NATO.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Miles City (Mont.) Star, Sept. 5, 1971]

Reduce Forces in Europe

Now that East and West are beginning to resolve some of their differences over Berlin, the way may have been opened for talks on another tough issue—the reduction of troops in Europe.

The West German government focused attention on the troop question by indicating it will propose guidelines for mutual and balanced troop cuts for discussion at a forthcoming conference of the North Atlantic Treaty Organization (NATO).

The idea of military disengagement in Central Europe certainly has a lot more going for it now—as the West German interest implies—than it did just a few short months ago when Senate majority leader Mike Mansfield called for a unilateral cutback of American troop strength in Europe from 300,000 to 150,000.

At that time, the Berlin question—which has contributed so often in the past to a heightening of East-West tensions—was considered a major sticking point.

It is appropriate that the initiative for the troop reduction talks should come from Bonn, which in the past has opposed reduction of the U.S. military presence in Europe.

The fact is that all the nations involved could gain from an end to the costly troop concentrations in Europe. A balanced mutual reduction of these forces—looking ahead to the day perhaps when the need for such forces could be eliminated altogether—would release sizable resources and funds for peaceful purposes.

In our own case, the cost of maintaining American troops in Europe has been more than a dutiful, expensive burden. It has also contributed to our balance of payments difficulties, has weakened the dollar abroad, and, as a consequence, has helped bring on monetary crises of the sort we are now grappling with.

The Soviet Union's leaders—notably Communist party chief Leonid Brezhnev and Premier Alexei Kosygin—have expressed interest in mutual reduction of NATO and Warsaw Pact nation forces.

It would clearly be to our advantage and that of our NATO allies to test out fully the intentions of Moscow on military disengagement.

[From the Portland Oregonian, Sept. 19, 1971]

Making the Dollar—NATO Closes Eyes to U.S. Troop Cuts

(By Gerry Pratt)

Brussels.—The people of the North Atlantic Treaty Organization, generals and diplomats, Italians, Germans and Americans, British and French—yes the French are evident though their troops are not—live in a world of their own.

And like people of any world, the world of arts, or journalism or science, they have developed their own language and the habit of speaking almost exclusively to one another in words and abbreviations and ideas belonging almost exclusively to NATO.

So it comes as a shock to an outsider to hear them suggest that it would be impossible for the Europeans to take up any slack in the NATO forces because of the booming prosperity and tight budgets of the European member countries. Yet that is exactly what one German general attached to

NATO told 10 inquiring reporters from America in this current briefing session.

NATO officials are speaking out because one American voice, that of **Sen. Mike Mansfield**, D-Mont., has cracked their closed circuit conversations. Mansfield introduced a resolution in the Senate calling for the reduction of 100,000 American troops from the NATO forces in Europe. He was defeated but now is expected to bring in a second resolution calling for the reduction of between 35,000 and 50,000 American soldiers in the NATO force.

Mansfield has been suggesting a pullback in the United States NATO contribution since France pulled out all of her troops in 1968 and drummed the NATO headquarters out of France.

Now, for perhaps the first time in the nearly 25-year history of the North Atlantic Treaty, the NATO officials are concerned about the unfair balance of the burden of this European defense system assigned to the American taxpayer. They admit this stating: "The U.S. is in Europe for its own interest. Europe has taken advantage of this and has sat back and grown wealthy."

GERMAN POWER FEARED

Yet that admission does not leave any room in their thinking to justify a unilateral U.S. withdrawal. NATO spokesmen—and they insist you promise to identify them only as spokesmen or "source" will also admit that should the Americans pull out 100,000 men, the European countries, probably chiefly Germany, could replace those troops with men of their own.

"Most would come from Germany," a NATO source says. "And Europe would be nervous and unhappy about Germany assuming that much responsibility and power in Europe." The alternative, of course, would be for the other European nations to make contributions of additional forces proportionate to what Germany contributes. But this, the NATO sources claim, the European nations are not prepared to do.

One German general frankly put it this way: "Our German economy is already in a labor shortage era. We are importing 2.4 million workers into Germany to fill the jobs. And our government budgets are very hard pressed to keep up our domestic works programs. It would seem almost impossible to convince either our politicians or our people to increase our NATO strength. Germany is reluctant to raise an army in the first place. We have just reduced our service requirement (draft) from 18 months to 15 months, which will put more pressure on our recruiting forces."

One military spokesman with the NATO forces, smoking a package of imported Havana cigars, appeared to be lecturing a recalcitrant friend, suggesting: "Mansfield is way out of line. There is an element of truth in what he says, but his timing is all wrong." His theory is that the United States must keep all of its troops committed as a bargaining point with the Russians over possible "Mutual Balance Force Reduction" talks. These are talking points being investigated by NATO sources with the Russians. "But if you commit any unilateral withdrawal now," he insists, "you will have given up your bargaining position."

PULLOUT HINTS SHUNNED

What NATO apparently fails to have heard in any of the American suggestions over a withdrawal was put to a top spokesman for the organization by a representative from a black newspaper in Cleveland. After listening to the NATO general outline the difficulties facing the German nations, the American pointed out we have 6 million unemployed at home. More important, we have a tax revolt. Schools in Ohio have not opened this fall because taxpayers refuse to pass extended budgets. Our young people have also grown their hair longer and are balking at military service.

And while the extemporaneous outburst startled the briefing officer, he apparently was unable to grasp that American voters will decide whether or not to support a Mansfield proposal and a reduction of European forces as a gut issue tied to jobs and America's economic well being. So far, at least, with their attitude toward America's international payment problems and their own financial and military support of NATO, the Europeans either don't hear or don't believe what they do hear coming from the United States.

[From the St. Louis Post-Dispatch, Sept. 25, 1971]

SECURITY IN EUROPE

It would be a mistake to interpret Chancellor Willy Brandt's recently concluded visit to the Soviet Union as merely a nervous reaction to President Nixon's China policy. The West German leader's Ostpolitik predates Washington's new look toward the East and, judging from the communique issued in Moscow and Bonn, restoration of military normalcy in Europe may be no longer be an illusion.

In return for Mr. Brandt's pledge to "accelerate" efforts to arrange for a European security conference—long sought by the Soviets—Communist Party Chairman Leonid I. Brezhnev went further than ever toward meeting Western demands that reduction of military forces in Europe must be balanced and mutual. Such an all-European conference, the communique observed, should be held "with the United States and Canada" participating. Moreover, in endorsing "normalization" of relations between the two Germanys, the Soviets may no longer be insisting on formal West German recognition of East Germany.

Obviously a lot more needs to be done before the actual convocation of a conference between the Warsaw Pact and NATO nations. The Soviet-West German nonaggression treaty, signed on Aug. 12, 1970, and a parallel agreement between Bonn and Warsaw, would have to be ratified. The Big Four agreement on Berlin, signed on Sept. 3, would have to be followed by concrete progress at the implementation talks between East and West Germany. But considering what has been accomplished in the past 20 months, the end of the tunnel may be in sight, 26 years after the end of World War II.

Although the Soviet Union has long favored a European security conference, it had previously insisted on the reduction of "foreign armed forces in the territory of European states," which was interpreted in the West as a unilateral U.S. pullout. In response, NATO foreign ministers on May 27, 1970, invited Warsaw Pact nations to explore "mutual and balanced" reduction of forces. Secretary of State Rogers stated then that the next logical step "is to study progress achieved in the various East-West negotiations."

Such progress, from agreement on Berlin to the nonaggression treaties, SALT and the Brandt-Brezhnev communique, can now be tangibly measured. It may be appropriate to reissue the invitation, for the time has come to begin exploring, through preliminary multilateral contracts between NATO and Warsaw nations, the possibility and necessity of holding an all-European security conference.

[From the Washington (D.C.) Daily News, Aug. 17, 1971]

FOREIGN REACTION

President Nixon's momentous decisions indirectly to devalue the dollar and to put a brake on imports (thru a 10 per cent tax) have some of our foreign friends in a tizzy, temporarily at least.

Dispatches from London, Tokyo and Hong Kong reported "shock and amazement" in money circles. Foreign exchange and gold markets were closed in most countries to "assess" the new situation. The Tokyo market was beset by "massive confusion."

The Japanese were especially alarmed by the tax on imports because they fear a loss of Japanese exports to the United States which last year ran almost to $6 billion.

But the moves Mr. Nixon has just made long have been urged on the United States by foreign officials concerned about our chronic balance of payments deficit and continued inflation. The President is trying to correct both ailments.

While devaluation is a new experience for the dollar, other countries repeatedly have adjusted their currencies when it was necessary.

And, as the noted Chicago economist, Milton Friedman, observed, Mr. Nixon's action simply makes, "explicit what has been, in fact, implicit anyway." The official value of the dollar overseas obviously was not the true value, in relation to other currencies.

Britain, France, Germany and Italy all have devalued. Since World War II the British pound has dropped from $4.03 to $2.40. The French franc is down 79 per cent from its postwar rating, Italy's lira 64 per cent.

Britain also, at one point when the pound was under attack and the balance of payments running a high deficit, clapped a temporary tax on imports—removing it when the situation was corrected, as Mr. Nixon proposes to do.

The United States never would have been in this position if it had not donated billions of dollars toward Europe's postwar recovery, if it had not spent more billions beefing up Europe's military defenses. Japan also benefited in this fashion.

The United States now is not asking for any handouts in return; it simply is taking steps to protect its dollar, overcome its unemployment and get its economy in order. Japan and Europe should have no trouble understanding this type of prudence—even delayed as it is—despite the relatively slight sacrifices Mr. Nixon's program will exact from them.

[From the Los Angeles (Calif.) Times, Sept. 28, 1971]

SOCIETY'S PROBLEMS JOIN THE ARMY

(By Robert J. Donovan)

SHAPE, BELGIUM.—In a time of unusual troubles among American military forces in NATO and around the world Gen. Andrew J. Goodpaster, supreme allied commander, Europe, makes several points to put the problem in perspective.

"It is," he said in an interview, "a denigration of American fighting forces to picture them as a low-spirited rabble who would not be effective in carrying out their missions.

"American forces are experiencing the same kind of problems that are troubling society in general these days. To name three of them, there are drug abuse, racial unrest and erosion of discipline, which is bound up with morale.

"We have problems and we recognize them and we are hard at work on them, but no one should get the notion that these problems are of such a dimension as to result in the inability of the units to perform their mission.

"There is no doubt whatsoever that our forces, if confronted with a real emergency, would function very, very effectively.

"The proof of that is to go out to the units, all of them—Army, Navy, Air Force, Marine Corps. They know their jobs. The NCOs and the officers are handling them well and the men are responding.

"Only a few weeks ago I completed my latest visits to units of all the services in Europe and the Mediterranean area. I talked with men in the ranks, with noncommissioned officers, with junior officers and commanders and their staffs, and there are no finer units in the world today."

Goodpaster, a West Pointer with a Ph.D. from Princeton, is not only a soldier with wide experience in the field and in staff work, but as defense liaison officer and staff secretary to the late President Dwight D. Eisenhower was a figure of considerable influence in the White House during the Eisenhower Administration.

What about the drug problem among American troops in Europe?

"We have comprehensive, intensive programs under way," he said, "but neither my commanders nor I can be satisfied with the degree of control over the problem we have yet attained. We believe our program sound.

"It starts with the education of younger members of the service and more senior personnel, officers and NCOs. They are instructed in the nature of the drug problem and its dangers. We still have a lot to do here.

"Enforcement of the law to curtail drug traffic is the second phase. In particular we are going after the pushers. Another phase is the identification and rehabilitation of addicts, which includes a policy of immunity for those who voluntarily enter the rehabilitation program."

As for racial trouble, Goodpaster holds that the military has long been in the vanguard in providing fair treatment and equal opportunity for all races, though he acknowledges that the situation is hardly perfect. The intensification of hostile attitudes, as he put it, has not bypassed Europe, and instances of unfair practices have occurred that add fuel to such attitudes.

"We also recognize that some of our younger men bring with them a generalized sense of injustice and discrimination," Goodpaster said. "Certain of our programs aim at moving from the realm of emotions to action that will eliminate every vestige of racial discrimination we can find. We are stressing fair treatment. We are stressing the need to be specific, to bring problems in, and we are stressing the need for communication and mutual respect."

What about discipline?

"There has been a sense of uneasiness that exists within the units. Young officers and rightly want to know whether standards of discipline are being maintained. They ask, if we set and require the highest standards, will we be backed up? The answer is that where these are the standards of proper performance the responsible leaders and commanders are going to be backed up.

"There is a kind of change of style in the modes of leadership; more explanation to the troops for the reasons of things is required, more effort to communicate and more effort to let the troops know they are going to get a fair deal."

According to Goodpaster, the morale situation was particularly bad several months ago when, in the course of the cutback in Army strength generally, NATO units were often left short-handed. This situation has now improved.

Antimilitary sentiment that has grown out of the Vietnam war and other issues troubles him a great deal.

"For young officers and enlisted men on whom our services depend today and who must be the leaders of tomorrow the antimilitary sentiment is deeply disturbing," he said.

"Indeed, it is causing the loss of men we need very badly. This could affect the morale of our armed forces in many ways. It would be a sad thing if in preoccupation with domestic problems, serious as they may be, we were to cast away our own security. Without this security how can the country dedicate itself to the task of solving its internal problems?"

Does he fear that the ending of so-called Mickey Mouse regulations will impair Army traditions?

"No, sir. A great deal of harassment has been eliminated, and more can be done. Harassment for harassment's sake is not one of the traditions of the Army. We have had our most effective Army when we have been able to strip that away and concentrate on performance of the missions."

Goodpaster believes that the Army's best tradition is that of professionalism, and he is confident this tradition is withstanding the forces of change. In fact professionalism—"effective performance of an important military mission"—is, in his view, the aspect of the military with the greatest appeal to contemporary youth and the most important ingredient nowadays in military morale.

[From the Los Angeles (Calif.) Times, Sept. 30, 1971]

ALLIES APPEAR READY TO TURN ON UNITED STATES—AND NOBODY WILL BE THE WINNER

(By Robert S. Elegant)

HEIDELBERG.—The Economist of London is normally sympathetic to the United States. It is, therefore, shocking to read in a report from Washington on the economic crisis the off-hand observation that someday the United States "may awake to the discovery that it is not only detested but distrusted abroad."

The shock is more acute if one happens to be in Heidelberg, headquarters of the U.S. 7th Army which represents a very expensive American investment in the defense of Western Europe. It is even more pointed when that headquarters is preoccupied with Operation Reforger III which will airlift some 12,000 troops to Germany and demonstrate American readiness to reinforce 4⅓ U.S. divisions stationed in Western Europe.

Reforger III will cost between $5 million and $10 million, depending upon which accountants do the calculating. The cost of Reforger is, however, a bagatelle beside the billions the United States spends every year to fulfill its commitments to the North Atlantic Treaty Organization.

IT'S TIME FOR THE U.S. TO ASK SOME INTROSPECTIVE QUESTIONS

The coincidental timing of Reforger and the Economist's comment, which reflects the general trend of European thinking, raises many vexing questions. When our friends ever so casually remark that they detest and distrust us, it is certainly time to ask: What have we accomplished through our tremendous investment in economic and military aid? Was it worth the great human and economic cost? Is it still worth the cost?

Answering those comprehensive questions with fairness and balance would require tens of thousands of words—and the answers might still be incomplete. The natural human reaction to indiscriminate abuse is, instead, to retreat into isolation, crying: "You need us more than we need you. A pox on all your houses."

But we cannot allow ourselves the emotional satisfaction of withdrawing into our shell. Although other nations may need us more than we need them, we still need them.

Considering less sweeping questions may illuminate the American dilemma created by our rapidly changing relations with other nations: Are we really detested and despised? Why? Does it really matter?

After 20 years abroad, one becomes inured to the undeniable fact that America, generally, is not liked, nor are Americans en masse, though many Americans are much liked individually. Detestation, distrust, even hatred of the United States are not new. Vehement expression of those feelings is not new. It is new to hear such feelings so widely expressed, with presumed friends like the Economist joining the chorus.

No more than anyone loves a cop does anyone love a rich uncle. The respect tendered to his face is complemented by gibes behind his back—as long as he is openhanded. But his nieces and nephews openly vent their resentment when he stops dispensing gifts. He is mocked when he confesses that he is no longer as rich as he was.

Most of the non-Communist world was already weary of its economic and military dependence on the United States well before the present economic crisis broke. Still, the current wave of denunciation of the United States has risen not because we were reasonably generous and remarkably powerful, but because we can no longer be quite so generous.

Although they resented American patronage, Western European nations and Japan were conditioned to that patronage. It is not remarkable that nations which have long resented their dependence upon the United States are now angry because we are no longer capable of buying their goods at their own prices, while simultaneously assuming much of the responsibility for their defense.

Basically, foreign nations want us to continue doing what we have done for more than two decades. They would mute their cries of discontent, though still cherishing their resentments, if we met two conditions. They want us to continue to absorb a remarkable 14.4% of the non-Communist world's exports and to guarantee their safety amid the perils of a nuclear world.

Since we cannot or, as they suspect, will not, even the normally cool-headed are indulging in violent recrimination. They now fear great upheavals in their previously secure and comfortable lives.

WE CANNOT IGNORE OUR ERRORS AND BLAME OTHER NATIONS

The unseemly vehemence of outcries against the United States does not excuse American mistakes. It was in our own interest to nurture Western Europe and Japan. It was equally in our interest to see that we did not become significantly poorer or less powerful by so doing.

Finally, does it matter that we are not only "detested but distrusted abroad?" The answer is, unfortunately, yes.

It does not matter that we have won opprobrium rather than gratitude by our exertions. It does matter that the violent reaction against the United States threatens the structure of the non-Communist community. The threat is not the largest dissipated Communist menace, but disruption of all existing relationships—with no workable alternate pattern yet discernible.

If our presumed friends are moved by detestation and distrust to retaliate against us, they will hurt themselves. They will also hurt us.

[From Military Review, September 1971]

CONGRESS AND PRESIDENT: NATO TROOP-REDUCTION CONFLICT

(By Stanley L. Harrison)

U.S. forces in Europe will be reduced in number. No one, on either side of the Atlantic, should disillusion himself otherwise. How the U.S. forces will be pared, and when the U.S. presence will shrink on the Continent, are the questions without answer at this time. Settlement of these issues, however, goes straight to the heart of a fundamental controversy involving the Constitution itself. Basically, the conflict involves Congress and the President, but the ramifications inherent in the struggle have considerable impact on the foreign affairs of the Nation and, inevitably, on the role of the North Atlantic Treaty Organization.

NATO's Foreign Ministers, meeting in Rome in May 1970, reaffirmed earlier declarations inviting the Soviet Union and other countries of Eastern Europe to join in discussions of "mutual and balanced force reductions." Efforts toward this goal have been made from time to time with overtures from both sides of the Iron Curtain. Indeed, in several instances, diplomatic negotiations of a unilateral nature surfaced—again as often from the East as from the West—but these abortive beginnings have not yet generated any sustained followthrough.*

DISCUSSION GUIDELINES

By collective affirmation of their intention to entertain the subject, NATO's leaders hoped to channel any such future efforts through the alliance itself. Realistically, any real troop-reduction basis must fall under alliance auspices. Unilateral decisions of this type—the Canadian reductions, for example—have proved to be negative in consequence for NATO. Therefore, the NATO position was receptive to a force reduction. Not until the Rome meetings of 1970, however, did the alliance act to spell out the guidelines for exploratory discussions. Four considerations to this end were elaborated:

Reductions should be compatible with the "vital security interests of the alliance and should not operate to the military disadvantage of either side" with regard to "geographical and other considerations."

Reductions should be reciprocal and phased and balanced as to "scope and timing."

Reductions should include "stationed and indigenous forces and their weapons systems."

Finally, there must be "adequate verification and controls" in order to assure the observance of agreements by all parties.

DECLARATION OF INTENT

Thus, it should be clear that NATO, speaking through its biannual meeting of Foreign Ministers, sought a relaxation of tensions through a beginning of negotiations leading to force reductions. In truth, declaratory policy of this type often fails of fruition. Most governments—and NATO shares the characteristic—often say one thing and do something else. But NATO's Ministers had opened the door and invited their opposite numbers in the East to begin discussion. Little of substance has been done in the year after the declaration of intent.

Significantly, when the North Atlantic Council met in Ministerial session in Brussels in December 1970, the report of the NATO Defense Planning Committee was promulgated as a decade-long look at the alliance. The report, "Alliance Defense for the Seventies," stated that NATO's approach to security would be dual-based on the concepts of defense and *detente*. While NATO continued to hold a door open to begin negotiations leading to the reduction of forces on a mutual basis, the alliance affirmed its resolve to maintain a "sufficient level of conventional and nuclear strength for defense as well as deterrence." Only from this solid foundation did NATO feel confident that it could then proceed toward an era of negotiation.

AUGMENT ALLIANCE FORCES

More importantly, President Richard M. Nixon, in his message to the council at the opening of the session, stated in part:

> We have agreed that NATO's conventional forces must not only be maintained, but in certain key areas, strengthened. Given a similar approach by our allies, the United States will maintain and improve its own forces in Europe and will not reduce them unless there is a reciprocal action from our adversaries. We will continue to talk with our NATO allies with regard to how we can meet our responsibilities together.

President Nixon, who has, over the years, indicated his support of a strong NATO, seemed to stress here the renewed need to augment alliance forces. At the same time, he identified one of the basic areas of US discontent with the alliance: the need for a genuine mutuality of effort and responsibilities by the European allies. This theme was one the US Senate has repeatedly voiced.

Europe's failure to devote an equal share of the defense burden sharing for the alliance has vexed Congress since the early days of NATO. Increasingly, since the United States abandoned the posture of isolationism for a global role, Congress has sought to assert its role in the foreign policy area.

Accordingly, with the introduction of the first modern alliance with Europe, Congress made clear its intention that the United States would not be saddled with the lion's share of the defense task, particularly with regard to supplying men. For this reason, one of the early aims of NATO was a division of labor that clearly put the manpower portion of defense on the several European allies. Under this arrangement, the United States was to be responsible for air and naval units in the alliance.

POLITICAL VEHICLE

During the Senate hearings conducted by the Foreign Relations Committee in 1948, prior to ratification of the North Atlantic Treaty, this concept was spelled out in great detail by the spokesmen for the administration. Then Secretary of State Dean Acheson was asked if the United States expected to supply more than a token force. His answer was a "clear and absolute no." Moreover, the thrust of the administrative spokesmen—including those of the Departments of State and Defense and the Joint Chiefs of Staff—was that NATO was primarily a political vehicle.

Undoubtedly, it was initially. Hopes and aspirations to this end failed. In part, military aspects assumed larger proportions because of the Korean Conflict and the potential threat that the same kind of outbreak could occur in Europe. Whatever the reasons, the effect was to alert opponents in the US Senate that control of the US military presence was beyond legislative power.

Accordingly, in 1951, when the question of sending additional ground troops to Europe arose, the Senate erupted in a vigorous controversy. Debate, that at times was bitter, began at the outset of the 82d Congress. Senator Robert A. Taft (Republican-Ohio), Chairman of the Republican Policy Committee, launched a partisan attack on the administration and accused it of making foreign policy "without consulting Congress or the people." Senator Taft, it will be remembered, had fought against the ratification of the north Atlantic Treaty itself. But his opposition to adding to the US defense burden under its alliance commitments was couched in constitutional terms and as a Presidential infringement of Congress' role:

> . . . the President has no power to send American troops to fight in Europe in a war between the members of the Atlantic Pact and Soviet Russia. Without authority he [President Truman] involved us in the Korean War. Without authority he apparently is now adopting a similar policy in Europe. . . .

The Senate floor leader, Kenneth S. Wherry (Republican-Nebraska), led the Republican forces toward a resolution that demanded no US ground troops be sent to Europe "pending determination of Congress of a policy on that matter." In the House of Representatives, a similar resolution was introduced to "avoid commitment of the United States by executive order in . . . wars in distant parts of the world without knowledge and consent of Congress."

Thus, in both Houses of Congress, members of the legislative branch fought to affirm the principle of the right for the Congress—and not the President alone—to make the decisions to send US troops abroad. Throughout the debate that was ignited over this issue, it was clear that much of the opposition to the President was biased and based on partisan politics. But much of the argument was aimed at what many in the Senate considered highhanded abuse of the use of the Commander in Chief clause of the Constitution and a reaction against a shift in emphasis in the alliance responsibilities.

SENATE RESOLUTIONS

Extensive debate emerged during the process that finalized the Senate action. Eventually, the Joint Committees concerned—the Foreign Relations and Armed Services groups—emerged with a pair of resolutions that endeavored to give Congress a stronger voice in the decision-making process of foreign affairs. The first was Senate Resolution 99, a simple resolution that required only Senate approval. The second, Senate Concurrent Resolution 18, required approval of the House of Representatives, as well as the Senate in order to pass.

Both the simple and concurrent resolutions carried declarations of the same fundamental thrust. Each expressed the sense of the lawmakers that the President should send additional forces overseas to Europe in order that the United States contribute its "fair share of the forces needed" by NATO. But language added to the second affirmed that the major contribution to the NATO forces be made by the Europeans themselves.

The Senate passed both—by a rollcall of 62 to 21 and 45 to 41, respectively. Subsequently, the concurrent resolution failed to pass the House, and an effort to incorporate the language into the pending Selective Service Act also failed in the House.

As passed by the Senate, the resolution expressed the sense of the Senate that: the NATO partners furnish the major contribution to alliance defense forces: that four U.S. divisions should be sent to bolster NATO, but ". . . that no ground troops in addition to such four divisions should be sent to Western Europe . . . without further Congressional approval"; and that the President should seek the approval of Congress before any future action.

RESOLUTION DISREGARDED

The President had no public comment on the Senate action. Significantly, no subsequent President of either political party has paid the slightest heed to Senate Resolution 99. Troops went to Europe when and where the U.S. President decided. European forces, moreover, never met the NATO force goals established by the alliance. After the exhaustive effort of the "Great Debate" in the early 1950's, little was heard from the legislators until the mid-1960's.

By the waning years of the 1960's, congressional concern with the entire thrust of U.S. foreign policy had sharpened into an active discontent. To a degree, unrest with the increasing role of the U.S. involvement with Southeast Asia gave rise to the criticism, but discontent with NATO surfaced as well. Concern for the continued balance-of-payments problem, domestic inflation, and a general outlook that domestic priorities should prevail contributed to the general disenchantment of the U.S. role abroad.

Within the alliance itself, however, a number of issues served to plague Congress: the continued lagging effort by the European allies toward a fair share, the general lack of appreciation of the response by the United States in the Berlin crisis, the continued wrangling over NATO strategy, the failure of the nuclear-armed multilateral force, and the withdrawal by France from the military sphere of the alliance. All combined to generate in Congress a feeling of resentment or at least restlessness toward the alliance function.

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* NATO Foreign Ministers meeting in Lisbon in June 1971 considered the latest offer of discussions put forth by Soviet Party Chief Leonid I. Brezhnev a month earlier. The Ministers agreed to sound out Moscow further and to meet later in the year in Brussels to consider additional steps.—Editor.

Basically, the alliance was not functioning as the formulators had promised it would once it was underway, and many in Congress felt the President was simply going it alone more often than not. Congress wished to be consulted more in the operations of the alliance.

MANSFIELD'S RESOLUTION

The lack of European troop contributions was the one issue that disturbed Congress perhaps more than any other single issue. It was an issue that disturbed the American people as well. Therefore, not surprisingly, in 1967, Senator Mike Mansfield (Democrat-Montana) introduced a resolution to express the "sense of the Senate that a substantial reduction of US forces permanently stationed in Europe can be made. . . ." To do so, affirmed Mansfield, would not impair the US commitments under its alliance agreements.

Senator Mansfield's challenge to the President's prerogatives was questioned by Senator Jacob K. Javits (Republican-New York) on several points, and Javits moved his own resolution. Within a matter of weeks, then, the Senate had two resolutions with a substantial number of cosponsors affirming some degree of support for each. In the previous year, Senator Mansfield had submitted a similar resolution, but had let it die without any action. But now the Senate was serious and moved to consider both amendments and resolutions through the extended hearings that Senator Javits sought in order thoroughly to sound the issue of troops in Europe.

PARTISAN POLITICS

Again, as in the past, the Mansfield-Javits differences could be traced to partisan politics, but underlying the Mansfield maneuver was a direct challenge to the constitutional issue. While there were substantial numbers of supporters, staunch defenders of NATO, like Senator Henry M. Jackson (Democrat-Washington), sought to continue the *status quo* in the interests of a viable strategy that lent itself to options with the US presence. Senators Mansfield and Javits and their supporters did not advocate any abandonment of alliance commitments, however. Nowhere in the Senate did such sentiment emerge. Very simply, Senator Mansfield sought a reduced US presence and a greater share of the burden by the European partners.

Despite the rhetoric and promise of extended debate, the hearings were short-lived, ending in less than two days of testimony. As a matter of fact, earlier hearings held in the House Committee of Foreign Affairs and the Senate Subcommittee of Senator Jackson's group on National Security and International Operations of the Committee on Government Operations had done a great deal more. From the standpoint of the Senate, the timing could not have been worse for the final report. In the interval between the hearings and the final report, the Soviets invaded Czechoslovakia with a lightning swiftness that left the West gasping. Clearly, this was no time to cut US forces. The report said as much. Neither resolution passed the Senate.

By December 1969, Mansfield had again introduced an identical resolution. Again, as in 1966, he failed to push it and it died.

But in 1970, the allies had promised to increase substantially their national forces in NATO, and this was the theme echoed by Mr. Nixon in his report to the Congress, *U.S. Foreign Policy for the 1971's: A New Strategy for Peace.*

Through this period, the basic mix of forces in NATO did not change substantially, however. Moreover, US defense expenditures entering the international balance of payments for Fiscal Year 1970 totaled 1,731 million dollars, compared to 1,586 million dollars for Fiscal Year 1969. As early as February 1971, Senator Mansfield had voiced his sentiment that the time was again ripe for a resolution or an amendment "in an appropriate bill" to effect the changes that he had been long seeking. In May, the concern prompted by the freeing of the German mark motivated Senator Mansfield to move with a maneuver that caught friend and foe off guard.

During the Senate consideration of House Bill 6531 to amend the Military Selective Services Act, Mr. Mansfield proposed an amendment. Essentially, his amendment called for an end to appropriations to support any military forces in Europe by the United States in excess of 150,000 troops after December 1971. His move came like a bombshell.

In the first place, his effort came during debate of a live bill. By this maneuver, his amendment would require immediate action. Unlike the previous resolutions, this afforded no opportunity for extensive delaying tactics. Second, the Senate evidenced a clear mood of rebellion toward Presidential direction, especially in the conduct of foreign affairs. Passage of the National Commitments Resolution in June 1968, the repeal of the Gulf of Tonkin Resolution, and similar actions by the Senate were assertions of legislative concern that could not be brushed aside. In addition, Senator Mansfield had a number of new supporters.

Clearly, the White House was alarmed by the Mansfield move. Early in the debate, it looked as though Senator Mansfield's amendment would pass. But the Presidential forces moved to delay the vote for a week and used the intervening days to advantage. Amid the outpouring of debates that followed, in the Senate, a number of alternative amendments were introduced by both friend and foe alike. These served to splinter the Mansfield thrust.

SHOWDOWN FIGHT

Nevertheless, the President moved with alacrity to summon an impressive array of support. Some 24 former high-ranking public servants identified with NATO came to his aid in the showdown fight with the Senate: Dean Acheson and Dean Rusk, former Secretaries of State; six former Under Secretaries of State; four former Supreme Allied Commanders in Europe; and four former US Ambassadors to NATO. Also supporting the President were two former Presidents: Lyndon B. Johnson and Harry S Truman. The clash between the President and Congress was not partisan in nature. The President, like virtually every one of his predecessors, fought to retain a high degree of control and direction over foreign policy.

One development that aided in this effort came from an unlikely source. Amid the Senate debate and the press discussion, Soviet leader Leonid I. Brezhnev offered to negotiate a mutual reduction of forces in Europe. The statement from Tbilisi—which obviously came from the deliberations of the 24th Soviet Congress in March—had nothing whatsoever to do with the Mansfield move. Nevertheless, the effect it caused led to jubilation in the White House. Clearly, with the United States and the USSR poised on the point of serious negotiations, it was not the time for the Senate to attempt to impose unilateral restraints on the US President.

Both the President and Senator Mansfield were adamant against any form of compromise. Each professed a desire to see a straight up-and-down vote on the Mansfield amendment, come what may. Before the amendment itself was voted on, a number of substitute and perfecting amendments were contested and defeated. The President saw his view prevail in the final 63 to 36 vote against the Mansfield amendment.

CONSTITUTIONAL ISSUES

Undoubtedly, the primary factor that contributed to the Mansfield defeat was the desire by most of the Senators to uphold the Presidential right to negotiate without any confining strings attached. To do so now, many Senators felt, could hamper the US role in its dealings with the Soviet Union and even within NATO. Essentially, the contest was waged on the constitutional issue of President and Congress. This, of course, is an issue that has been with the Nation since its founding nearly 200 years ago.

Indeed, in the waning hours of the debate, Mr. Mansfield put the issue to the Senate in its constitutional terms:

> . . . the President may disagree with the proposed approach . . . but the responsibility is in the Congress at this time. The responsibility to decide on troop reductions rests with the Senate at this point and not with . . . the Executive Branch. The Executive Branch should no more presume to direct us in this matter than we should presume to direct the President in conducting negotiations. . . .

Here, Mr. Mansfield was once again calling the Senate to task to do its proper job as he saw the work at hand. All too often in the past, Congress has yielded its powers and prerogatives to the President. There have been periods in U.S. history when Congress has been the dominant partner, but more often than not—and particularly in periods of crisis—the President has prevailed.

PANDORA'S BOX

Powers for Congress in the field of foreign affairs are enumerated primarily in Article I, Section 8, of the Constitution. This section empowers Congress to act in some 18 different fields, particularly in its fiscal and judicial functions and its power to declare war and to provide and maintain an army. This powerful section concludes with the famous grant of power:

> . . . to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

Historian Charles A. Beard has termed it a "Pandora's box of wonders."

Despite the legislative power, the constitutional grant given the executive is immense. Under the power in Article II, Sections 2 and 3, the Presidential role in foreign relations has continued with minor exceptions to expand since the Nation's founding. A combination of custom, court decisions, strong national executives, and Congress, itself, has contributed to this growth of power.

Edward S. Corwin put the issue succinctly:

> What the Constitution does, and all that it does [emphasis in original] is to confer upon the President certain powers capable of affecting our foreign relations, and certain other powers of the same general nature upon the Senate, and still other such powers upon Congress; but which of these organs shall have the decisive and final voice in determining the course of the American nation is left for events to resolve.

CONGRESS IS SUPREME

Both branches of Government share a divided power; that is clear. And events do decide the course of action taken. For example, all students of American Government are familiar with the famous case *United States v. Curtiss Wright Export Corporation* (1936), the landmark assertion for the primacy of the President in foreign affairs.

Indeed, there is much the President can do if Congress does not act or if there is an emergency. But when Congress acts, it is supreme. This is the essential and often neglected lesson to be learned from the more recent *Youngstown Sheet & Tube Company v. Sawyer* (1952). In this case, the Supreme Court ruled against a Presidential power play.

The essential point, of course, is that power in foreign affairs is shared—or should be shared—according to the law of the land. Congress, and particularly the Senate, is out to regain its fair share of the power. Basically, this is the contest that underlies the congressional effort to direct NATO affairs with regard to the US troop levels. While the President prevailed in this most recent instance, the impact is likely to be far-reaching.

Many observers in Washington feel that, while Mr. Nixon won the battle, Mr. Mansfield has perhaps won the war. That is to say, Congress has given the President all that he wanted for the moment. He is free to negotiate on the issue of reduced US forces in Europe without any strings. But the Senate is skeptical and awaits timely action from the President while it bides its time. Moreover, Mr. Mansfield has given clear warning that he is not through with the issue.

Senate efforts to force the President's hand toward a unilateral US troop reduction succeeded in prodding NATO to an unusual degree. Further, the action served to remind the governments of Europe—and, indeed, many domestic areas of influence as well—that Congress can assert quite a formidable role when it chooses to do so.

ITALIAN DECISION

Reports in the world press signaled the dismay within NATO nations when they heard of the Mansfield move. A number of key people acted to head off votes supporting a move that many feared would endanger the alliance itself. One nation, Italy, according to press reports, responded by deciding to speed up its contributions to an extra one billion dollars worth of improvements to alliance infrastructure. In a key meeting with 12 Senators assembled in secret session, Under Secretary of State U. Alexis Johnson is reported to have pointed out the Italian decision as proof that at least one NATO ally was willing to help relieve the United States of some financial burdens.

While this development undoubtedly contributed to the ultimate defeat of the Mansfield amendment, it is precisely this type of added support that Senator Mansfield and others were calling for in the first place.

During the June Foreign Ministers meeting of NATO in Lisbon, US Secretary of State William P. Rogers called for an alliance response to the Soviet move for troop-reduction talks to be held on a country-to-country basis to "determine whether common ground exists." All NATO nations joined in egreement except France. In the communique issued at the close of the meetings, NATO made clear the intention to move "as soon as may be practical to negotiation."

Despite the implicit promise in these statements, it is clear that NATO cannot undertake the merest beginnings of exploratory talks until the fall Ministerial meetings. Unofficially, US officials indicate that a timetable could be advanced if the preliminary sessions hold promise of serious negotiations, but, at the same time, they indicate that they hold no expectations of this development.

LISBON DEVELOPMENTS

Two dangers arise from the developments—or lack of developments—of the Lisbon meetings. First, the inaction by NATO as an entity can provide Moscow with the ingredients for a cheap propaganda victory. Based on its past statements, NATO has been trying for better than three years to bring the matter to discussion; and despite the intransigence of the Kremlin leaders, they are on record for the same process. For NATO to delay now with a casual approach lays the alliance open to challenge.

Second, NATO's delaying tactics will fuel Senate critics and add to the Mansfield drive to cut US forces unilaterally. Many in the Senate who opposed the Mansfield move emphasized their concern. Initial efforts to support the President may give way to a desire to move toward a satisfactory agreement from a Senate view.

As former Vice President Hubert H. Humphrey stated in the wake of the Mansfield defeat:

> . . . the Senate has shown the ugly side of its disposition on this issue. If something doesn't happen now, we'll have a renewal of this business in another six months or so.

Senator Javits added that he thought that the administration "had gotten the message." These statements must be heeded.

TOTAL OPPOSITION

Each of the amendments was defeated in convincing fashion, to be sure. But the victory margin should not be misleading to those who would now ignore what the Senate tallies indicate. The cumulative arithmetic should not obscure the total opposition present.

For example, fully 58 Senators indicated, by one or another of their votes, a dissatisfaction with the *status quo* of NATO Europe. No NATO nation or, indeed, no one in the executive branch, from the President on down, should similarly ignore the clear warnings that are evident in that total. Thus far, the pace adopted appears far too leisurely for the present mood of the US Senate.

Thus, it is apparent that troop cuts will come. Pessimists point out that it may take 10 years or more for NATO to accomplish the reductions—given the parliamentary pace of the alliance, perhaps so. In the light of the angry mood in the U.S. Senate, however, unless something concrete is proposed, action will come a lot sooner and in a fashion that may stun the casual observer.

Crucial questions arise with regard to mutual and balanced force reductions. Key committees and *ad hoc* groups within and beyond NATO have devoted long months of study to some of the more important of these questions. For instance, what are the real advantages for the USSR to agree to mutual force cuts, if any? Obviously, there are advantages beyond the crass propaganda values to be derived. Problems abound. There are few precise formulations that yield a ready answer on the weapons mix to be employed. How will the mathematical troop-for-troop equations be attacked? Will there be some means for considering geographic and distance factors, and if so, to what extent?

It is to be hoped that NATO has some ready answers to these and other related issues that will be raised in response to exploratory talks about troop reductions. Since the exploratory talks mature into more meaningful discussions, it is to be expected that the issues themselves will grow more complicated. Problems are bound to multiply. There are no soft and easy solutions. The primary challenge to NATO, at this point at least, is to demonstrate a clear intent to get on with the serious work of beginning discussions that may lead to answers. Without a demonstrated willingness to do this much, the alternatives to the alliance can be serious.

Lacking hard beginnings within NATO, however, the alternatives with the United States itself present far more immediate and critical problems. Congress is aroused and bent on recapture of what it considers to be its rightful place in the decision-making process for foreign policy. The White House must take prudent heed of the storm clouds that are gathering in Congress. Overlooked during the hectic days of debate on the Mansfield amendment was the action taken by the powerful Chairman of the Armed Services Committee, John C. Stennis (Democrat, Mississippi). Mr. Stennis, who helped to defeat the Mansfield amendment, was moved himself to introduce a bill that would prohibit the President from committing US troops to future wars without congressional consent except for emergency periods of no more than 30 days.

Conflict between President and Congress is deep-rooted in the constitutional issues of the Nation. It is an old problem that has been with US politics and political parties for a long time. Nonetheless, it may center on the modern issue of NATO and troops in Europe before any appreciable changes occur in the relationship between Capitol Hill and the White House. The consequences will be felt on both sides of the Atlantic for a long time to come.

[From the Washington Star, Oct. 5, 1971]

NATO TO EXPLORE TROOP CUT TALKS

(By Andrew Borowiec)

BRUSSELS.—The Western allies will move one small and careful step forward this week in their effort to reduce tension in Europe.

The step will be taken when the North Atlantic Treaty Organization appoints an official "explorer" charged with starting preliminary negotiations with the Soviet-controlled Warsaw pact on troop reductions on the old continent.

The ultimate objective still sounds utopian—a "mutual and balanced reduction of forces" by the two blocs. There are serious doubts that the goal can be reached before many years and some allies are even skeptical about the advisability of the whole concept.

For a variety of reasons—military, political and economic—NATO appears determined to press for such negotiations. A special session of NATO deputy foreign ministers which opens today is expected to name outgoing Secretary General Manlio Brosio as its roving envoy to begin exploratory talks.

DIPLOMATIC NUANCE

NATO sources stressed that Brosio would not speak for the alliance as such for the group of nations forming it. It is a diplomatic nuance which simply points out that the West is careful not to plunge head on into premature and ill-prepared negotiations.

The deputy foreign ministers rank—or officials of the equivalent rank—will also discuss the envoys' intinerary and his method of approach.

His mission stems from the spring NATO ministerial conference in Lisbon which decided to "move as soon as may be practical to negotiations on a mutual and balanced forces reduction in Europe."

A series of statements on world disarmament by Soviet leaders in recent months was viewed by NATO as an encouraging sign. Preliminary contacts conducted by half a dozen NATO members with Warsaw Pact nations on a bilateral basis further indicated that the Russians were anxious to talk in more concrete terms.

ERA OF PROBING

But it is being stressed here that the whole process is still facing an era of exploration rather than that of real bargaining.

Significantly, while a number of European allies are extremely cautious, the United States appears more anxious to press ahead with detente moves.

Undersecretary of State John Irwin, on his arrival in Brussels yesterday, said:

> We expect that the initiative undertaken at Lisbon last June will be reinforced and that we can continue to move forward with

this important attempt to reduce tensions in the European area.

A STABLE BALANCE

"Our ultimate objective is to achieve a stable military balance in Europe at lower levels of forces, without jeopardizing the vital security of the alliance."

There is a view at NATO that such talks might eventually turn into bilateral negotiations between the two superpowers, similar to the Strategic Arms Limitation Talks (SALT) alternating between Vienna and Helsinki. This would be received favorably by those allies which do not wish to cut their already meager military establishments.

At the same time, countries like Britain and France are warning about total uncertainty of Soviet intentions. Britain is particularly sensitive after the recent discovery of the massive Soviet spy ring which led to the expulsion of 105 diplomats and trade officials.

France, on the other hand, wants no foreign power to dictate the size of its armed forces while also fearing that a Europe weakened military would become a mere toy at the mercy of the Soviet Union.

FRANCE RELUCTANT

Although France is participating in this week's conference, it is not expected to join in any of its decisions.

Some allies also feel that domestic pressures are the main reasons for America's anxiety to press on with the moves. The complaint is somewhat parodoxical. While wanting to assert its power and cut its reliance on the United States, Western Europe is terrified at the prospect of any reduction in America's military commitment.

NATO, many Europeans argue, is already outnumbered and outgunned by Soviet and satellite divisions deployed on the Eastern side of the Iron Curtain. It will be virtually impossible to determine how and on what basis to start reducing the opposing armies, each with a different organization, weapons and logistics system and with even more different strategic concepts.

Those in favor of the reduction of forces claim that unlike nuclear disarmament, conventional troop cuts are not irreparable. More men can always be mobilized at a short notice, they say.

All such arguments concern a more distant future. For the time being most allies appear agreed that appointing an "explorer" is in no way binding. On the contrary, it is bound to stimulate the movement toward detente.

Brosio Seen as NATO Envoy To Visit East Bloc

(By John M. Goshko)

Brussels, October 5.—The NATO alliance today began debating the choice of an "explorer" to visit Warsaw Pact capitals and sound out the Communist bloc's views on the possibility of military force reductions in Europe.

Sources here said there was a "consensus" among the participating governments that the mission should be entrusted to Manlio Brosio, who stepped down last week as NATO secretary general. The choice is expected to become official when the two-day meeting ends Wednesday.

Brosio's mission will mark the next big step in the movement toward negotiations on mutual and balanced force reductions—a concept that could lead toward substantial dismantling of the enormous NATO and Warsaw Pact military machines now facing each other across the Iron Curtain in Central Europe.

A British participant said that "the present meeting itself has a narrow focus—to appoint the explorer and establish his mandate. But it opens the way to a potentially broad new area in East-West relations and the movement toward a European detente."

Under Secretary of State John N. Irwin, the U.S. representative at the meeting, in his speech today stressed the need for more work on resolving the differences between the NATO members and achieving a unified approach.

U.S. sources said Irwin reaffirmed President Nixon's pledge to NATO last December not to reduce American forces in Europe without compensatory reductions from the Communist side.

But, he added the reminder that Mr. Nixon's promise was contingent on the idea that the European NATO members would take steps to increase the overall effectiveness of NATO defenses.

To this end, Irwin told the meeting that the Nixon administration hoped the NATO members will apply at least some of the savings that might result from force reductions both to overall NATO improvements and to increasing the efficiency of their respective armed forces.

Progress toward troop cut negotiations is especially important to the Nixon administration, which has come under heavy congressional pressure to find ways of reducing the expensive U.S. troop commitment in Europe.

Last May, the administration was able to ward off a troop-cutting legislative amendment offered by Senate Majority Leader Mike Mansfield (D-Mont.) only because Soviet party leader Leonid I. Brezhnev unexpectedly offered to discuss mutual reductions with the West.

At the spring meeting of the NATO foreign ministers in Lisbon, the alliance responded to Brezhnev by expressing its "intention to move as soon as may be practical to negotiations." It also was decided in Lisbon to convene a meeting of high-level officials from member countries in the fall to decide on an "explorer." This is the stage that began here today.

Underlying the delay between the Lisbon declaration and the present meeting was NATO's desire to buy time in an effort to determine how the proposed talks fitted into the larger framework of East-West detente negotiations.

In particular, the NATO allies were waiting to see what progress was made in the four-power Berlin negotiations. The basic Berlin agreement was signed last month, and East and West Germany are now working out the practical steps necessary for its implementation—a process expected to be completed by the end of this year.

With the Berlin agreement on the way to an apparent successful conclusion, NATO now is under pressure to begin movement on exploring force reduction talks and a European security conference. In fact, one of the issues still to be resolved is whether the troop reductions and the security conference should be linked or regarded as separate ventures.

The Soviet Union, the original proponent of the security conference, has been ambiguous on this point thus far. And, within NATO itself, there is disagreement about whether they should be combined or pursued separately.

In addition, the West feels that "balanced" reductions must involve a so-called "assymmetrical" formula that would see Warsaw Pact forces thinned out in greater number than those of NATO.

[From the New York Times, Oct. 5, 1971]

Dream of an Atlantic Europe

(By Graham Hovey)

In heady New Frontier rhetoric it was the Grand Design. The Economist of London called it "Euro-Atlantis." It was the dream of a unifying, integrating Western Europe, including Britain, linked indissolubly to the United States and Canada under the umbrella of an Atlantic Alliance and Community.

It was from that position of solidarity, strength and prosperity that the West then would strive to negotiate detente in Europe with the Soviet Union and its allies: disarmament, trade, cultural exchanges, travel, general relaxation.

Is anything left of the "Euro-Atlantis" dream? Even to recall it in an America beset with domestic crises, weary of foreign commitments and hooked on revisionist history is to invite the charge that one is trying to revive the cold war. European statesmen this autumn debate not "Euro-Atlantis" but whether the United States any longer has a policy for Europe.

President Nixon may view his emergency economic measures as means for countering a "growing and disturbing isolationism," but to Europeans these actions, taken without consultation, represent not only a sop to isolationist and protectionist forces but a declaration of economic war on America's allies.

Typical of European reaction is the recent comment of the respected Frankfurther Allgmeine in West Germany that "one should no longer talk so much about Atlantic partnership, to which so many fine speeches were devoted in the past, now that Nixon has obviously declared the end of the partnership."

If Mr. Nixon has not actually declared the end of the partnership, Europeans consider that Senator Mike Mansfield has, with his recent blast at NATO as a cold war relic, "overstaffed, overmanned and overfinanced by the United States." They note that on the recent trip that produced his caustic report on NATO, the majority leader felt no need to visit Germany, now as always the crux of East-West relations in Europe.

What has changed in Europe that would justify Mr. Mansfield's charge that NATO is overmanned? Because of its worries about China, its own economy and the effectiveness of its grip on its Warsaw Pact partners, the Soviet Union may now be prepared to negotiate substantial agreements with the West. But Moscow clearly intends to do this from strength.

A Soviet military thrust into Western Europe remains one of the least likely of events; but Russia continues to build its armed might in every category and every area. While the United States has cut its forces in Europe by a quarter over the last four years, the number of Soviet divisions in other Warsaw Pact countries has gone up from 26 to 31.

Europeans fear that the Nixon Administration will soon be forced to accept Mr. Mansfield's proposal to cut the remaining American forces in Europe by half. If that happens, they say, why bother even to try to negotiate mutual and balanced force reductions in Europe with the Soviet side? Why should Moscow pay a price for something it can get for nothing merely by waiting?

If that happens, something else is probable. West Germany's Defense Minister, Helmut Schmidt, wrote last year that an American pullout might cause "a psychological landslide and impel a despondent Western Europe toward its first major reorientation since the end of World War II." He has not changed that prognosis.

Incidentally, in reference to Mr. Mansfield's doubt that any of the allies are willing to assume a greater share of the common NATO burden, Mr. Schmidt has pushed through a reluctant Cabinet an 11 per cent boost in West Germany's defense budget for 1972. The price he had to pay for the increase was to cut the draft term for Germans from eighteen to fifteen months.

Mr. Schmidt knows that if the United States abolishes the draft it probably will be impossible for him to maintain it in a prosperous West Germany, which has far more jobs than workers to fill them. In fact, if Washington abolishes the draft it will soon disappear in most of the other NATO countries.

To point out these things is not to revive the cold war or to argue that Europe has not changed. It is simply to suggest that the West, now as always, will have a better chance to negotiate the changes it seeks in its relationships wih Russia and Eastern Europe if it remains united than if its members go their separate ways to talk to Mr. Brezhnev and company.

"The values and the way of life—in a word, the civilization—of the West depend on the ability of America and West Europe to work closely together in weaving a new fabric of international affairs," Prof. Zbigniew Brzezinski wrote in Foreign Affairs a year ago.

There are Europeans this autumn who still believe that. What they would like is some evidence that someone in Washington still believes it.

[From the Washington Star, Oct. 6, 1971]

TROOP-CUT TALKS DEBATED BY NATO

(By Milt Freudenheim)

BRUSSELS.—The United States and its major allies argued today over how to open negotiations with Moscow on reducing the 1.6 million allied and Communist military forces in Central Europe.

High officials of 14 North Atlantic Treaty Organization nations agreed that Manlio Brosio, veteran Italian diplomat, should begin exploratory talks with the Russians this month.

The argument is over what Brosio should say and how he should reply to Soviet questions about where, how and when negotiations should begin.

KEY QUESTIONS UNSETTLED

U.S. officials concede that basic questions remain undecided four months after NATO foreign ministers ordered preparations started for talks on mutual and balanced force reductions.

Undersecretary of State John Irwin told the allies (with France observing but not participating) that the United States wants the force cuts kept separate from the all-Europe security conference the Communists have been promoting.

He reminded them of pressure in Congress for cuts in U.S. units in NATO, but repeated Nixon administration promises to reject these pressures as long as the Europeans keep improving their NATO share.

Meeting West German insistence that cuts should include Central European as well as U.S. and Soviet forces, Irwin said Washington would expect any money savings by the Germans to go into other NATO budgets.

NEW DEVICES SOUGHT

Funds saved on reducing manpower should be spent on NATO programs for improved early warning systems, aircraft shelters, regional communications, etc., Irwin said.

Britain, West Germany and Italy all proposed making the mutual reduction issue an item for the all-Europe conference of 30 countries, which the allies have agreed will be held after the new agreement is signed on the rights of West Berlin.

The European allies don't agree with Washington on the urgency of reducing NATO forces, but most of them see mutual reduction as the lesser evil in the face of likely American reductions sooner or later.

[From the New York Times, Oct. 4, 1971]

NATO MEETING ON PROPOSALS FOR EAST-WEST TROOP REDUCTION

(By Bernard Weinraub)

BRUSSELS, October 5.—The North Atlantic Alliance began crucial talks today on proposals to negotiate East-West troop cuts in Europe.

The two-day meeting of Deputy Foreign Ministers of North Atlantic Treaty Organization countries was called to consider the first concrete moves toward talks with the Soviet Union and its Warsaw Pact allies on mutual troop reductions.

The closed meeting, at NATO headquarters outside Brussels, was considered especially significant in light of last month's four-power agreement on the status of Berlin.

In the past, Atlantic alliance ministers have maintained that the Berlin issue was an impediment to East-West talks and that a settlement would spur progress toward what is called here mutual and balanced force reductions.

Although the ministers of the 15 countries were silent about today's meeting, it became clear that an undercurrent of disagreement remained among certain members.

UNITED STATES SEEKING CUTBACKS

The United States delegation, led by John N. Irwin 2d, was known to be pressing hard for troop reductions. This move would serve as the equivalent in conventional arms of the United States-Soviet talks on the limitation of strategic arms, involving nuclear weapons. Those talks are to resume next month in Vienna.

This evening, following today's talks, American officials made it clear that the United States objective was "to seek a stable military balance at a lower level of forces."

The officials said that Mr. Irwin told the ministers that the United States would agree on a reduction of forces only if "no net advantage" were gained by the Warsaw Pact nations. The security of the Atlantic alliance, the officials emphasized, should not be diminished at any stage.

Even if forces were reduced, the United States said, the funds saved should be spent on "alliance improvements," including aircraft shelters and communications equipment.

The Americans emphasized, however, that reduction of forces would not take place without reciprocal action by the Soviet Union and the Warsaw Pact.

The British are cool to troop reductions, principally on the ground that any significant military cuts would upset the European balance of power and severely weaken NATO's strength. The British insist that a mutual reduction of forces would leave the Western alliance outgunned.

The recent British crackdown, in which 90 Soviet diplomats and other officials were expelled and 15 others were denied re-entry permits, was also known to leave Britain wary of Soviet intentions and uneasy about immediate negotiations. All 105 were accused of spying.

What especially worries several European countries is that Atlantic alliance troops have been reduced over the last five years, while the Warsaw Pact has expanded its forces. The Warsaw Pact now maintains 58 military divisions, totaling 855,000 men and 13,650 tanks, in East Germany, Poland and Czechoslovakia.

The Western forces in West Germany and Denmark consist of 26 divisions with a total of 703,000 men and a maximum of 6,600 tanks. These totals take into account two French divisions that are outside NATO's integrated military setup.

France, which withdrew from the integrated military command in 1966, attended today's meetings. But she does not support an approach to the Warsaw Pact because such strategy represents bloc-to-bloc diplomacy, which offends France's sense of national independence.

MANDATE FOR BROSIO

One of the ministers' main tasks will be to work out an exact mandate for Manlio Brosio, the former Secretary General, who will serve as the alliance's "explorer" in talks with the Warsaw Pact countries.

Mr. Brosio is expected to visit the Soviet Union at the end of the month to discuss what types of arms should be negotiated, how many countries should participate in the talks and where they should be held. The NATO position on these details is to be worked out in the current meeting.

Mr. Brosio, Secretary General for seven years, was succeeded last week by Dr. Joseph M. A. H. Luns, Foreign Minister of the Netherlands for more than 19 years.

One of the principal concerns of West Germany and Britain is the possibility of a precipitate move scaling down the balance of military power in Central Europe. Atlantic alliance officials say that a one-to-one ratio reduction in forces would clearly leave the West outflanked because of Soviet superiority in troops, tanks and aircraft.

[From the New York Times, Oct. 7, 1971]

NATO SENDING AIDE ON SOVIET MISSION

(By Bernard Weinraub)

BRUSSELS, Oct. 6.—The North Atlantic alliance today assigned its former Secretary General, Manilo Brosio, to visit the Soviet Union and explore the possibility of East-West troop cuts in Europe.

Today's move, at the conclusion of a special two-day meeting, is expected to lead to the first discussions between the North Atlantic Treaty Organization as a whole and the Soviet Union and the Warsaw Pact nations.

This evening, N.A.T.O.'s new Secretary General, Dr. Joseph M.A.H. Luns, the former Dutch Foreign Minister, said at a news conference that Mr. Brosio's "task will be to explore, and to explain the views of allied countries" on the principles for mutual and balanced force reductions and on the question of a forum for eventual negotiation.

SOUNDING OUT PROCESS

Mr. Luns said that Mr. Brosio would "sound out" the Russians "with regard to their intentions . . . and seek their reactions to the ideas expressed."

Fourteen of the fifteen NATO nations approved the mission. France contends the bloc-to-bloc diplomacy being undertaken by the alliance impinges on French sovereignty.

Mr. Luns said the NATO initiative was "proof" of the desire of the 14 nations "to determine, as soon as possible, whether common ground exists for negotiations on mutual and balanced force reductions.

"These governments," he said, "hope that their move will meet with a clear, positive and speedy response.

Mr. Luns said that Mr. Brosio and a technical team of four or five men would leave "as soon as possible between now and Nov. 10 or 15.

"This is exploratory," he emphasized. "What the 14 countries wish to avoid is to give an impression that he will be coming on a take-it-or-leave-it basis. We have no preconditions on this mission."

CENTRAL EUROPE FIRST

Mr. Brosio is expected to return from his mission in time to report to the NATO ministerial conference here on Dec. 8–10. The United States Secretary of State, William P. Rogers, and Secretary of Defense Melvin R. Laird, are expected to attend.

Toward year's end Mr. Brosio is expected to visit some Warsaw Pact nations in Eastern Europe.

Dr. Luns declined to discuss what troop reduction proposals, if any, Mr. Brosio would place before the Soviet Union. "This is very confidential," he said.

Dr. Luns added: "We are thinking of Central Europe first" in troop reductions.

The Secretary General sought repeatedly to blunt reports that the Atlantic Alliance was split over troop reductions. Other diplomats, however, said there were sharp divisions.

The United States has spurred the drive for troop reductions, leaving Britain, West Germany, Italy and other nations uneasy. Several allies indicated that the reduction of armed forces was sought by the Nixon Administration because of Congressional pressure and the 1972 Presidential election.

Britain feels that troop cuts would create a military imbalance favoring the Soviet Union. Joseph Godber, the Minister of State at the Foreign Office, said that Britain was "not negative" to force reductions but warned about the serious and complex difficulties of negotiating for them.

INCREASED PRESSURE FEARED

During the two-day meeting, the Mediterranean members of the alliance—Italy, Greece and Turkey—expressed concern that reducing the number of troops in Central Europe could lead to increased pressure by the Warsaw Pact nations on the Mediterranean area.

Italy said that such reductions should not allow the Soviet Union to bolster its fleet in the Mediterranean.

West Germany also expressed reluctance about a cut, saying that serious negotiations should not begin before talks with East Germany on Berlin are at or near completion.

Virtually all the allies, including the United States, emphasized the extreme difficulty of cutting forces.

[From the Washington Star, Oct. 10, 1971]

NATO Feelings Mixed on Mission to Moscow

(By Andrew Borowiec)

Brussels.—There are no illusions in the headquarters of the North Atlantic Treaty Organization.

No undue hopes are being voiced after the appointment of NATO's former Secretary-General Manilo Brosio as special envoy to Russia in search of troop cuts in Europe.

The atmosphere after this far-reaching step is that of skepticism mixed with an underlying desire to create a more solid basis for detente.

Brosio's trip to Moscow, set for some time in November, will not eliminate the fear of military confrontation between the two power blocs. But it may set in motion a process eventually capable of creating some form of co-existence between the reduced forces of NATO and its Communist counterpart, the Warsaw Pact.

This is the distant goal of what is known as mutual and balanced forces reductions (MBFR), NATO's contribution to the spirit of detente now sweeping Europe.

MANY OBSTACLES

There is no guarantee that Russia will be an easy and accommodating negotiator—quite to the contrary. There are countless unanswered questions and formidable obstacles, centering around geography, strategy, logistics and finally on the crucial word balance.

There are charges that the whole operation is merely a smokescreen for an American decision reached long ago to start military disengagement in Europe.

There also is a deep conviction shared by many Europeans that the Soviet Union will not commit itself to any action which does not foster its interests on the European continent.

These interests, according to many European analysts, are to create a militarily weakened Europe without the American defensive shield, a Europe that would be an easy subject to Russia's wishes and pressures.

Another school of thought in the drab, functional NATO complex outside Brussels maintains that the whole concept of MBFR is a basically harmless exercise. Elimination of two or even four army divisions in central Europe would not drastically change NATO's military posture, the argument goes. Any serious conflict with the Soviet bloc is bound to provoke an American nuclear riposte anyway. If a cut in NATO's ground forces helps to relax tensions, why not try it, optimists argue.

It now appears certain that the United States is determined to do all it can to achieve MBFR, even if the Russians insist on symmetrical cuts meaning one Allied for one Soviet soldier.

But at this state NATO does not appear to have analyzed to what extent such an operation would be harmful.

Members of the American delegation insist that nothing is being changed in strategy guidelines adopted last year. The United States itself is planning to replace its Pershing tactical missiles with new ones and introduce new types of attack aircraft. The other Allies also are being urged to modernize and improve their forces.

NATO's objective is to maintain its preparedness while seeking troop-cut negotiations. The operation is being launched as a joint venture by the alliance with American officials insisting steadfastly that no bilateral talks with the Soviet Union are envisaged on this subject.

Much stock is being put in the good will so far demonstrated by the Soviet Union. Such demonstrations include the Berlin agreement—yet to be finalized—and several encouraging speeches by top Soviet leaders.

The Russians, some analysts say, want to secure the status quo in Europe. They are under considerable pressure from their satellites to ease military expenditures and concentrate more on proverbial butter rather than on cannons.

All this does not change the fact that Russia is engaged in power politics, that it intends to profit from any weaknesses—economic and military—of the Western world to advance its own interests.

NATO's task—and on this issue all Allies are in agreement—is to make sure that the West's interests are not sacrificed while the cause of peace and detente is enhanced.

The decision to send Brosio to Moscow was adopted by a special two-day session of NATO deputy foreign ministers which ended yesterday. Originally Brosio was scheduled to travel also to other East European capitals but finally Moscow emerged as the only possibility to permit the former secretary-general to report to the NATO Ministerial Council in December.

The council then will decide how to pursue its MBFR policy.

NO PRECONDITIONS

Brosio thus has two months to plan his trip, co-ordinate it with the Russians, select a technical staff of four or five persons and carry out his first exploratory mission.

His mandate appears to be a comprehensive one although no details have been spelled out to newsmen.

There are no pre-conditions, NATO's new secretary general, Joseph Luns, told a press conference.

NATO would like Brosio to bring back as many details as possible, sources said, but it is expected that most likely he will return with generalities.

Hampering somewhat his negotiating position is the fact that Brosio will not represent the alliance as such but the fourteen nations interested in the MBFR (France is abstaining). To laymen, it is a confusing technicality but it carries an important connotation in diplomacy.

If Brosios' mission succeeds, more concrete talks would emerge, coupled with his trips to other Communist capitals in Central Europe.

The Central European theater appears as the most likely target if and when MBFR talks get off the ground. Thus Brosio would travel to East Germany, Poland and Czechoslovakia. The East German trip undoubtedly would cause diplomatic complications because of that country's ostracism by most Western governments.

But if the current negotiations between the two Germanys succeed, if some sort of modus vivendi is established between Bonn and Pankow, a lot could change.

The fact remains that the stage has been set for major and far-reaching moves on the old continent. The next few months will show whether there is going to be reciprocal action on the other side of the Iron Curtain.

NATO Feelings Mixed on Mission to Moscow

(By Andrew Borowiec)

Brussels.—There are no illusions in the headquarters of the North Atlantic Treaty Organization.

No undue hopes are being voiced after the appointment of NATO's former Secretary-General Manlio Brosio as special envoy to Russia in search of troop cuts in Europe.

The atmosphere after this far-reaching step is that of skepticism mixed with an underlying desire to create a more solid basis for detente.

Brosio's trip to Moscow, set for some time in November, will not eliminate the fear of military confrontation between the two power blocs. But it may set in motion a process eventually capable of creating some form of co-existence between the reduced forces of NATO and its Communist counterpart, the Warsaw Pact.

This is the distant goal of what is known as mutual and balanced forces reductions (MBFR), NATO's contribution to the spirit of detente now sweeping Europe.

There is no guarantee that Russia will be an easy and accommodating negotiator—quite to the contrary. There are countless unanswered questions and formidable obstacles, centering around geography, strategy, logistics and finally on the crucial word balance.

There are charges that the whole operation is merely a smokescreen for an American decision reached long ago to start military disengagement in Europe.

There also is a deep conviction shared by many Europeans that the Soviet Union will not commit itself to any action which does not foster its interests on the European continent.

These interests, according to many European analysts, are to create a militarily weakened Europe without the American defensive shield, a Europe that would be an easy subject to Russia's wishes and pressures.

Another school of thought in the drab, functional NATO complex outside Brussels maintains that the whole concept of MBFR is a basically harmless exercise. Elimination of two or even four army divisions in central Europe would not drastically change NATO's military posture, the argument goes. Any serious conflict with the Soviet bloc is bound to provoke an American nuclear riposte anyway. If a cut in NATO's ground forces helps to relax tensions, why not try it, optimists argue.

It now appears certain that the United States is determining to do all it can to achieve MBFR, even if the Russians insist on symmetrical cuts meaning one Allied for one Soviet soldier.

But at this state NATO does not appear to have analyzed to what extent such an operation would be harmful.

Members of the American delegation insist that nothing is being changed in strategy guidelines adopted last year. The United States itself is planning to replace its Pershing tactical missile with new ones and introduce new types of attack aircraft. The other Allies also are being urged to modernize and improve their forces.

NATO's objective is to maintain its preparedness while seeking troop-cut negotiations. The operation is being launched as a joint venture by the alliance with American officials insisting steadfastly that no bilateral talks with the Soviet Union are envisaged on this subject.

Much stock is being put in the good will so far demonstrated by the Soviet Union. Such demonstrations include the Berlin agreement—yet to be finalized—and several encouraging speeches by top Soviet leaders.

The Russians, some analysts say, want to secure the status quo in Europe. They are under considerable pressure from their satellites to ease military expenditures and concentrate more on proverbial butter rather than on cannons.

All this does not change the fact that Russia is engaged in power politics, that it intends to profit from any weakness—economic and military—of the Western world to advance its own interests.

NATO's task—and on this issue all Allies are in agreement—is to make sure that the West's interests are not sacrificed while the cause of peace and detente is enhanced.

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Senator MIKE MANSFIELD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MANSFIELD: I would like to bring to your attention the outrageous automobile insurance rates men stationed in the German Federal Republic are forced to pay.

A man like myself, 32 years old, married and having an unblemished 15 year driving record, is paying $227.00 per year for liability insurance.

In the two years I have served in Germany I have seen the rates climb from an already exorbitant $132.00 to the present rates. An increase of some 75%.

A large part of this increase took place effective 1 January 71 when rates were "adjusted" in accord with an agreement between U.S. Army Europe and German government officials. These changes, in effect, raised my rates by $50.00 and lowered those of men in grades E-3 through E-5 a like amount.

At first glance this may seem equitable, but considering the following facts covering Air Force personel assigned to the 17th Air Force in Germany. Men in the 20–24 year age group, in grade E-4, were involved in 50% of the accidents reported. Men in grade E-5 were accountable for 23.2% and men in grade E-3 12.5%. Men in grades E-6 and E-7 combined accounted for 10.6%.

It hardly seems fair for me, and others my age and grade to be subsidizing the premiums of the very men who have driven the rates so high. We have allowed more drivers of this high accident group to buy and operate autos by reducing the insurance premiums. The accident rate in 17th Air Force has increased terribly since Jan. 1. Deaths and injuries caused by these drivers has been increasing despite rigorous programs to combat them.

We are told that one reasons for the high rates is the fact that all U.S. drivers are considered in one group and charged accordingly. I suggest that we develop subgroups to put the burden of payment where it belongs.

If the United States continues to station men in Germany, and I'm sure we will, the U.S. Government must do something to force a fair system to protect those men. In my opinion we are being exploited by the German insurance companys, if not by the German government.

Thank you for your attention to this matter. Any assistance you may offer in improving the situation would be appreciated by the men stationed in Germany.

Yours truly,

——— ———.

BILLINGS, MONT., SALUTES MR. BASEBALL

Mr. MANSFIELD. Mr. President, tomorrow, millions of Americans will be preoccupied with one of the greatest sports events, the world's series. The people of Montana will have a special interest as one of the outstanding pitchers of the Baltimore Orioles is a Billings, Mont., man, Dave McNally.

As Dave McNally said at the "Ed Bayne Day" dinner held at Billings on September 26 of this year:

> If it wasn't for Ed Bayne, I wouldn't be in the big leagues today. He's been like a father to me.

Ed Bayne is the man who has coached 20 Montana State Legion champion baseball teams in the past 22 years. Ed Bayne is the man who refers to himself as "the luckiest man in the world."

The city of Billings over the years has had an unusual interest and has given great support to local sports. Ed Bayne is Mr. Baseball to the people of Montana. Just recently the city of Billings celebrated "Ed Bayne Day." Many old friends, ex-players, admirers, and civic leaders turned out to pay tribute to his many years of service to baseball and the young people of Montana's largest city. It was with deep regret that I personally was unable to be in Billings for "Ed Bayne Day" to show my personal appreciation for what Ed has done and for his many contributions which he has made to our State. In view of the fact that I was among the missing on that momentous occasion, I wish to take this opportunity to publicly add my congratulations to Ed Bayne and his wife, Marcie. The Baynes will be in the East for the world's series as a part of the recognition to him for his many years of service to baseball.

Mr. President, I ask unanimous consent to have an article from the Billings Gazette of September 27, 1971, printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BILLINGS SALUTES MR. BASEBALL: ED BAYNE

(By Norm Clarke)

"I'm the luckiest fellow in the world."

The words came from Ed Bayne as Billings fans gathered Sunday to honor the longtime American Legion baseball coach who has devoted two decades to the community.

Sunday was "Ed Bayne Day" and old friends, ex-players, admirers and civic leaders turned out to pay tribute for his unwavering service to youth and baseball.

Fans joined in a parade up 27th Street, an awards "jamboree" at Eastern Montana College's gym, and a banquet at the Northern Hotel to share Bayne's "happiest hour."

Dave McNally, the former freckle-faced batboy for the Billings Mustangs who emerged from Bayne's "baseball school" to gain pitching fame with the Baltimore Orioles, sent his regards via taped phone conversation.

"If it wasn't for Ed Bayne, I wouldn't be in the big leagues today," said the 28-year-old Montanan who recently became the first American League pitcher in 32 years to win 20 games or more for four consecutive seasons.

"He's been like a father to me," added the star lefthander whose pitching was instrumental in 1960's national runnerup finish in the Little World Series Legion finals.

McNally's mother Beth, a Yellowstone County welfare department worker, told the crowd at EMC: "I've played the game of life with Ed Bayne and he's been a tremendous partner."

Bayne was showered with gifts in appreciation of his never-wavering efforts.

Among them were:

An all-expenses paid trip to the 1971 World Series;

A highlight film of Royals games;

A lifetime pass by an area theater chain.

Many of his former players, including hitting standout Pete Cochrane, who was a member of three straight Billings clubs which qualified for the national finals; former pitchers Les Rohr (No. 1 draft choice of the New York Mets in 1965) and John Hilts, who signed with the Baltimore Orioles and now assists Bayne as a pitching coach, recounted memories of yesteryear.

Past and present coaching colleagues Bill Osborne. Rex Welton, Joe Pirtz, Les Smith and Lyle Wilson, among others, were in attendance.

"I'm the luckiest fellow in the world." Bayne told the gathering at EMC. "To be able to work with youth is an honor. They're the most beautiful people in the world," said the 54-year-old Billings native who has been actively involved in many forms of athletics since a teen-ager.

More than 250 Billings and area players have received scholarships through Bayne's efforts and 12 have signed professional contracts, one of whom is already headed for Baseball's prestigious Hall of Fame. A photo of Dave McNally and his bat has been installed in the covered shrine for his grand slam home run against Cincinnati in last year's World Series.

Bayne has been head coach or assistant of 20 state Legion championship teams in the past 22 years. Since taking over as head coach in 1952, his Billings teams have won 18 titles in 20 years, including regional runnerup finishes the past two seasons.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Georgia (Mr. TALMADGE) is now recognized for not to exceed 15 minutes.

(The remarks of Mr. TALMADGE when he introduced Senate Joint Resolution 165 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of routine morning business limited to 30 minutes, with a 3-minute limitation on statements by each Senator.

QUORUM CALL

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TUNNEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. TUNNEY when he introduced S. 2676 and S. 2677 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON APPROPRIATION FOR "CONTINGENCIES, DEFENSE"

A letter from the Secretary of Defense, reporting, pursuant to law, on the appropriation for "Contingencies, Defense", for the fiscal year 1971; to the Committee on Appropriations.

PROPOSED TRANSFER OF MOTOR LAUNCH

A letter from the Assistant Secretary of the Navy, reporting, pursuant to law, on the proposed transfer of a motor launch to the Maine Port Authority, Portland, Maine; to the Committee on Armed Services.

PROPOSED AMENDMENT OF TARIFF ACT OF 1930

A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Tariff Act of 1930, as amended, to effect certain administrative reforms (with accompanying papers); to the Committee on Finance.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

Resolutions of the Commonwealth of Massachusetts; to the Committee on Finance:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ESTABLISH FAIR TRADE QUOTAS IN THE ELECTRICAL, ELECTRONICS, HYDRAULIC-DIESEL, MACHINE, AND OPTICAL INDUSTRIES

"*Whereas,* The electrical, electronics, hydraulic-diesel, machine and optical industries are important to the economy and to employment opportunity in our commonwealth; and

"*Whereas,* Thousands of well-paying jobs have been lost as a result of unrestricted imports in these industries; and

"*Whereas,* Official complaints filed with United States Government Agencies in these industries demonstrate that foreign manufacturers, aided and abetted by their governments, are using unfair and illegal trade practices, such as dumping and export subsidies, to penetrate the United States market; and

"*Whereas,* American manufacturers in increasing numbers are shutting down operations and entire plants in ours and other States and are running away to distant lands to take advantage of starvation wages paid abroad, leading to large scale loss of jobs here; and

"*Whereas,* A substantial number of those being thrown out of work have been underemployed and unemployed workers, previously trained for good-paying jobs and now have no choice but to go back on welfare; therefore be it

"*Resolved,* That the Massachusetts House of Representatives respectfully urges the Congress of the United States to establish fair trade quotas in the electrical, electronics, hydraulic-diesel, machine and optical industries; and be it further

"*Resolved,* That the Massachusetts House of Representatives respectfully urges the United States Treasury Department and the United States Tariff Commission to speed up procedures relating to the assessment of penalties in cases involving illegal dumping and subsidization of exports by foreign manufacturers; and be it further

"*Resolved,* That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of Congress, to the members thereof from the Commonwealth, the Treasurer of the United States and to the United States Tariff Commission.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. TUNNEY (for himself, Mr. WILLIAMS, Mr. BROOKE, Mr. KENNEDY, Mr. ANDERSON, Mr. BAYH, Mr. BENNETT, Mr. BENTSEN, Mr. CASE, Mr. CRANSTON, Mr. EAGLETON, Mr. GRIFFIN, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HUMPHREY, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. MAGNUSON, Mr. METCALF, Mr. MONDALE, Mr. MOSS, Mr. MUSKIE, Mr. PASTORE, Mr. PERCY, Mr. RIBICOFF, Mr. ROTH, Mr. SCHWEIKER, Mr. TAFT, and Mr. THURMOND):

S. 2676. A bill to provide for the prevention of sickle cell anemia. Referred to the Committee on Labor and Public Welfare.

By Mr. TUNNEY (for himself, Mr. EAGLETON, Mr. BUCKLEY, Mr. INOUYE, and Mr. WEICKER):

S. 2677. A bill to authorize programs in the District of Columbia to combat and control the disease known as sickle cell anemia. Referred to the Committee on the District of Columbia.

By Mr. BURDICK:

S. 2678. A bill to establish producer owned and controlled emergency reserves of wheat, feed grains, and soybeans. Referred to the Committee on Agriculture and Forestry.

By Mr. BENNETT (for himself and Mr. SPARKMAN):

S. 2679. A bill to extend the period within which certain Federal credit unions must obtain insurance of member accounts in accordance with title II of the Federal Credit Union Act. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 2680. A bill to designate certain lands in the State of California as wilderness. Referred to the Committee on Interior and Insular Affairs.

By Mr. TALMADGE:

S.J. Res. 165. Joint resolution proposing an amendment to the Constitution of the United States prohibiting involuntary busing of students. Referred to the Committee on the Judiciary.

By Mr. PERCY (for himself and Mr. STEVENS):

S.J. Res. 166. Joint resolution recognizing the State of Illinois and the city of Chicago as hosts in 1992 of the official quincentennial celebration of the discovery of America. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TUNNEY (for himself, Mr. WILLIAMS, Mr. BROOKE, Mr. KENNEDY, Mr. ANDERSON, Mr. BAYH, Mr. BENNETT, Mr. BENTSEN, Mr. CASE, Mr. CRANSTON, Mr. EAGLETON, Mr. GRIFFIN, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HUMPHREY, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. MAGNUSON, Mr. METCALF, Mr. MONDALE, Mr. MOSS, Mr. MUSKIE, Mr. PASTORE, Mr. PERCY, Mr. RIBICOFF, Mr. ROTH, Mr. SCHWEIKER, Mr. TAFT, and Mr. THURMOND):

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S. 2677. A bill to authorize programs in the District of Columbia to combat and control the disease known as sickle cell anemia. Referred to the Committee on the District of Columbia.

NATIONAL SICKLE CELL ANEMIA PREVENTION ACT

Mr. TUNNEY. Mr. President, sickle cell anemia is a deadly tragedy to thousands of black families in this country. I think it is time that we as a nation make a commitment to end that tragedy. Thus, I am pleased to introduce today legislation to create a national program for the prevention of sickle cell anemia. Regretably, there is no cure for this disease and none on the horizon. But we can begin to offer the opportunity to learn the nature and risks of the disease. And we can persist and strengthen research to combat the disease. I am honored to be joined in that endeavor by 30 of my colleagues in the Senate from both parties.

We are introducing two bills today: The first, S. 2676 will create a national program for research, screening, counseling, and public education concerning sickle cell anemia. The second bill, S. 2677 will authorize a pilot program against sickle cell anemia in the District of Columbia. I think it is particularly appropriate to begin here in Washington, a city which is both the Nation's Capital and the city with the largest percentage of black persons in the entire Nation.

Joining me in introducing this legislation are the distinguished chairman of the Labor and Public Welfare Committee (Mr. Williams), my able colleague the junior Senator from Massachusetts (Mr. Brooke), and the very capable chairman of the Health Subcommittee (Mr. Kennedy). Also joining as sponsors are Mr. Anderson, Mr. Bayh, Mr. Bennett, Mr. Bentsen, Mr. Case, Mr. Cranston, Mr. Eagleton, Mr. Griffin, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. Magnuson, Mr. Metcalf, Mr. Mondale, Mr. Moss, Mr. Muskie, Mr. Pastore, Mr. Percy, Mr. Ribicoff, Mr. Roth, Mr. Schweiker, Mr. Taft, and Mr. Thurmond.

The distinguished chairman of the District of Columbia Committee, (Mr. Eagleton) and three of my colleagues on that committee are joining to introduce the pilot program for the District of Columbia.

Identical bills will be introduced in the House by a broad group including 11 members of the Black Caucus led by Delegate Walter Fauntroy. Included among the House sponsors are Representatives Chisholm, Clay, Conyers, Dellums, Diggs, Hawkins, Metcalfe, Mitchell, Rangel, and Stokes.

Mr. President, more than 10 years after sickle cell anemia was identified as the tragic killer that it is, we are finally beginning to become aware of its terrible toll. It is a blood disease resulting from the inheritance of a genetic factor relating to the so-called sickle cell "trait." It is a painful deadly disease. It kills over half its victims before the age of 20. Few survive beyond the age of 40 and most are crippled long before death.

The disease strikes approximately one of every 500 black persons. Medical researchers estimate that over 2 million Americans carry the so-called sickle cell "trait." These persons are generally not in danger of the disease itself, but the children of parents who both carry the trait run a high risk of inheriting the disease.

Yet, when compared with other serious diseases, sickle cell has received only minimal attention and research. Compared with the frequency of occurrence of these other diseases, the neglect of sickle cell anemia is readily apparent. Sickle cell occurs in roughly one of every 500 births of black children. Cystic fibrosis, a disease that affects primarily white persons, occurs with a frequency of one in 2,940. For muscular dystrophy the frequency is one in 5,000 and for phenylketonuria—commonly known as PKU—one in 10,000 births.

In 1967, there were an estimated 1,155 new cases of sickle cell anemia, 1,206 of cystic fibrosis, 813 of muscular dystrophy, and 350 PKU. Yet, in 1968, volunteer organizations raised $1.9 million for cystic fibrosis, $7.9 million for muscular dystrophy, but only $50,000 for sickle cell research. Until very recently, Federal research efforts were similarly meager. National Institutes of Health grants for many less common hereditary diseases have long far exceeded those for sickle cell anemia.

Dr. Roland B. Scott, for example, has spent 20 years in the field of sickle cell disease, is chairman of the Department of Pediatrics and director of the Sickle Cell Center at Howard University; and yet has never received a cent in Federal grants for sickle cell research.

Fortunately, through the persistent efforts of dedicated researchers such as Dr. Scott and Dr. Angela Ferguson, of Howard University, we are now beginning to become aware of the nature of the disease and the need for support.

The neglect is all the more apparent when one realizes that the so-called PKU disease occurs only among white persons and is 20 times less frequent in occurrence among white than sickle cell is among blacks. And yet for years, hospitals have routinely administered the PKU test to warn white parents of the presence of that disease. If we had made the same effort for sickle cell anemia, perhaps many fewer black parents would have suffered the tragedy of a crippled young child doomed to an early death.

There is still no nationwide volunteer organization devoted to sickle cell anemia, but groups in many cities throughout the country are now active and increasing in effectiveness. In Los Angeles, there is the Sickle Cell Disease Research Foundation, led by a distinguished California physician, Dr. Elmer Anderson. I am pleased to have had the opportunity to work with Dr. Anderson in developing this legislation. I also had the opportunity 2 weeks ago to participate in a 2-day conference in Los Angeles on sickle cell anemia and to speak with many of the participants in that conference.

In addition to the Los Angeles foundation, in New York there is the Sickle Cell Disease Research Foundation; in Washington, D.C., the Association for Research and Sickle Cell Anemia; in Memphis, Tenn., the National Sickle Cell Anemia Foundation; in Richmond, Va., the Virginia Sickle Cell Awareness program—VaSCAP—and similar groups in other cities throughout the country. A group of black professional athletes has formed the Black Athletes Foundation to further education and research on sickle cell amenia. Its president is Willie Stargell, the Pittsburgh Pirates' outfielder.

Researchers such as Dr. Robert Nalbandian of Blodgett Memorial Hospital in Grand Rapids, Mich.; Dr. Paul Wolf of Stanford University; Dr. Makio Murayama at the National Institutes of Health in Bethesda, and many others are engaged in efforts to prevent the painful sickle cell crisis, reduce hospitalization and chronic care and confer a full life span on sickle cell anemics.

There is, however, much research which remains to be done. There is still no cure for sickle cell disease and it would be cruel for us today to promise one. Thus, the bill which we introduce today will provide new impetus and support for continuing and expanding research efforts.

In addition to research, however, there is a tremendous need to provide education of the public on the nature and inheritance of sickle cell disease and to offer all persons the opportunity to learn if they carry the trait. As Dr. Robert Scott recently wrote in the journal of the AMA:

> Health professionals have generally failed to recognize sickle cell anemia as a major community health concern, and consequently the public has been poorly informed. A recent survey revealed that only three out of ten adult Negroes had ever heard of the illness.

In cities with large black populations according to Dr. Scott, sickle cell disease is not just another significant health problem, it is one of the more prevalent health problems. In Washington, D.C., for example, where the black population is 68 percent, sickle cell anemia far exceeds other serious childhood diseases. And at present, seven out of the 10 largest cities in the Nation have more than 30 percent black population.

The need then is not only for expanded research. We must offer to every person the opportunity to learn that the disease exists, how it is caused and the risks, of its occurrence. We must offer the opportunity to obtain a voluntary test for the sickle cell trait at appropriate locations throughout black communities. We must provide the chance for every person to learn if he or she has the trait and put an end to the tragic unawareness which can be shattered by the birth of a child with sickle cell anemia.

THE NATIONAL SICKLE CELL ANEMIA PREVENTION ACT

The bills which we introduce today will for the first time provide a coordinated effort by the Federal Government for the prevention and treatment of the disease. S. 2676, the National Sickle Cell Anemia Prevention Act has four basic provisions:

First, a coordinated Federal grant program of $25 million per year for 3 years for research, voluntary screening, and counseling and public education; second, a demonstration grant program of $5 million per year for 3 years for the development of centers for research and research training in sickle cell anemia; third, a requirement that the Department of Defense implement a policy to provide voluntary screening, counseling, treatment, and education concerning the disease for servicemen, civilian employees, and inductees; and fourth, similar programs by other Federal agencies which provide direct health care for persons eligible in such agencies; namely, the Veterans' Administration and the Public Health Service.

It is the purpose of this bill to provide a coordinated effort against sickle cell disease as a major health problem and provide the means to combat it. Thus, a primary purpose of the bill in addition to research, is to provide funds for the creation of community screening and counseling programs.

VOLUNTARY SCREENING

A simple and inexpensive test to detect the sickle cell trait has been available for many years. Only rarely, however, have individuals had the opportunity to know in advance of marriage or in advance of childbearing that they were trait carriers. Hence, parents usually learn they carry the trait only after they find to their sorrow that a child is born with the disease.

In order to screen, on a voluntary basis, as many people as possible, this bill would provide funds, for example, for school districts to screen their students. Such screening could supplement other school health service programs such as physical examinations, eye testing programs, and immunizations. Neighborhood health centers, clinics, hospitals, and mobile health units would be able regularly to include the sickle cell test.

Using such screening, Dr. Joseph Bellizzi, supervising physician for the Hartford, Conn., school system recently directed a major program which offered screening to 3,456 black children of high school age, finding 301 carriers of the trait and four cases of sickle cell anemia. Screening programs such as this can offer the first opportunity for persons to learn whether they carry the trait and what the risks and dangers are for their children. Similarly, parents who learn that one of their children has the trait would be able to seek similar tests for themselves and their other children.

VOLUNTARY COUNSELING

For persons who learn through screening that they possess the trait, the bill provides funding for voluntary counseling services to gain information on the disease and the risks involved. Thus, possbly for the first time, a person with the trait can learn beforehand the chances that his children might have the disease and what it will mean for their lives.

PUBLIC EDUCATION

Finally, the bill provides funds for programs to educate the public about the nature of sickle cell anemia and the inheritance of the sickle cell trait. As Dr. Scott points out, few people know what the disease is or how to learn whether they have the trait.

Fortunately, a number of public spirited organizations including radio and TV stations, are beginning such education programs. Thus, for example, in Hartford, Conn., station WTIC began a drive to do something about sickle cell disease. They ran a public education type program on sickle cell anemia and then began a campaign to raise money for research at the Sickle Cell Anemia Center at Howard. As a result of the station's efforts, $34,000 was raised for the center. I have a copy of WTIC's editorial which I will submit for inclusion in the RECORD at a later point.

Similarly here in Washington, TV station WRC conducted a five-part series on sickle cell anemia, a major and most impressive commitment of time and effort by that station. The importance of such programs and the importance of screening programs was given most dramatic emphasis when the station's reporter took the test for sickle cell for the first time and learned that she had the trait.

This bill will provide funds to conduct similar public education programs toward the goal that all people may be informed about the disease and its risks and have the opportunity to seek the sickle cell test.

DEMONSTRATION FUNDS

A second major thrust of the bill is demonstration funds for the development of centers for research, screening, counseling or treatment. Funds would be available to public and nonprofit private institutions such as medical schools, hospitals, and foundations. A principal focus of this provision is to provide funds for centers such as the very fine one at Howard University founded by Dr. Roland Scott. Funds under this provision are intended in particular to provide the opportunity for institutions such as Howard and hospitals which serve large black communities to establish major programs against sickle cell disease.

PROGRAMS IN THE MILITARY

In addition to grant programs, however, the bill also focuses heavily on the need and opportunity in the Armed Forces and other Federal agencies which provide health care, to offer screening counseling and, where appropriate, treatment for sickle cell anemia. It requires the Secretary of Defense to implement a policy to offer servicemen—and their dependents—civilian employees of the Department, and persons examined at induction centers the opportunity to learn if they carry the trait by screening tests at no cost to the individual. It provides that such a program should include the opportunity for voluntary counseling for persons who have the trait and education of personnel regarding the availability and cost-free nature of such services.

Programs such as those provided in the bill are particularly important in the Military Establishment because of the opportunity to reach large numbers of young people. In addition, it is particularly important for those who may have the trait to learn that fact in order to avoid certain high-stress duties, such as high altitude flying, which may be dangerous to those with the trait.

Using one screening method, the director of the Blood Transfusion Division of the Army Research Institute at Fort Knox, Ky., has screened over 5,000 recruits in the past 18 months. Approximately 200 persons learned they had the trait. If such screening were widely available, events such as the tragic deaths of four recruits with the trait at Fort Bliss, Tex., last year might have been avoided.

Although persons with the trait are generally not in danger, in some instances of high-stress activity some such persons can develop severe complications.

Thus, the programs required by the bill would allow anyone connected with the military to have the opportunity to learn if he or she has the trait.

Other sections of the bill provide the same opportunity for screening counseling and treatment in the Veterans' Administration and the Public Health Service.

VOLUNTARY PARTICIPATION AND CONFIDENTIALITY

Finally, the bill contains strict requirements to assure the voluntary nature of all programs funded or conducted pursuant to the National Sickle Cell Anemia Prevention Act and provides for protection of individual privacy by strict requirements of confidentiality. Thus, participation in screening or counseling programs carried out under the act would be entirely voluntary. In addition, test results would be held confidential. Both of these provisions are particularly important, I believe, in order to avoid any misinterpretation of the basic purpose of programs under this bill. It would be indeed tragic if any person should gain the impression of racial prejudice or discrimination as a result of these programs. Lest there be any doubt on that score, we have included the very strict provisions I have just described. This bill would coerce no one. Instead, it would affirm the dignity of individuals by providing the facts needed for free and informed choices.

Mr. President, it is my belief that this bill will make a major contribution to the prevention and treatment of sickle cell disease. Some efforts are already underway. In this year's budget, approximately $6 million are earmarked in the budget of the National Institutes of Health for sickle cell research. A few months ago, the Senate adopted Senator KENNEDY's amendment to add $6 million in new funds for research. Although it was not included in the final HEW bill, it indicated the deep feeling in the Senate to act against sickle cell. In addition, a National Advisory Committee on Sickle Cell Disease has been recently appointed by the Secretary of Health, Education, and Welfare.

The programs created by this bill will build upon those efforts. The advice of the National Advisory Committee will undoubtedly be a major factor in implementing the programs under this bill. I am hopeful, therefore, that we will move swiftly to enact this legislation.

EFFORTS IN THE NATION'S CAPITAL

Mr. President, in addition to the National Sickle Cell Anemia Prevention Act, I am also introducing a bill to establish a pilot program against sickle cell anemia in the District of Columbia. I can think of no more appropriate place to begin the fight against sickle cell anemia than here in the District: it is the Nation's Capital, and it is also the city with the largest percentage of black population in the country.

In addition, the District is a city where efforts are already underway but are suffering from terrible lack of funds. At this very moment, the city's Health Services Administration is seeking to include sickle cell screening in a city program to test young children for lead poisoning. Because they are unable to find $20,000 to include sickle cell tests, the program has not yet been launched. It is particularly tragic because this program would require no new staff, it would use an existing program and simply add more testing.

For this reason, this second bill which we are introducing today is most appropriate and necessary. It will authorize direct appropriations to the District government to establish and run screening, counseling and public education programs of all types. For example, such services could be provided at neighborhood health centers, schools, hospitals, day-care centers, family planning clinics, and other locations throughout the community.

In addition, in order to assure that funds will be available for such programs, the bill authorizes grants by the Secretary of Health, Education, and Welfare to the District government for such purposes. Finally, to aid in the very excellent work being done at Howard University and to encourage similar work at other institutions in the District, the bill authorizes grants to such institutions for research, screening, counseling, or treatment programs.

It is my belief that the programs authorized by this bill here in Washington could well serve as a national model for similar programs in other cities throughout the country. As chairman of the Public Health Subcommittee of the District of Columbia Committee, I intend to place high priority on enactment of this legislation. I am, therefore, particularly pleased that a bipartisan majority of the District Committee are joining as prime sponsors of this bill.

CONCLUSION

Mr. President, both of these bills—the National Sickle Cell Anemia Prevention Act and its District of Columbia counterpart—offer to the Congress the opportunity to demonstrate tangibly our commitment to the health and welfare of all Americans. As I stated earlier, sickle cell anemia for many years has been the victim of tremendous neglect. That time must come to an end. No longer should black Americans be forced to wonder over the cause of that neglect. We must offer, without coercion of free choice, an end of the burden of uncertainty among black Americans who do not know whether they suffer from this disease or carry the sickle cell trait. And we must persist in research.

Mr. President, I ask unanimous consent that S. 2676 and S. 2677 be printed in the Record at this point, together with a section-by-section analysis of S. 2677; copies of the transcript of the recent WRC television series; an editorial by television station WTIC in Hartford, Conn.; and a group of articles which I am submitting, dealing with sickle cell anemia.

There being no objection, the bills and material were ordered to be printed in the Record, as follows:

S. 2676

A bill to provide for the prevention of sickle cell anemia

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act shall be cited as the "National Sickle Cell Anemia Prevention Act."

FINDINGS AND DECLARATION OF PURPOSE

Sec. 2. (a) The Congress hereby finds and declares—

(1) that sickle cell anemia is a disease resulting from the inheritance of a genetic factor relating to the sickle cell trait which afflicts a large number of American citizens, primarily among the black population of the United States;

(2) that the disease is a deadly and tragic burden which strikes approximately one of every 500 black children, and that less than half of those children who contract the disease survive beyond the age of twenty; and

(3) that efforts to prevent sickle cell anemia must be directed toward increased research in the cause and treatment of the disease, and the education, screening and counseling of carriers of the sickle cell trait;

(4) that simple and inexpensive screening tests have been devised which will identify those who have the disease or carry the trait;

(5) that programs to prevent sickle cell anemia must be based entirely upon the voluntary cooperation of the individuals involved;

(6) that the attainment of better methods of prevention, diagnosis, and treatment of sickle cell anemia deserve the highest priority,

(b) In order to preserve and protect the health and welfare of all citizens, it is the purpose of this Act to establish a national program for the prevention and treatment of sickle cell anemia.

AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

Sec. 3. (a) Section 1 of the Public Health Service Act is amended by striking out "Titles I to X" and inserting in lieu thereof "Titles I to XI".

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is amended by renumbering title XI (as in effect prior to the enactment of this Act) as title XII, and by renumbering sections 1101 through 1114 (as in effect prior to the enactment of this Act) and references thereto, as sections 1201 and 1214, respectively.

(c) The Public Health Service Act is further amended by adding after title X the following new title:

"TITLE XI—SICKLE CELL ANEMIA PREVENTION PROGRAM

"GRANTS FOR SICKLE CELL SCREENING AND COUNSELING PROGRAMS

"Sec. 1101. (a) The Secretary is authorized to make grants to and enter into contracts with public and nonprofit private entities to assist in the establishment and operation of voluntary sickle cell anemia screening and counseling programs and to assist in developing and making available information and educational materials relating to sickle cell anemia to all persons requesting such information or materials, and to inform the public generally about the nature of sickle cell anemia and the sickle cell trait.

"(b) In making grants and contracts under this section the Secretary shall take into account the number of persons to be served, the extent to which such screening and counseling is needed on a local basis, the relative need of the applicant, and its capacity to make rapid and effective use of such assistance.

"(c) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1973; $25,000,000 for the fiscal year ending June 30, 1974; and $25,000,000 for the fiscal year ending June 30, 1975.

"DEMONSTRATION GRANTS

"Sec. 1102. (a) In order to promote research in the diagnosis, treatment, and prevention of sickle cell anemia, development of programs to educate the public regarding the nature and inheritance of the sickle cell trait and sickle cell anemia, and the development of centers for research, testing, counseling, prevention, or treatment of sickle cell anemia the Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals for projects for research and research training in such fields.

"(b) For the purpose of making payments pursuant to grants and contracts under this section there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973; $5,000,000 for the fiscal year ending June 30, 1974; and $5,000,000 for the fiscal year ending June 30, 1975.

"VOLUNTARY PARTICIPATION

"Sec. 1103. The participation by any individual in any program or portion thereof under this title (whether by grant or contract) shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from or to participation in, any other program.

"APPLICATIONS

"Sec. 1104. A grant under this title may be made upon application to the Secretary at such time, in such manner, containing and accompanied by such information as the Secretary deems necessary. Each application shall—

"(1) provide that the programs and activities for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) describe with particularity the programs and activities for which assistance is sought;

"(3) provide for strict confidentiality of all test results, medical records and other information regarding screening, counselling or treatment of any person treated, except for (A) such information as the patient (or his guardian) consents to be released; or (B) statistical data compiled without reference to the identity of any such patient;

"(4) provide for appropriate consultation with community representatives in the development and operation of any program funded under this title;

"(5) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

"(6) provide for making such reports in such form and containing such information as the Secretary may reasonably require.

"PUBLIC HEALTH SERVICE FACILITIES

"Sec. 1105. The Secretary shall establish a program within the Public Health Service to provide for voluntary sickle cell anemia screening, counselling, and treatment. Such program shall be made available through facilities of the Public Health Service to any eligible person requesting screening, counselling, or treatment, and shall include notification of all eligible persons of the availability and voluntary nature of such programs.

"REPORTS

"Sec. 1106. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress on or before April 1 of each year a comprehensive report on the administration of this title.

"(b) The report required by this section shall contain such recommendations for additional legislation as the Secretary deems necessary."

PROTECTION OF ARMED FORCES PERSONNEL

SEC. 4. (a) The Secretary of Defense is authorized and directed to promulgate rules and regulations to provide for screening and counselling of members of the Armed Forces (including their dependents), civilian employees of the Department of Defense, and persons examined at Armed Forces examining and entrance stations, for the sickle cell trait and sickle cell anemia.

(b) Such rules and regulations shall provide for

(1) voluntary screening for the sickle cell trait for persons described in subsection (a) who request such a test, at no cost to such person;

(2) communication to such person described in subsection (a) of the results of such test;

(3) voluntary referral of individuals determined to possess a positive trait to an appropriate military or civilian counselling or treatment agency;

(4) notification to persons described in subsection (a) of the cost-free and voluntary nature of the screening and referral programs implemented pursuant to this section;

(5) education of persons described in subsection (a) regarding the nature and inheritance of the sickle cell trait and sickle cell anemia; and

(6) assurance that all information obtained on specimens submitted voluntarily under this act shall be held confidential except for (A) such information as the patient (or his guardian) consents to be released or (B) statistical data compiled without reference to the identity of any such patient.

(c) The Secretary of Defense shall provide for voluntary counseling or treatment of such persons described in subsection (a) found to have the sickle cell trait or sickle cell anemia at an appropriate military civilian facility as the case may be.

(d)(1) The Secretary of Defense shall prepare and submit to the President for transmittal to Congress on or before April 1 of each year a comprehensive report on the administration of this section.

(2) The report required by this subsection shall contain such recommendations for additional legislation as the Secretary of Defense deems necessary.

(e) The participation by any individual in any program or portion thereof under this section shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program.

PROTECTION OF VETERANS

SEC. 5. (a) Chapter 17 of title 38, United States Code, is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER VI—SICKLE CELL ANEMIA PREVENTION

"§ 651. Notification and education

"(a) The Administration shall notify all persons eligible for care under this chapter of the availability of screening, treatment and counseling programs with regard to the sickle cell trait and sickle cell anemia and the voluntary nature of such programs.

"(b) The Administrator shall establish a program of education regarding the nature and inheritance of sickle cell trait and sickle cell anemia and make such program available to all such eligible persons.

"§ 652. Screening and treatment

"(a) The Administrator shall furnish to any person eligible for care under this chapter who makes a request, screening for sickle cell trait or sickle cell anemia.

"(b) Upon a finding that such eligible person has the sickle cell trait or sickle cell anemia the Administrator shall provide for voluntary counseling or treatment as the case may be.

"§ 653. Reports

"(a) The Administrator shall prepare and submit to the President for transmittal to the Congress on or before April 1 of each year a comprehensive report on the administration of this subchapter.

"(b) The report required by this section shall contain such recommendations for additional legislation as the Administrator deems necessary.

"§ 654. Voluntary Participation

"The participation by any individual in any program or portion thereof under this section shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program."

(b) The analysis at the beginning of such chapter is amended by adding at the end thereof:

"SUBCHAPTER VI—SICKLE CELL ANEMIA PREVENTION

"651. Notification and Education.
"652. Screening and Treatment.
"653. Reports.
"654. Voluntary Participation."

S. 2677

A bill to authorize programs in the District of Columbia to combat and control the disease know as sickle cell anemia

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress hereby finds—

(1) that sickle cell anemia is a disease resulting from the inheritance of a genetic factor relating to the so-called sickle-cell "trait" which afflicts large numbers of American citizens, primarily among the black population of the United States;

(2) that this disease is a deadly and tragic burden which strikes approximately one of every 500 young black children, and that less than half of these young people survive beyond the age of twenty;

(3) that approximately 1000 young children in the District of Columbia suffer from this disease and approximately 54,000 persons in the District are carriers of the sickle cell trait;

(4) that sickle cell anemia has been on of the more common and serious childhood diseases, yet has not received the national commitment required to eradicate the disease;

(5) that efforts to control sickle cell anemia must be directed toward increased research in the causes and treatment of the disease and the education, voluntary screening and counseling of carriers of the sickle cell trait;

(6) that simple and inexpensive screening tests have been devised which will identify those who have the disease or carry the trait; and

(7) that programs to combat sickle cell anemia must be based entirely upon the voluntary cooperation of citizens.

(b) Upon the basis of these findings, Congress declares that in order to preserve and protect the health and well-being of citizens of the District of Columbia and to provide a model for the health of the nation, it is necessary to establish a pilot program for the prevention of sickle cell anemia in the District of Columbia, to authorize the establishment of programs to assist in that prevention and to enlist the voluntary cooperation of all citizens in that effort.

SEC. 2. (a) The Commissioner of the District of Columbia is authorized to establish and carry out programs in the District of Columbia involving the identification and counseling of persons with sickle cell anemia or the sickle cell trait, and educating the public concerning the nature and inheritance of the aforementioned disease and trait.

(b) As used in this section, the term "programs" includes programs—

(1) for the purpose of identifying and counseling of persons with the sickle cell trait and educating the public about the nature and inheritance of the sickle cell trait;

(2) providing for screening for the sickle cell trait at appropriate locations throughout the District of Columbia, including—

(A) educational institutions;
(B) day care centers;
(C) Neighborhood Health Centers;
(D) family planning clinics;
(E) hospitals and medical clinics;

(3) providing referral services, for persons found to carry the sickle cell trait, to appropriate organizations which provide counseling services on the nature and inheritance of the sickle cell trait;

(4) providing counselling services regarding the nature and inheritance of the sickle cell trait; and

(5) to educate the public regarding the nature and inheritance of the sickle cell trait and sickle cell anemia.

(c) No program established pursuant to this Act shall be carried out other than on a voluntary basis.

DEMONSTRATION GRANTS

SEC. 3. For the purpose of financially assisting the District of Columbia in establishing programs to identify and counsel persons with the sickle cell trait and to educate the public concerning the nature and inheritance of the aforementioned trait and sickle cell anemia, the Secretary of Health, Education and Welfare is authorized to make demonstration grants to: (a) the Commissioner of the District of Columbia for use in defraying expenses or other costs incurred by him in establishing and carrying out such programs; and (b) medical schools, hospitals and research institutions in the District of Columbia for use in defraying expenses and other costs incurred by such institutions in developing and operating centers or programs for research, testing, counselling or treatment regarding the sickle cell trait or sickle cell anemia.

Any application for a grant under this section shall be made in such manner and form and contain such information as the Secretary shall require. Such grants may be made on such conditions as the Secretary finds necessary to carry out the purposes of this Act.

SEC. 4. Any program established pursuant to this Act shall provide for strict confidentiality of all test results, medical records and other information regarding screening, counselling or treatment of any person treated, except for (A) such information as the patient or his guardian consents to be released or (B) statistical data compiled without reference to the identity of any such patient.

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Such sums shall remain available until expended.

NATIONAL SICKLE CELL ANEMIA PREVENTION ACT

SECTION-BY-SECTION ANALYSIS

Section 1: Short Title.

Section 2: Findings and Declaration of Purpose.

Section 3: Screening, Counseling and Public Education:

(a) This section authorizes grants by HEW for the purpose of identifying and counseling, on a voluntary basis, persons with the sickle cell trait and educating the public about sickle cell anemia, including grants for screening, referral and counseling services and public education.

Eligible institutions include public and non-profit private institutions. Strict medical confidentiality is required of all programs funded under the bill. Authorization is $25 million per year for three years.

(b) This section also authorizes demonstration grants to eligible institutions for the purpose of encouraging research in the prevention, treatment and cure of sickle cell anemia, development of public education programs and centers for research, testing, counseling, or treatment of sickle cell anemia. Authorization is $5 million per year for three years.

Section 4: Department of Defense: This section provides that the Secretary of Defense shall prescribe and implement a policy to provide, on a voluntary basis: (a) screening for the sickle cell trait, among members of the Armed Forces and their dependents, civilian employees of the Department of Defense and among persons examined at Armed Forces examining and entrance stations; (b) counselling services on a voluntary basis for those with a positive trait regarding the nature and inheritance of the sickle cell trait; and (c) treatment for members of the Armed Forces and their dependents determined to have sickle cell anemia through Armed Forces based medical programs or through any appropriate civilian medical program or facility. Strict medical confidentiality is required.

Section 5: Federal Health Agencies: This section provides for similar programs by the Veterans' Administration to provide, on a voluntary basis, screening for the sickle cell trait, counseling, and treatment for persons eligible for treatment by the Veterans' Administration.

[From JAMA, Oct. 26, 1970]

Health Care Priority and Sickle Cell Anemia

(By Robert B. Scott, M.D.)

(Note.—Health care priority for sickle cell anemia (SCA) should be based on its prevalence, severity, and on a standard of support set for similar conditions. Sickle cell anemia occurs in about one in 500 Negro births and median survival is still only 20 years of age. In 1967 there were an estimated 1,155 new cases of SCA, 1,206 of cystic fibrosis, 813 of muscular dystrophy, and 350 of phenylketonuria. Yet volunteer organizations raised $1.9 million for cystic fibrosis, $7.9 million for muscular dystrophy, but less than $100,000 for SCA. National Institutes of Health grants for many less common hereditary illnesses exceed those for SCA. Prevalence data in cities with sizable black populations show that SCA is a major public health consideration. More appropriate priority for SCA depends on improved public and professional understanding of its importance.)

Since its clinical description 60 years ago[1] sickle cell anemia has become a well-known clinical entity. The molecular alteration in the hemoglobin molecule which results in the disease was discovered 20 years ago[2] and has stimulated many biochemists toward productive study of the structure and function of the molecule. Likewise, study of the genetics of sickle cell trait, and particularly its protection against malaria, has elucidated an important genetic principle, and explains why a hereditary trait could become so common among a population. What has been little appreciated, despite all this study and interest, is the real importance of the disease as a community health problem.

Sickle cell anemia is actually one of the most common long-term illnesses of Negro children. It occurs in about one in 500 Negro births. In Table 1, its incidence is compared with that of some other well-known serious childhood disorders. All except acute leukemia are hereditary. In the United States, sickle cell anemia occurs almost entirely among Negroes, although it may occur in white families of Mediterranean origin. Conversely, 98% of patients with cystic fibrosis are white[3] and phenylketonuria (PKU) is virtually unknown among Negroes.[4] Childhood diabetes[5] and leukemia[6] occur more often among white persons, and muscular dystrophy is believed to occur with equal frequency in both races.[7] Health professionals have generally failed to recognize sickle cell anemia as a major community health concern, and consequently the public has been poorly informed. A recent survey revealed that only three out of ten adult Negroes had ever heard of the illness.[8]

The treatment of patients with sickle cell anemia remains a difficult clinical problem, since there is no cure and no truly effective management.

Although longevity has no doubt improved for these patients, still only half with homozygous sickle cell anemia survive to adulthood. This is shown graphically in the Figure (not shown). These nationwide data for 1967 also include mortality related to sickle cell trait, but the great majority of deaths no doubt result from sickle cell anemia. Sickle cell trait is associated with serious complications only under unusual circumstances and individuals with sickle cell trait have a normal life expectancy.[9]

Given the fact that sickle cell anemia is a serious, incurable disease which occurs frequently, one then may ask what efforts are being made to remedy the problem? Specifically, what is being done in basic research to seek a cure of the disease, what is being done in clinical investigation to find a more effective management for the illness, and what steps are being taken to prevent the illness?

An even more pertinent question would be, what priority does this problem deserve and what priority does it presently receive in the distribution of health care resources? Priority must be determined by the prevalence and severity of an illness. It also can be guaged by existing standards of support given to similar diseases whose importance is better understood.

There are other hereditary illnesses which are similar in incidence and severity but for which there are effective nationwide campaigns for support patient care and research. Good examples include muscular dystrophy, cystic fibrosis, and PKU. That these illnesses are of incidence similar to sickle cell anemia is shown in Table 2. These figures are derived from the incidence at birth of these conditions related to the total number of white and Negro births in the year 1967 in the United States. Estimated new cases of sickle cell anemia, cystic fibrosis, and muscular dystrophy are of similar order of magnitude, and there are somewhat fewer patients with phenylketonuria.

The number of white births in the United States with sickle cell anemia is small and presently undetermined with accuracy. National mortality statistics for patients with sickle cell anemia or with sickle cell trait show that 1.1% of deaths due to these causes are listed as white during the years 1962 to 1967.

TABLE 1.—INCIDENCE OF SOME IMPORTANT CHILDHOOD DISEASES

Sickle cell anemia	1:500	Negro births.
Diabetes millitus	1:2,500	Births[13] (2:1 white: Negro)[5].
Acute leukemia	1:2,880	Children under 15[14] (majority white).[6]
Cystic fibrosis	1:2,940	Births[15] (98 percent white)[3].
Muscular dystrophy	1:5,000	Births[7].
Phenylketonuria	1:10,000	White births[4].

TABLE 2.—ESTIMATED NEW CASES IN US, 1967[1]

	Sickle cell anemia	Cystic fibrosis	Muscular dystrophy	Phenylketonuria
Negro	1,142	17	114	0
White	13	1,189	699	350
Total	1,155	1,206	813	350

[1] U.S. births, 1967: 3.496 × 10⁶ white; 0.571 × 10⁶ Negro.

TABLE 3.—NIH GRANT SUPPORT FOR SELECTED CHILDHOOD DISEASES, 1968

Diseases	No. of grants
Acute leukemia	92
Muscular dystrophy	66
Cystic fibrosis	65
Phenylketonuria	41
Thalassemia	32
Glycogenoses	23
Sickle cell anemia	22

TABLE 4.—PREVALENCE ESTIMATES: SELECTED LONG-TERM ILLNESSES

[White and Negro cases per 100,000 children]

Diagnosis	Philadelphia 32 percent Negro	Richmond, Va., 44 percent Negro	Detroit 47 percent Negro	Washington, D.C. 68 percent Negro
Sickle cell anemia[5]	61	84	89	129
Diabetes mellitus[6]	50	47	46	39
Nephrosis[5]	15	16	16	16
Cystic fibrosis[3, 5]	10	8	8	5

Since sickle cell anemia occurs in numbers comparable to some diseases which have been widely publicized in recent years, how much public and professional support does sickle cell anemia receive compared to the support for these other categories? First, there is no nationwide volunteer organization devoted to sickle cell anemia. There are groups in cities throughout the country which are active and no doubt increasing in effectiveness but not coordinated nationwide. In Los Angeles, there is the Sickle Cell Disease Research Foundation for Research and Education in Sickle Cell Disease; in Washington, DC, the Association for Research and Sickle Cell Anemia; in Memphis, Tenn, the National Sickle Cell Anemia Foundation; in Richmond, Va., The Virginia Sickle Cell Anemia Awareness Program (VaSCAP), and similar groups in other cities throughout the country. Nationwide volunteer organizations involved in cystic fibrosis and muscular dystrophy are quite prominent and effective. The revenues of these volunteer groups in 1968 were as follows: muscular dystrophy, $7,203,000; cystic fibrosis, $1,998,716; sickle cell anemia, an estimated $50,000. The sickle cell anemia estimate is based on data supplied by several of the larger local groups. It is obvious that the volunteer revenues for this cause lag far behind those for other similarly important illnesses.

Another measure of support is that of research grant support by the National Institutes of Health. Grants relating to a specific disease category depend on the interest of individual investigators in a given subject, by the priority policies of the advisory councils in the National Institutes of Health, and in some cases by funds earmarked for certain disease categories. From the listings of the Research Grants Index[19] for fiscal year 1968, a selected group of important childhood diseases were listed in Table 3. Sickle cell anemia finds a low position in the grant support

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Footnotes at end of article.

and is exceeded by such exceedingly rare conditions as glycogen storage diseases.

These data argue for the need for support for sickle cell anemia and the need for increased priority and attention by both the public and the health professions. Where to place emphasis for the most effective use of funds and effort is another important question. Since the majority of Negroes now live in urban areas, sickle cell anemia becomes a major health consideration for those involved in community health in the cities. In cities with sizeable Negro populations, sickle cell anemia is not just another significant health problem but one of the more prevalent health problems. The data in Table 4 show prevalence estimates based on both white and black children combined. Sickle cell anemia is compared to several other important childhood conditions for which they are good prevalence data. The estimates are based on data obtained in the Erie County, N.Y., study of long-term childhood illness.[5] In the Negro population, sickle cell anemia has a prevalence of 190 cases per 100,000 children under the age of 16 years. Diabetes mellitus occurs somewhat more frequently in white than black children and childhood nephrosis occurs with about equal frequency in the two races. In Philadelphia, with its 32% Negro population, sickle cell anemia is at least as prominent as childhood diabetes. With a proportionate increase in Negro population, sickle cell anemia becomes vastly more important in that community's health consideration. [In Washington, D.C., where Negroes comprise 68% of the population, sickle cell anemia far exceeds childhood diabetes, nephrosis, or cystic fibrosis as a cause of illness. At present, seven of the ten largest cities in the nation have more than 30% Negro population.[11]]

Having shown evidence that sickle cell anemia is an important but inadequately supported health concern, the next consideration would be to determine which approaches might be most feasible and most likely to produce tangible results. Obviously no single course of action or emphasis would provide a remedy to all the aspects of the problem. Patient care, early diagnosis of patients, and rehabilitation can be given special attention through special clinics. But without available cure or improved therapy, these benefits will necessarily be somewhat limited.

Research is under way and can be stimulated further to learn the mechanisms of the sickling process and how it might be prevented. More study needs to be done to elucidate the mechanisms involved in switching from fetal to adult hemoglobin so that this mechanism might be reversed in the adult and to overcome the difficult problems of rejection involved in attempts to transplant normal bone marrow into patients.

Another alternative to consider is prevention through genetic counselling. In the past, genetic counselling has not been successfully applied in sickle cell disease or in other major hereditary illnesses except sporadically. There have been a number of reasons for this lack of success. The fact that both parents are heterozygotes for a recessive trait is usually determined only when they produce a child with the illness. Only rarely have such parents had the opportunity of knowing in advance of marriage or in advance of childbearing that they were trait carriers. Such information can only be made available if there is a suitable test to determine the carrier state. The test for sickle cell trait has been available for many years[12] but never widely applied in conjunction with genetic counselling. Only in recent years have the concepts of heredity and heritable diseases been widely taught below the college level, thus, not widely disseminated. Previous generations of parents had little understanding of these illnesses. Family planning has until very recently been either unacceptable to large segments of the public or ineffective.

Today young people are learning principles of heredity in high school, and family planning has become acceptable and more effective. Lack of awareness of the illness is a lesser problem to solve today because of the effectiveness of educational and communication media. The most important factor which would make a preventive program effective would be the early knowledge of trait-carrying. If screening were offered prior to marriageable age, those who were found to carry an abnormal hemoglobin gene could be counselled to be sure that their mates were tested at the time of marriage. Only in this way, can heterozygote pairs (pairs of parents each carrying an abnormal hemoglobin gene) be detected and only in this way can informed decisions be made about child bearing among parents at risk.

Approximately one in 12 carries the sickle trait, so the chance of a pair of parents both carrying the trait is one in 144. This small number of parent pairs (approximately 0.7% of all Negro families) are at risk of having children with this tragic disease. Whether a young couple will decide to have no children or plan a limited family size or disregard the knowledge of the risk would be entirely their own decision, one which no one could make for them. However, the *opportunity* to protect their families from the tragedy of sickle cell anemia has not been offered.

The data presented here attempt to define a major public health consideration, to suggest its neglect in the past, and to suggest avenues of approach which can be given better emphasis. It is not only because of its neglect that sickle cell anemia deserves higher priority. With the availability of a simple test for sickle trait carriers which makes mass screening possible, this may be the first hereditary illness which could be controlled by genetic counseling. As suitable screening tests are developed for other conditions such as cystic fibrosis or muscular dystrophy, they too can be approached with similar preventive methods. Success in ameliorating one hereditary illness will mean that control of any hereditary illness will be limited only by the development of suitable tests for accurate mass screening of trait carriers.

Source: Mortality data were obtained from the National Center for Health Statistics, Washington, D.C.

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[From the Medical World News, Jan. 8, 1971]

SICKLE CELL CURE—THE PROMISE, THE PERIL: UREA COMBATS CRISIS OF DISEASE BUT CAN CAUSE DEHYDRATION

Contrary to some newspaper headlines, urea will not cure sickle cell disease. But rapid intravenous infusions of urea seem highly effective in reversing sickling crises, according to Dr. Robert M. Nalbandian, associate pathologist at Blodgett Memorial Hospital, Grand Rapids, Mich., and principal architect of this widely publicized approach. Moreover, maintenance doses of oral urea—mixed in invert sugar or glucose—may prevent the painful episodes, reduce hospitalization and chronic care, and confer full life spans on sickle cell anemics.

The urea approach, however, got a much frostier assessment from hematologists who gathered recently in the soft winds and sunshine of Peurto Rico. Many experts at the American Society of Hematology meeting in San Juan were dubious about urea's efficacy. They also questioned the theoretical basis of the regimen, emphasized the dangers of urea infusions, and attacked the Detroit press conference that triggered last month's national news coverage.

Dr. Nalbandian told MWN that he will no longer release his protocol to physicians who might be interested in trying this therapy. "We have now enlisted enough bona fide investigators to begin a closed clinical trial to determine the real efficacy of urea," he said, and warned that attempting to use urea without his specific protocol could result in "serious misadventures."

Obtaining the evidence needed to convince critics may take several years, Dr. Nalbandian admitted. So far, intravenous infusions of urea have been tried in only 22 patients during 30 sickle cell crises. Experience with the oral prophylactic regimen is limited to three patients.

The task will be complicated by the changeable manifestations of sickle cell anemia and the subjective evaluations of pain and other symptoms rendered by its victims. "At best, the researchers will be trying to evaluate a variable response to an agent in a disease with a very variable course," said Dr. Helen Haney, professor of medicine at the School of Medicine of the State University of New York at Buffalo. As the nation's estimated 45,000 sickle cell anemics and their physicians stand by, urea could join dozens of other agents emerging during the past decade as a "possible" solution, but not the answer.

But there is a more immediate and profound effect of the urea research—on the estimated two million Americans who possess the sickle cell trait. The Grand Rapids-Detroit group has developed three tests that are specific for the pathogenic hemoglobin S (HbS) molecule, including an automated assay which can identify the heterozygous carrier of the sickle cell gene at a cost of only pennies per test. A growing body of scientific evidence this past year clearly indicates that the sickle cell trait can no longer be considered a benign state, said Dr.

David G. Nathan, chief of the division of hematology at Children's Hospital Medical Center, Boston. Identification of trait-carriers could be an enormous health benefit to the country's Negroes, who are the almost exclusive possessors of the trait.

Both the urea test and the urea therapy proposed by Dr. Makio Murayama, a soft-spoken Japanese-American biochemist from the National Institutes of Health. Working in a tiny jam-packed laboratory in Bethesda, Md., Dr. Murayama developed a hypothesis that hydrophobic bonds form between interacting tetramers of HbS under deoxygenated conditions. These chains then become organized into microcables, forcing the red blood cells into their characteristic tachtoid shapes, which subsequently occlude the microcirculation.

Putting this theory to work in vivo to break the hydrophobic bonds, Dr. Nalbandian rapidly infuses urea mixed in invert sugar or glucose through a central venous catheter and maintains blood urea levels ranging between 150 to 200 mg%. "At these levels, the urea diffuses out of the bloodstream, through the interstitial spaces, and into the sickled cells at the occluded arterioles and capillaries," hypothesizes Dr. Nalbandian. "This molecular surgery reverses the sickling, allows blood flow to return to normal, and relieves the pain symptoms."

The oral prophylactic scheme involves a daily urea intake of as much as 160 gm. "In general, we give each patient about 10% of the total dose of intravenous urea needed to abort a crisis," said Dr. Nalbandian. The daily requirement of urea is divided into four doses and dissolved in a citrus-flavored soft drink to cloak the bitter taste. The patient drinks a bottle of urea-laden pop once before each meal and once before going to sleep. Since pharmaceutical urea sells for about a dollar a pound, Dr. Nalbandian figures that the daily maintenance dose of the chemical costs about a dime.

Although it is still too early to have much data from the oral urea trials, more evidence is available from the 30 I.V. infusion attempts, the first of them last March in Kalamazoo, Mich. Dr. Garth Shultz, then a medical resident at Blodgett Memorial Hospital, was treating a sickle cell anemic student from West Africa. Although an initial attack partly remitted with narcotics and antibiotics, the patient soon returned to the hospital with increased fever and even more pain in his chest, sides, and neck.

When this crisis proved refractory to morphine and other therapeutic regimens, Dr. Shultz consulted Dr. Nalbandian and instituted urea therapy. Eleven hours later, the patient noticed some pain relief and after 36 hours said he had no pain.

Since then, Dr. Shultz has used I.V. urea to treat one other sickle cell anemic. Dr. Nalbandian has supervised therapy in Grand Rapids for two patients, and from one to three crises have been treated with urea infusions in Seattle, Chicago, Detroit, Philadelphia, and Flint, Mich. However, the largest collection of cases belongs to Dr. Paul R. McCurdy, associate professor of medicine at Georgetown University School of Medicine and a medical officer in hematology at District of Columbia General Hospital.

Speaking in the grand ballroom of the Puerto Rico Sheraton Hotel, Dr. McCurdy said that he was "cautiously optimistic" after trying I.V. ureau for 18 crises in ten patients. In 13 such episodes, the victims responded so well to the treatment that they could be released from D.C. General's ER without analygesics.

Dr. McCurdy prefers to maintain patients at 100 mg% rather than the recommended 150 or 200. This might account for the five treatment failures. The main reason for Dr. McCurdy's caution is a "Niagara-like diuresis," amounting to as much as 20 or 30 liters in 24 hours, which accompanies intravenous urea infusion. Unless fluid intake can be maintained, a patient will develop severe dehydration possibly leading to convulsions, subdural hematomas, and even death. "The slightest evidence of dehydration must be counteracted immediately," emphasized Dr. Nalbandian.

"As a result of the widespread publicity, I am afraid that some people are trying this therapy without the proper guidance or safeguards," said hematologist Frank Gardner. "Even if urea has value, you may get deaths attributed to this approach rightly or wrongly, leading the FDA to ban its use."

Indeed, Dr. Donald L. Rucknagel of the University of Michigan, Ann Arbor, reported that a four-year-old patient arrived in his medical center severely dehydrated after supposedly receiving urea therapy at another hospital. The child had also sustained a cerebral hemorrhage, and urea could not be held responsible for her death, said Dr. Rucknagel, but he voiced grave "concern" over the safety of his therapy.

That's a mild word for the discussions behind closed doors and in private conversations, where the gloves came off. Charges of irresponsibility and sensationalism met with countercharges of scientific ignorance and illiteracy. Critics branded the initial press conference as "terribly premature" and "disgraceful."

Hematalogist Walter H. Seegers, chairman of the department of physiology and pharmacology at Wayne State, said the news briefing was held primarily to find support for further urea trials. "Dr. Nalbandian didn't do anything but go out and beat the bushes for money," said Dr. Seegers. "I know all of the research team personally and they have long records of productive and reliable reporting. I don't know of any study with a better theoretical background that fits together so well."

"He has performed a real service by making other scientists look at a different model for the sickling process and its direct application to therapy," said internist Stephen Foster of the blood resources branch of the National Heart and Lung Institute. "However, the anecdotal information available is almost useless in evaluating where we stand on the urea question other than to say that it constitutes an avenue of approach which needs further study."

This cool and dispassionate news may not sit well with the one in every 500 American Negroes who is homozygous for hemoglobin S and faces a life expectancy of only 20 years, with much of that time spent in pain and recurrent illness. Last year, the Journal of the American Medical Association and Lancet published reports of hemolytic episodes and deaths under anesthetic conditions in trait patients. Then the New England Journal of Medicine printed an article describing sudden death among four black recruits who were taking basic training at Ft. Bliss, Tex. Dr. Stephen R. Jones and colleagues attributed these four fatalities—in an 11-month period—to sickle cell trait and the training stress at 4,060 feet of altitude. Their evidence continues to be argued back and forth with experts close to the Army Surgeon General's office blaming coincidence, drug use, or other factors.

Notes Dr. Nathan: "It is extremely important to know whether every black person entering the hospital has the trait," he said, adding: "These patients can get into serious trouble during such routine situations as pneumonia, drug therapy, or pregnancy."

But urea may make it technically and economically feasible to identify large numbers of sickle cell carriers. Dr. Raymond L. Henry, associate professor of physiology at Wayne State, reported earlier this winter that the Grand Rapids-Detroit team has worked out an automatable modification of the Sickledex test (Othro Diagnostics) by which clinicians will be able to identify homozygous and heterozygous sickle cell patients for a few cents each. Said Dr. Henry: "When affected cells are added to the Sickledex solution, the clear preparation becomes turbid. Unfortunately, this reaction can occur in both S and non-S hemoglobins that are capable of sickling causing the Sickledex test to be nonspecific. When three-molar urea is added to samples containing the sickle hemoglobin, however, it breaks the intermolecular hydrophobic bonds and the solution becomes clear. Every other non-S hemoglobin tested stayed turbid."

By running two samples through the autoanalyzer simultaneously and measuring the difference in light transmission between the urea and non-urea Sickledex solutions, physicians can quickly and accurately detect those with sickle cell disease, concluded Dr. Henry. "We tested a battery of 304 human blood samples including SS, AS, CS, and three other hemoglobins, and achieved a 100% correlation between the automated test, a sodium metabisulfite assay, and electrophoretic studies."

The large-scale screenings could bring important benefits in genetic counseling. But charges of genocide have greeted previous attempts to introduce birth control in some Negro communities. Being able to identify all the Negroes with the trait may have many more two-edge consequences, added Dr. Nathan. "These people will probably be excluded from such jobs as deep-sea diver, airline pilot, and stewardess just when many opportunities are finally beginning to open up to blacks.

"Not being able to enter the Armed Forces might be disastrous for a young man who wants to escape from the ghetto if the sickle cell trait becomes a cause for draft exemption. What do you tell a football player who has a chance to join the Denver Broncos? Will insurance companies start turning people down for policies or raise the premiums? For those whose lives you saved by identifying them as carriers, you may ruin others."

The Department of Defense has no plans at all to change the draft status of blacks with sickle cell trait, said Capt. Francis J. Linehan, MC, director of professional services in the office of the Assistant Secretary of Defense for Health and Environment. "Personnel found to have the trait are still considered qualified for general duty," he said. However, the individual services are supposed to be screening candidates for special duty, he added. Sources close to the Air Force Surgeon General's Office said that they were already screening volunteers for the flying categories, but would like to screen all susceptible personnel. Ironically, most of the published scientific material concerning the urea approach and all of the field trials of the automated tests have been taking place in the military backyard.

Whether the clamor in the scientific literature or the press will generate any action in the civilian arms of the government remains uncertain. NIH spokesmen say that 29 research grants worth $1,033,000 have been funded during the past fiscal year for direct research on sickle cell disease as well as 36 other grants of $1,223,000 in related studies. However, no one contacted would talk about any new research initiatives or more funds for sickle cell disease.

Commented one observer: "Just you watch. If any money becomes available, you can bet that the people who are downgrading urea and kicking Nalbandian in the teeth today will be in the middle of the scramble for funds."

[From the World Medical News,
May 28, 1971]

Sickle Cell Disease—Progress Amid Chaos

In his recent health message, President Nixon announced that $6 million would be requested to combat sickle cell disease, which afflicts about 45,000 blacks in the U.S. and is being perpetuated as sickle cell trait in two million or more. With appropriations bills still in Congressional committees, MWN has surveyed the field to see where sickle cell screening and therapy now stand.

Results: The initiatives seem decentralized and bureaucratically confused, charges of research bias are being lodged, screening approaches are being hotly debated. But despite the chaos, a surprisingly strong start is being made. Consider—

Item: On May 12, Dr. Robert L. Ringler, deputy director of the National Heart and Lung Institute and the newly named coordinator of the entire federal sickle cell disease program, journeyed to New York City to meet with a group of prominent black sickle cell researchers. The group thought he would try to smooth over the rejection, May 4, of their $300,000 NHLI contract application by Dr. James M. Stengle, chief of NHLI's National Blood Resource Branch—who works in the same building as Dr. Ringler and sees him regularly. They began pleading their case for the largest black community in the U.S., making it clear that currently New York City isn't spending in the field. "But," sputtered Dr. Ringler, "I didn't even know the grant was rejected."

Item: Ortho Diagnostics, which produces Sickledex, the widely used sickle cell detection package, plans having distributed 500,000 pamphlets on "what should I do to find out about sickle cell disease?" Respondents will hopefully be guided into screening and therapy. A company spokesman named New York City's Foundation for Research and Education in Sickle Cell Disease as a likely channel for the project. But Dick Campbell, the executive director, hasn't heard a word about it.

Item: Pediatrician Joseph J. Bellizzi, supervising physician for the Hartford, Conn., school system, recently directed a landmark effort that used the reliable Sickledex test to screen 3,456 blacks in grades seven through 12, uncovering 301 hemoglobin S trait carriers, and four homozygote or hemoglobin SS cases. Nearly all have been followed up. Dr. Bellizzi is satisfied with the Sickledex test, which costs about 50 cents per blood sample to perform. He was unaware that associate pathologist Robert M. Nalbandian of Blodgett Memorial Hospital, Grand Rapids, Mich., (the man who pioneered rapid I.V. infusions of urea and invert sugar to treat sickling crises [MWN Jan. 8]), makes his own screening test reagents and has published on how to do it. Using an AutoAnalyzer, he can test 120 samples an hour—at 2 cents each.

Item: Dr. Nalbandian claims that *his* community's "total approach" (screening, counseling, therapy), beginning late this month and aiming at 10,000 Grand Rapids black schoolchildren, will become the model system for the U.S.

Item: Using the Nalbandian "dithionite" test as well as Sickeldex and confirmatory electrophoresis, Lt. Col. Frank Camp Jr. (MC), director of the blood transfusion division of the Army Research Institute at Ft. Knox, Ky., has screened over 5,000 recruits in the past 18 months. Almost all of the 200 or so "positives" were trait carriers (the one homozygote was rejected for service). But Dr. Camp admits that unless the Army revises its current policy, the 200 heterozygotes are headed for active duty and possible stress situations . . . fatal to four black heterozygote recruits at Ft. Bliss, Tex., last year.

Item: Dissatisfied with the voluntary approach, black biologist Richard A. Goldsby of Yale urges in his new book (*Race and Races*, Macmillan) that sickle cell screening be required premaritally right along with syphilis testing, yet he is frank to admit that when he got married in February neither he nor his wife bothered to have a sickling test.

At issue in this conglomeration of events is the haphazard and publicly underfunded screening and therapy system. Clouding the issue are the old scars borne by black researchers short-changed through the years (Dr. Roland B. Scott, 20 years in the field and chairman of the department of pediatrics and director of the Sickle Cell Center at Howard University, has never received a cent in federal grants for sickle cell research). Further muddling matters is the tremendous medical, moral, and financial obligation undertaken when and if the nation begins mass screening. Follow-ups are expensive, genetic counseling difficult and touchy.

In the upcoming Grand Rapids screening experiment, Dr. Nalbandian has garnered an $8,000 Regional Medical Programs grant, arranged for voluntary black community "bleeders" to take blood samples at schools, "and when we find positives we will ask that they bring in their blood relatives, offering everyone a choice of doing nothing, seeing their own doctors, receiving genetic counseling, or even oral urea prophylaxis. You could mail samples from remote area A to center B and with my dithionite test and with the AutoAnalyzer cover every region in the U.S. with this system," he says. "But even if every interview with a 'positive' were successful, Nobel laureate Linus Pauling estimates that it would take 100 years to weed out the trait in 20 million people."

The Hartford concept of voluntarism, put to work in perhaps the first communitywide screening effort ever, came about when the owner of radio-TV station WTIC was "bugged" by his son, a HEW aide, to do something about sickle cell disease. A drive last winter raised $34,000—donated to Howard's Dr. Scott. And the local board of education came up with screening funds.

Still to be ironed out are the two basic test approaches—the reliable Sickledex and the less-known dithionite method. Clearly, the Armed Services and many communities would lean toward economy if they have a choice. But many areas need the logistic backing of a drug house. Thorough screening seems far away. While Hartford achieves mass testing, New York City can test only those who happen to show up at clinics or voluteer-manned mobile units or street fairs.

Whether for therapy or screening, New York foundation chief Campbell charges that "affluent white hospitals and labs will wind up with all the money." NHLI officials have indicated that with regard to pediatricians Yvette F. Francis and Doris L. Wethers, who were rejected for that $300,000 contract, the government isn't handing out money directly for urea therapy right now. HEW is contracting with drug houses to channel funds for this experimental work, however. Baxter Laboratories has just notified Dr. Scott that they will finance his urea project.

Comments Dr. Theodore Cooper who as NHLI chief has control of the pursestrings of the anticipated $6 million: "We've got to evaluate therapy—urea could turn out to be harmful for all we know—get a base of new knowledge, implement screening and sensible medical counseling, and clarify our public education role, all with input from a public advisory committee still to be named. It's useless to have a hell-bent-for-leather program if you're not looking carefully at your best opportunities. We've got to direct without regimenting voluntary initiative."

Yale's Dr. Goldsby, in challenging the voluntarism concept, says: "The fact that I didn't bother to get a sickling test is the whole point. If I'd had to get one, I would have. Counseling at school age isn't of much use anyway." But Dr. Nalbandian says Dr. Goldsby "is asking for a club."

Concludes Dr. Scott: "All is chaos now, with a lot of researchers running around flag-waving, headline-grabbing, trying to qualify for the therapy and screening jackpot, with the government looking for quick results for high visibility in 1972. But it'll fade away, and we blacks will be left with the problem."

[From Time magazine, Oct. 4, 1971]

DETECTING AN OLD KILLER

Historically, sickle-cell anemia has been an unheralded killer. It does not occur in dramatic epidemics. Its victims in the U.S. are mostly blacks, and they generally receive less medical attention than whites. The malady affects the red blood cells, which normally are spherical. When the anemia victim is under any stress that reduces the oxygen supply in his blood, his red cells elongate into firm gel-like crescents ("sickles") that block narrow capillaries and deprive tissues of vital oxygen.

The cause of the disease is a gene mutation that occurred centuries ago in Africa. The estimated 2,000,000 Americans who carry one defective gene usually show no symptoms of the disease. The one child in 500 who inherits a sickle-cell gene from each parent has barely an even chance of seeing his 20th birthday and, if he does survive into middle age, is likely to be crippled.

Sickle-cell anemia cannot be cured, though treatment can sometimes control its effects. It can be almost completely prevented, provided that partners who both carry the trait avoid having children. The missing element has been a simple test that would allow carriers to be identified and warned. Now this crucial procedure has been perfected.

FREEZING BLOOD

At a recent meeting of the American Association of Blood Banks in Chicago, Dr. Paul Wolf of Stanford University and Dr. Robert Nalbandian of Blodgett Memorial Hospital in Grand Rapids, announced their success after three years of experiments. They emphasized that they had built on the pioneering studies of Makio Murayama of the National Institutes of Health. Murayama observed that abnormal cells, which carry sickle-producing hemoglobin S, gel at normal body temperature when oxygen content is reduced, then return to normal at 32° F.

Working in cooperation with other researchers, Wolf and Nalbandian discovered chemicals that would react to hemoglobin S and other less harmful sickling substances, making a quick screening test possible. A small blood sample is dropped into a tube containing a solution of potassium phosphate, sodium dithionite and saponin. Clouding of the solution is a danger signal but does not specifically identify hemoglobin S. If the first round arouses suspicion, a second test, also based on Murayama's work, is performed immediately. Urea, a natural waste substance produced by the normal liver, breaks some molecular bonds in abnormal hemoglobin. When urea is added to the solution that had shown a positive reaction initially, the liquid clears quickly if hemoglobin S is present.

NEGLECTED AILMENT

The Wolf-Nalbandian tests do not distinguish between those who merely carry the sickle-cell trait and those actually affected by the disease. But they do provide a fast, inexpensive method of finding individuals who should get further attention. In an experimental program at Fort Knox, Ky., doctors tested 7,000 black soldiers, 94 of whom were found to carry hemoglobin S. Two of these soldiers actually had sickle-cell anemia.

The announcement of the new tests is opportune. Sickle-cell anemia has long been one of the nation's most neglected diseases. Limited understanding of the disease has been one factor. Another reason, some believe, is racial. Says Wolf: "If it had been a white disease, there would have been money for research, and if the money had been there, the interest would have been there."

Now the situation is improving. A black-led group in New York City recently held a four-and-a-half hour telethon to attract attention and raise money for research. The Federal Government provided $1,000,000 for sickle-cell research last year; this year it appropriated $6,000,000 for further study and genetic counseling.

DISCRIMINATING DISEASE

Sickle-cell anemia is a truly discriminating disease: 99% of its U.S. victims are black. The result of a genetic mutation that occurred in Africa centuries ago, it reduces susceptibility to malaria in the 8% to 10% of U.S. Negroes who carry it. But in those (about 1%) actually harmed by it, periodic crises distort the normally spherical red blood cells into crescent-like ("sickle") structures, which then block the narrow capillaries. This deprives nearby tissues of needed oxygen and causes severe pain. The disease kills at least half its victims before the age of 20; only a handful live beyond 40, and most are crippled long before death.

Medicine still has no cure for this inherited illness. But a team of Michigan medical researchers has just announced a discovery that offers new relief to sickle-cell sufferers. By treating the patient with a solution of urea and invert sugar, say the researchers, the sickling tendency can be reversed and the misshapen cells returned to normal.

CAUTIOUS ENCOURAGEMENT

The Michigan team, led by Dr. Robert Nalbandian of Blodgett Memorial Hospital in Grand Rapids, owes its discovery to the work of another researcher, Makio Murayama of the National Institutes of Health. Murayama discovered that the sickle-cell shape is caused by an abnormal bonding between hemoglobin molecules in the red cells. Using this knowledge, Nalbandian's team decided to try urea, a waste substance produced by the normal human liver and excreted in the urine. As they knew, urea can dissolve certain types of molecular bonds. Their experiment worked; urea broke the bond between the hemoglobin molecules, halted the sickling effect, and relieved the victims' pain.

Nalbandian's team is cautiously optimistic about the discovery. Earlier attempts to treat sickle-cell anemia with alkalis and antihistamines either failed or produced undesirable side effects. But Nalbandian's treatment, tested on 25 patients at four major hospitals, has thus far proved safe and effective.

For a Sickle Cell Center

It has been announced that WTIC Radio and Television will conduct a fund drive to raise $25,000 to help establish a Center for the Study of Sickle Cell Anemia at Howard University in Washington, D.C.

We announced the campaign for funds because so many of you had let us know that you wanted to do something about this terrible blood disease that strikes at children, and nearly always at black children.

For example, the junior class at Weaver High School in Hartford was planning a benefit show even before we announced the drive. The Junior Woman's Club in New Britain, a black businessmen's club in New London and wives of some Middletown policemen asked how they could help. And the eighth grade science class at the Stafford Springs Middle School held a tag sale for sickle cell anemia in December and has been holding on to the $52 in proceeds ever since, waiting for a drive to begin.

These people . . . and hopefully thousands of others . . . want to contribute something to combat a disease whose neglect, to quote President Nixon ". . . has been a sad and shameful fact throughout our history." The President used those words in asking Congress to appropriate six million dollars for sickle cell anemia treatment and research in fiscal 1972.

Six million dollars is a great deal more than sickle cell anemia has received from any source in the past and we would like to see a generous portion of that money go to Howard University, where Dr. Roland Scott has labored for many years in sickle cell anemia research and treatment, achieving impressive results with very little outside support.

To make this dream of a sickle cell center become a reality, Dr. Scott needs about $25,000 to employ a physician-administrator who can devote full time to establishing the center and seeing to it that Howard University gets its share of any federal support when it becomes available.

As a predominantly black university serving a concentrated black population in Washington, Howard University is an ideal location for such a center. More important, in Dr. Scott and his colleagues, we have a group of highly capable and highly dedicated men and women whose devotion to the victims of sickle cell anemia is well-known in medical circles. We believe there is no other place in America that would be as well-suited for the Sickle Cell Center as Howard University.

We hope you will support this drive by sending your contribution to: Sickle Cell Center of Howard University, in care of WTIC, Hartford, Conn. 06115. We hope you will do this for the black child who has been neglected too long, for the child may be suffering from this terrible disease and for the unborn generations of children who could be spared this disease with your help. That address again: Sickle Cell Center of Howard University, c/o, WTIC, Hartford, Conn. 06115. Thank you.

[Broadcast in August 1971, on WRC–TV News]

Transcript of Series on Sickle Cell Anemia

RESEARCH AND TREATMENT

Neil Boggs. Sickle cell anemia it is—is a disease that attacks and often kills children.

Today a National Advisory Committee met for the first time in Bethesda, to begin planing a campaign for research and treatment of that disease.

Andrea McCombs. The Advisory Committee is made up of medical experts and community leaders and is meeting here today at the National Institute of Health, a group who's charged with finding an effective way nationally to fight sickle cell anemia.

Sickle cell anemia is a hereditary disease found almost exclusively among blacks. The disease is incurable, painful and may be fatal.

The group was called together by HEW Secretary Elliot Richardson after President Nixon named sickle cell anemia a priority target for concentrated research in his health message to Congress this spring.

Six million dollars in federal funds has been allocated for research and treatment.

Today's meeting and executive session is closed to the public and news media. But it's expected that the Committee will urge a national information drive as well as new research.

In the next few weeks News 4 Washington will be looking into sickle cell anemia in a series of reports that will focus on the problem in the Washington area, its treatments and efforts to control the little known disease.

Andrea McCombs, News 4 Washington, at the National Institute of Health.

DISEASE FOR NATIONAL RESEARCH

Neil Boggs. In a health message to Congress last February President Nixon named sickle cell anemia as a targeted disease for concentrated research.

A National Advisory Committee was appointed to carry out the President's accelerated program of research and treatment to fight the little known disease.

The first stages of that campaign began this week-end when the National Committee held its first meeting at the National Institutes of Health.

In the second of a series of reports on sickle cell anemia, News 4 Washington presents a background report on the disease and its impact in the Washington area.

Andrea McCombs. Sickle cell anemia is an incurable hereditary disease found almost exclusively among blacks. It is estimated that between 7 and 13 percent of the black population of the country are carrying it. In Washington, that means about 40,000 persons.

One of every five hundred black babies is born with sickle cell and at least 1,000 youngsters have it in Washington. Many may die before the age of 30.

But despite this, most people don't know what sickle cell anemia is.

Man. I don't have any idea what it is.

Woman. I remember reading about it but right now I just can't explain it.

Second Woman. I think it's a blood disease that commonly occurs, I think—black people have it more.

Second Man. Yet, I have heard of it. But I haven't done too much readin' up on it.

Third Woman. I don't know what sickle cell anemia is. I don't remember ever hearing of it.

Third Man. I've never heard of it.

Fourth Man. I have never heard of it.

McComb. Sickle cell anemia occurs most among the descendants of people from East and West Africa, India and the Mediterranean area. Scientists believe it originated when inhabitants of those areas developed an abnormal sickle shaped blood cell to fight malaria.

The disease continued to be transmitted when persons who carry the disease trait marry. If a child inherits the gene for sickle cell from the mother and the father he has a 25% chance of getting the disease. But if only one parent is a carrier the child won't inherit the disease.

The first symptoms usually appear around two years of age. They take the form of fever, pain and a striking loss of red blood cells.

The most recent figures pointing out the severity of the disease are shown in a 1967 survey.

Sickle cell anemia, along with cystic fibrosis, has the greatest number of victims.

There is a national campaign against cystic fibrosis, but until recently there's been no national effort for a more effective control of sickle cell anemia, which some have called one of the country's most neglected health problems.

In future reports, News 4 Washington will focus on children who have the disease and its treatment.

Andrea McCombs, News 4 Washington.

SICKLE CELL ANEMIA: REPORT ON ONE FAMILY

Newscaster. It's estimated there are at least a thousand youngsters under sixteen in Washington who have sickle cell anemia.

Sickle cell anemia is a life shortening hereditary disease found most commonly among blacks.

In the third of a series of reports on the incurable disease News 4 Washington on how it affects one family.

Reporter. Ronald Fletcher may look like any other normal teenager out mowing the lawn in front of his North East Washington home.

But he's not. In seventeen short years Ronald has spent more time in hospitals than most adults in a liftime.

Ronald Fletcher has sickle cell anemia.

Mrs. **Fletcher.** Ronald's condition has frightened us for nine months (?). He was hospitalized with pneumonia and spinal meningitis.

I'd really like to have more—have more children—because I do love children—my husband and I both. But I don't think it would be fair to the child for us to have another one with him having the disease.

We've been very over-protective, I'm quite sure. We've had to prevent him from doing a lot of things that he would really have liked to have done and it was certainly part of his childhood I think of being sick. And I think children should have a childhood of play (?) and being happy without illness.

You're anxious, you're worried—planning for something that you hope will come about like a cure. Or you hope that the child will someday be able to live a normal life. I think this is the most important thing.

Ronald Fletcher. You don't know what's going to happen. Sometimes you fall out, you don't know where you are. You're in the hospital after that. And it kind of upsets you then.

But it shouldn't upset me—it doesn't upset me too much—because I've been used to it. But, I try to get along with it as best I can.

It has created problems for me physically but mentally, no. Sometimes when I play basketball or do strenuous work I get tired real quick. And this wears me out and I get dizzy and irritated. And this kind of troubles me physically.

But as mentally it doesn't affect me.

Well, with sickle cell anemia I'm going to try to be a hemotologist and learn more about the disease and its treatment for it. And I hope this won't interfere with my work too much.

Mrs. Fletcher. Ronald took this very well. He is very determined. He's never given up. And he expects to live his life to the fullest as long as he has.

I accept it very easily because Ronald accepts it.

And he knows that his life is going to be curtailed to certain activities and some of his desires.

But I also know and he also realizes that some things are not left in the hands of man.

Newscaster. In a future report News 4 Washington will focus on what's being done to improve treatment for sickle cell anemia victims.

BIG PROBLEM FOR BLACKS

Neil Boggs. In the fourth of a series on sickle cell anemia, News 4 Washington focuses on the existing forms of treatment for the young disease victims.

Sickle cell anemia is a life shortening, hereditary disease—blood disease—found most commonly among blacks. In Washington there are two sickle cell anemia clinics where 150 youngsters get treatment.

Close medical supervision is necessary to fight the frequent disease crisis which often leads to hospitalization.

One of the clinics is at Freedman's Hospital on the campus at Howard University.

Andrea McCombs. The Freedman Clinic operates once a week for its out patients. Mrs. Eunice Wilson has two children with sickle cell anemia. They get a complete physical examination at least once every three months. However, the disease creates an anemic condition that weakens the patient's ability to fight infections and disease crisis. Therefore, clinic visits can be more frequent and sometimes require hospitalization.

Walter Wilson looks smaller and younger than his 16 years, mainly because the disease often curtails physical growth. He also tires easily.

Mrs. Eunice Wilson. Last year he was in the hospital. He wasn't in for too long a period but he was home a lot. After the crisis it leaves him, you know, tired and he stays sleepy. So when he's like this he can't go to school because he sleeps all the time.

McCombs. Walter had suffered several crises during the past months. It has meant worry for his parents and pain for him.

Doctor. The crisis usually involves pain and the disease may be in the limbs and the bones. And very often it may involve pain in the abdomen. So, it involves joints and abdominal pain. And these are usually called the day of crucial crisis.

McCombs. How are they treated?

Doctor. Well, we admit them. We try to treat them as out patient by giving them intravenous fluids and different analgesies. But if they do not respond we admit them into the ward.

McCombs. The length of hospital stay depends on how severe the crisis is. A serious case means intravenous feeding, possible blood transfusions and antibiotics.

VERY LOW RESISTANCE TO INFECTION

These are the new treatment methods. They do not cure but they have increased the chances of a longer life for sickle cell anemia victims.

Doctor. If we can conquer infections—and these are some of these causes for morbidity of the disease and most mortalities, we certainly are doing a great deed.

McCombs. Howard University's Sickle Cell Anemia Center has embarked on three research projects involving the earlier diagnosis of the disease before and after birth, and the use of urea (?), a chemical substance produced by the body.

Physicians hope that urea can be a new way of combating the sickle cell crisis, which are a major form of pain and disability for sickle cell patients.

Andrea McCombs, News 4 Washington, at Freedman's Hospital.

FIGHT AGAINST SICKLE CELL ANEMIA

Neil Boggs. In the 5th of a series on sickle cell anemia, News 4 Washington focuses on the efforts of people and organizations from around the country to combat the disease.

Sickle cell anemia is a hereditary blood disease found most commonly among blacks.

One of the newest efforts is a national organization started by a baseball team.

Man. Something should have been done about it years ago, before I came. But nothing has and what the athletes are trying to do is close this gap in terms of people doing something about it.

Doc Ellis. I have the trait and just the symptoms that I have—I have—all the bones are aching in my joints. Plus I have fainting spells. I don't faint, but I get faint. And like today during the first inning I felt that—faint and the best thing that I did was to just stand still and try to shake it off.

This sometimes occurs when I'm doing running.

Andrea McCombs. In spite of this the sickle cell trait has not affected his performance. Ellis is one of the National League's top pitchers with a record of 17 wins and 7 losses.

What has happened is that Ellis has become more aware of the effects of the disease, in thousands of black children in the country. So in May he and Pirate outfielder Willis Stargell, along with 30 other professional black athletes, founded a Black Athletes Foundation for Sickle Cell Anemia Research.

It is a private organization and Stargell is one of the chief spokesmen.

Willie Stargell. We—the Black Athletes Foundation—we're a fund raising organization—primarily to raise funds so that people who have been doing work in research can further their study and research.

It's a disease that kills people before they're 20. And it has such a mental bearing on so many people that we are trying to close this gap so that the research and education can be done in terms of the way polio was done.

Ellis. . . . became interested in research. Then we founded the Black Athletes Foundation and they made me a part of it. And we have several doctors that have flown in from Chicago and different parts of the country and what they are going to do is educate me and others on sickle cell anemia.

We're going to really go into the background of it. And this is going to be part of my winter work.

We do intend to win the battle plus make all black people aware of sickle cell and there's a possibility that they might have it.

McCombs. There are local efforts too. Six years ago parents of youngsters with the disease organized here to increase public awareness.

They raised more than 10,000 dollars for research. The group feels a lot more has to be done.

Man. . . . children are suffering and children are being inconvenienced as far as school and other activities. And we have not been able to get from HEW or from the administration itself any direct appropriation. And this is what's mostly needed. It's been earmarked but we want it to be sent out to various institutions and can be used for research and these needs of our children.

Woman. One of the ways the money can be allocated for sickle cell is to have it added to the United Givers Fund so that peoples' money can be donated the way it's donated to some other charities.

Second Woman. I think something else should be done in line with the research. Since we know how a child gets this disease, maybe when blacks are—decide to get married—maybe it should be that they should all have the test. So that you will know definitely whether you have the trait or your husband has the trait.

Then if both of you have the trait you can decide yourself whether you want to have—take a chance on having children. I wouldn't if I had to do it over again.

McCombs. Sickle Cell Research Foundation made of parents from around the country meets at Howard University this weekend. The group hopes to emerge as a national spokesman to increase public efforts for better treatment and research.

As one parent from the Washington group put it, the President may have earmarked six million dollars for an accelerated campaign against the disease but unless there are more funds the campaign will be a token one at best.

Andrea McCombs, News 4 Washington.

MORE ON SICKLE CELL ANEMIA

Neil Boggs. It's estimated that more than 40,000 blacks in Washington carry the trait for sickle cell anemia. Sickle cell anemia is a life shortening blood disease found most commonly among that group. Trait carriers do not have the disease but genetically pass the trait on to their children.

They could be identified through a simple blood test but the test is not widely available even though it's an inexpensive procedure that can be given by anyone after four hours of training. The test was performed on reporter Andrea McCombs.

Man. Have you ever had a test for sickle cell anemia before?

Andrea McCombs. No, this is the first time.

Man. Okay. Fine. We'll proceed then.

McCombs. What is the test?

Man. This test is called sickle-dex. We're going to get a small amount of your blood and we will then put it into the solution known as sickle-dex and this will allow us to determine whether or not you have hemoglobin at present or not.

Okay.

Now, we'll take about twenty lambders(?), or a very small amount into this capulary pipe pen(?), and from this we can then determine as to whether or not this solution—that's all, if you'll just hold that on your finger for a second.

We can then take the blood and put it into the solution. We can do this by means of a little rubber bulb or simply blow in it.

Now, as this sits here, it will take a total of about five minutes and this is at room temperature incubation. We wait about five minutes. And as you can see here is a negative control. This is one. It is negative for sickle cell. And you can see through the lines.

Now, Andrea, as you can see on your specimen that we put in you cannot see the black lines behind it. So as we stated before you had the hemoglobin test, that you are probably in the trait. You have a positive trait.

We would have to go on from here to do electrofalaceis(?) to see if you are on the homosagious or the heterosagious(?) state.

McCombs. This test analyzes that I—based on the results here this means that I have—that I possibly carry the sickle cell trait.

Man. It means according to this test with its percentage of accuracy—it indicates that you have hemoglobin at present. So you there—very definitely do carry the hemoglobin, yes.

McCombs. In this city sickle cell tests are given when requested at 16 public health clinics.

In the last year at the Gale (?) Clinic three to four thousand youngsters were examined but only an estimated one hundred were tested for the sickle cell trait. This means that the city has no systematic approach to find youngsters with the trait.

For example, four year old Stephanie Settles is a normal, healthy looking girl. Her mother brought her in for a routine school physical checkup. Usually she would not be given the sickle cell test but when I suggested it the doctor agreed.

Woman. Well, we sent her to the laboratory a little while ago and the laboratory just reported that she had a sickle cell trait. And this child will be referred to the hospital of her mother's choice, either Children's Hospital or Freedman's Hospital to the sickle cell clinic and she will be handled from there.

McCombs. Do you think the clinic testing is enough or effective?

Woman. Well, I feel that we're doing all that we can with the funds that we have. But if we would get more funds and we would have our Negro children—and 97% of our poor children are Negro—if we would identify the ones with the sickle cell before they enter school or are in kindergarten then we would really be doing a good program of knowing who has sickle cell anemia in the District and who doesn't.

McCombs. More than 143,000 youngsters return to school this fall. If they were given a sickle cell trait test on a regular basis more youngsters who carry the trait would be discovered.

There is no cure for sickle cell anemia but the trait test can help prevent the genetic spread of the disease.

Andrea McCombs, News 4 Washington.

FINAL REPORT ON SICKLE CELL ANEMIA

Neil Boggs. In the last two weeks News 4 Washington has presented a series of reports on sickle cell anemia, an incurable hereditary blood disease found predominantly among blacks. The reports have dealt with how the disease affects the victims, treatment and the lack of regular trait tests in the District that could prevent the genetic spread of this life shortening disease.

In the final report News 4 Washington talked with doctors and city officials to see why more hasn't been done to set up testing.

Doctor. There's a need for screening to detect the presence of the disease and detect the frequency of it among the various population groups. Primarily black groups, I should say.

To screen and—pardon me—to council the people who are primarily affected.

Woman. This could be done through the mechanism of our old city government—that we could develop a case and present it before the city council and the mayor and we could have a commissioner's order stating that the testing for sickle cell anemia is in the public interest and therefore, required of all children either entering school or in another level.

Man. Well, I think the first thing that the city can do is to screen these school children at the beginning of the year to test them for the sickle cell trait. And I'm going to get in touch with the health department and the school officials. I know it's only a short time before school is open—to see whether we can start it this year.

Second Man. Our greatest need now at this point is to—is for funds and I don't think that—I don't want to belabor the point but funding is—without funding we cannot do anything.

Third Man. One of the things is probably budgetary to help the problems as they're working. And I know they're on a tight budget and they don't have any additional money but I think it is worth it.

Second Woman. Without a doubt. I think this is probably one of the primary priorities when we consider the major population of the city.

Andrea McCombs. Everyone agrees that massive testing is necessary. The city health officials say they can't set up a test without $65,000, yet one commercial lab estimates it could provide the sickles-X test, not including back up tests for $23,000, almost $42,000 less than city figures.

Despite the apparent monetary obstacles a massive screening program is imminent. News 4 Washington has learned that the D.C. Council is drafting regulations to set up regular trait tests in city health centers and for school children.

If the regulations are passed that money would finally be—the money would finally be found for the tests which are key to preventing the genetic spread of sickle cell anemia.

Andrea McCombs, News 4 Washington.

ANNOUNCEMENT OF LEGISLATION TO COMBAT SICKLE CELL ANEMIA

Mr. KENNEDY. Mr. President, I am pleased to join the Senator from California (Mr. Tunney), the Senator from Massachusetts (Mr. Brooke), the Senator from New Jersey (Mr. Williams), and 30 other Senators in introducing the National Sickle Cell Anemia Prevention Act. The legislation we propose will provide much-needed assistance for treating, screening, and counseling those who have been afflicted with sickled blood.

In addition, this proposed legislation assures funds—$25 million for each of 3 years—for institutions to develop programs of research in the prevention, treatment, and cure of sickle cell anemia, and to educate the public and medical officials concerning the nature and the inheritance of the disease.

Finally, the bill will authorize the establishment of similar programs in Federal agencies, including the medical services of our Armed Forces, and in the ongoing health programs of veterans hospitals and the public health service.

Black physicians and their patients have struggled with the exasperation of inadequate treatment facilities for sickle cell anemia for decades. Its unannounced attacks of painful crises seriously affect 100,000 black Americans. In total, 2 million black people in this country are believed to be carriers of the sickle cell trait. Because it is a hereditary disease, education and awareness programs are very important first steps in the battle against it. While it occurs primarily, but not exclusively, among blacks, too few resources have been provided to inform potential victims that the disease exists. Even less has been allotted for treating the victims of sickle cell anemia. In spite of this shameful lack of public concern, considerable work has been accomplished at the initiative of the Howard University staff.

It is probable that most of the available knowledge about this disease is due to the work of Dr. Roland B. Scott, chairman of the Department of Pediatrics and Child Health at the Howard University College of Medicine. He reports that among America's black citizens, one in every 400 may be affected by sickling. Although the disease tends to manifest itself differently from patient to patient, its known symptoms include abdominal pain, vomiting, general lassitude, severe aches and pain, frequent nosebleeds, severe joint swelling, and recurrent fevers. In severe cases, chronic crippling, ulcers of the legs, and infections of the body's vital organs are commonplace. The most pitiful victims are the young children like those who have been seen in Washington's Freedmen's Hospital with stroke, pneumonia, salmonella, osteomyelitis, kidney disease, enlargement of the heart, and even blindness.

Like diabetes, sickle cell disease is not curable. Treatment is designed to control it. Dr. Scott and other practitioners use blood transfusions, surgery, and intravenous therapy to combat the effects of this inherited crippler.

Although 10 percent of the black people in this country may bear the sickle cell trait, the symptoms and tragic effects are seen only in the offspring of two carriers. For that reason parent education and public awareness projects are essential if we intend to end the spread of sickling. It is quite possible that with earlier efforts to combat sickle cell anemia, the disease today would not be so widespread as it is. PKU—phenylketonuria—which occurs once in about 10,000 births and cystic fibrosis, which is seen once in every 2,000 births, occur almost exclusively in the white population. Federal and private funds have supported extensive research in the quest to end these diseases, so today they are both well under control. But sickle cell anemia, which occurs much more frequently, has been neglected for far too long, just like most other conditions that affect only black people.

I believe that we must launch a vigorous campaign to treat, educate, and cure the sufferers of sickle cell anemia. As chairman of the Subcommittee on Health, I intend to work diligently for resources to control this terrible malady.

Mr. RIBICOFF. Mr. President, today I am joining with 30 of my Senate colleagues in introducing legislation to initiate the attack on sickle cell anemia, a major disease which kills over half of its victims before the age of 20.

Sickle cell anemia is an inherited blood disease which strikes approximately one in every 500 young black children and affects almost 2 million other blacks who are carriers of the sickle cell trait but do not have the disease itself. While these carriers may lead normal lives without risk of early death, two carriers who have the disease may pass the trait on to their offspring. The chances are great that the child of such a marriage will die before he reaches maturity.

Unfortunately the Federal Govment has taken virtually no role in combating this painful and often deadly physical condition although it is one of the few fatal diseases in the United States that has not been targeted for a concentrated program of research, screening and, treatment.

The proposal I am cosponsoring would provide $25 million for programs of research in the prevention, treatment and cure of sickle cell anemia.

These funds would also be used to establish public education programs through grants by the Department of Health, Education, and Welfare for screening, referral, and counseling services. All such programs would be on a purely voluntary basis. Voluntary screening, counseling, and treatment would also be made available to veterans and members of the armed services and their dependents through special Defense Department and Veterans' Administration programs.

For too long America has neglected this deadly malady because it does not affect America's majority population. The time has come to finally act.

Mr. PERCY. Mr. President, I am delighted to be one of the cosponsors of legislation to combat sickle cell anemia.

This excruciatingly painful hereditary blood disease afflicts about 10 percent of this country's black Americans and proves fatal in one out of every 500 cases. The average life span of a victim of this disease runs 20 years, although he has only a 50-percent chance of surviving his first year of life. Few can look forward to living beyond 40.

Sickle cell anemia was first identified and diagnosed no less than 60 years ago, but no drug or cure has yet been found to combat it. However, last February this obscure but deadly disease finally received the attention it deserved.

In his impressive health care message to Congress, President Nixon dramatically identified sickle cell anemia as a "second targeted disease for concentrated research" and announced a fivefold budget increase to $6 million for sickle cell anemia treatment and research. His language was clear and to the point:

> It is a sad and shameful fact that the causes of this disease have been largely neglected throughout our history. We cannot rewrite this record of neglect, but we can reverse it.

The National Sickle Cell Anemia Prevention Act is an irrevocable step toward reversing this neglect. It will authorize $25 million each year for 3 years to establish sickle cell assistance programs and support research to end this dread disease. I am proud to be a part of this long overdue national commitment to providing relief for the many thousands of sickle cell sufferers.

By Mr. BENNETT (for himself and Mr. SPARKMAN):

S. 2679. A bill to extend the period within which certain Federal credit unions must obtain insurance of member accounts in accordance with title II of the Federal Credit Union Act. Referred to the Committee on Banking, Housing and Urban Affairs.

SHARE INSURANCE TIME EXTENSION

Mr. BENNETT. Mr. President, I introduce for myself and Senator SPARKMAN a bill to amend the Federal Credit Union Act. This bill would allow an additional 2 years for Federal credit unions to meet the standards required for Federal share insurance. If an extension of time is not granted, some Federal credit unions who have not been able to meet the standards will lose their Federal charters early next year.

As the principal sponsor of the legislation which provided for insurance for credit union shares, I feel strongly that the Congress should approve this extension without undue delay.

When the Congress established a Federal system of insurance for the share accounts of credit union members, all Federal credit unions were required to apply for the insurance. State credit unions were authorized to apply and receive insurance if they met the appropriate standards, but they were not required to apply. Every applicant, whether State chartered or federally chartered, was required to meet certain minimum qualifications to obtain insurance. If the requirements are not met, the act requires the Administrator of the National Credit Union Administration to reject the application for insurance. Also, according to the act, if the application of a Federal credit union is rejected, the Administrator is required to suspend or revoke its charter unless within 1 year from the date of the rejection the credit union meets the requirements for insurance and becomes an insured credit union.

It is this 1-year time period which the bill I introduce today would extend. When we enacted the share insurance legislation, we knew that there were at least 500 marginal credit unions. We knew that there would be some which would not be able to meet the minimum standard of safe operation. We thought, however, that within a 1-year period after rejection, any credit union whose charter should be retained would be able to get its house in order. The record of certificates granted for insurance has been good. As of October 6, 1971, 11,936 credit unions have obtained insurance of their shares. Of these, 11,302 are Federal credit unions, and 634 are State credit unions. Despite this great success, there are still 1,447 Federal credit unions whose applications have been deferred. Many reapplications are now being granted insurance, and it has been estimated by the Administrator of the National Credit Union Administration that at least half of these will qualify and receive insurance within the year which is provided by present law. There are, however, other credit unions which will be able to meet the requirements for insurance but will not be able to do so within the time presently provided. It would be unfortunate to require the Administrator to suspend or revoke the charters and liquidate these credit unions because of an arbitrary 1-year limitation which we inserted in the original insurance legislation. The fact is that the year provided is simply not sufficient for some worthy credit unions, and as early as February of next year the Administrator could be required to begin revoking some Federal charters. None of us, I am sure, wants the revocation of the charter of a Federal credit union which is properly serving its members by providing a safe opportunity for saving and a source of relatively low cost credit for its members. It is a fact that the Congress has supported credit unions in their major goal of providing self-help for those who are not able to obtain credit from other sources and has provided certain advantages to credit unions over other financial institutions. In order to allow the Administrator to let these credit unions continue in operation, we must either lower the standards of safe operation which we established last year or amend the original Share Insurance Act as provided for in the bill which I introduce today.

Mr. President, there are those who have recommended that we either lower or remove the minimum standards now required for a credit union to obtain share insurance and that we provide insurance to all Federal credit unions, regardless of the safety of their operations or the condition of their institution. There are those who contend that the establishment of minimum standards last year was not appropriate. It has been stated that the Congress treated credit unions more harshly in setting standards for insurance than was the case when insurance was provided for other financial institutions more than 3½ decades ago. It is also contended that the Administrator of the National Credit Union Administration has exceeded the intent of Congress in his requirements for credit unions to receive a certificate of insurance.

Mr. President, these items need to be discussed at least briefly. Last year when we enacted the law providing share insurance, we considered at length the proposal that all credit unions be blanketed in and that all be insured regardless of their condition. We rejected that approach on the grounds that it would not be fair to the well operated credit unions and that it would put unnecessary strain on the share insurance fund. Nothing has happened during the last year to change what I believe was a very wise decision of the Congress. Nearly 12,000 credit unions have met the standard and, in the process, the operations of many of these have been upgraded and their shareholders have been better served.

Congress did not treat credit unions more harshly in setting minimum standards than was the case with other institutions when they were insured. The fact is that the treatment was more lenient and it was intended to be that way.

At the time share insurance was provided for banks and savings institutions, there was a confidence crisis which required more drastic action.

Before providing insurance for banks,

the President of the United States had proclaimed a nationwide banking holiday. He then authorized the Secretary of the Treasury to issue licenses to national and State member banks of the Federal Reserve System whose financial condition qualified them to reopen. When the first insurance, which was temporary, went into effect, it automatically insured only those which the Secretary of the Treasury has determined to be in compliance with solvency and soundness standards prescribed. According to the 1934 Federal Reserve Report, 452 national banks and 60 State member banks had not been licensed to reopen and thus were not eligible for insurance.

When insurance was provided for savings and loan associations, all federally chartered savings associations were required to apply for the insurance and each application was separately considered. Insurance was not automatically granted even though the chartering of Federal savings and loan associations began in late 1933, and the insurance corporation was set up in 1934. Since the standards required for the insurance were the same as those required for a Federal charter, it was only natural that almost all of the institutions which had been chartered in as short a period as 3 to 6 months earlier would be insured. Interestingly, however, the record shows that the insuring of some associations was deferred and they were required to get their house in order before insurance was granted. Federal Savings and Loan Insurance Corp. officials have assured me that no institution was granted insurance unless it met the required standard.

The situation with regard to credit unions was different and a different procedure was established. Federal credit unions had been operating since the early thirties, and it was estimated that there were at least 500 marginal credit unions. Congress therefore provided a 1-year period during which institutions could bring themselves up to the standard needed for insurance. It was thought that this would be sufficient for all credit unions whose continued operations could be justified. Now, because of the fact that many will not be able to meet that schedule, we are recommending an extension of 2 years to assure that no worthy credit union loses its charter.

Now let me move to the subject of the administration of the Share Insurance Act which we passed last year and the accusations that the Administrator has set up standards for insurance more difficult to meet than was intended by the legislation. The major thrust of the criticism has centered around the subject of regular reserves and special reserves required by the Administrator.

The action taken by the House Banking Committee and the remarks made on the floor of the House would indicate that there is a great deal of misunderstanding on this whole subject. The report of the House Banking Committee, in discussing the subject with reference to Federal credit unions, states:

> For this reason, the Committee has withdrawn the special reserve requirement provision as a condition of obtaining insurance.

The fact is that the special reserve provision was never made a condition of obtaining insurance except in the case of State credit unions in States which had lower reserve requirements than those provided for in the Federal Credit Union Act. This leads one to the conclusion that the committee must have meant that the Administrator can no longer require special reserves for Federal credit unions as necessary for insurance purposes. If that is the intent, what the committee has, in fact, done, is make it impossible for some credit unions to obtain insurance that otherwise could have done so through an addition to their reserves. The Administrator has been using the requirement of special reserves to make up deficiencies found in individual credit unions that made them ineligible for share insurance under the requirements set up by the Congress.

Section 116(a) of the Federal Credit Union Act, as amended, provides that immediately before the payment of each dividend, the gross earnings of the credit union shall be determined. From this amount, there shall be set aside, as a regular reserve against losses on loans and against such other losses as may be specified in regulations prescribed under this act, sums in accordance with the following schedule: 10 percent of gross income until the regular reserve shall equal 7½ percent of the total of outstanding loans and risk assets, then 5 percent of gross income until the regular reserve shall equal 10 percent of the total of outstanding loans and risk assets. Whenever the regular reserve falls below 10 percent or 7½ percent of the total of outstanding loans and risk assets, as the case may be, it shall be replenished by regular contributions in such amounts as may be needed to maintain the reserve goals of 7½ percent or 10 percent.

The purpose of the regular reserve is to protect against losses on loans and against such other losses as may be specified in regulations prescribed under the act.

If a Federal credit union operates satisfactorily, with sound lending policies and practices, effective followup and control over delinquent loans, without adverse external factors, required transfers to the regular reserve will usually be sufficient to provide adequate protection to the interests of the members and to the share insurance fund.

It must be remembered, however, that the Congress in Public Law 91-468 established other requirements for share insurance eligibility. It was specifically intended that, before a credit union was insured under the share insurance program, the Administrator would not only require that the credit union have the reserve requirements set forth in section 116(a), but that the Administrator would insure that such credit unions abided by the other provisions and criteria, specifically, that they have adequate reserves; that their financial condition and policies are safe or sound; that they have fit management; that insurance of their member accounts would not involve undue risk to the fund; and that their powers and purposes are not inconsistent with the promotion of thrift among its members and create a source of credit for provident or productive purposes.

Let me add that section 116(b), providing authority for the Administrator to establish special reserves, would never have been included in the legislation if it had not been intended that the Administrator establish such reserves either by regulation or when found to be necessary in any special case.

The fact that a credit union might have the regular reserve requirements required by section 116(a) was never intended to prohibit the Administrator from assessing special reserve requirements where the credit union's financial condition was inadequate; on the contrary, it was expected. By and large, the special reserve requirement that the Administrator has assessed against credit unions has been as a result of excessive loan delinquency. This loan delinquency, if charged off by many of the credit unions, would make them insolvent or at least would be equal to all the reserve requirements that were set aside. Such a circumstance would certainly indicate financial unsoundness and fall directly within the intent of Congress in providing for a special reserve requirement.

When reviewing applications for insurance of member accounts, prime consideration is given to the adequacy of reserves. It is possible for a Federal credit union to meet the transfer requirements of section 116(a) of the Federal Credit Union Act, yet have inadequate reserves. For example, prior to the 1970 amendment to the Federal Credit Union Act, Federal credit unions were required to transfer 20 percent of net earnings to the regular reserve. If the credit union had an abnormally high expense to income ratio, the amount of the transfer to the regular reserve would be lower than normal and would prevent the credit union from accumulating sufficient reserves.

Transfers to the regular reserve are usually made only at the end of a dividend period—quarterly, semiannually, or annually, usually the latter. If a Federal credit union experiences rapid growth, required transfers to the regular reserve do not enable that account to keep pace with growth in members' savings and in loans to members. As a specific example, a Federal credit union chartered in 1967 had accumulated assets in excess of $2.3 million when its application was reviewed earlier this year. Loans to members amounted to almost $2.2 million. Delinquent loans totaled $25,700, almost $13,000 of which were delinquent more than 12 months. To protect against probable losses from loans which were seriously delinquent and against possible losses from other loans totaling over $2.1 million, the credit union had reserves of only $22,400.

Federal credit unions which experience high losses on loans to members do not accumulate adequate reserves, even though statutory transfers to the regular reserve are made, because the reserves are depleted by the absorption of uncollectible loans. Doubt is cast upon the collectibility of delinquent loans in credit unions having a high loss ratio that is not present in credit unions which have a history of no losses or relatively small losses.

The present statute provides that 10 percent of gross income is transferred to the regular reserve until the reserve shall equal 7½ percent of the total outstanding loans and risk assets, then 5 percent of gross income until the regular reserve shall equal 10 percent of the total of outstanding loans and risk assets. If a credit union does not recognize and charge off loans that are without value, it is possible for the credit union to be in a position of "no transfer" or a reduced transfer to regular reserve at the end of a dividend period, yet have inadequate reserves. To cite another example, a Federal credit union had assets of $1,100,000, shares—savings—of $908,000 and loans of $962,000. The regular reserves totaled $97,500—over 10 percent of loans. The credit union, then, was in a "no transfer" position. It had, however, $182,000 in delinquent loans, $114,000 of which was in loans delinquent more than 12 months. Loans considered to be losses exceeded reserves.

In another case, a Federal credit union had $160,000 in loans, with reserves of $12,300. Reserves were 7.6 percent of loans. The Federal credit union was in a reduced transfer position, yet it had $13,600 in loans delinquent more than 12 months. Loans totaling almost $12,000 were considered probable losses, which would practically wipe out all reserves if they were charged off.

These credit unions had made the reserve transfers required by section 116(a), yet reserves in relation to needs were inadequate and the credit unions therefore uninsurable. When such situations were encountered, the National Credit Union Administration made an offer to the board of directors of the Federal credit union indicating that an augmentation of reserves would make the credit union insurable.

If the credit unions had an available surplus, the National Credit Union Administration would ask the boards of directors to augment reserves by a transfer of all or a portion of the surplus to an irrevocable reserve account, rather than reject the application for insurance of member accounts. If surpluses were not available for transfer to irrevocable reserves thereby enabling the credit unions to qualify for share insurance, the National Credit Union Administration would ask the boards to execute special agreements to transfer more than 10 percent of gross income to irrevocable reserves before the payment of a dividend.

Requests by the National Credit Union Administration for augmentations of reserves were made only when reserves were inadequate and the credit unions otherwise uninsurable. Agreements which were obtained to strengthen reserves enabled the Administrator to insure the member accounts in those credit unions.

Now, the House Banking Committee indicates that the language which it has approved is intended to withdraw the special reserve requirement provision as a condition of obtaining insurance. In the same report, the committee indicates that—

> While your Committee wishes to make it clear that by virtue of this legislation it is not ordering nor condoning the insuring of credit unions whose operations may be in violation of the requirements set by the Administrator at the same time it expects the Administrator to insure those credit unions whose operations, including their reserve requirement policies, meet the standards set out by Congress.

Since the committee expects the requirements set out by the Administrator to be met and since the special reserve requirements by the Administrator were made only when the operations and financial condition of a credit union made it uninsurable according to the requirements set up in the act passed by Congress which the Administrator is required to follow, the removal of the special reserves as the House committee say its language intends merely ties the hands of the Administrator to work out arrangements with uninsurable credit unions whereby they can become insured.

I should at this point include the language reported by the House Banking Committee so that Members of the Senate will have an opportunity to consider its meaning and ferret out, if possible, just what its effect, if any, would be:

> SEC. 201. (d) In the case of any Federal credit union whose application for insurance is disapproved, if such Federal credit union (1) has transferred such amounts to its reserves as is required under section 116(a), and (2) *has not violated any provision of this Act*, the Administrator shall nonetheless issue to such Federal credit union a certificate of insurance which shall be valid for a period of two years. The Administrator shall suspend or revoke the charter of any Federal credit union which has failed, upon the expiration of such two year period of insurance, to file an application for insurance which is approved by the Administrator in accordance with subsection (c). A Federal credit union which is insured under this subsection for a period of two years is an insured credit union under the provisions of this title for such period of two years.

It is my contention that in order to obtain the 2-year insurance certificate, the credit union must not be in violation of any provision of the act. One of the provisions of the act is that the Administrator is authorized to impose special reserve requirements. This provision is not waived by the amendment and, therefore, would appear to be in effect. If such is the case, the amendment nullifies the change which the House committee report states was intended, and therefore no insurance would be granted except on the same terms as presently exist. If, in fact, the special reserve requirements are voided, then the credit union does not meet the other standards required by the law and would not be able to get insurance.

The most unfortunate part of this whole exercise in frustration is that the credit unions which are not able to come up to the standard required do not obtain any relief through this amendment regardless of how it is interpreted.

I have been advised by the National Credit Union Administration that many of the credit unions which have been rejected for insurance have received the rejection because their regular reserves were not in compliance with the act. Others have management difficulties. Others are simply in an unsafe or unsound financial condition. Others would involve undue risk to the insurance fund.

The House amendment, regardless of how interpreted, does nothing for these credit unions, and I for one do not believe that we should require the Administrator to withdraw their charters without giving them additional time.

Mr. President, a point was made in the House report and on the House floor that there are many small credit unions which have been rejected for insurance. One case was cited in which insurance was denied. I am not familiar with the case, and I have been informed by the Administrator that he is not familiar with the case. If an injustice has been done, it should be corrected immediately. However, to indicate as is done in the report that the committee is concerned that it may have been denied because it is too small is not warranted. I have taken the effort to check into this matter because of my personal interest in small credit unions, and such an accusation through innuendo is completely unjustified. I include a listing of just a few of the small credit unions that have been insured in one district at this point in the RECORD:

A sample of insured credit unions with potential under 100

Actual and (potential) membership:	*Assets*
37 (32)	$7,000
42 (75)	4,000
66 (69)	10,000
66 (100)	9,000
58 (100)	12,000
57 (75)	41,000
70 (75)	14,000
53 (87)	5,000
70 (97)	19,000
68 (70)	55,000
68 (85)	19,000
54 (80)	18,000
68 (68)	13,000
60 (100)	21,000
55 (80)	27,000

The House report also comments on the limited income credit unions which have not been able to get insurance and states that there are 106 of these. The facts I have received show that there are 291 limited income credit unions which have been deferred. Of these, 106 are Office of Economic Opportunity related. Most of the deferrals of insurance for these credit unions are because of reserve deficiencies and most of the reserve deficiencies are in regular reserves. Nothing in the House bill would give any relief to these credit unions. Some of those small limited income credit unions that have been insured have been able to get the insurance because of an allocation of $504,000 to the National Credit Union Administration by the Office of Economic Opportunity. The October issue of the NCUA Bulletin indicates that 118 Federal credit unions with individual guarantee needs of $458,100 have been given to the regional directors. When a guarantee is granted to these Federal credit unions, it restores them to solvency and provides an adequate reserve to permit continued operation in an insured status. Indeed, the National

Credit Union Administration is assisting small credit unions to become insured. If more assistance can be legitimately provided, it should be provided. The Administration is also trying to assist other credit unions so that they may become insured. Surely no National Credit Union Administrator desires to preside over the liquidation of hundreds of Federal credit unions. He knows, as well as anyone, the good that can be done and is being done by many of these institutions. In my judgment, from keeping closely abreast of the procedures followed by the Administrator, I am convinced that he has carried out the intent of the statute in requiring the special reserves in those cases where he thought necessary. I believe that he has administered the share insurance program and all of the affairs of the National Credit Union Administration in an outstanding manner. This is not a time to be unduly critical or to tie his hands but a time to provide an additional 2 years so that he can continue to assist credit unions to improve their operations and thus qualify for insurance.

Mr. President, I ask unanimous consent to have printed in the Record at this point in my remarks a letter from the Administrator of the National Credit Union Administration.

There being no objection, the letter was ordered to be printed in the Record, as follows:

National Credit Union
Administration,
Washington, D.C., October 8, 1971.
Hon. Wallace F. Bennett,
U.S. Senate,
Washington, D.C.

Dear Senator Bennett: This will acknowledge your letter of October 5, 1971, concerning House Report No. 92–543, to accompany H.R. 9961.

With respect to the use of special reserves in connection with insurance applications, I have enclosed a copy of the most recent issue of the "NCUA Bulletin" which supplies some background information on the processing of share insurance applications. I have also enclosed materials which explain the use of special agreements for transfers to irrevocable reserves. It is important to note that before any consideration was given to such agreements, it was first determined that the particular credit union concerned was not insurable under the standards provided in Section 201(c) of the Federal Credit Union Act.

When it was determined that the application would be rejected for one of the reasons listed in Section 201(c)(2) of the Act, and that a transfer of a certain amount of funds to an irrevocable reserve could render the credit union insurable, an offer to that effect was made to the credit union. Generally speaking, this offer stated that if the credit union would agree to make such a transfer, I would be able to give the members immediate insurance protection rather than rejecting the application. This was in no way intended as the imposition of an additional prerequisite for insurance but rather a vehicle by which the members could obtain prompt insurance protection.

With regard to the section of H.R. 9961 pertaining to reserves, the language is not clear to me. I interpret it to mean that the Administrator is not authorized to require regular reserves in excess of that amount authorized by Section 116(a) of the Federal Credit Union Act and shall insure credit unions that have met that requirement, if they are not in violation of any provision of the Federal Credit Union Act. As I read the proposed language, if a credit union does not meet the criteria established in Section 201(c)(2), the credit union would have to be rejected for insurance. It would appear that the language says nothing the statute does not already say.

I have attached for your information a statistical breakdown of the current status of the 547 "limited income" credit unions which include those which are "OEO related." The NCUA/OEO Financial Assistance Program has enabled 19 OEO related Federal credit unions to qualify for insurance. Ninety-six other OEO related groups have been initially selected to receive financial assistance which will be applied when they meet the other insurability standards.

Concerning demand deposits in Rhode Island, no state-chartered credit union is, at present, accepting demand deposits.

The Report, at page 4, indicates that I denied insurance to a credit union in the northeast with a membership of 42 members. Regrettably, I received no formal complaint from any such credit union nor those interested in its affairs and learned of the apparent discontent only from the report. I have asked Chairman Patman to supply the name of that credit union so that I may investigate the circumstances and correct any error, if in fact, an error has been made. It is not outside the realm of possibility that such an event happened but each credit union has been given my personal attention. Since I've studied the Financial and Statistical Reports of nearly 13,000 credit unions, I admit I could have erred at least once. When such happens, I request that I be given an opportunity to review my actions, vice being called to task in the Congressional Record. I have enclosed a sample list of credit unions which have been insured and are of a similar size to the one mentioned in the Report.

I am in full agreement with you that some assistance should be given to those credit unions which have not yet received insurance and which may not be capable of reaching the standard within the year provided.

It has been my goal to operate within the boundaries of the law as established by Congress. If those boundaries can be expanded to lend assistance to credit unions which might otherwise not qualify for insurance, a great many people would be satisfactorily served.

Thanking you for your interest, I am,
Sincerely yours,
Herman Nickerson, Jr.,
Administrator.

Mr. BENNETT. Mr. President, I had not intended to introduce a bill on this subject but had intended to wait for a bill from the House upon which the Senate could work its will. Unfortunately, the bill that was being considered by the House appears to be hopelessly bogged down in controversy and misunderstanding. The committee tried to have it considered under a suspension of the rules and the House turned down that request because of the controversial nature of the bill. Chairman Patman of the House Banking Committee at that time stated:

> I hope you will support this bill. If you do not support this bill now, the Rules Committee has indicated that it will not give me a hearing on a rule for this. So that means in this session of Congress this bill will be dead. That will be a great disservice to a lot of people, and it is not necessary.

Indeed, Mr. President, it would be a great disservice to a lot of people if we do not provide an extension of time so that hundreds of credit unions will be able to obtain insurance of their shares and thus retain their Federal charters and continue to provide an opportunity for saving and a source of credit for their members. For this reason, I hope that the Senate will take action on this simple bill for an extension without delay.

By Mr. CRANSTON (for himself and Mr. Tunney):

S. 2680. A bill to designate certain lands in the State of California as wilderness. Referred to the Committee on Interior and Insular Affairs.

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to designate certain lands within the Mendocino National Forest in California as the Snow Mountain Wilderness Area. I am delighted to be joined by the distinguished junior Senator from California (Mr. Tunney) who is cosponsoring the bill. Located in the coastal mountain ranges of Mendocino County about 80 miles from San Francisco, Snow Mountain is the closest available wilderness north of the bay area.

Snow Mountain contains 37,000 acres with a wide variety of vegetation types, ranging from chaparral and brush to mixed conifers, red fir, white fir, and ponderosa pine. These provide a natural refuge for deer, squirrel, bobcat, golden eagles, and quail. Bear and mountain lions also have been sighted there. The rough country of Snow Mountain is an outstanding example of the primitive character of the coast ranges.

The Snow Mountain summit of 7,056 feet provides a good view of the upper Sacramento Valley. Because of the difficulty of access and limited recreation potential, opportunities for solitude at Snow Mountain are greater than in other areas.

However, unless this area is set aside as wilderness, it could be destroyed by erosion from road building and off-trail vehicular use and logging operations. The wilderness designation is the only certain method of assuring that the area will be managed to preserve its environmental values and its natural ecosystems.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2680

A bill to designate certain lands in the State of California as wilderness

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with subsection 3(b) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(b)), certain lands in the Mendocino National Forest, California, which comprise approximately thirty-seven thousand acres as depicted on a map entitled "Snow Mountain Defacto Wilderness Area", dated June 1971 are hereby designated as wilderness and shall be known as the Snow Mountain Wilderness Area.

Sec. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the wilderness area with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

By Mr. TALMADGE:

Senate Joint Resolution 165. Joint resolution proposing an amendment to the Constitution of the United States prohibiting involuntary busing of students. Referred to the Committee on the Judiciary.

Mr. TALMADGE. Mr. President, I rise to direct the attention of the Senate to an area in which I feel that certain institutions of American Government are failing the people they are supposed to serve. I want most of all to suggest what can be done about it. Many words have been written and many thoughts have been expressed concerning the basic purposes of those of us in the National Government. Generalizations are always dangerous. But to my mind, if we have one job up here, it is to provide leadership for the American people. With all due respect, I submit that we have failed to meet this responsibility in an area which is most important to most of our citizens—the education of the Nation's children.

American Government is complex. It has many facets. There are many mouths out of which Government can speak. This sometimes results in massive confusion. In some cases, the confusion can assume tragic proportions. Such is the state of affairs in American education in many parts of the country today. Public education and schools that once were a source of great pride for our Nation are now in such disarray that public confidence in them has been seriously eroded.

Forced busing has fallen on the Nation, primarily the South, like a plague. It has created educational and disciplinary chaos in schools. It has weakened the effectiveness of public education. Children are uprooted from their neighborhoods and denied the opportunity to attend schools nearest their homes and families. They are herded about like cattle over distances of 15–20 miles, and sometimes even longer.

Forced school busing has come about largely because of confusion and lack of direction in the Federal courts—from the Supreme Court on down. It has resulted from confusion and lack of direction in the administration—from the President on down. The situation has reached such supreme idiocy that children of tender years are being separated from their brothers and sisters and sent to schools many miles apart, having to board school buses before daylight, to return home only after dark.

All of this takes place under the guise of school desegregation, when in reality it is ordered primarily to satisfy the notion of some Federal court or public official that such action is required by the law and that it is in the best educational interests of children. They are wrong on both counts. There is no constitutional requirement of mathematically precise racial balance in public schools. Congress has enunciated this policy on many, many occasions. We have heard a great deal of controversy over courts ordering more busing than the law requires. I say the courts are ordering more busing than the law allows.

We are all interested in quality education. But I fail to see how the best interests of children are served by transporting them about on buses clear across school districts, to an unfamiliar and sometimes frightening environment. Forced busing cannot be in the best interests of black children. Forced busing cannot be in the best interests of white children. Forced busing is not in the best interest of any children.

I fear, Mr. President, that unless corrective action is forthcoming, we are well on our way to witnessing the destruction of neighborhood schools and public education as an institution of strength that has served our Nation long and well. I for one refuse to stand idly by and remain mute in the presence of this crisis. Busing has nothing whatsoever to do with the quality of educational services. Putting children on schoolbuses and transporting them to classes great distances away constitutes expense of the students' time and the taxpayers' money. It contributes naught to education, the fundamental reason why children are sent to school in the first place.

The people of America have worked long and very hard for quality education. It can be said without exaggeration that the schools we now have in our country have been bought and paid for by American taxpayers. Just as taxpayers have a vested interest in their schools, they also have a right to demand the very best in the education of their children. It is certainly understandable to me how anyone would rebel against anything that would compromise that right. They object, and rightfully so, when busing takes precedence over quality education—and when they are given absolutely no say-so in the matter.

I submit that neither white parents nor black parents can be expected to sit still while the education of their children is subjected to social experimentation. I know of no parents who want their child put in the middle of this gigantic political struggle, when its legality is extremely doubtful and when it runs counter to commonsense.

The forced busing policy has heretofore been reserved almost exclusively for the South. Now, other school districts in other parts of the country are also coming to grips with the problem of having their children taken away from their neighborhood schools and transported across town. Be that as it may, I feel that regardless of wherever forced busing takes place it is detrimental to education and contrary to the well-being of children.

It runs counter to the law as indicated by the Supreme Court of the United States and as pronounced on several occasions by the Congress. In 1954, in the Brown decision, the Supreme Court ruled that State action which resulted in racially segregated schools violated the Constitution and could no longer be tolerated. We now accept this as the law of the land, and do so without reservation. We are all familiar with that decision. Its message was essentially clear. Race cannot be a determining factor in the assignment of students to the public schools. That decision can be interpreted to mean that schools must be colorblind.

The Court seemed to be saying that there could no longer be black schools or white schools, that in the future there must just be schools, open to all regardless of race. The main thrust of the Brown decision, of course, was that State action to affirmatively enforce segregation in public schools according to race was unconstitutional. But, by no stretch of the imagination, can it be said that the Court ordered, or even contemplated, affirmative action by the government to require racial balance or racial quotas in the public schools.

I do not believe the courts contemplated the assignment of six children from the same family, three in junior high school and three in elementary, to five different schools as far as 5 miles away. Yet, that is what happened in LaGrange, Ga. I do not believe the Court contemplated having a mother drive her children to four different schools each day in order to contribute to a racial balance in those schools. Yet, that is what happened in Atlanta, Ga.

I do not believe the Court embraced the idea of putting children on a bus and transporting them to school through 20 miles of coastal marshland. Yet, that is what happened in Savannah, Ga. I do not believe the Court entertained the idea of some day seeing a school district crisscrossed by miles of bus routes to take children to school far away from their own neighborhoods. Yet, that is what we have in Mecklenburg County, N.C. One could go on and on and on, reciting case after case of what I call the idiocy of forced schoolbusing.

All this, of course, has come about many years subsequent to the Brown decision. At the time, the Court's message was clear to most Americans. State enforced segregation was illegal under the Constitution. In 1964, Congress enacted the Civil Rights Act. Many of us in the Senate were here then. We well remember the earnest deliberation that went into that legislation. During these debates Senators went to great pains to build a legislative history to clearly demonstrate what the law was intended to do and what it was not intended to do. Some of the most extensive of these dialogs concerned title IV of the act.

Section 401(b) reads as follows:

> "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

Section 407(a)(2) reads in part:

> Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards.

That seems to me to be clear enough to be understood by even the schoolchildren it so vitally affects. Even so, there were painstaking efforts in the Senate to underscore the fact that this legislation prohibited schoolchildren from being bused all about in order to overcome racial imbalance.

The distinguished Senator from Minnesota (Mr. HUMPHREY), then acting as floor manager of the bill, said very strongly that the bill was expressly amended to preclude any inference that the law conferred new authority to deal with "racial imbalance" in schools. Senator HUMPHREY said further that it should—

> Serve to soothe fears that title IV might be read to empower the Federal Government to order the busing of children around a city in order to achieve a certain racial balance or mix in schools.

In another exchange, Senator HUMPHREY was asked about school busing, and he replied:

> . . . While the Constitution prohibits segregation, it does not require integration. The busing of children to achieve racial balance would be an act to effect the integration of schools. In fact, if the bill were to compel it, it would be a violation, because it would be handling the matter on the basis of race and we would be transporting children because of race.

This principle has not only been written into the 1964 Civil Rights Act, it has been repeated again and again in appropriation bills in language which is identical or similar. For example, section 409 of the Education Appropriation Act for fiscal 1969 provides—

> No part of the funds contained in this act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parent or parents in order to overcome racial imbalance.

In light of these pronouncements by Congress, it is interesting indeed to compare actions of yesterday with the bleak reality of today. It still boggles the mind to try to understand how we have bridged this seemingly unbridgeable gap. It is difficult to say just when the waters first began to muddy. However, slowly and insidiously, a new concept crept into the picture.

A succession of officials in the Department of Health, Education, and Welfare, the Supreme Court, and various other Federal courts became midwives at the birth of an idea which now is tearing at the basic fabric of American public education. The idea, simply stated, is that the Federal Government, not the local school board, can dictate to parents what school their children must attend and from what school they can be barred.

It is no longer enough to say that all school doors must be kept open. Our children, now, are treated like sheep, herded in bewildered masses away from schools closest to their homes to strange classrooms far away. It is small wonder that the American people are bewildered and angry. No one can exactly pinpoint where this idea came from. Surely, there was no such command in the Brown decision. Surely, there was, in fact, a prohibition against it in the 1964 Civil Rights Act, and in subsequent education appropriation bills.

One of the most infuriating aspects of the busing policy is its vagueness. No one has ever demonstrated to me the source of authority for forced busing to overcome racial imbalance. No one has ever explained to me how we can have a statute which expressly forbids busing, and yet have a bureaucrat in the Department of Health, Education, and Welfare or some Federal court issue an order that causes exactly that.

We have had, however, a great deal of confusion and contradictory policies on school busing. For years now, we have had a vast array of officials at HEW trying to operate local schools from Washington. Pronouncements on just what the law required changed about as often as the steady stream of enforcement officers who came and went. There was no clear direction from the Cabinet level. There was no clear direction from the White House.

The Nixon record for clarity or direction has been no better. For example, the President denounced a busing desegregation plan for Austin, Tex., that had been prepared by his Department of Health, Education, and Welfare. He issued a statement instructing the Attorney General and the Secretary of HEW to work with individual school districts to hold busing to the "minimum required by law."

I hope the Attorney General knows what the President means by "minimum." I hope Secretary Richardson knows what the President means by "minimum." I wish they would all explain what extent of forced busing is "required by law" in order to overcome racial imbalance. It has been my understanding that Congress has repeatedly said that no busing was to be required or allowed just to achieve a mathematical racial balance. If we are going to render some order out of the present school chaos, I submit that the President will have to be more explicit.

While the Federal courts have had a prominent role in forcing school busing, they have not been as active in clearly defining the law and applying it on an equitable basis. Again, we have a situation where there are almost as many varying court orders on busing as there are district courts. For example, last year three Federal District Judges handed down three different rulings to three school systems in Virginia on the question of how much busing is proper in order to achieve school desegregation. Based on what I read in a Washington Post news story, it must be very rare indeed for three Federal judges to be so at odds with themselves, and with each other, on what they were doing, or what the law actually required them to do.

The Supreme Court did speak on the issue last spring in the Swann case involving forced busing in Mecklenburg County, N.C. But, even then, the Court seemed to be speaking out of both sides of its mouth. In Swann the Court frowned on busing where—

> The time or distance of travel is so great as to risk either the health of the children or significantly impinge upon the educational process.

Moreover, in referring to the district court ruling ordering extensive busing, Chief Justice Burger has this to say:

> If we were to read the holding of the District Court to require, as a matter of substantive Constitutional right, any particular degree of racial balance or mixing, that approach would be disapproved and we would be obliged to reverse.

Based on that statement, one would not expect to encounter any requirement in the district court opinion dealing with any particular degree of racial balance. Yet, in the district court opinion, this is what we find:

> Efforts should be made to reach a 71–29 ratio in the various schools so that there will be no basis for contending that one school is racially different from the others.

So, on the one hand, the Chief Justice says that requiring a particular degree of racial balance or mixing is unconstitutional, and yet he approves a district court opinion that compels exactly that. What it boils down to is that the Chief Justice seems to be saying that the Court did not approve of busing to secure racial balance, and then proceeded to uphold a district court order that required, on actual application, the busing of children from one side of Charlotte to the other.

To carry this inconsistency one step further, the Supreme Court issued a ruling last April putting its stamp of approval on forced busing, and then Chief Justice Burger came along in September and declared that the Court really did not mean that at all. The Chief Justice said lower courts were misreading Swann if they were ordering busing because they thought the Supreme Court required racial balance in every school. I can certainly understand how lower courts might come to such a conclusion inasmuch as that is exactly what the Supreme Court said and did in Mecklenburg County.

The point I am trying to make in the Senate and to citizens all across America is that this issue, which is so vital to the interests of our children, and therefore to our country, has become so vague, so confused, and so uncertain, that I do not believe anyone in the Nation really knows where we stand. The doctrine of busing has gradually evolved through a bureaucratic maze of Health, Education, and Welfare, the uncertain language of Federal courts, and equivocation by the administration, but no one knows exactly when it is required, under what conditions, or how much of it, if any, is legal.

Mr. President, I think the time has come for the American people to be allowed to deal with this issue themselves. I do not see how we can fail to give the American people an opportunity to express their own will on a question that so vitally affects them, their children, and their children's education and well-being. I am proposing, therefore, a constitutional amendment which clearly states that it is not the proper role of the Federal Government to force the assignment of students to schools for the purpose of securing a racial balance, and that the requirements of the Constitution are met when pupils are given complete freedom to attend any school they wish and when transportation is made available to those who desire and need it.

For many years now, the Federal Government has held this problem close to its collective bosom, and for many years, it has failed and failed miserably in arriving at a solution. My amendment will give the people of this land, through their elected State representatives, a chance to vote up or down on the question of busing. It is time for us to hand the pen of power back to the American people and let them write a little of their own history.

The ideal way to accomplish this would be through a national referendum. But there is no feasible way this can be accomplished. Therefore, I have chosen what I believe to be the only way to achieve this end. That is to propose an amendment against the proposition of forced busing.

My amendment reads as follows:

> SECTION 1. The transportation of children to a region beyond that covered by the neighborhood school, unless such transportation is voluntary, is expressly prohibited.

I think it is safe to say that as soon as we submit this amendment to the American people, it will become the No. 1 item on the legislative agenda in each and every one of our States. I cannot conceive of the citizens of any State allowing their legislators to ignore an issue of such vital importance. Therefore, it is through this mechanism and this mechanism alone that we can hope to secure the effect of a national referendum on the question of busing.

Mr. President, I believe we should all be quite clear about what we are voting on here. Let no one blink at the implications of this action. It is true that the literal language of my amendment would forbid forced busing. But what we are voting on here is not busing alone.

We are voting whether or not to submit this controversial question to the people of this Nation. Neither the executive branch, nor the courts, nor the Congress, has been able to resolve this issue. All that has been done so far is to confuse it even more and consequently make it even more troublesome. I say let the people speak.

A vote for my amendment would be for a vote to submit this critical issue to the people for their determination.

A vote against the amendment will not be a vote for or against busing per se, but a vote to keep the question in the grasp of the Federal Government where it has resided with such tragic results for some 18 years.

The time is long overdue for the Congress to turn to the people it represents, to get an expression from them, and then to proceed firmly and with dispatch toward the resolution of a critical school situation.

We owe this much and more to the children of our Nation who have become pawns in a giant political game which seemingly is being played without rules.

I earnestly solicit all Senators to support my attempt to submit this issue to the American people for their resolution, so that we can finally turn our attention to mending our wounds, bringing our objectives more clearly into focus, and getting on with the business of building a stronger, more united, more prosperous United States.

I urge and implore every Member of the U.S. Senate not to stand in the way of the submission of this issue to the American people.

Mr. President, at a time when a pending constitutional amendment on the calendar is called up, I intend to propose this as an amendment thereto and I hope that the Senate will solve this issue once and for all.

Mr. President, I send the amendment to the desk for appropriate reference and ask that it be printed in the RECORD for the information of the Senate.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 165

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The assignment or transportation of children to a region beyond that covered by the neighborhood school, unless such assignment or transportation is voluntary, is expressly prohibited."

By Mr. PERCY (for himself and Mr. STEVENS):

Senate Joint Resolution 166. Joint resolution recognizing the State of Illinois and the city of Chicago as hosts in 1992 of the official quincentennial celebration of the discovery of America. Referred to the Committee on the Judiciary.

Mr. PERCY. Mr. President, today, I am introducing on behalf of my distinguished colleague from illinois (Mr. STEVENSON) and myself a resolution recognizing the State of Illinois and the city of Chicago as the official hosts of the 1992 quincentennial celebration of the discovery of America. An identical resolution has recently been sponsored in the House by every Member of the Illinois delegation and just a few months ago the Illinois General Assembly approved a resolution in support of this designation.

Due to the early efforts in Congress of Senator Cullom of Illinois, our State was honored in 1893 to be the site of the first World's Fair celebration the 400th anniversary of Christopher Columbus' discovery of America. During the fair, known as the Columbian Exposition, more than 27 million U.S. citizens and foreign visitors came to Chicago to participate in a cultural and historical celebration of America's development which writers of the time called a delight and inspiration. The fair, which covered more than 550 acres, contained exhibitions from 46 nations and virtually every State participated. An article appearing in the November edition of the Scribner's magazine in 1892, indicated that—

> None but the largest and noblest plans and the best ideas have been adopted from the beginning until now. Nothing is inadequate, nothing without great plan—and nothing falls short of the best that is thought and known in the world. There is no note of provincialism and of localism: all has been excluded but the evidence of unique public spirit, wonderful energy, and the better knowledge of the world.

Although the fair did contain elaborate exhibits from many foreign countries, the event was really considered a nation's fair. It was an expression of America's existence and many felt, because of the tremendous planning and financial sacrifice that went into the exhibition, it was a time when the Nation became conscious of itself.

Then, as now, visitors to Chicago find it a city that truly represents the accomplishments and hopes of America. Because of its central geographical location, Chicago would be equally accessible to citizens of both the East and West Coasts who will want to participate in the 500th anniversary celebration. In addition, the city's hotel and restaurant facilities can fully accommodate a major exposition. Having for many years been the location of numerous conventions, Chicago is served by one of the most advanced highway and railway systems anywhere in the country and its major airports service the metropolitan area with 25 airlines.

Our 500th anniversary celebration in 1992 will be an appropriate time in which to reflect on our country's accomplishments and on the direction we must take in the future to maintain our greatness. The celebration must reflect in as many ways as possible the real nature of American life, exhibiting our accomplishments in art and architecture, commerce, education, agriculture, horticulture, transportation, engineering, and Government. The exposition of 1893 was called the "greatest and most harmonious group effort thus far achieved in America; it was a fitting symbol of progress and achievement."

Mr. President, I believe that the quincentennial celebration in 1992 will again be an exposition of the grandest scale, and we, in Illinois, are again seeking the honor of hosting this exposition of of American tradition.

I call on the Congress to approve the resolution so that the lengthy period of designing and planning can begin.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2547

At the request of Mr. MCGEE, the Senator from Delaware (Mr. BOGGS) was added as a cosponsor of S. 2547, for the protection of the bald and golden eagles.

S. 2617

At the request of Mr. DOMINICK, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2617, to further promote equal employment opportunities for American workers.

AIRPORT AND AIRWAY DEVELOPMENT AND REVENUE ACTS AMENDMENTS OF 1971—AMENDMENTS

AMENDMENTS NOS. 460 AND 461

(Ordered to be printed and to lie on the table.)

Mr. BURDICK submitted two amendments, intended to be proposed by him, to the bill (S. 1437) to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes.

AMENDMENT NO. 462

(Ordered to be printed and to lie on the table.)

Mr. GRIFFIN (for Mr. Baker) submitted an amendment, intended to be proposed by Mr. Baker, to Senate bill 1437, supra.

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION ACT—AMENDMENT

AMENDMENT NO. 463

(Ordered to be printed, and referred to the Committee on Government Operations.)

Mr. JAVITS submitted an amendment, intended to be proposed by him, to the bill (S. 2097) to establish a Special Action Office for Drug Abuse Prevention to concentrate the resources of the Nation in a crusade against drug abuse.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 347

At the request of Mr. Griffin (on behalf of Mr. Baker), the Senator from Maryland (Mr. Mathias), and the Senator from North Dakota (Mr. Burdick) were added as cosponsors of amendment No. 347, to S. 1437, to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes.

NOTICE OF HEARINGS ON NOMINATIONS

Mr. SPARKMAN. Mr. President, I wish to announce that the Committee on Banking, Housing and Urban Affairs will hold a hearing on the following nominations:

Samuel C. Jackson, of Kansas, to be a member of the board of directors of the Community Development Corporation.

Walter James Hodges, of Virginia, to be a member of the board of directors of the National Corporation for Housing Partnerships.

The hearing will be held on Wednesday, October 13, 1971, and will begin at 9:30 a.m., in room 5302, New Senate Office Building, Washington, D.C.

ADDITIONAL STATEMENTS

MODIFICATION OF FEDERAL LAWS GOVERNING WORKWEEK

Mr. MANSFIELD. Mr. President, in the past several years, there has been a growing interest in the modification of Federal laws governing the workweek. One of the most interesting proposals has been not a modification in the 40-hour workweek, but a modification of the standards. A proposal submitted by the junior Senator from Kentucky (Mr. Cook) would permit certain employees to work a 10-hour day in a 4-day week. Senator Cook discussed this in great detail before the Senate Subcommittee on Labor. This is a most interesting analysis. I believe that it contributes a great deal to a better understanding of these proposals, which will undoubtedly be before Congress in the near future.

Mr. President, I ask unanimous consent that the text of Senator Cook's testimony of September 27, 1971, be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows.

Remarks by Senator Marlow W. Cook

Mr. Chairman, I very much appreciate the opportunity to testify today on S. 1861, the minimum wage bill: The bill introduced by the distinguished chairman of this subcommittee. Before commencing, however, I would like to take this opportunity to say that the distinguished Senator from New Jersey and my esteemed colleagues of this committee have done what I consider to be an outstanding job throughout the course of these hearings. Your accomplishments and able leadership have been truly commendable. I sincerely thank you for all your fine efforts in this crucial area of need.

As you well know, Mr. Chairman, on August 6, 1971, I introduced S. 2463, a bill to amend the Walsh-Healey Act and the contract work hours standards act to permit certain employees to work a 10 hour day in the case of a four day workweek. In the beginning of September, the Department of Labor held public hearings on just this issue. Mr. Chairman, I realize this subcommittee is working double time in order to complete its already burdensome schedule, but it would please me immensely if time could somehow be found to schedule separate hearings so that this important matter receives every consideration. I thank you for these brief comments.

At this time, I would like to address myself to the Williams bill, S. 1861: More specifically, to section 4(b) of the bill which states that "No employer shall employ any of his employees . . . for a work day longer than eight hours, unless such employee receives compensation for his employment in excess of such hours above specified at a rate not less than one and one-half times the regular rate at which he is employed." It is this provision with which I must take exception: Not because I feel the others contained in this bill to be unimportant, but for the very reason that I am more familiar with its intricacies and convinced that it is strangling much of our industry.

As I have previously stated, I have introduced S. 2463 which is the antithesis of sec. 4(b) of the minimum wage bill. In discussing this section of the minimum wage bill, I will allude to my bill S. 2463 being that it is my belief that what is applicable to S. 2463 is likewise germane to the way I believe sec. 4(b) of S. 1861 should be amended to read.

Mr. Chairman, the debilitating aspect of a mandatory 8 hour provision is that it is compulsory. The choice as to the most advantageous course to follow is all but eliminated. Rather than being able to manipulate each unique problem, A strict rule of action would be required by Federal legislation. This, in my mind, is commensurate with saying "sink or swim". I certainly don't think this was what Congress intended when it passed the FLSA in 1938, just as I am certain that Congress would want to afford management and labor every opportunity to utilize innovation to overcome their many unique problems. Adoption of provisions as contained in my bill would allow this to happen. It would remove the shackles constraining industry and thereby allow an industry to change its structure to best suit its needs. S. 1861, will annul this possibility.

It is no doubt common knowledge that for years, both management and labor have wrestled over the number of hours of servitude in any one day. As long ago as the 1890's, Samuel Gompers was the champion labor organizer. Through his efforts, the labor force transcended the 16-hour day and evolved to the at that time unpopular 8-hour day. Although unions negotiated hours of work per day, whether it be 8, 10, or 12, it was not until 1938 with the passage of the FLSA that 40 hours of work with time and one-half overtime was established as the maximum. That was thirty three years ago. Certainly, now is not the time to add an 8-hour provision.

Today, we are witnessing the birth of a neoteric era. It is characterized by a completely divergent focus on the traditional work week structure. In describing this phenomenon, some choose to call it "revolution", "deviation", or "therapy". I prefer the latter application. It is the hallmark of innovative challenge which is vital to cure our corporate ills. The 8 hour day, in many cases, no longer fits the role it was meant to play at its conception. It has been our touchstone for more than four decades and has been more than adequate for the needs of both management and labor in its time. Today, however, industry is faced with new challenges which call for comprehensive changes if the challenge is to be met. Many feel, as I do, that the 10 hour day, 4 day week with no overtime for the 9 & 10 hour is the only direction in which to turn. So long as Federal regulations are inhibiting this change, many of our corporate concerns are threatened with doom.

Mr. Chairman, within three years in excess of 650 firms have adopted the "4–40 plan, where previous to that time, few were aware of its advantages over the traditional 5 day week, 8 hour day. The idea *has* caught on & now the surge to adopt the restructured workweek is overwhelming. The literally hundreds of queries to management consulting services are indicative of this fact.

What does the seemingly widespread popularity of this innovative plan mean? It means that the arguments used to object to the proposed implementation of the 4 day week today, those same arguments used to object to the 5 day week in the 1930's, are nothing but inane quips with no gravity of support. The first known 5 day week appeared in the U.S. in 1908 and many had doubts about its feasibility: would it work? Is it too fatiguing? What happens to wages? Is an extra day off necessary? Today, we have the same doubts about the 4 day week—the same arguments are put forth opposing it—and they are just as senseless as ever before.

Mr. Chairman, the word is spreading rapidly about an exciting workday revolution. Of those companies implementing the 4–40 in one form or another, it has been shown in studies that they employ between 100–500 laborers. But this is not to negate the possibility of a larger company adopting a "4–40" plan. Greater in depth study is a requisite where larger companies are concerned, but it is entirely feasible for a company of several thousand employees, to implement a 10 hour day, 4 day week. Although many of our larger unions believe we are evolving to a 4 day, 32 hour week, I feel that the 4–40 plan offers greater possibilities.

Mr. Chairman, one is easily convinced of the attractiveness of the 4–40 plan and its numerous lucrative advantages upon reading reports of those companies that have adopted it. One company in particular has had tremendous success with the 4 day week.

Kyanize Paints, Inc., of Everett, Mass. adopted the 4–40 plan several years ago. The company reports that "production has gone up 7 percent in 26 months, sales are up 18 percent, absenteeism has practically disappeared and employee morale is sky high." The 90 Kyanize production workers put in 35 hours and 20 minutes from Monday through Thursday, but are paid for 40 hours. Reports such as the above are not the exception, but rather the general rule for the firms using the 4 days schedule. They disclose that the following result upon implementation of 4 days week:

1. An extra day off is a considerable boost to morale.
2. With the shorter workweek, absenteeism, and payroll for overtime are dramatically decreased.
3. Productivity is increased, in most cases, considerably.
4. Equipment can be used more efficiently with longer shifts and
5. The 4 day week means added time for hobbies, shopping, leisure and family activities.

Mr. Chairman, I will not elaborate any further on what others have found to be the advantage of the 4 day week over the 5 day week. I will say however, that the conversion rate from the 5 to the 4 day week is currently reported at 4 firms per day. I think this sufficiently illustrates the argument that the 4 day week is spreading.

Mr. Chairman, it is my belief, however, that it would spread at an even more accelerated pace if the government were not impeding its growth. One can not help but notice that adoption of provisions requiring time and one-half overtime compensation for hours worked in excess of 8 in one day would have significant adverse effects upon those firms weighing implementation of a 4 day, 40 hour work week. Not only is flexibility in scheduling to meet specific needs eliminated, but also, an 8 hour provision unnecessarily forces a firm to become noncompetitive.

To enumerate for a moment, take for example, employee X who works a 4 day, 40 hour schedule. He works 10 hours a day at straight pay. Let us also take, for example, employee Y who works a 4 day 40 hour week, but because of Federal regulations, he is paid straight pay for 8 hours and premium pay for the 9th and 10th hours. For the same amount of work, you can see that employee Y receives 11 hours of pay for 10 of work, while employee X receives 10 hours of pay for 10 hours of work. In the course of one week, employee Y receives 4 hours more pay. This amounts to 200 hours more pay in one year than employee X receives. When hundreds of workers are involved, how obvious it is that an undue hardship is worked on the employer. He can not realistically pay such wages. This is my reasoning for introducing S. 2463. The same reasoning would apply to and call for an elimination of Sec. 4(b).

Mr. Chairman, it is my sincere belief that businesses and industries, and their employees, who deem change to be propitious, should have the opportunity to rearrange their work week schedule and still remain competitive. Enactment of section 4(b) of S. 1861 will not allow for the emancipation that is essential to their operation. Passage of the 8 hour provision, in my opinion will have both a deleterious and ominous impact upon management and labor. It eliminates the possibility of the voluntarily negotiable 4–40 plan which clearly is lucrative in its very essence.

The importance of the 4–40 was noted by the honorable James D. Hodgson on May 26, 1971, when he testified before this very subcommittee. In speaking about the 8-hour requirement, the secretary of labor stated: "The 8 hour requirement apparently poses serious scheduling problems for firms desiring to work more than 8 hours a day as part of their 4-day workweek plan."

At that time Secretary Hodgson further stated: "In view of the growing interest in the 4 day workweek and the problems already being encountered with the 8 hour standards under the public contract laws, I believe that adoption of such a standard under the **Fair Labor Standards Act**, the Federal law with the greatest applicability to hours of work, would be inappropriate at this time." Now, the implication of this statement seems quite lucid. There is a growing desire and evolving impetus to adopt the restructured workweek. An 8 hour provision under FLSA would totally nullify this possibility.

An additional aspect in this tumultous time in our economy is that there is significant reason to believe that the 4–40 plan will help stave off the rising unemployment threatening our Nation today. Recently, the BLS reported that the percentage of the civilian unemployed labor force has climbed in August to 6.1 percent as opposed to the July figure which was reported to be 5.8 percent. These figures clearly expose the failure of already existing economic measures to arrest unemployment.

However, I have every indication to believe the 4–40 plan will reverse the spiraling climb of unemployment. This rearranged workweek will permit firms to operate profitably, thus enabling retention of workers. In cases where the margin of profit is considerable, the 4–40 will also foster the opening of new company branches, thereby spreading job opportunities. Clearly, then, what the economy needs at this time is the 4-day, 40 hour work week.

Those who are skeptical of the many advantages rendered by the 4–40 plan should be cognizant of the fact that the nation's 85 million plus labor force is already having a taste of the 3 day weekend, 4-day work week. Under the new Federal Monday holiday law, five of our ten national holidays fall on Monday. In effect, this means that laborers are already working a 4 day week 10% of the year. From every indication to date, this law seems to have been an auspicious change. Having been afforded a preview of favorable reactions to the 4 day week, I believe the time is ripe for Congress to take the initiative to allow the 4 day week 100 percent of the year. It just seems ludicrous for the Federal Government to mandatorily provide for the 4 day week in the instance of the holiday law, and to discourage it in another.

I don't pretend to be convinced, however and I hope others are not, that 4–40 legislation will be beneficial to all facets of industry. Certainly problems arise for companies utilizing three 8-hour shifts. Three 10 hour shifts, just don't work very well in a 24 hour day, and I recognize this. But, for companies that see changing the workweek as a feasible alternative to poverty, it is not within the authority of Congress to deny them that right. We, as elected officials, can not renege on our responsibilities to be responsive to the needs of our citizens.

Mr. Chairman, for years workers and management have been content to remain within the structured workweek scheduled. There has been little deviation from the norm and less willingness to experiment. Now, however, a crusade has come to the fore to allow an optimum of flexibility within the workweek. To provide this maximum of pliability, I believe the 4-day, 40 hour week is the most feasible alternative. I would hope that the time has come for people to candidly recognize the workweek as a variable rather than a fixed element. And that through conformation of work schedules, the wants and needs of management and labor will be reconciled.

In closing let me add that I am sincerely convinced that passage of permissive legislation, which would allow for (a great distinction from require) the possibility of a 4 day week is totally appropriate at this time. Enactment of an 8 hour per day provision would be an insurmountable obstacle. I therefore, think it desirable that this subcommittee candidly examine the many aspects of a 4 day, 40 hour work week.

PRESIDENT NIXON'S ADDRESS ON PHASE II

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the text of President Nixon's radio-television address to the Nation last night concerning phase II of his new economic program be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

The Continuing Fight Against Inflation

(Remarks of the President on nationwide radio and television)

Good evening.

Seven weeks ago I announced a new economic policy to stop the rise in prices, to create new jobs, and to protect the American dollar.

Tonight I want to report to you about how that new policy has been working and to describe how that policy will be continued.

On the international front, I am glad to report substantial progress in our campaign to create a new monetary stability and to bring a new fairness to world trade. This Nation welcomes foreign competition, but we have a right to expect that our trading partners abroad will welcome American competition.

It is a healthy development that the world has come to understand that America believes in free trade as long as it is fair trade. This will mean more sales of American goods abroad, and more jobs for American workers at home.

Further on the job front, the House of Representatives just yesterday passed a tax program based on my recommendations that will create an additional half-million jobs in the coming year. I call upon the United States Senate, which has begun hearings on this bill today, to act as promptly as the House so that we can move forward to our goal of full employment in peacetime.

Secretary Connally and I will be meeting tomorrow morning at breakfast with Chairman Long of Louisiana, of the Senate Finance Committee, to work toward this goal.

On the inflation front, I can report to you tonight that the wage-price freeze has been remarkably successful. As you heard on your evening news, the figures bear out that statement. Wholesale prices in September posted the biggest decline in five years. And the price of industrial commodities has gone down for the first time in seven years.

The primary credit for the success of this first step in the fight against rising prices belongs to you; it belongs to the American people. It is you who have shown a willingness to cooperate in the campaign against inflation. It is you who have answered the call to put the public interest ahead of the special interest.

Thousands of letters have come to this desk since I made the announcement of the wage-price freeze seven weeks ago. Listen to what people all across America, from all walks of life, have written to me, the President, about this program.

Here is a letter from a school teacher in New Jersey:

"I am a widow raising two sons on my teacher's salary. I will lose about $300 because of that freeze, yet I sincerely feel that we must all support your efforts to bring the economy into balance."

Here is a letter from a wage earner in Wantagh, New York:

"As one who was expecting an increase in income in December, let me say that I will gladly go without it if that will curtail inflation."

The wife of a Government employee in Pampa, Texas, writes:

"We are willing, as a family, to forego our pay raises in order to see stability in prices. Let us all hope that Americans will once again realize that we must be willing to sacrifice for a long-term goal, and once again have pride in our country."

Then from a man in Klamath Falls, Oregon:

"Your Administration's recent freeze on wages and prices means that I will not receive the four percent raise that was written into my contract this year. Nevertheless, I support your efforts to halt inflation, including the wage freeze. The fight against inflation is everybody's fight."

I want to express my appreciation to the thousands of others who have written me letters like that. I want you to know how much it has meant to me to hear that most Americans will put their country's interests above their personal interest in fighting this battle.

Now, let's look at the future. Because of our strong beginning, because of the determination Americans have shown to pull together during the freeze, I am confident that our further action in stopping inflation will suceed as well.

Over the past seven weeks, I have consulted with scores of representatives of labor, business, farmers, consumers, of the Congress and State and local government. They have been virtually unanimous in their belief that the battle against inflation must be fought here and now. They are together in their determination to win that battle.

And consequently, I am announcing tonight that when the 90-day freeze is over on November 30, we shall continue our program of wage and price restraint.

We began this battle against inflation for the purpose of winning and we are going to stay in it until we do win it.

I am appointing a Price Commission to hold down prices. It will be made up of persons outside of government—all public members, not beholden to any special interest group. The Price Commission will develop yardsticks and be empowered to restrain price and rent increases to the necessary minimum and to prevent windfall profits. Its goals will be to continue to drive down the rate of inflation.

This goal, however, can only be achieved with the active cooperation of workingmen and businessmen, farmers and consumers, members of the Congress, of our State and local governments. That means all of us.

I am also appointing a Pay Board to stop inflationary wage and salary increases—the kind of increases that do not really benefit the workingman. For example, in the past six years workers have received big wage increases, but every wife of a worker who has to do the family shopping will tell you that those increases have practically all been eaten up by rises in the cost of living.

The Pay Board will be made up of representatives of labor, management and the public. Both the Price Commission and the Pay Board will seek voluntary cooperation from business and labor, but they will be backed by the authority of law to make their decisions stick. Their staffs will be small. Stabilization must be made to work not by an army of bureaucrats, but by an all-voluntary army of patriotic citizens in every walk of life.

The Cost of Living Council, which is headed by the Secretary of the Treasury, will have the power to back up the Pay Board and the Price Commission with government sanctions where necessary.

I have today named Donald Rumsfeld as a member of that Council and he will spend full time as the Director of Operations for the Council.

Secretary Connally, the Chairman of the Council, will be on television tomorrow at one o'clock to answer technical questions with regard to the continuing program. Our experience over the past seven weeks proves conclusively that the vast majority of Americans will cooperate wholeheartedly with the system of voluntary restraint, but if there are some who try to take advantage of the patriotic cooperation of their fellow Americans, I can assure you that the Government must be and will be prepared to act against them. For that reason, in a meeting with the Bipartisan Legislative Leaders today in the Cabinet Room, I have asked the Congress to extend for one year the Economic Stabilization Act which gives the President the power he needs to stop inflation.

Holding the line against inflation means holding all of that line. Consequently, I am appointing a Government Committee on Interest and Dividends to apply a yardstick to both of those areas. That committee will be headed by Dr. Arthur Burns, Chairman of the Board of Governors of the Federal Reserve System.

The Nation needs interest rates as low as they can be to meet the credit requirements of the American families on equitable terms and to stimulate non-inflationary economic expansion. I am confident that this can be accomplished on a voluntary basis. As a safeguard, however, as I informed the bipartisan leaders today, I will ask the Congress for standby controls over interest rates and dividends.

Let me turn now to the subject of profits. Many of my good friends in the field of politics have advised me that the only politically popular position to take is to be against profits. But let us recognize an unassailable fact of economic life: All Americans will benefit from more profits. More profits fuel the expansion that generates more jobs. More profits mean more investments, which will make our goods more competitive in America and in the world. And more profits mean there will be more tax revenues to pay for the programs that help people in need.

That is why higher profits in the American economy would be good for every person in America.

"Windfall" profits, however, as I will describe them, are quite another thing. When wages and other costs are held down by the Government, even though prices are also held down, circumstances could arise in some cases that might generate exorbitant profits; in other words, where someone will profit from the wage-price stabilization program.

In the few cases where this happens, rather than tax such excess profits, the Price Commission's policy will be that business should pass along a fair share of its cost savings to the consumer by cutting prices.

We have lived too long in this country with an inflation psychology. Everybody just assumes that the only direction of prices is to go up. The time has come for some price reduction psychology. Let's see some prices go down. This is not only in the public interest; it makes good, competitive business sense.

Summing up these actions to stop the rise in the cost of living, here is what we will do and what we will not do:

We will permit some adjustments of prices and wages, adjustments that fairness and equity demand; but we will not permit inflation to flare up again.

We will concentrate on those major portions of the economy that are the primary causes of inflation; but we will not hesitate to take action against any part of the economy that fails to comply.

We will continue wage and price restraints until inflationary pressures are brought under control, but we are not going to make controls a permanent feature of American life. When controls are no longer needed we will get rid of them. We will rely primarily on the good faith and voluntary cooperation of the American people to make this program work, but we will not let any selfish interest escape the fair enforcement of the law.

I call upon all of you tonight to look at this program, not as Democrats, Republicans, workers or businessmen, farmers or consumers, but as Americans. Let us recognize this profound truth: What is best for all of us is best for each one of us. We cannot afford a business-as-usual attitude anywhere, because fighting inflation is everybody's business.

Let us look for a moment to the future. Some of you have heard me say that 1972 will be a very good year for the American economy. I will broaden that estimate tonight. The coming year can be more than a very good year for the American economy. It can be a great year for America and the world.

It can be a year, for the first time in 15 years, in which we can achieve our goal of prosperity in a time of peace. It can be a year in which great progress can be made toward our goal of full employment without the inflation that robs working people of the full value of the dollars they earn. It can be a year in which the American competitive spirit is reborn as we open up new markets for our goods abroad and new careers and job opportunities for our workingmen at home. It can be a year in which we, and our international trading partners build upon the most significant initiative in monetary affairs in 25 years; a year in which we replace the crisis-prone system of the past with a new system attuned to the future.

It can be a year in which historic events will take place on the international scene, events that could affect the peace of the world in the next generation or even in the next century.

We often hear people say, "These are troubled times." I say these are great and exciting times. We are at the threshold of a great new era—an age of movement and challenge and change. We have an unparalleled opportunity to create a better world for ourselves and for our children.

Let us dedicate ourselves tonight to make the most of that opportunity—to join in a great common effort to stop inflation—and to create a new prosperity in a world of peace.

Thank you and good night.

SENATOR ALLEN J. ELLENDER

Mr. HUGHES. Mr. President, it is difficult to add, without repetition, to the warm tributes that have been paid to Senator ELLENDER on his 81st birthday by colleagues who have known him far longer than I.

As a first-term Senator, I have personally found the Senator from Louisiana to be uniformly fair and considerate whether our positions were opposed or in concurrence.

I have also had some special insights into his interests that will perhaps add to what has been so eloquently said. For one, I have been impressed by his keen and active interest in the problems of chemical addiction—alcoholism and drug abuse—that pose so great a crisis for our Nation at this time.

I have also become aware of his compassionate interest in America's youth at a time when our young people can use able and understanding advocates. It seems to me that these human interests particularly grace a man who is observing his 81st birthday and receiving recognition for decades of public service.

DISTINGUISHED RECORD OF SERVICE OF ATTORNEY GENERAL MITCHELL

Mr. ALLOTT. Mr. President, quietly and without great fanfare, his many successes being greeted by the appreciation of the many and the carping of the few, Attorney General John Mitchell has compiled a distinguished record of service to this Nation.

I was delighted to see that the October 1 issue of Forbes magazine contains a spirited and accurate editorial saying just that. The editorial was written by editor in chief Malcolm S. Forbes. It says:

> In summary, John Mitchell as Attorney General has been the most effective gang-buster, crime-coper and menacer to the drug menace who ever held the Attorney General's office.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THAT'S ALWAYS THE WAY IT IS FOR JOHN MITCHELL

Take the publishing of that top secret report of our involvement in Vietnam, revealing an incredible distrust and misleading of the American people and their Congress on a scale and with a cynicism that few would have dreamed possible by a U.S. government. Who gets nearly as much blame as the perpetrators? Attorney General Mitchell, of course—because as the Constitutionally-charged chief law enforcement officer of the United States, he is the one who must go to court to try to halt publication of top secret documents.

Never mind that Mr. Mitchell told newsmen: "I hope a way will be found to let the American public know what is in those documents. I think it is absolutely essential that they have such knowledge and have it at the appropriate time and in the appropriate circumstances." That was a footnote at the bottom of one story, while front page, day after day, were the Attorney General's court actions.

If Mr. Mitchell is making a major speech outlining progress of his department's massive and quite successful efforts to cope with the spreading hard-dope menace, his wife's hairdo or what she said before she hung up on the telephone to some newsman gets all the play that day.

In Civil Rights, it's not what his department has done by way of enforcement that counts, but its hesitancy in pioneering in new areas where it hasn't been specifically charged with responsibility.

If it's antitrust, the one that might have gotten away understandably gets infinitely more attention than the increased number of prosecutions and the sizable diminution in numbers of corporate combinations.

There's a wee touch of irony in the fact that during the successful Nixon Presidential campaign, which John Mitchell managed, the growth of crime in all areas and particularly in the streets of urban America was a burning election issue; it currently isn't such a hot issue because the Attorney General has done much to lessen the problem and thus has lost the issue.

It's likely that soon Mr. Mitchell will be leaving the Cabinet to head once more the President's campaign for the Presidency. Before he bows out as Attorney General and again brings his quiet, two-fisted perceptions back to the political wars, I think it's high time more people were aware of the very considerable and quite extraordinary accomplishments of the man in the tough job he has held for almost three years.

The Department of Justice's "war on crime" has shown some very real successes: During the period 1968–70 approximately half of the top bosses of the nation's two dozen organized crime syndicates were indicated or convicted. Some 27 pieces of legislation, developed by Justice to aid it in its crime fight, have been passed by Congress. The number of U.S. marshals and assistant U.S. attorneys has been substantially increased, as have grants to local law enforcement agencies. The efforts have begun to pay off. In 1970 the crime rate dropped in 22 cities of more than 100,000 population. An even more encouraging sign was the fact that in the first three months of 1971, 60 major cities reported an actual decrease in crime.

Recognizing that rehabilitation could be one of the keys to stemming the crime wave, a ten-year program has been developed to modernize the Federal prison system, with greater emphasis on correction therapy and job training.

The department has shouldered the major share of the Nixon Administration's all-out campaign on the narcotics problem. The amount of heroin and cocaine removed from the domestic market more than doubled from 1969 to 1970, tripled in the case of marijuana.

Civil Rights: Due largely to Justice Department action, the percentage of black children in the 11 southern states attending desegregated school systems increased from less than 6% in the fall of 1969 to 92% in the fall of 1970. Action in fair employment and public accommodation cases has been stepped up.

Protection of Environment: Justice has greatly increased legal action against polluters. Cases under the Refuse Act quadrupled in 1970 compared with the preceding two years; a landmark ruling against thermal pollution was won; and a consent degree with the Big Four auto manufacturers was signed, which should speed up the development of an auto smog device.

Firm action has helped create a climate in which conglomerate mergers have markedly decreased; 112 antitrust cases were filed in 1969–70.

In summary, John Mitchell as Attorney General has been the most effective gang-buster, crime-coper and menacer to the drug menace who ever held the Attorney General's office.

No one seems to think or talk about that, though.

Additionally, he did manage the successful Nixon campaign, though no one ever seems to give him credit for being one of the more astute minds in the political arena.

Probably no one in such a continuous limelight has been given more blame for things beyond his power and less kudos for accomplishments within his power.

I don't think the man really minds that very much—so long as he can get his next big job done—President Nixon reelected.

FOUR-DAY, 40-HOUR WORKWEEK

Mr. COOK. Mr. President, as a result of several requests to alleviate a great injustice that has been threatening companies with Federal contracts, I introduced S. 2463 on August 6, 1971. The bill will permit companies with Federal contracts in excess of $10,000 to rearrange the hours their employees work so that their own needs may be best suited.

Initially, many had doubts as to the feasibility of a 4-day 40-hour workweek plan, but recently the skepticism has been waning. This is so because the innovative 4-40 plan has been proven to offer lucrative advantages over the traditional 5-day workweek. An example is seen in the city of Glasgow, Ky., a community of 12,000 people located in the beautiful rolling hills of Barren County. The city, at present, is protected by a 16-man police force which has adopted a "4–40" plan for a 30-day trial period.

Since implementation of the "4–40", Police Chief Robert Benningfield notes advantages over the old 5-day week that are threefold:

More policemen now are on duty during peak trouble time—late at night and on weekends.

A time consuming shift change—during which burglars used to strike—has been eliminated, and

Police morale has been boosted.

Of the 4–40 plan, Chief Benningfield stated:

> I don't see any bugs in it at all. . . .

I ask unanimous consent that an article which appeared in the Louisville Courier Journal and Times on September 5, 1971 be printed in the RECORD. It is entitled "Happy Shift: Glasgow Police Like 4-Day Week" and presents a forceful argument which I feel others should have the opportunity to read.

Also, Mr. President, no doubt many have questions in their minds, wondering whether there is really a need for a comprehensive restructuring of the traditional workweek. At this time I ask unanimous consent that a letter from Mr. R. C. Schultz, vice president of the Avco Corp., in Cincinnati, Ohio, be printed in the RECORD, so that, hopefully, it will go a long way in erasing much of the present-day skepticism of the doubters.

Mr. Schultz writes of the "4–40" plan:

> I would like very much to institute such a work week schedule on an experimental basis, but since our work is essentially all under contract with various agencies of the government, the 1936 Walsh-Healey Public Contract Act precludes any possible attempt on our part because we would be required to pay overtime for all hours worked beyond the prescribed 8 hour day.

Mr. Schultz' letter is a reflection of sincere concern over the restrictive Walsh-Healey provisions and evidence that there is truly a need to change the old order. He feels, as do I, that the time is ripe for legislation allowing for the possibility of a rearranged workweek, which may very likely be "the one salvation to industry in order to cope with the current economic dilemma."

I wish to make one additional statement. I have been informed by extremely reliable sources of a rumor being spread in one of our Federal departments which say that I have withdrawn my bill, S. 2463, from the Legislative Calendar for unknown and mysterious reasons. I wish to state unequivocally that I have never been more serious about a particular piece of legislation, and I will do everything in my power to influence its adoption by this body. It distresses me very much to see this sort of thing happen, and I mention it at this time so that the RECORD will clearly show my uncommon interest in this matter.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

HAPPY SHIFT: GLASGOW POLICE LIKE 4-DAY WEEK

(By Larry Wilkerson)

GLASGOW, KY.—At a time when police executives are complaining that their departments are understaffed and their men overworked, a four-day workweek has been put into effect for Glasgow policemen.

The new schedule has made the policemen happy without increasing salaries and has improved police protection without enlarging the force, according to Police Chief Robert Benningfield.

The plan, Benningfield explained, is based on the simple premise that merchants and townspeople seldom have as great a need for police protection during weekday business hours as they do late at night and on weekends. That's when most crimes—especially break-ins—are committed.

"I don't see any bugs in it at all, at this point," Benningfield said of the new schedule, which began a 3-day trial period Wednesday.

Though the 16 policemen affected by the new schedule are working only four days a week, they are on duty as many hours as they were before the schedule went into effect. Their workdays are now 10 hours long. Before, most of them had standard, eight-hour-a-day, five-day-a-week jobs, as the rest of the department's 23-man force still has. The other seven members of the force include executive officers, administrative aides and radio operators.

Under the new schedule, this South Central Kentucky city of about 12,000 people is patrolled during the relatively trouble-free daylight hours on weekdays by a skeleton force of four—two officers of rank, one patrolman and a meter maid who work from 6 a.m. until 4 p.m.

At 4 p.m., a second shift of three policemen goes on duty to work until 2 o'clock the next morning. Meanwhile, a third shift of three more policemen begins a 10-hour shift at 8 p.m., putting a doubled force of six policemen on duty between 8 p.m. and 2 a.m. as the shifts overlap.

Before the four-day week was implemented, Benningfield said, a maximum of three policemen were on duty during the late night hours.

Maj. Jimmy Smith, who is in charge of the new scheduling arrangement, said only one policeman is unhappy with the plan.

"They like having three days off," Smith said, adding that the policemen's "off" days usually come in the middle of the week.

The shortened week's advantages, Benningfield said, are three fold:

More policemen now are on duty during "peak trouble time"—late at night and on weekends.

A time-consuming shift change—during which, according to Benningfield, burglars used to strike—has been eliminated.

Police morale has been boosted.

AVCO CORP.,
CINCINNATI, OHIO, *September 17, 1971.*

Hon. MARLOW COOK,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR COOK: We wish to convey our deep and sincere appreciation to you for having coordinated and introduced a Bill to allow labor-management agreements on a 10-hour day, 4-day work week. This initiative led to the recently concluded Department of Labor hearings; I have been briefed on this activity.

My enthusiasm for such a work schedule is retroactive to that time when the press first reported its implementation by a small company on an experimental basis. Since that time, as you know, more than 350 small firms in the United States are currently utilizing the 10-hour day, 4-day work week. This reflects the success experienced by those several companies that first instituted the plan.

We are quick to recognize that most of the companies following this schedule have fewer than 100 employees and that the total work force involved in all of the companies may be less than 10,000 employees. However, we view these early statistics as fundamental to a most desirable change to our normal work habits, in order to permit more continuous hours for relaxation.

Let us hasten to point out that industry could not subscribe to such a plan for the sole purpose of relaxation for its employees if there were not other benefits known to be derived from an economics viewpoint.

Since nothing is ever static in nature, there is always an imbalance between cost and price, particularly when the economy has experienced and is certain to continue to experience, highly inflationary conditions. In order to cope with this situation, industry must look toward improved productivity by its employees during the working day. In this connection, we call your attention to the fact that the introduction of sophisticated, automated machinery and other labor saving devices has reached that state-of-the-art where we no longer can look to major increased productivity per se through the improved production machinery route.

Thus, we conclude that productivity by the employee is the one salvation to industry in order to cope with this economic dilemma. Companies which have instituted the 10-hour day, 4-day work week report a most encouraging improvement in productivity, and there are a good many valid reasons which explain this result.

I would like very much to institute such a work week schedule on an experimental basis, but since our work is essentially all under contracts with various Agencies of the Government, the 1936 Walsh-Healy Public Contract Act precludes any possible attempt on our part because we would be required to pay overtime for all hours worked beyond the prescribed 8-hour day. Incidentally, Avco Field Engineering is a non-union operation, and it would be easy, indeed, to try the schedule except for current Government restraints.

It is in this vein that I write to record our interest and restrictions in the new plan, as well as compliment and praise you for taking the initial formal action looking toward a new era that is certain to materialize in due time. I sincerely trust the Government will find some way that will permit organizations like ours, under contract with the Government and non-union in nature, to introduce the new work week on a trial basis soon.

Sincerely yours,

R. C. SCHULZ.

THE URBAN WEB HYPOTHESIS

Mr. HUMPHREY. Mr. President, Thomas Frank Barton, of the University of Indiana, published in the magazine Interplay an intriguing article on land usage in our metropolitan areas.

Barton points to the importance of land design that emphasizes the basic principles of transportation and the circulation of people in cities. He asks: How can one change the design of cities so that neighborhood people can walk and bicycle to work and shop, and then again use mass transit for intercommunity travel? Transportation and land planning systems, writes Barton, must consider the needs of people, the regional shopping and service areas, the downtown, the suburbs, the business community and intercity needs if the system is to be a viable population serving mechanism.

He correctly notes that—

> In many American cities, too much industry is concentrated near the business industrial core of the city or has migrated to the peripheral or suburban locations.

The problems of this concentration for traffic congestion, for job development, for commercial vitality are self-evident and require little explanation.

To change this picture, he advocates the adoption of the "web pattern" of development—corridors of high accessibility and land zoned for industrial development associated with the corridors. Such web patterns could possibly reduce uncontrolled sprawl, decrease ribbon-type land usage, and curtail uneven commercial-residential-industrial development.

Mr. President, I ask unanimous consent that Dr. Barton's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE URBAN WEB HYPOTHESIS

(By Thomas Frank Barton)

Vacant land is rapidly disappearing. Cities are choking on their own traffic which has already resulted in increased costs because of inefficient management and these traffic difficulties may grow and bring economic strangulation. The relative amount of urban land needed for various types of transport is increasing. The rate of increase in automobiles on the roads is higher than the country's annual birth rate. Slum and substandard residential areas are growing larger both in area and in population. The proportional number of relatively old housing units is increasing. The average amount of time and cost of journey to work and shop trips is increasing. Generally speaking, the cost of one mile of urban freeway ($100 million) is about equal to about four miles of subway. A subway handles over 15 times more people per lane than an urban freeway lane. In the last four decades the American population has doubled, yet there is less transit riding today than in a single year of the first decade of the 20th century (in 1907). Privately-owned public mass transit lines are in financial trouble.

Net land-use densities are declining for population and manufacturing employment. Industry is moving out of the city into the suburbs. Real-estate developers are scattering subdivisions and shopping centers in buckshot patterns over the countryside. Transportation corridors and associated business and industry are slicing through residential areas, producing corridors which separate residential islands of unviable size. Tax bases are stagnating or relatively declining, while public services multiply and their costs soar.

Is it any wonder, then, that many urban leaders and officials are discouraged and turn to state and federal governments for various types of help such as crime control, planning, pollution control, water supply, sewage disposal and almost every type of public service? In a study entitled *Recent Land-Use Trends in Forty-Eight Large American Cities*, one of three major conclusions is, "unless large amounts of vacant land exists inside the city boundaries, the average large city appears to have nearly reached its upper limits of population and employment in commerce and manufacturing." The study expresses one *caveat*—the density data in the study are averages. "Consequently, individual cities with special characteristics such as New York, Washington, D.C. and important regional centers will not necessarily follow all the trends suggested." But regardless of research, it appears obvious that in spite of a so-called affluent society there will continue to be a "deprovement" in American urban life for years to come.

Although American cities may be plagued with more ills than Job ever dreamed about, is there any light at the end of the tunnel? There could be rays of hope, however dim, if Americans would think seriously about urban fundamentals and then face up to the realities. A city is a collection of people, housing units, places of employment, services, education and amusement, concentrated into a relatively small area of space and all made possible by a system of circulation—circulation of people, their ideas, life's necessities and wastes, of raw materials and manufactures, and other goods.

Americans must consider the basic principles of both transportation and the circulation of people in cities. Circulation by people living in relatively compact areas called neighborhoods should rely on walking and bicycling. Metropolitan mass transit systems offer the only practical and economical solution to linking a city's communities, consisting of some three to five neighborhoods, to the city's (1) regional shopping and service centers, (2) downtown, (3) suburbs, and (4) neighboring cities. These transportation generalizations are recognized by many authorities in the Department of Transportation, Brookings Institute, Department of Housing and Urban Development, private planning agencies, city and university planning departments, but people mobilize the automobile and patronize the airway lines, thus tying cities and metropolitan areas into transportational knots.

How can one change the design of cities so that neighborhood people can again walk and bicycle to work and shop, and then again use mass transit for inter-community travel? A new urban physical structure consisting of a web of business-industrial-circulation corridors with viable residential communities in the meshes appears to be a potential solution.

THE WEB HYPOTHESIS

During the 20th century, American urban specialists have been using as concepts two hypotheses or models which appeared in the 1930s, Harris and Ullman's multiple nuclei and Proudfoot's concept of city retail structure. Briefly, the multiple-nuclei concept emphasizes that the land-use pattern of American cities no longer develops only around the central business districts or downtowns, but in most large cities also around several discrete nuclei. The term nucleus refers to any attracting element around which there develops growth of other land uses, such as residential, recreation, commercial service and industrial. This type of development results in regional business-industrial centers in addition to the original downtowns.

In the concept of retail structure, the central business district is the capstone in a hierarchy of retail development, but Proudfoot recognized the influence of gasoline motor transportation and the development of primary business thoroughfares and neighborhood business streets. These two types of linear development are sometimes referred to by others as ribbon, strip, or shoestring.

By the end of World War II it became obvious that the primary business thoroughfares and neighborhood business streets had grown wider and longer, and in many cases had joined the multiple nuclei to form a gigantic web of business-industrial-circulation corridors with residential areas in the meshes of the web. Many of these corridors had grown so wide—with six, eight and 12 lanes of limited-access traffic—and carried such heavy flows of traffic day and night that many residential areas had actually become residential islands. In addition to the surface motor vehicle transportation lanes, the corridors are often occupied by railroad lines, elevated motor-vehicle lanes, elevated rail lines, subways and sometimes waterways. Moreover, beneath some of the corridors are the primary lines of the distributing and collection systems of water, sewage, natural gas, storm water, electricity (buried lines) and other services. The width of these corridors grew and continue to grow as both industry and business took advantage of these corridors by occupying linear frontages on the corridors or on choice sites only a few blocks back from the transportation arteries.

Municipal zoning originated in France and was introduced in the United States in 1916 by New York City, primarily to protect the better-class residential areas from industrial encroachment. In spite of widespread adoption of zoning, a half-century later nearly all the residential areas in cities with a population of over half-a-million have been or are being enclosed by business-industrial-circulation corridors of various widths (Fig. 1). In some cities the web of corridors developed in spite of the zoning which attempted to stifle its growth. In other cities the type of planning and zoning of land use permitted, if not encouraged, the web pattern of growth. Yet nearly all city planning agencies are opposed to ribbon development of retail establishments and services. On almost any land-use map of a city with a population of over half-a-million showing the present use of land by business (retail and services) and industry, the pattern of the web is obvious. There are exceptions where a web pattern failed to develop, apparently due to rough topography, such as the business-industrial land-use maps of Pittsburgh, Pennsylvania or Knoxville, Tennessee. But most of the large cities in the United States are built on coastal, river and/or lake plains. It is interesting to compare two land-use maps of the same city, one showing the present location of business and industry, the other showing the land zoned for business and industry.

THE ZONED WEB?

Should this web of corridor development be broken up and eliminated, or managed constructively and its development promoted?

Rather than permit a web of business-industrial-circulation corridors to develop haphazardly or in a piecemeal fashion, American city planners might consider an appropriate design and zone a web of these corridors. The Department of Development and Planning in Chicago has zoned a web pattern of corridors of high accessibility (Figs. 2 and 3) and has zoned corridors of land for industrial development associated within and adjacent to these corridors (Fig. 2). Moreover, these corridors are now and will be further developed as primary transportation arterials. Although this Chicago plan does not exactly fit the web model presented here, it is a move in the right direction and more nearly approximates the model than any I know.

Planning departments in large American cities might well consider the following seven primary advantages in planning for and zoning business-industrial-circulation corridors and residential islands of viable size:

1. Aid industry by (a) providing for wider and more even distribution of business and industry throughout the urban area and thereby help relatively to relieve congestion in the downtown; (b) permitting concentration, yet dispersal, of industry; (c) increasing the opportunity for the number of, and greatly increasing the foot-frontage for, strategic industrial sites fronting on (or near) major transportation lines and primary utility lines; and (d) making possible more efficient location of industrial districts;

2. Provide for nodal business development;

3. Permit better location of trucking terminals and warehouses;

4. Make possible better siting of high-rise apartments;

5. Enable utilities to provide more efficient economical service;

6. Help concentrate populations and travel destinations, thereby supporting existing or potential mass transit; and

7. Protect and help make more viable and livable neighborhood and community residential areas.

In many American cities today too much industry is concentrated near the business-industrial core of the city or has migrated to peripheral and/or suburban locations. If too high a fraction of the city's employment opportunities is concentrated in the downtown, traffic congestions at morning rush hours will be caused primarily by too many people converging on a relatively smaller and smaller area. In contrast, if relatively too many businesses and industries are located on the periphery of a large city, the lower income group of employees finds it difficult or expensive to journey to work. Moreover, the central city is hard-pressed to maintain a sufficiently high tax base to support city services. The zoning of a web of business-industrial-circulation corridors encourages the city-wide distribution of business and industry instead of having these concentrated in large islands.

The web pattern with its corridors would provide an alternate choice to the management of new or expanding business and industries that do not wish to choose between staying in the downtown area or locating on the edge of the city. The web pattern of corridors provides a large number of locational opportunities between the center of the city and its edges, and in relation to other major considerations such as an airport or a university.

When business and industry are widely dispersed over the city in corridors, there is greater opportunity for more people to live in the residential meshes of the web and be closer to their place of employment.

A web pattern of business-industrial-circulation corridors vastly increases strategic linear industrial sites. Efficient, quick, low-cost transportation is vital to most businesses and industries. The amount of land adjacent to nodal areas, produced by the junctions and crossings of several types of transportation, such as highways, railways, waterways and airways, is limited. However, in business-industrial corridors where railroad lines, limited access expressways and subways are built roughly parallel to each other for miles and miles, the land fronting on these lines (or located within a block or two) is increased enormously. At the present time, in many cities, railroad lines and limited-access expressways parallel each other, and extend for long distances through residential areas where their presence is considered a nuisance, if not an economic and social liability. With the development of corridors: (1) transportation line right-of-ways are restricted to compact areas; (2) the transportation facilities can be coordinated to give more efficient service; (3) frontage sites for industry, and to a lesser extent for business, are increased by linear development; and (4) single-dwelling residential areas may be better shielded with parkways, high-rise apartments and semi-public buildings. In this manner residential land adjacent to but not fronting on transportation lines has its value increased rather than decreased.

The zoning of business-industrial corridors and providing adequate transportation and utility facilities reduces the competition, pressure and scramble for industrial sites, and encourages the sorting of industries into roughly homogeneous groups.

NEIGHBORHOODS AND COMMUNITIES

Although nearly all large cities with populations of about 250,000 or more have extensive commercial strips or ribbon developments occupying net patterns, most of the city-planning departments are attempting to discourage them. Long-range plans shown on land-use maps indicating future city goals show a hierarchy of business nodal areas ranging in size from the neighborhood through the community to the regional shopping and service areas, with the apex in the downtown.

If land were zoned and developed as business-industrial corridors, business could be more easily and justifiably restricted to corridor junctions, with the regional centers at the major junctions and the community centers at the secondary junctions. The same transportation and utility systems would then serve both urban land-use functions—business and industry. Ribbon development should be reduced and discouraged and in time eliminated. Zoning would prevent industry from occupying nodal corridor junctions.

Without business-industrial corridors, strategic sites for trucking terminals and warehouses wax and wane. Moreover, in some cities, the zoning departments are attempting to concentrate these facilities in one large area on one side of the downtown. However, different types of trucking terminals and warehouses should be grouped in districts adjacent to the types of businesses and industries they service. Warehouses could be located in the corridors fronting on or within a few blocks of limited-access expressways, railroad lines, water transport or airfields.

With businesses, industries and transportation concentrated in corridors which enclose the residential meshes, at least two general types of high-rise apartment sites become available. These may be found adjacent to and flanking the corridors, or near the center of the communities enclosed in the meshes. I would like to see many of the high-rise apartments occupying a relatively spacious green belt of parkways which would help to screen the corridors. Some of the more expensive high-rise apartments could overlook the better-landscaped industrial districts. Apartments for the less affluent and perhaps manual and semi-skilled laborers could be located adjacent to the secondary industries where their employment is located, but no attempt would be made to segregate income groups. The primary criterion would be to locate types of apartment houses suitable for nonmanagement employees as near to potential places of employment as possible, in order to reduce time spent going to and from work.

Bicycling and walking to work, so commonplace in Europe, would then become possible for many here in the United States, automobile traffic could be relatively reduced, and perhaps the workers' health improved.

If retail, wholesale, service and industrial establishments were located in corridors with high-rise apartments flanking them, utility managements might become believers in the philosophy that a "little bit of heaven or paradise" can exist on earth. These corridors would then become the sites of the primary arterials of water, sewage, gas, electricity, telephone and other services. Tributary lines would connect the single house, duplex and townhouse apartment residential areas in the meshes with the primary lines in the corridors. This would relatively reduce both construction and maintenance costs and provide better service. For example, better pressures could be maintained in water systems and periods of interrupted service reduced. The present-day maze of utility requirements found in many cities hinders efficient management. Business-industrial corridor development would help bring order out of chaos.

Millions of words have been written to support the theme that gasoline-engine traffic is choking and doing almost irreparable damage not only to the downtowns but to entire large cities. And many urban leaders ask why mass transit is not economical and feasible. Still others, in thoughtless exasperation, recommend that mass transit be subsidized by government funds. Such people apparently ignore the fact that mass-transit lines are going out of business each decade because most people prefer to use their own cars rather than mass transit. Mass transit is only feasible when large numbers of people *wish* to use it to reach a concentration of mass destinations. It is interesting to note that one of the largest cities in North America, Chicago, where mass transit has been relatively successful, has adopted a long-range plan for developing corridors of high accessibility (Figs. 2 and 3).

By designing the location of the corridors, the size of the residential areas enclosed by such may be controlled to the extent that each mesh would have large enough space for at least several (four to five) neighborhoods and one community. Some residential meshes may have several communities, but the areas for these neighborhoods and communities should be ample to accommodate single-house, duplex and town apartments, as well as neighborhood and community schools, playgrounds and neighborhood shopping centers with convenience goods.

Unplanned yet rapidly developing web patterns of business-industrial corridors have enclosed or are slicing through residential areas dividing and subdividing neighborhoods and communities. Such corridors are yearly destroying billions of dollars in undeterminable residential values and destroying or helping to block community development.

Intra-city structural design, consisting of a web of business-industrial-circulation corridors connecting the multiple nuclei and primary transportation generators with a viable residential island occupying the meshes, may not be the complete answer to any of the problems in urban America, but its adoption does offer many potential opportunities.

NATIONAL DRUG PREVENTION WEEK

Mr. PEARSON. Mr. President, the Nation is now observing National Drug Prevention Week as proclaimed by President Nixon. During this period, each citizen is being asked to take the time to thoroughly review the inherent dangers of drug overuse, long recognized as a threat to the welfare of our society.

Perhaps the most discouraging aspect of our observance is the fact that all too many Americans need not be reminded of their obligation, because the tragedy of drug abuse and addiction has already consumed their lives. Estimates of up to 250,000 heroin addicts in this country have been called conservative. Some 5 million people are illegally using oral amphetamines, and over 4 billion units of illegally obtained barbiturates were consumed in 1969. And the greatest single cause of death among adolescents and young adults in New York City is narcotics addiction.

But the problem is not isolated among the young. In an age when a drug has been devised to bring relief to almost any minor physical or mental discomfort, it is small wonder that many have taken the extra step to overuse and addiction.

Mr. President, the drug problem is a tragedy which encompasses all Americans. But it would be doubly tragic if we failed to act. All that is needed is the support and backing of a comprehensive, coordinated program which only the Federal Government can provide. In this regard, I urge Senators to close ranks behind the forces striving to terminate this plague by giving them the assistance they require.

FOREIGN SERVICE GRIEVANCE AND APPEALS BOARD

Mr. CHURCH. Mr. President, the junior Senator from Indiana (Mr. Bayh) has introduced an important, progressive bill which would establish a Foreign Service Employee Grievance and Appeals Board. As of now, there are 18 Members, including myself, who are cosponsoring this reform measure.

I ask unanimous consent that Senator Bayh's excellent statement before the Committee on Foreign Relations in regard to the bill be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator Birch Bayh Before the Senate Foreign Relations Committee, October 7, 1971

Mr. Chairman, distinguished members of the Foreign Relations Committee, I am pleased and honored to present my statement to you this morning.

You consider today a bill to amend Title VI of the Foreign Service Act of 1946 in order to establish a Foreign Service Employee Grievance and Appeals Board. I am delighted to have several distinguished members of this committee, Mr. Case, Mr. Cooper, Mr. Muskie and Mr. Scott join me as cosponsors of this bill.

The purpose of this legislation, as the Committee is well aware, is to bring about a significant change in the operation of State Department personnel policy. Since the passage of the Foreign Service Act of August 13, 1946, it has become increasingly evident that State Department employees have not been extended their full order of employee rights as guaranteed by Supreme Court decisions.

The most serious personnel problems result from the failure to establish an objective grievance and appeals procedure for State Department employees adversely affected by personnel policy decisions. Nothing testifies more poignantly to the dramatic need for reform in this area than the tragic suicide of a veteran Foreign Service Officer, Charles W. Thomas. Nothing more clearly defines the directions that Congress should long ago have taken.

Charles W. Thomas had a brilliant background—a law degree from Northwestern, a doctorate in international law and international relations from the University of Paris, fluency in French and Spanish, a working knowledge of three other languages—and a distinguished career as a Foreign Service officer dating back to 1951. In 1966 a rating by the inspector general for the Foreign Service, Ambassador Robert McClintock, recommended that Thomas be immediately promoted from grade four to grade three and be assigned to the National War College. This report, however, was misfiled under the personnel record of another officer with the same name.

In 1969, without the report in his file, Thomas was dropped from the Foreign Service for too much "time in grade." Special appeals from Thomas' superior, Fulton Freeman, Ambassador to Mexico, and from Senators Pastore, Pell, Cooper, Cook, Muskie, and myself failed to change the record.

Thomas was forced to retire at age 47 with 18 years in the service but with no pension until he reached 60, after dedicating his life to the career principle. For 2 years he looked for a job but could find no suitable employment. In April of this year he shot himself, leaving a wife and two children. Ironically, they now receive a $320-a-month Government annuity, a poor substitute for the pension Thomas would have been entitled to had he been promoted in the normal course of events.

Mr. Chairman, why did this obvious miscarriage of justice occur?

The State Department is the only Federal agency which does not guarantee that all its employees will have a chance for a hearing on complaints in regard to promotions and "selection out." Charles Thomas had no access to a grievance panel or a review board.

Thomas' case is more dramatic than most because of its ultimate outcome. But, as the Committee will see, his is *not* an isolated case. Many other instances of bureaucratic mismanagement, error, and unfair procedure will be brought before this Committee before these hearings are concluded.

The single point that all of these cases will illuminate is the profoundly simple fact that State Department employees, in the absence of the procedures established by S. 2023, have no effective guarantee of their 14th Amendment rights of due process within the Department's personnel system.

Formerly, the Department provided a grievance procedure of sorts for its employees. Though FAM 1820 provided a hearing to aggrieved foreign service officers as a matter of right, all performance ratings, promotions and discharge actions were excluded from that procedure. In the case of performance ratings, the Foreign Service employee was permitted to "submit a statement or document to refute statements in his record which he considers to be based on incomplete data or limited observation, or to be unfair"—but that was all he could do beyond informal discussions. Civil service employees of the State Department on the other hand, have access to a complete system of review of all appealed performance ratings.

Mr. Chairman, I fully acknowledge the fact that the Foreign Service is not completely analogous to any other civilian federal agency. The quality devotion, and discipline of the Foreign Service Corps is somewhat analogous, to the Armed Forces. I believe that the same protection of their rights and careers—the same fairness, justice and redress from reprisal and discrimination that we extend to members of the Armed Forces should be extended to the members of this distinguished service.

To accomplish this, S. 2659 would establish a grievance procedure independent of the personnel administration of the State Department. Unfortunately, experience has shown us that the Department itself has been regrettably reluctant to grant officers these simple rights of due process. On only one occasion in the last 15 years has an aggrieved officer been granted a hearing—and then only after a painfully slow process of negotiation with Department personnel officials.

Now, in response to the public outcry evoked by the death of Mr. Thomas and other examples of Departmental error and prejudice, State has moved to establish a revised appeals procedure. It is perhaps worth noting that no mention whatsoever was made of reforming grievance procedure in State's exhaustive study of management reform, *Diplomacy For the 70's* and that it was only a short time after the introduction of my bill, that an Interim Procedure was introduced.

This Interim Grievance Procedure has been characterized as a temporary measure to be employed only until the Department, in consultation with "employee representatives", can establish a final procedure. Unfortunately, as the State Department has exempted itself from Executive Order 11491, there is no effective means for Department employees to select spokemen who will be truly representative of their sentiments in any negotiations or consultations that might ensue.

Though the Department has said that these Interim Procedures "in certain important respects are similar" to my bill, I must emphasize that there are a number of critical differences:

1. State Department employees are no longer granted a hearing as a matter of right under these Interim Procedures. Rather, officers are subjected to a lengthy and convoluted process of negotiation with their superiors before the Department will even consider granting them a hearing.
2. There is no guaranteed access of the grievant to the records necessary to build his case under the Interim Procedure.
3. Limited appointees and probationers may *not* avail themselves of any part of this procedure.
4. There is provision neither for independent participation in the hearing board nor participation by a representative of the grievant under the Interim Procedure.
5. There is no guarantee of open hearings. Moreover, such hearings as may occur can even be held without the grievant being present.
6. The implementing procedures for the Board are to be promulgated by the Board alone, with no participation or consultation of employee representatives.
7. There is no realistic provision by which employees discharged prior to the establishment of these procedures might file appeals.
8. The right of legal counsel in all stages of proceedings is not provided under the Interim Procedures.

Mr. Chairman, these are the very areas in which State Department employee organizations contend that the interim procedures, like the old procedures, are most deficient. The provisions of my bill now laying before the Committee to incorporate a number of recommendations of both the American Federation of Government Employees and the American Foreign Service Association. Reflective of this, the slightly revised version of my Grievance bill now before the Committee, offers a new provision that would enable officers and their dependents discharged from the Foreign Service before the enactment of this bill to appeal adverse personnel decisions within a reasonable time.

Mr. Chairman, the issue before the Committee is clear. Can this Congress continue to allow the careers of State Department officials to be damaged, or ended, by error, prejudice and reprisal without due process of law? The response of the State Department to this critical need has been, in my estimation, completely unsatisfactory. Rather than face the issue squarely and revise the process of promotion and selection out, providing the procedural safeguards that can make the system truly competitive, the Department has chosen merely to extend the permissible terms in grade of high ranking officers.

Gentlemen, the need for Congressional action is evident. In the bill before the distinguished members of this Committee, I believe, Congress has the opportunity to take that action.

WAGE AND PRICE RESTRAINTS—A DAY OF HOPE AND PROMISE

Mr. ALLOTT. Mr. President, yesterday was a day of hope and promise for Americans. The economic news was good, and the President's new economic proposals should make future economic news even better.

The good news was the drop in wholesale prices. This is solid evidence that the inflation fever is being broken, and that phase I of the new economic policy is working. The sacrifice made by Americans during the wage-price freeze—and especially the sacrifices made by groups such as teachers—have not been in vain.

Concerning the President's announcement about phase II, there are three important points.

First, all Americans will be represented in the decisionmaking process. The doors have been opened for participation by labor, management, and the general public.

Second, the President has responded to those who complained that controls on profits were left out of phase I. The truth is that Congress never gave the President power to control profit levels. Now the President has asked Congress for standby powers to control dividends and interest rates and these powers will give him a potential level with which to keep profits in line.

Third, although wage and price restraints will continue, the freeze is ending. And as it ends, there will be opportunity to review the effects of the 90-day freeze. I have repeatedly stated that I recognize that injustices are an inescapable part of a wage-price freeze. No such freeze can be designed to affect everybody in exactly the same way. For example, teachers must be hit hard by any freeze that begins in late summer. I am sure that in administering future policies the Government will be cognizant of the past sacrifices of particular groups.

A TRIBUTE TO SENATOR ELLENDER

Mr. EAGLETON. Mr. President, on September 24, the Honorable ALLEN J. ELLENDER, senior Senator from Louisiana and President pro tempore of this body, celebrated his 81st birthday. Senator ELLENDER is now in his 35th year of service in the Senate—a service marked by hard work and diligence which has earned him the respect of his colleagues.

From his earliest years in the Senate, Senator ELLENDER has distinguished himself in the field of agriculture. In his first term he served as a member of a special subcommittee charged with the development of the Nation's future agricultural policies. The Agricultural Adjustment Act of 1938, a landmark piece of legislation in the field was a product of that effort. Through the years he has evidenced his concern for the development of our rural areas and the conservation of the environment, and played a central role in the development of many of our present agricultural programs. His 18-year tenure as chairman of the Committee on Agriculture and Forestry is the longest in the history of that committee; exchanged only for the chairmanship of the Committee on Appropriations.

Senator ELLENDER has given long and distinguished service to this body, and on this festive occasion I wish him many more happy birthdays.

RESULTS OF ANNUAL QUESTIONNAIRE

Mr. COOK. Mr. President, it has become my practice to send out an annual questionnaire for my constituents in Kentucky to fill out and return to me. I feel that public officials should make every effort to solicit the opinions of their constituents, and I feel this questionnaire is a good way for me to gage public opinion and to better represent the people of Kentucky.

I was pleased by the response the questionnaire received. The issue of crime showed the highest percentage of agreement among those answering the questionnaire. I am happy to say that since I am a member of the National Penitentiaries Subcommittee of the Judiciary Committee, I have become most interested in legislation that would revise our correctional system and help combat crime.

The questionnaires revealed public interest in drug abuse education programs and protection of the environment. I think these two issues are especially important to the people because even though they generally opposed additional Federal expenditures such as for foreign aid, they favored funding programs dealing with drug abuse and preserving the environment. The majority also did not favor an increase in social security taxes to fund a comprehensive national health insurance program.

Most significant, I believe, was the response to the President's actions to solve our economic problems. The majority of the questionnaires that came into my office prior to the President's August 15 economic message stated the belief that the administration was not solving our inflationary and economic problems; the majority of those questionnaires received after August 15 stated the belief that the President is solving our economic problems. From this it would appear that the President's economic plan does have the support of the people.

Mr. President, I would like to take this opportunity to thank, once again, all those Kentuckians who shared their opinions with me. I am gratified by their interest and I ask unanimous consent that their responses be printed in the RECORD, so that Senators may also know their opinions.

The results are expressed in percentages.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

[Answers in percent]

1. Would you favor a comprehensive national health insurance program if it required a significant increase in Social Security taxes?

Yes	28.7
No	65.0
No opinion	6.3

2. Do you favor federal funding for drug abuse education programs?

Yes	56.1
No	37.4
No opinion	6.5

3. Do you feel the federal government is doing enough to protect the environment?

Yes	32.8
No	60.3
No opinion	6.9

4. Since four out of five of the serious crimes in the United States are committed by those who have previously been imprisoned, would you favor a revision of our correctional system?

Yes	89.8
No	5.7
No opinion	4.5

5. Do you favor the federal government using wire tapping and other forms of electronic surveillance to fight organized crime or subversion?

Yes	84.8
No	11.7
No opinion	3.5

6. Do you think the United States should continue to maintain its high level of foreign aid to countries around the world?

Yes	16.2
No	75.7
No opinion	8.1

7. Do you believe that the Nixon Administration is solving our inflationary and economic problems?

Yes	29.2
No	61.2
No opinion	9.6

On those questionnaires received since the President announced his new economic policy on August 15, the results of Question 7 have changed to:

Yes	57.1
No	38.0
No opinion	4.9

JUSTICE FOR THE WORKER

Mr. HUMPHREY. Mr. President, on October 5, 1971, an outstanding keynote address was presented by Mr. I. W. Abel, president of the Industrial Union Department of the AFL–CIO, before the IUD's 9th constitutional convention in Washington, D.C.

Mr. Abel spelled out a demanding work schedule for labor in achieving justice for the worker. He emphasized the need for a national program of insurance for workers' pensions. The cold statistics he cited should, in themselves, mobilize this Congress to press on toward the enactment of effective legislation so that, to use Mr. Abel's words, "a lifetime of work shall not have been spent in vain." While assets in private pension plans total more than $130 billion, 30,000 workers each year find their pensions wiped out by the bankruptcy of their employers. And it is estimated that up to 15 million workers covered by private plans will never receive a retirement income.

This vicious economic injustice is intolerable, and it must be corrected without delay. We dare not allow the hopes, the plans, and the dignity of the American worker to be swept aside by the changing winds of business circumstances. His investment in his family's and his country's future must be protected.

I also commend to the attention of the Senate the deep concern of American labor, expressed by Mr. Abel, about the future of President Nixon's latest economic game plan. Having been struck by both barrels of inflation and unemployment, and then left with the crumbs that may trickle down from tax benefits for corporations under the revised administration economic plan that simultaneously denies him any increase in wages, the American worker rightly wonders whether the next phase of the administration's policy will bring him the justice of even-handed treatment, where jobs are seen to be as important as profits.

Few statements about labor's commitment to the future of America are as forceful as that of Mr. Abel at the conclusion of his address:

> We want a Nation moving ahead strongly, confidently, where the jobless have jobs, where the hungry have food, where the poor can live with some dignity, where every child attends a decent school, where there is fair taxation, where brotherhood is practiced as well as preached, where health care is available for all, where pollution is a memory, where the "system" really does work.

Mr. President, I ask unanimous consent that the complete text of President I. W. Abel's address to the 9th Constitutional Convention of the Industrial Union Department, AFL–CIO, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

KEYNOTE ADDRESS BY I. W. ABEL, PRESIDENT, INDUSTRIAL UNION DEPARTMENT, AFL–CIO, NINTH CONSTITUTIONAL CONVENTION, WASHINGTON, D.C., OCTOBER 5, 1971

On behalf of myself and my fellow associates in the Industrial Union Department, I extend a sincere and warm welcome to all of you as we meet here for the 9th Constitutional Convention of the IUD.

The two years since our last Convention in Atlantic City have been years of solid accomplishment, thanks to the unselfish efforts of many dedicated people.

I want to acknowledge the contributions of IUD Directors Jake Clayman and Nick Zonarich and of the officers and staff of the IUD. And, I also want to express my appreciation to all the member unions of the IUD for their continuing cooperation and unstinting support and to the Executive Committee and the members of the Board. It takes teamwork and ability to move ahead on the many fronts in which we have been engaged, and that's what we have been getting from all concerned.

When I was given the honor of serving as President of the IUD, I spoke about continuing the IUD as a "vital and progressive force within the AFL–CIO." Thanks to all of you, and your unions, the IUD is continuing as a vital and progressive force within the AFL–CIO. And we have been serving our industrial unions effectively. It has been made possible because we have functioned in the best traditions of the labor movement. With your help and support, we will continue to carry on in the same manner in the future.

I also want to—at this time—extend a warm welcome to the newest IUD affiliate—the International Molders and Allied Workers Union, the oldest national union in the country. The affiliation of the Molders means there are now 61 AFL–CIO unions affiliated with the IUD.

As I said, we have made solid progress during the last two years, although it was not the best of times for the American worker who was being hit over the head with both inflation and unemployment. And as we meet here today, the economic picture is not much brighter. But we did move ahead on a number of vital fronts. I will not go into great detail about our major IUD activities during the past two years—that is done for your information in the Officers' Report—but I do want to offer some brief comments on five of them.

Number One: Occupational Safety and Health. Without a question, the Occupational Safety and Health Act of 1970 is a landmark piece of labor legislation.

The passage of this Act stands as the No. 1 achievement of organized labor in the last two years. And we of the IUD can feel particularly proud of the key role it played in placing this landmark legislation on the books. As everyone in this room well knows, passage of legislation of this type does not come easily. Powerful forces must be overcome by days and months of exhaustive lobbying. Many Congressmen and Senators have to be convinced of the merits of the legislation. The anti-labor forces in this Nation, which never sleep, must be overcome. But we did it; by rallies, and letters and newspaper ads—by delegations of workers. You recall, I'm sure, the two-day conference we held in

July of 1970, during which more than 700 delegates met here and then visited their representatives in Congress, urging their support of the kind of a bill we wanted. Our efforts were rewarded with legislation which holds the promise of making the workplace of the worker a safer and healthier place, one which does not threaten his life or limb.

While it is well to pause for a moment of self-congratulation and a rightful recognition of the IUD role in passage of the Act, we recognize that we cannot indulge ourselves too long—as delightful as it might be. For we know that many times, passage of a particular piece of legislation is only the first step in the battle.

Our mission now, in regard to the Occupational Safety and Health Act of 1970, is to exert the same kind of effort and vigilance in making the Act work as we did in winning its passage. I can tell you very candidly, from some of the things that have been happening, that successful implementation of the Act is not going to come easily. We of the IUD have communicated our grave concern about certain developments to the Secretary of Labor. We haven't pulled any punches with the Secretary. We have laid it on the line in rather strong language because—as we have said many times—we are dealing with the lives of workers. And we intend to keep talking tough until it can be said that the workplace of the American worker is as safe and healthy as man, money and technology can make it!

Another area in which we of the IUD have been most active, as you know from our rally here yesterday, is the area of imports and the exporting of jobs and American technology. As I said yesterday, the crisis in international trade is here; and specific actions are required now to protect not only the well being of the American worker, but the well being of this Nation. We now have a specific program before the Congress to accomplish this. The passage of HR 10914 and S. 2592, which contain the answers to the international trade problem, becomes a major task for us in the months ahead. In all probability there will be calls for specific actions by you and your unions, as we work for passage of this legislation. I know the response will be there when it is needed, as it has in the past. We have been making some progress on imports, through voluntary quotas and in alerting more and more members of Congress and the public to the genuine dangers of the situation.

We are within sight of the answer. And with continuing effort now, we can obtain the real and lasting solution we seek.

The third major IUD activity I want to touch on today concerns coordinated bargaining. There is no question that coordinated bargaining has become a "must" in the survival and progress of trade unions today. Our land has become a land of corporate giants—conglomerates. The name of the game has been merger; and the result has been larger and larger companies with a growing concentration of wealth and power. A study for the Federal Trade Commission has shown that the 200 largest corporations in 1968 controlled almost two-thirds of all manufacturing industry assets. Nothing has happened since that study to indicate any change in this growing concentration of assets in fewer and fewer companies. Corporate mergers did slow down during the last two years because of the economic situation but there are signs that the merger trend will pick up again and we will continue to face this kind of a situation in the future. Coordinated bargaining is one small weapon in labor's arsenal which allows it to approach the collective bargaining table with some sense of equality.

We have been using it to great advantage in the IUD, as you are well aware, and we plan to improve and refine this most vital tool for the future. At the present time in IUD, as you may have noted in the Officers' Report, there are currently 60 committees in various stages of coordination. These committees represent 60 different companies that involve unions which have collective bargaining contracts; there are from 5 to 60 separate contracts depending upon the number of unions that have collective bargaining contracts with the same corporation. There is no question but that our coordinated bargaining procedure has been working to the advantage of the unions involved, as we know from the successes of such coordinated bargaining committees as Armstrong Cork, General Electric, Westinghouse and the Nonferrous Industry. Coordinated bargaining is essential to the ability of trade unions to preserve and promote the welfare of their members—essential in the sense that it contributes to the spirit and actuality of trade union unity which is labor's ultimate weapon. Coordinated bargaining will continue high on the IUD's list of priorities.

Our progress in organizing is reported in detail in the Officers' Report and Nick Zonarich will talk to you about it later in the Convention, but I do want to point out that we have been moving forward in organizing new operations.

Since our last Convention, we have won 37 representative elections. You might say that we have been doing it the hard way; organizing where the organizing is the most difficult—in the South and Southwest. We're still exerting every organizing muscle we can to establish in the textile industry in the South the mandated right of workers to organize and bargain collectively, and all concerned should know that the notorious J. P. Stevens textile company remains on our list of companies to organize. And one of these days we're going to organize it. This is one of the most viciously anti-union companies we have ever confronted. It flouts the law. It ignores the law. It spares no cost in fighting cases in court. It is a throwback to the darkest days of industrial America. We've been in these kinds of battles before and we knew what it takes to win them. One of these days, this symbol of the worst kind of anti-union tactics will crumble before the inevitable; and the workers of J. P. Stevens will have their own union.

The final particular activity of the IUD that I want to talk about is our still unfulfilled objective of pension reinsurance. The failure, so far, of this Nation to guarantee the pensions of workers is a national scandal.

Fantastic sums of money are at stake. Assets in private pension plans today total more than $130 billion. Yet each year, some 30,000 workers lose out on pensions simply because their employers go broke. The U.S. Department of Labor has said that from 30 percent to 50 percent of the 30 million workers covered by private pensions plans will never see a nickle in benefits. This past summer, the Senate Subcommittee on Labor heard one heart break case after another on pensions. They all added up to years and years of work, lifetimes spent on the job in anticipation of the warm security of retirement, only to suffer the shattering shock of no pension payments. We are engaged in a real struggle in Congress to eliminate this terrible uncertainty which hangs over every private pension plan in the country. Again, it is not an easy task. But neither was it easy to establish the principle of insuring bank deposits. Banks fought the idea of deposit insurance, but now they advertise it as one of the banking industry's great virtues. And we have been saying for some time, and will continue to say until the battle is won: If Congress can insure bank deposits and if Congress can insure Wall Street brokerage firms, it sure can insure the pensions of the workers of America. I can think of no more beneficial legislation to the workers of this nation at this time than legislation which says a lifetime of work shall not have been spent in vain. We are making some progress toward this objective, and it remains our high hope that we will be successful during the present Congress.

These were some of the major IUD activities and concerns that I wanted to talk about today. There are many more, of course, and they are set forth in detail in the Officers' Report, and some of them will come up for more attention and discussion during the Convention.

We are all aware, as we meet here today for this 9th Constitutional Convention, that we are confronted with some serious problems—as a part of the labor movement and as concerned citizens. First, the problems which confront us as a segment of labor. It seems no matter how much we concentrate on our positive programs to benefit the worker and the economy, we are forced to keep one hand free to fight those who would weaken the effectiveness of the American labor movement.

Anti-labor attacks are constantly being organized just below the surface in the Congress. These require constant surveillance and counter-attack, and thus deny us the luxury of devoting our full efforts to the positive aspects of our programs.

There are those in Congress, for example, who would prohibit union expenditures on behalf of political candidates. These conservative and reactionary forces are not content with their present financial advantage over liberal forces, they want the field completely to themselves. This would result in a most dangerous situation in which one set of ideas—or one philosophy only—would be presented to the people. This would be unwise and unhealthy for our political system and for our Nation. There must be an inter-play of ideas, proposals, programs, and the issues must be presented to the public by more than one side. Not that the liberal and progressive forces of this Nation now compete equally with the conservatives and reactionaries, but at least the voice of progress is not stifled.

There are others who would change the rules under which we engage in collective bargaining so that, again, they would weaken the effectiveness of labor to represent its membership. There are those who would change the eight-hour day to a ten-hour day under the smokescreen of what they call a "growing interest" in the four-day week.

Management representatives have pressed the Labor Department to drop requirements for overtime after eight hours of pay by the Walsh-Healey Public Contracts Act and the Contract Work Hours and Safety Act. Jake Clayman had to testify before a Department hearing examiner and tell him that allowing a 10-hour day at straight time pay would be nothing more than an "incredibly regressive" move. Jake told him that he thought the employers' real motive was that they simply wanted to save a few bucks by not being required to pay overtime. We think we should make it perfectly clear . . . to borrow a phrase from the Administration—that we fought long and hard for the eight-hour day and the principle of overtime after eight hours, and we're not about to give it up under any conditions! When we win the four-day week, it's not going to be a 10-hour day, forty-hour four-day week; it's going to be a four-day week consistent with the principles of the labor movement. The way some of these "benefactors" of labor maneuver, we have to be careful they don't offer us a *two*-day week . . . with two 24-hour days, of course.

Let there be no question about what we of labor are talking about in this regard.

When we talk about a shorter work week, we mean a shorter work week in hours as well as days. We do not mean less days with the same hours. We believe a shorter work week has become a necessity because the time has come to spread available work, to help alleviate unemployment and to give workers the additional personal time they deserve.

We also have a problem with those who would hamper us through appointments. You will recall that this was one of our major concerns during the last Presidential election. And now our fears about the consequences of our loss in that campaign are being substantiated. I need not go into detail about the nominations of Carswell and Haynsworth to the Supreme Court to make the point. Fortunately we were successful in preventing the robes of the land's highest court from being worn by these two nominees, but the President has had the opportunity to name two other appointments to the Court—the Minnesota Twins Burger and Blackmun—and to change the balance of the court to conservatism. How much better it would have been if we had our *friend* from Minnesota in the White House and he was the one making the appointments. President Nixon now has the opportunity to make two more appointments to the court—since the announced resignations of Justices Black and Harlan.

This means that one-third of the Court will be made up of Nixon appointees. And there is a possibility that, before he leaves office next year, that he will have named a majority to the Court and leave us a legacy of doubt and conservatism for many, many years to come. I can't help but wonder what those liberals, who saw no difference between Nixon and Humphrey in '68, are thinking today? Are they now convinced, perhaps, that one of the differences may well be a Supreme Court of conservative tinge for a generation of Americans?

And let us examine quickly what has resulted from two appointments to the National Labor Relations Board. The President has made two appointments to the five-man Board, including the chairman who was an attorney representing employers at the time of his appointment. We objected to the appointment of Chairman Miller, but we did not prevail. Here, too, our fears have been realized. In 73 cases, where there was a conflict between the employers and the unions, Miller took the employer position 70 times. In one of the significant cases that did not go our way—the Phelps Dodge case—the Board held that the unions' demand for joint collective bargaining in the 1967–68 nonferrous industry strike was unlawful.

And unless this is reversed in the courts, the Phelps Dodge case may be used as the basis for ruling out coordinated bargaining in numerous situations. Now there is another vacancy on the NLRB, a seat formerly held by a member sympathetic to labor. When this vacancy is filled, we will have a Nixon majority on the Board. These appointments and planned attacks on the effectiveness of the labor movement, are the wages of political defeat. They remind us once more of the overriding importance of effective political action as full partner to the importance of collective bargaining.

Satchell Paige says you shouldn't look back because someone may be gaining on you. That's true. But, we know from experience that we have to keep looking back. And when we look back these days, we realize that we are in a real foot race with those who like to see us on the sidelines, and that they have been gaining on us. Which means we really have to do some sprinting between now and November, 1972, and then we won't have to worry about looking over our shoulder.

What our members have gone through during the last 33 months should be spur enough to political success in 1972.

The American worker was the programmed victim of the first so-called economic "game plan". He was tagged as expendable in this Administration's fight against inflation despite the Administration's pledge to halt inflation without costing the worker his job. Under the first game plan, the worker got it both ways. He was hit with both unemployment and inflation, not to mention record interest rates. And while being buffeted about with these blows, he was being told not to worry; rather to think about how good it would feel when the blows ceased. But the blows did not cease. Finally, the Administration admitted what labor had been telling him all along: That his game plan was a plan for economic disaster. So, he went back to the drawing board and came up with another game plan, another plan in which the worker has been programmed as the unequal contributor to economic soundings and recovery. It's a game plan which gives to the wealthy and tells the poor to be patient. It's a game plan which pays homage to the outmoded economic myth of trickle down; that if you put all the goodies on the tables of corporate America, some of the crumbs will fall to the ground for the rest of us. It amounts to a cruel reversal of national priorities, ignoring not only the poor, but the schools, the cities, mass transit, and all the many other items on a depressingly long list of unmet needs.

It's a game plan based on the profit and loss statements of big business rather than on the pressing needs of people. It's a game plan which piles one tax bonanza for business on top of another tax bonanza—investment tax credit on top of a $37 billion tax give-away in increased depreciation allowances.

In an Administration which out-Madison Avenues Madison Avenue, the latest tax bonanza for industry is termed a "Job Development Credit". It is called a "Job Development Credit", the President told Congress, because it is supposed to generate new jobs because industry would buy new machinery, although it isn't using what it has now. Well, the New York Times conducted a survey as to the likely effects of this so-called "Job Development Credit" and it reported its findings, as follows, on September 20:

"President Nixon's proposed tax credit of 10 percent on business investments in new machinery and equipment appears more likely to increase corporate profits than to create additional jobs for unemployed workers next year."

The Times did say that the tax credit "may"—I repeate "may"—create more jobs "in the long run". But, the five million unemployed aren't interested in the long run. They want jobs now. They can't wait to see if they will benefit from this latest try at "trickle down". What they want is not "trickle down"; they want some "bubble up"! Let's put America back to work first; and then industry will have all the incentive it needs to buy new machinery.

As of today, no one knows what Phase II of the President's program will bring when it's announced. We do, however, know this . . . the manner in which wage provisions of labor agreements were virtually nullified under the Presidential executive order is both alien to our democracy and dangerous in its implications. Labor's position since 1966, has been that controls should be across the board, should be fair and that the sacrifices should be equal. But the current wage-price freeze does not meet the test of equality and fairness.

We are not against the development of a long-range incomes policy and a program for economic stability. And, we certainly will make our share of the sacrifices necessary to stabilize our economy. But, we say to President Nixon, let those sacrifices in Phase II be equitably shared, as they are not in Phase I.

And, we say to the Congress: It is your job to make sure that equity and fairness do prevail . . . eliminate the tax gifts for big business; provide instead real tax reform; apply whatever controls are necessary across the board; adopt legislation that will fill our unfilled needs.

We of labor have every right to ask for a voice in the development of any long-range incomes policy that may be considered for the future. We have every right to insist that the terms of negotiated contracts are safeguarded under any stabilization program. We have every right to expect that the collective bargaining process, which has served this country well, is not destroyed as our government grapples with the economic problems that beset us.

In his address to the Joint Session of the Congress last month, the President said we should not undermine "the system" that produces America's wealth. He said we shouldn't malign the system because it has produced more abundance than any other system; because the "system" helps the poor, feeds the hungry and makes it possible to clean up our environment.

The "system", of course, is not helping the poor. There are almost 15 million Americans subsisting on welfare. More than 25 million are living in poverty in the midst of the abundance the President talked about. More families were officially classified as impoverished last year than in 1969. The system is not feeding the hungry. There are estimated to be some ten million chronically hungry people in America. In fact, the Nixon administration is even cutting back the school lunch program and thousands of low-income children will stop enjoying their first nutritious noon meals. The system is not cleaning up the environment. Many rivers and streams are open sewers.

Yes, the system has been working for some, but it has not been working for the poor, the hungry, the jobless, those who forego medical treatment because they cannot afford it, the cities, the schools. We are not maligning the system when we cite its shortcomings. We are simply saying that the system should work not only for some, or the majority; it should work for all. I believe that those who most strongly condemn the shortcomings of the American system, or what is happening in America, are more concerned about this Nation than many who say we should only talk about what is right about America.

We know what America stands for. We know its virtues very well. We know very well what's good and right about America. What we are saying is that the shortcomings of America are what need attention now; what require answers now. We are merely saying that America will be truly great if it fulfills its promises. Is the story of this Nation to be no more than a love affair with the gross national product? Or will the story of this Nation be that we fulfilled one promise of America?

We of organized labor are saying that fulfillment is our rightful priority; that the business of this country is not business; that the business of this country is people. We are saying that people can meet the challenge of living together as neighbors; that there can be only one America; not two divided by color. We are not the detractors of America; we are its greatest boosters.

We want a Nation moving ahead strongly, confidently, where the jobless have jobs, where the hungry have food, where the poor can live with some dignity, where every child attends a decent school, where there is fair taxation, where brotherhood is practiced as well as preached, where health care is available for all, where pollution is a memory, where the "system" really does work.

As we stated in our report to this Convention, the unity and determination of organized labor are among the greatest resources available to the nation, in its efforts to overcome its present economic and social illnesses.

I believe that the labor movement can help forge a national commitment to our rightful priorities so that all Americans *will* share in America's abundance, and so America *does* fulfill its promises. I believe that Labor can help lead our Nation toward that kind of a commitment. I believe it because I know what we want—not just for ourselves—but for all the people.

SOVIET POLICE PERSECUTION

Mr. ALLOTT. Mr. President, lest we forget, it is good to be reminded of the plight of the various nationalities in the Soviet Union.

Soviet police persecution is not a respecter of ethnic differences within the Soviet empire. And it is important the public opinion in the free world be focused on each and every instance of persecution that comes to our attention.

In this regard, Mr. President, I am deeply indebted to a constituent of mine, Mr. Ivan Stebelsky, of Denver, who has called my attention to the plight of a distinguished Ukrainian intellectual currently being persecuted for the crime of loving freedom.

The victim of this persecution is Valentyn Moroz, who has been found "guilty" of the "crime" of protesting against Russification—a program which, by any other name, is, in the Ukraine, a brutal attempt to eliminate the Ukrainian language and all traces of Ukrainian culture.

It is my hope that our Government and all freedom loving governments will make representations to the Soviet authorities on behalf of Mr. Moroz, and that an aroused public opinion will cause the Soviet authorities to demonstrate "a decent respect for the opinion of mankind."

SENATOR ALLEN ELLENDER

Mr. GAMBRELL. Mr. President, my home State of Georgia has been the beneficiary through the years of much of the legislation sponsored by our distinguished colleague, Senator ALLEN ELLENDER. During his brilliant career Senator ELLENDER has been a friend to Georgia, to her rural interests, and to the welfare of all her people.

Along with my beloved predecessor, Senator Russell, Senator ELLENDER was responsible for some of the most humane legislation which this body has ever passed—the school lunch program. Georgia is a rural State, and for years we knew we had a friend—Senator ELLENDER—at the helm of the Committee on Agriculture and Forestry.

As the successor to Senator Russell in the chairmanship of the Appropriations Committee, Senator ELLENDER is hard driving and tight fisted, and this combination has produced some of the best appropriations legislation seen here in some time.

On behalf of all the people of my State, I want to say "thank you" to an outstanding American, a gentleman of the South, and an esteemed colleague, and to wish him all the best in the years to come.

SPACE PROGRAM HOLDS A KEY TO A BETTER FUTURE FOR OUR COUNTRY

Mr. CURTIS. Mr. President, yesterday Dr. James C. Fletcher, NASA Administrator, delivered a major address to the National Capitol Section of the American Institute of Aeronautics and Astronautics. His cogent address emphasized the need for America to maintain and improve its technological base as being vital to future progress in the country and the whole world.

Dr. Fletcher cautioned against a Rip Van Winkle attitude on the space program. He recalled the trauma of 1957 when the U.S.S.R. launched sputnik into space. I agree with him that it would be very dangerous for our Nation to get into the position where once again we had to play catch up ball.

I believe Dr. Fletcher's address will interest all Senators who are concerned about maintaining America's technological excellence. I ask unanimous consent that his speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY DR. JAMES C. FLETCHER

Since this is a get-acquainted session, I would like to share with you today some of the concerns uppermost in my mind after five months at NASA. I believe that in most cases these are matters of mutual concern.

Now one concern—the announced subject of my remarks—has just been graciously taken care of by the Chairman.

I think we have a very sound space aeronautics program underway for this decade, and the Administration and the Congress, in strong bi-partisan action, have given it a high priority so far.

If I may furnish my own theme, I would like to go back to the President's basic statement on national space policy of March 7, 1970, where he expressed confidence that his current budget request would allow our space program to make "steady and impressive progress."

I believe that we have been making steady and impressive progress toward worthwhile goals in space for this decade. I am confident that we can continue to do so in future years.

We have worked hard in NASA in recent months to assure that our plans do indeed permit steady and impressive progress despite the recognized need to keep expenditures and commitments to a minimum during the country's current battle against inflation.

The general outlines of America's space program for the Seventies were established in our current budget. This program, as we see it, is well planned, well pruned, and absolutely vital to the future of this Nation.

The scope and pace of this program will, of course, be debated again next year as it was this year. I have singled out five important points of special relevance to this debate at this time:

First Point. Program continuity must be maintained. I feel very strongly about this. We cannot shut down major programs for several years and then start them up again efficiently. Such practices would be especially wasteful of this country's valuable resources of skilled manpower and experienced management, in industry and in Government.

Second Point. I am very concerned about the health of the aerospace industry. NASA programs have *added* economic importance at this time because they help stabilize this important industry—this important national resource. This is a very significant reason for maintaining NASA programs up to or near current levels at this time.

Third Point. We have made substantial reductions in the number of NASA civil service positions in recent years. I think we will reach in this fiscal year the *minimum* "institutional base" of NASA required for efficient management of currently approved programs. I will strongly resist any further reductions.

Fourth Point. I consider manned space flight an indispensable part of any prudent space program for the United States. To be sure, we could save some money in the short run by using only unmanned spacecraft in this decade, but it would not be prudent to do so. It would be a colossal blunder.

It was demonstrated in the Apollo programs, particularly Apollo 15, that man can perform rewarding scientific and operational tasks that machines cannot be programmed to do. We expect to demonstrate this further in Skylab. We also anticipate that astronauts flying the Space Shuttle will be able to greatly decrease the costs and greatly increase the performance of unmanned spacecraft by deploying them in orbit, by servicing them in orbit, or by returning them to Earth for repairs or refurbishment. We simply cannot hope to cut space costs sensibly by posing the question, Men or Machines? We must have both, in space as on Earth, in this decade.

Near-earth space has become a place, a region, a sphere of activity as important to our national interest and security as any place on Earth outside our own borders.

Because near-earth space is a place where men can live and work, it will be inhabited by man. The only question is whether we are willing to allow sole occupancy to the Soviet Union, or any other power. To me, this is unthinkable.

Even assuming that Americans could learn to live comfortably with Russians orbiting overhead while we remained earthbound, the impact on our prestige as a Nation and a world power could be a disaster. To people throughout the world it would appear that the United States had lost its sense of destiny, its national resolve, or its economic viability as demonstrated by its inability to compete in space with the Soviet Union for sustained periods. That, as we have already seen at the time of the first Sputnik, could have an unsettling effect on world affairs and on our own peace of mind and self respect.

Furthermore, it is prudent to continue to develop our capabilities for manned space flight simply because we do not know, and cannot now foresee, what men will discover in space or what uses will be made of space. For this reason alone, it would be risky, if not irresponsible, to ground our astronauts while Soviet cosmonauts operate alone in this new realm, with ever greater proficiency.

For these reasons, I strongly support the Space Shuttle as the next logical step to develop our national capabilities for using space more economically and more effectively, with manned and unmanned spacecraft, for both civilian and defense purposes.

Fifth point. I share the growing concern that the United States is lagging in efforts to develop new technology for commercial and military aviation. We killed the SST while Britain and France went ahead to build the Concorde, and the Soviet Union built a competing version. The Europeans—and our Canadian neighbors—are ahead of us in Short Take Off and Landing aircraft. The question must be asked: How long can we, as a great nation, afford to be mere spectators while others move ahead in aircraft technology?

I believe NASA has a mandate to keep this country in the forefront of aviation technology—which is so important to our domestic economy and world trade position, and to our national security. We clearly need to do more aeronautical research, not less. Our planning reflects this.

For these timely reasons—and other longstanding reasons familiar to you—we are prepared to advocate and defend in any forum where questions arise the general approach and content of our currently approved space and aeronautics programs for the Seventies.

To return for a moment to the topic you inadvertently assigned me—Parking Orbit, Re-entry, or Escape Trajectory?—I can assure you that we do not intend to shift the gears of our space program into the "park" position; we are geared up for continued steady and impressive progress in those areas of space activity which we consider most rewarding scientifically or most important to our national security.

We have entered the space age. We cannot back out. We cannot re-enter the world we knew before 1957.

I think an active space program will be a part of our national life for as long as we endure as a nation.

Space systems will play an ever increasing role in global and domestic communications; in forecasting, understanding, and perhaps doing something about the weather; in better management of world resources; in the struggle to protect our environment and enhance the quality of life on this planet.

More and more the news of the world, the entertainment of the world, the school lessons of the world, will be delivered through space systems. Air and ship traffic will be directed from space. Space systems will be available to monitor arms limitation agreements that protect the peace of the world. New sources of universal power more awesome by far than the atomic energy in our Sun will be discovered, and understood, and possibly put to use.

Within a few years there will be no time of day or night, year in and year out, when men are not working in orbit above the earth. And it is up to us, in decisions to be made this year in this capital, whether these men in orbit will include Americans.

Before 1957, for all practical purposes, space wasn't there. But today it is. And the only question is, Will Americans be there? This is not the time for the debates of 1958 all over again. If anyone is thinking seriously of de-orbiting the American space program, he is a 20th century Rip Van Winkle who has been asleep for 14 years.

As so far as "escape trajectory" is concerned, we do expect to send our new outer planets spacecraft more than three billion miles on a working journey lasting 10 years, which is about as much "escape" as we can manage in this decade, at least.

I don't believe I need to talk to you in detail about our space program for the Seventies. Many of you helped plan it and are working on it today, in one way or another. I hope that all of you agree that it is about the best program we could put together to meet the objectives set by Congress and the President, considering the recognized need for fiscal restraint at this time.

Despite the strong bi-partisan support given to our plans for the Seventies by the Administration and Congress, there is still a great deal of work to be done to gain the understanding and support our program deserves from the public at large.

It was 14 years ago this week that the first Sputnik went into orbit. Almost overnight, a strong constituency for a major space effort developed in this country. Unfortunately, our very successes in Gemini and Apollo have tended to wipe out that constituency—so long as we lead in space, the American public, understandably enough, has other things to worry about.

But we need to re-establish this constituency. We need broad support from the American people for a sensible, sustained effort that keeps us in the lead—so that we do not have to go into the "catch up" drill again in this decade or the next. We must get people to understand that unless we maintain a well-balanced space program, it will cost much more in the long run to resurrect our capabilities when we find ourselves no longer in the lead.

NASA has an educational job to do—and we need your help. That was the message I had for the annual aerospace luncheon of the Los Angeles Chamber of Commerce when I spoke there last Friday. It is a message I want to repeat to you today. You are a very articulate group, when it comes to explaining the space program, and you have access to many different channels for reaching the general public.

We need your help to explain not only what we do, but why we do it. We need your help to win broad public support for a program that will keep America first in space, without the goad of fear and self-doubt that comes with being second, with being out-classed.

I am impressed—and concerned—by the size of the investment the Soviet Union is making in space. Their effort is about 60 percent greater than our own at the present time. They show no signs of slackening their effort. Their Salyut space station appears to be merely a forerunner for larger and more versatile space stations. They lead us by a significant margin in planetary exploration and space station capability.

The Space Shuttle should enable us to remain competitive with the Soviet Union in using near-earth space, but only if we *do* proceed to develop the Shuttle within this decade as we have planned.

I am encouraged by the progress we have made in discussing the possibilities of greater cooperation in space with the Soviet Union. But I want to stress the point that we must continue to increase our own abilities to use space if we want the Soviets to remain interested in cooperation.

I would like to mention very briefly several other major areas of interest or concern to me at this time.

I want very much to continue the process of strengthening our close ties with the Department of Defense, as our charter requires us to do. We want to be sure that the Space Shuttle will serve the needs of all agencies of the Government, including defense needs.

I want to stress the importance of NASA programs in producing new technology—and the importance of new technology for strengthening our economy and increasing our ability to meet pressing social problems and provide jobs and a high standard of living for all of our citizens.

I am concerned about the present shortage of suitable jobs for the young men and women who are finishing their university work in science and engineering. We need this "new blood" now in Government and in industry; and we will feel the loss still more some years hence when we need innovative people at the middle management level with both excellent training *and experience* in their fields. But how are these young people to get the experience they need—and the country needs them to have—if we do not have challenging jobs for them? This is a serious problem for the country.

As you may know, I am taking part in a panel at the AIAA annual meeting on October 28 on the subject "The Aerospace Professional—What is His Future?" I believe someone suggested a sub-title for this discussion, too: "The Aerospace Professional—Must he Be a Migratory Worker?"

Incidentally, I was very pleased to note that the annual meeting will be devoted in large part to the Keynote theme, "Technology and National Growth." It is very good for the country that you are going into that theme in depth at this time.

I want NASA programs to continue to be excellent examples of how large scale R&D efforts can be managed efficiently and carried through to completion within the American economic and political system. I want to pay especial attention to ways in which NASA experience in systems management can be utilized elsewhere in our society.

I want the space program to continue to be a source of pride, and encouragement, and inspiration for all Americans. Look back over the past 14 years, and see if you can identify any major undertaking or event that has meant more to us as a people than our successful first steps into space.

Truly significant advances in space will always be inspiring. Take Apollo 15 as an example. Apollo 15 came after 24 previous manned flights and three landings on the Moon, yet it aroused a tremendous sense of American achievement at home and abroad.

As you know, we had already attained President Kennedy's goal set in 1961, and Apollo 15's purpose was almost entirely to reap the maximum scientific benefits and not necessarily for purposes of national prestige. Despite all this, more than 100 million persons watched the mission on television in this country alone, and it is estimated that almost that many more watched in Europe and Japan.

The feeling of many viewers was well expressed, I believe, by a 10-year-old sitting near me just after the launch. When asked by his father what he thought about the launch, he unhesitatingly replied: "I thought I was proud to be an American."

I am concerned that some who use the slogan "new priorities" seem to think that shutting down the space program would help solve pressing social problems. I do not agree. To begin with, this country is already spending 42 cents of every federal tax dollar for human resources programs and 34 cents for national defense, and only 1.4 cents on space.

Diverting space funds to other uses would amount to only a drop in the bucket. But the loss would be great—in terms of a declining economy, a second-rate technology, a dispirited America.

The NASA budget now equals about three-fifths of one percent of the Gross National Product. I am sure the stimulating effect of the space program on the nation's economy adds much more than that to the GNP.

I just don't believe that the kind of America that would ignore the challenge of space would make much progress in other fields either. The kind of America that said no to space, that said let Russia do it would be a country on the way out.

But our country is too young, too vigorous, too wise to think in these negative terms. I believe that with a positive approach to space we can make our space programs pay for themselves many times over, and make America a happier and healthier place because of our space effort.

Nations need exercise just as individuals do. The space effort is the kind of exercise that keeps us on our toes. Tones our muscles, brightens our outlook.

The remark has been made that the future isn't what it used to be. Let us not be dismayed by this apt commentary on the times in which we live. Let us work in the NASA program to make the future more like we want it to be. I think we who are active in space and aeronautics hold the key to a better future for our country and for mankind. It is a mandate given to us by the American people, an immense responsibility. I want very much to work with you in doing what is right for our country in space, and in doing it in the right way at the right pace.

I think we are on the right track. We have planned well for the Seventies. I am anxious to get on with the action.

To summarize:

We have a program that is absolutely vital to the future of this Nation. It is one I intend to fight for. I am counting on you to join me. We have a great and important message to get across.

We can't depend on the "other fellow" to do it—and we certainly don't want to let the Soviets do it for us with another shock like the first Sputnik.

You have my promise that I will seek every opportunity to deliver this message—our message—throughout this country. And, we must all work harder to get this message through clearly and directly to the citizens and tax payers who ultimately determine the destiny of this country.

EIGHTEEN- TO TWENTY-YEAR-OLD VOTER TURNOUT IN SACRAMENTO, CALIF., ELECTIONS

Mr. CRANSTON. Mr. President, there has been a great deal of interest, study, and comment about the voting habits of young people. Most of that comment emphasized the poor voting habits of young persons in the 21- to 30-year-old group in past elections and predictions that 18-year-olds would not improve the statistics.

Now, in the first major test of this theory in California, the so-called experts have been proven wrong.

In the Sacramento municipal elections on September 21, a survey by the county clerk disclosed that 57.8 percent of the under-21 registered voters turned out to vote, topping the general turnout of 52.6 percent. Earlier on July 27, in a water district election in the same county, 45 percent of the under-21 voters turned out, compared with 17.8 percent for the general turnout.

The municipal election turnout of young voters was citywide. All eight city council districts surveyed showed that there was a 50-percent or better turnout of under-21 voters. In one precinct studied, 24 of 29 young voters cast ballots and in another 30 of 38 registered voters actually voted.

A survey of under-21 voters was made possible because of the special registration procedures required by the election. The under-21 voters appear on precinct lists in a special grouping and thus could be identified in the final check of who voted.

Mr. President, this voting record in Sacramento is a very encouraging sign. Young people will participate in the electoral process if they are given a chance, and, obviously, they can influence the outcome of elections in many districts. I congratulate the young people of Sacramento for their participation in this election. I urge young people everywhere to register, participate in campaigning, and then vote.

SOCIAL SECURITY REFORM

Mr. DOMINICK. Mr. President, the distinguished senior Senator from Texas (Mr. Tower) has introduced two bills which seek to reform our social security system.

On September 22, Senator Tower introduced a bill which would give social security recipients the option of either receiving a tax credit for the social security taxes they pay or allowing them to continue to pay the tax and receive additional credit on their benefits.

Earlier in the year Senator Tower introduced S. 639, which would increase the so-called earnings ceiling under social security from $1,680 to $3,000. I am pleased to be a cosponsor of this bill.

Recently both the Dallas Morning News and the Dallas Times Herald editorially came out in support of both of these bills. The editorials conclusively point out the need for serious consideration of social security reform along the lines suggested by Senator Tower. Likewise, I believe that the Senate should give this matter most careful attention in the months ahead. For this reason, I ask unanimous consent that these two editorials be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

End Social Security Wrong

Sen. John Tower of Texas has introduced a bill that would give persons 65 and over the choice of asking for a refund of Social Security taxes or letting the taxes earn additional Social Security credit.

The Texan also is the author of a measure to raise the maximum earnings for a Social Security beneficiary from $1,680 to $3,000 a year before benefits are reduced.

These bills are aimed at one of the major injustices in the present Social Security system. Today's senior citizens have been paying for decades to provide Social Security income when they retire. The program has been called an insurance policy but, unlike insurance provided by private firms, does not permit the beneficiary to take his money and do as he pleases.

Instead, present limitations keep senior citizens who are able and willing to work from earning more than a pittance—the $1,680 ceiling which was established long before inflation seriously penalized the buying power of fixed incomes.

Sen. Tower's bills are the least that Congress should do to right this wrong so that 65-and-over Americans can do needed work and earn more money. It would be even better to remove entirely the limitations on earnings by those who are receiving Social Security.

Remove the Inequities

Texas Sen. John Tower has introduced two bills in the Senate to make much needed changes in the Social Security law.

One of the bills would give the 65-and-over person who continues to work the choice of paying no further Social Security taxes or of paying the taxes and allowing them to earn additional Social Security credit.

Tower points out it is obviously unfair for the person eligible for SS benefits, but who continues to work, to be forced to pay taxes on the money he earns.

Indeed it is unfair and this injustice should be remedied.

But just as unfair, if not more so, is the Social Security provision which permits a person eligible for benefits to earn only $1,680 before a reduction in benefits is applied. Tower has also introduced a bill to raise this low ceiling on earnings to $3,000 a year.

This is by no means the only effort which has been made in Congress to remove this inequity in the Social Security system. For instance, Dallas Rep. Jim Collins over two years ago introduced a bill in the House to raise to $4,000 the maximum which a recipient can earn before his SS benefits can be reduced.

In these times of high living costs, the $4,000 figure is even more realistic than Tower's $3,000, through undoubtedly the Texas senator set that figure because he feels he has a better chance of getting Congress to accept it.

The very low maximum now allowed on earnings works a painful hardship on those who reach normal retirement age of 65 and have only their Social Security benefits for retirement income.

The fact is, the benefits now, with the ravages of inflation, do not provide nearly enough for even comfortable living. Thus many oldsters must continue to earn a substantial supplemental income after their so-called retirement or live at a poverty level.

In all fairness and justice to the elder citizens of the nation who have made a productive contribution during their working years, Congress should delay no longer in removing these inequities which deprive them of the rewards to which they are justly entitled.

INDUSTRIAL GROWTH AND ENVIRONMENTAL PROTECTION

Mr. TALMADGE. Mr. President, in a time of mounting concern over problems of pollution, much has been said and written about the conflicts that arise from time to time between economic development and environmental protection. Such conflicts are unfortunate, because an expanding economy and a healthy environment are both vital to the welfare of our people.

It is heartening, therefore, to see examples of industrial development that take place in harmony with the protection of the environment. The September issue of Economic Development, a publication of the Economic Development Administration of the U.S. Department of Commerce, reports on such an example in my own State of Georgia.

The publication contains an article describing the economic benefits—including hundreds of new jobs—which have resulted from the location of a modern paper mill in a largely rural area of coastal Georgia. The mill, operated by Interstate Paper Corp. at Riceboro, Ga., is estimated to have a $50 million annual impact on the coastal region of Georgia. Yet this economic boost has not come at the expense of the environment of the area. The article points out that the system for treating mill waste developed by Interstate probably is the most advanced in the Nation and serves as a demonstration model for the pulp and paper industry under auspices of the Federal Environmental Protection Agency.

There is a further noteworthy fact about this mill. Because the area in which the company chose to locate was, in 1966, an area of high unemployment, it qualified for an EDA loan in the amount of $6 million. I am happy to report that the loan is being repaid with interest on schedule.

Mr. President, I am proud of the recognition the EDA has gvien this outstanding industrial citizen of our State. I ask unanimous consent that the article be printed in the Record as proof that industrial growth and environmental protection can coexist side by side.

There being no objection, the article was ordered to be printed in the Record, as follows:

Georgia Papermill Makes Economic Growth a Partner in Protecting the Environment

CLEAN WATER

The late morning sun was hot and bright, casting an intense glare over the green, pinewoods countryside of coastal Georgia. Through the tall grass trudged a burly, heavily tanned man, his back to the water. He held a fishing rod in one hand and a string of hefty bass in the other.

"It took me less than an hour to catch these. Last week I came out and caught pretty near a washtubful in no time at all."

He stopped and turned toward the water. "There's a lot of fish in there. It's the best piece of freshwater fishing round these parts."

He was referring to a 650-acre manmade lake that serves as the third and final stage of a waste-treatment system for a papermill located off U.S. 17 near the little town of Riceboro.

The "lake" has a mean depth of 4 feet and a shoreline of about 5 miles. It is the largest waste-treatment facility of its kind in the Southeast.

The mill has been in operation for about 3½ years. During this time, more than 250 scientists, engineers, technicians, and members of the pulp and paper industry have come to inspect the site—particularly those facilities used in the treatment of industrial waste water.

"I don't think we're up with the best of them when it comes to cleaning the water we use. We *are* the best," declares Edward L. Hart, Jr., utilities manager at the plant.

He is speaking for the Interstate Paper Corporation, which began producing unbleached kraft linerboard in March 1968 for use in the manufacture of corrugated containers.

The first American papermill was established in 1690.

Rags and linen were the chief materials from which paper was made. By the mid-20th century, however, more than 90 percent of paper making fibers were derived from wood pulp.

The production of paper requires water—many million gallons of it each day at each plant. The papermaking process pollutes rivers and streams severely if mill effluent is not properly treated.

Scientists and environmentalists rank paper manufacturers among leading industrial polluters.

However, the trade publication, Pulp & Paper, reports that "expenditures for environmental controls are climbing rapidly and constitute a major, unprecedented financial and engineering effort."

A major innovator in the effective treatment of waste water has been the Interstate Paper Corporation, which operates a mill in rural coastal Georgia.

Paper isn't the only product at Interstate. The company has come up with some new answers to longstanding environmental and conservation problems . . . problems that extend well beyond the boundaries of the pulp and paper industry.

Interstate's $27-million plant has been in production for fewer than 4 years. But during this period, the company's concern for economic progress has moved in tandem with its concern for environmental protection—demonstrating that "growth" need not be anathema to a naturalist and that "environment" need not be a stoplight to an industrialist.

The Interstate facilities were constructed and equipped with the aid of a $6-million business loan from the Economic Development Administration.

Interstate Paper is a subsidiary of the Interstate Container Corporation, which has headquarters in New York City and is the largest producer of corrugated containers in the Northeast. Most of the linerboard produced at Riceboro is shipped to the parent firm's container plants.

Riceboro, located in rural Liberty County, is about 35 miles south of Savannah and 50 miles north of Brunswick—Georgia's major coastal cities and centers for industry, trade, and shipping.

The total cost of preparing the site and constructing and equipping the Interstate mill was $27 million. The project was financed in part with a $6-million business loan approved by the Economic Development Administration in mid-1966.

Various phases in the treatment of waste water at the Riceboro plant have been viewed as a prototype, a research and development center, and an example to industry.

Interstate Paper was the first in the industry to develop and apply color-removal techniques to waste water. These color-removal facilities serve as a demonstration model in water-pollution control for the Environmental Protection Agency.

The Interstate color-removal process represents a significant technological advance. Some scientists believe that when color in paper mill effluent is allowed to enter a stream, it hinders the natural process of photosynthesis—a process essential to plant and animal life. There is also a suspicion that the color bodies themselves can cause direct harm to aquatic life.

What is certain, however, is that the color-removal process also preconditions the effluent for more effluent application of the later stages of the Interstate waste-treatment process.

The waste-treatment process at Interstate consists basicall of three steps:

(1) Color removal—Waste from the mill is mixed with hydrated lime (lime chemically combined with water). The lime interacts with the color in the waste water or effluent; coagulation results, forming minute particles of color.

(2) Primary treatment—After coagulation takes place in the color-removal process, the effluent flows into a settling tank called a clarifier, where the color particles and sludge (consisting of other waste solids) settle. At this stage, the solid wastes are removed and pumped into two 20-acre lagoons for drying and storage.

(3) Secondary treatment—Clear overflow from the primary clarifier is channeled into the 650-acre stabilization lake. This is also referred to as an oxidation lake, because sufficient oxygen must reenter the effluent to transform it and make biological stabilization possible, that is, to make the water "whole" or biologically complete again, the way it was before it was used for the manufacture of paper.

(Waste is an oxygen-demanding substance, and when it is uncontrolled it takes from the water the oxygen needed to sustain fish and other forms of aquatic life. But if the proper amount of oxygen is returned to the water, two things happen: The waste is literally consumed by certain types of bacteria, and a natural life-supporting cycle is restored to the water.)

The effluent is stored in the lake for at least 90 days to allow for complete reoxygenization and biological stabilization before release into the receiving stream.

Interstate's waste-treatment process has proved so effective that treated effluent from the mill appears clearer to the eye than the water of the receiving stream—Riceboro Creek—a narrow tributary that flows into the North Newport River less than a mile from the stabilization lake.

The North Newport empties into St. Catherine's Sound off the Georgia coast below the millsite, a distance of less than 25 miles.

The Georgia Water Quality Control Board placed unprecedentedly high standards on the company when it granted a permit in 1966 to construct the mill. The action was taken to protect the marine life in the tidal waters of the North Newport River and St. Catherine's Sound.

Howard D. Epstein, president of Interstate Paper, assured the Water Board that year:

"Our performance and history will indicate to you that when we locate in a community we are there for the long haul. . . . We expect to remain in Riceboro for our lifetime. Our company is entirely in sympathy with the aims of your board. . . .

"At the beginning of this project, I instructed our own employees, our engineering firm, and our consultants that when designing the system for the treatment of our wastes, they observe not only the letter of the laws of Georgia and the community, but the spirit of the law as well."

The University of Georgia Marine Institute at Sapelo Island recently concluded a study that indicates that Interstate's treated effluent has no adverse effect on the shrimp, oysters, and other forms of marine life in St. Catherine's Sound and neighboring estuarine waters.

The U.S. Geological Survey also participated in the study, which was jointly sponsored by the Georgia Water Quality Control Board and Interstate Paper.

On another level, the Environmental Protection Agency (EPA) reports that "an important feature" at Interstate has been "the steps taken to reduce fresh-water usage and water losses."

The EPA report, made last year, indicates that Interstate's process-water requirements—exclusive of cooling water—averaged about 9,800 gallons per ton of linerboard produced.

The industry average is about 25,000 gallons per ton of production, according to EPA.

Although the rated capacity of the Interstate plant is 400 tons per day, production averages 500 tons per day or 185,000 tons per year.

Water for processing comes from three underground wells. About 8 million gallons of water—including what is needed for cooling—are drawn daily.

Interstate hopes eventually to be able to recycle completely its processing water for continuous use at the mill.

All things considered, however, the 650-acre stabilization lake attracts the greatest attention from outsiders because the notion that game fish can thrive in a waste treatment facility seems to border on the surreal.

But thrive they do, thanks to the high quality of the water.

Soon after the mill facilities were constructed, the lake was stocked with bass and sunfish—perhaps the best known of America's fresh-water sport fish. They have grown quickly and multiplied, providing a popular source of recreation for plant employees.

The lake area, which fits naturally into the lush Georgia landscape, even doubles as a wildlife preserve.

A wide variety of water birds, including ducks, geese, egrets, and cranes, are common sights.

"A fish factory. That's what that lake is," says Ed Hart, Interstate's utilities manager. "We don't lower the level to the point where it might endanger the fish."

He recalls that the very first people to eat fish out of the lake were Interstate officials. The fish were served in the plant cafeteria.

"Nobody died," he laughs. "Fact is, everybody enjoyed his meal. This was our way of showing what we were doing and how well we were doing it. And we wanted to make sure it was okay to fish that lake."

GOOD JOBS

William J. Verross is a big, plain-spoken man who views administration as an "evil necessity" as he goes about his job in shirt-sleeves at the Interstate mill outside Riceboro.

He is vice president of Interstate Paper and general manager of the mill.

Because of his position, he performs many different functions—from serving on the county hospital board to addressing Russian scientists and engineers on how the mill's waste-treatment system works.

His real pride, however, is his work force. Bill Verross avoids use of the phrase "top management." He calls it misleading.

Verross considers every man at every level as pretty much his own supervisor.

Robot-type jobs don't exist at Interstate, he says, "because that's what automation is for."

How many unskilled or semiskilled jobs are there in the mill?

"None," replies Verross.

None?

"Not a one," he emphasizes. "We've got no faithful old joes here. Nobody is locked into a position of pushing a broom. . . . Everyone in this plant is trained for a higher level job, and he moves into it as soon as it opens up. Every job in this plant has to be filled by a man who can think on his own."

Pride appears to be a ready commodity at Interstate, as reflected by the high morale and low employee turnover.

Interstate Paper employs 290 persons. The annual payroll is $3 million. The mill also has helped create an additional 250 indirect jobs, including about 40 in an independent sawmill operation, Knox Wood Products, located within the Interstate mill complex.

Interstate Paper owns no timberland. The plant is the only one of its kind in Georgia and one of the few in the Nation that must rely entirely on private landowners for its supply of pulpwood.

About 1,100 timberland owners in 40 counties furnish Interstate with 285,000 cords of pulpwood annually.

The mill complex includes equipment to grind logs into chips; facilities to digest the chips into pulp; and 11-story boiler power plant; a 5-story machine room where the pulp is processed into paper; a bark-burning "teepee"; office, maintenance, and woodyard buildings, and waste-treatment facilities.

Wood is transported to the mill by rail (the Seaboard Coast Line) and truck.

When the logs reach the Interstate woodyard, they are reduced to chips. Then they are moved from a chip pile to four digesters (the so-called stomach of the papermill) where the chips are cooked with chemicals into pulp.

The pulp is guided through a series of washers, screens, and refiners before reaching the machine room, where a 450-foot-long linerboard machine is housed.

The pulp is 99 percent water when it enters this paper-making machine. The mixture is dried out as it is conveyed through the machine on a wire screen called a "fourdrinier" (named after the inventor of the process). The screen can move at a maximum speed of 2,000 feet per minute—about 500 feet faster than the industry average.

At the far end of the machine, the paper is dried on heated rotating drums. Interstate's finished product is brown kraft linerboard. "Kraft," a German word meaning "strength," refers to both the method of processing and the high strength of the product.

The linerboard is ready for shipment in rolls to Interstate Container Corporation plants in the Northeast, where it will be used for the stiff inner and outer sides of corrugated boxes.

(The Acorn Corrugated Box Company of Chicago and the United Container Corporation of Philadelphia also are stockholders in Interstate Paper and customers of the mill.)

All told, the Interstate mill generates about $50 million annually in economic activity throughout coastal Georgia.

RESOURCE CONSERVATION

In a State that leads the Nation in the production of pulpwood and paper, the efficient use and conservation of timberland is of major concern to the Interstate Paper Corporation.

The company is the first in the industry to develop and apply a process to convert long-dead yellow pine stumpwood into paper.

This stumpwood is first used by Hercules, Inc., of Brunswick, Georgia. Hercules purchases the stumpwood within a four-State area: Georgia, the Carolinas, and Florida.

After extracting resins, turpentine, and pine chemicals, Hercules provides Interstate with round-the-clock truck shipments of shredded wood fiber remaining from these stumps of yellow pine trees. Some of the trees were cut well over a century ago in an era when yellow pine was common in the Southeast.

Interstate also utilizes another form of reclaimed fiber—wood fiber bundles that are rejected by ITT Rayonier of Jessup, Georgia, because of knots and imperfections in trees unfit for the production of chemical cellulose.

Because Interstate finds that both stumpwood and wood fiber bundles are suitable for its needs, almost one-fourth of the linerboard now produced at the mill is made from these rejects.

The company expects to receive about 135,000 tons of reclaimed fiber annually from Hercules and ITT Rayonier. This would replace 100,000 cords per year of pulpwood cut from the living forests, or the equivalent of the average annual growth from 200,000 acres of timberland.

Stumpwood from Hercules soon will supply about 30 percent of Interstate's annual fiber needs. ITT Rayonier will supply an additional 3 to 5 percent.

Both types of reclaimed fibers are mixed with green pine chips before entering the Interstate pulpmill.

No further processing is necessary for the ITT Rayonier fibers, which are mixed at random with green chips at the Interstate woodyard and processed into linerboard.

But the Hercules stumpwood must undergo an extensive washing process developed by Interstate to remove sand, rocks, and other foreign matter before being mixed at a controlled ratio with green chips and introduced into the pulping system.

Discovery of stumpwood as a new source for the production of paper was revealed in the spring of 1970 by Interstate. However, several months were required to develop and refine the equipment to handle and process the material.

Interstate has invested about $600,000 in the design and construction of the stumpwood handling system.

The use of reclaimed fiber in the production of linerboard represents much more than a technological breakthrough. It reflects a conscientious effort to conserve forest resources.

Reforestation is another aspect of this effort at Interstate Paper.

The company provides technical assistance and heavy equipment on a contract basis to wood suppliers in the Interstate procurement area, which includes all of coastal Georgia.

Interstate began its reforestation activities in 1969 with an investment of $200,000 in heavy equipment for the clearing, site preparation, and replanting of cutover woodlands under the supervision of trained foresters.

Landowners are charged cost, which generally varies from $35 to $75 per acre.

Over the last two planting seasons, more than 8,000 acres have been planted with slash pine seedlings. Slash pine, which flourishes in marshland regions, is the backbone of the paper industry in Georgia and other parts of the Southeast.

The acceptance by landowners of the Interstate reforestation program is increasing. This is a major objective of the company. The concept of "enlightened self-interest" is taking on growing importance in the business world.

The term suggests that the strength of American business in the seventies and beyond will parallel the health of American society.

It also suggests, as Interstate Paper has been demonstrating, that economic progress cannot be isolated from social progress. Each supports the other, and "environment"—natural and manmade, rural and urban—is an integral part of both.

ILLINOIS FARMERS STILL HURT BY GULF PORTS STRIKE

Mr. PERCY. Mr. President, responding to the threat to national health and safety brought on by the strike of west coast and Great Lakes ports, the President on Wednesday decided to seek an 80-day injunction under the Taft-Hartley Act.

In my remarks to the Senate early Wednesday, prior to the President's action, urging that the Taft-Hartley cooling-off period be invoked, I focused specifically on the disastrous effects the dock strike has had on farmers throughout the Midwest, and in Illinois in particular. The situation is exacerbated by the fact that the strike has hit at the worst possible moment—in the midst of the fall harvest. Unless farm commodities can move to distant and foreign markets, the record harvest now being experienced will be for naught. Why must the farmer consistently bear the brunt of circumstances over which he has no control?

Sadly, at least for the Illinois farmer, the situation that existed prior to Wednesday's injunction has hardly changed. Much of the produce from Illinois and other Midwest farms moves southward to gulf coast ports for ultimate shipment abroad. Without an end to the stoppage at those ports, these farmers will experience irreparable harm. Derivatively, continuance of the strike threatens the national health and safety and imperils our Nation's economy.

The vitality of our economy and of the farm community in our Nation's heartland must take precedence over the narrow interests of strikers, shippers, and carriers. Economic collapse for these farmers as a result of their goods being unable to reach market must be avoided at all costs. I urge President Nixon to take immediate steps to invoke Taft-Hartley procedures to correct this rapidly deteriorating situation as a result of the gulf ports strike. Such action would be entirely consistent with the President's economic program, announced last night, to control inflation, restore our competitiveness in international trade, and substantially improve our balance of trade.

LET SOVIET CITIZENS EMIGRATE

Mr. HUMPHREY. Mr. President, I invite the attention of the Senate to an extremely sensitive, powerful appeal published in the New York Times. It was written by Andrei D. Sakharov, a respected Soviet academician and member of the Committee of the Rights of Man. Mr. Sakharov had the courage to make an open appeal before the Supreme Soviet on behalf of Jews and other nationalities who have for so many years been desirous of emigrating from their native country. Mr. President, I ask unanimous consent that the appeal be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LET SOVIET CITIZENS EMIGRATE

(By Andrei D. Sakharov)

MOSCOW.—The trials of recent months have once again reminded us of the tragic conflicts faced by Soviet citizens who wish to emigrate and resettle in another country as well as the legal, social, psychological and political aspects of this problem.

Soviet citizens, both Jews and those of other nationalities—Russians, Ukrainians, Germans, Armenians, Lithuanians, Latvians, Estonians, Meskhi Turks and others—who have sought to leave for personal, ethnic and other reasons, have found their lives transformed into constant torture by years of expectation only to receive unjustified refusals.

There is another side to this problem. Concern can only be caused by the date of those who, having lost hope of satisfying their aspirations within the framework of the law, decided to break the law in one way or another.

Many of these people have been sentenced to long terms of detention in camps or prisons or have been doomed to the horror of forced psychiatric treatment in such strict-regimen hospitals as the Dnepropetrovsk special psychiatric hospital and others.

The attempts made by these citizens, prompted by extreme necessity, have for the most part been categorized by the courts as betrayal of the motherland, and have resulted in most severe punishment.

In December, 1970, the world was stunned by the sentences in the so-called Leningrad case about an attempted hijacking. Two death sentences were commuted by an appeals court, but the extent of public punishment remained exceptionally strict for the sentenced. In May, 1971, a Lithuanian, Sim Kudirka, whose only guilt was an attempt to remain abroad during a voyage overseas, was sentenced to ten years detention by a court in Vilna. He was able to jump onto an American warship, but was returned and sentenced for "betrayal of the motherland."

Finally there is yet another side to the problem. Persons attempting to leave, usually without success, find themselves in doing so in the position of second-class citizens with regard to retaining a number of their rights—because of prejudices, traditions and conformism in our society.

This involves the opportunity of continuing with one's studies or with one's job, and may even result in judicial prosecution. The recent trials of Palatnik in Odessa and Kakut in Sverdlovsk are, in my opinion, examples of such preconceived and obviously unjust approaches.

Commenting on the above aspects of the problem as a whole, I would like to stress that a humane and just solution would be highly important to further democratization of our country, for the final overcoming of our international isolation, for an exchange of people and ideas and for the defense of the rights of man—that primary and basic value of a socio-political system.

The freedom to emigrate, which only a small number of people would in fact use, is an essential condition of spiritual freedom. A free country cannot resemble a cage, even if it is gilded and supplied with material things.

Respected members of the Supreme Soviet, I appeal to you, I appeal to anyone who wants the citizens of this country to be truly free, to contribute in every way possible to a solution of these problems. In particular, I appeal to you personally to take the initiative in the following:

It is essential to adopt legislation that would resolve the problem of emigration in a democratic spirit so that anyone who desires to leave the country will be given the opportunity to do so and, if he then changes his mind, to return home without hindrance. This would be in keeping with the rights of man that are universally acknowledged.

Further, it is essential that the section of the criminal code on high treason be amended so that it will no longer be interpreted as broadly as has been evident in recent trial practice.

It is essential to grant an amnesty to all citizens sentenced in connection with attempts to leave the country and to release those who, for the same reason, are being subjected to forced treatment in special psychiatric hospitals.

Mr. HUMPHREY. Mr. President, to us, the right to emigrate is fundamental to the basic human freedoms which this Republic was designed to insure. No human right, yet alone the right to emigrate, is fundamental to Soviet leaders. For me there is no personal risk, such as there is with Mr. Sakharov, to decry the absence of freedom within the Soviet Union. But there is an obligation to speak out on behalf of Jews and other nationality groups now living within the Soviet Union under extremely adverse circumstances.

I have joined other Senators in submitting a resolution which calls attention to this matter, particularly with respect to the plight of Soviet Jewry. I urge the Senate and the President to consider the resolution and act upon it quickly. Not doing so would condemn this body to the accusation of human neglect.

JOBS-FOR-EX-OFFENDERS PROGRAM

Mr. PERCY. Mr. President, crime in our society is not a novel problem. It has existed as a part of human nature from the time of Cain. Yet, as statistics amply indicate, crime has been rising at a rate much faster than the growth rate of our population. One of the major reasons for this fact is the major impact of recidivism. People caught, convicted, and punished for the commission of crimes come out from behind the prison walls and commit more crimes, sometimes crimes more violent than those for which they were originally incarcerated. This is costly to society, not only in terms of dollars and cents, but also in terms of the fear it creates in the society at large.

Every time we try a person for a crime, it costs a great deal of money. If the individual is subsequently incarcerated, it costs a great deal more money. And the only return on our investment is usually a person who will within a very short time be going through the same routine again.

What is needed are innovative programs which will take a person out of the revolving door of crime-punishment-release-crime. Such a program has been developed by a private consulting firm from Chicago, Palmer-Paulson Associates, Inc.

The jobs-for-ex-offenders program is an experimental project that works with individual convicts on a 1-to-1 basis, counsels them, and finds them opportunities for employment once they are released from prison.

Talk to almost any inmate about to be released, and one of his biggest concerns is finding a job. If no job is available, then too often he will return to a life of crime. The jobs-for-ex-offenders programs is offering ex-cons an alternative.

It is giving them a chance to make it in the "straight" world. And this offer might well be the difference between an ex-con's staying out of trouble, and his going back to prison.

The results from this project are not yet complete, but statistics based on similar projects augur well for its success. Treating prisoners like animals leads only to embittered people anxious for revenge. Treating inmates like human beings and offering them a chance to rehabilitate themselves offers the hope that both the individual and the society will benefit.

Mr. President, I ask unanimous consent that an article from the Christian Science Monitor of September 22, which describes the jobs-for-ex-offenders program, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Job for Andy Beats Prison

(By Merelice K. England)

Chicago.—Andy, a husky congenial-looking young black with short hair and a budding moustache, was in his early teens when he first went to prison.

He got three months for larceny and was released.

But Andy went back.

His second term was five years for breaking and entering. He served all five years and was released.

But he went back again.

Now he is on parole from a five-year term for passing forged checks.

This time he might make it.

Recidivism is the word used to describe the common misfortune of "once a criminal, always a criminal." And recidivism, or sending ex-offenders back to prison, is costly to taxpayers—more costly than the "Jobs-for-Ex-Offenders" program that now might keep Andy on "the outside."

ABOUT $100,000 SAVINGS SEEN

Some penologists calculate that keeping an ex-offender on a job and out of jail saves a conservative estimate of $100,000—including police apprehension, court costs, attorney fees, investigations, welfare for the prisoner's dependents, and incarceration.

A job-placement program such as the one Andy is in, however, is not always popular with those who complain about "coddling" criminals. Another ex-offender, William Jahn, now works with the job-placement program. He helps develop training and educational courses for prison inmates. (At the request of Andy and Mr. Jahn, their real names are not being used.)

In a small measure, Mr. Jahn has found, the Jobs-for-Ex-Offenders program rouses the same diverse emotions as does the recent tragic rebellion at Attica state prison: a sense of urgency for prison reform vs. a stern approach to punishing prisoners.

When Mr. Jahn talks about the job program in public, he consistently emphasizes how, in the long run, such rehabilitation saves taxpayers' money. In private, he explains matter-of-factly that he gets more response by appealing this way to the self-interest of taxpayers rather than to some humanitarian interest in prison reform.

MORE THAN A HANDSHAKE

Now, in addition to the usual suit of clothes, $15 and a well-wishing, you're-on-your-own handshake, Andy was paroled knowing he had a job.

"The first 30 to 90 days after release are real critical," says Mr. Jahn. "Especially if someone's been in a long time and things have changed a lot."

Andy is an auto repairman and has been out six months now. He lives in North Carolina, the first state to experiment with the Jobs-for-Ex-Offenders program, as devised by a private consultant firm, Palmer-Paulson Associates, Inc., whose home office is in Chicago. Some 200 North Carolina ex-prisoners have been placed in jobs this year.

Indiana and Maine are the next two states slated for the program, to place 350 and 400 ex-offenders, respectively. And Oregon is "in the works."

The job-placement program is funded through the Law Enforcement Assistance Administration of the Department of Justice, a result of crime-in-the-streets legislation passed by Congress in 1968.

STATE TAKEOVER PLANNED

The LEAA furnishes funds that are matched locally and thus acts as a partner to states, cities, and counties that want to improve their criminal-justice systems.

Initially, Palmer-Paulson works with the corrections officers in a state. Eventually the state's own corrections department or employment department will run the program independently. But the private firm brings with it a wealth of business contacts throughout the nation derived from some 35 years of serving more than 35,000 companies.

Each Job-for-Ex-Offenders program is tailored to suit the locality and the individual prisoner. Some activities that might be included in a job-placement program are:

One-to-one counseling with a prisoner before and after release.

Working with parole, probation, and correction officers to coordinate services, open lines of communication, and set up workshops and discussion groups.

Making business contacts to ferret out jobs for ex-offenders and determine what training is needed to fill the jobs.

While programs such as the Jobs-for-Ex-Offenders can't guarantee there'll be no more Atticas, several penologists hope it can keep more Andys from spending a lifetime in jail with what they term the unsalvageable criminal.

THE WORK OF SENATOR ELLENDER

Mr. COOPER. Mr. President, I am proud to join my colleagues and all those who are taking this occasion to recognize the work and contribution of Senator ELLENDER, who has served so faithfully and effectively for years—longer than any other in the history of the Senate—as chairman of the Committee on Agriculture and Forestry, as chairman of the Appropriations Subcommittee on Public Works, and who now serves as chairman of the full Committee on Appropriations and as President pro tempore of the Senate.

I have known the work of Senator ELLENDER in the field of agriculture from my years as a member of the Committee on Agriculture. His guiding influence on agricultural programs extends over more than a quarter of a century. It has always been exercised with knowledge and experience to protect the position of the family farm, often during periods of change and transition, and to maintain the values of rural life which have played such an important part in our national character.

In recent years, less attention has been given to "the farm problem," and the needs of rural areas seem to have less appeal than when Senator ELLENDER first tackled them. In part this may be because the programs are working better than they did at one time, and because of his work. I certainly recall the years in which "the farm problem" was considered intractable, if not insoluble.

Senator ELLENDER never gave up. With patience and determination he applied himself, and led the committee in its efforts to work for better solutions—not only for farmers, but to assure the people of this country food and fiber at fair prices, always keeping in mind as well the integrity of Federal programs, their cost, and their relationship to the total Federal effort in the national economy.

I am glad, too, to speak of the water resource and public works programs which have been Senator ELLENDER's work for many years—and to speak not only from my knowledge of flood control and navigation projects in Kentucky, and the great projects which affect my State such as the development of the Ohio River, but also about his work in the development of the Nation's resources. As the ranking minority member of the Senate Committee on Public Works which authorizes these dams and locks, local flood protection facilities and other projects, river and harbor projects, and as a member ex officio of Senator ELLENDER's Appropriations Subcommittee, I have had an opportunity to see at first hand his leadership and hard work for the Nation.

Although those of us who work in this field know it so very well, I think it is perhaps not widely recognized that this task represents an enormous body of work. It has been pursued by Senator ELLENDER with continuity and devotion year after year. His dependable work and consistent attention have been a source of strength to these programs, to the agencies and administrations involved, and to all of us in the Congress. Senator ELLENDER, and the staff which he has utilized in this work, have given every agency, administration, and Member of Congress involved a rock to which to tie. The Members of the Senate rely with confidence on his work and his integrity of judgment in this vast field.

Each of us can give examples, and the list of accomplishments to which Senator ELLENDER could point would be a very long one. I will not say that any great dam, or navigation system, or even any water resources program, could be a monument to his efforts. Far more important and significant, it seems to me, is the way Senator ELLENDER has pursued the work he has undertaken—with determination in securing the facts, persistence in probing for answers, insistence upon economy, unwavering patience, and constant courtesy.

We are all confronted with the phenomenon of increasing diversity in the Nation, of rapid social change and growth, reflected especially in recent years in a multitude of Federal programs. We now have a national government of perplexing scope—with programs not only of great size but often intricate, and having profound influence and impact, even in their details of execution, on the life of our citizens. At times some of these vast programs became difficult even for Members of Congress to follow, although we have committees which try to divide the work and Members who become expert in each field. I must say that it has been the work of Senator ELLENDER, and other Members who share his devotion, which gives us assurance. He has kept before us an example that these large and difficult problems can be met, that individual judgment, wisdom, and experience can still prevail, and that they can have value beyond decisions by consensus or merely by the inertia or flow of events.

I want to speak especially of the human qualities which I judge so significant in Senator ELLENDER's work. I have spoken of his diligence, but it may be little known outside this Chamber that each year, and year after year, he has sat morning and afternoon, day after day, listening to those who come before his committees—each of the witnesses presenting problems of great importance to them.

Senator ELLENDER not only listens. He takes an interest. He understands the issues—and he follows through. The questions raised at these hearings are later directed to the responsible agency—for Senator ELLENDER insists upon answers and upon making a record to which Members of this body, or any interested person, can direct an appeal.

Time and again I have seen the senior Senator from Louisiana pursue an issue—one which I believe his own intuition and experience may lead him to question. But in the interest of fairness and objectivity he will secure the facts, and reserve his own judgment until the facts are in—or reserve his own judgment in order to lay the problem before the committee or before the Senate.

All of us know the variety of witnesses and testimony introduced at hearings. It would not be hard to say to some of those who come long distances, "We know all about the problem," or "We have heard experts, we recall this situation from last year and the year before," or "You do not have a very good case, and the question has already been decided." Senator ELLENDER, on the contrary, insures that every person or group has the opportunity to make their case. I have often seen him do so even when the subject has not yet reached the jurisdiction of his committee, or the point raised may lie more directly before a different forum. I have seen great agencies of Government, and projects already far advanced through established procedures, questioned or even stopped by a single individual—perhaps a farmer living on the banks of that river—because Senator ELLENDER believed that an individual judgment is worthy of consideration. It is his kind of work that keeps our faith in the democratic process.

His kind of work—the due process, the consideration of the views of every witness—makes the Senate a worthwhile body. It is the kind of work that inspires us all—not in the glow of a colorful stroke, but by the steady, conscientious, and intelligent effort which some may look upon as drudgery, but which is so necessary and in fact essential in the life of good government, as well as in our individual lives.

I would say further that Senator ELLENDER has striven fearlessly for economy in Government. He has practiced it faithfully in the management of the committees on which he has served as chairman, and he challenges other committees of the Senate, and the Senate, to give an example of economy in their work to the people of our country.

I have also served for several years as a member of the Senate Committee on Foreign Relations, and have been deeply interested in our relations with other nations during my entire service in the Senate. Senator ELLENDER has made his own study of these problems, and year after year has reported to the Senate the results of his investigations. His extensive travels for the Appropriations Committee have been primarily undertaken in the interest of saving money for our people, spent in the field of foreign relations.

He has done more. As a result of his investigations, Senator ELLENDER has each year recommended to the Senate important new directions and initiatives in foreign policy. His main efforts have been to reduce the danger of war and move toward better, peaceful relations with other countries. He has been a prophet in this field, for many of his recommendations are now being followed by the Congress and the administration.

Senator ELLENDER has made a great contribution. We know he will continue to do so. It is a contribution to the Senate and to the Congress. It is a contribution to the balance between the branches of Government. It is a contribution to the democratic process. And it is a legacy to the people of this Nation.

Senator ELLENDER has never forgotten the needs of the people of Louisiana and has worked faithfully for them. He is also a leader for the Nation—a good man, and a great man.

Mr. President, I have not given specific examples of the work of Senator ELLENDER, including the great navigation systems, water resource projects, and other public works, because I preferred to speak of his qualities and character, and the way that character has shaped his work for the country's benefit. I ask unanimous consent that there be included in the RECORD at this point a "Record of Accomplishment for the Nation," a statement which I have prepared paying tribute to Senator ELLENDER for his work bringing great benefits to the Ohio River Valley, and a telegram from the Ohio Valley Improvement Association on the occasion of his 81st birthday.

There being no objection, the two statements and the message were ordered to be printed in the RECORD:

A RECORD OF ACCOMPLISHMENT FOR THE NATION

For sixteen years, from 1955 to 1971, Allen Ellender served as chairman of the Subcommittee on Public Works of the Senate Committee on Appropriations. During this time, under his leadership, extensive water resource projects were constructed in every major river basin in the country for navigation, flood control, water supply, power, and irrigation.

To name just a few of the principal river systems will demonstrate the breadth of influence he has exerted.

In the Mississippi River System, during this period, we find the extension of navigation in the upper river to Minneapolis and St. Paul; modernization of the Calumet-Sag Waterway connecting the Mississippi River System with the Great Lakes; the redevolpment of the Ohio River navigation system by replacing the existing 49 small locks and dams with 19 large modern structures; extension of navigation on the Missouri River to Omaha; initiation of the Kaskaskia River project which will open up extensive coal fields in southern Illinois; the initiation and completion of the Arkansas River development which brings navigation up to Tulsa, Oklahoma; and construction of alternate facilities at the most congested section of the Gulf Intracoastal Waterway.

During this same time, flood control storage in the reservoirs constructed in the Mississippi River drainage system is capable of holding back sufficient water to cover the entire States of Arkansas, Louisiana, Mississippi, and Rhode Island to a depth of one foot. These reservoirs also provide storage for low-flow regulation. For example, during one dry period one-half of the flow of the Ohio River past Cincinnati came from the release of fresh water from upstream reservoirs. This was a major factor in diluting the pollution in the streams from farm and undeveloped lands. In addition, large blocks of storage are reserved for water supply, and recreation has become an important function of the lakes created by the dams.

During this period, similar developments have been undertaken along the Atlantic coast including major navigation improvements at Portland Harbor, Maine; New York Harbor; the Delaware River above and below Philadelphia; Baltimore Harbor; Norfolk Harbor; Wilmington, North Carolina; Savannah River, Georgia; Jacksonville, Port Everglades, and Miami Harbors, Florida. Major flood control and multiple purpose reservoirs have been constructed in the Merrimack and Connecticut River Basins of New England, Susquehanna and Roanoke Basins in the mid-Atlantic Region, the Yadkin-Pee Dee and Savannah River Basins, as well as the Central and Southern Florida water control projects in the South Atlantic.

Along the Gulf coast, major improvements include the Port of Tampa; comprehensive developments including power, flood control, navigation, water supply and recreation in the Alabama-Coosa, Tombigbee Basins in Alabama; the Chattahoochee in Alabama and Georgia; the Sabine River, Louisiana and Texas; and the Trinity, Brazos, and Colorado Rivers in Texas.

Major navigation improvements include the Mississippi Gulf Outlet in Louisiana; the Houston ship channel; Corpus Christi Harbor and the Port of Brownsville, Texas; and the development of many feeder channels for the Gulf Intracoastal Waterway.

Similarly, along the West Coast, major improvements which are a tribute to the vigorous support given this program by the Senior Senator from Louisiana include navigation improvements at San Diego, Los Angeles, Long Beach Harbor, San Francisco, Sacramento Deep Water Channel, Redwood City, Noyo Harbor, and Crescent City, California; Coos Bay, Tillamook Bay, and Portland Harbor, Oregon; and Seattle Harbor, Washington.

Flood control and multiple-purpose projects of very wide scope include Los Angeles County flood control, Sacramento-San Joaquin Drainage System, and Russian River Basins in California; and the great Columbia River Basin in Oregon and Washington.

In the Great Lakes Basin, improvements include the deepening of all connecting channels and major harbors, such as Duluth-Superior, Detroit, Monroe, Toledo, Buffalo, Cleveland, and Lorain—to name just a few—to accommodate the ocean-going vessels utilizing the St. Lawrence Seaway.

Many flood control projects were also built during the period that Allen Ellender was Chairman of the Subcommittee.

A large number of the projects, either completed or under construction today, would still be a dream had it not been for the long hours of interrogation of witnesses and study of the needs of the area. The information gained in this tedious process provided the basis for the Senator's recommendations for unbudgeted new starts and increased appropriations for going projects where budgeted amounts were not sufficient to maintain approved construction schedules.

Literally, it can be said that every section of the country is better off today as a result of the tireless efforts of Senator Ellender in providing the funds required to preserve and protect our two most precious resources—soil and water.

THE OHIO RIVER VALLEY

Mr. COOPER. Mr. President, I wish today to pay tribute to Senator Ellender as one person who, more than any other, has been the prime mover of what is perhaps the most productive public works programs in history—the reconstruction to modern dimensions of the navigation system of the Ohio River and its tributaries.

Just 20 years ago, the potential of the Ohio River navigation system, over 2,500 miles in extent and serving a region larger than France, lay dormant. The water-based prospects of this region were choked in an obsolete navigation system consisting of 46 antiquated low-lift locks and dams, adequate for their time but deteriorated and outmoded for the requirements of the second half of the 20th century.

The U.S. Army Corps of Engineers developed a concept whereby these 46 antiquated structures could be replaced by 19 new high-lift installations. Senator Ellender recognized the great possibilities of this plan. From his position as chairman of the Subcommittee on Public Works of the Senate Committee on Appropriations, Senator Ellender assumed the initiative in the provision of funds to get construction started, often in spite of adverse budgetary conditions. More than any other single individual, Senator Ellender has, through his initiative, maintained the impetus of the Ohio River modernization program.

Today, millions of people are living a better life, in no small measure as to consequence of Senator Ellender's foresight. When the construction program first got under way in 1954, the Ohio River was carrying less than 12 billion ton-miles of freight a year. Under this traffic load, several of the old locks were already operating close to capacity. In 1970, the river carried over 30 billion ton-miles of freight—most of it made possible by the new modern structures.

On the foundation of low-cost water transportation, Ohio Valley industries have flourished and grown. From 1950 to 1969, over 31.7 billion dollars has been invested in major new plant construction and expansion projects in counties bordering the Ohio River and its navigable tributaries. My own State of Kentucky, with 5.5 billion dollars of this investment, is second only to Pennsylvania among the Ohio Valley States in this river-based industrial expansion. Families in the valley communities now enjoy a more abundant life in an economy which benefits from the region's advanced water transportation system.

The completion of the Ohio River modernization program is now in sight. As the economy of the Ohio Valley expands into the dimensions of the final quarter of the century, it will be served by a navigable river system commensurate with the potential of its people and the promise of its resources.

The Ohio River is a tributary of the Mississippi. The huge fleets of freight-carrying vessels move in uninterrupted flow between the ports of Kentucky and the ports of Louisiana. The senior Senator from Louisiana might well be called the father of the new Ohio River system, and it is in terms of the highest respect and appreciation for his vision and leadership in the role, that I pay tribute here today to Senator ALLEN J. ELLENDER.

THE OHIO VALLEY
IMPROVEMENT ASSOCIATION,
September 24, 1971.

Senator JOHN SHERMAN COOPER,
U.S. Senate, Old Senate Office Building, Washington, D.C.:

Speaking as the voice of the extensive communities of the Ohio Valley, with respect to our water resources and with warmest appreciation for his many years of distinguished leadership, this association extends to Senator ALLEN J. ELLENDER heartiest congratulations and wishes him many years of health and prosperity that this Nation may continue to benefit from his vision and dedication.

HARRY M. MACK,
President.

EFFECT OF NEW ECONOMIC POLICY ON POOR COUNTRIES

Mr. JAVITS. Mr. President, the Overseas Development Council, a nongovernmental, nonprofit, and nonpartisan center for public education has published an excellent short survey entitled: "How Will Uncle Sam's New Economic Policy Affect the Poor Countries."

It is my understanding that the thoughts and concerns put forward in this study reflect a meeting held by the council attended by ranking administration officials, officials of international organizations, respected scholars, and some congressional aides.

The views put forward in this survey will be particularly germane as the Senate moves toward the consideration of the bilateral and multilateral assistance bills that should soon be on the Senate floor.

I ask unanimous consent that the survey be printed in the RECORD.

There being no objection, the survey was ordered to be printed in the RECORD, as follows:

[From the Communique on Development Issues, Overseas Development Council/No. 13]

HOW WILL UNCLE SAM'S NEW ECONOMIC POLICY AFFECT THE POOR COUNTRIES?

(By James W. Howe, Senior Fellow, Overseas Development Council)

(NOTE.—The world's poor countries were innocent victims of the NEP of August 15, which sideswiped them unintentionally. Its main purpose was to deal with trade among the industrialized countries and the less developed countries got caught in the crossfire. Actually, most U.S. and foreign experts believe that if the main purpose of the New Economic Policy is attained and if some of its potentially harmful side effects are avoided, the poor countries of the world, instead of being damaged, will reap substantial benefits in the long run.)

THE AUGUST 15 POLICY

The President's New Economic Policy, announced on August 15, did more than freeze prices and wages. On the international front its effects were equally dramatic. In one stroke it cut the U.S. and therefore the whole trading world loose from its moorings to the monetary system set up by the Bretton Woods Agreement at the close of World War II. Three of the things it did are of especial interest to the poor countries:

1. It dethroned gold by announcing the dollar would no longer be redeemed in gold, thus inducing most European countries and Japan to let the market decide the value of the dollar in their own markets. This may make their goods more expensive in the U.S. and U.S. goods cheaper in their markets.
2. It imposed a ten percent surcharge on many imports into the U.S.
3. It announced a 10% cut in aid.

Much has been written about these effects but little has been heard of the impact of the U.S. actions on the hundred odd poor countries in the world. What will its effects be on them?

Many believe the long-run effects of the NEP on the LDC's will be beneficial both as a result of improving the world's trading system in general and of steeping up LDC exports to a revived, full-employment U.S. economy. The short-run effects are something else. They arise from the tone rather than the substance of the U.S. statement. The overtones of economic nationalism—blaming international speculators and our own past generosity for our current predicament, together with the 10% cut in aid—may bring out the worst in the Congress at a critical time for developing countries. This fall both the U.S. bilateral aid program and major funding proposals for virtually all the international institutions are up for decision. Foremost among these proposals is President Nixon's request for a three year U.S. contribution of $960 million to the highly important International Development Agency (IDA)—the part of the World Bank that lends money to poor countries on easy terms.

The tone of the President's announcement may play directly into the hands of protectionist and isolationist sentiment on Capitol Hill. One Congressional aide remarked that economic jingoism has now been made respectable, with the chief target being the developing countries. He added: "the small valiant group of liberal internationalists will now have to battle even greater odds" as a result of that jingoism.

THE SURCHARGE ON IMPORTS

More immediately, the developing countries are being hit by the 10% surcharge on imports. A staff study by the Organization of American States, for example, estimates that over one-fourth of Latin American exports to the U.S. are affected. Understandably, the world's poor countries feel it is unfair that they are being penalized for a deficit in the U.S. balance of payments that they were in no way responsible for bringing about. Far better, they argue, for the U.S. to exempt the poor countries from the surcharge. Such a position would also be consistent with the Administration's declaration of support for preferences—i.e. the proposed system of setting lower tariffs on the import of manufactured goods from developing countries.

Whether these countries should be exempted from our import surcharge depends largely on timing: if the surcharge is temporary, as we maintain, there is no need for exemption. Indeed exemption, by making the surcharge more complex than the simple bargaining instrument that it now is, would, by implying an expectation of quasi-permanence, tend to transform it from a temporary measure in pursuit of monetary reforms to outright protectionism. The answer is clear: don't exempt the developing countries, but rather remove the surcharge quickly.

Of course, if the surcharge fails to bring about a reform of the monetary system—say, within six months—it would become a serious and unfair burden on the poor countries. Then there would be a convincing case for exemption.

CHANGES IN EXCHANGE RATES MAY HELP THE LDC'S

The developing countries will also be affected by changes that take place in the rates of exchange between the dollar and the currencies of Europe and Japan. The OAS staff study concluded that Latin America would probably not be better off as a result of exchange rate changes, and might be worse off. Its position vis-a-vis the U.S. would deteriorate, primarily because of the surcharge, and while it would gain foreign exchange in its dealings with Europe and Japan, there would be an overall turning against Latin America in terms of trade. This means the things Latin America exports would bring less and the things she buys would cost more. The reason for this is that Latin American currencies would be devalued in relation to European and Japanese currencies.

This may be too pessimistic a view. Not only Latin America but any poor country which devalues with the dollar in relation to Europe and Japanese currencies stands to benefit for these reasons: 1) since the prices of its goods fall in Europe and Japan it should sell more there; 2) since the cost of European and Japanese imports go up in the U.S. this may open up opportunities for poor countries to sell us light manufactures, especially labor-intensive ones, at an advantage over other rich countries whose labor costs are higher. Thus, if that price advantage increases sales in the U.S., its position with the U.S. *may* improve rather than deteriorate. This is more likely if the surcharge is quickly lifted. Moreover, its position with the other rich countries *should* improve. Poor countries (especially in Africa) which continue to tie their currency to the French franc or the British pound may be disadvantaged thereby in U.S. markets. For some of them, however, the U.S. market is not very important.

Some Asian countries, like Korea, may find it advantageous to devalue with the dollar or at least to appreciate in relation to the dollar less than the yen does. In this way, they stand to gain in both markets by exporting to Japan at lower costs and by partially supplanting Japanese exports to the U.S.

THE MONETARY FUND'S "PAPER GOLD"

These problems of the trading relationship between the developing countries and the United States will be very important, and will figure significantly in their concern with what happens next. But they will also keep a close watch on another major prospect to emerge from the Administration's New Economic Policy. This prospect is the likely agreement of the major industrial nations to rely less on dollars, gold, and sterling as international reserves and to find substitutes, such as the "Special Drawing Rights" (SDR's)—the so-called "paper gold." These SDR's, which are merely bookkeeping entries that different nations agree to treat as "good as gold," are now being created by the International Monetary Fund (IMF) at the rate of about $3 billion per year. They are used as international reserves held by individual countries to settle their debts with one another. Some believe the rate of increase may have to expand to $5 billion or more per year as a result of dethroning gold and the dollar.

But how are the benefits of the SDR's—this extra "gold"—to be shared? At present, SDR's are given to IMF members in accordance with a formula which gives, nearly three quarters of the total to the ten richest members. The rest of the world, far more populous and mostly poor, gets the balance. Needless to say, these other countries were not represented in the making of the initial decisions.

Now, however, various plans have been put forward to introduce some greater equity into the system, and to give the poor countries a greater share of the windfall from creating SDR's. Some plans would give the poor countries all the windfall—for example, by making rich countries pay something for the SDR's (instead of getting them free), with the proceeds going to the developing world. To say the least, this would represent an ethical improvement over the present system. These proposals are often discussed under the heading of "the link"—that is, as a way of linking creation of SDR's to assistance for development.

The subject of the link is opened up by the growing awareness that a new reserve is needed—such as the SDR—to supplement and in part to substitute for existing assets. But the issue is complex. In the U.S. there is considerable support for the link—both in Government and among outside experts. But there is little support for the link in Europe where there are fears that this would distort the creation of SDR's from its primary purpose. I believe the Europeans are wrong, and that their fears are ill-founded. But those fears are so real that some monetary experts sympathetic to the link believe that pushing it at this time might actually kill the chances for monetary reform.

So what should the LDC's do? On the one hand, it is clearly unfair that the use of SDR's should be continued and expanded under the present formula where the rich get the lion's share and the poor get the leavings. But on the other if pushing the link prematurely causes the Europeans to kill monetary reform everyone would be worse off. One may well doubt whether, after August 15, the Europeans have any choice but to agree to expanding the use of SRD's. Hence the fear they will kill the expansion may well be overthrown.

Once the immediate job of monetary reform is done, LDC's will be properly justified in turning the pressure on for the distribution of the SDR windfall. This might be done over the next two years, perhaps in connection with the next round of negotiations on replenishment of IDA, the soft-loan affiliate of the World Bank. The subject is also likely to come up at the next meeting of the UN Conference on Trade and Development. Given enough pressure, it is unlikely the world would long tolerate anything as blatantly "rich man take all" as the present system for distributing SDR's.

FOREIGN AID REDUCTIONS

In addition to these matters of monetary reform, the August 15 package included a 10% cut in U.S. aid. This was a measure inspired more by its expected domestic appeal than by a reasoned case that the poor countries had done something for which the cut was a fair and just response—or that they did not need as must aid—or that we could not afford it. Indeed, developing countries may view it as a decision by the U.S. that poor countries should tighten their belts so that U.S. consumers can buy more cars. Later announcements make it clear the cut will not apply to Latin America and it is still not clear whether it will apply to security-related aid. Thus the cuts may fall heavily on technical and capital aid to Asia and Africa and on U.S. contributions to multilateral agencies. Some believe the 10% cut in expenditures can be managed without disastrous results by slowing certain programs provided there is not a further cut in the already tight expenditure ceiling recently handed out for next year. The more serious damage of the aid cut in expenditures may be to invite the Congress to make even deeper cuts in appropriations needed to start new programs. Already there is talk that opponents of aid will use this to argue for cuts of 30% or more in funding of multilateral and bilateral programs. This would really hurt development abroad and would leave further behind the richest country in the world, which already is lagging behind Europe in sharing the burden of development.

To make matters worse, the administration surprisingly announced a delay in its willingness to untie aid. Last year the U.S. had opened an initiative—which was well on the road to success—for an agreement among aid-givers under which all would simultaneously untie their aid. At present American and most other aid consists not of money which the recipient can spend where he can get the best bargain, but rather of goods and services from the aid-giving country. Nearly 100% of U.S. bilateral aid is so "tied." Some have estimated this cuts the value of the aid by about 15% compared with a system of world-wide competitive procurement. Obviously if the NEP makes U.S. goods more competitive it would be to our advantage to untie all aid. Therefore the logical thing would be for the U.S. to resume the initiative for untying. If such an agreement were reached it would be a major boon to the poor countries.

EFFECTS ON PRIVATE INVESTMENT IN LDC'S

What will the NEP do to the flow of private investment from the U.S., Europe and Japan to the developing countries? Such investment helps growth in the LDC's by providing capital, technology, ready made markets and entrepreneurial ability to LDC's often at a cost geared to the profitability of the industry. There has been growing opposition in U.S. labor circles to U.S. investments abroad especially in labor intensive industry. This reflects labor's concern about growing unemployment in the U.S. The August 15 initiative, if successful in reducing unemployment, may reduce opposition to U.S. investment in LDC's.

In addition to hopefully relieving domestic U.S. anxieties about investment abroad, the NEP should help shift some investment from Europe and Japan into LDC's who devalue with the dollar. There may be some relocation of Japanese labor-intensive industry into Asian LDC's. Such a relocation from developed Europe to less developed Mediterranean countries is also a possibility.

IF THE NEP SUCCEEDS

At the outset of this article I said the tone of the August 15 statement had a great, though unintended, potential for harm even as its substance had great potential for good. By the same token, if the "valiant few" in Congress can avert that potential harm, then the August 15 policy can have enormous benefits far beyond its commercial, investment and monetary effects. By giving Americans a resounding success, particularly in our pocketbook, it may restore to us a sense of perspective and confidence necessary if we are to play a constructive role in the world. For if we default and turn inward, it is hard to imagine who on this shrinking planet would fill the moral vacuum.

If the New Economic Program succeeds in its primary objective, then it will also succeed in helping LDS's. To succeed in its primary objective would involve the following:

1. Less unemployment and inflation at home; full employment in the U.S. would benefit LDC's more than any other factor;
2. Realigning exchange rates to favor the U.S. (and LDC's who remain pegged to the dollar);
3. Reforming the international monetary system to provide more flexibility and a new mix of international reserves;
4. Removing the surcharge in the very near future; and
5. Avoiding protectionist, isolationists trends here at home.

If these things come to pass, the whole world can congratulate itself and the poor countries of the world will benefit, probably out of proportion to the world in general. Should the August 15 program fail, LDC's will probably suffer disproportionately more than does the world in general.

SENATOR ALLEN J. ELLENDER

Mr. HART. Mr. President, I would like to record a brief note of congratulations to the senior Senator from Louisiana (Mr. ELLENDER), who has observed his 81st birthday.

Those many of us in this body who admire his vigor and acumen would do well to study his habits and history. As an admiring student of his energy and diet, I have already resolved to eat shrimp gumbo on all possible occasions.

His legislative accomplishments are legendary. His recipes deserve equal fame.

My relationship with the distinguished Member has been both pleasant and instructive. We have had, I think, only one item of longstanding disagreement. We have never, regrettably, been in accord in the merits of civil rights legislation.

Naturally, I would like to think that my position has been one in which the Supreme Court has concurred. But it may still be many years before history makes a final judgment.

Through all of the many debates on civil rights issues, the Senator from Louisiana has earned a reputation as an earnest student of the Constitution and there is no doubt that he has been consistently motivated by concerns that proposed legislation went further than the Constitution allowed.

As a man who has on occasion been his legislative opponent, I do feel qualified to speak about his unfailing courtliness and courtesy.

Moreover, the entire Nation owes him a thank you for the efficiency he has inevitably displayed as chairman of the Appropriations Committee—certainly one of the most difficult and trying posts in the Senate.

Under his chairmanship, the committee has moved with great dispatch on even the most complicated of issues and he is establishing a record that the Senate will long be able to note with pride.

TENSE SITUATIONS IN BUREAU OF INDIAN AFFAIRS

Mr. FANNIN. Mr. President, during the past several weeks a number of tense situations have arisen in the Bureau of Indian Affairs, and they have had repercussions reaching far beyond the BIA itself. The end result has been that BIA programs have been obstructed while one group quarrels or sets itself against another. The chief victims are the Indian people whom the BIA is supposed to be serving.

Some groups and individuals inside and outside the BIA have suggested that the BIA is being steered way from the policy of greater Indian involvement in the management of their own affairs.

Knowing Secretary Rogers Morton as a forthright and progressive-minded public official, I have been wholly unconvinced that any such fears are warranted. On the contrary, I have sensed that the Secretary will get programs going that will correct some basic problems in our Nation's Indian programs. Every step taken by Rogers Morton since he became Secretary of the Interior last January has been aimed at effecting President Nixon's program of strengthening Indian involvement in managing their own affairs.

On October 4, Secretary Morton held a press conference in which he outlined significant new programs and steps he is taking toward this end. They are based on the considered judgments of foremost Indian leaders with whom he has been conferring. Although some of us may disagree in part with the intent of certain portions of proposed legislation, each of us must acknowledge that the Secretary's statement to the press exemplifies the thoroughness with which he is dealing with fundamental issues including the need for massive road construction to develop reservation areas, the need for training programs to enable Indians to manage their own affairs well, and the need for greater authority to permit some of BIA's operations to be contracted out to tribal governments. Mr. President: I ask unanimous consent that Secretary Morton's statement of October 4 be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[Press Conference, October 4, 1971,
Washington, D.C.]

STATEMENT ON INDIAN AFFAIRS BY SECRETARY OF THE INTERIOR ROGERS C. B. MORTON

I have called this news conference today to announce a series of actions relating to Indian water rights, contracts, roads, self-government, and legislative programs.

My purpose in taking these initiatives towards Indian self-government is setting a course for the Bureau of Indian Affairs designed to protect Indian resources and deal effectively with the root of Indian dissatisfaction—poverty, unemployment, and inadequate educational background. In my opinion this approach will do much to advance the cause of the Indian people of this Nation.

First. Water Rights. Most reservations are in the arid West and depend for development upon adequate water supplies. In the past, Indian rights have not been protected. I intend to change that. I intend to do my best to see that Indians get their fair share of water.

To insure effective advocacy of Indian water rights, I am establishing an Indian Water Rights Office. It will serve as an interim body until enactment of legislation proposed by the President which calls for creation of an Indian Trust Counsel Authority.

This Office will include members of the Solicitor's Office, the Bureau of Indian Affairs, and the Geological Survey. It will be the focal point for seeing that appropriate action is taken to protect Indian water rights—including timely preparation of suits for submission to the Justice Department for filing in the courts.

This Office will report to the Commissioner of Indian Affairs, and he will report directly to me on water rights matters. In this way, we can assure that proper emphasis and priority continues to be given to this activity. I am also inviting the National Tribal Chairmen's Association to appoint an advisory board to work with the Indian Water Rights Office.

After further consultation with Indian leaders, we will announce the director, deputy director and other appointees to this Office. Supplementing their work will be field teams correspondingly constituted.

Two million dollars will be funded for the first year's operation of the Indian Water Rights Office and its field team program.

I have recommended to the Justice Department that it file suit to protect underground water rights of the Lummi Indians in the State of Washington. The Department is also intervening in the Escondido case now before the Federal Power Commission, and in a State of Idaho proceeding (Duck Valley). Moreover, the Department also intends to intervene in another Federal Power Commission matter involving the Chippewa Dam.

Next, Contracting and Self-Government Programs. The expressed desire of many Indian tribes and groups is to contract with the BIA so that they may provide services hitherto performed by the BIA. In addition to the 724 contracts with Indians that have been renewed since May 1, 1971, I have approved 93 new contracts with a total value of $2,435,000.

These numbers show that contracting has by no means come to a halt, despite allegations from a few quarters that this is the case. Nevertheless, there is much more to be done in this direction.

I feel confident that the House and Senate Interior Committees will soon provide us an opportunity to appear before them in support of the President's proposed new legislation providing for broader contracting authority.

In the meantime we will continue to work out self-governing agreements under the authority of the Snyder Act, the Johnson-O'Malley Act and the Buy Indian Act. To the greatest extent possible within budgetary restraints we will continue to issue contracts for the procurement of goods and services from Indians and Indian groups.

Moreover, we are establishing a full-time training program to train BIA employees and prospective contractors in procedures and methods relating to the contracting process, to insure that effective arrangements will result. We will also work with Indian organizations, tribal or otherwise, to help them equip themselves to qualify for contracts. Existing training projects now handled under the Office of Economic Opportunity will be expanded. Tribal and government management training contracts will be set up in cooperation with the Department of Labor.

Next, Roads for Indian Reservations. A modern network of roads is the prime physical system upon which social and economic development depend. Indian reservation communities live in the 1930's with respect to the adequacy of their surface transportation roadways. This is an obstruction to health services, to day schooling, to industry, tourism, to housing and sanitation.

Until 1935, no roads were constructed on Federally related Indian reservations. Since that time, the pace of construction has fallen far short of being commensurate with highway and road-building in the U.S. as a whole. The Indian areas are doomed to continuing isolation and poverty until modern roads are built. The BIA has developed a comprehensive construction plan under the direction of Alexander McNabb. I am working with the Office of Management and Budget and the Department of Transportation to seek funding that will open up Indian communities through modern roads systems.

Now, A Few Comments on Legislation. I am releasing the text of a letter (attached) of September 20, 1971, from Assistant Secretary Loesch to Senate Interior Committee Chairman Henry Jackson clarifying the Department's position on the importance of items in the President's Indian legislation program. Certainly, the creation of an Indian Trust Counsel Authority is of prime importance to implement the President's program for Indians.

I will be the lead-off witness for the Indian Trust Counsel and other Presidential legislative proposals as soon as the Senate Interior Committee confirms its schedule of hearings on these bills.

I am delighted to see the House and Senate Interior Committee action on the Alaskan Native Claim bill, a matter so important to Indians. The bills reported out are very close to the version proposed by the President. What this shows is that there is a consensus among the Executive and the lawmakers of both parties reflecting fairness and equity in matters vitally affecting this Nation's first Americans. I am sure the other Indian measures proposed by the President will receive equally favorable treatment in Congress.

Now, Two Other Actions I Am Taking. On the recommendation of the Board of Directors of the National Tribal Chairmen's Association, I am creating an advisory board to assure better communications among the Bureau of Indian Affairs, the Secretary's office and the national Indian community. As the NTCA Board suggested, the group will be comprised of 15 members, including representatives from the National Congress of American Indians, the National Tribal Chairmen's Association, and other Indian groups, both reservation and otherwise.

I am instructing Assistant Secretary Loesch and Commissioner Bruce to have a special briefing prepared on the fiscal year 1973 Budget of the Bureau of Indian Affairs. This briefing will be presented for information and advice to officers of the National Tribal Chairmen's Association and of the National Congress of American Indians prior to the Secretary's final approval thereof.

I feel that these measures will help move the BIA efficiently and successfully on its course of implementing President Nixon's program which he outlined in his July 1970 Message to Congress.

But I do not suggest that these steps are the only ones necessary. As further needs become apparent, or additional new directions are needed we are committed to responding constructively to them.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., September 20, 1971.
Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of September 8 asking again for our view of the relative priority of Administration proposed legislation on Indian affairs.

There are a number of bills before the Committee enumerated in the President's special message of July 8, 1970, as well as another bill, S. 2237, subsequently recommended by this Department.

We believe all of these to be highly important and urge the Congress to act on them during this session. Among them we consider as most important the Indian Trust Counsel authorization and the two Indian self-help bills, S. 1573 and S. 1574. We hope, however, that any need for protracted hearings on any one of these bills would not become an obstacle to early enactment of the others.

Sincerely yours,
HARRISON LOESCH,
Assistant Secretary of the Interior.

ATTACHMENT A

NAME OF CONTRACT, TYPE OF SERVICES PROVIDED, DATE AWARDED, AND AMOUNT

Cherokee Boys Club, Dump Truck Rental, September 14, $15,000.

Miccosukee Corporation, Management & Operation of educational and social welfare programs for Miccosukee Indian people, May 14, $23,904.

Cherokee Boys Club, Youth Conservation Corps Camp, May 17, $35,800.

Cherokee Boys Club, Housing Improvement Program, September 13, $14,416.

Shoshone-Paiute Tribe Duck Valley, Land subjugation, June 28, $234,751.

Less S. Thomas, LST Construction, Provide and install L.P. Gas System, Keams Canyon, June 28, $25,182.

Blackfeet Indian Housing Authority, Housing Development, May 5, $5,000.

Blackfeet Land Management Service, Irrigation Pasture Demonstration, May 27, $2,650.

Blackfeet Indian Housing Authority, Home Ownership Training, May 27, $10,200.

Confederated Salish & Kootenai Tribes, Forest Rehabilitation, May 17, $5,000.

Confederated Salish & Kootenai Housing Authority, Housing Development, May 19, $6,000.

Confederated Salish & Kootenai Housing Authority, Home Ownership Training, May 27, $8,400.

Ft. Belknap Housing Authority, Home Ownership Training, May 27, $4,200.

Ft. Peck Housing Authority, Home Ownership Training, May 13, $4,200.

Lummi Tribe, Ground Water Study, May 20, $7,000.

Spokane Tribe, Water Resources Inventory, May 17, $25,000.

Yakima Tribe, Water Resources Inventory, May 17, $36,000.

Colville Tribe, Training for AFDC Recipient, May 1, $6,000.

Colville Tribe, Community Development Project, May 25, $7,000.

Shoshone Bannock, Training of Truck Drivers and Heavy Equipment Operators, May 1, $4,480.

Warm Springs Tribe, Furnish Field Data for Timber Sales, May 3, $5,803.

Quileute Tribe, Management Services for Organizing a Housing Authority, June 17, $1,500.

Swinomish Tribe, Management Services for HUD low rent projects, June 16, $1,500.

Lummi Tribe, Water Resources Inventory, June 7, $20,000.

Lower Elwha Tribal Council, Management Services for HUD projects, June 9, $1,500.

Frank Archambault, Study of Modular Home Industry, June 7, $3,000.

Tulalip Tribe, Construct Duplex building, June 7, $13,000.

Muckleshoot Tribe, Home repairs, June 7, $6,930.

Quileute Tribe, Survey of resources, June 2, $5,000.

Muckleshoot, Management Services for HUD, June 1, $2,000.

Quinault, Management Services for HUD, June 1, $2,000.

Yakima Indian Contractors, Repair water line, June 4, $1,475.

Northern Cheyenne Housing Authority,

Housing Landscape Development, May 18, $3000.

Northern Cheyenne Housing Authority, Home Ownership Training, May 21, $11,000.

Chippewa-Cree Housing Authority, Home Ownership Training, May 24, $5,400.

Chippewa-Cree Tribe, General Assistance & Tribal Work Experience Program, July 1, $83,000.

Wind River Housing Authority, Home Ownership Training, May 4, $4,200.

Shoshone & Arapahoe, Housing Improvement Program, July 1, $75,000.

R.C.K. Inc., Albuquerque, Maintenance & Custodial Services—SWPT Institute, July 1, $348,413.

R.C.K. Inc., Albuquerque, Install water filter Zuni, Blackrock, May 25, $21,771.

Ramah Navajo Chapter, Tribal Work Experience, May 6, $3,125.

Southern Ute Tribe, Igancio, Indian Education, May 27, $5,000.

Santa Dominto Pueblo, Summer Program, July 1, $3,500.

Mescalero Apache Tribe, Receiving Home Services, July 1, $9,280.

Zuni Tribe, Compile & Publish Zuni History text, June 3, $12,500.

Nez Perce Tribe of Idaho, Develop cultural material & publish history text, May 14, $15,000.

Lukee Enterprises, Grants, Laundry Services, July 21, $14,700.

Ute Fabricating Ltd. (Ft. Duchesne), Furniture—Haskell, August 23, $23,800.

Ute Fabricating Ltd., Dorm Furniture—Intermountain, August 23, $424,502.

Ute Fabricating Ltd., Kitchen Cabinets, September 7, $5,327.

Smith Electric Co., Install Electric Service, May 27, $2,129.

Yakima Indian Contractors, Roofing of building, May 21, $2,415.

Yakima Indian Contractors, Framing of building, May 4, $2,465.

Hoopa Valley Tribe, Sidewalks and curbs, May 13, $2,030.

Hoopa Valley Tribe, Irrigation System, May 21, $7,000.

Pit River Coop. Assn., Repairs to Pit River Flume, May 28, $2,000.

Pala Indian Tribe, Housing Material, May 28, $1,000.

Tule River Tribe, Repairs to Irrigation Systems, May 27, $2,000.

Susanville Indian Rancheria, Adult Education Training Center, June 28, $2,520.

Inter-Tribal Council of California, Welfare Grants, May 24, $5,000.

Covelo Indian Community, Meetings, August 12, $2,000.

Ft. Bidwell Indian Tribe, House Repairs (HIP), May 24, $1,200.

Hoopa Valley Tribe, Forestry air services and look-out services, August 27, $6,700.

Standing Rock Sioux Tribe, Library reference resource material—Adult Education, May 19, $2,835.

Yankton Sioux Tribe, Summer Education and Recreation Program, May 21, $11,175.

Standing Rock Sioux Tribe, Summer Education and Recreation Program, May 21, $15,-500.

Standing Rock Sioux Tribe, Judicial and Enforcement Services, May 21, $15,000.

Flandreau Santee Sioux Tribe, Furnish and Spread Gravel, May 4, $5,000.

White Eagle Industries Inc., Mattresses, June 5, $6,803.25.

Rosebud Sioux Tribe, Rental earth moving equipment, May 10, $3,000.

Rosebud Sioux Tribe, Rental earth moving equipment, May 10, $2,220.

Cheyenne River Sioux Tribe, Warehouse rental, May 21, $1,000.

LaRosa Industries, Lawn Services, May 22, $3,000.

Winnebago Tribe, Provide Indian Culture Program (encampment 50 youth on welfare), June 21, $12,700.

Crow Creek Sioux Tribe, Advertising & promotion Ft. Thompson Complex, May 22, $33,000.

Three Affiliated Tribes, Advertising & promotion of Four Bear Park, June 22, $35,000.

Yankton Sioux Tribe, Employment Assistance, July 1, $10,000.

Omaha Tribe of Nebraska, Employment Assistance, July 1, $32,393.

Nebraska Indian Inter-Tribal, Training and employment project, July 1, $13,386.

Omaha Tribe of Nebraska, Scholarship and boarding school processing, July 1, $97,450.

Omaha Tribe of Nebraska, Adult Education, July 1, $9,750.

Turtle Mountain Band of Chippewa Indians, Adult Education, July 9, $12,500.

Sisseton Wahpeton Sioux Tribe, Adult Education, July 1, $1,282.

Devils Lake Sioux Tribe, Operation of St. Michael's School, July 9, $220,000.

Yankton Sioux Tribe, Judicial Prevention and Enforcement, July 1, $32,000.

Sisseton Wahpeton Sioux Tribe, Administer Reservation Program, July 8, $25,000.

Yankton Sioux Tribe, Administer Community Development Program, July 1, $17,900.

Sisseton Wahpeton Sioux Tribe, Administering a guidance and Counselling Program, August 16, $26,544.

Standing Rock Sioux Tribe, Comprehensive Pilot Program Title VIB, September 15, $22,520.78.

T. P. Construction, Refinish Gym Floor, September 22, $3,490.

Donald D. Isberg, School biulding addition, September 21, $47,530.88.

T. P. Construction, Rework windows—heating plant, September 21, $2,960.

Philip S. Byrnes, Sr., Grading and draining on 2.140 miles of Cedar Creek Road, $24,568.59.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

FURTHER CONTINUING APPROPRIATIONS, 1972

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 391, House Joint Resolution 916.

The PRESIDENT pro tempore. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

> A joint resolution (H.J. Res. 916) making further continuing appropriations for the fiscal year 1972, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

(Mr. MANSFIELD assumed the chair as Presiding Officer.)

Mr. ELLENDER. Mr. President, the Committee on Appropriations met yesterday afternoon and unanimously adopted the joint resolution that is up for consideration at this moment. This joint resolution simply continues a previously adopted resolution and extends it from October 15 to November 15.

Mr. President, the existing continuing resolution under which certain departments and agencies of the Federal Government are operating expires on October 15, 1971—Friday of next week. And, since it is apparent that the four remaining annual appropriation bills will not be enacted by that date, it is necessary for the Congress to provide authority for those departments and agencies, still unfunded for fiscal year 1972, to continue to obligate funds in the pursuance of their responsibilities. That is what this extension resolution does—it simply extends the expiration date of the current resolution from October 15 until November 15, 1971.

There are four regular annual appropriation bills still to be enacted—the military construction, District of Columbia, foreign assistance, and Department of Defense appropriation bills. As I have stated in previous comments here in the Senate, the Senate committee, for the most part, has completed its hearings on these bills and is awaiting their referral from the House of Representatives before that the House Committee on Appropriations is ready to report these bills as soon as the required authorizations are cleared. The Senate this week passed the Department of Defense authorization bill, and the differences between the House and Senate versions will have to be resolved in conference. The military construction authorization bill is presently in conference; the foreign assistance authorization bill is in the markup process in the Senate committee; and it is hoped that the District of Columbia revenue legislation will be forthcoming shortly.

Under these circumstances, Mr. President, I believe the extension until November 15 provided in this continuing resolution reflects a prudent acknowledgement of the time required to complete the appropriation tasks still before us, and I, therefore, urge the adoption of House Joint Resolution 916.

The PRESIDING OFFICER. The joint resolution is open to amendment.

If there be no amendment to be proposed, the question is on the third reading of the joint resolution.

The joint resolution (H.J. Res. 916) was ordered to a third reading, read the third time, and passed.

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KENNEDY). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS NEXT TUESDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Tuesday, October 12, immediately following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, OR THE ACTING PRESIDENT PRO TEMPORE TO SIGN BILLS AND JOINT RESOLUTIONS DURING ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the adjournment of the Senate from the close of business today until 12 o'clock noon on Tuesday next, the Vice President, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE HOUSE OF REPRESENTATIVES DURING THE ADJOURNMENT

Mr. BYRD of West Virginia. I ask unanimous consent that during the same periods of adjournment, the Secretary of the Senate be authorized to receive message from the House of Representatives.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF LABOR, 1972

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar **390, House Joint Resolution 915.**

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 915) making a supplemental appropriation for the Department of Labor for the fiscal year 1972, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. MANSFIELD. Mr. President, it is my understanding that the consideration of this joint resolution in this manner meets with the full approval of the distinguished chairman of the subcommittee concerned, the Senator from Washington (Mr. Magnuson), and that the Chairman of the full committee has been requested to take up the matter at this time.

Mr. ELLENDER. The Senator is correct. There is no objection to this joint resolution, which is a part of the supplemental appropriation package sent to Congress about 2 weeks ago by the President.

The joint resolution simply provides for a supplemental appropriation of $270,500,000 for unemployment compensation for Federal employees and ex-servicemen, and trade adjustment allowances.

This amount was requested by the President on September 27, 1971 as being urgently needed—(H. Doc. 92-164).

Because of the urgency, the Congress is considering this request as an individual item rather than holding it for the regular supplemental appropriation bill which will be acted on in the subsequent weeks of this session.

The current appropriation for fiscal year 1972 is $274,500,000, the same as the amount requested, of which $125 million was advanced for use in fiscal year 1971, thereby reducing the current availability of funds to $149,500,000. These funds are expected to be exhausted this week.

Under this supplemental request, mandatory payments would be provided as follows:

A. $74,000,000 to claimants for trade adjustment benefits to workers, as provided by the Trade Expansion Act of 1962.

B. $36,716,000 for unemployment benefits to former Federal employees.

C. $159,784,000 for unemployment benefits for ex-servicemen.

Total—$270,500,000.

Total costs for this account for fiscal year 1971 were $442,080,000. With this supplemental request, the fiscal year 1972 availability of funds will be $320,000,000—about $122 million less than fiscal year 1971 costs. Undoubtedly, a further request and appropriation will be necessary before the end of the fiscal year, as the requests continue to be underestimated. It is my hope, and that of the committee, I believe, that the insufficiencies of these requests for this account can be rectified in the future.

I am very hopeful, Mr. President, that this resolution will pass. It was reported out by the committee unanimously, without objection.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. YOUNG. Mr. President, I would like to associate myself with the remarks made by the senior Senator from Louisiana (Mr. Ellender). Over the past few years the estimates presented to the Appropriations Committee for unemployment compensation for Federal employees and ex-servicemen, have been way off the mark. I believe the time has come, for the Office of Management and Budget, and the Department heads, to present a more realistic estimate to our committee, so that it will not be necessary, to go through this exercise two or three times a year.

While we are providing the full budget request from the Department today, we know they will be back again this year for additional funds.

It is very necessary that this appropriation be approved.

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 915) was ordered to a third reading, read the third time, and passed.

INDIAN EDUCATION ACT OF 1971

Mr. MANSFIELD. Mr. President, I ask that the unfinished business be laid before the Senate.

The PRESIDING OFFICER (Mr. Kennedy). The Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 2482) to authorize financial support for improvements in Indian education and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Allen). Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, almost 4 years ago, on August 31, 1967, Senate Resolution 165 authorized a Special Subcommittee on Indian Education of the Committee on Labor and Public Welfare to "examine, investigate, and make a complete study of any and all matters pertaining to the education of Indian children." While not a legislative subcommittee, the Special Indian Education Subcommittee paid particular attention to the need for development of national legislation dealing with the programs of the Federal Government relating to Indian education.

At one of the first hearings of the subcommittee, Senator Robert Kennedy observed:

> The Indian is the forgotten citizen of this country . . .; it is our intention to work with Indian children to see whether we can improve their educational possibilities so that they can become first-class citizens, so that 10 years from now people will not look at the Indians and say that they are forgotten, that they are deprived, that they are living in poverty because of our neglect, the neglect of the white people, the neglect of Congress.

Senator Robert Kennedy devoted an enormous amount of time and energy to the work of the Indian Education Subcommittee, and in a brief period of time his concern became a national concern. He transformed the problems of the inequality and ineffectiveness of Indian education into issues of national concern, and he initiated the efforts in this body to bring about realization of the rising expectations of Indian communities concerning the education of their children. As to Indian children in the public schools—around 70 percent of all Indian children enrolled in school—S. 2482 represents a culmination of the efforts initiated 4 years ago.

In fact, Mr. President, even in 1967 the Labor and Public Welfare Committee was no stranger to Indian education. Through the efforts of this committee, public schools serving Indian children on or near reservations became eligible in 1953 to participate in Public Law 815 that provided funds for school construction to federally impacted areas. In 1958 Public Law 874, which provided moneys to local educational agencies for additional expenses of education caused by increased attendance resulting from Federal activities, was amended by the action of this committee to include Indians on Federal reservations.

Indians in public schools could, of course, from the first, participate in general Federal education programs under the Elementary and Secondary Education Act of 1965. In 1966, however, the Labor and Public Welfare Committee extended programs and services available through titles I, II, and III of ESEA to Indian children enrolled in federal schools operated by the Bureau of Indian Affairs. In subsequent years Indian involvement in other Office of Education programs have been expanded. I ask unanimous consent to have printed in the RECORD at this point a summary of funds expended by the Office of Education for Indians over the past 5 years, and the projected cost estimates of new programs established under S. 2482.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Funds obligated or expended by U.S. Office of Education for Indian Education

1966	[1] $2,015,988
1967	25,741,470
1968	35,173,173
1969	36,936,125
1970	39,493,311

[1] Reported as not available or not funded in tables submitted by OE, pp. 1927–1929 (see source below).

Source: For all data, except Public Law 815/874 is from Senate. Committee on Labor and Public Welfare. Education Amendments 1971, part 4, pp. 1927–29. Public Law 815/874 OE budget office, by phone 8–4–71.

ESTIMATED NEW OBLIGATIONAL AUTHORITY—FISCAL YEARS 1973, 1974, 1975

[In millions of dollars]

Subject	1973	1974	197
Section 2:			
(a) Entitlement to llocal educational agencies	75.5	82.5	90.8
(b) Transfer to Secretary of Interior	12.0		
Section 3:			
(a) Special programs and proiects	35.0	35.0	35.0
(b) Transfers to Secretary of Interior	0.5		
Section: 4 Adult education	8.0	8.0	8.0
Total	131.0	125.5	133.8

Mr. KENNEDY. In September of last year, Senator MONDALE and I introduced an Indian Education Act addressing itself to both public and Federal school programs for Indian children.

And I might mention here that the hard work and dedication of the distinguished Senator from Minnesota—from his immense contributions to the work of the Special Subcommittee on Indian Education to his support for this bill today—has made this legislation a reality.

The bill was reintroduced with some revisions on February 25 of this year as an amendment—No. 6—to the Higher Education Act Amendments of 1971 and was referred to the Education Subcommittee of the Labor and Public Welfare Committee.

I have indicated from the start that the bill as originally introduced was a draft to be molded and built upon by the Indian people. All told, over a thousand copies of the bill were circulated among tribal chairmen, Indian organizations, Indian publications, and educators. In April and May the Education Subcommittee held 3 days of hearings on the Indian education amendment and testimony, statements, and correspondence relating to that amendment constitute over 465 pages of hearing record.

A number of changes have been made since these Indian education provisions were originally introduced. The bill originally would have affected Indian participation in title I of Public Law 874 and would have substituted a new Indian entitlement provision in its place. Because of the basic strength of Public Law 874 in Congress and because of the fundamental role its funds play in some districts, part A of the bill was revised to leave the authorization under Public Law 874 as it previously had been and to provide that funds authorized under the new amendment would be supplemental to and in addition to funds provided through 874.

Perhaps one of the most important changes in this bill was the deletion last summer of a provision which would have established a National Board of Indian Education. The Indian Education Subcommittee had concluded that improvement of Indian education in Federal schools was not possible under the present structure of the Bureau of Indian Affairs. The BIA was felt to be perennially unresponsive to the educational needs of Indian students, and the organization structure of the BIA was not believed to be consistent with designing or conducting exemplary education programs or with allowing Indian communities to design or conduct their own programs. Thus this bill as originally introduced provided for the transfer of administration of Indian education programs from the Bureau to a new National Board of Indian Education.

Some tribes voiced unequivocal opposition to fragmenting the Bureau through removal of its education functions to a new agency. The Senate Interior Committee was considering—and presently still has before it—bills relating to the structure of Indian education in the BIA. It thus remains the feeling of the Labor and Public Welfare Committee, and that of Senator MONDALE and myself especially, that legislative action relating to BIA education programs should await consideration and discussion by the Indian community and action on the part of the Interior Committee within the next few months.

I recognize that because S. 2482 does not deal with Bureau schools or programs, it cannot be considered a comprehensive approach to Indian education. Hearings have been held before the Interior Committee on proposals dealing with this area, and I understand that further hearings will be scheduled this year. It has certainly become an axiom in the Bureau of Indian Affairs that no changes are made in education programs until the outside pressures toward changes become greater than the bureaucratic inertia opposing it.

For example, there had been extended negotiations between the Office of Education and the Bureau of Indian Affairs over an agreement for administering title I funds, but it took a Senate hearing to bring both agencies together to culminate the agreement. The BIA has been considering revision of Johnson-O'Malley regulations for almost a year now, but the revised regulations have not even been cleared from the education division of the Bureau yet.

Despite recent and continuing outcries over off-reservation boarding schools, the Bureau continues to "study" the situation. And since the Labor Committee hearings on this bill last spring, only one school takeover contract has been agreed to by the Bureau, though numerous others have been proposed by Indian tribes. Very little movement in education contracting has occurred in recent months, and I think it would be useful to include in the record and ask unanimous consent to have printed in the RECORD at the end of my statement information compiled in July by the BIA on contracts for school operation, Johnson-O'Malley programs, and title ESEA programs.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered. (See exhibit 1.)

Mr. KENNEDY. Mr. President, I believe that on this occasion of the consideration of the first bill in Congress dealing solely and specifically with Indian education programs, it would be useful to continue the efforts of the Special Subcommittee on Indian Education in setting an agenda for action in this field. I could not agree more with the Senator from Arizona in his separate statement in the report on S. 2482 that there are omissions in this bill.

Indian education does not lend itself to simplistic or monolithic approaches. There are over 450 recognized tribes in the United States and over 230 spoken Indian languages. Education services for Indian children are provided by State school systems, mission schools, private schools, Bureau-operated schools, special schools for the handicapped, and private corporations. Some BIA schools are day schools; some are off-reservation boarding schools. Some Bureau schools are run by the local Indian community; some have Indian advisory school boards; some have no local Indian involvement in school programs or policies.

The Senate's best efforts to deal comprehensively with Indian education over the past few decades are best illustrated by Senate Joint Resolution 110 in the 84th Congress, authorizing a study and investigation of Indian education by the Secretary of the Interior—which was never funded or initiated—and Senate Resolution 165 in the 90th Congress authorizing the activities of the Special Subcommittee on Indian Education. In short, Congress in the past has not even been willing to commit itself to a partial effort on Indian education. Consideration of S. 2482 begins this process and initiates this commitment.

The continued integrity of Indian cultures and traditions and values depends on the ability of the Indian people to preserve and transmit those cultures and traditions and values from generation to generation. This—and not merely the preparation of each individual to earn a living and make his way in the greater society—is in large part the role and the goal of education. The rhetorical statement of general principles and initiation of extensive studies do little to further this objective. All legislation and administrative activities must be fully committed to two principles: local community involvement in the formulation of educational policies and operation of programs, and an adequate funding base to support exemplary educational systems. S. 2482 is dedicated to these ends for public school education involving Indian children.

This leaves us with an agenda which I hope the Congress and the executive will respond to in the next few months. On the legislative front, House action will be required before S. 2482 can become law, and before Indian children will benefit in any way from the efforts of the past 4 years. And Congress must turn its attentions to the restructuring of BIA education programs.

I have said before that I believe the Bureau of Indian Affairs, as presently constituted, is structurally incapable of providing substantial reforms in its education programs. Thus Congress must develop legislation under the direction of the Indian community that will bring about the restructuring of the BIA and the redirecting of its education programs, through contracting or otherwise.

Finally, Congress must act to provide a substantially higher level of construction funds for schools serving Indian children.

On the administrative level, new contract procedures in the BIA must be adopted immediately to insure opportunities for communities to take over operation of their schools with greatest flexibility and with continuing support services and technical assistance from the Bureau.

Much-needed new regulations for funding through the Johnson-O'Malley Act must be promulgated without delay.

The Bureau must take action on the abuses and failures involved in the off-reservation boarding schools, closing those schools and providing on-reservation alternatives according to a definite schedule. The now infamous Intermountain School, mentioned extensively in our hearings on this bill, would be a good starting place.

Finally, even where Indian communities do not wish to take over complete control of their schools, they should still be involved in an advisory capacity on the budgeting, programing, and policymaking concerning those schools. Community involvement must become the rule, not the exception, in Bureau schools.

S. 2482 establishes three new programs: The first would assist local educational agencies in meeting the special needs of Indian students; the second would provide funds for special programs and projects to improve Indian educational opportunities; and the third would support the improvement of adult Indian education. To administer these and other programs under the jurisdiction of the Office of Education, a special Office of Indian Education—with bureau status—in OE, will be established. Finally, a presidentially appointed National Advisory Council on Indian Education is established to participate in reviewing applications, evaluating programs, formulating the budget, and generally advising the Commissioner of Education with regard to education programs in which Indians participate.

Part A of S. 2482 will provide over $75 million in funds for supplemental education programs for Indian children attending public schools. But more important than the funds provided, are three key sections in part A the purpose of which is to promote Indian community involvement in Indian education programs. S. 2482 has from the first provided that a committee of parents of the Indian children to be served under the part A entitlement program be involved in approving the application for funds, and that the Indian community be involved in the planning for and evaluation of programs funded under the part.

Two important new sections were added to S. 2482 by the Labor and Public Welfare Committee at its executive session last month. One section, relating to extension of the ESEA set-aside programs for BIA schools, would treat the Department of the Interior as a State educational agency for the purposes of administering and regulating title I programs. Thus Indian parental involvement in BIA title I funded programs will become for the first time a mandate of law. A second section, initially proposed by Senator MONDALE and supported fully by the Labor Committee, requires parental participation on the part of the Indian community in the local administration of funds provided under Public Law 874. Thus, in every Indian education program to be administered by the Office of Education, parental involvement will be mandatory. This is what Indian control and self-determination is all about.

Part B of S. 2482 provides $25 million the first year and $35 million thereafter for demonstration projects to improve educational opportunities for Indian children. And part C provides $5 million the first year and $8 million for the next 3 years for adult Indian education projects and programs.

A final important Indian-control provision is written into the bill in the form of a National Advisory Council on Indian Education. This Council, consisting of native Americans appointed by the President, will not only advise the Commissioner of Education on programs in which Indians participate, but will also review applications for assistance under new programs established by this bill, evaluate Indian education programs and projects, assist in formulating regulations for 874 grants, and make recommendations on Indian education programs to Congress.

Perhaps most importantly, however, is the authority and responsibility of the National Council to provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children. Presently some 78 public schools have predominantly Indian school boards, and those schools have generally proved to be in the forefront of developing effective programs for the education of Indian children. A memorandum on "Predominantly Indian School Boards in Public School Districts" has been prepared for me by the Bureau of Indian Affairs Education Division, and I ask unanimous consent that this memorandum be printed in the RECORD at the end of my remarks, so that some of the accomplishments of these boards can be recognized. I believe that the National Council can assist in the multiplication of these local Indian efforts in public schools.

The PRESIDING OFFICER (Mr. GAMBRELL). Without objection, it is so ordered.

(See exhibit 2.)

Mr. KENNEDY. Mr. President, I believe that S. 2482 has the firm support of the people affected by its provisions. The Education Subcommittee hearing record contains extensive correspondence and comprehensive statements in support of the bill. On August 6 I introduced in the CONGRESSIONAL RECORD numerous telegrams supporting this measure, and ask unanimous consent to have printed in the RECORD a list of those who indicated support at that time.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

TELEGRAMS RECEIVED IN SUPPORT OF INDIAN EDUCATION ACT

Will Antell, President, National Indian Education Association.

Alaska Native Brotherhood.

Wayne V. Zunigha, Executive Director, United Southeastern Tribes, Inc.

Donald R. Wright, Chairman, Legislative Committee, National Tribal Chairman's Assoc. also—President, Alaska Federation of Natives.

Morgan Otis, President, California Indian Education Association.

Virginia Brown, Small Tribes Organization of Western Washington.

Frances McKinley, Executive Director, National Indian Training and Research Center.

Robert A. Roessel, Navajo Community College.

Dr. James J. Wilson, Executive Director, Southwestern Cooperative Educational Laboratory.

Dillon Platero, Director, Rough Rock Demonstration school.

Edward E. Claplanhoo, Chairman, National Indian Council, also Board of Directors, National Tribal Chairman Assoc.

Buffalo Tiger, Chairman, McCouskee Tribe of Indians of Florida.

Henry W. Allen, President, Ponkawa Tribe of Oklahoma.

Edward E. Claplanaho, Chairman, Macah Tribal Council.

John Stevens, Governor of Passamaquoddy Tribe of Maine.

Leonard Biggoose, Chairman, Ponca Tribal Council.

A. Bruce Fones, Chairman of the Board, Lumbee Regional Development Association.

Ronald Senungetuk.

Wayne A. Newell.

Richard Whittaker, Alaska State Representative.

Rev. James H. Woods, Secretary Treasurer of Lumbee Indian Parents Organization.

Mr. James Brewington, President, Independent Americans for Progress.

Clarence Jackson, President, Southeast Alaska Community Action.

Joe Williams, Mayor, City of Saximan, Alaska.

California Indian Legal Services.

Deganawidah Quetzalcoatl University.

Elizabeth Whiteman, Crow Indian from Montana.

Artley M. Skenandore, Executive Director, Minnesota Indian Affairs Commission.

The American Indian Law Students Association.

Mr. KENNEDY. Mr. President, the Interior Committee hearings on this bill last month provided additional support for the bill, and I am pleased that the major substantive recommendations of Indian representatives have been incorporated into this final product.

Instead of detailing individually the provisions of S. 2482, I believe that the Labor and Public Welfare Committee report section on that title fully explains the objectives and intentions of the sponsors of the bill. I ask unanimous consent that relevant excerpts from that report be printed in the RECORD, with the explanations of two key amendments included.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXTRACTS FROM S. REPT. 92-384

VIEWS OF COMMITTEE ON LABOR AND PUBLIC WELFARE

S. 2482 establishes three new programs: the first would assist local educational agencies in meeting the special needs of Indian students; the second would provide funds for special programs and projects to improve Indian educational opportunities; and the third would support the improvement of adult Indian education. An Office of Indian Education in the Office of Education and a National Advisory Council on Indian Education also would be established. Nonreservation Indians are eligible to participate in programs established under the bill, and community participation in programs for the specific benefit of Indian children is required.

BACKGROUND

In 1968 the special Subcommittee on Indian Education of the Committee on Labor and Public Welfare was established, and funded by a Senate Resolution, to examine, investigate, and make a complete study of any and all matters pertaining to the education of Indian children.

That subcommittee held hearings in all parts of the country, visited schools, examined studies and reports, and heard testimony from Indians, Government officials, and others with relevant expertise. In seven volumes of subcommittee hearings and five volumes of committee prints, the subcommittee documented the full details of the failure of Federal and State programs and policies relating to Indian education.

In November 1969 the subcommittee issued its final report entitled "Indian Education: A National Tragedy—A National Challenge" (S. Rept. 91-501), which recommended a number of legislative measures to raise Indian education to an exemplary level. The primary recommendation in that report was: "That there be presented to the Congress a comprehensive Indian education act to meet the special education needs of Indians both in the Federal schools and in the public schools." S. 2482 is a vital first step in responding to this recommendation.

S. 2482 was originally introduced as Amendment Number 6 to S. 659, the Education Amendments of 1971, and was reported favorably at Title IV of S. 659. On August 6, 1971, by unanimous consent, the Senate ordered Title IV deleted from S. 659 and that title was introduced as an independent bill (S. 2482) and was referred jointly to the Labor and Public Welfare Committee and the Interior Committee.

SCOPE OF PROBLEM AND NEED

There are currently almost 200,000 Indians, Eskimos, and Aleuts in this nation's public schools. This constitutes over 70 percent of the total Indian student population, the remaining children being enrolled in private schools and schools run by the Bureau of Indian Affairs. In three states—South Dakota, Alaska, and New Mexico—Indian enrollment amounts to 5 percent or more of the total state public school enrollment.

The public school education received by Indian students has been subsidized to some extent by the Federal Government since the 1890s. The purpose of the legislation appeared to be twofold. First, it gave legislative authority to the policy of integrating Indians into the white culture, thus establishing the goal of assimilation with the public schools as the vehicle for attaining that goal. Second, it established the precedent of providing subsidies to public schools in order to encourage them to assume the responsibility for Indian education.

This approach, initially established by authorizing the Office of Indian Affairs to reimburse public schools for the extra expense incurred by instructing Indian children, was formalized by the enactment of the Johnson-O'Malley Act of 1934, which permitted the Bureau of Indian Affairs to contract with states to provide for the education of Indian students. Indian education was further subsidized in 1951 with the enactment of the federally impacted area legislation—Public Laws 815 and 874 of the Eighty-first Congress. Indian children have, since 1966, also benefited from specific participation in various programs under the Elementary and Secondary Education Act.

In spite of these federal efforts, the Indian Education Subcommittee in 1969 found Indian education to be a national tragedy. Some of its general findings include the following:

Dropout rates are twice the national average in both public and Federal schools. Some school districts have dropout rates approaching 100 percent;

Achievement levels of Indian children are 2 to 3 years below those of white students; and the Indian child falls progressively further behind the longer he stays in school;

One-fourth of elementary and secondary school teachers—by their own admission—would prefer not to teach Indian children;

Indian children, more than any other minority group, believe themselves to be "below average" in intelligence, even though evidence is contrary to this belief.

While local school districts themselves must share part of the responsibility, the Indian Education Subcommittee concluded that the Federal Government had failed to live up to its responsibilities in providing funds and leadership for assisting public school districts to better understand and meet the special needs of Indian students.

We have concluded that our national policies for educating American Indians are a failure of major proportions. They have not offered Indian children—either in years past or today—an educational opportunity anywhere near equal to that offered the great bulk of American children. Past generations of lawmakers and administrators have failed the American Indian. Our own generation thus faces a challenge—we can continue the unacceptable policies and programs of the past or we can recognize our failures, review our commitments, and reinvest our efforts with new energy.

One general principle which applies to the range of Indian education programs established in this bill is that they are addressed to all Indians, Eskimos, and Aleuts in this country. The bill generally recognizes that as to urban Indians, terminated tribes, and other non-Federal Indians, there exists a responsibility on the part of the Federal Government—at minimum, remedial in nature—to provide educational assistance. Both the termination policies of the 1950s and the continuing relocation programs have intensified the impoverishment and educational deprivation of many of the so called non-Federal Indians. Thus the grant and entitlement provisions of this bill, by applying to all Indians, are directed in part at remedying the consequences of past Federal policies and programs.

PART A—SUPPLEMENTAL INDIAN EDUCATION PROGRAMS IN PUBLIC SCHOOLS

Public Law 874 was enacted in 1950 to provide financial assistance where Federal activities—especially military installations—resulted in loss of part of the tax base for local school systems. Indians were not included in Public Law 874 when first enacted, and its original purpose was unrelated to Indian education. This law is now, however, a major source of Federal funds for public school districts with substantial Indian enrollments.

Many school districts, having large numbers of Indian children, have become heavily dependent upon funding under Public Law 874. Recent studies have indicated, however, that discriminatory allocation of educational services in local districts often means that 874 funds do little to improve educational opportunities of Indian children. Although a school district receives Impact Aid funds corresponding to a count of Indian children, this has not meant that Indians necessarily get their fair share of that money or of the district's total revenues.

Federal law does not require, for example, that Indian children receive a share of the Public Law 874 funds equal to that of all other children. Nor are there any present procedures for preventing discrimination against Indian students in the allocation of state and local resources. Thus a recent Legal Defense Fund report on federal Indian education programs entitled "An Even Chance" found that in large districts where Indian enrollment is concentrated in certain schools close to reservations, there is usually a vast difference in the quality of education and facilities and resources offered in these schools from those offered in predominantly non-Indian schools. "The differences are so obvious," concludes the report, "as to lead to the inescapable conclusion that Indian children are not receiving an equal share of anything."

In fact, public schools serving predominantly Indian children are often in greater need of assistance than other eligible schools because of the special remedial education requirements of Indian children. Yet Public Law 874 makes no distinction in their favor. Furthermore, the participation of Indian parents in the educational processes relating to their children is virtually nonexistent.

Part A does not affect the funding provisions of Public Law 874 in any way. It simply adds a new title III to be known as the "**Indian Elementary and Secondary** School Assistance Act." It is designed to provide new funds for special Indian education programs and to give Indian communities a voice in the use of those funds. Under this title, the Commissioner of Education is authorized to make grants to local educational agencies based on the number of Indian children in average daily attendance.

Grants may be used for planning, including pilot projects to test the effectiveness by plans developed; and the establishment, maintenance and operation of specially designed programs, including minor remodeling and acquisition of specially designed equipment, to meet educational needs of Indian children. They are authorized during a three-year period, from fiscal 1972 through 1975.

Under section 305(b)(2)(B) the parents of children participating in the new entitlement program are to participate in each stage of planning, application, conduct, and evaluation of programs under this part. The committee reaffirms its conviction that it is important that parents be afforded the opportunity to participate in the educational progresses affecting their children. Part A requires open consultation by the local educational agency with parents of Indian children to be served, including public hearings at which they will have full opportunity to understand the program; approval of the application by a committee composed of a majority of such parents and selected by them; and continuing involvement in and evaluation of the programs set up under the grant. In order to enable the parent committee to function effectively with respect to its responsibilities under this part, funds may be allocated for their conducting necessary and pertinent business.

Indians eligible for assistance under part A, as defined in section 9 of the bill include

Alaska Natives and state-recognized, terminated, and urban Indians. The definition includes Indians recognized by the Secretary of Interior for any purpose, such as those residing in California, and provides further that the Commissioner of Education may promulgate regulations under which groups or individuals otherwise excluded would be included under part A programs, to allow for situations not presently foreseen. The Committee intends that the definition be viewed as inclusive rather than exclusive; for example, one standard that the Commissioner may adopt in administering this part is one involving a community recognition mechanism, utilizing the parent committee to certify students as "Indians". This approach might be particularly opposite in urban areas.

Section 303(b) provides for an additional authorization of 5 percent of the amounts appropriated for payments under part A to enable the Commissioner of Education to provide financial assistance to schools on or near reservations which are not local educational agencies or have not been such for more than three years. The Committee intends that the funds provided under this section be used to support and encourage community run schools that may not be affiliated or may only be newly affiliated with the state system. In recent years several innovative Indian-run schools have been established. Although these schools are run under different jurisdictions and administrative arrangements, they have proved that Indians can free themselves of non-Indian domination of their schools. And, more importantly these Indian efforts have proved educationally productive.

One of the primary problems communities face when attempting to take over schools formerly run by the Federal Government is that of obtaining adequate funding. The funds authorized under this section should assist Indian communities in getting off the ground with locally controlled schools or school districts.

It is the intention of the Committee that funds under section 303(b) be used to support these efforts, and that the Commissioner actively solicit proposals for such Indian school development.

PART B—SPECIAL PROGRAMS

The Indian Education Subcommittee studies indicate that Indian students in Federal schools score more than 2 years below national norms on achievement tests. Forty percent of the students drop out before graduation. Public schools enrolling Indians rarely include coursework which recognizes Indian history, culture, or language, and in fact often use materials and approaches which are derogatory toward Indians. Clearly the educational opportunities for Indian children are in desperate need of improvement.

Part B adds a new section 810 to title VIII of the Elementary and Secondary Education Act (ESEA) which will authorize the Commissioner of Education to make grants for:

Planning, pilot, and demonstration projects to improve educational opportunities for Indian children;

Program to provide educational services not available in sufficient quantity or quality for Indian children, and to establish exemplary programs and centers to enrich Indian education;

Training or retraining of educational personnel serving Indian children; and

Dissemination of information on Indian education and the evaluation of federally assisted programs.

For these grants, $25,000,000 is authorized in fiscal 1972 and $35,000,000 for each of the three succeeding fiscal years.

After June 30, 1972, funds for library resources, supplementary educational centers and services, and education of the handicapped—titles II, III, and IV of the Elementary and Secondary Education Act—which were formerly allotted to the Department of Interior, will be discontinued. Funds for these purposes will be available under this new section of title VIII. Schools serving Indian children will remain eligible to participate in bilingual programs under title VII, ESEA.

Indian tribes, Indian educational agencies, and Indian organizations are eligible grantees under the various provisions of this part. Indian educational agencies, organizations, and institutions are to be given preference as grantees under this program. In the administration of these grants, the Commissioner should take affirmative action to insure that an adequate number and variety of applications from Indian sources have been filed for the funds available through this part. The Commissioner should assist Indian organizations and agencies in applying for these funds by providing information about the kinds of programs that can be funded, by providing technical assistance in writing proposals, and by providing all other appropriate assistance. There must be substantial participation by the parents of the children to be served and of tribal communities, where relevant, in the planning, development, operation, and evaluation of the project. Approval of applications or programs by tribal governments is not, however, required.

In title III, ESEA, Congress provided that 15 percent of the funds appropriated be used for programs for handicapped children. To insure maximum flexibility, the Committee has not required a fixed percentage set-aside for programs for the handicapped under this part. The Committee observes, however, that 15 percent is an appropriate figure to be allocated for such programs, and the Committee will review grants made under this section after its first year of operation to determine whether the needs of handicapped Indian children are being met to the extent feasible without specific direction of a set percentage of the funds.

It is contemplated that Indian institutions of higher education will be preferred applicants among institutions of higher education, and that Indian controlled local educational agencies be preferred applicants among such agencies.

Increased development of culturally relevant and bilingual curriculum materials should also be emphasized through grants made under this part.

PART C—ADULT EDUCATION FOR AMERICAN INDIANS

The Commission on the Rights, Liberties, and Responsibilities of the American Indian observed in 1961:

"Indian parents, without a tradition of formal education behind them, find it hard to understand its needs or benefits. Poor families must sacrifice to keep their young ones in school. They have a hard time earning enough money for clothes and shoes and are loath to surrender the potential wage the children might earn. Such parents rarely give youngsters the incentive to attend school regularly or to continue to higher levels. In such cases, adult education, which benefits not only the parents but indirectly the child, is called for."

About 75,000 Indian adults have not completed a fifth grade education. Less than one-fifth of the adult Indian population has completed high school. Functional illiteracy is one of the major causes of Indian poverty and unemployment, and almost nothing is being done about it. The Indian Education Subcommittee observed:

"A major commitment should be made to the adult education programs for American Indians. The national need for such a commitment is all too evident in the low economic status, rise in alcoholism, lack of employment capabilities, the inability of too many Indian adults to read and write, and the general lack of fulfillment of Indian adults on reservations."

Part C of title IV adds a new section to the Adult Education Act. It would authorize the Commissioner of Education to make grants to support planning, pilot, and demonstration projects, the dissemination of information, and the evaluation of adult Indian education programs. In addition, the Commissioner is authorized to assist in the establishment and operation of adult Indian basic education programs, to support a major research and demonstration effort in their field, and to determine accurately the extent of illiteracy and lack of high school completion of Indian adults.

Again, as in part B providing for special programs at the elementary and secondary level, this part

Gives preference to Indian applicants;

Requires participation by tribal communities and individuals to be served in the planning, operation, and evaluation of the project; and

Includes reservation Indians as eligible participants.

Five million dollars is authorized for fiscal 1972 and eight million dollars for each of the three succeeding fiscal years.

PART D—OFFICE OF INDIAN EDUCATION; NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Part D establishes an Office of Indian Education within the Office of Education to administer Indian education programs under the jurisdiction of that Office. It also provides for the appointment by the President of an all Native 15 member National Advisory Council on Indian Education, to oversee and participate in administration of Office of Education programs in which Indians participate. The Deputy Commissioner is to be appointed by the Commissioner from a list of names provided by the National Council. The National Council is subject to part C of the General Education Provisions Act.

In administering this title, the Office of Education should establish a responsive complaint mechanism which would permit complaints of alleged violations of law or regulations to be brought to the highest appropriate level for consideration.

This Committee believes that in the past the Office of Education has not recognized the priorities needed in Indian education and has failed to keep adequate data in this field. Furthermore, evaluation of programs funded by OE and dissemination of program information has likewise proved inadequate. It is believed that the centralization of authority and responsibility in a new bureau will go far towards remedying these past inadequacies.

Section 462 of the bill establishes the National Advisory Council on Indian Education. One of the primary findings of the Senate Special Subcommittee on Indian Education and the Education Subcommittee hearings was evidenced of an overriding paternalism in Federal policy, resulting in programs and administration which crushed Indian culture and values. The Committee intends that the National Council, composed of Indians and Alaska Natives, shall have sufficient policy voice in the Office of Education to reverse this paternalism.

The National Council is to participate in all facets of the operation of the Office of Indian Education, through advising the Commissioner regarding administration of programs affecting Indians, advising the Commissioner on the budget and funding process, reviewing applications submitted to the Bureau, evaluating Indian education programs funded through the Bureau, and reporting directly to Congress, with recommendations for improvements of Federal Indian education programs. Indian programs should thus be fashioned to meet Indian needs and preserve Indian culture, language, and traditional values.

The Committee also intends that through review of the use of section 303(b) funds, and by technical assistance, the Council will strengthen and expand Indian participation and influence educational government at the local level.

PART E—MISCELLANEOUS PROVISIONS

Various provisions of the Education Professions Development Act—title V of the Higher Education Act—are amended to reflect the educational personnel needs of Indian children and schools. Title III of the Higher Education Act, designed to strengthen developing institutions of higher education, is amended in section 122 of this act so as to include recently created institutions on or near Indian reservations, in order to increase the availability of higher education for Indians.

EXPLANATION OF COMMITTEE AMENDMENTS

Background of legislation

On August 6, 1971, by unanimous consent agreement, Title IV of S. 659 (the provisions on Indian Education as included in the Higher Education Act) was stricken from the bill and the language in that title was introduced as S. 2482, which was jointly referred to the Committees on Interior and Insular Affairs and Labor and Public Welfare with instructions that it be reported back to the Senate not later than October 1, 1971. Sponsors of S. 2482 are Senators Pell, Allott, Burdick, Fannin, Jackson, Kennedy, McGee, Metcalf and Mondale.

S. 2482 is identical with Title IV as reported by the Committee on Labor and Public Welfare. It does not contain any provision which would eliminate impact aid funds from public schools on or near reservations.

The Committee on Interior and Insular Affairs held an open hearing on S. 2482 on September 20, 1971, to receive testimony from spokesmen for the National Congress of American Indians, the National Tribal Chairmen's Association, the National Indian Education Association, the All-Pueblo Council and a spokesman for the Inondaga Nation. The witnesses proposed several amendments which were subsequently agreed to by the Committee.

The Committee on Interior and Insular Affairs met in executive session on September 23, 1971, and, having considered the bill, reported it favorably, with amendments.

The Committee on Labor and Public Welfare met on September 28, 1971, considered the amendments approved by the Committee on Interior and Insular Affairs, and made technical amendments thereto which were subsequently approved by the Committee on Interior and Insular Affairs.

PAYMENTS TO THE SECRETARY OF THE INTERIOR

(*Amendments designated* (*4*) *and* (*10*))

The amendments designated (4) and (10) extend for one year the authority of the Commissioner of Education to make payments to the Secretary of the Interior for special education programs for Indian children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior.

In its report on the Elementary and Secondary Education Amendments of 1969 (Report No. 91–634, page 6), the Committee on Labor and Public Welfare recommended that the authorities extended by the Amendments expire by July 1, 1972. That Committee expressed the desire that prior to that expiration date, a comprehensive Indian education act could become law and be implemented. Since that time, the Committee on Labor and Public Welfare has reviewed the prospects of enactment and implementation of an Indian education act prior to July 1, 1972, and has concluded that one more year may be needed with transfer payments under present law. In recommending a one-year extension of those transfer authorities, the Committee is also recommending that the law be amended to make clear that the Department of the Interior stands in the same relationship with the Commissioner of Education as a State educational agency does under those programs.

AMENDMENTS RELATING TO PUBLIC LAW 874

(*Amendment designated* (*5*))

Section 2 of the bill is proposed to be amended to require that school districts receiving assistance under the "Impact Aid" program based upon the attendance of children residing on tax exempt Indian lands to provide satisfactory assurance that Indian children will participate on an equitable basis in all school programs. In addition, the amendment requires the Commissioner of Education to exercise the authority under section 415 of the General Education Provision Act to require parental participation with respect to use of Indian Impact Aid funds.

The committee on Labor and Public Welfare finds these provisions necessary to insure that school districts receiving Indian Impact Aid, do not discriminate against Indian children in the distribution of funds. Parent participation and assurance of equitable distribution of funds are two major recommendations of the report An Even Chance by the NAACP Legal Defense and Educational Fund, with the co-operation of the Harvard Center for Law and Education. The need is documented by the hearings of the Special Subcommittee on Indian Education.

Failure to spend an equal amount, on a per capita basis, on Indian as other children is *prima facie* evidence, in the absence of a reasonable explanation, of inequitable treatment. Parental participation requirements should in no event be less comprehensive than those presently in force with respect to title I of the Elementary and Secondary Education Act of 1965, as amended.

The committee on Labor and Public Welfare expects the Office of Education to insure compliance in fact with assurances of equitable treatment and parental participation requirements.

Mr. KENNEDY. Finally, Mr. President, I ask unanimous consent to have printed in the RECORD at the end of my remarks tables showing the funding that would be provided to a sampling of school districts under part A of S. 2482. The basic table is based upon an assumption of full funding of that part. These funds would be mandated for use for special programs to meet the special needs of Indian children, and would be supplemental to other Federal, State, and local contributions. Districts receiving impact funds under Public Law 874 would continue to receive moneys under that act, and they would be eligible for additional supplemental assistance through part A.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. KENNEDY. Mr. President, I again would like to observe that S. 2482 is not the comprehensive legislation that was envisioned by the Special Indian Education Subcommittee. It does not deal with the problems in the administration of the Johnson-O'Malley Act. It does not affect the structure of BIA Indian education administration or programs. I hope that Congress will soon turn its attention to these matters.

I think that this bill, given its scope, represents a momentous occasion in the efforts of Congress to provide exemplary education for American Indians and Alaska Natives. Its thrust and intent, as well as its specific provisions, emphasize Indian involvement and participation and control to the greatest feasible extent at the local level. I believe that the Senate can be proud of this step toward giving Indians a controlling voice in the education of their children. I believe the Senate can be proud of this step to give Indians the tools to build excellence into Indian education.

BIA EDUCATION CONTRACTING

EDUCATION OPERATING CONTRACTS—SCHOOL AND PRESENT STATUS

Aberdeen

Stefan High School: Being renegotiated for F.Y. 1972.

Loneman: Proposal underway.

Billings

Busby: Proposal under consideration.

Wind River: Proposal under consideration.

Navajo

Borrego Pass: Proposal under consideration.

Rough Rock: Being negotiated for F.Y. 1972.

Rock Point: Proposal for School Board participation under consideration. Board considering operation of school in 1972–73.

Ramah: Being renegotiated.

Miccosukee:

1972 contract negotiated.

Phoenix

Blackwater: Being renegotiated for 1972.

St. Michael's: Being renegotiated for FY 1972.

Juneau

Kotzebue: Under consideration by School Board.

Mekoryuk: Under consideration by School Board.

CONTRACTS FOR JOHNSON-O'MALLEY PROGRAM ADMINISTRATION

Aberdeen

United Tribes of North Dakota: Being renegotiated for 1972.

United Tribes of South Dakota: Being renegotiated for 1972.

Omaha Tribe (Nebraska): Being renegotiated for 1972.

Nebraska Intertribal Development Corp.: Being renegotiated for 1972.

Minneapolis

Minnesota Chippewa Tribe: Expressed interest.

Great Lakes Intertribal Council: Expressed interest.

HIGHER EDUCATION

Billings

Montan United Scholarship Services, Inc.: Under consideration.

Albuquerque

All Indian Pueblo Council: Being renegotiated for 1972.

TITLE I ESEA—CONTRACTS WITH TRIBES

A considerable number of contracts are made with tribes to run Title I programs. Services provided by these tribes include: accounting and bookkeeping services; supervision of personnel, procuring supplies and equipment; providing for liaison with school, community, and parents; training staff, parents, and tribal leaders; hiring local aides and personnel; evaluation, etc.

Representative of tribes with whom contracts have been made during this past year include:

Navajo, White Mountain Apache, Hopi, Southern Pueblo, Cherokee, Pima, Seminole-Miccosoukee, Devils Lake-Sioux, Lower Brule-Sioux, Sisseton-Wahpeton-Sioux.

Three affiliated tribes: Arikara, Mandan, Gros Ventre.

Oglala Sioux, Salt River, Northern Pueblo, Choctaw, Papago, Supai, Cheyenne-Sioux, Crow Creek-Sioux, Rosebud-Sioux, Standing Rock-Sioux.

Our estimation is that close to $4 million was contracted with tribes last year. An equal or greater amount will probably be contracted with tribes in the coming year's operation.

Background information

In the case of the Phoenix, Albuquerque, and Aberdeen Areas, most of their Title I monies are contracted to tribes. Eighty to ninety percent is contracted in Juneau because few or no legal contracting tribal entities exist. Navajo contracts about $100,000 to tribes. This is low—local Native school boards do not want to contract with tribes because they want "their people to be paid." Apparently there is some problem of getting pay checks out on time.

July 20, 1971.

Predominantly Indian School Boards in Public School Districts

In a very quick survey of Indian areas, 78 public schools have been identified as schools with duly elected, predominantly Indian school boards. Areas reporting the largest number of such schools are Muskogee (31), Billings (10), Navajo (9), Phoenix (8), and Juneau (8). The Anadarko Area in western Oklahoma reported no predominantly Indian school boards.

Most of the predominantly Indian school boards seem to be operating very effectively and some of the individuals serving on them have proven themselves leaders in their communities and in Indian education.

A listing of the 78 schools is attached. Brief narrative information about some of the school boards follow:

JUNEAU AREA

Of the eight schools involved, the Alaska State Department of Education considers the schools board at Hoonah to be the most active and concerned about its education program.

Hoonah had two school systems until 1946, one operated by the Territory of Alaska and the other by the Alaska Native Service (BIA). From 1946 until statehood in 1949, the school was operated as an independent school district with a locally elected school board. After statehood the system reorganized as Hoonah City Schools and is presently operated as such.

There are five members on the Board. Four are Tlingit Indians, and the other member is non-Native. The Board is aided by a 14-member Education Advisory Committee that is made up of Native parents.

Some highlights of the school program which has been developed under the direction of this Board are:

1. Head Start Program which is housed in the school.
2. A State-funded day-care center.
3. A Follow-Through Program funded by the U.S. Department of Education and O.E.O. This program is based on the University of Arizona Model and is monitored by them.
4. Multi-age grouping in the classrooms, which utilize interest centers.
5. A special education program which includes students from the first through the twelfth grade.
6. Teacher aides—through the sixth grade level.
7. A Title I project in Tlingit Culture which includes both the teaching of the language and the heritage.
8. Another Title I project on environmental enrichment supervised by the secondary science department.
9. A school supervised community recreation program.

The Hoonah School has an enrollment of 200 elementary and 120 secondary students. There are 22 teachers and eight aides. The school operates on a budget of more than $600,000 per year.

The President of the School Board is Mrs. Marleen Johnson. Mrs. Johnson has been on the Board for a number of years, and seems to be its most energetic member. Mrs. Johnson has also worked with OEO and Head Start programs. She is active in Native organizations and community projects.

NAVAJO AREA

Crownpoint, located in the Checkerboard Area of the Eastern Navajo Agency, is a part of the Gallup-McKinley County School District in New Mexico. Three of the five members of this board are Navajo, including the Board President, Mr. Ernest C. Becenti of Church Rock, New Mexico.

Two other Navajo board members who were elected in February are Messrs. Abe Plummer of Ramah and John C. Martin of Coyote Canyon. Martin is also a member of the Navajo Tribal Council and is Chairman of the Navajo Tribal Education Committee.

Becenti is the prime example in the Navajo country of the Indian who is taking an active interest in the education of his children and children of other races. Though he is only a high school graduate himself, Becenti has long recognized the value of education, particularly the need for his people to become educated so they can compete in the white man's world. As far back as 1958, Ernest became interested in the PTA in his home community and served as President of the Church Rock PTA before running successfully for the school board in 1962. He was the first Navajo to serve on the consolidated county board, despite the fact that the county is heavily populated with Navajos. Mr. James Nahkai of Tohatchi, New Mexico, served on the county board previous to this when the county was divided into two districts.

Asked why he became interested in public school activities, Becenti replied that he came to the realization that better communication and cooperation were needed between the Indian and non-Indian people of McKinley County, and that the Navajo children needed someone "to look up to." He figured rightly that he could set an example for Navajo children to follow. "I wanted to show the youngsters that they could be somebody," was the way he put it.

Though he has been on the Board for almost nine years, he recognizes that much remains to be done in improving communications and relations between the varied races in McKinley County. He has also come to realize, he said, that bilingual education is needed for Navajo students and that the Navajo people need to retain their own culture and traditions.

Becenti, who is 45 years old, was employed for 26 years at the Wingate Ordnance Depot east of Gallup; but this installation was recently closed and Ernest has obtained a job with the Bureau of Indian Affairs at Wingate High School. His work with the Church Rock PTA earned him a singular recognition—being named an honorary member of the national organization—the only Indian to have such a distinction.

Mr. Becenti is also Vice President of District 1 of the New Mexico School Boards Association. The district includes public schools at Farmington, Kirtland, Shiprock, Aztec, Bloomfield, and Gallup. He is also President of the Eastern Navajo Agency Council and also President of the Eastern Navajo Housing Association. In addition he was recently elected President of the Church Rock Chapter. He is second Vice President of the Eastern Navajo Industrial Corporation, a company formed to develop industry in the Checkerboard Area. He is also a member of the Inter-Tribal Ceremonial Association in Gallup, New Mexico.

In addition to the nine predominantly Indian school boards, the public school boards at Bloomfield, Cuba, and Magdalena, New Mexico, each have one Navajo board member, and the public school board at Sanders, Arizona, just off the reservation, has one Indian member.

PORTLAND AREA

The Taholah, Washington, District School Board of five Quinault Indian members is actively engaged in a program which will expand the Taholah school system from a kindergarten through grade six program to a kindergarten through grade eight program. New buildings are being planned; innovative programs have been introduced. The school has received national recognition for its accomplishments in Indian education. All members of the board are actively and personally involved in all phases of education at Taholah from Headstart to higher education.

The Neah Bay School Board does not have a majority of Indians, but its Chairman is Indian. The school is currently involved in a unique program with Stanford University as a participant school under an urban-rural school development program. Plans are underway to turn the operation of the school over to a school-community council composed of school, community, and tribal personnel. Enthusiasm for this development is demonstrated by the large attendance at school-community council meetings.

Most of the schools with substantial Indian enrollments have some Indian representation on the school boards.

ALBUQUERQUE AREA

The Dulce Independent School District was originally formed by combining the BIA's boarding school in Dulce with the off-reservation public school at Lumberton, New Mexico. Last school year, 640 students were enrolled in grades K–12. 725 students are expected to enroll for the coming school year. Included in this enrollment are 65 students who reside in the BIA public school dormitory to enable them to attend this school.

There are three Indian members on the present school board; one is the president and two are members. Competition for the positions is keen and all communities vie for the positions. Of the four candidates for election to two positions during the last election, three were Indian.

Legal powers for the board deriving from the State include: power to negotiate contracts, power to develop curriculum (provided it meets State minimum requirements), and power to adopt a plan of operation.

The present board is concerned about more adequate staffing, more adequate plant, staff and community involvement in curriculum development, and curriculum follow-through.

Working with the community, the Board has developed considerable parent participation and good rapport. Under its direction, the school sponsors and participates in parent-teacher conferences, art shows, community recreation, and community entertainment. Participation is considered good.

PHOENIX AREA

The all-Indian board in the Sacaton Elementary School District in Pinal County has been functioning for three and one-half years.

One of its major accomplishments was the phasing out of a BIA school into the public school. This transition was completed two years earlier than scheduled and both Bureau and public school officials were pleased with the extremely smooth operation. The district superintendent has said that the board members are quite good in the development of new programs and the overall supervision of the school system.

The District piloted the use of the DISTAR reading program in the State and was one of the first schools to use touchtone transmission of average daily attendance to the State Education Department. The school district has also been a leader in the use of Indian para-professionals as instructors using programmed material in small group sessions. It has an excellent career development and incentive program for these para-professionals.

A cross-cultural workshop for 25 teachers and 25 aides was held on the Pima reservation at Sacaton during the summer of 1970.

MUSKOGEE AREA

A Creek Indian, Robert Miller, has been a member of the Morris Public School District Board, Okmulgee County, since 1962. He is now the President of the Board, consisting of two Indians and three non-Indians. During the time that Mr. Miller has served on the Board, the school has nearly doubled its enrollment and faculty, increased the academic requirements and developed an excellent vocational-agricultural program. The school operates a 20-acre farm and has strong 4–H and FFA programs.

Robert Miller's brother, David, has also served as a school board president at Twin Hills.

ABERDEEN AREA

The Couture School District on the Turtle Mountain Reservation was created in 1960 and since that time all school board members have been Indian.

It is estimated that revenue from P.L. 874 funds in the coming year will be more than $300,000. The District also benefits greatly from Teacher Corps, Follow-Through, and other special programs.

Board members are realistic and aware that they must work with other officials and agencies in developing plans and proposals. They have been particularly concerned to promote community involvement in their efforts to improve educational opportunities. The number of voters in school board elections has increased each year.

MINNEAPOLIS AREA

Only Red Lake and Nett Lake now have predominantly Indian school boards—which is not, however, a completely accurate indication of Indian involvement in public school education.

Jerry Buckanaga, who has been principal of the Pine Point Demonstration School, has been a member of the State Education Committee and a recognized leader in Minnesota education circles.

Ruth Myers is an elected member of the Duluth Board and a very active community leader.

Ted Mahto is a non-elected advisor to the Minnesota Board and participates in all meetings.

Mrs. Joyce Oliver is an elected member of the Red Lake Board, on the Minnesota Scholarship Committee and a member of the Flandreau School Board.

Until July 1, 1971, five other smaller schools also had predominantly Indian boards. These schools have been annexed by larger districts and Indian membership on these boards will depend on upcoming elections.

In the State of Wisconsin there are no predominantly Indian boards, but Indian committees working with the boards have proven to be quite effective.

PREDOMINANTLY INDIAN SCHOOL BOARDS IN PUBLIC SCHOOL DISTRICTS

	Members	
	Board	Indian
ABERDEEN AREA		
New Town, N. Dak., Twin Buttes Day School	3	3
Fort Berthold, N. Dak., Mandaree Day School	3	2
Belcourt, N. Dak., Couture School District	3	3
Turtle Mountain, N. Dak., Ingelbretson School District	3	3
Macey, Nebr., Macey School District	6	6
Winnebago, Nebr., Santee School	3	2
ALBUQUERQUE AREA		
Dulce, N. Mex., Dulce School	5	3
BILLINGS AREA		
Browning, Mont., Bobb School	3	2
Blackfeet Agency, Montana:		
East Glacier School	3	2
Browning School	5	5
Hart-Butte School	3	3
Crow Agency, Montana, Pryor School	3	3
Ronan, Mont., Elmo School	3	2
Harlem, Mont., Hayes-Lodge Pole School	3	3
Lame Deer, Mont., Brockton School	3	2
Fort Peck, Mont., Lame Deer School	5	4
Fort Washokie, Wyo., Fort Washokie School	3	2
Wind River Agency, Wyoming, Mill Creek School	3	2
MINNEAPOLIS AREA		
Red Lake, Minn., Red Lake School	5	5
Nett Lake, Minn., Nett Lake School	6	5
NAVAJO AREA		
Arizona:		
Window Rock-Fort Defiance District	5	3
Chinle District	5	3
Ganado District	5	4
Tuba City District	5	3
Kayenta District	3	2
Monument Valley High School	3	2
Tuba City High School	5	3
New Mexico:		
Central Consolidated District	5	3
Gallup-McKinley District	5	3
PHOENIX AREA		
Keams Canyon, Ariz., Keams Canyon School	3	2
Fort Apache, Ariz., Whiteriver School	5	3
Sacaton, Ariz., Sacaton School	3	3
Sells, Ariz., Indian Oasis School	5	5
San Carlos Agency:		
Rice School	3	2
Fort Thompson School	5	3
Fort Thompson High School	5	3
White Mountain Agency, Alachesey High School	5	3
PORTLAND AREA		
Colville, Inchalium School	5	5
Spokane Agency, Wellpintit School	5	5
Western Washington, Tahalah School	5	5
JUNEAU AREA[1]		
Craig, Craig City School		
Hoonah, Hoonah City School		
Hydaburg, Hydaburg City School		
Kake, Kake City School		
King Cove, King Cove City Schools		
Klawock, Klawock City School		
St. Mary's, St. Mary's Public School		
Yakutat, Yakutat City Schools		
MUSKOGEE AREA		
Adair County:		
Skelly	3	2
Christy	3	2
Peavine	3	2
Maryetta	3	2
Rocky Mountain	3	2
Dahlonegah	3	3
Bell	3	3
Bryan County:		
Shilo	5	3
Bochitta School	5	3
Cherakee County:		
Owen School	2	2
Lost City	3	2
Shady Grove	3	2
Chawtaw County: Sulphur	5	5
Creek County: Mounds	5	3
Delaware County:		
Colcord	5	5
Oaks Mission	5	3
Leach		
Kenwood School	3	3
Mosley	3	2
La Flore County:		
Talihina	5	4
Panama	5	3
Mayes County:		
Prior School	5	3
Wickliff	3	2
McCurtain County:		
Baptist School	3	3
Holly Creek	3	2
Lukfata	3	3
Pittsburg County:		
Haileyville	5	3
Crowder	5	3
Pittsburg	5	3
Pontotoc County: Pickett Center	3	3
Sequoyah County: Henderson School	3	3

[1] Predominantly Indian, figures not given.

EXHIBIT 3

TABLE I.—ENTITLEMENTS UNDER THE INDIAN ELEMENTARY AND SECONDARY SCHOOL ASSISTANCE ACT (PROPOSED AMENDMENT TO PUBLIC LAW 874) IN SELECTED MODEL SCHOOL DISTRICTS WITH AMERICAN INDIAN STUDENT ENROLLMENT

(A)	(B)	(C)	(D)
School district or agency; State	Indian entitlement[1] under Public Law 874, title I—Fiscal year 1971	Estimated additional[2] Indian entitlement under the proposed Indian Elementary and Secondary School Assistance Act—Fiscal year 1971	Estimated total Indian entitlement under the proposed amended Public Law 874 (B and C) Fiscal year 1971
Alaska Department of Education Rural School District, Alaska		$5, 282, 599	
Window Rock Elementary School District, Arizona	$696, 941	1, 305, 423	$2, 002, 364
Los Angeles Unified School District, California	0	715, 043	715, 043
Denver School District, Colorado	0	191, 123	191, 123
Dade County Board of Public Instruction, Florida	9, 939	106, 924	116, 863
St. Mary Parish School District, Louisiana	0	19, 586	19, 586
Pleasant Point School District, Maine	0	55, 445	55, 445
Red Lake School District, Minnesota	299, 475	598, 554	898, 029
St. Paul No. 625, Minnesota	0	326, 354	326, 354
Browning Elementary School District No. 9, Montana	$468, 190	$739, 500	$1, 207, 690
Rocky Boy's School District No. 2, Montana	155, 221	151, 753	306, 974
Washoe County School District, Nevada	82, 128	333, 134	415, 262
Gallup-McKinley School District, New Mexico	2, 153, 674	3, 721, 272	5, 874, 946
LaFayette Central School District, New York	0	367, 705	367, 705
York County School District No. 3 of Rock Hill, South Carolina	0	27, 399	27, 399
Todd County School District, South Dakota	620, 581	802, 177	1, 422, 758
Mount Adams School District No. 209, Washington	183, 248	430, 892	614, 140
Shawano School District, Wisconsin	0	582, 394	582, 394

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[1] Office of Education. Public Law 874 Grant Applications, fiscal year 1971.

[2] Based on the formula provided in the Indian Elementary and Secondary School Assistance Act, Sec. 303. Average daily attendance was estimated by multiplying the total estimated Indian student enrollment by 0.9, the factor used in similar computations involving Public Law 874 by the Office of Education. The State average expenditure per pupil figures used in computing the (C) estimates are from the Office of Education, expenditures per pupil in average daily attendance (for the purposes of Public Laws 81–874 and 89–10).

TABLE II.—AMERICAN INDIAN STUDENT ENROLLMENT AND ELIGIBILITY FOR PUBLIC LAW 874 IN SELECTED MODEL PUBLIC SCHOOL DISTRICTS, FISCAL YEAR 1971

(A)	(B)			(C)
	Indian students eligible under[1] Public Law 874, title I, fiscal year 1971			Estimated total Indian[2] student enrollment in the school district, fiscal year 1971
School district or agency; State	A's	B's	Total	
Alaska Department of Education Rural School District, Alaska	4,863	1,236	6,099	6,099
Window Rock Elementary School District, Arizona	2,230	37	2,267	2,267
Los Angeles Unified School District, California	0	0	0	1,110
Denver School District, Colorado	0	0	0	335
Dades County Board of Public Instruction, Florida	29	0	0	184
St. Mary Parish School District, Louisiana	0	0	0	40
Pleasant Point School District, Maine	0	0	0	108
Red Lake School District, Minnesota	835	5	840	840
St. Paul No. 625, Minnesota	0	0	0	458
Browning Elementary School District No. 9, Montana	842	124	966	1,228
Rocky Boy's School District No. 2, Montana	237	3	239	252
Washoe County School District, Nevada	228	124	352	554
Gallup-McKinley School District, New Mexico	6,242	552	6,794	7,250
LaFayette Central School District, New York	0	0	0	354
York County School District No. 3 of Rock Hill, South Carolina	0	0	0	71
Todd County School District, South Dakota	1,385	187	1,572	1,572
Mount Adams School District No. 209, Washington	415	263	678	678
Shawano School District, Wisconsin	0	0	0	850

[1] Office of Education, Public Law 874 grant applications, fiscal year 1971.

[2] Totals for the Alaska Department of Education, the Window Rock Elementary School District, the Red Lake School District, the Todd County School District, and the Mount Adams School District are based on the Office of Education Public Law 874 eligibility totals for fiscal year 1971. All other total Indian enrollment figures are based on sources within each school district.

TABLE III.—SELECTED CHARACTERISTICS OF MODEL PUBLIC SCHOOL DISTRICTS WITH AMERICAN INDIAN STUDENT ENROLLMENT

(A) School district of agency; State	(B) Participant in Public Law 874 due to eligible Indian students—fiscal year 1971	(C) General classification for Indian population in the school district
Alaska Department of Education Rural Schools District, Alaska.	Yes	Rural, Federal services.
Window Rock Elementary School District, Arizona	Yes	Federal reservation.
Los Angeles Unified School District, California	No	Urban.
Denver School District, Colorado	No	Do.
Dade County Board of Public Instruction, Florida	Yes	Urban, Federal reservation.
St. Mary Parish School District, Louisiana	No	Limited Federal services.
Pleasant Point School District, Maine	No	State reservation.
Red Lake School District, Minnesota	Yes	Federal reservation.
St. Paul No. 625, Minnesota	No	Urban.
Browning Elementary School District No. 9, Montana	Yes	Federal reservation.
Rocky Boy's School District No. 2, Montana	Yes	Do.
Washoe County School District, Nevada	Yes	Do.
Gallup-McKinley School District, New Mexico	Yes	Do.
LaFayette Central School District, New Mexico	No	State reservation.
York County School District No. 3 of Rock Hill, South Carolina	No	Do.
Todd County School District, South Dakota	Yes	Federal reservation.
Mount Adams School District No. 209, Washington	Yes	Do.
Shawano School District, Wisconsin	No	Terminated Federal services.

Mr. MONDALE. Mr. President, first of all, let me commend the distinguished Senator from Massachusetts (Mr. KENNEDY) for bringing to our attention this whole problem of Indian education, and the tragic conditions of life which face most American Indians even in this day of affluence and prosperity.

I also wish to commend the chairman of the Education Subcommittee, the distinguished Senator from Rhode Island (Mr. PELL) for his impressive efforts. And I thank the distinguished chairman of the Committee on Interior and Insular Affairs, the Senator from Washington (Mr. JACKSON) and the members of the committee, for the prompt manner in which they acted on the pending bill after it was withdrawn at their request from the Education Amendments of 1971, which passed the Senate last August.

Also, Mr. President, let me thank the distinguished Senator from New Mexico (Mr. MONTOYA), who has been a leader in the effort to reform Indian education, as well as many Senators on the other side of the aisle.

For almost 2½ years the Senate Special Subcommittee on Indian Education under the able and dedicated leadership of the late Senator Robert F. Kennedy, and later under the equally able and dedicated leadership of Senator EDWARD M. KENNEDY, explored the educational plight of American Indian children.

In November 1969 the subcommittee, on which I was privileged to serve, issued a shocking report: "Indian Education: A National Tragedy—A National Challenge." Four hundred years of incredible insensitivity and neglect have borne bitter fruit:

Fifty thousand Indian families live in unsanitary, dilapidated dwellings, many in huts, shanties, even abandoned automobiles; the average Indian income is 75 percent below the national average; the unemployment rate among Indians is more than 10 times the national average; the average age of death of the American Indian is 44 years, while for all other Americans it is 65; the infant mortality rate is twice the national average; and thousands of Indians have migrated into cities only to find themselves untrained for jobs and unprepared for urban life.

The history of Indian people in this country is a record filled with injustice. But no injustice is more apparent—or more devastating—than our failure to provide educational opportunities to Indian children.

Their drop-out rates are twice the national average, in some cases approaching 100 percent; their achievement levels are 2 to 3 years below those of white students; one-fourth of elementary and secondary school teachers by their own admission would prefer not to teach Indian children; and most tragic of all, Indian children, more than children of any other minority group, mistakenly believe themselves to be "below average" in intelligence.

The pending bill is a first step toward desperately needed reform of Indian education. If fully funded it would provide approximately $75 million to assist public school districts—with the participation of parents and members of local communities—in meeting the special educational needs of Indian children. These needs—for curricula sensitive to the proud and tragic role of the Indian in American history, for remedial services, for teachers who respect Indian students—will not be met without substantial Federal support.

In addition to provision of special services to children in public schools, the bill would:

Authorize special pilot and demonstration programs—conducted by Indian tribes, institutions and organizations as well as public schools and state education agencies—in the education of Indian children; provide for extending educational opportunities to Indian adults, less than one-fifth of whom have completed high school; amend the Education Professions Development Act to insure attention to the need for teachers and other education professionals sensitive to the needs of Indian children; establish an Office of Indian Education and a National Advisory Council on Indian Education in the Department of Health, Education, and Welfare to insure that Indian education programs conducted by the Department are responsive to Indian needs.

Public schools serving children who live, or whose parents work, on tax-exempt reservation lands presently receive $23 million under the so-called impact aid program—title I of Public Law 81-874—in lieu of taxes. My own State of Minnesota alone receives over $900 million.

But too often Indian children fail to receive a fair share even of impact aid benefits, and suffer severe discrimination in the allocation of general school resources. The report "An Even Chance," by the NAACP legal defense and educational fund with the cooperation of the Harvard University Center for Law and Education, found:

> In large districts where Indian enrollment is concentrated in certain schools close to the reservation, there is typically a vast difference in the quality of education, the condition of the school, and the provision of books and supplies offered in these schools from those offered in predominantly non-Indian schools. The differences are so obvious as to lead to the conclusion that Indian children are not receiving an equal share of anything.

The report concludes:

> The discriminatory allocation of educational services in local districts means that Impact Aid funds do little to improve the educational opportunities of Indian children.

The pending bill does not alter the allocation of Indian impact aid funds. Under my sponsorship, however, a provision was added to assure that where school districts receive Indian impact aid, Indian children will participate on an equitable basis in school programs, and to assure parent participation with respect to expenditure of Indian impact aid funds. With these amendments, I believe that impact aid can be a powerful tool for improving the education of all children in school districts on or near reservations.

Nearly 200,000 Indian children—over 70 percent of the Indian student population—attend our public schools. The pending bill will go far to assure that these children are provided the educational opportunities they deserve.

But most of the remaining children attend schools operated by the BIA. Conditions in these schools are often shocking: The average educational level of Indians under Federal supervision is 5 school years; only 18 percent of students in Federal Indian schools go on to college, although the national average is 50 percent; in 1953 the BIA began a crash program to improve education for Navaho children.

Between then and 1967, supervisory positions in BIA headquarters increased 113 percent; supervisory positions in BIA schools increased 144 percent; administrative and clerical positions in the BIA schools increased 94 percent. Yet, teaching increased only 20 percent.

In 1969 the BIA spent only $18 per year per child on textbooks and supplies compared to a national average of $40.

The Indian Education Act of 1971 as originally introduced by Senator KENNEDY and myself would have established a National Board of Indian Education, to effect reform of the BIA school system by placing control at the Federal and local level in the hands of the Indian community. Senator JACKSON has introduced a similar proposal—S. 1401—to establish a National Board of Regents of Indian Education.

Both of these proposals may need revision with the guidance of the Indian community, but they can, I am sure, provide the basis for essential and lasting reform.

We have already delayed too long. Those of us in the Congress and in the Indian community concerned for the well-being of Indian children must insist upon passage of a measure to reform the BIA school system during the present Congress.

And we must insist that the administration lend its active support to our efforts.

In his message on Indian policy issued in July 1970, the President said:

> One of the saddest aspects of Indian life in the United States is the low quality of Indian education.

Yet, although the pending bill has received the support of the Indian community, and bipartisan support in the Senate, the administration found itself unable to join us.

The President also said:

> We believe every Indian community wishing to do so should be able to control its own Indian schools.

And yet now, more than a year after the President's statement, the Bureau has contracted with only six communities.

With respect to the education of Indian children—as with respect to almost every aspect of reservation life—the administration now has power to extend control of Indian institutions to Indian people. Cosmetic personnel changes within the Department of the Interior are not enough. The Indian people expect to see concrete changes in their daily lives.

Mr. President, the pending bill is a hopeful and promising beginning, but it is only a beginning. I look forward to working with the distinguished chairman of the Committee on Interior and Insular Affairs to complete comprehensive reform of Indian education in the 92d Congress.

Mr. President, one can go on for some time about the problems of providing sensitive and effective educational opportunities to the Indian children of this country. Much remains to be done. The pending bill is an important beginning, but only that. And the key element in providing a decent education for American Indian children was pointed out time and time again before the Subcommittee on Indian Education. As the subcommittee report recommends, we must have a national commitment to achieving educational excellence for the American Indian, with control by over Indian educational programs, and the assurance of sufficient Federal funds to carry these programs forward.

In that one sentence, there is summarized what I believe to be the key fundamental, and indispensable requirement for a decent system of education for the American Indian.

Until we begin to treat Indian citizens with respect, until Indian parents are given the same power—to control the direction, the quality, and the nature of the education given to their children—that we have expected and practiced with our own children from the beginning of this country, there simply will not be a system of equal education for the American Indian children.

The greatest fault to find, in my opinion, with American Indian education is that we have insisted since the beginning of this country that Indians have to be good white people, have to believe in our principles and in our philosophy, have to speak our language and adopt our culture, while rejecting their own.

Running through all of our Indian programs has been a profound insult—a belief that the Indian has no right to respect himself, to be proud of who he is, and what he stands for.

If the pending bill passes, we will move closer toward an administration of programs for the education of Indian children under which those children will be treated with the respect they deserve. But the pending bill provides help only for children in public schools. We must act with the greatest speed to extend reforms for children in federally run schools.

It is one of the great failures of democracy that the BIA has been able to resist direct orders from the President of the United States to turn local schools over to Indian control. President Johnson ordered them to do that. They turned over one school board, I believe. President Nixon insisted on the same principle.

It is amazing the extent to which the bureaucracy has been able to resist this basic principle of Indian controlled education. Until that principle is established in a meaningful, solid, substantial way—and it is not a revolutionary principle; it is what we have in our local systems throughout the country—the American Indian educational system in this country, in my opinion, will continue to be one of the great scandals and disgraces of American life.

Mr. MONTOYA. Mr. President, I have listened very attentively to what has been said this morning by the distinguished Senator from Massachusetts (Mr. KENNEDY) and the distinguished Senator from Minnesota (Mr. MONDALE). I commend both Senators for being leaders of innovation in the field of Indian education in this country. I know that they have worked hard. Many hearings have been held, and they speak this morning with great authority. The bill which they have introduced signals a beginning of meaningful concern on the part of Congress.

I speak in support of S. 2480, a bill to authorize financial support for improvements in Indian education. The first session of this Congress could well prove to be the "Indian Education Congress." The bill begins a two-step phase in the development of legislation that will bring proper education to American Indians and Alaskan Natives.

A second and even more comprehensive bill is now being drafted with the joint cooperation of myself, Senator JACKSON, Senator KENNEDY, and Senator MONDALE, as well as the other members of the Labor and Public Welfare and Interior and Insular Affairs Committees. I am sure that this cooperative effort will be hailed by the Indian communities, because it is something they have asked for since this subject first came up for discussion this session.

It is time that we in this country begin to realize that paternalism over American Indians must be eliminated. The dominant theme must become local control.

Mr. Benny Atencio, chairman, All Indian Pueblo Council, New Mexico, recently said in testimony concerning S. 2482 that—

> The need for local control of educational programs cannot be overemphasized. The bill should mandate greater participation of the Indians in making policies and determining the types of educational programs they want for their children.

I agree completely with this objective, and have struggled consistently for the adoption of this policy nationwide. When I introduced my own Indian Education Act on August 4 of this year, I made the following statement:

> The . . . philosophy of placing with the Indian communities the responsibility for administering their own affairs, planning their own programs and solutions, and managing their own funds brought about significant changes and positive shifts in the lives of Indian people and in the administration of local, state, and federal Indian affairs. Indians are asking that this philosophy permeate all facets of Indian life, including education.

When the bill before us was first drafted, it contained many aspects that would develop local control of Indian education, but it was incomplete. It also emphasized the role of the national board, which attracted a great deal of opposition among Indians. The troublesome features of this bill have now been eliminated. Let me refer specifically to a number of these items, since their elimination has led to rather widespread support among the Indian community now.

Committee amendment No. 5 would insure that impact aid funds would still be available for schools with high Indian populations. In addition, this amendment calls for parental participation with respect to the use of Indian impact aid funds. Participation by parents and assurance of equitable distribution of funds were the two major recommendations of the Legal Defense and Education Fund Study of Indian Education. This is an extremely important change in this bill.

Committee amendments No. 4 and 10 will insure that special education funds will be available for Indians in Federal schools. Transfer authority from the Office of Education to the Department of Interior is assured by these amendments. I am happy to see this change, because the Indian communities and school districts were very much afraid that they might lose the $12 million for such purposes received by them in 1970.

Other amendments insure that sparsely settled areas with small Indian enrollments will still gain their fair share of funds, and that private agencies will not be allowed to usurp the rightful place of Indian organizations in the participation in programs of Indian education.

I would like to compliment the work of the Committees on Labor and Public Welfare and Interior and Insular Affairs. Indian education is going ahead at a much more rapid rate in the last 2 months, because of the close cooperation that is now developing between members and staffs of these committees. I commend Senators PELL, MONDALE, JACKSON, and KENNEDY for their work on this issue and look forward to working with them in developing a comprehensive bill later in this session.

The 200,000 Indians now enrolled in public schools will benefit greatly from this bill. My State is one of the three in which more than 5 percent of the total public school enrollment comes from the Indian population of our State. With the help of this and other bills, the dropout rate of Indians, which is presently twice that of the national average, might well begin to drop.

The Senate has before it today the first phase of a new philosophy in Indian education. I hope that it will join together unanimously and support this new direction for the education of America's first people.

Mr. KENNEDY. Mr. President, I ask for yeas and nays.

The PRESIDING OFFICER (Mr. GAMBRELL). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. FANNIN. Mr. President, S. 2482 has refocused the Senate's attention on Indian education and has attempted to provide some meaningful solutions to a most complex and difficult problem. In this sense it is commendable.

But, while S. 2482 is a step toward realizing the goal of a better educational program for our Indian children, the specifics fail its generous intent. In short, S. 2482 is not comprehensive enough to encompass the broad scope of the current problems facing Indian education. In addition, S. 2482 is deficient, because it raises serious questions which are left unanswered, and because it lacks the support of this administration.

Mr. President, I expressed my concern for S. 2482 in a statement of supplemental views which accompanied the report of this legislation. Briefly, I observed the following:

First, S. 2482 lacks a set of goals for Indian education.

Second, in amending Public Law 81–874, I question whether we are providing the best answer to insure the delivery of funds in support of Indian education programs.

Third, to be considered complete, legislation dealing with Indian education must include funds for construction of needed school facilities to serve Indian children. In my own State, at this moment, there are 20 projected costing some $29 million which cannot be funded because of the inadequate appropriations for Public Law 81–815.

Fourth, S. 2482 does not go far enough in providing clear Indian control of their educational efforts and program. If Indian participation is to be real, it is time we began to move in that direction.

Fifth, attention must also be directed toward achieving better funding levels and arrangements for State public school systems that have accepted the additional educational responsibilities involved in enrolling Indian children.

In noting these deficiencies, I am convinced that what is necessary is a more comprehensive approach to Indian education. Such legislation should provide for:

First. Development of national goals for Indian education.

Second. Adequate funding with assurances that such appropriations will reach Indian children.

Third. Construction needs.

Fourth. Administrator and teacher training and recruitment.

Fifth. Indian school board development.

Sixth. Federal organization for implementing Indian education programs.

Mr. President, I ask unanimous consent that my complete statement be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

S. 2482, INDIAN EDUCATION ACT OF 1971—SUPPLEMENTAL VIEWS

The most commendable thing about S. 2482, as amended by the Interior and Insular Affairs Committee, is that it attempts to implement some of the recommendations of the Special Subcommittee on Indian Education of the Labor and Public Welfare Committee. This Special Subcommittee, established in 1967 upon the passage of Senate Resolution 165, was a result of my own deep concern for the direction of Indian education programs and the evident need to demonstrate through hearings, field investigations, and studies the necessity for new policies.

The result of the work of the Special Subcommittee, of which I was a member from 1967 to January 1969, was contained in a lengthy but comprehensive report entitled; *Indian Education: A National Tragedy—A National Challenge*, published in November 1969. This report, after surveying the status of Indian education programs, made some sixty recommendations to strengthen these programs and adopt new approaches. Of all these recommendations, only one, *Establishing a Senate Select Committee on the Human Needs of the American Indian*, was severely questioned by the minority members.

Yet; these very specific recommendations have not received the serious consideration they deserve. Currently, problems associated with Indian education receive only cursory treatment within the purview of the appropriations for the Department of Interior, Bureau of Indian Affairs and related ESEA programs. This process, of course, is narrow and restrained in dealing with the broad problems of Indian education.

S. 2482 has, however, refocused attention on the quality of education for our Indians and, in this sense, I have supported this effort.

While this legislation is commendable, there are a number of questions and deficiencies which I feel should be noted.

First, the most serious deficiency contained in S. 2482 is the complete lack of a set of educational goals for the Indian community. The Special Subcommittee itself in its report enunciated a set of National Goals, but to what extent these goals are shared by Indians in general is not known and which, of course, should be speedily determined. Clearly, if we are to break out of the maze of Indian education legislation, program duplications, agency overlaps, and misdirected efforts, there must be developed by both Congress and the Indians themselves a coherent set of goals. If we are, as a nation, to provide quality education for Indian citizens, we must know where we are going.

In addition, a set of educational goals would also provide an indication as to what organizational structure will be necessary to achieve such goals. We must strive to avoid establishing a system of multiple agencies all working in the same problem area. Such a system encourages competition among institutions over budget needs, jurisdictions, and programs rather than spending their time, precious time, on the problems they were organized to solve. With resources growing scarce, such competition is something we can ill afford.

To summarize: The word "relevance" has been much used and abused, but in relationship to Indian education, let us make those *programs* and *organizations* affecting Indian education "relevant."

Second, is amending P.L. 81–874 the best answer, legislatively, to insure that education funds will, in fact, reach Indian children? The Special Subcommittee reported that "many public school districts educating Indians use Public Law 81–874 funds for a good share of their operating budgets, which results in a situation where Indian students receive insufficient benefit." This situation must obviously be rectified so that funds will support the programs for which they were intended.

The provisions of S. 2482 would seem to meet these present objections by requiring Indian parental participation in determining the use of such funds. However, I think that we must be completely assured that the funds designated for Indian education will be utilized for that purpose. In addition, it would seem advisable that we review other Indian education programs as well to see whether remedial legislation might be required to insure that the integrity of those programs are protected.

We constantly speak today of revitalizing our "delivery systems" to adequately insure that funds and services reach their program objectives. What greater contribution could we make to Indian education than to insure the proper use of such designated funds. We cannot ignore this basic legislative issue.

Beyond the problems associated with delivery of services, however, is the more basic question of whether or not we should tie Indian education funds to P.L. 81–874 or establish a separate legislative authority. This is an area requiring and deserving our attention.

Third, any legislation affecting Indian education cannot overlook the BIA schools. No matter how many times we hear of the apparent difficulties in the BIA educational system, there must first be developed, with the complete assistance of the Indians themselves, an alternative system, should that be required, before we begin phasing out the BIA school system. Until an alternative system is developed, should that be required, it would be highly unfair to deprive the BIA schools of needed assistance. The children attending such schools deserve equal concern and attention. Thus, this legislation cannot be considered complete unless the comparable assistance grants, the special programs, and the provisions for participation as provided in S. 2482 are extended to those children and parents under the jurisdiction of the BIA schools.

Fourth, one of the most serious deficiencies of S. 2482 is ignoring the need for a substantial increase in funds for construction of needed school facilities serving Indian children. By merely wishing that Indian needs should receive priority funding is to overlook the seriousness of the situation regarding PL 81–815 funds. Consider the following:

(a) The Special Subcommittee in its report noted that "lack of funding for Public Law 81–815 prevents any construction of Public school facilities for Indian students."

(b) The Special Subcommittee noted further:

1. Indians are not included in the sections or the law which are given priority funding.
2. Many public schools accepted Indian students under the impression they would receive federal money for constructing facilities necessary to educate those Indian students, yet such federal money has rarely been appropriated.

To be considered complete, any legislation affecting Indian education must include funds for construction of needed educational facilities. This can be accomplished by amending PL 81–815 or by providing for a separate appropriation.

Fifth, while S. 2482 emphasizes Indian parental participation in developing, approving, and evaluating educational programs, there is still a need to make permanent such Indian committees as a first step to instituting a local Indian school board system. Under S. 2482, Indian participation is limited to the discussion, approval, and evaluation of programs receiving grants under this legislation. What is necessary is legislation which expands this participation to include the curriculum, teacher recruitment, and other programs related to the school's educational endeavors. Concurrently, legislation should also be developed which includes the development of Indian personnel for service on school boards.

If Indian participation is to be real, it is time we began to move in that direction. A primary aim of Indians is self government, and the determination of an educational program by each Indian community is an essential part of self government.

Sixth, S. 2482 should have included much needed provisions dealing with teacher recruitment, incentives to reduce high teacher turnover, the expansion of teacher and administrator preparation programs to enable schools to provide competent, trained personnel to specifically serve Indian children and to encourage Indians themselves to become teachers, administrators, and educational leaders.

Seventh, attention must also be directed toward achieving better federal funding levels and arrangements for those state public school systems that have accepted the additional educational responsibilities involved in enrolling Indian children. This review should encompass the evident difficulties of the states to obtain greater support for this effort through the Johnson-O'Malley program. The federal government has an obligation to assist public schools which are educating Indian students, especially in the light of limited state educational aid. The Congress, therefore, should reassess its present levels of financial support to public schools.

In noting these deficiencies, I am convinced that S. 2482 is too limited in its approach. The broad problems associated with Indian education would seem to suggest a more comprehensive bill. In addition, the sixty recommendations of the Special Subcommittee deserve review to determine whether or not they are appropriate. Realizing how much is still left unattended, I can only conclude that what is necessary is the following:

1. A thorough review, with the representative Indian groups, of the sixty recommendations contained in the Report of the Special Subcommittee on Indian education.
2. A review, with Indian groups, of the role of either the BIA and/or HEW in the education of Indians.
3. The development of a more comprehensive Indian education legislation with full participation of Indian groups. Such legislation, in my opinion, should be developed with reference to:

(a) Development of national goals for Indian education.

(b) Adequate funding with assurances that such appropriations will reach Indian children.

(c) Construction needs.

(d) Administrator and teacher training and recruitment.

(e) Indian school board development.

(f) Federal organization for implementing Indian education programs.

It is time that we examine all aspects of Indian education so that we can enact a comprehensive bill. For too long we have handled Indian education on a piecemeal basis without enough reference to other problems and programs. The result of this approach has left us with a complex web of legislation which has both helped and hindered our efforts to provide quality educational porgrams.

A major comprehensive bill containing a set of educational goals will, I am sure, help us to overcome our current deficiencies and provide a viable and relevant Indian educational program.

Mr. FANNIN. Mr. President, in addition to these individual observations, we must consider the view of S. 2482 by the administration. Secretary Richardson in a letter to the chairman of the Labor and Public Welfare Committee, commented:

> The provisions of S. 2482 stand in substantial contradiction to Administration education policy.

To summarize, Secretary Richardson noted the following:

> First, due to the magnitude of the cost of this provision and consistent with the Administration policy of avoiding unnecessary new categorical authorities in OE grant programs, we do not support the proposed amendment to Public Law 874.
>
> Second, the proposed amendment to Public Law 874 would extensively duplicate title I of the Elementary and Secondary Education Act since most Indian children are from low income families.
>
> Third, an Indian Education Policy Task Group appointed by Commissioner Marland is in the process of submitting a review of the role of OE in Indian education. Since this process has not been completed we do not favor enactment of S. 2482.
>
> Fourth, we oppose the creation by statute of a Bureau of Indian Education within the Office of Education. The legislating of administrative structure does not necessarily serve the need for comprehensive planning and flexibility to cope with changes in problems, resources, and responses over time. The Task Group is reviewing a range of possible administrative initiatives to create an optimal structure for serving the educational needs of public school Indian children.
>
> Fifth, in S. 2482 there seems to be a potential services overlap of responsibility between the Presidentially appointed National Advisory Council and the Commissioner and his appointed Deputy Commissioner of Indian Education.

Mr. President, I ask unanimous consent to have printed in the Record a copy of the Secretary's letter.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of Health,
Education, and Welfare,
September 29, 1971.

Hon. Harrison A. Williams, Jr.,
Chairman, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: This letter is in response to your request of August 11, 1971, for a report on S. 2482, a bill "To authorize financial support for improvements in Indian education and for other purposes."

The bill would add a new title to Public Law 874, School Assistance in Federally Affected Areas, to provide financial assistance to local education agencies to develop and carry out elementary and secondary programs to meet the special education needs of Indian children. The amount of the grant to which a local educational agency would be entitled would be equal to the average per pupil expenditure for such agency multiplied by the number of Indian children enrolled in that agency as determined by the Commissioner. There would be a ratable reduction of payments to such agency in the event that appropriations for any fiscal year were not adequate to pay in full that agency's entitlement for that fiscal year.

Grants made under this title could be used for the planning, development and operation of programs specially designed to meet the special education needs of Indian children. Agencies with at least 10 Indian children, or with an enrollment of 50 percent Indian children, would be eligible to receive funds.

Part B of S. 2482 authorizes the Commissioner to make grants for projects designed to test the effectiveness of programs for improving Indian educational opportunities; programs to provide educational services not available to Indian children in sufficient quality or quantity; training programs for educational personnel; and for dissemination and evaluation of the results of Federally-assisted programs. The bill would authorize $25 mililon for Fiscal Year 1973 and $35 million for each of the two succeeding fiscal years for such purposes.

Part C of S. 2482 would amend the Adult Education Act by authorizing pilot and demonstration projects, research, evaluation, and operation of adult education programs for Indians. For the purposes of making grants under this part, $5 million would be authorized for Fiscal Year 1973 and $8 million for each of the two succeeding fiscal years.

The bill also provides, in part D, for the establishment of a Bureau of Indian Education within the Office of Education. The Bureau would have responsibility for administering Title III of Public Law 874, section 810 of Title VIII of the Elementary and Secondary Education Act, and section 314 of the Adult Education Act as added by S. 2482. The Bureau would be headed by a Deputy Commissioner, appointed by the Commissioner from a list of nominees submitted to him by the National Advisory Council on Indian Education. Such National Advisory Council, consisting of fifteen members appointed by the President, would have wide responsibilities for advising the Commissioner, evaluating programs, reviewing applications for assistance and providing technical assistance on Indian education to local education agencies and Indian organizations.

This bill additionally provides that, after Fiscal Year 1972, funds formerly set aside for the Secretary of the Interior under Elementary and Secondary Education Act titles I (Compensatory Education), II (Library Services), and III (Supplementary Educational Centers and Services), and under the Education of the Handicapped Act would be discontinued.

Full funding of all parts of S. 2482 would result in an estimated cost of $118.5 million for Fiscal Year 1973, the initial year of operation. Due to the magnitude of the cost of this provision, and consistent with the Administration policy of avoiding unnecessary new categorical authorities in OE grant programs, we do not support the addition of the proposed amendment to Public Law 874. Further, the proposed amendment to Public Law 874 would extensively duplicate Title I of the Elementary and Secondary Education Act since most Indian children are from low-income families.

The sections of S. 2482 summarized above treat several issues in Indian education including: (a) the role of the U.S. Office of Education in Indian education, (b) developmental and innovative needs in Indian education, (c) the organizational structure of OE's effort in Indian education, and (d) the manner in which Indian educators and Indian representatives can effectively participate in policy decisions that pertain to their people. While we applaud the spirit and the objectives of S. 2482, we are not convinced that the bill constitutes the best response to the issues listed above.

The Indian Education Policy Task Group, which Commissioner Marland established and referred to in his April testimony before the Senate Labor and Public Welfare Committee is actively reviewing the general role of the Office of Education in Indian education and is considering a number of alternatives, many of which could be instituted without additional legislation. The Task Group is in the process of submitting its review and final recommendations to the Commissioner. Since this process has not been completed, we do not favor enactment of S. 2482.

Further, we oppose the creation by statute of a Bureau of Indian Education within the Office of Education. The legislating of administrative structure does not necessarily serve the need for comprehensive planning and flexibility to cope with changes in problems, resources and responses over time. In addition, the creation of a Deputy Commissioner to head a single bureau would place that officer out of line with the existing Deputy Commissioners who administer the equivalent of more than one bureau. The Task Group is now reviewing a range of possible administrative initiatives to create an optimal structure for serving the educational needs of public school Indian children.

In his Indian message of July 8, 1970, the President expressed his support for Indian self-determination as a major goal of our national Indian policy. The Administration has proposed legislation to this end, which is currently pending before the Committee on Interior and Insular Affairs as S. 1573. We fully concur in the need for a mechanism to ensure meaningful participation of the Indian communities in the development of educational policy for Indian children. However, in S. 2482, there seems to be a potentially serious overlap of responsibility between the Presidentially appointed National Advisory Council and the Commissioner and his appointed Deputy Commissioner of Indian Education. The rather unprecedented review and evaluation authority of the Council would seem to infringe on the program and evaluation responsibilities of the Commissioner and the proposed Deputy Commissioner for Indian Education. In addition, the advisory function of the proposed National Advisory Council duplicates the advisory role of the recently created Education Subcommittee of the National Council on Indian Opportunity.

We believe that the provisions of S. 2482 stand in substantial contradiction to Administration education policy and recommend against passage of this legislation.

We are advised by the Office of Management and Budget that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

Elliot L. Richardson,
Secretary.

Mr. FANNIN. Mr. President, for many years I have been deeply involved in finding a better educational program for our Indian children. S. 2482 is a step toward finding that program and I would have liked to support it, but knowing what is still left unattended I must argue for a more comprehensive bill. Until we find a program which will, in fact, attempt to solve the broad problems facing Indian education we will not have reached our objectives.

Mr. ALLOTT. Mr. President, first of all, I want to congratulate the senior Senator from Arizona on his statement and particularly the perspective that pertains to it. No one has pursued his duties with respect to Indian education any more avidly and sincerely than the Senator from Arizona.

I would like to call attention to the fact that the States with far and away the highest number of Indian children in school are the State of Arizona with 26,426, the State of New Mexico with 28,233, and in that group the next State is Oklahoma with 11,042, although the lack of Indian reservations there and the designation of "Indian" varies from the designations in other States.

I took my feet at this moment simply to call attention to the fact that the minority members of the Committee on Interior and Insular Affairs, particularly the distinguished Senator from Arizona (Mr. Fannin), who is the ranking Republican member of the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs, have themselves contributed very greatly to the formulation of this and other legislation. The Senator from Arizona has pointed out specific areas where this bill is deficient. But I would also be remiss, as ranking Republican member of the Committee on Interior and Insular Affairs, if I did not take particular note of the work done by Senators Hansen, Bellmon, and Jordan of Idaho on this bill.

It is my hope that we can formulate an overall bill for the perfection of Indian education. It is a difficult task because there are over 400 different tribal entities. They vary as much as any of the races anywhere in the world can vary with respect to each other in their outlook, traditions, culture, background, education, and characteristics. To get uniformity or a consensus as to what should be done among all of them is extremely difficult.

One thing I am sure of at this point is that this is a problem which is going to be one of the most difficult problems to really solve of any that the Senate or the Congress is going to deal with in the next few days.

Appropriating money, and even huge amounts of money, is not going to be the answer to it. The answer is going to be in the productive, imaginative, and constructive work that goes into the legislation, in cooperation with the Indians themselves, and in this respect I think the kind of constructive and imaginative thinking that needs to be done is the kind that the distinguished Senator from Arizona has been doing. I wanted to take note of that particularly at this time.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. FANNIN. Mr. President, I simply wanted to commend the distinguished senior Senator from Colorado for his remarks regarding the bill and the work that we have been doing. He, of course, is the ranking Republican member of the Committee on Interior and Insular Affairs, and he has contributed greatly of his time and effort and certainly has given support to all of us in permitting us to go into these matters very thoroughly. He, perhaps more than anybody else, has provided us the opportunity in this instance of considering this legislation separately from the bill that was originally proposed.

I also agree with him wholeheartedly that it is not a matter of just the amount of money that is expended. It is how that money is spent. I know when we were having hearings in Arizona, at the schools, and were considering the question of the education of the Indians, a student at one of the schools said:

> We do not want pity. We do not want charity. We want opportunity. We want an opportunity for an equal education.

I feel that that is exactly what those people deserve to have. They are the first Americans and they are certainly the most underprivileged people of our Nation.

I certainly commend the Senator for bringing forth that it is the opportunity and proper supervision of the educational problems that will bring about greater results, as he has said, than just the amount of money that is expended.

Mr. ALLOTT. I thank the Senator. I think our minds run along the same channels. It is the work and the imaginative and constructive thinking that go into the effort that will mean whether we win this battle relatively quickly or lose it.

Mr. DOLE. Mr. President, throughout the history of our country, the children of the American Indian have not received the full benefits from our educational system.

Recently compiled statistics demonstrate several specific areas in which Indian students have progressed at a rate far below that of the majority of American students in elementary and secondary grades.

A brief review of these figures reveals:

Dropout rates are twice the national average in both public and Federal schools. Some school districts have dropout rates approaching 100 percent.

Achievement levels of Indian children are 2 to 3 years below those of white students; and the Indian child falls progressively further behind the longer he stays in school.

Indian children, more than any other minority group, believe themselves to be below average in intelligence, even though evidence is contrary to this belief.

Mr. President, these statistics clearly point out the substandard position of Indian children in the educational system. This dilemma has persisted over the years and demands immediate corrective action. We must make every effort to provide equitable opportunities for all American children to receive the invaluable rewards of a good education.

S. 2482 is by no means the entire solution to this problem, but it is a move in the proper direction and provides a number of important benefits for these students.

Essentially, it establishes three new programs. The first would assist local educational agencies in meeting the special needs of Indian students. The second would provide funds for special programs and projects to improve Indian educational opportunities. The third program would support the improvement of adult Indian education.

A Bureau of Indian Education within the Office of Education also would be established to coordinate and develop programs in this field. Nonreservation Indians are eligible to participate in programs established under the bill, and community participation in programs for the specific benefit of Indian children is required.

A total of $87.5 million would be authorized for fiscal year 1973, $82.5 million in fiscal year 1974, and $90.8 million in fiscal year 1975.

I urge the Senate to give approval to this vitally needed legislation and lead the way for further advancements in the educational programs offered the children of the American Indian.

Mr. JACKSON. Mr. President, I am pleased to speak in support of S. 2482, to authorize financial support for improvements in Indian education, and for other purposes, which is under consideration by the Senate today.

As a result of the unique relationship Indian people maintain with the Federal Government, our Nation has assumed many responsibilities in their behalf, including a promise to provide educational opportunities for their children to prepare them for a successful livelihood in society. Unfortunately, in many respects, we, as a Nation, have failed to fulfill this promise to the Indian people and their children. The story of this dismal failure is reflected in numerous studies and official investigations on the status of Indian education in the various educational systems—Federal, public, and private—where Indian children attend school.

No lengthy recitation of statistics is required to remind my colleagues of this regrettable situation. The drop-out rate for Indian students is one of the highest in the country; Indian students fail to achieve as well as other students; and when Indian students do complete secondary studies and enroll in colleges and universities their limited academic preparation results in unusually high attrition rates. These problems are not so much related to the inability of Indian children to learn as they are to the inadequacies of the educational programs that serve them.

A more recent 2-year investigation on the status of Indian education by a special subcommittee of the Senate Labor and Public Welfare Committee brought Indian education deficiencies and problems into a new focus and perspective. The initial work of the subcommittee was launched under the leadership of the late Senator Robert F. Kennedy and was completed by Senator EDWARD M. KENNEDY. Their findings and recommendations are set forth in a comprehensive report. The outstanding work of this special subcommittee has properly laid the groundwork for action.

The measure before us today is an outgrowth of the report prepared by the special subcommittee of the Labor and Public Welfare Committee and represents a step in the direction of developing educational opporutnities that are based on the unique social, cultural political, and geographical needs of Indian children. I believe it is important in the consideration of S. 2482 to outline briefly the legislative history as the measure has progressed through the Senate.

This measure originally appeared as title IV—Indian Education—to S. 659—omnibus education amendments of 1971—which was considered before the Subcommittee on Education of the Senate Committee on Labor and Public Welfare. The bill was reported to the Senate on August 3 and was scheduled for floor action during that same week.

In response to numerous requests from the Indian leadership throughout the country, I and other members of the Interior and Insular Affairs Committee requested that action on title IV be deferred to give our committee members additional time to review the legislation in light of these concerns.

On August 6, 1971, by unanimous consent agreement, title IV of S. 659 was stricken from the bill and the language in that title was introduced as S. 2482, which was jointly referred to the Committees on Interior and Insular Affairs and Labor and Public Welfare with instructions that it be reported back to the Senate not later than October 1, 1971. Sponsors of S. 2482 are Senators PELL, ALLOTT, BURDICK, FANNIN, JACKSON, KENNEDY, METCALF, and MONDALE.

S. 2482 is identical to title IV as reported by the Committee on Labor and Public Welfare. It does not contain the provision which would have eliminated impact aid funds from public schools on or near reservations. Deletion of this provision had been agreed to by the Labor Committee before title IV was reported.

The Committee on Interior and Insular Affairs held a hearing on S. 2482 on September 20, 1971, to receive testimony from spokesmen for the National Congress of American Indians, the National Tribal Chairmen's Association, the National Indian Education Association, and the All-Pueblo Council. The witnesses proposed several amendments to improve the various provisions of the bill. The committee was impressed by the ability and sincerity of the Indian witnesses who testified on September 20. The committee's belief that the Indian people, through their leaders, should have a chance to express their views on the bill before it was considered by the Senate was justified. The Indian spokesman proposed the type of amendments which the Interior Committee subsequently approved.

The committee met in executive session on September 23, 1971, and after considering S. 2482, ordered it reported favorably to the Senate.

The Interior Committee proposed only three substantive changes in S. 2482.

Believing that a law entitled the "Indian Education Act" should not, in fact, deprive some Indian children of benefits currently available, the committee proposed to amend S. 2482 to restore programs under the Elementary and Secondary Education Act to those children who are enrolled in Federal schools operated by the Bureau of Indian Affairs.

Further, in keeping with the desire of Indian people for self-determination, the committee proposed to amend the bill to assure that funds under the act will be directly available only to public education agencies or to Indian tribes, organizations and institutions, with preference, where appropriate, to the Indian groups.

A third amendment extends the benefits of the act to Indian children in small, isolated rural areas, where the need is often the greatest.

All but one of the other amendments are primarily editorial, or clarifying in nature. An amendment to section 5 of Public Law 874, 81st Congress, proposed by the Committee on Labor and Public Welfare was not considered by the Committee on Interior and Insular Affairs and the committee takes no position on the amendment.

I ask unanimous consent that a letter from the president-elect of the National Education Association containing their views on S. 2482 be inserted in the Record at the conclusion of my remarks. Several of their recommendations parallel the amendments approved by the Committee on Interior and Insular Affairs.

The Committee on Interior and Insular Affairs continues its long history of concern for improving the educational opportunity of Indian children and adults. This concern encompasses those Indians who have left the reservations as well as those who remain. The committee is convinced that education, along with resource development of Indian lands, is essential if the Indian people are to secure the full measure of self-determination to which, as citizens, they are entitled.

The committee believes that as a matter of national policy, the Federal Government must maximize educational achievement and opportunity for all Indian children, regardless of what schools they attend. We believe that any Indian education program must provide for meaningful involvement of the Indian people in planning and carrying out the educational program. Only through this procedure will the program be effective.

For too many years the Indian people have had things done to them. It is the committee's conviction that the time is overdue for the Indian people to be given the means to determine for themselves what their needs are, and the wherewithal to meet these needs. S. 2482, with the amendments proposed by the Interior and Insular Affairs Committee, as concurred in by the Labor and Public Welfare Committee, is a step in that direction.

During the September 20 hearings the Indian leaders also urged that the Congress enact a truly comprehensive Indian Education Act as soon as possible. The committee has taken this recommendation under serious consideration. In the very near future, I plan to introduce such a proposal designed to set the course of Indian education in a direction that will ultimately provide the kind of educational preparation for Indian children and adults that will offer them social and economic equality with other Americans.

There being no objection, the letter was ordered to be printed in the Record, as follows:

NATIONAL EDUCATION ASSOCIATION,
September 21, 1971.

Hon. HENRY M. JACKSON,
Chairman, Senate Interior Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: On behalf of the 1.1 million members of the National Education Association, I commend you for scheduling hearings on S. 2482, the Indian Education Act of 1971, and for restricting the witnesses to representatives of organized Indian organizations.

As then President-Elect Donald Morrison testified before the Senate Education Subcommittee on April 29, 1971, NEA will support whatever position the majority of Indian people take on legislation affecting Indians. We are aware that many Indian groups were concerned about S. 2482 when it was reported as Title IV of S. 659. The final version of Title IV as it reached the Senate floor was much improved over the bill which came from the Education Subcommittee. However, we believe that it can be further improved.

S. 2482 should be amended by deleting the language which eliminates the Bureau of Indian Affairs schools from the benefits of the Elementary and Secondary Education Act. Coverage of pupils in BIA schools should be extended through the period provided for pupils in other schools. Children enrolled in BIA schools, as American citizens, are entitled to all benefits made available to all other American citizens.

We urge that S. 2482 be amended by providing in all appropriate places in the bill that grants or contracts made under the bill be limited to public and private *non-profit* organizations, agencies, and institutions. If, after receiving a federal grant or contract, the members of the local Indian committee wish to purchase services, such as testing or instructional material development, from profit-making firms, they should be free to do so. However, we urge that grants or contracts from the Office of Education be issued only to public and non-profit agencies. The recent findings of the GAO relative to contracts to evaluate USOE and OEO projects indicate that $7.5 million of $9 million for this purpose were wasted. We have consistently contended that the misuse of federal funds for education purposes in contracts with profit-making agencies has been counter-productive. We believe this even more firmly today.

S. 2482 establishes an Advisory Committee on Indian Education in the Office of Education. We are dubious as to the usefulness of the myriad advisory committees which have been provided for in recent years. However, if the Indian people support this provision we have no strong objections to it. Perhaps this committee can be effective.

It is our hope that a truly comprehensive Indian education program can be enacted by the 92nd Congress. S. 2482 touches only one segment of the Indian children. We believe that a comprehensive bill should include the provisions of your bill, S. 1401, to create a Board of Regents for Indian Education (amended as the Indian people desire); S. 2482 as amended; a major teacher education program designed to develop educational administrators, teachers and auxiliary personnel, with preference given to Indians; and a school construction program to meet the desperate needs of schools on or near Indian reservations. We believe further that a companion bill addressed to the needs of Indian people for adult, career, vocational, and higher education should be developed for consideration as soon as possible.

We urge that work begin on other legislation as described above as soon as possible. However, we do not believe that the comprehensive Indian education program currently under consideration should be held up pending the development of the adult-career-vocational-higher education bill.

Incidentally, the NEA will request that any companion legislation that may be drawn take into account and protect the rights and benefits of persons employed in BIA schools at the time the legislation is enacted.

There is at present a tremendous concern on the part of the American people to "do something" for the Indians. Whether this concern is evidence of a national conscience, perhaps stimulated by such events as My Lai, is interesting to conjecture. Whatever the reason, it is incontrovertible that the Indian cause has never had more advocates among the non-Indian people. We urge that the Congress respond to the need and not bog down in procedural disputes which are so disillusioning to the Nation's young people.

The Interior and Labor and Public Welfare Committees both include some of the most able and astute members of the United States Senate from both political parties. We urge that these Senators move forward together to provide a meaningful program of Indian education—and to demonstrate that the "system" can work.

Sincerely yours,
MRS. CATHARINE BARRETT,
President-Elect, National Education Association.

Mr. CRANSTON. Mr. President, I rise to express my strong support for S. 2482, the Indian Education Act of 1971. Its passage by the Senate today will open a new and enlightened chapter in native American history by committing substantial Federal resources toward correcting our past failures in educating Indian children. I would like to commend the distinguished Senator from Massachusetts (Mr. KENNEDY) for his skillful and determined efforts in steering this bill through the legislative process. On behalf of the more than 100,000 Native Americans in California, I want to express a special thanks.

This bill has a long and complicated history. It begins in 1968 with the establishment of the Special Subcommittee on Indian Education. This subcommittee was instructed to investigate any and all matters pertaining to the education of Indian children. It spent 2 years crisscrossing the country, listening to Indians, Government officials, and experts. It compiled more than 4,000 pages in seven volumes of hearings. In November 1969, the subcommittee distilled the information gathered during its extensive field hearings and issued its final report: "Indian Education: A National Tragedy—A National Challenge." The bill before us today is a vital first step in meeting this national challenge.

The hearings and committee prints of this subcommittee, compiled during 2 short years, constitute massive documentation of its basic finding: that our Nation's policies and programs for educating American Indians are a national tragedy. Federal Indian policy has vacillated between two extremes—between a sort of benevolent paternalism and a conscious and deliberate intent to destroy the Indian's language, culture and self-respect, and on several occasions to destroy the Indian himself. The history of Indian-white relations, as written by the white man and taught to Indian children, views the Indian as subhuman, savage, lazy and useless. Even in the texts used in California's fairly progessive schools, the subcommitee found virtually no mention of the role of the Indian in the development of California and of the Nation.

The subcommittee summed up our Indian educational policies as "coercive assimilation." This policy has had the following disastrous effects on Indian children:

The classroom has become a kind of battleground where the Indian child attempts to protect his integrity and identity as an individual by defeating the purposes of the school.

Schools have failed to understand or adapt to, and in fact have often denigrated, cultural differences.

Schools have failed to recognize the importance and validity of the Indian community, and the community and child have reacted by treating the school as an alien institution.

It has resulted in a dismal record of absenteeism, dropouts, negative self-images, low achievement, and, ultimately, academic failure for many Indian children. Dropout rates in parts of California have been as high as 70 percent.

Finally, and most pernicious, is the fact that this policy has served to perpetuate the cycle of poverty which undermines the effectiveness of all other Federal assistance programs.

California Indians have been especially victimized by our past Indian policies. In 1852, the Federal Government negotiated 18 separate treaties with some 400 Indian chiefs. These treaties would have granted California Indians a total of 8.5 million acres of land in addition to establishing a clear Federal responsibility for the Indians' health, education, and welfare. Unfortunately, while the Indians were moving off the lands they promised to give up in return for the 8.5 million acres, the U.S. Senate refused to ratify the treaties. The Indians thus found themselves without any land base of their own and white settlers were quick to move into the gold-rich lands they had vacated in good faith.

During the next 30 or 40 years, California Indians were nearly decimated by a series of armed conquests. Their numbers were reduced from an estimated 100,000 in 1848 to less than 20,000 in 1880, a reduction of 80 percent in the span of one generation. Without land and without legal protections, California's native Indians have remained isolated geographically, socially, and culturally from the mainstream of American life.

Today, California has two distinct Indian populations. The first is made up of those who survived the bloody conquests of the 19th century. They remain for the most part widely scattered throughout isolated rural areas, some on the tiny "rancherias" granted by the Federal Government in the early part of this century, but most living on non-Federal land. Providing schools that meet the special educational needs of these Indians is nearly impossible without a massive infusion of Federal assistance. I am very pleased that this bill is clearly directed to providing assistance available under part A—impact aid—to these isolated, widely scattered California Indians.

A second population of California Indians is concentrated in four major urban centers: Los Angeles, San Francisco, Oakland, and San Jose. There is also a growing Indian population in San Diego. These Indians are mostly from Federal reservations in other States who have come to California in search of jobs and a better life under the BIA's relocation program. Los Angeles today has the highest concentration of American Indians of any urban center in the United States, with an estimated Indian population of 60,000.

They come to California in search of a better life, but that all too often eludes them. They find, instead, that they lack the education and the skills to obtain a decent job. They are faced with tremendous language and cultural barriers. They find the urban environment overwhelming, confusing, and frightening. They move from neighborhood to neighborhood and shuttle back and forth between the city and the reservation. The urban Indian has become one of the most deprived, invisible, and least understood segments of the urban poor.

These two groups of Indians share several things: they share poverty and despair, ill-health, and a poor education. S. 2482 will be of major significance in improving the educational opportunities of these Indian children which, in turn, will help them escape the debilitating cycle of poverty in which so many are trapped. If we are to make any lasting changes, however, we must follow the Indian Education Act with other legislative and administrative remedies. Jobs, housing, health, and opportunities for self-determination remain crucially important.

The legislation we are considering today was originally introduced as amendment No. 6 to S. 659, which I cosponsored, the Education Amendments of 1971, and was reported favorably by the Labor and Public Welfare Committee as title IV of S. 659. On August 6, by unanimous consent, title IV was deleted by the Senate from S. 659 and reintroduced as a separate bill—S. 2482. It was referred jointly to the Labor and Public Welfare Committee and the Interior Committee. On October 1, both committees favorably reported S. 2482.

S. 2482 establishes three major programs. First, it adds a new title to Public Law 874—impact aid—to assist local educational agencies in meeting the special needs of Indian students. Second, it provides funds for special programs and projects to improve Indian educational opportunities. Third, it supports the improvement of Indian adult education. It also creates an Office of Indian Education in the Office of Education and a National Advisory Council on Indian Education to be composed of 15 native Americans.

Aside from the specifics of the programs established under the various parts of this bill, it incorporates several significant policy changes. First, contrary to most Indian legislation, it directs itself to all Alaska natives and Native Americans—urban, reservation, rural, and terminated Indians. I feel that this is an important recognition that all Indians are eligible for Federal services and that the Federal Government owes them, at the very least, remedial assistance.

Second, S. 2482 provides Indian communities with a real voice in how the funds authorized in the bill should be used. The parents of Indian children are to participate in the planning, application, conduct, and evaluation of programs authorized under this bill. This is particularly important because non-Indians have rarely understood the problems faced by Indian students and have therefore been unable to meet their special educational needs. In addition, the Subcommittee on Indian Education found that a major reason for the tragedy of our educational policies has been the relationship between the Indian community and the public school and the general sense of powerlessness the Indian parent feels in regard to the education of his children. The Indian Education Act thus constitutes a step toward a true policy of self-determination for Indian people.

I am pleased that the term "enrolled" was deleted from the definition of Indian. This is especially significant for Indians in California who are often not members of organized tribes and who, therefore, are not enrolled members. I am pleased that the definition is broad and that it is intended to include terminated Indians, of which there are a large number in California.

Finally, the committee amendments eliminating the eligibility of private agencies and organizations is commendable. It is consistent with a policy of self-determination that gives priority to Indian applicants. I would just like to point out that these changes do not preclude the possibility of an Indian tribe or organization or institution contracting for the services of non-Indian agencies, such as the specialized services available from library associations for the development of Indian studies programs and other educationally related projects.

I believe that the Indian Education Act before us today should be approved and that we should encourage the other House to consider this bill in the very near future. The Indian people have waited far too long for the writing of this new chapter in the history of the Indian's relationship with the Federal Government.

TO RESTORE PRIDE AND PROMISE: THE INDIAN EDUCATION ACT OF 1971

Mr. HUMPHREY. Mr. President, the enactment of the Indian Education Act of 1971, S. 2482, can be of historic importance in reversing discriminatory and paternalistic governmental policies of the past to establish a new direction and firm commitment in national policy to restore pride and promise to Indian people.

Americans pride themselves in having the finest educational system in the world. Yet few realize how miserably the system has failed when it comes to the education of the Indian child.

The average Indian student scores 2 to 3 years below the national norms on achievement tests. Forty percent of Indian students drop out of school before graduation. What ought to cause our most profound concern, however, is the general finding that Indian children, more than any other minority, believe themselves to be "below average" in intelligence, whatever the contrary evidence.

No one factor has caused this tragedy. There has been a general failure to improve the educational opportunities of Indian children, in part because of a totally inadequate and discriminatory allocation of educational funds and services. Under a Federal policy since the 1890's of integrating Indians into the white culture, public schools generally have failed to include Indian history, culture, or language in their curriculums. In fact, they often use materials which are derogatory to the Indian. This has had the dual effect of strengthening an Indian "inferiority complex," while simultaneously breeding prejudice among non-Indian children.

Moreover, there has been an almost complete failure to involve Indian parents in the determination of educational goals for their children. Failing to perceive the need or benefits of a formal education—where four out of five adults have not completed high school and where a major cause of Indian poverty and unemployment is functional illiteracy—they resent the sacrifice they must make to keep their children in school.

To overcome this critical neglect, a totally new direction must be mapped out in Federal programs of assistance in Indian education. Clearly, a major step in this direction is taken in the Indian Education Act of 1971.

Under a new title added to Public Law 874, school assistance in federally affected areas, increased financial assistance will be provided to local education agencies to develop and carry out elementary and secondary programs to meet the special education needs of Indian children. This new assistance is to be based directly on the number of Indian children enrolled, and their parents are to participate in the planning, conduct, and evaluation of these special-need programs. The clear intent of the Senate is that by these provisions the discriminatory allocation of educational services for Indians under Public Law 874 assistance shall end forthwith. The improvement of Indian educational opportunities is also emphasized through the authorization of $25 million to evaluate the effectiveness of special-need programs that are developed and to disseminate information on program results.

However, I regard as of central importance the provisions made in this bill for the enlistment of Indian parents in the effort to provide their children the full opportunity to obtain a quality education. In addition to their direct involvement in the development of programs to meet the special education needs of their children, they will be able to participate in adult education demonstration programs. Through experiencing the opportunity to improve basic and applied skills, they can transmit a vital incentive to their children to continue their education.

Finally, this bill establishes clear priorities for Indian education by providing for the creation of an Office of Indian Education to centralize authority, responsibility, and evaluation of Indian education programs within the U.S. Office of Education. And to reverse an overriding paternalism in Federal policy, this act provides for the appointment by the President of an all-native, 15-member National Advisory Council on Indian Education. This Council must have a strong policy voice in the administration of all Office of Education programs affecting Indians, to assure that Indian needs will be met and that Indian culture and values will be preserved.

The 1969 report by the Senate Subcommittee on Indian Education, entitled "Indian Education: A National Tragedy—A National Challenge," marked a major turning point in opening to public examination this Nation's self-deception of what it has done "for" the Indian. Now we must move forward in undertaking an exceptional effort to correct the profound abuses of the present, suffered by the Indian people, as a result of the incredible errors and hypocrisies of the past.

We must enable the Indian to again stand with pride and to have hope in the tomorrows of this great land. We must acknowledge the rich heritage this pluralistic Nation enjoys in the traditions and values of Indian people, and the strength it can receive from their direct involvement in its economic, educational, social, and political life.

Such lessons are beginning to be applied in Minnesota, the land originally of the Sioux—Dakota—and Chippewa—Ojibway—tribes. There about 7,200 Indian children attending elementary and secondary schools in our State—most of them representing less than 50 percent of the enrollment in their respective schools. About one-third of Minnesota's Indian population lives in three major cities: Minneapolis, St. Paul, and Duluth. Indian children and youth account for over 2 percent of the enrollment in Minneapolis schools—a percentage exceeded only in Tulsa, Okla., one of the eight other cities which account for over half the large-city school enrollment of Indian children.

These facts paint the background of a common picture of an Indian child lost in an alien white culture. This experience is clearly evident in the high transiency and drop-out rates of Indian school children. And it is an experience also known by the thousands of Indian families existing in rural isolation and in poverty.

Minnesota has moved forward in programs to promote educational, health care, and employment opportunities and services for Indians and to meet their vital social welfare needs. But a substantial task remains if full equality of opportunity and justice are to become a reality.

But this is the story that is repeated throughout America. The right to be Indian is a precious birthright demanding respect in the policies and programs at all levels of government affecting this great people. It is to secure this right that the Indian Education Act of 1971 marks an important beginning.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the name of the Senator from New Mexico (Mr. MONTOYA) be added as a cosponsor for S. 2482, the Indian education bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments will be considered en bloc; and, without objection, the amendments are agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER (Mr. GAMBRELL). The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. CANNON), the Senator from Florida (Mr. CHILES), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Virginia (Mr. SPONG), the Senator from Illinois (Mr. STEVENSON), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Nevada (Mr. BIBLE) are absent on official business.

I further announce that, if present and voting, the Senator from Louisiana (Mr. ELLENDER), the Senator from Alaska (Mr. GRAVEL), the Senator from Florida (Mr. CHILES), and the Senator from Indiana (Mr. HARTKE) would each vote "yea."

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Oklahoma (Mr. BELLMON), the Senators from Delaware (Mr. BOGGS and Mr. ROTH), the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. BUCKLEY), the Senator from New Hampshire (Mr. COTTON), the Senator from Wyoming (Mr. HANSEN), the Senator from Nebraska (Mr. HRUSKA), the Senator from Iowa (Mr. MILLER), the Senator from Ohio (Mr. SAXBE), the Senators from Pennsylvania (Mr. SCOTT and Mr. SCHWEIKER), the Senator from Vermont (Mr. STAFFORD), the Senator from Ohio (Mr. TAFT), and the Senator from

Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Alaska (Mr. STEVENS) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also, the Senator from Vermont (Mr. AIKEN), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Iowa (Mr. MILLER), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Alaska (Mr. STEVENS), and the Senator from Ohio (Mr. TAFT) would each vote "yea."

The result was announced—yeas 57, nays 0, as follows:

[No. 259 Leg.]

YEAS—57

Allen
Allott
Anderson
Beall
Bennett
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Church
Cook
Cooper
Cranston
Curtis
Dole
Dominick
Eagleton
Ervin
Fannin
Fong
Gambrell
Griffin
Gurney
Harris
Hart
Hatfield
Hughes
Humphrey
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
McGee
McIntyre
Metcalf
Mondale
Montoya
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Ribicoff
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Tunney
Young

NAYS—0

NOT VOTING—43

Aiken
Baker
Bayh
Bellmon
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Cannon
Chiles
Cotton
Eastland
Ellender
Fulbright
Goldwater
Gravel
Hansen
Hartke
Hollings
Hruska
Inouye
Mathias
McClellan
McGovern
Miller
Moss
Mundt
Muskie
Pell
Randolph
Roth
Saxbe
Schweiker
Scott
Spong
Stafford
Stevens
Stevenson
Taft
Weicker
Williams

So the bill (S. 2482) was passed, as follows:

S. 2482

An act to authorize financial support for improvements in Indian education and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Indian Education Act of 1971".

PART A—REVISION OF IMPACTED AREAS PROGRAMED AS IT RELATES TO INDIAN CHILDREN

AMENDMENTS TO PUBLIC LAW 874, EIGHTY-FIRST CONGRESS

SEC. 2. (a) The Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by redesignating title III as title IV, by redesignating sections 301 through 303 and references thereto as sections 401 through 403, respectively, and by adding after title II the following new title:

"TITLE III—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR THE EDUCATION OF INDIAN CHILDREN

"SHORT TITLE

"SEC. 301. This title may be cited as the 'Indian Elementary and Secondary School Assistance Act'.

"DECLARATION OF POLICY

"SEC. 302. (a) In recognition of the special education needs of Indian students in the United States, Congress hereby declares it to be the policy of the United States to provide financial assistance to local educational agencies to develop and carry out elementary and secondary school programs specially designed to meet these special educational needs.

"(b) The Commissioner shall, in order to effectuate the policy set forth in subsection (a), carry out a program of making grants to local educational agencies which are entitled to payments under this title and which have submitted, and had approved, applications therefor, in accordance with the provisions of this title.

"GRANTS TO LOCAL EDUCATIONAL AGENCIES

"SEC. 303. (a) (1) For the purpose of computing the amount to which a local educational agency is entitled under this title for any fiscal year ending prior to July 1, 1975, the Commissioner shall determine the number of Indian children who were enrolled in the schools of a local educational agency, and for whom such agency provided free public education, during such fiscal year.

"(2) (A) The amount of the grant to which a local educational agency is entitled under under this title for any fiscal year shall be an amount equal to (i) the average per pupil expenditure for such agency (as determined under subparagraph (C)) multiplied by (ii) the sum of the number of children determined under paragraph (1).

"(B) A local educational agency shall not be entitled to receive a grant under this title for any fiscal year unless the number of children under subsection (a), with respect to such agency, is at least ten or constitutes at least 50 per centum of its total enrollment: Provided, That the requirements of this subparagraph shall not apply to any such agencies serving Indian children in Alaska, California, and Oklahoma or located on, or in proximity to, an Indian reservation.

"(C) For the purposes of this subsection, the average per pupil expenditure for a local educational agency shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, of all of the local educational agencies in the State in which such agency is located, plus any direct current expenditures by such State for the operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children who were in average daily enrollment for whom such agencies provided free public education during such preceding fiscal year.

"(b) In addition to the sums appropriated for any fiscal year for grants to local educational agencies under this title, there is hereby authorized to be appropriated for any fiscal year an amount not in excess of 5 per centum of the amount appropriated for payments on the basis of entitlements computed under subsection (a) for that fiscal year, for the purpose of enabling the Commissioner to provide financial assistance to schools on or near reservations which are not local educational agencies or have not been local educational agencies for more than three years, in accordance with the appropriate provisions of this title.

"USES OF FEDERAL FUNDS

"SEC. 304. Grants under this title may be used, in accordance with applications approved under section 305, for—

"(1) planning for and taking other steps leading to the development of programs specifically designed to meet the special educational needs of Indian children, including pilot projects designed to test the effectiveness of plans so developed; and

"(2) the establishment, maintenance, and operation of programs, including, in accordance with special regulations of the Commissioner, minor remodeling of classroom or other space used for such programs and acquisition of necessary equipment, specially designed to meet the special educational needs of Indian children.

"APPLICATIONS FOR GRANTS; CONDITIONS FOR APPROVAL

"SEC. 305. (a) A grant under this title, except as provided in section 303(b), may be made only to a local educational agency or agencies, and only upon application to the Commissioner at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary. Such application shall—

"(1) provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) set forth a program for carrying out the purposes of section 304, and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

"(3) in the case of an application for payments for planning, provide that (A) the planning was or will be directly related to programs or projects to be carried out under this title and has resulted, or is reasonably likely to result, in a program or project which will be carried out under this title, and (B) the planning funds are needed because of the innovative nature of the program or project or because the local educational agency lacks the resources necessary to plan adequately for programs and projects to be carried out under this title;

"(4) provide that effective procedures, including provisions for appropriate objective measurement of educational achievement, will be adopted for evaluating at least annually the effectiveness of the programs and projects in meeting the special educational needs of Indian students;

"(5) set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the education of Indian children and in no case supplant such funds;

"(6) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under this title; and

"(7) provide for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of Indian students in the area served, and for keeping such record and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"(b) An application by a local educational agency or agencies for a grant under this title may be approved only if it is consistent with the applicable provisions of this title and—

"(1) meets the requirements set forth in subsection (a);

"(2) provides that the program or project for which application is made—

"(A) will utilize the best available talents and resources (including persons from the Indian community) and will substantially increase the educational opportunities of Indian children in the area to be served by the applicant; and

"(B) has been developed—

"(i) in open consultation with parents of Indian children, teachers, and, where applicable, secondary school students, including public hearings at which such persons have had a full opportunity to understand the program for which assistance is being sought and to offer recommendations thereon, and

"(ii) with the participation and approval of a committee composed of, and selected by, parents of children participating in the program for which assistance is sought, teachers, and, where applicable, secondary school students, of which at least half the members shall be such parents;

"(C) sets forth such policies and procedures as will insure that the program for which assistance is sought will be operated and evaluated in consultation with, and the involvement of, parents of the children and representatives of the area to be served, including the committee established for the purposes of clause (2)(B)(ii).

"(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

"PAYMENTS

"SEC. 306. (a) The Commissioner shall, subject to the provisions of section 307, from time to time pay to each local educational agency which has had an application approved under section 305, an amount equal to the amount expended by such agency in carrying out activities under such application.

"(b)(1) No payments shall be made under this title for any fiscal year to any local educational agency in a State which has taken into consideration payments under this title in determining the eligibility of such local educational agency in that State for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

"(2) No payments shall be made under this title to any local educational agency for any fiscal year unless the State educational agency finds that the combined fiscal effort (as determined in accordance with regulations of the Commissioner) of that agency and the State with respect to the provision of free public education by the agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year.

"ADJUSTMENT WHERE NECESSITATED BY APPROPRIATIONS

"SEC. 307. (a) If the sums appropriated for any fiscal year for making payments under this title are not sufficient to pay in full the total amounts which all local educational agencies are eligible to receive under this title for that fiscal year, the maximum amounts which all such agencies are eligible to receive under this title for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for any fiscal year during which the first sentence of this subsection is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

"(b) In the case of any fiscal year in which the maximum amounts for which local educational agencies are eligible have been reduced under the first sentence of subsection (a), and in which additional funds have not been made available to pay in full the total of such maximum amounts under the second sentence of such subsection, the Commissioner shall fix dates prior to which each local educational agency shall report to him on the amount of funds available to it, under the terms of section 306(a) and subsection (a) of this section, which it estimates, in accordance with regulations of the Commissioner, that it will expend under approved applications. The amounts so available to any local educational agency, or any amount which would be available to any other local education agency if it were to submit an approvable application therefor, which the Commissioner determines will not be used for the period of its availability, shall be available for allocation to those local educational agencies, in the manner provided in the second sentence of subsection (a), which the Commissioner determines will need additional funds to carry out approved applications, except that no local educational agency shall receive an amount under this sentence which, when added to the amount available to it under subsection (a), exceeds its entitlement under section 303.".

(b)(1) The second sentence of section 103(a)(1)(A) of title I of the Elementary and Secondary Education Act of 1965 is amended to read as follows: "In addition, he shall allot from such amount to the Secretary of the Interior—

"(i) the amount necessary to make payments pursuant to subparagraph (B); and

"(ii) in the case of fiscal years ending prior to July 1, 1973, the amount necessary to make payments pursuant to subparagraph (C).".

(2)(A) Section 103(a)(1) of such title I is amended by adding at the end therof the following new subparagraph:

"(C) The maximum amount allotted for payments to the Secretary of the Interior under clause (ii) in the second sentence of subparagraph (A) for any fiscal year shall be the amount necessary to meet the special educational needs of educationally deprived Indian children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, as determined pursuant to criteria established by the Commissioner. Such payments shall be made pursuant to an agreement between the Commissioner and the Secretary containing such assurances and terms as the Commissioner determines will best achieve the purposes of this part. Such agreement shall contain (1) an assurance that payments made pursuant to this subparagraph will be used solely for programs and projects approved by the Secretary of Interior which meet the applicable requirements of section 141(a) and that the Department of the Interior will comply in all other respects with the requirements of this title, and (2) provision for carrying out the applicable provisions of sections 141(a) and 142(a)(3).".

(B) The fourth sentence of section 103(a)(1)(A) of such title I is amended by striking out "and the terms upon which payment shall be made to the Department of the Interior.".

(3) The amendments made by this subsection shall be effective on and after July 1, 1972.

(c)(1) Subsection (a) of section 5 of Public Law 874, 81st Congress, as amended, is amended by inserting "(1)" after "(a)" and by inserting at the end thereof the following new paragraph (2):

"(2)(A) Applications for payment on the basis of children determined under section 3(a) or 3(b) who reside, or reside with a parent employed, on Indian lands shall set forth adequate assurance that Indian children will participate on an equitable basis in the school program of the local educational agency.

"(B) For the purposes of this paragraph, Indian lands means that property included within the definition of Federal property under clause (A) of section 303(1).".

(2)(A) The Commissioner shall exercise his authority under section 415 of Public Law 90-247, to encourage local parental participation with respect to financial assistance under title I of Public Law 874, 81st Congress, based upon children who reside on, or reside with a parent employed on, Indian lands.

(B) For the purposes of this paragraph, the term "Indian lands" means that property included within the definition of Federal property under clause (A) of section 303(1) of Public Law 874, 81st Congress.

PART B—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

AMENDMENT TO TITLE VIII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 3. (a) Title VIII of the Elementary and Secondary Education Act of 1965 is amended by adding to the end thereof the following new section:

"IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

"SEC. 810. (a) The Commissioner shall carry out a program of making grants for the improvement of educational opportunities for Indian children—

"(1) to support planning, pilot, and demonstration projects, in accordance with subsection (b), which are designed to test and demonstrate the effectiveness of programs for improving educational opportunities for Indian children;

"(2) to assist in the establishment and operation of programs, in accordance with subsection (c), which are designed to stimulate (A) the provision of educational services not available to Indian children in sufficient quantity or quality, and (B) the development and establishment of exemplary educational programs to serve as models for regular school programs in which Indian children are educated;

"(3) to assist in the establishment and operation of preservice and inservice training programs, in accordance with subsection (d), for persons serving Indian children as educational personnel; and

"(4) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian children.

In the case of activities of the type described in clause (3), preference shall be given to the training of Indians.

"(b) The Commissioner is authorized to make grants to State and local educational agencies, federally supported elementary and secondary schools for Indian children and to Indian tribes, organizations, and institutions to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for improving educational opportunities for Indian children, including—

"(1) innovative programs related to the educational needs of educationally deprived children;

"(2) bilingual and bicultural education programs and projects;

"(3) special health and nutrition services, and other related activities, which meet the special health, social, and psychological problems of Indian children; and

"(4) coordinating the operation of other federally assisted programs which may be used to assist in meeting the needs of such children.

"(c) The Commissioner is also authorized to make grants to State and local educational agencies and to tribal and other Indian community organizations to assist and stimulate them in developing and establishing educational services and programs specifically designed to improve educational opportunities for Indian children. Grants may be used—

"(1) to provide educational services not available to such children in sufficient quantity or quality, including—

"(A) remedial and compensatory instruction, school health, physical education, psychological, and other services designed to assist and encourage Indian children to enter, remain in, or reenter elementary or secondary school;

"(B) comprehensive academic and vocational instruction;

"(C) instructional materials (such as library books, textbooks, and other printed or published or audiovisual materials) and equipment;

"(D) comprehensive guidance, counseling, and testing services;

"(E) special education programs for handicapped;

"(F) preschool programs;

"(G) bilingual and bicultural education programs; and

"(H) other services which meet the purposes of this subsection; and

"(2) for the establishment and operation of exemplary and innovative educational programs and centers, involving new educational approaches, methods, and techniques designed to enrich programs of elementary and secondary education for Indian children.

"(d) The Commissioner is also authorized to make grants to institutions of higher education and to State and local educational agencies, in combination with institutions of higher education, for carrying out programs and projects—

"(1) to prepare persons to serve Indian children as teachers, teacher aides, social workers, and ancillary educational personnel; and

"(2) to improve the qualifications of such persons who are serving Indian children in such capacities.

Grants for the purposes of this subsection may be used for the establishment of fellowship programs leading to an advanced degree, for institutes and, as part of a continuing program, for seminars, symposia, workshops, and conferences.

"(e) The Commissioner is also authorized to make grants to, and contracts with, public agencies, and institutions and Indian tribes, institutions, and organizations for—

"(1) the dissemination of information concerning education programs, services, and resources available to Indian children, including evaluations thereof; and

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian children may participate in achieving the purposes of such programs with respect to such children.

"(f) Applications for a grant under this section shall be submitted at such time, in such manner, and shall contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Commissioner. Such applications shall—

"(1) set forth a statement describing the activities for which assistance is sought;

"(2) in the case of an application for the purposes of subsection (c), subject to such criteria as the Commisisoner shall prescribe, provide for the use of funds available under this section, and for the coordination of other resouorces available to the applicant, in order to insure that, within the scope of the purpose of the project, there will be a comprehensive program to achieve the purposes of this section;

"(3) in the case of an application for the purposes of subsection (c), make adequate provision for the training of the personnel participating in the project; and

"(4) provide for an evaluation of the effectiveness of the project in achieving its purposes and those of this section.

The Commissioner shall not approve an application for a grant under ubsection (b) or (c) unless he is satisfied that such application, and any documents submitted with respect thereto, show that here has been adequate participation by the parents of the children to be served and tribal communities in the planning and development of the project, and that there will be such a participation in the operation and evaluation of the project. In approving applications under this section, the Commissioner shall give priority to applications from Indian educational agencies, organizations, and institutions.

"(g) For the purpose of making grants under this section there are hereby authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1973, and $35,000,000 for each of the two succeeding fiscal years.".

(b)(1)(A) The third sentence of section 202(a)(1) of the Elementary and Secondary Education Act of 1965 is amended by striking out "July 1, 1972," and inserting in lieu thereof "July 1, 1973,".

(B) The third sentence of section 302(a)(1) of the Elementary and Secondary Education Act of 1965 is amended by striking out "July 1, 1972," and inserting in lieu thereof "July 1, 1973,".

(C) Clause (B) of section 612(a)(1) of Public Law 91-230" is amended by striking out "July 1, 1972," and inserting in lieu thereof "July 1, 1973,".

(2) For the purposes of titles II and III of the Elementary and Secondary Education Act of 1965 and part B of title VI of Public Law 91-230, the Secretary of the Interior shall have the some duties and responsibilities with respect to funds paid to him under such titles, as he would have if the Department of the Interior were a State educational agency having responsibility for the administration of a State plan under such titles.

PART C—SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR INDIANS

AMENDMENT TO THE ADULT EDUCATION ACT

SEC. 4. Title III of the Elementary and Secondary Education Amendments of 1966 (the Adult Education Act) is amended by redesignating sections 314 and 315, and all references thereto, as sections 315 and 316, respectively, and by adding after section 313 the following new section:

"IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS

"SEC. 314. (a) The Commissioner shall carry out a program of making grants to State and local educational agencies, and to Indian tribes, institutions, and organizations, to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for providing adult education for Indians—

"(1) to support planning, pilot, and demonstration projects which are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians;

"(2) to assist in the establishment and operation of programs which are designed to stimulate (A) the provision of basic literacy opportunities to all nonliterate Indian adults, and (B) the provision of opportunities to all Indian adults to quality for a high school equivalency certificate in the shortest period of time feasible;

"(3) to support a major research and development program to develop more innovative and effective techniques for achieving the literacy and high school equivalency goals;

"(4) to provide for basic surveys and evaluations thereof to define accurately the extent of the problems of illiteracy and lack of high school completion on Indian reservations;

"(5) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian adults.

"(b) The Commissioner is also authorized to make grants to, and contracts with, public agencies, and institutions, and Indian tribes, institutions, and organizations for—

"(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations thereof; and

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian adults may participate in achieving the purposes of such programs with respect to such adults.

"(c) Applications for a grant under this section shall be submitted at such time, in such manner, and contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Commissioner. Such applications shall—

"(1) set forth a statement describing the activities for which assistance is sought;

"(2) provide for an evaluation of the effectiveness of the project in achieving its purposes and those of this section.

The Commissioner shall not approve an application for a grant under subsection (a) unless he is satisfied that such application, and any documents submitted with respect thereto, indicate that there has been adequate participation by the individuals to be served and tribal communities in the planning and development of the project, and that there will be such a participation in the operation and evaluation of the project. In approving applications under subsection (a), the Commissioner shall give priority to applications from Indian educational agencies, organizations, and institutions.

"(d) For the purpose of making grants under this section there are hereby authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, and $8,000,000 for each of the two succeeding fiscal years."

PART D—OFFICE OF INDIAN EDUCATION

OFFICE OF INDIAN EDUCATION

SEC. 5. (a) There is hereby established, in the Office of Education, a bureau to be known as the "Office of Indian Education" which, under the direction of the Commissioner, shall have the responsibility for administering the provisions of title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, section 810 of title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act, and section 314 of title III of the Elementary and Secondary Education Amendments of 1966, as added by this Act. The office shall be headed by a Deputy Commissioner of Indian Education, who shall be appointed by the Commissioner of Education from a list of nominees submitted to him by the National Advisory Council on Indian Education.

(b) The Deputy Commissioner of Indian Education shall be compensated at the rate prescribed for, and shall be placed in, grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code, and shall perform such duties as are delegated or assigned to him by the Commissioner. The position created by this subsection shall be in addition to the number of positions placed in grade 18 of such General Schedule under section 5108 of title 5, United States Code.

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

SEC. 6. (a) There is hereby established the National Advisory Council on Indian Education (referred to in this title as the "National Council"), which shall consist of fifteen members who are Indians and *Alaska* Natives appointed by the President of the United States. Such appointments shall be made by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations, and shall represent diverse geographic areas of the country.

(b) The National Council shall—

(1) advise the Commissioner of Education with respect to the administration including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including title III of the Act of Sep-

tember 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, and section 810, title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act and with respect to adequate funding thereof;

(2) review applications for assistance under title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) as added by this Act, section 810 of title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act, and section 314 of the Adult Education Act, as added by this Act, and make recommendations to the Commissioner with respect to their approval;

(3) evaluate program and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(4) provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(5) assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under section 303(b) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress); and

(6) to submit to the Congress not later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include statement of the National Council's recommendations to the Commissioner with respect to the funding of any such programs.

(c) With respect to functions of the National Council stated in clauses (2), (3), and (4) of subsection (b), the National Council is authorized to contract with any public or private nonprofit agency, institution, or organization for assistance in carrying out such functions.

(d) From the sums appropriated pursuant to section 401(c) of the General Education Provisions Act which are available for the purposes of section 411 of such Act and for part C of such Act, the Commissioner shall make available such sums as may be necessary to enable the National Council to carry out its functions under this section.

PART E—MISCELLANEOUS PROVISION

AMENDMENT TO TITLE V OF HIGHER EDUCATION ACT OF 1965

SEC. 7. (a) Section 503(a) of the Higher Education Act of 1965 is amended by inserting after "and higher education," the following: "including the need to provide such programs and education to Indians,".

(b) Part D of title V of the Higher Education Act of 1965 is amended by adding after section 531 the following new section:

"TEACHERS FOR INDIAN CHILDREN

"SEC. 532. Of the sums made available for the purposes of this part, not less than 5 per centum shall be used for grants to, and contracts with, institutions of higher education and other public and private nonprofit agencies and organizations for the purpose of preparing persons to serve as teachers of children living on reservations serviced by elementary and secondary schools for Indian children operated or supported by the Department of the Interior.".

AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 8. Section 706(a) of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"SEC. 706. (a) For the purpose of carrying out programs pursuant to this title for individuals on or from reservations serviced by elementary and secondary schools operated on or near such reservations for Indian children, a nonprofit institution or organization of the Indian tribe concerned which operate any such school and which is approved by the Commissioner for the purpose of this section, may be considered to be a local educational agency, as such term is used in this title.".

DEFINITION

SEC. 9. For the purposes of this Act, the term "Indian" means any individual who (1) is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (2) is considered by the Secretary of the Interior to be an Indian for any purpose, or (3) is an Eskimo or Aleut or other Alaska Native, or (4) is determined to be an Indian under regulations promulgated by the Commissioner, after consultation with the National Advisory Council on Indian Education, which regulations shall further define the term "Indian".

Mr. KENNEDY. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. NELSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NEW SCHOOL LUNCH GUIDELINES FOR THE DISTRICT OF COLUMBIA

Mr. HUMPHREY. Mr. President, will the Senator yield me 2 minutes?

Mr. KENNEDY. I yield 2 minutes to the Senator from Minnesota.

Mr. HUMPHREY. I appreciate the Senator's yielding to me.

Mr. President, I merely want to call the attention of the Senate and, may I say, that of the Department of Agriculture, to a story that appears in the city section of the Washington Post this morning, entitled:

PUPIL LUNCH CUT TO AFFECT 12,000 HERE—NEW GUIDELINES TIGHTEN ELIGIBILITY REQUIREMENTS

The story is a byline story by Mr. J. Y. Smith of the Washington Post staff. It says:

> An estimated 12,000 children in District of Columbia public schools are expected to be dropped from the free lunch program as a result of new guidelines announced by the Nixon administration.
>
> The new regulations would restrict free school lunches to those children whose family incomes fall within the federal definition of poverty, which is $3,940 annually for a family of four.

Mr. President, I would hope that the Department of Agriculture would take a good look at the school situation here in the District of Columbia. These school lunches are as vital to the education of the child as the books, the classrooms, and the teachers. School lunches relate to the health of the children, and it is our hope that we can make the school lunch program serve all of the children of this country who needs a nutritious meal.

Mr. President, I am not scolding; I am merely appealing to the Department of Agriculture to take another look at those guidelines, particularly in the light of the cost of living here in the District of Columbia and the necessity for not having just one standard for the entire Nation; because $3,900 in Waverly, Minn., goes a lot farther than $3,900 in New York City or Washington, D.C.

I would hope that the Department of Agriculture would have that much flexibility in its judgment, and I would urge the Department to take another look at the situation in the Washington, D.C., schools.

DISTRICT OF COLUMBIA CHARTER ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 389, S. 2652. I do this so that it may become the pending business.

The PRESIDING OFFICER (Mr. GAMBRELL). The bill will be stated by title.

The assistant legislative clerk read the bill as follows:

> A bill (S. 2652), to provide an elected Mayor and City Council for the District of Columbia, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, there will be no debate on this bill today, but, at this time I ask for the yeas and nays on its final passage.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the close of morning business on Tuesday next, the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 378, S. 1437, the airport and airway bill, until disposed of.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1971

Mr. NELSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2007.

The PRESIDING OFFICER (Mr. GAMBRELL) laid before the Senate the amendment of the House of Representatives to the bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, which was to strike out all after the enacting clause, and insert:

> That this Act may be cited as the "Economic Opportunity Amendments of 1971".
>
> SEC. 2. (a) For the purpose of carrying out the Economic Opportunity Act of 1964 (hereinafter referred to as the "Act"), there are hereby authorized to be appropriated $2,194,066,000 for the fiscal year ending June 30, 1972; and $2,750,000,000 for the fiscal year ending June 30, 1973.
>
> (b) Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this section, of the amounts appropriated pursuant to subsection (a) of this section for the fiscal year ending June 30, 1972, and for the next fiscal year, the Di-

rector shall reserve and make available a sum sufficient to permit the funding of local initiative programs authorized under section 221 of the Act at a level not less than $350,000,000 each year.

SEC. 3. Sections 171, 245, 321, 408, 615, and 835 of the Act are each amended by striking out "five succeeding fiscal years" and inserting in lieu thereof "seven succeeding fiscal years". Section 523 of the Act is amended by striking out "four succeeding fiscal years" and inserting in lieu thereof "six succeeding fiscal years".

SEC. 4. Section 222(a)(1) of the Act is amended by adding at the end thereof the following: "The Director shall not promulgate any general eligibility requirement which requires payment for participation in projects assisted under this paragraph by members of families whose annual family income does not exceed $4,500 for a family of four, or comparable amounts in the case of other sized families, but such eligibility requirements may be varied to reflect individual family and geographic situations and special program needs."

SEC. 5. Section 222(a)(4)(A)(ii) of the Act is amended by striking out "such services may be available on an emergency basis or pending a determination of eligibility to all residents of such areas" and inserting in lieu thereof "pursuant to such regulations as the Director may prescribe, persons provided assistance through programs assisted under this paragraph who are not members of low-income families may be required to make payment, or have payment made in their behalf, in whole or in part for such assistance".

SEC. 6. (a) Section 222(a)(8) of the Act is amended by striking out the last sentence thereof.

(b) Section 222(a)(9) of the Act is amended by striking out the last sentence and inserting in lieu thereof the following: "The Director is authorized to undertake special programs aimed at promoting employment opportunities for rehabilitated addicts and assisting employers in dealing with addiction and drug abuse problems among formerly hard core unemployed so that they can be maintained in employment. In undertaking such programs, the Director shall give special priority to veterans and employers of significant numbers of veterans. The Director is further authorized to establish procedures and policies which will allow clients to complete a full course of rehabilitation even though they become non-low-income by virtue of becoming employed as a part of the rehabilitation process: *Provided, however,* That there shall be no change in income eligibility criteria for initial admission to treatment and rehabilittaion programs under this Act."

(c) Section 222(a) is further amended by inserting at the end thereof the following:

"(10) An 'Environmental Action' program through which low-income persons will be paid for working on projects designed to combat pollution or to improve the environment. Projects may include, without limitation: cleanup and sanitation activities, including solid waste removal; reclamation and rehabilitation of eroded or ecologically damaged areas, including areas affected by strip mining; conservation and beautification activities, including tree planting and recreation area development; the restoration and maintenance of the environment and the improvement of the quality of life in urban and rural areas.

"(11) A program to be known as 'Rural Housing Development and Rehabilitation' designed to assist low-income families in rural areas to construct and acquire ownership of adequate housing, to rehabilitate or repair existing substandard units in such areas, and to otherwise assist families in obtaining standard housing. Financial assistance under this paragraph shall be provided to rural housing development corporations serving areas which are defined by the Farmers Home Administration as rural areas, and shall be used for, but not limited to, such purposes as administrative expenses, revolving development funds, nonrevolving land, land development and construction writedowns, rehabilitation or repair of substandard housing, and loans to low-income families. Loans under this paragraph may be used for, but not limited to, such purposes as the purchase of new housing units, the repair, rehabilitation and purchase of existing units, and to supplement existing Federal loan programs in order that low-income families may benefit from them. The repayment period of such loans shall not exceed thirty-three years. No loans under this paragraph shall bear an interest rate of less than 1 per centum per annum, except that if the Director, after having examined the family income of the applicant, the projected housing costs of the applicant, and such other factors as he deems appropriate, determines that the applicant would otherwise be unable to participate in this program, he may waive the interest in whole or in part and for such periods of time as he may establish: *Provided, however,* That no such waiver may be granted to an applicant whose adjusted family income (as defined by the Farmers Home Administration) is in excess of $3,700 per annum: *And provided further,* That any applicant for whom such a waiver is provided shall be required to commit at least 20 per centum of his adjusted family income toward the mortgage debt service and other housing costs. Family incomes shall be recertified annually, and monthly payments for all loans under this paragraph adjusted accordingly. There are hereby authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1972, and $15,000,000 for the fiscal year ending June 30, 1973, for the purpose of carrying out this program."

SEC. 7. (a)(1) Section 225(a) of the Act is amended by striking out "the Director shall allot" and all that follows down through "He shall also reserve", and insert in lieu thereof the following: "the Director shall reserve".

(2) Section 609(1) of the Act is amended by striking out "; except that when used in section 225 of this Act the term means only a State or the District of Columbia".

(b) Section 225(c) of the Act is amended by inserting after the second sentence thereof the following new sentence: "The Director shall not require non-Federal contributions in excess of 20 per centum of the approved cost of programs or activities assisted under this Act."

SEC. 8. Section 231 of the Act is amended by adding at the end thereof the following:

"(d) If any member of a board to which section 211(b) applies files an allegation with the Director that an agency receiving assistance under this section is not observing any requirement of this Act, or any regulation, rule, or guidelines promulgated by the Director under this Act, the Director shall promptly investigate such allegation and shall consider it; and, if after such investigation and consideration he finds reasonable cause to believe that the allegations are true, he shall hold a hearing, upon the conclusion of which he shall notify all interested persons of his findings. If he finds that the allegations are true, and that, after being afforded a reasonable opportunity to do so, the agency has failed to make appropriate corrections, he shall, forthwith terminate further assistance under this title, to such agency until he has received assurances satisfactory to him that further violations will not occur."

SEC. 9. Section 244 of the Act is amended by adding at the end thereof the following:

"(8) Consistent with the provisions of this Act, the Director shall assure that financial assistance under this title will be distributed on an equitable basis in any community so that all significant segments of the low-income population are being served."

SEC. 10. (a) Section 312(b)(3) of the Act is amended by inserting after the word "Government" the words "employment or".

(b) Title V–B is amended by striking out the center caption for such part B and sections 521, 522, and 523 and substituting in lieu thereof the following:

"SEC. 521. Parts B, C, D, E, F, G, and H of this title may be cited as the 'Comprehensive Child Development Act'.

"STATEMENT OF FINDINGS AND PURPOSE

"SEC. 522. (a) The Congress finds that (1) millions of American children are suffering unnecessary harm from the present lack of adequate child development services, particularly during their early childhood years; (2) comprehensive child development programs, including a full range of health, education, and social services, are essential to the achievement of the full potential of America's children and should be available to all children regardless of economic, social, and family background; (3) children with special needs must receive full and special consideration in planning any child development programs and, until such time as such programs are expanded to become available to all children, priority must be given to preschool children with the greatest economic and social need; (4) while no mother may be forced to work outside the home as a condition for using child development programs, such programs are essential to allow many parents to undertake or continue full- or part-time employment, training, or education; and (5) it is crucial to the meaningful development of such programs that their planning and operation be undertaken as a partnership of parents, community, State, and local governments.

"(b) It is the purpose of this Act to provide every child with a fair and full opportunity to reach his full potential by establishing and expanding comprehensive child development programs and services so as to (1) assure the sound and coordinated development of these programs; (2) recognize and build upon the experience and successes gained through the Headstart program and similar efforts; (3) make child development services available to all children who need them, with special emphasis on preschool programs for economically handicapped children and for children of working mothers and single parent families; (4) provide that decisions as to the nature and funding of such programs be made at the community level with the full involvement of parents and other individuals and organizations in the community interested in child development; and (5) establish the legislative framework for the future expansion of such programs to provide universally available child development services.

"TITLE I—COMPREHENSIVE CHILD DEVELOPMENT PROGRAMS, DIRECTION TO ESTABLISH PROGRAM

"SEC. 523. The Secretary of Health, Education, and Welfare is hereby authorized and directed to establish child development programs and services through the support of activities in accordance with the provisions of this title.

"CHILD DEVELOPMENT PROGRAMS

"SEC. 524. Funds appropriated under section 530 may be used (in accordance with approved applications) for the following activities:

"(a) planning and developing child development programs, including the operation of pilot programs to test the effectiveness of new concepts, programs, and delivery systems;

"(b) establishing, maintaining, and operating child development programs, which may include activities such as—

"(1) comprehensive physical and mental health, social, and cognitive development services necessary for children participating in the program to profit fully from their educational opportunities and to attain their maximum potential;

"(2) food and nutritional services (including family consultation);

"(3) rental, remodeling, renovation, alteration, construction, or acquisition of facilities, including mobile facilities, and the acquisition of necessary equipment and supplies;

"(4) programs designed to meet the special needs of minority groups, Indian and migrant children with particular emphasis on the needs of children from bilingual families for the development of skills in English and other language spoken in the home;

"(5) a program of daily activities designed to develop fully each child's potential;

"(6) other specially designed health, social, and educational programs (including afterschool, summer, weekend, vacation, and overnight programs);

"(7) medical, psychological, educational, and other appropriate diagnosis and identification of visual, dental, hearing, speech, nutritional, and other physical, mental, and emotional barriers to full participation in child development programs, with appropriate treatment to overcome such barriers;

"(8) incorporation within child development programs of special activities designed to ameliorate identified handicaps and, where necessary or desirable, because of the severity of such handicaps, establishing, maintaining, and operating separate child development programs designed primarily to meet the needs of handicapped children;

"(9) preservice and inservice education and other training for professional and paraprofessional personnel;

"(10) dissemination of information in the functional language of those to be served to assure that parents are well informed of child development programs available to them and may become directly involved in such programs;

"(11) services, including in-home services, and training in the fundamentals of child development, for parents, older family members functioning in the capacity of parents, youth and prospective parents;

"(12) utilization of child advocates to work on behalf of children and parents to secure them full access to other services, programs, or activities intended for the benefit of children; and

"(13) such other services and activities as the Secretary deems appropriate in furtherance of the purposes of this Act;

"(c) staff and administrative expenses of local policy councils and child development councils.

"PRIME SPONSORS

"SEC. 525. (a) The following shall be eligible to be prime sponsors of a comprehensive child development program in accordance with the provisions of this section:

"(1) any State; or

"(2) any unit of general local government—

"(A) which is a city with a population of ten thousand or more persons on the basis of the most satisfactory current data available to the Secretary; or

"(B) which is a county or other unit of general local government with a population of ten thousand or more persons on the basis of the most satisfactory current data available to the Secretary and which the Secretary determines has general governmental powers substantially similar to those of a city; or

"(3) any combination of units of general local government having a total population of ten thousand or more persons on the basis of the most satisfactory current data available to the Secretary; which proposes to operate programs authorized by this Act through contract with public or private nonprofit agencies or organizations including but not limited to community action agencies, single-purpose Headstart agencies, community corporations, parent cooperatives, organizations of Indians, employers of working mothers and local public and private educational agencies and institutions, serving or applying to serve children in a community or neighborhood or other area possessing a commonality of interest;

"(4) an Indian tribal organization; or

"(5) any public or private nonprofit agency or organization, including but not limited to community action agencies, single-purpose Headstart agencies, community corporations, parent cooperatives, organizations of migrant workers, labor unions, organizations of Indians, employers of working mothers, and public and private educational agencies and institutions, serving or applying to serve children in a neighborhood or other area possessing a commonality of interest under the jurisdiction of any unit (or combination of units) of general local government referred to in subsection (a) in the event that (A) such unit (or combination of units) of general local government either has not submitted an application pursuant to this section within one hundred and twenty days of the implementation of this title by the promulgation of regulations by the Secretary, or has not submitted a plan pursuant to section 526 within two hundred and forty days of said implementation during the first fiscal year in which this title is funded or earlier than ninety days before the start of each succeeding fiscal year, or, although serving as a prime sponsor, is found, in accordance with the procedures contained in subsection (8) of this section not to be satisfactory implementing a child development plan which adequately meets the purpose of this title, (B) such sponsorship is for the purpose of providing comprehensive child development programs on a year-round basis to children of migrant workers and their families, or (C) the Secretary determines such sponsorship necessary to meet the needs of economically disadvantaged children, pre-school-age children, or children of working mothers or single parents residing in the area served by a prime sponsor designated pursuant to paragraphs (1) through (4) of this subsection.

"(b) In the event that a State, a city, a unit of general local government, a county or other unit of general local government, any combinations thereof, or an Indian tribal organization have not submitted a plan under section 526 or the Secretary has not approved a plan so submitted, or where the Secretary has withdrawn authority under section 525 or where the needs of migrants, preschool-age children, or the children of working mothers or single parents, minority groups, or the economically disadvantaged are not being served, the Secretary may directly fund programs including those in rural areas without regard to population, that he deems necessary in order to serve the children of the particular area.

"(c) Any State, unit or combination of units of general local government or Indian tribal organization that is eligible to be a prime sponsor under subsection (a) and which desires to be so designated in order to enter into arrangements with the Secretary under this title shall submit to the Secretary an application for designation as prime sponsor which, in addition to describing the area to be served shall provide for—

"(1) the establishment of a Child Development Council which shall be responsible for planning, conducting, coordinating, and monitoring child development programs in the prime sponsorship area and shall submit to the Secretary a Comprehensive Child Development Plan pursuant to section 526. Each Local Policy Council shall elect at least one representative to the Child Development Council; and one-half of the members of such Council shall be elected representatives of Local Policy Councils. The balance shall be appointed by the chief executive officer of the unit or units of government establishing such Council and shall be broadly representative of the unit or units of government; the public and private economic opportunity, health, education, welfare, employment, training, and child service agencies in the prime sponsorship area; minority groups and organizations; public and private child development organizations; employers of working mothers, and labor unions, and shall include at least one child development specialist. At least one-third of the total membership of the Child Development Council shall be parents who are economically disadvantaged. Each Council shall select its own chairman.

"(2) the establishment of Local Policy Councils for each neighborhood or subarea possessing a commonality of interest or, pursuant to criteria established by the Secretary, a nongeographic grouping of appropriate size. Such Councils shall be composed of parents of children eligible under this title or their representatives who reside in such neighborhood or subareas or, in the case of a nongeographical grouping, who are working or participating in training in the common area, and who are chosen by such parents in accordance with democratic selection procedures established by the Secretary. Such Local Policy Councils shall be responsible, among other things, for determining child development needs and priorities in their neighborhoods or subareas, and shall make recommendations relating thereto and encourage project applications pursuant to section 527 designed to fulfill that plan.

"(3) the delegation by the Child Development Council to an appropriate agency (existing or newly created) of the State, unit or combination of units of general local government, Indian tribal organization, or any local educational agency as defined in section 801(f) of the Elementary and Secondary Education Act of 1965 of the administrative responsibility for developing a Comprehensive Child Development Plan pursuant to section 526, for evaluating applications for such assistance submitted to it by other agencies or organizations, for delivering services, activities, and programs for which financial assistance is provided under this title, and for continuously evaluating and overseeing the implementation of programs assisted under this title: *Provided*, That such delegate agency will be ultimately responsible for its actions to the Child Development Council and will cooperate with the Local Policy Councils.

"(d) Any public or private nonprofit agency or organization that desires to be designated a prime sponsor pursuant to subsection (a) (5) in order to enter into arrangements with the Secretary and an application for designation as prime sponsor which, in addition to describing the area to be served, shall—

"(1) demonstrate that such agency or organization qualifies as eligible prime sponsor pursuant to subsection (a) (5);

"(2) evidence the capability of such agency or organization for effectively planning, conducting, coordinating, and monitoring child development programs in the area to be served; and

"(3) provide for the establishment of a local policy council which shall be composed of parents of eligible children or their representatives who reside in such area and who are chosen by such parents in accordance with democratic selection procedures established by the Secretary.

"(e) (1) In the event that a State has submitted an application for designation as prime sponsor to serve or is acting as a prime sponsor and a city or an Indian tribal organization which is eligible under paragraph (2) or (4) of subsection (a) and which has submitted an application for designation as prime sponsor that meets the requirements of subsection (c), the Secretary shall approve the application of the city or the Indian tribal organization.

"(2) In the event that a State has submitted an application for designation as prime sponsor to serve or is acting as a prime sponsor and a unit of general local government which is a county or combination of units of local government which is eligible under paragraph (2)(B), or (3), of subsection (a) and which has submitted an application for designation as prime sponsor that meets the requirements of subsection (c), the Secretary, in accordance with such regulations as he shall prescribe, shall approve for that geographical area the application of the State or unit of general government which he determines will most effectively carry out the purpose of this title.

"(3) When a unit (or combination of units) of general local government has submitted an application for designation as prime sponsor serving a geographical area within the jurisdiction of another such unit (or combination of units) which is eligible under paragraph (2) or (3) of subsection (a) and which has submitted an application for designation as prime sponsor that meets the requirements of subsection (b), the Secretary, in accordance with such regulations as he shall prescribe, shall approve for that geographical area the application of the unit of general local government which he determines will most effectively carry out the purposes of this title.

"(4) When a unit (or combination of units) of general local government has submitted an application for designation as prime sponsor to serve or is acting as a prime sponsor serving a geographical area under the jurisdiction of an Indian reservation that has submitted an application for designation as prime sponsor that meets the requirements of subsection (c), the Secretary shall tentatively approve the later application, subject to review of the Comprehensive Child Development Plan.

"(5) When a unit (or combination of units) of general local government is maintaining a pattern and practice of exclusion of minorities, the Secretary shall give preference in the approval of applications for prime sponsorship to an alternative unit of government or to a public or nonprofit agency or organization in the area representing the interests of the minority and economically disadvantaged people.

"(f) The Governor or appropriate State agency shall be given sixty days to review applications for designation filed by other than the State, offer recommendations to the applicant, and submit comments to the Secretary.

"(g) Except as provided in subsection (c), an application submitted under this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided—

"(1) written notice of intention to disapprove such application including a statement of the reasons therefor;

"(2) sixty days in which to submit corrective amendments to such application or undertake other necessary corrective action, and

"(3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

"(h)(1) If any party is dissatisfied with the Secretary's final action under subsection (g) with respect to the disapproval of its application submitted under this section or the withdrawal of its designation, such party may, within sixty days after notice of such action, file with the United States Court of Appeals for the circuit in which such party is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The court shall have jurisdiction to affirm the action of the Secretary or to set aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"COMPREHENSIVE CHILD DEVELOPMENT PLANS

"SEC. 526. (a) Financial assistance under this title may be provided by the Secretary for any fiscal year to a prime sponsor designated pursuant to section 525(c) only pursuant to a comprehensive child development plan which is submitted by such prime sponsor and approved by the Secretary in accordance with the provisions of this title. Any such plan shall set forth a comprehensive program for providing child development services in the prime sponsorship area which—

"(1) identifies child development needs and goals within the area and describes the purposes for which the financial assistance will be used;

"(2) meets the needs of children in the prime sponsorship area, to the extent appropriate and feasible, including (A) priority programs for pre-school children 5 years of age and under, of working mothers and single parents, (B) before and after school programs, and (C) infant care programs as well as insuring the availability of child care services for the children of single parents or working mothers who must work or attend school or other employment related training or educational activities on night shifts or night sessions;

"(3) gives priority to providing child development programs and services to economically disadvantaged children by reserving for such children from such funds as are received under section 531 in any fiscal year an amount at least equal to the aggregate amount received by public or private agencies or organizations within the prime sponsorship area for programs during fiscal year 1972 under section 222(a)(1) of the Economic Opportunity Act of 1964; and by reserving no less than 65 per centum of the remainder of its allotment under section 531 for child development programs and services for those children of families having an annual income below the lower budget for a four person urban family as determined by the Bureau of Labor Statistics of the Department of Labor;

"(4) gives priority thereafter to providing child development programs and services to children of single parents and working mothers;

"(5) provides, insofar as feasible, that such programs under this Act will be approved only if there is participation without regard to family income and in accordance with an appropriate fee schedule as provided in paragraph (6) of this subsection;

"(6) provides that charges for child development services provided for any child under programs assisted under this title shall be made in accordance with a fee schedule prescribed by regulations by the Secretary (which shall be consistent with any fee schedules for similar purposes under the Social Security Act) for part or all of the cost thereof based upon the ability of a family to pay including the extent to which payments from a third party (including a public agency) are available;

"(7) provides that cooperative arrangements will be entered into under which public agencies, at both the State and local levels, responsible for the education of or other services to handicapped children, will make such services available, where appropriate, to programs approved under the plan;

"(8) provides that insofar as possible, persons residing in communities served by such projects will receive jobs, including in-home and part-time jobs and opportunities for training in programs authorized under title II of this Act;

"(9) provides that, to the extent feasible, the enrollment of children in each program within the prime sponsorship area will include children from a range of socioeconomic backgrounds;

"(10) provides comprehensive services to meet the special needs of minority groups, Indians and migrant children, with particular emphasis on the needs of children from bilingual families for development of skills in English and in the other language spoken in the home;

"(11) provides equitably for the child development needs of children from each minority group residing within the area served;

"(12) provides that children in the area served will in no case be excluded from the programs operated pursuant to this Act because of their participation in non-public preschool or school programs or because of the intention of their parents to enroll them in nonpublic schools when they attain school age;

"(13) provides, insofar as possible, for coordination of child development programs with other social programs (including but not limited to those relating to employment and manpower) so as to keep family units intact or in close proximity during the day;

"(14) provides for direct parent participation in the conduct, overall direction, and evaluation of programs;

"(15) provides to the extent feasible for the employment as both professionals and paraprofessionals of persons resident in the neighborhoods from which children are drawn;

"(16) includes to the extent feasible a career development plan for paraprofessional and professional training, education, and advancement on a carrer ladder;

"(17) provides that, to the extent appropriate, programs will include participation by volunteers, especially parents and older children, and including senior citizens, students, and persons preparing for employment in child development programs;

"(18) provides for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons in the community are fully informed of the activities of the Child Development Council and its delegate agency;

"(19) provides that no person will be denied employment in any program solely on the ground that he fails to meet State teacher certification standards;

"(20) assures that linkage and coordination mechanisms have been developed by preschool program administrators and administrators of school systems, both public and nonpublic, at a local level, to provide continuity between programs for preschool and elementary schoolchildren, and to coordinate programs conducted under this Act and programs conducted pursuant to section 222(a)(2) of the Economic Opportunity Act of 1964 and the Elementary and Secondary Education Act;

"(21) provides, in the case of a prime sponsor located within or adjacent to a metropolitan area, for coordination with other prime sponsors located within such metropolitan area, and arrangements for cooperative funding where appropriate, and particularly for such coordination when appropriate to meet the needs for child development services of children of parents working or participating in training or otherwise occupied during the day within a prime sponsorship area other than that in which they reside;

"(22) assures coordination of child development programs for which financial assistance is provided under the authority of other laws;

"(23) establishes arrangements in the area served for the coordination of programs conducted under the auspices of or with the support of business, industry, labor, employee and labor-management organizations and other community groups;

"(24) provides assurances satisfactory to the Secretary that the non-Federal share requirements will be met;

"(25) provides for such fiscal control and funding accounting procedures as the Secretary may prescribe to assure proper disbursement of and accounting for Federal funds paid to the prime sponsor;

"(26) sets forth plans for regularly conducting surveys and analyses of needs for child development programs in the prime sponsorship area and for submitting to the Secretary a comprehensive annual report and evaluation in such form and containing such information as the Secretary shall establish by regulation;

"(27) provides that consideration will be given to project applications submitted by public, private, nonprofit, and profitmaking organizations with emphasis given to ongoing programs, and that (A) comparative costs of providing services shall be a factor in deciding among applicants, and (B) such organizations must meet the standards for service under authority of this title;

"(28) provides that programs or services under this Act shall be provided only for children whose parents or legal guardians have requested them; and

"(29) provides assurance that in developing plans for any facilities due consideration will be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than one per centum of the cost of the project).

"(c) No comprehensive child development plan or modification or amendment thereof submitted by a prime sponsor under this section shall be approved by the Secretary unless he determines that—

"(1) each community action agency or single-purpose Headstart agency in the area to be served, previously responsible for the administration of programs under this Act or under section 222(a)(1) of the Economic Opportunity Act, has had an opportunity to submit comments to the prime sponsor and to the Secretary;

"(2) any educational agency or institution in the area to be served responsible for the administration of programs under section 222(a)(2) of the Economic Opportunity Act has had an opportunity to submit comments to the prime sponsor and the Secretary;

"(3) the Governor or appropriate State agency has, in the case of a prime sponsor that is a unit (or combination of units) of general local government or an Indian tribal organization, or public or private nonprofit agency, had an opportunity to submit comments to the prime sponsor and to the Secretary.

"(d) A comprehensive child development plan submitted under this section may be disapproved or a prior approval withdrawn only if the Secretary provides written notice of intention to disapprove such plan, including a statement of the reasons, a reasonable time to submit corrective amendments, and an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

"PROJECT APPLICATIONS

"SEC. 527. (a) Upon the recommendation of the appropriate Local Policy Council, a prime sponsor designated under section 525 (c) may provide financial assistance, by grant, loan, or contract, pursuant to a Comprehensive Child Development Plan, to any qualified public or private agency or organization, including but not limited to a parent cooperative, community action agency, single-purpose Headstart agency, community development corporation, organization of migrant wrokers, Indian organization, private organization interested in child development, labor union, or employee and labor-management organization, which submits an application meeting the requirements of subsection (b).

"(b) A project application submitted for approval under this section shall—

"(1) provide such comprehensive health, nutritional, education, social, and other services as are necessary for the full cognitive, emotional, and physical development of each participating child;

"(2) provide for the utilization of personnel, including paraprofessional and volunteer personnel, adequate to meet the specialized needs of each participating child;

"(3) provides for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons are fully informed of project activities;

"(4) provide assurance that any person employed on such project, except for volunteers participating under section 526(a)(17), shall be paid no less than the prevailing rate of pay for such employees in the area in which the project is to be carried out: *Provided,* That in no case shall such employee be paid less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206);

"(5) otherwise further the objectives and satisfy the appropriate provisions of the Comprehensive Child Development Plan in force pursuant to section 526.

"(c) The appropriate Local Policy Council may conduct public hearings on applications submitted to the prime sponsor under this section prior to making its recommendation for funding. Further, the Local Policy Council may appeal to the Secretary any action or decision by the Child Development Council which the Local Policy Council feels does not meet the intent of this Act.

"(d)(1) The Secretary may provide financial assistance, by grant, loan, or contract, to a prime sponsor designated under section 525(a)(5), which submits a project application meeting the requirements of subsection (b).

"(2) Such financial assistance may be provided from the funds allotted under section 531 to the prime sponsorship area in which the section 525(a)(5) prime sponsor will be conducting programs, and in the case of prime sponsors designated pursuant to section 525(a)(5)(B) such financial assistance may be provided from the funds reserved pursuant to section 531(a)(1).

"(3) The Child Development Council shall conduct public hearings on such project application prior to its submission to the Secretary and shall submit the record of such hearings to the Secretary with the project application.

"ADDITIONAL CONDITIONS FOR PROGRAMS INCLUDING CONSTRUCTION

"SEC. 528. (a) Applications including construction may be approved only upon a showing that construction of such facilities is essential to the provision of adequate child development services, and that rental, renovation, remodeling, or leasing of adequate facilities is not practicable.

"(b) If within twenty years after completion of any construction for which Federal funds have been paid under this title the facility shall cease to be used for the purposes for which it was constructed, unless the Secretary determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so, the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

"(c) All laborers and mechanics employed by contractors or subcontractors on all construction, remodeling, renovation, or alteration projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(d) In the case of loans for construction, the Secretary shall prescribe the interest rate and the period within which such loan shall be repaid, but such interest rates shall not be less than 3 per centum per annum and the period within which such loan is repaid shall not be more than twenty-five years.

"(e) The Federal assistance for construction may be in the form of grants or loans, provided that total Federal funds to be paid to other than public or private nonprofit agencies and organizations will not exceed 50 per centum of the construction cost, and will be in the form of loans. Repayment of loans shall, to the extent required by the Secretary, be returned to the prime sponsor from whose financial assistance the loan was made, or used for additional loans or grants under this Act. Not more than 15 per centum of the total financial assistance provided to a prime sponsor pursuant to section 109 shall be used for construction of facilities, with no more than 7½ per centum of such assistance usable for grants for construction.

"(f) In the case of a project for the construction of facilities and in the development of plans for such facilities due consideration shall be given to excellence of architecture and design and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project).

"PAYMENTS

"SEC. 529. (a)(1) Except as provided in subparagraphs (2) and (3), the Secretary shall pay to each prime sponsor an amount not in excess of 80 per centum of the cost to such prime sponsor of providing child development programs. The Secretary may, however, in accordance with regulations establishing objective criteria, approve assistance in excess of such percentage if he determines that such action is required to provide adequately for the child development needs of economically disadvantaged persons.

"(2) The Secretary shall pay to each prime sponsor approved under section 525(a)(5)(B) 100 per centum of the costs of providing child development programs for children of migrant agricultural workers and their families.

"(3) The Secretary shall pay to each prime sponsor approved under section 525(a)(4) 100 per centum of the costs of providing child development programs for children on federally recognized Indian tribal organizations.

"(b) The non-Federal share of the costs of programs assisted under this title may be provided through public or private funds and may be in the form of goods, services, or facilities (or portions thereof that are used for program purposes), reasonably evaluated, or union and employer contributions: *Provided*, That fees collected for services provided pursuant to section 526(a)(6) shall not be used to make up the non-Federal share, but shall be turned over to the appropriate prime sponsor for distribution in the same manner as the prime sponsor's allotment under section 526(a)(3);

"(c) If, in any fiscal year, prime sponsor provides non-Federal contributions exceeding its requirements, such excess may be applied toward meeting the requirements for such contributions for the subsequent fiscal year under this title.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 530. There is authorized to be appropriated for the fiscal year ending June 30, 1973, and each succeeding fiscal year such sums as may be necessary to carry out the provisions of this title.

"ALLOTMENTS AMONG PRIME SPONSORS

"SEC. 531. (a) The Secretary shall first reserve the following from the amount appropriated under this title:

"(1) not less than that proportion of the total amount available for carrying out this title as is equivalent to that proportion which the total number of children of migrant agricultural workers bears to the total number of economically disadvantaged children in the United States, which shall be made available to prime sponsors under section 525(a)(5)(B);

"(2) not less than that proportion of the total amount available for carrying out this title as is equivalent to that proportion which the total number of children who are members of Indian tribal organizations bears to the total number of economically disadvantaged children in the United States, which shall be apportioned among federally recognized Indian tribal organizations for programs serving such organizations so that the amount apportioned to each such organization bears the same relationship to the total amounts reserved pursuant to this paragraph that the number of children who are members of such organization bears to the total number of children residing who are members of all such organizations:

"(3) a sum, not in excess of 5 per centum thereof, for use by him, for purposes of this Act; and

"(4) a sum, not less than 7 per centum thereof, for use by him, to guarantee special services to handicapped children pursuant to the purposes of this Act.

"(b) The Secretary shall allot the remainder of the amount appropriated under this title (after making the reservations required in subsection (a)) among the States in the following manner:

"(1) 50 per centum thereof so that the amount allotted to each State bears the same ratio to such 50 per centum as the number of economically disadvantaged children through age 14 in the State, excluding those children in the State who in the State who are eligible for services funded under subsection (a) (1) and (2) to the number of economically disadvantaged children in all the States, excluding those children in all the States who are eligible for services funded under subsection (a) (1) and (2);

"(2) 25 per centum thereof so that the amount to each State bears the same ratio to such 25 per centum as the number of children through age 5 in the State, excluding those children in the State who are eligible for services funded under subsection (a) (1) and (2) bears to the number of children through age 5 in all the States, excluding those who are eligible for services funded under subsection (a) (1) and (2);

"(3) 25 per centum thereof so that the amount allotted to each State bears the same ratio to such 25 per centum as the number of children of working mothers and single parents in the State, excluding those children in the State who are eligible for services funded under subsection (a) (1) and (2) bears to the total number of children of working mothers and single parents in all the States, excluding those who are eligible for services funded under subsection (a) (1) and (2).

"(c) The Secretary shall further apportion the amount allotted to each State among the prime sponsors in such State in the following manner:

"(1) 50 per centum thereof so that the amount apportioned to each prime sponsor bears the same ratio to such 50 per centum as the number of economically disadvantaged children through age 14 in the area served by the prime sponsor bears to the number of economically disadvantaged children in the State;

"(2) 25 per centum thereof so that the amount apportioned to each prime sponsor bears the same ratio to such 25 per centum as the number of children through age 5 in the area served by the prime sponsor bears to the number of children through age 5 in the State;

"(3) 25 per centum thereof so that the amount apportioned to each prime sponsor bears the same ratio to such 25 per centum as the number of children of working mothers and single parents in the area served by the prime sponsor bears to the number of children of working mothers and single parents in the State.

"(d) The number of children through age 5, the number of economically disadvantaged children, and the number of children of working mothers and single parents in an area served by a prime sponsor, in the State, and in all the States, shall be determined by the Secretary on the basis of the most recent satisfactory data available to him.

"(e) The portion of any allotment under subsection (b) or (c) for a fiscal year which the Secretary determines will not be required, for the period such allotment is available, for carrying out programs under this title shall be available for reapportionment from time to time, on such dates during such period as the Secretary shall fix, or to other States in the case of allotments under subsection (b), or to other prime sponsors in the case of allotments under subsection (c), in proportion to the original allotments, to such States under subsection (b), or such prime sponsors under subsection (c), for such year, but with such proportionate amount for any of such States, or prime sponsors being reduced to the extent it exceeds the needs of such State, or prime sponsor for carrying out activities approved under this title, and the total of such reductions shall be similarly reallotted among the States, or prime sponsors whose proportionate amounts are not so reduced. Any amount reallotted to a State or prime sponsor under this subsection during a year shall be deemed part of its allotment under subsection (b) or (c) for such year.

"(f) The Secretary shall pay from the applicable prime sponsor allotment the Federal share of the costs of programs which have been approved as provided in this title. Such payments may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"(g) No State or unit (or combination of units) of general local government shall reduce its expenditures for child development and day care programs by reason of assistance under this title.

"(h) If the allotment to any State under subsection (b) for any fiscal year ending before June 30, 1973, is less than the amount received by it, and by public and private agencies in the State, during the fiscal year 1971 under the Economic Opportunity Act of 1964 (other than section 221 thereof), and title IV of the Social Security Act for purposes for which assistance may be provided under this title (as determined by the Secretary), then there shall be allotted to each such State from sums appropriated to carry out this subsection (and such appropriations are hereby authorized) the amount by which its allotment under subsection (a) from such appropriations is less than such amount so received in such fiscal year.

"OFFICE OF CHILD DEVELOPMENT

"SEC. 532. The Secretary shall take all necessary steps to coordinate programs under his jurisdiction and under that of the Federal agencies which provide child development services. To this end, he shall establish in the Department of Health, Education, and Welfare an Office of Child Development which shall be the principal agency of the Department for the administration of this Act and for the coordination of programs and other activities relating to child development. There are authorized to be appropriated such sums as may be necessary to enable the Office of Child Development to carry out its functions. The President shall take appropriate steps to establish, insofar as possible, mechanisms for coordination at the State and local level of programs providing child development services with Federal assistance.

"FEDERAL STANDARDS FOR CHILD DEVELOPMENT SERVICES

"SEC. 533. (a) Within six months of the enactment of this Act, the Secretary shall, after consultation with other Federal agencies, and with the approval of a committee established pursuant to subsection (b), promulgate a common set of program standards which shall be applicable to all programs providing child development services with Federal assistance authorized under this title, to be known as the Federal Standards for Child Development Services.

"(b) The Secretary shall, within sixty days after enactment of this Act, appoint a special committee on Federal Standards for Child Development Services, which shall include parents of children enrolled in child development programs, public and private agencies or specialists, and national agencies for organizations interested in the development of children. Not less than one-half of the membership of the committee shall consist of parents of children enrolled in programs conducted under this title, section 222(a)(1) of the Economic Opportunity Act, and title IV of the Social Security Act. Such Committee shall participate in the development of Federal Standards for Child Development Services.

"DEVELOPMENT OF UNIFORM CODE FOR FACILITIES

"SEC. 534. (a) The Secretary shall, within sixty days after enactment of this Act, appoint a special committee to develop a uniform minimum code for facilities, to be used in licensing child development facilities. Such standards shall deal principally with those matters essential to the health, safety, and physical comfort of the children and the relationship of such matters to the Federal Standards for Child Development Services under section 533.

"(b) The special committee appointed under this section shall include parents of children enrolled in child development programs and representatives of State and local licensing agencies, public health officials, fire prevention officials, the construction industry and unions, public and private agencies or organizations administering child development programs, and national agencies or organizations interested in the development of children. Not less than one-half of the membership of the committee shall consist of parents of children enrolled in programs conducted under this title, section 222(a)(1) of the Economic Opportunity Act, and title IV of the Social Security Act.

"(c) Within six months of its appointment, the special committee shall complete a proposed uniform code and shall hold public hearings on the proposed code prior to submitting its final recommendation to the Secretary for his approval.

"(d) The Secretary must approve the code as a whole or secure the concurrence of the special committee to changes therein, and, upon approval, such standards shall be applicable to all facilities receiving Federal financial assistance authorized under this title or in which programs receiving such assistance are operated; and the Secretary shall also distribute such standards and urge their adoption by States and local governments. The Secretary may from time to time modify the uniform code for facilities in accordance with the procedures described in subsections (a) through (d).

"USE OF FEDERAL, STATE, AND LOCAL GOVERNMENTAL FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

"SEC. 535. (a) The Secretary, after consultation with other appropriate officials of the Federal Government, shall within sixteen months of enactment of this Act report to the Congress in respect to the extent to which facilities owned or leased by Federal departments, agencies, and independent authorities could be made available to public and private nonprofit agencies and organizations if appropriate services were provided, as facilities for child development programs under this Act during times and periods when not utilized fully for their usual purposes, together with his recommendations (including recommendations for changes in legislation) or proposed actions for such utilization.

"(b) The Secretary may require then, as a condition to the receipt of assistance under this Act, any prime sponsor that is a State, unit (or combination of units) of local government of a public school system shall agree to conduct a review and provide the Secretary with a report as to the extent to which facilities owned or leased by such prime sponsor could be available, if appropriate services were provided, as facilities for child development programs under this Act during times and periods when not utilized fully for usual purposes, together with the prime sponsor's proposed actions for such utilization.

"REPEAL, CONSOLIDATION, AND COORDINATION

"SEC. 536. (a) In order to achieve to the greatest degree feasible, the consolidation and coordination of programs providing child development services, while assuring continuity of existing programs during transition to the program authorized under this Act, the following statutes are amended, effective July 1, 1973:

"(1) Section 222(a)(1) of the Economic Opportunity Act of 1964 is repealed.

"(2) Part B of title V of the Economic Opportunity Act of 1964 is repealed.

"(3) Section 162(b) of the Economic Opportunity Act of 1964 is amended by striking out 'day care for children' and inserting in lieu thereof 'assistance in securing child development services for children, but not operation of child development programs for children.'

"(4) Section 123(a)(6) of the Economic Opportunity Act of 1964 is amended by striking out 'day care for children' and inserting in lieu thereof 'assistance in securing child development services for children', and adding after the word 'employment' the phrase 'but not including the direct operation of child development programs for children.'

"(5) Section 312 (b)(1) of the Economic Opportunity Act of 1964 is amended by striking out 'day care for children.'

"(b) The Secretary shall promulgate regulations to guarantee that other federally funded child development and related programs, including title I of the Elementary and Secondary Education Act of 1965 and section 222(a)(2) of the Economic Opportunity Act of 1964, will coordinate with the programs designed under this title. Further, the Secretary will insure that joint technical assistance efforts will result in the development of coordinated efforts between the Office of Education and the Office of Child Development.

"(c)(1) Section 203(j)(1) of the Federal Property and Administrative Services Act of 1949 is amended by striking out 'or civil defense' and inserting in lieu thereof 'civil defense, or the operation of child development facilities'.

"(2) Section 203(j)(3) of such Act is amended—

"(A) by striking out, in the first sentence, 'or public health' and inserting in lieu thereof 'public health, or the operation of child development facilities',

"(B) by inserting after 'handicapped,' in clause (A) and clause (B) of the first sentence the following: 'child development facilities,', and

"(C) by inserting after 'public health purposes' in the second sentence the following: ', or for the operation of child development facilities,'.

"(3) Section 203(j) of such Act is amended by adding at the end thereof the following new paragraph:

"'(8) The term "child development facility" has the meaning given in section 201 (b)(1) of the Comprehensive Child Development Act.'

"TITLE II—FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

"MORTGAGE INSURANCE FOR CHILD DEVELOPMENT FACILITIES

"SEC. 541. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for child care and child development programs.

"(b) For the purpose of this section—

"(1) The term 'child development facility' means a facility of a public or private profit or nonprofit agency or organization, licensed or regulated by the State (or, if there is no State law providing for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located), for the provision of child development programs.

"(2) The terms 'mortgage', 'mortgagor', 'mortgagee', 'maturity date', and 'State' shall have the meanings respectively set forth in section 207 of the National Housing Act.

"(c) The Secretary of Health, Education, and Welfare (hereinafter referred to as the 'Secretary') is authorized to insure any mortgage (including advances on such mortgage during construction) in acordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

"(d) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers a new child development facility, including equipment to be used in its operation, subject to the following conditions:

"(1) The mortgage shall be executed by a mortgagor, approved by the Secretary, who shall demonstrate ability successfully to operate one or more child care or child development programs. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary may make such contracts with and acquire for not to exceed $100 such stock or interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Child Development Facility Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

"(2) The mortgage shall involve a principal obligation in an amount not to exceed $250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment replacement cost of the property or project, including equipment to be used in the operation of child development facility, when the proposed improvements are completed and the equipment is installed.

"(3) The mortgage shall—

"(A) provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and

"(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market.

"(4) The Secretary shall not insure any mortgage under this section unless he has determined that the child development facility to be covered by the mortgage will be in compliance with the Uniform Code for Facilities approved by the Secretary pursuant to section 534 of this Act.

"(5) The Secretary shall not insure any mortgage under this section unless he has also received from the prime sponsor authorized in title I of this Act a certificate that the facility is consistent with and will not hinder the execution of the prime sponsor's plan.

"(6) That in the plans for such child development facility due consideration has been given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project).

"(e) The Secretary shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Child Development Facility Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

"(f) The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

"(g)(1) The Secretary shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act.

"(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Child Development Facility Insurance Fund, and all references in such provisions to 'Secretary' shall be deemed to refer to the Secretary of Health, Education, and Welfare.

"(h) (1) There is hereby created a Child Development Facility Insurance Fund which shall be used by the Secretary as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Child Development Facility Insurance Fund.

"(2) The general expenses of the operations of the Department of Health, Education, and Welfare relating to mortgages insured under this section may be charged to the Child Development Facility Insurance Fund.

"(3) Moneys in the Child Development Facility Insurance Fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Child Development Facility Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section, Debentures so purchased shall be canceled and not reissued.

"(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary in connection therewith, and all earnings on the assets of the fund, shall be credited to the Child Development Facility Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such fund.

"(5) There are authorized to be appropriated to provide initial capital for the Child Development Facility Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary.

"TITLE III—TRAINING OF CHILD DEVELOPMENT PERSONNEL

"SEC. 551. Section 532 of the Higher Education Act of 1965 is amended by adding at the end thereof the following sentence. 'There is additionally authorized to be appropriated the sum of $20,000,000 for the fiscal year ending June 30, 1972, and for each fiscal year thereafter for programs and projects under this part to train or retrain professional personnel for child development programs, and the sum of $20,000,000 for the fiscal year ending June 30, 1972, and for each fiscal year thereafter, for programs and projects under this part to train or retrain nonprofessional personnel for child development programs.'.

"SEC. 552. Section 205(b) (3) of the National Defense Education Act is amended as follows, by adding after the word 'nonprofit' the phrase 'child development program,' by striking out 'and (C)' and inserting in lieu thereof the following: '(C) such rate shall be 15 per centum for each complete academic year or its equivalent (as so determined by regulations) of service as a full-time teacher in public or private nonprofit child development programs or in any such programs operating under authority of title I of the Comprehensive Child Development Act, and (D)'.

"SEC. 553. The Secretary of Health, Education, and Welfare is authorized to provide directly or through grant, contract or other arrangement for the training of personnel employed, preparing for employment or volunteering for work in a program funded under the Act.

"SEC. 554. There is authorized to be appropriated for the purposes of section 553 the sum of $5,000,000 for the fiscal year 1972 and for each succeeding fiscal year.

"TITLE IV—FEDERAL GOVERNMENT CHILD DEVELOPMENT PROGRAM

"SEC. 561. (a) The Secretary is authorized to make grants for the purpose of establishing and operating child development programs (including the lease, rental, or construction of necessary facilities and the acquisition of necessary equipment and supplies) for the children of employees of the Federal Government.

"(b) Employees of any Federal agency or group of such agencies employing eighty working parents of young children who desire to participate in the grant program under this title shall—

"(1) designate or create for the purpose an agency commission, the membership of which shall be broadly representative of the working parents employed by the agency or agencies, and

"(2) submit to the Secretary a plan approved by the official in charge of such agency or agencies, which—

"(A) provides that the child development program shall be administered under the direction of the agency commission;

"(B) provides that the program will meet the Federal interagency standards for child development;

"(C) provides a means of determining priority of eligibility among parents wishing to use the services of the program;

"(D) provides for a scale of fees based upon the parents' financial status; and

"(E) provides for competent management, staffing, and facilities for such program.

"(c) The Secretary shall not grant funds under this section unless he has received approval of the plan from the office or officials in charge of the agency or agencies whose employees will be served by the child development program.

"SEC. 562. (a) No more than 80 per centum of the total cost of child development programs under this title during the first two years of such programs' operation, and no more than 40 per centum of the total cost of such programs in succeeding years shall be paid from Federal funds.

"(b) The non-Federal share of the total cost may be provided through public or private funds and may be in the form of cash, goods, services, facilities reasonably calculated, fees collected from parents, union and employer contributions.

"(c) If, in any fiscal year, a program under this title provides non-Federal contributions exceeding its requirements under this section, such excess may be used to meet the requirements for such contributions of other programs applying for grants under the same title, for the same fiscal year.

"(d) In making grants under this title, the Secretary shall, insofar as is feasible, distribute funds among the States according to the same ratio as the number of Federal employees in that State bears to the total number of Federal employees in the United States.

"SEC. 563. There is authorized to be appropriated for carrying out this title during the fiscal year 1972, and each succeeding fiscal year, the sum of $5,000,000.

"TITLE V—EVALUATION AND TECHNICAL ASSISTANCE

"EVALUATION

"SEC. 571. (a) The Secretary shall, through the Office of Child Development, make an evaluation of Federal involvement in child development which shall include—

"(1) enumeration and description of all Federal activities which affect child development;

"(2) analysis of expenditures of Federal funds for such activities;

"(3) determination of effectiveness and results of such expenditures and activities; and

"(4) such recommendations to Congress as the Secretary may deem appropriate.

"(b) The results of this evaluation shall be reported to Congress no later than eighteen months after enactment of this Act.

"(c) The Secretary may enter into contracts with public or private nonprofit or profit agencies, organizations, or individuals to carry out the provisions of this section.

"SEC. 572. The Secretary shall establish such procedures as may be necessary to conduct such an annual evaluation of Federal involvement in child development, and shall report the results of such annual evaluation to Congress.

"SEC. 573. Such information as the Secretary may deem necessary for purposes of the annual evaluation shall be made available to him, upon request, by the agencies of the executive branch.

"TECHNICAL ASSISTANCE

"SEC. 574. (a) The Secretary shall, directly or through grant or contract, make technical assistance available to prime sponsors and to project applicants participating or seeking to participate in programs assisted under this Act on a continuing basis to assist them in developing and carrying out Comprehensive Child Development Plans under section 525.

"(b) Upon enactment of this Act, and during the succeeding fiscal year, the Secretary may provide financial assistance to prime sponsors and through prime sponsors to LPC's, for expenses relating to development, submission, and planning for implementation of child development plans and project applications.

"(c) Payments under this section may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

"SEC. 575. There are authorized to be appropriated for the fiscal year ending June 30, 1972, and each succeeding fiscal year, such sums as may be necessary to carry out the provisions of this title.

"TITLE VI—NATIONAL CENTER FOR CHILD DEVELOPMENT AND EDUCATION

"DECLARATION AND PURPOSE

"SEC. 581. It is the purpose of this title to focus national research efforts to attain a fuller understanding of the processes of child development and the effects of organized programs upon these processes; to develop effective programs from research into child development and to assure that the result of research and development efforts are reflected in the conduct of programs affecting children.

"NATIONAL CENTER FOR CHILD DEVELOPMENT

"SEC. 582. (a) There is established in the Office of Child Development an agency to be known as the National Center for Child Development (hereinafter referred to as the 'Center').

"(b) The activities of the Center shall include—

"(1) research to determine the nature of child development processes and the impact of various influences upon them; research to develop techniques to measure and evaluate child development; research to develop standards to evaluate professional, paraprofessional and volunteer personnel; and research to determine how child development programs conducted in either home or institutional settings positively affect child development processes;

"(2) evaluation of research findings and the development of these findings into effective products for application;

"(3) dissemination of research and development efforts into general practice of childhood programs, using regional demonstration centers and advisory services where feasible;

"(4) production of informational systems and other resources necessary to support the activities of the Center; and

"(5) integration of national child development research efforts into a focused national research program, including the coordination of research and development conducted by other agencies, organizations, and individuals.

"GENERAL AUTHORITY OF THE CENTER

"SEC. 583. The Center shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this title, including but not limited to, the authority—

"(a) to prescribe such rules and regulations as it deems necessary governing the manner of its operations and its organization and personnel;

"(b) to make such expenditures as may be necessary for administering the provisions of this title;

"(c) to enter into contracts or other arrangements or modifications thereof, for the carrying on, by organizations or individuals in the United States, including other Government agencies, of such research, development, dissemination or evaluation efforts as the Center deems necessary to carry out the purposes of this title, and also to make grants for such purposes to individuals, universities, colleges, and other public or private nonprofit organizations or institutions;

"(d) to acquire by purchase, lease, loan, or gift and to hold and dispose of by grants, sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority granted by this title;

"(e) to receive and use funds donated by others, if such funds are donated without restriction other than that they be used in furtherance of one or more of the general purposes of the Center as stated in section 571;

"(f) to accept and utilize the services of voluntary and uncompensated personnel and to provide travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"ANNUAL REPORT

"SEC. 584. The Center shall make an annual report to Congress summarizing its activities and accomplishments during the preceding year; reviewing the financial condition of the Center and the grants, contracts, or other arrangements entered into during the preceding year, and making such recommendations as it may deem appropriate. Supplemental or dissenting views and recommendations, if any, shall be included in this report.

"COORDINATION OF RESEARCH

"SEC. 585. (a) Funds available to any department or agency of the Government for the purposes stated in section 571 or the activities stated in section 572 shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Center for such use as is consistent with the purposes for which such funds were provided, and the funds so transferred shall be expendable by the Center for the purposes for which the transfer was made.

"(b) The Secretary shall integrate and coordinate all child development research, training, and development efforts, including those conducted by the Office of Child Development and by other agencies, organizations, and individuals.

"(c) A Child Development Research Council consisting of a representative of the Office of Child Development (who shall serve as chairman), and representatives from the agencies administering the Social Security Act, Elementary and Secondary Education Act of 1965, the National Institute of Mental Health, the National Institute of Child Health and Human Development, and the Office of Economic Opportunity, shall meet annually and from time to time as they may deem necessary in order to assure coordination of activities under their jurisdiction and to carry out the provisions of this title in such a manner as to assure—

"(1) maximum utilization of available resources through the prevention of duplication of activities;

"(2) a division of labor, insofar as is compatible with the purposes of each of the agencies or authorities specified in this paragraph, to assure maximum progress toward the purposes of this title;

"(3) a setting of priorities for federally funded research and development activities related to the purposes stated in section 571.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 586. There are authorized to be appropriated such sums each succeeding fiscal year as Congress may deem necessary for the purposes of this title.

"TITLE VII—GENERAL PROVISIONS

"ADVANCE FUNDING

"SEC. 591. (a) For the purpose of affording adequate notice of funding available under this Act such funding for grants, contracts, or other payments under this Act is authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year for which they are available for obligation.

"(b) In order to effect a transition to the advance funding method of timing appropriation action, subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

"PUBLIC INFORMATION

"SEC. 592. Applications for designation as prime sponsors, Comprehensive Child Development Plans, project applications, and all material pertaining thereto shall be made readily available without charge to the public by the prime sponsor, the applicant, and the Secretary.

"FEDERAL CONTROL NOT AUTHORIZED

"SEC. 593. No department, agency, officer, or employee of the United States shall, under authority of this Act, exercise any direction, supervision, or control over, or impose any requirements or conditions with respect to, the personnel curriculum, methods of instruction, or administration of any educational institution.

"SEC. 594. No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with, any program or activity receiving assistance under this Act. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if on the ground of sex that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any program or activity receiving assistance under this Act.

"SEC. 595. Nothing in this Act shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to moral, mental, emotional, or physical development of their children. Nor shall any section of this Act be construed or applied in such a manner as to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which is otherwise provided by law.

"SEC. 596. The Secretary is directed to establish appropriate procedures to ensure that no child shall be the subject of any research or experimentation under this Act other than routine testing and normal program evaluation unless the parent or guardian of such child is informed of such research or experimentation and is given an opportunity as of right to except such child therefrom.

"DEFINITIONS

"SEC. 597. As used in this Act—

"(a) 'child development programs' means those programs which provide the educational, nutritional, social, health, and physical services needed for children to attain their full potential; nothing in this or any other provision of this Act shall be deemed to authorize or require medical or psychological examination, immunization, or treatment for those who object thereto on religious grounds except where such is necessary for the protection of the health or safety of others;

"(b) 'children' means children through age 14;

"(c) 'economically disadvantaged child' means a child of a family whose annual income is at a rate inadequate to permit the purchase of child development services for him, as determined by the Secretary in accordance with criteria prescribed by him in regulations, which take into consideration family size, urban-rural differences in the cost-of-living, and other relevant factors, including factors taken into account in determining fee charges in other Federally-assisted child development programs.

"(d) 'handicapped children' means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education and related services;

"(e) 'program' means any mechanism which provides full- or part-day or night services conducted in child development facilities, in schools, in neighborhood centers, or in homes, or provides child development services for children whose parents are working or receiving education or training, and includes other special arrangements under which child development activities may be provided;

"(f) 'parent' means any person who has day-to-day responsibility for a child or children;

"(g) 'single parent' means any person who has sole day-to-day parental responsibility for a chlid or children;

"(h) 'working mother' means any mother who requires child development services under this Act in order to undertake or continue work, training, or education outside the home;

"(i) 'minority group' includes persons who are Negro, Spanish-surnamed American, American Indian, Portuguese, or Oriental; and the term 'Spanish-surnamed American' includes but is not limited to any person of Mexican, Puerto Rican, Cuban, or Spanish origin and ancestry;

"(j) 'bilingual' includes but is not limited to persons who are Spanish surnamed, American Indian, Oriental, or Portuguese and who have learned during childhood to speak the language of the minority group of which they are members; the term 'bilingual family' means a family in which one or both parents is bilingual;

"(k) 'Secretary' means the Secretary of Health, Education, and Welfare; and

"(l) 'State' includes the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands."

SEC. 11. Section 616 of the Act is amended to read as follows:

"TRANSFER OF FUNDS

"SEC. 616. Notwithstanding any limitation on appropriations for any program or activity under this Act or any Act authorizing appropriations for such program or activity, not to exceed 10 per centum of the amount appropriated or allocated from any appropriation for the purpose of enabling the Director to carry out any such program or activity under the Act may be transferred and used by the Director for the purpose of carrying out any other such program or activity under the Act; but no such transfer shall result in increasing the amounts otherwise available for any program or activity by more than 10 per centum."

SEC. 12. Section 632(3) of the Act is amended by inserting at the end thereof the following: "Such plan shall be presented to the Congress no later than December 31, 1971, and documents updating such plan shall be presented to the Congress no later than December 31 of each succeeding calendar year."

SEC. 13. Part B of title VI of the Act is amended by adding at the end thereof the following new section:

"GUIDELINES

"SEC. 639. Copies of all rules, regulations, guidelines, instructions, and application forms published or promulgated pursuant to this Act shall be provided to the Senate Committee on Labor and Public Welfare and the House Committee on Education and Labor at least thirty days prior to their effective date."

SEC. 14. (a) The Act is amended by adding at the end thereof the following new title:

"TITLE IX—EVALUATION

"SEC. 901. (a) The Director shall provide for evaluations that describe and measure the impact of programs, their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for delivery of services and including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. He may, for these purposes, contract or make other arrangements for independent evaluations of those programs or individual projects.

"(b) The Director shall develop and publish standards for evaluation of program effectiveness in achieving the objectives of this Act. He shall consider the extent to which such standards have been met in deciding whether to renew or supplement financial assistance authorized under any section of this Act.

"(c) The Director may require community action agencies to provide independent evaluations.

"(d) Federal agencies administering programs related to this Act shall—

"(1) cooperate with the Director in the discharge of his responsibility to plan and conduct evaluations of such poverty-related programs as he judges appropriate, to the fullest extent permitted by other applicable law; and

"(2) provide the Director with such statistical data, program reports, and other materials as they presently collect and compile on program operations, beneficiaries, and effectiveness.

"(e) In carrying out evaluations under this title, the Director shall, whenever possible, arrange to obtain the opinions of program participants about the strengths and weaknesses of the programs.

"(f) The Director shall consult, where appropriate, with State agencies, in order to provide for jointly sponsored objective evaluation studies of programs on a State basis.

"(g) The Director shall publish the results of evaluative research and evaluations of program impact and effectiveness no later than sixty days after its completion.

"(h) The Director shall take necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

"(i) The Director shall publish and summarize the results of activities carried out pursuant to this title in the report required by section 608."

(b) The following provisions of the Act are repealed:

(1) Section 113(a);
(2) Section 132 (b) and (c);
(3) Section 154;
(4) Section 233; and
(5) Section 314(b).

(c) Section 632(2) of the Act is amended by striking out "carry on a continuing evaluation of all activities under this Act, and".

(d) Sections 132 and 314 are each amended by striking out "(a)".

SEC. 15. The Act is amended by adding at the end thereof the following new title:

"TITLE X—NATIONAL LEGAL SERVICES CORPORATION

"DECLARATION OF POLICY

"SEC. 1001. The Congress hereby finds and declares that—

"(1) it is in the public interest to encourage and promote resort to attorneys and appropriate institutions for the orderly resolution of grievances and as a means of securing orderly change, responsiveness, and reform;

"(2) many low-income persons are unable to afford the cost of legal services or of access to appropriate institutions;

"(3) access to legal services and appropriate institutions for all citizens of the United States not only is a matter of private and local concern, but also is of appropriate and important concern to the Federal Government;

"(4) the integrity of the attorney-client relationship and of the adversary system of justice in the United States requires that there be no political interference with the provision and performance of legal services;

"(5) existing legal services programs have provided economical, effective, and comprehensive legal services to the client community so as to bring about a peaceful resolution of grievances through resort to orderly means of change;

"(6) a private nonprofit corporation should be created to encourage the availability of legal services and legal institutions to all citizens of the United States, free from extraneous interference and control.

"ESTABLISHMENT OF CORPORATION

"SEC. 1002. (a) There is established a nonprofit corporation, to be known as the 'National Legal Services Corporation' (hereinafter referred to as the 'Corporation') which will not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of this title, and, to the extent consistent with this title, to the District of Columbia Nonprofit Corporation Act. The right to repeal, alter, or amend this title is expressly reserved.

"(b) No part of the net earnings of the Corporation shall inure to the benefit of any private person, and it shall be treated as an organization described in section 170 (c)(2)(B) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code.

"PROCESS OF INCORPORATION AND ORGANIZATION

"SEC. 1003. (a) There shall be a transition period of six months following the date of enactment of the Economic Opportunity Amendments of 1971 for the process of incorporation and initial organization of the Corporation.

"(b) There is established an incorporating trusteeship composed of the following persons or their designee: the president of the American Bar Association, the president of the National Legal Aid and Defender Association, the president of the Association of American Law Schools, the president of the American Trial Lawyers Association, and the president of the National Bar Association. The incorporating trusteeship shall meet within thirty days after the enactment of the Economic Opportunity Amendments of 1971 to carry out the provisions of this section. The incorporating trusteeship shall provide procedures for the provision of a list of nominees by the national professional associations of attorneys in accordance with section 1004(a).

"(c)(1) Not later than sixty days after the enactment of the Economic Opportunity Amendments of 1971, the incorporating trusteeship, after consulting with and receiving the recommendations of associations of attorneys actively engaged in conducting legal services programs, and national organizations of persons eligible for assistance under this title, shall establish the initial Advisory Council to be composed of sixteen members selected in accordance with procedures established by the incorporating trusteeship, from among attorneys who are actively engaged in providing legal services under any existing legal services program and from among individuals eligible for assistance under this title. No more than eight members of the Council shall be individuals eligible for assistance under any existing legal services program.

"(2) To assist in carrying out the provisions of this subsection, the Director of the Office of Economic Opportunity shall compile a list of all legal services programs publicly funded during the fiscal year ending June 30, 1971, and the subsequent fiscal year and furnish such list to the incorporating trusteeship. In order to carry out the provisions of this subsection, the Director of the Office of Economic Opportunity shall make available to the incorporating trusteeship such administrative services and financial and other resources as it may require.

"(d) Not later than ninety days after the enactment of the Economic Opportunity Amendments of 1971, the client members of the Advisory Council as established in subsection (c), and the project attorney members of the Advisory Council shall each meet and each shall submit recommendations as provided in section 1004(a) to serve on the initial board of directors.

"(e) During the ninety-day period of incorporation of the Corporation the incorporating trusteeship shall take whatever actions are necessary to incorporate the Corporation, including the filing of articles of incorporation under the District of Columbia Nonprofit Corporation Act, and to prepare for the first meeting of the board of directors, except the selection of the executive director of the Corporation.

"(f) During the ninety-day period immediately following the period specified in subsection (e) of this section the board shall take whatever action is necessary to prepare to begin to carry out the activities of the Corporation six months after the enactment of the Economic Opportunity Amendments of 1971.

"DIRECTORS AND OFFICERS

"SEC. 1004. (a) The Corporation shall have a board of directors consisting of seventeen individuals appointed by the President, by and with the consent of the Senate, one of whom shall be elected annually by the board to serve as chairman. Members of the board shall be appointed as follows:

"(1) one member shall be appointed from lists of nominees submitted by the Judicial Conference of the United States;

"(2) seven members shall be appointed from among individuals in the general public, no fewer than three of whom shall be members of the bar of the highest court of a jurisdiction;

"(3) two members shall be appointed from among individuals who are eligible for assistance under this title after due consideration is given to the recommendations of the client members of the Advisory Council as established in 1003(c);

"(4) two members shall be appointed from among former legal services project attorneys after due consideration is given to the recommendations of the attorney members of the Advisory Council;

"(5) one member shall be appointed from lists of nominees submitted by the Association of American Law Schools;

"(6) four members shall be appointed from lists of nominees submitted by the American Bar Association, the National Bar Association, the National Legal Aid and Defender Association, and the American Trial Lawyers Association. Members appointed under this clause subsequent to the initial board shall be from lists submitted by the American Bar Association, the National Bar Association, the National Legal Aid and Defender Association, and the American Trial Lawyers Association in accordance with procedures established by the board of directors.

"(b)(1) The directors appointed under clause (1) of subsection (a) shall be appointed for terms of three years except that—

"(A) the terms of directors first taking office shall be effective on the ninety-first day after the enactment of the Economic Opportunity Amendments of 1971 and shall expire as follows—

"(1) the term of the director appointed under clause (1) of subsection (a) shall expire at the end of one year;

"(2) the terms of the remaining directors appointed under subsection (a) shall expire as designated by the President at the time of appointment, (i) in the case of directors from the general public appointed under clause (2) of subsection (a), two at the end of three years, two at the end of two years, and three at the end of one year, (ii) in the case of appointments under clause (3) of subsection (a), one at the end of two years, and one at the end of three years, (iii) in the case of appointments under clause (4) of subsection (a), one at the end of three years and one at the end of one year, (iv) in the case of the director appointed under clause (5) of subsection (a), at the end of three years, and (v) in the case of appointments under clause (6) of subsection (a), one at the end of three years, two at the end of two years, and one at the end of one year.

"(B) any director appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(c) The Corporation shall have an executive director, who shall be an attorney, and such other officers, as may be named and appointed by the board of directors at rates of compensation fixed by the board, who shall serve at the pleasure of the board. No individual shall serve as executive director of the Corporation for a period in excess of six years. The executive director shall serve as a member of the board exofficio and shall serve without a vote.

"(d) No political test or qualification shall be used in selecting, appointing, or promoting any officer, attorney, or employee of the Corporation. No officers or employees of the Corporation shall receive any salary from any source other than the Corporation during the period of employment by the Corporation.

"(e) All meetings of the board, executive committees of the board, and the Advisory Council shall, whenever appropriate, be open to the public, and proper notice of such meetings shall be provided to interested parties and the public a reasonable time prior to such meetings.

"(f) No member of the board may participate in any decision, action, or recommendation with respect to any matter which directly benefits that member or any firm or organization with which that member is then currently associated.

"(g) Any board after the initial board shall, in consultation with the Advisory Council, provide for rules with respect to the subsequent meetings of the Advisory Council.

"ADVISORY COUNCIL

"SEC. 1005. (a) The board, after consulting with and receiving the recommendations of national organizations of persons eligible for assistance under this title, and after consulting with and receiving the recommendations of associations of attorneys actively engaged in conducting legal services programs, shall provide for the selection of an Advisory Council subsequent to the first such council established under section 1003(c)(1) of this title to be composed of not more than sixteen members selected in accordance with procedures established by the board, including terms of office, qualifications, and method of selection and appointment, from among individuals who are eligible for assistance under this title and lawyers actively engaged in providing legal services in any existing program. Equal representation shall be given to lawyers and clients. Procedures must insure that all areas of the country and significant segments of the client population are represented, and in no event may more than one representative on the council be from any one State. The Advisory Council shall advise the board of directors and the executive director on policy matters relating to legal services and the needs of the client community and may act as liaison between the client community and legal services programs through such activities as it deems appropriate. The Advisory Council shall submit recommendations of persons for appointment as members of the board in accordance with section 1004.

"(b) The board shall provide for sufficient resources for the Advisory Council in order to pay such reasonable travel costs and expenses as the board may determine.

"ACTIVITIES AND POWERS OF THE CORPORATION

"SEC. 1006. (a) Effective six months after the enactment of the Economic Opportunity Amendments of 1971, in order to carry out the purposes of this title, the Corporation is authorized to—

"(1) provide financial assistance to qualified programs furnishing legal services to members of the client community;

"(2) provide financial assistance to pay the costs of contracts or other agreements made pursuant to section 1003 of this title;

"(3) carry out research, training, technical assistance, experimental, legal paraprofessional and clinical assistance programs;

"(4) through financial assistance and other means, increase opportunities for legal education among individuals who are members of a minority group or who are economically disadvantaged;

"(5) provide for the collection and dissemination of information designed to coordinate and evaluate the effectiveness of the activities and programs for legal services in various parts of the country;

"(6) offer advice and assistance to all programs providing legal services and legal assistance to the client community conducted or assisted by the Federal Government, including—

"(A) reviewing all grants and contracts for the provision of legal services to the client community made under other provisions of Federal law by any agency of the Federal Government and making recommendations to the appropriate Federal agency;

"(B) reviewing and making recommendations to the President and Congress concerning any proposal, whether by legislation or executive action, to establish a federally assisted program for the provision of legal services to the client community; and

"(C) upon request of the President, providing training, technical assistance, monitoring, and evaluation services to any federally assisted legal services program;

"(7) establish such procedures and take such other measures as may be necessary to assure that attorneys employed by the Corporation and attorneys paid in whole or in part from funds provided by the Corporation carry out the same duties to their clients and enjoy the same protection from interference as if such an attorney was hired directly by the client, and to assure that such attorneys are bound by the same Canons of Professional Responsibility as are applicable to other attorneys practicing in the same jurisdiction;

"(8) establish standards of eligibility consistent with those established by the Office of Economic Opportunity for the provision of legal services to be rendered by any grantee or contractor of the Corporation with special provision for priority for members of the client community whose means are least adequate to obtain private legal services;

"(9) establish policies consistent with the best standards of the legal profession to assure the integrity, effectiveness, and professional quality of the attorneys providing legal services under this title; and

"(10) carry on such other activities as would further the purposes of this title.

"(b) In the performance of the functions set forth in subsection (a), the Corporation is authorized to—

"(1) make grants, enter into contracts, leases, cooperative agreements, or other transactions, in accordance with bylaws established by the board of directors appropriate to conduct the activities of the Corporation;

"(2) accept unconditional gifts or donations or services, money, or property, real, personal, or mixed, tangible or intangible, and use, sell, or otherwise dispose of such property for the purpose of carrying out its activities;

"(3) appoint such attorneys and other professional and clerical personnel as may be required and fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule rates;

"(4) promulgate regulations containing criteria specifying the manner of approval of applications for grants based upon the following considerations—

"(A) the most economical, effective, and comprehensive delivery of legal services to the client community in both urban and rural areas;

"(B) peaceful resolution of grievances and resort to orderly means of seeking change; and

"(C) maximum utilization of the expertise and facilities of organizations presently specializing in the delivery of legal services to the client community;

"(5) establish and maintain a law library;

"(6) establish procedures for the conduct of legal service programs assisted by the Corporation containing a requirement that the applicant will give assurances that the program will be supervised by a policymaking board on which the members of the legal profession constitute a majority (except that the Corporation may grant waivers of this requirement in the case of a legal services program which, upon the date on enactment of the Economic Opportunity Amendments of 1971, has a majority of persons who are not lawyers on its policymaking board) and members of the client community constitute at least one-third of the members of such board.

"(c) The Corporation shall insure that attorneys employed full time in programs funded by the Corporation refrain from any outside practice of law unless permitted as pro bono publico activity pursuant to guidelines established by the Corporation.

"(d) The Corporation shall insure (1) that all attorneys who are not representing a client or group of clients refrain, while engaged in activities carried on by legal services programs funded by the Corporation, from undertaking to influence the passage or defeat of any legislation by the Congress or State or local legislative bodies by representations to such bodies, their members, or committees, unless such bodies, their members, or committees request that the attorney make representations to them, and (2) that no funds provided by the Corporation shall be utilized for any activity which is planned and carried out to disrupt the orderly conduct of business by the Congress or State or local legislative bodies, for any demonstration, rally, or picketing aimed at the family or home of a member of a legislative body for the purpose of influencing his actions as a member of that body, and for conducting any campaign of advertising carried on through the commercial media for the purpose of influencing the passage or defeat of legislation.

"(e) The Corporation shall insure that no attorneys or other persons employed by it or employed or engaged in programs funded by the Corporation shall, in any case, solicit the client community or any member of the client community for professional employment; and no funds of the Corporation shall be expended in pursuance of any employment which results from any such solicitation: *Provided, however,* That solicitation, as here employed, shall not include mere announcement or advertisement, without more, of the fact that the National Legal Services Corporation is in existence and that its services are available to the client community.

"(f) The Corporation shall establish guidelines for consideration of possible appeals to be implemented by each grantee or contractor of the Corporation to insure the efficient utilization of resources. Such guidelines shall in no way interfere with the attorney's responsibilities and obligations under the Canons of Professional Ethics and the Code of Professional Responsibility.

"(g) No funds or personnel made available by the Corporation pursuant to this title shall be used to provide legal services with respect to any criminal proceeding.

"(h) At least thirty days prior to the Corporation's approval of any grant or contract application, the Corporation shall notify the State bar association of the State in which the recipient will offer legal services. Notification shall include a reasonable description of the grant or contract application.

"(i) Where any legal proceeding is brought by attorneys employed by the Corporation or by attorneys paid in whole or in part from funds provided by the Corporation then the Corporation shall be liable to any prevailing defendant or defendants for payment of reasonable legal fees and court costs awarded in connection with such proceedings.

"NONPROFIT AND NONPOLITICAL NATURE OF THE CORPORATION

"SEC. 1007. (a) The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

"(b) No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as reasonable compensation for services.

"(c) The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

"(d) Full time employees of the Corporation or of programs funded by the Corporation are subject to provisions of section 7324 of title 5, United States Code. The exemption in section 7326(1) of such title shall not be applicable in the case of such individuals.

"ACCESS TO RECORDS AND DOCUMENTS RELATED TO THE CORPORATION

"SEC. 1008. (a) Copies of all records and documents pertinent to each grant and contract made by the Corporation shall be maintained in the principal office of the Corporation in a place readily accessible and open to public inspection during ordinary working hours for a period of at least five years subsequent to the making of such grant or contract.

"(b) Copies of all reports pertinent to the evaluation, inspection, or monitoring of grantees and contractors shall be maintained for a period of at least three years in the principal office of the Corporation subsequent to such evaluation, inspection, or monitoring visit. Upon request, the substance of such reports shall be furnished to the grantee or contractor who is the subject of the evaluation, inspection, or monitoring visit.

"(c) The Corporation shall afford notice and reasonable opportunity for comment to interested parties prior to issuing regulations and guidelines, and it shall publish in the Federal Register on a timely basis all its bylaws, regulations, and guidelines.

"(d) The Corporation shall be subject to the provisions of the Freedom of Information Act.

"FINANCING OF THE CORPORATION

"SEC. 1009. In addition to any funds reserved and made available for payment to the Corporation from appropriations for carrying out the Economic Opportunity Act of 1964 for any fiscal year, there are further authorized to be appropriated for payment to the Corporation such sums as may be necessary for any fiscal year. Funds made available to the Corporation from appropriations for any fiscal year shall remain available until expended.

"RECORDS AND AUDIT OF THE CORPORATION AND THE RECIPIENTS OF ASSISTANCE

"SEC. 1010. (a) The accounts of the Corporation shall be audited annually in accordance with generally accepted auditing standards by any independent licensed public accountant certified or licensed by a regulatory authority of a State or political subdivision. Each such audit shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit shall be made available to the person conducting the audit, consistent with the necessity of maintaining the confidentiality required by the best standards of the legal profession, and full facilities for verifying transactions with the balance, or securities held by depositories, fiscal agents, and custodians shall be afforded to any such person. The report of each such independent audit shall be included in the annual report required under this title. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the assets and liabilities, and surplus or deficit of the Corporation, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the income and expenses of the Corporation during the year, and a statement of the sources and application of funds, together with the opinion of the independent auditor of those statements.

"(b)(1) The accounts and operations of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited annually by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States, consistent with the necessity of maintaining the confidentiality required by the best standards of the legal profession. Any such audit shall be conducted at the place or places where accounts of the Corporation are normally kept. The representative of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or used by the Corporation pertaining to its accounts and operations, including the reports pertinent to the evaluation, inspection, or monitoring of grantees and contractors required to be maintained by section 1008(b) and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Corporation shall remain in the possession and custody of the Corporation.

"(2) A report of each such audit shall be made by the Comptroller General to the Congress. The report to Congress shall contain such comments and information as the Comptroller General may deem necessary to inform Congress of the operations and conditions of the Corporation, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other transaction or undertaking observed in the course of the audit, which in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the executive director and to each member of the board at the time submitted to the Congress.

"(c)(1) Each grantee or contractor, other than a recipient of a fixed price contract awarded pursuant to competitive bidding procedures, under this title shall keep such records as may be reasonably necessary to fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(2) The Corporation or any of its duly authorized representatives shall have access for the purpose of audit and examination of any books, documents, papers, and records of the recipient that are pertinent to assistance received under this section. The Comptroller General of the United States or any of his duly authorized representatives shall also have access thereto for such purpose during any fiscal year for which Federal funds are available to the Corporation.

"REPORTS TO CONGRESS

"SEC. 1011. The Corporation shall prepare an annual report for transmittal to the

President and to Congress on or before the 30th day of January of each year, summarizing the activities of the Corporation and making such recommendations as it may deem appropriate. This report shall include findings and recommendations concerning the preservation of the attorney-client relationships and adherence to the Code of Professional Responsibility of the American Bar Association in the conduct of programs supported by the Corporation. The report shall include a comprehensive and detailed report of the operations, activities, financial condition, and accomplishments of the Corporation, together with the additional views and recommendations, if any, of members of the board.

"DEFINITIONS

"SEC. 1012. As used in this title, the term—

"(1) 'State' means the several States and the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(2) 'Corporation' means the National Legal Services Corporation established pursuant to this title;

"(3) 'client community' means individuals unable to obtain private legal counsel because of inadequate financial means;

"(4) 'member of the client community' includes any person unable to obtain private legal counsel because of inadequate financial means;

"(5) 'representative of the client community' includes any person who is selected by members of the client community whether or not a member of that community;

"(6) 'legal services' includes legal advice, legal representation, legal research, education concerning legal rights and responsibilities, and similar activities;

"(7) 'legal profession' refers to that body composed of all persons admitted to practice before the highest court of at least one State of the United States;

"(8) 'nonprofit' as applied to any foundation, corporation, or association means a foundation, corporation or association no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

"FEDERAL CONTROL

"SEC. 1013. Nothing contained in this title shall be deemed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the Corporation or any of its grantees, contractors or employees, or over the charter or bylaws of the Corporation, or over the attorneys providing legal services pursuant to this title, or over the members of the client community receiving legal services pursuant to this title.

"SPECIAL LIMITATIONS

"SEC. 1014. The board shall prescribe procedures to insure that—

"(1) financial assistance shall not be suspended for failure to comply with applicable terms and conditions, except in emergency situations, unless the grantee or contractor has been given reasonable notice and opportunity to show cause why such action should not be taken;

"(2) financial assistance shall not be terminated, an application for refunding shall not be denied, and an emergency suspension of financial assistance shall not be continued for longer than thirty days, unless the grantee or contractor has been afforded reasonable notice and opportunity for a timely, full, and fair hearing.

"COORDINATION

"SEC. 1015. The President may direct that particular support functions of the Federal Government, such as the General Services Administration, the Federal telecommunications system, and other facilities, be utilized by the Corporation or its grantees or contractors to the extent not inconsistent with other applicable law.

"TRANSFER MATTERS

"SEC. 1016. (a) Notwithstanding any other provision of law, on and after such date as may be prescribed by the Director of the Office of Management and Budget, or six months after the enactment of the Economic Opportunity Amendments of 1971, whichever is the earlier, all rights of the Office of Economic Opportunity to capital equipment in the possession of legal services programs assisted pursuant to sections 222(a)(3), 230, 232, or any other provision of the Economic Opportunity Act of 1964, shall become the property of the National Legal Services Corporation.

"(b) Effective six months after the date of enactment of the Economic Opportunity Amendments of 1971, all personnel, assets, liabilities, property, and records as determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function of the Director under section 222 (a)(3) of this Act shall be transferred to the Corporation.

"(c) During the fiscal year 1972 the Director of the Office of Economic Opportunity shall take such action as may be necessary, in cooperation with the executive director of the National Legal Services Corporation, to arrange for the orderly continuation by such corporation of financial assistance to legal services programs assisted pursuant to sections 222(a)(3), 230, 232, or any other provision of the Economic Opportunity Act of 1964. Whenever the Director of the Office of Economic Opportunity determines that an obligation to provide financial assistance pursuant to any contract or grant agreement for such legal services will extend beyond six months after the date of enactment of this Act, he shall include in any such contract or agreement provisions to assure that the obligation to provide such financial assistance may be assumed by the National Legal Services Corporation, subject to such modifications of the terms and conditions of that contract or grant agreement as the Corporation determines to be necessary.

"(d) Effective six months after the date of enactment of this Act, section 222(a)(3) of the Economic Opportunity Act of 1964 is repealed.

"(e) Notwithstanding any other provision of law, after the enactment of this Act but prior to the enactment of appropriations to carry out the Economic Opportunity Act of 1964 for the fiscal year ending June 30, 1972, the Director of the Office of Economic Opportunity shall, out of appropriations then available to him, make funds available to assist in meeting the organizational expenses of the Corporation and in carrying out its activities.

"(f) Title VI of the Economic Opportunity Act of 1964 is amended by inserting after section 622 thereof the following new section:

" 'INDEPENDENCE OF NATIONAL LEGAL SERVICES CORPORATION

" 'SEC. 623. Nothing in this Act, except title X, and no reference to this Act unless such reference refers to title X, shall be construed to affect the powers and activities of the National Legal Services Corporation.' "

SEC. 16. (a) Section 611(a) of the Older Americans Act of 1965 (42 U.S.C. 3044(b)) is amended by adding at the end thereof the following new sentence: "The Director of Action may approve assistance in excess of 90 per centum of the cost of the development and operation of such projects if he determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of this section."

(b) The amendment made by subsection (a) of this section shall be effective from the date of enactment of this section. In the case of any project with respect to which, prior to such date, a grant or contract has been made under such section or with respect to any project under the Foster Grandparent program in effect prior to September 17, 1969, contributions in cash or in kind from the Bureau of Indian Affairs, Department of the Interior, toward the cost of the project may be counted as part of the cost thereof which is met from non-Federal sources.

Mr. NELSON. Mr. President, I move that the Senate disagree to the amendment of the House of Representatives to S. 2007 and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GAMBRELL) appointed the following conferees on the part of the Senate:

Mr. NELSON, Mr. KENNEDY, Mr. MONDALE, Mr. CRANSTON, Mr. HUGHES, Mr. STEVENSON, Mr. RANDOLPH, Mr. TAFT, Mr. JAVITS, Mr. SCHWEIKER, Mr. DOMINICK, and Mr. BEALL.

COLUMBUS DAY—1971

Mr. PASTORE. Mr. President, in every part of America—in every American heart of whatever race or nationality—Monday will mark a significant day, a symbolic day, truly, a sacred day in American history.

It is the day of the discovery of America.

It is Columbus Day.

We pay honor to the boy of Genoa who had the courage to brave the unknown seas, who had the skill to steer his tiny ships to triumph, who had the character to instill confidence into his frightened sailors.

We honor Columbus whose firm faith in God is shown in the dedication of his first discovery—his first land—San Salvador—to the Holy Savior.

I like to believe that Columbus set the daring, discovery spirit of America.

This is the spirit to explore—to create—to invent—to make the world not only bigger but better.

This is the all-American spirit—the spirit of American industry—American science—American government.

It is the creation of opportunity—of blessings to be shared. It is the warm-hearted welcome that brought the millions from old, tired lands to share the dangers and the destiny of the New World.

Here—on this Senate floor—we recalled—one June day—that John Kennedy had exalted this land as "a nation of immigrants." We Senators said that to commemorate the voyage of Columbus would be to honor the courageous generation after generation of immigrants who came here in hope and stayed here in happiness.

We then legislated Columbus Day into the law of the land. Thus—for the first time—the Senate salutes Columbus Day as a legal public holiday—to have its honored observance on the second Monday of each October.

Mr. President, I want to say that even this Senate will be in recess, happily, on Monday next.

I feel that the day is even more significant—more symbolic—even more sacred—though it has come some 500 years after the discovery—after almost 200 years of our independence as a nation.

We are now a nation of some 200 million people—and each of us has in his own family—someone who came here with all the courage of Columbus—they came with the character and culture of many races—to make us good sons and daughters in the home—good citizens in the community.

I like to believe that Columbus gave us the example of the dauntless spirit that led us to conquer space and walk the moon.

And I like to believe that we have the spirit to conquer the trials and tribulations of the very earth that Columbus dedicated to a happier and holier destiny.

I believe the answer is in the composite American character—blended of the gifts of many races. Surely we have the means and the minds. We have the learning—and we must have the loyalty. We must have the hearts to control our heads—to guide us with something of the divinity and dedication that inflames every explorer as it did Columbus.

I believe that we have that moral resource—that American something that will lead us—as individuals and as a Nation—on the course to unity, prosperity, and security.

The sanity of America will steer our course beyond the troubled seas of our times—beyond the indecisions and disappointments of today—to the brighter destiny of tomorrow.

This is the inspiration of Columbus Day.

It makes us grateful for his gift of discovery.

It makes us determined to protect, preserve, and promote the riches of America.

Beyond the material riches are the spiritual riches—our American freedoms balanced by our American responsibilities.

We shall keep them in balance by our promise and our performance. We pledge that sanity—humanity—and America shall be inseparable for eternity and another day.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY PROCUREMENT AUTHORIZATION, 1972—APPOINTMENT OF CONFEREES

Mr. STENNIS. Mr. President, I move that the Senate insist on its amendments on H.R. 8687 and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. Allen) appointed Mr. Stennis, Mr. Symington, Mr. Cannon, Mr. McIntyre, Mr. Byrd of Virginia, Mrs. Smith, Mr. Thurmond, Mr. Tower, and Mr. Dominick conferees on the part of the Senate.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, this means that the bill would automatically go to the House.

The PRESIDING OFFICER. The Senator is correct. The bill will automatically go back to the House.

Mr. STENNIS. I thank the Chair.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 915) making a supplemental appropriation for the Department of Labor for the fiscal year 1972, and for other purposes.

The enrolled joint resolution was subsequently signed by the President pro tempore.

PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate and so that it will be in the Record, the Senate, when it completes its business shortly, will stand in adjournment until the hour of 12 o'clock noon on Tuesday next.

At the conclusion of the morning business on Tuesday next, which I understand will take 30 minutes or less, the unfinished business will be temporarily laid aside and the Senate will proceed to consider Calendar No. 378, S. 1437, a bill to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes.

The PRESIDING OFFICER. Under the previous order, that will be the pending question until disposed of.

Mr. MANSFIELD. I thank the Chair.

Following that the Senate will turn to the consideration of Calendar No. 389, S. 2652, a bill to provide an elected mayor and city council for the District of Columbia, and for other purposes. The yeas and nays have been granted on that bill.

On Wednesday next it is anticipated that the Senate will turn to the consideration of Calendar No. 332, S. 215, a bill to provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution.

That, may I say to the distinguished acting minority leader, is about as good as we can do at this time. There will be a rollcall vote on Tuesday on the District of Columbia home rule bill.

AUTHORITY FOR ALL COMMITTEES TO FILE REPORTS AND FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE PRESIDENT AND HOUSE OF REPRESENTATIVES ON MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Monday next all committees be authorized to file reports and that the Secretary of the Senate be prepared to receive messages from the House and the President.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO TUESDAY, OCTOBER 12, 1971

Mr. MANSFIELD. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment until the hour of 12 o'clock Tuesday next.

The motion was agreed to; and (at 12 o'clock and 17 minutes p.m.) the Senate adjourned until Tuesday, October 12, 1971, at 12 noon.

CONFIRMATION

Executive nomination confirmed by the Senate October 8, 1971:

Federal Power Commission

Rush Moody, Jr., of Texas, to be a member of the Federal Power Commission for the term of 5 years expiring June 22, 1976.

EXTENSIONS OF REMARKS

WE MUST EDUCATE

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Friday, October 8, 1971

Mr. CHURCH. Mr. President, recently a speech by the president of Boise State College in Boise, Idaho, came to my attention.

The address, by Dr. John Barnes, gives a concise summary of six gaps in higher education on American campuses.

I ask unanimous consent that the text of the address be printed in the Extensions of Remarks.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Six Gaps in American Higher Education

(By Dr. Barnes)

Over 100 years ago a theologian named Lyman Beecher gave a strident warning to this nation. He warned: "We must educate! We must educate! Or we must perish by our own prosperity. If we do not, short will be our race from the cradle to the grave. If in our haste to be rich and mighty we outrun our literary and religious institutions, they will never overtake us. . . . And what is done must be done quickly; for population will not wait, and commerce will not cast anchor, and manufacture will not shut off the steam, nor shut down the gate, and agriculture pushed by millions of free men on their fertile soil, will not withhold her corrupting abundance." There is something that smacks of wisdom, vision, and currency in this remark.

Beecher spoke in a day and time when higher education in America was largely private, sedentary, rural, and remote from the mainstream of public life. In his day, public and private education was parochial in behavior if not in governance. The professor, of which there were few, was a recluse whose contract often stipulated that he would be provided a room for his residence in the library or the science hall. There he ate, slept, and meditated. The closer his room was to his laboratory the higher his pecking order on campus. The president also lived on campus, as close to the administration building as physically possible!

What a contrast! Today, state colleges and regional universities are the thing. Private colleges seem caught between the ease of being "independent" and the difficulty of being unique; between the need for state and federal funds and the desire to be competitive for faculty talent and modern instructional technology. Rural colleges and universities are struggling in a "has been" era, daily remembering that things are not as "good" as they used to be. Some of them have relocated, others have established branches near urban centers. Others are challenged to re-evaluate their central mission in terms of instructional programs, research, and public service. Those that pursue none of these paths see an erosion of key faculty, a stabilized enrollment or a loss, an inner spirit of defensiveness which misplaces energies which are needed to meet modern issues.

Professors have changed since Beecher's day. A good many college teachers wear skirts or pantsuits, high heeled shoes, and, incidentally, most of these are women! The professor is often closely related to his academic friends who do not teach. Business professors involve themselves in the fraternity of free competitive enterprise, art teachers work with art practitioners, English professors enjoy being with those who write for a living. In fact, professors often merge the teaching of a discipline with the practice of their science or art, just as medical school professors perform surgery.

In other words, professors are involved, not isolated. They energize and I think enlighten public issues instead of verbalizing them only within the walls of a classroom.

Oh, yes, students have changed a little too, although there has been no generation to my knowledge which did not challenge, chasten, and in their own way inspire constructive change.

THIS THING CALLED CHANGE

In a very real way our bodies can tolerate change and make adaptations to changing far more readily, and with less tremors than can our minds. In fact, anthropologists say that our bodies are the product of centuries of physiological evolution. Mind adaptation is a difficult business. I suspect even though their speech patterns are modern, the world still contains some blundering Neanderthal men who wear double-knit sportcoats but who demonstrate as much intellectual sophistication as a pregnant sow. While I've not researched this at all, I presume that some such persons hold high office, others possess college degrees, and some are students in colleges and universities. The humorist has said this in another way: "There are still a lot of wide-open spaces in this country; the trouble is that they're mostly surrounded by teeth." We welcome fast ground and air transportation but we lean back on our mental heels when we are challenged to adjust to some new philosophy, some intellectual change of direction, or some new social modes. This may be a way of saying that the physical phenomenon are superficial and that we, therefore, don't argue over a revolution in deoderants, automotive gear-shifts, style of clothing. But when it comes to mental, philosophical, and emotional changes which are deeper and fundamental to our very living, we become conservative. (I use this term to mean "tending to maintain existing views and conditions."—)

The changes I've briefly referred to since Beecher's day have in many instances been physical, may I say superficial. Campuses are larger, buildings are finer, faculties are more diverse, money has increased, students enter as a tide, not a trickle. The gaps in American higher education to which I shall now turn are often caused by the fact that we have not made fundamental, philosophical, changes in the nature of higher education although the physical changes are evident to almost everyone.

I. THE GAP BETWEEN PRECEPTS

At the onset, one must admit that the gap between precept and practicee is not solely found in higher education. Each man and woman in this audience knows that he or she fails to put into action many of the precepts that easily are verbalized.

In higher education we have gained some preeminence as provocators of theories and principles. But, in too many cases, we have frowned on applications, techniques, the "how to" implications which many students cannot hurdle, although they can recite theories and principles in language remarkably like that of their professor. Funny though, the applications of theory are an art; it is the application of certain principles. Even communicating is an art that must be practiced and perfected. Human relations is an art. Too often in colleges and universities we have evaluated one's knowledge of theory, not his performance of the art. Beyond formal education, each person falls under another form of evaluation in which performance counts most, and knowledge is expected to increase ones ability to perform—whether as attorney, athlete, teacher, electrician, fireman, or nurse.

More and more, but not as rapidly as some would prefer, colleges and universities are involving students in experiences which complement facts and which bridge precepts and practices. The gap is certainly not closed.

II. THE GAP BETWEEN BIGNESS AND PERSONALIZING THE HIGHER EDUCATION EXPERIENCE

Just as participatory democracy is made more difficult as nations, states, and cities get larger in population, so has the size of colleges and universities brought a gap which can detract from a personal experience. Between 1959 and 1969 higher education enrollments rose 115% to 7,696,000 students in 1969, but instructional staff rose only 88%. It could be that we are crying in a vacuum when we hope to preserve the personal touch in higher education when some colleges and universities enroll 30,000 students. But I know this: Everyone seems to need a more personal relationship to those around him. It is a human craving which may be sought in cells, clubs, colonies, precincts, neighborhoods, etc. Man shows few signs of adapting to aloneness; anonymity is not his way. Of course, size is not the only factor that reduces individual personality in a group—openness, various patterns of communication, although not person to person, can nonetheless have positive effects on an individual feeling of belonging to a large group. Some of the dullest college classes are small; large classes under certain conditions can be warm and exciting.

III. THE FINANCIAL GAP IN HIGHER EDUCATION

While many rant for a wider financial involvement of the federal government in public higher education, others rave that there is already too much federal money and influence. Whichever side you may take, it should be noted that in fiscal 1970–71 the states appropriated in excess of seven (7) billion dollars for higher education not including vocational-technical support and community colleges. The state legislature is the dominant source of higher education money. State schools tax no district; they set no levy, aside from that dollar amount in an appropriations bill. Actually, legislatures have done a remarkable job; in 10 years their support rose from 1.5 billion to more than 7 billion. Blind damnation is the worst kind. States are to be complimented, not blamed.

But there must be ways to close the gap in funding higher education. Raising the tuition and fees is not a final answer. Neither is raising the appropriation. Giving higher education to the federal government isn't either. What else?

Well, the theorists haven't been silent here. Collins, writing in the "Educational Record," Fall, 1970, says: "Wanted is a perpetual-motion machine that feeds harmlessly on its own product, expands as rapidly as demanded, operates independently of the politicians who turn it on, produces as well and as equitably in Mississippi as in New York, and gives motion to higher education but leaves direction to the educators and the trustees in whose care the people have placed this marvel." Time doesn't permit full disclosure of his solution but the article contains the answer.

Tobin has recommended a National Youth Endowment that would give every citizen $5,000 in government credit at high school graduation or at age 19 to be used for higher education or vocational-education, with repayment beginning at age 28.

The Carnegie Commission on Higher Education recommends a program of grants and loans to both students and institutions. Some congressmen are talking about a compensatory tax write-off, others want extensions of such programs as are already operative. Some States are discussing state-administered programs of student loans or grants. Some speak of federal loans which would be repaid through withholding taxes which would begin one year after completion of college and last throughout life.

The solution is not an easy one but the funding gap seriously affects the quantity and quality of higher education.

IV. THE GAP BETWEEN THE OPEN DOOR AND ACADEMIC EXCELLENCE

The open door admits not only a great number of students to college but students with wide ranges in intelligence and motivation. Americans still think of themselves as a society where a "second change" is possible. The student who barely made it to his high school graduation ceremony or who dropped out and has now reached the age of 19 is admitted to most public institutions of higher education and under the guise of democracy and free choice he can pursue virtually any academic goal except those that relate to physical health, such as nursing and medical education. Others are admitted to college without goals and with meager motivation. The combination gives higher education in this nation a drop-out rate that some authorities say approximates 70% of those who enter. Proponents of the open door pride themselves in the fact that 70% received the opportunity; others ask, "Did they really?" Others remind us that failing to obtain a degree does not mean that all is lost; a few years of college helps everyone. Others say, "At least it kept them out of the labor market." Someone defined college as: "The several year breather between a man's mother and his wife!" However you view it, education is spending a great deal of money, time, and facilities on a high percentage of students with low abilities and/or low motivation. This affects the pursuit of excellence IF funds are limited and IF such students set impossible goals for themselves. Few seriously question the rather universal need for education beyond the American high school since most high schools do not equip graduates for the world of work in a day in which employability necessitates skill beyond common labor.

There is more talk of a "meritocracy" in higher education. Logan Wilson defines this approach: "Nobody becomes educated by inheritance, gift, or decree. Even when provided with unrestricted opportunity, every person is limited by his own will, desires, and capabilities."

V. THE GAP BETWEEN IMMEDIATE RELEVANCE AND CONFORMITY

The distance between these extremes is likewise wide. If relevance is defined as topics or ideas of immediate interest to freshmen, or if relevance is a daily newspaper type of education, or if it is a popular vote on what shall be taught today—then it is indeed the north pole of higher education. Not much will grow and flourish there. Relevance in that sense refuses to look at what is not yet discovered, yet discovery is one of the roles of higher education. Relevance in that sense also resents most studies of the past, yet educated man stands on the shoulders of the knowledge of preceding generations.

Conformity, too, holds little promise for higher education. How can man or his institutions stand still on a revolving planet? The annual meeting of the Western College Association, March 1971, was devoted to "The Is and the Ought of Higher Education in the United States." Not only students but trustees, professors, and presidents freely debate where higher education ought to be. It ought to be somewhere between the titillating sound of relevance and the comfortable sound of conformity. Neither will meet the needs of students, challenge the public, inspire alumni, or motivate legislators to fund higher education.

VI. THE GAP IN STUDENT INVOLVEMENT

One of the most significant events in higher education has been the participation of students in the diverse affairs of their institution of higher education.

Many presidents, professors, and trustees have welcomed lengthening the conference table. Some have not. Others have done the mechanical thing without heart and soul. Some students have sought a voice, others a veto power, a few have sought disruption and violence. It is too early to know where such varied involvement will lead. Keep in mind that students are the late arrivals in this game of governance and administration in American higher education. At the decision table have sat trustees, state legislators, presidents, faculties, alumni, various external pressure groups and federal agencies. I need not reiterate the plight of the chief administrator of a college or university in this setting. Whether his concern is where to play a key football game, whether to drop or add a department of study, how a budget is to be proposed or spent—he receives subtle, direct raging, or renouncing advice both before and after he makes a decision.

One of the growing inconsistencies is noted in the fact that while some students desire a voice in university affairs they want no voice but their own in student affairs. Shared leadership means fully shared. If all constituencies listed above want impregnation outside their group but not within, the goals of democratic involvement will not be possible.

These are some gaps, there are others time forbids discussing. Such talk of self-criticalness reminds me of the story Orville Freeman told of a stranger in town looking for a church to attend. The stranger stood at the door of a church and heard the minister and congregation reading: "We have left undone the things we ought to have done and we have done things we ought not to have done." He hesitated no longer, promptly found a seat and quietly sighed: "Thank goodness I've found my kind of people at last!"

The perfect society, the perfected college or university depends on the individuals that comprise it. So long as there is pollution in the air you and I will breathe it. So long as there is ignorance, laziness, bigotry we will be affected by it.

Thoreau in "The Maine Woods" wrote: "If I wished to see a mountain or other scenery under the most favorable auspices, I would go to it in foul weather, so as to be there when it cleared up; we are then in the most suitable mood, and nature is most fresh and inspiring." His statement might well apply to human institutions; it applies to higher education and the gaps in it.

And while the gaps in higher education are being repaired, let us remember that our system is the envy of the world. Personal opportunities for students are wider. Academic freedom is more pervasive. While we self-critically view the gaps and valleys, others at home and abroad who view things from a greater distance see the mountains of achievement. Both views give a balanced perspective of what higher education is in this country.

SMITHSONIAN INSTITUTION OBSERVES 125TH ANNIVERSARY

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. NEDZI. Mr. Speaker, this year, the Smithsonian Institution celebrates its 125th anniversary. In 1846, the Congress enacted legislation accepting the bequest of the English scientist James Smithson, who left a sum of money to the United States for the purpose of establishing in Washington an institution for "the increase and diffusion of knowledge among men." In fulfillment of that mission, the Smithsonian has grown over the years to become a complex of exciting museums and the sponsor of basic research in the United States and throughout the world. On September 26, a brief and impressive ceremony was held at the Smithsonian to celebrate the occasion of its 125th anniversary. The Secretary, S. Dillon Ripley, reviewed the past accomplishments of the Smithsonian and spoke of its task in the years ahead, describing the Smithsonian's plans for the American Revolution bicentennial celebration. I believe he summarized well the task of this great Institution to help us understand our past so as better to gage our future when he said:

> In Washington, at least, we can concentrate on delineating the American Experience for millions of visitors who will be thronging our Nation's capital in this year. We have a duty and an obligation to do so, not only to remind Americans and others of our past, the impact of our science, our technology, and yes also, our culture on our surroundings and on ourselves, but also through these legacies to discern the possibilities for our future. The projection of our past upon a screen, mirrored with the faces and the colors of the present, can surely be used, as in a camera lucida, to outline the traces of the future.

I believe the remarks of Secretary Ripley will be of interest to my colleagues and I include them in the RECORD:

THE 125TH ANNIVERSARY OF THE SMITHSONIAN INSTITUTION

In September, a hundred and twenty-five years ago, the first meeting of the Regents of the Smithsonian Institution was held in Washington. It is perhaps worthwhile celebrating that event every so often. It is now a generation since President Truman proclaimed the hundredth anniversary, and my predecessor Dr. Alexander Wetmore accepted from the Postmaster General a first class stamp with an image of the Institution building to it—a 3-cent stamp. If so *much* can happen to so many in twenty-five years it seems doubly worthwhile celebrating the anniversary.

That there is an Institution at all seems to be due to the persistence of John Quincy Adams, sometime President, who resumed his public career in the House of Representatives, and who, upon hearing of the legacy of Mr. Smithson to the Nation when his remaining heir died in 1835, resolved to dedicate himself to bringing the project to fruition. Adams was appointed Chairman of a select committee to determine the matter. He quickly found that his task was not easy. John Quincy Adams was an eighteenth century aristocrat who has been described by a recent historian as "the last nineteenth-century occupant of the White House who had a knowledgeable sympathy with the aims and aspirations of science or who believed that fostering the arts might properly be a function of the federal government".

His colleagues in the Congress thought he was out of step. They respected him but they did not have his vision. Besides they thought there was a catch in the terms of the bequest. As Adams noted in his diary, "Vail intimates . . . the man (Smithson) was supposed to be insane." "Bankhead thinks he must have had republican propensities" (which of course could have been probable). One of the Congressmen kept hoping that the courts would discover another illegitimate relative so as to give the whole mess back to England. Another Congressman said that the money simply should be returned to England forthwith. A Senator wanted it to be donated for a university and have himself named the first President for his own greater glory.

But Adams had a conviction—"the increase of knowledge" was not the same as education. Education in the United States was a solemn duty for the children and youth, so as to endow them as individuals with useful truths and knowledge already acquired, and suited to their respective condition. An education qualifies an individual for the enjoyment of his or her rights as a citizen, and for the performance of their duties throughout life. In effect, every man and every woman in this country has the right to be taught how to plow a straight furrow in life.

By accepting the Smithson Trust with its declared objects for the increase of knowledge, and having pledged its faith for the application of the funds to these purposes, the Congress would be derelict in its obligation not to sponsor and support research, in science and the arts. Only in this way could knowledge be increased.

With Adams as the visionary with the power to have his way eventually in the Congress, the extraordinary coincidence for this Institution was that Joseph Henry, an equally visionary scientist one hundred years ahead of his time, was writing from Princeton suggesting how the funds could be adapted for the advancement of science and culture. Henry was a twentieth-Century scientist caught in the Nineteenth. He was as equally dedicated to basic research as Adams was convinced of the necessity of protecting the mission of the Smithsonian. The two together were indispensible for the success of the Institution, for their power and perseverence enabled it to follow a course in direct opposition to the prevailing pragmatism and practicality of the times. Joseph

Henry became the first Secretary and never failed to point out in his early reports to the Congress, as if the life of everyone depended on it: "The Institution . . . is the establishment of an individual . . . to bear and perpetuate his name. The bequest is for the benefit of mankind. The Government of the United States is merely a trustee to carry out the design of the testator. The objects of the Institution are 1st, to increase, and 2nd, to diffuse knowledge among men".

In Henry's interpretation, faithfully followed ever since, these two objectives are distinct. The first implies our sponsorship of basic research, the second our sponsorship of publications, and the widest possible communication and exchange of documents and information. Although Henry stated that all branches of knowledge are entitled to their share of attention, he continually specified that work should not be undertaken which could be more effectively produced elsewhere. Additionally he recognized the original mandate of the Congress to establish a library, a museum and a gallery of art. It was in these latter objectives that he eventually succeeded in obtaining an annual appropriation from the Congress for funds for maintenance and care of the public collections.

The increase of knowledge can and has been pursued in two ways. On the one hand original research has been sponsored for many years. In some cases the Secretary's own predictions have been followed. Henry, for example, felt that an understanding of the weather cycles in our vast domains was not only a worthy object of original research but when understood and correlated could be of signal benefit to the Nation. Once a basic understanding of weather cycles was achieved, then the second aspect of "increase" came into play. Meteorological tables could be constructed, methods of data recording as well as acquisition could be perfected, and finally the whole apparatus transferred to an applied bureau, a government bureau, where the work could be appropriately administered and funded for the benefit of all.

Similarly Secretary Langley sponsored the Institution's research in astrophysics, which continued to this day, has resulted in a vast body of basic research, particularly in the last fifteen years of our joint association with Harvard University. From basic research, the astrophysical observatory has branched into an active role in teaching, in applied research for NASA and other Government agencies, and finally in one of the ultimate rationales of all this, the "diffusion", the publication of standard tables, encyclopedic works, in our case works on geodesy and the measurements of the Earth, star catalogues and a compendium of information on stellar atmospheres. Thus one outgrowth of research follows complementarily: the publication of tables, of standards, of encyclopedic works. Nor must this aspect of research ever be downgraded or neglected, for without this cataloguing responsibility, much succeeding research would be impossible. Thus it has proceeded ever since; first research *per se* by individuals, second the publication of the catalogues. In this tradition, the Institution's Century-old concern with documentation and record keeping as well as original ethnological and linguistic research on the American Indians has culminated in the assumption of the task of preparing the definitive twenty-volume Handbook of North American Indians which will be completed in 1976.

A hundred years ago, the Institution was preparing for the Philadelphia Centennial of 1876. The effects of that exposition were dramatic for the Smithsonian. We inherited a vast deal of objects, and the momentum of the acquisition was sufficient to bring us our second building, the Arts and Industries Museum, completed in 1878. Now, a hundred years later, this Institution is busily planning for the Bicentennial in 1976. In Washington, at least, we can concentrate on delineating the American Experience for millions of visitors who will be thronging our Nation's capital in that year. We have a duty and an obligation to do so, not only to remind Americans and others of our past, the impact of our science, our technology, and yes also, our culture on our surroundings and on ourselves, but also through these legacies to discern the possibilities for our future. The projection of our past upon a screen, mirrored with the faces and the colors of the present, can surely be used, as in a camera lucida, to outline to traces of the future.

Who can be so foolish as to put away our past? No man of business in his right mind would overlook a past annual report. It is a travesty of our educational processes in these days of increasing complexity, of vast accumulations of facts and data, that the teaching of history is going out of fashion. The reason for it is not far to seek, and would cause any rational believer in the precepts of education such as John Quincy Adams to assume that we had taken leave of our senses. The teaching of history has been transformed by the teaching of sociology, so that today history is thought by young people to be a collection of myths interpreted through oracles. The oracles are influenced by priests who are thought merely to be 'selling' something. Therefore, none of it is necessarily true. All over the world whole segments of people have become used to systems in which lies are used as the basis for propaganda and policy. In such an atmosphere, enhanced by the instant communications which now subject us to so little opportunity for reflection or objective thought we realize that Adams' "useful truths and knowledge already acquired" are thought of as a very limited part of contemporary higher education. Theories have become more fashionable than facts. The existence of truth is doubted by skeptics, and the young feel that life is a "put on."

At the same time the truth exists in objects. It can be interpreted and understood through objects. They cannot lie. Perhaps objects have been classically revered for this reason. They can be handled, touched, thought about and reflected over, and in so doing convey a sense of the truth beyond peradventure. We know that the teaching of history is vital, we who care about objects. We know that the examples of history contain a reaffirmation of everything we believe in and hope for the future, whether it is in our own interest, that of our country, or that of our environment which is the world's. We know that the truth is contained in these things.

Why then does conventional, organized education pay so little attention to our kinds of research, to museum research, and above all to museum exhibits and education. If education as an industry is in difficulty, if there is a credibility gap brought on by an excess of skepticism, muddy thinking, outmoded ritual and a failure of belief, then I should think an effort to go back to first principles would be of the highest priority. A well-known Communist intellectual was recently quoted as saying, "After mature consideration I have come to the conclusion that the only revolutionary thing in the world is the truth". In the world today the truth is denied to many people. On our side of the fence it seems to us that perhaps one half of the world's population is so deprived. But the proportion can be said of course to be much greater. If the truth is really revolutionary it can be said not to lie in most established institutions, whether political or otherwise, including vast institutions of commerce which in themselves are like minor nations. We in America had prided ourselves for nearly two centuries on truth as an aspect of the pursuit of freedom and happiness, in a free press, liberty of worship and a national attitude of mind which was endlessly enquiring. From this we produced miracles of technology, shrewd insights into manners of organization and trade and a sense of purpose—our belief in ourselves, our honesty and our idealism. Today's education has degenerated into a temporary transfer of training and information. Much of the best of it is disguised trade-learning, but trades themselves are thought to be demeaning. Professionalism in education is largely a fanciful conceit for officialism. Much teaching today is time serving and produces anomie rather than endowing the student with any sense of purpose or "the enjoyment of his rights as a citizen" as Adams phrased it.

In the last three or four years this Institution, like other major institutional systems in our land, has come under scrutiny. Our purposes like those of the universities are questioned. Doubt and suspicion pervade our institutions, as people at all levels suspect the truth of what they hear and see and read. If we are a sacred cow as indeed we are, we should be capable of reaffirming our own goal to show the truth, to weigh all factors in the balance, not to be swayed by prejudice or bigotry whether it comes from the left or the right, but to diffuse knowledge objectively, to "tell it like it is".

It has been said by those perhaps too eager to claim such a distinction, people like university presidents for example, that a university is the sole instrument devised by mean to illuminate and perfect the truth. A moment's reflection and the recollection of academic faculty debates should be enough to corrode one's confidence in such an illusion. No single institutional system or pattern could possibly claim the hegemony of a rational exposure of the truth. The truth is always too revolutionary if you will. One can only strive for perfection but hardly ever assume that it is attainable.

If the Smithsonian is to increase knowledge in the next twenty-five years, let us join with others in using the Bicentennial observance as a means of reviving interest in the truth as expressed in objects. Let us continue our pursuit of the unfashionable by the unconventional. Let us relive the American experience to remind us of our hard won birthright and to point the way to the enjoyment of our rights as citizens of the world, in that world's only environment, our temporary home, our sole stopping place short of the stars. Let us also join with others in pioneering studies on the creation and capturing of interest, on studies in cognition on the ability to learn effectively so that all of us, men and women of a country in which we believe truth still resides, can eventually achieve that age-old dream of our land, to be qualified through education for the enjoyment of our rights and for the performance of our duties throughout life.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

IDENTITY UNKNOWN

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. ROSENTHAL. Mr. Speaker, the response of the people has been overwhelming toward my truth in food labeling bill—H.R. 8670—which would require that all ingredients contained in a food product be listed on the label for all to see.

This bill was developed with the assistance of a group of five George Washington University law students under Prof. John Banzhaf, known as Law Students Association for Buyers Education in Labeling—LABEL, Inc.

These students—Arthur Koch, Gary Laden, Ellis Saull, Louis Kaufman, and Joan Levy—earlier this year petitioned the Food and Drug Administration to issue new regulations requiring that:

> For the purposes of promoting honesty and fair dealing in the interest of the consumer, all food manufacturers and distributors must list on the label, in the order of their predominance, all ingredients which are contained in their product.

The National Health Federation has vigorously supported this measure, generating a national letter-writing effort in support of the LABEL proposal. More than 1,300 signed letters have been forwarded by my office to the Department of Health, Education, and Welfare hearing clerk. I am sure hundreds, if not thousands, more letters have been sent directly to the FDA.

The grounds given in these letters for support of this proposal are:

First. Adequate information as to the contents of standardized food should be on the label to enable the consumer to make an informative choice of the food she buys.

Second. The absence of the names of ingredients from the label of standardized food does not promote honesty and fair dealing in the interest of the consumer.

Third. Health and religious dietary reasons require full label disclosure of the names of all ingredients in standardized foods.

Fourth. The absence of the names of all mandatory ingredients and nondesignated optional ingredients from the labels of standardized food is an inadequate substitute for informative labeling and is misleading to the consumer.

I have also received letters from several nutritional societies which, to quote one, "are well aware that many products covered by the FDA standard of identity contain additives of which the consumer has a right to know. Unfortunately, this is not widely known."

The issue here, Mr. Speaker, is essentially one of honesty. Honesty is a commodity sorely lacking in the marketplace today, and consumers are getting fed up.

We have a right to know what we are eating. This is especially critical for those who suffer from allergies or other ailments such as high blood cholesterol, and for those who control their diet for religious purposes.

It is apparent that if the FDA is to honestly and fairly serve the consumer, it will issue the new regulations proposed by LABEL, Inc.

GEORGE H. BLACK

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. PREYER of North Carolina. Mr. Speaker, I would like to include in the RECORD from the June 17 edition of Front Lines, the USAID newspaper, an article about a most remarkable North Carolinian:

GEORGE H. BLACK

George H. Black, the 92-year-old brickmaker who went to Guyana last March to teach Guyanese villagers how to make clay bricks, is back home in Winston-Salem, N.C.

Mr. Black, who has been producing handmade bricks for the past 80 years, helped residents of Victoria in the South American country set up an oxen-driven clay-mixing mill and a kiln under an AID-sponsored program.

Mr. Black spent seven weeks in Guyana, and on his return said he was deeply impressed by "the hard work and enthusiasm" of the Guyanese villagers who are involved in the national clay bricks project. Under the pilot project in Victoria, brick production was increased from 300 to 4,000 blocks daily.

Mr. Black arrived in Guyana March 14, accompanied by his granddaughter and assistant, Evelyn Jane Abrams; his helper, Thomas Brabham, and AID's Chief of Guyana Development Affairs Harvey J. Withersell. Mr. Black met with President Nixon and Administrator Hannah February 19 for a brief ceremony initiating the project.

Mr. Black helped train teams of Guyanese to make 4,000 handmade bricks per day per team—a total of between 12,000 and 24,000 bricks per day.

Mr. Black tested and demonstrated to the villagers various combinations of clay and sand for the right consistency, the filling of molds, shaping the bricks and the drying process. The bricks are dried in the sun for about three days, then baked in their own mud packed kiln for five days.

Guyanese houses and buildings formerly have been built of wood, although in recent years some have been erected of cement. Since clay is an abundant and cheap natural resource, the brick-making project was initiated to enable all villagers to afford houses.

The first bricks made by the people of Victoria will be used for a community building and 12 small brick homes in the town, which has changed from a small historic ex-slave village to an agricultural community.

The inauguration of the project on March 16 was attended by Viola Burnham, wife of the Prime Minister; U.S. Ambassador Spencer M. King; Mission Director Robert C. Hamer; Cecil Mercurius, community development officer, and other officials of the Guyana Government.

When the project was completed, Prime Minister Forbes Burnham praised the practicability of Mr. Black's brickmaking technique. He explained that the only non-human power involved is that of a mule or two bullocks harnessed to a clay mill and that clay bricks can be produced at a much lower cost than cement.

Mr. Mercurius, who is the Guyanese coordinating officer for the brick project, said that the methods learned in the Victoria project will increase average national production to 100,000 bricks daily. He added that additional sites for establishing clay mills have been selected in the counties of Berbice and Essequibo.

In addition, four Guyanese trainees have been selected to visit Winston-Salem, N.C., this summer to train under Mr. Black's auspices at his backyard mud-mill.

The entire Guyana brick project was filmed by a CBS television news crew and will be shown as an episode of Charles Kuralt's "On the Road" report on a Walter Cronkite evening news hour.

I might add that Charles Kuralt did indeed broadcast the story of Mr. Black's trip to Guyana on the CBS evening news of June 25.

Mr. Black has set an example of which we should all be proud. His unselfish service to the Guyanese is also a service to America, and it is my privilege to recognize him as a great credit to our country.

MISSILE MYTHS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. FRASER. Mr. Speaker, in consecutive issues, October 2 and October 9, 1971, the editors of the New Republic have made a useful contribution to the strategic weapons debate by printing articles by Herbert Scoville, Jr. Dr. Scoville, formerly a high ranking CIA and Arms Control and Disarmament Agency official, is Chairman of the Federation of American Scientists' Strategic Weapons Panel. "Pete" Scoville has appeared on several occasions before congressional committees charged with defense responsibilities and his contributions have been important to our understanding of these issues.

Scoville's New Republic articles appeared under the general title "Missile Myths." Part I is entitled "A Soviet First Strike?" and Part II, "Upgrading Soviet SAM" and both are reprinted following my remarks:

[From the New Republic, Oct. 2, 1971]

MISSILE MYTHS—I: A SOVIET FIRST STRIKE?

(By Herbert Scoville, Jr.)

Now that the US and the USSR have agreed at the highest level to "concentrate this year on working out an agreement to limit the deployment of ABMs" and "to agree on certain measures with respect to the limitations of offensive strategic weapons," it is timely to clear away some of the myths which have been hampering success at SALT and providing fuel for the arms race. One such myth has been the widely trumpeted charges that the Russians were preparing a first strike against the US—a strategic attack on this country which would destroy a sufficient proportion of our strategic retaliatory forces that we would be either unable or unwilling to respond. If the Soviets or we came to believe that they had this capability, then our deterrent, the heart of our strategic security, would have lost its credibility. Nuclear war would have become more likely and our vulnerability to nuclear blackmail a reality. This fear of a first strike against our Minuteman ICBMs was a major factor in President Nixon's previous reluctance, (which now appears to have been partially overcome) to negotiate an ABM agreement without a simultaneous limitation on offensive weapons. [Laird said September 18 that the Russians in the last 10 months have undertaken, with "tremendous momentum," a buildup of both land- and sea-based missiles. When Laird gets specific in his report to Congress next January on the military budget, there will be, he predicts, no further talk of budget cutting, for the American people don't want to be "militarily inferior." Government officials, it is reported, say that 80 ICBM silos are being built in the Soviet Union, that the Soviet ICBMs already outnumber ours—1500 to 1054—and that they have or soon will have 25 operational missile-firing submarines (the US has 41). Numbers, of course, say nothing definitive about a first strike capability or intent.—The Editors]

Secretary Laird first raised the first-strike alarm in justifying the Safeguard ABM when he said on March 21, 1969 that the Soviet Union is "going for a first strike capability, and there is no question about it." However, later, after testimony by Secretary Rogers and CIA Director Helms, he retreated to the position that the Russians were acquiring the forces that would provide them with such a capability.

Although we have no way of divining Soviet intentions, we must attempt to visualize a first-strike policy from the Soviet point of view. We must remember that a first strike that is only 50 percent or even 95 percent effective is a disaster for the Soviet Union, since few—or even one—thermonuclear explosions on its cities in retaliation would be a catastrophe. Knocking out all our Minuteman missiles but leaving us with a strong retaliatory force of submarine missiles and bombers is only an invitation to national suicide. Even if all our intercontinental bombers were also destroyed by Soviet submarine missiles, we would still be left with a retaliatory capability which could devastate the USSR. Thus, if the Soviets are serious in attempting to develop a first-strike capability, they must find some way to neutralize our Polaris submarines, to say nothing of our bombers based on carriers or overseas.

While the Soviets have a modest anti-submarine warfare program, they could not have a force which could destroy the Polaris fleet in this decade or probably the next and have apparently not even made a major effort to have one. Their only protection from Polaris missiles in the foreseeable future would be through an extensive nationwide ABM system that could shoot down essentially all retaliatory missiles; yet strangely, some time before Secretary Laird announced the Soviet intention to achieve a first-strike capability, the Russians stopped the deployment of their only ABM system, that around Moscow. They have only recently, more than three years later, resumed that deployment, but they could not have in this decade, and probably never, an operational system which they could count on for protection from completely unacceptable damage from the Polaris fleet alone.

The continued Soviet construction of about 50 to 60 very large SS–9 missile launchers a year was the primary evidence used to support the conclusion that the Soviets were seeking a first-strike capability. It was feared that about 500 of these missiles, each equipped with three MIRVs (multiple independently targetable reentry vehicles), could destroy 95 percent of the US Minuteman force in a first strike. The Russians had tested the SS–9 with three reentry vehicles beginning in August 1968, and US defense authorities suggested in 1969 that these were designed to knock out our Minuteman silos. They further argued that the only logical explanation for the continuing SS–9 buildup was a Soviet desire to achieve a first-strike capability. As time passed, this assumption evolved from theory to unquestioned gospel.

But is the desire to obtain a first-strike capability the only or even the most logical explanation for the Soviet SS–9 program? As background, note that the Russians have over the years been prejudiced in the direction of very large weapons systems. Their first ICBM, the SS–6, had several times the payload of the original US Atlas. The Soviets also carried out several nuclear weapons tests with yields above 20 megatons, one bomb even having a potential of 100 megatons. US defense planners have long since discarded the notion that such high-yield bombs serve any useful military purpose, even for a first strike; a multiplicity of smaller weapons is much more efficient. But, with this history of the desire of the Russian military to have the biggest weapons, it should not surprise us that they would deploy a very large missile.

It is also important to evaluate the strictly military reasons for acquiring large missile payloads. First, it should be remembered that the greater the payload of an offensive missile, the greater the capability for insuring penetration or saturation of an ABM system with decoys, electronic countermeasures or even multiple warheads. In September 1967, the US announced the decision to go ahead with a nationwide Sentinel ABM, and this was just about the time the Soviets must have been making the decision to expand their SS–9 program. One justification which the Russian military may have used to obtain the funds from the Kremlin leaders may well have been the strategic requirement to neutralize our Sentinel. A similar argument was used in the US to justify the replacement of Polaris missiles by Poseidon with three times the payload.

An alternate explanation could have been a Soviet desire to obtain a second strike counterforce capability, *i.e.*. an ability to retaliate and destroy any enemy weapons not expended in an initial attack. On September 22, 1970, General Ryan, Chief of Staff of the US Air Force, extolled the US Minuteman III with MIRVs because of its ability to destroy the long-range weapons of the enemy (Soviet ICBMs). When Secretary Laird was quizzed on this subject by Senator Brooke, he replied that "we were not seeking to develop a weapons system having, or which could reasonably be construed as having, a *first-strike* potential," namely, weapons which might be used to attack Soviet strategic forces in an initial attack. Presumably, our MIRV was thus designed to provide a *second-strike* counter weapons capability. Senior Defense officials have over the years supported our MIRV programs on the basis of enhanced effectiveness against hard targets. President Nixon in both his State of the World messages referred to the desire to have some other option in response to challenges or Soviet attacks than the resort to the indiscriminate mass destruction of enemy civilians. Why couldn't the Russians be seeking to achieve a similar option with their large SS–9s? A Soviet second-strike counterforce capability would not look different to us than a first-strike one, much the same as our MIRV deployment must look like a first-strike force to them. We ought not to automatically attribute sinister motives to Soviet attempts to emulate US programs to which we ascribe purely defensive purposes.

Furthermore the evidence from Russian missile programs does not support a first-strike capability as a priority objective. If the Soviets were seeking an early knockout blow against Minuteman with their SS–9s, they would have had to press the development of a true MIRV, preferably with more than three warheads per missile. US fears in 1969 that the Soviets had tested MIRVs proved illusory. Instead the tests proved, as many experts predicted not to involve a multiple target capability, and not to be a threat to Minuteman. They may have been multiple warheads, which could be used to exhaust the US Sprint ABM interceptors. The Russians have never tested a missile with more than three reentry vehicles. Evidence is mounting that they have never even tested any MIRV which could be used to threaten Minuteman. General Ryan testified last March that the SS–9 would have to have a new guidance system and a more efficient reentry vehicle in order to do so. Previous alarms were based on premature release of unevaluated intelligence. This failure to test a true MIRV is strong evidence that the Soviets are not racing to achieve an early first-strike capability.

The new large holes in the ground or missile launchers, to which Secretary Laird and Senator Jackson pointed with such alarm in the early spring, are also evidence against this objective. The Defense Department has admitted that a large fraction of these are not even for large missiles. It is quite likely that they are a form of increased hardening (protection against a US attack) for both the SS–9s and the SS–11s, a characteristic that would make no sense if a first strike rather than a retaliatory capability were being sought. This explanation would be consistent with the apparent absence of tests of any new missile for these launchers. The Laird-Jackson alarm is just another example of publishing partially analyzed intelligence before all the facts are available and their implications realistically considered.

In sum, it would appear that the thesis that the Soviets are seeking to acquire a first-strike capability is unsupported by any evidence and is a pretext composed to justify Safeguard and other weapons programs. They have not carried out the programs needed to provide such a threat and their existing deployments can be readily explained by alternative strategies. It is time that we stop creating, and giving credibility to, myths which only serve to divert our attention from the real security risks of the continued arms race. Unless we do, President Nixon's hopes for a meaningful SALT agreement this year will prove a mirage.

[From the New Republic, Oct. 9, 1971]

Missile Myths—II: Upgrading Soviet SAM

(By Herbert Scoville, Jr.)

If President Nixon is to negotiate an ABM limitation this year, some of the current misconceptions about the nature of ABM systems have to be cleared up. We can't afford to base our security and arms control policies on false alarms. One such little publicized fear has been the idea that somehow the Soviets would secretly convert their extensive anti-aircraft defense missile systems (SAMs) into anti-ballistic missile systems (ABMs) and thus threaten the U.S. deterrent and contribute to a Russian first-strike capability. This theory, which became known in the jargon of strategic planning as "SAM Upgrade," was originally applied to the Tallinn SAM system (socalled because it was first observed near the city of Tallinn), which, in the earlier stages of construction, could not be incontrovertibly assigned an aircraft defense role. However, it has now been demonstrated that the Tallinn radars are completely unsuitable for an ABM system. The interceptor missiles have aerodynamic surfaces, unnecessary for maneuver outside the atmosphere, and many of the site locations are valueless for missile defense. Nevertheless, as this tactic of attributing to the Russians fantastic technological powers proved successful in promoting arms programs and throwing roadblocks in the path of the SALT negotiators, the Upgrade concept has been extended to older SAMs as well.

Dr. John S. Foster, head of the Pentagon research and engineering, gave public recognition to this fear when, testifying in favor of U.S. MIRV[1] programs and against a MIRV test ban before a House Foreign Affairs Subcommittee on August 5, 1969, he stated that "some way to control SAM upgrading must be found." This has been used since as an argument for rushing ahead with the U.S. Minuteman III land-based ICBM and submarine-launched Poseidon MIRV programs, even though the Soviets had halted and cut back on their ABM deployment and could not achieve a true ABM system requiring US MIRVs for more than five years. Furthermore, it was a major cause of half-hearted and patently unrealistic past U.S. efforts to seek limitations on MIRVs at SALT, even though such limitations would have been a much more effective way of protecting our Minuteman deterrent force than would be a ceiling on numbers of the large Soviet SS–9 missiles, which the administration proposed instead. This failure in the long run will, by undermining the viability of our entire Minuteman deterrent, increase the risk to U.S. security far more than could any conceivable conversion of Soviet SAMs to ABMs. Unfortunately, there is no evidence from the joint U.S.–USSR statement in May that MIRVs will be in the next stage of SALT a serious topic for discussion under the measures for limiting offensive weapons.

President Nixon in his State of the World Message last February 25 stated that "we have not yet found a way to overcome certain differences [on verification]. They are particularly difficult in connection with our attempts to limit or ban MIRVs or ABMs." The SAM Upgrade fears are the only conceivable difficulty that could arise in verifying an ABM limitation, since ABMs *per se* are easily detectable by national or unilateral means. If some special verification procedures, such as inspection by foreigners of SAM complexes or special operational procedures for antiaircraft radars are sought, then we will find it extremely difficult to settle on any ABM controls. As long as a nationwide net of large ABM radars is banned, onsite inspection will not be needed. A severe limitation on ABMs, even without any restrictions on offensive weapons, would be in the US security interest, for it would guarantee our ability to retaliate with devastating effect against the USSR after any conceivable first strike.

Is SAM Upgrade a real security problem or only a myth concocted to make more difficult the halting of the strategic arms race? Its proponents propose that a Russian ABM would be made out of an existing bomber defense. Yet, President Nixon in announcing our Safeguard decision stated that "an ABM system designed to protect cities from a Soviet type threat could not prevent a catastrophic level of US fatalities." Secretary Laird reaffirmed this when he stated that "an effective defense of our population against a major Soviet attack is not now feasible." Thus, even without any restrictions and using all the technology available from US science, we do not believe that an ABM which could protect our people can be built! Why then is it so easy for the Russians to convert an aircraft defense system into an ABM; why are our military planners requesting more than $13 billion for the Safeguard ABM, which its proponents admit is not capable of protecting populations and its opponents claim is incapable of even doing the easier job of protecting Minuteman sites? Why not simply convert the US Nike-Hercules aircraft defense missile system, which is being dismantled even though it compares favorably with the Soviet SAMs?

An ABM system must have high-powered, highly complex radars to track many incoming objects over long distances and discriminate potential nuclear warheads from a wide variety of decoys. These radars are extremely visible to photographic observation and require many, many years for construction. Before they become operable, they will have to go on the air radiating large amounts of energy which will be readily detectable and identifiable to electronic pickup devices far beyond the borders of the Soviet Union. Since neither the Tallinn nor other Soviet SAMs have radars which in any way resemble such items, the SAM Up-grade fearmongers suggested that, instead, the Soviet early-warning Henhouse radars (similar to US BMEWS radars) might be linked to the air defense system to replace the missing ABM ones. Even if this were done, the system would have marginal effectiveness; even more important, these Henhouse radars are, in most cases, situated on the periphery of the USSR and are indefensible. They could be destroyed by the first incoming missile, and the system would be a blinded Cyclops. Furthermore, the air defense interceptor missiles themselves are also completely inadequate. In fact, it has been said that in order to turn a Soviet aircraft defense system into an ABM with any real capability to affect the US deterrent, the existing radars would have to be replaced or a large number of new ones built, thousands of new interceptors deployed, and a completely new nationwide Command and Control system installed. Better to start from scratch.

Yet it is the fear that something like this will happen which has, in the past, been a critically important factor in undercutting success at SALT. This cannot be allowed to remain so in the next round if President Nixon's satisfaction at breaking the SALT deadlock is not to be illusory. Likewise, this myth must no longer be used to promote new and expensive US strategic weapons programs such as MIRVs, long before any real security requirement exists. It is time that we drop the double standard that attributes to the Russians technological feats of which we are incapable. If we allow such remote possibilities to eat away at our strategic policies, we shall never be released from the burden and risks of an escalating arms race.

THE HERITAGE OF PULASKI

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1971

Mr. ZABLOCKI. Mr. Speaker, the 192d anniversary of the death of Gen. Casimir Pulaski evokes thoughts of gratitude and esteem in the hearts of Americans. General Pulaski's life—his participation in our Revolutionary War, his love of freedom, his heroic death at the Battle of Savannah—have been recounted time and again. His feats of bravery have been praised; his dedication to the cause of freedom has been imitated; his image has been memorialized in works of bronze, marble, and stone.

However, General Pulaski did not fit the stereotyped image of a hero. We often tend to envision our heroes as men of advanced age, having a record of achievement over a long span of life, or successive military triumphs. General Pulaski was none of these.

He became a fighter for freedom—a revolutionary of his age—when he was barely 20 years old, having participated in causes of the oppressed in Poland, Lithuania, and France. Inspired by the exchange of views with Benjamin Franklin in Paris on the rights and freedom of individuals, and armed with a letter of introduction to George Washington, he arrived in Boston when he was only 29 years old. In the 2 years that followed, he was commissioned a brigadier general, organized and commanded the first American cavalry, participated in the Battles of Trenton, Germantown, and Brandywine, and was mortally wounded during the siege of Savannah. At 31 his life was ended.

Although his efforts at defending his native Poland against imperialist Russia, Prussia, and Austria won him wide renown throughout Europe, his activism also brought him severe criticism in his homeland which remained in bondage to its powerful neighbors. The Polish rebellion of 1768 was a failure, both for the nation and for Pulaski. It resulted in the arrest and death of his father, in the confiscation of the family estates, and in Pulaski's eventual exile.

Defeat was familiar to him in "the New World" as in the old. As he rode to his death in Savannah, the general could look back on his 11 years of fighting and see mostly defeats. After 11 years, his goal seemed no closer to realization than when he started—in America as well as in Poland the forces of oppression seemed firmly entrenched. The cause of freedom did not appear to be winning. At his death, life must have seemed to him a bitter disillusioning failure: For he gave up a comfortable aristocratic life, suffered privation, continually risked his life—yet his cause was seemingly unobtainable.

We know, Mr. Speaker, that General Pulaski's cause did win. And it won only because men like the general had the perseverence to continue the fight against great odds, with little hope of success simply because they believed and knew that the cause was just and worth the sacrifice. And it is this same spirit that must again be the inspiration in our efforts toward domestic reforms as well as in our international relations.

Finally, Mr. Speaker, it is appropriate to note, as we commemorate General Pulaski's deeds, the situation in the country of his birth. We know Poland was not free when General Pulaski fell in October of 1779 and it is not entirely free today. The people of Poland are still restrained and cannot raise their voices for Polish interests, nor act as Polish patriots, nor openly cherish the noble Polish traditions. But there is a profound confidence in the fact that the Poles have survived the partitions, the conquests, the suppressions. The Polish character, personality, culture—the Polish spirit as exemplified by General Pulaski—has survived. And that, Mr. Speaker, is itself an inspiration.

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[1] MIRV—Multiple Independently Targetable Reentry Vehicle, used to provide a single missile with several nuclear warheads which can be fired at different targets.

SENATE—*Tuesday, October 12, 1971*

The Senate met at 12 o'clock noon and was called to order by Hon. Harold E. Hughes, a Senator from the State of Iowa.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou who art a spirit, infinite, eternal, and unchangeable in Thy holiness, justice, and righteousness, we, the sons of Thy creation acknowledge our dependence upon Thee. O Thou whose rulership transcends all nations, all religions, and all men, give us wisdom here to do in our time what Thou dost will for all time. Guide, by Thy truth, the President, the Congress, the judiciary, and all in the service of this Government in paths of of righteousness and peace. Make us a people whose lives are incandescent with the love and grace and compassion which belong to those who love Thee with their whole heart and soul and mind and their neighbor as themselves.

In His name who gave the Commandments. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Ellender).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., October 12, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. Harold E. Hughes, a Senator from the State of Iowa, to perform the duties of the Chair during my absence.

Allen J. Ellender,
President pro tempore.

Mr. HUGHES thereupon took the chair as Acting President pro tempore.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of October 8, 1971, Mr. Moss, from the Committee on Interior and Insular Affairs, reported favorably, with an amendment, on October 11, 1971, the bill (S. 2042) to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated dockets numbered 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367 before the Indian Claims Commission, and for other purposes, and submitted a report (No. 92–393) thereon, which was printed.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, October 8, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore (Mr. Hughes). Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

QUORUM CALL

Mr. COOK. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in the executive session, the Presiding Officer (Mr. Bentsen) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Hughes) laid before the Senate the following letters, which were referred as indicated:

Report on Overobligation of an Appropriation

A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Health, Education, and Welfare for "Grants to States for public assistance", for fiscal year 1972, had been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

Proposed District of Columbia Controlled Substances Act

A letter from the Attorney General, transmitting a draft of proposed legislation to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws in the District of Columbia, and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

Report of Comptroller General

A letter from the Comptroller General of the United States, transmitting a report entitled "Large Costs to the Government Not Recovered For Launch Services Provided to the Communications Satellite Corporation", Department of the Air Force, National Aeronautics and Space Administration, dated October 8, 1971 (with an accompanying report); to the Committee on Government Operations.

Proposed Legislation Relating to Titles to Certain Lands

A letter from the Attorney General, transmitting a draft of proposed legislation to permit suits to adjudicate disputed titles to lands in which the United States claims an interest (with an accompanying paper); to the Committee on Interior and Insular Affairs.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Hughes):

A joint resolution of the Legislature of the State of California; to the Committee on Public Works:

"Assembly Joint Resolution No. 28

"Relative to the Federal Highway Beautification Act

"Whereas, Roadside rest stops and viewpoint outlooks enhance the value of highways in a wise and prudent manner; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to modify the Federal Highway Beautification Act to allow the use of federal-aid highway funds now earmarked for the interstate highway system to provide roadside rest stops and viewpoint outlooks along sections of officially adopted state scenic highways; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution of the House of Representatives of the Commonwealth of Puerto Rico; to the Committee on Banking, Housing and Urban Affairs:

"Resolution

"Resolution to express the solidarity and sympathy of the House of Representatives with the petition made by the labor movements and by the Honorable Governor of Puerto Rico, that Puerto Rico be excluded from the application of the presidential proclamation as to wages below the federal minimum

"Statement of Motives

"On the sixteenth of last August, Hon. Richard M. Nixon, President of the United States of America, issued a presidential order wherein there is provided a total freezing of prices, rents and wages throughout the entire American Nation, for a period of ninety days. Furthermore, the presidential order has established a surtax of 10 percent on imports. These are anti-inflationary measures for the purpose of stabilizing the economy of this nation.

"In its scope and implementation, this presidential order covers Puerto Rico, and in the same measure in which its results are the settling of the situation of the dollar in the international markets and the stabilization of the North American economy, in that same measure it will redound in benefits of our local economy. However, that part of the presidential order on the freezing of wages, is not favorable to our labor force, since a considerable segment thereby does not yet receive the minimum wages in force in the United States. Therefore, it is necessary to request from the President of the United States and from the administrative organization created by him to see to the strict fulfillment of his order, to exempt Puerto Rico from the application of the presidential order as to the manner in which it may affect wage increases which fluctuate below the federal minimum wages.

"Be it resolved by the House of Representatives of Puerto Rico:

"First: To express the solidarity and sympathy of the House of Representatives with the petition made by the labor movements and by the Honorable Governor of Puerto Rico that the presidential proclamation on the freezing of prices, rents and wages should not be applied to Puerto Rico as to wages which are below the federal minimum wages.

"Second: To direct that copy of this resolution be transmitted to the Honorable Richard M. Nixon, President of the United States of America, to the Congress of the United States of America, to the leaders of the labor unions of Puerto Rico and to the radio, press and television of the country for its diffusion to the public."

A resolution of the Senate of the Commonwealth of Puerto Rico; ordered to lie on the table:

"RESOLUTION No. 362

"Resolution to congratulate the Puerto Rican Congressman Herman Badillo, for his triumph in benefit of Puerto Rico on obtaining the approval by the Committee on Education and Labor of the House of Representatives of the United States, of an amendment to the Higher Education Act that, should it finally be passed, would have the effect of extending to the Commonwealth of Puerto Rico the benefits of said act and other federal laws in the field of education, thereby granting to the Island the same treatment as that given to the other states of the Union

"Whereas: The Committee on Education and Labor of the House of Representatives, which is considering the extension of the Higher Education Act, approved yesterday, Wednesday, September 29, an amendment to said act thereby granting to Puerto Rico the same treatment as that given to the states of the Union in all its provisions, thus eliminating the present limitations in the appropriation of the funds to be granted to the Commonwealth of Puerto Rico and the territories.

"Whereas: It is very possible that on being transmitted to the Conference Committee of the Senate and of the House, the principle of equal treatment contained in the Higher Education Act be extended to the Elementary and Secondary Education Act, under which the Commonwealth of Puerto Rico received federal funds for the amount of twenty-six million (26,000,000) dollars this year, as well as to other laws which appropriate federal funds for education.

"Whereas: Should said laws be finally passed with the amendments approved by the Committee on Education and Labor of the House, the Island would additionally receive in federal funds about forty million (40,000,000) dollars for the various elementary, secondary, vocational and university educational programs.

"Whereas: Education in Puerto Rico is facing a crisis through insufficiency of available funds to be assigned by the Government of Puerto Rico to the Department of Education to the University of Puerto Rico and is in urgent need of federal economic aid.

"Whereas: Representative Herman Badillo, Democrat for the Bronx, a Puerto Rican and a member of the Committee on Education and Labor of the House, sponsored said amendment.

"Therefore: be it resolved by the Senate of Puerto Rico:

"Section 1. To transmit to Representative Herman Badillo, the acknowledgment of the Senate of Puerto Rico for his extraordinary achievement in Congress in behalf of the Puerto Rican education, by sending copy of this Resolution.

"Section 2. To thank him in the name of the people of Puerto Rico for the continuous efforts which the distinguished Congressman has been performing in behalf of the welfare and happiness of the Puerto Rican people.

"Section 3. To request that the President of the Senate and the Speaker of the House of Representatives and the President of the United States to approve the Higher Education Act and the Elementary and Secondary Education Act, with the amendments which grant to Puerto Rico equal treatment as that given to the states of the Union.

"Section 4. This resolution shall take effect immediately after its approval."

A resolution adopted by the Military Order of the World Wars, Washington, D.C., praying for a strong program of national defense; to the Committee on Armed Services.

A resolution adopted by the San Diego County Federation of Republican Women's Clubs, San Diego, Calif., praying for the restoration of freedom of the seas for our fishing fleet; to the Committee on Commerce.

A letter, in the nature of a petition, from Lester Stauffer, Warren, Ohio, relating to the economic problem in the United States; to the Committee on Finance.

A resolution adopted by the Sertoma Club, Inc., Shawnee, Kans., relating to the United Nation's Convention for the Prevention and Punishment of Genocide; to the Committee on Foreign Relations.

A resolution adopted by the Order Fraternal Americans, Alexandria, Va., praying for a solution of the problems in Vietnam; to the Committee on Foreign Relations.

A resolution adopted by the Order Fraternal Americans, Alexandria, Va., relating to the International Convention on the Prevention and Punishment of the Crime of Genocide; to the Committee on Foreign Relations.

A resolution adopted by the Order Fraternal Americans, Alexandria, Va., praying for the enactment of certain legislation relating to the admission of aliens to the United States; to the Committee on the Judiciary.

A resolution adopted by the Order Fraternal Americans, Alexandria, Va., relating to the Director of the Federal Bureau of Investigation; to the Committee on the Judiciary.

A resolution adopted by the Order Fraternal Americans, Alexandria, Va., relating to dangers resulting from drug abuse; to the Committee on the Judiciary.

A resolution adopted by the Order Fraternal Americans, Alexandria, Va., praying for the designation of Flag Day as a legal holiday; to the Committee on the Judiciary.

A resolution adopted by the Military Order of the World Wars, Washington, D.C., relating to a forceful policy of law enforcement; to the Committee on the Judiciary.

Two summonses, one issued to the Vice President and one to the President pro tempore, with accompanying letters, referring the matter to the Attorney General of the United States and the U.S. attorney for the northern district of Florida, relative to Civil Action File No. PCA 2419, B. Nowlin Keener, Jr., plaintiff, against the Congress of the United States, defendant; to the Committee on the Judiciary.

A letter, in the nature of a petition, from J. L. Zubrod, Sr., Zanesville, Ohio, praying for the enactment of legislation relating to the control of certain rifles; to the Committee on the Judiciary.

A resolution adopted by the Texas Psychological Association, San Antonio, Tex., relating to early child development; to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

Mr. CANNON. Mr. President, I ask unanimous consent to file a report (No. 92–394) on H.R. 7072, the House-passed airport and airway amendments, without recommendation and without amendment.

H.R. 7072 is similar to S. 1437, the airport and airway amendments reported by the Commerce Committee, on Senate Report No. 92–378. The committee recommends that S. 1437 be passed by the Senate.

We report H.R. 7072 only for the purpose of placing it on the Senate Calendar so that S. 1437, in the form of an amendment, may be substituted for the House enacted provisions when the matter comes before the Senate.

This procedure will enable the Senate and the House to resolve differences in the legislation in a conference should the House not accede to the Senate amendment we will propose to H.R. 7072.

The PRESIDING OFFICER. Without objection, the report will be received and the bill will be placed on the calendar.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BENTSEN (for himself and Mr. PEARSON):

S. 2681. A bill to amend part V of the Interstate Commerce Act so as to authorize the Interstate Commerce Commission to extend the time of payment of interest or principal of existing Government loan guaranty to a maximum period of 30 years. Referred to the Committee on Commerce.

By Mr. THURMOND:

S. 2682. A bill for the relief of Lolita V. Javier; and

S. 2683. A bill for the relief of Haviv Schieber. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON:

S. 2684. A bill to amend section 509 of the Merchant Marine Act, 1936, as amended. Referred to the Committee on Commerce.

By Mr. MATHIAS:

S. 2685. A bill for the relief of Mely Felicia. Referred to the Committee on the Judiciary.

By Mr. BURDICK:

S. 2686. A bill to clarify the right of States and local subdivisions to provide for domestic preference in acquiring materials for public use. Referred to the Committee on the Judiciary.

By Mr. MANSFIELD (for Mr. Gravel):

S. 2687. A bill to authorize the acquisition of certain real property in Square 724 in the District of Columbia, and for other purposes. Referred to the Committee on Public Works.

By Mr. CRANSTON:

S. 2688. A bill to establish an urban mass transportation trust fund, and for other purposes. Referred to the Committee on Finance.

By Mr. CHURCH (for himself and Mr. Williams):

S. 2689. A bill to promote development and expansion of community schools throughout the United States. Referred to the Committee on Labor and Public Welfare.

By Mr. SCHWEIKER:

S. 2690. A bill for the relief of Filippo Crivelli. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MAGNUSON:

S. 2684. A bill to amend section 509 of the Merchant Marine Act, 1936, as amended. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce for appropriate reference a bill to amend section 509 of the Merchant Marine Act, 1936, as amended.

The purpose of this bill is to facilitate the development of a new technology which may have great importance for our U.S. flag merchant marine. The bill would do this by permitting vessels incorporating that technology to participate fully in the loan insurance and mortgage insurance programs under the Merchant Marine Act.

Although these vessels are currently eligible for limited participation in the loan insurance and mortgage insurance program under the Merchant Marine Act, I believe that the time has come to put this technology on an equal footing and provide full insurance benefits up to 87½ percent, as is available to other vessels, rather than the limited 75-percent insurance that is now available to hydrofoils.

Clearly new technology is the only means by which the U.S. Merchant Marine can hope to be competitive. We have seen this in the development of containerization and the new LASH and Seabee ships. I believe that enactment of this legislation will allow us to pursue more vigorously another promising technological innovation.

I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2684

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 509 of the Merchant Marine Act, 1936, is amended by inserting in the third sentence thereof after the words, "oceangoing barge of more than two thousand five hundred gross tons" a comma and the words, "or in the case of a vessel of more than two thousand five hundred horsepower designed to be capable of sustained speed of not less than forty knots".

By Mr. BURDICK:

S. 2686. A bill to clarify the right of States and local subdivisions to provide for domestic preference in acquiring materials for public use. Referred to the Committee on the Judiciary.

THE STATE "BUY AMERICAN" ACT OF 1971

Mr. BURDICK. Mr. President, I ask unanimous consent that the text of the bill I now introduce be included in the Record at the conclusion of my remarks.

Mr. President, I am today introducing legislation of special importance to our State and local governments. The Federal Government has had a "Buy American" Act since 1934. Twenty-one other States and territories also gave preference to domestic goods in their purchasing practices.

In a decision of the California Supreme Court, the California "Buy American" Act was declared unconstitutional because it was an "encroachment upon the Federal Government's exclusive power over foreign affairs, and constituted an undue interference with the United States' conduct of foreign relations." This decision has the effect of making all States "Buy American" Act and regulations unenforceable.

Mr. President, I believe the decision of the California Supreme Court was correct. See *United States* v. *Curtiss-Wright Export Corp.* 299 U.S. 304 (1936). Such purchase practices are related to the foreign policy of the United States and are proper matter for congressional consideration.

Overruling of State "Buy American" Act has aggravated the problem of creating new jobs and reducing unemployment at a time of particular economic difficulty.

Mr. President, we all recognize that unduly restrictive trade barriers are self-defeating, but the purpose of this bill is not to promote restrictive trade policies but to allow a special exception recognized in world trade.

The "General Agreement on Tariff and Trade"—GATT—entered into by the major trading nations in the world to establish the "rules of the road" as far as foreign trade practices are concerned, recognizes that most world governmental agencies want to "Buy National" and excluded governmental purchases from the terms of the agreement. Over 32 trading countries have laws or regulations restricting governmental purchases to domestic goods.

This bill will result in the promotion of American enterprise, the providing of jobs and the generating of tax revenue for the States. It will allow the States to establish "Buy American" policies similar to those now existing in regard to purchases by Federal agencies.

This action will not reflect a change in policy but merely continuance of policies which have been in effect in the States for over 35 years.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2686

A bill to clarify the right of states and local subdivisions to provide for domestic preference in acquiring materials for public use

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that Title 41, United States Code, is amended to add a new Section 10(e) thereto, as follows:

"10(e) *Purchases by state and political subdivisions.*

Any law enacted or any regulation adopted by any State either prior to or subsequent to the enactment hereof providing for domestic preference for articles, materials, or supplies acquired for public use by that State or any of its political subdivisions shall constitute a valid exercise of the State's police power and shall not constitute an encroachment upon the power of the United States government over foreign affairs or foreign commerce, nor an undue interference with the conduct of foreign relations by the United States and shall not conflict with or be subject to any Executive agreement that exempts from its provisions: laws, regulations or requirements governing the procurement by governmental agencies of products purchased for governmental purposes and not with a view to commercial resale or with a view to use in the production of goods for commercial resale."

By Mr. CRANSTON:

S. 2688. A bill to establish an urban mass transportation trust fund, and for other purposes. Referred to the Committee on Finance.

Mr. CRANSTON. Mr. President, I am today introducing a bill that would create a Federal trust fund for mass transportation similar to the one that has been used to finance the Nation's highway system.

The primary revenue source for the rapid transit fund would be the 7-percent excise tax on new cars which the President wants lifted to stimulate 1972 model sales. The excise tax produced $2.2 billion in revenues in 1970. This trust fund, which would take effect on January 1, 1973, would more than double the amount of Federal money available for urban mass transit in fiscal 1974 and 1975. It would also require substantially less local matching funds than the present program. If instituted, the trust would create upward of 140,000 new jobs.

The President's proposed repeal of the excise tax is a deplorable step that will worsen traffic congestion and air pollution for Federal help, the administration is proposing a multibillion dollar Federal tax loss that will make things tougher for people living and working in our metropolitan areas.

Income from the excise tax should go instead into a form of relevant revenue sharing that will help our cities meet their high priority mass transit needs. Under normal circumstances, I would not advocate even a 1-year suspension of the tax. But the President has boxed us in. Some 8 million people may well think that he guaranteed them that they will get $200 off their 1972 cars retroactive to August 15. Many families are counting on that guaranty; the automobile industry has based sales campaigns on it. Congress cannot reverse history at this late date; all we can do is to try to set things aright for the future.

The President declared in a nationwide radio and television speech on August 15 in which he announced his new economic program:

> I will propose to repeal the 7 percent excise tax on automobiles, effective today. This will

mean a reduction in price of about $200 per car. I shall insist that the American auto industry pass this tax reduction on to the nearly eight million customers who are buying automobiles this year.

Two other bills have been introduced in the Senate calling for creation of a general trust fund for all forms of transportation, one by Senator EDWARD M. KENNEDY and another by Senator CHARLES H. PERCY. Representative EDWARD KOCH has introduced a similar proposal in the House. The excise tax is proposed as a source of revenue in each of these bills. The Senate Commerce Committee already has begun hearings on the Kennedy and Percy bills. Precipitous White House action should not be permitted to cut short congressional consideration of these proposals. The mass transit trust fund proposal I am introducing today was originally introduced by Representative KOCH in 1969.

Only $2.31 billion at the very most will be available for mass transit the next 3 fiscal years—1973–75—under the administration's plan of financing through general appropriations. In contrast, reinstituting the excise tax and earmarking the income for mass transit could mean $4.4 billion for fiscal 1974 and 1975 at the present level of revenue.

The automobile is the Nation's No. 1 polluter. Even if new cars are less polluting than old ones, the increase in numbers will more than offset the difference. While the Federal Government pours $5 billion a year into highways, our cities are being starved for mass transit funds.

Although the President recognized that even a minimal mass transit program would require a Federal commitment of at least $10 billion over a 12-year period, the President asked for—and Congress approved—a total authorization of only $3.1 billion, spread over 5 years beginning in fiscal 1971.

The inadequacy of this meager funding is underlined by the fact that the Urban Mass Transit Administration of the Department of Transportation itself estimates that mass transit plans already on the drawing boards will call for the Federal expenditure of 10 times that amount—$32.8 billion, in 1969 dollars—over the next 10 years. Clearly, neither property taxes nor fares can meet the monumental cost of modern rapid transit.

The administration estimates that with the stimulus of a tax cut, Detroit could increase its projected sales of 1972 cars by 600,000, for total annual sales of 8.6 million new automobiles. Since American motorists junk about 6.5 million old cars annually, the result will be a net increase of more than 2 million cars on the road. More than 101 million new and used cars already are clogging up America's highways, 12.4 million of them in California alone. California normally accounts for 12 percent of all new car sales. What are we going to do with 2 million more?

One-fourth of the Nation's population—which includes many elderly, young, handicapped, and poor people—do not drive cars and must depend entirely on the availability of buses, trains, and subways. But they are not the only ones who need better mass transit systems. Inexpensive and convenient rapid transit service is essential if inner-city residents are to get jobs, especially now that more and more companies are moving to the suburbs. By the same token, suburbanites also are looking for more sensible alternatives to fighting traffic jams twice a day, 5 days a week, to get to their jobs in the city.

Only the financial stability of regular revenue income, which a trust fund provides, will enable our cities to conduct the long-range planning and construction that mass transit systems necessitate. A trust fund assured this Nation it would have the ability to build the highways the people wanted; we have no similar assurance that we can now build the mass transit system the people need.

More than 41,000 miles of Federal highways have been constructed since the trust fund was created in 1956. Some $5 billion is deposited into the fund annually, mainly through the 4-cent-a-gallon Federal tax on motor fuel.

The revenue from the automobile excise tax should go into the mass transit trust fund, but the fund should not be limited to that single source. Congress would appropriate additional money to the fund to meet rising city needs. The mass transit matching formula would be the same as for highway funds: 90-percent Federal to 10-percent local. The present administrative ratio for mass transit grants is 67-percent Federal to 33-percent local money.

I ask unanimous consent that a copy of this bill be printed in the RECORD following this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2688

A bill to establish an urban mass transportation trust fund, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that the rapid urbanization and the continued dispersal of population and activities within urban areas has made the ability of all citizens to move quickly and cheaply an urgent national goal; that new directions in the Federal assistance programs for urban mass transportation are imperative if efficient, safe and convenient transportation compatible with soundly planned urban areas is to be achieved; and that success will require substantially greater and assured Federal financial participation to permit confident and continuing local planning, and greater flexibility in program administration to conserve scarce resources and to take account of widely varying local conditions. It is the purpose of this Act to create a partnership which permits the local community, through Federal financial assistance, to exercise the initiative necessary to satisfy its mass transportation requirements.

TITLE I—URBAN MASS TRANSPORTATION REVENUE ACT OF 1972

CREATION OF TRUST FUND

SEC. 101. There is hereby established in the Treasury of the United States a trust fund to be known as the urban mass transportation trust fund (hereinafter in this Act called the trust fund). The trust fund shall consist of such amounts as may be appropriated or credited to the trust fund as provided by this Act.

TRANSFER TO TRUST FUND

SEC. 102. (a) EXCISE TAX ON AUTOMOBILES.—There is hereby appropriated to the trust fund, out of any money in the Treasury not otherwise appropriated, amounts equivalent to the tax received in the Treasury before July 1, 1977, and which are attributable to liability for tax incurred before July 1, 1977, under section 4061(a)(2) of the Internal Revenue Code of 1954 (tax on automobiles, etc.). The amounts appropriated by this section shall be transferred at least monthly from the general fund of the Treasury to the trust fund on the basis of estimates by the Secretary of the Treasury of the amounts, referred to in the preceding sentence, received in the Treasury. Proper adjustment shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(b) ADDITIONAL APPROPRIATIONS TO THE TRUST FUND.—There are hereby authorized to be appropriated from the general fund of the Treasury to the trust fund such additional sums as may be required to make the expenditures referred to in section 104. These sums are to be repayable advances unless otherwise provided.

MANAGEMENT OF TRUST FUND

SEC. 103. (a) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to hold the trust fund, and (after consulation with the Secretary of Transportation) to report to the Congress not later than the 1st day of March of each year on the financial condition and the results of the operations of the trust fund during the preceding fiscal year and on its expected condition and operations during the current and next ensuing fiscal year, up to and including the fiscal year ending June 30, 1975. Such report shall be printed as a House document of the session of the Congress to which the report is made.

(b) INVESTMENT.—It shall be the duty of the Secretary of the Treasury to invest such portion of the trust fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose such obligations may be acquired (1) on original issue at issue price, or (2) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the trust fund. Such special obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average yield during the month preceding the date of such issue, on marketable interest-bearing obligations of the United States of comparable maturities then forming a part of the public debt rounded to the nearest one-eighth of 1 per centum. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest. Advances to the trust fund pursuant to section 102(b) shall not be invested.

(c) SALE OF OBLIGATIONS.—Any obligation acquired by the trust fund (except special obligations issued exclusively to the trust fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(d) INTEREST AND CERTAIN PROCEEDS.—The

interest on, and the proceeds from the sale of redemption of, any obligations held in the trust fund shall be credited to and from a part of the trust fund.

EXPENDITURES FROM THE TRUST FUND

SEC. 104. (a) URBAN MASS TRANSPORTATION PROGRAMS.—Amounts in the trust fund shall be available, as provided by appropriation Acts, for making expenditures to meet obligations of the United States which are incurred after June 30, 1973, for fiscal years 1974, 1975, 1976, and 1977 under the Urban Mass Transportation Act of 1964 (49 U.S.C. 1601 et seq.), as amended (including general administrative expenses).

(b) REPAYMENT OF ADVANCES FROM GENERAL FUND.—Advances made pursuant to section 102(b) shall be repaid with interest to the general fund of the Treasury when the Secretary of the Treasury determines that moneys are available in the trust fund for such purposes. Interest shall be at rates computed in the same manner as provided in section 103(b) for special obligations and compounded semiannually.

LIMITATION ON EXPENDITURES

SEC. 105. The Secretary of the Treasury shall from time to time, after consultation with the Secretary of Transportation, estimate the amounts which will be available in the trust fund (excluding repayable advances) to defray the expenditures required to be made from the fund. The Secretary of the Treasury shall advise the Secretary of Transportation whenever, after all other expenditures required to be made from the trust fund have been defrayed, the amounts available in the trust fund (excluding repayable advances) will be insufficient to defray expenditures required to meet obligations incurred under section 104(a). Whenever he is advised of any insufficiency, the Secretary of Transportation shall, for the fiscal year affected, determine the percentage which the amount remaining available is of the amount authorized to be obligated for that fiscal year under section 104(a) and shall, by prorating using that percentage, determine the amount which can be obligated in lieu of the amount which would be obligated but for the provisions of this subsection. Whenever the Secretary of the Treasury determines that, after all other expenditures required to be made from such fund have been defrayed, there will be available in the trust fund (excluding repayable advances) amounts sufficient to defray the obligations previously withheld under section 104(a) for any fiscal year, he shall so advise the Secretary of Transportation who may then obligate such amounts.

INTERNAL REVENUE AMENDMENTS

SEC. 106. (a) Subparagraph (A) of section 4061(a)(2) of the Internal Revenue Code of 1954 (relating to tax on passenger automobiles, etc.) is amended to read as follows:

"(A) Articles enumerated in subparagraph (B) are taxable at 7 percent. The tax imposed by this subsection shall not apply with respect to articles enumerated in subparagraph (B) which are sold by the manufacturer, producer, or importer after June 30, 1977."

By Mr. CHURCH (for himself and Mr. WILLIAMS):

S. 2689. A bill to promote development and expansion of community schools throughout the United States. Referred to the Committee on Labor and Public Welfare.

COMMUNITY SCHOOL CENTER DEVELOPMENT ACT

Mr. CHURCH. Mr. President, I introduce, with Senator **WILLIAMS**, for appropriate reference the Community School Center Development Act.

In just about every municipality in the United States, the largest single investment of public funds in physical facilities is the total public school plant. These buildings, usually within walking distance of the residents of the neighborhoods they serve, are also frequently among the best and newest facilities in the area.

It is a shameful waste to use such public facilities only part of the day, 5 days a week, 39 weeks a year, and solely for the formal education of youngsters. The traditional school—operating limited hours and serving only the young—is an extravagance that modern America cannot abide.

The bill which we introduce today—the Community School Center Development Act—meets this problem by promoting the development and expansion of community schools in all 50 States.

The community school concept aims at transforming the traditional role of the neighborhood school into that of a total community center for people of all ages and backgrounds, operating extended hours throughout the year. The school could work in partnership with other groups in the community to provide recreational, educational, and a variety of other community and social services. Maximum use of community resources through total community involvement would achieve broad and diversified programs. Every community school would design its program to meet the needs of the particular people it serves. Economy would result from new uses of existing resources as well as elimination of duplication of effort, which now occurs.

This act would aid in development of community schools in three ways: First, Federal grants would be available to strengthen and sustain existing community education centers, located at colleges and universities throughout the Nation, which would train community school leaders and, in general, promote and assist the community school movement. Federal grants would also be available to institutions of higher learning to develop and establish new community education centers. Second, Federal grants in each of the 50 States would be available for the establishment of new community school programs and the expansion of existing ones. These grants would help pay for the training and salaries of community school directors as well as other program expenses. Third, the Commissioner of Education, who would administer this act, would also be charged with the added responsibility of promoting community schools through specific national programs of advocacy and education.

Community schools are not unknown. The concept was developed in Flint, Mich., in the 1930's, under the leadership of the Charles Stewart Mott Foundation. Today there are over 300 established community school programs throughout the Nation, and the number is growing steadily. We are, therefore, dealing with a demonstrated success.

The Mott Foundation has supported the community school concept consistently and generously over the years. The programs fostered by the Community School Center Development Act would build on such experience and give impetus and financial support to continuing expansion. It is time for the Federal Government to recognize the worth of this proven product by contributing to further growth of community schools.

The added expenses involved in operating a community school program are small indeed. The very successful program in Flint, Mich., has increased the school budget by only about 6 percent. The many benefits of the program are estimated to cost the average Flint homeowner just a few pennies a day.

Community schools provide improved educational programs in a more economical way, because of the greater return per dollar spent.

This act will benefit all segments of our population. But as chairman of the Senate Committee on Aging, I want to emphasize the advantages that will accrue to our elderly through enactment of this bill. Programs of education, health, recreation, nutrition, and transportation—possibly with school buses—could be established through community schools. The variety of possible programs of assistance and interest to the senior citizen is almost unlimited; senior citizens will join with their neighbors in serving on the community school councils that will help devise programs to serve the special needs of each community.

The school in America of an earlier day—"the little red schoolhouse"—was a meeting place where citizens could discuss problems and share in learning and recreation. In modern America, the need for a local community center still exists. Today, through the community schools, the school can once again contribute in full measure to the people and community it serves.

I wish to acknowledge with much gratitude the assistance of the Charles Stewart Mott Foundation and the National Community School Education Association in providing information which proved useful in the preparation of this bill.

Mr. President, I ask unanimous consent that the text of this bill be printed at this point in the RECORD. In addition, I ask unanimous consent that the following be included in the RECORD after the text of this bill: "The Mott Program of the Flint Board of Education," which describes the community school concept and how it works in Flint, Mich.; "Toward the Eternal Summer," which describes the activities available to senior citizens who participate in the community school program in Flint, Mich.; and "Community Schools Operate for Fun, Recreation, Hobbies for All," an article by Carrie Ewing which appeared in the Idaho Statesman of Boise, July 25, 1971. The latter article describes a community schools program now operating within the Boise model cities' boundaries but open to enrollees from throughout the Boise area.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2689

A bill to promote development and expansion of community schools throughout the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Community School Center Development Act".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to provide recreational, educational, and a variety of other community and social services through the establishment of the community school as a center for such activities in cooperation with other community groups.

DEFINITIONS

SEC. 3. As used in this Act the term—

(1) "Commissioner" means the Commissioner of Education;

(2) "State" includes in addition to the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(3) "State Educational agency" means the State Board of Education or other agency or officer primarily responsible for the State supervision of State elementary and secondary education or if there is no such officer or agency, an officer or agency designated by the Governor or State law;

(4) "Council" means the Community Schools Advisory Council;

(5) "Institution of higher education" means an educational institution in any State which (A) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (B) is legally authorized within such State to provide a program of education beyond secondary education, (C) provides an educational program for which it awards a bachelor's degre or provides not less than a two-year program which is acceptable for full credit toward such a degree, (D) is a public or other nonprofit institution, and (E) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. Such term also includes any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provision of clauses (A), (B), (D), and (E). For purpose of this subsection, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered;

(6) "Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts of counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school; and

(7) "Community school program" means a program in which a public elementary or secondary school is utilized as a community center operated in cooperation with other groups in the community to provide recreational, educational, and a variety of other community and social services for the community that center serves.

TITLE I—COMMUNITY EDUCATION CENTERS GRANTS

SEC. 101. (a) The Commissioner shall make grants to institutions of higher education to develop and establish programs in community education which will train people as Community School Directors.

(b) Where an institution of higher learning has such a program presently in existence, such grant may be made to expand the program.

APPLICATION

SEC. 102. A grant under this title may be made to any institution of higher education upon application to the Commissioner at such time, in such manner, and containing and accompanied by such information as the Commissioner deems neecssary. Each such application shall—

(1) provide that the programs and activities for which assistance under this title is sought will be administered by or under the supervision of the applicant;

(2) describe with particularity the programs and activities for which such assistance is sought;

(3) set forth such fiscal control and fund accounting procedures as may be neessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

(4) provide for making such reasonable reports in such form and containing such information as the Commissioner may reasonably require.

AUTHORIZATION OF APPROPRIATIONS

SEC. 103. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE II—GRANTS FOR COMMUNITY SCHOOLS

SEC. 201. (a) The Commissioner may, upon proper application, make grants to local educational agencies for the establishment of new community school programs and the expansion of existing ones.

(b) Grants shall be available for the training and salaries of community school directors as well as actual and administrative and operating expenses connected with such programs.

APPORTIONMENT

SEC. 202. (a) The number of project grants available to each State, subject to uniform criteria established by the Commissioner, shall be as follows:

(1) States with a population of less than 5 million shall receive not more than 4 projects;

(2) States with a population of more than 5 million but less than 10 million shall receive not more than 6 projects;

(3) States with a population of more than 10 million but less than 15 million shall receive not more than 8 projects; and

(4) States with a population of more than 15 million shall receive not more than 10 projects.

(b) Grants shall be made to the respective State Educational Agencies for payment to the appropriate local educational agencies.

CONSULTATION WITH STATE EDUCATIONAL AGENCY

SEC. 203. In determining the recipients of project grants the Commissioner shall consult with each State educational agency to assure support of a program particularly suitable to that State and providing adequate experience in the operation of community schools.

PAYMENTS

SEC. 204. Payments under this title shall be made from a State's apportionment to any State educational agency which, has been selected by the Commissioner in accordance with section 203.

AUTHORIZATION OF APPROPRIATIONS

SEC. 205. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE III—COMMUNITY SCHOOL PROMOTION

PROMOTION

SEC. 301. In order to promote the adoption of community school programs throughout the United States the Commissioner shall—

(1) accumulate and disseminate pertinent information to local communities;

(2) appoint twenty-five teams, consisting of not more than four individuals on each team, to assist communities contemplating the adoption of a community school program; and

(3) establish a program of permanent liaison between the community school district and the Commissioner.

ADVISORY COUNCIL

SEC. 302. (a) There is hereby established in the office of the Commissioner a Community Schools Advisory Council to be composed of 7 members appointed by the President for terms of 2 years without regard to the provisions of title 5, United States Code.

(b) The Council shall select its own Chairman and Vice Chairman and shall meet at the call of the Chairman, but not less than four times a year. Members shall be appointed for two-year terms, except that of the members first appointed four shall be appointed for a term of one year and three shall be appointed for a term of two years as designated by the President at the time of appointment. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office. A vacancy in the Council shall not affect its activities and four members thereof shall constitute a quorum. The Commissioner shall be an ex officio member of the Council. A member of the Council who is an officer or employee of the Federal Government shall serve without additional compensation.

(c) The Commissioner shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities.

FUNCTIONS OF THE COUNCIL

SEC. 303. The Council shall advise the Commissioner on policy matters relating to the interests of community schools.

COMPENSATION OF MEMBERS

SEC. 304. Each member of the Council appointed pursuant to section 302 shall receive $50 a day, including travel time, for each day he is engaged in the actual performance of his duties as members of the Council. Each such member shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

AUTHORIZATION OF APPROPRIATIONS

SEC. 305. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE IV—MISCELLANEOUS

PROHIBITIONS AND LIMITATIONS

SEC. 401. (a) Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

(b) Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for the construction of facilities as a place of worship or religious instruction.

JUDICIAL REVIEW

SEC. 402. (a) If any State or local educational agency is dissatisfied with the Commissioner's final action with respect to the approval of applications submitted under Title II, or with his final action under section 405, such State or local educational agency may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such agency is located a petition for review of that action. A copy of that petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner shall file promptly in the court the record of the proceedings on which he based his action, as provided for in section 2112 of title 28, United States Code.

(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

ADMINISTRATION

SEC. 403. (a) The Commissioner may delegate any of his functions under this Act, except the making of regulations, to any officer or employee of the Office of Education.

(b) In administering the provisions of this Act, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

PAYMENTS

SEC. 404. Payments to a State under this Act may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment, and may be made directly to a State or to one or more public agencies designated for this purpose by the State, or both.

WITHHOLDING

SEC. 405. Whenever the Commissioner, after giving reasonable notice and opportunity for hearing to a grant recipient under this Act, finds—

(1) that the program or activity for which such grant was made has been so changed that it no longer complies with the provisions of this Act; or

(2) that in the operation of the program or activity there is failure to comply substantially with any such provision;

the Commissioner shall notify in writing such recipient of his findings and no further payments may be made to such recipient by the Commissioner until he is satisfied that such noncompliance has been, or will promptly be, corrected. The Commissioner may authorize the continuance of payments with respect to any programs or activities pursuant to this Act which are being carried out by such recipient and which are not involved in the noncompliance.

AUDIT AND REVIEW

SEC. 406. The Commissioner and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination, to any books, documents, papers, and records of a grantee, under this Act, that are pertinent to the grant received.

REPORTS TO THE CONGRESS

SEC. 407. The Commissioner shall transmit to the President and to the Congress annually a report of activities under this Act, including the name of each applicant, a brief description of the facts in each case, and the number and amount of grants.

THE MOTT PROGRAM OF THE FLINT BOARD OF EDUCATION

All across the land our cities, towns, and villages are mirrors of similar problems: High school dropouts, need for re-training, physical fitness for our children, continuing recreation and education for adults, urban development.

Regardless of the differences in culture, economics, and geography among our American cities, we all have one problem in common: How to live together in an urban society.

Flint is attacking these problems by means of a unique organization called the Mott Program of the Flint Board of Education. It works through the city's public schools, and receives supporting funds from the Mott Foundation. It seeks to develop understanding among its residents, giving them opportunities for self and community improvement—and at a grass roots level provides a meeting place where community needs may be served by community resources.

Two purposes give reason for the existence of the Mott Program: 1) To discover and demonstrate means whereby a community can use its own resources to solve its own problems, and 2) To help make the City of Flint a model community, worthy of emulation.

THE MOTT FOUNDATION

The Charles Stewart Mott Foundation, a family philanthropy, was established in 1926 by C. S. Mott, automotive pioneer and resident of Flint since 1907. It was founded "for the purpose of supporting religious, educational, and recreational activities for the public benefit."

In 1935 the Mott Foundation, with a modest grant to the Flint Board of Education for the purpose of underwriting after-school recreational activities, began a partnership with a public school system unique in the history of philanthropic giving. In thirty years of partnership the Foundation has channeled more than $26 million through the Flint Board of Education, underwriting programs in recreation, adult education, curriculum experimentation and enrichment, social services, and health as part of the development of the Flint Community School Program.

Says C. S. Mott:—

"We scatter out shot too much when we try to do good.

I'm dumping mine right here in my own home town. Maybe we can make a model city and show others how to do it."

Limited grants have been made in recent years by the Foundation to institutions of higher learning and some other communities, where such grants are conceived by the trustees as contributing to the propagation of the community school philosophy or where they directly benefit the community of Flint.

The Foundation stationery carries the following inscription, descriptive of its intent:

"We approach all problems of children with affection. Theirs is the province of joy and good humor. They are the most wholesome part of the race, for they are freshest from the hands of God."

THE MOTT PROGRAM

The Mott Program is partner to the Flint Board of Education. By channeling Mott Foundation funds through the Flint Board of Education, the Mott Program is created—a program of community education for all ages, utilizing the existing facilities of the public schools. Shops, classrooms, pools, gymnasiums, and equipment are made available to the entire city without the cost of providing new buildings. Moreover, there is a school within walking distance of every man, woman, and child, conveniently located to attract the entire community to its varied programs of education, recreation, and cultural enrichment.

Open summer and winter, five evenings a week and on Saturday, Flint's community schools serve the needs of 90,000 children and adults each year. The Mott Program is divided into the following divisions:

The Adult Education Program;
The Community Recreation Program;
The Community School Program;
Mott Camp for Boys;
Big Brothers of Greater Flint;
The Stepping Stone Program for Girls;
Experimental Programs;
Curriculum-Related Programs;
Workshops—Visitations, Communications; and
Administration and Auditing.

The adult education program offers 1200 courses to approximately 70,000 registrants each year in more than 50 community schools and 14 other community centers. Classes include those in home arts, basic education, trades and industry, city beautification, recreation skills, parent education, music, art and crafts, and academic subjects such as language, economics, and mathematics. Some registrants consider their classes a hobby, others look upon them as a re-training experience for job up-grading and career development. If twelve people request a course, a teacher is found and space is scheduled for the class.

The community recreation program operates summer and winter and involves thousands of adults and children in baseball, basketball, golf, swimming, and gymnastics, to name but a few. The Flint Olympian and CANUSA Games held each summer involve more than 8,000 Flint citizens of all ages, participating in 28 sports.

The community school program operates in all public schools in Flint. With a community school director assigned to each school, the vast program reaches into almost all aspects of life. Included are the Breakfast Program and the Community Counselor, the Police-School Liaison Program, and General Services.

The Breakfast Program has existed for three decades, and is operated in a limited number of schools for children who show a loss in, or no gain in, weight.

The Community Counselor is a woman who serves the immediate school community in a myriad of ways: legal aid referrals, health referrals, budget and nutrition planning. She knows the people with whom she works, understands their problems and works with them to solve them.

The Police-School Liaison program exists in the 12 secondary schools, and is composed of juvenile officers who work within the schools as a preventive to crime, not as punitive agents. They wear plain clothes, and are paid in part by the Flint Police department and in part by the Mott Program of the Flint Board of Education. Each year a national Police-School Liaison conference is held in Flint, as more cities throughout the country launch similar programs.

General Services works with existing agencies, parochial schools and Flint's community schools in transporting conference accoutrements, and in handling the logistics of much physical operation of the community schools.

Mott Camp for boys, 20 miles from Flint on Pero Lake, offers five two-week sessions for 675 boys each year. The children are from 10 to 15 years of age, and are selected by teachers, principals, and sisters in parochial schools. The camp also provides a week's vacation for handicapped children.

Big Brothers of Greater Flint is the largest Big Brother program in the United States and Canada, serving 1200 boys with the help of nearly 900 volunteer Big Brothers and 315 service agencies in the area. The organization also works with the community schools' Regional Counseling Teams to serve Little Brothers more fully in helping them to achieve in school.

The C. S. Mott Foundation Children's Health Center serves medically indigent children free of charge in a broad out-patient service. It offers medicine, dentistry, psychiatry, infant and maternal health care, special education, speech and hearing, and unwed teen-age counseling.

The Stepping Stone Program for Girls has 36 clubs in the various community schools. Under trained guidance nearly 700 girls each year learn about themselves, their families, and their society through group discussion. During the year many clubs spend two weeks at Hamady House, an estate given to the Stepping Stones by a Flint business man.

Experimental programs include numerous programs. Among them are the Flint Committee on Alcoholism, Community Music, Health Education and Safety, Crime and Delinquency Prevention, Police-School Cadet Program, REACH, General In-Service Leadership Training, Mott Vocational Guidance Program, the Taft Institute for Teachers, and the Farm Program. Some are self-explanatory; others need definition:

The Crime and Delinquency Prevention Department provides work experience, family counseling, tutoring, and group counseling for juvenile probationers and youthful offenders. Over the past three years program participants have been involved in 77 per cent fewer crimes against society.

County jail inmates participate in high school accredited classes, alcoholism therapy, aptitude testing, vocational training, remedial reading, vocational counseling, GED testing, and other services to nurture a more positive attitude toward society. Over 2,000 men and women have participated in the program since March of 1966.

Police-School Cadet Program operates for boys in late elementary and junior high grades. Four of Flint's eight junior high schools and the four feeder elementary schools for each of the secondary schools are involved. This is an after-school club that meets weekly, and is devoted to learning about bicycle and school safety, juvenile delinquency, community relations, crime and detection, city government, and community involvement. Resource people in the city speak to the boys, who elect among themselves their club officers. Statistics prove the success of this program.

Mott Vocational Guidance Program serves inmates and ex-inmates of three of Michigan's state penal institutions as well as the Detroit House of Correction for Women. By means of counseling, guidance, education, research, placement, and supervision and follow-up, the MVGP staff works not only with men who are incarcerated, but also with their families. Approximately 265 men have voluntarily enrolled in the program, and recidivism, as a result, has been 26 per cent, compared with national recidivism figures of 33⅓ to 70 percent.

Curriculum-related programs include Better Tomorrow for the Urban Child, Personalized Curriculum Program, Language for Deaf Children through Parent Education, and Family Life Education.

Better Tomorrow for the Urban Child was created to help inner city children become more effective citizens, both educationally and socially, through the use of additional human and material resources. Six segments compose the BTU program: pre-kindergarten, in-service education, health, curriculum development, and enrichment through the community school program. Cost was initiated and continues through the Mott Program; however, additional funds are allocated from the Flint Board of Education, and some shared programs of the state and federal governments.

Personalized Curriculum for the potential dropout exists in all 12 secondary schools, and offers a special academic program in order to encourage students to remain in school until graduation. Allied with the classroom work is a work experience program, frequently with academic credit.

Language for Deaf Children through Parent Education is co-sponsored by the Mott Program and the U.S. Office of Education in an attempt to educate parents of the value for a good educational, social and emotional climate. Through these qualities their children will develop language growth from infancy to school age. It operates with one-year interns from throughout the United States, who work with families in a five-county area.

Family Life Education is the teaching of physiology and reproduction in the city schools in grades five, eight and 12, and in the county schools in grades eight, ten and 12. The senior year students concentrate on interpersonal relationships.

Workshops-visitations and communications serve to inform educators, lay people, and the news media of the operation and function of the Flint community school program. Approximately 12,000 visitors from around the world come to Flint to see the programs and to attend state and national annual conferences.

Administration and auditing serve the goals of the Mott Program through policy, operation and finance.

HOW DOES THE MOTT PROGRAM WORK?

Community School Director

One requisite for an effective community school program is the selection of a community school director. He is a qualified teacher whose day officially begins at noon. He carries an afternoon teaching load, and directs the after-school activities of his school. He is responsible to the school principal and to his regional community school director.

Through his work the community school director becomes informed of the needs in his school area. He knows the community: Its residents, their problems, and some methods by which various problems can be solved.

Although he acquires community information from personal contact within the school among parents and pupils, he could not work effectively without a Community Council.

Community Council

The Community Council is composed of the principal, the P.T.A., the community school director, merchants and clergymen of the neighborhood, and representatives of adult and student school organizations. Meeting monthly, the Community Council relays the community's concern with such topics as juvenile behavior, neighborhood improvements, senior citizen's clubs, inter-racial harmony, and adult education courses. Each topic is delegated to a sub-committee, and it investigates the problem, searching for the best solution. The Council is assisted not only by sub-committees but also by residents of the community at large.

HISTORY OF THE MOTT PROGRAM

The Mott Program of the Flint Board of Education was born of need in 1935. The depression was taking its slow toll of morale and morality; crime was on the upswing; and children were involved.

Frank J. Manley, physical education and recreation supervisor in the Flint public schools, had an idea: If the schools could be used after school and during the summer they would provide excellent recreation centers for thousands of Flint youngsters.

As he addressed a civic group one day, Charles Stewart Mott, then vice president of General Motors Corporation and president of the nine-year old Mott Foundation, was in the audience and heard him.

C. S. Mott had been active in the Boys' Clubs of Detroit. He now was interested in Manley's idea—so interested that he presented the idea to the Flint Board of Education, and offered $6,000 to underwrite a recreation program in five Flint schools. The Board accepted his offer, and the Mott Program was underway.

Although thousands of children were engaged in the school-centered recreation programs those first years, juvenile crime was not greatly deterred. Investigation revealed that the children behaved well on the playground, but when they returned to tragic homes they reverted to the influence of their environment. Thus, the second need was recognized.

To meet the need, six visiting teachers were trained to go into deprived homes to talk with parents. The tragic conditions provided the impetus for the first stirrings of the adult education program.

Next, children's health needed attention, and a "Health Guarded" program was begun, continuing today.

Thus, it began as a recreation program in five schools—and grew to encompass 90,000 children and adults in after-school activities in all 55 community schools. It now includes a re-training program for job upgrading, a work-study program for unskilled felony offenders on probation, a city-wide senior citizens program, and an information program for families to be displaced by urban renewal and expressway development. It involves working with scores of local and county agencies, the courts, and countless individuals, all of whom are dedicated to the improvement of the total community.

As needs arise, the Mott Program stands ready to assist. But the real method is found within the community schools: Community problems solved by community resources.

THE COMMUNITY SCHOOL IDEA GROWS

Two purposes give reason for the Mott Program's existence: 1) To discover and demonstrate whereby a community can use its own resources to solve its own problems, and 2) to help make Flint's community school's worthy of emulation.

The consistent requests of other cities for the services of Flint community school directors gives evidence that the objectives are being attained. Proof of the statement lies in the fact that currently almost 250 cities have launched the community school concept to varying degrees within their respective school systems, and the number continues to grow.

To serve these many communities the National Community School Education Association was formed to act as a clearing house for information. In addition, regional centers at several universities and colleges were established in order that they might give assistance and direction to the propagation of the community school concept in cities and towns served by the institutions of higher learning.

FROM AROUND THE WORLD

Scarcely a day passes that the Flint community schools do not have visitors from various parts of the United States, from Europe, Africa, Asia, and South America. Their number has grown to 12,000 each year. Educators, government officials, parents, graduate students, and contingents from metropolitan cities come to Flint to view the community school program in operation.

New nations and changing economies abroad have problems similar to those abounding in this country. Illiteracy and migration from rural to industrialized areas are not unique to any nation. We are united internationally by our problems and, hopefully, by our solutions. Our goal is the same: To seek within the community school concept dignity and productivity for our people.

Guests to Flint stay from one day to two weeks. They arrive in groups of 300 during the annual state-wide Community Education Workshop and the National Community School Clinic; and they come singly or in small teams almost daily throughout the year.

What is done in Flint is not original. However, what is done in Flint is long-lived, broad in scope, and of value in proving the worth of a community's assumption of responsibility for solving its community problems.

Says Dr. Peter L. Clancy, associate superintendent for the Mott Program of the Flint Board of Education:

"Flint has not solved all of its problems, but we have the means for doing so. Community school programs have not provided a panacea, but they have strengthened the community; they have improved immeasurably the health of the community, its pride and common achievements, as well as the quality of education for children, adolescents, and adults.

"These programs have helped to raise the moral tone of the community; and they have emphasized ethical values and relationships.

"We've been at it a long time, and we're just scratching the surface."

The Mott Program welcomes your comments, criticism, suggestions. It welcomes you as a visitor.

For further information, please contact the Mott Program of the Flint Board of Education, 923 East Kearsley Street, Flint, Michigan.

Toward the Eternal Summer

If most of the back porch swings in Flint, Michigan, are empty and covered with cobwebs these days it's because of a united community effort designed to help the city's senior citizens continue to lead active, useful lives.

The back porch used to be the traditional place of repose for people after they had completed their traditional roles of making a living and child rearing, but Flint's senior citizens have more important things to do.

Their battle cry now seems to be "Age is opportunity," and you'll have to look around to find them. Many may be found at any one of 13 neighborhood schools attending a meeting of a senior citizen club. Others may be at a local restaurant planning a service project with a group of adults of all ages. Many are working with fatherless boys at a 50-acre camp just outside of town or visiting patients at hospitals and nursing homes. Still others are planning or returning from trips to Hawaii and Europe, while others are attending adult education classes.

In Flint, as elsewhere, more and more people are reaching retirement age, and thanks to modern medicine, they are living much longer. They have lived busy, useful lives and now they want to utilize their leisure for new and different activities designed to give them new satisfactions and renewed purpose.

The various social agencies in Flint realize their obligation to maintain the vigor of this segment of society which has contributed so much and are cooperatively responding.

The Flint Board of Education's Mott Program first attempted to fulfill the need in 1955. That year, Dr. Myrtle F. Black, now director of Extended School Services, arranged for a series of lectures on "Aging in the Modern World" in cooperation with the University of Michigan. Two years later, increasing recognition of problems of the aging led to the establishment of the first senior citizen club, in a Flint public school. With the appointment of Mrs. Doris Kirkland as coordinator for extended school services in 1963, all Mott Program activities in behalf of the aging became consolidated in the Senior Citizens Service Department. This department is now involved in some 13 different programs with more in various stages of planning.

Many of these programs are co-sponsored with other organizations in Flint who are also providing for the needs of the city's retired: The Flint Recreation and Park Board, the Greater Flint AFL–CIO Council, the Industrial Mutual Association and various church and veterans groups. The effectiveness of the programs is accentuated by the high degree and spirit of cooperation between all of the various contributing agencies.

CHALLENGE CLUB

Retired people want to be involved in worthwhile community projects. They also want to continue to grow culturally and educationally and they want to engage in recreational and social events. Challenge Club offers them the opportunity to do all of these things in the company of men and women of all ages. Meeting the first Monday of each month at local restaurants, Challenge Club members share cultural and educational programs and work together on projects designed to improve the community.

MOTT VOLUNTEERS

One significant aspect for many older persons in our changing society is that they no longer remain as a member of the household of one of their children but, of necessity, must "make their own lives." The eventual result is loneliness and the locale for such solitude is frequently a convalescent or nursing home. The Mott Volunteers are friendly visitors of all ages, who keep in touch with these residents. By reading to them, shopping for them and talking to them, the volunteer performs a useful service for shut-ins. Often the volunteers are the only contact these people have with the outside world.

SENIOR CITIZENS CLUB

Flint seniors are discovering that there is truth to the old adage about the grass being greener right at home. They are finding fun and friendship at the senior citizen clubs in 13 neighborhood schools. Here, too, they enjoy a mutually invigorating and beneficial contact with young people. One of the clubs is for deaf senior citizens and another is a Sunday afternoon group, started because this is a time of great loneliness for older people.

Each club is guided by a community school director but here the similarity ceases. Meetings and activities at each school are scheduled in compliance with the desires of the membership. Games, such as progressive pedro and bingo, guest speakers, square dancing, tours and potlucks are among the more universally popular activities. But it's not all play and the seniors can be counted upon to help out with neighborhood betterment projects of all kinds. More and more Flint retirees are discovering the pleasure and satisfaction that's to be had—not thousands of miles away with strangers—but with friends just down the block at the neighborhood school.

PERSONAL AFFAIRS MONTH

Co-sponsored each May with the Flint Estate Planning Council, Personal Affairs Month is of special interest to senior citizens because emphasis is placed upon better management of personal affairs, health care, and financial responsibilities to dependents.

RADIO QUESTION MART

This radio program is a 30-minute weekly offering on local station WMRP. Individual speakers and panels discuss subjects of vital interest to retirees. The subject might be social security, hobbies, insurance or medicine, and time is allocatd each program so that listeners may phone in questions.

SANTA CLAUS ANSWERING SERVICE

"Is Santa going to make it this year?" Add this kiddie query to 3,562 others and you get some idea of why many Flint seniors enjoy this opportunity to communicate with children each Yuletide season. For one month before Christmas, between the hours of 9 till 5, the kids call in for a chance to talk with "Santa" and check on the health of Mrs. Santa and all the reindeer.

SENIOR CITIZENS' NEWS

One of the most ambitious projects of Flint's retired community, the Senior Citizens News was started in 1963 and is the responsibility of a special group known as "Senior Adults, Inc." The paper's masthead declares that the purpose is ". . . to give seniors opportunities to express themselves," and each month its pages are filled with those expressions in the form of news columns, editorials, want ads, poetry, and reminiscences of all sorts. Circulation is now 3,000 and continues to grow because of a novel readership-building idea which allows each subscriber to name two acquaintances who receive the paper free. In cases where no names are submitted, the free copies go to convalescent homes or hospitals.

SENIOR TRIP DIVISION

In addition to publishing the paper, Senior Adults, Inc. has a travel division with nearly 400 members. In the past, this group has arranged trips to Hawaii, Alaska and Europe. Assistance with the planning and the furnishing of guides is contributed by Senior Citizens Service Department.

PRERETIREMENT EDUCATION

Most workers in middle age look forward to retirement but as it approaches they are apprehensive. Much of this feeling is due to the lack of any kind of planning. For this reason, 8-week sessions in preparation for retirement are available to individuals and organizations. The program is designed to prepare people to make the best possible use of their retirement years. It consists of eight 2-hour sessions dealing with such topics as physical and mental health, finances and meaningful use of leisure time. The classes are conducted by 22 leaders specially trained by the University of Michigan's Division of Gerontology. The Mott Program shares sponsorship of this program with the Flint Recreation and Park Board, the Greater Flint AFL–CIO Industrial Union Council, the Industrial Mutual Association, the Manufacturers Association of Flint and the University of Michigan Extension Service.

SUGAR BUSH

Each year dozens of senior citizens volunteer during the 6-week maple syrup season to assist the Big Brothers of Greater Flint at the 50-acre IMA-Sugarbush Camp. They serve in a wide spectrum of duties which include collecting and boiling sap, cooking and serving meals and clean-up. This program is mutually advantageous since thousands of fatherless boys and other school children benefit from the visit to the camp and the seniors profit from the opportunity to work with younger children. The latter are rewarded each season with thousands of sticky smiles.

TELEPHONE REASSURANCE SERVICE

Regular telephone calls offering encouragement and stimulation are made to oldsters living alone and, often, in poor health. It is the friendly voice that cares to people in need of such help. The service may be personally requested or it may come from doctors, relatives or visiting nurses. The calls are made each week-day from 9 a.m. until 5 p.m. There is no limit to the length of time a person may receive this help.

FUTURE PLANS

By the very nature of the rapidly increasing needs and numbers of its recipients, senior citizen services constantly change and expand. As new needs evolve and demand satisfying, programs are begun, changed and supplemented. Two being presently developed are the Home Delivered Meal Program and local application of the Wallace Project. The Home Delivered Meal Program was planned in the belief that the independence of the elderly must be maintained as long as possible and encourages recipients to continue to maintain their own homes. It is financed by federal and Mott funds with assistance from the Industrial Mutual Association. When fully implemented, the program will provide hot meals for those unable to prepare their own because of recent illness, physical incapacity, or necessary adherence to special diets. It will be the purpose of the Wallace Project to train people for leadership roles in senior citizen activities.

ADULT EDUCATION SCHOLARSHIPS

Any person in Genesee County 65 years of age or older is eligible for a scholarship entitling him to enroll in adult education classes free of charge. Once a scholarship card is issued it remains valid indefinitely. Nearly 900 senior citizens have taken advantage of this educational opportunity.

REHABILITATION NURSING TECHNIQUES

This is a training program designed to teach nursing home employees the most modern techniques for the care of the chronically ill or the aged. It is held at Flint Community Junior College in cooperation with the Visiting Nurse Association, the city health department and the Genesee Rehabilitation Association. It was developed because of numerous requests by nursing home operators.

[From the Idaho Statesman, July 25, 1971]

Community Schools Operate for Fun, Recreation, Hobbies for All

(By Carrie Ewing)

Community Schools is really about play and fun, recreation and hobbies for all ages . . . and the practical idea of reverting the benefit of the taxpayer's dollar into channels of pleasurable activity.

Questionnaires will be circulated soon in the Boise Model Neighborhood to glean ideas from residents about the activities they wish to have initiated in the three Community Schools now in operation.

And community spirit no doubt, will be the result of all the togetherness that is anticipated by the Director Tom K. Richards, 815 Lemp, and the coordinators at the three schools where the program has been operating since July 6.

They are Dennis Robison, 2304 North Sixteenth, at Lowell Elementary School, 1507 North Twenty-eighth; Steve Conley, 1002 North Twenty-seventh, at Whittier Elementary School, 301 North Twenty-ninth; and Harry Lee Kwai, 827 North Sixteenth, at East Junior High, 415 Warm Springs Avenue.

A preface sheet on the questionnaire notes: "Community Schools are planned to keep the school building in your neighborhood open at the times you want it open. We will do all possible to offer academic, recreational and cultural programs, depending upon your wishes."

Coordinator Lee Kwai said the aim is to open public school buildings year around, including weekends, early mornings, and evenings and use them to serve the citizens in any manner they feel will make the community a better place to live.

Credit for conceiving and initiating the program goes to Dr. Stephenson S. Youngerman Jr., superintendent of the Boise Independent School District, Lee Kwai said. Operated by the Boise Independent School District, Community Schools is one of the projects authorized and funded by Model Cities. Present regulations restrict the Community Schools operations within the borders of the Model Neighborhood.

But Lee Kwai emphasized enrollees may come from anywhere and no boundary line exists. He said persons throughout the Boise area are urged to unite with the program at no cost. School facilities are used in all activities.

One other benefactor has given the Boise project the initial boost by providing "seed" money for the director and coordinators to go to Flint, Mich., to study the Mott Community Sschool "success story," at Cook Elementary School, where the plan originated. This is where Dr. Youngerman had experience with the concept of Community Schools.

Through the Flint Board of Education, Charles Stewart Mott, an executive of General Motors, financed the program because he saw the need for more efficient utilization of the public school buildings and the promotion of community spirit.

Because of the acclaimed success of the Flint venture, Mott created the Mott Foundation, which provides the seed money to cities over the United States to embark on Community Schools.

The purpose of the questionnaire is to ascertain the kind of program people wish to see operate in the Community School.

In addition to the director and coordinators, Marilyn Henderson, 2809 Alamo Road, serves all three Community School locations as office and records supervisor.

Each coordinator during the school term will teach two regular school classes in the afternoon, then remain at the school plant to coordinate the evening activity.

Acting as liaison between parents, faculty and the child will be one individual at each of the three school facilities "to go to the root of any problem that may be a hindrance to the child's social and educational progress."

Another factor, though, really keeps the "ball bouncing," according to Lee Kwai—volunteer help—high school and college students and graduates, who supervise, teach, coach and assist in any way possible.

"They are imbued with the idea of friendship, of doing something to help their fellow man," he said. "They want the school to be the center of community life like it use to be. In times of fast social change, we're losing sight of what true brotherhood and community spirit is like. We hope with Community Schools to regain that spirit."

Even the volunteers are carefully screened, Lee Kwai said, through the volunteer help of SCOOP (Student Coordinating Office for Opporunity Projects) a service organization on the Boise State College campus.

"The potential is limitless. This is only the beginning. We hope to initiate this program in every school in Boise. Every man has his destiny," he beamed, "and I know this is mine."

Programs already established at East Junior High include:

—The pre-school session which opened Wednesday morning for children between the ages of three and six years.

Volunteer Howard Warren, of Park Road, Eagle, is instructor and supervisor in recreational areas, story telling, arts and crafts and singing. The 9–11:30 a.m. session is open at no charge to all pre-school age children. Screened volunteers are awaiting assignment.

—For women wishing to retain or regain a desired size or shape a slimmastics class convenes at 10 a.m. on Monday, Wednesday and Friday.

—Volley ball competition for men and women is offered on Tuesday and Thursday nights.

Activities for children six to 18 years of age start at 1 p.m. each day.

—Sports of many varieties are, or will be, offered. In the words of Lee Kwai: "The potential is limitless."

When answers to the questionnaires are compiled, the director of the Community Schools program and coordinators expect to use them as guidelines for incorporating projects of interest to "the people."

To enroll, persons may contact the Community Schools office at 301 North Twenty-ninth or telephone the office, Lee Kwai said. This applies to all three school locations.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1485

At the request of Mr. Ribicoff, the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 1485, to establish a Department of Education.

S. 2440

At the request of Mr. Cranston, the Senator from Hawaii (Mr. Inouye), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. Pell), the Senator from Illinois (Mr. Stevenson), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. Humphrey), the Senator from South Carolina (Mr. Hollings), the Senator from Illinois (Mr. Percy), the Senator from Indiana (Mr. Hartke), and the Senator from Massachusetts (Mr. Kennedy) were added as cosponsors of S. 2440, a bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes, and for other purposes.

SENATE JOINT RESOLUTION 108

At the request of Mr. Cranston, the Senator from Vermont (Mr. Stafford) was added as a cosponsor of Senate Joint Resolution 108, a joint resolution to declare a U.S. policy of achieving population stabilization by voluntary means.

SENATE JOINT RESOLUTION 164

At the request of Mr. Cook, the Senator from Colorado (Mr. Dominick) was added as a cosponsor of Senate Joint Resolution 164, proposing an amendment to the Constitution of the United States relating to the assignment and transportation of pupils to public schools.

SOCIAL SECURITY AMENDMENTS OF 1971

AMENDMENT NO. 464

(Ordered to be printed and referred to the Committee on Finance.)

Mr. MONTOYA. Mr. President, with the passage of the medicare program during the last decade, the Congress took a major step toward promising to meet the needs of our elderly citizens for adequate medical care. Today, along with 23 other Senators, I am offering the Senate another opportunity to finish the job it began 6 years ago. Although troubled and imperfect, the medicare program has done a job of assuring senior citizens that, at least in part, their needs for health care will be met. But that promise which we made to our elderly is incompletely kept.

We know the medicare program should do a more complete job of meeting the total health needs of the post-65 population. We have nonetheless left a major loophole in the program. I refer, Mr. President, to the unkept promise of the Congress that medical care for the elderly would eventually include a reimbursement program for prescription drugs. This promise is too long unkept. The history of this necessary expansion of the medicare program has included far too many promises, far too many studies, and far too many studies of the studies. The conclusions have long been drawn, the needs have long been obvious, and the cost factor too long known. The Congress this month has another opportunity to fulfill the promises we made so long ago.

Mr. President, I should like very briefly to remind the Senators of the painful and complex history of our inclination to expand medicare by the inclusion of prescription drugs.

On February 4, 1965, the ranking minority member of the Committee on Ways and Means, Mr. Burns, introduced H.R. 4351, which contained a provision to cover the cost of "drugs and medicines which may be purchased only upon a doctor's prescription."

On March 24, 1965, the chairman of the Committee on Ways and Means, Mr. MILLS, introduced H.R. 6675, incorporating the decisions of the committee and which, with amendment, became the medicare law. The bill, as reported by the committee, did not contain a provision to include the costs of prescription drugs under basic or supplementary insurance plans contained in the bill.

It was clear, even at this early point, that we had "medicare," but that it was incomplete. Our achievement was title XVIII of the Social Security Act, which effectively established a program of health insurance for the aged. The program contained two related health plans, a basic hospital insurance program—part A—and a supplemental medical insurance program—part B. Neither program included coverage for drugs.

It was quite clear in 1965, as it is quite clear now, that one of the major medical needs of the elderly is their need for continuing out of hospital drugs. It takes only a cursory examination of those ailments which require massive and sometimes cost prohibitive ongoing doses of maintenance drugs.

Nearly 25 percent of the 1.7 billion prescriptions filled yearly in the United States are filled by senior citizens. Although they constitute only about 10 percent of the total population, they account for nearly 25 percent of all prescription drug costs. The need for the program is easy to understand. The difficulty in providing it is more difficult.

On April 9, 1965, H.R. 6675 was referred to the Committee on Finance of the Senate. On April 13, Senator HARTKE pointed out that the costs of prescription drugs were not covered under the bill passed by the House and introduced the proposed Drug Stamp Act of 1965. The Hartke proposal would not have amended the program proposed in H.R. 6675 to pay for the costs of drugs prescribed for every beneficiary, but would have established a separate drug stamp program.

On June 28, 1965, Senator JAVITS offered an amendment pertaining to H.R. 6675 to include the costs of prescription drugs under the supplementary medical insurance program.

During the floor debate, Senator JAVITS proposed an amendment which would charge the Secretary of Health, Education, and Welfare with the responsibility of making a study of the ways in which the costs of prescription drugs could be included under the supplementary program—part B. The Javits amendment was passed by the Senate, but was later deleted after the Senate conference with the House on H.R. 6675—July 26, 1965.

This, Mr. President, was the first of many expressions of intent on the part of the Congress to study the probability of a drug program. The Federal Government has since then very much involved itself in "studies," "task force committee reports," "conclusions," and "promises."

But let us return to our discussion of the background of these promises.

On June 30, 1966, Senator Douglas introduced S. 3578, a bill to include the costs of prescription drugs as a reimbursable medical expense under the supplementary medical insurance—SMI or part B—program. The co-insurance provisions of the SMI program would not apply to drug expenses. The bill also offered a mechanism for determining the amount of liability the program would pay. In brief, a formulary committee would determine qualified drugs and allowable expenses for such drugs. These allowable expenses would be based on the lowest cost at which the drugs could be obtained, including the cost when bought by generic name. The bill was referred to the Finance Committee as an amendment to H.R. 13103.

On October 13, 1966, the Senate adopted H.R. 13103, including the Douglas amendment.

On October 19, 1966, the Douglas amendment was deleted from H.R. 13103 after a Senate conference with the House.

Although much discussed, and several times attempted by the end of 1966, the medicare program still lacked any provisions to cover the expenses of out-of-hospital prescription drugs.

On January 23, 1967, the President sent to the Congress his message on aid for the aged in which he stated:

> Finally, Medicare does not cover prescription drugs for a patient outside the hospital. We recognize that many practical difficulties remain unresolved concerning the cost and quality of such drug. This matter deserves our prompt attention. I am directing the Secretary of Health, Education, and Welfare to undertake immediately a comprehensive study of the problems of including the cost of prescription drugs under Medicare.

And so, Mr. President, the Federal Government, in 1967, still expressed a willingness to "study the problem." But meaningful action was minimal. On June 1, 1967, the Secretary of Health, Education, and Welfare announced the formation of an interdepartmental committee, or task force, to carry out this study.

On February 20, 1967, at the request of the administration, the President's proposed changes in the social security program were introduced in H.R. 5710 by the chairman of the House Committee on Ways and Means, Representative WILBUR MILLS, of Arkansas. Since the administration had announced again its intention to study the drug benefit issues, the bill did not contain any provisions to include the costs of outpatient prescription drugs under medicare.

In August of 1967, three bills—S. 17, S. 110, and S. 1818—were introduced into the Senate to provide payments toward the costs of outpatient prescription drugs under the supplementary medical insurance program.

S. 1818, introduced by Senator COTTON, would have included the first $180 of expenses incurred for prescription drugs under the SMI program.

S. 110, introduced by Senators AIKEN, MANSFIELD, and PROUTY, was substantially the same measure which the Senate had adopted in 1966—the Douglas amendment. The only change from the Douglas amendment was the addition of wording to permit the formulary committee to approve "an acceptable version" of a drug, rather than require that the lowest cost drug on the market be used.

In August of 1967, I, along with 21 other Senators, introduced S. 17 which provided under part B of the SMI program coverage for drugs in accordance with the schedule of allowances established by a formulary committee. This bill provided for direct reimbursement of the consumer, a $25 deductible requirement, and the 20-percent coinsurance provisions of part B. The proposed effective date of the measure was July 1, 1969.

Later in the fall of 1967, S. 2299 was introduced by Senator LONG. Under this legislation, a drug quality and cost control program was to be established for the use of Federal funds used to pay for drug costs under public assistance programs, and for drug costs in the hospital insurance program of medicare—inpatient prescription drug costs. S. 2299, therefore, only applied to existing drug financing programs in the Social Security Act and *did* not add new benefits under any of the medical assistance programs or hospital insurance programs found in the act. The legislation did, however, constitute an extremely detailed and innovative method for organizing the formulary provisions necessary to any Federal drug program.

S. 2299 established a mechanism to restrict the use of Federal funds for drugs which are essential for the treatment, cure, diagnosis, or prevention of disease, providing that such drugs are of an acceptable quality. The exact amount of the liability for drug costs, which the Federal Government would meet, would also be determined by this mechanism.

This formulary would establish a "reasonable range" of allowable cost for each of the drugs included in its listing. In arriving at the reasonable cost range, the formulary committee would consider as costs the prices at which such a drug would be generally available to the ultimate dispenser of the drug under its established name, or if lower, by a trademark designation. The cost range would be determined from among only those products which were of an acceptable quality. Where a particular drug product was shown to have distinct therapeutic advantages over other products having the same established name, the product would be listed in the formulary under the trade name or other designation and reasonable cost range established for this product at the price at which the product was generally available in the marketplace.

This very briefly, Mr. President, is the summary of legislation pending in the summer of 1967 which would have directly or indirectly affected the ability of citizens to receive Federal Government assistance in the procurement of prescription drugs. It is worth while, at this point, to review the status of the studies of the problem at that time.

In a memorandum to the Committee on Finance on September 1, 1967, the Secretary of Health, Education, and Welfare stated:

> I must tell you that after reviewing with members of the Task Force the formidable difficulties involved in this matter (prescription drug legislation), I would be extremely reluctant to see any action taken before the Task Force study is completed.

On November 14, 1967, the Committee on Finance reported out H.R. 12080 with amendments. Neither my amendment nor Senator LONG's were included in the committee bill. In the place of any remedying provision was a drug study amendment which Senator HARTKE had offered during the markup of the bill. The committee report explained the drug study amendment:

> On the basis of the testimony received during public hearings and further discussion in executive session, the Committee has agreed to direct the Secretary of Health, Education, and Welfare to investigate and report to the Congress by January 1, 1969, the effects of proposals for (1) the inclusion of certain prescribed drugs under the SMI program established by Part B, Title XVIII of the Social Security Act; and (2) the establishment of Federal standards of quality and cost of drugs provided to certain individuals under other titles of the Act.

Incredible as it may have seemed to those who were awaiting such a program, the committee report established still more study of the effects of a prescription drug program.

Two days after the report during the debate on the social security bill, I offered my drug program as a floor amendment. A motion to table it was carried 37 to 33. A motion to table reconsideration was carried 34 to 32.

On November 21, 1967, the Senate adopted the Long formulary amendment by a vote of 43 to 37 and sent it to conference with the House. The Long amendment was deleted by conference action, although a drug study proposal was adopted by the conference committee and enacted into law on January 2, 1968. We have reached 1968 in the history of these proposals. It should be quite clear that nothing had been achieved, but a rather thorough study of the idea.

On February 7, 1969, the final report of the "Task Force on Prescription Drugs of the Department of Health, Education, and Welfare" was issued. One of the most significant findings of the Task Force on Prescription Drugs concluded:

> In order to improve the access of the elderly to high quality health care, and to protect them where possible against high drug expenses which they may be unable to meet, there is need for an out-of-hospital drug insurance program under Medicare.

The task force further concluded that such a program would be both "economically and medically feasible and should be instituted." Specifically, the task force proposed or suggested that consideration be given to a variety of features in the design of an insurance program in order to constrain costs. It suggested that initially coverage should be given to prescription drugs most likely to be essential in the treatment of chronic disease, that consideration be given to an annual deductible of $50 or $100, or that benefits might be initially restricted to those over some age such as 70 or 72, that a formulary be used in part for the purpose of constricting costs and that utilization review procedures be developed for the same purpose. Some of these proposals, such as that relating to a formulary, were advanced in part also for reasons of "high quality medical care" and "rational prescribing."

It should be quite clear that by 1969 the issue had received more than the usual study. Both the Congress and the executive branch of the Federal Government had explored the benefits and the difficulties of a prescription drug program. And yet on March 24, 1969, Secretary Finch appointed a committee to review the findings and recommendations of the Department's Task Force on Prescription Drugs—sometimes referred to as the "Dunlop Committee". Yes, Mr. President, a study to study the study.

On July 23, 1969, the review committee submitted its findings to Secretary Finch. The review committee concluded that the Secretary of Health, Education, and Welfare should recommend an administration decision for an out-of-hospital drug insurance program under medicare.

Specifically, the review committee, commenting upon the task force recommendations, found that: The limitation to chronic disease treatments and the exclusion of acute cases is not regarded as advisable or administrable; that an age limitation other than over 65 is undesirable; that an annual deductible provision which imposes a requirement on the patient as an individual to keep records should be avoided; that coinsurance provisions are less desirable than copayment features; and that most of the members of the committee were of the view that a required national formulary would not be appropriate for an out-of-hospital prescription drug insurance program—a purely advisory national formulary, with utilization review on the basis of the experience of a number of formularies developed on a locality basis, might possibly be appropriate.

The review committee favored an out-of-hospital prescription drug program under medicare which would incorporate a copayment arrangement so that the patient would be required to pay a fixed dollar amount for each prescription; and a vendor reimbursement mechanism, so that pharmacists and other vendors rather than beneficiaries would be reimbursed based upon practice in the locality by type of outlet added to the acquisition cost of the drug product. The committee concluded that the program should be administered under part A of title XVIII of the Social Security Act and that a utilization review would be essential to the success of the program.

Mr. President, I do not suggest that all of the examination and study and consideration of the prescription drug program has been of no use. Quite the contrary, we now have as much information and evaluation as we often should have before the enactment of a new program. The legislation which I have introduced this session, S. 936, incorporates many of the changes recommended by executive branch studies, and evaluated in public hearings held by the Congress. The prescription drug program created by S. 936 would be administered under part A rather than part B of the Social Security Act. It contains a copayment rather than a coinsurance approach. It incorporates a vendor mechanism for reimbursement rather than payments to individual consumers. These features tend to streamline and make more efficient all conceivable administrative procedures.

The prescription drug program which I today reintroduce as an amendment to H.R. 1, in short incorporates most of the productive changes recommended by the many years of study and deliberation. It includes a formulary mechanism considered by most who have studied the problem to be the most workable and the most equitable. It eliminates no segment of the elderly who are currently eligible for social security. It provides for reimbursement procedures along the lines tried and proved workable in several State programs. I am hopeful that the history of prescription drug coverage under medicare is nearly complete.

In February of 1971, Congressman OBEY of Wisconsin introduced a companion bill to S. 936 in the House of Representatives along with over 80 sponsors. With substantial support in the House of Representatives and a long history of support in the Senate, I am hopeful that we at long last have reached the time when we will fulfill our promise to our elderly citizens.

FOREIGN ASSISTANCE ACT, 1971—AMENDMENT

AMENDMENT NO. 465

(Ordered to be printed and referred to the Committee on Foreign Relations.)

Mr. STEVENS. Mr. President, today I am submitting an amendment imposing reciprocal trade restrictions on nationals of countries which impose restrictions on our citizens owning or managing businesses abroad.

If a foreign country imposes restrictive or prohibitory taxes, limitations or conditions on business ownership or management by our citizens, this bill will require the President to impose similar restrictions on nationals of that country doing business in the United States. Within 30 days the President must inform Congress of his actions and may at that time request any additional legislation he deems necessary.

I am introducing this legislation because many of our citizens doing business abroad are faced with foreign laws restricting ownership of businesses to nationals of the host country. At the same time, nationals of those same countries freely invest considerable amounts in American businesses. The net result is an unfair advantage to citizens of those other countries.

One such country, Japan, has presently invested over $200 million in Alaska, in industries ranging from forest products manufacture, to the harvest and manufacture of marine products, to the production of petroleum and natural gas. Japanese investment worldwide was expected to double to nearly $1 billion worldwide during the last fiscal year and to rise to approximately $3 billion by 1975. Alaska will probably continue to receive far more than its share in areas such as coal production, forest and marine products, iron ore, and natural gas.

Yet at the same time our citizens will continue to face unreasonable, artificial obstacles to their attempts to invest abroad in Japan and many other countries. The purpose of this bill is to bring about a change in the attitude of these foreign states, which depend so heavily upon American investments. I, therefore, urge favorable consideration of this amendment.

I ask unanimous consent that my amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 465

At the end of the ball add the following new section:

"RECIPROCAL TRADE RESTRICTIONS

"SEC. . (a) If the President determines—

"(1) that any foreign country is imposing or enforcing any taxes, restrictive maintenance or operating conditions, or limitations on ownership or managerial participation on or against citizens of the United States having any interest in a business concern in that country; and

"(2) that the United States is not imposing or enforcing substantially similar taxes, exactions, conditions, or limitations on or against nationals of that country having any interest in any business concern in the United States,

he shall take actions to impose and enforce substantially similar taxes, exactions, conditions, or limitations on or against such nationals of that country.

"(b) Not later than 30 days following any determination and action under subsection (a), the President shall transmit to the Congress a report thereon. Any such report may include recommendations for such additional legislation as the President deems necessary to impose or enforce fully the substantially similar taxes, exactions, or limitations referred to in such subsection;

"(c) For the purpose of this section—

"(1) 'citizens of the United States' includes any corporation, partnership, or association not less than 50 per centum beneficially owned by United States citizens; and

"(2) 'nationals of that country' includes any corporation, partnership, or association not less than 50 per centum beneficially owned by nationals of a foreign country."

THE TRANSMITTAL TO CONGRESS OF CERTAIN INTERNATIONAL AGREEMENTS—AMENDMENTS

AMENDMENT NO. 466

(Ordered to be printed and referred to the Committee on Foreign Relations.)

Mr. CASE submitted amendments, intended to be proposed by him, to the bill (S. 596) to require that international agreements other than treaties, hereafter entered into by the United States, be transmitted to the Congress within 60 days after the execution thereof.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 459

At the request of Mr. ALLEN, the Senator from Georgia (Mr. TALMADGE) and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of amendment No. 459, to S. 1612, the Rural Community Development Revenue Sharing Act of 1971.

NOTICE OF HEARINGS ON SENATE JOINT RESOLUTION 108

Mr. CRANSTON. Mr. President, I announce, for the information of Senators, that the Special Subcommittee on Human Resources of the Labor and Public Welfare Committee will hold a full day of hearings on Senate Joint Resolution 108, the Population Stabilization Resolution, on Thursday, October 14, beginning at 9:30 a.m. in room 6202 of the New Senate Office Building.

These are expected to be the concluding hearings on this resolution of which the Senator from Ohio (Mr. TAFT) and I are the principal sponsors. Testimony will be heard from Dr. Louis Hellman, Deputy Assistant Secretary for Health, Population Affairs, and Dr. Robert Gilkey, Director of the Office of Education's Environmental Education program, both from the Department of Health, Education, and Welfare; a panel composed of Mr. John Robbins, chief executive officer, Planned Parenthood/World Population, Gen. Andrew O'Meara, national chairman, the Population Crisis Committee, and Mr. Richard Lamm, president, Zero Population Growth; Mr. Arthur Godfrey; Dr. Phillip Hauser, professor of sociology, and director of the Population Research Center, University of Chicago, and former Director, Bureau of the Census; a panel composed of Canon Michael Hamilton of the Washington National Cathedral, Dr. Warren Reich, Kennedy Scholar at the Georgetown Institute of Bioethics, and Rabbi David Feldman, author of "Birth Control in Jewish Law," of the Bayridge Jewish Center, Brooklyn, N.Y.; and Mrs. Randy Engel of Pittsburgh, Pa., representing "Women Concerned for the Unborn Child."

FREE PRESS HEARINGS—NEXT WEEK'S WITNESSES

Mr. ERVIN. Mr. President, because of the great public interest in the current hearings by the Constitutional Rights Subcommittee into Freedom of the Press, I ask unanimous consent that a list of the witnesses we expect to hear next week be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SENATE SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS—HEARINGS ON FREEDOM OF THE PRESS, SEPTEMBER 28–30; OCTOBER 12–14, 19–20, 1971

WITNESSES LIST—SECOND WEEK

Tuesday, October 12, 1971—Room 1202—10:00 A.M.

Julian Goodman, President, National Broadcasting Company, Inc.;

Fred Friendly, Columbia University School of Journalism;

American Newspaper Publishers Association;

National Press Photographers Association, Inc.

Wednesday, October 13, 1971—Room 1202—10:00 A.M.

Professor Leonard Levy, Claremont Graduate School, California;

Professor Thomas Emerson, Yale University Law School;

Harold Andersen, President, *Omaha World-Herald*, Nebraska;

Emil Reutzel, Editor, Norfolk, Nebraska, *Daily News*.

Thursday, October 14, 1971—Room 2228—10:00 A.M.

Elmer Lower, President, ABC News;

Judge Robert B. Williamson and Fred Graham, Twentieth Century Fund's Task Force on Governmental Power and Press Freedom;

William H. Fitzpatrick, Editor, *Ledger-Star*, Norfolk, Virginia;

Magazine Publishers Association, Inc.

ADDITIONAL STATEMENTS

THE COMPETENCE OF PRESIDENT NIXON

Mr. SCOTT. Mr. President, in this political era, when emphasis rests, not necessarily on ability, but rather on style, it is comforting to stop for a moment to realize that President Nixon's support is derived from his competence and the respect the electorate has for him and the decisions he has made. These are qualities that should exist in a chief executive.

A recent incisive column written by Nick Thimmesch and published in the Philadelphia Bulletin brings these facts to light.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Sunday Bulletin, Oct. 3, 1971]

THE STRUGGLE FOR CHARISMA—DOES THE PRESIDENT NEED IT? NIXON IMAGE REMAINS, BUT NEW RESPECT FOR MAN CREEPS IN

(By Nick Thimmesch)

WASHINGTON.—There he is, the President of the United States, struggling with a rope—it looks like a tug of war—to get the first yard of concrete poured at Montana's Libby Dam. He and fellow-strainers, Sen. Mike Mansfield and Rep. Richard Shoup, look like candidates for a coronary or a hernia. A hard-hat stands by. Hooray for the work ethic and Middle America.

There he is, rolling a bowling ball down the alley in the basement of the Executive Office Building. Only Mr. Nixon's wearing a white shirt and necktie, and doesn't look like one of the fellows at the Tuesday night industrial league. No sweat. No loud lettered shirt or bottle of beer. Looks stiff.

LITTLE REACTION IN POLLS

There he is, with Miss America, past and present. The queens seem to have picked up his woodenness, but he's trying to be as convivial as he can around these oddly pristine girls.

Alas, Mr. Nixon is not immediately likeable. When he started his comeback four years ago, I asked, "Can a pugnacious Quaker ever be lovable?" The question remains, only Democrats just plain say, "No matter what Nixon does, people don't like him." Republicans say, "Maybe so, but they respect him, and that's what counts."

The polls seem to show that the President is mostly imbedded in the public attitude, and can't move much one way or the other. In June, before the startling speeches on China and the economy, Mr. Nixon bested a conglomerate of Democrats by a 41 percent to 40.3 percent score in Dr. Gallup's testing. After those speeches, the President widened the margin to make it 42.6 percent to 37 percent. But his overall popularity only inched up two points to 49 percent approving and fixed at 38 percent disapproving of his performance.

To be so becalmed can be eerie, but old Nixon hands know the feeling. To them, there's nothing new in the President's inability to skyrocket himself in the polls. As long ago as 1958, his closest counselors fretted over the Nixon image, and his need for charisma. Each new wave of advisers goes through this concern, and it is always Mr. Nixon himself who puts them at ease.

ADMITS LACK OF GLAMOR

The President argues now, as he always has, that he is no buddy-buddy boy, is not the handsomest fellow in the republic and doesn't have glamor. Mr. Nixon quite dispassionately explains that he wants to be judged on competence and his record. He will have no part of any lovability campaigns on his behalf.

When he went among ghetto blacks in early 1969, one enthusiastic man cried out, "Soul Brother Richard." The President grinned. Some new Nixon aides thought a new era had arrived. But the President knew better. He doesn't have the Kennedy electricity. He turned down an opportunity to make a quick trip to a depressed area in Appalachia and be photographed with Vietnam veterans turned medics ministering to the poor folks there. Too much grandstanding, the President ruled.

Washington's corps of magpies and jackals love to carp on how the President wouldn't have composer Lenny Bernstein to the White House for a cultural go, or how he doesn't relate to the poor, the black, youth and the alienated, and how he doesn't radiate that old charisma, a la Kennedy or John V. Lindsay.

In fairness, President Nixon has put on more cultural nights in the White House than any other President, only they weren't overpublicized. He has as much compassion for the poor, black and alienated—that favorite litany of advocates—as any other President. He thinks, and worries, about youth.

AFTER PERSONAL MEETINGS

Whatever his lack of public charm, those who meet him for the first time and are allowed to spend some time with him, usually go away saying that he is a much different man than depicted, that, indeed, he is a thoughtful, considerate and attentive person.

Fair-minded Democrats and others (this excludes presidential candidates and elitist popinjays) respect him for winding down the war; changing our foreign policy, a hangover from World War II, to one which addresses itself to the new world, and that includes mainland China; making reform proposals for health, education and welfare, which while not conforming to the old liberal line, are truly innovative; and trying to reorganize a snarled Federal Government.

If Richard Nixon is re-elected, it won't be by a landslide. It will be because people are satisfied with his handling of U.S. foreign and domestic matters. Mr. Nixon will get nary a vote for charisma. But come to think about it, charismatic candidates aren't always swept into office, either. John F. Kennedy won by a whisker in 1960. His brother, Robert was behind former Sen. Kenneth Keating for a while in the 1964 election, and needed the ride he got on Lyndon Johnson's long coattails in New York voting.

The current glamor boy, John V. Lindsay, lost in the 1969 Republican mayoral primary in New York City, and was finally elected on a third ticket as a minority winner.

It will be an interesting test of the American electorate next year if President Nixon is up against a charismatic candidate. Will people rush to see the charisma and then, a few weeks later, in the privacy of the voting booth, vote for the pugnacious Quaker who lacks it? We'll have to wait and see.

WILL "TIME" TELL?

Mr. METCALF. Mr. President, last week, while paging through my copy of Time, I noticed some familiar names in an odd place. The name was the "nominees," "street names" or "straws" used to hide the identity of various financial interests. I found these street names in Time's ownership statement, which appears on page 92 of the magazine of October 11.

Periodical ownership statements are supposed to be published at least once a year, pursuant to Public Law 91–375, the Postal Reorganization Act. That law requires—in section 3685—that the periodical list, among other things, "the identity of the corporation and stockholders thereof, if the publication is owned by a corporation." Holders of less than 1 percent of the stock need not be reported.

According to the weekly news magazine, it is owned by Time, Inc., of which 19 stockholders each own or hold 1 percent or more of the total amount of stock.

Mr. President, let us ask Time's "stockholders" to march by.

First on the list is Carson & Co. Its address is box 491, Church Street Station, N.Y. 10018.

You have never heard of Carson & Co.? Neither has the Bell operator pouring over the Manhattan phone book.

Carson & Co., despite its financial interest in the weekly news magazine, is publicity shy. To find out more about this modest company one must look at the nominee list, published by the American Society of Corporate Secretaries at 9 Rockefeller Plaza. You will not find this in your local library. The society is as publicity shy as Carson & Co.

After an attorney and a newsman—not from Time—were both refused copies of the nominee list, I placed it in the CONRESSIONAL RECORD (June 24, 1971, No. 98—part II). And it shows that Carson & Co. really means Morgan Guaranty Trust.

Further down in Time's report on its principal stockholders appears the name Powers & Co. It has a different post office box at the Church Street Station—Box 1479. The New York telephone operator cannot find Powers & Co. either. But you can see by the Nominee List that it is—also—Morgan Guaranty Trust.

Powers & Co. shares box 1479 with another of Time's stockholders—Tegge & Co. The telephone operator is quite emphatic that, no, there is no Tegge & Co., just as there is no Powers & Co. and no Carson & Co. in the New York directory. But Tegge & Co. shows up in this year's edition of the nominee list, as yet another pseudonym used by Morgan Guaranty Trust.

Time includes among its reported stockholders Chetco, at 35 Congress Street, Boston, and Ferro & Co., at the same address. Both, according to the Nominee List, are really the National Shawmut Bank of Boston.

Time likewise lists without further identification Pace & Co., Box 926, Pittsburgh. And who is Pace? It is really Mellon Bank & Trust, according to the Nominee List.

Another of Time's stockholders is reported as Cede & Co., Box 20, Bowling Green Station, N.Y. Persons who follow regulatory matters will recall that Cede & Co. shows up repeatedly on ownership reports of power companies, airlines, and railroads, and that not long ago the Interstate Commerce Commission expressed mild interest in finding out who controlled all those Cede & Co. shares. Our friendly New York long-distance operator cannot find Cede & Co. But the Nominee List shows that Cede & Co. is the Stock Clearing Corp., at 44 Broad Street. I would add that the Stock Clearing Corp. is a wholly owned subsidiary of the New York Stock Exchange.

Mr. President, I have not made any survey of the ownership reports of other periodicals, except to note that Newsweek and U.S. News & World Report were able to report their various owners without recourse to street names, and to discover that Saturday Review Industries, whoever it is, owns the Saturday Review. I leave it to the would-be Lieblings to ferret out press ownership and its implications.

Perhaps university students and faculty will want to develop the larger issue of identifying the persons or groups who vote the proxies that corporations send, I suppose, to those post office box headquarters of phantom companies.

And perhaps the Vice President, or appropriate congressional committees, will want to pursue this issue. Could it be that Carson, Powers, Tegge, Chetco, Ferro, Cede and Companies have surreptitiously acquired more control of the country than either the radiclibs or the Mafia?

Will Time tell?

Mr. President, I ask unanimous consent that Time's ownership statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement Required by the Act of August 12, 1970, Section 3685, Title 39, United States Code, Showing the Ownership, Management, and Circulation

Time, the weekly newsmagazine, published weekly at 541 N. Fairbanks Court, Chicago, Illinois 60611 for September 27, 1971. The General Business Offices of the Publisher are located at the Time & Life Building, Rockefeller Center, New York, New York 10020.

The names and addresses of the Publisher, Editor-in-Chief and Managing Editor are: Publisher, Henry Luce III, Time & Life Building, Rockefeller Center, New York, N.Y. 10020; Editor-in-Chief, Hedley Donovan, Time & Life Building, Rockefeller Center, New York, N.Y. 10020; Managing Editor, Henry Anatole Grunwald, Time & Life Building, Rockefeller Center, New York, N.Y. 10020.

The owner is: Time Incorporated, Time & Life Building, New York, New York 10020; the names and addresses of stockholders owning or holding 1 percent or more of total amount of stock are: *Carson & Co., Box 491 Church St. Station, New York, N.Y. 10008; *Cede & Co., Box 20 Bowling Green Station, New York, N.Y. 10004; *Chetco, 35 Congress Street, Boston, Mass. 02104; *Chine & Co., c/o State St. Bank & Trust Company, Box 531 G. P. O., Boston, Mass. 02101; *Dietrich & Co., c/o The Bank of New York, Box 11-203, New York 10049; The Equitable Life Assurance Society of the United States, 1285 Avenue of the Americas, New York, N.Y. 10019; *Ferro & Co., 35 Congress Street, Boston, Mass. 02109; *Gale & Co., c/o Harris Trust & Savings Bank, Trust Dept., 111 W. Monroe St., Chicago, Ill.; *Kane & Co., c/o The Chase Manhattan Bank, P. O. Box 1508, Church Street Station, New York, N.Y. 10008; Mrs. Margaret Z. Larsen, c/o Time Incorporated, Time & Life Bldg., Rockefeller Center, New York, N.Y. 10020; Mr. Roy E. Larsen, c/o Time Incorporated, Time & Life Building, Rockefeller Center, New York, N.Y. 10020; *Loriot & Co., c/o Manufacturers Hanover Trust Co., Corporate Trust Dept., 10th Floor, 4 New York Plaza, New York, N.Y. 10015; The Henry Luce Foundation Inc., c/o Chemical Bank New York Trust Co., 10 Rockefeller Plaza, New York, N.Y. 10020; Henry Luce III, c/o Time Incorporated, Time & Life Building, Rockefeller Center, New York, N.Y. 10020; *Pace & Co., Box 926, Pittsburgh, Pa. 15230; *Peak & Co., c/o State St. Bank & Trust Company, Box 351, Boston, Mass. 02101; *Perc & Co., c/o Northwestern National Bank of Minneapolis, Trust Dept., Safekeeping Division, Minneapolis, Minn. 55440; *Powers & Co., P. O. Box 1479, Church Street Station, New York, N.Y. 10008; *Tegge & Co., P. O. Box 1479, Church Street Station, New York, N.Y. 10008.

The known bondholders, mortgagees, and other security holders owning or holding one percent or more of total amount of bonds, mortgages, or other securities are: None.

The average number of copies each issue during the preceding 12 months are:

(A) Total no. of copies printed: Net Press run, 4,492,000.

(B) Paid circulation: (1) Sales through dealers and carriers, street vendors and counter sales, 227,000; (2) Mail subscriptions, 4,017,000.

(C) Total paid circulation, 4,244,000.

(D) Free distribution by mail, carrier or other means: (1) Samples, complimentary, and other free copies, 104,000; (2) Copies distributed to news agents but not sold, 135,000.

(E) Total distribution, 4,483,000.

(F) Office use, left-over, unaccounted, spoiled after printing, 9,000.

(G) Total, 4,492,000.

The actual number of copies for single issue nearest filing date are:

(A) Total no. of copies printed: Net Press Run, 4,632,000.

(B) Paid circulation: (1) Sales through dealers and carriers, street vendors and counter sales, 243,000; (2) Mail subscriptions, 4,135,000.

(C) Total paid circulation, 4,378,000.

(D) Free distribution by mail, carrier or other means: (1) Samples, complimentary, and other free copies, 108,000; (2) Copies distributed to news agents but not sold, 145,000.

(E) Total distribution, 4,631,000.

(F) Office use, left-over, unaccounted, spoiled after printing, 1,000.

(G) Total, 4,632,000.

I certify that the statements made by me above are correct and complete.

Lucy Pullen Werner,
Business Manager.

TWO ECONOMIC GOALS IN SIGHT

Mr. JAVITS. Mr. President, all too often along the course of history governments have solved the most pressing problems affecting humanity in a crisis atmosphere, and by ad hoc measures. Perhaps this is an inevitable fact of human existence, but it seems painfully ironic that such should be the case when at the same time there exist men of ununusual vision ready to propose far-reaching and permanent solutions to the problems which confront us. One such set of problems at the present time is, of course, the turmoil in the international monetary system, which has so far defied attempts by the major powers of the world to find satisfactory and stable solutions.

In this context, it is refreshing indeed to find serious attempts being made at a basic reform in the international monetary system. Perhaps the most interesting proposal for reform is an article written by Lawrence B. Krause, a senior economist at the Brookings Institution, and published recently in the Washington Post. While the article incorporates many aspects of proposals currently being made by heads of government, it goes further to describe how a basic reform of the international monetary system could be used as a means both of solving the problem of the glut of dollars in the world and of correcting the gross imbalances in per capita income which occur between the developed and the developing countries of the world.

I draw attention especially to Dr. Krause's proposal that the profits from gradually selling official gold in the private market could be utilized for soft loans to less developed countries under the World Bank's International Development Association.

A more detailed explanation of Dr. Krause's views has been published recently in his book, "Sequel to Bretton Woods: A Proposal To Reform the World Monetary System." I commend this book to Members of Congress and ask unanimous consent that the summary article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Aug. 31, 1971]

Basis for World Monetary Reform—Two Economic Goals in Sight

(By Lawrence B. Krause)

Now that all the major currencies of interest to the United States are floating against the dollar, we are on the threshold of achieving the first of two international objectives of President Nixon's new economic policy. The two objectives are the correction of the overvaluation of the dollar to re-establish the competitiveness of American products in world markets and the reform of the international monetary system to serve better the present needs of the entire world. The overvaluation of our currency will be solved by the adoption of a new set of exchange-rate parities which will effectively devalue the dollar. As compared with their old parities, the Japanese yen might be revalued between 10 and 15 per cent, The German D-mark between 8 and 10 per cent, and the Canadian dollar might trade around par with the U.S. dollar. This will restore equity between American producers and their competitiors at home and abroad. Foreign competition will not be crippled, nor should it be. We are dependent on competition to serve the needs of the American people. Some inefficient American producers will not be satisfied, but the economic welfare of the entire country cannot be sacrificed to their special needs.

President Nixon's temporary 10 per cent import surcharge was the instrument that helped most to bring this about. While it was useful as a bargaining tool, however, the surcharge is a significant barrier to international trade. Moreover, while the surcharge is in effect, imported capital goods do not enjoy the benefit of the proposed tax credit for investment; this discrimination constitutes an additional new barrier to importation of foreign goods. When the new parities are adopted, the surcharge must be promptly removed. It is inconceivable that foreign governments could stand still while their exports were subject to all three sources of competitive loss: those caused by appreciation of foreign currencies, the 10 per cent import surcharge, and the discrimination in the investment credit. If the United States attempts to retain the surcharge after parity realignment, we will have snatched defeat from the jaws of victory, for it will bring on foreign retaliation against our exports which we have so far successfully avoided.

Our second objective—the reform of the international monetary system—will be slower in coming and will involve extensive negotiations with all interested countries. The purpose of the reform is to amend those elements of the current system which have caused periodic international financial crises. The principal aim is to encourage flexibility in exchange rates so that needed adjustments are accomplished more quickly and thus in smaller doses. The present system has rigidified exchange rates to such an extent that massive disequilibria have developed, requiring large exchange-rate changes which have enticed and enriched currency speculators. The reform should also provide a mechanism for the needed increase in international money in an orderly manner so that world prosperity will be encouraged.

There is already general agreement on

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*Believed to be held for account of one or more stockholders.

some of the elements of the reform. The International Monetary Fund (IMF) should permit exchange rates to fluctuate within wider margins around established parities. For example, they could be allowed to fluctuate within 3 per cent on either side of a fixed rate, instead of the present 1 per cent. This would allow Germany, for instance, to have tighter money if it wanted it without attracting funds from countries like the United States which had easier money. Wider margins will also provide some market evidence as to whether a particular currency is becoming over or undervalued and should change its parity.

Following from this, support is growing to amend the IMF so that "fundamental disequilibrium need not be proven before an exchange parity can be changed. If small changes—the least disruptive kind—are to be encouraged, then evidence less difficult to establish must be acceptable to verify the required case for a devaluation or revaluation. Indeed the existence of market pressures which continually force a currency to stay near its floor or its ceiling should be sufficient evidence in most instances.

There is no consensus, however, on what role the U.S. dollar should play in a reformed system. Under the old rules of the IMF, other countries stated their exchange-rate parities in terms of the dollar, and the dollar itself was specified in terms of gold. Both gold and dollars served as international money or reserves, but only dollars were actually usable by countries to intervene in exchange markets. This system permitted the United States to finance its balance-of-payments deficits by issuing new dollars, but prevented the United States from correcting its balance-of-payments problem through a devaluation of the dollar itself, since the dollar's value was determined by the collective action of other countries. The introduction of Special Drawing Rights (SDRs) as a new form of international money altered the system by making it less dependent on gold, but did little to change the role of the dollar.

It was the strain on the U.S. economy coming from the excessive dependence of the international monetary system on the dollar that forced President Nixon to suspend the convertibility of the dollar into gold or SDRs. But what comes now? In fact, a more rational system is possible which more equally spreads the burdens involved. The outline of such a system is sketched below:

First, all countries would specify the value of their currencies in terms of SDRs including the United States. Originally one dollar would be made equal to one SDR. The parity of the dollar could thus be changed almost like that of other currencies. Other countries would still intervene in their exchange markets through dollars, but they would need relatively small working balances of dollars for this purpose. The difference between the dollar and other currencies is that there would be only an indirect market test of the dollar's value. If most currencies were clustering near the top of the permitted exchange-rate margin, then the dollar itself should be devalued, and likewise the dollar should be appreciated if other currencies were near their floors. Thus, all countries would have available to them the most efficient instrument for correcting a balance-of-payments problem, namely changes in exchange-rate parities.

Second, other countries should be invited to exchange the excess dollars they hold in their official reserves for a special issue of SDRs by the IMF. The dollars would then become a permanent income-earning asset for the IMF, which would use its dollar earnings to pay interest on SDRs. Countries, if they so desire, could continue to hold dollars but they would recognize that the United States was not providing any exchange-rate guarantee on them. Needed increases in reserves would come from new issues of SDRs, since the United States would correct a ny deficit on its accounts through a devaluation of the dollar.

Third, all official gold holdings would be sold to the IMF also in exchange for a special issue of SDRs, and gold would be completely demonetized. Gold has long ceased to be a usable reserve asset and need not be retained. The IMF would sell the gold gradually to the World Bank at the old official price of $35 per ounce. The World Bank would slowly sell the gold in the private market, earning whatever premium then existed, and utilizing the profits for soft loans or grants to less developed countries. Thus the windfall profits of demonetizing gold would go to economic development in the world's poorest nations.

Some countries may not want to part with their gold reserves. It would be unwise to try to compel them to do so, but other countries would not be obliged to buy or sell gold to the non-cooperating country. Of course the country could sell official gold into the private market and earn the premium for itself. But such an action would quickly be recognized for what it was, a selfish action on the part of that country.

This is merely an outline for a reform. Many details must be added. However, it has all the essential elements of a viable system. The United States would no longer be forced to carry an intolerable burden. All countries would be treated equally. Finally, the less developed countries would be given a positive interest in the reform which is only just, given the short shrift they have gotten from the entire monetary upheaval.

PUPFISH NATIONAL MONUMENT WILL PRESERVE UNIQUE PLANT SPECIES

Mr. CRANSTON. Mr. President, on June 24, 1971, I introduced a bill (S. 2141) which would authorize the Secretary of the Interior to establish a 35,000-acre area in California and Nevada as a Desert Pupfish National Monument. The Ash Meadows area has been the home of the several species of pupfish for 20,000 years. During this time, the pupfish have adapted from the cold-water post-glacial lakes which covered the Western United States following the last ice age to a totally different and inhospitable environment, which is typified by Devils Hole—where the water is high in mineral content, low in oxygen, and 92 degrees in temperature.

Yet the pumping of water by a local ranching operation has caused the water level in Devils Hole to drop to a dangerously low level. The desert pupfish may not survive another year unless steps are taken to preserve their habitat.

Saving the remaining species and subspecies of this endangered fish, along with the protection of their habitat, is of importance not only for the maintenance of nature's diversity, but because of their tremendous value for studies of genetic evolution. Already man's needless indifference has permitted the extinction of several species, and two species which live in the Ash Meadows area are on the brink of extinction.

In the midst of the ecological battle surrounding the Ash Meadows-Death Valley area, another element has recently come to my attention, and I should like to pass it on to Senators. Botanical research conducted by Dr. Janice C. Beatley of the laboratory of nuclear medicine and radiation biology of the University of California at Los Angeles, assistant professor of botany James L. Reveal, of the University of Maryland, and others, has revealed unique species of plants growing in the Ash Meadows area—plants that are found in no other place in the world.

According to Assistant Professor Reveal:

> Among these unique plants are *Mentzelia leucophylla*, now believed to be restricted to but a few bare hillsides just below and west of Devils Hole; *Ivesia eremica*, known only from low clay hills in Ash Meadows, and a plant rarely collected in flower; *Haplopappus brickellioides*, a shrub that is probably safe as it occurs in the low mountains east of Ash Meadows and in California near Death Valley—it is rare, however; *Astragalus phoenix*, an exceedingly rare plant, known from only two sites in Ash Meadows and both are threatened by farming activities . . . *Nitrophila mohavensis*, a rare species known only from an alkaline mud flat east of Death Valley Junction just inside the California state line—it is so restricted that it is not known to occur in Nevada just a few hundred yards away; *Machaeranthera ammophila*, a small, blue-flowered member of the sunflower family . . . found on the sand dunes just west of Ash Meadows in the area of renewed mining interests . . . *Grindelia fraxino-pratensis*, another member of the sunflower family that is endemic to the Ash Meadows area . . . *Eriogonum inflatum* var. *contiguum*, a recently named species which . . . occurs over a wide area in the Ash Meadows region . . . *Sisyrinchium funereum*, a lovely meadow species in the iris family . . . *Enceliopsis nudicaulis* var. *corrugata*, a new variety of sunflower that is as yet still undescribed—it is known from the west side of Ash Meadows near Devils Hole; *Cordylanthus tecopensis* is fairly common in the Ash Meadows region and southward into California along the Amargosa River—it is found nowhere else in the world, however.

Some of these unique plants were restricted by evolution to this single area; most of them are entirely different from plants in surrounding areas of Nevada and California. If a Desert Pupfish National Monument were established, not only would the desert pupfish be rescued from extinction but these unique species of plants would be preserved. As Professor Reveal states:

> We are fighting time. No advanced technology will ever replace an extinct species.

SCIENCE AND POLITICS

Mr. ALLOTT. Mr. President, in recent years no feature of the legislative process has more alarmed, depressed, and, on occasion, angered me than the use to which scientific testimony has been put in heated controversies about grave policy decisions.

Too often scientists have been using their scholarly reputations to disguise partisan political agitation. Such agitation is their constitutional right; but it should not be carried out under the cover of objective scholarship.

Fortunately, this practice, and some of the more important and garish abuses resulting from it, have been skillfully evaluated by the Operations Research Society of America.

The society has issued a 135-page report on the 1969 debate about deployment of the Safeguard ABM system. A substantial portion of the report was placed in the Record on October 4 by the distinguished junior Senator from Washington.

Senators may want to examine that portion before Mr. Rathjens, itinerant witness and—most recently—instant expert on the SST and airline economics, next appears to lend "scientific" tinsel to whatever crusade is preoccupying left-wing activists.

In addition, Mr. President, Senators might want to consult an essay published in today's Wall Street Journal. This essay deals with some of the issues raised by the ORSA report.

The essay is by Mr. Robert Bartley, whose thoughtful contributions are one reason why the Journal's editorial page is essential reading for those who want to make sense of the more vexing and arcane workings of the Government.

I would draw particular attention to Mr. Bartley's statement that—

> The late Leo Szilard is often quoted on the difference between science and politics: When a scientist makes a statement, the question is, is it true? When a politician makes a statement, the question is, why did he say that? If they have done nothing else, the Safeguard debate and ORSA report show that these questions become almost impossibly mixed when scientists are involved in political debate.

I do not know what Mr. Bartley's official position is. He appears to be some kind of roving essayist. When I am depressed by the decline of the West or other cosmic matters, I find some solace in the hope that he is a harbinger of a new kind of serious journalism which, while it cannot halt the decline or order the cosmos, can explain it intelligently in graceful prose.

So that all Senators can profit from Mr. Bartley's essay, I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

When Science Tangles With Politics

(By Robert L. Bartley)

Washington.—To a layman earnestly following the long and heated debates over the anti-ballistic missile, one of the most depressing difficulties has been the sharply conflicting testimony of scientific experts, not only over conclusions but over relatively simple things the methods of science ought to be able to resolve.

So it is of no small interest that a scientific society has released a 21-month study of precisely this problem as it concerned one definable aspect of the 1969 Safeguard debate. It's interesting, too, to notice the inevitability with which this report has been swept up into scientific-personal-political controversy. You start to watch the dispute with the question in mind. What can science contribute to public policy? Before your eyes, the question starts to become, Could it be that all aspects of public policy are "merely political" and that science, as science, can contribute nothing at all?

The 135-page report is by an ad hoc committee on professional standards of the Operations Research Society of America, the principal organization of cost-effectiveness analysts. It studied the conflicting answers by different scientists to a complicated but presumably manageable question: Assume that by the mid-1970s the Soviet Union deploys around 500 of its SS–9 intercontinental missiles, with multiple warheads of certain powers and accuracies, and that it fires these missiles to destroy the American Minuteman missile force. If Safeguard is not built to defend Minuteman, how many Minutemen would survive to be used in retaliation?

No one knows whether this hypothetical question in fact describes the situation that will exist in 1975; each of the many assumptions could be wrong. Even if the assumptions prove true, the question is by no means the only issue in the ABM debate. Others include whether Safeguard would succeed in defending Minuteman and, indeed, given our submarines whether Minuteman is needed at all. But the survival issue is one question science ought to be able to answer. At least, as the ORSA report notes, different scientists ought to be able to trace their different answers to different assumptions, and the debate can then center on the assumptions.

This did not prove possible in 1969. Albert J. Wohlstetter, a prestigious Pentagon consultant from the University of Chicago, calculated that 5% of the Minutemen would survive, probably not enough retaliatory power to be a credible deterrent. George W. Rathjens Jr., an MIT professor and former high disarmament official, calculated 25%. In an extended exchange of testimony and several increasingly acrimonious letters to The New York Times, they failed to reach agreement on the reasons for this difference. Meanwhile, Ralph E. Lapp, an analyst frequently published in The New York Times Magazine, contended that 75% of Minutemen would survive.

MR. WOHLSTETTER VINDICATED

The long and the short of the ORSA report is that Mr. Wohlstetter was right. He not only provided accurate calculations based on realistic assumptions, but he correctly identified Mr. Rathjens' mistakes and Mr. Lapp's absurdities. The committee did fault some presentation of some pro-ABM spokesmen, but its chief thrust is to criticize the opposition scientists, including someone no less prestigious than Jerome B. Wiesner, currently president of the Massachusetts Institute of Technology. On the survival issue, it says, the opponents' analyses were "often inappropriate, misleading or factually in error."

The problem is, though, in what context do you evaluate the report? There is a personal context. Mr. Wohlstetter suggested the study, arguing that one purpose of ORSA is to develop professional standards. Mr. Rathjens, Mr. Wiesner and other ABM opponents, who are not members of ORSA, refused to cooperate. To make matters worse, one member of the ad hoc committee had previously been involved in a personal and professional dispute with Mr. Rathjens.

The ad hoc committee was unanimous in its report, thought it included both supporters of the ABM and those who opposed it because of other issues. Five members of ORSA's 13-member governing body opposed release and publication of the report, however, on grounds that the society should not involve itself in personnal disputes.

There is also most definitely a political context, a point powerfully made in a 30-page reply that Mr. Rathjens, Mr. Wiesner and their colleague Steven Weinberg released to inquiring members of the press. They accuse the report of dwelling on the survival issue "to a disproportionate degree" of avoiding some of the major issues which were embarrassing to the administration."

They do not regard the survival issue as particularly important in the overall debate; indeed, Mr. Rathjens has always conceded that the Soviets could build a force large enough to destroy Minuteman if they were determined to do so. The bulk of their reply points out issues they regard as more central, noting for example that the Soviets are still not far along toward the missile accuracies necessary to destroy Minuteman.

While by no means conceding all of the report's criticisms on the survival issue itself, they do say, "We do not claim infallibility. We made mistakes, but we believe not serious ones: Such errors as we made were a reflection of the fact that, with limited time and resources, we devoted our efforts to the issues of fundamental concern." They regard the ORSA report, and Mr. Wohlstetter's instigation of it, as an attempt to discredit the whole anti-TBM case by focusing on a peripheral issue.

Perhaps this political context is the only one in which the episode can be judged, though what comes through in talking to Mr. Wohlstetter is not political commitment to the ABM but enormous professional pride feeling itself under challenge. Alton Frye, who opposed the ABM as a Senate aide and still holds the respect of both sides of the dispute, told a symposium on the report and the ABM debate. "The important thing to know is that the participation of scientists is governed by the rules of politics."

TWO QUESTIONS

The late Leo Szilard is often quoted on the difference between science and politics: When a scientist makes a statement, the question is, is it true? When a politician makes a statement, the question is, why did he say that? If they have done nothing else, the Safeguard debate and ORSA report show that these questions become almost impossibly mixed when scientists are involved in political debate.

Even so, is there not a valid question whether in this maelstrom of politics and personality there remains some place for science? Ought not someone ask, is it true? When other contexts rear their heads, can the scientific context be totally ignored? Is there not a valid interest above an interest of scientists—that when something is offered as science it in fact meets the tests of science, that whatever small part of the question can be settled by science at least is settled competently?

These are the questions the authors of the ORSA report wanted to address, and indeed the noted sociologist Edward Shils calls the report "a landmark" in an issue that dates to "the use of astrology and geomancy for the guidance of princes." Mr. Shils, like Mr. Wohlstetter from the University of Chicago, asks what use those who reflect on problems ought to make of their prestige, "What they can contribute when their scientific knowledge runs out," and "whether the scientists should restrain themselves."

The thrust of the ORSA report is that a place of science in public policy can be preserved only if scientists show a good deal more restraint than most of them, particularly the ABM opponents, showed in that debate. To take the simplest thing, the report's guidelines suggest that when scientists testfy in Congress they provide detailed written explanations of their calculations, in advance, for scrutiny by committee staffs and opposing experts.

USING CLASSIFIED INFORMATION

It offers equally simple guidelines on classified information: It should be used where appropriate and properly filed to make it accessible to those who might check it. In the ABM debate, detailed statements were not common, and even when the reply to the report is considered, it seems that anti-ABM calculations were based on estimates tediously extrapolated from non-classified sources when both sides had access to more accurate classified information.

More broadly, the ORSA report seeks to distinguish how the adversary process presents traps for scientific analysts to avoid. "The Senator who may want to kill a program on the ground it is fiscally irresponsible may argue against it on ethical grounds if that is the best way to win his point, even though he himself may not have any particular ethical reservations."

Scientists, it suggests should restrain themselves from such opportunistic argument, though many did not in the ABM debate. Some scientists even argued that an alternative to Safeguard could be found in a "launch on warning" policy—firing the entire Minuteman deterrent on the basis of mere radar warnings that seem to show incoming missiles—though it's difficult to see how any responsible analyst could actually favor such a policy.

Finally, the ORSA report suggests that scientists "avoid ad hominem attacks, either veiled or overt." The record of the ABM debate is a record of one long ad hominem attack on any outside expert who happened to back the Pentagon position. There is the constant suggestion that he is a tool of the "military-industrial complex," that his opinion is nothing more than designed to win more government contracts, that he has sold out. Meanwhile anti-ABM experts are assumed to be pure and devoid of any self-centered motive, though men on both sides of any public debate seek thinks such as public recognition, advancement in certain circles, vindication of policies they backed when previously in government or simply power over the events in question.

In the MIT scientists' initial letter refusing to cooperate in the ORSA study, there is the sentence: "The role of outside consultants, such as Mr. Wohlstetter, was definitely secondary, but the extent to which they received support from the Department of Defense, and the use of Air Force aircraft to transport them to public debates, should also be examined."

The insinuation about Mr. Wohlstetter and the Air Force planes happens to be false; but what if it were true? Would that change his mathematics? Such a charge has nothing to do with the scientific question, is it true? It has everything to do, and in a rather ugly way, with the political question, why did he say it?

There is of course no law saying that a scientist can't be as political as the next man. But there is a question how long the prestige of science can be maintained if scientists see their role in public policy as little or no different from the politicians. If scientists do not scrupulously guard a certain minimum of detachment and self-restraint, what do they have to offer that the next man does not? If all questions are political, why not leave them all to the politicians?

PROF. BERNARD SCHWARTZ ON WOMEN'S RIGHTS UNDER THE 14TH AMENDMENT

Mr. ERVIN. Mr. President, a very sound piece of advice was given to the advocates of the equal rights for women amendment by Prof. Paul Freund, of the Harvard Law School. He said that all the effort that is being spent to enact a badly drafted constitutional amendment should be channelled into lawsuits enforcing the 14th amendment and specific legislative proposals. If such lawsuits were brought, Professor Freund felt that most of the goals of the women's rights advocates would be realized. Indeed, even the most extreme view in volume 80 of the Yale Law Review which has been given wide distribution by Senator BAYH and Representative GRIFFITHS concedes that the 14th amendment may be used to accomplish the goals of the women's rights advocates. The article states that—

> . . . one cannot say that the possibility of achieving substantial equality of rights for women under the 14th and fifth amendments is permanently foreclosed.

I could not agree more with Professor Freund's suggestion, and I believe his contention is eloquently supported by the sections dealing with sexual classification in volume 2 of "Rights of the Person," which constitutes one of the volumes of Bernard Schwartz' excellent commentary on the Constitution of the United States.

Professor Schwartz' article concludes there is no need for the equal rights amendment because he feels that the Supreme Court in interpreting the 14th amendment would overturn any law that makes other than a rational classification between men and women.

On the other hand, numerous legal scholars have stated that passage of the equal rights for women amendment would outlaw every State and Federal law which distinguished between men and women, no matter how reasonable the distinction. Thus, if the Senate does not want to convert men and women into identical legal beings, it should defeat the amendment.

In the interest of scholarly debate, I hope that every Senator will take time to read Professor Schwartz' brilliant article from his book. His analysis of the cases indicates beyond a doubt the Court's trend in overturning laws which unreasonably distinguish between men and women. But Mr. Schwartz realizes that there are differences in men and women that are reflected in the law, and he concludes that—

> Use of the law in an attempt to conjure away all the differences which do exist between the sexes is both an insult to the law itself and a complete disregard of fact.

I ask unanimous consent that the article by Bernard Schwartz, entitled "Rights of the Person," be printed in the RECORD.

RIGHTS OF THE PERSON

The very first case in the highest court after the adoption of the Fourteenth Amendment in which a challenge of unconstitutional discrimination against an important class in the community was raised involved a claim on behalf of the equality of women. The case referred to—*Bradwell* v. *Illinois* (1873)—was decided the day after the already-discussed *Slaughterhouse Cases*. At issue in it was the refusal of the Supreme Court of Illinois to grant plaintiff's application for a license to practice law on the ground that it was a woman who made it. The high tribunal ruled that the Fourteenth Amendment had no restrictive effect upon the power of the states to limit the practice of law to members of the male sex. Two years later, the supreme bench reached the same result with regard to a state statute confining the suffrage to males.

These early decisions under the Fourteenth Amendment confirmed the fact that the men who drafted the Equal-Protection Clause never intended to place women upon a political and economic plane with men. The men of the post-Civil War period, as had been true of the Jacksonians before them, scarcely included women in their concept of equality. Instead, they were firm believers in what de Tocqueville termed "that great inequality of man and woman which has seemed . . . to be eternally based in human nature." In the law, their view was that expressed by Justice Bradley in the *Bradwell* case: "The civil law, as well as nature herself, has always recognized a wide difference in the respective spheres and destinies of man and woman. Man is, or should be, woman's protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life. The constitution of the family organization, which is founded in the divine ordinance, as well as in the nature of things, indicates the domestic sphere as that which properly belongs to the domain and functions of womanhood."

Merely to state the Bradley view is to indicate how far out of line it is from present-day conceptions. To the jurist today, the restricted intention of the men who wrote the Equal-Protection Clause into organic law is much less important than the fact that (as emphasized in section 469) they used language of general, rather than particular, applicability. At the present time, at least, it is contrary to all the canons of constitutional construction to interpret a provision like the Equal-Protection Clause, which, by its own terms, is applicable "to any person," as one which covers only members of the male sex. At the very least, the language of the Equal-Protection Clause must include every human being in the community—and that irrespective of sex.

We must start, then, with the proposition that (whatever may have been the situation under the early cases) a woman must be considered a "person" within the meaning of the Fourteenth Amendment and hence fully encompassed within the constitutional guaranty of equality. More than that, we may say that (as seen in section 475) a classification grounded upon sex must now be considered inherently unreasonable when it is used as the basis for denying personal or property rights. A law which seeks to make rights and obligations turn upon sex must normally be deemed lacking in rational basis.

What this means is that, in accordance with present-day conceptions, no person may be denied equality before the law because of sex. That such interpretation of the Equal-Protection Clause makes for a drastic change in the law cannot be denied. For the case law has consistently ruled that, even though women are "persons" within the scope of the Equal-Protection Clause, the protection which that provision affords them must be interpreted in the light of the disabilities imposed upon women at common law. Thus, as recently as 1966, a state court ruled that, until the common-law disqualification of sex is removed, women are not eligible to serve on juries—and that regardless of the Equal-Protection Clause.

Such ruling, continuing as it does the grossly unequal position of women at common law, can scarcely be considered consistent with the view which now prevails of the inherent value of the individual and the right to be dealt with on the basis of personal worth without the intrusion of extraneous characteristics such as sex. So far as property and personal rights (including political rights) are concerned, a law which discriminates against women solely because of their sex must normally be deemed one that is based upon an inherently unreasonable classification and hence violative of the Equal-Protection Clause.

The judges may not as yet go entirely as far as the view taken in this section. But it cannot be doubted that the exertion of governmental authority to maintain the supposedly inferior status of women in the law would now be stricken down in most cases. This would be true, for example, of statutory restrictions upon women's political rights (as by denying them the right to hold public office), or comparable limitations upon their economic rights (as by laws prohibiting them from engaging in ordinary businesses, professions, and occupations), or their right to share in the services and benefactions dispensed by the modern State (as by denying them the right to enroll in public educational institutions or to participate in a scheme of social insurance open to males).

Among the cases supporting the principles just stated is an important opinion of the Massachusetts court ruling invalid a statute prohibiting the employment in the public service of married women. Women, said the court, married or unmarried, are, like other persons, entitled to the benefit of the constitutional guaranty against arbitrary discrimination. For a statute to exclude from public employment of every nature all married women—irrespective of age, character, and capabilities—is for it plainly to work an arbitrary discrimination against such women. Such discrimination lacks a reasonable basis, for it cannot be said that sex and marital status are factors upon which the ability to perform the functions connected with any and all public employment does depend.

As far-reaching as any decision on the matter under discussion is one rendered in New York in 1962. It held that the refusal of the New York City Civil Service Commission to permit a policewoman to take an examination to qualify for promotion to the rank of sergeant, solely because of her sex, was illegal. The denial of eligibility solely because of sex was declared to be arbitrary and an abuse of discretion, "in light of present day conditions." To exclude women from a promotional job opportunity in the Police Department is to deny them the equality of privilege and opportunity that is required under the present-day interpretation of equal protection of the laws. Thus, even in a field such as police work (which, until recently, would have been considered exclusively the preserve of the male), classification based upon sex alone may be ruled violative of the constitutional command of equality.

SAME: PROTECTIVE SEXUAL CLASSIFICATIONS

Despite what has been said in the previous section, it is not completely correct to conclude that all governmental classifications based upon sex are automatically invalid. Instead, we must follow the analysis already suggested in section 475. We saw there that, though a classification based upon sex will normally be deemed inherently unreasonable and hence contrary to the equal protection guaranty, there is still one recognized purpose for which the sexual classification may be constitutionally employed.

The purpose referred to (as was indicated in section 475) is that of protection of the female sex in areas where women are inherently or traditionally a proper subject of governmental solicitude. Where the legislature acts to protect the weaker sex and there is a rational basis for the legislative judgment that such protection is necessary, there is no contravention of the Equal-Protection Clause. In the words of the supreme tribunal, in upholding a law fixing minimum wages for women, "This familiar principle has repeatedly been applied to legislation which singles out women, and particular classes of women, in the exercise of the state's protective power."

We must assume, to quote the high bench again, that "the protection of women is a legitimate end of the exercise of state power" and that the community may direct its lawmaking to attain such end. This means, of course, that, as already indicated, a sexual classification may be valid if its purpose is the protection of women.

The most obvious type of law falling within the principle just stated is one which takes account of the relative physical weakness of the female sex: "However confident a great number of people may be that in many spheres of activity, including that of the administration of government, woman is the full equal of man, no one doubts that as regards bodily strength and endurance she is inferior and that her health in the field of physical labor must be specially guarded by the state if it is to be preserved and if she is to continue successfully and healthfully to discharge her duties which nature has imposed upon her."

The common kind of statute which seeks to protect woman from the consequences of her relative physical weakness is the law which limits the hours during which she may work or prohibits her from engaging in occupations deemed particularly arduous or hazardous, such as mining. The validity of such laws has been beyond question since the landmark 1908 decision of the Supreme Court in *Muller v. Oregon* (already discussed, in connection with the governmental power to regulate the hours of labor, in section 304). The reasoning of the *Muller* opinion is essentially that urged in the analysis thus far in the present section. Emphasis is placed by the Court upon the fact that "woman's physical structure and the performance of maternal functions place her at a disadvantage in the struggle for subsistence." The need to protect women from undue physical effort and danger fully justifies legislative action of the type under discussion: "Differentiated by these matters from the other sex, she is properly placed in a class by herself, and legislation designed for her protection may be sustained, even when like legislation is not necessary for men, and could not be sustained."

In addition to protective measures of the type just dealt with, which shield the female from the consequences of her relative physical weakness, the sexual classification may also be justified in comparable laws which seek to protect woman because of her traditionally weaker economic position: "If is impossible to close one's eyes to the fact that she still looks to her brother and depends upon him."

Foremost among protective statutes which seek to redress woman's unequal position in the struggle for subsistence—a position that, in the high bench's phrase, justifies "legislation to protect her from the greed as well as the passion of man"—have been laws guaranteeing minimum wages for women. Such laws (we saw in section 305) were upheld by the Supreme Court in *West Coast Hotel Co. v. Parrish* (1937). According to Chief Justice Hughes, who delivered the opinion there, "What can be closer to the public interest than the health of women and their protection from unscrupulous and overreaching employers?" And, if such protection is a legitimate end of the police power, the requirement of payment of a minimum wage in order to meet the very necessities of existence is plainly an admissible means to that end: "The Legislature of the state was clearly entitled to consider the situation of women in employment, the fact that they are in the class receiving the least pay, that their bargaining power is relatively weak, and that they are the ready victims of those who would take advantage of their necessitous circumstances."

A more recent type of protective statute, which goes further than the minimum-wage law, is one which prohibits discrimination in the payment of wages to women, as by making it illegal to pay any woman a lesser wage than is paid to males similarly employed. The reasoning of the *West Coast Hotel* opinion should also apply to sustain such laws and they have, in fact, been upheld by the courts. Even more far-reaching are statutes which forbid any discrimination in employment because of sex. Such laws, designed to place women upon a plane of economic equality (at least so far as employment is concerned) will be dealt with separately at the end of the next section.

If we follow the traditional police-power approach (fully discussed in Chapters 12 and 13), we may say that the protective statutes dealt with thus far may be justified as legislative attempts to protect the health, safety, and welfare (primarily the economic welfare) of women. The same approach should also sustain comparable legislative efforts to protect the morals of women. This means that, in all the areas discussed in section 282 where action by the legislator as guardian of public morals may be taken, measures protecting the morals of women may be enacted.

The principle just stated has been applied most frequently in laws relating to intoxicating liquors, with regard to which (we saw in section 282) there is a well-nigh plenary governmental power, because of the universally recognized impact of liquor upon public morals. The Equal Protection Clause, the highest Court has affirmed, "did not tear history up by the roots, and the regulation of the liquor traffic is one of the oldest and most untrammeled of legislative powers." In laws regulating the sale of liquor, sexual classifications will be upheld where their purpose is to protect the morals of women. And that is true despite the changing conception of the place of the female which has all but eliminated the obloquy once attached to the consumption of intoxicants by women. "The fact that women may now have achieved the virtues that men have long claimed as their prerogatives, and now indulge in vices that men have long practiced, does not preclude the States from drawing a sharp line between the sexes, certainly, in such matters as the regulation of the liquor traffic."

Under what has been said, laws have been upheld which forbid the sale of liquor to women, or prohibit such sale except under stated conditions. In addition, the denial to females of licenses to sell liquors has been ruled consistent with the equal protection guaranty; and the same result has been reached in cases involving laws prohibiting women from working as bartenders or in any employment in establishments which sell liquor. As the supreme bench put it in one of the cases referred to, "bartending by women may, in the allowable legislative judgment, give rise to moral and social problems against which it may devise preventive measures."

In the case in which the statement just quoted was made, the high tribunal went so far as to uphold a state law which provided for the licensing of bartenders but forbade the licensing of any female bartender unless she be "the wife or daughter of the male owner" of a licensed liquor establishment. Such law was sustained on the ground that it was based upon the legislative belief "that the oversight assured through ownership of a bar by a barmaid's husband or father minimizes hazards that may confront a barmaid without such protecting oversight." The Court declared that it was not in a position to gainsay such belief. The challenged law, which on its face involved an extreme discrimination against women, was thus also justified as a protection of the female sex.

Almost all of the cases concerning the legislative power to protect the morals of women involve regulation of the liquor traffic. Yet, as already intimated, there can be no doubt that the same authority exists in all the areas dealt with in section 282, where action under the police power to protect public morals may be taken. In a 1956 state case, for example, a statutory ban against female wrestling was sustained, as against the claim that it constituted an unreasonable discrimination against women in violation of the equal protection guaranty. Public amusements subject to the police power because of their effect upon the public morals (within the principles discussed in section 282) may be regulated on the basis of the sexual classification, with women excluded from participating in them—particularly where they involve an element of brutality or immorality.

In addition to direct protective statutes of the kind dealt with thus far, there are other laws which seek to accomplish a comparable purpose by exempting women from duties imposed by the community upon members of the male sex. The most common statute of this type is that relating to jury service. The relevant laws in many states provide an exemption—either absolute or qualified—for women from jury service. The highest Court has expressly upheld the constitutionality of such exemption, declaring that it is justified by woman's position as the center of home and family life. "We cannot say that it is constitutionally impermissible for a State acting in pursuit of the general welfare, to conclude that a woman should be relieved from the civic duty of jury service unless she herself determines that such service is consistent with her own special responsibilities." The same reasoning sustains similar exemptions in the law, such as the traditional exemption of women from the coverage of statutes providing for compulsory military service.

In the cases covered in this section, laws based upon sexual classifications have been upheld because their purpose is the protection of the female sex. With regard to all of the ends that may be promoted under the modern conception of the police power—the furtherance of health, safety, morals, and welfare, under the all-embracing manner in which those social interests were seen to be conceived in Chapters 12 and 13—the legislator may act to protect that sex that is properly the legitimate object of government solicitude.

It should, however, be pointed out that the true justification of the cases discussed in this section is the fact that the social purpose behind the laws upheld is broader than the protection of the female sex alone. As the high bench expressed it in *Muller* v. *Oregon,* "the physical well-being of woman becomes an object of public interest and care in order to preserve the strength and vigor of the race. The object sought by the protective laws discussed is quite as much for the benefit of the entire community as for the protection of the women covered. The wrong done to the female is most frequently done to the whole social order. Hence, the Supreme Court could say, the limitations imposed by laws of the type under consideration "are not imposed solely for her benefit, but also largely for the benefit of all."

SAME: OTHER SEXUAL CLASSIFICATIONS

The analysis in the last two sections indicates that a law based upon sexual classification will normally be deemed inherently unreasonable unless it is intended for the protection of the female sex. The view thus stated, it must be admitted, goes further than the jurisprudence under the Equal-Protection Clause. Yet it seems to be the only position consonant with the expanding notion of Equality of the Person that is a dominant theme of the contemporary society.

Many observers will, however, feel that the analysis in the last two sections does not take sufficient account of the differences which do exist between the sexes. As one judge puts it, "The plain testimony of the senses, a well-known French proverb, as well as numerous judicial decisions all vouch for the fact that a woman is different from a man."

Some will go even further and ask whether in the words of a state court, the legislature may not provide "that there should be at least one island on the sea of life reserved for man that would be impregnable to the assault of woman. It had watched her emerge from long tresses and demure ways to bobbed hair and almost complete sophistication; from a creature needing and depending upon the protection and chivalry of man to one asserting complete independence. She had already invaded practically every activity formerly considered suitable and appropriate for men only. . . . In these circumstances, is it any wonder that the legislative assembly took advantage of the police power of the state in its decision to halt this ever-increasing feminine encroachment upon what for ages had been considered strictly as manly arts and privileges?"

Though the view thus expressed will doubtless strike a responsive chord in many mere males, it may scarcely be considered consistent with the notion of equality before the law. To exclude women by law from a field simply because it has traditionally been the preserve of the male sex is to reject the very concept of personal worth upon which the Equal-Protection Clause is grounded. Such an approach would really nullify all that has been said thus far on equality and sex, for it could be applied to bar women (regardless of their personal capabilities) from virtually every line of endeavor.

At the same time, we must recognize that there is a possible area of sexual classfication in the law which has not been touched upon in the previous discussion. It is illustrated by a 1958 Texas case. It arose out of an action to compel the enrollment of otherwise qualified female students at Texas Agricultural and Mechanical College, a state institution of higher learning operated as an all-male schools. The record showed that there were then sixteen coeducational institutions of higher learning operated by the state, as well as Texas A. & M., operated for men, and Texas Women's University, an all-female school. In these circumstances, said the court, the state system of higher education does not discriminate between the sexes, but instead makes ample and substantially equal provision for the education of both men and women.

In cannot be gainsaid that a state system of education which excludes members of one sex must today be considered contrary to the Equal-Protection Clause. In the instant case, such complete exclusion was not at issue. The controlling question was rather "whether the State, as a matter of public policy, may as a part of its total system of higher education, maintain, for the choice and service of its citizens, one all-male and one all-female institution, along with sixteen institutions which are co-educational. We think undoubtedly the answer is Yes."

The differences between the sexes and the consequences of indiscriminate intermingling of the sexes, particularly at an early age, justify the separation of men and women for educational purposes; enforced coeducation is not compelled by the Equal-Protection Clause. Provided that provision be made for substantially equal educational facilities, there is no constitutional violation.

What is particularly interesting about the principle just stated is that it permits segregation of the sexes under a "separate but equal" approach of the precise type which (we will see in section 495) has been prohibited by the Supreme Court where segregation of the races is concerned. Separation of the sexes in educational institutions may be based upon rational considerations (such as pedagogical needs) which are absent where racial segregation is involved. In addition, separation of the sexes in schools and colleges does not have the discriminatory connotations which (we shall see in section 496) are inevitably connected with racial segregation.

The type of sexual separation that is permitted in educational institutions may also be allowed in other public institutions as well. Thus, it may not be doubted that there may be separation of the sexes in correctional and penal institutions, as well as in those operated by the military, including military educational institutions. One of the factors which influenced the Texas court in the case already discussed was the fact that the institution involved there was a state-supported military college, with students participating in a program of compulsory military training and subject to military discipline.

In all that has been said till now on the subject of sexual classification one must not assume that the law makes the error of those referred to by de Tocqueville, "who, confounding together the different characteristics of the sexes, would make man and woman into beings not only equal but alike. They would give to both the same functions, impose on both the same duties . . .; they would mix them in all things—their occupations, their pleasures, their business."

As already seen, the law does allow sexual classifications to be made by government where that may be necessary to protect one sex in relation to all the broad social ends that may be attained under the police power, as well as to permit separation of the sexes in appropriate public institutions, such as those devoted to education. In addition, it must be recognized that there are certain situations controlled by law in which sexual classifications must play a part. In the New York case dealt with at the end of section 480, in which the absolute refusal on the basis of sex to permit a policewoman to participate in an examination for promotion to sergeant was stricken down, the court declared that, while the absolute female bar was invalid, "a distinction based on sex is permitted when the duties of the position or nature of the work involves or requires sex selection."

The principle stated by the New York court may be made more specific by reference to the provision of the civil service statute of that state which empowers the relevant agency to limit eligibility to civil service positions "to one sex when the duties of the position involved relate to the institutional or other custody or care of persons of the same sex, or visitation, inspection or work of any kind the nature of which requires sex selection."

Even if, on a strictly logical basis, it may be difficult to justify such provision in the light of the constitutional guaranty of Equality of the Person, common sense itself tells us that it is necessary to avoid an egregiously "preposterous . . . medley of the works of nature." Certainly, if, as already indicated, there may be sexual separation in appropriate public institutions, there may also be sexual classifications for employment in such institutions, particularly so far as those having custody and control over the students, inmates, and others in the institutions are concerned. More than that, it must be acknowledged that there are other occupations which, by their very nature, may legitimately involve sexual qualifications. With regard to such occupations, it may not be enough to lay down objective qualifications, which do not include sex. It may be necessary to provide expressly that only those of the appropriate sex may be eligible. For example, while women may not reasonably be wholly excluded from police work, it is surely legitimate for the relevant authority to be given discretion to hire only men to compose the bulk of a police force; and the same is true in the military field, where the command authorities must plainly be able to choose only men for most positions in the armed forces, especially those involving combat and particularly arduous duties.

The point just made must be applicable even in private employment that is affected by public authority, for example, through laws forbidding sexual discrimination in employment. In the already-discussed 1873 *Bradwell* case, Justice Bradley declared, "The paramount destiny and mission of women are to fulfill the noble and benign offices of wife and mother. This is the law of the Creator." A century later, the law of the Creator is differently construed. In fact, we are now coming to assume exactly the opposite of the Bradley approach and to assert public power to ensure against sexual discrimination. The Equal Protection Clause (as we have interpreted it in this and the previous two sections) bars such discriminations by governmental agencies, in legislation or other acts. In addition the legislator may seek to bar private discriminations, as by laws requiring that women not be paid less than men for comparable work or, more recently, by statutes prohibiting any sexual discriminations in employment.

The most important statute of the type referred to is the section of the Federal Civil Rights Act of 1964, which provides that "It shall be an unlawful employment practice for an employer . . . to fail or refuse to hire or to discharge any individual or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or priviliges of employment, because of such individual's . . . sex."

The general authority of the legislator to proscribe economic discriminations based upon sex cannot, it is believed, at present be doubted. Such authority at the federal level may be sustained upon the same basis as (we shall see in section 506) that upon which the courts uphold the Civil Rights Act of 1964 as a whole. The basis referred to (we shall see in section 506) is both the power of the Congress to regulate commerce and that to enact legislation enforcing the Fourteenth Amendment, including its Equal-Protection Clause. In addition, insofar as the state power to enact such laws is concerned, such prohibitions of economic discrimination may be justified upon the same basis of protection of the weaker sex as the statutes discussed in the previous section.

It should, however, be pointed out that the prohibition laid down in anti-sexual-discrimination statutes of the type under discussion must be subject to an exception such as that already stated. Thus, the Civil Rights Act provision which, as stated, bars sexual discriminations in employment states expressly, "it shall not be an unlawful employment practice for an employer to hire and employ employees on the basis of . . . sex . . . in those certain instances where . . . sex . . . is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise."

Such an exception for employment which may legitimately be based upon sex selection appears necessary if the statutory prohibition is not to hamstring employers in a manner that does violence to the sensible carrying on of business activities. No objective criterion other than sex can be used by the employer who chooses to hire only male truck drivers or to employ only women in a lingerie department. A statute which went so far as to take away such employer choice for work which, by its nature, requires sex selection can scarcely be required by the constitutional command of equality. Use of the law in an attempt to conjure away all the differences which do exist between the sexes is both an insult to the law itself and a complete disregard of fact.

CLAUDE F. HELLMANN

Mr. MATHIAS. Mr. President, the people of Maryland have lost a devoted servant in the recent death of Mr. Claude B. Hellmann. Mr. Hellmann, the first person appointed Secretary of State of Maryland after the office was reorganized during the McKeldin administration.

Mr. Hellmann who died August 22, was a former president of Kiwanis International and the Baltimore Kiwanis Club, and a moving tribute was paid to him at the August 26 meeting of the Baltimore club by another distinguished Marylander, former Gov. Theodore Roosevelt McKeldin.

Mr. President, I ask unanimous consent that Governor McKeldin's tribute to Claude B. Hellmann be printed in the Record.

There being no objection, it was ordered to be printed in the Record, as follows:

Tribute to the Memory of Claude B. Hellmann

(By Theodore R. McKeldin)

It was Edwin Markham who wrote: "The crest and crowning of all good, life's final star, is brotherhood."

The final star of Claude B. Hellmann's life shines brightly still today, and its light shall not dim with the passing of the years—for his was a life of devoted service, and of quiet but effective accomplishment in the rendering of that service—a life of brotherhood.

Yes, Claude Hellmann was a man of action and prominence in the business community of Baltimore—in utilities, in banking and real estate and other worthy enterprises that contributed much to the growth, progress and prosperity of the area.

But with all of this, he found the time and had the heart to give of his talents to civic, charitable and eleemosynary institutions and projects throughout his adult years.

His long-time interest in the good works of Kiwanis International won for him the Presidency of the Baltimore Kiwanis Club, and advanced him quickly to the Governorship of the Capital District of Kiwanis, then to a trusteeship, and eventually to the Presidency of the great world-wide organization.

His concern for the welfare of his fellowmen was well expressed in the wise counsel and constant attention to the betterment of the care for the ill and disabled through his years on the Board of the Franklin Square Hospital.

The high value which he placed on the education of the young was demonstrated in his membership on the Baltimore County Board of Education through those years of transition in the late Fifties and early Sixties.

He gave leadership to the thinking and planning for the preservation of open spaces during those years when careless and sometimes greedy construction plans threatened the over-coverage of the land, and he evidenced this leadership as a vocal and effective member of the Baltimore County Board of Recreation and Parks.

Claude remained a proud and unabashed lover of his country—a proud patriot, if you please, even in these times when it became the style of many to belittle and even ridicule devotion to this great nation which remains, through all its troubles, the last, best hope on earth.

He was proud of his forbears who helped to wrest the young land from tyranny—and to establish the institutions which remain the bulwarks of freedom and human dignity for the guidance of less fortunate peoples who seek emergence from the shackles of the centuries. The substance of this pride was expressed in his membership in the Sons of the American Revolution and as a member of the Board of Awards of Freedoms Foundation, which encourages the retention of love of country in the hearts and minds of thinking Americans, who stand with the courage of the founding fathers above the weaknesses of those who seek to conform with the modes of disparagement and despair.

It was during my Administration in the Governorship of Maryland that the office of Secretary of State was transformed from a status of little more than a sinecure to that of an effective, full-time working arm of the Executive Department of the State—and when the opportunity presented itself, I was fortunate in securing the services of Claude Hellmann in this highly important office of government.

And I say now, without reservation, that his knowledge, his love for his State and his fellow citizens, and his devotion to his assigned duties contributed immeasurably to whatever success my Administration enjoyed in those years.

Claude has long been my friend—and I was proud to have him as a close associate in those times of many problems of government, in those times, too, if I may say so, of considerable accomplishment for the Old Line State which he loved so well.

He was magnificently assisted in all his work by his charming and devoted wife Alvina, who was his constant companion in all of his undertakings and was a great inspiration to him.

And finally, in this poor tribute to a good friend and valued aide, let me say that those of us who knew him well will miss him sorely—but even the thousands who never knew him personally may take my word for it: They live in a better community, a better State, and a better country because Claude Hellmann was a part of it all.

AGRIBUSINESS CORPORATIONS AND CONGLOMERATES MUST DISCLOSE PRACTICES AND POLICIES IN RURAL AMERICA

Mr. STEVENSON. Mr. President, a most incisive, and disturbing series of articles on the impact on rural America of agribusiness corporations and conglomerates was just completed in the Washington Post. Mr. Nick Kotz, author of the three-part series, has made a major contribution to the scant literature on this subject.

The Migratory Labor Subcommittee, of which I am chairman, is conducting hearings on the growth of agribusiness and its impact on people in rural and urban America, particularly the migrant and seasonal farmworker and the small farmer, and small rural communities.

The issues raised in Mr. Kotz' articles are strikingly similar to those I discussed in my opening remarks at the subcommittee's first hearing on July 22. Those remarks have been printed in the Congressional Record, on September 23, 1971.

Already the subcommittee has held introductory hearings on the influence of agribusiness and agrigovernment on rural America. Testimony from many parts of the community, including small farmers, farmworkers, cooperatives, economists, community organizations, and consumers has been heard.

These hearings have confirmed that a growing number of Americans are demanding to know just what has happened to rural America.

Several important themes have surfaced at our hearings, and questions have been posed that deserve answers.

Particularly affected by the new controlling forces in rural America are migrant and seasonal farmworkers for they are unprepared in practically every respect to achieve economic security and dignity in the city, yet they are forced into our already troubled urban areas because of inadequate job opportunities in rural areas.

Similarly, the small farmer is forced off the land for economic reasons beyond his control.

As Mr. Kotz shows, the small farmer and the farmworker can no longer compete with the large agribusiness concerns. But this inability to compete may not be entirely attributable to purely economic considerations of efficiency. Serious questions must be answered about the alleged economies of scale, and whether we have taken into consideration and important issues as the costs to society of rural to urban migration, the continued viability of small rural communities and small towns, and the quality of product that the American consumer will be left with, not by choice, but by decision of agribusiness. Similarly, we must look at whether natural economies of efficiency are indeed operating, or whether Federal, State, and local governments have been directly or indirectly, knowingly or unknowingly, working hand in hand with the agribusiness giants aiding the deterioration and calamity in rural America.

The American consumer is concerned, and rightfully so, because of the control over production, supply and marketing of fresh fruits and vegetables by corporations and conglomerates that affects the quality, supply, type, and costs of food.

Major questions, some of them raised by Mr. Kotz' series of articles, remain unanswered. What has the mechanization of farming done to—or for—the social and economic fabric of rural America? Have small farmers and farmworkers, in the wake of rapid changes in American agriculture, been effectively shut off from the benefits and safeguards which other workers in other industries enjoy today? Has the advent of "agribusiness"—the rise of corporations and conglomerates as agricultural powers—helped to alleviate rural poverty or to aggravate it? Is "agrigovernment" characterized by massive support programs for agribusiness, meeting its responsibilities to all the people of rural America?

The subcommittee is committed to hearing the answers from all sides, and because there is a growing demand from the public to know what is going on in rural America, this subcommittee 2 weeks ago requested that seven major food processing corporations with extensive involvement in rural America testify before the subcommittee.

Written invitations were sent in September to Stokeley Van Camp, Libby, McNeill, & Libby, Del Monte, Green Giant, General Foods, Heinz, and Campbell's. I reiterate my interest in having them testify before this subcommittee so that its members will have the benefit of their ideas and so that all sides will be heard. We are out to learn about what is really happening in our countryside.

While I have not yet heard from these corporations, I trust they will want to share their knowledge with us and discuss the implications of their role in agriculture as it affects farmworkers and small farmers, together with their prognosis on where rural America is going, and what policies should prevail.

Mr. President, I ask unanimous consent that the three-part series of articles published in the Washington Post of October 3, 4, and 5, 1971, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

CONGLOMERATES RESHAPE FOOD SUPPLY

(By Nick Kotz)

The name "Tenneco" is not yet a household word to American consumers, but it weighs heavily on the minds of the nation's embattled farmers and of government officials who worry about the cost of food and the fate of rural America.

For Tenneco, Inc., the 34th largest U.S. corporation and fastest-growing conglomerate, has become a farmer.

It's new activities symbolize an agricultural revolution that may reshape beyond recognition the nation's food supply system. Dozens of the largest corporations, with such unfarm-like names as Standard Oil, Kaiser Aluminum and Southern Pacific have diversified into agriculture.

What concerns farmers, processors and wholesalers is that the new breed of conglomerate farmers does not just grow crops or raise cattle. The corporate executives think in terms of "food supply systems," in which they own or control production, processing and marketing of food.

"Tenneco's goal in agriculture is integration from seedling to supermarket," the conglomerate reported to its stockholders. Its resources to achieve that goal include 1970 sales of $2.5 billion, profits of $234 million and assets of $4.3 billion in such fields as oil production, shipbuilding and manufacturing.

The conglomerate invasion of agriculture comes at a time when millions of farmers and farm workers have already been displaced, contributing to the problems of rural wastelands and congested cities. More than 100,000 farmers a year are quitting the land, and more than 1.5 million of those who remain are earning less than poverty-level farm incomes. Their plight is severe.

Although the U.S. census still counts 2.9 million farmers, 50,000 grow one-third of the country's food supply and 200,000 produce more than one-half of all food. The concentration of production is especially pronounched in such crops as fruit, vegetables and cotton.

It 1965, 3,400 cotton growers accounted for 34 percent of sales, 2,500 fruit growers had 46 per cent of sales and 1,600 vegetable growers had 61 per cent of the market.

The medium to large-size "family farms"—annual sales of $20,000 to $500,000—survived earlier industrial and scientific revolutions in agriculture. They now face a financial revolution in which traditional functions of the food supply system are being reshuffled, combined and coordinated by corporate giants.

"Farming is moving with full speed toward becoming part of an integrated market-production system," says Eric Thor, an outspoken farm economist and director of the Agriculture Department's Farmer Cooperative Service. "This system, once it is developed, will be the same as industrialized systems in other U.S. industries."

Efforts to bar large corporations from farming have come too late, says Thor: "The battle for bigness in the food industry was fought and settled 35 years ago—chain stores versus 'Ma and Pa stores.'"

. . . Corporate takeover of the poultry industry did result in lower consumer prices. But for numerous food products, corporate farming has not lowered grocery costs, because the price of raw food materials is not a significant factor in determining final retail prices. For example, the cost of a food container is sometimes more than the farmer receives for the food packaged in it.

The new corporate farmers account for only 7 per cent of total food production, but they have made significant inroads in certain areas. Twenty large corporations now control poultry production. A dozen oil companies have invested in cattle feeding, helping shift the balance of production from small Midwestern feed lots to 100,000-head lots in the High Plains of Texas. Just three corporations—United Brands, Purex and Bud Antle, a company partly owned by Dow Chemical—dominate California lettuce production. The family farmer still rules supreme only in growing corn, wheat and other grains, and even here constantly larger acreage, machinery, credit and higher prices are needed for the family farmer to stay profitably in business.

Tenneco hopes that its new brand name, "Sun Giant," will one day become for fresh fruits and vegetables what "Del Monte" now means for canned foods. It hopes housewives will pay premium prices to buy its nationally advertised specially packaged fresh produce.

Tenneco, which started out as Tennessee Gas Transmission Co., says it made "giant strides" in 1970 toward its agriculture goals.

Resources rapidly accumulated by the giant conglomerate include: Kern County Land Co., which controls 1.8 million acres of land in California and other states; J. I. Case Co., a manufacturer of farm machinery; Packaging Corp. of America, which makes food containers; Tenneco Chemicals, a producer of pesticides, and Heggblade-Margoleas, the nation's largest processor-marketer of fresh fruits and vegetables.

Even the largest independent California farmers question how they can compete with a corporation which can, at least in theory, own or control virtually every phase of a food supply system. Tenneco can plant its own vast acreage. It can plow those fields with its own tractors, which can be fueled with its own oil. It can spray its crops with its own pesticides and utilize its own food additives. It then can process its food products in its own plants, package them in its own containers and distribute them to grocery stores through its own marketing system.

Financing the entire operation are the resources of a conglomerate with billions in assets, hundreds of millions in tax-free oil income and interests in banking and insurance companies. Tenneco, according to reports filed with the Securities and Exchange Commission, had 1969 gross income of $464 million and taxable income of $88.7 million. Yet due to federal tax breaks, Tenneco not only paid no taxes on that income, but had a tax credit of $13.3 million.

Tenneco officials—who don't want to be named—acknowledge they are building a vertically integrated food delivery system, but they deny any plans for coordinated use of the conglomerate's total resources. Each company must compete and earn a profit separately, they say. Nevertheless the Federal Trade Commission is actively scrutinizing the corporation's agricultural activities for possible antitrust violations.

Tenneco is reluctant to discuss details of its finances in agriculture, but available information indicates the scope of its present agricultural interests.

In 1970, Tenneco reported agricultural and land development sales of $107 million and profits of $22 million. It farmed 35,000 acres directly and 95,000 acres through 324 tenant farmers. It produced 2 million boxes of grapes, 1.5 million boxes of strawberries and large amounts of other fruits and vegetables. But that is only the beginning.

MARKETING FIRM

Heggblade-Margoleas, Tenneco's processing and marketing firm, sold its own products and those of about 2,000 other farmers. Heggblade-Margoleas is the nation's largest marketer of fresh fruits and vegetables and the world's largest marketer of table grapes. Its processing facilities include a new 8-acre plant and the world's largest date processing plant. Tenneco even has its own farm lobbyist in Washington.

Tenneco agricultural operations employ 1,100 full-time workers and 3,000 at the peak of harvest. Faced with a boycott of its other products, Tenneco last year signed a contract with Cesar Chavez's United Farm Workers Organizing Committee.

The 1970 contract signed with Tenneco and other grape growers raises basic wages to $1.75 to $1.80 an hour and provides a piecework bonus that can add another $1 an hour during harvest season. Before Chavez's union began its grape strike, wages averaged between $1 and $1.25 an hour. The contract also established a medical care fund, an economic development fund and safety precautions to protect workers from pesticide poisoning.

Tenneco's future plans include development of its Sun Giant brand produce and putting into production 30,000 newly irrigated acres.

FARMERS OVERPOWERED

The type of food system being put together by Tenneco and other conglomerates frustrates and frightens independent farmers. They see every element of the food business acquiring market power but themselves. On one side, they confront the buying power of giant food chains. Now they must compete with conglomerates that can take profits either from production, processing, or marketing. The individual farmer usually does not have such options. The giant competitors also benefit from a variety of government subsidies on water, crops and income taxes.

Contrary to popular notion and most galling to the efficient, large, independent farmer, the corporate giants generally do not grow food cheaper than they do. Numerous USDA and university studies show that enormous acreage is not needed to farm efficiently.

For example, maximum cost-saving production efficiency is generally reached at about 1,500 acres for cotton, less than 1,000 acres for corn and wheat, and 110 acres for peaches. Thousands of independent family farmers possess such needed acreage, and farm it with the same machinery and techniques used by their new rivals.

In fact, studies show that the largest growers incur higher farm production costs as they employ more workers and layers of administrators.

A full-scale economic battle between the conglomerates and independent farmers is now unfolding in the nation's single most important farm area, the rich central valleys of California, which far outdistances Iowa as the first-ranked state in farm sales. California farms grow 40 per cent of the nation's vegetables, fruits and nuts. The state produces at least 90 per cent of the country's supply of 15 crops and leads the nation in 25 others.

"If the Tenneco operation is allowed to go unchecked, it can change the whole complexion of farming in the valley," says Fresno attorney Donald Thuesen. "They have the marketing power to make or break the market. They can sell below cost, as a loss leader, to get other business, and sustain losses that no farmer can afford."

Thuesen represents a large grape grower who claims Tenneco forced him into bankruptcy by selling the grower's grapes below the market price. A former Tenneco tenant farmer makes similar claims involving the marketing of his potatoes. Tenneco denies these charges.

"Tenneco sells their produce first and you get what's left over," contends John Giacone, who grows cantaloupes in the San Joaquin Valley.

In an effort to market his own cantaloupes, Giacone built a plant to box and market his produce. But now he finds supermarket chains will not buy his cantaloupes unless he uses a different kind of container. The chains have changed their container specifications deciding that another kind of box is more convenient for their retail operations.

Remodeling his shed for the newly required packing process would cost $500,000, says Giacone, and that "will take the family jewels and then some."

At a time when they are confronted with overproduction in numerous crops, California's independent farmers are disturbed to see the conglomerates, with taxpayer's help, each bringing into production 5,000 to 100,000 newly irrigated acres.

A California state water project will irrigate 450,000 new acres for crops. A Ralph Nader task force calls the water project an unwarranted, $1,000-an-acre "welfare scheme" for a few big landowners. Tenneco plans to grow fruits and vegetables on 30,000 of these acres. Other major beneficiaries include Southern Pacific, Standard Oil of California and Belridge Oil Co.

INEFFICIENT FARMING

"Belridge Oil Co. is spending $185 million to develop 20,000 acres of fruit and vegetables," says Jack Bowen, a peach grower in Modesto. "They grew 640 acres of peaches last year just to see whether they wanted to grow them. If corporations like that get serious, we've had it. We can produce more efficiently than these corporations but we may not be around long enough to prove it."

Bowen is not a small peach grower. A sign outside his spacious 350-acre orchard proudly proclaims "A Family Business for Four Generations." His annual sales exceed $300,000. He replaced the jobs of several hundred non-union migrant workers with a giant machine, which clutches peach trees by their trunks, then shakes off the peaches into a conveyor and onto trucks.

As a practical matter, Bowen and other California peach growers have become too efficient for their own good. Faced with ruinous prices last year, they destroyed 40 per cent of their harvest.

"We only have 53,000 acres of peaches in production," says Ugo Caviani, president of the California Peach Canning Association. "One big corporate grower like Tenneco could wipe us all out."

Caviani says the number of California cling peach growers has declined from 2,200 to 1,700 in only three years, while the number of canners has dropped from 40 to 14.

The nation's fruit and vegetable growers are not strangers of the tough competition of agribusiness. For many years, they have wrestled with the market power of chain stores and major food processors. They sell to canners such as Del Monte, Libby-McNeil & Libby, Green Giant Co., H. J. Heinz Co., and Minute Maid Corp (a subsidiary of Coca Cola). Each of these canners also competes with the independent farmer by growing large amounts of its own food supply.

But the new conglomerate represents a different kind of competition. The older agribusiness corporations are primarily food companies and must make money somewhere in the food distribution system. Such is not necessarily the case with the new conglomerate farmers, for whom millions of dollars of agribusiness investment may represent only a fraction of their total holdings. Only 4 per cent of Tenneco's sales are from agriculture.

In fact, the conglomerates may find their food investments profitable even without earning anything from them. The profits may come from land speculation, federal crop subsidies, or generous federal tax laws. Tenneco received almost $1 million in 1970 cotton and sugar farm subsidies.

The new conglomerates utilize a variety of federal tax provisions that permit them to benefit from tax-loss farming and then profit again by taking capital gains from land sales. Tenneco, for example is now developing six new California suburban communities on former farm land.

Tenneco officials insist they are farming to make money, to serve the consumer quality products and to help strengthen American agriculture.

LAND AS INVENTORY

However, Simon Askin, Tenneco's executive vice president for agriculture and land development, recently told the Los Angeles Times: "We consider land as an inventory, but we're all for growing things on it while we wait for price appreciation or development. Agriculture pays the taxes plus a little."

The federal government has been hesitant to bring antitrust actions against conglomerates that move into farming. So farmers and corporations are watching closely a key test case that is developing in California's Salinas Valley, the lettuce and celery capital of the country.

The Federal Trade Commission has charged both United Brands, the 81st largest U.S. corporation, and Purex Corp., the 316th largest, with seeking to monopolize the production and supply of fresh vegetables.

The FTC is negotiating a settlement with Purex but the United Brands case is in federal court. The government charges that United Brands is transforming the lettuce and celery business from a competitive one of small, profitable, independent growers into a non-competitive industry dominated by large conglomerates. The FTC will seek to prove that United Brands cannot grow lettuce more cheaply and that it provides no price benefits to consumers.

In its reply to the FTC complaint, United Brands contends that the country needs large corporations in the farming business. United Brands, represented by President Nixon's former law firm, states:

"Although there may be some nostalgic desire to see a market composed of many small growers, that structure cannot survive against a market buyer (chain stores) that is composed of fewer and fewer companies with larger and larger market shares."

SMALL FARMERS

United Brands contends there is no economic justification for "a lettuce market composed of many small farmers who all are at the mercy of the buyers."

The FTC case illustrates dramatically the vastly different concepts by which industry and farmers measure bigness in agriculture. Most of the "small farmers" referred to by United Brands are, by present farm standards, among the largest independent farmers in the country. Their annual sales range from more than $100,000 to several million dollars.

Although admitting the increasing concentration of corporate power in fruit and vegetable production and the corporate takeover of poultry farming, USDA officials generally contend that this phenomenon will not spread to other farm products.

Many Midwestern cattle, hog and grain farmers disagree.

The fear that the cattle and hog feeding businesses, their best source of income, may follow the pattern in which independent poultry growers were wiped out.

About 20 corporations including Allied Mills, Ralston Purina and Pillsbury Co., originally went into poultry production as a means of developing markets for their feed. Farmers were signed up to grow the corporations' poultry, using their feed.

According to USDA studies, the poor but once independent poultry farmers are still poor as contract workers, earning about 54 cents an hour. A Ralph Nader task force on agriculture called this corporate farm system "poultry peonage."

The corporations, however, contend that they have benefited small farmers with a steady, if small, source of income. And, they say, they have given consumers lower priced chicken and turkey.

The farmer sees everyone he must deal with in the food production system acquiring more power except him. The supermarket chains, the grocery manufacturers and the new conglomerate clout in the marketplace and political influence in Washington. Even migrant farm workers, still the lowest paid laborers in the country, have made some progress, signing contracts with the new conglomerate farmers, who are vulnerable to boycott of their brand products.

Only the individual farmer, with the exception of powerful cooperatives in a few crops, remains unorganized in the marketplace.

A battle to achieve market power now pits rival farm producer groups against each other, farmers against processors and farmers against migrant farm workers.

The battle has produced some strange new alliances and has strained old ones. It is now being fought with strikes and boycotts and in the halls of Congress.

Agribusiness Threatens Family Farm

(By Nick Kotz)

Joseph Weisshaar looks the part of Modern American Farmer, textbook version: educated at Iowa State, conservative in speech and manner, efficient in the latest technology, industrious as a businessman, proudly independent.

He is 39 years old and grossed more than $100,000 last year selling hogs. He has presumably "made it." But in fact he is a troubled man, fearful that he and thousands of farmers like him in this country cannot survive the industrial and financial upheavals in American agriculture that have been brought about in recent years by the emergence of enormous "agribusiness" corporations.

So he has become a "militant" of sorts, a card-carrying member of the hell-raising National Farmers Organization which is using collective bargaining, law suits, strikes, boycotts, crop dumping and even occasional violence to win higher farm prices for its growing membership.

The NFO's ultimate goal is to protect the "family farmers" of the world from forces over which they have minimal control—giant food chains, food manufacturers and conglomerates that are attempting to bring to agriculture the industrial bigness, efficiency and control that characterizes much of the American economy.

The threat to the "family farm," and the way of life it represents, is so strong that even the American Farm Bureau Federation, the nation's largest and most conservative farm organization, shows symptoms of upheaval. In the past, the AFB has consistently and vigorously opposed federal intervention in the farm economy. But today it is swallowing its ideology and asking for federal laws to strengthen individual farmers in dealing with the new corporate forces in agriculture.

The stakes in this struggle between farmers like Weisshaar and the giant new farm corporations are immense:

Food is the nation's largest business with $114 billion in annual retail sales. More than $8 billion in annual farm exports keep the U.S. balance of trade from becoming an economic disaster. The question of who in agriculture is to share in this bounty and on what terms is at the root of the NFO's militance and the Farm Bureau's philosophical turnaround.

Will the family farm survive in the years ahead? Or will agriculture become—like steel, autos, and chemicals—an industry dominated by giant conglomerate corporations such as Tenneco, whose operations were described in an article yesterday? In that case, the nation will have lost its prized Jeffersonian ideal, praised in myth and song, of the yeoman farmer as the backbone of America.

What will become of rural America if the greatest migration in history—40 million to the cities in 50 years—is further accelerated? Farmers have provided the economic base of the small towns and that base is becoming perilously small.

What will be the effect of a rural wasteland on the American political system? The power of the farm lobby and the small towns, already in sharp decline, has traditionally provided a counterbalancing force to the politics of the big cities.

How will the nation's food supply be affected? Production efficiency of the family farmer and general affluence have made food a relative bargain in the United States.

FAMILY UNITS DOWN

On all these questions, the symptoms are not encouraging for the family farm system. A million farms are eliminated every 10 years and only 2.9 million remain.

The average farmer today is 58 years old—compared to a median age of 38 for all Americans in the work force. Young aspirants who would like to fill the retiring farmer's shoes can't get capital. And many who start farming soon quit, discouraged by low returns and mounting debts.

The contest between the family farmer and the conglomerates is, on the surface, incredibly unequal. There is Tenneco with its $4.3 billion in assets and its ability to employ its own land, tractors, pesticides, oil, processing plants, and marketing system. On the other side, there is Joe Weisshaar trying to hold on. Weisshaar has not quit, but he is perplexed about what it takes to earn a decent living farming.

GOAL REACHED

After 10 years applying the lessons taught him at agriculture college, Weisshaar last year reached his personal goal—the magic circle of 50,000 farmers who sold at least $100,000 worth of farm products and produced one-third of the nation's food.

It was not a happy experience.

"I figured I would have it made when I reached the $100,000 mark," (in sales) says Weisshaar, 39 who farms 540 acres near Creston, Iowa, "but I ended up $1,300 further in debt. It seems like the bigger you get, the harder you fall. You depend heavily on credit and with one bad year of hog prices you are in deep trouble."

The Weisshaars have taken only one vacation in 10 years. The family bought only one costly item last year, a new refrigerator. Mary Jane Weisshaar, an attractive college graduate and mother of three young children, paid for it by driving a corn-hauling truck in a job that begins at 5 a.m.

"All that talk in the cities about free time and recreation?" questions Weisshaar. "I wonder whether we farmers aren't subsidizing that recreation."

With his credit already stretched to meet operating expenses, including payments on expensive farm machinery, Weisshaar must farm leased land, rather than buying his own.

"The doctor and lawyer uptown are buying up the farm land as a tax write-off and a hedge against inflation," he complains. "When they get done with it, there is only one other place it can go—to the farm corporations."

INVESTMENT IN YOUTH

"This country is going to wake up one day and discover that the price of food has doubled," says Weisshaar's banker, Charles Ehm, who worries that young men can't get a start in farming. "We decided to start out five young farmers a year—a good investment for the bank and for the community. It's not working and it just tears my heart.

"The worst part of it is that they are not 'pool hall boys.' They work night and day. They are efficient, good farmers. I could name at least a half dozen who will sell out this winter, and they shouldn't have to."

Ehm says the family farm will soon disappear unless farmers get higher prices, and the government provides special financial credit for beginning farmers.

Weisshaar worries that Midwestern farming will be taken over by "vertically integrated" corporate farms, similar to ones that now dominate California agriculture.

While the Tennecos haven't yet moved into Iowa on the grand scale they have spread through California's central valleys, you can almost hear their footsteps.

Feed manufacturers, processors and other corporations already have taken over poultry production, and are now applying similar tactics to move in on hog and cattle feeding—the midwestern farmer's best source of income.

Ralston Purina Co., a leader in the corporate takeover of poultry, has made a pitch to Weisshaar, offering to finance his hog operation, if Weisshaar will buy the corporation's feed and grow its hogs on contract. Remembering what happened to the once independent poultry grower, Weisshaar doesn't want that kind of partner. He doubts the advertisements of Kleen-Lean, Inc., the Ralston Purina subsidiary, which beckon him with "Swine Leasing Will Work for You."

THE PROFIT CHAIN

But Weisshaar is faced with a dilemma. If the processors and conglomerates gain control of hog and cattle feeding, then Midwestern family farmers will have to get all their income from growing corn, wheat, and soybeans. Farmers fear they cannot survive, if their only function is to provide grain for an integrated food system in which most profits are taken further up the food chain of animal feeding, processing, marketing and retail sales.

"It doesn't matter whether there are 500,000 of us left or 50,000," says the muscular but soft spoken Iowa farmer. "If we are powerless in the marketplace, we'll just keep on overproducing and killing each other off."

Out of this dilemma, the NFO arose and the Farm Bureau began rethinking its strategy. Farmers started turning up in unfamiliar places—with picket signs at packing plant gates, and with highway barricades seeking to bar farm products from going to market at low prices.

The NFO plan for saving the family farmer includes legislation prohibiting farming by large conglomerate corporations, closing loopholes that promote tax-loss farming by non-farmers, and providing easier financial credit for young farmers.

But the NFO has little confidence in getting help from a Congress in which the farm vote has shrunk into political insignificance.

Its basic strategy is to organize farmers into bargaining blocks of sufficient power to raise prices for their prices for their beef, hogs, grain, and other commodities. When buyers refuse to bargain or market prices get too low, the NFO tries to withhold commodities from the marketplace.

Weisshaar believes that an NFO-bargained contract with the John Morrell Co. will mean high prices this year for his hogs and better income to support his family.

"The NFO is the only hope we've got," he says. "We've got to block together our production and demand prices that will give us a decent living."

The Farm Bureau has called for relatively mild legislation that would require processors "to bargain in good faith" with farm groups representing a significant number of farmers. A three-man board, appointed by the President and approved by the Senate, would approve the farmer bargaining agents.

The Farm Bureau legislation, introduced by Rep. B. F. Sisk (D-Cal.), represents, at least in part, a response to the competition of the NFO.

BUSINESS BALKS

Several years ago the Farm Bureau organized voluntary bargaining associations, but learned to its surprise that its old friends and philosophical allies in agribusiness were not cooperative. Agribusiness corporations such as Campbell Soup Co., Green Giant Co., Del Monte Corp., and Pillsbury Co., flatly refused to sit down at the bargaining table.

Many Farm Bureau members suddenly looked at their prestigious organization in a different light. The Farm Bureau had built a $4-billion empire selling life insurance and supplies to farmers. But what, asked farmers, had the Farm Bureau done for them?

So John Kuhfuss, Illinois farmer and Farm Bureau President, went to a House Agriculture Subcommittee to complain. Agribusiness will not bargain with the Farm Bureau, he said, but insists on buying from individual farmers on "a take-it-or-leave-it basis—a one-sided process that is getting more one-sided as changes continue to occur in American agriculture."

Still another approach to increased farmer power is taken by advocates of giant cooperatives, which already are powerful in the dairy industry and in California citrus. The coops believe farmers must compete by creating their own vertically integrated systems of production, processing and marketing.

The giant dairy coops also seek to win higher prices under government-approved marketing orders by exercizing political muscle in campaign financing. The dairy coops already have poured $170,000 into a 1972 Republican campaign chest for President Nixon's re-election.

"Agriculture is acting a great deal like the buggy whip industry acted at the turn of the century," says Eric Thor, director of the Agriculture Department's Farmers Cooperative Service and an advocate of giant, integrated coops. Instead of trying to reduce costs and sell cheaper buggy whips, says Thor, that outmoded industry should have become a manufacturer of fan belts or air cleaners.

Similarly, Thor says "the family farm could disappear" unless farmers complete collectively as processors and marketers of food. He believes farmers are wasting time concentrating all their energy on production efficiency, at a time when food industry profits are controlled in food marketing.

COOPS BIG TOO

Some farmers complain, however, that the "super coops" have become just another kind of conglomerate giant from which they get few benefits. For example, Sunkist Growers, Inc., which dominates 80 per cent of California citrus, is a many-layered, pyramid-shaped corporation. Small growers are at the bottom. Contrary to general knowledge, the processors at the top of this "super coop" include major private corporation as well as farmer-owner processors. Critics contend that decisions are made and profits are taken at the top of the pyramid, with too little consideration paid to the economic interests of the small grower.

Iowa farmer Weisshaar is not eager to have his interests buried in such coops. "If I wanted to go into something like that," he says, "I would have gone into meat packing or the grocery business. I like being a farmer."

The various plans of farm groups to save the family farm face an uncertain future.

Their legislative and organizational prospects are seriously weakened by traditional divisions in their own ranks. The NFO is suspicious of the Farm Bureau and is itself distrusted as too "radical" by other farmers. The National Farmers Union, which represents midwestern grain producers, has its own legislative goals.

Other farmers, including cattlemen, fear that mandatory bargaining—a Farm Bureau proposal—will merely stimulate further vertical integration by the conglomerates. Faced with the prospects of collective bargaining, giant meat packers, canners and sugar refiners may respond by growing even more of their own raw food materials.

It is difficult to design legislation to meet the differing problems of Iowa corn producers and California fruit growers.

Furthermore, the agriculture committees of Congress are confronted with new conflicts of interest. In the past, these committees had little trouble satisfying both big farmers and corporate food processors.

The big farmer and conglomerate both benefited from farm subsidy payments, a cheap labor supply, and foreign aid food programs.

But now the Senate and House Agriculture Committees are faced with difficult choices—resolving new conflicts between independent farmers and the corporations. Agribusiness, led by the National Canners Association, National Broiler Council, and the American Meat Institute strongly oppose bargaining legislation.

These committees give considerable weight—as do many economists—to the agribusiness argument that farm commodity prices are determined on a day-to-day basis in a highly competitive world market and that rigid bargaining legislation might well weaken the ability of American agriculture to compete in world trade.

They are concerned, too, about maintaining the vigorous competition that now exists among food processors who fight for position in retail stores and who seek to satisfy shifting consumer preferences that often are geared to price. Processors want to retain this pricing flexibility and fear the rigidities that could come from enforced bargaining.

MANY LOBBYISTS

In terms of effective political power, 200 Washington lobbyists representing the food industry are far more influential than farmer lobbyists. Food processors have plants scattered all over urban America and can appeal to urban as well as rural Congressmen. For example, the Grocery Manufacturers of America maps out its legislative campaigns with charts showing the location of food plants in each congressional district.

"Most members of the agriculture committees wish this farm bargaining issue would just go away," says one agribusiness lobbyist. "Whatever they do, the politicians figure they will make one friend and six enemies."

The Nixon administration also feels and reflects the conflicting pressures from farmers and food manufacturers. The administration has tentatively supported the Farm Bureau Bargaining bill. But a high administration source confides:

"The White House owes a political debt to the Farm Bureau, but we aren't very enthusiastic about this legislation. If you look at our proposed qualifying amendments, you'll see there really isn't much left."

The political disputes and maneuvering are still largely regarded by consumers, urban politicians, and the news media as intra-rural issues involving "the farm problem."

But the broadest issue involves the future shape of America and of its rural communities

There is the strong, compelling desire in rural America to maintain the family farm and the small town.

Joe Weisshaar questions whether a way of life his family loves will be replaced by another industrialized system, administered by the forces of big labor and big industry.

And migrant farm workers, struggling to organize, question whether society does not have some obligation to help the lowest-paid worker who is being replaced by machines.

WHY BIGNESS?

Creston banker Charley Ehm asks: "Why is this country so obsessed with bigness? Why can't a young fellow farm 300 acres and make a living? We need to replace the economists and corporate planners with someone who has a concern for human beings."

Even assuming that industrial agriculture can be more efficient, Don Paarlberg, the Agriculture Department's chief economist, says: "People are asking, whether in as affluent a country as the United States, efficiency should be the sole criterion for the form of agriculture we are going to have. We now supply ourselves with food—the best diet ever, anywhere, with 17 per cent of our income. How much is it worth to drive that percentage down to 15 or 12 or 10?

"Should we sacrifice a form of agricultural production that has served us well, that has produced good people as well as good crops and livestock?"

Paarlberg had no answer for the question.

U.S. POLICY HANDCUFFS SMALL FARMER

(By Nick Kotz)

Tereso Morales has struggled all his life at the bottom of the richest agricultural system in history. Since he was nine years old, he has stooped in fields from Oregon to Texas, harvesting wealth owned by big farmers, retail food chains, canners and now, by agribusiness conglomerates.

Morales, 35, is still breaking his back in the fields, but with new purpose. His mind is now fired with a dream at sharing in some of the riches of American agriculture. He has joined with 30 other migrant workers and small farmers to grow strawberries in Watsonville, Calif. He hopes to earn $10,000 a year to raise his 11-member family in someplace other than a labor camp or a big city slum.

The 31 families of Cooperativa Compesina in many ways symbolize the problems and aspirations of 13 million poor rural Americans. They are among the 1.5 million small farmers and more than one million migrants who now work the land at far less than poverty-level incomes. They contribute to national statistics one-half of the nation's poverty and substandard housing.

The cooperative movement may give some of these people a way out of poverty. But the odds on their success are small.

They are competing—like the "family farmers" of the country—against powerful, efficient and aggressive "agribusiness" corporations that have moved into American agriculture on a large scale.

Morales and the other families of Cooperativa Compesina, for example, are competing in the California strawberry market with Tenneco, Inc., a $4.3 billion conglomerate corporation, and with S. S. Pierce Co., which both grows and distributes its own brand of premium-priced foods.

They are competing, in a larger sense, with political forces that have shaped federal agricultural policies in ways that favor the largest and most efficient interests in agriculture.

For more than 35 years—to take the most obvious case in point—American industrial workers have been represented by powerful labor unions that have secured minimum wage legislation, unemployment compensation, child labor regulations, workmen's compensation for injuries on the job, collective bargaining right and so on. Farm workers, like Morales, generally enjoy none of these rights and benefits.

UNDERCUT BY GOVERNMENT

When the United Farm Workers Organizing Committee, led by Cesar Chavez, sought to achieve some of the same benefits, government responded by undercutting the movement with policies permitting employers to import cheap labor from Mexico and Puerto Rico. When Chavez and his union sought to gain bargaining rights with a retail boycott of grapes and lettuce, the Defense Department increased its purchases of grapes and lettuce.

At the same time, the government has continued its subsidies to large farm operations through the provision of low-cost irrigation water, the development of labor-displacing machinery and generous tax laws.

The U.S. Department of Agriculture, through various policies and actions, has discouraged the development of cooperatives for low-income farmers on grounds that the industrialization of agriculture and the elimination of stoop labor is in the interests of both country * * *.

"Government," says James Hightower of the Agribusiness Accountability Project, a foundation-financed operation, "has provided socialism for agribusiness and free enterprise for the small farmer and farm worker."

The problems created in "rural America" by these policies have prompted politicians and presidents to come up with new programs and new rhetoric to "save" the small towns and the small farms of the country. There have been, in recent years, "wars on poverty", "rural development" schemes and concept of "balanced national growth". But thus far, the powerful and impersonal forces of corporate agriculture have been the dominant factors in the changes sweeping the farm economy.

TREND REVERSERS ABSENT

The measures that might reverse the trend—strong farm worker labor unions, generous subsidies to small cooperatives, the redistribution of land from corporate farmers, to individual farm entrepreneurs—have not been undertaken.

What is happening in American agriculture—bigness concentration, and the efficiency these things produce—may be good or bad for the country in the long run. But the implications of these tendencies transcend the question of whether Tenneco, Inc., or Tereso Morales will harvest strawberries in California. These implications include the following:

The future shape of the American landscape. Already in this country 74 per cent of the population lives on only 1 per cent of the land. If present trends continue, only 12 per cent of the American people will live in communities of less than 100,000 by the 21st century—60 per cent will be living in four huge megalopli and 28 per cent will be in other large cities.

Rural life, already seriously undermined by the urban migration, will be further eroded. Today, 800,000 people a year are migrating from the country side to the cities. Between 1960 and 1970 more than half of our rural counties suffered population declines. One result is the aggravation of urban pathology—congestion, pollution, welfare problems, crime and the whole catalogue of central city ills.

The domination of what is left of rural America by agribusiness corporations is not only accelerating the migration patterns of recent decades but raises the spectre of a kind of 20th century agricultural feudalism in the culture that remains.

In response to this vision of the future, the federal government in the 1960s undertook limited measures to stimulate the survival of the small farm and the small towns of America. The antipoverty programs administered by the Office of Economic Opportunity touched the problem in certain ways.

A START THROUGH OEO

Tereso Morales, for example, learned to read and write in an adult education course sponsored by OEO for migrant workers. He learned, too, that he and other farm laborers might earn a living growing high-value fruits and vegetables. So he persuaded three of his OEO classmates to join him in putting up $500 apiece to launch Cooperativa Compesina, with Morales as president.

Working from sunup to dark in the coop's 140-acre leased fields, Morales has little time or patience to talk with visitors about abstractions. He is laying several miles of irrigation pipe, and supervising the leveling of irrigation ditches. It is an exacting job. If the irrigation troughs vary by more than one inch in 100 feet, water may slop over and mildew the precious strawberries.

The dream or heartbreak at the end of this labor will come next year. If all goes well, each acre of strawberries should produce gross sales of about $9,000. Then the cooperative will find out whether corporate competitors attempt to frustrate its marketing plans.

"In a good year I could earn $5,000 as a migrant," relates Morales, "but that meant traveling for 12 solid months. "It's very hard on the family. How are you going to do that and raise nine kids, send them to school, give them a chance? You can't keep running forever. I'm not moving anymore."

KEYED TO FAMILY

The coordination of cooperative farming is no easy matter, and has produced some failures. Cooperativa Compesina divides up land and profits on the basis of family size and family contributions to work. Its members so far are sticking together.

"We want to benefit our community and do all we can to exist," says Morales. "Our members are not afraid to work. With what we have to go back to, this looks pretty good."

The coop got its crop started with a $100,000 loan from an OEO-funded consulting firm, and a $150,000 loan from the Wells Fargo bank. When local growers tried to block the loan a local Wells Fargo official reportedly told them: "You'll take your money out of the bank, but they'll burn the bank down. What am I supposed to do?"

Despite the indirect assistance from OEO, the federal government—and particularly the Agriculture Department—has done little to assist Morales' coop and similar ones that are being started by blacks in the South and whites in Appalachia.

TURNED DOWN BY FHA

The farmers Home Administration turned down Cooperative Comesina's request for a loan.

"The low-income farmer problem is not personally my cup of tea," says Homer Preston, deputy administratior of USDA's Farmer Cooperative Service. "Our conventional coops are not exactly enthusiastic about them. They don't have much to offer except labor and it is less important today. These people were cotton choppers.

"They're tied in with idealism and civil rights, and a lot of romanticism. The purpose of cooperatives is not to keep mass numbers in farming but to help those who remain. You can't go against market trends when everything else points to bigness."

Although the conventional co-ops were started by struggling farmers of yesteryear, they today essentially represent big business and seek farmer members who can invest in processing and marketing.

In the course of assisting "bigness," Preston says the FCS is helping merger negotiation between the country's two largest dairy "super co-ops," which between them control about 40 per cent of the fluid milk supply.

When he came to Washington seeking management training assistance for 100 low-income southern co-ops, says Father A. J. McKnight, FCS advised him to seek help from a private foundation.

"The USDA programs have favored the big commercial farmers and have deliberately tried to eliminate the small family farm," said McKnight, referring to research sponsored by the Agriculture Department and land grant colleges.

At a time when poor Southerners are starting to earn a living growing labor-intensive specialty crops like okra, tomatoes, sweet potatoes, and cucumbers, McKnight said, USDA is developing strains of the same vegetables which can be harvested mechanically.

TOUGHER STRAWBERRY

Similarly, government-backed research at the University of California is developing a tougher variety of strawberry—with a primary emphasis not on flavor or nutrition, but on its ability to be shipped and picked by machine.

"When I asked about the effects of that strawberry picked on migrant workers," says Alfred Navarro, a consultant to Sooperativa Compesina, "the Extension Service guy said: 'All I worry about is the economic part of it. Let the sociologists worry about that'."

"Mechanization is a fact of life," says Navarro, "but the field worker can't get the machine. Who deals with the social effect of these machines? The Agriculture Department has got to be responsive to more than one sector of the rural economy."

The clash of farm worker and grower has been highlighted in recent years by the rise of Cesar Shavez's United Farm Workers Organizing Committee.

UFOC's major successes to date have been in winning contracts from the new conglomerate farmers, who have entered California fruit and vegetable farming. Primarily because they fear boycotts of their nationally branded products, the conglomerates say, they have signed contracts while most large independent growers have not.

In the Salinas Valley, for example, four of five contracts won by the union are with national firms: Purex Corp., United Brands, S. S. Pierce Co., and Heublin, Inc.

UNION STILL RESISTED

Meanwhile, the largest independent growers are still bitterly resisting the union, and seek state or national legislation that would restrict its activities. The growers want a law that would prohibit strikes during harvest season and the secondary boycotts by which Chavez has appealed to sympathetic consumers.

The outcome of these battles over agricultural wealth could be an industrialized system of conglomerate farmers and of unionized labor. However, Chavez so far has organized only a small percentage of California migrants, and even these victories are fragile ones, subject to renegotiation in a year or so.

Chavez' ultimate goal is to win economic independence for migrants by creating cooperatives such as Cooperativa Compesina.

They could be helped by a new system of crop subsidies, which base government assistance on economic need rather than on acreage.

Present subsidies, theoretically aimed at controlling overproduction, go mainly to the wealthiest farmers who own the most land. But John Schnittker, Under Secretary of Agriculture in the Johnson administration, argues that subsidy payments for wheat and cotton are far larger than those needed to control surpluses. A substantial part of these subsidies, says Schnittker, simply provide income supplements to the wealthiest farmers.

Some reformers argue that the small farmer can still be given a place in America if the government brings about "land reform," including enforcement of the 1902 Reclamation Law.

This law originally was designed to protect the small farmer. It provided that government-irrigated land could not be owned by absentee landlords, and that no individual could own more than 160 acres of government-irrigated land.

The law has never been enforced. In California alone, corporate landholders continue to occupy and benefit from more than one million acres subject to the 160-acre limitation.

Rep. Jerome Waldie (D-Calif.) and others have proposed legislation by which the government would buy this illegally-held land, and then resell it on generous credit terms to small farmers and low-income cooperatives.

Unless present trends are reversed, the ultimate cost of the new conglomerate revolution in agriculture will be paid by the small towns of the Midwest and of California.

CALLED DISASTROUS

Jack Molsbergen, a real estate man in Mendota, Calif., describes as "disastrous" the effects of conglomerate farming on his town in the western San Joaquin Valley.

Conglomerate farmers such as Anderson Clayton and Co., the country's 185th largest corporation with 1970 sales of $639 million, contribute little to the local economy, says Molsbergen. The conglomerates buy their farm machinery and supplies directly from the factory and their oil directly from the refinery, he says.

When Mendota tried to build a hospital several years ago, says Molsbergen, Anderson Clayton and two other large corporate landowners blocked the project, because it would increase their property taxes.

LIVES ELSEWHERE

"The guy who made the decision for Anderson Clayton lives in Phoenix," explains Molsbergen, "and if you live in Phoenix, you don't need a hospital in Mendota. These corporate guys don't go around with a Simon Legree mustache. They are nice men. It's just the way things are."

Agriculture Department economists do not see any future for the Mendota, Californias, of the country.

"These towns represent the unfulfilled dreams of the people who went there," says USDA economist Warren Bailey. "They are going the same way as the neighborhood grocery. People want to shop where they have a choice. With air-conditioned cars and good roads, they choose to do their shopping in the cities. Iowa really doesn't have room for more than 12 regional centers. The small town will remain only as a pleasant place to live."

As matters now stand, the small towns will die and the small farmer and farm worker will be replaced without any of the attention and national debate that has focussed on other economic disruptions.

LOCKHEED CONTRAST

There is a marked contrast between national concern shown over the economic problems of a Lockheed and over the problems of 150,000 small North Carolina tobacco farmers, who soon will be displaced by a new tobacco harvester.

Woodrow L. Ginsburg, research director of the Center for Community Change, contrasts that concern:

"When tens of thousands of scientists and skilled technicians were threatened with loss of jobs in the aerospace industry, a host of industrialists, bankers, and others besieged Congress for large-scale loans and special legislation.

"But when even larger numbers of workers are threatened with loss of jobs in the tobacco industry, scarcely a voice is raised. What corporate executive speaks for such workers, what banker pleads for financial aid for them, what congressman or state official calls upon his colleagues to enact special legislation?"

Ginsburg believes no voice is heard because America lacks "a national rural policy that considers the needs and aspirations of the majority of rural Americans—farm workers, small farmers, small independent business men and the aged."

"The farmhouse lights are going out all over America," says Oren Lee Staley, president of the National Farmers Organization. "And every time a light goes out, this country is losing something. It is losing the precious skills of a family farm system that has given this country unbounded wealth. And it is losing free men."

NATIONAL HEALTH INSURANCE SURVEY—PART I

Mr. HANSEN. Mr. President, a nationwide survey has recently come to my attention which asks several questions concerning national health insurance. This survey was conducted by the Opinion Research Corp., of Princeton, N.J., in May of 1971.

The results of this survey will certainly be of great interest to all Members of the Senate as we consider the needs and desires of the American people in this field. It is especially important now that the House Ways and Means Committee has announced that it will shortly begin its hearings on health insurance programs.

With more than 1 dozen different health insurance bills introduced in Congress, and with great differences in scope, cost, and purpose of these different bills. I have personally found the results of this survey to be especially useful. The question of the role the Federal Government will play in the years ahead is the one which must be determined by the Congress. It is not an easy choice that we have facing us.

This survey asked three questions, as follows:

> If you could get hospital and medical insurance from either a private insurance company or from the Federal Government, which would you prefer?
>
> Do you feel that we need a nationwide Federal Health insurance program?
>
> What do you think a nationwide Federal health insurance program should cover?

Today I will place in the Record the answer to question No. 1 along with the analysis done by Opinion Research Corp.

The material follows:

> Many people today would prefer to obtain hospital and medical insurance from Uncle Sam.
>
> President Nixon and Senator Edward Kennedy have each prescribed new Federal medicine for America's ailing health-care system. Nixon describes his program as a "National Health Insurance Partnership," while Kennedy seeks to create a new "Federal Security Board."
>
> The Nation's health bill for 1970 was $71 billion, an increase of $44 billion over 1960. Costs have far outpaced the funds available—the Health Insurance Institute estimates that private plans lost $600 million last year.
>
> As to the preferred source of hospital and medical insurance, the question was asked:
>
> "If you could get hospital and medical insurance from either a private insurance company, or from the Federal government, which would you prefer?"

Of the total public, in 1953, 30 percent preferred the insurance from the Federal Government; 64 percent preferred a private company, and 6 percent had no opinion.

In 1955, 31 percent preferred the Federal Government; 63 percent preferred coverage from a private company, and 6 percent had no opinion.

The latest analysis indicated that 41 percent would prefer hospital and medical insurance from the Federal Government, 45 percent from a private insurance company, and 14 percent had no opinion.

THE RELUCTANT STATISTICIANS

Mr. HUMPHREY. Mr. President, on September 30, 1971, I took the floor of the Senate to call attention to the shift of personnel in the Bureau of Labor Statistics.

As I said then:

> The Bureau of Labor Statistics must be highly professional. Whether we like the reports or not, we must have some respect for them.

A recent article in the New York Times makes exactly the same point:

> The shake-up has been explained as a move that is aimed at better coordination, uniformity, and so on, but the plain fact is that some statisticians of unimpeachable competence and integrity are being shunted into less important work because they have refused to interpret the statistics as their bosses wanted them to.

And as the article so cogently notes:

> Not a single businessman or business economist has raised his voice in protest.

Mr. President, I ask unanimous consent that an article entitled "The Reluctant Statisticians," written by Eileen Shanahan, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Reluctant Statisticians—Some Are Reorganized Out of Their Jobs

(By Eileen Shanahan)

Washington.—Businessmen traditionally have held a dual attitude toward making their voices heard in matters involving the Federal Government.

Where there has been a specific impact on a specific company—what seemed to be a heavy tax, a burdensome regulation, an unreasonable restriction—business executives have not hesitated to march on Washington personally and also to hire top legal, lobbying and other talent to get their views across.

Where the impact has been less specific, however—where the policy perceived to be a bad one, is expected to have generalized consequences for their company—then business executives have generally stayed at home rather than tangle with the politicians and the bureaucrats, or both.

Thus it is, for example, that business executives have hardly ever testified before Congress on such matters as education, welfare or space budgets. They left the expression of business opinion on such issues to such organizations as the chamber of commerce, which, depite its large membership, often has less impact than one identifiable plain-spoken corporate executive.

The concept that it is best for a businessman not to get into any fights with the Government unless there is a direct and substantial corporate interest at stake seems to have led many businessmen into not even inquiring whether they have such an interest, unless that interest is immediately apparent.

The latest such case in point involves the decision of the Nixon Administration to shake up the personnel of the Bureau of Labor Statistics, which is responsible for the preparation and analysis of many of the most basic economic statistics, including the employment and unemployment figures.

The shake-up has been explained as a move that is aimed at better coordination, uniformity, and so on, but the plain fact is that some statisticians of unimpeachable competence and integrity are being shunted into less important work because they have refused to interpret the statistics as their bosses wanted them to. The dissatisfied bosses include Secretary of Labor James D. Hodgson as well as the President.

One of the main individual victims of the shuffle, though not the only one, is Harold Goldstein, who has long been the Assistant Commissioner of the Bureau of Labor Statistics responsible for the employment and other manpower figures.

Mr. Nixon and Mr. Hodgson have been increasingly furious with Mr. Goldstein and some of his assistants—and at some others within the bureau who supported them, such as Peter Henle, the chief economist, who has also been reorganized out of a meaningful job. The reason for the fury is that these career bureaucrats would not make public statements interpreting the figures as their political bosses wanted them to. If a one-tenth of 1 percentage point drop in the unemployment rate was not statistically significant—as it is not—Mr. Goldstein would refuse to say what it was, no matter what Mr. Hodgson or Mr. Nixon wanted said.

After a year of such tussles, the recent "reorganization" of the Bureau of Labor Statistics was ordered. Not a single businessman or business economist has raised his voice in protest. The silence has continued despite an industrious effort made by the staff of Senator William Proxmire, Democrat of Wisconsin, to find an executive or economist from the business community who would testify at the Joint Economic Committee hearings on the matter.

Many business executives obviously felt it was completely unnecessary to get into the fight because they saw no vital corporate interest at stake.

All who are familiar with the process of collecting and processing the unemployment figures say that there is no way that even the most evilly intentioned person could actually alter the statistics without being caught. Since a whole data-collection and processing system is involved, too many people would have to know. Changing just one figure—the politically sensitive over-all unemployment rate, for example—would involve changing hundreds or even thousands of others.

Since accurate numbers are, therefore, expected to continue to be available and since large corporations have experts on the payroll to make their own interpretations of the numbers, executives of large companies may feel that it does not matter what officialdom or the official press release says about the numbers—true, false or misleading. But only the largest companies have their own analytical resources. In addition, what the business executives who have failed to speak up may have forgotten is that the public interpretation of the figures, and not just the figures alone, establishes the climate in which economic policy decisions are made.

If they see no danger to themselves and their companies in the not-entirely-accurate interpretations of the figures that are being made today by officials of the Nixon Administration, they might try to contemplate the results, some future day, when a Democratic administration is interpreting the numbers.

NATIONAL SICKLE CELL PREVENTION ACT

Mr. ROTH. Mr. President, I am pleased to be one of the cosponsors of S. 2676, the National Sickle Cell Prevention Act. Sickle cell anemia, a disease primarily of members of the black race, has been known in medicine since 1910. It is a blood disease which affects the hemoglobin in blood cells. The result, in those severely afflicted, is to cause unusual pain, a severe anemia, and too frequently, may result in death. The median survival age for those who have the disease is 20.

This disease is an inherited disease. The individual who suffers from the disease must inherit traits of the disease from each of his parents. Both parents must be carriers of the disease. The incidence of the disease varies in different parts of the world but, in the United States, the disease occurs in approximately one out of every 400 to 500 live Negro births. It has been estimated that about 2 million individuals may carry the trait. The disease is severe when it occurs with relatively few surviving into adulthood. For this reason, the disease is seen most often in children and young adults. In fact, sickle cell anemia is one of the most common illnesses of Negro children. Symptoms of the disease and the presence of the trait in carrier individuals are usually detectable shortly after birth or at least by 2 years of age.

There are techniques for examining individuals to detect whether the sickle cell trait is present. The most widely used technique is called the Sickledex test and costs about 50 cents per blood sample to perform. Some limited screening of populations has shown that the test is fairly reliable. Other tests have been developed and are under limited evaluation in civilian as well as military community screening approaches.

Procedures for treating individuals who have the disease; that is, they have inherited the trait from both parents, are not satisfactory although relief has been dramatic in some instances. There has been increasing success over the years despite the fact that sickle cell research has not been funded as a high-priority category. No completely satisfactory techniques are available. Most methods involve the use of drugs to relieve pain, partial blood exchange transfusions, biochemical treatment of the blood to regulate blood substance concentrations, or most recently, the use of urea to relieve many of the symptoms.

The use of screening techniques to locate affected individuals, carriers as well as the person with the disease, produces a need for genetic counseling and medical treatment. When a carrier is detected, advice must be available. If the disease is identified, treatment must be at hand. So far, most of the programs for screening and counseling have been carried on by small volunteer groups and on a local basis. These actions are commendable, not only for the community service rendered but because of the fact that attention has been directed to the need for more support. Some research has been funded by the National Institutes of Health. In his health message this spring, the President announced that additional funding would be directed toward research programs in sickle cell anemia and the fiscal year 1972 budget did carry a request of $5 million more for this program. The problem is that research work, screening, programs, genetic counseling, and protocols for medical treatment are poorly coordinated and ineffectual in reaching our total population of blacks.

The act which I am cosponsoring today would serve to remedy the problems associated with this community health problem. The act provides for Federal support of voluntary screening programs, counseling services and educational programs. Research would be encouraged for the prevention, treatment, and cure of sickle cell disease and all appropriate Federal health agencies, civil as well as military, would be authorized to prescribe and implement voluntary programs for detecting and treating the disease. Participation in all of these programs by blacks would be on a voluntary and confidential basis. Our knowledge of this disease, while incomplete, is at the state where effective national coordination would produce a significant benefit. The act provides for that coordination and attention.

UNIVERSITY OF WISCONSIN ECONOMISTS EXPRESS CONCERN OVER EXECUTIVE HANDLING OF ECONOMIC STATISTICS

Mr. PROXMIRE. Mr. President, last Friday, October 8, the Labor Department released its latest figures on unemployment. Once more—for the 11th month in a row—the dismaying news was a continuing high rate of unemployment, in the neighborhood of 6 percent.

Following the practice inaugurated last spring, the Joint Economic Committee, of which I am chairman, held an open hearing to discuss recent labor market developments with the Commissioner of Labor Statistics. There certainly was no encouraging news for the 5 million unemployed workers or their families. One month into the wage-price freeze, there is no clear indication that economic policies of this administration are working to reduce the intolerably high unemployment.

Mr. President, at this hearing we also spent considerable time discussing the newly announced reorganization plans for the BLS. News accounts continue to abound, questioning the rationale for the reorganization.

Officially it is predicated on a statement by the Office of Management and Budget—OMB—calling on the four departments—Agriculture, Commerce, HEW, and Labor—with major statistical programs to undertake a review of these programs with a view to the eventual establishment of the proposed Department of Economic Affairs contained in the President's reorganization program.

On the other hand, the thrust of the news stories, which was not at all blunted by testimony last Friday before our committee, has been that a major factor in the BLS reorganization is the determination of the Secretary of Labor and other even higher officials to punish certain key career technicians for calling the shots as they objectively saw them, and not as dictated by political expediency.

Mr. President, I have just received a letted signed by 44 economists from my home State University of Wisconsin. The letter clearly outlines the background and the important issues involved. It states:

> If the planned reorganization is put into effect, economists, important stabilization agencies such as the Federal Reserve and the public at large will surely question the objectivity of this important statistic (the unemployment rate.)

I certainly intend to carry out the suggestion of these highly qualified experts that the replacement for the demoted Harold Goldstein, one of the principal career Labor Department officials involved in the "shake-down," appear before our committee to verify the continuing reliability of unemployment statistics.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE UNIVERSITY OF WISCONSIN,
Madison, Wis., October 4, 1971.
Hon. WILLIAM PROXMIRE,
U.S. Congress, New Senate Office Building, Washington, D.C.

DEAR SENATOR PROXMIRE: We are alarmed by newspaper accounts describing the planned reorganization of the Bureau of Labor Statistics. As you are aware, the monthly presentation to the press of the basic unemployment statistics and the answering of questions regarding their significance has been the responsibility of competent and objective career statisticians of the Bureau. The transfer of this function and the attendant downgrading of the Bureau's professional statisticians is likely to impair the public's understanding of unemployment problems in this country.

Until last March, no one had seriously questioned the integrity of unemployment statistics. To be sure, it was easy to find fault with the methods used in their construction and particularly with their seasonal adjustment, but not their fairness. With the cancellation by the Administration of the monthly news conference, a first step in the erosion of public confidence in government statements regarding the unemployment rate occurred. If the planned reorganization is put into effect, economists, important stabilization agencies such as the Federal Reserve, and the public at large will surely question the objectivity of this important statistic. We judge this to be so in spite of the Administration's rationale for the reorganization of Federal statistical activities as reported in *Statistical Reporter,* July 1971. Certainly no argument for organizational efficiency has come to our attention which justifies the displacement of a statistician of the caliber of Mr. Harold Goldstein.

Your previous action in March, 1971 when Secretary Hodgson attempted to silence Mr. Goldstein was most effective. In the event the planned reorganization occurs, the Joint Economic Committee should call forward Mr. Goldstein's successors and, with the advice of skilled statisticians, should publicly verify each month that the reported statistics and the procedures underlying their construction are comparable or defensibly better than the historic series. If the Committee does less, the quality of analyses and discussion of the serious economic problems facing our society will be severely diminished.

Sincerely,

Edgar F. Feige, Associate Professor of Economics; Neil K. Komesar, Assistant Professor of Law; Lee Bawden, Associate Professor of Economics; Burton A. Weisbrod, Professor of Economics; Robert J. Lampman, Professor of Economics; Irene Lurie, Assistant Professor of Economics; Thad W. Mirer, Research Associate, Institute for Research on Poverty; Peter H. Lindert, Associate Professor of Economics; Kang Chao, Professor of Economics; Dennis Hoover, Lecturer, Department of Economics; Geoffrey Carliner, Project Associate, Institute for Research on Poverty; Arthur S. Goldberger, Professor of Economics; Donald Harris, Associate Professor of Economics; Gerald G. Somers, Professor of Economics; Dorothy J. Hodges, Assistant Professor of Economics; James Ozzello, Graduate Student, Department of Economics; Peter A. Lundt, Graduate Student, Department of Economics; Robert E. Baldwin, Professor of Economics; Kenneth White, Graduate Student, Department of Economics; Leonard W. Weiss, Professor of Economics; Timothy Bates, Graduate Student, Department of Economics.

John S. Akin, Research Associate, Institute for Research and Poverty; Nathan Rosenberg, Professor of Economics; Dagobert L. Brito, Assistant Professor of Economics; J. David Richardson, Assistant Professor of Economics; Ralph Andreano, Professor of Economics; Donald Hester, Professor of Economics; Charles E. Metcalf, Assistant Professor of Economics; Jeffrey G. Williams, Professor of Economics; Theodore F. Groves, Jr., Assistant Professor, Department of Economics; Allen Kelley, Professor of Economics; Roger F. Miller, Professor of Economics; Frederick Golladay, Assistant Professor of Economics; Dennis Aigner, Professor of Economics; Richard Day, Professor of Economics; Glen G. Gain, Professor of Economics; Robert H. Haveman, Professor of Economics;

Eugene Smolensky, Professor of Economics; David B. Johnson, Professor of Economics; W. Lee Hansen, Professor of Economics; Earl Brubaker, Associate Professor of Economics; John M. Culbertson, Professor of Economics; Jack Barbash, Professor of Economics; Everett M. Kassalow, Professor of Economics.

THE ESSENCE OF BROTHERHOOD OF MAN

Mr. MATHIAS. Mr. President, Theodore McKeldin, mayor of Baltimore from 1943 to 1947, and again from 1963 to 1967, and Governor of Maryland from 1951 to 1959, is one of the most remarkable human beings I have had the pleasure of knowing. Recently, in an article entitled, "Can Non-Jews Identify With Israel?," the Israeli publication, Turim, cites an exchange of correspondence between a Baltimore resident and Governor McKeldin. In this exchange, Mr. McKeldin expresses with great eloquence what I think is the essence of the brotherhood of man.

At this time, as Americans of all faiths express their concern over the denial of freedom for Soviet Jews and as we consider the situation of Israel in the continuing Mideast crisis, I find Governor McKeldin's words to be particularly apt. I heartily commend them to Senators and ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAN NON-JEWS IDENTIFY WITH ISRAEL?

A REMARKABLE CORRESPONDENCE

In the newly published English anthology, ISRAEL THROUGH THE EYES OF ITS LEADERS, Professor Moshe Davis, head of the Hebrew University's Institute of Contemporary Jewry, cites in his chapter on teaching American Jewish history in Israel, the extraordinary correspondence between Governor Theodore McKeldin of Maryland and a citizen of Baltimore. When it appeared in Israel this elicited a widespread response. It is an encouraging and illuminating document for Americans as well.

Wrote a certain Baltimorean:

"Dear Governor McKeldin:

"As long as I can remember, I have been taught by my family, by the Maryland public school system . . . that we are Americans. Since this is so, our allegiance is always to our own country—America. We cannot then, it seems, call any other land 'ours' and be loyal to the United States. We do not refer to another nation's army as 'our army,' its soldiers as 'our boys' nor the nation itself as 'us.' The officers of the sovereign states of the United States are dedicated to the support of the constitutions of said states and to that of the Union . . .

I could not understand from your remarks whether you were an American or an Israelite, a Jew or a Gentile, a Hebrew or a Christian. Which are you, I would like to know?"

Replied the Governor:

"You ask if I am an 'American or an Israelite' (and I shall assume that you meant Israeli).

"You know of course that I am an American . . . I was the Mayor of an American city and am the Governor of an American state.

"You ask if I am Jew or Gentile, Hebrew or Christian. To the Jew of course I am a Gentile. In my faith I am a Christian.

"Because I am an American, and because of the freedom which is rightfully mine, I can call any man my brother, and when I feel a kinship for his land because it too defends the dignity and the liberty of man, I can call it mine—or 'ours.'

"Because I am a Christian, I dare to extend the hand of brotherhood in the full measure, and to identify myself as closely as possible with a great people who are fighting a gallant fight for that which is right . . .

"I too was reared in a family with a great and abiding love for America and for the opportunities of America, and I am most grateful for the fruits of the opportunities which I have been permitted to harvest.

"I hope that my gratitude will always be strong enough to keep me from hoarding these fruits to decay in a dark and narrow cellar . . . permit me to see the good in other lands and in other peoples, to glory in their struggles for liberty as I glory in ours, and indeed even to speak of theirs as 'ours'—because man's fight for freedom is not a thing of isolation. It is a universal and unending battle. . . ."

HISTORY OF LEGAL SERVICES PROGRAM

Mr. MONDALE. Mr. President, the distinguished senior Senator from Kansas (Mr. PEARSON) has published an article in the current edition of the Kansas University Law Review which describes the brief but tremendously significant and successful history of the legal services program.

The article supports the creation of the Legal Services Corporation embodied in legislation which passed the Senate on September 9, 1971. Senator PEARSON was one of the early supporters of this legislation.

His excellent article is a definitive statement on the history of a program which has done so much to insure adequate and fair representation for the indigent in the courts of America.

Mr. President, I ask unanimous consent that the article, entitled "To Protect the Rights of the Poor: the Legal Services Corporation Act of 1971," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TO PROTECT THE RIGHTS OF THE POOR: THE LEGAL SERVICES CORPORATION ACT OF 1971

(Senator JAMES B. PEARSON*)

MORE. What would you do? Cut a great road through the law to get after the Devil?

ROPER. I'd cut down every law in England to do that!

MORE. Oh? And when the last law was down, and the Devil turned around on you—where would you hide, Roper, the laws all being flat? This country's planted thick with laws from coast to coast—Man's law not God's—and if you cut them down—and you're just the man to do it—d'you really think you could stand upright in the winds that would

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Footnotes at end of article.

blow then? Yes, I'd give the Devil benefit of the law for my own safety's sake.

R. BOLT, A MAN FOR ALL SEASONS.

History advises that governments and laws tend to militate against those who are least able to defend themselves. The rights of the poor in our society have, for lack of adequate equal counsel, too often been unprotected. Injustices that could have been prevented, had they been brought before the bar, have often continued unabated. Thus, our system of law, though more equitable and compassionate than that of any other nation, has regrettably but truly afforded protection for some but not for others. And in their attempt to "get after the Devil" by defying that law, some of our people have been left bare and defenseless when the Devil (and the law) turned on them.

For centuries, Anglo-American jurisprudence granted full representation before the bar to anyone who could afford it and often ignored those who could not. But a fundamental and strengthening characteristic of representative democracy is its capacity for change and evolution. Acknowledging the inequities that existed in administering justice to the poor, the Congress of the United States in 1965 amended the Economic Opportunity Act to include provisions for a Legal Services Program to be established within the Office of Economic Opportunity.[1] In order to expand this program that has given substance to promise, the 92nd Congress now has before it a bill, which I have cosponsored to re-establish the Legal Services Program as an independent, nonprofit corporation, responsible only to itself and to the law it serves.[2] This legislation seeks, through the creation of a separate entity controlled by a board of directors broadly representative of the legal community, to eliminate excessive political interference and to improve thereby the administration of justice to the poor.[3]

I. THE PUBLIC BENEFIT OF LEGAL SERVICES

The concept of legal services administered to the poor through a community law office has its roots in the legal aid movement of the late 19th century. Reginald Heber Smith followed with his classic JUSTICE AND THE POOR, which urged the organized bar of the 1920's to take a more active role in dealing with the problem of equal representation. Significant national growth, however, was painfully slow due to insufficient funds.[4] With the inauguration of a government-supported program, legal aid to the poor grew remarkably. Initially, the Federal Government sent poverty lawyers to work with an appropriation of $20 million. Since then, the Legal Services Program has become the country's largest law firm, utilizing a $53 million budget to maintain some 2,000 lawyers involved with 265 legal services programs and 934 neighborhood offices. During 1970, approximately one million clients were served. It is encouraging, moreover, that the cost per case steadily decreased from $97 in 1967 to $53 in 1970.[5]

Of transcending importance, however, have been the benefits derived from the efforts of Legal Services attorneys. These benefits are clearly measurable by the sizeable sums in increased wages, food stamps, and welfare payments that successful suits have brought to the indigent. But of even greater value, in my judgment, have been both the continuing protection from consumer frauds and housing inequities and the landmark legal decisions that have benefited millions of poor American people.[6]

The social impact of equal representation in court is difficult to assess or describe. It appears clear, however, that a great mass of our people have perceived—perhaps for the first time—that our system of law does strive for fairness and can be an instrument for the change of our social order.[7] It is my belief that Legal Services, by engaging in the daily tasks of resolving unhappy family situations, preventing evictions, and alleviating wage garnishments, has contributed substantially to reducing in intensity the mood of hostility from which sprang countless civil disturbances, some of which still scar the memory of this Nation.

The Legal Services Program has also been able to make governmental bureaucracies more responsible. One representative example relates to a case wherein the Supreme Court ruled that welfare recipients are entitled to an evidentiary hearing before payments can be cut off.[8] As a result of this ruling, the time necessary to process welfare appeals has been reduced by half. Similarly, Legal Services lawyers in California recently won the elimination of tests written in English administered to Spanish-speaking children. The children who failed the tests were being placed in classes for the mentally retarded.[9]

II. LEGAL SERVICES IN CONTROVERSY

Whether legal counsel for the poor should be allowed to push and shove a political bureaucracy has become a serious policy question. Indeed, this question has thrust the entire Legal Services Program into a political turmoil that threatens its very existence. The arguments focus on legal reform and politics and the extent to which Legal Services should be involved in either field.

Initially, two dichotomous concepts concerning the Legal Services Program's proper role were advanced. The first concept generally proposed helping the poor to adapt to the equities and inequities of existing law. The second concept advocated that, rather than aid in the perpetuation of the poverty cycle, antipoverty attorneys should challenge the injustices in our legal system and seek thereby to improve the administration of justice to the poor.

In February, 1965, the American Bar Association's House of Delegates passed a resolution reaffirming "its deep concern with the problems of providing legal services to all who need them." The same resolution stated: "*Resolved,* That the Association, through its officers and appropriate Committees, shall cooperate with the Office of Economic Opportunity and other appropriate groups in the development and implementation of programs for expanding the availability of legal services to indigents and persons of low income." [10] The resolution, which won the approval of a majority of the local and state bars, is consistent with the Code of Professional Responsibility, which states in part:

"The duty of a lawyer, both to his clients and to the legal system, is to represent his client zealously within the bounds of the law, which includes Disciplinary Rules and enforceable professional regulations. The responsibility of a lawyer derives from his membership in a profession which has the duty of assisting members of the public to secure and protect available legal rights and benefits. In our government of law and not of men, each member of our society is entitled to have his conduct judged and regulated in accordance with the law; to seek any lawful objective through legally permissible means; and to present for adjudication any lawful claim, issue or defense." [11]

Left unresolved, then, were conceptual guidelines as well as the political implications of the Legal Services Program. While few people were able to forecast the dramatic social impact poverty law would have, it must have been manifestly clear to all that allowing anti-poverty lawyers to bring suit against government on any level would greatly increase the number and impact of court victories to be gained by the poor.[12] There are many fair-minded individuals, attorneys and laymen alike, who argue against such involvement. Their position is that lawyers should not be paid by government to sue another government agency.[13] On the other hand, it has been argued that the poor, as well as the paying client, must have a proper recourse to assure their rights. And if they are truly unable to obtain legal advice because of financial hardship, government then should be obligated to provide it.[14] Furthermore, there are those who say that the legal system is a political resource and instrument in the community. If this tenet is accepted, as indeed it is among political scientists, then it follows that this system should bring needed change to those in the community who have not only been deprived of society's benefits, but suppressed in attempts to obtain them.[15] To do so means to challenge existing and accepted standards. Professor Harry P. Stumpf writes in "Law and Poverty: A Political Perspective":

"[T]he aims and operations of the Legal Services Program are inextricably involved in, and are a part of, the political system at all levels. . . . The program seeks to provide access to the judicial system for millions of citizens who, for a variety of economic, social, and psychological reasons, have heretofore been "legally alienated." The goal is to provide aggressive, sustained, and readily available advocacy for the poor in order to reassert forgotten rights, establish new rights and remedies, and, in brief, to redistribute societal advantages and disadvantages via the legal system. This is not simply related to politics; it is politics." [16]

And, Jean Cahn, an early proponent of national legal services to the poor, writes:

"Why, it may be asked, should the legal system be made to bear the freight of the entire political and economic structure?

"In part, because it sets the terms and conditions for use of that system In part, because it mirrors the defects of that system. In part, because it blocks the need for social awareness and social reassessment by converting each need into a highly individual, personal, circumstantial case . . . and copes with it accordingly. In effect, the legal system exercises a monopoly on what constitutes a grievance . . . and even when the demands are legitimate, (it) tends to impose a clean hands doctrine which in effect denies to all but the "deserving poor" the right to complaint, to need, to feel, or to demand.

"So long as this monopoly continues, . . . the bulk of grievances and needs will never receive a full or fair hearing—or rational and full exposition.[17]

But in asserting the rights of the poor, the Legal Services Program has experienced political difficulties. Initially and perhaps mistakenly, the Office of Economic Opportunity decreed that neighborhood law firms receiving federal grants would have to report to the local Community Action Agency (CAA) rather than directly to Washington.[18] Additionally, governors won the right to veto funds allocated by the Congress for Legal Services. Public officials have not been unaware of these provisions. For example, the Governor of Missouri, Warren E. Hearnes, vetoed an OEO grant to the St. Louis Community Action Program in December, 1969, on the grounds that legal services lawyers were representing "militant" groups.[19] OEO Director Donald Rumsfeld overrode this veto as well as another affecting the Kansas City, Missouri program.[20] Elsewhere the Chicago Committee on Urban Opportunity, an OEO-funded CAA with the support of Mayor Richard J. Daley, threatened to withdraw funding from the Chicago Legal Aid Society in 1970 unless the Society discontinued representation of citizens groups against municipal agencies.[21] OEO subsequently determined to fund the program directly. Additionally, between 1969 and the present, essential United Fund support of legal services programs has been withdrawn in St. Louis, Missouri; Albuquerque, New Mexico;

Footnotes at end of article.

and Oklahoma City, Oklahoma, on the basis of suits or threatened suits against local government agencies, particularly law enforcement agencies that contribute heavily to the United Fund.

Since 1967, when California Rural Legal Assistance (CRLA) was founded, its record has been remarkable. Though the state's major farmers, welfare bureaucracy, and prominent public officials have joined ranks to oppose CRLA, the lists of its supplicants and court victories have grown apace. In *Hernandez v. Hardin*,[22] California was obliged to increase its food stamp program. In *Alaniz v. Wertz* and *Ortiz v. Wertz*,[23] California truck farmers were forced to stop importing *braceros* who would harvest crops for less wages than native Californians. *Rivera v. Division of Industrial Welfare*[24] asserted that CRLA's claim to enforce the minimum wage of $1.65 per hour to agricultural workers was proper. *Romero v. Hodgson*[25] is currently under appeal to the Supreme Court to decide whether the exclusion of farmworkers from unemployment benefits is constitutional. The fact that the courts have ruled in favor of CRLA in 80 percent of the cases brought would suggest that the poor of California have substantially benefited from CRLA services. In late 1970, however, the Governor of California vetoed a $1.8 million federal grant to CRLA on the grounds that CRLA lawyers failed to represent "the true legal needs of the poor."[26] The ensuing struggle has been intense. CRLA is currently operating under a temporary grant approved by Frank Carlucci, the recently appointed Director of OEO. But no permanent decision has yet been made concerning the future of CRLA, and an OEO-appointed commission comprised of three state supreme court justices is presently considering appropriate recommendations, a situation with which CRLA has become all too familiar during the course of its stormy existence.[27]

III. THE NEED FOR LEGISLATION: INDEPENDENCE IS ESSENTIAL

Clearly, the Legal Services Program and the events that make up politics—both its good and bad aspects are inexorably intertwined. What should be of serious concern to the legal community is the damage done by such political turmoil of the basic tenets of our profession.

One of these tenets is independence from nonjudicial, administrative control. The legal community has only one ultimate authority, and that is the law and the ethical code pertinent to its proper administration. Another tenet is the sanctity of the lawyer-client relationship. The ABA Code of Professional Responsibility specifically includes these two pertinent provisions:

"A lawyer shall not permit a person who recommends employees, or pays him to render legal services for another to direct his professional judgment in rendering such legal services.[28]

"Since a lawyer must always be free to exercise his professional judgment without regard to the interest or motives of a third person, the lawyer who is employed by one to represent another must constantly guard against erosion of his professional freedom."[29]

Yet as we have seen, public officials at all levels of government, through excessive interference in proper relationships with clients and through efforts to exert a crippling degree of lay control, have diverted anti-poverty lawyers from adherence to the Code. Moreover, as an indication of further, though unsuccessful interference, legislation has been offered in Congress to deny Legal Services Lawyers the power to sue government agencies[30] and to grant state governors an absolute veto over federal funds.[31] In 1970, it was proposed, also unsuccessfully, that the Legal Services Program be regionalized—a change that would have subjected its lawyers to an even greater degree of local political pressure.

The National Governor's Conference, in testimony before the Senate Subcommittee on Employment, Manpower and Poverty, recommended that state governors be duly authorized to approve or disapprove individual Legal Services Programs.[32] The ABA Board of Governors, however, in a statement made on October 18, 1969, asserted that the Legal Services Program should "operate with full assurance of independence of lawyers . . . in cases which might involve action against governmental agencies seeking significant institutional change."

The ABA statement further declared that a governor's veto power could be used to "circumscribe the freedom of legal service attorneys in representing their clients."[33] This view was supported by more than 50 state and local bar asosciations, including the National Legal Aid and Defender Association, the Judicial Conference of the United States, and the National Commission on the Causes and Prevention of Violence. The present administration, moreover, has lent its support to the proponents of legal reform. In a statement issued on August 11, 1969, promising the continuation of the Legal Services Program, President Nixon said that the sluggishness of many institutions at all levels of society in responding to the needs of the individual citizen is one of the central problems of our time.

The time to establish an independent, nonprofit corporation to administer legal services is at hand. Anti-poverty lawyers and the law itself must no longer bear the crushing burden of outside intervention. It is essential, in my judgment, that Congress approve the National Legal Services Corporation Act. The Corporation would be authorized to make grants and contracts, to provide comprehensive legal services and assistance to low-income persons, and to carry out programs for research, training, technical assistance, and law school clinical assistance. It would also provide a means for disadvantaged individuals to obtain a legal education. The Corporation would be administered by a 19-member board of directors, to be chosen as follows: five appointed by the President with the advice and consent of the Senate; one by the Chief Justice of the Supreme Court acting on the recommendation of the Judicial Conference of the United States; six by virtue of their office (the President and President-Elect of the American Bar Association, the President of the American Trial Lawyers Association, the President of the National Bar Association, the President of the National Legal Aid and Defenders Association, and the President of the American Association of Law Schools); three chosen by a clients advisory council; and three chosen by a project attorneys advisory council—each council being established by the act. An Executive Director of the Corporation, selected by the board of directors, would also serve as a voting member of the board. The Corporation would be funded by annual appropriations from the Congress, the authorization for fiscal 1973 being $170 million.[34]

The passage of this type of legislation is not unprecedented. In 1967, Congress approved the Public Broadcasting Act, which created the Corporation for Public Broadcasting—an independent, nonprofit corporation receiving governmental funds to assist in developing a noncommercial educational broadcasting system.[35] The reasons for creating such a corporation for Legal Services parallel those for creating the one for public broadcasting. Congress felt that the promotion of educational programming was a governmental function, an obligation it owed the people. And in order to prevent political interference, the corporation was placed beyond the influence of any political interest. As Fred Friendly, former Vice-President of the Columbia Broadcasting System, testified before the Senate Commerce Committee:

"Public Television will rock the boat. There will be—There should be—times when every man in politics—including you—will wish that it had never been created. But Public Television should not have to stand the test of political popularity at any given point in time. Its most precious right will be the right to rock the boat."[36]

It should be emphasized that the independence of Legal Services is valuable and essential only because it will improve the delivery of legal services to poor people. Stated otherwise, the Legal Services Program should be independent in order to more closely adhere to the purposes for which Congress created it. The involvement of legal services lawyers in a case of nonindigent high school students fighting school haircut regulations,[37] for example, is in my judgment, an abuse of independence, a waste of resources, and an abrogation of Legal Services lawyers' responsibilities to their truly deserving clients, the poor. My support for the National Legal Services Corporation Act is accordingly based on the conviction that the needs of our poor are so great that those few human and material resources intended to serve them must not be diverted to other purposes. It is my belief that a Legal Services Corporation cannot help but improve the lot of those whose impoverished condition renders them unable even to obtain proper legal counsel for their legitimate complaints. It is further my belief that this nation owes justice under the law to all its people. If we fail to provide it, we will have failed to recognize a fundamental right of free society. We will have failed to guarantee the best and most democratic means for those deprived to "Cut a great road through the law to get after the Devil."

FOOTNOTES

*James B. Pearson, United States Senator from Kansas, is a graduate of the University of Virginia Law School, and has been a member of the Senate since 1962. He serves on the Commerce, Foreign Relations, and Joint Economic Committees of the Senate. Senator Pearson gratefully acknowledges the assistance of Michael J. Needham, Georgetown University Law Center, for providing supporting documentation for this article.

[1] Economic Opportunity Act of 1964, 42 U.S.C. §§ 2701–2981 (1964), *as amended*, §§ 2701–2981 (Supp. II, 1965–66). For a statement of the amendments of 1965, see Pub. L. No. 89–794, 80 Stat. 1451–77 (1965).

[2] S. 1305, 92d Cong., 1st Sess. (1971).

[3] Legal Services is a program for the poverty stricken. The criteria used to determine eligible clients for Legal Service programs include, number of dependents, assets and liabilities, cost of living in the community, and an estimate of the cost of legal services needed. Legal Services attorneys do not handle fee-generating cases, but refer such cases to private attorneys through the local bar association referral system. If the fee is not sufficient to obtain private representation, the client may be eligible for the assistance of an OEO funded program.

The scope of the work of Legal Services programs includes all areas of civil law, and the services provided include advice, representation, litigation, and appeal. These programs do not duplicate existing legal services for indigent clients.

Legal reform through the advocacy of changes in statutes, regulations, and administration practices are to be a part of the program as it is part of the lawyer's traditional role.

Civil Legal Services Programs may also include advice and representation in those areas of criminal law in which indigent defendants are not provided with the assistance of counsel. Legal Services programs may provide counsel in juvenile cases, counsel prior to arraignment, counsel in misdemeanor cases, and counsel in felony cases at any stage prior to indictment or information. Counsel may also be provided in post-conviction proceedings.

Office of Economic Opportunity, Community Action Program: Guidelines for Legal Services Programs (1966).

[4] Pye, *The Role of Legal Services in the Antipoverty Program*, 31 Law and Contemp. Prob. 212 (1966).

[5] Interview with Francis J. Duggan, Director of Program Operations, Office of Legal Services, Office of Economic Opportunty, in Washington, D.C., April 21, 1971.

[6] A case in point is Shapiro v. Thompson, 394 U.S. 618 (1969), in which the Supreme Court struck down residency requirements for receiving public assistance. This decision alone had the potential of benefiting the poor by some $100 to $150 million.

[7] This past year some 20 cases brought by Legal Services attorneys have reached the Supreme Court, an indication of the thorough and diligent representation the poor can expect from government funded attorneys. Of the cases decided this term a few are of particular interest. In Tate v. Short, 91 S. Ct. 668 (1971), decided on March 2, the Supreme Court ruled that alternative penalties of jail or a fine were unconstitutional as applied to indigents. In Boddie v. Connecticut, 91 S. Ct. 780 (1971), also decided on March 2, the Court held that indigents had the right to proceed in *forma pauperis* in divorce cases. In Phillips v. Martin Marietta, 400 U.S. 861 (1971), the Court held that it was discriminatory to deny employment to women, when having children was the main reason for denying employment.

[8] Goldberg v. Kelly, 397 U.S. 254 (1970).

[9] Diana v. State Bd. of Educ., Civil Action No. C–70 37 (N.D. Cal. 1970).

[10] ABA Resolution, 90 ABA Reports, 110, 111 (1965).

[11] ABA Code of Professional Responsibility, Ethical Code 7–1 (1969).

[12] In April of 1968 the former Director, Legal Services Office, stated that in a 2-year period, Legal Services lawyers had:

1. Provided direct legal services and representation to approximately 60,000 poor families.

2. Benefited more than a million and a half poor people through favorable and far-reaching court decisions.

3. Educated over 2 million poor people as to their legal rights and responsibilities.

4. Aided over 1,000 block clubs, tenant groups, and other poverty organizations to set up buying clubs, cooperative laundromats, credit unions, and other self-help institutions to win their rightful share of public services and to obtain their rights.

Comptroller General of the United States, Reports to the Congress: Effectiveness and Administration of the Legal Services Program under Title II of the Economic Opportunity Act of 1964, at 10 (Aug. 7, 1969).

[13] *E.g.*, J. Landauer, *Legal Aid Skirmish in Poverty War*, Wall Street Journal, November 8, 1967.

[14] What the Government does provide, as stated as the principal missions of every good Legal Services Program:

1. To provide quality legal service to the greatest possible number consistent with the size, staff, and other goals of the program.

2. To educate target area residents about their legal rights and responsibilities in substantive areas of concern to them.

3. To ascertain what rules of law affecting the poor should be changed to benefit the poor and to achieve such changes either through the test case and appeal, statutory reform, or changes in the administrative process.

4. To serve as advocate for the poor in the decision-making process. This can be done by representing a neighborhood association at a zoning hearing, for example, or before a city council at which a street improvement is being considered. It could mean the organization and representation of a group of tenants to secure a standard lease that is fair to both landlord and tenant. In brief, it is to provide for the poor the same type of concerned advocacy that others have long enjoyed.

5. To assist poor people in the formation of self-help groups, such as cooperative purchasing organizations, merchandising ventures, and other business ventures.

6. To involve the poor in the decision-making process of the Legal Services Program projects and, to the extent feasible, to include target area residents on the staff of the project.

Office of Economic Opportunity, Legal Services Program Evaluation Manual 1–2 (1967).

[15] Klonoski & Mendelsohn, *The Allocation of Justice: A Political Approach*, 14 J. Pub. L. 323–35 (1965).

[16] Stumpf, *Law and Poverty: A Political Perspective*, 1968 Wis. Rev. 703 (1968).

[17] Cahn & Cahn, *What Price Justice: The Civilian Perspective Revised*, 41 Notre Dame Law, 927, 941 n.25 (1966).

The necessity of establishing this widespread consciousness of legal rights within the ghetto was highlighted by the *Report of the National Advisory Commission on Civil Disorders* 292–93 (Bantam Books ed. 1968), which states:

"Among the most intense grievances underlying the riots of the summer of 1967 were those which derived from conflicts between ghetto residents and private parties, principally the white landlord and the merchant. Though the legal obstacles are considerable, resourceful and imaginative use of available legal processes could contribute significantly to the alleviation of tensions resulting from these and other conflicts. Moreover through the adversary process which is at the heart of our judicial system, litigants are afforded meaningful opportunities to influence events which affect them and their community.

"However, effective utilization of the courts requires legal assistance, a resource seldom available to the poor. Litigation is not the only need which ghetto residents have for legal services. Participation in the grievance procedure suggested above (Neighborhood Action Task Forces) may well require legal assistance. More importantly ghetto residents have need of effective advocacy of their interests and concerns in a variety of other contexts, from representation before welfare agencies and other institutions of government to advocacy before planning boards and commissions concerned with the formation of development plans. Again, professional representation can provide substantial benefits in terms of overcoming the ghetto resident's alienation from the institution of government implicating him in its processes. Although lawyers function in precisely this fashion for middle-class clients, they are too often not available to the impoverished ghetto resident.

"The Legal Services Program administered by the Office of Economic Opportunity has made a good beginning in providing legal assistance to the poor. Its present level of effort should be substantially expanded through increased private and public funding. In addition, the participation of law schools should be increased through development of programs whereby advanced students can provide legal assistance as a regular part of their professional training. In all of the efforts the local bar bears major responsibility for leaders and support."

[18] Economic Opportunity Act, 42 U.S.C. §§ 2790, 2809 (1969).

[19] New York Times, Dec. 28, 1969, at 56, col. 1.

[20] Governor Hearnes vetoed the St. Louis Community Action Program December 18, 1969, and Director Rumsfeld overrode his veto January 10, 1970. Governor Hearnes vetoed the Kansas City Program on March 4, 1970, and Director Rumsfeld overrode his veto on March 16, 1970.

[21] *National Journal* 716 (April 4, 1970).

[22] Civil Action No. 50333 (N.D. Cal. 1969).

[23] Alaniz v. Wertz, Civil Action No. 47807 (N.D. Cal. 1967); Ortiz v. Wertz, Civil Action No. 47803 (N.D. Cal. 1967).

[24] 265 Cal. app. 2d 576, 71 Cal. Rptr. 739 (1968).

[25] 319 F. Supp. 1201 (1970).

[26] December 26, 1970.

[27] Robert B. Williamson, retired Chief Justice of the Maine Supreme Court, Chairman; Justice Robert B. Lee of the Colorado Supreme Court; and George R. Currie, retired Chief Justice of the Supreme Court of Wisconsin. Justice Currie replaced Justice Thomas H Tongue of the Oregon Supreme Court, who resigned from the Commission on California Rural Legal Assistance due to the heavy caseload of his court.

[28] ABA *Code of Professional Responsibility* Disciplinary Rule 5–107(B) (1969).

[29] *Id.*, Ethical Code 5–23 (199).

[30] S. 2388, 90th Cong., 1st Sess. (1967). Th amendment, offered by Sen. Murphy of California, was defeated by a vote of 52–36. 11 Cong. Rec., vol. 113, pt. 21, p. 27873.

[31] 115 Cong. Rec., vol. 115, pt. 22, p. 29894.

[32] 115 Cong. Rec., vol. 115, pt. 27, p. 36853.

[33] Resolution of the ABA Board of Governors on S3016, *Proceedings of the American Bar Association Board of Governors*, Oct. 16 & 17, 1969. Though the ABA has stood firm behind the Legal Services Program, it has not been certain of the future of the program. John P. Tracey, who represents the ABA in Washington, has stated that while support for Legal Services has held firm at the national level, the support has been spotty at the local level due to the conservative nature of local bar associations, and that this local support was crucial to the survival of the Legal Services Program. *National Journal, supra* at n.24.

Another program offered as a means of providing legal services to the poor is Judicare. But it is estimated by the Office of Economic Opportunity that Judicare, the legal equivalent of Medicare, would cost 3 times as much per case as the current Legal Services Program. Widiss, *Legal Assistance for the Rural Poor: An Iowa Study*, 56 Iowa L. Rev. 100, 127 (1970).

[34] S. 1305, 92d Cong., 1st Sess. (1971).

[35] Public Broadcasting Act of 1967, 81 Stat. 365, 47 U.S.C. §§ 390–99, *as amended*, 82 Stat. 108, 47 U.S.C. § 396 (1968).

[36] The Public T.V. Act of 1967, *Hearings on S. 1160 Before the Subcomm. on Communications of the Senate Comm. on Commerce*, 90th Cong., 1st Sess. 173 (1967) (testimony of Fred Friendly).

[37] R. Evans & R. Novak, *Defending Poor or Violent?*, The Washington Post, May 7, 1971, at A–25.

COMMUNICATIONS POLICY

Mr. **BAKER**. Mr. President, as a result of turmoil in the broadcasting industry caused by recent FCC and court decisions, it has become apparent that we must seriously reexamine the regulatory framework established by the Communications Act of 1934. On Wednesday, October 6, Dr. Clay T. Whitehead, Director of the Office of Telecommunications Policy, made a thought-provoking speech to the International Radio and Television Society on this subject. Because I believe that all Senators will be interested in Dr. Whitehead's speech, I ask unanimous consent that it be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of Clay T. Whitehead

This is a major speech—I read the advance billing and felt I had to say that. I was also billed as one of the youngest and most controversial figures in government and communications. Before I've even opened my mouth, Nick Johnson hates me.

Before I read that advance billing, we had planned one of my usual speeches. You know—a state of the universe message. But after a year of stating and restating the problems, I guess I can't get away with that any more. So this won't be that kind of speech, but I've gotten attached to the format, so I'd like to spend a little time on the state of broadcasting. I don't claim to have the expertise that any of you have in broadcasting; but in the first year of OTP's life, we've been exposed to many of the relationships between government, broadcasting, and the public. Today I want to focus on those relationships.

I'll probably sound a bit naive to you when I say that some of these relationships don't make sense and should be changed. But why can't they be changed?—especially when they are the cause of many of our problems. The Communications Act isn't sacrosanct. It's a 37-year-old law that was intended to police radio interference—and it has frozen our thinking about broadcasting ever since. But, something more than that is needed in a day when the *electronic* mass media are becoming *the* mass media.

There are a number of directions to choose from, and I'm here to propose one—one that redefines the relationships in the Communications Act's triangle of government, private industry, and the public.

But before I tell you what my proposals are, let me first tell you why I think a change is needed and why you should want one too.

Look at the current state of the broadcasting business. You sell audiences to advertisers. There's nothing immoral about that, but your audience thinks your business is providing them with programs. And the FCC regulates you in much the same way the public sees you. It requires no blinding flash of originality on my part to see that this creates a very basic conflict.

CBS's Programming Vice President says:

"I've got to answer to a corporation that is in this to make money, and at the same time face up to a public responsibility . . ."

His counterparts at the other networks have the same problem. They all have to program what people *will* watch—what gets the lowest cost-per-thousand. Sometimes that's what the people *want* to watch, but more often than not it's the least offensive program.

But you don't care what I think about your programs—and you shouldn't have to care what any government official thinks about your programs.

But what does the public think? The signs aren't good.

Look at the new season: Twenty-two new prime-time network law and order shows and situation comedies fill in between movies and sports. It's the same old fare. *Life's* Harris poll is being interpreted to show that there is wide public dissatisfaction with the entertainment you offer.

Kids and teen-agers are developing an immunity to your commercials. Do you doubt that advertisers are questioning the effectiveness of TV as a sales medium?

How long will you be able to deliver our children to food and toy manufacturers? Parents are calling the Pied Piper to task—there were 80,000 letters to the FCC concerning the ACT petition alone.

Consider the anomaly of blacks as your most faithful viewers and your most active license challengers.

I suppose it looks like I'm just another critic taking cheap shots at TV. But there's another side to the broadcasting business. In my part of Washington, it's no insult to call someone a successful businessman. You have created a successful business out of the air—people *do* watch television. Sure your success is measured in billions of dollars, but it's also measured in public service and all those sets in use.

But your success is taking its toll. It's giving you viewership, but not viewer satisfaction—public visibility but not public support.

You've always had criticism from your audience but it never *really* mattered—you never had to *satisfy* them; you only had to *deliver* them. Then the Rev. Everett Parker read the Communications Act. You all know the outcome of the *WLBT-United Church of Christ* case. Once the public discovered its opportunity to participate in the Commission's processes, it became inevitable that the rusty tools of program content control—license renewal and the Fairness Doctrine—would be taken from the FCC's hands and used by the public and the courts to make *you* perform to *their* idea of the public interest.

Surprise! Nick Johnson is right. The '34 Act is simply being used and enforced. But where is that taking us?

Look at where we're going on license renewals. In city after city, in an atmosphere of bewilderment and apprehension, the broadcaster is being pitted against the people he's supposed to serve. The proxy for the public becomes the patsy who is held responsible for the Vietnam War, pollution, and the turmoil of changing life styles. As the East Coast renewals come up again, you're snickering about ascertainment—sure it was designed for Salina, Kansas, and not New York City—but I'll wager you'll all wrap yourself in interview sheets when your applications are filed in March. But that won't make you less vulnerable at renewal time because you can have no assurance that your efforts over the years will count for anything if a competing application is filed. "Substantial performance" becomes "superior performance" at the drop of a semantic hat and means that the government has finally adopted program percentage minimums. That's the current price of renewal protection.

So while we all talk about localism, we establish national program standards. You go through the motions of discovering local needs, knowing that the real game is to satisfy the national standards set by government bureaucrats. But it's not a game. Right now your programs are being monitored and taped and the results will be judged under the FCC's 1960 Program Statement. Can you be safe in *all* 14 program categories?

The Fairness Doctrine and other access mechanisms are also getting out of hand. It is a quagmire of government program control and once we get into it we can only sink deeper. If you can't see where it's leading, just read the *Red Lion* and *BEM* cases. The courts are on the way to making the broadcaster a *government* agent. They are taking away the licensees' First Amendment rights and they are giving the public an *abridgeable* right of access. In effect, the First Amendment is whatever the FCC decides it is.

However nice they sound in the abstract, the Fairness Doctrine and the new judicially contrived access rights are simply *more* government control masquerading as an expansion of the public's right of free expression. Only the literary imagination can reflect such developments adequately—Kafka sits on the Court of Appeals and Orwell works in the FCC's Office of Opinions and Review. Has anyone pointed out that the Fiftieth Anniversary of the Communications Act is 1984? "Big Brother" himself could not have conceived a more disarming "newspeak" name for a system of government program control than the Fairness Doctrine.

I'm not seriously suggesting that the FCC or the courts want to be "Big Brother" or that 1984 is here, or that we can't choose a different path from the one we now seem to be on. You are at a crossroads—now you're probably clutching your "Chicago Teddy Bears" and wondering when Whitehead is going to get to the point. The point is: We need a fundamental revision of the framework of relationships in which you, the government, and the public, interact. The underpinnings of broadcast regulation are being changed—the old *status quo* is gone and none of us can restore it. We *can* continue the chaos and see where we end up. But there has to be a better way.

I have three proposals. They are closely related and I want you to evaluate them as a package that could result in a major revision of the Communications Act. The proposals are: *One,* eliminate the Fairness Doctrine and replace it with a statutory right of access; *two,* change the license renewal process to get the government out of programming; and *three,* recognize commercial radio as a medium that is completely different from TV and begin to *de*-regulate it.

I propose that the Fairness Doctrine be abandoned. It should be replaced by an act of Congress that meets both the claim of individuals to use of the nation's most important mass media and the claim of the public at large to adequate coverage of public issues. These are two distinct claims and they cannot both be served by the same mechanism.

Access: As to the first of them—the individual's right to speak: TV time set aside for sale should be available on a first-come, first-served basis at nondiscriminatory rates—but there must be no rate regulation. The individual would have a right to speak on any matter, whether it's to sell razor blades or urge an end to the war. The licensee should not be held responsible for the content of ads, beyond the need to guard against illegal material. Deceptive product ads should be controlled at the source by the Federal Trade Commission. This private right of access should be enforced—as most private rights are enforced—through the courts and not through the FCC.

License Renewals: As to the second claim—the opportunity of the public to be informed on public issues: This is the type of "public interest" traditionally protected by regulatory agencies, but it should be done in a manner which recognizes it as an overall right, which cannot sensibly be enforced on a case-by-case basis. It can best be protected, I suggest, not in countless proceedings involving individual complaints, but in the course of the renewal process. The licensee would be obligated to make the totality of programming that is under his control (including public service announcements) responsive to the interests and concerns of the community. The criterion for renewal would be whether the broadcaster has, over the term of his license, made a *good faith* effort to ascertain local needs and interests and to meet them in his programming. There would be no place for government-conceived program categories, percentages and formats, or *any* value judgment on specific program content.

There should be a longer TV license period with the license revocable for cause and the FCC would invite or entertain competing applications *only* when a license is not renewed or is revoked.

I believe these revisions in the access and renewal processes will add stability to your industry and avoid the bitter adversary struggle between you and your community groups. They recognize the new concerns of access and fairness in a way that minimizes government content control.

I'm not saying that this will eliminate controversies. But it will defuse and change the *nature* of the controversies.

Radio De-Regulation: We can go further with radio. Yesterday I sent a letter to Dean

Burch proposing that OTP and the FCC jointly develop an experiment to *de*-regulate commercial radio operations.

We proposed that one or more large cities be selected as de-regulatory test markets in which radio assignments and transfers would be *pro-forma*. Renewals would not be reviewed for programming and commercial practices. And the Fairness Doctrine would be suspended. The experiment should be only a first step. For most purposes, we should ultimately treat radio as we now treat magazines.

These are my proposals. The proposals are just that—I have no legislation tucked in my back pocket that we are about to introduce. But, I will work for legislation if there is support for these proposals. In short, my message on all these proposals is that we've tried government program control and bureaucratic standards of fairness and found that they don't work. In fact, they can't work. Let's give you and the public a chance to exercise more freedom in a more sensible framework and see what that can do.

There is one further aspect of freedom I would like to discuss. Some people suggest that this Administration is trying to use the great power of government licensing and regulation to intimidate the press. Some even claim to see a malicious conspiracy designed to achieve that end. They must ascribe to us a great deal of maliciousness, indeed—and a great deal of stupidity—in the attempt to reconcile their theory to the facts. It is not this Administration that is pushing legal and regulatory controls on television, in order to gain an active role in determining content. It is not this Administration that is urging an extension of the Fairness Doctrine into the details of television news—or into the print media.

There is a world of difference between the *professional* responsibility of a free press and the *legal* responsibility of a regulated press. This is the same difference between the theme of my proposals today and the current drift of broadcasting regulation. Which will you be—private business or government agent?—a responsible free press or a regulated press? You cannot have it both ways—neither can government nor your critics.

THE ALASKA PIPELINE

Mr. STEVENS. Mr. President, one of the major challenges confronting us today is the future direction, methodology, and pace of our science oriented, technological society. Some people have translated this challenge into an attack on science and technology, which they view as antihumanistic and materialistic.

I cannot agree with this position. Instead, it seems to me that the challenge is to harmonize our technology with more spiritual values. This trend has already begun. As Mr. Charles Reich, the author of "The Greening of America," has observed:

> A new consciousness will arise which seeks restoration of the non-material or spiritual elements of man's existence . . . (and) seeks to transcend science and technology.

The eminent scientist, Dr. William McElroy, now Director of the National Science Foundation and formerly a professor at the Johns Hopkins University, has expressed general agreement with this concept. In a speech delivered at the 30th annual science talent search award banquet, he stated that:

> The impersonal machine, I believe, has often been the dominant in our lives, and it's high time we reasserted the primacy of man's humanism.

However, Dr. McElroy was quick to point out that we should not lose our sense of balance by reacting in a way that will impair the ability of science to improve our quality of life.

There are simply too many problems left unsolved, problems which are dependent for their solution on the advancement of our science and technology. Thus, we must find better ways to recycle waste materials, to restore our lakes and rivers, to end malnutrition on a worldwide basis, et cetera.

An excellent example of the need to use our technology for the betterment of mankind is the proposed Trans-Alaska pipeline. As time passes, the difference between the rate of energy consumption in the United States and the rate of supply is growing wider. This alarming disparity is compelling evidence for the development of new domestic crude oil sources, the kind of development which would be precipitated by the construction of the TAPS pipeline. Thus, in 1970, the domestic demand for petroleum products reached an alltime high of more than 5.5 billion barrels, the equivalent of more than 1,100 gallons of oil products for every man, woman and child in the United States. This translates into a consumption rate of 1,408 million barrels a day—enough oil to fill 62,000 railroad tank cars making a train 500 miles long.

These statistics should be viewed in terms of the impact of petroleum products on our daily lives. In this connection, I should mention that crude oil supplied 43.2 percent of all domestic energy needs in 1969. More than 60 percent of this amount was used to power various modes of transportation, with the level of consumption in this area increasing at an annual rate in excess of 4.5 percent. Fuel oil consumption is also increasing at a rapid rate.

Those who oppose the pipeline want to ignore these statistics, and the fact that crude oil consumption is related to activities which will expand as our population increases. It is my view that many of these opponents would be among the first to protest if they were forced to walk many miles to work or to live in unheated houses because of the lack of sufficient energy supplies. Moreover, I do not believe that any of us would be willing to compromise our national security by placing too great a dependence on foreign energy sources. A dependence of this type by the United States and its allies could change world geopolitics in a manner that would be extremely detrimental to our national interests.

Thus, our pipeline construction should not be postponed but, rather, we should use our advanced technology to resolve the difficulties. In this way, the developmental policies which have led to rampant pollution and the destruction of natural beauty in the "South 48" States can be avoided.

I also believe that the pipeline project must be viewed in the context of past achievements which have been made possible through the prudent use of our science and technology. Although it will be the largest project of its type ever undertaken by man, the pipeline is by no means the first to involve difficult construction and operational problems or to receive well-motivated but unwarranted public criticism from certain quarters. We need only look at the Panama Canal, which includes the world's largest locking system; the Holland Tunnel, which was the first automobile tunnel ever built; the Mackinac Straits Bridge across Lake Michigan, which is the longest anchorage-to-anchorage bridge in the world; the Erie Canal, which was the longest manmade waterway ever built when it was completed in 1825; the Verrazano Narrows Bridge linking Staten Island to Brooklyn, N.Y.; the Golden Gate Bridge; the Grand Coulee Dam, and others.

Thus, I believe that we must not stifle science, which I equate with progress, but relate it to the needs and activities of our society. In her book entitled "Silent Spring," Rachel Carson points out in a dramatic way that everything we do in nature affects something else, and anything affecting nature eventually affects everyone. For this reason, scientists, engineers, humanists, and others must work together to define human needs and the best way to satisfy them. Our ability to harness science to supply these answers will determine in a profound way our greatness as a nation and our ability to improve the general human condition.

It seems to me that we must not shy away from difficult problems or immense projects like the pipeline. But, given the need to find new sources of energy to insure our continuing social and economic progress, we should utilize the knowledge and expertise of our scientific community to meet the challenge. The noted historian Arnold Toynbee has pointed out that the measure of every great civilization is its ability to meet an impending challenge with an adequate response. The right response insured the greatness of ancient Greece, Rome, England during World War II, and other nations. America is at present confronted by several challenges of great magnitude. Not the least of these is the prudent development of our energy resources. The Alaska pipeline can be built, I believe, in accordance with sound conservation principles; it will help insure sound resource and energy development and enable us to overcome this very difficult challenge.

J. R. FREEMAN AND OIL SHALE

Mr. PROXMIRE. Mr. President, back in the middle and late 1960's a courageous Colorado newspaper editor, J. R. Freeman, wrote and published a comprehensive, hard-hitting, series of articles uncovering some of the mischief that had been done in the handling of certain oil shale lands in Colorado, Wyoming, and Utah. Mr. Freeman, as editor of the Frederick, Colo., Farmer and Miner, spent a great deal of time in tracking down the facts as he saw them and presenting them to the public at great risk to his livelihood and possibly his life.

The oil shale controversy continues unabated. The public still has an immense stake in the proper development of this multibillion-dollar resource. The Department of the Interior continues to propose ways to give oil companies more of an incentive—some would call it a windfall—to develop the land. Congress goes on, in its somewhat desultory way, with its consideration of the problem. And, I am happy to say, one J. R. Freeman continues to write trenchant articles about an oil shale giveaway, this time as vice president for news of the Greenstreet News Co. in Dallas, Pa.

It is particularly appropriate in view of new oil shale hearings scheduled to begin in the Interior and Insular Affairs Committee on November 15 that this latest series of Freeman articles as they appeared in the Dallas, Pa., Post be printed in the Record. I feel certain that Senators will find this material of great interest. I ask unanimous consent that the articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Your Oil

Oil has been making more than its share of the news lately.

From the North Slope of Alaska to the Free port zone of Maine and from the oil-soaked sands of California to the nation's capital, the stories have flowed like Spindletop. But it's the yet unwritten stories which disturb many government officials knowledgeable about the country's natural resources. Worried mostly is a small band of public servants who are trying to safeguard public lands in Colorado, Utah, and Wyoming which contain an oil shale resource of $10 trillion potential. And only a handful of private citizens are concerned that the Nixon Administration is quietly stacking the deck against saving the bulk of this publicly-owned treasure chest for the benefit of all Americans.

"Udall's legacy," while not the most astonishing bequest of the Johnson Administration now that the Pentagon Papers are out, has become the number one Bafflement to the Nixon men. They can play it up as a major scandal or bury it in bureaucratic surveys. Either way, the manner in which they protect (or fail to protect) our natural heritage of public lands containing oil shale deposits could become the nation's hottest domestic issue by election time 1971.

The questions at issue are both legal and moral.

Stewart Udall, Lyndon Johnson's Secretary of the Interior, turned the already complex problem of oil shale into a great legal hassle during his eight-year tenure. From a simple can of worms, Mr. Udall left as his legacy a pit of snakes.

Udall's legacy to his successor, former Secretary Walter J. Hickel, was whether to follow Mr. Udall's lead and sell or lease the oil shale treasure trove to the half dozen or so super mammoth oil companies and their subsidiaries for a few dollars an acre, or whether to reverse his policy and save the treasure for the welfare of the American public as a whole. A major factor in the background is the oil lobby, generally regarded as the most solidly entrenched and most skillful lobby in Washington.

About 80 percent of this great energy storehouse belongs to all the people of the United States in the most literal and legal sense, in that it is part of the federally-owned and administered public domain. Thus every American citizen owns today at least 8500 to 10,000 barrels of recoverable oil.

But it appears our luck is about to run out. A raid on these resources, led by giant oil corporations, and ably assisted by oil-oriented present and former government employees, speculators, and oil-supported congressmen, has suddenly gathered steam. Unfortunately, the American people are not being zealously protected, many experts feel, by the legal guardian of the nation's mineral wealth—the U.S. Department of the Interior.

With all the political and economic problems stirring today in oil's cauldron, from Alaska to Vietnam, and from the shaky Middle-East to Peru, and back again to Biafra, it wouldn't be too surprising if oil shale got lost in the shuffle. For one thing, the international petroleum industry for the first time in its history has access to more oil today than it can possibly use—even though experts estimate that world population growth will necessitate a tripling of energy use in the next 30 years. And with a world-wide abundance, the major oil companies are understandably Rockefeller-wary of a dearth of cheap shale oil that could, some say, turn Texas and Oklahoma into another Appalachia. Pennsylvania would likewise suffer. Just one 5,000-acre tract in oil shale country may well contain more oil than the entire state of Texas with Western Pennsylvania's fields thrown in.

The major oil companies have long felt that international price stabilization is a must, regardless of supply and demand. They have entrenched themselves within government in order to work toward that end, while monopolizing the oil market in general.

When the last oil shale threat arose, these mammoth corporations dealt severely with it. In the early days of the Kennedy Administration plans for a Brazilian shale oil industry were pressured out of existence by the majors. The big oil companies were shipping about 300,000 barrels of crude oil a day into that oil-starved country, mostly from Venezuela, and did not want to lose such a lucrative market.

As for the U.S. deposits, the majors know the Green River Formation is one huge proved reserve, awaiting exploitation whenever it becomes profitable, and more important, at such time when all of the public shale lands have passed firmly into their control.

In this acquisition of the oil shale reserves owned by the federal government there lies aspects of out-right skulduggery and political corruption. It is this situation which creates the basis for legitimate charges of "scandal."

Without Going to Jail

The U.S. Interior Department, charged with protecting the public's interests when it comes to what may turn out to be the richest land ever known to man, is gradually giving away our richest treasure trove, many Washington sources say.

In an era when charges of government scandal become commonplace, the public tends to become immune to acts of Machiavellianism perpetrated by high government officials. That is perhaps what prompted former Sen. Paul Douglas of Illinois to state widely that "oil shale is the most submerged issue in American domestic politics, involving the greatest scandal in the history of our republic." And it appears he had good reason.

At stake, according to the usually-conservative U.S. Geological Survey, is the nation's most valuable fossil fuel—an estimated 2.6 trillion barrels of potentially-recoverable shale oil and allied sodium mineral deposits so rich they stagger the imagination. This bonanza is locked within an area which geologists call the Green River Formation, a 17,200-square-mile glory hole that spans the wilderness where Colorado, Utah, and Wyoming converge. From Colorado's Piceance Creek Basin alone can be extracted almost 25 times as much oil as the United States has consumed in its entire history, and the surrounding area is said to contain as much as five times the present world crude oil reserves, Alaska included.

A few inside government informants and critics of the Interior Department point out that this agency already has devised from the public domain about 380,000 acres of rich oil shale lands for a measly $2.50 an acre. The same land sells on the open market for as much as $5,000 an acre, once big oil gets involved. This was done by Interior failing to uphold the public trust on known phony and fraudulent pre-1920 oil shale placer mining claims. Only the land wasn't given away as eagerly in 1920 as it is today. These claims were plastered across the rich shale areas of Colorado, Utah, and Wyoming under the alleged provisions of an ancient 1872 mining law prior to the enactment of the 1920 Mineral Leasing Act. This act made oil shale and other minerals leasable, and thus not further locatable and disposable under the mining laws. Currently, however, it is this threat government will lease away the public's most valuable common asset that hangs over all Americans.

The land already given away for $2.50 an acre is estimated to contain 200 billion barrels of shale oil reserves (even considering that only one-quarter of the oil is recoverable.) By any comparison that is about twice the known domestic total crude reserves, with the new rich Alaskan field included. Today some of this "private" land is being sold among the major oil companies at tremendous prices. But Uncle Sam settled for only $2.50 an acre as late as 1960, with full knowledge of the value of the land and in obvious violation of the law.

The antiquated 1872 mining law still governs many of the legal aspects of the oil shale resource today, and a sleepy Congress continues to doze. Meanwhile, Mr. Nixon and his new Interior Secretary, Rogers C. B. Morton, are preparing to sweeten the kitty and see if big oil will now bid on additional proposed leases. Only this month Washington was amazed when sodium leases were awarded to several applicants in shale country.

The moral attitudes toward oil shale are at last beginning to gain prominence in the West and particularly in Washington. Back in 1872, as an inducement to encourage miners to "go West," the government offered land under placer mining claims for $2.50 an acre—the sum necessary in 1872 to help offset the costs to process patent (deed) application papers by government employees. Unfortunately speculators, not miners, claimed much of the land originally, and their successors in interest, most often connected with the major oil companies today, have used all sorts of illegal and fraudulent practices to gain ownership of the land. Almost all of the 380,000 acres of privately-held shale land are now owned or controlled by majors. Most of the patents, or titles, to these rich acres were issued on the pre-1920 claims between 1946 and 1960, though the story of their legal history certainly does not stop there. The issue facing us today is when will Congress wake up and take action before all the oil shale lands slip from public ownership. It has become evident that the Interior Department has grown too oil-entrenched to be effective.

Approximately 25,000 of these pre-1920 mining claims, most of which cover 160 acres each, form a special case. Many of these claims have never been properly maintained and reduced to patent by owners. Most have never been contested by the federal government to determine whether or not they represent valid rights under the provisions of the mining laws. Thus, these old claims still cloud the government's legal title to some four million acres of the oil shale lands. Yet Washington continues to boggle along doing little or nothing.

Though Secretary Udall did not grant patents to any of these old claims, informed westerners find many of his oil shale policies highly ambiguous. He obviously wanted to issue more patents. More and more the question is being raised as to why Mr. Udall permitted land grabbers, oil companies, and speculators to plaster the remaining public domain oil shale lands with new claims covering about four million acres. It is now common knowledge on the streets of Denver, for example, that these new claims for alleged metals were largely filed only as another pretense to get to or tie up the oil shale. This might become a way of converting public shale lands into private holdings, some experts fear.

Secretary Udall delayed for 14 months, stretching from December 1965 to January 1967, to sign a withdrawal order which would have removed the rich shale lands from metalliferous mineral entry, thus stopping this most recent oil shale land grab. Why did Mr. Udall hesitate, despite almost daily urging from his own experts in the Bureau of Land Management (BLM), until these new claims covered all of the most valuable shale lands remaining? Only he has the answer. His BLM director finally issued a belated "application" for the withdrawal in January, 1967, too late for any appreciable meaning.

This is why the claims are now referred to in shale country as the "Udall claims." The Secretary's inaction in this one matter alone, according to Sen. Douglas, may cost American taxpayers $30 million to $40 million just to eliminate the legal cloud on the title to these lands, if, of course, the U.S. is successful in wiping out the Udall claims. Under any comparison, critics charge, Mr. Udall's peculiar "inaction" dwarfs the Teapot Dome scandal of the 1920's a hundred times over. Meanwhile, Mr. Udall, now a university professor, parades around the country as a concerned conservationist. But as he admitted to one newsman, "I'm goddammed relieved I got out of there without going to jail."

PHONY LAND PATENTS

Big oil goes wherever it smells big riches. When it can obtain valuable government land for $2.50 an acre and sell it almost immediately for $5,000 an acre or more, that is a windfall. And that's what has happened in the case of Green River Formation oil shale lands of the West.

In 1930, not many years after oil shale bureaucratic bungling first began, President Herbert Hoover, fearing another Teapot Dome scandal, withdrew the oil shale lands of Colorado, Utah, and Wyoming from leasing. Later in 1935 the lands were opened up for oil, gas, and sodium leasing under President Franklin Roosevelt. Neither of these moves greatly disturbed the land grabbers who have relentlessly tried to rob the public of a vast treasure trove worth more than $6 trillion. But beginning with Interior Secretary Oscar Chapman and his Truman-era predecessor, Julius Krug, land patents were issued on oil shale claims which had previously been successfully eliminated through legal proceedings—a practice that was obviously illegal. That action has cost the public its legal and moral title to at least 380,000 acres of some of the richest land in America, which contains at least 200 billion barrels of recoverable shale oil. That oil would sell on the market today for roughly $3 a barrel.

This illegal patent-granting practice became an accepted "rule" in Interior. It continued until July, 1960, when a few public-minded Interior attorneys brought the scheme to a halt, despite then Secretary Stewart Udall's attempt to keep it going. Later great efforts were made by private attorneys representing frontmen and "dummies" for big oil to overrule these department lawyers. The Supreme Court, however, in a decision last December, upheld the Interior lawyers to the hilt.

Thus, the Interior Department, for a period of 30 years or more, permitted about 20 percent of the publicly-owned Green River Formation oil shale to pass into private ownership fraudulently. Through political pressure, outright fraud, and complete mismanagement by the department, most of this valuable land has fallen into the hands of the major oil companies via dummies, frontmen, and subsidiaries. In fact, oil companies are willing to pay upwards of $5,000 an acre for medium-rich shale land, despite its shaky legal title. This already patented land contains as much as 50 years' supply of oil for the entire nation even if only one-fourth of the oil is recoverable. And Washington wouldn't dream of trying to get this illegally-obtained land back, no matter what the Supreme Court says.

The fact that Interior literally gave away this valuable resource, which belongs to all Americans in the most legal and moral sense, could hardly be labeled anything but a scandal. But that word has been so flaunted in Washington lately, that high Interior officials seem to ignore such language.

Secretary Udall not only did not challenge the illegally issued patents which his predecessors had granted, but from 1961 to 1964 he permitted then Assistant Secretary John Carver of Idaho (later undersecretary of Interior, and a member of the Federal Power Commission) to continue efforts to satisfy the wishes of the private interests and oil lobbyists. But even with Mr. Carver's cooperation, it finally became apparent to the land grabbers and high Interior officials that they would have to find other ways to continue their looting of the public domain.

If the government had lost the appeal before the U.S. Supreme Court last October, the Wall Street Journal charged, one speculator alone, a former Interior employee, would be close to making $40 million on the scheme. But oil companies would stand to reap billions if they could see their "dummies" get control of more of the disputed land for $2.50 an acre.

Regardless of such behind-the-scenes dealings, it is important that not a single barrel of shale oil has yet been extracted by a demonstrated commercially economic process. In this area controversy also abounds.

Those who deny the existence of a public domain oil shale scandal contend there is as yet no proven method by which the oil can be commercially extracted from the shale; hence there can be no scandal. The mineral resource in the ground, they insist, is not worth a thin dime.

Defenders of public lands in the West counter this argument by pointing out that the absence of an extraction process has nothing to do with the fact that the federal government has illegally sold publicly-owned land to speculators for $2.50 an acre. The speculators have then sold the land to the major oil companies for as much as $5,000 an acre in multi-million-dollar blocks. With such information common knowledge in the Rocky Mountain area, the assumption is quickly reached that an extraction process must be close at hand, perhaps under security wraps by the majors or why would such a high price be paid for worthless ground?

As former Washington Post staff writer Julius Duscha pointed out in the Atlantic Monthly, "Big oil wants action now before the cost of getting the oil out of the ground is known and before the precise value of the oil can be determined."

Actually, oil shale production has been going on since 1838 in other countries, including France, Scotland, Brazil, Sweden, and Estonia. Refineries in Estonia, for example, have operated since World War I, and are currently producing 55,000 barrels of shale oil per day from a much less rich source than Green River shale. The Russians now convert this oil into electricity and transport it over a long distance to consumers.

In the case of U.S. shale deposits, however, not one red cent has been expanded by either government or industry along this line, despite the fact that electric needs are expected to increase more than 200 percent in the next 10 years.

A few knowledgeable conservationists and economists in the Rocky Mountain West have advocated for years a Tennessee Valley Authority (TVA) type approach for oil shale development. As explained by Sen. Paul Douglas in his newly released book, "In Our Time," a sound solution to the oil shale problem might be the TVA application—not to put the government into the oil business, but rather to convert the shale oil into the nation's ever-expanding electric needs through a government-chartered agency. For the record, this is a business in which the government is already fully operative.

In another recent book, "America, Inc.," co-author Jerry Cohen, former legal counsel of the Senate Antitrust and Monopoly Subcommittee, words to this effect were straight forward: "To help depose the government of oil, the legitimate government should establish a corporation of the TVA type to develop, exploit, and sell oil shale . . . public ownership makes (it) an especially grave potential threat to the multi-billion-dollar investment of the major petroleum companies in reserves of liquid oil, pipelines, and tankers. These companies have shown no zeal to develop oil shale and so long as they govern the government, oil shale will continue to remain significantly undeveloped."

Other and perhaps more idealistic forces argue there is nothing wrong with the government itself producing oil from the shale, inasmuch as these are already public resources. The government could then provide the fuel needed by the U.S. Defense Department, the largest consumer of oil and oil products in the world. The oil companies naturally look on such suggestions as heresy, because, it goes without saying, they now supply all the Defense Department's petroleum needs at standard, and highly profitable, rates.

Disregarding which of these two hands Uncle Sam might decide to play in coming months, it is evident that informed Americans must see to it that the Interior Department does not turn over more public shale lands to the major oil companies for pin money. Studying oil's corrupt history from the days of Spindletop and Teapot Dome down through today's behind-the-scenes pressuring in Latin America and the Mideast, plus all those billion-dollar tax loopholes and price-stabilizing oil import quotas, a method to protect the oil shale lands must be developed.

To keep such a sleeping giant shielded from the grasping clutches of big oil tycoons using a stacked deck of high-salaried lawyers and lobbyists may require a strength of character which the Nixon administration has not, as yet, displayed.

BIG OIL CONTROLS THE SHOW

Washington was shocked last July when the U.S. Interior Department, guardian of the public's rich oil shale lands of the West valued at $6 trillion, decided to grant sodium leases to a host of land barons, one of which is presented by President Nixon's former New York law firm.

Interfering with the Federal Government's clear title to the 17,200 square mile shale rich lands is a 20,000-acre cloud involving sodium preference right lease applications for which former Interior Secretary Stewart Udall must be judged solely responsible.

The sodium preference right lease applications are based upon sodium prospecting permits issued by Interior with Mr. Udall's blessing in 1964. They pose a complex legal problem because it would be impossible to remove the sodium minerals without disturbing the oil shale. Yet the shale cannot legally be removed under sodium leases. And as before, many Interior employees privately feel that the sodium permits and lease applications were filed only as a pretense to get control of the shale. The precedent setting decision to award these leases was made by Interior Secretary Rogers C. B. Morton last July 6. Prior action in the department has been continually pigeon-holeing the requests since 1964.

In January and February of that year hundreds of sodium prospecting permits, covering at least a quarter of a million rich oil shale acres, were filed with the Colorado Land Office of BLM. Udall's critics insist that he should have recognized this for what it plainly was: just another way to get control of the public's shale reserves. They say he should have protected the public interest by rejecting the permits.

Most of the sodium permits later expired due to inaction by their owners, but eight of the so-called prospectors did file sodium lease applications and requested a hearing so that they might obtain the 20,000 acres of rich shale lands for their alleged sodium mining. Mr. Udall and his former legal advisor, solicitor Edward Weinberg, granted their requests at the urging of former Secretary of the Interior Oscar Chapman.

It is interesting to note that Chapman's law partner, Martin L. Friedman, former legal counsel of the Democratic National Committee, represents Advance-Ross Corp., a diversified firm of Chicago wanting some of the sodium leases. But to illustrate how nonpartisan oil shale has become politically, Advance-Ross is also represented by Franklin B. Lincoln, assistant secretary of Defense under Eisenhower and a former member of Mr. Nixon's New York law firm. Another member of Mr. Nixon's firm is, of course, John B. Mitchell, now U.S. Attorney General, whose job is to give legal advice to the President.

This is all part of the reason Washington was shocked when Interior awarded the leases. The fact that Secretary Hickel had it in his power to grant the leases on 20,000 acres of the richest mineral land in the world is not disconcerting since his White House dismissal. But his successor, Mr. Morton, has yet to prove himself an active guardian of public lands. Washington sources in Interior suspect that Mr. Morton will weaken under the pressure of the powerful oil lobby still further and award oil shale leases near election time next year.

Testifying recently before a Senate Appropriations subcommittee on the controversial Alaska pipeline proposal, which has been approved by most Interior bureaucrats, Mr. Morton declared that Alaska had "sold those oil leases too early."

The new secretary was quick to point out that "Any decisions that we make are not going to be made on a profit-loss factor inherent to any economic group. They will be determined on the national need."

Still addressing the pipeline question, Secretary Morton said that first a national energy policy should be established, with review of such factors as the impact of the Mid-East conflict on world oil supply. It can be assumed that he might take the same position with the shale controversy. But he hasn't yet.

Rather, Mr. Morton has decided to lease away a portion of the richest shale land in hopes big oil will move toward a more serious development stage.

The President expressed the belief that "the time has come to begin the orderly formulation of an oil shale policy—not by any headlong rush toward development, but rather by a well-considered program in which both environmental protection and the recovery of a fair return to the government are cardinal principles under which any leasing takes place."

But he did not elaborate on the fact that the U.S. Atomic Energy Commission has set off four test explosions already this summer on the Nevada test range, specifically designed to help extract oil from the shale beds at a later date. If the plan works, and if big oil will later foot part of the cost, there will obviously be hundreds of such nuclear explosions in shale country, which would appear to be running headlong into a clash with environmentalists everywhere.

At the same time, Secretary Morton has put feelers out to determine if enough environmental safeguards can be overlooked to entice the big oil boys to lease two tracts of land each in Colorado, Utah, and Wyoming in late 1972. And it goes without saying that at about the same time the Nixon Administration will have forgotten about Vietnam Papers and trips to Peking and have its attention focused on huge campaign contributions from the oil barons.

WASHINGTON POST ACCUSATIONS CONCERNING C-5A ACCIDENT WITHOUT MERIT

Mr. BELLMON. Mr. President, the Washington Post on October 8, 1971, published a story on page 1 concerning an accident involving a C–5A jet transport at Altus Air Force Base, Okla. That story indicated that the Air Force had deliberately withheld the information concerning the accident and the grounding of seven additional aircraft until the final passage by the Senate of the military procurement authorization bill.

I should like to point out to the Senate that these accusations have no merit. The Air Force and the Department of Defense have not tried to suppress this accident. In fact, the damaged aircraft was photographed by the press the day following the accident, and a copy of a photograph appeared in the Daily Oklahoman on Friday, October 1, 1971, with the following cutline:

> Bird Minus Engine is checked at Altus Air base Thursday after the No. 1 engine of this four engine C–5 Galaxy transport just fell off onto the ground Wednesday when the pilot, Maj. Richard Leal revved up for takeoff. The plane never left the ground and there were no injuries, but a small fire developed on the wing where the engine fell off. It was quickly extinguished.

Mr. President, I suggest that there was never any withholding of information, either by the Air Force or the Department of Defense. The Daily Oklahoman is a newspaper with a circulation of over 280,000 daily paid subscribers. It is read throughout my State and the Southwest, and copies are available in the Marble Room of the Senate for the benefit of Senators.

ADVANCEMENT OF THE CAUSE OF MINORITIES

Mr. SCOTT. Mr. President, during the past few years, the Nation has made great strides in realizing its objectives in the field of civil rights. These years are unparalleled in accomplishments dedicated to the proposition that racial and ethnic discrimination have no place in American life or law. Yet the critics remain, charging that the Government of the United States has done little or nothing to advance the cause of minorities. While there is admittedly much more to be done, progress has indeed been made. The General Services Administration is a case in point, where an intensive and long-range program has been implemented, making the GSA more responsive to the needs of minorities, and encouraging their upward mobility through recruiting and training programs. As evidence of the Government's success in efforts to advance the cause of minorities, I ask unanimous consent that "GSA Accomplishments in Civil Rights" be inserted in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

GSA ACCOMPLISHMENTS IN CIVIL RIGHTS

In March of 1969, when President Nixon appointed Robert L. Kunzig Administrator of General Services, he inherited a highly unfortunate and unresponsive situation in the area of civil rights both in terms of the agency's internal organization and its relationship to outside parties. Under the direction of the President, Kunzig has done his best to change this—to change attitudes, practices and programs. Following is a brief summary of accomplishments by GSA in the field of civil rights since 1969.

I. MINORITY BUSINESS PROGRAM

The GSA Minority Business Program under section 8(a) of the Small Business Act, gives preference to the minority entrepreneur in obtaining Government contracts. Administrator Kunzig serves as Chairman of President Nixon's Task Force on Procurement from Minority Business Enterprise for the entire Government, and has devoted a great deal of his own time to meeting and working with minority businessmen. To demonstrate the Administrator's commitment to this program a comparison is in order. In FY 1969 GSA awarded 2 contracts to minority businesses worth $346,676. In FY 1971 to June 1, GSA awarded 169 contracts at a value of $9.3 million. Government wide the figures show $8.8 million worth of contracts awarded to minority contractors in FY 1969 and an estimated $62 million in FY 1971. The goal for FY 1972 is $100 million.

For further aid minority contractors who are often operating a new business with a tight cash flow, GSA has set up special payment procedures permitting the payment of their invoices immediately upon receipt.

GSA and the President's Task Force have arranged for and conducted 30 Federal Procurement Seminars for minority businessmen in major cities across the country during calendar year 1970; as of this date 18 more have been held this calendar year and 23 more are scheduled. We have extended the activities of our Business Service Centers located in 12 major cities to emphasize counseling of minority entrepreneurs (some 12,000 during FY 1970) on Federal contracting.

To further publicize this program, we have developed a booklet entitled "Partners in Progress", which has had a wide distribution, and we have produced a 27-minute film under the same title for showing to private groups and during public service television time. The film portrays clearly for blacks and other minorities the Nixon Administration commitment to minority businessmen. Copies of the booklet are available for distribution to your constituents should you desire them.

II. FEDERAL SITE SELECTION

On May 28, 1969, Administrator Kunzig issued an amendment to the Federal Property Management Regulations which made the availability of low and moderate income housing for employees of proposed Federal facilities a factor in Federal site selection. In essence the amendment says that in selection of sites for Federal facilities GSA would avoid locations which would work a hardship on employees because (1) there is a lack of adequate housing available for low and middle income employees within a reasonable proximity and (2) the location is not readily accessible from other areas of an urban center. We consider housing to be available only if it is available to all employees on a non-discriminatory basis.

Executive Order 11512, sponsored by GSA, was signed by President Nixon on February 27, 1970. Section 2(a)(2) of that order states:

"Consideration shall be given in the selection of sites for Federal facilities to the need for development and redevelopment of new communities and the impact a selection will have on improving social and economic conditions in the area."

Executive Order 11512 is designed to aid in accomplishing a number of social and economic goals including encouraging the construction of low and moderate income housing, relieving unemployment, aiding in physical development of new towns or rehabilitation of deteriorating areas, and reinforcing other Federal programs such as model cities efforts.

On June 11, 1971, GSA signed an agreement with HUD formalizing a procedure whereby HUD will advise GSA on the housing aspects of the Executive Order (which also includes a section similar to the above-mentioned FPMR).

III. GSA OFFICE OF CIVIL RIGHTS

On June 16, 1971, Edward E. Mitchell was appointed Director of GSA's new Office of Civil Rights. This office will direct both GSA's contract compliance program and its equal employment program. Mr. Mitchell, the highest ranking Negro in the history of GSA, will report directly to the Administrator.

CONTRACT COMPLIANCE

On September 9, 1970, GSA's contract compliance effort was reorganized and consolidated into one office. The Department of Labor had directed that GSA accomplish 1122 compliance reviews in fifteen industries by the end of FY 1971. The GSA Compliance Staff has completed 1283 reviews for the period from July 1, 1970, to June 14, 1971. This represents a 114% completion of the Agency's review commitment to the Office of Federal Contract Compliance.

Prior to the reorganization, the Agency had not issued a single show cause order to a contractor. Since the reorganization the Contract Compliance Staff has issued twenty-eight show cause orders.

GSA has also moved to strengthen its contract compliance staff. During FY 1971 the Program has had a staff of 52 persons. Our budget request for FY 1972 is for 121 persons and an increase in budget from $713,000 to $1,648,000.

APPOINTMENTS AND PROMOTIONS

On taking office in 1969, Administrator Kunzig upgraded the office of Executive Director of EEO to his immediate staff and placed counterparts on the staffs of each of the 10 Regional Administrators. This initial move was followed by direction to our personnel officers and Central Office and Regional supervisors to give special attention to the recruitment and advancement of minority personnel. The number of minorities in jobs in GSA at GS–10 or above has increased from 266 to 372 in the last 18 months, a 39.8% increase. This includes the first GS–18 and the first GS–17 in GSA history. In addition, minorities have gained 2008 of 5870 (34.1%) general schedule promotions from July 1, 1969, to June 14, 1971, and have been appointed to 2481 of 8032 (30.9%) general schedule vacancies.

RECRUITING AND TRAINING

An intensified recruiting program at minority colleges, including personal visits by the Administrator to Clark College and California State College, resulted in minorities filling one fourth of GSA's recruited positions in FY 1970. As of June 14, 1971, 98 of 533 (18%) college graduate trainees recruited since January 1, 1970 are minorities.

We have also instituted special programs designed to increase upward mobility and to eliminate dead-end jobs for minorities at lower levels. The Training and Advancement Program (TAP) provides opportunities for upward mobility and utilization of employees in lower level GS and wage grade positions on the basis of potential rather than experience. Of 129 TAP trainees, 67 are minority (51.9%).

The Career Advancement Program (CAP) provides upward mobility and utilization opportunities in professional, administrative, and technical positions in grades GS–7 through GS–15 for employees with potential. This program began in March.

Many of the changes at GSA, particularly the role of housing in Federal site selection, were pointed out in greater depth in Administrator Kunzig's testimony before the Civil Rights Commission on June 16, 1971. Copies of this testimony are available from the GSA Congressional Liaison Office.

As Administrator Kunzig said at that time ". . . more can be done and more will be done, but I am proud, and I believe justifiably so, of the Nixon Administration's record over the past 27 months."

Chairman Hesburgh of the Civil Rights Commission praised the GSA warmly in the name of all members of the Commission. Vice Chairman Horn went into a detailed statement of commendation on the record. Various members congratulated GSA as did minorities in the audience who crowded up afterwards to echo Chairman Hesburgh's sentiments.

GENOCIDE: DOES SILENCE MEAN APPROVAL?

Mr. PROXMIRE. Mr. President, one can argue that under our law silence means approval. For example, the Constitution says that if the President does not explicitly veto a bill, Congress being in session, then that bill becomes law. His silence is taken to mean approval.

Could the same thing happen regarding the failure of the Senate to ratify the Genocide Convention? Could our silence be taken to mean that we approve of the crime of genocide? I certainly hope not. But some argue that that is so, because the Genocide Convention has been before the Senate for 22 years without being ratified. How can we explain away our silence?

Fortunately we have a chance to correct this misconception. On May 4 the Committee on Foreign Relations issued a favorable report on the convention, and it is now on the Executive Calendar of the Senate. By ratifying the convention we can show the world that we do indeed abhor the crime of genocide.

Mr. President, our silence condemns us. We must act before it is too late. I urge the Senate to ratify the Genocide Convention as soon as possible.

BENEFICIAL IMPACT OF THE SMALL BUSINESS ADMINISTRATION

Mr. GURNEY. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Mr. Charles Smith, senior vice president of the Bay National Bank & Trust Co., of Panama City, Fla., to Mr. Robert Clark, Director of the Office of Financial Institutions of the Small Business Administration.

The letter reveals the important and beneficial impact that the Small Business Administration has had on spurring local economies through such a program as the guarantee and immediate participation programs.

Hundreds and hundreds of small businesses in Florida are thriving today because of such programs. There are thousands around the country.

The Small Business Administration is doing an excellent job and deserves the thanks of everyone who is concerned with the success of the private enterprise system.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE BAY NATIONAL BANK & TRUST CO.,
Panama City, Fla., August 30, 1971.

Mr. ROBERT CLARK,
Director of the Office of Financial Institutions, Small Business Administration, Washington, D.C.

DEAR MR. CLARK: The Bay National Bank & Trust Co., Panama City, Florida has been a participant with the Small Business Administration for approximately ten years. During this period over $10,000,000.00 has been made available to over 140 small businesses in Bay County by the Small Business Administration in participation with our Bank. We presently have 90 participation loans on our books, with twelve additional loans pending. These loans have assisted virtually every type of business.

From 1961 through 1969, Bay County's annual sales grew from $76,125,000.00 to $140,549,000.00; its population grew from 67,131 to 75,283; its bank deposits grew from $32,767,897.00 to $99,286,211.00; its savings and loan assets grew from $20,562,591.00 to $39,960,420.00; and building permits issued per year increased from $3,138,614.00 to $9,609,175.00. The Bay National Bank & Trust Co., which is over thirty-five years old increased its deposits from approximately $12,000,000.00 to $42,000,000.00 during the past ten years. Those statistics are fantastic when all factors are taken into consideration. Without the Small Business Administration and the progressive minded leadership in our Bank, and our community, it is possible that the past ten years would have been like any other ten-year period in our history.

The Small Business Administration has been invaluable to our area. Our Bank has participations in all types of Small Business Loans, including the Guaranty and Immediate Participation Program, the use of the regular and SBLP type application form and the assistance in the minority entrepreneurship and EOL loans, with our share of participation ranging from 10% to 50% of the loan. Our losses have been less than one-quarter percent during the past ten years.

In fact, our first year's service fee paid by the Small Business Administration exceeded our losses for the full ten-year period. We are very pleased with an agency who has done so much for our small area. The aid to our economy cannot be measured. You must also realize that there are five (5) banks in our community with all now participating with the Small Business Administration in its lending program, and I have only given to you, our story.

To us, at Bay National Bank, the Small Business Administration needs a commendation from all our legislators for its very able assistance to the backbone of our nation, the small business. An agency of our government that performs as the Small Business Administration does can never be commended enough. Keep up this excellent work.

Sincerely,

CHARLES S. SMITH,
Senior Vice President.

DEVELOPMENT OF SMALL TOWNS AND RURAL AMERICA

Mr. TALMADGE. Mr. President, the magazine Nation's Business for October contains an excellent article on the small towns of America and how these communities can be economically prosperous and pleasant places to live and raise a family.

The article cites several examples of viable small towns in various parts of the country and calls attention to their economic and social advantages over large, congested metropolitan areas.

The development of small towns and rural America has been a major thrust of the Committee on Agriculture and Forestry in recent weeks, and we have been greatly encouraged by increasing interests, urban and rural, in this project. We are at present confronted with a situation in which 75 percent of the people live on about 2 percent of the land. It gets worse every day. In my judgment, a reversal of the massive urban to rural migration must be a top priority of Congress in this decade.

I invite the attention of the Senate to the article and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Livin' Is Easy

(By Stanley Schuler)

Don't write off America's small towns.

It's true many are declining or even dying. But a great many are very much alive. And a lot are growing rapidly.

While business deserves much of the credit for the vigor of thousands of small towns, equal credit must go to the quality of small town life, which continues to attract countless people from the harried cities.

Small towns have problems too, but they somehow don't seem so onerous where everyone knows everybody else and most problems are out in the open for all to share.

An important reason why the current vitality of small towns has not received wider recognition may be uncritical acceptance of Census Bureau reports that the population of farms and rural communities has declined in the last half-century from 49 to 26 per cent of the total population.

Putting it that way obscures the fact that, in the same period, the number of rural residents actually increased—from 51.5 million to 53.8 million.

"There has been too much generalizing about small towns," complains economist Alfred Hong. "The people who are saying small towns are dead simply must not be looking at them hard enough. Instead, they see that some small towns in the Plains States are declining and they jump to the conclusion that all small towns throughout the country are in the same boat."

This, says Mr. Hong, who is director of research for the Survey of Buying Power, published by *Sales Management*, "just isn't so. Look what's happening to small towns in California, Florida, Illinois, Ohio and Mississippi. Many are healthy, growing. And that's true of a lot of other small towns elsewhere."

In addition to rural population growth, there is other evidence to support Mr. Hong's view:

Of the 4,300 towns with populations of 2,500 to 10,000, 72 per cent grew in the 1960s, while only 28 per cent declined in population. Losers exceeded gainers in only four states. (The Census Bureau does not classify towns in that population category as rural communities and a considerable number of them are in fact suburbs of cities, but a great many are far out in the country, as rural as any hamlet on the Kansas prairie.)

Every small town in Connecticut has increased in size in the last decade.

In Nebraska, supposedly one of the states in which small towns are dying fastest, incorporated villages and small cities that gained population in the same period outnumbered those that withered.

The Census Bureau is now beginning to identify highly populated counties that have been shown a surprising capacity for growth when nearby counties were declining. The "growth centers" include such diverse places as Coffee County, Ala.; Campbell County, Wyo.; and Grand Isle County, Vt.

ECONOMIC LIGHTNING

Why are small towns still growing? The reasons vary.

Some are struck by what could be called economic lightning.

Oil was discovered near Gillette, seat of Wyoming's Campbell County, and the community doubled in size. Naples, Fla., gained sudden prominence as a winter resort and its population tripled.

A group of developers chose Waterville Valley, N.H. for a ski resort. Wilkesboro, N.C., was selected as the site of Wilkes Community College and there was an additional influx of population after the town acquired several clothing factories.

Other towns grow more slowly as newcomers arrive to take over existing businesses and the former owners remain in retirement or other activities.

Still other communities don't wait for growth to be thrust upon them. Their civic leaders work hard to bring it about by taking steps necessary to attract new industry.

In 1960, the town of Cozad in central Nebraska had only 3,180 population as a farm and milling center. A group of citizens then organized an industrial development campaign.

The first major success was persuading the Monroe Auto Equipment Co. to locate a new plant, which employs 650 workers, in Cozad. Since then, other businesses have moved in.

Today, Cozad has grown to 4,230 people (Lexington, the county seat, gained only 46 in the same period) and further growth is expected from a drive to provide housing for Monroe workers who still commute from surrounding towns and farms.

"There's no doubt about it, we're going to keep on growing," says Joe Alverson, editor of the *Tri-City Tribune*.

LOTS TO OFFER

Mr. Alverson, who arrived in Cozad from Colorado in 1965, views his adopted community as "a nice, clean town with lots to offer. You might not think it looks like much, but it's a fine place to live."

And the Monroe company is equally delighted with its choice. "Everything's worked out wonderfully well," says Larry Meares, industrial relations director.

"You might say we're committed to small towns. They offer an excellent environment for us.

"People seem to have a more distinct set of mores than those in large cities. Furthermore, the people are more alike. That tends to make it easier for an employer to identify his employees' needs and to satisfy them.

"Thus, you get a closer, more productive relationship."

The head of a company that helps businesses locate new plant sites is one of the most vocal of the small town enthusiasts. Leonard C. Yaseen, chairman of Fantus Co., says that small towns, while obviously not right for every company, offer many advantages.

"Wage rates, taxes and living costs are lower than in cities," Mr. Yaseen reports. "Productivity is higher and work stoppages fewer. Employee loyalty is excellent."

FED UP WITH SUBURBIA

A lack of cultural facilities is the only real remaining drawback in small towns, he says, but "on the other hand, life can be very pleasant. I'd say the reaction of men who have moved to small towns is almost universally favorable."

Small towns are proving to hold attractions for individual families, as well as industries.

In Essex, Conn., a leisurely little out-of-the-way town near the mouth of the Connecticut River, a young housewife explains: "We came here because we were frustrated by suburbia.

"It was the whole business of power mowers and country clubs, of going down to the shopping center Saturday morning and putting a dime in a meter two blocks from where you wanted to be. It was fighting traffic jams and chauffeuring kids to dancing class."

Says her husband:

"We were just fed up. We wanted to get out of the rat race, to live a more relaxed, natural life."

Essex was once a magnet for the retired. Now, some of the newcomers are younger men transferred to the small and medium-size plants moving into the general area. Some commute to Hartford or New Haven—or even New York—over superhighways. Other new residents are manufacturers' representatives or salesmen who work out of their homes. A few are airline pilots who fly only part of the month and have the rest of it to themselves.

Four years ago, a young salesman moved from Indianapolis to Nashville, Ind. (population: 750). He now commutes daily by car—a 100-mile round trip.

"You'd think I'd be sick of driving," he says, "but—I'm surprised myself—I'm not. I can't tell you how much less tense and more happy we are, living here."

In Exeter, N.H., (population: 8,900) a young engineer who quit his job rather than be transferred echoes the sentiments of generations of small town Americans:

"A small town is just a warmer, easier place to live life as you and your kids want it, not as social pressures say you must."

Corporate Utopia: RFD?

(By John W. Joanis)

The time may soon be upon us in the United States when the job will follow the man rather than the man pursuing the job.

And, when that occurs, it bodes only good times for many of the smaller communities in our land.

This view, I am aware, puts me in direct opposition to most of the nation's urbanologists, sociologists, demographers and politicians. They still hold that the nation is going metropolitan, that nine out of 10 Americans will live in urban centers by the year 2000.

Admittedly, my personal survey is of the horseback variety. But we do employ 5,000 people in 72 offices across the nation, and transfer several hundred of them each year.

We are constantly bringing in men from field offices—most of them in huge metropolitan areas—to our headquarters at Stevens Point, Wisc. They and their families come reluctantly, skeptical of doing time in the piney-woods Siberia of central Wisconsin.

Three years later, when we promote them again, back to the action in Detroit, Chicago, Atlanta or New York, they leave kicking and screaming, often pleading to continue living the good life of Stevens Point.

The suburban ethic is fast disappearing as the only religion of the young organization man on the make. He is, indeed, balancing his family's quality of life against its quantity of life. He is finding that in urban America today, more is less.

In one survey, pollster Lou Harris asked: What do you consider the ideal type of area to live in? Only 17 per cent selected the city.

By 1980, half the nation's work force will be producing or servicing products that do not exist today. Thousands of new plants will be built somewhere in this nation by 1980.

"Somewhere" could be the small town, U. S. A. How small? I don't really know. Perhaps somewhere between 10,000 and 200,000—at least much smaller than Boston, Baltimore, Dallas and St. Louis.

More important than size, it appears, are the accommodations and recreational and educational facilities, the general quality of the environment.

For example, a college or university with a cultural and academic impact on the community is an enormous plus. School and medical opportunities must equal, or nearly equal, the suburban facilities many of our young have experienced.

The nearness of ski slopes; lakes for sailing, water skiing or fishing; beaches and public hunting grounds also means a great deal.

If a large metropolitan center with its stores, theaters, restaurants, hotels and professional sports teams is reasonably near—three or four hours' driving on a good highway—that, too, is a plus. An attitude of progress, an open society that tolerates—or even welcomes—new ideas is appealing to young adults.

Our young people's values—their emphasis on the quality of life—is a tremendous force for change, not to be completely discounted by technological data and erudite scholars.

To the kind of cities I have described, young activists and young industries will soon be going "over the hill" from the crowded, uncomfortable, often unsafe and unhealthy urban-suburban-industrial sectors of this land. The young will go because they want to; businesses because they have to—for economic and political reasons.

Indeed, where previously the man followed the job, soon the job will follow the man and his desire for a better life.

LOCAL INITIATIVE AND THE RENEWAL OF A KANSAS RURAL COMMUNITY

Mr. PEARSON. Mr. President, rural community development is becoming increasingly recognized as a national necessity. We seek to expand economic and social opportunities in rural America because consideration of general equity demands it. But we also seek to develop our rural communities as a means of achieving a more balanced national growth in the future. We must break the trends which are producing overcrowded megalopolises and underdeveloped rural communities.

To achieve this goal of balanced growth, we must have national action programs. And I am encouraged by the growing support in the Congress for new rural development efforts.

But while national programs are demanded, we all recognize that local initiative and self-help is the first essential step in any rural revitalization effort. An excellent example of such local spirit and initiative is to be found in the northwest Kansas community of Oberlin. The community's effort at self-help revival is described in an article in September 30, 1971, issue of Farmland News.

Mr. President, this is an impressive and interesting story and I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Self-Help Reviving a Kansas Community

(By Frank Whitsitt)

Perhaps the sight of a young doctor waving cheerily as he rolls by on a bicycle symbolizes as much as anything the attempt of Oberlin, Kan., to swim upstream in a river of rural decline.

Indeed, there are two young doctors who roll around on bicycles in this Northwest Kansas community of 2,500 persons that has decided to do more than wring its hands over problems besetting America's hinterland.

Oberlin's medical care pulse bears mention because the town came perilously close to joining the ranks of rural communities that have no doctor. At one time there had been five. Then there was only one, and he was terminally ill. Leaders put together $17,000 to facilitate a search for medical help. Now there are the two doctors, who came to Oberlin from Indian reservation work in the Southwest, and a dentist.

"That was the turning point," says Phil Finley, the Decatur County extension agent whom many credit with sparking efforts to revitalize the town. "When this town decided it was going to survive."

Without doctors, Finley says he wouldn't have stayed. "There was an illness in my family a while back when we had to have a doctor within 30 minutes," he said. "That was enough for me."

There is tangible evidence of Oberlin's headway the moment you turn off U.S. 36 and head "downtown." What used to be little more than a "2-lane cowpath" is now a divided 4-lane route with a statue in the median that a town many times Oberlin's size would be proud to have.

Carved out of limestone by Pete Felten, Jr., of Hays, Kan., at a bargain low rate for his labor, the "Pioneer Family" shows a father, mother, son and daughter with arms locked in symbolizing the stoicism of Oberlin's forbears who helped settle the plains. Oberlin area residents contributed $2,000 to its cost, and this was matched by the State Cultural Arts Commission.

Emphasizing Oberlin's heritage and its dependence on farming, the statue helped unite rural and town folk on the effort to upgrade Oberlin's image, Howard Kessinger, editor of the wide-awake Oberlin Herald, believes.

A block or two past the statue is the renovated Main Street shopping district. Much neater than what you're accustomed to finding in rural towns. Newly installed canopies over store fronts and artistic light globes give one the intended impression that the businessmen inside are doing all right.

The idea for sprucing up Oberlin was brought back by Ernest Woodward, publisher of the Herald until his death, from a visit to a Canadian town that had put on a new face and thereby helped improve its economic rating.

Leaders turned to the Center for Community and Regional Planning at Kansas State University for free suggestions on how to get Oberlin moving. K-State design students came to town (Oberlin paid only their expenses) and recommended a new landscaped entrance way off U.S. 36, refurbishing of store fronts or the erection of canopies (the merchants did both), the statute and a pedestrian mall.

The K-State ideas proved the need for planning, said Kenneth Rydquist, president of the Chamber of Commerce, and the next step was the hiring of a planning firm. There was no thought of taking up the brick pavement. This pleased the oldtimers who could remember the days when farmers rumbled over those bricks in horse-drawn buggies and wagons.

Total cost of canopies and lights came to about $50,000 with merchants paying the $41,000 cost of the canopies and the city financing the lights. Because of a similar effect provided by the canopy-sheltered sidewalks, a pedestrian mall now appears unlikely.

But the Oberlin resurgence goes beyond freshening up Main Street and erecting a statue. Virtually ready for play in late summer was a 9-hole golf course built largely with pledges and contributions. The course is in a 480-acre municipal park that formerly belonged to the state. Because Sappa State Park was being neglected (silt nearly filled its lake) Oberlin leaders waged a successful effort in the legislature for the city to take it over.

The park is also a home now for a branch of the Cookson Hills (Oklahoma) Christian School and Boys Ranch. About 20 youngsters ranging in age from 3 to 17 are housed in the park and serve, with their leaders, as caretakers. These boys are there because they are homeless or delinquent. They attend Oberlin schools, and have been well accepted, says Editor Kessinger.

A few eyebrows may have been raised over welcoming "delinquent" boys into the area, but the general feeling of the citizenry was healthy. "Somebody has to do this," Kessinger adds. "Why not us?"

The Kansas City Star, in an editorial on President Nixon's proposal to provide $1.1 billion next year for rural communities (with the implied proviso that it should go to those communities that try to help themselves), cited Oberlin as an example of a town that could benefit from such a move.

Singling out Oberlin's accomplishments, the Star noted that "such revitalization isn't easy. It requires planning, cooperation, a dogged resolution to succeed—and money."

Of the golf course, Kessinger observed: "It was one of those things we had to do. We were losing ground. Projects such as the golf course interest our young people."

Another activity catching on in the Oberlin area is joint participation in hog feeding operations. Three or four persons put up about $500 each and help provide financial backing for the one doing the actual feeding. John A. Juenemann, manager of the Decatur Cooperation Association, thinks such projects are helping to unite people and tie them to the community.

"A fellow may not have much managerial ability," Juenemann added, "but participation in these small corporations gives him a feeling of involvement, belonging and pride of ownership, without having to risk more than a few hundred dollars."

Finley sees the application of this principle to such activities as a major feedlot planned for the area, dairying, pork processing, irrigation, and hay processing.

The drive to finance construction of a community feedlot is the big news in Oberlin at the moment. Thirty-two persons, all residents of Decatur County, are putting up $215,000 toward a goal of $250,000. The Small Business Administration is expected to provide $600,000 loan for the balance.

Push for the feedlot got impetus when a group of Oberlin leaders visited Hereford, Tex., last winter and saw the impact large-scale feeding operations have had on that area. The Kansans came home determined to duplicate the Texans' success.

Howard Benton, chairman of the feedlot campaign, said an option has been taken to buy land for a 12,000-head feedlot five miles north of Oberlin. With the lot would come such allied benefits as stimulus to irrigation, saving on feeding grain at home rather than shipping it out and paying freight costs, and spinoff from more processing services.

"It's the time for gutsy, innovative leadership," said Finley. "If we're going to stick, we've got to do things differently. That trip to Hereford is an example of the new thinking. For the first time, all of us—doctors, lawyers, farmers, the co-op—were together on something."

Finley traces much of Western Kansas' woes to the fact it "got hooked" on wheat as a result of wars that brought big prices for the bread cereal.

"Anybody can grow wheat," Finley says. "Our people should have been learning about things like sheep. And it's a shame, with the big markets of Lincoln and Wichita so near that we let dairying fade out. We've got to get more into the processing end of things. When you ship a raw product, you can't bargain on price."

Finley thinks that what singer Jimmy Dean has done with his pork operation at Plainview, Tex., could be done at Oberlin if "we just quit thinking of ourselves as farmers, or doctors and what-have-you and all of us think of ourselves as businessmen and put our money into Decatur County."

Oberlin is pushing for a home-grown revival. "We want to be more than just the labor for outside money," Finley explained.

No one is saying the feedlot represents a sure-fire panacea for Oberlin's problems. Some feedlots have turned out far less than successful. Keeping them full can pose a problem, and you often need the sharpest of pencils to come out with a profit.

Russell Raulston, who farms 4,000 acres with a son, raises an interesting point, too. What happens, he asks, if most of the grain now being shipped out is fed at home? Will the railroad use declining business as an excuse to drop service? With the growing emphasis on the export market, where would this leave Decatur producers?

Raulston can't be shrugged off as "hanging crepe" amidst Oberlin's enthusiasm. Still, as Finley says, this is a time for innovation and Oberlin appears bent on doing things differently—if that's what it takes to stay alive.

"There's been too much emphasis on production, getting that extra bushel or two yield just to stay even with higher costs," the county agent said. "People out here are fed up reading about the big wage settlements in industries that aren't as basic as the fiber and food they represent. It's time they learned to bargain. Co-ops have helped keep farmers alive, but they deserve more than just to hang on."

Oberlin folk like to recall they've taken chances before and things have turned out all right.

Some years back, for example, the area voted bonds for a major school improvement despite the fact crops had been the "worst in 15 years." Seems it rained the night they voted the bonds, and that was regarded as another "turning point."

There have been even grimmer times in Oberlin—such as that September day back in 1878 when a band of Northern Cheyennes strayed from their reservation and singled out Oberlin as the target of the last Indian raid in Kansas. They killed 19, and a tall grave marker is visible from U.S. 36.

The massacre might have been avoided had Fort Leavenworth placed more credence in reports that the Cheyenne were on the prowle in that region and sent help sooner.

This time Oberlin appears determined to find "salvation" from within. It is not looking to outside help or government handouts. While it takes a lot of effort for a rural community just to stand still these days. Oberlin appears determined to move ahead.

If the town succeeds, it may provide a model for rural regeneration. If it doesn't, the Oberlin folk will have had the thrill of trying.

DANGERS INHERENT IN IGNORING LESSONS OF HISTORY

Mr. McGEE. Mr. President, it appears, at times, that mankind dooms itself to repeat mistakes of the past instead of heeding the lessons of history. The era this country finds itself in is no exception.

After experiencing some 25 years of a stability the world has rarely known, the pressures are rising for us to ignore completely those actions on our part which have significantly contributed to this stability.

In this week's issue of Newsweek magazine, former Under Secretary of State George Ball pointed out the dangers inherent in ignoring the lessons of history. In his article entitled "History as She is Re-writ," Ball draws up his own parable for the ties.

I ask unanimous consent that Mr. Ball's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

History as She Is Re-Writ

(By George W. Ball)

Recently I have been reading the revisionist historians, and they have told me things I did not even suspect.

They insist, for example, that we were quite wrong to face down the Russians in October 1962 when Khrushchev tried to sneak missiles into Cuba. The Kremlin was only seeking to even the score for our own forward deployments, and, besides, a few missile emplacements off our coast might be good for us. Nor should we have organized defensive strength through the Western Alliance when Soviet tanks were overrunning Central Europe. We should have realized that Moscow was merely creating a buffer zone with no intention whatever of going further.

Finally, they contend, it was the West, not the Soviet Union, that started the cold war; that the cold war was never more than a cheap slogan to justify our heady sense of empire; and that, anyway, it is now over since we have achieved a "détente."

All this I have read with fascination since I certainly had a different impression when the events occurred. But, though I am overwhelmed by the fervor with which these shattering views are advanced by the copious footnotes quoting other revisionist historians with which they are documented and by the quaint Marxist idiom in which many of them are expressed, I still remain skeptical and unreconstructed.

A QUESTION OF HINDSIGHT

Though I am awed by the self-assurance of those who can rewrite history with such a free hand, I am puzzled by an annoying question. If, without the benefit of their perceptive hindsight, I so wrongly judged events in which I played an active part, then how now can they, lacking the opportunity for hindsight, be so confident in their appraisal of the present-day scenes?

I mentioned this perplexity to a group of young skeptics with whom I spoke a few nights ago but received no answer, though they were unequivocally emphatic on one point, which seemed to them self-evident. If the West would only dismantle NATO and if only the United States would withdraw its forces from Europe, then the Soviet Union could certainly be counted on to demobilize the Red Army so the world could live happily ever after.

I agreed it was a beguiling vision, but how could they be sure? Again only an indulgent silence. Perhaps this was an example of the famous "communications gap," but I do not think so. Though they heard what I said and knew the meaning of the words, I was, in their eyes, merely a fossil from the remote and "irrelevant" past that had washed up on the beach.

So, failing a response, I resorted to a dialectic device that antedates even my era—that ancient art form known as a parable. It was a parable that, I thought, had general application—to our military posture, to the Western Alliance and the maintenance of our troops in Europe, and even perhaps to our political alertness.

THE PARABLE OF THE DAM

Since the beginning of time, so my story went, the villages in a mountain canyon had been periodically ravaged by floods. Finally, the leaders convened a great meeting and decided to invest their efforts and resources in building a large, strong dam. Thereafter, for a quarter of a century, the dam sheltered the villages from disaster, prosperity prevailed, and life was tranquil—until, at last, a new generation began to grow up, free from the apprehensions of the past and filled with exciting ideas about a world of song and beauty.

Inevitably the new leaders turned their attention to the dam. It was, they announced, huge and ugly and an affront to the environment. Besides it blocked out the sunset and had to be repaired every year. One leader wrote a folk song proclaiming it a symbol of imperialist megalomania, and people spoke excitedly of little else, until someone brought forth an argument that seemed quite unanswerable. After all, it was pointed out, no one ever talked about flood damage except the old fogies over 30 who were not to be trusted anyway. Who among the new leaders could recall any floods in his lifetime? It was perfectly clear that floods were completely outmoded, a matter of the past—perhaps just a fiction manufactured to frighten the people. Since there had not been one for 25 years, clearly there would not be another.

So, after a season of demonstrations, more speeches, a pageant and several rock festivals, they blew up the dam and used the fragments for a people's playground. And let me tell you straight, man, when the waters came down it was really the Age of Aquarius!

PRIVATE TALKS IN PARIS

Mr. McGOVERN. Mr. President, we are approaching the third anniversary of the peace talks in Paris, with nothing yet decided but the shape of the table.

When I was in Paris several weeks ago, I met with our own chief negotiator, Ambassador Porter, as well as with representatives of North Vietnam and of the Provisional Revolutionary Government of South Vietnam, to obtain a better understanding of the issues separating the parties.

Among the most distressing matters I found was the fact that our delegation, while professing substantial expertise on the meaning of the seven-point proposal offered by the other side, relies entirely on secondhand reports for clarification. Thus they told me what the DRV and the PRG would say before I went—that point one on U.S. withdrawals and prisoner release is inseparable from the other six points. When that was not the case the administration concluded publicly that I had misinterpreted the position of the other side, even though they have yet to take the steps necessary if they are really interested in obtaining their own direct clarification on this score.

On September 22 of this year, two members of Britain's House of Commons presented in Washington a petition signed by 635 parliamentarians of nine countries urging withdrawal of all American forces and an end to all bombing attacks in Indochina by a fixed date. One of those gentlemen, Mr. John Mendelson, reported subsequently in a brief New York Times article that in his visits with Members of Congress he found hardly anyone who was aware that the Provisional Revolutionary Government has offered to hold private meetings with U.S. negotiators, and that these offers have been turned down in each instance by the U.S. delegation.

Perhaps it is hard to believe that the administration is not pursuing every conceivable means of achieving a negotiated end to this war, and that the administration, while discounting the reports of others, is refusing to take up its questions directly with the Provisional Revolutionary Government. Yet, as Mr. Mendelson points out, that is indeed the case. In my view this state of affairs exhibits a tragic administration refusal to pursue hope in Paris, as it pursues the same elusive and costly military solution which have brought so little at such terrible cost for the past 6 years.

Mr. President, I ask unanimous consent that the article I have described be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A REFUSAL TO TALK? "I RECEIVED THE IMPRESSION THAT MOST PEOPLE WERE UNAWARE . . . OF . . . AN OFFER OF SECRET TALKS BY THE N.L.F."

(By John Mendelson)

LONDON.—Frank Allaun, M.P., and I went to Washington last week to present a petition to members of Congress and to the Speaker of the House of Representatives concerning the war in Vietnam. The petition has been signed by 635 parliamentarians in nine countries, including 94 Members of both Houses in the United Kingdom.

In preparation for my visit to Washington, I went to Paris for discussions about the war. I received definite information from sources within the Provisional Government of the South Vietnamese (the N.L.F.) that they had offered secret talks to the American delegation on the subject of bringing the fighting to an end and on the setting up of a "Government of National Well-Being" in Saigon. The United States delegation turned down this offer of secret negotiations.

In Washington, in a discussion with officials in the State Department, they confirmed that this offer of secret talks had been made by the N.L.F. and had been turned down.

At various receptions and meetings with members of Congress, I received the strong impression that most people were completely unaware of this position. I also found that a considerable number of Congressmen are convinced that President Nixon is determined to end the war in order to win the election. This belief must be shaken if the true position is to be brought home to members of Congress and the American people. The evidence concerning the refusal of the United States Government to engage in real negotiations about a political solution in Saigon may provide a useful instrument in this endeavor.

NEW SCHOOL LUNCH REGULATIONS

Mr. HART. Mr. President, the Department of Agriculture has acceded to the public outcry that the average Federal payment per lunch be raised from the 35 cents stipulated in the August 13 proposed regulations for the school lunch program. I was pleased that upon reconsideration the 35-cent figure was moved to 45 cents.

But Mr. President, we should read all the print in the new regulations. If you do you will find that the Department has given with one hand and taken away with the other.

By imposing the Federal poverty standard of $3,940, the Department is reducing substantially the number of children who will be eligible for the free and reduced price lunches.

In the State of Michigan, for example, where the welfare eligibility level is $4,280 for a family of four, tens of thousands of children—perhaps as many as 150,000—from welfare and working poor families will now become ineligible for free or reduced price lunches. Additionally, I am told by State officials that as many as 60,000 of the 146,000 poor children now participating may have to be dropped from the program. In short, in Michigan, the newest regulations mean both a cutback in the existing program and an end to the hope that the program will be expanded this year.

The ingenuity of the Department of Agriculture in frustrating the will of Congress that all needy children be fed is apparently endless. Just when we think we have closed the last loophole, a new one is sprung.

There are some States which will gain by the new regulations because the eligibility level of $3,940 will not result in eliminating any of the State's children from the program. I appeal to colleagues from those States for support for those of us from States where the regulations represent not a step forward but the cruel elimination from the program of hundreds of thousands of needy children. Let us all join to put an end to the School Lunch Shell Game: a "now-you-see-it-now-you-don't affair being played at the expense of the least of us—the Nation's hungry children.

"HUNTING AND FISHING DAY" COMMEMORATIVE STAMP

Mr. McINTYRE. Mr. President, on June 24 I introduced a joint resolution asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day."

Since that day I have received great support for this resolution from all over the Nation. Senate Joint Resolution 117 has 32 cosponsors to date and the list is steadily growing. Representative ROBERT SIKES, of Florida, has introduced a similar resolution in the House of Representatives that has also received acclaim.

Already 22 Governors and cities have proclaimed "Hunting and Fishing Day" to acknowledge the outdoor sportsmen in their own jurisdictions.

The private sector of the Nation has also vigorously responded. I have received hundreds of letters and telegrams of support, not only from hunting and fishing organizations, but from a much broader spectrum including conservationists, game breeders, mariners, sports foundations, wildlife and environmental groups as well.

I hope that the Judiciary Committee will see fit to give this measure its approval as quickly as the exigencies of the moment permit.

I wish to report to the Senate today that I have asked the Postmaster General of the United States to issue a commemorative stamp in honor of "National Hunting and Fishing Day." I am sure that this request will merit an early reply from the Postmaster General.

I hope that Senators who feel as strongly as I do about this matter will notify the Postmaster General of their endorsement of the commemorative stamp.

Mr. President, I ask unanimous consent that my letter to the Postmaster General be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., October 7, 1971.

Hon. WINTON BLOUNT,
Postmaster General,
U. S. Postal Service,
Washington, D. C.

DEAR MR. POSTMASTER GENERAL: I want to propose a National Hunting and Fishing Day Stamp.

By way of background, this summer I introduced Senate Joint Resolution 117, requesting the President of the United States to declare the fourth Saturday of of September as "National Hunting and Fishing Day." At that time I summed up my feelings on this subject on the Senate floor by saying:

"There are few recreations which provide a better chance to get exercise which we all need, to find solitude, to breath some of the little remaining fresh air, and to forget daily cares than hunting and fishing."

In 1970, more than 15 million hunting licenses and 100,000 fishing licenses were issued. For the privilege of hunting and fishing these American sportsmen pay nearly $200 million each year for licenses, tags, permits and stamps. Much of this money is used for environmental improvement and wildlife protection.

In addition to the revenue aspects cited above, the important contribution that hunters and fishermen have made to the area of conservation cannot be minimized. While other citizens slumbered in the belief that our previous natural resources were limitless, responsible hunters and fishermen sought fixed game seasons, for protection of endangered species and against the pollution of our environment.

The response to my resolution proposing National Hunting and Fishing Day has been excellent. The resolution has already received wide bi-partisan support from 32 Senators and the number is increasing steadily. Representative Robert Sikes has introduced a similar resolution in the House of Representatives and his resolution also received a great deal of support. The Governors of 22 states have proclaimed similar days of recognition for the hunters and fishermen within their state. I am enclosing a list of such days for your information.

In addition to the political entities that have shown support for this measure, I have received literally hundreds of letters and telegrams of endorsement from private organizations representing not only hunting and fishing enthusiasts but a much broader spectrum of conservation, sportsmen, mariner, game breeders, wildlife and environmental organizations as well.

Mr. Postmaster General, in light of this wide-spread support, and in light of the important contribution made ot this nation by the sports of hunting and fishing, I hope that a stamp commemorating National Hunting and Fishing Day will receive early and favorable consideration.

I would like to meet with you personally at your earliest convenience to discuss the contents of this letter and other important aspects of the National Hunting and Fishing Day stamp.

Sincerely,

THOMAS J. MCINTYRE,
U.S. Senator.

SMOKING AND CANCER

Mr. MOSS. Mr. President, it would be amusing, if it were not such a deadly problem, to reflect on the continued suggestion put forth by tobacco people that there is no known health hazard attributable to cigarettes. Even though we can point out the 1964, 1967, 1968, 1970 Reports of the Surgeon General on Smoking and Health, the skeptics continue to say that nothing has been proven. Taken as a whole, much has been proven, although slight weaknesses can probably be found in every scientific study ever performed.

Last month, the Royal College of Physicians and the Health Education Council of the United Kingdom sponsored a World Conference on Smoking and Health. It was my pleasure and honor to serve as Chairman of a Plenary Session at the World Conference and to participate in the discussions and deliberations of the 500 assembled participants from some 25 or 30 nations.

One of the more interesting presentations was that of Sir Richard Doll, Regius Professor of Medicine at Oxford. Dr. Doll is one of the foremost authorities in the world in the area of epidemiology. His studies of British physican mortality have been cited by some as the nearly perfect study that science continually seeks. And it is particularly interesting to note Dr. Doll's opening remarks:

> The amount of new information that becomes available each year about the effect of smoking is so enormous that it would take more than the whole time available for this conference to report all the developments that have taken place since the first World Conference on Smoking and Health was held in New York.

That statement explains why I said at the beginning of my remarks that it would be amusing if it were not such a serious health problem. The evidence continues to mount, yet we are unceasingly faced with industry propaganda. What more must we do to educate the American people about this pernicious habit? I do not have all the answers. But, with the help of the medical community, health educators, and interested people in the United States and throughout the world, we may soon develop solutions to this terrible problem.

Mr. President, I ask unanimous consent that Sir Richard Doll's paper on Cancer Morbidity and Mortality Attributable to Smoking be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

Morbidity and Mortality Attributable to Smoking—Cancer

(By Sir Richard Doll, Regius Professor of Medicine, University of Oxford)

The amount of new information that becomes available each year about the effect of smoking is so enormous that it would take more than the whole time available for this conference to report all the developments that have taken place since the first World Conference on Smoking and Health was held in New York. In these circumstances, Dr. Hammond and I have been asked just to remind you of the principal effects of smoking, and to indicate those developments that are most important from the point of view of practical prevention. To avoid repetition, my paper will be limited to the effects of smoking on the production of cancer and Dr. Hammond's will deal with other diseases.

CANCERS RELATED TO SMOKING

It is now clear that smoking plays a significant role in the production of most cancers of the upper digestive tract, the respiratory tract, and the bladder. Results of four large prospective studies relating to these cancers are summarized in Table 1. The four studies refer respectively to 188,000 men followed by the American Cancer Society for 44 months (Hammond and Horn, 1955; U.S. Public Health Service, 1964), 248,000 U.S. veterans followed by the National Institutes of Health for between 5½ and 8½ years (Kahn, 1966), 78,000 Canadian war pensioners and dependents followed for six years (Canadian Department of Health and Welfare, 1968; U.S. Public Health Service, 1964), and 34,000 British doctors followed for 17 years (Doll and Hill, 1964; Doll and Pike, 1971). The figures in Table 1 show the mortality in smokers relative to that in non-smokers of the same ages. Separate figures are given for men who smoke only cigarettes and for men who smoke only pipes or cigars. The ratios are, of course, crucially dependent on the rates in non-smokers. As all these cancers are rare in non-smokers (and some extremely rare) it is not surprising that there is some variation between the results of the different studies, nor that no deaths at all occurred from some of these cancers in non-smokers in the two smaller studies. From these figures it is evident that the risks are in all cases greater for cigarette smoking than for pipe or cigar smoking.

Similar data are shown for other types of cancer in Table 2. With the exception of the figures for cancer of the stomach in the American Cancer Society's study, the mortality ratios in smokers are all less than double the rates in non-smokers. A few of the figures are less than one, indicating that a higher mortality was observed in smokers than in non-smokers; but most lie between 1.3 and 1.6. Nearly all are higher in cigarette smokers than in pipe or cigar smokers. Not all causes of death, however, are diagnosed corrcctly and some of the excess mortality attributed to these cancers among cigarette smokers must be an artefact due, for example, to misdiagnosis of cancer of the lung and perhaps also to confusion between cancer of the lower end of the oesophagus and cancer of the fundus of the stomach. From these, and the results of many other studies, it is evident that smoking plays little or no part in the production of any of the major cancers other than those that have been referred to in Table 1.

The mortality ratios that have been cited are important in helping to decide whether smoking is or is not a cause of the particular type of cancer concerned, but they do not provide any indication of the importance of smoking as a cause of death. A relatively high mortality rate in smokers for a rare cancer is of great interest to the student of aetiology, but may be of little concern to those interested in preventive medicine, while a smaller increase in mortality ratio for a common cancer may be of considerable importance. This is illustrated in Table 3 which shows the observed mortality rates in cigarette smokers for the six types of cancer that can be caused by smoking and the proportions of the total mortality that are estimated to have been produced by this means. The figures have been derived from the results of two studies in the United States and Britain that are available to me in sufficient detail for valid comparisons to be made. The data relate to men who smoked only cigarettes, who were continuing to smoke at the time of the study, and who were 35 to 84 years of age. Within this range of ages rates have been standardized for age, using the population of British doctors who were smoking only cigarettes as the standard. The results of the two studies are remarkably similar. Death from cancers of the oral cavity and pharynx is a little commoner in the American veterans and from cancers of the oesophagus, larynx, and lung in the British doctors. Deaths from cancer of the lung that are attributable to smoking vary only from 6.0 per cent. to 7.4 per cent. of the total number of deaths from all causes, while the deaths attributed to all other types of smoking-induced cancer vary from 1.8 per cent. to 1.6 per cent. By this criterion it is evident that in both countries the risk of developing cancer of the lung as a result of smoking constitutes a major risk to life and is far more important than the risk of developing all other smoking-induced cancers taken together.

The percentages given in brackets opposite all causes indicate that the excess mortality in cigarette smokers above that in non-smokers represents respectively 46 per cent. and 40 per cent. of their total mortality; in other words, the mortality of non-smokers in these two studies ranged from 54 to 60 per cent. of the mortality in men who continued to smoke cigarettes. I have put these figures in brackets as it cannot be assumed that all the excess mortality is necessarily due to smoking. Whether it is or not will be discussed later by Dr. Hammond.

CANCER OF THE BLADDER

Consider now some of the developments concerning the individual types of cancer. The posibility that cancer of the bladder might be caused by smoking was first suggested by Lilienfeld, Levin and Moore in 1956 on the basis of a retrospective study of 321 men with the disease. The added risk due to smoking was evidently not great, the best estimate of the risk in cigarette smokers being less than three times that in non-smokers. Since then data have been reported from 11 more retrospective and 7 prospective studies in Britain, Canada, Denmark, France, Japan, Poland, and the United States (see U.S. Public Health Service, 1964 and 1971; Cole, Monson, Haning, and Friedell, 1971). With few exceptions, these have agreed in showing that the risk of the disease is increased by cigarette smoking by between 50 and 200 per cent. The disease is commoner in cigarette smokers than in pipe smokers, in heavy smokers than in light smokers, and in continuing smokers than in ex-smokers; and there seems no reason to doubt that smoking is one of its causes.

One mechanism by which the disease might be produced would be through an effect on the metabolism of tryptophane. Several metabolites of tryptophane are carcinogenic when implanted in the bladders of mice, and some of these have been found in unusually large amounts in the urine of affected patients. Investigators, however, have failed to agree on whether the excretion of these metabolites is affected by smoking (U.S. Public Health Service, 1971). An alternative hypothesis has been suggested by the observation that both beta and alpha naphthylamine are present in cigarette smoke (Hoffman, Masuda and Wynder, 1969). The amounts are minute (2.2×10^{-8} g beta-naphthylamine in the smoke from one cigarette), but the experience of chemical workers has shown that these materials are powerful carcinogens for the human bladder and the possibility cannot be excluded that even these amounts might cause a small number of cases when exposure is continued over many years.

In this respect it may be noted that cancer of the bladder is an occupational hazard of men employed in the manufacture of gas from coal (Doll et al., 1971) and that beta naphthylamine is also present in the atmosphere of the retort houses. Once again the amount is minute (0.2×10^{-8} g per m^3 of air; Battye, 1966). Calculation shows that cigarette smokers may well be exposed to as much beta naphthylamine as gas workers, if indeed they are not exposed to more (Table 4).

CANCERS OF THE UPPER RESPIRATORY AND DIGESTIVE TRACTS

Cancers of the upper respiratory and digestive tracts present a somewhat different problem. A relationship with smoking is obvious and has been reported for many years, but it has not been easy to interpret. Two factors, in particular have made it difficult.

First, other habits that are commonly associated with smoking, such as the drinking of alcohol, the chewing of betel or tobacco mixtures, and the taking of snuff, are also of aetiological significance; and it may be extremely difficult to separate the effects of the different agents. Changes in the prevalence of these other agents also complicate comparison between the incidence of cancer and the consumption of tobacco in different countries and at different times, so that the relatively simple relationship that is apparent for cancer of the lung has not been observed for cancers of the upper respiratory and digestive tracts.

Secondly, the importance of the different agents varies with quite small changes in the site of origin of the tumour. Division into four broad groups, as in Tables 1 and 3, is inadequate for any serious study. For this purpose we need to consider individually tumours of (at least) the lips, tongue, floor of the mouth, alveolar mucosa, buccal mucosa, salivary glands, hard palate, soft palate, tonsils, oropharynx, nasopharynx, hypopharynx, upper oesophagus, middle and lower oesophagus, extrinsic larynx, and intrinsic larynx plus, of course, the nose and nasal organs which constitute a fifth organ category that was omitted from Tables 1 and 3. In the populations that have been studied prospectively these tumours are all uncommon causes of death and the numbers have been too small for any useful analysis of the mortality attributed to cancers in any of the individual sites.

In these circumstances we have had to rely heavily on retrospective studies in which it has been possible to muster large numbers of cases and to pay detailed attention to the exact location of the tumour and the extent of exposure to the other likely aetiological agents. The qualitative results obtained from these studies are summarized in Table 5. That smoking plays some part in the production of the majority of these tumours is certain, but it is impossible to estimate the quantitative effect with any confidence. In some circumstances the association of smoking with heavy drinking may lead to the appearance of a spurious effect that is due primarily to the effect of the alcohol. In other circumstances, however, the opposite may be true and the two agents may act synergistically. Wynder and Bross (1961) in the United States and Takano and his colleagues in Japan (Takano et al., 1968) both found that the consumption of alcohol increased the effect of smoking on the risk of developing cancer of the esophagus.

Unlike cancer of the lung, many of the cancers of the upper respiratory and digestive tracts are related almost as closely to pipe and cigar smoking as to cigarette smoking. For this group of cancers as a whole, the relative risk to pipe and cigar smokers obtained in the prospective studies of U.S. veterans and British doctors is approximately 70 per cent, of the risk to cigarette smokers (Table 6). Since pipe and cigar smokers smoke on average less tobacco than cigarette smokers, this difference may reflect a difference in the quantity of exposure rather than a difference in its quality and, for many of these cancers, the method of smoking may be irrelevant.

CANCER OF THE LUNG

As would be expected from the social importance of the disease, many of the most interesting observations relate to cancer of the lung. A great deal of information is now available about its incidence in different parts of the world which, by and large, corresponds to the per capita consumption of cigarettes over the previous 40 years. A particularly striking observation is that the highest mortality rates in women have been recorded in Maoris (Rose, 1970) and (a poor second) in Hawaiians (Batten and Rogers, 1970). The rate in Maori women is three times the rate in British women, who until these data were available had been thought to have the highest rate in the world; it is more than half the rate in Maori men and approximately half the rate in British men. Maori women are known to have smoked pipes since the turn of the century and they now smoke nearly as many cigarettes as New Zealand men. I am grateful to Dr. Ian Prior of the Epidemiology Unit of the Wellington Hospital for the results of surveys of smoking habits which he has recently carried out in New Zealand, which are summarized in Table 7. For comparison, I have included data for British women collected by the Royal College of General Practitioners in the course of their study of the effect of oral contraceptives (Kay, personal communication).

Examination of the figures for men shows that the frequency of the disease in the British Isles is greater, in comparison with the numbers of cigarettes smoked, than in other English speaking countries. This is confirmed by observations, like those reported by McCall and Stenhouse (1971), which show that the mortality rate from lung cancer increases progressively from native born Australians, through immigrants from England and Wales who migrated early in life and immigrants who migrated later in life, to residents in England and Wales. It is expressed numerically by the results of prospective studies in the United States and Britain which show that the effect of smoking is about 75 per cent, greater per cigarette in Britain than in America. It is still not clear why this should be so.

One possibility is that these differences may be due to differences in the way cigarettes are smoked. Wynder (personal communication), for example, has shown that Americans on average take fewer puffs per cigarette than Britons as well as throwing away a greater length of butt. Alternatively, it may be that the differences are due to differences in the prevalence of a second factor, such as atmospheric pollution. There is, however, a good deal of evidence against the idea that atmospheric pollution is responsible and the Royal College of Physicians (1970), which reviewed all aspects of the effect of atmospheric pollution on health, concluded that the evidence for an effect on the incidence of lung cancer was inconclusive.

If atmospheric pollution plays a part, it probably does so by increasing the effect of tobacco smoke. Evidence from occupational studies now shows that carcinogens like ionizing radiations and asbestos interact with smoke in such a way as to multiply the effects of exposure to the two factors separately. This is illustrated by the data for American uranium miners, which are summarized in Table 8 (Lundin et al 1969).

Many investigators have tried to produce bronchial carcinoma experimentally by exposing animals to tobacco smoke. No success was achieved, however, until Auerbach et al (1970) produced early invasive bronchogenic carcinoma in two beagles. These investigators performed a tracheostomy on 97 male beagles, kept 8 as controls and trained the remaining dogs to inhale smoke through the tracheostomy opening. One group, which consisted of the heaviest dogs, was retained for a preliminary experiment to determine the effects of prolonged smoking. The other dogs were allocated at random to three groups, in which they were given to smoke respectively an average of 7 filter-tipped cigarettes a day, 7 non-filter-tipped cigarettes, and 3½ non-filter-tipped cigarettes. After 875 days half the dogs in the group given non-filter-tipped cigarettes a day had died and the surviving animals were sacrificed. Histological examination showed no abnormalities in the lungs of the control dogs. In the other dogs abnormalities were least frequent in the lungs of those that smoked filter-tipped cigarettes, slightly more frequent in the lungs of those that smoked 3½ non-filter-tipped cigarettes a day and most frequent in the lungs of those that smoked 7 non-filter cigarettes a day. The results with regard to tumours are summarized in Table 9. Invasive tumours were found only in the lungs of those dogs that smoked the greater number of non-filter cigarettes and two of these were squamous cell bronchial carcinomas of the sort that are most commonly found in the bronchi of man.

The importance of this observation is not that it provides further evidence of the carcinogenicity of cigarette smoke, but that it indicates a system by which the relative potency of different types of cigarettes in the production of bronchial carcinoma may be tested. If the result of this experiment is confirmed, we shall have ground for hoping that filter-tipped cigarettes of appropriate quality will be less hazardous to man than the standard cigarette that has been smoked in the past.

That this may indeed be so has already been indicated by retrospective study of patients. It was suggested tentatively by the data reported by Doll and Hill in 1952, and has recently been demonstrated by Bross and Gibson (1968) and Wynder, Mabuchi, and Beattie (1970). Bross and Gibson interviewed 990 white men who were diagnosed as having lung cancer at the Rosswell Memorial Institute, New York State, and compared their smoking histories with those given by a control group of patients admitted with non-neoplastic diseases, matched for sex, age and date of admission. Patients were divided according to whether they were current cigarette smokers, pipe or cigar smokers, ex-smokers, or non-smokers and the cigarette smokers were sub-divided according to the type of cigarettes they had smoked. Three categories of non-filter cigarette smokers were estimated to have risks relative to that of non-smokers of 3.0 to 1, 5.6 to 1, and 12.0 to 1, depending on the amount and duration of their smoking while filter-tipped cigarette smokers in the corresponding categories were estimated to have had risks that were approximately 40 per cent lower. Still sharper differences were obtained by Wynder, Mabuchi, and Beattie, who studied patients with Kreyberg's type I carcinoma, that is the squamous and oat cell carcinomas of the bronchus that are most closely related to smoking, and took into account the duration of use of filter-tipped cigarettes. Smoking histories were obtained from 210 male patients and from double that number of control patients matched for age and sex who were admitted to the Sloan-Kettering Cancer Center with diseases that were unrelated to smoking. The results, which are summarized in Table 10, show that the risk of developing type I bronchial carcinoma, relative to that in non-smokers, was consistently and substantially lower in men who had smoked filter cigarettes for at least 10 years after switching from non-filter cigarettes than for men who had continued to smoke non-filter cigarettes, at each level of cigarette smoking.

That an effect of using filter tips could be produced so quickly would have been surprising some years ago before it was realized how quickly stopping smoking affected the incidence of the disease. In the long run this may prove to be one of the most important observations that have arisen from study of the effects of smoking. Previously it had been supposed that the effect of a carcinogenic agent revealed itself only after many years and would consequently continue for many years after exposure had ceased. The fact that stopping exposure has an immediate effect alters our whole attitude to the way in which cancer is produced. The observations, however, have been widely misinterpreted. The results of prospective investigation have usually been published in such a form that the risk of developing lung cancer in ex-smokers has been compared with that of continuing smokers of the same age, or both have been expressed as mortality ratios in comparison with the risk of non-smokers. In either case the relative risk is found to fall rapidly with the passage of time after smoking has been stopped. These data, however, do nothing to show how the risk changes in comparison with the risk at the time when smoking ceased. Doll and Pike (1971) have used the data obtained from British doctors to make this comparison and the results are summarized in Figure 1. They suggest that the effect of stopping is indeed rapid, being detectable within 1 to 4 years. The effect of past smoking, however, is irreversible and the risk of developing lung cancer remains approximately constant, waiting for the risk in non-smokers to catch it up with the passage of time rather than falling to meet it. This finding has been quoted in support of the belief that there is nothing to be gained by stopping smoking in middle age. In fact, of course, there is great advantage, as without stopping the risk would continue to increase progressively, approximately in proportion to the fourth power of the duration of smoking.

These results justify the belief that the changes that have taken place in smoking habits in some countries may soon be reflected in changes in the mortality from the disease. National figures, published by the Tobacco Research Council (1970) show that in Britain between 1961 and 1968 the portion of women who smoked tobacco continued to increase but that the proportion of men fell slightly at all ages. The type of cigarette smoking has, however, changed greatly and filter-tipped cigarettes, which accounted for 1 per cent of all cigarettes smoked in 1953, accounted for 65 per cent 15 years later. Filter-tipped cigarettes contain less tobacco than plain cigarettes so that in the United Kingdom the per capita consumption of cigarette tobacco by men has fallen substantially since 1960, whereas it has remained practically constant in women. The smoke of filter-tipped cigarettes contains on average less tar condensate than the smoke of plain cigarettes and, as we have seen, there is already evidence that both in beagles and man, filter-tipped cigarettes give rise to a lesser risk of lung cancer. Examination of the trends in mortality show that the death rate from lung cancer has continued to increase in women—particularly at the older ages (Fig. 2). In men, however, the situation is different! Death rates have continued to climb over 70 years of age, but otherwise have become steady—in some groups for as long as 20 years—or have begun to fall (Fig. 3). These observations are summarized in Table 11 which demonstrates the contrast between the experience of the two sexes. This contrast makes it unlikely that the reduction in mortality is due to a factor to which everyone is exposed, like atmospheric pollution; but it could be due to the changes that have already occurred in the per caput consumption of tobacco.

TABLE 1.—CANCER MORTALITY IN SMOKERS RELATIVE TO NON-SMOKERS[1]—CANCERS INDUCED BY SMOKING

Type of cancer	Current smokers of cigarettes only: U.S. veterans	Current smokers of cigarettes only: United States and 9 counties	Current smokers of cigarettes only: Canadian veterans	Current smokers of cigarettes only: British doctors	Current smokers of pipes and/or cigars: U.S. veterans	Current smokers of pipes and/or cigars: British doctors
Oral cavity	4.1	2.8	3.9	(∝)	3.9	(∝)
Pharynx	12.5					
Esophagus	6.2	6.6	3.3	3.0	4.1	2.2
Larynx	10.0	13.1	(∝)	(∝)	7.3	(∝)
Lung	12.1	10.0	11.7	16.9	1.7	4.6
Bladder	2.2	2.4	1.7	2.1	1.1	0.5

[1] Observed death divided by expected deaths at nonsmokers' rates.

TABLE 2.—CANCER MORTALITY IN SMOKERS RELATIVE TO NONSMOKERS[1]—OTHER CANCERS

Type of cancer	Current smokers of cigarettes only: U.S. veterans	Current smokers of cigarettes only: United States and 9 counties	Current smokers of cigarettes only: Canadian veterans	Current smokers of cigarettes only: British doctors	Current smokers of pipes and/or cigars: U.S. veterans	Current smokers of pipes and/or cigars: British doctors
Stomach	1.6	2.3	1.9	1.5	1.2	1.3
Intestines	1.3	0.5	1.4	1.4	1.2	1.3
Rectum	1.0	0.8	0.6		1.1	
Pancreas	1.8	----------	----------	1.4	1.1	1.0
Prostate	1.8	1.6	1.5	0.7	1.4	0.6
Kidney	1.5	1.5	1.4	----------	1.2	----------
Lymphoma	1.3	----------	----------	----------	0.8	----------
Leukemia	1.4	----------	----------	----------	1.2	----------
All other	1.4	1.7	1.4	0.9	1.1	0.6

[1] Observed deaths divided by expected deaths at nonsmokers' rates.

TABLE 3.—CANCER MORTALITY ATTRIBUTABLE TO CIGARETTE SMOKING

[Continuing smokers of cigarettes only]

Cause of death	U.S. veterans: Annual death rate per 100,000 men	U.S. veterans: Deaths due to smoking as percent of deaths due to: Specific cancer	U.S. veterans: Deaths due to smoking as percent of deaths due to: All causes	British doctors: Annual death rate per 100,000 men	British doctors: Deaths due to smoking to percent of deaths due to: Specific cancer	British doctors: Deaths due to smoking to percent of deaths due to: All causes
Cancer of:						
Oral cavity	4.6	83	0.3	5.7	(100)	0.4
Pharynx	5.2	89	.3			
Oesophagus	7.9	80	.5	10.2	66	.4
Larynx	2.8	81	.2	5.1	(100)	.3
Lung	90.9	93	6.0	121.5	94	7.4
Bladder	12.9	55	.5	13.4	52	.5
All causes	1,399.8	----------	(45.9)	1,537.2	----------	(40.1)

TABLE 4.—EXPOSURE TO -NAPHTHYLAMINE: CIGARETTE SMOKERS AND GASWORKERS

Men at risk	Excess annual mortality from bladder cancer per 100,000 men	Amount of -naphthylamine possibly inspired (g)
Cigarette smokers:		
U.S. veterans+	7	6.4×10^{-3}
British doctors+	7	6.4×10^{-3}
Men making gas from coal	20	0.1×10^{-3}

+Men aged 35 to 84 years assumed to have smoked 20 cigarettes a day for 40 years.
*Men aged 40 to 74 years assumed to have been exposed at work for 250 days a year for 20 years.

TABLE 5.—AETIOLOGICAL AGENTS IN CANCER OF THE UPPER RESPIRATORY AND DIGESTIVE TRACTS

Primary site of cancer	Cigarettes	Pipes and/or cigars	Other factors
Nasal cavities Salivary glands Nasopharynx	0	0	Occupation, snuff (?).
Lips	+	++	Sunlight.
Buccal mucosa	+	+	Chewing ++, alcohol.
Tongue Palate Tonsil Oropharynx	+	+	Chewing, alcohol.
Hypopharynx Upper esophagus	+	+	Alcohol, chewing, nutritional deficiency.
Mid and lower esophagus Extrinsic larynx	+	+	Alcohol ++. Chewing (?).
Intrinsic larynx	+	+	Alcohol (?).

TABLE 6.—RISK OF DEATH FROM CANCER OF THE UPPER RESPIRATORY AND DIGESTIVE TRACT IN SMOKERS AND NONSMOKERS

Type of smoking	Relative risks in continuing smokers and in nonsmokers	
	U.S. veterans	British doctors
Cigarettes only	6.5:1	6.1:1
Pipe and/or cigar only	4.2:1	4.4:1

TABLE 7.—SMOKING HABITS OF MAORI WOMEN COMPARED WITH OTHER POPULATIONS

Population by sex and ethnic group	Percent of persons				
			Current cigarette smokers, smoking per day—		
	Nonsmokers	Ex-smokers	1 to 10	10 to 19	20 or more
Female:					
New Zealand Maori (384)	33	7	19	30	12
New Zealand European (228)	61	9	6	15	8
English (46,377)	57		13	21	9
Male:					
New Zealand European (210)	20	24	6	20	29

Copies of table 8 entitled "Distribution of Lung Cancer In Uranium Miners by Smoking Habits (After Lundin et al., 1969)," will be available separately.

TABLE 9.—EFFECT OF CIGARETTE SMOKE ON THE FREQUENCY OF TUMOURS IN BEAGLES

Group of dogs	Initial number	Number surviving 600 days	Number of bronchioloalveolar tumours		Number of squamous cell bronchial carcinomas
			Noninvasive	Invasive	
Controls	8	8	2 (2 dogs)	0	0.
Smoking filter-tipped cigarettes (average 7 per day)	12	11	4 (4 dogs)	0	0.
Smoking nonfilter cigarettes (average 3½ per day)	12	11	12 (7 dogs)	0	0.
Smoking nonfilter cigarettes (average 7 per day)	24	16	19 (13 dogs)	16 (10 dogs)	2 (2 dogs).

Note: The earliest tumour was observed in a dog dying on day 626.

TABLE 10.—RISK OF DEVELOPING SQUAMOUS OR OAT CELL CARCINOMAS OF THE LUNG IN MEN WHO CONTINUE TO SMOKE, BY TYPE OF CIGARETTE

Type of cigarettes smoked	Risk in smokers divided by risk in nonsmokers, by amount smoked—Number of cigarettes smoked per day			
	1 to 9	10 to 20	21 to 40	41 or more
Filter-tipped cigarettes for at least 10 years	5	14	23	105
Plain cigarettes	20	23	42	169

TABLE 11.—CHANGE IN MORTALITY FROM LUNG CANCER BY SEX AND AGE: ENGLAND AND WALES 1963-64 TO 1968-69

Age (in years)	Percent change in death rate	
	Men	Women
25 to 34	−13	+12
35 to 44	−9	+16
45 to 54	−10	+20
55 to 64	1	+26
65 to 74	+15	+34
75 to 84	+32	+21

U.S. POLICIES IN THE MIDDLE EAST: A PERCEPTIVE ANALYSIS

Mr. RIBICOFF. Mr. President, the New York Times editorial page recently contained an unusually perceptive and timely article on America's interests in the Middle East by the distinguished Senator from Minnesota (Mr. HUMPHREY). Because of the relevance of his observations, I would like to call attention to the full text of his remarks from which this article was excerpted.

At a time when the State Department appears to be pressing hard to get the Suez Canal reopened, it is imperative to understand in whose interest such an opening would be. Senator HUMPHREY has presented convincing evidence to show that the State Department's urging of Israeli withdrawal from the canal "serves the best interest of the Soviet Union and thereby damages our own."

He poses a question that is undoubtedly puzzling to many Americans, and many of us in the Senate, "Why do we play the Soviet game by pressing Israel to make a unilateral withdrawal of its forces along the canal?"

Going beyond this immediate issue, Senator HUMPHREY, based on his own experience as Vice President, expresses the view that the State Department's Middle East policies are out of date, and not representative of the wishes of the American people.

I commend the Senator from Minnesota for his thorough discussion of this vital subject and hope that the readers of the New York Times article will take the time to read the entire address.

I ask unanimous consent that the complete text of Senator HUMPHREY's speech be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR HUBERT H. HUMPHREY TO JEWISH WAR VETERANS' CONVENTION, MINNEAPOLIS, MINN., AUGUST 11, 1971

It is time for a frank and realistic evaluation of America's position in the world. No issue is more important to each and every one of us as human beings than the issue of war and peace, the need to avoid the senseless brutality and killing that is war. That goal is the one that unites people and crosses political differences, geographical boundaries, color, economic status. That goal is also one that dominates those leaders and governments that aspire to represent the best interests of the human beings they have the responsibility and privilege of governing.

We in the United States are coming through a period of self-appraisal—and this is as it should be. If we are indeed to become worthy of being known as children of God—if, indeed, we believe in the principles of human brotherhood—if there is any meaning at all to the term "civilized man", then it is the responsibility of leaders constantly to probe, explore, study, analyze ways by which men and nations can resolve their disputes short of war. I believe it to be healthy that so many of our youth seek constantly to remind us of our obligations to achieve that goal of peace, for it is the young that fight and die.

But to possess the goal of peace does not produce its realization. The differences between those in the world who believe in political democracy and those forces in the world who are committed to one or another form of totalitarianism—these differences are profound. We lose sight of them at our peril. We may hope to resolve those differences through intelligence, negotiation, perseverence, and sometimes even through the passage of time alone, but it would be a serious mistake to permit that hope to blind us to the reality that there are forces in society prepared to achieve their objectives through aggression, the use of force and violence, or the frightening threat of force and violence.

We in the United States have a tremendous stake in this question of war and peace. We have more to lose from war than most other nations and, possessing in greater abundance the horrible instruments of destruction, we know the potential end of civilization that can come from such a war. But if the world is to move into a new dimension which is to know war no more, it is essential that the United States, as the strongest and wealthiest nation in the world, assumes the obligations of leadership in that movement. This is not just a duty that befalls us by virtue of our strength and wealth. It is a matter of our deepest self-interest.

We are this year coming to the end of the war in Vietnam. Only history will proclaim the verdict as to whether our military involvement in Southeast Asia was a costly, tragic, and incredible mistake, or whether it brought about great regional security in Southeast Asia.

Certainly the latter was the objective of the four consecutive Presidents of both parties who were intimately involved with our participation in Vietnam. But my purpose is not to discuss Vietnam. It is rather to discuss a much more vital threat to the peace of the world and to our national self-interest. I refer to the tensions of the Middle East.

The Middle East is a powder keg with a very short fuse, ready to explode if any one of the participants strikes the match of revived hostility. It is in the Middle East that the two powerful nuclear Goliaths of the earth, the United States and the Soviet Union, face each other.

It is with a sense of deep regret that I must state to you my belief that our policies today are inadequate to meet our responsibilities in the Middle East. The consequences of that inadequacy are to our danger.

The Administration today is relying on the Soviet Union to help us establish peace in the Middle East. That reliance might make sense were it not for the overwhelming evidence that the Soviet Union does not want a settlement of the issues in the Middle East, nor does Soviet leadership want an all-out war. But it is clear they do not want an all-out peace; and they stand to gain from continued restlessness and tension in that crucial area of the world.

We have witnessed a massive build-up of Soviet military strength in Egypt and Syria. And we have witnessed an increased Soviet presence in the Mediterranean, which has helped make the Soviet Union a major power in the Middle East. The recent 15-year treaty between the Soviet Union and Egypt, on the heels of our own naive bumbling and immediately following the over-eager presence of our Secretary of State in Egypt—that treaty is a dramatic illustration of our dreadful lack of awareness of the realities of international politics.

The Soviet Union has poured immense quantities of sophisticated weapons and aircraft into Egypt. While achieving a most welcome cease-fire, the Administration permitted the Soviet Union in Egypt to trick us at the very moment of our self-congratulations by implanting guided missiles close to the Suez Canal, thus escalating the level of weaponry and finances required to achieve a balance.

It is reported that there are today nearly 100 Russian officers of the rank of General or Admiral in Egypt and that there are now more than 300 supersonic military Russian planes stationed on Egyptian airfields. There are a total of about 600 Russian aircraft if we include squadrons based in Syria and Iraq. In addition, I am informed that there are about 200 fully trained Russian combat pilots permanently based in Egypt.

The danger stemming from this imbalance is most serious.

The Middle East is the field on which both U.S. and Soviet forces face each other. We obviously welcomed all efforts designed to reduce the tensions between these two countries, but the tensions are there and, until they are eliminated, it is the height of irresponsibility and folly to blind ourselves to the dangers to us that come from increased Soviet strength and penetration.

Within recent days the new edition of the authoritative "Jane's Fighting Ships" has been released. It concludes that American naval strength is in serious decline while the Soviet fleet has expanded into a "super navy" with a greatly increased sphere of influence. "The situation for the U.S. Navy is serious," concludes the British military expert who edits that publication.

The USSR now maintains a standing naval force in the Mediterranean designed to counter the American Sixth Fleet which is five times stronger than what it had been five years ago; and it is a missile carrying fleet.

In spite of this strength and the drastic change in the parity between our two nations, the Administration continues to ignore the presence of the Soviet Union in the Middle East. And we do so at the expense of the one nation in the Middle East that stands as our safeguard against further Soviet penetration.

In recent days the message was again repeated to Israel that we are withholding the planes it needs to defend itself while we pressure Israel to accept a proposal designed to strengthen further the Soviet Union and give its navy even further areas for future domination. I refer to the pressure we are placing on Israel to reopen the Suez Canal prior to the establishment of peace and stability in the area.

The opening of the Suez and the restoration of its ability to function fully and freely as an instrument of international trade is a desirable goal, but the hard facts are that the United States, Israel and the West do not need the Suez, not nearly as much as Egypt needs it for revenue and as the Soviet Union needs it to accomplish its military and economic goals. We must never lose the perspective of that reality.

The Soviet fleet supplies North Vietnam today with most of its war material and weapons. A limited amount comes from Vladivostok and Nakhodka, but most supplies arrive by water from the Black Sea ports to Haiphong. By 1967, the outbreak of the Six Day War in the Middle East, more than two Soviet ships were arriving in Haiphong every three days. But with the end of the Six Day War, the Suez Canal was closed and no longer available to Soviet ships. Today the canal remains blocked and the distance by ship from the Soviet Union to North Vietnam has been doubled in mileage, in effort and in time.

The distance from Odessa to Haiphong using the Suez Canal was 7,212 sea miles. Today, using the southern Africa route it is 14,126 sea miles. Before the Six Day War, it would take a Soviet cargo ship an average of 40 days of easy crossing on the turnabout. Today it takes about 72 days at top speed plus the unloading time of one or two weeks.

With the Suez Canal closed, the double time and distance presented the Soviets with a serious dilemma. They either had to double the number of ships committed to Hanoi's support or reduce their aid drastically. Published figures indicate that the aid to Hanoi was cut.

It is clear to me that thanks to Israel's presence on the east bank of the Suez, North Vietnam's capacity to conduct war was seriously damaged, perhaps even more than the damage inflicted by our bombings of North Vietnam or the invasion of Cambodia—and at far less risk to ourselves and with none of the hideous costs of lives and property.

Not only is that a fact in examining the realities of the Suez Canal, but it is also a fact that the closing of the Canal hinders the ambition of the Soviet Union to establish an overwhelming presence with its navy in the Indian Ocean. The Red Sea is today dominated by Russia as it was formerly by the United Kingdom. The opening of the Suez Canal would permit the domination of the Red Sea to lead to the domination in the Indian Ocean and thus accelerate that ambition and its realization.

The British withdrawal from the Indian Ocean has left a hole in western global defenses. Five years ago the USSR had no warships in the Indian Ocean. Today it has a score of surface ships alone and, according to *Janes's*, "there is no telling how many Soviet submarines there are in the area."

Why then is the Department of State actively urging Israel to permit the reopening of the Suez Canal before peace and stability is achieved and before Israel can be assured of her security, when the consequences of this urging obviously serves the best interests of the Soviet Union and thereby damages our own?

If, for the sake of peace in the Middle East, we are to help reopen the Suez Canal and thus accelerate the extension of Soviet power to the Indian Ocean, why should that not be done as part of an over-all agreement that insures peace and stability in the Middle East and in the world? Why do we play the Soviet game by pressing Israel to make a unilateral withdrawal of its forces along the Canal? Why do we turn the clock back to 1956, when our country insisted on reopen*ing* the Canal before establishing peace between Egypt and Israel? Don't we remember that when we did that, we left the door wide open to Russian penetration of the Middle East, Africa, and Asia, which now threatens peace and stability in the world?

What Catherine the Great failed to do, Brezhnev is now succeeding in doing—and with our help. What we are doing with our shortsighted diplomacy is legitimatizing Soviet presence in Egypt, in the Mediterranean, in the Red Sea and in the Indian Ocean.

Yes, we give arms to Israel—more than ever in the history of our relationship—to balance the foolish error of our naive euphoria when we were taken by the USSR and Egypt at the time of the cease fire. Yes, President Nixon *talks* forcefully, effectively, and I believe sincerely of our support for Israel. But that rhetoric is not enough because it is underminded by the actual foreign policy pursued by the Administration.

It is now that I must speak with particular emphasis and out of intense personal experience as a former member of the Executive Branch of our Government.

American policy is too often made by the Department of State and not the President. Harry Truman knew that—and had he not exerted himself personally, Israel's recognition as a State might not have come. Lyndon Johnson came to know that—and Israel was able to survive the attacks against it that culminated in the Six Day War. Richard Nixon has yet to learn that lesson.

The original policy of the Department of State 25 years ago was that our country needed to protect the sources of the oil that we imported from the Middle East and to secure its delivery to Europe and our shores. Until 1956, this meant the need for a close relationship with Saudi Arabia, Iraq, Bahrein, Kuwait and Iran, with Egypt, because of the Suez Canal, playing the central role. We were committed to the kingdoms of Iraq and Jordan, the stability of feudal Saudi Arabia and the Persian Gulf shiekdoms and we had an impatient tolerance of Israel. We looked upon the various Arab states as one, ignoring the wide diversity of peoples, languages, and religions in that area. The Department of State considered itself to be a friend and advocate of the Arabs in order to keep them loyal to the west and as safe as possible from the temptations of the Soviet.

But the situation is no longer what it was 25 years ago. The basic issue of the Middle East is not primarily an Arab-Israel conflict. The area has become a pawn in international politics.

The appearance of the Soviet Union as a power in the Mediterranean, Indian Ocean and Red Sea has completely altered the complexion of this region. Iraq and Syria today are vassals of the Soviet Union. Egypt is in danger of being dominated by the Soviets. Algeria serves as a haven and a base for anti-American subversives. The British have disappeared from the Sudan, Kuwait, Bahrein, Aden and Libya. A Soviet fleet based in Egypt challenges the U.S. Sixth Fleet. Western-oriented Jordan and Lebanon are unstable. NATO is today impotent in the Middle East. Only Israel stands in the path of Communist control in the Middle East and the realization of Russia's old dream of dominating the Indian Ocean.

But in spite of these dramatic changes—in spite of the emergence of Israel as the strongest military and economic force in the Middle East, State Department policy remains the same.

It is a time for a long overdue drastic change of Middle East policy in the light of 1971 conditions and realities. This change in policy cannot be done short of a complete reorganization and reorientation of our Middle Eastern State Department diplomatic corps.

Our new policy must be based on the fact that (1) Egypt is today dependent upon the Soviet Union, and will in all likelihood continue in that position for some time to come. (2) It must be based on the fact that without Israel the United States could not hold the sources of oil and security the delivery of that oil for very long. (3) It must be based on the fact that without Israel, both Libya and Jordan would fall and Saudi Arabia could be paralyzed by Egyptian threats and subversion.

It must be based on the fact that the best assurance of Arab-state independence and security is a negotiated peace between Israel and her neighbors.

Peace in the Middle East can prevent or arrest Soviet penetration and dominance of the Middle East. Continued tension and limited hostilities provide the opportunity for the Soviet Union to move into this area under the cloak of expansive military and economic assistance that carries with it Soviet technicians and other personnel.

(4) It must be based on the fact that Iran, Turkey and NATO would be outflanked without Israel and that the Russian sweep throughout Algeria and the Persian Gulf would be absolute.

(5) Our new Middle Eastern policy in summary must be based on the fact that today Israel and not Egypt is the major power in the Middle East and must shape our policy accordingly.

This new policy requires in our State Department new personnel and a policy that accepts Israel as a major force and friendly power in that vital area. It requires personnel who are not wedded to the past, where State Department considerations were primarily influenced by the fact of the oil-rich Arab lands.

It requires the recognition that Israel and the Arab states can live in peace, combining their resources and talents for the revitalization of the entire Mid East.

The peoples of the Arab countries and Israel need each other. The Middle East can be developed into a modern, productive, and prosperous area of the world. But it desperately needs peace. And the thrust of our policy must be to help achieve that peace. But the hope of peace will not be achieved by a settlement forced by the super-powers—a settlement that leaves Israel wih insecure borders or under the threat of new attack.

Israel has committed men, arms and material in a struggle for self-preservation against Egypt. In doing so it has incurred the wrath of the Soviet Union whose imperialistic ambitions have been temporarily thwarted. We must be thankful that Israel has stood firm.

We can have peace in the Middle East but only when we make the Soviets realize that we will not appease them at the expense of Israel or anyone else.

And, once the Arab world realizes the U.S. will never permit the destruction of Israel, they also will realize they do not need the Soviets telling them how to run their countries—how to fight their wars—how to identify their national goals and plan for their achievement.

We wish the destruction of no nation or people but desire only that Israeli and Arab work together to re-create the "Fertile Crescent"—I tell you that the measure of our commitment to Israel is also the measure of the chance for Arab world freedom:

Freedom from outside domination—political and economic;

Freedom to build their own nations and national character;

Freedom to enhance the quality of life for all Arabs;

Freedom to welcome their Jewish brothers to the joint task of regional growth and prosperity.

Freedom to be themselves and set their own pace.

Israel today is in urgent need of Phantom and Sky Hawk (F4 and A4) jets. The last delivery of jets to Israel ended in June 1971. Since that time there has been a suspension of delivery and the policy has presumably been "under review."

Yet, since March, 1971, the Soviet force in Egypt has been strengthened by the addition of Mig 23 (Fox bat) and Sukhoi II (Flagon) aircraft. The Soviet Union has also introduced SA-4 and SA-6 missiles. The combined total strength of Soviet forces in Egypt today is close to 20,000.

There must be no further hesitation in our delivery of the essential Phantoms and Sky Hawks to Israel. The Russians must not be misled to miscalculate the degree of our commitment to Israel.

But the aircraft needs are not enough. The high cost of defense confronting Israel as a result of increased Soviet military support in Egypt has imposed upon that small country an economic burden beyond its means. We were a party to that increased burden as a result of permitting the Soviets to trick us at the time of the cease-fire by placing SAM missiles close to the Suez. Israel has been spending 30 percent of its gross national product on defense. Those expenditures are increasing. Those expenditures are responsible for its serious dollar balance of payment current deficit, a deficit that is in fact approaching 1.5 billion dollars.

Israel today has a foreign exchange debt of 3 billion dollars. The mere servicing of that debt requires a half billion dollars in the current year.

We have a responsibility and a duty to supply Israel with direct economic relief so as to permit it to maintain its defense posture, a posture which is defending our national self-interest as well. Once again, Israel's request for assistance meets with silence or with a statement that the request is "under review". Since April the Administration has been considering an application from Israel for $200 million for supporting assistance. That request must be granted immediately. We extend supporting assistance to other countries that are far less important to our security interests. And let me add, Israel does not ask for American pilots or other military personnel. She seeks no American advisors or forces. She asks only to be treated with the same considerations as our other allies.

Surely an Administration that can give weapons and economic assistance to the Greek junta can be equally considerate of Israel—a country with free political institutions. Israel asks only that she have the weapons and the means for her security.

Again, the Administration permits the Department of State to make policy, to hesitate.

The distinguishing characteristics of policy formulation in a democratic society is that it must represent, as close as the mechanics of decision-making can arrange, the viewpoints of the citizens in that society. The Presidency and the Congress are the institutions through which that kind of decision-making can be achieved. There is no room in a democratic society for basic and consistent policy-making by a career civil service which never faces the electorate.

This means that foreign policy must be formulated by the Congress and President and not the Department of State which has the responsibility only to execute a policy arrived at by the elected representatives. Where the President doesn't have either the vision or the courage to withstand usurpation by the Department of State, it is time for the Congress to step in.

Recent months have witnessed an intensive government debate aimed at increasing the powers of Congress in foreign policy decision-making. My own experience, however, as a Senator and as a Vice-President, persuade me that desirable as it is for the Congress to play a more significant and major role in foreign policy, that objective cannot be obtained unless the mechanism in the Congress is adequate to assume that increased responsibility.

It is a fact that the Congress is today unprepared for that task. Decisions on foreign policy are discussed in both Houses of Congress and in three, four, or even five committees in each House. With this multiplicity and lack of coordination, it is impossible for the Congress to assert itself in a meaningful way and with an impact on the basic decisions.

The Presidency modernized itself by creating a National Security Council some years ago so as to help the President act with clarity, decisiveness and full information; if he only chose to do so. It is time for the Congress to do the same. I, therefore, recently submitted to the Senate a proposal to create a Joint Congressional Committee on National Security with the leading members of Congress of both parties represented. The major interested Committees of the Congress would then act together on the same facts, at the same time, and with the same perspective.

It is clear that the Department of State does not represent the views of the Congress on Middle Eastern policy. Congress has passed endless resolutions and amendments over the years designed to strengthen the hand of Israel. One of my objectives in urging the creation of a Joint Committee was to help produce the unity and strength of Congress behind a more intelligent self-interested Middle Eastern policy by this country.

The Middle East is not just a problem. It is an opportunity. It is an opportunity to help resolve some of the basic issues that divide the United States and the Soviet Union and that threaten the safety and security of the world.

The Suez Canal should be opened even though that is of primary benefit to Soviet aspirations. But what do we want in return? Rather than to persuade Israel to withdraw its troops from the banks of the Suez unilaterally, we should insist that in exchange for that withdrawal we want Egypt and Israel to negotiate directly as two sovereign nations should in a community of nations.

We should demand the renewal and instigation of a permanent cease-fire, with Israel's neighbors recognizing her integrity as a nation, her sovereignty and her need for well-defined secure borders.

There should be assurances of free access to a reopened Suez and free access to all international waters, such as the Gulf of Aquaba and the Persian Gulf, for Israel and all nations.

And we should recognize that more than the conflict between Egypt and Israel is involved in this dispute. We should insist that the Soviet Union demonstrate its desire for peace by requiring a phased withdrawal of Soviet military manpower from Egypt at the same time as we request Israel to withdraw its troops from the East banks of the Suez.

Finally, we should say to the Soviet Union loudly and clearly: "If you are genuine in your desire for peace and harmony in the Middle East, do something about the thousands of Jews in Russia who are imprisoned in your society by not being able to migrate to Israel." The President of the United States should exert America's diplomatic and moral resources in support of that courageous Russian Jewish community that, at great sacrifice, refuses to submit to the destruction of its identity.

The United Nation's Declaration of Human Rights provides that citizens should have the right to immigrate to the countries of their choice. This a fundamental human liberty. A nation which denies that right to the peoples within it, is imprisoning its citizens. This should be a key ingredient of the efforts we are making to establish that stability in the Middle East.

Our nation has a stake in this vital human crisis, not merely because it is a measure by which we can judge Soviet sincerity in these current Middle Eastern negotiations, but also because we know from bitter experience that those totalitarian societies which deny freedom to their own citizens are uncomfortable and unhappy at the existence of freedom in other societies.

This uneasiness and unhappiness and fear that they breed is a threat to all of us.

In conclusion, it is essential that the American people be reminded that goals can never be achieved by anything short of dedication, effort and sacrifice. The greater the goal, the greater must be the effort, dedication and sacrifice. There is no greater goal than that of peace and security for the world.

For our nation, the strongest, wealthiest, and most fortunate in the world, to fulfill its responsibilities as a world leader, and for those of us who live in this nation to fulfill our responsibility to the future generations of Americans, it is essential that we recognize that among the sacrifices we must make and as part of the dedication that we must bring to bear for our efforts, America must be strong.

That strength, if it is to be effective, must be indivisible. It must be a spiritual strength; it must be a strength and a unity that comes from the elimination of poverty, racism, inhumanity; and it must be a strength that comes from a growing economy—a strength not only based on a higher standard of living, but a better quality of life.

It must be a strength that recognizes the reality of the world we live in. And this means the strength of military self-defense and mutual security.

I, therefor, pledge myself and I ask you as interested citizens to pledge yourselves to help this country achieve that military, economic, social and political strength that is so necessary for peace and for our stability as a free society.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

AIRPORT AND AIRWAY DEVELOPMENT AND REVENUE ACTS AMENDMENTS OF 1971

The PRESIDING OFFICER. Under the previous order, the unfinished business is temporarily laid aside and the Chair lays before the Senate the pending business, S. 1437, which the clerk will state by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (S. 1437) to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the interest of Congress as to priorities for airway modernization and airport development, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments. On page 1, line 9, after "1970", strike out "(84 Stat. 219, Public Law 91–258)" and insert "(49 U.S.C. 1714)"; on page 2, after line 19, insert a new section, as follows:

Sec. 102. (a) Paragraphs (8) and (11) of section 11 (49 U.S.C. 1711), subsection (b) (3) of section 13 (49 U.S.C. 1713), and subsection (b) (2) of section 15 (49 U.S.C. 1715) of the Airport and Airways Development Act of 1970 are each amended by inserting after "Virgin Islands," wherever appearing therein the following: "American Samoa, the Trust Territory of the Pacific Islands,".

(b) Paragraphs (1) and (2) of section 14(a) of such Act (49 U.S.C. 1714) are each amended by inserting after "Guam," the following: "American Samoa, the Trust Territory of the Pacific Islands,".

(c) Subsection (c) of section 17 of such Act (49 U.S.C. 1717) is amended (1) by inserting after "Virgin Islands" in the heading of such subsection a comma and the following: "American Samoa, and the Trust Territory of the Pacific Islands", and (2) by inserting after "Virgin Islands" in the body of such subsection a comma and the following: "American Samoa, or the Trust Territory of the Pacific Islands".

On page 3, after line 14, insert a new section, as follows:

Sec. 103. Paragraph (5) of subsection (h) of section 12 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1712) is amended by striking "January 1, 1972" and inserting in lieu thereof "July 1, 1972".

And, in line 22, after "1970", strike out "(84 Stat. 237, P.L. 91–258)" and insert "(49 U.S.C. 1742, Public Law 91–258)"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Airport and Airway Development and Revenue Acts Amendments of 1971."

TITLE I—AIRPORT AND AIRWAY DEVELOPMENT

Sec. 101. Section 14 of title I of the Airport and Airway Development Act of 1970 (49 U.S.C. 1714) is amended by adding thereto the following new subsection:

"(e) Preservation of Funds and Priority for Airport and Airway Programs.—

"(1) Amounts equal to the minimum amounts authorized for each fiscal year by subsections (a) and (c) of this section shall remain available in the trust fund until appropriated for the purposes described in such subsections.

"(2) No amounts transferred to the trust fund by section 208(b) of title II of this Act (relating to aviation user taxes) may be appropriated for any fiscal year to carry out the activities enumerated in subsection (d) of this section (relating to administrative, research and development, maintenance and operating expenses) unless at least the minimum amounts for airport development established by subsection (a) of this section and at least the minimum amount for airways facilities established by subsection (c) of this section have been appropriated for any such fiscal year."

Sec. 102. (a) Paragraphs (8) and (11) of section 11 (49 U.S.C. 1711) subsection (b) (3) of section 13 (49 U.S.C. 1713), and subsection (b) (2) of section 15 (49 U.S.C. 1715) of the Airport and Airways Development Act of 1970 are each amended by inserting after "Virgin Islands," wherever appearing therein the following: "American Samoa, the Trust Territory of the Pacific Islands,".

(b) Paragraphs (1) and (2) of section 14 (a) of such Act (49 U.S.C. 1714) are each amended by inserting after "Guam," the following: "American Samoa, the Trust Territory of the Pacific Islands,".

(c) Subsection (c) of section 17 of such Act (49 U.S.C. 1717) is amended (1) by inserting after "Virgin Islands" in the heading of such subsection a comma and the following: "American Samoa, and the Trust Territory of the Pacific Islands", and (2) by inserting after "Virgin Islands" in the body of such subsection a comma and the following: "American Samoa, or the Trust Territory of the Pacific Islands".

Sec. 103. Paragraph (5) of subsection (h) of section 12 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1712) is amended by striking "January 1, 1972" and inserting in lieu thereof "July 1, 1972".

TITLE II—AIRPORT AND AIRWAY REVENUES

Sec. 201. Paragraph (1) of subsection (f) of section 208 of title II of the Airport and Airway Revenue Act of 1970 (49 U.S.C. 1742, Public Law 91–258) is amended to read as follows:

"(1) Airport and airway programs.—Amounts in the trust fund shall be available, as provided by appropriation Acts, making expenditures after June 30, 1970, and before July 1, 1980, to meet the obligations of the United States authorized under title I of this Act.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CANNON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. CANNON. Mr. President, I ask unanimous consent that Mr. Robert Ginther, of my staff on the Aviation Subcommittee, be permitted the privilege of the floor during the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, S. 1437 amends the Airport and Airway Development and Revenue Acts of 1970 to clarify the intent of Congress regarding the expenditure of aviation user tax revenues from the Airport and Airway Trust Fund established by that law.

In enacting that legislation, Congress acknowledged that the Nation's aviation system needed rapid modernization and expansion and determined that capital improvements to the airport and airway system—paid for by the users of the aviation system—should be made as expeditiously as possible.

At the same time, it was recognized that the Federal Government, and the Nation as a whole, have an abiding interest in the continued development of air transportation. Accordingly, it was contemplated that General Treasury funds would be used to defray routine Federal Aviation Administration operations and administrative expenses, as well as a portion of research and development costs, at least until the capital investment effort to modernize the Nation's airports and airways was substantially underway.

The administration has interpreted the Airport and Airways Development and Revenue Acts of 1970 to permit it to request appropriations less than the minimum levels for airport development and airways facilities specified in section 14 of title I of the Airport and Airway Development Act. Further, although Congress intended that the capital investment programs for aviation system modernization be fully funded from user tax revenues in the Trust Fund prior to the use of such funds for maintenance, operations and administrative expenses, the administration has disregarded these statutory priorities and has given routine FAA expenses the same status as capital investments.

This interpretation of the law by the administration has been made possible by somewhat differing language in section 14 of title I and section 208 of title II regarding activities for which user tax funds may be expended.

The bill, amending section 14, clarifies the intent of Congress and safeguards user tax revenues in the Trust Fund for priority of expenditures for the airport and airway capital programs. It does so by assuring that amounts Congress intended to be used solely for airport development and airway facilities will remain in the Trust Fund until used for those purposes. In addition, the bill proscribes the expenditure of user funds until such time as the airport and airways programs have been funded at the minimum level specified in the act.

The amendment to section 208 removes the superfluous authorizing language which has caused ambiguity and incorporated by reference the priorities and minimum levels established in section 14.

Mr. President, at this point it is appropriate to review some background which led to this legislation.

In 1970, responding to sharply increasing airport and airspace congestion and shrinking margins of safety, Congress enacted legislation for the rapid modernization and expansion of our national aviation system. In the course of public hearings on bills which led to the Airport and Airway Development and Revenue Acts of 1970, testimony and statements for the record were received from virtually every Government and non-Government segment of air transportation. All witnesses attested to the urgent need to make substantial capital improvements to the airport and airway system as expeditiously as possible.

Under the act, substantial new and increased taxes were levied upon aviation users to support the capital development program. These funds were intended primarily to facilitate a fourfold increase in capital expenditures for airport development alone and were designed to provide a Federal investment of over $2.5 billion in the next 10 years.

In enacting this legislation, the Congress was well aware that general appropriations requested by the administration for air systems improvements and amounts allocated by the Congress historically have not fully met the aviation system needs in deference to non-aviation budgetary demands. To insure that the modernization and expansion effort contemplated under the Airport and Airway Development Act did not suffer a similar shortfall, the trust fund was established to accumulate user revenues to be employed in the capital development program. To insure the development, Congress specified minimum amounts to be allocated to airport and airway system improvements rather than the more usual practice of imposing maximum limitations on spending.

Department of Transportation budget requests for fiscal 1971 were submitted prior to enactment of the Airport and Airway Development Acts. Accordingly, the Department first asked for spending authority under the act in a supplemental request. This request, transmitted almost 6 months after the law was enacted, programed only $100 million for airport development, not the $280 million minimum specified in the act. The Department concurrently requested $226 million for air navigation facilities and equipment—airways—rather than the $250 million minimum. Members of Congress and the industry expressed surprise and concern with the deficiency. Moreover, it became increasingly clear that the Department of Transportation intended to employ the residual portion of trust fund money remaining—amounting to approximately $250 million—to fund FAA operational and maintenance programs rather than utilize these assets in full amount for priority airport and airway improvements. Charges were made that this constituted an unlawful diversion of trust funds and that the Department had not kept faith with air system users and the Congress.

In its original budget request for fiscal year 1972, transmitted to the Congress in January of this year, the Department again asked for amounts lower than the specified minimum for airport development. During hearings before the committee's Subcommittee on Aviation, the Department anounced that it would permit an additional $75 million to be obligated for airport development in fiscal year 1972 to bring the total obligated amount to the required $280 million minimum. Even with this additional amount, however, the total capital investment in airports for fiscal years 1971 and 1972 will fall $110 million short of the commitment specified by the Congress for this period.

The Department's 1972 budget also requested that the balance of trust fund moneys, including a $403 million surplus carryover from fiscal 1971, be applied to fund routine FAA operations. The balance is substantial. The administration requested appropriations from general funds for FAA of only $293.1 million, while operational expenses were projected at $991.8 million. Even assuming that every dollar appropriated from general funds goes to carry this item, it would still be necessary to allocate approximately $700 million to trust fund moneys for 1972 FAA operations.

The Department of Transportation has repeatedly maintained that, although it has not requested the minimum specified amounts for airport and airway development, its program is consistent with the long-range goals established in the act. The Department observes that the act authorizes expenditures over 10 years and indicates that it will speed up its authorization in later years.

This reasoning fails to understand the spirit of the law and the rationale for its enactment. This has, from the first, been designed as a catch-up program to deal with a crisis in air commerce. The safe and efficient movement of people and goods in our air transport system cannot await "speed-up" programs in the late 1970's.

The amendments to section 14 of title I of the Airport and Airway Development Act are designed to redefine and sharpen congressional intent with respect to the priority modernization of the aviation system and the use of revenues accumulated in the trust fund. To make absolutely certain that our intent is understood and the specified minimum amounts are channeled into airports and airways development, the amended language would require that the minimum authorized amounts be retained in the fund unavailable for other purposes until allocated for capital investment in the aviation system.

It was contemplated in developing the original legislation that in the early stages of the 10-year program it would be necessary to augment user revenues with general funds in order to make the required priority investment in airport and airways development. Similarly it was thought that in the last years of the program user revenues might be used to absorb some of the operational burden of the expanded aviation network.

For this reason, Congress provided in

the original act that after minimum allocations were made, the balance of funds could be used for the maintenance and operation of the system.

Notwithstanding its failure to meet the condition precedent to its use of these funds, the administration has relied on its authority to use the balance of funds coupled with ambiguous language in section 208 of title II of the act as a basis for allocating large amounts of trust fund moneys to carry general operational expenses of FAA. As noted above, the Department of Transportation's 1972 budget estimate contemplated that over $700 million of trust fund revenues would be used for operations this year. Accordingly, the committee has found it necessary to recommend an amendment which would more narrowly prescribe the use of trust fund moneys in future years.

In addition to the basic bill, the committee adopted four amendments in committee.

The first amendment adopted by the committee provides for the inclusion of American Samoa and the Trust Territory of the Pacific Islands under the terms of the airport grant-in-aid program established by the act. The amendment rectifies an inadvertent omission made in the original legislation.

The second amendment extends the more favorable provisions granted to the Virgin Islands in section 17 of the act to American Samoa and the Trust Territory of the Pacific Islands. The Virgin Islands is given preferential treatment in that airport development projects there are eligible for 75 percent Federal participation, rather than the general 50-percent limit established for other airport development projects in the United States and its possessions. The committee is of the view that this preferential treatment is warranted because of the lack of adequate local funding in these two territories.

The third amendment extends the life of the Aviation Advisory Commission established by the act for 6 months. The Commission was not appointed by the President until December 17, 1970, 7 months after the enactment of the legislation. Congress, in establishing the Commission, intended that it have 2 years to make its study and findings and issue a report. Because of the delay in establishment, the Commission will have been in operation only a little more than a year when its final report will be required under terms of the act. The Chairman of the Commission has asked the committee to extend the report deadline until September 1, 1972.

The fourth amendment is technical in nature. It corrects an error in citation overlooked during the drafting of the bill.

Mr. President, I hope the Senate will give speedy approval to this legislation.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. CANNON. I am happy to yield.

Mr. CRANSTON. I appreciate the opportunity to bring up one point with the distinguished chairman of the committee.

This morning the newspapers carried a report about a meeting of the Airport Operator's Council International now occurring in Florida, which I attended yesterday and which I understand the distinguished Senator from Nevada will attend this afternoon.

The report from that meeting yesterday indicates that the Federal Aviation Administration has decided to withdraw proposed controversial Federal standards for measuring airport noise, and, according to the New York Times: "will allow representatives of the airport industry to help rewrite it." Later on, the story indicates that:

> A spokesman for the agency said that agency groups would not dictate the rules, but he said there would be consultations with the industry to agree on the best way to measure jetport noise in communities.

As the Senator knows, a great problem has developed in many communities where courts are now ordering local communities to buy up homes around airports where the noise has become intolerable. This puts an additionally great burden on property owners whose tax is used for this purpose. The property tax, in my opinion, already is the least fair and most outrageously high tax we have. Buying up airport area homes is going to run into billions of dollars in the country before we are through. In Los Angeles, it has reached $300 million.

I am concerned about local government and environmental groups not having some input as FAA determines noise pollution rules. I ask the Senator if he feels that in addition to consulting industry, FAA should also consult local governments and others interested in this problem.

Mr. CANNON. I agree with the distinguished Senator. The local governing bodies should be consulted and should have the opportunity to feed some facts and figures to the FAA for whatever final regulations are developed.

These people have to live with the problem on a day-by-day basis and obviously will have to go to considerable expense in many instances to be able to live with the problem where they have an airport in the middle of the city.

While we are all anixous that we meet very strict levels at an early point in time, we can only go as fast as technology and economics will permit. Therefore, I think they should, by all means, be given the consideration to have an input into the FAA in determining whatever standards must be established.

Mr. CRANSTON. I thank the Senator.

It is obvious that industry cannot have everything it wants. It is also obvious that local government and environmentalists cannot have everything they want. Some compromise has to be worked out. I hope the consultations will include environmental groups as well as local government.

Mr. CANNON. I would say that probably it could include environmental groups, but I would not want to see them bogged down in having environmental hearings all over the country, in trying to determine the necessary noise level standard, because some people do not want any noise at all, and obviously that is not an acceptable solution.

I certainly recognize that the established municipalities or governing bodies ought to have proper input. But I would not want to see us get involved in long environmental hearings in determining the noise standards, to try to make some progress in reducing the noise levels.

Mr. CRANSTON. I recognize that we cannot get bogged down in that.

I express the hope that when FAA issues the regulations, they will insure that no increase in noise exposure takes place at our present airports. I think that is a practical objective.

Mr. CANNON. That certainly is. From the standpoint of the level of noise, I think the Senator can rest easy on that point.

But if this means that it is not going to be increased by having additional flights, I could not give the Senator that assurance. I am sure that some airports will have additional flights, and therefore, their total noise exposure will be greater. From the standpoint of the noise level from a specific air carrier, I am sure that level should not increase and should decrease as the steps are taken.

Mr. CRANSTON. As I understand it, reasonable and realistically attainable steps can be taken to reduce the noise of individual planes. So, even though more flights are added, it should not mean any added noise exposure.

Mr. CANNON. I do not know how that balances out. Certainly, the individual unit noise should be reduced and not increased. But if the number of flights into an airport is increased by 100, even though you reduce the level of each airplane, some people might contend that the noise was greater. I do not want to get into that argument. There should be a reduction. With the procedures that are being worked out, as well as the developments in the technology and the state of the art, with the newer airplanes coming along, with quieter engines, we should see a per unit reduction in the noise level.

Mr. CRANSTON. And, quite possibly, if we have regulations that will not hamper the development of noise reduction techniques, industry can see to it that as there are more planes, their number is offset by a total reduction in the noise level of individual aircraft.

Mr. PEARSON. Mr. President, I rise in support of S. 1437, a bill which would clarify further the intent of Congress as to priorities for airway modernization and airport development. The Airport and Airway Development and Revenue Acts of 1970 created the airport and airway trust fund, provided that the trust fund be maintained by aviation user tax revenues, and established priorities for expenditures of trust fund moneys.

Congress in enacting that legislation recognized that the Nation's aviation system needed rapid modernization and expansion. Capital improvements to the system—paid for by the users of the aviation system—were accorded the highest priority under the Airport and Airway Development Act.

It was contemplated that general Treasury funds would be used to defray routine FAA operating and administrative expenses, as well as a portion of re-

research and development costs, at least until the capital improvement effort to modernize the Nation's airports and airways was well underway.

Section 14 of the act provides that a nationwide system of public airports "adequate to meet the present and future needs of civil aeronautics" be established. The Secretary is authorized to make grants for airport development in aggregate amounts "not less than" $280 million per year. Under terms of the act, the Secretary is authorized to obligate for expenditure "not less than" $250 million per year for airway improvements.

The language of the act seems clear enough, and the priorities of Congress seem unmistakable. Nevertheless, the administration has incorrectly interpreted the Airport and Airways Act of 1970, and requested appropriations less than the minimum levels established for airport development and airways modernization.

The administration has disregarded statutory priorities and given routine FAA expenses the same status as capital improvements. The report submitted by the Committee on Commerce documents the pattern which has effectively downgraded the urgent capital improvement program:

> Department of Transportation budget requests for fiscal 1971 were submitted prior to enactment of the Airport and Airway Development Act. Accordingly, the Department first asked for spending authority under the act in a supplemental request. This request, transmitted almost 6 months after the law was enacted, programed only $100 million for airport development, not the $280 million minimum specified in the Act. The Department concurrently requested $226 million for air navigation facilities and equipment (airways) rather than the $250 million minimum.
>
> In its original budget request for fiscal year 1972, transmitted to the Congress in January of this year, the Department again asked for amounts lower than the specified minimum for airport development. During hearings before the Committee's Subcommittee on Aviation, the Department announced that it would permit an additional $75 million to be obligated for airport development in fiscal year 1972 to bring the total obligated amount to the required $280 million minimum. Even with this additional amount, however, the total capital investment in airports for fiscal years 1971 and 1972 will fall $110 million short of the commitment specified by the Congress for this period.
>
> The Department's 1972 budget also requested that the balance of Trust Fund monies, including a $403 million surplus carryover from fiscal 1971, be applied to fund routine FAA operations.

Mr. President, the legislation before the Senate provides an opportunity to clarify further the intent of Congress in enacting the Airport and Airways Development Act. This bill provides that no moneys from the trust fund could be appropriated for any fiscal year to carry out routine FAA operating expenses unless the minimum amounts for airport and airway development have been appropriated for such fiscal year.

Thus passage of S. 1437 will establish, unmistakably and permanently, the commitment of Congress to appropriate not less than $280 million for airport development, and not less than $250 million for airways improvements, each year until the capital program is well underway.

As an original sponsor of S. 1437, along with the distinguished chairman of the Commerce Committee, the Senator from Washington (Mr. MAGNUSON), and the distinguished chairman of the Aviation Subcommittee, the Senator from Nevada (Mr. CANNON). I am deeply pleased that this legislation is now before the Senate for debate.

House passage of comparable legislation has made final disposition of this measure possible in this session of Congress. I urge the Senate to approve the committee bill promptly, for airport development projects in every State await full implementation of the 1970 act. The airway system in every State requires additional funds for modernization and expansion. The trust fund must be preserved in order to meet the capital requirements of the aviation system.

Mr. President, the Department of Transportation budget for fiscal year 1972 contemplated that over $700 million in trust fund moneys would be consumed for operations this year. Unless Congress adopts legislation comparable to S. 1437. The trust fund—maintained by aviation system user taxes—will be under continual seige. The capital improvement program will be threatened by escalating routine operating expenses of the FAA. And disregard of the statutory priorities could result in the total breakdown of aviation systems serving major metropolitan areas.

Clearly the expansion, modernization and improvement of the airports and airways deserve the full measure of funds authorized by Congress in 1970. Adoption of S. 1437 will mandate the priorities established by Congress less than 2 years ago.

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment.

Mr. CANNON. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on agreeing to the committee amendments.

The committee amendments were agreed to en bloc.

Mr. BAKER. Mr. President, I call up my amendment No. 437.

The PRESIDING OFFICER. Does the Senator mean amendment No. 347?

Mr. BAKER. Amendment No. 437. I intend, after the reporting of that amendment, to offer an amendment in the nature of a substitute to amendment No. 437, and it is numbered 347.

The PRESIDING OFFICER. Amendment No. 437 is not at the desk.

Mr. BAKER. I am sorry, Mr. President. It is amendment No. 462.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> In lieu of the matter proposed to be inserted by amendment numbered 347, insert the following:
>
> SEC. 102. Section 51(b) (4) of the Airport and Airway Development Act of 1970 is amended by striking out "two-year period" and inserting in lieu thereof "three-year period".

Mr. BAKER. Mr. President, amendment No. 462 is an amendment in the nature of a substitute to amendment No. 347. I would like to explain the purposes of amendment No. 347 and the reasons why I have suggested the modifications made by amendment No. 462.

I introduced amendment No. 347 on July 30 in response to what is a very grave problem facing the small airports of our country. Since that date, 15 of my colleagues in the Senate have joined as cosponsors.

Under section 51(b) of the Airport and Airway Development Act of 1970, the Administrator of the Federal Aviation Administration is directed to—

> Issue airport operating certificates to airports serving air carriers certificated by the Civil Aeronautics Board and to establish minimum safety standards for the operation of such airports.

Under the law, the certificates must be issued by May 20, 1972, and no airport may continue to serve commercial carriers after that date unless it has complied with the safety standards established by the FAA and obtained an operating certificate.

In May of this year, the FAA issued a notice of proposed rulemaking setting forth the standards which it proposed to establish. The standards set out detailed requirements for maintenance of paved areas at airports; runway and taxiway marking and lighting; crash, fire, rescue equipment, and personnel; protection of federally owned and operated navaids; and a number of other aspects of airport operation. The FAA still has not issued its final standards, and the Nation's airports are faced with the task of complying with the standards when they are issued and obtaining the necessary operating certificates before the deadline of May 20, 1972. That deadline is little more than 6 months away.

As I pointed out in my introductory statement on this amendment in July, there are approximately 540 commercial air carrier airports: 375 of these are in nonhubs. These 375 make up 70 percent of all airports receiving airline service yet enplane only about 4 percent of the entire passenger enplanements in the country. Many of these airports have operating budgets of $150,000 per year or less.

Comments received by the FAA, by me, and by a number of my colleagues in the Senate from airports all over the country indicate that a large number of these small, nonhub airports will be unable to bear the cost of complying with the proposed standards within the time limit. If unable to meet the requirements and to obtain operating certificates, these airports will have to close, or, at a minimum, refuse airlines the use of their facilities.

Mr. President, I know that I do not need to stress how important these small airports are to our country. Many of us in the Senate have devoted a great deal of time and energy to securing commercial air service for areas in our States which are not served by large airports. This service is invaluable to the development of the communities involved and it would indeed be tragic if the Airport-Airway Act should have the overall effect of reducing or eliminating such service.

The Airport-Airway Act aims at making all airports safer and I think that that is a laudable goal. I do not think that this vital and, in many cases, hard-won air service should be or has to be sacrificed in our efforts to increase safety. I think that this is a case in which the Congress has underestimated the impact of parts of the legislation which it has enacted, and I proposed amendment No. 347 in an effort to correct that mistake and to assist airports in meeting the certification requirements without diminishing the level of safety which section 51(b) of the Airport and Airways Development Act was designed to achieve.

The amendment has three provisions: First, it would extend the effective date of the airport certification program from May 20, 1972, to May 20, 1973, in order to allow the FAA and the country's airports the necessary time to establish and comply with reasonable safety standards. I feel that it is unfair, Mr. President, to expect every commercially served airport in the country to install new equipment, hire new personnel, and make other adjustments necessary to compliance within the 6 months which remain to them under current law.

Second, the amendment would make all equipment and modifications required by the safety standards to be issued by the FAA eligible for Federal funding at a level of 82 percent—an increase from the current level of 50 percent.

This provision would ease the financial burden on airports who are currently unable to afford to purchase new equipment on a matching basis.

Third, the amendment would allow reimbursement of up to 82 percent of the cost of safety equipment required under FAA regulations which has been purchased by airports subsequent to May 21, 1970, the effective date of the Airport and Airways Development Act. I think that it is important that those airports whose owners and managers have had the foresight to anticipate some of the FAA's requirements and have begun purchasing necessary equipment should not be penalized.

Since I introduced amendment No. 347, Mr. President, the chairman of the Subcommittee on Aviation (Mr. CANNON) has indicated to me his concern about this problem and his feeling that it is one which should be studied more carefully by the subcommittee. I am a member of the subcommittee, and I could not agree with him more. It is also my understanding that the distinguished Senator from Kentucky (Mr. COOK) has introduced a bill to increase the Federal share of funding for airport development projects to 75 percent; and that the distinguished Senator from North Dakota (Mr. BURDICK), who is a cosponsor of my amendment, has offered a bill to provide full Federal funding to small airports for the acquisition, installation, operation, and maintenance of equipment and facilities required by the FAA for airport certification.

I also want to point out that the FAA has not yet announced its final certification standards. Until those are made public, it will be difficult to estimate what additional costs to the airports will be involved.

At this point, Mr. President, I ask unanimous consent to have printed in the RECORD a letter which I have received from Mr. Jack Shaffer, Administrator of the Federal Aviation Administration, in response to a request from me for comments on amendment No. 347 and an estimate of the additional costs to the Government which would be involved.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEDERAL AVIATION ADMINISTRATION,
Washington, D.C., September 23, 1971.
Hon. HOWARD H. BAKER, Jr.
U.S. Senate,
Washington, D.C.

DEAR SENATOR BAKER: This is in response to your letter of 13 September 1971 concerning your Amendment No. 347 to S–1437.

One of the provisions of your Amendment would extend the date of airport certification implementation from 20 May 1972 to 20 May 1973. Based on comments we received in response to the Notice of Proposed Rule Making (NPRM) of 14 May 1971, most of the smaller airports need this additional time to meet the minimum safety standards now contemplated in our proposed Federal Air Regulation. The aviation industry and the Federal Aviation Administration (FAA) would find the additional year advantageous for the provision of a more thoroughly prepared and reasonably executed certification program.

Comments received in response to our certification NPRM indicate that many of the nation's smaller airports would experience difficulty in financing the costs of required safety equipment. The certification rule is being drafted to be as responsive as possible to the need to minimize this economic burden while assuring the enhancement of safety in keeping with the provisions of Public Law 91–258.

Late this month, this proposed rule will be thoroughly reviewed by the FAA Regulatory Council. This is the final important step by our agency in the promulgation of the airport certification rule. After this action is completed, we will be in a much better position to discuss the rule content and to estimate its economic impact.

With this in mind, I would appreciate your indulgence in my delaying the answer to the specific questions in your 13 September letter until the Regulatory Council review has been completed.

Sincerely,
J. H. SHAFFER, *Administrator.*

Mr. BAKER. As to the extension of the effective date of the airport certification program, Mr. Shaffer states:

> Based on comments we received in response to the Notice of Proposed Rule Making of 14 May 1971, most of the smaller airports need this additional time to meet the minimum safety standards contemplated in our proposed Federal Air Regulation. The aviation industry and the Federal Aviation Administration would find the additional year advantageous for the provision of a more thoroughly prepared and reasonably executed certification program.

Mr. Shaffer also indicates, however, that the FAA is unable at this time to estimate the economic impact of a 32-percent increase in Federal funding.

In view of this uncertainty, the interest of other Members of the Senate in the whole question of Federal funding levels, and the serious economic considerations involved in increasing the level of funding without specific information on which to base such an increase, I believe that it would be wise at this time to postpone consideration of an increase in the Federal share of funding for equipment to be acquired under the certification program. I would like to urge the distinguished chairman of the Aviation Subcommittee to schedule hearings on the problems of airports in meeting the certification standards and the general question of what level of funding is desirable under the Airport-Airway Act as early as possible in the second session of the 92d Congress.

For these reasons I have introduced, Mr. President, amendment No. 462 as a substitute to amendment No. 347. The substitute amendment would extend the effective date of the certification program and would make no other changes in the Airport-Airway Act. I believe that an extension of time must be granted now if we are to avoid a crisis situation next May. I would urge that my colleagues support this amendment and I hope that it will be adopted.

Mr. President, I ask unanimous consent that the name of the Senator from Idaho (Mr. CHURCH) be added as a cosponsor of Senate amendment No. 347.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PEARSON. Mr. President, as cosponsor of amendment No. 347, introduced by the distinguished Senator from Tennessee (Mr. BAKER) on July 30—I appreciate this opportunity to comment on its provisions, and the provisions of the amendment offered in the nature of a substitute—No. 462.

The Airport and Airway Development Act is landmark legislation. It reflects the commitment of the Congress to the expansion, modernization, and improvement of aviation facilities throughout the United States. The act provides not less than $280 million annually in Federal matching grants for airport development, and not less than $250 million annually for the acquisition, establishment, and improvement of the air navigational system.

The Airport/Airway Development Act reflects not only a congressional commitment to capital improvement, but also a commitment to increase the operational safety of our aviation system. In conference, the Senate accepted a House provision which directs the Administrator of the Federal Aviation Administration to "Issue airport operating certificates to airports serving air carriers certified by the Civil Aeronautics Board and to establish minimum safety standards for the operation of such airports."

Under the law, these Airport Operating Certificates must be issued prior to May 21, 1972. Airports which fail to comply with certification requirements will not be permitted to serve certificated carriers after that date.

Pursuant to this authority the FAA issued on May 14, 1971, a Notice of Proposed Rulemaking which enumerates safety standards for airport certification. The standards reflect a thoughtful and comprehensive analysis of the hazards associated with improper airport maintenance and operation.

The proposed rules include, however, one prohibitively expensive requirement which, if finally approved, could jeopardize air service in smaller communities. Fire and rescue equipment, under the proposed rules, must be maintained and operated on the airport by trained personnel capable of responding to an emergency within 3 minutes of its occurrence.

Large and medium hub airports already have fire and rescue equipment, but more than 300 nonhub airports would be required to procure new equipment within the next 7 months. Many small airports, whose budgets do not exceed $150,000 per year, would be required to more than double operating costs if the proposed rules were adopted.

Mr. President, I do not quibble with the FAA's Notice of Proposed Rulemaking. The notice reflects the intent of Congress in adopting section 51 of the Airport/Airway Act. This section prescribes conditions precedent to issuance of an Airport Operating Certificate, including, specifically, "the operation and maintenance of adequate safety equipment, including firefighting and rescue equipment capable of rapid access to any portion of the airport. . . ."

Clearly, Congress has directed FAA to promulgate safety rules for certification comparable to those published May 14 in the Federal Register. The obligation of Congress now is to insure that small, nonhub airports in rural communities are financially capable of meeting the requirements imposed upon them.

Mr. President, the pending amendment would meet this obligation. Amendment No. 347 would extend for 1 year the cutoff date for airport certification. Thus the FAA and the airport operators would be allowed adequate time to implement reasonable safety standards, and procure the necessary new equipment.

The amendment as originally proposed would also make safety equipment and modifications, required as a result of FAA airport certification standards, eligible for 82-percent Federal participation in funding. Finally, the original amendment would provide for reimbursement of those airports which already have begun to implement the safety requirements.

THE SUBSTITUTE AMENDMENT

Mr. President, the Senator from Tennessee (Mr. BAKER) has set forth his reasons for offering an amendment in the nature of a substitute to the pending amendment.

The Baker substitute would extend for 1 year the deadline for airport certification, but would not increase Federal cost sharing for safety equipment. Federal participation in funding for safety equipment, under the terms of the substitute amendment, would remain at 50 percent of total cost.

The distinguished chairman of the Aviation Subcommittee (Mr. CANNON) has expressed concern that the subcommittee has not fully considered those provisions of Amendment No. 347 which would authorize the United States to underwrite 82 percent of fire and rescue equipment procurement costs. As ranking minority member of the subcommittee, I share the chairman's concern.

Therefore I support the initiative taken by the Senator from Tennessee today. I will support the substitute amendment, which would give the FAA and the Nation's airport operators an additional year to meet reasonable safety standards for airport certification.

Mr. President, if Congress extends the deadline for airport certification to May 20, 1973, the Aviation Subcommittee will have an opportunity to consider promptly the severe cost-revenue squeeze which procurement of fire and rescue equipment would impose upon small airports.

I am confident that the subcommittee, after review of final FAA safety standards to be promulgated this fall, will recommend an increase in Federal funds for safety equipment if the regulations impose an unreasonable burden on small, nonhub airports.

KANSAS AIRPORTS CANNOT MEET PROPOSED SAFETY REQUIREMENTS

Mr. President, the requirements for fire and rescue equipment announced in the Notice of Proposed Rulemaking on May 14 are cause for deep anxiety in the aviation community. This anxiety stems not from a fear that the FAA will be unreasonable in its requirements. It stems from the fact that congressional directives to the FAA leave little latitude. Regardless of the form or content of the final rulemaking, many small nonhub airports clearly will be required to procure firefighting and rescue equipment prior to certification.

Conditions in Kansas are typical of conditions throughout the Nation. In Kansas, nine airports serve regular commercial airlines—Wichita, Topeka, Salina, Manhattan, Tri-Cities at Parsons, Garden City, Liberal, Goodland, and Hays. Unless money is provided for upgrading to meet Federal safety standards, eight of these nine airports stand to lose certificated air carrier service.

As of this time, only the Salina airport meets minimum Federal standards, as set forth tentatively in the May 14 FAA directive. The cost of upgrading the eight remaining Kansas airports has been estimated conservatively at $1 million. Nationally, certification of 530 airports will require an estimated $80 million, primarily for fire and rescue equipment.

Under the terms of the Airport/Airway Act, the Federal Government is authorized to grant approximately $40 million of this estimated expenditure—or 50 percent of the total cost in matching funds. Airport operators from throughout the Nation have notified the FAA and my office that—even with 50 percent Federal funding—they cannot meet proposed minimum requirements.

Therefore, Mr. President, I believe the Aviation Subcommittee after full deliberation will conclude that increased Federal participation in funding is warranted in this instance. Should the Federal share be increased to 82 percent, for example, airport authorities would be relieved of about $26 million in safety equipment procurement costs.

I will support the Baker substitute. The 1-year extension will permit subcommittee consideration of all aspects of the safety equipment problem. I urge that hearings be held at the earliest practicable time on the ways and means of financing safety equipment. Further action must be taken to insure that burdensome costs of compliance do not jeopardize air service to small nonhub airports.

Unless the final rules differ substantially from the Notice of Proposed Rulemaking, additional assistance for fire and rescue equipment will be required prior to the certification deadline. I believe it is the obligation of Congress to provide that assistance.

Mr. BAKER. Mr. President, this amendment has been discussed with the distinguished manager of the bill. The net effect of it is to extend by 1 year the time in which the requirements for certification must be complied with. The original proposal went further than that. The substitute I am now offering deals only with the time frame involved. I am hopeful that the manager of the bill might see fit to accept it as an amendment to the bill at this time.

Mr. CANNON. Mr. President, I agree with the basic principle of the extension for the 1-year period. I offer an amendment in the nature of a substitute to amendment No. 462.

The PRESIDING OFFICER. The clerk will state the amendment in the nature of a substitute.

The legislative clerk read as follows:

On page 3, after line 18, insert the following:

"Section 104. (a) Subsection (b) of section 612 of the Federal Aviation Act of 1958 (49 U.S.C. 1432(b)) as added by section 51 of the Airport and Airway Development Act of 1970) is amended by striking all after the word 'transportation' in the third sentence thereof and inserting in lieu thereof a period.

"(b) Paragraph (4) of subsection (b) of section 51 of the Airport and Airway Development Act of 1970 (84 Stat. 234, 235) is amended by striking out 'two-year period' and inserting in lieu thereof 'three-year period'."

Mr. CANNON. Mr. President, the second part of the amendment I have just offered, subsection (b), is the same as the provision of the distinguished Senator from Tennessee which would extend the certification deadline for 1 year.

Mr. President, this amendment is intended to deal with a problem brought about by the original Airport-Airways Act, but which has come to my attention only following the hearing and markup on the legislation before us today.

Mr. President, in developing its version of the original act in 1970, the House adopted provisions requiring for the first time that all airports in the United States served by certificated air carriers be certificated by the Federal Aviation Administration. The House believed that an additional margin of safety could be provided within our national air transportation system if the United States certificated and continually inspected airports just as airmen and aircraft are now certificated by the FAA. Specifically, certification it was thought would eliminate what some believed were marginally safe conditions at some of the Nation's more than 535 air carrier airports. In addition, it was said that certification would provide exacting safety standards that would have to be met by the airport operator as a condition of retention of his operating certificate. Unsafe practices or failure to comply with the terms of certification could result in the suspension or revocation of the certificate which in turn would lead to the suspension of air carrier services at such airport.

Mr. President, we in the Commerce Committee in developing the airport/airways legislation never considered establishing airport certification. The matter was only very briefly discussed in our hearings and never was mentioned in markup sessions. Nonetheless, when we went to conference with the House to seek final agreement on a bill, we in the Senate yielded and accepted the airport certification provisions which were a part of the House bill.

Since passage of the legislation in May 1970, the FAA has been working toward establishment of a series of airport standards which must be met by all air carrier airports. Under the 1970 law, airport operating certificates will be required beginning May 21, 1972; little more than 7 months from now.

Mr. President, after working closely with many facets of the aviation community to develop airport certification standards, the Federal Aviation Administration on May 14, 1971, in an advanced notice of proposed rulemaking issued its preliminary conclusions and invited comments on the proposals.

The preliminary rulemaking, to say the least, touched off a storm among airport operators and I am sure that many of my colleagues quickly became aware of the opposition which resulted.

While most of the proposals made some sense—even though the time remaining to implement them was quite limited—several seemed at best designed to materially increase the operating costs of more than 300 small airports without significantly adding to the safety of air transportation at those locations.

Specifically, the advanced notice of rulemaking contained a provision that would require fire and crash rescue equipment be provided and manned at all air carrier airports regardless of the number of air carrier operations at those airports. In addition, the advance proposal also would require that the fire and crash rescue equipment be able to respond to an emergency on any part of the airport property within 2 minutes.

Mr. President, these requirements, if imposed at many of the Nations' smaller airports which serve at most only a few airline flights a day, will create a most severe financial burden while providing very little, if any additional safety to the passenger. Clearly, the FAA has come up with an unrealistic requirement; one which should not be blanketed across the board applying to more than 535 airports from the largest to the smallest. I am sure many of you have been told by airport operators in your States that in some instances the cost of manning this unnecessary equipment will exceed many airports' total annual operating budget. In addition, the requirement that the equipment be able to respond to any portion of the airport within 2 minutes will create the necessity—in many cities and towns—to completely relocate existing fire stations on airport properties.

Mr. President, the cost of maintaining a sophisticated fire and crash rescue capability may make good economic sense at our large airports where hundreds of airline operations take place daily. But to require similar capability at our very smallest airports is not practical at all. If adopted these harsh and unreasonable standards could lead to closure of many small airports and the resultant loss of air carrier service to the community.

While the proposed requirement I have spoken of will be extremely costly—both in terms of initial investment and in annual recurring operation and maintenance costs—there is no evidence available of which I am aware which indicates that this requirement will significantly reduce death or injury sustained in aviation accidents. The available data which I have seen indicates that fire and crash rescue equipment—even at the largest airports—is not an important factor in saving lives following aircraft accidents.

With the doubt which exists about the effectiveness of this type of equipment in saving lives, it is ironic indeed that the FAA should consider requiring it while the Agency has yet to install the most basic navigation aids at many of our small airports. Such safety items as instrument landing system, visual approach slope indicators, control towers and airport surveillance radars are not available at most small hub and nonhub airports in the United States today. And time and again it has been proven that the availability of this assistance and these navigational devices greatly increase the safety of operations—whether air carrier or general aviation.

Mr. President, I am told that while the FAA would prefer not to establish a blanket requirement for fire and crash rescue equipment at all U.S. air carrier airports, the Agency believes it is required to do so by the 1970 act. Specifically, the FAA's General Counsel has interpreted section 612 of the Federal Aviation Act, which was created by the Airport and Airway Development Act, to require that all air carrier served airports have fire and crash rescue equipment.

Mr. President, I do not believe that Congress ever intended to create operating certificate standards and regulations by legislation. This is not our role. Rather our job is to draft legislation encompassing broad guidelines and to leave the drafting of specific rules and regulations to the air safety experts at the Federal Aviation Administration. We do not have the expertise in this highly technical area to prescribe, legislatively, safety standards for all air carrier airports in the United States. Therefore, in my judgment section 612 is poorly written—it is too specific—it provides no flexibility for the rulemaking process and it will result in unreasonable regulations which will add a significant financial burden to many small airports throughout the United States.

Mr. President, my amendment is quite simple. It simply removes paragraphs (1) and (2) of subsection (b) of section 612 thereby leaving completely to the discretion of the Federal Aviation Administration the requirements for airport operating certificates. Second, it postpones for 1 year the date on which operating certificates will be required. I offer this amendment because of the fact that the agency does not believe that sufficient time now exists to complete the rulemaking process and to bring all airports into compliance.

Mr. President, I ask unanimous consent to have printed in the RECORD a recent letter indicating the agency's position on this situation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 27, 1971.

Hon. HOWARD H. BAKER, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BAKER: This is in response to your letter of 13 September 1971 concerning your Amendment No. 347 to S–1437.

One of the provisions of your Amendment would extend the date of airport certification implementation from 20 May 1972 to 20 May 1973. Based on comments we received in response to the Notice of Proposed Rule Making (NPRM) of 14 May 1971, most of the smaller airports need this additional time to meet the minimum safety standards now contemplated in our proposed Federal Air Regulation. The aviation industry and the Federal Aviation Administration (FAA) would find the additional year advantageous for the provision of a more thoroughly prepared and reasonably executed certification program.

Comments received in response to our certification NPRM indicate that many of the nation's smaller airports would experience difficulty in financing the costs of required safety equipment. The certification rule is being drafted to be as responsive as possible to the need to minimize this economic burden while assuring the enhancement of safety in keeping with the provisions of Public Law 91–258.

Late this month, this proposed rule will be thoroughly reviewed by the FAA Regulatory Council. This is the final important step by our agency in the promulgation of the airport certification rule. After this action is completed, we will be in a much better position to discuss the rule content and to estimate its economic impact.

With this in mind, I would appreciate your indulgence in my delaying the answer to the specific questions in your 13 September letter until the Regulatory Council review has been completed.

Sincerely,

J. H. SHAFFER,
Administrator.

Mr. CANNON. Mr. President, I urge the Senate to adopt my amendment.

Mr. BAKER. Mr. President, I wish to make it clear that I do not join issue with the distinguished manager of the bill on the import of section 104(a) of his amendment to my amendment. I think however, that a point of order might lie, in that my amendment No. 462 was an amendment to amendment No. 347, and there may be a question of an amendment in the third degree.

I would prefer having the 1-year extension, as contemplated by amendment No. 347, considered separately on its merits. Then, of course, we could proceed to the consideration of section 104(a) of the amendment offered by the distinguished manager of the bill. I wonder whether the distinguished manager of the bill might consider accommodating me in this respect, since the two questions are related, but they are not identical?

Mr. CANNON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr.

STEVENSON). The Senator from Nevada will state it.

Mr. CANNON. Was the pending amendment No. 462? I understood it was 462. So far as I am aware, amendment No. 347 was never offered.

Mr. BAKER. It was my recollection—of course the Chair will rule—but I first called up amendment No. 347 and offered my amendment No. 462 in the nature of a substitute.

The PRESIDING OFFICER (Mr. STEVENSON). The Senator from Tennessee first called up amendment No. 437, which we did not have at the desk. The Chair then inquired if the Senator meant amendment No. 347. The Senator said "No."

Mr. BAKER. The Chair is correct. I might add that amendment No. 437 was a juxtaposition of amendment No. 347. I do not make the point of order but use this for background in order to ask the distinguished manager of the bill if he will consent to considering these matters separately. I do not think it will cause any particular problem. The Senator agrees with it in principle, anyway.

Mr. CANNON. That is right. I have no objection to it at all. I do not understand, however, how we now go about it from the parliamentary standpoint.

Mr. BAKER. Let me try this, and we will see. I ask unanimous consent that the pending business before the Senate at this time may be my amendment No. 462.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed immediately to the consideration of amendment No. 462.

The PRESIDING OFFICER. Does the Senator wish his amendment No. 437 to be before the Senate?

Mr. BAKER. Mr. President, amendment No. 347 need not be considered and is not included in the unanimous consent request in order to avoid the conflict that the Senator from Nevada would have if he later decided to amend his amendment.

The PRESIDING OFFICER. The amendment is worded as an amendment to amendment No. 437. Where, therefore, is amendment No. 462 directed?

Mr. BAKER. Mr. President, I ask unanimous consent that the caption of amendment No. 462 be conformed appropriately so that it will read as an amendment to the pending bill instead of to amendment to 347.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the Senate will proceed to the consideration of amendment No. 462.

Mr. CANNON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CANNON. Mr. President, am I now required to obtain unanimous consent to withdraw the substitute amendment which I had already offered to amendment No. 462?

The PRESIDING OFFICER. That has already been accomplished. The question is on agreeing to the amendment.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. PEARSON. Mr. President, I say to the Senator from Tennessee and also to my distinguished chairman of the Aviation Subcommittee that there is not any doubt that the FAA and the Department of Transportation, in the implementation of what they believe the statute required, have caused a very substantial problem throughout the country today. I, in a parochial way, point to the problem in my State. Nine airports in the State of Kansas would require additional safety equipment and machinery. Eight of the cities would be absolutely unable to meet the financial requirement.

The Secretary of Transportation advised me this morning that rules and regulations set down were those thought essential and required by the statute. So, a problem of considerable proportion faces us.

I am advised that in Kansas it will take $1 million to fulfill the requirement. Throughout the Nation it would cost about $80 million.

We can all take congressional notice of the plight which so many cities face today.

I must say that I really favored—and I cosponsored—the original amendment offered by the Senator from Tennessee. That was to provide a new formula of Federal aid on the basis of 82 to 18 percent. We have some precedent in the present law for that kind of formula.

The chairman of the subcommittee is correct in insisting, I think, that further hearings might be of great help to the committee. The Department of Transportation and the FAA may come forward with a more reasonable and more sensible approach which would accommodate the needs of airport operators and also the safety requirements of the flying public.

The amendment of the Senator from Tennessee seems to be a most prudent way to obtain a solution to this particular problem. I join with him and support his amendment.

Mr. BAKER. Mr. President, I thank the Senator from Kansas. I am now glad to yield to the Senator from North Dakota (Mr. BURDICK).

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. BURDICK. Mr. President, as sponsor of an identical amendment, No. 460, I rise in support of the Senator's amendment. I also support the amendment of the chairman of the subcommittee. Both amendments are intended to achieve the same result.

I would also like to commend the chairman of the subcommittee and to be associated with his remarks for the reasons he has given, in support of the amendment.

I, too, come from an area where we have small hub and nonhub airports where a financial problem would be involved. I think that a year's extension would give us time to work out some solution to alleviate the problem that such regulations might entail.

It has become clear, since Congress favorably acted upon the Airport and Airways Safety and Development Act, that small hub and nonhub airports may not survive even modest increases in operating costs due to requirements of airport certification delineated in section 612 of the act. Take, for example, the airport at Williston in my home State of North Dakota. Williston is the sixth largest city in North Dakota, with a population of 11,280. Williston serves as the hub for a thriving North Dakota oil producing industry. Air service is essential. The Director of the North Dakota Aeronautics Commission, Harold Vavra, has informed me that it would cost Williston $99,000 annually to comply with the airport certification requirements now being proposed by the FAA. This represents a total of $30.28 per passenger boarding on the CAB-certificated airline at Williston. This is more than the $30 average passenger fare per boarded passenger. Mr. Vavra has furnished me information indicating that similar situations exist in all North Dakota airports.

Airports, such as the one at Williston, individually serve less than 0.25 percent of the country's total air passenger enplanements but nonetheless are a vital link in the airways system. In fact, of the approximately 540 air carrier airports across the Nation, 463 are of the nonhub or small hub type. The role of the Federal Government in maintaining these essentially rural air freight and passenger outlets must be studied.

The adoption of the amendment presently before us would provide the time necessary for the Aviation Subcommitee, under the chairmanship of the Senator from Nevada (Mr. CANNON), to consider the complexities of increasing the Federal share. My bill, S. 2384, is just one such proposal pending before the subcommittee. My bill would provide Federal funding to alleviate crisis conditions facing airports already overburdened with high operation costs. I urge that hearings be scheduled at the earliest possible date.

Also, Mr. President, the 1-year extension for compliance with airport certification would allow both the Congress and airport interests to study Federal Aviation Administration rules which are to be drawn in accordance with section 612. Final certification standards have not yet been published and it would seem impossible to expect the subcommittee to view increased Federal funding proposals without the final rules in hand.

For these reasons, Mr. President, I urge adoption of the amendment before us.

Mr. BAKER. Mr. President, as I understand the parliamentary situation, the matter pending before the Senate is my amendment No. 462 as conformed pursuant to the unanimous consent request, which has the effect of amending section 51(b)(4) of the Airport and Airway Development Act of 1970 by striking out "2-year period" and inserting in lieu thereof "3-year period."

It would be considered as an amendment in the first degree by reason of the unanimous-consent agreement.

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. I have nothing further to say except that I believe this is the minimum relief that should be afforded. I think we are all substantially in agreement with respect to this relief. I think that leaves the Senate in the parliamentary situation that allows the distinguished chairman of the subcommittee to proceed to other matters.

Mr. President, I am ready for the will of the Senate to be worked at this point.

Mr. CANNON. Mr. President, the Senator's amendment proposes a new section 102 to S. 1437.

Mr. BAKER. It should be conformed to section 104.

Mr. CANNON. Mr. President, section 102 of S. 1437 is one of the committee amendments. If the Senator desires to have this amendment considered separately, I am willing to accept the amendment and will not offer mine as a substitute to his.

Mr. BAKER. I would prefer to have it offered separately.

Mr. CANNON. We accept the amendment but the amendment must be modified to conform to S. 1437 as already amended:

Mr. BAKER. Yes.

Mr. CANNON. I point out that the language of amendment No. 462 at line 1 should be changed to read "line 1, section 104."

The PRESIDING OFFICER. The amendment is so modified. The question is on agreeing to the amendment as modified.

The amendment (No. 462), as modified, was agreed to.

Mr. CANNON. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. CANNON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with, and that it be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

On page 3, after section 104(a) add the following:

> Section 104(b). Subsection (b) of section 612 of the Federal Aviation Act of 1958 (49 U.S.C. 1432(b)) (as added by section 51 of the Airport and Airway Development Act of 1970) is amended by striking all after the word "transportation" in the third sentence thereof and inserting in lieu thereof a period.

Mr. CANNON. Mr. President, what I have done is to send to the desk an amendment to add section 104(b) to S. 1437. Senator BAKER's amendment will be designated section 104(a) of S. 1437. I propose the remaining part of the amendment I proposed earlier as a substitute.

This amendment simply deletes from the present act the language which now leads the lawyer for the FAA to believe that the FAA must require that fire and crash rescue equipment be made available at all airports so that such equipment, in an emergency, can respond to any part of the airport in 2 minutes. This is an unrealistic requirement. The Senator from North Dakota pointed out that it would be practically impossible for some of these airports to conform.

In my State we have two airports, both of which are served by certificated air carriers and neither of them could afford to comply with this requirement. They have two landings and two takeoffs a day of certificated air service. From a financial standpoint it would not be practical for them to have fire equipment located on the field so it could respond to any portion of the field in 2 minutes.

What we are trying to do is to make it possible for the FAA to establish reasonable regulations for safety. I am sure all of the hub airports, of any size, obviously will be required to have fire and crash rescue equipment. But they should not make that a requirement for an airport serving only a few flights in and out a day.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. PEARSON. Under the Senator's amendment would the Department of Transportation or the FAA still have the authority to require safety equipment consistent with the language that now appears in the 1957 act?

Mr. CANNON. Yes, absolutely. The only provision of the present act that is stricken by my amendment is that part that states:

> Relating to—
>
> (1) the installation, operation, and maintenance of adequate air navigation facilities; and
>
> (2) the operation and maintenance of adequate safety equipment, including firefighting and rescue equipment capable of rapid access to any portion of the airport used for the landing, takeoff, or surface maneuvering of aircraft.

The remaining part of the act as it would read in accordance with my amendment is:

> ISSUANCE
>
> SEC. 612(b). Any person desiring to operate an airport serving air carriers certificated by the Civil Aeronautics Board may file with the Administrator an application for an airport operating certificate. If the Administrator finds, after investigation, that such person is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of this Act and the rules, regulations, and standards prescribed thereunder, he shall issue an airport operating certificate to such person. Each airport operating certificate shall prescribe such terms, conditions, and limitations as are reasonably necessary to assure safety in air transportation.

The FAA has full authority.

Mr. PEARSON. Mr. President, will the Senator yield further?

Mr. CANNON. I yield.

Mr. PEARSON. I recall the hearings. It was principally the Commercial Air Transportation Pilots Association which was so strong for this provision. I express the concern that, in seeking to solve this problem the Senator's amendment may give some indication of congressional intent that the language the Senator seeks to strike out is unnecessary. I am quite sure it is necessary in some of the great hub airports. I would not want to leave the inference by this amendment that the original language might not be necessary at some airports.

Mr. BAKER. Mr. President, will the Senator yield on that point?

Mr. CANNON. I am delighted to yield to the Senator from Tennessee.

Mr. BAKER. I understand fully the concern of the distinguished Senator from Kansas. I, too, share his concern that this legislative history we are now making not create the implication that we are reducing the requirements for safety. Rather, it might be said that by granting a higher degree of discretion to the Administrator it is theoretically possible in hub airports that the Administrator could make more stringent safety requirements than those spelled out in the bill.

Mr. CANNON. There is no doubt about that. At the major hub airports where there are a number of flights a day the Administrator should require much higher safety standards. In those cases there is more opportunity for exposure to accidents or incidents occurring. Therefore, standards there should be more stringent than at an airport where there is one airline takeoff and one landing a day.

We are trying to give the Administrator some flexibility which the Administrator's lawyers do not believe they have at the present time.

All Senators would agree that at our busiest airports, such as La Guardia, Chicago, Los Angeles, and Washington National, the highest safety standards must be met. But we should not put out of business a small airport servicing two or three flights a day because they cannot afford costly fire and crash rescue equipment.

Mr. BAKER. I agree with the interpretation. I think it strengthens the hand of the Administrator in this field. While I called for a division on this consideration, and asked that it be considered separately, I do support the amendment.

Mr. CANNON. I thank the Senator.

Mr. PEARSON. Mr. President, I regret that it is necessary for me to oppose the amendment offered by my distinguished chairman (Mr. CANNON).

Adoption of the Baker amendment permits adequate time to study, in committee, the requirements of small airports for fire fighting and rescue equipment—and the most appropriate method of financing that equipment.

I fear passage of the Cannon amendment could be misinterpreted by some to indicate a less than total commitment to wholly adequate airport safety requirements.

Therefore, I believe prompt hearings on this matter would be appropriate.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CANNON. Mr. President, I have two technical amendments I would like to call up and I request that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments are considered en bloc.

The amendments will be stated.

The legislative clerk proceeded to read the amendments.

Mr. CANNON. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

I will make a brief explanation.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendments will be printed in the RECORD, as follows:

SEC. 105. Section 609 of the Federal Aviation Act (49 U.S.C. 1429) is amended by inserting the phrase "(including airport operating certificate)" after the words "air navigation facility certificate".

At line 20, page 2 strike the comma following "section 11" and add a comma in line 21 following "(49 U.S.C. 1711)".

At line 23, page 2 strike the word "Airways" and insert in lieu thereof the word "Airway".

At line 22 page 3, following the number "1742" strike the "comma" and the words "Public Law 91–258".

On page 4 at line 2 following the comma after the word "Acts" insert the word "for".

Mr. CANNON. Mr. President, the first amendment has been suggested to the committee by the Federal Aviation Administration which has spotted what appears to be an oversight in the original Airport and Airway Act.

The Airport and Airways Development Act of 1970—Public Law 91–258—added section 612 to the Federal Aviation Act, authorizing the Administrator to issue airport operating certificates, and amended section 610 to make it unlawful, after May 21, 1972, to operate an airport without or in violation of an operating certificate. The act did not amend section 609, which contains specific authority for the Administrator to amend, modify, suspend, or revoke any of the enumerated kinds of certificates, which includes all certificates the Administrator is authorized to issue except the airport operating certificate.

While there probably exists authority for the Administrator to take enforcement action against airport operating certificates under the concept that such certificates are included within the definition of—section 101 Federal Aviation Act—air navigation facility certificates—specifically enumerated in section 609—the proposed amendment will clarify the authority and avert a possible legal challenge.

Mr. President, the second technical amendment is simply to correct errors which occurred in printing the bill. As the Senate will note, in several cases the punctuation was incorrect, the citation was redundant, and so forth. In addition, one word was left out.

I urge the Senate to adopt my amendment so that the bill in its final form will be correctly printed.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments were agreed to en bloc.

Mr. CANNON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK's amendment is as follows:

On page 4, after line 5, insert the following new section:

SEC. 202. (a) Section 4491 (a) of the Internal Revenue Code of 1954 (relating to tax on use of civil aircraft) is amended by striking out paragraph (1).

(b) The amendment made by subsection (a) shall take effect on July 1, 1972.

Mr. DOMINICK. Mr. President, I have had a private colloquy with the Senator from Nevada on this amendment. For the purpose of the RECORD, I think I should begin by explaining it.

The amendment is really a very simple one. The Airport and Airway Development and Revenue Act, as it was reported out in 1970, included a $25 annual registration fee for all aircraft. My amendment to delete that provision was accepted during the debate in 1970. Unfortunately, when the measure went to conference, the House refused to accept it, so my amendment was not accepted in the conference report.

Since I felt at that time it was extremely important that the Airport and Airway Development Act pass, I did not try to create a fight on the subject when the conference was reported to the Senate as a whole.

I did, however, have a colloquy at that time with the Senator from Louisiana (Mr. LONG), during which Senator LONG introduced a statement by Senator CANNON on the conference report. Both of them expressed regret that the conference had not been able to support this particular amendment and Senator LONG said they would follow through and ask for a report on the matter to determine whether my arguments were sufficiently valid so that they should be supported in a future bill.

The amendment I have here would do exactly the same thing. It would delete the $25 annual registration fee requirement. I think it is only proper to ask why I am doing this again. The answer is very simple.

As I had suspected when I first offered the amendment, the $25 annual registration fee, in fact, produces less revenue than the bureaucratic cost of processing these records, not to mention the inconvenience and the great difficulty on the part of the aircraft owner in trying to fill out the very voluminous report which is required when the annual registration fee is paid.

Second, I might add that it is very difficult for the FAA to keep track of exactly what anybody is doing. Consequently, those people who are honest pay the $25 and submit the report, while those people who are tired of redtape and bureaucracy and filling in more papers—there are millions of them all over our country—simple say, "I'm not going to bother with this," and they file it in the scrap basket, in file 13. Nobody ever knows whether they file it or not, unless a person happens to be called up on some violation by FAA and they go back through the records to see whether or not that particular owner has filed a report.

Consequently, it seems to me to be a totally unnecessary burden. It does not produce the revenue we wanted, and it creates more bureaucratic expense in the FAA. It does not produce any tangible results that would be of benefit either from the point of view of safety to the public at large, or from the point of view of the aircraft owner who is harassed by this, or from the point of view of the FAA being able to keep more accurate records and being able to follow up on whatever violations there may be.

This registration fee was originally put in by the Senate Finance Committee. It is my understanding, from my colloquy with the Senator from Nevada, that the difficulty in the bill now before us is that the Finance Committee has waived jurisdiction over this matter because there is no reference to financial matters in S. 1437. As a result, the distinguished Senator from Nevada does not feel that he could accept this amendment, even though he might be favorably inclined toward it in other circumstances.

Second, I also understand that the distinguished chairman of the Finance Committee, Senator LONG, is not available at the moment. Consequently, it would be difficult, if not impossible, for me to get any expression of opinion from him.

Those situations being as they are, it would seem that I have no alternative. Either I have to push this in order to get a vote on it—heaven knows whether we have a quorum today; I do not know whether we do, but I suppose we will find out in another hour. Assuming that we do have a vote, it is going to be very difficult, in the short time that this particular bill has come up, for me to contact enough Members of the Senate so that they will really know what this amendment is about and what it is designed to accomplish.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the colloquies I had with regard to these amendments in May of 1970.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COLLOQUIES BY MR. DOMINICK

Mr. LONG. Mr. President, I urge approval of this amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared by the Senator from Nevada (Mr. CANNON).

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

"STATEMENT BY MR. CANNON

"Mr. CANNON. Mr. President, I am deeply disappointed that the Conference on the taxation provisions of the Airport/Airways legislation did not follow the Senate amendments on the general aviation fuel tax, and on the annual registration fee.

"We of the Commerce Committee worked hard for these amendments. We agreed on a 6¢ fuel tax and the Senate agreed with us. State taxes on aviation fuel already range as high as 8¢ per gallon, and more states are looking into this source of revenue. We are putting too large a burden on the private pilot.

"As to the annual registration fee, I had hoped the exemption to general aviation would also be adopted by the Conference, but unfortunately, the Senate receded.

"So I am concerned about what we may be doing to our private pilot friends. A fuel tax, a yearly registration fee, pretty soon transponders to go into our larger airports, all this with the states rushing to raise their taxes.

"As I stated, I am indeed sorry our conferees did not approve the Senate Amendments."

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. DOMINICK. Mr. President, the Senator will recall that one of the amendments I offered, and which was agreed to by the Senate on a rollcall vote, struck out the $25 annual registration fee. Do I understand the conferees retained that amendment and that no longer do we have an annual registration fee?

Mr. LONG. The $25 registration fee would continue but I am happy to say we were able to prevail with regard to the poundage tax on smaller airplanes, in which the Senator was interested. The poundage tax would not apply to any piston engine powered airplane weighing 2,500 pounds or less.

That is 60 percent of all general aviation airplanes. I am happy to report that, at least with respect to that part of it, we were successful in retaining the concept for which the Senator from Colorado labored and as to which he prevailed on the floor, I regret that we were not able to prevail with regard to the $25 registration fee; but, in terms of dollars, the latter provision is a much larger item, involving an estimated $3.6 million in 1971 and $5.7 million in 1980.

Mr. DOMINICK. I had not understood that. The $25 annual registration fee, on which we had a rollcall vote, was really a nuisance tax as opposed to anything else, as I pointed out. Do I understand that that provision has been put back in the bill at the insistence of the House?

Mr. LONG. The House insisted on it. As the Senator knows, the House adopted the $25 registration fee. It was the Senator's amendment that struck the matter on the floor.

Mr. DOMINICK. That is correct.

Mr. LONG. We tried to prevail in that. The House conferees were rather adamant with respect to it. They would not yield on it, although they were willing to concede to us what I believe is a major item, in terms of money, affecting owners of smaller airplanes. As I have said, the small aircraft exemption would take the poundage tax off 60 percent of the airplanes used by general aviation.

Mr. DOMINICK. I must say I am glad of the latter part, and I think it is very helpful, but I must also say that the $25 registration fee will be a concern and be of intense annoyance throughout the whole country. It does not produce any new revenue. Additional personnel will have to be hired and a bureaucracy will have to be established to ascertain whether anybody has paid the fee. In the meantime, there is a requirement of periodic inspection, at least once a year. So there is an inspection of an airplane when it is originally certificated, which goes through its life, and now apparently a $25 annual fee has to be paid to keep it alive as long as the airplane is around.

Mr. LONG. Of course, it costs $25 for automobile license tags in some States of the Union, and I believe that is true here in the District of Columbia. What made it difficult was that some persons who were lobbying had indicated that they had great political power and that they were going to bring it to bear on the chairman of the Ways and Means Committee of the House, who had shepherded it through the House. I think that is the type of challenge on behalf of that kind of man, who is doing yeoman service for the country, which does not make it easier for the Senate's position when we go to the House and try to make the House yield to a Senate amendment.

I want to assure the Senator that we did not yield on this matter lightly; that we really tried to prevail on it; and it was only when we became convinced that we could not prevail on this item that we finally yielded.

I commend the Senator for his great fight, because he is one of the champions for the operators of small airplanes, and the Senator made a magnificent fight. Well do I know that, because he won, and I, as manager of the bill, lost, on the floor.

Mr. DOMINICK. I thank the Senator. I know that even though the Senator from Louisiana may not be in favor of an amendment, he fights for it when the Senate adopts it.

Mr. LONG. Yielding on that amendment made the House conferees drop the other part of the bill which would have put a heavier tax on the airplanes. The fact that the Senate conferees had to yield on that amendment strengthened their hand in respect to the other part of it that involved these same people—that is, the small aircraft exemption from the poundage tax.

Mr. DOMINICK. I am glad of that. I hope the Senator from Louisiana, as chairman of the Committee on Finance will take a look at this procedure after it has been in effect a while, because I think he will find that the cost of the added personnel will offset the revenues obtained from the fees. It will not result in added revenue such as would come from automobile fees, because airplanes must be inspected at regular intervals, and so it is highly expensive to comply with the FAA regulations and then have an annual registration fee that is not connected with safety in any way, but which is a harassment—not that the airplane owner cannot pay it. Obviously, if he is flying an airplane, he can afford $25. However, it is a question of building up a bureaucracy which will not result in any net gain in terms of better airports or facilities. That is the point I make.

I thank the Senator for his fight. I am glad it was effective in reducing the tax on weight.

Mr. LONG. I shall be glad to have a report on that matter. As far as I am concerned, the Senator's amendments is the Senate's position. That is the way the Senate voted. I have no doubt that is the way the Senate would vote again. If the Senator would like to have it, I will ask for a report on this matter. It might help lead to legislation on which we could agree with regard to what the Senate previously agreed to.

Mr. DOMINICK. I would appreciate it if the chairman of the committee would follow through, because I think the Senator will find that the cost of the number of personnel rquired to carry out this provision will offset what would be received as a result of the tax.

Mr. LONG. I will be happy to undertake that on behalf of the committee.

Mr. DOMINICK. Mr. President, will the Senator yield further?

Mr. LONG. I yield.

Mr. DOMINICK. The other amendment which was adopted——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. Mr. President, I ask unanimous consent that under the same conditions, we may proceed for an additional 5 minutes.

Mr. THURMOND. Mr. President, I yielded for only 4 minutes. I have to finish my speech. I shall be glad to yield 3 minutes of additional time, if the Senator can finish in that time.

Mr. DOMINICK. I thank the Senator. I will try to. Perhaps I can put a statement in the RECORD later which will continue the colloquy.

I offered an amendment to the bill requiring that all new aircraft, when they are manufactured, an x number of months after the enactment of the bill, and all used airplanes— and I am talking about fixed-wing prop airplanes—shall carry a device which will help locate them when they go down, called an emergency locator beacon. To my perfect shock, this proposal was first opposed by the FAA in a memorandum signed by the Secretary of the Department of Transportation. I talked with the Secretary about it. He obviously had never heard of it, so obviously it was an FAA procedure, and not the Secretary's.

Since then we have received assurances from both FAA and the Department of Transportation that they support the concept, which is interesting, since the FAA has opposed it for years, in spite of the fact that it has cost $8 million for search and find operations. When a person in an airplane goes down, he cannot be found. We do not know where he is. People will get killed searching for him. So here is a simple device, which now does not cost very much, particularly if it is going to be put on every aircraft, which is going to be invaluable to the owner in case of an emergency.

I understand that provsion was knocked out of the bill in terms of some kind of study; is that correct?

Mr. LONG. The House was adamant, I am informed, against this amendment, because of the very considerable cost of it; but I will say to the Senator that I was not a conferee on that part of the bill. That was a part of the bill on which the senior members of the Committee on Commerce conferred. It is my understanding from the chairman of the Committee on Commerce (Mr. MAGNUSON) that he was hopeful that this provision could be agreed to, and he regretted that it could not be. He would support what the Senator wanted to do as separate legislation in the future.

As I understand it, while the amendment has merit, the main reason why it was difficult to get the House conferees to agree to it was the cost. On that particular point, I regret to say I was not in a position to speak for the Senate, and, therefore, I am not as well informed as is the chairman of the Committee on Commerce.

Mr. DOMINICK. I can understand that, and I am sorry.

Mr. LONG. He told me he regretted that he could not prevail on this particular item of which the Senator had won approval, I believe both in the committee and on the floor, and that he hoped that at a future date that we could again act favorably on this measure.

Mr. DOMINICK. I thank the Senator, and I certainly hope we can get moving on it.

For the record, the costs the Senator refers to are original owners' costs. There is no cost as far as the taxpayer is concerned in connection with the amendment.

Mr. DOMINICK. I should like to say, for the purpose of the RECORD, that I fully intend to bring up these amendments the next time there is a finance bill which will be susceptible to this type of approach. I do not want to encroach upon the jurisdiction of the Finance Committee at this point, when they are not present, and have them consider the bill; and I do not, of course, want to embarrass the distinguished Senator from Nevada or the distinguished Senator from Kansas (Mr. PEARSON), who is a cosponsor of this amendment.

It is my hope that I can get more cosponsors and that we can impress upon the Finance Committee, as well as upon

Members of the House, that those of us who are interested in private aviation in particular, but also in aviation as a whole, feel very strongly about this. We have been taking actions here which simply add to the lack of credibility which the Government has with respect to accomplishing a useful purpose by a particular tax which may have been imposed upon the aircraft owners in this case, but could be imposed upon others in other circumstances.

I see that the distinguished Senator from Nebraska (Mr. Curtis) is present at this time. I just want to say, in the event he did not have a chance to hear me, that I probably will not press this amendment at this point because of the jurisdictional situation which exists.

Mr. CURTIS. Mr. President, will the Senator yield for a question?

Mr. DOMINICK. I yield.

Mr. CURTIS. First, let me say that I favor the amendment, as one member of the Finance Committee, and it is my hope that it will be taken up before long.

I ask the Senator this question: Is it pretty well documented that the processing of this fee costs the Government more than the income from the fee?

Mr. DOMINICK. I said in my opening statement that it is my belief that this is true, but I do not have the figures. I asked for those figures from the Federal Aviation Administration 2 to 3 weeks ago, and I still have not received them. I called for them again this morning, and I still do not have them.

I can say to the distinguished Senator that the form which is used for filing is so voluminous that I do not see how it could help but cost more than the amount of the registration fee. Certainly, the annoyance and the harassment that the aircraft owners, themselves, feel about this is almost sufficient in itself to conclude that it is not worth it.

Mr. CURTIS. My recollection is that this is a flat fee placed on all aircraft, regardless of size or power.

Mr. DOMINICK. The Senator is correct.

Mr. CURTIS. Does this fee fall on a sizeable number of private planes which never use our major airports?

Mr. DOMINICK. I would think that with the vast majority of them, it does. The private noncommercial aircraft, as the Senator well knows, encompass everything from experimental aircraft to the smaller Piper cub or Cessna to fairly substantial aircraft like Lear jets or Sabre liners. They all have to pay the same registration fee. But most of these aircraft are not used at major airports. They are used at the smaller county airports.

Mr. CURTIS. Does it cover agricultural planes that are used for the spraying of crops?

Mr. DOMINICK. To be perfectly frank with the Senator, I do not know. I do not remember whether aircraft used for agricultural spraying purposes were exempt from the original act. If they are not exempt from the original act, it would cover them.

Mr. CURTIS. I cannot remember, either.

However, my attention was called recently to an inequity in the gasoline tax. The usual pattern for someone who is engaged in the business of spraying crops is that he loads up his supplies at the takeoff point and flies to the fields where he has the contract, sprays the fields, and then returns to the owner's landing strip. These planes seldom, if ever, use an airport of any size. Is it not true that these fees and charges, in the first instance, were imposed for the purpose of helping to finance aircraft.

Mr. DOMINICK. There is no doubt that the fees were imposed originally for the purpose of helping to develop aviation facilities and in order to help the aircraft of this country as well as the actual airfields.

Mr. CURTIS. I thank the Senator for the work he has put in on this. It is worthy of consideration in the near future.

Mr. DOMINICK. I appreciate it very much. I said the last time that this amendment was accepted—as a matter of fact I say here that it was accepted and that we did have a rollcall vote and that it passed on a rollcall vote—so we have as additional assurance that at least in 1970 a majority of the Senate agreed with my position.

I am going to comment, if I may take a few minutes, on the Senator's comment regarding the gasoline tax, but I will do that later.

Mr. President, I ask unanimous consent to have my colloquy on this subject printed in the Record.

There being no objection, the colloquy was ordered to be printed in the Record, as follows:

AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1969

AMENDMENT NO. 523

Mr. Dominick. Mr. President, I call up my amendment No. 523.

The Presiding Officer. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. Dominick. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The Presiding Officer. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

Page 112, strike out lines 5 and 6 and strike out "(2)" in line 7, and insert "the rate of,".

Page 112, line 13, strike out "under paragraph (2)".

Page 113, lines 3 and 4, strike out "that portion of the tax which is determined under subsection (a)(2)" and insert "the tax imposed by this section".

Page 114, strike out lines 2 through 11 and insert "this section, in the case of the year ending June 30, 1970, there shall not be taken into account any use before April 1, 1970.".

Page 116, beginning with "that portion" in line 10, strike out all through "on" in line 12.

Page 116, lines 21 and 22, strike out "that portion of".

Page 116 lines 23 and 24, strike out "which is determined under section 4491(a)(2)".

Page 118, line 25, strike out "that portion of".

Page 119, lines 1 and 2, strike out "which is determined under section 4491(a)(2)".

Page 120, line 4, strike out "that portion of".

Page 120, lines 5 and 6, strike out "which is determined under section 4491(a)(2)".

Mr. Dominick. Mr. President, I yield myself 10 minutes.

Mr. President, we have on page 112 a registration fee of $25 per general aviation aircraft. This was put in by the Committee on Finance. It is my recollection that it was not recommended by the Committee on Commerce, and it is my recollection that it was not one of the things that was wanted in the House bill. I may be wrong on the latter point. I am not sure.

The point I am trying to make is that a $25 fee for an annual registration for general aviation attempts to have a revenue measure put into a form of a need for policing or something of this kind. It is sort of a license fee for the cost of doing all the work.

The fact is that every airplane that is built is given an NC number when it is built and when it is put on the market and when it is bought and when it is sold; and every year that aircraft, in order to stay operable, has to have a periodic inspection, sometimes more often than that, depending upon how often it is flown. It is gone over with a fine-tooth comb by the FAA inspectors as well as by the group of people who actually do the work on it.

To put in an annual registration is something totally new. It means that every private pilot, every student pilot, and every person who is running a training school, no matter what it may be, will have to fill out forms on every aircraft they have and then send in the forms every year in order to fulfill the terms of the bill.

From this $25 so-called tax, $3.6 million will be raised from general aviation; $100,000 will be raised from the air carriers. If I am any judge of bureaucracy, having been here 10 years now, the total amount of money that will be raised by this bill will be used up in the process of taking care of producing the forms, making sure it is followed through, in additional inspectors, in additional clerks and secretaries and personnel of the FAA; and no money, in fact, will actually accrue to the fund we are trying to use for airplane safety.

It seems to me to be nonsense for us to impose this additional requirement on all the general aviation people and on the commercial people when you are not really going to get any money and then, in addition, you are putting in a requirement which inevitably will build up another bureaucracy.

I recall being in committee a couple of times and being in the Chamber and listening to someone say that at the present rate of progression, the Bureau of Indian Affairs budget would outdo the Defense Department within about 4 years. If we keep on going with the FAA the way it is going, it will outdo the Defense Department in about 2 years. It is zooming out of sight.

I see no point in putting in a tax which is going to be a burden in terms of paperwork in terms of expense, and in terms of not producing the money we need for the improvement of the aviation facilities of the country. It simply will not do it. We are talking about a total of $3.7 million a year the total which woul be raised from this, all of which, in my opinion, would be used up by personnel increases and personnel expenses. I do not see that it would do any good at all, and I am sure that it would be resisted strenously by almost everybody if they know it was in here. Frankly, this bill is so long and so detailed that members of the general aviation group, generally speaking, have not had time to funnel in on it and get their word in.

Speaking as one who owns an airplane and who is now trying to sell it—not for this reason but for other reasons—I can say that this is just a nuisance from beginning to end. It is going to mean much more bureaucracy, paperwork, and difficulty for base operators, for trainers, for people who run flying schools, and for the populace in general.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. I yield such time to the Senator from Nevada as he may desire.

* * * * *

Mr. CANNON. Mr. President. I yield to the Senator from Louisiana (Mr. LONG) such time as he may require.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG. Mr. President, I hope the amendment is rejected. General aviation is involved in 80 percent of the operations on the FAA controlled airports. As a result of yesterday's amendment, general aviation would pay only 7½ percent of the cost of air safety and the cost of the airports, and there will be another amendment seeking to make it even less.

Ten years from now, it is projected that general aviation will have 90 percent of all operations and will be paying a smaller percent of the cost.

I understand that there will be another amendment offered so that general aviation would have 80 percent of the airport operations and be paying 6.8 percent of the cost.

I presume that amendment would be followed by another amendment so that 10 years from now, general aviation would have 90 percent of the airport operations and pay only 1 or 2 percent of the cost of operations.

It would be an outrage to think that a plane with 120 passengers, or a jumbo plane with 300 passengers, would have to circle around waiting for an opportunity to land while a man with a two, three, or four place airplane and no one but himself in it is up there just practicing landings. He would be making all of these people wait for their airplane to land. They would be waiting for this fellow to practice another landing.

General aviation has 80 percent of the landings and take offs, but are paying less than 7.6 percent of the tax without this amendment.

Some Senator says that is too much, that we should cut it down and let them pay less. If this amendment is agreed to, the Senaator has another amendment that would make them pay still less.

It seems to me it would be right for us to say we should not charge them anything—just tell them that they cannot use these airports. Why should they be permitted to have 80 or 90 percent of the activity of the airport and pay only 7.1 percent, as it would be with this amendment? As the bill stands now, it is 7.6 percent.

It is not fair or just. I do not see how Senators can go back home and report to their constituents that even though the other fellow has 80 percent of the operations, their constituents must pay for 93 percent of the cost, although the other fellow is conducting 80 percent or more of the operations and is only paying 7.5 percent. I do not see how the Senators can tell their constituents "That was too much, so we cut it down to 7.1 percent and then to 6 percent, and then to 3 percent and then to 1 percent, and then perhaps to zero." These people ought to be paying the most.

This $25 annual charge on an airplane that is holding up another airplane that has 100 passengers and is trying to land on the air field is less than an automobile license in many States.

With all of the air safety which is to be provided and the airport and air facilities that these people are permitted to enjoy, it would seem they ought to pay something. The airlines do not object to paying 93 percent of the tax. They are willing to pay. The commercial users pay it. The airlines add it as part of the price of the ticket to the people who fly. All they ask is that general aviation, which has 80 percent of all airport operations—and is projected ahead 10 years to have 90 percent—make some reasonable contribution in terms of justice, simple equity, and safety.

The people who fly on the commercial airlines are paying for this. And the flyboys, the fellows with the private airplanes, who get the benefit of 80 percent of the operations—and a prospective 90 percent—are the fellows who are paying just 7.6 percent of the cost. They still say that is too much. If amendments are adopted by the Senate reducing the cost to general aviation, at some point many people will say that general aviation users ought to be told to quit using the facilities, that general aviation ought to be roped off from the fields and told to land in the pastures where there is very little expense in using their own airplanes.

I have flown in some of these airplanes. It is nice to be invited on a trip by someone who can afford to have his own airplane. Then he can make an airplane carrying 130 people wait while he lands in front of it, and he enjoys all the facilities these people are paying for.

But simple justice and fairness would suggest that the people who have 80 percent of all operations to pay at least 7.5 percent of the cost of the program.

I hope the amendment is rejected. I think that the commercial aircraft industry that is paying 93 percent of the cost under the pending bill, as it now stands, should not be further imposed upon for the benefit of those who pay little and obtain the greatest use of these airports.

Mr. DOMINICK. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. DOMINICK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. DOMINICK. I am not going to use my time on the quorum call.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Cilorado has 24 minutes remaining.

Mr. DOMINICK. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. DOMINICK. Mr. President, I have listened to the Senator from Louisiana, for whom I have great affection. I do not agree with him at all.

In the first place, I do not think the bill does what he says. I think we can see that by the fact that $270 million is going to go into certificated airline airports and $30 million is going to go into general aviation relievers. That disposes of his argument that 80 percent of the operations are being devoted to general aviation.

If he is trying to get money into the fund, this is not the way to do it. The $25 annual registration fee is for nothing but paperwork. We will have to have more personnel enforcing it than we could get money out of it. Before we got through with the clerks and the paperwork and the filing and the whole schmerz, as they say, there will be nothing left in the way of revenue, and we would have to take it out of commercial aviation and the general population.

I cannot for the life of me see why we put this type proposal in except on the basis that it is somewhat similar to an automobile license fee. Here we have a limited number of aircraft. Each has a permanent number when it is built. We have an inspection system already. It is not needed for safety or identification. All that would be done would be to levy a tax.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. GOLDWATER. Mr. President, I would like to make the point that the $25 does not diminish after the first year, so it is not like an automobile license tag. It would be $25 even though the aircraft depreciates faster than an automobile. You would pay $25 a year on a 20-year-old plane; whereas, on a 5-year-old automobile, you would pay a couple of dollars. So the argument that it is like an automobile license fee is not true at all.

Mr. DOMINICK. The Senator is correct. Both of us have flown Twin Bonanzas. We know the last time they were made was in 1956.

The second point I would make is that if the analogy is drawn with an automobile, there would not be the depreciation level that there is in connection with automobiles. In addition, in highway construction we do not say that buses will have first priority. We provide that the general population using highways have just as much right to the highways as anyone else. So why should it be said that commercial airplanes should have a priority? If you are a pilot, in my opinion, or in commonsense, you should give them the priority because they might run over top of you.

The legal question does not make sense at all. I have just a few more comments. What we are trying to do is build up a fund so we can improve safety, airway communication channels and put in lighted approach systems on more airports around the country for the benefit of everyone.

If we are trying to build a fund for that purpose it does not make sense to put in a registration fee, the total of which is going to be used for inspectors, clerical help, and so forth, and none of which will go into this work we want to do under the bill, in my opinion.

As I have said, I hope Senators will support this measure. I think this matter is a headache and something that is going to create deep bitterness around the country. It is something that any person who owns an airplane can probably pay, so it is not a question of that. It is a question of just sheer annoyance at having one more thing happen where no benefit comes out of it in terms of safety fund money or accomplishing the objectives of the bill.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, I yield myself 2 minutes.

Mr. President, I cannot leave unchallenged the statement made by the able Senator from Colorado about the very heavy administrative cost of collecting the mere $25 registration fee. The Federal Aviation Administration advises us that they can put all of this information on electronic tape and provide it to the Treasury at a minimal cost; and the administrative cost of collecting the $25 annual charge on these private planes would be very small. I do not know the precise amount, but they say it would be minimal. So the idea of great administrative cost is not correct.

These planes have to have numbers for identification purposes anyway, and all one would have to do would be to run it through a computer and take in the $25 a year. The cost to the taxpayer is less, relatively speaking, than the cost of an automobile license in a great number of States of this Union.

What is being provided to these people fantastically exceeds what is provided to the automobile user in terms of the automobile license tag. It is a fair tax and it is just.

These are very, very favored taxpayers conducting 80 percent of the airport operations, and a projected 90 percent, and paying only about 7½ percent of the cost. It is not fair and just. The airlines, operating for the multitude of 200 million Americans who fly on airplanes, say, "We are willing to pay the lion's share but we want the other fellow to pay some reasonable charge if he is going to share these facilities and enjoy 90 percent of the operations."

Mr. President, I hope the Senate will not agree to the amendment.

Mr. DOMINICK. Mr. President, on page 11 of the report of the Committee on Commerce in the recommendations they make concerning aviation user charges, No. 5 states:

"Levy an annual airplane registration fee on airplanes used in commercial aviation of $25 plus 3 cents per pound of gross certificated takeoff weight."

It does not say anything about general aviation; it refers to commercial aviation. That refers to certificated carriers and charter flights used to transport people in order to make a profit. It does not say general aviation.

Mr. President, I hope the Senate will support my amendment.

Mr. LONG. Mr. President, if I may comment on that, I yield myself 2 minutes.

That is one of the problems we faced on the Committee on Finance. We do not have the privilege of spending all that money. We are trying to pay for all of this. It is not a burden on the Committee on Commerce or the Committee on Appropriations, or any of the authorizing committees to try to find revenues to pay for these things. I am happy to serve on the Committee on Commerce. They appropriately did not try to dictate to the Committee on Finance how this should be financed. They acted on the bill and handled the authorizing part as they should and in good grace suggested to the Committee on Finance that it should look over the financing sections to see how this matter could be paid for. We have done the best we could.

We favored general aviation and in some respects reduced their tax burden.

However, any amendment of this sort further reduces the trust fund for air safety. These people in private airplanes should be just as interested in this as commercial airplanes and they should be willing to make a contribution to it. They can have 80 percent of the operation, and in the future 90 percent of the operation, but it costs just as much to bring a single private airplane into the landing pattern with only the pilot in it and bring him down on the runway in safety as it does to bring in a plane with 300 passengers, put it into a flight pattern, and bring that plane down in safety.

These are really favored taxpayers. I do not believe anybody in good conscience could object to paying this charge. I like them; they are good people; but they should be willing to pay something. Many of them are flying planes for large corporations and making huge profits. They are every bit as able to pay a tax as the little fellow who goes out and buys a ticket to ride on an airplane, who is bearing the burden in many instances. There are corporation executives in airplanes who are better able to pay this tax than these individuals.

In many instances these corporations, having a large number of planes so that their supervisors and their foremen can fly back and forth to work, as they do in Louisiana, pay the expense anyway. The corporation pays it and the employee uses the airplane. So in many instances the people in general aviation are far better able to pay the tax than the little fellow flying on the airline, who will be picking up much more than 90 percent of the taxes, under the bill as it stands.

I think when the average citizen, the little fellow who is not privileged to fly free of charge in these private airplanes, the man who buys a ticket to fly, finds out that these fellows with private airplanes—who can go any time they want, who have airplanes standing by, who have pilots standing by, who can use the airline if they want to or discard use of the airline and fly their own plane if they want to—find out that when he is buying a ticket he is paying 90 percent of the cost, and the executive pays nothing, or virtually nothing, he is going to resent it.

It is surprising the extent to which these matters become ridiculous when we consider that here is an airport paid for by the taxpayers when 90 percent of the use of it is by private flyers who are paying virtually nothing, while the little passenger who buys a $16 or $20 or $50 ticket to make his one or two trips a year must pay 90 percent of the cost and enjoy only 10 percent of the benefit. It can become tiresome, and indeed, I should think, a source of anger, when people realize that those who pay the most get the least, those who are the most in number and bear the most cost get the least, and those who are the smallest in number and pay the least get the most. It does not make any sense.

Much as we may like those people as we contemplate their pioneering instincts, when it comes to thinking of air safety for the masses, we must remember that those enjoying only 10 percent of the benefits are paying 90 percent of the cost.

Mr. DOMINICK. Mr. President, in view of the statements made by the Senator from Louisiana, I yield myself another 3 minutes. Then I shall yield back the remainder of my time and be ready for a vote.

I have listened carefully to the Senator from Louisiana. I could not disagree with him more. What he is saying is that general aviation should not be allowed to use airports where certificated airliners come in. They are taxpayers, just like everybody else. As a matter of fact, if they are flying those planes, they are probably paying high taxes, as the Senator knows. In addition to that, they are traveling all over the country and using other airports than the big hub airports the Senator is talking about. But they are, in terms of numbers, carrying more people than the airlines are, which is an interesting phenomenon. I am not sure the Senator from Louisiana recognizes that fact, but it is true. They fly from one spot to another in the country. Wherever they go, they are doing a tremendous job. These are business aircraft and corporate aircraft.

When the Senator says we have to wait while all these people are clogging up the airways, I point out that the real fact is that anywhere we have the problem, such as we have in New York, O'Hare, and sometimes in Miami, the great bulk of that is caused by the scheduling of the airlines. It is not crowded in the middle of the day; it is between 5 and 8 o'clock at night, and certain times in the morning. We can see it right here at National Airport. The great bulk comes at certain hours from the air carriers, all at once, and we simply do not have the equipment to handle all that traffic.

If we can build up this system to the point where we can have the equipment and have the relief airports the Senator referred to, then we will be able to solve the problems of the airlines and also have a place where those who are paying the most in terms of general revenues can go when they are flying their own airplanes.

The air carrier does not pay any of the $40.5 million in fuel taxes. It is an interesting facet which has not yet been brought out. I think we ought to look at it in terms of whether we are going to accomplish what we want to do when we put that kind of burden on general aviation. That is the issue.

Mr. LONG. Mr. President, I yield myself 2 minutes.

The Senator just got through making the statement that general aviation carries more passengers than commercial aviation does. Under that concept, general aviation will pay only 7.5 percent of the cost and commercial aviation will pay 92½ percent of the cost. When general aviation carries more passengers than commercial aviation, and will conduct 80 percent of the airport operations, and 10 years from now it will be 90 percent, it is not reasonable to insist that 7.5 percent is too much for general aviation to pay, while commercial aviation users pay 92½ percent?

I have gone aboard many private airplanes. I hate to admit it, but confession is good for the soul. When I went aboard those private airplanes, I paid nothing. Usually somebody else paid for it. It was usually the corporation that owned the airplane.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. PASTORE. And how much of that is deductible as a business expense? Practically all of it, is it not?

Mr. LONG. Yes. So if general aviation is carrying more than commercial aviation and is paying only 7.5 percent and conducting 90 percent of the operations at the airports, what kind of argument is it to say that 7.5 percent is too much for general aviation to pay?

I had a friend who was trying to work his way through school. We made a downpayment on an airplane, and I had a lot of fun with it. I would be the first to say from that experience that we could have paid $25 to enjoy the facilities of the airport, especially when somebody else was paying most of the cost and we were getting most of the benefits. We could have very readily paid $25 a year. It costs too much to get license tags for automobiles in most States, and the safety problems involved in flying are many times as great as the problems involved in safety on the highways.

Mr. PERCY. Mr. President, my able and distinguished colleague, Senator RALPH SMITH, has long had an interest in general aviation. As speaker of the House for the Illinois General Assembly, he worked to improve aviation in Illinois. He saw the tremendous benefit it brought to smaller communities with adequate airports that could thereby attract needed industry. He saw the extensive use of aircraft by educational interests such as the University of Illinois to further their work. He has always felt that the ownership of aircraft by private individuals helped the Nation to maintain a reserve of experienced pilots.

It was his intention to call up today two amendments of his own but, regretfully, prior commitments in the State of Illinois required that he leave Washington this morning. However, I understand that he conferred with the distinguished Senator from Colorado (Mr. DOMINICK), and it is my further understanding that the amendment that Senator DOMINICK now offers would accomplish much the same purpose as the amendments of Senator SMITH; namely, to lessen the financial burden on smaller noncommercial aircraft by removing the 2-cent per pound tax. It brings in relatively little revenue and constitutes a major burden. I know that there were a number of Senators who wanted to support my colleague were he here in person to call up his amendments. I, therefore, urge that they support the amendment of the Senator from Colorado (Mr. DOMINICK) which would in effect accomplish much the same purpose.

I ask unanimous consent to have printed in the RECORD the amendments of Senator SMITH, together with his sound reasoning to support them.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SMITH AMENDMENT No. 1

AMENDMENT NO. 524

On page 112, line 7, after the words "aircraft", add "except an aircraft in noncommercial aviation (as defined in section 4041 (c)(4),".

EXPLANATION

This amendment would exempt all *non-commercial* aircraft from the 2¢ per pound poundage tax to be imposed under H.R. 14465 on all aircraft, commercial and non-commercial, with a seating capacity for more than 4 adult individuals (including crew).

All other taxation on non-commercial aircraft to be imposed under terms of H.R. 14465 as reported would remain intact. Owners or lessees of such aircraft would remain liable for: (1) the 7¢ per gallon tax on both gasoline and jet aviation fuel to be imposed under H.R. 14465; (2) the $25 tax on use of civil aircraft to be imposed under H.R. 14465; any other tax presently levied or to be imposed by H.R. 14465 (see list at Table 6, Finance Committee Report, page 10).

According to the Commerce Committee Report (pages 51–53) this measure will authorize the expenditure of $270 million per year for ten years for commercial or commercial-service related airport facilities, but only $30 million per year for general aviation-related facilities. But far more significant is the spending plan for airways systems, navigation aids, etc. According to the report, in-route automation, radar, and center buildings will get $707 million; navigation, ILS, categories 2 & 3, VISTOL, and navigation refining will get $249 million; terminal tower construction, automation, and radar will get $523 million. All of these are services rarely, if ever used by the small, non-commercial aircraft; but are the very life blood of the airlines and other commercial air users. Fairness and equity tell us that we must not charge the small non-commercial plane owner and user for services they do not use.

SMITH AMENDMENT NO. 2

AMENDMENT

On page 112, line 9, before "2 cents" add "except an aircraft in noncommercial aviation (as defined in section 4041(c)(4) capable of providing a seating capacity for 6 adult individuals (including the crew) or fewer."

EXPLANATION

This amendment would, in effect, *exempt all non-commercial* aircraft having a seating capacity of *6 or fewer* adult individuals (including crew) from the 2¢ per pound poundage tax to be imposed under H.R. 14465 on all aircraft, commercial and non-commercial. As presently written, H.R. 14465 would, in effect, exempt all aircraft, commercial or non-commercial, with four or fewer seats (Finance Report, page 112, lines 7–8). That is a small concession to the very small plane owner, whether commercial or non-commercial. But it may also be a very big concession to the big cargo plane owner, if he has only 4 or fewer seats on board. Reading the poundage tax section as presently written, the owner of that big, commercial, cargo aircraft is going to escape poundage taxation. I don't think he should.

Our interest ought to be to spare the small plane owner who uses his plane for pleasure or in his small business, as we use our autos; but not to spare the commercial aircraft owner, who, in effect, is using his plane as a taxi or delivery truck—for profit. A statement issued by the Finance Committee indicates that the present language would exempt 55% of general aviation aircraft from the poundage tax. It would certainly appear to exempt a large percentage—or all—of commercial cargo aircraft as well.

In speaking on my first amendment I have already discussed the inequity inherent in taxing small non-commercial aircraft to pay for facilities and services they rarely use.

The Finance Committee recognized this inequity but apparently was not prepared "to go all the way" to eradicate it. They exempted all planes with four seats or less. According to the Committee's press release on the day H.R. 14465 was reported, this exemption covers 55% of general aviation aircraft. According to the Committee Report, page 20, the exemption covers 75% of general aviation aircraft. Neither document indicates the sources of those figures. According to informal estimates I have received from the Aircraft Owners and Pilots Association, the 55% figure would be more accurate than 75%. Whichever figure the Committee prefers, it is still not high enough, not selective enough, to be fair and equitable to the small, non-commercial aircraft owner who never use the systems and facilities the tax is being levied to build and maintain.

Well, the question then becomes, where do you draw the line? If you're not going to exempt all non-commercial aircraft, why not as many as are likely to be owned and operated for personal or family pleasure, or for small business use? I am informed that there are approximately 97,600 such aircraft, out of a total of approximately 124,000 aircraft in general aviation. These are planes whose power plants limit their seating capacity to 6 or fewer places, including pilot. Most Senators who have flown in small non-commercial planes will, I believe, recognize that drawing the line at 4 or fewer seats (including pilot) isn't going to relieve all of the small plane owners that fairness requires be exempted. The father with a wife and three children who flies for family pleasure is going to pay the poundage tax, but the air cargo operator who wisely puts only three seats on board his big payloader is not! I doubt that my colleagues are prepared to support such a result.

Mr. DOMINICK. Mr. President, I am willing to yield back the remainder of my time.

Mr. LONG. Mr. President, I am willing to yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Colorado. The yeas and nays have been ordered, and the clerk will call the roll. The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, may I suggest most respectfully that all Senators be directed to take their seats before the vote is resumed? All Senators.

The PRESIDING OFFICER. The Senate will be in order. All Senators will take their seats before the rollcall continues. Senators will please take their seats, so that the clerk can call the roll.

The rollcall was concluded.

Mr. MANSFIELD (after having voted in the affirmative). Mr. President, on this vote I have a pair with the distinguished senior Senator from Georgia (Mr. RUSSELL). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Georgia (Mr. RUSSELL), the Senator from Maine (Mr. MUSKIE), and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH), and the Senator from Arkansas (Mr. FULBRIGHT) are absent because of official business.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. FANNIN), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

If present and voting, the Senator from Arizona (Mr. FANNIN), and the Senator from South Dakota (Mr. MUNDT) would each vote "yea."

On this vote, the Senator from Illinois (Mr. SMITH) is paired with the Senator from Utah (Mr. BENNETT). If present and voting, the Senator from Illinois would vote "yea," and the Senator from Utah would vote "nay."

The results was announced—yeas 45, nays 40, as follows:

[No. 64 Leg.]

YEAS—45

Aiken, Allen, Allott, Bayh, Bellmon, Bible, Brooke, Burdick, Byrd, W. Va., Cannon, Case, Cook, Cooper, Cotton, and Dole.

Dominick, Fong, Goldwater, Goodell, Gravel, Griffin, Gurney, Hansen, Harris, Hart, Hartke, Hatfield, Hruska, Inouye, and Jackson.

Javits, Mathias, McGee, Mondale, Montoya, Murphy, Pearson, Prouty, Schweiker, Smith, Maine, Stevens, Thurmond, Tower, Tydings, and Young, N. Dak.

NAY—40

Anderson, Boggs, Byrd, Va., Cranston, Curtis, Dodd, Eagleton, Miller, Moss, Nelson, Pastore, Pell, Percy, and Proxmire.

Eastland, Ellender, Ervin, Gore, Holland, Hollings, Jordan, N.C., Randolph, Ribicoff, Scott, Sparkman, Spong, Stennis, and Symington.

Jordan, Idaho, Kennedy, Long, Magnuson, McClellan, McIntyre, Metcalf, Talmadge, Williams, N.J., Williams, Del., Yarborough, and Young, Ohio.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, against.

NOT VOTING—14

Baker, Bennett, Church, Fannin, and Fulbright.

Hughes, McCarthy, McGovern, Mundt, and Muskie.

Packwood, Russell, Saxbe, and Smith, Ill.

So Mr. Dominick's amendment (No. 523) was agreed to.

Mr. DOMINICK. Mr. President, in connection with the permanent RECORD—this is not usual, I know—but I ask unanimous consent to have printed in the permanent RECORD a copy of the registration form which is now required to be filled out, because I think it will give dramatic proof of what is probably unintentional harassment of people who own aircraft when they have to fill out this form.

There is another comment I think should be made at this point, in connection with my colloquy with the Senator from Nebraska. A person who is authorized under the GI bill to provide aviation training for returning GI's, usually, owns the aircraft in which he is giving lessons to returning GI's. Those persons, even though they do not have much capital and are heavily financed by banks in buying the aircraft, are still required to pay the $25 for each one of the—if I may call them—puddle jumpers that they are using to train the returning GI's. Yet a person who owns a Lear jet for business or for personal use, whichever it may be, pays the same $25 even though he may be using it for commercial or business purposes. So it does not make any sense, the way it is organized at the present time. For that reason, I renew my unanimous-consent request that this registration form be printed in the permanent RECORD because I do not have a copy of it now and I doubt whether I can get a copy of it this afternoon, or soon enough to have it printed in today's CONGRESSIONAL RECORD.

The PRESIDING OFFICER (Mr. ROTH). Without objection, it is so ordered.

The registration form is as follows:

Form **4638**
(Rev. Mar. 1971)
Department of the Treasury
Internal Revenue Service

Federal Use Tax Return on Civil Aircraft

For the taxable year July 1, 1971 through June 30, 1972

Use a separate line for each aircraft. Attach additional sheets if necessary.

Name
a. Registered owner
b. Lessee electing to pay tax

Tax Identification Number (see instructions)
(Check applicable box and enter number below)
☐ **Soc. Sec. No.** ☐ **Emp. Ident. No.**

Number and street

City or town, State, and ZIP code

1. Are you a significant user of aircraft in foreign air commerce? . . . . ☐ Yes ☐ No
If "Yes," do you elect to pay the tentative tax? . . . . ☐ Yes ☐ No
If you elect to pay the tentative tax, a detailed computation of the tax must be attached.

2. This return covers aircraft first used in the month of ...., 19......... (File a separate Form 4638 for each month in which aircraft is first used.)

3. Are any of the aircraft listed in this return engaged in commercial aviation? . . . . ☐ Yes ☐ No

PART I.—Piston Powered Aircraft (The tax per pound does not apply to the first 2,500 pounds of maximum certificated takeoff weight. Enter in column d the maximum certificated takeoff weight per type certificate data sheet or supplemental type certificate data sheet in excess of 2,500 pounds. **Even though the aircraft is 2,500 pounds or less, you must complete columns a, b, c, and d, and compute the $25 tax on line 5.)**

a. Registration mark	b. Serial number	c. Make, model, and series	d. Taxable takeoff weight	e. Tax rate per pound (see Schedule below)	f. Prorated tax for the period (multiply col. d by col. e)
N–					
N–					
N–					
N–					
N–					
N–					
N–					
N–					
N–					
Total				▨	

PART II.—Turbine Powered Aircraft (Turbine powered aircraft are not entitled to the 2,500 pound exclusion allowed piston powered aircraft. Enter in column d the total maximum certificated takeoff weight per type certificate data sheet or supplemental type certificate data sheet. Complete all columns regardless of weight, and compute the $25 tax on line 5.)

N–					
N–					
N–					
N–					
N–					
N–					
N–					
N–					
N–					
Total				▨	

4. Total of column f, parts I and II . . . .
5. Total number of aircraft listed in this return ☐ multiplied by $25 (annual use tax) . . . .
6. Total tax due. Add lines 4 and 5. . . . .
7. Amount due if installment privilege is elected: If the return covers aircraft first used in { July, August or September, enter ¼ of line 6; October, November or December, enter ⅓ of line 6; January, February or March, enter ½ of line 6 } . . . . . .

Prorated Tax Rate Schedule Per Pound

If first use of aircraft occurs in the month of:	Then enter in column e:		If first use of aircraft occurs in the month of:	Then enter in column e:	
	Part I	Part II		Part I	Part II
July	$.02	$.035	January	$.01	$.0175
August	.01833334	.03208345	February	.00833334	.01458345
September	.01666666	.02916655	March	.00666666	.01166655
October	.015	.02625	April	.005	.00875
November	.01333334	.02333345	May	.00333334	.00583345
December	.01166666	.02041655	June	.00166666	.00291655

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete.

Date Signature Title (Owner, etc.)

Instructions

The Airport and Airway Revenue Act of 1970 provides for an annual tax of $25 on the use of civil aircraft. In addition, for jet aircraft there is an annual charge of 3½ cents a pound for each pound of the maximum certificated takeoff weight; and for non-jet aircraft there is an annual charge of 2 cents a pound for each pound of the maximum certificated takeoff weight in excess of 2,500 pounds.

The rate for the full tax year starting July 1 is 2 cents a pound for Part I and 3½ cents a pound for Part II. For aircraft first placed in use during the tax year after July 31, the rates are prorated accordingly. For example, the decimal equivalent for an aircraft in Part I which is first used in August is .01833334 ($.02 x 11/12) while the decimal equivalent for an aircraft in Part II which is first used in August is .03208345 ($.035 x 11/12).

Who must file.—A return must be filed by the person in whose name the aircraft is, or is required to be, registered, or by the United States person by or for whom the aircraft is owned.

Note.—If the person who is liable for the tax at the time the first taxable use in the tax year occurs pays the tax, the subsequent owners in the same tax year are not liable for the tax. However, if such person does not pay the tax, any person who subsequently acquires the aircraft and puts it to a taxable use in the same tax year may be required to pay the full tax.

Payment of tax by lessee.—A lessee may elect to pay the tax and file a return if he is the lessee on the day on which occurs the first taxable use of the aircraft for the year. Notwithstanding this election, the lessor shall also be liable for the tax if the lessee fails to pay the tax. No election may be made with respect to an aircraft leased from a person engaged in the business of transporting persons or property for compensation or hire by air. All aircraft with respect to which the lessee elects to pay the tax must be listed in a separate schedule showing the name, address, and tax identification number of each registered owner.

When to file.—This return is due on or before the last day of the month following the month in which the first taxable use, in the tax year, of an aircraft occurs. For example, the aircraft in use in July should be reported in the return filed in August. If an aircraft is put into use after the month of July, a return must be filed in the month following the month the aircraft was first used in the taxable year.

Where to file.—Form 4638 must be filed with the Internal Revenue Service Center, 3651 S. Interregional Highway, Austin, Texas 78740.

When to pay.—The entire tax or first installment shown to be due on any return must be paid with the return. Make check or money order payable to "Internal Revenue Service."

Installment privilege.—You may elect to pay the tax in up to four equal installments, depending upon when the first use of a taxable civil aircraft occurs in the tax year. The tax on aircraft first used in July, August, or September may be paid in four installments. The tax on aircraft first used in October, November, or December may be paid in three installments and the tax on aircraft first used in January, February, or March may be paid in two installments. The installment privilege is not available for the tax on aircraft first used in April, May, or June.

Installment payments.—The first installment of tax must be paid at the same time the return is required to be filed. The other installment dates are December 31, March 31 and June 30, depending upon the calendar quarter in which the liability was incurred. You should receive a notice of each installment before it comes due. Payment should be submitted with this notice. Should an installment not be paid on or before the date prescribed for payment, the entire unpaid tax becomes due and payable.

Note.—Liability is incurred with the first taxable use of an aircraft in the tax year. Should the installment privilege be elected and the aircraft later be sold, the seller is still required to pay any remaining installments.

Significant users of aircraft in foreign air commerce.—Any person who is a significant user of taxable civil aircraft in foreign air commerce (10% or more user—see section 4493(b)(3)) may elect to pay a tentative tax with respect to the tax per pound on any aircraft. The tentative tax is based on a fraction, the numerator of which is the number of airport-to-airport miles flown in foreign air commerce during the preceding year while engaged in the business of transporting persons or property for compensation or hire by air, and the denominator of which is the total number of airport-to-airport miles flown during the preceding year. See secs. 4493(b) and 6426 of the Code.

Persons electing to pay the tentative tax must file a final return on Form 4638 with supporting computations by September 30 after the end of the tax year.

Refund to users of aircraft in foreign air commerce.—Persons who do not pay the tentative tax shall pay the total tax due under section 4491 and may file a claim for refund on Form 4638 with supporting computations. The claim must be filed by September 30 after the end of the tax year.

Tax identification number.—Individuals enter your Social Security number; corporations, partnerships, etc., enter your Employer Identification number.

No provision for refunding.—The tax is incurred with the first taxable use of an aircraft in the tax year. Should the aircraft later be sold, destroyed or otherwise disposed of, no refund or credit may be allowed for the remaining months in the tax year.

Penalties and interest.—Avoid penalties and interest by making timely returns and payments of tax. The law provides penalties for failing to file a return, for late filing, for filing a false or fraudulent return and for failure to pay tax when due.

Definitions

Taxable civil aircraft.—The term "taxable civil aircraft" means any engine driven aircraft (1) registered, or required to be registered, under section 501(a) of the Federal Aviation Act of 1958 (49 U.S.C., sec. 1401(a)), or (2) which is not described in (1) but which is owned by or for a United States person.

Use.—The term "use" means use in the navigable airspace of the United States.

Navigable airspace of the United States.—The term "navigable airspace of the United States" has the definition given to such term by section 101(24) of the Federal Aviation Act of 1958 (49 U.S.C., sec. 1301(24)), except that such term does not include the navigable airspace of the Commonwealth of Puerto Rico or of any possession of the United States.

Mr. DOMINICK. I thank the Chair.

Mr. President, if the Senator from Nevada does not have any comment on this, I would be happy to close down my comments on this portion of the amendment.

Mr. CANNON. Mr. President, I want to say to the Senator, as I told him privately, that I feel I am not in a position to accept the amendment. It will have to go before the Finance Committee for consideration. There is certainly a lot of merit in what he says. I am not sure of the facts and figures he relates, but I do know that registration fees have brought in a substantial amount of money to the airport fund. It is quite a substantial amount. I think he and I were cosponsors of the amendment before. It was voted on and is as it now stands.

Mr. DOMINICK. I thank the Senator from Nevada. I can understand his position. As I pointed out in my original speech in 1970, out of the $25 so-called tax, which I call a registration fee, which is really what it is, $3.6 million will be raised from general aviation and only $100,000 from the air carriers.

When we talk about equity, it seems to me that this is inequitable on its face.

Second, as I pointed out, the training schools for such students that are trying to learn how to fly under the GI bill or otherwise, will have to pay far more for that than will business aircraft, or a substantial amount, so that it seems to me the original fee is inequitable. I want to put the Senate on notice that I will continue to push for this but at this time I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. DOMINICK. Mr. President, I send another amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

S. 1437

On page 4, after line 5, insert the following new section:

"Sec. 202. (a) Section 4491(a)(2)(A) of the Internal Revenue Code of 1954 (relating to tax on use of civil aircraft) is amended by striking out '2,500 pounds' and inserting in lieu thereof '8,000 pounds'.

"(b) The amendment made by subsection (a) shall take effect on July 1, 1972."

Mr. DOMINICK. Mr. President, this amendment is a little bit more controversial. It still deals with finances. I find myself with the same problem as before. What I am doing here is suggesting that the first 8,000 pounds on all aircraft be exempt from the tax which will, in effect, exempt a large portion of the smaller aircraft—one, two, three-passenger aircraft—from the tax. The purpose is that one of the things we have been trying to do in the bill, and otherwise through Congress, is to promote the use of general aviation. Yet, we are putting a tax on the very people we are interested in, to such an extent that they wonder whether it is worthwhile to go along with general aviation at all.

I made a point of that in the last session. We carried it to a vote. On that one, I lost and I have no hesitation in saying so. We lost largely because it was felt the amount of money that would be reduced from the trust fund would seriously impair the value of the trust fund itself.

One of the things I would like to do in the process of further consideration before the Finance Committee is to determine how much this would affect the trust fund. After all, we have already found out from the bill before us today that the FAA was using the trust fund for the operating expenses of the FAA. That is why we have the pending bill, to prevent them from doing that, because it was not part of the purpose of the act at all. I would like to find out how much difference the 8,000-pound exemption would mean in terms of revenue for the trust fund. It strikes me that, once again, we find ourselves in a position of trying to promote something on the one hand and doing something else on the other. The two things conflict. A little bit like some of the programs we have in agriculture where we show the farmer how to drop off on his wetlands and then we show him how to plan to do the opposite, and so forth. I would hate to see us get into this same kind of thing on the trust fund. So, Mr. President, at this point, I ask unanimous consent that my comments on the subject in debate last February 26, 1970, be printed in the Record.

There being no objection, the colloquy was ordered to be printed in the Record, as follows:

Mr. Dominick. Mr. President, I call up amendment number 522.

The Presiding Officer. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. Dominick. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The Presiding Officer. Without objection, it is so ordered, and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, reads as follows:

"Page 112, lines 7, 8, and 9, strike out 'capable of providing a seating capacity for more than four adult individuals (including the crew)' and insert 'having a maximum certificated take off weight (as defined in section 4492(b)) of more than eight thousand pounds'.

"Page 112, line 11, strike out the period and insert: 'in excess of eight thousand pounds.'"

Mr. Dominick. Mr. President, I yield myself 8 minutes.

The Presiding Officer. The Senator from Colorado is recognized for 8 minutes.

Mr. Dominick. Mr. President, I will be short on this matter. I do not think I need that much time.

In addition to the $25 registration fee on which we voted, page 112 provides also for a tax on any civil aircraft. And then it says in subsection (2):

"In the case of any aircraft capable of providing a seating capacity for more than four individuals (including the crew) . . ."

That means in effect the four-passenger airplanes are excluded and everything else is included.

The purpose of this, from the Finance Committee standpoint, was to try to get away from the trainers, the ones being used on flights around the field, and private and other small engine airplanes. But the fact of the matter is that this exception leaves in, as far as I can see, the DC–8 cargo airplanes which are only configured for three seats, perhaps four. Most private and other cargo planes are configured that way. It leaves in, in fact, the taxing of planes like a Cessna 310, or whatever else of that kind it may be, the twin-engine planes which are largely a pleasure type aircraft.

My provision, instead of including the seating capacity, strikes out the seating capacity and provides that we will tax all aircraft on their poundage above 8,000 pounds.

If an aircraft weighs 12,000 pounds, the first 8,000 pounds would be eliminated from the tax. The plane would only be taxed on 4,000 pounds.

If it is a DC–8, the poundage is very heavy. They would get the benefit of having 8,000 eliminated from the tax and would have to pay on the balance of the poundage.

The purpose of my measure is not only to give some relief against poundage for the smaller aircraft, but also to reflect the fact that the heavier aircraft—the ones which cause more wear and tear on the runways than anything else—should be required to pay a tax, whether it be Lear jet or a Sabreliner, or whatever else it may be.

That is part of the problem of including the seating capacity. We can take one of the French jets which weighs considerably more than 8,000 pounds. Yet, it has only four seats. And it would be exempted from the tax.

It does not seem to me to be right.

My amendment would do no more than set a limit. The first 8,000 pounds of any aircraft would be exempted from the tax and they would have to pay the tax on the remaining poundage.

Mr. President, I reserve the balance of my time.

Mr. Long. Mr. President, I yield myself 3 minutes.

The Presiding Officer. The Senator from Louisiana is recognized for 3 minutes.

Mr. Long. Mr. President, what the Senator is seeking to do is to further reduce the tax on general aviation. Most Senators were not present when I explained the distribution of the tax burden between general and commercial aviation. General aviation will be conducting 90 percent of all operations on these airports, before too long.

The Senator made the statement that general aviation flies more passengers than does commercial aviation. Not only will they be flying more passengers, but general aviation will be conducting 90 percent of the airport operations and still pay only 7 percent of the tax.

The Senate has already voted twice to reduce the tax on general aviation.

If the Senate agrees to this amendment, then perhaps we should go ahead and take all the tax off general aviation.

The people who buy tickets on the airlines only get 10 percent of the airport operations benefit, but pay 93 percent of the cost. If those people did not have to pay the cost for the airport and airway system either, we would then wind up without any trust fund.

The amendment would eliminate the poundage tax on 97 percent of general aviation airplanes. We started in the committee by saying that if a person had a small plane with place for no more than four adults, he would not have to pay any tax based on the weight of the airplane. He would only pay the $25 a year tax.

The Senate has now voted to take that out. Seventy-five percent of all the private planes would not pay anything, since they are already excepted from the poundage tax.

The Senator now proposes that we reduce that to 97 percent. In fairness, we ought to strike it all out.

I would hope Senators muster the courage which the Committee on Finance did. We have the responsibility to try to find money to keep the Government solvent. I hope the Senate will muster the same fortitude which was exercised by the Committee on Finance so that the people who are getting the most benefit from this will pay a fair share of the cost.

I hope the amendment is not agreed to.

The Presiding Officer (Mr. Eagleton in the chair). Do Senators yield back their time?

Mr. Dominick. Mr. President, I yield myself 5 minutes. I think I should reply to what the distinguished Senator has said.

I want to point out once again, as I said originally, that the difficulty with the language in the bill now is that the cargo aircraft, configured for a crew of four, will not be covered so they will not get a tax out of that. My guess is that with my amendment we will get more money than if we do not have it.

The other argument, which is legitimate, is that we are putting most of this money in the area where most airliners are covered and yet we are paying a 6-cent fuel tax, and paying on all executive and business aircraft. They are all more than 8,000 pounds.

All I am saying is that the smaller aircraft should be treated alike and that the bigger aircraft—executive and cargo planes—should pay the tax and this will not happen the way the bill is now.

The Presiding Officer. Do Senators yield back the remainder of their time?

Mr. Dominick. Mr. President, I ask for the yeas and nays. The yeas and nays were ordered.

The Presiding Officer. Do Senators yield back the remainder of the time?

Mr. Dominick. I yield back my time.

Mr. Long. I yield back my time.

The Presiding Officer. All time having been yielded back, the question is on agreeing to the amendment (No. 522) of the Senator from Colorado. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. Kennedy. I announce that the Senator from Alaska (Mr. Gravel), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. McCarthy), the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Metcalf), the Senator from New Mexico (Mr. Montoya), the Senator from Maine (Mr. Muskie), and the Senator from Georgia (Mr. Russell) are necessarily absent.

I further announce that the Senator from Idaho (Mr. Church) is absent on official business.

Mr. Griffin. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Utah (Mr. Bennett), the Senator from Arizona (Mr. Fannin), the Senator from Oregon (Mr. Packwood), and the Senator from Illinois (Mr. Smith) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Ohio (Mr. Saxbe) is absent on official business.

The Senator from Arizona (Mr. Goldwater) and the Senator from Texas (Mr. Tower) are detained on official business.

If present and voting, the Senator from South Dakota (Mr. Mundt) would vote "yea."

On this vote, the Senator from Illinois (Mr. Smith) is paired with the Senator from Arizona (Mr. Fannin). If present and voting, the Senator from Illinois would vote "yea," and the Senator from Arizona would vote "nay."

On this vote, the Senator from Texas (Mr. Tower) is paired with the Senator from Utah (Mr. Bennett). If present and voting, the Senator from Texas would vote "yea" and the Senator from Utah would vote "nay."

The result was announced—yeas 28, nays 54, as follows:

[No. 65 Leg.]

YEAS—28

Allen, Allott, Burdick, Case, Cook, Cotton, Curtis, Dole, Dominick, and Gurney.

Hansen, Harris, Hart, Hartke, Hatfield, Hollings, Hruska, Mathias, McGee, and Mondale.

Murphy, Pearson, Percy, Schweiker, Smith, Maine, Stevens, Thurmond, and Young, N. Dak.

NAYS—54

Aiken, Anderson, Bayh, Bellmon, Bible, Boggs, Brooke, Byrd, Va., Byrd, W. Va., Cannon, Cooper, Cranston, Dodd, Eagleton, Eastland, Ellender, Ervin, and Fong.

Fulbright, Goodell, Gore, Griffin, Holland, Inouye, Jackson, Javits, Jordan, N.C., Jordan, Idaho, Kennedy, Long, Magnuson, Mansfield, McClellan, McIntyre, Miller, and Moss.

Nelson, Pastore, Pell, Prouty, Proxmire, Randolph, Ribicoff, Scott, Sparkman, Spong, Stennis, Symington, Talmadge, Tydings, Williams, N.J., Williams, Del., Yarborough, and Young, Ohio.

NOT VOTING—18

Baker, Bennett, Church, Fannin, Goldwater, and Gravel.

Hughes, McCarthy, McGovern, Metcalf, Montoya, and Mundt.

Muskie, Packwood, Russell, Saxbe, Smith, Ill., and Tower.

So Mr. Dominick's amendment No. 522 was rejected.

Mr. DOMINICK. Mr. President, for the reasons stated on a prior occasion, I will not push this amendment at this time, feeling as I do that it would be very difficult to explain why we are dealing with a Finance Committee measure when the Finance Committee has not considered this particular bill.

Being a strong believer in the committee system, I hesitate to do that, so at this point, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. DOMINICK. Mr. President, in connection with the colloquy which I had with the Senator from Nebraska, I invite the attention of the Senator from Nevada (Mr. Cannon), if I may, to the fact that when I was in Colorado during the recess, flying over my State, and subsequent to that, I received many telephone calls and letters from aircraft owners and those who fly fixed-base airplanes, commenting about the methods of assessing the tax on gasoline under this bill as compared to the system which was used in other situations—a regular Federal excise tax.

I have received a letter from Col. Clarence M. Fountain, the commander of the Civilian Air Patrol in Colorado. The letter is dated September 14, 1971. The problem is not that the excise tax is paid, but that the method of collection is extremely unfair.

For example, he points out that the original 4 cents Federal excise tax is imposed upon the gasoline at the time of manufacture and an additional 3 cents Federal excise tax is imposed under the Airport and Airways Act at the time of sale. This is the part which creates the problem. An additional tax, and the same tax, is collected. That is the reason we should take a second look at the situation. He has suggested, as have a number of others that it would be much more advisable to put the collection of the tax at the time of manufacture, as is done in the case of the 4 cents excise tax, and have the tax collected there. Then, if necessary, to get rid of the annoyance of the $25 registration fee, we could include an extra half a cent tax. No one would object to that.

There is great difficulty occasioned a number of small operators throughout the country in keeping records on the sale of gasoline and making sure that the excise tax goes to the right place and at the right time. We can then provide an exemption in the case of Federal aircraft and State aircraft.

There is a real problem here. It is my hope that the distinguished Senator from Nevada will also discuss this problem with the members of the Finance Committee to see if we cannot work this out insofar as the collection of the tax is concerned.

Mr. President, I ask unanimous consent that the letter to which I have referred be printed at this point in the Record.

There being no objections, the letter was ordered to be printed in the Record, as follows:

Colorado Wing Civil Air Patrol,
Denver, Colo., September 14, 1971.
Hon. Peter Dominick,
U.S. Senate,
Washington, D.C.

Dear Senator Dominick: Reference the existing Federal Excise Tax of four cents per gallon and the relationship of the three cents additional Federal Excise Tax added by the Airports and Airways Act of 1970.

As per our conversation, I submit the following information to confirm our problem.

First, let me say that this letter is not to indicate if the subject Federal Excise Tax is good, bad, necessary or unnecessary, but only to clear the air with reference to the collection system.

The original four cents Federal Excise Tax is imposed upon the gasoline at the time of manufacturing. The additional three cents Federal Excise Tax was imposed by the Airports and Airways of 1970 at the time of sale. This is the part with which we take exception. The additional burden (cost) of collection of the second and same type of tax is reason enough to cause a second look at its value.

Also, Civil Air Patrol, in accordance with this Act, is required to pay $25 plus, per aircraft, per year, and this tax is upon donated public service aircraft. This imposed tax seems very unfair.

The following consideration would be appreciated: The three cents Federal Excise Tax imposed by the Airports and Airways Act of 1970 be deleted and the original four cents per gallon Federal Excise Tax imposed at the time of manufacturing be raised an equal amount of the deletion to seven cents per gallon. This would in effect cultivate a considerable savings of expense in collection and would at that time support the dropping of the $25 tax plus, per aircraft, per year, on Civil Air Patrol Federal and State Agencies.

Sincerely,

Clarence M. Fountain,
Colonel, CAP Commander.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed

for a third reading and was read the third time.

Mr. CANNON. Mr. President, earlier today the committee reported the House-passed Airport and Airway Amendments, H.R. 7072. This bill was never considered by the committee, since the committee developed concurrently its own legislation dealing with the same topic.

Therefore, Mr. President, I move that the Senate proceed to the consideration of H.R. 7072.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to, and the Senate proceeded to consider the bill (H.R. 7072) to amend the Airport and Airway Development Act of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes.

Mr. CANNON. Mr. President, I move to strike out all after the enacting clause of H.R. 7072, and insert in lieu thereof the language of S. 1437, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 7072) was passed.

Mr. CANNON. Mr. President, I ask unanimous consent that S. 1437 be postponed indefinitely.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA CHARTER ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 389, S. 2652.

The PRESIDING OFFICER. The clerk will report the bill.

The assistant legislative clerk read as follows:

> Calendar No. 389, S. 2652, a bill to provide an elected Mayor and City Council for the District of Columbia, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, for the information of the Senate, a rollcall vote has been ordered on the pending bill. I would hope that the attachés would notify all Senators accordingly.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA CHARTER ACT

The Senate continued with the consideration of the bill (S. 2652) to provide an elected Mayor and City Council for the District of Columbia, and for other purposes.

PRIVILEGE OF THE FLOOR

Mr. EAGLETON. Mr. President, I ask unanimous consent that Mr. Robert Harris and Mr. Gene Godley, of the committee staff, be allowed the privilege of the floor during any votes which may be taken on the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, what is the pending order of business?

The PRESIDING OFFICER. The pending order of business is S. 2652.

Mr. EAGLETON. Mr. President, the pending order of business, S. 2652, commonly called District of Columbia home rule, is now before the Senate.

On six separate occasions during the past 12 years, the last time being in 1965, this body has been fit to pass such legislation. Since 1965 the committee has passed two bills, which formerly were included within the home rule bill and which were subsequently adopted by the House of Representatives and signed into law by the President. These provided for an elected school board and for a nonvoting delegate to the Congress from the District of Columbia.

Your Committee on the District of Columbia again brings before you a bill to provide home rule for the District. In truth, while there is a great deal of discussion about the pros and cons of home rule for the District, no bill has actually provided for complete home rule for the District since the Constitution specifically gives to the Congress supervision over the affairs of the District of Columbia.

What this home rule bill would do would be to delegate to an elected mayor and an elected city council the functions which are presently being performed by an appointed mayor and by the Congress of the United States. As will be discussed more fully later, the bill gives Congress a continuing item-by-item veto over any actions undertaken by the council.

I think that President Johnson, in his message on home rule, summed up most aptly the basic philosophical argument in favor of this delegation when he stated:

> Our Federal, State, and local governments rest on the principle of democratic representation—the people elect those who govern them. We cherish the credo declared by our forefathers: No taxation without representation. We know full well that men and women give the most of themselves when they are permitted to attack problems which directly affect them.
>
> Yet the citizens of the District of Columbia, at the very seat of the Government created by our Constitution, have no vote in the government of their city. They are taxed without representation. They are asked to assume the responsibilities of citizenship while denied one of its basic rights. No major capital in the free world is in a comparable condition of disenfranchisement.

The second reason that the committee believes that this type of delegation to the citizens of the District of Columbia of the affairs of the city is essential is demonstrated by the effectiveness of the working of Reorganization Plan No. 3 of 1967. That plan, which changed the system of government in the District from a three-commissioner system to a system of a commissioner-mayor and an appointed council, has proven, in the opinion of the committee, to be quite successful.

It has relieved the Congress of many legislative burdens. However, it has not been a complete delegation. The Congress has still been burdened with many decisions, such as the following:

First. This year, after several previous attempts, Congress finally authorized members of the District of Columbia Fire Department and Police Department to play in the Metropolitan Police Department Band;

Second. Last year, in order to make life easier in the District of Columbia, we passed a national statute that permits the flying of kites in the District of Columbia so that the International Fly-Out Contest could be held at the base of the Washington Moument;

Third. Last year we passed a good procedure for the removal of snow and ice in the District; and

Fourth. In order to alleviate the financial crisis in the District, we reformed licensing fees and by Federal statute now require a registration of 25 cents for each dog owned or kept in the District of Columbia.

The list of trivia involving the District of Columbia that this body is forced to consider is virtually endless. It is not in the interest of this body, nor is it in the interest of the citizens of the United States we are elected to represent, or even of the citizens of the District of Columbia that the time of the U.S. Senate be spent preparing, holding hearings, considering, and debating trivia. Rather, as your committee proposes in this bill, Congress should delegate the making of these local regulations to a body elected by the citizens of the District of Columbia, with the continuing right to supervise such body to insure that the Federal interest in this, our Nation's Capital, is never violated.

It is not only trivia, as has been pointed out by points 1, 2, 3, and 4, in numerical order; that is not of consequence, because if all that were at stake in the home rule concept was the fact of unburdening ourselves of trivia such as the mutuality of the police and fire department band, or 25 cents for a license for puppies, possibly this bill would not be worth debating, either. But more is at stake than the trivia previously recited, because, as is reflected in S. 2652, the very essence of local government will be mandated and legislated by this bill, once enacted into law, so that an elected mayor and an elected city council can make the vital decisions that affect the destinies of three-quarters of a million American citizens. We will find in the bill the right of the city council and the mayor to enact into law ordinances relating to taxation, excluding at least two very important things that they cannot act upon: The taxation, of course, of any Federal property is prohibited by the Constitution, and we prohibit them from the imposition of an income tax on nonresidents of the District of Columbia. But with those two exceptions, one constitutional and one that we impose statutorily, the city council and an elected mayor, elected by the three-quarters of a million people of this city, can decide in what way and how much to tax their citizens, can enact local ordinances into law, and can begin to shape their own destiny, as should be the right of all American citizens.

Mr. President, in commenting on this bill, I cannot help but point out that the bill as reported by the committee is cosponsored by every member of the committee, on both sides of the aisle. It is in the truest sense a composite bill, with the best provisions of the bills which the senior Senator from Maryland (Mr. MATHIAS) and I introduced early in this Congress, and on which hearings were held. In addition, we had the benefit of examining the home rule bill that the District Delegate (Mr. FAUNTROY) introduced in the House. As a result of the complete cooperation between the majority and minority, and of their staffs, the committee has reported the bill which is now before us.

I call to the attention of the Senate that Delegate FAUNTROY has been extraordinarily helpful to us in the shaping of this legislation, because shortly after assuming his role as the new delegate last spring, he took it upon himself to hold meetings in the neighborhoods at several locations in the District, to try to determine at first hand from the citizens in the community what their ideas were insofar as what would be a viable form of local government. His findings were of great help to us, because many times those of us who sit up here on high tend to forget what might be in the best interests of the people of the District of Columbia. It is our primary business, if nothing more than as politicians, to determine what is in the best interests of those who elect us—in my instance, for example, of the 4.5 million Missourians, or, in the case of the Senator from South Carolina, of the 2.5 million South Carolinians; but in District matters, where we have no stake so far as our own political survivability is concerned; we do not take pains to find out what those three-quarters of a million people might want and need for themselves. We do much more guesswork, and are much more likely to be absentees, in connection with what might be of concern to those three-quarters of a million citizens of the United States.

So I pay tribute to Delegate FAUNTROY, because he can more easily, as a result of those meetings he held, find out what the people in the District—living, working, and paying taxes in the District of Columbia—want as far as self-government is concerned.

As I have pointed out, the bill provides for an elected Mayor and an elected 11-member Council, of whom the Chairman and two members would be elected at large and the other eight members would be elected from wards, the same wards that are presently utilized for members of the school board.

The mayor and council would take over the functions of the present Commissioner-Mayor and nonelected council and, in addition, would have the powers which are delegated by this bill, including those of issuing debt obligations and generally initiating local legislation. The council would be delegated the right to change all District taxes, not just the property tax. However, as I have pointed out, the bill specifically denies the council the right to tax the personal income of nonresidents, or what is popularly known as a commuter tax.

The Federal contribution toward the needs of the Nation's Capital would be computed as a percentage of the general fund revenues which the District Government obtains from its citizens and visitors by means of various taxes and other charges. Under this bill, the Federal payment would rise from 35 percent the first year after enactment to a permanent figure of 40 percent after the third year of enactment and for succeeding years. I might note that last year the Federal payment to the District of Columbia was in the neighborhood of 29 percent but that the Federal payment this year will probably be somewhere between 35 and 40 percent of the general fund revenues.

That is fairly close, in percentage comparison, to the formula we have spelled out in S. 2652.

In working up this bill the committee was cognizant of the questions that were raised during the 1965 debate, most of them centering around the problem of whether or not to have a District Delegate, a school board, and a formula for the Federal payment which was then based on an assessment of the value of real estate being used by the Federal Government in the District of Columbia.

I believe we have met most of these old or 1965 objections—the first two through the passage of time, and the third, we think by means of the percentage formula we have adopted in the bill.

Returning to the provisions of the bill, I might further note that the Mayor and the members of the Council are elected for 4-year terms, half of the Council running every 2 years. The elections will occur the same year that the District Delegate election occurs and during Presidential election years. The elections will be on a partisan basis, representatives of all political parties in the District having indicated during the hearings that such elections would be acceptable to them.

The committee bill does not contain a Presidential veto but rather has an item-by-item veto by either House of the Congress of the United States. It is the committee's view that a Presidential veto does not truly reflect the provision of the Constitution which delegates to the Congress supervision over the affairs of the District of Columbia. Accordingly, the committee has attempted to devise a system whereby the Congress itself may continue to closely supervise the affairs of the District of Columbia. Any proposed legislation which the City Council may enact and which the Mayor approves, or, if he vetoes, two-thirds of the Council approve over his veto, must thereafter be submitted to the Congress for 30 days. During this 30 days, in accordance with the provisions of the act regarding the approval or disapproval of reorganization plans, either House of Congress may consider a resolution disapproving of such proposed act. If either House, during the 30-day period, disapproves of the proposed legislation it shall be null and void, and shall not go into effect. If, and only if, neither House of Congress disapproves the proposed legislation shall the act become law.

In the event Congress is not in session for 30 continuous days after the city council and mayor have approved proposed legislation, such act shall have no effect; it being the committee's view that the council may only enact legislation at such times as to allow Congress 30 days within which to consider the legislation.

I shall not take the time of this body to again enumerate all of the arguments that can be made for allowing the citizens of the District of Columbia to have the right which citizens have in every other jurisdiction in the United States. Suffice it to say that it is the unanimous recommendation of the District of Columbia Committee that the citizens of the District of Columbia be given a new charter so that they may to a greater extent than heretofore, govern themselves.

Mr. President, that concludes my prepared introductory remarks. I am awaiting the arrival of the ranking Republican member of the committee, the Senator from Maryland (Mr. Mathias). If any other Senator wishes to be heard, I shall be glad to yield the floor, or to respond to any questions, pertinent or impertinent.

Mr. ERVIN. Mr. President, I can assure the Senator that I do not intend to ask any questions either pertinent or impertinent.

I prefer to vote for this proposal in the form of a constitutional amendment. I cannot vote for it in the form of a statute, because of the provisions in article I, section 8 of the Constitution.

Section 8 says:

> The Congress shall have Power . . .
>
> To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States.

Mr. President, I believe that that provision of the Constitution means exactly what it says and that Congress cannot give away or delegate its exclusive power of legislation over the District of Columbia. Therefore, with some reluctance, I am compelled to vote against this bill. I would support it gladly if it were in the form of a constitutional amendment.

Mr. EAGLETON. I thank the Senator from North Carolina for his observation. It goes without saying that everyone recognizes that he is the premier authority in this body on the U.S. Constitution. Thus, any comment the Senator from North Carolina makes with respect thereto carries very significant weight not only with this body but personally with me as well.

I would say to him that a very strict, literal reading of the constitutional provision he has cited might cause one to momentarily agree with the ultimate judgment as expressed by the Senator from North Carolina.

It is my personal guess, not as a constitutional expert, but as a lawyer whose dues are still paid up, that an appellate court—indeed, the U.S. Supreme Court—would not view it perhaps as literally and perhaps as strictly as has the Senator from North Carolina.

I think it is a fair interpretation of that constitutional provision that the delegation we attempt to make by reason of the statute, retaining as we do in this bill the right of veto by either House, would in its full parameters be viewed as adequately comporting with the intent of the constitutional section cited by the Senator from North Carolina. But I do say that he raises a legitimate question and that I daresay, in due course, should this bill become law, perhaps will be tested rather quickly, after the law is enacted and signed by the President, in an appropriate court of law.

Crystal-ball gazing about the outcome of a case before the U.S. Supreme Court—now one that is two men short of being in full composition—is a very precarious undertaking at any time.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. COOPER. First, may I say that I am glad that I was able to hear the distinguished Senator. I should like to praise him, if he needs praise, for his very concise explanation of this very important bill.

In the past, I have voted for all home rule bills, and I will vote for this one.

At times, the question, raised by the distinguished Senator from North Carolina (Mr. Ervin), who is a great constitutional lawyer, has addressed itself to my mind, and I think it would be wise to have printed in the Record the sections to which the Senator has referred—paragraph 17 of section 8, article I, referring to the constitutional authority of the Congress to legislate in all cases affecting the District of Columbia—the seat of Government of the United States.

Also, the Senator from Missouri (Mr. Eagleton) has referred to section 10 of article I, which the States are prohibited from certain acts, which would also be beyond the constitutional authority of the District of Columbia.

Mr. President, I ask unanimous consent to have these sections printed at this point in the Record.

There being no objection, the sections were ordered to be printed in the Record, as follows:

> [17] To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;
>
> Section 10. [1] No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.
>
> [2] No State shall, without the Censent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.
>
> [3] No State shall, without the Consent of Congress, lay any duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

Mr. COOPER. Referring now to the bill, am I correct in saying that while a District council has been established under this bill, it is limited in its legislative jurisdiction?

Mr. EAGLETON. That is correct.

Mr. COOPER. It is correct to say that the limitations which are now placed upon the Commissioners will still be applied to the council?

Mr. EAGLETON. I cannot agree with the Senator's latest generalization. There are limitations in the bill, and the principal ones are found in section 325 (d), on pages 15, and so forth, of the bill; also, the aforesaid provision of the Constitution as mentioned in the committee report on page 4.

There are limitations, but the limitations are not quite as narrow as the existing limitations on the mayor-council form of government.

For example—of utmost importance—the present mayor-commissioner and city council have jurisdiction over taxes—to wit, the real property tax. They can raise it or lower it. As to all other taxes, including franchise taxes, sales taxes, local income taxes, that jurisdiction is in Congress. We transfer the jurisdiction of taxation to the elected city council and to the elected mayor—holding back, as I said before, the commuter tax.

But we do protect—if one wants to use that word—any excess of zeal by giving either House of Congress a 30-day period in which to veto any act of the city council.

Suppose they triple the local income tax—just decide they will triple it—after we give them the authority to control their income tax. If either House of Congress were to deem that a grotesquely unwise governmental act, either House would have 30 days in which to reject that action by the local city council.

Mr. COOPER. A method is provided for veto by the Mayor and a method for overriding the veto by the Council. In all cases, does legislation passed by the Council become subject to review by Congress?

Mr. EAGLETON. The answer is "Yes." That is, Congress has 30 days in which to act affirmatively to knock it out. If either House of Congress sits dormant for 30 days, then the ordinance enacted by the Council and signed by the Mayor would become operative.

Mr. COOPER. Then, it is correct that every legislative act of the Council, whether vetoed or not, is subject to congressional review?

Mr. EAGLETON. That is correct.

Mr. COOPER. I note that in section 325(d)(k) and other sections, certain acts are characterized as acts outside of the legislative authority of the Council. Assume such a prohibited act was passed by the Council—I am not able now to give an example, but assume that one was passed—how then would Congress act if it desired to act?

Mr. EAGLETON. It would act in this way: The prohibited acts, the ones I have mentioned previously, on page 15 of the bill—let us take one, a hypothetical situation, the prohibition about imposing any tax on the property of the United States.

Suppose the City Council has said, "Well, the Government Printing Office does Government printing, but it prints a lot of things. We think we ought to have a printer's tax, and we ought to tax the Washington Post, the Washington Star, and the Washington Daily News." They would be able to do that. "But we also want to broaden it. We want to tax all the printing that comes out of the Government Printing Office."

We would have 30 days to automatically knock it out—either House. But even if we fell asleep at the switch and did not knock it out, it would be null and void in any court test, because it is specifically prohibited and they are denied the authority to impose any local tax on public-owned property.

Mr. COOPER. Am I correct, with respect to the courts, that the power of appointment of the council and the Mayor of the government of the city of Washington applies only to the appointment of municipal judges.

Mr. EAGLETON. Yes. The appointment of judges to the superior court which is their court, for felonies and civil actions. It would include what is called the District of Columbia Court of Appeals not to be confused with another court with a somewhat related name. But the District of Columbia Court of Appeals is the supreme court—the appeals court—here on crimes and civil actions, torts, and claims.

Mr. COOPER. The jurisdiction is limited to what would be the jurisdiction of——

Mr. EAGLETON. Any other State court, that is correct.

Mr. COOPER. Yes—legislation which is appreciable to the government of the District of Columbia itself and its people as in similar municipalities.

This is the seat of the Government of the United States and, of course, it is of great interest to the people who live here but also to temporary residents and to visitors. It is of tremendous interest, and belongs to all the people of the United States. It is their seat of Government. It is their city. It is theirs as much as those who live here, whether temporarily or permanetly. We are proud—in many cases—of the work that has been done to make Washington a beautiful city, with all its great buildings, malls, circles, and historical and cultural monuments. I do not think we can be proud of the housing for many of those who live here. Is there any authority on the part of the District Council to interfere, to take over or set aside the work of the authorities of the Federal Government which now make the decisions as to buildings, their location, or supersede the works of the National Capital Planning Commission, the Fine Arts Commission? Will these authorities still be preserved for the benefit of all the people of this country?

Mr. EAGLETON. My answer to the Senator is yes, insofar as federally owned buildings are concerned, such as the Capitol, the Department of Justice, the White House, and so forth. The Federal Government shall still have the same authority it now has with respect to those buildings and edifices. With respect to the National Capital Planning Commission, it is specifically written into the bill that it shall continue with the same force and effect it now has, and that it shall have its input into government decisions insofar as planning is concerned with the new form of government we are herein constituting.

So that my shorthand answer to the Senator's question is yes. The same controls are reserved to Federal property and Federal planning vis-a-vis the District of Columbia. They remain in being.

Mr. COOPER. I do not want to take too much of the Senator's time and other members of the committee who have worked so diligently on this bill, but I would like to ask this last question——

Mr. EAGLETON. Let me point out to the Senator that this is all covered on page 12 of the bill under the heading "Procedure of Zoning Act," section 323 (a) and (1).

Mr. COOPER. I thank the Senator. Unfortunately, we have had riots which have caused physical damage, financial damage, and suffering to the city, which have had the effect of inhibiting the people of the country, at times, from coming to their own Capital.

Under this bill, as to the police function, law and order, how would this necessary function be administered?

Mr. EAGLETON. This is a local police department. The Mayor has the right to appoint the Chief of Police of the District of Columbia, as does the mayor in many of the large cities of this country. He would be able to appoint him as though he were one of his top cabinet officers, just as he would be able to appoint the director of welfare, the director of corrections, the director of parks, and so forth. He would appoint the Chief of Police. The Mayor and the Council would set a budget for the department of the police.

Mr. COOPER. That is done now——

Mr. EAGLETON. That is correct.

Mr. COOPER. Under the present system, but, unhappily, in the event—which we hope will never occur—there is the necessity to provide for the safety of the city, its people, and its visitors, the people of the United States and others who live here or visit here, is there any limitation on the authority of the Federal Government to protect the Capital City of the United States?

Mr. EAGLETON. I think not. The authority, insofar as law enforcement, law and order is concerned, would remain pretty much the same as it is now under the same system of the mayor-commissioner form of government. He would recommend the budget and he comes now to Congress for authorization to increase the size of the department of the police. He need not be doing that in the future, but the Federal law enforcement presence would still be as it is. There would be the various agencies such as the FBI, the Secret Service agents assigned to protect the President, the special police around the embassies, and the Capitol Hill Police Force. They would all remain as they are now.

Mr. COOPER. I thought I should raise these questions. Let me say, before——

Mr. MATHIAS. If the Senator from Kentucky will allow me to interject there, the Senator from Kentucky raises an important point and one we should remember; namely, that there is nothing that really can be done in the bill, or by any other act of Congress, which divests Congress of its traditional responsibility for the police power in the District of Columbia. The police power would ultimately and finally reside—that is, the police power in its broadest legal definition—in the Federal Government. There is nothing the Federal Government can do to discharge itself from that responsibility. I think maybe that is the point the Senator from Kentucky was getting at.

Mr. COOPER. I think it is, and I am gratified that the distinguished Senator from Maryland used the words "police power" in its larger sense because it is not always limited to law enforcement. It is a broad power to provide for the safety, the health, security, and the welfare of the people of the city.

I ask these detailed questions and in doing so I do not forget that you, the chairman of the District of Columbia Committee, and all your associates, majority and minority, have joined in the preparation of this bill. It is a high duty the Senator from Missouri and his fellow Member has performed in establishing such a bill and also in their efforts to give the people—not the fullest rights of self-government—but at least a landmark along the way.

Mr. EAGLETON. Mr. President, I most sincerely thank the very distinguished Senator from Kentucky for his warm and cordial observations.

Mr. INOUYE. Mr. President, I wish to join my colleagues in commending my distinguished chairman for his remarkable leadership of the District of Columbia Committee. The fact that this bill was reported unanimously speaks loudly of the respect and admiration we have for him.

Mr. President, throughout most of this year, it has been my privilege to serve as chairman of the Subcommitee on Appropriations relating to the District of Columbia. We have held many hours of hearings. During the hearings witnesses have suggested the existence of inefficiency, waste, and possible boondoggling in the Government affairs of the District of Columbia and, as such, well-intentioned citizens have suggested that the people of the city were not prepared to govern themselves.

Mr. President, I wish to disagree. If the people of the District had the privilege that all of us have, of "throwing the rascals out," we would have a better government in our Federal City.

Our mayor-commmissioner of the city is a fine gentleman who wants to have a fine city. He is trying his best; but just look at the setup of the city.

Unlike all the other mayors of the United States of America, the Mayor of the District of Columbia cannot appoint a subordinate. Theoretically, yes, he makes the announcement that he is appointing such and such a person as corporate counsel. However, all of us know that the appointment is made somewhere else—in this case, by the White House. So, is the corporate counsel beholden to the mayor or is he beholden to the President of the United States?

If we would check all department heads of this city, we would find that in most cases these department executives have sponsors in the House and in the Senate. If they have these sponsors, they are not responsive to the mayor. They are most certainly responsible to their sponsors in the Senate and the House.

This bill would change that situation. This city will finally have the type of administration that all of us have had in our cities for many years. If some department head should become involved in some hanky-panky, then the mayor could throw him out. And if he did not do that, then the people of the District of Columbia would have their day at the polls. We have been denying the people this basic privilege.

I am convinced that with home rule we will have savings. We will have efficiency and we will have better government in the city of Washington.

If Senators are concerned about the budget or if they are concerned about efficiency in the Federal City, then I would say they should vote for the pending bill, because I am convinced that we will have a better run city with home rule.

I would hope that the Senate would unanimously, as the committee did, support this effort to bring about some semblance, not completely, but some semblance of self-government for U.S. citizens who reside in the District of Columbia.

Mr. EAGLETON. Mr. President, I genuinely thank the Senator from Hawaii. One of the truly great pleasures that has been mine in past years while serving as chairman of the District of Columbia Committee has been the help and advice and the great encouragement that the Senator from Hawaii has given to the committee as a whole and the fine work and time-consuming work he has done under the Appropriations Subcommittee on the District of Columbia.

I imagine that the Senator from Hawaii geographically is more removed from the confines of the District than perhaps any other Senator, except perhaps the Senator from Alaska. The Senator from Hawaii is removed by thousands and thousands of miles, representing the State of Hawaii in the Senate. Nevertheless, the Senator from Hawaii has given of himself, of his time, his talent, and his heart insofar as trying to make this a better city in which everyone can live.

I am very grateful for the help he has given to the District of Columbia on this and on other measures before that committee.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield now to the Senator from Maryland.

Mr. MATHIAS. Mr. President, I thank the Senator from Missouri, the chairman of the committee, for yielding to me.

I would point out that the legislation we are considering today is just about exactly 100 years overdue. It was in 1874 that Congress "temporarily"—and I put the word "temporarily" in quotation marks—suspended local elected government in the District of Columbia. Perhaps we should take a lesson from that in other areas of legislation, because things that are done temporarily by the Federal Government very often soon become immutable monuments. Like many other ostensibly temporary acts, that act of denying the people self-government in the District has been perpetuated far beyond reason or excuse. As a result, for over three generations, the people of the Nation's Capital—alone, among all American citizens—have been denied the right to choose their own local officials to administer their own local affairs.

The District of Columbia Charter Act, S. 2652, would restore local self-government in the Nation's Capital. When I say "restore," I use that word very carefully, because I think it would restore government here. This is an important point to remember. There are those who have today raised the constitutional question. It would restore local self-government as the Founders of this Republic knew it in the area which comprises the District of Columbia. It would restore local self-government as the framers of the Constitution knew it, because when many of the men who sat on the Constitutional Convention came to Washington to sit as Members of the Congress, there was a mayor in Georgetown, in Berlin, and later in the city of Washington.

I think it would return to the citizens of the District of Columbia, after far too long, the basic democratic privileges which the citizens of every State now enjoy, and even the citizens of the various communities that are associated in one way or another with this Republic, such as the citizens of Puerto Rico who have far more to say about the government under which they live than do the residents of the District.

Mr. President, this is a prudent, timely, and comprehensive bill. It has been carefully developed by the Committee on the District of Columbia, after consideration of many alternatives and suggestions. S. 2652 is based in large part on the home rule legislation which the Senate has approved six times in the past, most recently during the 89th Congress. The bill also includes, however, a number of new provisions and modifications which the committee concluded are necessary and desirable. For example, it goes to the point the Senator from Kentucky (Mr. Cooper) raised a moment ago.

For instance, in addition to reaffirming the constitutional responsibility of the Congress to oversee the government of the National Capital, S. 2652 establishes procedures, akin to those used under the Reorganization Act, for congressional review of acts passed by the local council. S. 2652 also explicitly reserves to Congress the exclusive power to legislate in a few particularly difficult areas. For example, under the bill the elected council would be prohibited from enacting any tax on any property of the United States or any tax on the income of persons not residing in the District.

I am pleased to note that this is totally bipartisan legislation, reported unanimously by the Committee on the District of Columbia and cosponsored by all seven members of that panel. The distinguished chairman of the committee, the junior Senator from Missouri (Mr. Eagleton) deserves great credit for his leadership in achieving this accord, as does the distinguished Senator from Hawaii (Mr. Inouye). The two new minority members of the committee, the Senator from Connecticut (Mr. Weicker) and the Senator from New York (Mr. Buckley), have also made substantial contributions to the committee's work on this bill.

Mr. President, although S. 2652 is a long and technical measure, its essence is straightforward. This bill, if approved in referendum by the voters of the District of Columbia, would be a charter for local self-government. Under this act, the voters of the District would be empowered to elect a mayor and an 11-member city council, to be chosen for 4-year terms, with half of the council to be elected every 2 years. While these elections would be partisan—the method favored by the heads of both major political parties in the District—candidates would also be able to run as independents, as they may now for the office of nonvoting Delegate to the House of Representatives.

S. 2652 would assign to the elected mayor and council substantial administrative and legislative authority, respectively. The mayor would have general responsibility to manage the city government, to prepare the annual budget, to administer a personnel merit system, and to nominate judges to the local courts created under the District of Columbia Court Reform Act of 1970. The council would have general legislative powers, including the power to levy taxes—except, as I have noted, on U.S. property or on the income of nonresidents—to enact annual appropriations, and to approve nominees for judgships in the local court system.

As noted above, all acts of the council which are not now within the jurisdiction of the council appointed under reorganization plan No. 3 of 1967 would be submitted to the Congress for 30 days of continuous session. During that time, either house of Congress could nullify such an act by passing a resolution of disapproval.

In my judgment, Mr. President, such a power of disapproval is not likely to be exercised very often by the Congress. If we make—as I believe we should—the basic decision to delegate primary authority for local government of the District to an elected mayor and council, I am confident that we will follow through on that decision by letting those officials do their job, free from arbitrary or frivolous congressional interference. Yet the review provisions of S. 2652 are, I believe, a necessary safeguard. More than that, these provisions establish an orderly, expeditious way for Congress to carry out its constitutional responsibilities if congressional action should be necessary in a particular case.

The popular election of local officials in the Nation's Capital is an essential step toward perfecting American democracy. It is also the next logical step forward for the District of Columbia, following the constitutional amendment enabling District of Columbia residents to vote for President, the creation of an elected local school board, and the creation of the office of nonvoting delegate to the House. It is a sound progression from these earlier acts to a Charter Act which grants District of Columbia residents the opportunity to choose their own municipal leadership, and to enjoy a city government not appointed by the President and confirmed by the Senate, but selected by the people and responsible directly to them.

But these elections would be a delusion and an empty shell if real power—the power of the purse—remained on Capitol Hill. Accordingly, S. 2652 provides both fiscal independence, through the granting of budgetary and appropriations power to the elected government, and fiscal stability through the establishment of a regular, automatic Federal payment to the District of Columbia. As the committee report sets forth, the Federal power and presence in the Nation's Capital are so overwhelming that a substantial Federal contribution to the running of the city is both just and imperative.

The committee considered at some length the question of the best approach to such an annual Federal payment. One method, employed in some previous home rule bills, would set the Federal contribution at a percentage of the assessed valuation of real property in the District. As many Senators recall, this method involves many uncertainties and fine distinctions, and always raises the specter of taxation of the Capital or arguments about how much the White House grounds are worth. Accordingly, the committee rejected this approach in favor of a much clearer and simpler formula which sets the Federal payment as a fixed percentage of total local general revenues. For fiscal 1974, the Federal payment would be 35 percent of local revenues—a figure very close to that which the District Government has requested this year. The percentage would rise to 37½ percent in fiscal 1975, and to 40 percent in fiscal 1976 and thereafter.

In the judgment of the committee, this level of Federal support is both adequate and realistic. It would enable the city government to meet its obligations to the city's residents, and to provide an essential level of services in a decade when every American city is strapped for funds.

By approving the formula Federal payment, Congress would assure the people of the District that they can depend on a decent level of Federal support for the National Capital. At the same time, we should make it clear, as the committee did in its report, that we believe that the proposed level of support will be adequate for the foreseeable future. After all, fiscal independence has two sides. Under S. 2652, the District government would no longer have to petition the Congress for every increase in revenues or for every nickel in appropriations. At the same time, that elected government should understand that the basic responsibility for raising additional revenue is also being transferred from Congress to city hall.

Mr. President, the District of Columbia Charter Act is grounded in the philosophy expressed by President Nixon in his 1971 message to Congress on the Nation's Capital, in which he said:

> One of my pressing goals for this Nation is to place local functions under local control, and to equip local governments with the authority and the resources they need in order to serve their communities well.

This legislation meets that standard and promotes that goal. It also reflects the fact that the present manner of running the Nation's Capital does not work.

In saying this, I mean no disrespect to Mayor Walter Washington. He is a sensitive, immensely hard-working public servant caught in a thankless situation, forced to bear many burdens with little praise and less power. The City Council, too, has done admirably in the difficult job of legislating within restrictive limits and trying to represent the people without having any way to get a real mandate. Nor do I intend to demean in any way the commitment of the executive branch, or to minimize the diligence and perception of my colleagues on the Committee on the District of Columbia and the Appropriations Subcommittee on the District.

But the fact is that all of us are trapped—Congress, the White House, the city government, and above all the people of the District—in a system of government which hardly deserves to be called a system at all. It is an obsolete, cumbersome, and arbitrary series of arrangements through which authority is diffused, power is fragmented, decisionmaking is delayed, influence lurks everywhere and clear responsibility can never be pinned down. The Mayor does not have the power; the Congress does not have the time; the people of the District do not have a vote.

This situation might have been sufficient for a feudal duchy or the capital of a small colony in bygone days. It is simply not adequate for the proud capital of the United States as we approach the bicentennial of our national birth. It is past time to free the citizens of Washington from dependence on the sympathy of officials elected somewhere else. It is past time for us to delegate responsibility for the day-to-day government of this city to men and women elected by its residents. There is no better way for Congress to meet its own obligation to provide for the government of the Nation's Capital. There is no better way for us to tell the Nation and the world that the Declaration of Independence does not stop at the District line.

Mr. President, I urge the approval of S. 2652.

If the bill is passed, let me point out that we are looking to a referendum and to what people want. I think it will be in fact a charter for self-government.

Mr. President, I have not always been a supporter of home rule.

Mr. President, I do not think I have ever opposed it. When I first came to Congress in 1960 I did not have strong views on it, but I have acquired strong views on home rule.

If I may adopt the words of the Senator from Hawaii which he spoke a few moments ago, I am for it because I think it will provide for a government which will run the city better than it is being run today. The simple facts are that we are not running this city very well. The day-to-day responsibility is reserved by Congress which does not give the affairs of the city day-to-day attention. We set up as a target the office of the Commissioner and in order to make it look and sound a little better, we call him the Mayor, but beyond his office and his title we do not give him very much.

As the Senator from Hawaii said, the Mayor cannot even appoint the members of his immediate staff. He is still totally subject to other influences. So he has all the appearances of authority, he is given all the responsibility, and practically no power; and the people who look to him, the citizens of the District of Columbia, have no power at all.

I am for this bill because after 12 years of watching the operation as it now is I have concluded Congress is not doing the kind of job it should do in the day-to-day running of the city, and that we need to place the authority to discharge the duties involved here in the hands of a democratically elected city government.

I hope the Senate will support the bill.

Mr. EAGLETON. Mr. President, I thank the senior Senator from Maryland for his comments here today, which I think were apt and appropriate, and also I thank him even more for the work he has given to the measure now before us.

Senators will agree that good legislation is not the product of the mind of just one Senator, nor is it the product of just one political party, either the majority or the minority party in the Senate. Good legislation is the product of many Senators who serve on a committee from both political parties, working together to come out with a bill that reflects the best attitudes and the best thinking they can put into it.

I can truthfully say that without the help of the senior Senator from Maryland and the leadership he gave to this matter within the committee this bill would not be on the floor today. Probably we would still be haggling over one question or another. But he wanted good legislation to be reported and he consulted with his colleagues on the committee, the Senator from Connecticut (Mr. WEICKER) and the Senator from New York (Mr. BUCKLEY) on the Republican side, as the Senator from Hawaii and I consulted with colleagues on the Democratic side, the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY).

We think all of us now have a unanimous bill reported by the committee which can be well received by the Senate.

Mr. President, I commend the bill to my colleagues.

Mr. BROOKE. Mr. President, the question of home rule is of special concern to me. As a native of the District of Columbia, I know full well the frustration of its populace over the inability to enjoy the basic American right of representative self-government. As cochairman of the National Coalition for Self Determination for the District of Columbia, I have joined with the people of the District, and indeed with concerned citizens throughout our country, to secure this long-delayed right for the people of our Nation's Capital.

Article 1, section 8 of the Constitution state that Congress has the power to exercise exclusive legislation in all cases over the seat of government and shall have the authority to make all the laws that may be necessary to execute its powers. Yet, the Declaration of Independence and the Constitution itself, is firmly grounded in the philosophy that a government must derive its just powers from the consent of the governed. Herein lies the crux of our debate today—the right of a people to self-determination to pick their representatives and to hold them accountable at the polls.

What we are deciding today is whether a people shall have the right to determine their own interests and priorities, and whether they will be granted enough control to insure that their desires move toward realities. Nowhere in this country, except in the District of Columbia, are people denied this basic right; nowhere else can citizens be taxed without having a voice in determining the amount levied and where it is spent.

To place this debate in a more meaningful context, let us look for a moment at some facts about the District of Columbia. The District is the administrative seat of the Federal Government where the laws are made and executed. Yet of all the land in the District, a total of 69 square miles, only 28.4 percent is owned by the Federal Government. Compare this with 95-percent Federal ownership in Alaska, 86 percent in Nevada, 66 percent in Utah, 63 percent in Idaho, 52 percent in Oregon, 48 percent in Wyoming, 44 percent in Arizona, and California, 36 percent in Colorado, 33 percent in New Mexico, and 29 percent in Montana and Washington State. The percentage of the District's budget which comes from Federal revenues is less than or approximately equal to Alaska's, Wyoming's, Montana's, Vermont's, South Dakota's, and West Virginia's. And nine States have a smaller population than the District: Vermont, New Hampshire, the Dakotas, Delaware, Montana, Wyoming, Nevada, and Alaska. Yet on these grounds of ownership, revenue source, and population, no one would even consider suggesting that these States be forced to forfeit their right of representative self-government to Federal authority.

The point I am making, and the point that I want to reiterate, is that it is a fundamental concept of representative government, that every citizen, regardless of where he resides, regardless of the extent of his wealth or the wealth and numbers of his neighbors, should have the right to vote for and to hold responsible the persons who make the laws that control his life and his property. This principle is recognized at every level of government in this country, whether Federal, State, or local, and there is no reason why it should not be valid in the Nation's Capital.

The measure before us today, S. 2652, is not an unprecedented embarkation on an uncharted course. The District once had representative self-government, but saw that authoriy withdrawn by the Congress in 1874. In the 81st, 82d, 84th, 85th, 86th, and 89th Congresses, this body passed self-government bills only to see them die in the House. What we have seen fit to grant before, we can grant again.

There is judicial precedent as well. In 1903, the U.S. Supreme Court held in Binns against U.S. that:

> It must be remembered that Congress in the government of the Territories as well as the District of Columbia, has plenary power . . . (and) that the form of government it shall establish is not prescribed. . . . It may legislate directly in respect to the local affairs of a territory or transfer the power of such legislation to a legislature elected by the citizens of a territory.

Mr. Justice Douglas, stated his opinion in 1953 in District of Columbia against John R. Thompson Company that:

> It would seem that on the analogy of the delegation of powers of self-government and home rule both to municipalities and to territories, there is no constitutional barrier to the delegation by Congress to the District of Columbia of full legislative power, subject of course to the constitutional limitations to which all lawmaking is subservient and subject also to the power of Congress at any time to revise, alter, or revoke the authority granted.

In April 1968 both Houses of Congress acknowledged that it could and indeed should delegate some of its powers to the people, when we authorized the election of an 11-man Board of Education in the District. In September 1970 another step was taken when Congress enacted legislation authorizing the election of a delegate from Washington to the House of Representatives. Today, that delegate, Congressman WALTER FAUNTROY, is serving with distinction in the Congress and serves with me as cochairman of the National Coalition for Self-Determination for the District of Columbia.

What is being proposed today is not an abdication of power by the Congress, but rather the delegation of administrative and legislative powers for solely local affairs to a body that is duly elected by its citizens. By enacting this measure, Congress will not be surrendering its constitutional authority over the District of Columbia, for under the legislation either House can veto any legislation passed by the proposed City Council. But Congress will be giving to the residents of the District the right to decide their own priorities and to decide issues that can more appropriately be handled at a local level. In addition, Congress will free itself of the time-consuming effort of dealing with the multitude of local issues confronting the District, thereby enabling us to consider more fully matters of national and international importance.

James Madison, in the Federalist Papers, most clearly outlines the intent of the framers of the Constitution regarding the District of Columbia by stating—

> The inhabitants will find sufficient inducements of interest to become willing parties to the cession; as they will have had their voice in the election of the government which is to exercise authority over them; as a municipal legislature for local purposes, derived from their own suffrages, will of course be allowed them.

Alexander Hamilton, in defining the power of Congress in regard to its authority over the District said that:

> It is, in other words, a power to pass all laws whatsoever, and, consequently, to pass laws for erecting corporations, as well as for any other purpose which is the proper object of law in a free society.

This theme was reiterated by the President on April 7 when he called for bringing the benefits of the American Revolution to the people of the District. Let us today add our votes to these voices, and finally grant the full rights and responsibilities of citizenship to all Americans.

Mr. BEALL. Mr. President, I rise in support of S. 2652, a bill which will enable the citizens of the District of Columbia to elect their Mayor and a 11-member City Council. Technically, the bill will enact a District of Columbia Charter Act under which a referendum will be held within 4 months after the legislation is signed into law to determine whether the District of Columbia citizens accept the District of Columbia Charter Act. If approved by majority vote, truly representative local government would be provided for the citizens of the Nation's Capital for the first time in approximately a century.

Washington, D.C., is a special city not only for all Americans but for the entire free world. The Nation's Capital belongs to each American. The ideals, hopes, and aspirations of this Nation are evident in its many historic documents, buildings, and monuments. Few come to see the Capital City without returning to their respective States more inspired and appreciative of the goodness and greatness that is America.

Washington, D.C., is also a special place for 756,510 Americans who in addition to sharing in common the District of Columbia as the Nation's Capital with their fellow Americans, also call Washington, D.C., their home.

Washington, D.C., although unique in many ways, also is similar in many ways with other large urban areas. I am referring, of course, to such problems as crime, housing, education, and health. S. 2652 will give the citizens of the Nation's Capital through their local elected officials, who are in daily contact and closer to these problems, the opportunity to focus on and hopefully solve some of them.

At the same time, the unique national interests are sufficiently protected and preserved. The bill provides that Congress may at any time revoke or modify its delegation of home rule to the District. The Congress, can, if it desires, initiate legislation and Congress also has the power to veto any act of the City Council. In addition, there are provisions for the supervision of the fiscal affairs by the General Accounting Office. Similarly, there is a prohibition in the bill against the levying of a tax on the income of any individual not a resident of the District of Columbia. This, of course, will prevent the District of Columbia from enacting a commuter tax as had been proposed by the Mayor.

Mr. President, Alex de Tocqueville, the astute observer of America, many years ago commented on the importance and vitality of local governments. He said:

> Local assemblies of citizens constitute the strength of free nations. Town meetings are to liberty what primary schools are to science; they bring it within reach; they teach men how to use it and how to enjoy it.
>
> A nation may establish a system of free government, but without the spirit of municipal institutions, it cannot have the spirit of liberty.

The passage of this legislation was called for by President Nixon in his message this year to the Congress. President Nixon said:

One of my most pressing goals for this Nation is to place local functions under local control, and to equip local governments with the authority and the resources they need in order to serve their communities well.

In addition, Mr. President, the enactment of this legislation which provides greater degree of home rule to the citizens of the Nation's Capital is in keeping with the general thrust of the President's effort to return government to the people. This Nation was born 191 years ago and a rallying protest which united the earlier colonists was "taxation without representation." Certainly as this Nation approaches its 200th birthday, it is most appropriate that the New American Revolution which the President called for in his state of the Union message last January, "a peaceful revolution in which power is turned back to the people—in which government at all levels is refreshed and renewed and made truly representative," begin in the Nation's Capital.

I strongly urge that the Senate pass this legislation. It is a good bill delicately balancing the local interest and the Nation's interests.

Mr. THURMOND. Mr. President, S. 2652 would provide for the election of a Mayor and an 11-member Council by the residents of the District of Columbia. This body politic would replace the commission form of government which is presently appointed by the President and consists of a Commissioner-Mayor and a Council.

Since 1874 various legislative proposals have been submitted to provide some form of self-government for the District of Columbia. These proposals have ranged as far as making the District the 51st State having full representation in Congress and all other powers inherent in statehood.

Mr. President, I am opposed to this bill, S. 2652, because it is but another attempt to modify the constitutionally created purpose of the District of Columbia. When this country was formed, our forefathers decided that we needed an area of land—not another State or an area within a State—to house the physical structure of our Federal Government. To fulfill this need there was embodied in the Constitution a provision creating the District of Columbia.

Mr. President, if it is felt that we should change the District from the purpose for which it was created, let us go about it in a direct, constitutional way. First, let us consider the ultimate issue—whether there should be complete home rule in the District of Columbia equal to statehood. Second, let us go about this in the correct manner. The District was created in the Constitution as a place for the Federal Government not as another State where people who elect to reside therein can have the same rights and privileges as residents of the several States. If, however, this should be changed the Constitution can be amended.

Mr. President, our forefathers created the District of Columbia as a place for the Federal Government. In the same creating document, the Constitution, they embodied a provision whereby that document can be changed by the amendment process. If we desire to change the purpose for the District of Columbia let us do it as it should be done—by constitutional amendment—not by bits and pieces of legislation such as S. 2652.

Mr. TUNNEY. Mr. President, as a member of the Senate District Committee I would like to urge that my colleagues vote for S. 2652 the District of Columbia home rule bill.

Every other community in the Nation can now elect its own government officials—not the District of Columbia.

It is a national tragedy that the 850,000 people of the District of Columbia continue to live in serfdom. Restoring local self-government would place responsibility for the solution of local problems on those persons most immediately affected.

It is my belief that many of the problems of the District of Columbia cannot begin to be sloved until the decisionmakers are forced to account to the people.

I hope that S. 2652 passes the Senate unanimously and that 1971 will be the year when the right of home rule is no longer withheld from the people of the District of Columbia.

Mr. STEVENSON. Mr. President, for too many years the basic privilege of American citizens to elect the men and women who will control their local governments has been denied the three-quarters of a million citizens of the District of Columbia.

We hear statements of support in the Congress for self determination in South Vietnam—but the Congress still fails to support this principle here in Washington where we all work and many of us live. Even the Virgin Islands—perennial stepchild of the United States—now has an elected governor. Yet here in the District of Columbia we continue to pursue the antiquated and antidemocratic procedures by which the President of the United States appoints the Mayor and members of the City Council for the District. This process clearly does not reflect the desires of the people who live here. In the Congress, we must continue to legislate for the District of Columbia, and decide on every dollar that is to be spent here. This process is both undemocratic, and a tremendous waste of our time and energies. We should, instead, be able to devote all of our time to the issues affecting all of the people of the United States. The passage of this bill will not even take away from the Congress the privilege of writing legislation for the District—should it wish to do so. It will still be able to overrule the decisions of the duly-elected representatives of the people of Washington. All it will mean, is that the basic operational and policy decisions for the governance of the District will be made where they should be made: By a duly elected District government.

Mr. HUMPHREY. Mr. President, it must seem incredible to many of my colleagues, as it does to me, that the Senate is again considering a modest home rule bill for the District of Columbia.

As the Washington Post points out this morning, we, the Senate, have six times approved home rule for the Nation's Capital City. In six different Congresses since I entered the Senate in 1949, the Senate has attempted to extend some form of equal citizenship to the people of this city, only to be overruled in the House of Representatives.

I wish to commend the members of the Senate Committee on the District of Columbia for again bringing this denial of justice to the conscience of the Congress. They have recommended to us, in S. 2652, an elected Mayor and City Council, but with limited fiscal authority. They have carefully taken account of the major objection made by some opponents of home rule by explicitly asserting Congress' power to retain ultimate legislative authority over the District.

Mr. President, we should unanimously pass this bill. To continue to deny basic citizenship to the residents of the District is unconscionable. To ignore the fine record established by the present appointed Mayor-Commissioner and Council would be unfair and blind. The people of this city have every right to govern themselves, and they have proved their ability to do so.

We should pass this bill, and we should also move speedily to extend full citizenship for the people of the District by approving full equality of representation, voting representation, in the Congress.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. YOUNG. Mr. President, on this vote I have a pair with the Senator from Louisiana (Mr. ELLENDER). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Virginia (Mr. BYRD), the Senator from Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Alabama (Mr. SPARKMAN), the Senator from Mississippi (Mr. STENNIS), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Tennessee (Mr. BROCK), the Senator from Arizona (Mr. FANNIN), the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. HATFIELD), the Senator from Illinois (Mr. PERCY), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is absent on official business.

The Senator from Nebraska (Mr. HRUSKA) is absent to attend the funeral of a friend.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Alaska (Mr. STEVENS) is detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY), and the Senator from Alaska (Mr. STEVENS) would each vote "yea."

The result was announced—yeas 64, nays 8, as follows:

[No. 260 Leg.]

YEAS—64

Allott
Anderson
Baker
Beall
Bennett
Bentsen
Bible
Boggs
Brooke
Buckley
Burdick
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Fong
Gurney
Hansen
Hart
Hartke
Hughes
Inouye
Javits
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Proxmire
Ribicoff
Roth
Schweiker
Scott
Smith
Spong
Stafford
Stevenson
Taft
Tower
Tunney
Weicker
Williams

NAYS—8

Allen
Bellmon
Eastland
Ervin
Long
McClellan
Talmadge
Thurmond

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mr. Young, for.

NOT VOTING—27

Aiken
Bayh
Brock
Byrd, Va.
Ellender
Fannin
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Harris
Hatfield
Hollings
Hruska
Humphrey
Jackson
Jordan, N.C.
Mundt
Muskie
Percy
Randolph
Saxbe
Sparkman
Stennis
Stevens
Symington

So the bill (S. 2652) was passed, as follows:

S. 2652

An act to provide an elected Mayor and City Council for the District of Columbia, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the retention by Congress of the ultimate legislative authority over the Nation's Capital which is granted by the Constitution, it is the intent of Congress to restore to the inhabitants of the District of Columbia the powers of local self-government which are a basic privilege of all American citizens; to reaffirm through such action the confidence of the American people in the strengthened validity of principles of local self-government by the elective process; to promote among the inhabitants of the District the sense of responsibility for the development and well-being of their community which will result from the enjoyment of such powers of self-government; to provide for the more effective participation in the development of the District and in the solution of its local problems by those persons who are most closely concerned; and to relieve the National Legislature of the burden of legislating upon purely local District matters. It is the further intention of Congress to exercise its retained ultimate legislative authority over the District only insofar as such action shall be necessary or desirable in the interest of the Nation.

TABLE OF CONTENTS

TITLE I—DEFINITIONS

Sec. 101. Definitions.

TITLE II—STATUS OF THE DISTRICT

Sec. 201. Status of the District.

TITLE III—THE DISTRICT COUNCIL

PART I—CREATION OF THE DISTRICT COUNCIL

Sec. 301. Creation and membership.
Sec. 302. Qualifications for holding office.
Sec. 303. Compensation.
Sec. 304. Changes in membership and compensation of District Council members.

PART II—PRINCIPAL FUNCTIONS OF THE DISTRICT COUNCIL

Sec. 321. Abolishment of existing government and transfer of functions.
Sec. 322. Certain delegated functions and functions of certain agencies.
Sec. 323. Procedure of zoning Acts.
Sec. 324. Appointment of Armory Board.
Sec. 325. Powers of and limitations upon District Council.

PART III—ORGANIZATION AND PROCEDURE OF THE DISTRICT COUNCIL

Sec. 331. The Chairman.
Sec. 332. Secretary of the District Council; records and documents.
Sec. 333. Meetings.
Sec. 334. Committees.
Sec. 335. Acts and resolutions
Sec. 336. Passage of Acts.
Sec. 337. Investigations by District Council.

TITLE IV—MAYOR

Sec. 401. Election, qualifications, and salary.
Sec. 402. Powers and duties.

TITLE V—THE DISTRICT BUDGET

PART 1—BUDGET

Sec. 501. Fiscal year.
Sec. 502. Budgetary details fixed by Mayor.
Sec. 503. Adoption of budget.
Sec. 504. Budget establishes appropriations.
Sec. 505. Financial duties of the Mayor.
Sec. 506. Control of appropriations.
Sec. 507. Accounting supervision and control.
Sec. 508. General fund.
Sec. 509. Contracts extending beyond one year.
Sec. 510. Annual budget for the Board of Education.

PART 2—ANNUAL POSTAUDIT BY GENERAL ACCOUNTING OFFICE

Sec. 521. Independent annual postaudit.
Sec. 522. Amendment of Budgetary and Accounting Act.

PART 3—ADJUSTMENT OF FEDERAL AND DISTRICT EXPENSES

Sec. 531. Adjustments.

TITLE VI—BORROWING

PART 1—BORROWING FOR CAPITAL IMPROVEMENTS

Sec. 601. Borrowing power; debt limitations.
Sec. 602. Contents of borrowing legislation; referendum on bond issue.
Sec. 603. Publication of borrowing legislation.
Sec. 604. Short period of limitation.
Sec. 605. Acts for issuance of bonds.
Sec. 606. Public sale.

PART 2—SHORT-TERM BORROWING

Sec. 621. Borrowing to meet appropriations.
Sec. 622. Borrowing in anticipation of revenues.
Sec. 623. Notes redeemable prior to maturity.
Sec. 624. Sale of notes.

PART 3—PAYMENT OF BONDS AND NOTES

Sec. 631. Special tax.

PART 4—TAX EXEMPTION—LEGAL INVESTMENT—WATER POLLUTION—RESERVOIRS—CONTRIBUTIONS—TERMINATION OF BORROWING AUTHORITY

Sec. 641. Tax exemption.
Sec. 642. Legal investment.
Sec. 643. Water pollution.
Sec. 644. Cost of reservoirs on Potomac River.
Sec. 645. District of Columbia contributions to the Washington Metropolitan Area Transit Authority.
Sec. 646. Termination of the District's authority to borrow from the Treasury.

TITLE VII—FEDERAL PAYMENT

Sec. 701. Annual Federal payment to the District.

TITLE VIII—AMENDMENTS TO DISTRICT OF COLUMBIA ELECTION ACT

Sec. 801. Amendments.

TITLE IX—MISCELLANEOUS

Sec. 901. Agreements with United States.
Sec. 902. Personal interest in contracts or transactions.
Sec. 903. Compensation from more than one source.
Sec. 904. Assistance of United States Civil Service Commission in development of District merit system.

TITLE X—SUCCESSION IN GOVERNMENT

Sec. 1001. Transfer of personnel, property, and funds.
Sec. 1002. Existing statutes, regulations, and other actions.
Sec. 1003. Pending actions and proceedings.
Sec. 1004. Vacancies resulting from abolishment of offices of Commissioner and Assistant to the Commissioner.

TITLE XI—SEPARABILITY OF PROVISIONS

Sec. 1101. Separability of provisions.

TITLE XII—TEMPORARY PROVISIONS

Sec. 1201. Powers of the President during transition period.
Sec. 1202. Reimbursable appropriations for the District.

TITLE XIII—EFFECTIVE DATES

Sec. 1301. Effective dates.

TITLE XIV—SUBMISSION OF CHARTER FOR REFERENDUM

Sec. 1401. Charter referendum.
Sec. 1402. Board of Elections.
Sec. 1403. Applicability of title VIII.
Sec. 1404. Charter referendum ballot; notice of voting.
Sec. 1405. Acceptance or nonacceptance of charter.

TITLE XV—TITLE OF ACT

Sec. 1501. Short title.

TITLE I—DEFINITIONS

DEFINITIONS

SEC. 101. For the purposes of this Act—

(1) The term "District" means the District of Columbia.

(2) The terms "District Council" and "Council" mean the Council of the District of Columbia provided for by title III.

(3) The term "District of Columbia Council" means the Council of the District of Columbia established under Reorganization Plan Numbered 3 of 1967.

(4) The term "Chairman" means, unless otherwise indicated in this Act, the Chairman of the District Council provided for by title III.

(5) The term "Mayor" means the Mayor provided for by title IV.

(6) The term "qualified voter," except as otherwise specifically provided, shall have the same meaning as that provided for a "qualified elector" under paragraph (2) of section 2 of the District of Columbia Election Act.

(7) The term "act" includes any legislation adopted by the District Council, except where the term "Act" is used to refer to this Act or other Acts of Congress herein specified.

(8) The term "District Election Act of 1955" means the Act of August 12, 1955 (69 Stat. 699), as amended.

(9) The term "person" includes an individual, partnership, association, joint-stock company, trust, or corporation.

(10) The term "capital project", or "project", means (a) any physical public betterment or improvement and any preliminary studies and surveys relative thereto; (b) the acquisition of property of a permanent nature; or (c) the purchase of equipment for any public betterment or improvement when first erected or acquired.

(11) The term "pending", when applied to any capital project, means authorized but not yet completed.

(12) "District revenues," as used in title VI, means all revenues derived from taxes, fees, charges, and miscellaneous receipts, including all annual Federal payments to the District authorized by law.

(13) The term "Board of Elections" means the Board of Elections created by section 3 of the District Election Act of 1955.

(14) The term "election", unless the context otherwise indicates, means an election held pursuant to the provisions of this Act.

(15) The term "domicile" means that place where a person has his true, fixed, and permanent home and to which, when he is absent, he has the intention of returning.

(16) The terms "publish" and "publication", unless otherwise specifically provided herein, mean publication in a newspaper of general circulation in the District.

(17) The term "municipal courts of the District of Columbia" means the Superior Court of the District of Columbia, the District of Columbia Court of Appeals, and such other municipal courts as the District Council may hereafter establish by act.

TITLE II—STATUS OF THE DISTRICT

SEC. 201. (a) All of the territory constituting the permanent seat of the Government of the United States shall continue to be designated as the District of Columbia. The District of Columbia shall remain and continue a body corporate, as provided in section 2 of the Revised Statutes relating to said District. Said Corporation shall continue to be charged with all the duties, obligations, responsibilities, and liabilities, and to be vested with all of the powers, rights, privileges, immunities, and assets, respectively, imposed upon and vested in said Corporation or the Commissioner of the District of Columbia.

(b) No law or regulation which is in force on the effective date of part 2, title III, of this Act shall be deemed amended or repealed by this Act except to the extent specifically provided herein or to the extent that such law or regulation is inconsistent with this Act, but any such law or regulation may be amended or repealed by legislation or regulation as authorized in this Act, or by Act of Congress.

(c) Nothing contained in this section shall affect the boundary line between the District of Columbia and the Commonwealth of Virginia as the same was established or may be subsequently established under the provisions of title I of the Act of October 31, 1945 (59 Stat. 552).

TITLE III—THE DISTRICT COUNCIL

PART 1—CREATION OF THE DISTRICT COUNCIL

CREATION AND MEMBERSHIP

SEC. 301. There is hereby created a Council of the District of Columbia consisting of eleven members, of whom the Chairman and two members shall be elected at large and the other eight members shall be elected one from each of the eight election wards established under the District of Columbia Election Act. The term of office of the Chairman and other members of the Council shall be four years beginning at noon on January 2 of the calendar year next following the calendar year of their election; except that of the members (other than the Chairman) first elected after the effective date of this provision, one member elected at large and four members elected from wards shall serve for terms of two years. The members who shall serve for terms of two years shall be determined by lots cast before the Board of Elections of the District of Columbia upon a date set and pursuant to regulations issued by the Board of Elections.

QUALIFICATIONS FOR HOLDING OFFICE

SEC. 302. No person shall hold the office of member of the District Council, including the office of Chairman, unless he (1) is a qualified voter, (2) is domiciled in the District and, if he is nominated for election from a particular ward, resides in the ward from which he is nominated, (3) has, during the three years next preceding his election, resided and been domiciled in the District, and (4) is not engaged in any employment (whether as an employee or as a self-employed individual) and holds no public office or position (other than his employment in and position as a member of the Council), for which he is compensated in an amount in excess of his actual expenses in connection therewith, except that nothing in this clause shall prohibit any such person, while a member of the Council, from serving as a delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or from holding an appointment in a Reserve component of an armed force of the United States other than a member serving on active duty under a call for more than thirty days. A member of the Council shall forfeit his office upon failure to maintain the qualifications required by this section.

COMPENSATION

SEC. 303. Each member of the District Council, including the Chairman, shall receive compensation, payable in periodic installments, at rates established by act passed by the Council. All members shall receive such additional allowances for expenses as may be approved by the Council to be paid out of funds duly appropriated therefor.

CHANGES IN MEMBERSHIP AND COMPENSATION OF DISTRICT COUNCIL MEMBERS

SEC. 304. The number of members constituting the District Council, the qualifications for holding office, and the compensation of such members may be changed by act passed by the Council: *Provided*, That no such act (other than an act involving compensation or allowances) shall take effect until after it has been assented to by a majority of the qualified voters of the District voting at an election on the proposition set forth in any such act.

PART 2—PRINCIPAL FUNCTIONS OF THE DISTRICT COUNCIL

ABOLISHMENT OF EXISTING GOVERNMENT AND TRANSFER OF FUNCTIONS

SEC. 321. (a) The District of Columbia Council, the offices of Chairman of the District of Columbia Council, Vice Chairman of the District of Columbia Council, and the seven other members of the District of Columbia Council, and the offices of the Commissioner of the District of Columbia and Assistant to the Commissioner of the District of Columbia, as established by Reorganization Plan Numbered 3 of 1967, are hereby abolished: *Provided*, That this subsection shall not be construed to reinstate any governmental body or office in the District abolished in said plan or otherwise heretofore.

(b) Except as otherwise provided in this Act, all functions granted to or imposed upon, or vested in or transferred to the District of Columbia Council or the Commissioner of the District of Columbia, as established by Reorganization Plan Numbered 3 of 1967, shall be carried out by the District Council and the Mayor in accordance with the provisions of this Act.

CERTAIN DELEGATED FUNCTIONS AND FUNCTIONS OF CERTAIN AGENCIES

SEC. 322. No function of the District of Columbia Council (established under Reorganization Plan Numbered 3 of 1967) or of the Commissioner of the District of Columbia which such District of Columbia Council or Commissioner has delegated to an officer, employee, or agency (including any body of or under such agency) of the District, nor any function now vested pursuant to section 501 of Reorganization Plan Numbered 3 of 1967 in the District Public Service Commission, Zoning Commission, Zoning Advisory Council, Board of Zoning Adjustment, Office of the Recorder of Deeds, or Armory Board, or in any officer, employee, or body of or under such agency, shall be considered as a function transferred to the District Council pursuant to section 321 of this Act. Each such function is hereby transferred to the officer, employee, or agency (including any body of or under such agency), to whom or to which it was delegated, or in whom or in which it has remained vested, until the Mayor or Council established under this title, or both, pursuant to the powers herein granted, shall revoke, modify, or transfer such delegation or vesting.

PROCEDURE OF ZONING ACTS

SEC. 323. (a) The provisions of section 322 of this Act notwithstanding, before any zoning regulation or equivalent legislation for the District is approved by the District Council, Zoning Commission, or other authority—

(1) the Council, Zoning Commission, or authority shall deposit such regulation or legislation in its introduced form with the National Capital Planning Commission. Such Planning Commission shall, within thirty days after the day of such deposit, submit its comments to the Council, Zoning Commission, or authority, including advice as to whether the proposed regulation or legislation is in conformity with the comprehensive plan for the District of Columbia. The Council, Zoning Commission, or authority shall not pass the regulation or legislation unless it has received said comments, or the Planning Commission has failed to comment, within the thirty-day period above specified; and

(2) the Council, Zoning Commission, or authority, or an appropriate committee thereof, shall hold a public hearing on the regulation or legislation. At least thirty days' notice of the hearing shall be published, as the Council, Zoning Commission, or authority may direct. Such notice shall include the time and place of the hearing and a summary of all changes in existing law which would be made by adoption of the regulation or legislation. The Council, Zoning Commission, or authority (or committee thereof holding a hearing) shall give such additional notice as it finds expedient and practicable. At the hearing interested persons shall be given reasonable opportunity to be heard. The hearing may be adjourned from time to time. The time and place of

reconvening shall be publicly announced before adjournment is had.

(b) The Council, Zoning Commission, or authority shall deposit with the Planning Commission each such regulation or item of legislation passed by it.

(c) This section shall not be construed to restrict legislation (or regulation) regarding solely the procedure (apart from this section) or mechanism for regulating zoning in the District and not itself regulating such zoning.

APPOINTMENT OF ARMORY BOARD

SEC. 324. (a) The first sentence of section 2 of the Act of June 4, 1948 (62 Stat. 339), is hereby amended to read as follows: "There is hereby established an Armory Board, to be composed of three members who shall be appointed by the Mayor by and with the advice and consent of the Council and who shall serve at the pleasure of the Mayor."

(b) All functions and authority vested in the President by the Act of June 12, 1934 (48 Stat. 930), as amended, are hereby transferred to and vested in the Mayor.

POWERS AND LIMITATIONS UPON DISTRICT COUNCIL

SEC. 325. (a) The legislative power granted to the District by this Act shall be vested in the District Council.

(b) Notwithstanding any other provision of this Act, the Congress of the United States reserves the right, at any time, to exercise its constitutional authority as legislature for the District of Columbia, by enacting legislation for the District on any subject, whether within or without the scope of legislative power granted to the District Council by this Act, including legislation to amend or repeal any law in force in the District prior to or after the enactment of this Act and any act passed by the Council.

(c) Except as provided in subsection (d) of this section, the legislative power of the District shall extend to all rightful subjects of legislation within the District consistent with the Constitution of the United States and the provisions of this Act, subject to all the restrictions and limitations imposed upon States by the tenth section of the first article of the Constitution of the United States.

(d) The Council shall have no authority to pass any act contrary to the provisions of this Act, or—

(1) impose any tax on property of the United States or any of the several States, or upon the whole or any portion of the personal income, either directly or at the source thereof, of any individual not a resident of the District (the terms "individual" and "resident" to be understood for the purposes of this paragraph as under section 4 of the Act of July 16, 1947 (61 Stat. 332));

(2) lend the public credit for support of any private undertaking;

(3) authorize the issuance of bonds except in compliance with the provisions of title VI;

(4) enact any act, or enact any act to amend or repeal any Act of Congress, which concerns the functions or property of the United States or which is not restricted in its application exclusively in or to the District;

(5) pass any act inconsistent with or contrary to the Act of June 6, 1924 (43 Stat. 463), as amended, or the Act of May 29, 1930 (46 Stat. 482), as amended, and the Council shall not pass an act inconsistent with or contrary to any provision of any Act of Congress as it specifically pertains to any duty, authority, and responsibility of the National Capital Planning Commission.

(f) Every act shall include a preamble, or be accompanied by a report, setting forth concisely the purposes of its adoption. Every act shall be published, upon becoming law, as the Council may direct.

(g) An act passed by the Council shall be presented by the Chairman of the Council to the Mayor, who shall, within ten calendar days after the act is presented to him, either approve or disapprove such act. If the Mayor shall approve such act, he shall indicate the same by affixing his signature thereto, and such act shall, subject to the provisions of subsection (h) of this section, become law. If the Mayor shall disapprove such act, he shall, within ten calendar days after it is presented to him, return such act to the Council setting forth his reasons for such disapproval. If any act so passed shall not be returned to the Council by the Mayor within ten calendar days after it shall have been presented to him, the Mayor shall be deemed to have approved it, and such act shall, subject to the provisions of subsection (h) of this section, become law. If, within thirty calendar days after an act has been timely returned by the Mayor to the Council with his disapproval, two-thirds of the members of the Council present and voting vote to repass such act, the act so repassed shall, subject to the provisions of subsection (h) of this section, become law.

(h) The provisions of subsection (g) of this section notwithstanding, acts of the District Council exercising functions not heretofore legally exercisable by the Commissioner of the District of Columbia pursuant to section 401 of Reorganization Plan Numbered 3 of 1967 or by the District of Columbia Council pursuant to section 402 of said plan, shall become law only in accordance with the following:

(1) Within five calendar days following the date upon which such acts of the District Council would have become law apart from this subsection, such acts of the District Council shall be transmitted to the Congress by the Mayor or, in the case of such acts repassed by a two-thirds vote of the District Council over the Mayor's disapproval, by the Chairman of the Council.

(2) (A) Any act so transmitted shall become law upon the date of expiration of a period of thirty calendar days of continuous session of the Congress following the date on which such act is transmitted, unless during such period there is passed by either the Senate or the House of Representatives a resolution stating in substance that the Senate or the House of Representatives, as the case may be, does not approve the proposed act, in which case such proposed act shall be considered void and of no effect. For the purposes of this paragraph, in the computation of the thirty-day period there shall be excluded the days on which either the Senate or the House of Representatives, as the session because of adjournment of more than three days to a day certain or an adjournment of the Congress sine die.

(B) The provisions of sections 910–913 of title 5, United States Code, shall apply to the procedure to be followed in the Senate and House of Representatives in the exercise of their respective responsibilities under subparagraph (A) of this paragraph in the same manner and to the same extent as such provisions apply to the procedure followed in the case of reorganization plans; except that references in such provisions to a "resolution with respect to a reorganization plan" shall be deemed for the purposes of this paragraph to refer to a resolution of disapproval under subparagraph (A).

(i) On or after the effective date of this part, any person appointed to serve as judge of one of the municipal courts of the District of Columbia shall not (1) be appointed to serve for a term of less than ten years, (2) serve on the court past the year that the seventieth anniversary of his birth shall occur, or (3) receive as compensation for such service an amount less than the amount payable to an associate judge of the Superior Court of the District of Columbia on the effective date of this part. Appointments to positions as judges of the municipal courts of the District of Columbia shall be made by the Mayor, with the advice and consent of the Council. Nothing in this Act shall be construed to change or authorize the change of the tenure of any persons occupying positions as judges of the municipal courts of the District of Columbia on the effective date of this part, and in no case may their compensation be decreased.

(j) Except as limited by subsection (i) of this section, upon the effective date of this part, jurisdiction over the municipal courts of the District of Columbia shall vest with the District Council in all matters (other than the appointment of judges) pertaining to the organization and composition of such courts, and to the qualification, tenure, and compensation of the judges thereof, but in no event shall the Council transfer or modify any function performed by the United States marshal or the United States attorney for the district on the effective date of this part.

(k) Nothing in this section or elsewhere in this Act shall be construed as authorizing the District Council to modify or otherwise alter the jurisdiction, established by the enactment of the Congress of the United States, of the United States District Court for the District of Columbia or any other United States court other than the municipal courts of the District.

(l) Nothing in this Act shall be construed as vesting in the District government any greater authority over the Washington Aqueduct, the Commission on Mental Health, the National Zoological Park, the National Guard of the District of Columbia, or, except as otherwise specifically provided in this Act, over any Federal agency, than was vested in the Commissioner of the District prior to the effective date of part 2, title III, of this Act.

PART 3—ORGANIZATION AND PROCEDURE OF THE DISTRICT COUNCIL

THE CHAIRMAN

SEC. 331. (a) The Chairman of the District Council shall be the presiding officer of the Council. The District Council shall elect from among its members, for a term of two years, a Vice Chairman.

(b) When the Mayor is absent or unable to act, the Chairman of the Council shall act in his stead. When the Chairman of the Council is absent or unable to act, the Vice Chairman shall act in his stead.

(c) In the event that the Chairman of the Council becomes Mayor by reason of a vacancy in the office of Mayor (as provided in section 401(b)(2) of this Act), the Vice Chairman shall serve as Chairman in accordance with the provisions of section 10(e)(2)(A) of the District of Columbia Election Act.

SECRETARY OF THE DISTRICT COUNCIL; RECORDS AND DOCUMENTS

SEC. 332. (a) The Council shall appoint a Secretary as its chief administrative officer and such assistants and clerical personnel as may be necessary. Notwithstanding any other provision of this Act, he compensation and other terms of employment of such Secretary, assistants, and clerical personnel shall be prescribed by the Council.

(b) The Secretary shall (1) keep a record of the proceedings of the Council, (2) keep a record showing the text of all acts introduced and the ayes and noes of each vote, (3) authenticate by his signature and record in full in a continuing record kept for that purpose all acts passed by the Council, including the date and time that each such act takes effect, and (4) perform such other duties as the Council may from time to time prescribe.

(c) The records required by subsection (b) shall be available for public inspection during normal business hours and copies of the records shall be made available for purchase under such conditions and upon the payment of such fees as the Council shall deem appropriate.

MEETINGS

SEC. 333. (a) A majority of the District Council shall constitute a quorum for the lawful convening of any meeting of the Council and for the transaction of business of the Council.

(b) The first meeting of the Council after this part takes effect shall be called by the Chairman of the District Council.

(c) The Council shall provide for the time and place of its regular meetings. The Council shall hold at least one regular meeting in each calendar week except during the month of August. Special meetings may be called, upon the giving of adequate notice, by the Mayor, the Chairman, or any three members of the Council.

(d) Meetings of the Council shall be open to the public and shall be held at reasonable hours and at such places as may be necessary to accommodate a reasonable number of spectators. Any citizen shall have the right to petition and be heard by the Council at any of its meetings within reasonable limits as set by the Council.

COMMITTEES

SEC. 334. The Council Chairman, with the advice and consent of the Council, shall determine the standing and special committees which may be expedient for the conduct of the Council's business. The Chairman shall appoint members to such committees. All committee meetings shall be open to the public except when ordered closed by the committee chairman, with the prior approval of a majority of the members of the committee.

ACTS AND RESOLUTIONS

SEC. 335. (a) The Council, to discharge the powers and duties imposed herein, shall pass acts and adopt resolutions, upon a vote of a majority of the members of the Council present and voting, unless otherwise provided herein. The Council shall use acts for all legislative purposes. Resolutions shall be used to express simple determinations, decisions, or directions of the Council of a special or temporary character.

(b)(1) The enacting clause of all acts passed by the Council shall be, "Be it enacted by the Council of the District of Columbia:".

(2) The resolving clause of all resolutions passed by the Council shall be, "The Council of the District of Columbia hereby resolves,".

(c) A special election may be called by resolution of the Council to present for an advisory referendum vote of the people any proposition upon which the Council desires to take action.

PASSAGE OF ACTS

SEC. 336. The Council shall not pass any act before the thirteenth day following the day on which it is introduced. Subject to the other limitations of this Act, this requirement may be waived by the unanimous vote of the members present, if such members present constitute a majority of the Council.

INVESTIGATIONS BY DISTRICT COUNCIL

SEC. 337. (a) The Council, or any committee or person authorized by it, shall have power to investigate any matter relating to the affairs of the District; and for that purpose may require the attendance and testimony of witnesses and the production of books, papers, and other evidence. For such purpose any member of the Council (if the Council is conducting the inquiry) or any member of the committee may issue subpenas and administer oaths.

(b) In case of contumacy by, or refusal to obey a subpena issued to, any person, the Council shall have power to refer the matter to any judge of the United States District Court for the District of Columbia, who may by order require such person to appear and to give or produce testimony or books, papers, or other evidence, bearing upon the matter under investigation; and any failure to obey such order may be punished by such court as a contempt thereof as in the case of failure to obey a subpena issued, or to testify, in a case pending before such court.

TITLE IV—MAYOR

ELECTION, QUALIFICATIONS, AND SALARY

SEC. 401. (a) There is hereby created the office of Mayor of the District of Columbia. The Mayor shall be elected as provided in title VIII. The term of office of the Mayor shall be four years, beginning at noon on January 2 of the calendar year next following the calendar year in which he is elected.

(b)(1) No person shall hold the office of Mayor unless he (1) is a qualified voter, (2) is domiciled and resides in the District, (3) has, during the three years next preceding his nomination, been resident in and domiciled in the District, and (4) is not engaged in any employment (whether as an employee or as a self-employed individual) and holds no public office or position (other than his employment in and position as Mayor), for which he is compensated in an amount in excess of his actual expenses in connection therewith, except that nothing in this clause shall be construed as prohibiting such person, while holding the office of Mayor, from serving as a delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or from holding an appointment in a Reserve component of an armed force of the United States other than a member serving on active duty under a call for more than thirty days. The Mayor shall forfeit his office upon failure to maintain the qualifications required by this section.

(2) When the office of Mayor is vacant, the Chairman of the District Council shall, immediately upon the creation of such vacancy, become Mayor and shall serve for the remainder of the unexpired term of his predecessor vacating such office.

(c) The Mayor shall receive an annual salary in an amount established by act passed by the Council, and an allowance, in such amount as the Council shall establish, for official reception and representation expenses, which he shall certify in reasonable detail to the District Council. Such salary shall be payable in periodic installments.

(d) Subject to the provision of subsection (c) relating to compensation, the method of election, the qualifications for office, the compensation and the allowance for official expenses pertaining to the office of Mayor may be changed by acts passed by the Council, except that no such act (other than an act involving compensation or allowance) shall take effect until after it has been assented to by a majority of the qualified voters of the District voting at an election on the proposition set forth in such act.

POWERS AND DUTIES

SEC. 402. The executive power of the District shall be vested in the Mayor who shall be the chief executive officer of the District government. He shall be responsible for the proper administration of the affairs of the District coming under his jurisdiction or control, and to that end shall have the following powers, duties, and functions:

(1) The Mayor shall designate the officer or officers of the executive department of the District who shall, during periods of disability or absence from the District of the Mayor and the Chairman of the Council, execute and perform all the powers and duties of the Mayor.

(2) The Mayor shall act as the official spokesman for the District and as the head of the District for ceremonial purposes.

(3) The Mayor shall administer all laws relating to the appointment, promotion, discipline, separation, and other conditions of employment of personnel in the office of the Mayor, personnel in executive departments of the District, and members of boards, commissions, and other agencies, who, under laws in effect on the date immediately preceding the effective date of section 321(a) of this Act, were subject to appointment and removal by the Commissioner of the District of Columbia. All actions affecting such personnel and such members shall, until such time as legislation is enacted by the Council superseding such laws and establishing a permanent District government merit system or systems, pursuant to section 402(4), continue to be subject to the provisions of Acts of Congress relating to the appointment, promotion, discipline, separation, and other conditions of employment applicable to officers and employees of the District government, to section 1001(d) of this Act, and where applicable, to the provisions of the joint agreement between the Commissioners and the Civil Service Commission authorized by Executive Order Numbered 5491 of November 18, 1930, relating to the appointment of District personnel. He shall appoint or assign persons to positions formerly occupied, ex officio, by the Commissioner of the District of Columbia or by the Assistant to the Commissioner and shall have power to remove such persons from such positions. The officers and employees of each agency with respect to which legislative power is delegated by this Act and which, immediately prior to the effective date of section 321(a) of this Act, was not subject to the administrative control of the Commissioner of the District, shall continue to be appointed and removed in accordance with applicable laws until such time as such laws may be superseded by legislation passed by the Council establishing a permanent District government merit system or systems pursuant to section 402(4).

(4) The Mayor shall administer the personnel functions of the District covering employees of all District departments, boards, commissions, offices, and agencies, except as otherwise provided by this Act. Personnel legislation enacted by Congress, prior to or after the effective date of this section, including, without limitation, legislation relating to appointments, promotions, discipline, separations, pay, unemployment compensation, health, disability, and death benefits, leave, retirement, insurance, and veterans' preference applicable to employees of the District government as set forth in section 1002(c), shall continue to be applicable until such time as the Council shall, pursuant to this section, provide equal or equivalent coverage under a District government merit system or systems. The District government merit system or systems shall be established by legislation of the Council. The system or systems may provide for continued participation in all or part of the Federal Civil Service System and shall provide for persons employed by the District government immediately preceeding the effective date of such system or systems personnel benefits but not limited to pay, tenure, leave, residence, retirement, health and life insurance, and employee disability and death benefits, all at least equal to those provided by legislation enacted by Congress, or regulation adopted pursuant thereto, and applicable to such officers and employees immediately prior to the effective date of the system or systems established pursuant to this Act. The District government merit system or systems shall take effect not earlier than one year no later than five years after the effective date of this section.

(5) The Mayor shall, through the heads of administrative boards, offices, and agencies, supervise and direct the activities of such boards, offices, and agencies.

(6) The Mayor shall, at the end of each fiscal year, prepare reports for such year of (A) the finances of the District, and (B) the administrative activities of the executive office of the Mayor and the executive depart-

ments of the District. He shall submit such reports to the Council within ninety days after the close of the fiscal year.

(7) The Mayor shall keep the Council advised of the financial condition and future needs of the District and make such recommendations to the Council as may seem to him desirable.

(8) The Mayor may submit drafts of acts to the Council.

(9) The Mayor may delegate any of his functions (other than the function of approving or disapproving acts passed by the Council or the function of approving contracts between the District and the Federal Government under section 901) to any officer, employee, or agency of the executive office of the Mayor, or to any director of an executive department who may, with the approval of the Mayor, make a further delegation of all or a part of such functions to subordinates under his jurisdictions.

(10) The Mayor shall appoint a City Administrator, who shall serve at the pleasure of the Mayor. The City Administrator shall be the chief administrative officer of the Mayor, and he shall assist the Mayor in carrying out his functions under this act, and shall perform such other duties as may be assigned to him by the Mayor. The City Administrator shall be paid at a rate equal to the maximum rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code, plus $500, except that, effective on and after the establishment of any District government merit system by legislation of the Council, the City Administrator shall be paid at a rate equal to that paid to the highest paid employee of the District government pursuant to such merit system or systems so established by legislation of the Council, plus $500.

(11) The Mayor may propose to the executive or legislative branch of the United States Government legislation or other action dealing with any subject whether or not falling within the authority of the District government, as defined in this Act.

(12) The Mayor, as custodian thereof, shall use and authenticate the corporate seal of the District in accordance with law.

(13) The Mayor shall have the right, under rules to be adopted by the Council, to be heard by the Council or any of its committees.

(14) The Mayor is authorized to issue and enforce administrative orders, not inconsistent with this or any other Act of the Congress or any act of the Council, as are necessary to carry out his functions and duties.

TITLE V—THE DISTRICT BUDGET

PART 1—BUDGET

FISCAL YEAR

SEC. 501. The fiscal year of the District of Columbia shall begin on the 1st day of July and shall end on the 30th day of June of the succeeding calendar year. Such fiscal year shall also constitute the budget and accounting year.

BUDGETARY DETAILS FIXED BY MAYOR

SEC. 502. (a) The Mayor shall prepare and submit, not later than April 1, to the District Council, in such form and manner as the Mayor shall determine, the annual budget (including operating and capital outlay expenditures) of the District and the budget message.

(b) The Mayor shall, in consultation with the Council, take whatever action may be necessary to achieve, insofar as is possible, (1) consistency in accounting and budget classifications, (2) synchronization between accounting and budget classifications and organizational structure, and (3) support of the budget justifications by information on performance and program costs as shown by the accounts.

ADOPTION OF BUDGET

SEC. 503. The Council shall by act adopt a budget for each fiscal year not later than May 15, except that the Council may, by resolution, extend the period for its adoption. In any case in which the Council modifies the budget request submitted by the Mayor pursuant to section 502, the Council shall submit such modifications to the Mayor for his review and comments. In any case involving such modifications, the Council shall not adopt such budget until after the expiration of the ten day period following the submission of such modifications to the Mayor. The effective date of the budget shall be July 1 of the same calendar year.

BUDGET ESTABLISHES APPROPRIATIONS

SEC. 504. The adoption of the budget by act of the Council shall operate to appropriate and to make available for expenditure, for the purposes therein named, the several amounts stated therein as proposed expenditures, subject to the provisions of section 505.

SEC. 505. The Mayor, through his duly designated subordinates, shall have charge of the administration of the financial affairs of the District and to that end he shall—

(1) supervise and be responsible for all financial transactions to insure adequate control of revenues and resources and to insure that appropriations are not exceeded;

(2) maintain systems of accounting and internal control designed to provide—

(A) full disclosure of the financial results of the District government's activities,

(B) adequate financial information needed by the District government for management purposes,

(C) effective control over and accountability for all funds, property, and other assets;

(3) submit to the Council a monthly financial statement, by appropriation and department, and in any further detail the Council may specify;

(4) prepare, as of the end of each fiscal year, a complete financial statement and report;

(5) supervise and be responsible for the assessment of all property subject to assessment within the corporate limits of the District for taxation, make all special assessments for the District government, prepare tax maps, and give such notice of taxes and special assessments as may be required by law;

(6) supervise and be responsible for the assessment and collection of all taxes, special assessments, license fees, and other revenues of the District for the collection of which the District is responsible and receive all money receivable by the District from the Federal Government, or from any court, or from any agency of the District;

(7) have custody of all public funds belonging to or under the control of the District, or any agency of the District government, and deposit all funds coming into his hands, in such depositories as may be designated and under such terms and conditions as may be prescribed by act of the Council;

(8) have custody of all investments and invested funds of the District government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the District and the receipt and delivery of District bonds and notes for transfer, registration, or exchange.

CONTROL OF APPROPRIATIONS

SEC. 506. The Mayor, with the concurrence of the Council, may provide for (1) the transfer during the budget year of any appropriation balance then available for one item of appropriation to another item of appropriation, and (2) the allocation to new items of funds appropriated for contingent expenditure.

ACCOUNTING SUPERVISION AND CONTROL

SEC. 507. The Mayor, through his duly authorized subordinates, shall—

(1) prescribe the forms of receipts, vouchers, bills, and claims to be used by all the agencies of the District government;

(2) examine and approve all contracts, orders, and other documents by which the District government incurs financial obligations, having previously ascertained that moneys have been appropriated and allotted and will be available when the obligations shall become due and payable;

(3) audit and approve before payment all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the District government and with the advice of the legal officials of the District determine the regularity, legality, and correctness of such claims, demands, or charges; and

(4) perform internal audits of central accounting and department and agency records of the District government, including the examination of any accounts or records of financial transactions, giving due consideration to the effectiveness of accounting systems, internal control, and related administrative practices of the respective agencies.

GENERAL FUND

SEC. 508. The general fund of the District shall be composed of the revenues of the District other than the revenues applied by law to special funds. All moneys received by any agency, officer, or employee of the District in its or his official capacity shall belong to the District government and shall be paid promptly to the Mayor, or his duly authorized subordinates, for deposit in the appropriate funds.

CONTRACTS EXTENDING BEYOND ONE YEAR

SEC. 509. No contract involving expenditure out of an appropriation which is available for more than one year shall be made for a period of more than five years unless, with respect to a particular contract, the Council, by a two-thirds vote of its members present and voting, authorizes the extension of such period for such contract. Such contracts shall be made pursuant to criteria established by act of the Council.

ANNUAL BUDGET FOR THE BOARD OF EDUCATION

SEC. 510. With respect to the annual budget for the Board of Education in the District of Columbia, the Council may establish the maximum amount of funds which will be appropriated to the Board, but may not specify the purposes for which such funds may be expended or the amount of such funds which may be expended for the various programs under the jurisdiction of the Board of Education.

PART 2—ANNUAL POSTAUDIT BY GENERAL ACCOUNTING OFFICE

INDEPENDENT ANNUAL POSTAUDIT

SEC. 521. (a) The financial transactions shall be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. In the determination of the auditing procedures to be followed and the extent of the examination of vouchers and other documents, the Comptroller General shall give due regard to generally accepted principles of auditing, including consideration of the effectiveness of the accounting organizations and systems, internal audit and control, and related administrative practices. The audit shall be conducted at the place or places where the accounts are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the District and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. The District of Columbia shall reimburse the General Accounting Office for expenses of such audit in such amounts as may be agreed upon by the Mayor and the Comptroller General, and the amounts so reimbursed shall be deposited into the Treasury of the United States as miscellaneous receipts.

(b) (1) The Comptroller General shall submit his audit reports to the Congress, the Mayor, and the Council. The reports shall set forth the scope of the audits and shall include such comments and information as the Comptroller General may deem necessary to keep the Congress, the Mayor, and the Council informed of the operations to which the reports relate, together with such recommendations with respect thereto as the Comptroller General may deem advisable. The reports shall show specifically every program, expenditure, and other financial transaction or undertaking which, in the opinion of the Comptroller Genereal, has been carried on or made without authority of law.

(2) After the Mayor and his duly authorized subordinates have had an opportunity to be heard, the Council shall make such report, together with such other material as it deems pertinent thereto, available for public inspection.

(3) The Mayor, within ninety days after the report has been made to him and the Council, shall state in writing to the Council, with a copy to the Congress, what has been done to comply with the recommendations made by the Comptroller General in the report.

AMENDMENT OF BUDGETARY AND ACCOUNTING ACT

SEC. 522. Section 2 of the Budgetary and Accounting Act, 1921 (31 U.S.C. 2), is hereby amended by striking out "and the municipal government of the District of Columbia".

PART 3—ADJUSTMENT OF FEDERAL AND DISTRICT EXPENSES

ADJUSTMENTS

SEC. 531. (a) Subject to section 901 and other provisions of law, the Mayor, with the approval of the Council, and the Director of the Office of Management and Budget, are authorized and empowered to enter into an agreement or agreements concerning the manner and method by which amounts owed by the District to the United States, or by the United States to the District, shall be ascertained and paid.

(b) The United States shall reimburse the District for necessary expenses incurred by the District in connection with lawful assemblages, marches, and other demonstrations in the District which relate solely to the Federal Government. The manner and method of ascertaining and paying the amounts needed to so reimburse the District shall be determined by agreement entered into in accordance with subsection (a) of this section.

(c) Each officer and employee of the District required to do so by the District Council shall provide a bond with such surety and in such amount as the Council may require. The premiums for all such bonds shall be paid out of appropriations for the District.

TITLE VI—BORROWING

PART 1—BORROWING FOR CAPITAL IMPROVEMENTS

BORROWING POWER; DEBT LIMITATIONS

SEC. 601. The Disrict may incur indebtedness by issuing its bonds in either coupon or registered form to fund or refund indebtedness of the District at any time outstanding and to pay the cost of constructing or acquiring any capital projects requiring an expenditure greater than the amount of taxes or other revenues allowed for such capital projects by the annual budget: *Provided*, That no bonds or other evidences of indebtedness, other than bonds to fund or refund outstanding indebtedness shall be issued in an amount which, together with indebtedness of the District to the Treasury of the United States pursuant to existing law, shall cause the aggregate of indebtedness of the District to exceed 12 per centum of the average of the aggregate of all District revenues received by the District during the ten fiscal year period next preceding the fiscal year during which such bonds are issued; nor shall such bonds or other evidences of indebtedness issued for purposes other than the construction or acquisition of capital projects connected with mass transit, highway, water, and sanitary sewage works purposes, or any revenue-producing capital projects which are determined by the Council to be self-liquidating exceed 6 per centum of the average of the aggregate of all District revenues received by the District during the ten fiscal year period next preceding the fiscal year during which such bonds or indebtedness are issued. Bonds or other evidences of indebtedness may be issued by the District pursuant to an act of the Council from time to time in amounts in the aggregate at any time outstanding not exceeding 2 per centum of such average amount of District revenues for such ten year period, exclusive of indebtedness owing to the United States on the effective date of this title. All other bonds or evidence of indebtedness, other than bonds to fund or refund outstanding indebtedness, shall be issued only with the assent of a majority of the qualified voters of said District voting at an election on the proposition of issuing such bonds. In determining the amount of indebtedness within all of the aforesaid limitation at any time outstanding there shall be deducted from the aggregate of such indebtedness the amount of the then current tax levy for the payment of the principal of the outstanding bonded indebtedness of the District and any other moneys set aside into any sinking fund and irrevocably dedicated to the payment of such bonded indebtedness. The Council shall make provision for the payment of any bonds issued pursuant to this title, in the manner provided in section 631 hereof.

CONTENTS OF BORROWING LEGISLATION; REFERENDUM ON BOND ISSUE

SEC. 602. (a) The Council may by act authorize the issuance of bonds: *Provided*, That such act shall contain at least the following provisions:

(1) A provision setting forth a brief description of each purpose for which indebtedness is proposed to be incurred;

(2) A provision setting forth the maximum amount of the principal of the indebtedness which may be incurred for each such purpose;

(3) A provision setting forth the maximum rate of interest to be paid on such indebtedness; and

(4) A provision setting forth, in the event that the Council is required by this part or it is determined by the Council in its discretion to submit the question of issuing such bonds to a vote of the qualified voters of the District, the manner of holding such election, the manner of voting for or against the incurring of such indebtedness, and the form of ballot to be used at such election, which form shall permit the voters to vote separately for or against the incurring of indebtedness for each of the purposes for which indebtedness is proposed to be incurred.

(b) The Council shall cause the proposition of issuing such bonds to be submitted by the Board of Elections to the qualified voters at the first general election to be held in the District not less than forty days after the date of enactment of the act authorizing such bonds, or upon a vote of at least two-thirds of the members of the Council, the Council may call a special election for the purpose of voting upon the issuance of said bonds, such election to be held by the Board of Elections at any date set by the Council not less than forty days after the enactment of such act.

(c) The Board of Elections is authorized and directed to prescribe the manner of registration and the polling places and to name the judges and clerks of election and to make such other rules and regulations for the conduct of such elections as are not specifically provided by the Council as may be necessary or appropriate to carry out the provisions of this section, including provisions for the publication of a notice of such election stating briefly the proposition or propositions to be voted on and the designated polling places in the various precincts and wards in the District. The said notice shall be published at least once a week for four consecutive calendar weeks on any day of the week, the first publication thereof to be not less than thirty nor more than forty days prior to the date fixed by the Council for the election. The Board of Elections shall canvass the votes cast at such election and certify the results thereof to the Council in the manner prescribed for the canvass and certification of the results of general elections. The certification of the result of the election shall be published once by the Board of Elections as soon as practicable following the date of the election, but in no event later than six weeks thereafter.

PUBLICATION OF BORROWING LEGISLATION

SEC. 603. The Mayor shall publish any act authorizing the issuance of bonds at least once within five days after the enactment thereof, together with a notice of the enactment thereof in substantially the following form:

"NOTICE

"The following act authorizing the issuance of bonds published herewith has become effective, and the time within which a suit, action, or proceeding questioning the validity of such bonds can be commenced as provided in the District of Columbia Charter Act will expire twenty days from the date of the first publication of this notice (or in the event the proposition of issuing the proposed bonds is to be submitted to the qualified voters, twenty days after the date of publication of the promulgation of the results of the election ordered by said act to be held).

"____________,
"Mayor."

SHORT PERIOD OF LIMITATION

SEC. 604. Upon the expiration of twenty days from and after the date of publication of the notice of the enactment of an act authorizing the issuance of bonds without the submission of the proposition for the issuance thereof to the qualified voters, or upon the expiration of twenty days from the date of publication of the promulgation of the results of an election upon the proposition of issuing bonds, as the case may be, all as provided in section 603—

(1) any recitals or statements of fact contained in such act or in the preambles or the titles thereof or in the results of the election of any proceedings in connection with the calling, holding, or conducting of election upon the issuance of such bonds shall be deemed to be true for the purpose of determining the validity of the bonds thereby authorized, and the District and all others interested shall thereafter be estopped from denying same;

(2) such act and all proceedings in connections with the authorization of the issuance of such bonds shall be conclusively presumed to have been duly and regularly taken, passed, and done by the District and the Board of Elections in full compliance

with the provisions of this Act and of all laws applicable thereto;

(3) the validity of such act and said proceedings shall not thereafter be questioned by either a party plaintiff or a party defendant, and no court shall have jurisdiction in any suit, action, or proceedings questioning the validity of same, except in a suit, action, or proceeding commenced prior to the expiration of such twenty days.

ACTS FOR ISSUANCE OF BONDS

SEC. 605. After the expiration of the twenty-day limitation period provided for in section 604 of this part, the Council may by act establish an issue of bonds as authorized pursuant to the provisions of sections 601 to 604, inclusive, hereof. An issue of bonds is hereby defined to be all or any part of an aggregate principal amount of bonds authorized pursuant to said sections, but no indebtedness shall be deemed to have been incurred within the meaning of this Act until the bonds shall have been sold, delivered, and paid for, and then only to the extent of the principal amount of bonds so sold and delivered. The bonds of any authorized issue may be issued all at one time, or from time to time in series and in such amounts as the Council shall deem advisable. The act authorizing the issuance of any series of bonds shall fix the date of the bonds of such series, and the bonds of each such series shall be payable in annual installments beginning not more than three years after the date of the bonds and ending not more than thirty years from such date. The amount of said series to be payable in each year shall be so fixed that when the annual interest is added to the principal amount payable in each year the total amount payable in each year in which part of the principal is payable shall be substantially equal. It shall be an immaterial variance if the difference between the largest and the smallest amounts of principal and interest payable annually during the term of the bonds does not exceed 3 per centum of the total authorized amount of such series. Such act shall also prescribe the form of the bonds to be issued thereunder, and of the interest coupons appertaining thereto, and the manner in which said bonds and coupons shall be executed. The bonds and coupons may be executed by the facsimile signatures of the officer or officers designated by the act authorizing the bonds, to sign the bonds, with the exception that at least one signature shall be manual. Such bonds may be issued in coupon form in the denomination of $1,000, registerable as to principal only or as to both principal and interest, and if registered as to both principal and interest may be issuable in denominations of multiples of $1,000. Such bonds and the interest thereon may be payable at such place or places within or without the District as the Council may determine.

PUBLIC SALE

SEC. 606. All bonds issued under this part shall be sold at public sale upon sealed proposals at such price or prices as shall be approved by the Council after publication of a notice of such sale at least once not less than ten days prior to the date fixed for sale in a daily newspaper carrying municipal bond notices and devoted primarily to financial news or to the subject of State and municipal bonds published in the city of New York, New York, and in a newspaper of general circulation published in the District. Such notice shall state, among other things, that no proposal shall be considered unless there is deposited with the District as a downpayment a certified check or cashier's check for an amount equal to at least 2 per centum of the par amount of bonds, bid for, and the Council shall reserve the right to reject any and all bids.

PART 2—SHORT-TERM BORROWING

BORROWING TO MEET APPROPRIATIONS

SEC. 621. In the absence of unappropriated available revenues to meet appropriations made pursuant to section 504, the Council may by act authorize the issuance of negotiable notes, in a total amount not to exceed 5 per centum of the total appropriations for the current fiscal year, each of which may be renewed from time to time, but all such notes and renewals thereof shall be paid not later than the close of the fiscal year following that in which such act becomes effective.

BORROWING IN ANTICIPATION OF REVENUES

SEC. 622. For any fiscal year, in anticipation of the collection or receipt of revenues of that fiscal year, the Council may by act authorize the borrowing of money by the execution of negotiable notes of the District, not to exceed in the aggregate at any time outstanding 20 per centum of the total anticipated revenue, each of which shall be designated "Revenue Note for the Fiscal Year 19 ". Such notes may be renewed from time to time, but all such notes, together with the renewals, shall mature and be paid not later than the end of the fiscal year for which the original notes have been issued.

NOTES REDEEMABLE PRIOR TO MATURITY

SEC. 623. No notes issued pursuant to this part shall be made payable on demand, but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note.

SALE OF NOTES

SEC. 624. All notes issued pusuant to this part may be sold at not less than par and accrued interest at private sale without previous advertising.

PART 3—PAYMENT OF BONDS AND NOTES

SPECIAL TAX

SEC. 631. (a) The act of the Council authorizing the issuance of bonds pursuant to this title, shall, where necessary, provide for the levy annually of a special tax without limitation as to rate or amount upon all the taxable real and personal tangible property within the District in amounts which, together with other revenues of the District available and applicable for said purposes, will be sufficient to pay the principal of and interest on said bonds and the premium, if any, upon the redemption thereof, as the same respectively becomes due and payable, which tax shall be levied and collected at the same time and in the same manner as other District taxes are levied and collected, and when collected shall be set aside in a sinking fund and irrevocably dedicated to the payment of such principal, interest, and premium.

(b) The full faith and credit of the District shall be and is hereby pledged for the payment of the principal of and interest on all bonds and notes of the District hereafter issued pursuant to this title whether or not such pledge be stated in the bonds or notes or in the act authorizing the issuance thereof.

(c) As soon as practicable following the beginning of each fiscal year, the Mayor and the Comptroller General of the United States shall review the amounts of District revenues which have been set aside and deposited in a sinking fund as provided in subsection (a). Such review shall be carried out with a view to determining whether the amounts so set aside and deposited are sufficient to pay the principal of and interest on bonds issued pursuant to this title, and the premium (if any) upon the redemption thereof, as the same respectively become due and payable. To the extent that the Mayor and the Comptroller General determine that sufficient District revenues have not been so set aside and deposited, the Federal payment made for the fiscal year within which such review is conducted shall be first utilized to make up any deficit in such sinking fund.

PART 4—TAX EXEMPTION—LEGAL INVESTMENT—WATER POLLUTION—RESERVOIRS—CONTRIBUTIONS—TERMINATION OF BORROWING AUTHORITY

TAX EXEMPTION

SEC. 641. Bonds and notes issued by the Council pursuant to this title and the interest thereon shall be exempt from all Federal and District taxation except estate, inheritance, and gift taxes.

LEGAL INVESTMENT

SEC. 642. Notwithstanding any restriction on the investment of funds by fiduciaries contained in any other law, all domestic insurance companies, domestic insurance associations, executors, administrators, guardians, trustees, and other fiduciaries within the District of Columbia may legally invest any sinking funds, moneys, trust funds, or other funds belonging to them or under or within their control in any bonds issued pursuant to this title, it being the purpose of this section to authorize the investment in such bonds or notes of all sinking, insurance, retirement, compensation, pension, and trust funds. National banking associations are authorized to deal in, underwrite, purchase and sell, for their own accounts or for the accounts of customers, bonds and notes issued by the District Council to the same extent as national banking associations are authorized by paragraph seven of section 5136 of the Revised Statutes (12 U.S.C. 24), to deal in, underwrite, purchase and sell obligations of the United States, States, or political subdivisions thereof. All Federal building and loan associations and Federal savings and loan associations; and banks, trust companies, building and loan associations, and savings and loan associations, domiciled in the District of Columbia, may purchase, sell, underwrite, and deal in, for their own account or for the account of others, all bonds or notes issued pursuant to this title: *Provided*, That nothing contained in this section shall be construed as relieving any persons, firm, association, or corporation from any duty of exercising due and reasonable care in selecting securities for purchase or investment.

WATER POLLUTION

SEC. 643. (a) The Mayor shall annually estimate the amount of the District's principal and interest expense which is required to service District obligations attributable to the Maryland and Virginia pro rata share of District sanitary water works and other water pollution projects which provide service to the local jurisdictions in those States. Such amounts as determined by the Mayor shall be used to exclude the Maryland and Virginia share of pollution projects costs from the limitation on the District's capital program obligations as provided in this title.

(b) The Mayor shall enter into agreements with the States and local jurisdictions concerned for annual payments to the District of rates and charges for waste treatment services in accordance with the use and benefits made and derived from the operation of the said waste treatment facilities. Each such agreement shall require that the estimated amount of such rates and charges will be paid in advance, subject to adjustment after each year. Such rates and charges shall be sufficient to cover the cost of construction, interest on capital, operation and maintenance, and the necessary replacement of equipment during the useful life of the facility.

COST OF RESERVOIRS ON POTOMAC RIVER

SEC. 644. (a) The Mayor is authorized to contract with the United States, any State in the Potomac River Basin, any agency or political subdivision thereof, and any other competent State or local authority, with respect to the payment by the District of Columbia to the United States, either directly or indirectly, of the District's equitable share of any part or parts of the non-Federal portion of the costs of any reservoir authorized by the Congress for construction on the Potomac River or any of its tributaries. Every such contract may contain such provisions as the Mayor may deem necessary or appropriate.

(b) Unless hereafter otherwise provided by legislation enacted by the Council, all payments made by the District of Columbia and all moneys received by the District of Columbia pursuant to any contract made under the authority of this Act shall be paid from, or be deposited in, a fund designated by the Mayor. Charges for water delivered from the District of Columbia water system for use outside the District of Columbia may be adjusted to reflect the portions of any payments made by the District of Columbia under contracts authorized by this Act which are equitably attributable to such use outside the District.

DISTRICT OF COLUMBIA CONTRIBUTIONS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

SEC. 645. Notwithstanding any provision of law to the contrary, beginning with fiscal year 1973 the District share of the cost of the Adopted Regional System described in the National Capital Transportation Act of 1969 (Public Law 91–143; 83 Stat. 320), shall be payable from the proceeds of the sale of District obligations issued pursuant to the authority contained in this title.

TERMINATION OF THE DISTRICT'S AUTHORITY TO BORROW FROM THE TREASURY

SEC. 646. (a) The first section of the Act entitled "An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City", approved June 6, 1958 (72 Stat. 183; D.C. Code, sec. 9–220), is amended by striking out subsections (b), (c), (d), and (e).

(b) The Act entitled "An Act authorizing loans from the United States Treasury for the expansion of the District of Columbia water system", approved June 2, 1950 (60 Stat. 195; D.C. Code, sec. 43–1540), is repealed.

(c) Title II of the Act entitled "An Act to authorize the financing of a program of public works construction for the District of Columbia, and for other purposes", approved May 18, 1954 (68 Stat. 108), is amended by striking out sections 213, 214, 216, 217, and 218 (D.C. Code, sections 43–1612, 43–1613, 43–1615, 43–1616, and 43–1617), authorizing loans from the United States Treasury for sanitary and combined sewer systems of the District.

(d) Section 402 of title IV of such Act approved May 18, 1954 (68 Stat. 110; D.C. Code, sec. 7–133), authorizing loans from the United States Treasury for the District of Columbia highway construction program, is repealed.

Nothing contained in this section shall be deemed to relieve the District of its obligation to repay any loan made to it under the authority of the Act specified in the preceding subsections, nor to preclude the District from using the unexpended balance of any such loan appropriated to the District prior to the effective date of this provision.

TITLE VII—FEDERAL PAYMENT

ANNUAL FEDERAL PAYMENT TO THE DISTRICT

SEC. 701. (a) In recognition of the unique character of the District of Columbia as the Nation's Capital City, regular annual payments by the Federal Government are hereby authorized to cover the proper share of the expenses of the District government. On or before January 10 of each year, the Mayor shall, with the approval of the Council, submit to the Secretary of the Treasury through the Comptroller General a request for a Federal payment to be made during the following fiscal year, and the amount of such payment shall be computed in accordance with this part.

(b) The Federal payment for each fiscal year shall be determined on the basis of a percentage of the amount of District of Columbia fees, charges, miscellaneous receipts, and tax revenues which the Mayor estimates, on the basis of fees, charges, receipts, and tax rates authorized by law in effect at the time of such estimate, will be credited to the general fund of the District during such fiscal year as follows:

(1) For the fiscal year ending June 30, 1974, such amount shall be an amount equal to 35 per centum of such fees, charges, receipts, and revenues so estimated for that fiscal year;

(2) For the fiscal year ending June 30, 1975, such payment shall be an amount equal to 37½ per centum of such fees, charges, receipts, and revenues so estimated for that fiscal year; and

(3) For the fiscal year ending June 30, 1976, and for each fiscal year thereafter, such payment shall be an amount equal to 40 per centum of such fees, charges, receipts, and revenues so estimated for such fiscal year.

(c) Commencing with the fiscal year ending June 30, 1974, the amount of the Federal payment for any fiscal year shall be adjusted by an amount equal to the difference between (1) the Federal payment made for such fiscal year and (2) the per centum in effect for that fiscal year times such fees, charges, miscellaneous receipts, and tax revenues actually credited to the general fund during such fiscal year.

(d) After review by the Comptroller General of the request for Federal payment and certification by him on or before April 10 of the fiscal year preceding the fiscal year for which the annual Federal payment is being requested that such request is in conformity with the provisions of this part, the Secretary of the Treasury shall, not later than September 1 of each fiscal year, cause such payment to be made to the District out of any money in the Treasury not otherwise appropriated, and the Secretary of the Treasury is authorized to advance on or after July 1, out of any money in the Treasury not otherwise appropriated, without interest, such amounts (not to exceed in the aggregate the total payment in the previous fiscal year) as may be required by the District pending the payment of the amount authorized by this section.

(e) The Comptroller General shall enter into cooperative arrangements with the Mayor whereby adjustments, disputes, differences, or disagreements involving the Federal payment may be resolved.

TITLE VIII—AMENDMENTS TO DISTRICT OF COLUMBIA ELECTION ACT

AMENDMENTS

SEC. 801. The District of Columbia Election Act is amended as follows:

(1) The first section of such Act is amended by inserting immediately after "Board of Education,", the following: "the members of the Council of the District of Columbia, the Mayor".

(2) Paragraph (2) of section 2 of such Act is amended to read as follows:

"(2) The term 'qualified elector' means any person (A) who, for the purpose of voting in an election under this Act, has resided in the District continuously during the thirty-day period ending on the day of such election, (B) who is a citizen of the United States, (C) who is, or will be on the day of the next election, at least eighteen years old, (D) who has never been convicted of a felony in the United States, or if he has been so convicted, has been pardoned, or has been for the five years preceding such election, no longer subject to the jurisdiction of any court with respect to such conviction, (E) who is not mentally incompetent as adjudged by a court of competent jurisdiction, and (F) who certifies that he has not, within thirty days immediately preceding the day of election claimed the right to vote or voted in any election in any State or territory of the United States (other than the District of Columbia)."

(3) Section 2 of such Act is further amended (1) by striking out in paragraph (4) thereof "a school" and inserting in lieu thereof "an"; and (2) by adding at the end thereof the following new paragraphs:

"(7) The term 'Council' or 'Council of the District of Columbia' means the Council of the District of Columbia established pursuant to the District of Columbia Charter Act.

"(8) The term 'Mayor' means the office of Mayor of the District of Columbia established pursuant to the District of Columbia Charter Act."

(4) (A) Section 3 of such Act is amended to read as follows:

"SEC. 3. There is hereby created a Board of Elections for the District of Columbia, to be composed of three members appointed by the Mayor, by and with the advice and consent of the District Council. The term of each such member shall be three years from the expiration of the term of his predecessor. Any person appointed to fill a vacancy shall be appointed only for the unexpired term of his predecessor. When a member's term of office expires, he may continue to serve until his successor is appointed and has qualified. The Mayor shall from time to time designate the Chairman of the Board."

(B) The members of the Board of Elections in office on the date when the Mayor first elected takes office shall continue in office for the remainder of the terms for which they were appointed.

(5) Section 5(a) (4) of such Act is amended by striking "school".

(6) Section 7(d) (1) of such Act is amended by striking out "odd-numbered calendar year and of each presidential election year," and inserting in lieu thereof "calendar year,".

(7) Subsections (h), (i), (j), and (k) of section 8 of such Act are amended to read as follows:

"(h) (1) (A) The Delegate, Mayor, Chairman of the District Council, and the two at-large members of the District Council shall be elected by the qualified electors of the District of Columbia in a general election. Each candidate for the office of Delegate, Mayor, Chairman of the District Council, and at-large members of the District Council in any general election shall, except as otherwise provided in subsection (j) of this section and section 10(d), have been elected by the qualified electors of the District as such candidate by the next preceding primary or party runoff election.

"(B) (i) A member of the office of District Council (other than the Chairman and any member elected at large) shall be elected in a general election by the qualified electors of the respective ward of the District from which the individual seeking such office was elected as a candidate for such office as provided in clause (ii) of this paragraph.

"(ii) Each candidate for the office of member of the District Council (other than the Chairman and at-large members) shall, except as otherwise provided in subsection (j) of this section and section 10(d), have been elected as such a candidate, by the qualified electors of the ward of the District from which such individual was nominated, at the next preceding primary or party runoff election to fill such office within that ward.

"(2) The nomination and election of any individual to the office of the Delegate, Mayor, Chairman of the Council, and member of the Council shall be governed by the provisions of this Act. No political party shall be qualified to hold a primary election to select candidates for election to any such office in a general election unless, in the next preceding election year, at least seven thousand five hundred votes were cast in the general election for a candidate of such party for any such office or for its candidates for electors of President and Vice President.

"(i) (1) Each individual in a primary election for candidate for the office of Delegate, Mayor, Chairman of the Council, or at-large member of the Council shall be nominated for any such office by a petition (A) filed with the Board not later than forty-five days before the date of such primary election; (B) signed by at least two thousand duly registered voters of the same political party as the nominee, or by 1 per centum of the duly registered members of such political party, whichever is less, as shown by the records of the Board of Elections as of ninety-nine days before the date of such election, and (C) accompanied by a filing fee of $100.

"(2) Each individual in a primary election for candidate for the office of member of the Council (other than the Chairman and at-large members) shall be nominated for such office by a petition (A) filed with the Board not later than forty-five days before the date of such primary election; (B) signed by at least two hundred and fifty persons in the ward from which such individual seeks election who are duly registered in such ward under section 7 of this Act, and who are of the same political party as the nominee; and (C) accompanied by a filing fee of $100. Any such filing fee may be refunded only in the event that the candidate withdraws his nomination by writing received by the Board not later than three days after the date on which nominations are closed under this subsection.

"(3) A nominating petition for a candidate in a primary election for any such office may not be circulated for signature before the ninety-ninth day preceding the date of such election and may not be filed with the Board before the seventieth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions and the posting and disposition of filing fees. The Board shall arrange the ballots of each political party in each such primary election as to enable a voter of such party to vote for nominated candidates of that party.

"(j) (1) A duly qualified candidate for the office of Delegate, Mayor, Chairman of the Council, or member of the Council may, subject to the provisions of this subsection, be nominated directly as such a candidate for election for such office (including any such election to be held to fill a vacancy). Such person shall be nominated by a petition (A) filed with the Board not less than forty-five days before the date of such general election; (B) and in the case of a person who is a candidate for the office of member of the Council (other than the Chairman or an at-large member), signed by five hundred voters who are duly registered under section 7 in the ward from which the candidate seeks election; and in the case of a person who is a candidate for the office of Delegate, Mayor, Chairman of the Council, or at-large member of the Council, signed by duly registered voters equal in number to 2 per centum of the total number of registered voters in the District, as shown by the records of the Board as of ninety-nine days before the date of such election, or by five thousand persons duly registered under section 7, whichever is less; and (C) accompanied by a filing fee of $100. Such fees may be refunded only in the event that the candidate withdraws his nomination by writing received by the Board not later than three days after the date on which nominations are closed under this subsection. No signatures on such a petition may be counted which have been made on such petition more than ninety-nine days before the date of such election.

"(2) Nominations under this subsection for candidates for election in a general election to any office referred to in paragraph (1) shall be of no force and effect with respect to any person whose name has appeared on the ballot of a primary election for that office held within eight months before the date of such general election.

"(k) (1) In each general election for the office of member of the Council (other than the office of Chairman or an at-large member) the Board shall arrange the ballots in each ward to enable a voter registered in that ward to vote for any one candidate who (A) has been duly elected by any political party in the next preceding primary or party runoff election for such office from such ward, (B) has been duly nominated to fill a vacancy in such office in such ward pursuant to section 10(d), or (C) has been nominated directly as a candidate for such office in such ward under subsection (j) of this section.

"(2) In each general election for the office of member of the Council at large, the Board shall arrange the ballots to enable a registered voter to vote for as many candidates for election as members at large as there are members at large to be elected in such election. Such candidates shall be only those persons who (A) have been duly elected by any political party in the next preceding primary or party runoff election for such office, (B) have been duly nominated to fill vacancies in such office pursuant to section 10(d), or (C) have been nominated directly as a candidate under subsection (j) of this section.

"(3) In each general election for the office of Delegate, Mayor, or Chairman of the Council, the Board shall arrange the ballots to enable a registered voter to vote for any one of the candidates for any such office who (A) has been duly elected by any political party in the next preceding primary or party runoff election for such office, (B) has been duly nominated to fill a vacancy in such office pursuant to section 10(d), or (C) has been nominated directly as a candidate under subsection (j) of this section.".

(8) Paragraph (3) of section 10(a) of such Act is amended (1) by inserting "(A)" immediately before the word "Except", and (2) by adding at the end thereof the following:

"(B) (i) Except as otherwise provided in the case of special elections under this Act and in subclause (ii) of this clause, primary elections of each political party for the offices of Chairman of the Council and member of the Council (to be filled) shall be held on the first Tuesday in May of each even-numbered year, and general elections for such offices (to be filled) shall be held on the Tuesday next after the first Monday in November of each even-numbered year.

"(ii) Notwithstanding the provisions of subclause (i) of this clause, the initial primary election of each political party for the offices of Mayor, Chairman of the Council, and members of the Council shall be held on the first Tuesday next following the expiration of the ninety-day period following the date of the acceptance of the District of Columbia Charter in accordance with the provisions of title XIV of the District of Columbia Charter Act, and the initial general election for such offices shall be held on the Tuesday next after the first Monday in November 1972.

"(C) Except as otherwise provided in the case of a special election under this Act, primary elections of each political party for the office of Mayor shall be held on the first Tuesday in May of each presidential election year, commencing with calendar year 1972, and the general election for such office shall be held on the Tuesday next after the first Monday in November of each presidential election year commencing with calendar year 1972.".

(9) Paragraph (4) of section 10(a) of such Act is amended to read as follows:

"(4) (A) Runoff elections shall be held whenever (i) in any primary election of a political party for candidates for the office of Delegate, Mayor, Chairman of the Council, member of the Council from a ward, or member of the Council at large where only one at-large position is to be filled, no one candidate for any such office receives at least 40 per centum of the total votes cast in that election for all candidates of that party for that office, and (ii) in any general election for any such office, no one candidate receives at least 40 per centum of the total votes cast in that election for all candidates for that office. The candidates in any such runoff election for any such office shall be the two persons who received, respectively, the two highest numbers of votes in such preceding primary or general election for such office. The candidate receiving the highest number of votes in any such runoff election for such office shall be declared elected.

"(B) (i) When more than one office of at-large member of the Council is being filled in any primary election of a political party, the candidates for such offices who receive the highest number of votes shall be declared elected, except that no candidate shall be declared elected who does not receive at least 40 per centum of the number of all votes cast in that election for all candidates of that party for such offices divided by the number of at-large offices to be filled in such election. Where one or more of the at-large positions remains unfilled, a runoff election shall be held. The candidates in such runoff election shall be those unsuccessful candidates, in number not more than one more than the number of such offices to be filled, who in such primary next preceding such runoff election, received the highest number of votes less than 40 per centum.

"(ii) When more than one office of at-large member of the Council is being filled in any general election, the candidates for such offices who receive the highest number of votes shall be declared elected, except that no candidate shall be declared elected who does not receive at least 40 per centum of the number of all votes cast in that election for all candidates for such offices to be filled in such election divided by the number of at-large offices to be so filled. Where one or more of the at-large positions remain unfilled, a runoff election shall be held. The candidates in such runoff election shall be those unsuccessful candidates, in number not more than one more than the number of such offices to be filled, who in such preceding general election received the highest number of votes less than 40 per centum. The candidate or candidates, as the case may be, receiving the highest number of votes shall be declared elected.

"(C) If any person withdraws his candidacy from any such runoff election (under the rules and within the time limits prescribed by the Board), or dies before the date of the election, the person who received the same number of votes in such preceding primary or general election, as the case may be, next preceding such runoff election as a candidate in such runoff election or who received a number of votes in such primary or general election which is next highest to the number of votes in any such election received by a candidate in the runoff election, and who is not already a candidate in the runoff election, shall automatically become such a candidate in such runoff election.

"(D) Any such runoff election shall be held not less than two weeks nor more than six weeks after the date on which the Board has determined the results of the preceding primary or general election, as the case may be. At the time of announcing any such determination, the Board shall establish and announce the date on which the runoff election will be held, if one is required.".

(10) Section 10(b) of such Act is amended by deleting "and for members of the Board of Education," and inserting ",

Mayor, Chairman of the Council, member of the Council and Board of Education,".

(11) Section 10(d) of such Act is amended to read as follows:

"(d) In the event that any official, other than the Delegate, Mayor, Chairman of the Council, member of the Council, member of the Board of Education, or a winner of a primary election for the office of Delegate, Mayor, Chairman of the Council, or member of the Council, elected pursuant to this Act dies, resigns, or becomes unable to serve during his or her term of office leaving no person elected pursuant to this Act to serve the remainder of the unexpired term of office, the successor or successors to serve the remainder of such term shall be chosen pursuant to the rules of the duly authorized party committee, except that such successor shall have the qualifications required by this Act for such office. In the event that such a vacancy occurs in the office of a candidate for the office of Delegate, Mayor, Chairman of the Council, or member of the Council who has been declared the winner in the preceding primary or party runoff election for such office, the vacancy may be filled not later than fifteen days prior to the next general election for such office, by nomination by the party committee of the party which nominated his predecessor, and by paying the filing fee required by section 8(i) of this Act. In the event that such a vacancy occurs in the office of Delegate more than twelve months before the expiration of its term of office, the Board shall call special elections to fill such vacancy for the remainder of its term of office."

(12) Section 10(e) of such Act is amended (1) by inserting "(1)" immediately before "Whenever", and (2) by adding at the end thereof the following new paragraph:

"(2) (A) Whenever a vacancy occurs in the office of Chairman of the Council, member of the Council elected from a ward, or member of the Council at large, such vacancy shall be filled at the next general election for any of the offices of Chairman of the Council, member of the Council from a ward, or member of the Council at large, which occurs more than ninety-nine days after such vacancy occurs. In the case of the office of Chairman of the Council, the Vice Chairman of the Council shall fill such vacancy by serving as Chairman until the unexpired term of the vacant office ends, or until January 2 next following the date of the election of a person to serve the remainder of such unexpired term, whichever occurs first. In the case of the office of member of the Council from a ward, or a member of the Council at large, the Council shall appoint a person to fill the vacancy until the unexpired term of the vacant office ends or until January 2 next following the date of the election of a person to serve the remainder of such unexpired term, whichever occurs first. A person elected to fill any such vacancy shall hold office for the duration of the unexpired term of office to which he was elected. Any person appointed under this paragraph shall have the same qualifications for holding such office as were required of his immediate predecessor.

"(B) When a vacancy in an unexpired term for an at-large position is being filled at the same general election as one or more full-term at-large positions, the successful candidate or candidates with the highest number of votes in the general election, or in the runoff election if a runoff election is necessary, shall be declared elected to the full-term position or positions, and any candidate declared elected at the general election shall for this purpose be deemed to have received a higher number of votes than any candidate elected in the runoff election."

(13) The first sentence of section 15 of such Act is amended to read as follows: "No person shall be a candidate for more than one office on the Board of Education or the District Council in any election for members of the Board of Education or Council, and no person shall be a candidate for more than one office on the Council in any primary election."

(14) Section 15 of such Act is amended (1) by designating the existing text of such section as subsection (a), and (2) by adding at the end thereof the following new subsection:

"(b) No person who is holding the office of Mayor, Delegate, Chairman of the Council, member of the Council or member of the School Board shall, while holding such office, be eligible as a candidate for any other of such offices in any primary or general election, unless the term of the office which he so holds expires on or prior to the date on which he would be eligible, if elected in such primary or general election, to take the office with respect to which such election is held."

Sec. 802. Notwithstanding any other provision of this Act or of any other law, the District Council shall have jurisdiction to legislate with respect to matters involving or relating to elections in the District of Columbia, subject to the provisions of section 304, section 401(d), and subsections (g) and (h) of section 325 of this Act.

TITLE I—MISCELLANEOUS

AGREEMENTS WITH UNITED STATES

Sec. 901. (a) For the purpose of preventing duplication of effort or for the purpose of otherwise promoting efficiency and economy, any Federal officer or agency may furnish services to the District government and any District officer or agency may furnish services to the Federal Government. Except where the terms and conditions governing the furnishing or such services are prescribed by other provisions of law, such services shall be furnished pursuant to an agreement (1) negotiated by the Federal and District authorities concerned, and (2) approved by the Director of the Office of Management and Budget and by the Mayor. Each such agreement shall provide that the cost of furnishing such services shall be borne in the manner provided in subsection (c) by the government to which such services are furnished at rates or charges based on the actual cost of furnishing such services.

(b) For the purpose of carrying out any agreement negotiated and approved pursuant to subsection (a), any District officer or agency may in the agreement delegate any of his or its functions to any Federal officer or agency, and any Federal officer or agency may in the agreement delegate any of his or its functions to any District officer or agency. Any function so delegated may be exercised in accordance with the terms of the delegation.

(c) The cost of each Federal officer and agency in furnishing services to the District pursuant to any such agreement shall be paid, in accordance with the terms of the agreement, out of appropriations made by the Council to the District officers and agencies to which such services are furnished. The costs to each District officer and agency in furnishing services to the Federal Government pursuant to any such agreement shall be paid, in accordance with the terms of the agreement, out of appropriations made by the Congress or other funds available to the Federal officers and agencies to which such services are furnished.

PERSONAL INTEREST IN CONTRACTS OR TRANSACTIONS

Sec. 902. Any officer or employee of the District who is convicted of a violation of section 208 of title 18, United States Code, shall forfeit his office or position.

COMPENSATION FROM MORE THAN ONE SOURCE

Sec. 903. (a) Except as provided in this Act, no person shall be ineligible to serve or to receive compensation as a member of the Board of Elections because he occupies another office or position or because he receives compensation (including retirement compensation) from another source.

(b) The right to another office or position or to compensation from another source otherwise secured to such a person under the laws of the United States shall not be abridged by the fact of his service or receipt of compensation as a member of such Board, if such service does not interfere with the discharge of his duties in such other office or position.

ASSISTANCE OF THE UNITED STATES CIVIL SERVICE COMMISSION IN DEVELOPMENT OF DISTRICT MERIT SYSTEM

Sec. 904. The United States Civil Service Commission is hereby authorized to advise and assist the Mayor and the Council in the further development of the merit system required by section 402(3) and the said Commission is authorized to enter into agreements with the District government to make available its registers of eligibles as a recruiting source to fill District positions as needed. The costs of any specific services furnished by the Civil Service Commission may be compensated for under the provisions of section 901 of this Act.

TITLE X—SUCCESSION IN GOVERNMENT

TRANSFER OF PERSONNEL, PROPERTY, AND FUNDS

Sec. 1001. (a) In each case of the transfer, by any provision of this Act, of functions to the Council, to the Mayor, or to any agency or officer, there are hereby transferred (as of the time of such transfer of functions) to the Council, to the Mayor, to such agency, or to the agency of which such officer is the head, for use in the administration of the functions of the Council or such agency or officer, the personnel (except the Commissioner of the District of Columbia, the Assistant to the Commissioner, the Chairman of the District of Columbia Council, the Vice Chairman of the District of Columbia Council, the other members thereof, all of whose offices are abolished by this Act), property, records, and unexpended balances of appropriations and other funds, which relate primarily to the functions so transferred.

(b) If any question arises in connection with the carrying out of subsection (a), such question shall be decided—

(1) in the case of functions transferred from a Federal officer or agency, by the Director of the Office of Management and Budget; and

(2) in the case of other functions (A) by the Council, or in such manner as the Council shall provide, if such functions are transferred to the Council, and (B) by the Mayor of such functions are transferred to him or to any other officer or agency.

(c) Any of the personnel transferred to the Council, the Mayor, or any agency by this section which the Council or the head of such agency shall find to be in excess of the personnel necessary for the administration of its or his functions shall, in accordance with law, be retransferred to other positions in the District or Federal Government or be separated from the service.

(d) No officer or employee shall, by reason of his transfer by this Act or his separation from service under this Act, be deprived of a civil service status held by him prior to such transfer or any right of appeal or review he may have by reason of his separation from service.

EXISTING STATUTES, REGULATIONS, AND OTHER ACTIONS

Sec. 1002. (a) Any statute, regulation, or other action in respect of (and any regulation or other action issued, made, taken, or granted by) any officer or agency from which any function is transferred by this Act shall, except to the extent modified or made inapplicable by or under authority of law, continue in effect as if such transfer had not been made; but after such transfer, references in such statute, regulation, or other action to an officer or agency from which a transfer is made by this Act shall be held and considered to refer to the officer or agency to which the transfer is made.

(b) As used in subsection (a), the term "other action" includes, without limitation, any rule, order, contract, compact, policy, determination, directive, grant, authorization, permit, requirement, or designation.

(c) Unless otherwise specifically provided nothing contained in this Act shall be construed as affecting the applicability to the District of Columbia government of personnel legislation relating to the District government until such time as the Council may otherwise elect to provide equal or equivalent coverage as provided in section 402(4).

PENDING ACTIONS AND PROCEEDINGS

SEC. 1003. (a) No suit, action, or other judicial proceeding lawfully commenced by or against any officer or agency in his or its official capacity or in relation to the exercise of his or its official functions, shall abate by reason of the taking effect of any provision of this Act; but the court, unless it determines that the survival of such suit, action, or other proceeding is not necessary for purposes of settlement of the questions involved, shall allow the same to be maintained, with such substitutions as to parties as are appropriate.

(b) No administrative action or proceeding lawfully commenced shall abate solely by reason of the taking effect of any provision of this Act, but such action or proceeding shall be continued with such substitutions as to parties and officers or agencies as are appropriate.

VACANCIES RESULTING FROM ABOLISHMENT OF OFFICES OF COMMISSIONER AND ASSISTANT TO THE COMMISSIONER

SEC. 1004. Until the 1st day of July next after the first Mayor takes office under this Act no vacancy occurring in any District agency by reason of section 321, abolishing the offices of Commissioner of the District of Columbia and Assistant to the Commissioner, shall affect the power of the remaining members of such agency to exercise its functions; but such agency may take action only if a majority of the members holding office vote in favor of it.

TITLE XI—SEPARABILITY OF PROVISIONS

SEC. 1101. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

TITLE XII—TEMPORARY PROVISIONS

POWERS OF THE PRESIDENT DURING TRANSITION PERIOD

SEC. 1201. The President of the United States is hereby authorized and requested to take such action during the period following the date of the enactment of this Act and ending on the date of the first meeting of the District Council, by Executive order or otherwise, with respect to the administration of the functions of the District of Columbia government, as he deems necessary to enable the Board of Elections properly to perform its functions under this Act.

REIMBURSABLE APPROPRIATIONS FOR THE DISTRICT

SEC. 1202. (a) The Secretary of the Treasury is authorized and directed to advance to the District of Columbia the sum of $750,000, out of any money in the Treasury not otherwise appropriated, for use (1) in paying the expenses of the Board of Elections (including compensation of the members thereof), and (2) in otherwise carrying into effect the provisions of this Act.

(b) The full amount expended out of the money advanced pursuant to this section shall be reimbursed to the United States, without interest, during the second fiscal year which begins after the effective date of title V, from the general fund of the District of Columbia.

TITLE XIII—EFFECTIVE DATES

EFFECTIVE DATES

SEC. 1301. (a) As used in this title and title XIV the term "charter" means titles I to XI, both inclusive.

(b) the Charter shall take effect only if accepted pursuant to title XIV. If the charter is so accepted, it shall take effect on the day following the date on which it is accepted (as determined pursuant to section 1405) except that—

(1) part 2 of title III and title V shall take effect on the day upon which the Council members first elected take office;

(2) section 402 shall take effect on the day upon which the Mayor first elected takes office; and

(3) title VII shall take effect with respect to the first fiscal year beginning next after the Mayor first elected takes office and with respect to subsequent fiscal years.

(c) Titles XII, XIII, and XIV shall take effect on the day following the date on which this Act is enacted.

TITLE XIV—SUBMISSION OF CHARTER FOR REFERENDUM

SEC. 1401. On a date to be fixed by the Board of Elections, not more than four months after the enactment of this Act, a referendum (in this title referred to as the "charter referendum") shall be conducted to determine whether the registered qualified voters of the District of Columbia accept the charter.

BOARD OF ELECTIONS

SEC. 1402. (a) In addition to its other duties, the Board of Elections established under the District Election Act of 1955 shall conduct the charter referendum and certify the results thereof as provided in this title.

(b) Notwithstanding the fact that such section does not otherwise take effect unless the charter is accepted under this title, the applicable provisions of title VIII of this Act shall govern the Board of Elections in the performance of its duties under this Act.

APPLICABILITY OF TITLE VIII

SEC. 1403. Except as otherwise indicated in this title, the provisions of title VIII of this Act shall to the extent applicable govern all aspects (including, but not solely, the registration and qualification of voters, the method of voting, recounts and contests, and election violations) of the referendum election herein, notwithstanding the fact that such title VIII does not otherwise take effect unless the charter is accepted.

CHARTER REFERENDUM BALLOT: NOTICE OF VOTING

SEC. 1404. (a) The charter referendum ballot shall contain the following, with a blank space appropriately filled:

"The District of Columbia Charter Act, enacted , proposes to establish a new charter for the District of Columbia, but provides that the charter shall take effect only if it is accepted by the registered qualified voters of the District in this referendum.

"By indicating in one of the squares provided below, whether you are for or against the charter.

☐ For the charter

☐ Against the charter".

(b) Voting may be by paper ballot or by voting machine. The Board of Elections may make such changes in the second paragraph of the charter referendum ballot as it determines to be necessary to permit the use of voting machines if such machines are used.

(c) Not less than five days before the date of charter referendum, the Board of Elections shall mail to each person registered (1) a sample of the charter referendum ballot, and (2) information showing the polling place of such person and the date and hours of voting.

(d) Not less than one day before the charter referendum, the Board of Elections shall publish, in newspapers of general circulation published in the District of Columbia, a list of the polling places and the date and hours of voting.

ACCEPTANCE OR NONACCEPTANCE OF CHARTER

SEC. 1405. (a) If a majority of the registered qualified voters voting in the charter referendum vote for the charter the charter shall be considered accepted as of the time the Board of Elections certifies the result of the charter referendum to the President of the United States, as provided in subsection (b).

(b) The Board of Elections shall, within a reasonable time, but in no event more than thirty days after the date of the charter referendum to the President of the United States and to the Secretary of the Senate and the Clerk of the House of Representatives.

TITLE XV—TITLE OF ACT

SHORT TITLE

SEC. 1501. This Act, divided into titles and sections according to table of contents, and including the declaration of congressional policy which is a part of such Act, may be cited as the "District of Columbia Charter Act".

[Applause in the galleries.]

The PRESIDING OFFICER. The Chair requests that the galleries be in order.

Mr. EAGLETON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MATHIAS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ANNOUNCEMENT ON VOTE

Mr. SYMINGTON subsequently said: Mr. President, the distinguished Representative from Louisiana, the Honorable F. EDWARD HÉBERT, chairman of the House Armed Services Committee, had his portrait unveiled this afternoon and I went over to see this unveiling in the committee room. Inasmuch as the President of the United States was there to grace the occasion, all telephones into the Armed Services Committee room were shut off. Therefore, the Senate cloak room was unable to let me know that the vote was proceeding on this bill for home rule for the District of Columbia. Let the RECORD show that if I had been present, I would have voted "yea."

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSTITUTIONAL CONVENTIONS

Mr. BYRD of West Virginia. Mr. President, for the purpose of making it the pending business—with no further action thereon today—I ask unanimous consent that the Senate now proceed to the consideration of Calendar Order No. 332, S. 215.

The PRESIDING OFFICER (Mr. ROTH). The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 215) to provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constituion.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, on page 4, line 12, after the word "section", to strike out "8" and insert "6"; so as to make the bill read:

S. 215

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Constitutional Convention Procedures Act".

APPLICATIONS FOR CONSTITUTIONAL CONVENTION

SEC. 2. The legislature of a State, in making application to the Congress for a constitutional convention under article V of the Constitution of the United States on and after the enactment of this Act, shall adopt a resolution pursuant to this Act stating, in substance, that the legislature requests the calling of a convention for the purpose of proposing one or more amendments to the Constitution of the United States and stating the nature of the amendment or amendments to be proposed.

APPLICATION PROCEDURE

SEC. 3. (a) For the purpose of adopting or rescinding a resolution pursuant to section 2 and section 5, the State legislature shall follow the rules of procedure that govern the enactment of a statute by that legislature, but without the need for approval of the legislature's action by the Governor of the State.

(b) Questions concerning the adoption of a State resolution cognizable under this Act shall be determinable by the Congress of the United States and its decisions thereon shall be binding on all others, including State and Federal courts.

TRANSMITTAL OF APPLICATIONS

SEC. 4. (a) Within thirty days after the adoption by the legislature of a State of a resolution to apply for the calling of a constitutional convention, the secretary of state of the State, or if there be no such officer, the person who is charged by the State law with such function, shall transmit to the Congress of the United States two copies of the application, one addressed to the President of the Senate, and one to the Speaker of the House of Representatives.

(b) Each copy of the application so made by any State shall contain—

(1) the title of the resolution;

(2) the exact text of the resolution signed by the presiding officer of each house of the State legislature; and

(3) the date on which the legislature adopted the resolution; and shall be accompanied by a certificate of the secretary of state of the State, or such other person as is charged by the State law with such function, certifying that the application accurately sets forth the text of the resolution.

(c) Within ten days after receipt of a copy of any such application, the President of the Senate and Speaker of the House of Representatives shall report to the House of which he is presiding officer, identifying the State making application, the subject of the application, and the number of States then having made application on such subject. The President of the Senate and Speaker of the House of Representatives shall jointly cause copies of such application to be sent to the presiding officer of each house of the legislature of every other State and to each Member of the Senate and House of Representatives of the Congress of the United States.

EFFECTIVE PERIOD OF APPLICATION

SEC. 5. (a) An application submitted to the Congress by a State, unless sooner rescinded by the State legislature, shall remain effective for seven calendar years after the date it is received by the Congress, except that whenever within a period of seven calendar years two-thirds or more of the several States have each submitted an application calling for a constitutional convention on the same subject all such applications shall remain in effect until the Congress has taken action on a concurrent resolution, pursuant to section 6, calling for a constitutional convention.

(b) A State may rescind its application calling for a constitutional convention by adopting and transmitting to the Congress a resolution of rescission in conformity with the procedure specified in sections 3 and 4, except that no such rescission shall be effective as to any valid application made for a constitutional convention upon any subject after the date on which two-thirds or more of the State legislatures have valid applications pending before the Congress seeking amendments on the same subject.

(c) Questions concerning the rescission of a State's application shall be determined solely by the Congress of the United States and its decisions shall be binding on all others, including State and Federal courts.

CALLING OF A CONSTITUTIONAL CONVENTION

SEC. 6. (a) It shall be the duty of the Secretary of the Senate and the Clerk of the House of Representatives to maintain a record of all applications received by the President of the Senate and Speaker of the House of Representatives from States for the calling of a constitutional convention upon each subject. Whenever applications made by two-thirds or more of the States with respect to the same subject have been received, the Secretary and the Clerk shall so report in writing to the officer to whom those applications were transmitted, and such officer thereupon shall announce on the floor of the House of which he is an officer the substance of such report. It shall be the duty of such House to determine that there are in effect valid applications made by two-thirds of the States with respect to the same subject. If either House of the Congress determines, upon a consideration of any such report or of a concurrent resolution agreed to by the other House of the Congress, that there are in effect valid applications made by two-thirds or more of the States for the calling of a constitutional convention upon the same subject, it shall be the duty of that House to agree to a concurrent resolution calling for the convening of a Federal constitutional convention upon that subject. Each such concurrent resolution shall (1) designate the place and time of meeting of the convention, and (2) set forth the nature of the amendment or amendments for the consideration of which the convention is called. A copy of each such concurrent resolution agreed to by both Houses of the Congress shall be transmitted forthwith to the Governor and to the presiding officer of each house of the legislature of each State.

(b) The convention shall be convened not later than one year after adoption of the resolution.

DELEGATES

SEC. 7. (a) A convention called under this Act shall be composed of as many delegates from each State as it is entitled to Senators and Representatives in Congress. In each State two delegates shall be elected at large and one delegate shall be elected from each congressional district in the manner provided by State law. Any vacancy occurring in a State delegation shall be filled by appointment of the Governor of that State.

(b) The secretary of state of each State, or, if there be no such officer, the person charged by State law to perform such function shall certify to the Vice President of the United States the name of each delegate elected or appointed by the Governor pursuant to this section.

(c) Delegates shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at a session of the convention, and in going to and returning from the same; and for any speech or debate in the convention they shall not be questioned in any other place.

(d) Each delegate shall receive compensation for each day of service and shall be compensated for traveling and related expenses. Provision shall be made therefor in the concurrent resolution calling the convention. The convention shall fix the compensation of employees of the convention.

CONVENING THE CONVENTION

SEC. 8. (a) The Vice President of the United States shall convene the constitutional convention. He shall administer the oath of office of the delegates to the convention and shall preside until the delegates elect a presiding officer who shall preside thereafter. Before taking his seat each delegate shall subscribe to an oath by which he shall be committed during the conduct of the convention to refrain from proposing or casting his vote in favor of any proposed amendment to the Constitution of the United States relating to any subject which is not named or described in the concurrent resolution of the Congress by which the convention was called. Upon the election of permanent officers of the convention, the names of such officers shall be transmitted to the President of the Senate and the Speaker of the House of Representatives by the elected presiding officer of the convention. Further proceedings of the convention shall be conducted in accordance with such rules, not inconsistent with this Act, as the convention may adopt.

(b) There is hereby authorized to be appropriated such sums as may be necessary for the payment of the expenses of the convention.

(c) The Administrator of General Services shall provide such facilities, and the Congress and each executive department and agency shall provide such information and assistance, as the convention may require, upon written request made by the elected presiding officer of the convention.

PROCEDURES OF THE CONVENTION

SEC. 9. (a) In voting on any question before the convention, including the proposal of amendments, each delegate shall have one vote.

(b) The convention shall keep a daily verbatim record of its proceedings and publish the same. The vote of the delegates on any question shall be entered on the record.

(c) The convention shall terminate its proceedings within one year after the date of its first meeting unless the period is extended by the Congress by concurrent resolution.

(d) Within thirty days after the termination of the proceedings of the convention, the presiding officer shall transmit to the Archivist of the United States all records of official proceedings of the convention.

PROPOSAL OF AMENDMENTS

SEC. 10. (a) Except as provided in subsection (b) of this section, a convention called under this Act may propose amendments to the Constitution by a vote of a majority of the total number of delegates to the convention.

(b) No convention called under this Act may propose any amendment or amendments of a nature different from that stated in the concurrent resolution calling the convention. Questions arising under this subsection shall be determined solely by the Congress of the United States and its decisions shall be binding on all others, including State and Federal courts.

APPROVAL BY THE CONGRESS AND TRANSMITTAL TO THE STATES FOR RATIFICATION

SEC. 11. (a) The presiding officer of the convention shall, within thirty days after the termination of its proceedings, submit to the Congress the exact text of any amendment or amendments agreed upon by the convention.

(b) (1) Whenever a constitutional convention called under this Act has transmitted to the Congress a proposed amendment to the Constitution, the President of the Senate and the Speaker of the House of Representatives, acting jointly, shall transmit such amendment to the Administrator of General Services upon the expiration of the first period of ninety days of continuous session of the Congress following the date of receipt of such amendment unless within that period both Houses of the Congress have agreed to (A) a concurrent resolution directing the earlier transmission of such amendment to the Administrator of General Services and specifying in accordance with article V of the Constitution the manner in which such amendment shall be ratified, or (B) a concurrent resolution stating that the Congress disapproves the submission of such proposed amendment to the States because such proposed amendments relates to or includes a subject which differs from or was not included among the subjects named or described in the concurrent resolution of the Congress by which the convention was called, or because the procedures followed by the convention in proposing the amendment were not in substantial conformity with the provisions of this Act. No measure agreed to by the Congress which expresses disapproval of any such proposed amendment for any other reason, or without a statement of any reason, shall relive the President of the Senate and the Speaker of the House of Representatives of the obligation imposed upon them by the first sentence of this paragraph.

(2) For the purposes of paragraph (1) of this subsection, (A) the continuity of a session of the Congress shall be broken only by an adjournment of the Congress sine die, and (B) the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the period of ninety days.

(c) Upon receipt of any such proposed amendment to the Constitution, the Administrator shall transmit forthwith to each of the several States a duly certified copy thereof, a copy of any concurrent resolution agreed to by both Houses of the Congress which prescribes the time within which and the manner in which such amendment shall be ratified, and a copy of this Act.

RATIFICATION OF PROPOSED AMENDMENTS

SEC. 12. (a) Any amendment proposed by the convention and submitted to the States in accordance with the provisions of this Act shall be valid for all intents and purposes as part of the Constitution of the United States when duly ratified by three-fourths of the States in the manner and within the time specified.

(b) Acts of ratification shall be by convention or by State legislative action as the Congress may direct or as specified in subsection (c) of this section. For the purpose of ratifying proposed amendments transmitted to the States pursuant to this Act the State legislatures shall adopt their own rules of procedure. Any State action ratifying a proposed amendment to the Constitution shall be valid without the assent of the Governor of the State.

(c) Except as otherwise prescribed by concurrent resolution of the Congress, any proposed amendment to the Constitution shall become valid when ratified by the legislatures of three-fourths of the several States within seven years from the date of the submission thereof to the States, or within such other period of time as may be prescribed by such proposed amendment.

(d) The secretary of state of the State, or if there be no such officer, the person who is charged by State law with such function, shall transmit a certified copy of the State action ratifying any proposed amendment to the Administrator of General Services.

RESCISSION OF RATIFICATION

SEC. 13. (a) Any State may rescind its ratification of a proposed amendment by the same processes by which it ratified the proposed amendment, except that no State may rescind when there are existing valid ratifications of such amendment by three-fourths of the States.

(b) Any State may ratify a proposed amendment even though it previously may have rejected the same proposal.

(c) Questions concerning State ratification or rejection of amendments proposed to the Constitution of the United States, shall be determined solely by the Congress of the United States, and its decisions shall be binding on all others, including State and Federal courts.

PROCLAMATION OF CONSTITUTIONAL AMENDMENTS

SEC. 14. The Administrator of General Services, when three-fourths of the several States have ratified a proposed amendment to the Constitution of the United States, shall issue a proclamation that the amendment is a part of the Constitution of the United States.

EFFECTIVE DATE OF AMENDMENTS

SEC. 15. An amendment proposed to the Constitution of the United States shall be effective from the date specified therein or, if no date is specified, then on the date on which the last State necessary to constitute three-fourths of the States of the United States, as provided for in article V, has ratified the same.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS AND CONSIDERATION OF UNFINISHED BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes, and that at the conclusion of that period for the transaction of routine morning business the Chair lay before the Senate the then unfinished business, S. 215.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SCOTT. Mr. President, will the distinguished acting majority leader yield?

Mr. BYRD of West Virginia. I yield to the distinguished minority leader.

Mr. SCOTT. Could the distinguished acting majority leader tell me whether anymore votes are expected today?

Mr. BYRD of West Virginia. Mr. President, no more votes are expected today, and I am authorized by the majority leader to state that following action by the Senate on S. 215—the bill to provide for calling constitutional conventions for proposing amendments to the Constitution of the United States, which is presently the pending business—the Senate will proceed, in all likelihood, to consider the following measures, which are on the calendar, and probably in the following order:

S. 1151, a bill to authorize the Secretary of the Interior to revise a repayment contract with the San Angelo Water Supply Corp., San Angelo project, Texas.

H.R. 6915, an act to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938.

S. 2042, a bill to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Indian Tribe.

May I add, Mr. President, in further response to the question of the distinguished minority leader, that consideration of the measures which I have outlined for action tomorrow—with the exception of S. 215, which is the pending business—will be subject, of course, to further consultations with the minority leadership.

Mr. SCOTT. I thank the distinguished Senator.

Mr. BYRD of West Virginia. I thank the distinguished minority leader.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 3 o'clock and 54 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, October 13, 1971, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate, October 12, 1971:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the National Oceanic and Atmospheric Administration:

To be lieutenants

Carl R. Berman, Jr.
John W. DeCoste.

IN THE AIR FORCE

Maj. Gen. Glenn A. Kent, [redacted] FR, Regular Air Force, to be assigned to a position of importance and responsibility designated by the President in the grade of lieutenant general under the provisions of section 8066, title 10 of the United States Code.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Arthur William Oberbeck, [redacted] Army of the United States (major general, United States Army).

IN THE ARMY

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be major

Bailey, Bruce H., [redacted].
Butkiewicz, Edward J., [redacted].
Hilling, Harry S., Jr., [redacted].
La Follette, Bruce F., [redacted].
Roach, Dick E., [redacted].
Szymonski, Zdzislaw, [redacted].
Williams, Leonard R., [redacted].

To be captain

Beltran, Normandy B., [redacted].
Bohannon, William H., [redacted].
Canale, Angelo A., [redacted].
Caravalho, Sario J., [redacted].
Chester, James T., Jr., [redacted].
Flamenbaum, Walter, [redacted].
Ghaed, Nasser, [redacted].
Gilley, Dewey C., Jr., [redacted].
Laramore, Robert E., [redacted].
Lazarus, Barry A., [redacted].
Pearsall, Robert S., Jr., [redacted].
Pettingill, Albert R., [redacted].
Plucinski, Theodore E., [redacted].
Shaw, John C., Jr., [redacted].
Strange, Grady L., [redacted].
Taylor, Rex A., [redacted].

To be first lieutenant

Allison, Robert C., [redacted].
Arrowsmith, David R., [redacted].
Bell, Gary L., [redacted].
Benson, Barton K., [redacted].
Berzins, Guntis G., [redacted].
Billmaier, Donald J., [redacted].
Brewsaugh, Dorothy J., [redacted].
Burleson, David G., [redacted].
Chudomelka, Lambert A., [redacted].
Cowsert, Garrett T., [redacted].
Crimmins, Walter J., Jr., [redacted].
Cross, Dennis D., [redacted].
Cruce, Douglas O., [redacted].
Delaney, Gerald L., [redacted].
Delaney, Russell J., [redacted].
Downing, Patrick H., [redacted].
Driskill, Thomas M., Jr., [redacted].
Edwards, David J., [redacted].
Ellison, Michael S., [redacted].
Newton, Edward C., IV, [redacted].
Empson, Richard N., Jr., [redacted].
Fassett, Richard M., [redacted].
Gibbons, David W., [redacted].
Griffith, Stephen R., [redacted].
Gruber, Michael G., [redacted].
Hagey, Antoinette, [redacted].
Halverson, Donald E., [redacted].
Harris, Robert F., [redacted].
Harris, William S., [redacted].
Hawkins, Richard D., [redacted].
Hershey, Jacob R., II, [redacted].
Howard, Daniel L., [redacted].
Kadel, Melvin C., [redacted].
Kammerer, James W., [redacted].
Kantorek, Gertrude M., [redacted].
Keltner, Kenneth M., [redacted].
Kennedy, Pat, Jr., [redacted].
Kerwin, Bruce R., [redacted].
King, Raymond J., II, [redacted].
Kirkland, Stephen R., [redacted].
Klugman, Peter J., [redacted].
Kontrim, Bronis J., [redacted].
Kruse, William R., [redacted].
Lanier, James R., [redacted].
Lawn, Edward J., Jr., [redacted].
Lear, Charles E., [redacted].
Martin, Robert F., [redacted].
Morgan, Joe W., [redacted].
Morris, Harold B., [redacted].
Nutt, Hershell R., [redacted].
O'Rourke, William H., Jr., [redacted].
Overend, Robert K., [redacted].
Parker, Dan M., [redacted].
Prybyla, David J., [redacted].
Ramos, Jesus, [redacted].
Reed, Ronald B., [redacted].
Riester, Anthony C., [redacted].
Sas, Martin S., [redacted].
Sayles, Jeffery A., [redacted].
Sholtis, Edward R., [redacted].
Siegel, Mark P., [redacted].
Sisler, Gary L., [redacted].
Soltau, John E., [redacted].
Stokes, Willie J., [redacted].
Tabor, Carlton R., [redacted].
Takano, Bernard K., [redacted].
Thimmesch, Stephen W., [redacted].
Thompson, Janet R., [redacted].
Weker, Joseph C., [redacted].
Wilkinson, Rowland N., [redacted].
Zahrndt, Dennis L., [redacted].

To be second lieutenant

Cantwell, Edward B., [redacted].
Carlstedt, Paul H., [redacted].
Coonley, Lewis S., Jr., [redacted].
Dimmery, Hugh M., [redacted].
Eazor, Charles R., [redacted].
Fagan, Alice K., [redacted].
Jones, Dennis M., [redacted].
Kemmitz, Joel D., [redacted].
Larson, William W., [redacted].
Lattimore, Peter J., [redacted].
Lust, Larry J., [redacted].
Malleck, George S., [redacted].
Martin, James D., [redacted].
May, James P., Jr., [redacted].
Mikel, Tilden N., [redacted].
Mitchell, Clarence B., [redacted].
Nockleby, Brian E., [redacted].
Nolan, Michael F., [redacted].
Nugent, Neil J., [redacted].
Olson, Bryan K., [redacted].
Potts, Joseph L., [redacted].
Richmond, Terry L., [redacted].
Ritz, Wendall A., [redacted].
Salter, Cecil S., [redacted].
Serrano, Alfredo, [redacted].
Stark, Robert L., [redacted].
Starkey, James A., Jr., [redacted].
Steward, Stephen A., [redacted].
Sudnik, Michael P., [redacted].
Swartzlander, David L., [redacted].
White, George B., [redacted].
Witt, Thomas B., [redacted].
Wootten, Bradley Q., [redacted].

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Best, Martin H., [redacted].
Gordon, John R., [redacted].
Holmes, Carl S., [redacted].
Jenkins, Lee R., [redacted].
Nelson, George R., [redacted].
Ruff, Stephen P., [redacted].
Satterwhite, Michael W., [redacted].
Seay, Wendell G., [redacted].
Yellen, Howard W., [redacted].

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Adamczyk, Carl A., [redacted].
Ellis, Robert A., [redacted].

IN THE NAVY

The following-named (Naval Reserve Officers' Training Corps candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to the qualification therefor as provided by law:

Drexel M. Ace, Jr.
Keith R. Albright
Robert C. Allen
James S. Anderson
William E. Ary
George Ashbridge IV
Robert J. Atkenson
Gilbert W. Bailey II
Charles L. Baker
Owen K. Ball, Jr.
Kenneth E. Barbor
Ronald D. Barlow
Ronald J. Beelman
William R. Beers
Michael W. Beiter
Chris J. Beloncix
Mitchell J. Berdinka
Robert J. Biedermann
Ronald A. Bifford
Theodore A. Bishop
Thomas F. Bitto
Matthew W. Blackledge
William K. Blaine
Russell E. Blume
Robert E. Bondy III
John C. Bongaardt
Gregory D. Borgert
Timothy W. Bouch
James W. Boyd
James W. Boyer
Steven L. Brandenburg
Bruce H. Brothers
Patrick J. Brown
Richard M. Bruns
Thomas S. Burke
Robert L. Burnham
Gerald L. Burr
John W. Bushong
James A. Bussiere
Arthur L. Butt
Theodore Bybel III
Patrick R. Cafaro
David C. Cahoon
John Caldwell
Stephen F. Callahan
Barry L. Campbell
William J. Cantwell, Jr.
Lexie C. Castleman
Lee S. Chesneau
Wendell C. Chinn
Patrick L. Christman
Thomas M. Cislo
James S. Clark
Gary D. Cline
Michael D. Clutter
James H. Coleman
Charles D. Conover, Jr.
John J. Conroy
Wynn L. Coon
Robert J. Cooper
Bruce A. Cordes
David C. Covert
Harold D. Covert
Gary R. Crawford
Walter D. Creech
Mark A. Crim
Dennis E. Crowley
William S. Culler
Donovan C. Cullison
Robert B. Cummings
Timothy J. Curley
Michael T. Cygan
Zbigniew A. Cymerman
Joseph F. Dalton, Jr.
Wayne R. Dapser
Douglas S. Daughtry
Edward E. Davies IV
David M. Davis
Michael J. Defors
Alan G. Denison
John J. Deschauer
James B. Dickson
Michael D. Donovan
Charles E. Dorsett
Barry C. Douglas
Thomas J. Drake
Raymond M. Driscoll, Jr.
Daniel R. Edwards
Emmerson W. Edwards
Mark J. Edwards
Lance D. Ehmcke
Alex G. Endres
Thomas A. Engels, Jr.
John R. Exell
Linwood E. Farmer, Jr.
Dennis C. Federici
Calvin Fisher
John E. Flanagan, Jr.
Thomas E. Fleming, Jr.
John M. Flowers, Jr.
James M. Fowler
Richard A. Franklin
Richard L. Fuller
Daniel M. Furlong
Michael L. Gale
Joseph E. Galvacky
George C. Garden
Thomas L. Gardner
James J. Gawbill III
Claude P. Gentilhomme
Paul A. Gido
John H. Gillette
Michael G. Godwin
James L. Goyer III
Michael M. Graves
Richard H. Gray
James T. Greeno
Steven A. Greishaber
Steven A. Guzauskis
Dayton F. Hale, Jr.
Charles J. Hall
John H. Hamilton
Kevin D. Hammar
John A. Hankins
Christian P. Hansen
William R. Harlow, Jr.
Robert J. Harrington
Stephen A. Hedgepeth
Joseph P. Heine
Ross P. Henderson
George A. Herbert, Jr.
Rory M. Hermann
Herbert I. Hess, Jr.
Edward E. Hickson
Douglas G. Hodsdon
Michael L. Hoesly
James C. Hoffman
Nelson C. Holly
Paul C. Hoover
Robert L. Hopkins
Walter G. Howard, Jr.
Joseph F. Hurley, Jr.
Frederick E. Ill, Jr.
Walter E. Ingram
Jac D. Irvine
Bruce R. Jayne
Joe C. Jennings, Jr.
Eric Y. Johnson

Robert B. Johnson II
Richard S. Kaiser, Jr.
Roger D. Kamen
John M. Kane
Steven M. Karoscik
James M. Kessler
Lawrence E. Kinker
John R. Kirk
Terrance J. Klein
Gerald J. Kline
Patrick R. Kluever
David J. Knight
Mark W. Koster
Ronald R. Ladd
Gregory D. Landers
Leslie K. Lampe
Dennis N. Largess
James W. Lawson
John G. Leggett
James M. Ligon
Michael L. Lillard
Thomas R. Lippert
Michael M. Little
John S. Lockwood
Paul D. Long
Randal S. Luce
John M. Luke
Dennis L. Lundberg
Patrick W. Lyons
Larry T. McAlpin
John D. McCloskey
Stephen A. McCormick
Larry N. McCullough
James J. McDonald
Elton G. McGoun, Jr.
Joseph J. McGrath
Gary R. McHugh
Robert A. McKim
Donald B. MacKenzie-graham
Robert J. Malarkey
Alton D. Marrs
Lawrence D. Marshall
William F. Mastro
Michael W. Mather
Rodney J. Meadows, Jr.
George H. Mears
William A. Meeley, Jr.
Mark A. Melnicoff
Martin C. Menez
Barton M. Menser
Floy L. Metheny
Michael E. Michalczyk
Michael P. Mihalik
Allen C. Miller, Jr.
John A. Miller
Lawrence C. Minder
Louis D. Misko
Robert W. Mitchum
Donald N. Mizell
Michael L. Moffit
John E. Moneghan
Darrell L. Moore
John F. Moran
James N. Morrow
Robert J. Muller
George J. Murphy III
Lance A. Mynderse
Stanley W. Nelson
William H. Nelson
Bruce A. Nettleton
Gerald T. Nielsen
Michael F. Nollet
Carl S. Norcross
Thomas C. Noser
Kevin P. O'Connell
Melvin W. Oleson
William A. Palmer, Jr.
Harold R. Parker III
Randall E. Pegler
Harry W. Peterson
Thad D. Peterson
Howard A. J. Petrea
Gerard K. Petry
Ralph E. Petty
Laurence M. Phelps
William L. Phillips
Frank T. Piecyk
Marshall F. Pierce
James S. Post
Richard R. Pouliot
William H. Powers
Clarkson M. Price, Jr.
Brain L. Pring
Michael A. Proulx
Ova W. Ramsey
William A. Rappold
Marl L. Rath
John E. Rebhann
Russell A. Reed
Joseph S. Regan
Christopher J. Remshak
Thomas F. Reynolds
Philip W. Richardson
Steven D. Richardson
Christopher R. Riche
Ronald R. Richmond
Louis K. Roark
James R. Rosmond
Samuel J. Routson
Michael C. Rowson
Joseph G. Ruggiero, Jr.
William P. Ryan, Jr.
John W. Ryder
Gregory B. Sanford
Michael J. Sare
James E. Scarbrough
Frederick G. Schaad
Jonathan B Schmidt
Thomas J. Schmucker
Martin J. Schnell
Stewart W. Schreckengast
Gregory W. Schreurs
Joseph C. Schwegmann
Jonathan M. Shepard
Terry C. Shipman
William M. Sigler III
Lawrence A. Silkaitis
Charles E. Simpson
Jeffrey P. Simpson
Ralph D. Skiano
Richard P. Skrzat
Gary W. Smith
Gerald S. Smith
Janvier K. Smith
Pemberton Smith
Walter M. Smorgans
Allen E. Sneed, Jr.
David M. Soballe
Lee A. Sollenberger
Walter T. Sorrow
Austin H. Speed III
Philip J. Starr
Robert P. Staebler
Daniel J. Steinbacher
Roland E. Stevens
William R. Stevens
Michael A. Stewart
John M. Strong
Gary L. Stuart
Michael G. Sudholt
David R. Suhs
Thomas M. Swenenborg
Walter J. Szwarc
Michael A. Tatone
Robert W. Teller, Jr.
Dale J. Thanig
Jeffrey H. Thomas
Silas O. Thorne III
Scott R. Tideman
Douglas C. Tilghman
Joseph L. Tillson, Jr.
Ashley G. Trop
David A. Tussey
Jackson C. Tuttle
Gary P. Vandyke
Joseph M. Volpe
Robert W. Vorhoff
Kevin C. Waddle
Gregory A. Walker
John Wallace
Paul W. Watkins
Gerold W. Weldon, Jr.
David P. Wellen
William I. Wells
Gregory J. Wenneson
Michael B. Westman
Thomas F. Weymann
Robert J. Whalen
Stephen J. Whelan
John C. White
Archie R. Whitehill
Robert C. Whitten
Herlis A. Williams
Michael J. Williams
Russell L. Williams
John J. Wilpers III
Arthur R. Wilson
Joseph A. Witheringtα
Michael S. Wilus
Gerald D. Wohlford
Michael S. Woodson
Randy A. Worley
Robert S. Wray
Paul J. Yardschak, Jr.
George E. Zhookoff

The following-named (naval enlisted scientific education program candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to the qualification therefor as provided by law:

William L. Ainsley
William R. Allen
Thomas V. Almquist
Larry D. Ashim
Harry C. Barnes, Jr.
Leslie W. Barnes
Peter G. Barnett
Robert J. Beaver
Gale V. Berry
Richard A. Blackman
Daniel M. Boswell
Michael J. Bower
Robert F. Bowley
Bernard G. Brady
Edward D. Brady
Robert T. Bridges
Peter B. Briggs
Kenneth L. Buchspics, Jr.
Fred E. Burton
Lester E. Butler, Jr.
Edwin J. Cahill
Richard P. Campbell
Mark V. Carle
Lawrence B. Ceaglio
Alvin E. Cerveny
Robert G. Chapman
John L. Cuzzocrea
William D. Clayman
Hilton L. Connor, Jr.
Daley T. Coulter
Joseph H. Crabtree, Jr.
Max R. Crall
Bertram M. Crawford, Jr.
Charles D. Crowell
Terry H. Darton
Mark J. Davenport
Dennis R. Dean
James D. Deken
William R. Demain
James W. Derbyshire
Thomas P. Deuley
Robert D. Devries
Arnold S. DeWalt
Edward G. Disy, Jr.
Stuart N. Dom
Burelson M. Donihi
Harry Y. C. K. Doo
Milton D. Doran
James E. Downs
Robert L. Downs
David L. Dreiling
Thomas F. Drummond
Daniel F. Duddy
William R. Easton, Jr.
Laurence A. Eichel
Garland B. Eiland, Jr.
Leonard R. Elfervig II
James E. Elkins
Luis R. Erazo
William B. Evers
Dennis K. Fargo
James W. Farthing, Jr.
John F. Fee
Ronald L. Fouke
Donald C. Fox
Newton F. Freeland, Jr.
John M. Friedel
Michael J. Gallagher
Frank Gebbia
Robert N. Geopfarth
David R. George
Joel D. Givens
Michael Glenn
Robert C. Glick
Ronald B. Glover
James A. Golisch, Jr.
Mark I. Good
James F. Gorman
Timothy M. Grabski
Donald C. Greaser
Gary C. Grimes
Arnold R. Gritzke
George T. Groff
Kenneth K. Grubbs
Richard H. Guiles
James J. Gyolai
Robert M. Haley
David P. Halsted
Jeffress P. Halter
Oscar L. Hample III
Raymond H. Hansen, Jr.
Thomas F. Hartrick
Thomas R. Herret
Robert A. Hewitt, Jr.
Ronald L. Hill
Brian J. Hodson
Dennis E. Hoffman
Robert D. Holmes
Roger A. Hughes
Brian J. Hurley
John E. Israel
Gary A. John
Arthur L. Johnson
William R. Johnston
Edward L. Jones
Granville P. Jones
James E. Kaucher, Jr.
Delbert R. Kaufman
Joseph W. Keegan
Verland R. Kelly, Jr.
Paul K. Kessler, Jr.
Adrian E. Kibler, Jr.
John Adam Koehler III
Edward G. Kohinke
Anthony J. Kopacz
Raymond L. Krohn
Billy D. Kysar
Don C. Laforce
James A. Lane
Morris E. Lazarowitz
Stephen A. Lewis
Dallas D. Likens
Michael R. Long
William H. Long, Jr.
Glenn A. Main
John W. Markevicz
William J. Marshall
Keith W. Martello
Lawrence R. Martin
Phillip J. Maxson
Larry L. Mayes
Patrick A. McCarville
Ralph C. McCrory
Gary A. Meade
Anthony J. Melle, Jr.
Steven J. Mendygral
Lloyd J. Meyer
Dennis W. Miller, Jr.
George E. Mobus
Eugene L. Moon
Robert C. Moore
Floyd J. Morgan
Steven W. Mosher
George M. Murray
Clyde Musgrave
Michael J. Naughton
David E. Nelson
Danny R. Newton
Donald O. Norris, Jr.
Raymond T. O'Bryon
Donald F. Oelrich
Darrell J. Offut
Mark H. Olender
David J. Olson
Paul L. Orr, Jr.
Andrew A. Ott
David T. Otto
Robert H. Paleck
George W. Palmer
Joseph V. Parrish
Wayne L. Patterson
James Paul
Joseph L. Perry, Jr.
William J. Peterson, Jr.
Russell J. Pfister
Ronald D. Poe
Marc M. Poland
David J. Reilly
David G. Reuter
William A. Rhoades
Jesse C. Rhodes
Michael L. Rice
Michael D. Robertsop
Richard T. Rockwell
James P. Roller
Theodore R. Roman, Jr.
Michael J. Rotondo
George L. Russell, Jr.
Roy W. Russell
William W. Rust III
Robert W. Sands
William C. Saunders
Jerry E. Schmitz
Robert J. Sensat
John R. Sherman
Robert G. Shields
Arthur B. Sleeper
Dennis A. Slocumb
Richard F. Sontheimer
David M. Stanfield
Joseph R. Stenroos
Robert C. Sterner
Melvin L. Stewart
Christopher A. Stickler
Dale E. Stoehr
Bruce W. Stupfer
Allen M. Sueirro
Edward P. Suplicki
John L. Sutter
Lowell F. Swartz
Ralph D. Temple
Henry "D" Thomas
John G. Thomas
John R. Thomas
Clark F. Thompson
James "H" Toney
William P. Tornatore
Robert J. Trabona
Richard F. Trenta
Lauren B. Vanderhoof
John W. Wainionpaa
Andrew D. Wales
Charles J. Weigand
Joseph L. Welsh
Dennis R. Wheeler
James W. White
Judson H. White, Jr.
Richard M. White
Ronald A. Wiley
Gerald "E" Wilson
Theodore O. Wingo
Gary D. Wisner
Ralph L. Worthington, Jr.
Dennis L. Wright
Oliver L. Wright III
Edward P. Yarrows
John L. Yirak
Gordon A. Young
Frederick C. Zorbas

The following-named (civilian college graduates) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

*Herbert N. Davis
*John C. Mackenbach
*Glenn R. Olson
*John M. Peacock II
*Thomas D. Wells

The following-named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

*Walter G. Crooks
*Oloff L. Hansen
*Paul E. Hensley
*Robert A. Scudder, Jr.
*Dean D. Schloyer

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

*David A. Baab
*Francis P. Boland
*Ronald S. N. Chang
*Kenneth L. Childers
*Donald J. Ferguson
*Robert E. Galliani
*Larry F. Hellman
*Richard L. Kronzer
*Frederic Krueger
*Darmon D. Kuntz
*John P. Ladas
*Eldon R. Leff
*Dennis J. McGuire
*Charles T. Qualey
*Gary D. Quine
*John J. Rizas
*Lee H. Sarty
*Carl W. Schamu
*Wayne L. Wagner
*Herbert W. Winstead
*Raymond A. Yukna

The following-named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

*Edward T. Flynn, Jr.
*Daniel D. Foote

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the

Medical Corps of the Navy, subject to the qualification therefor as provided by law:

*John B. Baldwin
*Vincent D. Bradley
*William E. Byrd
*Donald W. Claeys
*Robert J. Clubb
*Orr M. Cobb, Jr.
*David "H" Deck
*Charles J. Donlan, Jr.
*James L. Gentry
Kenneth S. Gray
*Russle H. Harris
*James S. Hicks
*Victor E. Iacovoni
*Glenn R. Johnston
*James P. Jordan, Jr.
*James P. Jorgensen
*Edward W. Kane
*Steven A. Komadina
*Richard W. Lawson
*Alton L. Lightsey, Jr.
*William B. McHugh
*William E. May
*George J. Miller, Jr.
*Thomas E. Moeser
* Ralph E. Norton, Jr.
* John C. Phares
* Lawrence A. Rathbun, Jr.
* John P. Seward
* Donald A. Spencer
* Frederick C. Stidman, Jr.
* Norman W. Taylor
* Donald A. Vance
* Clayton W. Wickham
* Linder E. Wingo

* Richard B. Redmayne, U.S. Navy retired officer, to be reappointed from the temporary disability retired list as a permanent captain in the line of the Navy, subject to the qualification therefor as provided by law.

* William A. Ingram, U.S. Navy retired officer, to be reappointed from the temporary disability retired list as a permanent lieutenant commander in the line of the Navy, subject to the qualification therefor as provided by law.

(Asterisk (*) indicates ad interim appointment issued.)

HOUSE OF REPRESENTATIVES—*Tuesday, October 12, 1971*

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore (Mr. O'NEILL).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 12, 1971.

I hereby designate the Honorable THOMAS P. O'NEILL, Jr., to act as Speaker pro tempore today.

CARL ALBERT,
Speaker of the House of Representatives.

PRAYER

His Excellency, the Most Reverend Philip M. Hannan, archbishop of New Orleans, La., offered the following prayer:

O God, bless this House and make it a model assembly for the family of man. As Plato said, "Like man, like state," make us realize that the good of each means the common good, that national strength means the spiritual strength of each, and that law and order mean the reign of Your justice and charity in each heart.

May we see in the differences of color and culture Your design to enrich the family of man. May we merit the unbought grace of life by fulfilling the dignity of every fellow son of God as described by the psalmist:

"It was You who created my inmost self,
For all these mysteries I thank You:
For the wonder of myself, for the wonder of Your works.
O God, let Your love rest on us, as our trust rests in You."

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments a bill of the House of the following title:

H.R. 8687. An act to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 8687) entitled "An act to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STENNIS, Mr. SYMINGTON, Mr. CANNON, Mr. MCINTYRE, Mr. BYRD of Virginia, Mrs. SMITH, Mr. THURMOND, Mr. TOWER, and Mr. DOMINICK to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 2007) entitled "An act to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes," agrees to a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. NELSON, Mr. KENNEDY, Mr. MONDALE, Mr. CRANSTON, Mr. HUGHES, Mr. STEVENSON, Mr. RANDOLPH, Mr. TAFT, Mr. JAVITS, Mr. SCHWEIKER, Mr. DOMINICK, and Mr. BEALL to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2482. An act to authorize financial support for improvements in Indian education, and for other purposes.

The message also announced that the Senate had passed the following resolution:

S. RES. 176

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. James G. Fulton, late a Representative from the State of Pennsylvania.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it adjourn as a further mark of respect to the memory of the deceased Representative.

HIS EXCELLENCY, THE MOST REVEREND PHILIP M. HANNAN, ARCHBISHOP OF NEW ORLEANS, LA.

(Mr. HÉBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HÉBERT. Mr. Speaker, we have been particularly honored and privileged this morning, through the cooperation of our Chaplain and the leadership of the House, in having our opening prayer said by His Excellency, the most reverend archbishop of New Orleans, Philip M. Hannan.

He is no newcomer to Washington. He is a native Washingtonian, and at this particular time he is here to participate in the official presentation of the portrait of the chairman of the Committee on Armed Services of the House this afternoon.

I think it is most interesting, too, that he is spending his time here with his 90-year-old mother who still lives in the Northwest section of Washington.

He will be remembered as Bishop Hannan of Washington who gave the eulogy at the funeral of the late President Jack Kennedy after his tragic death.

His credentials are those which one seldom finds in an individual in his particular calling, though they are most welcome at having been found there.

During World War II he was a jumper with the 82d Airborne Division in Europe as a chaplain and became very well known at that time.

It is with the deepest appreciation that I express to the archbishop my gratitude for having taken the time to come here this morning to honor us with his presence.

Those of us of New Orleans who have come to know him will soon honor him with a testimonial dinner from the Conference of Christians and Jews for the work that he has done in bringing together the various people of the city of New Orleans.

He came on the scene in very unquiet

times and immediately found his way into our hearts.

We are looking forward to the day when he becomes a Prince of the Church and receives a red hat.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
October 8, 1971.

The Honorable the SPEAKER,
House of Representatives.

DEAR SIR: Pursuant to the authority granted by the House on October 5, 1971, the Clerk received today the following messages from the Secretary of the Senate:

That the Senate passed without amendment House Joint Resolution 915, Making a supplemental appropriation for the Department of Labor for the fiscal year 1972, and for other purposes; and

That the Senate passed without amendment House Joint Resolution 916, Making further continuing appropriations for the fiscal year 1972, and for other purposes.

With kind regards, I am,

Sincerely,

W. PAT JENNINGS, *Clerk,*
House of Representatives.
By W. RAYMOND CALLEY.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to the authority granted to the Speaker on Tuesday, October 5, 1971, the Speaker did, during the adjournment, sign the following enrolled joint resolution of the House:

H.J. Res. 915. Joint resolution making a supplemental appropriation for the Department of Labor for the fiscal year 1972, and for other purposes.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON AGRICULTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Agriculture, which was read and referred to the Committee on Appropriations:

WASHINGTON, D.C., *October 6, 1971.*

Hon. CARL ALBERT,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Agriculture today considered and unanimously approved the following work plans transferred to you by executive communication and referred to this Committee. The work plans are:

WATERSHED, STATE, AND EXECUTIVE COMMUNICATION

Clarence Cannon Memorial, Missouri, 556, 92nd Congress.

Clear Creek, Nebraska, 2640, 91st Congress.

East Sector Whitewater River, Kansas, 556, 92nd Congress.

Oak-Middle Creek Tributaries of Salt Creek (Supplemental) Nebraska, 556, 92nd Congress.

Stone Corral, California, 1137, 92nd Congress.

As you will note in the attached Resolution concerning Stone Corral, California, the work plan is approved provided that officials of the Soil Conservation Service will revise the project to reduce the cost per acre from $206 per acre to $200 per acre.

Yours sincerely,

W. R. POAGE,
Chairman.

PRIVILEGES OF THE HOUSE—B. NOWLIN KEENER, JR., AGAINST THE CONGRESS OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *October 6, 1971.*

The Honorable the SPEAKER,
House of Representatives.

DEAR SIR: The Clerk of the House of Representatives received on this date from the U.S. Marshal by certified mail (738000) an unattested copy of the Summons in a Civil Action together with a copy of the complaint filed by B. Nowlin Keener, Jr. v. The Congress of the United States (naming The Honorable Carl Albert, Speaker of the House of Representatives as one of its three officers) in Civil Action File No. PCA 2419 in the United States District Court for the Northern District of Florida, Pensacola, Florida.

The summons requires The Congress of the United States to answer the complaint within sixty days after service.

The summons and complaint in question are herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

Sincerely,

W. P. JENNINGS,
Clerk, House of Representatives.

The SPEAKER pro tempore. The Chair would like to advise the House that the Clerk has communicated with the Attorney General and the U.S. attorney for the northern district of Florida at Pensacola requesting that appropriate action be taken in defense of this suit pursuant to the provisions of 2 United States Code 118.

DEPARTMENT OF AGRICULTURE TO FURTHER RESTRICT ELIGIBILITY STANDARDS FOR THE NATIONAL SCHOOL LUNCH PROGRAM

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute and to revsie and extend his remarks.)

Mr. ROSTENKOWSKI. Mr. Speaker, last Wednesday Assistant Secretary of Agriculture Lyng announced that his Department would shortly begin to further restrict the eligibility standards for the national school lunch program. This latest in a long series of misguided administration decisions would limit Federal benefits to those children in the national free lunch program whose families annual income is less than $3,940 for four persons.

This crippling action will, in effect, eliminate more than 584,000 children from this most successful program. This decision, in my opinion, also runs contrary to the intent of the legislation recently passed by the Senate and pending in the House which would provide for a 45-cent per child subsidy to school lunch programs for underprivileged children.

I am vitally aware of the need for federally supplied free lunches for poor children throughout the Nation, and in my city of Chicago in particular. If this administration blunder is allowed to become precedent, I fear that up to 35,000 Chicago children could be affected. This figure could soar to 50,000 on a statewide level. I believe that to allow this directive to infringe on the action already taken by the Congress would seriously damage, if not destroy, the present free lunch program.

Mr. Speaker, I urge you and all of my distinguished colleagues to join with me in strongly recommending to the administration that the Department of Agriculture rescind its decision on this matter in order to allow the national free lunch program to operate in the manner that the Congress intended.

SELECTIVE SERVICE TO DELIVER 10,000 MORE BOYS TO THE ARMED FORCES

(Mr. RONCALIO asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. RONCALIO. Mr. Speaker, I hold in my hand a letter which I received in my office this morning from Mr. James A. Barlow, Jr., a geologist with offices at Casper, Wyo., which reads as follows:

DEAR TENO: I read this morning in the paper that Selective Service is to deliver 10,000 more boys to the armed forces. You would think we were dealing with apples or oranges or chickens or cows. Here in 1971 we (and I really mean you in the Congress) are still operating as we did when boys were kidnapped and delivered to the British sailing fleet for so much a head.

The consensus today (with all reasonable men, except you in Congress) is that the Viet Nam war is a ridiculous slaughter that is destroying the American people and must be stopped *now*.

This is a firm letter, but I want you to know exactly how I feel.

Very truly yours,

BARLOW & HAUN, INC.
JAMES A. BARLOW, Jr.

Mr. Speaker, I have just read it to the Members of Congress this morning. I agree with the letter. Later this week we shall be voting on the so-called Mansfield amendment. It is long past time we in the House vote to stop this ridiculous slaughter in Indochina.

THE PIRATES ARE FOR THE BIRDS

(Mr. GARMATZ asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GARMATZ. Mr. Speaker, the Pittsburgh Pirates are for the birds—the Baltimore Orioles, that is. And on this I will wager a bushel of Chesapeake Bay oysters, which are also world champions.

I am proud to represent in Congress an important part of the great port city of Baltimore, which is the city of champions.

Our Baltimore Bullets basketball team, our Colts, and our Orioles have all been world beaters. At Pimlico Race Track each spring there is the contest of the second jewel in horse racing's greatest contest, the triple crown. Baltimore's sporting events can stock a hall of fame all their own.

The sporting world's eyes are glued at this moment on the national pastime's greatest event, the world series. For the fourth time in 6 years, our wonderful Orioles are providing half the competition—the interesting half, and the half that will be victorious in this series.

It was a glorious sight Saturday and yesterday at Memorial Stadium at the end of Oriole Boulevard in Baltimore. There were our Birds, resplendent in their gleaming white home uniforms, and the Pirates in their——they looked like pajamas.

The Pittsburgh Pirates are a fine baseball team. They would have to be to earn the right to compete with the Orioles in the world series. But the Birds will be an albatross around the Pirate's necks. Of this I am so confident, I will also agree to shuck those oysters if the Orioles lose. And the Orioles losing would be like the great rivers of Pittsburgh reversing their flow and that city's steel turning to clay. Beat 'em Birds.

U.S. FINANCIAL SUPPORT TO THE UNITED NATIONS

(Mr. CRANE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRANE. Mr. Speaker, this morning's Washington Post carries a detailed report of a meeting between my distinguished colleague in the other body, Senator BUCKLEY, and the U.S. Ambassador to the United Nations, Mr. Bush.

In that story, the distinguished Senator was quoted as saying that "meaningful legislation" on the subject of U.S. financial support to the United Nations will be introduced in the House of Representatives today.

It is now my privilege, on behalf of my distinguished colleagues, the gentlemen from Louisiana (Mr. WAGGONNER), Illinois (Mr. MICHEL), and Mississippi (Mr. MONTGOMERY) to introduce that legislation.

Mr. Speaker, this is a very simple, straightforward bill. It reads:

A bill to limit United States contributions to the United Nations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the aggregate amount of assessed and voluntary contributions by the United States to the United Nations and its affiliated agencies for any calendar year after 1971 shall not exceed an amount which bears the same ratio to the total budget of the United Nations and its affiliated agencies as the total population of the United States bears to the total population of all the member states of the United Nations.

I would also take this opportunity to advise those in positions of power, both in our own State Department and those representatives of other nations at the United Nations in New York, that there is a very deep feeling here in the Congress regarding the question of recognition of the Republic of China at the United Nations. This feeling has been expressed by the 316 Members who have signed the following statement:

> We, the undersigned Members of Congress, are strongly and unalterably opposed to the expulsion of the Republic of China from the United Nations.

It is also represented by the considerable number of U.S. Senators who have expressed similar feelings on this subject.

Let me also add, in conclusion, that the four gentlemen who have agreed to initial cosponsorship of this measure will be seeking support from all of our colleagues when we reintroduce the bill within the next several days.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER pro tempore. This is District of Columbia day. The Chair recognizes the gentleman from Missouri, Mr. HUNGATE.

INCORPORATING PROFESSIONS IN THE DISTRICT OF COLUMBIA

Mr. HUNGATE. Mr. Speaker, I call up the bill (H.R. 10383), to enable professional individuals and firms in the District of Columbia to obtain the benefits of corporate organization, and to make corresponding changes in the District of Columbia Income and Franchise Tax Act, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. HARSHA. Mr. Speaker, reserving the right to object, may I inquire of the chairman of the subcommittee whether H.R. 10383 now before this Chamber is the same bill that was reported out of the subcommittee to the full Committee on the District of Columbia?

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Missouri.

Mr. HUNGATE. I will respond that the gentleman's statement is correct. An amendment was proposed, but it was not adopted. So the bill stands as the gentleman understands it.

Mr. HARSHA. That was to be my next question. The bill does not contain the proposed amendment we discussed in the subcommittee, and the bill which is now before this Chamber does preserve to those professionals that are not incorporated their present exemptions from the District of Columbia franchise tax?

Mr. HUNGATE. If the gentleman will yield further, the bill would permit professionals such as doctors, lawyers, architects, and the like, to incorporate, a right that they enjoy in 50 States at the present time. Under the present state of the District of Columbia law, those people who are professionals are not subject to what is known as a franchise tax. This bill would not change that situation. The bill merely offers an opportunity to incorporate, but does not make any change in the existing tax structure.

Mr. HARSHA. But it does preserve to those who do not incorporate their present exemption?

Mr. HUNGATE. That is correct. The gentleman is basically correct. Those incorporate would pay corporation taxes, but those professionals who do not would remain exempt.

Mr. HARSHA. I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the bill, as follows:

H.R. 10383

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known and may be cited as the "District of Columbia Professional Corporation Act".

DEFINITIONS

SEC. 2. As used in this Act, unless the context otherwise requires:

(a) The term "professional corporation" means a corporation organized under this Act solely for the specific purposes provided under this Act, and which has as its shareholders only individuals who themselves are duly licensed to render the same professional service as the corporation.

(b) The term "professional service" means any type of personal service to the public which may be lawfully rendered only pursuant to a license and which by laws, custom, standards of professional conduct or practice in the District of Columbia, before the effective date of this Act, could not be rendered by a corporation, including without limitation the services performed by certified public accountants, attorneys, architects, practitioners of the healing arts, dentists, optometrists, podiatrists, and professional engineers.

(c) The term "license" or "licensed" refers to a license, certification, certificate, or registration, or other legal authorization required by law as a condition precedent to the rendering of professional service within the District of Columbia.

(d) The term "Council" means the District of Columbia Council or the agent or agents designated by it to perform any function vested in the Council by this Act.

(e) The term "Commissioner" means the Commissioner of the District of Columbia or his designated agent.

EXEMPTION

SEC. 3. This Act shall not apply to any corporation now in existence or hereafter organized which may lawfully render professional services other than pursuant to this Act, nor shall anything herein contained alter or affect any existing or future right or privilege permitting or not prohibiting performance of professional services through the use of any form of business organization. Any corporation organized under the District of Columbia Business Corporation Act (D.C. Code, sec. 29-901 et seq.) may be brought within the provisions of this Act by complying with the provisions of this Act and filing amended or restated articles of incorporation meeting the requirements of section 6 of this Act.

CONSTRUCTION OF ACT

SEC. 4. The provisions of this Act shall not be construed as repealing, modifying, or restricting the applicable provisions of law relating to corporations, or regulating the several professions covered by this Act, except insofar as such laws conflict with the provisions of this Act. Except as otherwise provided by this Act, the provisions of the District of Columbia Business Corporation Act shall be applicable to any professional corporation organized under this Act.

PURPOSE; POWERS

SEC. 5. (a) A professional corporation may be organized solely to render professional services through its shareholders, directors, officers, employees, or agents who are themselves duly licensed to render the particular service, and to render service ancillary thereto. A professional corporation may charge for such services, may collect such charges, and may compensate those who render such service. A professional corporation may employ persons who are not licensed, but such persons shall not perform professional services; and no license shall be required of any person who is employed by a professional corporation to perform services for which no license is otherwise required.

(b) No professional corporation may do any act which is prohibited to an individual licensed to render the professional service for which the corporation is organized.

(c) Nothwithstanding any provision of this Act, a professional corporation may—

(i) invest its funds in real estate, mortgages, stocks, bonds, or other type of investment;

(ii) own real estate or personal property; and

(iii) enter into partnership and other agreements with individuals (who may be shareholders, directors, employes, or agents of the professional corporation), partnerships, or professional corporations rendering the same type of professional services within or without the District of Columbia, to the same extent that an individual licensed to render the same professional service may enter into such partnership or other agreements pursuant to law, rules, regulations, or standards of professional conduct of the profession practiced through the professional corporation.

INCORPORATION

SEC. 6. One or more natural persons may incorporate a professional corporation by delivering articles of incorporation in duplicate originals to the Commissioner. The articles of incorporation shall meet the requirements of the District of Columbia Business Corporation Act and, in addition, shall set forth—

(a) the designation of the professional services to be rendered through the corporation;

(b) the names and addresses, including street and number, if any, of the original shareholders of the corporation; and

(c) a statement that each of the original shareholders and directors named in the articles of incorporation is licensed to render a professional service for which the corporation is to be organized.

NUMBER OF DIRECTORS

SEC. 7. A professional corporation shall have one or more directors, without regard to the number of shareholders..

QUALIFICATIONS OF SHAREHOLDER, DIRECTOR, AND OFFICER

SEC. 8. No person shall be a shareholder, director, or officer of a professional corporation or render professional services on its behalf unless he is an individual licensed to render a professional service for which the corporation is organized, except that if a professional corporation has only one shareholder, the secretary of the corporation need not be licensed to perform (and may not perform if not so licensed) such professional services. As used in this section, the term "officer" shall mean chairman of the board, president, vice president, treasurer, and secretary. Nothing in this Act shall require a shareholder or incorporator of a professional corporation to have a present or future employment relationship with the corporation or actively to participate in any capacity in the production of income of, or performance of professional service by, such corporation.

CORPORATE NAME

SEC. 9. The corporate name shall contain the words "professional corporation", or the abbreviation "P.C.", or the word "chartered", and shall not contain the word "company", "incorporated", "corporation", or "limited", or an abbreviation of one of such words. A professional corporation shall render professional services and exercise its authorized powers under its corporate name.

PROXY

SEC. 10. No shareholder of a professional corporation shall enter into a voting trust, proxy, or any other arrangement vesting another person (other than another shareholder of the same corporation) with the authority to exercise the voting power of any or all of his shares, and any such voting trust, proxy, or other arrangement shall be void.

PROFESSIONAL RELATIONSHIP; LIABILITIES

SEC. 11. (a) The provisions of this Act shall not be construed to alter or affect the professional relationship between an individual furnishing professional services and an individual receiving such service, either with respect to liability arising out of such professional service or the confidental relationship, if any, between the individual rendering, and the individual receiving such professional service. An individual shall be personally liable and accountable only for any negligent or wrongful acts or misconduct committed by him, or by any individual under his supervision and control in the rendering of professional service on behalf of a corporation organized under this Act. No individual shall be so personally liable and accountable merely because he is a director, officer, or manager of the professional corporation.

(b) The corporation shall be liable up to the full value of its assets for any negligent or wrongful acts or misconduct committed by any of its officers, shareholders, directors, agents, or employees in their rendering of professional services on behalf of the corporation. Except as otherwise provided in this section, the liabilities of a professional corporation and its shareholders shall be governed by the District of Columbia Business Corporation Act.

TRANSFER OF SHARES

SEC. 12. (a) Shares in a professional corporation may be transferred only to an individual who is eligible under this Act to be a shareholder of such corporation, or to such professional corporation, or may devolve by operation of law upon the personal representative or estate of a deceased or legally incompetent shareholder. The articles of incorporation, bylaws, or an agreement among its shareholders may provide that any such transfer shall be subject to the express approval of all, or of any lesser proportion of the remaining shareholders of the corporation, and may provide for the manner in which such consent shall be given. Any transfer made in violation of this section shall be void.

(b) A professional corporation may reacquire its own shares through purchase or redemption, and may cancel such shares if at least one share remains issued and outstanding, except when it is insolvent or the purchase or redemption would render it insolvent.

(c) The provisions of the District of Columbia Securities Act (D.C. Code, sec. 2-2401, et seq.), and of the Securities Act of 1933, shall not apply to the issuance or transfer of securities of a professional corporation. Every certificate for shares of a professional corporation shall contain on its face the following legend: "The ownership and transfer of these shares and the rights and obligations of shareholders are subject to the limitations of the District of Columbia Professional Corporation Act."

(d) In the event that shares of a professional corporation are attached for the individual debts of a shareholder, or are executed upon under any pledge or hypothecation thereof, the sole right of the creditor with respect to such shares shall be to obtain their redemption by such professional corporation within sixty days after serving written demand for redemption upon such corporation. The redemption price for such shares shall be (1) the amount to which the shareholder is entitled upon voluntary redemption of his shares by the provisions of the articles of incorporation, bylaws, or an agreement among its shareholders, or if there are no such provisions, (2) the book value of such shares at the end of the month immediately preceding the date of such demand, determined under generally accepted accounting methods consistent with the method of accounting used by the corporation for Federal income tax purposes, by an independent certified public accountant selected by the corporation, but paid by such creditor, for the purpose.

MERGER OR CONSOLIDATION

SEC. 13. A professional corporation may merge or consolidate only with another domestic professional corporation, and only if both corporations are organized to render the same professional services or professional services which, although not the same, could otherwise be rendered by a single professional corporation.

FOREIGN PROFESSIONAL CORPORATIONS

SEC. 14. Notwithstanding any other provision of this Act, a foreign professional corporation licensed in a jurisdiction other than the District of Columbia to perform a professional service of the type defined in section 2(b) of this Act, may apply for and obtain a certificate of authority to render such professional service in the District of Columbia under the following terms and conditions:

(a) The articles of incorporation shall meet the requirements of section 6 of this Act, and shall state the address of its registered office in the District of Columbia and the name of its registered agent in the District of Columbia.

(b) The name of the foreign professional corporation shall meet the requirements of section 9 of this Act and shall conform to any ethical standards applicable to the rendering of professional service in the District of Columbia.

(c) The powers of any foreign professional corporation admitted under this section shall not exceed the powers permitted to domestic professional corporations under section 5 of this Act.

(d) Any foreign professional corporation seeking admission to the District under the provisions of this section shall have at least one director or officer as resident agent for its registered office in the District. Additionally, such resident agent and any other shareholder, director, officer, employee, or agent who renders professional services within the District on behalf of the foreign professional corporation shall be licensed to render professional service in the District of Columbia.

(e) An annual report shall be filed in accordance with the requirements of section 19 of this Act.

(f) No certificate of authority shall be granted to a professional corporation incorporated in a jurisdiction which does not permit reciprocal admission of professional corporations incorporated under the laws of the District of Columbia.

DISQUALIFIED PROFESSIONAL

SEC. 15. If any individual rendering professional services on behalf of a professional corporation assumes a public office which prohibits his rendering of the professional services, or for any other reason is disqualified by law to render the professional services, he immediately shall sever all employment relationship in which he shares in the corporation's profits attributable to professional services rendered after such assumption of office or other disqualification. For the purposes of section 16 of this Act, he shall be referred to as a "disqualified shareholder".

STOCK OF DISQUALIFIED, DECEASED, LEGALLY INCOMPETENT SHAREHOLDER

SEC. 16. (a) Subject to the limitations of this section, a disqualified shareholder and personal representatives, legatees, or heirs of a deceased or legally incompetent shareholder may continue to own shares of a professional corporation but shall not be permitted to participate in any decisions concerning the rendering of professional services by the corporation. The articles of incorporation, bylaws, or an agreement among the shareholders of a professional corporation may provide, consistent with the provisions of this section, for the disposition of shares of a disqualified, deceased, or legally incompetent shareholder.

(b) The articles of incorporation, bylaws, or an agreement among shareholders may provide that, within ninety days (or any earlier date) after the date a shareholder becomes a disqualified shareholder, the disqualified shareholder shall sell and surrender, and the corporation or any individuals qualified to be shareholders shall purchase and receive, his shares of stock of the corporation. In the absence of any such provision, the disqualified shareholder shall sell and surrender, and the corporation shall purchase and receive, his shares of stock of the corporation within thirty days after the date he becomes a disqualified shareholder. Unless otherwise provided by the articles of incorporation, bylaws, or an agreement among the shareholders, payment for the shares of stock purchased pursuant to the provisions of this subsection shall be made in full no later than six months after the expiration of the period by which the purchase must be made.

(c) The articles of incorporation, bylaws, or an agreement among shareholders may provide that, within one year (or any earlier date) after the date of death of a shareholder, his personal representative, legatees, or heirs shall sell and surrender, and the corporation or any individuals qualified to be shareholders shall purchase and receive, the shares of stock of the corporation owned by the deceased shareholder. In the absence of any such provision, the personal representatives, legatees, or heirs shall sell and surrender, and the corporation shall purchase and receive, the shares of stock of the corporation within one hundred and eighty days after the date of death of the shareholder. Unless otherwise provided by the articles of incorporation, bylaws, or an agreement among the shareholders, payment for the shares of stock purchased pursuant to the provision of this subsection shall be made in full no later than one year after the date of death of the shareholder.

REDEMPTION PRICE

SEC. 17. In the event the articles of incorporation, bylaws or an agreement among the shareholders, do not fix the price at which the corporation or its shareholders may purchase the shares of a disqualified, deceased, legally incompetent, retired, or expelled shareholder, or does not provide a method of determining such price, then the price for such shares shall be the book value of such shares on the last day of the month immediately preceding the disqualification, death, adjudication of incompetence, retirement or expulsion of the shareholder, determined under generally accepted accounting methods, consistent with the method of accounting used by the corporation for Federal income tax purposes, by an independent certified public accountant employed by the corporation for the purpose.

PERPETUAL EXISTENCE; DISSOLUTION

SEC. 18. A professional corporation shall have perpetual existence, except that whenever all shareholders of a professional corporation cease at any time for any reason to be licensed to perform the professional services for which the corporation was organized, the professional corporation shall be treated as converted into a corporation organized under the District of Columbia Business Corporation Act. Unless the holders of all of the outstanding shares of the corporation unanimously amend the articles of incorporation to adopt purposes consistent with the District of Columbia Business Corporation Act within sixty days after the date on which the last shareholder of the corporation ceased to be licensed to perform those professional services, the dissolution of the corporation shall be deemed to have been authorized by the act of the corporation and any shareholder may at any time thereafter file with the Commissioner, on behalf of the corporation, a statement of intent to dissolve.

ANNUAL REPORT

SEC. 19. The annual reports of a professional corporation shall meet the requirements of the District of Columbia Business Corporation Act and, in addition, shall set forth—

(a) the names and addresses, including street and number, if any, of all shareholders of the corporation; and

(b) a statement that each shareholder, director, and officer of the corporation is currently licensed to render a professional service for which the corporation is organized.

NONCOMPLIANCE; PENALTIES

SEC. 20. The failure of a professional corporation to comply, or to require compliance with any provision of this Act, shall be a ground for the involuntary dissolution of such corporation. Any person, including a corporation, who violates any provision of this Act or who fails to comply with any provision thereof, for which violation or failure no penalty is provided therein or elsewhere in the laws of the District of Columbia, shall be deemed guilty of a misdemeanor and upon conviction thereof by a court of competent jurisdiction shall be fined not more than $500 for each violation or failure.

AMENDMENT TO THE DISTRICT OF COLUMBIA INCOME AND FRANCHISE TAX ACT OF 1947

SEC. 21. The second sentence of section 1 of title VIII of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47–1547) is amended to read as follows: "The words 'unincorporated business' do not include any trade or business which by law, customs, or ethics cannot be incorporated, any trade, business, or profession which can be incorporated only under the District of Columbia Professional Corporation Act, or any trade or business in which more than 80 per centum of the gross income is derived from the personal services actually rendered by the individual or members of the partnership or other entity in the conducting or carrying on of any trade or business and in which capital is not a material income-producing factor.".

Mr. HUNGATE. Mr. Speaker, the purpose of this bill (H.R. 10383) is to authorize individuals in the District of Columbia rendering professional services which under existing law, custom, or standards of professional conduct of practice, may not be rendered through a corporate structure, including without limitation, services performed by certified public accountants, attorneys, architects, physicians, dentists, optometrists, podiatrists and professional engineers, to join in the formation of a corporation.

The bill does not require professionals to incorporate. It simply provides them with the opportunity to incorporate and defines the structure which results from that incorporation.

Our committee believes that professionals in the District of Columbia should be given the privilege now accorded to all businessmen; namely, the right to incorporate.

Professionals are now authorized to incorporate in every State of these United States. Through the encouragement of doctors, dentists, lawyers, architects, accountants, engineers, and other professionals, all the 50 State legislative bodies have adopted legislation authorizing the incorporation of such professionals. Prior to this authorization, professionals had to resort to partnerships as their vehicles of combination. In a number of respects, partnerships, as compared to corporations are ungainly and complicated.

ADVANTAGES OF INCORPORATION

Several basic attributes of professional corporations give them value over a partnership structure. A corporation has a greater degree of centralization of management. A corporation limits the liability of a stockholder when an officer of the corporation properly acts within the authority given him by the Board of Directors. However, in a professional corporation the professional still bears the responsibility for his own malpractice. A professional corporation has perpetual existence; whereas, a partnership comes to an end upon the death of any partner. Finally, a professional corporation has greater flexibility with respect to transfer of interests than does a partnership.

As a general matter, the laws regarding corporations are much more clearly defined than as to the partnerships. The guidelines for corporate activities, responsibilities, and relationships are well known. Partnership agreements by necessity become long and cumbersome because the partners are unable to resort to the large body of statutory and case law which define the corporate concept.

THE DISTRICT OF COLUMBIA AND FEDERAL TAX CONSIDERATIONS

There are a number of tax advantages under Federal tax laws to professional individuals operating in the corporate form. Probably the most significant advantages at the present time stem from the disparities in the Federal tax treatments of qualified retirement plans of corporate employees and of qualified retirement plans for self-employed individuals. Broadly speaking, the Federal income tax treatment of all such qualified plans consists of a deferral of the Federal income tax with respect to contributions made on behalf of employees, including self-employed individuals, until distribution of the employees' benefits and the deferral, for the same period, of the Federal income tax on the earnings from investment of all contributions made under the plan.

Another benefit which is available to corporate employees which is not available to self-employed individuals is the opportunity to receive one's account entirely in the year of retirement and have a portion thereof taxed at capital gains rate. A lump-sum distribution to a self-employed individual is taxable ordinary income, subject to a special averaging rule in certain cases.

Lastly, the present Federal estate tax and gift tax exclusions available with respect to contributions to qualified retirement plans by corporate employers are not available with respect to contributions under H.R. 10 plans.

BENEFITS TO THE DISTRICT

While as stated, there will be significant tax incentives and advantages to incorporated professionals and their employees to be derived by the enactment of a professional corporation statute for the District of Columbia, the testimony developed that there would be benefits to the District of Columbia, and to the Federal Government, as well as to society as a whole.

The first source of revenue from passage of H.R. 10383 would be the fees to incorporate. If only a few thousand of the professionals of the District of Columbia would avail themselves of the opportunity to incorporate, the fees, it is estimated, to the District would be about $300,000.00 in 1971 or 1972, based an average corporate fee of $150.

In addition, each professional corporation will become subject to the annual payment of the District corporate income and franchise tax—District of Columbia Income and Franchise Tax Act of 1947. At present, the unincorporated professional practices are subject only to the payment of the professional license fee, while the income derived from such professional services is taxed only by the jurisdiction of residence of the professional. If the professional practice should be incorporated in the District, the salaries of the employee-shareholders will also become subject to the District and Federal Unemployment Compensation taxes, as well as a higher total Social Security—FICA—tax rate.

The second source of revenue would be the corporate income tax that would be forthcoming. Because corporations do not die with the death of an owner, the corporate tax would provide a greater stability in income tax revenues.

The third source of revenue would be the additional insurance premium taxes which would be collected on corporate purchases of employee benefits, such as pension plans and profit sharing plans and group life and health insurance. Since premiums are deductible for Federal income tax purposes, corporate employers would be encouraged to provide better benefits needed by their employees.

But even if the added sources of revenue were not as direly needed by the District of Columbia, the concept of allowing professionals to incorporate would still be valid. Every State now has legislation enabling professionals to incorporate. The District of Columbia should not prohibit professionals to incorporate for to do so would risk the flight of the professional to the suburbs with result in serious loss in revenues.

The District will reap incorporation fees, additional corporate and franchise taxes, and the like upon the enactment of the legislation.

CONCLUSION

It is undisputed that there is widespread interest in and endorsement of such legislation, not only in the District, but also throughout the country as is indicated by the enactment in all 50 States of similar legislation.

Our committee considers that H.R. 10383 will be of major benefit to the professional groups in Washington, as well as to the Federal and District governments in taxes, and hence recommends the favorable approval by the Congress of H.R. 10383 as reported.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of the bill H.R. 10383, of which I am a cosponsor.

The purpose of this bill is to enable professional firms in the District of Columbia to obtain the benefits of corporate organization. At present, this incorporation of professional groups is authorized by the laws of every State in the Union, and denied only in the District of Columbia.

At the present time, therefore, professionals in the District of Columbia—physicians, dentists, lawyers, architects, accountants, engineers, and others—may resort only to partnerships as vehicles of combination into professional groups. In many respects, however, such partnerships are not as desirable for professional participation as corporations would be.

One such advantage of a corporation over a partnership is that the corporation provides a greater degree of centralization of management. Also, a corporation limits the liability of a stockholder when an officer of the corporation acts properly within the authority given him by the board of directors. It should be emphasized, however, that the corporate identity authorized in this bill will not offer a protection of the individual professional for his own malpractice. It is true, however, that malpractice by one or more members of a professional corporation will not subject any other professional members to personal liability. Also, the professional corporation will be liable up to the full value of its assets for negligent or wrongful acts of its officers, shareholders, directors, or agents in rendering professional services on behalf of the corporation. I wish to point out also that the professional corporation will in no way diminish the confidentiality of the relationship between the professional member and the client or patient.

Other advantages of the corporation as compared to the partnership are that the corporation has perpetual existence, whereas the partnership comes to an end upon the death of any partner; and also, a professional corporation has a greater degree of flexibility with respect to the transfer of interests than does a partnership.

I wish to point out at this point that the provisions of H.R. 10383 will not require professionals to incorporate. It will merely enable those professionals who wish to do so to join in such corporations—the same privilege now accorded all businessmen in the District, as well as to all professional persons in all the States.

It has been brought to my attention that this privilege of professional incorporation will result in benefits to the public as well as to the members of these corporations. With respect to corporations of physicians, for example, it has been pointed out that this will encourage the formation of new group practices and health maintenance organizations, which will improve the distribution and availability of medical services to the citizens of the District. Such a corporation will also facilitate the admission of new physicians, and their withdrawal if necessary, from a practicing group. Similar benefits will accrue, of course, as a result of the incorporation of other professional groups as well.

This bill will also eliminate the present discrimination against professionals and professional groups who, as opposed to employees and executives of other organizations, have been denied the benefits of group life, disability, health insurance, and retirement plans, in addition to limitations on business liability.

I wish to point out that under the provisions of H.R. 10383, professionals practicing in the District of Columbia who do not elect to join a professional corporation will continue to be exempt from the District of Columbia unincorporated business tax, as they are at present. This is essential to the bill, in my opinion, because the loss of this exemption on the part of individual professionals would, in effect, subject those professionals who reside in Virginia or Maryland, but engage in practice in the District of Columbia, to discriminatory double taxation. This is true because if this present exemption were not maintained, although all professionals with offices in the District would be required to pay the District of Columbia unincorporated business tax of 6 percent on net taxable income, the professional who is a resident of the District of Columbia would receive a credit to the extent of this tax on his District of Columbia income tax and, therefore, would in effect not pay the 6 percent business tax at all; however, the professional who resides in Virginia or Maryland would receive no credit for this District of Columbia tax as far as his Virginia or Maryland income tax is concerned, and thus would pay a substantial additional tax, relieved only to the extent of a relatively small deduction on his Federal income tax.

There is not the slightest question in my mind that this added tax would give added impetus to the movement of professional offices from the District of Columbia into nearby Virginia and Maryland, with a consequent substantial loss of needed services, especially in the field of medicine, in the District of Columbia, as well as an ultimate loss of tax revenues to the District.

As the only feasible alternative to relocating their offices into Virginia or Maryland, the only obvious recourse for the nonresident professionals practicing in the District of Columbia, if this exemption from the District of Columbia unincorporated business tax were denied them, would be to join the professional corporations available to them in the District itself. Many professionals do not desire to incorporate, however, simply because they do not wish to practice in corporate form. It is my opinion that they should have complete freedom of choice in the matter, with no such economic pressure to influence such a decision.

Mr. Speaker, this bill is supported by the District of Columbia Bar Association, the District of Columbia Medical Society, the District of Columbia Dental Association, and other local professional organizations. I am strongly of the opinion that this proposed legislation, which will afford the professionals in the Nation's Capital the same opportunity to incorporate as is offered in all 50 States, should be enacted into law, and I urge such action.

Mr. FUQUA. Mr. Speaker, I rise in support of H.R. 10383, to authorize the incorporation of professional individuals and firms in the District of Columbia.

I was privileged to be the initial sponsor of this legislation in the last Congress and again in this Congress, and I am pleased that the District of Columbia Committee has approved this proposal, which if enacted into law will give the professionals in the District of Columbia the same benefits they now enjoy in all 50 States.

The bill authorizes doctors, lawyers, and other professional practitioners to organize "professional corporations" for the conduct and dispensation of their professional business and services.

Its most significant immediate contribution upon enactment is the substantial encouragement it gives to the realization of the highly desired "group professional practice" which is extolled by many as the most direct and effective means of supplying needed professional services to the economically disadvantaged at a cost within their income and means.

Permitting professional persons to incorporate would endow their association with the corporate characteristics of centralized management and continuing. The formal attributes of incorporation are lacking in the sole proprietorship and partnership forms of doing business that are currently employed by persons actively engaged in a professional practice.

These attributes of a corporation are vital to the stimulation of professional group practice on a large scale; and this fact can best be illustrated by noting the difficulties inherent in the partnership form currently utilized by group practitioners. As the partnership group practice grows in size, its management becomes cumbersome because of the general necessity for the partners' consent to various details of the management and business of the group. Likewise, partnership continuity is constantly interrupted by the death or resignation of old members and the addition of new ones. An additional problem attendant upon this frequent dissolution and reorganization of the partnership is that of attracting young professional men to the partnership group. That is, as the partnership size and business increases, the capital contributions required to purchase interest in the partnership also becomes increasingly larger and out of the financial reach of the young professional who is just embarking on the practice of his life's profession.

Additional stimulus to the effectuation of group practice is embodied in the liability provisions of the bill. Under the partnership form of group practice, each partner is personally liable for the negligent acts and omissions of his partners. Under the bill, shareholders would continue to be personally responsible for their own negligence and misconduct, as well as that of corporate employees under their supervision and control; but, the theory of liability in a partnership could not be invoked to impose a like liability on the remaining or other shareholders of the corporation.

A section-by-section analysis of the bill is as follows:

SECTION-BY-SECTION ANALYSIS

Section 2—Defines the general coverage of the Act.

Section 3—Makes it clear that professionals are not required to incorporate.

Section 4—Sets forth the inter-relationships between the Act, the existing rules governing the professions, and the Business Corporation Act.

Section 5—Provides that the major activity of a professional corporation will be the rendering of professional services. However, the professional corporation may employ non-professionals (non-professionals may not render professional services), may invest its surplus funds, and may enter into partnership agreements with individuals or firms in other jurisdictions.

Section 6—The form of articles of incorporation differs somewhat from the requirements of the Business Corporation Act.

Section 7—In order to avoid artificialities and to afford flexibility in the management of the small professional corporations, the number of directors may be one or more.

Section 8—Shareholders, officers and directors of professional corporations must be licensed professionals, but shareholders need not be active. Thus retired or disabled partners can continue to have an interest in the firm.

Section 9—The names permitted to be used by professional corporations will distinguish them from commercial businesses.

Section 10—This section, and sections 12, 13, 15, 16 and 17 establish control relationships within the professional corporation which recognize that professional corporation are closed corporations which must have great latitude in placing restrictions on the transfer and voting of shares.

Section 11—Establishes that corporate identity will not protect the individual professional from liability for his own malpractice, and will not diminish the confidentiality of the relationship between the professional and the client/patient. However, malpractice by one or more professionals in a professional corporation will not subject any other professional to personal liability. The professional corporation is liable up to the full value of its assets for negligent or wrongful acts of officers, shareholders, directors, agents in rendering professional services on behalf of the professional corporation.

Section 12—Permits professional corporations to place restrictions on the transfer of shares. Recognizing that stock of professional corporations will be owned by professionals and cannot be made available to the public, the section also exempts the issuance and transfer of stock of professional corporations from the D.C. Securities law and from the Federal Securities Act of 1933. Subsection (4) is intended to minimize the disruptive effect of professional corporation shares falling into the hands of an individual creditor of a stockholder.

Section 13—This section recognizes that the rendering of professional services in D.C. should be conducted as a separate activity and not intermixed with other businesses. Out-of-state arrangements with other professionals are adequately provided for by Section 5. This provision is consistent with most state laws, which would also prohibit mergers of domestic and foreign professional corporations. The section implicitly recognizes that a single professional corporation may conduct two or more professional activities when such combinations are not prohibited by rules regulating the profession.

Section 14—Foreign professional corporations licensed in a jurisdiction other than the District of Columbia may perform professional services in the District of Columbia if they meet certain requirements by obtaining a certificate of authority under this provision.

Sections 15, 16, 17—These sections provide a method of retiring stock of deceased, disabled or disqualified shareholders.

Sections 18, 19—These are essentially administrative provisions.

Section 20—This section provides penalties—fine of not over $500—for failure to comply with the provisions of this Act.

Section 21—This section amends the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, tit. 47 sec. 1574), in order to maintain for unincorporated professional associations the unincorporated business tax exemption which these associations presently have under that Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

There was no objection.

TAX-EXEMPT PROPERTY OF THE RESERVE OFFICERS ASSOCIATION

Mr. CABELL. Mr. Speaker, I call up the bill (H.R. 456), to exempt from taxation certain property in the District of Columbia owned by the Reserve Officers Association of the United States, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to the provisions of subsection (b) of this section, the following property in the District of Columbia owned by the Reserve Officers Association of the United States, a corporation chartered by the Act of June 30, 1950 (36 U.S.C. 221-239), shall be exempt from taxation by the District of Columbia:

(1) The real property (including the improvements thereon) which is described as lot 10 in square 726.

(2) The furniture, furnishings, and other personal property located in any improvements on such real property.

(b) The property described in subsection (a) shall be exempt from taxation by the District of Columbia so long as that property is owned by the Reserve Officers Association of the United States and is not used for any commercial purpose. The provisions of section 2 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (D.C. Code, sec. 47-801b), shall apply with respect to the property made exempt from taxation by this Act, and the Foundation shall make the reports required by section 3 of that Act (D.C. Code, sec. 47-801c) and shall have the appeal rights provided by section 5 of that Act. (D.C. Code, sec. 47-801e).

With the following committee amendment:

Page 2, after line 18, insert the following:

"SEC. 2. In addition to the annual payment to the District of Columbia authorized by section 1 of article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, sec. 47-2501a), there is authorized to be appropriated to the District of Columbia for the fiscal year ending June 30, 1972, and for each fiscal year thereafter an amount equal to the amount that persons who are specifically exempted from District of Columbia real property taxes by an Act of Congress other than the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (D.C. Code, secs. 47-801a—47-801f), and who are not otherwise exempt from such taxes under such Act would have paid to the District of Columbia in such fiscal year."

POINT OF ORDER

Mr. ABERNETHY. Mr. Speaker, I make a point of order against the amendment on the ground that the amendment is not germane to the bill. This amendment deals with an entirely different matter from the subject matter of the bill. The subject matter of the bill is exemption of property in the District of Columbia from District of Columbia taxes. This amendment has to do with the size of the Federal payment to the District of Columbia.

The SPEAKER pro tempore. Does the gentleman from Texas desire to be heard on the point of order?

Mr. CABELL. Mr. Speaker, I will ask if the author of the amendment, the gentleman from Virginia (Mr. BROYHILL), would like to speak to this.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. ABERNETHY. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Speaker, the purpose of the amendment was to provide for a Federal payment to replace the funds that would be lost to the District of Columbia as a result of the pending legislation. Over a period of years we have exempted by similar legislation 33 pieces of property from real property taxation in the District of Columbia. Since this legislation also exempts another piece of property from taxation, the amendment to provide for replacement of that taxation loss through a Federal payment, I believe, is germane and consistent with the main thrust of the legislation.

The SPEAKER pro tempore. Does the gentleman from Texas desire to be heard on the point of order?

Mr. CABELL. No further comments, Mr. Speaker.

The SPEAKER pro tempore. The Chair is ready to rule. The gentleman from Mississippi (Mr. ABERNETHY) has raised a point of order against the committee amendment on the grounds that it is not germane.

The Chair has listened to the statements on the point of order and has had occasion to examine the bill and the committee amendment.

The bill proposes to exempt the Reserve Officers Association of the United States from paying real property taxes in the District of Columbia. The amendment proposed by the committee would authorize appropriations for the District of Columbia of amounts equal to real property tax exemptions granted by any act of Congress other than the act of December 24, 1942.

Since the bill is for the relief of an individual corporation, the amendment, which is general in scope, is not germane.

The Chair sustains the point of order.

Mr. CABELL. Mr. Speaker, I move to strike the last word, and I yield to the gentleman from Florida (Mr. SIKES), the author of the bill, for such comments as he may wish to make.

Mr. SIKES. Mr. Speaker, without reservation, I support H.R. 456 to provide exemption from District of Columbia real property taxes for the Reserve Officers Association.

Similar congressional actions have granted such exemptions for some 40 organizations over the years and ROA is among those richly deserving to be considered for this right.

The property under discussion is the ROA's living memorial—the Minute Man Memorial Building on Capitol Hill. Significantly, the address is 1 Constitution Avenue NE, directly across from the New Senate Office Building.

There have been arguments put forth that the Federal Government is placing undue hardship on the District of Columbia Government by the granting of these tax exemptions, but a study of the record proves that the Federal Government much more than makes up for these losses by providing lands and properties to the District at no cost to District taxpayers.

In the case of ROA, we are talking about $20,000 annual taxes. But I would mention to Members that millions of dollars worth of property now under the exclusive control of the District is actually owned by the United States. In fact, the total dollar value of such lands is conservatively estimated at $50 million and includes schools, playgrounds, fire and police department facilities, libraries, child health centers, and many others.

Now let us look at the work of the organization. Let us see what ROA stands for. For 50 years, the Reserve Officers Association has stood foursquare in support of a strong national defense and this Nation's all important Reserve Forces. It provides an outstanding example of patriotic devotion to America's ideals as a land of freedom and opportunity.

ROA is a good neighbor in the District of Columbia. In addition, ROA contributes to the economy of the area through the 1,000-member ROA midwinter conference held in the District and by other conferences during the year which bring people to the District from the entire country. The monetary benefits of these are many and meaningful to the business community. These provide monetary returns to hotels, taxis, and restaurants. Staff salaries are expended in the area and local taxes collected therefrom.

The current tax assessment on the ROA property is not a startling sum nor even a significant one with respect to the budget for the District of Columbia. But it is a significant sum to ROA which depends entirely for its existence on the dues—$10 per year—paid by its some 65,000 members. It is a nonprofit organization.

Certainly, this kind of organization is worthy of being granted an exemption from District taxes.

Therefore, Mr. Speaker, I fully support H.R. 456 to grant the tax exemption to the Reserve Officers Association.

(Mr. SIKES asked and was given permission to revise and extend his remarks.)

Mr. CABELL. Mr. Speaker, the purposes of H.R. 456, as amended and reported by your committee, are twofold, as follows:

First. To exempt from District of Columbia taxation certain real property in the city owned by the Reserve Officers Association of the United States.

This property is described as lot 10 in square 726, and is located at First Street and Constitution Avenue N.E. The property, together with its improvements, is currently valued at $663,728, and the annual real property tax on the property is presently $20,575.

Second. To authorize, in addition to the annual payment to the District of Columbia authorized by section 1 of article VI of the District of Columbia Revenue Act of 1947—District of Columbia Code, section 47-2501a—the appropriation to the District of Columbia, for fiscal year 1972 and each fiscal year thereafter, of an amount equal to the total amount that persons exempted from District of Columbia real property taxes by special acts of Congress, other than the Act entitled "An act to define the real property exempt from taxation in the District of Columbia," approved December 24, 1942—District of Columbia Code, sections 47-801a—48-801f—and who would not otherwise be exempt from such taxes by that Act of 1942, would have paid to the District of Columbia in real property taxes during that fiscal year.

REASONS FOR LEGISLATION

I. TAX EXEMPTION FOR REAL PROPERTY OF THE RESERVE OFFICERS ASSOCIATION NATURE OF THE ORGANIZATION

The Reserve Officers Association of the United States consists of some 55 departments, located in all 50 States and the District of Columbia, as well as in Europe, the Far East, the Canal Zone, and Puerto Rico. Under each department are various numbers of chapters, representing all the military services. Altogether, the organization comprises some 900 to 1,000 chapters, 12 of which are located in the District of Columbia.

The membership of the Reserve Officers Association is approximately 57,000 persons. These members are officers in either the Reserves or Regular Service, active or retired. Membership is open also to senior ROTC students, several thousand of whom belong to the organization. Annual dues to the organization amount to $10 per year for officer members, and $1 for ROTC members.

Although the Reserve Officers Association has been in existence since 1922, it did not seek a charter until 1950, at which time it was chartered by an act of Congress.

Members of ROA are mostly reserve officers who are citizen leaders throughout the country. Many are leaders in economic areas, and many in political life.

HEADQUARTERS OF THE ORGANIZATION

The national headquarters of this far-flung organization is the handsome, five-story structure located at First Street and Constitution Avenue NE. This building, the subject of this proposed legislation, is known as the Minute Man Memorial Building. It was completed in 1968, and its architecture and structure are in keeping with the magnificent Capitol structures to which it is in close proximity.

This building is truly a "living memorial," as half its space is utilized as a memorial to dramatize the Nation's military service tradition. The first floor, glass on three sides, contains a striking Minute Man statue, behind which are displayed the flags of the 50 States of our Union. The fifth floor—the Congressional Hall of Honor—is a most attractive room which is used not only for ROA activities but also for congressional receptions.

The second and third floors are used exclusively for the business operation of the organization, as is a part of the fourth floor. In addition to office space, however, the fourth floor contains the Henry J. Reilly Library, a splendid collection of books on military history, and a chapel as well.

It is the opinion of this committee that it is fitting that the Minute Man Memorial Building should be spared from taxation by the Government which it seeks to defend. The Reserve Officers Association of the United States seeks no unusual favor, nor any unjust concession.

Over a period of years, 31 other charitable, religious, patriotic, and other organizations of a nonprofit nature have been exempted from District of Columbia taxation by special acts of Congress; and in addition, 10 other such organizations were so exempted by being specifically named in Public Law 77–846, approved December 24, 1942.

According to the latest available figures, the amount of the tax exemptions on these properties is approximately $1.2 million per year.

It should be pointed out that in past years, these tax losses actually have been paid to the District of Columbia by the Federal Government. This is true because the Federal Government each year has paid the District a regular Federal payment, sufficient in amount to provide funds, in addition to the city's own revenues, for the operation of the District of Columbia government. Had these tax exemptions not existed, then of course the District's own revenues would have been enhanced each year by the total of these real property tax revenues, and consequently the Federal payment each year would have been reduced by that same amount.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REGULATING THE PRACTICE OF DENTISTRY IN THE DISTRICT OF COLUMBIA

Mr. CABELL. Mr. Speaker, on behalf of the Committee on the District of Columbia, I call up the bill (H.R. 10738) to provide for the regulation of the practice of dentistry, including the examination, licensure, registration, and regulation of dentists and dental hygienists, in the District of Columbia, and for other purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Dental Practice Act of 1971".

DEFINITIONS

SEC. 2. As used in the Act:

(1) The term "Commissioner" means the Commissioner of the District of Columbia.

(2) The term "Council" means the District of Columbia Council.

(3) The term "Board" means the District of Columbia Board of Dental Examiners.

(4) The terms "practice of dentistry" or "to practice dentistry" mean undertaking, or offering or claiming to undertake, by any means or method, to diagnose, treat, prescribe medication or treatment for, or perform any surgical operation with respect to, any condition, disease, or malformation of the human teeth, alveolar processes, gums, or jaws, and the adjacent tissues and structures; directing, restricting or altering the treatment of dental patients; or installing or adjusting any such dental appliance, device or restoration except on the written dental laboratory work authorization executed by a dentist licensed and registered under this Act, supplying, constructing, reproducing, or repairing any restoration, dental appliance, device, or bridge to be used or worn in or about the human mouth in connection with the treatment or correction of any disease or condition of the human teeth, alveolar processes, gums, or jaws, and the adjacent tissues and structures.

(5) The term "dentist" means any person who is licensed to engage in the practice of dentistry in the District of Columbia or any other jurisdiction of the United States.

(6) The term "dental hygienist" means any person who is licensed under this Act to perform, under the general direction and supervision of a dentist who is available in person on the premises where such dental hygienist is performing, (A) procedures with respect to removing calcareous deposits, accretions, or stains from the surface of human teeth; and (B) other procedures as may be determined by the Board to be appropriate.

(7) The term "dental laboratory services" means the construction, alteration, or repair of any dental appliance, device, or restoration to be worn in or about the human mouth.

(8) The term "dental laboratory work authorization" means a detailed written description for construction, alteration, or repair of any dental appliance, device, or restoration to be worn in or about the human mouth.

(9) The term "person" means any natural person, corporation, association, company, firm, partnership, or society.

(10) The term "dental assistant" means any person who, under the general direction and supervision of a dentist, who is available in person on the premises where such dental assistant is performing, performs those procedures with respect to the treatment of dental patients as may be determined by the Board to be appropriate.

(11) The term "license" means a license issued by the Board of Dental Examiners to practice dentistry or to practice as a dental hygienist in the District of Columbia.

DECLARATION OF POLICY

SEC. 3. The practice of dentistry in the District of Columbia is declared to affect the public health and welfare and therefore must be subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the dental profession merit and receive the confidence of the public and that only qualified licensed dentists and dental hygienists be permitted to practice in the District of Columbia. All provisions of this Act shall be construed in accordance with this declaration of policy.

LICENSE REQUIRED

SEC. 4. (a) No person shall engage in the practice of dentistry in the District of Columbia unless he holds a license issued under section 7 of this Act, and a current annual renewal certificate issued under section 9 of this Act.

(b) No person shall practice as a dental hygienist in the District of Columbia unless he holds a license issued under section 8 of this Act, and a current annual renewal certificate issued under section 9 of this Act.

(c) Any person licensed to engage in the practice of dentistry, or to practice as a dental hygienist, in the District of Columbia under the Act entitled "An Act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto", approved June 6, 1892 (D.C. Code, sec. 2–301, et seq.), shall be considered to be holding a license issued under this Act.

CREATION OF BOARD

SEC. 5. (a) There is created the District of Columbia Board of Dental Examiners which shall promulgate the rules, regulations, and procedures it deems necessary and appropriate relating to the professional and technical aspects of the examining, licensing, registration, and regulation of dentists, dental hygienists, dental assistants, and the practice of dentistry in the District of Columbia.

(b) The Board, after notice and opportunity for hearing, is authorized to prescribe and adopt, from time to time, such rules and regulations as may be necessary to enable the Board to carry into effect the provisions of this Act. Before any rule or regulation is adopted or amended by the Board, notice of such proposed adoption or amendment shall be sent by registered mail to each dentist licensed in the District of Columbia, mailed to the last known address of such dentist.

POWER OF COMMISSIONER

SEC. 6. (a) With respect to the Board, the Commissioner is authorized to determine from time to time—

(1) the number of Board members, which shall be not less than five;

(2) length of terms for Board members; and

(3) the amount of compensation to be paid Board members.

The Commissioner may remove any member of the Board for neglect of duty or other sufficient cause, after reasonable notice and opportunity for hearing.

(b) The Commissioner of the District of Columbia shall appoint each member of the Board from a list of not less than three nor more than seven nominees selected by the constituent society of the American Dental Association in the District of Columbia from among those persons who are engaged full time in the practice of dentistry in the District of Columbia, or are officers or members of the faculty of any dental school or college in the District of Columbia.

ISSUANCE OF LICENSE TO DENTIST

SEC. 7. (a) The Board shall, upon payment of the requisite fees, issue a license to engage in the practice of dentistry in the District of Columbia to any person who—

(1) is a citizen of the United States or has duly declared his intention to become a citizen of the United States;

(2) is at least twenty-one years of age;

(3) is of good moral character;

(4) is a graduate of a dental college approved by the Board and by the accrediting body of the American Dental Association; and

(5) has passed a clinical examination, or such other examination as may be prescribed by the Board, to determine his competence to engage in the practice of dentistry.

(b) The Board may waive the examination required by paragraph (5) of subsection (a) and may, upon payment of the requisite fees, issue a license to any person who—

(1) has been duly licensed as a dentist, by examination, in any State or territory of the United States wherein the requirements for licensure are substantially the same as those in effect in the District of Columbia (as determined by the Board),

(2) is currently holding a license in good standing as a dentist in any State or territory of the United States, and

(3) meets the qualifications specified in paragraphs (1), (2), (3), and (4) of subsection (a).

(c) The Board may, upon payment of the requisite fees, issue a special license to practice dentistry in the District of Columbia under such limitations as the Board shall set forth in the license to any person—

(1) who holds a current valid license to engage in the practice of dentistry in any State or territory of the United States;

(2) who has not had any such license revoked or suspended;

(3) who is a graduate of a dental college approved by the Board and by the accrediting body of the American Dental Association; and

(4) who has successfully completed any practical or theoretical examination which the Board may require.

DENTAL HYGIENIST LICENSE

SEC. 8. (a) The Board shall, upon payment of the requisite fees, issue a license to practice as a dental hygienist in the District of Columbia to any person who—

(1) is a citizen of the United States or has duly declared his intention to become a citizen of the United States;

(2) is at least eighteen years of age;

(3) is of good moral character;

(4) is a graduate of a training school for dental hygienists approved by the Board and by the accrediting body of the American Dental Association; and

(5) has passed a clinical examination, or such other examination as may be prescribed by the Board, to determine his competence to practice as a dental hygienist.

(b) The Board may waive the examination required by paragraph (5) of subsection (a) and may, upon payment of the requisite fees, issue a license to practice as a dental hygienist in the District of Columbia to any person who—

(1) has been duly licensed to practice as a dental hygienist by examination in any State or territory of the United States wherein the requirements for licensure are substantially the same as those in effect in the District of Columbia (as determined by the Board),

(2) is currently holding a license in good standing as a dental hygienist in any State or territory of the United States, and

(3) meets the qualifications specified in paragraphs (1), (2), (3), and (4) of subsection (a).

ANNUAL RENEWAL CERTIFICATE

SEC. 9. (a) As a condition to the issuance of an annual renewal certificate to any person holding a license to engage in the practice of dentistry in the District of Columbia, or to practice as a dental hygienist, and who is currently practicing as a dentist or dental hygienist in the District of Columbia, the Board may require evidence indicating that that person has obtained, during the year, continuing education not to exceed that prescribed and approved by the American Dental Association for a person engaged in that profession, and such other information as the Board may deem necessary.

(b) As a condition of the issuance of an annual renewal certificate to any person holding a license to engage in the practice of dentistry, or to practice as a dental hygienist, in the District of Columbia, and who is not currently engaged in such practice in the District of Columbia, the Board may require evidence showing that—

(1) such person has not engaged in any conduct which would warrant suspension or revocation of such license under this Act;

(2) such person has maintained such a professional skill and knowledge as is required of current applicants for such license; and

(3) such person is not physically or mentally incompetent to engage in such practice.

REGISTRATION OF DENTAL INTERNS

SEC. 10. The Board may require the registration of, and prescribe regulations relating to the professional conduct of, dental interns and dental residents in the District of Columbia.

STUDIES AND INVESTIGATIONS

SEC. 11. The Board may make such studies and investigations and obtain or require the furnishing of such information under oath or affirmation or otherwise, as it deems necessary or proper to assist it in establishing any regulation or order under this Act, or in the administration or enforcement of this Act and regulations and orders thereunder. For such purposes, the Board may administer oaths and affirmations, may require by subpena or otherwise, the attendance and testimony of witnesses and the production of documents at any designated place. Upon the failure of any person to attend as a witness, when duly subpenaed, or to produce documents when duly directed by the Board, the Board shall have power to refer the matter to any judge of the Superior Court of the District of Columbia, who may order the attendance of such witness, or the production of such documents, or require such witness to testify, as the case may be, and upon the failure of the witness to attend, to testify, or to produce such documents, as the case may be, such witness may be punished for contempt of court as for failure to obey a subpena issued or to testify in a case pending before such court. Witnesses who have been subpenaed by the Board, and who testify if called upon, shall be paid the same fees that are paid witnesses in the Superior Court of the District of Columbia.

PRESCRIPTION DRUGS

SEC. 12. A dentist licensed under this Act shall have the right to prescribe drugs and medicine and to administer general or local anesthetics. In addition, a duly licensed dentist shall have the right, in the course of his professional practice, to prescribe, administer, and dispense narcotic drugs and dangerous drugs, in compliance with all existing and applicable laws. For the purpose of this Act, the definition of narcotic drugs shall be the same as contained in the first section of the Act entitled "An Act to regulate the manufacturing, dispensing, selling, and possession of narcotic drugs in the District of Columbia", approved June 20, 1938 (D.C. Code, sec. 33-401).

SUSPENDING; REVOKING LICENSES

SEC. 13. (a) The Board may refuse to issue, renew, or restore, or may suspend or revoke, any license issued under this Act if the Board finds that the applicant or holder thereof—

(1) has engaged in any fraud or deceit in procuring or attempting to procure any license provided for in this Act;

(2) has been convicted of a crime involving moral turpitude;

(3) has willfully violated any provision of this Act or any of the rules or regulations promulgated by the Board under this Act;

(4) is an intemperate consumer of intoxicating liquors or is addicted to the use of habit-forming drugs;

(5) has engaged in any professional or personal conduct which disqualifies him to practice with safety to the public;

(6) has advertised professional superiority or the performance of professional services in a superior manner; advertised prices for professional services; advertised by means of large display, glaring light sign, or a display containing as a part thereof the representation of a tooth, teeth, dental restoration, or any portion of the human head; advertised in a manner that might mislead or deceive the public; advertised any free dental service, or free examination; or advertised to guarantee any dental service or to perform any dental operation painlessly; or has (directly or indirectly) employed or made use of solicitors or free publicity press agents;

(7) has employed any person who is not a licensed dentist in the District of Columbia to practice dentistry, or permitted such a person to practice dentistry, in his office;

(8) is mentally incompetent; or

(9) has engaged in any unprofessional conduct.

(b) For purposes of this section, unprofessional conduct shall include:

(1) practicing while his license is suspended;

(2) willfully deceiving or attempting to deceive the Board with reference to any matter under investigation by the Board;

(3) advertising in any manner other than the carrying or publishing of a modest professional card or the display of a modest

window or street sign at the licensee's office, which professional card or window or street sign shall display only the name, address, profession, office hours, telephone connections, and, if his practice is limited, his field of limitation; or announcing a change of address or the starting of a practice by use of the usual size card of announcement may be used (the size of cards and the size and number of signs to be designated by the Board);

(4) failing, when prescribing dental laboratory services for a patient, to properly execute and retain on file for at least two years from the date appearing thereon, an official written dental laboratory work authorization except in the case of a dentist who performs or personally directs dental laboratory services in his own dental office for one of his own patients;

(5) practicing dentistry under a false or assumed name, clinic name, any name other than a partnership name containing the names of the partners, or the name in which he is licensed by the Board;

(6) violating this Act, or aiding any person to violate this Act, or violating, or aiding any person to knowingly violate, the dental practice law of any jurisdiction;

(7) practicing in the employment of, or in association with, any person who is practicing in an unlawful or unprofessional manner; and

(8) dividing or agreeing to divide the fees received for dental service with any person for bringing or referring a patient or assisting in the care or treatment of a patient without the knowledge of the patient or his legal representative, except where two or more licensees who practice their profession as copartners and charge or collect compensation for any professional service, or where a licensee who employs another licensee and charges or collects compensation for the professional services rendered by the employee licensee.

This specification of acts constituting unprofessional conduct shall not be construed as a complete definition of unprofessional conduct or as authorizing or permitting the performance of other or similar acts not named, or as limiting or restricting the Board from holding that other or similar acts also constitute unprofessional conduct.

(c) Any denial, suspension, or revocation under this section shall be made only upon specific charges in writing and after a hearing. A certified copy of any such charge shall be sent by registered mail to the last known address of the licensee concerned at least twenty days before the hearing held to consider such charges.

(d) Upon application in writing after an opportunity for a hearing, the Board may reinstate a license which has previously been revoked. No such application for reinstatement of a license shall be accepted for consideration by the Board before the expiration of at least one year following the date on which the applicant's license was revoked.

BOARD SEAL; REGISTRY

SEC. 14. (a) The Board shall design and adopt a seal to be used for authenticating records and papers relating to the regulation of dentists, dental hygienists, and the practice of dentistry in the District of Columbia. Copies of all records and papers certified and authenticated by such seal shall be received in evidence in all courts equally and with like effect as the original. Records kept by the Board relating to the licensing and regulation of dentists, dental hygienists, and the practice of dentistry and dental laboratory services in the District of Columbia shall be open to public inspection under reasonable rules and regulations to be prescribed by the Board.

(b) The Board shall issue annually a printed register of the names and addresses of all persons holding a license provided for in this Act, together with such other information as may be deemed of interest to the dental profession. A copy of such register shall be mailed to the last known address of each licensee.

FEES

SEC. 15. The Board, after notice and opportunity for hearing, may establish, abolish, increase, or decrease, from time to time, fees and charges necessary to defray the approximate cost of administering the provisions of this Act. All funds derived from fees and charges collected relevant to the administration of this Act shall be paid into the Treasury of the United States to the credit of the District of Columbia.

REVIEW AND HEARING

SEC. 16. (a) A person aggrieved by any final decision or final order of the Board denying, suspending, or revoking any license or renewal of a license issued or applied for under this Act may obtain a review thereof in the District of Columbia Court of Appeals in accordance with the District of Columbia Administrative Procedure Act.

(b) The Board may adopt and establish, from time to time, after public hearing, such administrative procedures for public hearings concerned with the denial, suspension, or revocation of a license issued under the provisions of this Act, as may be necessary.

NUMBER OF ASSISTANTS; HYGIENISTS

SEC. 17. The Board may designate the number of dental assistants and dental hygienists to whom duties may be delegated by a dentist engaged in the private practice of dentistry.

NONPROFIT CORPORATION

SEC. 18. Notwithstanding the provisions of this Act, a nonprofit corporation may be formed pursuant to the provisions of the District of Columbia Nonprofit Corporation Act (D.C. Code, secs. 29–1001, et seq.) for the purposes of underwriting dental programs by defraying or assuming the costs of professional services of persons licensed under this Act, but may not engage directly or indirectly in the performance of any of the corporate purposes or objects unless all of the following requirements are met:

(1) At least one-fourth of all licensees in private active practice in the District of Columbia become members.

(2) Membership in the corporation and an opportunity to render professional services upon a uniform basis be continuously available to all licensees in private active practice in the District of Columbia.

(3) Voting by proxy and cumulative voting be prohibited.

(4) All incorporators be licensed under this Act.

(5) No part of the net earnings of such corporation shall inure to the benefit of any member, private shareholder, or individual.

(6) The objects and purposes of the corporation be limited to acting as an administrative agency between those wishing to purchase dental health care under a uniform plan and the members of the corporation.

(7) Any subscriber for dental health care administered by the corporation shall have freedom to choose any licensee member and, conversely, any licensee member shall have the final decision as to whether or not to render such service to the subscriber.

(8) The majority of the members of the board of trustees of any such corporation shall consist of active members of constituent societies of either the American Dental Association or the National Dental Association and shall also be members of the corporation.

(9) Upon dissolution of any such corporation, no part of its funds or property shall be distributed to, or among, its members, trustees, officers, or employees, but after payment of all indebtedness of any such corporation its surplus funds and properties shall be used for dental education and dental research as the then corporate trustees shall direct.

(10) A certificate be issued to the corporation by the Board finding compliance with the requirements of paragraphs (1) through (8) and provision to meet the requirement of paragraph (9).

EXCEPTIONS

SEC. 19. Nothing in this Act shall be construed as applying to—

(1) a bona fide student of dentistry under the direct supervision of a member of the faculty of any dental college in the District of Columbia approved by the Board;

(2) a qualified anesthetist, physician, or nurse, employed to give an anesthetic for a dental operation under the direct supervision of a licensed dentist;

(3) a dental surgeon of the United States Armed Forces, United States Public Health Service, Veterans' Administration, or other Federal agency, when engaged in the discharge of his official duties;

(4) a lawful practitioner of dentistry of another State or territory making a clinical demonstration before a dental society, convention, association of dentists, or dental college;

(5) a lawful practitioner of dentistry of another State or territory performing his duties in connection with a specific case on which he may have been called to the District of Columbia, when authorized by the Board; or doing clinical work on nonpaying patients and without remuneration of any kind in a hospital or charitable clinic of the District of Columbia after written application for such privilege has been granted by the Board; or

(6) except as provided in section 10, a dental intern or dental resident who is a graduate of a dental school while in the performance of his official duties while on the staff of an American Hospital Association accredited hospital.

PROHIBITIONS

SEC. 20. It shall be unlawful for any person—

(1) to practice or offer to practice dentistry, in the District of Columbia, under any name except the name in which he is licensed by the Board;

(2) to use the name of any company, association, clinic, trade name, or business name in connection with the practice of dentistry, in the District of Columbia;

(3) to engage in the practice of dentistry, in the District of Columbia, without having his license and current annual renewal card conspicuously displayed in the office in which he practices, in a manner so that it can be easily seen and read;

(4) to sell or offer to sell, in the District of Columbia, a diploma conferring a dental degree or a certificate granted for postgraduate work, or a license granted pursuant to authority contained in this Act;

(5) in the District of Columbia, to fraudulently procure a diploma, certificate, or any other evidence of satisfactory completion of the then required educational or professional training for becoming a licensee under this Act, or to use such fraudulently acquired document in order to obtain a license to engage in the practice of dentistry in the District of Columbia;

(6) in the District of Columbia, to alter, with fraudulent intent, any diploma, certificate, license, or any other evidence of satisfactory completion of the required educational or professional training for becoming a licentiate under this Act, or to use such a fraudulently altered document in order to obtain a license to engage in the practice of dentistry in the District of Columbia;

(7) to practice dentistry in the District of Columbia under a false name, or to assume a title, or append or prefix to his name

letters which falsely represent him as having a degree from a dental school, or make use of the words "dental college" or "school" as equivalent words when not lawfully authorized so to do;

(8) to impersonate another at any examination held by the Board, or knowingly make a false application or a false representation in connection with such examination;

(9) to perform, in the District of Columbia, any phase of dental laboratory services except as prescribed on an official written dental laboratory work authorization approved by the Board and signed by a licensed dentist unless such person is a licensed dentist in the District of Columbia who, in his own dental office, performs or personally directs any phase of dental laboratory service for one of his own patients;

(10) in the District of Columbia, to accept any fee, rebate, refund, commission, or unearned discount, whether in the form of money or otherwise, as compensation for referring patients to any person in connection with the furnishing of dental care, diagnosis, treatment, medication, appliance, or service;

(11) who is a dentist licensed under this Act, to request or order dental laboratory services in the District of Columbia, without first properly executing and delivering to the dental laboratory an official written laboratory work authorization for such dental laboratory services, and to not retain on file for at least two years from the date of execution, a copy of every such dental laboratory work authorization, or

APPROVAL OF PROPRIETARY SCHOOLS

SEC. 21. No person shall, unless under the auspices of a medical or dental college registered under chapter 9 of title 31 of the District of Columbia Code, conduct or operate, in the District of Columbia, any class, school, or other means of instruction, for the training of dental hygienists, dental assistants, dental technicians, or any other auxiliary dental personnel, without the approval of the Board.

PENALTIES

SEC. 22. (a) Any person who violates paragraph (1) or (2) of section 20 of this Act shall be fined for the first offense not less than $500 nor more than $1,000, and upon a second or subsequent conviction thereof, shall be fined not less than $1,000. Upon conviction his license may be suspended or revoked.

(b) Any person who violates paragraph (3) of section 20 of this Act shall be fined not more than $50.

(c) Any person who violates section 4 of this Act, or paragraph (4), (5), (6), (7), (8), or (9) of section 20 of this Act, shall be fined for the first offense not less than $500 nor more than $1,000, and upon a second or subsequent conviction thereof, shall be fined $1,000 or imprisoned not less than six months or more than one year, or both.

(d) Any person who violates paragraph (10) or (11) of section 20 of this Act shall be fined not more than $500.

(e) Any person who violates section 21 of this Act shall be fined not less than $500 nor more than $1,000 or imprisoned for not more than one year, or both.

(f) Whoever, being otherwise subject to this Act, with respect to any matter within the jurisdiction of the Board, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $1,000 or imprisoned not more than six months, or both.

PROSECUTIONS

SEC. 23. (a) Prosecutions for violations of any provision of this Act shall be conducted in the name of the District of Columbia in the Superior Court of the District of Columbia by the Corporation Counsel.

(b) It shall be necessary to prove in any prosecution or hearing under this Act, only a single act prohibited by law, without proving a general course of conduct, in order to constitute a violation.

INJUNCTIONS

SEC. 24. Whenever in the judgment of the Board any person has engaged in or is about to engage in any act or practice which constitutes, or will constitute, a violation of any provision of this Act, the Board may make application to the District of Columbia Court of Appeals for an order enjoining such act or practice, and upon showing by the Board that such person has engaged in or is about to engage in any such act or practice, an injunction, restraining order, or such other order as may be appropriate shall be granted by the court without bond.

AUTHORIZATION

SEC. 25. There is authorized to be appropriated out of the revenues of the District of Columbia such funds as may be necessary to pay the expense of administering and carrying out the provisions of this Act.

REPEALED

SEC. 26. The Act of June 6, 1892 (D.C. Code, secs. 2–301 et seq.) is hereby repealed.

EFFECTIVE DATE

SEC. 27. This Act shall take effect ninety days after the date of its enactment.

With the following committee amendments:

Page 14, strike out line 11 and insert in lieu thereof the following: "of any means or device other than the usual size card of announcement".

Page 15, line 11, strike out "who".

Page 15, line 13, strike out "who".

The committee amendments were agreed to.

Mr. CABELL. Mr. Speaker, I move to strike the last word.

The purpose of the bill H.R. 10738, which will be cited as the "District of Columbia Dental Practice Act of 1971," is to repeal the present law regarding the practice of dentistry in the District of Columbia—District of Columbia Code, section 2–301 et seq.—and to replace it with a new body of law regulating the practice of dentistry, including the examination, licensure, registration, and regulation of dentists and dental hygienists in the city. Thus, the bill is actually an up-dating of the 1892 act on this subject, as amended by the act of July 2, 1940 (54 Stat. 717).

NEW PROVISIONS

The principal changes which this bill will make as compared to the present law are as follows:

First, The bill will make the District of Columbia Board of Dental Examiners a statutory board, with broad powers to promulgate rules and regulations concerning the examination, licensure, registration, and regulation of dentists and dental hygienists. They will also be empowered to prescribe rules and regulations for the overall administration of the entire act, and also to set and establish fees and charges necessary to defray the approximate cost of administering the act.

Such statutory boards of dental examiners exist today in 35 States, as follows:

Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

Second. The Board of Dental Examiners will be authorized to determine the duties which auxiliary dental personnel—dental hygienists and dental assistants—may perform, under the general direction and supervision of a licensed dentist who is available in person on the premises where such duties are performed, and also to designate the number of such personnel to whom these duties may be assigned in any dental office. This will provide a new flexibility of authority, as these duties and numbers of employees authorized are specifically spelled out in the present law.

Third. As a condition for the issuance of an annual renewal certificate to a dentist or dental hygienist holding a license under this act, the Board of Dental Examiners will be authorized to require evidence of continuing education on the part of the licensee during the preceding year, not to exceed that prescribed and approved by the American Dental Association. This provision is designed to assure the public of up-to-date and high quality dental services.

Fourth. In the matter of licensing dentists and dental hygienists in the District of Columbia, without written examination, who are licensed in other States or territories where the qualifications for such licensure are substantially the same as those in the District, the bill will eliminate the restriction in the present law that such licensure without examination be extended only to dentists and dental hygienists who are licensed in States or territories which practice a policy of reciprocity with the District of Columbia with respect to such licensure.

This same provision in connection with the licensing of physicians in the District of Columbia without written examination was written into the bill H.R. 8589, to amend the District of Columbia Healing Arts Practice Act, which was approved by the House on June 14 of this year.

The opinion of your committee regarding these provisions is that the District of Columbia needs qualified, experienced professional personnel with proven competence and skill in the medical and dental arts, and that meaningless barriers should not be raised against any such persons who wish to come into the District to practice.

Fifth. Section 18 of the bill authorizes the establishment of a nonprofit corporation, pursuant to the provisions of the District of Columbia Nonprofit Corporation Act—District of Columbia Code, section 29–1001 et seq.—for the purpose of underwriting prepaid dental programs in the District of Columbia. This corporation, which would be required to include as members at least one-fourth of the licensees in private dental practice in the city, would be empowered to function like Group Health and other such organizations which assure medical services to subscribers under a uniform plan, in that citizens and citizen groups would be offered the opportunity to subscribe to the plan offered by the corporation by making regular payments thereto, in return for which they would be entitled to dental services from the members of the corporation, either free of further charge or at greatly reduced charges. Thus, the purpose of the corporation would be to administer programs of prepaid dental care, by defraying or assuming the cost of dental services to its subscribers.

Sixth. The Commissioner of the District of Columbia will be authorized to determine the number of members of the District of Columbia Board of Dental Examiners—though a minimum of five members is prescribed—as well as the length of terms of such members and their compensation.

Seventh. Officers and members of the faculty of any dental school or college in the District of Columbia will be eligible for appointment to the Board, as well as licensees engaged in full-time private practice of dentistry in the District.

Eighth. A new provision will require the filing of all dental laboratory authorization slips for a period of not less than 2 years. These authorization slips are written, detailed descriptions for the construction or repair of any dental restoration or appliance. This new requirement is obviously for the mutual protection of both the patient and the dentist, and is a good example of the need for this legislation to update the present law governing the practice of dentistry in the District of Columbia.

Ninth. Section 21 of the bill makes it unlawful for any person, unless under the auspices of a medical or dental college registered under chapter 9 of title 31 of the District of Columbia Code, to operate a school in the District of Columbia for the training of dental hygienists, dental assistants, dental technicians, or any other auxiliary dental personnel, without the approval of the Board.

Tenth. The penalties for violations of the various provisions of this act, while similar to those in the present law, are somewhat more severe. For example, the present law imposes a penalty of not more than $1,000 for practicing dentistry in the District without a license. This bill would authorize a penalty of not less than $500 nor more than $1,000 for the first such offense, and upon a second or subsequent conviction the penalty is $1,000 fine or imprisonment for a period of 6 months to 1 year, or both. Other penalties are similarly stiffened.

This bill represents the culmination of some 8 years of intensive study and consideration on the part of the District of Columbia Dental Association. Our committee is strongly of the opinion that the provisions of H.R. 10738 are constructive and essential for the continued ability of the dental profession in the District of Columbia to provide modern and adequate dental care services to the citizens of this city. For this reason, we urge the approval of this proposed legislation in the public interest.

Mr. Speaker, I yield to the gentleman from Virginia (Mr. BROYHILL), the author of the bill, for such comments as he may wish to make on the bill.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise to urge the support of my colleagues for the bill, 10783, of which I am pleased to be the author.

This bill, which is the culmination of nearly 10 years of study and work on the part of the leading dentists in the District of Columbia, is designed to replace the outmoded District of Columbia Dental Practice Act of 1940, and thus to provide an up-to-date, viable law governing the examination, licensure, registration, and regulation of dentists and dental hygienists in the District of Columbia.

During the 31 years which have passed since the present law regulating the practice of dentistry in the District of Columbia was enacted, broad and sweeping changes in the nationwide concept of health care have had a profound effect on the laws of this country with respect to health care services. The overall effect has been to increase the availability of modern health care services for citizens in all walks of life, and also to provide a far greater degree of protection to the public against abuses in the field of medical services.

Dentistry is certainly one of the most rapidly changing professions in the United States today. Programs of public education have increased materially the public awareness of the necessity for continual dental care as a vital part of general health maintenance, with the result that an ever-increasing number of patients are seeking dental services. It has not been possible to increase the number of practicing dentists to any appreciable degree in response to this growing demand for increased dental services, so the dentists must turn to his auxiliaries on the dental health team—the dental hygienists, dental assistants, and dental nurses—to increase his capacity for service. For this reason, the role of auxiliary dental personnel is constantly being reexamined and reevaluated. However, it is impossible to amend existing laws frequently enough in this vital area to keep the dental profession both completely legal and at the same time completely competent. Therefore, it is imperative that an element of flexibility be provided to boards of dental examiners, whereby the duties and functions permissible for auxiliary dental personnel may be altered from time to time by regulation, thus eliminating the need for frequent amendatory legislation in this area. This flexibility has been accomplished in the laws of most of our States, and will be provided for the District of Columbia, for the first time, by certain provisions of H.R. 10738.

I am pleased to offer this bill in response to a real and growing need for legislation which will bring to the dental profession in the District of Columbia an up-to-date regulatory system, responsive to the many changes which have occurred in this profession in the past three decades since the present law was written.

I should like at this point to comment briefly on the more important innovations which H.R. 10738 will provide, and which are not present in the existing law.

Perhaps the broadest and most comprehensive change which H.R. 10738 will produce is to make the District of Columbia Board of Dental Examiners a statutory board, with power to promulgate rules and regulations concerning the examination, licensure, registration, and regulation of dentists and dental hygienists, as well as rules and regulations for the overall administration of the entire act. The Board also will have authority to set fees and charges to defray the costs of administering the act, in contrast to the present fee schedule which is spelled out in the law, and will also be empowered to restore licenses. These are all powers of a statutory board, such as exists today in 35 States, including my own State of Virginia, for the regulation of the practice of dentistry, as contrasted with the present District of Columbia Board of Dental Examiners which is essentially a licensing board, a creature of the District of Columbia Commissioner, with little or no authority to regulate the profession.

I wish to point particularly to the provisions of this bill which authorize the Board to determine the duties which auxiliary dental personnel shall be permitted to perform, in a dentist's office and under his personal supervision. Also, the Board may designate the number of such personnel to whom these duties may be assigned in any given office. This is the extremely important flexible authority which the Board must have with regard to such dental hygienists and dental assistants, to which I referred in some detail earlier in this text.

Section 9(a) of the bill provides that as a condition for issuing an annual renewal certificate to any licensee, the Board may require evidence of continuing education during the year on the part of the licensee. This is a new provision, designed to assure the public the best and most modern dental treatment.

Another extremely important innovation in this bill is section 18, which authorizes the establishment of a nonprofit corporation in the District for the purpose of administering programs to defray or assure the cost of dental services to its subscribers. This corporation, which would be required to include at least one-fourth of all licensed dentists in active private practice in the city as members, would be similar to group health and other such organizations which assure medical services to citizen subscribers under a uniform plan.

Such nonprofit corporations for the purpose of administering prepaid programs of dental services exist today in many States. Several years ago, such an organization, entitled the Dental Services Corp. of the District of Columbia, was incorporated here for this purpose. However, the District of Columbia Corporation Counsel ruled that this organization could not administer prepaid dental programs in the District because this would violate existing District of Columbia law which prohibits a corporation from engaging in the practice of dentistry here. Hence, this provision in H.R. 10738 is essential for the functioning of such a corporation in the District today. Such a corporation would provide a whole new dimension to dental health care in the District of Columbia, as the costs of dental services continue to rise and such expenses are not covered to any extent under the medical expense insurance programs to which most people subscribe, by providing a means of assurance of such dental costs to the public at large.

While it is true that Group Hospitalization, Inc., is planning to launch such a program in the city in the near future, in cooperation with the dental profession here, this provision of H.R. 10738 is none the less very important, as it will assure the Dental Services Corp. the authortiy to underwrite and administer this program should this become necessary or advisable.

I wish also to call attention to sections 7(b) and 8(b) of the bill, regarding the licensing of dentists and dental hygienists in the District without written examination, provided they are licensed in other States and otherwise meet all the requirements for District of Columbia licensure. The language in these sections will eliminate a provision in the present law, which restricts such licensing without examination only to those applicants who are licensed in other States which reciprocate with the District of Columbia in regard to such licensure.

In the bill H.R. 8589, to amend the present law with respect to licensing of physicians in the District of Columbia, which was reported by this committee and approved by the House on June 14 of this year, we eliminated this same restriction on the licensing of physicians, without examination, who are licensed in other States. We did this because we were convinced that such a limitation serves no useful purpose, and that we should encourage qualified, experienced physicians to enter into practice here in the Nation's Capital. I feel strongly that this same philosophy should apply in the case of dentists and dental hygienists who have proved their qualifications and their competence in practice in other States, and who wish to practice in the District. Such professional personnel should be welcomed to this city, and I feel that this restriction in the present law is unrealistic and should be eliminated.

Another important provision of H.R. 10738 is section 21 of the bill, which states that no person may conduct a school for the training of auxiliary dental personnel in the District of Columbia without the approval of the Board of Dental Examiners.

At present, there is no requirement for operating such a training school in the District except to obtain the necessary building occupancy permit. Thus, there is no licensing or other policing authority governing such schools in the city today. Some of my colleagues may recall a recent series of newspaper articles which pointed an accusing finger at certain such career schools here in the Nation's Capital, which they said engaged in certain practices which apparently are fraudulent, such as failing to provide adequate training, failure to obtain promised jobs for students, going abruptly out of business without refund of tuition fees, and generally acting in bad faith with their students. Such practices, which are said to exist elsewhere as well as in the District, have been called the last legalized con game in America. The Federal Trade Commission has held hearings on this situation, and received a flood of accusatory testimony. They have proposed some guidelines for regulating such schools on a nationwide basis.

Some of these local schools which have been the target of these criticisms offer training programs for dental hygienists, dental assistants, and dental technicians, and the District of Columbia Dental Association is quite concerned about the problems which such inadequate training courses and institutions may impose upon the dental profession and the public alike in the District of Columbia. It is for this reason that the Dental Association has requested this policing authority in regard to such schools which offer training courses for dental personnel, in order that the newly created Board of Dental Examiners may perform a badly needed service by protecting the profession and the public from the operation of such unscrupulous enterprises purporting to train persons for auxiliary dental service. I quite agree that this is a most salutary step in the right direction.

I note with interest that the District of Columbia City Council took action on September 21, to require licensing by the city and bonding in the amount of $10,000 for such proprietary, career schools. I am pleased at this action, which cannot become effective, however, for 120 days; but I do not regard this as negating the need for section 21 of H.R. 10738, as this will add the weight of the dental profession in this policing of such schools which directly affect that profession.

Other new provisions of somewhat lesser importance are the definitions of terms in section 2, some of which were not is use in 1940, and the authority provided in section 6 whereby the District of Columbia Commissioner can determine the number of members of the Board—although a minimum of five members is required—as well as the length of terms of such members and their compensation. The Commissioner is also empowered to remove any member from the Board for cause. Also, section 20 requires the filing of dental laboratory authorization slips for a period of not less than 2 years, which is a precaution to protect both the dentists and their patients. Finally, the penalties for violations of the act, spelled out in section 22, although similar to those in the present law, are somewhat more severe and therefore more realistic.

H.R. 10738 is a much needed piece of legislation which will enable some of our most capable and dedicated members of the health team in the District of Columbia to serve their community more effectively. I introduced this same measure as H.R. 17694 in the 91st Congress, but there was not sufficient time to consider the bill at that time. I urge that we now give this proposed legislation our prompt and favorable support, in the public interest.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. CABELL. I yield to the gentleman from Iowa.

Mr. KYL. I should like to direct a question to the gentleman from Virginia.

Is this bill primarily designed to facilitate the practice of dentistry in the District of Columbia for District residents or for those living in the surrounding territory? I do not see the Representative for the District of Columbia here, so I have to ask the question of the gentleman from Virginia.

Mr. BROYHILL of Virginia. It only pertains to the practice of dentistry in the District of Columbia.

Mr. KYL. It is considered primarily of benefit to the District of Columbia, rather than the outside areas?

Mr. BROYHILL of Virginia. It improves the practice of dentistry in the District of Columbia, yes.

Mr. KYL. I thank the gentleman.

Mr. CABELL. Mr. Speaker, I move the adoption of H.R. 10738, as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 291]

Abourezk
Anderson, Ill.
Anderson, Tenn.
Arends
Ashley
Aspin
Aspinall
Badillo
Baker
Baring
Bell
Biaggi
Blatnik
Boggs
Bow
Bray
Celler
Chamberlain
Clancy
Clark
Clausen, Don H.
Clay
Collier
Cotter
Davis, Wis.
de la Garza
Dellums
Derwinski
Dulski
Edmondson
Edwards, La.
Erlenborn
Foley
Ford, Gerald R.
Galifianakis
Gettys
Giaimo
Goldwater
Grasso
Gray
Green, Oreg.
Halpern
Hansen, Idaho
Hawkins
Hébert
Helstoski
Hillis
Kee
Koch
Landgrebe
Leggett
Lent
Lloyd
Long, La.
McCloskey
McClure
McEwen
McKinney
Macdonald, Mass.
Mahon
Mailliard
Miller, Calif.
Mills, Md.
Minish
Morgan
Morse
Murphy, N.Y.
O'Hara
Pelly
Peyser
Pike
Railsback
Reid, N.Y.
Riegle
Rodino
Rooney, Pa.
Rosenthal
Runnels
Scheuer
Schwengel
Shriver
Sisk
Smith, Calif.
Smith, N.Y.
Springer
Steiger, Wis.
Stuckey
Teague, Tex.
Thompson, N.J.
Thone
Waggonner
Wilson, Charles H.
Wylie

The SPEAKER pro tempore. On this rollcall 336 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

GENERAL LEAVE

Mr. CABELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the District bills just passed.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

ORDER OF BUSINESS

The **SPEAKER** pro tempore. Does the gentleman from South Carolina have any further District business?

Mr. McMILLAN. No, Mr. Speaker. This concludes the business for the District of Columbia today.

EQUAL RIGHTS FOR MEN AND WOMEN

Mr. EDWARDS of California. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 208) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution House Joint Resolution 208, with Mr. Bolling in the chair.

The Clerk read the title of the bill.

The **CHAIRMAN.** When the Committee rose on Wednesday, October 6, 1971, the first Committee amendment as printed in the reported joint resolution was pending. Without objection, the Clerk will again report the first Committee amendment.

There was no objection.

The Clerk read as follows:

> Committee amendment: On page 2, line 2, after the word "rights" insert the following: "of any person".

Mr. WIGGINS. Mr. Chairman, I rise in support of the committee amendment.

Mr. Chairman, this is the first committee amendment. It is the first so-called crippling amendment that Members have all heard about.

This amendment offers three words to the proposal by our distinguished colleague from Michigan. It offers the three words "of any person" following the word "rights" in the first sentence of the amendment.

In other words, as proposed by the committee the language would be "Equality of rights of any person . . ."

Now, why is the amendment necessary? I assure every Member of the House that this amendment is offered in good faith, with an intent to improve the amendment, to improve its style, to make it consistent with other provisions of the Constitution.

As many Members of the House know, the Constitution treats differently the rights of citizens and the rights of noncitizens.

The question arose during the hearings on this measure whether or not it was the intent of its author to extend its coverage to citizens only or whether its coverage should be extended to persons who may not be citizens.

Whatever the answer, Mr. Chairman, how can we be sure? The amendment was absolutely silent in this regard and therefore was ambiguous.

The sole purpose of the committee amendment was to remove that ambiguity and to make it absolutely clear that the amendment extended to all persons and not just to citizens.

Let me point up the difference in other sections of the Constitution, Mr. Chairman. For example, in the 14th amendment to the Constitution, the "privileges and immunities" section extends only to citizens, not noncitizens. The "equal protection" provisions of the 14th amendment extend to persons, citizens as well as noncitizens.

In other provisions of the Constitution the difference in treatment of citizens and noncitizens is made explicitly clear.

In article I, the first article of amendment of the Bill of Rights, the right to peaceably assemble extends to the "people." In article II, the "people" are expressly mentioned. In article IV, "people" are expressly mentioned. In the fifth article of amendment to the Constitution, the "due process" clause extends to "persons."

Mr. Chairman, once again let me assure all of the Members that the intent of this amendment is to be constructive and, indeed, it is constructive. It removes a patent ambiguity from the original language and should be supported by the Members, whatever their attitude may be with respect to the draft and so-called protective legislation.

Mr. EDWARDS of California. Mr. Chairman, I rise in opposition to the amendment.

The substantial majority of the subcommittee of the Judiciary Committee handling this bill voted this amendment down.

The gentleman from California (Mr. Wiggins) suggests that it is important as a clarifying amendment. I am afraid it was really of importance to the gentleman from California (Mr. Wiggins), because he was the only one who brought it up during the hearings.

A great majority of the subcommittee feels that the amendment is superfluous and unnecessarily confusing of the basic issues before us today.

Mrs. Griffiths' House Joint Resolution 208 perfectly clearly refers to human rights and only pertains to people. As much as I admire and respect the gentleman from California, I cannot accept his argument. At the hearings, which were extensive, it was brought up by Mr. Wiggins. He argued some totally new concept of equality. Under this bill he said equality could be applied to animals as well as to women. On page 71 he expressed the fear that the equal rights amendment would invalidate the rights of dogs and that we would treat male and female dogs differently. Later he argued that hunting laws would be able no longer to draw distinctions between does and bucks. There is no legal precedent in the history of our Constitution for giving animals treatment like humans, and every time this issue was brought up before some of our honored legal constitutional experts, Mr. Wiggins' amendment was rejected as unnecessary.

I might add that some groups were offended and regarded this amendment as frivolous. To create further confusion the proponents of this amendment argued that the original Griffiths text might result in discrimination against women noncitizens. This argument, I submit, is likewise without merit, and the proponents can cite no legal authority for it whatsoever.

I think it is significant even the few legal scholars who are in opposition to the equal rights amendment, namely, Professors Kurland and Freund, have not suggested any danger at all that the courts might foolishly apply this conception of equality as broadly as to include animals or foreign women.

Mr. Chairman, there is no need for this amendment. It purports to cure a nonexisting defect in the original text that has been unchanged since 1941. The arguments have no legal merit and appear to be frivolous at best.

Arguments are made that it would destroy the equal rights amendment as Mr. Wiggins' other proposal would do.

Mr. Chairman, the substance and subject of the amendment is not constructive and only causes confusion.

Therefore, I urge the defeat of the amendment.

Mr. HUTCHINSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I would not want to sit silently by and let this amendment be described as frivolous. It serves a real purpose. It is a clarifying amendment. It merely defines the scope of this amendment as to include any person.

I cannot believe that in any line of inquiry during the hearings the gentleman from California (Mr. Wiggins) was talking about the rights of animals. We are not concerned here about the rights of animals. We are concerned about the rights of people.

Now, Mr. Chairman, I yield further to the gentleman from California in order that he might clarify for the record his purpose in that line of questioning.

Mr. WIGGINS. I thank the gentleman for yielding.

Mr. Chairman, I hope the Members do not feel that the questions asked during the extensive committee hearings are in all cases representative of the views of the person who asked the question.

Our purpose is to develop the arguments; to determine the scope of an amendment; and to pose hypothetical equations testing its effect.

I did raise a question during the hearings as to whether or not it was possible to extend the concept of the equality of rights to the rights of human beings in animals. That question was prompted by an account which I read in the newspapers in which a young lady stated that her female dog was charged a higher license fee than that for a male dog. That was apparently important to her, and she made an equal rights argument out of it.

I asked the question if the equal rights amendment might not effect this problem since it is not clear that it extends to persons or animals.

Mr. Chairman, one other question needs to be clarified. There were no separate votes in the subcommittee on any amendment. The subcommittee voted up or down the original proposal by Mrs. Griffiths and that original proposal carried by an unrecorded voice vote, but which we all understood was 6 to 4.

These amendments were offered in the full committee when the full Committee on the Judiciary considered this subject. The full committee, composed of the lawyers of the House, adopted this clarifying amendment.

Mr. McCLORY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

One of the bases for this proposed amendment is constitutional draftsmanship.

It seems to me that the most fundamental rule of constitutional draftsmanship is to state constitutional principles in the fewest number of words necessary. The intention in this case is certainly clear and unequivocal.

The form of the amendment has been recognized by women's groups and others who support this measure and who have supported it for many years. It is in the form which was presented to the committee and which was considered by the committee. To add these words, according to the proponents, would do no harm. If one of the main arguments is that this will do no harm, why put it in—if it is redundant, unnecessary, and superfluous?

I think we all know what is intended by this equal rights amendment.

I am struck by the fact that the strongest opponents of the equal rights amendment are also supporting this and the other amendment which will be proposed.

So, I think those who support the equal rights amendment in the form of House Joint Resolution 208 should reject this amendment and should reject all amendments to the original proposal.

Mr. Chairman, I yield back the balance of my time.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have long been intrigued by these words in the preamble to this resolution: "Proposing an amendment to the Constitution of the United States relative to equal rights for men and women."

Would the gentleman from California (Mr. Edwards) care to tell me what rights I have been deprived of, and what rights I would be given under this resolution?

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Of course I will yield to the gentleman from California.

Mr. EDWARDS of California. I must advise the gentleman from Iowa that a great many rights that are being deprived of women today are also deprived where men are concerned.

Mr. GROSS. Well, give me an example or two.

Mr. EDWARDS of California. The various weight protection laws.

Mr. GROSS. Weight protection laws. W-e-i-g-h-t?

Mr. EDWARDS of California. That is correct.

Mr. GROSS. Weight protection laws?

Mr. EDWARDS of California. That is correct.

Mr. GROSS. What is a "weight protection law?" You mean that I weigh too much, or too little, or something of this kind, in comparison with women? What do you mean?

Mr. EDWARDS of California. There are a number of States that have laws that preclude women from lifting weights in excess of a certain number of pounds. These apply only to women, and they have been viewed to discriminate against women. However, if they are of benefit in a certain jurisdiction then it is entirely possible that these laws could apply also to men.

Mr. GROSS. Does the gentleman from California mean to say that if this resolution is passed that I can no longer go on weight lifting if I am a weight lifter—if I want to become a "Mr. Atlas," or something of that kind—I am going to be thwarted in my ambition to lift weights?

Mr. EDWARDS of California. No. The gentleman from Iowa can assure his friends in Iowa who are interested in that sport that they are unaffected by this particular constitutional amendment.

Mr. GROSS. What rights, then, will this resolution give me that I do not already have, since it is an equal rights for men as well as for women amendment?

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Of course I will yield.

Mr. EDWARDS of California. There are a number of areas in the laws of custody, marriage and divorce, where certain males have certain disadvantages. For example, in some States if a woman is being divorced, or is divorcing her husband, she has a preference in the custody of their children. And the husband has the presumption that he must support the wife, even though the wife may be working, and the husband entirely indigent.

All of this would be equalized, and the husband and wife in cases where children are involved would go into the court under an equal status, and then the court would decide who the appropriate person would be to have custody of the children, and who was the appropriate person to support the other and support the children.

Mr. GROSS. They do that now, do they not?

Mr. EDWARDS of California. That is not necessarily correct. In many jurisdictions there are presumptions that work against the husband.

Mr. GROSS. There are presumptions that work against the husband?

Mr. EDWARDS of California. That is right.

Mr. GROSS. Then if my wife sues me for divorce, and obtains a decree, under the terms of this resolution I might not have to pay her any alimony? I could just say "You have had it," or something of that kind?

Mr. EDWARDS of California. That is entirely up to the court. The court will examine both sides of the case, and if in fact you should unfortunately happen to be destitute, and ill, and your wife has a good job, and a considerable amount of money, then under this constitutional amendment the court could determine that she protect and provide for you.

Mr. GROSS. After 43 years of married life to one woman, that is something to contemplate, I would say. You are making real progress here. She might even pay me alimony if she brought a divorce action against me—my wife, that is—she might even be paying me alimony.

Mr. EDWARDS of California. That is correct.

Mr. GROSS. Well, that is wonderful. It is something to contemplate for the future.

The CHAIRMAN. The question is on the committee amendment.

TELLER VOTE WITH CLERKS

Mr. WIGGINS. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. WIGGINS. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. Wiggins, Edwards of California, Conyers, and Keating.

The Committee divided, and the tellers reported that there were—ayes 104, noes 254, not voting 72, as follows:

[Roll No. 292]

[Recorded Teller Vote]

AYES—104

Abbitt
Abernethy
Alexander
Andrews, Ala.
Arends
Ashbrook
Belcher
Betts
Biester
Brooks
Brown, Ohio
Burke, Fla.
Byrnes, Wis.
Camp
Celler
Chappell
Clawson, Del
Colmer
Coughlin
Davis, Ga.
Dellenback
Dennis
Devine
Dickinson
Dingell
Dorn
Dowdy
Edwards, Ala.
Evans, Colo.
Fish
Flynt
Garmatz
Goodling
Gross
Grover
Gubser
Hagan
Hall
Harsha
Hays
Hogan
Hosmer
Hull
Hutchinson
Ichord
Johnson, Pa.
Jonas
Keating
King
Kyl
Latta
Lent
McCulloch
McEwen
McKay
McMillan
Mann
Martin
Mathias, Calif.
Mayne
Miller, Ohio
Minshall
Mizell
Monagan
Montgomery
Nedzi
Nichols
O'Konski
Passman
Poff
Powell
Quillen
Rooney, N.Y.
Rousselot
Sandman
Scherle
Schmitz
Scott
Sebelius
Shoup
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Spence
Stanton, J. William
Steiger, Ariz.
Sullivan
Talcott
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Veysey
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Wiggins
Williams
Wright
Wydler
Wyman

NOES—254

Abzug
Adams
Addabbo
Albert
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Archer
Ashley
Baker
Barrett
Begich
Bennett
Bergland
Bevill
Biaggi
Bingham
Blanton
Blatnik
Boggs
Boland
Brademas
Brasco
Brinkley
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Cabell
Caffery
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Chisholm
Clay
Cleveland
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corman
Cotter
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
Delaney
Denholm
Dent
Diggs
Donohue
Dow
Downing
Drinan
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evins, Tenn.
Fascell
Findley
Fisher
Flood
Flowers
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gaydos
Gibbons
Goldwater
Gonzalez
Grasso
Gray
Green, Pa.
Griffin
Griffiths
Gude
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harrington
Harvey
Hastings
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Holifield
Horton
Howard
Hungate
Hunt
Jarman
Johnson, Calif.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keith
Kemp
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Link
Long, Md.
Lujan
McClory
McCollister
McCormack
McDade
McDonald, Mich.
McFall
McKevitt
Madden
Mahon
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Mills, Ark.
Minish
Mink
Mitchell
Mollohan
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nix
Obey
O'Neill
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Podell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Randall
Rangel
Rarick
Rees
Reuss
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ruth
Ryan
St Germain
Sarbanes
Satterfield
Saylor
Scheuer
Schneebeli
Seiberling
Shipley
Sikes
Snyder
Springer
Staggers
Stanton, James V.
Steed
Steele
Stephens
Stokes
Stratton
Stubblefield
Symington
Taylor
Terry
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Whalley
Widnall
Wilson, Charles H.
Winn
Wolff
Wyatt
Wylie
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NOT VOTING—72

Abourezk
Anderson, Ill.
Anderson, Tenn.
Aspin
Aspinall
Badillo
Baring
Bell
Blackburn
Bolling
Bow
Bray
Chamberlain
Clancy
Clark
Clausen, Don H.
Collier
Davis, Wis.
de la Garza
Dellums
Derwinski
Dulski
Edmondson
Edwards, La.
Erlenborn
Eshleman
Foley
Ford, Gerald R.
Gettys
Giaimo
Green, Oreg.
Halpern
Hansen, Idaho
Hawkins
Hébert
Hillis
Jacobs
Jones, Ala.
Jones, N.C.
Kee
Landgrebe
Leggett
Lennon
Lloyd
Long, La.
McCloskey
McClure
McKinney
Macdonald, Mass.
Mailliard
Miller, Calif.
Mills, Md.
Moorhead
O'Hara
Pelly
Poage
Pryor, Ark.
Railsback
Reid
Riegle
Rooney, Pa.
Runnels
Schwengel
Shriver
Sisk
Smith, Calif.
Steiger, Wis.
Stuckey
Teague, Tex.
Thone
Waggonner
Wilson, Bob

So the committee amendment was rejected.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the second committee amendment.

The Clerk read as follows:

Committee Amendment: On page 2, following line 4, insert the following new section 2 and redesignate section "2" and section "3" as section "3" and section "4", respectively:

"SEC. 2. This article shall not impair the validity of any law of the United States which exempts a person from compulsory military service or any other law of the United States or of any State which reasonably promotes the health and safety of the people."

Mr. WIGGINS. Mr. Chairman, I rise in support of the committee amendment.

Mr. Chairman, the second committee amendment was added because simple commonsense dictated that it be done. To reject the committee amendment is to turn away from commonsense and to accept the irrational consequences of identical treatment of men and women in all cases.

It has been said that the committee amendments introduce a qualified form of equality to our Constitution. This is, of course, legal nonsense. The 14th amendment now declares that all persons are entitled to the equal protection of the law. But this amendment has never been interpreted to require the absolute identical treatment of human beings. Reasonable classifications have always been tolerated. We treat juveniles differently than adults, for example; the rich are accorded different treatment than the poor, for another.

And so it was that the Supreme Court provoked this entire controversy many years ago in Muller against Oregon—a "museum piece" in constitutional history—by holding that classifications solely on the basis of sex were reasonable. The committee rejected the holding in Muller and devised a standard which will forbid distinctions solely on the basis of sex, but will tolerate a different treatment of men and women if the difference in treatment is reasonably designed to promote the health and safety of the people. And this is only commonsense, if we seek to avoid chaos.

Take the matter of the draft. At the present time, Congress may draft women but it has not elected to do so. This is an unequal treatment of men and women which must be corrected if the committee amendment is disapproved. The choices are: No draft at all, or women shall be drafted on identical terms with men. Reflect upon all that this may mean now, and in the uncertain future. Approximately 52 percent of all draftees would be women. The entire composition of our Armed Forces would be changed. The women could not be assigned to "ladylike" tasks, for that would be unequal treatment and thus unconstitutional. Total integration by sex in all branches of the military would result, apparently not separated by sex in its facilities. Could we expect a lessening of the capacity of our Military Establishment to provide for the defense of this country? Of course.

Where does the national interest lie in this matter? Which is the commonsense decision for which you shall be recorded in a few minutes?

Other examples of different treatment between men and women exist which should not be struck down arbitrarily. Take, for example, the unequal treatment of men and women in the social security laws. This difference in eligibility requirements, and survivors benefits which favor women, must be corrected. Domestic relations laws in the several States could be reduced to a shambles. Legislation to protect working women, earned after many years by organized labor, would be reduced to a nullity. If you do not believe such laws are needed, you have not followed the oppressive rules imposed upon factory women by employers when limitations upon hours of work have been lifted in Michigan and California, for instance.

Finally, Mr. Chairman, as this decision is about to be made, let me observe that it may be based upon political considerations as perceived by the individual Members. I hope this is not true. There never can be any excuse for interjecting political considerations into a constitutional question.

This issue should be decided on its merits. Commonsense is on the side of the committee amendments. If they are retained, we can all honor our commitment to equal rights for men and women. If they are stricken, the resulting amendment is contrary to the national interest and is unworthy of your support.

Mr. EDWARDS of California. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is the Wiggins amendment that the Judiciary Committee as well as women's groups, the National Republican Party, and the Democratic Party are asking the House Members to reject.

If you approve the amendment, the bill is scuttled. Some might even say this amendment was designed specifically to kill the equal rights amendment. We might recall that statements were made after the committee added the amendment to the effect that it was "the kiss of death" and "this kills the bill." So let us make it perfectly clear a vote for this amendment is a vote against equal rights.

Our distinguished friend, the gentleman from California (Mr. WIGGINS), discussed the draft. I would remind you that the first President to make an equal rights amendment a part of his legislative program was General Eisenhower. Yet proponents of this amendment would have us believe that the equal rights amendment will hamper the military effort and threaten the Army and Navy.

That is not giving President Eisenhower very much credit.

We had a group of young women from George Washington University who testified before the subcommittee and were asked "How many women do you know who want to be drafted?" Their answer was "Just as many as the number of men who want to be drafted." These young women wondered about Congressmen who agreed that the draft must end and yet used the draft to defeat equal rights for men and women. They said, "Do not deny women the opportunity to be directly involved in our greatest issue." They say "No, thank you," to protection by the male establishment when that protection is just additional discrimination. And, of course, the equal rights amendment does not require that men and women be treated equally for the purposes of the draft. It is no more true than that all men are treated equally in the draft. Physical differences will still determine.

Women will not be required to serve where they are not fitted, just as men are not required to serve where they are not fitted today.

This argument is the tactic of fear of a Selective Service System where we have a national commitment to get rid of the draft. Out of this specter of drafting young mothers when we know that under ordinary deferment rules this will not happen.

At the same time, we have 40,000 women serving honorably and well in the armed services.

Yet, we would be telling them this—we men will protect them as an under class from these same armed services; we will deny them the opportunity to carry their full share of the defense of themselves, their families, their homes, their country and the world.

Now, Mr. Chairman, the Wiggins amendment also includes these health and safety laws enacted in the 19th century and the early 20th century. In recent years there has been this growing realization that they are more discriminatory than protective. They are going down the drain today because title VII of the 1964 Civil Rights Act outlaws discrimination in employment because of sex. Title VII is nationwide in striking down these laws that discriminate and making them apply to men as well as women protective laws that really protect women.

Mr. Chairman, especially distressing is the part of the Wiggins amendment that would repeal an important portion of title VII. Any time a State or local government wanted to discriminate against women they could just add this caveat, it reasonably protects health and safety.

For example, a State law, if this became a part of the Constitution, could say that women with pre-school children could not be stewardesses because it reasonably protects their health and safety.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Michigan.

Mr. CONYERS. Is it not correct that there was no testimony from anyone from the Defense Department, the Pentagon, or any of the military branches of the service on this question?

Mr. EDWARDS of California. That is right. We had no testimony, no letters, no communication from Secretary of Defense Laird or anyone in the military establishment that this would be detrimental. Rather, it was pointed out that 85 percent of the jobs in the military services are noncombat.

Mr. CELLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman I quote testimony of the representative from the Department of Justice before our subcommittee:

> The placing in the Constitution of such broad general language as is found in House Joint Resolution 208 would, by reason of doubt as to the scope of its language, add substantial uncertainties in this area of constitutional law which would probably require extensive and protracted litigation to dispel.

It is clear as a flag staff that if a constitutional amendment is to be approved by the Congress, its potential scope must be circumscribed.

We must not approve what Professor Freund has called a broad-spectrum drug with unwanted and uncertain side effects. This is what the Judiciary Committee amendment is all about, the Wiggins amendment.

Mr. Chairman, the Wiggins committee amendment reserves to the Congress and the President the right to determine, through the enactment of law at any particular time, the desirability of requiring women to serve in our Armed Forces. It does not place the Government in a straitjacket by etching in cement a prohibition against draft exemptions for women; neither does it require that they be drafted. It leaves that question for a decision in the light of the circumstances which may prevail at any given time in our history. While it is true that the present draft law may soon be ended, that is no argument that women may not be drafted in the future.

The needs for our national safety and existence might at some future time demand a draft. No one can foretell.

Women represent motherhood and creation. Wars are for destruction. Women, integrated with men in the carnage and slaughter of battle—on land, at sea or in the air—is unthinkable. Yet, under the original amendment, identical treatment must be accorded both sexes. Otherwise the word "equal" has lost its meaning. Men could refuse to serve and sacrifice in the butchery of war if women are exempt. Can you imagine women trained by a drill sergeant to charge the enemy with fixed bayonets, and bombs? If, in a draft, married fathers were drafted, married mothers could not be exempt.

War is Death's feast. It is enough that men attend.

Incidentally, in a Roper poll earlier this year, 77 percent of the women indicated opposition to the drafting of women.

The committee amendment recognizes that Congress and the States should be permitted to consider differences between the sexes in enacting laws which reasonably promote health and safety. This amendment would preserve gains already made, and would permit further advances in the years to come.

The family structure, as it has developed through the years, will not in one fell swoop be torn asunder. It will be protected and permitted to endure.

Similarly, the primary jurisdiction of the States over domestic relations matters will continue unabated, and the Federal Government will not intrude unnecessarily.

In summary, I am convinced that the modifications proposed by the Committee on the Judiciary must be incorporated in any constitutional amendment which is approved. These modifications will protect us against abandonment of the progress we have made, and can make, based upon health and safety factors.

Indeed, amended House Joint Resolution 208 will be a sounder support on which to build continued efforts to eliminate discrimination based on sex. At least, it will permit us intelligently to deal with subjects such as hiring and promotion policies, equal pay for equal work, discriminations under our social security and tax laws, equal treatment in the housing field, and equal treatment in public accommodations and the financial world. The old cliche "don't throw out the baby with the bath" is pertinent here. Let us not move backward, giving up our hard-gotten gains, in order to move forward toward our very worthwhile goal.

Mr. Chairman, I urge support of the pending amendment.

Mr. McCLORY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, in rising in opposition to the so-called Wiggins amendment I want to call attention to the fact that the use of the expression "committee amendment" and "Wiggins amendment" are identical. The amendment we are talking about is the one that is commonly known as the Wiggins amendment. It is offered here as the committee amendment, and as such it will have to be approved by a majority vote of the membership of this body to be added to the proposed constitutional amendment, House Joint Resolution 208.

What seems to characterize most of the arguments in support of the Wiggins amendment—as well as the equally strenuous pleas against this entire proposal for equal rights for men and women—is the irrelevancy of these arguments in our modern day society.

The various State health and safety laws to which the main part of the Wiggins amendment is addressed—were the result of the sweatshop, the 80-hour week. Most of the laws limiting hours of work—and against lifting of weights—have virtually no application today. So-called protective laws are—in fact—discriminatory laws. They are neither reasonable nor rational. But the Wiggins amendment by specifically exempting any such law which "reasonably promotes the health and safety of the people" would seem to revive an era of patronizing discrimination—which simply does not exist.

I realize that laws against women being employed as bartenders, night elevator operators, and in virtually every trade and occupation where lifting of weights is required—were popular at one time. But those laws belong to another era.

Today, you are not too surprised to find a woman as a taxi driver, a service station attendant, a factory machine operator. Soon, you may see women jockeys and airline pilots—even truck drivers and equipment operators.

It should be recalled that when the equal rights amendment passed the other body in 1950 and 1953, it had attached to it the so-called Hayden rider providing simply that the amendment should not "impair any rights, benefits or exemptions now or hereafter conferred by law upon persons of the female sex."

In the explanation of the Wiggins amendment as presented to the committee—and these are about the only words of that explanation which are omitted from the committee report—it is stated:

> The new language is an attempt to improve the "Hayden Rider" idea.

Several other paragraphs are needed to explain that the Wiggins amendment does not freeze all exemptions by constitutional fiat. It merely freezes those that are reasonable—and which bear some relation to health and safety.

The "Hayden rider" did not even refer to compulsory military service—nor did the second so-called Ervin amendment in the last Congress. But both of those amendments were effective devices for killing the bill. So is the Wiggins amendment. It was originally rejected by the committee on a tie vote. Then, after the catchall word "welfare" was dropped, it was adopted by a 19 to 16 margin.

But it is the same old device—it belongs to another period in our history—not in a period when we are endeavoring to free ourselves of archaic prejudices based on color or sex.

All this constitutional change will do—is to guarantee to women equal legal rights. The Constitution does not say that now. In fact the only right specifically guaranteed to women—is the right to vote. It is about time—in 1971—to constitutionally guarantee equality of rights to men and women—on all subjects.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman.

Mr. GUDE. Mr. Chairman, I want to commend the gentleman for his very forthright and kind statement and I would like to join him in his statement.

Mr. Chairman, I feel honored to have this opportunity to stand and voice my strong support for House Joint Resolution 208, proposing an amendment to the Constitution relative to equal rights for men and women.

America was founded on the principle that all men are created equal, and the ideal of a democracy cannot be met so long as there are arbitrary class distinctions and privileges. There are few women in the United States who have not endured some sort of injustice because of their sex, and there are countless numbers that are forced to bear it today in the most blatant forms—every college graduate who can only find secretarial jobs while her male classmates land quality jobs in the field of their study, the constant drive to have to prove oneself or the battle many women experience trying to get a promotion which inevitably goes to the man—all these women know what I mean and the list is endless.

Women are not the frail, dependent creatures they were once thought to be but rather strong independent human beings capable of the duties and entitled to the rights which are exercised by men. It is time for Congress to recognize the equality of men and women by adopting this principle into the supreme law of the land.

The idea that women need special laws for their protection has unfortunately been used to create laws which are "protective" in name but which in reality provide a basis for depriving women of equal opportunity.

Under this amendment, the law would no longer perpetuate outmoded conceptions of how people belonging to a particular category should be treated, but could allow for the needs and aspirations of the individual. Take heavy lifting as one example—no one, man or woman, should be expected to lift a load heavier than they can manage. It is irrelevant that perhaps more men than women are able to lift heavier loads. The man of slight build should not be required to lift what he cannot handle; in the same vein, the strong woman should not be denied a day's pay because of a law which "protects" her from lifting that which she can handle with ease.

Let me address one additional point. I realize that the draft is a main issue of concern and some favor including a draft exemption for women as part of the amendment. Such an amendment is an outgrowth of the doctrine that women are in special need of "protection." If the draft is viewed as a burdensome duty, then exempting women is discrimination against men.

Since war has come to be more a matter of efficient use of technological strength rather than a match of brute strength, the traditional role of women in the military should be reexamined. Can it justifiably be said that a young woman without children has less of a duty to serve her country than a young man in the same situation.

Furthermore, the potential results of a constitutional amendment exempting women from the military, as some of my colleagues have proposed, could well be disasterous. During World War II there was a critical shortage of nurses—so critical that a bill drafting nurses was passed by the House and reported favorably by the Senate; however, the war ended before it reached a final vote in the Senate. As we all know, the amendment process is time consuming. If the needs of war ever became great enough to require drafting women, and it well could in such a vital area as nursing, could the Constitution be amended quickly enough to meet the need?

I believe that House Joint Resolution 208 provides a firm legal framework for changes in laws discriminating against women. Mr. Chairman, I certainly realize that it is not a panacea that will rid this nation of its prejudices built up over the years, but it can and will change that which is governed by law. The 19th amendment, women's suffrage, was the first step in bringing the women of America in this society as persons in their own right—after 50 years it is time to take another step.

Mr. McCLORY. Mr. Chairman, I thank the gentleman.

I want to add that there were, I believe, 14 or 15 representatives of a like number of women's organizations who appeared before the committee and that all but two of them support this amendment. All of them were asked whether they understood that a possible future compulsory military service law would apply to women and they all understood that it would. They want it that way. It seems to me we should respect their rights. There would be nothing more degrading to women than to suggest to them that they are not qualified to participate in our national security. They feel they are—I feel they are.

Mr. Chairman, I hope that the Wiggins amendment will be defeated.

Mr. DENNIS. Mr. Chairman, I move to strike out the last word and rise in support of the committee amendment.

Mr. Chariman, there are a great many things we could say about this important matter, but there are just two joints I want to make at this time and which I suggest we keep in mind.

One is that if the committee amendment is not adopted, we would strike down every protective piece of legislation in the 50 States of the Union adopted in the past 50 years which protect the rights of women on the basis of a reasonable classification, and particularly in the field of labor and factory legislation.

If you think that is not relevant today, as my friend, the gentleman from Illinois, has suggested—I suggest that you read again the very strong letter which I received, and which I think most of you received last week, from the Amalgamated Clothing Workers Union which points out their views on this matter and which supports the Wiggins amendment for that reason.

The second thing is that if we strike out the committee amendment, we put ourselves in the position, by writing House Joint Resolution 208 into the Constitution of the United States, that if we ever, under any circumstances, again want to draft men into military service, we have no option; we also have to draft women. And if we ever again, under any circumstances, want to draft fathers into the military services, we have to draft mothers. Now, that is the effect of not adopting the committee amendment—exactly the effect.

We are talking about the Constitution here. We can draft mothers tomorrow if we want to pass a bill. If the women of the country want that, they can come in here and lobby for that, and maybe get it passed. But if we put it into the Constitution, it means that anytime we feel that in this country we have to have a draft of men for military duty, or of fathers for military duty, we have no choice. We have no option. We have to draft women. We have to draft mothers, too. It is going to be very hard to pass a draft law if we ever need to under those circumstances, and if we do it, at the same time we go into a draft law, we are going to completely change, overturn, and revolutionize American society for the worse.

All I say is, at least leave ourselves an option. Let us not put ourselves in the position, by tampering with the Constitution of the United States, where a future Congress, if it ever faces that problem, has no option and cannot decide at that time whether they want to draft women along with men or not.

There is a lot of lobbying behind this amendment but, let me tell you, most women do not want to be subjected to the draft. Seventy-five percent of the people in my district, men and women, do not want to subject women to the draft. That is what the people think. And I say it is ridiculous—pardon the expression; I do not wish to be rude to anybody—but it does not make sense to write into the Constitution of the United States a proposition which means that if we ever have to draft men, we have to draft women, and if we ever have to draft fathers, we have to draft mothers.

To state that proposition is to refute it; and yet that is exactly what happens unless you adopt this committee amendment, which has been called the Wiggins amendment, after its author, the distinguished gentleman from California.

Mr. ECKHARDT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I enter the well, if not as a convert, at least as one who, like Saul on the road to Damascus, had seen the light. I must say my position was, before I saw the light, somewhat like that of the agnostic who attends church in order to get the business patronage of the other members of the congregation. But I have now seen what the basis of this women's rights amendment is, and it is exactly the opposite of the Wiggins amendment.

I saw the light when I read the excellent summary of the history of the entire constitutional question, put into the RECORD by the distinguished gentleman from California on October 6, 1971. I had thought that the language had better be written, "There shall be no invidious discrimination against women," rather than that, there shall be "equality rights." But I find from the decisions that that is presently protected by the equal rights provision of the 14th amendment. The case of Goesaert against Cleary is cited in this study, and it points out that even at the present time, if there is a discrimination against women which is invidious, it is unconstitutional.

But what is sought here by this provision is to require that women be treated in the eyes of the law in precisely the same way that men are. Their rights, Mr. Chairman, must be equally respected. If a man is physically weak and a woman is physically weak, they will be treated the same way. If a man is physically strong, and a woman is physically weak, they will be treated differently, not because one is a man and one is a woman, but because of the actual fact of difference.

I was somewhat persuaded along the lines the Chairman indicated that there was a real reason why women should not be brought into the draft, and perhaps there was in the Franco-Prussian War or the First World War or even the second. There was a time, of course, when the destruction of a mass of females would have affected the population. Today the kind of war we are confronted with would not be of that nature. It is not a threat to just women or to just men. There is a threat to everyone.

There is no reason today why a distinction should be made in the eyes of the law between men and women with respect to their rights. I suggest to the Members if we pass the Wiggins amendment, we do kill the bill, because the rights extended under the 14th amendment's equal protection of law provision are substantially as extensive as what would be covered by this bill if the Wiggins amendment were added.

Here is what the court said in White against Crook. A three-judge Federal court in Alabama said the effect of the equal protection clause is to prohibit "prejudicial disparities" in the law. If we add the Wiggins amendment, all we do is prevent such prejudicial disparities.

This constitutional amendment does more than that. It says we may not take into account, standing alone, the question of sex in determining the rights of men and women. If we do not do that—if we pass the Wiggins amendment—we fall right back to the result in Goessaert against Cleary. In that case a State decided that no female could tend bar unless she were the wife or the child of the proprietor of the establishment. The Supreme Court said that is constitutional. That is a distinction made on the basis of sex, and it is true that if the constitutional amendment here offered passes without the Wiggins amendment, it would reverse Goessaert against Cleary, and it should reverse it, because there is no reason why men and women should be treated differently just because of sex.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from New York.

Mr. CELLER. Mr. Chairman, do I gather from the gentleman's argument that all we need is the 14th amendment, that we do not need this equal rights amendment? Is that correct?

Mr. ECKHARDT. The distinguished gentleman misunderstands me. Under Goessaert against Cleary, the court held we could say to women only, not to men, that if one is the wife or child of the owner of the establishment, one can work as a bartender, but if one is not, then she cannot work as a bartender. It did not say that in order for a male to work as a bartender, one has to be the son or the husband of the owner of the establishment.

Mr. ABERNETHY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first I regret that I find myself in opposition to one of my friends in the House, the gentlewoman from Michigan (Mrs. GRIFFITHS). As a gentleman, or at least as one who attempts to be a gentleman, I am against this resolution.

May I call to the attention of the House the fact that this proposed resolution has been before the Senate on several occasions. In each instance, the Senate, where there is unlimited debate, and where they can have an opportunity to go into all ramifications of this resolution, has adopted an amendment comparable to the Wiggins amendment.

It can be looked upon as a bit of courage and bravery for women to say that they want to be drafted. But suppose they were drafted. Do you believe that they are going to be put in the front of the battle lines with men? Do you believe that they are going to be treated the same as men in the armed services? Do you believe they really want to be treated the same as men who are fighting the wars?

I received a letter the other day from a very courageous woman residing in a western State, who after referring to me as a southern gentleman—and I appreciate the comment—indicated that women wanted to be drafted just as men are. But I know they do not. And, indeed, they should not.

I know it is no answer to this issue to say that pretty soon the draft will be done away with. But, Mr. Chairman, it will be back. There will be other times in the history of this country when there will be more draft bills.

With all deference to the courage, the beauty, the charm, and the sacrifices that have been made by American women, how many of you believe that this country can be made safe with women standing in times of war at the triggers of cannons? I am not going to be responsible for attempting to put them there.

I have had a little experience with the principal supporters of this amendment, which is the National Womans Party. With all deference to these ladies, most all of them who have been to see me are women who are in pretty good financial circumstances. They do not have the responsibilities of the average American woman. Most of them are without children. And they own and are occupying a magnificient building over here, in the shadow of this Capitol, from which they lobby this Hill day after day. On this building they sought and gained an exemption from the payment of taxes.

They were willing to have the police protection of the city. They were willing to use the streets that are paved by the District of Columbia and the Government. They accept all municipal services. But they do not want the equal right of helping to maintain these services. They got their bill passed and operate in their tax free headquarters.

I am not willing to repeal these laws that protect the women of this country. If some of them do not want protection, that is all right with me. But the lady to whom I happen to be married, and most others like her, wants them. I am not going to be a party to taking them away.

Last year I was requested to write an article for the American Legion magazine, which goes into millions of homes in this country—not just a few, but millions. Do you know how many letters I got in opposition to this article, although it went into millions of homes and undoubtedly was read by millions of women? I had three letters opposing my position. There were just three saying that they would like to see this amendment passed. The remainder, bushels of them—and they are in my office, if you want to see them—said, "Do not pass this resolution."

Do not kid yourselves. I was one of 15, only 15 in this House last year or the year before, whenever it was, who voted against this resolution. Do you know how many letters I received in criticism of my vote? Two. Just two.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

(By unanimous consent, Mr. ABERNETHY was allowed to proceed for 3 additional minutes.)

Mr. ABERNETHY. There were just two.

Do not kid yourselves, my friends, that the women of this country are for this resolution without the Wiggins amendment. They are just not for it. I know they are not, because if they were they would have been giving the one now addressing you you-know-what for the vote he cast last year and for the statement which he wrote and which was published in the American Legion magazine.

In the child custody cases the court gives the mother preference.

The woman, the mother, is regarded as the natural guardian of the child. The moment the suit is instituted it begins with the presumption that the woman will have custody of the children. Is that not the way it should be? Do you want to wipe that out? Do you want to wipe out the presumption that the mother should have custody of the child?

Under the laws of many if not all of the States, when the husband dies, even though his estate may be insolvent, and although ordinarily the widow and children—if there be children—would be left destitute, the laws provide that the executor of the will or the administrator of the estate must set aside a portion of that estate sufficient to maintain that woman and her children for a period of 1 year in the same state and station of life to which she and the children were accustomed to live while her husband was alive. Do you want to wipe that out? If you do, vote against the Wiggins amendment and for his resolution. Then find out how the women at home feel about it.

Under the laws of most of your States, when the husband passes away and leaves a widow and children, the widow cannot be ejected from the home by the children. She cannot be forced to sell that property for division among the heirs. The law provides that she is entitled to occupy that home as the surviving spouse for as long as she lives. Do you want to wipe that out? Do you want to go back and wipe that out?

Why wipe out all of these things that have been put on the statute books and have remained there up to 190 years? Why is all of this excitement all of a sudden with people saying that we will wipe the slate clean and put women back in the streets as laborers and in the trenches. Why? What is all of this about? I just cannot understand it. It amazes me. I strongly urge you to go along with the Wiggins amendment. This is the very least we should do.

I will not be a party to drafting women. I am not going to be a party to taking away from the mother the presumption that she should have custody of the children. I am not going to be a party to taking away her homestead. I am not going to be a party to removing the social rights which she has now in the statutes of our States and the Nation.

I favor equal rights for equal pay. I favor women being treated as equal in all respects. But this does not mean that we should wipe out the protective and social laws that have been placed on our statute books for or on behalf of women.

If there are laws in your States which discriminate against women then repeal them. Let us not clutter up the Constitution with something that is unnecessary in order to get rid of such laws as there are that actually discriminate against women. This can be done by simple repealer. And when I used the word "discriminate" I am not speaking of social laws, of protective laws. In my judgment women are more than equal. And this is reason enough to favor the retention of these laws.

Mr. SCHMITZ. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not want to take all of my time, but I merely want to point out that my wife ordered me to vote against this constitutional amendment whether the Wiggins amendment passed or not because she refuses to have her status lowered to that of equality.

Mrs. ABZUG. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to say that I do not come here under instructions from my husband as to how to vote today.

Mr. Chairman, we women in the House are in a very anomalous position, for we are hearing a number of our colleagues say, in effect, that we do not know what is good for us and that they will protect us whether we like it or not.

Let me address myself very briefly to the question of protective labor laws. As one of the previous speakers opposing the Wiggins amendment indicated, these laws were put on the books some time ago, when our society worked in a very different way. We have to face the social realities of the present. These protective labor laws protect women from only one thing—from participating effectively in society, despite the fact that many are compelled by economic conditions to work and participate. Believe it or not, my friends, some of us even choose to work and participate.

We have found that the protective work laws have acted to prevent women from enjoying the full fruits of their labor. In spite of the fact that women are not allowed to run elevators—considered lucrative night work—we are allowed to clean up the floors, to clean up the desks, and to empty the wastepaper baskets at night while our "protectors" are safely asleep in their beds.

The real thrust of the protective labor laws is to prevent women from utilizing their energies in the more lucrative jobs, thereby hampering their capacity to make a living. On the average, a working woman earns 60 cents for every dollar earned by a working man. According to one union, the average woman worker in manufacturing is paid $3,864 a year less than her male counterpart, resulting in $22 billion extra profit per year for the companies.

If these State labor laws do afford protection to women by limiting weight lifting requirements and number of hours worked then the equal rights amendment would extend to the protection to men as well. No true benefit to women will be eliminated; instead, the scope of protection will be extended to men.

Mr. Chairman, there has been a great deal said about compulsory military service for women. As you know I am opposed to the draft. I think that neither men nor women should be subject to the draft. However, I object to the suggestion that women are second-class citizens who should be less concerned with the affairs of the world than men. As much as I oppose the draft, I am equally adamant in my resolve not to stand by and see the equal rights amendment weakened or defeated by those who do not believe in the concept of full equality for America's women. These foes of sexual equality have seized upon the issue of the draft as their best means of defeating this measure. They propose that because women would be made subject to the draft, we should not give women equal rights under an amendment to the Constitution.

Men and women should play a joint role as partners in determining the course of history.

Men and women must participate side by side when real questions of the safety and security of the Nation are involved.

An equal rights amendment would make voluntary, as well as compulsory military service, available to women and men on the same basis.

Although it has long been recognized that the military service has served as the "poor boy's college," little thought has been given to what has happened to the poor boy's sister while he has found a road out of his cycle of poverty and despair. The equal rights amendment would insure that the real and substantial benefits available through military service are available to women on the same basis as men.

Mr. Chairman, there has been a great deal of argument here to the effect that women are incapable of combat duty. History is replete with examples of women who have fought side by side with men in defense of their homes and countries, if there is a unified national purpose.

It seems to me that the other topic that has been discussed here that is likewise erroneous in the body of laws which supposedly confer benefits upon women. These benefits are ridiculously slight—some States require that women, unlike men, be given chairs for rest periods but I want any Member to show me what States provide a guarantee of security for maternity leave so that women will have jobs to return to after giving birth.

The CHAIRMAN. The time of the gentlewoman from New York has expired.

(By unanimous consent (at the request of Mr. ECKHARDT), Mrs. ABZUG was allowed to proceed for 2 additional minutes.)

Mr. ECKHARDT. Mr. Chairman, will the gentlewoman yield?

Mrs. ABZUG. I yield to the gentleman from Texas.

Mr. ECKHARDT. There was a discussion here about this amendment wiping out these labor law preferences for women and I noted in the brief that was filed by the author of this amendment, a memorandum that I referred to earlier, that says that the question of the number of jobs a female can participate in and the types of employment prohibited are legally no longer relevant because such sex classification would not be permitted under the 1964 Civil Rights Act which requires that persons of like qualifications be given employment opportunities, irrespective of sex.

Now, does the gentlewoman not agree with me that the situation with respect to labor conditions and the laws which affect labor in interstate commerce—and most all of it does affect interstate commerce—have presently been dealt with in precisely the same way that this constitutional amendment would deal with that situation if it is passed?

Mrs. ABZUG. I believe that with regard to the question of work and hours other working conditions title VII has eliminated discriminatory legislation except that it has a very limited scope. For instance, it does not afford protection to Federal employees, employees of educational institutions, or employees of employers of less than 20 people. What we are discussing in the amendment is the elimination of these and other acts of discrimination against women not covered by title VII.

Mr. ECKHARDT. I understand what the gentlewoman is seeking, and I think the gentlewoman is right, but I think that all of the argument here that labor laws would be weakened by this amendment are completely destroyed by the fact that we have already enacted in law a provision that men and women must be treated alike, so that argument, it seems to me, goes out the window as an argument against the constitutional amendment.

Mrs. ABZUG. There are two points that arise here. One is title VII has largely either eliminated protective legislation affecting only women or has extended the protection to men. Any laws which continue to discriminate against women would be covered by the Equal Rights Amendment. Thus, with respect to the question of weightlifting, for example, the Equal Rights Amendment would require the test to be not whether one is a man or a woman, but whether one is physically able to lift the weight.

Let us look at the argument made here repeatedly last week that the Equal Rights Amendment would destroy the "superior" treatment and protections that women presently have in the field of domestic relations law. Married women suffer inferior treatment under the law in numerous ways: for example, the right to engage in business, the right to determine domicile, automatic name change, contractual incapacity, management of her property and the marital estate, criminal law, and grounds for divorce.

I have heard none of these inferior legal rights of married women mentioned on the floor. What I have heard is the argument that men will no longer be required to support their children and their divorced and deserted wives if the Equal Rights Amendment is passed. This is not so. No obligations would be eradicated in the area of domestic relations law. To the contrary, obligations, such as support for dependent children, will be extended where it is reasonable to do so.

State laws and court decisions have already begun to change in this field to allow for more equitable and flexible treatment of all the parties. For instance, in a recently reported decision in Baltimore, the judge ordered the mother of a child to pay the father child support. The parents were divorced, the father had custody of the child, and the mother earned $3,000 more per year than the father. Who can quarrel with this result? It is based on a rational assessment of the capacity of the individuals involved, rather than a prejudiced adherence to outmoded and stereotyped sex roles.

Another so-called problem that some Members see is in the area of alimony. The equal rights amendment is not going to eliminate the obligation of a spouse to pay alimony under certain circumstances, but it will extend that obligation to the wife if the circumstances of the case justify.

For example, a judge would be justified in using his discretion to award a man alimony if he is unable to support himself due to incapacity, and his wife is employed and earning a good salary. The test here must be individual need measured against the circumstances of the marriage, and the requirements must be categorical, not sex-based.

I have heard much discussion on the floor today about the terrible plight of widows who will be denied their just inheritance which is now protected under estate law. The widow's share will not be eliminated by the equal rights amendment. Instead, the same protection, where it does not already exist in State laws, will be extended to the widower. Who can quarrel with the just result of extending the same protection to the widowed man which the widowed woman now enjoys?

This legislative body cannot let itself be deceived into denying equal rights to half the population of this country by arguments which are based on discriminatory judgments that women are weak and need strong men; that women enjoy "superior" treatment in family law, when in fact they suffer numerous legal incapacities; and that society will somehow crumble if women are allowed to define their roles for themselves, rather than occupy roles defined for them by male-dominated legislatures.

We must realize that this body would be succumbing to a terrible arrogance of power if it decides that women should not serve in the military, and that women need special protections, but women do not need a constitutional guarantee of their rights as full citizens.

We need the equal rights amendment. We do not need the Wiggins amendment changes.

The CHAIRMAN. The time of the gentlewoman has again expired.

Mr. HANNA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to direct one or two questions to the gentleman from Texas (Mr. ECKHARDT) and hope that the gentleman will be prepared to respond to them.

As I listened to the analysis which I thought the gentleman made rather well, it seemed to me that it strikes at the heart of two points, and I would like to see if I have them clearly in my mind.

In the first instance, the gentleman was trying to make clear that there is a difference, in fact, a very big distinction, between pursuing the question as to whether someone has been discriminated against on the one side, and as to whether that person has a position of equality on the other.

Mr. ECKHARDT. Exactly.

Mr. HANNA. In other words, if we were talking about the problem of discrimination we would be talking in terms of what is covered under the 14th amendment.

Mr. ECKHARDT. Correct.

Mr. HANNA. And if we are talking about equality we are talking about the point made in the resolution before us.

Mr. ECKHARDT. That is right, absolutely equality.

Mr. HANNA. But it seems to me that this leads to the second point that I thought the gentleman was trying to make, and that is that in the instance that there are laws which address themselves to conditions in society that may involve either men or women that with the passage of this constitutional amendment those laws will be predicated upon facts other than sex, which support the rationale for such laws.

Mr. ECKHARDT. That is exactly correct.

Mr. HANNA. Then if you were talking, for instance, in terms of what would happen to children in a divorce that the enactment of this law would not summarily be decided upon the basis of which sex will have custody of the child, but rather upon the welfare of the child.

Mr. ECKHARDT. Exactly. As a matter of fact, the court would take into account who bore the child, and who took care of the child as an infant, and what is best for the child, all those things would be considered by the court.

Mr. HANNA. And these factors would likewise be operative in the cases concerning being in the military, or many of these other bugaboos that I have heard raised here.

Mr. ECKHARDT. Oh, yes, entirely.

Mr. HANNA. I want to thank the gentleman from Texas for clarifying my views on this.

Mr. ECKHARDT. If the gentleman will yield further, may I point out one other thing: that what the women very properly are concerned about is that as long as discrimination such as that rests in the hands of the State legislative bodies, under that long line of decisions so well enunciated by Holms, Brandeis, and Cordova, the Supreme Court has recognized legislative determinations as valid where there has been a reasonable basis. If the constitutional amendment as proposed is passed, any discrimination based on sex cannot be made even though the Supreme Court would otherwise uphold the reasonableness of the State's determination.

Mr. HANNA. Then the questions that would be raised would be more apt to go to the merits of the operative facts.

Mr. ECKHARDT. Precisely.

Mr. HANNA. I think that would be an improvement, as I think the gentleman from Texas would agree.

Mr. ICHORD. Mr. Chairman, will the gentleman yield for another question to the gentleman from Texas?

Mr. HANNA. I would prefer not to yield third hand—I do not even like to yield first hand. But I will be glad to yield to the gentleman from Missouri for a question.

Mr. ICHORD. Mr. Chairman, would the gentleman care to comment on what would be the effect upon the point raised by the gentleman from Mississippi, as to the difference in the homestead laws if the amendment were adopted?

Mr. HANNA. I yield to the gentlewoman from Michigan (Mrs. GRIFFITHS).

Mrs. GRIFFITHS. Mr. Chairman, I thank the gentleman very much.

What it would really do is to extend to the man the same rights that the woman now has. If she had the right to live for a year in the home, this would extend to the man that right, if the wife had that right.

Mr. ICHORD. Then you consider that the constitutional amendment would void all State law making a distinction between widow and widower?

Mrs. GRIFFITHS. No, no, it would not void them. If the widow received the benefit, then the widower would also receive that benefit. If the widower did not have a benefit that applied to the widow, then the widower would receive it. But if it were a law that merely discriminated against the man, then that law would fail.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. SANDMAN. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. HOGAN. Mr. Chairman, will the gentleman yield?

Mr. SANDMAN. I yield to the gentleman from Maryland.

Mr. HOGAN. Mr. Chairman, the gentleman from New Jersey is a distinguished member of the Committee on the Judiciary on which I am also privileged to serve and he was a witness to all the deliberations in the committee.

Let me ask the gentleman, is it not his understanding that the current situation as to social security wherein a widow receives benefits at the age of 62 and the man commences receiving benefits at the age of 65 would be negated if this constitutional amendment were passed without the Wiggins provision in it?

Mr. SANDMAN. That is absolutely correct. It means either that the man is going to come down to the age of 62 or it means women will go up to 65, as I understand the law.

Mr. HOGAN. I would like to ask the gentleman one additional question.

My son is about to turn 16 and we are concerned with buying insurance for him. I recall that my daughter at that same age, we bought her insurance at a considerably lower rate because young girls have fewer accidents than young boys.

Is it your understanding further, that if the constitutional amendment is approved without the Wiggins provision that this rate discrimination against young men will have to be changed by the insurance companies?

Mr. SANDMAN. It is, and it certainly is discrimination against another sex. It would put the whole contract in jeopardy. I do not know of any responsible lawyer who would disagree with that.

Mr. HOGAN. I thank the gentleman.

Mr. SANDMAN. Mr. Chairman, I do not intend to take up the entire 5 minutes because I am absolutely intrigued by the vote on the last amendment.

When I see responsible people vote as they did on the previous amendment—all that the previous amendment did—and let us face it—is that it added two very horrible words "any person." That is all it added—"any person"—and it was soundly trounced by a vote of 254 to 104. Why? Why was that so horrible? I heard a few of my colleagues right here in the well explain to each other why Mr. WIGGINS put that in. What do you think they said? They said that this is put in here by Mr. WIGGINS so we will not confuse cats and dogs with people. This is absolutely not true. Mr. WIGGINS added it for a very good reason. He added it because he wanted to protect all people. He wanted it so that this would not be confused, to protect only citizens of the United States. That is why he added "any person" and I think that was a good amendment. But, it was trounced by a vote of 2½ to 1.

So I do not have a whole lot of hope for this one either.

If you want to be popular, if you do not want to be misinterpreted, if you want to be for motherhood and everything that is good, then the thing for you to do is to willy-nilly vote for this amendment as you did last year. And I was one of those people last year who did not know the facts.

Let me tell the gentleman from Texas, who said he saw the light, that I have seen the light. This measure is going to open a can of worms that you wish you never had anything to do with. It is not going to give equal rights to women. It is going to take them away. It is that simple.

Let me refer to a large editorial in the morning newspaper of one of the most responsible and largest newspapers in the Nation with more than 1 million circulation. It is the Philadelphia Inquirer in the city of Philadelphia. I think it bears reading before you cast your vote on this amendment as you did last year 350 to 15. I am not going to read the whole editorial, but one of the things that the editor says is—

> Equality of rights under the law shall not be denied or abridged by the United States or by any State or account of sex.

That is a quotation taken from this joint resolution. The editor states—

> That sounds very nice. Who but a hard-shelled male chauvinist would disagree with it? Yet the amendment raises some serious questions which suggest that, beautiful as the idea is in principle, the amendment itself is at best unnecessary and at worst dangerous. * * * Granted that women have not yet won the full equality to which they are entitled in our society; not granted, however, that their advance is in any way stifled by the Constitution as it stands.

That is something to think about. There is not anything in the Constitution of the United States that sets women back or make them unequal. In my opinion, the 14th amendment gives them every right that it gives to a man.

The editor goes on—

> The Constitution is the basic charter of our government, of our rights and of our liberties. Amending it is a solemn matter and ought not to be embarked upon unless it can be demonstrated beyond question that no other means can assure the desired changes. That cannot be done in this instance.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

(By unanimous consent, Mr. SANDMAN was allowed to proceed for 3 additional minutes.)

Mr. SANDMAN. The last thing the editor says, which I think is very good—and this is the Philadelphia Inquirer speaking now, referring to a similar amendment—

> We raised these same questions in opposing a Pennsylvania equal rights amendment

on the ballot last spring. The voters, in their wisdom, chose to support it, but we have subsequently noticed no improvement in the condition of women as a result of the constitutional change—

Speaking of amending the constitution of the State of Pennsylvania.

We do not believe that amending the Federal Constitution will meet with any higher degree of accomplishment.

The popular thing to do is to vote for this measure willy-nilly. Maybe you think it is going to get you some more votes in the next election. But I can tell you this much, after you have considered what you did here today, if you vote that way, it is going to be one of the votes that you cast in this House that you are going to try to hide at future dates.

I urge adoption of the Wiggins amendment. The only thing the Wiggins amendment does is exactly what he says: It allows the Congress of the United States, if it chooses to pass a law which exempts women from the military service, and this is entirely proper. It does not take away any of the guaranteed rights that the gentlewoman from Michigan has worked so hard to get for women, and I believe they should have those rights. But they should have them in a safe way.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. SANDMAN. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, I want to ask the gentleman what his views are of the colloquy I have had with the gentlewoman from Michigan (Mrs. GRIFFITHS). The gentleman is aware that several States have statutes granting homestead exemptions to widows. As I understood the statement of the gentlewoman from Michigan, she said this constitutional amendment would have the effect of reading into the statutes "also widowers." Does the gentleman concur?

Mr. SANDMAN. That is absolutely untrue. That could not happen.

If we are going to give away the public money, which we are doing with tax exemption statutes, all the laws of the States say very clearly if we are going to allow an exemption, it must be spelled out precisely and without question. If that is the case, how can the gentlewoman from Michigan be correct in that instance?

Mr. RYAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I oppose the committee amendment to House Joint Resolution 208, which is known as the Wiggins amendment. I voted against it in the meeting of the full Judiciary Committee, and my views are expressed in the separate views filed by some 14 members of the Judiicary Committee, in connection with the report (Rept. No. 92-359 at pp. 5–8).

I should like to commend the chairman of the subcommittee, the gentlemanf rom California (Mr. EDWARDS), for his leadership on this issue and also I applaud the efforts of our distinguished colleague, the gentlewoman from Michigan (Mrs. GRIFFITHS), who throughout her career in Congress has fought to bring the equal rights amendments before this body. She succeeded last year and will, I am sure, succeed today in having the House vote to eliminate discrimination on the basis of sex.

The amendment, as written, is very clear. It states simply that—

Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

It has a very simple purpose: the elimination of discrimination against wommen, which everyone in this debate has conceded still exists in one form or another.

The Wiggins amendment would modify the equality which House Joint Resolution 208 seeks to guarantee, qualifying it by exempting Federal and State laws which assume the cloak of being for the purpose of promoting health and safety. That simply is subterfuge language which has as its purpose the defeat of the clear intent of the constitutional amendment.

Mr. RONCALIO. Mr. Chairman, will the gentleman yield?

Mr. RYAN. I yield to the gentleman from Wyoming.

Mr. RONCALIO. Mr. Chairman, I think it is appropriate in this debate on this legislation to reflect on the fact that the State of Wyoming is the State which first gave women the right to vote as a right of equal suffrage. In the debate in our territorial legislature in 1869 in Cheyenne, Wyo., years ago, following passage of the act which gave women the right to vote, the lawmakers assembled gave a toast and said: Here is to women: God knows they have been much our superiors before now. From here on they are our equals.

Mr. RYAN. May I ask the gentleman what year that was?

Mr. RONCALIO. In 1869, during our territorial days.

Mr. RYAN. And here we are, in 1971 in the Congress of the United States still debating equal rights for women.

To summarize, the Wiggins amendment guts the equality of rights for men and women proposed in House Joint Resolution 208. It would allow retention of barriers that deny women better paying and more challenging jobs, and which deny them full participation in the opportunities and responsibilities of citizenship.

The need for strong and explicit legislative action to eliminate discrimination against women is apparent. At the present time, in many States women are prevented from engaging in certain types of work and are denied equal access to education. Often they do not have the same property rights as men, are restricted in their ability to serve on juries, and are subject to more severe criminal penalties than men. Under the Wiggins amendment, the States could retain these laws by justifying them as protective of "the health and safety." Although many of these laws were originally enacted with good intent, and at a time when the mores and needs of our society were quite different, too often they have resulted not in protection, but in unfair discrimination against women.

Every year more women find their way into the labor force, disproportionately at the lower end of the wage scale. In addition, statistics have shown that most working women are not motivated by housewifely boredom, but have to work as the sole or contributing supporter of their families. Protective labor laws, ostensibly enacted to protect women from excessively heavy work or long hours, are largely unenforced, and where used, they tend to keep women at low status and low paying jobs. Laws which are legitimately protective of persons should be, and have been, extended to men in suits brought by the EEOC under title VII of the 1964 Civil Rights Act. Laws which restrict conditions or types of employment strictly on the basis of sex should be struck down.

An argument which has been made against the original language of the equal rights amendment is that it would violate common sense and public standards by prohibiting the separation of sexes in the sleeping quarters of such public institutions as coeducational colleges, prisons, and military barracks, or even in public toilets. The basic principle underlying the equal rights amendment is that legal rights must be determined by the actual attributes of an individual, not by sex. This principle does not preclude legitimate differentiation based on the unique physical characteristics of the sexes. The constitutionally guaranteed right to privacy affords grounds for reasonable separation of the sexes in these instances.

Let me again emphasize that the equal rights amendment must not be encumbered by crippling provisions that attempt to qualify the guiding principles of our Nation—equal justice under law.

At this point in the RECORD I include the separate views which we filed with the report (Rept. No. 92-359) accompanying House Joint Resolution 208:

SEPARATE VIEWS

We are as strongly in favor of House Joint Resolution 208 as originally introduced by Representative Martha Griffiths as we are opposed to the Wiggins amendment—which was added by the full Committee on the Judiciary by a close vote of 19 to 16. In noting our opposition to the Wiggins amendment, we want to emphasize that a substantial majority of the Members of Subcommittee No. 4 who personally heard the testimony for and against the proposal supported this measure in its original form.

In our view the Wiggins amendment is completely unacceptable, not only because of its refusal to grant full equality to women but also because it does violence to the concept of equality itself. During the course of the Committee's deliberations, proponents of the Wiggins amendment argued strenuously against the use of the word "equality" in the Equal Rights Amendment. The Wiggins amendment has as its avowed purpose a qualification of "equality". Its proponents argue that such qualification is "reasonably" necessary because of considerations of "health and safety" or because of military considerations.

Throughout history whenever one group of people has sought supremacy over another, it has rationalized its actions as necessary to attain "reasonable" objectives. Invariably the form of this rationalization corresponds in one way or another to the form of the Wiggins amendment. Invariably those who assert the superiority of their own group argue that discrimination is justifiable if it has as its avowed purpose the protection of the health and safety of its victims or serves some military objective.

Essentially the concept of a qualified form of "equality" runs counter to the basic principle of democracy that is currently enshrined in the Equal Protection Clause of the 14th Amendment to our Constitution. Although proponents of the Wiggins amendment candidly admit that the Supreme Court has to date failed to afford women the full benefit of the Equal Protection Clause, their candor is not coupled with a real effort to promote equality between men and women.

The fact that the Wiggins amendment does not represent an acceptable effort to eliminate sex discrimination is obvious from even a cursory review of the hearings held in this Congress by Subcommittee No. 4. Those hearings established beyond dispute that women as a group are the victims of a wide variety of discriminatory laws which would not only be retained under the Wiggins amendment, but would in some cases actually be strengthened.

In every State, women are denied educational opportunities equal to those of men. In many States, a woman cannot manage or own separate property in the same manner as her husband. In some States, she cannot engage in business or pursue a profession or occupation as freely as can a member of the male sex. Women are classified separately for purposes of jury service in many States. Some community-property States do not vest in the wife the property rights that her husband enjoys. In a number of States, restrictive work laws, which purport to protect women, actually result in discrimination in the employment of women by making it more burdensome for employers to hire a woman than a man.

These are only a few of the types of discrimination that Subcommittee No. 4 found, without dispute, to exist in the United States. Rather than remedy these types of discrimination, the Wiggins amendment would sanction each of them whenever a Federal, state, or local governmental body declared in its legislative findings that their avowed purpose was to protect "health and safety." In addition, by sanctioning discrimination when related to "health and safety" the Wiggins amendment would also substantially weaken Title 7 of the Civil Rights Act of 1964 which currently prohibits sex discrimination in employment. Obviously, these effects would represent a step backwards in our efforts to eliminate sex discrimination.

The fact that the Wiggins amendment is not a real effort to remedy sex discrimination is also clear from the failure of any of the groups of women who testified before Subcommittee No. 4 to endorse the Wiggins approach. Even those witnesses who represented women's groups in opposition to Mrs. Griffiths' proposals did not advocate the placing in our Constitution of the qualified form of equality that is embodied in the Wiggins amendment.

The plain and simple fact is that the Wiggins amendment has as its purpose the ultimate defeat of any effective constitutional amendment to provide equal rights for men and women.

The need for an effective constitutional amendment is clear; it is also clear that to be at all effective a constitutional amendment must be in the form in which House Joint Resolution 208 was originally introduced by Representative Martha Griffiths.

The basic premise of House Joint Resolution 208 in its original form is a simple one. As stated by Professor Thomas Emerson of Yale University, one of the Nation's foremost authorities on constitutional law, the original text is based on the fundamental proposition that sex should not be a factor in determining the legal rights of women or of men.

The existence of a characteristic found more often in one sex than the other does not justify legal treatment of all members of that sex different from all members of the other sex. The same is true of the functions performed by individuals. The circumstance, that in our present society members of one sex are more likely to be engaged in a particular type of activity than members of the other sex, does not authorize the Government to fix legal rights or obligations on the basis of membership in one sex. The law may operate by grouping individuals in terms of existing characteristics or functions, but not through a vast overclassification by sex.

The main reason underlying the basic concept of the original text derives from both theoretical and practical considerations. The Equal Rights Amendment as proposed by Mrs. Griffiths embodies a moral value judgment that a legal right or obligation should not depend upon sex but upon other factors—factors which are common to both sexes. This judgment is rooted in the basic concern of society with the individual, and with the right of each individual to develop his own potentiality.

The legal principle underlying the Equal Rights Amendment as proposed by Mrs. Griffiths is that the law must deal with the individual attributes of the particular person and not with stereotypes or overclassification based on sex. However, the original resolution does not require that women must be treated in all respects the same as men. "Equality" does not mean "sameness." As a result, the original resolution would not prohibit reasonable classifications based on characteristics that are unique to one sex. For example, a law providing for payment of the medical costs of child bearing could only apply to women. In contrast, if a particular characteristic is found among members of both sexes, then under the proposed amendment it is not the sex factor but the individual factor which should be determinative.

Just as the principle of equality does not mean that the sexes must be regarded as identical, so too it does not prohibit the States from requiring a reasonable separation of persons of different sexes under some circumstances. In this regard, two collateral legal principles are especially significant. One principle involves the traditional power of the State to regulate cohabitation and sexual activity by unmarried persons. This principle would permit the State to require segregation of the sexes for these regulatory purposes with respect to such facilities as sleeping quarters at coeducational colleges, prison dormitories, and military barracks.

Another collateral legal principle flows from the constitutional right of privacy established by the Supreme Court in *Griswold* v. *Connecticut*, 381 U.S. 479 (1965). This right would likewise permit a separation of the sexes with respect to such places as public toilets, as well as sleeping quarters of public institutions.

With respect to other constitutional considerations, it should be noted that Mrs. Griffiths' proposal would apply only to governmental action, and not to private or individual action. In this regard, as well as in some of its other features, Mrs. Griffiths' text is similar to those provisions of the 14th Amendment which are directed against racial, ethnic, and religious discrimination. Thus, in interpreting the Griffiths text, the courts would have available a substantial body of case law which could be used as a guide when relevant. At the same time, much as the struggle of women for equality is comparable to that of racial, ethnic, and religious minorities, there are some differences which the courts could also take into account in appropriate cases.

It should also be noted that opponents of Mrs. Griffiths' original text suggest that the Griffiths resolution would require equal treatment of men and women for purposes of compulsory military service. As pointed out by the report of the Senate Judiciary Committee which considered that question carefully in 1964:

> This is no more true than that all men are treated equally for purposes of military duty. Differences in physical abilities among all persons would continue to be a material factor. It could be expected that women will be equally subject to military conscription and they have demonstrated that they can perform admirably in many capacities in the Armed Forces. But the government would not require that women serve where they are not fitted just as men with physical defects are utilized in special capacities, if at all.

Finally, we would like again to emphasize that the primary argument of the proponents of the Wiggins amendment is based on the assertion that the use of the unqualified word "equality" is perplexing, is beyond legal definition, and would lead to chaos is strictly construed by the courts. We believe that Congress should vigorously reject that argument.

"Equality" is perhaps the one word which more than any other challenges our Government to fulfill its constitutional amendments to all of our people. Because it is a symbolic word, and not a technical term, its enshrinement in the Equal Rights Amendment is consistent with our Nation's view of the Constitution as a living, dynamic document. Until now the concept of a qualified form of equality—of an equality that can be abridged so long as a suitable rationalization can be found—has been repugnant to our Constitution.

In our view "equality" can only be soiled by qualification. The Wiggins amendment should be totally rejected.

Don Edwards, Peter Rodino, Abner J. Mikva, John F. Seiberling, Jim Abourezk, Robert F. Drinan, Jerome R. Waldie, Robert W. Kastenmeier, Edwin Edwards, William F. Ryan, John Conyers, Jr., Paul Sarbanes, Andrew Jacobs, Jr., Joshua Eilberg.

(Mr. HOGAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HOGAN. Mr. Chairman, the equal rights amendment has been pending in the Congress for 48 years. Seeking to establish as a fundamental principle of American government the full legal equality of women, the amendment has never received the approval of both the House of Representatives and the Senate.

There is no doubt that sex discrimination exists in America today, and nowhere is it more apparent than in the field of employment. Fifty years ago, women represented only 20 percent of the American labor force. Most of the women who worked were young women who had not yet married. Today's working woman is more likely to be a married woman who is working out of necessity. Forty-nine percent of all women between the ages of 18 and 64 are employed, and women represent 38 percent of the American labor force. Yet the earnings of women in 1968 represented only 58.2 percent of that of men. This figure is all the more shocking when we realize that it is a smaller percentage than in 1955, when women earned 63.9 percent as much as men.

Legislation to assure job equality to women has been passed at the Federal and State levels. The Equal Pay Act of 1963 was an amendment to the Fair Labor Standards Act which assures women equal pay for equal work. However, since many employees are not covered under the act, 36 States have enacted equal pay laws, and five others and the District of Columbia have fair employment practices laws prohibiting discrimination in pay based on sex. Title VII of the Federal Civil Rights Act of 1964 prohibits discrimination in employment on the basis of sex, and 23 States and the District of Columbia have a similar prohibition.

Despite these steps forward, however, there is a great deal to be accomplished in order to improve women's rights and status. Failure to grant women equal opportunities in terms of job training, educational programs, occupational entrance, advancement, and pay creates severe economic hardship, even poverty, for many women and for their families.

Furthermore, failure to utilize fully the talents and abilities of women diminishes our total productive effort, deprives the economy of workers needed for vital domestic programs, and has a depressing effect on the whole job structure. In these troubled times, our Nation must utilize all its resources, both human and material, in order to build for a secure and happy future.

According to the Women's Bureau of the U.S. Department of Labor—

> Occupationally women are more disadvantaged, compared with men, than they were 30 years ago. In 1940 they held 45 percent of all professional and technical positions. In 1969, they held only 37 percent of such jobs. This deterioration in their role in career fields relative to men has occurred despite the increase in womens' share of total employment over the same period. On the other hand, the proportion of women among all service workers (except private household) has increased since 1940—rising from 40 to 59 percent.

It is obvious that some solution must be found to the problem of sex discrimination. Many people, concerned about the condition of women in the United States, turn to the equal rights amendment as the logical solution to the problem. Upon initial reading, the constitutional amendment sounds simple, comprehensive, and to the point. Its unamended version provided:

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

But, if the amendment were as simple, comprehensive, and direct as it sounds, why has no Congress, in 48 years, seen fit to pass it? If it is the answer to the problem of sex discrimination then why, when the House of Representatives passed the measure last year, did it not breeze through the other body where more than 80 Senators had sponsored the amendment? And if it will truly benefit the women of America, then why are the great majority of those women still unable to give the measure their full support?

There are two major objections to the equal rights amendment in its unamended form. First, it is expected that passage will result in extensive confusion in State and Federal law. Chaos in the courts may well be the result of ratification. This is a consideration of great import at a time when one of our most serious problems is crowded court dockets. We don't need further confusion in the courts of America, that is certain.

There is another serious objection to the amendment. It is feared that the proposed amendment would adversely affect the present status of women under the law by repealing important labor laws, permitting the drafting of women into the armed forces, interfering with alimony and child custody cases, etc. Some supporters of the amendment have suggested that they do not wish to be treated differently than men—that they would as soon be drafted as men are and forced to work long hours and lift heavy objects as men do. But I do not believe that all, or even most, of the women in the United States favor repealing legislation that protects them.

Testifying at hearings on the equal rights amendment last year, Myra Wolfgang of the AFL–CIO pointed out the fears shared by many people for the welfare of some women workers. She said—

> There are various kinds of protection for women workers provided by State laws and regulations: (1) minimum wage; (2) overtime compensation; (3) hours of work, meal and rest period; (4) equal pay; (5) industrial homework; (6) employment before and after childbirth; (7) occupational limitations; and (8) other standards, such as seating and washroom facilities and weight-lifting limitations. It would be desirable for some of these laws to be extended to men, but the practical fact is that an equal rights amendment is likely to destroy the laws altogether rather than bring about coverage for both sexes.

Many women are not ready to give up the thousands of laws, rules, regulations, and directives which now protect them, and consider these laws, which are the result of years of research and debate, to be absolutely necessary.

Mr. Chairman, since my vote in committee in support of the Wiggins amendment to House Joint Resolution 208, I have received numerous letters and telephone calls from women, most of whom are members of the leading women's rights organizations, trying to convince me that all American women share their willingness to sacrifice their exemption from the draft or their employment protections after childbirth, for example, in the interest of guaranteeing women equal rights with men.

After taking into consideration the views of these women's organizations which claim to speak for the majority of American women, I spoke with some of the women's groups and clubs as well as numerous individual women in my congressional district to see just how prevalent the feelings of inequality among the female population are.

What I learned, Mr. Chairman, gives me the impression that my intuitive assessment of the equality problems of my female constituency is not too far wrong. These women—housewives, mothers, employees, singles, marrieds, divorcees—for the most part, agree with the view that there is discrimination against women, particularly in the employment area. But they are not quite willing to agree that they should be drafted along with their husbands and male friends; nor do they want to lose the protection afforded them through the years under the labor laws; nor are they willing to see a change in the present law which allows women to receive social security payments at age 62 while men must wait until 65; nor do they want motor vehicle insurance for their minor daughters to be raised to the extremely high level which must be paid for their minor sons; nor do they went to lose the preferential status they receive in alimony and child custody cases.

I also fear that the rights of dower and the homestead laws which give preferential treatment to widows will be nullified. For these reasons and others, I voted with the majority of the Judiciary Committee for the Wiggins amendment and will support it today.

Certainly, all women should be given equal treatment with men, just as blacks and Chicanos and Indians and other minorities should be given equal treatment with whites. But the equality should be reasonable and enforceable. Enacting equal rights legislation will not make men out of women. We must recognize and respect the fact that there are some differences between the sexes. These differences can be treated equally without being totally voided. An analogous example can be drawn from the equality of the races situation. We are striving for equality of the races. We have established programs which give scholarships and grants to minority students in an effort to compensate for decades of discrimination. Should these programs be abolished because they are not available equally to white students? Obviously not. Minority scholarship programs or programs to encourage minority enterprises have been instituted because we realize that minorities have been discriminated against in the past.

Similarly, why should we require a 16-year-old girl who has just received her driver's license to pay the extremely high insurance rates required for 16-year-old boys when such rates are based on statistical performance which indicates that 16-year-old girls as a class have earned their lower rates through safer driving? Why should we upset the present social security law which commences benefits to women at age 62 and men at age 65?

Mr. Chairman, these are the kinds of situations we're talking about when we say that the Wiggins provision is necessary to House Joint Resolution 208.

Because of the very grave fear of people like myself who are dedicated to the goal of improving the rights and status of American women, but are not willing to sacrifice present laws that protect them, I hope this body will pass the equal rights amendment as reported by the Judiciary Committee.

In adopting the provision offered by the gentleman from California (Mr. WIGGINS) the Judiciary Committee has, in my opinion, strengthened the equal rights amendment. It should be acceptable to all who are concerned about the status of women in America.

The essential section of the amended version provides:

> Equality of rights of any person under the law shall not be denied or abridged by the United States or by any State on account of sex.

In addition, a new section was added which states:

> This article shall not impair the validity of any law of the United States which exempts a person from compulsory military service or any other law of the United States or of any State which reasonably promotes the health and safety of the people.

With the addition of this protecting section to the equal rights amendment, I believe we now have before us an amendment that would truly improve the lot of American women. Mr. Chairman, I offer my firm and full support for House Joint Resolution 208, as amended by the Judiciary Committee, and I hope that this body will approve it resoundingly.

Mr. McKINNEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. McKINNEY. I yield to the gentleman from New York.

Mr. CONABLE. Mr. Chairman, using the technique of reductio ad absurdum, the opponents of equal rights for women have tried to persuade the House that eliminating the inequities in treatment of men and women will lead to women in the men's rooms of the Nation's restaurants and in the bayonet charges of the Nation's wars. It is a good rhetorical technique, but that is the most you can say for it. I urge passage of the true equal rights amendment, not one which says, in effect, that discrimination because of sex will be prohibited except as otherwise provided by law. Rather than slicing the Gordian knot that courts have tied by their judicial distinctions between the legal status of male persons and female persons, the crippled amendment presented by the committee adds only a few more strands to the knot. The point of passing it at all escapes me, unless the design is to frustrate equality behind a smokescreen of legalism.

A true amendment passed the House by a vote of 350 to 15 last year. I cannot believe that so many voted for it last year out of the comfortable assurance that it would die in the Senate, or that an archaic sense of chivalry has wrought such a widespread change in the fundamental sense of justice we then expressed. I urge all Members to stick with the 20th century, having joined it last year, rather than backsliding for any devious, misguided, or insubstantial reason.

Mr. McKINNEY. Mr. Chairman, I will be brief, because I believe most Members would like to come to a vote.

I suppose, I am one of the unfortunate few in this House, who are not lawyers. I have listened to the lawyers have a go at this for the last 2 days, and finally have decided perhaps a husband ought to get up here and talk.

I was of the completely naive assumption, when I married my wife, as a younger man, that I was marrying a totally equal human being who had the ability to choose the equal person she decided she wanted to spend her life with.

I was also of somewhat the same naive opinion that when we decided we would have children, and contrary to population control, that we would have a lot of children—five to date—that I was married to a girl who would equally be able to take care of my children should I disappear from the face of the earth, who would equally be able to defend my children, who would equally be able to defend her Nation, who would equally be able to take care of and earn a living for those children.

And I got into the Connecticut State Legislature and found out that I was wrong, because in many of the States of this Union and—we do not have to catalog the differences; the gentlewoman from Michigan has well covered the subject—women are not considered to be equal. Women are discriminated against.

We can argue and argue and argue the finite legal points, but in essence the whole basic thing is simply that the Congress, this Congress, if it votes for the Wiggins amendment, is maintaining to itself the right within its wisdom and its astuteness to say, "yes, there is a difference."

I could not spend the rest of my life nor bring up three daughters with the respect my wife and those children are due, if I thought I had the right in any body of law to say that women are unequal.

Gentlemen—and we mostly are gentlemen, which may have something to do with the problem today—let us face the facts. We are simply trying to preserve that last antiquated right to stand up and say, "We can declare the difference."

Use the draft for an excuse if you like.

Use women's work rules for an excuse if you like.

Use homesteading.

Use child care.

Use anything else.

But what we are simply doing is in our own little way trying to maintain to ourselves the right to determine a difference between human beings that we do not have the right to declare.

Would the gentleman like to speak? I yield to the gentleman from California.

Mr. WIGGINS. I thank my friend from Connecticut for yielding.

A question raised by previous speakers concerned the attitude of the Department of Defense on this matter. I, too, was concerned about the attitude of DOD. I started out by inquiring of the distinguished chairman of the Armed Services Committee about the impact of this amendment on the Armed Services, and he was kind enough to write me a letter. I would speak to him directly if he were here, but I understand he is not.

The chairman of our Armed Services Committee, considering the effect of this amendment, said it would create an absolutely impossible situation for the Armed Forces.

I did not content myself with his observation alone. I inquired of the Department of Defense, of Secretary Laird, and the General Counsel of the Department was kind enough to respond to my inquiry.

The first response of the General Counsel was a bit ambiguous. The General Counsel said it would confront the military with some very serious problems. I was not satisfied with that, Mr. Chairman, and I called him on the telephone and asked him what these very serious problems were. In that conversation with me he very candidly said, given the requirement that women be drafted on the same terms as men, given the requirement that separate but equal facilities not be tolerated, given the requirement that sex could not be a bona fide qualification for service in the Army, it would be impossible for the military to live with this constitutional amendment. And that is from the General Counsel of the Department of Defense.

Mr. CONYERS. Mr. Chairman, I rise in opposition to the amendment.

I ask my distinguished colleague on the Committee on the Judiciary why, in the course of all the weeks in which we were engaged in these hearings, that not even one representative from the Pentagon or the Department of Defense presented testimony on this issue.

The gentleman now reports on what I presume to be a telephone conversation on a subject of such great importance to all the Members in this body.

Mr. WIGGINS. Is the gentleman asking me a question?

Mr. CONYERS. Yes, I am.

Mr. WIGGINS. I cannot give an answer as to why the DOD was not called as a witness. However, the ranking Democratic Member is at the gentleman's left, and perhaps he can answer the question.

Mr. CONYERS. Did you seek to have a representative of the Department of Defense appear before the committee?

Mr. WIGGINS. I will answer the gentleman by saying that the Department of Justice purported to speak for the administration on this matter. I found that the Department of Justice's answers were inadequate for my own purposes, and made a special inquiry of the Department of Defense.

Mr. EDWARDS of California. Will the gentleman yield to me?

Mr. CONYERS. I yield to the gentleman.

Mr. EDWARDS of California. The fact that these hearings were going to be held was widely advertised not only in the CONGRESSIONAL RECORD but elsewhere. The administration and the Commander in Chief of the Armed Forces of the United States sent a representative and the President sent the gentleman from the Department of Justice to speak for the administration. This administration and the Commander in Chief, President Nixon, endorsed this particular piece of legislation that we are going to vote on here today. He has said nothing about whether he might or might not be in favor of the Wiggins amendment. Nothing was said in any of the testimony from the White House with regard to the detrimental effect on the military of this constitutional amendment.

Mr. CONYERS. The fact is that the chairman is precisely correct. It was the impression of all the members of the subcommittee that, whether we were concerned or not, the administration supported this legislation. No one from the Pentagon or the Department of Defense or any of the branches of the services have ever been before the committee on this subject.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the chairman of the committee.

Mr. CELLER. I read the statement very carefully of the Assistant Attorney General who appeared before the subcommittee. That was not a definite statement that the administration supported this bill. It supported the bill with very, very severe reservations and said it would open the door to all manner and kinds of difficulties and troubles, and one cannot say unequivocally that the administration supported this bill. I defy anyone to state or to read to me a statement to the effect that the man who appeared before the subcommittee for the administration said that the administration supports wholeheartedly this bill. I would say that the statement made by the Assistant Attorney General was very much like one who lights a candle for the Devil and who lights a candle for God also. You would not know where he stood. In other words the testimony was neither fish nor fowl nor good red herring.

Mr. CONYERS. I will say to the chairman that this is not untypical of the kinds of responses we get from administration representatives.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman for yielding.

I was present at the time that the testimony was given. I have the original statement here of William H. Rehnquist of the Office of Legal Counsel, and he says:

> In spite of the reservations of the Department of Justice and of these developments which have intervened between the time that the President spoke in 1968 and the present time, the Administration is committed to the support of H. J. Res. 208.

That is the resolution of the gentlewoman from Michigan, and he states that in unequivocal language.

And, it seems to me that there is no question about the commitment of the administration to the support of this equal rights constitutional amendment.

Mr. CONYERS. That was the understanding of the members of the subcommittee during the time we discussed the matter.

Mr. McCLORY. Mr. Chairman, will the gentleman yield further?

Mr. CONYERS. I continue to yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman for yielding. We also received the unqualified testimony of Mrs. Virginia Allen who was the president of the task force on women's rights and responsibilities in full support of this resolution. It is the first time that any Presidential task force on women's rights has given its unqualified support to an equal rights amendment.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New York.

Mr. CELLER. I am reading specifically from testimony which was given by Mr. Rehnquist who testified before the House Judiciary Subcommittee on April 1, 1971, wherein he says as follows:

> The placing in the Constitution of such broad general language as is found in House Joint Resolution 208 would, by reason of doubt as to the scope of its language, add substantial uncertainties in this area of constitutional law which would probably require extensive and protracted litigation to dispel.

He also said, and I quote:

> There is some question as to whether the broadest possible construction of the amendment may not go substantially beyond . . . [the common understanding of the term "equality for women."].

If you can say that is an approval of this legislation, I will eat my hat.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the debate today strikes me as being slightly off center insofar as it touches on the matter of discrimination which women have experienced in all phases of life in America.

The opposition to the original equal rights amendment as proposed by the gentlewoman from Michigan (Mrs. GRIFFITHS) insists on equating "identical" with "equal" in considering both the letter and the spirit of the amendment to the Constitution.

It is all too obvious that men and women are not identical. They differ quite obviously physically. This is the plan of creation, and we would tamper with it at our peril.

But men and women, I submit, do not differ in a basic and most fundamental characteristic—their humanity. They are both, simply, human beings, and humanity as a common denominator is what we are talking about today.

We are talking about the basic need for equality and the present lack of equality in education, in employment, in every sphere of life. That is the real subject to which this amendment addresses itself.

We are told by the Wiggins amendment to the basic amendment that two exemptions must be created to make it tolerable to all of us. But it seems to me that the two exemptions the Wiggins proposal supports frustrate the basic purpose and goal of the equal rights amendment for men and women.

First, it relates to State protective legislation, and in considering that situation I think we should take note of the fact that State protective legislation is being struck down in almost every court and in the legislations themselves because of title VII of the Civil Rights Act. So, there is no need for us to perpetuate what the courts and the States are not themselves perpetuating.

As a matter of fact, it might be pointed out that in 1963, 40 States of the Union and the District of Columbia had maximum hour laws for working women. In 1971, only 12 States have such laws, unchanged or unamended.

Mr. Chairman, it is quite interesting also to note that earlier this year this body enacted H.R. 1 which on the one hand requires welfare mothers to work and on the other removes the one privilege enjoyed by the greatest number of women.

That is the option to retire at age 62, which a great many women in my district take advantage of, with many of them wishing it were even 60.

But H.R. 1 gives men the same retirement option at 62, thus striking a blow for equality, while here today we consider cementing into the law a thousand smaller inequities.

The trend is therefore counter to what we are contemplating.

On the question of equal rights for women, the real sticking point is the draft. In fact, it seems that the draft is the strawman which is used in order to develop opposition to the whole concept of equal rights. That is not the fundamental issue.

If they choose to wage battle on that point, then let us do so. Let us take a good, hard look at the conscription possibilities for women.

We are moving purposefully, according to the statements of the administration, which I accept, and the recommendations of the celebrated Gates Commission, toward an all-volunteer army.

Who is there to say that women would not be as eager and patriotic volunteers as men in time of national emergency or otherwise? There has never been a lack of patriotism and courage on the part of women—or belligerancy, I might add.

Moreover, the elevation of women to equal rights and responsibilities will put them more than ever in the mainstream of public policymaking, and who is to say that the policy of war or peace should not be debated and decided by women as well as men?

It will be an estimated 2 years before the 38th State ratifies this amendment. If that is true, and I have no reason to doubt that it is, then the existing draft as we know it will have expired before this amendment becomes law.

At that point, the Congress will have the option to simply extend the draft, amend it in any way it deems advisable, or do nothing and consign it to the pages of history.

By the time the draft expires, the Congress will have had adequate evidence and adequate time to judge what the next step should be. It will know whether to extend the draft, or let it die, or approve it in some other form. If this amendment were on its way to ratification during that time, Congress would have one more sounding of public opinion with which to measure whatever action it may want to consider in regard to the draft.

There is no reason to believe that something along the lines of a universal service corps could not be enacted under which men and women would be conscripted but not all of them for strictly military duty. There are a thousand ways in which this would be written to allow young people to give a specific period of time to their country, either in the military or in the service of the poor, the handicapped, the unfortunate, in combating pollution, or in any of the other tasks that would contribute to the manufacturing of a better quality of life.

It does not really matter at this particular moment during this discussion what comes after the present draft law, or whether there will be other draft laws.

What we are talking about here and now is a question of rights, basic human rights under the law in public acts. To consider every possible implication and ramification is admittedly responsible legislation. But to oppose the basic thrust of a measure by diversion to a corollary issue, to endless speculation, is, I submit, not good legislating.

The point becomes obscured when the primary purpose of the legislation is frustrated. By making this debate an argument on the wisdom of drafting women is to frustrate the underlying issue.

If this fails, as it has in so many Congresses before, it will come up again next year. And the year after that. And if it comes up then and there is no draft, what will the opponents use as a diversionary tactic?

Why can we not address this issue as it is? Why can we not stick to the basic proposition that women in the United States are discriminated against on the arbitrary grounds of their sex and time after time have been denied the full privileges and rights of citizens of the United States?

I beg the members of this body not to allow this issue to become beclouded. Let us not submit to the folly of coming back here next year, or the year after, and debating whether or not women ought to be allowed to sell icecream from a bicycle.

Let us see the issue clearly and let us act upon it responsibly. It ill affords us to do anything else.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. O'NEILL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Wiggins amendment. In my opinion, the Wiggins amendment has as its sole purpose the ultimate defeat of any effective constitutional amendment to provide equal rights for men and women.

This so-called protective amendment is essentially a camouflage for a restrictive, crippling, self-defeating qualification, which would sanction any and all State and Federal employment laws which discriminate on the basis of sex, provided that these laws have some reasonable relationship to health and safety; it would permit all women to be exempted from any and all compulsory military service laws.

We are all aware that many types of sex discrimination exist in the United States. Rather than remedy these types of discrimination, the Wiggins amendment perpetuates them. For instance, discrimination exists in employment opportunities for women. Twenty-five States still bar women from some field of employment, usually because the job is considered hazardous or somehow or other inappropriate. Nearly 30 States still limit to some degree the hours a woman may work. Oregon, for instance, prohibits laundresses from lifting more than 25 pounds. Nine States deny women the right to work as bartenders. They can work only as barmaids.

Title VII of the 1964 Civil Rights Act, which forbids discrimination in employment on the grounds of sex, and the Fair Labor Standards Act have eliminated some of these types of job discrimination. Federal courts across the Nation have made several decisions in recent months that have wiped out State laws which prohibited women from working on certain types of jobs, which limited their number of hours to work, and which decreased their opportunities for promotion.

The Wiggins amendment is a regressive, antiquated provision. It reverses the progressive democratic trend expressed in our courts. It expounds the argument that working-class women need the protection against exploitation by employers that the State law provides. But since these State laws are gradually being eliminated through our Federal courts, the argument for the Wiggins amendment is wanton.

Discrimination in education is one of the most damaging injustices which women suffer. It denies them both equal education and equal employment opportunities, forcing them to accept a second-class citizenship. Higher education standards for women than for men are widespread in undergraduate schools and are even more discriminatory in graduate and professional schools. For this reason, councilors and parents frequently guide young women into the feminine occupations without regard to interest, aptitudes, or qualifications. Only 5.9 percent of our law students and 3.3 percent of our medical students are women, although according to the Office of Education, women tend to do better than men on tests for admission to law and medical school. Yet, these professional graduate schools have strict quotas of around 1 to 5 percent for the admission of women.

Few women educators are ever made school principals: Seventy-five percent of elementary school principals are men and 96 percent of the junior high school principals positions are held by men; in high schools, 90 percent of the principals are men. The Wiggins amendment continues this sex discrimination in education.

Marriage laws are discriminatory against women. In many States, a wife may not enter into a business contract without her husband's consent. She may not sign a promissory note or deed or mortgage without his sanction. In some States a woman cannot manage or own separate property as can her husband. The Wiggins amendment merely encourages this type of discrimination.

Many States' laws classify women separately for the purpose of jury service. Eleven States permit women to be excused from jury duty solely because of her sex. In my own State of Massachusetts, mothers or female guardians with children under 16 are automatically excluded from jury service. Governing bodies of many towns have extended this regulation to include all females instead of calling the names of the properly qualified women. The Wiggins amendment perpetuates this kind of discrimination.

Proponents of the Wiggins amendment state that without the protective provision, women could be conscripted into the Armed Services. There is no reason to put the onus of military service solely on men. Drafting women would make them equally eligible for the important benefits which the Armed Services provide, such as job training, veterans benefits, and equal participation in the duties of citizenship. The Intercollegiate Association of Women Students, which represents 200,000 college women from Middle America, testified before the Judiciary Committee that as long as the draft existed, women as well as men should be equally eligible for the draft. Equal rights imply equal responsibilities. It is unlikely that the military would be compelled to put women in combat duties, since less than 15 percent of the men presently serving in the Armed Forces are involved in actual combat service. Women would serve, as men do now, where they are best fit to serve. Parenthood could be a criteria for exemption from the draft. Experience of countries, like Israel, where women serve in the military has not shown that the inclusion of women makes for a weaker army or destroys the status of women in the Nation's society.

I believe that the Wiggins qualifier amendment does violence to the whole concept of equality as such. It runs counter to the basic principles of our democracy set forth in the 14th amendment. The original form of the resolution states simply that "equality of rights under the law shall not be denied or abridged by the United States or any State on account of sex." What that means is very simple: sex should not be a factor in determining the legal rights of men or women. I strongly support the adoption of this resolution in its original form sans the crippling Wiggins restriction.

Mrs. GRIFFITHS. Mr. Chairman, I move to strike out the last word and rise in opposition to the Wiggins amendment.

Mr. Chairman, I would like to say I am very much opposed to the Wiggins amendment. It is the old Hayden rider. What it does is to kill the bill. For 100 years we have had "reasonable discriminations" and that is what this amendment guarantees we will have in perpetuity.

If this amendment is added to the joint resolution, then I must in all good conscience ask you to vote against the joint resolution proposing an amendment to the Constitution.

Mr. DRINAN. Mr. Chairman, I rise to urge the adoption of House Joint Resolution 208 as originally introduced by my colleague from Michigan, Congresswoman MARTHA GRIFFITHS, and to urge rejection of the version reported out by the full Judiciary Committee and of any other limitation upon the following clear, undiluted mandate:

> Equality of rights of any person under the law shall not be denied or abridged by the

United States or by any State on account of sex.

I rise, therefore, to support effective constitutional recognition of the civil rights of women.

Both congressional and public debate on the equal rights amendment have been vigorous and thorough. In March and April, Subcommittee No. 4 of the Judiciary Committee heard the testimony of dozens of distinguished citizens—lawyers and laymen, students, religious and professional leaders, representatives from business and labor—a diversity of interests reflecting the momentousness of what we consider today. The policy embodied in the equal rights amendment rises to a level of profound social importance which fully justifies its incorporation in the Constitution.

My own position is succinctly expressed in the Separate Views of the Judiciary Committee's report on House Resolution 208, in which I join 13 of my colleagues in concluding that—

> "Equality" is perhaps the one word which more than any other challenges our Government to fulfill its constitutional commitments to all of our people. . . . Until now the concept of a qualified form of equality—of an equality that can be abridged so long as a suitable rationalization can be found—has been repugnant to our Constitution.

Of all the appeals to their country's conscience being issued by American women, perhaps the most powerful is that women must have equal rights in employment. Extraordinary consequences flow from the role of work in our society. When one American asks another "What do you do?"—and this is often the first question between strangers—what he really means is "Who are you?" Too frequently, women must answer this question with embarrassment and dissatisfaction. In the area of employment, men and women are simply not equal under the law.

On the State level, sex discrimination in employment is pervasive. On the one hand, there is the active injustice of the mislabeled "protective legislation." A pointed refutation of any need for these laws is the statement, on August 19, 1969, of the Equal Employment Opportunity Commission:

> The Commission believes that such State laws and regulations, although originally promulgated for the purpose of protecting females, have ceased to be relevant to our technology or to the expanding role of the female worker in our economy. The Commission has found that such laws and regulations do not take into account the capacities, preferences, and abilities of individual females and tend to discriminate rather than protect . . .

Three weeks ago, the House by a narrow margin rejected legislation that would have given the Commission effective "cease and desist power" to begin to cure these inequities.

In the face of continuing sex discrimination by private employers, State administrations remain generally inert. In more than half of the States, no laws prohibit employers from discriminating against women in hiring or firing, in fringe benefits, in wages and promotion, in training programs, or in the setting of job categories, and the placing of classified advertisements.

The combination of State discriminatory practice and State default in the presence of discrimination frequently excludes women from employment altogether. It has routinely restricted their job opportunity—their freedom to choose suitable, fulfilling work and to advance in it. Depressing statistics which reflect this situation are only too readily available:

In 1968 the average woman college graduate was earning $6,694 a year, while the average man with an 8th grade education was earning almost as much, $6,580.

In 1969, 51 percent of women who actually worked at full-time jobs were earning less than $5,000 a year, while less than 17 percent of the male work force was earning that little.

The median wage of women in relation to men has been decreasing from 64 percent in 1955, to 61 percent in 1960, to 58 percent in 1969.

The unemployment rate for women is higher than for men: in April 1970, it was 5.7 percent for women against 4.2 percent for men.

Any language which would qualify the constitutional requirement of equality in the discredited name of "protection" would only entrench such inequities. That they, in fact, require a constitutional reply is the bitter lesson of the history of inaction of State legislatures and of the Supreme Court under the 14th amendment, a history thoroughly documented in a comprehensive analysis published in the April 1971 issue of the Yale Law Journal. The authors of that article, including Yale's distinguished constitutional scholar Thomas I. Emerson, demonstrate that the Supreme Court has never found a sex-based qualification to violate the equal protection clause and that piecemeal legislative reform "at least by itself simply lacks the breadth, coherence, and economy of political effort necessary for fundamental change in the legal position of women."

Without a constitutional amendment the burden of change will remain essentially with the advocates of equal rights. With the amendment, the burden will for the first time be shifted to where it should always have lain, with any who seek to erect new barriers to equality or to preserve the vestiges of old ones.

I certainly do not share the fear expressed by some opponents of an unqualified equal rights amendment that its enactment would produce "judicial chaos." The disappearance of an unjust but familiar orderliness will always seem chaotic to some. Indeed, in many respects, this is precisely the type of situation—the need to elaborate and rationalize the consequences of a fundamental legislative change—where the judicial process is most relevant and effective.

While I do not underestimate the possible problems in implementing the equal rights amendment, I would point out that the central legal principles involved are ones with which our courts have had long experience under the 14th amendment. As the Yale Law Journal article asserts—

> The fundamental legal principle underlying the Equal Rights Amendment, then, is that the law must deal with particular attributes of individuals not with a classification based on the broad and impermissible attribute of sex. This principle, however, does not preclude legislation (or other official action), which regulates, takes into account, or otherwise deals with a physical characteristic unique to one sex.

Legislation of this type would resolve many of the situations which opponents of the equal rights amendment have cited as sources of judicial "chaos" if the amendment were enacted. For example, a law establishing medical leave for childbearing would be permissible, because it applies to a physical characteristic unique to women. A law establishing leave for women only, for child rearing, would not be permissible.

Another area where "chaos" has been unjustifiably prophesied centers around the separation of sleeping quarters and rest rooms in public institutions and facilities. As the authors of the Yale Law Review article state—

> The great concern over these matters expressed by opponents of the Equal Rights Amendment seems not only to have been magnified beyond all proportion but to have failed to take into account the impact of the young, but fully recognized constitutional right of privacy.

The courts will be required to balance the two conflicting rights: the right not to be discriminated against on the basis of sex with, on the other hand, the right to privacy. The right of privacy would justify the separation of the sexes in public rest rooms, in the sleeping quarters of prisons, and within the Armed Forces.

Aside from the relatively immediate and visible consequences of enactment of this amendment—judicial reexamination of the State "protective work laws," for example—there will undoubtedly arise indirect but profound effects on the processes of our daily lives. Many of these effects we cannot now foresee. Surely, however, we should have nothing to fear from the constitutional recognition of the civil rights of American women. The law is a model and the equal rights amendment can only be a model that will dignify the relationships between men and women.

I believe the House will honor itself today by approving the equal rights amendment without reservation or qualification.

Mr. **FRASER**. Mr. Chairman, the equal rights amendment has been before Congress for 48 years. The purpose of this simple constitutional change is to forbid Federal and State laws which discriminate on the basis of sex. The legal principle underlying the Amendment is that the law of the United States must deal with individual attributes of the particular person and not with stereotypes or classification based on sex. This is the view that has been brilliantly set out by Prof. Thomas Emerson of Yale Law School in a recent volume of the Yale Law Journal:

> The treatment of any person by the law may not be based upon the circumstances that such person is of one sex or another. . . .

> The law may make different rules for some people than for others on the basis of the activity they are engaged in or the function they perform. But the fact that in our present society members of one sex are more likely to be found in a particular activity or to perform a particular function does not allow the law to fix legal rights by virtue of membership in that sex. In short, sex is a prohibited classification. (*Yale Law Review*, April, 1971, pg. 889)

Today we are faced with another version of qualifying legal rights on the basis of sex. The Wiggins amendment is simply one more version of the Hayden rider first introduced in the Senate in 1950. Senator Hayden's original rider stated that no provisions of the equal rights amendment shall be construed to "impair any rights, benefits, or exemptions conferred by law upon persons of the female sex." Senator Hayden felt that women, in order to be equal, needed more and different "rights" than men possess. He defined "rights" of women to mean only the benefits and privileges of citizenship; the duties of citizenship, in contrast, women could not be expected to perform. This is much the same view that Congressman Wiggins expresses in his amendment that—

> This article shall not impair the validity of any law of the U.S. which exempts a person from compulsory military service or any other law of the U.S. or of any state which reasonably promotes the health and safety of the people.

I think it is time that those of us who are responsible for passing legislation, deal with the reality that male and female citizens of the United States must have the same rights and duties of full citizenship. To pass a bill which embodies a qualified concept of equality is "to do violence to the very concept of equality itself," in the words of the members of the Judiciary Committee who voted against the amendment.

Contrary to our myths of equal opportunity for women, the facts show that women suffer real legal and economic discrimination in the United States. In many States women are prohibited from managing or owning a separate property, engaging in business or pursuing certain occupations. They are prevented from working beyond a certain number of hours. In other States a woman cannot sign a contract or take out a loan without a male signature. All these laws were enacted and will be retained under the guise of "protecting the health and safety of the people."

From an economic point of view the 1970 statistics released by the Department of Labor showed that women who work full time earn only 60 percent as much as men. A woman with a college diploma can expect to earn the equivalent of a man with a high school education. Unemployment among women is even higher than national statistics indicate, because many women are considered marginal workers and are not counted among the unemployed.

In addition, the quality of employment available to women is much lower than for men. Twenty percent of all male workers, but only 4 percent of all female workers, are in managerial jobs or proprietorships. On the other hand, 42 percent of all female workers are employed as clerks and sales workers compared to only 13 percent of all male workers. Custodial jobs employ 16 percent of female workers, but only 7 percent of males.

In important ways the relative position of women in this country is deteriorating. Over the past 10 years the number of women in elective offices at the State level, in the U.S. Congress, and in State legislatures has declined. Women have not progressed in the past 20 years in the proportion of college faculty or professional jobs they hold. The United States ranks behind a number of European nations, to say nothing of the Soviet Union, in women's participation as lawyers, 7 percent, doctors, 3 percent, and engineers, 1 percent. The evidence is undeniable that too many of the laws which are supposed to protect women only serve to keep them in a dependent status and to deprive them of various types of employment.

The other qualifying provision of the Wiggins amendment, which would exempt women from military service, is explicit recognition that we should continue a dual system of rights and responsibilities. The fact is that many women want to participate in the military because they object to any exception which thrusts women as a group into subordinate status and denies them the fundamental right to be considered on the basis of their own capacities and experience. As a number of women's organizations and university women have said, the requirement of serving will be as unattractive and painful for them as it is now for many men. But as long as anyone has to perform military functions, all members of the community should be susceptible to call. When women take part in the military system, they more truly become full participants in the rights and obligations of citizenship. In addition, they point to the long list of benefits that result from having "veteran" status. They rightly point out that there is no way that they can become eligible for veteran's education benefits, pensions, housing loans, medical care, and statutory preference in employment. The Emergency Employment Act of 1971 gives preference to veterans.

The concern that many of us have expressed for young mothers "sloshing through the mud" in combat is somewhat out of touch with the reality of today's military, and I suspect, somewhat overdrawn picture of our own military experience. Today only one out of 10 persons in the military service is in combat; only one out of 18 is a draftee. Even in combat zones many jobs of logistic and combat support are no different or more difficult than the work done in noncombat zones.

Thirty years ago women were found capable of filling over three-quarters of all Army job classifications. With the technology of today's military, I am sure that percentage is closer to 90 or 95 percent today. The idea that women are physically incapable of undertaking combat duty has simply not been borne out by studies of women in other countries including Israel, North Vietnam, and China.

However, the reality is that very few of our military ever reach combat duty and even if women were drafted it is most likely that they would serve in largely support and logistical functions. Although there is no doubt that all combat is dangerous, degrading, and dehumanizing we have a tendency to glorify it as manly when it comes to men in combat, and only recognize its reality when the possibility of women assuming the same role arises.

But the insidious and pervasive effect of this entire issue of military service for women has been the resulting denial of the full rights and duties of citizenship. As Prof. Norman Dorsen has pointed out, military service is the most serious duty of citizenship:

> When women are excluded from the draft—the most serious and onerous duty of citizenship—their status is generally reduced. The social stereotype is that women should be less concerned with the affairs of the world than men. Our political choices and our political debate often reflect a belief that men who have fought for their country have a special qualification or right to wield political power and make political decisions. Women are in no position to meet this qualification.

Until we recognize that women must hold full citizenship with the full rights and duties that such citizenship implies, we relegate half our population to second-class status in our society. No nation can automatically exclude the talents of over half its citizenry and expect to have a healthy, well-functioning social, political, or economic system. It is time that we complete what was begun with the 19th amendment and that women be guaranteed equal treatment under law.

Therefore I will vote today against the bill reported by the Judiciary Committee containing the qualifying clauses of the Wiggins amendment, and will vote for the equal rights amendment as originally introduced by Congresswoman GRIFFITHS.

Mr. FULTON of Tennessee. Mr. Chairman, before this body today is a piece of legislation providing new avenues of opportunity for more than 50 percent of our Nation's population and directly affecting almost every American. I am referring to House Joint Resolution 208, an act ensuring equal rights for men and women.

Every day, American women enter our Nation's mainstream of life with high hopes and skills more than equal to the positions they would fill and responsibilities they would bear. Every day, too many of these women hear the words, "Sorry, we've nothing for a woman," and face the thought, "You're qualified, but we'd rather have a man."

Too often, women must confront a "sex segregation" barrier perhaps more subtle but undoubtedly more prevalent than any "color line." Too often, they must succumb to the embarrassing logic that business and labor careers, and beyond that, the responsibilities and benefits of "modern" American life are strictly part of a man's world.

This is evident in the more than 1,000 discriminatory State and Federal laws treating women differently than men. Not only are many jobs declared off-limits; the discrimination extends to the inequality of penalties ascribed by criminal "justice," the refusal or special restrictions for seating women on many juries, the undue qualifications demanded of women owning property or operating businesses, the "male-oriented" selection process for placing people in public institutions such as State universities, the inequities burdening women recipients of social security and retirement benefits, the age differential determining legal adulthood relating to marital, parental, career, and personal responsibilities, and many other areas.

I urge acceptance of House Joint Resolution 208 without any amendments. Many feel that some jobs and certain responsibilities are better suited, by their nature, for men, and some better suited for women. But I believe that no two people are alike, that each is an individual with talents he is best capable of appraising.

Therefore, let us allow—better, let us guarantee—that each individual, man or woman, have the chance to decide how he is best capable of serving, what he is best capable of achieving, and then given him the opportunity to make that achievement.

For if we believe each person has an equal right to life, does he not then have an equal right to determine, live, and support that life within the bounds of equitable laws, as he sees fit?

I think so. And that is why my vote will be cast for House Joint Resolution 208, unamended.

Mr. BRASCO. Mr. Chairman, once again we shall have the opportunity in this body to vote on the equal rights for women amendment, a measure that is as long overdue as it is necessary.

Although it has been introduced in every Congress since 1923, it has never passed in a form that would fulfill the intent of its backers. Each time the amendment has been amended in such a manner as to deprive it of its full impact. Often such amendments have been disguised in the form of riders claiming to benefit women. In fact, they are aimed at crippling the surge for legal equality. This time around is no exception.

Across America a new stirring among the women of this Nation is everywhere evident. Cutting across all economic, political, and social lines, this movement has found fertile soil in most States of the Union. If we needed any more evidence of the need for this amendment, the turmoil and protests of women's groups and the popular support they have elicited should provide it amply.

In actual fact, women are equal in name only in the United States. Although we make much ado about their equal status, in a million and more separate instances they are discriminated against.

To commence with, they are not equal in pay and promotion, as well as in hiring. Many laws that are supposed to protect them in actuality bind them into a dependent status that has prevented them from attaining equality, particularly in an economic sense.

In many States, they are legally relegated to the status of second-class citizens. It is amazing to find some laws still on our statute books, remnants of a bygone era that some people are determined to perpetuate in fact.

In many States they are prohibited from owning or managing separate property, engaging in business or pursuing a profession or occupation as a man would. In some States, women cannot sign a contract or take out a loan without a man's signature on the document.

The list continues, making a total mockery out of all the rhetoric that is lavished upon this subject whenever it makes its appearance before this body in a serious form of some kind.

I firmly believe that the equal rights amendment, as originally introduced, should find favor and passage in this House as soon as possible. One legal principle should guide us. Sex must not be a factor in determining the legal rights of any American citizen.

This body has it within its power to make this a legal reality.

Each protest movement, no matter how some may disagree with it, is based upon some existing grievance. Whenever some such movement arises on the national scene, the first instinct of most people, including their political representatives, is to slough it off and not devote any serious attention to its sponsors. In each case in recent memory, events and history have proven those who have ignored such advocacy wrong.

For a long time the women of this country have put forth their case for equality quietly, honestly, and with overwhelming evidence on their side; 53 percent of our population is female. We would do all our principles the gravest injustice if we refused to pass this amendment this time.

It is my hope that this time we shall prove ourselves reasonably fair and farsighted. The women of the Nation are in earnest. Anyone who makes a joke out of this deserves the public scorn that will be heaped upon him. I have noted that there is a very patronizing attitude among many when this subject is brought up. It is a wrong attitude to cultivate and exhibit.

Let us therefore act accordingly to bring this ongoing injustice to an end.

Mrs. GRASSO. Mr. Chairman, I support a constitutional amendment to assure equality under the law for men and women.

Because I think this amendment must carry wording that will unmistakably grant full equality to women, I will vote against qualifying amendments.

It is regrettable, indeed, that at this point in our Nation's history, such a constitutional amendment is needed. Clearly it is.

In 1971, we look forward but a few years to our bicentennial. Yet, we are painfully aware that our legal system in many respects looks well into the past. In fact, it clings to some vestiges of English common law under which a woman was not a legal entity but a chattel.

For example, in some States, criminal statutes require women to be given longer sentences than men for the same crime.

In 20 States separate provisions exist for qualifying and restricting women for jury duty.

In many States a father has the sole right of guardianship for minors, and in two States the husband owns his wife's earnings.

There are even States in which a wife cannot establish a business without court sanction.

And in seven of the eight States where all things acquired during marriage are considered community property, the husband has sole right to control and manage the estate.

We recently heard charges that mortgage guidelines, which have been laid down by a quasi-public agency that buys and sells home mortgages in the secondary market, discriminate against women. We have long been aware that different ages for men and women are used to denote adulthood for many purposes, and that restrictive labor standard laws exist for women. We also know we cannot justify inequities for retirement and social security benefits.

Indeed, there are many reasons why the equal rights amendment is needed. American women now number over 70 million. According to the 1970 census, more than 43 percent of all adult women are in the labor force. Large numbers do not experience discrimination. Yet, for too many, discrimination in some form is a part of daily life.

We cannot rest so long as the legal structure of our Nation encourages discrimination through laws that exclude women from legal rights, opportunities, or responsibilities.

History shows that women cannot rely on the courts to achieve their rights.

Legislative efforts to gain this goal have been in progress for the past century, but these efforts have been piecemeal at best.

Unfortunately, the fifth and 14th amendments have not accorded equal rights to women—the equal rights they must have.

Now is our opportunity to correct this situation by passing the amendment before us today in the original form introduced by the gentlewoman from Michigan.

Indeed, Congress must provide the constitutional framework upon which to build a body of law to achieve the goal of equal rights. Our responsibility is clear.

Mr. MIKVA. Mr. Chairman, it is not surprising to find that the laws which govern our society reflect and reinforce the dominant social structure of the lawmakers. The early laws of the United States assumed that the relationship between whites and blacks was one of master and slave. Although those laws may have mirrored existing reality at the time they were adopted, such codification of social roles has the effect of institutionalizing and perpetuating those defined social roles. It is only in the last few years that we have affirmatively undertaken to equalize the treatment of blacks and whites under the laws, and to banish the remaining vestiges of slavery from our legal system.

In the same way, the time has come to banish from our laws the last vestiges of inequality of men and women. Such unequal treatment is grounded in an earlier social model of sexual roles, which visualizes a dominant male provider and a submissive female who exists primarily to bear and care for her husband's children, and to attend to his comforts and needs.

The underlying social reality has changed drastically, and the laws must keep pace. In recognition of this need, the President established the Task Force on Women's Rights and Responsibilities in October 1969. The report of that task force, issued in April 1970, recommended various legislative changes designed to provide women with equal opportunity under the laws.

I have introduced legislation to implement those recommendations—the Women's Equality Act (H.R. 916).

In March of this year, the Judiciary Committee held hearings on my bill and on the equal rights amendment which is before us today. I testified in support of my bill, and in support of the equal rights amendment, which was at that time unsullied by the Wiggins amendments. I attempted to respond to the unfounded concerns of the supporters of the amendment, some of whom feared that my bill was somehow an alternative to the amendment and would undercut it.

Mr. Chairman, let no one hide behind my bill in opposing the equal rights amendment in its original form. There is no conflict between the two. As I said in my testimony before the Judiciary Committee, they are complementary measures. No constitutional amendment is self-executing. Implementing legislation is necessary to give substance to the guarantees of a constitutional amendment. Conversely, the passage of corrective legislation does not obviate the need for amending the Constitution.

The Constitution is the fundamental document of our Nation. It enshrines the essential principles by which we live and by which we are governed. The symbolic importance of its guarantees is at least as significant as the substantive basis they provide for implementing legislation.

The principle of legal equality between men and women ought to be explicitly proclaimed in our Constitution, along with the other fundamental rights hallowed in the present 26 amendments.

I would urge my colleagues, including those who have cosponsored my bill, to support the equal rights amendment as introduced by my distinguished colleague from Michigan (Mrs. GRIFFITHS), and without the crippling amendments appended by the gentleman from California (Mr. WIGGINS). To quote the title of the report of the President's task force, it is "A Simple Matter of Justice."

Mr. McCULLOCH. Mr. Chairman, I supported the Judiciary Committee amendments. I will vote against the final passage of House Joint Resolution 208, but if the Constitution of the United States is to be amended, the Judiciary Committee safeguards must be adopted.

Mr. Chairman, in August of 1970, this House discharged its Committee on the Judiciary from the further consideration of House Joint Resolution 264, a resolution similar to that of House Joint Resolution 208. The House approved that resolution on what I referred to at that time as "a wave of emotion." I also stated on the floor at that time, Mr. Chairman, that—

> I did not rise in opposition to House Joint Resolution 264. My opposition is only to passage at the present time. To adopt this constitutional amendment without adequate hearings and debate would raise more questions than it would answer, and would be a most irresponsible act by this great legislative body.

This time, your Judiciary Committee brings before you a resolution that has been well thought out. Subcommittee No. 4 conducted nearly 6 full days of public hearings and received testimony from people representing women's organizations, labor, Department of Justice, and from scholars, students, and Members of Congress.

Equality of rights before the law should not be abridged or denied to any person, irrespective of that person's race, religion, national origin, or sex. This has always been the American dream, but not always the American way. The late fifties and early sixties saw this Nation and the Congress commit itself to the correction of a very serious injustice in our society; namely, that of race discrimination. Many tough legislative battles have been fought and won in this area and the problem, in my opinion, is well on its way to being solved.

Race is not the only area, however, where group discrimination exists. There is another class of human beings who have been discriminated against since the inception of our species, that is, woman. From the outset she was denied rights and privileges shared among most men. This we all know. However, these injustices are today closer to being abolished than ever before in the history of the human race. I am of the opinion, that the statutory approach rather than the constitutional amendment approach would be more meaningful and less mischievous.

The Judiciary Committee has never taken lightly its responsibility for suggesting amendments to the Constitution of the United States, the basic and fundamental law of our Nation. As lawyers, legislators and citizens it is our duty, indeed our obligation to determine whether an amendment to our basic law is the only way in which inequities toward other human beings can be rightened. After considerable research and study, it is the opinion of the Judiciary Committee that House Joint Resolution 208 must be amended in two respects before it is passed by two-thirds vote of this body.

As amended by the Judiciary Committee we have an amendment to our Constitution that seeks to advance the cause of human rights in America. The resolution, together with the Judiciary amendments have a good chance of becoming the 27th amendment to our Constitution. But, if the Judiciary Committee amendments are not adopted by this body, the chances for final enactment will be greatly reduced. Reality is what we live by and solid accomplishment is what we seek.

These suggested amendments to House Joint Resolution 208 represent a compromise. There are those who cavalierly say that they represent the best interest of women, but in the same breath denounce the work of the Judiciary Committee. They fail to say that they represent a small fraction of the women who will be affected by what we do here today. I am reminded of another compromise that took place back in 1964. The topic was very similar—human rights—the goal identical to what we seek here today—justice under the law for all people. No one knowledgeable on the subject would question the effectiveness of the Civil Rights Act of 1964. It was a compromise.

We are a nation of many people and many views. In such a nation, the prime purpose of a legislator, from wherever he may come, is to accommodate the interests, desires, wants, and needs of all our citizens. To alienate some in order to satisfy others is not only a disservice to those we alienate, but a violation of the principles of our Republic. Lawmaking is the reconciliation of divergent views. In a democratic society like ours, the purpose of representative government is to soften tension—reduce strife—while enabling groups and individuals to more nearly obtain the kind of life they wish to live.

The function of Congress is not to convert the will of the majority of the people into law, rather its function is to hammer out on the anvil of public debate a compromise between polar positions acceptable to a majority. In a representative republic, the people themselves vote "yes" or "no" on the issues and there is less opportunity for compromise. When a referendum is taken, no amendments are allowed; there is quite clearly a losing side. In a republic, representatives vote for the people. There is discussion and debate. There are amendments. There is opportunity for compromise. It is less clear that there is a losing side.

Yes, Mr. Chairman, House Joint Resolution 208, as amended by the Judiciary Committee is a compromise and I urge my colleagues to support the amendments recommended by the Judiciary Committee.

Mr. MITCHELL. Mr. Chairman, I wish to voice my firm support for the passage of House Joint Resolution 208, the amendment relative to equal rights for men and women, and my absolute opposition to the Wiggins amendment.

Our Nation was founded on the principle that all men are created equal. There is no equivocation in the Declaration of Independence regarding equality. Our most cherished national document does not state that some are more equal than others, or that rights will be determined on the basis of race, religion, or sex. And yet, we are painfully aware that in practice our citizens have not been accorded equal treatment and protection under the law. We are reminded daily that throughout our history, minority groups, the poor, and women have been the objects of discrimination, oppression, and prejudice. Significant advances have been made in the slow and tortuous struggle for equal civil rights and liberties, but the battle is far from over. The passage of the equal rights amendment will not result in a miraculous and immediate end to sex discrimination, just as the 15th amendment did not abolish racial discrimination in voting practices. It will, however, establish the guarantee of equal rights for men and women under the highest law of the land. It must be enacted if we are earnestly committed to the ideal of a free and equal society for all.

Several reasons have been advanced in opposition to the equal rights amendment. They are either specious or patronizing and must be rejected.

First, it has been argued that this amendment is not necessary since women are already assured equal rights under amendments such as the 14th. At first glance, it would seem that this is a reasonable argument, for the 14th amendment does indeed literally protect all persons from deprivation of equal protection of the law. Neat abstractions aside, however, the fact is that the 14th amendment has never been applied by the U.S. Supreme Court in a manner as to find any classifications by sex to be unreasonably discriminatory and thereby a violation of the 14th amendment. Constitutional history, therefore, shows that the 14th amendment has had no practical significance in this regard.

Second, it is argued that not only is the equal rights amendment superfluous, but that it also would create legislative confusion and extensive litigation by requiring or implying that women at all times should be obligated to identical duties as men and be treated in exactly the same way as men. Thus, it is said that such an amendment might require the abolition of all laws making any distinction between the sexes, precluding such institutions as separate lavatory and dormitory facilities for men and women, might make women eligible for the draft and combat duty, and might nullify legislation which is protective of women.

It is true that the amendment relative to equal rights will in some instances raise complex issues, but so have the fifth and 14th amendments, and surely the assurance of equal rights for women is as important as the assurances embodied in other such amendments. How certain of these issues will be worked out under this amendment is difficult to predict precisely because they rarely have been seriously considered in terms of equal rights for women. It is safe to predict, however, that the constitutional rights to basic privacy, will be maintained.

Whether women should indeed be excluded from the draft, though, is a much more complex issue and one that deserves the serious consideration it would receive once an equal rights amendment were adopted. The draft is a particularly difficult question for many of us, since it touches our most basic feelings about the traditional roles of men and women. Yet, this is an issue which we and the courts must face.

As you know, I adamantly oppose the draft for all persons and have to completely abolish the Selective Service System. However, if military conscription continues after the amendment's passage, or is reinstituted at some future time, it may well be that the courts will recognize that the draft as presently constituted discriminates against men as well as women. Why, for example, given equal qualifications and similar personal circumstances, is a particular woman exempted from the draft while her male counterparts are required to devote 2 years of their lives to military service? Would it not be more just to require that all persons register for service and perform duties for which they are qualified, and that all persons equally be exempted for reasons of physical defects, family responsibilities and other legitimate causes? Why, on the other hand, should women be denied the opportunity to receive benefits which are granted to those completing military service?

With regard to protective legislation, some laws such as alimony and child custody, arbitrarily discriminate against men. These laws must be made equal for both sexes. Other laws, labor legislation for example, clearly discriminate against women. The vast majority in fact protect men from competition and deny women the right to hold jobs for which they are qualified, interfere with their advancement and limit their income. Certainly we need laws to protect the health, safety and rights of persons but, with certain specific exceptions, these laws must be formulated on other grounds than sex classification. As to the exceptions, the only clearly valid sex classification, as Prof. Thomas Emerson of Yale University has stated, must be based on physical characteristics found in all women and no men, or in all men and no women. Laws based on such universal distinctions, say laws relating to maternity benefits or sperm banks, would not be violative of the equal rights amendment, for they raise no problem of ignoring individual characteristics in the name of either alleged group characteristics or a putative average.

The third argument in opposition to the amendment is that it is too vague. One need only read the other amendments to the Constitution to answer this argument. Constitutional amendments must of necessity be rather vague, for they are given meaning in our constitutional system over time through judicial interpretation, and legislative and executive action. The 27th amendment would be no more, and probably no less, vague than the other 26.

The Wiggins amendment has been offered to take account of some of the above discussed problems. It purports to preclude application of the equal rights amendment to compulsory military service and to laws which "reasonably promote the health and safety of the people." I feel that the clear implication of the Wiggins amendment is that women as such are a separate class. The implication is, as a group, they are not fully capable of shouldering the responsibilities of full equality and must therefore be protected. In gallantly attempting to shield women in this way, we would effectively reinforce existing abridgement of women's freedoms, opportunities and obligations as individuals and American citizens. As Mr. Norman Dorsen wrote in prepared testimony on behalf of the American Civil Liberties Union at recent hearings on the proposed amendment—

> The central concept of civil liberties is that all individuals have the fundamental right to be judged on the basis of their individual characteristics and capabilities, not the characteristics and capabilities that are supposedly shared by any group or class to which they might belong.

It would, therefore, be a grave error to enact the Wiggins amendment, and I urge that it be soundly defeated.

In conclusion, we must remember that the equal rights amendment will become one article in the Constitution, to be interpreted in light of the whole. The purpose of the amendment is to set forth a general principle, for all time, the interpretation of which will change over the years. It is therefore inappropriate and totally objectionable to include, as the Wiggins amendment would, restrictive language. There is, moreover, a real danger in writing qualifications into the amendment itself, for rules of constitutional construction suggest that such qualifications might well be read as exclusive, thereby preventing the courts in the future from working out further qualifications of the general principle as required by changing circumstances.

Over 60 organizations, and innumerable public officials and private individuals have gone on record in support of the amendment as offered by the distinguished Congresswoman from Michigan (Mrs. GRIFFITHS). Equal rights is a critical and pressing issue which cuts across party lines and political beliefs. I therefore urge that we pass House Joint Resolution 208 and defeat the Wiggins amendment in order that we, as a nation, can continue to translate our ideals into reality.

Mr. DANIELSON. Mr. Chairman, I rise to support House Joint Resolution 208, the so-called equal rights for men and women amendment.

Much has been said during the debate on this issue to the effect that this amendment is not needed, and there is much substance behind those comments.

Under our Constitution, as it has read from the beginning, there is no basis whatsoever for denying equal rights to both men and women. This has been particularly true since the adoption of the 14th amendment.

And there is no reason whatsoever why our laws could not ensure equal rights to men and women.

Thus, it would seem that this amendment is not needed.

Yet, as a matter of fact, it is necessary that we enact this amendment. Even though there is no basis for discrimination in our Constitution, the Supreme Court has always failed to recognize and failed to meet its responsibility so to rule.

And even though there is no reason why this Congress could not by law finally resolve the question and end discrimination and unequal treatment of men and women, the Congress has never done so.

Thus no choice remains but to enact the amendment so that the people of America, through the legislatures of the several States, can act to strike down unequal treatment and discrimination between the sexes, once and for all time.

This is not an idle act. The practical effects of discrimination against women are most substantial and immediate. Analyses prepared by the Bureau of Census of the U.S. Department of Commerce demonstrate clearly that compensation paid to women is lower than compensation paid to men. This is true even when we compare the earnings of men and women with equal educational attainment; and, this is true when we compare the earnings of men and women in selected occupations. The same inequality is true in unemployment rates and other indexes of economic status. I append tables of the Bureau of Census establishing these facts.

The very fact that women do not presently enjoy the same rights—or the same responsibilities—as men in our military services is itself a grievous and unequal discrimination. Our military services today permit a maximum of 2 percent women in their numbers. It is obvious to all who can see that this denies useful, satisfying, and valuable employment to countless women. Not only is this true in the rank and file of the military services but it is more glaringly true in the officer corps. Each year we provide thousands of young men with splendid and expensive college educations through our service academies. At present those priceless opportunities are denied to all women.

Although the U.S. Army has more than 200,000 personnel stationed overseas, only 1,178 of these were women as of June 30, 1971. I have received a letter from the Department of the Army, dated September 30, 1971, to that effect, as follows:

DEPARTMENT OF THE ARMY,
Washington, D.C., September 30, 1971.

HON. GEORGE E. DANIELSON,
House of Representatives,
Washington, D.C.

DEAR MR. DANIELSON: Transmitted herewith is the information you requested concerning the strength of the Women's Army Corps in overseas areas.

Sincerely,

GEORGE L. FORD,
Colonel, GS,
Office, Chief of Legislative Liaison.

FACT SHEET OF THE WOMEN'S ARMY CORPS IN OVERSEAS AREAS

September 29, 1971.

Purpose: To provide information on above subject.

FACTS

1. On 30 June 1971, the Women's Army Corps had a total strength of 12,781 members (11,825 enlisted, 937 commissioned officers, and 19 warrant officers).

2. Members of the Women's Army Corps serving in overseas commands on 30 June 1971:

	Officer	Enlisted	Warrant
Europe	64	636	3
Korea	21	5	1
Vietnam	28	100	2
Pacific	33	237	3
Alaska	0	37	0
Canal Zone	4	2	0
Puerto Rico	0	2	0
Total	150	1,019	9

The list of comparable inequalities between the sexes, and discrimination against women, is long. The foregoing are only a few examples.

The Supreme Court has failed to meet its responsibilities in declaring and enforcing equal rights between the sexes; and the Congress has failed as well when it could have accomplished the same end by legislation. This proposed constitutional amendment is the only reasonable solution that remains.

I am not at all anxious about the power of Congress to adapt any future compulsory military service to differentiate between men and women, for I am sure that the proposed amendment will allow the Congress to make reasonable differentiations in the employment of men and women in our military services based upon such logical and reasonable classification as their physical capacity, and their suitability for various types of work, and such other reasonable factors as their responsibilities to support dependents and the like. I am also satisfied that the Congress and the legislatures of the several States will retain the power to enact and enforce reasonable legislation to protect and promote the health and safety of men and women alike, based upon factors which are directly related to health and safety, rather than sex, which is so often the case today.

I urge all Members to support this amendment.

I include the following:

MEDIAN EARNINGS OF YEAR-ROUND FULL-TIME WORKERS, 1969 [1]

	White	Negro
Men	$8,737	$5,880
Women	5,078	4,009

MEDIAN INCOME BY EDUCATIONAL ATTAINMENT, 1969 [1] YEAR-ROUND FULL-TIME WORKERS—25 YEARS OLD AND OVER

	Men	Women
Less than 8 years	$5,769	$3,603
8 years	7,147	3,971
1 to 3 years high school	7,958	4,427
4 years high school	9,100	5,280
Some college	10,311	6,137
4 years college	12,960	7,396
5 or more years college	13,788	9,262

MEDIAN EARNINGS IN SELECTED OCCUPATIONS, 1969 [1]

[Year-round full-time workers]

	Men		Women	
	White	Negro	White	Negro
Professional and technical	$11,860	$8,606	$7,338	$6,996
Clerical	8,032	7,263	5,172	4,868
Operatives	7,525	5,824	4,385	3,723
Service workers, except private household	6,671	4,865	3,637	3,612

UNEMPLOYMENT, ANNUAL AVERAGES, 1970 [2]

[Number (in thousands) and rate]

Age 20 to 64	1,307	258	1,064	250
Age 18 and 19	230	64	202	73
Age 16 and 17	255	50	183	48
Percent:				
Age 20 to 64	3.2	5.7	4.5	7.0
Age 18 and 19	12.0	23.1	11.9	32.9
Age 16 and 17	15.7	27.8	15.3	36.9

FAMILIES IN POVERTY BY SEX AND COLOR OF HEAD, 1969

[Number (in thousands) and percentage]

Number	2,490	608	[4] 1,065	[4] 718
Percent	6.0	17.8	[4] 25.4	53.2

ADULTS IN POVERTY, 1969 [5]

[In thousands]

16 and over	4,214	1,338	7,103	2,314

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[1] U.S. Department of Commerce, Bureau of the Census: P-60 No. 75, tables 50 and 47.

[2] U.S. Department of Labor, Bureau of Labor Statistics, Employment and Earnings, vol. 17, No. 7, January 1971, table A-1 (data under Negro heading is for "Negro and Other Races").

[3] U.S. Department of Commerce, Bureau of the Census; P-60, No. 76, table E.

[4] Higher than 1968 figure.

[5] U.S. Department of Commerce, Bureau of the Census: P-60, No. 76, table 4.

Mr. JAMES V. STANTON. Mr. Chairman, on behalf of the 80,000 working women of Cleveland, and in the interests of others who have been excluded—or who assume they would be excluded—from well-paying jobs and promotions, I rise in support of House Joint Resolution 208. To me, the issue is simply one of fairness. Many of the women I represent are the sole breadwinners of their families, and many others bring home pay envelopes which are counted on as a part of the family budget. Still others are young single women who are trying to save money for a higher education—and they must help themselves because their parents have limited savings, if any.

Mr. Chairman, I feel strongly that too many persons, both male and female, have been misled about the intent of this proposed constitutional amendment. Somehow, the impression has got around that this is legislative action designed solely for the benefit of those who are referred to, in the pejorative sense, as "career women." But the "career women," by definition, have already made their way in the generally hostile environment of a man's world. It is not they so much who need the protection of a constitutional amendment, but rather it is the working women who need it stated clearly, in the fundamental law of the land, that, first, it is the public policy of this Nation that women be given the same employment opportunities as men; that, second, they be given equal pay for equal work—compensation commensurate with their true responsibilities; and, third, that the same avenues of advancement should be open to them. Unless they have these guarantees, Mr. Chairman, it is not only they, but also their children, who ultimately will be deprived.

I am not moved by the absurd arguments that an attempt is being made here to erase the distinctions between men and women. While I am indeed impressed with the power of the House of Representatives, I would flee from her in panic if I thought that somewhere, somehow, someone had conferred on us the power to legislate miracles. It is a fact of life, not a miracle, that men and women are physiologically—and psychologically—equipped in many cases to handle the same jobs. It is a fact, too, that distinctions of no validity have been made by employers with respect to these jobs. But to the extent that distinctions might be appropriate—as in the military services—there is ample discretionary authority on the part of a commanding officer to deploy those under his command in the most effective manner. This proposed constitutional amendment would not change that. What would change, I might add, is the situation that finds too many women excluded from the educational and other benefits that accrue to male veterans of the Armed Forces. Most males in the service get these benefits without ever having served in the infantry. Women, too, then are perfectly capable of serving their country in branches of the service other than the infantry, if they are deemed unsuitable for that assignment.

For these reasons, and for the others which have been cited here in debate, I urge my colleagues to join me in support of House Joint Resolution 208.

One final word: Those who fear we are being perhaps too precipitate in our action ought to consider that, beyond the Senate, concurrence must be achieved from three-fourths of the State legislatures before this proposal could be incorporated into the Constitution. There will be plenty of time for discussion and deliberation.

Mr. MATSUNAGA. Mr. Chairman, 14 months ago the House had under consideration the same subject: Whether to approve a constitutional amendment guaranteeing equal treatment under the law to all persons, regardless of sex. At that time, because of the unusual parliamentary situation, no amendments were permitted, and the House approved, by a vote of 352 to 15, a resolution similar to House Joint Resolution 208 as introduced. Since the Senate had twice before passed similar resolutions, no difficulty was expected in starting the constitutional amendment on its way toward ratification by the States. But difficulty there was.

And so we are here again, although today under a somewhat more conventional set of circumstances than those prevailing in August of 1970. House Joint Resolution 208 was the subject of hearings before a Judiciary Subcommittee, was debated in full committee and reported, with important amendments, to the floor.

Mr. Chairman, no one doubts that all Members of the House, including those who oppose the equal rights amendment in any form, are dedicated to the cause of equal treatment among all Americans.

What the distinguished and gracious lady from Michigan (Mrs. GRIFFITHS) has been pointing out, however, is that House Joint Resolution 208 as introduced, and as approved overwhelmingly by the Judiciary Subcommittee which held the hearings, is badly needed to accomplish that end.

The amendments adopted in the full Judiciary Committee by such a close margin, although well-intended, effectively neutralize any positive effects the amendment might have. As the minority views of the committee report make clear, equality with qualifications is a contradiction in terms.

Mr. Chairman, in 1970 there were three principal arguments made against the proposed constitutional amendment.

The first was that the whole idea of equal rights for women was silly because there was actually no serious discrimination against women. Second, even assuming that there was some discrimination, the equal protection clause of the 14th amendment would satisfactorily dispose of it. Third, the resolution as introduced would result in years of litigation before its meaning became clear, and would bring about undesired, even preposterous, results because it was overly simplistic.

I believe that arguments in the first two categories were completely rebutted by a Washington Post survey published last fall. The Post found that in 11 States, special restrictions are placed on the right of married women, although not of married men, to make contracts; in five States a married woman must get the approval of a court before she can establish an independent business; in at least eight States women cannot sign leases until they are 21 years of age, while males as young as 18 are allowed to execute such leases; in nine States women are not permitted to mix, sell, or dispense alcoholic beverages in public; and in an undetermined number of States, by law "males must be preferred over females" in the appointment by the court of an administrator for the estate of a decreased relative.

The second argument, that various forms of discrimination based on sex can be eliminated under the 14th amendment's equal protection clause, ignores existing constitutional law. That clause has not been used, and is not now being used, to strike down all forms of discrimination based on sex. In fact, the legal discriminations which I just summarized are being upheld by the courts in the face of equal rights objections. The logic advanced by the courts, for example, in upholding a State law discriminating against women in the appointment of administrators, is that the distinction between men and women is perfectly justified as a means of curtailing litigation over which person the court should appoint.

We also remember, Mr. Chairman, even if some of the opponents of the unamended equal rights amendment choose not to, that it took a constitutional amendment to give women the right to vote, because the courts held that the equal protection clause did not apply to women.

And so these two arguments against a simple equal rights amendment have been more than adequately answered and, indeed, have been rarely mentioned this year by opponents.

They have concentrated, for the most part, on the argument that passage of the amendment in its original form would prohibit separate restrooms for men and women, or would compel the placing of women in combat units of the military, or would effectively end all boys or all girls summer camps, among other gruesome possibilities.

Also, it is said, endless litigation would result as the validity of dozens of State and local laws are measured against the new constitutional yardstick.

Again, Mr. Chairman, I would like to refer to the minority views in the committee report. Quite correctly, those views point out that " 'Equality' does not mean 'sameness.' " In other words, a constitutional mandate of equality would not prohibit the States from requiring a reasonable separation of persons of different sexes under some circumstances.

As for the predicted chaos in the courts over the meaning of the new amendment, all of the important clauses of the Constitution have been the subject of litigation ever since this Nation was founded. If the threat of possible litigation were taken seriously every time a new law was proposed, Congress could never pass a single law at any time.

Moreover, the purpose of the proposed amendment is to eliminate governmental discrimination between the sexes; in that sense, litigation to strike down those inequitable statutes goes to the heart of the amendment.

Every woman in America, and all who cherish individual liberties and equality under law, have an interest in the passage of the original text of the pending resolution. I have an additional personal interest as the father of three precious daughters whose futures would be made easier by the resolution's passage.

Mr. Chairman, I want my daughters and my sons to stand on equal footing in their struggle for optimum development, limited only by their individual capacity. I want my children to keep on believing that they have an equal stake in this great democratic society of ours; that they have an equal responsibility to contribute to the betterment of this society to the maximum of their ability; that their pursuit of happiness will be unhampered by manmade laws, on account of race, color, religion, national origin, or sex.

This is why I cosponsored and supported the Griffiths amendment in the last Congress, and this is why I introduced a bill in the 92d Congress providing for an amendment to the Federal Constitution to guarantee equal rights to all persons, regardless of sex.

Mr. Chairman, I urge the defeat of the committee amendment, and the passage of the pending resolution as originally introduced.

Mr. PEPPER. Mr. Chairman, it is my strong belief that a constitutional amendment guaranteeing the equality of the rights of men and women needs no justification other than the simple equity inherent in the proposition.

What we are called upon to do here today is very simple and I believe we can accomplish our mission best through the enactment of the simple language proposed by the distinguished gentlewoman from Michigan (Mrs. GRIFFITHS) who has fought so long and so effectively for the proposition that the equality of women must be recognized in our Constitution without any debilitating clauses or reservations.

It is our duty to reject every proposal which would amend the simple language of the substantive part of the amendment proposed by Mrs. GRIFFITHS and approved by the House in the previous Congress. However well intentioned they may be, efforts to include protective reservations in this proposed constitutional amendment can only have the effect of maintaining women in a dependent status before the law and in fact in our society. We must reject these amendments and declare unequivocally in the highest law of our land that there can be no discrimination in the rights of citizenship based upon sex.

I would have preferred that the amendment before us today provide for an effective date only 1 year from the date of ratification rather than 2, and that there be no 7-year limitation of the period for ratification of the proposed amendment by the States. The most urgent consideration, however, is that a meaningful amendment be approved by the Congress as quickly as possible. And I believe this can best be accomplished by the measure before us, provided we defeat the crippling amendments proposed in committee.

In the form it was introduced, this proposed amendment would be meaningful. Indeed, it would be historic, not only in its substance, but also in the fact that, if ratified, it would make this 92d Congress only the second Congress in our history to propose two successful amendments to the Constitution, excepting, of course, the first Congress which proposed the 10 amendments we now know as the Bill of Rights.

Not since the 39th Congress, at the end of the Civil War, has a single Congress sent two constitutional amendments on their way to successful ratification. Those two amendments, the 13th abolishing slavery, and the 14th guaranteeing citizenship rights against abridgement by the States, were among the most significant in our history. They are the basis of our constitutional guarantees of full citizenship for all persons in our society.

The two amendments history may record as the work of the 92d Congress are also of great significance in terms of the effort to attain full citizenship for all Americans. The 26th amendment, which we adopted earlier this year to guarantee the right to vote to 18-, 19-, and 20-year-old Americans, extends this vital aspect to young Americans, as the 19th amendment extended it to women a half century ago.

Even more significant, I believe, is this amendment to assure equality for American women of all ages in our society. This amendment will have enormous and beneficial impact upon the course of American society and, I am confident, upon the future of the entire human race.

This amendment will guarantee to women the right to be full citizens and whole persons in our society. It is a right they desire and a right they must not any longer be denied.

We need not be concerned about the fears some have about what will be the effects of this amendment, if adopted, upon legislation Congress or the States may see fit to enact for the benefit of the female sex.

This amendment guarantees the equal rights of the female with the male in America but it does not say that all shall have the same duties or that there can be no reasonable classification between men and women or among men and women.

I have supported this amendment and this principle of equality of rights for women since 1943 in the Senate and since I have been in this House, and I am proud to support it today.

I urge this House to give full rights to American women without reservation and as quickly as possible.

Mr. NIX. Mr. Chairman, I urge the passage of House Joint Resolution 208 without any of the crippling amendments which have been proposed.

The time has come to assure the women of America of the legal right to first-class citizenship. This is what the constitutional amendment proposed by our distinguished colleague, Mrs. GRIFFITHS, would do. It would give women the legal equality with men which they desire and which they should have.

No one knows better than I the difference between having a legal right to equality and possessing that precious equality in fact. The women of America will have to continue to struggle against tradition and prejudice to win the full, equal citizenship which will be their right under this proposed amendment to our Constitution. This, I think, is all they ask: The opportunity to win on their merits the equal status of a full person in our society.

The amendments which have been proposed to "protect" women are offered, I believe, in good faith. But the effect of this "protection" would be to continue the dependence, the second-class status which American women have come to abhor.

The time has come for us to fulfill the promise of equality for all Americans, whatever their race, sex, or origin. This amendment would further this liberation of human beings in our free society. I urge its prompt approval by two-thirds of both Houses of the Congress and its early submission to the legislatures of the States for their ratification.

Mr. BADILLO. Mr. Chairman, I am pleased to rise in support of the equal rights amendment—House Joint Resolution 2081—as originally introduced, by Representative GRIFFITHS, without any qualification. Also, I commend our distinguished colleague, the lady from Michigan (Mrs. GRIFFITHS) for her tireless and outstanding efforts in advocating the extension of full and equal rights to all citizens.

It is clear that there is flagrant discrimination against women in this country—in employment opportunities, in the ownership of private property, in education, in a variety of Federal benefits such as social security and retirement and in numerous other areas of American society. This discrimination exists at all levels—Federal, State, and local and in both the public and private sector.

Although some advances have been made in the past, there is still much to be done and meaningful and effective steps must be taken to insure that women enjoy the same rights and privileges which are now generally available to men. Existing constitutional provisions and various court decisions have failed to provide equal rights for women and we cannot depend on piecemeal legislative measures to achieve this goal. In order to avoid any undue delays or possible erroneous interpretations, a comprehensive effort is required and I believe a constitutional amendment is the most appropriate and effective device for securing equal rights for all citizens, regardless of sex.

I strongly oppose that version of House Joint Resolution 208 reported by the Judiciary Committee which contains the so-called Wiggins amendment. This provision destroys the very basis upon which this legislation is established. One simply cannot qualify equality and this ill-conceived provision does nothing more than retain the wide variety of laws which discriminate against women. There is no need to exempt provisions which relate to health and safety. For example, since the power to provide for the health and safety of the population is inherent in government, Federal, State, and local governments provide at the present time for special conditions for the young, the aged, and the handicapped without a constitutional amendment.

If such a law were required for women, it could be enacted under the same inherent power to provide for the health and safety of the population. As the separate views of Mr. EDWARDS, and others, aptly notes, the Wiggins amendment is not a real effort to remedy sex discrimination and it "has as its purpose the ultimate defeat of any effective constitutional amendment to provide equal rights for men and women." I urge our colleagues to join in rejecting this amendment when the bill is read for amendment.

Mr. Chairman, the era of making light of or sneering at the women's rights movement must end and the double standard between the sexes in our society must not continue. The time has come when we must have laws and programs which would give real meaning to the concepts of equal pay for equal work, day care for the children of working mothers, fair employment practices, equality under the tax and property laws, and countless other areas in which crass discrimination now exists or where women are placed at a distinct disadvantage. The equal rights amendment is certainly no panacea and its passage will not immediately achieve all of the above goals. However, this measure will provide a tremendous symbolic gesture and put this country on notice that women and men are recognized as equals. An amendment extending equal rights to all citizens is long overdue and we must take prompt and positive action to end, once and for all, the legal and moral barriers which have been thrown up against so many of our citizens. I am hopeful that this urgently needed measure will be overwhelmingly supported by the Congress—without any crippling, biased or damaging amendments—and that the State legislatures will proceed expeditiously to grant the necessary approval to effect the constitutional amendment.

Mr. DORN. Mr. Chairman, I join Chairman Celler of the House Judiciary Committee and Congressman William M. McCulloch, the ranking minority member of the committee, in opposing this so-called equal rights amendment to the Constitution of the United States. These colleagues have served ably and well as chairman and ranking member, respectively. During their long and dedicated service they have had occasion to examine the Constitution minutely, from beginning to end. They have participated in the writing of every piece of major legislation dealing with legal rights of citizens during the last quarter of the century. From their long experience and thorough knowledge of this subject they agree that the equal rights amendment raises grave constitutional and legal problems, not to speak of the many social and practical problems it raises.

Mr. Chairman, from the debate and my study of this question I can foresee another blow at States rights. The States have for the past century wisely enacted laws which protect women and children from economic exploitation, dangerous working conditions and excessive hours. This amendment would overthrow and nullify all this legislation advanced by the States for 200 years, laws which have had the effect of emancipating women and protecting them. We can foresee but a portion of the grave social and legal problems this amendment would bring. For example, the alimony and homestead laws, as well as the wife's statutory will-share, all will be nullified as measures to protect the wife's economic security. There are sure to be legal wrangles over whose name a married couple is to take, and as Chairman Celler has pointed out, the amendment would invalidate laws concerning statutory rape.

Mr. Chairman, if there are any questions or doubts about women entering the U.S. Air Force Academy, West Point, Annapolis, the Citadel, VMI, or other military academies, or doubts about women being drafted into the combat armed services, we need only refer to the very exhaustive and erudite analysis of this amendment, prepared by three young ladies active in this movement, which appeared in the April issue of the Yale Law Journal. The following is the section of the article which deals with the effect of the proposed amendment on the draft:

1. The Draft

The Military Selective Service Act of 1967 governs the conscription of citizens into the Armed Forces. The Act explicitly applies only to men in requiring registration and induction for training and service in the Army, Navy, Marines, Coast Guard, and Air Force. Men have several times challenged the Act claiming that it violates constitutional rights of due process and equal protection by discriminating on the basis of sex. The courts have consistently rejected this contention.

Under the Equal Rights Amendment the draft law will not be invalidated. Recognizing the concern of Congress with maintaining the Armed Forces, courts would construe the Amendment to excise the word "male" from the two main sections of the Act, dealing with registration and induction, thereby subjecting all citizens to these duties. A woman will register for the draft at the age of eighteen, as a man now does. She will then be classified as to availability for induction and training. If she meets the physical and mental standards, and is not eligible for any exemptions or deferments, she will join men in susceptibility to induction. The statute declares that no one may be inducted until shelter, water, heating, and lighting, and medical care are available. The military will clearly have sufficient time during the period after ratification to make the minor adaptations, such as the expansion of gynecological services, necessary to comply with the statute. This is particularly true since the eligibility of women will not necessarily entail an increase in the number of persons inducted.

The Secretary of Defense has the power to set the standards of physical and mental fitness which all inductees must meet. A general intelligence test is used to determine mental qualifications, and a physical examination is given to check the general state of health of the individual. Under the Equal Rights Amendment, all the standards applied through these tests will have to be neutral as between the sexes. Moreover, even after the physical standards have been made uniform for both sexes, they will have to be scrutinized carefully to assure that they are related to the appropriate jobs and functions and do not operate so as to disqualify more women than men. Such a result would raise the possibility that the test, though neutral on its face, was in fact being used to discriminate against women. Achieving this goal of uniform, nondiscriminatory standards will require some changes.

First, height standards will have to be revised from the dual system which now exists. At present, men from 5'0'' to 6'8'' tall are permitted to serve as enlisted personnel in the Army and Air Force; the range in the Navy and Marine Corps is from 5'0'' to 6'6''. For male officers, the range of permissible height is from 5'0'' to 6'8'' in all services except the Army, where the minimum is 5'6''. Women in all services and in all ranks may be from 4'10'' to 6'0'' tall. Upon the Equal Rights Amendment, the same minimum and maximum will have to be applied to both sexes. Persons, male and female, up to 6'8'' (or 6'6'') would be accepted, if these remain the maximum limits. For enlisted personnel, the services could retain their current minimum for men of 5'0'' as the uniform standard, or adopt the lower 4'10'' minimum for both sexes. But if the Army retains its 5'6'' minimum for officers, it would effectively exclude many women, and the minimum would therefore have to be shown to be closely job-related in order to stand.

The height-weight correlations for the sexes will also have to be modified. At most heights there is a large area of overlap between the normal weight of men and women. For persons above or below this range, an evaluation based on the health of the individual will be made. Since every inductee receives a comprehensive physical examination, this will entail little extra burden.

The same principles will have to be applied to the intelligence test. At present men and women take different tests for enlistment; under the Amendment, both will take the same test. Similarly, the required minimum score will be the same for both sexes. If the test currently used for men is administered to women, and it is shown that women on the whole score lower on it, it will have to be demonstrated that the questions do test general intelligence and are not taken solely from areas of factual knowledge with which most men and few women in this society are trained to be familiar.

Most of the deferments and exemptions from military service could easily be adapted to a sex-neutral system. Women ministers, conscientious objectors, and state legislators will be treated as the men in those categories now are. Women doctors and dentists will be subject to call under the conditions governing medical and dental specialists. However, some provisions will have to be extended or stricken. The dependency deferment now provides that "persons in a status with respect to persons (other than wives alone, except in cases of extreme hardship) dependent upon them for support which renders their deferment advisable" may be deferred. It also states that the President may provide for the deferment of persons who have children, or wives and children, with whom they maintain a bona fide family relationship in their homes. This has been interpreted to mean that a married person with a child will generally be deferred.

There are several permissible alternatives to these deferment provisions under the Equal Rights Amendment. Deferment might be extended to women, so that neither parent in a family with children would be drafted. Alternatively, the section could provide that one, but not both, of the parents would be deferred. For example, whichever parent was called first might be eligible for service; the remaining parent, male or female, would be deferred. A third possibility would be to grant a deferment to the individual or the couple who is responsible for child care. The couple could decide which one was going to perform this function, and the other member would be liable for service. In a one-parent household Congress would probably defer the parent.

Each of these alternatives carries very different and significant policy implications for family structure and population growth. Given current draft calls, and the belief that having both parents present is beneficial for the children, it is likely that both parents will be deferred. However, Congress can choose any of the above policies, for they do not discriminate between men and women.

The Selective Service Act exempts from the draft the sole surviving son of a family which has lost a member, male or female, in the service of the country. Under the Equal Rights Amendment this exemption for men only cannot stand, for it will mean drafting women when men in identical circumstances are excused. The reasons for the exemption are twofold. One is the feeling that once a family has lost a member, or several members, it cannot be asked to bear a final loss. The other concern is that the family name and line be preserved. The second reason for the exemption will no longer be permissible, because it results in discrimination against women. But the first reason does justify extending the exemption to women, for the purpose is to spare a family its last child subject to induction. Thus the sole surviving child will be exempt.

The computation of the draft quota for a given area is based on the actual number of men in the area liable for training but not deferred after classification. When the Equal Rights Amendment becomes operative the number of women available will be included in the pool of available registrants.

The Selective Service Act provides for the administration of the draft system by local and appeal draft boards. The Act explicitly states that no citizen shall be denied membership on any board on account of sex. However, women are now only a small percentage of total draft board membership. Black registrants have challenged their induction on similar facts, claiming that they cannot be legally inducted by a board which is disproportionately white or which has no black members. None of these claims has met with success. The chances that women will be excused from induction because of the sexual imbalance on the boards is therefore small. Adoption of the Equal Rights Amendment, however, will undoubtedly stimulate the appointment of greater numbers of women to draft boards.

It is possible that an all volunteer army will be established in the United States in the foreseeable future. In that event, equalization of the draft becomes of academic interest only. Even if the volunteer system were approved, however, the draft would probably remain in effect for some years. More important, under either system of recruitment the Equal Rights Amendment will require a change in the status of women in the military and the conditions under which they serve.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in support of House Joint Resolution 208 as originally introduced and without crippling amendments.

Last year on the 10th of August I expressed my sincere pleasure, as a cosponsor of the equal rights amendment for many years, that the day had finally arrived when the House of Representatives could and would act affirmatively with regard to equal rights for men and women under law. I expressed my reluctance to support a petition to discharge a committee of the Congress from further consideration of such an important amendment, but my agreement with the gentlewoman from Michigan (Mrs. GRIFFITHS) that 47 years was long enough to consider any measure.

Like many of our colleagues, I believed then as I believe now that this amendment should not be necessary. I believe the Constitution already provides for equal rights under law, and that much of the discrimination which we must all acknowledge is suffered by American women results more from male prejudice and pride than from law. Yet there are areas in law where distinctions based on sex still exist, and the constitutional amendment as originally proposed will serve either to invalidate these laws or to extend them equally to men and women.

We all know of instances where laws place special restriction on women with respect to hours of work and weight-lifting on the job. We also know of prohibition of the employment of women in certain occupations, of dual pay schedules in public schools, or of higher academic standards for women in certain occupations than for men doing virtually identical work. In some of our States we even have stiffer criminal penalties for women offenders than for men committiing the same crime. And so the list goes.

Many of these laws have evolved because we men have sought to protect our women from the rigors of the business world. We have traditionally considered ourselves the providers and the women as our mothers, our wives, our widows. In the almost 200 years since our Nation was formed, we have never legally acknowledged any other status for women than that of participants in such family units.

All of us know that today the workingwoman is the rule, not the exception. The rights of value to her are the same rights that are important to all of us, the rights to a job, a promotion, a pension, to social security, to all of the fringe benefits of any job. The workingwoman may be a young woman not yet a part of a family unit, a married woman providing supplemental income for herself and her family, or a single woman or widow dependent only on herself. But the laws we have passed in our desire to protect our mothers, our wives, our children, limit her hours, the type of work she can do, the pay she can receive, and, in effect, her ability to provide for herself and her dependents in the same way a man can.

Both Congress and the executive branch have over the past few years taken steps toward reducing discrimination against women. Recent Court cases have also resulted in decisions that have tended to eliminate some unfair discrimination by employers. So, if women waited long enough, they might at some point in the distant future find that an amendment to guarantee them equal rights would be unnecessary. But they waited 50 years to secure adoption of the 19th amendment and the vote, and they have already waited 47 years for the guarantee of equal rights. I believe they have waited long enough, and I therefore urge adoption of House Joint Resolution 208 as originally proposed.

It is discouraging that, even after we in the House acted on this legislation last year, we did not succeed in obtaining final congressional approval of this amendment. By vote of 346 to 15, we passed the resolution last August, only to see it die without action in the other body. And now this year we are again called upon to overrule the majority of our committee colleagues, who insist that many of the most discriminatory provisions of law be retained in the interest of protecting "health and safety" of our women, or of relieving them of responsibility for military service, in spite of the protestations of the women they seek to protect that they neither desire nor seek that protection. I personally do not feel the language of this amendment will prevent reasonable consideration of the physical differences between men and women. The physical requirements of the draft already eliminate many men, and would of certainty eliminate either the man or woman who was the sole support of dependent children. Mr. Speaker, I believe these so-called safeguards would defeat the purpose of the resolution as originally proposed, and I therefore urge defeat of the committee amendments and passage of House Joint Resolution 208 in its original form.

Mr. SIKES. Mr. Chairman, the matter of providing equal rights for men and women has concerned Congress for many years. Hopefully, the action which is being taken on the floor today will lead to final and fair resolution of the question.

That there is discrimination because of sex is not disputed. That this is wrong likewise is not disputed. The conflict arises on how far the Congress should go in providing legal protection for the rights of women.

In every debate, Members of this body rise to point up the pitfalls and shortcomings of various proposals which have come before us. Sometimes these well-intentioned Members are chastized and labeled as opponents to equal rights for men and women.

Mr. Chairman, I suggest this is not necessarily the case. I believe those who rise to discuss the harm they see contained in a given bill are seeking to do a service to the Congress and to the Nation, especially in this case, to the women of America whom we are striving to make equal on the one hand, and to protect on the other just as we seek to protect all citizens. We should consider all aspects of this important question, but we should also pass a bill and move along with the business of providing equal rights for men and women.

There is no question in my mind that much remains to be done before America truly is the land of equality for all. Equal pay for equal work is today but a goal and not a reality. Equality in job consideration is yet to be achieved. Equal protection under the law thus far has eluded us.

But we are trying and we must continue to try to reach the optimum in the law—a statute which is equal to all while protecting all. I know the Congress is seeking to reach that goal, Mr. Speaker. Let us hope that in today's effort we will have the best approach which thus far has been offered toward this goal. It is time to pass a resolution on equal rights for men and women and I trust that today we shall take a long awaited and important step forward toward the goal.

I, for one, intend to continue to work toward achieving equality between the sexes through law. In this spirit of true cooperation, that goal can be reached.

Mr. KOCH. Mr. Chairman, I rise in support of the equal rights amendment for men and women. It is truly a sad commentary that Congress has delayed so long in ensuring constitutional equality for women and in providing women, for the first time, with protection against laws and government practices that are discriminatory. The equal rights amendment has been introduced in every Congress since 1923 and has been generally ignored until last summer, when the House overwhelmingly adopted Representative Griffiths' resolution; unfortunately it failed to reach the Senate floor for a vote. Now again, we have the chance to see to it that women's equality is assured in the law without qualification.

I voted last summer for this equal rights amendment. There exists some concern now among proponents of the Wiggins amendment that such a straightforward declaration of equal rights for women might be interpreted in a manner adverse to women's interests. This argument seems contrived, however, especially in view of the testimony heard before the committee, which envisioned little danger from this angle. I believe that more damage will be done to the interests of women in equality by including the qualifying language of the Wiggins amendment provisions than might conceivably be done if it is omitted. The administration has already testified in favor of this resolution without these qualifying provisions. And even those witnesses who represented women's groups in opposition to Mrs. GRIFFITHS' proposals testified that they did not advocate placing in our Constitution the qualified form of equality embodied in the Wiggins amendment.

I strongly believe that equality is a concept which cannot be diluted. Once even the slightest of qualifications is attached the word becomes meaningless and the system of democracy founded on this principle is therewith diminished. Hearings held on the equal rights amendment established beyond dispute that women as a group are the victims of a wide variety of discriminatory laws which would be sanctioned and in some cases actually even enlarged under the Wiggins amendment. Such open-ended language permitting discrimination when related to the protection of women's health and safety is certainly a large step backward from the outright prohibition against discrimination under title 7 of the 1964 Civil Rights Act.

Indeed, the differential between the salaries paid men and those paid women is progressively widening; in 1955 the woman's median wage was 63.9 percent of the man's, while today it is reduced to 58.2 percent. How has it happened that the median income of a woman with a master's degree is $55 less than that of a man who has only a high school diploma? Laws purporting to "protect the health and safety" of individuals have been the basis throughout history for discriminatory practices. It is now time that we squarely face the loopholes that the Wiggins amendment language represents and eliminate them with the elimination of the Wiggins amendment. On final passage I will only vote for a bill which contains the equal rights amendment in its pristine form without limitations of any kind. There can be no equality but that which is without qualification.

Mrs. SULLIVAN. Mr. Chairman, I trust I will not be accused of being a "male supremacist" because I cannot vote for the so-called equal rights amendment. Many of my colleagues, and some of my constituents also, may feel my vote is a wrong one from one standpoint or another, but all of them know from my record during nearly 20 years in Congress that I have always worked for and voted for legislation to provide women with equal opportunities in employment, including the professions, for equal educational opportunities, and for equal pay for equal work. I certainly intend to continue those efforts to buttress the rights of women to contribute in every possible way to the world in which we live, without discrimination.

But I cannot vote for a constitutional amendment which would—in pursuit of the objective of overturning a few archaic State laws which are undoubtedly already unconstitutional—destroy the power of the Congress or of any State legislature or local governing body to pass any law which differentiates in any way between males and females.

If a particular law which contains discriminatory provisions based on sex is unreasonable, as some of them certainly are, then the answer is to repeal that law or amend it or have it thrown out in the courts.

The claim is made that either of these processes takes too long. When did amending the Constitution become a shortcut to amending a State or local law?

The truer explanation, it seems to me, is that it is easier to convince the overwhelmingly male Congress and legislatures to strike a gallant blow for women by professing to be for equal rights than it is to sell those same men on the merits of treating women fairly in substantive legislation.

The scholarly legal arguments to which we have been treated during this debate—and in the millions of words written and spoken on the subject of this legislation over many decades—make it clear that respected legal experts differ deeply and vigorously and even bitterly over the possible consequences of the language of this amendment if it becomes a part of the Constitution.

It will, we are told, strike down a law in Idaho which extends preference to men over women in the executorship of estates of interstate decedents. Why cannot the women of Idaho persuade or force the Idaho Legislature to stop such nonsense? The issue is now in the courts, and it is impossible for me to figure out how the Supreme Court could consider this a reasonable distinction between men and women. Is this pending case a reason to change the Constitution? I think not.

REPORT OF NATIONAL COMMISSION ON THE STATUS OF WOMEN

One of the most useful projects ever undertaken in the realm of women's rights was the creation by the late President John F. Kennedy of the National Commission on the Status of Women, headed by the late Eleanor Roosevelt until her death, with Esther Peterson as its executive vice chairman and principal administrative officer. Out of the work of this Commission came numerous intelligent and well thought out—thoroughly argued out—proposals for improving the condition and status and dignity and opportunities of women in the United States. The Equal Pay Act and the prohibitions in the Civil Rights Act against sex discrimination in employment were direct outgrowths of the Commission's work.

But the National Commission on the Status of Women did not call for an equal rights amendment to the Constitution. Instead, it said the worthwhile objectives of such an amendment could already be achieved through court action. The members of that distinguished Commission included, at the time of its final report, such outstanding Americans as Robert F. Kennedy, W. Willard Wirtz, Orville L. Freeman, Luther H. Hodges, Anthony J. Celebrezze, John W. Macy, Jr., Senators GEORGE AIKEN and Maureen Neuberger, Representative EDITH GREEN, Mrs. Ellen Boddy, Dr. Mary I. Bunting, Mrs. Mary E. Callahan, Dr. Henry David, Miss Dorothy Height, Miss Margaret Hickey, Mrs. Viola H. Hymes, Dr. Cynthia C. Wedel, William F. Schnitzler, Dr. Caroline Ware, Dr. Richard A. Lester, Miss Margaret Mealey, Norman Nicholson, Miss Marguerite Rawalt, and Mrs. Peterson.,

Some of them were, and are now, strong supporters of the equal rights amendment. The Commission, however, I repeat, did not support it.

The Commission report stated in this connection:

> Since the Commission is convinced that the U.S. Constitution now embodies equality of rights for men and women, we conclude that a constitutional amendment need not now be sought in order to establish this principle. But judicial clarification is imperative in order that remaining ambiguities with respect to the constitutional protection of women's rights be eliminated.
>
> Early and definitive court pronouncement, particularly by the Supreme Court, is urgently needed with regard to the validity of the 5th and 15th Amendments of laws and official practices discriminating against women to the end that the principle of equality be firmly established in constitutional doctrine.
>
> Accordingly, interested groups should give high priority to bringing under court review cases involving laws and practices which discriminate against women. At the same time, appropriate Federal, State and local officials in all branches of government should be urged to scrutinize carefully those laws, regulations and practices which discriminate on the basis of sex to determine whether they are justifiable in the light of contemporary conditions and to the end of removing archaic standards which today operate as discriminatory. The Commission commends and encourages continued efforts on the part of all interested groups in educating the public and in urging prompt action and action within the Judicial, Executive, and Legislative branches of Government to the end that full equality may become a reality.

THE DRAFT ISSUE

Some of the communications I have received on this issue purport to tell me that women do not wish to continue to be exempt from the military draft, and that therefore the equal rights amendment should be passed in order to enable women to share in this responsibility equally with men. I am not aware of any great surge in interest among young women in serving in combat roles in the military service—roles for which they cannot now volunteer—but if this is the case, then it seems to me that Congress should be asked to amend the draft law, not the Constitution, in order to make this possible.

I cannot imagine very many of those Members of Congress who are ready to vote for the equal rights amendment being ready to vote for a bill which would make young women eligible for the draft on an equal basis with young men.

Certainly this is not the main issue or the only issue involved in the equal rights amendment, and I do not wish to give the impression that I think it is. But it is typical of the thinking behind the amendment that because it is hard to change some laws to which many women—or all women—might object, that we should therefore change the Constitution. But the trouble in my view is that in changing the Constitution we would be prohibiting the Congress and the legislatures and other official bodies from legislating on any issue which recognizes an inherent difference between men and women.

DIFFERENCES DO EXIST

I happen to think that there are legitimate, recognizable, legal differences between the roles of men and women in our society—not so much in our economy anymore, thanks to laws enacted by Congress to eliminate discrimination against women in employment and in pay. But there are differences between male and female roles in our society, and I hope there always are.

Individual women have supported husbands in indolence or in the pursuit of professional education or in the arts and literature, and individual women have that right, including the right to support the children, too. But I do not wish to see—and to vote for—a constitutional amendment which would require all women to be equally obligated with their husbands to support the family, even though millions of women may choose to do so.

One of the most serious of all of our social problems is the disregard by millions of American men of their obligations for the support of their families, even under the threat of prosecution. If the Constitution makes it impossible for our courts to punish a deserting father for failure to at least try to support his children, this process of family disintegration will accelerate and throw millions of additional children onto the pubic welfare rolls and into institutions.

I am not a lawyer and do not pretend to understand all of the possible consequences of this proposed amendment to the Constitution. The more I read legal briefs on the subject, the more confused I become. But I am confident that any of the remaining and obsolete State laws which differentiate between men and women to the disadvantage of women in those States can be struck down under existing constitutional provisions, or by the simple expedient of changing State laws.

But the questiton in each instance is whether the distinction in law between men and women is a reasonable or unreasonable one. If it is a reasonable one, then we would not preclude the States from making their own determinations.

ELECTING WOMEN TO MAJOR OFFICE

No constitutional change is going to assure women an equal opportunity to get elected to any office, although any woman can now run for any office. All of the women who have made or attempted to make a career of elective office know how difficult it was to win the nomination of their respective parties for any major office. So this amendment would not increase by an iota the membership of women in the House of Representatives, or the Senate, or the list of Governors.

Women can hold these offices, and the rank of general or admiral, and can serve in any appointive office. But until women get out and battle for their rights under existing law, the discriminations undoubtedly will persist—any constitutional amendment notwithstanding.

PROTECTIVE LAWS

The so-called protective labor laws which many women find burdensome to their ambitions in business life were enacted primarily to protect the life-giving role of women. Many of these laws are outmoded, but not all of them by any means. I think each of those laws should be attacked on its own merits or lack of them. But if we remove the power to differentiate in any law, the good protective labor laws are struck down equally with the bad, and this I do not support.

As a woman, Mr. Chairman, I do not enjoy being in the position of standing as perhaps the only woman in the House of Representatives to oppose a proposal ostensibly intended to help all women. All 11 of us here in the House can fight our own battles, and have had to do so. Similarly, we must each vote for what our consciences dictate. Perhaps I am old fashioned, but as long as women have full rights equally with men to pursue any careers for which they feel qualified, and the legal discriminations which still exist are subject to attack in the legislatures and in our courts on a case-by-case basis, I cannot in good conscience support a proposal to take away from all women the protections which reasonable men and women consider reasonable protections for women.

While I do not think it is reasonable to impose by State law a preference for men over women in the executorship of estates, I do think it is reasonable to impose by State law a higher obligation upon men than upon their wives for the support of children.

I do not think it is reasonable to discriminate against single women in the benefits available under the social security laws. But I do think it is sometimes reasonable to set a limit under the laws on the number of hours a woman can work in certain occupations, or the number of pounds she should be required to lift, or to maintain a preference—all things being equal—for custody of minor children.

In all these situations, however, unreasonable distinctions can be overcome by legislation or by litigation.

POWER TO OVERTURN BAD LAWS

Amending the Constitution should be reserved for those circumstances in which legal distinctions become intolerable and are not susceptible to correction in any other way. Prior to the 19th amendment, the elimination of discriminations in most State laws against the opportunity of women to vote was not achievable in those States because only men voted and they did not want to share the benefits of full citizenship. That is no longer an excuse for the continued existence of any oppressive State law discriminating against women. Women can vote now on an equal basis. They can vote freely. And they have tremendous power at the polls when they choose to use it.

What is the matter with women in any State who permit a State law to remain on the books which is clearly discriminatory? Missouri has no such laws. Our women were instrumental in eliminating them. I suggest the women of other States do likewise.

Since women in all States have this opportunity, and can persuade reasonable citizens—male and female—of the righteousness of the cause, I oppose the use of the arguments put forward in this debate which would prohibit reasonable men and women from having in their laws, at any level, any reasonable distinctions between men and women, from the draft laws to the laws dealing with physical differences between the sexes.

Mr. KASTENMEIER. Mr. Chairman, I do not believe that there is anyone in this body who would deny that amending the Constitution of the United States is a very serious undertaking—holding consequences which may, in our time, be unknown. An amendment to the Constitution represents an expression of national commitment and historically has only been undertaken when fundamental changes in the basic governing values of this Nation have been deemed necessary.

As long as we permit basic laws to remain on the books which have relegated a class of people to second-class citizenship, our governing values must be challenged. If we permit legal, arbitrary discrimination on grounds other than individual merit, the oppressed will legitimately demand fundamental change. Women have been relegated to second-class citizenship. Women have been discriminated against. It is far past time to make a national commitment to allow women the same basic rights enjoyed by men.

In 1970, 350 Members of this body declared their support for a constitutional amendment providing that—

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Yet, ironically, we are back today to determine whether the House of Representatives will sustain that commitment or whether it will revert to a perpetuation of a pervasive sex discrimination in the name of "promoting the health and safety of the people."

Nothing would be so patronizing to the women of America as the adoption of the Wiggins amendment. The amendment, carefully couched in diversionary rhetoric, can only completely undercut the basic values sought by the equal rights amendment and continue a dual system of equality in this country.

The committee amendment proposes to continue the draft exemption for women and authorize protective labor laws. I would make two brief observations on these points.

My long-standing opposition to the draft is well documented. I do not believe there is a place in a free society for compulsory military service. However, as long as this country maintains a system of compulsory military service, and as long as it chooses to engage in a military policy on behalf of its citizens, all citizens should have the obligation to serve and the right to refuse to serve. Equality of rights means that you participate in the rights, benefits and the obligations of full citizenship. To be expected to do less is to be less than a full citizen.

Classification by sex for reasons other than those physical characteristics unique to only one sex, denies the existence of individual abilities. Further, the protection offered by this amendment places the decision as to whether differentiation is justified in the hands of the very State legislatures and courts which have maintained the existing system of discrimination.

We cannot keep an oppressed people down forever. Just as black Americans fought and continue to fight for the equality due them as citizens and human beings, so now do women demand that equality. Women are citizens without the full rights of citizenship. They are human beings without the demonstration of total respect that full equality brings.

Equality with qualification is a sham. It makes a mockery of the basic principles which this body is mandated to uphold. Nothing short of total equality of rights for all individuals—one system of equality for all—is acceptable.

Mr. Chairman, I would like to especially congratulate the gentleman from California (Mr. EDWARDS) for his perseverance in guiding this constitutional amendment through his subcommittee, the full Judiciary Committee and on the floor today. I trust that history will record his role in terms of the success of this effort.

Mr. ASHLEY. Mr. Chairman, I firmly believe that the Constitution of the United States should be amended only when a matter of broad and fundamental principle is at stake. The matter we are considering today—the extension to women of equal rights under the law—is such a principle.

Discrimination against women is deeply entrenched in the United States and flourishes in both our social and legal spheres, a fact which many opponents of the equal rights amendment acknowledge when they argue that its passage would cause fundamental changes in our national life and institutions. History has shown us that any system which confers benefits or imposes obligations on the basis of such things as race, creed, color or sex inevitably is repressive. Those who wield the greater influence in formulating the law have invariably found it hard to resist enhancing their position at the expense of others. The need for a constitutional amendment to change this pattern by requiring a broad national commitment to the ideal of equality between the sexes under the law is evident.

To qualify "equality," as the Wiggins amendment would do, would run counter to the basic principle of democracy that is enshrined in the equal protection clause of the 14th amendment to our Constitution. Differentiation on the basis of sex must be totally precluded regardless of whether a legislature or a court considers such a classification to be "reasonable," "healthy," or beneficial to society as a whole. The decision to make all forms of discrimination illegal must be final and not subject to relitigation.

Supporters of the Wiggins amendment point out that the equal rights amendment would require conscription of both men and women insofar as each individual met minimum physical qualifications. However, even if we ignore the very good possibility that the draft may be done away with before the amendment is enforced, we need not regard the idea of women in military service as a revolutionary concept. Women in the United States and elsewhere have contributed to the military defense of their countries, and drafting women will make them equally eligible for the benefits of service—job training and experience, veterans benefits and participation as equals in the duties of citizenship.

Supporters of the Wiggins amendment express fears that the equal rights amendment, in invalidating all "protective" legislation which differentiates between workers on the basis of sex, will ultimately harm women. However, when labor laws that apply only to women are examined closely, it becomes clear that they do not provide any meaningful protection at all. These laws are either vestiges of English common law under which women were considered chattels, or are designed specifically to prevent women from competing with men for jobs in certain industries. For instance, laws against working at night do not apply to telephone operators or nurses, jobs which have traditionally been delegated to women and which few men have an interest in competing for. However, such laws are likely to prevent a woman from getting a job on the night shift in a foundry. Legislatures should address themselves to the task of providing protection and improved working conditions for all workers, regardless of sex.

Many of those opposed to passing the equal rights amendment in its pure form have argued that it will force the sexual integration of such things as public restrooms, sleeping quarters in prisons and universities, hospital rooms, and Army barracks. This simply is not true. The equal rights amendment will be only a part of the Constitution and would, of course, be construed within the framework of the entire Constitution. The passage of this amendment will not nullify other rights which the Constitution guarantees, including our right to privacy. We must not let ridiculous "scare tactics" cloud the real purpose of the amendment which is to guarantee for men and women equal protection under the law.

Mr. Chairman, the total elimination of sex discrimination will be realized neither easily nor quickly, for it is too deeply imbedded in our culture. However, if we are to attempt to grant to all individuals the right to develop their full potential and exercise full freedom of choice, then we must at least move to dispel institutional and legal discriminations which stand in their way. The equal rights amendment provides us with the mechanism needed to do this, and hopefully, may eventually cause each of us to reexamine the behavior patterns which have resulted in sexual bias.

Mr. STOKES. Mr. Chairman, I rise in support of House Resolution 208 and in opposition to the Wiggins amendment. The debate on the question of equal rights for men and women has produced several interesting but insupportable arguments against full equality for women.

It has been argued, for example, that women are, and should continue to be, protected by labor laws restricting somewhat the types of jobs women may do and the hours they may work. If these so-called protective laws really worked to protect women, are we to assume that women would seek or accept jobs involving the lifting of weights heavier than they could handle or requiring excessive working hours? Our laws assume that men can rationally decide whether a job requires too much of them. Why do they assume that women cannot make the same decision? The fact is that these laws protect certain jobs for men and prevent competition for those jobs by women who could do the job equally well. It is time to reject the paternalistic attitude which underlies the provision of the Wiggins amendment which saves the so-called protective legislation. Women are quite capable of recognizing the limits of their physical strength and of deciding what type of work they desire to perform.

The other provision of the Wiggins amendment is designed to continue the exemption of women from the military draft. It is ludicrous to argue that women are incapable of performing military duty, including duty in combat areas. Women have served the Israeli army well. More importantly, women who have supported this resolution understand and recognize that with increased rights will come increased responsibilities. The Congress has been laboring for years to make the military draft more equitable. It will never be equitable as long as we continue arbitrarily to exempt women. No one has or would argue that the military should be required to use women to perform duties beyond their capabilities, but their sex should not bar them from service or be the sole determinant of the type of service which would be required. Opening voluntary military service to women on an equal basis would have the additional advantage of making them eligible for benefits of military service such as job training, educational assistance, GI loans, and preference for Government jobs.

Women have made some gains under title VII of the Civil Rights Act. They have been entering the professions in ever-increasing numbers. They, like other minorities, have found that rights which are not granted must be demanded. They have not been and will not be fooled by the Wiggins amendment which destroys the very essence of the equal rights amendment. I urge my colleagues to reject the Wiggins amendment and to vote in favor of true equal rights under the law for women.

Mr. WOLFF. Mr. Chairman, I am pleased to have this opportunity to express my support for a most necessary and long-overdue piece of legislation that we consider here today. I refer, of course, to House Joint Resolution 208, the equal rights amendment.

Ever since this country was formed, the strength of our great Nation has rested on the principle of individuality; throughout our history we have time and again affirmed the basic right of each individual to develop his own potentiality. And through the years we have enacted laws to eliminate the qualifiers and restrictions so that all members of society would be afforded an equal opportunity to pursue their individual destinies.

Despite these efforts, we have nevertheless failed to eliminate sex as a basis for discrimination under the law. Mr. Chairman, we are living in the age of modern technology, an age that has witnessed tremendous scientific, economic, and social advances. We can today make our contribution to this age of progress, sonably set women apart from men. and at the same time rededicate ourselves to the principle of individuality by voting to eliminate the anachronistic restrictions that arbitrarily and unrea-

We are faced today with the choice of upholding the concept of equality or of subverting this cornerstone of our Nation's integrity to the ill-conceived interests of those who believe that women as a group are less than equal to men. I would emphasize to my colleagues that a vote for the Wiggins amendment to House Joint Resolution 208 will be a vote to reaffirm the basic injustice and inequality we have forced on women in the past. This amendment, in its attempt to "qualify" equality, succeeds only in undermining the basic principle of democracy which our Constitution seeks to uphold. Nor would the amendment serve to eliminate sex discrimination, which is likewise counter to the intent of the equal rights idea. None of us can deny that discriminatory practices based on sex are widespread in the United States. If we are sincere in our intention to eliminate these barriers to equality, we must recognize that this can only be accomplished today by defeating the Wiggins amendment and voting for passage of the equal rights amendment in its original form.

Mr. BROOMFIELD. Mr. Chairman, I stand today to extend my support to the equal rights amendment in its original form as introduced by my distinguished colleague, the Honorable MARTHA GRIFFITHS.

So long as American women are treated separately under the law, as long as we strive to restrain and shelter them from full participation in our society, they will never attain complete equality with men. This amendment, if enacted, will allow women to finally achieve and realize those opportunities and responsibilities that they are entitled to under our Constitution.

I firmly believe that equality under the law is inconsistent with any exceptions which are based solely upon sex. Legislation which generalizes on the relative average capabilities of women without regard for their particular abilities is unfair. These laws ignore individual talent and potential. They should become unconstitutional.

Mr. Chairman, this measure has received widespread, bipartisan support in the past. It was endorsed by Presidents Eisenhower, Kennedy, Johnson, and Nixon. Indeed, I am proud to say that in the last Congress I sponsored a similar bill and joined with the overwhelming majority of this body in passing an equal rights amendment.

For too long, women have been restrained from participating in the most vital areas of our Government, economy, and society in general. Representing over one-half of our total population, we can ill afford to deny their contributions. These restrictions of women from the mainstream of American life are an absolute waste of human potential.

Mr. Chairman, this resolution will serve to rectify an inequity which has unjustly plagued women and, therefore, I respectfully urge its passage.

Mrs. GREEN of Oregon. Mr Chairman, in past years I rejected the idea of an equal rights amendment, arguing as have those opposed to it today that wrongs could be righted, and more quickly, through the legislative process and through the courts. But through the years I have watched the legislative actions on both the national and State levels and I have come to the conclusion that I was wrong, and that MARTHA GRIFFITHS was right, and that the groups who supported the equal rights amendment were correct.

If I were persuaded that in this House, where discrimination in fact does occur on the basis of sex—if I were persuaded that those people especially on the other side of the aisle who have spoken so eloquently about wanting to end inequity—were also really prepared to take the steps necessary to end it, then I might feel differently. But experience, as they say, is the best teacher, and let me tell you the two recent events which have discouraged me greatly.

We had on the floor of the House about 3 weeks ago the Equal Employment Opportunities Commission measure. When I came to Congress in 1955 I introduced a bill which would have provided equal pay for equal work, a bill which said simply that if a woman was doing identical work with a man she ought to be paid the same. After 9 years it was passed in 1963. For the first 7 years I could not even get a hearing in this House on that bill.

Then a couple of weeks ago we had the Equal Opportunities Commission measure on the floor, and the Erlenborn substitute was adopted. The Erlenborn substitute has had the effect of repealing the Equal Pay for Equal Work Act. The Erlenborn substitute was designed to be the exclusive remedy for aggrieved parties discriminated against. If the Erlenborn substitute is not changed in conference, women no longer can seek remedy through the machinery set up in the equal pay for equal work legislation. That cannot be described as progress. I wish I could be persuaded that the preponderant number of men will really take the steps necessary to end discrimination. If that is the case, why was the equal pay bill repealed?

There were five people during debate on the Erlenborn substitute who made the charge that it did repeal the Equal Pay Act. Never once was it refuted by Mr. ERLENBORN or anyone else. So I wrote to the Department of Labor about this question and in their reply the Department admits that the equal pay law is in jeopardy and that at a minimum the matter will have to be litigated. Yet when this was pointed out five times on the floor of the House, there was no attempt to do anything about it.

The full letter from the Department of Labor follows:

U.S. DEPARTMENT OF LABOR,
Washington, D.C. Sept. 27, 1971.

MEMORANDUM FOR THE UNDER SECRETARY

Subject: Erlenborn Amendment

Several representatives have voiced the view that the exclusive remedy provision of the Erlenborn Amendment (the Equal Employment Opportunities Enforcement Act) wipes out the Equal Pay Act of 1963. See the remarks of Representatives Green, Hawkins, O'Hara, Abzug and Dent at Cong. Rec. 31979, Sept. 15, 1971 and 32092, 32097, 32100–32101, Sept. 16, 1971.

The "exclusive remedy" provision of the Erlenborn Amendment amends only section 706 of the Civil Rights Act of 1964 as follows:

"Except as provided in subsections (a) through (d) of this section and in section 707 of this Act, a charge filed hereunder shall be the exclusive remedy of any person claiming to be aggrieved by an unlawful employment practice of an employer, employment agency or labor organization."

Mr. Erlenborn claims that under the present law: "Employment discrimination proceedings now [are] being filed under Title VII, the National Labor Relations Act, the Civil Rights Act of 1866 *and other laws*" (emphasis added) and that his bill (H.R. 9247): "Provides that charges filed under Title VII shall be the exclusive Federal remedy (does not displace authority of the OFCC or the Attorney General's right to initiate pattern or practice suits)". Cong. Rec 26555, July 21, 1971. He explains that "[w]ith a strengthened EEOC enforcing Title VII, recourse to other federal agencies and statutes won't be necessary" and that "[o]ne effect of this section is to supersede employment discrimination proceedings now being filed under the Civil Rights Act of 1866 and the National Labor Relations Act, *amongst others*" (*ibid*, emphasis added). He assures the House, however, that "[t]his does not, however, displace the authority of the Office of Federal Contract Compliance, the Attorney General's stautory right to initiate 'pattern or practice' litigation, or proceedings under state fair employment practice laws." Again, on September 15, 1971, Mr. Erlenborn referred to Title VII being the "sole method of enforcing these rights," giving examples of other remedies "before the NLRB" and "under the old Civil Rights Act of 1866." Cong. Rec. 31973.

Mr. Erlenborn explains that: So a person bringing an action under this cannot shop around for another forum on which to base another law suit, we would make the Equal Employment Opportunity Act the sole Federal remedy for relief from discriminatory employment practices." Cong. Rec. 31980, Sept. 15, 1971.

Mr. Erlenborn refers to "a plethora of forums to resolve these complaints, no one of which is exclusive, and it can happen that a multiplicity of cases arising out of the same set of facts can clog the courts." Cong. Rec. 31973, Sept. 15, 1971.

He specifically refers to suits by the same party "before the NLRB" and "under the old Civil Rights Act of 1866." However, the situation can also arise in proceedings under Title VII and equal pay provisions of the Fair Labor Standards Act by the use of an employee suit under section 16(b) of the Act.

Conflicts between Title VII and the equal pay provisions are largely averted, however, by section 703(h) of the Civil Rights Act of 1964 which provides that:

"It shall not be an unlawful employment practice under this title for any employer to differentiate upon the basis of sex in determining the amount of the wages or compensation paid or to be paid to employees of such employer if such differentiation is authorized by the provisions of section 6(d) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206(d))."

At the time the Erlenborn Amendment was first proposed, we did not believe that it had any effect at all on the Equal Pay Act. We did not consider the Equal Pay Act as one of the "other laws" to which Congressman Erlenborn had referred in his explanation. "[I]t is a cardinal principle of [statutory] construction that repeals by implication are not favored." *Silver* v. *New York Stock Exchange*, 373 U.S. 341, 357; *Mercantile National Bank* v. *Langeau*, 371 U.S. 555, 565; *Jones* v. *Mayer Co.*, 392 U.S. 409, 437. Mr. Erlenborn's explanations of his amendment certainly show that he was not thinking in terms of nullifying the Equal Pay Act.

The many statements made with respect to the Equal Pay Act during the course of the debates in the House on the passage of the Erlenborn Amendment, especially those made by Congresswoman Green, cast considerable doubt on our initial construction of the Amendment since they are now part of its legislative history. At the very minimum, we believe that we would have to litigate the issue if there is not further clarification in the Senate and any House-Senate conference.

ALFRED G. ALBERT,
Acting Solicitor of Labor.

Last year the special subcommittee on Higher Education held hearings on the subject of discrimination based on sex. Through the years we have had lots of hearings in this Congress about other kinds of discrimination, and efforts have been made to end it. These were the first hearings on various kinds of discrimination based on sex—other than the equal pay for equal work hearings almost a decade ago.

This year in the higher education bill there is a provision designed to end discrimination in higher education based on sex. There was an amendment offered by a gentleman on the other side of the aisle that said, "Yes; we will end discrimination in higher education," but added two exemptions in addition to the three already in the bill. I am not anxious to make it a burdensome problem for colleges and universities. I said that institutions which were substantially—and I identified it as 90 percent—of one sex, would be exempt from this provision; that all institutions for divinity schools, seminaries, and so on, would be exempt. And the third exemption I recommended was that there would be a 7-year transition period for those colleges and universities that were moving from one sex to coeducation.

But the substitute which passed in the subcommittee by one vote, and was supported by every person on the other side of the aisle, would have exempted from the prohibition against discrimination of all undergraduate institutions in the United States.

Now, that is not what Mr. WIGGINS has argued today. He said he is interested in ending discrimination in many of the areas, and I take him at his word. I do not question his motives. But I do say that the record is pretty clear: you cannot have an amendment or a bill that is going to end discrimination in higher education if at the same time you exempt 95 percent of the institutions in this country.

As I say, this substitute provision carried in the subcommittee. We fortunately replaced it in the full committee.

These are incidents that have come to my personal knowledge within the last month. I think also I would have to agree as has been stated here today that the women Members of the House probably do have more emotion in this because I suspect everyone of us has experienced discrimination.

So today in my discussion, I would like to remove myself and my own personal experience as much as I can. But I would like to relate it, if I may—to your daughters and to your granddaughters.

Most of you are investing many thousands of dollars in the education of your daughters and your granddaughters. I am not going to argue with any gentleman in the House who feels that the role of wife and mother is the preferable role. But I do suggest that your daughters and granddaughters may not opt only for that. Furthermore, it is not written in the Heavens that husbands are going to live forever. Women choose careers today not only for the personal satisfactions they can provide, along with the satisfactions of being a wife and mother, but in the full knowledge that they may have to support themselves, or a disabled husband and/or their children.

Can one of you honestly say that you would not want your daughter or granddaughter to be able to make a decent living for herself should the need arise? Is it not the truth rather that you would feel much easier knowing that if your support is not available or her husband's support is not available, that she has the means at her own disposal to be self-supportive? Is this not the reason why you are willing to spend the thousands of dollars on her education? And if your daughter does choose, say, to become a college professor, do you not think she is entitled to earn as much for her work as her male colleague? Yet the truth is that if she should become a full professor, she could expect to earn $1,000 less per year than her male colleagues. Moreover, her chances of ever becoming a full professor would only be one-third as great as a man.

Mr. LONG of Maryland. Mr. Chairman, will the gentlelady yield?

Mrs. GREEN of Oregon. I yield to the gentleman.

Mr. LONG of Maryland. I have been trying to come to grips with just exactly what this means.

The gentlewoman from Oregon has mentioned college professors, an occupation which I have had some experience with, having been one for 25 years. Universities usually have very general pay scales. Let us say, a minimum for a full professor might be, let us say, $15,000, with salaries going to say $30,000 for an eminent scholar. Most universities deal with individual preference on an individual bargaining basis. They pay what they have to pay. Does the gentlewoman understand what I am saying?

Mrs. GREEN of Oregon. But across the board—must they pay men more than women? That is exactly my point.

Mr. LONG of Maryland. They pay men more than women simply because of the fact that on the average in bargaining it costs them much more to get a man.

Salaries vary widely even among men, so you have a hard time to decide whether one man is being discriminated against compared to another man.

The point I am trying to get at is that I just do not see how you can tell a university that there shall be no individual bargaining. In each case salary is based on what the university thinks it can get professors for. Indeed, I have never seen a university pay an individual a nickel more than it has to in order to get him.

I am wondering whether you can enforce equal pay for equal work in any realistic way, or without economic interference in the bargaining process.

Mrs. GREEN of Oregon. My answer to that is, I am speaking of jobs that are identical; where a woman has the identical background in education and the same number of years.

Mr. LONG of Maryland. Among university professors serving side by side in the same university department, one may have the same rank, but be 5 times, let us say, the academic stature of another.

Mrs. GREEN of Oregon. All I can say to the gentleman is that this has been taken care of already by Executive Order 11246 as it was later amended, and the Department of HEW has moved at the University of Michigan, evidence being presented that there was discrimination on the basis of sex.

Mr. LONG of Maryland. But how do you prove it?

Mrs. GREEN of Oregon. HEW asked for an affirmative plan of action to end sex discrimination at the faculty level.

Mr. LONG of Maryland. I am interested in how they would do it.

Mrs. GREEN of Oregon. As I said, the Department of Health, Education, and Welfare required the University of Michigan to present an affirmative plan of action. They looked into all the pay schedules, the number of women there, the number of years they had been employed, and the salaries they had been paid.

Mr. LONG of Maryland. Would they try to assume, then, that if the average woman, let us say, in a full professor category were getting $4,000 less than the average man, that that was evidence of discrimination?

Mrs. GREEN of Oregon. I would say that when the national median all over the United States shows that women full professors are paid less than male full professors. If you add up all the salaries of all the male full professors and you add up all the salaries of all the female professors, and there is a difference of about $1,100, and the salaries of the women were always lower, then I would say that was some indication of discrimination.

Mr. LONG of Maryland. Would you say that was proof of discrimination?

Mrs. GREEN of Oregon. I think it is good evidence and HEW should require the affirmative plan of action under the President's Executive order.

Mr. LONG of Maryland. I intend to support this legislation insofar as I can, but I have differed with the gentlewoman. I do not think that that in itself would be proof of discrimination. It might merely be proof that the women in a particular university had not, for example, written as many books or achieved the same distinction in their field as the men in that intellectual endeavor. I am not attempting any invidious comparisons. I am saying it is possible that that is so. I do not see how you can go behind the thinking of the university itself and say that you know better.

Mrs. GREEN of Oregon. This procedure has been followed when allegations have been made that there is racial discrimination.

Mr. LONG of Maryland. I beg your pardon?

Mrs. GREEN of Oregon. I say, this is done in determining discrimination on the basis of race.

Mr. LONG of Maryland. I am not sure you can do it in the case of race.

Mrs. GREEN of Oregon. May I answer the question that my friend has asked by responding with a question: If in the House of Representatives every male Member of Congress were paid $42,500 per year and every female Member were paid $41,000, do you think there might be some indication that there might be a little discrimination?

Mr. LONG of Maryland. In that case, possibly I would say, however, that if we ever started paying Members according to their merit, some of us would get little or nothing; others might rate a salary of hundreds of thousands of dollars.

Mrs. GREEN of Oregon. Most Members of Congress work 12 to 16 hours a day trying to conscientiously represent their constituents. But if pay was given just on the basis of sex then, it might be different.

I do not know whether the gentleman in charge of time has extra time, but I would like to make a few more points and then I will yield to others.

If your daughter or granddaughter does not go into politics as you have, but goes into public education and remains in that field, the chances of her becoming a district superintendent of schools are four out of 13,000.

If your daughter goes into the executive rather than the legislative branch of Government, as you who are here have done, she would have less than 1 percent chance of ever obtaining a grade level of 13 or better. In fact, I am advised that with only a dozen women Members of Congress, the women Members of Congress have four times more representation according to ratio than do women executives in the Federal Government.

After your investment of several thousands of dollars in a college education, if your daughter is the average female college graduate, she could expect to earn—and I think this does have reference to the question asked by Congressman LONG—if she is a college graduate, she could expect to have earnings only $800 a year more than the average male who has only an eighth-grade education. In fact, in all areas of work, the median income for women is 42 percent less than for men.

Now, Mr. Chairman, we have talked about the Wiggins amendment and it has been described in terms of protecting health and safety, the so-called protective laws.

I think at least from my standpoint and from my observations, it deprives women of economic equality.

Making reference again to the job all of us have in the Congress, we all know the long hours we put in in order to fulfill the responsibilities of the job; and the responsibilities and the long hours fall not only on the gentleman from California (Mr. WIGGINS), and the gentleman from Michigan (Mr. HUTCHINSON), and the gentleman from New York (Mr. CELLER), and our other male colleagues, but they also fall on the gentlewoman from Michigan (Mrs. GRIFFITHS), and the gentlewoman from Hawaii (Mrs. MINK), and the gentlewoman from Massachusetts (Mrs. HECKLER), as well as the other women in the ranks. The Members surely would not pass a law that the men Members of Congress can work 14 or 15 or 16 hours a day, but we are going to have to protect the women Members of Congress and allow them to work only 8 hours a day. If we did that, what we would be doing would be not to protect the women Members but to deny any woman the right to serve in the Congress, because it is a 14-hour-a-day job.

So limiting the hours a woman can work is not necessarily a protective kind of arrangement, but it is, rather, an arrangement that deprives women of various jobs. This is true in many, many occupations. I have seen it happen, and it is done in the name of "health and safety." There are many men as well as women who would be unable or unwilling to work the 14- and 16-hour days that most of us do. But the choice to do so should be left to the individual and not to the State. It is unjust to deprive women, as a class, of the right to make that choice. Stamina, intelligence, courage, ability, industry, or any other attribute is not the property of one sex or another. These, as well as the attributes of mental stupidity or physical weakness or incompetence are human qualities quite well divided between the sexes.

Let us examine if we may the other State laws that some of the speakers have defended and have referred to as protecting women. Take those, for example, where physical strength is claimed to be a bona fide job qualification. I am certain that there are many men who would be more able than many women to lift a 35-pound weight. Yet, it is also undeniably true that there are many women who could and would do so, and many men who could not do so.

To take this one step further, we will find many men are, in fact, protected from lifting heavy weights by union contracts which place a maximum on the weight which can be lifted without assistance. But I defy the Members to cite one law in any State of the Union that protects a housewife from having to carry a 30-pound vacuum cleaner—and I weighed mine, and that is what it weighs—from floor to floor, or to protect her from having to lift heavy furniture, or from having to lift a 35-pound child who is crying to be in his mother's arms.

It seems to me that in my home, I, as well as other women, can decide for ourselves our physical capacity. I contend we are just as capable of making that decision in relation to remunerative employment.

One of the saddest and most wasteful effects of all the prejudice—and previous speakers have said it is deep-rooted, and it certainly is—is the limitation it places on an individual's human aspirations. Time and time again we witness a surrender on the part of young women to the myths about themselves which have little or no relation to reality. And they have had imposed on them and they impose on themselves a certain ceiling of expectations, because of sex. How many very bright, able young women have been dissuaded from pursuing a law degree or a medical degree because they were advised or informed there was little or no room for a woman in the medical or legal profession?

In my opinion this world is not so perfect and so replete with talent that it can afford to lose the maximum contribution any human being has to offer. Yet the fact is that daily it does, and for reasons which are totally irrational.

Part of the irrationality is reflected in the wholly unnecessary fear of some men and some women that in achieving equality of opportunity and responsibility women will somehow lose their femininity and men their masculinity. This is simply not so. What women are striving for today is to gain their humanity and not lose their femininity.

It was said a moment ago: Be prepared if you vote for this amendment without the Wiggins amendment, to go to your district and tell your women you are in favor of having them drafted and want them to be drafted.

I am prepared to go to my district and tell the men and women that I voted for the equal rights amendment without the Wiggins amendment because it at long last removed one more barrier against full equality of opportunity, something all of us have been working for.

And I am prepared to go to my district and tell the men and women in my district that I only voted for the draft out of the necessity of the present situation, but that I favor a volunteer army where people can decide what they want to do.

And I am prepared to go to my district and tell my constituents that what I really favor is a universal service, where all young men and all young women would give 1 year to their country, whether this be in the armed services, or in a hospital, or in a school or in the Peace Corps.

But for the duration of the draft, may I remind my colleagues that it is Congress which approves the administration of the Selective Service Act which sets physical and mental standards for active duty personnel. May I point out that 50.5 percent of the men called for examination by the Armed Forces in fiscal 1971 were rejected because they were physically or mentally unfit. There are presently more than 42,000 women serving in the armed services, out of their own choice, and to give but one more example of discrimination, the qualifications for them are higher than they are for men.

Yet, today only one out of 10 persons in the military service is in combat, and I think there are very few who could argue successfully that women as a group are less efficient at KP, office work, medical service, nursing service, or any of the other innumerable supportive tasks which 90 percent of the men now perform. Individual hardship cases for women should be settled as they now are for men, on the basis of individual merit. I submit—that if the armed service qualifications for women were not so much higher than they are for men, we might just have enough personnel to truly have a volunteer army, and we might just be in a position to put an end to one of the harshest forms of discrimination based on sex of which I can think, and that is the discrimination which compels only young men to give time in the service of their country.

Women today take as active a part as we are allowed to do in shouldering the economic, social and political burdens of our country. We are entitled to the just rewards of our work as free citizens willing and able to decide our place in life and to take on the responsibility of that choice, be it in the family, business, government, or the professions. Discrimination on the basis of sex is deep rooted, and I cannot ask any of you who hold traditional views as to a woman's role to support my position because it will be easy. I cannot ask you to support it because the changes will be minor. They will be great. I ask you to support it because it is right, and so all of us can go back to our districts and tell men and women that in the long struggle for equality and justice one more barrier to full citizenship has been removed.

GENERAL LEAVE TO EXTEND

Mrs. GRIFFITHS. Mr. Chairman, I ask unanimous consent that all Members who care to do so may revise and extend their remarks at this point in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The question is on the committee amendment.

TELLER VOTE WITH CLERKS

Mr. WIGGINS. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. WIGGINS. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. WIGGINS, EDWARDS of California, CONYERS, and SANDMAN.

The Committee divided, and the tellers reported that there were—ayes 87, noes 265, not voting 78, as follows:

[Roll No. 293]

[Recorded Teller Vote]

AYES—87

Abbitt
Abernethy
Andrews, Ala.
Ashbrook
Baker
Brooks
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Byron
Camp
Casey, Tex.
Celler
Chappell
Clawson, Del
Colmer
Coughlin
Dennis
Dingell
Dorn
Duncan
Edwards, Ala.
Flynt
Gonzalez
Griffin
Gross
Grover
Hall
Harsha
Hays
Hogan
Hosmer
Hull
Hutchinson
Ichord
Jonas
Kazen
Keating
Kuykendall
Kyl
McCloskey
McCulloch
McKay
McMillan
Mahon
Mann
Martin
Mayne
Mizell
Monagan
Nedzi
O'Konski
Passman
Poage
Poff
Purcell
Quillen
Rarick
Roberts
Rogers
Rooney, N.Y.
Rousselot
Sandman
Scherle
Schmitz
Scott
Shoup
Sikes
Skubitz
Slack
Steed
Steiger, Ariz.
Stephens
Sullivan
Symington
Teague, Calif.
Thompson, Ga.
Veysey
Wampler
Ware
Whalley
White
Whitten
Wiggins
Williams
Wright
Wyman

NOES—265

Abzug
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Archer
Ashley
Aspin
Badillo
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boland
Brademas
Brasco
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burlison, Mo.
Burton
Cabell
Carey, N.Y.
Carney
Carter
Cederberg
Chamberlain
Chisholm
Clay
Cleveland
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corman
Cotter
Crane
Culver
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Delaney
Dellenback
Dellums
Denholm
Dent
Devine
Diggs
Donohue
Dow
Dowdy
Downing
Drinan
du Pont
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gibbons
Goldwater
Goodling
Grasso
Gray
Green, Pa.
Griffiths
Gude
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harrington
Harvey
Hastings
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Holifield
Horton
Howard
Hungate
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Keith
Kemp
Kluczynski
Koch
Kyros
Latta
Lent
Link
Long, Md.
Lujan
McClory
McCollister
McCormack
McDade
McDonald, Mich.
McFall
McKevitt
McKinney
Madden
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Ohio
Mills, Ark.
Minish
Mink
Mitchell
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nix
Obey
O'Hara
O'Neill
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Powell
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Railsback
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Riegle
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Roncalio
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ruth
Ryan
St Germain
Sarbanes
Satterfield
Scheuer
Schneebeli
Sebelius
Seiberling
Shipley
Sisk
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steele
Stokes
Stratton
Stubblefield
Taylor
Teague, Tex.
Terry
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Widnall
Winn
Wolff
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Tex.
Zablocki
Zion
Zwach

NOT VOTING—78

Abourezk
Anderson, Ill.
Arends
Aspinall
Baring
Bevill
Boggs
Bolling
Bow
Bray
Byrne, Pa.
Caffery
Clancy
Clark
Clausen, Don H.
Collier
Daniel, Va.
Davis, Wis.
de la Garza
Derwinski
Dickinson
Dulski
Edmondson
Edwards, La.
Erlenborn
Evins, Tenn.
Fisher
Ford, Gerald R.
Gettys
Giaimo
Green, Oreg.
Gubser
Hagan
Halpern
Hansen, Idaho
Hawkins
Hébert
Hillis
Hunt
Jones, Ala.
Kee
King
Landgrebe
Landrum
Leggett
Lennon
Lloyd
Long, La.
McClure
McEwen
Macdonald, Mass.
Mailliard
Michel
Miller, Calif.
Mills, Md.
Minshall
Mollohan
Montgomery
Nichols
Pelly
Pirnie
Price, Ill.
Rooney, Pa.
Runnels
Saylor
Schwengel
Shriver
Spence
Steiger, Wis.
Stuckey
Talcott
Thone
Waggonner
Whalen
Whitehurst
Wilson, Bob
Wilson, Charles H.
Young, Fla.

Mr. BOGGS. Mr. Chairman, I unavoidably missed the recorded teller vote on the so-called Wiggins amendment to House Joint Resolution 208 due to the fact that I was officially attending the ceremony in the House Armed Services Committee room at which the official portrait of the chairman, Mr. HÉBERT, who is the dean of the Louisiana delegation, was hung, with the House leadership and President Nixon in attendance.

We had earlier sought to recess the House to permit Members to attend the ceremony and also to vote on the recorded teller vote, but this was not possible and the House continued consideration of the joint resolution.

Had I been on the floor I would have voted against the Wiggins amendment.

So the committee amendment was rejected.

AMENDMENT OFFERED BY MR. THOMPSON OF GEORGIA

Mr. THOMPSON of Georgia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. THOMPSON of Georgia: On page 2, line 4, after "sex" strike out the period and add "race, creed, or color."

POINT OF ORDER

Mr. McCLORY. Mr. Chairman, I make a point of order that the amendment is out of order. It is not germane to the subject under consideration.

I ask for a ruling by the Chair.

The CHAIRMAN. Does the gentleman from Georgia desire to be heard on the point of order?

Mr. THOMPSON of Georgia. Yes, Mr. Chairman.

Mr. Chairman, I should like to read the section in full with the amendment.

This simply amends the section to read:

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex, race, creed or color.

Mr. Chairman, the resolution says:

> Proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

Certainly men and women are of different races. They are of different creeds. They are of different religions and of different colors.

The amendment is in order, because it does recognize that discrimination does sometimes take place based upon race, creed, or color, and it occurs both to men and women, and we are dealing with an amendment for equal rights for men and women, and there are different men and women of different races, different creeds, and different colors.

I submit that the amendment is in order.

The CHAIRMAN (Mr. BOLLING). The Chair is ready to rule.

House Joint Resolution 208 deals only with one question, the question of sex. Therefore, the amendment of the gentleman from Georgia (Mr. THOMPSON) is not germane to House Joint Resolution 208, and the precedents so indicate. The Chair therefore sustains the point of order, that the amendment is not germane.

PREFERENTIAL MOTION OFFERED BY MR. THOMPSON OF GEORGIA

Mr. THOMPSON of Georgia. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. THOMPSON of Georgia moves that the Committee do now rise and report the joint resolution back to the House with the recommendation that the resolving clause be stricken out.

Mr. THOMPSON of Georgia. Mr. Chairman, I regret that I have to use this parliamentary procedure in order to obtain time to speak on the amendment which I proposed. However, I believe that the amendment I proposed certainly does deserve consideration and discussion before this body.

Equal rights are being denied to people in the United States solely because of their race. You can take the matter of school busing, where we tell a child "Because of your color and for no other reason you may not attend your neighborhood school." Whether he is black or whether he is white makes no difference. To say, "Billy, because you are black and for no other reason you may not go to this school here but you must go to that school over there" or "Johnny, because you are white and for no other reason than your color you may not attend school here, you must attend school over there" is certainly discrimination.

And, Mr. Chairman, we should also look into the matter of discrimination occurring in certain areas throughout this country in regard to the letting of contracts, contracts that certain people are precluded from bidding on solely because of their race and for no other reason.

We also need to look at the activities of the Small Business Administration, for example. I have letters in my office, Mr. Chairman, where the Small Business Administration has told me that for citizens of a certain color only 15 percent is required as a downpayment but for citizens of another color desiring to enter into exactly the same enterprise they must have 50 percent as a downpayment. That is rank discrimination. It happens to be rank discrimination against the white people in my State and region. And I can produce these letters.

In addition to that, Mr. Chairman, we need to look at some of our Federal agencies. In March of this year the Federal Aviation Administration issued a directive relating to hiring. It went out to all of the offices throughout the entire Nation, and in effect it stated that no whites would be hired until a certain percentage of minorities had been hired. It related not only to initial hiring but to promotions.

Mr. Chairman, I submit it is wrong to tell a person "Because you are white and you may have scored 95 percent, you may not be considered for this job, because someone else of a different color scored 80 percent and we are going to set up certain quotas." American citizens should be considered as American citizens and not as black or white citizens. Schoolchildren should be considered as schoolchildren and not some as black and some as white. We should not deal in artificial classifications of American citizens in that manner.

Yes, Mr. Chairman, I am upset that the Chair did not consider this germane and that a point of order was raised against considering this amendment, because I feel this is one of the vital matters affecting the country at this time, that is, no discrimination based on race, creed, or color, and we are discriminating at this time based on race, creed, or color.

Mr. McCLORY. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, I just want to say that we have had 6 days of hearings on the equal rights amendment for men and women. This amendment deals entirely with the subject of discrimination on the grounds of sex. I do not want to question that there is discrimination with regard to race and color, but it is not dealt with here.

I may say very significantly that the first black woman in this body, our colleague from New York (Mrs. CHISHOLM), herself stated that she experiences more discrimination by reason of being a woman than by reason of being a black.

So we are dealing with the most serious question confronting our Nation today in the field of discrimination in voting on this equal rights amendment for men and women.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Georgia.

The preferential motion was rejected.

Mr. MYERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have considered the possibility of offering a substitute, an amendment in the nature of a substitute, because I had some questions about this resolution. I have some questions that I would like to ask the committee.

I think some of the obvious objections to House Joint Resolution 208 have been resolved by committee action this afternoon. But in section 1 of House Joint Resolution 208 it provides that equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. It refers to any State. My question goes to the new section 2 or the old section 3 and it provides that the Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Why should not the Congress and the several States have the power? Why do we include the States in section 1 and do not include the States in section 2?

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I yield to the gentleman from California.

Mr. EDWARDS of California. It was the opinion, as I understand it, last year, that there was a technical difficulty with the amendment as originally proposed. The difficulty in some of the other bills tion of the committee in connection with amendments other than the amendment which had been offered by the gentlewoman from Michigan (Mrs. GRIFFITHS).

The difficulty in some of the other bills was brought to the attention of the committee by some very distinguished constitutional lawyers. For example, Dean Pollak, of the Yale Law School, said this:

> A serious loophole . . . first, Federal courts might read this as requiring the same degree of judicial deference to State statutes as would normally be given Federal statutes and give an unprecedented degree of dignity and unreviewability to State statutes merely because they were called implementations; secondly, it might be read by Federal courts as some other constitutional basis for implementing legislation—for example, Congress might be held to be without power to enforce the Amendment with respect to intrastate commerce, etc.

The same question was asked of Professor Emerson, of the Yale Law School, at the hearings, and he answered very similarly to Dean Pollak to the effect:

> In my opinion, the reference to State power is unnecessary. The States, not operating under a system of delegated powers as the Federal Government does, need no further grant of authority to implement the provisions of the amendment. On the other hand the provision might possibly be construed as not giving Congress any additional enforcement powers but limiting its implementing authority to that already provided by some existing Federal constitutional power. This is certainly not intended by the proponents of the equal rights amendment.

Mr. MYERS. I would like to ask this question: Is it the judgment of the author and the committee that the absence of the word "State" in section 2 would in no way weaken this resolution or deny the right of the State to legislate in this area?

Mrs. GRIFFITHS. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I yield to the gentlewoman from Michigan.

Mrs. GRIFFITHS. The gentleman is quite correct. This does not interfere with the States' right to make their laws.

Mr. MYERS. I have one other question. The preamble provides that there shall be a limitation of 7 years for three-fourths of the States to ratify this amendment. Why is the period of 7 years used?

Mrs. GRIFFITHS. This is customary. However, this was one of the objections last year.

I am well aware of the fact that there is a group of women who are so nervous about this amendment that they feel there should be an unlimited time during which it could be ratified.

Personally, I have no fears but that this amendment will be ratified in my judgment as quickly as was the 18-year-old vote.

Therefore, I think a 7-year limitation does weed out some of the objections. For instance, in the past with reference to the child labor amendment, there were States that initially ratified it but through subsequent legislation withdrew their ratification. Therefore, I think it is perfectly proper to have the 7-year statute so that it should not be hanging over our head forever. But I must say I think it will be ratified almost immediately. Six States in the United States have already indicated their intention to ratify it. Last year when this amendment passed I had innumerable indications from innumerable States to the effect that it was their belief that their States would ratify it.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having assumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the joint resolution (H.J. Res. 208) proposing an amendment to the Constitution of the United States relative to equal rights for men and women, pursuant to House Resolution 548, he reported the joint resolution back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HUTCHINSON

Mr. HUTCHINSON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. HUTCHINSON. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HUTCHINSON moves to recommit the joint resolution (H.J. Res. 208) to the Committee on the Judiciary.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the joint resolution.

Mr. EDWARDS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 354, nays 24, not voting 51, as follows:

[Roll No. 294]

YEAS—354

Abbitt
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Ashley
Aspin
Badillo
Baker
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chisholm
Clawson, Del
Clay
Cleveland
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Delaney
Dellenback
Dellums
Denholm
Dent
Devine
Dickinson
Diggs
Donohue
Dow
Dowdy
Downing
Drinan
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landrum
Latta
Lennon
Lent
Link
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKevitt
McKinney
McMillan
Madden
Mahon
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ruth
Ryan
St Germain
Sarbanes
Satterfield
Scherle
Scheuer
Schneebeli
Scott
Sebelius
Seiberling
Shipley
Shoup
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Stephens
Stokes
Stratton
Stubblefield
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Widnall
Williams
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Tex.
Zablocki
Zion
Zwach

NAYS—24

Abernethy
Ashbrook
Byrnes, Wis.
Celler
Chappell
Colmer
Dennis
Dorn
Flynt
Hutchinson
Jonas
McCulloch
McKay
Nedzi
Poage
Rarick
Rousselot
Sandman
Saylor
Schmitz
Steiger, Ariz.
Sullivan
Whitten
Wiggins

NOT VOTING—51

Abourezk
Anderson, Ill.
Arends
Aspinall
Baring
Bray
Clancy
Clark
Clausen, Don H.
Collier
Davis, Wis.
de la Garza
Derwinski
Dingell
Dulski
Edmondson
Edwards, La.
Erlenborn
Ford, Gerald R.
Gettys
Giaimo
Green, Oreg.
Gubser
Halpern
Hansen, Idaho
Hawkins
Hébert
Hillis
Kee
Landgrebe
Leggett
Lloyd
Long, La.
McClure
Macdonald, Mass.
Mailliard
Miller, Calif.
Mollohan
Pelly
Pirnie
Rooney, Pa.
Runnels
Schwengel
Shriver
Spence
Steiger, Wis.
Stuckey
Thone
Waggonner
Wilson, Bob
Young, Fla.

So (two-thirds having voted in favor thereof) the joint resolution was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Gerald R. Ford and Mr. Mailliard for, with Mr. Erlenborn against.

Mr. Hillis and Mr. Arends for, with Mr. Landgrebe against.

Until further notice:

Mrs. Green of Oregon with Mr. Anderson of Illinois.

Mr. Aspinall with Mr. Lloyd.

Mr. Leggett with Schwengel.

Mr. Waggonner with Mr. Spence.

Mr. de la Garza with Mr. Thone.

Mr. Mollohan with Mr. Derwinski.

Mr. Edmondson with Mr. Bray.

Mr. Macdonald of Massachusetts with Mr. Gubser.

Mr. Rooney of Pennsylvania with Mr. McClure.

Mr. Dulski with Mr. Pirnie.

Mr. Dingell with Mr. Clancy.

Mr. Baring with Mr. Halpern.

Mr. Abourezk with Mr. Shriver.

Mr. Hébert with Mr. Collier.

Mr. Hawkins with Mr. Bob Wilson.

Mr. Miller of California with Mr. Pelly.

Mr. Giaimo with Mr. Young.

Mr. Gettys with Mr. Davis of Wisconsin.

Mr. Clark with Mr. Don H. Clausen.

Mr. Stuckey with Mr. Steiger of Wisconsin.

Mr. Runnels with Mr. Kee.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on House Joint Resolution 208.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING ADDITIONAL FUNDS TO COMMITTEE ON EDUCATION AND LABOR TO STUDY WELFARE AND PENSION PLAN PROGRAMS

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 607 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 607

Resolved, That the expenses of a special investigation and study of welfare and pension plans to be conducted pursuant to H. Res. 213, by the Committee on Education and Labor, acting as a whole or by subcommittee, not to exceed $100,000, including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $20,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

Such $100,000 shall be available and allocated to the General Subcommittee on Labor in connection with its present study and investigation of private pension and welfare funds pursuant to H.R. 1269 and related bills. Particular need has been demonstrated to conduct a professional study of vesting, funding, portability, benefit insurance, fiduciary responsibility, adequate disclosure, and other aspects related to the effectuation of private pension and welfare plans as a meaningful supplement to the social security system.

The General Subcommittee on Labor, through the Committee on Education and Labor, shall report to the House as soon as practical during the present Congress the results of its investigation and study with such recommendations as it deems advisable.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Education and Labor shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed the RECORD.

The SPEAKER pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from New Jersey?

Mr. GROSS. Mr. Speaker, reserving the right to object, would the gentleman explain what he seeks to do? It has not been programed, at least not on the whip notice of bills and resolutions.

Mr. THOMPSON of New Jersey. I shall be glad to.

This resolution was filed, I might say to my friend from Iowa, in excess of a week ago, and I do have an explanation if he would consent to dispensing with the further reading of the resolution.

Mr. GROSS. Would the gentleman not find it possible to do so under my reservation? I would be glad to yield to the gentleman.

Mr. THOMPSON of New Jersey. Certainly. The purpose of this resolution, I will say to the gentleman from Iowa, is to provide the Committee on Education and Labor the sum of not to exceed $100,000 for an investigation of the various welfare and pension funds. These welfare and pension plans have in excess of $110 billion under their control. They have been under a modicum of control since the enactment of the Taft-Hartley Act of 1948 and the welfare disclosure and pension plans legislation of 1959.

The subcommittee had rather cursory hearings in the last Congress but from which they could not elicit the specific information that the Congress will need in order to see that these funds, these enormous funds, are properly used, properly regulated and are controlled for the benefit for which those funds were intended.

Mr. GROSS. This is retirement and pension funds?

Mr. THOMPSON of New Jersey. Yes.

Mr. GROSS. Would this, then, include retirement funds for Federal employees, Members of Congress and so forth?

Mr. THOMPSON of New Jersey. No; in my judgment it would not. That would be under the jurisdiction of the Committee on Post Office and Civil Service and, of course, they are not in the sense in which I am speaking welfare and pension plans.

Mr. GROSS. This, then, would go to private industry?

Mr. THOMPSON of New Jersey. Yes, to private industry.

Now, the committee needs to have an investigation into—and I shall put this in the RECORD relating to its nature—an extended number of forfeitures. There have been a startling number of them. They would also like to have a breakdown of the forfeitures by the types of industries involved, the reason for them, whether the plants shut down or merged or whether their industry simply declined, and you had a tremendous number of workers who had been working a number of years in plants with pension plan money invested, but who suddenly because of the acquisition of the company by another company have found that they have no vested interest and, in effect, the money has somehow or other been stolen or lost. The purpose of this resolution is intended to examine this question, as well as the question of what we call employability; in other words, a man particularly if he is 45 years of age or over and if he loses his employment in one industry, he finds it particularly difficult to find employment in the same industry but by a different employer because of the expense of picking them up in the new employer's pension plan. We would propose to examine the possibility of an employee having a vested right to transfer his financial interest in a retirement plan to his new employer.

Mr. GROSS. The Committee on Education and Labor has quite a substantial fund.

Is it not possible that the committee could finance this investigation out of funds already appropriated to the committee?

Mr. THOMPSON of New Jersey. I will say to my friend, the gentleman from Iowa, that in this instance the answer is no, because, although we have a fine staff, we have no one with the expertise needed, nor do we have anyone with the amount of time which would be necessary to devote to this.

Mr. GROSS. No part of the $100,000 would be spent on junkets to foreign countries?

Mr. THOMPSON of New Jersey. No.

Mr. GROSS. I thank my friend, the gentleman from New Jersey (Mr. THOMPSON) for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from New Jersey?

Mr. RHODES. Mr. Speaker, further reserving the right to object, I wonder if my friend, the gentleman from New Jersey, would tell me whether or not the minority members of the Committee on Education and Labor, and the Committee on House Administration, have approved of this request?

Mr. THOMPSON of New Jersey. Mr. Speaker, if the gentleman will yield, the answer is "yes." The ranking member, the gentleman from Minnesota (Mr. QUIE), is in approval; the ranking member of the subcommittee, the gentleman from Illinois (Mr. ERLENBORN), is in approval; the ranking member of the Accounts Subcommittee, the gentleman from Alabama (Mr. DICKINSON), approves; as does the chairman of the full committee, the gentleman from Kentucky (Mr. PERKINS).

Further, this resolution was reported out of the Committee on House Administration unanimously.

Mr. RHODES. The gentleman from New Jersey will remember that some years ago the Committee on Education and Labor embarked on a similar investigation when the gentleman from Arizona was a member, and I certainly agree with the idea of the scope of this investigation. I hope it will result in some meaningful legislation because, as the gentleman from New Jersey so ably explained, this certainly is an area in which the Congress should take much more interest than it has in the past.

Mr. THOMPSON of New Jersey. I thank the gentleman.

I might make this further comment: that this is consonant with the determination under the Reorganization Act of last year that we exercise fully our oversight responsibilities. It is my opinion that if this study is not undertaken a national tragedy could occur. I quite agree that it is necessary.

Mr. RHODES. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there

objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, private pension plans were reported as early as 1875, but did not become widespread until World War II when faced with an excess profits tax and a wage freeze, management and labor saw advantages in deferred wage adjustments in the form of contributions to pension programs. Since that time, pension plans have had a phenominal growth. Today, more than half of the non-farm working population is covered. These plans hold assets valued at more than $110 billion, assets which are expected to double in the decade ahead.

Although Congress has been actively concerned with malfeasance in the handling of private pension funds since the passage of the Taft-Hartly Act in 1947, congressional interest in the substantive nature of the plans themselves and in the employees' rights to the equity which those plans contain has been of a more limited nature.

Under present, a private pension plan can be established as a qualified program for the purpose of tax exemption if it meets minimum requirements designed to prevent discrimination in favor of certain classes of employees and prescribed minimum and maximum contributions. A plan is not subject to any standards concerning its establishment or substantive nature except those required by the Internal Revenue Service pursuant to section 401 and the following of the Internal Revenue Code. While the protection the code provides to the average plan participant cannot be dismissed out of hand as illusory, it is, nonetheless, minimal.

It has been frequently urged that a legislative line should be drawn between pension reforms which are related to fiduciary conduct and proposals which would affect the substantive nature and costs of the plans such as requirements for mandatory vesting, funding, and benefit insurance. These latter features, it is asserted, should be left to the private decisionmaking processes of a developing free economy. This notion ignores the fact that employees who lose their retirement income or have it impaired because of excessively stringent or nonexistent vesting provisions, inadequate funding, or merger, sale, or other dissolution of the employing company, are the victims of a cruel frustration much more serious in impact than that of a fiduciary breach.

Hearings held before the subcommittee have shown that any pension reform legislation will have to deal with the questions of mandatory vesting, funding, benefit insurance, and portability. However, the hearings which were held in both the 91st and 92d Congresses elicited very little in the way of hard technical information. Rather, they tended to bring out only philosophical generalities which, while important and worthy of discussion, were of only marginal help in enabling the subcommittee to make intelligent decisions in this matter.

The subcommittee feels that it is essential that thorough, technical studies of vesting, funding, benefit insurance and portability be undertaken immediately if effective legislative action is to be taken this Congress.

Specifically, the subcommittee needs information concerning—

First, the extent and nature of forfeitures:

Percentage of covered employees who reach retirement age without vested rights;

Breakdowns of forfeitures by industry;

Reasons for their occurrence—for example plant shutdowns, mergers, acquisitions, industry declines, voluntary quits;

Wage and job categories most involved;

Second, the relative costs of various vesting alternatives;

Third, the types and frequency of funding schemes currently in use;

Fourth, the relative adequacy of alternative funding schemes in affording employees protection;

Fifth, the relative costs of alternative funding schemes;

Sixth, the number and frequency of partial and full terminations of plans;

Seventh, the relative costs of various types of benefit insurance; and

Eighth, the feasibility of portability, voluntary or mandatory.

In addition to these specific areas of inquiry, studies must examine the effect of various vesting, funding, and insurance schemes on each other and on potential benefit levels. Mandatory vesting, funding, benefit insurance, and benefit levels are closely interrelated. To require mandatory vesting after 10 years, for example, requires either a readjustment of benefits or additional contributions. Without adequate funding, vesting requirements have no practical value. Similarly, untimely termination of a plan may negative any security which vesting and funding might otherwise provide. The choice of benefit insurance scheme may have a profound impact on the method of funding used and the premiums charged to the plan may have a significant effect on the level of benefits.

Prominent witnesses before the subcommittee have unanimously emphasized the need for a massive study of these critical areas. The Nixon administration, while recommending a strong fiduciary and disclosure bill in the 91st Congress (H.R. 16462), still finds itself unable to make recommendations as to vesting, funding, or benefit insurance despite the fact that the preceding administration testified in favor of the vesting, funding, and benefit insurance proposals of H.R. 1269. Obviously, the present administration has not rejected these concepts but rather urges continued study of them.

The need for study has already been recognized by the Senate. In the closing months of the 91st Congress the Senate Labor Subcommittee was granted an appropriation of $265,000. This Congress, an additional $475,000 has been appropriated to enable our Senate counterparts to continue their work.

Many studies of various aspects of the private pension system have already been undertaken but there are numerous areas relevant to the legislative interest largely unexplored. Perhaps the most important of these concerns the feasibility and cost of benefit insurance. Equally important to the legislative inquiry, however, is an analysis and correlation of the data derived from previous research.

The General Subcommittee on Labor as presently constituted does not have the necessary personnel nor resources to make the exhaustive study required, particularly if it is to discharge its other legislative duties. It is, therefore, proposed that in the interests of sound legislation to strengthen and protect the private pension system, that a task force on pensions operating within the jurisdiction of the General Subcommittee on Labor be established to study and make recommendations regarding vesting, funding, benefit insurance and portability. It is expected that a study could be completed within 6 months at a cost not to exceed $100,000.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

(Mr. ARENDS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ARENDS. Mr. Speaker, I have taken this time for the purpose of making a personal explanation.

As the House knows, we had a hanging of the portrait of the chairman of the Committee on Armed Services, the gentleman from Lousiana (Mr. HÉBERT) today, at which many Members were in attendance, and at which the full membership of the Committee on Armed Services attended in a body. The President of the United States also attended to pay tribute to the distinguished chairman of the Committee on Armed Services, the gentleman from Louisiana (Mr. HÉBERT).

Unfortunately, the bells rang before we had completed the ceremony for the unveiling of the portrait and, accordingly, a few of us missed our vote on the equal rights amendment.

Mr. Speaker, I would like the RECORD to show that, had I been present, I would have voted as being in favor of this amendment.

Mr. GUBSER. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from California.

Mr. GUBSER. Mr. Speaker, I wish to thank the distinguished gentleman from Illinois for making this explanation for the RECORD. I, too, would like to state that had I been present I would have voted "yea."

Mr. PIRNIE. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from New York.

Mr. PIRNIE. Mr. Speaker, I too wish to thank the gentleman from Illinois for making this explanation. I too wish to say that, had I been present, I would have cast my vote in favor of the amendment.

Mr. SPENCE. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Speaker, I would also like to say that had I been present I would have voted in favor of the equal rights amendment, and I would also like the Record to so show.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding, and let me say that had I been present I would have voted "yea."

CONSUMER PROTECTION ACT OF 1971

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 637 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 637

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10835) to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes, and all points of order against section 104 of said bill for failure to comply with the provision of clause 4, rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. Latta), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 637 provides an open rule with 4 hours of general debate for consideration of H.R. 10835, the Consumer Protection Act of 1971. Because of a transfer of funds, constituting an appropriation in a legislative bill, all points of order are waived against section 104 of the bill for failure to comply with the provisions of clause 4 of rule XXI, and the resolution provides that the bill shall be read for amendment by titles instead of by sections.

The purpose of H.R. 10835 is to further the protection of consumers and provide representation of consumer interests in important areas of activity of the Federal Government.

There would be established an Office of Consumer Affairs within the Executive Office of the President, the Director and Deputy Director of which will be appointed by the President with the advice and consent of the Senate.

The Director will be required to report and make recommendations annually to the President and the Congress.

The office will coordinate all Federal programs relating to consumer interests, provide assistance to State and local governments in protection of consumer interests and cooperate with and assist private enterprise.

The Consumer Protection Agency is established as an independent agency, the Administrator and Deputy Administrator of which will also be appointed by the President with the advice and consent of the Senate.

The Agency is to make a report with recommendations annually to the President and the Congress, promote and protect the interests of consumers, and assist the Director of the Office of Consumer Affairs.

It is authorized to represent the interests of consumers in proceedings conducted by other Federal agencies and in actions pending in U.S. courts under certain circumstances.

A Consumer Advisory Council is established composed of 15 members appointed by the President for staggered terms of 5 years. The Council will advise the Director of the Office of Consumer Affairs and the Administrator of the Consumer Protection Agency.

The legislation will become effective 90 days after enactment.

Mr. Speaker, I urge the passage of the resolution.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman.

Mr. BOW. Mr. Speaker, will the gentleman explain why there is a waiver of points of order under the rule which prohibits appropriations on a legislative bill?

Mr. SISK. It is my understanding, I might say to my friend, the gentleman from Ohio, that section 104 has to do with the transfer of funds and, therefore, would be considered not to comply with clause 4 of rule XXI, because in the changeover of the agency to the new independent agency, there would be a transfer of funds as authorized in section 104. That was the explanation which was given to us.

Mr. BOW. Would the gentleman agree with me that this is not an increased appropriation or a new appropriation but a transfer of those funds that have already been appropriated? The funds would be transferred to the new agency under Mrs. Knauer and this does not involve any additional appropriated funds at this time.

Mr. SISK. Mr. Speaker, the gentleman is 100 percent correct. His explanation is excellent, let me say, and that is exactly what is involved. It is simply a transfer and it does not offer us any new funds—that is there is no expenditure of new funds provided, but simply a transfer of existing funds.

Mr. BOW. I thank the gentleman.

Mr. SISK. Mr. Speaker, I would like to conclude my remarks by paying a special tribute to a distinguished colleague of mine, the distinguished dean of our California delegation, Chet Holifield. Chet has, I think, done an outstanding job during the last year in getting this legislation to the floor of the House. As I indicated, this legislation is important to the whole country because we are all consumers, and this legislation affects all 200 million-plus Americans.

This was a very serious, very debatable and a very controversial issue in the last Congress. The distinguished chairman of the Committee on Government Operations, the gentleman from California (Mr. Holifield) and his committee have worked long and hard in order to bring out a bill which would meet the needs and which would satisfy the concern of many people who are concerned consumer protection in this country.

I think he has done an outstanding job and I want to compliment him.

I might say that there have been all too many wild charges by some so-called instant experts which we seem to be overwhelmed with now, some of these characters who apparently know little or nothing about legislation or legislative procedure who have tended to influence and harass a very able and a very distinguished chairman in this case, as I say, Mr. Holifield, and I want to take this opportunity to pay my respects and compliment him on what I think is an outstanding job of legislative achievement.

Mr. COLMER. Mr. Speaker, will the gentleman yield to me briefly?

Mr. SISK. I am glad to yield to my distinguished chairman.

Mr. COLMER. Mr. Speaker, I asked my friend to yield to me—and I appreciate his doing so—in order that I might associate myself with the remarks that he has made which were complimenatry of the distinguished gentleman from California (Mr. Holifield). We know that consumer protection is a very far-reaching and complex subject. We recognize that there are those who want to go too far and there are those who do not want to go far enough. The gentleman from California, presiding over the committee, has had the backing of his committee in bringing to us what appears to be a very fair bill.

Mr. Speaker, I should like to make a further observation in connection with this matter. Reference was made to the fact that last year the bill was killed in the Rules Committee. It was not reported. That is a factual statement, whether it is said the bill was "killed" or that it was merely held in abeyance.

To me that action demonstrates one of the useful functions of the Committee on Rules. Frequently legislation is reported out of a committee at a time of hysteria, a time of great public desire, and it is not always the best balanced legislation. So I think in this instance the Committee on Rules should be really applauded rather than degraded, as some people tried to do last year, for our action then demonstrates that by holding a matter up sometimes we get much better legislation in the long run.

I thank my friend for yielding.

Mr. SISK. I thank my distinguished Chairman for his comments.

Mr. Speaker, I urge adoption of the resolution, and reserve the balance of my time.

The SPEAKER pro tempore (Mr. BOGGS). The Chair recognizes the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I want to add my words of commendation for the job that has been done on this bill by the chairman of the committee, the gentleman from California (Mr. HOLIFIELD). I think everybody on the Rules Committee has considered this legislation twice, once in the last session and now in this session. We know something about its provisions and something about the debate now going on on both sides—among those who want a stronger bill, those who want a weaker bill, and those who do not want any bill at all.

Certainly the fact that the House is today debating a consumer protection bill is a tribute to the gentleman from California and to those members of this committee who have worked so long and hard to correct defects in last year's bill. This does not mean that controversy does not now surround the bill. I think as we debate the bill and get around to the 5-minute rule, we will find that there is a tremendous amount of controversy over the provisions of this bill.

It points up the fact that the Rules Committee as has just been alluded to by our illustrious chairman, did the country a tremendous service last December 2, when it decided to keep this legislation for another year's study. I need not point out that 10 long months have elapsed since this bill was last before the Rules Committee for House consideration. This indicates last year's bill was in need of perfecting amendments and that Congress should have taken another look at it. I wish to insert at this point the 13 amendments which were presented to the Rules Committee last December 2 by the sponsors for inclusion in that bill. This is certainly proof of the fact that the bill was not ready for floor consideration.

The amendments are as follows:

PURPOSE OF PROPOSED AMENDMENTS OF ROSENTHAL-ERLENBORN TO H.R. 18214

Amendment 1: Page 5, lines 12 and 13, after the word "law" on line 12 delete the words: "relating to information in the interest of national security."

Amendment 2: Page 12, lines 9 and 10, after the word "law" on line 9 delete the words: "relating to information in the interest of national security."

As presently written, the bill requires each Federal agency to make any information in its possession available to the Office of Consumer Affairs and the Consumer Protection Agency as their Director and Administrator may respectively request, except information relating to national security which is prohibited by law from being disseminated to other agencies. The two amendments broaden the exception by prohibiting any information from being distributed which is prohibited by law in general. Thus, information acquired by Federal agencies on a confidential basis such as that of a business trade secret nature supplied to the Bureau of Census, Bureau of Labor Statistics, Federal Trade Commission, Antitrust Division or Geological Survey may not be turned over to the Office or Agency.

Amendment 3: Page 13, lines 16 and 17, delete the words: "in the exercise of its responsibilities under sections 204 and 208 of this title," and insert in lieu thereof the following: "to the extent authorized in section 207 of this title."

This amendment is solely intended to clarify the requirement that the Agency may not conduct product testing on its own and may only require other Federal agencies to conduct testing on its behalf in support of the Agency's authority to represent the consumers' interest before other Federal agencies and to assume the duties of the National Commission on Product Safety, whose authority has expired.

Amendment 4: Page 13, line 25, before the word "publish" insert the following: "to the extent authorized in section 206 of this title,".

This amendment is intended to limit the authority of the Agency to publish and distribute information, particularly product test information, to that authorized in section 206. (See discussion under Amendment 9).

Amendment 5: Page 14, line 10, after the word "agencies" delete the semicolon, insert a period, delete all that follows on page 14 and through line 5 on page 15, and in lieu thereof insert the following:

In any Federal agency proceeding to which the agency is a party under section 204 of this title, the Agency is authorized to request the Federal agency to issue and such agency shall issue on the Agency's behalf such orders, as authorized by the Federal agency's statutory powers, for the copying of documents, papers, and records, summoning of witnesses, production of books and papers, and submission of information in writing as is relevant to the subject matter of the proceeding.

This amendment eliminates the Agency's authority to subpena witnesses, documents or other information under its own authority and instead provides that where the Agency has intervened in a Federal agency proceeding it may request the Federal agency to require the production of such witnesses, documents or other information in behalf of the Agency as is relevant to the proceeding and as the Federal agency is itself authorized to require.

Amendment 6: Page 18, line 24, after the word "of" delete the words "Federal, State, or local governments" and insert in lieu thereof the following: "the Federal government".

This amendment eliminates the authority of the Office and the Agency to involve itself in complaints against state and local governments.

Amendment 7: Page 19, line 14, after the word "Agency" delete the words "and the Office shall each" and insert the word "shall" after the word "Agency".

Amendment 8: Page 19, line 16, after the word "complaints," insert the words: "which it and the Office have received.".

In order to reduce duplication of functions between the Office and Agency, this amendment places sole responsibility upon the Agency to maintain a public document room for the public inspection and copying of consumer complaints which the Agency and the Office have received. By this means the Agency shall periodically obtain a listing of complaints received by the Office and make them available for public inspection in the same manner it will do for the complaints received itself.

Amendment 9: Page 20, delete lines 20 and 21 and insert in lieu thereof the following:

(2) consumer products and services after such have been determined to be accurate and provided such are not within the categories set out in subsection (b) of section 552 of title 5 of the United States Code; and".

As presently written, the Office and Agency are authorized to develop, gather and disseminate to the public product test information in such form and under such conditions as they choose. The amendment limits this authority so that information on consumer products and services may only be disseminated after it has been determined to be accurate by the Office or Agency (see Amendment 13) and provided it is not prohibited from being distributed under one of the categories of the Freedom of Information Act, particularly: (1) National Defense and Foreign Policy, (2) Exemption by Statute, (3) Trade Secrets and Commercial and Financial Information, (4) Personnel and Medical Files and (5) Investigatory Files.

Amendment 10: Page 21, delete lines 1 through 9 and reletter the subsequent sections accordingly.

Subsection (b) of section 206 is to be deleted because it authorizes duties duplicative of those authorized elsewhere.

Amendment 11: Page 23, line 2, after the word "request" insert a comma and the following words: "in the exercise of his functions under sections 204 and 208 of this title,".

This amendment limits the Agency's authority to request other Federal agencies to perform product tests to only those relating to the representation of consumer interests before Federal agencies and the assumption of the duties of the National Commission on Product Safety.

Amendment 12: Page 24, delete lines 22 through 24, and reletter the subsequent subsections accordingly.

In authorizing the Agency to assume the duties of the National Commission on Product Safety, the bill conferred an additional authority upon the Agency, namely, to design and develop improved safety features for categories of consumer products which are deemed unsafe. This amendment would delete this additional authority on the grounds that the new authority is sufficiently broad and significant that it should not be conferred without adequate hearings being held on it.

Amendment 13: Page 25, line 8, delete the period, insert a comma, and add the following: "and provide interested persons with a reasonable opportunity to comment upon the proposed release of product test date, containing product names, prior to such release."

Under the existing language of the bill, the Agency and Office are required to develop regulations to guide them in the dissemination of information especially product test data, to assure fairness to all parties, and interested parties are to be extended the opportunity to comment upon the adequacy of such regulations in the interest of fairness. The amendment would go a step farther in the interest of assuring fairness by providing that neither the Office nor the Agency may release product test information, containing product names, until interested persons have had reasonable opportunity to comment upon such proposed release.

I maintain that this Congress should not legislate in this fashion. As long as I sit on the Rules Committee, I shall not vote for any legislation in such form. In the years I have served on the committee, I must say that I cannot recall any legislation as poorly drafted.

I also wish to point out that another very serious objection I had to this bill last year has been stricken from this bill. There was language in the previous bill that I do not think the American people really want. I pointed out then, as I point out now, that the legislation, as presented to us last year, mandated the Federal agency created under these bills to "design and develop improved safety features for categories of consumer products which are deemed unsafe."

This would have put the Federal Government and the taxpayers of this Nation, into everybody's business. For example, if General Motors turned out an unsafe automobile, or if Chrysler turned out an automobile which was unsafe, or if Maytag turned out a washer which was unsafe, and so forth, under the provisions of that bill, the taxpayers rather than the companies would have had the obligation to make them safe.

I do not think the Congress wanted to do this, and I do not think the American people wanted to pay the bill for doing it. This was one of the reasons I opposed that legislation last year. I am pleased to note the chairman of the committee has indicated his committee has deleted that provision from this year's bill.

As far as the bill is concerned, I might say there are various schools of thought as to how far we should go—whether or not this agency should have the right to intervene as a party defendant in these cases, whether or not it should go in an advisory capacity and at what stages. These are questions which will and should be decided by this Congress during consideration of this bill.

I understand the gentleman from Florida (Mr. FUQUA), has an amendment he will offer. Other amendments will be offered. I am certain this House will want to give adequate consideration to all of them.

I know the American people will be getting better legislation by having waited 10 months than it would have had had we acted in haste last December 2.

Mr. ROSENTHAL. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from New York.

Mr. ROSENTHAL. This colloquy or debate about past actions of the Rules Committee serving the country, by saving it from this nefarious legislation, makes me think of a remark William Shakespeare uttered. It just strikes me that thou protesteth too much.

What the gentleman ought to tell the Members of the House is that the bill to which he objected, which was denied a rule by a vote of 7 to 7 last year, had been reported from the Committee on Government Operations by a vote of 31 to 4 and passed the other body by a vote of 74 to 4.

My only point is that I do not think necessarily the Rules Committee earned the great laurels the gentleman is bestowing on it by achieving this delay. From where I sit I believe we have suffered a great deal from the final product which emerged from the committee.

Mr. LATTA. The gentleman is entitled to his point of view.

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I am happy to yield to the gentleman from California.

Mr. HOLIFIELD. I want to say that I appreciate what the gentleman and other members of the Rules Committee have said today.

I will say this: The criticism that was made of the Rosenthal bill of 1969 and 1970 was that the draftsmanship was poor; the language was ambiguous and unclear; the jurisdiction of the present Office of Consumer Affairs and the proposed new Consumer Protection Agency were overlapping and duplicative; key words in the legislation, such as "consumers" and "interests of consumers" were not defined; guidelines were not given in the bill which would insure clear and orderly procedures for agency actions; too many committee amendments, arrived at by agreement between two members of the subcommittee, were proposed to be offered to the then pending bill.

I must confess that most of these criticisms were valid. Therefore, along with the gentlewoman from New Jersey (Mrs. DWYER) and the gentleman from New York (Mr. ROSENTHAL) I introduced revised drafts of a bill for new hearings and for consideration of all these points of improvement and the criticisms which I have enumerated.

I am proud to state that the clean bill which is before us today has met those criticisms as well as others.

This bill's draftmanship cannot be justifiably criticized. We have had it looked over by the Legislative Counsel and other people. We have eliminated unclear and ambiguous language. Wherever possible we have used words that are legally defined. Key words such as "consumers" and phrases such as "interests of consumers" have been clearly defined which were not in the previous bill. Such words as "agency," "agency action," "party," "adjudication," "rulemaking" and "agency proceeding" have been given the same meaning as are set forth in the Administrative Procedure Act of 1946, which has been in existence for 25 years. The overlapping and duplicative functions of the Office of Consumer Affairs based on a Presidential Executive order, and the new Consumer Protection Agency have, as far as possible, been eliminated. That was one of the criticisms that the Committee on Rules made. Their separate functions and responsibilities have been clearly defined. Orderly recognized procedures and guidelines have been insured by tying them to the Administrative Procedure Act that I have mentioned, which has a 25-year record in the use of rulemaking and adjudicatory proceedings by Federal departments and agencies.

That is what I have to say about the difference between this bill and the bill the Committee on Rules turned down almost a year ago.

Mr. LATTA. I want to thank the gentleman for his contribution. These are points that the press failed to reveal last year when it announced that the Committee on Rules had killed the consumer protection bill without giving the details. I think the people are entitled to some of the reasons for the committee's actions and this is the reason I have taken this time today.

Mr. Speaker, I reserve the balance of my time.

Mr. SISK. Mr. Speaker, I yield to the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent to place in the RECORD during general debate today and tomorrow on this bill material pertinent to the subject matter, including a letter from the chairman of the Administrative Procedure Council and other material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SISK. Mr. Speaker, I yield myself 1 minute.

I do not necessarily feel that the Committee on Rules needs any defense. The actions of last year were in order, I feel. I would have to say my good friend from New York gave me a good opportunity to say one thing, which is that the Committee on Rules serves a very fine purpose in bringing to light publicity and the glare of fact on legislation before it gets down to the floor. It is not improper and certainly not bad to give the country a chance to know what is in some of these bills and therefore to come forward and express their opinions. That is what we have seen here. I do not think that is necessarily bad.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MOTION OFFERED BY MR. HOLIFIELD

Mr. HOLIFIELD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10835) to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes.

POINT OF ORDER

Mr. ROSENTHAL. Mr. Speaker, I make a point of order against the legislation and against the consideration of this legislation.

The SPEAKER pro tempore. The gentleman will be heard on his point of order.

Mr. ROSENTHAL. Mr. Speaker, rule 4 of the rules of the Committee on Government Operations provides, and I read directly from that ruling:

> Every committee report shall be approved by majority vote of the committee at a meeting at which a quorum is present.

The committee report that accompanies this legislation was not voted on by a majority vote of the committee. As a matter of fact, the committee report was never considered by nor made available to, the members of the House Committee on Government Operations.

That committee report is, therefore, in my judgment a clear, precise and specific violation of rule 4 of the rules of the Committee on Government Operations.

Mr. Speaker, House Rule 11, section 27 (d)(4) reads as follows:

> A measure or matter reported by any committee (except the Committee on Appropriations, the Committee on House Administration, the Committee on Rules, and the Com-

> mittee on Standards of Official Conduct) shall not be considered in the House unless the report of that committee upon that measure or matter has been available to the Members of the House for at least three calendar days (excluding Saturdays, Sundays, and legal holidays) prior to the consideration of that measure or matter in the House.

Mr. Speaker, it is my humble view that implicit in that House rule is the requirement that the report accompanying the legislation be a valid report and if that report is in violation of the rules of the committee and, thus, invalid, the report being deficient, the entire legislative package is deficient and thus cannot be considered by the House.

I do not make this point capriciously or arbitrarily. I do want to bring to the attention of the distinguished Speaker that my investigation reveals that this is the only committee of the House that requires such a rule that every report be considered, and there are very good and justifiable reasons for that.

This in my opinion is a classic example of why that rule was inserted in the rules of the Committee on Government Operations and why this rule ought to be adhered to.

Mr. Speaker, this Consumer Protection Agency Act is a complex piece of legislation and, in fact, contains extremely complicated and in many cases contested language.

The majority views in the report on the bill contain important interpretations which were neither agreed to nor even discussed by the members of the committee.

As the distinguished Speaker knows, the report is very important in permitting other bodies and the courts to evaluate and determine the intent of the Congress and the committee. It is for this reason that I urge the point of order.

In the committee report there is cited an estimated authorization of $5.4 million for the first year. That is a very significant statement in the report. It indicates to me the intent and degree of how they intend to flush out this new agency. That is a matter that should have been considered by the House Committee on Government Operations. It was not.

Mr. Speaker, to restate my point as concisely and clearly as I can, the Committee on Government Operations has a specific rule requiring specific approval of every report. This legislative package is deficient by virtue of the powers of that rule, and I raise a point of order against the consideration of this legislation.

The SPEAKER pro tempore. Does the gentleman from California desire to be heard?

Mr. HOLIFIELD. Yes, Mr. Speaker, I desire to be heard on the point of order.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. HOLIFIELD. Mr. Speaker, I believe the gentleman from New York (Mr. ROSENTHAL) has no valid basis for his argument. I shall make my points briefly:

First. The gentleman from New York does not validly interpret the committee rule in question. Rule 4 of the committee states:

> Every committee report shall be approved by a majority vote of the committee at a meeting at which a quorum is present.

This is an old rule which has been carried along through the years. It refers to investigative reports, not legislative reports. Reading the committee rule together with House Rule XI, 27(d), which requires the committee chairman to report legislation or cause it to be reported, under the doctrine of statutory construction that laws are to be read together to avoid conflicts and bring about consistency, it is clear that rule 4 refers to investigative report. Our committee issues many such reports and by our own rules they have to be approved by a majority of the committee before submission to the House. Legislative bills are in a different category, governed by the rules of the House, with which we have fully complied in reporting H.R. 10835.

Rule 4 was adopted in approximately its present form in 1953—in the 83d Congress. Since that time the committee has reported 248 bills and resolutions without voting on the report to accompany them. The practice of the committee to have the chairman prepare and file the reports was discussed at full committee meetings on July 24, 1968 and June 23, 1970, at which the gentleman from New York was present.

Second. The action of the committee in approving H.R. 10835 and directing the chairman to bring it to the floor governs in the present situation. The motion to approve and report H.R. 10835 occurred as follows:

> Mr. HORTON. Mr. Chairman, I move that the bill H.R. 10835, as amended, be reported to the House and that the Chairman take the necessary steps to bring it to the floor.
>
> Chairman HOLIFIELD. Is there a second?
>
> Mr. ERLENBORN. Second.
>
> The CHAIRMAN. It has been moved and seconded that the bill be approved and that the Chairman take the usual steps to bring it up for consideration on the floor. We will have a roll call vote on this.

The motion was made and voted upon without objection and thereafter arrangements were made to allow Members 3 calendar days to file additional views, again without objection.

The motion and the other arrangements reflect the committee's longstanding understanding that House Rule XI, 27(d)(1) governs the reporting of legislation rather than Committee Rule 4.

In any event, the motion was accepted and voted upon without any objection having been made and with a quorum present and voting. Every provision of the House rules was complied with. The chairman is bound by the terms of the motion adopted by the committee. Even if a timely point of order on the failure to vote on the report under the committee rule would have been in order, it was not raised until 3 days after the committee accepted and adopted the motion without objection.

The precedents of the House hold that where a motion not in order under the rules is made without objection and agreed to by the House by majority vote, the action is binding on the House and the Speaker and is no longer subject to a point of order. In fact, it is the duty of the Speaker to proceed to the business as indicated by the House—IV Hinds' sec. 3177; V Hinds' sec. 6917.

These precedents are applicable to the committee action on H.R. 10835.

Third. Where a committee action violates certain rules of the House, for example—voting to report a measure without a quorum being present, Rule XI, 27(e)—a point of order may be made at an appropriate time on the House floor. In some situations, such as violation of a House rule governing the conduct of hearings, the rules specifically require that the point of order be first made in the committee (House Rule XI, 27(f)(5)).

In the present instance, if any rule was violated—and we believe this did not occur—it was a committee rule and not a House rule. Under these circumstances the point of order should have been made before and decided upon by the committee. All House rules having been met, the forum for deciding the issue is the committee, not the House.

The Speaker has repeatedly ruled against points of order based upon alleged irregularities in Committee procedures which did not violate a rule of the House. See IV Hinds' Precedents sections 4592, 4593, and 4594.

Fourth. Finally, I would not want it to be thought that the desires of the committee members are ignored in the preparation of the chairman's report. The suggestions of at least four Members, including the gentleman from New York, were taken into account and included in the report. Very often points to be included in the report are discussed at the subcommittee and full committee meetings and almost always the suggestions are adopted. I note that other committee of the House have various types of procedures to allow members to make similar suggestions. In no case, however, have I found that the committees actually vote on the reports themselves. As the precedents point out—IV Hinds' sec. 4674—the report of a committee is in the nature of an argument or explanation and does not come before the House for amendment or other action. There is wisdom behind the rule and precedents here, because if the committee had to come to agreement on every word in the legislative report, very little business would get done.

Notes on Mr. ROSENTHAL's proposed point of order follow:

NOTES ON MR. ROSENTHAL'S PROPOSED POINT OF ORDER THAT COMMITTEE RULE 4 REQUIRES COMMITTEE APPROVAL OF REPORTS ON LEGISLATION AND THAT SAID RULE WAS NOT FOLLOWED WITH RESPECT TO H.R. 10835

I. THE MOTION ADOPTED BY THE COMMITTEE TO REPORT H.R. 10835

The motion to approve and report H.R. 10835 occurred as follows:

"Mr. HORTON. Mr. Chairman, I move that the bill H.R. 10835 as amended be reported to the House and that the Chairman take necessary steps to bring it to the floor.

Chairman HOLIFIELD. Is there a second?

Mr. ERLENBORN. Second.

The CHAIRMAN. It has been moved and seconded that the bill be approved and that the Chairman take the usual steps to bring it up for consideration on the floor. We will have a roll call vote on this."

The motion was made and adopted *without objection* by a vote of 24 ayes, 4 noes, and three voting "present." Immediately thereafter arrangements were made to allow Members three calendar days to file additional views, again *without objection*. Mr. Rosenthal, who proposes to raise the point of order was present and voted "no." He asked for and was granted three days to file his individual views.

The motion and the other arrangements reflect the Committee's longstanding understanding that House Rule XI, 27(d)(1) governs the reporting of legislation rather than Committee Rule 4.

In any event, the motion was accepted and voted upon without any objection having been made and with a quorum present and voting. Every provision of the House Rules was complied with. The chairman is bound by the terms of the motion adopted by the Committee. Even if a point of order on the failure to vote on the report under the Committee rule would have been in order, it was not raised until three days after the Committee accepted and adopted the motion *without objection*.

The precedents of the House hold that where a motion not in order under the Rules is made without objection and agreed to by the House by majority vote, the action is binding on the House and the Speaker and is no longer subject to a point or order. In fact, it is the duty of the Speaker to proceed to the business as indicated by the House. (IV Hinds' sec. 2177; V Hinds' sec. 6917)

These precedents are applicable to the Committee action on H.R. 10835. If the motion violated to the Committee rules in directing the Chairman to proceed to bring the matter to the Floor without the report having been voted on, the motion, having been adopted without objection, expresses the Committee's will, and it is the duty of the Chairman to follow the Committee's directions.

II. STATUTORY CONSTRUCTION

A. Contemporaneous and continuous construction

The doctrine of contemporaneous construction requires the courts in construing a statute to consider the circumstances in existence at the time a statute was enacted and the interpretations given to the statute by the persons charged with applying at that time.

This doctrine is reinforced by showing a continuous and unvarying course of action for a long period of time by the persons charged with applying the statute. This is often called "administrative or practical construction." The Rule is stated in 84 L. Ed 30 (note) as follows:

"The practical interpretation of an ambiguous or uncertain statute by the executive department charged with its administration or enforcement is entitled to the highest respect and though not controlling, if acted upon for a number of years, will not be disturbed except for very cogent and persuasive reasons. This rule, set out with a great number of authorities in annotation in 73 L ed 325, is also supported by many later cases."

Our research indicates that a rule relating to committee approval of reports was first adopted in the 83rd Congress. This was the period in which there was a great deal of controversy and discussion about committee investigations.

The rule adopted in the 83rd Congress read as follows:

Rule 20: No committee or subcommittee report shall be made without the approval of a majority of the committee or subcommittee; provided, however, that any Member of the committee or subcommittee may make a report supplementary to or dissenting from the majority report.

The two rules immediately following Rule 20 dealt with investigations. All were listed under the center heading "Reports". The two Rules read as follows:

Rule 21: No summary of the committee report, prediction of the contents of such report, or statement of conclusions concerning any investigations should be made by a Member of the committee or the staff prior to the issuance of the report of the committee.

Rule 22: No member of the staff shall publish or release any report or any statement alleging misconduct by any person in any matter under investigation by the subcommittee.

The first rule adopted by the committee in the 83rd Congress read as follows:

Rule 1: (a) The Rules of the House, insofar as they are applicable shall govern the committee and the subcommittees.

In the 84th Congress, the rule under question was revised to read as follows:

Rule 11. Every committee report shall have the approval of the majority of the committee. Those committee members not concurring in the majority report may file a minority report or express dissenting views and any member may file an additional or supplementary report.

Rule 14 in the 84th Congress read:

Rule 14. The Rules of the House, together with the rules specified herein shall govern the procedure of the committee.

The two rules remained in the same form until the 92nd Congress when the rule was revised somewhat to accord with House Rule XI 27(d)(3) which had been revised to spell out the time permitted for individual views. At the same time the clause relating to the Rules of the House being the Rules of the Committee was incorporated in the introduction to the Committee Rules which set forth House Rule XI 27(a) verbatim.

Our research shows that since the beginning of the 83rd Congress the Committee has reported 249 bills and resolutions to the House. In no case, in these seventeen years that we ascertained the rule has been in effect, has the committee approved a legislative report. The custom has been for the committee to approve the bill or resolution and to allow the chairman to report it with his report.[1]

It is obvious that beginning in the 83rd Congress, at least, the committee regarded House Rule XI, 27(d)(1) which requires committee chairman to report legislation or to cause it to be reported, as governing the filing of legislative' reports and the Committee Rule as governing the filing of investigative reports. Since there was no House Rule on investigative reports, it was believed that the Committee could write a rule to cover that area. This certainly demonstrates the committee's original and longstanding intention that the word "report" as used in its present Rule 4 and in its predecessor sections refers only to the committee's investigative reports.

The distinction in the method of handling reports on bills and investigative reports which the Committee accepted is clearly illustrated by two paragraphs of Hinds' Precedents.

Paragraph 4667 of IV Hinds' Precedents deals with *legislative reports* and reads:

"4667. When a committee concludes consideration of a bill, a motion to rise and direct the chairman to report is in order.

In considering a bill the committee should set down the amendments on a separate paper.

Section XXVI of Jefferson's Manual provides:

When the committee is through the whole, a Member moves that the committee may rise and the chairman report the paper to the House, with or without amendments, as the case may be. (2 Hats., 289, 292; Scob., 53; 2 Hats., 290; 8 Scob., 50.)

When a vote is once passed in a committee, it can not be altered but by the House, their votes being binding on themselves. (1607, June 4.)

The committee may not erase, interline, or blot the bill itself; but must, in a paper by itself, set down the amendments, stating the words which are not to be inserted or omitted (Scot., 50), and where, by references to page, line, and word of the bill. (Scob., 50.)"

Pargraph 4668 of IV Hinds' Precedents deals with an *investigative report* where a select Committee had specifically voted to have the Chairman draw up the report and submit it to the Committee for approval. The paragraph reads:

"4668. The report of a committee is regularly read and agreed to in committee, and a member of the committee is ordered to report it to the House.—On Saturday, February 26, 1959, the select committee appointed to investigate the accounts of the late Clerk, William Cullom, met pursuant to adjournment; all the Members present.

"The reading of the report was concluded, and the report, with sundry resolutions, was agreed to.

"The chairman was instructed to submit the report and testimony to the House forthwith."

It has been the practice of the Committee for Members, during the consideration of a bill, to suggest the inclusion of certain points or language in the report which was to be submitted by the chairman, and these have almost invariably been carried out. In the report on H.R. 10835 language was put into the report to accommodate requests of Mr. Horton, Mr. Fuqua, Mr. Erlenborn, and Mr. Rosenthal.

The transcripts of full Government Operations Committee meetings since 1953 contain many instances where requests were made and agreed to regarding language to be included in the chairman's report. However the reports themselves were not voted on.

In 1970 there was considerable discussion of various points to be covered in the report on the proposed Consumer Protection Act of 1970 (H.R. 18067, 91st Cong.). At that time the Subcommittee members involved were helping the chairman prepare the report although the report was not presented to either the Subcommittee or the Full Committee for approval.

The record shows the following statements:

In response to one suggestion, Mr. Rosenthal said:

Mr. ROSENTHAL. The only comment is that we will cover this adequately in the report.

At another point Mr. Brown stated:

I would certainly want to encourage members of the Committee to express themselves to those of us who have served on the subcommittee with reference to the language that ought to go into the report, so we can try to write a report which would be satisfactory from all points of view.

Subsequently the chairman suggested that the draft report might be submitted to the membership *for further suggestions*. He said:

We do not ordinarily do this, particularly on a bill which has received as much consideration as this has. If the subcommittee deems it wise to do that, the report may be submitted for further suggestions.

The Committee, of course, was not called upon to vote and did not vote on the report.

The subject of legislative reports was also discussed at a full committee meeting on July 24, 1968 when the following discussion occurred:

Mr. RUMSFELD. Mr. Chairman, why is it that the Committee was not given reports on these first two bills for this meeting?

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[1] In one instance in 1953 a motion was made to accept a "subcommittee report". On the same day several other bills were approved by motions to approve the bills. Apparently by moving to accept the "subcommittee report", the member was referring to the subcommittee's recommendation that the bill be approved. No other motion was made on that bill.

Mr. Brooks. You really want to know? Because I have not read the damned thing. I have not had time to read it before it goes today, and it reflects the same information that we have here, you understand; but it has not been printed in report form.

Mr. Rumsfeld. Is that normal procedure, for the Committee to have copies of the reports?

Mr. Brooks. Sure. They could have had it a week ago; you could have had it in your office—

Mr. Holifield. Wait a minute. The Chair would like to say that it has not been customary on legislative matters to present a report with the bill. The report is usually formed after the bill is acted upon by the Committee and possibly amended by the Committee.

Mr. Rumsfeld. But it is accurate to say when this comes to the floor, there has to be a report for each of these two bills?

Mr. Holifield. Yes; oh yes, but the gentleman's question was why was there not a report before this piece of legislation. We do not print it to go with the legislation.

Mr. Brooks. We do not print it with the bill. Before the report is printed, we want to be sure there is a ball park figure to answer the gentleman's question.

(Note.—The record indicates Mr. Rosenthal was present at the July 24, 1968 discussion.)

B. Laws are to be read together to avoid conflicts and to bring about consistency—In Pari Materia

"Statutes which relate to the same thing or to the same subject or object are in pari materia, although they were enacted at different times and it is a fundamental rule of statutoury construction that such statutes should be construed together for the purpose of learning and giving effect to the legislative intention. 1 Am J2d Admis L § 40; 50 Am J1st stat § 348."

Applying this doctrine to a reading of Committee Rule 4 and House Rule XI, 27 (d)(1), which required *Committee Chairman* to report legislation or to cause it to be reported, the conclusion is that in providing for Committee approval of a "Committee report," Rule 4 refers to the many investigative reports issued by the Committee on Government Operations on which the Members have voted for many years. No House Rule governs investigative reports.

House Rule XI, 27(d)(1), which governs the reporting of legislation, provides that the report is to be made by the chairman on a "measure approved by the Committee." It is obvious that the intention of the Rule is that the Committee vote on and approve the "measure" and the chairman make the report on it. As used in Rule XI, 28(d)(1), a "measure" is a "statute or resolution enacted by a legislative body." (Ballentine's Law Dictionary 2d Ed.) This use of the word "measure" is made clear by paragraph (3) of Rule XI 27(d) which refers to "any measure *or matter*" approved by a Committee in allowing time for individual views.

The general rule on legislation is found in section 26 of Jefferson's Manual which reads:

"When the committee is through the whole, a Member moves that the committee may rise, and the Chairman report the paper to the House, with or without amendments, as the case may be. 2 Hats., 289, 292; Scob., 53; 2 Hats., 290; 8 Scob., 50."

The annotation to this paragraph in the House Rules reads as follows:

"Clause 27(d) of Rule XI provides that it shall be the duty of the Chairman of each committee to report or cause to be reported promptly any measure approved by his committee and to take or cause to be taken necessary steps to bring the matter to a vote. In the House of Representatives a committee may order its report to be made by the chairman (IV, 4669), or by any other member of the committee (IV, 4526), even though he be a member of the minority party (IV, 4672, 4673; VIII, 2314). Only the chairman makes report for the Committee of the Whole (V, 6987)."

III. POINTS OF ORDER ON COMMITTEE PROCEDURE

Where a Committee action violates certain Rules of the House (for example—voting to report a measure without a quorum being present [Rule XI, 27(e)], a point of order may be made at an appropriate time on the House Floor. In some situations, such as a violation of a House Rule governing the conduct of hearings, the Rules specifically require that the point of order be first made in the Committee (House Rule XI, 27(f)(5)).

In the present instance, if any rule was violated (and we believe this did *not* occur), it was a Committee Rule and not a House Rule. Under these circumstances the point of order should have been made before and decided upon by the Committee. All House Rules having been met, the forum for deciding the issue is the Committee, not the House.

The Speaker has repeatedly ruled against points of order based upon alleged irregularities in Committee procedures which did not violate a Rule of the House.

In IV Hinds' sec. 4594 a point of order was made that a report was not properly authorized because the Committee meeting which voted out the bill had not been regularly called. It was conceded that the Committee had not been formally called together, but that a majority of the Committee were present and authorized the report. On this statement the Speaker overruled the point of order.

Very similar points of order were overruled in IV Hinds' sec. 4592 (action not taken at full meeting of the Committee), and 4593 (Committee Members not notified of meeting).

Other instances in which the Speaker overruled points of order based on irregularities in the Committee's action on reports are found in III Hinds' sec. 1338, and IV Hinds' sec. 4653 and sec. 4689.

IV. RULES AND PROCEDURES OF OTHER COMMITTEES OF THE HOUSE

A review of the rules and practices of the other Committees of the House shows that no other Committee has either a rule or practice that requires reports on legislation to be subjected to Committee vote before being made by the Committee chairman. Apparently there is general acceptance of the rule that reporting legislation is the chairman's function.

Several committees have rules setting forth varying procedures for allowing members to see reports before they are filed. However these do not require Committee approval of legislation reports, as it is contended Government Operations Committee Rule 4 does.

In fact, such a requirement would be inconsistent with House Rule XI, 27(d)(1), as stated in Part II, above.

Now, I would answer this argument that has been placed in the Record by the gentleman from New York (Mr. Rosenthal) that $5.4 million for the first year is not enough. That is an estimate. Under the rules of the House we have to make an estimate. I do not believe that they can spend $5.4 million in the first year. Maybe they can. But that will have to be justified before the Committee on Appropriations. This is not an authorization, it is an estimate, and we are in conformity with the rules of the House when we make an estimate.

If the gentleman does not agree with the amount, he can go before the Committee on Appropriations at the time that that administrator of this agency comes up to justify the appropriation and at that point he can have his say, because it is at that point that the amount of the appropriation will be decided.

The SPEAKER pro tempore. Does the gentleman from New York (Mr. Rosenthal) care to be heard further?

Mr. ROSENTHAL. Yes, Mr. Speaker, I would like to be heard further on this, briefly.

Mr. Speaker, I just want to say that as I interpret the rules, there is no burden on me, on this Member or any other Member, to see to it that the rules are appropriately enforced. It would seem to me that that burden rightfully is placed on the chairman of the respective committee and it is his obligation to abide by the rules.

Second, my distinguished chairman said that this rule has been in existence since 1953 and we have been violating it since 1953—we have never complied with it since 1953. So far as I am concerned that is most regrettable.

The chairman went on to say that what the committee rule means is that only investigative reports should be voted on by the committee.

The fact is, Mr. Speaker, that we spent a great deal of time at the beginning of this session of the Congress in debating rules changes and matters applicable to the rules. There was adequate opportunity to change them if anyone had that intention.

Mr. Speaker, I again assert the position I have stated that the rule is precise and clear and that no Member of the Congress has the right to waive that rule.

If the rule needs to be changed, then the change ought to have been made at the appropriate time and place.

The SPEAKER pro tempore (Mr. Boggs). The Chair is prepared to rule.

The gentleman from New York has raised a point of order against the consideration of H.R. 10835 on the ground that the Committee on Government Operations did not meet to approve the report on that bill, House Report No. 92-542, as allegedly required by rule 4 of that committee.

The Chair has listened carefully to the arguments on this point of order and has referred to the committee rule cited by the gentleman from New York. The Chair has also reexamined the provisions of rule XI of the rules of the House with respect to the procedures for reporting bills to the House. He has also examined the precedents cited in the argument. The ruling of the Chair is in three parts:

First, the right of members of the Committee on Government Operations to file minority views, as guaranteed by clause 27(d)(4) of rule XI, was protected in this instance. The bill was ordered reported on Monday, September 27. The chairman did not file the report until late on Thursday, September 30. Those members wishing to file minority views were afforded the opportunity to do so.

Second, the gentleman from California has stated that in the more than 18 years since this rule was first adopted in the Committee on Government Operations, the consistent interpretation of the committee has been that while investigative reports require committee approval, legislative reports on bills or resolutions do not. This interpretation conforms with that of the House, where the report accompanying a bill or resolution is in the nature of an argument or explanation of the reported measure. the committee report itself is not brought before the House for action or amendment.

The Chair might also add that even if the committee wishes to put a different interpretation of its rule, it is a matter which should be decided in the committee. The record seems clear that the point was not raised at the time this bill was ordered reported.

Finally, the Chair would like to point out that even if the committee rule were to be construed as applicable to reports on legislative matters, the motion directing the chairman of the committee to report the bill to the House was a later expression of the committee's will. The chairman of the committee on Government operation before submitting the motion to the committee, stated the question as follows:

> It has been moved and seconded that the bill be approved and that the Chairman *take the usual steps* to bring it up for consideration on the floor.

This motion carried in the committee by a vote of 24 to 4. Subsequently, the Chair did, in fact, take the usual steps to bring the matter to the floor. His actions were in accord with the established practices of the committee and were taken in compliance with the rules of this House.

The Chair, therefore, overrules the point of order.

The question is on the motion offered by the gentleman from California (Mr. HOLIFIELD).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10835, with Mr. BOLAND in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. HOLIFIELD) will be recognized for 2 hours, and the gentleman from New York (Mr. HORTON) will be recognized for 2 hours.

The Chair recognizes the gentleman from California.

Mr. HOLIFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is necessary for me today, I believe, to report in some detail on this bill. It has been a controversial bill. There has been more misinformation, more lies, and more dirty insinuations made about the Chairman and about the purposes of this bill than in any experience I have had in 29 years in the House. I shall not use the time to answer those charges and insinuations. My record in the House for honorable conduct and procedure stands as I have written it over the period of 29 years, and I feel it is not necessary for me to defend those charges point by point.

If I did, I would take a special order under privilege to do so.

Mr. Chairman, as chairman of the Committee on Government Operations, I am honored to bring before this House H.R. 10835, the Consumer Protection Act of 1971. This bill has been long in the making. It draws upon many sources for ideas and combines what seems to be sensible and workable.

At this time I want to express my appreciation to the members of the Subcommittee on Legislation and Military Operations, who worked long hours with me on this bill. We had days and weeks of continuous markup sessions. We examined thoroughly every provision, line by line. We discussed and, in some cases voted upon, alternative formulations of specific points. I believe we have a bill of which we can be proud as legislators, and for which the American people will be grateful as consumers.

The heart of the bill is the Consumer Protection Agency. This is the new feature of the bill.

The Office of Consumer Affairs at the Presidential level and the 15-member Consumer Advisory Council, which the bill also provides for, essentially are entities already established by executive order of the President. We find a good rationale for having an office to assist the President in coordinating the many and varied functions of Government bearing upon consumer interests, and an advisory council to bring fresh viewpoints and keep open the channels of communication to the consuming public and the producers who supply the goods and services.

The new element, as I said, is the Consumer Protection Agency, an independent agency in the executive branch, which basically has these functions:

First. To represent consumers in Federal agency proceedings;

Second. To handle and followup on consumer complaints;

Third. To develop and disseminate information of interest and value to the consuming public; and

Fourth. Generally, to protect and advance consumer interests on a broad front.

NEED FOR THE BILL

There will be debate on some provisions of H.R. 10835, but there can be no argument about the basic need for this legislation. In a complex industrial society, marked by rapid technological change and an endless variety of goods and services, the consumer needs disinterested, accurate information and assistance, which only the Government can provide. The ancient doctrine of "buyer beware" is dead.

This is more than a matter of fair dealing and economical purchasing; the individual consumer's health and life are at stake and ultimately the health and life of the Nation at large.

Almost every day we hear reports of toys that harm children, clothing that catches fire, drugs which cause abnormal births, adulterated foods, cars with dangerous defects, household gadgets that won't work or too quickly wear out. There are shady operations and fraudulent schemes by the hundreds, even thousands, to cheat people of their hard-earned savings, to sell them goods and services they do not need or want, or to take advantage of their real need and want.

We often say that inflation robs the pay envelope and the family income. Shoddy merchandise and deceptive practices also rob. They not only rob, but they maim and they kill. The health and livelihood of individual families, the well-being of the Nation, are wrapped up in the term "consumer protection."

This is a bill for the protection of consumers, but it is also a bill for the protection of business—legitimate business. Many problems for consumers are caused by the fringe operator, the fly-by-night, the quick-buck artist. This bill will help drive them from the marketplace and the front door.

Most necessities and conveniences of life, however, are supplied by well-established firms in a competitive market. They, too, need watching for exaggerated advertising claims, tricks of packaging and labeling, use of hazardous substances which may improve appearance or taste but are harmful to health, and recurring lapses in design or quality control which produce the automobile with bad brakes or the television set that catches on fire.

There are many consumer bills proposing to close loopholes in existing laws, to expand the regulatory coverage of products and services which can be hazardous to life and limb, and to cope with unscrupulous selling schemes and practices. Judging by the temper of the times and the needs of the public, some of these bills will be enacted.

H.R. 10835, which we consider today, is not the only consumer bill before the Congress, but it is landmark legislation. It recognizes, for the first time, that consumer protection is a continuing responsibility of Government, and that every agency of Government must give heed to consumer concerns.

We have a strong and effective bill. There has been a concerted campaign to misrepresent this bill, and I shall say more about that later on. We have a strong and effective bill, but a bill that is carefully balanced by safeguards to insure that trade secrets will not be improperly disclosed, test data will not be misrepresented, duplicative work will be avoided, and governmental operations will not be disrupted.

These safeguards are needed, not because the bill is weak, but because the bill is strong. It creates a new Agency and charts a new course. We would prefer that the Agency start carefully on this course rather than run wildly in all directions.

ADVOCACY A KEY FUNCTION

H.R. 10835 is a bill for consumer advocacy. It does not set up another regulatory agency. The bill is designed to insure that the consumer's voice will be heard, and his interests protected, in proceedings before the existing regulatory agencies. Many of us know from long experience and exposure to Government bureaucracies that the old-line agencies often are more concerned about the industries they are supposed to regulate than about the ultimate buyers of the goods and services.

The Consumer Protection Agency will be able, as a matter of right, to represent consumers in proceedings before Federal agencies. Note that I say "as a matter of right." It is not unusual for Federal regulatory agencies to allow other public agencies, whether Federal, State, or local, to come in as parties. The Consumer Protection Agency will have this opportunity as a matter of right, not of sufferance. The Agency's representational role is set forth in section 204, beginning at line 9, page 14, of H.R. 10835.

You will note that both rulemaking and adjudicatory proceedings are covered. The bill follows the procedural pattern of the Administrative Procedure Act, which identifies and defines the two types of proceedings.

The Consumer Protection Agency not only will have the right to appear before other Federal agencies in proceedings underway; it may request a Federal agency to initiate a proceeding if the Administrator of the Consumer Protection Agency believes that it is necessary for the protection of consumer interests. The regulatory agency in this case would be hard put to refuse, for if it failed to act it would have to explain to the Consumer Protection Agency why it did not act, and this explanation would become a matter of public record.

Additionally, the Consumer Protection Agency will be able to communicate with any Federal agency—and State and local agencies as well—at any time, and in any manner that seems appropriate, providing only that such communications are in accord with the procedures of the agency involved. Improper ex parte communications, for example, would not be permitted.

We can expect, however, a beneficial flow of information from the Consumer Protection Agency to alert Federal agencies to emerging or existing problems relating to consumer needs. This will be a powerful stimulus to corrective action by the agencies concerned. The information flow will be in both directions, since Federal agencies must notify the Consumer Protection Agency of any action involving consumer interests and must supply information requested.

JUDICIAL REVIEW PROVIDED

The Consumer Protection Agency will be able to obtain judicial review of any Federal agency proceeding, whether rulemaking or adjudicatory, in which the Agency previously had intervened, if a right of judicial review is otherwise accorded by law. Since specific statutes, and the Administrative Procedure Act in general terms, provide for judicial review, the Consumer Protection Agency will have rights of reviews on a par with other parties to Federal agency proceedings.

And, of course, the Consumer Protection Agency will have access to the courts, as do other parties, to compel agency action when there is undue delay or failure to complete a proceeding. The Administrative Procedure Act provides for such contingencies.

In the event the Consumer Protection Agency did not appear as a party in an agency proceeding, it could still seek judicial review if the court found that the agency action might adversely affect consumers or not otherwise give them adequate protection.

You will note also that as provided in section 302, the Consumer Protection Agency may petition the Federal courts to enforce the congressional mandate put upon every agency of the Government by that section—to give due consideration to consumer interests where these are involved in the agency's actions.

THE AMICUS CURIAE ROLE

As an additional safeguard and opportunity for access to Federal agencies and courts, the bill provides in section 204(c) for amicus curiae appearances of the Agency Administrator, within the discretion of the Federal agency or court where the proceeding is held. Such appearances could be made by the Administrator, and oral or written arguments presented, even in proceedings where the Consumer Protection Agency otherwise would not be able to participate; namely, those involving primarily the imposition of a fine, penalty, or forfeiture. Also, without restriction as to the type of proceeding, the Consumer Protection Agency will be able to bring to the attention of the Federal agency or the court any relevant information in its possession.

A proposal was made and rejected in committee, and will be offered again on the floor, that the Consumer Protection Agency be confined in its advocacy role to amicus curiae alone. Such an amendment would seriously weaken the bill. It would deprive the Agency Administrator of the rights accorded in H.R. 10835 to be a party in proceedings, to cross-examine witnesses, to call for books and records, and to appeal to the courts for a review of an agency decision considered adverse.

In H.R. 10835 we authorize the Consumer Protection Agency to intervene as a matter of right, not of sufferance, with all the privileges and opportunities which go with that right. We also provide for an amicus curiae role to insure that the Consumer Protection Agency will have access to Federal agencies and courts, whatever the type of proceeding.

To limit the Consumer Protection Agency's advocacy role to amicus curiae alone, as a floor amendment will propose, would tie one of the Administrator's hands behind his back and make him come, hat in the other hand, to plead the consumer's cause.

HANDLING CONSUMER COMPLAINTS

The bill provides in section 205 for the handling of consumer complaints. The Consumer Protection Agency would receive, evaluate, develop, act on, and transmit complaints to appropriate Federal agencies—or non-Federal entities—which concern matters or actions detrimental to the interest of consumers. This is another very important provision of the bill. Consumers will know readily where to send their complaints. They will know that the complaints will be transmitted to the appropriate agency and acted upon.

A wealth of information of benefit to consumers generally will be derived from investigations and actions upon complaints. Furthermore, the flow of complaints will serve as early-warning opportunities to alert Federal agencies to defective products and services or schemes to defraud consumers. Federal agencies are receiving thousands upon thousands of complaints yearly on consumer affairs. Just think how many complaints the Consumer Protection Agency will receive when it provides a central place to which consumers can turn.

Complaints are not only to be acted upon; they are to be publicized. The bill provides for listing consumer complaints in a public document room where anyone can inspect and copy them. However, the Consumer Protection Agency will not publicize one-sided, anonymous, or confidential complaints.

To insure objectively and rounded information, the bill provides that before complaints can be listed and posted for copying and inspection, affected business parties and Government agencies to whom the complaints are referred will have 60 days to comment. They will be able to respond to allegations, discuss the merit of the complaint, or describe what action is being, or will be taken. All such information, if received, will be posted together with the complaint.

CONDUCT OF STUDIES AND INVESTIGATIONS

The Consumer Protection Agency is authorized to conduct studies and investigations on any matter of consumer need and interest; and there is an addition specific mandate for the Consumer Protection Agency to make continuing studies of the scope and adequacy of measures to protect consumers against unreasonable risks of injuries which may be caused by hazardous household products. In this latter respect, the Agency would carry on some of the functions previously placed in the new expired National Product Safety Commission.

In its research and investigative roles, the Consumer Protection Agency will not have its own subpena power. The sense of the committee majority was that the Agency should not have a direct subpena power compelling a private party or corporation, whether it be the neighborhood garage mechanic or General Motors, to produce books and records on demand. The Agency will have the right, as a party in Federal agency proceedings, to call for books and records or witnesses, through the subpena power of the agency which conducts the proceedings. This privilege would be on a par with that of other parties to proceedings, and in such cases, the granting agency would pass upon the scope and relevance of the evidence sought.

If it turns out, after experience is gained, that the Consumer Protection Agency should have its own subpena power, then Congress can grant it. I would point out, however, that whereas numerous Federal agencies have the subpena power, the scope of this power is confined to the agency's specific mission. The Consumer Protection Agency has broad governmentwide reach, from the standpoint of consumer interests, and a direct subpena power would have to be correspondingly broad.

PROTECTION OF CONFIDENTIAL DATA

Publicity will be a powerful weapon of the Consumer Protection Agency, but certain limitations on the disclosure and dissemination of data are necessary. The bill provides that trade secrets and other privileged or confidential business information are not to be publicly disclosed, nor any other information prohibited by law from disclosure.

The Consumer Protection Agency will be able to draw upon all agencies of Government for information, except in those limited instances where the Agency is not legally able to provide the information. Disclosures to the public generally will come within the terms of the Freedom of Information Act, which, as the Members know, has certain information categories exempted from disclosure, including classified data and trade secrets.

PROVISIONS FOR LIMITED TESTING

As provided in section 207 of the bill, the Consumer Protection Agency will encourage and support the development and application of methods and techniques for testing materials and processes used in consumer products and for improving consumer services. It will make recommendations to other Federal agencies regarding beneficial consumer research, and will be able to draw upon these agencies for test data and other information.

The bill does not envisage the Consumer Protection Agency as a giant testing laboratory to identify "best buys" and provide product ratings or testing services for the consuming public. The testing functions are to be conducted only in connection with participation in Agency proceedings or in studies of hazardous household products. The actual testing will be done by other Federal agencies, such as the National Bureau of Standards. Limitations on testing, including those which prohibit product ratings and best-buy information, are specified in the bill.

The bill also provides that the Administrator shall periodically review products which have been tested to insure that information which is disseminated is timely and accurate and conforms to test results.

DUPLICATION TO BE AVOIDED

The bill seeks in many ways to minimize or avoid unnecessary duplication. The Office of Consumer Affairs and the Consumer Protection Agency are specifically required to cooperate and assist each other in the performance of their respective functions.

All Federal agencies are authorized and directed to cooperate with the Agency and the Office in providing information and support services within their capabilities, and reimbursement is to be made in accord with provisions of existing law.

In the conduct of surveys and investigations, and in the study of unreasonable risks or injuries caused by hazardous household products, the Consumer Protection Agency is to avoid duplication of similar surveys or investigations conducted by other Federal agencies.

The intent of the bill, generally, is to avoid building up a big, new bureaucracy with its own laboratory complexes, but rather to tap existing resources and promote cooperative working relationships within the Federal Establishment in the interest of consumers.

PROCEDURAL FAIRNESS INSURED

The bill provides for procedural fairness by the various safeguards mentioned above, by casting the Agency's representational role in the framework of the Administrative Procedure Act, and by making that act apply also to the Agency's own basic functions. These include the gathering, publishing, and disseminating of consumer information, the handling of consumer complaints, and studies and investigation of hazardous household products for the purpose of evaluating protective measures, and the efficacy of self-regulation by industry.

BASIC TERMS ARE DEFINED

A criticism of earlier bills was the lack of definition for such key terms as "consumer" and "interests of consumers." We have defined such terms to make them more meaningful and the Agency's work more manageable.

By "consumer" we mean the purchaser of goods or services for personal or household use. The Agency would be concerned, for example, not with the industrial consumer of raw materials or semi-finished products, but with the problems of the ultimate consumer. The "interests of consumers" relate to such characteristics of goods and services as cost, performance, durability, adequacy of choice, and accuracy of information.

BENEFITS TO STATE AND LOCAL AGENCIES

The concept of the consumer protection bill is not to interfere with State or local government activities, but to provide them with technical assistance and information of benefit to consumers on a reciprocal goodwill basis.

The Consumer Protection Agency is not authorized to intervene in proceedings or actions before State or local agencies and courts. Our report makes clear that the term "intervention" is used in the accepted legal sense, as a party in adjudicatory proceedings. Otherwise, the Consumer Protection Agency will be able to communicate with State or local agencies at any time, on any matter of consumer interest. In doing so, it will have to follow the law or rules of the State or local agency.

The Office and the Agency both are authorized to enter into contracts, leases, cooperative agreements, or other transactions with State or local subdivisions in carrying out their respective duties. They may appoint State and local representatives to advisory committees, and may utilize the services, personnel and facilities of State agencies with their consent.

The Office also may cooperate with and give technical assistance to State or local governments in promoting and protecting consumer interests.

In general, State and local governments will be the beneficiaries of a wealth of information developed at the Federal level for the protection and advancement of consumer interests.

CONGRESS TO BE KEPT FULLY INFORMED

Whenever the Consumer Protection Agency discovers that a Federal law, agency rule or order, or court decree is violated, one of its avenues of remedial action is to make specific legislative proposals to the Congress, as provided in section 205(b) of the bill.

The Office of Consumer Affairs and the Consumer Protection Agency both are to keep the Congress advised on matters of consumer interest, to submit recommendations to the Congress, and to present annual reports to the Congress giving comprehensive statements of their activities, with recommendations for such additional legislation as may be necessary. Additionally, the Office and the Agency are required to keep the appropriate committees of Congress fully and currently informed of their activities.

It is apparent from these provisions that the Office and the Agency will be able to communicate with the Congress at any time on matters of pressing interest and, periodically, through the annual reports. We may note also that in making the Office of Consumer Affairs a statutory office, it becomes more amenable to congressional supervision and oversight than if it were to remain an agency created by Executive order.

MISREPRESENTATIONS ABOUT THE BILL

Now I want to deal briefly with some of the misrepresentations that have been made about this bill. I respect the attitude and the efforts of those who have honest differences of opinion and judgment about the scope and duties of the Consumer Protection Agency which we are pioneering in this legislation. Those who feel strongly about a point or a provision will have their opportunity, under the open rule, to offer an amendment. I, for one, am perfectly willing to see their proposals tested before the membership of the House, and, of course, I will abide by the majority decision.

Beyond those of good will who may differ with the decisions of the committee majority embodied in this bill are some who have misrepresented and distorted the provisions of the bill, and have falsely cast the alternatives in terms of a 10-percent bill, or a 90-percent bill.

The U.S. Chamber of Commerce alleges that the bill would enable the Consumer Protection Agency to intervene in 90 percent of Federal adjudicatory proceedings and opposes the bill for that reason. Ralph Nader alleges that the Agency would be excluded from 90 percent of such proceedings and opposes the bill for that reason. Though they are miles apart in their arithmetic, they both argue that the committee-approved bill is unacceptable.

Representatives of both business and consumer interests have been lobbying hard for particular amendments to H.R. 10835, but Ralph Nader has lobbied the hardest of all. He has walked the corridors of the House, hung around the committee door, contacted the Speaker, and sought the support of influential Members. A Nader lieutenant even caused a picket line to be organized around my office in the 19th District of California.

There are one or two inside and outside this Chamber who believe they have acquired a proprietary interest in consumer legislation, and they have wanted to control and dominate the legislation every step of the way. The fact of the matter is, Mr. Chairman, that consumer legislation is not the property of any one or two individuals. There comes a time when a committee of the Congress, and the Congress itself, must take the responsibility of writing the bill and for making decisions on what will go in or stay out of this bill.

As chairman of the Committee on Government Operations, it is my responsibility to see that a good bill is reported; one that is workable and acceptable to the Congress. I cannot worry about the headlines, the misrepresentations, the fabrications, the downright lies that have been put out by various half-baked columnists and others. I have to discharge my responsibilities as a chairman and a legislator. And those who may have had doubts about it should now be able to recognize that I can stand the heat and will stay in the kitchen.

THE ISSUE OF INFORMAL PROCEEDINGS

Those who misrepresent H.R. 10835 as a 10-percent bill shift their argument back and forth, depending upon what provision of the moment evokes their criticism. At one time they argue that 90 percent of Federal agency proceedings are informal, and that under the bill the Consumer Protection Agency would be excluded from informal proceedings. At another time, the argument revolves about the Consumer Protection Agency's exclusion from participation in any proceeding which involves "an adjudication seeking primarily to impose a fine, penalty, or forfeiture for an alleged violation of a statute of the United States or any rule, order, or decree promulgated thereunder."

Those who have bandied about the 10-percent and 90-percent figures seem to be reading, out of context, a statement by Prof. Kenneth Culp Davis in his Treatise on Administrative Law, 1970 Supplement. Professor Davis states at page 226:

> Although administrative hearings are generally open, *more than 90 percent of the American administrative process is behind closed doors* . . . (Italics in original)

Whether Professor Davis was discussing closed versus open hearings, or proceedings without hearings versus proceedings with hearings, the discussion provides no valid basis for the Nader arithmetic.

Bear in mind that the Administrative Procedure Act does not distinguish between formal and informal proceedings as such. The Consumer Protection Agency will be able to intervene in agency proceedings as a party, whether the proceedings are formal or informal, and whether or not they are attended by hearings. A hearing is not indispensable to a proceeding under the Administrative Procedure Act.

Thus the alleged exclusion of the Agency from informal proceedings is a pseudo issue, unless those who have mounted this criticism really believe that the Consumer Protection Agency should attend every informal agency action, sit in on every conference of the commissioners or examiners of an agency, read every office memorandum that passes back and forth from one agency desk to another, and be around, day and night, to look over shoulders and breathe down necks of agency officials.

Roger C. Cramton, chairman of the Administrative Conference of the United States, comments that if the bill were to require consultation with the Consumer Protection Agency before every informal decision is made "to investigate this piece of information, to disregard that one, to resolve this complaint by a phone call, that one by a warning letter, and to refer still another for more formal action," the result "would guarantee administrative chaos."

The Administrative Conference of the United States, which Mr. Cramton chairs, was established by a law of the Congress for the purpose of making continuing studies of the efficiency, adequacy, and fairness of the Federal administrative process. Mr. Cramton's letter, which I shall include with these remarks, was submitted in response to my invitation to comment on the controversial aspects of the bill. His comments make clear that, in his words:

> Under the Provisions of H.R. 10835, the Agency will have broad powers to participate in and influence the informal administrative process.

THE ISSUE OF "FINE, PENALTY, OR FORFEITURE"

As to exclusion of the Consumer Protection Agency from proceedings involving primarily the imposition of a fine, penalty, or forfeiture, probably more misinformation has been passed around on this single issue than on any other provision, real or imagined, of the bill. It all started with the word "solely," and the controversy that has raged around it reminds me of the ancient argument about how many angels can dance on the head of a pin.

First of all, let me point out that the exception for proceedings involving a fine, penalty, or forfeiture was in the earlier bills. It was generally agreed that an exception of this kind was desired; so that the Consumer Protection Agency would not be involved in criminal or punitive-type proceedings lest there be created a "double prosecutor" situation. Remember that the philosophy of this bill is to make the Agency the consumers' advocate, their official representative in other agency proceedings, not a regulatory or enforcement agency in its own right.

There were those who believed that the word "solely,"as applied to a proceeding involving a fine, penalty, or forfeiture was necessary, in that there would be proceedings in which the punitive aspect was incidental and, therefore, the Consumer Protection Agency should not be excluded from participation. There were others who thought that this qualifying adjective was too rigid and should be replaced by the word "primarily", so that the exclusion would be a bit broader. The word "primarily" was substituted for "solely" in marking up the bill.

The difference between these two words, "solely" and "primarily," is not very significant, in my view, for the purposes of consumer protection. Nor is there any foundation in fact for saying that the present wording of the bill on that point would exclude the consumer agency from protection in 90 percent of Federal agency proceedings. By now the critics have totaled up 180 percent exclusion.

What those critics do not seem to understand is that agency procedings ordinarily do not seek the imposition of a fine, penalty, or forfeiture, whether solely or primarily. The punitive aspects really enter into the case when there is a court action, not an agency proceeding. If an agency makes an investigation, or issues a cease-and-desist order or a consent decree or some other directive to comply with the law or stop a prohibited practice, and the order is not obeyed, then the agency must seek legal action through the Attorney General for enforcement. This is the type of action properly described as one involving a fine, penalty, or forfeiture.

Take the Federal Trade Commission as an example. It has broad regulatory jurisdiction over unfair trade practices and authority to issue cease-and-desist orders. The FTC does not levy fines, penalties, or forfeitures. Bear in mind that the FTC is one of the most important agencies dealing with matters of consumer interest. The Consumer Protection Agency could intervene in any FTC proceeding that I can think of without worry about exclusionary criteria relating to fine, penalty, or forfeiture.

If the critics who want the language changed are serious about it, then they are asking for two prosecutors with different mandates to move against persons who violate the law. Interestingly enough, they do not seem to be concerned about the due process or other rights of alleged offenders.

Mr. Cramton has analyzed this matter also in response to my request, and I will quote here only his conclusion:

> In summary, it is my view that "fine, penalty, or forfeiture" for violation of law encompasses only a relatively small category of administrative adjudications and a category in which consumer interests are seldom likely to be involved. The phrase should be interpreted to effectuate its obvious intent to preclude intervention by the Agency only when the presence of a "dual prosecutor" would endanger the interests of the public and the respondent.

Note Mr. Cramton's words: "A relatively small category of administrative adjudications and a category in which consumer interests are seldom likely to be involved." What, then, is all the shouting about? I surmise that the shouting is intended to develop pseudo issues or straw men which can then be mowed down and a victory claimed for those who are on the losing side, and need some face-saving, attention-getting device.

CONCLUSION

In conclusion, let me try to put this bill in perspective. Legislation to protect consumers and advance their welfare is not a panacea for all the defects of our industrial system and the affluent society. The agency we propose today, however, marks a new stage in governmental concern for the consumer.

It was almost 10 years ago that President Kennedy sent a consumer message to the Congress declaring the need to develop broad-ranging measures for consumer protection in an age of increasing technical sophistication in the production of goods and services. President Johnson restated and amplified that message several years later, and President Nixon submitted his own message to the Congress in 1969.

These messages, in the decades of the 1960's, demonstrated that concern for the consumer was shared by both parties, even though concepts of protective action may have differed. There was, in fact, an evolving trend of broadening concern in both the executive and legislative branches, and a variety of consumer-oriented legislation was passed. Other proposals will be acted upon by the Congress. In the decade of the 1970's, the consumer will come into his own.

This bill that we consider today will not be the last bill on the subject, but it does mark a commitment by the Federal Government to make consumer protection a permanent and continuing responsibility of government. It provides an agency to exercise constant vigilance in behalf of consumers and to take the kind of actions provided in this bill, which I have described in my remarks.

You will hear, before this debate is ended, the views of others who endorse the bill or who differ with it. Be wary of attempts to load this bill down with unreasonable and unworkable provisions or to weaken it to the point of ineffectiveness. I am the first one to confess that this bill satisfies neither Ralph Nader nor the U.S. Chamber of Commerce, but it takes the middle course, a sensible course, and a workable one.

After the Agency is created and it gains experience, we can modify any provision, giving it more powers or less, as the wisdom of Congress dictates. Our committee, which developed the legislation, has a responsibility under the rules of the House, which it will discharge, to oversee the administration of the Consumer Protection Act of 1971.

I append to these remarks the full text of the letter which I have received from Roger C. Cramton, Chairman of the Administrative Conference of the United States, and a section-by-section analysis of H.R. 10835.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I will be glad to yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I want our colleagues to know, Mr. Chairman, that the distinguished gentleman from California does not stand alone in the kitchen. Nor does he stand alone in regretting the willful, malicious, and deliberately false statements made by a few persons. Because of the sensationalized and calculatedly personal nature of these attacks, they have been able to dominate the press coverage of the committee proceedings on this bill. These opponents do not seem to want a bill as much as they want an issue. They have unnecessarily divided the strong majority in this House who favor strong and effective consumer legislation.

If they succeed in this division, they will expose the interests of consumers and the strong provisions which are at the heart of this bill to strong counterattacks by those whose purpose is to destroy the effectiveness of the Consumer Protection Agency, and to prevent the agency from accomplishing its central task of consumer advocacy before Federal agencies.

I thank the gentleman from California for permitting me to interrupt his very fine and comprehensive statement. But I could not let pass the opportunity to state my very deep regret that some opponents of this bill are cloaking themselves in the righteous cause of consumers, and, in fact, abusing this cloak to advance their own interests, while they at the same time expose the cause itself to very great and unnecessary danger. These opponents must be ready to bear the blame if this bill is weakened.

Mr. HOLIFIELD. Mr. Chairman, I thank the gentleman from New York for his contribution. I wish to say that insofar as the claims of unfairness that have come against this chairman in the conduct of the hearings, either in the subcommittee or in the full committee, that I believe the ranking members of the minority side, the gentlewoman from New Jersey (Mrs. DWYER) and the gentleman from New York (Mr. HORTON) can testify to the fact that there was no attempt to cut anybody off; that they were given adequate time and given every right they could possibly receive under the rules of the House.

Mr. HORTON. Mr. Chairman, if the gentleman will yield further, I want to further add, just to underscore the remarks the gentleman has made, that in my experience of 9 years in the House of Representatives I have never seen a more fair handling of a bill than the manner in which the gentleman in the well handled this bill, because we had very fair and completely open hearings. Everybody had complete and ample opportunity to be heard in the hearings, and there was ample opportunity to go over the amendments.

When the subcommittee met, I recall the chairman saying at the beginning of the markup sessions—

> Gentlemen, we are going to be here mornings, afternoons and evenings, if necessary, in order to get this bill completed so that we can report it to the Committee on Rules within the time allocated. But I want everybody to know——

And I repeat, these are the exact words of the chairman—

> I want everybody to know that I am going to stay here and listen, and give everybody an opportunity to be heard on any matter they want to bring before the committee.

We had something over 25 amendments before this subcommittee, and something like 20 amendments before the full committee.

The gentleman in the well was very fair, and every Member, regardless of what his views were, was given full opportunity to be heard.

I also want to underscore again that I think the gentleman in the well has done an extremely capable and able job in preparing this legislation. It is well thought out. As the gentleman has indicated in his testimony and his statements earlier, the information that is in this bill, the language of this bill, is tied into the Administrative Procedures Act.

We have eliminated duplications in the bill. We put in definitions so that the consumer and consumer interests could be adequately and properly defined. I defy anybody, any Member of this House, to find any loophole so far as the structure of this language in this bill is concerned.

There might be disagreement with regard to whether you should do this or do that—in other words, there might be a policy difference, but after all we are drawing up legislation and drafting legislation that is going to be the lifeblood of a new agency and I think it is important to have good draftsmanship. This bill has gone through the rigors of that good draftsmanship and I think it is appropriate to express appreciation to the gentleman for the manner in which he handled this matter in the hearings before the subcommittee and the full committee and on the floor of the House.

Mr. HOLIFIELD. Mr. Chairman, I thank the gentleman.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to my friend who is a member of the subcommittee and, of course, a member of the full committee.

Mr. Chairman, I might say that during the discussion of the bill we had various differences of opinion on certain things, but many times we were together and the gentleman has at all times conducted himself in an honorable fashion and he has my deep gratitude for his presence on the committee and his willingness to attend the meetings and to learn what the story is. The fact that the gentleman and I disagreed maybe on one point has no effect on my regard for him.

Mr. FUQUA. Mr. Chairman, I thank the gentleman for yielding.

I want to tell him how much I appreciate his kind words. Let me reciprocate by associating myself with the remarks made by the gentleman from New York (Mr. HORTON).

Mr. Chairman, I have never sat on any committee where the chairman presided with more fairness than the gentleman in the well and we received the utmost fairness in all cases in the consideration of this particular piece of legislation. It was a pleasure for me, even though as the gentleman has pointed out, that on one occasion we did disagree on an amendment, but the gentleman and I have remained friends and I again express my appreciation for the fine and fair job he has done in bringing this legislation to the floor of the House.

Mr. HOLIFIELD. Mr. Chairman, I thank the gentleman for his kind remarks.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. ROUSSELOT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to compliment the chairman of the committee, the gentleman from California (Mr. HOLIFIELD). The gentleman knows full well that I have some very strong reservations about this particular legislation, but I wish to comment briefly on what I consider to be very unfair and unwarranted attacks by certain outside forces against the gentleman. I wish to comment favorably on the way he has conducted himself in hearing all sides of this particular issue. He has done so in a patient and constructive way.

The gentleman now in the well serves as chairman of our California delegation. The two of us differ many times. But Mr. HOLIFIELD has always been absolutely fair and completely open in his willingness to discuss all issues in a vary full way. I think it is worth noting that one of the major sources of the attacks—the unwarranted attacks against the gentleman from California, Mr. Nader has recently produced a report on the State of California. That report it now appears contains many untruths and several distortions have been proven to be unreliable.

So I think we can consider this same source of another report to again be without foundation or truth, when it is leveled improperly against the gentleman in the well today.

Mr. Nader has proven himself to be incapable of producing a dependable report on the State of California's efforts to utilize its water and land resources. Whereas the gentleman from California, in my opinion, even though we have differed many times, has always attempted to conduct himself in such a way as to be totally fair and correct in his use of facts, even though the two of us may disagree in the interpretation of those facts.

I compliment the gentleman, Mr. HOLIFIELD, on the way he has conducted himself against these very unfair attacks.

Mr. HOLIFIELD. Mr. Chairman, I thank the gentleman.

Mr. Chairman, without taking up too much time I would like to say that the State of California for 35 years has been trying to solve its water problems and, finally, under the recent administration 6 or 8 years ago we did solve the difference between the regions in the thousand-mile-long State of California.

The people of the State of California passed a bond issue of $7 billion, the largest bond issue ever passed by any State in the history of the Nation, as an approval of that plan. Mr. Nader sent a couple of his "raiders" out to California for a couple of weeks, and then he denounced the water plan, saying that the people of the State of California did not know what they were doing, that it was a terrible travesty on the environment, and all that sort of thing.

That is the case to which the gentleman referred, and I just think the record ought to show that this man thinks he is an expert on everything.

Mr. ROUSSELOT. If the gentleman will yield further? One of Mr. Nader's own staff members this past week who helped him produce this same report admitted that there were factual errors in that California report, and that in some cases the report incorrectly used the term "fraud." I think this is further testimony of the fact that Mr. Nader cannot be relied upon for factual material but that the gentleman from California (Mr. HOLIFIELD) is always conducting himself in a correct and positive way. Unlike some of the people who are now attacking Mr. HOLIFIELD for his attempt to come up with what he feels is positive and constructive legislation, these other sources cannot be considered believable. They have proven to be incorrect in their own statements, and I think the public should know that the gentleman has conducted himself in a proper way. I am hopeful they will now correct the unfair charges they have leveled against Mr. HOLIFIELD.

Mr. HOLIFIELD. I thank my colleague from California.

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield also to a member of our subcommittee and full committee, the gentleman from Pennsylvania, (Mr. MOORHEAD).

Mr. MOORHEAD. Mr. Chairman, I wish to join my colleague in praising the fairness of the gentleman in the well. I do serve on the subcommittee and the full committee. Every step of the way, even though at times there were amendments offered that did not have enough votes, they were always fairly and squarely presented to the subcommittee and we had our opportunity to work our will, which is the proper legislative process. I commend the gentleman.

Mr. HOLIFIELD. I thank the gentleman for his remarks.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair now recognizes the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Chairman, I yield 10 minutes to the gentlewoman from New Jersey (Mrs. DWYER) who is ranking Republican member of the House Government Operations Committee, a very strong consumer advocate, and a person who has been very helpful to us in the deliberations on this bill, one who was an original sponsor of the bill in the 91st Congress, a sponsor also of the original bill in the 92d Congress, and who also is a sponsor of the bill that is before us.

Mrs. DWYER. Mr. Chairman, I would be remiss if at this time I did not join my colleagues in singing the praises of my chairman, and as ranking minority member, I want him to know that I have full confidence in his fairness, and it is a great, great pleasure to work under his leadership.

Mr. Chairman, before I say anything else, let me make two points about this bill just as firmly and decisively as I know how:

First, as reported by the committee, this is a strong, responsible, and potentially very effective bill. There should be no misunderstanding this fact. Every effort to seriously weaken the bill both in subcommittee and full committee was defeated. No one devoted to consumer protection—and I say this as one dedicated to this cause for many years—need apologize for the bill the committee has produced. It is as good as most of us hoped for, and better than many of us feared.

Second, by the same token, this bill will not endanger the legitimate interests of businessmen, their companies or their organizations. Every reasonable effort to build into the emerging consumer protection organization at the Federal level a high degree of responsibility has been accepted by the committee. Neither individual companies nor Federal agencies—so long as they are acting in the public interest—need fear harassment by Federal consumer protection officials.

It should not be necessary to make these points so emphatically and so early in my remarks. I do so, however, because of the considerable degree of misinformation and misinterpretation which has plagued this bill since it was favorably reported by our committee.

A calculated effort has been made to portray our bill as weak and ineffectual. I strongly disagree. Those who contend it is weak have announced they will offer a single key amendment designed to transform a weak bill into a strong bill.

A careful examination of the proposed amendment will, I suggest, reveal how groundless are the contentions that the committee-reported bill is inadequate. The amendment, it is claimed, would clarify section 204(a)(2) in order to assure participation by the Consumer Protection Agency in proceedings which affect the consumer interest despite language excluding the Agency from participating in adjudications "seeking primarily to impose a fine, penalty, or forfeiture.

I am convinced, Mr. Chairman, the proposed amendment would not serve its stated purpose or any other constructive purpose. Experts in the administrative process rightly maintain that the term "fine, penalty, or forfeiture" encompasses only a small proportion of adjudications and that these seldom involve consumer interests. Moreover, I believe the committee has made it clear that in using this language, including the word "primarily," we intend that it be interpreted strictly so as not to exclude the Agency from proceedings affecting consumers and to apply only to situations where the presence of a "dual prosecutor" would endanger the interests of the police and the respondent.

Since proponents of the amendment express these same specific objectives, I see nothing their amendment would add to this section of the bill. On the other hand, it could detract, since it closely resembles a weakening amendment defeated by the committee and thus could confuse interpretation of the section.

The other purpose of the amendment, as stated by its authors, is to give the Consumer Protection Agency "some limited type of oversight" in the area of informal rulemaking and adjudicatory proceedings and in instances where other agencies fail to institute formal proceedings.

Again, Mr. Chairman, I contend that the committee bill already provides for this authority and that the amendment would add nothing to the powers of the proposed new Agency. For example, the Agency, under our bill, already may undertake reviews and investigations; it already may require information from Federal agencies; and it already may submit findings and recommendations to the Congress—whether or not the other Federal agencies follow its advice.

On both counts, therefore, the proposed amendment would be duplicative and thus unnecessary. Consequently, the only conclusion one can draw is the obvious one that the committee bill is already an effective instrument for representing the interests of consumers whenever or wherever decisions are made or policies established which are important to consumers. This is the objective of the sponsors of the amendment and this is the objective of the committee bill.

Mr. Chairman, I deeply regret the divisions which have occurred within the ranks of consumer advocates regarding the committee bill. Those divisions are unnecessary. We should be united in support of the strong and effective bill which the committee reported.

The legislation establishes basically what it did last year: A tripartite organizational structure which, for the first time, insures the more than 200 million American consumers an effective voice in the making of decisions which affect them as consumers.

Yet, the changes and modifications in the committee-reported bill are significant improvements. I would summarize the several changes this way:

First, we have eliminated any likelihood of inefficient duplication between the activities of the Office of Consumer Affairs in the Executive office of the President and the proposed new Consumer Protection Agency.

Second, we have more carefully defined the manner and conditions under which the Agency can intervene before other Federal agencies and Federal courts in seeking to protect the interests of consumers, without impairing in any way effective intervention in all types and at all levels of proceedings.

Third, we have painstakingly related the intervening functions of the Consumer Protection Agency to the provisions of the Administrative Procedure Act and by so doing, we have clarified much of the ambiguity which this committee noted in last year's bill and greatly improved the potential effectiveness of the Agency as intervenor.

Fourth, we have strengthened provisions which will safeguard the legitimate rights of business organizations and Government agencies; I stress the word "legitimate" for we have not given in to the groundless fears which have motivated so much business opposition to the bill.

Fifth, we have provided greater assurance that trade secrets and essentially private business information will remain confidential.

And, sixth, we have carefully defined such key terms as "consumer" and "interest of consumers" so as to assure both adequate scope and needed precision.

Critics, I believe, tend to overlook the impressive array of powers and influence which the bill gives to the new Agency. In addition to its right to participate as a party in rulemaking and adjudicatory proceedings and its broad access to the courts, the Agency has the right to obtain information from other agencies, to request specific action by those agencies on behalf of consumers, to require public justification of an agency's refusal to act, to certify information and complaints to those agencies, to be informed by such agencies of all actions of any kind that affect consumers substantially, and to hold agencies legally responsible for giving due consideration to the interests of consumers in taking, or refusing to take, such actions.

I think it is especially worthy of note that, as a result of our work, the administration has seen fit to give this legislation its endorsement even though the administration was not successful in persuading our committee of the need to accept a number of the amendments which it supported. At the same time, this bill continues to deserve the description given to it by prominent consumer organizations that it is, "the most important consumer legislation ever considered by Congress."

In conclusion, Mr. Chairman, we believe we have a bill which deserves the support of this committee. While it is comprehensive in scope, it has been carefully drafted. While it represents potentially powerful intervention on behalf of consumers, it also contains the certainty of justice and due process and reasonable restraint.

This is pioneering legislation, and for the first time in history American consumers will be supported by a Federal organizational structure empowered to act effectively on their behalf wherever and whenever their interests are at stake.

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. FUQUA).

Mr. FUQUA. Mr. Chairman, we are scheduled to debate H.R. 10835 today, the Consumer Protection Act of 1971, and one of the areas of great concern to many of us is whether the proposed adversary advocacy powers in the bill might result in the disruption of the activities of existing Federal agencies.

In this regard, an article by Thomas O'Toole was brought to my attention. It appeared in the September 4 edition of the Washington Post, and was titled: "Delays Work at 81 Installations: AEC Toughens A-Plant Rules."

The article points out that, due to court challenges by environmental activists, construction and operation of more than 100 atomic powerplants in 21 States will be disrupted. In addition, the article points out that the existence of five atomic plants is in jeopardy, even though they are producing 3.2 million kilowatts of power in Minnesota, Illinois, Connecticut, Wisconsin, and South Carolina.

The environmental activists used the recently enacted National Environmental Policy Act of 1970 to successfully get the Atomic Energy Commission to order suspension of these critical activities.

The proposed Consumer Protection Agency would have even stronger powers of adversary advocacy than those inherent in the National Environmental Policy Act of 1970. The major distinction between the two approaches is that the environmental protectionists were private citizens, charging that the AEC was not complying with a Federal law. Under the consumer bill that we are to debate, the Federal Government would take up the tools of adversary advocacy to attack the Federal Government.

One cannot criticize the environmental activists. They were successful in the traditional role of adversary advocacy of citizens challenging their Government. There is only one rule in adversary advocacy, the same rule that the late Vince Lombardi adhered to: To win for your special interests.

It is not the job of environmental advocates to balance the tremendous responsibilities that the AEC or any other agency has to the public at large—providing adequate power, and so forth. The private environmentalists should have only one concern: Stop, if they legally can, any Federal agency in its tracks when it takes an action contrary to their special interests.

But we must certainly wonder whether the Government should create one Federal agency with strong special interest adversary powers to attack other agencies in their proceedings or in court, knowing that, by statute, these other agencies have to balance many responsibilities. That is what the proposed Consumer Protection Act of 1971 would do.

There also was an interesting article in this morning's Washington Post by the Associated Press. This article reports that a Senator has asked Congress to determine whether the Nation's environmental laws are helping or harming the public. His concern appears to be that considerable delays are resulting from the environmental legislation.

I would ask the same question of the proposed Consumer Protection Act of 1971—will it help or hurt the public?

There are few who will argue that we do not need revitalized Federal consumer protection; certainly, I am not one of those. H.R. 10835, of which I am a cosponsor, attempts to address this basic objective, and for that reason I support it.

I have strong reservations, however, about the method adopted in this bill to implement these expansive new programs—particularly the extent of "intervention" and appeal powers granted in section 204 of the bill.

My concerns stem from both pragmatic and philosophical considerations. I believe there will be serious problems of delay, confusion, and decisionmaking breakdown with the addition of this new "special interest" advocate, particularly considering the broad right of appeal to the courts which this advocate is given. More basically, however, this approach would have one branch of Government fighting another and that, in my opinion, is not good government. If an existing agency is not properly considering the interest of consumers, then Congress should correct this problem, but not by creating a new agency to attack existing ones.

Attached to my "Dear Colleague" letter, which you received this morning, was a chart indicating selected Federal agency proceedings in which the consumer advocate could intervene or participate in under H.R. 10835.

I find this list staggering, and would impress upon you that it is the product of a conservative interpretation of the bill's provisions. Certain language in the committee report on this bill would indicate that the scope could be much wider, thereby including innumerable other agency activities within the purview of the consumer advocate. This notwithstanding, consider, if you will, the impact of the consumer advocate appealing the decisions of Federal agencies in only the proceedings I have listed. Government could be brought to a standstill.

Our aim should be to enact a law that will allow the new consumer advocate healthy growth with an orderly progression of powers as experience over a number of years proves advisable and necessary. Such a law should neither place the agency in a position where progress would be impossible, nor should it give the agency responsibilities beyond its initial capabilities. I am afraid that the provisions of section 204 in H.R. 10835 fail in both these areas.

With these thoughts in mind, I have developed a set of amendments which I plan to offer on the floor. The approach I have taken is based upon the amicus curiae concept, with appropriate modifications to fit its application to Federal agencies.

These friend of the consumer amendments are in the nature of a substitute for section 204, together with three minor revisions to other sections made necessary by the change of section 204.

Briefly I would like to explain what my amendments would accomplish:

Paragraph (a) would require that every Federal agency prior to taking any action substantially affecting the interests of consumers must give notice of such proposed action to the Consumer Protection Office and Agency and that, consistent with its statutory responsibilities, it take such action with due consideration being given to the interests of consumers.

Paragraph (b) requires that every Federal agency, upon taking any action affecting consumers, must indicate in a public announcement the consideration it gave to consumer interests.

Paragraph (c), which is the heart of my amendment, provides that as a matter of right the consumer advocate may submit oral or written information before any Federal agency or court proceeding if the advocate finds that the result of such proceeding may substantially affect the interest of consumers, and such interests may not be adequately represented unless he participates. This is the amicus role which I mentioned earlier. It would allow the advocate to effectively present the consumer viewpoint, and then move on to other areas leaving the forum agency to make its own decision on the matter pursuant to its statutory responsibility. This paragraph would also allow the advocate to review and comment on any transcript of testimony or exhibits submitted in an agency proceeding in which the advocate had appeared, prior to the agency making its decision.

Paragraph (d) would allow the advocate to participate in any State or local court or administrative agency proceeding, provided such participation is at the discretion of the State or local court or agency, and limited to the amicus role allowed at the Federal level by paragraph (c).

Paragraph (e) limits the advocate's right to participate in Federal, State, or local court or agency proceedings to those specified in section 204. Additionally, the amendment makes it clear that nothing in the act is intended to affect the existing rights of other persons, classes of persons, or agencies.

Paragraphs (f), (g), and (h) are taken verbatim from existing provisions of section 204 in H.R. 10835.

Paragraph (i) is taken verbatim from section 302 of H.R. 10835.

Access to the subpena power of other Federal agencies is inconsistent with the amicus approach which I have taken and I have therefore specifically eliminated such right in section 203 of H.R. 10835 and in my substitute for section 204.

Section 302 is deleted entirely in my amendment, because I have incorporated it in paragraph (a) of my section 204 amendments.

At the suggestion of Mr. Roger Cramton, Chairman of the Administrative Conference of the United States, I have additionally proposed one small amendment to section 303 of H.R. 10835. Its purpose is to improve the drafting and clarity of the section rather than its substance.

In short, what I envision is requiring, by law, that all existing Federal agencies give due consideration to the interests of consumers, and empowering the Consumer Protection Agency to appear, as a matter of right, as a "friend of the consumer" in any agency or court proceeding of his choosing to effectively present the viewpoint of the consumer.

Under my amendments the Consumer Advocate would not have formal standing as a party or participant as defined in the Administrative Procedures Act, nor would he have the concomitant right to court appeal. We would, therefore, not be faced with the problems to which I have alluded above. We achieve, however, effective representations of consumer interests through an amicus presentation of consumer views before Federal agencies and courts in any relevant proceeding. Moreover, by not tying the Advocate down as a formal party, the limited resources of the agency are most effectively used.

Above all, I would emphasize that my "friend of the consumer" amendments are a positive, not negative, approach. The role of the amicus is to assist rather than oppose as an adversary advocate would do.

Such initial authority would give the untried agency a realistic chance to achieve immediate results and an opportunity to identify its strengths and weaknesses for future congressional modifications. It would only be a first step for the agency, but a sure one.

Mr. HOLIFIELD. Mr. Chairman, I ask unanimous consent to place at this point in the RECORD my own remarks which have to do with differences between the Consumer Protection Act and the Environmental Protection Agency.

The CHAIRMAN. Is there objection to the request of the gentleman from California.

There was no objection.

Mr. HOLIFIELD. Mr. Chairman, the Water and Environmental Quality Act of 1970 and related legislation have caused a number of difficulties that are avoided in the proposed Consumer Protection Act of 1971.

Two features of the environmental legislation have led to delays and confusion in the carrying out both of Federal projects and on non-Federal projects under Federal license.

One. The environmental laws have a very complicated and time consuming system of clearances involving Federal, State, and local governments. This creates a maze in which an agency or corporation seeking to construct a project can become lost. One wrong turn and months or even years can be lost.

Two. The environmental laws set forth principles and procedures to govern Federal agencies in terms which the courts have held gives private individuals and groups an opportunity to challenge the Federal agencies in court by alleging that a principle or procedure has not been followed. This has led to many time consuming lawsuits against Federal agencies trying to carry out their responsibilities.

The proposed Consumer Protection Act (H.R. 10835) does not burden Federal agencies with complicated procedures which can lead to challenges by private individuals and groups in court. Federal agencies are required to consider the interests of consumers in their actions and to give certain notices to the CPA. These procedures, set out in the bill, are simple. However, only the CPA can raise the issue of noncompliance in court and then only in the ways spelled out in the bill. H.R. 10835 does not give private individuals and groups a new cause of action against Federal agencies.

Mr. HORTON. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, I believe that the Consumer Protection Act of 1971 as reported favorably by the Committee on Government Operations can and should be supported with confidence by the Members of this House. H.R. 10835 is a pioneering bill, but it is a bill which has withstood the rigors of an extremely careful and thorough legislative process.

We have all heard the very excellent

and comprehensive statement of the gentleman from California (Mr. HOLIFIELD), who has, in his usual and distinguished manner, provided a fair and in depth statement of the thrust of this bill and the issues that surround it. There is little anyone can add to his fine presentation of the work of our committee on this landmark proposal. As ranking minority member of the subcommittee which considered this bill, I do feel, however, that I can reemphasize and underscore some of the important points made by the chairman of the Government Operations Committee.

Last year, after thorough hearings, our committee sent a bill to the Rules Committee late in the session which provided both for a statutory Office of Consumer Affairs in the White House and a Consumer Protection Agency. This bill left much room for improvement. This year, our Legislation Subcommittee built upon the experience of the 91st Congress. In addition to sifting and reviewing the terms of last year's bill, we considered and heard testimony on bills offering different concepts for consumer protection, including those which would have sought to place primary consumer protection responsibility in existing Federal agencies. Last year, 26 witnesses were heard, and additional information from over 30 other sources was received and considered. This year, 24 witnesses testified and over 50 other sources offered information on the best means for Congress to approach the problem of consumer protection.

This process culminated in 2 weeks of day-long executive sessions of subcommittee, with over 50 amendments to the bill being considered. The full committee, in turn, debated over 20 amendments to the subcommittee bill. Some of these were adopted, some rejected, and some may in one form or other be offered during floor consideration of H.R. 10835.

The point, Mr. Chairman, is to emphasize strongly that the proposal that has reached the floor is a very complex and finely tuned piece of legislation designed to, in many cases, anticipate and deal with situations which have never before arisen in the Federal Government. I said earlier that this was a pioneering bill; it creates structures within the Federal executive which are designed to review, observe, and in the case of the Consumer Protection Agency, intervene in the affairs of other executive agencies. When one agency is given considerable power to intervene in the affairs of other agencies, a great number of conceptual and administrative as well as substantive problems can arise unless the legislation authorizing the intervention is very carefully thought out, and specific as to the scope and purposes of such intervention.

The reason that the creation of an independent consumer agency was agreed upon by the Government Operations Committee, as opposed to some more conventional and perhaps weaker approach to consumer protection is that the great majority of the committee members are convinced that under present laws and agencies, consumers are just not getting the protection they deserve from the Federal Government. Whether it be the purchase of adulterated or worthless drugs, contaminated foods, unsafe automotive products, or dangerous clothing, toys, appliances, or whether it be the possibility or inequitable and unfair regulation of utility or energy rates, communications facilities, transportation charges, oil imports, or other consumer-related matters, the consumers' interests have not been fully, fairly, or adequately represented.

The Congress has made many efforts in recent years to afford Government protection or regulation for certain categories of problems plagueing the consumer. The titles of many bills we have enacted would lead us to believe that we have already armed Government agencies with the power to protect against almost every conceivable consumer problem. We have authorized and created these powers, but experience under these laws has shown that one of two barriers stands in the way of effective consumer protection. We have found either that the Federal agencies charged with the exercise of this consumer protection power are too closely tied to the industries they are authorized and directed to regulate, with the results being that their regulation is inadequate or ineffective, or, the committee has found, that the regulating agency, despite its good intentions, is not fully enough informed of the areas of need for consumer protection, and we have concluded that this is, because there is no one really equipped to represent and advocate the interests of consumers before these agencies.

What this bill seeks to do, Mr. Chairman, is to provide a vehicle for the representation of the consumers' interests before Federal agencies in a fair and reasonable—and a workable—manner. We have deliberately avoided giving the structures created in this bill regulatory power or jurisdiction of their own, just as we avoided proposals that would have given the role of consumer advocate to agencies already charged with regulatory responsibility. Instead, and wisely, I think, we have created a strong and independent set of structures designed to provide full and strong advocacy of consumer interests throughout the Federal Government.

H.R. 10835 upgrades the Office of Consumer Affairs to a statutory unit in order to increase its effectiveness in assisting the President in coordinating the activities of Government agencies in protecting the interests of consumers.

In addition, and most importantly, the bill establishes a new and independent Consumer Protection Agency to present the views and needs of consumers before Federal agencies.

A 15-member Consumer Advisory Council rounds out the tripartite consumer structures created by this bill. The council is designed to afford an opportunity for continuing input from the consumer public and for review by representatives of the public of the activities of the other two structures, the Office of Consumer Affairs, and the Consumer Protection Agency.

The duties of the Office and the CPA are separate and distinct and will not duplicate each other. This is one of the significant improvements the committee made over last year's bill, which did provide for many overlapping and duplicative functions for the two structures.

The duties of the Consumer Protection Agency are primarily those of acting as a voice of consumers. No regulatory duties, as I have said, are to be conferred upon it in order that it will not get bogged down in redtape or enmeshed in conflict of interest. We avoided putting the consumer advocate role in existing Federal agencies for much the same reason—an agency charged with programs of regulation would frequently find itself in conflict with the interests of consumers.

THE CONCEPT OF CPA INTERVENTION

The Consumer Protection Agency in addition to being new in concept, is, in my judgment, the strongest Federal agency ever proposed for creation in terms of its ability and responsibility for reviewing, intervening in and publicly commenting upon the work of other Federal executive agencies. H.R. 10835 gives the CPA power to receive information from, to question, and to appear as a party in the proceedings, both formal and informal, of Federal agencies charged with responsibility affecting consumers and consumer interests. Only the Office of Management and Budget and General Accounting Office, which, of course is an arm of the Congress and not of the Executive, have anything like the power of the CPA to look over the shoulders of other Federal agencies.

I want to underscore the fact that the committee bill permits the Consumer Protection Agency to intervene as a party in Federal agency proceedings whether, under the Administrative Procedure Act, they would be considered formal or informal. The Consumer Federation of America, which has worked very diligently with us to create an effective bill, has indicated its concern that there be no question about the ability of the consumer advocate to intervene in informal agency proceedings as well as those which take the form of hearings and other more formal proceedings. Mr. Chairman, I invite the attention of our colleagues to page 9 of the committee report on H.R. 10835, and I think it would be well to quote at length from the language of the report to make absolutely clear that both the bill and the legislative history grant the Consumer Protection Agency the unquestionable right to intervene in informal proceedings. Under the subheading, "Intervention in Federal agency adjudications," the report states:

> Section 204(a)(2) of H.R. 10835 allows the Consumer Protection Agency to intervene as a party in agency adjudications without any reference to the degree of formality under which those adjudications are carried out. Adjudications are defined in the Administrative Procedure Act as agency proceedings, other than rulemaking, for the final disposition of a matter. Hence, the bill allows the Agency to intervene in a wide range of Federal agency proceedings so long as they fall under the definition of adjudications in the Administrative Procedure Act.
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> In sections subsequent to the definition section, and particularly in 5 U.S.C. 554, the Administrative Procedure Act further distin-

guishes between two types of adjudications. The first type is that which is required by statutes (or, the courts have decided, by constitutional due process) to be determined on the record after opportunity for agency hearing. In his 1948 manual on the Administrative Procedure Act, the Attorney General at page 40 called this "formal administrative adjudication." The act specifically makes sections 554, 556 and 557 applicable to this type of adjudication.

The second type of adjudication is that in which there is no statutory requirement for a decision on the record after an agency hearing. There are, of course, a great number of agency proceedings leading to final dispositions of matters in which hearings are not required by statute or by constitutional due process, and these are sometimes called informal proceedings. While these adjudicatory proceedings are not subject to the requirements of sections 554, 556 and 557 of title 5, United States Code, they are, nevertheless, within the definition of "adjudication" in section 551 and are subject to other provisions of the act. For example, the provisions of section 555 apply to all adjudications whether or not they are under laws having a statutory requirement for hearing. Section 555 deals with such things as the opportunity for formal appearances, limitations and rules regarding subpoenas and other discovery processes, and prompt notices of denials. Section 558 governing and limiting the use of sanctions and powers also applies to all adjudications as do the judicial review provisions, now found in sections 701–706 of title 5, United States Code.

It should be noted that section 204 of H.R. 10835 applies to all adjudicatory proceedings under the act and is not limited to the first type of adjudications. The second type of adjudications is clearly within the definitions of the Administrative Procedure Act. Since some of the provisions of the act apply to them, such adjudicatory proceedings affecting the interests of consumers would fall within section 204(a) of H.R. 10835. These would include, for example, proceedings leading to a Federal Trade Commission consent decree, informal proceedings which could lead to an order revoking a motor carrier's license, and many other so-called informal proceedings.

The reason for giving the CPA this strong power to intervene in formal and informal proceedings is twofold, and it is designed to combat the same two flaws the committee found in the present functioning of Federal consumer protection laws. First, the presence and participation of a CPA before a Federal regulatory proceeding can help to insure that the agency and the industry being regulated are dealing at arm's length, and that the interests and problems of the industry and of consumers are getting fair and full consideration. Second, the participation of the CPA, armed with more expertise and information about consumer interests than have ever before been assembled, will mean that the Federal agency concerned is fully informed of the impact of its decisions on the interests of consumers. Thus, in brief, the CPA is designed and created to keep other Federal agencies honest, and to keep them fully informed about the problems of consumers.

In creating a consumer advocate with intervention power, the committee took great care to anticipate the kinds of administrative problems an interventionist agency would and could create. It is not our intention to create a consumer czar, which will so surround and tie up the functions of other agencies that the smooth running of Government will be impossible. It is intended to give the CPA a say in the findings and decisions of other agencies, and to give the CPA power to seek judicial review where it feels those decisions do damage to the consumer interest. It is not intended to give the CPA virtual control over the decisionmaking process in other agencies. And to insure that the agency we are proposing in this bill does not become a superagency, the committee has included several safeguards, and has made every possible effort to carefully and precisely define the very considerable power given to the consumer advocate. Three of the most important safeguards are provisions to assure, first, that only accurate information is released by the CPA; second, to assure that trade secrets and information that are legitimately confidential under the Freedom of Information Act remains confidential under the CPA; and, third, to prevent respondents to criminal or quasi-criminal agency actions seeking primarily to impose a fine, penalty, or forfeiture from being faced with a dual prosecutor situation. The CPA is banned under the bill from participating as a party in these quasi-criminal proceedings, but it may intervene as amicus curiae.

Mr. Chairman, no bill which has such a profound effect on the existing balance of interests between Government, consumers, and the business community can survive the legislative process of compromise, refinement, and debate without generating considerable controversy. This bill is no exception. Despite the committee's efforts to insure that the CPA is an effective consumer advocate, and not an overlord to other Federal agencies, charges have been made that this bill equips the consumer advocate with power that is too great. These critics seek to destroy the bill by removing power of the CPA to intervene as a party to any proceeding that is crucial to consumer interests, leaving it, instead, with the role of amicus curiae, or friend of the court—a weaker role which the committee felt was proper only in proceedings primarily seeking to impose a fine, penalty or forfeiture.

On the other side, there have been very vocal critics who feel that the state of consumer protection today is so inadequate that only a superagency, a consumer czar, can hope to right the present balance of power between consumers and business.

I think that these attacks from opposite viewpoints can best be answered by statements of the critics themselves. Yesterday, I received in my office a "Dear Colleague" letter signed by one of my distinguished colleagues in this House. The letter sought to convey the impression that without substantial additional powers in the area of intervention and investigation, the CPA as structured in the bill as reported by our committee would not provide even the minimum protection necessary for consumers. I quote from the letter:

> The Committee-reported bill excludes from the jurisdiction of the CPA *most* of these consumer-related policies and decisions.

I believe the distinguished chairman of our committee, has laid to rest the false allegation that informal proceedings to which this gentleman refers in his letter, would be outside the CPA's intervention powers.

In the same batch of mail, I received a letter from the vice president of the National Association of Manufacturers opposing the bill altogether. The NAM letter described the CPA, as proposed in the committee legislation as, and I quote:

> This new agency with unbridled power to ride roughshod over Federal agency proceedings and decisions. . . .

Obviously, this equally panic-stricken portrayal fails to take account of the safeguards included in the bill, the same safeguards which opponents on the other side are seeking to remove.

Mr. Chairman, I reject both extreme points of view expressed by those who would destroy the effectiveness of this bill from one direction or the other. The committee has tread boldly, yet carefully with this pioneer piece of legislation. The fact that the results of our deliberations fall somewhere between the fears of our critics is, in my judgment, to our credit. For we have carefully weighed the impact of this bill on all who would be affected by its enactment.

We have sought to develop a bill which would receive wide support among Members of Congress and the public and, at the same time, inspire as great cooperation and support as possible between the consumer agencies, the other Federal agencies, the consuming public, and the business community.

While it is virtually impossible to devise a perfect bill without having the benefit of some years of operating experience with these new structures, I think the bill we have before us comes as close to this goal as possible. I believe our bill meets the key tests of strength for the consumer, workability and effectiveness within the executive structure and fairness. The bill is worthy of defense against attacks from both sides, and is most worthy of the support of the Members of the House.

Mr. HOLIFIELD. Mr. Chairman, I yield 8 minutes to the gentleman from Pennsylvania (Mr. MOORHEAD).

Mr. MOORHEAD. Mr. Chairman, I rise first to express my admiration for the chairman of the Government Operations Committee who as chairman of the subcommittee and of the full committee provided the leadership which was necessary to get this bill to the floor of the House.

Some, particularly those who have not participated in the legislative process, have criticized the chairman.

These well-intentioned critics are wrong. I am convinced that the gentleman from California labored hard and long to produce a bill.

Mr. Chairman, the gentleman from California has succeeded.

H.R. 10835, as reported, is a step forward.

The bill, however, has certain serious defects, the two most important of which can be cured by one relatively simple 15-line amendment.

The two most important defects are: first, the bill prohibits the Consumer Protection Agency from participating in most adjudicatory proceedings because most of such proceedings involve, in the words of the bill, "A fine, penalty, or forfeiture," and second, the bill does not give the Consumer Protection Agency any power where a Federal agency either refuses to act or, as is the practice with most agencies, acts through an informal proceeding.

As the Chairman of the Government Operations Committee graciously said in his letter to all the members:

> The critics of the bill from both sides will have an opportunity to offer amendments in the House; and we are prefectly willing to see these proposals tested before the full Membership.

I intend to oppose all amendments which would weaken the bill.

The consumers of America are entitled to protection legislation at least as strong as this bill.

There is one strengthening amendment which I will offer and urge every Member of the House to support.

It is a short amendment—just 15 lines long.

It is cosponsored or supported by a majority of the Democrats on the committee—15 of the 23 Democratic members.

It is not a partisan amendment, however, because it is supported or cosponsored by two of the Republican members of the committee.

The vote on this amendment, more than on any other issue, will determine whether the Members of the House want to give American consumers the protection they need.

I think it is significant that my amendment has been supported too, by the wise and respected Chairman of the Ways and Means Committee, the gentleman from Arkansas (Mr. MILLS).

This amendment seeks to correct defects in a portion of one section—§ 204—of the bill.

Section 204(a)(2) provides for Agency participation in pending adjudicatory proceedings "other than an adjudication seeking primarily to impose a fine, penalty, or forfeiture."

This language in subsection 204(a)(2) involving pending adjudicatory proceedings would severely limit the operations of the Consumer Protection Agency since statutes authorizing the various governmental agencies to make adjudication in areas of consumer interest almost inevitably contain language imposing a fine, penalty, or forfeiture, and the word "Primarily" does not have sufficient delineative meaning in the context in which it is used to identify in a prospective sense those adjudications that would be subject to the limitation and those that would not. An attempt to amend "Primarily" was defeated in committee by an 18–18 tie vote.

There is an overriding congressional policy to avoid subjecting parties and organizations to two prosecutors during any criminal adjudicatory proceeding. Although there are no criminal adjudications under the Administrative Procedure Act, the same circumstances may have criminal as well as civil consequences, therefore, the limitation in section 204 (a)(2) should take the form of (a) a general prohibition against involvement in any aspect of agency proceedings relating directly to the imposition of a criminal fine, penalty, or forfeiture, and (b) the secondary use of the word "criminal" to mean criminal-type so as to filter out those parts of the proceedings of a civil nature that seek to impose a punishment on the defendant or respondent for a violation.

Under this approach, the Consumer Protection Agency's authority to participate in adjudicatory proceedings would focus its attention on the substance of the problem and the civil remedy required to protect the public.

To carry out this purpose, the language of section 204(a)(2) should be altered. The bill presently provides for the Consumer Protection Agency to enter an appearance in any adjudicatory proceeding "other than an adjudication seeking primarily to impose a fine, penalty, or forfeiture * * *." The limitation should be changed to read so as to allow an appearance in adjudicatory proceedings other than in those parts of the proceeding relating directly to the decision to impose any criminal fine, penalty, or forfeiture.

In addition to the above problem relating to the extent of the Consumer Protection Agency's authority to intervene in pending adjudicatory proceedings of an administrative nature, section 204 does not provide any authority for the Consumer Protection Agency to become involved in consumer matters when there is no formal rulemaking or adjudicatory proceeding pending, or the agency with primary responsibility fails or refuses to act on behalf of the consumer, or when proceedings are handled on an informal basis. According to leading experts on administrative law and the hearings and the discussion of this legislation before the Government Operations Committee, a significant number of problems affecting consumers, that are within an agency's potential rulemaking or adjudicatory power, are either ignored or handled on an informal basis.

The second aspect of the problem is to determine what can be done to give the Consumer Protection Agency some limited type of informed oversight of proceedings falling within the rulemaking and adjudicatory power of agency that are of an informal nature and in those instances where the agency fails or refuses to institute a proceeding.

To solve this problem, an additional subsection is added to section 204 as follows:

> (b) The Agency, as a matter of right, may undertake reviews and investigations, and require information from Federal agencies, including that provided in subsection (g) of this section, for the purpose of submitting information, findings, or recommendations to the Congress regarding any matter affecting the interests of consumers concerning which a Federal agency has the authority but fails to initiate a rulemaking or adjudicatory proceeding as provided in subsection (e) of this section.

Under these circumstances, it is logical to extend the authority in section 204 to allow the Consumer Protection Agency to undertake investigations within the rulemaking or adjudicatory authority of an agency in those instances where the agency refuses to exercise its authority as provided in section 304(e) of the bill. Furthermore, it is logical to provide in these instances that the Consumer Protection Agency have the same quantity and quality of information available during its studies and investigations as would have been available had a rulemaking or adjudicatory proceeding been instituted and in which the Consumer Protection Agency could have participated as a matter of right under earlier subsections (1) and (2) of section 204.

This approach gives some coverage to the void in the proposed bill regarding informal proceedings and instances where the agency fails or refuses to take action. However, rather than giving the Consumer Protection Agency the *right to* initiate a rulemaking or adjudicatory proceeding, the amendment provides merely for a report to the Congress.

This provides the Congress with a double benefit. In those instances where the Consumer Protection Agency institutes such an investigation, the Congress would have the means of not only gaging the effectiveness of the agency's operations, but also the responsibility and effectiveness inherent in the operations of the Consumer Protection Agency. In addition, this information would be of the greatest value to Congress in maintaining proper balance between the consumer protection operations in the various agencies and the prerogatives of the Consumer Protection Agency.

The adoption of this 15-line amendment will cure the most serious defects in the bill.

This 15-line amendment will not change the bill to create a super agency.

This 15-line amendment will, however, prevent us from creating and then hamstringing a consumer agency which, without the amendment, might otherwise be—in the words of the gentleman from New York (Mr. ROSENTHAL)—"a sheep in wolf's clothing."

The adoption of the amendment will not satisfy my friend from New York. He believes that much more should be done to strengthen the bill.

The amendment is a consensus amendment which 17 members of our committee have cosponsored or supported.

It is an amendment which the consumer groups will endorse as making this bill acceptable to consumers.

But it is an amendment the defeat of which they will consider a betrayal of their cause.

I urge every Member to study both prayerfully and politically this brief amendment so that when it is offered it will receive overwhelming support.

The vote on this amendment will be a test of the sincerity of the commitments which all of us have made to the 200 million American consumers.

Mr. Chairman, the amendment is as follows:

AMENDMENT TO H.R. 10835

As reported, to be offered by Mr. Moorhead for himself and Messrs. Fascell, Macdonald,

Conyers, St Germain, Mrs. Abzug, Messrs. Gallagher, Hicks of Washington, Reuss, Brooks, Wright, Rosenthal, Reid of New York, Moss, Collins, Culver, and McCloskey.

Page 15, strike out lines 2 through 6, inclusive, and insert the following: "adjudicatory proceeding (other than those parts of the proceeding relating directly to the decision to impose any criminal fine, penalty, or forfeiture for an alleged violation by any defendant or respondent therein of a statute of the United States or any rule, order, or decree promulgated thereunder).

"(b) The Agency, as a matter of right, may undertake reviews and investigations, and require information from Federal agencies, including that provided for in subsection (h) of this section, for the purpose of submitting information, findings, or recommendations to the Congress regarding any matter affecting the interests of consumers concerning which a Federal agency has the authority but fails to initiate a rulemaking or adjudicatory proceeding as provided in subsection (f) of this section."

And redesignate the succeeding subsections of section 204 accordingly.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield for a question?

Mr. MOORHEAD. I yield to the gentleman.

Mr. PUCINSKI. Mr. Chairman, does the gentleman's amendment foresee similar protection to consumers for practices by the professions? In other words, would the consumer be protected against excessive legal fees or other fees for professional services and could they seek relief under this amendment against such abuses?

Mr. MOORHEAD. Only in instances where the regulatory agency—that is, an existing regulatory agency—has that power.

Mr. HOLIFIELD. Mr. Chairman, I will take 1 additional minute and then I will move that the Committee rise.

Mr. Chairman, I would ask the gentleman from Pennsylvania if he will put a point-by-point analysis of the amendment and what it purports to do in the RECORD following his remarks. The reason I ask is that I have had this amendment—I was sent a copy, as the gentleman knows—looked at by a number of lawyers and, frankly, they cannot tell me what it means. It is ambiguous and it is unclear and if the gentleman would put in the RECORD a point-by-point analysis of exactly what this amendment does, it would be helpful to the Members to understand the amendment.

If not, during general debate I may ask the gentleman some questions as to what it does. But I would prefer the gentleman to have his own analysis of the amendment in the RECORD—and I mean a real analysis such as we have, a section by section analysis of the bill that is before the House.

Mr. MOORHEAD. The speech I just made was an attempt to present the analysis to which the gentleman has referred. I shall insert the amendment as a part of the RECORD and also a further explanation.

Section 204 of H.R. 10835 is the heart of the bill in that it delineates the Consumer Protection Agency's jurisdiction relating to the "representation of consumers."

Subsection 204(a)(1) provides for the Consumer Protection Agency's participation only in pending rulemaking procedures. Section 204(a)(2) provides for Agency participation only in pending adjudicatory proceedings "other than an adjudication seeking primarily to impose a fine, penalty, or forfeiture."

Under authority of these subsections, the Consumer Protection Agency's authority in pending rulemaking procedures is adequate. However, the language in subsection 204(a)(2) involving pending adjudicatory proceedings would severely limit the operations of the Consumer Protection Agency since statutes authorizing the various governmental agencies to make adjudication in areas of consumer interest almost inevitably contain language imposing a fine, penalty, or forfeiture, and the word "primarily" does not have sufficient delineative meaning in the context in which it is used to identify in a prospective sense those adjudications that would be subject to the limitation and those that would not.

In addition to the above problem relating to the extent of the Consumer Protection Agency's authority to intervene in pending adjudicatory proceedings of an administrative nature, section 204 does not provide any authority for the Consumer Protection Agency to become involved in consumer matters where there is not yet any rulemaking or adjudicatory proceeding pending, where the agency with primary responsibility fails or refuses to act on behalf of the consumer, or when proceedings are handled on an informal basis outside the Administrative Procedure Act. According to the hearings and the discussion of this legislation before the Government Operations Committee, a significant number of problems affecting consumers that are within the rulemaking or adjudicatory power of agencies are either ignored or handled on an informal basis.

THE PROBLEM

The problem is to provide a fair and reasonable amendment to H.R. 10835 that would deal effectively with these shortcomings in the bill. In more specific terms:

First, what can be done to clarify section 204(a)(2) to assure Consumer Protection Agency participation in adjudications affecting the interests of consumers and yet avoid confronting the defendant or respondent in the adjudications with two "prosecutors"—a matter of concern to Members of Congress. In this connection, the following should be considered:

The term, "fine, penalty, or forfeiture," as used in the bill, could apply to any of the following agency actions:

A "cease and desist" order or other similar type civil action aimed at protecting the public's interest;

The imposition of civil penalties, that is, fines that can be mitigated by the agency, assuming the individual or organization affected agrees; or

The forwarding of a citation to the Department of Justice urging criminal prosecution for violation of the criminal penalties that are also usually present in statutes involving consumer interests.

In adjudications, the Consumer Protection Agency would only be interested in proceedings or parts thereof relating to the action an agency takes to protect the public. In these instances, the "fine, penalty, or forfeiture" involved would either be a "cease and desist" type of civil proceeding or one in which civil penalties might ultimately be imposed. And, even in the latter instance, the Consumer Protection Agency would have no legitimate interest in matters directly relating to the nature of the penalty.

In light of these distinctions and the overriding congressional policy to avoid subjecting parties and organizations to two "prosecutors" during an adjudicatory proceeding, the limitation in section 204(a)(2) should take the form of a general prohibition against involvement in any aspect of agency proceedings relating directly to the imposition of a criminal fine, penalty, or forfeiture, and the secondary use of the word "criminal" to mean criminal type so as to filter out those parts of the proceedings of a civil nature that seek to impose a punishment on the defendant or respondent for a violation.

Under this approach, the Consumer Protection Agency's authority to participate in adjudicatory proceedings would focus its attention on the substance of the problem and the civil remedy required to protect the public. Either civil or criminal punishment for any violation of a statute would be beyond the scope of its authority.

To carry out this purpose, the language of section 204(a)(2) should be altered. The bill presently provides for the Consumer Protection Agency to enter an appearance in any adjudicatory proceeding "other than an adjudication seeking primarily to impose a fine, penalty, or forfeiture." The limitation should be changed to read so as to allow an appearance in adjudicatory proceedings "other than those parts of the proceeding relating directly to the decision to impose any criminal fine, penalty, or forfeiture."

The second aspect of the problem is to determine what can be done to give the Consumer Protection Agency some limited type of oversight with respect to proceedings falling within the rulemaking and adjudicatory power of an agency that are of an informal nature and in those instances where the agency fails or refuses to institute an APA proceeding. In this connection, the following should be considered:

First. In practical terms, it is impossible to delegate authority to the Consumer Protection Agency to "participate" in an informal proceeding. The nature of the proceeding precludes any step-by-step participation.

Second. Under section 204(e), the bill authorizes the Consumer Protection Agency to request a Federal agency to initiate a proceeding. But the bill limits the "followthrough" of this request to the requirement that, if the agency fails to take the action requested, that it simply notify the Consumer Protection Agency of its reasons and that such notification will become a matter of public record.

Third. Under section 204(g), the Consumer Protection Agency, with strict limitations, is given the direct subpena power, as is any other party to the proceeding, in pending cases to obtain data and information from the party subject to the proceedings. However, the bill does not provide the Consumer Protection Agency with general subpena power. While there may be precedents for such an extension, there are countervailing arguments. One is that the Consumer Protection Agency concept is not intended to give the Agency any power in its own right, but to represent consumers before other agencies, thus negating the need for direct subpena power.

To solve this problem, an additional subsection is added to section 204 as follows:

> (b) The Agency, as a matter of right, may undertake reviews and investigations, and require information from Federal agencies, including that provided in subsection (g) of this section, for the purpose of submitting information, findings, or recommendations to the Congress regarding any matter affecting the interests of consumers concerning which a Federal agency has the authority but fails to initiate a rulemaking or adjudicatory proceeding as provided in subsection (e) of this section.

Under these circumstances, it is logical to extend the authority in section 204 to allow the Consumer Protection Agency to undertake investigations within the rulemaking or adjudicatory authority of an agency in those instances where the agency refuses to exercise its authority as provided in section 204(e) of the bill. Furthermore, it is logical to provide in these instances that the Consumer Protection Agency have the same quantity and quality of information available during its studies and investigations as would have been available had a rulemaking or adjudicatory proceeding been instituted and in which the Consumer Protection Agency could have participated as a matter of right under earlier subsections (1) and (2) of section 204.

This approach gives some coverage to the void in the proposed bill regarding informal proceedings and instances where the agency fails or refuses to take action. However, rather than giving the Consumer Protection Agency the right to initiate a rulemaking or adjudicatory proceeding, the amendment provides for a report to the Congress.

This provides the Congress with a double benefit. In those instances where the Consumer Protection Agency institutes such an investigation, the Congress would have the means of not only gaging the effectiveness of the Agency's operations, but also the responsibility and effectiveness inherent in the operations of the Consumer Protection Agency. In addition, this information would be of the greatest value to Congress in maintaining proper balance between the consumer protection operations in the various agencies and the prerogatives of the Consumer Protection Agency.

Information from the private sector through the host agency is fully justified on the basis of providing Congress with an authoritative report concerning the problem involved. Furthermore, the limitation in the amendment that the agency have the authority to institute a rulemaking or adjudicatory proceeding as well as the limitation in subsection (e) that the agency must have refused to institute action further limit the scope of this exercise of information-seeking authority.

(Mr. HOLIFIELD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HOLIFIELD. Mr. Chairman, with regard to H.R. 10835, the Consumer Protection Act of 1971, which is scheduled for floor action today and tomorrow, you may have received a letter and additional material signed by 17 members of the Committee on Government Operations in support of the Nader-Rosenthal amendment. It will be introduced on the floor by Mr. Moorhead.

At a press conference last Thursday morning, Messrs. Nader and ROSENTHAL represented this amendment as the one move that will save the consumer protection bill from being worthless. To be charitable about it, this is complete nonsense. We can only conclude that the amendment was drafted as a last-minute face-saving device.

The Nader-Rosenthal amendment is faulty in these respects:

First. It is highly misleading, for implying that the Consumer Protection Agency could participate in civil penalty proceedings would open up only a narrow class of agency actions with little, if any, consumer interest. Against this dubious advantage, it creates the problem of "dual prosecutors" with serious constitutional implications.

Second. It is impracticable in that it assumes that a Federal agency proceeding can be so separated that the Consumer Protection Agency could intervene in one part and not in another.

Third. It is partly meaningless. Federal agencies do not impose any criminal fine, penalty, or forfeiture. Under the Constitution, this is done by the courts.

Fourth. It is partly redundant. The provisions for undertaking investigations and submitting information to the Congress are already contained in H.R. 10835.

Fifth. It is partly questionable, since it slips in through the back door a subpena power for the Consumer Protection Agency, an issue which was considered and rejected in committee. The key word here in the amendment is "require." Federal agencies would be required to give information demanded by the Consumer Protection Agency, including information gathered by use of agencies' subpena powers. Although the language can be interpreted several ways, Mr. ROSENTHAL makes clear in his October 11 memorandum that his intent is to retrieve the subpena power for the Agency.

Sixth. It is totally ambiguous, as the Legislative Counsel's Office in the House of Representatives affirms. We can only surmise that some Members have signed their names in support of this amendment because it can be read to be harmless and lacking in significant, substantive change, whereas others were persuaded that it is a rescue operation.

We intend to have the situation clarified in the floor debate and to oppose the amendment. The attached memorandum spells out the above points in more detail:

ANALYSIS OF THE MOORHEAD AMENDMENT

1. The amendment is misleading. The first part of the amendment is supposedly required because the present bill would "exclude the Agency's participation in most of the adjudications before Federal agencies." This simply is not the case.

In the first place, the "exclusion" applies only to a narrow category of adjudications where Federal agencies can impose fines, penalties, or forfeitures. Neither the Federal Trade Commission nor the Food and Drug Administration, two agencies of great significance to the consumer, can do this. The allegation that the Agency would be "excluded" is apparently based on mis-information. For example, one of the amendment's sponsors distributed a paper in which he stated his belief that adjudications for violations of the Stockyards and Packers Act, and the Federal Seed Act, were initiated to impose fines, penalties, or forfeitures. The Department of Agriculture has informed us that this is not so, and the relevant statutes, 7 U.S.C., Sections 193(b) and 1599, provide that the Secretary of the Department shall issue a cease-and-desist order for violations. These orders are in the nature of an injunction, proscribing future conduct, and are probably described as sanctions. They are not, as alleged in one letter supporting the amendment, fines, penalties, or forfeitures.

The Chairman of the Administrative Conference of the United States has analyzed the present language of the bill, in connection with a detailed study of agency powers, and concludes: "In summary, it is my view that "fines, penalties, or forfeitures" for violation of laws encompasses only a relatively small category of administrative adjudications and a category in which consumer interests are seldom likely to be involved."

In the second place, the Agency can always communicate information and, at Agency discretion, appear as *amicus curiae*. In the very few situations in which it would not be authorized to intervene as a party, it would be fully authorized to submit its views and to communicate any other information. There is absolutely no situation in which the CPA would be "excluded".

2. The amendment is impracticable. It presupposes it is feasible to separate out those parts of proceedings which relate to fines, penalties, or forfeitures and those which relate to other remedies. This concept was embodied in one of the amendments suggested by the Association of General Merchandise Chains, and it was rejected in part because of the obvious difficulty of deciding when a proceeding shifted gears. Adoption of this concept could cause great difficulty to the Consumer Protection Agency and to Federal agencies conducting proceedings. Further, this language would give a person against whom a proceeding is brought an opportunity to appeal on a very technical ground. That is, the offender could claim that a piece of evidence was presented at the wrong stage or in the wrong way according to the tenuous legal separation required by the language of the amendment. Thus, the amendment could give offenders an unwarranted loophole for appeals.

3. The amendment is partly meaningless. The language seems to allow the CPA to intervene in any agency adjudication relating to the imposition of *civil* fines, penalties, or forfeitures, but it purports to limit intervention in proceedings to impose *criminal* fines, penalties, or forfeitures. No instance has been pointed out where any Federal agency, other than a Federal court, has authority to impose a criminal fine, penalty, or forfeiture, and under the Constitution an agency could not be given such authority. Removing the CPA from those parts of proceedings "relating directly to the decision to impose any

criminal fine, penalty, or forfeiture" is meaningless. The type of adjudication from which the Agency would be excluded never occurs.

4. The amendment is partly redundant. The second part of the amendment aims at permitting the Agency to make reports to Congress about Federal agency failure to initiate a rule-making or adjudicatory proceeding pursuant to an Agency request. Except for the hidden subpena power discussed below, the amendment restates in different language authority already given the Agency in other sections.

First, the amendment provides that the Agency may undertake review and investigations. Under Section 203 of the bill, the Agency is authorized to conduct conferences, surveys, and investigations concerning the needs, interests, and problems of consumers. Second, the amendment authorizes the Agency to require information from Federal agencies. Section 201(c) of the bill already authorizes and *directs* all Federal agencies to furnish any information it requests, except where prohibited by law, a prohibition which would also apply under the proposed amendment. Third, the amendment authorizes the Agency to submit information, findings, or recommendations to the Congress. Section 203(b) (6) requires the Agency to keep appropriate committees of Congress fully and currently informed; Section 203(d) requires the transmittal of an annual report to the President and the Congress, including specifically a statement of the deficiencies the Agency finds in the enforcement of laws by Federal agencies. Thus, with the exception of the subpena provision, the present bill gives the Consumer Protection Agency authority to bring to the attention of the Congress any consumer problems created by inaction on the part of Federal agencies.

5. The amendment is partly questionable. Although on its face the use of subpena power is tied directly to Section 204(g) of the bill, which keeps it in the framework of agency proceedings, proponents state that the purpose is to extend the instances in which agency subpena may be used. Their explanation is to the effect that whenever a Federal agency refuses to initiate a proceeding upon request, the CPA can employ the subpena power of the agency as if a proceeding had been initiated. In effect, this would allow the Consumer Protection Agency to open up any area to subpena usage following a Federal agency's refusal to act.

The amendment carries built-in conflicts, in that the Consumer Protection Agency would be using a Federal agency's subpena powers to impeach that Federal agency before the Congress. Under this interpretation, this amendment overturns a carefully-considered decision by the subcommittee that the Agency would not be given wide-ranging subpena powers. The present bill limits subpenas by the Consumer Protection Agency to those instances where it is a party in an agency proceeding. By lodging requests which would create phantom proceedings, the Agency can employ a subpena in any area where government regulation affects the interests of consumers.

6. The amendment is totally ambiguous. The first part of the amendment replaces a section of the present bill containing the word "primarily", which was attacked because of its alleged difficulty of definition. But the substitute language, "Those parts of the proceeding relating directly to the decision to impose" is surely more productive of confusion. No instance is cited of a provision of this type in current agency or court law, and it is doubtful that any comparable provision, in fact, exists. The amendment requires that a proceeding be neatly separated into parts, presumably in advance of the proceeding, for if the CPA participated in a part later determined to be related directly to a decision, the whole proceeding could be attacked.

There is yet another ambiguity. Proponents of the amendment say that the word "criminal" means not only *criminal*, but also *criminal-type*, which is defined as "those parts of the proceedings of a civil nature that seek to impose a punishment on the defendant or respondent for a violation." We are asked to re-define the word, which has its own specific meaning.

Another ambiguity exists in the second part of the amendment in the cross-reference to the subpena powers in agency proceedings. Read literally, the cross-reference would add nothing, since by definition this action is directed at those instances where there has been no proceeding instituted. With no proceeding, there could be no invoking of the subpena power of the present section 204(g). The interpretation put forth, however, is to the effect that the subpena power would, in fact, be used outside of agency proceedings, a concept which goes beyond the section to which reference is made.

The ambiguity in the amendment may have stood it in good stead up to this point, for some members may have signed their names in support of it because it can be read to be mainly a reaffirmation of powers already in the bill. Other members, particularly those deeply involved in the effort to work up this amendment, support it because they contend it will make significant changes. It is imperative that at the least the proponents define with precision just how the amendment will affect the operations of the Agency.

Mr. HORTON. Mr. Chairman, I yield myself 1 minute for the purpose of asking the Chairman a question. I have no further requests for time on this side, Mr. Chairman. I see one other member of the subcommittee, Mr. ROSENTHAL, present on the floor. I do not know how many requests for time the Chairman has, but I would hope that we could finish the debate this evening. We have 4 hours of debate, but we have no further requests for time on my side. I wonder if we could possibly finish the general debate tonight. That was the announced program anyway, to have the debate today and then go into the amendments tomorrow. I think it would facilitate the handling of time if we could dispose of the debate at this point. I say that because I have no further requests for time on this side.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I yield to the gentleman from California.

Mr. HOLIFIELD. I have asked the gentleman from New York (Mr. ROSENTHAL) if he will use his time for general debate tonight. I will let him speak for himself on that point.

Mr. HORTON. I am glad to yield to the gentleman from New York.

Mr. ROSENTHAL. In response to the request of the distinguished Chairman, I do for a fact know that there are a number of Members on our side, a half dozen or more, who want to speak in favor of the Moorhead amendment who were led to believe, as I was, that the Committee would rise at 6 o'clock. Many of us made plans accordingly, not to speak tonight, including myself. If it is the wish of the Committee or the Chair to proceed, I am always perfectly willing to do so, but I do not think it would be useful, considering the arrangements other Members have made on the basis of the announcement that we would rise at 6 o'clock.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HORTON. Mr. Chairman, I yield myself an additional minute.

I am sure the gentleman from New York would agree with me that we wish to dispose of the general debate and get to the amendments as quickly as possible. I wonder if the gentleman knows of other Members who want to request time and actively present their views who perhaps would revise and extend their remarks at this point in the RECORD. I believe we are going to have a long day of debate on the amendments. I personally feel that every Member ought to have as much time as he would like to debate and speak with regard to the amendments. I know that the Chairman does not want to cut off debate, and I certainly do not want to cut off debate on the amendments.

Mr. HOLIFIELD. Mr. Chairman, I yield myself 1 additional minute.

The CHAIRMAN. The gentleman from California is recognized.

Mr. HOLIFIELD. I appreciate very much what the gentleman has said, and I would be only too glad, of course, to speed this along. But I find that the leadership has told a couple of Members that we would rise tonight at 6 o'clock or thereabouts, and they have been assured that there would be time for them to speak in the general debate. So my judgment is that we should carry over until tomorrow, and then we will try to limit the time tomorrow. I do not want to be accused of trying to prevent some of the Members who wanted to speak on the bill from speaking, and in view of the fact that the leadership has notified some of the Members that they want to rise at this time tonight, I think it is better to carry over and settle the limitation of debate tomorrow.

Mr. ROSENTHAL. Mr. Chairman, tomorrow the House will vote on one of the most significant pieces of consumer legislation ever considered. This legislation, which culminates 12 years of effort by many persons, has the potential for upgrading dramatically the performance of Federal consumer protection agencies, and the quality of goods and services in the marketplace.

Unfortunately and tragically, this legislation, which is for America's 200 million consumers, will not be of real value to consumers unless it is substantially strengthened on the floor of the House.

Fifteen Democrats and two Republicans on the House Government Operations Committee are urging adoption of the Moorhead amendment. This amendment, if approved, will restore to the legislation much of the promise it contained when it was originally introduced last February and cosponsored by 170 Members.

I am including in the RECORD, at this point, a letter and some background material on the weakened committee-reported bill—H.R. 10835—and the strengthening amendment to be offered tomorrow:

WASHINGTON, D.C.,
October 11, 1971.

DEAR COLLEAGUE: This letter, which concerns the Consumer Protection Agency Act of 1971 (H.R. 10835), supplements the letter sent to you on October 7, signed by Representatives Jack Brooks, John Moss, Dante Fascell, Henry Reuss, Torbert Macdonald, William Moorhead, Cornelius Gallagher, Ben Rosenthal, Jim Wright, Fred St Germain, John Culver, Floyd Hicks, George Collins, John Conyers, Bella Abzug, Ogden Reid and Paul McCloskey, Jr. In that letter, these members of the House Government Operations Committee urged your support for a single strengthening amendment, to be offered by Congressman William Moorhead, on which there will be a record teller vote.

The entire premise underlying the need for a new Consumer Protection Agency (CPA) is that consumers have been systematically excluded from the decision-making and policy-making processes by which Federal agencies seek to protect the health and economic well-being of the consuming public. It is both tragic and ironic, therefore, that the Committee-reported bill excludes from the jurisdiction of the CPA *most* of these consumer-related policies and decisions!

Those who support the Committee bill and oppose the strengthening Moorhead amendment, argue that it would be unwise for Congress to establish a "super-agency." No such result is intended nor could it be accomplished by adoption of the amendment. What is intended is that the new CPA be an "*effective*-agency," with authority to accomplish its intended purpose: *the representation of the interests of consumers whenever decisions are made or policies established which are important to consumers.*

It is vital to keep in mind that even with this amendment the Consumer Protection Agency has no regulatory powers: it *cannot* tell any business or industry how to manufacture, market or advertise its products and services; it *cannot* impose any penalties or sanctions; it *cannot* dictate to any other Federal agency how to decide cases or what policies to establish. All the CPA can do is present its case on the merits and then allow the host agency or the court to work their will.

The differences between the Committee-reported bill and the Moorhead amendment to that bill reduce themselves to a single subtle but vital question: will the CPA be allowed to represent consumers when and where necessary (keeping in mind that all representation must be pursuant to the rules of practice and procedure of the host agency or court); or will the CPA be excluded from most agency activities affecting consumers?

Despite all the rhetoric that the Committee-reported bill is adequate, the fact remains that the leading experts on administrative law have concluded that the CPA, under the language of the Committee bill, will be excluded from most agency matters of importance to consumers. Furthermore, the report on the legislation makes it abundantly clear that the Consumer Protection Agency has been engineered to be ineffective from the beginning. It estimates a first year budget for the Agency of only $5.4 million. This totally inadequate budget (which is only slightly more than that received by the American Battle Monuments Commission and the American Revolution Bicentennial Commission) will not permit the agency to be anything other than a weak and lonely voice in the wilderness.

While the amendment to be offered does not relate to the budget of the proposed Agency, its approval will not only give the CPA the basic authority it needs to prevent fraud, injuries and deaths, and sharp practices in the marketplace; it will also demonstrate that the House of Representatives is determined to give our 200 million consumers the kind of representation they need and deserve at the federal level. Please remember, this legislation is designed to aid not only consumers, but legitimate businessmen as well.

I urge your support for the Moorhead amendment.

Sincerely,
BENJAMIN S. ROSENTHAL,
Member of Congress.

EXPLANATION OF MOORHEAD AMENDMENT TO SECTION 204 OF H.R. 10835, THE PROPOSED CONSUMER PROTECTION ACT OF 1971.

BACKGROUND

Section 204 of H.R. 10835 is the heart of the bill in that it delineates the Consumer Protection Agency's jurisdiction relating to the "representation of consumers."

Subsection 204(a)(1) provides for the Consumer Protection Agency's participation only in *pending* rulemaking procedures. Section 204(a)(2) provides for Agency participation only in *pending* adjudicatory proceedings "other than an adjudication seeking, primarily to impose a fine, penalty, or forfeiture."

Under authority of these subsections, the Consumer Protection Agency's authority in pending rulemaking procedures is adequate. However, the language in subsection 204(a)(2) involving *pending* adjudicatory proceedings would severely limit the operations of the Consumer Protection Agency since statutes authorizing the various governmental agencies to make adjudication in areas of consumer interest almost inevitably contain language imposing a fine, penalty, or forfeiture, and the word "primarily" does not have sufficient delineative meaning in the context in which it is used to identify in a prospective sense those adjudications that would be subject to the limitation and those that would not.

In addition to the above problem relating to the extent of the Consumer Protection Agency's authority to intervene in *pending* adjudicatory proceedings of an administrative nature, section 204 does not provide any authority for the Consumer Protection Agency to become involved in consumer matters where there is not yet any rulemaking or adjudicatory proceeding pending, where the agency with primary responsibility fails or refuses to act on behalf of the consumer, or when proceedings are handled on an informal basis outside the Administrative Procedure Act. According to the hearings and the discussion of this legislation before the Government Operations Committee, a significant number of problems affecting consumers that are within the rulemaking or adjudicatory power of agencies are either ignored or handled on an informal basis.

THE PROBLEM

The problem is to provide a fair and reasonable amendment to H.R. 10835 that would deal effectively with these shortcomings in the bill. In more specific terms:

First, what can be done to clarify section 204(a)(2) to assure Consumer Protection Agency participation in adjudications affecting the interests of consumers and yet avoid confronting the defendant or respondent in the adjudications with two "prosecutors"—a matter of concern to Members of Congress. In this connection, the following should be considered:

The term, "fine, penalty, or forfeiture," as used in the bill, could apply to any of the following agency actions:

(a) a "cease and desist" order or other similar type civil action aimed at protecting the public's interest;

(b) the imposition of civil penalties, that is, fines that can be mitigated by the agency, assuming the individual or organization affected agrees; or,

(c) the forwarding of a citation to the Department of Justice urging criminal prosecution for violation of the criminal penalties that are also usually present in statutes involving consumer interests.

In adjudications, the Consumer Protection Agency would only be interested in proceedings or parts thereof relating to the action an agency takes to protect the public. In these instances, the "fine, penalty, or forfeiture" involved would either be a "cease and desist" type of civil proceeding or one in which civil penalties might ultimately be imposed. And, even in the latter instance, the Consumer Protection Agency would have no legitimate interest in matters directly relating to the nature of the penalty.

In light of these distinctions and the overriding congressional policy to avoid subjecting parties and organizations to two "prosecutors" during an adjudicatory proceeding, the limitation in section 204(a)(2) should take the form of (a) a general prohibition against involvement in any aspect of agency proceedings relating directly to the imposition of a criminal fine, penalty, or forfeiture, and (b) the secondary use of the word "criminal" to mean criminal-type so as to filter out those parts of the proceedings of a civil nature that seek to impose a punishment on the defendant or respondent for a violation.

Under this approach, the Consumer Protection Agency's authority to participate in adjudicatory proceedings would focus its attention on the substance of the problem and the civil remedy required to protect the public. Either civil or criminal punishment for any violation of a statute would be beyond the scope of its authority.

To carry out this purpose, the language of section 204(a)(2) should be altered. The bill presently provides for the Consumer Protection Agency to enter an appearance in any adjudicatory proceeding "other than an adjudication seeking primarily to impose a fine, penalty, or forfeiture * * *." The limitation should be changed to read so as to allow an appearance in adjudicatory proceedings "other than those parts of the proceeding relating directly to the decision to impose any criminal fine, penalty, or forfeiture."

The second aspect of the problem is to determine what can be done to give the Consumer Protection Agency some limited type of oversight with respect to proceedings falling within the rulemaking and adjudicatory power of an agency that are of an informal nature and in those instances where the agency fails or refuses to institute an APA proceeding. In this connection, the following should be considered:

1. In practical terms, it is impossible to delegate authority to the Consumer Protection Agency to "participate" in an informal proceeding. The nature of the proceeding precludes any "step-by-step" participation.

2. Under section 204(e), the bill authorizes the Consumer Protection Agency to request a Federal agency to initiate a proceeding. But, the bill limits the "follow through" of this request to the requirement that, if the agency fails to take the action requested, that it simply notify the Consumer Protection Agency of its reasons and that such notification will become a matter of public record.

3. Under section 204(g), the Consumer Protection Agency, with strict limitations, is given the indirect subpoena power, as is any other party to the proceeding, in pending cases to obtain data and information from the party subject to the proceedings. However, the bill does not provide the Consumer Protection Agency with general subpoena power. While there may be precedents for such an extension, there are countervailing arguments. One is that the Consumer Protection Agency concept is not intended

to give the agency any power in its own right, but to represent consumers before other agencies, thus negating the need for direct subpoena power.

To solve this problem, an additional subsection is added to section 204 as follows:

"(b) The Agency, as a matter of right, may undertake reviews and investigations, and require information from Federal agencies, including that provided in subsection (g) of this section, for the purpose of submitting information, findings, or recommendations to the Congress regarding any matter affecting the interests of consumers concerning which a Federal agency has the authority but fails to initiate a rulemaking or adjudicatory proceeding as provided in subsection (e) of this section."

Under these circumstances, it is logical to extend the authority in section 204 to allow the Consumer Protection Agency to undertake investigations within the rulemaking or adjudicatory authority of an agency in those instances where the agency refuses to exercise its authority as provided in section 204(e) of the bill. Furthermore, it is logical to provide in these instances that the Consumer Protection Agency have the same quantity and quality of information available during its studies and investigations as would have been available had a rulemaking or adjudicatory proceeding been instituted and in which the Consumer Protection Agency could have participated as a matter of right under earlier subsections (1) and (2) of section 204.

This approach gives some coverage to the void in the proposed bill regarding informal proceedings and instances where the agency fails or refuses to take action. However, rather than giving the Consumer Protection Agency the right to initiate a rulemaking or adjudicatory proceeding, the amendment provides for a report to the Congress.

This provides the Congress with a double benefit. In those instances where the Consumer Protection Agency institutes such an investigation, the Congress would have the means of not only gauging the effectiveness of the Agency's operations, but also the responsibility and effectiveness inherent in the operations of the Consumer Protection Agency. In addition, this information would be of the greatest value to Congress in maintaining proper balance between the consumer protection operations in the various agencies and the prerogatives of the Consumer Protection Agency.

Information from the private sector through the host agency is fully justified on the basis of providing Congress with an authoritative report concerning the problem involved. Furthermore, the limitation in the amendment that the agency have the authority to institute a rulemaking or adjudicatory proceeding as well as the limitation in subsection (e) that the agency must have refused to institute action further limit the scope of this exercise of information-seeking authority.

EXAMPLES

I. INFORMAL PROCEEDINGS

(Selected examples of informal Agency proceedings not performed under the Administrative Procedure Act and from which the Consumer Protection Agency [CPA] would be excluded entirely by section 204):

(1) *Federal Trade Commission—Informal Enforcement of the Flammable Fabrics Act:*

The American Academy of Pediatrics reported that in 1966 over 900 American children were burned to death as a result of the ignition of their clothing. In 1970, over 200,000 Americans of all ages suffered serious injuries.

Last year, the FTC disposed of over 250 flammability cases by the use of informal procedures for settlement. During FY 1971, the FTC issued formal adjudicatory complaints on less than 10% of the informal matters and investigations. Thus, 90% of the cases are handled informally without adequate scrutiny as to the quality and effectiveness of the settlement.

The Consumer Protection Agency should be able to contribute to the outcome of these informal settlements where the danger to the public is very great and where speedy and comprehensive FTC action is essential. Under the present language of Section 204, the CPA is barred from having any voice in these informal investigations, negotiations and settlements.

Additionally, in those instances where the FTC does file a formal complaint under the Administrative Procedure Act, the Consumer Protection Agency should be allowed to push for a sharp reduction in the existing 2 to 3 month delay between the time a Flammable Fabrics Act violation is discovered and the time the FTC issues a formal APA type complaint.

The attached FTC News Release of September 13, 1971, illustrates the FTC's failure to conduct thorough investigations regarding hazardous flammable wearing apparel. It shows that FTC's initial investigation (involving dangerously flammable Japanese scarfs in Los Angeles), *failed* to uncover the quantity of such scarfs on the market and the retail locations where they were being sold. If the Consumer Protection Agency is authorized to assist the FTC in such investigations (and the Subcommittee-reported bill prevents such assistance), then it is conceivable that the 200 dozen lethal scarfs and the outlets selling them would have been pinpointed and the purchasers notified when the original FTC investigation was conducted two months earlier.

(2) *U.S. Department of Agriculture—Violations of the Meat and Poultry Inspection Acts:*

Each and every year, the USDA receives reports and complaints alleging violations of the health and safety standards for food established under the Meat and Poultry Inspection Acts. The recently reported contamination of thousands of chickens with the pesticide PCB, is one example. Reports are also received regarding violations of other consumer protection laws, such as "bait and switch" tactics by meat locker firms (Packers & Stockyards Act), the misbranding of fruits and vegetables (Perishable Agricultural Commodities Act) and violations of the administratively imposed 30% fat limitation in hot dogs.

It is not surprising that all USDA investigations of reports of unsanitary food plant conditions and unwholesome food, fall outside of the Administrative Procedure Act. It may surprise some that while plant sanitation and food wholesomeness standards under the Meat and Poultry Inspection Acts are established by rule-making, the procedures governing the frequency and manner of food plant inspection are established informally outside of the APA.

Moreover, and most importantly, all of USDA's disciplinary actions against food processing firms which violate health and wholesomeness standards (including administrative detention of offending products for up to 20 days; fines, official warning letters, and the shutting down of the plants of systematic violators), are accomplished informally before a USDA attorney outside of the Administrative Procedure Act.

Incredibly, under the present language of Section 204, all of these vital health and wholesomeness proceedings would be outside of the reach of the Consumer Protection Agency. The effectiveness of meat inspection procedures, the thoroughness of investigations of suspected violations, and the imposition of disciplinary action—are all excluded now from any intervention by the CPA.

(3) *Civil Aeronautics Board—Protects consumers' interest by enforcement of law and regulations:*

(a) Every year the public is directly affected by *informal* CAB actions against airlines, and decisions with the airlines. Typical examples include the handling of investigations and public complaints. *Consumer Reports* said that over 128,000 passengers were inconvenienced by airline overbooking and bumping. *The informal disposition of complaints by the CAB is so important that the Board has both an "Informal Legal Division" as well as a "Formal Legal Division."*

(b) During the period June 30, 1970—July 1, 1971, the CAB had underway 350 investigations. All of these investigations were concluded *outside* the Administrative Procedure Act.

(c) During fiscal year 1971, the CAB instituted or concluded over 1800 *informal* complaint cases against the carriers for violations of the law. The total of formal proceedings during the same period was 231. All of the 1800 informal complaints were handled outside the APA and thus are outside the CPA's jurisdiction to offer help or give scrutiny.

(4) *Interstate Commerce Commission—Actions which determine the cost of consumer goods by setting routes and rates of motor carriers:*

(a) In FY 1970, the ICC took action on 8,410 requests from motor and water carriers for a *temporary* operating authority to operate moving vans or haul freight between two points. Temporary licenses are often opposed carriers. The CPA could not intervene even in the most important of these *informal* proceedings.

(b) The ICC also informally disposes of thousands of complaints alleging violations of law. During FY 1970, the ICC's Bureau of Traffic handled 3,007 informal complaints. Many of these resulted in refunds of overcharges by carriers. "Others, after informal handling with the carriers, were concluded with adjustment of claims for loss and damages to freight."

(c) During FY 1970, there were 805 informal proceedings to revoke a motor carrier's operating rights without a hearing; also there were 278 informal applications to deviate from regular routes.

(5) *National Highway Traffic Safety Administration:*

The National Highway Traffic Safety Administration is directed to protect American consumers by the Traffic Safety Act of 1966. At the present time, however, there still are over 50,000 fatalities and 2,000,000 disabling injuries every year. These accidents represent a property loss of over $13.6 billion dollars to the economy. To correct these problems, the NHTSA is directed to detect and investigate automobile defects before they affect consumers, and to require notification of such defective products. Since 1966, the NHTSA has undertaken over 250 separate defect investigations—relying *entirely* on informal procedures. At the same time there have been over 12 million vehicles recalled by the manufacturer, most of which followed NHTSA informal action.

Under the subcommittee bill the CPA would be excluded from auto defect information as well as negotiations and discussions leading to recalls.

(6) *Federal Trade Commission—Consumer protection by enforcement of unfair trade practices:*

Much of FTC enforcement is accomplished informally by the use of stipulations and "Assurances of Voluntary Compliance." "Stipulations" are informal settlements of violations of law prior to issuance of formal complaint. According to Kenneth C. Davis, leading expert on Administrative law, the FTC enters into thousands of stipulations each year. The resolution of violations of consumer statutes are often decided by stipulation.

Among the matters handled informally is the FTC's enforcement of the *Truth-in-Lending Act*. In 1970 over 12,000 creditors agreed, informally, to discontinue violative practices and only 21 formal complaints were issued. Under the subcommittee bill the CPA cannot contribute to the development of better informal settlements of Truth-in-Lending violations.

II. FORMAL ADJUDICATIONS

(Proceedings in which the CPA would be excluded from intervention as a party in adjudicatory matters because they seek "primarily to impose a fine, penalty, or forfeiture".

All consumer protection statutes, in contemplation of possible violation, provide for the imposition of fines, and/or penalties and/or forfeitures.

In every instance in which a federal regulating agency files a complaint under a statute providing for fines, penalties or forfeitures it follows that the ultimate result of that action could be the imposition, by a court, of a penalty. It would be self-contradictory to suggest that a regulating agency would undertake an adjudication alleging the violation of law, which did not have, as its purpose, the imposition of a penalty.

Accordingly, all agency adjudications alleging a violation of such statutes, would probably be considered "an adjudication seeking primarily to impose a fine, penalty, or forfeiture . . ."—and the CPA would be prohibited from intervening as a party.

Even with respect to formal consent orders (which can incorporate cease and desist decrees), penalties and fines are frequently called for. For example, the latest Civil Aeronautics Board consent order was against Overseas National Airlines for charter violations, and called for a $71,000 fine.

In this type of case, the CPA would be excluded as a party intervenor because of the imposition of a fine!

These are the very types of vital cases in which the CPA should be a party intervenor.

Examples:

A. CAB (Civil Aeronautics Act provides for the imposition of civil penalties for charter violations, abuses by travel agents, misleading advertising, rebating, etc.)—

1. Between July 1, 1970 and June 30, 1971, the CAB had underway 378 formal adjudications involving alleged violations of the Civil Aeronautics Act. *All 378 adjudications sought the imposition of a penalty!* Accordingly, the CPA would have been prohibited in each case from intervening as a party.

2. U.S. Department of Agriculture: Violations of the Packers and Stockyards Act, Federal Seed Act, and other consumer statutes often lead to formal adjudications by USDA. These statutes also provide for the imposition of penalties. According to the general counsel's office of USDA, every formal adjudication involving the violation of a consumer protection statute, is instituted for purposes of disciplining the offending firm and imposing a fine, penalty or forfeiture.

Accordingly, the Consumer Protection Agency would be excluded from party intervention in all USDA consumer-related adjudications.

In fact, all adjudicatory proceedings can be put outside the scope of the CPA if the host agency merely drafts them so that *on their face* they appear to involve "primarily a fine, penalty or forfeiture."

Since adjudications, by definition, determine some of the rights of a party in relation to the Federal Government, they *all* are "primarily seeking to impose a fine, penalty or forfeiture."

Mr. HOLIFIELD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Boggs) having resumed the chair, Mr. Boland, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 10835) to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes, had come to no resolution thereon.

DEATH DIMINISHES STATE'S PRESTIGE

(Mr. WHITTEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include a newspaper article.)

Mr. WHITTEN. Mr. Speaker, following the death of our beloved colleague, the Honorable John C. Watts, an article appeared in the Lexington, Ky., Herald on September 30 entitled, "Death Diminishes State's Prestige," by W. B. Ardery.

This article discussed generally the positions that two of our colleagues have held in the House for a number of years. Our friend, John C. Watts, as pointed out in this article, was the ranking majority member on the Committee on Ways and Means and had served in the Congress for 20 years. My friend, William H. Natcher, is a member of the Committee on Appropriations and the part that he has played, along with that of our late colleague, John C. Watts, has, as this article emphasized, brought distinction to the State of Kentucky and to the Second and Sixth Congressional Districts, respectively.

I have heard it said that every Kentuckian is convinced that his particular home area is the real garden spot of the world, whether it be the mountains, the bluegrass, the beargrass, the Pennyr'ile or the Purchase and he is only willing to grant second place to any of the other regions within his own State. Certainly this has never applied insofar as the Kentuckians that I have served with in the Congress are concerned because the members of this State's delegation, regardless of their politics and home area, have always tried to work together for the best interests of the Commonwealth of Kentucky. Definitely this has been the situation for a great many years with our friend, William H. Natcher and the late John C. Watts.

Kentucky is, I am sure, many things to many people, but I know full well, Mr. Speaker, that all Kentuckians are proud of the fact that their State produced such men as Abraham Lincoln, Jefferson Davis, Henry Clay, Alben W. Barkley, Irvin S. Cobb, Henry Watterson, John Griffin Carlisle, to name a few. Two of those named, Henry Clay and John Griffin Carlisle, served as Speaker of the House of Representatives. Traditionally, to most Americans, Kentucky means bluegrass, fast horses, beautiful women, and bourbon whisky. I feel sure that no Kentuckian would ever deny his pride in these assets, and at the same time, Mr. Speaker, is also proud of the many illustrious men and women produced by this great State. In my opinion, history will appropriately record the inclusion of John C. Watts and William H. Natcher in this State's list of illustrious and dedicated public officials.

I serve on three subcommittees on the Committee on Appropriations. As chairman of the subcommittee that appropriates the money for agriculture-environmental consumer protection I have the honor of sitting next to my friend, Bill Natcher. He is the ranking majority member on this subcommittee and in addition to serving with me, serves on two other subcommittees. He is the ranking majority member on the subcommittee that appropriates the money for the Department of Labor and the Department of Health, Education, and Welfare, and is chairman of the Subcommittee on the District of Columbia Budget. He is a hard worker and is a loyal member of the Committee on Appropriations, and has established an outstanding record in the Congress of the United States.

Mr. Speaker, it has been a distinct honor for me to have been permitted to serve in the Congress with our departed colleague, John C. Watts, and our friend, William H. Natcher. Certainly I can understand the importance of the positions that these two gentlemen have held for many years in the House of Representatives and furthermore, I can understand the concern expressed in the article from the Lexington newspaper.

Mr. Speaker, I ask unanimous consent to insert the article which appeared in the September 30 edition of the Lexington, Ky., Herald entitled "Death Diminishes State's Prestige" at this point in the Record:

Death Diminishes State's Prestige

(By W. B. Ardery)

Regardless of who is chosen in a special election to succeed the late John C. Watts as Sixth District congressman, it may well be years before Kentucky regains a place on the powerful House Ways and Means Committee.

Membership on this committee is by invitation only and members are invited under the seniority rule—usually representatives who have attained a degree of seniority on other House committees. Rep. Watts left the House Agriculture Committee to take a place on the coveted Ways and Means body.

Since raising and spending money is the most vital domestic function of Congress, Kentucky has been fortunate to have a member on both the money-spending and money-raising committees—Rep. William H. Natcher of the Second District on the Appropriations Committee and Mr. Watts on Ways and Means.

The later group makes assignments to other House committees as well as having jurisdiction over all revenue legislation which, under the Constitution, must originate in the House.

Mr. Watts had 20 years in Congress and Mr. Natcher has had 18.

When he was in the Blue Grass for Mr. Watts' funeral Tuesday, Chairman Wilbur D. Mills of the Ways and Means Committee was asked how long it might be before the Sixth District could hope to have a representative with the equivalent of Mr. Watts' power in the House.

He pointed out that, in 20 years, Mr. Watts had not only won membership on the Ways and Means Committee but had made a vast number of friends in the House. It might take a new man 20 years to gain such an influential position, he added—"if ever" he could.

Gov. Louie B. Nunn has not yet set a date for a special election to fill the Watts vacancy.

The governor is required to give sheriffs in the district 20 days notice ahead of the election date but he does not have to call the special election for Nov. 2, the date of the general election.

The Louisville Times said yesterday that Gov. Nunn himself was "considering the possibility" of running for the Watts seat. From Frankfort last night, however, the governor said he has no intention at this time to become a candidate. "I feel I am being set up as a 'straw man' by the opposition party," Mr. Nunn declared.

When the governor does set a special election date, candidates for representative will be nominated by the Democratic and Republican organizations in the district.

Because they are situated in the county which cast the most votes in the last election, the Fayette County party chairman will be responsible for calling conventions of county chairman in the district.

James S. Shropshire, Fayette Republican chairman, said last night he hoped Gov. Nunn would call the special election for a date after the general election but that he had no information about the governor's intentions.

Steve J. Banahan, Fayette Democratic chairman, said the Democratic convention would be held in Lexington but that he had no preference as to a date for the election.

He added that he had heard one unsubstantiated report that the governor might act today.

REPRESENTATION REQUESTED—NOT POLITICS NOR SYMPATHY

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. MELCHER. Mr. Speaker, yesterday I sent a letter to President Nixon telling him of my concern with the failure of the phase II economic plan to include agricultural representations in the policymaking levels of the Price Commission and the Wage Board. I urged the President before making his 22 appointments to these two groups to consider representation from the Nation's largest industry with annual sales of $50 billion which it in turn spends for supplies, labor, fuel, equipment and services.

Agriculture is very much involved in the decisions that will be made within the framework of the groups composed under the overall direction of the Cost of Living Council, and the success of the whole operation will depend on fairness and cooperation among the various components of our economy.

The new economic plan calls for including some agricultural representation in what is called the Productivity Commission which is advisory to the Council concerning improved efficiency but far removed from the crucial area of determining policy.

With what it buys and sells agriculture can be hurt coming and going by decisions made by the price control panels. Prices on agricultural raw products are not frozen, but that means little since food retail prices are frozen. Producer's meager share of that—less than one-third of the 1 percent of the Nation's disposable income that goes to purchase food—may be locked tighter than the price of supplies and materials and equipment that agriculture must buy to keep operating. The least that can be expected by agriculture is representation in the groups that are going to make the decisions and policies of the economic control programs.

I do not think that is asking too much, and I do not think it is a question of politics. I suspect that there may be some feeling from Democratic circles that the administration is again blundering into a mistake concerning agriculture that will tarnish the administration's record. And I suspect that Republicans might feel that while this is an error to omit agricultural representation in these important groups, that it is expedient to say nothing and do nothing for the present and try to make up for it later by hoping for sympathy for agriculture in the decisions of the Price Commission, Wage Board, and Cost of Living Council.

For my part, I believe agriculture should have representation on the panels rather than sympathy. And to both Democrats and Republicans I say that the question of representation for agriculture is much more important than politics. Now is the time to advise the President with sincerity and objectivity. I hope my colleagues in the House will join me in doing so.

COLUMBUS DAY, 1971

(Mr. PODELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PODELL. Mr. Speaker, 479 years ago, 90 men with the crudest ships and the most rudimentary instruments first sighted the American continent. This small complement, riding on three tiny ships, was led by the greatest of men. Christopher Columbus, with unending faith and courage drove the *Niña*, *Pinta*, and *Santa Maria* farther than man had ever sailed and discovered a previously unknown land.

That brave Genoan was responsible for opening this great continent to settlement. Because of Columbus, people came to this new land of opportunity. They came, year after year, the tired and the poor, the downtrodden and the oppressed, the lovers of liberty and the seekers of freedom. They came to this new land called America, named after another great Italian, Amerigo Vespucci, knowing that they would have dignity, equality, and opportunity.

The explorations of Columbus and the subsequent migration caused America to grow and prosper. People came to this new land and brought their religion and their culture, their arts and their crafts, their skills and ambitions. They came young and old with the determination to succeed, and succeed they did, forming a free and prosperous nation, a nation which we all have inherited.

The observance of Columbus Day as a national holiday means more than honoring the discovery of America. It has become an occasion to mark the courage of those subsequent individuals who came to form a life in this rough and wild continent. The backbone of this country are those people. Forging out into the unknown as Columbus did was done again and again by those many minorities that came to America. Our forefathers' spirit of perseverence was the same as that of Columbus when he set out on his epic voyage.

Because of the unswerving determination of our first American, this country became the melting pot of the world. The United States opened its doors to all men giving them a place to call their own.

In the years since that first discovery, this melting pot of individuals transformed the uncharted wilderness of America into the greatest nation in the world.

It is particularly fitting that this Nation should honor Columbus, the Italian-American who made this all possible. Columbus Day is not a holiday only for Americans of Italian heritage. It is a holiday for all Americans who are justly proud of their common heritage.

Today, if Christopher Columbus could see the results of his voyages and explorations, he would be most gratified. Every one of us owe him a debt, a debt that can only be repaid by keeping America free.

FRANCIS J. "SPIKE" McADAMS

(Mr. THOMPSON of New Jersey asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. THOMPSON of New Jersey. Mr. Speaker, on September 19 death came to a man who had been a dear friend of mine for 29 years—since the day I first met him as a fellow naval officer at the amphibious training base at Solomons, Md.

I was but one of literally thousands of friends of Spike McAdams—friends from all walks of life and from all parts of the United States. In his 64 years Spike McAdams led a most colorful, interesting, and useful life. He was a man of tremendous loyalty, compassion, and affection, but his greatest characteristic was his unbelievable courage.

Spike McAdams was the commanding officer of the U.S.S. LCI(L) 424, one of the earliest of those beloved, effective, and uncomfortable vessels. He commanded her with great skill and achieved rapid promotion from his superior officers who recognized his ship-handling and leadership talents. At the same time I commanded the U.S.S. LCI(L) 428, in the same squadron.

Mr. Speaker, Spike McAdams was unique among his fellow commanding officers, not only because he was the most popular, but because he really did not have to be there. He was 34 years old at the time, was married and the father of young children. He could have stayed at home, but not Spike. Our Nation was at war—in a fight—and he had to be there, for he loved nothing better than a fight. I was 23 years old at that time, the same age as all of the others except Spike. I did not resent it in the slightest when he insisted upon calling me "Kid." Neither did the other fellows.

When the U.S. Navy developed the ship to be called an LSM—landing ship machines—for the transportation of tanks and vehicles in amphibious landings, it chose Spike McAdams, from among thousands of amphibious commanding officers, to command the first one, the U.S.S. LSM 1. A great honor and responsibility, indeed.

McAdams sailed his USS LSM 1 from the Atlantic to the Pacific theatres and on to Leyte Gulf. Shortly after Spike had beached his ship and had seen his precious cargo of men, tanks, and vehicles safely ashore, a Japanese mortar landed in his conning tower killing all of the other occupants and leaving Spike critically wounded. Only by a combination of his great courage and splendid medical treatment did McAdams survive.

I visited Spike in the Pacific Naval Hospital where his prognosis was extremely poor. He whispered to me that he was going to make it. I will never forget telling the doctor what Spike said. The doctor replied:

> If he does it will be because of his guts. We've done all we can.

The wounds from Leyte Gulf won McAdams several high decorations for bravery and, quite accidentally, caused him to meet a brave and great Marine in the hospital. Former Senator Paul H. Douglas was that brave Marine. The rest of the story is best told in the newspaper stories which follow.

Mr. Speaker, I eulogize my late friend today because although he was not a typical human being—he was too brave to be one of us—but because he was typical of the very few who have been the very bravest among all of us. There have been Spike McAdams'—rare though they are—in every generation and in every war. They are too often forgotten.

Following is a lovely, touching homily to Spike McAdams, written by his youngest daughter. There also follows a wonderful tribute by our former colleague, Senator Paul H. Douglas.

Homily for Spike

(By Patricia McAdams)

Spike was born September, married September, died September. This is the way one of Spike's favorite poets looked upon the subject of death.

Death in John Donne's words is "slave to fate, chance, Kings and desperate men.

Spike was very fond of a few poets and oftentimes repeated verses at home, when he felt the time was appropriate and the verse fitting the occasion. Those of us who were close to Spike know that he added a very refreshing and unique dimension to our lives. He was by no means a conventional man. The more unusual an idea was, the longer and harder Spike entertained it. Yet he was conscious of certain limitations of human nature and the human experience.

The boast of heraldry, the pomp of power
All that beauty, all that wealth e'er-gone
Awaits alike the inevitable hour
The paths of glory lead but to the grave

But though he did acknowledge the limitations of the human experience and "that life was a relentless weeding-out process," Spike did live life to the fullest degree and managed to experience an uncommon amount of joy, suffering, laughter and tears.
Glad did I live and gladly die

Here he lies where he longed to be
Home is the sailor, home from the sea
And the hunter home from the hill

As a father, husband and friend, Spike gave us a view of life whose limits most people could neither see nor understand. His advice to his children reads "do everything possible, see everything possible while you are there at your age because you might not go down that road again. I did it when I was much younger than you, you name it and I did it, I was there."

And a fitting close to Spike's life is again captured in the words of his favorites. . . .

No father seek his merits to disclose
Or draw his frailities from their dread abode
There they alike in trembling hope repose
The bosom of his father and his God.

Statement About Frank J. McAdams

(By Paul H. Douglas)

The death of my dear friend, Frank J. (Spike) McAdams, is a great loss to our country. It is an especial loss to me personally, for we were friends for a third of a century. His wit, humor, courage, and loyalty warmed and lifted those who knew him.

During World War II Spike was commanding officer of a destroyer escort in the Pacific. He was seriously wounded at the battle of Leyte Gulf, and the commanding officers despaired of his life. But with characteristic bravery, he refused to admit he was grievously wounded; he insisted he was all right and ready to return to battle.

I shall never know why he became devoted to me and my battles. He helped me immensely, even though he never really obtained anything in return.

I loved him as a brother and I have not yet recovered from his untimely death. He was one of the truly noble friends I have known and one of the most lovable, loyal and brave. He not only commanded the respect but the affection of all.

[From the Chicago Sun-Times, Sept. 22, 1971]

Spike McAdams' Friends Came From Many Worlds

(By Tom Fitzpatrick)

They piled into the John Carroll funeral home Tuesday night from all walks of life to say goodbye to Spike McAdams.

Frank J. McAdams had lived in many worlds and so his friends came from politics, boxing and the legal profession.

In a lifetime that lasted 64 years, he had managed to get himself involved in enough escapades to satisfy half a dozen lives.

Among those showing up were former Gov. William Stratton, Lt. Gov. Paul Simon, State Auditor Michael J. Howlett. From the boxing world came Ben Bentley and King Solomon.

Former Sen. Paul Douglas sent a wreath from Washington.

Spike McAdams was a man who had had more than 250 fights in the ring before he went away to serve in the Navy during World War II.

But that didn't begin to account for all the impromptu bashes Spike took part in just for the fun of it.

Ben Bentley still marvels at the number of battles Spike could get into.

"He was a great old Notre Dame guy," Ben was saying. "He was captain of the boxing team down there and used to love to go down on weekends to see the football games.

"One weekend he went down with Jack Kearns, the old fight promoter, and they were on the same floor with some of the football team after the game.

"The football players were awful noisy and Doc and Spike suggested that they calm down. The football players didn't want to. It took Spike and Doc Kearns less than three minutes to flatten five of them.

"Boy, he was a man who loved a good clean brawl."

Spike, who went on to become a skillful trial lawyer, was also rated as being one of the finest boxing referees and judges. He served as a judge, in fact, at more championship professional fights than any other official in Illinois boxing history.

But probably Spike's toughest fight was the one he fought to live after being wounded during the invasion of Leyte on Oct. 20, 1944.

Spike's son Frank was talking about that Tuesday night.

"He was a Lt. Commander then and he was standing on the right side of the bridge as the ship moved in toward shore. All of a sudden they came under attack and dad was hit first.

"He went down and all the other men with him were thrown on top of him. He always told me he thought he was the luckiest man in the world to be alive after that.

"In fact they told him he might not make it and the priest even came to give him the last rites. But dad told them he wasn't ready to die because he had to go back home and make enough money to send his kids through college."

Spike suffered severe shrapnel wounds in his right arm that eventually made it necessary to amputate and while he was in the hospital he met Paul Douglas who had been wounded in the left arm on Saipan.

They became a team and Spike served as Douglas' campaign manager in his campaign for senator. He served in the same capacity for the late Adlai Stevenson, too, during his campaign for governor.

Frank thought for awhile about his dad and then tried to put it into words.

"I'm sure if you asked me a week or so from now I'd be able to say it better," he said, but I remembered him telling me several times that he regarded life as a relentless weeding out process.

"He felt that each person should do their own thing and make no excuse for what he was. He was a man who might take a punch at you if he didn't like you. But if he did like you . . . well, you found out right away that he was a very warm-hearted man."

There will be a mass for Spike at 9:30 a.m. Wednesday at Holy Name Cathedral.

And judging from the size of the crowd that poured into that funeral home at Erie and Wabash Tuesday night, it's going to be a very big funeral.

[From the Chicago Sun-Times, Sept. 20, 1971]

'Spike' McAdams Found Dead in Hotel

Frank J. (Spike) McAdams, Jr., 64, a lawyer and one-time activist in Democratic Party politics, was found dead Sunday in his room in the Croydon Hotel, 616 N. Rush.

The coroner's office said he apparently died of natural causes.

Mr. McAdams, who had his law office at 100 N. LaSalle, formerly was an assistant state's attorney and special assistant U.S. attorney here.

When Mr. McAdams was a student at the University of Notre Dame, he won the featherweight boxing championship at the university. Later he was a referee for the Illinois Boxing Commission.

He was a nephew of the late U.S. District Court Judge Philip L. Sullivan. Mr. McAdams was graduated from Notre Dame and the Kent-Chicago College of Law.

SERVED AT LEYTE

In World War II, Mr. McAdams was a lieutenant in the Navy, commanding an invasion ship at the Leyte landing in the Philippines. His right arm was shattered by shrapnel and in 1959 was amputated at the elbow.

In 1948, he resigned as a special assistant U.S. attorney to run for congressman-at-large here and to serve as manager of Paul H. Douglas's campaign for U.S. senator. Mr. McAdams was defeated in the primary, but Douglas won.

[From the Chicago Tribune, Sept. 20, 1971]

Attorney McAdams Dead at 64

Frank J. [Spike] McAdams, a breezy, fast-talking Chicago criminal lawyer and onetime boxer, died yesterday in his hotel room on the Near North Side.

Mr. McAdams, 64, was proud of his days in the fight game, and his crooked nose was a reminder of the 250 amateur and professional matches he fought during his youth.

His fight manager billed him as "The Kid from Kokomo," but it is doubtful the colorful featherweight fighter ever set foot in the Indiana city. He was born in Chicago.

WITH STATE'S ATTORNEY

When he settled down, Mr. McAdams became an assistant Cook County State's attorney and later a special assistant United States attorney representing the Army Corps of Engineers.

The wiry, short lawyer was a familiar figure around City Hall. He lost most of his right arm during the World War II invasion of the Philippines at Leyte, but the handicap never appeared to bother him.

A Democrat, he was a protege of Paul Douglas, the former Illinois senator, but when he ran for congressman-at-large, state senator and sheriff over a period of several years, not even the help of Douglas could give him victory.

[From the Chicago Today, Sept. 20, 1971]

"SPIKE" McADAMS, DEM ATTORNEY, FOUND DEAD

Services for Frank J. [Spike] McAdams, 64, a criminal lawyer who was at one time active in Democratic party politics, were being arranged today by John Carroll Sons Funeral Home, 25 E. Erie St.

McAdams, a World War II naval hero, was found dead yesterday of natural causes in the Croydon Hotel, 616 N. Rush St., where he lived. He had office at 100 N. La Salle St.

A breezy, personable lawyer, McAdams once was an assistant Cook County state's attorney and a special assistant United States attorney representing the Army Corps of Engineers.

Over the years, he was unsuccessful Democratic candidate, first as a candidate-at-large for Congress in 1942 and then later for state senator and Cook County sheriff.

McAdams was a nephew of the late United States Circuit Court Judge Philip L. Sullivan and was considered a protege of Sen. Paul H. Douglas, once serving as his manager during the latter's campaign for the United States Senate.

Born and raised on the South Side, McAdams attended Culver Military Academy and the University of Notre Dame, where he was an outstanding athlete and featherweight boxing champion for four years. He fought more than 250 amateur and professional matches during his youth.

After leaving Notre Dame, he was graduated from the Kent College of Law in 1934 and later received a master's degree from the same college in 1937.

During World War II, he was a lieutenant commander in the Navy and was severely wounded during the invasion of the Philippines at Leyte.

A shell struck the deck of McAdams' ship, killing seven other officers standing with him. His right arm was shattered by shrapnel and in 1959 was amputated at the elbow. He received a Purple Heart for the wound.

McAdams is survived by the widow, Irene; three daughters, Joan Ann, Molly and Patricia; and four sons, including Frank J. III, Michael and Brian.

[From the Chicago Daily News, Sept. 20, 1971]

McADAMS RITES BEING ARRANGED

Services are being arranged for Frank J. (Spike) McAdams, 64, a former assistant state's attorney and special assistant U.S. attorney here.

Mr. McAdams was found dead Sunday in his room at the Croydon Hotel, 616 N. Rush. The coroner's office listed his death as due to natural causes.

Mr. McAdams had law offices at 100 N. LaSalle. He had been active in Democratic politics.

A graduate of the University of Notre Dame and the Chicago Kent College of Law, Mr. McAdams was a champion boxer while in college. He later served as a referee for the Illinois Boxing Commission.

GEN. LEWIS BURWELL PULLER, 1898–1971

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. COUGHLIN. Mr. Speaker, it is with a heavy heart that I stand in the well of this House to note the death last night of Gen. Lewis Burwell Puller, U.S. Marine Corps.

To marines everywhere, "Chesty" Puller was a legend in his own time. He was a marine's marine, a man's man, an American's American, and a true American hero in the highest sense of the word.

It was my high privilege and honor to serve as aide-de-camp to General Puller during my tour of active duty in the Marine Corps. Perhaps no single event had more influence on my life than my association with this great man and his family.

Chesty Puller wore five Navy Crosses on his tunic for valor in battle serving his countrymen. He wore a total of 56 decorations for bravery in battle.

He served his country in two World Wars, in Haiti, in Nicaragua, and in Korea. He volunteered for service in Vietnam as well.

Marine Corps records and historians will chronicle the feats of this gallant man. Marines everywhere will pass down legendary stories. I would like to recall the personal side of Gen. Lewis Burwell Puller.

General Puller was, first and foremost, a professional—that was his career. He did not believe in war, but did believe that when called upon to fight, America must have the toughest, best trained, finest troops anywhere.

He was also a student—particularly of history and especially of military history. He was one of the best-read men I have ever known.

General Puller eschewed the complicated modern definitions of the purpose of military training and preferred the simple three words: success in battle. He wanted to keep a jeep simple enough so any American farm boy could repair it.

He carried into battle a well-worn copy of Caesar's Gaelic Wars.

Chesty Puller's courage was not confined to the battlefield. He was perhaps the only man I have ever known who could look at his face in the mirror in the morning and say: Not only have you never said something you did not believe in, but you have never even kept quiet when something you did not believe in was going on.

Yet, beneath the rough exterior was a completely chivalrous, thoughtful and almost gentle husband, father, and commanding officer. Deeply religious, he was a patient, tireless teacher to his children. Professionally, his first concern was always for the welfare of his men, particularly the young men under his command.

The entire Puller family stands among the first families in service to America. His wife, Virginia Montague Evans Puller, served as truly as he did. His younger brother was killed in action in the Pacific in World War II. Both of his daughters are married to Marines who have served in Vietnam.

His only son lost both legs and parts of both hands in that conflict. How much can any family give to their country?

Finally, Lewis Burwell Puller had an intense and abiding belief in the young people of America. He believed they were the finest in the world and could rise to any occasion. And because he believed in the young people, he was—and will always be—an inspiration to them and to all Americans.

GENERAL LEAVE TO EXTEND

Mr. COUGHLIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of the late Gen. Lewis B. "Chesty" Puller.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CONTE PRAISES AGRICULTURE DEPARTMENT MOVE TO REDUCE EVASIONS OF FARM SUBSIDY CEILING

(Mr. CONTE asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. CONTE. Mr. Speaker, just last Thursday, October 7, 1971, Agriculture Secretary Clifford M. Hardin published in the Federal Register—page 19505—some important proposed modifications in the regulations governing farm subsidy payment limitations for the 1972 crop year. While it is too early to tell just how effective they will be, even a preliminary examination reveals that they represent a marked improvement over the existing regulations. I commend the Secretary for taking these important, if long overdue, steps.

Included in the corrective action taken are steps to assure that partnership agreements are truly genuine business transactions, and stricter controls on so-called custom farming which has been an especially popular method of evasion.

On several occasions in recent months I protested to the Secretary that his 1971 regulations were largely ineffective, and I was shocked at the news reports of legal evasions of the intent of Congress. The knowledge of their inadequacy and the resulting fact that litle savings were projected from the present $55,000 ceiling was a major reason for the success of my amendment to reduce the individual producer ceiling to $20,000 per crop which passed the House on June 23, 1971. While the Senate regrettably failed to go along with the House amendment, I think all of us who supported this reform can take some credit for these improvements.

In my earlier correspondence with Secretary Hardin I was keenly disappointed that his Department refused to make an extensive study of these evasion methods in order to inform itself and the Congress.

Failing to get a satisfactory response from Secretary Hardin, I asked the General Accounting Office to undertake a comprehensive study. The GAO is now making such a study, and expects to complete an initial draft of its report by the end of the year.

No doubt these changes in the regulations are in part a response to the GAO study. As the current studies are continued, additional amendments to the existing regulations no doubt will be found desirable.

I am glad to note that Secretary Hardin has promised that "further amendments to the regulations may be proposed in the light of those studies."

A copy of the proposed amended regulations follow:

[Department of Agriculture, Agricultural Stabilization and Conservation Service, 7 CFR Part 795]

PROPOSED RULEMAKING: PAYMENT LIMITATION FOR 1972 CROP YEAR

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given that the Department of Agriculture proposes to issue an amendment to the regulations governing the payment limitation (35 F.R. 19339) effective with respect to the 1972 crop year.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed changes to the Director, Commodity Stabilization Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250. In order to be assured of consideration, submissions should be submitted within 20 days after the date of publication of this notice in the Federal Register. All written submissions made pursuant to this notice will be made available for public inspection in the office of the Director at the above address during regular business hours (7 CFR 1.27(b)).

Studies are currently underway concerning the application of the payment limitation in 1971. Further amendments to the regulations may be proposed in the light of those studies.

The proposed amendment is issued pursuant to title I of the Agricultural Act of 1970 (7 U.S.C. 1307) to provide miscellaneous changes in the regulations as follows:

1. *Partnerships*. Section 795.6 of the regulations provides that each member of a partnership or other joint operation shall be regarded as a separate person for payment limitation purposes. In order to establish that a partnership or other joint venture is an ongoing and viable operation, members have been required to furnish satisfactory evidence that they are actively engaged in the farming operation and that their contributions to the joint operation are commensurate with their claimed shares of the proceeds. Individual contributions usually consist of land, labor, management, equipment, or capital. A capital contribution may be a direct out-of-pocket input of a specified sum or an amount borrowed by the individual.

We propose to clarify this rule. Where an individual's contribution consists principally of capital, we propose to require that such capital be furnished directly by that individual. If the money is borrowed, it must be acquired by the individual with no guarantees or cosignatures by other partners or members of the joint operations.

2. *Corporations*. Section 795.7 of the regulations provides that a corporation may be regarded as a separate person from its stockholders under certain conditions. It is proposed to amend the rule to require that, for any individual (or other entity) that owns more than 10 percent of the stock, the pro rata share of program earnings by the corporation based on the stockholder's interest in the corporation shall also be attributed to the stockholder for purposes of applying the payment limitation. The rule providing that a corporation and its majority stockholder are one person would be deleted since it would no longer be necessary.

The following example illustrates how the proposed rule would be applied. Producer A owns 75 percent of the value of the outstanding stock of corporation AB and producer B owns the remaining 25 percent. The corporation earns a computed program payment of $60,000 which must be reduced to $55,000 because of the limitation. Pro rata earnings attributable to the producers are, for A, 75 percent of $55,000 or $41,250, and for B, 25 percent of $55,000 or $13,750. Producer A has a separate farming interest and earns a computed payment under the same program of $20,000. In applying the limitation to producer A, his pro rata share of payments to the corporation would be added to his other earnings under the program. Thus $41,250 would be added to $20,000 for a total of $61,250, which would be reduced to $55,000 under the proposed rule. Likewise, if producer B had separate farming interests and earned a computed payment under the same program of $50,000, his pro rata share of the corporation payment would be added to his separate earnings for purposes of applying the limitation. Thus, $13,750 added to $50,000 would be $63,750, which would be reduced to $55,000 under the proposed rule.

3. *Changes in farming operations*. Section 795.13 of the regulations recognizes changes in farming operations. Informational material furnished to affected producers and interpretations relating to the payment limitation published in the Federal Register (36 F.R. 16569) provide that such changes can be recognized only if they are bona fide and substantive.

We propose to clarify the regulations by (1) stating specifically that any change in farming operations under § 795.13 must be bona fide and substantive and (2) listing examples of the kinds of changes that would not be considered as substantive.

4. *Custom farming*. Section 795.15 contains rules for applying the limitation where custom farming is involved. The general rule is that the person performing the custom farming must have no interest in the farm or in the crop in order to be regarded as a separate person from the producers on the farm. It is proposed that the rule be strengthened by providing that the person performing the custom farming must likewise have no interest in the allotments on the farm.

It is proposed that the amendment to the regulations would read as follows:

1. Section 795.6 is amended by adding the following at the end thereof:

§ 795.6 Entities or other joint operations not considered as a person.

* * * Notwithstanding the foregoing, each individual or other legal entity who shares in the proceeds derived from farming by such joint operation shall not be considered as a separate person unless the individual or other legal entity is actively engaged in the farming operations of the partnership or other joint operation. An individual or other legal entity shall be considered as actively engaged in the farming operation only if its contribution to the joint operation is commensurate with its share in the proceeds derived from farming by such joint operation. If the contribution consists principally of capital, such capital must have been contributed directly to the joint operation by the individual or other legal entity and not acquired as a result of a loan made to the joint operation or a loan guaranteed by the joint operation or any of its other members or related entities.

2. Section 795.7 is revised to read as follows:

§ 795.7 Corporations and stockholders.

A corporation (including a limited partnership) shall be considered as one person, and an individual stockholder of the corporation may be considered as a separate person to the extent that such stockholder is engaged in the production of the crop as a separate producer and otherwise meets the requirements of § 795.3, except that where a stockholder owns more than a 10-percent share of the value of the outstanding stock of the corporation (including the stock owned by the individual's spouse and minor children), the stockholder's pro rata share of program payments to the corporation shall also be attributed to the stockholder for purposes of applying the limitation. A stockholder's pro rata share of the payment to a corporation shall be determined by multiplying his percentage share of the value of the outstanding stock (including the stock owned by the individual's spouse and minor children) by the amount of the payment to the corporation. Where the same two or more individuals or other legal entities own more than 50 percent of the value of the outstanding stock in each of two or more corporations, all such corporations shall be considered as one person.

3. Section 795.13 is amended by adding the following at the end thereof:

§ 795.13 Changes in farming operations.

* * * Any change in farming operations under this section must be bona fide and substantive.

(a) A substantive change includes, for example, a change from a cash lease to a share lease or vice versa, reduction in the size of the farm by sale or lease, increase in the size of the farm by purchase or lease, reduction in cotton allotment by sale or lease, increase in cotton allotment by purchase or lease, and dissolution of an entity such as a corporation or partnership.

(b) Examples of the types of changes that would not be considered as substantive are the following:

"*Example 1*. A corporation is owned equally by four shareholders. The corporation owns land, buildings, and equipment and in the prior year carried out substantial farming operations. Three of the shareholders propose forming a partnership which they would own equally. The partnership would cash lease land and equipment from the corporation with the objective of having the three partners considered as separate persons for purposes of applying the payment limitation under the provisions of § 795.6 of the regulations.

"The formation of such a partnership and the leasing of land from a corporation in which they hold a major interest would not constitute a substantive and bona fide change in operations. Therefore, the corporation and the partners would be limited to a single payment limitation.

"*Example* 2. Three individuals each have individual farming operations which, if continued unchanged, would permit them to have a total of three payment limitations.

"The three individuals propose forming a corporation which they would own equally. The corporation would then cash lease a portion of the farmland owned and previously operated by the individuals with the objective of having the corporation considered as a separate person for purposes of applying the *payment limitation* under the provisions of § 795.7 of the regulations. The formation of such a corporation and the leasing of land from the stockholders would not constitute a substantive and bona fide change in operations. Therefore, the corporation and the three individuals would be limited to three payment limitations."

4. Section 795.15 is revised to read as follows:

§ 795.15 Custom farming.

(a) Custom farming is the performance of services on a farm such as land preparation, seeding, cultivating, applying pesticides, and harvesting for hire with remuneration on a unit of work basis. A person performing custom farming shall be considered as being separate from the person for whom the custom farming is performed only if: (1) The compensation for the custom farming service is paid at a unit of work rate customary in the area and is in no way dependent upon the amount of the crop produced, and (2) the person performing the custom farming (and any other entity in which such person has more than a 20-percent interest) has no interest, directly or indirectly, (i) in the crop on the farm by taking any risk in the production of the crop, sharing in the proceeds of the crop, granting or guaranteeing the financing of the crop, (ii) in the allotment on the farm, or (iii) in the farm as landowner, landlord, mortgageholder, trustee, lienholder, guarantor, agent, manager, tenant, sharecropper or any other similar capacity.

(b) A person having more than a 20 percent interest in any legal entity performing custom farming shall be considered as being separate from the person from whom the custom farming is performed only if: (1) The compensation for the custom farming service is paid at a unit of work rate customary in the area and is in no way dependent on the amount of the crop produced, and (2) the person having such interest in the legal entity performing the custom farming has no interest, directly or indirectly, (i) in the crop on the farm by taking any risk in the production of the crop, sharing in the proceeds of the crop, granting or guaranteeing the financing of the crop, (ii) in the allotment on the farm or (iii) in the farm as landowner, landlord, mortgageholder, trustee, lienholder, guarantor, agent, manager, tenant, sharecropper, or in any other similar capacity.

Signed at Washington, D.C., on October 1, 1971.

Clifford M. Hardin,
Secretary.

ANTI-FORCED-SCHOOL-BUSING AMENDMENT GAINS SUPPORT

(Mr. BROYHILL of Virgina asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BROYHILL of Virginia. Mr. Speaker, an article in "Human Events" for October 9, 1971, reports that the controversy over forced school busing "continues to grow as parents of all races are becoming increasingly angry over the amount of time their children must spend riding to and from schools outside their neighborhoods." This is only one of the many reasons why there is nationwide parental opposition to the forced busing of children out of their neighborhoods for the purpose, not of improving their educational opportunities, but solely for the purpose of achieving a so-called "racial balance" in schools.

The article in "Human Events" points out that the anti-forced-school-busing constitutional amendment resolution, House Joint Resolution 620, of which I am one of the sponsors, is gaining support in the Senate as well as in the House. The article also sets forth some other important considerations relating to the forced-school-busing issue. For these reasons I insert the text of the article in the Record at this point:

Anti-Busing Amendment Gains Congressional Support [From Human Events, Oct. 9, 1971, full text, emphasis added]

While most of the nation's schools have been in session for more than a month, the controversy over forced busing continues to grow as parents of all races are becoming increasingly angry over the amount of time their children must spend riding to and from schools outside their neighborhoods.

More than 30 proposals for a constitutional amendment to ban forced busing merely on racial grounds have been introduced in the House alone. Similar legislation is pending in the Senate.

As in the case of the school prayer amendment, the powerful, portside chairman of the House Judiciary Committee, Rep. Emanuel Celler (D.-N.Y.), is sitting on these House resolutions. The 83-year-old solon has refused to schedule hearings on any of these proposals for a change in the U.S. Constitution.

"A number of people are frankly disgusted with the refusal of the chairman to hold hearings," said Rep. Fletcher Thompson (R.-Ga.), "but he seems determined not to act."

Heartened by the successful move last month when 218 congressmen signed a discharge petition to drag the prayer amendment from Celler's clutches after seven years of intransigence (see Human Events, Oct. 2, 1971, page 5), opponents of forced busing have banded together in support of a constitutional amendment proposed by Rep. Norman Lent (R.-N.Y.) and will attempt another end run to counter Celler's stubbornness.

About 60 House members of both parties have decided to throw their collective weight behind Lent's H.J. Res. 620, which reads: "No public student shall, because of his race, creed, or color, be assigned to or required to attend a particular school." This suggested constitutional amendment is virtually the same as the Senate version introduced by Sen. Bill Brock (R.-Tenn.).

In introducing the House proposal, Lent, the freshman congressman who last year unseated Rep. Allard Lowenstein, the Democratic anti-war activist and organizer of the "dump LBJ" drive, said: "I believe the best interests of parents, children and the community are served by neighborhood school systems that assign children to the schools nearest their homes, without regard to race, color or other distinguishing characteristics. Neighborhood school systems relieve communities already hard-pressed to meet their financial needs from the considerable additional expense of massive busing programs."

"The real answer to the problem of the culturally deprived youngster," concluded the 40-year-old former New York state senator, who authored that state's anti-busing law, "lies in improving teaching techniques, expanding pre-kindergarten programs and enriching remedial programs in reading and other basic skills. We should not divert our resources and talents from these goals to massive cross-busing programs which divert necessary funds from the true educational objective."

House proponents of the Lent amendment, taking into consideration the reluctance of their colleagues to force Celler to surrender a second bill in less than a month by way of a discharge petition, have decided on a complicated process to accomplish the same results.

Rather than file a discharge order to remove the Lent proposal from Celler's Judiciary Committee, Rep. Tom Steed (D.-Okla.) has requested a decision from the Rules Committee that the measure be yanked from the Judiciary and be brought to the floor for three hours of debate.

Due to congressional protocol, Rep. William Colmer (D.-Miss.), who reportedly favors the amendment, has indicated he will rule against such a move. Steed will then file his discharge petition against the Rules Committee, rather than the Judiciary .

Insiders note this tactic is aimed less at saving face for Celler than at encouraging those congressmen, who might not wish to embarrass the elderly chairman, to sign the petition without qualms. "The effect is the same," said one congressional staffer, "but the procedure is less painful to administer." Amendment supporters are quite optimistic on the chances for success.

The reason for their optimism is the number of protests against forced busing that are sweeping the country, supported by parents of all races—including Chinese-Americans in San Francisco and black parents in Arlington, Va., Hobson City, Ala. (an all-black community), and several other areas.

Recent polls show 86 per cent of the nation's parents oppose forced busing.

In the Senate, which has been seething with anti-busing proposals of its own, those senators urging passage of a constitutional amendment to end forced busing are, in many cases, strong Nixon supporters. In fact, Sen. Brock, whose proposed constitutional amendment was introduced last June, was one of the earliest endorsers of Nixon's 1968 candidacy.

Brock and fellow Tennessee GOP Sen. Howard Baker have met with Administration officials, including Health, Education, and Welfare Secretary Elliot Richardson, Atty. Gen. John Mitchell, Presidential Assistant John Ehrlichman and Presidential Consultant Leonard Garment, in an attempt to work out some sort of solution to the massive busing problems of the Volunteer State, but there has been little action from the White House despite the President's strong anti-busing statements of recent months.

The amount of pressure on Congress to end massive busing was indicated last week when Senate GOP whip Robert Griffin (Mich.) implied in a speech that he might support the Brock proposal if the Justice Department and the courts do not come up with a solution to the problems.

Griffin has supported every civil rights bill that has come up in the 15 years he has served in Congress and just two weeks ago voted with Senate liberals against the Byrd amendment to permit the importation of Rhodesian chrome ore.

Political observers claim Griffin's stepped-up anti-busing activities could also be attributed to Michigan conservatives, who have been threatening to oppose the Wolverine lawmaker in next year's senatorial election with a third-party candidate—former State Sen. Robert J. Huber, head of Michigan's Conservative party.

In addition to this, Griffin is reportedly hard-pressed by constituents' complaints over recent school desegregation problems in Pontiac, where 10 school buses were firebombed by vandals, and in Detroit, which last week was the scene of court actions in which a federal district judge ruled the state and the Detroit school system guilty of deliberately maintaining segregated schools. Judge Stephen Roth touched off a storm of complaints by finding the state's officials guilty for withholding busing money from Detroit, thus allegedly promoting segregation. The decision has caused a furor among Detroit citizens.

In a Senate speech last week, Griffin called forced busing "counter-productive." "It should not be necessary," said the GOP leader, "to add more and more amendments to the Constitution of the United States. However, I have no doubt that Congress stands ready to approve a constitutional amendment on this issue unless the Supreme

Court moves much closer to the views of a large majority of the American people, black and white."

Like its House counterpart, the bipartisan Brock amendment is having committee problems. The measure is currently in the Senate Judiciary Committee's Subcommittee on Constitutional Amendments, headed by liberal Birch Bayh (D.-Ind.).

Pro-amendment forces are hopeful that increasing public demands for an end to forced busing and the urgings of Judiciary Chairman Chairman James Eastland (D.-Miss.) will persuade the Hoosier senator to schedule hearings soon.

Since the no-busing amendment was proposed, more than 3,000 letters have poured into Brock's office praising him for introducing the measure, while virtually no mail has been received by the Tennessean opposing the resolution.

Thus, despite attempts by such as Celler and Bayh to block anti-busing proposals, for the first time it appears likely that—should public pressure on lawmakers continue to mount—Congress will have the opportunity to ban busing in a manner which the Supreme Court could not circumvent.

FOOD INSPECTION

(Mr. EVANS of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVANS of Colorado. Mr. Speaker, one of the highest priorities of our Government must be to assure that the food consumed by the American public is produced and processed in a safe and sanitary manner. The emergencies of the last few months and the testimony of Commissioner Edwards, have raised serious doubts in my mind as to whether the Food and Drug Administration has either the manpower or the resources to assure sufficient protection of the consumer in the food area.

Events of the last few months are most disturbing. In April when Commissioner Edwards made his request for appropriations, I specifically asked him whether the FDA needed increased funding over and above the amount requested in the President's budget. Commissioner Edwards responded that, "I think that what we are requesting in fiscal year 1972 is about what we are capable of really responsibly putting into operation." Subsequent events have led me to believe that the Commissioner was under severe and unreasonable restraint from the President and the Office of Management and the Budget.

Almost immediately after our hearings serious problems began to throw doubt upon the President's budget request as testified to by the Commissioner. Mercury residues were found in tuna and swordfish, causing FDA to charge the fish industry with "grossly inadequate processing to assure safety from food poisoning and disease." Commissioner Edwards in response to this emergency called for increased funding and manpower to regulate the fish industry, stressing that "FDA is probably the most underfinanced and understaffed agency in the Federal Government given its responsibilities."

Shortly thereafter botulism was found in Bon Vivant soup. Commissioner Edwards, thereupon testified before the Public Health and Environment Subcommittee of the Interstate Commerce Committee, where he then maintained that for FDA to adequately carry out its responsibilities in the food area, it would need somewhere in the range of "five to six times" what it presently has been allocated. Under further questioning Commissioner Edwards estimated that the amount of money required to pay for increased personnel would be approximately "$75 to $85 million."

If this was not bad enough, Commissioner Edwards pointed out that FDA in meeting these special difficulties was forced to drastically curtail regular food inspections. He stated that because of the Bon Vivant, tuna, and swordfish crises, FDA would be unable to inspect 2,300 food plants that otherwise would have been inspected. Therefore, one-fifth of FDA's domestic food inspection activity was curtailed by these unexpected emergencies.

Furthermore, Commissioner Edwards stated that FDA seriously lagged in its ability to inspect imported food products. Noting that FDA carries out only 51,000 inspections a year of imported foods, he stressed that the "minimum figure" he felt would be adequate in this area would be "75,000 to 100,000 inspections a year."

Unfortunately at this critical juncture further serious problems began to accumulate. Two types of Campbell's soups were found to be contaminated. This necessitated a recall of over 53,280 cans of soup—an undertaking further taxing FDA's overworked manpower.

Events compounded events. FDA found the hazard caused by the contamination of food from a highly toxic industrial chemical—polychlorinated biphenyls; PCB's—even more vexing.

PCB's were found to have contaminated 50,000 turkeys in Minnesota and to be contaminating a number of goods packaged in recycled paper. In fact, as Congressman RYAN has pointed out, over the course of the summer, PCB contamination has been found in "chickens, turkeys, swine, shell eggs, catfish feed, broken egg products, and frozen and poultry products."

Particularly distressing was the admission by FDA that "overall guidelines" promulgated by the Office of Management and Budget had placed the Agency in an extremely tight budgetary posture in light of the critical nature of FDA's functions.

Clearly the record of these last 6 months shows that an extremely serious situation exists in the regulation of the food industry. Such a potential gap in regulation and inspection cannot be allowed to remain. Only a shortsighted sense of priorities would allow us to wait for any more emergencies before we take action.

Commissioner Edwards has now finally and forthrightly agreed that FDA is seriously underfinanced and undermanned. It would be derelict in the extreme if the administration does not back him up by coming forward with a request for increased funding of FDA. If such a concrete request is brought forward by the President, Congress can act to protect the consuming public. Failure of the President to act, in my opinion, would not only be shortsighted, but it would be in complete disregard of the dangers pointed out by the press and high-level agency personnel.

FARMERS HOME ADMINISTRATION IMPROVES QUALITY OF LIFE IN RURAL AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 60 minutes.

Mr. MILLER of Ohio. Mr. Speaker, perhaps the single, most important agency the Congress has created to improve the quality of life in rural America is the Farmers Home Administration. There is a story that needs to be told about the fine work being done by FHA and it is, therefore, appropriate that we take this time to point up some of the meaningful accomplishments of this agency under the able leadership of Administrator Jim Smith.

It used to be that rural communities were showered with advice, surveys, and sympathy in their problems of survival and modernization.

Although numerous programs have been in effect, it has been in the last 2 years that the most progress has been made by the Farmers Home Administration in the way of practical, productive service for rural America. Many other agencies which have authority to help acquire necessities such as up-to-date housing and public facilities are preoccupied with demands of the cities.

We have a report from Administrator James V. Smith of the Farmers Home Administration on the work of his agency the past year in rural Ohio. This report demonstrates that rural needs are getting increasing attention from the present administration.

There is now an FHA program of housing credit in rural areas comparable to the insured loan program long available in urban areas.

There is now a rural community facilities program that concentrates on the need of smaller towns, farmers, and other people who live in rural areas for safe and reliable water service and modern sanitation systems.

The agency extending this service to smaller towns and country areas is the Farmers Home Administration of the U.S. Department of Agriculture.

For many years, its programs were undernourished as compared with the needs of rural America, where, on a per capita basis, bad housing is twice as prevalent as in the cities, and over 60,000 new or updated community water and sewer systems still are needed.

As late as fiscal year 1968–69, the best year we had for rural FHA housing to that date in the *State of Ohio* produced less than 1,000 homes with loans totaling only about $9.1 million for the entire State.

However, in the past 2 years, Farmers Home has transformed its services into something substantial and meaningful.

In the fiscal year 1971 that ended last June, its housing credit program produced 2,571 new rural homes in Ohio, for a total of $32½ million in FHA-insured loans.

Our 10th Congressional District of southeastern Ohio is realizing tremendous benefits from this much-improved rual housing program.

We are perhaps the most predominantly rural district in Ohio. Most of our area is in Appalachia. We have no large cities. We have been accustomed to a position low on the totem pole in programs largely gobbled up by the cities.

But we rank first among Ohio districts in the rural FHA housing program. We accounted last year for over one-fifth of the new housing realized through FHA rural services in Ohio—546 new homes financed with loans totaling $6,892,000. That is more than a third of the 1,400 rural housing FHA loans totaling $14.7 million now understanding in the 10th District of Ohio.

These homes, all for families of low and moderate income who had no other source of housing credit, are making their mark on the appearance of our small communities and the outlook of our people.

For many families, there is now optimism where once there was little hope for an opportunity to buy and live in a genuinely adequate home and to have what you and I would call an acceptable standard of living.

The rural water and sewer program also is one in which our southeastern Ohio district is a leader, not a stepchild. Twenty-five modern water system projects, the most of any district in the State, have been built or approved for $14.1 million in loan financing, supplemented by $790,000 in grants, through the Farmers Home Administration. These projects assure adequate city-style water service for some 14,000 town and country families who in the past have endured old-fashioned methods of water supply that would be looked upon as scandalous in a city.

Four communities also have been helped to install modern sewage disposal systems with loans totaling about $400,000 supplemented by $130,000 in grants.

As evidence of the faster pacing of this rural community facilities program, 11 of those 29 water and sewer projects were brought to approval within the past year.

Since 2 years ago, President Nixon has seen to the doubling of resources devoted to the rural facilities program and a tripling of credit available through the rural housing program. He also has acted to strengthen FHA farm credit programs which account for $3.7 million in farm ownership and production credit now outstanding through more than 500 farm loans in our congressional district.

Farmers Home is accomplishing this acceleration of service despite a thin line of personnel to man its county offices where loans are worked out directly with the local people. Willingness to put forth overtime and extra effort characterizes the work of these Farmers Home Administration local representatives. At the State level, dedicated people like Ralph Voorhis, chief of community programs, provide the kind of coordination and expertise that is helping to rebuild and revitalize our rural communities.

This record being made by the rural FHA under Administrator James V. Smith and our Ohio State Director Lester Stone, is one of the bright spots of public service in this administration. It points up the need to retain the identity of rural programs and rural services in any future consolidation of Federal agencies, so that the momentum of rural development can be maintained in the years to come.

Mr. MAYNE. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Ohio. I am happy to yield to the gentleman from Iowa.

Mr. MAYNE. Mr. Speaker, a clear indication as to how rural communities and rural families will respond to a fair opportunity to help themselves is seen in their response to services of the Farmers Home Administration.

This farm credit agency of the Department of Agriculture has had its duties expanded to embrace programs for better housing in small towns as well as countryside, and modern water and sewer services in town and country areas.

Farmers Home is an agency that supports family initiative and community initiative. Its services are based with a few exceptions on loans, not grants. Families repay what they borrow to own and operate farms, or to buy adequate homes. Communities pay back, to the maximum of their resources, the financing they get for water or sewer improvements, or for community-sponsored apartment centers that ease their shortage of rental housing.

During the past 2 years, Farmers Home has been given increased authority to attract private capital from the major sources and put it to work in rural areas.

Insured loans, funded by private investors whose risk is insured by the Government, make up $2.2 billion of the $2.7 billion of lending scheduled through the Farmers Home Administration this fiscal year. This attraction of private capital for rural development has more than doubled during the present administration. Direct Government funds are now used for less than 20 percent of the agency's lending, and grants for some types of community projects account for only about 2 percent of the Farmers Home program budget.

This opportunity for credit to secure family farms, build homes for families of modest means, and modernize community services has been a boon to our towns and counties of the Sixth Congressional District in northwestern Iowa, which I have the honor to represent.

No less than 1,778 farm ownership, operating, and disaster emergency loans totaling $12.2 million are in force and under repayment in our district today. This supplement to commercial farm credit available has been the difference between failure and survival for hundreds of families. This is a service destined for substantial increase during the current year at the express order of President Nixon.

The availability of Farmers Home insured credit for housing in rural areas has been tripled since 3 years ago—one of the resounding accomplishments of this agency under the guidance of its present Administrator, James V. Smith. More than 1,200 families now live in new and improved homes through loans totaling $12½ million. More than 300 of these secured their homes just this past year, with loans totaling $3.1 million.

Iowa communities, with a high percentage of elderly people living on modest retirement incomes, have taken widespread community action to provide these senior citizens with up-to-date, safe, and convenient garden apartments where they can live in self-reliance and dignity. The State has 114 such projects in that many rural towns, operated by private local community corporations on a nonprofit basis, ranging in size from four to more than 30 apartment units.

Thirty of these projects are in the Sixth Congressional District, and every dollar of the $2½ million in financing secured through Farmers Home's rural housing program is a loan that is being repaid.

Eighteen community sewer systems and four central water systems, bringing these essential modern services to town and country areas for the first time, have been built or improved in our district with $1½ million in financing through the Farmers Home rural community facilities program. A dozen more such projects have been approved for early development.

And to illustrate the initiative and capacity for action of the leaders of our rural communities, when President Nixon last spring made an additional $100 million immediately available for loans under this program, Iowa's Sixth District communities responded so quickly with well-formulated project plans that our district qualified for a $5 million share.

In the search for solutions to problems of living in this country, many grand schemes have foundered on the rocks of economic reality—especially when they were based on the concept of government domination, government spending on the multibillion-dollar scale.

But rural communities are demonstrating how the people can generate their own progressive action and pay their way, if given access to a reasonable supply of credit.

I am satisfied that these opportunities developed through the Farmers Home Administration, growing in effect as they are under the able administration of Mr. Smith and State Director Robert R. Pim in our State, are among the most productive and effective of all Federal service programs.

The Farmers Home Administration has earned and will continue to have my fullest support.

Mr. Speaker, I want to thank the distinguished gentleman from Ohio (Mr. MILLER) for yielding to me this time in order to participate in this statement. Certainly, the gentleman from Ohio has shown great leadership in this important field of support to the Farmers Home Administration.

Mr. MILLER of Ohio. Mr. Speaker, I thank the gentleman from Iowa for his contribution.

Mr. HARSHA. Mr. Speaker, it was my pleasure to join recently with Administrator James V. Smith of the Farmers Home Administration in dedicating two Sixth District projects that mark a real turning point for two counties and several of their surrounding communities—that is, the beginning of service of the Highland County and Adams County rural water systems. These projects typify a new wave of modernization that is taking place in rural areas under a program administered by the FHA.

It may seem a much belated time to celebrate the advent of water piped into the house from a communitywide pipeline. This has been a standard convenience in cities for generations. But it is new, in this year 1971, for many rural communities over the United States.

Such a facility never was available to thousands of smaller towns and open country areas until the present rural community facilities program was developed. This program is succeeding because it meets the special requirements and cost limitations imposed by the challenge of building water systems that reach out through rural areas.

Now this movement which might be called "rural waterization" is spreading rapidly throughout the country, and outstanding examples will be found in several counties of our Sixth Congressional District in southern Ohio. We are one of the leading districts in development of the countywide water system.

The Highland County system, which, along with the Adams County system was formally opened on Friday, September 24, covers a large section of the county outlying from Hillsboro, the county seat. The new rural water lines reach hundreds of homes, farms as well as schools in an area including the smaller communities of Lynchburg and New Vienna. It involves a $4 million loan financed through the FHA.

Adams County's system is assisted by a sizable grant—about $1.4 million—from the Economic Development Administration. The balance of $1,459,000 needed for the project came in a loan from the FHA. The system will serve the county seat town of West Union, the villages of Peebles, Seman, and Winchester and the rural areas surrounding—altogether 412 towns and nonfarm rural homes, 227 farms, 20 places of business, and six schools. A new industry that will employ 800 to 1,000 people already has come into the area of this new rural water system.

Scioto County, outside the city area of Portsmouth, is almost entirely covered by projects completed or pending that have received $5.2 million in loan financing through the rural program. Ross, Pike, Brown, Clermont, and Warren Counties are rapidly solving their water supply problems in the same way. The districtwide development now completed or assured embraces nine large intercommunity systems, and four more for small outlying communities, all to be made possible by about $24 million in loans from the FHA.

This is a stake for rural community development in southern Ohio that will come back to the Federal Government, the State of Ohio, and the communities of this region many times over.

The day is passing when people who contemplate life in a rural area must resign themselves to hauling water, or pumping it from an unreliable well, or carrying it into the kitchen or bathroom by the bucket.

Likewise, the day is passing when a rural town must watch an opportunity for some valuable business or industry pass on by, because the town cannot provide essential services such as a reliable clean-water supply.

Conversion to modern methods of water supply is a major reason why new homebuilding is sharply on the increase in our district, through another much improved credit program of the FHA. More than 1,200 homes have been produced in our counties through $12.4 million of credit made available through FHA and nearly 500 of these were accounted for within the past year.

Obviously, momentum is building in the progressive efforts of our rural communities. Their determination and perseverance, coupled with invaluable assistance from the Farmers Home Administration, played an important part in bringing these projects to fruition.

Mr. DELLENBACK. Mr. Speaker, during these times when we are hearing so much about the two-fold problem of urban sprawl and rural decay, I think it fitting to call attention to a Federal agency that is making significant contributions toward the solution of this problem.

The State of Oregon, like most others, has experienced the outmigration of our people, particularly our youth, from rural communities due to a lack of opportunity for them to remain there and earn a livelihood. They do not want to leave—they are forced to do so.

To help correct this situation we depend heavily on rural service agencies for the help we need to convert our rural communities and countryside into places of opportunity, this insuring that our youth can remain there and find their future rather than wandering off to distant cities which are already overcrowded and overburdened.

In this regard I am particularly gratified at the determination with which the Farmers Home Administration of the U.S. Department of Agriculture is tackling this problem through its renewed efforts of placing much needed resources at the disposal of rural people.

Through the various FHA programs $21.9 million was pumped into the rural Oregon economy during fiscal year 1971 to stimulate agricultural and community development. This represents a substantial gain over the previous year's $14.5 million.

My Fourth Congressional District received $4.8 million of the State's total.

Major uses of these funds in the district include loans to 14 young families to purchase farms; loans averaging $14,500 each to 239 rural families enabling them to become owners of nice, though not elaborate, homes which are equipped with modern facilities; a loan and grant to the city of Elkton to construct a water system that will serve 55 families; and, in cooperation with the Soil Conservation Service's cost sharing program, a watershed loan to the Junction City Water Control District in Lane County to help finance flood prevention and protection. This watershed when complete will protect 17,000 acres of land, including the city of Junction City, Eugene Municipal Airport, and an urban area north of Junction City. Three thousand families will benefit from the project. These are but a few examples of the Farmers Home Administration's input into the total progressive efforts of our Nation's rural communities.

These basic FHA services that provide for better family living contribute significantly to creating badly needed job opportunities in rural communities which will help solve the problem of outmigration and bring on a rural-urban balance.

This is exemplified in Sutherlin, a small rural community in Douglas County, Oreg. Sutherlin once depended almost entirely, and still depends heavily, on lumbering and agriculture, both of which depend on water—and the water in this community was uncontrolled. Winter flooding and summer droughts periodically damaged the city and surrounding area severely. If progress was to be realized, indeed if Sutherlin was to survive, the water would have to be tamed. It has been. With a loan from the Farmers Home Administration, a grant from the Soil Conservation Service, excellent local support, and outstanding leadership from George Stubbert, Sutherlin's City Manager, reservoirs have been built that provide for flood protection, for the irrigation of several hundred acres of farmland, and for water for municipal and industrial uses.

They have gotten the water under control and now distribute it evenly and reliably through a modern water system. Farmers have been able to change from pasture to diversified row crops. New industries have come in—established industries have expanded and 15 small businesses have been set up, broadening the area's economic base and giving the area a badly needed assist in its reach for economic growth.

As a result, the community has once again begun to grow. Ten years ago the population was down to 2,500 and dropping. Today it is more than 3,000 and growing.

This is only one example of what the FHA is doing for rural communities. Through the agency's farm loan programs, rural housing loan programs, community facilities loan and grant programs, rural communities are being revitalized all over this Nation.

I commend Mr. James V. Smith, Administrator of the Farmers Home Administration, for the excellent leadership he is providing and express to him and to Mr. Kenneth Sawyer, Oregon State FHA Director, my sincere appreciation for the services they have rendered and are rendering to Oregon and, in particular, to the Fourth Congressional District and its people.

Mr. STEIGER of Arizona. Mr. Speaker, in rural communities the Farmers Home Administration of the U.S. Department of Agriculture is earning praise as an agency that has delivered perhaps the greatest increase of public service at the lowest public cost.

Farmers Home is building the first really meaningful program of insured housing credit, as well as water and sewer system financing in rural areas.

In Arizona throughout the 1960's, our State's reputation for booming growth and modern progress had a hollow ring for thousands of people in the smaller towns, the less developed and more remote areas.

It was boom time in the main centers, but not much improvement out in the open spaces. There was little housing credit for the family of modest income living in a rundown old house in a small town, or a small farm or ranch, or out in the mountains or the desert.

But within the past year, Farmers Home has started in earnest to change this picture.

With new and expanded authorities and resourceful leadership, this agency launched into a rural housing program which, in fiscal 1971, tripled all previous efforts in Arizona. What had been a $7 million a year program, accounting for only about 600 homes a year statewide, became a $25½ million program in fiscal 1971, producing more than 1,800 new homes in rural sections of Arizona.

My Third Congressional District, whose area is predominantly rural, accounted for about 1,000 of the homes and $14 million of the loan funds.

The current year promises to push up to the 3,000-home rate or more. This means wholesale replacement of substandard housing in smaller communities where, until now, many families had nowhere to turn for credit to fulfill their need for decent, up-to-date homes.

Farmers Home Administration, its jurisdiction now extended to all rural territory including towns of up to 10,000, thus is giving rural areas new hope for effective housing development in high risk areas. Where commercial housing credit is not available, families of low or moderate income may turn as an alternative to their local county office of the Farmers Home Administration.

Farmers Home has achieved its great expansion of service with only an insignificant increase in its forces—just one additional county office in Arizona which was opened at Flagstaff in our third district the past year.

The loan money comes from private investors, rather than from the Government. Farmers Home has developed the capacity to bring extra millions of private capital into rural areas by insuring the risk of investors.

Fully modernized and adequate, three-bedroom houses are being built for families in our Arizona rural areas at an average of $14,000 a house, thanks to the efficiency of this rural FHA program in its adaptation to rural resources and conditions. This cost range may be an eye-opening attraction to the urban family of lesser means who would have to pay about twice as much for the same quality of living in a big city or its suburbs.

In our district we are doing our best to help spread the word far back into our rural areas that this new housing opportunity exists, for families who never had much hope for the kind of homes all Americans want, and ought to have a chance to live in.

The same Farmers Home Administration offices that provide this rural housing service also administer the water and waste facilities program that is helping to overcome the water supply problems of rural communities and agricultural areas.

Water is a scarcity in many sections of our district of Arizona. Ground water in some places cannot be made fit to drink without extremely expensive treatment to remove harmful mineral content. A method for solving this situation might well be investigated by the Congress.

However, the Farmers Home Administration has helped local communities plan and finance 13 central community water systems as well as six farm irrigation systems, and three new rural community sewer systems in our district. Much more remains to be done; but Farmers Home's increasing efforts are proved by the fact that seven of those 16 central community systems were brought to approval for loan and grant financing within the past year.

Our commendation is due the national administration of Farmers Home, under Administrator James V. Smith, and the small but excellent and dedicated forces of his agency in Arizona, led by State Director Andrew B. Maberry, for their work to extend the benefits of good rural housing and modern community services throughout our district and State.

Mr. SCHERLE. Mr. Speaker, Guthrie County, Iowa, has earned for itself something in the way of distinction. It has provided multi-rental housing units for elderly and lower-income families, in every town within its boundaries. These units are equipped with modern facilities, constructed in a manner to help the elderly overcome their handicaps and rent at rates that the occupants can afford. All of this was possible because of financial assistance from the Farmers Home Administration of the U.S. Department of Agriculture.

I cite this as one outstanding example of how this fine agency, under the capable leadership of Mr. James V. Smith, national FHA Administrator, and Mr. Robert Pim, State FHA Director in Iowa is serving the rural communities of this Nation. There are many more of these rental housing projects spread throughout Iowa—and there are more on the way. During fiscal year 1971, in my congressional district alone, 21 loans totaling $1.1 million were made available by the Farmers Home Administration for the construction of such additional units.

But rental housing is only one of many services being provided by this agency to improve the quality of life for rural people. Loans also are made for home ownership to low- and moderate-income rural residents, and loans and grants are provided for small rural communities to build water and waste disposal systems.

Loans are provided to farm families for such purposes as farm and home operating expenses, capital expenditures, purchasing farms, soil improvement, water supply, and drainage.

During fiscal year 1971, 775 loans and grants totaling $11.6 million were made available by the FHA in my congressional district. In addition to the 21 rental housing projects I have mentioned, my district has also used funds for these major purposes: 336 loans to farm families for operating farms, 66 loans for purchasing farms, 267 individual home ownership loans, 12 loans and six grants for community water systems, and six loans and two grants for waste disposal systems.

Mr. Speaker, I submit that these services which are being provided by the FHA to the rural people of America represent rural development at its finest. Community facilities and improved housing make rural communities more attractive and pleasant places to live, thus tending to decrease outmigration to the distant cities. This is reflected somewhat in the small towns of Bradyville in Page County and Bayard in Guthrie County. Through assistance provided by the FHA, Bradyville has constructed a central water system to serve the local residents and the census report shows that the town's population increased by 5.3 percent in 1970 over 1960. In Bayard where the FHA assisted the local people in constructing 15 or 16 rental housing units, the population increase over the 10-year period 1960–70 was 5.2 percent. There can be little doubt but that these improvements were contributing factors to population increases.

Mr. Speaker, of all of the services the FHA provides, I think there are none finer than helping young farm families who wish to do so enter the business of farming. During the past 2 years, 26 such families in my congressional district have received assistance from the FHA for this purpose. These families are in their twenties and they wanted to farm for a livelihood. They believed they could and the FHA believed they could. So working together the necessary financing was arranged and these 26 families are doing well at their chosen profession. The overpopulated cities will not be bothered by them.

The Farmers Home Administration is indeed providing services that are bringing a better life to millions of Americans, through its various programs and services. We owe a debt of gratitude to Administrator James V. Smith and his staff for the excellent job they are doing.

Mr. KYL. Mr. Speaker, one of the greatest pleasures I experience when visiting the rural areas of my district is to observe the inputs of the Farmers Home Administration, an agency of the U.S. Department of Agriculture.

Many nice, but modest homes equipped with modern facilities that now appear in our towns and countryside have been acquired by low- to moderate-income families through loans they received from the Farmers Home Administration. Many communities are proud of their rental housing projects which this agency has helped to provide for their lower income and elderly people, rented at rates within their means and constructed in such a manner as to help them overcome their handicaps.

Also, it is impressive to pass through small rural communities and observe towering new water tanks, indicating they are enjoying central water systems made possible by financial assistance received from the FHA.

In fiscal year 1971 alone this agency made 1,049 loans and grants totaling $15.2 million in my district. This includes loans to 485 rural families enabling them to become homeowners. Also 21 loans were made for apartment-type rental housing that is usually constructed on the style of a duplex or similar multiunit dwelling of up to eight units.

A loan was made to the Appanoose Water Association, Inc., for a rural community water system that serves 300 families in the rural areas of Appanoose County. Also seven small towns throughout my congressional district received financial assistance in loans and grants for constructing water systems, and three others for constructing waste disposal systems.

Mr. Speaker, 10 years ago much of this—in fact, most of this—did not exist. It is only fairly recent that we have been seeing such development take place. And under the leadership of Mr. James V. Smith, National Administrator of the Farmers Home Administration, and Mr. Robert R. Pim, State FHA Director in Iowa, the momentum is increasing. Indeed, the Farmers Home Administration is providing for a better way of life for the rural residents of Iowa and the Nation.

In addition, I want to emphasize that the FHA is making valuable contributions in the area of agriculture. It is dispelling beyond all doubt the often-heard theory that there is no future in farming. Bob Pim informed me that during the past 2 years the FHA has helped 42 young farm families in my congressional district enter full-time farming. These young families were previously part-time farmers or in nonfarm occupations. But they wanted to farm. So they turned deaf ears to the "no future in farming philosophy" and secured operating loans from the FHA and went into the business.

Throughout all of Iowa a total of 110 young families received help from the FHA during fiscal year 1970, and an additional 113 entered full-time farming last year. Of the 110 young families who entered in 1970, 104 are remaining. Their average age is 27 years and the average increase in their net worth since beginning their farm operations is $2,753. The average size farm they are operating is 271 acres of which 218 are crop acres. Of the 113 who entered the farming business this year 1971, the average age is 24 and the average size farm they are operating is 282 acres of which 210 are crop acres. Present indications are that most will remain and do a good job.

Mr. Speaker, we need good farmers for the future, and we need good, solid citizens in rural areas, and the Farmers Home Administration is helping provide them. This agency, through the assistance it is providing in rural America for better homes, for community facilities and for improved agriculture, is creating a better life for millions of Americans. Administrator James V. Smith and his entire staff are to be commended for the excellent contributions they are making.

Mr. WYLIE. Mr. Speaker, an encouraging development for rural areas is the rapid improvement of services extended through the Farmers Home Administration.

Sections such as our 15th District of Ohio, much of which lies between two major urban centers, suffered for many years in a comparative void of credit resources, especially in the field of housing. Lending capacity of local institutions fell short of demand as town and farm housing deteriorated. No adequate supplementary program such as Government-insured housing loans extended far beyond the cities.

However, new authorities recently enacted by Congress, and a resolute effort on the part of the administration as directed by President Nixon, has made this long-time agricultural agency, the Farmers Home Administration, into the effective credit service that rural areas have long needed.

Housing credit fully comparable to that of the urban FHA is now present in rural counties including towns of up to 10,000 population. Loans are made in the localities through county offices of the Farmers Home Administration. Any family of low or moderate income, rural or urban, is eligible to be considered for financing of a home in a rural location.

In rural sections of the three counties of my district west and south of the city of Columbus, Ohio, the new and improved homes added to our progress in housing now totals nearly 500. Some $5½ million of FHA loans are now in effect.

We have the assurance of Administrator James V. Smith and State Director Lester M. Stone, whose able leadership is reflected in the fine record of this program, that the day of housing credit vacuum is ended in rural areas.

GENERAL LEAVE

Mr. MILLER of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the same subject of my special order today.

The SPEAKER pro tempore (Mr. PUCINSKI). Is there objection to the request of the gentleman from Ohio?

There was no objection.

WE MUST SETTLE THE ISSUE OF GENERAL REVENUE SHARING NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CONABLE) is recognized for 60 minutes.

Mr. CONABLE. Mr. Speaker, with the greatest of respect and with an admiration built out of some years of association and approval, I urge the distinguished chairman of the Ways and Means Committee to use his great influence so that the issue of general revenue sharing can be resolved sooner rather than later. We have scheduled hearings—but no executive sessions—on health insurance starting October 19. Except for possibly a few minor matters, that is likely to be the only further activity for our committee this year, despite a House legislative schedule probably stretching into December.

Can anyone here doubt that we are going to have some form of revenue sharing? The original effective date, as established by the President's budget request is already passed, and the President asked in his economic message that that date be set back by only 3 months. Most of our legislatures will be meeting again the first of the year, and will be planning their programs for aid to cities and other local government units without any assurance of a changed pattern of tax aid. Unless we give them that assurance, we can easily anticipate the crushing increases visited on the real estate and sales taxpayers which are causing a breakdown in citizen support of even the most basic local services.

We have reason to believe the staff of the Joint Committee on Internal Revenue Taxation has worked out an alternative to the administration's formula which would eliminate the major objections voiced during the 2 months of executive sessions we held on this subject during this summer. The administration has not taken an inflexible attitude about possible alternatives, understanding that the need for action overrides questions of formula desirability. Existence of this alternative, and the availability of time to consider it are the major reasons for my taking the unusual step of asking my chairman publicly to cast his immense influence on the side of resolution rather than delay. Next year, with its presidential politics, will not provide a happy environment for the resolution of basic issues, and the intensity of feeling about the problems of our federal system will not diminish with the passage of time.

Mr. BETTS. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Ohio.

Mr. BETTS. Mr. Speaker, I wish to associate myself with the remarks of the gentleman from New York (Mr. CONABLE). I am in complete support of the President's program of general revenue sharing. I am aware of the fact that the measures which have been assigned for hearing and discussion in our committee since we last considered the issue of revenue sharing are administrative measures, and I am happy for that. But at the same time I had hoped that before we got into these we might finally consider revenue sharing, because it seems to me there should be some continuity between the hearings and the decisionmaking process.

As the gentleman in the well has said, we have completed the public hearings, and the executive session consideration of the general revenue-sharing measure, and all that needs to be done now is to make the decision which I am sure the gentleman will agree would take practically very little time in relationship to the rest of the legislative year, and the time assigned for public hearings on the public health bill.

So I repeat that I was hopeful that we might have this continuity of consideration of the general revenue-sharing measure so that we might have arrived at a decision before we entered into the discussion of any other measures. I am grateful to the gentleman from New York (Mr. Conable) for bringing this to the attention of the House.

Mr. CONABLE. Mr. Speaker, I thank the gentleman for his contribution.

I wonder if the gentleman would not agree with me that it is very important for our State legislators and our mayors, as for the directors of other units of government, to have some advance notice of what they can or cannot plan on. We are in limbo at the present time, having considered this measure and having not dealt definitively with it and we really have some need being able to give some assurance to them in one way or another.

Mr. BETTS. Mr. Speaker, I agree with the gentleman, particularly because most of the legislators and mayors in this country are in complete support of the general revenue-sharing measure.

Mr. CONABLE. I think it is also important to add that the administration has shown considerable flexibility in this matter. They have not ruled out any possibility in the way of aiding and nourishing our Federal system. I certainly hope it will be within the capacity of those who direct our committee and those who make the decisions in the Congress here to move this along so that we can have an opportunity to give some assurance that the Federal system will not wither on the vine and that the State and local taxpayers will not have to carry, through regressive taxes, a burden which has become very onerous to them.

CHRISTOPHER COLUMBUS—FATHER OF IMMIGRATION, FIRST NATIONAL CELEBRATION IN HIS HONOR—OCTOBER 11, 1971

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Rodino) is recognized for 60 minutes.

Mr. RODINO. Mr. Speaker, on the occasion of the first observance of Columbus Day as a national holiday in the United States, I was privileged and honored to lead a delegation of my colleagues whom you designated to represent this Nation—to Genoa—the birthplace of Columbus.

For me it was a sentimental journey to the homeland of my father. It was a memorable occasion too because we extended to the people of Italy and especially to the city of Genoa, the grateful appreciation of the American people for the realization of a major milestone in the history of mankind by their native son, Christopher Columbus.

Columbus Day is an appropriate occasion to pay homage to the cause and challenge of discovery, invention, and exploration—a time to renew our progress in search for technical advances to improve our way of life.

A national holiday honoring Columbus is the culmination of a goal which we have long sought. At times the obstacles seemed as difficult as those encountered by the man we honor today. But the day has arrived and it is fitting that Columbus, the father of immigration, has been given a place equal to that of George Washington, the father of our country, for it was through Columbus' voyage that a pattern was established for a nation of many nationalities, traits, and beliefs.

Those of us of Italian heritage rightly point with pride to his origins and achievements, while not forgetting the Hispanic contribution which supported his venture, the Portuguese charts which guided him, the British who colonized our shores, and the Irish and Italians and Germans and Slavs and Poles and men from every part of the globe of every color and every creed who inhabited them and improved them and who inspired their development.

Columbus was a prophecy of the America to come—of the immigrant who uprooted himself from his homeland in search of opportunities. This is the legacy of Columbus—a land where all men regardless of how humble or exhalted their origins could achieve their full potential.

Columbus will be remembered as a man who fought tenaciously and suffered terribly because he wanted to find the truth and make it triumph. This great journeyman personifies the spirit of discovery, of distilling truth from myth, of overcoming seemingly insurmountable odds. It is appropriate that we rededicate ourselves today to a voyage toward peace, justice, and brotherhood for all men.

Speaking on behalf of my colleagues present in Genoa to present on behalf of the American people the document which established Columbus Day as a national holiday, I wish to express the gratitude of all to the people of Italy for the warm reception we received.

And I wish to include in the Record the gracious welcoming remarks of the President of the Region of Liguria as well as President Nixon's greetings in a letter presented by my distinguished colleague, Bob McClory—author of the Monday holiday bill; greetings to the people of Italy from our distinguished speaker, the Honorable Carl Albert; the enrolled copy of the bill establishing Columbus Day as a national holiday and the proclamation presented to the city of Genoa by my dear friend and colleague, Frank Annunzio, all of which now hold an historic place with the other Columbus memorabilis in Genoa:

Welcome Greeting of the President of the Liguria Region, Hon. Gianni Dagnino to the American Congressmen, on Their Visit to Genoa and Liguria for the First Celebration of "Columbus Day" in the United States, October 2–5, 1971

Ladies and Gentlemen: In the name of "Regione Liguria", and of the President of the Genoa Province I am very pleased to receive you in the country and the town of Christopher Columbus, the bold Genoese conqueror who opened new ways over the unknown sea and discovered the other half of the globe to the old world.

Our meeting takes place in honor of Columbus, who was born in Genoa, in vico Olivetta; Columbus son of Domenicus and grandson of Johannes of Moconesi, as it is historically proved by the act of Attorney Quilico of Albenga.

But our meeting is also a vivid witness of the good relations between Italy and your great country, the United States of America, to which Italians brought with skill and intelligence a remarkable contribution to the development of American culture and civilization. And for the same reason, there is an affinity of ideals and feelings between your people and ours.

What does Christopher Columbus mean to us, to men of the twentieth century?

Columbus is the man who fought tenaciously and suffered terribly because he wanted to find the truth and make it triumph.

He gave the world, that was living in a wrong conception of the structure of the universe an audacious idea, a great enterprise and he accomplished it, even in contempt of his life.

Columbus fought very hard to convince the others of his trust in his idea and, also, to gain support from the others for his own doubts.

He fought against an old and overcome conception in order to reach an ideal, the "virtude e conoscenza" which Dante's Ulisses followed up to his death.

He roused the world, he stirred it up, and he launched it toward a new destiny.

In order to win he lived his great spiritual toil, his great suffrance; through his own feelings he came to know man, he penetrated deep into the human soul.

In my opinion, this is the true meaning of the message Columbus has left to us, to the men of our century.

Columbus is a great example, a great light that permits us to understand in a better way our world of today, our people wrought by doubts, by a toiled seeking of the truth, but also supported and consoled by the faith in fundamental human values, such as liberty and solidarity; by the travail for the discovery of new worlds and new horizons in the earth and in the skies, on the moon, and particularly, for the discovery of the world within ourselves, within our spirit, that is still the vastest and deepest world to be explored.

Your visit, kind ladies and honorable Congressmen, has this meaning to us: to honor Columbus because we appreciate and honor the ideals which he pursued and accomplished with his great venture.

The Speaker's Rooms,
Washington, D.C., September 17, 1971.

Dr. Cianni Dagnino,
President of the District Council,
District of Liguria,
Genoa, Italy.

Dear Mr. President: I am happy to advise that a committee of members of the United States House of Representatives, together with other distinguished American public officials, will represent this nation in the City of Genoa on the occasion of your commemoration of Christopher Columbus. I have the honor of sending with them a copy of the public law which made Columbus Day a national holiday. The people of the United States will officially celebrate this holiday for the first time this year.

The American people consider Columbus as much a part of our heritage and our history as any of our most renowned citizens in all our annals, whether native or foreign-born. It may be of interest to you and your people to know that the enactment of the legislation creating Columbus Day makes your renowned son, the father of American immigrants, one of only two individuals whose birthdates are recognized as official national holidays in the United States, the only other being George Washington, the Father of our Country.

In the same vein, Genoa is more familiar to the average school child in this country than most cities of the United States of equal size. It is a part of the fibre and the fabric of our thinking and of our national life. Municipalities in every part of this country have been named after the discoverer of America. Statutes have been erected to his honor in every section. The story of his life, his resolution, and his contribution to world history, can be found in the schoolbooks of every child. We claim him, in fact, as one of our own.

The list of Members whom I have designated to represent the House of Representatives, and through it the American people, is as follows:

Honorable Peter W. Rodino, Jr., N.J.
Honorable Joseph P. Addabbo, N.Y.
Honorable Frank Annunzio, Ill.
Honorable Mario Biaggi, N.Y.
Honorable Frank J. Brasco, N.Y.
Honorable Silvio O. Conte, Mass.
Honorable Dominick V. Daniels, N.J.
Honorable John H. Dent, Pa.
Honorable Dante B. Fascell, Fla.
Honorable Robert N. Giaimo, Conn.
Honorable Ella T. Grasso, Conn.
Honorable Robert L. Leggett, Calif.
Honorable Romano L. Mazzoli, Ky.
Honorable George P. Miller, Calif.
Honorable Joseph G. Minish, N.J.
Honorable John M. Murphy, N.Y.
Honorable Teno Roncalio, Wyo.
Honorable Joseph P. Vigorito, Pa.
Honorable Robert McClory, Ill.
Honorable Bertram Podell, N.Y.
Honorable Melvin Price, Ill.

As the Speaker of the House of Representatives, it has been my honor and my privilege to work closely with all of the twenty American Representatives, eighteen of whom are of Italian descent, comprising the committee that will represent this country in your city. I have served in Congress with most of them for many years. They include some of our most distinguished legislators. I am proud to be able to call each of them my friend.

Americans of Italian origin have held high places in every walk of life and have added to the culture and to the strength of this nation. We are proud of them and through them we are most happy to send to the citizens of Genoa, and to all the fine people of Italy, the greetings of our own people and our gratitude to your city for giving to the world the man who discovered America.

Gratefully to your City,
CARL ALBERT,
The Speaker.

GREETINGS FROM THE PRESIDENT

THE WHITE HOUSE,
Washington, D.C., September 23, 1971.

Hon. GIANNI DAGNINO,
President of Regional Executive,
Region of Liguria,
Genoa.

DEAR DR. DAGNINO: I am pleased to extend my warmest greetings to you and the people of Genoa on the occasion of your commemoration of Christopher Columbus. This year, for the first time, Columbus Day will be celebrated in the United States as a national holiday. Of course, the American people have long honored Columbus, whose historic voyage led to the emergence of a new world and a new chapter in the history of our planet. We have particularly cherished the ties between the United States and the City of Genoa which, since that early beginning, have been reinforced by the many sons and daughters of Italy who have contributed so much to the growth of the American nation.

I am particularly pleased that this message to you can be carried by a distinguished group of American political leaders who are of Italian descent. They are eminently representative of that special part of our national heritage that is Italian. These men embody the finest traditions of America and they also take great pride in the cultural heritage of the land of their ancestors.

It is, therefore, with a deep sense of pride in our common traditions that I convey to you on this occasion the very best wishes of the American people.

Sincerely,
RICHARD NIXON.

PRESENTED TO THE PEOPLE OF GENOA ON THE OCCASION OF THE FIRST CELEBRATION OF NATIONAL CHRISTOPHER COLUMBUS DAY BY THE U.S. MEMBERS OF CONGRESS OF ITALIAN HERITAGE

To the Mayor and People of Genoa: From the journey of Christopher Columbus almost five centuries ago to the present day, Italians have played a major role in the life of the New World. "Every ship," wrote Emerson, "that comes to America got its chart from Columbus."

The dauntless spirit of this great Genoese navigator which is also the spirit of his homeland, has profoundly shaped the destiny of the American Nation. The esteem in which Americans hold Christopher Columbus goes beyond the man. He has come to symbolize for Americans the highest ideals of the Italian people.

Now the American people have declared to the world their admiration and respect for this courageous explorer by proclaiming Christopher Columbus Day a national public holiday.

When Americans pay tribute to Christopher Columbus they express their deep appreciation and gratitude to the people of Italy for their immense contribution to the history and ideals of our country.

In commemoration of this historic event we are delighted to present a copy of the Act establishing Columbus Day as a national public holiday.

John O. Pastore, Peter W. Rodino, Jr., Joseph P. Addabbo, Frank Annunzio, Mario Biaggi, Frank J. Brasco, Silvio O. Conte, Dominick V. Daniels, Ella Grasso, Robert L. Leggett, Romano L. Mazzoli, Robert McClory, George P. Miller, Joseph G. Minish, John M. Murphy, and Bertram L. Podell.

NINETIETH CONGRESS OF THE UNITED STATES OF AMERICA AT THE SECOND SESSION

(Begun and held at the city of Washington on Monday, the fifteenth day of January, one thousand nine hundred and sixty-eight)

An act to provide for uniform annual observances of certain legal public holidays on Mondays, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 6103(a) of title 5, United States Code, is amended to read as follows:

"§ 6103. Holidays

"(a) The following are legal public holidays:

"New Year's Day, January 1.

"Washington's Birthday, the third Monday in February.

"Memorial Day, the last Monday in May.

"Independence Day, July 4.

"Labor Day, the first Monday in September.

"Columbus Day, the second Monday in October.

"Veterans Day, the fourth Monday in October.

"Thanksgiving Day, the fourth Thursday in November.

"Christmas Day, December 25."

(b) Any reference in a law of the United States (in effect on the effective date of the amendment made by subsection (a) of this section) to the observance of a legal public holiday on a day other than the day prescribed for the observance of such holiday by section 6103(a) of title 5, United States Code, as amended by subsection (a), shall on and after such effective date be considered a reference to the day for the observance of such holiday prescribed in such amended section 6103(a).

SEC. 2. The amendment made by subsection (a) of the first section of this Act shall take effect on January 1, 1971.

John O. Pastore, Peter W. Rodino, Joseph P. Addabbo, Frank Annunzio, Mario Biaggi, Frank J. Brasco, Silvio O. Conte, Dominick V. Daniels, John H. Dent, Dante B. Fascell, Robert N. Giaimo, Ella Grasso, Robert L. Leggett, Romano L. Mazzoli, Robert McClory, George P. Miller, Joseph F. Minish, John M. Murphy, Bertram L. Podell, Teno Roncalio, and Joseph P. Vigorito.

Mr. Speaker, in my own city of Newark, N.J. I was privileged yesterday to participate in ceremonies and a parade sponsored by Mr. Ace Alagna, publisher of the Italian Tribune News, on the occasion of the first national celebration of Columbus Day. The festivities which took place were a fitting tribute to Columbus. I commend my good friend Mr. Alagna for his great initiative and effort in making possible so fine a program and I include the very pertinent remarks of the Columbus Day parade grand marshal, Mr. Joseph Sivolella:

REMARKS OF JOSEPH SIVOLELLA, GRAND MARSHAL, COLUMBUS DAY PARADE, NEWARK, N.J.

I should like to begin my statement today by confessing that I, like so many others knew very little about Christopher Columbus other than the fact that he was Genoese, succeeded in convincing King Ferdinand and Queen Isabella of Spain to finance his venture, and then promptly proceeded to discover a New World on October 12, 1492.

When I was advised several weeks ago that I had been selected to be the Grand Marshal for today's Columbus Day parade, I felt it was only fitting and proper that I learn as many of the historical facts as possible about this great discoverer and navigator and about his many exploits. To say that my pride and admiration for him increased with each chapter I read would be a gross understatement.

There can be no doubt that this great man, who began with an inspired idea, and after many years of suffering and want, frustrations and disappointments, but with complete confidence in his beliefs and a dogged determination to prove he was right, is deserving to be remembered anew each year on the day of the anniversary of his great discovery.

I would be remiss if at this point I did not pay tribute to Congressman P. W. Rodino for sponsoring the bill which decreed Columbus Day a National Holiday, and to Congressman Joe Minish as one of the staunchest supporters of the bill.

During his presentation of the measure to the House, Congressman Rodino made a speech which I feel should be must reading for everyone, and for those of you who are interested, you will find it quoted in the latest edition of the Italian Tribune News. I was especially impressed with the concluding paragraph, and I quote it verbatim "Finally, Columbus Day would be a day to honor immigrants of all nationalities and acknowledge their contributions to building of a strong, just and prosperous United States of America." And we can add to that, that while we are justly proud of our heritage, we havé the utmost respect for all others, regardless of heritage who are equally proud of theirs.

There are times, and certainly this is one of them, when one finds it difficult to describe his feelings and to express his true sentiments. Somehow, to merely say I thank Ace Alanga and his wonderful and hardworking committees for having selected me to serve as the Grand Marshal today, and to thank all of you for accepting the committee's decision seems to me completely inadequate and certainly not reflective of my true feelings. To serve as Grand Marshal on the occasion of the 1st celebration of Columbus Day as a National Holiday is an honor I am humbly grateful for and one I shall always remember.

The Columbus Day celebration was also marked by the following historic proclamation issued on behalf of the citizens of Newark by the Honorable Kenneth A. Gibson, mayor of Newark.

Proclamation: Columbus Day

Whereas: the 11th day of October, 1971 will mark the first national Columbus Day Holiday and the 479th anniversary of the discovery of America by Christopher Columbus; and

Whereas: by his courage and fortitude Columbus gave to the World vast virgin territories, whose rich fertility, natural resources and unbounded grandeur were to challenge the honest toil and initiative and were to give promise for the fulfillment of the hope and aspirations of all liberty-loving people; and

Whereas: the entire population of our great city—those who trace their origin to the land of the great Italian navigator as well as their fellow-citizens will express reverence and pride in him and his accomplishments with appropriate parade and gala pageant on Columbus Day; and

Whereas: the Italian Tribune News, sponsors of the 1971 Columbus Day Celebration and it's General Chairman, Ace Alagana, publisher of the Italian Tribune News, and his committee have arranged for a parade and dedication ceremonies to commemorate the discovery of America by Christopher Columbus;

Now, therefore, I, Kenneth A. Gibson, Mayor of the City of Newark, New Jersey, do hereby call attention of our citizens to this great day in our history and do urge all of our citizens to join in it's observance.

Mr. Speaker, I was also proud to participate on October 10, in a Columbus Day festival sponsored by the North Ward Educational and Cultural Center. And, I am pleased to bring to the attention of my colleagues the remarks of the center's director, Mr. Stephen Adubata:

The Meaning of Columbus Day

(By Stephen N. Adubato)

The courage of Columbus, the greatness of America, and the nobility of a people are meaningful when shared universally by all men. As the sons and daughters of Columbus, we should never exclude anyone from participating in our joy, in our genius, and in the many positive things we have to offer to our fellowman.

Citizenship in Rome was not limited to the inhabitants of the Italian peninsula. All through the world, including other parts of Eurόpe, Africa, and Asia, men were proud to say that they were "a citizen of Rome". Rome was a great civilization, because she shared her gifts with all men.

The Catholic church has its geographic center in Italy. Yet, the strength of the church is that it shares its teachings with everyone. Even the word "catholic" means universal. Indeed, in the ecumenical movement of our times, we have seen a great awakening to truth.

When the light of Rome was extinguished and the world was plunged into the Dark Ages, it was again on the soil of our ancestors that emerged the rebirth of hope for mankind. The Renaissance was significant, because we shared this rekindling of spirit with all men.

And finally, Columbus himself. We pay homage to the great navigator, the discoverer of America, because his perserverance, his skill, and that mystical quality of leadership enabled him to write the first chapter in the history of our nation. Just think! He may well have been the only Italian aboard that historic expedition.

So, the great lesson of our own history points clearly to how we can continue in this tradition. Citizenship in the United States of America is the greatest opportunity that mankind has ever known—for many peoples to live together in peace, to share the wealth of all cultures of mankind, and to give the fullest meaning to our own traditions.

We, the descendants of the great navigator say—"Avanti! Forward! Together!"

(Mr. RODINO asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, I am delighted to join my distinguished colleague from New Jersey, the Honorable Peter W. Rodino, Jr., dean of the U.S. Congressmen of Italian ancestry, who 23 years ago initially proposed making Columbus Day a national holiday.

As one of the Members of the congressional delegation which visited Genoa, Italy, from October 1–5, 1971, I had the high honor in presenting, on behalf of our group, to Dr. Gianni Dagnino, president of the region of Liguria, where Genoa, Italy, the birthplace of Christopher Columbus is located, and to the people of the region of Liguria, a large parchment scroll containing a painting of the three ships of Columbus, a copy of the resolution of our delegation commemorating the trip, and a copy of the original bill signed by President Lyndon B. Johnson making Columbus Day a national public holiday.

It was also my privilege to present to President Dagnino and to the 20 members of the regional administration of Liguria gold commemorative medals struck in Chicago especially to mark the first celebration of Columbus Day in America as a national public holiday.

The trip of our congressional delegation to Genoa last week is but another bridge between two great countries—America, our native land and the greatest country in the world—and Italy, the country of our cultural heritage. It was a privilege to participate in this official ceremony in Genoa, because I know that the bonds of friendship between our two great countries have been renewed and strengthened as a result of our visit to the birthplace of Christopher Columbus.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman for yielding. I want to say how delighted I have been to participate with my Italian-American colleagues in this mission to Genoa to receive the accolades of the government of the Province of Liguria and the city of Genoa, and to have been a part of this wonderful experience.

As the gentleman knows, I very fortunately have quite a bit of Italian experience in my own life, my sister having married an Italian and I having had the opportunity to spend quite a bit of time in Italy. I want to say to the Members of the House that the gentleman in the well made a most eloquent and impressive emotional talk in the Italian language at one of the celebrations that we attended there. It was really very inspiring to all of us as it was to those who had gathered from the Italian Government to receive us.

I also had the privilege myself, and I appreciated the privilege of reading a letter from the President to Mr. Dagnino, who is president of the region of Liguria. We had this letter translated, and with my limited experience with the Italian language, nevertheless I was able to read this in Italian, and, of course, it got through a lot better that way.

As the gentleman in the well knows, my affiliation with this is through the Monday holiday bill, which, of course, never would have been possible without the cosponsorship of the gentleman in the well and others who supported establishing Columbus Day as a national legal holiday, and by adding this new national holiday, and then developing these other Monday holidays we benefited all the people of America, all the workers, and all those who supported this very useful legislation and, of course, gave appropriate recognition to Christopher Columbus, who, of course, is treasured foremost by those of Italian extraction, Christopher Columbus having been born and raised in that part of Italy where Genoa is located, but also, of course, by many other people, particularly those of Spanish extraction, because of the fact that he sailed from Spain, I believe, and had many Spanish, Portuguese, and other sailors with him, and he has been an inspiration to people from all over the world.

Therefore, although being one of Irish descent, I feel no qualms at all about joining in honoring Christopher Columbus and participating in this tremendously exciting and important activity.

I might just add that I feel very sincerely that those of us who went to Italy, representing our U.S. Congress, and had the opportunity to meet with representatives of the Italian Government really promoted good will, better understanding, and closer relationships between the people of our country and the people of Italy, and contributed a great deal in that behalf, which, if we multiplied that many times could, of course, help to produce a generation of peace which the President is so earnestly seeking.

I commend the gentleman in the well, the gentleman from New Jersey, as well as my colleague, the gentleman from Illinois (Mr. Annunzio) for their leadership in this mission to Genoa. I also compliment the gentleman in the well for taking this special order today in order to call to the attention of Members of the House and the people of the Nation this interesting and important activity which surrounded the commemoration of Christopher Columbus and the recognition of the celebration of Columbus Day as a great national legal holiday.

Mr. Speaker, I am pleased to participate in this discussion relative to the recent ceremonies in Genoa, Italy, in connection with the first observance of Columbus Day as a national legal holiday.

In the company of a number of my colleagues—mostly of Italian ancestry—I found many opportunities for communicating the respect of the people of our Nation to the people of Italy, and particularly of the Province of Liguria where Christopher Columbus was born and raised.

As author of the Monday holiday bill, H.R. 15951, of the 90th Congress in which my distinguished colleagues from Illinois (Mr. ANNUNZIO) and New Jersey (Mr. RODINO) were important cosponsors, I was privileged to take an active part in the ceremonies in Italy.

Mr. Speaker, included in these activities were the opening day reception and dinner meeting at the Palazzo Spinola—the seat of the parliament of the region of Liguria—where the Honorable Gianni Dagnino, president of the region, and my long time friend Dr. Carlo Pastorino, vice president of the regional council, assisted by his gracious signora, served as our hosts. On that occasion, I presented a letter to Dr. Dagnino from President Nixon which is herein included. I had arranged for the President's letter to be translated into the Italian language which I read to those assembled at the Palazzo Spinola.

Mr. Speaker, the presentation of your letter—also translated into Italian—and the accompanying remarks by the dean of the Italian-American membership and chairman of the Judiciary Subcommittee on Immigration, Mr. RODINO, as well as the delivery of a large montage on which the names of our Italian-American colleagues and others who participated in the Columbus Day legislation were inscribed—were highlights of the proceedings in Genoa. My colleague from Illinois (Mr. ANNUNZIO) spoke eloquently and passionately in presenting this colorful montage.

At a subsequent luncheon meeting in Rapallo our colleague, Mr. RODINO, in extemporary remarks in Italian, delivered a very moving and impressive message in behalf of this body and of the American people.

Mr. Speaker, I am confident that my colleagues with whom I had the privilege of serving on this mission to Columbus' birthplace will describe in greater detail the events which occurred during our 3-day visit. In any event, I would like to emphasize that a great deal of goodwill was generated between our Representatives of the Congress and the political leaders of Italy with whom we came in contact.

I am proud indeed of the part which I have had to play in promoting Columbus Day as a national legal holiday and for all the benefits which have flowed from this significant legislation. Mr. Speaker, let me say quite frankly that the success of the Monday holiday legislation was due in large part to the appropriate national recognition given to the courage and foresight which guided Christopher Columbus in his discovery of the Western Hemisphere.

Mr. Speaker, while special pride on the part of Italian-Americans is felt in the Columbus Day observance, let me add that those North and South Americans of Spanish and Portuguese descent also take special pride in the significant part which their antecedents played in the voyages which resulted in Christopher Columbus' discoveries. Mr. Speaker, in a large sense the courage and determination of Christopher Columbus are an inspiration to all Americans. Almost immediately following Columbus' voyages, the permanent colonization of the Western World began. Since that time immigrants have come from every part of the world—and truly the heritage of Columbus belongs to all Americans.

Mr. Speaker, Columbus Day as it was this year—will be celebrated in every year hereafter—on the second Monday in October. It will live in the memories of us all. Especially those of us who had the privilege of taking part in the recent ceremonies in Genoa, Columbus Day, 1971, will be and remain most vivid of all.

Mr. Speaker, I would be quite remiss if I did not add an expression of gratitude to the consul general of the United States—Mr. Thomas H. Murfin and Mrs. Murfin, as well as to our American Consul—Carl Bastiani and Mrs. Bastiani for their support of our activities in and around Genoa.

Mr. DULSKI. Mr. Speaker, today is October 12 and, for the first time in my memory, it is not officially considered to be Columbus Day.

Effective this year—and finally—Columbus Day became a legal national holiday, but with a movable date in order to conform with the so-called Monday holiday legislation enacted several years ago by the Congress.

Therefore, yesterday, October 11, was the official observance of Christopher Columbus Day in 1971.

Today, October 12, marks the 479th anniversary of that day in 1492 when Christopher Columbus discovered the New World.

It took us many, many years to obtain legislation designating Columbus Day as a legal national holiday. The importance is in the national recognition finally given to this anniversary and the movable date is of secondary concern.

Indeed, our country has done all too little in recognition of Christopher Columbus. There was an exposition in 1892, a commemorative coin, and, of course, there are statues and monuments erected, streets, circles, and so forth, named in his honor.

The vision of Columbus in the face of ridicule in his time is an example of independence and perseverance that should never be forgotten.

I am grateful that at long last Columbus Day is a legal national holiday—allowing the peoples of all our 50 States to honor the man who set foot on the shores of America 479 years ago and set the stage for the development of the United States of America, the world's greatest power today.

I am happy to join with my colleagues in paying due recognition today to the discoverer of our Nation, Christopher Columbus.

Mr. O'NEILL. Mr. Speaker, Columbus Day is traditionally marked by parades, pageants, and celebrations. Oftentimes, the true significance of Columbus Day is obscured by the activities and the festivities which surround it. Every schoolchild is aware that Columbus discovered America, what the names of his three ships were, and the perils and hardships which the crew faced during that famous transatlantic crossing.

Of far greater significance is the fact that Columbus started in motion a chain of events which has culminated in the 20th century in the development of the United States as the greatest Nation in the world. Historians have told us that Columbus' discovery of America was quite accidental, that Columbus actually intended to reach the Far East and thus chart a route which would lead to the riches of that part of the world. Instead, he stumbled upon a wilderness possessing not the riches of the East, but far greater riches in terms of natural and geographic potential.

Columbus brought with him to America the spirit and enlightenment of a European age of rediscovery and scientific exploration. His voyage across the Atlantic in ill-equipped and tiny vessels serves as the prototype of the American spirit of energy and purpose. Thousands of Americans were to follow in his footsteps in the fields of science, government, business, and labor, in overcoming great odds to achieve a seemingly impossible goal. Each has contributed his share in making America's greatness possible.

However, on Columbus Day, 1971, I think it is proper to remember and ponder the original spirit and determination of that great Italian born explorer and scientist in order that America face the coming decades with the same resolve and resource with which we have faced the last 500 years of our growth as a nation. Amid the pageantry of Columbus Day let us not forget that the mission which Columbus began in 1492 is still to be completed in many ways. And with that view toward the future, I believe that we can more fully appreciate and understand the significance of Columbus Day in 20th century America.

Mr. PUCINSKI. Mr. Speaker, I join the gentleman from New Jersey (Mr. RODINO) in paying tribute to the first national holiday honoring Christopher Columbus.

Yesterday Chicago witnessed its largest Columbus Day parade marking this first national holiday.

It was a beautiful day and a beautiful parade bringing into sharp focus the enormous contribution made by Columbus and millions of Italian-Americans who came to America since the founding of the Republic.

The Chicago Italian American Joint Civic Committee presented to tens of thousands of Chicagoans a spectacular panorama of Italo-American contributions.

The colorful parade was headed by Mayor Daley and virtually the entire contingent of distinguished Italian-American civic, political, industrial, commercial and labor leaders, as well as almost all of our non-Italian political figures who proudly proclaimed themselves sons of Italy for this historic day.

I wish to especially call attention of our colleagues in the House to the special contribution made by our colleague Congressman FRANK ANNUNZIO in helping organize yesterday's Chicago parade and in helping enact legislation making Columbus Day a national holiday.

FRANK ANNUNZIO is one of the most highly respected Members of this House. His tireless effort in behalf of human dignity is rapidly becoming a source of inspiration to all of us.

FRANK ANNUNZIO said at the ceremony in Chicago yesterday that when we honor we honor America's ethnicity.

It was fitting that the hundred or more floats in yesterday's Columbus Day parade paid tribute to all ethnic groups in Chicago.

It was a magnificent day and I predict the fact that we made Columbus Day a national holiday will be the turning point in America's new appreciation for her ethnic groups of all nationalities.

I congratulate FRANK ANNUNZIO and the entire Italian-American community for their inspiring contribution.

Mr. BRASCO. Mr. Speaker, this year Columbus Day emerges as a national holiday in every sense of the word. Finally it is recognized for what it has always been—a celebration of the true discovery of this Nation. Yet it symbolizes so much more.

Columbus is much more than an explorer who made a landfall in the New World. He was a pathfinder for a new spirit. One that resulted in a New World ethic symbolized by the flow of refugees that still continues. Our Nation contains today the heirs and assigns of all those millions who followed him.

From his discovery came the establishment of an entire new set of ideas that have been expanded into what we now know as the American way of life.

Thirty million refugees have come to these shores. Almost all of them have sought freedom, liberty, and the chance to live a better life than the one they left. All were the refugees that other nations did not want. All were fleeing oppression of one sort or another. All have found a haven and refuge because one man lit the lamp here first by his deeds of discovery and exploration.

If we proceed down the list, the truth of this becomes obvious. Millions of Americans are here today because their fathers sought religious liberty. Others are here because they sought freedom of political expression. Still others sought a place to farm and raise families free of the rules and regulations of the Old World.

In turn, these people have given freely of their labor and blood so that our land might be preserved and its ideals might be strengthened and given to others. The beacon first lit by that first seeker has been a light to the world and oppressed peoples everywhere.

Columbus symbolizes each new search for something better. His memory epitomizes any lost soul's desire to attain something better than what exists in an old, oppressive place. It is a manifestation of that unquenchable fire in every man who thirsts for a new life for himself and his family.

It is for all these reasons that our Nation has been able to absorb these varied peoples and weld them into the mightiest power the face of the earth has ever seen or felt.

Even though we have at times abused such influence, still there is an American conscience that cries out against any such evil.

It is altogether fitting for our Nation to pay tribute to Columbus, his sponsors, his nation of origin, and the tradition he represents. They have all mingled inextricably in the American lifestream, contributing much that is vital and precious. The Western World owes so very much to that intrepid adventurer who dared so much because he believed.

Without such believers, man and his works would be poor things, indeed. In fact, would that we could take more of an inspiration from his example, for it was more than a pathfinder's journey into the unknown that yielded bountiful results.

It showed that a dream, no matter how far-fetched in the eyes of such a man's contemporaries, could and should be followed through. It showed that from such hopes, massive ventures result. It showed that a vital tradition can take root and grow, no matter what earth it is transplanted into. It showed that deathless truths can be viable and meaningful in every age and every people.

Today, Italo-Americans take special pride in joining the Nation and the entire western world in paying a deserved, resounding tribute to that Admiral of the Western Ocean, founder and discoverer of the New World, Christopher Columbus. His memory grows fresher and greener in our hearts and minds as the ages pass.

Mrs. HICKS of Massachusetts. Mr. Speaker, this is the first year in which the celebration of Columbus Day, observed in this country since 1792, has become a national holiday, officially recognized as such by the Congress of the United States and commended to all of the States.

Since 1892, the occasion of the 400th anniversary of the discovery of America, prominent citizens have championed the cause of Columbus Day as an especially appropriate time to mark the great and distinctive contributions of Italian-Americans to the mainstream of our common life. Now, on the 480th anniversary, we pay just tribute to the character and achievement of Columbus as well as to the impact of his great journey.

In honoring Columbus, we are honoring that spirit of bold adventure and unshakable determination which has made America great. The example of his life—and especially of his historic voyage—continues to inspire and sustain our people from age to age.

Moreover, the observance of Columbus Day reminds us of the contribution which Italian-Americans have made to the strength and vitality of our national life.

They came as explorers and as settlers; they joined in that struggle for freedom and justice characteristic of our history.

Today, over 25 million Americans of Italian descent witness to the impact of the Italian culture and religious heritage in this land.

It is appropriate, indeed, that the name of Columbus should be—as it is—as familiar to every citizen as the names of Washington or Lincoln.

It is the Columbian spirit—that spirit which welcomes heroism and sacrifice in pursuit of an ideal—which is at the heart of all that is best in America.

May our celebration rekindle that spirit in us today as we face the challenges of this troubled century.

Mr. FLOOD. Mr. Speaker, the coming of Columbus Day marks our annual remembrance of one of history's truly great spirits. It is a story ever new in the retelling for its speaks to us of the timeless saga of human courage, triumphant over defeat. Columbus was confronted by every kind of obstacle—poverty, ridicule, physical anguish, disappointment, treachery, and ingratitude. Yet not one nor all of them together could frustrate his "magnificient obsession," an obsession which was destined to alter the destiny of the world.

Whether he was, in fact, the first European to touch land in the Western Hemisphere is a largely academic matter of relatively little interest: the inescapable evidence of history testifies to the decisive impact of Columbus' discoveries in bringing the New World into the consciousness of the Old. With good reason, poets and dramatists have immortalized Columbus and his journeys:

> Behind him lay the gray Azores,
> Behind, the Gates of Hercules;
> Before him not the ghost of shores;
> Before him only shoreless seas.
> —*Joaquin Miller.*

Our American sage, Emerson, once observed that:

> Every ship that comes to America got its chart from Columbus.

So it is that, by opening up the Americas to European settlement, Columbus paved the way for the transformation of Western society. It is hardly surprising that his name is as familiar to our school children as the names of Lincoln or Washington—and perhaps even more such is the enduring fascination inspired by the epic journeys of the great Genoese "Admiral of the Western Sea."

Our celebration of Columbus Day, now happily included for the first time among our national Federal holidays, involves considerably more than the honoring of Columbus. Rather, it includes in some sense all those many millions who have come to these shores in his wake, immigrants from virtually every nation, enriching our common heritage beyond measure. Columbus Day reminds us that, except for those who are descendants of the American Indians, we are all the sons and daughters of immigrants. Columbus Day commemorates the fact that our greatest strength as a people, ever since the days of the first settlers, had been an ability to live together in some degree of harmony, overcoming tensions and strains, to build a nation together.

Certainly this has been true for our Italian Americans, and it is they who are our special concern at this time, sharing the cultural and national patrimony of Columbus himself. Italy has contributed a larger number of immigrants to American shores than has any other nation in the world, except for Germany. The contribution of Italians and Italian Americans to America has been continuous and significant, touching every area of life and thought with distinction: explorers and discoverers, patriots—including William Paca, a signer of the Declaration of Independence—leaders in the world of Independence—leaders in the world of the arts, in sports, in political life, in commerce and in industry.

Apart from any litany of great names, Italian Americans have given the Nation a large community among whom the values of family life have fluorished—at a time when these values are badly eroded throughout our society. Stability, hard work, decency, honesty—these are characteristic of the vast majority of Italian American families; unspectacular in themselves, they help maintain the fabric of American life. It is no accident that the first American to win canonization by the Catholic Church was Mother Cabrini, whose example of sacrificial love for the immigrant has inspired all who know of her, regardless of creed.

Perhaps the greatest thing about Columbus Day is its reminder that life can be lived in the light of faith and conceived as divine vocation: Columbus believed that it was his mission to bring the Christian Gospel to the Americas. His finest tribute is found in the words of Santayana.

> Columbus found a world and had no chart,
> Save one that faith deciphered in the skies;
> To trust the soul's invincible surmise
> Was all his science and his only art.

I suggest that it is the soul's invincible surmise which will carry our Nation through the troubled waters of today into the great horizons of the future.

> God give such dawns as when, his venture o'er,
> The Sailor looked upon San Salvador.
> God lead us past the setting of the sun
> To wizard islands, of august surprise;
> God make our blunders wise.
>
> —*Vachel Lindsay.*

Mr. COUGHLIN. Mr. Speaker, it is fitting that we should pause for a brief time to reflect upon the magnitude of the achievements of Christopher Columbus for he is responsible for the first chapter of our American history.

His initial journey across thousands of miles of unknown ocean, amid the mutinous grievances and tensions of his crew, was not only one of the most significant achievements of recorded human history, but was also a demonstration of Columbus' supremacy as a mariner and navigator. Columbus was, and is, a symbol of resourcefulness, courage, and energy.

Born in the early dawn of the Renaissance, Columbus had all the sicentific curiosity, the zest for life and the striving for novelty that we associate with the advancement of learning. By the age of 24 he was in Lisbon, the center for exploration and discovery. Yet even here his idea of sailing west to the Indies was considered as absurd as the idea of manmade flight in 1900. His first effort to interest John II of Portugal in the project began a series of battles against prejudice and sheer indifference which lasted 10 years, until the contracts were finally signed with Spain in 1492.

Since the time of Columbus' discovery of the New World, other vast contributions have been made by Italian immigrants to the physical and social development of the United States; many of them have profoundly affected the destiny of our country. Every industry in the United States today feels their impact.

In my own 13th Congressional District of Pennsylvania, I take great pride in a sizable Italian-American constituency, many of whom are my personal friends. I feel highly qualified, therefore, to attest to their extraordinary qualities of courage, dedication, warmth, and generosity which dominated the spirit of the man we honor today.

With deep pride and gratitude, I join my colleagues in the Congress and my fellow Americans in commemorating the anniversary of the discovery of America by Christopher Columbus. He occupies a unique place in our history and in all our hearts.

Mr. LENT. Mr. Speaker, on this Columbus Day, I rise to pay tribute not only to the great navigator, Christopher Columbus, but to those millions of Americans of Italian ancestry who we also honor on Columbus Day.

In my State of New York, Columbus Day had long been an official holiday before the Congress saw fit to honor the farsighted Italian with a National holiday on this, the 479th anniversary of his landing in this hemisphere. This setting aside of the great discoverer's day was done not only to mark the discovery itself, but also to honor the men and women from Italy who emigrated to these shores and their descendents.

We are a nation of immigrants. The cultural landscape of America is a vast mosaic created from the melting of many cultures and many customs from many lands. Each national group has stamped the fabric of our society with its own imprint, and surely none of these has been richer than the Italian mark on America.

Like the rest of America, the Fifth Congressional District of New York which I have the honor of representing in Congress, has benefited tremendously from the dedication, loyalty, and hard work of the Italian-American. In business, in the professions, in our lives of public service, they are leaders. They have truly been a molding force in our Nation.

The Italy that gave us Columbus has provided us with millions of our finest citizens. Today, Mr. Speaker, when America attempts to pioneer in the social, economical, and political seas, we are often given the same discouraging advice that Christopher Columbus heard—it is too dangerous, disaster will result.

In setting aside this day, we would all do well as Americans to emulate that same spirit that Columbus and the many of his Italian-American descendents have demonstrated to us so well.

Mr. BYRNE of Pennsylvania. Mr. Speaker, Columbus Day, which we are marking today, has traditionally been a special day for the Italian-American community. It was through the strenuous and untiring efforts of many Italian-Americans that Columbus Day finally became a legal holiday—in the 90th Congress.

This will be a day of parades, and celebrations and feasting—all marking the 479th anniversary of the discovery of America—the Western Hemisphere—by Christopher Columbus.

No, I am not suggesting that anyone try to take Columbus away from the Italian-American community; what I am indicating is that this is a day for all Americans to share; because while Christopher Columbus is a special son of the Italian community by reasons of birth, all of us should pause today to pay tribute to the man who was directly responsible for all of us being here today.

I do not intend to get involved in arguments on who first set foot on the Western lands—I do not think that this is germane to honoring Christopher Columbus.

The fact stands—and it is uncontrovertible—that Christopher Columbus opened the Western World to settlement from Europe. It is as simple as that. That is why the Western Hemisphere exists today as a civilized and settled land.

Therefore, I would ask my colleagues to pause just a brief moment today and join with me when I say, "Thanks, Chris."

Mr. PATTEN. Mr. Speaker, for the first time this year Columbus Day is recognized as a national holiday. Celebrations will be forthcoming all across the Nation in honor of the man who discovered our great country.

Of all the famous people whose achievements have become an important part of history, Columbus is the man whose fame will most certainly last forever. He has contributed a great deal to the history of the world in general and to our continent and country in particular.

But Columbus has done much more than discover America. He serves as an example for all mankind even to this day. In the 15th century when little was known about the world we live in Christopher Columbus had the courage to explore the unknown. He saw a way to further mankind by the possibility of discovery through exploration.

We, in the 20th century, have many new worlds to explore. Our space explorations have opened up so many new possibilities for further research into various aspects of the unknown. We can only hope that we have the courage and bravery of Christopher Columbus. Here was a man who used everything at his disposal to move mankind forward. We must try to continue this movement for progress.

This year we are doing to fully acknowledge a great man, Christopher Columbus, and the tremendous contribution he has made to mankind.

Mr. ADDABBO. Mr. Speaker, this marks the first time that Columbus Day is being celebrated as a national holiday. This year's celebration is a very special one for me since I, along with several of our colleagues, had the honor of representing the President of the United States in Italy last week. The occasion was the presentation of a scroll to the Italian Government on behalf of the U.S. Government. I commend the officials and people of Genoa for their hospitality and warm reception.

The courage and spirit of discovery which the birthday of Columbus brings to mind are qualities so urgently needed now if we are to improve the qualities of our society for our children and grandchildren. The society in which we live must be rediscovered by community leaders dedicated to imaginative and creative steps to find a better way of life for all Americans.

The adventures of Columbus are honored by all Americans this year, not just by those of Italian descent. We can all be proud of the discoveries of Columbus and we can all share in the desire to see that spirit of discovery continued as part of our national heritage. The Congress has declared this day a national holiday as part of the "Monday holiday" law and I believe our Nation will benefit from this national celebration.

Mr. Speaker, at this time I would like to insert an editorial from the New York Daily News on the greatness of Christopher Columbus:

WHAT MADE THE UNITED STATES GREAT

This series of Sunday News editorials comes today to Christopher Columbus, one of the greatest explorers, adventurers and colonizers of all recorded history.

Columbus' discoveries in the Western Hemisphere inspired innumerable later explorers, and thus started the development of the hemisphere by people from Europe.

But if you want to be a bit mystical, you can theorize that Columbus was even more than all that—that his spirit lives today, and has lived for generations, in the American people's subconscious and has done much to make them what they are.

Columbus was a chance-taker, a gambler if you prefer that word, a man of fierce curiosity and intellectual vigor, and as courageous a human as ever has roamed this globe. The majority of Americans are that same kind of people.

Born almost certainly in Genoa, Italy, anywhere from 1446 to 1451, Columbus became a sailor at age 14. He did a lot of sailing and trading in the Mediterranean; visited England at least once; and voyaged to Ireland, to the islands off western Scotland, and (so he said, though some historians doubt it) to the big sub-Arctic island of Iceland.

The story of how Columbus induced Queen Isabella of Spain to gamble a considerable sum on financing his first Atlantic voyage has often been told.

So has the story of his first voyage westward which began at Spain's port of Palos Aug. 3, 1492, climaxed in the discovery of what probably now is Watling's Island in the Bahamas Oct. 12, 1492, and ended with his return to Palos March 15, 1493.

To the end of his life, Columbus thought he had (1) proved the earth to be a globe instead of flat (he had), and (2) discovered a westward route to the East Indies, of the coasts of Asia. Hence, his name Indians for the natives he encountered on his westward voyages.

There were four of these all told, and the remaining three were as interesting, as productive of knowledge and as profitable as the first.

Columbus' second expedition was a much larger undertaking than the first, and its prime objective was to set up a colony or colonies for Spain.

It sailed from Spain Sept. 25, 1493, and included three big galleons, 14 light frigates, more than 1,500 men (among them 12 missionaries), animals and other colonizing supplies, and presents for the natives.

On this voyage, Columbus discovered the West Indies islands of Dominica, Puerto Rico and Jamaica. His followers explored Cuba's south coast rather thoroughly, and the expedition sailed all the way around the island of Hispaniola.

Hispaniola nowadays is divided between Haiti and the Dominican Republic. Columbus planted the town of Isabella on Hispaniola's north coast, left his brother Bartholomew in charge, and sailed for home. Bartholomew in 1496 moved the Spanish settlers to the south coast of Hispaniola, founding the city of Santo Domingo.

It was on this third voyage—May 30, 1498, to Nov. 25, 1500—that Columbus discovered the big island of Trinidad, off the north coast of South America and then the great continent of South America itself.

He explored the South American coast from the mouth of the Orinoco River to Margarita Island, then went back to visit Hispaniola. A rebellion blew up in Columbus' face there, and a judge sent from Spain to settle matters shipped Columbus and his brother home as prisoners. The government freed them, with honors and apologies; and on May 11, 1502, the great admiral set out on his fourth and last voyage to the New World.

On this trip, he hit the coast of Honduras, in what we now know as Central America, sailed southward as far as Panama, was shipwrecked just off Jamaica, and at last got home to Spain Nov. 7, 1504.

Christopher Columbus died at Valladolid, Spain, May 21, 1506. In his lifetime, he had opened paths to changes and expansions in human knowledge, outlooks, hopes and potentialities as no man before him ever had done—but as the early space explorers in all likelihood are doing in our own times.

Mr. HELSTOSKI. Mr. Speaker, I am pleased to join with my colleagues in paying homage to the great explorer who opened the New World to the Old World, Christopher Columbus.

This brave Italian navigator was one of the few individuals in history whose actions substantially altered the progress of human development. As history acknowledges, he deserves great honor for defying the strictures of reactionary conventions. His persistence in pursuit of an ideal to which he was unflinchingly dedicated made Columbus one of those rare people who acted in a way wholly consistent with his convictions.

It is important to remember that the influence of Italy upon America began with the discovery by Columbus of this New World. The achievements of Italian-Americans are too numerous to detail here. However, in the spheres of science, government, and the arts—music, sculpture, and painting—the creativity of the Italian heritage has been a monumental contribution to the greatness of our Republic.

Let no voice discredit this amazing Italian navigator of ingenuity and devotion. His indefatigable efforts were motivated by religious and explorational dedication. He wanted to reach the far continents believed to be in Asia and propagate Christianity, sailing westward to reach the East in support of his theory that the earth was round. In short, confronted with grave obstacles and hardships, his great faith and progressive outlook are models for us all.

Mr. EVANS of Colorado. Mr. Speaker, I rise today not only to pay tribute to Christopher Columbus, but to the millions of Americans of Italian ancestry who we also honor on Columbus Day.

Colorado is not without her share of Italian-Americans who have made notable contributions to the growth of Colorado. One of our many mountain peaks which is over 14,000 feet above sea level is named for Christopher Columbus. Mr. Angelo Noce was instrumental in getting this peak named for the great Italian explorer. Mr. Noce also helped get August 1 designated as Colorado Day, our Fourth of July. Through his Italian language newspaper, La Stella, Mr. Noce made many other fine contributions to the State of Colorado.

The founder of the Denver Post, Frederick G. Bonfils was actually of Italian ancestry. His grandfather's name was originally Bunofiglio which meant "good son." But grandfather Bunofiglio followed Napoleon into France after he invaded Italy, and changed his name to Bonfils, which is French for "good son."

Antonio Vagino founded the American Beauty Macaroni Co. which now has four factories throughout the country. Frank Damascio of Trinidad was involved in the building trade and helped contribute to Denver's early 20th century skyline with the old Mining and Exchange Building. Rafaello Cavallo started Denver's first symphony orchestra at the turn of the century.

In 1905, Mother Cabrini started the Queen of Heaven Orphanage which has started her on the path to sainthood in the Roman Catholic Church. Mr. Alfred Adamo gave the city of Denver the statue of Christopher Columbus that stands in the Civic Center today.

The Zarlengo family of Colorado has contributed many doctors and lawyers and the Mapelli brothers have provided the Nation with beef products for many years.

Genevieve Fiorri is the Colorado Secretary of the United Nations Council. Mr. Frank Mancini is still active in government posts after a distinguished career. Mr. Joe Ciancio is now head of the parks and recreation department in Denver after many years on the city council.

Mr. Vincent Massari has been a member of the Colorado State Senate since 1955 and has long been a respected newspaperman in Pueblo.

Mr. Speaker, it is with a great deal of pleasure that I rise in salute to those Coloradans, past and present, of Italian descent who have made our State the great place it is today.

Mr. ZABLOCKI. Mr. Speaker, I wish to thank our esteemed colleague, the gentleman from New Jersey (Mr. RODINO) for arranging today's special order commemorating Columbus Day.

For the first time Columbus Day was celebrated as a national holiday on Monday, October 11, 1971. Columbus Day is not only a day of honoring Christopher Columbus, it also honors and pays tribute to the immigrants from every nation and reminds us of our heritage—that except for the American Indian, we are all sons of immigrants.

Since October 12, 1792, when the first celebration was held in New York City, the anniversary of the discovery of America has been observed in our many cities by Italian-Americans and others commemorating that memorable day. It has been my pleasure to share in many of these celebrations in the past.

It is fitting that all of us as a Nation should participate in celebrating the anniversary of the discovery of a land of opportunity for the oppressed, the hungry and the adventurous. This national holiday gives us an opportunity to reflect that in the time since Christopher Columbus first set foot on this continent, our land has grown from a wilderness, a land of mountains, dense forests, and vast prairies to become the most powerful and advanced Nation on earth. The work of countless people of many nations has made this transformation possible and fellow countrymen of Columbus have contributed to much of this growth.

Columbus Day is an appropriate time for us to consider the Italians who have followed Columbus to the New World and to honor all of those who explored and settled this land. Italians were among the first settlers and have participated in the building of our Nation. The list of distinguished Italian Americans is long and impressive and they are known for contributions in every field of endeavor. In every area of our life, from our food to our music, we can be thankful for the steady stream of Italians who began moving westward to the New World since 1492. Christopher Columbus deserves to be remembered as the "Father of All Immigrants." From the very beginning this country has been indebted to the courage and sacrifice of the men of more than one nation. It is also fitting that we honor immigrants of all nationalities and acknowledge their contributions to the building of a strong, just and prosperous United States of America.

Mr. Speaker, in paying tribute to Christopher Columbus we also reaffirm our faith in his spirit of courage, stamina, and determination to continue, undaunted and unafraid, in the enlightened pursuit of humanitarian goals and honorable objectives.

Mr. BURKE of Florida. Mr. Speaker, 479 years ago Columbus discovered America. We pause today to pay tribute to him. His journey stands as a monument of human courage, bravery, and enthusiasm. In 1892, 400 years after the discovery of this continent, President Benjamin Harrison recommended that October 12 be a general holiday. President Harrison called for Americans, as much as possible, to "cease from toil" and devote themselves to such exercises as may best express honor to the discoverer. Today is the first time Columbus Day will be celebrated as a legal national holiday. Under the "Monday holiday" law adopted by Congress Columbus Day is being celebrated on the 11th instead of the traditional 12th.

The example set by Columbus in braving an unknown ocean in three small ships has given countless others the courage to probe into the unknown. Who can say how much impact his voyage has had not only on global exploration, but on our present exploration of space. His voyage triggered the exploration of North America and South America, led to its settlement, and to our present United States of America. His leadership will continue to inspire many generations to come.

Columbus is a multinational hero. He is not only the discoverer of America, North and South, but the Caribbean Islands as well. He was Italian by birth and the Italian-Americans claim him proudly and are particularly close to this holiday. The Portuguese point out that Columbus used their charts. The Spanish point out that he used their ships and was financed by their Queen. Truly, he is a hero of the whole Western World.

His example of courage and persistence in the face of many obstacles comforts and gives heart to us today. His achievements gain added stature when you realize that he was only 24 years old at the time.

If judged by results, Columbus was the greatest explorer who ever lived, or ever will live, until such time as we adventure through space to the other planets.

If judged by daring, Columbus who led an unwilling crew in three small ships into an unknown ocean, peopled with all sorts of legendary monsters and dangers, yields to no man in history.

If judged by determination, no man can be ranked higher than Columbus, whose life from boyhood was dedicated to the project of sailing westward to find the Indies; who struggled against poverty, argued with geographers and sailors, and coped with court intrigues until he enlisted the support of the Queen and the Court Treasurer; who kept his rebellious and fearful crew on their westward course until his ships reached what he supposed to be the Indies of his dreams.

It is fitting that this should be the first legal national holiday celebrating Columbus' discovery of America. At no time in history has Christopher Columbus' example of singular virtues been more needed than today. As we face new worlds of space, new worlds of scientific discovery, and new worlds of human relationships, his example will give us heart to look further into the unknown. Americans should rededicate themselves to strive to emulate the determination, bravery, and foresightedness of Christopher Columbus.

Mr. LEGGETT. Mr. Speaker, Columbus Day 1971 is a special occasion for all Americans. Although we have recognized and commemorated the discovery of the American continent by Christopher Columbus for many years, the commemoration of Columbus Day on October 12, 1971, marks the first time that the epic voyage of this Genoese explorer is recognized as a national holiday.

In 1968, the 90th Congress enacted legislation making Columbus Day a Federal holiday, effective this year. At the time of enactment of this legislation, I addressed the House of Representatives in support of this bill, and today it gives me special pleasure to remark on the first anniversary of this Federal holiday which honors the man who discovered the continent on which this great country came into existence.

While a transatlantic passage is commonplace today, the Columbian voyage in 1492 was fraught with greater dangers and uncertainties than is a space voyage of the mid-20th century. Columbus set off on this exploration with three small and crude sailing vessels with a minimum of navigational instruments and a crew which was far from confident of success. Yet, this weaver's son from Genoa mastered the seas and ably led his officers and men to the new lands in the West.

Almost 500 years have passed since the first voyage to the New World. In the ensuing years we clearly see that Columbus not only became the recognized discoverer of the Americas, but more importantly, the father of immigration and founder of the diversified land that is the United States.

Year after year, thousands of immigrants have come to our shores in the tradition of Christopher Columbus. They set out from their homelands with boundless courage and optimism, not knowing what their fortunes would be, but with faith that they would prosper and contribute to this new land. As did Columbus, they came with a determination to succeed, and succeed they did. With their hands and their minds, they built the great cities of America, its roads and highways, its railways and skyscrapers.

Many of these voyagers came from the land of Columbus, continuing the indelible imprint that Italy has made on the American society.

Italy has contributed many of the great men in American history, names that stand out in all historical accounts of the United States. Yet, it is not the famous scientists and jurors, artists and musicians who stand alone as tribute to the Italian contribution to our society. It is the hundreds of thousands of Italian-Americans who came with nothing but their skills and determination, the hundreds of thousands of post-Columbian voyagers who settled their families in our cities and joined in the building of what is the most powerful and bountiful country on this earth.

Earlier this month myself and other Members of Congress of Italian extraction traveled to Genoa, the home of Columbus, as guests of the Genoese Government. This trip in commemoration of Columbus' voyage was but another symbol of the close relationship between our countries. At the official reception by the President of Genoa Province, the following remarks were made which I wish to share with my colleagues on the commemoration of Columbus Day:

WELCOMING REMARKS

Ladies and gentleman, in the name of "Regione Liguria", and of the President of the Genoa Province I am very pleased to receive you in the country and the town of Christopher Columbus, the bold Genoese conquerer who opened new ways over the unknown sea and discovered the other half of the globe to the old world.

Our meeting takes place in honor of Columbus, who was born in Genoa, in vico Olivetta; Columbus son of Domenicus and grandson of Johannes of Moconesi, as it is historically proved by the act of Attorney Ouilico of Albenga.

But our meeting is also a vivid witness of the good relations between Italy and your great Country, the United States of America, to which Italians brought with skill and intelligence a remarkable contribution to the development of American culture and civilization. And for the same reason, there is an affinity of ideals and feelings between your people and ours.

What does Christopher Columbus mean to us, to men of the twentieth century?

Columbus is the man who fought tenaciously and suffered terribly because he wanted to find the truth and make it triumph.

He gave the world, that was living in a wrong conception of the structure of the universe an audacious idea, a great enterprise and he accomplished it, even in contempt of his life.

Columbus fought very hard to convince the others of his trust in his idea and, also, to gain support from the others for his own doubts.

He fought against an old and overcome conception in order to reach an idea, the "virtude e conoscenza" which Dante's Ulysses followed up to his death.

He roused the world, he stirred it up, and he launched it toward a new destiny.

In order to win he lived his great spiritual toil, his great suffrance; through his own feelings he came to know man, he penetrated deep into the human soul.

In my opinion, this is the true meaning of the message Columbus has left to us, to the men of our century.

Columbus is a great example, a great light that permits us to understand in a better way our world of today, our people wrought by doubts, by a toiled seeking of the truth, but also supported and consoled by the faith in fundamental human values, such as liberty and solidarity; by the travail for the discovery of new worlds and new horizons in the earth and in the skies, on the moon, and particularly, for the discovery of the world within ourselves, within our spirit, that is still the vastest and deepest world to be explored.

Your visit, kind ladies and honorable Congressmen, has this meaning to us: to honor Columbus because we appreciate and honor the ideals which he pursued and accomplished with his great venture.

Mr. McKEVITT. Mr. Speaker, one of the most noteworthy aspects of the first celebration of Columbus Day as a national holiday is that George Washington is the only other person to have a national holiday in his honor.

The marking of Columbus Day as a national holiday of course was not surprising. Recognition of the close relationship between Italy and the United States was long overdue. One need go no further than the U.S. Capitol Building for a living testimony of the bond between our two nations. There is the famous Constantino Brumidi corridor in the opposite wing of the Capitol. Brumidi's bust stands in that corridor and he has been acclaimed as the Michelangelo of the United States for his magnificent paintings on the ceiling and in the rotunda of this building. There are also the many other Brumidi frescos in this great building along with the bronze Columbus doors at the entrance to the rotunda. All of these works of art speak of the Italian heritage of our Nation.

I think it is also interesting to note at this point that according to the U.S. Immigration and Naturalization Service more than 5 million Italians emigrated to this country between 1820 and 1969, surpassing even Ireland. Their contributions and talents have played a major role in making this country the greatest nation in the world.

So all of us, Mr. Speaker, have a great deal to be proud of in the celebration of Columbus Day as a national holiday. We also can be proud of the fact that relations between the United States and Italy have developed to a point of mutual pride. The bond between our two countries is a strong one and one which will become even stronger.

Mr. MONAGAN. Mr. Speaker, each year Americans take time to reflect on the achievements and historical significance of Christopher Columbus, the man credited with discovering our continent. This year, however, the celebration takes on special significance—for the first time in our history, Columbus Day is now a national holiday.

I was pleased to cosponsor in the House of Representatives the legislation which made this holiday possible, for it is only fitting that the tremendous achievements of Columbus be marked by a national tribute. Like all great explorers, Columbus had the courage which took him beyond the normal expectations of the times. He rose above the widely held superstition which held that the world was flat and that he who sailed too close to the ocean's edge would fall off. Columbus's freedom from dogma in this case allowed him to discover what man had seldom even considered.

American exploration and development have come a long way from the 2,000,000 mavarri, or $52,000, which Columbus spent to the $24 billion Apollo program, but Italian contributions to American growth did not end with Columbus. The Italian-American community has closely involved itself with the entire history of this Nation, contributing explorers, priests, traders, and other frontier citizens in the early days, and significant numbers of educators, politicians, scientists, musicians, industrialists, and painters throughout the remainder of American history.

Today's celebration of Columbus Day is then not just a tribute to this great explorer, but also to the entire Italian-American community which has contributed so much to American development. This tribute is no longer just a designated day on the calendar. It is a national holiday, a fitting commemoration to an explorer and a people who have contributed so much to the rich history of this Nation.

Mr. CARNEY. Mr. Speaker, the achievement of Columbus is inextricably associated with the date October 12, 1492. When we celebrate the anniversary of that date we pay tribute to a man who deserves our gratitude and our honor in two respects. We revere Columbus both for what he was and for what he did.

His character is symbolic for us of the spirit of exploration and discovery which led men of iron courage and inflexible will, away from the Old World and its familiar ways to the unknown dangers and incredible hardships of the New World. The spirit of Columbus—that has been the spirit of all the explorers and pioneers who conquered this land and built a great Nation here. The name of Christopher Columbus heads the list of those who have boldly ventured forth into the unknown, dreaming of lands and peoples yet unseen by Europeans, and carrying to these new lands and people the heritage of European civilization.

The indestructible faith, the penetrating vision, the unalterable determination of Christopher Columbus conquered myth and mystery and solved the terrifying riddle of the Atlantic. The stains of greed and cruelty and broken faith that marked the career of some later discoverers and pioneers left unbesmirched the character of Columbus. Generation after generation, down to our own time, have been inspired by his courage and persistence, just as were the captains and crews of his three little sailing vessels. The story of the discovery and exploration of America which began with his great voyage across the Atlantic has not yet ended. It will never end so long as Americans adhere to that spirit which was the legacy of Christopher Columbus and those who followed him. For Americans there will always be new worlds to conquer.

Mr. BURTON. Mr. Speaker, after many years, Columbus Day has been given the much-deserved status of a national holiday. I supported this effort and yesterday, for the first time, we celebrated as a national holiday the day we have traditionally set aside to honor the Italian navigator, Christopher Columbus, the voyage he undertook and the subsequent discovery of the new world.

Every school child for generations has been familiar with the verse that starts: "In 1492, Columbus sailed the ocean blue." In this the 1970's, with new vistas of discovery all about us with men walking on the moon, and other men probing the oceans depths, the courage and daring of this Italian navigator seem even more noteworthy. Almost 500 years ago, Christopher Columbus and the men who manned the three small ships in his command changed forever the course of history. It is fitting that we have designated Columbus Day as a national holiday.

In so doing, we have honored a man of vision, an Italian navigator of courage and skill and the discovery he made but for which in his lifetime he was never truly honored. Christopher Columbus has always had a special place in our history books but he has also earned a special place in the hearts of all who admire personal courage, initiative and daring.

Mr. BEGICH. Mr. Speaker, almost five centuries ago, a determined and courageous man sailed westward and that voyage was to have profound effect on the history of the world. Two continents—a whole new world—were opened up as a result of one man's determination to break with the superstition and ignorance of his day.

Christopher Columbus was one of those extraordinary men who seem to come along only rarely in the course of human events. He was a man whose intellect, ability, and boldness placed him head and shoulders above the average. His insight becomes even more amazing when one considers the time in which he lived.

At the end of the year 1492, many men in Western Europe felt exceedingly gloomy about the future. Civilization, after having enjoyed many years of revival, was slowing down. For over a century there had been no important advance in natural science. Institutions were becoming rigid and lacking in vitality.

Christopher Columbus' travels to new lands brought hope and excitement to a dulled European continent. His voyage gave the impetus to a new age of expansionary vision. Civilization moved forward. Columbus had proved that doing the impossible was a real possibility.

Columbus' gift to the world, then, was more a gift of spirit and faith—of challenge and awakening. In the years that have passed, tribute upon tribute has been made to Christopher Columbus. None can attain the measure of the man's accomplishment. Yet, again this year on October 11 we will take the time to pause and express our admiration for the bravery and courage of a man who dared to take one step forward into the darkness for the progress of mankind.

Mr. BOLAND. Mr. Speaker, Christopher Columbus first set foot on this continent 479 years ago. In the span of world history, this is a very short time indeed.

And yet, in this 479 years, our land has grown from a wilderness to become the most powerful nation on earth.

The work on countless people of many nations has made this staggering transformation possible. Fittingly enough, the work of the countrymen of Columbus has been responsible for much of this growth.

Some of the first brave men to follow Columbus were Italians. One of these, Amerigo Vespucci, sailed to the New World only 7 years after Columbus, in 1499. He explored the coast of what we now know as Venezuela and returned to Europe to publish his notion that this was not an unexplored portion of Asia, but a new continent. His writings attracted so much attention in Europe among those people who were interested in exploration and geography, that mapmakers began naming the new continents after him.

John Cabot, although he sailed for the King of England, was born in Genoa, and at the time of his travels was a citizen of Venice. In the course of his voyages, he became the first European to explore the mainland of North America.

The construction of the Verrazano Narrows Bridge is an appropiate remainder that it was Giovanni da Verrazano who first sailed into New York Bay.

Other Italians followed Columbus and his compatriots to the New World. A century before the time of the American Revolution, there were Italian settlements from New York to Florida.

When the first rumbling of discontent began in the colonies, it was an Italian friend of Franklin and Jefferson who publicly urged separation from England. Filippo Mazzei was invited here by his friends and wrote numerous articles which were translated and distributed by Jefferson. They were widely published and read and their message helped to fan the fires of revolution.

Before the founding of this Nation we already owed a great debt to Italy. That debt has grown greater with each advancing era of our history. In each of our wars, from the Revolution to the present time, Italians and Italian Americans have distinguished themselves. Over 200 Civil War officers were Italian, and over 400,000 served in World War II. At least seven of these were awarded the Congressional Medal of Honor for their outstanding courage and sacrifice.

The contributions of the Italians are too numerous to catalog here. Entire books have been devoted to the work of those of Italian descent in America.

In music the list runs from Enrico Caruso to Henry Mancini and Toscanini.

In government and public service, names like Fiorello LaGuardia, John A. Volpe, JOHN O. PASTORE, and former Secretary of Health, Education, and Welfare, Anthony Celebrezze lead the list of Italian Americans who have served the public as mayors, Congressmen, Senators, judges, and Federal Government officials.

In business, medicine, sports, the sciences—in every field of endeavor—Italian names are numerous and prominent.

On October 12, as we pay homage to the great Christopher Columbus, we honor also the other brave and visionary explorers, and all those who have come to these shores since Columbus. We remember with gratitude the rich heritage of Italy which we enjoy here in America. In every area of our life, from our food to our music, we can be more thankful for the steady stream of Italians who began moving westward to the New World 475 years ago.

Mr. BIAGGI. Mr. Speaker, I take great pride and pleasure in joining in this special order to mark Columbus Day.

Today holds a special place in the hearts of all Americans. Columbus, in a great way, is characteristic of the people who populate the country he discovered. He had an "impossible dream" and was oftentimes laughed at or criticized. Yet he persevered in his cause and met with success. That spirit has been called "American" for hundreds of years.

However, today is a special day of honor for Italian-Americans, for Columbus was Italian. And it is fitting that on the first day this great man is honored as a national hero Italian-Americans should be especially proud.

Those of Italian ancestry are no strangers to the struggle for survival in this Nation. They, like some others before and after them, have found that the journey to New York Harbor for a view of the Statue of Liberty was a tough and dangerous experience. They came here—brave, but frightened—to find a place where each man could be his own man.

They made a covenant with this land. Conceived in justice, written in liberty, bound in union, it was meant one day to inspire the hopes of their children; and it binds us still, if we keep the terms, we shall flourish.

Justice especially was the promise that motivated the journey to America; justice for all. You can be sure that we of Italian descent have come a long way, but you also can be sure that we have not come all the way.

These days President Nixon is considering names of possible nominees to the Supreme Court. In the entire history of that judicial body, not one Italo-American has served on the Bench. Now with two vacancies open, rumors are abundant. A southerner will be named. A Jew will be named. A woman will be named. Yet nowhere is there even a hint of a rumor that an Italian-American will be named.

It is not that there are not qualified candidates. There are almost a score of Italo Americans in the Federal judiciary. Hundreds more are members of the American Justinian Society of Jurists. I would not want to place myself in the position of suggesting one or two names. That is the prerogative of the President. But I would hope that an Italian American would be placed under consideration.

I have already requested the President to do so and today am asking my fellow Italian-American colleagues to join in a letter to the President. As a member of Congress and as President of the Grand Council of Columbian Associations representing 80,000 Italian-American civil servants, I believe this to be a most important effort.

Since taking office, the President has largely demonstrated fair play with various appointments, procedures, and practices. He heard the call from the South when two previous vacancies arose on the Supreme Court and responded in a considerate and understanding manner. He has recognized women for their ability to contribute to Government.

Overall, the President has shown a willingness to seek out, recognize, and utilize the abilities of Americans of vastly diversified backgrounds and ancestry.

Let me hasten to add that I am not suggesting the President has made appointments on the basis of nationality, race, geography, or sex or has even considered doing that. I am merely saying that he has shown a willingness to look for ability among Americans of every stripe, race, and nationality—and has been able to find it most time.

So, Mr. Speaker, I intend to appeal to the fairness he has demonstrated and ask that some effort be made to find a qualified candidate for the Supreme Court among the 20,000,000 Italian Americans living in this country. Surely, it should not be hard to find one among them qualified for an appointment to the Court.

As Americans, we believe that all men have a right to equal justice under the law and equal opportunity to share in the common good.

We believe that all men have the right to freedom of thought and expression.

We believe that all men are created equal because they are created in the image of God.

Justice requires us to remember that when any citizen denies his fellow, saying" "His color is not mine," or "His nationality is not mine," in that moment he betrays America.

But sadly, in every generation—with toil and tears—we of Italian descent have had to earn our heritage again. I am sure that Italian-Americans will never forget what they have learned in hardship; that democracy rests on faith and that freedom asks more than it gives. That is what America is all about.

Together, all Americans will face the journey to eternity and face the challenges along the way. Christopher Columbus on this his day, exemplified that quality of America. Let us remember him and share in his courage. Let us enlighten his vision of a great land. Let us build a nation dedicated to the principle that all men are in fact created equal. Let Christopher Columbus be proud he took that trip in 1492.

Mr. DERWINSKI. Mr. Speaker, in 1968, Congress proclaimed Columbus Day a Federal holiday, effective this year. This worthy objective was achieved by enactment of a statute known as the National Monday Holiday Act of which I was a cosponsor. I am proud to pay tribute to all Italian Americans on this special day.

It was almost 500 years ago that Columbus sailed for the New World. His courage and perseverance against great odds set a standard which was to be followed by his countrymen who emigrated to this country and who have contributed so greatly to its progress as a nation. In every type of endeavor, the names of Italian Americans are prominent and respected. The real contribution, however, comes not from those names which will go down in history but from citizens who are known only to their friends and neighbors through their dedication, hard work, and good citizenship.

Mr. MANN. Mr. Speaker, we should consider the significance of Columbus Day. To my mind, this has not properly been dealt with in terms of its meaning for our own times. Of course, every schoolboy knows about the great man Christopher Columbus who, in 1492, discovered America. But what manner of man was he? What led him on this extreme quest in the face of unknown perils which lurked beyond the Atlantic horizon?

I would put two qualities first when speaking of the adventures and travels of Christopher Columbus. These are, optimism in his initial appraisal of what could be accomplished by the individual on his own and extraordinary courage when the trials to be overcome emerged far more fiercely than he had ever assumed they would.

Let us consider his optimism first. In this day and age, it is popular to imagine great leaders in world events as tough men, perhaps even cynical and pessimistic men. This is unfortunate, in my view. For it should be clear that our greatest accomplishments have come from those who have pointedly underestimated the task before them. But this is an irony which only turns out to be patent commonsense when examined. Only those who have underestimated a great trial are prepared to undergo it. Only those who laugh off what the greater part of mankind perceive as certain tragedy can achieve greatly in the face of apparently insuperable challenges. How did Columbus underestimate the challenges before him? For one thing, he set great store by the apocryphal Old Testament Book of Esdras, and was influenced by its cosmography, notably the statement that the waters cover only one-seventh of the earth. His overestimate of the amount of land composing the earth's surface, combined with what has been called his "fortunate underestimate of distance" between Spain and India, derived from Ptolemy, was a powerful factor in his determination to undertake the westward voyage. Another basic geographical concept of Columbus' was that the length of a degree is 56⅔ miles—a figure first given by the Arab philosopher Alfraganus, in Arabic miles, which gives a fairly accurate estimate of the earth's circumference; but the miles on Columbus' navigational charts were shorter than Arabic miles, which caused him to treat the earth as about one-fourth smaller than it is.

Some people might scorn Columbus's simplicity in these matters—his general unpreparedness, if you will. But I think that would be unwise for his life story indicates that one can be too careful. Would we have reached the moon without a generally romantic notion that we could do it, no matter what? Many of the accomplishments of mankind have been brought about by those who have not stopped to count the costs. Progress does not serve the timid or the cynical, but rather raises to eminence those whom their fellow men often think of as simpletons, when their final triumphs give the lie to their critics.

It was so with Columbus. But what also must be credited to his moral account is his courage, his willingness to stick to the initial challenge when the going got rough. He never gave up, remaining always faithful to his original dream. Ridicule, disgrace, apparent failure, and arrest—none of these strokes of fate daunted him, but rather spurred him on his way. Three tempestuous round-trips he made to the "brave new world" in what must, by modern standards, be called a very frail vessel indeed. But if he was afraid, his fear only made him stick the closer to his goal. He thought he had discovered India, but perhaps even that is the mark of a very great man—to discover something of such enormous value that its true significance cannot be immediately appreciated.

America, the fullness of her, has never been totally discovered or appreciated. And, in Columbus's manner, we must pursue that quest on our own frail vessels. The going will be rough on ourselves and the institutions of our choice, but we must not lose sight of the dream which sent us on our way as one people in the first place—that our ship of state might truly become the land of the brave and home of the free.

Mr. MINISH. Mr. Speaker, yesterday, for the first time in American history, we celebrated Columbus Day as a national holiday. This occasion marks the culmination of years of effort by many Members of Congress and public spirited citizens to pay proper homage to the great explorer.

Columbus Day was first observed, in public and official ceremony, in New York City in 1792, when the Society of St. Tammany arranged both a dinner and the erection of a temporary monument in commemoration of the 300th anniversary of Columbus' landing in the New World. This is thought to have been the first monument built to honor Columbus in the United States.

The second was constructed in Fairmount Park, Philadelphia, at the time of the celebration of the centennial of the Declaration of Independence in 1876.

It was in the year 1892, the 400th anniversary of the landing, the United States began to recognize Columbus in a fashion commensurate with his place in history. In this year the people of New York erected a monument to Columbus at the southwestern entrance to Central Park, and gave the site of the monument the name Columbus Circle. In this same year, Congress by joint resolution, and the President by proclamation, called upon the American people people to observe the 400th anniversary by public demonstrations and by suitable exercises. The next year, 1893, saw a continuation of the celebration in the Chicago World's Fair and the Columbian Exposition, which attracted millions of visitors from all over the world.

It was in this century, however, that the move to properly recognize Columbus by an annual observance first began to to be taken up by the States and by the Federal Government. In Colorado, the Governor called for the observance of Columbus Day by proclamation in 1905. State laws making the day a legal holiday became effective in Colorado in 1907 and in New York in 1909.

On the Federal level, the first bill to make Columbus Day a national legal holiday was introduced by Congressman Sulzer of New York on March 26, 1906. Numerous Members sponsored similar legislation throughout this century. As one of my first acts as a freshman Member of Congress in 1963, I sponsored a measure to designate October 12 a Federal legal holiday.

Finally, in 1968, Congress enacted the Monday holiday bill, which provided for the observance of Washington's Birthday, Veterans Day, and Memorial Day on Mondays each year. The bill also designated Columbus Day as a legal holiday to be celebrated on the second Monday in October each year beginning in 1971.

Mr. Speaker, we should all pause today to reflect upon the courage and determination of the noble Genoese. It can be truthfully said of Columbus that he doubled the size of the known world. If exploration is to be judged by its results, he was the greatest explorer who ever lived, or ever will live, until such time as men adventure through space to other planets. If exploration is to be judged by daring, Columbus, who led an unwilling crew in three small ships into an unknown ocean, peopled with all sorts of legendary monsters and dangers, surely yields to no man in history. If exploration is to be judged by sheer determination, again no man can be ranked higher than Columbus, whose life from boyhood was dedicated to the project of sailing westward to find the Indies; who struggled against poverty, argued with geographers and sailors, and coped with court intrigues until he finally enlisted the enthusiastic support of a queen and court treasurer; who kept his rebellious and fearful crew on their westward course until his ships reached what he supposed to be the Indies of his dreams. If exploration is to be judged by motive, what motives could be higher than those of Columbus who, without thought of personal gain or power, sailed forth into the void in service of Spain, mankind, and God?

With my ancestry, I am naturally proud that Christopher Columbus was Italian, but the proper celebration of Columbus Day is by no means solely an Italian-American interest. All of us owe our civilization and our way of life to Christopher Columbus, who opened the door to the New World, and thus all of us should wish to pay honor to him.

Mr. STRATTON. Mr. Speaker, the Monday Holiday Act, Public Law 90–363 was signed into law June 28, 1968 and went formally into effect at the beginning of this year. It moved three of our eight national holidays to Monday and it also established a new, ninth national holiday on the second Monday of October, Columbus Day. As the original author and sponsor of that Monday holiday legislation, I am proud to join in this special order today marking the first observance of Columbus Day as an official, national holiday. It is a day that should have come a lot sooner, believe me.

There were many reasons for including the day that honors the discoverer of our country in this legislation, but I think the most important reason was best expressed by the distinguished gentleman from New Jersey (Mr. RODINO). In testimony before the Senate Judiciary Committee in 1968 Mr. RODINO, who had introduced, as I had, a separate bill to establish Columbus Day as a new national holiday, told the committee that:

> Such a holiday would be an annual reaffirmation by the American people of their faith in the future, a declaration of willingness to face with confidence the imponderables of unknown tomorrows.

Columbus Day is very properly a day of great pride for all Americans of Italian descent, for it is their ancestor, Christopher Columbus, who is being honored as the first to cross the Atlantic and set foot on a New World that was later to become a home for millions of Italians as well as for other people from all across the Old World.

In recommending adoption of the Monday Holiday bill in 1968, the Senate Judiciary Committee noted that the observance of Columbus Day as a new national holiday would be an appropriate means of recognizing the United States as a "nation of immigrants." Also it would honor the courage and the spirit, and the great contributions which generation after generation of immigrants from Italy have been able to bring to the land which had been discovered by Columbus and which has become their adopted home.

And so it is most appropriate that we should take this time in the House today to note the first observance of Columbus Day as a national holiday, and, as always on Columbus Day, to honor all Americans of Italian extraction. Those courageous men and women not only followed Columbus across the ocean to discover America for themselves, but over the years they also played a major role in building that land into the world's greatest nation and they gave to it the special skills, the courage, the spirit, and the unique cultural gifts that for centuries have been so uniquely a part of the Italian heritage.

Mr. Speaker, I am proud indeed to have been the original author of the legislation that at long last made Columbus Day the national holiday it has long deserved to be.

Mr. MAZZOLI. Mr. Speaker, although I might observe that the word "colombo," in Italian means "dove," I do not rise today to discuss the hostilities in Southeast Asia. Instead, it is my great pleasure to speak on a much happier subject, one most dear to the heart of an American of Italian heritage. I refer, of course, to the discoverer of our great continent, the intrepid "Admiral of the Ocean Sea," Cristofero Colombo, better known in this country as Christopher Columbus.

Yesterday, for the first time, our Nation paid its respects to this great man and his monumental achievement through the observation of a national holiday. I think the honor was most fitting and appropriate and, indeed, long overdue. But in speaking today of the exploits of that bold son of a Genoa wool weaver, I would like to call upon the writings of America's most distinguished nautical historian, Samuel Eliot Morison of Harvard.

Professor Morison has described Columbus as "one of the greatest mariners, if not the very greatest, of all time." And in discussing Columbus' great voyage of discovery, in which he had hoped to "reach the Indies by sailing west," Professor Morison points out that:

> America was discovered by Columbus purely by accident . . . (and) We now honor him for doing something that he never intended to do, and never knew what he had done.

But quoting the historian further, Mr. Speaker, I would advise my distinguished colleagues that:

> We are right in so honoring him, because no other sailor had the persistence, the knowledge and the sheer guts to sail thousands of miles into the unknown ocean until he found land.

Mr. CONTE. Mr. Speaker, the great Italian explorer, Christopher Columbus, has been honored through the designation of Columbus Day as a national holiday for the first time this year It was almost 480 years ago that Columbus discovered America.

As an American of Italian descent, I certainly take a great deal of pride in the achievements of this man. Columbus' accomplishments, however, are something that all Americans can take pride in. Columbus' actions were guided by that same force that has driven all great men, regardless of race or creed, to reach out into the unknown in pursuit of knowledge and truth.

Christopher Columbus' 33-day journey into unchartered and dangerous waters aboard three fragile sailing ships demonstrates a spirit of courage and faith in the face of adversity, and of perserverance on behalf of just and worthwhile causes, that has become the backbone of the American way of life.

Like Columbus, our colonial forefathers set out on an uncertain course when they cut the ties that bound this land to England. But they were as confident as he was that they were heading in the right direction when they established an independent, free nation based on the rule of law rather than of man.

Columbus' discovery of America was important not only in itself, but in the fact that his discoveries began what has become known as the age of exploration. Without this extensive exploration of the Western Hemisphere, much of the world's area might have remained unchartered, and thus unknown, to the population of Europe for years to come.

It is the spirit of this explorer, however, even more so than his achievements, that personifies his greatness. True, without his discovery of America, we would not be honoring him with a national holiday. We must keep in mind, however, that as long as there are men whose spirit drives them to seek the unknown, there will be great cultures in which to learn and prosper.

Mr. SARBANES. Mr. Speaker, on Monday of this week we celebrated Columbus Day as a national holiday. It is the day on which we remember the name and the achievements of Christopher Columbus, a man whose courage, daring, and dedication stand out amongst history's greatest explorers. Willing to question the conventions of his time and to follow an ideal in which he believed, Columbus opened a new path for others to follow—a path to the new world and all it has meant for world history.

Setting aside Columbus Day as a national holiday permits us not only to pay tribute to Christopher Columbus, the man, but also to the great heritage his historic voyage fulfilled—the heritage of Italy. For Columbus stands as a symbol of the strength and vision of the Italian character. Columbus Day reminds us all that the influence of Italy upon America which began in 1492 has continued as a positive, creative force on this Nation and the people who inhabit it.

Italians other than Columbus were intimately involved in opening up the western hemisphere to European civilization. It was Amerigo Vespucci, for whom North and South America were named, who explored the coasts of both continents and whose detailed descriptions provided the basis for many early maps. Another Italian, Giovanni Caboto—John Cabot—discovered the northern limits of America. Giovanni de Verrazano entered New York Bay to discover Manhattan. Italian missionaries like Fra Marco da Nizza and Father Eusabio Chino joined the Spanish conquistadors in their exploration of the New World. Enrico Tonti built the first ship to sail in the Great Lakes and Alfonso Tonti aided Cadillac in founding Detroit.

Italian influence in North America did not end with these early explorers. Some of our earliest settlers came from Italy. In fact there were Italians building a glass factory in Virginia before the Pilgrims landed in Massachusetts.

Italians were among the first Europeans to settle in Maryland. Documentary evidence abounds that many Italians were living in Maryland long before 1649—the year the Maryland legislature enacted a law declaring that:

> Persons, of French, Dutch or Italian descent were authorized by law to buy and sell land.

In his fine book, "The Story of the Italians in America," Judge Michael A. Musmanno reports that:

> The first Italian to hold public office in America was Onorio Razzoline of Venice who settled in Annapolis where in 1736, he was appointed Armourer and Keeper of the Stores of Maryland.

This public service was but a prelude to the outstanding contributions made to our early history—both in Maryland and the Nation—by that great Marylander of Italian descent, William Paca. He was the great grandson of an early Italian settler, Robert Paca, who was granted 490 acres of land in Anne Arundel in 1651 and the grandson on Aquila Paca who became High Sheriff of Baltimore County in 1762 and later a member of the legislature. William Paca has a record of leadership and service through the years of our struggle for independence and our start as a nation which places him in the forefront of the distinguished public figures of that time. This bold Italian American was elected as one of Maryland's delegates to the First Continental Congress in June 1774. As a member of the Second Continental Congress he served on many important committees, and on July 4, 1776 he was one of only four representatives from Maryland who signed the Declaration of Independence. A dedicated patriot, Paca was a member of Maryland's Council of Safety during the Revolutionary War and contributed generously of his time and resources to that cause. He helped frame Maryland's first constitution in the fall of 1776 and was one of the first members of the State Senate. Appointed Chief Judge of the Maryland General Court in 1778, Paca became Maryland's third Governor in 1782. He was reelected Governor by the legislature unanimously in 1783 and 1784. Paca served as a delegate to the Maryland convention which ratified the Federal Constitution in April 1788. In 1789 President George Washington appointed him as a Federal district court judge and he remained active in public affairs until his death in 1799.

Many other native Italians and Americans of Italian descent like William Paca assisted in this Nation's fight for independence. When English tyranny began to stir the spirit of revolution in the Colonies, Filippo Mazzei was among the first to urge publicly a split with England. Invited here from Italy by his friends Jefferson and Franklin, Mazzei wrote articles advocating independence—articles which are said to have influenced Jefferson as he wrote the Declaration of Independence.

Mr. Speaker, this contribution by Italian Americans in the colonial period and at the time of our struggle for independence was but the beginning of a grand and glorious tradition of service to this nation. Since the Revolutionary War Italian Americans have served their country proudly, keeping it strong in time of peace and fighting for its freedom when called to war. Christopher Columbus may have been the first Italian to leave a mark of greatness on this country, but he was certainly not the last. The list of distinguished Italian Americans grows with each generation and swells the rolls of every profession and walk of life. In government Italian Americans have distinguished themselves as Senators and Congressmen, Cabinet officers, Governors and Mayors, Jurists and in countless other positions in Federal, State, and local government. Italian Americans helped to build our railroads and bridges and to construct many of our greatest buildings. Every industry in the United States today benefits from the input of Italian capital and energy, and American labor has been greatly strengthened by its Italian-American leaders and membership. Italian influence on American civilization can be found throughout our society.

A noted scholar once wrote that:

> You can subtract Italian culture from Western civilization only by destroying that civilization.

The same might be said for American civilization. Italy has given this country its sons and daughters since Columbus first sighted land that historic morning of October 12, 1492. And they have ever since contributed their leadership, strength, patriotism, and courage to this Nation. Just as Columbus struggled against adversity to find this country, so those Italians who followed in his footsteps pitted their intelligence, strength and determination against great odds. But, as Columbus so nobly proved, Italians are a people possessed of a strong will and a clear vision, and America's citizens of Italian descent have utilized these qualities, coupled with their intense loyalty to their families and to this country, to rise to prominence in every field of human endeavor.

Mr. Chairman, it was an Italian who first discovered this land of ours, and it is Italian Americans who have contributed so much to make this Nation great. Truly the courage, daring and dedication of Christopher Columbus symbolizes the spirit of the thousands of his countrymen who followed him. It is only fitting and proper that the Nation should now officially recognize that spirit for its past glory and for its future promise.

Mr. PEPPER. Mr. Speaker, it was on this day that America was discovered by Christopher Columbus, an Italian whose vision had been recognized and sponsored by the Spanish court.

Our Nation, comprised now of 50 great States, stands as a tribute to his boldness and vision.

Columbus, with the persistence and courage of a man with indomitable will, was to leave the security of his native Italy to sail to the very edge of the world in search of a dream. Over the centuries following his incredible discovery, immigrants from all the world's continents, large and small, have come together in this place, joining the country's native sons, the American Indians, in the fulfillment of that dream.

Through the years we have traveled together. Through wars within and wars without; through serenity and upheaval; through faith and distrust; through creation and destruction, we have come together.

I would rise today, Mr. Speaker, to honor the memory of the man to whom we owe so much, the man whose vision and courage brought us to the edge of this world—a world which promised so much—a world waiting to be discovered and inhabited by men of great courage and good will.

Today, on the anniversary of the discovery of Christopher Columbus, the dreamer, we reach into the future once more in search of a lasting peace, a world community in which the sons of all men may live together without fear of hatred or hunger; without fear of tyranny and slavery; without the fears that make men lesser than men.

Christopher Columbus was a man of courage and vision. Let us have the courage to renew that vision again and again in our advance into the future.

Mr. O'NEILL. Mr. Speaker, Columbus Day is traditionally marked by parades, pageants, and celebrations. Oftentimes, the true significance of Columbus Day is obscured by the activities and the festivities which surround it. Every school child is aware that Columbus discovered America, what the names of his three ships were, and the perils and hardships which the crew faced during that famous transatlantic crossing.

Of far greater significance is the fact that Columbus started in motion a chain of events which has culminated in the 20th century in the development of the United States as the greatest Nation in the world. Historians have told us that Columbus' discovery of America was quite accidental, that Columbus actually intended to reach the Far East and thus chart a route which would lead to the riches of that part of the world. Instead, he stumbled upon a wilderness possessing not the riches of the East, but far greater riches in terms of natural and geographic potential.

Columbus brought with him to America the spirit and enlightenment of a European age of rediscovery and scientific exploration. His voyage across the Atlantic in ill-equipped and tiny vessels serves as the prototype of the American spirit of energy and purpose. Thousands of Americans were to follow in his footsteps in the fields of science, government, business and labor, in overcoming great odds to achieve a seemingly impossible goal. Each has contributed his share in making America's greatness possible.

However, on Columbus Day 1971, I think it is proper to remember and ponder the original spirit and determination of that great Italian born explorer and scientist in order that America face the coming decades with the same resolve and resource with which we have faced the last 500 years of our growth as a nation. Amid the pageantry of Columbus Day let us not forget that the mission which Columbus began in 1492 is still to be completed in many ways. And with that view toward the future, I believe that we can more fully appreciate and understand the significance of Columbus Day in 20th century America.

Mr. VANIK. Mr. Speaker, today we are honoring America's first distinguished immigrant, Christopher Columbus. His courage and bravery in overcoming hardship while on his long, historic journey should be commemorated, as the origins of the American spirit.

In opening this new land, the same spirit and strength carried the pioneers to the shores of the Pacific. This American determination has carried the country from its youth to the most powerful industrial Nation in the world today.

As the determination of Columbus opened a new land, let us exemplorate that same courage in attacking economic, social, and political problems in this great country. Columbus had obstacles from the planning of his voyage up to the time he landed in the New World, but his "American persistence" drove him to success. This persistence, possessed by so many of the immigrants who followed Columbus to the new land, is needed now to save our children from drug addiction, to save our economy, and save our environment.

There is no doubt that we are approaching a decade of crisis, but as our early American ancestors did not shrink from the challenge, let it not be said that we did not possess that same "American determination."

Mr. JOHNSON of California. Mr. Speaker, it is with a great deal of pleasure that I join my colleagues in celebrating, for the first time, our new national holiday, Columbus Day.

On the 479th anniversary of the discovery of America, many parades and other forms of celebrations will be held to pay tribute to Christopher Columbus.

Christopher Columbus, a Genoese navigator, after years of agitation in Spain, gained the support of Queen Isabella for a westward voyage. The Santa Maria had, according to historians, 52 men aboard; the Pinta had 18 men aboard; and the Nina had 18 men aboard. We, of course, are very much aware, and are very proud, of the accomplishments of these brave and venturesome men.

Prior to the enactment of the legislation which made Columbus Day a legal holiday, all of the States with the exception of Alaska, Maine, Mississippi, New Mexico, Nevada, Oklahoma, Oregon, South Carolina, South Dakota, Virgina, and Wyoming celebrated the second Monday in October as Columbus Day. However, in Indiana and North Dakota it was celebrated as "Discovery Day"; Wisconsin celebrated "Landing Day" and Arkansas and Oregon celebrated "Memorial Day."

As we honor Christopher Columbus, who is considered one of the most famous of the discoverers, may we, as one of our colleagues, Frank Annunzio, has stated so well "hope that all Americans will rediscover America", and let us rededicate ourselves to what our Nation has stood for over the years. Let us also recall, as we celebrate Columbus Day, and pay tribute to Christopher Columbus, the "Father of All Immigrants" some of the words from the poem of Emma Lazarus which is graven on the Statue of Liberty: "Give me your tired, your poor. Your huddled masses yearning to breathe free. The wretched refuse of your teeming shore. Send these, the homeless, tempest-tost to me. I lift my lamp beside the golden door."

GENERAL LEAVE TO EXTEND REMARKS

Mr. RODINO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and include extraneous matter.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. RODINO. Mr. Speaker, I thank the gentleman from Illinois and commend him for his sponsorship of the Monday holiday bill which I helped to cosponsor and which made it possible for me to offer the amendment making Columbus Day a national holiday.

Also, Mr. Speaker, I commend the gentleman on the fine manner in which he represented the United States as one of those who was not of Italian origin. Certainly it was an action which the Italian people appreciated tremendously, and they recognized the tribute of honor and glory the people of America pay to the memory of Christopher Columbus.

GOV. RONALD REAGAN PROMOTES U.S. EXPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Veysey) is recognized for 10 minutes.

Mr. VEYSEY. Mr. Speaker, during these critical days when one Governor after another trudges to Washington to plead with the Federal Government to bail his State out of its troubles, I am proud to call to the Members' attention that California's Gov. Ronald Reagan is fighting our State's agricultural problems by personally promoting farm exports to Asia.

He is currently on a 16-day combination Goodwill and Trade Mission to five Pacific nations: Japan, China, Thailand, Singapore, and Korea. His journey is the result of an invitation from the Government of Japan to promote trade between that nation and my own State of California.

Later, President Nixon requested that Governor Reagan expand his trip to serve as the President's personal representative at National Day ceremonies of the Republic of China on Taiwan, October 10.

Accompanied by Mrs. Reagan and their son, Skipper, 13, the Governor will visit with business leaders and the heads of the five states. He will carry personal messages from President Nixon to these distinguished Asian leaders.

California and the Pacific States of Oregon, Washington, Alaska, and Hawaii have a special interest in furthering the commercial trade which is so important to our economy and the prosperity and well-being of the Pacific Basin states of free Asia. In 1970 California's productive farmers alone exported more than $550 million worth of agricultural products, most of which went to the nations Governor Reagan will visit. This growing figure is a considerable plus on the ledger of our balance of payments—which sadly has been in deficit this past year—and thus indirectly benefits every American in strengthening the dollar abroad and our economy at home.

I am confident that Governor Reagan's journey will be a major triumph of personal and official diplomacy, both for the State of California and for the United States.

EMERGENCY HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York, (Mr. Robison) is recognized for 10 minutes.

Mr. ROBISON of New York. Mr. Speaker, a few days ago, I spoke to my colleagues about the crisis in emergency health care. My past discussion of the extent of this crisis must now be tempered by a mention of the vigorous efforts of two Federal agencies which are trying to meet the many problems of emergency medical transportation. Both the Division of Emergency Health Services of the Health Services and Mental Health Administration, HEW, and the National Highway Traffic Safety Administration, DOT, are providing grant support for the training of ambulance attendants and the purchase of improved ambulance equipment. Of the two offices, the NHTSA has been by far the most active, because it has been blessed with a working budget to support several demonstration grants, as well as its own surveys and training programs.

The Division of Emergency Health Services within HEW has been restricted in its activities during the past few years because of budgetary limitations and, from the viewpoint of many medical associations, is not presently able to play an adequate role in meeting the vast shortcomings of today's emergency medical transportation system.

Given the extent of need for the improvement of emergency ambulance service throughout the country, it would seem that the present allocation of executive responsibility is both underfinanced and unnecessarily bifurcated. For the past several months, both bodies of Congress have actively debated the merits of a single, coordinated effort to conquer that dreaded killer, cancer. I have already pointed out to my colleagues that even cancer takes a second place to accident as a killer of those between 1 and 37 years of age. The obvious question is, why cannot the Federal Government aim an equally coordinated and singular thrust at a much more easily attainable goal: the improvement of this country's emergency medical transportation system. Added and effective emphasis on only one area, the training of ambulance attendants, would produce immediate and verifiable results in the saving of human lives.

In this era of body counts, massive natural disasters and brutal revolution, we are not easily shocked by figures which cite thousands of fatalities. The 100,000 deaths attributed to accident in 1968 seem to be just another entry in the grisly ledger of deaths we note with morning orange juice. But maybe a new accounting can provide a more satisfactory impetus to action. If the public were to read that 20,000 lives could be saved in 1 year, would they peruse long enough to see how? Will my colleagues who are listening ask how?

This lifesaving goal can be approached by properly utilizing the Federal machinery already in existence. The expertise and the experience already demonstrated by those in DOT and HEW who are working to improve our emergency medical transportation system can save lives, given effective organizational structure and sufficient funds. The bill which I am introducing today can effect one part of this necessary reallocation of effort.

By combining the Federal programs for the development and improvement of emergency medical transportation into one agency, the Department of Health, Education, and Welfare, my bill seeks to create the necessary focal point of organization and administration which can get results in a campaign to save lives.

The 92d Congress promises to be the Congress which will assure every American the right to adequate health care. As we study and discuss the proper governmental role in this Nation's health delivery system, let us also include this most important category of emergency health care, and give the subject of emergency medical transportation the same thorough consideration and degree of resolution.

Mr. Speaker, I offer the text of a bill which I am submitting, today, to streamline and revitalize the Federal effort to improve emergency medical transportation.

A bill to transfer to the Secretary of Health, Education, and Welfare authority over Federal programs to develop and improve emergency health care for motor vehicle accident victims

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the functions of the Secretary of Transportation under chapter 4 of title 23 of the United States Code which relate to the administration of Federal programs for the development and improvement of emergency medical transportation are transferred to the Secretary of Health, Education, and Welfare.

SEC. 2. (a) So much of the positions, personnel, assets, liabilities, contracts, property, and records which the Director of the Office of Management and Budget determines (1) were employed, held, used, or available or to be made available in connection with the functions transferred by the first section, or (2) arose from such functions shall be transferred to the Secretary of Health, Education, and Welfare.

(b) With respect to any function transferred by the first section and exercised after the date of the enactment of this Act, reference in any other Federal law to the Secretary of Transportation in connection with such a function shall be deemed to mean the Secretary of Health, Education, and Welfare.

AMERICAN INDUSTRY UNDER INCREASING PRESSURE FROM FOREIGN IMPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. HARSHA) is recognized for 10 minutes.

Mr. HARSHA. Mr. Speaker, American industry is under increasing pressure from foreign imports. As a result, our balance of trade is deteriorating and speculation is growing that the dollar will soon have to be devalued. Yet, despite this clear and present economic threat, the Congress is on the verge of imposing massive new investment requirements on American industry. The antipollution legislation Congress is now considering will bring about the much desired pollution control, however, it ultimately threatens to dangerously increase the production costs of domestically manufactured goods.

In a recent speech, Federal Reserve Board Gov. Andrew F. Brimmer summed up what the new pollution requirements will entail:

> This will mean a drastic change in the pattern of investment spending in both the private and public sectors. Historically, the vast proportion of the new investment in private industry has been made to increase production capacity, and only a modest share has been devoted to suppressing the pollutants generated as a by-product of industrial activity. To get a firm grip on the pollution problem will require a considerable reordering of investment priorities: a much larger share of new investment will have to be devoted to making production processes themselves far cleaner and to repairing the environmental damages suffered in the past.

Such a reordering of investment priorities raises a serious question for American industry. How can it stay competitive with foreign competition if production costs are boosted substantially?

The true magnitude of the problem was brought out in a new book on pollution by Washington University biologist, Barry Commoner, a well-known figure in the environmental field. In it, he estimates that the overall cost for abating pollution will come to a staggering $600 billion. Another $40 billion a year, he believes, will be required over the next 25 years to repair damage already done to our environment by pollution.

Commoner admits that the costs of all goods and services produced in this country will have to rise dramatically to fund this massive abatement effort. Twenty-five percent would be a conservative figure. Imagine what such additional costs will mean to our competitive position worldwide. And, bear in mind, that these sobering figures are furnished by a friend, not a foe, of the pollution abatement effort.

Pollution control is a national goal and its abatement in industry and elsewhere is a national priority, a goal and priority with which I wholeheartedly agree. Viewed in this light, we see that finding ways and means of averting or minimizing the adverse economic consequences likely to flow from the effort are part and parcel of the overall solution of the problem.

Now, if there were no question of foreign competition, the problem would be relatively simple to solve—costly, but simple. Pollution control costs could be passed on to and absorbed by the consumer and that would be the end of it. There might be some dislocations and some hardships along the way, but that is the price we would have to pay for cleaning up our water and air.

The specter of foreign competition, however, adds a further dimension to the problem. Surely, America's enduring interests would be poorly served if our abatement efforts merely set the stage for "clean" domestic manufacturers to fall victim to competition from "dirty" products from abroad.

In this connection, I would like to include at this point in the RECORD, an article which appeared in the October 4, 1971, issue of Industry Week magazine. It was authored by Floyd G. Lawrence and entitled, "Constraints Add Costs Beyond Benefits."

The article follows:

IS THERE STILL TIME?—CONSTRAINTS

(By Floyd G. Lawrence)

Capital to invest in higher productivity is vital to the survival of U.S. industry. But capital is not easy to come by, as increased borrowing by industry makes clear. Yet 10 to 30% of capital spending in many industries is going, not into improving our threatened competitive position, but into nonproductive facilities to meet pollution control standards.

Public and private spending for air and water pollution alone from now through 1975, according to Environmental Protection Agency estimates, will total $61.7 billion. Based on the Conference Board Inc. (New York) estimate of $19,811 per employee invested by manufacturing, this $61.7 billion, if it were invested in new plant and equipment, could create jobs for two-thirds of the nation's 4.8 million unemployed.

Put another way, this is an amount equal to the current book value of the plant and equipment of four complete American auto industries; 3.7 entire steel industries; or the chemicals, rubber, paper, lumber, aircraft, and nonferrous metals industries combined. And it is enough to lead Secretary of Commerce Maurice H. Stans to say: "What are our priorities? We need to weigh environmental goals against economic reality."

Environmental needs clearly are important, Secretary Stans and others are saying, and they cannot be ignored. But our society has other needs which a commitment of this size could do much to meet, as Industry Week illustrates. And, more basic still, a strong and viable industry is the key not only to the technological means of achieving our environmental goals, but also to the economic strength demanded if we are to achieve our other goals as a society.

"The fact is," Secretary Stans adds, "that American companies will have increased their pollution control spending by almost 50% this year over last; industry will spend some $18 billion over the next five years to meet the requisite standards."

AMAZEMENT FROM ABROAD

Foreign competitors have not yet assumed any such cost burden. Nor are there any signs that they imminently will, reports a government official closely involved in seeking international environmental goals. "There are honest differences between nations as to what constitutes a hazard to human health. Many abroad are frankly amazed by our views in this country and clearly regard our standards as unnecessarily extreme. Since it is standards that establish the level of control and determine cost the disparity is likely to be long term rather than short."

Nor does he hold out much hope to those who expect things to even up as a result of the United Nations Conference on the Human Environment at Stockholm, Sweden, in June 1972. "There will be [representatives of] over 100 countries in attendance, of which some 75 or 80 will be less developed countries with objectives entirely different from ours.

"Many developing countries say frankly they would welcome pollution if it fostered their economic development and industrialization. Some are talking among themselves about opportunities as pollution havens as a result of environmental restrictions of the more developed countries," he reports.

Confronted with unwillingness to sacrifice economics for environment in many countries abroad, he indicates our government believes the most likely forum to seek positive results on environmental discrepancies is the Organization for Economic Cooperation & Development (OECD). "The membership not only consists of countries that account for 80% of Free World trade," he explains, "but, also, these are the countries which have the most nearly similar interests and concerns about the environment.

"We are pushing to get agreement in the OECD that all member countries accept the principle that the polluter bears the cost of polluting," he says. "The importance of this is that if other countries subsidize pollution control for manufacturers, our industry will be at a competitive disadvantage because the costs will not be reflected directly in their products. But even if the polluter does pay in all developed countries," he cautions, "these costs still could differ substantially between countries because of differences in pollution standards."

And on that score he is not optimistic. "We have explored setting international standards for pollution control with other countries in the OECD and the general view seems to be that it's just not realistic because the circumstances are so different from country to country," he explains. "But that's not surprising when you realize that many of our own environmental experts question the economic sense of common standards throughout the U.S. itself."

POVERTY IS UGLY, TOO

Antonie T. Knoppers, chairman, U.S. Council of the International Chamber of Commerce, and president, Merck & Co., Rahway, N.J., told world business leaders at Vienna, Australia, that "industry and all other polluters could do more to keep our air and water resources cleaner than in the past, but always at a price. The question in its most brutal form is when does the price become too steep? Shutting down a polluting plant that would be uneconomic to renovate can cost jobs. "If pollution is ugly," observes Dr. Knoppers, "so is poverty."

Other countries less affluent than ourselves already understand that quite clearly. Unless we can somehow imbue them with our environmental idealism, we are likely to prove the point quite conclusively.

But important through the displacement of capital may be in itself, there are other implications in our actions that are perhaps more serious. Industry needs energy no less than it needs tools.

Within the last month, as a result of environmentalist pressures, the Atomic Energy Commission agreed to "review the thermal effects on the environment" of 106 nuclear powerplants, 15 of which are already in operation and could be shut down.

About 92 million megawatts of electrical energy, equal to 27% of the nation's present generating capacity, was to have been produced by the plants. Further delay alone will add cost, while a likely concession of added cooling towers to "protect the environment from hot water"—the effects of which are far from fully introduced—would add more.

Other examples of crescendoing constraints on the development and utilization of resources might be cited, ranging from the well known delay in the construction of the Alaska pipeline to continuing charges that the Reserve Mining Co. is "polluting" Lake Superior by dumping inert taconite tailings into a trench 900 ft deep—despite prior permits from both the state and federal governments.

MORE HARASSMENT AHEAD?

But if regulated cost disparities and growing restrictions of energy and resources insufficiently jeopardize American industry, attacks are now being mounted to undermine the American free market system itself.

"American business, from the perspective of the world, is plainly in trouble," says James M. Roche, chairman, General Motors Corp., Detroit. "Yet at a time when we must work together to bolster our ability to compete against others, our system is being criticized by many whose professed aim is to alter 'the role and influence of corporations and corporate management in and upon American society.'

"Their ultimate aim is to alienate the American consumer from business," warns Mr. Roche. "If the consumer can be convinced that he really does not know what is good for him—and this is what the critics try to do—then freedom leaves free enterprise. For if the consumer cannot protect his own interest, then someone else must do it. That someone else will then dictate what can be made, what can be sold, and at what price."

Legislative proposals now pending before Congress illustrate the direction of the pressures Mr. Roche describes. One group of bills would create a statutory Office of Consumer Affairs with authority to act as advocate of consumer interests in agency and court proceedings. But as John Stuart, director of the marketing for the National Assn. of Manufacturers (NAM), pointed out to members of the House Subcommittee on Legislation & Military Operations, defining the consumer interest is not always easy. "Two groups of public interest lawyers are sharply divided over the Alaska pipeline," Mr. Stuart noted, "one having sympathies for underprivileged Indians whose public interest was in jobs and a better living, while the other lawyers represented environmentalists who felt ecology was the greatest public interest."

Product safety legislation, the subject of another group of bills pending, would cover new or existing products "customarily sold for household or personal consumption"—a categorization to which an exception would be hard to find. Stanley Groner, vice president-group services, AMF Inc., New York, told the Senate Commerce Committee on behalf of the NAM:

"We can report to you that industry broadly accepts the *objectives* of these bills. We have no illusions as to what this may mean. It may mean having to accept a dominant and oft-times harassing and costly government intrusion into our engineering, our production processes, and our distribution. We must expect to cooperate with government in the burdensome keeping of records and gathering of technical data concerning thousands of products and countless components and their distribution and use.

"It means time and money spent by our executives and associations in the developing of new standards of performance . . . And, finally, we are keenly aware of the inevitability of loss of sales and jobs by adverse (and perhaps misinterpreted) publicity in the marketplace, or inaccurate information, or erroneous findings released by the administrator," said Mr. Groner.

Consumer class action bills comprise a third major area, permitting the consumers to band together to correct anything the other pieces of legislation may have failed to catch. Richard D. Godown, associate general counsel of the NAM, pointed out in testimony on these bills that "all manufacturers, and big concerns in particular, would fall prey to harassment and strike suits. It is small comfort to be told that plaintiffs have to prove their cases. The cost of defense is formidable enough so that it cannot be winked at by any U.S. company. And the public relations damage—the adverse publicity which flows from simply being named in such a suit—is costly in other terms."

"To the extent that new laws and new officials do protect the consumer against fraud and deception, and safeguard his health and safety," says Mr. Roche, "they are good. But too much of this new development is unnecessary, and does not deliver a value to the consumer commensurate with the potential higher cost in taxes and higher prices.

"Also to protect the consumer, it has been mandated that many of the products he buys be altered. In this way, too, consumer choice is sometimes unnecessarily reduced, and costs are added without equivalent increase in value," believes Mr. Roche.

"I am seriously concerned—deeply concerned—at what may prove to be an impossible burden on our company, the industry, and the consumer in the years immediately ahead," Henry Ford II, chairman, told shareholders attending the Ford Motor Co. annual meeting this year. "I am referring to the growing burden of sometimes arbitrary legislative and regulatory requirements that could paralyze this industry or price our products out of reach of many car buyers."

Mr. Ford estimates that "just to cover the cost of meeting emission control and vehicle safety standards between now and 1975, the suggested retail price of an average Ford car in this country might be as much as $600 higher than the current price, without any added profit margin or return on our very substantial investment."

"Business does its job when it provides useful jobs at high wages, when it provides useful products at fair prices, when it provides economic growth that produces taxes for government and earnings for stockholders. These are the long-standing social responsibilities of business," believes Mr. Roche.

Today our task is to achieve our national social objectives at the least possible cost to our society, to assure full value for the dollars that must be spent, to mount an efficient effort. This clearly," observes Mr.

Roche, "is a job where business and businessmen have much to contribute."

It may well be that the very survival of our entire enterprise system may require a new "attack" . . .

The House Committee on Public Works has recently concluded hearings on comprehensive water pollution legislation. They extended over a period of 4 months. One thing those hearings made abundantly clear was the fact that no one really knows what the competitive impacts and effects of the water pollution abatement legislation presently under consideration will be. I am reliably informed that the same holds true in the field of air pollution. No one really knows how much it will cost to meet pollution standards. I believe it is past time that we find out what the costs will be for achieving our national objectives in both of these areas.

To this end, I have today introduced a bill which directs the Secretary of Commerce to conduct an in-depth study aimed at measuring and assessing the problems vis-a-vis foreign competition likely to arise if the type of abatment program presently under consideration in both bodies of Congress is enacted into law.

Such a study would be conducted in consultation with other governmental agencies, industries and interested parties both at home and abroad. Foreign pollution control programs would be evaluated and an industry-by-industry index of comparative operational and investment costs would be constructed. The objective would be to learn what types of advantages might accrue to foreign competition, particularly those countries where pollution control efforts are presently minimal or nonexistent. Recommendations for equalizing such competitive disadvantages would also be prepared and submitted.

Because of the urgency of the receipt of such information, initial study results would be submitted to the Congress within 6 months following enactment of my bill. Subsequent reports would be submitted at least annually thereafter.

I have been shocked at the callous indifference of some proponents of pollution control legislation. They tend to evade consideration of such questions as:

First, will marginal industries be forced out of business due to their inability to comply with water pollution abatement standards?

Second, what will happen to those who lose their jobs due to such failure?

Third, how much more will goods cost American consumers as a result of pollution abatement add-ons?

Fourth. How much will the overall American standard of living be lowered as a result of the program?

Fifth. Will American industry still be able to compete effectively in world markets?

The general response to these questions seems to be that such dislocations and hardships are a small price to pay for cleaning up our air and water.

I believe that economic and social impacts must be considered in determining objectives, standards, and timetables for abating pollution. If they are not, I very much fear that America's phenomenal national growth—long based on her wealth of industrial genius—cannot be sustained.

I submit that it is unwise to enact legislation which requires the tremendous capital investment contemplated as a result of both pending and approved pollution legislation without first identifying and assessing the overall competitive impacts and effects of such programs.

Personally, I am convinced that a strong case already exists for a system of "competitive equalizers." Put simply, they are needed and needed now. Unfortunately, the detailed information required to justify such a program has never been compiled. The study I am proposing would supply this information.

I further believe that, should these "competitive equalizers" be legislatively implemented, three essential objectives to a total pollution abatement program would be reached.

First, prices on American-made products would remain at levels comparable to competitive, imported goods.

Second, a major, industry-wide objection to inflexible pollution standards would be eliminated. The often-used argument that expenditures to meet these standards would raise product prices to a level that is noncompetitive with imports would be invalidated.

And finally, a tremendous, unexplored incentive would be given both foreign governments and foreign industries to promulgate and enact pollution control standards comparable to those in the United States.

With such efforts toward international goals of pollution abatement, "dirty" countries would be forced to stop polluting or suffer stiff penalties on imported goods. America would, thus, reinforce her status as a world leader in the search for clean air and water.

While the study I am proposing is being conducted, I plan to continue my own intensive search for a satisfactory means to assure that the massive pollution abatement effort Congress will soon approve will end up benefitting rather than bankrupting this great country.

To that end, I plan to survey individual industries and companies and to consult with their representatives in order to secure a maximum of information and input from them. By no means am I trying to negate the efforts of the dedicated environmentalists, but, rather, I am trying to find a way for all to work in concert toward a common, productive end. Hopefully, by the time Congress reconvenes next year, I shall have ready for introduction a sensible and workable competitive equalizer proposal—one which will assure that neither American industry nor American workers will be unfairly disadvantaged or asked to bear an inordinate share of the burden of achieving national pollution abatement goals.

The full text of my study proposal follows:

H.R. 11176

A bill to require the Secretary of Commerce to undertake a study with respect to the effects of pollution abatement and control programs on international trade

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Commerce, in cooperation with other interested Federal agencies and with representatives of industry and the public, shall undertake immediately an investigation and study to determine—

(1) the extent to which pollution abatement and control programs will be imposed on, or voluntarily undertaken by, United States manufacturers in the near future and the probable short- and long-range effects of the costs of such programs (computed to the greatest extent practicable on an industry-by-industry basis) on (A) the production costs of such domestic manufacturers, and (B) the market prices of the goods produced by them;

(2) the probable extent to which pollution abatement and control programs will be implemented in foreign industrial nations in the near future and the extent to which the production costs (computed to the greatest extent practicable on an industry-by-industry basis) of foreign manufacturers will be affected by the costs of such programs;

(3) the probable competitive advantage which any article manufactured in a foreign nation will likely have in relation to a comparable article made in the United States if that foreign nation—

(A) does not require its manufacturers to implement pollution abatement and control programs,

(B) requires a lesser degree of pollution abatement and control in its programs, or

(C) in any way reimburses or otherwise subsidizes its manufacturers for the costs of such programs;

(4) alternative means by which any competitive advantage accruing to the products of any foreign nation as a result of any factor described in paragraph (3) may be (A) accurately and quickly determined, and (B) equalized, for example, by the imposition of a surcharge or duty, on a foreign product in an amount necessary to compensate for such advantage; and

(5) the impact, if any, which the imposition of a compensating tariff or other equalizing measure may have in encouraging foreign nations to implement pollution and abatement control programs.

(b) The Secretary shall make an initial report to the President and the Congress within 6 months after the date of enactment of this Act of the results of the study and investigation carried out pursuant to this section and shall make additional reports thereafter at such times as he deems appropriate taking into account the development of relevant data, but not less than once every 12 months.

SEC. 2. There is authorized to be appropriated the sum of $1,000,000 to carry out the purposes of this Act.

OUR GROWING MILITARY WEAKNESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. WYMAN), is recognized for 10 minutes.

Mr. WYMAN. Mr. Speaker, as a Member of the Defense Appropriations Subcommittee, I am deeply concerned about our lessening military and naval capabilities in relation to Communist nations. If we do not build more ships, more submarines, better weapons, and darn soon—like starting tomorrow—Americans are going to wake up some day and face an ultimatum.

High Naval officials will candidly admit that at this time the probabilities are that we would have difficulty maintaining the seas against the Soviet submarine capabilities. Even an optimistic assessment of relative capabilities would suggest that the great and increasing number of Soviet submarines mean that U.S. convoys would be sitting ducks.

It is a long time from planning to production of sophisticated military hardware. It has been contended that the F-14 with the Phoenix missile is inferior to the Soviet Foxbat before the F-14 is in production. This is arguable. The more important point is that a nation that has the technological capability of putting a man on the moon and bringing him back alive ought to be able to build a better airplane than the Soviet Union.

It also ought to be able to build a cruise missile — nonnuclear ship-to-ship—better than the Soviet Union.

Mr. Speaker, what in blazes have the military planners been doing in the mid-1960's? Where are our new planes? Can it be said that the best we can come up with in service vessels is the DD-963, which may be a new platform with some sophisticated electronics but said to be without much sting in the offensive sense.

Rumor has it that the contractor on the DD-963 is so beset with troubles, operational and otherwise, that there will be sizable cost overruns here and delays in target dates. I predicted this lacking dual source procurement.

This is no way to provide for the defense of the Nation. No matter how much we may long for better recreational facilities and a higher standard of living for all the world, the only assurance of our survivability in continued freedom is for us to stay so strong that no other nation on the face of the earth dares attack us.

We are not doing this. The defense budget that is being presented to this Congress this year is not fully providing for this, and I am deeply concerned. We should have at least $3 billion more in the present budget for ship and submarine construction. There should be another billion dollars for the Air Force to expedite planning and prototype development of a new and superior airplane.

We cannot put all our money into the volunteer army concept. Quite aside from the vulnerability of turning to mercenaries, this country already devotes more than 50 percent of its entire military appropriations to pay and allowances for personnel, while the Soviet Union spends only 20 percent for this. To implement fully the volunteer army concept will find us over 60 percent for personnel pay and allowances.

This is ridiculous. It is also downright dangerous.

At the proper time, I expect to offer amendments to increase the military budget to a level that will adequately protect America. I intend to see that level maintained in future years as long as I have anything to do with the defense situation. It is all well and good to be interested in who wins the world series, where Johnny is going to be for Christmas or what will be under the tree. More basically for Americans is will there be a tree at all? Unless we stay strong we stand to lose our precious freedoms.

In connection with these remarks, the following article from last Sunday's New York Times on the subject of the situation of our defense is significant:

[From the New York Times, Oct. 11, 1971]

CUTS IN U.S. SEA POWER WORRY ADMIRALS

(By Drew Middleton)

The admirals commanding the United States Navy and the professional officers and senior ratings manning its ships are disturbed and anxious over the decline of American sea power.

Adm. Elmo R. Zumwalt Jr., Chief of Naval Operations, believes that, if the United States continues to reduce naval strength and the Soviet fleet continues to expand, the day will inevitably come when the result of any showdown at sea would go against the United States.

The modern Soviet fleet—construction of three new cruisers was reported by intelligence sources recently—is one cause of the Navy's anxiety. Another is budgetary constraint that has reduced the fleet's strength and delayed the replacement of old ships by new.

Worried admirals see the Navy's global responsibilities extended when resources are being reduced.

The Administration, they noted, will support overseas allies through the Nixon Doctrine, whose implementation, resting on sea and tactical air power and a phasing out of direct military involvement, would extend the Navy's mission.

The rise of Soviet sea power and the reductions in American strength have stirred an intellectual ferment that is welcomed by many officers.

This ferment was obvious on a recent series of visits to the Sixth Fleet in the Mediterranean, the Seventh Fleet off Vietnam, and naval stations in Europe and the Caribbean.

Young officers gave their views in the ward rooms of destroyers. Petty officers of the "Old Navy" offered profane and often penetrating thoughts on the new in Neapolitan bars. And in Washington, Admiral Zumwalt and the admirals who head the Navy's departments talked about the Navy's problems.

CARRIERS QUESTIONED

The effectiveness of attack aircraft carriers has been questioned. New ships joining the fleet have been sharply criticized. Novel tactics are advanced for nuclear-powered submarines. Research goes forward on revolutionary new vessels such as Surface Effect ships riding above the waves at more than 80 knots.

Admirals believe that, barring a sudden shift in popular and Congressional attitudes, the Soviet Union will outbuild the United States and achieve the numerical superiority in large surface ships it now holds in submarines. The Navy's response is to emphasize quality in hardware and men, boldness and flexibility in tactics.

Congressional critics as well as others contend that the Navy can get along with fewer ships. The admirals want more ships but, if they cannot get them, they want those ships now planned or being built to be superior to Soviet craft in the same classes.

THE PROBLEM IS HARDWARE

Hardware, not morale, is the Navy's problem. The Navy does worry over the use of drugs and racial tensions. But its problems in these fields are minor compared with the Army's.

Drugs are harder to conceal in the constant, intense cooperation of life at sea And only 5.3 per cent of Navy enlisted men are black compared to more than twice that percentage in the Army.

The admirals who head the Navy's departments realize that emphasis on the Soviet challenge, coupled with requests for greater resources, has had little effect on the country. They find that many Congressmen are suspicious of warnings of the results of a further reduction in strength.

Some concede that the Navy may have cried "Wolf" too often. But the wolf is there, the admirals say, and they see no other course open, unless, as Adm. Hyman G. Rickover put it, "we intend to wait and drift on, inch by inch, stage by stage to naval inferiority."

The Navy has four basis functions: Provision of a strategic nuclear deterrent, control of sea lanes and areas, projection of American power ashore and display of the flag around the world.

Any war with the Soviet Union would extend these functions.

The attack carriers would be required to support land operations in Europe with their fighters and bombers. Massive antisubmarine forces would be employed to keep the North Atlantic open for sea-borne reinforcements.

SOVIET DEPLOYMENT

Because Soviet sea power is now deployed in the Pacific and Indian oceans, the fleet would also have to eliminate this Russian threat and maintain communications with allies such as Japan and Australia.

Today's Navy is 714 ships, about 200 of them at sea at any given time, and about 620,000 men and women. Two years ago the Navy's strength was 886 ships and 770,000 personnel.

In 1969, the Navy budget, exclusive of Marine Corps appropriations, was $23.3-billion in dollars of the fiscal year 1972. The budget was $21.5-billion in the fiscal year 1972. Of this, $3.3-billion was allotted to shipbuilding, a vital figure to the Navy, which argues that $3-billion should be spent on new ships annually if its $75-billion plant is to be replaced every 25 years.

Budgets were high during the peak years of the Vietnam war; $25.3-billion in 1967. But Admiral Zumwalt emphasized that the money was spent largely on aircraft, bombs, bullets, shells and higher operating costs, not on ships. The $3-billion figure was not reached between 1964 and 1971 and the allocation fell to $1.2-billion in 1969.

Costs are rising. The two nuclear carriers now under construction will cost over $800-million each. A single submarine of the new 688 class will cost about $170-million.

Aircraft carriers, the instruments of overseas projection, and escort vessels have been hit hard by cuts. There are 16 carriers today; there were 24 carriers 10 years ago. Qualitative improvement in new escort vessels has not yet compensated the Navy for losses in numbers according to Admiral Zumwalt.

Escorts are essential in antisubmarine warfare where the challenge is a Soviet submarine fleet of 340 diesel-powered and 95 nuclear-powered vessels, including 55 ballistic missile and 65 cruise missile submarines. A cruise missile has a non-nuclear warhead.

The Russians have the capacity to complete 20 nuclear submarines a year. Present production is about eight Yankee class ballistic missile submarines a year and a lesser number of other types.

"We can expect them to keep outproducing us in nuclear submarines by at least three or four to one," *Admiral* Rickover told a Congressional committee.

SOVIET FLEET'S GOALS CITED

The Soviet fleet, the Navy holds, was built with two objectives: Strategic nuclear parity with the United States and a capacity to cut vital overseas communications.

"We need those communications," said Vice Adm. Philip A. Beshany, Deputy Chief of Naval Operations for Submarines. "If the Russians cut them in the Atlantic they'll walk all over Europe."

The Soviet surface fleet numbers 216 large combatant ships including two helicopter carriers, 11 missile cruisers, 11 gun cruisers, some of which are now being converted to missile cruisers, 37 missile destroyers, 45 conventional destroyers and 110 escorts.

In addition, there are over 1,300 small ships including 160 guided missile patrol boats. There are 175,000 sailors afloat, 40,000 in naval aviation, 20,000 in coastal defense, 10,000 naval infantry, 175,000 in shore support and 50,000 in training.

The Soviet navy is supported by an extensive scientific and technological organization under the Ministry of Shipbuilding which controls about 85 research institutes and design bureaus.

The four naval shipyards are at Severodvinsk, Kaliningrad, Khabarovsk and Sudomekh. Seven others—Gorky, Zelendolosk, Zdanov, Nikolayev, Admiralty, Komsomolsk and Kerch—build both naval and commercial vessels. Severodvinsk is now the largest submarine yard in the world. Facilities at Gorky have been expanded and capacity there may have been doubled.

A NEW SOVIET FLEET

Research and development, the Navy said, has enabled the Russians to build ships with greater horsepower and higher sustained speed capabilities than comparable American ships. Maximum speeds are on the order of from 34 to 38 knots.

It's a new fleet. Only two of its ships are over 20 years old. Of American combatant ships and submarines 47 percent are 20 years or more old.

Caught between the Soviet submarine challenge and the rising costs, the Navy Department is studying new ship-types for an answer. The Sea Control ship may be one.

These will be small antisubmarine carriers of from 12,000 to 25,000 tons. Their armament will include VSTOL (Very Short Take Off and Landing) fixed wing aircraft, long range helicopters and ship-to-ship and ship-to-air missiles. The Navy hopes one Sea Control ship will be able to dominate the sea for a radius of 100 to 200 miles around a convoy.

Replacement of aging World War II destroyers has led research toward a new class; the Patrol Frigate. This will be designed to supplement existing amphibious forces, support groups and convoys. Patrol frigates will carry antisubmarine helicopters and will be driven by gas turbines.

HELICOPTERS AS HUNTERS

LAMPS (Low Altitude Multi-Purpose System) will be fitted to 76 destroyers this year. This is a submarine-hunting helicopter equipped with sonar and weapons capable of destroying enemy vessels at ranges of 25 to 50 miles from the helicopter.

The Navy also counts on the 963 class of destroyers equipped with complete antisubmarine warfare armament. Submariners plump for the new 688 class high-speed submarines armed with the new Mark 48 torpedo and carrying an advanced sonar system.

The most revolutionary vessel now under study is the Surface Effect ship traveling above the surface on a cushion of jet produced air and propelled by powerful jet engines. Capable of speeds of 80 knots, such ships, Admiral Zumwalt believes, would revolutionize naval warfare as much as did the change from sail to steam.

Aviation's antisubmarine effectiveness will be strengthened when the S–3A, a carrier-based submarine hunter, reaches the fleet. The first S–3A will make its first flight next January. By the late ninteen-seventies, the Navy will count on teams of P–3C's and S–3A's to provide wider surveillance and faster reaction to submarine contacts. The P–3C is a land based patrol plane.

THE NAVY'S COUNTER-WEAPON

The carrier's effectiveness is under attack in an era of Soviet guided missile ships and high performance aircraft. The Navy's counter-weapon to the advanced Soviet MIG–23 Foxbat will be the F–14 Tomcat armed with the Phoenix long-range missile. The F–14 is scheduled to reach the fleet in July, 1973.

The Navy's rationale for the carrier—it wants to keep 15 in service—is that its best aircraft out-ranged Soviet seaborne missiles; that the carrier, because of its mobility, is not dangerously vulnerable in the way a stationary base is; and that it packs a punch heavier than anything in the Soviet inventory.

The surface Navy feels that misplaced reliance on the carrier has impeded development of ship-to-ship missiles, an area in which the Russians are well ahead. The first new missile the Harpoon, will be delivered in 1975.

Meanwhile, admirals believe the Terrier and Tartar antiaircraft missiles on surface ships can be used effectively for ship-to-ship fire. Officers of the Sixth Fleet are not so sanguine.

"You've got to have a missile built for ship-to-ship contact," a young lieutenant commander said. "In the Navy we're making do with substitutes that aren't as good as weapons built for one purpose."

THE DECISIVE WEAPON

To the Navy's submariners, theirs is the decisive weapon. Admiral Beshany's goal is over 100 nuclear attack submarines with the emphasis on quality. New Russian ships he said are faster than American but the latter are quieter, an important element in detection.

The Navy hopes that by the middle of this decade it will have developed a tactical missile firing submarine and that tactical missiles will have been fitted to existing vessels.

Admiral Beshany envisages an expanded tactical role for submarines. He sees them employed as escorts for task forces and working closely with the surface fleet. Submarines of the future will be able to "sweep" areas as destroyers and cruisers did in the past.

Worried by the costs of maintaining task forces around the world the Navy is investigating the possibilities of a Home Port Overseas plan. Under this, carrier task forces would be based permanently at ports in friendly countries. Their crews would live on the local economy rather than in a navy enclave.

Through this system, the Navy suggests, American power would be projected overseas on a long term basis and the seas controlled in key areas.

THE FALLACY THAT MEDICAL CARE IS TOO EXPENSIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Bow) is recognized for 10 minutes.

Mr. BOW. Mr. Speaker, I have heretofore inserted in the RECORD for the benefit of my colleagues an article written by Dr. Jack Schreiber of Canfield, Ohio. I ask unanimous consent to include with these remarks the second in a series of three.

THE FALLACY THAT MEDICAL CARE IS TOO EXPENSIVE

(By Jack Schreiber, M.D.)

The battle cry, these days is: "Medical care costs too much." Those who would restructure the practice of medicine, and those who have not bothered to check the facts, level the charge—Medical care is too expensive. Too expensive, compared to what? Surely not compared to food. In 1968 the average American spent almost 19 cents of every dollar for food, while spending 7 cents for medical care. Housing and household operations took 28½ cents out of every spendable dollar.

Medical care too expensive? Not certainly too expensive when compared to the cost of transportation. Each year the average American spends almost twice as much on his automobile as he does on his body. And yet we hear no cry to socialize the automotive industry. Medical care too expensive, compared to what? Last year, the American people spent almost $10,000,000,000 on tobacco and $15,500,000,000 on alcoholic beverages. Add to this $33,500,000,000 for recreation, and the question of whether medical care is too expensive becomes, rather, a question of where our priorities belong?

The companion charge, heard all too often, is: "You doctors make too much money." Too much, compared to whom? Certainly not to some members of the construction industry, who, according to Victor Riesel, in six years will be earning $50,000 a year. Many people in construction and manufacturing, being paid time and a half for overtime and double time for nights and Sundays, putting in a 70 or 80 hour week, as many physicians do, could take home more money, after taxes, than many physicians do. And this is to say nothing about education, fringe benefits, retirement plans and the rest. Do doctors make too much compared to entertainers or professional athletes, for example? Again, it seems to be a matter of priority rather than a sense of values, when we pay someone three or four times as much to play baseball as we pay a family doctor.

NOT ALL HEALTH COSTS ARE MEDICAL

What should be pointed out is that when the social planners and the politicians talk about medical care costs, physicians' fees should be separated from the rest of the medical care package. Hospital costs, for example, have risen rapidly in the last decade, chiefly because of the adjustment of wages of underpaid employees. The 1968–69 figures show hospital care accounts for 56 percent of the total health bills under public programs. Compare this to 13 percent for physician's fees. One must look at physicians' fees realistically. For example, in 1970 the consumer price index indicates physicians' fees rose 7.5 percent over the previous year while all services rose 8.1 percent. This would indicate that doctors are not out of line when properly compared with persons in other service professions.

In all of the talk and anguish over rising costs, very few point out that the item most likely to bankrupt a family is not doctor bills, or even hospital bills, but rather taxes. In 1970, the tax burden for every man, woman, and child in this country was $1175 ($4700 per year for a family of four). This is a far cry from the $540 per family of four (on the average) for all medical care, including the cost of hospitalization insurance for the same time period.

Many persons angered by the high income of doctors in the United States, hold the simplistic view that health care costs could be held down by reducing physicians' incomes. This would have only a minor effect. If the income of the nation's physicians was cut by more than half to a ridiculous low of $17,000 annually—a move that could destroy American medicine—the national expenditure for health care would be cut by a paltry 8 tenths of 1 percent.

The real point is not how much it costs, but how well can people afford good medical care. Most of us manage to be able to afford those things we want and need. A great many Americans think nothing of spending $3,000 to $4,000 every year for a new car, plus another $1200 to $1500 to maintain it. We think nothing of paying more for our car insurance, especially if there are teenagers in the family, than we do for hospitalization insurance. The difference is, a car is a material "thing," something to be enjoyed and admired—an item of prestige. Medical care is often painful and unpleasant, and the beneficial results are not always visible.

SPREADING OUT THE COST

Like the payment for the car, the payment for illness can be spread out. The average American visits his doctor four times per year, and probably goes to a hospital four to five times in his lifetime. These are fairly predictable costs and can be prepaid through the mechanism of health insurance. Almost 90 percent of all Americans have some form of health insurance, testifying to the fact that a majority of us can afford to be protected, just as we protect our homes against fire and our automobiles against damage. In the time period from 1966 to 1968 physicians' fees rose 3.7 percent. During the same time period, general wages rose 4.2 percent. Just as most of us can afford entertainment, travel, luxuries, we can afford good medical care, particularly if it is budgeted.

In the cry and furor over costs, very little has been said about worth. Let's put this in prospective. Of course, medical care costs more. But today's working man is back on the job in fewer days and a patient is in the hospital less time because of the increased knowledge and skills of the medical profession. The average laboring man today, works fewer hours to pay for a higher grade of medical care than he did ten years ago. The average drug prescription today is $3.62 and 80 percent of the drugs purchased today weren't even invented ten years ago. Several dollars worth of antibiotic capsules today will cure lobar pneumonia, a disease which killed nearly half of all those who contracted it 25 years ago. The cost of tuberculosis treatment 20 years ago was staggering. Today, patients can be treated at home with drugs which cost a fraction of what extended hospital care cost in 1950.

FOOLISH SPENDING

Is medical care too expensive? It may be for some people, but everyone has a stake in the cost of overall health care. The patient has just as much, or perhaps even more responsibility in this matter, than does the physician. Last year, it was estimated that the American people spent at least $2,000,000,000 for quackery. This is more than all the money spent on the entire cost of health education. In this modern day, people still have a penchant for the worthless and sometimes harmful, and the often expensive gadget, ranging from the copper bracelet to the rainbow pills for dieting. Untold millions are spent on the unnecessary frills of so-called health foods, vitamins, reducing aids, patent medicines and other nonprescription items which cost the American public far more than all the prescription drugs put together.

Since every accident is potentially avoidable, think of the enormous saving in the total cost of health care in this country if somehow we could do away with the injuries suffered in 1969. In that year, 49,000,000 people were injured, 20,000,000 at home, 9,000,000 at work, 3,500,000 on the highways, and 15,000,000 in nonmoving motor vehicle accidents (those while repairing, cleaning or performing work on motor vehicles). Of the 49,000,000 injuries, 11,000,000 were bed disabling. The total cost of accidents in 1969 was $25,000,000,000. Of this nearly $3,000,000,000 was in medical fees and hospital expenses. Every cent of this was preventable. The patient does have a real stake in the overall expense of medical care.

What about the effects of alcohol? There are 60,000,000 users of alcohol in this country, which include an estimated 10,000,000 alcoholics. This is part of the cost of medical care which has been called too expensive. And this too, is preventable. What about the effects of drug abuse? Last year, more young people died in this country from drug abuse than all the soldiers killed in Vietnam. This cost, plus the cost of the hundreds of thousands of kids who are experimenting with drugs and who need rehabilitation and medical care is almost incalculable.

And finally, what about the average adult who overeats, doesn't get enough exercise, smokes too much and doesn't get enough rest. How much does self-abuse add to the cost of medical care in terms of hypertension, diabetes, lung cancer, strokes and hardening of the arteries? It might be safe to say that perhaps half of the total health care bill, in this country, is preventable. For years, we have been urging our patients to use a little common sense and to follow simple rules of maintaining good health.

Is medical care really too expensive? Or are too many of us simply trying to shift personal responsibility to somebody else?

PANAMA CANAL TREATY NEGOTIATIONS: STATE DEPARTMENT POSITION PAPER'S DISHONESTIES AND FALLACIES EXPOSED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, negotiations for new Panama Canal treaties between the United States and the Republic of Panama were reopened on June 29, 1971, in Washington, with Robert B. Anderson, the chief negotiator for the discredited 1967 treaties, again acting as chief negotiator for the United States and again playing the role of the lion as portrayed by Bert Lahr in the Wizard of Oz.

Because of their importance to the security of the United States and interoceanic commerce, these negotiations have aroused national interest despite the failure of the mass news media to give their subject the attention that it merits. The result has been that Members of the Congress have been deluged with letters from many parts of the Nation strongly opposing the projected give-away at Panama and urging retention by the United States of its undiluted sovereignty over the U.S.-owned Canal Zone and Panama Canal.

The Department of State, ostensibly to facilitate Members of the Congress in replying to constituents, recently distributed to all members under the signature of David M. Abshire, Assistant Secretary for Congressional Relations, a September 1971 highly propagandistic position paper on "Background on Panama Canal Treaty Negotiations," which was prepared by the Office for Interoceanic Canal Negotiations of the State Department.

In testimony before the House Subcommittee on Inter-American Affairs on September 22, 1971, quoted by me in the Congressional Record of September 22 under the title of "Panama Canal Sovereignty and Jurisdiction," I made a comprehensive discussion of canal policy problems and the necessity for their clarification and reaffirmation, which supplies authoritative information in the premises.

An examination of the State Department position paper will disclose that it is superficial, evasive, and misleading doubetalk that supports what, if not prevented, could be one of the most gigantic giveways in history. Especially objectionable is its expressed readiness to negotiate away rights for the expansion and new construction involved in the modernization of the existing Panama Canal that are already possessed by the United States.

In his regular Public Affairs syndicated column for September 30, 1971, under the title of "Nixon Takes Wrong Tack in Panama," Maj. Gen. Thomas A. Lane, a distinguished Army engineer with a background of experience that includes military service in the Canal Zone, analyzes the cited State Department position papers, points out its dishonesties and fallacies, and suggests a plan of action for meeting a serious situation at Panama.

In this connection, it should be noted that Panama is a small and weak country unable to defend itself and wholly dependent upon some strong power. In reply to the claim of Panama that its strategic geographical location is its greatest natural resource this location is also its greatest weakness for Panama has been, and probably always will be, an object for attack by predatory powers. Thus its independence and well being depends on the United States remaining as the sovereign of the Panama Canal and Canal Zone.

Mr. Speaker, because the indicated State Department position paper and General Lane's analysis of it should be of much interest to the Congress and the Nation at large, I quote both as parts of my remarks:

Department of State,
Washington, D.C.

To Members of Congress:

During the past few weeks, we have received numerous telephone calls and other communications from Congressional offices requesting our assistance in answering correspondence from constituents about present negotiations concerning a revised Panama Canal Treaty.

In order to facilitate your handling of constituent inquiries, I am pleased to send you copies of a report giving a history of the Treaty negotiations and explaining the intention of our negotiators.

Please don't hesitate to call on this office if you believe we can be of further assistance.

Sincerely yours,
David M. Abshire,
Assistant Secretary for Congressional Relations.

Background on Panama Canal Treaty Negotiations

1. Panama has been discontent with the Treaty of 1903 since its inception and has sought more generous terms with increasing intensity in recent years. Revisions were made in 1936 and 1955. But the most objectionable feature from Panama's viewpoint—US sovereignty over the Canal Zone in perpetuity—remained unchanged. Neither did the increases in payments and other economic benefits for Panama in the two revisions provide what Panama considers to be its fair share.

2. Panama's discontent led to destructive riots along the Canal Zone border in 1958 and 1964. The 1964 upheaval and subsequent criticism of US policy in the OAS, the UN, and in other international forums under-

scored the timeliness of President Johnson's decision that the reasonable aspirations of Panama could be met in a new treaty that continued to protect vital United States interests. On December 18, 1964, the President stated:

"This Government has completed an intensive review of policy toward the present and the future of the Panama Canal. On the basis of this review, I have reached two decisions.

"First, I have decided that the United States should press forward with Panama and other interested governments, in plans and preparations for a sea-level canal in this area.

"Second, I have decided to propose to the Government of Panama the negotiation of an entirely new treaty on the existing Panama Canal.

"Today we have informed the Government of Panama that we are ready to negotiate a new treaty. In such a treaty we must retain the rights which are necessary for the effective operation and the protection to the Canal, and the administration of the areas that are necessary for these purposes. Such a treaty would replace the Treaty of 1903 and its amendments. It should recognize the sovereignty of Panama. It should provide for its own termination when a sea-level canal comes into operation. It should provide for effective discharge of our common responsibilities for hemispheric defense. Until a new agreement is reached, of course, the present treaties will remain in effect."

3. The basic US treaty objectives established by President Johnson in 1964 and supported by Presidents Truman and Eisenhower were to maintain US control and defense of a canal in Panama while removing to the maximum extent possible all other causes of friction between the two countries. To this end, new treaties were negotiated between 1964 and 1967 which contained the following major provisions (as summarized in the December 1970 final report of the Atlantic-Pacific Interoceanic Canal Study Commission):

The first of the proposed treaties, that for the continued operation of the present canal, would have abrogated the Treaty of 1903 and provided for: (a) recognition of Panamanian sovereignty and the sharing of jurisdiction in the canal area, (b) operation of the canal by a joint authority consisting of five United States citizens and four Panamanian citizens, (c) royalty payments to Panama rising from 17 cents to 22 cents per long ton of cargo through the canal, and (d) exclusive possession of the canal by Panama in 1999 if no new canal were constructed or shortly after the opening date of a sea-level canal, but no later than 2009, if one were built.

The second, for a sea-level canal, would have granted the United States an option for 20 years after ratification to start constructing a sea-level canal in Panama, 15 more years for its construction, and United States majority membership in the controlling authority for 60 years after the opening date or until 2067, whichever was earlier. It would have required additional agreements on the location, method of construction, and financial arrangements for a sea-level canal, these matters to be negotiated when the United States decided to execute its option.

The third, for the United States military bases in Panama, would have provided for their continued use by United States forces 5 years beyond the termination date of the proposed treaty for the continued operation of the existing canal. If the US constructed a sea-level canal in Panama, the base rights treaty would have been extended for the duration of the treaty for the new canal.

The Panamanian President did not move to have these treaties ratified. Consequently, no attempt to ratify them was made in the United States.

4. President Nixon has established negotiating objectives similar to those of President Johnson in 1964, modified by developments since 1967. Primary US objectives are continued US control and defense of the existing canal. The rights (without obligation) to expand the existing canal or to build a sea-level canal are essential to US agreement to a new treaty, with the exact conditions to accompany these rights to be determined by negotiation. The US is willing to provide greater economic benefits from the canal for Panama and release unneeded land areas, again with the exact terms to be developed by negotiation.

5. Panama has expressed willingness to negotiate arrangements for continued US control and defense of the existing canal though it remains to be seen what they mean by this. Panama has not indicated its specific views on the acceptable duration of a new treaty. Panama is determined to terminate current US treaty rights "as if sovereign" and extend the jurisdiction of the Government of Panama into what is now the Canal Zone. The 1967 draft treaties would have terminated US jurisdiction in the canal area (but not control and defense of canal operations) with the construction of a sea-level canal. While the United States is now prepared to negotiate for the reduction in the extent of US jurisdiction in the canal area, it remains to be determined whether a mutually acceptable compromise can be worked out between US and Panamanian objectives in this area.

6. In the area of economic benefits Panama has indicated intent to seek a greater direct payment than it now receives ($1.93 million annually), the opening of the present Canal Zone to Panamanian commercial enterprise, increased employment of Panamanian citizens, and increased use of Panamanian products and services in the canal operation. All of these points were agreed upon in 1967, and the US remains willing to negotiate new arrangements along similar lines, provided they do not hazard US control of canal operations, the continuation of reasonable toll levels, and the continued financial viability of the canal enterprise.

7. Renewal of violence in Panama, possibly more extensive than experienced in 1964, might be unavoidable if the treaty objectives considered by the Panamanian people to be reasonable and just are not substantially achieved. While the US has no intention of yielding control and defense of the canal to the threat of violence, it is certainly in the US interest in Panama, in Latin America, and worldwide again to demonstrate, as in 1967, our willingness to make adjustments in our treaty relationship with Panama that do not significantly weaken the United States' rights to control and defend the canal.

8. It is our intent to show Latin America and the world that the United States as a great power can develop a fair and mutually acceptable treaty relationship with a nation as small as Panama. Such treaty must, therefore, be founded upon common interests and mutual benefits.

9. The Provisional Government Junta of Panama has expressed intent to ratify a new treaty by plebiscite to ensure that it is acceptable to the Panamanian people.

10. The negotiators for the United States are Ambassador Robert B. Anderson, former Secretary of the Treasury and Secretary of the Navy. Ambassador Anderson is chief negotiator. His deputy is Ambassador John C. Mundt, formerly a senior vice president of Lone Star Industries and presently on leave from the State of Washington as State Director for Community College Education.

11. The Panamanian negotiators are Ambassadors Jose Antonio de la Osso (Panamanian Ambassador to the United States), former Minister of Foreign Affairs Carlos Lopez Guevara, and former Minister of Commerce and Industry Fernando Manfredo.

12. Negotiations between the United States and Panama began on June 29, 1971. Important issues such as duration, jurisdiction, land and water requirements, expansion of canal capacity and compensation are now being explored, but no agreements have been reached.

OFFICE FOR INTEROCEANIC
CANAL NEGOTIATIONS.

September 1971.

NIXON TAKES WRONG TACK IN PANAMA

(By Thomas A. Lane)

WASHINGTON.—I have before me a Department of State memorandum on Panama Canal Treaty Negotiations which illustrates the sorry quality of U.S. displomacy in this Nixon era.

This memorandum states that "The basic U.S. treaty objectives established by President Johnson in 1964 and supported by Presidents Hoover, Truman and Eisenhower were to maintain U.S. control and defense of a canal in Panama while removing to the maximum extent possible all other causes of friction between the two countries." That statement is dishonest. It represents the Johnson policy as a continuation of the policies of his predecessors when it is in fact an historic reversal of their policies.

Presidents Hoover, Truman and Eisenhower were adamant about maintaining U.S. sovereignty in the Canal Zone. The sovereign may grant concessions and he may abolish concessions; but when he gives up sovereignty, he surrenders all final authority, submitting himself to the new sovereign.

President Johnson said in 1964, "Today we have informed the Government of Panama that we are ready to negotiate a new treaty. . . . It should recognize the sovereignty of Panama. . . ." That statement opened the negotiation of three treaties transferring sovereignty to Panama, providing for a new administration of the Canal and establishing a defense of the Canal by the United States. These treaties were not submitted to either government for ratification.

The memorandum continues, "President Nixon has established negotiating objectives similar to those of President Johnson in 1964, modified by developments since 1967. Continued U.S. control and defense of the existing canal are non-negotiable U.S. requirements in a new treaty." This is the dishonesty—the implication that the U.S. can control or defend the canal after transferring sovereignty over the Canal Zone to Panama.

The control and defense of territory are powers of sovereignty. When the sovereign contracts the exercise of these powers to another entity, it may unilaterally abrogate the contract with or without cause. In 1956, Egypt unilaterally abrogated a contract for the building and operation of the Suez Canal which had been in operation since 1859.

If the United States transfers sovereignty over the Canal Zone to Panama, it delivers control and defense of the canal to Panama. Any treaty arrangements for U.S. sharing in control or defense will be subject to unilateral cancellation by Panama. Panama could denounce these treaties and negotiate with the Soviet Union or Red China to operate and defend the Canal. The United States would then be forced to choose war or withdrawal. If it resorted to force to preserve this vital waterway, it would be acting in violation of international law, because it had surrendered sovereignty.

The inane quality of our statecraft is expressed in the purpose of removing "causes of friction between the two countries". A diplomacy which seeks to remove causes of friction with other countries invites those countries to make new demands (causes of friction) upon the United States. The policy is self-defeating.

Diplomacy should promote fair and equitable relations with other nations. It must have clear objectives to which it will adhere whether the other countries concur or not.

U.S. sovereignty over the Canal Zone is in all respects a fair and reasonable arrangement. It is essential to the continued secure operation of the canal. It made possible an undertaking which has brought great benefits to Panama. It is the duty of diplomacy today, as under Presidents Hoover, Truman and Eisenhower, to inform Panama firmly that while administrative arrangements are subject to reasonable adjustment, U.S. sovereignty over the Canal Zone will be as enduring as the canal itself.

It is the duty of Panama to accept this arrangement in good grace and cooperate in our common interest. If Panama becomes hostile, the United States should discharge all Panamanian employees and administer the Zone with American citizens. That is the eventuality for which sovereignty must be preserved. We don't want it to happen; but it is a better prospect than making war against Panama to recover by conquest rights which we have surrendered through diplomatic stupidity.

POLLUTION CONTROL: PROBLEMS AND SOLUTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 30 minutes.

Mr. HAMILTON. Mr. Speaker, the pollution and degradation of our natural environment continue to warrant the concern of every American. Although we have witnessed a phenomenal public outcry over the state of our environment we still have a long way to go in terms of providing funds, devising control techniques, constructing facilities, and updating our laws, attitudes, and life styles before we can truly be friends of the earth.

In the great debate over how we should go about controlling pollution, one fact that emerges already is that the environmental crisis cannot be resolved by short-range panaceas or simplistic solutions. Any wishful search for a new wonder drug to cure all the ills of our environment fails to recognize the complex underlying causes of the problem.

To change our role from polluters to preservers of the environment we will have to make technological changes in the way we produce, use, and dispose of goods, and modify our attitudes toward such underlying problems as population growth, consumption of resources, and continual economic expansion and development.

Unfortunately the question still remains whether we are willing to pay the price and to undertake the measures necessary for cleaning up the environment. Many voices are cautioning us not to react emotionally or to be overly zealous in our drive to stop pollution. Others have questioned whether the public is truly serious about making a sizable commitment to the task. We may all have wondered whether the environmental movement is not in fact more passing fad than grassroots movement when we see such questionable expressions of environmental concern as motorists who proudly display a green ecology decal on their cars while leaving a visible trail of noxious exhaust behind them; or, merchants who advertise shirts, socks, pins, pennants, and other manufactured items, all emblazoned with the popular catchword "ecology."

In spite of the indications which might make one skeptical of our complete willingness to undertake the environmental task, most Americans are willing, even eager, to see much more action taken to control pollution. They are ahead of most politicians in wanting their Government to conduct wide-scale programs to clean up the environment.

One problem is that while everyone wants something to be done about pollution no one seems willing to begin doing it on his own. We are all eager to have others stop polluting, yet we remain unwilling to give up our own favorite types of polluting activities. Consequently, we have the ironic situation of everyone claiming to be an environmentalist, while more and more pollutants continue to contaminate our natural surroundings.

This has caused some observers to draw the frightening conclusion that our dilemma is insoluble, and we must prepare to face our own destruction because no one seems to have the power and authority to make us stop poisoning ourselves.

Such a notion rejects any hope in man's ability to control his own destiny. It may be true that thus far we have spent much of our time accusing each other of being polluters instead of recognizing our collective blame and working together for a solution. However, we still have the capacity to recognize our common problem, to decide what needs to be done, and then to provide the laws and authority to insure that what must be done is, in fact, carried out.

The need for Federal, State, and local governments to play the predominant role in this process is now obvious. The previous control techniques of private action and self-regulation have proven to be inadequate and ineffective, regardless of whether it has been in the matter of limiting effluents from factories or emissions from furnaces, controlling trash thrown from autos or diposing of autos as trash. Only government appears capable of providing the resources and authority needed for devising and implementing a comprehensive program to control pollution.

At present many of us continue to be polluters largely because we don't seem to have any practical alternatives to our present patterns of behavior. For example:

First, the housewife whose weekly trash ends up being burned or buried in a dump. Without too much additional trouble she could separate her trash into metals, glass, and paper so it could be recycled; however, her community does not have a solid waste treatment center which can reclaim waste materials.

Second, the commuter who drives to work might be willing or persuaded to use public transportation if it were cheaper, clean, comfortable, and convenient. Instead, the only alternative he may now have to his car is riding on an antique bus, transferring at several stops, and taking twice as long to get to and from his job.

Third, the industrialist who realizes his factory is polluting the air also realizes that if he installs expensive abatement equipment the increased cost will force him to raise his prices. Unless he is certain that his competitor must meet similar costs he feels he has little practical alternative than to stay in business and pollute the environment further.

In these and countless similar situations the need for coordinated public programs and regulations is apparent. We need to be willing to act as individuals to limit the amount of pollution we cause, but we must also work together on all levels of government, if we are to succeed.

ALTERNATIVE APPROACHES TO POLLUTION CONTROL

The various approaches which government can use to control pollution should be evaluated in terms of how effective each is in dealing with different types of environmental problems. In the past our problem has not always been a lack of legislation, but a lack of laws and programs effectively designed to accomplish the intended aims.

There are four basic approaches which can be employed in combating pollution. These are: education and persuasion, direct regulation, subsidization, and economic incentives.

First. Education: Educating the public about a particular problem is always the first step in changing the attitudes and practices which cause a particular condition. Unfortunately this technique suffers from obvious limitations. While we may all come to agree that it is generally better to refrain from certain practices, we may reach that agreement very slowly and, even then, we may not act.

For example, for nearly two decades public and private agencies have been trying to persuade people that we would all be better off if we did not litter our highways and parks with refuse. In spite of public advertising campaigns and reminders of "Don't be a Litterbug" we still find mountains of trash along our roadsides and walkways.

Although educational and persuasive campaigns may be of limited effectiveness by themselves they are nevertheless important in effecting solutions to our environmental problems. Before regulations and programs can be legislated and carried out, it is obviously necessary for the general public to recognize the need for such measures. Without public agreement and support environmental protection measures will undoubtedly be unenforceable and ineffective.

Education and persuasion are also important in approaching certain problems which cannot presently be dealt with by legislation, or which will require a change in attitudes in order to be solved. As an example, the very sensitive and explosive problem of overpopulation will require some sort of solution in the near future. At present the idea of laws limiting the number of children in families seems like a haunting vision of Orwellian tyranny. Although this approach is unacceptable we can still educate people of the consequences which will occur if population growth is not controlled, and attempt to persuade them to limit voluntarily their number of offspring.

In similar manner a number of other basic causes of the environmental problem can be approached. The prevailing attitudes which have caused a polluted environment can be modified if public and private leadership focus attention on these problems and educate the public of the need for change.

Second. Regulation: The second approach to controlling pollution is by direct regulation. This method essentially involves the Government ordering a polluter to cease or reduce his amount of pollution to a level which is considered tolerable for environmental safety.

Most of our present environmental legislation is of this type. The principle behind this approach is simply to outlaw what seems undesirable. Unfortunately, this simple formula has several disadvantages in practice.

First, laws which flatly ban various forms of pollution are often difficult to pass because of strong opposition from polluters. For example, most scientists agree that lead additives in gasoline are a source of automobile pollutants which are harmful to health. In dealing with this problem a bill might be proposed banning the manufacture and sale of leaded gasolines. However, it seems pretty drastic to the companies which manufacture lead additives, and they naturally do their best to defeat it.

In the face of this opposition it seems unlikely that the bill will pass, so to increase its chances the date when it would become effective is moved farther into the future—say, to January 1, 1976. Thus, even if the proposal were to become law there would be a delay of action for several years, and even then the polluting interests might be able to obtain a further extension.

A second disadvantage of direct regulation is that it is usually very difficult to enforce. A telling example is the laws making it illegal to litter. In order to enforce these effectively we would need to line our highways with policemen. Everyone realizes this is impractical, and antilitter laws are widely ignored.

Similar problems occur with laws against stationary sources of pollution. Legislators need to set up and fund procedures for enforcing the antipollution laws they pass, and these enforcement procedures are often complicated and drawn out. In many cases it may take several years before a violator is fined or forced to stop polluting. Inadequate staff is a prime factor. Indiana has less than three dozen people to handle both air and water pollution statewide, from Gary to Jeffersonville.

The direct regulation approach also suffers from the question of which level of government should have jurisdiction over polluters. Local governments are often powerless in enforcing antipollution laws. This results from two factors: First, pollution is no respecter of political boundaries. Air pollution is carried by prevailing winds and water pollution flows downstream from town to town. It does little good for a local government to have tough antipollution laws if the source of its foul air is in a neighboring community, or its waters are polluted upstream. Second, local governments are often reluctant to pass or enforce tough regulations when the local polluters always have the alternative of moving their jobs and tax monies to another locality where laws are less stringent.

State governments are restricted from action for much the same reasons as local governments. Indiana, for example, may feel little incentive for cleaning up the Ohio River if Kentucky and Ohio are not willing to enforce equally tough standards.

Obviously, if direct regulation is to be used effectively it has to be undertaken at the Federal level. National standards of pollution control could prevent polluters from relocating in States with less exacting requirements. However, direct regulation on the Federal level cannot overcome the problems in calculating tolerance levels, the costs and delays in enforcement, and the other administrative difficulties involved in trying to regulate polluters according to national standards.

In spite of its disadvantages direct regulation is an important method of controlling certain pollutants. This approach should be followed in controlling substances which are so hazardous that the discharge of small amounts will result in large-scale damage to the environment. Mercury, for example, and certain pesticides and herbicides would come under this category. Direct regulation can also be used to require newly developed substances and processes to be tested extensively for their possible toxicity to the environment before they are given widespread commercial application.

Third. Subsidization: Subsidization of pollution control efforts is a third approach to the problem of environmental pollution. This method involves making Government grants, loans, and tax credits available to help pay for the expense of cleaning up the environment. The principle involved here is essentially paying a polluter to stop polluting.

There are several drawbacks to subsidizing polluters. Subsidization by itself could not induce polluters to install abatement equipment unless the Government offered to pay the entire cost. Proposals for subsidies which pay 50 percent of control costs, or even 90 percent, still leave a certain amount for the polluter to pay. Therefore, it would still be more profitable for the polluter to continue polluting, even though he would only need to pay a fraction of the cost of cleaning up.

Private industries would prefer subsidies in the form of tax credits and deductions rather than actual grants. This is because grants are usually subject to much more careful scrutiny—applications are closely examined and reports need to be filed to make sure the grant is used for its intended purpose. However, tax credits or deductions are not usually as thoroughly investigated. This form of subsidy might easily be abused, and industries would probably pressure Congress to maintain tax benefits long after their initial expenses for controlling pollution had been met.

Subsidies which are designed to reduce pollution could conceivably have a reverse effect. If the Government subsidizes manufacturers for treating wastes this could lead to the adoption of techniques which produce unnecessarily large amounts of waste, simply so the subsidy could be collected for treating it. Subsidies will also lead to higher net profits in pollution-intensive industries. This could result in the expansion of these industries, which would not be desirable from an environmental standpoint.

A final shortcoming of subsidization is that it places the immense costs of stopping pollution on the wrong people. These costs should be paid by those who are doing the polluting rather than making everyone pay through higher taxes.

In spite of the limitations and inequities of subsidization, it does have important uses. It may be used to help local governments control their pollution. Many municipalities are polluting the waters around them because they do not have adequate waste treatment plants. The Federal Government has preempted the best source of tax revenue, the income tax, and consequently they lack the funds necessary for constructing waste treatment facilities.

Subsidies can also be effectively used to stimulate research in areas of pollution control which require new technological developments. For example, a solution to the problems of solid waste disposal will require new systems and methods of recycling waste materials. Government research and development grants in this field and others will hasten the date when new techniques are available for widespread application.

Fourth. Economic incentives: A fourth method of dealing with pollution is by the use of economic incentives. This approach is designed to control pollution by levying a tax or fee on the wastes which a polluter discharges. This forces the polluter to pay the costs of his pollution, and encourages him to reduce his level of discharge because the less he pollutes the less he pays.

Congressman LES ASPIN, who has recently introduced a number of bills incorporating economic incentives, has pointed out how previous efforts to control pollution have failed to place the costs of pollution on the polluter. Pollution is profitable because anyone who would like to use the air and water for discarding wastes can do so free of charge. Although polluters do not have to pay for disposing wastes, this cost is paid for by the people living in the adjacent area. For example, people living near steel mills are forced to pay part of the cost of producing steel because their skies and rivers are being used as waste receptacles. They pay in doctor bills and poorer health, lower property values, fewer recreational facilities, added expenses for cleaning clothes and higher costs for keeping their homes attractive.

The way to solve this problem using economic incentives is by charging the polluter a tax which reflects the costs he is imposing on society. This is the most equitable way of controlling pollution because it makes the polluter pay the costs of cleaning up. Either he can pay for abatement equipment and other control techniques to reduce his pollution, or he can pay the tax. Polluters will chose to pay the tax if the cost of control equipment is greater than the costs they are imposing on the environment. This would usually occur in cases of water pollution where treatment facilities are extremely expensive and it would be too costly for one polluter to control his own wastes. In these instances, the taxes collected could be used to construct a large municipal treatment facility which would treat the wastes of all the polluters in the area.

Economic incentives are a more effective method of controlling pollution because they encourage polluters to reduce their wastes as completely as possible. Direct regulations only require polluters to meet the prescribed standards and levels of control, while economic incentives induce them to lower their levels of pollution to the fullest extent attainable.

Financial incentives also have the advantage of being easier to administer efficiently because they provide a decentralized approach to controlling pollution. The individual polluter, who knows his production operations better than any centralized agency, is the one who can best decide how he can limit this pollution most efficiently. Subsidy programs may stipulate that a polluter install a particular type of abatement equipment even though other control techniques, such as using a cleaner fuel or recirculating cooling water, may be cheaper and more effective.

The disadvantages of economic incentives are primarily the difficulties involved in determining how much a polluter should be taxed. Tax schedules need to be devised which accurately reflect the costs which various pollutants impose on the environment. If the tax rates are too low they will not provide a real incentive for controlling pollution, but will simply be a license which the polluter must buy in order to continue polluting. There are also the problems of measuring the amount of pollution that occurs and collecting the tax.

In spite of these difficulties, economic incentives are still usually preferable to direct regulations. The information required to devise effective tax schedules is no more complicated than the information needed to set standards and tolerance levels for pollutants. Similarly, the process of monitoring polluters and collecting taxes is no more difficult than the supervision and enforcement required by direct regulations. In fact, it is probably easier to enforce a system of taxes and fees than a set of regulations. Control officials may balk at enforcing regulations which require them to close down a plant, but they will probably not hesitate to collect the taxes a polluter owes.

Many people will argue that a tax on polluters will simply be passed on to the consumers of their products in the form of higher prices. This is certainly true, but it should not be considered a disadvantage of the tax. If the production of certain things damages the environment it seems fair that the consumers of these items should share in paying for this damage.

Of the four methods of controlling pollution, the use of economic incentives is generally the most advantageous approach for limiting pollution from existing sources. However, the particular advantages provided by the approaches of education, direct regulation, and subsidization make these methods superior for dealing with certain types of environmental problems. In order to control pollution in the most comprehensive and effective manner we must make maximum use of these advantages through a combination of the various control methods. We need to review our present antipollution laws for air and water to make certain they use the methods best suited for solving our pollution problems.

AIR POLLUTION

The present control system: Our past efforts to control air pollution have prevented the problem from becoming worse than it presently is. However, a look at the skies in nearly every major city reveals how inadequate these efforts have been for keeping our air clean. According to the most recent report of the Council on Environmental Quality the volume of air pollution is still increasing. During 1969, the last year for which figures are available, an estimated 281 million tons of pollutants were spewed into our air. This figure represents an increase of 3.2 percent over the estimated total for 1968.

Clearly we need to be concerned about the efficacy of our present control system. Although Congress has produced a cascade of legislation in recent years designed to control air pollution, the problem appears to be getting worse rather than subsiding. While one set of statistics may not be an entirely reliable indication of a trend, it should be sufficient evidence to make us question why our laws have not been more effective, and what can be done to improve them.

The inadequacy of our past efforts may have been due to a reluctance on the part of control officials to vigorously enforce existing laws. Also, sufficient funds for salaries and monitoring systems have not always been available to provide the manpower and information necessary for strict enforcement. However, our laws may also have suffered from using the wrong approach for controlling the problem.

Two important characteristics of Federal air pollution laws have generally remained constant throughout the 16 years of Federal involvement in controlling air pollution. First, Congress has repeatedly declared "that the prevention and control of air pollution at its source is the primary responsibility of States and local governments." Also, Federal laws have consistently followed the approach of using direct regulation to control air pollution.

The combination of these two factors may account for much of the difficulty we have had in trying to limit air pollution. Direct regulations, as mentioned before, are difficult to enforce without a system of close supervision and they frequently involve a costly, elaborate, and lengthy procedure for making polluters comply. In addition, these regulations need to be consistent from State to State, and each State has to be willing to enforce them with equal severity.

Naturally, when legislation was first passed it was assumed that States and local governments could supervise individual sources of pollution much more closely than a centralized Federal agency. This assumption is probably true. However, it was also assumed that lower levels of government would be able to pass and enforce laws to make local polluters stop polluting. This has not proven true, and unfortunately the Federal Government has done very little in the past to strengthen State and local efforts by providing consistent standards and effective enforcement procedures.

This point is apparent from a brief review of the procedure which is provided for Federal action in abating interstate air pollution problems. The Clean Air Act of 1963 specifies that before the Federal Government can order a polluter to stop, the Secretary of Health, Education, and Welfare needs to call a conference to examine the evidence with the control agencies involved, make recommendations, wait 6 months to see if the pollution is stopped, hold a public hearing to examine the evidence again, make more recommendations, and wait another 6 months. If the pollution continues the Secretary can then request the Attorney General to bring suit against the polluter, and the court examines the evidence a third time before making a ruling. Of course, if the decision is unfavorable for the polluter there is always the possibility of an appeal. The length of this entire process is tremendous, as demonstrated by the first abatement action which was initiated in November of 1965 and concluded in June of 1970.

The ineffectiveness of this procedure has been compounded by the reluctance of Federal officials to initiate abatement actions. Federal abatement authority was not exercised until 2 years after the law was passed, and between 1965 and 1970 only 11 abatement actions were initiated.

Our present system for abating air pollution from stationary sources provides more extensive Federal authority for dealing with polluters. However, our principle method of control is still by direct regulation, and the primary responsibility for enforcement remains with the States and local governments. The effectiveness of this approach for enforcement can be questioned in view of the fact that over 20 States have air pollution control boards that contain representatives of the major sources of pollution.

The Air Quality Act of 1967 and the Clean Air Amendments of 1970 provide for the regulation of stationary sources by the following procedure:

First. Geographic areas and communities which share common atmospheric conditions are designated as air quality control regions. The purpose of this is to provide common controls and standards for areas with common air pollution problems.

Second. The Administrator of the Environmental Protection Agency is to issue air quality criteria for pollutants. These are reports of scientific studies which have measured how varying concentrations of a pollutant have effected public health or welfare. Simultaneously, the Administrator issues information on the techniques available for controlling the pollutant.

Third. The Administrator is also to set national primary and secondary ambient air quality standards. The primary standards designate the level of pollution that is tolerable before public health is endangered, and the secondary standards set the tolerance level for protecting public welfare. Thus far standards have been set for sulfur oxides, particulate matter, carbon monoxide, hydrocarbons, photochemical oxidants, and nitrogen oxides.

Fourth. Nine months after these standards have been promulgated the States are required to submit a plan for implementing the primary standards. Additional time will be provided for submitting an implementation plan for secondary standards.

This step is crucial for controlling stationary polluters because it involves setting emission standards for individual sources. National ambient air quality standards by themselves are unenforceable against individual polluters. They simply designate the concentration of pollution that is legally permitted in the air. However, if the concentration in a region should exceed the national standard there is no way of really determining which polluter caused the increase. For this reason the States' implementation plans need to limit individual source emissions sufficiently to make sure that the total concentration of pollution in a region will not exceed the national standards.

After this plan is submitted the Administrator of the EPA has 6 months to approve it, or, if he finds it inadequate, to substitute an implementation plan of his own. The plan must then provide for attaining the national primary standards within 3 years, although this deadline may be extended for another 2 years under certain circumstances.

Fifth. Although the State has primary enforcement responsibility, the Administrator has authority to enforce the plan by bringing suit against any polluter who violates its provisions for over 30 days. If the violations in a State are so widespread that it appears the State is not effectively enforcing its plan, the Administrator may assume enforcement authority from the State.

WHAT NEEDS TO BE DONE

At present it is too early to judge whether the new procedure just described will be completely adequate for dealing with our air pollution problems. The first State implementation plans are not due until January 1972, and States will then have a minimum of 3 years before they are required to meet the national primary standards. However, we can be hopeful that this approach will be successful. The law provides for increased Federal authority to insure that standards are consistent and effectively enforced in all States.

While we may be optimistic about the future of our control system there are a number of possible difficulties in this procedure which may thwart effective abatement of air pollution from stationary sources. Our experience thus far with developing State implementation plans indicates this is a difficult process. Extensive data on emissions are required before effective control strategies can be formulated. Although the present law should speed up the abatement process it will still be a long time before every State has adequate control plans for a wide variety of pollutants. The enforcement of these plans in the courts may also require an extended amount of time before individual polluters are forced to reduce their emissions.

These difficulties are largely the inherent problems of a system of direct regulations. Even though our present control system may eventually provide for effective regulation of polluters, I feel we need to begin incorporating economic incentives into our antipollution laws. This approach would probably induce polluters to reduce their emissions sooner and more completely than direct regulations.

To provide these incentives we need to develop a system of emission excise taxes. I have introduced a proposal contained in H.R. 10890, for levying a 5-cent-per-pound tax on emissions of sulfur oxides and particulate matter. This tax should be imposed immediately and similar taxes should be devised for all other major pollutants.

A similar approach could increase the effectiveness of our efforts to control pollution from mobile sources. Currently our laws rely on direct regulation to lower the emission levels of motor vehicles and aircraft. These regulations should prove adequate for reducing a large proportion of the emissions from mobile sources; however, their effectiveness could be supplemented by two measures which incorporate economic incentives.

First, the harmful emissions caused by leaded gasolines could be significantly reduced if automobile owners were encouraged to use low or unleaded gasoline. This could be accomplished if a tax were placed on lead additives to make the price of leaded gasoline higher than lead-free gasoline. Owners whose cars required leaded gasoline would still be able to purchase fuel, but there would be an incentive for increased use of gasoline which is less damaging to the environment.

Second, an incentive should be provided to encourage car and truck buyers to select vehicles with the lowest emission levels. Currently our laws provide for the setting of emission standards for various classes of vehicles, but there is no incentive for the buyer to choose the least polluting vehicle within a particular class. Also, although these required standards are stringent, there is no incentive for the vehicle manufacturer to try to reduce the emission level of his product any lower than the prescribed standard.

An excise tax on motor vehicles which was based on their level of emissions would provide this incentive and I have introduced legislation, H.R. 11149, to create such a tax. The cost which a vehicle inflicted on the environment would be reflected in its price to the consumer, therefore, people would tend to buy motor vehicles that were less polluting. This tax would also provide a competitive advantage to any manufacturer who could reduce emissions more effectively, consequently it would be an incentive for further development toward a nonpolluting vehicle. The revenue collected from this tax is to be used for the research and development of nonpolluting modes of transportation.

WATER POLLUTION

The variety of different sources of water pollution is a major complicating factor in the development of an effective control system. We need methods for controlling pollution from such divergent sources as cultivated fields and pesticide-laden orchards, commercial ships and pleasure craft, septic tanks, offshore drilling rigs, mines, and construction sites, to name but a few. However, the major sources of water pollution continue to be industrial wastes and municipal sewage systems, even though we have the technical knowledge needed in many cases for controlling these sources.

The present control system: Our efforts to control water pollution have suffered from several of the same difficulties as our air pollution laws, as well as a number of different problems. Presently our approach to water pollution uses the carrot of Federal subsidies and the stick of direct regulations.

Federal subsidies are used to induce municipalities to construct waste treatment plants. This part of the approach has been in effect since the Water Pollution Control Act of 1956, and authorizations for waste treatment plant construction have increased ever since. Under present provisions, the Federal Government is authorized to finance up to 55 percent of the costs of constructing plants.

The problem with this program is that Federal funding has not been sufficient to induce enough municipalities to build sewage plants. More than 1,300 communities discharge their wastes without any treatment, and an equal number use only primary treatment, which removes 30 to 40 percent of the pollutants. Because of the financial plight of many local governments more Federal funds will have to be provided if we are going to control water pollution from municipal wastes.

The waste treatment subsidy program has also had limited effectiveness in the past because of a lack of systematic planning in awarding construction grants. Funds have been awarded to communities on the basis of their readiness to proceed with construction, rather than giving priority to projects which would provide the maximum immediate benefits in reducing water pollution. In the future, comprehensive control plans for entire river basins need to be developed to determine where waste treatment facilities should be constructed to do the most immediate good.

Direct regulation has been our method of attempting to control industrial water pollution. The inadequacy of past efforts here is obvious. Industrial wastes increased by an astronomical 350 percent between 1957 and 1969.

The present system for setting and enforcing water quality standards relies primarily on the States. Under provisions of the Water Quality Act of 1965 the

States are to prepare water quality standards for interstate waters and submit them for Federal approval. The Administrator of the EPA has the authority to promulgate new standards if those submitted by the States are inadequate. At present many standards submitted by States have been approved only in part. Efforts are being made to eliminate all exceptions and bring all standards to full acceptance. Thus, far, the EPA has approved standards in 32 States, and in only one State has it substituted Federal standards.

After approval, these standards become the basis for Federal enforcement actions. The procedure for enforcement is a cumbersome and lengthy one. Provisions for Federal action under the 1956 act call for a conference followed by recommendations and a delay, a public hearing followed by more recommendations and a further delay, and finally court action to force a polluter to comply with the law.

This procedure is similar to the abatement provisions of the 1963 Clean Air Act, and its ineffectiveness is also comparable. Under these provisions a total of 50 enforcement actions were taken between 1956 and 1970. Many of the enforcement conferences in these actions were reconvened, in some cases as many as five times.

WHAT NEEDS TO BE DONE

If direct regulations are to be used effectively against water polluters a number of changes need to be made in our present system of standards and enforcement. Water quality standards need to be consistent in all States and for all waters, and enforcement procedures need to be tightened to provide quicker access to the courts. Among the measures which would aid in providing for this are the following, all of which are contained in a bill I introduced earlier this year, H.R. 7846:

First, an extension of Federal authority in water pollution control to include all waters, not just interstate waters.

Second, a requirement that Federal water quality criteria for all pollutants be published and revised on a regular schedule as a sound basis for developing water quality standards.

Third, a requirement that water quality standards be adopted within a statutory deadline, and plans be developed to attain these standards within 3 years after they are approved by the EPA Administrator.

Fourth, authority for the EPA Administrator, whenever he finds a violation of water quality standards or implementation plans, to order abatement or go to court for an injunction against the violation.

Fifth, civil penalties for violation of water quality standards of not more than $75,000 per day.

To help meet the financial needs of water pollution abatement, H.R. 7846 also authorizes a maximum of $5 billion annually for the waste treatment construction grant program for grants to municipalities. The program is extended 5 years to June 30, 1976. The 5-year expenditure would thus total $25 billion, and should be contrasted with the $1.2 billion that the Federal Government spent on construction grants and loans in fiscal 1971.

Finally, the bill proposes that the Federal Government make grants for up to 90 percent of the cost of eligible treatment works beginning in fiscal 1973, where the project is in a river basin or region designated by the Environmental Protection Agency as meeting certain requirements to insure coordinated and effective waste treatment.

These measures will help to provide consistent standards and effective enforcement for a system of direct regulations, as well as adequate financing for treatment plant construction. However, this system should be supplemented with laws which will provide economic incentives for polluters to reduce their effluents sooner and more completely. This could be accomplished by establishing a system of national effluent charges which would tax industrial polluters according to the quantity and toxicity of the wastes they discharge.

Such a program was proposed in the last Congress by Senator PROXMIRE, who introduced a bill providing for a system of effluent charges and for the formation of regional water management associations. The management agencies would develop comprehensive control plans for all or part of a river basin and they would construct waste treatment facilities with funds provided by the effluent charges. Municipalities would also be allocated a share of the funds for waste treatment construction.

I introduced this bill in the House last year, and will be sponsoring a revised version when it is ready for introduction this week.

A related proposal would require municipalities, as a condition for receiving Federal treatment grants, to charge industrial firms the portion of the project's costs that are allocable to the treatment of their wastes. This is a logical course to pursue, since most waste loads that are treated by municipalities come from industrial sources, and is worthy of examination by the Congress.

CONCLUSION

Mr. Speaker, I have presented a legislative program today for combating air and water pollution which, if implemented fully, can result in a cleaner, healthier, and more enjoyable environment for us all.

Some of the measures I have proposed may seem drastic, but so are the current circumstances. Man is the only animal that seems intent on endangering its own existence. Only comprehensive changes in our attitudes toward pollution as well as a revitalization of our pollution control methods can take us off the endangered list.

It is easier and less expensive to continue business as usual, but the results of this course of action are not promising. As I said 2 years ago after the Apollo 11 mission, if the greatest thing since creation—the moon landing—was worth $25 billion, how much is the creation worth?

BILLY BAKER KEEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 20 minutes.

Mr. FULTON. Mr. Speaker, many Members recently were saddened and shocked at the tragic and most untimely death of a young man who has spent many hours working in the halls of the Congress.

He was Billy Baker Keel, the son of Mr. and Mrs. William Keel. Mr. Keel is a very close personal friend of mine and our colleague, Mr. EVINS of Tennessee, is most fortunate to my thinking to have Mr. Keel on his staff as his chief and most able assistant.

I was privileged to know Billy Baker as a child, young man, and young adult. I say privileged because all who knew this sincere and free-spirited young man were, indeed, privileged.

During the summer of 1967 and 1968, I was fortunate to have Billy Baker as an intern in my office and he was a good one. We all liked him and while he could be a nonconformist at times, he was always considerate of others and would never in any way allow doing "his thing" to inconvenience anyone else.

I suppose of the many fine qualities Billy Baker Keel possessed, I most admired his fierce, but considerate, independence. He was not content to accept the old ways. But unlike so many youth of today, his protest was thoughtful and logical. If he felt something was wrong and needed changing, he did it in a positive and constructive way. If his inquiry into a matter led him to believe he was wrong, he was mature enough to change his views accordingly.

Mr. Speaker, I could continue my remarks about this young man for hours, but nothing I could say would match the tender and eloquent eulogy written by his father, for whom I have an understanding and compassion. This is, of course, true for his mother, and they understand.

FUNERAL SERVICES FOR WILLIAM BAKER KEEL, JUNE 14, 1971

I. Song: Put Your Hand in the Hand of the Man From Galilee.

II. Scripture.

III. Prayer.

IV. Song: I Did It My Way.

V. The message.

Billy Baker lived life his way—he did his own thing—and he did it well.

I knew Billy Baker as a close friend and I have never known anyone who enjoyed life more than he did.

He lived life to the fullest.

He enjoyed every minute of living.

And yet he gave deeply of himself to others.

He never knew a stranger—he never knew a man or woman he would not help.

I told his father the other night that Billy Baker lived life so fully and so completely that he has lived far longer than many people who lived to be much, much older.

In a birthday card to his beloved Mother, last year, Billy wrote:

"A birthday is a special occasion to be remembered.

"It is the passing of a year but more than that, it is the passing of your own life, day by day, second by second—moments in your life that cannot be repeated or saved.

"Each time the clock ticks it means that a space in our lives has passed.

"These spaces in time are all important to the development of our souls.

"One vital second is worth more to you personally than other whole decades.

"Don't be sorry for the passing of time, take advantage of it, use it for all its worth—and most of all, love every minute of it.

"It's all we've got."

Billy believed in God and in the essential goodness of man—as he put it—"in the development of our souls."

Billy Baker was a joy to be around.

He loved to be with people—he enjoyed having people around him—and the more the merrier.

He made friends easily and he nurtured those friendships and treasured them.

He was just a great little guy.

He was always friendly, happy, considerate—and his bright, engaging smile will live with me always.

He glowed with life and love for those who would accept him.

He loved his friends and extended a helping hand to those he could help. He loved the sheer joy of giving of himself. He lived the Golden Rule in letter and spirit.

On one occasion he assisted a motorist whose car was in a ditch.

After extricating the car, he turned to Jenna with that bright smile and said:

"Boy, I enjoy doing things like that."

Song: Bridge Over Troubled Water.

Billy Baker Keel was first of all a man—with profound thoughts—beautiful instincts—and deep courage.

Those who tested his manliness found this out.

Billy Baker was fiercely independent—a free spirit.

He grew his hair long and he grew a defiant little red beard—like a Viking of old sounding the clairion of courage down the fiords (fee'-ords) of time. His fiery temper and bold spirit were ever ready to meet the challenge thrust upon him.

And yet he was also uncommonly gentle and considerate.

Billy sometimes set his thoughts down in poetry and on one occasion he wrote:

"When I'm on my own they point guns at me, they tell me, 'Boy Run'—they tell me—'Boy Flee'—they tell me 'Your hair is too long—your thinking is all wrong.

"But they don't hurt me because I love—a God-sent thing from above.

"Yes, I love."

Billy Baker had strong principles and unswerving convictions. He believed in justice and right and fair play—and he fought for those principles when the occasion demanded.

Billy Baker—this fiery spirit with the gentle soul—welcomed the challenge of the unknown—and he challenged the unknown.

On one occasion we were fishing together in a lake at Smithville and Billy wanted to know what was around a bend in the lake.

"It's just the same as this, Billy," I told him.

"Brother Charlie," he said, "I want to see it—I want to go there—I want to KNOW what's there."

After Billy left home at the age of 17 to make his own life and home with Jenna, Billy's mother set down these eloquent thoughts.

"I watched you grow"—she wrote—"determined to make you independent and strong and I shed my tears for your leaving when I nursed you at my breast.

"The years passed away too quickly. Perhaps I might have held onto the ties more firmly—kept you on the lower branches of life's tree—but you had wings."

Billy had the wings of an eagle and the heart of a young lion—and the compassion of a shepherd.

And yet he could discipline himself to work in a quiet library—looking forward to the day when he could become a reporter and translate his restless spirit into the life of a full-fledged newspaperman.

It was only a matter of time.

Billy relished the challenge of life.

Mountains must be climbed—rivers must be crossed—the unknown must be penetrated. This was the fierce spirit that burned in his heart.

He loved the freedom and independence he experienced riding his motorcycle with the wind in his hair.

He knew the risks from others less considerate of life and lacking in love—but he accepted those risks because that was his way and his life.

He paid with his life through no fault of his own. He refused to pull in his wings in the face of potential danger.

He soared like the eagle—and how he has fallen.

He made his choice—and we must accept it.

Billy's beloved wife Jenna was his closest companion.

Never have two people loved each other more completely than Billy and Jenna.

Their life was happy and they were as one.

They loved together—they cried together—they laughted together—they dreamed together.

They understood each other completely and they often talked of life and its meaning.

Billy was articulate—as is Jenna—and on one occasion in a bittersweet moment of reflection, he wrote:

"Life is good if you think about it.
"But when you do
"You feel like crying
"Because you know that life is full of dying."

For a time after their marriage Billy and Jenna lived in a little cabin on a lake. Those were happy, carefree days as they roamed the woods—swam in the lake—explored the hills and valleys—and lived and loved each other.

Billy seemed to sense that his life might be short—and he seemed to know that he had a lot of living to do in a little time.

Billy loved—and Jenna loved—and that was their life—a sweet and beautiful and tender love that defined expression.

And yet they expressed it.

In a Father's Day Greeting which Billy never saw Jenna wrote:

"There's a poem that goes—'How do I love thee—let me count the ways.'

"I could never write down all the ways I love you.

"But I can tell you all the things that make you the man I love now and always will.

"You're gentle and loving when times are rough and when there's not much hope you stand up for your convictions, whether right or wrong. You're forgiving and kind even to those that hurt you deeply.

"You have all the hopes and dreams of those who are young but you have the strength and courage to carry them through.

"You have the temper of a raging storm and the soft, beautiful calm afterward. You shall stay in my heart and mind forever."

Billy's capacity for compassion was truly remarkable. Jenna shared this trait. They loved people and loved animals and their home was a haven for stray animals.

They simply could not turn away a stray.

And each new addition to their family was named and loved and petted and welcomed to this warm home full of love and tenderness.

Love ruled their home. Billy was as devotedly domestic as he was free in spirit.

Billy Baker loved people—of all ages.

But he had a special place in his heart for young people. They flocked to him for counsel and advice and he would listen to them for hours.

He would discuss their problems and give them the benefit of his life's experience.

His yard was often full of teenagers.

He repeatedly warned them against drugs and it was a part of his devotion to principle that he sought to assist the authorities in combatting drugs.

When warned of the danger, he said, "I still want to do it."

Song: My Brother.

Billy believed in young people—he loved the fire of youth and he always emerged as a leader in any group.

He led in a happy, carefree way—but in a responsible, firm way.

Billy's life was short in terms of longevity.

But his life was long and full in terms of living—when looked at in the perspective of history when no life is long and all are short—and a man's life is measured in real terms of how he lived, what he gave, and the legacy he left his fellowman.

Song: I Want To Go Home.

Billy Baker Keel has now gone home.

God bless you, Billy Baker, and may your fierce and gentle spirit find rest and peace in Heaven.

Song: Let It Be.

—Written by Dad.

Delivered by Mr. Charles Gentry, Minister, Smithville, Tenn.

TRIBUTE TO ELEANOR ROOSEVELT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RYAN) is recognized for 10 minutes.

Mr. RYAN. Mr. Speaker, October 11 was Eleanor Roosevelt's birthday, so I would like to take this moment to pay tribute to her memory.

I believe that Adlai Stevenson came closest to putting into words how this Nation, and the world, felt about Eleanor Roosevelt. He said:

> She would rather light candles than curse the darkness, and her glow has warmed the world.

Eleanor Roosevelt is no longer among us, but her glow continues to warm the world. She touched the lives and earned the love and affection of people throughout the globe. She was the friend of the oppressed and dispossessed, the victims of tyranny and discrimination. Her life of goodness, kindness, and compassion will live through the ages as a continuing inspiration.

Eleanor Roosevelt saw people as human beings who shared with her common aspirations and ideals of what "ought to be." In her presence, people were themselves. In her autobiography she wrote:

> One curious thing is that I have always seen life personally; that is, my interest or sympathy or indignation is aroused not by an abstract cause but by the plight of a single person whom I have seen with my own eyes. Out of my response to an individual develops an awareness of a problem to the community, then to the country, and finally to the world.

She said:

> More and more people are coming to realize that what affects an individual affects mankind.

Over a long period of rich and active years, Eleanor Roosevelt lived her philosophy. To her, the happy life was the useful life. And she chose to be useful to everyone who called on her for a good cause. To leave the world richer for our having lived in it, she would say, was the best criterion for a successful life.

As First Lady she refused to permit the formalities of the White House to dominate her life. Rather, she used her position and influence to win support for worthy causes and urgent projects to strengthen American society, particularly during the great economic and social upheaval following the depression.

During the early years of the New Deal the breadth of Eleanor Roosevelt's vision was not at first appreciated. The often intense and bitter feelings during this tense crisis period often spilled over onto the President's wife. But she succeeded in rising above the acrimony, because her heart was large enough to understand human frailties and her vision broad enough to see beyond the immediate scenery to the high horizon.

In the 7 years between 1933 and 1940 she traveled some 280,000 miles, wrote a million words, earned and gave away over a half a million dollars, shook as many hands, delivered several hundred lectures and radio speeches, attended to her voluminous mail—150,000 letters in 1939 alone—and in between times knitted sweaters for her nine grandchildren.

Her travels, her lectures, her radio talks, and her magazine articles were without precedent. Not only did she turn her earnings over to charitable causes, but she gave away large amounts of her personal wealth to finance projects which would provide Americans with useful employment and restore their self-respect.

During World War II she visited battle areas both in Europe and the Pacific, bringing cheer to men in the service camps and to the wounded in hospitals.

In 1945 when President Franklin D. Roosevelt died, Mrs. Roosevelt was 61 years old. Another First Lady might have retired, but not she. This was only the beginning of a life she called "On My Own."

President Truman named Mrs. Roosevelt a delegate to the General Assembly when the United Nations was created in 1945, and the following year she was elected chairman of the Commission on Human Rights of the United Nations Educational, Scientific, and Cultural Organization. She herself felt that it was her work on the Human Rights Commission that constituted her most important contribution to the United Nations, for the drafting and acceptance of the Declaration of Human Rights and its attendant covenants were in large part due to her efforts.

As U.S. delegate to the General Assembly of the United Nations, Eleanor Roosevelt put the full weight of her influence behind the Palestine partition plan to establish the State of Israel. Her observations and experiences during her visits to refugee camps in Europe just after the war gave her a deep understanding of the sufferings of the Jewish people, and her position was strengthened by a rare combination of idealism and practicality.

In 1952, with the change in administrations, Eleanor Roosevelt resigned her position with the United Nations. She became active in the American Association for the United Nations, traveling extensively both in the United States and abroad. Everywhere she found friends whom she had come to know through her work in the United Nations. Everywhere she brought her warmth, sincerity, zeal, and everlasting patience.

We shall remember Eleanor Roosevelt for many things. But I think her lasting claim to immortality rests upon her own self, her personal goodness, her deep loyalty to democratic ideals, and her all-out commitment to improving the conditions of human existence.

An individual such as Eleanor Roosevelt is rare in any age, and her memory is doubly precious to our own, blessed with her presence. Let us hope that future generations will walk hand in hand with the spirit she bequeathed—the spirit of love, kindness, generosity, faith, and courage.

BLACK LUNG PROGRAM

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIPLEY) is recognized for 10 minutes.

Mr. **SHIPLEY**. Mr. Speaker, in 1969, I was very proud to be among the Members voting in favor of the Federal Coal Mine Health and Safety Act, which includes a provision for black lung benefits. With the passage of this law, I felt that at long last something was being done for the disabled coal miner who had henceforth been forgotten. Unfortunately, in recent months, I have become very disillusioned about the way this program is being managed and feel that the Congress must do something to insure that the black lung program is managed the way the Congress intended it to be.

Each day's mail brings yet another letter from a discouraged coal miner who has been denied benefits. I recently received a petition from 54 miners from one town in my district who had been denied black lung benefits on the basis of one X-ray for each person.

I have spent a considerable amount of time talking with coal miners in Illinois. I have found that there are large numbers of miners who are being denied benefits. Were it obvious that those receiving benefits were more severely disabled than those denied, and if those denied benefits had no significant disability from lung disease, there would be little reason for concern. The fact is, however, that there is no relationship between the severity of the lung disease and the granting of awards. Some miners with little or no impairment are receiving payments, while many of the most severely incapacitated miners have been excluded from benefits. I feel that many miners have been unjustly deprived of compensation.

The Social Security Administration has employed only the simplest and least costly testing procedures in its approach to this very complicated problem. The most unfortunate regulation adopted by the SSA and adhered to in an unaccountably tenacious manner is the requirement of X-ray evidence of simple pneumoconiosis—black lung disease. By far, this requirement has eliminated the greatest number of applicants from benefits. Among those denied for this reason are many miners who previously had X-ray evidence of pneumoconiosis and many who are severely disabled. The SSA has experienced many of the technical problems which mark the X-ray as an unreliable diagnostic tool in determining the presence or absence of pnuemoconiosis. They have encountered large numbers of films which are technically of too poor quality to allow interpretations and there have been the differences of opinion of individual radiologists in interpretations of the same film. Reason would seemingly induce a downgrading of the importance of the X-ray findings in administering the compensation provision, in light of this experience. To the contrary, the SSA has actually increased its emphasis on X-ray findings. It should be noted that impairment in function is unrelated to X-ray findings and severe pulmonary disability may be present in miners with less than clear-cut evidence of pneumoconiosis.

Other tests, such as those designed to measure the capacity to transfer oxygen from the lungs to the blood during exercise are far more sensitive and show much more closer relationship to disabling shortness of breath. These tests are more difficult and do require much more time. Unfortunately, there are too few facilities in the coal-mining regions where these studies can be obtained. However, if a realistic evaluation of the lung function of applicants for Federal black lung compensation is to be required, these tests are essential.

The burden of proof is put almost entirely on the miners and widows. The technical and medical facilities are simply not available close by for them to get the proper type of examination. Federal money should be allocated to provide adequate medical examining facilities in coal-mining districts—not administered by the Social Security Administration—to provide the individual claimant with the necessary medical tests needed for proper evaluation.

To be considered eligible for benefits, a miner must be totally and permanently disabled from pneumoconiosis. There is nobody I have been able to find that can define what the SSA means by "total and permanent disability." Needless to say, this leads to much confusion on the part of the miners, because they cannot understand why they have been denied benefits. The miner knows he cannot work and can barely breathe, but yet he receives a form letter from the Social Security Administration stating that on the basis of a chest X-ray, he has been determined not eligible for benefits. There is no further explanation.

The requirements for determining total disability should be made more realistic. Any miner who is rendered incapable of performing his usual mining job should be considered disabled under the Federal black lung compensation provision. Even though some miners are capable of performing some type of job outside the mines, since this is an occupational disease, the disability should apply only to the occupation of mining.

Another problem with the administration of this program is the length of time it takes to process a claim. Many miners have been waiting over 6 months for a decision on their claim. These miners are forced to live on public aid or food stamps until their claim has been processed. I feel that this is an unnecessary degradation in view of the fact that funds are available to help the miner.

Since the law went into effect, approximately 325,000 claims have been filed with 41 percent of those claims approved, 36 percent denied, and 23 percent not yet processed. The percentages of claims approved on a State basis vary widely with some States receiving as much as 55 percent approved and other States receiving a less favorable 16 percent approved.

In comparison to the above figures, Illinois fares well statistically with 46 percent of all claims approved and 56 percent denied. A further breakdown shows Illinois miners' applications having only 30 percent approved and 61 percent denied. Miners' widows fare much better with 52 percent approved and 48 percent denied.

These figures indicate that the Social Security Administration is ruling on a much tighter basis with miners than with miners' widows.

The Congress should act now to see that these inequities are rectified. The fact that they do exist is of tremendous importance to many people.

SCHOOLBUS SAFETY ACT OF 1971 COSPONSORED BY 53 MEMBERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 20 minutes.

Mr. ASPIN. Mr. Speaker, today I am reintroducing the Schoolbus Safety Act of 1971, which has now been cosponsored by a total of 53 Members of the House. On September 23, this legislation was originally introduced by myself and six other Members of the Wisconsin House delegation: Congressmen ROBERT KASTENMEIER, DAVID OBEY, ALVIN O'KONSKI, HENRY REUSS, WILLIAM STEIGER, and CLEMENT ZABLOCKI.

This school bus safety legislation would: First, direct the Department of Transportation to issue new safety design standards for the construction of schoolbuses within 18 months after the bill is passed; second, require both manufacturers and dealers to inspect and test drive every schoolbus before it is sold to a school district or a local bus company; third, require the Transportation Department to build a prototype or experimental schoolbus within 3 years after the bill's passage, and; fourth, require the DOT to investigate every schoolbus accident which results in a in a death.

Mr. Speaker, I believe that it is clear that a lot more has been done in the area of auto safety design than in the area of schoolbus safety design. I believe this bill has received strong, bipartisan support for the simple reason that it is clearly long overdue. Simply put, the Schoolbus Safety Act of 1971 should have been the Schoolbus Safety Act of 1961.

Many of the schoolbuses that transport our children to and from school have been referred to as "cookie cutters" because, when involved in accidents, the buses come apart in ragged and exposed metal edges which often cause severe facial lacerations to the children riding in the schoolbus. Incredibly, the simple truth is that municipal and intercity buses are generally better constructed than schoolbuses.

Mr. Speaker, I strongly believe that we have got to catch up in the setting of good, tough safety standards for the construction of school buses. The enactment into law of this legislation would be a step in that direction.

The list of its cosponsors in the House follows:

LIST OF COSPONSORS

Representative Addabbo of New York.
Representative Anderson of Tennessee.
Representative Begich of Alaska.
Representative Bell of California.
Representative Bingham of New York.
Representative Burke of Florida.
Representative Burton of California.
Representative Chisholm of New York.
Representative Collins of Illinois.
Representative Corman of California.
Representative Daniels of New Jersey.
Representative Denholm of South Dakota.
Representative Dent of Pennsylvania.
Representative Dingell of Michigan.
Representative Dow of New York.
Representative Eilberg of Pennsylvania.
Representative Frey of Florida.
Representative Gibbons of Florida.
Representative Halpern of New York.
Representative Hanley of New York.
Representative Harrington of Massachusetts.
Representative Helstoski of New Jersey.
Representative Kastenmeier of Wisconsin.
Representative Kemp of New York.
Representative Kyros of Maine.
Representative Matsunaga of Hawaii.
Representative Metcalfe of Illinois.
Representative Mikva of Illinois.
Representative Obey of Wisconsin.
Representative O'Konski of Wisconsin.
Representative Mitchell of Maryland.
Representative Morse of Massachusetts.
Representative Moss of California.
Representative Nix of Pennsylvania.
Representative Podell of New York.
Representative Price of Illinois.
Representative Reuss of Wisconsin.
Representative Roe of New Jersey.
Representative Rooney of Pennsylvania.
Representative Ryan of New York.
Representative St Germain of New York.
Representative Scheuer of New York.
Representative Seiberling of Ohio.
Representative Steele of Connecticut.
Representative William Steiger of Wisconsin.
Representative Stokes of Ohio.
Representative Terry of New York.
Representative Vigorito of Pennsylvania.
Representative Widnall of New Jersey.
Representative Wilson of California.
Representative Wright of Texas.
Representative Zablocki of Wisconsin.

HON. JAMES G. FULTON

(Mr. ALBERT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ALBERT. Mr. Speaker, His Excellency, Rolf Pauls, Ambassador of the Republic of Germany, has written to me concerning the sudden death of our late colleague, Hon. James G. Fulton. Under the unanimous-consent request I include Ambassador Pauls' letter at this point in the RECORD.

THE GERMAN AMBASSADOR,
Washington, D.C., October 8, 1971.

Hon. CARL ALBERT,
The Speaker of the House of Representatives, Washington, D.C.

MY DEAR MR. SPEAKER: I have just learned the sad news of the sudden death of the Honorable James G. Fulton. I would like to offer my sincere and heartfelt sympathy to this great loss which the House of Representatives has suffered.

Having been actively engaged, as a member of the House Foreign Affairs Committee, as well as a member of the House Committee on Science and Astronautics, in promoting international understanding and the American role in space technology, Representative Fulton has made substantial contributions.

I have known Representative Fulton for as many as 15 years. We had a steady and friendly contact during all these years, and I lost a friend. I was deeply moved when I received the notice of his decease.

Sincerely yours,

ROLF PAULS.

EMPLOYMENT AND MANPOWER ACT OF 1972, OCTOBER 12, 1971

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, I am pleased to introduce today the Employment and Manpower Act of 1972. This bill is actually a unique composite of five basic factors. It combines the best features of the Manpower Development and Training Act, the Economic Opportunity Act, the Vetoed Employment and Manpower Act, and the Emergency Employment Act; and includes in addition provisions for vocational education services to participants in manpower programs to round out the picture.

In a nutshell, this bill, if enacted, will render more flexible the amorphous conglomeration of existing manpower programs.

The bill I am introducing today is the culmination of months of intensive effort; but in another sense, work on the bill began several years ago. For even as early as when the new Manpower Development and Training Act of 1962 was first being implemented, professionals, administrators, and Congressmen started to make suggestions for improvement.

In 1963 and 1964 alone, 10 volumes were filled with hearings on the manpower revolution sweeping the country. The cry for reform continued in its crescendo through 1968, by which time 19 more volumes had been filled with testimony on the need to improve the manpower training and employment situation and to establish a comprehensive national manpower policy. But comprehensive legislation was not enacted, for agreement on the broader objectives of a national manpower policy could not be reached.

Numerous bills have been introduced since then. Democrats and Republicans alike each have had their views. Though a tenuous resolution of the differences was reached in the passage by this body of the Employment and Manpower Act at the end of last session, the conference report was vetoed by the President, and partisan differences of opinion prevented the Congress from overriding the veto.

We have this year passed the Emergency Employment Act, which puts us on the road toward the public service employment program that we need so badly.

But the disorganization created by the unruly growth of the manpower program system still cries out to be pruned and groomed and freed by being brought under control to grow along more organized lines. However, as long as individuals cling tenaciously to their positions, no solution to the problems will be achieved. A compromise resulting in a balanced and harmonious blend of conflicting views and opinions is the only answer.

This is the goal we are trying to achieve in offering this bill. There seems to be basic agreement on several major points. One is that somehow the workable provisions of the Manpower Development and Training Act of 1962 and the Economic Opportunity Act of 1964 must be salvaged and consolidated. Another is that existing legislation is not flexible enough to allow for programs to be tailored to meet the needs of individuals. Rather, it requires that individuals fit into predetermined pigeonholes. For this reason, some of us are against including a huge laundry list of categorical manpower programs in the bill. At the same time, others believe it to be necessary to keep important successful programs from disappearing.

In developing this bill, we have tried to compromise on this issue. We have sought to remedy the categorization criticisms and at the same time make room for the survival of successful manpower programs from both the Manpower Development and Training Act and the Economic Opportunity Act by drawing broad general guidelines under which any number of manpower programs, such as jobs or MDTA-institutional may be adapted by prime sponsors to meet local needs.

We feel that many of the programs are big enough and strong enough to stand on their own without being specifically mentioned in the bill. But we feel that others, especially those aimed at small but often ignored segments of the disadvantaged population must have specific congressional sanction to assure their survival. Therefore, we have earmarked funds for the development of programs geared specifically to the needs of Indians, migrants, older workers, and other groups too often given short shrift in manpower programs.

The other basic disagreement, besides the categorization issue, has involved public service employment. The passage of the Emergency Employment Act indicated fairly broad acceptance of such a program. Again, I think we need to remember that the manpower programs which have been most successful are those which actually provide jobs, as opposed to those which provide only training without guarantee of employment. Time and time again, criticisms of the manpower programs have emphasized the need for actual jobs, rather than just for training programs.

Moreover, as long as there are people out of work who cannot find suitable employment, manpower programs offering both training and employment opportunities are needed to fill in and offer assistance. Therefore, we have set aside one-third of the funds for manpower training under this act to go for public service employment programs. Provisions for public service employment also include special employment assistance to areas where the rate of unemployment is 6 percent or greater for 3 consecutive months.

The bill I am introducing today differs from the vetoed one in several important ways. One outstanding feature is the prime sponsor arrangement. This bill provides that prime sponsors may be a State or a unit of general local government. Under this legislation, private profit and nonprofit agencies are not prime sponsors, but may receive financial assistance under certain conditions, as when no prime sponsor has submitted an approvable plan; as when the plan submitted by the prime sponsor does not provide a service which the Secretary of Labor believes necessary or desirable; or as when the prime sponsor is providing insufficient services to one or more segments of the community.

This bill also extends or offers funds for grants to State vocational education agencies to assist them to provide needed vocational education services to participants in manpower programs.

I believe this bill offers a good opportunity for achieving the comprehensive reform of manpower programs that the Congress has been working on for so long.

I include the following:

SUMMARY OF BILL

AUTHORIZATIONS

(1) For fiscal year '73 the bill authorizes $1.5 billion for title I (Comprehensive Manpower Programs). There is no authorization for public service employment in that year since the Emergency Employment Act remains in effect through fiscal '73. $1 billion is authorized for all other programs and such sums as may be necessary for vocational education add-on programs. This is a total of $2.5 billion.

(2) For fiscal year '74 there is authorized $1.8 billion for comprehensive manpower programs, $1.8 billion for public service employment and $1.2 billion for all other programs plus an open-ended authorization for vocational education add-on for a total figure of $4.8 billion.

(3) For fiscal years '75, '76, and '77 all authorizations are open-ended.

Of the sums appropriated in '73, 50 percent can only be used for title I. Of the sums appropriated in the following years, 33 percent can only be used for comprehensive manpower programs and 33 percent can only be used for public service employment.

Not more than 10 percent of the funds appropriated for fiscal '73 and not more than 7 percent of the funds appropriated in later years may be used for carrying out the Secretary of Labor's responsibilities under title V.

Of the total funds appropriated in any year, between 7 and 10 percent can be used only for vocational education add-ons.

TITLE I—COMPREHENSIVE MANPOWER SERVICES

This title provides for comprehensive, locally-planned manpower programs to be operated by prime-sponsors. Prime-sponsors are states, units of general local government with a population of 50,000 or more, voluntary combinations of local governmental units with a population of 100,000 and local governmental units (or voluntary combinations of units) in rural areas with high unemployment. States can be prime-sponsors only for areas in which no local prime-sponsors qualify.

Financial assistance can be given to organizations other than prime-sponsors where no prime-sponsors qualify or where the prime-sponsor is not giving sufficient services.

The prime-sponsor must submit a comprehensive manpower plan and make appropriate arrangements for cooperating with and using the resources of the Community Action Agencies, the State Employment Service, the state vocational and rehabilitation agencies and other state and local agencies. Prime-sponsors must also pay for prescribed allowances.

The Secretary must give governors, Community Action Agencies and local government officials an opportunity to comment on prime-sponsor plans before he approves them, and there is judicial review of the Secretary's disapproval of a plan.

Eighty percent of title I funds are allocated on the basis of the number in the labor force, the number of unemployed and the number of the poor. There is no discretion in this formula. The funds allocated to a state must be suballocated to areas with local prime-sponsors in accordance with the same formula.

The remaining 20 percent can be distributed at the Secretary's discretion although he must use these funds to assure that every state receives at least $1.5 million.

Title I also authorizes grants to state vocational education agencies to be used to provide vocational education to participants in manpower programs in areas serviced by local prime-sponsors. These funds are allocated among the states in accordance with the same formula as manpower funds and can be expended only in accordance with agreement with state vocational education agencies and local prime-sponsors.

TITLE II—OCCUPATIONAL UPGRADING

Title II authorizes a program of financial assistance to public and private employers to upgrade existing employees and, thus provide new entry-level vacancies. Employers are paid costs of training plus a bonus consisting of a percentage of increased wage earned by an upgraded employee who remains with the employer for 1 or 2 years.

TITLE III—PUBLIC SERVICE EMPLOYMENT

Title III becomes effective July 1, 1973, upon the expiration of the Emergency Employment Act.

This title follows closely the House-reported Emergency Employment Bill (H.R. 3613), and contains the Special Employment Assistance Fund. There are two changes from the House-reported bill: (1) the allocation formula is strictly on the basis of the number of unemployed persons, and (2) there is a right to direct funding for any city that has at least 3,000 unemployed persons.

TITLE IV—SPECIAL FEDERAL MANPOWER PROGRAMS

This title provides for the following manpower programs to be funded by the Secretary either directly or by prime-sponsor if he chooses:

Section 401—New Careers, Mainstream,

Community Environment Service, OIC Operation SER;

Section 402—Neighborhood Youth Corps;

Section 403—grants to state vocational education boards to provide for vocational education in support of Neighborhood Youth Corps Program;

Section 404—Indian Manpower programs with a formula that sets aside a percentage of the total appropriations;

Section 405—Bilingual Manpower programs with a formula that sets aside a percentage of the total appropriations;

Section 406—Migrant Manpower programs with a formula that sets aside a percentage of the total appropriations;

Section 407—Middle-aged and Older Worker Manpower programs with a set-aside of a percentage of the total appropriations.

TITLE V—RESPONSIBILITIES OF FEDERAL OFFICERS

This title authorizes programs of research and development; labor market information with a computerized job bank; evaluation, training and technical assistance; study of the removal of artificial barriers to employment; development of employment opportunities for disadvantaged persons in federal assistance programs; and training in correctional institutions.

TITLE VI—GENERAL PROVISIONS

This title contains necessary technical provisions and also provides that: (1) the Secretary's regulations are subject to veto by one House of Congress, and (2) labor standards and other special conditions that are applicable to all programs under the Act.

TITLE VII—APPLICATION OF OTHER LAWS

This transfers the Job Corps to the Department of Labor, repeals MDTA and expands the Veteran's Employment Service to give them functions in training as well as employment, broadens the definition of veterans and expands the staff of the Service.

YOUTH CAMP SAFETY ACT

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, the one-man lobbying effort for the youth camp safety bill is a real lesson in the democratic process. Bill Gold tells a very human story in his Washington Post column of last Friday. For years, Mr. Mitchell Kurman has given his time and finances in a personal crusade to gain support for a law insuring the safety and health of millions of young campers. His job was doubly difficult because most legislators were unaware of the serious and widespread nature of camp accidents.

For three consecutive Congresses, my subcommittee held hearings on camp safety measures. The testimony taken was shocking. As stories of tragic deaths and injuries of young campers unfolded, a real pattern of negligence emerged. In all too many cases, inadequate safety precautions, poorly trained or incompetent personnel and faulty equipment were responsible for multiple injuries and deaths.

After receiving bipartisan support in the Education and Labor Committee, the youth camp safety bill was incorporated as title 19 of the higher education bill (H.R. 7248). I urge your support for this title when it comes to the floor for a vote.

The Washington Post article follows:

[From the Washington Post, Oct. 8, 1971]

THE DISTRICT LINE

(By Bill Gold)

A LESSON THEY DON'T TEACH IN CIVICS CLASSES

Mitch Kurman lives in Connecticut and makes his living by selling furniture to department stores. I first met him in 1965 when he came to my office to ask for help in getting a bill through Congress.

Mitch thought we needed federal safety standards for youth camps, and showed me a draft of a bill titled "Youth Camp Safety Act." The provisions of the bill seemed sensible to me, but I put him off with a vague promise to "look into the matter" because, to be truthful, at that time I doubted the need for such a law.

"Surely," I thought, "we already have laws to cover the safety of the children we send to camp. American parents have not been sending their children to unsafe camps all these years, have they?"

In a few weeks, Mitch was back calling on department stores in our area again, and back in my office. He kept after me with quiet persistence until he got me to begin digging into the subject.

Only then did I learn that accidents—and even fatalities—in summer camps occur all too often, and that safety standards are governed only by a scattering of state laws, few of them adequate. Finally I said to Mitch: "What's your interest in this bill? Why are you so persistent?" He opened his briefcase in silence and pulled out some news clippings. In the summer of 1965, I learned, Mitch's 15-year-old son had gone off to camp and had been drowned when his canoe capsized in white water.

Why had the boys from that camp been taken into rapids in a canoe? What were the adult counselor's qualifications for such an expedition? What should they have done? Why had warnings to avoid this notoriously dangerous stretch of water been ignored? Why was information regarding the tragedy so difficult to dig out? As months passed into years, I became almost as emotionally involved in these questions as Mitch was.

Each time he came to Washington he'd spend long hours on Capitol Hill bringing the need for legislation to the attention of congressmen. At night he'd stop at my desk and I'd give him whatever counsel I could for his next day's efforts.

In civics classes, when they taught me how a bill becomes law, nobody told me about people like Mitch Kurman. I learned about paid lobbyists who represent commercial interests; but never was it mentioned that an ordinary citizen can be a lobbyist, too, if he's devoted enough to his cause.

Some time back, the Senate finally passed a Youth Camp Safety Act, largely as a result of this devoted father's persistence. Then a similar and perhaps better bill was drawn in the House with the bipartisan sponsorship of Rep. Dominick V. Daniels (D-N.J.) and Rep. Peter A. Peyser (R-N.Y.). And in due course, H.R. 7248 was approved by the House Committee on Education and Labor. And small wonder.

After all, who would oppose a bill "to protect the youth attending day camps, resident camps and travel camps by establishing federal standards, and to provide federal assistance to the states to develop their own programs" in the field of safety?

But a few midnights ago, Mitch was back in my office looking glum. "We got the bill through the committee," he explained, "but all the while you were out of town, it didn't move forward an inch. And if we don't get it to the floor for a vote, you know what will happen—it will be lost under a mountain of more important bills. We'll be licked."

"You'll never be licked and you know it," I said. "You'll just have to start at the beginning and go back to see some of the top men you started with. Tomorrow morning, go see Gerry Ford and then . . ."

Mitch blinked. "Would you believe that Congressman Ford is one man I haven't been able to see yet?" he said. "But by dumb luck I have an appointment with him tomorrow."

The next night Mitch was back to see me again. "There's good news for a change," he reported. "Ford gave me time to tell my whole story, and when I finished he said 'Gee, I have four kids of my own, and I wasn't aware that there weren't any federal safety standards for the camps they attended.' He thanked me for coming to see him. Imagine that—he thanked me. He was interested, and I have a feeling he's going to help."

Mitch is learning his civics lessons the hard way, in "Shoeleather U." His hopes for the Youth Camp Safety Act are brighter now and he's beginning to understand that even a one-man lobby can be effective if the one man is devoted to his cause and his cause is right. Gentlemen of the Congress, I urge you to act upon this matter with all deliberate speed—before other children die and other parents are driven to crusades born of grief.

WAR'S END, NOT FREEZE, WILL SAVE ECONOMY

(Mr. DOW asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DOW. Mr. Speaker, on October 6, I introduced H.R. 11140, entitled the Prosperity Through Peace Act of 1971.

Since the commencement of our tragic involvement in Indochina, the American public has been forced to endure a consistently escalating drain upon its resources. The Vietnam war and our high-price, inflation economy are really one problem and everyone who goes to the store feels it sharply. Budget figures indicated that, in dollar terms alone, the war has cost our Nation in excess of $120 billion. This represents an average contribution by every man, woman, and child in the United States of $600 to finance a war which has never been declared in the first place.

The direct effect of the war has been to impose a state of high prices, high interest rates, and inflation on the American public. In reality these conditions represent an indirect tax upon millions of Americans who are forced to survive on fixed incomes. The President's recent imposition of wage and price controls and import restrictions represents only one type of response to the unstable economic conditions which our involvements in Southeast Asia have precipitated.

It is my belief that a more direct approach—one which goes directly to the root of the problem—would provide a much more effective course. This approach is the withdrawal of our Armed Forces from Indochina. In short, Mr. Speaker, to speak of the war and the current economic ills which beset the Nation as being separate is a mistake because they are certainly one.

Instead of continuing any wage and price freeze after the 90-day freeze expires on November 13, my new bill would end the expenditures for waging war in Vietnam on that day, and limit spending there to costs of withdrawal. The bill calls for withdrawal of remaining American troops from Southeast Asia by February 13, 1972. Such a measure would take the pressure off our economy and turn us around so we would no longer need a wage and price freeze and all the other artificial medicine in the President's prescription for our ailing economy.

Furthermore, the President's authority to again institute such unprecedented economic measures as the American public has been forced to endure of late would be terminated until such time as the withdrawal of American forces has been accomplished. In a similar fashion, his authority to modify existing import duties would be terminated until the purpose of the act had been accomplished. I call for these restrictions upon the President's authority because it is my belief that no matter how well conceived or executed the President's economic policies may be, they cannot succeed until the war is over. Under current conditions these policies will not only prove useless in terms of their effect, but also highly burdensome on an American public which has already been asked to sacrifice too much.

While the measure which I proposed is unquestionably drastic in its ramifications, it would be impossible to consider it more drastic than continuing on the course which daily produces fatalities of American boys and inflicts prolonged economic hardships on the American people. The course which we offer to the American people must not be one which strikes only at the symptoms of the disease as does the present administration's economic programs, but one which strikes directly at the disease itself—which is the Vietnam war.

Mr. Speaker, a transcript of the bill follows:

H.R. 11140

A bill to end the economic crisis in America through a cessation of American military involvement in Indochina, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Prosperity Through Peace Act of 1971."

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. The Congress hereby finds and declares that—

(1) the war in Indochina has placed a tremendous drain on the Nation's resources which has resulted in highly unstable economic conditions necessitating the imposition of severe economic measures;

(2) a direct effect of the war has been high prices and inflation which constitute an indirect tax on millions of citizens who depend on fixed income;

(3) the military draft has given the President unprecedented power to wage war on his own initiative through the power of conscription;

(4) the war in Indochina has taken a tremendous toll in terms of human suffering, bloodshed, and needless waste, destroying lives of Americans and the lives of Vietnamese civilians and military, as well as the lives and means of livelihood of those Indochinese people in adjoining states that have been subject to bombing and invasion;

(5) no useful purpose can be served by prolonging United States military involvement in the Indochina war, and no economic policy can succeed in returning the Nation to prosperity until the war is over and its costs are ended.

TITLE I—AMENDMENTS TO EXISTING ACTS

SECTION 101. The Economic Stabilization Act of 1970 (Public Law 91–379; 12 U.S.C. 1904 note) is amended by adding at the end thereof the following new section:

"SEC. 207. The authority conferred on the President by this Act shall not be exercised until such time as the purposes of title II of the Prosperity Through Peace Act of 1971 are accomplished."

SEC. 102. The authority conferred on the President by section 350(a)(1)(B) of the Tariff Act of 1930 (19 U.S.C. 1351(a)(1)(B)) and section 201(a)(2) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(a)(2)) to modify existing import duties shall not be exercised until the purposes of title II of this Act have been accomplished.

TITLE II—WITHDRAWAL FROM INDOCHINA

SEC. 201. Chapter I of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 620. After November 13, 1971, no funds authorized or appropriated under this or any other Act may be expended in connection with activities of American armed forces in and over Cambodia, Laos, Vietnam, and Thailand except to bring about the orderly termination of all military operations there and the safe and systematic withdrawal of remaining American armed forces by February 13, 1972."

ESSENTIAL TO WIN THE FIRST OBJECTIVE ON THE REPUBLIC OF CHINA

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the strong efforts which are in progress to show congressional concern about the threatened expulsion of the Republic of China from the United Nations have received added focus in recent days through the signing of a statement to the President in which 327 Members of the House have stated they are strongly and unalterably opposed to the expulsion of the Republic of China from the United Nations.

Many of these Members have spoken out on the floor of the House for stronger action by the U.S. State Department and by U.S. representatives at the U.N. to uphold the right of the Republic of China to retain its membership in the U.N. and on the Security Council. There are those of us who have insisted that the veto be exercised, if necessary, in order to prevent the handing over of a seat on the Security Council to Communist China in lieu of the Republic of China.

I am one of those who has found fault with the restraint with which our Government has appeared to argue the case for our friend, the Republic of China, in the questions now at stake. I have further stated that I have misgivings about the value of the United Nations as an effective medium in the search for world peace and that I feel it is time for reassessment of our own role in that organization. Particularly is this true of the lopsided, topheavy share of the cost which the United States bears for U.N. operations. I believe there are many Members in the House and Senate who share my feelings on this matter.

In recent days, I have talked with Ambassador Bush and with others who are active participants in the fight to prevent the expulsion of the Republic of China from the U.N. Regardless of reservations which I and others in the Congress may express on the details of the procedures now being followed, let me hasten to express admiration for the strong fight which is being waged by the representatives of the United States in the U.N. on behalf of the Republic of China.

The salient fact at this point in time is there is one primary objective—to prevent the expulsion of the Republic of China from the United Nations. I am convinced that no American team has worked harder to prevail in the course which has been mapped out for them on this issue. It is regrettable that we are now confronted with a situation which assumes the seating of Communist China and in which we, the principal support financially and otherwise of the United Nations, are fighting with our backs to the wall to prevent the unconscionable expulsion of a good friend and ally.

The United States is making a valiant fight for the Republic of China. We must win the first objective. Then there will be time to formulate further objectives. We should all join forces in every conceivable way toward the successful outcome of this conflict, step by step.

I have a letter from David M. Abshire of the State Department in which he spells out the efforts of the Secretary of State, Ambassador Bush, and other representatives. It is an enlightening document and I shall include it in the RECORD at this point. I recommend that it be carefully read by the Members of Congress:

DEPARTMENT OF STATE,
Washington, D.C., October 12, 1971.

Hon. ROBERT L. F. SIKES,
House of Representatives,
Washington, D.C.

DEAR MR. SIKES: Following your conversation with Assistant Secretary Green and myself, I would like to provide additional information on what the Administration has been doing and is doing to prevent the expulsion of the Republic of China from the United Nations.

As you know, we have tabled two resolutions—one which calls upon the General Assembly to decide that action to expel or deprive the Republic of China of representation is an "important question" requiring a two-thirds majority under Article 18 of the Charter, and one which calls for seating the People's Republic of China in the Security Council and the General Assembly while confirming the continued right of representation of the Republic of China. I attach copies of both resolutions. You will note that a number of countries have joined with us in sponsoring them.

All of this is known to you, I am sure. What is perhaps not quite so clear is why we have chosen this method of approach. The facts are these.

A. The Albanian Resolution to seat Peking and expel the Republic of China (and I enclose a copy of that resolution as well) is a resolution put before the General Assembly, not the Security Council. It will be considered in the General Assembly beginning in about ten days. All 130 members of the General Assembly have one vote. There is no veto in that body.

B. Sentiment in the General Assembly overwhelmingly favors Peking's immediate seating. If we were simply to oppose the Albanian Resolution, and not put in proposals of our own, the Albanian Resolution would pass by a lopsided majority and the Republic of China would be expelled.

C. If we were to attempt to block Peking's seating by asking the Assembly to decide that a two-thirds majority is required to accomplish it, that proposal would fail to obtain a majority. Once again the Republic of China would be ousted. This is our considered view on the basis of our knowledge of the positions of UN member nations supported by the most intensive consultations we have ever conducted on a UN matter, and of the limits within which they can be influenced.

D. We are convinced we have chosen the only strategy that holds out prospects of preventing the ouster of the Republic of China. That strategy involved putting to the Assembly a proposal to seat both, to recommend that the Security Council seat go to the People's Republic of China, and to decide that the Republic of China cannot be ousted except by a two-thirds vote. The Republic of China fully understands this approach, knowing that only the success of our two resolutions can protect its place in the United Nations.

You may ask why there is not some other way by which we could block expulsion of the Republic of China. It has been argued that since expulsion is, according to the Charter, an important question, there should be no need to introduce a resolution to that effect. Unfortunately, many of the 130 UN members, including many of our closest allies, do not view the matter as expulsion of a member, but as one of representation. For them the question is simply whether the Republic of China represents China. In the absence of a specific decision to the contrary they would argue that only a simple majority is required to decide this. Our resolution forces the membership to face up to the expulsion issue, which it would not otherwise do.

The basic fact is that this is essentially a political issue, not a legal one. We are saying to countries that undeniably both the Government of Peking and the Government in Taipei exist; that 14 million people on Taiwan should not be deprived of representation in the UN in order to give representation to the 700 million on the mainland; and that, as a matter of equity as well as realism, both governments ought to be seated. We are putting our full weight behind these propositions.

We have in fact undertaken efforts of unprecedented scope and intensity to prevent the expulsion of the Republic of China. You have seen the speech the Secretary made in the General Assembly. Our Ambassadors have made representations in over 100 countries, usually on several occasions, and at all levels, to seek support. The Secretary has sent personal letters appealing for support to more than 50 foreign ministers, and in New York has sought support directly from over 70. He will see still others there. Ambassador Bush has called on almost every delegation represented at the UN and approaches have been made through the Embassies in Washington as well. You can tell your colleagues without hesitation that we are making a determined, sustained and maximum effort to assure that the Republic of China is not expelled.

The question has been raised whether we could use our veto in the Security Council to block the expulsion resolution. As I have pointed out, the Albanian Resolution is a General Assembly resolution, not a Security Council resolution. If the General Assembly adopts it, the Republic of China representatives would be expelled forthwith from the General Assembly. No appeal would be possible to another body.

The same question would, of course, come up later in the Security Council. The applicability of the veto to a matter such as this has been a matter of serious contention over the years. This is a highly technical question, and we will be glad to discuss it with you in detail. I can assure you that we have made a thorough study of the matter and concluded that, given the present voting priorities of member countries, only the course of action we have chosen—namely to seek a General Assembly decision to maintain the representation of the Republic of China in the Assembly—is likely to prevent the expulsion of that government. Moreover, we have also concluded that the only realistic approach would be for the People's Republic of China to be seated in the Security Council and for both the People's Republic of China and the Republic of China to be seated in the General Assembly.

It is clear that no other course of action stands a chance of preventing the expulsion of the Republic of China.

Finally, you have raised the wording of Article 23 which lists the "Republic of China" as one of the five permanent members of the Security Council and asked whether the Charter would not have to be amended. We have concluded that this is not required. If either our dual representation or the Albanian Resolution passes, the General Assembly will in effect have concluded that because of the factual changes that have taken place since the signing of the Charter, the People's Republic of China has succeeded to the position and rights in the Security Council intended for China under the Charter. This is the overwhelming view of the members of the Organization.

The question of amending the Charter to conform with that fact would probably arise in due course but will have no bearing on the present issue. A recommendation by the Assembly that the People's Republic of China should hold the seat for China in the Council, while technically not binding on the Security Council, would undoubtedly receive support in the Council. The Council is bound to give great weight to political decisions of the General Assembly, the only organ of the United Nations in which all members participate. A large majority of the members of the present Council, reflecting the same political convictions of those in the Assembly, already favors seating the People's Republic of China in the Security Council.

We are, however, hopeful that a majority of the members of the Assembly will share our views as to what is a reasonable and equitable solution of this whole problem—that is of preventing the expulsion of the Republic of China, while seating the People's Republic of China in the Security Council and the General Assembly. Let me repeat the Secretary's unequivocal assurance that we are making and will continue to make every possible effort to defeat the Albanian proposal to expel the Republic of China and to pass our own proposals.

Sincerely yours,

David M. Abshire,
Assistant Secretary for Congressional Relations.

The Representation of China in the United Nations

Australia, Colombia, Costa Rica, Dominican Republic, El Salvador, Fiji, Gambia, Guatemala, Haiti, Honduras, Japan, Lesotho, Liberia, New Zealand, Nicaragua, Philippines, Swaziland, Thailand, United States of America and Uruguay: draft resolution

The General Assembly,

Recalling the provisions of the Charter of the United Nations,

Decides that any proposal in the General Assembly which would result in depriving the Republic of China of representation in the United Nations is an important question under Article 18 of the Charter.

The Representation of China in the United Nations

Australia, Chad, Costa Rica, Dominican Republic, Fiji, Gambia, Haiti, Honduras, Japan, Lesotho, Liberia, New Zealand, Philippines, Swaziland, Thailand, United States of America and Uruguay; draft resolution

The General Assembly,

Noting that since the founding of the United Nations fundamental changes have occurred in China,

Having regard for the existing factual situation,

Noting that the Republic of China has been continuously represented as a Member of the United Nations since 1945,

Believing that the People's Republic of China should be represented in the United Nations,

Recalling that Article 1, paragraph 4, of the Charter of the United Nations establishes the United Nations as a centre for harmonizing the actions of nations,

Believing that an equitable resolution of this problem should be sought in the light of the above-mentioned considerations and without prejudice to the eventual settlement of the conflicting claims involved,

1. *Hereby affirms* the right of representation of the People's Republic of China and recommends that it be seated as one of the five permanent members of the Security Council;

2. *Affirms* the continued right of representation of the Republic of China;

3. *Recommends* that all United Nations bodies and the specialized agencies take into account the provisions of this resolution in deciding the question of Chinese representation.

Draft Resolution—Restoration of the Lawful Rights of the People's Republic of China in the United Nations

The General Assembly,

Recalling the principles of the Charter of the United Nations,

Considering that the restoration of the lawful rights of the People's Republic of China is essential both for the protection of the Charter of the United Nations and for the cause that the United Nations must serve under the Charter,

Recognizing that the representatives of the Government of the People's Republic of China are the only lawful representatives of China to the United Nations and that the People's Republic of China is one of the five permanent members of the Security Council,

Decides to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations affiliated to it.

A SALUTE TO COLUMBUS AND OUR ITALIAN-AMERICANS

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the Record.)

Mr. HANLEY. Mr. Speaker, from every corner of the world they came to this new land, this America. Since the discovery of the Western Hemisphere almost 500 years ago, countless millions of courageous men and women have come to these shores seeking a new and better life. Today we do honor to one of the greatest discoverers, Christopher Columbus, whose faith and dedication enabled other men of enterprise to search out this new world. Since his time, the spirit of discovery has been an integral part of the American heritage.

Columbus sailed into uncertainty, and prevailed over the doubts of his time. By seeking a new route to the riches of the Orient, he opened up, instead, something far greater than his expectations. He discovered a land rich in resources and endowed with great natural potential. It has been men, such as Columbus, who through determination and fortitude developed the true greatness of America.

Today is a special day to honor not only a man, but a community of men. In homage to Columbus we must salute other Italian-Americans who have given so much to the cultural, scientific, and political development of our Nation. They have been present since the discovery of Columbus; they have aided in the formation as well as in the defense of the principles and goals of this, our great country.

America is a conglomeration of nationalities, each diverse in their traditions, but united in a spirit of determination of will. We must remember the various groups that have given so much to form American ideas, and to pay honor to them not only 1 day, but every day. We are a people of varied races, creeds, and colors; and it is from this that we draw our national identity, our national strength. Let us all join together then in celebrating a man and a country born out of all men.

PERSONAL EXPLANATION

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, I would like to take this opportunity to correct a statement which I placed in the Congressional Record on October 6.

At that time, I expressed regret that, due to pressing business and the assumption that no votes would be taken after 7 p.m., I was unable to vote on the credit union share insurance amendments and the air traffic controllers' bill.

The Record showed that I stated that had I been present I would have voted against the air traffic controllers' legislation. This is erroneous. I participated in the drafting of the air traffic controllers' bill in committee and strongly supported its basic concepts. Had I been on the floor, I most certainly would have voted for passage of the measure.

I regret that this misunderstanding occurred and ask that the Record show my wholehearted support for an improved career program for air traffic controllers.

DR. BERNARD HENRY AND THE AMERICAN ASSOCIATION OF BLOOD BANKS

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, often people are caught in emergency situations for which immediate medical care is needed. It is such men as Dr. John Bernard Henry and the American Association of Blood Banks that makes it possible for many of these cases to be successfully handled. Dr. Henry is the president of the association and is also, I am proud to say, a constituent of mine.

Dr. Henry's long affiliation with the American Association of Blood Banks shows a distinguished dedication to the field of health. A graduate of Cornell University, Ithaca, and the University of Rochester Medical School, he has gone on to show guidance and direction as the first dean of health related professions at the Upstate Medical Center, State University of New York, and as president of the AABB. He is truly a remarkable man, inspiring others in the important job of saving lives.

I commend to the attention of my fellow colleagues this well respected humanitarian, and ask that they may come to understand the American Association of Blood Banks better through the following speech.

The speech follows:

John Bernard Henry, M.D., Presidential Address American Association of Blood Banks, Annual Meeting, Chicago, Ill., September 14, 1971

I am pleased to report that during this past year, as President of this Association, it has continued to move ahead in many areas of blood banking. Challenges and problems facing those in blood banking are great, yet not insurmountable. Before dealing with them let me make a few encouraging remarks.

The new membership roster which you will receive as we begin our 25th year will show membership in our Association at an all-time high. There have been increases in every category. Our 1319 institutional members last year transfused a record 5,852,192 units of blood or blood derivatives, probably 78% of the transfusions performed in the United States. This is a great responsibility. We continue to be the largest organization in the world specifically concerned with blood banking and related matters.

More important, our blood banks, laboratories and clearinghouse, and those who cooperate with us, are better organized and equipped than ever before to deliver blood anywhere in the country. This is true of rare as well as ordinary types of blood.

We take great pride in our computerized Rare Donor File at Michael Reese here in Chicago. Available 24 hours a day and kept constantly up-to-date, it has cards on 9,450 rare and super-rare donors and cooperates with similar files in Washington and London. It was augmented recently by 400 more rare donors given to us by Dr. Kenneth Goldsmith of the World Health Organization. These are in England, Sweden, Norway, Switzerland, West Germany, Czechoslovakia, Hungary and the Netherlands. We also have 250 new rare donors in Australia, New Guinea and New Zealand.

Our 27 regional reference laboratories are so efficient and, in many cases, so well stocked with frozen rare bloods that most problems are solved at that level. Those that reach the Rare Donor File are tough and usually urgent. It responds with speed and efficiency. In minutes it found in Minneapolis blood needed in Chicago for Frank Leahy, former Notre Dame football coach. It located in New York a rare type needed by a blood bank technologist undergoing surgery in Marseilles, France. It found in Dayton, Ohio, blood to see the wife of an American soldier through childbirth in Italy.

It performed spectacularly last Thanksgiving weekend for Dr. Douglas Huestis out in Arizona. On Friday evening, a patient with autoimmune hemolytic anemia needed O, RH-positive, pp blood, a very scarce type. Our file found three units at Mt. Sinai here in Chicago and more in Kentucky and Washington, D.C. A call from San Diego in July for the same type of blood used all then available in the United States. If more had been required, it would have been flown from Sweden. If you have rare donors, especially of the little p type, you should make sure they are in the file at Michael Reese.

Two important areas of communicating to the volunteer donors of the United States, initiated and sponsored by the AABB, were the National Blood Donor Month and the Commemorative Stamp, "Giving Blood Saves Lives". Over 400 editorials appeared in newspapers all over these United States during January, 1971; 135 million Commemorative Stamps were printed and quickly sold out. Numerous governors and mayors also proclaimed their state or city "National Blood Donor Month" and there were many local Postmaster Commemorative Stamp Ceremonies.

The Ceremony for the First Day Issuance of the Commemorative Stamp at New York City on March 11th was attended by many dignitaries of the U.S. Postal Service as well as local government and many of the Association's members. The Stamp received excellent press coverage. Our stamp attracted much attention. It was the last six-cent commemorative. As many pointed out, it was appropriate for mailing your income tax. I was amazed at the ingenuity displayed on first day covers. There were a lot besides the one with our AABB insignia. Some were on metal. One was on silk. One created in Washington pictured our distinguished member, Dr. Alexander Wiener. Nearly all newspapers reported the stamp and there were several hundred editorials urging more voluntary donations. Many blood banks had new donors. I want to emphasize to you that both of these events were sponsored and supported by this Association, however, the appeal is to give blood. It is not an appeal to give blood solely to Association member banks but to give blood wherever it may be convenient.

The legislation which has been introduced for January, 1972 will call for a "National *Volunteer* Blood Donor Month". No problem is anticipated in obtaining this legislation and I urge each of you to plan now as to how you will publicize the Presidential Proclamation.

On July 16, with a national telephone strike in effect and reports of shortages in parts of Massachusetts and Missouri, I made a public appeal urging that donors give a unit before vacationing. This was carried by the Associated Press. Happily the threat of a telephone breakdown soon ended and the blood supply improved somewhat.

The blood supply has been helped by additional states enacting laws permitting 18 to 21 year olds to donate without parental consent. Such a measure took effect in Iowa on July 1. With 18 year olds voting everywhere next year, all states should authorize this. More than half have, including California, New York, Indiana, Wisconsin and Illinois. You can help on this.

Illinois on July 1 put in effect a law nullifying the court decision which caused us so much concern last year. This was the extension of the legal doctrine of implied warranty to blood in the Cunningham v. MacNeal Memorial Hospital case. The new law limits liability "to instances of negligence or willful misconduct". Unfortunately, it is only for two years and unless further action is taken, it will expire in 1973. Hawaii passed a similar measure with no such limit.

At the urging of AABB and other organizations, New York this year enacted a law clearly defining the collection, storage and transfusion of blood as a health service and not the sale of a product. Colorado enacted a similar measure in the spring. At least 42 states now protect blood banking in some degree. It is important that the remainder do so. You can help.

Illinois wrote its law in the expectation that the Hepatitis Associated Antigen tests will be so improved in the next two years as to detect all hepatitis. Our members helped develop these tests and they are an important advance. Our Standards and Ad Hoc Committees have studied them carefully, and they are now part of our Standards. But they are only partially effective.

The solution to the problem of hepatitis is the careful and stringent selection of volunteer donors. We need to continue and expand our efforts to obtain all or at least a very high percentage of our blood from volunteers. The American Medical Association in June affirmed its dedication to the principle of voluntary donation as a measure of safety. The National Center for Voluntary Action in Washington is starting a national program in support of voluntarism of all kinds. I think this will help us.

There is evidence that the need for blood, increasing constantly in recent years, is beginning to level off at many institutions. It is levelling off at a higher level of course, so we cannot be complacent. There is evidence that our long campaign of workshops, manuals and films on component therapy is beginning to improve the blood picture importantly at many hospitals.

There is also evidence that where a real effort is made, the cooperation of sometimes feuding organizations can be secured, where the help of local leaders can be enlisted, hospitals and community banks can eliminate or greatly reduce the need for buying blood. The annual report of Memorial Sloan Kettering shows only 3.171 units of whole blood or red cells purchased in 1970 as compared with 4,242 the previous year.

The , 400 bed New Rochelle Hospital Medical Center, one of our members in Westchester County outside of New York City, bought 65 percent of its blood in 1968. Some dedicated women volunteers then took over, added a bloodmobile and, working with all kinds of groups, changed this to 100 percent volunteer blood in two years. One of the volunteers was the wife of an executive of Tropicana Products. This public-spirited company filmed the whole operation in color. This film will be shown on the Administrative Program tomorrow. It has made 100 prints available for anybody who wants to do likewise. You can borrow one either from the hospital or our Central Office.

The total units transfused by our institutional members last year was in increase of 303,385 units over the total for 1,276 institutions a year earlier. This compares with an increase of 540,637 units between 1968 and 1969. In both cases figures from new members swelled the totals. Last year there was a small decrease in traffic accidents for the first time in 10 years. Deaths dropped two percent to 55,300 and injuries were down half of one percent to 4,983,000. The hospital occupancy rate dropped to 78 percent from 78.8 percent a year earlier and the average hospital stay dropped from 8.3 to 8.2 days. However, the Fourth of July casualties of course indicate the figure for 1971 may be less favorable.

I can vouch personally for the increasing use of blood components. At the Upstate Medical Center in Syracuse, 69.5 percent of the units transfused are now components. The Massachusetts General Hospital, which uses 50,000 units a year and has probably the biggest hospital blood bank in the world, uses whole blood for a third of its transfusions, red cells (including some frozen) for another third, and other components for the remaining third. The New York Blood Center, Memorial Sloan Kettering and other institutions publishing figures all report more use of components.

As a consequence of this trend and closer inventory control, the outdating of blood has been greatly reduced. It is zero in places where all units approaching outdating are converted to components. At the Massachusetts General Hospital outdating has been cut from 6 to less than one percent. At most of the banks I know it is around 3 percent. Outdatings of 10 to 15 percent, common as recently as five years ago, are now rare.

Anybody citing higher percentages is using or misusing outdated figures for outdating. This is one of the deficiencies of the recent book by Professor Richard M. Titmuss of London. The American Medical Association never intended that the difference between its 1967 figures for blood collected and blood transfused should be interpreted as blood wasted. But Professor Titmuss and many others continue to do this. I cannot follow Professor Titmuss in the distinction he makes between an American donating under a family assurance plan and an Englishman giving blood to his National Health Service. I don't believe the American should be criticized or the Englishman given a halo for doing the noble, the needed and the necessary. This book mentions many AABB people and footnotes a lot of papers at meetings like this but presents a very distorted picture despite its eloquence in behalf of "The Gift Relationship", which is the title of the book.

A little investigation proves much of the criticism of blood banking exaggerated or baseless. In Boston, there was talk recently of a lot of unnecessary one-unit transfusions. It turned out the transfusions were for babies, some before birth, who can't use more than a unit. A chapter from a book printed in a magazine last year charged a young mother died because a hospital did not have blood of her type. While AABB was not involved, we tried to investigate but neither the author nor the publisher would give us the details.

In all of my experience, I have never known of any patient dying from lack of blood in a hospital. Doctors and nurses will give it if necessary. Exactly this happened in Primary Children's Hospital in Salt Lake City and also at St. Petersburg General Hospital in Florida, a few months ago. The type needed was announced over the loudspeaker system and everybody came running. This has happened in our University Hospital on several occasions in recent years.

Outside the hospital, it happens only too frequently. If we could improve our ambulance service, perhaps use helicopters as in Viet Nam, we would save at least 12,000 lives a year. If there isn't an actual conflict of interest involved, I can think of nothing more depressing for a seriously injured person than to be picked up by a vehicle from a funeral home. Yet these provide half the nation's ambulance service.

What do we need to do to make voluntary donation work? We need to keep people reminded all year of the need, not just during National Blood Donor Month. We need to enlist large groups and make it easy for them to donate. We need to spread donations through the year.

Another event which indicates the growth in stature of the AABB is the recent recognition given to the Association by the National Research Council—National Academy of Science. It has named the AABB as a cooperating agency of the National Academy of Science, Division of Medical Sciences. Dr. Herbert Perkins has been appointed to a three year term to their Council as the AABB representative.

An item of concern was the Tax Reform Act of 1969 and its repercussions in regard to community blood banks and their possible status as a "private foundation".

To protect the membership and to assure that the Internal Revenue Service would have a detailed and knowledgeable explanation of the manner in which voluntary blood banking is conducted by most AABB members, the Board directed the AABB attorneys to seek a ruling from the I.R.S. on the "source of support" question. We are grateful to the Minneapolis War Memorial Blood Bank which agreed to serve as the subject of this request. The ruling of the I.R.S. was favorable. It was the first ruling on this issue and is one of general application.

A great concern of many of our members has been the problem of obtaining professional liability insurance coverage at a reasonable cost. The Board has and will continue to give considerable thought to this problem and I am sure many of you this morning attended the excellent panel discussion on this subject.

I am pleased to report that in addition to the increase in institutional and individual membership, the number of inspected and accredited institutions has increased by 5% since last year. We are in the process of discussing with the State of California the acceptance of the AABB Inspection Program for their State inspection requirement. Inspector workshops based on the new Standards and Inspection Report Form have been completed in each of the five AABB Districts.

Additional Component Therapy Workshops were conducted this year and that grant has now expired. A modified version of the audiovisual physician lecture has been completed and will soon be available for distribution. This is a 23 minute lecture on components suitable for presentation at medical staff meetings.

Dr. Richard Rosenfield has resigned as Editor-in-Chief of "Transfusion", a position he has held for the past five years. He has contributed in a superior manner and we all owe him a debt of gratitude for his voluntary work and time expended in raising the stature and recognition of this Journal.

We are most pleased that the man recommended by Dr. Rosenfield and by the AABB Search Committee, Dr. Robert D. Langdell of the University of North Carolina, has accepted the responsibilities as Editor-in-Chief of "Transfusion" I urge your close support of Dr. Langdell just as you have supported Drs. Rosenfield and Greenwalt in the past.

We must consider what effect the various National Health Insurance proposals will have on voluntary blood donations. Our analysis of the bills indicates that with few exceptions the majority of the proposals do not provide for blood deductibles. As a matter of fact, the proposed legislation that do provide for a blood deductible in some instances do not equate with the Medicare blood deductibles as we know them today.

If the United States Congress passes National Health Insurance legislation that will pay for all blood and blood components, it will eliminate a volunteer blood donor incentive of providing blood coverage for the individual and his family. There can be no question but that it will result in a greater use of the paid and/or commercial source of blood.

All of us must join together to assure that any National Health Insurance legislation passed must provide for blood deductions. The AABB has notified the responsible committees in both the House and the Senate that it desires to testify at hearings on National Health Insurance legislation in opposition to the payment for blood.

A new concept being sponsored by the Administration is the Health Maintenance Organization (H.M.O.). Under this concept a range of benefit packages with different coverages may be expected. Civilian groups, physicians, hospitals, or insurance companies may start an H.M.O. These benefit packages could include the cost of blood replacement. I suggest that each of you give your attention to the benefit packages that may be proposed in the formation of H.M.O.'s in your communities. Every effort should be made to exclude the payment for blood as a benefit.

In this session of Congress, a bill was introduced in the Senate to delete the three unit blood deductible under Medicare. Correspondence from the Senate Committee on Finance to which this bill was referred indicates this bill will die in Committee. They realize that elimination of the blood deductible would lead to difficulty in securing vitally needed blood replacements and they are concerned that commercially obtained blood may be contaminated with hepatitis.

A number of bills have been introduced in the House of Representatives to provide a charitable contribution income tax deduction for blood donations. The AABB Board of Directors oppose such legislation. It is their position that a dollar value should not be placed on human living tissue. To eliminate every possible donor who may have had a hepatitis medical history, the donor should not be offered any type of incentive, however small, which may cause donors to misrepresent their medical histories. Placing a dollar value on blood will set a precedent for placing a dollar value on heart, kidney, lungs, eyes, etc.

Various local and state legislation has been proposed and in one case enacted to abolish commercial sources of blood. Will this type of legislation accomplish the objective of providing to the patient a safe unit of blood, of proper type, and in the proper quantity at the place and time required? I don't believe it will. Our challenge is one of communication. We must educate the American public to the need for the volunteer blood donor. We must solicit and get the communication media involved in carrying the volunteer donor message to the American public. We must clarify to the American public the image of the nonprofit community and hospital blood bank. We must clarify to the public what blood charges represent.

How best can we convey our messages to the American public? The American Association of Blood Banks was organized as the means of unifying the efforts of all those concerned with the functions of blood banking and transfusion therapy. The Association needs your support and in my judgment, you need the Association. If each blood bank is to live in its own little world, it will only fragment blood banking. With the unified and cohesive of all concerned it will provide to the Association what might be termed "muscle" and all will agree that numbers representing a common cause also represents strength. An association can only support its membership to the extent that it receives support from its membership.

In my judgment paid donors including commercial sources of blood should be eliminated. To accomplish this most difficult objective will require a lot more hard work and effort in obtaining additional volunteer donors as well as your increased participation and willingness to loan and borrow blood. As your service of providing blood and components to the hospital increases, there will be a corresponding decrease in the demand for commercial blood. Each of us must consider the courses of action that will be required to reduce the number of paid donors and aggressively pursue those required actions to accomplish the objective of more voluntary donations.

A number of questions have been raised relative to the varying charges associated with blood. Some types of patients who typically require large amounts of blood or blood components are raising the question whether the fees are reasonable and just. The AABB has just completed a survey on this subject which will be published.

Another potential problem area is the proposal that an agency be established at the national level and charged with the responsibility for all the functions necessary to the effective utilization of blood as a national resource. The Association has reason to believe that certain individuals in Congress are considering introduction of legislation to establish such an agency.

It is our considered opinion that a super agency will only create additional problems. The regulations of a super agency must be general in nature and minimal to permit a small organization in a remote area to meet the same minimal requirements of the very large organization. This would only decrease the quality of blood and components being provided.

There are two major organizations in the United States representing blood banking—the American National Red Cross which provides the services from recruiting to distribution of blood, and the American Association of Blood Banks which provides the services from recruiting to the transfusion of blood. No one denies that there has not been friendly competition between these organizations, and if there were not, I would be concerned for someone would not be taking pride in their work. However, competition made our nation great and provided services and reasonable costs that we otherwise might not have had. We do not believe that monolithic structure would be as efficient or provide the services that are presently available in blood banking.

Congressional legislation has been introduced to establish a registration system with respect to donors of blood. The legislation proposes that the Secretary—Health, Education and Welfare, establish this system and prospective donors of blood would be required to be examined by a physician to determine that the donor did not have a history of previous diseases or personal habits which might predispose the donor to be a carrier of the hepatitis agent. This type of legislation will only increase the cost of providing blood. It provides no greater assurance that the potential donor is not a hepatitis carrier than exists under our present procedures. It will also reduce the number of donors who may not desire to or cannot afford to spend a greater amount of time in donating their blood.

This is a good example of how the AABB can be of service to you. Much of this type of legislation stems from an individual's idea and with every good intention it is passed onto a legislator for introduction. I strongly recommend that as you develop these ideas which you believe will help blood banking and should become a law that you first ask for a review of the idea by the Association. I can assure you that your proposal will be reviewed. You may not concur in the answer or alternatives suggested but the AABB answer would not preclude you from initiating legislative action and it may give you a different insight on the problem.

A number of articles and reports have been written this past year regarding blood bank functions and the need for more voluntary donors. Representatives of the Center for the Study of Responsive Law commonly referred to as Nader's Raiders, have been studying blood banking this summer. "Changing Times", a Kiplinger publication, will also contain an article on blood banking in the near future. The issues to be raised in their reports are not known. However, if they are derogatory you may expect further newspaper articles and Congressional interest.

There are also considerations facing you in blood banking in the scientific area. The alleged leaching of plasticizers from the plastic tubing and from plastic bags caused by blood, and the effect of these plasticizers on human organs must be considered. The National Research Council—National Academy of Science is now reviewing the published material on the problem. They understand the impact of any actions that may cause withdrawal of plastic blood bags and I am most optimistic that they will not recommend any precipitous action without full and complete data that will provide without question the dangers of plasticizers to man.

All of you are, or should be, accomplishing a Hepatitis Associated Antigen Test. Research has strongly suggested the existence of subtypes of HAA which may have to be taken into account when evaluating test results. The development of more sensitive, practical, and reproducable tests is under study and it can be expected within a few years that other tests, some involving new principles, will be introduced. As these tests change, the AABB will keep you advised. However, I strongly recommend that you not wait for someone to tell you to use a particular test but change your blood bank testing procedures to keep pace with the changing technology.

There has been considerable discussion regarding the need for a national registry to identify those individuals whose blood has been found to be Hepatitis Associated Antigen positive. There are a number of problems associated with such a registry, such as the legal problem of invasion of privacy; do you register every positive reaction or only those that are confirmed positive; what do you do with the information once collected, etc. The AABB has recommended that the Center for Disease Control (CDC) investigate the need, and if feasible, establish a National Hepatitis Registry. CDC is studying and planning for the registry and AABB has representatives appointed to their study group.

The AABB's Ad Hoc Committee on HAA Testing has made a number of recommendations which are of such importance that I urge each of you to implement and follow these recommendations carefully.

I especially want to call your attention to one of these recommendations regarding the transfusing of blood prior to completion of the HAA test. This should only be done in an emergency and with the knowledge of the attending physician. A complete record must be maintained as to the urgency of the situation and the statement of the attending physician accepting responsibility for omission of the test.

There are also a number of recommendations regarding safety precautions in HAA testing that are most important.

For a long period we have spoken of the role of blood banks in the transplantation function. These include compatibility tests, tissue typing or histocompatibility testing and matching that some blood banks can become involved in now. Personnel require training but this function must be initiated or be lost through forfeiture. Blood banking must move with the field for there is a vast untapped area between transfusion and transplantation.

There is a recognized need for graduate training of blood bank medical directors and continuing education as reported in the August issue of the Journal of the American Medical Association by our distinguished Scientific Advisory Committee (Survey of Blood Bank Physicians and Medical Directors, JAMA, Aug. 23, 1971, Vol. 217, No. 8).

Innovations and knowledge change constantly and there must be a system of transmitting information about proper blood use to all physicians and surgeons rapidly. The blood bank physician must act as a consultant for clinical problems, an educator to the health team, and participate in research. The Scientific Advisory Committee has initiated a project to recommend a curriculum for the training of physicians to become blood bank directors. It will also establish training objectives for each recommended course of instruction.

The need for the specialized training and functions of the blood bank physician is receiving recognition. The American Board of Pathology is proceeding to evolve subspecialty certification in blood banking.

Finally, I recommend that all of our members give to their blood bank responsibilities more of their time and support. Self examination and evaluation as well as innovation, experimentation, and a commitment are necessary. We must recognize there is a great deal we can do. We should not allow frustrations for lack of simple solutions to keep us from realizing how much has been done and how much can be done to solve difficult problems provided that talented people are willing to work hard at it. We can no longer afford the luxury of inattention or inaction. There is no easy way out. If we don't plan our future, somebody else is likely to plan it for us.

May I suggest that on return to your organization you ask yourself the questions, "Why do we do this?" or "Why do we do it this way?" The answer may be because we have always done it this way. This may be a good answer on occasion but there are times when a practice developed in the past and carried on by tradition flies in the face of common sense. Tradition must be challenged in the light of changing times and made to justify itself.

In closing let me say that over this past year as your President, I have been amazed as to the number of diversified problems that arise on a day to day basis. I must add that one of the great attributes of the AABB is the dedicated voluntary support provided by its membership. The ability, know-how, and willingness of our membership in contributing to the AABB objective to improving blood bank practices cannot be overemphasized.

During my tenure I often relied on the AABB Committee membership for advice, guidance, and programs. In addition, the Board of Directors and the Executive Committee provided a real foundation and the keen ability to weigh the various problems and keep the organization moving ahead to meet its challenging objectives. To all of these people and Miss Lois James and our entire Central Office staff as well as Col. Ben Peake, Dave Willett and Tom Mahoney, I wish to express my sincere and grateful thanks for their help and dedication.

It has meant a great deal to me to serve as your President. Thank you.

THE PROBLEM OF HOUSEHOLD DETERGENTS—PHOSPATES—YES OR NO

Mr. PODELL. Mr. Speaker, I am today introducing two bills dealing with the detrimental effects of both phosphate and nonphosphate household detergent products. Phosphate-bearing detergents, on the one hand, cause pollution of our Nation's rivers and streams, while nonphosphate detergents, on the other hand, present a hazard to the public safety.

The first bill would direct the Secretary of Health, Education, and Welfare to conduct a special study of household detergents and to establish labeling requirements for those detergent products found to be hazardous. My second bill would authorize the appropriation of $25 million for assisting local communities in modernizing their sewage disposal plants through which pollutant household detergents flow into our Nation's lakes and waterways.

During the last month, housewives have been subjected to confusing and perplexing statements from Government officials concerning the use of detergent products. Originally, the Government encouraged housewives to switch from phosphate to nonphosphate products, after discovering that phosphates pose a serious threat to our environment. This threat derives from the fact that most sewage treatment facilities in use today do not filter out phosphates. The result is that phosphates are carried from household drains to nearby lakes and rivers, contributing to water pollution and destroying plant and animal life in these waters.

To reduce the seepage of phosphates into lakes and rivers, housewives, following the Government's advice, turned to using nonphosphate detergents. It soon became apparent, however, that nonphosphates created an even more dangerous problem than the one posed by pollution. This springs from the fact that the caustic sodas contained in nonphosphate detergents used by American housewives were shown to be harmful to the eyes, nose, and throat. Moreover, these soda-bearing nonphosphate detergents constitute an acute health hazard if swallowed.

Last month, due to this finding, the U.S. Public Health Service altered its stance again, advising consumers to return to phosphates despite overwhelming evidence that such detergents foul rivers and streams. In issuing this new advice, the Nixon administration is tampering carelessly with the already fragile ecology of our polluted rivers and streams.

The Federal Hazardous Substances Act adopted in 1960 already provides the Secretary of Health, Education, and Welfare with the authority to investigate whether household detergents are hazardous substances and to provide for the public safety by establishing labeling requirements for potentially dangerous products.

Although the Secretary clearly has the legislative mandate of Congress to require prominent labeling of any product available to the public that presents a potential hazard to human health, he has so far taken no action under this authority to determine the potential damage from detergent products or to require the display of warnings on such products.

The legislation which I am proposing embodies the type of response which I believe the Government should have made to the phosphate problem. It is a reasonable and effective approach that would create a classification and labeling policy for phosphate products that pose a potential threat to the health and welfare of all Americans. In addition, it would provide financial assistance to our State and local governments for constructing needed improvements in their sewage disposal machinery.

My legislation would contribute to the purification of the Nation's already infested rivers and streams and would protect the public from the peril reposing in nonphosphate detergents.

I hope that my colleagues in Congress will look with favor on both of these important measures. Enactment of the two bills I have introduced would clear the air of the widespread confusion now prevailing as a result of the Government's recent flip-flop on the detergent question. It would help to protect America from the administration's mistake on this issue, which amounts to fateful engulfment in the whirlpool of Charybdis through an attempt to escape the rocky shoals of Scylla.

FAILURE OF FORCED BUSING OF STUDENTS IN NORFOLK

(Mr. WHITEHURST asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. WHITEHURST. Mr. Speaker, anyone who believes that the forced busing of students to achieve racial balance is desirable should read the statement made by Mr. Vincent J. Thomas, the chairman of the Norfolk City School Board.

The city of Norfolk has been forced into the massive busing of children in grades 1 through 12. The pattern of failures which has occurred elsewhere is now repeating itself in the city of Norfolk. There has been an aggregate loss of 7,000 students over the past 15 months.

I hope that my colleagues in the Congress will take the time to read Mr. Thomas' statement. Those who are now suffering the impact of massive forced busing will find the conditions all too familiar. Those who have not yet been faced by it would be better advised to read these words. For like the plagues of old, no one is immune from the consequences.

There is only one final solution to the heartrending tragedy which has been worked upon us by the Federal courts, and that is to sign the discharge petition offered by Mr. Steed on behalf of Mr. Kemp's resolution providing for a constitutional amendment which will restore the neighborhood school to the children of America. I include Mr. Thomas' statement in the Record:

TEXT OF THOMAS' PROPOSAL ON NORFOLK SCHOOL SITUATION

The Supreme Court of the United States has decreed in a number of school cases that school boards of formerly de jure segregated school systems have the affirmative duty to come forward with plans of integration which "promise realistically to work, and to work now." The Supreme Court did not specifically define what it meant by the "realistic workability" of a plan of integration, but reasonable men must assume that any workable plan should meet the following minimum conditions:

1. It must be constitutionally acceptable.
2. It must be educationally sound.
3. It must be within the power and capacity of the School Board realistically to implement the plan, to achieve and maintain the degree of integration set forth in the plan, and to stabilize the school system.

If these three conditions cannot be met, it then becomes impossible to achieve the recognized benefits of integrated education and will inevitably lead, as it has in other urban areas, to the frustration of the basic constitutional purpose of the 1954 decision; that of security for every child an equal educational opportunity. Integration temporarily achieved by the mere mixing of bodies, and then lost through resegregation, is not the solution to our problem. This ruinous process is already under way in Norfolk.

The Norfolk School Board, in 1969, presented to the Court a plan which, with some modifications, would generally meet the above tests and secure the maximum amount of integration which the School Board could reasonably be expected to achieve, and more important, to maintain. The plaintiffs, however, through the NAACP Legal Defense Fund an the Justice Department, presented other plans and other philosophies, exemplified by the C Series of the plan proposed by an NAACP expert, Dr. Michael Stolee, and this latter plan was accepted by the Appellate Court, while that of the School Board was rejected. Following the long awaited Supreme Court decision in the Charlotte-Mechlenburg case, known as Swann, the Fourth Circuit Court of Appeals remanded the Norfolk case to the District Court with the following advice:

"The Norfolk plan may be based on a revision of the Stolee C plan with necessary modifications and refinements, or the board may adopt some other plan of its choice that will meet the requirements of Swann and Davis."

Translated into plain language, this said that Norfolk must implement "Stolee C" or some other plan which would result in the same amount of racial mixture.

With great reluctance and with sincere reservations about its workability, the School Board offered a plan of pupil assignment based on Dr. Stolee's Series C, in effect balancing the races throughout all of the City's schools with attendant massive busing, as required by the Court.

Although the Norfolk schools have been open only a short time, it is already painfully apparent that this plan, which never really held a promise "realistically to work," is in actuality, not working. And in my considered judgment, it is not within the power of the School Board nor the Administration to make this plan work satisfactorily and be acceptable to the majority of our citizens over the long run.

This contention of non-workability is supported by the following facts:

1. Since the end of the school term June, 1970, the Norfolk system has suffered the tragic loss of some 7,000 white children, who, because of the unacceptability of these educational arrangements to the children and their parents, have either withdrawn from, or not entered, the Norfolk school system. This represents the incredible loss of over 20 per cent of our white students in only 15 months. This result is absolutely unacceptable to the Norfolk School Board.

While a small number of these parents may be die-hard segregationists, I submit that the majority of them are conscientious and sincere, and are genuinely concerned for the welfare of their children and for their children's rights as they may perceive them. These are good citizens who, by and large, have faithfully supported public education in Norfolk and who have provided the resources to nourish it. They have also accepted integration as right and just.

Many of these people cannot afford private education, nor do they really want private education. Many of these people cannot afford the transportation expenses imposed upon them. Many of these families cannot accommodate the family disruption caused by the extreme staggering of school openings and closings. Many of these people will not endure a situation which they feel sincerely tramples their own individual rights and prerogatives.

If our school system and our City are to survive over the long run, we must re-create a set of educational conditions which can be reasonably justified to our citizens as deserving of their support. This means no less than a stable, integrated school system delivering an equal educational opportunity of highest quality to every child.

2. There is at present under way in Norfolk, and in other similarly affected communities through the country, a massive and frantic search for alternatives to public education. "Instant" schools are springing up everywhere, most of which will never be able to provide the quality of education that is provided in our public schools. Established private schools are being deluged with applications. Parochial schools are noticing a sudden upsurge in the number of parents desiring a religious education background for their children. Parents are making arrangements to move from the city or locate their children with relatives in other communities not subjected to the traumas of massive busing. Middle class families moving to this area are avoiding Norfolk in favor of neighboring jurisdictions because of the unstable school situation.

As a practical matter, this search for alternatives to public education will continue to be pursued as long as extreme conditions, such as those now present in Norfolk, continue to be imposed upon our citizens against their will and their better judgment. This gradual abandonment of urban public education by the middle class can only lead to a gradual deterioration of our public educational system, as it has in communities such as Washington, D.C.

3. As argued by the School Board in Court, the transportation system is simply inadequate to carry the burden imposed upon it. Even with the loss this year of some 4,500 students, our busing arrangements are still a shambles. Every day there are children who do not get to school because of transportation inadequacies. Every day there are children who do not get to school because their families cannot pay the bus fare. Every day there are complaints about bus overcrowding. Every day there are concerns expressed by parents for the safety of their children. We have daily requests from parents, black and white, to transfer their children back to their neighborhood schools because they cannot afford transportation costs or for other, to them, equally valid reasons.

4. In order to make optimum use of the inadequate transportation facilities available to us, it has been necessary to stagger school openings from 7:45 a.m. to 9:40 a.m. and closings from 2:00 p.m. to 3:55 p.m. This has caused a great deal of disruption both within the families of our children and within the educational program itself. It is difficult to find any family which has not suffered some measure of disruption and inconvenience from this "bizarre" plan. It is also difficult to find a teacher or principal whose educational program has not been appreciably disrupted.

5. The exposure of our children to possible physical danger has been greatly increased. It is axiomatic that the more children requiring transportation to school, the more chance of travel-related injuries and problems. Furthermore, in order to comply with the orders of the Court, it has been necessary for us to put young children on the second floor of some of our older buildings, thus increasing to some degree their exposure to fire danger. Parents, whose children must be transported far from home to school, are concerned about their availability to their children in case of illness or accident. Many also fear for the safety of their small children in strange neighborhoods and this applies to both black and white parents. Many worry about the adaptability of their small children to strange and unfamiliar surroundings.

6. While we parents are naturally concerned about all of our children, most of our concern in this situation is concentrated on our younger children. To me, it is extremely doubtful that we can ever create a set of conditions in our public school system in which mothers would readily and voluntarily accept the transportation of their small children out of their immediate neighborhoods and long distances to strange neighborhoods. This feeling on the part of parents is no respecter of race.

Given proper resources, the School Board would have it in its power to minimize the actual inconveniences resulting from an inadequate transportation system and remedy most transportation problems, lessen school staggerings, and improve safety measures. However, as a practical, political fact of life, it does not appear that these resources will be forthcoming until the School Board can convince the fiscal authorities that the allocations of such resources will result in a stable school system capable of attracting and holding the middle class. Our City, State and National Governments to date have all turned aside our requests for transportation assistance.

While the School Board was completely unsuccessful in convincing the Courts that the above unacceptable results would be obtained from the implementation of a plan such as that recommended by Dr. Stolee, the NAACP and the Justice Department, the Courts must now recognize the stark fact that these counterproductive results have indeed come to pass. They must also see that the constitutional ends desired by the Courts are, as a practical matter, being thwarted through the withdrawal of white children from the system. Since these same results are being obtained in many other school systems, adjustments will have to be made by the Courts. It makes no sense for us to commit educational suicide.

Already there is some indication that the lower courts are recognizing the detrimental results of merely mixing bodies through disruptive busing plans. Listen to the comments of Federal District Judge S. Hugh Dillin in his recent decision in the Indianapolis school case:

"Something more than routine, computerized approach to the problem of desegregation is required of this court, lest the tipping point be reached and passed beyond reprieve. . . . Put another way, the easy way out for this court and for the (Indianapolis) board would be to order a massive 'fruit basket' scrambling of students within the school city during the coming year, to achieve exact racial balancing, and then to go on to other things. The power to do so is undoubted. There is just one thing wrong with this simplistic solution. In the long haul, it won't work."

It is the duty of the School Board to look to the future of our educational system. Under the present conditions, this future is very uncertain, and no one of us can predict just when and how our school system will be stabilized. If the withdrawal of 7,000 children is permanent, we will certainly have to adjust our pupil assignments drastically. This could lead in the future to the closing of a number of our older elementary school plants, a reduction in teaching staff, and a curtailment of the educational program. Available statistics show that approximately 1,000 fewer children entered our school system this year than could have been reasonably expected to enroll at the first grade level. With this trend accelerated in the future, how many families with children, moving into this area, will choose Norfolk for their homes? If our school system cannot present a more attractive picture to newcomers, how much will we suffer by attrition? How quickly will we lose the biracial integrity of our community?

Under the current conditions, I doubt that many of those white, middle class individuals—college professors, columnists, commentators, civil rights advocates, civil rights attorneys, employees of HEW, judges—who have done the most to bring about the situation in which Norfolk now finds itself would voluntarily subject their own children to what our children are being subjected. Certainly racial identity of the Washington, D.C., school system indicates that many of our government liberals do not practice what they preach.

PROPOSED PLAN OF SCHOOL INTEGRATION FOR NORFOLK

For the consideration of the citizens of Norfolk and others, I wish to submit a plan for the integration of the Norfolk School System which I believe will meet the requirements for a unitary school system, whose components can be justified both to the Courts and to our parents, and which can ultimately command the broad support of the majority of our citizens, both black and white. It is hoped that this plan will be studied by the leadership of all interests in our City and that black and white leaders will react to it publicly. I am unalterably convinced that the final solution to the problems of successfully integrating our school system must be forged by us and not by the Courts. The Courts are simply not equipped to fashion a single solution which will fit every community. The solution I offer is designed for Norfolk alone.

The following are the elements of a unitary school system for Norfolk:

1. Immediate and absolute compliance with the "Negative Mandate" of the United States Supreme Court in its historical 1954 decision. This Mandate requires an absolute and immediate end to all invidious discrimination based on race. If there are lingering vestiges, either intentional or unintentional, of invidious racial discrimination in our school system, we want it removed forthwith, and in my opinion, have already largely done so.

2. Aggressive, good faith compliance with the "Positive Mandate" of the Supreme Court which puts an affirmative duty on the School Board to eliminate, to the extent that it can reasonably and practically do so, all effects of past, state-imposed segregation. This is where the current legal argument lies. Are there any practical limitations on what a School Board must and can do to comply with this affirmative "Mandate"? For instance, it is widely recognized that in cities like New York it is an absolute physical impossibility to obtain racial mixture in every school. Are there not similar or other valid limitations on Norfolk's ability to achieve and maintain a racially balanced school system? The results of our current desegregation plan plainly indicate that there are.

Some affirmative actions completely under the control of the School Board are faculty and staff integration, integration of all sports and extracurricular activities, school zoning to maximize integrationg, location of additions and new schools to facilitate integration, use of multiracial educational materials, etc. The aforementioned devices have been, and are being, used in our system to maximize integration. The School Board and the Administration should, through continuing leadership, create within the school system a spirit in which every decision is examined in the light of its racial implications, and where possible, made in such a manner as to foster true and lasting integration of the system.

3. As soon as possible we should alter the grade organization throughout the system from a 4-3-2-2 organization to a K-4-4-4 organization as follows:

Elementary schools—grades Kindergarten through 4.

Middle schools—grades 5 through 8.

High schools—grades 9 through 12.

Under this new organization it is suggested that there be approximate racial balance in all high and middle schools to be accomplished through busing, where necessary. While there are many valid reasons for not busing younger children, these same reasons do not apply to the same degree to older children. Even before integration, all of our junior and senior high schools required at least some bus transportation. In view of the command of the Courts to obtain maximum amount of integration, using busing if required, I feel that no argument against full integration at the middle and high school levels would find any acceptance in the Courts.

However, this plan for Norfolk envisions that elementary schools serve single attendance zones, gerrymandered where possible to achieve the maximum amount of desirable integration. Since only grades K through 4 would be served by these schools, they would have to draw from larger attendance areas than previously, thus facilitating a greater degree of integration. A further advantage would be to make room in these schools for kindergarten without the necessity of extensive building additions. The additional children, resulting from the addition of kindergartens, would be accommodated at the middle and high school levels through building additions and/or drawn so as to minimize the number of one race elementary schools, although of necessity there would be some remaining under this plan.

This plan would deliver 13 years of stable, integrated education to approximately 75 per cent of our children and 8 years of integrated education to the remaining 25 per cent. Viewed another way, 100 per cent of our children would have at least 8 years of integration and only 25 per cent would have less than a full 13 years. To my knowledge, there is no core city in the country that even comes close to matching these percentages.

4. In order to give any children left in uniracial schools the real choice of an integrated education, there would be an aggressively administered, majority-to-minority transfer plan. This would satisfy the requirements of the Courts that no child be denied the right to attend any school because of race. For those requesting transfer, transportation would be provided at public expense. Parents would be fully informed of this right to transfer and provided counseling if desired.

5. In order to remove many of the irritations surrounding the use of buses for purposes of integration, the school system should have control of school transportation arrangements, and transportation should be free to all. This could be accomplished either through the school system owning and operating its own buses or through some joint, satisfactory arrangement with the Virginia Transit Company. Complete School Board control of school transportation would make possible the following:

a. Elimination of irritations and disruptions brought about by inadequate number of buses, time staggerings, cost of transportation, and lack of late transportation to serve those engaging in extracurricular activities.

b. Reduce opposition to long-distance busing at the middle school level.

c. Make possible the implementation of innovative, interracial programs for elementary students remaining in racially isolated schools.

d. Provide transportation where necessary for flexible educational programming, maximum use of facilities, field trips, better use of community resources, etc.

e. Provide free transportation for those exercising majority-to-minority transfer rights.

f. Better control of discipline on buses.

6. In order to secure the future stability of our system and of our city, this plan should be accompanied by a progressive and honest open housing policy supported by our political, civic, and business leadership. Every citizen should feel that he is free to locate in any neighborhood which is desirable to him and his family and which he can afford.

7. There should be a high-level Biracial Commission, preferably appointed by, and responsible to, the Court, which Commission would oversee the implementation of the plan and give regular reports both to the Court and to the public. This Commission could include an equal number of whites and blacks. I would further suggest the appointment of at least one additional black to the School Board.

In my opinion, it is absolutely essential that the responsibility for the integration of our school system be returned to local hands. The broad principles of the law have already been established. It is now only left for us to implement them in a reasonable and faithful manner to the extent of our ability to do so.

Now that this plan has been set forth, let me anticipate some of the major objections which will be raised to it:

1. The greatest objection, certainly the greatest legal objection, will be to the fact that some few elementary schools will remain all black and racially isolated. Testimony by experts has shown in our case that the effects of racial isolation are cumulative and that integration is most desirable in the early years of school. I answer this objection by saying that there will be a number of conditions present in these schools which are not present in the classical, racially isolated school. Our school plants in the inner city range from adequate to excellent. Our faculties are completely integrated, and our better teachers and administrators are spread throughout the city. Funds from the Federal Government for education of disadvantaged children will be concentrated primarily in the isolated schools where the greatest need is. Our own transportation system would allow these children to participate in integrated, inter-racial educational programs by moving them about the city. They would also have the right to transfer out if desired, with transportation furnished.

Finally, in my opinion, this compromise between the detrimental effects of racial isolation and the detrimental effects and results of breaking up completely our neighborhood schools, especially where young children are concerned, is a compromise which must be made if our school system is not to be eventually destroyed. In practice, we will simply have to do everything possible to neutralize the effects of this isolation for those who do not elect voluntarily to transfer out.

2. The second big objection will come from the parents of middle school youngsters who must be bused relatively long distances across town. Since having our own transportation system will allow us to eliminate extreme staggering, to provide late buses for extracurricular activities, and to eliminate cost to parents, I believe that this arrangement, after some initial objection, will be reasonably well accepted by parents of these children. At the high school level the children are more mobile and mature, and opposition to the transportation of high school students is simply not a governing issue.

3. The third big objection would be the objection to the cost to the taxpayer of setting up and operating our own transportation system or of public financing of the transportation of students by VTC. Many say that we cannot afford it. My answer is that if it is necessary to save our school system and our City, we can afford it.

There are, of course, bound to be other objections. I would hope that those who are sincerely interested in resolving permanently the difficult problems before us will take the time to react in writing. At this point, I see nothing to be gained by arguing whether or not this plan is legal. Since we purport to be a democracy, I firmly believe that if any reasonable plan is acceptable to the great majority of our people after full examination, then it will ultimately be acceptable to the

Courts. But let us be the ones to determine finally the plan under which our school system will operate and not those from without, who have no vested interest in, or responsibility for, the education of our children.

Ours is a government of law, but for our government to work, the law must be understood and supported by the broad majority of the people. Laws that cannot command broad understanding and support must inevitably fail. The Courts, over all others, should understand this basic precept of American democracy.

An extreme plan of school integration which results in the actual loss of over 20 per cent of our white children, and the potential loss of many more, is neither an intelligent nor an American solution. Over the long run, only those who have no other alternative—primarily the poor and the black—will accept it. Is this really what we want out of urban school integration? I say we can do better. For the sake of all our children, we must do better.

NOTE

For the purposes of this paper, I have assumed the eventual establishment of Kindergarten in the Norfolk School System. It is increasingly apparent that urban children desperately need this early educational base. The proposed plan would merely operate on a 4-4-4 grade organization until kindergarten can be started.

I have purposely kept away from opening at this time the Pandora's Box of forced school consolidation with surrounding jurisdictions. The Courts are now struggling with this knotty problem, and it will be some time before the legal points are resolved. In the meantime, my own views about consolidation will largely be governed by how successful we are in solving our problems here in Norfolk.

Vincent J. Thomas,
Chairman, Norfolk School Board.

MORE ABOUT ILLEGAL ALIENS

(Mr. ROONEY of New York asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ROONEY of New York. Mr. Speaker, the statement entitled "Illegal Aliens" by the distinguished gentleman from Texas (Mr. White) inserted in the Congressional Record of October 5, 1971, at page 34913, presents an expertly exaggerated view of existing conditions, mistakes the reasons therefor, and falls short of recommending any adequate solutions.

The solution does not at all hinge upon unlimited appropriations and a continual increase in the rotation of illegal aliens back to Mexico. Ways must be found to reduce the incentive for such vast numbers of Mexicans to seek illegal residence in this country. The present major incentive is economic in nature. Employment in the United States offers illegal aliens seven times the wages for equivalent work in Mexico. Employers in Texas find such help beneficial, because the workers are tractable, they will work for less than organized labor, and are not demanding as to fringe benefits and working conditions. What is needed most is a law making it a Federal offense for an employer to hire an illegal immigrant. My recommendation is that the gentleman from Texas and others support and hasten action upon H.R. 2328 (S. 1373) which includes such a provision.

It is the fact that Congress has not reduced Immigration and Naturalization Service funds. However, it is a low blow to charge officials of the Immigration and Naturalization Service with "dereliction of duty or incredible ignorance of the facts" in failing to ask sufficient funds from Congress. Even a neophyte in the Federal appropriation process knows that there is—and necessarily so—many a slip between the fund requests of Bureau level officials and the amounts finally presented to the Congress for appropriation action. I am sure the Immigration and Naturalization Service has no exemption from this executive oversight applied in the light of national priorities and resources.

The statement of the distinguished gentlemen from Texas (Mr. White) that the Immigration and Naturalization Service is trying to get along on 1,000 less personnel than it had 5 years ago is based upon inaccurate data. The Immigration and Naturalization Service advises that the comparison of permanent employment June 30, 1965, with that of June 30, 1971, is as follows:

	June 30, 1965	June 30, 1971
Total personnel	6, 531	6, 959
Border patrol agents	1, 353	1, 712
Immigrant inspectors	1, 130	1, 136
Investigators	710	665
Other	3, 338	3, 446

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Rhodes (at the request of Mr. Gerald R. Ford), for balance of week, on account of official business.

Mr. Collier (at the request of Mr. Gerald R. Ford), for week of October 12, on account of death in family.

Mr. Halpern (at the request of Mr. Gerald R. Ford), on account of injuries sustained in automobile accident.

Mr. Kee (at the request of Mr. Garmatz), for today and remainder of week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Patman, for 60 minutes, on Thursday, October 14, 1971; to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. Rousselot) and to revise and extend their remarks and include extraneous matter:)

Mr. Veysey, for 10 minutes, today.

Mr. Robison of New York, for 10 minutes, today.

Mr. Kemp for 60 minutes, on Thursday.

Mr. Harsha, for 10 minutes, today.

Mr. Wyman, for 10 minutes, today.

Mr. Bow, for 10 minutes, today.

(The following Members (at the request of Mr. Denholm) and to revise and extend their remarks and include extraneous matter:)

Mr. Flood, for 10 minutes, today.

Mr. Hamilton, for 30 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Fulton, for 20 minutes, today.

Mr. Ryan, for 10 minutes, today.

Mr. Shipley, for 10 minutes, today.

Mr. Mitchell, for 30 minutes, today.

Mr. Aspin, for 20 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. McMillan, and to include extraneous material.

Mr. Albert (at the request of Mr. McFall).

Mr. Rooney of New York in four instances and to include extraneous matter.

Mr. Gray in two instances and to include extraneous matter.

Mr. Moorhead, to include with his remarks on H.R. 10835 in the committee extraneous material.

Mr. Boggs to revise and extend his remarks following the record teller vote on the Wiggins amendment.

Mr. Latta to include extraneous material with remarks made earlier today.

Mr. Matsunaga to extend his remarks during debate on House Joint Resolution 208, immediately preceding vote on second Wiggins amendment.

Mr. Rosenthal to extend his remarks and include extraneous matter at conclusion of debate on H.R. 10835.

Mr. Annunzio (at the request of Mr. Rodino) was granted permission to extend his remarks and include extraneous matter, following Mr. Rodino's remarks.

(The following Members (at the request of Mr. Rousselot) and to include extraneous matter:)

Mrs. Dwyer in five instances.

Mr. Rhodes in five instances.

Mr. Smith of New York.

Mr. Harvey in two instances.

Mr. Schmitz in three instances.

Mr. Vander Jagt.

Mr. Goldwater.

Mr. McCloskey.

Mr. Price of Texas.

Mr. Derwinski in three instances.

Mr. Kyl.

Mr. Chamberlain.

Mr. Whalen.

Mr. Miller of Ohio.

Mr. Hosmer.

Mr. Brotzman.

Mr. Wyman in two instances.

Mr. Veysey in two instances.

Mr. Baker.

Mr. Skubitz in three instances.

Mr. Burke of Florida.

Mrs. Heckler of Massachusetts in four instances.

Mr. Steiger of Wisconsin in three instances.

Mr. Kemp in two instances.

Mr. Lent.

Mr. Coughlin.

Mr. Dellenback.

Mr. Scott.

Mr. Minshall in two instances.

Mr. ROUSSELOT.
Mr. GROVER.
Mr. MCKEVITT.

(The following Members (at the request of Mr. DENHOLM) and to include extraneous matter:)

Mr. SISK in two instances.
Mr. ROSENTHAL in six instances.
Mr. JAMES V. STANTON in two instances.
Mr. SARBANES in five instances.
Mrs. MINK in two instances.
Mr. FISHER in three instances.
Mr. HAMILTON.
Mr. DINGELL in two instances.
Mr. KYROS in two instances.
Mr. JACOBS.
Mr. ALBERT in two instances.
Mr. EVINS of Tennessee in five instances.
Mr. ROONEY of New York in five instances.
Mr. MONAGAN.
Mr. RODINO.
Mr. MAZZOLI in two instances.
Mr. RARICK in three instances.
Mr. CORMAN in five instances.
Mr. MCFALL in six instances.
Mr. JONES of North Carolina in two instances.
Mr. KLUCZYNSKI in two instances.
Mr. GONZALEZ in three instances.
Mr. WALDIE in two instances.
Mr. RYAN in three instances.
Mr. HARRINGTON in two instances.
Mr. BRASCO.
Mr. RANGEL in two instances.
Mr. DOW.
Mr. ANNUNZIO in two instances.
Mr. BINGHAM in five instances.
Mr. FRASER in five instances.
Mr. GREEN of Pennsylvania in six instances.
Mr. MURPHY of Illinois in five instances.
Mr. BYRNE of Pennsylvania in three instances.
Mr. YATRON.
Mr. PATTEN in two instances.
Mr. WHITE in two instances.
Mr. GIAIMO in 10 instances.
Mr. DORN in five instances.
Mrs. HICKS of Massachusetts in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2482. An act to authorize financial support for improvements in Indian education and for other purposes; to the Committee on Education and Labor.

ENROLLED JOINT RESOLUTIONS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.J. Res. 915. Joint resolution making a supplemental appropriation for the Department of Labor for the fiscal year 1972, and for other purposes; and

H.J. Res. 916. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

On October 7, 1971:

H.R. 9634. An act to change the name of the Nebraska National Forest, Niobrara Division, to the "Samuel R. McKelvie National Forest."

On October 8, 1971:

H.J. Res. 915. A joint resolution making a supplemental appropriation for the Department of Labor for the fiscal year 1972, and for other purposes.

ADJOURNMENT

Mr. RODINO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 13, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1195. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Health, Education, and Welfare for "Grants to States for public assistance" for fiscal year 1972 has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

1196. A letter from the Attorney General, transmitting a draft of proposed legislation to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

1197. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to remove the statutory ceiling on funds for the development of Wolf Trap Farm Park, Va., and for other purposes; to the Committee on Interior and Insular Affairs.

1198. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated October 15, 1970, submitting a report, together with accompanying papers and an illustration, on Northport Harbor, Wis., in partial response to three resolutions of the Committee on Rivers and Harbors of the U.S. House of Representatives, adopted March 12, April 1, and August 2, 1946 (H. Doc. No. 92–168); to the Committee on Public Works and ordered to be printed with an illustration.

RECEIVED FROM THE COMPTROLLER GENERAL

1199. A letter from the Comptroller General of the United States, transmitting a report on slow progress in eliminating substandard Indian housing, Department of the Interior and Department of Housing and Urban Development; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

(Pursuant to an order of the House Oct. 7, 1971, the following report was filed Oct. 8, 1971)

Mr. PERKINS: Committee on Education and Labor. H.R. 7248. A bill to amend and extend the Higher Education Act of 1965 and other acts dealing with higher education; with amendments (Rept. No. 92–554). Referred to the Committee of the Whole House on the State of the Union.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 1556. A bill to authorize the Secretary of the Interior to modify the operation of the Kortes unit, Missouri River Basin project, Wyoming, for fishery conservation (Rept. No. 92–555). Referred to the Committee of the Whole House on the State of the Union.

[Submitted Oct. 12, 1971]

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 5500. A bill to authorize the Secretary of the Interior to revise a repayment contract with the San Angelo Water Supply Corp., San Angelo project, Texas, and for other purposes (Rept. No. 92–556). Referred to the Committee of the Whole House on the State of the Union.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. S. 24. An act to provide that the cost of certain investigations by the Bureau of Reclamation shall be nonreimbursable (Rept. No. 92–557). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New York: Committee on the Judiciary. S. 1939. An act for the relief of the Southwest Metropolitan Water and Sanitation District, Colorado (Rept. No. 92–558). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRASER: Committee on Foreign Affairs. House Concurrent Resolution 387. Concurrent resolution requesting the Secretary of State to call for an international moratorium of 10 years on the killing of all species of whale, porpoise, and dolphin (comprising the order of cetaceans) (Rept. No. 92–562). Referred to the House Calendar.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 8140. A bill to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States; with amendments (Rept. No. 92–563). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FLOWERS: Committee on the Judiciary. H.R. 3227. A bill for the relief of S. Sgt. J. C. Bell, Jr., U.S Air Force; with an amendment (Rept No. 92–559). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 4064. A bill for the relief of William H. Nickerson; with amendments (Rept. No. 92–560). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. S. 113. An act for the relief of certain individuals and organizations; with amendments (Rept. No. 92–561). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LANDRUM:

H.R. 11157. A bill to amend section 537 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.R. 11158. A bill to amend section 931 of the Internal Revenue Code of 1954, as amended; to the Committee on Ways and Means.

By Mr. ASPIN (for himself, Mr. Addabbo, Mr. Anderson of Tennessee, Mr. Begich, Mr. Bell, Mr. Bingham, Mr. Burke of Florida, Mr. Burton, Mrs. Chisholm, Mr. Collins of Illinois, Mr. Corman, Mr. Daniels of New Jersey, Mr. Denholm, Mr. Dent, Mr. Dingell, Mr. Dow, Mr. Eilberg, Mr. Frey, Mr. Gibbons, Mr. Halpern, Mr. Hanley, Mr. Harrington, Mr. Helstoski, Mr. Kemp, and Mr. Kyros):

H.R. 11159. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize design standards for schoolbuses, to require certain standards be established for schoolbuses, to require the investigation of certain schoolbus accidents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ASPIN (for himself, Mr. Matsunaga, Mr. Metcalfe, Mr. Mikva, Mr. Mitchell, Mr. Morse, Mr. Moss, Mr. Nix, Mr. Podell, Mr. Price of Illinois, Mr. Roe, Mr. Rooney of Pennsylvania, Mr. Ryan, Mr. St Germain, Mr. Scheuer, Mr. Seiberling, Mr. Steele, Mr. Stokes, Mr. Terry, Mr. Vigorito, Mr. Widnall, Mr. Charles H. Wilson, and Mr. Wright):

H.R. 11160. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize design standards for schoolbuses, to require certain standards be established for schoolbuses, to require the investigation of certain schoolbus accidents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BENNETT:

H.R. 11161. A bill to amend the Internal Revenue Code of 1954 to provide that no individual shall pay an income tax of less than 10 percent on his income and to provide that industrial development bond income shall not be excluded from gross income; to the Committee on Ways and Means.

H.R. 11162. A bill to exempt the first $3,000 of an individual's annual earnings from social security taxes, to amend title II and XVIII of the Social Security Act to permit benefit payments to a widower, parent, or child despite his or her marriage if such marriage is annulled, to allow an individual to have military service excluded in the computation of his benefits in order to use such service for a civil service retirement annuity, to permit State agreements for hospital insurance coverage, and to provide supplementary medical insurance coverage for certain services furnished an individual at his home by a medical technical or registered nurse; to the Committee on Ways and Means.

By Mr. BRINKLEY:

H.R. 11163. A bill to amend title II of the Social Security Act to provide a 25-percent, across-the-board increase in benefits thereunder, with a minimum primary benefit of $200, and to remove the present limitation upon the amount of outside income which a beneficiary may have without any loss of benefits; to the Committee on Ways and Means.

By Mr. CARNEY:

H.R. 11164. A bill to amend certain provisions of Federal law relating to the preference to be given to American goods in connection with the purchase of materials required for public use, and for other purposes; to the Committee on Public Works.

H.R. 11165. A bill to provide for the awarding of medical discharges to certain former members of the Armed Forces who were previously discharged under dishonorable conditions for certain narcotic drug related causes; to the Committee on Armed Services.

By Mr. CRANE (for himself, Mr. Waggonner, Mr. Michel, and Mr. Montgomery):

H.R. 11166. A bill to limit U.S. contributions to the United Nations; to the Committee on Foreign Affairs.

By Mr. DANIELS of New Jersey:

H.R. 11167. A bill to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mr. DORN:

H.R. 11168. A bill to amend section 103 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. DOW:

H.R. 11169. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes; to the Committee on Agriculture.

By Mr. FAUNTROY (for himself, Mrs. Chisholm, Mr. Clay, Mr. Collins of Illinois, Mr. Conyers, Mr. Dellums, Mr. Diggs, Mr. Fraser, Mr. Gude, Mr. Hawkins, Mr. Jacobs, Mr. Link, Mr. McKinney, Mr. Metcalfe, Mr. Mikva, Mr. Mitchell, and Mr. Rangel):

H.R. 11170. A bill to authorize programs in the District of Columbia to combat and control the disease known as sickle cell anemia; to the Committee on the District of Columbia.

By Mr. FAUNTROY (for himself, Mrs. Chisholm, Mr. Clay, Mr. Collins of Illinois, Mr. Conyers, Mr. Dellums, Mr. Diggs, Mr. Fraser, Mr. Hawkins, Mr. Metcalfe, Mr. Mitchell, Mr. Rangel, and Mr. Stokes):

H.R. 11171. A bill to provide for the prevention of sickle cell anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. FREY (for himself, Mr. Byrnes of Wisconsin, Mr. McDade, Mr. Mizell, and Mr. Vander Jagt):

H.R. 11172. A bill to amend the Narcotic Addict Rehabilitation Act of 1966, to provide for involuntary civil commitment of narcotic addicts charged with a crime, to authorize grants for certain training programs, to establish training programs for judicial officers, to provide for research and development into causes of and cures for narcotic addiction, and for other purposes; to the Committee on the Judiciary.

By Mrs. GRASSO (for herself, Mr. Aspin, Mr. Badillo, Mr. Biaggi, Mr. Bingham, Mr. Brown of Michigan, Mr. Burke of Massachusetts, Mrs. Chisholm, Mr. Clay, Mr. Collins of Illinois, Mr. Cotter, Mr. Coughlin, Mr. Dent, Mr. Diggs, Mr. Forsythe, Mr. Fuqua, Mr. Halpern, Mrs. Hansen of Washington, Mr. Helstoski, Mrs. Hicks of Massachusetts, and Mr. Kemp):

H.R. 11173. A bill to authorize a national summer youth sports program; to the Committee on Education and Labor.

By Mrs. GRASSO (for herself, Mr. Koch, Mr. Matsunaga, Mr. Metcalfe, Mr. Mikva, Mrs. Mink, Mr. O'Neill, Mr. Pepper, Mr. Preyer of North Carolina, Mr. Rangel, Mr. Roe, Mr. Rosenthal, Mr. Rostenkowski, Mr. Roybal, Mr. Ryan, Mr. Sarbanes, Mr. Scheuer, Mr. Steele, Mr. Stokes, Mr. Symington, and Mr. Wyatt):

H.R. 11174. A bill to authorize a national summer youth sports program; to the Committee on Education and Labor.

By Mr. HANSEN of Idaho (for himself, Mr. McClure, Mr. Edwards of California, Mr. Frenzel, Mr. Hathaway, Mr. Leggett, and Mr. Purcell):

H.R. 11175. A bill to amend section 608 (c)(2) of the Agricultural Marketing Agreement Act of 1937, as amended; to the Committee on Agriculture.

By Mr. HARSHA:

H.R. 11176. A bill to require the Secretary of Commerce to undertake a study with respect to the effects of pollution abatement and control programs on international trade; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 11177. A bill to establish a Commission on Penal Reform; to the Committee on the Judiciary.

H.R. 11178. A bill to provide financial assistance for State and local small, community-based correctional facilities; for the creation of innovative programs of vocational training, job placement, and on-the-job counseling; to develop specialized curriculums, the training of educational personnel, and the funding research and demonstration projects; to provide financial assistance to encourage the States to adopt special probation services; to establish a Federal Corrections Institute; and for other purposes; to the Committee on the Judiciary.

By Mr. KASTENMEIER:

H.R. 11179. A bill to prohibit the advertising for 1 year of any product which has been falsely advertised; to the Committee on Interstate and Foreign Commerce.

H.R. 11180. A bill to amend the Consolidated Farmers Home Administration Act of 1961, and for other purposes; to the Committee on Agriculture.

By Mr. KOCH (for himself, Mr. Brasco, Mr. Byron, Mr. Dellums, Mr. Dent, Mr. Fraser, Mr. Gibbons, Mr. Hansen of Idaho, Mrs. Heckler of Massachusetts, Mrs. Hicks of Massachusetts, Mr. Kyros, Mr. Leggett, Mr. Mailliard, Mr. Matsunaga, Mrs. Mink, Mr. Pike, Mr. Reuss, Mr. St Germain, Mr. Scheuer, Mr. Seiberling, Mr. Van Deerlin, and Mr. Yates):

H.R. 11181. A bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes, and for other purposes; to the Committee on Public Works.

By Mr. LUJAN:

H.R. 11182. A bill to authorize the acquisition of lands within the Vermejo Ranch, New Mexico and Colorado, for addition to the national forest system, and for other purposes; to the Committee on Agriculture.

By Mr. MIKVA:

H.R. 11183. A bill to establish in the District of Columbia a system of first party, no-fault insurance for victims of motor vehicle accidents, and for other purposes; to the Committee on the District of Columbia.

By Mr. MILLS of Arkansas:

H.R. 11184. A bill to allow for income tax purposes a deduction for additions to an account for accrued vacation pay earned by employees; to the Committee on Ways and Means.

H.R. 11185. A bill to amend the Internal Revenue Code of 1954 with regard to the exempt status of veterans' organizations; to the Committee on Ways and Means.

H.R. 11186. A bill to exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States where the entries were made in connection with vessels arriving before January 5, 1971; to the Committee on Ways and Means.

By Mr. MONAGAN (for himself, Mr. Cotter, Mr. Steele, and Mr. McKinney):

H.R. 11187. A bill to authorize the Secretary of Housing and Urban Development to make grants to certain local public bodies or agencies to finance the development costs of certain connecting sewer facilities; to the Committee on Banking and Currency.

H.R. 11188. A bill to require the Corps of Engineers to replace or repair certain sewage systems or facilities damaged in the course of the work of the Corps of Engineers; to the Committee on Public Works.

By Mr. NICHOLS:

H.R. 11189. A bill to amend chapter 67 of title 10, United States Code, to provide an annuity for the dependence of persons who perform the service required under chapter 67 of title 10, United States Code, and die before being granted retired pay; to the Committee on Armed Services.

By Mr. PODELL:

H.R. 11190. A bill to amend the Federal Hazardous Substances Act, to provide for a special study of household detergents, and to provide for the labeling of those household detergents, and to provide for the labeling of those household detergents found to be hazardous, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11191. A bill to authorize additional appropriations for grants under the Federal Water Pollution Control Act for the construction of sewage treatment works; to the Committee on Public Works.

By Mr. PREYER of North Carolina:

H.R. 11192. A bill to amend the Public Health Service Act to support research and training in diseases of the digestive tract, including the liver and pancreas, and diseases of nutrition, and aid the States in the development of community programs for the control of these diseases, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBISON of New York:

H.R. 11193. A bill to transfer to the Secretary of Health, Education, and Welfare authority over Federal programs to develop and improve emergency health care for motor vehicle accident victims; to the Committee on Public Works.

By Mr. ROE:

H.R. 11194. A bill to establish a comprehensive program of insurance and reimbursement with respect to losses sustained by the fisheries trades as a result of environment disasters; to the Committee on Merchant Marine and Fisheries.

H.R. 11195. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the entire amount of compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict; to the Committee on Ways and Means.

By Mr. ROSTENKOWSKI:

H.R. 11196. A bill to amend the Internal Revenue Code of 1954 with respect to the definition of unrelated business income; to the Committee on Ways and Means.

By Mr. SCHNEEBELI:

H.R. 11197. A bill to reduce the required charitable distributions under the Internal Revenue Code of 1954 in the case of certain contributions received by private foundations before the date of enactment of the Tax Reform Act of 1969; to the Committee on Ways and Means.

By Mr. JAMES V. STANTON:

H.R. 11198. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty; to the Committee on the Judiciary.

By Mr. STOKES:

H.R. 11199. A bill to amend title II of the Social Security Act to provide that an individual may qualify for disability insurance benefits and the disability freeze if he has enough quarters of coverage to be fully insured for old-age-benefit purposes, regardless of when such quarters were earned; to the Committee on Ways and Means.

By Mr. WAGGONNER:

H.R. 11200. A bill to amend section 501(c) of the Internal Revenue Code of 1954 with respect to the exempt status of clubs; to the Committee on Ways and Means.

By Mr. BOW:

H.R. 11201. A bill to amend the act of August 22, 1949 (63 Stat. 623), so as to authorize the Board of Regents of the Smithsonian Institution to plan and construct museum support and depository facilities; to the Committee on House Administration.

By Mr. PODELL:

H.R. 11202. A bill to authorize additional appropriations for grants under the Federal Water Pollution Control Act for the construction of sewage treatment works; to the Committee on Public Works.

By Mr. FRASER:

H. Con. Res. 420. Concurrent resolution to assist Congress in fulfilling its function in the field of foreign affairs; to the Committee on Rules.

By Mr. THOMSON of Wisconsin (for himself, Mr. BETTS, Mr. DENNIS, Mr. SEBELIUS, Mr. STEIGER of Wisconsin, Mr. STUBBLEFIELD, Mr. VANDER JAGT, and Mr. ZION):

H. Res. 642. Resolution urging the President to press for U.S. agricultural trade rights with the European Economic Community; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII,

275. The SPEAKER presented a memorial of the Senate of the Commonwealth of Puerto Rico, relative to extending benefits under the Higher Education Act to Puerto Rico, which was referred to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause I of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COLLIER (by request):

H.R. 11203. A bill for the relief of Mrs. Josefita Esther Worley; to the Committee on the Judiciary.

By Mr. SEIBERLING:

H.R. 11204. A bill for the relief of Juan Clemente Hernandez; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

COLUMBUS DAY 1971

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. ROONEY of New York. Mr. Speaker, for all of us who struggled so hard to obtain recognition of Columbus Day as a national holiday, this weekend is a source of real gratification. At long last all America unites with our loyal Italo-Americans in paying homage to the man who discovered our great then unknown continent.

Every red-blooded American citizen glories in the courage of the dauntless navigator who commanded the three tiny boats in their voyage in 1492 across the mysterious, uncharted seas.

Almost five centuries have elapsed since Christopher Columbus set foot on our offshore islands. During the ensuing years great changes have taken place in man's understanding of the world in which he lives. Even greater changes have ensued with respect to national boundaries. Old nations have been stripped of their farflung possessions, some to vanish entirely. New nations have arisen and pushed themselves into world dominance, but none with such force and intensity as our own.

Let us not forget that we owe the credit to this impoverished Italian seaman for making possible our glorious American destiny. We are indebted to Christopher Columbus for first charting the trackless oceans shrouded in such awesome fears, for assuring the world that land did lie to the westward, and for initiating subsequent voyages which in turn precipitated a whole wave of explorations. But even more we are indebted to Columbus for his courage, his patience, and his persistent traits which somehow he passed on to the people who explored, who settled and who finally brought America into being and helped her to reach world leadership.

We are not only indebted to the Italian people who gave the world Christopher Columbus but for their magnificent contribution to every facet of American life. They have sent us countless men of the heroic stature of Columbus—pioneers in science, business, industry, and the arts.

Mr. Speaker, I suggest that we use the observance of Columbus Day to remind ourselves of the significant contributions which men and women of Italian birth or extraction have made to the life and development of this Nation. Let us make sure that all our citizens, but most particularly our children, know and appreciate our debt to men like Amerigo Vespucci, Giovanni de Verrazano, Enrico Fermi, and a host of other great Italo-Americans.

We owe a debt of gratitude also to our Italo-American organizations for the inspiring programs which they are conducting throughout America in tribute to Christopher Columbus. I know from personal experience that the leadership of these organizations devote many hours of dedicated service and literally millions of dollars to improve the lot of all Americans. I am most thankful that because of my large Italian-American constituency in Brooklyn, I can count so many of these leaders as my personal friends over the many years. To them I use the occasion of Columbus Day to offer my personal best wishes and my congratulations for their continuing efforts to improve the lot of their fellowmen.

I use this occasion, too, Mr. Speaker, for congratulating the fine leaders of the Italian Government for the job they are doing in behalf of the people of Italy and for the bonds of friendship which they seek to maintain between the Italian people and the people of this country. I was most impressed on a visit last month to Italy to see once more the extent of American-Italian friendship and the depth of affection which they lavish upon the United States.

"PEACE" OFFICERS

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. BAKER. Mr. Speaker, the familiar "police" officer is giving way to a new, better-trained, better-educated breed of "peace" officers in many of our Nation's communities. I am happy to note one such city is located in the Third Congressional District of Tennessee—my home town of Chattanooga.

During the past 3 years, the Chattanooga Police Department, with the aid of the community's colleges and universities, courts, and Federal agencies, has greatly expanded its training program for law enforcement officials.

Under the leadership of Gene Roberts, recently elected Commissioner of Fire and Police, the instruction program is continuing to improve.

Training programs, implementing the "ounce of prevention" philosophy, are focusing upon the causes, as well as symptoms, of crime. The men they produce have had the opportunity to become "peace" rather than "police" officers.

Not only are the new additions to the Chattanooga Police Department better trained than many of their predecessors; many of them are also better educated. To the extent formal education has taught them to think creatively, to probe with understanding, and to deal with problems on an intellectual rather than emotional basis, their schooling should enable them to be better officers.

The demands placed on these new officers and their counterparts in other American cities have never been more challenging. They must resist the temptation to abuse the authority entrusted to them.

Instead, they are confronted with the opportunity of helping to rehabilitate those capable of eventually being restored to society, saving society from misfits who cannot and should not be returned to it.

The promising new course of American law enforcement in one metropolitan area is outlined in an October 1, Chattanooga Times editorial. I congratulate all those in Chattanooga whose concern for crime prevention has made this approach possible and commend editor Norman Bradley for focusing attention upon them.

Editor Bradley states the training is a "start" of a potentially new era in crime control. The recruits who have "graduated" into the ranks of the police force have the background to bring this beginning to a conclusion which will make for a safer, more livable community for all of us. But the final outcome remains in their hands.

The editorial, "Peace" Officers, follows:

PEACE OFFICERS

The Chattanooga police department activated its training division three years ago to prepare young men for duty as law enforcement officers. Staffed with five officers, it operated as a two-week affairs at first, offering 80 hours of instruction in split shifts after the men came in off their patrols.

Slowly with the help of public-spirited citizens, dedicated city officials and college professors, the division increased to a 10-week, eight-hour-per-day course this year offering 400 hours of instruction in all phases of police work, before the officers go on duty.

Thirty-eight people offered their services as instructors on a strictly unpaid basis, including special agents of the FBI, the TBI, Treasury Department, Federal Narcotics Division, city attorney and staff, district attorney general and staff, criminal court and municipal court to name a few.

The University of Tennessee at Chattanooga and Cleveland State Technical Institute were among educational institutions to offer their facilities. Professors lectured on psychology and sociology, the social aspects and the cause of crime.

The recruits were not merely taught how to deal with criminals but how to deal with human beings who had committed a crime. They were taught not merely how to look for evidence for conviction but how to look for evidence for prevention. They were shown, that through understanding, they could alleviate tensions instead of providing the spark for violence.

They were taught that in our society the most dehumanizing of all acts is to commit a crime, but the greatest crime morally in any society is to dehumanize a man.

Fourteen of the 17 new officers who graduated from the police academy last week are college graduates. Of the other three, one is an ex-medic, one is an ex-helicopter pilot and one has had prior police experience. At no time in the history of the Chattanooga Police Department have we ever had a more highly trained group of men.

Perhaps Commissioner Roberts expressed the hopes of us all when he told the men to get back to the definition of "peace officer." At least it's a start.

PROGRESS IN HIRING INDIANS

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 12, 1971

Mr. TUNNEY. Mr. President, one of my great concerns has been the lack of progress in self-determination for the American Indian. The Bureau of Indian Affairs itself has not made sufficient progress in hiring Indians.

I ask unanimous consent to have printed in the RECORD a letter which I have written to the Commissioner of Indian Affairs Louis Bruce about this problem.

Subsequent to my letter, I acquired a study which substantiates the need for greater efforts within the Bureau to hire Indians.

I ask unanimous consent that the study be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., August 31, 1971.

Hon. LOUIS R. BRUCE,
Commissioner, Bureau of Indian Affairs,
Washington, D.C.

DEAR COMMISSIONER BRUCE: I would like to begin by quoting from an August 17, 1971 article in the New York Times by Mr. William M. Blair:

"Of 100 top jobs in the Bureau (of Indian Affairs), 50 are held by Indians covering policy-making areas, Mr. (John) Crow estimated. At the same time, he said that there was some difficulty in getting Indians who could meet civil service regulations for major posts. 'We've had to rule out some,' he said."

This statement disturbs me since it was my understanding that Indians are supposed to receive preferential consideration irrespective of the civil service laws.

25 USC 472 states the standards for the appointment of Indians. It says:

"The Secretary of the Interior is directed to establish standards of health, age, character, experience, knowledge, and ability, for Indians who may be appointed, *without* regard to civil-service laws, to the various positions maintained, now or hereafter, by the Indian Office, in the administration of functions or services affecting any Indian tribe. Such qualified Indians shall hereafter have the preference to appointment to vacancies in any such positions."

It seems clear to me from the above statute that Indians employed by the Bureau of Indian Affairs are not subject to civil service laws. The legislative history of this statute makes it clear that the intent of Section 472 was to meet the difficulty alluded to by your deputy, Mr. Crow. In the Senate debate on the bill, Senator Hastings, the sponsor of the bill, said:

"[Section 472] authorizes the Secretary to establish standards for employees, which, of course, means doing away with Civil Service requirements."

Representative Howard, sponsor of the bill in the House said the following:

"Reduced to its simplest terms, the present bill [Section 472] would * * * establish a special Indian civil service and give to qualified Indians the preference right to appointment in the Indian Service. * * *"

I would appreciate knowing if, for some reason, this statute is no longer being implemented. If the statute is being implemented, I would like to know why it is not adequate to ensure that more Indians are not appointed in the Bureau of Indian Affairs.

When Section 472 was enacted, Representative Howard made the following observation during the debate in the House:

"Indian progress and ambition will be enormously strengthened as soon as we adopt the principle that the Indian Service shall gradually become in fact as well as name, an Indian Service predominantly in the hands of educated and competent Indians."

Section 472 was enacted in 1934 and it is disturbing to me that 37 years later, civil service rules are referred to as the reason for failure to hire more Indians at the Bureau of Indian Affairs.

I look forward to hearing from you on this matter.

Sincerely,

JOHN V. TUNNEY,
U.S. Senator.

INDIAN PREFERENCE: A PREFERENCE TO CONDUCT SELF-GOVERNMENT

PREFACE

The Indian Reorganization Act of 1934 had as its principal purpose the strengthening of the Indian side of the Federal-Indian relationship by granting substantive legal rights to tribes in an attempt to check the immense authority the government held over Indian tribes. The legal status of Indian tribes as self-governing "domestic dependent nations," the legacy of past injustice, and the enlightenment of men of conscience in the Congress meshed in Section 12 of the Indian Reorganization Act (25 U.S.C. 742) creating an Indian preference in employment within the Bureau of Indian Affairs—a preference for Indians to conduct self-government.

The central focus of this paper revolves around the various aspects of the Indian Preference Acts and the consequent effect these statutes have with respect to Indian employment within the federal government concluding with an interpretation of these statutes and including a concise presentation of the past and present experience the Bureau of Indian Affairs has encountered in administering the extraordinary employment rights Congress provided for American Indians to solve an extraordinary problem consistent with the constitutionally created and insulated legal relationship between the United States and American Indian tribes:

"Positions in the Bureau of Indian Affairs, Washington, D.C., and in the field, when filled by the appointment of Indians * * *." In its Minute No. 2 of October 29, 1942, the Commission ruled that these positions, if occupied by Indians, were not brought into the classified service by the Ramspect Act and Executive Order No. 8742, Sec. 78 Congressional Record 11123, 11126, 11127, 11137 (1934). . . .

It therefore is my conclusion under the foregoing statutes, that . . . (2) *such preference extends to the filling of all vacancies within the service.* (Emphasis supplied.)

The request for this Opinion was received by the Solicitor on December 26, 1946. A draft policy statement to be issued by the Bureau of Indian Affairs (then the Indian Service) had been prepared and dated November 1946. Despite this Opinion by the Solicitor—written to the Director of Personnel, Department of the Interior—no change in the administrative interpretation of the Indian preference was made; the Solicitor's Opinion did not find its way into Bureau of Indian Affairs personnel policy, and no policy statement was issued extending the Indian preference to promotions in accordance with the Opinion.[1], [2]

Status of Indian tribes as a part of the corporate body of the United States, but a body politic different from a State or a foreign nation, Chief Justice John Marshall established the firm and continuing basis upon which the United States predicates its relations with Indian tribes. In *Cherokee Nation* v. *Georgia*, 30 U.S. 1 (1831), Marshall pronounced the legal status of Indian tribes to be "domestic dependent nations," and in Worcester v. Georgia, 31 U.S. 15 (1832) he declared the Indian nations to be distinct communities whose whole method of operation is ". . . by our constitution and laws, vested in the government of the United States." In *United States* v. *Kagama*, 118 U.S. 375, p. 381, the court in describing the legal status of Indian tribes stated:

"They were, and always have been regarded as having a semi-independent position when they preserved their tribal relations; not as State, not as Nation, but as possessed with the power of regulating their internal and social relations and thus far not brought under the laws of the Union or of the State in whose limits they resided."

In noting the difference in legal status between Indians and other minorities, Chief Justice Taney, in the famous Dred Scott case, declared: [3]

The situation of this population was altogether unlike that of the Indian race. The latter, it is true, formed no part of the colonial communities and never amalgamated with them in social connection or in government. But although they were uncivilized, they were yet a free and independent people, associated together in nations or tribes and governed by their own laws. Many of these political communities were situated in territories to which the white race claimed the ultimate right of dominion. These Indian governments as much so as if an ocean had separated the red man from the white; and their freedom has constantly been acknowledged from the time of the first emigration to the English colonies to the present day, by the different governments which succeeded each other. Treaties have been negotiated with them, and their alliance sought for in war; and the people who compose these Indian political communities have always been treated as foreigners not living under our government.

It is true that the course of events has brought the Indian tribes within the limits of the United States under subjection to the white race; and it has been found necessary for their sake as well as our own, to regard them as in a state of pupilage, and to legislate to a certain extent over them and the territory they occupy. But they may, without doubt, like the subjects of any other foreign government, be naturalized by the authority of Congress, and become citizens of a State and of the United States; *and if an individual should leave his nation or tribe, and take up his abode among the white population, he would be entitled to all the rights and privileges which would belong to an emigrant from any other foreign people.* (Emphasis added.)

The Indian preference statutes are tied to and based upon the right of Indian tribes as "domestic dependent nations" to be "self-governing and in the historical origin of the federal agencies to whom Congress delegated its authority over Indian affairs. After the conquest of the Indian nations, various federal agencies exercised a vast amount of authority over the Indian tribes. To be sure the "internal Indian State Department" was a colonial administration and preempted a large measure of the self-government exercised by the Indian tribes. As colonial regimes have always been loathe in American democracy, the Indian reorganization Act of 1934, sought to return the locus of self-government to the Indian tribes by providing for a strengthened tribal government and part of this attempt included 25 U.S.C. sec. 472, supra, to grant Indians preference not merely in employment in the federal agency managing Indian affairs but more importantly a preference to conduct a very important facet of Indian self-government. In a statement defining the goal intent of the act, Congressman Howard stated that the purpose was ". . . *to make the Indians the principal agents in their own economic and racial salvation and . . . progressively reduce and largely decentralize the powers of the Federal Indian Service.*[4] (Emphasis supplied.)

Congress first enacted an Indian preference in employment within the Federal government in 1834.[5]

Other statutes in subsequent years affirmed the principle of granting an Indian preference in employment.[6] But the most recent and specific statute granting an Indian preference is 25 U.S.C. sec. 472, enacted in 1934 as section 12 of the Indian Reorganization Act (Wheeler-Howard Act).[7]

THE PRESENT ADMINISTRATIVE INTERPRETATION OF INDIAN PREFERENCE

The Bureau of Indian Affairs interpretation

The present interpretation of the Indian preference, and the official policy of the Bureau of Indian Affairs, is that the Indian preference applies only in instances[8] "of initial employment, reemployment and reduction-in-force."[9] The reduction-in-force preference applies only when Indians and non-Indians are in the same retention subgroups.

OTHER ADMINISTRATIVE INTERPRETATIONS

Solicitor's opinion

In 1947, Department of the Interior, Mastin G. White was requested to render an opinion on the Indian preference to connection with a proposed personnel policy statement to be issued by the Bureau of Indian Affairs.[10] The first question was whether an Indian nonveteran was entitled to preference over a non-Indian veteran; the Solicitor concluded that an Indian non-veteran did have preference. Question two the more important in this discussion as posed was:

"Is Indian preference applicable to other than appointment and separation actions? In other words does Indian preference necessarily apply to promotion grade to grade within the service? (The second question is understood to refer to cases of promotion to fill a vacancy which might occur either by establishment of a new position or the vacation of an already established position for any reason.")

The Solicitor in answering this question stated:

I think it is equally clear that the second question requires an affirmative answer. Section 12 refers to the "*various positions maintained, now or hereafter by the Indian Office.*" (Emphasis). While the excerpt quote above refers to "positions upon Indian reservations," the language finally enacted extends to all positions in the Indian Service. This fact has been recognized by the Civil Service. This fact has been recognized by the Civil Service Commission by placing in an excepted status under Schedule A of the Civil Service rules.

In any event, the only Solicitor's Opinion broadly covering an interpretation of the statute was lost or ignored.

Indian health service

The Indian Health Service, which operates under the same Indian preference law as the Bureau of Indian Affairs, has administratively extended the Indian preference to cover promotions and other personnel actions; in accordance with this interpretation, the Indian Health Service issued a policy statement on May 26, 1970, as part of its Equal Employment Opportunity program. This policy provides:

It is also the policy of the Indian Health Service to extend administratively the principle of Indian preference to promotion and career development. Therefore, where applicant's qualifications are otherwise basically equal, preference will be extended to Indians in the area of service placements, training, career development and promotions, whenever possible, within the precepts of good management.

At present, the Indian preference is limited to positions within the Bureau of Indian Affairs and the Indian Health Service, transferred in 1955 from the Bureau of Indian Affairs to the Public Health Service in the Department of Health, Education, and Welfare. Ninety-nine and one-half percent of all jobs within the federal government are unaffected by the Indian preference statutes. In other words, no more than one-half of one percent of all federal positions are subject to the Indian preference. At present, slightly less than half of the positions included within this total are filled by non-Indians, principally in the higher GS-levels. Bureau of Indian Affairs employment represents approximately twenty-two percent of the total employeemnt within the Department of the Interior.

It is assumed that the term Indian shall denote a qualified Indian and does not refer to the possibility of unqualified Indians seeking to misuse the Indian preference laws for leverage in gaining unmerited employment.

Further, assertions that an expanded Indian preference would lower the quality of employees and impair efficiency within the Bureau of Indian Affairs are in effect an assertion that Indians in general are "unqualified." Moreover, any discussion of practical implementation of the Indian preference or identifying qualified Indians is not directed to substantive interpretation of the statute but to the personnel management system responsible for developing an exemplary mechanism for enforcing the preference.

THE EXPERIENCE OF THE BUREAU OF INDIAN AFFAIRS WITH THE INDIAN PREFERENCE STATUTES

Percentages of Indian employees

Since numbers of employees fluctuate from year to year, the clearest and most accurate

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Footnotes at end of article.

indicator of how the Indian preference has been administered is to be found in comparing the percentages of permanent Indian employees to permanent non-Indian employees.

Although there are no figures readily available for years prior to 1934, Commissioner Collier, in his opening statement to the Congress on the Indian Reorganization Act, stated that there were proportionately more Indian employees in the Bureau of Indian Affairs in 1900 than there were in 1934.[12]

Congressman Howard, Chairman of the House Indian Affairs Committee, reported in 1934, that "today there are about 2,100 Indians holding permanent civil service appointments in the Bureau of Indian Affairs, with a total permanent personnel of approximately 6,500." (78 Cong. Rec. 12053) Commissioner Collier's intention was to halt this retrocession. Not knowing what the percentage was in 1900 other than it was higher than thirty-three percent, the following figures show the percentage of Indian employees in permanent jobs since 1941.

Percent of permanent Indian employees

1941	51
1945	44
1946	56
1951	57
1952	53
1961	53
1962	53
1967	44
1969	48
1970	54

These figures show a 21% increase over Congressman Howard's number of Indian employees, but in the 30 years beginning in 1941 and continuing into the present, the Bureau has shown a net increase of only three percent, 51% to 54%. The percentage of Indian employees in 1945 and 1967 was the same, 44%.

If results are the true reflection of attitude and enforcement of the Indian preference in pursuit of a goal of an Indian Bureau "predominantly in the hands of educated and competent Indians," it is obvious that this goal is not being met. An overview of the present 54 percent and a breakdown into grade will further support this conclusion. At present 67% of the GS 1-7 positions are held by Indians, 80% of all positions GS-8/12 are occupied by non-Indians, and 86% of all employees GS-13 and above are non-Indians. Congressman Howard reported the same dreary picture in 1934:

"The great majority of these positions held by Indians are in the lower salary grades, such as clerks, matrons, cooks, boys and girls advisor, and so forth. Considering the higher and technical positions, there are for example, only 8 Indians forestors in a total forest personnel of 102; 250 teachers in a total teaching force of 966; 21 nurses in a total force of 345 nurses; only 8 Indian superintendents out of a total number of 103 . . ."

"No Room at the Top" an article prepared by former Congressman Arnold Olson's staff [13] concluded that the Bureau of Indian Affairs has been remiss in its administration of the Indian preference statutes and has created an invidious system trapping Indians in "dead-end" jobs and according Indian preference only to positions so low on the GS-scale that the higher levels of the Bureau management are beyond reach of the majority of Indian employees.[14] Through a statistical breakdown of the figures provided by the Bureau of Indian Affairs Data Center, the report conclusively establishes a correlation between the current Bureau policy in administering the Indian preference and concentration of Indian employees in the lower GS grade levels as compared with concentration of non-Indian employees in higher level positions. Furthermore, the report concluded that this arrangement of Indian employees in the lower grades did not come about purely by chance.[15]

Statistics dispelling idea of a static employment profile

Another set of figures having direct relevance to implementation of an expanded Indian preference are those relating to "quits" showing turnover in employment:

MONTHLY REPORTS OF CIVILIAN EMPLOYMENT

	Quits				
	1967	1968	1969	1970	1971
January	87	108	133	1	88
February	61	6	84	101	81
March	125	6	86	102	111
April	47	102	116	70	--------
May	182	97	96	101	--------
June	257	225	247	245	--------
July	71	146	175	135	--------
August	155	255	343	219	--------
September	332	255	294	214	--------
October	168	152	158	98	--------
November	112	92	263	164	--------
December	41	77	120	50	--------
Total	1,638	1,603	2,116	1,505	--------

There is a significant turnover in Bureau of Indian Affairs personnel. The average turnover rate for the past five years has been approximately 12.5%. Most of the arguments advanced to delay implementing the Indian preference are predicated upon erroneous assumptions that the personnel picture in the Bureau of Indian Affairs is static. These figures represent losses in all categories—full time, permanent, part-time, intermittent, career, and career-conditional. The turnover rate is broad enough to accommodate any change in interpretation of the Indian preference. Such a set of figures seemingly resolve the problem of non-Indian employee morale by removing the substance from fears of Indian preference.

But this approach underscores a problem implicit in the whole discussion of Indian preference. The morale of the Indian employees is considered to be secondary in the whole process. The morale of the Indian employee is surely affected in the same manner. In effect, the question of morale of non-Indian employees has become a procedural argument against instituting the preference. Appropriately, an Indian employee who conceivably has had existing employment rights held in abeyance to his detriment is likely to have his morale seriously dampened. From the foregoing statistics, it seems apparent that all of the Indian preference has been accorded a secondary status and little more than nuisance value.

Standards contemplated in section 472

One of the major purposes of section 472 was to escape the benign discrimination of non-functional standards to qualify for employment or promotion by establishing standards, Indian standards, of a functional nature consistent not only with duties to be performed but also giving consideration to apparent Indian cultural strengths and experience. In effect, these standards when established were to be the substance of a functional Indian preference designed to overcome the non-functional and abstract standards that preferred non-Indians and barred the majority of Indian employees from advancing to the higher positions in the Bureau of Indian Affairs. In response to a question asking what standards had been established pursuant to section 472, the General counsel for the Civil Service Commission replied: [16]

"(2) (a) The Secretary of the Interior, acting pursuant to 25 U.S.C. 472, has established standards for the following positions:

"Interpreter GS-033-5.

"Power Plant Operator (Diesel).

"Foreman Power Plant (Diesel).

"Policeman GS-083-3/4.

"Welfare Assistant GS-187-4/6.

"Tribal Operations Assistant GS-301-7 (Alaska only).

"Tribal Operations Officer GS-30; 9/13 (Alaska only).

"Demonstration Aide (Arts and Crafts) GS-301-5.

"The policy of the Bureau of Indian Affairs and the Department of the Interior has been to establish specific standards under 25 U.S.C. 472 only when other general Civil Service Commission standards (i.e. standards applicable to the competitive service) have not been established. . . .

In view of the foregoing list of positions for which standards have been established, it is near understatement to observe that the standards contemplated by the statute have not been instituted.

Indian preference and the 1964 Civil Rights Act

The Civil Rights Act of 1964 is inapplicable to the United States Government and Indian tribes.[17] Therefore, it is inapplicable to the Indian preference. The framers of the Act were scrupulously careful not to impair the relationship between Indian tribes and the United States.[18] Indeed, 42 U.S.C. sec. 2003-2-(1) exempts businesses or enterprises on or near an Indian reservation from prohibitions of the Act. In effect, a private employer could preferentially hire 100% Indians in a business on or near an Indian reservation with impunity.[19] The Civil Rights Act did not impair nor limit the Indian preference for employment in the federal government. In fact, the Civil Rights Act of 1964 expanded the preference by creating a private employment preference right for Indians.

Judicial interpretation

There has been but one judicial decision involving the Indian preference statutes. In *Mescalero Apache Tribe v. Hickel*, 432 F. 2d 956; two Indians were displaced from jobs with the Bureau of Indian Affairs on the Mescalero Apache Reservation during a reduction in force by two non-Indians, who were career civil servants and would ordinarily have tenure rights superior to the Indian plaintiffs who were career conditional employees and thus in a lower retention group during reduction in force. The plaintiffs, however, contended that the Indian preference laws applied to reductions in force and conferred superior retention rights on Indian employees regardless of civil service distinctions. The Court, while generally giving an expansive reading to the statutes as far as "appointment to vacancies" and promotions are concerned, declined to extend its application to reductions in force.

The Indian plaintiffs asserted that the Indian preference laws were applicable to reductions in force regardless of retention subgroup ratings.

The issues in the *Mescalero* case and its peculiarly narrow decision on reductions in force are fundamentally distinguishable from the issues presented by adoption of an interpretation of the Indian preference to cover promotions. The Court states, "Congress intended to promote Indian employment in the Bureau of Indian Affairs, but also to provide job security for non-Indian employees by giving Indians only a preference in 'appointment to vacancies.'" The fundamental difference between a reduction in force and a promotion is in the availability of positions. If the preference is applicable only to appointment to vacancies, the preference obviously cannot apply to a reduction in force since a reduction in force does not contemplate a vacancy but rather presumes the lack of vacancies. The typical case of promotions presumes an open and available position. Further, preference in promotions would in no manner violate the prohibition against adopting a standard that would have the effect of removing non-Indian employees from their present positions. The issues pre-

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Footnotes at end of article.

sented by promotions are distinguishably different from those presented by reductions in force and the decision in *Mescalero* does not preclude further administrative interpretation of these statutes by the Secretary of the Interior and the Commissioner of Indian Affairs.

Interpretation of section 472

In interpreting section 472 there are two questions presented for consideration: (1) Did Congress intend the Indian preference to encompass promotions in addition to initial appointment; and (2) Did Congress intend that a special Indian Civil Service evolve? [20]

Promotions

Interpretation of whether section 472 applies to promotions necessarily revolves around whether the phrase "appointments to vacancies" refers exclusively to initial appointments or if Congress intended a more inclusive meaning. A logical construction of the statutory language and explicit statements of intent contained in the legislative history of section 472 do not support the proposition that Congress intended to limit the Indian preference exclusively to initial appointments.

In the full spectrum of employment rights, initial appointment or initial hiring is the threshhold right and the narrowest interpretation one could legitimately choose without overruling the statutes granting the preference. The term "initial appointment" does not appear in any of the statutes, nor does it appear in the legislative history of section 472.

The remaining question is whether the Indian preference applies to promotions. There is ample precedent indicating that it does apply.

The Department of the Interior Solicitor in an Opinion issued in 1947 held that the preference in section 472 applied to promotions; likewise, and Indian Health has by administrative interpretation construed the statute to include promotions and a variety of other personnel actions.

On half of the problem the statute was to resolve, initial entry into the Indian service, has had a favorable interpretation not only from the courts but also in the administrative interpretation placed on the statute by the Bureau of Indian Affairs and other federal agencies concerned with interpretation or administration of section 472.

As of this date, the personnel management branch of the Bureau of Indian Affairs, the logical repository, has no correspondence, memoranda, or other supporting documents outlining a rational to explain why the "initial appointment" interpretation was adopted; neither are there documents showing when and by whom this interpretation was made. Without the benefits of such documents, the Bureau of Indian Affairs is adhering to a fortuitous—unsubstantiated—interpretation of the Indian preference statutes supported only the intertia generated by past experience. In the "administrative common law" of the Bureau of Indian Affairs frequent assertion has become fact and from this assertion the law. Each progressive wave of personnel managers and Commissioners of Indian Affairs have seemingly in turn unquestioningly reasserted this fortuitous proposition.[21]

Neither 25 U.S.C. sections 45 and 46, supra, suggest that the preference in employment for Indians should be limited to initial appointment. To the contrary, section 45 provides that the preference shall apply "in all cases" and section 46 states that "Preference shall at all times, as far as practicable, be given to Indians . . ."

Conjecture about the genesis of the initial appointment standard suggests that the standard may have been borrowed from technical civil service definitions of the word appointment.[22]

It is alleged that the term "appoint" or "appointment" has become a standard part of the civil service technical jargon exclusively meaning initial appointment. While this may be informally true, this alleged formal definition of the word appoint or appointment is not included in the general definitions applying to civil service rules contained in 5 C.F.R.

Moreover, the assertion that "appointment" exclusively means initial appointment is not borne out by the civil service regulations in which "appoint" or "appointment" have meanings other than initial appointment. 5 C.F.R. 315.501 provides: "an Agency may appoint by transfer a career or career-conditional employee of another agency." Also 5 C.F.R. 210/101(b) (8) provides: ". . . noncompetitive action" means a promotion . . . or an appointment based on prior service.

In addition, 5 C.F.R. 1.1 provides that the civil service rules shall not apply to the excepted service of which the Bureau of Indian Affairs is a part, unless expressly provided for in each rule.[23] In summary the term "appoint" or "appointment" does not apply to the excepted service unless expressly provided for in each instance. No such provision has been made for applying these definitions to the Bureau of Indian Affairs as part of the excepted service.

The other set of experiences that may have been drawn upon or borrowed in reaching the initial appointment conclusion are those associated with the veteran's preference. The veteran's preference has been construed to apply only to initial appointments.

One should be wary in drawing conclusions about the Indian preference from experience with the Veteran's preference. Not only does the Indian preference hold sway over the Veteran's preference in the limited area where the Indian preference is applicable, but the Veteran's preference is predicated upon an entirely different basis than is the Indian preference. Consequently any comparison between the two is distinguishable and irrelevant.[24]

Also these two preference Acts are not contemporaneous; the Veteran's preference was enacted into law ten years after the Indian preference creating a presumption against any parity in establishing a usable comparison, particularly since the inception of the initial appointment interpretation is unknown.

More directly related to the statutes, the legislators who in 1834 created the first Indian preference act, 25 U.S.C. sec. 45, used the word "appointment" to describe a pre-civil service employer-employee relationship and arguably indicate that this word should have an ordinary rather than a technical meaning. In addition, without knowing the full identity of men in Congress one hundred years later in 1934, it is doubtful that any of these legislators were civil service experts or formal personnel men to whom the technical definition of a word would be its common usage.

There is no reason to adopt a technical meaning for a word in interpreting this statute that is fraught with inconsistencies particularly when such a meaning would have to presuppose technical knowledge of one to whom such knowledge would not be ordinary usage. Appointment in its ordinary meaning apparently refers to employment as was used in the other statutes and contemplates the full range of employment.

Conjecture is never conclusive, and in this instance, analysis of the supposed basis for limiting Indian preference to initial appointment shows substance not to be of sufficient weight to sustain fortuitous suppositions directly limiting the Indian preference. There is no reason to adopt an unsettled technical definition of "appoint or appointment" in interpreting this statute, particularly when such a definition would not be common usage. Appointment in its ordinary meaning apparently refers to the full range of employment relationship including promotions.

Legislative history

In the legislative history for section 472, it is clear that Congress intended to fashion a remedy that would fulfill a number of multi-dimensional legislative purpose associated with placing Indians in management positions within the Bureau of Indian Affairs. Congress intended to provide for: (1) a Bureau of Indian Affairs whose personnel would eventually become Indian; (2) a method to accomplish the first objective without having to "oust present "white employees"; (3) an Indian preference to decelerate competition between Indian and non-Indian applicants and employees; and (4) a substantive right for Indians not only to enter the Indian service but also to rise to the technical and higher positions.

The following quotation from the legislative history serves to illustrate the first purpose;

"Indian progress and ambition will be enormously strengthened as soon as we adopt the principle that *the Indian service shall gradually become, in fact as well as in name, an Indian service predominantly in the hands of educated and competent Indians.* . . ."

As a second purpose, major consideration in discussing interpretation of Indian preference necessarily must be given to the concern expressed by the court in the Mescaler case in not implementing an interpretation of Indian preference that would oust non-Indian employees.

Apparently Congressman Howard viewed the original bill as an unnecessarily harsh measure. The bill as originally drafted ". . . requires the Secretary of the Interior to describe the qualifications . . . and then any Indian can come forward and qualify under what will be a special Indian Civil Service. If he (an Indian) qualified, if he is found fit, then his people, his community, can demand that he be given a position . . . we go still further . . . by which an Indian community . . . may declare that it does not want a given white employee any more and may compel his removal from the reservation." [25]

Section 12 was subsequently amended limiting the application of the preference to "appointments to vacancies." This specific amendment apparently accommodated the Congressman's objection, he remarked:

"Mr. Speaker, I feel I ought to acquaint the membership of the House and the fact that our splendid Committee on Indian Affairs has held no less than 29 different sessions for the consideration of this Bill. I feel I should further state that when the bill was finally reported every element of controversy had been eliminated." [26]

It is clear that the purpose of the amendment placing the "appointment to vacancies" language in the Act was directed not to restricting the interpretation of the statute to initial appointments but to affirmatively provide that the Indian preference should apply only as vacancies occur rather than granting an unqualified right to summarily remove non-Indian incumbents in favor of qualified Indians. Extending the Indian preference to promotions will not oust "present white employees" because the preference would apply only to future vacancies in accord with the intent of this amendment for purposes of the Indian Service.

Objective three was directed to allowing Indians, who qualified on the functional tests proposed as standards in the Act, to avoid competing with "multitudes of white applicants." [27]

"I have already spoken of the difficulty

Footnotes at end of article.

which Indians experience in meeting the Civil Service requirements for entering the Indian Service. *It should be possible for Indians to enter the service of their own people without running the gauntlet of competition with whites for these positions.* (Emphasis added.)

Finally, Congressman Howard was aware of the difficulty Indian people were having not only in becoming employed but also rising to the more important positions in the Bureau of Indian Affairs:

"The Indians have not only been thus deprived of civil rights and powers, *but they have been largely deprived of the opportunity to enter the more important positions in the service of the very bureau which manages their affairs . . . especially for technical and higher positions.*" [28]

The Congressman was distressed by the concentration of Indian employees in the lowest levels of the Indian Service. In speaking of problems the Act was directed toward remedying, he stated:

"The great majority of these positions held by Indians are in the lower salary grades, such as clerks, matrons, cooks, boys and girls advisors, and so forth."

"Considering the higher and technical positions, there are for example, only 8 Indian foresters in a total forest personnel of 102; and 250 teachers in a total teaching force of 966; 21 nurses in a total force of 345 nurses; only 8 Indian superintendents out of a total of 103 . . ."

Congressman Howard continued and stated the problems the statute bearing his name (Wheeler-Howard Act of 1934) was intended to remedy through the creation of a preference for Indians. He explained:

"*It* [*enactment of section 472*] *does mean a preference right to qualified Indians for appointments to future vacancies in the local Indian field service and an opportunity to rise to the higher administrative and technical posts*. Section 13 directs the Secretary of the Interior to establish the necessary standards of health, age, character, experience, knowledge and ability for Indian eligibles and to appoint them without regard to civil service laws; *and it gives to such Indians a preference* right to appointment to any future vacancy. This provision in no way signifies a disregard of the true merit system, but it adapts the merit system to Indian temperament, training and capacity. Provision for vocational and higher education will permit the building up of an entirely competent Indian personnel." (Emphasis added.)

In view of this express statement, "It does mean a preference right to qualified Indians for appointments to future vacancies . . . *and an opportunity to rise to the higher administrative and technical posts* . . . it gives to such Indians *a preference right to appointment to any future vacancy,*" the intent of Congress, as expressed by a principal author of the bill, could not more clearly indicate that Congress intended the preference in section 472 to include promotions in addition to initial appointment.

The preceding legislative history conclusively establishes a firm Congressional intent to resolve the obvious problems of limited access to the "higher administrative and technical posts" encountered by Indian employees in the Bureau of Indian Affairs and to realize the ultimate goal of an Indian Service "predominantly in the hands of the educated and competent Indians." It is therefore, a reasonable interpretation of the language in section 472, "appointment to vacancies," that appointment refers to the employer-employee relationship in its fullest sense, including promotions, and to consider vacancies to be any position not presently occupied by another whether the vacancy is to be filled by initial appointment or promotion of Indians already employed in the Indian Service. To conclude otherwise would frustrate the resolution of problems sought to be remedied by the statute and would constitute a stark variance from the plainly stated intent of Congress as outlined in the legislative history.

Moreover, to interpret this statute otherwise would continue an interpretation leading to an absurd and inequitable result illustrated by the following hypothetical using initial appointment interpretation.

Indian X is hired in the Bureau of Indian Affairs utilizing his Indian preference in an initial appointment. At the end of one year, a position is vacated within the Bureau of Indian Affairs at a higher GS-level. Indian Y, who has not worked in the Bureau of Indian Affairs before, Indian X and K, a non-Indian employee of the Bureau of Indian Affairs, all apply for the position. All qualifications being substantially equal, who wins between Y and K? Y, of course, because he has the Indian preference. Who wins between Y and X? Y, because he is asserting his Indian preference for the first time even though it is in competition with another Indian. Who wins between X and K?

Under the initial appointment interpretation X would be entitled to no preference despite all the legislative purpose to increase Indian employment in the Bureau and thereby strengthen Indian selfgovernment. What if X had not used his initial appointment to be hired? Inapplicable; if X did not use his preference for his initial appointment, it is dissipated. The final recognition of Indian preference as being applicable to promotion would remove the inequities between X and Y and refocus the selection process on the best qualified Indian. K who has no formal preference would continue on his career path unaffected by the Indian preference unless X and Y are as qualified as K and compete with him for a vacant position. K, who would have no formal preference would continue on his advancing career path unless X and Y are as qualified as K and chose to compete with him for a vacant position.

The Department of Interior Solicitor adopted the expanded interpretation of the Indian preference twenty-four years ago. The Indian Health Service adopted this interpretation last year. There is no compelling reason for the Bureau of Indian Affairs to continue to adhere to the more limited interpretation of the Indian preference. It is in the discretion of the Commissioner of Indian Affairs and the Secretary of the Interior to change the current administrative interpretation.

Special Indian Civil Service

As previously stated, non-formal Civil Service requirements that were making accomplishment of a gradual turnover of positions to Indians difficult to achieve and in section 472 was designed to remedy this problem. Section 472 authorizing the Secretary of the Interior to create standards assume that Indians have something of value to contribute to the process of self-government and governmental administration of Indians' interests. And the authority for an Indian preference after being qualified on a functional Indian standard was directed toward overcoming the existing but informal non-Indian preference.

The legislative history specifically points out the purpose for inserting the phrase "without regard to the civil service laws" was to remove the Indian service from the operation of the civil service laws and definitions flowing from them and create a special Indian Civil Service.[29] In referring to the amendment, a dialogue between the Chairman of the Senate Indian Affairs Committee, Senator Burton Wheeler and Commissioner of Indian Affairs, John Collier, clearly shows the purpose of the amendment.

Commissioner Collier, Line 21, Mr. Chairman, that has to be safeguarded by the addition in line 21 after the word to "appoint" the words "without regard to the civil service laws," in order to make it perfectly certain that the laws are lifted.

The Chairman: Yes.

Commissioner Collier: That is simply a safeguard.

Continuing, *Mr. Steward, President of the National Federation of Federal Employees* raised an objection to this action by the Committee:

"*Mr. Steward:* Mr. Chairman and gentlemen of the committee, I merely want to call attention to the fact that the effect of section 14 is to withdraw from the classified service of the federal government the entire personnel of the Indian Service and to vest in the appointing officer, the Secretary of the Interior, without restriction whatsoever, the right of appointment."

The Chairman: That is the purpose of it. That is what should be done in my judgment. You are discriminating at the present time.

What the policy of this government is and what it should be is to teach Indians to manage their own business and control their funds and to administer their own property, and the civil service has worked very poorly so far as the Indian Service is concerned, because of the fact that it has discriminated against Indians.

"*Mr. Steward:* Granted that. Mr. Chairman; but at the same time, all that you seek to accomplish could be done under existing law.

"*Mr. Chairman.* If it can be done we have not been able to find a way." [30]

Senator Hastings stated:

"Section 14 authorizes the Secretary to establish standards for employees, which, of course, means doing away with Civil Service requirements. I do not object to this provision, as I believe that practical knowledge of Indians and sympathy with them will enable Indian employees to give more beneficial service." [31]

A 1940 report indicated that "formulation of a competitive Civil Service Indians under authority of the Indian Reorganization (Wheeler-Howard) is now in progress." [32] Commissioner of Indian Affairs Collier in the same year wrote: [33]

"Section 12 of the Reorganization Act contemplates the establishment within the Interior Department, of a competitive civil service for Indians alone. The best Indian, thus identified and rated and recorded, shall then be placed in whatever vacancy, at whatever level, if he is found to be as good as the best white man eligible through the general Civil Service. The full intent of the Act has not yet been accomplished. True, through Schedules A and B of the Civil Service, and through straight appointment of the emergency positions, thousands of Indians have been employed at all ranks from superintendents down. An true, under a recent Executive Order all Indians are moved into Schedule A which requires not even a noncompetitive examination.

"But this is not the whole, now even the most, of what section 12 of the Reorganization Act intends. Standards shall be formulated (the Act states) which, if Indians meet them, shall lead the Indians ultimately into every position in Indian Service. That means what it says: objective standards, appropriate to the special kinds of strength that are Indian, and then a searching for those Indians who meet the standards and a listing of these Indians; and the listing to be just or significant has to be competitive."

This interpretation of § 472 is favorably commented on in the publication Federal Indian Law.[34]

On the matter of a special Indian Civil Service, Commissioner of Indian Affairs, John Collier, in a hearing on S. 472 before the House Indian Affairs Committee, testified "§ 472 requires the Secretary of the Interior to describe the qualifications for the holdings of jobs of all types by Indians, and then

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Footnotes at end of article.

any Indian can come forward and qualify under what will be a special Indian civil service.

The Civil Service Commission states that the Ramspeck Act repealed the express provision removing positions in the Indian service and authority to create standards "without regard to the civil service laws" and brought positions in the Indian Bureau under the authority of the commission.[35]

On its face, the Ramspeck Act is not self-executing and requires the President to act by executive order to place positions into the competitive service.[36]

Executive Order 8743 executed the Ramspeck Act, seetion 1 of Executive Order 8743 provides that "all offices and positions in the executive civil service of the United States except . . . (3) those excepted from the classified service under Schedule A and B of the Civil Service Rules." The positions within the Bureau of Indian Affairs were at the time in the existing excepted service receiving a specific exception in the executing Executive Order. The Ramspeck Act by its terms and Executive Order 8743 continuously maintained an exception for the Indian Service and as such left unaffected the statutory provision in section 472. Also Minute 2, October 2, 1942, of the Civil Service Commission ruled that positions occupied by Indians were not brought into the classified service by the Ramspeck Act and Executive Order 8743.[37]

At any rate the Civil Service Commission has administratively placed positions in the Bureau of Indian Affairs into the excepted service [38] and the effect of statutory or administrative exception covering these positions into the excepted service is the same. Such administrative action would in no way preclude the Secretary of the Interior and the Commissioner of Indian Affairs from fulfilling the intent of the Act by creating an Indian set of standards and proceeding with the appointing process, as provided for in Rule 6.3 of the Civil Service Rules, to establish an Indian Civil Service in accordance with section 472.

CONCLUSION

For the foregoing reasons, it is concluded that the Indian preference is applicable to promotions and Congress intended that a special Civil Service for Indians utilizing the standards provided for in section 472 should evolve.

FOOTNOTES

[1] [2] Also the Indian preference has been extended through formal channels on occasion, but ordinarily has depended on the discretion of administrators to follow the overall purpose of achieving a largely Indian Bureau. Letter from C. E. Lamson, Chief, Bureau of Personnel to Ralph M. Colvin, Phoenix Area Director, June 17, 1951, in which he stated: "In promotion, Indian preference is recognized to the extent that qualifications and all other pertinent factors being equal, the Indian eligible has priority in selection."

[3] *Scott* v. *Sandford*, 60 U.S. 393, at p. 403–404.

[4] Hearings on S. 2755 before the Senate Committee on Indian Affairs, 73d Congress, 2d Sess. (hereafter cited as "Hearings") at p. 1; see also S. Rep. No. 1080, 73d Cong. 2d Sess. (1934).

[5] 25 U.S.C. Section 45 (Act of June 30, 1834, 4 Stat. 737) Provides:

Preference to Indians qualified for duties

In all cases of the appointment of interpreters or other persons employed for the benefit of the Indians, a preference shall be given to persons of Indian descent, if such can be found, who are properly qualified for the execution of the duties.

On May 17, 1882, Congress enacted the second Indian preference statute 25 U.S.C. Sec. 46 (22 Stat. 88, as amended by the Act of July 4, 1884, 23 Stat. 97) provides:

Preference to Indians in employment of clerical, mechanical and other help

Preference shall at all times as far as practicable be given to Indians in the employment of clerical, mechanical and other help on reservations and about agencies.

[6] 25 U.S.C. sec. 44 (1894) provides: *Employment of Indians.* In Indian Service Indians shall be employed as herders, teamsters, and laborers and where practicable in all other employments in connection with the agencies and the Indian service. And it shall be the duty of the Secretary of the Interior and the Commissioner of Indian Affairs to enforce this provision.

25 U.S.C. sec. 47 provides: So far as may be practicable Indian labor shall be employed and purchases of the products of Indian industry may be made in open market in the discretion of the Secretary of the Interior.

[7] *Standards for Indians Appointed to Indian Office.* The Secretary of the Interior is directed to establish standards of health, age, character, experience, knowledge and ability for Indians who may be appointed, without regard to civil service laws to the various positions maintained now or hereafter by the Indian office, in the administration of functions or services affecting any Indian tribe. Such qualified Indians shall hereafter have the preference to appointment to vacancies in any such positions.

[8] 44 IAM 302.1 Section 1 and 2 were which as follows:

1. Indian Preference. An Indian has preference by law an initial appointment provided the candidates has established proof that he is one fourth or more Indian and meets the minimum qualifications for the position to be filled.

[9] 44 BIAM 713—Equal Employment Opportunity, Subchapter 1, states:

2. By Law (Title 25 U.S.C. Sections 44, 46, 47 and 472) and by regulations the Bureau of Indian Affairs is required to give preference in initial employment, reemployment and reduction-in-force to persons of one-fourth or more degree of Indian blood. Indian preference applies only when an appointment or reduction-in-force is taken at which time the following shall be applicable.

A. When one or more qualified Indians are available for a position which management elects to fill by appointments from outside the Federal Service one will be selected for appointment. If active, outside recruitment does not produce a qualified Indian a non-Indian may be selected.

[10] Solicitor's Opinion M. 34814, 1947.

[11] "Thirty-four years ago, in 1900, the number of Indians holding regular positions in the Indian Service, in proportion to the total number of positions was greater than it is today." Hearings before the Committee on Indian Affairs, U.S. Senate on S. 2755, 73d Congress 2d Session, p. 19 (1934).

[12] 116 Congressional Record 10371, section 14, 1970.

[14] "As the statistics presented in this report indicate clearly, *not only does the Indian not control his own future, which was the intent of Congress, but he is being systematically discriminated against by the Bureau of Indian Affairs,*" 116 Congressional Record 1037.

[15] "This Table shows that 14% of the Indians earn between $5,500 and $5,000 while only 2% of the non-Indians are in the same earning bracket. More than 32% of the non-Indians earn more than $10,000 but only 7.5% of the Indians have reached this level. The probability of this distribution occurring by chance is one in ten." (Ibid. p. No. 10373)

"Complaints of many Indians that non-Indians are often promoted to supervisory positions when Indians are available seem to be borne out by the statistics above as well as results shown in the Appendix. *The probability of Indians being in as* few supervisory positions as they actually are is one chance in 100,000." (Ibid) (Emphasis added.)

[16] Letter from A. L. Mondello, General Counsel, U.S. Civil Service Commission, to Browning Pipestem, June 7, 1970.

[17] Title VII of the 1964 Civil Rights Act 42 U.S.C. § 2000e section 701(b) provides:

The term "Employer" means a person engaged in an industry affecting commerce who has twenty-five or more employees . . . but such terms does not include (1) the United States, a corporation wholly owned by the Government of the United States, an Indian tribe. . . .

[18] Federal funds spent specifically for Indians were omitted from the coverage of Title VI, which forbade denying any person the benefits of federally financed activities on the basis of race, but programs of assistance to Indians were omitted. Letter from Nicholas deB. Katzenbach, Deputy Attorney General to Congressman Emanuel Celler, Committee on the Judiciary, Dec. 2, 1963, 110 Cong. Rec. 13380 ". . . Indians have a special status under the Constitution and treaties. Nothing in title VI is intended to change that status or preclude special assistance to Indians."

[19] U.S.C. § 2003–2(i) provides:

Nothing contained in this title shall apply to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which a preferential treatment is given to any individual because he is an Indian living on or near a reservation.

[20] When there are ambiguous provisions in statutes the Supreme Court has established settled guidelines for construction of statutes relating to the Indians consistent with the unique historical and legal status of Indian tribes. In *Choate v. Trapp*, 224 U.S. 665 at 675 (1912) the Supreme Court announced:

"But in the government's dealings with the Indians the rule is exactly the contrary. The construction instead of being strict, is liberal; doubtful expressions instead of being resolved in favor of the U.S., are to be resolved in favor of a weak and defenseless people, who are the wards of the nation, and dependent wholly upon its protection and good faith. This rule of construction has been recognized without exception for more than a hundred years . . ."

Accord: *Alaska Pacific Fisheries v. U.S.* 248 U.S. 78, 89 (1918) *U.S. v. Santa Fe Pacific R.R. Co.*, 314 U.S. 337, 354 *U.S. v. Celestine* 24 U.S. 591.

[21] As Judge Skelly Wright in *Hobson v. Hansen*, 269 F. Supp. 401, at p. 497 (D. DC 1967) stated:

"We now firmly recognize that the arbitrary quality of thoughtfulness can be as disastrous and unfair to private rights and the public interest as the perversity of a willful scheme."

[22] Interview Stanley Berg, Chief of Staffing Policies Section Civil Service Commission July 1, 1971 (hereinafter referred to as Berg Interview).

[23] 5 C.F.R. 213.112 (2)7 places the entire Bureau of Indian Affairs and some positions in the Department of the Interior in the excepted service:

"All positions in the Bureau of Indian Affairs and other positions in the Department of the Interior directly and primarily related to the providing of service to Indians when filled by the appointment of Indians who are one-fourth or more Indian blood." Section 213/3116 (b)8 does the same for the IHS within the PHS in HEW.

[24] 5 U.S.C. Sec. 851 et. seq. (Veterans Preference Act of 1944) Solicitor's Opinion M–36205 (1954) and M–34814 (1947). The Veteran's preference act has been determined by the Solicitor for the Department to be subordinate to the Indian preference in positions within the coverage.

[25] Hearings House Committee Indian Affairs on H.R. 7902 (1934) p. 19.

[26] 78 Congressional Record 12050.

[27] Remarks of Congressman Howard, "It should be possible for Indians with the requisite vocational and professional training

to enter the service of their own people without the necessity of competing with white applicants for these positions. This bill permits them to do so." (78 Cong. Record 12053).

[28] Id. 11731.

[29] Remarks of Congressman Howard: "Reduced to its simpliest terms, the present bill would . . . establish a special Indian civil service and give to qualified Indians the preference right to appointment in the Indian Service . . ." 78 Cong. Rec. 11727.

[30] (1934)—Hearings on S. 2755 Senate Committee on Indian Affairs, 73d Congress, 2nd Session, p. 256.

[31] 78 Congressional Rec. 9270 (73d Con. 2d Sess. 1934).

[32] Federal Indian Law p. 533.

[33] Collier in Indians at Work—a News Sheet for Indians and the Indian Service, Vol. VII No. 5 (Jan. 1940) at p. 1–2.

[34] *Federal Indian Law* (1958) at p. 536.

[35] The Ramspeck Act, 5 U.S.C. sec. 631a, in pertinent part states: "That notwithstanding any provision of law to the contrary, the President is authorized by Executive Order to cover into the classified Civil Service any offices or positions in or under the Executive Department, independent establishment, or other agency in the Government . . ."

[36] There is a rule of construction that general legislative acts are inapplicable unless Indians are explicity included. *Elk v. Wilkins,* 112 U.S. 94, 5 S. Ct. 41, 28 I Ed. 643; *U.S. v. Celestine,* 215 U.S. 278, 30 S. Ct. 93 54 L. Ed. 195 (contra) *F.P.C. v. Tuscarora Indian Nation* 362 U.S. 99, 80 S. Ct. 543 4 L. Ed. 584. It would seem strange that Congress would complete such a strenuous exercise to remove the Indian positions from the Civil Service laws and shortly thereafter without consideration of the Indian interest, reverse the commitment.

[37] Solicitor's Opinion M–34814 (1947).

[38] Berg Interview.

PULASKI DAY

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. PATTEN. Mr. Speaker, today we honor the memory of a man who contributed much time and effort to the freedom of our country.

A Polish patriot and Revolutionary soldier, Casimir Pulaski arrived in America in July of 1777. Upon his arrival he offered his services to the cause of American independence and he performed distinguished service to that end.

We of the Congress observe this day as Pulaski Day because we hold Casimir Pulaski in such high esteem. Polish Americans throughout the Nation have good reason to celebrate Pulaski Day. Here was a man whose deede have made an imperishable mark on the history of our country. He contributed to the freedom and liberty of the United States by giving of himself when this Nation needed his help.

It is appropriate on Pulaski Day to note the achievements of Polish Americans. Throughout the years they have performed back-breaking work in every phase of American society. Through their loyalty to each other and through their loyalty to America they have contributed much to the best of what this country is today.

THE BUSERS—EDUCATED RACISTS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. RARICK. Mr. Speaker, the busing fiasco, under the flimsy excuse of overcoming racial imbalance continues in spite of the law and with utter disregard for the desires of the people.

Thus far the spokesmen and advocates of forced busing to overcome racial freedom have been militantly uniform in their rationalization and overall goal; that is, to destroy racial identities as well as the varied cultures which have for many years made the United States the strong and diversified country that it is.

The busing intellectuals, by their contempt and scorn for racial and cultural integrity clearly reveal themselves for what they are—the true racists.

The liberal educators who champion forced mixing of the races to destroy identity and work for the "faceless" man seek to justify their cultural brutality under the myth of humanism. These are the same people who profess that education can be exploited as a tool to eliminate racism and yet by their actions, their programs, and utterances they clearly show that they and not free people are the racists.

I include a public affairs column dated September 28, entitled "Superintendent vs. People" prepared by Gen. Thomas A. Lane, retired:

SUPERINTENDENT VERSUS PEOPLE

WASHINGTON.—The Superintendent of San Francisco Public Schools was explaining on a radio broadcast the importance of bussing students. He acknowledged the cost to educational funds and the waste of student time but he said that if we are ever going to have a unified society instead of one racially divided, we must begin now with the school children.

In the following week, news broadcasts reported that the boycott of the bussing program in Chinese-American residential areas was virtually complete. These parents are proud of their local public schools. They do not want their children bussed to distant parts of the city to sit with children who hold a different culture.

This is how the lines are drawn. The neighborhood school is also a cultural school serving the local people. The teachers, whether drawn from the neighborhood or not, must respect the local culture or answer to the parents. When children are hauled to distant schools, parents lose all influence on the education of their children.

The morals of America are rooted in its cultures. Religion, ethical precepts and manners determine the quality of a community; and none of these is a responsibility of the state. The state only defines what is unlawful behavior for all cultures. Thus, if public school teachers represent the state and not the parents, they represent no culture. They represent that lack of culture which is making our public schools hothouses of drugs, sex and crime.

The Superintendent is acting on the assumption that diverse cultures are hostile to the American political order. He is of course *absolutely wrong.* The suppression of cultures is a marxist precept. Our political order provides hospitable accommodation of diverse cultures. The sole requirement of citizenship is loyalty to the political order.

Thus, Chinese-Americans raised in their traditional culture can be and are just as fine Americans as any citizen raised in an English, French or German culture. All good Americans hold in common a dedication to the United States, their country and to the political precepts on which our society is founded.

Within America, black people have also preserved their own culture. Though most of them were denied citizenship in the era of slavery before the civil war, even then their right to preserve their own culture was respected.

Within the past generation, there has arisen in the black community a cult of marxism which rejects loyalty to America and proclaims the familiar rhetoric of class warfare. The standard charge of oppression of the laboring class is twisted to proclaim the oppression of black citizens by white citizens. This cult accuses the United States of being a racist society, in language made familiar by white politicians in the Kerner Report.

The Kerner Report and the voice of the San Francisco School Superintendent echo the panic of white liberals faced with militant marxism. Instead of adhering to the sound precepts of the American political order and rejecting the marxist clamor, they seek desperately for some middle ground on which to compromise. This psychology brought President Johnson to the Second Burning of Washington.

The forced integration of schools, the attempt to merge black African culture with white European culture, is just such ground. It is a flagrant affront to the cultural autonomy of the people. It is an impossible task which government cannot perform without assuming the tyranny of the Kremlin.

We see in the Soviet Union the purpose of the marxist state to wipe out the culture of the Jews—and the failure of that policy over a period of fifty years. The determination of our own zealots to merge cultures by state fiat is the real racism in America. That course demeans the cultural freedom of the people, arrogates to the bureaucracy an authority not given in laws and incites racial friction. Compulsory busing for integration has already seriously worsened race relations and disrupted education.

The Superintendent should be removed from office. He should be replaced by an educator who understands that his function is to serve the people, not to destroy their cultures.

A RESPONSE TO THE NATIONAL BROILER COUNCIL PINK SHEET

HON. B. F. SISK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. SISK. Mr. Speaker, recently the National Broiler Council distributed a small brochure entitled "How Growers Would Really Fare Under Compulsory Bargaining"—a collection of 16 questions and answers devised by the council to reveal what it considers to be the "real" nature of the National Agricultural Marketing and Bargaining Act. With all due respect for the sincerity of the council, their purported answers are at best distorted half-truths which completely misinterpret the act. As one who has been deeply involved with this legislation from its inception, I feel compelled to correct this misinformation circulated by the Broiler Council by providing factual, objective answers to the questions they raise.

In order below are the questions posed by the Broiler Council; their own answers to their own questions, and followed by H.R. 7597—the factual and objective answers from my viewpoint:

I. What is the National Marketing and Bargaining Act of 1971, introduced in the House of Representatives as H.R. 7597 and in the Senate as S. 1775?

It is legislation which would dictate compulsory collective bargaining in agricultural products, including broiler contracting; and it presents a blueprint for monopoly control by bargaining associations.

H.R. 7597—The National Agricultural Marketing and Bargaining Act establishes a mutual duty to bargain in good faith on the part of processors and agricultural bargaining associations, and sets up national administrative machinery in the form of a National Agricultural Bargaining Board to specify those cooperatives to which the statutory duty to bargain extends.

The standards imposed by the act for qualification are tough. The Board can qualify an association only if it finds:

First, that, under the charter documents or the bylaws of the association, the association is directly or indirectly producer-owned and controlled;

Second, the association has contracts with its members that are binding under State law;

Third, the association is financially sound and has sufficient resources and management to carry out the purposes for which it was organized;

Fourth, the association represents a sufficient number of producers and/or a sufficient quantity of agricultural products to make it an effective agent for producers in bargaining with handlers; and

Fifth, the association has as one of its functions acting as principal or agent for its producer-members in negotiations with handlers for prices and other terms of contracts with respect to the production, sale, and marketing of their product.

Moreover, even though an association satisfies these requirements, a handler is under no obligation to begin good-faith negotiations unless that association has one or more members who have previously dealt with the handler. If and when these requirements are satisfied, then a handler simply is required to negotiate in good faith with the association. There is clearly no attempt to "dictate" bargaining issues, methods, or procedures.

II. Would growers be forced to join a bargaining association under this legislation?

Yes, that would be its practical effect. Under the terms of the bill, no individual grower could get a contract while his integrator is negotiating with a bargaining association. This negotiating could well go on for months on end. Meanwhile, no contract! Then when a settlement is reached, the individual grower may find the bargaining association has succeeded in getting a contract for his integrators' total requirements, under an "exclusive requirements contract." So if the grower wants to continue to do business with that integrator, he would have to join the bargaining association.

H.R. 7597—Any reasonably objective reading of H.R. 7597 reveals that there is no attempt to "force" growers to join a bargaining association. The sole objective of the act is to assure to qualified associations that, once they have been certified by the Board, they will have an equitable opportunity to participate in negotiations with processors.

Of course, the more successful a bargaining association is in obtaining better prices and terms for its members, the more likely nonmember growers will be to join. But the National Agricultural Marketing and Bargaining Act is no Federal guarantee of success and, in fact, the history of agricultural bargaining is studded with cooperatives that failed to survive. The simple fact is, farm bargaining associations can do no more for farmers than their members are willing to cooperate in doing for themselves. Thus, each potential grower-member will have to weigh for himself the benefits and limitations such an association will mean for him.

III. How much would it cost to join a bargaining association?

Plenty. Growers would have to pay compulsory checkoff dues as high as $500 a year on a ten thousand bird capacity house. More than that, growers would have to live in a virtual straitjacket of regulations laid down by the bargaining association or be subject to heavy fines.

H.R. 7597—Because every qualified bargaining association must be producer owned and controlled, whatever fees, dues, capital contributions, or assessments are required for membership will be determined by the member-growers themselves. The point to remember is that the bargaining association is not some self-interested third party, but it is, in a very real sense, its grower-members. And, I think it safely can be assumed that, whenever those members find that the expense and burdens of the association outweigh its benefits, they will either change its practices or very quickly go their own way.

IV. How much money would bargaining associations get if this legislation becomes law?

Up to $28 Million from the broiler industry; $950 Million from American agriculture.

H.R. 7597—Agricultural bargaining associations, qualified or unqualified, will receive no funding from the Federal Government. The financial provisions of H.R. 7597 provide only that the expenses of the National Board shall be financed with Federal money. Whatever financing a bargaining association secures for its operations will come from the assessments and fees of its members, as authorized by them. Thus, "how much money" a bargaining association "will get" simply depends upon the fees and other assessments the members feel are fair and adequate for the organization's operations.

V. Since the police power of the Federal government would be used to collect this money, what provision has been made in the legislation to account for such large sums or restrict their use?

None.

H.R. 7597—This somewhat ominous statement that "the police powers" of the Federal Government will be used to collect an association's fees simply means this: The act provides that the association can collect each member's dues directly from the handler if the member voluntarily executes a written assignment to that effect. Upon receipt of the assignment, the handler deducts the indicated sum from the price to be paid to the grower for his product and pays that amount to the association as dues. If a member executes such an assignment, a handler cannot refuse to checkoff the association's dues without being subject to Board sanctions.

Since the only money to be "collected" is that belonging to the members themselves who will determine and supervise how it is employed, there is absolutely no need to concoct Federal rules and regulations on how the association can spend its own money! This is clearly the right and privilege of the grower-members themselves.

VI. Does the legislation require those who control the bargaining association to be elected by its members?

No.

H.R. 7597—Let us get one point clear: the individuals who control the bargaining association are the grower-members. The act makes it mandatory that producer-ownership and control be conclusively demonstrated to the Board before an association can qualify under the act. It is a blatant distortion of the organization and functioning of qualified bargaining associations to imply that they are in some faintly sinister way "controlled" by unidentified third parties. The members of most present bargaining associations have chosen to place the daily running of the organization in the hands of a managerial staff—general manager, secretary, and so forth—which may or may not be elected by the members or their board of directors. Nevertheless, the real control of the association remains in its members.

VII. What happens to the grower who exercises his right not to join the bargaining association?

He could contract with an integrator who does not have an "exclusive requirements contract" with the bargaining association, if he can find one. Even if he does, the integrator would not be permitted to give more favorable terms than are in the bargaining associations' contract, even though the grower's own performance justified a higher return. You see, the legislation is written to give preferential treatment to the bargaining association, not the grower. Clearly, the bargaining associations advocating such legislation are trying to stack the deck, so the grower either joins their association or he doesn't get a contract.

H.R. 7597—A grower who decides not to join a bargaining association is not restricted in any way from continuing his usual operations or from contracting with available handlers. The act does prohibit a handler from bargaining with other producers while negotiating with a qualified bargaining association, but there are several qualifications before this prohibition becomes effective. First, the association must be able to supply all or nearly all of the handler's requirements; second, the association must have at least one member who has previously dealt with the handler; and third, good-faith negotiations must actually be taking place. Unless all three of these requirements are satisfied, the prohibition on extra association bargaining does not come into play and the handler is free to negotiate with nonassociation growers.

Moreover, while H.R. 7597 also provides that a handler cannot purchase a commodity from other producers on terms more favorable to such producers than those negotiated with a qualified association, the act does not prevent a handler from concluding a more favorable contract with a nonmember grower before negotiating with an association or after negotiations have ended without an agreement concluded.

VIII. Will the better growers be rewarded for superior performance?

Maybe partly, but possibly not. With the bargaining association in charge, the emphasis shifts to keeping members happy, rather than paying the efficient for outstanding performance. This shift would tend to penalize all but the most inefficient growers.

H.R. 7597—It is impossible as well as fruitless to attempt to predict at this point how particular bargaining associations will be structured, for example, in terms of voting rights or profit-and-loss distribution. How an association will be organized can only be decided by the members participating in it and the National Agricultural Marketing and Bargaining Act quite properly makes no attempt to outline a "model" cooperative.

But, with regard to the fear that "the better growers" will go unrewarded for their performances, I can only say this: any association that is composed of inefficient, floundering growers, "riding on the coattails" of a few superior producers, is not going to survive very long in the highly competitive business of commodity marketing. The truth is that the farm bargaining groups in existence today inevitably are characterized by a membership composed of some of the most efficient and well-informed producers in the agricultural industry.

IX. Do all bargaining associations assure growers that they can continue to select their own contractors?

No, bargaining associations require their members to sign an agreement authorizing them to act as the growers' sole bargaining agent, and requiring growers to sell their products and/or services to the integrator or processor designated by the bargaining association. If the legislation is passed, the grower would lose his right to select his own business partner. This means that for the first time in America's history, the force of federal law would be used to require one businessman to do business with another, consequently, both the grower and the integrator would find that the freedom to make decisions vital to the welfare of their businesses had been lost to a monopolistic bargaining association with no investment to protect.

H.R. 7597—The basic premise underlying agricultural bargaining cooperatives is that by designating a single agent to negotiate simultaneously for all members, the individual grower will attain a bargaining position more equal to that of the large corporate handler with which he normally does business. The association, then, bargains on behalf of its members as a unit in an effort to secure the best prices for all member goods.

To effectuate this purpose, any grower who joins a bargaining association must agree to abide by those contracts negotiated by the association and satisfied by the membership. Quite obviously, to this extent, the individual member cannot insist that contracts be made with the handlers of his choice; and any grower who feels that he must retain the right to select the handler simply does not join an association.

X. But don't bargaining associations say they are out to get a better deal for growers, and that's why they need this legislation?

Bargaining associations argue that if enough growers hang together, they can demand and get what they want. It's an old idea, based on monopoly control. In the past, it has created more problems than it has solved whether you call it a pool or a block.

Why?

Even if prices or returns are temporarily forced to artificially high levels, expanded production, with its depressing effects on prices and income, is sure to follow—unless government steps in to control production.

H.R. 7597—Most agricultural bargaining associations support H.R. 7597 because, as experienced participants in the current agricultural market structure, they are very much aware that the individual farmer is caught in an inflationary cost-price squeeze which he is powerless to alleviate. Unable to raise his prices because they are determined by the large corporate processors, he nevertheless must pay higher and higher prices for everything he buys. As a result of this vicious cycle, most established bargaining cooperatives, as well as individual farm operators, are firmly convinced that the only effective means growers have for obtaining the fair and reasonable value of their products is to unite into farm bargaining collectives.

XI. But doesn't the bargaining legislation provide for government control of production?

Yes, under Title III or H.R. 7597, federal marketing orders would be used to cut production.

H.R. 7597—Under the Agricultural Marketing Agreement Act of 1937, producers of commodities that are grown for canning are excluded from eligibility for Federal marketing orders. Title III of H.R. 7597 establishes a procedure whereby this type of restriction on marketing orders can be removed by an affirmative vote of the producers of a commodity. However, the bill does not in itself authorize a marketing order for any commodity. A majority of producers voting is required before a commodity can be made eligible for a Federal marketing order. Only at that point could the Secretary of Agriculture initiate the procedures necessary for the issuance of a marketing order.

XII. As a grower, if I were a member of a bargaining association, would I be able to fill my houses and, if so, how many times a year?

With compulsory bargaining legislation, rigid government control of production becomes inevitable. The grower would then be forced to leave a part of his facilities idle, even if he is more efficient than his neighbor. In other words, good growers would have to cut back so the inefficient could continue.

H.R. 7597—Bearing in mind that the primary purpose of agricultural bargaining associations is to help growers obtain an equitable price for their commodities, I think it will be apparent why it is extremely unlikely that an association will adversely affect a grower's production performance.

The current gloomy prediction—that bargaining associations will force prices to artificially high levels, which will cause expanded production, which will flood the market and depress prices, which will necessitate government production controls—is nothing but a bugaboo. Members of bargaining associations are just as practical and just as realistic as the rest of us when it comes to knowing the inevitable disasters of an inflationary spiral. They are not "out to gouge the public" or engage in a frenzy of overproduction. They seek only the fair and reasonable value of their products.

XIII. What effect would the proposed legislation have on small growers who want and need to expand to improve their performance?

The supply controls provided for in this legislation would put the clamps on such an opportunity.

H.R. 7597—The National Agricultural Marketing and Bargaining Act will have no more effect on small growers seeking to increase performance than did the Agricultural Marketing Agreement Act of 1937. Title III of H.R. 7597 simply sets up a procedure whereby producers of currently restricted commodities can, by majority vote, seek eligibility for a Federal marketing order. Since Federal marketing orders issued in the past have not prevented any small farmers from expanding their operations, I strongly doubt that there is any likelihood that those issued in the future would have such a startling effect.

XIV. Could growers in one area have a marketing order without having it imposed on growers in other areas?

Yes. But higher grower payments in that area could allow lower cost areas to move in and take over their markets. The result . . . empty houses in the area having a marketing order.

H.R. 7597—I suppose that it is theoretically possible that growers in one area would elect to have a marketing order that would give them higher product payments but which would also heavily increase price competition from growers in areas not subject to the order.

But the obvious response to this type of strawman hypothetical is: Why would any group of experienced, even hard-nosed, growers ever do anything so silly? Since the Agricultural Adjustment Act requires a majority of commodity producers in a marketing area to affirmatively vote for a marketing order, it is beyond belief that there could be a majority of growers who voluntarily decide to commit economic suicide.

XV. Suppose you overcome that problem by having a nationwide marketing order for the entire broiler industry, then what?

Without similar control on red meat and other competitive foods, restricted production resulting from federal controls could force artificially high prices that would put broilers at a competitive disadvantage in the marketplace. The result . . . a drop in consumer demand, followed by production cuts and empty broiler houses.

H.R. 7597—The same response is applicable to this make-believe issue as that given to the preceding hypothetical: a Federal marketing order is not going to be sought by a majority of members in any agricultural industry which would place those members in a crippling competitive disadvantage.

XVI. Who benefits from legislation such as that now being proposed?

Certainly not the grower who would be forced, under threat of boycott, to join a bargaining association and have his business run by that association. Certainly not the consumer who could wave goodbye to the unbelievable progress made by the broiler industry during the past two decades, progress which has assured her of an abundant supply of a highly nutritious product, at a reasonable cost. Certainly not the integrator who would for the first time in history be told with whom and on what terms he must deal. No, the only one to benefit from this legislation would be the bargaining association. Shall the broiler industry and everybody in it throw in the sponge and forsake a system which has made more progress in the past twenty years than any other agricultural industry? What can you do? Let your views be known to your Senators and Congressmen.

H.R. 7597—Based on 50 years of farm bargaining experience, there is ample evidence for believing that all aspects of the agricultural industry—producers, handlers, distributors—will benefit from H.R. 7597. Not only will commodity growers make real progress toward securing the reasonable value of their produce, but strong, self-disciplined bargaining associations can greatly further the confidence and respect between producers and handlers that is fundamental to lasting cooperation.

An important question which I thought should have been asked but was not, is, who is opposing the bill? The answer is groups who buy or process farm products because the legislation might change the existing relationship between buyers—handlers—and sellers—producers. Handlers fear farmers will have more bargaining strength. In general, buyers are happy with the present situation and would not want to change it.

CHICAGO'S 1971 COLUMBUS DAY PARADE

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. ANNUNZIO. Mr. Speaker, this year, for the first time in the history of America, Columbus Day was celebrated as a national public Federal holiday on Monday, October 11.

As one of the early sponsors of the Monday holiday law, which designated the second Monday in October, beginning this year, as the day on which our Nation would hereafter officially honor the discoverer of America, Christopher Columbus, I was especially proud to serve as the general chairman for Chicago's 1971 gigantic Columbus Day celebration and parade.

Columbus Day is a truly American holiday because it celebrates the courage, foresight, and intrepid fortitude of a man who dared follow his ideals. Only two men in U.S. history have been honored by designation of a public Federal holiday—the first was George Washington, Father of our Country; and the second was Christopher Columbus, father of all immigrants.

Accordingly, "Christopher Columbus—Father of All Immigrants" was the theme of Chicago's parade, and all of our citizens, regardless of ethnic origin, race, or creed, joined together in rediscovering America by paying tribute to Columbus' spectacular discovery 479 years ago which opened the door to development of the Western Hemisphere and paved the way for establishment of our own great country.

Chicago's parade is the culmination of a series of specially planned events to mark the discovery of America. Yesterday the celebration began with a concelebrated mass at Our Lady of Pompeii Church in Chicago. Presiding at the mass was His Eminence John Patrick Cardinal Cody and the other celebrants included Very Rev. Peter Sordi, C.S.; Msgr. Edward Pellicore; Rev. Leonard Mattei; Rev. Florian Girometta, C.S.; Rev. Angelo Carbone, C.S.; Rev. Dai Zovi, C.S.; Rev. Salvino Zanon, C.S.; Rev. Adam Torresan, C.S.; Rev. Peter Rigo, C.S.; Rev. Joseph Curielli and Rev. Francis Cantieri. The homily was given by Rev. Paul J. Asciolla, coeditor of Fra Noi.

Special wreath-laying ceremonies took place at 11 a.m. at the Columbus Statue in Vernon Park, and at 3 p.m. following the parade the Order Sons of Italy laid a wreath at the Columbus Statue in Grant Park.

The main event of our celebration, Chicago's gigantic Columbus Day Parade, began on State Street at 12:30 p.m. More than 60 floats, depicting the theme of the parade, and over 225 units, representing every branch of the U.S. Armed Forces, participated in the procession. Women and children wearing authentic native costumes of Italy rode on the floats, and Robert Gelsomino, 2359 North McVicker, Chicago, who is a sophomore at DePaul University portrayed Christopher Columbus. Additionally, various school bands, scores of marchers, and a number of drum and bugle corps took part in the parade.

This year it was my pleasure to lead the parade, along with the honorary chairmen of the parade, the outstanding mayor of Chicago, Hon. Richard J. Daley, and the distinguished consul general of Italy in Chicago, Hon. Giuseppe Avitabile. Also leading the parade were Anthony Bottalla, president of the Joint Civic Committee of Italian Americans; Hon. Charles H. Percy, U.S. Senator from Illinois; Congressman Robert McClory; Congressman John C. Kluczynski; Congressman Roman C. Pucinski; State's Attorney Edward V. Hanrahan; Lt. Gov. Paul Simon; County Board President George Dunne; County Assessor P. J. Cullerton; and Hon. Lawrence X. Pusateri.

Following them in the line of march were political dignitaries, civic leaders, members of the judiciary, businessmen from the community, and labor leaders, including Joseph Spingola, county and municipal employees, Supervisors and Foremen's Union; William Lee, Chicago Federation of Labor; John Coleman, General Service Employees Union; Ralph Bergstrom, International Union of Elevator Constructors; James Coli, Teamsters Local 727, Victor Failla, Central States Joint Board, ULDTN and AP; Henry L. Coco, Chicago Allied Printing Trades Council; and Thomas Siracusa, Barbers Union Local 548.

Sponsor of the Columbus Day Parade and other related activities honoring Christopher Columbus was the Joint Civic Committee of Italian Americans, comprised of more than 40 Italo-American civic organizations in the Chicagoland area. Many local groups cooperated with the Joint Civic Committee in this communitywide tribute to Columbus, and Anthony Sorrentino, consultant for the committee, coordinated the various activities.

Included in these activities was the 47th Annual Columbus Day Banquet of the Grand Lodge of the State of Illinois, Order Sons of Italy, which was held on Saturday, October 9, in the grand ballroom of the Sherman Hotel. More than 1,000 people attended this gala event, at which I was privileged to be the guest speaker, and Amedeo A. Yelmini served as general chairman for the banquet. Martin Buccieri was toastmaster, and John G. Spatuzza, national deputy for the Sons of Italy, and Joseph J. Ardizzone, grand venerable for the Sons of Italy of Illinois, were participants in the outstanding program.

Also, in conjunction with the Columbus Day celebration, the Joint Civic Committee of Italian Americans sponsored a Festa Della Moda fashion show on Sunday, October 3, at the Sheraton Chicago Hotel. More than 200 persons, including children and adults, participated in the fashion show and displayed authentic handmade Italian costumes portraying the native dress of the various regions of Italy. A charm or sterling silver bracelet was presented to each adult participant and a small inscribed plaque was given to each child who modeled a costume.

One of the highlights of Chicago's Columbus Day celebration is selection of the queen of the parade. This year, Gayle Sacco, 3448 West 170th Street, Lansing, Ill., was chosen to reign as queen of the Columbus Day parade. The prizes awarded to the queen included a free trip to Italy courtesy of Alitalia Airlines; a television set, wristwatch, necklace, perfume, and record album, courtesy of the Joint Civic Committee of Italian Americans; dinner at the Italian Village Restaurant, 79 West Monroe Street, Chicago, courtesy of the Capitanini family; guest on Wednesday, October 13, of singing star Tony Bennett at the Mill Run Playhouse, where he is currently appearing; introduction to skating star Peggy Fleming at the ice show on Monday, October 18, courtesy of Arthur M. Wirtz, president of the Chicago Stadium, and Don Murphy, press director of the stadium; open basketball season at Chicago Stadium by tossing out first ball, courtesy of general manager Pat Williams and press director Ben Bentley of the Chicago Bulls, 540

North Michigan Avenue, Chicago; introduction to June Lockhart, star of stage, screen, radio, and television, who is currently appearing at the Pheasant Run Playhouse, courtesy of Carl M. Stohn, producer-director, and Gilda Moss, press director at the Playhouse; and package of STP automotive products, courtesy of Andy Granatelli, president of STP, 125 Oakton Street, Des Plaines, Ill.

Members of the queen's court were Mary Lois DoCurro, 4853 North Neva, Chicago; Denise Marino, 2434 North 78th Avenue, Elmwood Park, Ill.; Adrienne Marie Levatino, 3150 North Leavitt, Chicago; and Mary Ann Paprone, 811 South Clarmont, Chicago. Prizes for the queen's court included record albums, perfume, trophies, and bouquets of flowers.

Judges for the queen's contest were Anthony Sulla, Louis Del Medico, Fred Mazzei, Judge Anthony Scotillo, Judge Philip Romiti, Ann Sorrentino, Elena Frigoletti, and Fred Bartoli.

Chicago's Columbus Day parade, which is one of the most eagerly awaited events in our city, yesterday attracted over 1 million people on State Street and was televised for 1½ hours. An additional 2 million people viewed the procession on television, which WGN-TV televised again this year as it has in past years. Sponsors of the telecast were Anthony Paterno of the Pacific Wine Co., Dominick Di Matteo of Dominick's Finer Foods, and Frank Armanetti of Armanetti Liquor Stores. Additionally, this year, the German Television Network, 3132 M Street Northwest, Washington, D.C., which evidenced great interest in the Joint Civic Committee of Italian Americans, and the various activities it sponsors, was on hand to take photographs of the parade.

Columbus Day festivities were brought to a close at a reception at 4 p.m. at the Chateau Royale, 5743 West Chicago Avenue, Chicago. Mrs. Serafina Ferrara and Mr. Joseph Abbott were the official hostess and host at the reception which was held in honor of all of the officers, subcommittee chairman, and members who participated in making the 1971 Columbus Day Parade the greatest Columbus Day Parade that Chicagoans have ever witnessed. Leaders of the Italo-American organizations from Illinois were present at the reception as well as officials from the city of Chicago, from Cook County, and from the State of Illinois.

Mr. Speaker, at this reception which concluded Columbus Day activities in Chicago, I was highly privileged to be presented with two awards from the veterans of Illinois. Department commander for the State of Illinois Veterans of Foreign Wars, James "Pat" Harris, on behalf of his organization, presented the Veterans of Foreign Wars Meritorious Citation to me, and the past State commander for the State of Illinois American Legion, Al Swiderski, on behalf of his organization, presented to me the Illinois Congressional Award for Outstanding Illinois Veterans Legislative Leader. I want to express my deep appreciation to the officers and members of these two outstanding veterans' organizations for the recognition extended to me and my efforts in the Congress of the United States in behalf of all of our Nation's dedicated and loyal veterans who have made such a tremendous contribution to the protection and well-being of our great country.

Mr. Speaker, I want to say also that I was deeply moved by the wonderful gesture of the Joint Civic Committee of Italian Americans, whose president, Anthony Bottalla, on behalf of the organization, presented to me at the reception a solid gold commemorative medallion as a memento of my chairmanship of the 1971 Columbus Day Parade in Chicago.

As general chairman for the 1971 Columbus Day Parade Commitee, I want to extend my sincerest appreciation to all of the officers and members of the parade committee, as well as the Joint Civic Committee of Italian Americans, for their dedication, their generosity, their hard work, and their steadfast efforts which resulted in making this year's parade the tremendous success that it was. It is a source of great personal pride to me to know that all of our people joined together in our first nationwide celebration of Columbus Day and thereby focused attention on rediscovering America, reevaluating the legacy of Columbus, and rededicating ourselves to the destiny on which he launched us.

Mr. Speaker, the officers and members of the 1971 Chicago Columbus Day Parade Committee are as follows:

Columbus Day Parade Committee

HONORARY CHAIRMEN

Honorable Richard J. Daley.

Dr. Giuseppe Avitabile, Consul General of Italy.

GENERAL CHAIRMAN 1971

Honorable Frank Annunzio, Congressman.

OFFICERS

Anthony Bottalla, President.
Charles Porcelli, 1st Vice President.
Anthony Fornelli, 2nd Vice President.
Dr. James F. Greco, 3rd Vice President.
James Coli, 4th Vice President.
Dr. N. J. Bruno, 5th Vice President.
John G. Rovetto, Treasurer.
Ettore DiVito, Secretary.
Anthony Sorrentino, Consultant.
Domenick J. DiFrisco, Public Relations.

PAST PRESIDENTS

Peter R. Scalise, Anthony Paterno, Dr. Mario O. Rubinelli, Victor J. Failla.

EXECUTIVE ASSISTANT TO GENERAL CHAIRMAN

Anthony Fornelli.

SPECIAL ASSISTANTS TO GENERAL CHAIRMAN

Joseph Bottalla, Dominick Dolci, Frank Mariani, Ralph Massey, Anthony Terlato, Joseph Tolitano, Jerome Zurla.

CO-CHAIRMEN

Frank Armanetti, Fred Bartoli, Anthony Bottalla, Martin R. Buccieri, James Coli, Dominick Di Matteo, Victor J. Failla, Nello V. Ferrara, Anthony Paterno, Dr. Mario O. Rubinelli, Anthony Terlato.

SUB COMMITTEES

Platform narrator

Dick Biondi.

Public officials

Hon. John D'Arco, Co-Chairman.
Hon. Peter C. Granata, Co-Chairman.
Hon. Vito Marzullo, Co-Chairman.

Chaplain

Reverend Armando Pierini.

Television and radio sponsors

Anthony Paterno, Chairman, Frank Armanetti, Dominick Di Matteo.

Finance and souvenir book

Joseph DeLetto, Chairman.
Frank N. Catrambone, Sr., Co-Chairman.
Louis Farina, Co-Chairman.
Mrs. Serafina Ferrara, Co-Chairman.

Mathew J. Alagna, Dominick M. Alberti, Anthony Apa, William Boschelli, Sam Canino, Frank Cacciatore, Joseph Fusco, Peter Lavorata, Vincent Lucania, Ralph Massey, Marino Mazzei, Joseph Nicoletti, Louis Rago, Michael R. Rosinia, George Salerno, Benny Zucchini.

Program and arrangements

Hon. Victor A. Arrigo, Chairman.
Dominick Bufalino, Co-Chairman.

Charles Carosello, Joseph Comella, Dr. Joseph H. DiLeonarde, William Fantozzi, Rosario Lombardo, Dr. Joseph S. Sirchio, Amedeo Yelmini.

Publicity and queen contest

Domenick J. DiFrisco, Chairman.
Fred Randazzo, Co-Chairman.

Joseph Alagna, Louis Del Medico, Bernard J. FioRito, Dominick Gentile, Charles Cannon Giannone, Joseph Lucania, Frank Mariani, Fred Mazzei, Robert Napoli, Hon. Philip Romiti, Vincent Saverino, Stephen Fiorentino, Hon. Anthony Scotillo.

Religious program and organizations

Joseph De Serto, Chairman.
Louis Moretti, Co-Chairman.

Carl Ferina, Michael R. Fortino, Michael Mento, John Spatuzza.

Business and professional

Charles C. Porcelli, Chairman.
Anthony Terlato, Co-Chairman.

Tom Ardino, Vic Bondi, Joseph Bottalla, Sam Cerniglia, Jack Cerone, Dominic Chirchirillo, Carl Cipolla, Rocco D'Allessandro, John D'Arco, Jr., Charles P. DeVito, Joseph Fontana, Robert Hicks.

Albert Litterio, Vincent Lucchese, Vincent Lupo, Michael Mariani, Arthur Monaco, Anthony Partipilo, John Paterno, Paul Paterno, Gerald L. Sbarboro, Peter R. Scalise, Louis Seno, Anthony Sulla, Horatio Tocco.

Authentic Italian costumes

Dr. Mary Ellen (Mancina) Batinich, Chairman.
Mrs. Tena Amico, Co-Chairman.
Mrs. Maria DeSerto, Co-Chairman.
Mrs. Ellen Frigoletti, Co-Chairman.
Mrs. Josephine Lavorato, Co-Chairman.

Mrs. Norma Battisti, Mrs. Stella Boschelli, Mrs. Gene Bruno, Mrs. Mary Ann Cervi, Mrs. Judith Guzaldo, Miss Barbara Inendino, Mrs. Violet Loiacono, Mrs. Ann Menconi, Mrs. Ann Parisi, Mrs. Marie Pedi, Mrs. Annette Salvatore, Mrs. Mary Spallitta, Mrs. Ange Tufano.

Floats

John G. Rovetto, Chairman.
Sam Canino, Co-Chairman.
Joseph Rovetto, Co-Chairman.
Joseph Pope.

Float personnel

Lawrence Spallitta, Chairman.

Tom Ardino, Nick Bianco, Russell Bonadonna, Stephen Fiorentino, Mrs. Ann Sorrentino, Mrs. Mary Spallitta, Mrs. Ann Yelmini.

Bands, marchers and transportation

Dr. James F. Greco, Chairman.
Joseph Bottalla, Co-Chairman.

Dominick Alberti, Peter Barbero, Frank Bottigliero, Dr. Nicholas J. Bruno, Jordan Canzone, Hon. Lawrence DiPrima, John Epifanio, Michael Galasso, Peter Realmuto.

Labor

James Coli, Chairman.
Victor Failla, Co-Chairman.
John Leto, Co-Chairman.

Edward Coco, Henry L. Coco, Bruno Fillipini, Paul Iaccino, John Parise.

Parade marshals

Marco De Stefano, Chairman.
Guido Melone, Co-Chairman.

Sam Canino, Ettore, DiVito, Michael Epifanio, Louis Del Medico, Neil Francis, Henry Jenero, Anthony Pilas, Louis H. Rago, Vito Siciliano, Joseph Tolitano, Frank J. Tomaso.

Mr. Speaker, I also want to express appreciation to our friends in the media who have helped in calling attention to the first celebration in America of Columbus Day as a national public Federal holiday—Jack Eigen, Irv Kupcinet, Maggie Daly, Robert Weidrich, Sig Sakowicz, Wally Phillips, Gene Taylor, Bruce DuMont; and to our friends in the business world who have done likewise—Wilbur "Bill" Cage of Magi Kist Rug Cleaners; Thierry L. McCormick of Meister Brau, Hal Louder of Anheuser-Busch, Albert Jantorni of Broadview Westchester Bank, and Pat Gorman of the Amalgamated Butchers Union, all of whom donated electric signs to publicize the Columbus Day Parade.

In honor of this first nationwide celebration of Columbus Day, the Joint Civic Committee of Italian Americans struck a magnificent commemorative medallion. One of these medallions was presented to the President and Vice President of the United States, to each U.S. Senator, each U.S. Congressman, each member of the President's Cabinet, each Supreme Court Justice, to the Ambassador of Italy, the Honorable Egidio Ortona, to various Italo-American leaders, to Archbishop Luigi Raimondi, the Apostolic Delegate, and to the president, vice president and 20 members of the Regional Administration of Liguria which hosted the U.S. congressional delegation that visited the birthplace of Columbus, Genoa, Italy, from October 1 through 5 in order to participate in official ceremonies commemorating America's first nationwide public celebration of Columbus Day.

The congressional delegation carried with them as gifts for the officials and people of Liguria, where Genoa is located, a memorial book containing a letter of greetings signed by President Richard M. Nixon, a letter of greetings signed by Speaker of the House of Representatives CARL ALBERT, and resolutions from city councils of six cities in the United States which bear the name of Columbus. Additionally, the delegation presented to the Italian officials a copy of the original bill signed by President Lyndon B. Johnson making Columbus Day a national public holiday and a resolution of the congressional delegation commemorating the trip as well as a parchment scroll containing a painting of the three ships of Columbus.

Mr. Speaker, following are the letters from the President and the Speaker, the six city council resolutions, the resolution of the congressional delegation and the original bill, as well as my press release about the official Genoa trip:

THE WHITE HOUSE,
Washington, D.C., September 23, 1971.
Hon. GIANNI DAGNINO,
President of Regional Executive,
Region of Liguria, Genoa.

DEAR DR. DAGNINO: I am pleased to extend my warmest greetings to you and to the people of Genoa on the occasion of your commemoration of Christopher Columbus. This year, for the first time, Columbus Day will be celebrated in the United States as a national holiday. Of course, the American people have long honored Columbus, whose historic voyage led to the emergence of a new world and a new chapter in the history of our planet. We have particularly cherished the ties between the United States and the City of Genoa which, since that early beginning, have been reinforced by the many sons and daughters of Italy who have contributed so much to the growth of the American nation.

I am particularly pleased that this message to you can be carried by a distinguished group of American political leaders who are of Italian descent. They are eminently representative of that special part of our national heritage that is Italian. These men embody the finest traditions of America and they also take great pride in the cultural heritage of the land of their ancestors.

It is, therefore, with a deep sense of pride in our common traditions that I convey to you on this occasion the very best wishes of the American people.

Sincerely,
RICHARD NIXON.

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., September 17, 1971.
Dr. GIANNI DAGNINO,
President of the District Council, District of Liguria, Genoa, Italy.

DEAR MR. PRESIDENT: I am happy to advise that a committee of members of the United States House of Representatives, together with other distinguished American public officials, will represent this nation in the City of Genoa on the occasion of your commemoration of Christopher Columbus. I have the honor of sending with them a copy of the public law which made Columbus Day a national holiday. The people of the United States will officially celebrate this holiday for the first time this year.

The American people consider Columbus as much a part of our heritage and our history as any of our most renowned citizens in all our annals, whether native or foreign-born. It may be of interest to you and your people to know that the enactment of the legislation creating Columbus Day makes your renowned son, the father of American immigrants, one of only two individuals whose birthdates are recognized as official national holidays in the United States, the only other being George Washington, the Father of our Country.

In the same vein, Genoa is more familiar to the average school child in this country than most cities of the United States of equal size. It is a part of the fibre and the fabric of our thinking and of our national life. Municipalities in every part of this country have been named after the discoverer of America. Statutes have been erected to his honor in every section. The story of his life, his resolution, and his contribution to world history, can be found in the schoolbooks of every child. We claim him, in fact, as one of our own.

The list of Members whom I have designated to represent the House of Representatives, and through it the American people, is as follows:

Honorable Peter W. Rodino, Jr., N.J.
Honorable Joseph P. Addabbo, N.Y.
Honorable Frank Annunzio, Ill.
Honorable Mario Biaggi, N.Y.
Honorable Frank J. Brasco, N.Y.
Honorable Silvio O. Conte, Mass.
Honorable Dominick V. Daniels, N.J.
Honorable John H. Dent, Pa.
Honorable Dante B. Fascell, Fla.
Honorable Robert N. Giaimo, Conn.
Honorable Ella T. Grasso, Conn.
Honorable Robert L. Leggett, Calif.
Honorable Romano L. Mazzoli, Ky.
Honorable George P. Miller, Calif.
Honorable Joseph G. Minish, N.J.
Honorable John M. Murphy, N.Y.
Honorable Teno Roncalio, Wyo.
Honorable Joseph P. Vigorito, Pa.
Honorable Robert McClory, Ill.
Honorable Bertram Podell, N.Y.

As the Speaker of the House of Representatives, it has been my honor and my privilege to work closely with all of the twenty American Representatives, eighteen of whom are of Italian descent, comprising the committee that will represent this country in your city. I have served in Congress with most of them for many years. They include some of our most distinguished legislators. I am proud to be able to call each of them my friend.

Americans of Italian origin have held high places in every walk of life and have added to the culture and to the strength of this nation. We are proud of them and through them we are most happy to send to the citizens of Genoa, and to all the fine people of Italy, the greetings of our own people and our gratitude to your city for giving to the world the man who discovered America.

Gratefully to your City,
THE SPEAKER.

ACT

An act to provide for uniform annual observances of certain legal public holidays on Mondays, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 6103(a) of title 5, United States Code, is amended to read as follows:

"§ 6103. Holidays

"(a) The following are legal public holidays:

"New Year's Day, January 1.

"Washington's Birthday, the third Monday in February.

"Memorial Day, the last Monday in May.

"Independence Day, July 4.

"Labor Day, the first Monday in September.

"Columbus Day, the second Monday in October.

"Veterans Day, the fourth Monday in October.

"Thanksgiving Day, the fourth Thursday in November.

"Christmas Day, December 25."

(b) Any reference in a law of the United States (in effect on the effective date of the amendment made by subsection (a) of this section) to the observance of a legal public holiday on a day other than the day prescribed for the observance of such holiday by section 6103(a) of title 5, United States Code, as amended by subsection (a), shall on and after such effective date be considered a reference to the day for the observance of such holiday prescribed in such amended section 6103(a).

SEC. 2. The amendment made by subsection (a) of the first section of this Act shall take effect on January 1, 1971.

LIST OF COSPONSORS

John O. Pastore, R.I.; Peter W. Rodino, Jr., N.J.; Joseph P. Addabbo, N.Y.; Frank Annunzio, Ill.; Mario Biaggi, N.Y.; Frank J. Brasco, N.Y.; Silvio O. Conte, Mass.; Dominick V. Daniels, N.J.; John H. Dent, Pa.; Dante B. Fascell, Fla.; Robert N. Giaimo, Conn.; Ella Grasso, Conn.; Robert L. Leggett, Calif.; Romano L. Mazzoli, Ky.; Robert McClory, Ill.; George P. Miller, Calif.; Joseph G. Minish, N.J.; John M. Murphy, N.Y.; Bertram L. Podell, N.Y.; Teno Roncalio, Wyo.; Joseph P. Vigorito, Pa.

PRESENTED TO THE PEOPLE OF GENOA ON THE OCCASION OF THE FIRST CELEBRATION OF NATIONAL CHRISTOPHER COLUMBUS DAY BY THE U.S. MEMBERS OF CONGRESS OF ITALIAN HERITAGE—OCTOBER 1971

To the Mayor and People of Genoa:

From the journey of Christopher Columbus almost five centuries ago to the present day, Italians have played a major role in the life of the New World. "Every ship," wrote

Emerson, "that comes to America got its chart from Columbus."

The dauntless spirit of this great Genoese navigator which is also the spirit of his homeland, has profoundly shaped the destiny of the American Nation. The esteem in which Americans hold Christopher Columbus goes beyond the man. He has come to symbolize for Americans the highest ideals of the Italian people.

Now the American people have declared to the world their admiration and respect for this courageous explorer by proclaiming Christopher Columbus Day a national public holiday.

When Americans pay tribute to Christopher Columbus they express their deep appreciation and gratitude to the people of Italy for their immense contribution to the history and ideals of our country.

In commemoration of this historic event we are delighted to present a copy of the Act establishing Columbus Day as a national public holiday.

LIST OF MEMBERS

John O. Pastore, R.I.; Peter W. Rodino, Jr., N.J.; Joseph P. Addabbo, N.Y.; Frank Annunzio, Ill.; Mario Biaggi, N.Y.; Frank J. Brasco, N.Y.; Silvio O. Conte, Mass.; Dominick V. Daniels, N.J.; John H. Dent, Pa.; Dante B. Fascell, Fla.; Robert N. Giaimo, Conn.

Ella Grasso, Conn.; Robert L. Leggett, Calif.; Romano L. Mazzoli, Ky.; Robert McClory, Ill.; George P. Miller, Calif.; Joseph G. Minish, N.J.; John M. Murphy, N.Y.; Bertram L. Podell, N.Y.; Teno Roncalio, Wyo.; Joseph P. Vigorito, Pa.

CITY OF COLUMBUS,
Columbus, Miss., September 15, 1971.

Mayor and People of Genoa,
All the People of Italy:

We are advised by Congressman Frank Annunzio of the 7th District of Illinois that in the 1st part of October, 1971, a delegation of 15 Congressmen will visit your city to officially make the celebration of Columbus Day for the first time in the history of America as a Federal national public holiday.

From a city in the state of Mississippi, on the banks of the Tombigbee River, which received its charter in 1821 and is this year celebrating its sesquicentennial, to the fine people of Genoa and all the people of Italy, we send you our Greetings.

According to legend this City was named in honor of Christopher Columbus. We are advised that the name was supplied by a merchant by the name of Silas McBee.

We are very proud of our heritage and we are glad that our country will recognize the Country of Italy and the City of Genoa in honoring this great son of yours and it is with great pride that we send you our Greetings.

Cordially,

MAYOR ELLIS,
Mayor.

RESOLUTION NO. 3532

Whereas, The City of Columbus, Nebraska was named in memory of the explorer Christopher Columbus, who discovered America in the year 1492 A.D. while sailing under commission of the Queen of Spain, and

Whereas, The Government of the United States of America has designated the second Monday of October as Columbus Day in memory of Christopher Columbus and his courageous exploration, which resulted in the development of the Western Hemisphere and paved the way for the development of the United States of America, and

Whereas, Representatives of the delegation of the United States Government will visit Genoa, Italy, the home town of Christopher Columbus, and

Whereas, The City of Columbus wishes to participate in the special ceremony in memoration of the historic event and give greetings to the people of Genoa, Italy,

Now, therefore, be it resolved by the Mayor and Council of the City of Columbus, Nebraska that the Mayor and Council of the City of Columbus, Nebraska go on record as declaring October 11th Columbus Day in Columbus, Nebraska in commemoration of the courageous exploration of Christopher Columbus who discovered the Western Hemisphere in the year 1492 A.D.

Be it further resolved that the Mayor and Council of the City of Columbus, Nebraska for and on behalf of the citizens of the City of Columbus, Nebraska do hereby send greetings to the people of Genoa, Italy.

RESOLUTION

Whereas Christopher Columbus, a courageous Genoan, accomplished a feat some 479 years ago which compares with modern man's first journey to the moon and

Whereas the community in which we live proudly bears the name of this great pioneer

Now therefore, the Common Council of the City of Columbus, Wisconsin, U.S.A. hereby salutes the memory of that intrepid adventurer whose daring and persistence changed the entire course of history and joins the nation in commemorating that historic achievement.

Dated August 19, 1971.

RESOLUTION NO. 459–71

Whereas, for the first time America will celebrate Columbus Day as a national public holiday on the second Monday in October; and,

Whereas, the celebration of Columbus Day will cement ties between the cities of the world named after Christopher Columbus and will create international goodwill between the citizens of these cities and Genoa, Italy; and,

Whereas, Columbus, Georgia desires to be recognized as one of those cities that feels the importance of Columbus Day.

Now, therefore, the Council of Columbus, Georgia, hereby resolves:

That we hereby endorse the concept of Columbus Day being celebrated throughout the cities of the world named after Christopher Columbus. We extend our best wishes to the people of the city of Genoa, Italy, from our city, named after one of the most illustrious citizens of the city of Genoa.

Let a copy of this Resolution be furnished the governing Council of the city of Genoa as an expression of our goodwill toward them.

RESOLUTION

Whereas, a courageous navigator named Christopher Columbus discovered America 479 years ago, and

Whereas, this discovery opened the door to the future of the Western Hemisphere, and

Whereas, the Governing Body of the City of Columbus is desirous of according recognition for the acts and deeds of this courageous adventurer;

Now, therefore, the 2nd Monday of October is hereby proclaimed Columbus Day in the City of Columbus, **Kansas, and all residents** are urged to participate in commemorating this historical day.

Passed this 20th day of September, 1971.

RESOLUTION BY CITY COUNCIL OF COLUMBUS, OHIO

To extend greetings to the people of Genoa, Italy in commemorating the 479th anniversary of the discovery of America by her great and famous son.

Whereas, the year 1971 will mark the 479th anniversary of the discovery of America by Christopher Columbus and will be celebrated in the United States on the second Monday in October, henceforth as a Federal National Holiday; and

Whereas, although the extraordinary chronicle of the exploits of the intrepid explorer has been recorded for hundreds of years, time scarcely dims but assuredly enhances the heroic stature of that courageous and resolute man of faith and vision; and

Whereas, in declaring a national holiday on what has been traditionally set aside as a day of especial recognition for Christopher Columbus in this city, the Federal Government thereby urges all America to honor the man responsible for one of the momentous discoveries of history; and

Whereas, it is truly right and just that this should be, in view of the fact that Columbus' landfall on October 12, 1492, opened a New World of Freedom, of promise and of opportunity; now, therefore,

Be it resolved by the Mayor and the Council of the City of Columbus, Ohio:

That we do hereby extend greetings to the people of Genoa, Italy in commemorating Columbus Day as a Federal National Holiday. Our city continues to bear the name of Columbus proudly; and the citizens of this community join you in celebrating an historic event which shall prevail in the annals of man's great achievements.

[News release from Congressman FRANK ANNUNZIO, October 8, 1971]

ITALIAN OFFICIALS AT GENOA WELCOME ITALIAN-AMERICAN CONGRESSIONAL DELEGATION

Dr. Gianni Dagnino, president of the Region of Liguria, on October 2 warmly welcomed Congressman Frank Annunzio (D-7th Dist-Ill) and Congressman Peter W. Rodino, Jr. (D-10th Dist-N.J.), along with other Members of a Congressional Delegation, who were in Genoa, Italy, to participate in official ceremonies commemorating the first observance of Columbus Day in the United States as a national public Federal holiday.

Others in the Congressional Delegation included Honorable Joseph P. Addabbo (D-7th Dist-N.Y.); Honorable Frank J. Brasco (D-11th Dist-N.Y.); Honorable Dominick V. Daniels (D-14th Dist-N.J.); Honorable John H. Dent (D-21st Dist-Pa); Honorable Robert N. Giaimo (D-3rd Dist-Conn); Honorable Robert McClory (R-12th Dist-Ill); Honorable Robert Leggett (D-4th Dist-Calif); Honorable George P. Miller (D-8th Dist-Calif); Honorable Joseph G. Minish (D-11th Dist-N.J.); Honorable John M. Murphy (D-16th Dist-N.Y.); Honorable Bertram L. Podell (D-13th Dist-N.Y.); and Honorable Melvin Price (D-24th Dist-Ill).

Also accompanying the group were Father Paul Asciolla, editor of FRA NOI, one of the leading Italian-American newspapers in Chicago, and D. Thomas Iorio, Assistant Sergeant-at-Arms of the U.S. House of Representatives.

The reception in honor of the Congressional Delegation was held in the main loge of the 15th century Palazzo Spinola and included the exchange of greetings between the Congressmen and all the invited guests. Dr. Dagnino presided at the reception attended by other members of the Regional Government of Liguria, including Dr. Carlo Pastorino, Vice President of the Regional Assembly; members of the Provincial Government of Liguria; representatives of the City of Genoa, including Augusto Pedulla, Mayor of Genoa; military and cultural personalities; the American Consul General in Genoa, Thomas Murfin; the American Consul in Genoa, Carl Anthony Bastiani; and a representative of Cardinal Joseph Siri of Genoa, Monsignor Luigi Andrianotoli. Also in attendance were officials of Alitalia Airlines, as follows: Guido Vittori, General Manager for North America; Joseph LeTourneau, Public Relations Manager for United States, Mexico and Central America; Dominick DiFrisco, District Sales Manager in Chicago; and Marino Magrone, Manager in Genoa.

An official banquet followed the reception.

The first speaker was Dr. Gianni Dagnino, who extended greetings, and said, "This meeting is yet another example of the long ties of friendship between the United States and Italy, and of the remarkable contribution which Italians have made to the development of America's culture and civilization."

Dr. Dagnino continued, "Columbus fought tenaciously to find the truth and make it triumph. He launched the world toward a new destiny in proposing his bold views. We Italians and you Americans of Italian heritage share, appreciate, and honor the ideals, the faith in fundamental values such as liberty and solidarity, which Columbus pursued and accomplished. As Columbus discovered a new world, we today seek new horizons in the skies and the moon, and we must rediscover the world within ourselves, within our spirit, still the vastest and deepest world to be explored."

Congressman Peter W. Rodino, Jr., Dean of the Italian-American Congressmen, responded in Italian to these remarks. He recalled the time 23 years ago he initially proposed making Columbus Day a national holiday, and his belief that Christopher Columbus is symbolic of the pluralism of American culture, so that we can really call him the Father of All Immigrants. He then proceeded to read a letter of greetings addressed to President Dagnino from The Speaker of the United States House of Representatives, Representative Carl Albert.

Congressman Robert McClory of Illinois, whose Monday Holiday Bill was amended to include Columbus Day as a national holiday, read a letter of greetings from President Nixon to President Dagnino.

Thereafter, in the name of all the Members of the visiting congressional delegation, a memorial book was presented which included the letters of President Nixon and Speaker Albert, together with a special resolution signed by the Members of the delegation, as well as resolutions from City Councils of six cities in the United States which bear the name of Columbus.

Congressman Frank Annunzio, who spearheaded the Genoa trip, concluded the presentation of the Delegation by speaking of the tremendous accomplishment of making Columbus Day a national holiday.

The veteran legislator from Illinois declared, "Our immigrant parents, grandparents and great grandparents would have marvelled over our trip here to Genoa which is but another bridge between two great countries—the America, our native land and the greatest country in the world, and Italy, the country of our cultural heritage. The bonds of friendship between our two great countries have been renewed and strengthened as a result of this visit to the birthplace of Christopher Columbus."

Annunzio continued, "Columbus belongs to the world. Columbus Day is a truly American holiday because it celebrates courage, foresight, and intrepid fortitude of a man who dared follow his ideals."

Congressman Annunzio then presented on behalf of the group a large parchment scroll containing a painting of the three ships of Columbus, a copy of the resolution of the congressional delegations commemorating the trip and a copy of the original bill signed by President Lyndon B. Johnson making Columbus Day a national holiday.

Congressman Annunzio then presented commemorative medals, struck in Chicago especially for the occasion, to the 20 members of the Regional Administration of Liguria. In exchange, President Dagnino gave to all the members of the American contingent a commemorative book of their visits containing copies of letters on Columbus, photographs of significant historical sites in Genoa, and silver medals bearing the image of Columbus.

The visit to Genoa of the U.S. Congressmen, in addition to the reception and banquet at Palazzo Spinola, included various functions and local visits to historical places of interest: the Palazzo Tursi which houses the ashes of Columbus and the famous Paganini violin; the Institute for Communications; Columbus' house via Piccapietra; the Church of Santo Stefano; the Cathedral of San Lorenzo; the Church of San Matteo; Portofino; an official luncheon given by Dr. Maurizio Roncagliolo, Mayor of Rapallo; a reception given by Adm. Umberto Cugia Di Sant'Orsolo, President of the Italo-American Association of Genoa; and a reception at the City Hall of Genoa.

The Members of the Delegation returned to Washington on October 5 at the conclusion of the official ceremonies and program of events in Genoa marking the first celebration in America of Columbus Day as a national holiday.

Another outstanding event that took place in commemoration of the first national public celebration of Columbus Day was a huge reception and buffet in the caucus room of the Cannon House Office Building in Washington, D.C., on Wednesday, October 6, 1971. More than 1,500 people including Secretary of Transportation John A. Volpe, U.S. Senator JOHN PASTORE, and U.S. Congressmen of Italian ancestry attended the reception. Also among those present to pay tribute to Columbus were numerous U.S. Senators, Members of Congress, Supreme Court Justices, Cabinet members, and outstanding Italo-Americans in business and Government including Jack Valenti, director of the Motion Picture Association of America.

The following is the invitation for the reception:

INVITATION

Secretary of Transportation John A. Volpe, Senator John O. Pastore, Congressman Peter W. Rodino, Jr., and The Italian American Representatives in Congress request the pleasure of your company at a Reception and Buffet to mark the celebration of Columbus Day for the first time in the history of America as a Federal national public holiday on Wednesday, the sixth of October from five until seven o'clock at the House of Representatives Caucus Room, 345 Cannon Building, Washington, D.C.

Gancia Spumante and Buffet by Paterno Imports, Ltd., Chicago—New York.

MEMBERS OF THE RECEPTION COMMITTEE

Honorable John A. Volpe
Honorable John O. Pastore, R.I.
Honorable Peter W. Rodino, Jr., N.J.
Honorable Joseph A. Addabbo, N.Y.
Honorable Frank Annunzio, Ill.
Honorable Mario Biaggi, N.Y.
Honorable Frank J. Brasco, N.Y.
Honorable Silvio O. Conte, Mass.
Honorable Dominick V. Daniels, N.J.
Honorable John H. Dent, Pa.
Honorable Dante B. Fascell, Fla.
Honorable Robert N. Giaimo, Conn.
Honorable Ella T. Grasso, Conn.
Honorable Robert L. Leggett, Calif.
Honorable Romano L. Mazzoli, Ky.
Honorable George P. Miller, Calif.
Honorable Joseph G. Minish, N.J.
Honorable John M. Murphy, N.Y.
Honorable Teno Roncalio, Wyo.
Honorable Joseph P. Vigorito, Pa.

Mr. Speaker, in conclusion, I want to commend and congratulate all of the officers and members of the Joint Civic Committee of Italian-Americans who, by their sponsorship of the gigantic patriotic Columbus Day celebration in Chicago marking the first nationwide observance of this holiday, have demonstrated to the world their pride in America, in our great heritage, and in our free institutions.

It is the fervant hope of the Joint Civic Committee of Italian-Americans that through our new national public holiday in honor of Christopher Columbus that all of us, regardless of race, color, creed, or nationality, can rediscover America and can rekindle a genuine pride in all aspects of our heritage in order that we may maintain the strength of our country and keep America a bastion of democracy in our free world. We know that through the courage and intrepid fortitude personified by Christopher Columbus, we can restore peace in the world and freedom for all mankind.

PULASKI DAY 1971

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. ROONEY of New York. Mr. Speaker, on Sunday, October 3, Fifth Avenue in New York City was again the scene of another impressive Pulaski Parade. Again thousands of Polish-American men, women and children paraded. Colorful costumes and impressive floats caught the eyes of the throngs who lined the march of the parade. But this march unlike many we have witnessed or seen flashed upon our TV screens had no anti-American posters and no dissident hippy groups deriding or mocking American ideals and institutions. No, the marchers in this parade were all patriotic Americans who are proud of their American heritage. They were proud, too, of the Polish blood that flows through their veins.

To see the happy marchers, smiling and waving at friends in the crowd, gives me a real sense of satisfaction. To see the representatives of cultural and charitable organizations, fraternal groups, religious bodies and schools proudly participating in a march to honor one of America's greatest heroes of the Revolutionary War fills every onlooker with contagious pride.

Mr. Speaker, we are indeed indebted to the great Polish-American organizations which assume primary responsibility for the nationwide observance in honor of Gen. Casimir Pulaski. These observances mark the tragic and untimely death of the great Polish fighter who gave his life in the cause of our American independence.

Casimir Pulaski was not one but many great men. He was a great patriot with an impassioned love of freedom. He was a brilliant military strategist and a gallant soldier. He was a great humanitarian and an avowed champion of human rights. Being all these men in one is somewhat of a paradox because he was born into a wealthy family and surrounded with the things that only great affluence could buy. But even as a boy the snobbish, aristocratic world in which he lived had no appeal to him. Instead, he chose as friends the zealous young patriots who plotted the overthrow of Russian domination of Poland. Unfortunately, Pulaski and his friends failed in their attempts to develop a full-scale revolt. Pulaski, like many of his compatriots, was exiled and all his property confiscated.

The revolt of the American colonists intrigued Pulaski. He sought out Benjamin Franklin who was in Paris attempting to gain French support for our War of Independence. It took no real effort for the zealous Franklin to win over the young Polish cavalry officer to leaving for America and adopting our war as his own.

A letter from Franklin to Gen. George Washington served as Pulaski's introduction to the discouraged and weary American commander. Pulaski first served as a volunteer on Washington's personal staff, but within a matter of only a few months, he proved himself so competent and such an asset to Washington that Congress awarded him the rank of brigadier general and gave him the task of organizing the American cavalry. Under Pulaski's able leadership, this mounted unit first known as the "Pulaski Legion" soon won fame for its valor and its military competence. Unfortunate it was that young Pulaski was to lose his life on November 11, 1779, while leading a charge by his unit in the Battle of Savannah.

The colonial leaders suffered a real loss with the death of this 31-year-old patriot. America itself was deprived of one of its most courageous leaders at a time when the qualities possessed by Pulaski were in desperate need.

America needs to do more today to honor Pulaski than by continuing to name parks, highways, and bridges after him. America needs today to arm itself with Pulaski's kind of zeal and courage to preserve the independence which Pulaski gave his life to establish. America needs to join with its fellow citizens of Polish birth or extraction not only to honor the hero, Casimir Pulaski, but to emulate his unflinching efforts to see that freedom reigns here and for all nations.

PASSIONATE MODERATION

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. BINGHAM. Mr. Speaker, in desperate response, perhaps, to the seemingly overwhelming social problems this country faces, extremism, public tantrums, and political intractibility have become fashionable methods for trying to change and improve public policy. Moderation and compromise, on the other hand, have fallen into corresponding disrepute. Robert Bendiner, a member of the editorial board of the New York Times, has recently written a most perceptive essay in defense of what he terms "passionate moderation." He points out, among other things, that a democratic society that falls into the habit of getting things done through extreme tactics "soon falls out of the habit of democracy altogether." In my judgment, this thoughtful and thought-provoking article, which appeared in the October 11, 1971, issue of the Times, merits widespread attention, and I, therefore, submit it for the RECORD:

PASSIONATELY MODERATE

(By Robert Bendiner)

Not many words with the power to shock are left in the American vocabulary, *moderate* being about the dirtiest. Only seven years ago Barry Goldwater was humbled in the dust for extolling extremism and downgrading moderation. Now Senator Muskie of Maine, his eye on the White House, finds himself urged to dilute his reputation as a temperate politician, as a man who comes only cautiously to great decisions and is addicted to learning all he can about an issue before trumpeting his views on it. In large and influential segments of the electorate, some youthful and some merely in pursuit of youthful approval, such attributes are the hallmark no longer of the philosopher-statesman but of the Establishment mediocrity.

When did *compromise* and *consensus* become terms of general opprobrium? The first has always been the rule in well-regulated kindergartens and parliaments, as opposed to group mayhem and private tantrums. Only dictators, it has long been understood, can afford to be uncompromising.

The second term, consensus, is the very essence of democracy—nonetheless so because President Johnson's use of the word gave rise to certain suspicions. What was wrong with the Johnsonian consensus was not the idea but the fact that he didn't appear to mean it. When he said, "Come, let us reason together," he was merely giving everyone a chance to agree with him.

Extremism, it is true, is likewise a venerable tradition in the United States, but only recently has it come into its own as an upper-middle-class atitude, highly popular at suburban dinner parties, occasionally lauded at church breakfasts as "prophetic witness," and found thoroughly "understandable" in the columns of respectable journals. Indeed, the feeling has come to be that moderation is vaguely synonymous with lack of passion, conviction or social concern. Where a Goldwater was once faulted for shooting from the hip, a Muskie is now scorned in the same circles as the slowest gun in the East.

But the psychological insight involved in this shift seems almost as feeble as the political analysis. A man can be passionate about the Middle Way if he happens to believe that the truth is most often to be found somewhere near the center; that extreme tactics are rarely the way to "get things done," as the popular rationale has it; and that a democratic society that falls into the habit of getting things done that way soon falls out of the habit of democracy altogether.

It would take a good-sized book—and an interesting one it would be—to examine this proposition that social justice has been advanced in direct ratio to the illegality employed, but even a quick glance at some recent history shows glaring flaws in the theory. Watts and the ghetto areas of Washington look rather worse today than they did before the riots that tore them up a few years ago, whereas orderly court procedures have profoundly altered the school system of Arkansas, and, even more, the politics of Mississippi.

The first of last spring's antiwar demonstrations in Washington was a peaceable assembly, in the best tradition of lawful protest—and it was enormously impressive. The second, on May Day, was a grotesquely conceived effort to close down the capital of the United States; it achieved nothing but a few minor martyrdoms and the renewed conviction among borderline observers that the peace movement was riddled with kooks after all.

Intellectuals can generally be counted on to produce out of their ranks a small minority for whom force and extremism exercise a perverse fascination. European fascist parties in the thirties had a good quota of leaders who had once been at the other end of the political rainbow. Indeed the campuses of Germany and Austria were fertile sources of Nazi manpower, both faculty members and students, and of Communist manpower as well.

What all these had in common was a scorn for the office-holding bumblers in the middle, who couldn't enjoy the luxury of shrilly preaching the one and only truth because they always had to have an ear cocked on the uncertain voice of the people. Neither could the same bumblers force that voice to unanimity, because their very centrist principles took cognizance of human differences and the right to disagree.

The affinity extremists have for each other bobbed up last February in an interesting but almost ignored Gallup poll. It showed that while college students as a whole held extremist organizations in almost as low esteem as the general population does, a significant proportion of radicals at opposite ends of the spectrum had considerable regard for each other. Those describing their own philosophy as "far left" gave a highly favorable rating to the John Birch Society and the Ku Klux Klan; those who classified themselves as "far right" did the same for the S.D.S., the Weathermen and the Black Panthers.

If that is playing it cool, there is much to be said for the passionately moderate over the moderately passionate.

"MR. JIMMY FUND"

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, for countless youngsters afflicted with incurable cancer, Pat Smith of Foxboro is a proven and much-loved friend. Nearly a quarter of a century now, he has been quietly and selflessly giving of his time and labors in their behalf, helping them, and raising funds to provide the research necessary for the conquest of cancer. The unselfish generosity and sincere humility of this very fine and respected human being, and Good Samaritan, is so rare, and so praiseworthy, that it deserves public recognition and acknowledgement. The tribute and dinner in honor of Pat Smith, conducted at the Legion Home in Foxboro, Mass., was a richly earned and much deserved expression of indebtedness of the several hundred present, and the many, many others unable to attend, for the dedicated work and community service of this wonderful gentleman.

It affords me the greatest of pleasure, in expressing my own deep respect for

Pat Smith, to incorporate in my remarks a column which appeared in the Foxboro Reporter on October 7th:

200 HONOR PAT SMITH AS "MR. JIMMY FUND"

More than 200 persons honored a Foxboro man Saturday for doing something for someone else—Pat Smith—chairman of the Jimmy Fund in Foxboro for the past 24 years and the driving force behind the raising of a total of $80,000 for the fight against cancer in children.

Taken to the Legion Home on Mechanic St. on the pretense of attending a reception for Billy Sullivan, president of the Boston Patriots, Pat walked into the hall and was welcomed by voices singing, "For he's a jolly good fellow . . ."

The speaker of the evening was William S. Koster, executive director of the Jimmy Fund, who cited Pat as setting the pattern for Jimmy Fund drives throughout New England.

Mr. Koster presented Pat with a key-shaped radio, a symbol of the key of hope. Koster said Foxboro's first contribution 24 years ago was $80, and added that this year it is expected to hit $8,000.

Tom Dowd, traveling secretary for the Boston Red Sox, represented the team which took over the sponsorship of the Jimmy Fund after the Boston Braves left the area.

Rep. Robert Aronson read the following messages:

From Gov. Francis W. Sargent: "In recognition of 25 years of dedicated service in behalf of the Jimmy Fund, which is deserving of recognition by all citizens of the Commonwealth. You have earned the gratitude of a whole generation, and for your efforts we are much closer to relief from cancer in children."

Eliot Richardson, Secretary of Health, Education and Welfare: "On behalf of President Nixon I would like to join your friends and neighbors. The name 'Jimmy' has come to signify all little boys and girls stricken with cancer. By the same token, the name 'Pat Smith' should signify all the men, women and children who give unselfishly of their time and energy in order that the Jimmys can be given hope."

Senator Ed Brooke: "Few men have given so unstintingly of themselves for such good cause—every New Englander knows of the Jimmy Fund's magnificent work—I wish every New Englander could know how selfless your labors have been to help this cause."

Lt. Gov. Dwight: "Your imaginative project, from tag day, the track, to auctions on the Common, have brought the Jimmy Fund many thousands of dollars, but you have made another contribution, albeit intangible, through your example you have enriched the lives of all who know you."

John P. Souza, captain of security at Norwood Hospital where Pat is employed: "To a great gentleman—who does so much for others."

Rep. Robert Aronson: "In this world, there are three types of people—those who make things happen, those who are content to watch things happen, and those who really don't care what's happening.

"You are one of the few who 'make things happen' and I want to add my written words of heartfelt thanks for having chosen the Jimmy Fund for your crusade.

"The children and parents who have new hopes because of your efforts are so deserving and so grateful."

The following awards were presented by committee members:

A color television from his friends, presented by Carl Kusch, general chairman,

A Legion Citation of Participation, presented by James Robertson,

Town citation for 25 years of outstanding community service, presented by Selectman Gerald Rodman,

Engraved pen and pencil desk set, presented by Larry Jondro,

A year's pass to the Orpheum Theatre for Mr. and Mrs. Smith, presented by Dean Swift,

A portrait of Pat done by Bud Dudley and presented by Vin Igo.

Other committee members were Eldon Ferguson, Larry Jondro, Russell J. Cook, Dorothy Mitchell, and Mary Ann Bird.

Mrs. Smith was presented with 24 red roses by Mr. Kusch, symbolic of the 24 years that Pat has been active in Jimmy Fund drives.

Dot Mitchell played several piano selections and led community singing.

Pat, with emotion in his voice, extended his appreciation, emphasizing, "It is all the good people of Foxboro who have made the Jimmy Fund what it is today in Foxboro."

Pat, for more than 20 years prior to World War II, took all the kids in town to see big league ball games.

For more than 30 years he was associated with sports, and played under the name of "Pat Smith's All Stars."

It was noted by the committee that the number in attendance at the "Mr. Jimmy Fund" party would have been far greater had the affair not been kept a secret.

They extended apologies to those who would like to have attended but did not learn of the planned event in time to be there.

THE UNFORTUNATE PASSAGE OF THE REVENUE ACT OF 1971

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. RANGEL. Mr. Speaker, last week, when the House of Representatives passed H.R. 10947, the Revenue Act of 1971, by a voice vote, it gave its approval to an inequitable and unfair tax burden for low- and middle-income Americans.

Billion dollar windfalls to business do not create the jobs we so desperately need. They simply increase corporate profits at the expense of social needs. This is true whether these windfalls come in the form of a 7-percent job development investment credit or in the form of a 20-percent shortening of depreciation guidelines for industry's machinery or equipment.

Worst of all is the cruel hoax the House of Representatives played on the American people when it pretended that a token acceleration of already scheduled increases in personal exemption and standard deduction rates or a repeal of the 7-percent auto excise tax will bring prosperity to our citizens and slow down inflation.

What the House of Representatives actually did last Wednesday was to cut Federal tax revenues by an estimated $12 to $25.5 billion by the end of 1973. This tremendous cut in revenue comes at a time when we need more money, not less, to meet major social needs such as housing, penal reform, drug addiction treatment, education and health.

The lopsided probusiness tenor of the Revenue Act of 1971 puts the demands of the corporations ahead of the pressing human problems surrounding us. This is the wrong way to deal with the crisis in our economy. I am afraid that it will not be too many months before my colleagues regret the passage of this measure, for the House of Representatives will discover that the Revenue Act of 1971 is a both cruel and ineffective way to create a new economic policy.

THE SITUATION IN NORTHERN IRELAND: A REPORT, NO. 11

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. BIAGGI. Mr. Speaker, the concern for the beleaguered people of Northern Ireland is spreading rapidly throughout the country. Others here in this body have taken up the fight along with me and have introduced resolutions of their own calling for settlement of the Irish question.

Since last year I have been campaigning for United Nations intervention to bring peace to the area. Recently the United Irish-American Societies of Delaware Valley, Pa., sent a letter to the President of the U.N. General Assembly asking for the consideration of a resolution on the Irish problem.

For the benefit of my colleagues, I will include this very worthwhile document in the RECORD. I sincerely hope the United Nations will heed their plea and the pleas of countless thousands of Irishmen who suffer daily in the streets of Northern Ireland.

The document follows:

THE UNITED IRISH-AMERICAN
SOCIETIES OF DELAWARE
VALLEY, PA.,
August 11, 1971.

Hon. EDVARD HANBRO,
President,
General Assembly,
United Nations,
New York, N.Y.

SIR: At a meeting of the Federation of United Irish-American Societies of Delaware Valley, Pa., a resolution was unanimously passed by the delegates, that we, as a body and a society, representing the Irish and Irish-American in the Delaware Valley, Pa., requesting your support in having the British Army removed from the Six Counties of Northern Ireland, and through your influence, have a peace-keeping force from the United Nations for their replacement, other than a Commonwealth Nation.

A force such as this, would do more to keep harmony in Northern Ireland. Their efficiency has been proven a success in many other assignments. The presence of English soldiers on Irish soil, only fans the flame that has been smouldering for years.

The minority group in Northern Ireland were subject to live under conditions and laws that were dictated from the Stormont Government and in spite of the rapid change of Prime Ministers, their policies remained much the same; failure to administer justice and equal rights to all the people. An example of this was the "Race Relations Act" of 1966, which forebade any type of discrimination in the United Kingdom, but excluded Northern Ireland.

The current Prime Minister, Mr. Brian Faulkner, when he was Minister of Development, failed to implement local suffrage and as Prime Minister today, still fails to do so. The conditions that prevail have been brought to the attention of the world through the medium of tele-communications, in recent years.

The steady escalation of British troops pouring into Northern Ireland will worsen conditions, and, in the end, promote genocide.

Very truly yours,
FRANK E. BURKE,
President.

IMPORTS AND UNEMPLOYMENT

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. WYMAN. Mr. Speaker, for still another month foreign footwear imports have increased their hold on the American market. As is shown in the latest report of the American Footwear Manufacturers Association below, August 1971 shoe imports are up 7.8 percent over the same month in 1970. With foreign producers selling almost 70 percent of the shoes sold domestically, corrective action is appallingly overdue.

For the quarter century since the end of the Second World War, the United States has given generously of its resources—both in direct aid and favorable trade agreements. Now, at a time when unemployment is high and the balance of payments low, this Nation can no longer afford to allow unrestricted imports to eat away at American jobs and the American dollar. It is time this country began looking more closely to its own interests. And it is time other nations realize free trade is a two-way street requiring relaxation of their barriers against American exports.

This Congress has passed—at great cost to the taxpayer—legislation to combat unemployment. Orderly marketing legislation would assure additional thousands of jobs without burdening the already overstrained public Treasury. Such legislation would not erect a protective wall around the American marketplace. Rather, it assures foreign access to the domestic market and would allow foreign participation to increase proportionally with market growth. At the same time such legislation would serve notice to our trading partners to open their markets to American exports and prevent this country from becoming the free world's dumping ground. But most importantly, orderly marketing legislation would allow thousands of American workingmen the dignity and security of meaningful employment.

I respectfully urge the Ways and Means Committee to favorably report trade legislation such as H.R. 4276 for early consideration by this House. Further delay compounds a gross injustice to the American workingman and the American economy.

A report follows:

IMPORTS—AUGUST 1971

August imports of nonrubber footwear registered a 7.8% increase over last August, bringing the total for the first eight months to 194,472,300 pairs—a 15.2% increase over the same period last year. Based on that data it looks like imports for 1971 will be closer to 271 million pairs, rather than our earlier estimate of 280 million pairs.

The f.o.b. value of imports for the first eight months totaled $457,172,300—a 20.9% increase over the same period last year. It was estimated that at the retail level imported nonrubber footwear for the first eight months was valued at almost 1.5 billion dollars. Not only are the pairs swarming into this country, but they are coming in with a higher price tag attached. The f.o.b. value of leather footwear increased 20% over last year, and vinyl footwear (no longer as cheap as it used to be) showed an increase of 46.1% in value.

The table below shows the increase in value for the major types of imports and their estimated retail value.

	F.o.b. dollar value percent change 8 months 1971/1970	Estimated average retail value per pair
Men's, youths', boys' leather	+28.6	$15.03
Women's, misses' leather	+14.7	10.66
Children's, infants' leather	+22.2	4.92
Men's, youths', boys' vinyl	+55.5	4.08
Women's, misses' vinyl	+47.8	3.60
Children's, infants' vinyl	+10.7	2.66

At the end of 8 months the 10 top sources of imports listed below accounted for 94 percent of total pairs and 87 percent of the total value.

MAJOR SOURCES OF IMPORTS, 8 MONTHS, 1961

	Pairs (thousand)	F.o.b. dollar value (thousand)	Percent change, 8 months, 1971/1970	
			Pairs	Dollar value
Italy	61,226	204,411	+4.3	+10.3
Taiwan	44,046	31,243	+52.3	+68.2
Japan	39,130	43,583	−8.7	+7.3
Spain	20,622	79,733	+46.7	+55.2
Brazil	5,541	14,651	+375.2	+460.5
Hong Kong	4,418	3,088	+50.5	+41.2
India	2,698	2,829	+10.7	+18.4
Mexico	2,596	6,624	+4.6	+26.5
France	2,222	11,305	+6.8	+33.6

TOTAL IMPORTS OF OVER-THE-FOOT FOOTWEAR

[In thousand pairs, and thousand dollars]

Type of footwear	August 1971, pairs	Percent change, 1971/1970	8 months, 1971			Percent change 1971/1970	
			Pairs	Dollar value	Average dollar value per pair	Pairs	Dollar value
Leather and vinyl, total	17,604.2	+8.9	186,795.1	450,054.0	$2.41	+16.3	+24.8
Leather excluding slippers	9,257.2	+23.2	97,602.2	350,867.0	3.59	+14.8	+20.0
Men's, youths', boys'	3,183.2	+40.2	28,004.5	130,048.9	4.64	+21.2	+28.6
Women's, misses'	5,490.6	+17.1	61,679.4	202,822.4	3.29	+12.5	+14.7
Children's, infants'	333.6	+30.6	5,681.0	8,654.7	1.52	+17.0	+22.0
Moccasins	31.7	−29.1	299.9	382.9	1.28	−23.1	−8.0
Other leather (including work and athletic)	218.1	−13.6	1,937.4	8,958.1	4.62	+3.9	+26.9
Slippers	14.3	−32.9	139.4	358.1	2.57	−15.1	−10.8
Vinyl supported uppers	8,332.7	−3.5	89,053.5	98,828.9	1.11	+18.0	+46.1
Men's and boys'	1,544.2	−10.4	15,537.6	19,516.5	1.26	+41.2	+55.5
Women's and misses'	6,109.6	−5.3	65,993.8	73,249.8	1.11	+15.8	+47.8
Children's and infants'	588.9	−10.8	6,556.5	5,396.5	.82	+2.6	+10.7
Soft soles	90.0	−28.4	965.6	666.1	.69	−12.4	−3.8
Other nonrubber types, total	1,229.4	−5.3	7,677.2	7,073.3	.92	−5.1	−39.9
Wood	38.1	−85.7	850.1	2,176.7	2.56	−72.4	−72.1
Fabric uppers	1,034.8	+8.6	5,228.7	3,957.1	.76	+19.0	+25.8
Other, n.e.s.	156.5	+99.6	1,598.4	939.5	.59	+159.4	+12.4
Nonrubber footwear, total	18,833.6	+7.8	194,472.3	457,127.3	2.35	+15.2	+20.9
Rubber soled, fabric uppers	5,171.9	+10.0	41,939.1	41,119.7	.98	+30.2	+51.6
Grand total, all types	24,005.5	+8.3	236,411.4	498,247.0	2.11	+17.6	+24.7

Note: Details may not addup to rounding. Figures do not include imports of waterproof rubber footwear, zories and slipper socks. Rubber soled fabric upper footwear includes non-American selling price types.

Source: American Footwear Manufacturers Association estimates from census raw data. For further detailed information, address your inquiries to the Association, room 302, 342 Madison Ave., New York, N.Y.

TENNESSEE VALLEY STATES CATCHING UP IN INCOME BOOST

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. EVINS of Tennessee. Mr. Speaker, a recent article in the U.S. News & World Report listed the increases in income of the people in the various States between 1960 and 1970.

I particularly noted that the highest rate of income increase occurred in the States of the Tennessee Valley area, where Tennessee, for example, reflected a 100-percent increase—from an average per capita income in 1960 of $1,544 to $3,085 in 1970.

Certainly these statistics reflect the impact of the Tennessee Valley Authority in our area with its emphasis on raising the economic level of our citizens.

Because of the interest of my colleagues and the American people in this important subject, I place the article and summary in the RECORD herewith.

The summary follows:

PEOPLE ARE GETTING "RICHER"

With the interest of the nation increasingly focused on the ups and downs of the economy, a new Government survey makes these points—

U.S. wealth, measured in terms of incomes of its citizens, is growing at a remarkable rate.

The "poorer" sections of the country are making rapid strides and are closing ground on the "richer" regions.

Figures compiled by the Department of Commerce, set out in the chart on this page, add up to this: Over the past decade, the per capita income of U.S. citizens has risen from $2,216 to $3,921—a whopping 77 per cent.

SOUTHERN SURGE

A breakdown in the figures illustrates this trend:

Of the eight geographical areas of the continental U.S., it was the South—for long the poorest area—that showed the greatest rise in personal income.

The Southeast, over the decade, recorded a rise of 98.3 per cent. Included were the States of Virginia, West Virginia, Kentucky, Tennessee, North and South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Arkansas.

Next in line with an 80.9 per cent rise in income was the Southwest: Oklahoma, Texas, New Mexico and Arizona.

This did not mean a complete catchup. The Southeast was still the lowest in average personal income with $3,195, the Southwest was next with $3,479. At the top was the Mideast—New York, New Jersey, Pennsylvania, Delaware, Maryland, the District of Columbia—with an average of $4,464. But the lesson of the Department's figures was clear: The gap between poor regions and rich regions is closing.

A YEAR'S RISE

From 1969 to 1970 alone, the Department noted, per capita income increased over the nation by nearly 6 per cent. In five of the eight regions, the increase was 6 per cent or more—exceeding the rise in national consumer prices and thus resulting in boosts in real income. Exceptions were the Far West, Plains and Great Lakes regions.

Where did the gains come from? Largely, the Department indicates, from Social Security, veterans' pensions, and government and service payrolls. In the meantime, commodity-producing industries rose only slightly, wage and salary payments in manufacturing were unchanged, and farm income was down.

INDIVIDUAL INCOMES—HOW YOUR STATE COMPARES

	Income, per capita		Increase in past decade (percent)
	1960	1970	
Alabama	$1,489	$2,853	92
Alaska	2,835	4,592	62
Arizona	2,032	3,591	77
Arkansas	1,374	2,791	103
California	2,708	4,426	63
Colorado	2,273	3,816	68
Connecticut	2,806	4,856	73
Delaware	2,758	4,324	57
District of Columbia	3,021	5,387	78
Florida	1,948	3,642	87
Georgia	1,640	3,332	103
Hawaii	2,369	4,527	91
Idaho	1,850	3,240	75
Illinois	2,649	4,502	70
Indiana	2,188	3,781	73
Iowa	1,987	3,688	86
Kansas	2,158	3,823	77
Kentucky	1,576	3,073	95
Louisiana	1,665	3,049	84
Maine	1,842	3,257	77
Maryland	2,342	4,255	82
Massachusetts	2,457	4,360	77
Michigan	2,324	4,059	75
Minnesota	2,114	3,824	81
Mississippi	1,206	2,575	114
Missouri	2,115	3,704	75
Montana	2,037	3,379	66
Nebraska	2,110	3,751	78
Nevada	2,856	4,562	60
New Hamsphire	2,144	3,590	67
New Jersey	2,708	4,598	70
New Mexico	1,888	3,131	66
New York	2,749	4,769	73
North Carolina	1,562	3,207	105
North Dakota	1,714	2,995	75
Ohio	2,235	3,972	70
Oklahoma	1,862	3,312	78
Oregon	2,235	3,705	66
Pennsylvania	2,242	3,927	75
Rhode Island	2,219	3,902	76
South Carolina	1,379	2,936	113
South Dakota	1,782	3,165	78
Tennessee	1,544	3,085	100
Texas	1,926	3,531	83
Utah	1,968	3,213	63
Vermont	1,842	3,465	88
Virginia	1,841	3,607	96
Washington	2,349	3,993	70
West Virginia	1,596	3,021	89
Wisconsin	2,174	3,693	70
Wyoming	2,261	3,556	57
United States	2,216	3,921	77

Source: U.S. Department of Commerce.

CHRISTOPHER COLUMBUS

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. COLLIER. Mr. Speaker, it is fitting that we pause at times to commemorate great events and honor the memories of outstanding individuals who contributed to the making of America. Such an occasion presents itself today, the anniversary of Christopher Columbus' first landing in the New World.

In these days of rapid transportation, it is difficult to realize that Columbus took 70 days to cross the Atlantic from Spain to the Bahamas. It should be borne in mind, however, that he spent 4 weeks in the Canary Islands, just off the coast of Africa. The voyage from Ferro, the last of the Canaries which he saw, to San Salvador took 33 days.

Today those who sail in luxurious ships that cross the Atlantic in less than 5 days and those who hop it in huge jets in as many hours know where they are going and are aided by the scientific and mechanical marvels of half a millenium. Columbus, on the contrary, did not really know where he was going. His three wooden vessels had neither engines nor motors and lacked all but the most primitive comforts. The Indians introduced the sailors to hammocks. Navigation was by dead reckoning.

Columbus triumphed over all obstacles and answered his crew's appeals to turn back with the word "Adelante," Spanish for ahead, forward, on, onward. He eventually reached what proved, unbeknownst to him, to be a New World, part of which became the great country in which we are privileged to live.

Joaquin Miller has immortalized the sentiment expressed in the word "Adelante" in the poem Columbus:

"Brave Admiral, say but one good word:
What shall we do when hope is gone?"
The words leapt like a leaping sword:
"Sail on! sail on! sail on! and on!"

Then pale and worn, he paced his deck,
And peered through darkness. Ah, that night
Of all dark nights! And then a speck—
A light! A light! At last a light!

It grew, a starlit flag unfurled!
It grew to be Time's burst of dawn.
He gained a world; he gave that world
Its grandest lesson: "On! sail on!"

Mr. Speaker, America must not be content with merely setting aside 1 day each year to pay tribute to the memory of Christopher Columbus. She must heed his cry "Adelante" and continue to move ahead, to go forward, to travel onward. She must not retire into the shell of a welfare state. Instead she should find workable answers to the problems that confront her at home and abroad and in the process seek to preserve and extend human freedom.

LEIF ERIKSON DAY

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. ROONEY of New York. Mr. Speaker, all of us are in complete sympathy with the White House Proclamation with regard to Leif Erikson Day. We are gratified that all over America from every government building the flag of the United States has been flown in honor of this bold Norseman. We are hopeful that many millions of our people, particularly our school children, will participate in appropriate exercises and ceremonies paying tribute to this intrepid explorer.

Almost a thousand years have passed since Leif Erikson and his Norse companions were diverted from their voyage to Greenland by stormy seas. They and their tiny craft weathered the storm and landed in Labrador or along the coastline of our New England States. Only fragments of history remain to tell us of the exploits of these hardy explorers. However, the facts and the sagas of the Norsemen are such that we can truly appreciate the significance of the very early Norse explorations along the northern shores of this continent.

This country is indebted to Leif Erikson not so much for his early landing but because he was the first of the long line of hardy Norsemen who have come here over the centuries with many making this land their home. From the coastal cities westward to the prairies the sons and daughters of the valiant Vikings have done their thing for America. They have contributed their shipbuilding and navigation skills with the same thoroughness that they have demonstrated their superiority as farmers and dairymen.

They have earned the reputation of being sturdy, stanch citizens. They have imbued America with a God-fearing love of home, of family, and of country.

Mr. Speaker, on the day officially proclaimed as Leif Erikson Day, we join in paying tribute to his descendants who constitute such a vital and respected segment of our society. Let us be grateful to the organizations here in America made up of these descendants of our earlier explorers for renewing America's understanding in and appreciation for the Norsemen's contribution to our establishment and growth as a nation.

THE CONTROL OF CHILDHOOD LEAD POISONING

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. RYAN. Mr. Speaker, I am gratified to note that the September 20 edition of "Programs for the Handicapped," a publication of the Secretary's Committee on Mental Retardation—chaired by Wallace Babbington—within the Department of Health, Education, and Welfare, has as its main article a long discussion of childhood lead poisoning.

The article, entitled "The Control of Lead Poisoning," was written by Robert E. Novick, Director, Bureau of Community Environmental Management, Health Services and Mental Health Administration, Department of Health, Education, and Welfare.

I commend this article to my colleagues, and I commend the Secretary's Committee on Mental Retardation, and its members, for their welcome concern and interest in eradicating childhood lead poisoning—a devastating, yet preventable, disease.

The article follows:

THE CONTROL OF CHILDHOOD LEAD POISONING

(By Robert E. Novick)

Symptomatic lead poisoning in children is currently estimated at 10,000 to 20,000 cases per year. Of these cases, 2,000 to 4,000 per year will be left with some degree of neurologic damage, and about two percent of that group—or 800 per year—will suffer mental retardation of such severity that they will require institutional care for the rest of their lives. Deaths from acute and long-term effects of lead poisoning are about 200 per year.

This report will deal primarily with epidemiological and environmental aspects of childhood lead poisoning. Information on the medical aspects is readily available elsewhere. Suffice it to say here that effective treatment is available, but delay in treatment may result in irreversible damage.

An effective attack on the total problem of childhood lead poisoning is an exercise in community environmental management. It requires the mustering of all resources of the community, including the medical profession, the communications media, those who manage the housing stock, municipal officials, community leaders, and the residents themselves. All must function together as an integrated, purposeful system in the community for maximum results.

There is not enough data available on the extent of childhood lead poisoning nationwide. Most of the existing data is from several of the older northeastern cities. However, the available data and certain Bureau of Census figures, taken together, enable us to make rough estimates of the size of the problem in the nation as a whole. The Census figures can be used because of their relation to the etiology of the disease. Lead poisoning in small children is caused largely by the ingestion of peeling flakes of lead-based paint. Children with *pica*, the habit of eating nonfood material, are especially at risk in areas of dilapidated, pre-World War II housing where flakes of paint and chips of painted plaster are likely to be readily available. (Lead-based paint has not been generally used for interiors since the early 1940's).

Based on Census housing and population data, plus the known medical aspects of childhood lead poisoning, it is estimated there are 2,000,000 children below age six at risk in metropolitan areas of the nation. Blood-test screening studies of children at risk, where such studies have been made, show that 10 to 20 percent of them have excessively high levels of lead in their blood. Applying these percentages to the 2,000,000 figure gives a very strong indication that 200,000 to 400,000 children in the metropolitan areas nationwide have elevated blood lead levels. (The Surgeon General, in a policy statement, has determined that children having 40 micrograms or more of lead per 100 milliliters of whole blood, with or without symptoms, are in danger of having or developing lead poisoning).

Only in the past few years has even the medical profession begun to suspect the real dimensions of the childhood lead poisoning problem. Dr. Evan Charney, Associate Professor of Pediatrics at the University of Rochester School of Medicine, has said, "If you live in an American city with a slum population, and you don't have many cases of lead poisoning, then your health department is not doing its job. The number of cases," he added, "depends on how hard people look."

Where doctors are not alert to the possibility of lead poisoning, its symptoms may be ascribed to other causes—and delay in treatment makes the onset of encephalopathy (acute brain swelling) more probable. At least 40 percent of the children who develop encephalopathy will sustain severe and permanent brain demage.

The cost of hospital treatment for an uncomplicated case of lead poisoning is $1,000 to $2,000. This cost is infinitesimal when compared to the medical, educational, social, and other costs for a mentally retarded individual throughout his life.

The situation as indicated is bad enough but it may be worse. Dr. J. Julian Chisholm, Jr., a pediatrician at Johns Hopkins Medical School and Baltimore City Hospital, and a leading authority on childhood lead poisoning, has said, "Symptomatic lead poisoning is the result of very high levels of lead in the tissues. Is it possible that a content of lead in the body that is insufficient to cause obvious symptoms can nevertheless give rise to slowly evolving and long-lasting adverse effects? The question is at present unanswered but is most pertinent."

More research on lead poisoning is needed, particularly in the following three areas: (1) the quantitative extent of the problem and its geographic distribution; (2) the long-term deleterious effects on the health and behavior of individuals having had excessive lead intake as children, but without lead encephalopathy or other clinical signs; and (3) the proportion of total lead intake by children from sources other than lead-based paint.

But we already know enough to act. It has been repeated many times, by those most knowledgeable in the field, that we know the causes of childhood lead paint poisoning and that the causes can be removed. It has often been said that this disease, besides being a medical problem, is also the result of a serious housing problem—or even that it is "not a medical problem but a housing problem." High risk housing units (built before World War II) total 30,000,000 in the metropolitan areas of the nation, and several million are now in dilapidated condition. As the housing stock continues deteriorating, more units become dilapidated and thus present the lead poisoning hazard for children.

The immediate problem in the control of childhood lead poisoning is two-fold: (1) the children at risk must be located, screened for elevated blood lead levels, and treated when necessary; and (2) the dwellings in which children ingest lead-based paint must be located and deleaded. This dual approach—medical and environmental—is incorporated in Public Law 91–965, the Lead-Based Paint Poisoning Prevention Act, which was passed in January 1971.

The Bureau of Community Environmental Management was designated as the agency within the Department of Health, Education, and Welfare to administer the new law which, among other things, provides funds for grants to local communities to assist them in developing programs for prevention and control of childhood lead poisoning.

Title I of the new law provides for programs to detect and treat incidents of lead-based paint poisoning, which are to include community education, testing, and follow-up to ensure protection against repeated exposure. Based on the fiscal year 1972 appropriation of $7.5 million, many of the children at risk can be screened, with major projects in approximately 15 cities. Treatment will be provided in those cases where children are diagnosed as having lead poisoning. In providing treatment on a continuing basis, communities will be encouraged to marshal existing resources, both local and Federal (e.g., neighborhood health care centers).

Title II provides for programs to identify those areas that present high risk of lead poisoning because of deteriorated housing. These programs are to include (a) testing to detect the presence of lead-based paints on surfaces of residential housing, and (b) elimination of such paints when detected. Communities will be encouraged and funded to develop programs for individual self-help, neighborhood organizations for voluntary action, and programs for the development and enforcement of housing codes for attacking the problem of residential deleading.

The Bureau of Community Environmental Management will provide limited technical assistance to communities receiving grants under Titles I and II. The Bureau will help the project cities carry out effective lead control programs, including community organization and education techniques for citizen involvement, legislative and regulatory measures, screening methods and procedures, and the standardization of analytical procedures.

The Bureau coordinated the counsel and recommendations of leading authorities on childhood lead poisoning, both in and outside of Government, which resulted in the drafting and subsequent approval of the policy statement by the Surgeon General in late 1970.* The Bureau worked with the Secretary's Committee on Mental Retardation, and other units of the Department of Health, Education, and Welfare, in an intraagency committee on the control of childhood lead poisoning.

The Bureau developed comprehensive guidelines for community control programs, initiated a program in Norfolk, Virginia, to test their effectiveness, and distributed copies to over 100 communities. The guidelines will be revised in the light of experience and critiques and made generally available in the near future.

The Bureau of Community Environmental Management has also encouraged the development of simple, rapid, and inexpensive methodologies for detecting lead poisoning. This has led to the development of instruments called microblood detectors, by which lead poisoning can be detected with a few drops of blood from a capillary blood sample (obtained by finger-stick), thus avoiding the necessity of obtaining a larger venous sample—which can be an ordeal for small children. Another technological advance, which will facilitate the detection of lead on walls, baseboards and other areas of dwellings, is the new portable detector using the X-ray fluorescence technique.

It must be emphasized that our present methods of estimating the size of the childhood lead poisoning problem, nationwide, is a crude and unsatisfactory one; but the solid data that does exist, plus what we know about the medical aspects and the etiology of lead poisoning, indicate that the national problem is a sizable one. Under Title III of the new law, the Department of Housing and Urban Development has awarded a contract to the National Bureau of Standards for developing a model which will yield more precise information as to the nature and extent of this scourge of the Nation's children.

As an interim step, by the publication date of this issue of "Programs for the Handicapped," the Bureau of Community Environmental Management should be well along with a survey of the children believed to be at risk in 20 to 30 communities. Though limited in scope, this survey should result in a better estimate of the nationwide dimensions of the childhood lead poisoning problem than is now available. For many areas of the Nation it will be an epidemiological assessment which has not heretofore been available.

Scheduled to run four to six months, the survey is utilizing lead surveillance teams in visits to cities located in all ten Regions of the Department of Health, Education, and Welfare. The average visits are three days per city, but local preparation may run up to two weeks. Teams consist of one or two persons from the Bureau's central office, plus Regional Office and local health department staff. The plan calls for at least 20 dwelling units and 50 children below age six to be screened in each city. Total for 30 cities: at least 1,500 children and 600 housing units. The Anodic Stripping Voltammetry (ASV) microblood method is being used for screening children. The X-ray fluorescence analyzer is being used for detecting lead-based paint in the dwellings. The survey is providing valuable field testing of the microblood and X-ray detector techniques.

Childhood lead poisoning is a preventable disease, and basically a problem of the residential environment. The Surgeon General in his policy statement said, "In fact, effective medical care of children with plumbism is almost totally dependent upon prompt and thorough environmental hygiene to present a continuing build-up of lead in their bodies."

The Bureau of Community Environmental Management looks forward to working with communities across the Nation in a systematic, expanding effort toward the complete elimination of this disease which is blighting the lives of so many of our children.

HALF MILLION FIGHT SMUT MAIL

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, I direct the attention of my colleagues to an article in the October 5 issue of the Washington Star concerning the tremendous public response to the antipornography measures recently instituted by the Postal Service, at the direction of the Congress.

My colleagues must agree that such response indicates that antipornography controls are strongly desired by the American people, and indeed will result in the effective halt to pandering in this country.

As I recall, these controls passed the Congress by an overwhelming majority. For those of us who supported the legislation, the success of the Postal Service program is most gratifying.

The article follows:

[From the Washington Star, Oct. 5, 1971]

Half Million Fight Smut Mail

(By Miriam Ottenberg)

Half a million people, acting under a new law, have formally notified the Postal Service since Feb. 1 that they don't want to receive "sexually oriented" material in the mail.

Under the law, their names go on a list which smut dealers can buy for $5,000 a year.

If anyone who doesn't want sex ads receives any a month after his name goes on the list, the dealer who mailed it can be fined and/or imprisoned.

Postal officials said they'd never seen such a strong reaction from the public.

"For half a million people in less than a year to go to the trouble of completing the form and sending it in is an indication that this material is bothering and concerning many families," said Assistant Postmaster General William Cotter, who heads the Postal Inspection Service.

DOUBLES COMPLAINT TOTAL

Cotter pointed out that the total is nearly twice the record number of smut complaints received by the Postal Inspection Service, 284,266 in fiscal 1970.

Complaints decreased in fiscal 1971 to 168,391 which Cotter attributes to the new law, the earlier anti-pandering statute and the fact that almost all the big dealers now are under indictment.

Several dealers have filed suit in an effort to overturn the new law on constitutional grounds. In the two places where suits were filed—Los Angeles and Brooklyn—lower courts dismissed the cases last summer.

FORTY-FOUR UNDER INVESTIGATION

The Postal Inspection Service now has 44 mailers under investigation for allegedly violating provisions of the new law. Postal officials must prove that the names of persons who did not want the unsolicited material had been on the list for 30 days and that the material was indeed sexually oriented.

The new law is more sweeping than the old anti-pandering law in this way: Under the earlier law, if a person received obscene material in his mail, he could notify the postmaster. The postmaster would notify the dealer that if the complaining person received any more material from him, he would be subject to civil injunction, and if he repeated the offense, he would be held in contempt of court.

That did not provide complete protection for the citizen because he could receive more of the same from other dealers.

NEED NOT WAIT

Under the new law, a person does not have to wait until he gets sexually oriented advertising to act. He fills out a form—obtainable at any post office—saying he doesn't want the stuff. Once his name has been on the list for 30 days, any dealer who mails obscene material to him is subject to civil and criminal penalties. The dealer can be imprisoned for five years or pay $5,000 or both and for any subsequent offense he can be imprisoned twice as long and pay twice as large a fine, if found guilty.

Civil action can be costly too. The court can issue an order halting further mailings while the criminal action is underway—the quick way to stop a dealer from mailing up to the day of conviction.

The civil court also can direct the postmaster to refuse to accept any further advertising from this mailer, or the court can direct the postmaster in the mailer's home city to return to the sender all mail addressed to this dealer cutting off his income.

To prevent that from happening, five dealers so far have subscribed to the postal service's list of a half million names on an annual basis and 11 others have purchased printouts of this year's list as it emerged from the computer.

JUANITA CASTRO DESCRIBES FIDEL

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. ROONEY of New York. Mr. Speaker, early last week I read in an extension of remarks contained in the daily Congressional Record an article written by one Corliss Lamont—a name I am sure is familiar to many of the Members of the House. The article entitled "An Interview With Chile's President Allende" and published in the October issue of the Churchman, was brought to our attention by a Member of this body. It extolled the "virtues" of Chile's Marxist President Salvador Allende. At one point Mr. Lamont wrote:

> The President impressed me greatly. A spry, slender man in his early sixties, he combines firmness of character and keen intelligence with a deep compassion for his fellow humans. Certainly he is the greatest political leader to emerge in South America during the twentieth century.

An evening or two after reading this article and its all encompassing accolades I came upon an article published in the National Catholic Register of Sunday, October 3, 1971. This article was written by Rev. Father Daniel Lyons, S.J. Father Lyons was interviewing Juanita Castro, the younger sister of

Cuba's Red Dictator Fidel Castro. Father Lyons writes at one point:

> I asked Juanita, whom I have known for several years, what influence her brother had on Allende, the Marxist President of Chile. She said: "Fidel met with Allende in 1959. He has been close to Fidel ever since."

That was the same year, of course, that Castro took over Cuba and subsequently delivered it to the Soviet Communists.

Under the permission heretofore granted I include Father Lyons' entire article:

Juanita Castro Describes Fidel

(By Father Daniel Lyons, S.J.)

I recently interviewed Juanita Castro, younger sister of Fidel. I asked her if her brother had been a Communist long before he took over Cuba in 1959. She had not known it at the time, she said, but Fidel had participated in a Communist riot when he was in college in Bogota, Colombia, in 1947 or 1948. As early as 1954 he met with Communist leaders in Mexico.

Batista was bad, she said, but under Fidel "The firing squad has never stopped." The free world "has no idea how many Cubans or how many patriots are in jails." The jails, she insisted, "are full of patriots."

Was Fidel a Catholic, I asked? He attended Belen, the Jesuit high school, she explained, but he never practiced his religion after he left school. "He made every effort to eliminate the Catholic Church and every other religion. Every Catholic school was closed."

Nearly all the priests were imprisoned or exiled, she pointed out. "Most of the nuns were also exiled," she said, "though no nuns were put in prison." There is still a small handful of 100 priests left to care for Cuba's 9 million Catholics, but they are very restricted in what they say or do.

I asked Juanita, whom I have known for several years, what influence her brother had on Allende, the Marxist President of Chile. "Fidel met with Allende in 1959," she said: "He has been close to Fidel ever since."

She described how Castro had been caught smuggling arms and propaganda into Chile as early as 1960, and how Cuba's Ambassador in Chile was expelled in 1963 for giving false passports to the terrorists.

Concerning Cuba and the Soviet Union, Miss Castro pointed out that Moscow has enormous control over Cuba, with 20,000 Russian soldiers there. Peking also has "very close relations" with Cuba, she said. When asked if her brother sends spies to the United States, she replied emphatically: "Every day!"

Like all Communists, she said, "Fidel wants to see the destruction of the United States, though the United States thinks it can co-exist with all Communist countries."

Her latest sources of information reveal that Moscow plans to replace Fidel with another Communist leader who will be more cooperative with Moscow, and who will also be less outwardly hostile to the United States. In this way the Kremlin could arrange for U.S. aid to Cuba, to help build up the economy of Moscow's satellite.

Fidel is aware of this conspiracy by Moscow to replace him, she said. The man chosen by Moscow as Fidel's successor, she revealed, is Carlos Rafael Rodriquez, the present Minister of Agriculture.

Moscow is continuing to give Castro $1 million a day to export revolution. "All of the guerrillas in Latin America are trained in Cuba," explained Castro's sister.

What does she think of the coverage given Cuba by Time and Newsweek, I asked. "The U.S. News and World Report is one of the best magazines on the subject" she replied diplomatically.

"To defeat Communism the American people have to wake up," she said, "and they have to mobilize to awaken their somnolent leadership. And this has to be done today, yes, today, because tomorrow may be too late."

ALL IN THE NAME

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. ASHBROOK. Mr. Speaker, a recent issue of the Chicago Daily News ran a column by Mike Royko of its staff which stresses the dangers of getting on the wrong side of some elements of the journalistic field. With the pace of the 1972 presidential race due to heat up in a matter of months Mr. Royko's thoughts provide some timely food for thought. The above-mentioned item follows:

Namely, It's All in the Name

(By Mike Royko)

Imagine for a moment what the public's feelings might be for a President named Kennedy—any first name will do—who managed to accomplish the following by the end of his third year in office:

Took a full-blown war left over from two previous administrations and whittled it down, with a possible end in sight.

Came to grips with an inflation left over from two previous administrations by imposing the most far-reaching government controls since the days of FDR.

Tried to improve relations with China by sending an emissary there and planning to make a visit himself.

I imagine that if a President named Kennedy had done these things, his followers would be singing songs from "Camelot," while the workmen began carving his handsome likeness into Mt. Rushmore.

On the other hand, try to imagine how people would feel about a ski-nosed President named Nixon if he did any or all of the following:

Backed an invasion of Cuba that was foolish in the first place, and fell flat on its face in the second place.

Sent troops in growing number to take part in a civil war in Southeast Asia.

Failed miserably to get a legislative program through Congress.

Appointed his own brother as U.S. attorney general.

If someone named Nixon built that kind of record, his name might not even show up in the polls.

As it is, he is not doing very well, despite a surprisingly good three years. (They must have been fairly good, because the right wing is upset with him.)

His support has fallen since the beginning of this year, and he was barely getting by even then.

At the same time, Sen. Edward Kennedy has taken the lead in the polls as the Democrats' choice to run for the Presidency next year.

Mr. Nixon's problem has never changed. He is still the man who can't be trusted, regardless of what he does. Only this week, a new book came out, written by Phillip Roth, the author of "Portnoy's Complaint."

The book, a satirical study of somebody known as "Trick E. Dixon," is called "Our Gang," and the dust jacket says:

"The hero—or villain—of 'Our Gang' is Trick E. Dixon, self-pronounced legal whiz, peace-loving 'Quaker,' and somehow President of the United States. 'Tricky,' as imagined by Roth, is a hypocritical opportunist . . ."

Which the real Trick E. Dixon may well be. It is hard to forget that he made it into Congress through scurrilous campaign tactics, built his name in the Senate by Red-baiting, and has gone in for such things as a "Southern Strategy."

Presumably, he has never changed, because a man never changes, unless his name is Kennedy, in which case he can change faster than Clark Kent.

Thus, John F. Kennedy, a lazy, girl-watching senator, whose only known position on most issues was to be absent from roll call, suddenly was trotted out as a tower of statesmanship as he used his old man's dough to blitz one state primary after another.

His brother, Robert, whose Red-baiting credentials included a stint working for Sen. Joe McCarthy, didn't have the stomach to take on President Johnson until Eugene McCarthy landed the first blow. Then Robert Kennedy became an instant symbol of courage and hope.

And now we have Sen. Edward, and he appears to be another in the line of late-blooming Kennedys.

In 1968, when he hadn't really done anything except sit there and look handsome, he could have had the Democratic nomination for the asking. That might be the situation again in July of next year.

Unlike Mr. Nixon, Edward Kennedy is considered capable of great change and growth.

Mr. Nixon has been viewed with more contempt for having been an eager, but incompetent, football player at Whittier College than Edward Kennedy has for cheating in some of his college exams.

And you still hear some people asking if you would buy a car from somebody like Mr. Nixon.

I wish that the same people, just once, would ask if you would ride in a car with Edward Kennedy.

STATE JAYCEES HONOR KINGSTREE MEMBER

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. McMILLAN. Mr. Speaker, I insert in the Extensions of Remarks of the Congressional Record, an item concerning one of my distinguished constituents, Mr. Billy Thomas, of Kingstree, S.C. Mr. Thomas received the highest award given to Jaycee members, the JCI senatorship, at the summer board meeting of the South Carolina Jaycees, for his leadership, dedication and involvement in the Jaycees.

I have known Mr. Thomas all his natural life and he is certainly one of our leaders, not only in the city of Kingstree and County of Williamsburg, but also in the State of South Carolina. Mr. Thomas has a great future and I hope that every Member of Congress will take a few moments to read this article:

State Jaycees Honor Kingstree Member

Charleston.—The South Carolina Jaycees have selected Billy Thomas of Kingstree to membership and fellowship, as a JCI Senator and Life Member of Junior Chamber International and as the World's 13226 JCI Senator.

The Senatorship selection is based on past and present activities and is the highest honor one can receive in his Jaycee's career.

The presentation was made on August 29, 1971 at the Summer board meeting of the South Carolina Jaycees. Presenting the honor to Billy was Past Vice President of the United States Jaycees, Jack Brantley.

Billy is active in a number of other civic projects and is employed by the Farmers Telephone Cooperative of Kingstree.

NIXON ECONOMIC POLICY IS ANTI-CONSUMER, ANTILABOR

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. ROSENTHAL. Mr. Speaker, the administration's recent sudden shift of economic policy is a tacit admission of the dismal failure of its highly touted but unsuccessful do-nothing "game plan." Unfortunately, the new policy is hardly better. I favor wage and price controls, but they must be equitable; that means profits, interest rates, and dividends should have been included, something the administration refuses to do.

The new policy, in my opinion, is anticonsumer and antilabor. It is strongly weighted in favor of big business on the theory that money poured in at the top will eventually trickle down to the bottom. This is not only erroneous but it is dangerous. The proper approach is to put the money directly into the hands of the people who need it most and to let it percolate up. I do not know of many unemployed corporate executives and bankers, but there are a lot of ordinary, everyday working people looking for jobs and many with jobs who deserve immediate wage increases.

While American workers have been tightening their belts, American business has been loosening theirs in preparation for an early Thanksgiving feast.

The "postfreeze" phase of the President's economic program is more of the same anticonsumer, antilabor policies. Its proindustry, proprofit bias threatens to lead to an orgy of price increases just in time for the Christmas rush. This, combined with the Cost of Living Council's veto power over wage increases approved by the pay board, spells further inequity for working people.

Contractual increases agreed to prior to the freeze should take place as scheduled. To do otherwise would not only be unjust and interfere with the freedom of contract, but it would in effect make the freeze retroactive by as much as 2 years in some cases, such as for New York City teachers. The legality of this action is questionable and currently being challenged in the courts.

The freezing of contractual pay increases poses undue and unjust hardships on persons who, in legitimate anticipation of such raises, incurred contractual obligations of their own, such as mortgages. Would the President suggest abrogating these contracts?

The President tells us that the remedy for the ill economy is more jobs. Yet, at a time when more than 5.1 million Americans are out of work, he orders a 5-percent cut in Federal employment, which means 135,000 more people without jobs. This comes not too long after he vetoed a major public employment bill in favor of a scaled-down version.

The new policy's windfalls for business—the 10-percent investment tax credit proposal, which will cost the Treasury $4.8 billion in lost revenue next year alone, and the proposed system of accelerated depreciation, which will cost another $3.4 billion in 1972—should be substantially curtailed. A considerable portion of the funds thus made available should be put to better use by expanding the emergency public service and public works jobs program and by prompt enactment of welfare reform.

Additional revenues needed for fiscal soundness can and must be raised by closing the loopholes in the Federal tax system which would allow billions of dollars a year to escape for the benefit of special interests. The beleaguered local property taxpayer must be helped by maintaining Federal aids for State and local governments needed to head off further increases in the property tax.

The President has said, "all Americans will benefit from more profits." I wish to remind him that they will benefit only if the profits are reinvested in new equipment and new jobs, and not used for enlarging the margin of return. There is nothing in the President's program, however, to guarantee that business will reinvest profits.

The President has attempted to put the heaviest share of responsibility for inflation on the backs of the working people. Well, it will not work. He cannot turn his head and ignore the real culprit, corporate greed. Rising prices and profits—the latter of which he not only condones but encourages—are prime contributors to our dismal economic situation.

Another cause is the President's refusal to do anything about the economy for 2½ years and then, when he finally moved, his policy was designed more to give the appearance of concern than the substance of meaningful action. It is basically an inequitable program which penalizes working people and rewards business. Taxpayers are offered crumbs—a slight speedup of the tax deduction schedule already approved by the Congress—while industry is handed cake, in the form of rich investment tax credits, accelerated depreciation rates, and the presidential call for more profits.

The average American family will receive about 7 cents per day in tax reductions, under the President's program, while corporations will receive nearly $80 billion over the next 10 years—$80 billion diverted to corporate treasuries from America's pressing public investment needs in schools, hospitals, medical facilities, housing, mass transit, and pollution control.

Ninety days is too short a period for a wage-price freeze to be effective. I feel the November 13 end to the freeze is premature and will be harmful for consumers while greatly aiding business. Even with the boards set up for the second phase, the lack of well-defined standards and guidelines leave great confusion in the minds of the public.

I fear phase II will be met by a flurry of price increases on everything from cars and homes to groceries and holiday trimmings. This will be a burden on workers who lost pay hikes during the previous 90 days and especially hard on Federal workers, whose pay is frozen 3 to 6½ months longer than everyone else's, though the prices and rents they must pay will be going up during that period. Just because Federal employees are the only workers the President has direct control over, that is no reason for him to single them out for extra hardships. They should be treated as equitably as private industry workers in the President's economic policy. I voted to end this discriminatory policy, but it was sustained by a 207-to-174 vote in the House.

As I stated, I believe all wage increases negotiated before August 14 should be permitted to go into effect. This is especially important for persons such as teachers, who are expected to pay large sums for courses they must take to fulfill contract requirements—although the wage increases guaranteed by their contracts have been suspended, requirements such as graduate study have not been dropped. The pay hikes teachers lost were, in many cases, earmarked to pay for their tuition, which the administration refused to freeze.

In an effort to counteract some of the inequities in the administration's economic program, I have joined with several of my colleagues in sponsoring legislation aimed at easing the burden on working and low-income individuals. This includes a freeze on all rents until April 30, 1972, and the exemption of low-income persons from further wage freezes after the current one ends.

I feel it is the duty of the Congress to make the economic program effective and fair for everyone. I will do all in my power to see that is done.

THINGS ARE NOT SO HOT IN ALLENDE'S CHILE

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. PRICE of Texas. Mr. Speaker, recent events in Chile suggest that things are not going so well for the leftist government of Salvador Allende. Instead, this first-class Marxist-Leninist is leading his countrymen straight into a system of Communist tyranny and despotism. Allende has already started the process of "liberating" Chile's privately owned business sector while attempting simultaneously to blame capitalism for the failures and setbacks arising from his own socialist experimentation.

An article appearing in the October 1 Washington Daily News illustrates once more the sad fate facing a nation that is sold out by its leaders to wretched communism. The article reads as follows:

SALVADOR ALLENDE

Salvador Allende . . . has predictably announced that his government will deduct "excess profits" from any payments made for expropriating big U.S. copper mines in Chile.

This amounts to a decision not to pay for the mines, since the amount of the "excess profits" to be deducted, according to Chilean estimates, is more than the big mines' value. The Chilean said $774 million will be deducted.

He is trying to make this action appear to have been provoked by the U.S. In announcing the decision, he said the U.S. "broke the rules" in devaluing the dollar. This is a thin pretext, however. The present Chilean ruling group has been telegraphing a desire to take the mines without paying for them for long months now.

Mr. Allende badly needs a nationalistic issue with which he can try to win back some of the popular support that recent Chilean elections indicate has slipped away from him.

The U.S., the prime target of all Marxists, is the obvious bogeyman for Mr. Allende, who has vowed to root capitalism out of Chile and whose political beliefs call for its destruction thruout the world.

It remains to be seen, however, whether Mr. Allende can whip up the same degree of anti-Yankee enthusiasm that the Peruvian generals promoted when they took U.S. oil properties for which they apparently have no intention of paying. The Peruvians invented a huge sum of unpaid "back taxes" as their excuse.

Chile under Mr. Allende is slipping toward an economic bind and he may look forward to blaming the U.S. for this too. Only this year, half of Chile's $343 million of national reserves have slipped away to pay for imported food and semi-manufactures. Copper's price is down. Chilean copper production is behind expectations and the cost of production per pound is up.

Chile has to import more and more food and semi-manufactured goods to fill the demand created by wage increases granted by Allende. Gradually the margin of supply—and of foreign exchange with which to import supply—is narrowing against demand. Already shortages are felt within Chile's price-controlled economy.

Mr. Allende will get his nationalistic issue with the U.S. The question is, can the Chilean people eat it.

H.R. 10351

HON. RICHARD C. WHITE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. WHITE. Mr. Speaker, the House has now passed H.R. 10351, the OEO amendments of 1971. While I have in the past supported legislation which would benefit the poor of this country, both OEO bills and other legislative measures, I could not in conscience vote for final passage of the 1971 OEO amendments.

The first reason I did not support the bill was because of the hasty inclusion of the child development plan into the bill as an amendment. The Members of this body had no opportunity to study this amendment and, to my knowledge, there were no extensive recent hearings held on the measure. The child development plan, or child advocacy as it is also called, is a controversial program and one that is relatively unproved. Yet, this bill authorized Congress to appropriate "whatever sums are necessary" to implement the plan. In this time of serious fiscal responsibility, to authorize a carte blanche for a controversial and unproved program can hardly be considered a responsible act.

The second reason I did not support this particular bill was because of the provision in establishing a separate Legal Services Corporation which takes all control and restraints over this Federal program from the Federal Government itself. As an attorney and as one who has listened to the feelings of many other attorneys on this Federal legal aid program, I come to the conclusion that an independent agency with no checks or controls as established by this bill will create serious difficulties in actually serving the cause of justice in the court system of this country. Even more appalling is the fact that this bill which purports to serve the poor does not define "client" as necessarily one who lives in poverty. In fact the area to be served by this agency is so wide that it includes almost everyone. It will certainly be indeed a tragedy if this new agency proves to be an attempt to socialize the court system and legal defender system of this Nation.

Mr. Speaker, I intend to serve the needs of this Nation and to work toward the elimination of poverty and the ills created by ignorance and poverty. I have done so in the past and I shall continue to do so. However, it is our duty in Congress to carefully weigh all of the facets and implications of the legislation we consider and to offer legislative solutions to identified problems. A bad legislative solution only serves to increase the problem, and is no help at all. Therefore, it is for these reasons that I could not support H.R. 10351 when it came before the House for final action. I hope that when this measure returns from the Senate it will be in acceptable form.

A CALL TO DOCTORS—COME TO KANSAS

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. SKUBITZ. Mr. Speaker, Dr. William J. Reals of Wichita, Kans., is the president of the Kansas Medical Society and one of our State's most esteemed physicians. In a recent issue of the Journal of the Kansas Medical Society, Dr. Reals addressed a message to his fellow physicians calling on them to point out to other doctors the advantages of living in Kansas and practicing their professions there. I commend Dr. Reals for emphasizing the advantages of our State and for his important message to his fellow Kansans. I trust that young men fresh from medical school will seek internships in our hospitals. Living in Kansas for a year, I am sure, will convert them into permanent Kansas residents.

I include Dr. Reals' message in the Congressional Record at this point:

The President's Message

Dear Doctor: "To the Stars Through Difficulties" . . .

This motto, which appears on the Great Seal of Kansas, is the subject of my message this month, because recent events have underscored for me a couple of facts about our state:

First, no state can surpass Kansas' history of overcoming any obstacle or hardship in its path to greatness.

Second, while we've reached the stars, our national image is still in the dust.

It was during the AMA convention in Atlantic City that this was most recently brought home to me. The president of another state society (who shall remain nameless), when he learned I was from Kansas, made a number of disparaging remarks about Kansas, its climate, terrain and people.

I argued briefly with him, then lapsed into silence, knowing the futility of trying to educate a geographic snob. But I was stunned by his pointless, mindless attack on our beautiful and productive state, and I brooded about it on my drive home from the crowded, polluted and cluttered East Coast.

As we came west, the dirt and clamor began to fall away. The cities became more open, the towns more attractive, the skies clearer and the people friendlier.

And, as I crossed the Missouri-Kansas border, Kansas greeted me with a warmth and honesty I had missed on my trip back East.

The wheat harvest had not yet begun in the section I traversed, and the golden fields rippled in the breeze under the bright blue sky.

I was home. And I was glad.

No one who ever got to know Kansas could make those comments I hear frequently in my travels . . . comments that infer we are backward people living in a dust bowl. This image reflects not just on the citizens in general, but on physicians in particular, upon their type of practice, their hospitals and universities.

And it's all undeserved.

For a "backward" state, we've done pretty well at producing some of America's most forward-thinking persons. Dwight D. Eisenhower is a product of our state, and chose its soil as his final resting place. Industrialist Walter Chrysler, athlete Jim Ryun, playwright William Inge, and musician Stan Kenton had their origins in Kansas.

The Menninger Foundation and Clinic in Topeka is internationally known and respected as the center of psychiatry. It was founded by native sons.

The Hertzler Clinic at Halstead is known around the world, as was its founder, Arthur Hertzler.

More than half the light aircraft manufactured in the world comes from Wichita. Two Kansans, Walter Beech and Clyde Cessna, founded this vital industry.

Kansas is the breadbasket of the world, producing enough wheat each year to feed half the world . . . producing more than one-fifth of America's beef, and serving the nation through more than 630 food processing firms.

The list is endless.

Anyone who has ever driven the Flint Hills in the spring knows the verdant beauty of that section of our state. The rolling plains of Western Kansas reach to the Rocky Mountains—their well-ordered farms and ranches a tribute to the sturdy pioneers who broke the sod and made a state . . . "to the stars through difficulties."

I didn't mean to become rhapsodic. But my point is this:

Our concern in Kansas is providing enough physicians to treat the people. We have a great state and its story must be told to physicians who seek a better life, a clean, crime- and pollution-free life for themselves and their families.

Unless you and I tell the story of Kansas as it really is, we'll suffer a chronic loss of young physicians to other states.

The job of selling Kansas is the job of every individual.

Doctor, are you telling the true story of our state to other physicians who might want to practice here?

WM. J. REALS, M.D.,
President.

ROCKETDYNE'S SPACE SHUTTLE CONTRACT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. WALDIE. Mr. Speaker, there has been some concern voiced recently over the National Aeronautics and Space Administration's awarding of the Space Shuttle Engine program contract to North American Rockwell Corp.'s Rocketdnye division based in southern California.

Mr. Speaker, I would like at this time to affirm my own confidence in the ability of Rocketdyne to perform excellently in every aspect of the program.

Rocketdyne and its people have shown an outstanding record of achievement in the U.S. space effort, the most recent being the excellent showing of Rocketdyne engines on Apollo 15.

Prior to awarding of the NASA contract, the proposals of the three bidders were carefully scrutinized and the decision to award the contract to Rocketdyne was fully supported by a highly qualified Source Evaluation Board.

Mr. Speaker, I would at this time like to submit a copy of NASA's official selection statement for inclusion in the RECORD.

I am most confident that NASA and the Comptroller General will uphold this contract award.

The statement follows:

SELECTION OF CONTRACTOR FOR THE DESIGN, DEVELOPMENT, AND PRODUCTION OF THE SPACE SHUTTLE MAIN ENGINE

On July 12, 1971, Dr. Low, Mr. McCurdy, and I, along with other officials from NASA Headquarters and Marshall Space Flight Center, met with the Source Evaluation Board appointed to evaluate proposals for the design, development and delivery of 36 main engines for the space shuttle. The space shuttle main engine is a hydrogen-oxygen, reusable, and throttleable engine to be used as the primary propulsion for both the booster and orbiter of the space shuttle. The method of contracting will be cost-plus-award-fee.

This procurement is the successor to three Phase B study contracts, initiated in June, 1970, which were performed by the competitors as part of a planned phased procurement. The three competitors are:

Aerojet General Corporation, Aerojet Liquid Rocket Company;

North American Rockwell Corporation, Rocketdyne Division;

United Aircraft Corporation, Pratt & Whitney Aircraft Division.

Prior to the issuance of the RFP, the Board established technical evaluation criteria in the areas of design, vehicle and engine integration, and work approach; business evaluation criteria were established in the areas of estimating techniques, business systems, and corporate capability; organization and management structure; planning and methodology; visibility and control; and Phase B performance. The Board assigned weights to these criteria and established a scoring system. The RFP contained a general description of the criteria and an indication of their relative importance. The Board established a technical committee, a business committee, and panels to assist it in the evaluation of proposals.

The Board, with the assistance of the committee and panels, conducted an initial evaluation of the proposals prior to any written or oral discussions, and rated the proposals in the following order of merit:

1. Rocketdyne;
2. Pratt & Whitney;
3. Aerojet.

The Board sent written questions to the three competitors and invited them to participate in oral discussions concerning their proposals. Following the oral discussions, the Board and its committees received and reviewed final responses from the competitors. The Board conducted its final evaluation and ranked the proposals in the following order of merit:

1. Rocketdyne;
2. Pratt & Whitney;
3. Aerojet.

Rocketdyne received the highest rating for engine design to which the Board had assigned the greatest weighting and also ranked first by a small margin in vehicle/engine integration. Its proposed design of the high pressure oxidizer and fuel pump were considered by the Board to be very good. Its choice of a regeneratively-cooled thrust chamber was also considered very sound. While Rocketdyne's design provided a low cooling margin in the main chamber, the design of this component was considered adequate. Its proposal to incorporate baffles and acoustic absorbers in both preburners and main combustor maximized stability of combustion over the entire engine operating range. A weakness in the proposed design was the selection of a metal alloy INCO–718 which is subject to degradation due to hydrogen embrittlement. Rocketdyne's engine interface design was completely compatible with NASA's requirements. A further strength was in providing ports in the design to allow for borescope inspection of critical components. A potential weakness was Rocketdyne's concept of welding major components of the engine into a single unit. While Rocketdyne received a lower score than Pratt & Whitney in the management area it retained its first ranking by receiving a higher total score than the other two proposers.

Pratt & Whitney had the highest rating in the work approach criteria. It also rated highest in most of the areas of the business-management criteria. The Board had high confidence in its high pressure turbopump design. Its proposed preburner was scaled up from the XLR–129 demonstrator engine. The lack of instability suppression devices in the preburner and main burner designs was considered a weakness. The Board considered the specific impulse to be a major weakness in the Pratt & Whitney design. Weight data on engine components were very limited. Pratt & Whitney's plan to bolt together major assemblies for easier maintenance was considered by the Board to be a strength, but this advantage might be offset by the risk of leaks. Its design provided for the hot gas systems to be internally inspected with borescopes. The Pratt & Whitney proposal was weak in defining ground support equipment. It proposed a sound development plan.

Although the Board considered the Aerojet proposal to be good, it did rank Aerojet significantly lower than the other two competitors. The Board had high confidence in the structural design of the Aerojet engine. Aerojet's proposed use of platelet-type injectors in both preburners and in the main injector was considered favorable by the Board. The lack of instability suppression devices in the preburner and main burner design was considered a major weakness. The turbo-machinery designs proposed by Aerojet had several major weaknesses. The Aerojet engine design gave insufficient room for installation, removal, and servicing of the gimbal actuators. The engine design did give a potential payload increase. Aerojet proposed a sound development plan though some of the development program objectives were considered overly ambitious by the Board.

In the cost area, Rocketdyne proposed the lowest cost, Pratt & Whitney proposed the next highest, and Aerojet proposed the highest cost. As a result of adjustments to the proposed costs made by the Board as part of its evaluation, Pratt & Whitney's cost were considered the lowest. The estimated costs for the three contractors, both as proposed and as adjusted and within the range of uncertainty that is inevitable in estimating for cost-type research and development, contracts, in which the period of performance extends over many years. The Board was also of the opinion that, though the designs submitted by the three firms were different, these differences did not appear to offer any significant difference in cost among the three engines.

In response to our questions during the presentation, the Board informed us that they considered Rocketdyne to have proposed the best engine design. They also considered Rocketdyne to have more experience than Pratt & Whitney in building the very large class of flight engines. In support of this statement, the Board cited the Rocketdyne F–1 engine used in the first stage of the Saturn V vehicle, and the J–2 engine used in the second and third stages of the Saturn V. The F–1 engine has a thrust of 1½ million pounds, and the J–2 has a thrust of 200,000 pounds. Pratt & Whitney's experience in large flight engines was limited to the RL–10 engine, which has a thrust in the 15,000 pound range and the Pratt & Whitney XR1–129 engine which was used in a demonstration program, but was never used in flight. The Board indicated that Pratt & Whitney's major strength was in turbine-machinery, evidencing its experience in jet aircraft engines. The Board also stated that Rocketdyne has had much more experience in solving integration problems between the engine and the flight vehicle. Though the Board in its evaluation rated Rocketdyne only slightly better than Pratt & Whitney in the criterion of engine/vehicle integration, such evaluation was based on proposed design concepts rather than past experience in resolving integration problems of flight vehicles using very large rocket engines. The Board also stated that Rocketdyne had the most experience in launch support for manned flights.

Following the presentation of the Source Evaluation Board, we met with a small group of key personnel who had heard the presentation and who carry responsibilities related to the procurement. Their views on the presentation and findings were solicited and given. They then withdrew.

Dr. Low, Mr. McCurdy, and I carefully considered the comments of key personnel involved. It was evident that the technical competition was close and that the estimated or adjusted costs did not give any of the proposers a significant advantage. Based on the evaluation and presentation, it was our judgment that the design of the space shuttle main engine proposed by Rocketdyne was superior to the designs of the other competitors. We also decided that Rocketdyne's technical and managerial competence, as reflected by its proposal, combined with its extensive experience in the development, manufacture and integration of very large rocket engines provided more capability for resolving technical problems associated with and unique to this program. We, therefore, selected North American Rockwell Corporation, Rocketdyne Division for the award.

JAMES C. FLETCHER,
Administrator.
GEORGE M. LOW,
Deputy Administrator.
RICHARD C. MCCURDY,
Associate Administrator for Organization and Management.

MARYLAND PONDERS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. RARICK. Mr. Speaker, in January of last year—"Housing Crisis—30 years of Socialist Failure," Congressional Record, volume 116, part 1, page 694—I pointed out to this body that while free enterprise may not be perfect, it had always proven to be far superior to socialized housing under whatever name.

Inflation brought on by reckless deficit spending by the Federal Government, high taxes, and tight credit as well as the handicap of having to compete at a disadvantage with tax-funded public housing have made it difficult for and have weakened the initiative of private free enterprise developers to continue operating.

Such socialistic schemes as rent subsidies, rent control, and planned obsolescence paid for by the taxes of working citizens have provided nonproductive citizens with housing which in many instances has been superior to that of the taxpayers. Moreover, the failure of freeloaders to maintain their dwellings has led to physical deterioration of the housing. All of which have contributed to causing a housing crisis in big U.S. cities.

A new approach in attempting to solve the housing crisis is the introduction of tenants' rights bills in Prince Georges and Montgomery Counties. Included in the Prince Georges County bill are provisions for a landlord-tenant commissioner whose authority would include the power to set rental guidelines and order reduced rents in specific cases. The commissioner could even grant to the occupant the right to withhold rent if the landlord did not meet maintenance and related obligations. He would also have power to review rents and reduce the rent even when there had been no recent increases. Under the Montgomery County bill, a five-man commission would be empowered to regulate rent increases.

The two so-called tenants' rights proposals, if enacted, would worsen the housing crisis by striking a mortal blow at private enterprise. The appeasement of the tenants would make the maintenance of apartments so unprofitable that private developers would cease to invest in apartment dwellings.

The solution to the housing crisis is for the government at all levels to get completely out of the housing business and let private enterprise operate unhampered by arbitrary government rules, regulations, guidelines, and bureaucratic redtape. Competition among developers would provide the best housing at the lowest cost. The Government should take regulatory action only when it is obvious that unscrupulous developers are engaging in monopolistic practices or in other dishonest and unfair business practices. Political housing like most other political gimmicks may be good for votes but not promised goals. Again those liberal ideas that created the problem would be suggested as a solution.

I insert related newsclippings in the Record at this point:

[From the Washington Post, Oct. 6, 1971]

Tenant's Rights Bill Attracts 400 to County Hearing

(By Ivan G. Goldman)

More than 400 persons attended a public hearing before the Prince George's County Council last night on a landlord-tenant bill that would grant significant rights to tenants.

Almost 50 speakers representing both landlords and tenants, testified on the measure proposed in August by County Executive William W. Gullett.

Tenants complained of landlord excesses and declared the bill long overdue.

Representatives of landlords predicted the measure, if enacted as proposed by Gullett, would create chaos and make the upkeep of apartments so unprofitable and difficult that developers would no longer invest in apartment complexes in the county.

Most of the audience was made up of tenants. They cheered and applauded their representatives and snickered from time to time at the statements of landlords.

The size of the crowd fell short of expectations of the bill's supporters, who had hoped for a more massive turnout to demonstrate support.

An aide to Gullett noted, however, that the hearing was held at the same time as all the PTA meetings of the 180 elementary schools in the county school system, thereby cutting down potential attendance. A second Council hearing is scheduled Oct. 14 at the courthouse in Upper Marlboro.

The first County Council hearing of a similar bill under consideration in neighboring Montgomery County drew more than 1,100 people last month. Gullett, the first to speak last night, issued a strong worded plea that the County Council not "weaken" his legislation. He predicted that "pressure from special interests will be intense," and asked the Council to stand firm and "give some long overdue protection to the forgotten citizens of our county—the apartment dwellers."

Gullett's bill which requires Council approval, would create a powerful $20,000-a-year landlord-tenant commissioner whose authority would include the right to set rental guidelines and order reduced rents in specific cases. Violations of a commission order would be punishable by a fine up to $5,000 and six months in prison. Commissioner action could be appealed in Circuit Court.

Detailed in the legislation are tenant remedies that could be taken against landlords who do not meet their maintenance and related obligations. Among remedies the commissioner could grant is the right to withhold rent.

An estimated 43 per cent of the 200,000 units in Prince George's are apartments. Opposition to the bill from landlords is expected to be intense.

About one-third of the 150,000 housing units in Montgomery County are apartments. The Prince George's bill is considered stronger than the Montgomery bill in some respects.

The Montgomery legislation would create a five-member commission. Gullett's bill, drafted by his legislative aide, Frank Kratovil, creates a single powerful commissioner with a five-member staff.

The Montgomery bill would allow the commission to regulate the amounts by which rent could be raised, whereas the Prince Georges bill would enable the commissioner to review all rents and roll back rentals even when there have been no recent increases.

Alexandria has a landlord-tenant commission but it has no enforcement powers. Arlington has a tenant-landlord council that the commonwealth's attorney has ruled is illegal under Virginia law. The council there has been hearing complaints since January.

Kratovil said that in his research he was unable to find any local governments in the country that take on rent-setting authority on such a comprehensive basis.

Kratovil notes that the Prince Georges bill details specific tenant remedies for housing deficiencies, while the Montgomery bill is more vague in this regard. For instance, in the Prince Georges bill, a tenant whose apartment has been damaged in a fire would be required to pay rent only for that part of the apartment remaining inhabitable.

The bill was introduced in the predominantly Democratic Council for Gullett, a Republican, by Democratic Councilman Royal Hart.

Included in the bill's provisions:

Damage deposits could not exceed one month's rent and would be held in interest-bearing accounts for the tenant.

Landlords could not interfere with the formation of tenant organizations.

A 10-day grace period would be established for rental payments, and late fees could not exceed 5 per cent of the monthly rent.

[From the Washington Evening Star, Apr. 19, 1971]

"Ghost Towns" Seen for Big U.S. Cities

(By James Walsh)

The accelerating abandonment of housing within predominantly black inner cities may create "ghost towns" in many of the nation's metropolitan areas, the National Urban League and the Center for Community Change declared today.

In a joint report, the two organizations called for immediate governmental action on the problem.

The report suggested, among other recommendations, temporary moratoriums on the foreclosing of mortgages.

"The abandonment process has reached the stage where it poses a clear threat to the survival of certain cities as viable environments for human habitation," the report said.

At a press conference today, Harold R. Sims, acting executive director of the Urban League, warned that entire neighborhoods "housing hundred of thousands of central city dwellers" are in advanced stages of being abandoned by their owners.

The report represents the first major study of the problem.

It was based on a survey of central neighborhoods of seven cities—St. Louis, Cleveland, Chicago, New York, Detroit, Atlanta and Hoboken, N.J.

In New York, more than 100,000 dwelling units have been abandoned in the last decade, the report's authors said. But they emphasized that New York was not the worst of the seven cities.

St. Louis was described as the city where the abandonment process has deteriorated further than in perhaps any city in the nation. There, the report said, 16 percent of all housing in the two neighborhoods studied was found to be abandoned.

The report pinpointed Hoboken as just about as bad as St. Louis. In Hoboken, conventional mortgage financing is unavailable, said the report, adding that in St. Louis it can be obtained only in one predominantly white neighborhood.

At the other end of the scale, Detroit and Atlanta were the bright spots. The report attributed this, especially in Atlanta, to a tradition of home ownership, the integration of different economic classes and the continued willingness of mortgage-lending institutions to do business in the central city.

Citing the report, Sims blamed the situation on a number of factors: persistent racism, exploitation by the real estate industry, exclusion of blacks from many neighborhoods, and the rapid withdrawal of investment capital from older neighborhoods.

"The implications of this are enormous," said Sims. "When these financial institutions refuse to do business within an area, the only way for that area to go is down," he said. More low-cost housing alone, or more code enforcement alone will not stem the trend, said Sims.

"Nothing less than a massive commitment

by metropolitan and state governments and by the national government can reverse the tide," he said.

The two groups called for "vigorous public intervention" in central-city mortgage-loan markets. This intervention could take the form of direct public loans or government insured private loans at a subsidized interest rate.

[From the Washington (D.C.) Evening Star, Jan. 19, 1970]

Housing Shortage Becomes Problem for Many in the United States

(By Leroy Pope)

New York.—A generation ago finding a place to live was the least of the average American's worries. Today it's likely to be his biggest headache.

The reason is that housing has become the nation's sickest industry. It is falling short of meeting pent up demand by an estimated 1 million units a year and many in the business blame the federal government.

No one appears to believe the private building industry can do anything to cure the housing shortage in the face of inflation and tight money without federal subsidies and government leadership.

The criticism falls on Congress and on George Romney, the Secretary of Housing and Urban Development, who only recently got around to serious negotiations with prospective mass producers of modular housing.

Typical is the view of Samuel Paul, a New York architect. He presently has in the works public and private apartment building projects which will house 25,000 persons in the Northeastern and Middle Atlantic states.

Paul says Romney's long range policies are commendable but that he is putting too much faith in prefabricated and factory-built modular housing and in radical changes.

"What is needed from Washington is more funding and less red tape for immediate projects under Sections 235 and 236 of the housing code, which provide interest subsidies on mortgages of new homes and new rental properties," Paul said.

HUD DENIES PREFAB BIAS

At least 40 percent of urgent housing demand not being met is in lower middle class brackets, houses and apartments in the $17,000 to $22,000 range, to be built by traditional methods, he said.

HUD denies it is putting too many eggs in the prefab or very low income housing baskets. For the fiscal year that began last July 1, the authorization for public housing is $473.5 million. For rent subsidies, it is $50 million. For interest subsidies under Sections 235 and 236, the authorizations are $90 million and $85 million, respectively.

On the other hand, only $15 million has been authorized for operation breakthrough Romney's long range plan to turn out mass produced low cost factory housing. "So," said a HUD spokesman, "the bulk of our money is going into low-and-middle-income housing."

This doesn't satisfy critics like Paul. They think the Nixon administration should break out a crash program to build interest subsidized rental housing because anything like a reasonable supply of rental housing is fast becoming only a memory in much of the country.

BRITISH TOWNS CITED

Another critic of HUD is Joseph Timan, head of Horizon Corp. of Tucson, a major developer. Timan blames Congress more than Romney. "Our whole national housing and taxing policy discourages the building of rental housing for the poor and lower middle classes," he said.

Timan would like to see the Nixon administration do more to push federally subsidized rental housing and follow the example of the British in developing towns complete with industries.

"We should move the industries into the new towns and create one or more permanant jobs right in the community for each new housing unit put up, as the English do," se said. "Instead we are building luxury communities for the rich."

The sickness of the housing industry hinges on high interest. The National Association of Home builders points out that a 5½ percent mortgage a few years ago with a monthly payment of $100 would buy a $16,280 house. At today's rate of 9 percent, the $100 a month will buy only $11,916 worth of house. This falls 25 to 50 percent short of meeting the needs of a lower middle class family.

[From Newsweek magazine, Jan. 12, 1970]

Hollow Shells

"It used to be," said one Atlanta landlord, "that you could make a fortune in slum housing. But now the tenants tear up the place as fast as you fix it up. The city gets on your back and you just can't afford to keep it up. Every time you fix up a place the insurance and taxes go up. You've only got two choices: either raise the rent—and then people have to move out—or tear it down."

To most people, such a view of housing the poor is cynical in the extreme. But to knowledgeable real-estate men, the Atlanta landlord is simply retelling a truth that has been apparent for years: it is no longer profitable to house the urban poor—even by housing them badly. In the face of the worst housing crisis in history, the number of slum buildings abandoned by their owners as a bad investment is reaching catastrophic proportions, and the trend has yet to reach its height.

In Chicago, 140 landlords walk away from their buildings every month. In Baltimore, 4,000 structures now sit idle. In Boston, 1,000 dwelling units have been abandoned. In New York, where whole stretches of the Bedford-Stuyvesant ghetto look like Berlin the day after World War II, 110,000 individual apartments were left to rot in the years between 1965 and 1968. Since then, the rate has increased to a point where each year landlords jettison enough buildings in New York to house the entire population of Jersey City—275,000 people. "We've thrown away more housing in the past few years," says Frank S. Kristof, director of housing research for the New York State Urban Development Corp., "than we destroyed in twenty years of slum clearance."

Reasons for the increase in abandonment become quickly apparent from the economics of slum ownership. According to housing experts, the big operators left the slums ten or fifteen years ago, turning over to small-timers a dilapidated supply of housing that had already been milked dry. At the same time, cities began enforcing housing codes more stringently, and the new owners found themselves financially unable to keep up. Costs of rehabilitation have skyrocketed (a Rand Corporation project director estimates that in New York it takes $24 a room a month to keep a slum tenement up to snuff), while rent control or ghetto economics make rental income a static figure.

As a result, many slum landlords resort to what is called "dead ending" their buildings—stopping all repairs, failing to pay taxes and hoping the city will delay taking over the building until they recoup their investment from rents. In Boston, this means three years; in New York, four. "I haven't paid taxes on some of my buildings for two years," says Bronx landlord Jacob Haimowitz. "Now, I'm beginning to get my original investment back, since I don't plan to make any repairs. As far as I'm concerned the city can take them after another two years."

Abandonment, thus, is the final step, a circumstance that leaves hapless tenants high and dry without essential services. Until they can find other quarters, some residents of abandoned tenements in New York have been known to descend to the street every day to draw water from fire hydrants. Those who have no place to go often hang on, enduring the vandals who rip up vacant apartments for the valuable brass and lead plumbing, the junkies who haunt the deserted hallways and the rats and vermin until they can stand it no longer.

HULKS

Solutions to the problem are woefully inadequate. In Chicago, a nonprofit organization has begun taking over abandoned buildings and fixing them up. But while the Chicago Dwelling Association started renovation work in 247 structures last year, 1,000 more were plowed under. Other cities are trying to fix the buildings themselves. Baltimore is using Federal money to renovate 1,400 deteriorated houses at a cost of $13,400 each. But skeptics see little future in spending that much money on isolated houses when surrounding hulks sell for $3,000 and the economics of the surrounding slum continues to drag down the whole area.

As some experts see it, one possibility for relief lies in a sort of urban homesteading law, similar to one proposed last year by Sen. ———. Under this proposal, poor people themselves could take over abandoned buildings, and with low-cost government construction loans and looser housing-code enforcement, make them reasonably fit for human habitation. As it stands now, money can often be found for buying buildings, but precious little is available for renovation.

Few housing experts, however, see even a homesteading act as a permanent solution. "The bulk of improved housing for the poor," says George Sternlieb, director of the Urban Studies Center at Rutgers University, "has always come in a trickle-down way from increased housing for the middle-class, and I'm afraid it will always be that way. When you try to provide new housing for the poor, you either end up with prohibitive costs or high-rise jails."

[From the Washington (D.C.) Post, Dec. 16, 1969]

Public Housing: It Makes Animals Out of People

(By Robert C. Maynard)

Garbage is scattered in the stairwells. Acres of windows are broken. Even at noon there is an empty silence.

The place is the Pruitt-Igoe Public-housing development, home to more than 4,000 St. Louis poor people who say they are ashamed of where they live but they can find no better place.

Often the water pipes burst because large portions of Pruitt-Igoe are unoccupied and therefore heatless. Sometimes, when the pipes burst, two inches of water stand on the floors of some apartments and the garbage-laden staircases become totally impassable.

Pruitt-Igoe was built in 1954 as a series of modern high-rise towers to house low-income families. Today it has become synonymous with the worst of public housing in the United States.

EFFECT ON TENANTS

It is not just the physical appearance of the place (not more than a dozen window panes are intact in some buildings). It is also the effect the atmosphere has on the residents of Pruitt-Igoe that has caused deep concern in St. Louis and elsewhere among those who know public housing.

St. Louis Mayor A. J. Cervantes has called the housing complex "a terrible mistake."

But there are others who argue that what has happened to Pruitt-Igoe happens in one degree or another to just about all public housing in this country, that public housing bears in its design and population pattern the seeds of certain social disaster.

Jean King, the brilliant black woman who led the successful rent strike against the St. Louis Public Housing Authority, dismisses those who deplore Pruitt-Igoe with an impatient wave of the hand.

"The rest of them," Mrs. King says, "are just as bad as Pruitt-Igoe. It's a concentration camp. They all are. It's wrong for people to be stocked up like that."

A SERIES OF ZOOS

And Chicago Judge Franklin I. Kral, a specialist in urban housing problems, says:

"Just about all public housing is a series of zoos. It makes animals out of people."

George Orwell in England and Hubert Selby in the United States are two of the writers—from vastly different perspectives—who have decried the effect of public housing on the spirits of the inhabitants, but the issue has only recently surfaced in this country.

The issue is likely to grow for several reasons.

One of them is the emergence of the tenants' rights movement, many of whose members are living in public housing and are demanding that it should be much more like home than it is. For one thing, public housing costs a minimum of a fourth of the income of its residents, about the proportion of income that middle class people pay for rent.

NIXON HOUSING AIDE

Another reason public housing is gaining attention is Lawrence Morgan Cox, President Nixon's director of renewal and housing assistance, which covers public housing. Cox, a Norfolk native, is a public housing administrator of years' standing, mainly in Norfolk.

He is a man with some very definite ideas about public housing and most of them bring the blood of tenant activists to a vigorous boil.

Tony Henry, long a social action organizer in Chicago and for the Southern Christian Leadership Conference, has some ideas of his own on public housing. Henry is director of the National Tenants Organization, the umbrella for the growing tenant activist movement.

WHO SHOULD BE ACCEPTED

The two disagree most vigorously over the question of who should be permitted to live in public housing.

Cox first:

"St. Louis had the policy of accommodating the lowest of the low in its public housing, and you can't disassociate that fact from what happened to Pruitt-Igoe.

"I cannot find any hope for a public housing community to be comfortable as a place to live if it is going to bear the stigma of being a welfare concentration camp. Why should people have to bear that stigma? Why do we have to put them all together?

"With the tremendous demand for housing in St. Louis, 900 units of housing in Pruitt-Igoe were vacant. I suggest to you that these units were less desirable because of the conditions in the project.

"Now, what relationship did the high percentage of abnormal families have to those conditions in that project?"

Tenant organizer Henry:

"He is correct, public housing was not originally aimed at the permanently poor class, which is a class that is newly recognized in this country. Initially, the program was for upwardly mobile whites, temporary people. As the housing authorities began to admit low-income blacks—not "abnormal" families—they began to realize they were dealing with the permanently poor."

STIGMA FROM POOR

Cox feels the "permanently poor" should be only a portion of the public-housing mixture, that too many of them—he doesn't specify—will bring a stigma to the housing project and lower the incentive of those living there to find decent housing elsewhere.

Henry feels:

"There should be some economic mix in all neighborhoods. For example, Watergate should be 20 per cent poor. However, since that concept has not developed yet, poor people have to be housed somewhere and the only program, inadequate as it is, that comes anywhere near meeting the need is public housing."

Henry's solution is a massive building program coupled with a requirement that all newly constructed housing complexes be required to provide a fifth of their units to poor people, subsidized by the government if the rent exceeds 25 per cent of their income.

"When that kind of commitment is taken on by the nation," Henry says, "then we can talk about diversifying the income of people in public housing because there will be adequate housing for the poor elsewhere."

THREAT TO STABILITY

Until then, Henry argues, the major concern should be on housing poor people because the lack of housing is "merely aggravating the social stability of the community as a whole."

Cox points out that the fiscal soundness of public housing—the need to charge adequate rent and the ability of the tenant to pay it—would be enhanced by having some solvent tenants among public housing residents.

The adequate rent problem may be on the way to a solution. A House-Senate conference has accepted an amendment by Sen. ——— that provides a federal payment to housing authorities for those tenants whose rents exceed 25 per cent of their income. Until the Brooke amendment, housing authorities either took the loss or charged rents that often far exceeded 25 per cent of the incomes of many of their tenants.

Cox maintains that public housing "is not welfare and was never intended to be welfare. That was not the intent of the legislature when they created public housing."

There is some evidence that public housing is beginning to be accepted as the servant of the permanently poor. Its quality and the quality of its maintenance, first of all, give every evidence of being geared to those who must take what they can get. Whether public or private, the low-income housing market in the United States is one in which competition by raising the quality and lowering the cost is unheard of.

Further evidence of the accommodation of public housing to the permanently poor is the extent to which the poor are clamoring for a voice in policy-making—and beginning to get it. Boston has a majority of tenants on its public-housing board and other cities are considering similar moves. St. Louis, however, is the most cited example because it is the scene of the most dramatic housing stories of the century.

INCREASE SPARKS STRIKE

A rent increase last January that would have carried rents for some families to 72 per cent of their income was the last straw for tenants who said they had been putting up with very haphazard management in any case. The rent strike in St. Louis went through most of October, but in the last couple of days of that month, Mayor Cervantes announced the strike was over and the tenants and their supporters were in charge of the board of commissioners of St. Louis Housing Authority.

Not surprisingly, the first move of the victors was to lower their rents, where applicable, to 25 per cent of their incomes, and less for unemployed people.

But after the exultation, the serious question remained whether local control of public housing will solve any of the problems.

CONDITIONS ARE DISCOURAGING

Conditions at Pruitt-Igoe are discouraging to consider in that regard.

Ivory Perry is a tenant organizer with a St. Louis community center. Ruth Thomas is the mother of four sons and a part-time tenant organizer. She lives in Pruitt-Igoe. So does Mattie Mason, another tenant organizer.

They took a newsman on a tour recently. It began at noon on a grey fall day. The wind had a mean kick to it. Trash and dust swept across the vacant front parking lots and drives.

But the big first impression is of the enormous number of broken windows, hundreds and hundreds of them.

As the visitor stood staring at the acres of broken glass, Ivory Perry tugged at his arm. "Don't stand out there like that in the open, brother. These dudes'll start snipin in a minute." Several persons, for reasons that are not altogether clear, have been shot on Pruitt-Igoe's grounds.

ASSAILED BY ODOR

In a vestibule the first of the odors assailed the visitor, a mixture of garbage, urine and other decaying things. The hallways, the stairwells, the doorways, all of them crammed with refuse.

"My sister lives on the eighth floor," Ruth Thomas said in a soft voice. "Wanna go see her?"

The group started for the stairway that leads to the sister's apartment and stopped cold, literally. Water was pouring from everywhere. A water main had been broken for days, making the stairway impassable without full flood gear.

"On my sister's floor," Ruth Thomas announced, "there is two inches of water on the floor. I mean you have to walk around in rubbers all of the time."

Mattie Mason had heard all of this before and she was bitter. "People don't have no place to go, no place. It's live here like an animal or don't live nowhere," she said.

Mattie Mason is what the old folks used to call "stout," solidly built and obviously a veteran of many troubled scenes. "I was here when it was mostly white," she said in her heavy voice. "They took pretty good care of it then, but then it got to be mostly colored, seemed like they didn't give a damn no more."

[From Life Lines, Jan. 21, 1970]

HOUSING IN A WELFARE STATE; HOW SOCIALISM DEPRIVES THE PEOPLE

(By Nils-Eric Brodin)

(NOTE.—Swedish-born Nils-Eric Brodin has written widely on social, religious and political topics in both Swedish and American journals. He is Founder and former Director of the Center for Conservative Studies at Stanford University, and a former Western Director of the Intercollegiate Studies Institute.)

One of the first things young men and women will do in today's Sweden on going to work after graduating from high school is to place their names on a waiting list for an apartment. There are in Sweden today more than 400,000 persons on such lists. In Stockholm the waiting time may be 10 or 11 years. This long wait may be responsible for the relatively late age at which Swedish couples get married.

During their waiting period they live in crowded conditions with their families, or they rent rooms at high prices, or they occupy wholly unsatisfactory housing units. It is significant that the housing shortage primarily hits the young families.

But the old are also affected. Of the 800,000 pensioners in Sweden, no less than 130,000 are living in apartments or rooms without a bath. Forty percent of these apartments do not even have a flush toilet. Every third Swede wants to move away from his present apartment, often into something larger or more modern. It has been estimated that the size of apartments in Sweden is smaller than anywhere else in Europe. No less than 450,000 families with more than one child are living in apartments with only two rooms and a kitchen. As a result of the housing shortage the black market is flourishing with an "under the table" tab of more than $2,000 per room for a tenancy lease.

There is a new aristocracy in Sweden, a so-called housing aristocracy. These "aristocrats" own homes or apartments, which they can sublet or rent at a tremendous profit while they themselves live elsewhere, often in other countries. In fact, rental of rooms in apartments has become such a big business that in central Stockholm there are 22,000 persons whose rental payments for a room cover the rent for the entire apartment. Thus, 23,000 landladies and their families live free of charge.

How could conditions such as these arise in a modern society with no lack of building material, or skilled labor, and which suffered no damage as a result of the last two wars?

The answer is to be found in the socialists' dogmatic insistence that housing is within the jurisdiction of the state, or possibly some cooperative organization under the control of the central government. It has recently been restated that it is still a socialist policy that private ownership of land is inherently evil. The central government has encouraged municipalities to take over land wherever possible. A recent law has been passed which demands that any sale of property be first submitted to the municipality if it is valued at over $40,000 or exceeds a size of 3,000 square meters.

The continued government interference in housing has brought about a reduction in housing built by the private sector from 80 percent to less than 20 percent. The government is also discouraging the practice of owning one's own home, and privately owned units have declined from 80 to 55 percent of the total. The government would rather have the people rent units which are owned by municipal or central governments, or owned by the cooperatives, or other so-called "nonprofit" housing-owners. Many of these "nonprofit" organizations are owned by labor unions, especially in the building unions. With the majority of the renters associated (often compulsorily) with the Renters' Association, which has ideological ties with the socialist government, it is understandable why the socialists are discouraging privately owned and privately built housing units.

The state has extended its control over the building industry through stiff rental control laws in effect since 1942 and by a stiff licensing system. The system of double licensing required hard-to-get permission from the government for a building permit and then for permission to employ labor. Finally, since the government has close control over all loans for building, including those issued by private banks, it can select those projects which may be financed through loans. At its annual meeting in June, 1968, the Socialist Party proposed to establish a state-owned, building-credit bank, taking financing for housing completely away from commercial banks and thus assuring even greater control by the state over housing.

Recently, after two decades of pressure by the democratic opposition, the socialists agreed to submit a bill to the parliament revoking the unrealistic and unpopular rent controls. Then at the last moment, at the behest of the Communist Party, on whom the socialists are increasingly dependent, the bill was removed.

The critical housing situation has greatly aggravated the already existing social ills in Sweden. Overcrowded family dwellings have pushed young people into the streets, and it is no accident that Sweden has the highest increase in juvenile delinquency and crime in the world. Tight housing has also caused severe domestic tensions. The divorce rate rose from 26 per 100,000 in 1925 to 119 in 1964. In the case of divorces or separations, the husband has often been forced to accept housing in so-called "bachelor hotels," a euphemistic name for a mission dormitory. The prevalence of narcotic addicts and alcoholics in these hotels has contributed substantially to the soaring crime rate.

Another curious side effect of the housing situation is what in effect amounts to religious discrimnation. Long committed to the total secularization of the state, the socialists are practicing a policy in which they regard churches and chapels as "nonessential" buildings. Recently, because of the rights of municipal pre-emption, a Free Evangelical Church and a Roman Catholic Church were forced to vacate buildings and sites they had occupied for a hundred years. They were each given choices of two sites outside of the city on which to build. A 25 percent tax of the value of the new edifices was imposed, making it impossible for them to build. This high tax apparently does not affect the State Lutheran Church. They have recently built four new churches in the Stockholm area alone, but there are also complaints among the State Lutherans of inadequate and antiquated church facilities.

It is a conscious policy of the government to discourage private ownership of housing and of land. The municipal pre-emption rights have recently been extended, and in the case of one denomination in Sweden, no less than seven chapels have thus been "expropriated." Older villas in central areas are also a favorite target of this type of "urban renewal." Checking the largest daily newspapers in Sweden, one will find perhaps no more than 10 apartments and houses for sale or rent, with purchase prices quoted much higher than for comparable property in the United States.

The right to one's own home is further delimited. If one buys a villa, for example, in which a previous owner has rented out a room, he is not able to take possession of that room until he has supplied the renter with a room or apartment meeting the renter's approval. Thus, in a variety of ways, the socialists are able to undermine what the late Professor Richard Wheeler has called "the last metaphysical right."

The right to own property and the right to feel that one can be "king in his own castle" is an essential part of freedom. The political dissatisfaction which the socialists are currently facing, and which might yet bring down their government, has not induced the socialists to abandon their ruinous policy of socialist control over housing. It is peculiar how they will hold on to this socialist cliche even in the face of its obvious impracticality.

If we are wise enough to learn from the mistakes of other nations, we might well take warning from the signs we see of a similar development in the United States. Urban Renewal and municipal pre-empton are to be found also in our cities. The rules and regulations by the government in their so-called "anti-discriimnation clauses" for all housing built by federal subsidies are more subtle, but no less real than the restrictions placed on the private sector and the individual citizens in Sweden.

The inviolate right to own, protect, and dispose of one's own property is a proper part of the American tradition and heritage. Let us protect this privilege which may indeed be "our last metaphysical right."

TAKE PRIDE IN AMERICA

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

The American public is the best informed citizenry in the world. Americans invest more than $2 billion annually to purchase and read daily newspapers and another $85 million for weekly newspapers.

COMMEMORATING CASIMIR PULASKI

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. BYRNE of Pennsylvania. Mr. Speaker, on October 9, we will be commemorating the 192d anniversary of the death of Count Casimir Pulaski, a luminary of the American Revolution whose contributions to the cause of American liberty and freedom can never be measured adequately.

After spending a lifetime in fighting to free his own native land of Poland from the yoke of slavery imposed by the major powers of that time, General Pulaski traveled thousands of hard miles to a strange new land where a young people were engaged in a similar battle.

He contributed his brilliant military knowledge to a young people unacquainted with the tools or ways of war. He helped weld them into an effective force which was able to gain the final victory. And he gave his life on a battlefield where he gained immortal glory for himself, the Polish people, and the cause of liberty.

Casimir Pulaski was born to the Polish nobility. He could have led a life of leisure and comfort; but he was not such a man. He sacrificed his wealth to fight for his nation's liberty—an action which necessitated his flight for life to escape the firing squad.

He came to the young nation across the seas where the people were seeking for themselves what he had sought for his own people.

I am proud to say that a major part of his time was spent with the Continental Army in my own area of the Nation where his bravery and ability proved the deciding factor in a number of important battles.

Subsequently, he was commissioned to form a brigade of cavalry—the Pulaski Brigade—which became an effective striking force of the small army.

Leading this brigade into the Battle of Charleston, he was mortally wounded and carried aboard a naval ship in the harbor, where he died.

He was buried at sea, so we have no grave at which to place a wreath of remembrance. But this does not diminish the memory of this exemplary fighter for liberty; his memory lives in the hearts of those who would see all nations free.

Traditionally, the 12 million Americans of Polish descent will mark Pulaski Day not only as a tribute to Casimir Pulaski, but also as a day marking the numerous contributions to our Nation by the people of Poland who followed him to the United States.

It will be my privilege to join with the many thousands of my constituents of

Polish descent who will be observing this tribute to a remarkable man.

SCHOOL PRAYER AMENDMENT

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. DELLENBACK. Mr. Speaker, within the near future the House of Representatives will be considering the so-called school prayer amendment to the U.S. Constitution. On the surface, a proposal to permit prayer in public buildings seem unquestionably laudable, but I believe that, under careful and close examination, the proposed amendment shows itself as being highly undesirable and even dangerous.

Recently two of the leading newspapers in my Congressional District, the Eugene Register-Guard and the Medford Mail-Tribune, each published an excellent editorial explaining some of the dangers of the school prayer amendment. Since this issue will be before us soon, I call these editorials to the attention of my colleagues and urge them to give careful scrutiny to the points raised therein.

The editorials follow:

[From the Eugene (Oreg.) Register-Guard, Sept. 29, 1971]

How Not To Help the Churches

Soon the House of Representatives will vote upon submitting to the states a proposed Constitutional amendment which would read as follows:

"Nothing contained in this Constitution shall abridge the right of persons, lawfully assembled in any public building which is supported in whole or in part through the expenditure of public funds, to participate in non-denominational prayer."

This, of course, is an attempt to get around the Supreme Court's so-called "school prayer decisions," which are so misunderstood by the many and so misrepresented by the few.

Contrary to what a few would have the rest of us believe, the Supreme Court did not rule prayer out of the classroom. Any teacher or pupil can pray all he wants in any school, church, gas station, hardware store, restaurant or football stadium. He has an absolute right to do this. What the Court did say was that nobody should be compelled to pray in any place and, especially, that he could not be required to recite a prayer that somebody else prescribed. Thus prayer, the prayer the supplicant chooses, is protected, not forbidden. Also protected is the right not to pray at all.

And what in the Sam Hill is a "non-denominational" prayer? It should be a prayer that is satisfactory to the Roman Catholic, the Mormon, the Methodist, the Jew, the Buddhist, the Moslem, the Adventist, the agnostic and the non-believer. If it does not please all, it is not non-denominational. Who wants a prayer that fits those exacting requirements?

Most responsible church leaders oppose this foolishness. Congressman John Dellenback is an example. A nationally known figure in Presbyterian circles, he understands the guarantees of the First Amendment. That amendment does not abridge liberty, but enhances it. It guarantees that a person can practice a religion that might be out of favor with the civil authorities—as long, of course, as he otherwise behaves himself. Cannibalism is a no-no, religious belief or not

The founding fathers lived in an age when the church dominated the political life of many countries, as it still does in some. They did not want that to happen here. They also had close at hand instances of religious persecution in which the political institutions dominated or outlawed certain kinds of religious assembly. They didn't want that to happen here either. Thus the First Amendment was drawn to insure the mutual protection of church and state and to keep each from becoming predatory.

On Constitutional grounds, the proposed amendment is a monstrosity. The genius of the U.S. Constitution is the absence of trivial details. It is a broad document, setting up a general framework, not a petty listing of exceptions to the rule. If the Constitution had not been broad, and interpreted that way over the years, it could not have survived.

The proposed amendment is a can of worms.

[From the Medford (Oreg.) Mail Tribune, Sept. 24, 1971]

Vicious Prayer Amendment

The House of Representatives soon will vote on a proposed new amendment to the U.S. Constitution. It says:

Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer.

Sound innocent enough? Maybe. But maybe not.

What, for heaven's sake, is "nondenominational prayer"?

Is it something that Jews, Mohammedans, Buddhists, Roman Catholics, Baptists, Lutherans, Methodists, Presbyterians, Episcopalians, Seventh-day Adventists, Jehovah's Witnesses, atheists, agnostics, freethinkers—and those who seldom even think about religion—all can subscribe to without offense?

If so, such a "nondenominational prayer" is going to be a pretty wishy-washy affair with no real religious meaning.

And who is going to write these "nondenominational prayers"? A teacher? A school superintendent? A school board? Or a Governor or member of the Legislature? And who gives them that right?

Do you, Mr. Methodist, want your friend and neighbor, the school superintendent, (who may happen to be a Seventh-day Adventist,) to write prayers your children will hear in school, or be asked to recite—or leave?

Or do you, Mr. Roman Catholic, wish an agnostic to prepare a "nondenominational prayer" for the use of your children—or for you yourself, for that matter?

It can readily be seen why the major Christian denominations are opposed to this proposed amendment. What is less clear is how a majority of the House of Representatives was gulled into signing a petition to have it brought to the floor from the Judiciary Committee. And just what are the motivations of those who pushed the petition?

Presumably, this is intended to "return God to the public schools." We had not been informed He had been rejected.

The Supreme Court has never "banned prayer in the public schools." What it did ban was an officially-prepared prayer that could be forced on children of any or all or no religious beliefs.

School children and teachers are now free to pray—or to refrain from prayer—as the spirit moves them, just so long as they do not infringe on the religious or educational rights and beliefs of others. And they can do this in school, or in the courthouse, or the federal building, just as freely as they can in their own homes and churches.

This proposed amendment is vicious in that it seeks to enforce a conformity of belief—and in view of the "nondenominational prayer" business, it would be a conformity so bland and meaningless as to be near-sacrilegious to confirmed believers.

Not only is it a threat to freedom. It is a threat to organized religion itself—which in this country has thrived as in no other nation because of the firm wall of separation between church and state.

—E. A.

THE SENATE VOTE ON RHODESIAN CHROME ORE AND OUR ROLE IN THE UNITED NATIONS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. FRASER. Mr. Speaker, last Wednesday, the other body failed to strike out an extraneous section of the fiscal 1972 military procurement bill which, if enacted, could cripple the United Nation's enforcement powers and destroy its prestige.

Section 503, as amended, would allow U.S. firms to resume importation of Rhodesian chrome ore after January 1, 1972, thus unilaterally breaking the U.N. program of sanctions against the racist rebel regime of Rhodesia's Ian Smith.

On Monday, October 4, I spoke against the passage of this unwise proviso. On the occasion, I noted that such an action on our part would not only be destructive to the United Nations itself but also extremely ill-timed in view of the ongoing negotiations between Britain and the Smith regime. Moreover, this amendment to the United Nations Participation Act of 1945 would certainly be counterproductive in our current efforts to retain Taiwan in the U.N. family. Whether Taiwan stays or goes will count heavily upon the votes of the Afro-Asian members.

As you know, an attempt was made in the Senate to alter this unfortunate amendment. On Tuesday, October 5, the day before the final Senate vote on this measure, the distinguished ABC commentator, Edward P. Morgan, delivered the following commentary on the subject:

[Broadcast by ABC Radio, Oct. 5, 1971]

Edward P. Morgan's Shape of One Man's Opinion

Ridiculous, isn't it, that the Soviet Union, a mighty potential enemy, supplies us with chrome, a strategic metal, vital to the construction of a number of defense weapons including jet aircraft, submarines and missiles?

Ridiculous, isn't it, that our purchases and the Russian price both have more than doubled since 1966, when we stopped buying chrome from Rhodesia because the United Nations leveled economic sanctions against the racist government of Prime Minister Ian Smith?

Reasonable, isn't it, that Virginia's Senator Harry Byrd managed to tack onto the multi-billion-dollar military procurement bill a provision for the resumption of purchases of Rhodesian chrome? So the minority white government of Rhodesia is anti-black. But what could be more important than the fact that it is also anti-Communist?

But just when you may have thought life was getting simpler and more logical, those first two opening statements are not so ridiculous as they sound and Senator Byrd's reasoning is not only unreasonably simplistic but dangerous.

The Soviet Union does supply us with 60 per cent of our needs in chrome. But she supplied 30 per cent before UN sanctions were applied to Rhodesia. She has hiked the price but the world prices of virtually everything have risen, partly due to inflation.

As for Senator Byrd's argument that we are putting ourselves at the mercy of a hostile power as the principal supplier of a strategic material, it has all the validity of a discarded, chromium-plated bumper. Defense requirements absorb only 10 per cent of the U.S. consumption of chrome. Not only that. The Office of Emergency Preparedness has recommended a reduction in our enormous chrome stockpile by 2,200,000 tons. That recommendation was incorporated in a bill, S. 773, which is stalled in the Senate Armed Services subcommittee, whose chairman, Nevada's Howard Cannon, paradoxically enough, has been busy helping Senator Byrd polish up Rhodesia's prospects to resume selling us chrome.

The issue here is far bigger than a metal or where it comes from—and the source is not an urgent matter because the OEP says we already have too much—for now. The core of the argument is the United States' commitment to the United Nations. If the Byrd provision passes, it will be a blow to the UN by breaking—unilaterally—the international word of the United States, one of its charter members. This is why Wyoming Senator Gale McGee and Minnesota Congressman Donald Fraser tried to head off the move in their respective foreign relations and foreign affairs subcommittees.

Last Thursday evening, Senator Fulbright succeeded in fastening an amendment to the military hardware bill giving the president discretion to suspend Senator Byrd's "buy Rhodesia" proviso if it was necessary for the national interest or to keep a treaty commitment. However Armed Services Committee Chairman Stennis won reconsideration of the Fulbright move and it will come up for a final vote in the Senate tomorrow.

Already black African members of the UN are raising whispered, non-chromium-plated questions about the integrity of U.S. commitments to the United Nations.

This is Edward P. Morgan, ABC News Washington, with the Shape Of One Man's Opinion.

Following the Senate's defeat of the amendment designed to nullify the effect of section 503 of the military procurement bill, the other body did amend that section by delaying its effective date until January 1, 1972. While this delay may give the British a few extra weeks in negotiating time, the total effect of the legislation is no less destructive. Furthermore, an announcement that our importers will resume buying Rhodesian chrome ore on New Year's Day could very well encourage the Smith regime to assume an even more intransigent negotiating posture.

At this point, I would like to insert into the Record the New York Times editorial on this action and the very cogent article in the Washington Post by Bruce Oudes who has written extensively on African affairs.

[From the New York Times, Oct. 10, 1971]

More Than Chrome at Stake

Only President Nixon can now pull Congress back from an action that would damage the United Nations, tarnish the credibility of United States policy in Africa, jeopardize delicate negotiations between Britain and Rhodesia, and offend liberal opinion everywhere.

The Senate has inserted in the military procurement bill a provision for breaching sanctions twice invoked against the white racist regime in Rhodesia by the United Nations Security Council—with strong American backing. The provision would permit importation of Rhodesian chrome, supposedly to lessen American dependence on high-priced Russian chrome.

Senators Fulbright and McGee fought hard to leave the decision on chrome imports to the President. They failed at the showdown by six votes, partly because of absentees—including Democratic Presidential aspirants Harris, Jackson, McGovern and Muskie—and partly because the Administration kept silent.

This issue far transcends a narrow commercial interest. The Security Council voted sanctions for the first time in U.N. history because it regarded perpetuation of minority rule in Rhodesia—where blacks outnumber whites 20 to 1—as a formula for eventual racial war. For the U.S. Government unilaterally to violate that embargo would have grave consequences for the U.N. It would be serious business in any circumstance to amend the United Nations Participation Act of 1945, which empowers the President to enforce Security Council decisions. To do so in order to relieve chrome importers and to augment a chrome stockpile already adequate for the next two years would be extreme folly.

Such a move might encourage the white rulers in Salisbury to intransigence just when Britain sees a chance at last to negotiate an agreement for Rhodesian independence with a guarantee of unimpeded progress toward majority rule.

With the military procurement bill now in Senate-House conference, Mr. Nixon still has a chance to head off this mindless act—if he is interested enough to try.

[From the Washington Post, Oct. 10, 1971]

The U.S. Crack in the Rhodesia Wall

(By Bruce Oudes)

As the Senate completed its recent vote approving the Mansfield amendment on Vietnam troop withdrawals, two black spectators with Afro haircuts rose and asked a Senate employee what was next.

"Chrome ore," he replied. The black men turned and left.

Their departure was representative of a casual national reaction to a significant public issue: the future of international economic sanctions against Southern Rhodesia, the 96 per cent black African nation ruled by the 4 per cent who are white. It may also be considered a tribute of sort to the legislative deftness of Sen. Harry Byrd (Ind.-Va.) and to the assistance of Sen. John Stennis (D-Miss.).

Their measure, approved by the Senate last Wednesday, 44 to 38, requires the administration to resume imports of chrome ore from Southern Rhodesia to reduce dependence on the Soviet Union as a supplier.

Since the United States halted imports of Rhodesian ore five years ago as part of international sanctions against the regime which had declared its independence of Britain, chrome has become the most important American import from Russia, which now provides some 60 per cent of all U.S. chrome imports. Byrd-Stennis supporters accused the Soviets of capitalistic profiteering since the price of chrome has risen sharply in this period. The resumption of Rhodesian imports has long been urged by Union Carbide and Foote Mineral, whose Rhodesian subsidiaries are principal chrome producers.

However, officials in the State Department and the Office of Emergency Preparedness have been less than alarmed about any chrome "crisis." They point out that America was importing one-third of its chrome from the Soviet Union before the Rhodesia sanctions and that other factors have contributed to the chrome price rise. Indeed, they are so unconcerned that chrome was among the commodities included in a series of routine stockpile reduction bills sent to Congress this year; a cut of 40 per cent in present stocks of more than five million tons of chrome was requested.

PULLING THE RUG

There is reason to suspect that the Byrd stress on the economic and strategic aspects of the question is little more than shrewd camouflage designed to bury discussion of the more fundamental foreign policy implications. (The coalition of Southern Democrats and Republicans pushing a measure which supports white Rhodesia is remarkably similar to the line-up opposing domestic civil rights legislation.) The significance of the Senate's move was not lost in southern Africa, where the Johannesburg Star described it as "a devastating blow to American—and indeed international—policy on Rhodesia."

The Senate action, highly unlikely to be reversed in House-Senate conference, with one swipe pulls the rug out from under both the United Nations and Britain, along with increasing black Africa's distrust of the U.S. The principal ramifications of the vote include:

As of next January, the United States will join South Africa and Portugal as the only nations publicly and voluntarily breaking the sanctions imposed by the Security Council.

The United States, one of the few nations to scrupulously obey the sanctions, will now be available as a scapegoat for any of the dozens of sanctions violators who might want to stop hiding their trade with Rhodesia.

The United States likely would be blamed for any failure of the current British-Rhodesian negotiations on settling the dispute over the colony's 1965 declaration of independence.

If the negotiations fail, Prime Minister Heath can end Britain's participation in the sanctions, blaming the United States.

Black African nations now weighing decisions on how to vote on China and other issues at the U.N. have increased reason, or at least a new excuse, not to support the United States.

Since the sanctions are the only mandatory embargo in the history of the U.N., it is a blow to the organization's already limited ability to enforce its decisions.

A DIPLOMATIC CORNER

In addition, the move strengthens the possibility that Moscow and Peking might be able to pin the United States into a diplomatic corner. It is a widely held misconception that U.N. sanctions will officially end once Britain reaches a settlement with Rhodesia. This is unlikely because almost certainly a Security Council majority including the Soviets and presumably China will find the settlement inadequate.

A year ago Charles Yost, then U.S. ambassador to the U.N., told a House subcommittee that America would support the lifting of sanctions if a settlement was reached "satisfactory to the United Kingdom." There is no reason to believe administration policy has changed.

This means the United States, Britain and possibly France will find themselves alone against a Security Council majority determined to keep and possibly strengthen sanctions. Actions once on the books cannot, of course, be vetoed. In fact, one could see a Sino-Soviet race for leadership of a movement to have the U.N. assume "sovereignty" over Rhodesia as it did over Namibia (South West Africa) and another to prosecute sanctions violators before the World Court.

While making the point that excepting chrome will not automatically end the U.S. embargo of other Rhodesian commodities, Sen. Byrd inadvertently supported that thesis. "Russia," of course, has a seat on the Security Council, and it can veto any effort to lift the sanctions against Rhodesia," he said. "The United States has gotten itself into a straitjacket." A second irony of his position is that Virginia tobacco growers have benefited substantially from the elimination of high-quality Rhodesian competition by the sanctions.

VARIETY OF VILLAINS

If it might seem more logical to conclude that it is Sen. Byrd who is helping the United States into a straitjacket, a summary of how the Senate got into this predicament shows a variety of villains. This includes apparently intentional footdragging by the White House, indifference by Democratic senators too busy campaigning for President to vote, African diplomatic politesse in refusing to oppose publicly the Senate action, and the lobbying by Union Carbide, Foote Mineral and Rhodesia's resident but unaccredited envoy in Washington, Kenneth Towsey.

Sen. Byrd's luck began to change in August when his proposal was unanimously approved by Sen. Stennis' Armed Services Committee as an amendment to the military procurement bill immediately after the same amendment was rejected by the Foreign Relations committee, which had held hearings on the matter.

A move by Africa subcommittee chairman Sen. Gale McGee (D-Wyo.) to strike the Byrd amendment failed, 46 to 36, on Sept. 23 as Sens. Fred Harris (D-Okla.) and Foreign Affairs Chairman J. William Fulbright (D-Ark.) were among six unpaired absentees who were opposed to Byrd.

Bowing to parliamentary maneuvering by Byrd forces which stymied a simple motion to reconsider, Fulbright took the floor the following day to explain his absence and to offer a new amendment permitting the President to continue the chrome ban if such was in the national interest or required by U.N. treaty.

After a visting Organization of African Unity delegation on southern Africa spent 40 minutes with President Nixon on Sept. 28, chairman Moktar Ould Daddah, president of Mauritania, refused any comment on the Byrd amendment, Rep. Charles Diggs (D-Mich.), chairman of the congressional Black Caucaus, who attended a State Department luncheon for the visitors, then printed a letter to Secretary of State Rogers asking him to make public the opposition to the Byrd amendment he had expressed privately to the Africans at lunch. The Caucus sent a telegram to the President asking his active public opposition to the Byrd move.

THE ABSENTEES

As the President was seeing British Foreign Secretary Sir Alec Douglas-Home on Sept. 30, the Senate began the first of five roll calls that day involving Fulbright's motion. Fulbright won that vote, 45 to 43, but the victory was immediately washed out as his supporters didn't stay around in sufficient number to defeat the inevitable move to reconsider. Sens. George McGovern (D.-S.D.) and Birch Bayh D-Ind.) were absent throughout the Rhodesia vote, although they had registered their support of the Mansfield amendment on Vietnam only an hour earlier.

Going into the final vote last Wednesday, Sen. Fulbright should have won, 50 to 49, if all were present. However, Sens. Harris, McGovern, and Edmund Muskie (D-Maine) were in New York campaigning. Sen. Henry Jackson (D-Wash.) was in Salt Lake City holding a hearing. Sen. Mike Gravel (D-Alaska) was absent. All five were unpaired. Sens. Lee Metcalf (D-Mont.) and William Roth (R-Del.) defected, with Metcalf's office later saying he had switched back to Byrd because of pressure from "Montana chrome mining people."

All this time the White House issued no public statement supporting either McGee or Fulbright. Lobbying against Byrd was kept at a low level in the State Department. The impression left by all this is that in a fluid situation, the White House elected a course of benign neglect, with the Byrd victory enabling the administration to blame Congress if necessary when it abandons chrome sanctions in January.

Mr. Speaker, if this short sighted proviso becomes law, it will be an all-too-clear signal that our country has abandoned its responsibility in the arena of world affairs. Having passed the Senate, scheduled for a joint House-Senate conthe military procurement bill is now scheduled for a joint House-Senate Conference. It is my fervent hope that the House conferees will object to section 503 of that bill and force its deletion.

DIRTY BUSINESS OF SPYING

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. KEMP. Mr. Speaker, in recent issues of Time and Newsweek, both magazines had articles concerning the endless campaign of spying. Notwithstanding the popularity of Nick Carter and James Bond, Carl Rowan points out that with some—

> It becomes a ritual of cleanliness for them to launch attacks on the CIA and other American intelligence operations whenever a news item pops up to remind them of their revulsion to dirty tricks."

Mr. Rowan also points out that were it not for the covert collection of data, President Nixon would not be going to Peking and Moscow. Whatever happens, spying will continue for some time, but hopefully the interchange of high officials of the world powers—paradoxically set up by spying—may bring an end to espionage.

Mr. Speaker, at this point I include the editorial by Carl T. Rowan appearing in the October 1, 1971, Washington Evening Star:

WE HAVE TO STAY IN THE DIRTY BUSINESS OF SPYING

(By Carl T. Rowan)

That bombshell out of Great Britain about the expulsion of 105 Soviet diplomats and officials for spying has had one predictable effect.

It has revived editorial comment and cocktail chatter about our own Central Intelligence Agency and the "covers" it uses for spies. And it has aroused new spasms of naive comment to the effect that our country ought to get out of the cloak-and-dagger business.

Well, just as sure as Mata Hari was a woman, the expulsions will not halt massive Soviet spying in Britain—or in the United States, at the United Nations or anyplace else.

Some Americans just can't get over the sanctimonious notion that spying is a dirty business that, like dandruff, we can wash right out of our hair.

Some spying is a sordid, dangerous business. It involves blackmail, sexual entrapment, peeping tomism, double-crosses, political and character assassination—and outright murder.

Yet, spying is not nearly as bad as are some of the alternatives to having a good system of intelligence. Not many Americans would accept vulnerability to a sneak nuclear attack as the price for getting rid of spies.

The fact is that if we are to move closer to peace we are likely to go through a period of more spying rather than less.

Millions of sensitive, intelligent Americans deplore the fact that in the decade of the 1960s the United States and Soviet Union poured a trillion dollars into arms. These Americans know that we shall never rescue our cities or save man's environment or find a cure for cancer unless we can stop the arms race and its mad waste of wealth.

But the glaring truth is that distrust stands in the way of a curtailment in the manufacture of horrible weapons, not to mention the destruction of those already in arsenals. Steps toward disarmament will proceed only as rapidly as intelligence procedures make it possible for rival countries to be reasonably sure that they will not be destroyed by the perfidy of a potential enemy.

As far ahead as man can see, the United States and the Soviet Union will launch sophisticated satellites whose fantastic cameras will record troop movements, missile emplacements, production centers for fissionable materials, weapons storage areas and other vital information bearing on the other country's (or China's) intentions.

It is taken for granted by American officials that the Soviet Union will keep 30 or so trawlers operating off the shores of the United States, their powerful sensitive electronic gear intercepting U.S. diplomatic and military messages, picking up conversation at U.S. airfields and bases, or even plotting the noise patterns emanating from key U.S. cities.

The Soviets likewise take it for granted that the United States will use ships like the USS Pueblo, special aircraft and other measures to conduct electronic intelligence—and that it will go on spending billions to intercept other countries' messages and break their codes.

John F. Kennedy was frightened by Khrushchev at Vienna because intelligence told the young President that we were not as prepared to fight as we needed to be should the Russian carry out his threats regarding Berlin. Later, Kennedy could stand eyeball-to-eyeball with Khrushchev during the Cuban missiles crisis because intelligence operations, including the U2 flights of the Eisenhower years, made it clear that the United States was stronger if it came to nuclear war. Moreover, our intelligence was such that we knew Khrushchev knew who was stronger.

President Nixon will go to Peking with greater feelings of confidence because sophisticated intelligence procedures have made it possible for him to know many things that the Chinese do not know he knows.

There are "puritans" who say that they can never accept this as a necessary activity, for to do so would be to compromise with immorality and indecency. So it becomes a ritual of cleanliness for them to launch attacks on the CIA and other American intelligence operations whenever a news item pops up to remind them of their revulsion to "dirty tricks."

But that story out of London is just another reminder of how mean the real world is—and that the peacemakers very often are those who keep us alert to both the dangers and the promises of that real world.

TRIBUTE TO BILL COWGER

HON. FRANK A. STUBBLEFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. STUBBLEFIELD. Mr. Speaker, I was deeply saddened to learn of Bill Cowger's death, and I join my colleagues in paying my respect and tribute to this warm and friendly man whom I had known as mayor of Lousiville, Ky., and a Member of this body.

While Bill was a quiet man, he worked diligently for the people of his district and the State of Kentucky.

He was respected by members of both parties for his loyalty and frankness. His word was never questioned and his great sense of humor endeared him to all.

I extend my sincere sympathy to his family.

THE RELIGION OF THE FOUNDING FATHERS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. HAMILTON. Mr. Speaker, I include the following: The text of my speech at a Layman's Day Talk at Hamline Chapel United Methodist Church on the subject of the "Religion of the Founding Fathers."

The speech follows:

Thomas Jefferson was a foe of organized religion.

John Adams was a "humanist."

George Washington had no formal religious belief, and was not a Christian.

Thomas Paine, said President Theodore Roosevelt, was "a filthy little atheist."

Benjamin Franklin was a "freethinker" and an infidel.

The founding fathers, I have often heard it said, were people who did not believe in God or were skeptics about God.

Such accusations about the founding fathers have provoked me into making these remarks. Before I get too far along I should perhaps warn you of a personal bias.

Most of us have our own favorite periods in American History. Some like the Civil War period. Others like the roaring 20's or the gay 90's. Others have no use for anything less recent than the morning's newspaper.

My preference is for the period when our nation was founded. My admiration for the founding fathers is the reason for my bias.

They were "whole men," men who:

Sought to achieve the broadest possible personal development

Had a marvelously rounded and balanced view of life

Lived with great sensitivity to the needs and potentialities of human beings.

They went about setting America free and about the business of building a new nation based on order and liberty.

One of our great blessings—among many—in this country is that at a most critical time in our history we had spring up such a rare array of genius as:

George Washington
Benjamin Franklin
Thomas Jefferson
John Adams
Samuel Adams
James Madison
Alexander Hamilton
Thomas Paine
John Jay, and of course, a host of others.

The revolution these men brought off was the longest and surest stride a nation has ever taken toward the goal of liberty for all mankind. And no one in this country—and perhaps no one in the world—can afford to be ignorant of the faith that animated these men. What they did has both the ring of eternity and universality.

They combined talents for the practical and the philosophical. They developed the most successful principles man has ever developed in support of human liberty and constitutional government; and they established a structure of government to achieve these elusive goals.

I marvel that a young country of just 4 million people could produce so many men of genius and enlightened vision.

There were 55 men who framed the United States Constitution. All but eight of them were natives of the colonies. The oldest was Franklin, who was 81, and the youngest was Dayton, who was 26. The most remarkable thing about the group was their youthfulness. 21 of the delegates were less than 40.

They represented a variety of professions.

Eighteen had served as officers in the Army.

Thirty-four were lawyers.

Eight were merchants.

Six were planters.

Three physicians.

Two ministers of the gospel.

Several college professors and one college president.

The one thing they had in common was an exceptional acquaintance with public affairs. They had served in colonial and state legislatures, constitutional conventions and many, of course, were to become Congressmen, Senators, Governors, two became President.

Recently I had occasion to visit several of the scenes of their accomplishments.

I stood:

In Paul Revere's living room.

Where James Otis attacked the Writs of Assistance.

Where Benjamin Franklin was born.

Where Americans, including Crispus Attaucks, lost their lives in the Boston Massacre.

Where the Minutemen did battle at the famous Concord bridge and fired the shots heard around the world.

Can it really be that these men, whom this nation honors and reveres, were atheists, agnostics, foes of organized religion, infidels?

And so I've done a little historical research this morning, and I must confess to you that it was done, not for your good, but mine. I simply could not rest with the anti-God charges against the founding fathers.

One place to begin is to understand the religious setting of the Revolutionary period.

The founding fathers lived at an intensely interesting period of religious history.

The sheer religious diversity of the new country was striking. There was no establishment church.

The Quakers' experiment was going on in Pennslyvania.

New England was generally Puritan, but the once raging fires of Puritanism were banked, and people were falling away from its strict requirements.

The French Hugenots were in Massachusetts. The Jews were in New York and Rhode Island.

The Presbyterians were west of the Susquehanna. There were Menonites, Anabaptists, Dunkers. The Church of England was engaged in a military crusade for the growth of their faith.

The Catholics were active, mostly in Maryland and Philadelphia.

The Methodists, Baptists, Dutch Reformed, Lutherans, and German Evangelical sects were vigorously pursuing their respective faiths.

So, there was fierce religious competition in the colonies. Many thousands of settlers had come to the country to escape from repressive religious atmospheres. But when they arrived, they often established similar oppressions in their new surroundings. What was to be a religious haven in the new world turned into an arena of religious competition and, in some cases, discrimination.

In politics it was united we stand, divided we fall. In religion, it was divided we stand, united we fall.

The churches helped prepare the soil of resistance to England by preaching about a sovereign God who stood above all other sovereigns. Men could defy the king, because of a higher loyalty to God.

I might say, parenthetically, that Methodist had great difficulty during the Revolution because they were closely tied to the Anglican Church of England. It was easier for the Congregationalists and Presbyterians to support the revolution than it was for the Methodists.

This was the period, too, that historians of culture identify as the Great Awakening. It began in the middle 18th century and descended like a whirlwind. It stimulated an interest in religion, caused hundreds of churches to be founded, strengthened the movement toward liberty and gave the common man a new sense of his own significance.

During the Great Awakening, men gained confidence in their ideas and in themselves, and in the ability of the human intelligence to solve problems. Education and science flourished. Critical thinking was encouraged. The air was alive with ideas, and among them was the idea that human suffering and submission to tyranny were no longer to be accepted. The divine right of kings was rejected.

People also questioned their religious beliefs.

Into this kind of vital, questioning, competitive religious setting the founding fathers lived. Each responded to it in his own way.

FRANKLIN

Benjamin Franklin, who was raised as a Presbyterian, was often criticized as a free thinker, an atheist, even an infidel. In his independent way, he did express doubts about Christian doctrine, e.g., the doctrine of revelation. He was a child—indeed the preeminent child—of the Great Awakening. Always probing, asking, inquiring, experimenting, wondering.

But he was a sincere believer. Just a few days before he died, he wrote to a friend that he believed in prayer, as a means of knitting oneself together to achieve a more majestic force than man could control.

He spoke of his belief:

In God, as the creator of the universe, in a universe governed by God, in a God who deserved to be worshipped.

He observed that the most acceptable service we could render to God was by doing good to His children.

He expressed his belief in the immortality of the soul of man.

He believed that the ethics of Jesus were the best the world ever saw or is likely to see.

These are hardly the beliefs of an infidel.

WASHINGTON

Washington's early religious education was Episcopalian. Throughout his public career, there was great controversy about whether he was a Christian during his life.

He did possess a strong sense of privacy and he did not like or permit intrusion upon personal matters. (He would have had much difficulty living in the White House these days with such intensive publicity on every aspect of a President's life.)

His early biographers insisted that he was a devout practitioner of orthodox Christianity. Others, who also knew him well, believed Washington was non-denominational in his spiritual views.

Anyone who reads his papers knows that Washington was not an atheist, as it was charged during his presidency.

His farewell address in September 1796 gives much attention to religion and ethics in a free republic. Religion and morality, he said, were the two great pillars of human happiness. They were indispensable to private and public felicity. He even went further, and said that we cannot expect national morality to prevail in the absence of religion.

Not even his strongest admirer today would contend that George Washington fit the pattern of the staunch churchman—but neither can they deny a strong, even if vaguely defined, faith.

ADAMS

The evidence is very clear about John Adams, the father of the American Revolution.

He seriously considered entering the ministry, but finally turned away from it in favor of law and a public career.

In one lifetime Adams was called a Puritan, Orthodox and Humanist. That's no small achievement, but it didn't bother John Adams.

He proudly proclaimed, "I have been a chuchgoing animal for 76 years."

JEFFERSON

Jefferson's parents were the Anglican faith and most of his education was under religious auspices. One of his early tutors was a man with strong Calvinist convictions.

Despite the charges, Jefferson was not an unbeliever. Like Washington, he insisted on a person's right to seek his spiritual outlook in his own way. For that view he was often thought to be against denominational religion.

He said, "I never told my own religion, nor scrutinized that of another."

He believed that the teachings of Jesus united all mankind in "one family in the bonds of love, peace, common want."

Jefferson was deeply influenced by the moral and spiritual splendor of Christian thought and idealism as defined by Jesus. He even wrote his own version of the New Testament, entitled: "The Life and Morals of Jesus Christ."

In later years he said that his fight for religious freedom was the bitterest of his life. In his epitaph, which he wrote, he listed three things:

Author of the Declaration of American Independence,

Father of the University of Virginia,

And, significantly, author of the Statutes of Religious Freedom.

HAMILTON

Few would contend that Alexander Hamilton was an exemplary churchman, but he wrote a letter to his wife in anticipation of his possible death at the hand of Aaron Burr in that famous duel.

He said to her: "The consolations of religion, my beloved, can alone support you; in these you have a right to enjoy. Fly to the bosom of your God, and be comforted." A few hours later, he was dead. Mrs. Hamilton had to live with this advice instead of her husband.

MADISON

James Madison, the Father of the Constitution, studied for the ministry. He took theological studies at the University with the great John Witherspoon. Like Jefferson, he looked with special satisfaction on his activity in behalf of religious freedom. He believed that a man's relation to the Creator was a private mattter, to be protected, if necessary, by the government, His theological knowledge was as wide as that possessed by any of the founding fathers, and his knowledge was buttressed by his own religious convictions.

This hearty band were not atheists or agnostics or infidels. They were men of strongly held and deeply felt spiritual beliefs. For the most part they were not church leaders. They were public men, absorbed with the business of statecraft.

Being men of the Enlightenment, and of strong intellect, they did not blindly accept, without thought or question, religious doctrine, and they sometimes criticized churches and religious practices.

Being men with an instinct for liberty who lived at a time of great religious diversity, they respected the personal nature of the religious experience, and they defended the right of every person to worship as he chose.

They were men of faith, and they respected the spiritual urge in man. They believed in God, as the Creator and Sustainer of life, as the author of individual rights which all men enjoyed.

They believed in the goodness and the equality of men.

They agreed upon what they thought was a perfect plan of government to preserve ordered liberty. But they knew that something else was needed. They knew that the people needed moral principles in order to make the government they had constructed work. They knew that if the government was to work, the people had to be virtuous.

Indeed, they argued that virtue was the very essence of freedom. And they were very specific about what virtue was. They defined it in terms of:

Moral action without compulsion,
Love of liberty,
Public spirit and patriotism,
Incorruptability,
Industry and frugality,

These were the first duties of a free people. Without a people possessing these qualities, ordered liberty had no chance and free government could not survive. And these qualities were to be ingrained in the people through religion.

The documents of the revolution reveal not only their political philosophy, but their religious views as well. The Declaration of Independence speaks about nature's God, the Creator, the Supreme Judge of the world.

For the Founding Fathers, religion helped put the order in ordered liberty, especially in emphasizing the dependence of public morality on private virtue.

I'm not sure I've given you a very practical "Sermon" this morning. I'm not at all sure I could, even if I wanted to.

But there are some conclusions that are noteworthy.

We can use this knowledge of the religious faith of our founding fathers for the pleasure it affords us to know what kind of men and women preceded us.

We can use it for the comfort it gives us to know what the founding fathers thought and believed about God, the Universe, life after death, and we can note with satisfaction that, despite all the differences in time and place, between 1789 and 1971, we hold to the same basic faith as they.

We can use it to give us a sense of pride in our country's past, and a sense of mission in our country's future.

We can use it to understand that today, no less than then, the health and welfare of this nation depends upon the virtue of the people in the nation.

We can be inspired and invigorated ourselves:

By Adams weekly faithfulness to attendance at church

By Hamilton's confidence in the comfort God brings to the bereaved

By the impact on Jefferson of the ethics taught by Jesus

By Franklin's firm faith in the immortality of the soul

By Madison's careful study of theology.

For such a lesson in the fine art of daily faith as we have in their lives should enable us to climb, as it were, to the mountaintop, and breathe the fresh and free breezes of the mountain air.

DEDICATION OF THE JOHN PHILIP SOUSA STAGE AT THE KENNEDY CENTER

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, this past Thursday marked the dedication of the John Philip Sousa Stage at the John F. Kennedy Center for the Performing Arts.

This unique event featured the Interservice Symphonic Band in a classic tribute to bands, bandmasters and John Philip Sousa. It was a privilege to attend this concert; my hat is off to the leaders of the four service bands who presented the band concert of the year to a full house which included President Nixon.

For the information of my colleagues, I want to include at this point the program notes which outline the tremendous job done by the men and women of America's bands who made the Sousa Memorial Stage in the Kennedy Center Concert Hall possible.

The program notes follow:

NOTES ON THE PROGRAM

Though John Philip Sousa is remembered today for his more than one hundred marches for military band, he also composed several successful comic operas, fifteen suites, many songs and a symphonic poem. It was his writing of "music for the feet instead of the head" that has forever enshrined him as America's "March King." His compositional gifts brought forth a bountiful production of incomparable examples in this art form. Some of his marches are as well known as the Fourth of July, while others are more obscure; nearly all of them were popular in Sousa's day.

Sousa felt very strongly about the concert band as a vital musical medium. "Inferior it is not! It is simply different. There is no hierarchy in art. The artistic effect is the sole criterion of values." His defiant aesthetic credo resounds today as this composite band of our Armed Forces pays him tribute.

John Philip Sousa Memorial, a perpetual, non-profit corporation, was established in 1956 for the purpose of "memorializing the musician who was the most universally famous of American bandmasters and whose leadership and example have been the motivation and guiding inspiration for bandsmen of today and one of the foundations of modern American bands and band music."

Its first officers were Lt. Col. William F. Santelmann, Director of the U.S. Marine Band, and Richard E. Townsend, Assistant Director of the U.S. Navy Band. In 1963, Col. George S. Howard, for twenty years the director of the U.S. Air Force Band, succeeded Col. Santelmann as Chairman of the Board of Directors. Richard Townsend remained as Secretary-Treasurer; Forrest L. McAllister, publisher of *The School Musician*, and James L. Dixon, a leading Washington businessman and songwriter, were appointed to the Executive Committee.

Arrangements were made with Roger Stevens to establish a Sousa Memorial within the newly planned National Cultural Center. The Committee agreed to raise $100,000 for this purpose, the money to be solicited from bands and bandsmen throughout the country. The names of contributors of $100 would be inscribed on plaques placed in the Center, and a suitable memorial would be established in the name of John Philip Sousa. The goal was reached, and tonight marks the dedication of the stage in the Concert Hall of the John F. Kennedy Center for the Performing Arts in John Philip Sousa's honor.

It is highly appropriate that the name of Sousa, which is synonymous with band music the world over, be inscribed on this stage. Bands have played an important role in the culture of the entire world and speak a language understood by all. This stage, which will be the setting for symphony orchestras, bands and concerts by artists representing the great variety of our musical life, will be the connecting link between the cultures of all people.

The Board of Directors of the John Philip Sousa Memorial wish to acknowledge and commend the Administration of the John F. Kennedy Center for the Performing Arts for its support and assistance in making this dedication a reality; the hundreds of bands and bandsmen who contributed to this project; the Department of Defense for making available the musicians from the senior bands of the Army, Navy, Marine Corps and Air Force; Col. Samuel Loboda and the staff of The United States Army Band (Pershing's Own) for coordinating and arranging for the participation of the military musicians, and assisting in the overall planning of the dedication.

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MUSKIE SPEAKS UP

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. KYROS. Mr. Speaker, Tom Wicker of the New York Times has established himself not only as one of the most skilled newsmen of the times, but also as one of the press' most critical commentators and columnists. When he takes note of the actions of one of our political leaders and finds these actions to be "an apparent effort to face up to unpleasant but important facts and to speak frankly about them, even though incurring some political risks, then there is reason to believe that something noteworthy is involved. In view of Mr. Wicker's own courageous efforts to prevent bloodshed at Attica, it is especially significant that Senator MUSKIE's remarks on that subject have touched a responsive chord.

I would like, therefore, to bring to the attention of my colleagues Mr. Wicker's column as it appeared in the Bath-Brunswick, Maine, Times Record of October 4, 1971. Maine's citizens have long known ED MUSKIE's candor and determination; it is important that these qualities are brought to bear on the problems of our Nation.

The article follows:

MUSKIE SPEAKS UP

(By Tom Wicker)

WASHINGTON.—Sen. Ed Muskie is generally rated the front-runner for the Democratic Presidential nomination, but after this ritual concession the criticism usually begins. He does not have enough appeal to the left, or to the right (depending on the critic); his campaign is too bland; the Senator himself is too much a "centrist."

Maybe so, but a pair of recent events tend to unsettle the notion of a wishy-washy Muskie trying to win the nomination by saying nothing. The first of these was the candidate's remarkable statement to a group of blacks in Los Angeles that he believed he would be defeated in 1972 if he chose a black for a Vice-Presidential running-mate.

This might prove to be the biggest political blooper since George Romney's brainwashing, although there are said to be those who regard it as the shrewdest political move since John Kennedy's telegram to Mrs. Martin Luther King in 1960.

Events may well vindicate one of those judgments, but for the moment the overtly political consequences of this statement are less interesting than the fact that a Presidential candidate made it. Even the objective truth of Muskie's remark is a little aside from the point; there is no doubt that he believed it to be true. So, in fact, does virtually every other practicing politician in America today.

So the first thing is that Muskie gets a high mark for candor, which is always good, but particularly so at a time when two successive Presidents have been so widely suspected of dissembling that President Nixon has even called public attention to his difficulty in convincing people that he is telling the truth.

In fact, the President's pious complaint that Muskie had "libelled" the American people simply underlined the point. A man whose political strategy is to win the white South and the white suburbs by cutting into the George Wallace vote is standing knee-deep in the credibility gap when he defends the political effectiveness of a black on a national ticket.

Muskie's statement represented more than candor, however. It was an obvious effort to face hard facts, not to take refuge in comforting sophistry. In a society choked with scapegoats, straw men, scare theories and euphemism, a simple willingness to face up to conditions is notable in itself—a fact which speaks volumes about the political climate of the Nixon-Agnew years.

Moreover, a politician who has been around as long as Muskie could not have been under much illusion about the political risks of making such a statement. If making it turns out to be an asset in the long run—which is by no means clear—it still will be true that it was a gamble to have done so.

These aspects of the statement on blacks were to some extent duplicate in Muskie's later speech to the Governor's Conference the night after the bloody recapture of the Attica prison. Putting aside a prepared text on revenue-sharing, the Senator told the Governors that "at this moment there is only one thing to say . . . the Attica tragedy is more stark proof that something is terribly wrong in America."

That is not a line generally recommended to Presidential candidates, nor was Muskie's advice to his audience to "ponder how and why we have reached the point where men would rather die than live another day in America." And while all politicians are fond of making statements like the pledge that followed ("The only decent course now is a single, clarifying decision—at long last, a genuine commitment of our vast resources to the human needs of people"), still the context in which the Senator was speaking gave it a certain ring of determination.

This speech also represented an apparent effort to face up to unpleasant but important facts and to speak frankly about them, even though incurring some political risk. It also arose obviously from strong emotions; and if the ability to feel something passionately is the opposite coin of the fabled Muskie temper, hurrah for that.

These remarks may not make Ed Muskie much more or less a front-runner than he already was, nor do they necessarily show him to be the best man or the best candidate the Democrats have. But at least it ought to be noted that there was nothing bland, wishy-washy or centrist about the Muskie who made those statements; maybe the image is only in the eye of the beholder.

THE LATE HONORABLE WILLIAM O. COWGER

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. BURKE of Florida. Mr. Speaker, each of us was saddened to learn of the sudden passing of William O. Cowger, the former Congressman from the Third Congressional District of Kentucky.

I did not know Bill Cowger as mayor of Louisville, Ky., but I did know him as an outstanding Congressman and a good personal friend. William O. Cowger was first elected to the Congress in 1967. He was not a strongly emotional individual, but close day-to-day association with him made me realize that he had a deep personal interest in the welfare of his fellow man. He brought with him to Congress an understanding of the problems of our cities and became a strong spokesman for urban reform, in addition to bringing recognition of the needs of today's cities.

When he first came to the Congress, he immediately showed his leadership ability and was elected chairman of the freshmen Congressmen beginning service in the 90th Congress. When required, he could easily participate in heated debate. He had a strong dislike for the strong understructure of our bureaucracy, and, what seemed to him, its inability to solve the problems of the people without burdensome redtape. His record as an outstanding mayor of one of the Nation's largest cities preceded him to Congress. The record he made in his two terms in Congress show his fierce dedication to his community, State, and the Nation, but most of all, his years in public life strongly indicate that the people's problems were his problems.

He was defeated by a close margin for reelection in 1970. Most of us who knew him best still considered him one of us. I am proud that I had the honor of serving with my good friend William O. Cowger, and I deeply regret his passing. My condolences go to his family.

NIXON-ROCKEFELLER STRATEGY: USING IMPOVERISHED NEW YORKERS AS PAWNS IN THEIR REELECTION GAME PLAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. RANGEL. Mr. Speaker, Elliot Richardson, Secretary of Health, Education, and Welfare, faces a difficult decision on October 17. This Sunday he may approve two experimental welfare programs for New York State. These programs, strongly supported by Gov. Nelson A. Rockefeller and the White House, would use welfare recipients as human guinea pigs in a blatantly political attempt to pare already inadequate welfare benefits to starvation levels. If their unconscionable strategy succeeds, they will be able to rub their hands with glee at potential political gains for the Republican Party at the expense of poor Americans.

As we have come to expect, one of the experimental welfare districts selected, the Hamilton Social Services Center in West Harlem, serves primarily black and Spanish-speaking families. A second experimental district, rural Franklin County in northern New York, has a large proportion of American Indians on its welfare rolls. It is obvious that, as usual, minority group children will bear a disproportionate share of the burden of these senseless experiments.

My colleagues who are already upset by unnecessary governmental regimentation of the lives of private citizens will be shocked to learn how the "Incentives for Independence Project" hopes to program welfare recipients into Government-defined "socially acceptable behavior." The human dignity and self-respect of thousands of Americans will be further folded, spindled, and mutilated, in this insensitive, dehumanized, and regressive project. This program, if enacted, would relegate welfare recipients to second-class citizenship by restricting both their freedoms and their rights. After an initial cut in benefits of approximately 36 percent, recipients would be able to earn "incentive points" if their children behave in school, participated in enumerated "citizen building activities" or conform to other specified standards of behavior. There are additional "bonuses" for establishing the paternity of a child or for locating a deserting parent.

"Incentive for Independence" is quite clearly Russian roulette played with human lives.

The second experiment, the "Public Service Work Opportunities Project," would take 25 percent of the aid to dependent children families in New York State and force them to "work off" the amount of their benefits. Recipients defined as "employable" according to the President's proposed version of welfare reform will be required to work at any available job. If no jobs are available, they will be assigned to work off the family's grant either in the employ of a governmental agency or caring for the children of other mothers. There is no concern whatever for either the dignity of the worker or the value of the work they are compelled to perform.

If these odious programs succeed in the way the President and Governor hope, welfare costs will be cut since no family will be able to receive more than it does now, while there is an excellent chance that most families will receive less. What more could the Republican Party ask for as an election year approaches?

The human question of the immorality of attempting to make middle-class automatons out of disadvantaged Americans by forcing them into acceptable molds, coupled with the constitutional issues of due process and equal protection under the law, make these experimental projects the potential destroyer of the self-esteem and basic human decency of millions of citizens, in New York and across the Nation.

I sincerely hope that Secretary Richardson will have the courage to tell the President and the Governor that he will not be part of this despicable game plan. He must veto the Nixon-Rockefeller strategy before it is allowed to sacrifice the health and well-being of our children on the altar of selfish political machinations.

Prof. Elizabeth Wickenden of the City University of New York has prepared an incisive analysis of these two projects. I wish to include her study in the RECORD at this point, along with a recent newspaper account of the Nixon-Rockefeller scheme:

NEW YORK STATE DEMONSTRATION PROJECTS

THE CHALLENGE

24,174 individuals in nearly 7,000 families would have their assistance-grants cut from 36% to 50% under a demonstration project proposed by the New York Department of Social Services. They would then be given the "opportunity" to earn back what was taken away by a system of incentive points for work and acceptable behavior. Refusal to work would result in a further reduction, amounting to a total of 60% for a family of four.

This pilot project would be operated in three welfare districts, one of which—Hamilton in West Harlem—has a caseload described as 50% black and 50% Puerto Rican. The other districts are in Rockland and Franklin counties.

In a second project in twenty-five welfare districts all adults judged employable (including all mothers with no children under six) will be required to "work out" their welfare grant at projects provided by the department, unless work is found for them in the regular economy or in public service jobs. This project involves 88,503 families.

The implications, background and status of these projects are summarized below.

BACKGROUND

Three states—New York, California and Illinois—have indicated their intention (with Federal encouragement) to apply for waivers* from provisions of the present law that would permit them to anticipate some of the provisions of H.R. 1. H.R. 1, the Social Security Amendments of 1971, containing the administration's proposals for two new family assistance programs, has passed the House and is pending before the Senate Finance Committee. These programs would have become partially effective on July 1, 1972 but President Nixon has recommended a year's postponement as part of his New Economic Program. In any event the opposition of Chairman Russell Long and conflicting views of its impact leaves its prospects in considerable doubt.

When it first became known that the waiver provisions of Sec. 1115 were proposed to be used on a statewide basis in California and New York to cut back selectively on present program standards, a widespread protest arose including that of Senators who saw such action as an invasion of the legislating authority of Congress. A legal action was brought by the Center on Social Welfare Policy and Law in behalf of the National Welfare Rights Organization, the California Welfare Rights Organization, and the City Wide Coordinating Committee for Welfare Organizations (NYC) demanding access to any project submissions and the opportunity to comment on them. As a result the Secretary of HEW has agreed to furnish copies of any applications from California and New York to these parties for their review prior to approval. Under this arrangement these two projects have been released and will not be acted upon until after October 17 by the Secretary. Any expressions of viewpoint to the Secretary, the Governor, or others concerned must, therefore, be made immediately.

DESCRIPTION OF NEW YORK PROJECTS

At this time two inter-related New York project applications have been made. To answer the charge that statewide modifications of policy under existing law cannot properly be regarded as "pilot" projects, they are limited in the one case to three welfare districts and in the other 25 districts involving 25% of the state ADC caseload. This difference in coverage makes necessary the two projects.

Incentive for Independence would be instituted in three districts: (Hamilton—West Harlem—in New York City; Rockland County and Franklin County.)

GRANT REDUCTIONS

In these counties all ADC families without earnings or support payments will have their grants cut to the basic payment level of HR 1. For a family of four this level is $200 a month, a cut of approximately 36% from present New York payment levels which have already been reduced from budgetary levels. For a large family the cut is almost 50% because of the $3600 ceiling in HR 1.

Should a putatively employable member of a family find it impossible or unacceptable to report for work or training the family grant would be further reduced by $800. This would mean a total reduction of about 60% for a family of four.

INCENTIVE POINTS

Families will then be encouraged to regain at least part of what has been reduced through a system of "incentive points" each worth 25.00 a month or 12.50 each semimonthly period. This applies both to families with a member deemed employable and those

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*Under Sec. 1115 which authorizes such waivers to demonstrate on an experimental basis new ways of promoting the objections of the present titles. For a fuller discussion of this provision see *Back to the Poor Law via Section 1115*. (May 4, 1971. Available upon request.)

without such an employable member. The ways points may be earned and their semimonthly values are:

For each school age child, 5–15 years of age, *cooperating with the teacher* (as determined by the caseworker), given automatically in summer months, 1 point; $12.50.

For each child in school, 15 years or older *cooperating with the teacher*, ½ point; $6.25.

For each pre-school child *given all medically required vaccinations and boosters* during previous six months, 1 point; $12.50.

For each unemployable adult *participating in one or more acceptable activities* during previous six months including, establishment of paternity, locating of deserting parent, participation in rehabilitation, participation in education, participation of children in community activities and ten others (See Appendix III), 1 point; $12.50.

For each youth over 15 years of age *participation in school work program*, 1 point; $12.50 (plus stipend).

For each employable member participation in work (or pre-employment training) either in regular economy, public service employment, public service work opportunity projects (work for relief), care of children of other recipients, 1 point; $12.50 (plus disregards).

Those with earnings would be permitted to keep a portion without affecting the assistance grant by deducting: the cost of day care, the first $720 of earnings, one third up to 150% of flat grant and one fourth thereafter.

The Public Service Work Opportunities Project is proposed to operate in 25 welfare districts and would involve 25% of the state ADC caseload. Its objective is described as follows: "to determine the impact on welfare dependency when every employable recipient is required to be in work and training." Employability is defined as in HR 1. All such persons will be required to work and, if no other employment is available, will be assigned to work out the amount of the family grant either for a governmental agency or in the home caring for children of other mothers. In the districts where the incentives for Independence program is operating it is assumed that the disregard provision described thereunder would apply and that in the other districts the usual policies of the department would apply. The hours of work for the participant would be adjusted to the monthly grant so that the hourly rate would be either the state minimum wage or, if higher, the regular rate paid by the governmental unit for similar work.

CRITIQUE

These two projects are subject to the approval of the Secretary of HEW who must personally approve the waiver of state plan requirements under the law. In making his judgment he must consider questions of (1) compliance with the law (including the Federal constitution), (2) the policy implications of the proposal and (3) its feasibility within the terms described in the project application. Each of these is discussed in turn.

LEGAL CONSIDERATIONS

Sec. 1115 is an exceedingly broad authority to authorize departures from the plan requirements of the assistance titles for "any experimental, pilot or demonstration project which, in the judgment of the Secretary, is likely to assist in promoting the objectives" of such title. Each departure from a plan requirement must be specifically authorized. Constitutional requirements for equal and non-discriminatory treatment cannot properly be waived by any law or executive action. This seems especially true where a *deprivation* of benefits is proposed as in the Incentive project. In other words where an experimental project involving a study of the impact of additional services and benefits might be considered a "reasonable classification" for research purposes, one involving a deprivation for a selected group below otherwise applicable standards raises serious questions of due process and unequal treatment under the law. This is especially true when one group (Hamilton Center) so selected is composed entirely of members of minority groups, Black and Puerto Rican, according to material submitted with the project application.

Special questions are also raised when the group affected by such deprivation is primarily composed of children whose welfare is supposed to be protected by the state. Just as the law protects children against dangerous medical experimentation so, too, should they be protected against dangerous social experimentation.

Discrimination against selected children under this project is apparent. The mother's autonomy with respect to her children is abridged and her behavior coerced by a reduction of the grant to which other mothers and children in similar circumstances are entitled unless she engages in a variety of actions—including but not limited to employment outside the home.

POLICY CONSIDERATIONS

Impact on other States

Because New York has always been regarded as a leader among the states in welfare policy, its policy innovations can be expected to exert an influence on other states. Thus people all over the country should be concerned with these proposals and the Secretary should review them in this light.

Relationship to HR 1

While the Secretary has made the point that the projects of New York, California and Illinois are intended as a pre-test of HR 1, the proposals of New York go far beyond the proposed Federal programs. In fact, it would appear that the New York proposals would make it difficult if not impossible for New York to benefit from the hold-harmless provisions of HR 1 which assume a consolidated federal-state program. The language of New York's submission seems to suggest that it looks upon its program as a substitute for or modification of HR 1 which it refers to critically as follows: "Tragically, the Family Assistance Program does not substantially alter the system which, in New York at least, has proven unequal to the job."

A caste system

Both projects are predicated on mistrust and disapproval of the impoverished families of New York and the assumption that second-class citizenship is the price of state aid. Such families are to be treated as children, rewarded for acceptable behavior by the means of subsistence (as determined by minimal budgetary standards reduced 10%) and punished by withholding of such. Not only are all families reduced by at least 36% prior to such showing of good behavior but those deemed employable and declining to leave their homes and children for outside work are further reduced by an additional $800, thereby reaching—by New York standards—a level of starvation.

In all respects a sub-class of impoverished families is to be created subject to the most detailed scrutiny of their private lives. Not even the Poor Law imposed such conditions and those who sought to overcome its cruelties by requiring an unrestricted cash payment in the Social Security Act can only marvel at such a departure from their intentions.

Welfare practices

Current philosophy of the New York and Federal departments holds that casework services and money payment administration should be totally separated so that they can better serve their separate and independent purposes. The Incentive Project goes in precisely the opposite direction since it presupposes the closest kind of monitoring of client behavior. For example, the application states with respect to incentive points for the mothers of school age children based on acceptable cooperation with their teachers "Specific guidelines for use by casework staff will be developed to determine cooperation with school authorities." The inclusive and at the same time vague character of other actions subject to monitoring in the interest of winning incentive points is indicated by the attached Appendix III.

On the other hand, child welfare concepts suggest the desirability of compensatory support for children in poorly functioning families or those having school difficulties, including truancy. This project proposes that such families should be reduced to starvation levels of subsistence.

Day care

New York City has conducted some excellent projects using carefully selected AFDC mothers for home day care of the children of other mothers. This project proposes, however, that such arrangements are to serve as the sole optional alternative for work outside the home for mothers of children over six in the twenty-five welfare districts covered by the Public Services Work Opportunities Project. Thus it appears that these women are to be virtually self-selected without regard to their own fitness suitability of the home, etc. A type of undertaking of considerable promise when selectively used and supervised could become a substandard custodial pattern of child care for a subclass of poor children.

Feasibility

Both projects offer formidable administrative difficulties which have not apparently been reviewed with those welfare officials selected to carry them out. This is especially true of the Incentives project.

The Incentives Project assumes the most detailed monitoring of personal behavior by the casework staff and honest reporting of such behavior by the client on an extremely complex series of requirements. Of necessity it also leaves important questions of judgment to the individual worker because of the vagueness of some of these requirements. (See Appendix III for example.) It seems an open invitation to favoritism, discrimination, judgmentalism, petty dictatorship, chicanery, collusion and general chaos in worker-client, relationship. The constant variability of payments also presents problems of book-keeping, audit, check writing and appeals procedures which seem almost insurmountable.

The Public Service Work Opportunities Project presents all the problems of large scale work-for-relief programs where hours must be adjusted to differing family payment levels. Experience with FERA work relief programs in the early '30s demonstrated the impossibility of creating a genuine work-experience under these circumstances and led to its abandonment in favor of the WPA monthly wage plan. Such plans on a broad scale quickly deteriorate into a meaningless "work test" with no dignity for the worker and little value to the work they perform.

The option for mothers required to work to accept the children of other mothers for care in their own homes also involves formidable administrative difficulties, especially if any effort to maintain standards of physical suitability, health, safety and qualifications are made. Moreover, the whole question of assuring adequate day care for children of the mothers required to work under this large project is scarcely mentioned in the project submission. This is an extremely costly and difficult administrative task under any circumstances yet in this project involving almost 90,000 families it is taken virtually for granted.

[From the New York Post, Oct. 9, 1971]

STATE PLAN TIES WELFARE TO BEHAVIOR

(By Nick Kotz)

WASHINGTON.—New York State has asked Federal approval of an experimental welfare program that would sharply cut benefits but then award money for such activities as being good in class, going to Cub Scout meetings, or helping track down deserting fathers.

New York Gov. Rockefeller has asked President Nixon to approve the experimental plan which requires a waiver from present law.

The so-called "Incentives for Independence" program would cut New York welfare benefits from $313 a month for a family of four to $200. The family then could regain its present welfare income—but not get more—through a complicated system of "incentive points."

For example, welfare parents with children between the ages of 5 and 15 could earn one point worth $12.50 every two weeks by seeing that their children go to school and behave in class. For children over 15, it would be worth one-half point per child and $6.25 every two weeks. Children over 15 participating in a school work program would get a full point.

[According to Stanley Hill, president of the Social Services Employes Union, the points would only be awarded if, in the judgment of caseworkers, the child is cooperating with his teacher.]

CITIZEN BUILDING

A parent could also earn one point and $12.50 for each of about 25 other "acceptable activities." These would include: locating a deserting parent, establishing the paternity of a child, attending a self-improvement course, or enrolling a child in "citizen building activities" including the Boy Scouts, 4-H Club or community centers.

Cash payments also would be received for serving as a social service agency volunteer, providing a child with foster care, improvement in housing by self-cleanup or self-repair, attendance at a health education program, participation in activities to improve money management, providing out-of-home day care for other children, participation in programs of rehabilitation, including "family education."

On the other hand, the family could lose one-third of its benefit check—from $200 down to $133 a month—if an adult refused an offered job. Some adults would be required to work without pay at public service jobs, if no paying jobs could be found for them.

The program, which must be approved by the Dept. of Health, Education and Welfare, would apply to 27,000 people in 7000 family units in three counties—a section of West Harlem embracing black and Puerto Rican families, and families in suburban Rockland County and rural Franklin County.

The New York State Dept. of Social Services says the plan's purpose is "to provide for the needs of the poor while encouraging a speedy return to independence and self-sufficiency."

PRIMITIVE COERCION

The Columbia Center for Social Policy and Law terms the plan "a primitive form of coercion" and said: "To compel a parent to take certain actions by the manipulation of her child's basic means of survival—the welfare grant—is unconscionable to today's world."

Rockefeller and California Gov. Reagan also have asked federal approval of other experimental plans, requiring welfare recipients to "work off" their grants at public jobs without pay.

John Veneman, Undersecretary of Health, Education and Welfare, said Friday his department is now negotiating approval of the proposals with New York and California officials.

Veneman said he believes HEW can legally permit New York to implement its experiment, but said he sees problems of "equity and administration."

Referring to the New York proposal as "that brownie point plan," Veneman said:

"When you get into judging peoples' personal habits, that is pretty complicated. It could be very cumbersome administratively to have to recompute a family's benefits every two weeks."

The plan has received little publicity because both HEW and New York state refused until last week to reveal its contents.

Elizabeth Wickenden, a professor at City University of New York and a former HEW official, said waivers from present federal welfare law are supposedly for the purpose "of helping welfare recipients, not hurting them."

"Both New York projects," she said, "are predicated on mistrust and disapproval of the impoverished families of New York, and the assumption that second-class citizenship is the price of state aid.

"In all respects, a sub-class citizenship is the price of impoverished families and is to be created subject to the most detailed scrutiny of their private lives. Not even the Poor Law imposed such conditions."

"BROWNIE POINT" SYSTEM ASSAILED

The president of the city welfare caseworkers union today assailed the state's proposed welfare incentive points program as "vicious, racist and inhumane" and warned that community, religious and welfare groups, along with his union, were mobilizing to stop the plan "any way we can."

"This is by far the most vicious program that the Welfare Dept. has ever put out," Social Service Employees Union chief Stanley Hill said. "It's Rocky's promised plan, and it's worse than the old welfare laws—the poor laws. It's really going to starve the clients, no question about it."

Hill said that he and social agency leaders were told by State Welfare Commissioner George Wyman on Thursday that the Hamilton Welfare Center at 530 W. 135th St. had been chosen as the site of the experimental program—once Washington gives its expected blessing.

"I'll tell you, it's going to be really chaos, and possibly violence in the street, if this plan goes through in Harlem," Hill said. "Because you're dealing with a community that's 50 per cent black and 50 per cent Puerto Rican. . . . They're going into a community where the poverty situation is so bad—and they're taking away money."

"One thing that came out of that meeting [with Wyman]," Hill added, "is that families are going to be treated like children. 'You be a good person and I'll give you a Brownie point.'

"It's really a coercion system. They're going to award the family on the basis of behavior. If your son joins the Boy Scouts or Four-H Club or some kind of organization—like a good middle-class kid—you get a brownie point. . . . And if they [the clients] fail to cooperate with any aspect of this program, they can be terminated from the system.

Human Resources Administrator Jule M. Sugarman declined comment today on the plan. "We're not commenting on it yet," Sugarman said. "We did not receive the plan officially until a week ago, and we've had it under study and will probably make a statement next week."

Sugarman said the city was not consulted when the plan was drawn up and had known only that a plan of some kind would be coming out of Albany. Gov. Rockefeller, he pointed out, had sent a message to the Legislature last spring advising that such a program was being devised but not spelling out its nature.

Hill said his union and a number of social action groups were seeking a meeting with Health, Education, and Welfare Secretary Richardson to ask that he disapprove the plan. Legal action is also being planned, he said, since it is generally believed that Rockefeller has already persuaded President Nixon to sanction the program.

"Rockefeller's going completely to the right," Hill charged. "He and Nixon are in cahoots on this thing."

Hill also said the plan would violate the Social Service Dept.'s new policy of separating clerical "income maintenance" work from social work. "This is not only going to [———] the clients," he said "but the workers are going to be turned into cops.

"He's [the worker] going to be put in a bind on this. He's going to be a cop controlling whether the client is entitled to a Brownie, as we call it, or not.

"In the long run it's going to cost more because to monitor this thing administratively, is going to be a nightmare."

Hill also denounced the state's second proposed program, which would require welfare mothers with children over six-years old to take "meaningful" jobs in municipal programs to pay for their welfare, or else work in other welfare homes taking care of children while their mothers worked.

"It's going to be slave labor all over again," Hill said. "We asked them [Wyman and his staff] where they're going to get meaningful jobs, and they just sat there and lied, lied. It was really ludicrous sitting there and hearing them talk about creating meaningful jobs . . . and not be able to tell us what they were."

Wyman could not be reached for comment.

[From the New York Times, Oct. 6, 1971]

STATE RELIEF PLANS IN THREE AREAS ASSAILED

(By Peter Kihss)

The state's proposed welfare demonstration projects in West Harlem and in Rockland and Franklin Counties have come under fire as violating constitutional guarantees for equal treatment. This is among the issues raised in a critique being distributed by the National Assembly for Social Policy and Development, a social planning group.

Asked for city comment on the plans now up for Federal approval, Thomas Morgan, Mayor Lindsay's press secretary, said yesterday "the city was not formally consulted or asked for advice" before the state submitted the proposals to the Federal Department of Health, Education and Welfare.

In West Harlem, 4,750 families with 16,220 members would have present grants cut to a basic level—$200 a month for a family of four, as against about $308 and—would then have to earn their way up again by a system of incentive points for specified behavior and work.

PROPOSALS UNDER STUDY

Mr. Morgan said the city officially received copies of the state proposals only last Friday, and was still studying them with an Oct. 17 deadline for comments for the Federal agencies. Outlines, identifying the part of West Harlem affected, were published in The New York Times Sept. 23.

The critique has been prepared by Prof. Elizabeth Wickenden of the City University's Graduate Center, a former Federal work relief and welfare official. The assembly is a planning agency with 300 individual members, 77 associated national welfare organizations and 350 regional, state and local planning bodies.

The three-area project—entitled "Incentive for Independence"—involves a 36 per cent starting cut in benefits for families of four, and almost 50 per cent for large families as the benefit limit would be held to $300 a month, Miss Wickenden said.

AREAS TO RECOVER POINTS

The cuts would apply to all recipients of Aid to Families with Dependent Children. They could then recover points at $25 a month for such efforts as cooperating with school teachers, having preschool children vaccinated, participating in school work programs for youths over the age of 15, and taking part in various activities for unemployable adults and work or training programs for employables.

Those with earnings could keep a part without affecting the welfare grant by deducting the cost of day care, the first $720 of annual earnings, one-third up to 150 per cent of the flat grant and one-fourth thereafter, Professor Wickenden said.

The state's proposals include also a "Public Service Work Opportunities Project" for 25 city and upstate districts, involving employables among 88,503 Aid to Families With Dependent Children recipients. These would have to work out the amount of welfare grants either for a government agency or care of other children.

Professor Wickenden's analysis said "deprivation for a select group below otherwise applicable standards raises serious questions of due process and unequal treatment," especially with the West Harlem caseload described as half black and half Puerto Rican.

The incentive project, she said, would reverse present state and Federal policy to separate casework services and money payments "since it presupposes the closest kind of monitoring of client behavior."

Both projects, she said, "offer formidable administrative difficulties." The incentive project's need for caseworkers evaluations, she went on, could lead to "favoritism, discrimination, judgmentalism, petty dictatorship, chicanery, collusion and general chaos in worker-client relationships" with "constant variability of payments."

The public service project, she said, would require hours of work to be adjusted to the monthly welfare grant at either the state minimum wage or regular job rate. Such efforts in the 1930's, Professor Wickenden said, "demonstrated the impossibility of creating a genuine work-experience under these circumstances" and led to replacement by the Work Projects Administration with a monthly wage plan.

CONGRESSMAN BILL SCOTT REPORTS

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. SCOTT. Mr. Speaker, since coming to the Congress, I have sent a regular newsletter to citizens of the Eighth District of Virginia and am inserting in the RECORD at this point a copy of the October 1971 newsletter for the information of the Members:

YOUR CONGRESSMAN BILL SCOTT REPORTS

ECONOMIC PACKAGE

A few days ago the House passed the Revenue Act of 1971 which included the major items requested by the President in his message to the Congress on stabilizing the economy and curbing inflation. It is a very complex bill containing 108 pages but a copy will be sent to anyone who wants to study the measure in detail. Among other things, it repeals the manufacturer's excise tax on passenger automobiles, increases the exemptions for personal income tax and provides a job development investment credit to businesses to encourage them to modernize their equipment and facilities to provide more employment. Of course the economic package includes a commitment on behalf of the President to reduce Government spending by approximately $5 billion. One phase of this reduction in spending is the reduction of the number of Government employees by 5% which is expected to be done by not filling vacancies when they occur in the various agencies and by the deferral, until July 1, of an increase in pay scheduled for January. It might be added, however, that existing law provides for a second cost of living increase for Government employees, effective on October 1, 1972. While everybody likes to receive raises, concern was expressed that the reduction in expenditures might be accomplished by a further reduction in jobs. In any event, I believe the action by the President and by the Congress is responsible and will tend to stimulate our economy. Let us hope that the Senate acts promptly on the Revenue Act so that more jobs will be available. A copy of my remarks in support of the President will be furnished you upon request.

SUPREME COURT

All of his Virginia colleagues in the House of Representatives recommended that Congressman Richard H. Poff be nominated by the President for one of the vacancies on the Supreme Court. We all regret that Mr. Poff felt it necessary to withdraw his name from consideration. Appointments to fill these vacancies may be among the most important acts the President makes during the time he is in office because the Justices do serve for life and their philosophy of government is reflected in their opinions. I am suggesting to the President that he retain his desire to see strict constructionists appointed and that he seek persons of the highest possible caliber to fill these two vacancies, regardless of the clamor raised in some quarters.

SEALIFE CONSERVATION BILL

Unless the United States has at least standby authority to protect and conserve the sea life off our coast, as well as species that spend part of their life in our fresh water streams, such as the salmon, we can expect these resources to become increasingly scarce. Today the heavy fishing by foreign fleets literally at the mouth of the Chesapeake Bay inevitably will make it impossible to sustain our yield of food from the sea. Therefore, a number of us sponsored H.R. 3304 which passed the House recently, authorizing the United States to join with the other coastal nations in protecting not only endangered species of sea life but also those important in supplying protein food for this nation and the rest of the world.

WASHINGTON'S BOYHOOD HOME

Recent speculation about the possible commercial development of the remainder of Ferry Farm, the boyhood home of George Washington, has caused considerable concern among people from the Fredericksburg area and others who are interested in the preservation and restoration of this historic site. In response to the suggestions of a number of individuals and groups, I introduced legislation in the House to authorize the Secretary of Interior to acquire this property and to establish a national historic site to be known as the George Washington Boyhood Home National Historic Site. The entire Virginia delegation in the House and other members have joined as co-sponsors of this measure. It would seem that the action is warranted and timely because we will observe the 200th birthday of the country in 1976. Accounts of our first President's early life indicate that this is the place where he supposedly chopped down the cherry tree and threw the Spanish dollar across the Rappahanock River. Hopefully we will be able to preserve this valuable part of our national heritage.

EQUAL RIGHTS FOR WOMEN

Among the measures under consideration in the House is a proposal to amend the Constitution to provide for equal rights for men and women. Last year the House of Representatives passed a proposal providing that the rights of no person should be denied or abridged by either the Federal Government or any State on account of sex. However, the Senate failed to act upon the proposal. This year the House Judiciary Committee has added a provision which reads, "Sec. 2. This article shall not impair the validity of any law of the United States which exempts a person from compulsory military service or any other law of the United States or of any State which reasonably promotes the health and safety of the people." It is this second portion which is the controversial one. Many women's groups suggest that there should be no exception in the law for any reason whatsoever. The contrary view is a concern about drafting young girls, a change in the alimony and support laws, and customs or laws which in any way suggest a difference based on sex. A vote in the House is scheduled for Tuesday of this week.

ANOTHER PROPOSED AMENDMENT

You may recall the comment from our May newsletter that a discharge petition had been filed to bring before the House for consideration a proposed amendment to the Constitution to permit nondenominational prayer in schools and other buildings supported by public funds. In order to discharge the Judiciary Committee from further consideration of the bill and to obtain a vote in the House, it was necessary to obtain signatures of a majority of the entire membership. This has now been done. The matter, therefore, is expected to come before the House for consideration on November 8 at which time it will be necessary to obtain a favorable vote by two-thirds of the members present before the proposal can be sent to the Senate for consideration and later to the States for ratification. Several of the national church organizations are opposed to the resolution because of the fear that it will breach the wall of separation between church and State. However, the proposal would only permit nondenominational prayer similar to that which has been practiced, until recent years, in our schools. As an early signer of the discharge petition, I intend to vote in favor of the resolution. This is in accord with the views most constituents expressed in our recent opinion poll.

RETIREMENT MEASURES

Our House Subcommittee on Retirement, Insurance and Health Benefits has agreed to recommend to the full Committee on Post Office and Civil Service a bill to permit any Federal civilian employee during a major reduction in force within his agency to retire provided he has 25 years of service regardless of age or has 20 years of service and is at least 50 years of age, with a reduction in the amount of his annuity of 2% for each year of age below 60. The same measure would permit optional retirement of any Government civilian employee whose combined age and years of service equals 80. My bill to permit retirement with 30 years service, regardless of age, was offered as a substitute but failed to carry on a 4 to 4 vote in the Subcommittee. Therefore, it will be offered in the full Committee as a substitute to the measure providing for retirement when age and years of service total 80.

PANAMA CANAL

The House Committee on Foreign Affairs recently had hearings on a resolution expressing the sense of the House that the United States maintain sovereignty and jurisdiction over the Panama Canal and the Canal Zone. You will recall that we entered into a treaty in 1903 under which this Government was granted full sovereign rights over the area for the construction, maintenance and operation of the Canal and we guaranteed the independence of the Republic of Panama in perpetuity. Although several revisions have been made in recent years, the Canal has played a vital role in the strategic and commercial life of the United States. Many of our ships have passed through the Canal during times of war and approximately 70% of all ships using the Canal for commercial purposes are enroute to or from U.S. ports. However, since the Canal was opened, it has been available during peacetime to ships of all nations on equal terms. It is my understanding that we have invested a total of $5 billion in the waterway and that ceding sovereignty of the Canal to Panama could have disastrous results. A hostile regime could deny the use of the Canal to both our naval forces and our commercial ships. While this resolution, if adopted, will not have the force of law, it could be persuasive against the adoption of any treaty to cede jurisdiction of the Canal to the Republic of Panama or to an international body.

NATIONAL HEALTH INSURANCE

The Ways and Means Committee has announced that the next major order of business of that Committee will be public hearings on national health insurance. As you may know, a number of bills have been introduced ranging from measures relating only to Federal aid for catastrophic illnesses to almost complete socialized medical care. Anyone desiring to testify or to present written statements to the Committee should contact Mr. John M. Martin, Jr., Room 1102, Longworth House Office Building, Washington, D.C. 20515.

SOMETHING TO PONDER

Common sense is genius in its working clothes.—Emerson.

ARTHUR W. ARDIZONE RETIRES

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. JAMES V. STANTON. Mr. Speaker, Arthur Ardizone, business executive for the Cleveland Press for the past 20 years, retired on October 1, bringing to a close a long career marked by a substantial contribution to the newspaper industry in Cleveland, as well as by dedicated service to his community. I am certain that all of Cleveland joins me in wishing him well in the coming years, which, we are certain, will bring him as much happiness and fulfillment as the preceding ones did.

In tribute to his many accomplishments, I include the following article in the RECORD:

ARTHUR W. ARDIZONE IS RETIRING AS PRESS BUSINESS MANAGER

Declaring that his 39 years of newspapering haven't really seemed like work, but more like fun. Arthur W. Ardizone retires Oct. 1 as business manager of The Press.

Ardizone has been with The Press since 1950 when he came here as national advertising manager, serving successively as retail advertising manager, advertising manager, advertising director and then business manager last September.

Before coming to The Press he gathered experience with the advertising department of General Electric and worked with newspapers in Springfield, Mass., where he met and married his wife Mitzi in 1926.

Joining Scripps-Howard in 1937, he was a national advertising manager of the Washington Daily News.

In Cleveland, he has made a substantial contribution to the community. He is a past president of the Sales Executive Club and an active member of the Advertising Club, of Rotary, of the Chamber of Commerce and its successor the Growth Assn.

He captained a team in a United Appeal drive and worked in others, and also devoted his energies to the American Cancer Society, the Red Cross and the Boy Scouts, to name some.

He is a member of Canterbury Country Club and the Cleveland Athletic Club, and he and his family are members of Fairmount Presbyterian Church.

At The Press he has been a valued colleague, energetic, devoted and resourceful in his duties, and remarkably congenial with everyone.

Editor Tom Boardman says of Ardizone: "He was helpful, productive and pleasant to work with, and is a warm and congenial friend. We will miss him but we wish him well."

There is a company-wide appreciation of his services for nearly four decades. Frank B. Powers, Scripps-Howard general business manager, says of him:

"He has all this time been a star in the Scripps-Howard business team and is highly respected throughout the industry. We shall miss him, and like Boardman, we wish him well in a well-earned retirement."

Ardizone and his wife intend to complete a few preparations and then, Dec. 1, head for Florida.

"I have played golf for a full 40 years and get worse all the time," Ardizone says.

"Even so, I'm going to see friends and play golf in Florida for as long as it's congenial, then Mitzi and I plan to drive to New Orleans, to Arizona and finally to San Diego.

"In San Diego we may get an efficiency suite and stay through February and March and then we'll come home. We plan to live here spring, summer and fall."

The Ardizones have two sons, Richard M., who lives in Morristown, N.J., and Arthur Jr., who lives in Glen Ellyn, Ill. The Ardizones have four grandchildren.

As he leaves the action of the newspaper business, Ardizone predicts it will have a bright future. Although it is undergoing an evolutionary change now, he foresees that the number of newspapers and their value to the community will increase.

"Young people would do well to enter the field for a rewarding life," he says.

RETIREMENT OF DEAN A. C. RUSSELL OF UNIVERSITY OF LOUISVILLE LAW SCHOOL

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. MAZZOLI. Mr. Speaker, after many years of service as professor and dean of the University of Louisville Law School, Dean Absalom C. Russell has announced his plans to retire. He has had a great and lasting influence on so many of his students, and I believe his outstanding service deserves the tribute of recognition in the CONGRESSIONAL RECORD. Accordingly, I submit the following article which I prepared for a dedication issue to be published in Dean Russell's honor by the law school:

DEAN A. C. RUSSELL

I am told that Dean A. C. Russell is retiring from the University of Louisville Law School. This news surprises and saddens me because I really did not think he would ever "kick the traces." U of L Law School will not be the same without our beloved Ab Russell.

His departure prompts me to do some reminiscing about my years at Law School which he influenced so much. Let's start with 1957.

1957 was not an unusual year; it was undistinguished as years go. But, it was memorable to me because I began U of L Law School in 1957, and I met Ab Russell that same year.

I was just a year out of the Army, and my brains were apparently still packed away somewhere in that olive-drab duffel bag in the basement along with the baggy fatigues and scruffy boots. I had a hard time getting readjusted to the Halls of Academe after spending two years "at attention" and another year swinging a hoe and shovel on construction jobs. My only consolation was that our Class was replete with bearded, gnarled veterans who were about as rusty between the ears as I was.

In today's vernacular, those first years in Law School were a "mind-blowing" experience. I didn't need antihistamines to keep my sinus passages clear. Torts and Contracts and Property cleared them out permanently and cauterized them for good measure. But along with the agony, came some ecstasy.

A person cannot long be discouraged and downcast when he hears the dulcet and mellifluous voice of Ab Russell intone that famous phrase: "up the gum stump."

A person cannot long be tense and anguished when he hears Ab Russell's soothing strains calling for all mankind to "rear back on its hind legs."

A person cannot long walk with a cloud over his head when he is privileged to hear a few thousand times during an hour's lecture: "put it in the hotchpot."

So, even rusty, befuddled, and bewildered veterans did not remain crestfallen for long in those early, tough years of Law School, and this was primarily because of Ab Russell's aural ministrations.

Unfortunately, I have no such solace or relief nowadays, and I miss it. The voices of Congress seem so gravelly by comparison to Ab's tones. Ah, what a difference a few years makes. Ab, where are you when I need you so much?

But, all good things must come to an end. And U of L's good thing these many years—Dean Ab Russell—is about to come to an end. He will be sorely missed by all his colleagues at the U of L, but especially, I think, he will be missed by his students, both past and present.

He schooled us well in the law, and he taught it without pretense, obfuscation, or bombastic oratory. We did not all turn out to be legal scholars, but I think most of his graduates have conducted themselves in a way to requite his judgment in passing them out of school. For my own part, I am happy that I had a chance to study under him and learn from him.

All of his colleagues, friends, and acquaintances wish him well as he "throws off the yoke" of his many energetic years in the classroom and in the front office at U of L Law School.

However, Dean Russell's retirement years probably will not see any lessening of his mental or physical activities. About all retirement means is that Ab Russell's schedule will be controlled by sundials and seasons rather than by buzzers and alarm clocks.

U of L Law School will not be the same without him. Boy voyage, Ab.

ALASKA UNDER SIEGE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. DINGELL. Mr. Speaker, the New York Times, in an editorial in its September 16, 1971, issue, commented editorially on the need to protect the public lands in the State of Alaska.

The New York Times very accurately observed:

The oil companies, mining interests and land speculators have Alaska under siege.

I am inserting the text of the editorial at this point in the RECORD:

ALASKA UNDER SIEGE

The oil companies, mining interests and land speculators have Alaska under siege. The discovery three years ago of huge oil and gas deposits evoked an upsurge of economic lust that makes the Klondike gold rush look almost as genteel as a church cake sale.

Only the land claims of the native Alaskans—Eskimos, Indians and Aleuts—stand in the way of this speculative boom. Almost all the land in the state belongs to the Federal Government. Since it is not suitable for farming, very little of it was parceled out under the Homestead Act. None was given away to railroads because the only rail line was constructed by the Government.

When Alaska became a state in 1959, Congress permitted the new state government to choose 103 million acres of public land—almost one-third of the state's total area. However, the state had chosen only about 25 million of these promised acres before the angry natives began to threaten legal action.

These natives—60,000 as against 250,000 persons who have moved to Alaska from the rest of the United States—saw their traditional way of life being destroyed and their hunting and fishing lands taken away. In August 1967, Secretary of the Interior Udall froze any further disposal of Federal land in Alaska until the native claims were settled. Each of his successors has temporarily extended that freeze.

The House Interior Committee is now considering a native claims bill which would set up several corporations organized along ethnic lines and controlled by boards of directors elected by the natives. The bill would permit these tribal corporations to choose 40 million acres of public lands and thereby clear the way for the state to choose its remaining acreage under the Statehood Act.

The bill does justice to the native claims, but as now drawn it does not do justice to Alaska's future. There is no provision for developing a comprehensive plan for the future development and conservation of the state. Representatives John Saylor, Republican of Pennsylvania, and Morris Udall, Democrat of Arizona, are sponsoring an amendment to freeze the development of any lands to be given to the state and to the natives until the Secretary of the Interior submits such a plan to Congress. It is essential that in any native claims legislation contain this requirement.

Alaska stands today in almost the pristine condition in which the American West existed a century and a half ago. The opportunity is there to reconcile economic development and the environment in a coherent, constructive way. Ecological values can be respected, with the many uses of the land and water decided upon after a disinterested examination of alternative possibilities.

This is an opportunity that can never come to this nation again. It must not be bartered away to the lobbyists or casually overlooked out of ignorance or indifference. This nation has an obligation to itself and to mankind to make Alaska a triumphant demonstration of what man's intelligence can preserve and create rather than yet another proof of man's folly. As trustees for the nation, the members of the House and Senate Interior Committees and of the whole Congress must not fail in discharging this obligation.

"FORGIVE HIM" BY H. S. HECKHEIMER

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. BINGHAM. Mr. Speaker, I am proud to have as my constituent Mr. Harry Saks Heckheimer, who will soon be 95 years of age.

On previous occasions I have shared his evocative writings with readers of the RECORD.

Mr. Heckheimer's latest prose poem is a vivid commentary on two of the most pressing problems of our day; narcotics and our correctional system:

FORGIVE HIM

With his rotting guts he drank the Park's brackish water, broken bits of bottle lay on the walk at his side, the dead stench of his clothes did not attract the passerby,

The loosened, wandering dogs licked his face, and urchins from their pails of earth infused his remaining hairs.

Dawn had ended, night had gone, morning was here the Officer's stern command "get up", and then he sought another bench.

A beggar's nickel, or, dime to purchase another bottle of cheap wine, the noise of marching feet, the funeral cortege, the noise of street, all pass him by, the oblivion of the unkept.

There was no reverse, no going back, to many winters, he only knew the treadmill of his fate, at times he became a willing penitent, and sought the corner mission for food and rest, and he yet recalled while thus on his knees someone said "pass the bottle Chief."

He frequented hospitals, pains in his chest, here for a day or two, a bath, clean clothes, but when the "records" showed he had been there before "out into the rain again".

The more expensive things, to breed hallucinations, he could not afford, so he nursed his dreams "sniffing things like Glue," to make new hues, to further secure his demolition, but in his torment everything forsook him, so he forsook what was left.

The tale of how he got to where he was, is not new, he had a friend, a gracious friend, who when he needed just a "whiff," never let him down, and then this very friend, like a computer without figures, asked him to sign a "check," he had done this before, but this was a "wooden one."

The lawyer for the poor, had other things to do "take a plea," you will get a "suspended sentence," this is your first offense.

It was just a pen's spot of ink, such a simple thing "your finger print," that changes and indelibly marks your life, achievement, home, honor, glory, their doors are tight.

The four walls, steel doors, the guard, the hardened bed, the dripping water, the clatter of the well nailed shoes, a requiem of the dead, the hours had no clock, it had time of a different kind.

Distinguished citizens, many of whom never was in a jail, appointed to pay a political debt, in their mercy were lenient "they made him do it all."

When the final morning came, with his new Prison Suit and Thirty-one dollars and ten cents earned in the Jail's Shoe Shop, and thus equipped, with hope upon his lips, he dreampt a new career.

His former friends found other streets to walk upon, jobs were plenty, each application had a "square" to mark was he ever "guilty of a crime," the job ended there.

And so he found a "bench again," the rest a twice told tale, a number on a wooden slab, the ceremony of a "cadaver," it was all because of his "finger tips."

ELIMINATE LEAD

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. RYAN. Mr. Speaker, a silent epidemic is sweeping across the face of our Nation's cities. The disease is lead-based paint poisoning. Its toll is taken in terms of the health of hundreds of thousands of young children each year.

Perhaps the real tragedy, however, is that this dread disease is totally preventable. Thus, I have filed a petition with the Food and Drug Administration to eradicate the source of this affliction—to ban lead-based paint.

On September 20, the National Paint, Varnish & Lacquer Association, Inc.—the national paint trade association—wrote to each Member of Congress in an attempt to refute my assertion that 1-percent leaded paint is dangerous and, therefore, should be prohibited by law. My position—and the position of a significant number of scientific and health experts—appeared in the CONGRESSIONAL RECORD of September 29—pages 33867–33870—so I will not dwell on it.

However, I have just received a letter from Ray Call, Director of the Family Relocation Office, New Haven Redevelopment Agency, in support of eliminating all lead-based paint. I believe his statement provides further insight into the need of meeting this problem. I commend it to the attention of my colleagues.

The letter follows:

STATEMENT IN SUPPORT OF CONGRESSMAN RYAN'S PETITION TO BAN THE USE OF ALL LEAD PAINTS FROM THE HOUSEHOLD—OCTOBER 4, 1971

The tragic consequences of lead poisoning are documented in the files of this office. Over 100 families having children with various levels of lead poisoning have been referred to us. We have been asked to help these families escape the omnipresent threat of lead-based paint.

Medical authorities have identified the cause of lead poisoning. They have told us that the major cause is in paint and related materials containing lead. When these materials are painted on surfaces accessible to children, lead poisoning can result. *Medical authorities are increasingly unambiguous about this. Our support of those seeking to* *eliminate every trace of lead in paints and related materials should be equally unambiguous.*

The majority of the affected children reside in the inner city, where the dangers of lead poisoning are greatest. The parents of these children as well as many community leaders often interpret our failure to aggressively pursue legislation to eliminate lead-based paints as an act of violence done against them.

The latter language is more than the rhetoric of reckless revolutionaries; it is increasingly descriptive of our passive attitude toward the vested interest of paint manufacturers.

Our failure to give the most unequivocal support to those who want to eliminate the lead poisoning threat will make us accessories to the crime of adding to the social, economic, and political impoverishment of families living in the inner city where the dangers of lead poisoning abound.

Ray Call,
Director, Family Relocation Office, New Haven Redevelopment Agency.

RADIATION IS EVERYWHERE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. CRANE. Mr. Speaker, in many communities there is opposition to the building of nuclear powerplants because citizens mistakenly believe that having such a plant in their locale will dangerously increase the radioactivity to which they are subject.

Few people realize that the radioactive materials in our bodies give us an internal exposure of natural radiation averaging 25 millirems. A recent statement by the Investor-Owner Electric Light and Power Co's., points out that—

> Buildings and the earth add another 55 millirems. Cosmic rays from space expose us to around 40 millirems . . . All exposures considered, each American averages about 125 millirems of natural radiation annually.

What is the case with regard to a nuclear powerplant. This same statement notes that—

> A person living anywhere in the vicinity of a typical nuclear power plant, 24 hours a day for a full year, would be exposed to less than 5 millirems of radiation from the plant.

America's need for electricity is expected to double in the next 10 years and nuclear power will play a major part in filling this need. Americans should acquaint themselves with all of the facts concerning nuclear powerplants before they oppose the location of such plants in their communities.

It appeared in U.S. News & World Report of September 20, 1971. I wish to share this statement with my colleagues, and include it in the Record at this time:

MOM'S APPLE PIE IS RADIOACTIVE—SO IS MOM

That doesn't make her a dangerous woman.

Radiation is just naturally everywhere. In the earth. In your homes. In your food. In your Mom.

And each accounts for more radiation than a nuclear-power plant.

Take your Mom. Or yourself for that matter. The radioactive materials in our bodies gives us an internal exposure of natural radiation averaging 25 millirems. (A millirem is 1/1000 of a rem, the standard unit of measurement of the biological effect of radiation.)

Buildings and the earth add another 55 millirems. Cosmic rays from space expose us to around 40 millirems. This varies—the higher the elevation you are at, the higher the exposure. All exposures considered, each American averages about 125 millirems of natural radiation annually.

Now, how about a nuclear power plant? Present operating experience tells us this: a person living anywhere in the vicinity of a typical nuclear power plant, 24 hours a day for a full year, would be exposed to less than 5 millirems of radiation from the plant.

Less than 5 millirems. Why, Mom could easily be exposed to that much during one round-trip coast-to-coast airline flight at 35,000 feet.

Those are the facts. And we think everyone should be aware of them. Because America's need for electricity is expected to double in the next ten years. To meet this need in an orderly fashion, clean, safe nuclear power must play an increasingly important role.

Our country's ability to do the work that needs to be done will depend on an adequate supply of electricity. There's no time to waste. New generating facilities must be built, and built in a way compatible with our environment.

We'll continue working to do this. But we need your understanding today to meet tomorrow's needs.

The people at your Investor-Owned Electric Light and Power Companies.

KEEPING FAITH WITH THE CONSTITUTION

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. JONES. Mr. Speaker, I include the following: Residing in the First Congressional District of North Carolina is Miss Gertrude Carraway. Miss Carraway is one of the outstanding citizens of the State of North Carolina; her contribution to our historical heritage is immeasurable. Her strong belief in the basic values under which this Nation was founded is admirable. In her capacity as honorary president general NSDAR, she recently addressed the celebration of the 184th anniversary of the signing of the Constitution. Her subject was, "Keeping Faith With the Constitution," and I was so impressed with her remarks that I am happy to include from her address some excerpts in the Congressional Record so that others might share in them. They are as follows:

KEEPING FAITH WITH THE CONSTITUTION

The bicentennial of the American Revolution is approaching. This significant event makes this an especially appropriate time to keep faith with the Constitution by considering some of the many advantages we enjoy in our Constitutional Republic.

Our Nation was founded by capable men of Christian spirit who trusted in Divine Providence and the dignity of man. Their aims and achievements for the greatest good to the greatest number should be regarded as intrinsic values worth emulation. Despite faults and failings, which can be legally corrected and improved, our system of government checks and balances is the best ever devised.

Every American should be proud of the "unalienable rights . . . endowed by their Creator." Our Republic was established to secure and protect those rights, "with the consent of the governed," in order to keep us from bondage, tyranny, and unjust restraints upon lawful actions and conscientious convictions. However, rights are dependent upon responsibilities. Our rights entail duties of citizenship, as set forth in The American's Creed.

Our American heritage must be passed on to posterity intact, untarnished and improved. Its freedoms are not self-perpetuating. They are bequests, entrusted to our care, and must be earned anew with "The Faith of Our Fathers." To preserve these freedoms, we should continue to practice, teach and preach the duties of good citizenship.

The United States Bicentennial is an excellent time for us to redouble our efforts to help bring a resurgence of true patriotism and optimism in our country. We, as Americans, have good reason to have hope, and, as has been predicted by others, "America is the last best hope of the world."

SCHOOL PRAYER AMENDMENT

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. CORMAN. Mr. Speaker, proponents of the school prayer amendment have argued throughout the years that there is a need for religious study and discussion in the public schools. There was, however, nothing in the 1962 and 1963 Supreme Court decisions which prevent this. In fact, the Court went out of its way to say that there can be study of comparative religions and study of the Bible as history or literature.

Philip H. Phenix, professor of philosophy and education, Teachers College, Columbia University, testified before the Judiciary Committee in 1964 stressing that rather than engaging in practices that deny the basic principles of religious freedom emphasis should be placed on exploring and implementing the many educationally and religously productive ways of bringing religion into the curriculum of public schools.

Sharing Mr. Phenix's beliefs that we should call attention to the religious dimensions through the study of history, art, and literature rather than through prayer in public schools, I am inserting the complete text of his testimony for the consideration of all my colleagues.

The text follows:

TESTIMONY OF PHILIP H. PHENIX, PROFESSOR OF PHILOSOPHY AND EDUCATION, TEACHERS COLLEGE, COLUMBIA UNIVERSITY

Mr. Phenix. Thank you, Mr. Chairman. I appreciate very much, gentlemen, your patience in waiting this long. I wish to express my thanks to the committee for permitting me to present the following testimony concerning proposals before it to amend the Federal Constitution so as to permit the performance of such religious exercises as prayers and Bible reading, on a voluntary basis, in public schools. For more than a decade I have been professionally concerned with the problems of religion and education, as a faculty member in a leading graduate school of education, and I have dealt with these issues in books and articles as well as in courses specifically devoted to their consideration. I speak as a lifelong Christian and as an active church member, who is convinced that religious faith plays a central role in all phases of life, including the activities of education.

I might also add that I have been a chaplain in the armed services and have been a chaplain in a college for a number of years.

The principle of overriding importance in the relations of religion and government is that of religious freedom. Religion is concerned with the free human response to the God who creates and is sovereign over all things. It follows that no human agency may regulate that response. A person's relationship to God is the supreme relationship, transcending in importance all others into which he may enter. Not even the most fundamental human ties of friendship, kinship, or citizenship take precedence over one's commitment to God, for He is Lord and Judge of all such finite associations and obligations.

The American Republic was founded and has prospered over the years under a political covenant, contained in the Federal Constitution, that has recognized this fundamental principle of religious freedom. The explicit statement in the first amendment forbidding the Congress to make any laws respecting an establishment of religion or prohibiting the free exercise thereof makes it clear that government is not in any way to be an arbiter of religious faith. This Nation has stood for the principle that religion is a matter entirely between the believer and God, to be sustained by such voluntary associations and religious organizations as the citizens may choose, but not to be either promoted or opposed in any way by the agencies of government.

History is replete with evidences of the baleful effects of linking the institutions of religion and of the state. Religion that is officially endorsed by government tends to diminish as the free response of the believer to the God who is Lord of all political orders. Furthermore, if government is invoked in aid of religion, it may by the same authority and with equal legitimacy suppress it. Whenever the state has control in any degree over religious life, the way is opened for the denial of religious freedom and for the persecution of those who do not adhere to the officially approved forms of faith. On the other hand, when the religious covenant is maintained separate from the political covenant, religious freedom is preserved and religion prospers, as it has in our country without parallel in human history.

It is therefore of the utmost importance that the public school—an agency of the political power—not be given the authority to promote an official religion, as it would do if prayers and Bible readings were to be permitted in accordance with the proposed amendments. It makes no difference that students who object to such practices might be excused from participation in them. The state would still remain the official agency for a preferred form of religion, and those who chose not to practice it would become at best tolerated dissenters from the recognized public cult.

Furthermore, the amendments would introduce an utterly impossible and chaotic situation, unless a national agency were authorized to determine what prayers and Scriptures were to be recited and read. Without rigid Federal prescription (and thus an establishment of religion) there would be no bar against the most diverse sectarian materials and thus no protection against the use of public agencies to indoctrinate students in the tenets of whatever faith the power structure of the local community might decide it wanted.

Even more serious is the fact that once the principle of governmental action in religious life were accepted by constitutional amendment, the way would be opened for suppression of religion by governmental action. The majority that this year may applaud formal prayers and Bible readings in their schools can just as well 1 year or 10 years from now authorize the recitation of an atheist creed or a prayer to the President with or without the provision for voluntary participation. There is no difference in principle between official authorization of religious practices in the public schools and official opposition to religion by means of public institutions.

It is a matter of simple logic that we Americans cannot enjoy the constitutional protection of religious liberties and at the same time authorize the public schools to conduct religious exercises involving prayers and Scripture readings. The latter authorization in principle nullifies the former protection. The effect of the proposed amendments would be to contradict the first amendment provision against the establishment of religion and the guarantee of religious freedom. To assert as part of the new amendments that nothing in them shall be construed to constitute an establishment of religion cannot alter the fact that such amendments would by their very nature introduce just such an establishment. In this manner the Constitution would be made to contradict itself, and this would be disastrous, for, to paraphrase a passage from the Bible quoted with such effect in another period of crisis in our natural life, "a Constitution divided against itself cannot stand."

Besides the fundamental religious and constitutional principle, it is important to note that eliminating official prayers and Scripture readings does not banish God and religion from public life, including the schools. God is at work in all things, and He cannot be secularized out of existence. He is the God of public agencies as much as if not more than of churches and synagogues. While religious exercises are not the appropriate way to respond to God in public institutions, there are many other ways that are appropriate and that do not negate the basic political principles that guarantee religious freedom.

There is nothing in our Constitution that prohibits the study and discussion of religious matters, including the Bible in public schools and colleges. There is nothing that stands in the way of public school teachers calling attention to the religious dimensions in the various subjects of study, including possible religious interpretations inherent in language, science, the arts, morality, history, and other disciplines.

Religious rituals such as prayers and Bible readings (without comment or discussion) are a relatively superficial and both religiously and educationally ineffective way of dealing with religion in public education. If the religiously concerned people of the United States really care about the religious nurture of the young, they will make an effort to explore and implement the many educationally and religiously productive ways of bringing religion into the curriculum of public schools without engaging in practices that necessarily deny the basic principles of religious freedom because they are essentially forms of sectarian worship.

Therefore, gentlemen, I urgently beseech you, for the sake of our precious heritage of religious liberty, and on behalf of a really significant place for religion in public education, that you use your very considerable influence to insure that the proposed constitutional amendments will not be adopted.

I would like to add parenthetically that all these arguments about juvenile delinquency and crime being solved by prayer and Bible reading are sheer nonsense. These things are not dealt with at all effectively by prayers and Bible readings.

I might add one other word that my own work over the years as a teacher in a school of education has been concerned with trying to find out ways that are really important and educationally significant for dealing with religion in history, art, literature, and other fields. There are some very exciting ways that are not objectionable from the standpoint of constitutional provisions.

Thank you very much.

THE DECLINE AND FALL OF SOVEREIGN IMMUNITY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Mr. RARICK. Mr. Speaker, with the surrender of State sovereignty comes a corresponding breakdown in sovereign immunity. An Ohio court has now ruled that the State of Ohio can be sued for damages as a result of the Kent State University riot in May of 1970.

Other States which have either surrendered or been denied sovereign immunity from suit without legislative permission by the people's representatives are California, Colorado, and New Jersey.

As the legal revolution proceeds, we can soon expect legal actions rationalized by liberal Federal judges to abolish the sovereign immunity of the United States, including the bypassing of the prerogatives of this body as the guardians of the people's treasury, to permit direct suits against the United States and U.S. officials for damage occasioned by their activities or negligence.

So that our colleagues may understand the significance of the Ohio dictum as far as being applicable to the Federal Government, I insert annotations on U.S. Supreme Court decisions on immunity of the Federal Government from suit and a related news clipping at this point in the RECORD:

[From the Christian Science Monitor, Oct. 5, 1971]

IMMUNITY LIFTED, OHIO FACES TRIAL IN A KENT KILLING

(By James P. Herzog)

CLEVELAND.—The king can do no wrong—except in California, Colorado, New Jersey, and now Ohio.

An Ohio appeals court in a split decision Thursday ruled that the ago-old principle of sovereign immunity—which in this country means a citizen can't sue the government without consent—violates both the United States and Ohio constitutions.

The ruling came in a $2 million wrongful-death suit filed by the father of one of the four Kent State University students killed by Ohio National Guard bullets May 4, 1970.

A spokesman for Ohio Attorney General William J. Brown said the state will appeal the decision to the Ohio Supreme Court.

The decision was handed down in the Eighth District Court of Appeals by presiding Appellate Judge Jack G. Day and Judge Alvin I. Krenzler. They ruled that a Common Pleas Court judge erred in throwing out, on grounds of sovereign immunity, the case of Arthur Krause of Pittsburg, whose daughter Allison was killed in the incident.

"A special shield for the state against responsibility for its tortious acts is unjust, arbitrary, and unreasonable and results in discrimination prohibited by the equal-protection and due-process clauses of the 14th Amendment to the United States Constitution," the judges ruled.

The immunity doctrine has its base in English common law. There has been growing dissatisfaction with the principle among lawyers throughout the United States. This thinking earlier brought an end to sovereign immunity in California, Colorado, and New Jersey.

DIFFERENCE DRAWN

Joseph Sindell, a Cleveland lawyer who, with his son, prepared the case, said, "sovereign immunity is a cruel and inhuman rule. It doesn't belong on the books."

Here is how the principle works in states where it is in force:

If a man is crossing the street and is hit by a car, he can sue the driver and the owner of the car.

If a man is hit by a state highway-maintenance truck, he can sue the driver as an individual. But he cannot successfully sue the state.

The two judges said that, to guarantee that state employees are not impeded or inhibited in their work, sovereign immunity can be retained for individuals in their work, "while at the same time imposing liability on the state."

The judges said they had the right to make the decision because it was put into force by the Ohio courts—not by the State Legislature or constitution.

Judge John M. Manos dissented, saying, "If it is believed that the doctrine of sovereign immunity is indeed an antique of no modern relevancy, the forum for this change rests either on legislature action or with a new constitutional convention."

OTHER CASES DISMISSED

The 2-1 ruling sends Mr. Krause's wrongful-death suit back to the Common Pleas Court for trial. Undoubtedly no trial will take place until the Ohio Supreme Court rules.

Mr. Krause and parents of two others killed at Kent State also asked $11 million in damages in cases filed in the U.S. District Court here. But those cases were dismissed last June on grounds of sovereign immunity. They are being appealed.

The federal suits name former Gov. James A. Rhodes and two high-ranking National Guard officials at the time of the Kent shootings. Mr. Krause's state-court action names only the State of Ohio.

If the state Supreme Court reverses the appeals-court ruling, the U.S. Supreme Court will be asked to intervene, said Mr. Sindell. If the Ohio Supreme Court allows the ruling to stand, it is also likely that the state will appeal to the high court.

THE CONSTITUTION OF THE UNITED STATES OF AMERICA: ANALYSIS AND INTERPRETATION—ANNOTATIONS OF CASES DECIDED BY THE SUPREME COURT OF THE UNITED STATES TO JUNE 22, 1964

IMMUNITY OF THE UNITED STATES FROM SUIT

In pursuance of the general rule that a sovereign cannot be sued in his own courts, it follows that the judicial power does not extend to suits against the United States unless Congress by general or special enactment consents to suits against the Government. This rule first emanated in embryo form in an *obiter dictum* by Chief Justice Jay in Chisholm *v.* Georgia, where he indicated that a suit would not lie against the United States because "there is no power which the courts can call to their aid."[1] In Cohens *v.* Virginia,[2] also by way of dictum, Chief Justice Marshall asserted, "the universally received opinion is, that no suit can be commenced or prosecuted against the United States." The issue was more directly in question in United States *v.* Clarke[3] where Chief Justice Marshall stated that as the United States is "not suable of common right, the party who institutes such suit must bring his case within the authority of some act of Congress, or the court cannot exercise jurisdiction over it." He thereupon ruled that the act of May 26, 1830, for the final settlement of land claims in Florida condoned the suit. The doctrine of the exemption of the United States from suit was repeated in various subsequent cases, without discussion or examination.[4] Indeed, it was not until United States *v.* Lee[5] that the Court examined the rule and the reasons for it, and limited its application accordingly.

Waiver of immunity by Congress.—Since suits against the United States can be maintained only by permission, it follows that they can be brought only in the manner prescribed by Congress and subject to the restrictions imposed.[6] Only Congress can take the necessary steps to waive the immunity of the United States from liability for claims, and hence officers of the United States are powerless by their actions either to waive such immunity or to confer jurisdiction on a federal court.[7] Even when authorized, suits can be brought only in designated courts.[8] These rules apply equally to suits by States against the United States.[9] Although an officer acting as a public instrumentality is liable for his own torts, Congress may grant or withhold immunity from suit on behalf of government corporations.[10]

Suits against officials.—United States v. Lee, a five-to-four decision, qualified earlier holdings to the effect that where a judgment affected the property of the United States the suit was in effect against the United States, by ruling that title to the Arlington estate of the Lee family, then being used as a national cemetery, was not legally vested in the United States but was being held illegally by army officers under an unlawful order of the President. In its examination of the sources and application of the rule of sovereign immunity, the Court concluded that the rule "if not absolutely limited to cases in which the United States are made defendants by name, is not permitted to interfere with the judicial enforcement of the rights of plaintiff when the United States is not a defendant or a necessary party to the suit."[11] Except, nevertheless, for an occasional case like Kansas *v.* United States,[12] which held that a State cannot sue the United States, most of the cases involving sovereign immunity from suit since 1883 have been cases against officers, agencies, or corporations of the United States where the United States has not been named as a party defendant. Thus, it has been held that a suit against the Secretary of the Treasury to review his decision on the rate of duty to be exacted on imported sugar would disturb the whole revenue system of the Government and would in effect be a suit against the United States.[13] Even more significant is Stanley *v.* Schwalby,[14] which resembles without paralleling United States *v.* Lee, where it was held that an action of trespass against an army officer to try title in a parcel of land occupied by the United States as a military reservation was a suit against the United States because a judgment in favor of the plaintiffs would have been a judgment against the United States.

Subsequent cases repeat and reaffirm the rule of United States *v.* Lee that where the right to possession or enjoyment of property under general law is in issue, the fact that defendants claim the property as officers or agents of the United States, does not make the action one against the United States until it is determined that they were acting within the scope of their lawful authority.[15] Contrariwise, the rule that a suit in which the judgment would affect the United States or its property is a suit against the United States has also been repeatedly approved and reaffirmed.[16] But, as the Court has pointed out, it is not "an easy matter to reconcile all of the decisions of the court in this class of cases,"[17] and, as Justice Frankfurter quite justifiably stated in a dissent, "the subject is not free from casuistry."[18] Justice Douglas' characterization of Land *v.* Dollar, "this is the type of case where the question of *jurisdiction* is dependent on decision of the *merits*,"[19] is frequently applicable.

The case of Larson *v.* Domestic & Foreign Corp.,[20] illuminates these obscurities somewhat. Here a private company sought to enjoin the Administrator of the War Assets in his official capacity from selling surplus coal to others than the plaintiff who had originally bought the coal, only to have the sale cancelled by the Administrator because of the company's failure to make an advance payment. Chief Justice Vinson and a majority of the Court looked upon the suit as one brought against the Administrator in his official capacity, acting under a valid statute, and therefore a suit against the United States. It held that although an officer in such a situation is not immune from suits for his own torts, yet his official action, though tortious cannot be enjoined or diverted, since it is also the action of the sovereign.[21] The Court then proceeded to repeat the rule that "the action of an officer of the sovereign (be it holding, taking, or otherwise legally affecting the plaintiff's property) can be regarded as so individual only if it is not within the officer's statutory powers, or, if within those powers, only if the powers or their exercise in the particular case, are constitutionally void."[22] The Court rejected the contention that the doctrine of sovereign immunity should be relaxed as inapplicable to suits for specific relief as distinguished from damage suits, saying: "The Government, as representative of the community as a whole, cannot be stopped in its tracks by any plaintiff who presents a disputed question of property or contract right."[23]

Classifications of suits against officers.—Suits against officers involving the doctrine of sovereign immunity have been classified by Justice Frankfurter in a dissenting opinion into four general groups. First, there are those cases in which the plaintiff seeks an interest in property which belongs to the Government, or calls "for an assertion of what is unquestionably official authority."[24] Such suits, of course, cannot be maintained.[25] Second, cases in which action adverse to the interests of a plaintiff is taken under an unconstitutional statute or one alleged to be so. In general these suits are maintainable.[26] Third, cases involving injury to a plaintiff because the official has exceeded his statutory authority. In general these suits are also maintainable.[27] Fourth, cases in which an officer seeks immunity behind statutory authority or some other sovereign command for the commission of a common law tort.[28] This category of cases presents the greatest difficulties since these suits can as readily be classified as falling into the first group if the action directly or indirectly is one for specific performance or if the judgment would affect the United States.

Suits against government corporations.—The multiplication of government corporations during periods of war and depression has provided one motivation for limiting the doctrine of sovereign immunity. In Keifer & Keifer *v.* R.F.C.[29] the Court held that the Government does not become a conduit of its immunity in suits against its agents or instrumentalities merely because they do its work. Nor does the creation of a government corporation confer upon it legal immunity. Whether Congress endows a public corporation with governmental immunity in a specific instance, is a matter of ascertaining the congressional will. Moreover, it has been held that waivers of governmental immunity in the case of federal instrumentalities and corporations should be construed liberally.[30] On the other hand, Indian nations are exempt from suit without further congressional authorization; it is as though their former immunity as sovereigns passed to the United States for their benefit, as did their tribal properties.[31]

FOOTNOTES

[1] 2 Dall. 419, 478 (1793).

[2] 6 Wheat. 264, 412 (1821).

[3] 8 Pet. 436, 444 (1834).

[4] United States *v.* McLemore, 4 How. 286 (1846); Hill *v.* United States, 9 How. 386, 389 (1850); De Groot *v.* United States, 5 Wall.

Footnotes at end of article.

419, 431 (1867); United States *v.* Eckford, 6 Wall 484, 488 (1868); The Siren, 7 Wall. 152, 154 (1869); Nichols *v.* United States, 7 Wall. 122, 126 (1869); The Davis, 10 Wall. 15, 20 (1870); Carr *v.* United States, 98 U.S. 433, 437–439 (1879). "It is also clear that the Federal Government, in the absence of its consent, is not liable in tort for the negligence of its agents or employees. Gibbons *v.* United States, 8 Wall. 269, 275 (1869); Peabody *v.* United States, 231 U.S. 530, 539 (1913); Keokuk & Hamilton Bridge Co. *v.* U.S., 260 U.S. 125, 127 (1922). The reason for such immunity as stated by Mr. Justice Holmes in Kawananakoa *v.* Poly blank, 205 U.S. 349, 353, (1907), is because 'there can be no legal right as against the authority that makes the law on which the right depends.' *See also* The Western Maid, 257 U.S. 419, 433 (1922). As the Housing Act does not purport to authorize suits against the United States as such, the question is whether the Authority—which is clearly an agency of the United States—partakes of this sovereign immunity. The answer must be sought in the intention of the Congress. Sloan Shipyards *v.* U.S. Fleet Corp., 258 U.S. 549, 570 (1922); Federal Land Bank *v.* Priddy, 295 U.S. 229, 231 (1935). This involves a consideration of the extent to which other Government-owned corporations have been held liable for their wrongful acts." 39 Ops. Att'y Gen. 559, 562 (1938).

[5] 106 U.S. 196 (1882).

[6] Lonergan *v.* United States, 303 U.S. 33 (1938).

[7] United States *v.* N.Y. Rayon Co., 329 U.S. 654 (1947).

[8] United States *v.* Shaw, 309 U.S. 495 (1940). Here is was said that the reasons for sovereign immunity "partake somewhat of dignity and decorum, somewhat of practical administration, somewhat of the political desirability of an impregnable legal citadel where government, as distinct from its functionaries, may operate undisturbed by the demands of litigants," ibid. 500–501. The Court went on to hold that when the United States took possession of the assets of Fleet Corporation and assumed its obligations, it did not waive its immunity from suit in a State court on a counterclaim based on the Corporation's breach of contract, ibid. 505. Any consent to be sued will not be held to embrace action in the federal courts unless the language giving consent is clear. Great Northern Ins. Co. *v.* Read, 322 U.S. 47 (1944).

The earlier narrow interpretation of the exceptions to the waiver of immunity set forth in the Federal Tort Claims Act, 28 U.S.C. 1346(b), gradually has given way to a liberal construction. *Cf.* Dalehite *v.* United States, 346 U.S. 15 (1953), with Indian Towing Co. *v.* United States, 350 U.S. 61 (1955).

[9] Minnesota *v.* United States, 305 382 (1939). The United States was held here to be an indispensable party defendant in a condemnation proceeding brought by a State to acquire a right of way over lands owned by the United States and held in trust for Indian allottees.

[10] Brady *v.* Roosevelt S.S. Co., 317 U.S. 575 (1943).

[11] United States *v.* Lee, 106 U.S. 196, 207–208 (1882). The principle of sovereign immunity was further disparaged in a brief essay by Justice Miller on the subject of the rule of law, as follows: "Under our system the *people* * * * are sovereign. Their rights, whether collective or individual, are not bound to give way to a sentiment of loyalty to the person of a monarch. The citizen here knows no person, however near to those in power, or however powerful himself, to whom he need yield the rights which the law secures to him when it is well administered. When he, in one of the courts of competent jurisdiction, has established his right to property, there is no reason why deference to any person, natural or artificial, not even the United States, should prevent him from using the means which the law gives him for the protection and enforcement of that right." Ibid. 208–209.

[12] 204 U.S. 331 (1907).

[13] Louisiana *v.* McAdoo, 234 U.S. 627, 628 (1914).

[14] 162 U.S. 255 (1896). At page 271 Justice Gray endeavors to distinguish between this and the Lee case. It was Justice Gray who spoke for the dissenters in the Lee case.

[15] Land *v.* Dollar, 330 U.S. 731, 737 (1947). Justice Douglas cites for this proposition Cunningham *v.* Macon & Brunswick R.R. Co., 109 U.S. 446, 452 (1883); Tindal *v.* Wesley, 167 U.S. 204 (1897); Smith *v.* Reeves, 178 U.S. 436, 439 (1900); Scranton *v.* Wheeler, 179 U.S. 141, 152, 153 (1900); Philadelphia Co. *v.* Stimson, 223 U.S. 605, 619, 620 (1912); Goltra *v.* Weeks, 271 U.S. 536 (1926). This last case actually extended the rule of the Lee case and was virtually overruled in Larson *v.* Domestic & Foreign Corp., 337 U.S. 682 (1949).

[16] Oregon *v.* Hitchcock, 202 U.S. 60 (1906); Louisiana *v.* Garfield, 211 U.S. 70 (1908); New Mexico *v.* Lane, 243 U.S. 52 (1917); Wells *v.* Roper, 246 U.S. 335 (1918); Morrison *v.* Work, 266 U.S. 481 (1925); Minnesota *v.* United States, 305 U.S. 382 (1939); Mine Safety Co. *v.* Forrestal, 326 U.S. 371 (1945). *See also* Minnesota *v.* Hitchcock, 185 U.S. 373 (1902). For a review of the cases dealing with sovereign immunity *see* Block, Suits Against Government Officers and the Sovereign Immunity Doctrine, 59 Harv. L. Rev. 1060 (1946).

[17] Cunningham *v.* Macon & Brunswick R.R. Co., 109 U.S. 446, 451 (1883), quoted by Chief Justice Vinson in the opinion of the Court in Larson *v.* Domestic & Foreign Corp., 337 U.S. 682, 698 (1949).

[18] Larson *v.* Domestic & Foreign Corp., *supra*, 708. Justice Frankfurter's dissent also contains a useful classification of immunity cases and an appendix listing them.

[19] 330 U.S. 731, 735 (1947). The italics are added.

[20] 337 U.S. 682 (1949).

[21] Ibid. 689–697.

[22] Ibid. 701–702. This rule was applied in Goldberg v. Daniels, 231 U.S. 218 (1914), which also involved a sale of government surplus property. After the Secretary of the Navy rejected the highest bid, plaintiff sought mandamus to compel delivery. The suit was held to be against the United States. *See also* Perkins v. Lukens Steel Co., 310 U.S. 113 (1940), which held that prospective bidders for contracts derive no enforceable rights against a federal official for an alleged misinterpretation of his government's authority on the ground that an agent is answerable only to his principal for misconstruction of instructions, given for the sole benefit of the principal. In the Larson case the Court not only refused to follow Goltra v. Weeks, 271 U.S. 536 (1926), but in effect overruled it. The Goltra case involved an attempt of the Government to repossess barges which it had leased under a contract reserving the right to repossess in certain circumstances. A suit to enjoin repossession was held not be a suit against the United States on the ground that the actions were personal and in the nature of a trespass.

Also decided in harmony with the Larson decision are the following, wherein the suit was barred by reason of being against the United States: (1) Malone v. Bowdoin, 369 U.S. 643 (1962), a suit to eject a Forest Service Officer from land occupied by him in his official capacity under a claim of title from the United States; and (2) Hawaii v. Gordon, 373 U.S. 57 (1963), an original action by Hawaii against the Director of the Budget for an order directing him to determine whether a parcel of federal land could be conveyed to that State. In Dugan v. Rank, 372 U.S. 609 (1963), the Court ruled that inasmuch as the storing and diverting of water at the Friant Dam resulted, not in a trespass, but in a partial, although a casual day-by-day, taking of water rights of claimants along the San Joaquin River below the dam, a suit to enjoin such diversion by Federal Bureau of Reclamation officers was an action against the United States; for grant of the remedy sought would force abandonment of a portion of a project authorized and financed by Congress, and would prevent fulfillment of contracts between the United States and local Water Utility Districts. Damages were recoverable in a suit under the Tucker Act (28 U.S.C. 1346).

[23] 337 U.S. 682, 703–704. Justice Frankfurter, dissenting, would have applied the rule of the Lee case.

[24] Larson v. Domestic & Foreign Corp., 337 U.S. 682, 709–710 (1949).

[25] Oregon v. Hitchcock, 202 U.S. 60 (1906); Louisiana v. McAdoo, 234 U.S. 627 (1914); Wells v. Roper, 246 U.S. 335 (1918). *See also* Belknap v. Schild, 161 U.S. 10 (1896); and International Postal Supply Co. v. Bruce, 194 U.S. 601 (1904).

[26] Rickert Rice Mills *v.* Fontenot, 297 U.S. 110 (1936); and Tennessee Power Co. *v.* T.V.A., 306 U.S. 118 (1939), which held that one threatened with direct and special injury by the act of an agent of the Government under a statute may challenge the constitutionality of the statute in a suit against the agent.

[27] Philadelphia Co. *v.* Simson, 223 U.S. 605 (1912); Waite *v.* Macy, 246 U.S. 606 (1918).

[28] United States *v.* Lee, 106 U.S. 196 (1882); Goltra *v.* Weeks, 271 U.S. 536 (1926); Ickes *v.* Fox, 300 U.S. 82 (1937); Land *v.* Dollar, 330 U.S. 731 (1947).

[29] 306 U.S. 381 (1939).

[30] F.H.A. *v.* Burr, 309 U.S. 242 (1940). Nonetheless, the Court held that a congressional waiver of immunity in the case of a government corporation did not mean that funds or property of the United States can be levied on to pay a judgment obtained against such a corporation as the result of waiver of immunity.

[31] United States *v.* U.S. Fidelity Co., 309 U.S. 506 (1940).

POW'S IN NORTH VIETNAM

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. JACOBS. Mr. Speaker, I was wondering, in view of the events of the past few weeks in Saigon, if any Member of Congress or any member of the executive branch would care to say he or she is willing, from this day forward, to give his or her life, limb, sanity or freedom—POW even for another day—further to prop up the Saigon dictatorship.

Other Americans are being ordered to do so today.

Following is the language of House Resolution 630, which I introduced on September 30, 1971:

HOUSE RESOLUTION 630

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madame Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on July 1, 1971, that the policy of her government is: "If the United States Government sets a terminal date for the withdrawal from South Vietnam in 1971 of the totality of United States forces and those of the other foreign countries in the United States camp, the parties will at the same time agree on the modalities:

A. Of the withdrawal in safety from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp;

"B. Of the release of the totality of military men of all parties and the civilians captured in the war (including American pilots captured in North Vietnam), so that they may all rapidly return to their homes.

"These two operations will begin on the same date and will end on the same date.

"A cease-fire will be observed between the South Vietnam People's Liberation Armed Forces and the Armed Forces of the other foreign countries in the United States camp, as soon as the parties reach agreement on the withdrawal from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from South Vietnam within sixty days following the signing of the agreement: Provided, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

ARKANSAS TRAVELER

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. ALEXANDER. Mr. Speaker, during our efforts in the Congress, and across the Nation, to revitalize our small towns and communities and improve the lot of agriculture, our focus sometimes becomes narrow. We begin seeing this segment of our population only in terms of their needs. We too infrequently remember the contributions these people have made and are making to our national life.

To bring back to mind some of these contributions, I would like to share with my colleagues a story about one of the most remarkable farmers I know. She is an extremely talented woman whose interests and accomplishments are impressive. A newspaper article written by Henry Mitchell of the Washington Post recently recounted some of the many activities of Miss Lily Peter of Marvell, Ark. It was published during Miss Peter's visit to Washington to attend a performance at the Kennedy Center for the Performing Arts.

The occasion was the first chamber music concert at the new Center. She was a sponsor of the concert of Moravian music. Miss Peter is a descendant of Johann Friedrich Peter, who in the 18th century was one of the Moravians who produced the first body of chamber music in America.

The news story follows:

ARKANSAS TRAVELER

(By Henry Mitchell)

Lily Peter, of Marvell, Ark., who knows she is a good farmer and hopes she is a poet, stood up for rural America at the Kennedy Center yesterday, merely by being present. For she is an enthusiastic Friend of the Center, and a link with the music of both yesterday and tomorrow.

A sponsor of the concert of Moravian music—the first chamber music concert in the new Center—she also is a descendant of Johann Friedrich Peter, who in the 18th century was one of those learned Moravians who produced the first body of chamber music in America. His second quintetto, composed the year the American Constitution was adopted, was featured yesterday.

The music, like the descendant, was neat, polished; and if the composers were farmers, you are pretty sure they had fine barns and careful records.

Miss Peter sat in a box at the curve of the horseshoe, said she thought the Center was charming and its music glorious. She wore a highnecked, long-sleeved brown silk dress, with a cross of white and blue enamel that belonged to the last Russian czarina.

But most of the year she's out in her fields. She is one of the few women in the world who operates a complicated cotton and soybean plantation. She lives in a plain house, got up at 5 a.m. for years to open the farm store, can run a cotton gin herself, and the Lord only knows the last time she ever lounged on the gallery with a julep.

She is the first woman ever to build two sky-blue cotton gins. The usual old-gray-wood-and-tin gins look dilapidated and she decided a gin might as well look nice. (She is also quite proud of the plantation's safety record).

Her home plantation, out from Marvell, is the one on which International Harvester tested its prototype cotton-picking machines back in the '30s—an invention that as much as anything changed the Delta Country. On her farm (she did not own it then) in those days there were 95 tenant families. Now there are 11.

In the old days, nobody on a cotton farm would have upped and come to Washington the second week of September.

In the Delta Country it doesn't rain in September and October, but it pours in November. The trick is to get the cotton picked before the late rains. But with cotton machinery, you don't start picking until a great deal of the crop is ready—fewer and later pickings, but vastly cheaper than hand labor. So now you don't have to be home in early September.

Though she has seen a few changes in her day, Miss Peter is not altogether old-fashioned. She spends much of her year racing her farm truck over Big Cypress Bayou to the Elaine Equipment Co. 40 miles away, for machine parts. And from time to time she's spotted in small Delta towns looking snappy in her polished black vinyl knee-height boots.

An authority on Hernando de Soto's route through her country in 1541 (though as she points out she was not actually present at the time) she once sent a picture of a locally famous cypress tree to a magazine, as an example of a tree de Soto passed by and must have seen.

A photographer among other things, Miss Peter shot the top of the tree at a distance, then moved in and shot the great base of the tree. The center of the ancient giant she could not shoot at all, since a forest of lesser trees obscured it. When the editor complained the tree didn't have a middle, she said why not just run the top of the tree at the top of the page and the bottom of the trunk at the bottom and just sort of fill in with type. Which was done, and the effect was fine.

A very serious farmer, she knows cockleburs are botanically Xanthium and she's a walking encyclopedia on the uses of alpha, alpha, alpha-trifluoro-2, 6-dinitro-N, N-dipropyl-p-toluidine, one of the well-known weedkillers.

She has also published books of poetry, is an enthusiastic amateur historian and, perhaps above all, a music lover.

Two years ago she sat down and wrote Eugene Ormandy on her plain farm note paper and asked if he'd consider bringing the Philadelphia Orchestra to Arkansas for some concerts.

Ormandy later told reporters he was afraid, at first, that Miss Peter didn't understand the Philadelphia Orchestra didn't just pick up and plop down in Arkansas for the hell of it, but the upshot was the orchestra went to Arkansas, presented some sell-out concerts, and Mr. Ormandy kissed Miss Peter right in front of half of Little Rock on the auditorium stage—a thing Miss Peter remembers with pleasure.

She mortgaged her land for the concerts and dictated that no ticket could cost more than $5—otherwise how could anybody but the rich afford to attend?

Yesterday's program hugely supported by North Carolinians and Pennsylvanians nevertheless found in the farmer of Marvell a sponsor. Roger Stevens, Kennedy Center chairman, was saying at a luncheon before the concert (attended by box ticket holders at the Watergate Terrace) that the Center really belongs to the nation, not just Washington, "in spite of what some Washingtonians think."

But the problem, as one guest said in a whisper, is whether Lily Peter may not get the whole thing shipped down to Arkansas.

ALLIED SHIPS IN NORTH VIETNAM

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. CHAMBERLAIN. Mr. Speaker, during September, the Department of Defense advises me, one vessel under the registry of the Somali Republic and one vessel flying the British flag entered North Vietnamese ports. This brings the total through the first three quarters of 1971 to 42 arrivals of vessels under the control of countries outside the Communist sphere. Compared with the first 9 months of 1970, when there were 52 such arrivals, this represents an encouraging reduction in the frequency of this disturbing traffic with the enemy. Again I commend the administration for its diligence in seeking to shut off this seaborne source of supply and urge that these efforts be continued as long as American fighting men are under fire in South Vietnam.

A table follows:

FREE-WORLD SHIP ARRIVALS IN NORTH VIETNAM, 1971

	United Kingdom	SOM.	Total
January	3	1	4
February	5	1	6
March	3	2	5
April	5	1	6
May	4	----------	4
June	3	1	4
July	2	2	4
August	4	3	7
September	1	1	2
Total			42

TRIBUTE TO JOHN G. MACKIE

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. BROTZMAN. Mr. Speaker, in 1958 John G. Mackie of Longmont, Colo., was nominated for Colorado's Second Congressional District seat in this body. He was an outstanding individual with distinguished careers in law and in the Colorado General Assembly and, but for the vicissitudes of the times, he might well have assumed a place of leadership in the Congress of the United States.

Certainly he was eminently qualified.

But the political tides ran against him—as they can against any of us. Characteristically, John Mackie picked up the pieces, and returned to the Colorado House of Representatives to become majority leader. More recently, he turned his enormous talents to the field of higher education and quickly emerged as a leader and an innovator.

Last week, Mr. Speaker, a particularly sensitive and fitting tribute to John Mackie by Columnist Tom Gavin appeared in the Denver Post. I believe it is appropriate that this column be reprinted in the publication which might have recorded the speeches and legislation offered by John Mackie. Accordingly, I submit this column for publication in the CONGRESSIONAL RECORD:

[From the Denver Post, Oct. 6, 1971]

IT'S NOT TOO LATE TO SALUTE MACKIE

(By Tom Gavin)

I don't like obituaries. I don't like reading them, I don't like writing them.

They're too late, for one thing, particularly if they're commendatory. Praise is for the living. I have trouble visualizing the shade of the dear departed hanging around newspaper docks, waiting for the next edition to see whether his life gets good or bad reviews.

Sometimes, though, it's hard to let a death go by with only a regretful and privately muttered "Damn!"

One such nagging death was John G. Mackie's.

It doesn't mean anything to you, the name John Mackie?

Don't fret. That's par for the course.

John Mackie was one of the best state legislators Colorado ever had, or may ever have. But good state legislators quickly learn that if recognition and gratitude is important to them they've chosen the wrong career. The little public attention available for legislators is almost always lavished on the poor ones—those who go for the headlines and play to the galleries but seldom get much done, thank God.

Yes, John Mackie was a good legislator, a very good legislator. As such he helped shape your government—and your lives. For the better, mostly. And for 13 years.

But he resigned three and a half years ago. Resigned and moved to Carbondale, where he practiced law and taught political science in a small college and had time for his family for a change. And if you think legislators are nearly anonymous persons, you ought to see ex-legislators.

And then—much too soon for those who value superior citizens, whether in or out of government—John Mackie died.

And I said "Damn!" And resolved not to get sloppy in print about it, not generally being a practitioner of mortuary journalism.

But strange things happened. I kept bumping into persons who did know about John Mackie, and who were angered—yes, that's the word, angered—by his too-soon death.

And many of them were liberal Democrats.

John Mackie was a Republican. He was so Republican that he served many times as GOP floor leader in the State House of Representatives; sometimes minority leader, times majority.

Floor leaders must champion partisan political positions in the legislature, and partisan political positions trigger deep political passions. As a result floor leaders are not always the most loved of men.

But here these Democrats, these liberal Democrats, were experiencing a feeling of personal loss—yes, and anger—over John Mackie's death.

Which says, I think, a great deal.

And then came a note from a friend, a Democrat and Carbondale resident who didn't know John Mackie until he moved to the mountains, but who came to know him very well there.

And he said:

"I'm currently saddened by the loss of a new but close friend. I only knew John Mackie for the 2½ years I've lived here, but we became quite close. I was always impressed by his loyalty—to his country, his state, party, friends and family.

"Few people will ever realize how much of himself he gave to the general good, to the betterment of society, to the roving, confused, homeless kids he met through his kids and through his classes at Colorado Mountain College.

"He was a decent man, despite some frailties, and I miss him more than I can say . . ."

"So it goes . . ."

And that says it about John Mackie as well as anything.

He was indeed a decent man.

Decent and able and indefatigable.

We haven't so many of those that we can give them up without more than a muttered oath to mark their passing.

And maybe—just maybe—there is some value to postmortems. Maybe children should know what others thought of their father.

If we were all the men your father was, young Mackies, it'd be a better world than it is.

QUOTE

"Live your life, do your work, then take your hat."—HENRY DAVID THOREAU.

HON. WILLIAM O. COWGER

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. HAMMERSCHMIDT. Mr. Speaker, I was shocked and deeply grieved to learn of the death of my former colleague and very dear friend, Bill Cowger.

William O. "Bill" Cowger was a devoted public servant. I got to know him very well in our 4 years together in Congress, he and I being first elected in 1966.

Bill Cowger was one of the most energetic and driving members of that class of entering Congressmen, and served as President of our informal club of 59 freshmen. He was deeply concerned about municipal and urban affairs, and concentrated much of his time and effort in this field.

Narrowly failing in his bid for reelection in 1970, I know Bill Cowger was about the business of working for Louisville and Jefferson County, for he was deeply concerned with their future.

My deepest sympathy goes to his family for their loss. I know that the country also has lost a dedicated public servant and outstanding citizen.

GOVERNOR REAGAN DEDICATES CALIFORNIA WATER MILESTONE

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. HOSMER. Mr. Speaker, an epochal achievement was reached in California last Thursday. The world's highest large pumping plant started coursing through the last main reach of the California State water project. Today water from the High Sierras, some 600 miles away, is being lifted 3,000 feet over miles of aqueducts and through many pumping plants on to the inland and coastal plains of southern California.

Much of the rest of California is already benefiting from this great project. Water is now being delivered into cities on San Francisco Bay and to cities and farms in the San Joaquin Valley. This last great lift, located some 35 miles south of the city of Bakersfield, will boost billions of gallons of water per day almost 2,000 feet over the Tehachapi Mountains.

No project of this magnitude has ever been completed without controversy and/or dispute, but the people of California have stood behind its construction and completion. Last Thursday they saw the fruits of their longstanding support.

I wanted to be there because I have long felt closely associated with it. Many people through many administrations in California deserve credit for its completion. Its beginnings go back to the days of California's great Gov. Earl Warren and the pumps themselves are named after his State engineer, A. D. Edmonston. Gov. Goodwin Knight and his water resources director, Harvey Banks, shared in the planning, and Gov. Edmund G. Brown and his director of water resources, William Warne, carried the project to the people for approval and saw its beginnings.

Now Gov. Ronald Reagan and William R. Gianelli, his director on the project, have brought it close to completion. It is a living dynamic force that will benefit the entire State and all Californians can be proud of it.

I would like to include at this point excerpts from Governor Reagan's remarks at the dedication of the A. D. Edmonston pumping plant last Thursday:

EXCERPTS OF REMARKS BY GOV. RONALD REAGAN

You and I have the rare privilege of taking part today in a milestone event in the history of our state. When the first pump of this A.D. Edmonston Pumping Plant begins moving water across the Tehachapi Mountains to Southern California, it will mark an engineering achievement never before attempted on such a grand scale.

The pumping plant we are dedicating today is a major phase of the California State Water Project and a vital link in the largest and most complicated engineering feat of our time. It is an achievement that epitomizes the kind of creative vision that made California the most productive agricultural area in the nation and the fountainhead for the most sophisticated technical society in the world.

Some of man's greatest triumphs have been realized over the opposition, even the ridicule of those who are afraid to look beyond the nearest horizon; who do not dare to dream great dreams; and who find satisfaction only in the known, the status quo.

California was built by the dreamers of the past and it will go forward on the imagination of today and tomorrow. But only if we realize that the short-sighted view of man's capabilities is not a phenomenon that belongs to the Middle Ages. Some of that same short-sightedness is still with us today in the doom-criers and the nay-sayers who are just as vocal and just as lacking in vision as they were hundreds of years ago.

Like every vast and bold accomplishment, the California State Water Project has been an object of controversy and dispute. It has also been an object of great accomplishment and it has probably been subjected to more audits, more legislative investigations, and more public debates than anything ever built by man.

It is too bad and a little ridiculous that some of the recent opposition has been linked to the legitimate desire of all of us to protect and preserve the magic of California. One of the major benefits of the water project has been the protection and the enhancement of man's environment whenever and wherever possible. I know this to be true because one of my first moves upon assuming office was a task force to re-evaluate the effect of the project on the California environment.

The project is an excellent example of California's pioneering efforts to improve the quality of the life of her citizens and to insure their prosperity. In this respect, California has also been a national leader in halting the destructive practices which destroy or unreasonably alter the ecology. We have taken strong, effective action to control and ultimately to permanently stop, the threat of pollution wherever it occurs.

We have a commitment to protect the environment and we are going to keep that commitment. Our actions have shown the seriousness of our convictions. California has enacted, and is enforcing, the stiffest water quality control laws in the nation. Every one of our major public works projects—from water, to highways, to power plants—must pass strong environmental standards. We have adopted legislation to guard against ocean oil spills and oil well leaks from the ocean floor. We have established a California Ecology Corps which serves a double purpose. It provides a new and creative source of manpower to work in our forests and mountain areas, to fight destructive fires and to undertake other tasks that will enhance and protect the environment. And it gives the volunteer conscientious objectors a constructive alternative to their military draft obligation.

No, we are not Johnny-come-latelys in environmental protection. Our legitimate cause is the preservation of an ecological balance which is necessary to avoid permanent environmental damage. But the sound of this effort is too often drowned out by the critics and the voices of doom who are, at best, guilty of misguided overstatement and, at worst, outright exaggeration. As another journalist has written: "There are three kinds of pollution—actual, political and hysterical." Hysterical pollution leads to political pollution and does nothing at all for actual pollution.

There are no valid arguments to justify halting or delaying the State Water Project. Abandoning this project would, in fact, create a financial catastrophe for the State of California. The costs of the water storage, power production and water supply features of the project, as presently designed and operating, are paid for by the water and power users who benefit from the project—not by the general taxpayer.

If the project were to be halted, at this point in time and for any reason, the repayment of $1.75 billion in general obligation bonds, with interest over a 75 year period, would become the obligation of the state and would have to come from the General Fund rather than from the project users. And the full faith and credit of the State of California would suffer so badly in the world financial market that every other financing program within this state would be affected.

This project is not a boondoggle foisted upon an unknowing public, as strangers to our state have most recently tried to make us believe. This project has been tested and retested by the most democratic process of all—the vote of the people.

Our people know today, that a beneficial distribution of natural water supplies is the most effective way of assuring the prosperity and the quality of life for the next generation of Californians.

But that legitimate, desirable, and necessary public priority has sometimes been obscured by the false charges and overstatements of certain would-be protectors of the public good who do not live in California and who do not vote in California . . . yet, who feel no qualms in arrogantly suggesting that their judgment be substituted for the judgment of a majority of the people who do live and vote in California—and who know how important the State Water Project is to the present and future prosperity of this state.

I would like to express myself on some of the criticism that has been directed not only toward the whole idea of the State Water Project, but at those who have the responsibility for making it work.

I appointed Bill Gianelli, Director of Water Resources, virtually the same day I took office. He has met more dragons than I knew existed. And, he has conquered every one of them. He has kept the project on schedule and within the financial limitations which have threatened it every step of the way. Today, as the first water goes across these mountains into Southern California, the 1973 facilities of the State Water Project are 99 percent complete or under construction. When the names of those back through the years who had a major role in this great undertaking are listed, none should be in bolder type than Bill Gianelli. We are fortunate to have him directing the greatest engineering achievement in our state's history.

A few minutes from now, when we give the command to "Start the Pump," a new age of California's development will begin. We will be putting into operation the largest pump in the United States and the only one of its kind that has ever been installed in this country. Standing six stories high and weighing 430 tons it still is engineered to two thousandths of an inch accuracy. And it is the first of 14 pumps.

The pump and motor that will start here will push water from Northern California almost 2,000 feet up the face of these mountains and on an 11-mile journey through the mountains into Southern California.

The A. D. Edmonston Pumping Plant is the only pumping plant of its type that has ever been built anywhere in the world.

When completed, its pumps will lift more water a higher distance than has ever before been attempted by man—120 million gallons per hour, more than 450 miles from the mountains of Northern California, through the California Aqueduct and up the sheer rock face of these southern mountains.

Ultimately, the project will be delivering more than four million acre-feet of water a year to all areas of California—north, central and south. It is designed to assist in meeting the state's water needs through the turn of the century, but water supply is only one of its many benefits. The State Water Project provides flood control in the north, irrigation water in the Central Valley, and, in the south, much-needed fresh water recreation areas. All along the route it will be a significant source of smog-free electrical power to light the homes and fuel the industries which employ our people. The revenues from the sale of this power are earmarked to help pay for the construction of the project.

The lakes and other water recreation areas developed through the State Water Project have been in operation in Northern and Central California for many years now. Within the next 18 months, project lakes will be opening in Los Angeles, San Bernardino and Riverside Counties. These are state-produced recreation facilities being brought directly into the areas of use where they will be readily available to the largest segment of our population, available to the user at a small cost and a short travel distance.

It is a tribute to the foresight of the people of California that they had the vision and the daring to undertake a project of this magnitude. But the people of California have always had that pioneering spirit that made them do a little more, a little better. Guided by a faith in God and in themselves, the first Californians crossed the mountains and made the deserts bloom. And, from that day to this, irrigated agriculture has made us great and provided the firm foundation of our economy and our lives.

We only have about 3 percent of the nation's farm units. Yet we produce nearly one quarter of the nation's table food and we account for about 10 percent of all farm income.

Nearly three of every ten Californians who are employed derive their livelihood from agriculture or agricultural-related businesses. And their employment in turn generates other jobs throughout our diversified economy.

Water development made all this possible, just as it helped turn Southern California into an oasis where other industries could flourish and grow and provide jobs for our people and the technical capacity to build exotic new products and whole new industries.

Calling a halt to water development in this state would not protect our environment. The cause of conservation is not served by watching crops wither and die, or by allowing the fertile soil of California to dry up and blow away.

Turning off the water faucet to the richest agricultural regions in the world would not improve the environment. Putting an embargo on the construction of all dams might retain a more natural state, but it would also threaten some of us with destructive floods.

Describing California's problem is easy. More than 70 percent of our natural water supplies are located in the northern part of the state, and 80 percent of our people live from Sacramento south.

The State Water Project will help assure a beneficial distribution of these waters; it will help correct nature's imbalanced blessings; it will harness our natural resources for the good of everyone.

POLLUTION PAYS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. ROSENTHAL. Mr. Speaker, in his soon to be published book, "The Closing Circle," Dr. Barry Commoner reveals an aspect of the pollution problem which we must have heretofore suspected existed. His not very startling but well-documented conclusion is that pollution pays. It pays not only through the avoidance of proper waste treatment costs, but it also pays through greater profit margins on the products which give rise to the greatest amount of pollution. Dr. Commoner's book details how this relationship between pollution and profits works.

In all fairness to industry, the linkage results not from the careful search by business for lucrative, heavily polluting products. Rather, the villainy of manufacturers lies in developing and promoting high-profit items without regard to their polluting tendencies or to the lower pollution caused by equally effective, albeit less remunerative, product lines.

The soap industry is, according to Dr. Commoner, a very good example. Ordinary soap is adequate for most cleaning purposes. Since it is made from natural products, it is also easily degradable and, consequently, not a pollution problem. Detergents, on the other hand, create severe pollution risks. First, they are manufactured through a process requiring mercury which then escapes into the atmosphere as a potentially lethal pollutant. Second, detergents, being synthetic, resist breaking down after use and remain to pollute the environment.

But despite the relative virtues of soap use for the environment, detergents have virtually driven soap from the market. The reason for this is not hard to see. Detergents are considerably cheaper to produce and permit a high profit margin. By promoting the sale of detergents, the soap industry has been able to raise its profits from 31 percent in 1947 to 54 percent in 1967, without having to answer to society for the greatly increased pollution costs.

The same lamentable story, according to Dr. Commoner, describes the pollution record of a great many other industries. The use of synthetic nitrogen fertilizers has meant larger yields and profits for farmers and ranchers, as well as for the fertilizer industry. Unfortunately, by polluting the environment and water supplies, this use has also taken a great toll. The use of these fertilizers in certain peak periods of the year has been linked to a doubling of infant mortality in certain geographical areas for those periods. The same case, Dr. Commoner argues, may be made for the increased use of plastics over glass; synthetic fibers over natural ones; and large cars over smaller ones.

Dr. Commoner suggests certain answers which we owe it to ourselves and to the future generations of this planet to heed. First and most obviously, we should use whatever techniques we have at our disposal, including a pollution tax, to see that the costs of pollution enter the costs of production, and that adequate nonpolluting products replace the heavily polluting ones. Second, we must keep ourselves constantly appraised of the possibilities of pollution by requiring an "ecological impact inventory" for each productive activity. Third, we must develop new technologies of sewage treatment, recycling, and reclamation to deal with whatever wastes the system must generate.

We cannot ignore this heightening crisis any longer. We can continue to praise the public-spiritedness of men like Dr. Commoner who continue to warn us of the possible irreversible harms we are doing to our environment and ourselves. But until we act upon their findings and recommendations, we condemn this planet and ourselves to a slow, ignoble, and unavoidable death.

I am inserting in the RECORD at this point a review of Dr. Commoner's book in today's Washington Post:

DETERGENTS THAT POLLUTE FOUND TO PAY

Detergents that pollute produce nearly twice the profits of soaps that don't. High profits for farmers depend on nitrogen fertilizers that pollute rivers and streams. The automobile industry makes more money selling big cars than little ones.

In other words, says environmental expert Dr. Barry Commoner, pollution pays.

"New, more polluting technologies yield higher profits than the older, less polluting technologies they have displaced," the Washington University biologist says in his new book, The Closing Circle, which will be published next Friday by Alfred A. Knopf.

Commoner says the pollution of the 1950s and the 1960s stems directly from technological advances that followed World War II.

This technology—not increases in population or greater affluence—is the cause of the environmental problem, Commoner says.

"Since World War II, in the United States, private business has chosen to invest its capital preferentially in a series of new production enterprises that are closely related to environmental pollution," he says.

As evidence for his conclusion, Commoner says the soap industry increased its profits from 31 per cent of sales in 1947 to 54 per cent in 1967 by emphasizing the sale of detergents over soaps. Detergents now have two-thirds of the laundry market.

"This helps to explain why, despite its continued usefulness for most cleaning purposes, soap has been driven off the market by detergents. It has benefited the inventor, if not society." Commoner asserts.

He says that soap, made from natural products, breaks down easily after it is used and, therefore, has little impact on the environment.

Detergents, on the other hand, pollute in two ways, Commoner says. First, their manufacture requires chlorine, which in turn, is made from mercury—which escapes into the environment as a potentially fatal pollutant. Then once it is used, the detergent does not break up easily. Instead it remains in the environment as a pollutant.

Fewer American farmers produce more food on less land than farmers anywhere else in the world. And it is this high productivity that produces profits for the farmers. But, Commoner says, the new technology that allows American farmers to produce so much takes a large toll on the environment.

This new technology includes the heavy use of pesticides that threaten wildlife and man as well as insects; nitrogen fertilizer that pollutes waterways, and feedlots for cattle that put added stress on the land's natural ability to get rid of animal wastes.

The water pollution from nitrogen fertilizer, Commoner says, produces both the most insidious and the most dangerous form of pollution.

In Decatur, Ill., he reports, the city's water supply has become polluted with nitrogen because of the high use of fertilizer by nearby farmers. Commoner quotes a study by Dr. Abraham Gelperin of the University of Illinois that shows that the death rate in that area of baby girls born in the months when nitrogen levels were highest (April, May and June) were more than twice as high as in the months when nitrogen levels were lowest (August, September and October).

"What we learn in the cornfields around Decatur will be applicable elsewhere. In central California, intensive use of fertilizer nitrogen is suspected of causing sharp increases in nitrate levels in the wells that yield the water supplies for many areas. A similar problem has appeared in Israel and in Germany. All this reflects the unexpected result of an important technological advance, which was permitted to intrude significantly on the environment before we were aware that it would not only improve agriculture, but also harm human health."

Commoner makes the same arguments for glass over plastics, natural fibers over synthetics and small cars over large ones: glass, natural fibers and small cars pollute the land far less than plastics, synthetics and large cars. But the plastics, synthetics and large cars produce a higher rate of profits for the manufacturers.

To correct these environmental hazards will increase the cost of food, cars, clothing and everything else that Americans buy.

But, answers Commoner, Americans are already paying a high price in the hidden costs of pollution.

For example, he says, people who live near power plants pay higher laundry bills because of the soot. And Americans who can't swim in nearby lakes because of pollution have to buy memberships in swim clubs.

What is the answer?

First, says Commoner, there should be "an ecological analysis of every major aspect of the production, use and disposition of goods.

"What is needed," he says, "is a kind of ecological impact inventory for each productive activity, which will enable us to attach a sort of pollution price tag to each product."

More importantly, he says, the system of producing goods will have to be changed to bring it more in harmony with the world we live in.

"This will require the development of major new technologies, including systems to return sewage and garbage directly to the soil; the replacement of many synthetic materials by natural ones; the reversal of the present trend to return land from cultivation and to elevate the per-acre yield by heavy fertilization; replacement of synthetic fertilizers, as rapidly as possible, by biological ones; the discouragement of power-consuming industries; the development of land transport that operates with maximal fuel efficiency at low combustion temperatures and with minimal land use; essentially complete containment and reclamation of wastes from combustion processes, smelting and chemical operations (smokestacks must become rarities); essentially complete recycling of all reusable metal, glass and paper products; ecologically sound planning to govern land use including urban areas," Commoner concludes.

He estimates it will cost about $600 billion to switch from pollutants to non-pollutants.

This is about one-fourth of the nation's total investment of capital equipment, he says.

In addition, it will cost "hundreds of billions of dollars" to repair the damage already done to the environment. That will amount to about $40 billion a year over the next 25 years.

SMITH PRAISES ERIE COUNTY LEGISLATURE FOR ENDORSEMENT OF PRESIDENT'S WAGE-PRICE FREEZE

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. SMITH of New York. Mr. Speaker, President Nixon exhibited great leadership and courage when he launched his recent all-out attack against the all pervasive inflation that has steadily eroded this Nation's economy. Few people will dispute the fact that an immediate, equitable, and comprehensive program was needed to restore the strength and vitality of our slumping economy. On numerous occasions, I have voiced my own strong support for the President's program of action. Without the wholehearted support, however, of citizens clear across this Nation, the President's initiatives stand little chance of achieving their desired goal. For this reason, I am privileged to applaud a resolution recently adopted by the legislature of Erie County, N.Y. I am proud that Erie County has recognized the urgency of bringing citizen support to President Nixon's attack upon the ravages of inflation. The text of the resolution follows:

STATE OF NEW YORK, LEGISLATURE OF ERIE COUNTY, CLERK'S OFFICE, BUFFALO, N.Y., SEPTEMBER 14, 1971

To Whom It May Concern:

I Hereby Certify, That at a session of the Legislature of Erie County, held in the County Hall, in the City of Buffalo, on the seventh day of September A. D., 1971 a Resolution was adopted, of which the following is a true copy:

Item 5.—Mr. Tipple presented for immediate consideration.

INTRO. NO. 20-10—RESOLUTION NO. 422

Whereas, runaway inflation has destroyed the buying power of the American dollar, and

Whereas, persons on fixed incomes, pensions and annuities, usually the old and retired are most directly affected, and

Whereas, inflation leads to unemployment and loss of business confidence,

Now, therefore, be it resolved, that the Erie County Legislature lauds the courage of President Nixon in clamping a wage and price freeze on the American economy in an effort to curtail this inflation, and be it further

Resolved, that this Legislature pledge to the President its full support, and cooperation, and be it further

Resolved, that this cooperation be exhibited by sending a copy of this resolution to the President and this area's Congressmen, which the Clerk of this Legislature is authorized and directed to do.

RICHARD C. TIPPLE.

Attest:

BENJAMIN DE YOUNG, JR.,
Clerk of the Legislature of Erie County.

OUR SENIOR CITIZENS

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, as a Member of the House deeply involved in finding new solutions to the difficult problems which confront our elderly, and increasing numbers of senior citizens, in behalf of whom I introduced legislation to create a Select Committee on the Aging, I should wish to call attention to the forthcoming White House Conference on Aging, scheduled for November 28th.

This year's White House Conference on Aging shall certainly have great meaning for the more than 20,000,000 Americans who comprise in number a major portion of our population our senior citizens. Since President Dwight Eisenhower hosted the first White House Conference on Aging in 1961, great strides forward have been made in obtaining recognition of the needs of our elderly. We have witnessed Medicare, the Older Americans Act, the establishment of a U.S. Administration on Aging, and a deepened appreciation of the contributions our senior citizens have made to the enrichment of American life through their labors and life's work. The impetus which will be created through the attendance and exchange of views of the 3,400 delegates to this year's White House Conference on Aging should serve to expand and broaden these progressive measures, and add to them.

In its October-November 1971 edition, Modern Maturity, a publication of the American Association of Retired Persons, published a "Declaration of Aging Rights," which is a statement worthy of profound attention and respect. It articulates eloquently the right of all our senior citizens, and I am pleased to incorporate it in my remarks, as well as an additional article appearing in Modern Maturity, written by Pearl S. Buck, entitled "Essay on Life".

DECLARATION OF AGING RIGHTS

Humanity's fundamental rights are life, liberty and the pursuit of happiness. They are rights that belong to all, without regard for race or creed or sex. We declare that all people also inalienably possess these rights without regard for age.

As love and nourishment are due the infant, as education and guidance are due the child, as freedom to work and build and lead are due the grown man and woman, so also are certain conditions of justice due our older or retired citizens. Among these, we declare to be:

1. The right to live with sufficient means for decency and self-respect.
2. The right to move about freely, reasonably and conveniently.
3. The right to pursue a career or interest without penalty founded on age.
4. The right to be heard on all matters of general public interest.
5. The right to maintain health and well-being through preventive care and education.
6. The right to receive assistance in times of illness or need or other emergency.
7. The right to peace and privacy as well as participation.
8. The right to protection and safety amid the hazards of daily life.
9. The right to act together to seek redress of their grievances.
10. The right to live life fully and with honor—not for their age, but for their humanity.

This declaration is the sense of overwhelming numbers of older Americans on the occasion of the 1971 White House Conference on Aging, and to it they dedicate their solemn purpose.

ESSAY ON LIFE

(By Pearl S. Buck)

Life is a continuing process. This much I am sure of and this much I state on a fine sunny morning as I reflect upon the fact that I have begun to live the eightieth year of my life. It is an enjoyable year. I am in good health, I have much work to do, and I enjoy myself and what I do. I sit in a comfortable room, my work table faces a window which gives me a charming view of a country road winding up a hill. It is the main street of a small village—Danby, in the state of Vermont.

We have been coming to Vermont, my family and I, for some 20 years, to spend summers, to celebrate Christmas, to enjoy skiing. Now the children have married and gone their way, their father has preceded me into the next stage of life, wherever it is, and so I am alone and yet never alone. Around me is the village life; here in my house is the life I find in books, in music, and above all in work.

I do not know what people mean when they speak of being old. I do not know, because I do not know where life begins, if indeed there is a beginning, and I do not know where it ends, if indeed there is an end. I know that I am in a stage, a phase, a period of life. I entered this stage at birth, I shall end this stage with death.

For me, death is merely the entrance into further existence. I do not know what that existence will be, but then I did not know what existence in this stage would be when I was born into it. I did not ask to be, but I have been and I am. My reason tells me I shall continue to be. I am on my way somewhere, just as I was on the day of my birth.

Young and old are for me meaningless words except as we use them to denote where we are in the process of this stage of being.

Would I wish to be "young" again? No, for I have learned too much to wish to lose it. It would be like failing to pass a grade in school. I have reached an honorable position in life, because I am old and no longer young. I am a far more valuable person today than I was 50 years ago, or 40 years ago, or 30, 20, or even 10. I have learned so much since I was 70! I believe I can honestly say that I have learned more in the last 10 years than I learned in any previous decade. This, I suppose, is because I have perfected my techniques, so that I no longer waste time in learning how to do what I have to do, which is what I also want to do.

So much time has to be spent just in learning the techniques of how to live and live happily. A new-born child has to learn how to breathe, to cry, to eat, to sit up, to reach for, to walk, to talk—all the techniques of beginning this span of life. Year by year, we work for techniques in order to master ourselves and reach a growing understanding of ourselves and others.

Happiness is based upon this primary understanding. We must understand ourselves before we can respect ourselves. We must respect ourselves before we can win the respect of others. We need self-respect and the respect of others in order to achieve happiness in this stage. I will go further. I will say that I believe this to be an eternal truth. I believe that the better we achieve such happiness in this life, the further along we will be later.

It has been wonderful experience to learn to know myself—my capacities, my weaknesses, my likes and dislikes, the strengths and weaknesses of my body in which I am presently housed. The better I know myself, I find, the better I learn to know others who may be, and indeed always are, more or less unlike me and unlike each other. It has been an absorbing study, a lifetime process which of course goes on endlessly.

At first, it was hard and in some ways it still is, for we are, each and all, eternally changing and in every way. Physically I am well but I cannot work the endless hours I once did. I have learned and am learning just how many hours I can work at my best and then I must be willing to stop until conditions are right again. Body and mind are partners so long as we stay together in this phase of existence. Body must not be allowed to become master, however. Mind must control in spite of what it may have to concede in order to persuade body to function as well as it can. And mind must not allow itself to become idle.

The third force is the will, and between body and mind, *will* must come into action. Body has a devious way of trying to persuade mind not to work today. Then will must recall the pleasures of mind, the pleasure of work achieved, the pleasure of new knowledge, the pleasure of discovery of great minds in books. All this is food for the mind, and such food gives strength to the mind, exactly as bread and meat, fruit and vegetables, give food to the body. Mind, continually fed, responds in vigorous thought, in enjoyment of life, in creative action. Here I return again to the matter of respect—self-respect and the respect of others, which we may call the respect of society. It is a matter of puzzlement to me that in the United States, my own country, we have so little respect for old people—that is, for people who have advanced further in the experience of life here than have children, teen-agers and the middle-aged.

I take it that this is because we, as a nation, have had so short a life. We are still a child nation. We are still absorbed in learning the child techniques of national life—how to eat, how to walk and run and play. The larger achievements have yet to be made.

We will, of course, learn them as older nations have done, in due course. Meanwhile, we make incredible demands upon the young. We expect young people, too young to understand themselves, much less others, to administer our government, our business affairs, our total national life. Of course they cannot do it. And we older people, who could help them, confound them by having no respect for ourselves and thereby enhancing their lack of respect for us.

I am amazed indeed, but then I have had the great advantage of being reared in the very old country of China, where the highest respect was given to the old, and where even the emperor in the traditional government was controlled by a board of censors, composed of the wisest elders of the nation. In the lowliest homes as well as in the palaces, families and people treasured their aged men and women. The young deferred to their elders and the elders felt it their duty to teach the young.

Above all, there was no fear of death. The young properly fear death, for when a young person dies, it is unnatural. He enters unprepared into the future. He has not had time to learn how to live here and so he is not ready to leave. But when this span of years we call life on Earth has been lived with self-respect, there need be no fear to proceed into what awaits. I never saw an old person in China who was afraid to die. The attitude toward death was a peaceful acceptance, a readiness to proceed.

Here in my own country, we have allowed ourselves to be pervaded by the short history of our nation. Instead, we should think of the human race as a whole, of which we are members. We should not allow young people to be impatient with us, bully us, relegate us. That they are able to do so is because we have not taught them better. And we have not taught them better because we have not known our own worth. We have not respected ourselves, either as individuals or as a group in our national life and society.

Instead, we have even sometimes copied the weaknesses and follies of the young. Old men and women, but especially women, have aped the manners, the dress, the speech of the younger generation, and when we do so, we are unworthy indeed of their respect. Especially in our news media and advertising, the emphasis on the young denigrates the older generation. It leads the old to despise themselves.

Age deserves respect, but respect can be won only by the dignity of self-respect. Dignity is a beautiful word, a noble word, befitting those who have learned the meaning of life through the experience of the years. But when experience has taught us too little, so that we behave without the dignity of our years, then we cannot fulfill our duty to our own country and our own people, or to our world.

Let us take thought, let us reflect, we who have spent our years. Let us see what can be done in the remaining years!

This is my essay on life, expressed in brief. There will be those who question my certainty of a continuing existence.

My belief is based upon sound scientific reasons and long acquaintance with some of the greatest scientists and philosophers of our times. Religious faith and scientific hypotheses are much nearer to the same conclusions than is commonly realized. Serious studies in parapsychology are being conducted in various countries and the results are remarkable and will some day be made known. For the present, I content myself with two true anecdotes which express in simple terms the silence between this life and the next.

The first occurred in my own family, soon after the death of my husband, who was much loved by his grandchildren, Susan, then aged five, and Ricky, aged three. The occasion was a family picnic and I overheard the following conversation:

Ricky: Why doesn't Grandfather come to the picnic?

Susan: He can't come because he's up in heaven.

Ricky: Why doesn't he come down?

Susan: He can't find the ladder.

It is truly spoken, out of the mouth of a babe. He does not come down because "he can't find the ladder." The techniques of communication are not yet complete.

The second anecdote was given me through a letter by an unknown woman. In effect, it was as follows:

"When my small children could not understand the silence between their recently dead father and us, who loved him so dearly, I explained by describing to them the life cycle of the dragonfly. It begins as a grub in water. Then at the proper moment it surfaces, finds it has wings, and flies away.

" 'I suppose,' I told them, 'that the ones left in the water wonder where he went and why he doesn't come back. But he can't, because he has wings. Nor can they go to him, because they don't have their wings yet.' "

Something like that is true, I believe. We haven't our wings yet either. But some day?

ATTACK ON SICKLE CELL ANEMIA

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. FAUNTROY. Mr. Speaker, today I have introduced two bills designed to combat the dreaded disease of sickle cell anemia, a deadly and tragic malady that strikes approximately one of every 500 young black children, killing more than half of them before they reach the age of 20. This disease, striking only black persons, occurs at a higher rate than many other well known congenital childhood diseases. Muscular dystrophy occurs at rates of one per 5,000 births, cystic fibrosis at one per 2,940, and diabetes mellitus at one per 2,500. It was estimated that in 1967 there were 1,155 cases of sickle cell anemia, 813 of muscular dystrophy, and 1,206 of cystic fibrosis. Yet, sickle cell anemia has received scant attention and only minimal research. National Institutes of Health grants for many less common hereditary diseases have far exceeded those for sickle cell anemia.

Here in Washington, D.C., sickle cell anemia exceeds childhood diabetes, nephrosis, or cystic fibrosis as a cause of childhood illness. In Philadelphia, sickle cell anemia is as prominent as childhood diabetes. The periodic acute manifestations of the disease result in a deprivation of oxygen going to the tissues causing severe pain and death. No parent can fail to become distraught when such an event happens; no society can sit idly by without giving full support to the seeking of a cure.

These two bills, which were authored in close cooperation with Senator Tunney of California, offer a means to attack this disease on the national level and provide for the establishment of a pilot program in the District of Columbia. A number of my colleagues have joined me in support of these bills. The national bill is cosponsored with Mr. Fraser, Mr. Diggs, Mr. Clay, Mr. Mitchell, Mr. Dellums, Mr. Hawkins, Mr. Stokes, Mr. Metcalfe, Mr. Rangel, Mrs. Chisholm, Mr. Conyers, and Mr. Collins of Illinois.

This measure, the National Sickle Cell Anemia Prevention Act, has four central provisions: First, a coordinated Federal grant program of $25 million per year for 3 years for research, voluntary screening, and counseling and public education; second, a demonstration grant program of $5 million per year for 3 years for the development of centers for research and research training in sickle cell anemia; third, a requirement that the Department of Defense implement a policy to provide voluntary screening, counseling, treatment, and education concerning the disease for servicemen, civilian employees, and inductees; and fourth, similar programs by other Federal agencies which provide direct health care for persons eligible in such agencies, namely the Veterans' Administration and Public Health Service.

The local bill, directed at attacking the problem for the District of Columbia, is cosponsored with Mr. Fraser, Mr. Link, Mr. Mikva, Mr. Diggs, Mr. Clay, Mr. Mitchell, Mr. Dellums, Mr. Hawkins, Mr. Metcalfe, Mr. Rangel, Mr. Jacobs, Mrs. Chisholm, Mr. Gude, Mr. Conyers, and Mr. Collins. It authorizes and directs the Commissioner for the District of Columbia to initiate programs to identify and counsel persons with sickle cell anemia or sickle cell trait. The trait is the condition in which a small percentage of the red blood cells have the sickle shape but otherwise behave as normal cells. In ordinary circumstances, no treatment for the trait is required; however, should both parents have the trait, it is likely that their offspring will have the trait and/or the disease. The Secretary of Health, Education, and Welfare is authorized to reimburse the city for these costs as well as reimburse the medical schools, hospitals, and research institutions in the city for costs incurred in developing and operating centers for research, testing, counseling, and treatment of the disease.

This local bill is extremely important to the District of Columbia since the incidence of the disease is very high here. This would provide our medical schools and centers an opportunity to carry out research that can be easily validated. At present, our medical school at Howard University has never received a direct grant to do research in sickle cell anemia. Dr. Roland B. Scott, for example, chairman of the department of pediatrics and director of the Sickle Cell Center at Howard University, has spent 20 years researching the disease but has not received a penny in Federal funds for his work. This unfortunate oversight has caused not only a loss of services to the city; it has cost opportunity for study of the disease. The local bill will provide the opportunity to correct this.

I know, Mr. Speaker, that my colleagues who cosponsored would welcome additional cosponsors. If anyone would like to join us, please let me know.

PRESERVATION OF TINICUM MARSH

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. GREEN of Pennsylvania. Mr. Speaker, last week Philadelphia area residents concerned about the perils to our natural environment demonstrated their zeal for preserving the last fresh water tidal marsh on the east coast by observing "Tinicum Week" in the Tinicum Marsh in the southwest corner of Philadelphia and the northeast corner of suburban Delaware County. Through the efforts of CARP—Concerned Area Residents for the Preservation of Tinicum Marsh—a full program of recreation and conservation activities was scheduled over the thousands of acres of marshland at Tinicum.

My own concern for Tinicum was expressed in H.R. 2471, legislation to designate Tinicum a "national urban park" for recreation as well as for conservation of land and wildlife.

Tinicum hosts 245 species of migrating birds, some of which are near extinction. Seventy-five different species of birds nest and breed in the marsh, and a variety of other wildlife make their home in the marsh. In addition, the marsh acts as a natural flood control basin for Philadelphia, Delaware County, New Jersey, Delaware, and Maryland. The entire ecology of the area is now threatened by land fill operations.

A report issued in 1970 by the U.S. Department of Interior concludes that—

> Tinicum's greatest asset is its potential for an urban wildlife habitat area of national significance—an environmental center where man could come to know better the natural world of which he is a part. It offers an opportunity for a new design which harmonizes the needs of wild creatures and man, the hope of a fuller life for urban dwellers.

Last week I had the honor to salute the opening of the "Tinicum Week" and what follows are my remarks:

Address by Congressman William J. Green

The reason we are here today is to call attention to the existence of Tinicum . . . the last tidal marsh in Pennsylvania and one of the most unusual pieces of open space remaining in our highly industrialized and busy metropolitan area.

We are here today as a show of force against bulldozing or polluting Tinicum out of existence.

And I am here today to applaud your efforts in conservation and to tell you something of my legislative efforts and my concerns about the future of Tinicum and the future of the Philadelphia area.

It was in late 1969 that I first recognized the threat to Tinicum.

I was following the newspaper accounts of the controversy over the construction of Interstate 95. What grew out of the controversy was the recognition that a highway is not an isolated piece of construction, but while it might have a plus side in moving traffic—it has a minus side in destroying the environment through bulldozing, through air and water and noise pollution. And if we are to build these highways—then we have to weigh their construction costs against the costs to society—the costs in terms of pollution, the costs in terms of destruction of open space like Tinicum and the costs in terms of degradation to life in the cities.

In Tinicum we have considerable value at stake. Marshland provides not only a hedge against flooding in surrounding lowlands, but it is the most efficient and economical sewage treatment plant we could produce. The marsh absorbs most of the phosphates and nitrates which pollute our streams and rivers today. And it also provides a feeding ground and resting place for our threatened wildlife.

These are reasons I am sure I do not have to belabor.

I think those of us today agree that Tinicum is worth fighting to preserve—both to maintain ecological balance and to give an urban society a sense of wilderness—a sense of the way things were before we set out to destroy everything beautiful.

What would the Bill I have introduced do? It creates the country's first national urban park at Tinicum. It establishes a wildlife refuge as well as educational functions to be operated by the federal government.

It provides a pioneering demonstration in running an urban park with a built-in job corps to train young men and women from cities for employment in environmental sciences and recreation.

On its merits it should be enacted into law tomorrow. But you and I know that the merits of legislation on Tinicum are not going to make action on the Bill possible immediately.

First, the land surrounding Tinicum has long been coveted for industrial development.

Second, neither the local communities nor the federal government has the resources to buy the land at Tinicum at present.

I might add that the Nixon Administration believes—unrealistically—that the local communities should put up the funds.

Third, Congress has not been ready to move on the Bill.

And fourth—and probably most important—Tinicum is not on anyone's front burner today. Cities, counties, states and the federal government are curtailing their activities in an effort to make their inflated dollars work for the barest necessities on programs for which they have already committed funds.

The President, just the other day, sounded an alarming note. He assured businessmen that he wasn't going to allow the fight to preserve the environment to injure commerce.

This means he is not willing to commit funds to stop pollution or to preserve land on any significant scale.

Taking all this into account then I believe we have to view Tinicum as one battleground in the fight for a liveable environment.

This is how I view it.

We must fight for Tinicum not only for ecological balance, but for a human balance in a human environment.

And in a human environment we cannot tolerate the decay of housing in Philadelphia and Chester. We cannot tolerate rat bites and hunger for children. We cannot tolerate a highway ripping the life fabric of cities. We cannot tolerate inferior education.

These are all components of our metropolitan environment.

Philadelphia, according to a Federal Reserve Bank Study, will face a $1.4 billion deficit for its schools and government services in four years' time.

One out of six Philadelphians—that's over 300,000 men, women and children—lives on welfare.

Our fight for Tinicum—is part of a larger fight—to save Tinicum I hope you will participate in the fight for a total human environment—and fight for the resources and funds to combat decay, hunger and educational shortchanging.

If we cannot improve the nature of man in our cities then I am afraid that nature itself is also doomed.

Tinicum Preserve has attracted up to 40,000 visitors each year. But, while there is boating and fishing in Darby Creek, the recreation potential has been little tapped. An important function is the use of the marsh as an outdoor ecological classroom, a unique laboratory for local schools and colleges. As residential and commercial uses usurp more of the surrounding areas, Tinicum will become increasingly important as an accessible, natural habitat.

In total, the Tinicum proposal, plus city-owned property, will contain a visitor center and headquarters, observation tower and shelter, hiking and bicycle trails, trail shelters, parking lots and landscaping. Picnic lunch facilities and benches will be located along hiking trails.

We must make every effort to save Tinicum and its environmental counterparts throughout the Nation.

HUMANITARIAN RELIEF FOR PAKISTAN

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mrs. MINK. Mr. Speaker, while the House recognized the extreme plight of the Pakistani refugees in India when it authorized $100 million for humanitarian relief, we must not forget that the intolerable conditions which prompted our action continue to persist. Thousands of refugees, many of them young children, are dying of malnutrition in the refugee camps as thousands more, fleeing from the unrelenting oppression of the Pakistani Government, take their places.

The Government of India, despite heroic relief efforts is increasingly unable to bear the strain of caring for these millions of refugees—9 million at the last estimate.

Mr. Speaker, we must not consider our commitment fulfilled until the refugees have been repatriated and stability restored to this part of the world.

The following news articles depict the gravity of the problem which I hope my colleagues will agree needs our urgent attention.

The articles follow:

[From the New York Times, Sept. 16, 1971]

WORLD BANK SAYS REFUGEE COST MAY STUNT INDIAN DEVELOPMENT

(By Sydney H. Schanberg)

NEW DELHI.—A World Bank report has concluded that India's economic development could be seriously stunted by the cost of supporting the millions of Bengali refugees who have fled into India from East Pakistan.

According to authoritative sources, the report—which was prepared by the World Bank unit in India and has been sent to the agency's headquarters in Washington—suggests that most of the refugees will remain permanently in India and that a substantial increase in foreign aid will be needed to create jobs and rehabilitate them here.

Indian Government figures, which the World Bank accepts, show that about 8.5 million refugees have poured into India in the nearly six months since the Pakistani Government began its military effort to crush the Bengali separatist movement in East Pakistan.

A MILLION A MONTH

The influx is reported continuing at 30,000 to 40,000 daily, which is roughly one million new refugees a month.

Officials of the World Bank here declined to comment on the report. The World Bank formally known as the International Bank for Reconstruction and Development, has been sensitive about its reports on the East Pakistani crisis since an earlier report, describing conditions in East Pakistan, was leaked to the press and drew angry protests from Pakistani Government officials.

The report, by a special Washington team, concluded that East Pakistan had been so ravaged that new international development efforts "will have to remain in a state of suspension for at least the next year or so."

The new report by the bank's New Delhi staff, which visited refugee camps late last month, avoids any mention of military action and sticks to an analysis of the cost of caring for refugees and the impact on the strained Indian economy.

MILITARY ASPECT IGNORED

The report, authoritative sources said, estimated that of the present 8.5 million refugees, 6 million were living in camps and the rest with friends and relatives, The World Bank used only the camp population in estimating costs, because it was too difficult to assess with any degree of accuracy the burden on the economy of those living elsewhere.

The report estimated that if the camp population rose to nine million by the end of December, as expected, the cost of the refugees in India's 1971–72 fiscal year will be $700-million. Foreign countries have pledged relief aid of $200-million, but if all of it is delivered before the end of the fiscal year next month, which some observers doubt, India's burden will be $500-million.

SERIOUS JOLT TO ECONOMY

This represents nearly 20 per cent of the Indian Government's planned development program for the fiscal year of 1971–72—a serious jolt to an economy that must sustain development momentum if it is to keep pace with an annual population increase of 13 million.

Put another way, the net total of foreign aid for development purposes that India will receive in the 1971–72 fiscal year will be consumed by the cost of the refugees. Total foreign development aid, nearly all of which comes from a consortium of 13 nations acting under the World Bank umbrella, will be $1-billion for the fiscal year. But over $600-million of this must go to repay previous foreign debts, leaving $400-million for development use—not enough to cover the $500-million refugee bill.

Even gloomier for India is the fact that World Bank officials here—according to the authoritative sources—predict that the impact will be much more severe next year.

The bank report, in effect, deals with minimum costs because it presumes that the camp population will stop at nine million. Bank officials, the sources say, acknowledge that all their estimates would have to be revised if the refugee influx did not stop.

In any case, costs will shoot up next year because of a delayed impact. According to the sources, bank officials say that the impact on development this fiscal year is cushioned by large food stocks and an excess of labor and administrative resources. However, these cushions will diminish next year and in some cases disappear, bank officials reportedly predict.

CAMPS MAY INCREASE

Moreover, the debt service on foreign loans is increasing, which will leave less foreign aid for development next year. On top of this, bank officials are said to feel that as time goes on, most of the refugees now living with friends and relatives will—because of the burden on their hosts—eventually move into the camps.

The report is understood to praise the Indian Government for the job it has done in caring for the refugees.

The burden of the report is that the problem was thrust on India and that the world community should not expect New Delhi to bear the bulk of the costs. Diplomatic observers here, however, are doubtful that there will be an increase in foreign aid of the necessary magnitude. Some, in fact, think that foreign interest in the refugee problem will wane as the months go by and the situation remains unchanged.

[From the New York Times, Sept. 23, 1971]

BENGALI REFUGEES SAY SOLDIERS CONTINUE TO KILL, LOOT, AND BURN

(By Sydney H. Schanberg)

KUTIBARI, INDIA, September 21.—The latest refugees from East Pakistan report that the Pakistani Army and its civilian collaborators are continuing to kill, loot and burn despite the central Government's public avowals that it is bent on restoring normalcy and winning the confidence of the Bengali people.

The dozens of refugees interviewed by this correspondent today, all of whom fled into India from East Pakistan in the past week, describe the killing of civilians, rape and other acts of repression by the soldiers, most of them West Pakistanis.

As the refugees talked in their overcrowded, half-flooded camps in and around this Indian village about four miles from the border and 60 miles northeast of Calcutta, the sound of shelling could be heard from the frontier. It was impossible to tell whether the shells came from the Pakistani Army, the Indian border forces or the so-called liberation forces of Bangla Desh (Bengal Nation), the name the Bengali separatist movement has given to East Pakistan since the attempt to repress the movement began in March.

Most of the refugees interviewed came from the region of Faridpur, the family home of Sheik Mujibur Rahman, jailed leader of the Bengalis.

NEARLY ALL ARE HINDUS

The refugees said that although general living conditions were very difficult in East Pakistan, they would have stayed had it not been for the killings. Nearly all the latest arrivals are Hindus, who said that the military regime was still making the Hindu minority its particular target.

They said the guerrillas were active in their areas and that the army carried out massive reprisals against civilians after every guerrilla raid.

Nira Pada Saha, a jute trader in Faridpur District told of a reprisal against a village near his that had sheltered and fed the guerrillas. Just before he fled five days ago, he related, the army struck the village, first shelling it and then burning the huts.

"Some of the villagers didn't run away fast enough," he said. "The soldiers caught them, tied their hands and feet and threw them into the flames."

There were about 5,000 people in the village, most of them Hindus, Mr. Saha said, and not a hut is left.

OTHERS DO "DIRTY WORK"

According to the refugees, the army leaves much of the "dirty work" to its civilian collaborators—the razakars, or home guards—it has armed and to the supporters of right-wing religious political parties such as the Moslem League and Jamaat-i-Islami, which have usually backed the military regime.

The collaborators act as intelligence agents and enforcers for the army, the refugees say, by pointing out homes and villages and people who have helped the guerrillas. Often, the refugees added, the collaborators make arrests at random and for no reason.

"The razakars and the others come into a village and pick just any house," said Dipak Kumar Biswas, a radio repairman from Barisal District. "Then they arrest whatever able-bodied young man is in that house and hand him over to the army. We don't know what the army does to them. They never come back."

The refugees said that despite reprisals and police-state activities, local people were continuing to provide food, shelter and information to the guerrillas.

Makhan Lal Talukdar, a rice farmer, said he fled a few days ago after some razakars swooped down on the crowd gathered at the weekly bazaar and opened fire. Six people were killed, he said, and many wounded.

REFUGEE FLOW GOES ON

Mr. Tulakdar crossed into India with his family of eight but had to leave his father behind in hiding because he was too old to make the trek.

About 15,000 people from his area fled to India after the bazaar incident, Mr. Tulakdar said. Some 20,000 to 30,000 refugees pour into India every day, joining the millions—the latest estimate is 8.6 million—already here.

The Pakistani President, Agha Mohammad Yahya Khan, has urged the refugees to return, promising them assistance, and he has offered amnesty to the guerrillas.

The promises only evoke bitter laughter from the refugees. "We fled to save our lives," said Rajendra Das, another farmer. "They are still killing us. We will not go back until there is complete independence."

Though rice is somewhat short in the refugees' areas, with the price up 40 per cent as a result, other foods are said to be plentiful. However, many people are going hungry, the refugees said, because they lack money and jobs.

Economic life has been badly disrupted since the army began its assault. Particularly hard hit have been the farm laborers and those who do menial labor on Government public-works projects most of which have been halted.

[From the New York Times, Sept. 24, 1971]

STATE DEPARTMENT SAID TO SEEK $250-MILLION MORE FOR BENGALS

WASHINGTON.—The State Department was reported today to be planning to ask Congress for an additional $250-million for relief of Pakistani refugees in India and for rehabilitation programs in East Pakistan.

Qualified informants said that under the State Department's proposal, the money would be voted by Congress directly to the President and would be divided evenly: $125-million to assist the Indian Government in caring for 8,500,000 refugees in camps in that country, the remaining $125-million for the Government of Pakistan.

Meanwhile, Senator Edward M. Kennedy, Chairman of the Judiciary Subcommittee on Refugees, introduced legislation calling on the United States to provide $400-million for refugee relief in India.

CHARGES "GENOCIDAL ACTS"

The Massachusetts Democrat, who visited refugee camps in India last month, said that "nearly a million more East Bengalis have found it necessary to flee inhuman conditions and truly genocidal acts of their Government" since his visit. The 8,500,000 figure in the State Department's proposal is the Indian Government's estimate of the total of East Pakistani refugees who have fled into neighboring India.

Estimates prepared by the Agency for International Development are said to predict that the number of refugees who will go from East Pakistan to India will reach 12 million in coming months. Officials of the agency are reported to have estimated the cost to the Indian Government of caring for the refugees this fiscal year, ending June 30, at $830-million.

The $250-million proposal would substantially increase the amount proposed by Representative H. B. Frelinghuysen, Republican of New Jersey, in an amendment to the foreign aid bill now before Congress. Mr. Frelinghuysen, a member of the Foreign Affairs committee, proposed $100-million, which was voted by the full House. Similar legislation is now pending before the Senate Foreign Relations Committee.

U.S. AID TOTALS $80-MILLION

Since March 25, when President Agha Mohammad Yahya Khan ordered the Pakistani Army to suppress a movement for political autonomy in East Pakistan, the United States has provided $80-million through the United Nations for relief of refugees in India and $137-million for "humanitarian" relief in East Pakistan.

[From the New York Times, Sept. 30, 1971]

REFUGEE CHILDREN IN INDIA: "THOUSANDS" DIE

(By Sydney H. Schanberg)

CALCUTTA.—Large numbers of East Pakistani refugee children are dying every day from malnutrition and the diseases that accompany it, and tens of thousands are seriously malnourished and facing death.

Accurate mortality figures are not available because officials in the Indian refugee camps do not keep them separately for children, but a spot check of several camps by this correspondent makes it clear that the deaths of children in the critical group, ages 1 to 8, number at least in the hundreds every day. Some foreign relief officials believe the toll is even higher.

"Thousands are dying," said Alan Leather, an experienced field worker for Oxfam, the British-based relief organization, "and I think tens of thousands will die unless a large-scale child-feeding program is begun immediately."

NEW PROGRAM APPROVED

Such a program, called Operation Lifeline, has just been approved by the Indian Government—after two months of hesitancy and bureaucratic wrangling. Its effectiveness will depend on how quickly it is put into full operation, and many observers think this will take one or two months.

The pitiful scenes of suffering children are the same in all the teeming camps that house most of the nine million Bengalis who have so far fled to India to escape the Pakistan Government's six-month-old military repression in East Pakistani.

Infants lie dying on cots in sweltering makeshift field hospitals, their skin stretched taut across their wasted frames. Their numbed mothers stand over them, fanning them with cloth or cardboard, or trying to put some food in their mouths, which they immediately vomit.

"Will he live?" a visitor asked about one such skeletal child less than two months old, who was too weak to move or cry. "There is no chance," said an Indian nurse. The mother's eyes agreed.

MALNUTRITION WIDESPREAD

Many of the children were malnourished when they arrived in India, for malnutrition is widespread even in normal times in East Pakistan, just as it is in the Indian border states into which the refugees have poured.

But the degree of malnutrition in the camps—aggravated by overcrowding, poor sanitation, fouled water and the weakened condition of the refugees after their long trek—is much worse than that usually seen on the subcontinent.

A field report by a team from the prestigious All India Institute of Medical Sciences found that nearly 50 per cent of the refugee children under the age of 5 are suffering from "moderately severe or advanced malnutrition," caused by protein and vitamin deficiencies.

The malnutrition is almost always accompanied by other infections and diseases, such as diarrhea, dysentery and bronchial pneumonia, it said. Many of the children are wasted by three or four diseases at once.

The report said: "Even minor infections would tip the scales in such deprived children, and unless urgent remedial measures are taken, substantial loss of infant and child population may occur quite apart from developmental retardation that is bound to afflict this group widely."

REPORT 2 MONTHS OLD

Though the report is largely credited with prodding the Indian Government into action, it was handed to the Government over two months ago. The report said that there were 300,000 children "at the edge of a precipice (where) any acute infection can prove fatal in a majority of them." Calling for an emergency program of supplementary feeding with proteins and calories, the report said that "time is of the essence."

Other nutrition experts have also used the figure of 300,000 children in danger, and that was when the refugee population was considerably smaller.

At present, with about 30,000 new refugees crossing into India every day, there are about 1.7 million children younger than 8 years, and these are only the ones in the camps. Nearly one-third of the nine million refugees are living outside camps with friends and relatives.

In addition, the camp population includes more than 500,000 pregnant and breast-feeding mothers, who also need supplementary feeding.

TWO-PART PROGRAM

The Operation Lifeline program for these more than two million sufferers, which was recommended by the Medical Institute report, will have two distinct parts.

The first, which is called Alpha and is designed to be largely preventive, aims to set up 1,000 or more feeding stations in the camps to provide milk powder and high-protein foods for the bulk of the critical group "as a measure for preventing those children who are in the early stages of nutritional deprivation and are beginning to falter, from getting into graver forms of malnutrition." Some Alpha stations have already opened.

The second part, which is not yet functioning, is a curative program for the hard cases. It is designed to handle about 125,000 children. The goal is to set up 500 nutritional therapy centers as adjuncts to camp hospitals, where seriously malnourished children will receive intensive, in-patient care for as long as one or two months as a lifesaving operation.

UNICEF TO HELP

The supplies for the entire program will be provided by UNICEF, which will buy them with foreign relief funds donated through the United Nations. But the project will be run by others—Alpha, by the Indian Red Cross with the help of voluntary relief agencies, and Beta, by the Indian Government's Ministry of Rehabilitation.

Wrangling between the ministry of Rehabilitation and the Health Ministry over which should run Beta was one of the reasons for the delay in the program.

The major reason for the delay, however, was the Government's reluctance to launch such a comprehensive supplementary feeding program only for the refugees, when the local population—though not quite as ravaged—was suffering from similar problems.

When the situation in the refugee camps worsened, largely because of the monsoon floods, the pressure on the Government mounted and it finally approved the program. Relief officials are said to have assured the Government that seriously malnourished local children will not be turned away from the Beta centers.

The Indian state of West Bengal, which has absorbed about 7 million of the 9 million refugees, is a year-round disaster area on its own—the home of perhaps India's deepest poverty.

TENSIONS INCREASE

Local people have already been complaining loudly about the amount of the refugees' free food rations, which are more than most of West Bengal's poor can afford to buy. Tensions seem to be growing between local residents and the refugees.

For example, although there are not enough doctors to handle all the medical problems in the refugee camps, there are proportionately even fewer for some of the people in the backward areas of West Bengal and the other border states.

The infant mortality rate in these areas is almost as high as that in the camps. In some West Bengal districts one-quarter of the children die before they reach the age of 5.

The problem in the refugee camps may be worse than it seems. Whatever statistics exist—and they are meager—come from the camp hospitals. But many infants are dying in the dark of their flimsy huts, and their parents do not report the deaths, for to do so would be to lose one food ration.

Also, it is a tradition among Bengali villagers that when a child falls ill with fever or diarrhea, he is given a thin mixture of sago and barley water and all solid food withheld—which is tantamount to giving a malnourished child less food at a time when he desperately needs more.

The misery in the camps may deepen when winter arrives. At least three million blankets are needed, and only a few have arrived.

Also, if food shortages worsen inside East Pakistan, the refugee influx may increase. Officials expect that, with East Pakistan's border districts largely emptied by the earlier refugee flow, most of the new refugees will be coming from the interior and that after traveling the longer distances, they will arrive in an even weaker condition than the nine million who preceded them.

Most of the refugees who have been coming across the border for the last several weeks are from districts in the interior.

"A lot of them arrive in an irreversible state—a condition of complete collapse," said a doctor in a children's ward at a camp near Calcutta. "There' s nothing we can do for them."

[From the New York Times, Oct. 6, 1971]

BENGALI REFUGEES STIRRING STRIFE IN INDIA

(By Sydney H. Schanberg)

CALCUTTA, INDIA.—With a reported 30,000 East Pakistani refugees crossing into India daily to join the millions already here, tensions are building in the overcrowded refugee camps and between the refugees and local people.

India's relief operation has been under immense strain for months, ever since people began to flee the Pakistani Government's military action aimed at crushing the Bengali independence movement in East Pakistan. Since the military action began in March, according to the Indians, some nine million refugees have come here; Pakistani officials put the figure much lower.

As the pressure of numbers grows ever greater, the cracks in the relief operation are really beginning to show.

There have been clashes and brief riots in which several refugees have been killed by the police or by local people. Indian officials and newspapers have been playing down the incidents in an effort to cool tensions, but officials acknowledge that the situation is serious and could become explosive.

The severest test may come shortly if food shortages in East Pakistan cause an even greater increase in refugees.

West Bengal, the politically unstable Indian border state that has absorbed the bulk of the refugees, is urgently pressing the central Government to move large numbers of them to other states. The Government has been talking for several months about moving refugees out of the border states, but so far only about 200,000 of the nearly seven million said to be in West Bengal have been transferred.

Not only is dispersal difficult because of limited transportation facilities, but the refugees, virtually all Bengalis, do not want to leave an area where they are culturally and linguistically at home. Other states, moreover, do not want them.

The reasons for the tensions in the border states—West Bengal, Assam, Meghalaya and Tripura—are many. Refugees complain that camp officials are not giving them their full rations. In some camps, refugees charge that officials are illegally selling relief supplies on the black market.

Local Indians, meanwhile, are complaining that they cannot afford to buy the amount of food the refugees are getting free. Refugees and local people clash over the scarce firewood for cooking; fights have also occurred when refugees strip food from orchards.

REFUGEES WORK CHEAP

Refugee pressures have driven some food prices up, while wage rates have dropped, particularly for unskilled field hands, as the refugees have entered the labor market—despite a Government prohibition—and have offered to work for extremely low pay.

Leftist political parties have begun exploiting the discontent of both the refugees and the local people. Some of the clashes have reportedly been fomented by extremists.

Local discontent was increased by the extremely severe monsoon floods in West Bengal this year, which are just beginning to subside. Many refugee camps were inundated, but the flood's impact was much more widespread, disrupting the lives of millions of flood victims, many of whose homes were washed away, are protesting because they are getting less relief food than the refugees and because the refugees are also getting shelter and some medical care.

INDIAN EFFORT IS PRAISED

Some Indian officials, though by no means a majority, have asked privately why foreign relief workers are making such a fuss about conditions in the refugee camp when the local population is nearly as badly off.

Of the approximately 1,000 camps along India's 1,350-mile border with East Pakistan, the best are no more than tolerable and the worst are muddy sinkholes where death has a stronger grip than life.

With the massive refugee influx, conditions were bound to be bad. Foreign diplomats here have praised the Indian relief effort and have expressed doubts that their own countries could have performed as well.

This is no solace to refugees who have to wash their clothes in muddy ditches, walk miles for a few scraps of firewood and drink water fouled by the floods and by generally unsanitary conditions.

Although the cholera epidemic rampant in June has been largely controlled, the death rate is still high from other diseases—malnutrition, dysentery, pneumonia.

No one knows how many refugees have died. The Indian Government is said to issue deliberately low death figures, apparently in the belief that the true figures would reflect badly on its relief program. But unofficial estimates put the toll at least in the tens of thousands. The very old and the very young have been the chief victims.

FOREIGNERS ARE BARRED

Foreign relief workers—including doctors and nurses—have been barred from working in all camps except the Salt Lake camp on the edge of Calcutta—a "demonstration" camp with nearly a quarter of a million refugees. Visiting foreign officials and dignitaries are taken to the Salt Lake camp.

The official reason given for barring the foreigners from all the other camps was that enough local people were available for the relief jobs and that the foreigners posed special problems of housing, food and translators. According to reliable sources here, the real reason is that the Government does not want foreigners observing Indian assistance to the guerrillas of the East Pakistani independence movement, many of whom operate from border sanctuaries in India.

The Indians could use every trained relief worker available, foreign or local. Some of the foreigners have had wide experience in Biafra and similar crises. Virtually every camp is short of trained people, particularly doctors.

"The physical condition of the refugees is so grave," said an Indian doctor at the Salt Lake camp, "that what you really need to save them is more doctors and nurses and facilities than normal—in other words, the highest standard of intensive care."

HUNDRED TRUCKS LIE IDLE

Other flaws as well have appeared in the relief operation. More than 200 new trucks purchased by UNICEF for carrying relief supplies have been lying idle for more than a month on a road in the heart of Calcutta. The Government says that roads have been severed by the floods, making it impossible to deliver the trucks to the border areas. But part of the reason, it is said, was the Government's failure to plan and arrange for drivers and mechanics before the trucks arrived by ship in Calcutta.

In most camps, the refugees reportedly are not getting the full rations listed by the Government, although this is largely due to supply and transportation problems, aggravated by the floods.

There have been sporadic reports of black-market activities by camp officials and also of bill-padding and kickbacks by contractors hired to erect refugee camps. But there has been no evidence of widespread corruption. In fact, foreign observers have been surprised at how little graft has crept into an operation of this magnitude.

RICE SHORTAGE FEARED

The greatest strains on the administration may be yet to come. No end to the refugee influx is in sight. Winter will soon be here, and the existing shelter, clothes and blankets are inadequate. Moreover, the three million refugees who have been living outside the camps, with friends and relatives, are beginning to seek admission to the camps in large numbers because their hosts are finding it difficult to support them.

West Bengal officials fear a rice shortage this winter because of flood damage.

The social pressures, too, are critical. Although the people of West Bengal are sympathetic to the East Pakistani independence movement and as a result have shown considerable tolerance to the refugees, the bloom has definitely worn off.

In many border areas, nearly all the schools have been closed and turned into refugee shelters, and the hospitals as well have been turned over almost entirely to refugee care. Local people are growing particularly angry that their children are being denied schooling because of the refugees.

Refugee children are also getting no schooling, except for a few classes set up by private charities and conducted by refugee teachers. It is Indian policy not to establish any comprehensible education or work programs for the refugees. The Indian position is that the refugees must return to East Pakistan eventually—even though it is clear that many of them will not—and that such programs would give them a feeling of permanence.

TRY TO KEEP BUSY

"A big educational scheme would undermine our whole concept," said P. N. Luthra, a retired army colonel who supervises the relief program for the central Government from Calcutta. "We want to keep them leaning toward their own homeland."

Many of the refugees try to keep themselves busy by weaving straw mats and baskets and by making fish traps out of bamboo strips. They then try to sell them to earn a few rupees to buy fruit or clothing or other things they are not receiving in their relief dole.

Some refugee families, to make a little money, put aside part of their rice ration and sell it below the market price.

Still, unproductive idleness pervades most of the refugee camps, and officials know this could mean trouble before long.

"They just can't sit there indefinitely," said one foreign diplomat. "It's intolerable. Something's got to be done."

A CHALLENGE FOR THE PRESIDENT

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. VANDER JAGT. Mr. Speaker, John Lear, the science editor of Saturday Review, seems possessed of insights on water pollution problems that are of great significance to the American people.

I would like to include in the RECORD a recent editorial by Mr. Lear on this subject and hope it will receive the widest possible attention:

ENVIRONMENT AND THE QUALITY OF LIFE

A CHALLENGE FOR THE PRESIDENT

Does President Nixon really want America's polluted rivers and lakes to be cleaned up once for all?

The question was put to him indirectly last month by the leading Democratic obstacle to his hopes for re-election in 1972, United States Senator Edmund S. Muskie of Maine.

The Senator personally said or did nothing evocative of the challenge. But the environmental subcommittee he chairs within the Senate Public Works Committee reported out on the sixth day of August, for the full committee's approval, a bill proclaiming the first set of clear and sharp priorities ever laid out for action toward ending pollution of the nation's waterways.

The top priority fixed by the subcommittee is "recycling of pollutants and the reclamation of water, including confined and contained disposal on land of pollutants so they will not migrate to cause (or will limit to the maximum extent attainable) water or other environmental pollution." In unlegislative English, this means that wherever possible human sewage effluent must be turned away from its present outfall in rivers and lakes, impounded for appropriate periods of time in treatment ponds inland, and then released to irrigate barren soils with fertilizing spray.

As a second priority (to be applied where soil conditions are not conducive to land disposal of sewage), the Senate bill calls for "the best available treatment of pollutants before discharge into receiving waters."

Together these two priorities say that at the present time there is no requirement in law that the best available scientific knowledge and technological skill be put to use to clean the country's waterways and keep them clean.

As now worded, the laws on the books provide only for a system of federal tax subsidies that pays for biological treatment of sewage at a rate of $1-million for every hour of the standard forty-hour work week the year round, but does not remove from sources of public drinking water a host of disease-carrying viruses, nitrates hazardous to human health, or organic substances known to cause cancer.

This old and expensive but inefficient and haphazard regime would be ended by the bill Sentor Muskie's subcommittee has approved. The text of the legislative draft specifies that no federal money would be given to states, municipalities, or other government agencies that failed to meet the two designated priorities by July 1, 1973.

To make sure that the old pattern is broken, the Senate subcommittee bill applies federal subsidies for sewage disposal to acquisition of land for treatment ponds and irrigation acreage as well as to the sewer pipes, pumps, electric power generators, and assorted equipment heretofore eligible.

Prints of the proposed Senate bill are now circulating. They have aroused a sharp reaction in the Environmental Protection Agency. Much of the planning for disposal of sewage on land would have to be done on a regional basis, and the federal government agency with the greatest experience in such planning is the United States Army Corps of Engineers. The enthusiasm with which the Corps built flood control dams in the past enraged many conservationists who have since come into prominence. These men have the sympathy of Russell Train, chairman of the White House Council on Environmental Quality, which is responsible for framing the policies that EPA pursues.

If President Nixon decides to stand behind the opposition to the water pollution control priorities of the Muskie subcommittee, he may find himself aligned not only against the Democratic majority of the Senate but a bipartisan coalition in the House of Representatives as well.

The House Committee on Public Works is chaired by John A. Blatnik, Democrat of Minnesota. He has been making enthusiastic speeches about "the Muskegon project." This enterprise, which has been described in these pages ["Reviving the Great Lakes," *SR*, November 7, 1970], is a precedent-setting venture in land disposal of sewage. Five regional applications of its principles now are being studied by the Corps of Engineers. "In our new legislation [that is, the House counterpart of the Muskie subcommittee bill], we intend to foster innovations such as this," Blatnik has said. "Bill Harsha of Ohio, the ranking minority [Republican] member of the Public Works Committee and a strong champion of environmental protection, shares my enthusiasm. . . . We are approaching the . . . problem on a completely nonpartisan basis because there is no place for political gamesmanship in our national effort to preserve the waters that must sustain all of our lives."

AMERICAN POW'S IN VIETNAM

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. RHODES. Mr. Speaker, last week we were all elated over the news that the Vietcong had released Staff Sgt. John C. Sexton, Jr., after more than 2 years as a prisoner of war. Nevertheless, even in this moment of thanks, we were reminded of the continuing plight of other Americans being held prisoner by the North Vietnamese.

Sergeant Sexton reported that he had seen other U.S. POW's in the Vietcong's jungle camps; men whose identities we cannot confirm, men whose families still suffer the mental anguish of wondering if their son, husband, or brother is alive or dead, in good health or poor. Very little information has been released from Hanoi on the prisoners, and generally only when it suited their own personal propaganda purposes.

On March 26, 1964, Capt. Floyd Thompson was captured in South Vietnam and became the first American prisoner of war in Southeast Asia. That was 7 years and 200 days ago. Since then over 1,600 American servicemen have been listed as missing in action.

I sincerely hope that our release yesterday of the North Vietnamese lieutenant we had held prisoner will be the reciprocal spark that can ignite the good faith release of all our POW's.

The prisoners and their families have surely suffered enough. It is both pointless and inhumane to continue to use these individuals as pawns for propaganda purposes.

BACKGROUND INFORMATION ON PHASE II

HON. JOHN KYL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. KYL. Mr. Speaker, I believe that background information on phase II of the economic stabilization program should have the widest possible distribution and therefore I include the following material in the RECORD at this point:

THE POST-FREEZE ECONOMIC STABILIZATION PROGRAM

The objective of the post-freeze program is to hold down the rate of inflation and to bring about a condition in which reasonable price stability can be maintained without artificial and abnormal restraints. To achieve the second part of the objective requires that the rate of inflation be held down for a long enough period to suppress the inflationary momentum that had been built up. The expectation of inflation must be replaced by the expectation of price stability. The legacy of contracts and customary practices which assume continuing inflation, and make inflation continue, must be left behind. This takes time, more time than a freeze can last, and it requires therefore that the program be durable.

If the program is to be durable, it must appeal to the American people as basically fair. Arbitrariness and inequity will be tolerated briefly for an important purpose, as it is being tolerated during the freeze. But this will not last for long. Therefore, more concern for fairness is required, even though perfect fairness is difficult to attain. Also, people will be more ready to accept the policy as fair if those whom they identify with their interests have a role in making the policy. This calls for a more participatory program than was needed, or even possible, during the freeze.

The durability of the program requires that it should not exact too great a toll from the economy. One implication of this is that the price, wage, and rent standards must be sufficiently flexible to avoid pressures that stop production or distortions in the price-wage structure that seriously impair efficiency.

These requirements in turn mean that the ambitions and standards for inflation restraint must not be too rigorous. Many of the adjustments required for the sake of equity and production will be upward, and since it is at least administratively difficult to get many prices down, these adjustments will be more feasible within an average price level that is initially rising somewhat, even though at a much reduced rate.

Finally, the system will not last if its administration is too burdensome, either in budgetary costs or in interference with the everyday lives of the citizens.

Therefore, the post-freeze program, to achieve its objectives, must give more attention to equity and economic efficiency, must be more participatory, must not initially demand zero inflation and, even though for some of these reasons it will be more complex, it must not involve a vast and intrusive bureaucratic machinery. On the other hand, the first requirement is to hold down the rate of inflation, and none of these other conditions can be allowed to dominate that.

The basic problem, therefore, is to satisfy these requirements within a program that will effectively control inflation. The decisions embodied in the post-freeze program are designed to do this. In seeking a solution to this problem, the President consulted widely with representatives of all sectors of the economy. The President and other officials of the Administration met with approximately 600 representatives of nearly 300 organizations including representatives of labor, business, the financial community, the housing industry and consumer groups.

1. The Cost of Living Council proposes an interim goal of a 2 to 3 percent inflation rate by the end of 1972, about half of the pre-freeze rate, which would be a great step toward price stability but not so rigid as to preclude adjustments needed for equity and efficiency.

2. Major decision-making responsibilities will be exercised through a tripartite pay board and a public-members price commission, but overall supervision of the program, on behalf of the President, is maintained by the Cabinet-level Cost of Living Council.

3. Reliance is basically placed on voluntary compliance, but legal penalties are available where necessary.

4. The program covers the economy comprehensively, but closet surveillance is confined to a limited, critical part of the economy.

5. Organization and staff are sufficient to maintain adequate control of the program and the staff is almost entirely drawn from other government agencies.

6. Effective restraint of interest rates, dividends and windfall profits is provided for the sake of equity, but with sufficient flexibility to avoid serious impairment of economic growth.

These underlying characteristics of the post-freeze program are described more specifically in the following pages.

THE GOAL OF THE PROGRAM

The primary goal of the post-freeze program is to continue reduction of the rate of inflation. The wide support of the American people for the freeze has shown that this is the goal of the American people. The post-freeze program is a system by which the American people can achieve their goal. The success of the program, as the President has emphasized, will depend upon the continued support of the people.

More specifically, the Cost of Living Council proposes as the goal for the program to reduce the annual rate of increase of the cost of living to 2 to 3 percent by the end of 1972 and to continue reduction thereafter. This interim goal for the end of 1972 would be an inflation rate about half of the rate that prevailed in 1971 before the freeze. To reach this goal will require that a large proportion of all prices rise by less than 2 to 3 percent, that many not rise at all, and that some decline. The Council will exercise its functions in the program with a view to achieving this goal and urges all participants in the program to accept this common task. Its attainment will be a great cooperative victory over inflation.

It should be recognized that the freeze itself builds up the necessity for a number of adjustments in costs and prices which, occurring in a short period after the freeze, may create a temporary bulge in the rate of inflation. However, this need not be a significant deviation from the path to the longer-run goal.

THE LEGAL FOUNDATION

The legal basis of the post-freeze program is the Economic Stabilization Act of 1970, the legislation upon which the freeze also rests. This Act grants authority to the President to issue and enforce regulations over prices, wages and rents to control inflation. The present Act will expire on April 30, 1972. The President will ask the Congress to extend the Act for one year until April 30, 1973. He will also ask for the inclusion of stand-by authority to control interest rates and dividends, although it is not expected that the use of this authority will be necessary because of the continued success of the current program of voluntary restraint.

ORGANIZATION AND OPERATIONS

A comprehensive structure is required to assure that the administration of the economic stabilization program will be carried out equitably and effectively. This structure will be developed by drawing upon existing personnel and expertise in the Federal Government and applying the lessons learned during the wage-price freeze. It will include separate units to establish guidelines and to decide specific cases, including appeals and exemptions.

The organization structure is designed to go into effect quickly and to permit the exercise of discretion as the need for restraint varies. The system will continue to place heavy reliance upon voluntary compliance but will also involve reporting requirements, selective compliance reviews, and the use of sanctions where necessary. The organization will be nation-wide, with units at both the regional and local levels to make the program responsive to the needs of the American people.

The overall structure is shown on the attached organization chart. Each of the organizational units is described below.

The Cost of Living Council

The Cost of Living Council will continue to function during the post-freeze period of the economic stabilization program. The President has delegated to the Council responsibility for establishing policies and goals. The Council has demonstrated its effectiveness and will continue to provide broad policy guidance. It will also insure the coordination of the different parts of the program, advise the President of the progress made toward the achievement of goals, and make recommendations to the President for any modifications that might be necessary to enhance the effectiveness of the program. The Council reports directly to the President.

As in the past, the Council will be chaired by the Secretary of Treasury. Also serving on the Council will be the Chairman of the Council of Economic Advisers, the Secretaries of Agriculture, Commerce, Labor, and Housing and Urban Development, the Director of the Office of Management and Budget, the Director of the Office of Emergency Preparedness, and the Special Assistant to the President for Consumer Affairs. The Executive Director of the Cost of Living Council will be an ex officio member of the Council.

The Cost of Living Council will not be involved in the day-to-day administration of the post-freeze program. It will develop anti-inflation goals and review the standards promulgated by the Pay Board and the Price Commission. However, the Council will *not* hear appeals on specific cases from the Pay Board and the Price Commission. The Council will initially prescribe the application of pre-notification and reporting requirements to specified economic units for both prices and wages, and will review any adjustments in coverage proposed by the Pay Board or the Price Commission. Although the primary responsibility for compliance will be carried out through the Pay Board and Price Commission, the Council may recommend the invocation of sanctions provided by the Economic Stabilization Act if this becomes necessary to obtain compliance with the program.

The Council will have a small professional staff which will be headed by an Executive Director who will also be a Special Assistant to the President. The Executive Director will help to insure the implementation of the policy decisions of the Cost of Living Council and will provide the secretariat for the Council. He will also analyze major issues, promote the effective coordination of different parts of the program, design a system that will assure the effectiveness of the program and inform the public.

Tripartite pay board

The attainment of equitable, noninflationary wage and salary adjustments is essential to the success of the economic stabilization program. To develop general standards and review specific requests for adjustments, the President will establish a tripartite Pay Board. The legal powers of the Board will be exercised by its Chairman. All elements of compensation including wages, salaries, and fringe benefits will be subject to regulation through the Pay Board. The Pay Board will develop overall standards for wage and salary increases and will selectively review major labor settlements which have a major impact on national wage developments.

The membership of the Pay Board will include five representatives of labor, five representatives of management, and five members representing the public. All members will be appointed by the President. A public member will be designated Chairman of the Pay Board. The Chairman will serve on a full-time basis.

The Board will formulate standards for wage adjustments to achieve the goals and objectives of the program. It may deal with disputes over wages, calling on the Federal Mediation and Conciliation Services as appropriate.

The Pay Board will give maximum latitude to the exercise of free collective bargaining. However, after agreement has been reached in a major bargaining unit the Board will analyze and review the economic provisions of the contract to see that they are consistent with the wage guidelines. Where the contract terms are inconsistent with the guidelines, the Board will consider other actions to secure compliance. The Board will have the authority to recommend the invocation of the sanctions provided by the Economic Stabilization Act if the voluntary compliance of labor and management cannot be attained.

A special body will be created within the Pay Board to deal with the special problems of executive compensation in a manner consistent with the treatment of other employee compensation and with the goals of the post-freeze program. The Construction Industry Stabilization Committee, established previously, will continue to operate within the standards issued by the Pay Board.

The Board will have a small staff headed by an Executive Director to analyze proposed major contracts and reports concerning other significant bargaining developments. It will also consider requests for exemptions from the general wage guidelines.

Price Commission

A Commission of distinguished private citizens will be established to administer the price and rent aspects of the post-freeze program. The legal powers of the Commission will be exercised by its Chairman. The Commission will formulate and issue standards governing price and rent adjustments. It will also hear appeals and consider requests for exemptions or exceptions. It will identify windfall profits and bring about price reductions where the operation of the stabilization program results in such windfall profits.

The Commission will consist of seven public members appointed by the President. The President shall designate one of the members of the Commission to be Chairman, who shall serve on a full-time basis. General guidelines and procedures established by the Commission will be subject to review by the Cost of Living Council. However, the decision of the Commission on individual appeal cases will be final and not subject to appeal to the Cost of Living Council.

A Rent Board, within the Price Commission, representing landlords, tenants and other interested parties, will provide advice on standards and procedures of rent restraint and will assist in mobilizing voluntary compliance with the standards. Special attention will have to be given to avoiding interference with housing construction or the deterioration of service.

The Commission will have an Executive Director and a staff to assist it in the conduct of its duties. If voluntary adherence to the guidelines and standards issued by the Commission cannot be obtained, the Commission will have the authority to invoke the sanctions provided by the Economic Stabilization Act.

Standards for prices, wages and rents

The Tripartite Pay Board will formulate standards of permissible employees compensation (including wages, salaries and all fringe benefits) to carry out the purposes of the program. The Price Commission will promulgate standards of permissible prices, including rents. The Cost of Living Council will review these standards for consistency with the anti-inflation goal. If either the Pay Board or the Price Commission is unable to develop the continuing standards in time to take effect at the end of the freeze, it may propose interim standards. In the event the Board or Commission do not develop interim standards by November 13 the Cost of Living Council will issue such interim standards.

The Price Commission will be expected to take profits into account in the standards that it sets for prices. It is especially charged with developing standards and procedures for bringing about price reductions when the operation of the program would otherwise yield windfall profits.

Application

The standards for prices, wages and rents formulated by the Pay Board and the Price Commission (or if necessary by the Cost of Living Council as an interim measure) will apply to the entire economy, except, as sectors may hereafter be excluded by the Council. As during the freeze, raw agricultural products will be excluded.

Certain economic units (firms or collective bargaining units) that are of critical importance for the control of inflation will be required to notify the Board or the Commission in advance of proposed wage or price increases. The Board or the Commission will review the proposed increases for conformity to the standards that have been announced, including whatever provisions have been made for exceptions, and may disallow or defer a proposed increase.

Other economic units that may be individually of less critical importance, or for whom advance notice is not practicable, will be required to report promptly on their prices, costs, profits, employee compensation or such other matters as may be specified. On the basis of these reports, and other information that may be required on individual cases, the Board or Commission may order action to assure compliance with the standards.

The behavior of prices and wages in the remainder of the economy, comprising the largest number of economic units, will be monitored by less frequent reporting, by spot-checks and by investigation of complaints.

Sanctions for enforcing price, rent and wage standards

The program will depend basically upon voluntary cooperation to assure compliance with the standards prescribed. However, the remedies and penalties provided in the Economic Stabilization Act will be available for use as necessary to prevent violations. These measures may be recommended by the Board, the Commission, the Council, or on delegation, by the field staff.

Service and Compliance Administration (Internal Revenue Service)

A national system of regional and local service and compliance centers will be established to support the administration of the post-freeze program. This system will draw primarily on the resources of the Internal Revenue system. The local and regional centers will provide information to the public, investigate complaints, conduct independent monitoring activities, and review requests for exemptions, exceptions, or other adjustments in accordance with guidelines and standards issued by the Price Commission and the Pay Board.

The Service and Compliance Administration will be headed by a senior official of the Internal Revenue Service. The Service and Compliance Administration will carry out its duties under the policy guidance and control of the Price Commission and the Pay Board. Operationally, the Administration will report to the Executive Director of the Cost of Living Council who will be responsible for the effective functioning and coordination of the system.

The Service and Compliance Administration of the Internal Revenue Service will have approximately 360 local service and compliance centers in the Internal Revenue Service district and subdistrict offices. The centers will be principally responsible for enforcement in the nonreporting sectors. The field centers will provide initial review of reports from the post-reporting sectors and collect data for the analysis of cases arising in the prenotification sector. Investigations, complaints, and requests for exceptions and exemptions will be handled by the service and compliance centers. The heads of these centers will be delegated the necessary authority to make initial determinations which will be subject to appeal to the Board or Commission.

All enforcement cases will be handled by the Department of Justice after initial investigation by Service and Compliance Administration personnel. Referrals of enforcement cases for legal remedies would require the approval of the cognizant board or commission.

The staff of the centers will require an estimated 3,000 people, although adjustments may be made in the light of experience. Almost all of these personnel will be located in the field where they may be of service to the public. The field offices will have specialized personnel in the labor and housing areas. Some of these personnel may be supplied by other agencies of the government which have special expertise in these fields.

INTEREST AND DIVIDENDS

The Commitee on Interest and Dividends will formulate and execute a program for obtaining voluntary restraint on interest rates, subject to review by the Cost of Living Council. In the conduct of this program the exceptional fluidity of the money markets and the variety of credit risks will have to be recognized and care taken not to drive credit from housing or other critical areas.

The Committee will continue the voluntary program for the restraint of dividend payments, subject to possible changes of standards and coverage, subject to review by the Cost of Living Council. The voluntary program has been highly effective during the freeze period.

The President will ask for amendments to the Economic Stabilization Act to provide stand-by authority to impose mandatory control of interest rates and dividend payments. However, the use of this authority is not expected to be necessary.

The Committee will be chaired by the Chairman of the Federal Reserve Board. It will include the Secretary of the Treasury, the Secretary of Housing and Urban Development, the Secretary of Commerce, the Chairman of the Federal Home Loan Bank Board, and the Chairman of the Federal Deposit Insurance Corporation. The Committee's activities will be supported by a limited staff.

Medical costs

Costs of medical care have been a dramatically rising part of the family budget. The application of the restraint program to them presents special difficulties because of the lack of standardization of the product and for other reasons. Therefore a Committee on the Health Services Industry will be established to advise the Cost of Living Council on ways to apply the standards of the program in this area and to enlist the full voluntary cooperation of the industry in restraining cost and price increases. The Committee may also advise the Pay Board and the Price Commission. The Committee will include representatives of the medical professions and related occupations, hospitals, the insurance industry, other supporting industries, consumer interests and the public. The establishment of this Committee does not limit the applicability of the standards of the program to this industry.

State and local government cooperation

State and local government employment and payrolls are a particularly fast-growing part of the modern economy. The taxes and user charges levied by these governments are an important element in costs and prices. Some of the agencies of State and local government may have a role in carrying out the program. And the leaders of State and local government command attention and respect in their areas which enable them to help mobilize the citizen cooperation which is needed for the program's success.

For all of these reasons a Committee on State and Local Government Cooperation will be established to advise the Council, assist the Board and the Commission and to stimulate voluntary cooperation, by both the State and local governments and by individual citizens. The Commitee will consist of representatives of these governments and of their employee organizations, appointed by the President.

Expanded Productivity Commission

The Productivity Commission was established to make recommendations to the President concerning the means for stimulating economic growth and improving the productivity of American industry and labor. This group consists of representation from labor, industry, the public and the Federal Government. To assist the Cost of Living Council and the other agencies that will be administering the post-freeze program, the Productivity Commission will be expanded by the addition of representatives of agriculture, and State and local governments. The Commission will consult with the Cost of Living Council on the contributions of productivity to the economic stabilization program. Specific analyses and recommendations of the Productivity Commission will be designed to assist the Cost of Living Council in its efforts to assure economic growth and stability.

Interrelationships of the agencies involved in Post-Freeze Stabilization program

The principal responsibility for the development of standards and the consideration of individual cases will be vested in the Pay Board and the Price Commission. These boards will develop equitable standards consistent with the overall goals set by the Cost of Living Council, and will review cases with the aim of reducing inflation and promoting equity among the various sectors of the economy. The Cost of Living Council will be responsible for the effectiveness of the overall program and adherence to the goals established by the Council for the President. The Council staff will monitor and support the activities of the Service and Compliance Administration. The Committee on Interest and Dividends will carry out a program of voluntary restraint with respect to these payments. Advice on the special problems of the health services industry and state and local governments will be supplied by special committees.

Duration and termination of the Post-Freeze program

No time limit is being set for the post-freeze program. The objective is to end it as soon as possible, but it will be kept in operation until its removal is consistent with continued price stability. Controls of particular sectors may be removed or relaxed when that action is consistent with the general objectives of the program and will assist the transition to price stability without extraordinary restraints. A Task Force of the Cost of Living Council will be established with a continuing responsibility to recommend steps to assure that the program is not unnecessarily prolonged.

Status of the freeze

The freeze continues to be in effect until November 14. Adjustments during this period are permitted only to the extent that they are in conformity with the rulings of the Cost of Living Council. Administration of the freeze will continue until November 14 in the same manner as prior to the President's announcement of post-freeze plans. Rulings with regard to base period prices and the like will be taken as the basis for working out adjustment procedures by the Board and the Commission that will be applicable during the post-freeze program.

DR. PETRAS DAUZVARDIS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. DERWINSKI. Mr. Speaker, I was saddened recently to learn of the death of Dr. Petras Dauzvardis, consul general of Lithuania, in Chicago.

Dr. Dauzvardis was born in the little village of Pakamanciai, Lithuania, on November 16, 1895. He immigrated to the United States and began his studies at Valparaiso University. In 1922 he enrolled in Georgetown University where he earned his degree in law. In 1925 he was appointed Vice Consul of New York, and 12 years later he was transferred to Chicago as Lithuanian consul. In 1961 he was given the title of consul general.

Dr. Dauzvardis never forgot his heritage and was extremely effective in serving the cause of Lithuanians throughout the world. During the Soviet seizure of Lithuania, which was one of the great tragedies of the World War II era, it was primarily because of Dr. Dauzvardis' efforts and courageous actions that Lithuanians were not subjugated by the Soviets. To those who cherish freedom, he was well known because of his reaction to Soviet attacks, as well as his truly able and unyielding fight against all Soviet and Communist-front organizations. He was a constant defender of Lithuania in the Metropolitan press and on the speakers' platform, with many of his speeches being recorded in the CONGRESSIONAL RECORD.

Dr. Dauzvardis was an outstanding leader, and a vigorous spokesman for the cause of Lithuania and freedom. His death is a tremendous loss to the Lithuanian community which he served so faithfully for 25 years.

THE PHASE II GUIDELINES NIXON DID NOT PROPOSE

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. McFALL. Mr. Speaker, Dr. Gardner C. Means, the distinguished economist, before the opening of the 92d Congress in December 1970 met with my colleague, Congressman JOHN MONAGAN and me, and offered some excellent suggestions for new legislation to cope with spiraling inflation and runaway wages and prices.

Those suggestions were incorporated in legislation that Congressman MONAGAN and I later introduced on January 29, 1971, and identified as H.R. 2505 designed to create an Emergency Guidance Board to limit inflation by establishing and seeking adherence to a set of voluntary price and wage guidelines

Later, we reintroduced this bill which was cosponsored by approximately 60 of our colleagues.

Up until that time, the administration was on record as being opposed to controls or guidelines in any form. It is heartening to know that the administration has reversed its position and phase II appears to take on much of the intent of H.R. 2502.

Dr. Means authored a most interesting article appearing in the August 10 issue of the Washington Post entitled "The Phase II Guidelines Nixon Did Not Propose."

Mr. Hobart Rowen, the financial editor of the Post, noted in an October 5, 1971, article II of the latest proposals offered by Dr. Means:

First. A wage guideline that would bar wage and salary increases that exceed the combined increase in productivity plus living costs from the first half of 1971.

Second. A profits margin guideline that would bar increases in profits per unit of production in the same base, except for cost of living adjustments.

Mr. Speaker, I am inserting the August 10 article written by Dr. Means at this point in the RECORD:

THE PHASE II GUIDELINES NIXON DID NOT PROPOSE

(By Gardiner C. Means)

There is grave danger that Phase II of the President's anti-inflation program will fail because its primary focus is on the wrong problem. It is based on the assumption that the major source of inflationary pressure lies with labor and that profits are a positive force, except in occasional "windfall" cases. This confuses the role of profits and their contribution to inflation.

The fact is that greater profits made by increasing production at the same profit margin contribute to recovery. But greater profits made by increasing profit margins contribute to inflation.

In the last six months, the inflation push has clearly been primarily from a widening of profit margins. According to the National Income Accounts published by the Commerce Department, total compensation to employees per physical unit of gross national product by nonfinancial corporations remained constant. In the same period, profit margins per unit of production for these corporations increased by more than 6 per cent. Thus, for this period wages in industry only kept pace with increases in productivity and did not initiate inflation, while the widening of profit margins did.

The President confirmed that wage increases have not been the primary source of inflation in his Thursday night speech when he said that the big wage gains of the last six years "have practically all been eaten up by rises in the cost of living." Yet in those six years labor productivity increased by 11 per cent. If wage rates only kept pace with the cost of living, labor would be deprived of its share of the increase in national productivity.

In addition to the role of profit margins, the current inflation is being fueled by a curious paradox. Labor maintains that wage rates have not kept pace with combined increases in productivity and living costs and assumes that this is because profit margins are too high. Management holds that profit margins are low and assumes that this is because wage rates are too high. The paradox lies in the fact that both are right and that each is wrong in blaming the other. Wage rates have not kept pace with the combined increase in productivity and labor costs, and profit margins are low by historical standards—though this is for special reasons to be explained later. This belief by each side that its share of income is unreasonably low feeds the current "administrative" inflation, which has nothing in common with the classic inflation stemming from excess demand; it results, rather, from the market power of big business and big labor to increase prices and wages in private decisions or in collective bargaining.

A GUIDELINE PLAN

Certainly there is a need to limit both inflationary wage gains and inflationary profit margin increases. But curbing profit margins, I believe, is the more important, and the harder to accomplish.

In this regard, the most notable aspect of Mr. Nixon's address was that it left unanswered the question of what the specific guidelines will be for limiting these increases. This may explain in good measure why the President's plan thus far has been generally well received: It does not tackle what are, economically and politically, the most difficult decisions, the ones on which the program will fundamentally succeed or fail, the ones that may seriously antagonize one side or the other. These decisions are to be left to the members of the pay and price boards.

The guidelines they shape must be designed to resist not only the inflationary pressures generated as fiscal and monetary policies seek to restore full economic activity, but also to overcome the inflationary tendencies which the first Nixon game plan failed to check. They also must strike a balance between simplicity and perfection, and in the immediate recovery period simplicity should dominate.

For this purpose, two basic guidelines would serve, except for hardship cases requiring special adjustments:

Wage and salary increases should not exceed the combined increase in national productivity and living costs as measured from a base period, say the first half or all of last year.

Profit margins per unit of production should not exceed the level in the same base period, except for adjustments in the cost of living (i.e. a decline in the buying power of money).

These guidelines, if followed, would bring to labor the full benefits of increased national productivity plus adjustment for living costs. Any adjustment for a previous lag in wages or for other inequities would come under hardship rules. The profit guideline, meanwhile, would allow management to pass on all legitimate cost increases and allow profits per unit to rise with the cost of living. But, apart from hardship cases, increased total profits would come from expanded production rather than from increased profit margins.

The inclusion of a full cost-of-living adjustment would produce some spiraling, but this would be quickly self-limiting because of the importance of fixed costs and because cost-of-living rises due to agricultural prices would diminish with the approach to full employment. If agricultural prices, for example, rise as they would with expanded demand, they would trigger a lesser percentage rise in wages, because agricultural prices account for only a percentage of the cost of living. The wage rise would then trigger a still smaller rise in prices, because wages are only part of business' cost. Since industrial prices, in turn, are only a part of the cost of living, they would trigger a smaller rise in wages again. And so the spiral would continue to diminish. Such spiraling could be reduced, of course, by including only part of the living-cost increase in the guidelines.

HARDSHIP CASES

If there were no hardship cases and all wage and price decisions were current, the application of these guidelines could be relatively simple. The appropriate board could announce periodically the changes from the base period in national productivity and living costs, and companies and unions could calculate the limits on wage and salary increases and in profit margins. In connection with other costs, this would allow management to set prices consistent with the guidelines. If these guidelines were adhered to, the pricing actions of labor and management would make no net contribution to inflation, and the objective of holding the line while employment and economic activity expand would be achieved.

But these basic guidelines would produce inequities if there were initial inequities in the base period and might produce inequities through the overly simple profit-margin guideline. Important inequities would require hardship adjustment lest they make the guidelines program break down. The guidelines for dealing with hardship cases should also be clearly stated to avoid lengthy and repetitive administrative negotiations.

Two general principles should guide adjustments in hardship cases:

No adjustment should be made for minor hardships. All hardships cannot be eliminated in the short period of the recovery program. The guidelines should not allow any adjustment where a correction for hardship would amount to less than, say, 5 per cent of the wage or profit margin involved.

Where substantial hardship would be involved in a strict adherence to the guidelines, adjustment should be made, but only part of the hardship should be corrected, particularly where it is of long standing.

In the immediate recovery period, the program cannot be expected to go far in correcting inequities in the system of wage rates and profit margins. In case of substantial hardship (more than 5 per cent of the wage rate or profit margin), the hardship allowance should be figured on the basis of the excess over 5 per cent. If the hardship arises during the period of the program because of its simplicity, the entire excess should be allowed. If it results from a low level in the base period, only a portion of the excess, say 20 per cent, should be allowed in any one year.

WORKER HARDSHIPS

The application of the hardship principles to wages and salaries would center on hourly pay in the base period. In general, but probably with many exceptions, employee pay has not kept pace with the historic rise in national productivity and living costs.

A considerable discrepancy developed during the four-year period of the Kennedy guideposts when the cost of living rose by 5 per cent; those guideposts allowed adjustment for increasing productivity but not for cost-of-living rises. Labor adhered so closely to the wage guidepost that the labor cost per unit of production for nonfinancial corporations did not rise at all; for manufacturing enterprises it actually went down. Some of this setback has since been overcome, but some lag still remains.

The board should take a normal period of years prior to the Kennedy guideposts and report the estimated rise in employee pay from that period to the base period. Where compensation has lagged well behind this average, the hardship guidelines should call for some adjustment.

The other major type of wage hardship would arise where, in the base period, employee pay in one activity was clearly out of line with pay for other similar activities. If the difference were substantial, the guidelines should allow some adjustment, provided the pay for the comparable activity was not substantially out of line in the opposite direction by the historical measure.

In all wage and salary guidelines, employee compensation should be defined to include fringe benefits, should apply to hours actually worked, and should apply to management as well as nonmanagement employees.

The application of the hardship principles to profit margins is complicated by the paradox already mentioned that both employee pay and profit margins appear to be low. The reason for the lowness of wage rates has already been indicated. The lowness of profit margins in the base period is quite another matter. It arises primarily from three sources.

THE PROFIT FICTION

In part, it is a result of changes in the handling of depreciation, and to this extent is a fiction so far as the guidelines are concerned. Over the years, charges for depreciation have been shifted away from a straight line to an accelerated basis so that a larger proportion of the capital invested in new plant and equipment is recovered through depreciation charges in the early years of their lives. The depreciation benefits of $3.5 billion a year put into effect last Jan. 1 are a continuation of this process. As a result of this single change, accounting profits before taxes would be $3.5 billion less even if gross profits before depreciation and taxes were the same. Over a longer period the shift of income from profits to depreciation would be very much greater.

This in part explains why profit margins look so low. Capital is taking part of its compensation in the form of tax-exempt depreciation, not taxable profit. This means that in any comparison of profit margins at different times for guideline purposes, whether for the basic guideline or for hardship adjustments, the same methods of calculating depreciation (including depletion) must be used or an adjustment made for the difference.

The second reason that profit margins have tended to be low is the increased role of interest payments in the compensation to capital. In the last fifteen years, interest costs per unit of physical output produced by nonfinancial corporations have increased more than fivefold. Part of this comes from the doubling of interest rates, but more comes from a great increase in the proportion of industrial capital that is derived from debt rather than equity sources.

The very substantial increase in the ratio of debt to equity means that a larger proportion of the compensation to capital comes in the form of tax-exempt interest rather than taxable profits. But the fact that corporate management chooses to finance with debt rather than stock does not provide any justification for higher prices. Rather, it means that profit margins per unit of production should be lower. If two companies are alike in all respects except that one has no debt and no interest costs while the other has obtained half its capital by borrowing and therefore has substantial interest costs, there is no reason why consumers should pay the extra cost of interest in higher prices or why, at the same prices, the interest should come out of wages. Rather, the interest should come out of profits and the profit margin should be less. Therefore, in measuring the stability of a company's profit margins or its average margin as compared with the base period, the basic profit guideline and the provisions for hardship adjustment should require an adjustment for any substantial shift in the debt-equity ratio.

The less important problem presented by the increase in interest rates raises the issue of whose income should be lower because interest rates have risen. Should the extra cost be borne by consumers, wages or profits? Though a perfect set of guidelines would resolve this problem, it is sufficiently small so that any inequities involved in disregarding it in calculating changes in profit margins from the base period and in making hardship adjustments will be small, especially if the effort to reduce interest rates is successful.

LOW OPERATIONS FACTOR

The third major explanation for low profit margins is the relatively low rate of operations. This problem tends to differ among companies, depending on how they have reacted to diminished sales and increased overhead costs in the recession from mid-1969. Some companies administer prices to keep profit margins relatively constant in a recession, hoping to average out their profits over the cycle. Others price to widen profit margins in a recession and make more nearly the same total profits, despite variations in sales. Still others reduce, or are forced to reduce, profit margins in recession.

A perfect guideline program would take these differences into account, but this would appreciably complicate the profit guideline. For the immediate recovery program, it may be preferable to neglect this factor in administering the basic guideline but to take it into account with respect to hardship cases. This would require a discount from actual profit margins in measuring the hardship where the margin had been increased in recession and an addition in measuring the hardship where the margin had been reduced.

One further subject needs mentioning. If there had been a substantial change in the ratio of capital to labor used in production, the ratio of the pay to employees and compensation to capital should shift in favor of the latter. It is well established that, even in constant dollars, the dollars invested per worker have been increasing. But this is not the important factor in a guideline program. What is important is whether the value of capital per worker has increased relative to the value of labor per worker. In the last ten years, real wage rates per hour in manufacturing went up approximately 30 per cent and the real capital used per man-hour went up in about the same magnitude. Thus there has been no substantial change in the ratio between the value of labor and the value of capital used in production. This factor would, therefore, not need to be taken into consideration.

EMERGENCY BOARD

All managements and unions with significant market power should be encouraged to obey the guidelines during the emergency. But the formal effort to obtain adherence should be limited to the few hundred big corporations which constitute two-thirds of industry and whose market power vests them with a major public interest. The President has indicated that his program will be aimed at a limited, critical segment of the economy, but he has not spelled out the exact extent of his approach.

An example of such a limitation is given in H.R. 2502, which proposes to create an Emergency Guidance Board to limit inflation by establishing and seeking adherence to a set of voluntary price and wage guidelines. Its powers would apply only to (1) corporations with capital assets in excess of $500 million, (2) corporations which supply more than 30 per cent of any market of substantial volume, and (3) any corporation with capital assets in excess of $100 million or supplying more than 10 per cent of any market of substantial volume where the board determines such inclusion to be necessary to carry out the purposes of the act.

Such a limitation in legal scope would, at the outset, allow some 300 big corporations to be brought within the program immediately, thereby covering more than half of the nation's industrial capacity. As experience was gained, other companies could be brought under the program to the extent required by the anti-inflation objective, leaving smaller companies outside.

Labor adherence should not be difficult to achieve, provided labor is thoroughly sold on the need for the guidance program, believes in the essential fairness of the guidelines, and feels that the profit margin guidelines will be enforced on management. There are three major reasons for this expectation. First, labor adhered remarkably closely to the Kennedy guideposts even though they were unfair to labor. Second, management will tend to use the labor guideline in resisting excessive demands. And, third, the anti-inflation program outlined here will include a tax on corporations applicable to any excessive increase in profit margins, except as approved by an anti-inflation board for hardship.

Only in one situation should any union have to make reports to an antiinflation board. Unions should be free to strike. But before any union bargaining with one or more of the corporations subject to the powers of the board could strike it should be required to file a substantial economic justification for the pay increases and other terms for which the strike call was being issued, with evidence that the strike demands were consistent with the wage guidelines or in what ways they exceeded those lines. The board could then publish the justification and review it. If it found that the demands were excessive it could make this conclusion public. Such a process would not abridge the right to strike but could bring public opinion to bear.

THE PROFIT PROBLEM

The problem of obtaining management adherence is more difficult. Under the four years of the Kennedy guideposts, the compensation to capital per unit of production for nonfinancial corporations went up 25 per cent, while the compensation to employees remained practically constant and even declined a little. On average, almost all of the extra compensation to capital came from raising prices.

The difficulty stems from two major sources. First, there is no strong consumer organization to bargain with management on profit margins comparable to management in bargaining on wages. Second, it is much more difficult to bring about a reduction in prices when costs per unit go down than it is to prevent an increase in price when costs per unit do not go up.

Advance notice and economic justification for an intended price increase and a review by an anti-inflation board could contribute greatly to securing adherence. The board should have the legal power to require all corporations under its authority to file with it any planned price increases for any significant product or line of products, say 30 days before the increase is consistent with the profit-margin guideline.

The board could then publish the justification and review it. If it found that the proposed price increase was not warranted, it could make this conclusion public. Such a process could considerably temper any tendency to raise prices. It would not, however, have any effect in limiting an increase in profit margins when costs per unit have gone down, since only price increases would be reported.

An effort to apply a reporting technique where costs go down would be much more difficult and cumbersome. A price increase is a positive event easily reported by those corporations proposing to raise prices. But cost reductions are not so simple; monitoring them would require that practically every corporation file a report on costs. This would overwhelm an administering agency.

A MARGIN TAX

To deal with this difficulty and also to curb price increases, some had proposed that an excess-profits tax be imposed. The President correctly ruled out such a step. An excess-profits tax would be counterproductive because once a corporation was making the allowable profits, the inducement to expand its production further and hire more workers would be diminished.

A much more effective tax would be to tax unjustified increases in *profit margins*. Each corporation would be required to report to the Treasury its total sales and its total profits after taxes in the base period. It would also report its total sales and total profits after taxes in a current period. If the ratio of profits to sales had increased, this would be prima facie evidence of a rise in profit margins. Unless this evidence was rebutted by evidence of a hardship accepted by an anti-inflation board or by a change in product mix, the profits arising from the increase in ratio would be heavily taxed.

Where the board finds that a constant margin would create a severe hardship and accepts a higher profit margin as consistent with the guidelines, the Treasury would be required to use the adjusted profit margin in calculating an increase. Similarly, where the product mix has been changed because of a change in the degree of integration or for some other reason, some adjustment should be made. If the change in mix arises from differences in the products of different subsidiaries, its effects could be eliminated by allowing corporations to report their margins for each subsidiary separately. Only these exceptions for hardship and product mix should be allowed. Otherwise the simple figures should be used.

In the decision on the rate to be charged on taxable increases in profit margins, account must be taken of the imperfection of the guidelines. If the guidelines were perfect and all hardships were adjusted for, it would be appropriate to tax away all profits resulting from increases in the adjusted profit margins. But because some legitimate increases in margins cannot be taken into account without greatly complicating the administration of the program, some lesser proportion, say 50 per cent, should be taken. This would provide a significant deterrent to unwarranted price increases and a clear incentive to price reductions where costs were lower. It would not be counterproductive but would, rather, focus the making of profit on expanding production and employment at a constant profit margin.

The main objective of the guidelines proposed here would be to provide employees of major corporations with the gains from national productivity that are their due without having them taken away by a rise in living costs, and to give management the prime inducement to make profits by producing more, not by increasing profit margins. If followed, they would not prevent all inflation during the recovery period. There would be the limited inflation resulting from the rise in classically competitive prices such as those for farm products and some industrial raw materials, but this source of inflation would cease once full employment was reached. There also would be some price increases due to the adjustment of hardship cases. Finally, there would be the probability of some price increases among the small and medium-sized companies and services not subject to classical competition. At the same time, an expansion of demand through fiscal and monetary measures could expand production and employment with only a minor proportion diverted to inflation.

WILLIAM J. POWERS

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. MONAGAN. Mr. Speaker, the Waterbury, Conn., Republican recently commented editorially "The death of William J. Powers, national service officer for disabled veterans for a quarter of a century, saddens all veterans." This is true.

Bill Powers devoted most of his adult life to working with and for disabled veterans and while his principal territory was Connecticut he was a frequent visitor to Washington, D.C., where he enjoyed a wide circle of friends and associates in veterans' affairs.

The death of Bill Powers is a personal loss to me for I knew him as a friend and often looked to him for guidance in the development of veterans' legislation and in the adjudication of veterans' claims which came to his office and to mine.

Many friends and admirers extending well beyond the veterans' circle mourn the passing of Bill Powers. I attach here a brief editorial eulogy which appeared in the Waterbury Republican of October 5, 1971:

WILLIAM J. POWERS

The death of William J. Powers, national service officer for disabled veterans for a quarter of a century, saddens all veterans. Mr. Powers was highly knowledgeable about all phases of veterans' affairs, and put his know-how to practical work.

For a man whose livelihood came from helping veterans, Powers never wrapped himself in the American flag in a pseudo effort to gain recognition as a patriot. He accomplished the same recognition by doing his work quietly, unassumingly and efficiently, thereby performing a far greater service to his country and reflecting even more credit upon himself.

Mr. Powers was elected to the Board of Education and served two terms. He picked the wrong year to try to advance politically. He never permitted his political interests to interfere with his unbiased handling of the problems of any veterans.

POLISH-AMERICANS HIT ETHNIC SLURS, PRAISE THEIR CULTURE IN ADS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. PUCINSKI. Mr. Speaker, the Wall Street Journal this morning carried an excellent article by its Detroit correspondent, Greg Conderacci, on a new positive campaign to acquaint the people of America with the rich culture of Polish Americans.

Mr. Conderacci has performed a notable public service by calling attention to a campaign being financed by Philadelphia industrialist Edward J. Piszek to put Poland's culture into proper perspective.

Mr. Piszek gives living meaning to America's ethnicity. His effort demonstrates there is no conflict in being a loyal, proud, dedicated American and still be proud of one's ethnic ancestry.

As principal sponsor of the ethnic studies bill now working its way through Congress, I want to particularly thank Mr. Piszek for his unselfish and generous contribution to better understanding among America's ethnic groups.

I am pleased to include in the RECORD today Mr. Conderacci's excellent article describing in detail Mr. Piszek's campaign of enlightenment.

Mr. Conderacci's article follows:

[From the Wall Street Journal]

POLISH-AMERICANS HIT ETHNIC SLURS, PRAISE THEIR CULTURE IN ADS

Was Copernicus Trying to Tell Us Something? Yes, and It's Far From a Joking Matter

(By Greg Conderacci)

ORCHARD LAKE, MICH.—Have you heard the story about the Polish millionaire who spent $500,000 to help stamp out Polish jokes?

It's no joke.

It's "Project: Pole," an effort to place a half-million dollars worth of pro-Polish advertising in newspapers across the country.

"Polish jokes should set up in a man a determination to prove they're not true," says Edward J. Piszek, president of Mrs. Paul's Kitchens Inc. of Philadelphia and the man bankrolling the campaign. "In a positive way, it's an answer to the jokes—instructively. You eliminate the opportunity to originate the joke by proving it's not true."

So today a pilot campaign, in the form of a half-page advertisement, will appear in Detroit newspapers with the headline: "The Polish astronomer Copernicus said in 1530 that the earth revolved around the sun. What was he trying to tell us?" The answer, Mr. Piszek says, is that Polish-Americans are every bit as good as any other Americans.

SECOND-CLASS CITIZENS?

Mr. Piszek's problem is not only that he has to convince the other Americans. He has to convince the Polish-Americans, too. Henry J. Dende, editor and publisher of the Polish-American Journal, a national newspaper based in Scranton, Pa., says Polish-Americans face such a publicity crisis that Project: Pole is "a necessity."

"You have to go through a daily newspaper with a magnifying glass to find anything with a Polish theme," he says, and because Polish-Americans don't read much about themselves "they relegate themselves to second-class citizens." He contrasts meager media coverage of Pulaski Day to coverage of Columbus Day and St. Patrick's Day. "We can't even get a big story in the paper when 250,000 Poles march in New York," he asserts.

To make matters worse, most Polish references in the media are bad, he says. "I watched a television program the other night in which the phrase 'dumb Polack' was used seven times, I counted them. I don't mind an ethnic joke now and again, but why do they have to beat us over the head with it?"

Poles who emigrated to the United States weren't representative of all Poles in Poland says Project: Pole's director, Father Walter J. Ziemba. "The Polish peasant immigrant—poor, deprived, ambitious, independent, courageous—came from a dismembered nation with no political identity and without opportunity for education. All he knew were his prayers and his songs. When he came to this country he couldn't tell people about Poland's 1,000-year history. So now Project: Pole must tell him these things," he says.

The Copernicus ad is only the first of a series designed to educate Polish and other Americans in Polish history. Famous Poles—Joseph Conrad, Marie Curie, Chopin—are featured. One ad proclaims: "Before there was a United States there was a Poland."

Project: Pole is the first campaign of its kind, Father Ziemba says, adding that the campaign will be a sustained effort for "at least a year." In Detroit, at least 12 to 16 ads will run in daily papers. Washington, D.C. Hartford, Conn.; Philadelphia, Buffalo, and Chicago, also will be targets of Project: Pole, he says, and about 29 Polish newspapers across the country will begin carrying Project: Pole ads this week.

ART AND IMAGINATION

Father Ziemba, the friendly, bespectacled president of Orchard Lake School here, a tiny private Catholic college and seminary he likes to call "the Polish Notre Dame," says he hopes people will read the Copernicus ad and say, "Hmmm, I didn't know Copernicus was Polish." He says he also hopes people will clip the ad's coupon and send for a) "Poland," a "magnificent art book" ($6), or b) "The Imagination of Poland," a "48-page colorful booklet" that details Polish achievements (50 cents), or c) a poster that "shows at a glance the great men and women of Poland" ($1).

The money goes to Mrs. Paul's, a frozen-food processor owned by Mr. Piszek's family, to defray some of the cost of the campaign. Mr. Piszek says he expects to get about $200,000 of his money back—"unless it turns out to be a total turkey."

Most Polish leaders are enthusiastic about Project: Pole. "I think the Polish-American community will welcome it," says Aloysius A. Mazewski of Chicago, president of the Polish-American Congress.

But not everybody is sold on Project: Pole. One prominent Polish-American, who asks not to be identified, says the project probably will fail "because you can't sell culture the way you sell fish. Project: Pole is just an attempt on the part of the Polish community to get something into the media that's favorable. The Negro has stopped the harassment of the media, but Rowan and Martin are still free to malign the Poles on television. I fervently hope Project: Pole works, but I'm not very confident of its success."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

INTERNATIONAL MONETARY AND FINANCING PROBLEMS

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. HANNA. Mr. Speaker, it is an accurate if unpleasant fact that we in the United States face an international crisis in world trade at the same time as we have a national emergency in our domestic economy. We are also forced to conclude that the two are inseparately entwined. What bothers me is that whereas the domestic situation is as difficult as it is challenging, the international problem is one very little understood and to most, completely baffling.

Whether we like it or not, we must take time to become more intelligently informed and more worldly in our awareness. Granted that such effort is taxing, it is likewise imperative. Our basic problems are not confined to the U.S. borders. The solutions will not be found in an approach limited to our parochial concerns.

Being ever alert to contributions which might serve our interests in better understanding, I was pleased to come upon a recent presentation by Dr. Alfred Schaefer, chairman of the board of the Union Bank of Switzerland. The good doctor addressed a group of businessmen, Government officials, and the news media here in Washington on October 6. Dr. Schaefer heads the largest of the Swiss banks and what he had to say, I feel, will be of interest to my colleagues in the Congress. Dr. Schaefer talked about the very things we are discussing in the Congress, which include the price of gold and the Eurodollar market. He also made some suggestions of how he felt the world's monetary problems might be solved. He agrees that the United States should reduce her international commitments and that it was time for other nations to pull their share of the load.

I enjoyed reading the following address and I hope my colleagues will also:

INTERNATIONAL MONETARY AND FINANCING PROBLEMS AS VIEWED BY A SWISS BANKER

Swiss bankers are devoting close attention to the current monetary problems, for Switzerland's importance as an international center of finance does not rank far behind that of New York and London. Swiss banks transact about one quarter of the Euro-money market's estimated 60 billion dollar volume. In addition, the Swiss banks have a capacity which enables them to place 20 to 40 per cent of all international Eurocurrency loans with their own customers.

As a consequence of such close financial ties with other nations, Switzerland is directly affected by international monetary dislocations. For the first time since 1936 the parity of the Swiss franc has had to be altered. On May 10, 1971, the Swiss authorities revalued the franc by 7 per cent, thus taking the step which the United States is now asking of other industrial nations. Nevertheless, after the temporary suspension of the dollar's convertibility into gold, the Swiss National Bank deemed it advisable to abstain for awhile from intervening on the foreign exchange market and to enact administrative measures to curb the influx of foreign currencies. Under the pressure of events, Switzerland was therefore compelled to renounce the very things to which it had bent its efforts for many years: namely, fixed exchange parities.

The uncertainty that reigns throughout the western monetary world today affects Switzerland quite acutely.

Uncertainty, however, produces the worst counsel. Its removal is the most urgent task confronting us today. To devise at short notice an entirely new monetary system scarcely seems reasonable. It would be far more purposeful to build upon an arrangement which has proved its efficacy for around 25 years. The Bretton Woods Agreement—and particularly the introduction of free convertibility in 1959—contributed substantially to the fact that between 1950 and 1970 world exports increased nearly fivefold (from 57.2 billion to 279.3 billion dollars).

SHOULD THE PRICE OF GOLD BE RAISED?

The maintenance of the Bretton Woods system means that gold must retain its role as the principal monetary reserve asset. As a generally acceptable, freely negotiable tangible item, gold appears—at least to European nations—as the best foundation for a currency and the most neutral standard of value, for it cannot be brought into existence arbitrarily by a state or an international organization. Too great a discrepancy between the price of monetary gold and that prevailing on the free gold market would undermine confidence in the Bretton Woods system. A modest increase in the official gold price from its present 35-dollar-an-ounce level to a maximum of 40 dollars an ounce would not alter the international monetary system. Such a correction would stimulate gold production, reduce gold hoards and enrich national monetary reserves. The resultant advantages for South Africa and Russia would be of marginal importance compared to the strengthening of confidence such a step would produce and the benefits the western monetary system would derive from it.

In its role as the chief reserve medium—at least in terms of volume—the dollar is dependent on the economic and monetary policies of the United States and on the world's confidence in this currency. Should this confidence be shaken, the dollar will not be as accepted without restrictions as it has been in the past. However, the dollar as a reserve asset or as a means of intervention cannot be replaced by other currencies or by an artificial reserve medium—at least not over the short or medium term. Without full convertibility special drawing rights would represent not much more than uncovered bank notes. It is therefore of primary importance today to restore the world's faith in the key currency. This would be possible only if the United States, as banker to the world, considerably reduces the deficit in its balance of payments, and this in turn will require not only efforts on the part of the United States, but also the sympathetic collaboration, particularly in terms of burden sharing, on the part of other nations, which they can certainly be expected to do.

CONFIDENCE IN THE DOLLAR IS VITAL

A considerable improvement in the U.S. payments balance could be achieved if America were to combat inflation at home in order to maintain its competitive position on international markets, trim its military outlays in Southeast Asia, if the other nations were to assume a share of America's military costs abroad and be prepared to adjust their exchange rates—which they have actually done to a large extent—in recognition of the United States' contributions to the welfare of the free world. European nations could grant the United States medium-term loans denominated in their own currencies, so that the United States could buy back the dollars in excessive supply at the central banks, thus further easing the situation. It would be unrealistic to expect the U.S. balance of payments to achieve complete and rapid equilibrium. In view of the substitution of U.S. exports by the production of goods in subsidiaries abroad——America's foreign investments totaled about 77 billion dollars in 1970, with 2–3 billion dollars in profits being reinvested annually—it is unlikely that in the future we shall again witness export surpluses of 5 billion dollars or more in the U.S. trade balance.

The measures I have cited could suffice to pare the U.S. payments deficit to such an extent that the world's confidence in the dollar would be restored. The United States as the world's banker could afford an annual deficit averaging 1–3 billion dollars—but not much more over a long period of time. The most recent steps taken by the United States have come late. Today, Europe's economy is clearly approaching a period of economic slowdown. Foreign trade contributes considerably more to the G.N.P.s of European nations than in the case of America. For the U.S.A. exports presently constitute 4%, for France 12%, West Germany 19%, Switzerland 25%, and the Netherlands 35%. The susceptibility of the European economy to crises in confidence and to the danger of recession is correspondingly greater. Today—more than ever—Europe therefore requires stable monetary conditions, the sound foundation of fixed parties and convertible currencies.

THE THREAT OF THE EUROMARKET

The restoration of stable monetary conditions and, in particular, faith in the dollar is also of decisive importance to the largest of the globe's money markets, the Euromarket. Today, the Euromarket has attained such vast proportions—assisted unfortunately by the central banks—that substantial risks are entailed. The initial lender frequently has neither any knowledge of the purpose of the credit nor of the identity of the final borrower, and must fear that, as a consequence of the long chain of transactions, the maturity of the loan is lengthened, making long out of short. This violation of the golden rule of finance could have very serious consequences for the monetary sector if everybody's nerves continue to be jangled. Any market is only as strong as its weakest link.

If due to uncertainty or mistrust the principal investors withdraw a considerable volume of their capital from the Euromarket, a chain reaction could be initiated that would set the entire credit structure to teetering. The decision of the principal central banks to refrain from supplying the Euromarket with funds exceeding the present engagement of an estimated 11 billion dollars is obviously correct—even though it unfortunately came very late. On the other hand, comprehensive control of the Euromarket, which is advocated in some quarters, is as dangerous as the excesses made possible by the uncontrolled bloating of the market. Restrictions can do more harm than good to faith in the free enterprise system.

At this point I would like to say a few words about the subject of so-called currency speculation. Naturally, there are speculators who seek only profit and engage in activities which has no commercial basis. However, if for example a businessman sells forward the future proceeds of an export transaction because he anticipates an up-valuation of his national currency, he is not speculating but merely protecting himself from losses that might be caused by parity changes.

Flows of capital from one currency into another are not only an expression of a somewhat excessive world-wide liquidity and an all-too-high international credit pyramid, but above all an expression of fear and mistrust in our monetary system which is based on confidence. Monetary measures alone, however, do not suffice to restore stability and confidence in a world where the belief in expansion and technological progress has been a credo for an entire generation. Nor are they adequate in a world where the number of people who admonish and warn of suicidal excess are dwindling, for the generation that witnessed in the thirties how close our social structure came to collapsing is gradually retiring from the stage. Conservative virtues such as the largest possible extent of self-financing and the conservation of earning power should today still constitute the pillars supporting an economic system which is aware of its responsibility to the general public. In the consumer society of the past decades, thinking in terms of profit has clearly taken backseat to thinking in terms of growth. Profitability, however, is the chief basis for technological progress and the most natural measure of a company's usefulness. Cash flow and the formation of reserves are steadily eroded by inflation. When the rate of inflation is 6–7%, companies can retain their net worth only by making appropriate allocations each year to reserves.

WHAT CAN WE DO?

With floating currencies, the international economy cannot make long-range calculations, especially not in the realm of monetary transactions and capital movements. A foreign exchange market two-tiered into commercial and financial currencies with all of the related control mechanisms is not feasible as a solution. Intervention only serves to conceal the symptoms of monetary illness but does not attack its causes.

What free enterprise needs today is a return to fixed parities and to the clear-cut rules needed by our monetary system. By widening trading bands within reasonable limits, small rate corrections can be made without altering parities. Measures taken against inflows of speculative funds are useful, but serve only to combat the superficial aspects of the real problems. Public announcements and discussions—whether in parliament or among experts—usually trigger sizeable and dangerous monetary movements. In monetary policy, too, only remedies in the interest of all have lasting value. Although world history hardly revolves around the concept of gratitude, the United States has a moral right to advocate burden sharing, whereby drastic monetary corrections can be virtually avoided.

Technically speaking, even the wealthiest "landowner" can go bankrupt if he finances his steadily increasing investments on a short-term basis abroad—and in all fairness he cannot very well ask to be relieved of all the risks connected with what might almost be regarded as the building of a business empire by unilateral revaluations of his creditors. The monetary corrections which appear necessary today are relatively minor and have to a large extent already been made by means of floats and the revaluation of certain currencies. If the United States would make the conciliatory gesture of a modest devaluation, time would be gained for a calm assessment of the possibilities for a new monetary system, and such a step could avert the clearly discernible threat of recession in Europe. In all likelihood it would also pave the way for a return to confidence in the dollar and would restart the flow of capital and gold into the United States. For psychological reasons and in the interest of restoring confidence in our monetary system, it would surely not be farfetched—independent of currency realignments—to give serious consideration to a modest, general and equal increase in the price of gold that would bring it in line with free market quotations.

Intervention, trade wars and barriers, controls and oscillating exchange rates would return us to a situation reminiscent of the Middle Ages. We need a convertible dollar. The United States, whose G.N.P. accounts for nearly half the combined output of the entire western world, has made it possible for the Bretton Woods system to function for a quarter of a century. By contributory action, America should today clear the path for the continuation of the fruitful association among those nations adhering to the free enterprise system—otherwise this system will suffer extremely serious psychological, political and material damage.

THE F-14—A DESPERATELY NEEDED WEAPONS SYSTEM

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. GROVER. Mr. Speaker, after each of our major foreign military involvements over the years has come a wave of emotional pacifism and isolationism which has invited if not abetted or contributed to the terrible war to follow.

With most of our conventional weapons systems approaching mass obsolescence it is frightening to see the repeat performance of the unilateral disarmers now on stage.

In this light, let us examine and respond to some of the allegations made on September 23, 1971, by Senator WILLIAM PROXMIRE in a press release concerning the F-14, a weapons system desperately needed by our military as a deterrent in the decade of the seventies.

The exchange of views follows:

PRESS RELEASE EXCERPT

Senator William Proxmire (D-Wis.) said in a speech prepared for delivery in the Senate Thursday that "a recent Pentagon study convincingly shows that the Navy's present F-4 fighter, modified only with leading edge slats, could out perform the F-14A at all speeds likely to be encountered in a dogfight."

The facts

The Navy is unaware of any internal or Office of the Secretary of Defense Staff study that convincingly shows the F-4 aircraft with slats superior to the F-14A in any of the performance parameters that comprise a superior "dog" fighter. The Navy Fighter Study analyses, concurred in by the Naval Air Systems Command, conclude the F-14A is significantly superior to the F-4 with slats in energy maneuverability (Ps), sustained turn (g's), turn radius, rate of climb, and acceleration.

PRESS RELEASE EXCERPT

Proxmire said that in introducing an amendment, co-sponsored by Senator Vance Hartke (D-Ind.), to terminate the F-14 program. Proxmire hopes to replace the F-14 with a new light fighter similar to the plane the Air Force plans to build as a complement to the F-15.

The facts

It seems strange indeed that Senator Proxmire proposes to *replace* an F-14 with a new light weight fighter but is perfectly willing to agree that a light weight fighter can merely *complement* the F-15. Numerous studies in the past several years have failed to uncover a light weight fighter design that could fulfill the requirements for Navy fighter missions.

PRESS RELEASE EXCERPT

"It has always been recognized that the F-14's small wing area would give it less hard turn capability than a number of existing aircraft, including the Russians' Mig-21," Proxmire said. "And its acceleration potential has always been dependent on successful development of the advanced technology 'B' engine.

The facts

In reality the F-14A has a larger wing area than any of the airplanes mentioned by Senator Proxmire.

Turn capability is a function not only of wing area, but of the lifting ability of the wing when all factors are considered, e.g., area, weight and lift capability, the F-14 actually has a better hard turn capability than practically any airplane flying today including the proposed F-15. The variable geometry wing on the F-14 allows the airplane to achieve extremely high lift coefficients which directly contributes to a low effective wing loading.

The F-14A accelerates 58% faster than the F-4J from Mach 0.8-1.8 at 35,000 feet. Acceleration of the F-14B will be improved over the F-14A by a factor of two.

PRESS RELEASE EXCERPT

"Now that the 'B' engine has been dropped from official Navy plans, the F-14 does not measure up at all well in dogfight maneuverability. It is a Tom Turkey, not a Tomcat.

The facts

The F-14B engine has *not* officially been dropped from Navy plans for the F-14. Development of the F-14B is continuing and when fully developed and qualified the decision to incorporate in the F-14 will be reviewed. Historically when better performance can be achieved in a tactical aircraft the capability has been incorporated. To quote one example; the F-4B differs from the F-4J in increased performance in the radar and increased thrust in the engines. Every objective analysis to date has concluded that the F-14 is a highly maneuverable and extremely effective air superiority fighter.

PRESS RELEASE EXCERPT

"The Air Force F-15 will have sizable advantages both in hard turn capability and in acceleration.

"In fact, a recent Pentagon study convincingly shows that the old F-4 itself, modified only with leading edge slats, could outmaneuver the F-14A.

"An F-4 with slats would be quite carrier compatible. And with these inexpensive slats, which could be deflected to improve turning performance and retracted to prevent drag during acceleration and climb, *all* models of the F-4 would be able to both out-turn and out-accelerate the F-14A—by as much as 10 per cent for the most suitably equipped F-4 models.

The facts

It is to be expected that the F-15 like the F-14 will be capable of out performing Soviet threat aircraft.

Previously addressed in response to paragraph one of Senator Proxmire's press release.

Navy flight tests of an F-4 equipped with slats proved that a simple installation was not satisfactory for use in a carrier approach, although combat maneuverability and flying qualities were enhanced. A more complex and costly design is currently being studied. The time required for test and retrofit as well as the significant cost increase associated with the installation detracts from its attractiveness. Even under optimum assumptions as to slat operation, the F-14A can always out turn and out accelerate the F-4.

PRESS RELEASE EXCERPT

This is admittedly a small margin, but it is of devastating significance when we are thinking about replacing the F-4 with the F-14's costing more than three times as much per plane.

The facts

Cost must be related to mission success. The advanced capabilities of the F-14/AWG-9/PHOENIX weapon system provide the only means of assuring success on future air superiority missions. Effectiveness and need must be the measure to determine value of the requisite investment. We could purchase the World War II F-6F for far less dollars than the F-4J requires, increase the quantity of aircraft in the Navy inventory, but not be effective against the current and projected threat.

A similar comparison can be made between the F-4J and the F-14. The F-14 will meet the threat; the F-4J will not, regardless of the quantities procured. We are forced to spend more money per unit to attain needed performance levels. There is no known substitute way to accomplish the stated missions against the anticipated fighter, interceptor, and cruise missile threat.

PRESS RELEASE EXCERPT

It could prove equally devastating, in another way, if we relied on the F-14 as our front-line Navy fighter against Soviet Mig-21 successors which the F-4 itself will not be able to handle.

The facts

The statement is academic since there is no authoritative evidence that supports the Mig-21 being a superior aircraft to the F-14A. All analysis to date, including a NASA assessment, conclusively indicates the F-14A is superior to the known and projected Soviet "DOG" Fighter aircraft. This coupled with weapons flexibility of the AWG-9, PHOENIX, SPARROW, SIDEWINDER and Gun capability of the F-14A provides the only fighter that can meet the Navy requirements in the 1970-80 time frame.

PRESS RELEASE EXCERPT

I recognize that official Navy studies of the F-4 and the F-14 reach somewhat different results. But the Navy refuses to take slats into consideration. And it refuses to compare the two planes over all parts of their respective flight envelopes and with the latest measurement techniques. Yet even the Navy studies show marginal F-14 advantages.

The facts

An in-depth evaluation of a fixed slat installation on the F-4 has been completed. Further investigation of a carrier suitable operational slat is ongoing with the McDonnell Aircraft Company.

The Navy has compared the maneuvering performance of the F-4 with and without slats and has yet to determine if a significant improvement is possible with an operational slat installation due to the excessive weight of the installation.

The Navy has been extremely interested in improving the capabilities of the F-4J and has certainly taken the lead by the improvements made in the cockpit and Fire Control systems.

PRESS RELEASE EXCERPT

The F-14 will have such poor maneuverability in large part because it will be weighted down with the same complex avionics and air-to-air missiles which have been countermeasured, outmaneuvered, and often barred from use for the last five years in Southeast Asia.

The facts

The Navy F-14 is designed for air superiority. There has been no compromise in air superiority performance because of the fleet air defense capability. The air superiority mission requires dogfighter performance superior to the threat at distances compatible with the Navy attack aircraft to be escorted.

The F-14 air superiority fighter is a weapon system that can shoot down long-range multi-raid aircraft and missiles as well as engage enemy fighters in close-in combat. Weight-reducing microminiaturization of avionics, balanced with airframe and engine design, has eliminated performance penalties formerly associated with multi-mission fighters. In the F-14 one percent of the aircraft weight makes it possible to use Phoenix, Sparrow, Sidewinder, Agile, a gun and air-to-surface weapons. A large part of that weight is in removable pallets not used for the Dogfight configuration.

Navy performance estimates of the F-14A and F-14B have been substantiated by an independent National Aeronautics and Space Agency assessment made at the request of Dr. John S. Foster, Jr., Director of Defense Research and Engineering. It was further concluded the multi-mission performance estimates were attainable without degrading the pure fighter capability.

An important item in the initial Navy specification for the Phoenix Missile was the requirement to operate in the severest Electronic Countermeasures (ECM) environment.

Contractor and Navy tests have been made on the entire Phoenix Missile and elements within the missile, using projected 1980 ECM threats and experimental ECM devices specifically conceived to defeat the missile's circuits. The weapon successfully copes with all these ECM techniques.

PRESS RELEASE EXCERPT

In fact, its main dogfight weapon will be a new $100,000 per copy version of the Sparrow missile, earlier versions of which in Vietnam have proven one-quarter as effective against enemy aircraft as our fighter planes' cannons and guns, while costing 200 times as much per firing or 800 times as much per kill.

The facts

The new SPARROW costs $60,000 per copy under the present Navy program. Also the F-14 with its mixed weapon load (SPARROW, SIDEWINDER, and Guns) and superior fire control system allow the Pilot and Missile Control Officer to select the proper and most effective weapon for each particular situation thus increasing the overall kill probabilities.

PRESS RELEASE EXCERPT

The Senate should follow the lead of the House and deny further funding for the F-14.

And the Navy should follow the lead of the Air Force and develop a new light weight fighter which could put the F-14 to shame.

As the Air Force program demonstrates, a new light weight fighter could have 80-100 per cent better acceleration and turn capabilities than the F-14A.

And even if it came in at double the $2.5 million per copy now estimated for such a plane, we could still afford to buy it in the numbers which combat might realistically require.

The facts

The Navy has studied lighter and simpler fighter designs, but has yet to find one which shows any potential of being superior in the total combat arena.

While many individual, special purpose aircraft could be designed to cope with each threat, at each altitude, at each speed while using an optimum weapon for each engagement, it is obvious that an aggregate of such types would be far more costly than the F-14. If a better solution exists, it has yet to be proposed to the U.S. Navy.

Data on the light weight Air Force fighter mentioned by Senator Proxmire has not been made available to the Navy. However, if that airplane out turns and out accelerates the F-14 by 80-100% it must be a highly specialized type optimized for fighting other "dog fighters" and cannot be a balanced weapons system designed to meet the agreed threat most likely to be encountered in performing Navy missions in all parts of the world.

SENATE—*Wednesday, October 13, 1971*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God of Creation and of providence, watch over this good land won through peril, toil, and pain. Spare us the things which destroy—the hostile thought, the violent act, the unbrotherly attitude. Nourish us in the things which enrich—the kindly deed, the generous act, the disciplined conduct, the industrious habit. Help us to bring an anodyne to the world's ills—to be our brother's brother before we become our brother's keeper.

Grant us so to live that we may hear the Lord of Life say, "Come and receive the kingdom which has been prepared for you ever since the creation of the world. I was hungry and you fed me, thirsty and you gave me drink; I was a stranger and you received me in your homes, naked and you clothed me; I was sick and you took care of me, in prison and you visited me—whenever you did this for one of the least important of these brothers of mine, you did it for me."

In the Master's name we pray. Amen.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on October 8, 1971, the President had approved and signed the act (S. 2260) to amend further the Peace Corps Act (75 Stat. 612), as amended.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, informed the Senate that Mr. BELL has resigned as a manager on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The message announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H.R. 456. An act to exempt from taxation certain property in the District of Columbia owned by the Reserve Officers Association of the United States;

H.R. 10383. An act to enable professional individuals and firms in the District of Columbia to obtain the benefits of corporate organization, and to make corresponding changes in the District of Columbia Income and Franchise Tax Act;

H.R. 10738. An act to provide for the regulation of the practice of dentistry, including the examination, licensure, registration, and regulation of dentists and dental hygienists, in the District of Columbia, and for other purposes; and

H.J. Res. 208. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 916) making further continuing appropriations for the fiscal year 1972, and for other purposes.

The enrolled joint resolution was subsequently signed by the President pro tempore.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred, as indicated:

H.R. 456. An act to exempt from taxation certain property in the District of Columbia owned by the Reserve Officers Association of the United States;

H.R. 10383. An act to enable professional individuals and firms in the District of Columbia to obtain the benefits of corporate organization, and to make corresponding changes in the District of Columbia Income and Franchise Tax Act; and

H.R. 10738. An act to provide for the regulation of the practice of dentistry, including the examination, licensure, registration, and regulation of dentists and dental hygienists, in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

H.J. Res. 208. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, October 12, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR EAGLETON AT NEXT MEETING OF SENATE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the next meeting of the Senate, the distinguished Senator from Missouri (Mr. EAGLETON) be recognized, after the recognition of the two leaders under the standing order, for a period not to exceed 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PAYMENT OF JUDGMENT TO THE SHOSHONE TRIBE OF INDIANS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration at this time of Calendar No. 392, S. 2042.

The PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read the bill as follows:

A bill (S. 2042) to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated dockets numbered 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367 before the Indian Claims Commission, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Interior and Insular Affairs with an amendment, to strike out all after the enacting clause and insert:

S. 2042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the Treasury of the United States to the credit of the Shoshone Nation or Tribe of Indians and the Shoshone-Bannock Tribes that were appropriated by the Act of June 19, 1968 (82 Stat. 239), to pay a judgment in the sum of $15,700,000 entered by the Indian Claims Commission in consolidated dockets numbered 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367, and the interest thereon, after deducting attorneys' fees, litigation expenses, and other appropriate deductions, shall be apportioned by the Secretary of the Interior to the Shoshone Tribe of the Wind River Reservation, Wyoming, the Shoshone-Bannock Tribes of the Fort Hall Reservation, Idaho, and the Northwest Band of Shoshone Indians (hereinafter the "three groups"), as set forth in this Act.

SEC. 2. The sum of $500,000, and the interest thereon, less attorneys' fees and other appropriate deductions all in the proportion that the $500,000 bears to the $15,700,000, shall be credited to the Shoshone-Bannock Tribes of the Fort Hall Reservation for claims of the tribes enumerated in dockets numbered 326–D, 326–E, 326–F, 326–G, and 366.

SEC. 3. The sum of $1,375,000 plus the earned interest thereon less $181,732 shall be credited to the Northwestern Bands of Shoshone Indians for claims of the bands enumerated in dockets numbered 326–H and 367.

SEC. 4. The remainder of the award shall be apportioned between the Shoshone-Bannock Tribes of the Fort Hall Reservation and the Shoshone Tribe of the Wind River Reservation in accordance with an agreement entered into between the Shoshone-Bannock Tribes and the Shoshone Tribe of the Wind River Reservation in May 1965, approved by the Associate Commissioner of Indian Affairs in December 1965.

SEC. 5. For the purpose of apportioning the award in accordance with this Act, membership rolls, duly approved by the Secretary of the Interior, shall be prepared for each of the three groups, as follows:

(a) The governing body of the Shoshone Tribe of the Wind River Reservation and the Governing body of the Shoshone-Bannock tribes, each shall, with the assistance of the Secretary, bring current the membership rolls of their respective tribes, to include all persons born prior to and live on the date of this Act, who are enrolled or eligible to be enrolled in accordance with the membership requirements of their respective tribes.

(b) The proposed roll of the Northwestern Bands of Shoshone Indians entitled to participate in the distribution of the judgment funds shall be prepared by the governing officers of said Northwestern Bands, with the assistance of the Secretary of the Interior, within six months after the date of the enactment of this Act authorizing distribution of said funds. The roll shall include all persons who meet all of the following requirements of eligibility:

(1) They were born prior to and alive on the date of the enactment of this Act;

(2) Either their names appear on one of the following Indian Census rolls of the Washaki Sub-Agency of the Fort Hall jurisdiction:

(a) Roll dated January 1, 1937, by F. A. Gross, Superintendent of the Fort Hall Reservation.

(b) Roll dated January 1, 1940, by F. A. Gross, Superintendent of the Fort Hall Reservation.

(c) Roll dated March 10, 1954.

(d) Roll dated April 21, 1964.

or they possess one-quarter Shoshone Indian blood and they are descendants of those appearing on at least one of said rolls;

(3) They are not recognized as members of the Shoshone-Bannock Tribes of the Fort Hall Reservation, the Shoshone Tribe of the Wind River Reservation, or any other Indian Tribe; and

(4) They shall elect not to participate in any settlement of claims pending before the Indian Claims Commission in docket 326–J, Shoshone-Goshute, and docket 326–K, Western Shoshone.

The proposed roll shall be published in the Federal Register, and in a newspaper of general circulation in the State of Utah. Any person claiming membership rights in the Northwestern Bands of Shoshone Indians, or any interest in said judgment funds, or a representative of the Secretary on behalf of any such person, within sixty days from the date of publication in the Federal Register, or in the newspaper of general circulation, as hereinbefore provided, whichever publication date is last, may file an appeal with the Secretary contesting the inclusion or omission of the name of any person on or from such proposed roll. The Secretary shall review such appeals, and his decision thereon shall be final and conclusive. After disposition of all such appeals to the Secretary, the roll of the Northwestern Bands of Shoshone Indians shall be published in the Federal Register and such roll shall be final.

SEC. 6. The funds apportioned to the Northwestern Band of Shoshone Indians, less attorneys' fees, and expenses due the attorneys representing the Northwestern Band under an approved contract, effective March 1, 1968, shall be placed to its credit in the United States Treasury and shall be distributed equally to the members whose names appear on the final roll and in accordance with the provisions of this Act.

(a) The per capita shares shall be determined on the basis of the number of persons listed on the proposed roll published as hereinbefore provided and the number of persons on whose behalf an appeal has been taken to the Secretary contesting omission from such proposed roll. The share of those persons excluded from the final roll by reason of the decision of the Secretary on appeal shall be distributed equally to the persons included on the final roll.

(b) The Secretary shall distribute a share payable to a living enrollee directly to such enrollee. The per capita share of a deceased enrollee shall be paid to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive. A share or interest therein payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interest of such persons.

SEC. 7. (a) The funds apportioned to the Shoshone-Bannock Tribes of the Fort Hall Reservation shall be placed to their credit in the United States Treasury. Seventy-five percent of such funds shall be distributed per capita to all persons born on or before and living on the date of this Act who are duly enrolled on the roll prepared in accordance with section 5(a) of this Act.

(b) The per capita shares shall be determined on the basis of the number of persons eligible for per capita and the number of persons rejected for per capita who have taken a timely appeal. The shares of those persons whose appeals are denied shall revert to the Shoshone-Bannock Tribes to be expended for any purpose designated by the tribal governing body and approved by the Secretary.

(c) Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disabilty shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

(d) The funds remaining after provision is made for the per capita distribution may be used, advanced, expended, invested, or reinvested for any purpose authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 8. The funds apportioned to the Shoshone Tribe of the Wind River Reservation shall be placed to its credit in the United States Treasury and shall be distributed in accordance with the provisions of the Act of May 19, 1947, as amended (61 Stat. 102; 25 U.S.C. 611–613).

SEC. 9. Any funds distributed per capita under provisions of this Act shall not be subject to Federal or State income tax, and shall not be considered income, revenue, or expendable funds under the provisions of the Social Security Act.

SEC. 10. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

Mr. McGEE. Mr. President, I urge passage of S. 2042, to provide for the apportionment of funds in payment of an Indian Claims Commission judgment in favor of the Shoshone Tribe.

The Shoshone Tribe is composed of three separate groups of Indians: The Shoshone of the Wind River Reservation, Wyo.; the Shoshone-Bannocks of the Fort Hall Reservation, Idaho; and the Northwestern Bands of Shoshones, who are living in Utah, Nevada, and on the Fort Hall Reservation. The total number of people involved is 5,300. The Fort Hall group consists of 2,800; the Wind River group consists of 2,200; and the Northwestern Bands has a population of 300.

Unfortunately, the Indian Claims Commission judgment did not apportion the total award among the respective groups. The award was made by the Commission on February 13, 1968, and since that time the three separate groups, after extensive negotiations, had been unable to arrive at a mutually satisfactory agreement for dividing the money judgment.

The Committee on Interior and Insular Affairs has held two hearings on the matter—the last one on September 15, 1971. At this hearing, two separate bills, S. 1120, introduced by my colleague from Wyoming (Mr. Hansen) and me, and S. 2042, introduced by our colleague (Mr. Moss) from Utah, were pending before the committee. These bills represented the differing views of the three bands of Indians. On September 14, representatives of the three bands reached a compromise agreement for the settlement of the dispute. S. 2042, as amended, contains this compromise agreement, and I joined with my colleagues from the States of Idaho, Utah, and Wyoming in sponsoring this new proposal. The general counsels of all three bands have approved the provisions of S. 2042.

Mr. President, this judgment which, including interest, now amounts to $15,800,000 has been held in abeyance since February of 1968. I believe the compromise contained in S. 2042 is reasonable and serves to expedite the distribution of this money judgment to its rightful owners. I, therefore, urge the Senate to pass this bill today. Hopefully, our colleagues in the House will take early action so that we can obtain final congressional approval and distribution of the money as soon as possible.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 393), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Purpose

The purpose of S. 2042, sponsored by Senator Frank E. Moss of Utah, and a similar bill, S. 1120, which was also considered by the Committee, introduced by Senator Clifford P. Hansen for himself and Senator Gale McGee, is to provide for the distribution of a $15,200,000 judgment of the Indian Claims Commission to three successor entities of the Shoshone Indians: (1) the Shoshone-Bannock Tribes of the Fort Hall Reservation, (2) the Shoshone Tribe of the Wind River Reservation, and (3) the Northwestern Band of Shoshone Indians.

A sum of $50,000 is specifically earmarked in the judgment for the Fort Hall group. Legislation (S. 101) covering this portion of the award was approved by the Senate on June 9, 1971. The remaining $15,200,000 represents additional compensation for 38 million acres of land to the Shoshone Tribe or Nation, taken by the United States in 1868 and 1869. The $15,200,000 has been appropriated and has been deposited in interest-bearing accounts.

NEED

The judgment, although appropriated, may not be used until the purpose has been authorized by Congress.

The beneficiaries of the $15,200,000 portion of the award are three successor entities to the Shoshone Tribe or Nation—the Shoshone-Bannock Tribes of the Fort Hall Reservation, the Shoshone Tribe of the Wind River Reservation, and the Northwestern Band of the Shoshone Indians. The Shoshone-Bannock Tribes are organized under the 1934 Indian Reorganization Act. Their membership is estimated to be 2,300. The Wind River Shoshones are governed pursuant to resolutions and ordinances approved by the Commissioner of Indian Affairs. As of June 1968, their membership was 2,038. The descendants of the Northwestern Band of Shoshones are unorganized and unrecognized as a viable tribal entity, although a small group at Washakie, Utah, is informally organized and has limited its estimated membership of 205 to persons of one-half or greater degree Northwestern Band of Shoshone Indian blood.

In disposing of the $15,200,000 award, S. 2042 fixes the share of the Northwestern Band at $1,375,000. S. 2042 also restricts shares in the Northwestern Band's ultimate portion of the award to persons named on a single census roll and to their descendants.

The groups involved in the joint award, and their attorneys, have negotiated since 1965 in efforts to reach an agreement on a division of this fund. At least nine separate proposals have been suggested, none of which has been acceptable to all parties concerned. On September 14, 1971, tribal officials, representing the three Shoshone groups, and their attorneys met in Washington, D.C. and reached an agreement on the manner in which the funds are to be allocated among the three.

Under the terms of the agreement, the Northwestern Band of Shoshone Indians will receive as their portion of the settlement $1,375,000 plus the earned interest thereon, less $81,732 offsets and less an additional $100,000; and the balance of the award is to be divided equally between the Shoshone-Bannock Tribes of the Fort Hall Reservation and the Shoshone Tribe of the Wind River Reservation on the basis of the May 1965 agreement between the two groups approved by the Bureau of Indian Affairs. The offsets incurred by each of the groups are to be deducted from its respective share. The manner in which each group proposed to dispose of its share was left to their own discretion.

The major provision of the September 14 agreement regarding the division of the judgment award among the three claimant groups were incorporated in a draft bill which the Indians and their attorneys endorsed at the hearing before the Subcommittee on Indian Affairs on September 15, 1971, on the two other pending bills relating to this subject. In addition the proposed measure provides for the method to be followed by each group in the distribution of its apportioned share of the funds.

In the case of the Northwestern Band of Shoshone Indians, they do not live on a reservation nor have they had a prolonged relationship with the Federal Government, and will therefore distribute the funds equally to the members whose names appear on the final roll.

The Shoshone-Bannock Tribe of the Fort Hall Reservation desires to distribute 75% of its funds per capita to duly enrolled members and to withhold 25% for reservation development programs. The Shoshone Tribe of the Wind River Reservation will distribute its share of the funds in accordance with the provisions of the Act of May 19, 1947, as amended (61 Stat. 102; 25 U.S.C. 611–613), which authorizes 85 percent of the funds to be distributed per capita and the balance to be used for programs authorized by the Secretary of the Interior.

COST

Enactment of this legislation will not result in the expenditure of any additional funds by the Federal government.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular unanimously recommends enactment of S. 2042.

DRUGS AND THE MISSILE CREWS

Mr. MANSFIELD. Mr. President, published in the London Sunday Times on September 5, 1971, is an article entitled "Drugs and the Missile Crews," which I believe deserves the most serious attention of the Senate and, for that matter, the administration and the country as well.

This article was written by Miss Flora Lewis, who has done an outstanding job in this particular area, especially as it affects American servicemen, not only on the Poseidon and Polaris submarines, and in the Strategic Air Command, but in Southeast Asia and Germany as well.

Because of the impact this problem is having on the country in so many aspects, and because of my great admiration for Miss Lewis and the fine work she is doing in this field, I ask unanimous consent to have this article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Drugs and the Missile Crews

(By Flora Lewis)

The drug epidemic not only permeates the US Army, it has spread to the men who handle America's nuclear weapons. Official service investigations have confirmed cases of drug taking by men in the Navy's Polaris submarine crews, in the Air Force's strategic Air Command, and in the Army's Nike-Hercules missile battalions.

Only the President has the authority to "push the button" that would launch a nuclear bomb or missile. But in each service, two key men of the crew on duty could trigger an atomic explosion. Each service has set up elaborate screening procedures to make sure these crews are composed only of reliable, sane and sober men. Each service has found some crew members taking drugs.

No comprehensive report on the potentially catastrophic mixture of drugs and atoms is available, and none may have been made. But in one way or another, a number of incidents have come to light despite the reluctance of the Defense Department to bring the problem to public attention.

As the Pentagon keeps saying, drugs are a problem of society and the military can't be expected to be immune. But the combination of drugs and nuclear arms is more than a bad trip. It could be a mushroom cloud, engulfing the world.

Carl Perian, a veteran narcotics expert and aide to a US Congressman, John Murphy, says that the "admirals are holding their breath" at the possibility of a large-scale drug scandal among crew members of the Navy's 41 Polaris submarines.

Murphy and Perian dug out one of the confirmed cases, which involved the USS Canopus, a submarine tender assigned to the Polaris base at Holy Loch in Scotland. They visited Holy Loch and found so much marijuana in use among sailors and marines that they called the ship UUS Cannabis.

The Navy told them that the commander of the tender asked for a drug investigation after Lance-Corporal Wayne Allen Walter requested a change of duty. Walter was one of the marines assigned to guard duty on the ship, which supplies and services Polaris subs between their 60 to 70 day underwater cruises. He complained that other marines in his watch section were getting high on drugs and he didn't want to work with them any more.

The investigation was begun on April 21, 1971. The investigators officially reported that one crew member cleared for handling top secret information, identified only as Sinck, admitted using marijuana on board as well as ashore. Of five others investigated who also had top secret clearances, one, Lance-Corporal Brown, admitted using marijuana ashore, one named Ford denied using drugs, and three named Miller, Reed and Slatcavage refused to answer. Five more crew members, another Brown, Evans, Kestel, O'Neal and Tolliver, also admitted using marijuana but said it was only ashore.

But a Navy memorandum of April 29, 1971, said that LSD was used on the Canopus as well as marijuana and that 10 crew members were charged. Furthermore, it said there had been seven earlier investigations of drug abuse on the Canopus since it had arrived at Holy Loch in May, 1970. "This known narcotics usage aboard the Canopus is not unusual when related to the incidence in other commands . . ." the memo said.

Chatting with crew members, Perian was told that drug taking was common on the tender and drugs were passed to men serving on Polaris crews. The Navy has not disclosed precisely what jobs the men held, but those with top security clearance have access to nuclear missiles or to the vital communications equipment which controls them. A nuclear tender can't fire missiles, but it stores them, helps load them on the subs, and serves as home base while the subs prowl the oceans awaiting the signal to fire.

Each sub carries 16 missiles, some the original A-1 Polaris with a single nuclear warhead, some the later A-3 missile which can fire three atomic blasts at three separate targets, and a few have the new Poseidon which carries 10 separate warheads on each missile.

Since the public became aware of the high amount of heroin addiction in the Army, little attention has been paid to marijuana, LSD, and other synthetic drugs. They have come to be considered trivial. Nonetheless, reports from Vietnam show these "soft drugs" can cause fatal accidents to men under stress.

An official report of the Americal Division, obtained by Congressional investigators touring Vietnam in January 1971, gave three examples of how men in that unit had killed themselves while high on marijuana. The report didn't even try to say how many stoned GIs had caused the death of others, but it pointed out that this was an obvious result of drug use in combat.

In one of the three suicide cases, PFC Ralph W. Hunt was noticed to be high on drugs during a combat mission. The chaplain put him into a helicopter to take him back to base. At 17.15 hours on August 1, 1970, the Army report said, Hunt jumped from the helicopter telling the chaplain he could float to earth. They were 1,500 feet in the air. The chaplain told the division surgeon that "pieces of his body were collected and put in a bag and sent back to the States."

Another case cited by the American report, intended to help educate soldiers on the dangers of drugs, said a trooper on marijuana pulled the pin of an M-26 grenade and put it under his chin. In another case, four men held a pot party in a bunker. One pulled a grenade and three died.

Polaris submarine duty is composed of long stretches of intense boredom punctuated with regular periods of stress. About once a week, though never on a precise schedule, the subs go on alert and must be able to launch their weapons within 15 seconds. The crews never know until afterwards whether the alert is a practice drill or the real thing.

RED TRIGGER IN A COMPUTER ROOM

In October, 1969, the Navy investigated 38 men of the USS Nathan Hale's 140-man crew on charges of drug abuse. The investigation came after one seaman had a nervous breakdown, and told his psychiatrist there was widespread use of narcotics on the Nathan Hale, a Polaris sub.

Eighteen men were cleared of the charges, eight were warned and transferred to other duty, and 12 were discharged. The Navy did not disclose their names or their jobs, but said that six had jobs for which special "reliability screening" was required. All but one of the men were found to have been using marijuana, and one had also admitted taking LSD and hashish.

According to the Navy's report, all the drug-taking took place on shore while the men were off duty and the Nathan Hale was undergoing a long overhaul at Groton in Connecticut, presumably to convert its missile tubes to accommodate the three-headed A-3 Polaris.

One of the seamen involved was transferred to shore duty in Vietnam. There he told friends that drugs were often used while the Nathan Hale was submerged on mission, although "at sea hashish was preferred because the odor is not so noticeable as marijuana.

"We would work six hours and then have 12 hours off," he said. "To smoke hashish, I would go up to the galley and get a piece of aluminium foil, go to the upstairs toilet and smoke. The smoke would go through the foil directly into the exhaust fan, be absorbed in the ventilation system and disappear."

The seaman did not say what were his exact duties on the sub, but he had access to the missile control room, where the button would be pressed if ever the missiles were launched, and he was able to describe it.

"It's a small room with almost nothing in it but computers," he said. "The door is bullet-proof and weighs 150 pounds. The launcher looks like an ordinary telephone, except where the dial ought to be there's a red trigger.

"Sometimes we would fantasise about taking over the sub and letting go the missiles. We knew how to do it."

The USS Holland, a sister ship of the Canopus, is now on station at Rota, Spain. It, too, has had one case of drug taking revealed. A 30-year-old seaman, Robert Sims of Dallas, Texas, was arrested by Spanish police for smuggling hashish from Morocco when he was returning to his post on the Holland after leave.

A Navy spokesman said later that Sims' job on the Holland was a minor one, not involving access to the nuclear weapons, but there was no effort to deny that the Holland, too, had its drug problem.

Civilian police were also responsible for bringing to light drug cases in the Air Force and the Army.

On November 24, 1969, California narcotics agents arrested six men assigned to the Strategic Air Command's Castle base. The California Attorney-General's office said base officials informed them that four of the men, lieutenants, were bomber pilots and the other two were mechanics.

Later, the Air Force said three of the lieutenants were in training as co-pilots on the KC-135, the giant tanker that refuels the H-bomb laden B-52s in flight. The other, Lt. Thomas McDonagh, who admitted selling marijuana and LSD, was on ground duty with the 93rd Headquarters Squadron. They lived together off base in what the California police called "a hippie-type pad with a picture of Ho Chi Minh on the wall." The drugs were found in their apartment.

The three lieutenants in training were released for lack of evidence. Charges against two sergeants who worked as mechanics were also dismissed, but one left the Air Force as a result of the incident.

The case was brought before a Congressional subcommittee, which had been trying with little success to call the military's attention to the dangerous drug spread of drug-taking among its men. Senator Thomas Dodd, the chairman, pointed out how many times he had called witnesess to show how bad the problem was, and how regularly Pentagon officers would blandly reply that it was "minor."

Nonetheless, just after public disclosure of the massacre at My Lai and the revelation that half the men in Lt. Calley's company used marijuana and half of Sgt. Charles West's squad had been high on marijuana six hours before that operation, the Secretary of Defense set up a secret task force to look into the drug problem.

Admiral William Mack was in charge. He later testified about the Castle Air Force base incident, saying that "as of today we do not know of any case in the service where the national security has been jeopardized"—that is, where a nuclear bomb or missile was nearly fired without authorization. However, he pointed out that all Pentagon reports on drugs were "misleading."

A SURPRISE VISIT BY AN ARMED MIG

"The Defense Department never really knew and does not know now what the amount of drug use is in the armed services because this kind of data is hard to come by," Mack said. "Therefore, they stuck to what they did know which was the number of cases they had investigated. This is very misleading . . . the only thing you can deduce from this is the number of cases investigated."

Mack was also quizzed about the "Cuban MiG" case. On November 2, 1969, a fully armed MiG-17 slipped into Homestead air force base in Florida, landing not far from President Nixon's plane, Air Force One. The President was on holiday nearby.

The MiG turned out to be piloted by a Cuban defector who only wanted asylum, but the incident set off a national uproar because it showed that the elaborate radar warning system to protect the US against surprise attack could be penetrated with ease.

About that time, Florida police had arrested on drug charges some GIs assigned to Homestead, so investigation of the grave gap in the air defenses turned to the question of whether the radar operators had failed to spot the intruding plane because they were high on drugs.

That was not the case. The MiG sneaked in because the air and ground warning systems just weren't switched on. But the inquiry did discover 35 drug users and sellers among the men assigned to the Nike-Hercules missile battalion guarding the base. Nike-Hercules is a ground-to-air nuclear missile which can shoot down planes or cruise-missiles launched from submarines.

The 35 were all enlisted men, most of them between 19 and 22 years old. Nine of them were found to be selling as well as using drugs. One had been cleared for top secret work, 31 for secret work.

No names were disclosed. But under intense and eventually angry questioning from Congress, the Army revealed in a secret hearing that 15 of the men were on Nike-Hercules crews and two others were "fire distribution crewmen," people who worked the missile firing control system.

Later, Admiral Mack explained that this had not risked unauthorized firing of a nuclear missile because "only 10 [of the convicted men] had positions of responsibility, and there was only one per battery. In other words, no battery had more than one case in it." And, as he went on to say, "The precautions we have for manning the sensitive areas, which are very vital to us, include the provision that no one man can initiate or carry on the firing sequence of a battery."

It takes two to set off an atom bomb or missile.

So far as is known, there has never been an accidental or unauthorized explosion of a nuclear weapon anywhere in the world. There have been H-bombs lost and never recovered, and H-bombs dropped by accident, spraying deadly plutonium powder over areas in Morocco, Spain, and Greenland. But atomic explosions are not easily triggered and the machinery has proven reliable.

The experts, both military and civilian, have always known that the real danger is the human factor, which can never be so reliable. That is why it is arranged that two men must work together.

But it takes only two. And that is why all the nuclear services have screening programmes which are supposed to keep out unstable men and to detect those who are psychologically weak, such as drug takers. Yet, in each of these recorded and confirmed incidents, the investigations were begun as the result of an accident or a complaint outside the responsible chain of command, not because the screening programme worked.

"What can you do?" Pentagon spokesmen say. "Drugs infect the society. They're bound to get into the military." Sadly true. And they are bound to get into units trained to fire nuclear weapons. Terrifyingly true.

ILLNESS OF MARVELLA BAYH, WIFE OF SENATOR BAYH, OF INDIANA

Mr. SCOTT. Mr. President, the deep sympathy of the whole Senate goes out to our distinguished Senator from Indiana (Mr. BAYH) on the illness of his wife. Special sympathy goes out to Marvella herself, whom we all know as one of the most lovable of the ladies of the Senate.

Our hearts grieve for all in the Bayh family over this unfortunate situation.

PRESIDENT NIXON'S FORTHCOMING VISIT TO MOSCOW

Mr. SCOTT. Mr. President, President Nixon has announced that he will be going to visit Moscow in May for a meeting with the leaders of the Soviet Union.

This step, while independent of the journey to Peking, is another bold decision so typical of a President who has not hesitated to act in controversial matters and to act strongly and move the Nation and the world, so far as within him lies, in the direction of at least a generation of peace.

We do not know what will come out of these two fateful meetings, but we do know that it is far better to continue negotiations and to avoid confrontation, and particularly to negotiate with the other great superpower and with the only potential superpower in the coming two decades.

With regard to the visit to Moscow, it is our turn to return the state visit paid us by Chairman Khrushchev. The invitation comes from the Soviet Union. It is difficult to predict what can happen. Not everything we expect will result.

However, the actions of Soviet leaders lately in visiting so many parts of the world, in their obvious attempts to lessen certain tensions, as exhibited by the Seabed treaty, the bacteriological warfare treaty, and the treaty to take steps against accidental nuclear explosions, all indicate that the Soviet Union is desirous of cooling the temperature of the world—I think even in the Middle East, where we do not approve of what they are doing by any means in furnishing arms to some of the nations there, but at least there has been no shooting for 15 months. That in itself in progress of a sort. We hope for eventual peace in that area.

The SALT talks are moving. Progress has been noted there.

Thus, I commend wholeheartedly the President of the United States, and I know that that sentiment is shared by the bipartisan leadership in both Houses of Congress.

Mr. MANSFIELD. Mr. President, I join the distinguished Republican leader in what he has just said about the President's proposed journey to Peking, which is to be followed sometime thereafter by a journey to Moscow.

It should be stated for the RECORD that there was bipartisan and unanimous approval at the White House yesterday when the President briefed us on some of the details of his latest acceptance, the invitation to go to Moscow.

As the distinguished Republican leader has pointed out, the last time a high Soviet dignitary visited us was when Chairman Khrushchev came to this country. Thus, in the course of events, the way protocol works, if there were to be a high level conference of this kind, it would be held in Moscow this time.

It should also be stated, and on a bipartisan basis, that President Nixon has made tremendous strides, I think, in the field of foreign policy. Not only have we two agreements on the SALT talks, but two more are in the offing, although they may take longer. Not only do we have a degree of stability—at least in view of what existed in the Middle East until the Nixon-Rogers formula, which I approve completely—but we also have the signing of the Berlin accords by the representatives of the four powers, in which the President played a very important personal part. Those accords are now being considered by the two Germanys. If agreement can be reached, it will be stamped finally as an agreement by the plenipotentiaries of the four powers. Then it is hoped it will be possible for Willy Brandt, the Chancellor of Germany, to continue the Ostipolitik policy by the signing of an agreement with Poland and the Soviet Union, this to be followed by an all-European conference, to be attended by the United States and Canada.

These are actions in the right direction. They are moves of great importance.

While I wish we could accelerate our withdrawal from all of South Vietnam, one has to give due recognition to the fact that the policy, while not speedy enough in my judgment, is nevertheless moving in the right direction.

Perhaps when the President addresses the Nation next month, he will have news which will accelerate the withdrawal. However, that is for the President to decide.

I join the distinguished Republican leader by saying what I can in view of the shifts of policies which are occurring throughout the world and the travels which are now underway and will be underway shortly. I hope that out of this new mixture accruing in this new age will come new policies which will satisfy the needs of the times. I look for changes in old policies which have outlived their usefulness and should be consigned to the distant past.

Mr. SCOTT. Mr. President, I thank the majority leader for his usual and expected patriotic response and bipartisanship which illuminates our foreign policy.

PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period of 30 minutes for the transaction of routine morning business with each Senator being limited to 3 minutes.

Is there any morning business?

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE C-5A SCANDAL

Mr. PROXMIRE. Mr. President, the grounding by the Air Force of the entire fleet of C-5A's, the Air Force cargo plane, should outrage every American taxpayer. The Air Force should require the Lockheed Corp. to recall immediately all C-5A aircraft and should itself stop the pernicious practice of accepting delivery of deficient planes.

The C-5A, with its cracked wings, its engines and wheels that fall off, its missing parts, landing gears that do not work, and numerous other deficiencies, is one of the greatest "rip-offs" of the public treasury in defense contract history. This is a plane that cost $2 billion more than it was supposed to cost.

What is worse, Mr. President, is that under the present contract, the public must pay the cost of correcting every one of Lockheed's bonehead fumbles.

Unless the Air Force acts now to force the contractor to make the necessary corrections at its own expense or without increasing the cost of this program, I intend to do everything in my power to place a ceiling on this endless outpouring of billions of taxpayers' dollars for such pitiful waste.

I do not know what else we can do. We have tried everything else. The situation involving this plane gets worse and worse. It is a nightmare. However, I do think that the Senate should consider very thoughtfully and carefully, when the appropriation bill involving this matter comes before the Senate, putting a ceiling on the amount that can be spent for that program.

CAMBODIA: THE HANDWRITING ON THE WALL

Mr. MANSFIELD. Mr. President, a year and a half has elapsed since the military overthrow of Prince Sihanouk and the subsequent U.S. incursion into Cambodia. At the time, these events were hailed as quickening the end of the war in Vietnam. A year and a half later, the war still goes on and this obscure episode of the long tragedy of Indochina is all but forgotten.

It is not forgotten, however, by the families of more than 350 Americans who died in the Cambodian invasion. Nor is it forgotten by the hundreds of other Amercans who were wounded in that brief campaign. Nor is it forgotten, I should think, in Cambodian villages which have since been bombed or burned, undoubtedly, in order "to save them."

In retrospect, what was really achieved by the Cambodian gambit? Enemy Vietnamese forces—even the "high command"—were supposed to have been killed or captured in their "sanctuary" along the Vietnamese-Cambodian border by this essay. Well, to the extent that enemy forces were there in the first place, they withdrew from the border and since then, about all of Cambodia has become the enemy "sanctuary." Cambodia has also emerged as another battlefield of the Indochina war over which Americans are flying and dying. The indications are, moreover, that Cambodians are forming into an expanding guerrilla force under the banner of Prince Sihanouk and, together with their Vietnamese allies, have already taken control of most of the countryside.

It should be noted, in this connection, that before the government of Sihanouk was overthrown, nothing—zero—in the way of U.S. aid was going from this Nation to Cambodia. Nevertheless, Cambodians were managing to live in a self-supporting and moderately progressive fashion. Their country was an oasis of order in war-torn Indochina. In one and a half years of coup government in Pnom Penh, the picture has been completely reversed. Cambodia is being reduced to chaos and devastation, even as the present Cambodian Government is now well on its way to receiving its first billion dollars in direct or indirect support from the United States. The aid is going forth, moreover, notwithstanding our own financial difficulties.

In support of the Cambodian coup government, this Nation has become deeply involved in the internal affairs of still another people of Southeast Asia. The present Cambodian rulers are, for all practical purposes, dependents of this Nation and the indications are that U.S. support—direct and indirect—is the sole significant prop which keeps the political-military structure in Pnom Penh from falling apart. To administer this support, the executive branch is rapidly expanding a U.S. official mission in Cambodia which already numbers well over a hundred Americans—civilian and military. The increase, I believe, comes to more than tenfold in U.S. personnel in Cambodia in the year and a half since the overthrow of Sihanouk. At the same time, aid is also being provided indirectly by U.S. bombing here and there and everywhere in Cambodia in support of Pnom Penh's so-called national forces.

I sometimes wonder how we let ourselves get involved in these travesties of foreign policy which, rather than serve the interests of this Nation give every appearance of being at complete odds with those interests. Cambodia is not the first case of this kind, of course, but it is certainly one of the most blatant.

The irony of this situation is that the trend of present Cambodian policy, insofar as I can see, runs strongly counter not only to the expressed inclinations of the Congress but also to the Nixon doctrine which was supposed to provide the guidelines of that policy. Clearly, what is being done in Cambodia in the name of the United States is a complete distortion of the initiatives with regard to Cambodia which were taken by the President shortly after he assumed office. At that time, the Presdent's aim was to restore friendly relations with the kind of inner-based Cambodian Government which Prince Sihanouk was attempting to maintain in circumstances of tightrope difficulty. These were initiatives, may I say, which by request as well as inclination, I sought, personally, to support at the time both here and in Southeast Asia.

A series of three articles on Cambodia by T. D. Allman which appear in recent issues of the Manchester Guardian shed a good deal of light on the factors which lead to the making of "Cambodias" in U.S. foreign policy. The articles make clear that much of what has happened there has been guided not so much by the President's initiatives or the intent of Congress but by the availability of copious funds which permit agencies of this Government an easy indulgence in these questionable enterprises. In that sense, the source of the difficulty is to be sought, not in Cambodia, but in certain Southeast Asian obsessions in the executive branch and a somewhat indiscriminate readiness in the Congress, in the past, to finance them.

What has happened in Cambodia highlights a problem that seems to me to confront the Senate on an urgent basis. The Cambodian experience is an admonition to curb the easy outflow of the financial resources of the people of this Nation which, for years, has been legislated in the name of national defense and foreign aid. In the case of Cambodia, the hundreds of millions of dollars already spent in a year and a half have done hardly anything for the defense of this Nation except, perhaps, to weaken it by wastage. Nor have these expenditures helped the Cambodian people who have now been reduced to the common denominator of the irrelevant devastation which has been suffered in Laos and Vietnam.

The articles previously mentioned are not unrelated to the legislation which has just been before us and to the foreign aid bill which will be coming before us in the not too distant future. One might well ask how much of the funds authorized in this bill will go for procurement of military materiel to be exploded in or over Cambodia in the name of the defense of the United States. How much, too, of the foreign aid bill that is coming to us shortly will go to support Cambodian military-political groups whose claim to authority in their country rests largely on the support of this Nation? And to what end, the loss of American lives in Cambodia, Mr. President, to what end?

Mr. President, I ask unanimous consent to have printed in the Record the three articles referred to which were published in the Manchester Guardian under dates of August 14, August 28, and September 18, 1971, relating to Cambodia.

I also ask unanimous consent to have printed in the Record an article relating to the war in Indochina printed in this week's Newsweek, which bears the date October 18, 1971, an article published in the New York Times of October 13, 1971, which indicates the tremendous expansion in Cambodia, and an article which was published in the Manchester Guardian entitled, "Pyrrhic Victory in the Bolivens." The Bolivens is the plateau in Southern Laos along which the new Ho Chi Minh Trail is being developed to go into Cambodia.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Guardian, Aug. 14, 1971]

U.S. Infighting

While the armies of Phnom Penh and Saigon fight the forces of Hanoi for control of Cambodia, another war is being fought for the same territory by another set of allies against another infiltrator from the north. The other co-beligerents are the American Departments of State and Defense—like Cambodia and South Vietnam, hardly natural allies. The invader that has brought them together, to use President Nixon's phrase, is the Central Intelligence Agency.

The CIA, like the North Vietnamese, were supposed to have been deprived of their Cambodian enclaves last year, about the time of the US-South Vietnamese invasion, when the White House ordered that the post-invasion US role in Cambodia be as above-board as possible. Both criteria seemed to rule out the CIA, but both the North Vietnamese and the CIA keep trying to encroach on Cambodia from their secret outposts in southern Laos.

Whereas Hanoi's South Laotian base is known as the Ho Chi Minh Trail, the CIA's is called the "Annex." It is a white, multi-storeyed building in the Laotian Mekong river town of Pakse. The building looks like every other building in Pakse—except that it has no windows, is covered with antennae instead of tropical vines, and can be entered only by playing the right combination on an electronic keyboard lock.

The CIA's latest Cambodian incursion recently was limited by an enterprising, Phnom Penh-based American correspondent named Boris Baczynskyj, who discovered synthesise Prince Norodom Sihanouk's inimitably squeaky voice, and broadcast it over the border into Cambodia. The venture was not only an attempt to discredit the Prince by putting embarrassing words into his mouth, but also an effort to win away a few Cambodian hearts and minds from the State and Defence departments.

Unfortunately for the CIA, Baczynskyj, a Khmer-speaking ex-Peace Corps Volunteer, noticed a considerable difference in the words of Sihanouk as beamed over Radio Peking, and the statements attributed to him by the Phnom Penh Government. After months of checking, he verified the existence of the clandestine Pakse Radio, and established the identity of its operators.

Baczynskyj's discovery, however, was more than a journalistic coup. It revealed the latest in a series of failed CIA attempts to maintain cover for its Cambodian operations, which are bitterly resented by the foreign service and military officers who predominate here. The agency, in fact, has been trying rather unsuccessfully to regain a piece of the Cambodian action ever since 1963, when Prince Sihanouk sent the US aid mission packing, which had served as the agency's main Cambodian cover.

The Green Beret scandal in Vietnam, for example, grew out of a CIA order to eliminate with extreme prejudice one of its Cambodian operatives. The agency also supported anti-Sihanouk insurgents, even when the State Department was trying for a Cambodian re-approachment in the late 1960s.

Several times burned, the State Department, when it resumed diplomatic relations with Cambodia in 1969, tried to make sure there would be no CIA agents in the embassy woodpile. Even now, ostensibly, there is no CIA component at all in the 100-man US mission in Phnom Penh.

Never daunted, the CIA has kept up its efforts to develop its own Cambodian infiltration routes. Early last year, while the US was trying to stay out of the Cambodian political crisis, the Agency unbeknown to the diplomats, relayed promises of support to the anti-Sihanouk faction. And as soon as the Cambodian war broke out, Agency-run teams of Laotian mercenaries began ranging down into Cambodia on "intelligence patrols," which the Pakse station hoped would be the landing parties for a whole CIA-run Clandestine Army in Cambodia.

The American sibbling rivalry, which might otherwise be as amusing as a nineteenth-century brouhaha between Whitehall and Simla over jurisdiction of some Indian Ocean atoll, already is producing some unedifying complications.

The CIA's Pakse operations—which for all their ingenuity so far have failed to keep the Communists from taking over most of South Laos—are flagrant violations of Laotian neutrality. And neither Laos's premier, Prince Souvanna Phouma, who is a northerner, nor the US Embassy in faraway Vientiane seems able to curb the Pakse operation.

Here in Cambodia, where the US embassy has become the nexus of Cambodian political power, the American infighting has already produced some domestic political complications—notably affecting the much publicised rivalry between Premier-delegate Sisowath Sirik Matak and Marshal Lon Nol's young and ambitious brother, Lon Non. The embassy likes Sirik Matak, and hardly bothers to veil its distate for Lon Non.

With Sirik Matak, who has shunned CIA contacts, emerging as the embassy's man, and Lon Non emerging as the CIA protege, the American squabble seems to contain seeds potentially as disastrous as those that disrupted Laos a decade ago. At that time, the CIA so disliked the State Department's candidate for premier of Laos that it sent its own Laotian army marching north to drive him out of Vientiane.

Several times routed in its efforts to infiltrate Cambodia, the CIA, like Hanoi, may decide on a strategy of letting dissension spring up among its adversaries. The State Department wants to keep the Cambodian operation lean, clean, and honest. The Defence Department keeps pushing for a big in-country US military establishment.

"You might say we're caught in the middle," said one foreign service officer recently, emphasizing with the Cambodians who are similarly caught between North and South Vietnam.

[From the Guardian, Sept. 18, 1971]

Who Tripped Sihanouk?

Every political regime, using tactics ranging from the benign fiction of Plato's golden myths to the national brainwashing of Himmler's big lie, to some extent justifies its existence—and conceals its mistakes—through recourse to deception.

Somewhere in between, repeated again and again to the Cambodian population, as well as to foreign visitors, lie the claims of the Phnom Penh Government that last year's ousting of Prince Sihanouk, and the war that followed, were the result of spontaneous popular demonstrations.

The complete details of the moves leading to Sihanouk's going have long been closely guarded State secrets here. In a recent series of interviews, however, a number of high-ranking Cambodian officials for the first time consented on the condition that their names be not revealed for the present, to discuss candidly the events leading up to the change in Government and the beginning of the war.

The train of events re-created in the interviews, granted to me over the last month, is completely at variance with the official version of the events disseminated through the various propaganda organs of the Cambodian Government. The interviews, nearly 18 months after the events, seem important not only in an historical perspective, but in the light of the Government's pretensions that the Cambodian war was unavoidable, that Sihanouk had lost the confidence of his people—and that as a result the present regime is entitled to world-wide support.

According to these people, all of whom still hold high posts in Phnom Penh, Marshal Lon Nol, his deputy, Sirik Matak, and important members of the Cambodian high command and Parliament conspired to overthrow Norodom Sihanouk by force of arms and to assassinate him, if necessary, as early as six months before the coup actually occurred and the war started.

The same figures, according to these high-placed sources, organised the "spontaneous" anti-Vietnamese demonstrations and the sackings of the North Vietnamese and Vietcong embassies in Phnom Penh.

They also organised subsequent anti-Sihanouk demonstrations, which failed to attract popular support and thus delayed the anti-Sihanouk group's timetable for ousting the Prince by 48 hours. On the eve of Sihanouk's eventual overthrow, on March 18, 1970, the Lon Nol-Sirik Matak forces arrested scores of pro-Sihanouk officials and surrounded the National Assembly with tanks. Only then did the Cambodian Parliament proceed to oust the Prince.

The crucial March demonstration, and the final step in Sihanouk's removal from power, were planned in a series of high-level clandestine meetings held in Phnom Penh in the early months of 1970. Several of them were held in the homes of Lon Nol and Sirik Matak; others occurred in moving cars to avoid detection by Sihanouk's secret police. Sihanouk himself was absent from the country at the time.

The result of the meetings, I was told, were personal orders issued by Lon Nol and Sirik Matak instructing the Minister of Education, at that time Chamm Sokhum, to arrange anti-Vietcong demonstrations in the Communist-infiltrated province of Svay Rieng, and later in Phnom Penh itself. Svay Rieng officials apparently feared the consequences of the demonstrations, but went ahead with them when they were assured that they "would help Sihanouk in his efforts to put pressure on the Communists to withdraw," as one of my informants put it.

After the small demonstration on March 8 for students and teachers in Svay Rieng, larger demonstrations were ordered for Phnom Penh. Government sound trucks urged the students to demonstrate, and officers of the Government-sponsored Assembly of Youth arranged for students and teachers to assemble at the two Communist embassies.

However the actual sackings of the two embassies, which, together with Sihanouk's fall and a Cambodian ultimatum to the Communists, provided a casus belli, was arranged through the Cambodian high command and actually carried out by squads of military police in plain clothes under the command of Lon Non, Lon Nol's young brother.

The demonstration in Phnom Penh on March 11 was just one part of a planned two-part effort to oust the Prince. "We planned two demonstrations," one of my sources said, "one for the eleventh to create the crisis, the other on March 16 (1970) to provide the pretext of ousting Sihanouk."

Anti-Sihanouk tracts and anti-Vietnamese posters were prepared in advance at the Ministries of Information and Education. However the anti-Sihanouk demonstration on March 16 failed when pro-Sihanouk students surrounded the National Assembly. The Phnom Penh police, also pro-Sihanouk, that day arrested 20 hand-picked demonstrators carrying anti-Sihanouk tracts as they moved toward the Assembly. As a result, I was told, "it appeared for the moment we were foiled."

Inside the National Assembly that day anti-Sihanouk deputies, including the acting president of the Assembly. In Tham (now Minister of Interior), were waiting for the demonstration to materialise in the hope that it would stampede the Parliament into ousting Sihanouk. Instead, "we began to be attacked for our anti-Sihanouk statements. The Assembly adjourned in confusion."

That night, as Phnom Penh newspapers carried headlines saying "Coup d'etat aborted," another high-ranking meeting was held at the home of Sisowath Sirik Matak. He summed up the situation when he said: "We have gone too far now to turn back."

The next day, with the approval of Lon Nol, the arrests began. Tables arrested or forced from office included 20 high ranking army officers, the governors of Phnom Penh and the surrounding Kandal province, and two members of the Cabinet. Only after Lon Nol's troops had taken over the civilian Government of Phnom Penh, and tanks had surrounded the Assembly building, did the actual vote ousting Sihanouk take place.

The events of March 18 are alleged to be but the final stage of more than six months' efforts to depose Sihanouk (which began shortly after the former chief of state, in an effort to put pressure on the Communists, named Lon Nol premier and commander-in-chief of the Cambodian armed forces in mid-1969).

According to the sources, the anti-Sihanouk faction was ready to oust Sihanouk in December 1969, during a national congress held in Phnom Penh. The sources said that 4,000 military police and soldiers, again under the command of Lon Nol, were ordered to pack the meeting which Sihanouk used as a sounding board for his programme. Seeing he was outgunned, Sihanouk let the Congress vote for Sirik Matak's policies rather than dissolve the Government and call for new elections, as planned. Shortly afterwards Sihanouk left Phnom Penh for France, telling a confident: "They are trying to make a Sukarno out of me."

New light is also shed on the role played by Lon Nol in the events leading up to Sihanouk's ousting. The Premier absented himself from Phnom Penh during much of the crisis, and some observers have suspected that he, unlike Sirik Matak, was not wholeheartedly behind the moves to remove the Chief of State. However, my sources agreed that Lon Nol all along had manipulated events from afar. "We always acted with his approval, on his instructions. He ran the Government—and our plans—by telephone from Paris."

Interestingly enough, my informants, in the course of half a dozen interviews, never named Sihanouk's foreign policy of maintaining good relations with the Vietnamese Communists as a reason for ousting him.

"Frankly," said one of them, "Sihanouk was as anti-Communist as we were." Another said: "He had power too long. We wanted it. The only way to get at him was by attacking the Vietcong." Military orders, signed by Lon Nol, directed Government troops to assassinate the Chief of State if he returned to Cambodia. The main fear of the moment was that Sihanouk would return, rally the country to him, and hold elections, which he would win "because he was so popular with the peasants."

Perhaps the most striking elements of the anti-Sihanouk conspiracy—for such it seems to have been—were its total lack of spontaneity, and the plotters' easy sacrifice of good relations with the all-powerful Vietnamese Communists in the interests of domestic and political expediency.

[From the Guardian, Aug. 28, 1971]

AMERICA'S EXPENSIVE SHORTCUT

Last year an American commentator, well known for his pro-Administration views, flew in for a short look at the Cambodian situation. Before his departure he was asked by a confident American official what he thought of the American invasion, which President Nixon had just described as "a surgical operation, limited in time and space."

"Hell," the visitor said to the startled official, "we'll be paying for this one for 25 years."

From 1963, when Prince Sihanouk ended the United States aid programme here, until 1970 when it was re-established. Cambodia cost the United States nothing, except a lot of irritation from time to time.

During the 1970 financial year Cambodia cost the US a visible $8.9 millions. During the 1971 period, which ended last month, the visible US appropriations for Cambodia rose to $235 millions. For 1972 the Administration has asked for $310 millions in visible appropriations to prop up the Lon Nol regime—and has begun spending it as it did in the previous years, before Congress has had the chance to decide.

The visible expenditures, however, are only part, probably less than half, of the total US annual investment in this country. The visible appropriations which Congress is given the opportunity to approve have not included the cost of the initial US invasion, the continuing cost of US subsidised South Vietnamese military operations in Cambodia nor the salaries and operating expenses of the more than 100 American officials stationed here, nor of those—more numerous in total—who support America's Cambodian operations from Saigon, Honolulu, and Washington.

Nor do the official appropriations include the entire cost of training Cambodian troops abroad, nor the gifts of captured Communist weapons given to the Cambodian Government, nor the cost of the clandestine US operations in Cambodia.

Most importantly, the official appropriations do not include the most expensive single US activity in Cambodia, the bombing of Communist troops, both in tactical support of the Cambodian army and in efforts to block the Communist supply routes.

The total US spending on Cambodia, therefore, is much higher than the official figures indicate. As one US official recently said, "It is probably unknowable, if not incalculable."

Conservative estimates, including the costs of the bombing indicate that Cambodia over the next 11 months will account for about $1 billion (£416 millions) of American tax money. This is a figure significantly higher than the prewar per capita income for the entire Cambodian nation; and it is about the same as the US has been spending annually in the neighbouring kingdom of Laos for most of the past decade.

The emergence of an American financial commitment to the survival of yet another shaky Southeast Asian regime, at a time when the US is ostensibly withdrawing from the region, is an example of the built-in American tendency towards imperialism, and of the Presidential power to finance such expansions without congressional approval.

The US military effort to support the Lon Nol regime is a case in point. It began in June last year, with one retired army officer, two subordinates, and "presidential determinations" totalling $8.9 millions. The White House determinations needed no congressional approval, because the funds were diverted from military assistance programmes in other countries. In this case, the countries were Turkey and South Korea, which are often overappropriated to leave the Pentagon contingency funds for emergencies—especially those unpopular with Congress.

President Nixon made other, unapproved, commitments to the Cambodian aid programme in the following months: first, one of $40 millions and then another of $50 millions. By September the US—still without congressional approval—was providing Cambodia with more sophisticated equipment and critical air support. A "Special Supplementary Group" was also established in Saigon to provide Cambodia with military aid.

By the time the American Congress began debating aid for Cambodia in November and December, it was faced with what one US senator at the time described to me as "a fait accompli."

The US was paying for continuing South Vietnamese ground operations in Cambodia and training thousands of Cambodian soldiers in Vietnam: it had begun to supply the Khmer army with 30,000 captured AK–47 rifles and 20,000 M–16s—six Huey helicopters, 23 armoured personnel carriers, 11 river patrol boats, 25 artillery pieces, six transport aircraft, 600 trucks. It had guaranteed air cover for Phnom Penh and the provincial capitals. By that time, the US was also providing all the Cambodian army's ammunition. A factory was eventually established in Arlington, Virginia, to manufacture ammunition for the Cambodians' Communist-made AK–47 rifles.

Six months after a Cambodian invasion which it had not approved, Congress was left little choice but to agree to a residual financial commitment to Cambodia and attempt to hold it within reasonable bounds.

Nine months later the effects of US military aid are obvious. The Cambodian army is much better equipped, somewhat better trained, slightly larger, and, as one American official put it, "a little less amateurish," than it was.

One battalion of trained Khmer troops returns, fully armed and equipped, from South Vietnam each week. Weekly convoys of US arms go up the Mekong to replenish the munitions the army has expended. The US has paid for a Cambodian army that now has about eight to ten times the number of fighting men the Communists have, many times the fire power, and backed it up with the full support of the US air arsenal.

The result is a mass of men and arms whose sheer volume makes any spectacular Communist offensive in Cambodia—and the embarrassment it would cause the Nixon Administration—rather unlikely for the time being.

The cost to the US, however, has been the creation of a foreign army totally dependent on American supplies, and largely dependent on US advice, administration, and air power. US officials here have been trying to keep the outward signs of this dependence as small as possible—and more importantly, to limit the dependency to areas where it is unavoidable.

"We want to have the amount of money and men we need to keep the Khmer going," one US official said, "but we are refusing everything else."

The problem is that such a degree of dependence, in itself, is already total. Even the most sanguine American and British observers say the Cambodian military effort would collapse without the continuing US support.

Almost without trying the US has made an open-ended commitment here which is different in style but similar in substance to its commitments in Laos and South Vietnam. The Americans who have fought to avoid the grandiose excesses that have characterised US involvements elsewhere, nevertheless, are proud of their "low profile" achievement—and feel even prouder they say, when the Cambodians complain that they are expected to do too much with too little aid.

But the same officials concede that it is hard to fit what they are doing into any convincing scheme of US withdrawal from Indochina, and a commitment to a client State by any other name seems just as binding.

Both American and Cambodian officials concerned in the Cambodian aid programmes see "no major increases in spending," as one of them put it, the unintended implication being that the $75 millions increase in visible expenditure planned for this year alone is negligible.

A diminution of the US investment in Cambodia is not even suggested in the rosiest communiques—and there seems no evidence to suggest that the US has anything but another 23 years to go in mortgage payments on last year's decision to try to use Cambodia as a shortcut out of Vietnam.

[From Newsweek, Oct. 18, 1971]

INSTANT REPLAY

In one official pronouncement after another, the Nixon Administration has earnestly proclaimed its determination to avoid any major commitment in Cambodia. But for all that, the American presence in the once-sleepy capital of Phnom Penh has grown dramatically. Since late last year, the U.S. Embassy staff in Phnom Penh has jumped from fewer than 60 officials to more than 150. And despite a Congressional resolution specifically forbidding the use of American military advisers in Cambodia, many more U.S. officers appear to be on their way there. As a result, a bitter dispute has broken out in the U.S. Embassy—a clash between U.S. civilians and military men that could well determine the shape of American involvement in Cambodia for years to come.

At the root of the debate is the question of America's military role in that beleaguered country. Arguing for a minimal military-aid program, the civilians, led by chief political counselor Jonathan F. Ladd (himself a former Special Forces commander in South Vietnam), contend that the U.S. should train an elite force of Cambodian guerrillas to harass the Communists, but should not get bogged down in support of large unit operations. By contrast, Brig. Gen. Theodore C. Mataxis, who heads the Military Equipment Delivery Team (MEDT) in Phnom Penh, has fought for a more activist U.S. policy. Among other things, Mataxist favors expansion of last year's $180 million aid package and full U.S. backing for Cambodian assaults on Communist sanctuaries and supply lines.

IGNORED

As of now, Mataxis & Co. seem to be in the lead. When Ladd balked at giving the relatively unsophisticated Cambodian forces expensive M–16 rifles, Mataxis pushed the M–16 order through, contending that the Cambodians should be as well armed as possible. And civilian complaints about the growing U.S. military establishment in Phnom Penh have been pointedly ignored. Just two months ago, Mataxis—who used to spend most of his time in Saigon—moved to the Cambodian capital, bringing with him his aide de camp and personal staff. At the same time, the number of MEDT personnel whose job is to see that U.S. aid is being "properly used," has more than doubled Many observers, in fact, believe that, despite the Congressional ban, some MEDT members are fulfilling advisory roles with the Cambodian Army.

To some experts, the growing influence of the military is an inevitable outgrowth of the slackening war in Vietnam. "The pressure to increase the military presence here is really strong," said one American diplomat in Phnom Penh. "There are simply too many officers losing their jobs in Saigon.

These men are worried about their careers, and you don't become a general sitting behind a desk in Washington." Others place the blame directly on U.S. Ambassador to Cambodia Emory C. Swank. For although Swank, a 49-year-old career diplomat, is said to favor what he jokingly refers to as a "medium profile," critics have charged that he has knuckled under to the generals. "Swank claims he's not competent to assess the needs of the military," said one embassy official. "But in Fred Ladd. he's got the best adviser in Southeast Asia. By throwing up his hands, Swank is just trying to keep himself off the hook in case everything goes wrong."

Whatever the reason for the growing primacy of the military, the betting is that it will increase. For despite a pending amendment to the foreign-aid bill calling for a 150-man ceiling on U.S. personnel in Cambodia, the Defense Department is reportedly going ahead with plans to expand MEDT forces to an estimated 500 by the end of next year. And there are signs that the military men already in Cambodia are getting more directly involved in the fighting there. American helicopters have reportedly begun transporting Cambodian troops into battle areas and supplying them with ammunition. And at Pochentong Airport in Phnom Penh, U.S. forces recently opened a radio center (officially called a "navigation aid") to coordinate air support for Cambodian troops.

Though no one seriously suggests that the U.S. is about to slip into another Vietnam-scale involvement in Cambodia, the momentum of the buildup appears strikingly familiar. "The military are already falling all over themselves at the embassy," said one U.S. official. "Within a year, the Pentagon will have taken over our operations in Cambodia—and Swank and all the other civilians will be sitting on the sidelines just like the civilians in Saigon."

JOINT CHIEFS SAID TO DEVISE COSTLY CAMBODIA WAR PLAN

WASHINGTON.—The Joint Chiefs of Staff are said to have designed a costly program of "pacification" and other unconventional warfare for Cambodia to protect South Vietnam's western flank as Americans continue their withdrawal from Indochina.

They have also proposed a series of budget devices to augment the funds that Congress will be asked to provide for expanding the Cambodian Army over the next five years.

The Chiefs submitted their program last month to Secretary of Defense Melvin R. Laird, according to Congressional sources. Mr. Laird, who has been bargaining with the Chiefs since June about the cost of the effort, is described as still reluctant about the latest version, which would double spending to about $500-million a year by 1977.

The final decision, however, will rest with a senior policy review group run by Henry A. Kissinger, the President's adviser on national security affairs.

How to protect Cambodia from the North Vietnamese forces and deny them the use of Cambodian territory for attacks against South Vietnam's population centers has become a major problem for Pentagon planners. As the American forces in Vietnam are reduced to 50,000 men, at the most, and come to rely on air power for operations in the rest of Indochina, the planners are looking to indigenous forces to carry the burden in ground combat.

With a first-year grant of $185-million in military aid and $70-million in economic aid, the Cambodian Army has already been expanded from 30,000 men in April, 1970—when American forces invaded the North Vietnamese "sanctuaries" in Cambodia—to a current strength of about 180,000. The Cambodians are said to have fought well, but most of them are no match yet for the 60,000 North Vietnamese in their country, mostly east of the Mekong River.

SAIGON'S TROOPS UNPOPULAR

South Vietnamese troops have periodically moved into Cambodia to help out, but they are no more popular among Cambodians than the Communists forces from the north and will in any case be needed for the defense of their own territory.

When the Joint Chiefs of Staff first considered the problem last June, they proposed a 1971–72 military aid program of $350-million, Congressional informants report. Secretary Laird said that he could not afford that much and that Congress would not support such an increase.

The chiefs said that with $200-million in military aid they could not increase the size of the Cambodian Army, but for $275-million they could expand it to 225,000 men. Mr. Laird's budget pruners said that such an increase in strength could probably be achieved with $252-million.

But as finally submitted to Congress, the Cambodian aid program called for $200-million in military aid, $110-million in economic assistance and $15-million worth of agricultural commodities, for a total of $325-million. This was a net increase of $61-million over last year's allocations.

ALTERNATE PLANS OFFERED

Nonetheless, in explaining their elaborate military plans to Mr. Laird, in a memorandum dated Aug. 30, the Joint Chiefs indicated that they could get around the limit on military spending and proceed with the build-up.

According to informants, the Chiefs offered four different ways of generating an additional $52-million so as to add 40,000 troops to the Cambodian Army and also raise the "paramilitary" force of armed civilians to 143,000.

The first way would be simply to transfer $52-million from the economic aid program to military spending, which can be done later in the fiscal year simply by the Administration's notifying Congress. The second way would be to use the economic aid fund for the purchase of all "common use" items such as trucks and jeeps, which have military as well as civilian value, thus freeing other military funds.

A third way would be to increase procurement for the United States Army by $52 million and give the material to the Cambodians, for "repayment" later. The fourth way would be to make some exceptions in Defense Department supply regulations, declaring additional equipment to be "excess" and delivering it to the Cambodians.

The Pentagon planners said they were looking ahead to further increases in the Cambodian Army, so that it would number 256,000 men by mid-1973 and more than 300,000 men by 1977. The paramilitary units, they believe, must be augmented to nearly 200,000 by mid-1973 and more than 500,000 in 1977. This would mean arming about 10 per cent of Cambodia's population of 7 million, or nearly half the adult male population.

The Joint Chiefs would provide for a mechanized brigade, an artillery brigade and coastal patrol units, as well as ground troops and extensive logistic support. They would look to the Agency for International Development to help finance the paramilitary defense forces, including the police. The Central Intelligence Agency would be asked to mount additional programs and to provide airlift support.

The program of activity drawn up by the Joint Chiefs is divided into four headings, labeled "Pacification," "Unconventional Warfare," "Psychological Operations" and "Civil Affairs." The country would be divided into eight pacification areas and this program would be supervised by a new United States Deputy Ambassador—as in South Vietnam—in a new embassy structure.

The Pentagon would also establish a three-nation military committee with the Cambodians and South Vietnamese, in which the Defense Department would be represented through Gen. Frederick C. Weyland, the deputy commander of American forces in Vietnam.

PYRRHIC VICTORY ON THE BOLIVENS

(By T. D. Allman)

The key to the endless Laotian war is the American-South Vietnamese struggle for control of the access routes to South Vietnam. It is a struggle which North Vietnam—in spite of this year's invasion of Laos, and continuing massive United States bombing here—is gradually winning. As the struggle expands, however, more and more of the hapless, impotent kingdom of Laos is reduced to an American fire zone, or a proving ground for Communist troops.

The latest part of Laos to be sacrificed to the test of wills between Hanoi and Washington is the Bolivens plateau, a 5,000-foot highland which rises like a landbased island above some of the most important infiltration routes of Indo-China. To the west of the plateau lies the Mekong River valley, an area important to both the Thai and American Governments. To the east of the plateau lie the Ho Chi Minh trail and the Sekong River valley, down which the North Vietnamese are expanding a major infiltration route into Cambodia.

The situation in southern Laos and on the Bolivens has been deteriorating seriously ever since the outbreak of the Cambodian war, when North Vietnam decided to reinforce the trail and—largely out of fear of US attempts to cut it—to protect its crucial supply route by securing the Bolivens. However, the unnoticed, costly war on the lush, cloud-covered plateau recently gained notoriety when the United States, in an extraordinary display of the totality of its involvement here, in effect stage-managed the government reoccupation of the plateau's only town Paksong.

The victory was contrived, Pyrrhic, and almost certainly temporary. But it served, if nothing else, as yet another example that the situation in Laos admits only a political settlement, not a military one—a verity that the United States, to Laos's continuing misfortune, still seems unwilling to accept.

The Communists seized the plateau—which long had served as a base for CIA clandestine raids on the Ho Chi Minh trail—this spring. Over the past five months American-backed efforts to retake the plateau and restore Laotian morale and the CIA bases, however, have turned the Bolivens into the most costly battle in the Laotian war since the disastrous government defeat at Nam Bac in Northern Laos in early 1968. The government side has suffered about 2,500 casualties, an enormous number for a country with a population of only about two million.

So far, the efforts to re-establish a Laotian-American presence on the much-bombed plateau have failed. Last month, however, yet another offensive began, this time with great political significance attached to it. As Thai, American, and Laotian forces massed for the move to retake Paksong, the Laotian Defence Minister-designate, Sisouk Na Champassak, vowed he would not leave Laos for a scheduled trip to Washington—where he is being carefully built up as the US Embassy's favorite candidate to eventually succeed Prince Souvanna Phouma as Laotian Prime Minister—until Paksong was captured. The offensive was also planned as the first major victory for Colonel Soutchai Vongsavanh, a CIA protege, recently named military commander of South Laos.

In the end, the latest Paksong operation bogged down—like the previous ones—in spite of round-the-clock intervention by US bombers and gunships and the numerical superiority the Thai and Laotian troops enjoyed over their well-entrenched Communist opponents. With the main government column held up 11 kilometres west of Paksong, by now deserted and of little value, it appeared that the Defence Minister would not keep his appointments in America.

Then, deus ex machina, the United States intervened. US Air Force helicopters in effect airlifted three battalions of Laotians into Paksong, and declared it a famous victory—while US aircraft filled the air, US military men directed artillery fire, and CIA agents commanded their irregular units by radio. In the end, the units entering Paksong found only a few dozen North Vietnamese troops, who withdrew to surrounding hills to join other Communist units harassing the occupying forces from distances as close as 1,000 yards.

Hardly had Paksong's landing strip been secured, however, when Defence Minister Sisouk flew in and pinned general's stars on Colonel Soutchai. The Minister flew off to Washington the next day; the general said "the victory surpasses all our hopes," but the cheering ebbed as the casualty count, already unacceptable, mounted, Communist mortar fire increased, and the main Lao-Thai force failed once again to open the road to Paksong.

In Laos, anti-Communist forces, so long as they have full American air suport, can occupy practically any enclave momentarily, but it is another thing to hold it. And most military observers here expect Paksong once again to fall under Communist control during the approaching dry season.

Far more crucial for the fate of Southern Laos than US helicopter rides into deserted towns, however, is Hanoi's evident resolve to hold the Bolivens, which overlooks Pakse, Laos's second city.

Observers here agree that Hanoi's interest in the plateau and the rest of South Laos can only grow stronger so long as the basis of the Nixon Administration's strategy in Indo-China remains one of intensive efforts to impede Hanoi's supply lines in Laos and Cambodia while slowly diminishing the US ground role in South Vietnam.

A diplomat here has called the US strategy in Laos "escalating upstream while you de-escalate downstream." But as the fate of the Bolivens has demonstrated, it is a game that Hanoi can play just as well as Washington, and probably with more staying power.

The pattern of increasing involvement of peripheral areas of Laos in the Vietnam war, as things stand now, seems likely to continue so long as Washington keeps looking for "short cuts" to military success in Indo-China. The Communists, both North Vietnam and the Pathet Lao, repeatedly have offered a general ceasefire in Laos, but the Americans are unwilling to accept a stand-down that involves a bombing halt along the Ho Chi Minh trail.

For Laos, the most significant fact is that a ceasefire last year would have left the Bolivens, like so many other areas of Laos, completely in government hands. Now, the only question is if there will be any non-Communist presence there at all if and when peace comes. On the Bolivens, as in much of the rest of Laos, the Laotians seem in fact doomed, whatever the success of the moment, to pay the price for Washington's unwillingness to negotiate, rather than bomb its way out of Indo-China.

PRESIDENT NIXON'S EFFORTS FOR PEACE

Mr. DOLE. Mr. President, I was pleased to hear the comments of the distinguished Republican leader and the distinguished majority leader in reference to President Nixon's efforts for peace.

President Nixon now stands out in the world as the leader for peace. I believe the President has been consistent and effective and has tried in every conceivable way to bring about peace in the world. I believe the world is a more peaceful place today than it was 2½ short years ago. And the record will show that everything President Nixon has done in initiating and pursuing his foreign policy has been consistent with the intentions he expressed in his inaugural address and prior thereto.

The President has sought negotiations. He has reduced confrontations, and as a result we have an orderly policy. Numerous examples could be mentioned, and some have been mentioned by the distinguished majority leader and some have been mentioned by the distinguished minority leader, with reference to the Berlin agreement, the SALT talks, the new hot line to Russia, efforts to bring peace in the Middle East, agreements on germ warfare, the initiative toward mutual force reductions in Europe, and last, and I think most important, the success this President has had in winding down the war in Southeast Asia.

I have said many, many times on the floor of the Senate that the greatest single achievement of President Nixon has been to wind down the war in Southeast Asia. The facts are there. We now have approximately 200,000 men in South Vietnam instead of 542,000. Instead of 200 or 300 casualties a week, casualties are now 20 a week, which is 20 too many. But this is progress; this is a new direction, and while the President hopes and we all hope we can end the war quickly through negotiations, it would appear the plan of the Vietnamization is working.

I say President Nixon has become the leader for peace in the world, and I wish the President every success as he journeys to Moscow and Peking. The President said he would travel anywhere in the world for peace. I think he is keeping that promise. I believe the strong bipartisan support he enjoys today in Congress will make his mission not only more effective but also more easily accomplished.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO OCTOBER 15, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until noon on Friday next.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(Subsequently, this order was changed to provide for the Senate to convene at 11 a.m. on Friday.)

ORDER FOR ADJOURNMENT FROM FRIDAY, OCTOBER 15, 1971, TO TUESDAY, OCTOBER 19, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business on Friday next it stand in adjournment until noon on Tuesday next.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER TO PERMIT FILING OF REPORTS AND MESSAGES DURING ADJOURNMENT OF THE SENATE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during the period just referred to reports of all kinds—supplemental, minority, majority, and committee reports—may be received, and that messages and requests from the President as well as messages from the House may be included in the same category during the entire period.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The President pro tempore laid before the Senate the following letters, which were referred as indicated:

List of Reports of General Accounting Office

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports of the General Accounting Office, for the month of September 1971 (with an accompanying report); to the Committee on Government Operations.

Report of Comptroller General

A letter from the Comptroller General of United States, transmitting, pursuant to law, a report entitled "Slow Progress in Eliminating Substandard Indian Housing," Department of the Interior, Department of Housing and Urban Development, dated October 12, 1971 (with an accompanying report); to the Committee on Government Operations.

Proposed Removal of Ceiling on Funds for Development of Wolf Trap Farm Park, Va.

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to remove the statutory ceiling on funds for the development of Wolf Trap Farm Park, Va., and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

Improper Use of Supreme Court Seal

A letter from the Clerk of the Court, Supreme Court of the United States, requesting that legislation be introduced to prohibit the use of the Supreme Court seal for any purpose unless the consent of the Chief Justice is first obtained (with an accompanying paper); to the Committee on the Judiciary.

Five-Year Plan for Extension of Family Planning Services

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a 5-year plan for extension of family planning services to all persons desiring such services (with an accompanying document); to the Committee on Labor and Public Welfare.

PROPOSED CONVERSION OR EXCHANGE OF NATIONAL SERVICE LIFE INSURANCE POLICIES

A letter from the Administrator of Veterans Affairs, Veterans Administration, transmitting a draft of proposed legislation to amend section 704 of title 38, United States Code, to permit the conversion or exchange of National Service Life Insurance policies to insurance on a modified life plan with reduction at age 70 (with an accompanying paper); to the Committee on Veterans' Affairs.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the Military Order of the World Wars, Washington, D.C., praying for the immediate development of safely adequate military preparedness; to the Committee on Armed Services.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs:

Samuel C. Jackson, of Kansas, to be a member of the board of directors of the Community Development Corporation; and

Walter James Hodges, of Virginia, to be a member of the board of directors of the National Corporation for Housing Partnerships.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MOSS:

S. 2691. A bill to amend the Internal Revenue Code of 1954 to tax cigarettes on the basis of their tar content, and for other purposes. Referred to the Committee on Finance.

By Mr. SPARKMAN (for himself, Mr. MONDALE, and Mr. PACKWOOD):

S.J. Res. 167. Joint resolution to extend the authority conferred by the Export Administration Act of 1969. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SPARKMAN (for himself, Mr. TOWER and Mr. BENNETT):

S.J. Res. 168. Joint resolution to extend until January 1, 1974, the dates applicable to certain provisions of law relating to the taxation of national banks by the States. Referred to the Committee on Banking, Housing and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOSS:

S. 2691. A bill to amend the Internal Revenue Code of 1954 to tax cigarettes on the basis of their tar content, and for other purposes. Referred to the Committee on Finance.

Mr. MOSS. Mr. President, I am today introducing the Cigarette Tar Tax Act, a bill to amend the Internal Revenue Code of 1954 to tax cigarettes on the basis of their tar content, and for other purposes.

Four years ago, the late Senator from New York, Mr. Kennedy, and the senior Senator from West Virginia (Mr. RANDOLPH) offered in the Senate legislation setting the tax rate of cigarettes on the basis of tar and nicotine.

The Public Health Service has just issued its authoritative report on tar and nicotine, and although the report did not specify the exact role which each of the many constituents of tar plays in the disease process, the report did conclude that the lower the tar and nicotine, the less the risk of disease caused by cigarette smoking. The Federal Trade Commission subsequently recommended that tar and nicotine content be displayed in cigarette advertising and the cigarette industry has agreed to this proposal.

Nevertheless, a high number of cigarette brands remain in the middle and upper end of the tar and nicotine spectrum. Consumption figures indicate that the market for significantly low tar and nicotine cigarettes tends to flatten out, making these cigarettes relatively unprofitable to market. Surely at this time, when we talk of imposing differential taxes on leaded and unleaded gasolines, and harnessing the tax schedules to the national fight against pollution, we should be prepared to move in a similar manner on this problem of personal health.

Recently, the city of New York instituted an incentive tax on tar and nicotine. This tax charges more for cigarettes which bring increased needs of health care. The heavy cigarette smoker of high tar and nicotine cigarettes is the one who demands hospitalization. A higher premium is thus established for financing needed municipal services. A proposal of this sort in a limited area, however, cannot completely succeed unless a uniformity exists, as would be the case if the tax were applied nationally.

As we increase the taxes on those cigarettes which provide the greatest hazard to health, we must also decrease the financial incentives to those who grow tobacco and manufacture cigarettes. For this reason I have included in the Cigarette Tar Tax Act several sections which come to grips directly with the problem. As I said at the World Conference on Smoking and Health in London, England, last month—

> The Government must change the economic and social benefits accruing to the tobacco economy. We must support every conceivable method to deter the growing, processing and consumption of the product by education, economic incentives and appeals to common sense. Even though the tobacco history in the United States almost parallels the development of the Nation itself, this emotional and historical consideration must be overlooked.

The other sections of the Cigarette Tar Tax Act provides for the establishment of a Commission on Tobacco Adjustment Assistance to prepare, within 18 months, a comprehensive analysis and recommendations for appropriate action necessary to provide assistance to those who will be adversely affected by the elimination of tobacco subsidies and the decrease in tobacco consumption. I hope my colleagues from tobacco States will join with me in this constructive plan to assist the tobacco farmer, the exporter, and the State and local governments faced with decreasing revenues in the face of decreasing consumption of tobacco. I would also imagine Senators with significant agricultural constituencies would be particularly supportive of this effort to prepare the agricultural economy for the eventual elimination of support coincident with the reduction in use of the product.

Perhaps medical concern about cholesterol and fatty acids may lead to similar problems of decreasing use and reductions in subsidies in the dairy industry. I hope we can learn from our past experiences with the SST, with tobacco and with other pending issues, that long range planning is far more satisfactory than are last minute contingency plans.

Members of the Commission on Tobacco Adjustment Assistance would be tobacco growers, manufacturers of tobacco products, other segments of the economy seriously affected by the reduction in the use of tobacco, and State and local governments. The Commission would report to the Congress and the President within 18 months of enactment, making recommendations for legislation and administrative action necessary to eliminate or substantially to reduce the hardships to persons affected by decreasing tobacco consumption and elimination of subsidies.

This act would also establish a special tobacco tax fund to administer the programs established by law upon recommendation of the Commission on tobacco adjustment assistance. This fund would provide adjustment assistance for growers of tobacco, manufacturers of tobacco products, State and local governments, and other persons incurring serious economic hardship resulting from the elimination or substantial reduction in the use of tobacco.

Finally, the Cigarette Tar Tax Act would remove that great inconsistency of American life—tax support for tobacco crops, inspection, and overseas sales. How can we as a Nation continue to put tax money in this lethal commodity? These are questions which I have posed before and I will continue to pose in hearings before the appropriate legislative committee. The letters of outrage will continue to pour in, as long as we continue our policy of pouring tax dollars into tobacco, while we warn our citizens of the dangers of disease from its use.

Mr. President, I ask unanimous consent that the text of the Cigarette Tar Tax Act be printed in the RECORD following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2691

A bill to amend the Internal Revenue Code of 1954 to tax cigarettes on the basis of their tar content and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Cigarette Tar Tax Act".

SEC. 2. (a) Section 5701(b) of the Internal Revenue Code of 1954 (relating to tax on cigarettes) is amended to read as follows:

"(b) Cigarette.—On cigarettes, manufactured in or imported into the United States, there shall be imposed the following taxes:

"(1) Small cigarettes.—On cigarettes, weighing not more than 3 pounds per thousand, the tax shall be determined under the following table:

"If the tar content thereof is—	The tax per thousand cigarettes shall be—
10 mg. or less	$4
More than 10 mg. but not more than 15 mg.	7
More than 15 mg. but not more than 20 mg.	10
More than 20 mg	15

"(2) Large cigarettes.—

"(A) In General.—On cigarettes weighing more than 3 pounds per thousand, the tax per thousand shall be 2.1 times the tax prescribed by paragraph (1).

"(B) Special rule for long cigarettes.—On large cigarettes (as described in subparagraph (A)) which are more than 6½ inches long, the tax per thousand shall be determined under paragraph (1), counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette.

"(3) Determination of tar content.—

"(A) Testing by Federal Trade Commission.—The Federal Trade Commission shall from time to time (but not less often than once each calendar year) test each brand of cigarettes manufactured in or imported into the United States for the tar content of cigarettes of such brand. The conditions, methods, and procedures for conducting such tests shall be prescribed by (and may be changed by) the Commission by regulations issued by it for purposes of this paragraph. Until such time as such regulations are first issued, the conditions, methods, and procedures for conducting such tests shall be those approved by the Commission for formal testing which are in effect on the date of the enactment of the Cigarette Tar Tax Act.

"(B) Certification to Secretary.—At least once each calendar year, the Chairman of the Federal Trade Commission shall certify to the Secretary or his delegate, on the basis of the tests conducted pursuant to subparagraph (A), the tar content of each brand of cigarettes manufactured in or imported into the United States. The tar content of a brand of cigarettes as contained in such certification shall, for purposes of applying paragraphs (1) and (2), be the tar content of cigarettes of such brand for the period beginning with the day after such certification is made with respect to such brand and ending with the day on which the next certification is made with respect to such brand."

(b) The amendment made by subsection (a) shall take effect on the first day of the first calendar quarter which begins more than 30 days after the date of the enactment of this Act, except that, with respect to the authority of the Federal Trade Commission to issue regulations for purposes of sections 5701 (b) (3) of the Internal Revenue Code of 1954 (as added by subsection (a)), such amendment shall take effect on the date of the enactment of this Act.

SEC. 3. (a) There is hereby established in the Treasury of the United States a special fund to be known as the Tobacco Tax Fund. The Tobacco Tax Fund shall consist of amounts transferred to it pursuant to subsection (b) and shall be available only, as provided by appropriation Acts, to carry out programs hereafter established by law to provide adjustment assistance for growers of tobacco, manufacturers of cigarettes, cigars, and other tobacco products, State and local governments, and other persons incurring serious economic hardship resulting from the elimination or substantial reduction of the use of cigarettes, cigars and other tobacco products.

(b) The Secretary of the Treasury shall during each fiscal year, beginning with the fiscal year commencing July 1, 1971, transfer from the general fund of the Treasury to the Tobacco Tax Fund an amount equal to the amount by which taxes imposed under section 5701 of the Internal Revenue Code of 1954 which are received in the Treasury during such fiscal year exceed the amount of the taxes imposed under such section which were received in the Treasury during the fiscal year ending June 30, 1971. Such transfers shall be made not less often than quarterly and shall, to the extent necessary, be made on the basis of estimates by the Secretary of the amounts of taxes imposed under section 5701 of the Internal Revenue Code of 1954 received in the Treasury during any quarter. Proper adjustments shall be made in amounts subsequently transferred to the extent that prior estimates were more or less than the amounts required to be transferred.

SEC. 4. (a) There is established a commission to be known as the Commission on Tobacco Adjustment Assistance (hereafter in this section referred to as the "Commission").

(b) The Commission shall consist of 15 members to be appointed by the President. The members of the Commission shall include representatives—

(1) growers of tobacco,

(2) manufacturers of cigarettes, cigars, and other tobacco products,

(3) other segments of the economy seriously affected by the elimination or substantial reduction of the use of cigarettes, cigars, and other tobacco products, and

(4) State and local governments.

Not more than 3 members of the Commission may be officers or employees of the Federal Government.

(c) The President shall appoint one of the members of the Commission to serve as chairman and one to serve as vice chairman.

(d) Seven members of the Commission shall constitute a quorum and a vacancy in the Commission shall not affect its powers.

(e) It shall be the purpose and duty of the Commission to make a full and complete study of—

(1) the probable effect of the increases in the taxes imposed under section 5701 of the Internal Revenue Code of 1954 and of the termination of price supports for tobacco in achieving the elimination or substantial reduction of the use of cigarettes, cigars, and other tobacco products;

(2) the economic hardships which will result from the elimination or substantial reduction of the use of cigarettes, cigars, and other tobacco products to—

(A) growers of tobacco,

(B) manufacturers of cigarettes, cigars, and tobacco products,

(C) other segments of the economy directly affected; and

(3) the economic hardship to State and local governments caused by the reduction in revenues resulting from the elimination or substantial reduction of the use of cigarettes, cigars, and other tobacco products.

The Commission may include in such study such other matters as it deems advisable which relate to the effect on the economy of the elimination or substantial reduction of the use of cigarettes, cigars, and other tobacco products.

(f) The Commission shall, within 18 months after the date of the enactment of this Act, report to the President and to the Congress—

(1) the results of the study conducted by it pursuant to subsection (e), and

(2) its recommendations for legislation and administrative action necessary to eliminate or substantially reduce the use of cigarettes, cigars, and other tobacco products, and to provide assistance to persons described in subsection (e)(2) and to State and local governments in adjusting to such elimination or substantial reduction.

(g) Members of the Commission shall serve without compensation but shall be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in the government service employed intermittently.

(h) The Commission is authorized—

(1) to appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; and

(2) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed $100 per day.

(i) The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its purpose under this section; and each such department, agency, and instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the Chairman or any other member when acting as Chairman.

(j) The Commission shall cease to exist 60 days after the date of the submission of its report under subsection (f).

(k) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SEC. 5. (a) Section 106 of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof a new clause as follows: "(d)(1) The level at which price support may be made available for the 1972, 1973, and 1974 crops of tobacco shall be subject to the following limitations:

"(A) The 1972 crop of any kind of tobacco may not be supported at any level greater than 75 per centum of the level at which the 1970 crop of such tobacco was supported.

"(B) The 1973 crop of any kind of tobacco may not be supported at any level greater than 50 per centum of the level at which the 1970 crop of such tobacco was supported.

"(C) The 1974 crop of any kind of tobacco may not be supported at any level greater than 25 per centum of the level at which the 1970 crop of such tobacco was supported.

"(2) Price support shall not be made available for the 1975 and subsequent crops of tobacco."

(b) Notwithstanding any other provisions of law, marketing quotas, marketing penalties, acreage-poundage quotas, and acreage allotments for tobacco shall be ineffective with respect to the 1975 and subsequent crops of tobacco.

SEC. 6. (a) Section 4 of the Tobacco Inspection Act (7 U.S.C. 511c) is amended by striking out the following: ": *Provided*, That in no event shall charges be in excess of the cost of said samples, illustrations, and service so rendered".

(b) Section 5 of such Act (7 U.S.C. 511d) is amended by striking out the seventh sentence thereof.

(c) The last paragraph of section 6 of such Act (7 U.S.C. 511e) is amended by striking out the period at the end of such paragraph and inserting in lieu thereof a semicolon and the following: "but all of the cost of providing services under this section shall be borne by the persons requesting such services."

SEC. 7. Title I of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof a new section as follows:

"Sec. 111. Notwithstanding any other provision of law (1) no subsidy or other incentive payment shall be made, directly or indirectly, under the provisions of this Act to any person for the export or sale of tobacco or any tobacco product, and (2) no funds may be expended for the purpose of advertising or otherwise promoting the sale of tobacco in any foreign country."

Sec. 8. Section 5(f) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(f)) is amended by striking out the period at the end of such section and inserting in lieu thereof a comma and the following: "except that nothing herein shall be construed to authorize the payment of any subsidy for the export of tobacco from the United States."

POLICE OFFICERS BENEFITS ACT OF 1971—AMENDMENTS

AMENDMENTS NOS. 467 AND 468

(Ordered to be printed and referred to the Committee on the Judiciary.)

Mr. THURMOND. Mr. President, today I am submitting two amendments to S. 2087, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 as amended, which provides $50,000 in benefits to survivors of police officers killed in the line of duty to include all law enforcement personnel including sheriffs, deputy sheriffs, highway patrolmen, and investigatory and correctional personnel.

I believe these amendments are necessary to insure the tax free status of the $50,000 gratuity and to insure that all law enforcement personnel including sheriffs, deputies, highway patrolmen, and State investigatory and correctional personnel will be included.

The office of sheriff is one of the oldest in the United States and traces its ancestry back to the earliest days of Anglo-Saxon jurisprudence. Today's sheriffs have staffs ranging from a single deputy in some sparsely populated, largely rural, counties to more than 8,000 deputies in the Nation's most heavily populated county. The jurisdiction of the sheriff and highway partolman ranges from the rural countryside to the major metropolitan areas and encompasses the entire spectrum of law enforcement and the criminal justice process.

While in recent months and years, more police officers of major cities have met felonious deaths than have sheriffs' deputies, it is increasingly apparent that violent crime is spreading. It knows no jurisdiction boundary, nor respects the color of a law enforcement officer's uniform. Each officer, whether sheriff's deputy, highway patrolman, or policeman, must be fully cognizant that death may come to him in the performance of his sworn duties.

Hundreds of highway patrolmen throughout the United States are continually involved in law enforcement. They are a necessary element in the overall crime prevention system and contribute significantly to the total law enforcement effort. Therefore, any bill which would provide security to the families of policemen killed in the line of duty should include highway patrolmen.

The State investigatory and correctional personnel would include individuals who carry a firearm or are empowered to make arrests in enforcing criminal laws. In addition to his regular duties covering the apprehension, arrest, and detention of known or suspected criminals, he frequently works in concert with and accompanies other State police officers in the performance of their duties.

A law enforcement officer, dedicated to his career, is not usually nearly so concerned with his low salary as he is in maintaining and preserving the security of his family. In order to afford this protection to the officer's family, I believe it is imperative that this bill be amended to make the $50,000 gratuity tax-free and available to the survivors of all law enforcement officers including sheriffs, deputies, highway patrolmen, and investigatory and correctional personnel.

Mr. President, I ask unanimous consent that these amendments be appropriately referred and printed in the Record at the conclusion of my remarks.

There being no objection, the amendments were ordered to be printed in the Record, as follows:

Amendment No. 467

On page 3, after line 18, insert the following new section:

Sec. 5. Section 101(b)(2)(A) of the Internal Revenue Code of 1954 (relating to death benefits excluded from gross income) is amended to read as follows:

"(A) $5,000 limitation.—The aggregate amounts excludable under paragraph (1) with respect to the death of any employee shall not exceed $5,000, except that not to exceed $50,000 shall be excludable under such paragraph if such sum is paid under the provisions of part J of the Omnibus Crime Control and Safe Streets Act of 1968."

Amendment No. 468

On page 3, between lines 5 and 6, insert the following new subsection:

"(d) As used in this section, 'police officer' means all law enforcement personnel including sheriffs, deputy sheriffs, highway patrolmen, and investigatory and correctional personnel.

CONVERSION RESEARCH, EDUCATION, AND ASSISTANCE ACT OF 1971—AMENDMENT

AMENDMENT NO. 469

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

NEW CITIES RESEARCH AND EXPERIMENTATION ACT

Mr. KENNEDY. Mr. President, I introduce the New Cities Research and Experimentation Act of 1971, as an amendment to the Conversion Research, Education, and Assistance Act of 1971 (S. 32), and I ask unanimous consent that the text of the amendment may be printed in the Record at the conclusion of my remarks. This amendment establishes the New Cities Research and Experimentation Administration and authorizes $1 billion over a 3-year period for programs of research and experimentation leading to the design and development of new cities.

Over the next 30 to 40 years—as America moves into the 21st century—the Nation's population will increase by nearly 100 million people. This 50-percent increase is the equivalent of building 100 new cities with populations of 1 million or 200 new cities with populations of half a million. It is doubtful that the Nation will build so many new cities during this period; much of this growth will have to be incorporated within existing metropolitan regions. But regardless of how much of the increase occurs in new or existing cities, it is clear that this population expansion must be absorbed primarily in urban areas.

This expansion is bound to magnify and multiply the problems of the cities—in transportation, housing, waste disposal, power and water supply, health care, public safety, education, pollution, and a host of other urban services. These problems will not resolve themselves; nor will they quietly go away if we merely ignore them and hope for the best. Persistent population pressures will intensify and exacerbate their effects until the cities and their surrounding suburbs may become a chaotic caricature of the civilized life they were meant to provide.

Lately it has become fashionable—both among urban experts and the public at large—to view this situation as hopeless and to consider the cities ungovernable and their problems insoluble. But I cannot accept this pessimistic point of view.

The scientific skills and organizational abilities which carried us to the surface of the moon can surely move us expeditiously over the face of the earth. The Nation which produced the most powerful industrial system in history can certainly learn to adapt that system to meet environmental conditions as well as economic constraints. And the people who tamed a wilderness to create a new civilization can unquestionably unsnarl its urban complexes to make them livable, once again, for man.

Attaining these goals is no simple matter; it will require a commitment of national purpose and a concentration of effort and resources which have previously been achieved only in the defense and space programs. It is particularly important that we focus on these unprecedented problems the full measure of scientific, technical, and professional talent which the Nation can muster. Yet at this time of maximum need, much of the Nation's pool of technical talent is being wasted or underemployed, because of widespread cutbacks in aerospace programs and the overall economic decline.

According to the President's economic report, "employment attributed to Department of Defense expenditures will have decreased nearly 1.8 million workers from its highest recent level in fiscal year 1968 to fiscal year 1971." The overall problem is intensified by the fact that scientists, engineers, and technicians are extremely dependent on federally financed programs for employment. Of the more than 2 million technical personnel employed at the beginning of 1970, one in four was engaged in work generated by the Department of Defense, the National Aeronautics and Space Administration, or the Atomic Energy Commission. Half of those employed directly by the Federal Government worked in DOD, NASA, or AEC. Sixty-two percent of all physicists and 88 percent of all scientists in the atmospheric and space sciences have depended on Federal programs for employment.

Fifty-nine percent of all jobs for aeronautical engineers were generated by defense spending in fiscal year 1968, and 54 percent of skilled airplane mechanics similarly depended on defense spending.

Consequently, cutbacks in Federal programs have a much greater impact on this highly skilled technical workforce than they do on other categories of workers. By early 1971, aerospace and related employment levels had declined an estimated 450,000 employees from the previous year, and an additional 400,000 were projected to be out of work by the end of fiscal year 1971. The unemployment rate for engineers increased from 0.5 percent in the third quarter of 1968, to 2.4 percent in the third quarter of 1970, to an estimated 3.4 percent by the third quarter of 1971. This represents the highest unemployment level for professional personnel since the Government began keeping such statistics in 1958.

The impact of this unemployment is intensified by the pattern of concentration which has prevailed in defense and space, with respect to specific industries, and geographic locations. Thus over four-fifths of 1969 industrial research and development was spent by firms in five industries: Aircraft and missiles; electrical equipment and communications; machinery; chemicals; and transportation equipment. And over one-half of the scientists and engineers engaged in R. & D. worked in the two industries of electrical equipment and aircraft and missiles.

The geographical concentration of defense and space spending is particularly striking. Ten States received 71 percent of total Federal obligations for R. & D.: California, New York, Maryland, Florida, Masachusetts, New Jersey, Texas, Pennsylvania, District of Columbia, and Ohio. Of all scientists and engineers in the aerospace industry, 44 percent are located on the Pacific coast, and 25 percent are located in the New England and Middle Atlantic States. The remainder are highly concentrated in a few other States such as Florida and Texas. Within the various States, R. & D. activities are usually further concentrated within particular communities. Those with an engineering unemployment rate above the national average of 3.4 percent are: Seattle, 9 percent; Orange County, Calif., 7.4 percent; Wichita, 7.1 percent; Los Angeles-Long Beach, 6.6 percent; Cape Kennedy, 6.6 percent; San Diego, 5.8 percent; Boston, 4.5 percent; Philadelphia, 3.8 percent; New York City, 3.7 percent; and San Jose, Calif., 3.5 percent. The impact on such communities is extensive. Not only do the individual technical personnel and their families suffer as a result of their unemployment, but their reduction in purchasing power has an adverse multiplier effect on the economic well-being of the community.

The Nation cannot afford this massive misuse of talent. Quite apart from the human hardships involved, these jobless technical personnel represent a vast waste of one of the Nation's most precious assets—its skilled scientific manpower. An enormous national investment went into the formal education and on-the-job training of this technical workforce. As long as they are unemployed or underemployed, that investment is being wasted, and the Nation is the loser.

The problem is compounded by the rapidity with which new scientific knowledge and techniques are being generated. As a result, many of their professional skills may well be obsolete before they find new jobs.

The Nation is entitled to receive a continuing economic and social return on the investment it has made in its scientific manpower, and I am confident that this result can be accomplished. Through economic conversion, we can redirect the economy, we can cope with the problems of the cities, and at the same time, we can generate meaningful jobs for our scientists, engineers, and technicians.

But economic conversion will not be easy to accomplish. It will not occur by itself, and it will not occur without strong Federal leadership. We need a broad national program which meets the following objectives:

First, it must provide immediate, interim financial assistance to unemployed technical personnel, to tide them over this hardship period and buy time for other programs to become operational.

Second, it must provide financial, technical, and educational assistance to companies, communities, and individuals to aid them in making the difficult transition from defense to civilian programs.

And third, it must generate large-scale civilian markets for research and engineering capable of absorbing the more than 100,000 unemployed technical personnel, and of providing continuing employment opportunities over the decades ahead. Moreover, these markets must be developed in such a way as to focus on the resolution of the Nation's social problems.

Over the past year in Congress, I have endeavored to develop a broad program to meet these goals through national economic conversion. I have already introduced two bills aimed at meeting the first two objectives. Today I introduce a third measure designed to meet the final objective and to complete my basic legislative program on economic conversion. The two earlier conversion bills may be summarized as follows:

The Economic Conversion Loan Authorization Act, S. 1261, which I introduced on March 16, 1971, would provide immediate emergency financial assistance to the thousands of scientists, engineers, and technicians throughout the Nation who have already lost their jobs. The bill would enable banks to make low-interest, long-term conversion loans to unemployed technical personnel in amounts up to 60 percent of their former salary, or $12,000 a year, whichever is lower. With these funds added to their unemployment compensation and other sources of income, unemployed scientists and other technical personnel will be able to maintain their family responsibilities, while seeking new employment and making the difficult transition from defense to civilian work.

The bill authorizes $200 million over a 3-year period for the purposes of the loan program, which will be administered by the National Science Foundation. The bulk of these funds will be used to provide interest subsidies and repayments of loans in default to banks and other lending institutions. In turn, these institutions will be able to make conversion loans of hundreds of millions of dollars to individual scientists and engineers. At a relatively small cost to the Federal Government, therefore, the impact of the program can be enormous.

Because the potential earning power of engineers in high, once their skills are successfully converted to civilian activities, the loan program is financially sound. More important, because their efforts can pay rich dividends in terms of progress against our urgent social problems, the Nation's scientists and engineers constitute a unique group among the unemployed. At a time when, even now, we are not producing enough scientists and engineers to meet the basic needs of our society, it would be tragic to maintain a climate that drives today's engineers from the profession, and discourages the current student generation from embarking on such careers.

Facilitating the transition to civilian work is the objective of the Conversion Research, Education, and Assistance Act which I first introduced in August 1970, and which I reintroduced in revised form this past January. The bill authorizes the appropriation of $500 million over a 3-year period to facilitate the shift of scientific and technical manpower from defense to social programs. The bulk of the legislation would be administered by the National Science Foundation, with the Small Business Administration administering programs to help small firms convert to civilian tasks.

In essence the bill asks Congress to establish three national policies in the area of economic conversion:

First, scientists should have continuing opportunities for employment, in positions commensurate with their professional and technical skill.

Second, Federal spending for civilian research and engineering should be raised to parity with defense-related research and engineering, and kept at or above that level in the future.

Third, the total Federal investment in science and technology must continue to grow annually in proportion to increases in the gross national product.

The specific programs authorized by the bill will enable scientists and engineers to redirect their talents from defense-related activities to civilian-related activities, especially in areas like pollution, transportation, crime control, housing, education, and health care. The programs are designed so that thousands of unemployed scientists and engineers can participate directly, with the expectation that the resulting research and engineering activity will have a multiplier effect throughout the scientific and technical community and the economy at large.

Of the funds to be made available under the legislation, almost half would be distributed directly in conversion fellowships to individual scientists, engineers, and technicians, to enable them to participate in specific conversion projects.

The measure I am introducing today, the New Cities Research and Experimentation Act, is aimed at meeting the third major goal of a national program of economic conversion. This measure is designed to create a substantial, sustained market for research and engineering in the civilian sector of our economy.

The new measure is being offered as an amendment to the Conversion Research, Education and Assistance Act of 1971 (S. 32). This amendment establishes a New Cities Research and Experimentation Administration within the National Science Foundation, and authorizes $1 billion over a 3-year period for programs of research and experimentation which are aimed at bringing the Nation's scientific and technical talent to bear on the problems of the cities. The New Cities Research and Experimentation Administration would undertake programs of planning, applied research, testing and evaluation, information dissemination, and systems demonstration. These programs would involve the design of, and experimentation with, technological systems in areas such as housing, transportation, communications, water supply, gas and electric utilities, public safety, firefighting, public sanitation, health care, education, recreation, and pollution control. The resulting technological systems would be publicly demonstrated and would be available for use in the development of new cities, as well as in the improvement of existing cities.

The specific provisions of this measure are as follows: It amends the National Science Foundation Act to authorize the Foundation to undertake a program of applied research and experimentation leading to the design of new cities.

The measure establishes as national policy: First, the use of science, technology, and systems analysis in the experimental design of technological systems, which are aimed at the provision of more effective urban services, and the innovative resolution of the Nation's urban problems; and second, the assurance that such programs will make maximum use of the Nation's pool of scientific and technical manpower, including those who are unemployed.

The amendment establishes a New Cities Research and Experimentation Administration within the National Science Foundation and a New Cities Research Advisory Council to advise the Foundation with respect to its new programs under this measure. The amendment authorizes the Foundation to: First, support applied research and experimentation in order to design and demonstrate the applicability of advanced technology in the development of new cities; second, make maximum use of the Nation's technical manpower; third, test and evaluate resulting technological systems in terms of applicable technical, economic, social, environmental, and esthetic factors; and fourth, disseminate and demonstrate the results so that such systems may be effectively utilized in the development of new cities, as well as in the improvement of living conditions in existing cities. The amendment includes provision for maintaining necessary coordination between the New Cities Research and Experimentation Administration and other concerned Government agencies such as the Departments of Housing and Urban Development, Health, Education, and Welfare, Commerce, Labor, and Transportation.

The amendment authorizes a total of $1 billion over a 3-year period: $100 million for the remainder of fiscal year 1972; $300 million for fiscal year 1973; and $600 million for fiscal year 1974.

In short, what is proposed is a major new civilian program which can absorb the Nation's technical talent, respond to our unmet social needs, and enlist widespread public enthusiasm and support.

The program is designed to meet the dramatic challenge of creating dozens of new American cities to absorb our population increase over the coming decades. It is charged with establishing a standard of high quality metropolitan services which existing cities can imitate. Thus, for example, the transportation system contracts could specify the development of reliable, clean, comfortable, economical rapid transit for every citizen, without exceeding minimum levels of pollution. Similar contracts could be awarded for solid waste disposal systems, power systems, communications networks, and health care programs.

The challenge of succeeding at these tasks on earth rivals the challenge of the moon voyage. The new program could serve as the dramatic focal point for civilian research and engineering in the 1970's in much the same way as the space program did in the 1960's. Enactment of this measure would enable America to reemploy its 200,000 unemployed or underemployed technical personnel, and to apply its full range of technical talent to its most pressing problems.

As chairman of the Special Subcommittee on the National Science Foundation of the Committee on Labor and Public Welfare, I plan to hold hearings on these economic conversion bills on October 26 and 27. The hearings will consider the Economic Conversion Loan Authorization Act of 1971 (S. 1261), the Conversion Research, Education, and Assistance Act of 1971 (S. 32), and the amendment to S. 32 which I am introducing today, the New Cities Research and Experimentation of 1971. Based on these hearings and other relevant information which is available to the committee, I intend to make any revisions in these measures which may prove necessary and to press for prompt legislative action on economic conversion in this session of Congress.

We know that the problems of our cities are tremendous and growing worse every day. We know that the continuing expansion in national population will serve to intensify these problems over the coming decades. And we know that our scientific unemployment represents an enormous economic waste, a failure of priorities and policies, and real human hardship to the individuals and families concerned.

But in the perspective of history, I believe our current crisis can be turned to good advantage. For suddenly—for the first time in our history—the Nation has been provided with a vast reservoir of available technical talent, which can and must be put to work. If we see our economic adversity and the problems of our cities as a social opportunity and technical challenge—and if we seize that opportunity and meet that challenge—we can overcome the present difficulties and turn our extraordinary scientific talents and imagination to the true tasks confronting our Nation. Through a national program of economic conversion, the current generation of scientists and engineers can redirect their talents to solving the problems of our cities, restoring the integrity of our environment, and enhancing the quality of our lives.

I believe the New Cities Research and Experimentation Act and its companion bills comprise an effective national conversion program. I urge every Member of the Senate to give these measures his serious consideration.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 469

At the end of the bill, and the following new title:

"TITLE V—NEW CITIES RESEARCH AND EXPERIMENTATION

"SEC. 501. The National Science Foundation Act of 1950 is amended by inserting:

"TITLE I—RESEARCH AND EDUCATION IN SCIENCE AND ENGINEERING

immediately above the heading of section 2, by striking out "this Act" wherever it appears in sections 2 through 16 inclusive (other than where it appears in subsection (a) and subsection (b) of section 4 and section 11), and inserting in lieu thereof "this title", and by adding immediately after section 16 the following new title:

"TITLE II—NEW CITIES RESEARCH AND EXPERIMENTATION

"SHORT TITLE

"SEC. 201. This title may be cited as the "New Cities Research and Experimentation Act of 1971".

"DECLARATION OF POLICY

"SEC. 202. (a) The Congress hereby finds that—

"(1) projected population increases before the year 2000 will lead to a substantial expansion in the nation's urban areas, further compounding the compelling problems of our cities with respect to housing, transportation, communications, health care, waste disposal, education, pollution, crime, poverty, and other social problems;

"(2) society can cope with problems of such unprecedented magnitude only through the resolute application of the nation's best scientific, technical, and professional skills and imagination; and

"(3) at this time of maximum need, much of the nation's pool of scientific, technical, and professional talent is being wasted or misapplied because of widespread cutbacks in the nation's research and engineering programs.

"(b) The Congress declares that it is the policy of the United States to—

"(1) support the use of science, technology and advanced analytical techniques, such as systems analysis, in the experimental design of technological systems, which are aimed at the provision of more effective urban services and the innovative resolution of the nation's urban problems; and

"(2) assure that such programs make maximum effective use of the nation's pool of scientific and technical manpower, including those who are unemployed.

"ESTABLISHMENT OF THE NEW CITIES RESEARCH AND EXPERIMENTATION ADMINISTRATION

"SEC. 203. There is hereby established within the National Science Foundation, the New Cities Research and Experimentation Administration.

"ADMINISTRATION OFFICERS

"SEC. 204. (a) The Administration shall be headed by an Administrator who shall be appointed, by and with the advice and consent of the Senate.

"(b) The functions of the Director under this title and any other functions of the New Cities Research and Experimentation Administration shall be carried out by the Administrator through the Administration.

"(c) There shall be a Deputy Administrator of the Administration who shall be appointed by the President, and with the advice and consent of the Senate, and shall perform such duties and exercise such powers as the Administrator may prescribe. The Deputy Administrator shall act for, and exercise the powers of, the Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.

"(d) There shall be two Associate Administrators of the Administration who shall be appointed by the President, by and with the advice and consent of the Senate, and shall perform such duties and exercise such powers as the Administrator shall prescribe; with the stipulation that one associate Administrator shall be responsible for advising and assisting the Administrator with respect to the engineering and natural science aspects of the Administration's program, and the other Associate Administrator shall be responsible for advising and assisting the Administrator with respect to the behavioral and social science aspects of the Administration's programs.

"(e) (1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(58) The Administrator of The New Cities Research and Experimentation Administration."

"(2) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(95) The Deputy Administrator of the New Cities Research and Experimentation Administration."

"(3) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(131) Associate Administrators of the New Cities Research and Experimentation Administration."

"NEW CITIES RESEARCH COUNCIL

"SEC. 205. (a) There is here established a New Cities Research Advisory Council to be composed of fifteen members appointed by the Director for terms of three years, and of six ex officio members as designated in section 205(c). Appointed members shall be chosen from among persons who have, by reason of experience or professional accomplishments, demonstrated their special qualifications to serve on the Council, in equal numbers from among the following—

"1. Business leaders;

"2. Labor leaders;

"3. Engineers, design professionals, and natural scientists;

"4. Social and behavioral scientists; and

"5. Community leaders.

"(b) (1) Of the members first appointed, five shall be appointed for a term of one year, five shall be appointed for a term of two years, and five shall be appointed for a term of three years, as designated by the Director at the time of appointment.

"(2) Any member appointed to fill a vacancy occuring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

"(3) Any vacancy on the Council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

"(4) Appointed members of the Council shall, while serving on business of the Council, be entitled to receive compensation at rates not to exceed $125 per diem, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

"(c) The Council shall annually elect one of its members to serve as chairman until the next election. The Council shall meet at the call of the chairman, but not less often than four times a year. The Administrator; the Assistant Secretary of Commerce for Science and Technology; the Assistant Secretary of Health, Education and Welfare for Health and Scientific Affairs; the Assistant Secretary of Housing and Urban Development for Research and Technology; the Assistant Secretary of Labor for Manpower; and the Assistant Secretary of Transportation for Systems Development and Technology shall be ex officio members of the Commission. Eight members of the Council shall constitute a quorum necessary for the transaction of official business.

"(d) The Council shall—

"(1) advise the Director with respect to his responsibilities under this title;

"(2) review and evaluate the effectiveness of Federal programs under this title;

"(3) prepare and submit to the Director such interim reports as it deems advisable, and an annual report of its findings and recommendations, together with any recommendations for changes in the provisions of this title; and

"(4) publicize its findings and recommendations to such extent and in such manner as it deems effective and advisable.

"(e) The Director shall make available to the Commission such staff, information, and other assistance as it may require to carry out its activities.

"PROGRAMS AUTHORIZED

"SEC. 206. In order to carry out the purposes of this title, the Foundation is authorized and directed to—

"(1) initiate and support programs of applied research and experimentation, in order to design and demonstrate the applicability of advanced technology in the development of new cities;

"(2) make maximum effective use of the nation's pool of scientific and technical manpower, including those who are unemployed;

"(3) test the technological systems which are developed under this title, and evaluate the results of such tests in terms of applicable technical, economic, social, environmental, and aesthetic factors.

"(4) disseminate and demonstrate the results of programs conducted or assisted under this title so that such systems may be effectively utilized in the development of new cities, as well as in the improvement of living conditions in existing cities.

"PLANNING FOR NEW CITIES"

SEC. 207. From funds available pursuant to section 18a, the Director is authorized and directed to conduct planning studies and to make grants to, or to enter into contracts with, academic institutions, not-for-profit institutes and organizations, public agencies, and private business firms, for the conduct of planning studies for research and experimentation programs leading to the design and development of new cities. Such projects will—

"(1) be directed toward the objective of designing, testing, evaluating, and demonstrating advanced technological systems for subsequent incorporation in new cities, and for subsequent use, with appropriate adaptations, in existing cities.

"(2) include long-range planning studies as well as intermediate and short-run studies;

"(3) make maximum use of the scientific and technical information provided under section 211;

"(4) encompass studies of all service areas, including but not limited to housing, transportation, communications, water supply, gas and electric utilities, public safety, fire fighting, public sanitation, health care, education, recreation, and pollution control;

"(5) include specific studies of the economic, sociological, psychological, legal, and political factors which impinge on the design, development, and implementation of technological systems to provide urban services;

"(6) include total urban systems studies which integrate the specific studies carried out under sections 7(4) and 7(5).

"APPLIED TECHNICAL RESEARCH AND EXPERIMENTATION

"SEC. 208. (a) From funds available pursuant to section 18(a) the Director is authorized and directed to make grants to, and to enter into contracts with, academic institutions, not-for-profit institutes and organizations, public agencies, and private business firms, for the conduct of applied research and experimentation regarding the technological aspects of urban services, including but not limited to the areas of housing, transportation, communications, water supply, gas and electric utilities, public safety, fire fighting, public sanitation, health care, education, recreation, and pollution control.

"(b) No project shall be assisted under this section unless such project involves applied research aimed at, or experimentation with, innovative applications of advanced technology in the context of new cities.

"(c) In making grants or entering into contacts under this section, the Director shall take full account of the results of the planning studies conducted or assisted under section 207.

"(d) Each contract awarded under this section shall contain provisions which assure that specific performance objectives, and applicable physical, environmental, economic and social constraints are specified with particularity for each project conducted under said contract.

"(e) To assure that experimental systems designed under this section are responsive to public needs and desires, the Director shall obtain community and public views in his determination of the performance objectives and priorities to be met by such systems.

APPLIED SOCIAL RESEARCH

"SEC. 209. (a) From funds available pursuant to section 18(a), the Director is authorized and directed to make grants to, and to enter into contracts with academic institutions, not-for-profit institutes and organizations, public agencies, and private business firms, for the conduct of applied social research into the economic, sociological, political, legal, administrative, and psychological aspects of the design, development and implementation of technological systems to provide urban services.

"(b) The scientific information currently available in these areas and that which is generated as a result of the research undertaken under this section shall be fully taken into account by the Foundation in the development of programs and the design and evaluation of technological systems under this title.

"(c) In making grants or entering into contracts under this section, the Director shall take full account of the results of the planning studies conducted or assisted under section 207.

"TESTING AND EVALUATION

"SEC. 210. (a) (1) From funds available pursuant to section 18(a), the Director is authorized and directed to make grants to, and to enter into contracts with, academic institutions, not-for-profit institutes and organizations, public agencies, and private business firms for testing the systems resulting from the research and experimentation conducted or assisted under this title.

"(2) Such testing shall utilize all available, applicable analytical techniques, such as computer simulation, systems analysis, and technology assessment, to appraise and evaluate said systems in terms of: conformance to their performance objectives; their costs and ancillary consequences; their impact on the environment; their impact on aesthetic values; their responsiveness to public needs and desire; and their comparative analysis with other alternative urban systems.

"(b) From funds available pursuant to section 18(a), the Director is authorized and directed to carry out final evaluations of the systems resulting from the research and experimentation conducted or assisted under this title, making appropriate use of the results of the tests conducted or assisted under section 10(a) (1).

"(c) In making grants or entering into contracts under this section, the Director shall take full account of the results of the planning studies conducted or assisted under section 207.

"INFORMATION DISSEMINATION

"SEC. 211. From funds available pursuant to section 18(a), the Director is authorized and directed to establish a computerized New Cities Research Information Service, which shall collect and integrate the scientific, technical, and social information pertaining to urban services and systems resulting from programs under this title, and shall provide such information to interested organizations in Federal, State, and local government, industry, academic institutions, and the not-for-profit sector, upon request from such organization, in accordance with such administrative procedures as are established by the Director.

"SYSTEMS DEMONSTRATION

"SEC. 212. (a) From funds available pursuant to section 18(a), the Director is authorized and directed to make grants to, and to enter into contracts with, academic institutions, not-for-profit institutes and organizations, public agencies, and private business firms, for the construction and public exhibition of systems demonstration projects, which illustrate the operation and associated benefits of the effective technological systems resulting from research and experimentation programs conducted or assisted under this title.

"(b) Such grants or contracts shall contain provisions which assure that such demonstration projects provide—

"(1) Accurate and complete representations of the services and systems involved in the demonstrations; and

"(2) public exhibitions which are announced in advance and are open for inspection by any interested organization in accordance with such administrative procedures as are prescribed by the Foundation.

"COORDINATION WITH DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

"SEC. 213. (a) The Director is directed to maintain continuing consultation and coordination with the Department of Housing and Urban Development with respect to the plans and programs undertaken under this title.

"DEFINITIONS

"SEC. 214. As used in this title—

"(a) The term 'Administration' means the New Cities Research and Experimentation Administration.

"(b) The term 'Administrator' means the Administrator of the New Cities Research and Experimentation Administration.

"(c) The 'Council' means the New Cities Research Advisory Council.

"(d) The term 'urban service' means any set of interrelated organizations and activities which collectively perform certain related functions associated with urban living, including but not limited to: transportation, communications, water supply, electric and gas utilities, housing, health care, education, public safety, fire fighting, public sanitation, recreation, and pollution control.

"(e) The term 'technological system' means any set of interrelated technological applications which are designed to perform certain urban services.

"ADMINISTRATIVE PROVISIONS

"SEC. 215. (a) Except as otherwise provided in this Act, the Foundation shall, in carrying out its functions under this title, have the same powers and authority it has under Public Law 81–507, as amended, to carry out its functions under that law.

"(b) In addition to any other authority vested in the Director by this Act, he is authorized, in order to carry out his functions under this title, to—

"(1) promulgate such rules and regulations as may be necessary;

"(2) appoint such advisory committees as may be advisable;

"(3) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code; and

"(4) use the services, personnel, facilities and information of any other Federal department or agency, or any agency of any State, or political subdivision thereof, or any private research agency with the consent of such agencies, with or without reimbursement therefor.

"(c) Upon request by the Director, each Federal department and agency is authorized and directed to make its services, personnel, facilities, and information, including suggestions, estimates, and statistics, available to the greatest practicable extent, to the appropriate officer in the performance of his functions under this title.

"(d) The Director shall establish such divisions or offices within the Administration as he deems necessary to carry out his functions under this title.

"AUDIT

"SEC. 216. The Director and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grantee or contractor under this title.

"PAYMENTS AND WITHHOLDING

"SEC. 217. (a) Payments under this title may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment.

"(b) Wherever the Director, after giving reasonable notice and opportunity for hearing to a grantee or contractor under this title finds—

"(1) that the program or project for which such grant or contract was made has been so changed that it no longer complies with the provisions of this title; or

"(2) that in the operation of the program or project there is failure to comply substantially with any such provision; the appropriate officer shall notify such grantee or contractor of his findings, and no further payments may be made to such grantee or contractor by him until he is satisfied that such noncompliance has been or will promptly be, corrected. The appropriate officer may authorize the continuance of payments with respect to any projects pursuant to this title which are being carried out by such grantee or contractor and which are not involved in the concompliance.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 218. (a) To carry out the provisions of this title, there are authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1972, of which $13,000,000 shall be available to carry out the provisions of section 207, $50,000,000 shall be available to carry out the provisions of section 208, $20,000,000 shall be available to carry out the provisions of section 209, $10,000,000 shall be available to carry out the provisions of section 210, $2,000,000 shall be available to carry out the provisions of section 211, and $5,000,000 shall be available to carry out the provisions of section 212; $300,000,000 for the fiscal year ending June 30, 1973, of which $25,000,000 shall be available to carry out the provisions of section 207, $150,000,000 shall be available to carry out the provisions of section 208, $40,000,000 shall be available to carry out the provisions of section 209, $50,000,000 shall be available to carry out the provisions of section 210, $5,000,000 shall be available to carry out the provisions of section 211, and $30,000,000 shall be available to carry out the provisions of section 212; and $600,000,000 for the fiscal year ending June 30, 1974, of which $20,000,000 shall be available to carry out the provisions of section 207, $375,000,000 shall be available to carry out the provisions of section 208, $60,000,000 shall be available to carry out the provisions of section 209, $75,000,000 shall be available to carry out the provisions of section 210, $10,000,000 shall be available to carry out the provisions of section 211, and $60,000,000 shall be available to carry out the provisions of section 212.

"(b) Funds appropriated pursuant to this section shall remain available until expended."

SEC. 502. Section 5(e) of the National Science Foundation Act of 1950 is amended by adding at the end thereof the following new sentence: "The provisions of this subsection shall not apply to the authority granted to the Director under title II of this Act."

ANNOUNCEMENT OF HEARINGS ON THE UTILITY CONSUMERS' INFORMATION AND COUNSEL ACT OF 1971

Mr. METCALF. Mr. President, the chairman of the Senate Subcommittee on Intergovernmental Relations, the distinguished Senator from Maine (Mr. MUSKIE) has asked me to announce that the subcommittee will hold hearings on S. 607, the Utility Consumers' Information and Counsel Act of 1971.

Senator MUSKIE has requested that I preside at the hearings which are scheduled for October 28 and 29, beginning at 10 a.m., in room 3302 of the New Senate Office Building.

Any Member of Congress or other person wishing to testify with respect to this legislation should notify Mrs. Lucinda Dennis, chief clerk of the subcommittee. She can be reached by calling 225–4718.

ADDITIONAL STATEMENTS

DEAN ACHESON

Mr. JACKSON. Mr. President, the death of Dean Acheson is a grave loss to the Nation, but his family and friends around the world have one great comfort: his place in history is assured. As prime mover in the reconstruction of Europe and architect of the North Atlantic Alliance, and over the years the wisest of counselors to Presidents and free world leaders, he ranks as one of the greatest statesmen of the Nation.

A nation must always live with the problems of its present. Yet we can always draw strength from the men who link us with a great past. Dean Acheson was one of those precious links. His broad perspective on America's place in today's world grew out of a life which had encompassed truly dramatic events in American history. He personified the strength of a unique and privileged generation of American leaders—the determined architects of the triumph of the great democracies who then became brave prophets, equally determined to see that the democracies would not, in Churchill's phrase, "resume the follies which had so nearly cost them their life."

It is a measure of the greatness of Dean Acheson that what he did is recorded not only in some book of memorable phrases but in the hearts of all men who value freedom. When the Western World seemed irrevocably shattered by two world wars in less than a generation, Dean Acheson had the vision to strengthen the bonds which still held our civilization together. When less courageous men counseled retreat from a confused and angry world, Dean Acheson understood that the future of freedom lay in a strong alliance and a confident America.

Today, we take these principles for granted. When Dean Acheson became Secretary of State, they were bitterly controversial questions. The course of international responsibility is self-evident today, but then it was a cause which needed its champions. It is to our great fortune that Dean Acheson was among them.

Dean Acheson possessed a remarkable intelligence and a sharp wit which he enjoyed exercising—sometimes to the dismay of his opponents. Tough-minded, he was at his very best as Secretary of State in the give-and-take of difficult negotiations.

I admired Dean Acheson most profoundly for his deep convictions and his personal loyalties. He was always a steady man under the most impossible forms of pressure.

I especially treasure the words of encouragement from Mr. Acheson in our efforts to maintain steady Senate support of the Atlantic Alliance and to prevent the substantial unilateral cutting back of American forces in Europe. "A good job," he would say, and a "dose of commonsense," all of which strengthened our spirit and our resolve.

So the loss of Dean Acheson is, for me, a deeply personal one. As a nation, we have all lost the benefit of his wit and wisdom. And we have lost a leader who actually lived one of the most creative periods of our history. This is the greater sadness, for such a man shall not pass this way again.

Mr. MATHIAS. Mr. President, Maryland has lost a distinguished citizen and the Nation has lost a wise counselor in the death of the former Secretary of State, Dean Acheson.

It was never difficult to agree or disagree with Dean Acheson, because in a world where the footing was always uncertain he let all men know exactly where he stood. He was willing to stand alone, if that was necessary, and when he did he towered above the crowd. Such candor and clarity are almost extinct in public life today.

He was an idealist of the real world—a man who understood that only in that world can we attain our ideals.

Perhaps the most controversial thing he ever said was the best evidence of his character. When he refused to turn his back on Alger Hiss he put the world on notice that he had the courage of his convictions and convictions to test the courage of a very brave man.

Mr. MONDALE. Mr. President, there will be many tributes to Dean Acheson.

There are so many in his debt—the nations of Western Europe, whose vitality and freedom are so largely the legacy of his devotion to the Atlantic Alliance, and of course the people of the United States, to whom he gave gifts of public service unmatched in our memory.

But the greatness of Dean Acheson was more than his historic defense of the Western community, and more than the gift of his enormous talent to the governing of his country.

His greatness ran to those rare depths of the man himself. He also showed us grace and total self-respect and a brave, unyielding loyalty to friends and ideals under fire. How we will miss his brilliance and dedication, but I wonder if we will not miss even more these personal strengths of character which made him an extraordinary human being as well as a singular public servant.

And if we lose—as I fear we are losing now—this inner integrity in public life, neither abilty nor passion will be enough to rescue us.

Perhaps that is the ultimate counsel from a man who so often steered us safe from the base and the dangerous.

He said it with characteristic eloquence to a Senate Committee in 1951.

> One must be true to the things by which one lives. The counsels of discretion and cowardice are appealing. The safe course is to avoid situations which are disagreeable and dangerous. Such a course might get one by the issue of the moment, but it has bitter and evil consequences. In the long days and years which stretch beyond that moment of decision, one must live with one's self; and the consequences of living with a decision which one knows has sprung from timidity and cowardice go to the roots of one's life. It is not merely a question of peace of mind, although that is vital; it is a matter of integrity of character.

BICENTENNIAL COMMEMORATIVE MEDALS

Mr. SCOTT. Mr. President, the most significant and far-reaching act of support and commitment to the bicentennial by private enterprise has been made by the Franklin Mint in Franklin Center, Pa. They are the sole sponsors of a design competition with a combined prize total of $500,000. The purpose of the competition is to design bicentennial commemorative medals concurrently in all 50 States. This is a unique program which was developed to stimulate interest in the bicentennial throughout the Nation.

Mr. President, I ask unanimous consent that the explanatory article on this $500,000 competition be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

$500,000 BICENTENNIAL MEDAL COMPETITION SET

A competition for the designing of Bicentennial commemorative medals in all 50 states, with prizes totalling $500,000, was announced August 11th by the Franklin Mint, world's largest private mint. The announcement was made by the president of the company, Joseph M. Segel, at the New York City premiere of the new documentary film, "Of Art and Minting."

Artists in each state will be invited to design a Bicentennial medal commemorating their state's contributions to the heritage of the nation. There will be $10,000 in prize money for each state competition: first prize—$5,000, second prize—$2,500, third prize—$1,500, fourth prize—$1,000. The total prize fund of $500,000 is the largest amount ever offered in an art competition in the United States.

Actually, the investment in the program by the Franklin Mint will be at least one million dollars. In a telephone interview with USA–200, Segel said the company has budgeted an additional $500,000 for nationwide promotion and advertising in support of the 50 contests.

State Bicentennial Commissions have been invited to co-sponsor the competition in each state, and judging of the design entries will be done by state panels in cooperation with a national advisory panel of distinguished artists and art experts. In states which elect to co-sponsor the program, the Franklin Mint will defer to the Governor or State Bicentennial Commission in appointing a panel of judges.

Under varying plans of endorsement or co-sponsorship, Segel told *USA–200,* it will be possible for the individual state to receive royalties of 10 to 50 per cent generated by the public sale of the medals, for use in supporting other state Bicentennial programs. A conservative estimate of the royalties likely to be generated for distribution among participating State Bicentennial Commissions, Segel said, would be one million dollars, with the potential being considerably higher.

The fifty state competitions, to run concurrently, are scheduled to open in January 1972 and close on March 31, 1972. Segel said he anticipated that first edition proofs of the complete 50-medal set would be available by the end of September 1972. There would be later mint editions and possibly other editions sponsored by various states.

The elements of the program—the million dollar investment, the unique opportunity afforded artists, the commemorative value of the completed medals, and the prospect of substantial royalties for use in other Bicentennial activities—makes it the most significant and far-reaching act of support and commitment to the Bicentennial made by private enterprise to date.

AN ELECTED MAYOR AND CITY COUNCIL FOR THE DISTRICT OF COLUMBIA

Mr. KENNEDY. Mr. President, I am pleased to note the passage yesterday by the Senate of S. 2652 which is designed to provide an elected mayor and city council for the District of Columbia.

The right of the people to elect those who will govern them was guaranteed in the struggle for independence and affirmed in the basic tenets of the Constitution. To deny that right to any citizen in this country is, therefore, a contradiction and a violation of all that our country stands for.

I believe that the chairman of the Committee on the District of Columbia and each one of the committee members deserve praise for their efforts to once again demonstrate the Senate's insistence that Washingtonians should elect the officials who will govern them. Time and time again, the Senate has approved legislation to grant home rule for the citizens of our Federal city. And, on six separate occasions, since the 81st Congress, the House of Representatives has failed to concur with the will of the Senate.

I strongly support the principle of home rule for the District of Columbia. And I dismiss the arguments against home rule as a cover for partisan politics or worse, as a cover for racism. Opponents of home rule have claimed that Washingtonians are not ready to govern themselves—that the electorate lacks the political sophistication to choose those who can manage good government. Others insist there are no capable citizens available to govern the operations of this great city.

Yet, one need only look back upon the special congressional election in Washington last March. One of the most telling and impressive lessons of that campaign was the emergence of so many able and attractive candidates. There is no reasonable basis to continue to exclude the citizens of the District from the right to elect their own officials from among the available talented and skilled personalities like the contenders in that campaign.

The residents of Washington, D.C., are as deeply concerned about their city's condition and future as are the residents of Boston, New York, Topeka, and Louisville, or any other American metropolis. The problems of transportation, housing, education, crime, and poverty affect our Capital City with the same strangling grip that these problems have on other cities. But, Washingtonians do not share equally with other Americans in the opportunity to select those officials who will make the vital decisions that affect their lives. Only an act of Congress, approved by both Houses, will enable citizens of the District to enjoy the right of self-government as embodied in our Constitution.

I am especially familiar with the exasperation felt by the people of the Nation's Capital, who have struggled and pleaded for the opportunity to exercise their right to the franchise. It was only 13 months ago that I introduced in the Senate a constitutional amendment that would provide full voting representation in the Congress for the District of Columbia. Regretfully, the Senate did not adopt that amendment. Although the issue of congressional representation for the District is completely separate from the matter of home rule, the principle is the same in both instances. Thus, since the residents of Washington must assume all the burdens of citizenship, it is only fitting that the residents are also afforded the opportunity to exercise the full rights of citizenship.

Ironically, in times past, the District has had home rule. For almost a century, citizens of the District of Columbia had at least some form of elected self-government. Local control did not occur by accident. But rather, as a brief review of the origin of the city shows, the Founding Fathers never intended to deny full citizenship to the residents of this city.

The District of Columbia was formed as a result of revolutionary social change. In 1783, when Congress was assembled in Philadelphia, a group of mutinous soldiers from the Continental Army, in an effort to obtain congressional action on delayed wages, stationed themselves outside the Halls of Congress with fixed bayonets. Congress requested protection from the State. But, it was refused on the grounds that no incident had yet taken place. Congress decided it needed a site to meet, independent of any State control. In 1788, it incorporated the "District clause" into the Constitution, giving itself exclusive jurisdiction over such District. Maryland and Virginia both ceded areas, and in 1800 Congress took up residence in, and assumed exclusive jurisdiction over, the District of Columbia.

Historians and other students of the times believe that the clear objective of the Founding Fathers was to create a Federal District free from any State control, but that they did not intend to exclude the residents from asserting their rights as citizens.

In effect the relationship that was expected to be developed between the Congress and the District of Columbia was essentially the same as that between a State and any one of its cities. Surely each of us in this body can readily appreciate the value and the importance of the right to elect one's local and national government officials. Washingtonians have been unfairly denied this right for too many years.

In conclusion, I support home rule for the District of Columbia because:

First. The responsibility for making decisions affecting the daily lives of any citizens in a democracy should be made by officials chosen by those who are governed. Even though this legislation leaves ultimate jurisdiction over the District to the Congress, at least the daily activities of the city will be in the hands of those selected from the citizens' own choice. In his home rule message to the Congress in 1961, President Kennedy said that:

> The United States must reaffirm our belief in the principle that government should be responsible to the governed.

Second. City Government in America needs a reassessment with a view toward solving the problem of how best to govern a great American city at a time when change and unrest are dominant forces in urban life. For Washington, this is a unique opportunity. At the same time that we introduce to this city an elected local government, we should be prepared to introduce sufficient control to the people in the city's many dynamic neighborhoods so that the people of Washington will truly play an active role in "their" government.

It was nearly 5 years ago that Ruben Clark wrote in the Washington Post:

> What city encrusted with an inflexible charter or burdened by an ancient state constitution has the capacity to change its own political structure? Washington could become not what it has always been—just a city trying to catch up—but a city with a capacity to govern itself to which other cities would aspire.

I would hope that with the passage of this legislative proposal, the citizens of our Federal city can begin the journey along the road mapped out by Mr. Clark.

I am delighted to emphasize my support to the bill which has been passed by the Senate, and I look forward to its favorable passage by this Congress.

SUPPORT FOR CURRENT WAGE AND PRICE CONTROLS

Mr. SPONG. Mr. President, a nationwide survey undertaken by Professors Vittorio Bonomo and Stanley Boyle, of the Department of Economics of Virginia Polytechnic Institute and State University in Blacksburg, Va., indicates broad support of the current wage and price controls among professional economists. I ask unanimous consent that the preliminary finding of this most useful study be printed in the RECORD.

There being no objection, the survey was ordered to be printed in the RECORD, as follows:

PRELIMINARY RESULTS

Economists' Opinions on President's Wage and Price Control Freeze Prior to Announcement of Stage II Program

The preliminary and partial results of the returns obtained to the first stage of a multi-stage nationwide opinion survey of economists on the President's current wage-price control program were completed today by Professors Vittorio Bonomo and Stanley E. Boyle of the Department of Economics of Virginia Polytechnic Institute and State University in Blacksburg, Virginia.

Professors Bonomo and Boyle conducted their mail survey over the period September 14–29, receiving responses from 605 economists throughout the nation out of 1000 economists selected at random from among the 12,000 members of the American Economic Association.

Some of the major findings of the survey were:

61 percent of all U.S. economists are basically in favor of the President's current wage-price control program.

Although 66 percent agree that the President's wage-price control program will reduce inflation, only 27 percent believe that it will reduce unemployment. Moreover, 59 percent of all economists think that the controls program will increase business profits.

64 percent of all economists are of the opinion that some form of wage and price controls will be extended for an additional one year or longer beyond the current 90-day freeze period.

The President's wage-price control program has majority support in all sections of the country. The highest favorable rating was recorded for the Southeast where 72 percent were in favor. The lowest favorable rating occurred for the Midwest, with 53 percent in favor.

A majority of economists in all major employment categories support the President's program, ranging from 71 percent of economists employed by business in favor to 57 percent of academic economists in favor.

General support for the President's wage-price control program among economists is reflected in the tabulations of the survey results presented by Bonomo and Boyle. The economists were asked to respond to the following statement.

"On Balance, I (am in favor/am not in favor/have no opinion as to the desirability) of the President's current wage-price control program."

[In percent]

	In favor	Not in favor	No opinion
All economists	61	37	2
Employment:			
Academic	57	40	3
Business	71	29	0
Government	68	28	4
Other	68	28	4
Region:			
Northeast	63	34	3
District of Columbia metropolitan area	71	22	7
Southeast	72	28	0
Midwest	53	46	1
West	61	36	3

The economists' opinions on certain specific effects of the President's wage-price control program were obtained by asking them to respond with a yes, no, or no opinion to the statement:

"I believe that the current wage-price control program will (a) reduce inflation, (b) reduce unemployment, (c) increase business profits."

[In percent]

	Yes	No	No opinion
Reduce inflation	66	31	3
Reduce unemployment	27	62	11
Increase business profits	59	31	10

In addition, the opinion among economists as to the probable duration of the wage and price controls on the U.S. economy was determined by asking them to select the appropriate response to the statement:

"I believe that the present wage-price control program will be extended in a modified form for an additional (a) 3 months, (b) 6 months, (c) 9 months, (d) year or longer."

Extension:	*Response*
3 months	3
6 months	14
9 months	12
Year or longer	64
No opinion	7

The most politically-significant findings of the survey were the apparent prevailing views among economists that the unemployment situation will not be improved by the President's wage-price control program but that business profits will increase during the control period. The strong objections raised by key labor union leaders to the exemption of business profits from price and wage controls are likely to be vigorously continued if business profits do in fact increase as predicted, especially if accompanied by the predicted lack of improvement in the overall unemployment situation.

THE DIFFERENCE BETWEEN GENOCIDE AND MURDER

Mr. PROXMIRE. Mr. President, many fears have been voiced about the possible consequences of our ratifying the Genocide Convention. One fear is that every murder of a member of a minority group will be treated as genocide. For example, should a black be killed by a white, that latter could be accused of genocide, for article 2 of the Convention defines genocide as killing all or part of a group.

But this thinking misinterprets article 2. The framers of the Convention, in their debates, realized that an entire group might not be destroyed, but a large part of a group might. So they were careful to say that genocide was also the killing of members of that group. And as the Foreign Relations Committee reported, part means a substantial part. But more is needed to be convicted of genocide: There must also be the intent to destroy the entire group.

Murder is to kill a human being. Genocide is to kill a substantial part of a racial, national, or religious group with the intent of killing the entire group. Thus the killing alone of a black by a white cannot be considered genocide.

Mr. President, I call upon the Senate to ratify the Genocide Convention with all deliberate speed.

THE WASHINGTON CATHEDRAL

Mr. MATHIAS. Mr. President, the Washington Cathedral was conceived as a "house of prayer for all people, forever free and open, welcoming all who enter its doors." Those who know the cathedral know that it has fulfilled this commitment to the people of Washington, to the Nation and to visitors from all parts of the world. More than that, it has become an inspiring feature of the Washington skyline, both physically and culturally. It is a monument not only to the dedication and good will of Americans of many faiths and beliefs, but also to the spiritual life which has always been an integral part of the American ideal.

The completion of the cathedral is, therefore, more than a matter of local interest and more than a matter of sectarian pride. The fact that the cathedral can be completed as we celebrate the bicentennial of the founding of the Republic has a special significance for all who remember that the right to worship was one of the strong motivations for the planting of the Nation.

I take special pleasure in calling attention to the anouncement made by the Very Reverend Francis B. Sayre, Jr., announcing the plans for the completion of the cathedral, together with Dean Sayre's prayer for the cathedral and ask unanimous consent that they be printed in the Record.

There being no objection, the item was ordered to be printed in the Record, as follows:

Dean Sayre's Remarks to the Special Meeting of the Washington Cathedral Chapter, October 4, 1971

Over at NCS Ed Curran showed me the place mat by your plate. It is a simple mat. He told me he couldn't find a completed picture of the cathedral for the place mats, only an architect's drawing that ended it right there. So he gave that sketch to an architect who sketched in the remainder.

That's what this meeting is all about—to sketch in the remainder, to draw in the finale of the great work given us when the bylaws were written in 1894. I'll begin my address this evening by reading the preamble to the bylaws as our predecessors wrote it:

"To be a House of Prayer for all people, *forever free* and open, welcoming all who enter its doors to hear the glad tidings of the Kingdom of Heaven and to worship God in Spirit and in truth; to stand in the Capital of our country as a witness for Jesus Christ, the same yesterday, *today and forever;* for the Faith once for all delivered to the saints; and for the ministration of Christ's Holy Word and Sacraments, which according to His own divine ordinance, is to *continue always* even unto the end of the world.

"The Bishop, the Dean and the members of the Chapter are charged with the responsibility of maintaining *for all time to come,* in the spirit of the Anglican Basis for Church Unity, this ideal of the Cathedral of Washington."

We are tonight within sight of fulfilling the ideal which they expressed so nobly so many years ago. They kept repeating the phrases, "for all time to come" and, "to continue forever." If that's true then this could be the most historic Chapter meeting ever held. For I am going to ask you this evening to finance the finish of the cathedral.

Of course, the question immediately rises, "Why now—why is this meeting called just now?" I think there are three main reasons why it's got to be now. The first is because our nation will soon celebrate the bicentennial of its freedom, and it approaches this anniversary at a moment which I can only describe as a moment of uncertainty. Unlike those days in 1776 when we were sure of our mission in the world, we now seem to be wavering. So many of the landmarks which guided us in the past are blurred today. Forces of leadership in the world are unsteady. There is a dearth of moral leadership to lift up our nation at the very moment when the cathedral is becoming more visible on our capital's horizons . . . the growing power of its presence brooding over the city, the nation, over all mankind.

Already there is a plan for the cathedral in 1976. As you know, the interior of the nave will be complete by then. You ordered that it be so, and it will be so. In that year the wall of partition, as I call it, will be moved. The church will be filled with a year-long celebration of faith—faith through music, through preaching, through meeting and talking with people, through love, through all the ways the cathedral has to do its special and peculiar thing.

As we build for this great anniversary, we must lay the ground work to go beyond it . . . to complete the eloquent plow for God's hands which was entrusted to ours to build for all time to come. That's really the first reason why we ask.

The second reason why it should be now involves people. Here, with your backing and your help, have been assembled lives which have been invested in this work. The competence to do the job is here, poised and ready. The great architect still lives; a versatile and able clerk of the works; carvers and masons unlikely to be available in years to come; the enthusiasm of our friends in the NCA, and out of it; the instrument of communication, THE CATHEDRAL AGE; the incomparable stewards of music who proclaim God's love and truth; and that most marvelous of precentors, who came to the job because he was the best impressario the cathedral ever had . . . such a staff as ours won't come together more than once. The professionals in the area of finding resources have done their homework and we have a team that is ready to roll. And we will roll together. Together we will be able to forge a new and potent witness to God upon this sacred hill. That's the second reason—the people who are here, what they have put into this place and what they are ready yet to do.

The third reason is because we have a good start. There is already a tremendous momentum rolling. That momentum will carry beyond the point of finishing the nave to the place where both towers will follow and the whole job will be done. And even beyond that, for I expect that the momentum engendered will succeed in partly endowing the work we have done, so that it may be maintained through the years. You, as trustees of our cathedral, know how important that part of the cathedral is—the future part—how important that it be insured by endowment.

As I said, we have a good start and we do. At this moment we have the first great pledge, four and a half million dollars. I am grateful to the single individual who made that pledge. A trust that was made in 1935 has just come due. It will bring one million two hundred thousand dollars to the building of this cathedral. Speak about momentum! From 1935 until now—what seeds shall we be planting in the days at hand?

Yesterday the Dean of St. Paul's, London, preached and then had lunch with me. He told me of his valiant efforts to find funds for the job he must do, that of shoring up the two great towers of the Wren dome. The same thing confronts Westminster Abbey whose dean is projecting a similar investment. I wish them well.

But that is not the task we have to do. It falls to us not to shore up the ancient towers of the past, but to build the new, to be agents of insight for our people, to be bearers of hope and courage for the new world that is now looking for fresh bearings and meanings in this life. When one stops to think, it is true that all religions of the world have not succeeded in offering to man's spirit a place and a power big enough to unite mankind. The job has to be done, else the world cannot survive. And I wonder on my knees whether Washington Cathedral may not be the agent of that wider unity which God alone can give and may give through such a project as we have here. How much more exciting our job than that of my colleagues in London! We think we can do it. But if that is true, it is no accident because the plans for doing it have been preparing for the best part of two years.

For Washington Cathedral

(Francis B. Sayre, Jr.)

October 4, 1971.

Grant, O wondrous God, that in Thy Cathedral, men shall behold Thy face and know the mystery of Thy love.

In the silence of night let her vaulted shadows tell of Thy grace sustaining; and morning gold upon her tower reflect Thy people's crown, which is their hope in Thee.

Let her be alive, Lord, with praise of Thee, with bells and prayer, song and pageantry, that gladness may warm her walls and freedom be born anew.

So may Thy Cathedral grow, O Father, until at last the instrument is finished, to shine upon her Mount and to mark Thy children's destiny; through Jesus Christ our Lord. Amen.

THE ANTI-INFLATION CAMPAIGN

Mr. ELLENDER. Mr. President, now that the administration has outlined its plans for the post-freeze period, the Senate should give him its full support in his anti-inflation campaign.

There are, naturally, aspects of the President's plan which do not please us all 100 percent. No program ever will. But I am confident that Senator Long's committee will come up with the necessary changes to make this program acceptable to all of us.

We agree that the Nation has a severe inflationary problem. Congress urged President Johnson to do something about it several years ago. We urged President Nixon to take positive action early in his administration. Most of us think he waited too long to impose wage and price controls. But now that he has done it, now that he has been bold enough to change his own program to accept ours, it is imperative that we give him our wholehearted backing.

Some people, especially those in the labor movement, think the President is going too far with wage controls. Some think he is giving business too big an incentive. Personally, I would prefer to see him make more significant cuts in foreign aid and in overseas defense spending. I believe these cuts are necessary to bring our balance of payments into better condition.

However, the President is on the right track. He is speaking softly, by urging the American people to work together on this severe problem. But he is also keeping a ready grip on the big stick that we gave him to handle this problem. He is backing up his requests for cooperation with a proper display of authority.

Mr. President, let us settle our differences in this program quickly and then unite with Mr. Nixon in this attack on inflation. We should avoid fights over petty issues. This is not a time for party opportunism or parliamentary delays. This problem needs urgent attention. Let us get solidly behind the President so that the American people will know where they are going when the freeze ends November 13. They need to know. We must give them the confidence necessary to make this program work.

PHYSICIAN, HEAL THYSELF

Mr. KENNEDY. Mr. President, two articles written by Mr. Anthony Lewis, and published in the New York Times, provide a dramatic comparison of health care in America and Great Britain. The articles, entitled "Physician, Heal Thyself," begin with a comment made by Dr. Wesley Hall, president of the AMA, on a recent trip to Great Britain, in which Dr. Hall criticized the quality of health care available in Britain.

In his articles, Mr. Lewis then proceeds to cite a number of different and accepted indicators of health care, and demonstrates that, in each of these areas, the performance of the British health system surpasses that of the United States. Thus, in areas like infant and maternal mortality, and the death rate from a wide variety of diseases, they have a better record in Britain than we have in the United States.

Mr. Lewis also makes the points that the financial burden of serious illness is far less heavy in Britain than it is in America, and that nearly everyone in Britain has a family doctor. No one in Britain is forced to suffer financial ruin because of illness, and the British have been much more successful than we have in making decent health care available to all.

Of course as Mr. Lewis points out, the British National Health Service has its flaws, especially in areas like obsolete facilities, and the shortage of doctors in remote and poor areas. But overall, the British health system has worked well for its people, and has many lessons that we in America ought to learn.

Last month, I had the opportunity to visit Britain as chairman of the Senate Health Subcommittee, as part of our subcommittee's investigation of European health care systems. In Britain, we saw firsthand many of the benefits of the national health service described by Mr. Lewis. Our subcommittee is now preparing a full report on the investigation as part of our continuing efforts to improve the quality of health care in America.

Mr. President, because I believe that Mr. Lewis' articles will be of interest to all Senators, I ask unanimous consent that they be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Physician, Heal Thyself: I

(By Anthony Lewis)

London, Oct. 1.—Wesley Hall, M.D., the president of the American Medical Association, visited Britain last summer and went away distressed. He observed the National Health Service in a small mining town in Scotland and found it so bad that Americans would never tolerate it.

"The people over there don't know any better," Dr. Hall told the National Press Club in Washington on his return. "It is tragic."

Before Americans shed too many tears for the health of their British friends, it seemed wise to look at a statistic or two. The result of this check shows that Dr. Hall is faithfully maintaining the A.M.A.'s well-known reputation for accuracy and fair-mindedness.

Infant mortality is one widely accepted test of a society's standard of health. In 1969 the rate in Britain per 1,000 live births was 18 infant deaths; in the United States, 20.7.

Then there is the maternal death rate. In Britain the 1969 figure per 100,000 births was 19, the American 27.4.

Not only are those British figures significantly better today. They were achieved, over one generation, from a starting point much worse than America's. In 1945 the infant mortality rate was 46 in Britain, 38 in the U.S. The maternal death rate was an appalling 1,260 in Britain, 207 in the U.S.

That generation is the one during which the British National Health Service, the system of tax-supported medicine for all, was created and grew up. Of course that is not the only reason for the spectacular changes in the figures. But it is certainly not irrevelant that the British standard of infant and maternal survival caught up with America's, and passed it, precisely during the years of the Health Service's development.

Outside the maternal-infant area, Britain publishes death rates for men and women from a number of diseases. A table published in Social Trends, a statistical annual, uses the 1950–52 average as a base of 100. If the rate is up by 10 per cent in a later year, for example, the table would show 110.

Seven leading causes of death were chosen completely at random for comparison with American trends: respiratory tuberculosis, diabetes, arteriosclerotic heart disease including coronary, hypertensive heart disease, influenza, pneumonia and bronchitis. With the same 1950–52 base as 100, these were the U.S. and British death rates for men in 1967, the last year available:

	United States	Britain
Tuberculosis	25	15
Diabetes	150	112
Arteriosclerosis	160	158
Hypertension	55	40
Influenza	20	9
Pneumonia	135	118
Bronchitis	253	91

In every one of those randomly selected categories, then, the British figure is lower; the death rate has risen less since 1950–52 than the American, or fallen farther. A similar table for women shows exactly the same phenomenon, except that the British figures are comparatively even better.

Now there naturally may be many causes for the comparative death rate trends. American pollution could be growing worse faster, or family tensions increasing. But not even the sophists of the A.M.A. could read those figures to prove that Britons get inferior medical care.

Dr. Hall should stop shedding tears for the British and start worrying about the real problem. That is the inadequate medical care provided in the richest nation on earth.

At its best American medicine is superb, as British doctors often admiringly remark. But too few Americans get the best. That is why the United States is down farther than might be expected in world health tables, not only in comparsion with Britain. In infant mortality, for example, a 1969 United Nations report showed 22 countries with a lower rate than ours.

The characteristic, generous answer to such evident national failings is to spend more money. But we know by now that in the medical field that alone is no solution. The United States spends about 6.9 per cent of its gross national product on health and medical care, Britain only 4.9.

What needs to be changed is the system of delivering medical care to the individual American. It is, as a British medical writer put it, "a desperately inefficient as well as a heartless way of bringing the benefits of modern medicine to the population: despite its wealth the health of America is poor."

Physician, Heal Thyself: II

(By Anthony Lewis)

London, Oct. 3.—Robert Deindorfer, a New York writer, was here with his family last summer in Lower Slaughter, a Cotswold village. His four-year-old son, Scott, became seriously ill and spent three nights in a hospital, having numerous tests and intravenous feeding. Scott was in private room, and Mr. and Mrs. Deindorfer were given a room near him. The hospital's bill at the end was $7.80—for the parents' meals.

That is not a unique experience for Americans in Britain. A fair number have discovered, to their amazement, that in emergencies they can receive free hospital care under the National Health Service.

The experience of Britons taken ill while visiting the United States is not exactly the same. A year ago Reginald Forrester, a businessman, was rushed to a hospital in New York in desperate condition. The hospital would not admit him until it obtained a financial guarantee. He died sixteen days later, and Mrs. Forrester was given a bill for $12,000.

Many horror stories of that kind have been told here—of humiliating terms for admission to American hospitals, of bills beyond British imagination. The general advice is that given in the title of a B.B.C. television program: "Don't get sick in America."

The president of the American Medical Association, Dr. Wesley Hall, recently renewed the A.M.A.'s warning against adoption by the United States of anything like the British Health Service. Americans, he said, must have the freedom to choose their own doctor. But that argument gets the realities in the two countries backward.

Many Americans have no family doctor. The poor rely mainly on charity treatment in clinics or hospital out-patient facilities. And there is a geographical factor as well: Five thousand small towns are said to be without any doctor. It is estimated that 40 per cent of Americans have no regular access to medical care. Dr. Hall's freedom is a middle-class myth.

In Britain, by contrast, nearly everyone does have a family doctor. Senator Edward Kennedy remarked on it when he was here last month to look into the Health Service. He asked factory workers and all sorts of people questions about their medical care; among other things, he asked each person the name of his doctor. To his astonishment, everyone came up with a name.

The reason is that everyone in Britain is entitled to be on the panel of a general practitioner in his area. Once he is on that list, he may go to the doctor's office or receive a house call—yes, a house call—without fee and without the slightest red tape, not even a signature. Relations between patient and doctor can in fact be quite personal and old-fashioned in this country.

Money is the more likely reason for A.M.A. opposition to anything like the National Health Service. A British G.P. is not paid fees per visit. He gets a flat Government salary plus additional amounts for special reasons, such as a large list of patients. He has a professional standard of living, but unlike his American counterpart he has no chance of becoming a millionaire.

The Health Service has faults, as British medical people are the first to say. It is underfinanced in many ways: its facilities are often outmoded; remote and poor areas inevitably tend to be short of doctors.

But there are qualities in the British system that ought to commend themselves to Americans. One is universality. Everyone knows that he is entitled to medical and hospital care, without favor or explanation. Since that is the rule, forms and other red tape are seldom necessary.

Of course the middle-class or the well-to-do still have advantages: They subscribe to private health insurance to assure earlier hospital admission in non-urgent cases or to get private rooms. But almost any G.P.'s office will demonstrate that access to medicine is now as close to a classless affair in Britain as in any Western society.

Another vital quality is the subordination of money as a value in the medical profession. Many American doctors are motivated by traditional idealism, but the system of private practice seems to have turned too many others into grasping businessmen. The American public senses that, and so do many young doctors repelled by the image of their profession. It is a sick society that has doctors as its highest-paid workers.

The National Health Service has had practical results that are readily measurable. There have been dramatic improvements in British health standards in the generation since the service began.

But the psychological benefits may be as great as the medical. In matters of life and death, any civilized society should strive for equal treatment. That is an advantage to the privileged as well as the deprived. It is really a moral advantage.

The Roman Catholic Primate of England, Cardinal Heenan, was speaking last year about contemporary morals. He worried about challenges to decency, but then he said:

We have made great moral progress. Anyone who sneers at our welfare state needs to live in such a highly sophisticated country as the United States, where a family can be reduced to misery by the cost of medical treatment."

SURVEY OF ECONOMISTS DOUBTS PRESIDENT'S PROGRAM WILL REDUCE UNEMPLOYMENT

Mr. PROXMIRE. Mr. President, recently Profs. Vittorio Bonomo and Stanley E. Boyle of the Department of Economics of the Virginia Polytechnic Institute and State University in Blacksburg, Va., surveyed 1,000 members selected at random of the American Economic Association on their views of the President's current wage-price control program. There were some interesting results from the 605 economists who replied.

Sixty-one percent were in favor of the program.

Sixty-six percent believed that program will reduce inflation. This is not surprising as most of the demand inflation has gone out of the economy; unemployment is at the 6 percent level; and industry is only operating at 73 percent of capacity. There is no danger of renewed demand inflation in these circumstances. Putting idle men to work on idle machines is not inflationary.

Only 27 percent—a very low number—believed that the President's program will reduce unemployment.

Finally, some 59 percent of the economists who replied think that the program will bring increased profits.

Mr. President, I ask unanimous consent that the statement describing the poll and its results be printed in full at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, the follows:

Economists' Opinions on President's Wage and Price Control Freeze Prior to Announcement of Stage II Program

The preliminary and partial results of the returns obtained to the first stage of a multi-stage nationwide opinion survey of economists on the President's current wage-price control program were completed today by Professors Vittorio Bonomo and Stanley E. Boyle of the Department of Economics of Virginia Polytechnic Institute and State University in Blacksburg, Virginia.

Professors Bonomo and Boyle conducted their mail survey over the period September 14–29, receiving responses from 605 economists throughout the nation out of 1000 economists selected at random from among the 12,000 members of the American Economic Association.

Some of the major findings of the survey were:

61 percent of all U.S. economists are basically in favor of the President's current wage-price control program.

Although 66 percent agree that the President's wage-price control program will reduce inflation, only 27 percent believe that it will reduce unemployment. Moreover, 59 percent of all economists think that the controls program will increase business profits.

64 percent of all economists are of the opinion that some form of wage and price controls will be extended for an additional one year or longer beyond the current 90-day freeze period.

The President's wage-price control program has majority support in all sections of the country. The highest favorable rating was recorded for the Southeast where 72 percent were in favor. The lowest favorable rating occurred for the Midwest, with 53 percent in favor.

A majority of economists in all major employment categories support the President's program, ranging from 71 percent of economists employed by business in favor to 57 percent of academic economists in favor.

General support for the President's wage-price control program among economists is reflected in the tabulations of the survey results presented by Bonomo and Boyle. The economists were asked to respond to the following statement.

"On Balance, I (am in favor/am not in favor/have no opinion as to the desirability) of the President's current wage-price control program."

	In favor	Not in favor	No opinion
All economists	61	37	2
Employment:			
Academic	57	40	3
Business	71	29	0
Government	68	28	4
Other	68	28	4
Region:			
Northeast	63	34	3
District of Columbia metropolitan area	71	22	7
Southeast	72	28	0
Midwest	53	46	1
West	61	36	3

The economists' opinions on certain specific effects of the President's wage-price control program were obtained by asking them to respond with Yes, No, or No Opinion to the Statement

"I believe that the current wage-price control program will (a) reduce inflation, (b) reduce unemployment, (c) increase business profits."

[In percent]

	Yes	No	No opinion
Reduce inflation	66	31	3
Reduce unemployment	27	62	11
Increase business profits	59	31	10

In addition, the opinion among economists as to the probable duration of the wage and price controls on the U.S. economy was determined by asking them to select the appropriate response to the statement

"I believe that the present wage-price control program will be extended in a modified form for an additional (a) 3 months, (b) 6 months, (c) 9 months, (d) year or longer."

Extension	*Response (percent)*
3 months	3
6 months	14
9 months	12
Year or longer	64
No opinion	7

The most politically-significant findings of the survey were the apparent prevailing views among economists that the unemployment situation *will not* be improved by the President's wage-price control program but that business profits *will* increase during the control period. The strong objections raised by key labor union leaders to the exemption of business profits from price and wage controls are likely to be vigorously continued if business profits do in fact increase as predicted, especially if accompanied by the predicted lack of improvement in the overall unemployment situation.

REFLECTIONS OF RABBI LOUIS FINKELSTEIN

Mr. SCOTT. Mr. President, the Tuesday, October 12, Los Angeles Times contains a most interesting feature article entitled "This Is a Good Time for Jews." Robert J. Donovan, associate editor of the Times, has written this penetrating report on the reflections of Rabbi Louis Finkelstein, the retiring chancellor of the Jewish Theological Seminary of America. The views of Rabbi Finkelstein are worthy of the attention of the Senate. I ask unanimous consent that they be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

"This Is a Good Time for Jews . . ."

(By Robert J. Donovan)

New York.—"This is a good time for Jews" Rabbi Louis Finkelstein, the retiring chancellor of the Jewish Theological Seminary of America, observed.

"Two miracles have happened to us in this one generation, either one of which would have been amazing. One was the establishment of the state of Israel after 2,000 years. I was a Zionist, but I never expected to see this in my lifetime. The other is the emergence of American Jewry in its present vigor."

Out of these twin developments is there for American Jews a danger of conflicting loyalties as between the United States and Israel?

"The Jewish law is clear," Dr. Finkelstein said in an interview. "If you live in the country and are a citizen, you have to be loyal to that country. With the country providing everything you have, you can't act against its interests or speak against its interests.

"Jews naturally will be concerned about their fellow Jews, and especially in this particular age when every Jew who is alive has a sense of guilt over those 6 million who are not alive (because of Hitlerism). If there is any danger to the 2½ million Jews in Israel of destruction, I would do anything I could to help them, short of injuring the interest of this country, unless I packed up and moved to Israel, which is my privilege.

"I think that is about how Catholics feel about the Vatican. I have children and grandchildren in Israel and have a great stake in the safety of Israel.

"But I think if I were an official of the State Department, which is improbable, I could carry out my oath of allegiance without any qualms about Israel.

"A conflict of interest has not yet arrived. I can imagine a situation when it might arise, and every one of us would have to choose whether he wanted to live in America or Israel, but he couldn't live here and be a traitor."

Looking back over a long life as a distinguished scholar Rabbi Finkelstein focused upon the 1920s as a time of emergence of the Jews in America.

"The poor immigrants had found their place, their children were getting an education (and we were educating girls and women teachers, which had not been common among Jews). It was clear that sooner or later these children would have a great deal of influence in the community and also that they would retain their spiritual heritage."

As the generations pass and the world around them becomes increasingly secular, is there a danger that Jewish identity will tend to disappear?

"Of course we are accustomed to that. If all Jews who existed in the first century and their descendants adhered to the Jewish religion, there would probably be a half a billion of us now. There has always been a wearing away of the weaker brothers.

"Whatever else there is to say about being a Jew, it doesn't happen to be convenient, so always the people who are willing to give up some convenience because they think it is worthwhile will remain in the fold. I think this is true of the overwhelming majority of American Jews, including the youth."

Dr. Finkelstein, who is 76, was at one time president of the Jewish Theological Seminary. In recent years he has held the title of chancellor, a post from which he will retire next June. His output of scholarly work has been immense, and he has lectured at Harvard, Princeton, Oberlin and other colleges. In 1969 he became the first rabbi to preach a sermon at the White House in one of the East Room services conducted at President Nixon's request.

"The world is getting very complex and, what's more, very crowded," he remarked. "It is much more difficult to be a gentleman in a crowded subway train than it is in a taxicab. We are breathing polluted air, drinking polluted water. All this seems to be affecting us somehow.

"The worst thing in the world is to have anxieties. Fears of hobgoblins bring out the worst in us. Since the invention of the atomic bomb the whole world has seen terror, spoken or unspoken. This is a really tragic development. People who are fearful and anxious say things and do things that they themselves regret afterward. The Talmud has an expression for that: A person must not be held responsible for what he says when he is in pain."

Naturally he has been concerned by the tensions between blacks and Jews in recent years.

"I feel the race problem will solve itself. There was a time when the Irish and Jews didn't get along too well. Nevertheless Kennedy was elected with important help from the Jewish vote.

"I was sent by President Kennedy to the Vatican when this Pope was inaugurated, and the Pope knew I was a rabbi, a Jew. I was treated with the utmost kindness and hospitality. We have Jesuits lecturing here, and I have lectured at Jesuit seminaries.

"I expect to see great changes happen in this country. We have Negro mayors now, and I imagine that sooner or later the black population will have a controlling influence in states like New York and Illinois and some of the Southern states.

"All the blacks need now is education and housing. And jobs of course. A Negro who can earn $10,000 a year will be offered 20 jobs. It is the poor Negro who can only earn $4,000 a year who has difficulty."

"Since the 1960's," he noted, "the young peoples' minds have been to a great extent influenced by their peers—overwhelmingly so. The young people of this generation have lost faith in the moral stature and leadership of their parents' generation.

"Now that cannot but affect the attitude of Jewish young people too, and we have to work harder now than we ever did before to get the Jewish tradition understood by our young people. Most Jewish parents that I know are keenly aware of that. They turn to this seminary now in numbers beyond what we ever had before.

"Many students coming here wanting to be rabbis and teachers already had prepared themselves for other callings. They suddenly discovered that there is need for them in this area of saving the contribution the Jewish religion makes to civilization."

TRIBUTE TO SENATOR ELLENDER

Mr. FULBRIGHT. Mr. President, it is with great pleasure that I join his many other friends in wishing Senator Ellender a happy 81st birthday.

Allen Ellender is one of the most remarkable Members of this body. As chairman of the Senate Committee on Appropriations, he has diligently protected the American taxpayer against wasteful Government spending. By his own account, he can spot a misplaced decimal point from across a room. As the former chairman of the Committee on Agriculture and Forestry, and now its ranking Democrat, Senator Ellender has exercised a very considerable influence on the basic economy of my State and of all other agricultural States. His contribution to farm legislation is immeasurable.

Senator ELLENDER has established an outstanding record in other areas as well. As chairman of the Public Works Subcommittee of the Committee on Appropriations, he was one of the most active and effective advocates of all programs seeking to conserve our natural resources.

He devoted himself tirelessly to the task of allocating available public works funds according to the needs of each section of this Nation. His aid and support were essential and decisive in the development of the Arkansas River navigation project, which is one of the most significant public works programs ever undertaken.

ALLEN ELLENDER was in the Senate when I came in 1945. Since that time I have come to rely heavily on his great knowledge and wisdom. One aspect of Senator ELLENDER's career that is generally overlooked is his contribution to our knowledge and understanding of our relations with other countries, especially the Soviet Union. Senator ELLENDER has traveled more extensively than any Member of the Senate and has reported to the Senate with pictures and verbal descriptions of his trips on numerous occasions. He has shown a deep and sympathetic understanding of the world's people. As I look back upon the last 25 years, there is no man in public life whose judgment about the Soviet Union has been more accurate than Senator ELLENDER's. Personally, on many of the most difficult issues in this area of our relations, I have found Senator ELLENDER's attitude to be of great importance in the deliberations which take place in this Chamber.

I congratulate ALLEN ELLENDER on his first 81 years and wish him happy, healthful years to come.

A YEAR OF INSULATION FOR FEDERAL REGULATORS

Mr. KENNEDY. Mr. President, a recurring problem with Federal regulatory agencies is the status of retired or unreappointed regulators. Many of them take positions with the industries they have just been regulating, creating problems of maintaining at least the appearance of disinterestedness on the part of the agencies. Another aspect of the problem is the dilemma faced by the commissioner approaching the end of a term without any knowledge whether he or she will be reappointed. A desire for reappointment may exercise insidious pressure on decisionmaking, and the regulator who expects to have to find other work faces the tension between the strict scruple of doing nothing which might even appear to affect voting and the pressing necessity to be sure of an income when the agency job ends abruptly.

Lee White, until 1969 Chairman of the Federal Power Commission, recently discussed this problem in a thoughtful paper delivered at a seminar on the administrative process during the dedication of the Georgetown University Law Center in this city. Mr. White suggests that private or public resources might provide an optional period of up to 12 or 18 months after retirement, during which time the ex-commissioner or board member would be assured of income and could engage in scholarship, teaching, writing, or similar activity related to his former position. From his experience, Mr. White concludes that such an assurance would alleviate the irrelevant but very real pressures facing regulators nearing the end of their terms, and I should like to share his thoughts with Senators.

I ask unanimous consent that Mr. White's paper be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

PROPOSAL FOR DEPARTING REGULATORS

(Remarks of Lee C. White)

Seminars assembled in connection with the dedication of a new law school building, even for an old law school, should perhaps focus on legal issues, theories, analyses, etc. I have, nevertheless, chosen to talk not about what members of regulatory agencies decide, or even how they decide issues before them, but rather about what happens to regulators—or more accurately what should happen to them—as they leave the scenes of their carnage and mischief.

There are some recurring aspects of life that take on a comforting character: the first warm days of spring, the beginning of school, Thanksgiving, Christmas, and so forth. Although not quite so regularly, and maybe not so comforting, as those mentioned, examination and critiques of regulatory agencies also come along rather frequently. The immutable rules of this particular game call for such assessments to have a section devoted to the topic "We must improve the quality of appointees to our regulatory bodies."

As a refugee from the alphabet world of Federal regulatory agencies—3½ years at the FPC—I can attest that the quality of Federal regulator is uneven and that the question warrants attention. The major responsibility and opportunity for improvement at the Federal level obviously rests with the President—translated loosely, and there really is no other way, this means the President and his staff. Inducing able people to accept these assignments is an aspect of Presidential leadership, style and appeal. But there are a few mechanics that ought to be ticked off that can perhaps enable any President to do a better job in meeting this particular responsibility.

A President who plays a major role in fixing the criteria to be used by his staff in preparing a slate of candidates and in going over the choices—even on occasion rejecting the whole package—is likely to produce better results than the President who virtually delegates the responsibility to others. On occasion, the President may even have to do a little personal persuading to get the person he wants. Presidents are busy, but Presidential appointments are important, particularly those with a fixed term of years involved. Mistakes are tougher to rectify in this arena.

That each potential appointee should be measured against a checklist is hardly revolutionary and the factors examined are the basic ageless ones. Not wanting to leave anything to chance and indulging a penchant for stating the obvious, I will itemize those that readily come to mind: (1) demonstrated breadth of view, (2) whether the individual's past activities pose problems of real or apparent conflicts of interest, (3) an assessment by former superiors and colleagues of the individual's capacity to function in a collegial forum, (4) political strengths or weaknesses, (5) his reputation in his own community, (6) his reputation for probity and integrity, and (7) indications of his intellectual capacity to grasp complex and difficult substantive issues.

The Senate committees which must pass upon the nominees also have a special burden in their examination of Presidential nominees for regulatory bodies. If they were to make it known, formally or informally, that they intend to inquire very fully into the background and qualification of nominees for independent regulatory agencies, this would have a salutary effect. I do not advocate wholesale rejection of Presidential nominees, even by committees with majorities different from the political party of the President; rather, I would expect them to focus on the factors mentioned earlier, and if a candidate is found wanting, his name should be withdrawn or voted down by the Senate. By making this point, I do not intend to imply that it has not been done in the past in some instances; what I do suggest is that it be done in each instance.

I would urge professional societies and academic organizations to submit names of individuals for consideration by the President for each vacancy, although I do not believe that a resident should limit himself to names submitted by any group, even one that he might set up. Similarly, I would urge them to comment on these individuals whose terms are expiring and who may be candidates for reappointment. For completeness, I would suggeset that all regulated industry groups suggest names for residential consideration, a suggestion that is probably the least necessary that I have made or will make.

But enough about how to get the best people. I would like to focus attention on a rather troublesome and, so far as I am aware, little discussed facet of life on a regulatory body. The generic topic might be labeled "Do old regulators really fade away?"

There have been occasions when Congressional anger has been aroused, when newspaper commentary has appeared and when the regulators themselves engage in introspection about the more glaring and discomforting instances in which regulators and representatives of the regulated industries practically trade places. Periodically, the Interstate and Foreign Commerce Committee of the House of Representatives expresses annoyance when members of the ICC leave to take positions at or near the top of trade associations whose members are regulated by the ICC or in the companies themselves. Similarly, a minor ripple occurred no more than a month ago when the retiring General Counsel of the Food and Drug Administration assumed the presidency of the Institute of Shortening and Edible Oils to be succeeded by an individual who had prior to his designation as General Counsel been a lawyer for the very same Institute for Shortening and Edible Oils.

It is not my thesis that one who spends a considerable amount of time in a particular administrative law specialty should be barred permanently from participtaing in that field in which presumably he has developed some expertise. There are statutes and agency rules governing representation by former Commissioners and staff in matters that they had participated in actively while serving in a governmental capacity. The larger question of how an individual will choose to occupy himself during the time following his departure from a Commission is determined by a whole host of highly subjective determinations. I would not wish to impose my personal preferences on others or to suggest that they be embodied in requirements.

But this leads to what I regard as a very disagreeable little problem. I am referring to the subtle and immeasurable pressures that begin to mount as the individual regulator's term begins to come to a close—in most instances, about a year before the actual terminal date. For those who are independently wealthy, for those who will return to their fathers-in-law's business, for those who are being promoted to a different appointive job (and know about it) and for those who are otherwise absolutely certain about what they will be doing when their term expires, (unless it is an industry post in the fields they regulated) there is very little difficulty.

The serious problem rests with those who are not in such a position. Having observed both ends of the Federal appointive process—from the position of the White House staff and from a position as a member of a regulatory body, I can assure you we can take for granted that Presidents are most unlikely to reach an early decision as to whether Commissioner "X" will be reappointed or disappointed. Thus, poor old "X" is required to face up to that deadline when he may find himself without a job, a staff and, more importantly, a monthly check.

My own observations suggest very strongly that there is a subliminal change that takes place as the hero of our operetta tends to take positions on issues before him that will secure expressions of support—from industry or consumer groups depending upon who the President is and what the member's past record has been—for his retention and ultimate reappointment. Even if he has decided not to accept another term or has been told that he will not be redesignated by the President, he then faces the problem of how to go about setting up his After-Government life. Aside from being improper, it may be awkward and demeaning for him to be job seeking, particularly if he is looking in the area where his agency experience might normally, logically and naturally point him.

Quite clearly, Federal judges do not have a comparable problem simply because their tenure is for life. I do not advocate lifetime appointments to regulatory bodies even though that might solve this particular problem for regulators. My preference is to devise an arrangement which removes the pressure and the awkwardness from our departing regulators.

In brief, the idea is to establish a program whereby all who are leaving Federal regulatory positions can be secure in the knowledge that at least for a fixed period of time, perhaps a year and a half, they will be able to continue at their salary level and in an environment in which they can leisurely and without embarrassment contemplate the next portion of their career. Quickly, a whole host of questions about the details of such a proposal come to mind. I will suggest an arrangement that in my view would meet the needs, as I see them. But let me emphasize that implementing specifics are relatively unimportant. My principal concern is that some satisfactory plan be devised and put into effect.

Who should undertake such a plan?—One of the reasons for discussing this proposal in connection with the dedication of a law school is my belief that the academic community is a highly appropriate one for undertaking such a mission. For example, it seems to me that a consortium of law schools or of universities could enter an arrangement whereby each of the participating institutions would agree to make a suitable and hospitable place for a departing regulator. The American Bar Association, simply because of the preponderance of lawyers among those serving on regulatory bodies, might well undertake to adopt such a program. Research institutions, such as the Brookings Institution, could band together in such an effort. And finally, I would suggest that in my view it would be a useful and worthwhile expenditure of public funds to finance such a proposal so that the final period of service by Federal regulators could be free of these very real, but irrelevant and distracting pressures. It may well be, therefore, that Congress itself should consider what might be regarded as a highly sophisticated type of optional severance allowance.

Who should be eligible?—As a minimum, I believe that departing members of the major Federal regulatory agencies should have such an option available to them. If, however, the concept is worthy, eligibility should not be restrictive but should be as broadly-based as possible. It is easily predictable that a relatively small percentage of outgoing regulators is likely to take advantage of such an arrangement—the significant aspect of it, in my judgment, would be its availability.

What should be the period of time?—As indicated, I have thrown out the suggestion of 18 months, although certainly if it were limited to a year that, too, would be helpful. I do not believe any participant in such a program should be obligated to stay the entire time, since conceptually the arrangement is intended to afford him adequate time to make his transition.

What should the regulator do with his time?—On this point, I would permit the retiring regulator to be free to engage in any reasonable activity related to his former position. Illustrations are the writing of his own experiences or memoirs, teaching or lecturing in his fields of special competence and the writing of serious and learned articles on issues that may have attracted his interest while serving in his governmental position. Quite obviously, one of the important uses of his time would be to decompress and to consider job opportunities.

CONCLUSION

Those who are selected to serve on administratvie agencies in a role as regulator, by the nature of their assignment, face a whole barrage of difficult and frequently complex issues. They are not necessarily seeking sympathy since, for the most part, they come voluntarily to the assignment—rarely are any of them shanghaied into a commissioner's chair. Nevertheless, from the public's point of view, every proper effort should be made to ensure that we secure not only the ablest people to serve in those positions, but every reasonable effort should be made to enable each of them to do the best possible job.

I have focused on that relatively short period at the end of a regulator's term where pressures and personal concerns begin to assume an importance that can subconsciously and imperceptibly distort the regulator's balance. Despite the fact that there may be some whose actions lead me to believe that a little distortion might be a good thing, we have to keep our eye on the system and strive, where possible, to offset improper influences.

The proposal outlined in this presentation is offered, not as a finished blueprint, but as a concept which I hope will receive attention from those who have the capacity to develop an idea into a program.

THE NEW GREEK TRAGEDY

Mr. HARTKE. Mr. President, contrary to the pronouncements of the present Greek regime and the rosy estimates of administration spokesmen, constitutional government has not been returned to Greece. Although 4 years have passed since the overthrow of its lawful government, the current government has taken no concrete steps to restore basic constitutional rights.

In a column published in today's Washington Post, Mr. Marquis Childs cites this lack of progress and criticizes the decision of Vice President Agnew to visit Greece and thereby lend the prestige of his office to a government which continues to torture and imprison those who would speak out against it.

Mr. President, I endorse this criticism. The Vice President's visit comes at a time when the Foreign Relations Committee is considering the cutoff of all aid to Greece as a clear statement of the Congress' opposition to its present policies. His visit is, therefore, at best inauspicious and at worst an intended endorsement of "friendly" dictatorships.

I ask unanimous consent that Mr. Childs' telling column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AGNEW RISKS ROW ON GREECE

The rule for Vice Presidents is to keep moving, and Spiro Agnew is no exception. He is off on another tour, with a last stop certain to have loud political repercussions.

After Turkey and Iran he will visit Greece, which has long been tops on his priority list. After two days in an official visit with the colonels who have held authoritarian power since they overthrew the elected government of Greece in 1967, the Vice President makes a sentimental pilgrimage to the birthplace of his father at Gargalianoi.

If recent precedent for high-ranking American visitors to Greece holds good, Agnew will have at his elbow, Thomas A. Pappas. A Greek-American with residence in Boston, Pappas has large holdings in Greece, including oil refineries—distribution through Esso-Pappas—steel, petro-chemicals and Coca Cola. Because of his in with the colonels and his closeness to the Nixon administration, Pappas has become a controversial figure in the conflict centering on continuing military aid to the dictatorial regime in Athens.

He was with Secretary of Commerce Maurice Stans when Stans, preceding the reading of his prepared speech which he had submitted to American Embassy officials, led off with rosy extemporaneous remarks about the junta. Pappas is credited with being host for the dinner of Greek Deputy Prime Minister Stylianos Pattakos and President Nixon's brother, Donald, when the latter came to Athens to arrange a catering contract between the Marriott corporation and Olympic Airlines, which is owned by Aristotle Onassis.

For 20 years a member of the executive committee of the Republican National Finance Committeee, Pappas is said to have been as influential as any single individual in putting Agnew on the ticket in 1968. He raised large sums for the Republicans along with his own generous contributions. A reported contribution by Onassis of $100,000 first appeared in the Jack Anderson column. This was subsequently checked out with a telephone call to the Greek ship owner, who told the inquirer that he had given to both parties in '68.

Against this background the President is put on an embarrassing spot by an amendment to the foreign aid bill denying help to Greece unless the President specifically holds that it is in the national interest to do so. On the recommendation of Rep. Benjamin Rosenthal's Foreign Affairs subcommittee the normally conservative House adopted this amendment by a vote of 122 to 57.

The Senate Foreign Relations Committee has tentatively approved an amendment with identical language. If anything, when the measure goes to the Senate floor this is likely to be strengthened. Sen. Vance Hartke (D-Ind.) is proposing that aid to Greece be cut off without any presidential waiver. Senators on Foreign Relations are incensed over the Agnew visit, feeling that the Vice President in his exuberant fashion will bestow his blessing on the colonels.

Rosenthal is considering holding hearings into Pappas' relationship with the regime in Athens and whether he has overstepped laws covering the dealings of a private citizen with a foreign government. This could produce some extremely interesting testimony on the Boston-Washington-Athens axis and Pappas' role as a power broker.

The Vice President on his current tour goes first to Turkey, then to Iran where he will represent President Nixon at the ceremonies marking the 2,500th anniversary of the Iranian Empire.

The end of the tour in Greece is a test both for American policy and for Agnew. The tragedy of Greece today, as underground reports tell of torture and imprisonment with no likelihood of restoration of constitutional government, could have come out of Euripides so dark is the fate of a hapless people.

As for the Vice President, like two of his immediate predecessors, Richard Nixon and Lyndon Johnson, he is keeping the show on the road. You can make a case either way as to whether this helps or hurts his chances at a second term as second man.

THE PENTAGON BLITZKRIEG—HOW THE DEFENSE DEPARTMENT GETS ITS MONEY

Mr. PROXMIRE. Mr. President, in Tuesday's Washington Post there was a balanced and responsibly critical editorial on the Senate debate and passage of the military procurement bill. The editorial rightly states that a number of Senators gave little more than lip service to the question of reordering priorities, and properly points out the speciousness of some of the arguments and justifications for specific weapons systems. It also is highly complimentary of the amendment my colleague from Wisconsin, Senator Nelson, proposed to the bill which would require 5-year projections of military budgets.

There are some things the editorial left unsaid about the reasons why the bill had such an easy passage this year. In addition to the "jobs" argument—which the editorial rightly points out was an underlying consideration—the fact is that the committee itself cut $1.2 billion from the original request and in many ways performed its functions better than before.

OTHER FACTORS

But there are other factors as well—not so complimentary—as to why the military authorization passed with such ease.

First of all, almost all the testimony is self serving and ex parte. No one with the comparable resources and information is called upon to rebut the Pentagon's detailed and massive testimony. What little opportunity is afforded to the critics is like a gnat biting an elephant.

Second, the Pentagon uses its massive information services and lobbying services in support of their requests. Day by day we were met with new Pentagon leaks about how the Russian missile strength or navy strength or bomber strength had suddenly increased many fold.

Third, Congress lacks a body of independent experts with access to detailed information on specific weapons systems so that we can make intelligence judgments based on facts. Instead, we are largely at the mercy of what the Pentagon wants to tell us.

Fourth, on the whole the Armed Services Committees in both Houses are composed of Members who are more sympathetic to the military than the average Member of the House or Senate. This comes both from conviction and from State or district interest, but it is a major factor. On the whole, the Pentagon is preaching to the converted when they make their requests. Finally, I want to mention the whole question of secrecy.

Much of the testimony is held behind closed doors. The Pentagon selectively releases the information which they believe is most helpful to them. Certainly, they do not publicize the weak points in their case. At the end, several expurgated volumes of testimony are released. This is far too much for any ordinary Member of the Senate or House to digest in a few days.

All of these factors, plus several I have left unmentioned, are the root causes of the bill's easy sailing.

SOME MODEST SUCCESSES

Nevertheless, one should not shirk from the effort of attempting to subject the military budget to constructive criticism. I say this especially because we have had some success in the past. Our fight postponed the building of an additional carrier. It resulted in cutting back the number of C–5A planes from 120 to 81. The ABM, while not defeated, has been limited through congressional criticism. Furthermore, the Appropriations Committees in both House and Senate have made massive cuts in military appropriations over the last few years—cuts which total as much as $15 billion.

Mr. President, I ask unanimous consent that the Washington Post editorial be printed in full at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington Post, Oct. 12, 1971]

Military Flypast in the Senate

Debate ended and the Senate passed the $21 billion military procurement bill more or less intact last week. In truth, the whole affair was rather like a flypast of Pentagon authorizations, with a handful of senators occasionally shaking their fist at the various weapons systems roaring by. The new B–1 manned strategic bomber, the F–14 Navy fighter plane, the ABM, the main battle tank or XM803—these were among the controversial items that easily survived attempts at elimination or modification by amendment.

It is not necessary to have endorsed all of these efforts—or any of them, for that matter—to perceive that what was only recently billed as *the* issue for the seventies, a great debate over priorities and defense spending, has pretty much gone the way of the hula hoop. On the part of a number of senators who just a few years back had made a loud and dramatic commitment to the issue, interest was low, absenteeism high, and preparation for debate pitiful. Sen. Proxmire and those others who carried the main burden deserved much better from their colleagues.

Why didn't they get it? Apart from political fickleness—a kind of issue-of-the-month club approach to things—a number of reasons have been put forth. One is that at a time of painful unemployment, the legislators had little appetite for casting votes to terminate defense industry contracts. Another, which is a little too delicately flowerish for our taste, holds that after their initial defeats two years running on the Safeguard authorization, the bloc of interested and critical legislators simply did not have the heart to go on with other challenges to the military. There is, in addition, the fact that fulltime work on headbreaking detail is required if anyone is to make a sensible challenge to various parts of the Pentagon budget, just as it is required (and undertaken) by those defending that budget. In our view all this may explain the lassitude and indifference in the Senate this year, but it does little to justify either.

There are, however, some built-in impediments to making prudent decisions on this subject in the Senate and to translating such decisions into a majority vote. These have to do with the budgetary process itself, and if one looks at the principal arguments in support of some of the most questionable projects that were funded in this year, one begins to see how that process tends to control the Congress—instead of the other way around.

As it seems, it is always either too soon (the B–1) or too late (the F–14) for Congress to exercise a restraining influence on any given weapons system. Cautious and relatively cheap research and development on some project that could be critical to our defense can hardly be opposed at the beginning. Then, in all but imperceptible yearly stages, the project develops into a major investment and one that is passionately defended by the service involved. To abandon it outright would be a shameful waste, it is argued. Merely to delay it (the argument goes on) would be to kill it, since the technological "team" would be dispersed; besides, it would cost more, not less, if procurement occurred at a later date. Recent studies (generally made by the service itself) demonstrate good new results. It is—owing to commitments and investments long since made—the *only* weapons system available to counter a particular threat that will soon be upon us. And so on. Senators and representatives, even those who do their committee homework and who are disposed to err on the side of caution, do not have access to sufficient independent information to oppose these urgings with much confidence. The point about the "choices" made by Congress in proceedings such as those just completed in the Senate, is that Congress isn't really choosing at all: more often than not it has no choice.

Consider Sen. McIntyre's defense of the B–1. While conceding that he had himself, in committee hearings, been partial to the idea of a cheaper alternative (a refitted B–52), the Senator disclosed that he had not been able to wring any concession from the Air Force that the alternative would actually do the job. "I cannot take my intuition," he went on to explain, "and jump." Again, the tough-minded members of the Senate Armed Services Committee, which brought the bill to the floor, repeatedly issued stern warnings in their report that this or that recommendation for an expenditure of funds did not necessarily imply a commitment to a program, and they also lamented the *fait accompli,* "no choice but this" manner in which various proposals came before them. Surely the Armed Services Committee is entitled to more confidence that provisional funding will not automatically turn into "no alternative" program commitment. And surely Sen. McIntyre should not be obliged to choose between "intuition" and Air Force assertions in weighing the merits of a costly Air Force proposal.

In our estimation, the best recommendation for changing the odds in this annual encounter was one which most of these senators voted against when it was presented as an amendment by Sen. Gaylord Nelson. Sen. Nelson would have compelled Congress to view the military budget in more or less the same timeframe that the military does—

namely, on a five year basis. He observed that by the time the Senate gets around to voting on various programs, the Pentagon is already well into the next year's budget, that the military works on five year projections of its own, and that until the relevant committees of Congress organize themselves to think in terms of long range threats and possibilities and needs (as distinct from the bits and pieces approach to various weapons) they will never be able to assert an effective degree of control over the Pentagon budget they are meant to supervise. The opposition argued that the work involved would be monstrous and that it would require too much crystal ball predicting. We think the work would be manageable and worth it; so far as the predicting is concerned, we have never observed much shyness on either side of Pentagon budget disputes in the Congress in matters involving future threats, future costs, or future technological achievements. Why not try to make the estimates and prognostications on which Congress operates now a little less idiosyncratic and a little more systematic?

Sen. Nelson's idea should be reintroduced as separate legislation and given another try. We would recommend it especially to those legislators whose interest in the whole affair has been flagging. It would mean a lot more work, but it would provide the prospect of real results—for those who wish to do more than inveigh against our skewed priorities.

TWISTED NEWS TWISTERS

Mr. BROOKE. Mr. President, I have noted in recent days press discussion of "The News Twisters," a book written by Miss Edith Efron, a staff member of TV Guide. The book is purportedly a professional discussion of television news coverage of the 1968 presidential campaign. The author examined the contents of the evening news telecasts for each of the three major commercial networks in the 7 weeks immediately prior to election day, and has attempted to use charts and a coverage analysis to prove that the networks exhibited extreme bias in their coverage favoring the Democratic ticket and opposing the Republican and American Independent Party tickets.

Inasmuch as the Republican Party and these networks have for a long time been portrayed by some political pundits, as sympathetic to each other's interests, I find it ironic that the author's study has apparently served to reverse that political calculus.

I personally reject both of these theories, and believe it clear that the networks and their local affiliates have displayed continuing respect for the Federal Communications Act's mandate that broadcast licensees will not favor one political candidate over another in their news and public affairs coverage.

It seems to me that Miss Efron's analysis is neither "scientific" nor "nonpartisan." Specifically, her book provides meager details of the author's standards for measuring the partiality of news comments. And only a small number of complete excerpts of the news broadcasts are reprinted in the book or its appendix. The reader is unable to make an independent evaluation of the empirical data and, therefore, must accept the author's characterization of a broadcast without knowing its contents.

CBS News has conducted a spot check of Miss Efron's book, comparing her "analysis" with texts of the broadcasts cited. Although it still remains impossible to check many of her claims, CBS concludes that the lack of substantiation for her charges and characterizations is readily apparent upon reading what was actually said on the broadcasts.

It is my understanding that CBS News has commissioned two independent research organizations to evaluate the book's content and methodology. These analyses will be made public so that all citizens concerned about this vital matter will have a basis on which to judge the validity of her work. On the basis of my own experiences, I am confident that the results will uphold CBS News' fair and evenhanded news coverage and that similar surveys of ABC and NBC news reports would produce comparable results.

Because I believe that it is important for Senators to be familiar with the claims which have been made about the alleged partiality of television networks, I call their attention to the comments made by CBS News President Richard S. Salant as well as to the network's comparison of Miss Efron's charges with the actual texts of broadcasters. I ask unanimous consent that these documents be placed in the RECORD at the conclusion of my remarks.

Let me stress that I make no brief for the infallibility of network news coverage. Only 5 days ago, in a speech before the Massachusetts Broadcasters Association, I suggested that the networks take on each other as well as the other titans in American life.

I urged broadcasters to print and speak facts and opinions about the politics and policies of Government at every level. I pointed out that if we are to really have what Elmer Davis advocated so eloquently—a third dimension of news coverage—the why as well as the who, what, when—their critical rule must extend to their brethren in the fourth estate.

In short, no institution should be above constructive criticism. In fact, each should welcome it. But let us continually make every effort to insure that arguments are well-documented, logical, and accurate.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

CBS NEWS COMMENTS ON "THE NEWS TWISTERS"

CBS News President Richard S. Salant has made the following comments on *The News Twisters*, by Edith Efron:

"CBS News has a continuing interest in any suggestions or studies which can lead toward more perfect achievement of the fairness and objectivity with which it presents the news. Regrettably, Miss Efron's book does not contribute to this goal.

"It purports to be a scholarly, objective analysis, supported by graphs and word-counts, of the fairness with which the television networks covered seven weeks of the 1968 Presidential campaign. In fact, it is nothing of the sort. It examines only a limited part of the network coverage. It does so with a distinct bias which prodouces gross distortions of fact. It uses statistical procedures which are seriously flawed. And it draws erroneous, prejudiced and unsupportable conclusions.

"Miss Efron's 'scientific' method is simply described. She summarizes the meaning, as she sees it, of specific broadcast stories. She decides, with nothing to guide her but her personal opinion, which of the stories are pro and which are anti the candidates and the issues selected by her for study. And she then counts the words in each category. On the basis solely of this word count, she determines whether the networks were biased for or against a candidate or an issue.

"There are many serious flaws in this approach. But there is one basic flaw which permeates and completely discredits the book.

"Its drastic conclusion, with respect to CBS News, depend entirely on the accuracy and objectivity with which Miss Efron describes and characterizes the CBS News stories on which she relies. But, in story after story, there is just no resemblance between the story as broadcast and Miss Efron's description of that story. They simply do not state what Miss Efron claims they state. She sees sinister meanings where none were intended and none exist. Her conclusions are based, in large part, on nonexistent facts.

"Since Miss Efron, generally speaking, does not quote the full, as-broadcast text of the stories mentioned in the book, it is not possible for the reader to review the accuracy of her descriptions and word-counts or the validity of her pro and anticharacterizations. A few of the many examples of the startling distortions which become apparent when Miss Efron's descriptions are compared with the actual broadcast text are appended."

In line with its continuing encouragement of self-analysis in order to improve its performance, and with full recognition of its responsibility to be fair and objective, CBS News has retained two highly qualified, experienced, independent research organizations, one to study the methodology used by Miss Efron and the other to review the identical 1968 campaign coverage on which her book reports. They will advise us of their conclusions when these studies have been completed, and the findings will be made public.

APPENDIX I

CBS News has made a spot check, for the purposes of this appendix, of the transcripts of CBS News broadcasts listed by Miss Efron in support of her conclusions. The pertinent portion of each such broadcast has been identified—and the actual broadcast text of that portion, Miss Efron's description of that text, and her pro or anti classification are quoted. These few examples, among many which can be cited, are a measure of the accuracy and fairness of her facts and conclusions.

CBS News Transcript: (Concluding paragraph in a report on Mr. Nixon's campaign visit in the Seattle area): "This week's tour, all in friendly territory, is to reassure the faithful, and to boost local GOP candidates. Nixon says he is warning his staff against over confidence, but he himself hardly looks worried." 9/25/68

Miss Efron classifies this report as an "anti-Nixon editorial" by the reporter. Without setting out the actual words of the broadcast, Miss Efron writes that the CBS News reporter "says Nixon is over confident; suggests he is a *liar*." (emphasis added) Appendix D (page 281)

CBS News Transcript: Humphrey: "The Rap Browns, the Stokely Carmichaels, the extremists of the left and the right will not have their way, and we will not allow them to terrorize or stampede America or cause us to lose our sense of perspective." 9/16/68

Miss Efron classifies Mr. Humphrey's reference to extremists of the right as an "anti-Conservative" attack. Her comment is: "Humphrey attacks *extremists* of the right for violence." (emphasis added) It is her judgment that an attack on "*extremists* of the right" is equivalent to an attack on "*Conservatives*". Appendix G (page 309)

CBS News Transcript: After broadcasting an excerpt from a Humphrey campaign speech, CBS News reported that Mr. Humphrey "has not, however, figured out how to handle the demonstrators. When the hecklers wish, they can dominate his campaign appearances, and that frustrates and angers Humphrey and his staff. To that extent, at least, the hecklers have the upper hand." 9/30/68

Miss Efron classifies this report a "pro-demonstrator editorial" by the reporter and comments: "Reporter supports demonstrators (demonstrators politically unidentified)." Appendix K (page 330)

CBS News Transcript: "In 1960, Richard Nixon tried to run his campaign top to bottom. This time he's found a group of smooth, intelligent, middle class loyalists, who, like Nixon, believe in heroes, the Puritan ethic, and the America pantheon. This time he lets them work and sometimes play. The songs aboard the press plane on the electric piano soothe, they do not protest. They are more vintage Bing Crosby than Pete Seeger, and the Nixon staff is the prototype of their candidate's forgotten American. . . ." 10/28/68

Miss Efron classifies this reports as an "anti-Nixon editorial" by the reporter because "reporter describes Nixon and staff as squares who don't conform to liberal-left cultural standards; mocks their 'forgotten American' crusade". Appendix D (page 284)

CBS News Transcript: "From Pennsylvania, Muskie flew to Michigan and there in Taylor, a white, middle class suburb of Detroit, was heckled by supporters of George Wallace. Correspondent Herman reports that he handled them with as much aplomb as he handled college hecklers." 9/25/68

Miss Efron classifies this as an "anti-white middle class editorial" by the reporter and comments: "Reporter attacks white middle class as racist." Appendix H (page 312)

CBS News Transcript: John Mitchell, Mr. Nixon's campaign manager describes, in a broadcast interview, the "orderly" manner in which the Republican campaign has been conducted. He concludes with this statement: "I think our operation has been, if you put it, without passion, because we have planned it and *programmed* it and have had time to carry it out." (emphasis added) In his wrap-up, the reporter states: "They [the Nixon staff] understand success, and in their crusade for their oppressed majority they confidently await a programmed victory." 10/28/68.

Miss Efron classifies this as an "anti-Nixon editorial" by the reporter. Failing to note that it was Mr. Nixon's campaign manager who introduced the word "programmed", she comments that the reporter compares "Nixon and staff to inhuman computers". Appendix D (page 284)

CBS News Transcript: "Reason itself is bruised every day. Each of the three candidates implies that as President he would drastically reduce crime, even though crime is essentially a local problem, Governors having more authority in the matter than Presidents. And criminals are no respecters of political parties. The facts, which have no significance at all save to illustrate the point, are that the four states with more than 2,000 serious crimes per year per hundred thousand people, are all run by Republican governors, and in murder and manslaughter taken separately, Mr. Wallace's state of Alabama leads the nation. Humorless politics can be dangerous politics, if only because of the inevitable rude awakenings. Candidate Nixon tells us he will sweep the streets of Washington clean of prowlers and muggers. Candidate Humphrey tells us he would put an end to, he will put an end to poverty in America. He will do in four years to eight years, in other words, what centuries of human efforts could not do. It must have been in the middle of a political campaign that a British statesman of long ago remarked 'Between craft and credulity, the voice of reason is stifled.' " 10/2/68

Miss Efron sees in this an "anti-Nixon editorial" by the reporter because "reporter links Nixon with Wallace as law-and-order racist candidate, in contrast to over-generous humanitarian Humphrey". The meaning of this report is clear. The reporter was citing one example for each of the three major candidates to illustrate how "reason itself is bruised" by the candidates during the campaign. Miss Efron ignores the point made by the report, i.e., that Mr. Humphrey's promise to end poverty was completely unrealistic and "bruised reason." There is no basis for the charge that Mr. Nixon and Mr. Wallace are described as "racist" candidates. Appendix D (page 282)

The reporter, who is analyzing the Wallace campaign, states:

"In a real sense the Wallace movement represents a class struggle, an uprising against what he calls the pseudo-intellectuals, professors, preachers, and everything that is big government, taxes, ownership, the big press, the big networks, the Negro movement, the left wing student movement. All this is summed up in the word 'they'. 'It is them against us, and', says Wallace, 'there are more of us than of them.' " 10/7/68

Miss Efron sees in this report a "pro-left editorial" by the reporter because he "describes left wing student movement as one of the biggest institutions in the country". Appendix J (page 326)

This report discussed an announcement by the Secretary of Defense that troop strength in Vietnam would not be reduced. It concluded with the following statement which is the only reference to a bombing halt: 9/25/68

"This interpretation of the enemy's predicament explains, at least in part, the still persisting belief that a break will come in the Paris talks. These battlefield conditions suggest that the next solid gesture toward peace may come from the enemy, but they also suggest that another solid gesture on our part may now be appropriate and fruitful, and it is on this point that the still very real argument about stopping the bombing of North Vietnam now seems to center, inside the highest councils of this government."

Miss Efron classifies this as an "anti-U.S. Policy on Bombing Halt editorial". She also cites it (page 117) as a "striking" example of a report which "claims to be presenting the arguments on both sides of a controversy—but in fact does not". Her conclusion (page 117) is that "the reporter is 'summing up' the argument within the administration over a bombing halt—and leaves out the arguments of Johnson-Rusk-Rostow and the generals".

Clearly, Miss Efron's assertion is unfounded. There is *no* "summing up" of the "argument within the administration". There is merely a reference to the existence of such an argument. *No* administration viewpoints, pro or con, are presented.

II

Miss Efron makes charges based on alleged but nonexistent statements in the CBS News broadcasts.

Example: Miss Efron writes (page 90):

"CBS initially relates the tale of how Muskie invited one of a group of 'leftists' to the platform. (9/25/7, Anti-Humphrey.) About nine days later CBS forgets that they were leftists. The reporter recalls that when 'stop-the-war' students heckled Muskie, he was willing to listen—but that Muskie is far less courteous to Wallace hecklers. And the CBS reporter asks Muskie why he is more impatient with 'Wallace hecklers' than with 'young, reckless hecklers.' Thus the 'leftists' change into 'stop-the-war' students and then into a touching group known as 'young, restless hecklers.' (CBS, 10/4/12, Pro-'Demonstrators.')"

Miss Efron's conclusion that the 10/4/12 report constituted a pro-demonstrators editorial is based on an alleged reference, in the October 4, 1968 broadcast, to "young, restless hecklers". (emphasis added) There was no such reference. The actual reference was "young, *leftist* hecklers". Her misunderstanding of this word has led her mistakenly to charge (pages 89, 92) that CBS News editorialized by "suppressing" the political or ideological identity of hecklers and demonstrators.

Example: Miss Efron charges (Appendix I, page 317) that the reporter "attacks those who would prevent Cleaver from teaching at Berkeley as 'censors'." But the reporter makes no reference of any kind to "censors". Miss Efron confuses "censor" with "censure" in this statement by the reporter:

"His [Cleaver's] tough talk prompted the State Senate to censure the university . . ."

In either event, there is no basis, whatsoever, for her charge. The reporter does not "attack" the State Senate for this "censure". (See page 6 for transcript of story.)

III

Even if one accepts Miss Efron's statistics as accurate and her methodology as sound, many of her conclusions remain unsupported by her own statistics.

Example: Miss Efron states (page 47): "on the basis of these descriptive statistics, it is clear that network coverage tends to be strongly biased in favor of the Democratic-liberal-left axis of opinion . . ." Yet, according to her chart (page 40), CBS broadcast 120 words *against* liberals, and *not one word for* liberals. This illustrates strikingly the invalidity of her statistical approach.

Example: Miss Efron includes an extended discussion aimed at showing that the networks favored "demonstrators" (pages 76–83). Yet her word count (page 45) shows that CBS was against demonstrators, 1304 to 609.

Example: Miss Efron states at the conclusion of her discussion of news coverage of George Wallace (page 61): "The coverage of opinion on George Wallace is heavily weighted against Wallace". Yet her chart (page 36) shows that CBS broadcast 1079 words for Wallace and 1282 words against him.

Example: Miss Efron states (page 55) that the networks actively favored Hubert Humphrey and portrayed him as a "saint studded over with every virtue known to man". Yet her chart (page 33) shows that CBS broadcast 2388 words for Humphrey, only slightly more than the 2083 words spoken against Humphrey.

IV

Miss Efron's book contains many sweeping, highly accusatory pronouncements, supported by little or no evidence or only by tortured rationalization. These extreme statements, which hardly read like scholarly conclusions by an objective analyst, provide insight into Miss Efron's own biases. This is one example:

"On ABC, reporters sanctioned violence eleven times; on CBS, nine times; and on NBC, seventeen times. In Appendix N a complete list of all references to the stories containing this opinion will be found. This quiet, steady spewing-out of justifications for violence by allegedly responsible men, under the eyes and ears of allegedly responsible network management, is a pathological phenomenon." (page 95)

These are strong words. But an inspection of the transcripts of the nine CBS News broadcasts cited by Miss Efron shows no justification whatsoever for such charges. These two broadcasts are representative:

Miss Efron: CBS Evening News 10/22/68.

Appendix E, "Anti-Wallace, 10/22/6." (page 26), "'Hecklers' throw rocks and tomatoes at Wallace."

KURALT. "At a rally in Oshkosh, Wisconsin, today, hecklers threw rocks, eggs and tomatoes at George Wallace. When an apple core struck him on the shoulder, Wallace dismissed it with the remark: 'That's all right, it'll wash off. That's just a bunch of anarchists.' Wallace's running mate, General Curtis LeMay, said today that integration is the answer to the nation's racial problems, and he added that he thinks George Wallace agrees with his views. At a news conference in Miami, LeMay said integration has worked in the armed forces, and it will also work in civilian life."

***Miss Efron:** CBS Evening News 9/18/68.*

Appendix I, *"Pro-Black Militants, 9/18/3."* (page 317), "Cleaver advocates shooting of businessmen, politicians, career military, police, decisionmakers."

"Reporter sanctions Cleaver's calls for mass murder as 'revolutionary' thought and attacks those who would prevent Cleaver from teaching at Berkeley as 'censors.'" (emphasis added)

CBS News correspondent Bill Stout reports from University of California, Berkeley.

STOUT. "The student protests of five years ago brought many changes to the university, including more voice for students and faculty in setting up new classes. Now sharp controversy over a course on the American social order, with the guest lecturer anti-establishment black revolutionary Eldridge Cleaver."

CLEAVER. "It's the big businessmen, the politicians and these career military and police agent type people that, this is the power structure we talk about, the people who have a vested interest in the status quo, who draw their living from exploiting people through this economic system, people who live by this profit, not the people who are just plugged into the system and who have a job and go to work every day and really never manage to get their head above water. But it's the power people, the people who make the decisions in this country and who control the decision-making process in this country. Those are the enemies of the people, and those are ones who are going to be exposed and treated in a manner that they're always treated in a revolutionary situation."

STOUT. "'They ought to be shot.' Cleaver has said that again and again. When whites ask what they can do for race relations, Cleaver has said, 'Give black men machine guns.' For ten lectures Cleaver is to get no state salary, but will be paid from student funds. His tough talk prompted the State Senate to censure the university, and brought criticism from two men who otherwise rarely agree."

Governor RONALD REAGAN. "I'm opposed from the simple standpoint that I think it is ridiculous to bring someone on as a supposed instructor or lecturer, which is the way he was to be brought on, who has absolutely no qualifications whatsoever for that position."

JESSE UNRUH. "I think clearly it's very, very difficult to defend the appointment of Mr. Cleaver as a lecturer. I think that it's an unfortunate choice and represents almost a death wish on the part of those people participating in it insofar as the university is concerned."

STOUT. "Cleaver is 33. He's done time on narcotics and assault convictions and was in court this week on fresh charges of assault and attempted murder. He faces trial for that later in the year.

But the university regents meet tomorrow to consider demands they overrule the selection of Cleaver as guest lecturer.

Bill Stout, CBS News, Los Angeles.

CBS Comment: By no stretch of the imagination did the reporter "sanction Cleaver's calls for mass murder". Nor does the transcript support Miss Efron's charge that the reporter "attacked" any persons as "censors". (See page 5 of this appendix. In any event, the word actually used was "censures" not "censors".)

This is another example of a sweeping, highly accusatory but unfounded charge. Miss Efron states (page 61) that network coverage of the George Wallace campaign "editorially sanctions the physical attacks upon him". In support of this serious accusation, she states (page 58) that "language customarily used to describe those who engage in verbal protest was used to describe those who engage in physical assault". This, she concludes, was "a tacit sanctioning of the assaultive conduct". And, finally, on page 59, she lists a total of three CBS News broadcasts which describe, as "hecklers" and "dissenters", people who throw "rocks", "an egg" and "objects" at Mr. Wallace.

CBS Comment: The word used by CBS News was "dissidents" and not "dissenters", as Miss Efron states. In any event, it is hardly realistic or accurate to conclude that use of the terms "hecklers" and "dissidents" constituted an *"editorial sanction"* of physical attacks upon Mr. Wallace—particularly since each of the broadcasts explicitly reported the physical acts involved.

V

These are two additional examples which illustrate how Miss Efron's statements can mislead:

Example: Miss Efron states (page 32) that, during the study period of seven weeks on which her conclusions are based, there were only 320 "words spoken for" Mr. Nixon on the CBS Evening News. A quick check of the broadcast transcripts shows that, during the period in question, the CBS Evening News carried a total of 4747 words spoken *only by Mr. Nixon* in the course of his campaign—and presumably spoken in his own behalf as a candidate. But this fact does not appear in the book. Certainly, it is pertinent to an evaluation of the coverage given to Mr. Nixon.

Example: Miss Efron states (page 76) that "CBS viewers are not informed of undercover testimony against the Yippies". She is referring to testimony before a Congressional committee about Yippie plans "to bomb buildings, kill policemen and assassinate candidates". The October 3, 1968 broadcast of the CBS Evening News included the following:

"CRONKITE. 'A witness told a congressional hearing today that Yippie leader Jerry Rubin talked of killing presidential candidates and overthrowing the government during the disorders accompanying the Democratic convention. Rubin was in the hearing room to testify later, and shouted out a protest about "this worm's lies" as Illinois undercover agent Robert Pierson testified. One leftist witness walked out of the hearing, another refused to testify about any Communist affiliation, and a third was arrested as he arrived wearing a shirt which appeared to have been made from an American flag. While the hearing continued, other Yippies milled around outside until police moved in.'"

TRIBUTE TO JUSTICE HUGO BLACK

Mr. KENNEDY. Mr. President, the October issue of the Harvard Law Record, the Harvard Law School newspaper, contains a moving and perceptive tribute to Hugo Black, one of the greatest Justices ever to sit on the Supreme Court of the United States. The author of the tribute is Arthur E. Sutherland, professor emeritus at Harvard Law School and a distinguished scholar of constitutional law in his own right.

In his eloquent tribute, Professor Sutherland recalls the formative influence of Justice Black's early career as a police court judge in Alabama, his frustration in the Senate as the Supreme Court struck down Acts of Congress in the early 1930's, and his brilliant judicial career on the Supreme Court, where he came to symbolize, more than any other justice, the fundamental concepts of freedom and equality that are the hallmark of the Constitution and the Bill of Rights.

As Professor Sutherland concludes, Justice Black was a man who knows how to find the spirit in the letter of the law. If we see farther in these areas of basic rights today, rights so vital to all our people, it is because we stand on the shoulders of giants like Justice Black.

Mr. President, I believe that Professor Sutherland's tribute will be of interest to all of us who loved and respected Justice Black. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JUSTICE BLACK: DEDICATED TO PRINCIPLE, INDIVIDUAL FREEDOM IN LIFE ON COURT

(By Arthur E. Sutherland)

Hugo Lafayette Black: 1886–1971: The rule of law in America is the better because of the work of the late Justice Hugo Black. Wisdom, compassion, dedication to principle as he saw it, these were his talents and he spent them generously. Now that he is gone, life seems thinner and less interesting.

Black's early life tells of America as it once was, and as it will never be again. He was born on a farm in Clay County, Alabama. His father ran a country store to help keep the family fed and clad, and his mother was postmistress of the town of Harlan. Young Black went to a local seminary named Ashland College and studied medicine for a year at Birmingham Medical College. Turning instead to law at the University of Alabama, at the age of 20 he became a member of that state's bar.

Ashland, Alabama, was not a thriving community for anybody. Black spent a year trying to practice law there, but the building where he had his office burned down. In 1907 he wisely started over again in Birmingham. That city was a large industrial and railroading center, with the mixture of prosperity and misery that seems inevitable. Black made a living at the law, and four years later became Police Court judge. The sad procession of defendants that passed through the twenty-five year old magistrate's court made an impression on him that lasted the rest of his life.

MOVES UP TO COUNTY SOLICITOR

In 1914 he moved up to the post of county solicitor, the prosecutor for Jefferson County, and in that office he spent three highly educational years. Black noticed that a disproportionate number of confessions came from a Birmingham suburb called Bessemer and discovered that its police were operating the old-fashioned type of third-degree. He obtained a grand jury report criticizing that system, which drew down on him some unpleasant heckling.

Black was probably pleased to go off to a 1917 training camp and earn a field artillery commission. At the close of 1918 he returned to civilian life, took up the law again, and developed an active practice in negligence cases.

In 1926, the year he reached forty, Black was elected to the Senate. In 1932, the year Roosevelt took the New Deal to Washington, he was reelected.

HEART AND SOUL FOR NEW DEAL

Senator Black was heart and soul for that program. Indeed, Black's advocacy of a thirty-hour week went beyond anything Roosevelt urged. Black sat in the Senate in 1935 and 1936 when the Supreme Court struck down a number of New Deal measures. All the rest of his life he felt that reckless use of due process clauses as general licenses for judicial nullification of novel economic regulation called for strict construction of those clauses.

However, Black was by instinct and by experience dedicated to freedom of speech and press, to fair trials, to scrupulous separation of Church and State, none of which the Fourteenth Amendment expressly protects against state transgression. He needed to evolve a philosophy which would construe that amendment so as to restrict any state which might transgress against these guarantees while permitting the state full power of economic regulation. He needed to find an unexpressed equal protection clause in the due process clause of the Fifth Amendment. But in 1936, all this lay far ahead as the Supreme Court divided four justices to four on New Deal legislation with Owen J. Roberts uneasily casting a deciding vote to erect a majority of five, one way or another.

SUPPORTS "COURT-PACKING"

On February 5, 1937, President Roosevelt proposed a plan to reorganize the federal judiciary by legislation authorizing appointment of additional justices to the Supreme Court whenever incumbent justices reached retirement age but failed to retire or resign. Senator Black supported the plan. While this "court packing" bill, as opponents called it, was pending, the Court on April 12, 1937, upheld the New Deal National Labor Relations Act, Justice Roberts casting the swing vote. However, the president still urged his court bill; the one-man majority was too slight for safety.

Then, in June 1937, one of the "conservative" group of justices, Willis Van Devanter, who had sat since 1910, resigned his seat. President Roosevelt shocked the conventional minded by appointing Senator Black in his place. Although the court-reorganizing bill eventually died in the Senate, Roosevelt got his safe majority by ordinary attrition of older justices and appointment of more open-minded younger men. He appointed eight justices in all, four of them between 1937 and 1939. Only Justice William O. Douglas, appointed in 1939, now remains on the Court.

In August 1937 the Senate consented to Black's appointment by a vote of 63 to 16. The new Justice and Mrs. Black journeyed off to Europe. In September, while they were still abroad, a Pittsburgh newspaper printed a series of stories—long before published in California papers—that Black had been a Ku Klux Klan member before 1926 and that after his primary victory in that year, the Klan sent him a "Grand Passport."

EXPLAINS KLAN MEMBERSHIP

The Pittsburgh articles won a Pulitzer Prize for their author and stirred up much criticism of Black. When he returned to the United States, he made a radio statement on October 1 to which perhaps fifty million people listened. He said that he had been a Klan member in his early days at the Alabama Bar, but had dropped his membership before he became a Senator. He had never solicited the "card" sent him; he had neither used it nor kept it. Black never again made a public statement on the subject.

Neither before nor after that time did Black ever show by actions or words the bigotry or racial hatred with which the Klan was associated. His membership was unfortunate, the sort of thing a young Alabama lawyer-politician, trying jury cases and hoping for votes, could do. The furor quieted down and Black on the bench came to be the target of abuse by those who shared the Klan's objective.

WROTE 783 OPINIONS

A review of Justice Black's votes at thirty-five terms of the Supreme Court is beyond the possibilities of this short essay. In 1967 Chief Justice Warren, writing for the *UCLA Law Review* in honor of Black's thirtieth year on the Court, found that in his tenure on the Court Black had written 783 opinions—442 for the Court, 64 concurrences, 18 other separate opinions, and 241 dissents.

At most there is here time and space for a review of his constitutional philosophy. Perhaps he set it forth most clearly in an exchange with Justice Felix Frankfurter during a series of antiphonal opinions on the rights of men charged with crimes.

In 1947 the Supreme Court heard the case of a man named Admiral Dewey Adamson, who had been convicted in a California state court of atrociously murdering an elderly woman in order to steal her jewelry. The California law allowed comment on the failure of an accused to take the witness stand and explain the evidence against him. Adamson sat silent and the prosecutor, summing up, made the most of this before the jury, thus eliminating practically all of Adamson's theoretical privilege against self-incrimination.

DECRIES "NATURAL LAW" DUE PROCESS

The Supreme Court affirmed Adamson's conviction although on a federal indictment and trial, under the Fifth Amendment, the result would have been the opposite. Black dissented, protesting what he described as a theory "that this Court is endowed by the Constitution with boundless power under 'natural law' periodically to expand and contract constitutional standards, to conform to the Court's conception of what at a particular time constitutes 'civilized decency' and 'fundamental liberty and justice.'"

In place of this flexible standard, in which he saw lurking the danger of "economic due process," Black proposed the theory that the Fourteenth Amendment "incorporated" *sub silentio* the first eight amendments *literatim*. Here Black found what for him was a solid rock of constitutional literalism on which to stand. Content, he was able in most cases to reach results which satisfied American liberals.

Justice Frankfurter in 1952 stated the converse proposition in *Rochin v. California*. Saying, "The vague contours of the Due Process Clause do not leave judges at large," Frankfurter still could not quite find words to say what fenced them in. He wrote:

"To believe that this judicial exercise of judgment could be avoided by freezing 'due process of law' at some fixed stage of time our thought is to suggest that the most important aspect of constitutional adjudication is a function for inanimate machines and not for judges. . . ."

The judicial work of many judges demonstrates that differing formulas of philosophy do not necessarily bring about different decisional results.

STOOD FOR INDIVIDUAL FREEDOM

In his long life on the bench, through a series of cases on criminal justice, racial equality, religious freedom and free expression, Black's judgments stood for individual freedom and against the tyrannical exercise of governmental power.

On his last day in the courtroom, Justice Black wrote an opinion in which Justice Douglas joined, concurring with the Court's *per curiam* refusal to enjoin the *New York Times* and the *Washington Post* from publishing the Viet Nam papers. He wrote:

"I believe that every moment's continuance of the injunctions against these newspapers amounts to a flagrant, indefensible, and continuing violation of the First Amendment. . . . It is unfortunate that some of my Brethren are apparently willing to hold that the publication of news may sometimes be enjoined. . . ."

Black discovered ways to find the spirit in the letter. He will be much missed.

UNREASONABLE WELFARE REGULATIONS

Mr. FANNIN. Mr. President, State and city governments all over our Nation are being bled to death by welfare payments. Local governments are being forced by the heavy hand of our Federal Government to make excessive welfare payments to thousands and perhaps millions of persons who should not be on the welfare rolls in the first place.

We must have a thorough overhaul of the welfare system. We must have true welfare reform which is aimed at reducing the number of persons on welfare rather than increasing it.

In the meantime, there are some steps that should be taken immediately to relieve the burden that has put a number of States in a condition akin to bankruptcy.

The problem lies with the Department of Health, Education, and Welfare. HEW has not followed the intent of Congress in drawing up regulations the States must follow to qualify for Federal funding for welfare.

I had hoped that the courts would set this matter straight, but this has not happened. Just last month a Federal court upheld HEW regulations which I feel are highly unrealistic.

As a result of this decision, my State of Arizona faces the choice between abiding by these unrealistic regulations or losing some $41 million a year in Federal welfare funds.

Arizona is one of the few States in our Nation which has maintained a realistic budget in welfare matters. The State has remained solvent and has not had to cut off arbitrarily certain categories of welfare recipients.

Arizona is one of three States that is operating within its general budget. Gov. Jack Williams and the Arizona Legislature are to be congratulated for keeping Arizona on a sound fiscal basis. Apparently, HEW believes Arizona is setting a bad example by living within its means. Why should Arizona practice fiscal responsibility when the Federal Government does not?

Mr. President, from time to time it has been necessary for Congress to force administrative agencies into line with legislative intent. Now it is time to straighten out that sprawling bureaucracy known as HEW.

At issue between HEW and Arizona welfare officials were four points:

An Arizona regulation cutting off welfare payments to anyone out of the State more than 90 days.

The State formula for disregarding earned income in the aid to families with dependent children program.

A State regulation on AFDC payments when children are not living with persons who have legal custody of the children.

Establishment of an advisory committee.

Let me go into these issues a little further and explain my understanding of the current situation.

Residency—HEW has ruled that a State plan may not contain provisions imposing any residence requirement as a condition of eligibility for aid or assistance. Arizona terminates aid payments to recipients after they have been absent from the State for 90 days.

It is extremely difficult for me to understand why HEW should object to a 90-day cutoff. Why, I ask, should HEW have a regulation which invites welfare cheating? What is to stop a person from going to another State and getting on the welfare roll there while still drawing payments from Arizona? As soon as a person leaves Arizona and enters another State, he becomes eligible for welfare in that State. The HEW regulation is ridiculous and certainly not in keeping with any legislative intent that I am aware of.

It seems to me that a 90-day vacation outside the State is sufficient for anyone. This allows time for recipients to vacation elsewhere during the hot summer months, then return in time for the good weather which starts in September.

Disregard—HEW contends that in disregarding earned income in the AFDC program, States must disregard the first $30 plus one-third of the remainder from the gross earned income.

Arizona disregards from the net income, rather then the gross.

There have been abundant illustrations as to how the HEW regulation is abused so that persons with incomes in the five figures can still qualify for welfare payments. HEW should adopt the Arizona formula, not vice versa.

Dependent children—the Arizona Welfare Department held that aid to dependent children should be administered only to the children who are with their natural mother or father or a legally recognized guardian of some type. HEW says that where some children of an AFDC family live in the home of the natural parent and other brothers and sisters live elsewhere with relatives, those living with relatives may not be excluded from assistance whether or not the welfare department or the relatives have legal custody of the children.

Under the Federal regulations, a welfare family with a great number of children may distribute the children to other impoverished members of their family and thus secure income for them.

Advisory Council—HEW says that States must provide for the establishment at State and local levels of an advisory committee. Under these regulations, the advisory board could pressure the State as to welfare payments and regulations. The State opposed this.

The court upheld HEW on all four points, but it did modify the regulation concerning the advisory council. The court said the committee would be purely advisory and would not run the State welfare board or commissioner as HEW would have it.

Mr. President, all four of the HEW regulations are contrary to legislative intent.

They are unreasonable and they contribute to the growing welfarism in the United States.

During the 91st Congress the Senate passed several amendments which would have cured three of these problems. Two of the amendments, which I offered, would make advisory councils optional with the States and would provide a new formula for disregard. My disregard formula would allow only day care as a separate deductible work expense. States would be required to disregard the first $60 earned monthly by an individual working fulltime plus one-third of the next $300 plus one-fifth of amounts earned above this.

Another amendment we approved would, in essence, allow the cutting off of welfare payments to persons absent from a State for 30 days.

As you will recall, these amendments were to the social security bill, and they got lost in the shuffle in the closing hours of the 91st Congress.

Mr. President, I shall introduce proposed legislation next week to remedy the problems I have discussed here today. The bill will provide for reasonable residency requirements, clarify the situation involving ADC payments, establish a disregard formula that will exclude high income families from welfare, and make advisory committees optional.

ONE CHINA OR TWO CHINAS—CHOICES FOR AMERICA, CHINA, AND THE UNITED NATIONS

Mr. KENNEDY. Mr. President, one of the major issues in American foreign policy in recent years—the question of Chinese representation in the United Nations—is now moving swiftly into a new era. Before the end of this month, it is likely that the General Assembly will dispose of the resolutions introduced by the United States and Albania on the issue, thereby resolving the question for this session of the Assembly and perhaps for the indefinite future.

An article written by Prof. Allen Whiting, of the University of Michigan, one of America's most distinguished China scholars, and published in the New York Times of October 11, provides an important and perceptive analysis of one major element in the debate—the question whether, as Secretary of State Rogers has implied, Peking might be willing to accept representation in the United Nations under the two-China formula proposed by the United States.

Professor Whiting cites Peking's clear and unequivocal refusal to accept such dual representation, and emphasized that there are only two real alternatives before the U.N.—either participation by Peking as the sole representative of China, or no participation by Peking at all.

Mr. President, I believe that Professor Whiting's analysis provides an extremely helpful clarification of this important issue. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the Article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 11, 1971]

THE WORD OF CHOU EN-LAI

(By Allen Whiting)

ANN ARBOR, MICH.—It is impossible to conceive of Chou En-lai reversing all of his Government's long-standing, explicit opposition against any form of "dual representation" in the United Nations, yet that is precisely what Secretary Rogers continues to see as a distinct possibility.

Perhaps the sudden willingness to abandon the traditional stereotype of "Chinese face" as a constraint on behavior stems from our own experiences with duplicity and cynical expediency in Government officials. Certainly U.S. policy on Chinese representation in the U.N. has tortuously twisted legal and political logic in repeated reversals over the last 22 years. But to assume from this that a similar opportunism exists in Peking is to misjudge Chou's personal and political position.

Within China, Chou's credibility rating is exceptionally high precisely among those Chinese who have had to calculate the reliability of his word. During the "blooming and contending" campaign of 1955–57, Chou's personal assurances that the invitation to criticism was not a trap persuaded seasoned intellectual and political figures to voice their views.

Many subsequently suffered in the "antirightist" reaction. Interestingly enough, however, Chou's personal esteem survived, as dramatically demonstrated by his unique ability to mediate among fiercely contending factions during the Cultural Revolution violence of 1967–68.

Outside of China, Chou's words are the quintessence of Chinese policy as experienced by the many governments and statesmen with whom he has dealt over his years both as Premier and Foreign Minister of the People's Republic. It was confidence in this factor which permitted the U.S. Government to predict the first Chinese nuclear test. On Sept. 26, 1964, we learned that Chou had informed a foreign chief of state that China planned to explode its first atom bomb on Oct. 1. Neither the Atomic Energy Commission nor the Central Intelligence Agency estimated Peking to have the technical capacity to detonate at that time. However, Secretary Rusk was willing, on his own, to accept the reliability of Chou's word and predicted the test at his press conference Sept. 30. When no test occurred the next day, State was chided for having overstepped its bureaucratic bounds. After the test occurred on Oct. 16, delay apparently stemming from problems at the Lop Nor site, C.I.A. director John McCone was quick to claim credit for "the intelligence community" in forecasting the event. While that "community" produced a wide range of valuable evidence, it was the estimate by political analysis of Chou's stake in credibility which accurately predicted China's entry into the nuclear club.

Obviously it would be famous to take every official Chinese statement as an irreversible, literal commitment to one particular course of policy. Flexibility and bargaining are manifest in much of Peking's declaratory and negotiatory behavior. Chou En-lai is deliberately evasive when he chooses to be, as in his reply to a question concerning the genuineness of China's alleged desire to see a total rupture of U.S.-Japanese military relations, with all that this might imply for the future of Japanese military developments.

However, there is no equivocation in his statement, "Should a state of two Chinas or one China, one Taiwan appear in the U.N., or a similar absurd state of affairs take place in the U.N. designed to separate Taiwan from China to create a so-called independent Taiwan, we will firmly oppose it and, under those circumstances, we will absolutely not go into the U.N."

At stake is nothing less than self-esteem both individual and collective. In Chou's words, "We will not barter away principles." Peking will not accommodate an expelled and defeated civil war government in exile in order to win the legitimate right of representing China in the symbolic assemblage of the world community. Moreover, Chou's political position in Peking as well as Peking's relationships with Tirana, Hanoi, Pyongyang, Washington and Moscow preclude compromise on this point.

The alternatives are clear: Either the People's Republic is seated as the sole successor to the Government which ruled China from the founding of the U.N., in 1945 to its loss of the mainland in 1949, or there will be no participation by the People's Republic in any United Nations body. However the United States chooses to extricate its prestige from the prospects of defeat raised by last year's majority vote to support the Albanian resolution, no other government should entertain the slightest doubt as to the consequences of following Washington and ignoring Peking.

(Note: Allen Whiting was State Department director of research for the Far East, 1962–1966, and is chairman, Citizens Committee to Change U.S. China policy.)

REDUCED AIR RATES FOR OLDER AMERICANS

Mr. BROOKE. Mr. President, in a speech to the Legislative Council for Older Americans in Boston on April 23, I said:

> There is no valid reason why personal development must come to an abrupt halt at the magic age of 65 or 70 if an individual is both willing and able to do more.

At that time I was referring to opportunities in education and employment.

Today I would broaden that statement to include opportunities for air travel. Our older citizens should have at least as many options available as our younger citizens for travel and enjoyment of their leisure years. They have more time to travel and the maturity with which to appreciate it. They frequently have friends and relatives, and even former homes, in distant reaches of the globe. And they have less time remaining to them in which to enjoy the pleasures of travel.

The problems besetting older Americans today are considerable, ranging from physical and mental impairments and limitations to loneliness and boredom. But one of the major burdens that the elderly must bear is the limitation of fixed incomes. Any rise in prices and the cost of living affects all of us to varying degrees, but those who exist on a fixed annual income are hardest hit. Consequently, when the air fares were raised again in May of 1971 by 6 percent, another major obstacle to travel was placed in the path of the elderly. Senior citizens are, in effect, being forced to remain at home on fixed incomes while the costs for transportation continue to rise.

Statistics clearly demonstrate that the elderly do not, and usually cannot, take advantage of travel opportunities. Of all Americans who crossed State lines this past year, only 1 percent were senior citizens. Of all the airline passengers this past year, only 5 percent were over 65. These figures must be viewed against the fact that the elderly comprise 10 percent of the population and that they indeed have available considerably more leisure time.

There is ample precedent for offering the elderly reduced travel fares. We already offer a youth fare for those between the ages of 12 and 22, and there are special rates for persons in the military. In Canada, reduced rates are already in existence for persons over 65, and KLM, the Royal Dutch Airlines, announced on October 4 that it would offer a lower rate for senior citizens flying between the United States and Amsterdam starting February 1. Lower fares make good economic sense for the elderly. But they could also benefit the airlines, which last year flew at only 49 percent capacity, by encouraging many persons to fly who would otherwise be denied this option.

Tomorrow is today for the older citizens. Those who have worked hard in their earlier days should have the opportunity to enjoy fully their leisure time. I call upon the airlines and the CAB to act now to bring this extra benefit to our senior citizens.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is morning business concluded?

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

CONSTITUTIONAL CONVENTIONS

The PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

> A bill (S. 215) to provide for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution (together with separate views).

VIRGINIA FIRE-CURED AND VIRGINIA SUN-CURED TOBACCO ALLOTMENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid aside temporarily and that the Senate turn to the consideration of Calendar No. 385, H.R. 6915; and that when that bill is disposed of, it be followed by Calendar No. 380, S. 1151.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The bill will be stated by title.

The assistant legislative clerk read the bill by title, as follows:

> A bill (H.R. 6915) to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended.

The Senate proceeded to consider the bill.

Mr. TALMADGE. Mr. President, this bill would permit transfer across county lines in the same State of Virginia fire-cured tobacco type 21 and Virginia sun-cured tobacco type 37 allotments. At present tobacco allotments can be transferred only from one farm to another in the same county. These types of tobacco are grown only in the State of Virginia.

I yield now to the distinguished Senator from Kentucky (Mr. Cooper).

Mr. COOPER. I thank the distinguished Senator, chairman of the Senate Committee on Agriculture and Forestry.

Mr. President, I want to direct some questions to the chairman. I may say that, after reading the report, it is probable that my questions do not really have any relevance, but because of our great interest in this matter in Kentucky, I must ask these questions.

In our State there has been constant objection to the transfer of allotments across county lines. The old theory was that the allotment ran with the land. I know that several types of tobacco growers have supported transfer of allotments across county lines.

The bill and the report referred to Virginia fire-cured tobacco type 21 and Virginia sun-cured tobacco type 37 allotments. The report states, on page 2, that these two types of tobacco are grown only in Virginia.

I just ask the following question: Is there anything in the bill or anything in the language of the report which would permit or authorize the extension of the right to transfer allotments across county lines to either dark fire-cured or dark air-cured or burley tobacco or any other type of tobacco grown in Kentucky?

Mr. TALMADGE. None whatever, As the Senator has already pointed out, on page 2 of the committee report, at the end of the first paragraph, it states:

> These two types of tobacco are grown only in Virginia.

This bill is directed only to these two types of tobacco which are grown only in Virginia, to wit, Virginia fire-cured tobacco type 21 and Virginia sun-cured tobacco type 37. It has no relation whatever to any other type of tobacco grown anywhere else in the United States or its territories.

Mr. COOPER. I thank the Senator. I certainly have no objection to the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 6915) was ordered to a third reading, read the third time, and passed.

AUTHORIZATION FOR REVISION OF A REPAYMENT CONTRACT WITH THE SAN ANGELO WATER SUPPLY CORPORATION IN TEXAS

Mr. TALMADGE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 380, S. 1151.

The PRESIDENT pro tempore. The clerk will read the bill by title.

The assistant legislative clerk read as follows:

> A bill (S. 1151) to authorize the Secretary of the Interior to revise a repayment contract with the San Angelo Water Supply Corporation, San Angelo project, Texas, and for other purposes.

The PRESIDENT pro tempore. Without objection, the Senate will proceed to consider the bill.

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum——

Mr. TOWER. Mr. President, would the Senator withhold his request and give me an opportunity to make my remarks and then put in a quorum call?

Mr. TALMADGE. Does the Senator's statement relate to this particular bill?

Mr. TOWER. Yes.

Mr. TALMADGE. I think other Senators desire to be present, and, at the specific request of the majority leader, I intended to suggest the absence of a quorum.

Mr. TOWER. What I thought I would do is to make my remarks——

Mr. TALMADGE. Mr. President. I withhold my request for a quorum call temporarily, and I yield to the Senator from Montana (Mr. METCALF).

Mr. METCALF. Mr. President, inasmuch as I am going to handle the bill for the Committee on Interior and Insular Affairs, I would be very grateful if both Senators from Texas, who are familiar with the San Angelo project, would be on the floor, because while I heard both Senators from Texas as a part of the hearings, there may be some questions asked that they, with their special knowledge, would be able to answer.

Mr. TOWER. Mr. President, I would not want to proceed much further on the bill at this time without the junior Senator from Texas being here. I was going to make my remarks and then suggest the absence of a quorum. I will yield to the distinguished Senator from West Virginia.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. President, the junior Senator from Texas had requested to be on the floor. We are making every effort to contact him in the committee hearing which he is attending so he can absent himself from it.

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METCALF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. METCALF. Mr. President, the purpose of S. 1151, which was introduced by the Senators from Texas, is to provide financial relief to the San Angelo Water Supply Corp. by extending the term of its repayment contract with the Bureau of Reclamation from the present 40 years to 50 years and by providing other credits to the corporation.

The San Angelo project is in the vicinity of the city of San Angelo in west-central Texas. Construction of the project was authorized in 1957—71 Statute 372—and construction was completed in 1963.

The principal project feature is the Twin Buttes Dam which controls the flow of both the south and middle forks of the Concho River, in conjunction with the previously existing Nasworth Reservoir. The combined operation of the reservoirs was intended to serve an irrigation project area of 10,000 acres and to provide for the foreseeable growth in demand for municipal and industrial water for the city of San Angelo. The project purposes also include flood protection, fish and wildlife, and recreation.

Since completion of the Twin Buttes Reservoir, unprecedented drought over the drainage area—since 1961—prevented successful operation of the project. The greatest actual storage in the reservoir since its completion has been 10 percent of the conservation capacity. There have been heavy rains this past summer and storage is now good.

The Bureau of Reclamation has executed a repayment contract with the San Angelo Water Supply Corp. providing for repayment of $10,196,400 in 40 years. Payments began in 1966 but some recent payments have been deferred due to financial hardships and will have to be repaid along with future payments within the 40-year period. Interest is paid on the municipal and industrial portion of the debt.

A second repayment contract with the Tom Green County Water Control and Improvement District No. 1 has not yet become operable because of a lack of water for delivery.

In order to meet its water needs, the city of San Angelo has been obliged to undertake sizable investments in alternative water sources, for the most part temporary and unsatisfactory.

Section 1 of S. 1151 would provide authority for the Secretary of the Interior to extend the repayment period from 40 to 50 years. This would permit reduction of annual payments in the near future—to the interest on the unpaid balance only—without the necessity of increasing later payments in compensation. It is hoped that this relief will permit the corporation and the city to handle the financial burden associated with the drought.

Section 2 would authorize the Secretary to credit the corporation, which is the operation entity for the project facilities, with the share of the operation costs associated with nonreimbursable flood control and fish and wildlife purposes. This credit would amount to about $8,000 annually. This credit would be consistent with normal Federal policy; however, the act authorizing construction of the San Angelo project has been interpreted by the Department as precluding it.

Mr. TOWER. Mr. President, I think I do not need to account for the factual situation here, because it has been very completely and ably presented by the Senator from Montana. I might note that these projected payments were based upon what the Bureau of Reclamation and then the Corps of Engineers projected would be the amount of water accrued in the reservoir.

Today we are considering the enactment of S. 1151, a bill which I introduced to authorize the Secretary of the Interior to revise a repayment contract with the San Angelo Water Supply Corp. of San Angelo, Tex.

In 1957, a water project was authorized for the purpose of impounding water to be used for flood control, irrigation projects, and the municipal and industrial demands of San Angelo and the surrounding area. Construction of the project was completed in 1963. Twin Buttes Dam and Reservoir is the principal feature of the project, and combines with Nasworth Reservoir and San Angelo Reservoir to complete the water storage program. The system in normal years would provide irrigation water for an area of approximately 10,000 acres and furnish sufficient water to meet the other municipal and industrial needs. And, as in most water storage projects, fish, wildlife and recreational benefits were included.

The Bureau of Reclamation executed a repayment contract with the San Angelo Water Supply Corp. providing for repayment to the Federal Government for expenses of construction in the amount of $10,196,460 to be paid over a 40-year period. Payments began in 1966, and they have been made as scheduled for 1966, 1967, 1968, and 1970 for a total amount of $919,242. However, as a result of the disastrous drought which covered much of the southwestern portion of the United States and was extreme in the San Angelo area, the corporation has experienced financial difficulties, and it has been necessary for the Bureau of Reclamation to defer some payments. The conditions which have existed in San Angelo and the surrounding area have created mammoth water shortages and have forced the expenditures of additional funds so that the citizens of the area might be afforded the minimum water requirements.

Storage in Twin Buttes Reservoir began on December 1, 1962. The greatest actual storage in the reservoir since completion was 18,360 acre feet on September 30, 1964. This is only approximately 10 percent of the conservation capacity of the reservoir. In the spring of 1970, the San Angelo reservoir water supply was completely depleted. The drouth has plagued the Concho River Basin above San Angelo since 1961. The runoff of the Concho River System above the reservoirs has been much lower during this drought than during the 7-year period of 1950–56 which was the most severe low flow period in record at the time the project was designed. For an example, the runoff at the San Angelo Reservoir and the Twin Buttes Reservoir during the 1962–68 drouth was less than one-half of the runoff of the 1950–56 drought. These unprecedented low flows have continued throughout 1969, 1970, and 1971.

The corporation has made every effort to alleviate the present water shortage. It has invested approximately $3,200,000 on a 30-mile pipeline to Spence Reservoir on the Colorado River in order to purchase water from the Colorado River Municipal Water District. The drought has also caused a water shortage for the Colorado River Municipal Water District, and so it has been of little help. The corporation purchased water rights on the South Concho River from riparian owners at a cost of $82,000 in 1971 which represents about one-half of the year's supply for the city. Water wells in Tom Green and Schleicher Counties were drilled for additional water supplies and water lines were laid at a cost of $1,200,000 to the corporation. The three unexpected expenditures total $4,482,000, which is a tremendous burden for a city to repay when faced with an obligation to the U.S. Government.

The San Angelo Water Supply Corp. has asked that the payment schedule be increased from 40 to 50 years. We could discuss the problems relating to drought for the balance of the day and each hour of discussion would further emphasize the need for this extension. I think it is important to point out that the corporation is asking for an extension of the payment period in preparation for any additional expense which they might be forced to make.

The corporation has made arrangement for furnishing water during prolonged periods of drought at the expense of the local taxpayer. The ability to predict the weather is one many of us desire; however, to my knowledge no one has been able to successfully accomplish the task. It is our responsibility to make allowances for communities or counties who are exerting their utmost to meet their obligations and at the same time perform their responsibilities in a time of crisis such as has been experienced in the San Angelo area these past 10 years. I commend the mayor and his counterparts for their ability to cope with the water shortage and for their farsightedness in preparing for the future. I urge the passage of this much needed legislation.

The PRESIDING OFFICER (Mr. GAMBRELL). The bill is open to amendment.

Mr. ELLENDER. Mr. President, will the Senator yield for a question?

Mr. TOWER. I yield.

Mr. ELLENDER. I do not have the bill before me, but as I understand, it is not the purpose of the bill to reduce the payment, but simply to spread it so that a longer period of time would be provided to pay off the debt. Is that correct?

Mr. TOWER. The Senator from Louisiana is absolutely correct. There would be no reduction in payment; just an extension of the time period because the reservoirs did not produce as was originally projected, and they have gone to a lot of additional expense to obtain water.

Mr. ELLENDER. I thank the Senator.

Mr. BENTSEN. Mr. President, I rise to speak in support of S. 1151, which would authorize a revision of the repayment schedule of the city of San Angelo Water Supply Corp. for the Twin Buttes reservoir project.

I wish to thank the distinguished chairman of the subcommittee, the Senator from Montana (Mr. METCALF) for his assistance in the consideration of this measure, and the time that he devoted to studying the problem of San Angelo and its water supply.

What this proposal would do is extend the period of payments on the project. It extends the repayment of these funds from 40 years to 50 years. This would allow the city a reduction in its presently scheduled payments without having to increase its future payments in order to compensate.

This repayment period extension, Mr. President, is prompted by conditions resulting from the severe drought which the San Angelo area has experienced in recent years. The drought has drastically affected water runoff in the Concho River system and has caused a critical water shortage in the Twin Buttes Reservoir. As a result, the city of San Angelo has been forced to develop an alternate water supply source in order to meet its people's needs.

The cost of seeking a new water supply has placed a considerable strain on the city's finances. In the last 2 years the city of San Angelo has had to spend over $4.5 million in search of other sources of water.

It is estimated that the total cost of developing a new underground water supply system will be nearly $15 million.

This represents a tremendous financial burden for a city the size of San Angelo, Mr. President, but it is a burden that San Angelo is ready to assume in order to meet its future water needs.

What we are asking in this legislation is that, at this time when the people of San Angelo are making such an effort, we provide them with some slight relief by extending their repayment period on the Twin Buttes project from 40 to 50 years.

This would permit a reduction of their annual payments in the near future without the necessity of increasing later payments in order to compensate.

This is not a giveaway—the city of San Angelo would still be required to repay all of its obligations for the Twin Buttes project under S. 1151.

This bill merely allows a minor restructuring of the city's payment schedule in recognition of the extraordinary problems it faces in developing a new water supply system.

The distinguished Senator from Montana (Mr. METCALF) has indicated already that the Committee on Interior and Insular Affairs does not consider this to be a precedent-setting bill but rather they consider it to be a bill for special relief in this one particular instance of need.

Mr. President, the city of San Angelo is working to meet its water shortage problems. The people of San Angelo will assume a huge debt and face long-range expenses so that they might have a secure supply of water for their community. The relief we offer in this bill is minor in comparison to their effort. I hope the Senate will act upon it favorably and without delay.

Mr. PROXMIRE. Mr. President, I have been concerned about this bill for some time now. It is opposed by the Bureau of the Budget and by the Department of the Interior.

What concerns me particularly is the fact that the bill would permit a stretchout of the repayment terms applying to the San Angelo project. It is true that this stretchout would result in terms equivalent to the terms that would have been in effect if the project were initially authorized today under the Water Supply Act of 1958, except for this one significant difference: The interest rate on the repayment contract would have been higher.

I should like to ask the distinguished Senator from Montana, who is the manager of the bill, as I understand it, and handled it in the Committee on Interior and Insular Affairs, is not the city getting the best of all possible worlds with a 50-year repayment period at 1957 interest of 2.58 percent, when the Federal Government has to pay about 6 percent—5.9 percent in September on 3- to 5-year bonds—to borrow money?

Mr. METCALF. I can tell the Senator right away, the city is not getting the benefit of the best of all possible worlds, because it has suffered a 10-year drought.

Mr. PROXMIRE. It has suffered what? I did not hear.

Mr. METCALF. A 10-year drought, and is spending $4.5 million extra to try to find out alternative water sources, where it can obtain the necessary water.

It is correct that the interest rate being paid by the city on this contract is low by today's standards. However, the city has been making payments on the contract since 1966 and has repaid $500,000, including $437,000 of interest charges, without receiving any water supply benefits. However, when the legislation was originally passed, the contract could have been for the 50-year period and under the ordinary practices would have been for a 50-year period, as most of these contracts are, instead of a 40-year repayment period.

I recall that during the course of the hearings I asked the Senators from Texas and they said that they felt that had they had the ordinary delivery of water, they could easily repay in the 40-year period, so they felt that that was adequate.

Mr. PROXMIRE. Mr. President, will the Senator yield at that point?

Mr. METCALF. I yield.

Mr. PROXMIRE. As I understand it, the bill authorizing the San Angelo project was passed in August 1957. The Water Supply Act of 1958, which was passed the next year, after 1957, authorized a 50-year repayment period rather than a 40-year repayment period. As I understand it, in 1957 there was no way in which this project could have a 50-year repayment period. At that time, a 40-year repayment was required. Is that information in error?

Mr. METCALF. There was no special statute at that time, as I understand it; but under reclamation law and reclamation practice, a 50-year repayment period was possible and appropriate.

Mr. PROXMIRE. The reference I have is to 43 U.S.C. 485 h(d)(3), which, as I understand it, under the Reclamation Project Act of 1939, limited repayment to 40 years.

Mr. METCALF. I have not had the advantage of referring to the statute the Senator mentions. I have been on an Interior Committee for a long time and have watched these specific authorizations. It seems to me that I can recall some 50-year authorizations. I was only saying that it is standard policy at the present time, of course, under the law the Senator has cited, to have a 50-year repayment period.

Mr. PROXMIRE. The only argument I make is that they are having the best of both provisions. In other words, they are getting the interest rate applied in 1957, but they are getting the period of time that has only applied since 1958. If this had been authorized in 1958, the interest rate would have been somewhat larger, and authorized today, it would have been approximately 50 percent larger.

Mr. METCALF. Perhaps it would. If it were authorized today and we had a 50-year period, it would be larger. But with the rain situation today, there would be water delivery, instead of a 10-year delay in water delivery.

As a matter of fact, if we did not have the doctrine of sovereignty, it may well be that the city of San Angelo could sue the Government of the United States for failure to deliver the domestic water that they provided. So the city has been obliged to spend more than $4.5 million in attempts to obtain other dependable alternative sources of water. The city presently faces the possibility that an additional $15 million might need to be financed through bond issues to develop a ground water supply.

The purpose of S. 1151 is not to relieve the city of its obligation. It merely extends the repayment period so that the city's financed situation will remain clearly adequate to support financing of its future obligations. They have not had the best of all possible worlds, because they have had a dry and difficult situation.

Mr. PROXMIRE. I did not mean to refer to the fact that they are having great difficulties. I do not dispute that. I say they are having the best of a longer period at a lower rate, and it does not seem to comply with the law.

Mr. METCALF. It is because there was a situation in which there was an extended drought, and they had to have additional costs. Actually, under existing law, it may be that from year to year some payments will be postponed in the judgment and discretion of the Secretary of the Interior.

All we are trying to do is to give them something stable and firm and fair, so that they can sell their bonds to finance this additional water supply.

Mr. PROXMIRE. I have one other question, and this is the most important. I know that the Senator from Montana is extraordinarily able in this area and has a great deal of experience. In his estimation, does this legislation set a precedent for changing the terms of other pre-1958 contracts at a substantial cost to the Government?

Mr. METCALF. The answer is a flat and unqualified "No."

The Interior Committee has had a policy for some years to not revise the legislative requirements upon authorized projects to reflect new policies; unless, of course, there is a statutory provision making the new policies retroactive.

In the case of S. 1151, the committee views this bill as an action to relieve the city of special financial problems brought about by a unique hydrologic situation. The committee does not feel that the bill establishes a precedent for any similar legislative action on any other project.

Mr. PROXMIRE. I thank the Senator. Mr. President, I yield the floor.

The **PRESIDING OFFICER.** The bill is open to further amendment.

Mr. TOWER. I ask for a third reading, Mr. President.

The **PRESIDING OFFICER.** If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1151

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to assist the San Angelo Water Supply Corporation in overcoming hardships resulting from developing and financing an alternate water supply to overcome the effect of an unprecedented drought on the San Angelo project, the Secretary of the Interior is authorized to revise the repayment contract numbered 14-06-500-368 dated April 28, 1959, as amended, by extending the period authorized for repayment of reimbursable construction costs of the San Angelo project from forty years to fifty years.

SEC. 2. The Secretary is authorized to credit annually against the corporation's repayment obligation that portion of the year's joint operation and maintenance costs which, if the United States had continued to operate the project, would have been allocated to controlling floods and providing fish and wildlife benefits.

SEC. 3. The Secretary of the Interior may use any funds that are otherwise available to him to carry out the purposes of this Act.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REFERRAL OF A MESSAGE FROM THE PRESIDENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that a message from the President on appropriations and legislation for minority Americans be jointly referred to the Committee on Appropriations and the Committee on Banking, Housing and Urban Affairs.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The message from the President is as follows:

To the Congress of the United States:

Approximately 35 million Americans are of Black, Spanish-speaking, or Indian ancestry—about ⅙ of our total population. Yet these same minority Americans presently own only about 4% of America's businesses. And these businesses, in turn, account for less than 1% of our Nation's gross business receipts.

In my statement on school desegregation of March 24, 1970, and again in my statement on equal housing opportunity last June 11, I committed this administration to the untiring pursuit of a free and open society, one which gives all citizens both the right and the ability to control their own destinies. I emphasized that such a society should be diverse and pluralistic, affording all of its members both a range for personal choice and the mobility which allows them to take advantage of that range of choice. Both in law and in practice, I argued, we owe every man an equal chance at the starting line and an equal opportunity to go as high and as far as his talents and energies will take him.

Throughout our history, one of the most effective ways in which we have advanced these goals has been by expanding the opportunity for property ownership and independent business activity. On many occasions our Founding Fathers spoke eloquently about the close relationship between property rights and human rights, and the wisdom of their words has been abundantly demonstrated throughout our national experience.

One of the most effective means now available for advancing the cause of human dignity among minority Americans is by expanding managerial and ownership opportunities for minority entrepreneurs.

On March 5, 1969, in one of my first executive orders as President, I established two new mechanisms for promoting expanded minority business activities: an Office of Minority Business Enterprise within the Department of Commerce to coordinate and oversee all Federal efforts in this field and to stimulate private sector initiatives; and an Advisory Council for Minority Business Enterprise to study this complex subject and recommend further action. Since that time, both of these units have been diligently carrying out these assignments. The further steps which I am announcing today have grown in large measure from their suggestions and their experience.

THE RECORD TO DATE

The record of this administration in promoting minority enterprise is a record of which we are proud. The aggregate total of Federal business loans, guarantees and grants to minority enterprises and purchases from them has increased almost three-fold over the last three fiscal years—from nearly $200 million in Fiscal Year 1969 to an estimated $566 million in Fiscal Year 1971. Federal purchases involving minority businesses alone have increased more more than eleven-fold—from $13 million in Fiscal Year 1969 to $142 million in Fiscal Year 1971. Our program to stimulate minority banking, which began just 1 year ago this month, has surpassed its goal of generating $100 million in new deposits in minority banks; firm commitments have been received for more than $35 million from the Federal Government and $65 million from the private sector.

In addition, the Small Business Administration has licensed 39 Minority Enterprise Small Business Investment Companies (MESBIC's), with an aggregate capitalization in excess of $10 million. When Federal monies available to these 39 MESBIC's are fully utilized, they should be able to generate some $150 million additional dollars in overall financing for minority business ventures. Moreover, a number of new MESBIC's are now in the process of formation. At the same time, the Opportunity Funding Corporation, which has received $7.4 million from the Office of Economic Opportunity, is also developing new projects which will stimulate minority ownership.

Other promising developments include new legislation which provides crime insurance at reasonable rates to minority businessmen, new legislation which assures the availability of surety bonds to minority contractors, and new regulations which require affirmative action to increase minority subcontracting under all Federal prime contracts and increased minority business participation in all Federally financed housing projects.

The Government has also stepped up the collection and dissemination of information critical to the development of minority enterprise, including the first census ever taken of minority-owned businesses. Meanwhile, an Inter-Agency Committee on Minority Business Enterprise has been formed in Washington and a series of Minority Business Opportunity Committees have been set up across the Nation.

Government efforts have also helped stimulate the private sector to provide increasing assistance for minority enterprise—including resources such as equity and debt capital, franchise offerings and other business openings, management services and technical assistance, and a range of market opportunities. For example, there are nearly three times as many minority-owned franchises and more than six times as many minority auto dealerships today as there were 2 years ago.

THE CHALLENGES WHICH REMAIN

In a wide variety of ways, then, we have been working to give disadvantaged groups a greater stake in the American economy. But, as the Advisory Council on Minority Enterprise concluded in its recent report, there are still "enormous economic inequities" which challenge the will and the resourcefulness of our Nation. The elimination of those inequities must be a national objective of high priority in the 1970's. Accordingly, I am today calling on the Congress to join with the administration in a still more intensive and far-reaching effort to foster business development among minorities.

This program should be guided by several important principles. It should be a comprehensive and pluralistic effort, one that moves forward on many fronts, since the barriers to minority enterprise are varied and numerous. It should also be a flexible approach, one that maximizes local control, since local realities are diverse and changeable. Our program should encourage the private sector to join with Government in creating an economic environment conducive to the development of minority businesses.

Another important principle is that we should carry out this program without overpromising or raising false hopes. There is no automatic road to economic success for any group in our society. A sound program which enables more Americans to share in the rewards of entrepreneurship will find them sharing in the risks and the responsibilities of entrepreneurship as well.

AN EXPANDED BUDGET

With these considerations in mind, I am calling today for a significant expansion of our minority enterprise budget. In addition to the $3.6 million appropriation which we originally requested for the Office of Minority Business Enterprise in fiscal year 1972 we have asked the Congress to budget an additional $40 million—bringing the total budget for the current fiscal year to $43.6 million. I repeat that request today—and in order to provide for continued expansion of the minority enterprise program, I intend to propose that OMBE be given a budget for fiscal year 1973 of $63.6 million. Altogether, we are asking for a new two-year program of $100 million.

What would this money be used for? Primarily, these funds would provide for an expanded program of technical assistance and management services. Approximately 10 percent of these new funds would be used at the national level—to strengthen minority business and trade organizations, to generate broad private programs of marketing and financial assistance, to develop training programs, and to foster other national efforts. The remaining 90% of the new money would be spent on the local level—supporting a variety of efforts to identify, train, advise or assist minority businessmen and to put them in touch with one another and with non-minority businessmen who can provide them with additional help.

In talking about encouraging expanded ownership, we are talking about an impulse which is already strong among minority groups in this country. The desire to gain a bigger piece of the action is already there; it is not something that depends on government stimulation. What government must do, however, is to help eliminate the artificial obstacles to expanded ownership—including the complex array of regulations and forms and bureaucracies which often stand between minority entrepreneurs and the resources which are available to help them.

This is why we are emphasizing the development of local centers which can bring together a vast array of training, advice and information for minority businessmen. Such centers can help them put together in an effective way the many elements which are necessary to build a successful business. We hope to develop more than 100 of these centers over the next three years.

I would emphasize that the money we are requesting for OMBE does *not* include grants, loans, guarantees, and purchases with minority businessmen by many other Federal agencies. Such direct aid, however, will also be expanded. We have, in fact, budgeted for $700 million in minority loans, grants, guarantees and purchases in the current fiscal year, an advance of half a billion dollars—more than three-fold increase—over 1969.

BOLSTERING THE MESBIC'S

In addition to expanded budgets, I am also submitting to the Congress legislation to strengthen our growing program for Minority Enterprise Small Business Investment Companies. This legislation would:

(1) Lower the level of private financing required to qualify for financing from the Small Business Administration on a three for one basis. At present, a MESBIC must raise $1 million before it can obtain Federal dollars on a three for one basis rather than the two for one basis that otherwise applies. I propose that the qualifying figure for three for one assistance be cut in half.

(2) Provide increased equity to MESBIC's in the form of preferred stock to be purchased by the SBA in place of part of the debt instrument purchased by the SBA under current law. This would reduce the debt load presently carried by MESBIC's and stimulate added investments to create larger and more vigorous MESBIC's.

(3) Lower the interest rate on SBA loans to MESBIC's to three points below the normal rate set by the Treasury Department during the first five years of the loan.

These provisions should greatly increase the resources which are available to minority businesses through the MESBIC program.

BETTER COORDINATION

I am also issuing today an executive order giving the Secretary of Commerce—and, through him, the Office of Minority Business Enterprise—increased authority over all Federal activities in the minority enterprise field. This order gives the Secretary a clear mandate to establish and carry out Federal policy concerning minority enterprise and to coordinate the related efforts of all Federal departments and agencies. It also directs the departments concerning their minority enterprise programs and to cooperate in expanding the overall Federal effort. The substantive provisions of Executive Order 11458 of March 5, 1969 are also carried over into the new order.

UNFINISHED BUSINESS

In addition to these new initiatives, I again urge action on a number of older proposals. Among these is my suggestion that a new Assistant Secretary for Minority Enterprise be created in the Department of Commerce—an important step in giving greater cohesion and greater emphasis to Federal involvement in this area.

Other important legislation includes Senate Bill 544, which would alter tax laws so as to ease the burden on small, marginal businessmen. I also urge passage of the Small Business Amendments Act of 1971. Finally, I again ask the Congress to enact the Indian Business Development Program Act, the Indian Financing Act, and the Washington, D.C. Development Bank Act of 1971.

CONCLUSION

The best way to fight poverty and to break the vicious cycle of dependence and despair which afflicts too many Americans is by fostering conditions which encourage those who have been so afflicted to play a more self-reliant and independent economic role.

This goal will not be achieved overnight for there is no easy way to eliminate the barriers which now prevent many who are members of minority groups from controlling their fair share of American business. Yet the long range health of our economy—and, indeed, of our entire society—requires us to remove these barriers as quickly as possible. Both morally and economically, we will not realize the full potential of our Nation until neither race nor nationality is any longer an obstacle to full participation in the American marketplace.

RICHARD NIXON.

THE WHITE HOUSE, *October 13, 1971.*

ORDER FOR ADJOURNMENT UNTIL 11 A.M., FRIDAY, OCTOBER 15, 1971

Mr. BYRD of West Virginia. Mr. President, I have been authorized by the distinguished majority leader to ask unanimous consent that when the Senate completes its business today it stand in adjournment until 11 a.m., on Friday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS ON FRIDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Friday, immediately following the recognition of the two leaders under the standing order, the following Senators be recognized, each for not to exceed 15 minutes and in the order stated: the Senator from New York (Mr. JAVITS), the Senator from Missouri (Mr. EAGLETON), and the Senator from Wisconsin (Mr. PROXMIRE).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON FRIDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the completion of orders for the recognition of Senators on Friday, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume that this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, THE ACTING PRESIDENT PRO TEMPORE, AND THE SECRETARY OF THE SENATE TO TAKE CERTAIN ACTIONS DURING ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the adjournment of the Senate at the close of business today until 11 a.m., on Friday, and during the adjournment of the Senate from the close of business on Friday until 12 o'clock noon on Tuesday, October 19, 1971, the Vice President, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

Mr. BYRD of West Virginia. I also ask unanimous consent that during the same period, the Secretary of the Senate be authorized to receive messages from the House of Representatives, and that there also be authorization for their appropriate referral.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SAFER AEROSOL CONTAINERS

Mr. MOSS. Mr. President, I should like to bring to the Senate's attention a creative development in the field of product safety.

A few days ago I had an opportunity to witness a demonstration of a new, safer aerosol container developed by the American Can Co. I wish all of my colleagues could have seen American Can's new aerosol container because the new package apparently eliminates the explosion hazard. This new aerosol container is known as the RVR—Rim-Vent-Release—aerosol.

The RVR aerosol, basically takes advantage of a predictable sequence of events which occur every time an aerosol can is misused or permitted to become overheated. The "venting" device is simply a series of scores cut into the top of the aerosol can. When the top of a RVR aerosol buckles upward after becoming overheated, the scores open and release the pressure which has built up inside the can—and this prevents an explosion. Whenever a can of conventional design is overheated, excessive pressure buckles the top of the can and the container will burst if the pressure is not relieved.

Actually, the aerosol industry's safety record is quite good—less than 1/10,000 of 1 percent of aerosol containers have been involved in explosions. But as Mr. Judd H. Alexander, American Can's vice president who heads up the company's aerosol division, has told me, the industry cannot tolerate even one hazardous event. Mr. Alexander and his technical staff developed the RVR aerosol to eliminate the explosion hazard completely—even though the hazard is miniscule.

The development of a new, safer aerosol can represents a significant contribution to product safety and to public safety, and I would certainly like to commend the American Can Co. for its willingness to develop products that are responsive to the public's need for product safety.

(The remarks of Mr. Moss when he introduced S. 2691 are printed earlier in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

PRESIDENT NIXON'S FORTHCOMING TRIPS

Mr. BROOKE. Mr. President, in announcing his plans to visit Moscow next spring, President Nixon has once again demonstrated his extraordinary sensitivity to the need for balance in an effective foreign policy. I applaud his decision, for it demonstrates conclusively the seriousness of his intent to resolve outstanding differences among the major world powers and to achieve a "generation of peace."

Some weeks ago, President Nixon startled the world by stating his intention to visit Peking in the spring. This trip will be the first by an American head of state to the great Asian nation which faces us across the Pacific, and for that reason alone it has historic significance. But the fact that mainland China has been cut off from communication with the United States for more than 20 years lends a revolutionary character to the President's proposed undertaking.

The trip to Peking is full of promise for the future. It signifies our acceptance of the fact that the Government of 800 million people deserves to be heard, and must be heard in a world order which can only be held together by mutual cooperation. It makes clear that we have a common interest in trade and cultural contact. It holds forth, for the first time in the postwar period, the promise of a normalization of international relations and the introduction of a truly flexible and stabilizing, multipolar political system.

But overtures to Peking cannot be made at the expense of our relations with other states. It will have gained us nothing if, in our attempts to establish contact with the People's Republic of China, we forfeit the good will of other states or raise the specter—however remote and unjustified—of seeking an alliance aimed against another power.

It is in this context, and as an assurance against this interpretation of his motives, that the President's announced trip to Moscow takes on such significance.

The President has made clear that the two trips are unrelated—and they should be. This country has many separate issues to explore with Moscow and Peking. The discussions of the President with the leaders of an Asian power with whom we have been out of touch for 20 years will assuredly be different from the items on the agenda for discussion with a European/Asian power equal to our own with whom we have kept up a sustained and productive dialog.

President Nixon's discussions in Moscow might focus on many issues of mutual concern. Hopefully, by the time of his visit in May of 1972, considerable progress will have been made at the SALT talks and there will be cause for mutual congratulations as well as an opportunity to chart directions for further talks.

Opportunities for expanded trade between the Soviet Union and the United States, as well as with the other nations allied with these two leading powers, will certainly be a subject for suitable discussion.

Outstanding areas of difference—such as Berlin, the divided Germanies, and even Cuba—might productively be discussed by the leaders of the world's two great powers.

Cooperative uses of modern technology ranging from nuclear energy to weather satellites, space exploration, and undersea developments can also be discussed at the Moscow meeetings.

In sum, the President's trip holds forth the promise of resolving many issues of mutual concern. In this, as in his many wise and timely foreign policy undertakings, he deserves our commendation and full support.

CONCLUSION OF MORNING BUSINESSS

The PRESIDING OFFICER. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I ask that morning business again be closed, and I ask unanimous consent that the distinguished Senator from Virginia (Mr. BYRD) be recognized for not to exceed 15 minutes, after which the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Morning business is concluded, and, without objection, the Senator from Virginia is recognized for not to exceed 15 minutes.

FORCED BUSING SOLELY ON THE BASIS OF RACE

Mr. BYRD of Virginia. Mr. President, I am alarmed at the continuing, if not the growing, tendency of the Department of Health, Education, and Welfare to attempt to force local school systems to assign teachers and pupils solely on the basis of race.

In pursuing this policy, the Civil Rights Office of Health, Education, and Welfare has arrogated unto itself functions of each of the three branches of Government.

The Department of Health, Education, and Welfare has ignored the expressed will of Congress on the question of busing of school children to achieve an artificial racial balance.

The Civil Rights Act of 1964 defines desegregation as assignment of students without regard to race, and states that desegregation "shall not mean the assignment of students to public schools in order to overcome racial imbalance."

In the Education Appropriations Act of 1969, 1970, and 1971 there are provisions that funds shall not be expended for the transporting of students to achieve a racial balance.

Nevertheless HEW remains adamant in its refusal to adhere to legislation enacted by the elected representatives of the people.

Even though the Department of Health, Education, and Welfare is a part of the executive branch of the Government, it has continuously flaunted the directive of the Chief Executive on the subject of busing. HEW appears to have set itself on a course of independence from the wishes of the President. I believe that positive action by the President is needed to bring a few overzealous officials back into line.

HEW is not content to assure the prerogatives of the legislative and executive branches of Government; it has taken it upon itself to interpret and enforce judicial decrees and even interfere in cases pending before the courts.

It is high time that the Department of Health, Education, and Welfare was reminded that it is not a fourth branch of the Government.

The Supreme Court ruled in 1954 that the public schools, in assigning teachers and pupils, shall not take race into account. Yet the evidence is overwhelming that HEW is demanding that race be the sole factor in such assignments.

I wish to relate to the Senate four examples in Virginia alone, of HEW's harassment.

Nansemond County, in southeastern Virginia, is one of the Nation's largest peanut producing areas. The county is, at present, operating its schools under order of the local Federal district court. Recently, the Justice Department filed a petition in the court alleging that the school board was guilty of certain discriminatory hiring practices. The court, after hearing the initial claim, ordered the Justice Department to furnish specific data to substantiate its charge.

While this matter was pending, Mr. Theodore Nixon, of HEW's Civil Rights Office in Philadelphia, visited the county. In formal exhibits furnished to me by the Nansemond County School Board Chairman and Superintendent of Schools, Mr. Theodore Nixon is charged with conducting a completely one-sided investigation which led only to racial unrest; in addition, county officials found his manner to be "argumentative and discourteous." Mr. Theodore Nixon and his associates have refused to supply the county with any evidence of the alleged discrimination.

As a result of Mr. Theodore Nixon's "investigation," Nansemond County's request for funds under title IV of the emergency school assistance program was denied.

Thus the county was tried and convicted of discrimination by an HEW official who refused to confront those whom he accused, and while the whole question was before a Federal district court.

By what Constitutional authority has the Civil Rights Office of HEW assumed the role of the judiciary in this country? Can any Senator answer that question for me?

The second incident involves Charlotte County, a rural county in southside Virginia.

This county, which has successfully operated an integrated school system for several years, recently was ordered by Mr. Ronald Gilliam of the Philadelphia HEW office to transfer teachers from one school to another solely on the basis of race.

Perhaps because the spirit of that great champion of liberty, Patrick Henry, still lingers on in his native county, the superintendent of education, Mr. J. H. Hoppe, refused to accede to this illegal demand and rejected the HEW bribe. Yes, rather than submit to continuous HEW harassment, this small rural county has chosen to refuse Federal funds.

I believe that the superintendent not only speaks for the people of Charlotte County, Va., but, indeed, for all sensible Americans, when he asserts:

> We cannot legally assign personnel solely on the basis of race.

Indeed, his entire letter is one of good commonsense, and I ask unanimous consent that the text of Mr. Hoppe's letter be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BYRD of Virginia. Mr. President, third, I ask the Senate to consider the case of Accomack County. Accomack is one of two counties on Virginia's delightful Eastern Shore, the narrow peninsula between the Chesapeake Bay and the Atlantic Ocean. The Eastern Shore is separated from the Virginia mainland by 25 miles of water.

For many years Accomack has been subjected to HEW's ridiculous demands. At one point an HEW "expert" in Washington or Philadelphia decided that black students from the Eastern Shore mainland should be transported to tiny Tangier Island in the middle of the Chesapeake Bay. This would have established the novel precedent of boating to achieve a racial balance. When the irrationality of this suggestion was called to HEW's attention, an unnamed employee admitted that no one had any knowledge of Tangier's geographic situation. After obtaining a roadmap, HEW abandoned this plan.

The second case of HEW harassment in Accomack County involved Chincoteague Island on the Atlantic shore. HEW has demanded that additional students from the Eastern Shore mainland be bused to this island's already overcrowded schools in order to establish a desired racial balance.

Dr. Eloise Severinson, the Chief of the Philadelphia office, was informed of the overcrowding on Chincoteague, yet she still persisted in directing her subordinates, Messrs. N. E. King and Theodore Nixon, to push for more assignments solely on the basis of race.

In an informal meeting with the Accomack School Board, these two gentlemen admitted that the schools were overcrowded, but suggested that the school board could lengthen the school day and convert the gymnasium into classroom space to accommodate the students who were to be bused.

Imagine that. A demand that a school be physically emasculated to carry out HEW's racial programs.

During one telephone communication, Mr. Theodore Nixon is alleged to have said that racial mixing was his sole concern.

This situation closely parallels that detailed by the distinguished junior Senator from Alabama (Mr. ALLEN) in his speech of September 23, when he recalled the comment by a Government official who stated to Alabama educators that:

> We don't give a damn about education. We are only interested in mixing them in the South.

The fourth incident concerns the treatment of the public schools of the progressive central Virginia county of Albemarle.

Dr. Eloise Severinson, head of the HEW Philadelphia Civil Rights Office, who has concerned herself in the past with such matters as the racial composition of a high school majorette corps and the racial hiring of private college football coaches, commenced to harass Albemarle on the subject of increased busing and teacher assignment.

In a recent letter to the school board, she took it upon herself to interpret the decisions of the U.S. Supreme Court and apply them to Albemarle; she also demanded submission of a complicated plan of compliance within 2 days of the receipt of her letter.

In protesting this action to Secretary Richardson, I said that this letter of Dr. Severinson's was the epitome of bureaucratic arrogance. I called to Secretary Richardson's attention the statement of the White House Press Secretary, commenting upon the President's opposition to compulsory busing when he said:

> Those who work within the government are going to be responsive; those who are not responsive will find themselves involved in other assignments or quite possibly in assignments other than the federal government.

I repeat my comment that a good place to begin would be with Dr. Severinson.

Mr. President, since the days of Washington and Jefferson, the people of Virginia have cherished their individual liberties. They are now speaking with one voice on this subject of arbitrary assignments on the basis of race.

Virginians are not alone in this outcry; their thoughts are now being echoed by citizens of New York, Michigan, and elsewhere. Only a few weeks ago, the Chinese of San Francisco made their deep feelings known to the whole country. The recent Gallup poll on the question of busing makes quite clear the fact that the American people are demanding action by the Congress and by the President.

The Congress has spoken out on this issue; it is now time for the President to take action to follow through on his antibusing statements.

It is no longer a question of sectionalism. All Americans, North and South, black and white, I feel, desire to regain control of their schools, so that education can, once more, be the principal, if not the sole, function of our public school system.

EXHIBIT 1

SEPTEMBER 23, 1971.

Mr. RONALD GILLIAM,
Office of Civil Rights, H.E.W. Region 3,
Philadelphia, Pa.

DEAR MR. GILLIAM: I have considered your demand concerning the moving of teaching personnel within our school system, from school to school, using race as the sole criteria in order that we may obtain Title IV funds to which we are entitled for use in our school program. I have discussed it with our School Board chairman and with supervisory personnel and I must advise you as follows:

Your demand is not consistent with your own definition of desegregation in your own regulations as applied to students, so why are teaching personnel different?

We cannot legally assign personnel solely on the basis of race.

We assign teaching personnel primarily on the basis of school division educational needs, their qualifications to meet these needs and do not discriminate in any way on the basis of race, color or creed, as the law requires.

Such assignments as you demand will produce, in our small school division, a psychological set-back to our constantly improving race relations. It will serve to emphasize race-consciousness where the only way to real integration is to subordinate such psychological barriers to realistic relationships.

Such ratios as you propose have no sound basis in fact for improvement of race relations. If this were true, we would have to re-locate millions of Americans all over the United States.

We have a good program in the building stages working for the improvement of opportunities for all, with special emphasis on the economically and socially deprived youngsters, of whom our county has a high percentage, as compared to others.

However, if failing to comply with your demand means we may not receive our allotted share of ESAP funds, so be it. You will only be working to the detriment of needy people, which I do not believe is the goal of ESAP.

Sincerely,

J. H. HOPPE,
Division Superintendent,
Charlotte County Public Schools.

CONSTITUTIONAL CONVENTIONS

The PRESIDING OFFICER. Under the previous order, the Chair now lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (S. 215) to provide for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution (together with separate views).

ORDER TO RECOGNIZE SENATOR EAGLETON ON TUESDAY NEXT, INSTEAD OF FRIDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order previously entered for the recognition of the Senator from Missouri (Mr. EAGLETON) for not to exceed 15 minutes on Friday be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the same order be entered for Tuesday next, immediately after the recognition of the two leaders under the standing order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM FOR FRIDAY

Mr. BYRD of West Virginia. Mr. President, the program for Friday is as follows:

The Senate will convene at 11 a.m. After the recognition of the two leaders under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Mr. JAVITS and Mr. PROXMIRE.

Following the remarks of the two Senators whose names have just been mentioned, the Senate will proceed to the consideration of routine morning business for a period of not to exceed 30 minutes, with statements limited therein to 3 minutes.

Following the routine morning business, the Senate will return to the consideration of the unfinished business, but the majority leader has asked me to state that that business will remain before the Senate for a resumption of consideration on Tuesday next.

So there will be no rollcall votes on Friday, and the joint leadership has indicated that it is hoped that committees will take every advantage of this opportunity to work without being interrupted for rollcalls, in order to report bills and resolutions to the Senate for floor action, the calendar being virtually clear.

ADJOURNMENT UNTIL FRIDAY, OCTOBER 15, 1971, AT 11 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m., on Friday.

The motion was agreed to; and (at 1 o'clock and 35 minutes p.m.), the Senate adjourned until Friday, October 15, 1971, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate October 13, 1971:

U.S. DISTRICT COURTS

William C. Stuart, of Iowa, to be a U.S. district judge for the southern district of Iowa, vice Roy L. Stephenson.

AMBASSADOR

Fred J. Russell, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark.

FEDERAL METAL AND NONMETALLIC MINE SAFETY BOARD OF REVIEW

W. W. Little, of Arizona, to be a Member of the Federal Metal and Nonmetallic Mine Safety Board of Review for the term expiring September 15, 1976. (Reappointment)

HOUSE OF REPRESENTATIVES—*Wednesday, October 13, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Whosoever will save his life shall lose it: and whosoever will lose his life for My sake shall find it.—Matthew 16: 25.

Eternal God, who committest to us the swift and solemn trust of life: Since we know not what a day may bring forth, but only that the hour for serving Thee is always present, may we wake to the instant claims of Thy holy will, not waiting for tomorrow, but yielding today. Consecrate with Thy presence the way our feet may go that the humblest work may shine and the rough places be made smooth. Lift us above unrighteous anger and undue mistrust into faith, hope, and love by a simple and steadfast reliance upon Thee.

Through our oneness with Thee make us one with our fellowmen across all boundaries of color, creed, and culture. May our sympathies be wide, our loyalties high, and our devotion deep. In this day give to us and to our Nation light to lead us, strength to support us, and love to unite us.

In the mood of the Master we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On September 29, 1971:

H.J. Res. 782. Joint resolution to authorize the President of the United States to issue a proclamation to announce the occasion of the celebration of the 125th anniversary of the establishment of the Smithsonian Institution and to designate and to set aside September 26, 1971, as a special day to honor the scientific and cultural achievements of the Institution.

On September 30, 1971:

H.R. 7048. An act to amend the Communications Act of 1934, as amended, to establish a Federal-State Joint Board to recommend uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service; and for other purposes.

On October 5, 1971:

H.R. 10538. An act to extend the authority for insuring loans under the Consolidated Farmers Home Administration Act of 1961; and

H.R. 10090. An act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commission for the fiscal year ending June 30, 1972, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 7072. An act to amend the Airport and Airway Development Act of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2652. An act to provide an elected Mayor and City Council for the District of Columbia, and for other purposes.

THE LATE HONORABLE HENDERSON H. CARSON

(Mr. BOW asked and was given permission to address the House for 1 minute.)

Mr. BOW. Mr. Speaker, it is with sadness I rise today to advise the House of the passing of a former Member of this body, one of my predecessors from the 16th Congressional District of Ohio and a very dear friend.

Henderson H. Carson, who was a Member of this body in the 78th and 80th Congresses, passed away in our home city of Canton last week.

When Mr. Carson was a Member of this body he was an important member of the House Committee on Interstate and Foreign Commerce, where he played a great and important role in the legislation affecting natural gas.

Mr. Carson was a native of Cadiz, Ohio. He was an Army veteran of World War I. He was a graduate of the Cleveland School of Law and Baldwin-Wallace College.

He began practicing law in Canton, Ohio, in 1922. He had also served in the legal department of the Pennsylvania Railroad. He was a very active member of the Ohio bar.

He shall be missed in our community.

He is survived by his widow, Ella W. Carson, and two daughters, Mrs. Leonard Snyder, of New Philadelphia, Ohio, and Mrs. Frank Condit, of Brecksville, Ohio.

Mrs. Bow and I extend to Mrs. Carson and the other members of the family our deep sympathy of the passing of this fine man. I am sure those who served with Henderson Carson during the 78th and 80th Congresses will join with me in sorrow at the passing of this fine and outstanding gentleman.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from Ohio yield?

Mr. BOW. I am glad to yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I wish to share in the views, observations, and expressions of sympathy set forth by the gentleman from Ohio. I, too, served with Mr. Carson. I did not know him as intimately as the gentleman from Ohio, but he was a good friend and a fine legislator.

I join in extending to his family our deepest sympathy.

Mr. BOW. I thank our distinguished minority leader.

GENERAL LEAVE

Mr. BOW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to express their views on life, character, and service of the late Honorable Henderson H. Carson.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE LATE HONORABLE DEAN ACHESON, FORMER SECRETARY OF STATE

(Mr. BOGGS asked and was given permission to address the House for 1 minute.)

Mr. BOGGS. Mr. Speaker, I take this time to note with sadness the passing of a great American statesman, Dean Acheson.

Many of the Members of this body knew Mr. Acheson not only as one of the men who put together a coalition of powers to restore liberty and freedom in Europe and elsewhere in the world at the conclusion of World War II and during the period of the war in Korea but also as a man of deep affection for his fellow man, with a keen sense of devotion to his country, and a ready, willing, and able wit.

Mr. Acheson fought many battles here in the Congress of the United States and before the committees of the Congress. After he left Government officially he maintained an active and vital interest in the affairs of our country and was helpful to many Presidents, Republicans as well as Democrats. I think he set an ideal to which young Americans can aspire, and his passing is one that will be noted not only here but all over the world where free men gather.

I am indeed sorry that he has left us. I am glad that his ending was peaceful and without pain.

I join with the other Members in extending to his lovely wife and fine family our deepest condolences.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I am very happy to yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, I learned of the passing of Dean Acheson yesterday when I was in Wichita, Kans.

Although he and I have had differences from time to time, I think with the death of Dean Acheson America lost a man of great strength and the world has lost a stanch defender of freedom.

Dean Acheson was first and foremost a champion of the God-given rights of man. That is the philosophy which, as I understood it from reading his works and hearing his words, inspired him as he grew up and implemented the policies which produced the North Atlantic Treaty Organization.

He was tough at a time when the world had a great need for tough men. He was an incomparable adviser to the President at that time on foreign affairs at the time when he was Secretary of State. I think history will show that he was equally effective as an adviser to other Presidents including the present President.

The United States, in my judgment, will keenly feel the loss of this outstanding man.

I join the distinguished majority leader in extending to his family our deepest condolences.

Mr. BOGGS. I thank the distinguished gentleman.

I yield to the gentleman from Missouri.

Mr. BOLLING. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, it has been my privilege as a student of American history and as a Member of this institution to know something of most of the people of note in our history either directly or indirectly. I think it is not an exaggeration to say that Dean Acheson will do so well in the history books of the future that he will occupy a larger place than many Presidents of the United States.

He was one of the most remarkable intellects of our time, a brilliant lawyer, an independent thinker, and a man with all of the qualities one could desire in a Secretary of State.

I am convinced that when his contribution to the welfare of the people of the United States in this decade and even in this century is evaluated he will rank ahead of most others in the history of the United States and in particular in this era.

I thank the gentleman and I join with him in extending my deepest condolences to his family.

DEPARTMENT OF AGRICULTURE AXES SCHOOL LUNCH PROGRAM

(Mr. RYAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RYAN. Mr. Speaker, that hunger and malnutrition should exist at all in a society as rich as ours is unconscionable. But what is even less justifiable is the failure of the Federal Government to respond to the plight of thousands of young children trapped in poverty by insuring that they get enough to eat.

Last week, the Department of Agriculture announced that it has lowered the eligibility ceiling for the school lunch program to $3,940 for a family of four. This decision will cut off free lunches for some 350,000 of the 390,000 New York City schoolchildren now being provided these lunches. Nationwide, it is estimated that 1 million children will be forced out of the program.

Surely this runs directly counter to the avowed commitment of President Nixon on May 6, 1969, when he stated that "the moment is at hand to put an end to hunger in America itself for all time." Yet, rather than broadening the school lunch program to meet the problems of hunger and malnutrition in our schools, the Department of Agriculture is slashing it, thus perpetuating these problems.

Therefore, I am calling upon the Secretary of Agriculture to cancel the decision to lower the eligibility ceiling and to insure that no child now receiving the benefits of the school lunch program be adversely affected by any administrative action.

CHILEAN GOVERNMENT'S REFUSAL TO COMPENSATE U.S. MINING FIRMS FOR PROPERTY EXPROPRIATED MUST BE OPPOSED BY THE U.S. GOVERNMENT

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, the refusal by the Chilean Government to compensate U.S. mining firms for property expropriated in that country's nationalization of its copper mines must be staunchly opposed by the U.S. Government.

American law provides for reprisals in the form of cutting off economic and military assistance to any country that does not promptly and fully compensate firms for their expropriated investments.

However, the State Department's previous record in similar matters is not exemplary. Peru and Equador have been seizing U.S. fishing vessels operating well beyond the internationally recognized fisheries limit for several years. Yet, the present administration has refused to cut off foreign aid to these countries or to reduce such aid by the amount of fines levied on or damage done to U.S. vessels.

Mr. Speaker, I sincerely hope that retaliation against Chile is swift and sure. I would remind those who want to ignore this expropriation as just the "growing pains" of a young nation that Cuba, too, was once our friend and ally. Castro was regarded as a great hero, but once in power his attitudes toward things United States changed drastically.

So, too, the Allende regime in Chile may be playing the United States for a patsy. What is to fear from a government that will pay any price for another nation's friendship? Socialist countries have a basic ideology in contradiction to American democracy. With that in mind, any price may buy only an empty box of bargains and leave us with an empty treasury to boot.

THE PRESIDENT'S TRIP TO RUSSIA

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of Illinois. Mr. Speaker, I wish to commend President Nixon on his decision to accept the invitation to visit the Soviet Union next spring. I think this decision, taken together with his intention to visit China, is a clear indication of his genuine desire to forge a generation of peace and make the transition from an era of confrontation to an era of negotiation. While the President has properly cautioned us against expecting the millennium to flow directly and immediately from either of these visits, I do think this high level summitry will help to strengthen the lines of communication between us and the Communist powers and thereby hopefully reduce tensions around the world. Let us have no delusions that these visits will once and for all eradicate all differences between us and the Communist powers. Those differences continue to be deep and cannot easily be resolved by these initial high level talks. But it seems to me that the President's initiatives represent a very important first step in the long journey to achieving peace in the world, and as such, these initiatives deserve our full support.

I think the words that are used in a New York Times editorial this morning bear repeating, and I quote:

> What has happened is that new possibilities have been raised for a substantial improvement in United States relations with the other two great world military powers, the Chinese People's Republic, and the Soviet Union. There is no guarantee, unfortunately, that these possibilities will be realized. But, as he journeys to Peking and Moscow in the cause of world peace and international security, Mr. Nixon will need the support of all Americans, regardless of party and irrespective of differences on domestic issues.

Mr. Speaker, I would hope that that support would begin here in the House of Representatives.

PRESIDENT NIXON'S PROPOSED TRIP TO MOSCOW

(Mr. du PONT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. du PONT. Mr. Speaker, I was delighted to learn yesterday of President Nixon's announcement that he is going to visit the Soviet Union early next year. This trip underscores the President's efforts toward a strategy of negotiation rather than a strategy of confrontation. The Moscow trip continues the outstanding record in foreign policy that President Nixon has been building up since he took office. There is the four-power agreement in Berlin, the fragile peace in the Middle East, the beginning of communication with the People's Republic of China and, above all, the SALT talks and the arms control talks that are now going on. Many of the threads that interweave through these various areas of international tension lead ultimately to Moscow.

I feel sure that this beginning of communications on a high level with the leaders of the Soviet Union will do much to defuse and hopefully unravel many of the serious foreign policy problems facing the United States and the world.

I do not believe that the Moscow trip, any more than the China trip, is going to be a panacea or an end to all international tensions, but both trips certainly are the beginning of serious communication with the makers of foreign policies in other areas of the world.

PRESIDENT NIXON'S PROPOSED TRIP TO MOSCOW

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, the announcement by President Nixon that he will follow up his visit to Peking with a summit meeting in Moscow has been welcomed by every American, regardless of his political persuasion. For there can be no partisan politics in the quest for peace if our efforts are to be crowned with success.

Let me call attention to the careful preparations that are preceding Mr. Nixon's visits to Moscow and Peking. This painstaking groundwork suggests that Mr. Nixon's summit efforts may well lead to an ultimate resolution of the major East-West political issues.

The agenda for the Moscow meeting will, of course, depend upon what problems remain unsolved between the United States and the Soviet Union at the time. These will include problems of great moment for the entire world. And so we all, citizens everywhere throughout the world, surely join in a mutual wish that Mr. Nixon's mission to Moscow will be a resounding success.

ON PRESENTING OUR FLAG TO MEADOWS ELEMENTARY SCHOOL OF TERRE HAUTE

(Mr. MYERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MYERS. Mr. Speaker, every Member purchases and gives away a great many U.S. flags each year. Of all the jobs and pleasures associated with being a Member of Congress, I treasure this highest. It always gives me a thrill to present our flag to an appreciative group.

Last Monday, Columbus Day, I had the pleasure to present a flag to Meadows Elementary School of Terre Haute. The spokeswoman and accepting for the school was sixth grader Jill McCrory, daughter of Vigo Superior Judge and Mrs. Charles K. McCrory of Terre Haute.

The following acceptance speech which she gave from memory was written by her. It is so nice and she was so sweet in presenting it that I will share it with you:

Speech by Jill McCrory

Through wars and fears
    there was one thing,
In which all hope was based,
An emblem in which courage
    could be found by all
Who gazed upon its majestic figure;
The flag, its bright colors of
    red, white, and blue
So long the symbol of freedom
    and justice,
Expresses through glory, through
    loyalty and devotion,
The truly great meaning of America.
So, with great pride and admiration,
We humbly accept this gift of honor
And simply give a hundred thanks,
For no words could express
    our deep appreciation.

PRESIDENT NIXON'S PROPOSED VISIT TO MOSCOW

(Mr. MORSE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MORSE. Mr. Speaker, in his inaugural address on the 20th of January 1969, President Nixon pledged to lead us out of an era of confrontation into an era of negotiation, and once again he has demonstrated his firm intention to fulfill that pledge.

His announcement yesterday of his planned trip to the U.S.S.R. in May of 1972 has revealed once again the President's enormous capacity for creative leadership in foreign affairs, leadership designed to lead us to a generation of peace. In my view his newest initiative, like his earlier ones, commands the respect and support of all Americans.

TRIBUTES TO THE HONORABLE CHARLOTTE T. REID

(Mr. ARENDS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ARENDS. Mr. Speaker, there are "gals and gals and gals," and there is our very own Charlotte Reid.

When she announced that she was resigning from her seat in the House to become a Commissioner on the Federal Communications Commission, all of us, and particularly the Illinois Members of Congress, were both distressed and delighted.

All of us are delighted that Charlotte has been given this new assignment, and we recognize how important it is. The President could not have made a better choice. And she takes with her our very best wishes as she undertakes her new duties and responsibilities.

But for selfish reason, we would have preferred for her to remain in this body where she has rendered such outstanding service for almost 9 years. Her leaving the House is a real loss to us. She has been an outstanding Member of this body. She performed diligently and well on each of her many assignments, particularly as a member of the Committee on Appropriations.

The people of the 15th Congressional District of Illinois are to be congratulated on having selected Charlotte to be their spokesman in the Congress. The people she has represented love her and respect her, and she could have remained in the House as their representative for many, many years.

It is possible that in the proposed redistricting plan in Illinois that I may have the privilege to represent four of the counties she has long represented. Anyone who succeeds Charlotte Reid in representing any part of her district will have the task of trying to measure up to the high quality of representation she has given the area.

Charlotte looks upon service on the Federal Communications Commission as both a challenge and an opportunity. It affords her an opportunity for larger service to our country and there is a need for someone such as Charlotte on the Federal Communications Commission. As she has demonstrated in her service here in the House of Representatives, she has both the ability and the courage to make difficult decisions, let the chips fall where they may.

Charlotte, we will miss you. We will miss you much more than you realize and much more than we can possibly say. You brought dignity and honor to this body. You brought a charm and graciousness that endeared you to us and you brought an intellectual ability that has been persuasive with us in our deliberations. This is a rare combination. It would be no exaggeration for me to say that I sometimes wondered whether it was your natural charm or the logic of your arguments that were the most persuasive.

We are sorry to see you leave us, Charlotte. We wish you the very best in your new position. We hope you will favor us with frequent visits to Capitol Hill and this Chamber.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the distinguished gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, the Congress has lost one of its very finest and certainly one of its most attractive Members. I speak, of course, of Charlotte Reid. Charlotte is taking on a new assignment, one with major responsibilities.

The Federal Communications Commission has a powerful role in vast areas involving the broadcast media. Because of Charlotte's background in radio and television, we know she will do an excellent job as a member of the FCC.

The gain to the FCC will be our loss in the House of Representatives. Charlotte Reid is the first woman to serve as a Republican member of the House Committee on Appropriations. Her many outstanding contributions as a member of that important committee are well known. She deservedly earned her appointment to that committee by her superb service on other committees in the House, including the Committee on Interior and Insular Affairs.

Charlotte Reid has been loyal to the views of her constituents and has served them most capably for five terms. Charlotte has also been a tower of strength on behalf of President Nixon and his programs and policies. She has been a tremendous team player in support of those of us in the House Republican leadership. I am deeply grateful for her wonderful cooperation and great assistance. Without such help, the responsibilities of House Republican leader could not be effectively carried out.

A Member of the House is often and properly judged by the friends he or she has in this body—friends on both sides of the aisle. Charlotte Reid has many such friends and for good reason. She is a person of integrity, ability, good judgment, and charm. Charlotte is not only liked, she is respected. Because of her ability and personality she will leave an indelible record of success and achievement in the Congress. We wish her well in her new assignment.

Mrs. GRIFFITHS. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentlewoman.

Mrs. GRIFFITHS. Mr. Speaker, I would like to add my few thoughts to what has been said. In my judgment, Charlotte Reid is one of the most charming and pleasing women who have ever entered this House, one of our finest Members, and those of us on this side of the aisle will miss her.

I would like to say also that I personally think she is also a very good selection for the Federal Communications Commission. I think it is high time that a person who has spent her life in the communications industry should have some opportunity to make the regulations and to judge on the actions of those who come before that Commission.

I hate to say goodbye to her. We like her very much. We wish her the very best in her new office.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the majority leader, the gentleman from Louisiana.

Mr. BOGGS. I would like to associate myself with the remarks made by my colleagues who have preceded me. It may be sheer coincidence that Charlotte leaves the day after the House passed by an overwhelming vote the equal rights amendment, and if this indicates that the various Federal regulatory bodies will now be peopled by women as able and charming as Charlotte Reid, then it is a very good sign, indeed.

At the same time, however, I would hope that the trend of taking away from this body able women Members would stop very quickly, because we do not have enough, and we certainly do not have many of Charlotte Reid's capability to spare, as much as she may be needed in the executive branch of the Government.

I am sure I express the sentiments of all us on both sides of the aisle in saying that we will miss her, not only as an able, effective and dedicated legislator, but as a very good friend indeed. We wish her well.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the ranking minority member of the Appropriations Committee, the gentleman from Ohio.

Mr. BOW. Mr. Speaker, the House has suffered a great loss by the gain of the FCC in Charlotte Reid's joining that Commission. The State of Illinois has suffered a loss, I am sure. I think, however, the great loss is that of the Appropriations Committee. Mrs. Reid has served on that committee for some time. It was my opportunity to assign her to two very important subcommittees, one the Subcommittee on Labor-HEW and the other on Foreign Aid. I know of no member of the Appropriations Committee who has worked more diligently and spent more hours in hearings. She was always present at the hearings and made a great contribution in those hearings. Her examination of witnesses was excellent. We shall miss her on the Appropriations Committee. It will be difficult indeed to replace her with anyone of her caliber on that committee.

As has been said, she was the first Republican lady member we have had on the Appropriations Committee. We shall certainly miss the very charming lady from Illinois who is now going to grace the Federal Communications Commission.

We will miss you, Charlotte. We wish you well and Godspeed in your new work.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to my colleague from Illinois.

Mr. MICHEL. I appreciate the gentleman's yielding.

Mr. Speaker, I rise with some mixed emotions. I would not want to appear to be bidding farewell to Charlotte Reid, for we hope to continue seeing her often. I deem it more appropriate to pay tribute to a wonderful lady whom we have come to know well in this House.

I had originally intended to make these few remarks during consideration of the equal rights amendment for women but, as the majority leader has indicated, it is probably just as timely to do so the day after passage of that legislation.

We have been blessed to have had serve in this House from Illinois some very talented women: Mrs. Ruth McCormick, Mrs. Jesse Sumner, Mrs. Emily Taft Douglas, Mrs. Edna Oakes Simpson, and Mrs. Marguerite Stitt Church come to mind.

Most recently we have been blessed with the presence of the most gracious, charming lady, Mrs. Charlotte Reid.

But lest anyone get the erroneous impression that with all these feminine characteristics Mrs. Reid could not be a tough taskmaster, let me say right here and now that on some really rough gut issues we could always count on her standing firm like the Rock of Gibraltar. I ought to know, because I was her regional whip. Moreover, it was my good fortune to have her serve as a minority member of our Labor-HEW Subcommittee on Appropriations. Charlotte Reid was almost perfect in her attendance for our hearings, as Mr. Bow has said.

She always did her homework and asked most penetrating questions of the witnesses. All of this, of course, attests to the kind of work she will do on the FCC.

Mr. Speaker, we have lost a very able Member of this House, but the composition of the FCC has been considerably enhanced. I personally applaud the President for his excellent taste in nominating Charlotte for appointment to the FCC, and I congratulate her on her appointment and wish her the best in her new role.

Mr. ARENDS. Mr. Speaker, I yield to the gentlewoman from New York.

Mrs. ABZUG. Mr. Speaker, I should like to take this opportunity to express our great delight on the appointment of the gentlewoman from Illinois, Mrs. Charlotte Reid, to the FCC. All the women Members of this House have joined in expressing our congratulations to Charlotte on a previous occasion.

As a new Member of this House, I have not had as much occasion to work with Charlotte as the other Members have had, but my impression has been that she is deserving of the praise and honor she is receiving here today. I trust that the appointment by the President of the United States of the gentlewoman from Illinois is a recognition of the need for the appointment of able women to the higher levels of government. I would hope her appointment will augur well for the designation of a woman to the U.S. Supreme Court. All of the women Members of Congress have urged the President to do so.

Mr. Speaker, again I wish well to the gentlewoman from Illinois, Charlotte Reid. I am sorry she is leaving, but I am sure all of us will be in touch with her in her new duties on another Federal level of government.

Mr. ARENDS. Mr. Speaker, I yield to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it is with very mixed feelings that I join my colleagues this afternoon in saluting one of our own who will leave this body to take a very important post as Commissioner of the Federal Communications Commission. There are few Members of this body whose personality, good will and dedication have left such an indelible imprint on their fellow Members as the gentlewoman from Illinois, Mrs. Reid. To say that we will miss her would be an understatement. To paraphrase a line from Lerner and Lowe, "We've grown accustomed to her face, accustomed to her smile," accustomed to the gentle but warm touch with which she has guided legislation through committee, and so ably served the constituents of her own 15th District in Illinois.

Her work on the Appropriations Committee has been conscientious and outstanding in quality, but the members of the Illinois delegation will also miss her, because of the important role she has played in our own congressional delegation. As Secretary, she has attended to those myriad things which provide a personal touch to our activities as a group. We wish her well; we hope that she will keep in touch with us; we know that the job she will do at the FCC will be outstanding, in the same tradition as the job she has done here.

Mr. ARENDS. Mr. Speaker, I yield to the gentleman from Indiana (Mr. BRAY).

Mr BRAY. Mr. Speaker, the gentlewoman from Illinois Mrs. Reid leaving the House causes sadness in this body. The Federal Communication Commission's gain will be our loss. In my many years in Congress, I have met few people who have combined the courage, the fine personality, the sterling character, and the legislative ability as has the gentlewoman from Illinois. We will all miss her, and we will miss her for a very long time. She has been a very bright spot in the Congress, a person we have learned to love, respect, and admire. She has been a great citizen, a great lady, a great legislator, and a great American. We will long and favorably remember her.

Mr. ARENDS. Mr. Speaker, I yield to the gentleman from Mississippi.

Mr. MONTGOMERY Mr. Speaker, I thank the gentleman from Illinois for yielding.

Mr. Speaker, I join with my many colleagues in saying how much we will all miss the gentlewoman from Illinois, Mrs. Charlotte Reid. She has been such a pleasure to know and work with in the House. Our loss is the FCC's gain. I join with my colleagues in wishing her the best.

Mr. ARENDS. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I would like to add my voice to the many here today paying tribute to our former colleague from the 15th District of Illinois, the very talented and much respected Charlotte T. Reid.

Having served 9 years in this House with Mrs. Reid, and 5 years with her on the Appropriations Committee, I came to know and admire her for her abilities, her dedication to her constituents, and her concern for her country.

We hear much in the country these days of the women's movement. But before we began hearing about it, Charlotte Reid was living it. She came to this House and quickly won its respect. And the tools she used to win it were those which traditionally have been the best—ability and a capacity for hard work.

This House is diminished by her absence but, undoubtedly, the Federal Communications Commission has been strengthened.

I commend President Nixon for his appointment of Mrs. Reid to the FCC. I am confident it will rank as one of his very best appointments.

And to our former colleague, I say congratulations on a most successful congressional career. I know the success that marked her here will be continued and expanded in her new and difficult assignment.

Mr. ARENDS. Mr. Speaker, I yield to the gentleman from New York (Mr. HORTON).

Mr. HORTON. I thank the gentleman for yielding.

Mr. Speaker, I should like to add my congratulations to Charlotte Reid.

Charlotte and I came to the Congress together in the 88th Congress. I have had the opportunity to serve with her and the 9 years we have been in the Congress Charlotte has been an outstanding and very capable legislator, representing her district well.

As one from the State of New York, I certainly want to extend to her my best wishes as she undertakes this important responsibility as a Commissioner of the FCC. We are going to miss her in the 88th Club and here in the House of Representatives, but we know she will do the same type of outstanding work at the FCC that she has done in the House of Representatives. We wish her well in her new responsibilities and say we are sorry to see her leave the House of Representatives.

Mr. DERWINSKI. Mr. Speaker, it is a privilege for me to join my colleagues today in honoring Congresswoman Charlotte T. Reid, who is departing for the Federal Communications Commission.

During the years that I have served with her in the Congress, I have always been impressed by this stalwart Republican who has represented her district with tremendous effectiveness. Her record in Congress has been marked by solid and steady accomplishment that will serve as an example for all of us.

Mrs. Reid is one of those rare individuals who enjoys the universal admiration of her colleagues. She also has that very unusual combination of great ability and a remarkable personality. These qualities will serve her well in her new position as a Commissioner of the Federal Communications Commission. She will be no stranger to the communications industry, having served as staff vocalist on NBC and for 3 years appeared as a vocalist on Don McNeill's radio program.

It has been my privilege to serve with Mrs. Reid who has demonstrated the finest principles of service and dedication to our Government. We know she will continue in the same conscientious and thorough manner at the FCC, and we all wish her well.

Mr. MAHON. Mr. Speaker, I am delighted to join with my colleagues in commemorating the service in the House of Representatives of the distinguished gentlewoman from Illinois, Mrs. Charlotte Reid. She is one of the finest Representatives ever sent to Washington by the State of Illinois or any other State. She has added quality, dignity, and leadership to the House. Her service to her constituents, to her State, and to the Nation has been outstanding.

In her capacity as a member of the Committee on Appropriations, she was faithful to every assignment. She did an excellent job as a member of the important Subcommittees on Labor-Health, Education, and Welfare and Foreign Operations appropriations.

I regretted to see the distinguished gentlelady leave the House but, on the other hand, the loss to the House is a gain for the Federal Communications Commission. She will do a good job for the Commission as she has done in the House. I feel certain this sentiment was shared by the President in nominating her and by the Senate in confirming the nomination.

I join my colleagues in wishing Mrs. Reid every happiness and success in her new responsibilities.

Mr. ERLENBORN. Mr. Speaker, I congratulate the Federal Communications Commission. I believe it is fortunate in gaining an excellent Commissioner in Charlotte Reid.

As a neighbor to the 15th Congressional District of Illinois, which Mrs. Reid has represented so ably for the past several years, I have come to know her and to appreciate the good qualities which have made her an extraordinarily fine Congresswoman. She has worked hard, she has been steadfast when it was necessary to be steadfast and, always, she has been cheerful.

She has done her own thinking and her own judging during her service in this House. I believe she will take a good mind and good judgment to the FCC; and I believe the communications industry will benefit.

Charlotte Reid is a fine woman. I, for one, am sorry to see her leave our Illinois congressional delegation.

Mr. SPRINGER. Mr. Speaker, when Charlotte Reid was first elected to Congress in 1962, there was one thing about her on which all members of the Illinois delegation—both Democrats and Republicans—could agree. Without any doubt, she was the most beautiful member of our delegation.

As time went on and we became better acquainted with our attractive colleague it became evident that she had other attributes that were even more important to her work in Congress.

First of all, she has a head on her shoulders. She is quick to comprehend the essence of a complicated issue. This is why she has been such a valuable member of the Appropriations Committee.

Second, she has true dedication to the principles of sound government.

Third, she has an ample store of that rare commodity—political acumen.

Finally, Charlotte has the backbone to stand up for what she thinks is right. It is this quality, above all others, that prompts me to say that President Nixon made a superb appointment when he selected Charlotte Reid for membership on the Federal Communications Commission.

So while I regret Charlotte's leaving

the Congress and will miss her at gatherings of the Illinois delegation I will look forward to working with her in her new role.

Mr. McCLORY. Mr. Speaker, as an Illinois colleague of our distinguished Congresswoman from the 15th District of Illinois, Charlotte T. Reid, whose congressional district adjourns hers—I can speak with some authority about the respect and high regard in which she is held by her Illinois friends and constituents.

Indeed, one of the great challenges which her successor must face is that of satisfying the legislative and service demands which she has fulfilled so expertly and graciously during her 9 years in this great legislative body.

Mr. Speaker, it would be easy to recall the charm, the beauty, the musical talents, and the genuine femininity which characterize our colleague. But I prefer to take note today of her record of service as a lawmaker and to recount her successful career as a Member of the U.S. House of Representatives from Illinois' 15th District.

Both as a prominent member of the Appropriations Committee and earlier as a member of the Public Works Committee and Committee on Interior and Insular Affairs, Representative Reid applied herself diligently and actively to her committee and subcommittee work. Having watched her in action in committee as well as in active debate in this Chamber, I can attest to her conscientious work, to her effectiveness in committee, and her persuasiveness in debate on the House floor.

Mr. Speaker, many will consider that the top committee assignment to be attained by a Member is the House Appropriations Committee. Charlotte Reid attained that goal and thereafter carried out her responsibilities ably and effectively.

Mr. Speaker, our colleague has also served as a member of the Republican Policy Committee, and as an officer of the 88th Club which represents all those Members elected in 1962 to the 88th Congress. Also, she has been the popular secretary of the Illinois Republican delegation since 1963.

Mr. Speaker, as a widow with four children, and quite recently with a grandchild, Representative Reid has to my personal knowledge recognized a high degree of responsibility to her home and family. She has filled the role of both parents since the passing of her husband, Frank R. Reid, Jr., in 1962, and her wonderful family attests to the quality of her example and direction.

Mr. Speaker, as our colleague leaves our legislative halls and assumes her duties as a member of the Federal Communications Commission, she will take with her the invaluable experience she has gained as a lawmaker. She will benefit from her long and successful career as a lawmaker. She will benefit from her long and successful career as a performer in radio and on television. And she will rely upon her generous measure of good commonsense and sound judgment.

Mr. Speaker, I am proud to join in this tribute to a colleague for whom I have great affection and esteem. In bidding her farewell as a Member of the U.S. House of Representatives, I extend to her every good wish for a successful career as a member of the Federal Communications Commission.

Mr. FINDLEY Mr. Speaker, with mixed feelings I view the decision of our colleague, Mrs. Reid to resign from this body to accept the position as commissioner of the Federal Communication Commission.

Frankly, I regret the decision because it means we will have the pleasure of her company on this floor far less frequently in the future, and we will no longer have the inspiration of her steadfast support with argument and vote of those things we all hold dear.

Mrs. Reid has been a gracious lady. She has also been an effective influential legislator of great conscience and courage.

Most of all I will miss her as a personal friend.

Against this regret, I recognize that she returns to her profession in communications in a position of great responsibility and opportunity.

With a tear, we all wish her well.

Mr. COLLIER. Mr. Speaker, it is with tremendous pride and great pleasure that I join my colleagues on both sides of the aisle in paying a well-deserved tribute to the able and charming gentlewoman from Illinois. My regret that I will no longer be able to refer to her as my colleague is mitigated by the knowledge that she will now be using her experience and talents for the benefit of a much wider audience.

Charlotte Reid began the first of five terms in the House of Representatives in 1963. She quickly learned the legislative "ropes' and soon became a valuable Member of this body.

While she held her own in an organization where men form an overwhelming majority, she at the same time retained her feminity. She scorned the use of demagogic tactics and was content to work with quiet efficiency. She was, for that reason, much more effective.

Mr. Speaker, there is room on the Federal Communication Commission for someone with Charlotte Reid's qualifications, experence, and personality. The radio and television world will be the better because of her presence on this powerful regulatory agency. Our best wishes accompany her as she assumes her new duties.

Mr. DEL CLAWSON. Mr. Speaker, to adequately express feelings and emotions in language alone, new words would be required for this occasion. Charlotte Reid has captured the heart of each of us in the 88th Club, and if the truth were known, every Member of the House, including the ladies, deeply love and respect our colleague from Illinois. The old cliche, "Our loss is the Commission's gain" does not reflect the real situation.

With Charlotte's resignation, a void in the House occurs that is impossible to fill. Her devotion and dedication as a Member, her warmth and friendship and personality, her outstanding legislative ability, her very special musical talents coupled with a willingness to share them with all of us, her excellent qualities of character all blend together to make a beautiful woman in every sense of the term.

We love you, Charlotte, and wish you Godspeed in your new endeavor, praying always that you will return and visit with us frequently.

Mr. KING. Mr. Speaker, I would like to join in the tribute being paid to my very good friend, Charlotte Reid, and to offer her my warmest congratulations and best wishes on the occasion of her appointment to the Federal Communications Commission.

While I am sorry to see such a fine person leave the Congress at this time, there is no question in my mind that Mrs. Reid will take on the responsibilities of her new position and give it the same full measure of energy and creativity that have marked her life. Mrs. Reid is, indeed, a gifted person, and her appointment to the Federal Communications Commission is recognition by the President of the United States of her ability, integrity, and leadership. We will all miss her radiant smile. Our loss is the FCC's gain.

Mr. Speaker, we in the Congress owe this great woman a debt of gratitude for the many outstanding contributions she has made, and I am pleased to join in paying tribute to her on this occasion.

Mrs. DWYER. Mr. Speaker, I share the quandary we seem to find ourselves in today with regard to the imminent departure of our distinguished colleague from Illinois.

Charlotte Reid has inspired so much warmth and affection—because she, herself, is a warm and deeply human person—that we must feel great pleasure in her appointment to new and welcome responsibilities.

Yet, because we do so greatly admire this lovely and talented lady, we must also regret her departure. We shall miss her—miss her friendship, her interest in us all, her generous willingness to listen, to help, to share, to serve.

I know how well Charlotte Reid will perform at the Federal Communications Commission, because I know how devotedly she has served here. Her constituency will now be greatly broadened, from a district in Illinois to the whole United States. But she has what it takes, and I wish her great success and satisfaction.

Mr. RAILSBACK. Mr. Speaker, in paying tribute to Charlotte Reid as she departs after 9 years as an outstanding Member of Congress, I would like to note her distinguished efforts in committee work.

From 1963 to 1967, she served on the House Committee on Interior and Insular Affairs. During this time, the committee approved the Indiana Dunes National Lakeshore Monument—the only Federal park in the Chicago area.

Because of her interest in a balanced economy, Charlotte, in 1967, sought an appointment on the Appropriations Committee where budget requests for all of the Federal agencies are considered. She was very successful on various HEW bills; in particular, the securing of additional funds for cancer research.

Also, she has served as a member of the House Republican Policy Committee, and is presently a member of the House Committee on Standards and Conduct, the "Ethics Committee."

I can think of few people who will be missed as much as Charlotte. However, I am delighted her qualifications to serve as a member of the Federal Communications Commission have been recognized.

As we are all aware, Mrs. Reid has had experience in the broadcasting industry. She has sung on numerous radio stations in the Chicago area, and from 1936 to 1939 gained national fame as the featured vocalist on NBC. The practical knowledge she gained during those years plus her continued study of the broadcasting industry will be extremely valuable to the Federal Communications Commission.

As a member, Mrs. Reid will join six other commissioners in regulating interstate and foreign communications by means of cable, radio, satellite, television, and wire. A main function of the agency is to issue licenses to radio and television stations. For such work, Charlotte Reid is definitely qualified.

This is a difficult time for the telecommunications field. A number of difficult decisions will have to be made—decisions which will affect every one of us. I am certainly delighted that we will be able to rely on Mrs. Reid's good judgment.

Mr. MYERS. Mr. Speaker, it has been an honor and pleasure to me to have served in the House with Mrs. Reid. The people of the 15th District of Illinois and the people of the Nation have been served most notably by Mrs. Reid. She was a most capable, personable, and gracious Member of this House. We will all be losers because she has chosen to accept this great opportunity to continue to serve the people of our country in her new capacity with the FCC.

We know she will carry the same dedication to her job and sincerity to her new position.

We wish her happiness and continued success.

Mr. THOMSON of Wisconsin. Mr. Speaker, Charlotte Reid has served in this body since 1963. During this period she has displayed a conscientious dedication to her duties and an unmistakable flair in their performance. The House has, for the second consecutive Congress, passed the equal rights amendment. Women's liberation demands recognition of women's full partnership with men.

Throughout this clamor, Charlotte Reid remains an example to women everywhere. Involved, informed, effective, she will now be moving to great public responsibilities with the Federal Communications Commission, in a field of current crisis in public policy.

Charlotte Reid will be long remembered by those who served with her, first as an extraordinary woman and, second, as an able and dedicated Representative of her Illinois constitutents. Her advancement to the FCC deprives this Chamber of a measure of the charm and beauty which she provided.

Mrs. SULLIVAN. Mr. Speaker, the departure of the Honorable Charlotte Reid from the halls of Congress to the Federal Communications Commission removes from our midst a delightful, attractive and intelligent woman who has set an exemplary model for other women who may follow in her footsteps.

Not only was she a helpful wife and devoted mother to four wonderful children but by reason of her desire and capabilities, she was able to follow a career in public communications through her work on the radio. When the opportunity came to apply her talents to public office following the sudden death of her husband, because of her broad background, she accepted the challenge as a Member of the U.S. Congress in which she has served well for the past 9 years. While I dislike to see the Congress deprived of a Member through appointment to the Federal Communications Commission, there is every reason why Mrs. Reid's background and previous experience will prove to make her an extremely able and valuable member of that Commission.

We are going to miss the pleasant, smiling, attractive countenance on the other side of the aisle but I know we all wish her well as she begins another new and exciting challenge in her already fruitful life.

Mr. SHRIVER. Mr. Speaker, I am pleased to join my colleagues today in offering my sincerest congratulations and best wishes to one of the most popular Members ever to serve in the House of Representatives, Charlotte Reid. Charlotte was sworn in last Friday as the first woman in 15 years to serve on the Federal Communications Commission. She brings to her new position vast experience in public service and the communications field, and I know her extraordinary sense of dedication which she displayed as the Representative of the 15th District of Illinois will continue to serve her larger constituency. The common sense and integrity with which Mrs. Reid met the many responsibilities of a Member of Congress, and especially a member of the Appropriations Committee, are sorely needed in our independent regulatory agencies. The President has made a wise choice.

As happy as we are for Charlotte concerning this appointment, we will all miss her refreshing outlook and warm friendship. I had the distinct privilege of serving with her on both the Foreign Operations and the Labor-Health, Education and Welfare Appropriations Subcommittees. Her record of faithful attendance and constructive participation during the months of hearings every year on these appropriations bills was unmatched. She will be missed.

Mrs. Reid, we wish you well in your new challenge, and we will welcome you back whenever your time permits. You will continue to make significant contributions in service to others.

Mr. JONAS. Mr. Speaker, I am pleased that the distinguished Minority Whip has made it possible today for members to say a few words about Charlotte Reid. She is a charming and gracious lady and as she leaves Congress voluntarily, she will take with her the respect, esteem and good wishes of all who have had the privilege of serving with her during her distinguished career as a member of this body.

Those of us who have served with her on the Committee on Appropriations have had a better opportunity than others to observe her oustanding qualities and to understand and appreciate the excellent service she has rendered the Nation in her dedicated work on the committee.

As one who has considered it a privilege to be associated with her in the Committee on Appropriations and as a colleague in the House of Representatives, I take advantage of this occasion to thank her for her friendship and to extend to her my personal regards and best wishes for a successful and satisfying experience as a member of the Federal Communications Commission. Congress is giving up a valued and outstanding member but the country will continue to benefit from her great talents as a Commissioner. So our loss is the Commission's gain.

GENERAL LEAVE TO EXTEND REMARKS

Mr. ARENDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks in respect to the service of the Honorable Charlotte T. Reid.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ARENDS. Mr. Speaker, may I add I am so pleased Charlotte is here today and we hope you will return many times to visit us on the House floor.

Charlotte, too often we wait until too late to say something nice about someone and might even send them flowers. Today we are paying you in this House of Representatives a well-deserved tribute. We are presenting to you our real feelings about you personally and your service in this great body. We love and respect you, and it is wonderful you can be here to personally hear such expressions of gratitude.

[Applause, the Members rising.]

ILLEGAL TAX GIVEAWAY

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, yesterday the Commissioner of Internal Revenue announced that corporations will not be subject to tax for undistributed profits which accrue from the "freeze" on dividends provided by the President's Executive order.

I seriously doubt that the Commissioner of Internal Revenue has statutory authority to exercise administrative discretion to suspend a statutory tax to accommodate an Executive order.

As a practical matter, this action is adverse to the taxpayers, to the Treasury, and to the stockholders of America in providing a reservoir of cash for the corporations which can be utilized for its own purposes, free of taxation or interest charge.

If the Commissioner of Internal Revenue has the discretion to suspend this corporation tax, it follows that he can suspend all corporation taxes and the power of the Congress to legislate in these vital areas is "washed out" by administrative fiat.

This action is in keeping with an apparent effort by this administration to eliminate all corporate taxation. Earlier this year the adoption of the asset depreciation range wiped out $40 billion of corporate taxation in the next decade. The Revenue Act which just passed the House of Representatives at the administration's request "washed out" a total of another $52 billion of corporate taxation in the next decade.

These Treasury losses in corporate taxes ominously point to an increase in individual tax rates after the election of 1972.

PROMOTING MINORITY ENTERPRISE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–169)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

To the Congress of the United States:

Approximately 35 million Americans are of Black, Spanish-speaking, or Indian ancestry—about ⅙ of our total population. Yet these same minority Americans presently own only about 4% of America's businesses. And these businesses, in turn, account for less than 1% of our Nation's gross business receipts.

In my statement on school desegregation of March 24, 1970, and again in my statement on equal housing opportunity last June 11, I committed this administration to the untiring pursuit of a free and open society, one which gives all citizens both the right and the ability to control their own destinies. I emphasized that such a society should be diverse and pluralistic, affording all of its members both a range for personal choice and the mobility which allows them to take advantage of that range of choice. Both in law and in practice, I argued, we owe every man an equal chance at the starting line and an equal opportunity to go as high and as far as his talents and energies will take him.

Throughout our history, one of the most effective ways in which we have advanced these goals has been by expanding the opportunity for property ownership and independent business activity. On many occasions our Founding Fathers spoke eloquently about the close relationship between property rights and human rights, and the wisdom of their words has been abundantly demonstrated throughout our national experience.

One of the most effective means now available for advancing the cause of human dignity among minority Americans is by expanding managerial and ownership opportunities for minority entrepreneurs.

On March 5, 1969, in one of my first executive orders as President, I established two new mechanisms for promoting expanded minority business activities: an Office of Minority Business Enterprise within the Department of Commerce to coordinate and oversee all Federal efforts in this field and to stimulate private sector initiatives; and an Advisory Council for Minority Business Enterprise to study this complex subject and recommend further action. Since that time, both of these units have been diligently carrying out these assignments. The further steps which I am announcing today have grown in large measure from their suggestions and their experience.

THE RECORD TO DATE

The record of this administration in promoting minority enterprise is a record of which we are proud. The aggregate total of Federal business loans, guarantees and grants to minority enterprises and purchases from them has increased almost three-fold over the last three fiscal years—from nearly $200 million in Fiscal Year 1969 to an estimated $566 million in Fiscal Year 1971. Federal purchases involving minority businesses alone have increased more than elevenfold—from $13 million in Fiscal Year 1969 to $142 million in Fiscal Year 1971. Our program to stimulate minority banking, which began just one year ago this month, has surpassed its goal of generating $100 million in new deposits in minority banks; firm commitments have been received for more than $35 million from the Federal Government and $65 million from the private sector.

In addition, the Small Business Administration has licensed 39 Minority Enterprise Small Business Investment Companies (MESBIC's), with an aggregate capitalization in excess of $10 million. When Federal monies available to these 39 MESBIC's are fully utilized, they should be able to generate some $150 million additional dollars in overall financing for minority business ventures. Moreover, a number of new MESBIC's are now in the process of formation. At the same time, the Opportunity Funding Corporation, which has received $7.4 million from the Office of Economic Opportunity, is also developing new projects which will stimulate minority ownership.

Other promising developments include new legislation which provides crime insurance at reasonable rates to minority businessmen, new legislation which assures the availability of surety bonds to minority contractors, and new regulations which require affirmative action to increase minority subcontracting under all Federal prime contracts and increased minority business participation in all Federally financed housing projects.

The Government has also stepped up the collection and dissemination of information critical to the development of minority enterprise, including the first census ever taken of minority-owned businesses. Meanwhile, an Inter-Agency Committee on Minority Business Enterprise has been formed in Washington and a series of Minority Business Opportunity Committees have been set up across the Nation.

Government efforts have also helped stimulate the private sector to provide increasing assistance for minority enterprise—including resources such as equity and debt capital, franchise offerings and other business openings, management services and technical assistance, and a range of market opportunities. For example, there are nearly three times as many minority-owned franchises and more than six times as many minority auto dealerships today as there were 2 years ago.

THE CHALLENGES WHICH REMAIN

In a wide variety of ways, then, we have been working to give disadvantaged groups a greater stake in the American economy. But, as the Advisory Council on Minority Enterprise concluded in its recent report, there are still "enormous economic inequities" which challenge the will and the resourcefulness of our Nation. The elimination of those inequities must be a national objective of high priority in the 1970s. Accordingly, I am today calling on the Congress to join with the administration in a still more intensive and far-reaching effort to foster business development among minorities.

This program should be guided by several important principles. It should be a comprehensive and pluralistic effort, one that moves forward on many fronts, since the barriers to minority enterprise are varied and numerous. It should also be a flexible approach, one that maximizes local control, since local realities are diverse and changeable. Our program should encourage the private sector to join with Government in creating an economic environment conducive to the development of minority businesses.

Another important principle is that we should carry out this program without overpromising or raising false hopes. There is no automatic road to economic success for any group in our society. A sound program which enables more Americans to share in the rewards of entrepreneurship will find them sharing in the risks and the responsibilities of entrepreneurship as well.

AN EXPANDED BUDGET

With these considerations in mind, I am calling today for a significant expansion of our minority enterprise budget. In addition to the $3.6 million appropriation which we originally requested for the Office of Minority Business Enterprise in fiscal year 1972 we have asked the Congress to budget an additional $40 million—bringing the total budget for the current fiscal year to $43.6 million. I repeat that request today—and in order to provide for continued expansion of the minority enterprise program, I intend to propose that OMBE be given a budget for fiscal year 1973 of $63.6 million. Altogether, we are asking for a new 2-year program of $100 million.

What would this money be used for? Primarily, these funds would provide for an expanded program of technical assistance and management services. Approximately 10 percent of these new funds would be used at the national level—to strengthen minority business and trade organizations, to generate broad private programs of marketing and financial assistance, to develop training programs, and to foster other national efforts. The remaining 90% of the new money would be spent on the local level—supporting a variety of efforts to identify, train, advise or assist minority businessmen and to put them in touch with one another and with non-minority businessmen who can provide them with additional help.

In talking about encouraging expanded ownership, we are talking about an impulse which is already strong among minority groups in this country. The desire to gain a bigger piece of the action is already there; it is not something that depends on government stimulation. What government must do, however, is to help eliminate the artificial obstacles to expanded ownership—including the complex array of regulations and forms and bureaucracies which often stand between minority entrepreneurs and the resources which are available to help them.

This is why we are emphasizing the development of local centers which can bring together a vast array of training, advice, and information for minority businessmen. Such centers can help them put together in an effective way the many elements which are necessary to build a successful business. We hope to develop more than 100 of these centers over the next 3 years.

I would emphasize that the money we are requesting for OMBE does not include grants, loans, guarantees, and purchases with minority businessmen by many other Federal agencies. Such direct aid, however, will also be expanded. We have, in fact, budgeted for $700 million in minority loans, grants guarantees and purchases in the current fiscal year, an advance of half a billion dollars—more than three-fold increase—over 1969.

BOLSTERING THE MESBICS

In addition to expanded budgets, I am also submitting to the Congress legislation to strengthen our growing program for Minority Enterprise Small Business Investment Companies. This legislation would:

(1) Lower the level of private financing required to qualify for financing from the Small Business Administration on a three for one basis. At present, a MESBIC must raise $1 million before it can obtain Federal dollars on a three for one basis rather than the two for one basis that otherwise applies. I propose that the qualifying figure for three for one assistance be cut in half.

(2) Provide increased equity to MESBIC's in the form of preferred stock to be purchased by the SBA in place of part of the debt instrument purchased by the SBA under current law. This would reduce the debt load presently carried by MESBIC's and stimulate added investments to create larger and more vigorous MESBIC's.

(3) Lower the interest rate on SBA loans to MESBIC's to three points below the normal rate set by the Treasury Department during the first 5 years of the loan.

These provisions should greatly increase the resources which are available to minority businesses through the MESBIC program.

BETTER COORDINATION

I am also issuing today an executive order giving the Secretary of Commerce—and, through him, the Office of Minority Business Enterprise—increased authority over all Federal activities in the minority enterprise field. This order gives the Secretary a clear mandate to establish and carry out Federal policy concerning minority enterprise and to coordinate the related efforts of all Federal departments and agencies. It also directs the departments and agencies to develop systematic data collection processes concerning their minority enterprise programs and to cooperate in expanding the overall Federal effort. The substantive provisions of Executive Order 11458 of March 5, 1969, are also carried over into the new order.

UNFINISHED BUSINESS

In addition to these new initiatives, I again urge action on a number of older proposals. Among these is my suggestion that a new Assistant Secretary for Minority Enterprise be created in the Department of Commerce—an important step in giving greater cohesion and greater emphasis to Federal involvement in this area.

Other important legislation includes Senate Bill 544, which would alter tax laws so as to ease the burden on small, marginal businessmen. I also urge passage of the Small Business Amendments Act of 1971. Finally, I again ask the Congress to enact the Indian Business Development Program Act, the Indian Financing Act, and the Washington, D.C. Development Bank Act of 1971.

CONCLUSION

The best way to fight poverty and to break the vicious cycle of dependence and despair which afflicts too many Americans is by fostering conditions which encourage those who have been so afflicted to play a more self-reliant and independent economic role.

This goal will not be achieved overnight for there is no easy way to eliminate the barriers which now prevent many who are members of minority groups from controlling their fair share of American business. Yet the long range health of our economy—and, indeed, of our entire society—requires us to remove these barriers as quickly as possible. Both morally and economically, we will not realize the full potential of our Nation until neither race nor nationality is any longer an obstacle to full participation in the American marketplace.

RICHARD NIXON.

THE WHITE HOUSE, *October 13, 1971.*

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 295]

Abernethy
Abourezk
Anderson, Tenn.
Ashley
Aspinall
Baring
Blatnik
Cabell
Celler
Clancy
Clark
Clausen, Don H.
Clay
Collier
Colmer
de la Garza
Derwinski
Diggs
Dingell
Dowdy
Edwards, La.
Fraser
Gettys
Halpern
Hansen, Idaho
Hawkins
Hicks, Mass.
Kee
Lloyd
Long, La.
McCloskey
McClure
Macdonald, Mass.
Mailliard
Mikva
Miller, Calif.
Murphy, N.Y.
O'Neill
Patman
Pelly
Pepper
Rees
Reid, N.Y.
Rhodes
Rooney, Pa.
Rosenthal
Scheuer
Schwengel
Slack
Smith, N.Y.
Springer
Steed
Teague, Tex.
Thompson, N.J.
Ullman
Waggonner
Wilson, Charles H.

The SPEAKER. On this rollcall 372 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

LEGISLATIVE PROGRAM FOR NEXT TUESDAY

(Mr. HÉBERT asked and was given permission to address the House for 1 minute.)

Mr. HÉBERT. Mr. Speaker, I have asked for recognition at this time to inform the Members of this House that on next Tuesday I shall call up H.R. 8687, which is the Military Procurement Act, which has been amended muchly in the Senate, as Members know. I will ask unanimous consent then to disagree with the Senate amendments and appoint conferees and go to conference.

This notice is given so that those who oppose the conference report will have full time and full opportunity to prepare their arguments in opposition to it over the weekend. Therefore, it will be called up on Tuesday of next week.

CONSUMER PROTECTION ACT OF 1971

Mr. HOLIFIELD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 10835) to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 10835, with Mr. Boland in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the gentleman from California (Mr. Holifield) had 1 hour and 5 minutes remaining and the gentleman from New York (Mr. Horton) had 1 hour and 45 minutes remaining.

The Chair now recognizes the gentleman from New York.

Mr. HORTON. Mr. Chairman, I have a couple of requests, but they are very short. Perhaps the chairman of the committee would like to recognize someone from his side of the aisle.

Mr. HOLIFIELD. I have used almost half of my time.

Mr. HORTON. I only have a couple more speakers.

Mr. HOLIFIELD. Mr. Chairman, I yield 15 minutes to the gentleman from New York (Mr. Rosenthal).

Mr. ROSENTHAL. Mr. Chairman, I rise to discuss H.R. 10835, a bill that I consider of enormous importance to this body and to the American consumers, all 203 million of them.

First, let me say this: I want to join with my colleagues in paying tribute to the distinguished gentleman from California, the chairman of our committee (Mr. Holifield), for the enormous and untiring effort that he put into bringing this bill to the floor.

In both the subcommittee and the full committee there was a great deal of time and attention paid to all of the subjects under consideration. There was a great deal of concern by all of the Members in producing a significant and important bill. We all worked within the time limitation that was offered to us by the Committee on Rules, with dispatch and diligence.

I, personally, might say that I regret some of the personal animus that may have developed between Members of the House and persons outside the House.

Frankly, I did all I could to prevent these things from happening but much of it was beyond my control.

Mr. Chairman, I do think that the public has a deep vested interested in the outcome of this bill. I, frankly, think that individuals who are interested in the consumer movement have a deep vested interest in the outcome of the bill.

What I am talking about are the concerns on the part of some Members that Ralph Nader has done as especially vigorous lobbying job in support of improvements in this bill. I think that is true. I think he has done an incredibly vigorous lobbying job in support of strengthening this bill. I, myself, know that he has called many Members of the House, that he has worked for the past 3 weeks probably 20 hours a day in communicating with Members of the House and that he is now walking the halls of the various office buildings seeing and visiting Members of this body.

I myself think that is quite appropriate. I think it is a very acceptable thing. It has been done openly. The fact of the matter is that this whole concept of an independent consumer protection agency was Nader's idea, and so he sees it as his baby, in a sense. It is his view, shared by many Members of the House, myself included, that the committee, probably unwittingly, has in fact emasculated the concept that he had of an effective advocate on behalf of the consumers. And thus I can well understand Ralph Nader's motivations in vigorously pursuing his efforts, walking through the halls of this Capitol while seeing his baby chopped up. I do not know who else I would expect to walk these halls, looking after his conceptual idea.

I think that to discuss the merits of this bill one ought to look very briefly—and I shall be brief—at the history of this bill. How did it come about? How did we get to the point at which are are today?

Mr. HORTON. Mr. Chairman, if the gentleman will yield, the gentleman is contributing the earlier bill to Mr. Nader. I think he is doing a disservice to the gentlewoman from New Jersey because, as I understand it, she was one of those who worked very hard to put that original bill together. I do not believe the gentleman ought to say that that was a Nader bill to the exclusion of the gentlewoman from New Jersey (Mrs. Dwyer). She worked very hard on that bill, as I understand.

Mr. ROSENTHAL. I shall at the appropriate time pay public attention to the gentlewoman from New Jersey (Mrs. Dwyer) who did great work and service in this field.

I stand on what I said. The idea and concept of an independent agency and advocate was in fact, Mr. Nader's idea.

Let me briefly tell you the history of how this came about, so that we can understand the broad issue that is presented today.

Through the development of technological growth in the United States new products, new technology, the affluence of this society whereby many of us are permitted to buy more than one car, for example, and where there has been an enormous increase in our purchasing power, we have been able to take each year further advantage of the marketplace, and the resources that are offered to us.

At the same time there has been a reduction in the competition among products and services in the United States to where the situation exists today where in some areas four automobile manufacturers, for example, control over 80 percent of the marketplace. There has been in the last 20 or 30 years story after story of needless deaths, injuries, and loss of economic buying power.

In 1959 the late Senater Estes Kefauver offered the first bill for a Department of Consumer Affairs. That bill, I might say, was drafted by his associate, John Blair, also of Tennessee.

During that same Congress the idea and concept of a Department of Consumer Affairs was endorsed by the then Senator Humphrey, and the then majority leader of the House of Representatives, John W. McCormack of Massachusetts.

The chief spokesman for that bill in subsequent Congresses, the next two, was my predecessor on the Committee on Agriculture, Victor Anfuso of New York. When I succeeded to Congressman Anfuso on the committee I assumed some of the ideas that he had, the desire to bring to the consumers further representation and broader involvement in the decisionmaking process in the governmental machinery in Washington.

For the next three or four Congresses we continued to introduce the bill for a Department of Consumer Affairs, and increasingly large numbers of Members of this body cosponsored that bill, reaching to the point where this was in excess of 100.

About 2½ or 3 years ago Ralph Nader came to me, we were approaching a hearing on this bill, and said that he could not support the concept of a Department of Consumer Affairs for two reasons.

The first was that pragmatically he did not see it as a real possibility without administration support, and realizing the resistance of existing agencies to the transferral of some of their authority without presidential direction and order.

But more than that, he offered the concept of an independent consumer advocate or voice in an independent, nonregulatory agency, to be heard across the length and breadth of the agencies here in Washington and to make those agencies work. His argument at that time was that the consumer's voice in the governmental decisionmaking process had been stilled and was, in fact, nonexistent, and that among the 33 agencies administring some 300 or more consumer programs, there was no one representing the consumer interest—although most of us thought that there was—and most of the American public thought that there was.

We had—the one chair concept—the empty chair concept where in a regulatory hearing before the Federal Power Commission or any other agency the utility seeking a rate increase would be present with a battalion of well educated and well staffed and sophisticated lawyers and economists and accountants and investigators—and the chair in behalf of the consumer interest was left empty. So the quasi judicial officer making the decision had to make the decision based upon one-sided evidence by one party only.

In all the other regulatory proceedings and at the decisionmaking process everywhere, the consumer went unrepresented.

At the same time the very regulatory agencies that Congress had created to uphold the public interest had, in fact, become an umpire between competing industrial forces and producer forces. The consumer interest was left out. In many cases it has been suggested that they had been taken over by the regulated industries.

It has been charged that many agencies, the Interstate Commerce Commission, for example, had been subject to an enormously close relationship with the industries that they regulate.

So two things generally happened. There was a lack of a voice or representative of the consumer and a weakness in the integrity of the regulating agency. Both of these things happened under the very nose of the Congress and without a responsiveness on behalf of the Congress.

It was Nader's concept of what we could do to correct this machinery—to create an independent agency with an advocate who would have no regulatory powers of any kind—that resulted in this year's bill cosponsored by 170 members. By not having a regulatory agency's decisionmaking power, you would not invite the lobbyists or industry-oriented attorneys and representatives here in Washington to head down and take over the agency. The agency would have the right to appear before Government agencies on behalf of the consumer.

But inherent in that concept, with no regulatory powers and no decisionmaking powers and no opportunity to issue orders of any kind to any industry, to any Government bureau or body, was the right to have an unlimited opportunity to appear before all Government agencies and bureaus that were making decisions on behalf of the consumer pursuant to the other agency's rules and procedures.

As a matter of fact, the only authority the agency had was to plead the consumer cause before the agencies making the decision. They would have to do this, the concept author suggested—they would have to do it in accordance with the rules of the agency host, the agency that they were going to appear before.

I cannot for the life of me understand why any Member of this House, whether they be on the liberal side or on the conservative side, and particularly those who have had legal training and experience, can object to this new agency having the vital but simple right to appear.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman.

Mr. YATES. As I understand the law, the regulatory agencies now have the power to initiate proceedings on their own motion in order to protect the public interest—will that power be eliminated or diminished in any respect by the passage of this legislation?

Mr. ROSENTHAL. Whether or not they have that power, or whether or not it has been used is a question I am not prepared to direct my response to. But this would in no way affect that opportunity. There is growing in both the States and the Federal Government the desire of representation on behalf of underrepresented groups.

Let us come down to the heart of the subject. This bill has three titles. The first establishes a statutory Office of Consumer Affairs in the White House, which is a good idea. It gives the President statutory authority to eliminate duplication, to effectuate coordination, and to have a consumer input into the decisionmaking process in the White House.

The third title establishes a council of 15 independent citizens to sort of keep a lookout as to those consumer things and to work with both the agencies and the President's advisers.

The second title, particularly section 204 of this bill, is the guts, the heart of this bill. This is the section that gives the agency authority to appear, and in the bill that was reported out by the committee what has happened is that we have floated an iceberg, with only the tip available to the consumer agency. But what great depth there is below the surface. The 90 percent of the cases where the action is needed will be cases in which the agency will be denied the opportunity to effectively appear. I do not make that statement casually. I do not say this without giving the matter a great deal of thought. And I do not say this without first stating that the committee gave great attention to these matters.

We are dealing, in a sense, with a highly sophisticated, highly technical legal area in which many of us—all of us on the committee—lacked sufficient administrative law experience.

But we have now consulted. I have consulted, and I know the committee has, distinguished administrative law scholars around the country, and this is the conclusion I came to, for two reasons. There are two areas where the committee limited the agency's opportunity to appear and represent consumers. The first is the informal or Nonadministrative Procedure Act area. The second is by preventing the agency from acting where the relief sought seeks "primarily to impose a fine, penalty, or forfeiture."

I want to discuss both of these areas and see if we can put them in perspective.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HOLIFIELD. Does the gentleman request additional time?

Mr. ROSENTHAL. I need another 15 minutes.

Mr. HOLIFIELD. I cannot give it to you. I will give you 5 minutes. I will yield the gentleman an additional 5 minutes.

The CHAIRMAN. The gentleman from New York is recognized for 5 additional minutes.

Mr. HOLIFIELD. I may be able to give the gentleman additional time later, or perhaps the gentleman can get time from the other side.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. In response to the gentleman's first statement, the statement that the bill as it exists would disallow the agency injecting itself into what you refer to as informal proceedings, would you be so kind as to point out that portion of the bill that precludes this and explain your position?

Mr. ROSENTHAL. I am going to do that, but I wonder, with the gentleman's kind permission, if I might continue, for I sense a time problem here. This is a matter to which I have given a great deal of attention.

I should like to read from an article entitled "Informal Action—Adjudication—Rule Making: Some Recent Developments in Federal Administrative Law," by Brice McAdoo Clagett, published in the 1971 issue of the Duke Law Journal. I might also tell you that Mr. Clagett is a distinguished lawyer.

I should like to read this to you and let us see if we can understand this together:

> All administrative decision-making involving the formulation of policy is divided into three parts: informal action, rule making, and formal adjudication. Informal actions are, almost by definition, those formulations of policy which for one reason or another, fall outside the supposed rigors of the APA as it now stands.
>
> The salient characteristic of informal action is that it involves formulation of policy which has an impact on the citizenry, or portions of it, although the formulation may be hidden from the public view. Even the very existence of a policy is often invisible because the act of formulation is never acknowledged, and the act of implementation may be carried out, intentionally or otherwise, in a manner which disguises the fact that a policy is being applied, let alone what that policy is. Articulation of the policy may exist in a department or agency file, or it may exist only in the minds of officials implementing it. Even worse, there may be no policy at all in situations where good and fair administration requires there be one.

He goes on to cite Supreme Court cases suggesting that the informal area is where damage is done, is done either by inaction or action that is detrimental to the public or the consumer, but is hidden.

In another instance—and Mr. Chairman, we will submit all these into the RECORD—Professor James O. Freedman, professor of administrative law, of the University of Pennsylvania Law School says:

> Section 204 makes no provision for participation by the Consumer Protection Agency in any informal proceedings, despite the importance that such proceedings play in the enforcement of Federal legislation directly affecting the consumers.
>
> It seems to me highly desirable that the legislation establishing a Consumer Protection Agency authorize participation by the Consumer Protection Agency in some informal proceedings.

Additionally, Prof. David L. Shapiro, professor of administrative law, of the Harvard Law School, in response to our inquiry, said:

> Because so much of the administrative process occurs below, or beyond, the level of formal rulemaking and adjudication, I believe the limitation of the new Agency to participate in such informal proceedings could seriously impair its effectiveness. Recent decisions like Moss v. CAB (490 F. 2d 891 (D.C. Cir. 1970))

And I might suggest that the Moss referred to is the distinguished gentleman from California, JOHN E. MOSS—

> and Citizens to Preserve Overton Park v. Volpe, 91 S. Ct. 814 (1971), reflect what practitioners know—that crucial decisions affecting substantial interests often occur at levels of low visibility. If the new agency is to have a meaningful voice in the development and implementation of policy, those levels should not be wholly closed to its scrutiny.

Let me give some quick examples of what the Agency could become involved in. Congressman FRED ROONEY, the gentleman from Pennsylvania, recently blasted the Food and Drug Administration for their failure to take speedy action with respect to the deadly propellant gases in aerosol cans. That would be an informal and non-APA matter that could not be included. The CAB charged 16 with respect to charter flight violations. These informal matters could not be properly affected by this Agency. Encyclopedia sales abuses are another example.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HORTON. Mr. Chairman, I yield the gentleman from New York 5 additional minutes.

Mr. ROSENTHAL. Mr. Chairman, I thank the distinguished gentleman from New York, my colleague Congressman HORTON, for yielding me the time.

Mr. Chairman, I will give some other real examples. In 1970, the Federal Trade Commission disposed of more than 250 flammability cases by the use of informal means and 25 through formal adjudication. Two hundred twenty-five of those this new agency could not be involved in, and that, notwithstanding the fact that 900 children burned to death last year in these United States as a result of flammable fabrics.

All the U.S. Department of Agriculture disciplinary actions under the Meat and Poultry Inspection Acts would be excluded. All informal dispositions with respect to complaints by the CAB—there were 1,800 informal dispositions last year, which this agency could not be involved in, and only 231 complaints were formally disposed of. Informal actions on complaints before the Interstate Commerce Commission as a result of moving violations by moving companies, in which millions of Americans are involved each year, would not be included.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Chairman, I do not think it is fair for the gentleman to read all these instances he is now reading and leave the presumption with the House that under the President's bill that is before the House there could not be any intervention, because in the report and in the summation I put into the RECORD yesterday during the course of my remarks, and I think as well from the statement made by Dr. Cramton, Chairman of the Administrative Conference of the United States, there is a definition under the administrative procedures act which includes not only formal but also informal types of proceedings.

Many of the proceedings to which the gentleman is referring, those in the list he is reading, are instances in which not only could this agency intervene as a party but also it could, if it were at the beginning, appear as amicus curiae to present its views.

I do not believe it is appropriate that the gentleman leave the impression there is no action that could be taken under this bill in the cases to which he is referring. I believe we would have to take each one of them and determine whether or not there was a proceeding under the definition of the administrative procedure act, as to whether or not it was a normal or informal proceeding, because they can appear in informal proceedings just so long as they are proceedings as defined in the act.

Mr. ROSENTHAL. No, they cannot proceed in the informal proceedings unless it is under the APA.

Mr. HORTON. That is right.

Mr. ROSENTHAL. Eighty percent of the cases I have cited here were non-APA proceedings.

Mr. HORTON. The gentleman is throwing figures around, and we are catching it from both sides. On the other side, on the Fuqua side, they say, in accordance with the information he sent around to all the Members, listing all of the agencies and so forth—and it is something like 16 different agencies—there are a large number of proceedings involved, and they show something like 80 or 90 percent we can appear, and the gentleman says that in 80 or 90 percent we cannot appear.

Mr. ROSENTHAL. I believe the gentleman is mixing up the positions.

Mr. HORTON. They are both before us.

Mr. ROSENTHAL. The Fuqua position, as I understand it, is that he would give the agency the right of amicus curiae, which means either an agency or a court must grant permission to appear; not as a party, not with the right to produce witnesses and cross-examine. He is willing to give them the right to go to every agency.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman from Florida.

Mr. FUQUA. The gentleman refers to his interpretation of my amendment, and I believe he is somewhat in error. I would give it as a matter of right. The agency does not make that determination; as a matter of right he could do it.

Mr. ROSENTHAL. I am sure the gentleman and I both are trying to understand his amendment. His amendment, as a matter of right, would be the right to be amicus curiae. That lets them go to the court and say, "May I please come in?" It is a right to open the door, not to sit down as a party.

Let me say to the gentleman, to eliminate some of the rhetoric and confusion, it is my judgment that the statements I have made, based on 21 years as a lawyer are correct, that what I say is absolutely so. It is supported by a half dozen professors of administrative law.

The point I want to proceed on is, if we go with the committee bill we are inviting lawsuits by the thousands. Nobody knows for certain, in each given case, whether it is or is not under the APA. The time has come to be precise and specific and to say, "Let them appear everywhere, with no limitations." All they can do is say, "Look, here is our position. If you do not like it, OK."

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. HORTON. Mr. Chairman, I yield the gentleman an additional 5 minutes, and ask the gentleman to yield to me.

Mr. ROSENTHAL. I yield to the gentleman from New York.

Mr. HORTON. I believe it is important to point out at this point in the debate what is said on page 9 of the report, where we attempted to define "intervention" and to define what "proceedings" are under the Administrative Procedure Act. It says:

> The second type of adjudication is that in which there is no statutory requirement for a decision on the record after an agency hearing. There are, of course, a great number of agency proceedings leading to final disposition of matters in which hearings are not required by statute or by constitutional due process, and these are sometimes called informal proceedings.

Then it goes on to point out that the agency can appear in these types of hearings.

I would disagree with the gentleman's judgment that it is 80 or 90 percent they cannot appear in. I believe it is a very, very small number they cannot appear or intervene in.

In all types of proceedings, at any level, they can appear first as amicus curiae, which is the position of the agency. They can put their position on the table. They can say, "This is the way we feel about it." They have the advantage of public knowledge as to the position they take.

Then when it becomes a formal type of proceeding in accordance with the definition they can actually appear.

So I think there is a great deal of strength in this present bill.

What the gentleman from New York wants to do in this amendment he is referring to is take this right of intervention and put it at the early stage, so in essence what you have is two agencies dealing with the same problem at the beginning levels. We call that a superczar type of agency, and I think it is bad. I do not think the House wants to give that type of authority.

Mr. ROSENTHAL. I thank the gentleman for extending me the additional time.

We ought to nail down words like "superczar" and "superagency" and "stopping the wheels of Government" and words like that. All I want and all that the Moorhead amendment will specify is that the Agency will have the right to intervene before any and all agency adjudicatory proceedings on behalf of the American public and affecting the consumer interests. And the right to study informal actions and report to the Congress. That is all I want and nothing more than that.

May I speak briefly now to the second objection to the action that the committee took in inserting the words the Agency is precluded from intervening where the relief sought is seeking primarily—

The word "primarily," as defined in two Supreme Court decisions, shows that there are various interpretations. The American Law Division of the Library of Congress Research Service said to me in a letter, "Thus it can be seen 'primarily' is not a precise term and is subject to fundamentally different interpretations."

I suggest to my distinguished colleague that, if you can exclude this Agency from appearing and intervening where it primarily was sought for a fine, penalty, or forfeiture, you are eliminating in excess of 90 percent of adjudications. Every action of the FDA involves a fine, penalty, or a forfeiture. There are hundreds of other Federal statutes that provide primarily for a fine, penalty, or forfeiture. You are inviting lawsuits by the thousands, and you are absolutely blocking out this Agency from appearing in those areas that are extremely relevant.

For example, the Flammable Fabrics Act has a fine or penalty of $5,000 a year. The Automobile Disclosure Act has a penalty of $1,000 a year.

I am going to ask permission when we get back into the House to have the Library of Congress list all the consumer acts that have fines or penalties put into the RECORD.

Almost without exception, every one of them involves a fine, penalty, or forfeiture.

So what we have done, even unwittingly here, is blocked out the Agency from informal actions where a lot of inaction takes place and blocked them out from formal adjudications because they all involve primarily a fine, penalty, or forfeiture. That leaves out the Flammable Fabrics Act, the Truth in Packaging Act, the Meat Inspection Act, and everything else.

All of these things can be cured by the Moorhead amendment.

Now, I am not completely happy with the Moorhead amendment. I wanted it to go much further than it does. It was drafted by Congressmen BROOKS, MOORHEAD, WRIGHT, ST GERMAIN, and myself. I would like it to do more, but I agreed to go with that one amendment in the hope that we could clarify this congressional intent.

The authority ought to be to give this Agency, which has no regulatory authority or decisionmaking power over other agencies, the opportunity to plead its case before every other Federal agency.

I am including at this point, an editorial on the subject from the Long Island Press:

CONSUMER BILL NEEDS TEETH

The bill in Congress to create a Consumer Protection Agency is an important step forward. But it is frightfully weak and should be strengthened.

Rep. Benjamin Rosenthal of Elmhurst and consumer advocate Ralph Nader are understandably disturbed that, as Mr. Rosenthal puts it, "the guts have been taken out" of his original bill. He calls the present measure "a sheep in wolf's clothing" because it would create a consumer agency without effective power.

Rep. Chet Holifield of California, chairman of the Government Operations Committee which rewrote the original Rosenthal bill, defends his bill as "a practical start, getting the tree planted, and getting an organization set up."

In that respect Mr. Holifield is right. His bill is better than nothing—though not much. While we can't agree with Mr. Nader, who says he would rather see no bill than the Holifield bill, we are afraid the consumer will not benefit much unless the bill is improved.

The nub of the problem is how much power the CPA should have in dealing with other Federal agencies. The Holifield bill would give it virtually none. Unfortunately, the sad history of federal regulatory agencies is that they too often favor the very people they are supposed to regulate. The loser, of course, is the consumer, who now has no effective voice at the top level of government.

With a strong Consumer Protection Agency—with power to delve into other agencies' handling of consumer cases—the little man finally would be represented.

The strong endorsement of the Nader-Rosenthal position by Rep. Wilbur Mills, the influential chairman of the House Ways and Means Committee, has brightened hopes for passage of Mr. Rosenthal's amendment to strengthen the bill. The fact than an election year is around the corner—and congressmen need every consumer vote they can garner—also may help.

Even if Mr. Holifield prevails in the House, the Senate still could swing the balance. The upper house is expected to approve the stronger bill again, as it did last year—when it died in the House Rules Committee. Then a conference committee could strengthen the final product.

But we would prefer just as strong support for a truly effective bill in the House as in the Senate. It is time for Congress and President Nixon to ignore special interests and create a Consumer Protection Agency with the power it needs to do an effective job.

Mr. HORTON. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, I rise today to discuss H.R. 10835. I was the only member of the subcommittee not to vote to report this bill to the full committee. I voted "present" with mixed emotions, because I think it is a much better bill than it might have been but not as good a bill as it ought to be.

I do want to, first of all, compliment all of the members of the subcommittee who worked long and hard this year in producing the legislation that is now before us.

I joined, as a member of the subcommittee last year, in cosponsoring the bill that failed to receive favorable action in the Rules Committee.

However, Mr. Chairman, I rise today to say that this bill is a much better bill than that which I cosponsored last year.

I think all of the members of the subcommittee learned a good deal more about this legislation and some of the hazards it may create as well as some of the things we would not want it to do, because we had very thorough hearings this year in contrast to the somewhat precipitous action which we took last year. These thorough hearings pointed out some of the pitfalls and hazards.

In many ways the bill before us is designed to avoid those hazards and pitfalls.

There is, I think, a great deal of difficulty in the category involved in section 204 which has been, I think, properly described as the heart of the bill, the representation and the intervention provisions given to the Consumer Protection Agency, the voice of the consumer.

Mr. Chairman, there seems to be a great deal of difference of opinion as to the question of formality or informality as to administrative proceedings and when the Consumer Protection Agency can intervene as a party.

I would like to help in trying to make the legislative record so that when the agency is created, as I believe it will be, the courts will have something to turn to to determine whether or not the agency may participate as a party.

I think that one of the assets that our subcommittee had was the counsel of Roger Cramton, Chairman of the Administrative Conference of the United States, who recently sent a letter to the chairman of our committee, the gentleman from California (Mr. HOLIFIELD), in which he discusses this question.

He says in this letter:

> Agency proceedings, however, are carried on with various degrees of informality, and it is somewhat difficult to translate the concept of intervention as a party, embodied in section 204(a)(2), to proceedings so unstructured that one cannot realistically speak of parties and their rights. For example, any agency with enforcement responsibilities in a given area must make a host of informal decisions daily, to investigate this piece of information, to disregard that one, to resolve this complaint by a phone call, that one by a warning letter, and to refer still another for more formal action. One cannot define the Consumer Protection Agency's authority with respect to such informal procedures in terms of intervention as a party. If it is desired that the Agency be consulted in all such decisions, the bill should say so and should, in addition, establish a mechanism for such consultation. My own view is that such a mechanism would guarantee administrative chaos.

I thoroughly agree with Mr. Cramton.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I am glad to yield to the gentleman from California.

Mr. HOLIFIELD. I am very glad that the gentleman quoted that from Chairman Cramton of the Administrative Conference of the United States and I shall yield the gentleman some additional time should he need it because I feel this is a very important letter and comes from a very important source.

I think the House should know that the Administrative Conference of the United States was set up by Congress in 1964. It is composed of not more than 91 nor less than 75 members. The Chairman is appointed for a 5-year term and the 10 members of the Council are appointed for 3-year terms by the President. The Chairman is approved by the Senate.

The purpose of this body and its staff is to study continuously the Administrative Procedure Act and to recommend to Congress and to the President methods by which the departments and agencies can more efficiently conduct their business and in a more orderly manner, particularly in the field of hearings, the promulgation of rules and regulations, and that sort of thing.

So, the gentleman has quoted from Chairman Cramton a very pertinent point.

There is another very pertinent point in this respect, and it will be put into the RECORD. I intended to get it in last night and said so in my remarks but inadvertently it was either lost by the RECORD clerk or I failed to put it in—I cannot say which—because I wanted all Members to have access to it.

There are many other sections of that letter which undoubtedly should be quoted, and will be quoted in the general debate. I offer it for the RECORD:

ADMINISTRATIVE CONFERENCE OF
THE UNITED STATES,
Washingon, D.C., October 8, 1971.
Hon. CHET HOLIFIELD,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HOLIFIELD: In your letter to me of October 5, you request my comments as to the meaning and effect of certain provisions in section 204(a) of H.R. 10835, as reported by the Committee on Government Operations. Section 204(a) deals with the representation of consumers by the Consumer Protection Agency in certain Federal agency proceedings.

A. *Meaning of "Fine, Penalty, or Forfeiture."*

Section 204(a) (2) would permit the Agency to intervene "as a party *** in any adjudicatory proceeding (other than an adjudication seeking primarily to impose in fine, penalty, or forfeiture for an alleged violation by any defendant or respondent therein of a statute of the United States or any rule, order, or decree, promulgated thereunder)." You request my comments on the scope of the parenthetical exception in the light of existing agency powers and practices.

The Committee report on the bill, H. Rept. No. 92–542, states that the words "fine, penalty or forfeiture" refer to "quasi-criminal type punishments and proceedings" and that the words are much narrower than the term "sanction" as defined in the Administrative Procedure Act, 5 U.S.C. 551(10). In particular, "fine," according to the report, is the equivalent of a money penalty, and "forfeiture" a divestiture of property without compensation. The scope of "penalty" may be somewhat less precise. The foregoing interpretation is certainly consistent, in my view, with the ordinary meaning of the words.

The Administrative Conference is presently engaged in a study of the use of fines or money penalties by federal agencies. Our survey of 46 departments, agencies and bureaus has disclosed that 31 presently have authority to initiate proceedings seeking money penalties. While there are great variations among the statutes, these penalty provisions fall into two broad categories: The first is where the agency has authority to determine the respondent's liability for a penalty in a quasi-judicial proceeding, subject only to a narrow judicial review. This category of proceeding should, in my view, be considered an adjudication "seeking primarily to impose a fine, penalty or forfeiture" within the meaning of section 204(a) (2). But this category is very narrow and such proceedings do not seem likely to have much effect on consumer interests.

The category includes civil penalties imposed by the Immigration and Naturalization Service under the Immigration and Nationality Act, 8 U.S.C. 1227, 1229, 1323, etc., those assessed by the Secretary of Labor and imposed by the Occupational Safety and Health Review Commission under the Occupational Safety and Health Act, 29 U.S.C. 659, 666, and penalties imposed by the Federal Maritime Commission for failure to comply with the financial responsibility requirements of the Shipping Act, 46 U.S.C. 817d, 817e. Certain penalties imposed by the Postal Service on carriers, 89 U.S.C. 5206, 5603, 5604, and by the Federal Home Loan Bank Board on savings institutions, 12 U.S.C. 1425 a(d), may also be in this category.

In all other penalty procedings that we are aware of the respondent or defendant is entitled to contest in a de novo judicial proceeding any agency assessment of penalties. Of course, there are wide variations among agency procedures employed in the assessing of penalties. It might be argued that an agency proceeding to assess penalties is an adjudication notwithstanding that it is subject to de novo judicial review. Among the penalties assessed in agency proceedings which appear to be sufficiently structured that they might reasonably be considered adjudications under this test are tax penalties assessed by the Internal Revenue Service, the imposition of penalties by the Secretary of the Interior for violation of the Federal Coal Mine Health and Safety Act, 30 U.S. 819(a), marketing penalties imposed on producers under the Agricultural Adjustment Act, 7 U.S.C. 1314, 1340, *etc.*, penalties imposed by the Atomic Energy Commission for violation of licensing requirements under the Atomic Energy Act, 42 U.S.C. 2282, penalties imposed by Bureau of International Commerce under the Export Control Act, 50 App. U.S.C. 2405, and penalties imposed by the Federal Communications Commission under the Communications Act, 47 U.S.C. 503.

With respect to the remaining penalty provisions, the agency is simply authorized to collect penalties by civil suit. In most of these cases the agency is also authorized to compromise and remit penalties, see, *e.g.*, 15 U.S.C. 1398; 49 U.S.C. 1471, and frequently does so, but it seems doubtful that the communications and negotiations which lead to such a resolution rise to the level of an adjudication as that term is used in the Administrative Procedure Act. See *United States* v. *Western Pac. R.R. Co.*, 385 F.2d 161, 163 (10th Cir. 1967).

Insofar as forfeitures are distinct from fines and penalties, we know of no administrative proceeding for declaring a forfeiture. Forfeiture is accomplished by a civil action, generally an *in rem* proceeding, in Federal district court. See, *e.g.*, 21 U.S.C. 334.

There may be some room for dispute as to whether "penalties" in section 204(a) (2) encompasses anything more than money penalties. I am thinking particularly of the case of proceedings to revoke or suspend a license. Bearing in mind that the basic purpose of the parenthetical exception is to preclude a situation in which the respondent is essentially pitted against two prosecutors, I think it might make sense to interpret "penalties" to include license revocation proceedings in those situations where the issue is simply whether the respondent violated the law or the standards of the profession, *e.g.*, SEC disciplinary proceedings against a broker or dealer.

A different result would be reached with respect to proceedings to renew or to refuse renewal of a license where access to the industry or trade is limited, *e.g.*, broadcast license, because such a proceeding is less accusatory and the issues of who will best serve the public interest tend to be broader. On the other hand, one could also argue that the revocation or suspension of a license is not a penalty because the subjects are dealt with separately in the APA's definition of sanction, 5 U.S.C. 551(10) (C) and (F). I think this is a point which might well be clarified by legislative history.

In summary, it is my view that "fine, penalty, or forfeiture" for violation of law encompasses only a relatively small category of administrative adjudications and a category in which consumer interests are seldom likely to be involved. The phrase should be interpreted to effectuate its obvious intent to preclude intervention by the Agency only when the presence of a "dual prosecutor" would endanger the interests of the public and the respondent.

B. *Application to Informal Administrative Process.*

You also request me to comment on the scope of the applicability of section 204(a) to agency proceedings, particularly in the light of the assertion that it applies only to "formal" and not to "informal" agency proceedings. First, I think it is clear that nothing in section 204(a) limits the Consumer Protection Agency to participation in formal agency proceedings, and by "formal" proceedings, I mean proceedings conducted on a record and in accordance with the provisions of 5 U.S.C. 556 and 557. The report states specifically section 204 also applies to participation in informal proceedings.

Agency proceedings, however, are carried on with various degrees of informality, and it is somewhat difficult to translate the concept of intervention as a party, embodied in section 204(a) (2), to proceedings so unstructured that one cannot realistically speak of parties and their rights. For example, any agency with enforcement responsibilities in a given area must make a host of informal decisions daily, to investigate this piece of information, to disregard that one, to resolve this complaint by a phone call, that one by a warning letter, and to refer still another for more formal action. One cannot define the Consumer Protection Agency's authority with respect to such informal procedures in terms of intervention as a party. If it is desired that the Agency be consulted in all such decisions, the bill should say so and should, in addition, establish a mechanism for such consultation. My own view is that such a mechanism would guarantee administrative chaos.

Under the provisions of H.R. 10835, the Agency will have broad powers to participate in and influence the informal administrative process. It will have broad authority to secure information from Federal agencies, extending to examination of investigatory files, working papers, staff documents and the like, unless there is a statutory prohibition against revelation of such information to another agency of the Federal Government.* The Agency is given specific authority (see 302 (1)) to require Federal agencies to notify it of "any action which may substantially affect the interests of consumers. . . ." In my view, a request for notification made by the Agency to another Federal agency may apply to a class of informal proceedings that are likely to have significant effects on consumers and need not be limited to a specific action. The Agency's power to communicate with Federal agencies (sec. 204(i)) means that it can transmit evidence of alleged violations, request that specific action be taken, and seek to express its view concerning any matter (including informal settlement discussions) before any Federal agency.

If the Administrator and his staff are intelligent and competent, they will be fully informed concerning significant activities that are likely to affect the interest of consumers. If the Agency demonstrates an ability to communicate information and policy concerning consumer interests, there will be no problem concerning its admission to informal discussions covering a wide variety of matters. Only if the Agency is incompetent or irresponsible is there likely to be a practical problem of its being excluded from discussions in which the interests of consumers are under consideration. And, of course, no addition of statutory authority will make up for lack of competence or responsibility.

The informal administrative process covers an immense variety of governmental activity. Since present law does not require any uniform notice or procedure for this category of governmental activity, and since judicial review is ordinarily unavailable in these situations, statutory language which entitled the Agency as a matter of right to participate in all aspects of the administrative process would probably prove to be meaningless. The well-established doctrine, for example, that prosecutorial decisions by Federal agencies are "committed to agency discretion" and hence nonreviewable in the courts will not be altered by minor changes in the bill's definition of "proceeding." The crucial questions, if the informal administrative process is to be opened to the Agency and to other interested persons, relate to the category of matters in which an agency would be required to give notice of something that it is doing, the procedures that it would be required to follow in taking such action, and whether, how and when the action would be subject to judicial review. Not enough is known about the informal administrative process to delineate these issues in detail; and no pending statutory proposal even purports to do so.

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*Sec. 202(c) (2).

H.R. 10835 makes it clear that the Agency is not barred from participation in the informal administrative process. The powers of investigation, notification and communication, summarized above, are a fully adequate basis for effective participation by the Agency in informal administrative decision-making. Moreover, the Agency will be able to exercise any powers that are available to other private persons or government agencies in participating in the informal process or obtaining judicial review. If present law obligates a Federal agency to perform a particular function in a public proceeding, the Agency as well as others may vindicate that right in an appropriate judicial review proceeding brought under section 204(d).

Thus the holding that the Civil Aeronautics Board failed to follow required public procedures in privately negotiating agreed rate filings, to be accepted without suspension, could be enforced by the Agency if it were excluded from any such discussions, *Moss* v. *CAB*, 430 F.2d 891 (D.C. Cir. 1970). Similarly, the Agency will have the same powers to comment on and to attack FTC consent orders, as well as those of other agencies, that are possessesd by other persons adversely affected by those orders. The law is evolving very rapidly in this area and it is impossible to summarize precisely the situations in which public participation will be judicially enforced. But wherever that right exists, the Agency may vindicate it if the rights of consumers are adversely affected and their interests are not otherwise adequately represented in the court proceeding (sec. 204(d)).

It is true that, in situations in which no one is given rights of participation or of judicial review, the Agency will generally have no right of entry, of procedure, or of judicial review other than those conveyed by its general powers of investigation, notification and communication. The Agency can be given additional rights, not possessed by others, only at the risk of grave interference with the functioning and responsibility of Federal agencies that have been invested by statute with important functions. As a practical matter the Agency is likely to be given large access to decision-making by Federal agencies that will affect consumers. If a particular agency abuses its responsibility in this regard, the public may rely upon the power of the press to vindicate its interests. The sanction of publicity, which will be easily available to a governmental official who is the consumer's official spokesman, is likely to be a more effective remedy than any formal legal rights of entitlement to participate.

Sincerely,

ROGER C. CRAMTON,
Chairman.

Mr. ERLENBORN. I thank the Chairman.

I think it is important we make legislative history here, and some have pointed out that the Consumer Protection Agency will be excluded as a party from informal proceedings. I think the gentleman from New York has already made the point that the committee report says, and I quote from page 9:

> H.R. 10835 allows the Consumer Protection Agency to intervene as a party in agency adjudications without any reference to the degree of formality.

Now, I think that what we intended to do was to allow the Agency to participate in proceedings where other parties participate. Where parties are proper in the Agency's determination then the Consumer Protection Agency should also be there as a party. This I think would be the test, rather than the formality or the informality of the proceeding. If it is the purpose of that proceeding that parties should be given an opportunity to express their particular point of view, then the Consumer Protection Agency should be there.

Now, if it is such an informal proceeding, as the Attorney General, consulting with his chief assistant as to whether information should be filed, or a criminal action should be taken, then parties are not proper and the Consumer Protection Agency should also be excluded.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from New York.

Mr. ROSENTHAL. Mr. Chairman, I thank the gentleman for yielding. I do want the gentleman to know that under the provisions of the Moorhead amendment the agency could not participate in any informal proceeding. I would personally prefer that, but they cannot. All they can do is to systematically study and oversee these informal proceedings, and report to the Congress.

Now, I believe it is important that Congress, when agencies are delinquent and sluggish in acting and moving, such as when the FTC failed for 3 months in California to get off the market, highly flammable scarfs coming in from Japan. What the agency ought to do in informal proceedings is look at them and report to the Congress. How anyone can object to that I do not know.

Mr. ERLENBORN. I am not actually addressing myself to that amendment, but to the bill that is before us. I will have some comments to make about the Fuqua amendment. However, I would like to quote again from Mr. Cramton. He says:

> The informal administrative process covers an immense variety of governmental activity. Since present law does not require any uniform notice or procedure for this category of governmental activity, and since judicial review is ordinarily unavailable in these situations, statutory language which entitled the Agency as a matter of right to participate in all aspects of the administrative process would probably prove to be meaningless.

I think we should bear that in mind. We do not want to do anything here that would be meaningless.

I again quote:

> The powers of investigation, notification and communication, summarized above, are a fully adequate basis for effective participation by the Agency in informal administrative decision-making. Moreover, the Agency will be able to exercise any powers that are available to other private persons or government agencies in participating in the informal process or obtaining judicial review.

I think those are the key words. We will equate the power of this agency in such informal proceedings to the power that other private parties or other Government agencies would have in those situations, and when it would be proper for them to participate as a party.

Mr. HOLIFIELD. Mr. Chairman, would the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from California.

Mr. HOLIFIELD. In that connection I would read from the Administrative Procedure Act, section 702:

> A person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review thereof.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. HORTON. Mr. Chairman, I yield 5 additional minutes to the gentleman from Illinois (Mr. ERLENBORN).

Mr. HOLIFIELD. If the gentleman will yield further; so, when they say we are denying judicial review, and we are not allowing full participation, they are misstating the purpose and the intent of the bill, and, under general law already enacted and being used every day, these rights prevail.

Mr. ERLENBORN. I thank the gentleman.

Now, having helped in making the legislative history as to when the agency may participate as a party under the committee bill, let me say very frankly that I feel the agency should be in the nature of an amicus curiae. It has been rightly said, and I certainly agree, that the voice of the consumer is not heard in many of the proceedings of our Federal agencies.

When there is a rate case pending before the Federal Communications Commission or before the Federal Power Commission. The consumer per se is not there—his voice is not heard.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield on that point?

Mr. ERLENBORN. I yield to the gentleman.

Mr. HOLIFIELD. I asked the gentleman to yield on that point because it is on this point that the gentleman and I differ.

Would the gentleman not agree that the amicus curiae amendment will take away from the agency the right which is now obtained by almost anyone who is aggrieved or hurt by an order or a decision? The right of judicial review would be taken away and it would subtract from the CPA administrator the rights now obtained by any citizen.

Mr. ERLENBORN. The point I am making is that the voice of the consumer should be heard. The consumer is not really a party in interest. As a matter of fact, you can pick an individual on the street and say, "This is your interest, as a consumer, that ought to be protected"—without taking into consideration his interest as other than a consumer.

A consumer can also be an environmentalist—he has conflicting interests.

The agencies we are talking of, before which the CPA would appear are charged with the public interest. That is what is really important. It is not a consumer interest or an environmentalist interest or any other fractionalized interest of us as individuals or collectively as the public. But what we should be interested in is seeing that the public interest is served. That is what the FCC and the Federal Power Commission and the FDA and all these other agencies are supposed to determine—what is in the public interest.

I predict that if we begin to fractionalize people and say, "Your interest as a consumer is going to be represented in a legal fashion by this agency"—then the environmentalist will say, "We should have equal rights"—and then somebody else representing the public in another aspect of their interest will say, "We should also have equal legal rights."

To the point that when an agency is trying to determine the public interest, they will have all of these conflicting private interests being represented—and unable to satisfy all of them—and every agency decision will be appealed and will go through the courts and the governmental process will come to a grinding halt.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman.

Mr. BROWN of Ohio. In the colloquy with our chairman, the gentleman in the well indicated that the CPA, if given the amicus curiae right only, would not have the right to appeal to the courts a decision in a case.

The gentleman in the well is a lawyer—and I am not. But would not the facts which the CPA developed in its amicus curiae presentation to the host agency provide the material or the information on which any participant in the case could make an appeal to the court? Is that correct?

Mr. ERLENBORN. Yes, I think that is correct. As a matter of fact, I am certain that that is correct.

In addition, I think as the gentleman from California read from the administrative procedures act, any aggrieved party may appeal.

Mr. BROWN of Ohio. In other words, an aggrieved party would not necessarily be precluded from the appeal of a decision by an administrative agency.

Mr. ERLENBORN. That is my understanding.

Mr. BROWN of Ohio. Some party aggrieved by a decision of an agency would now have the right to appeal whether it had been a party to the initial proceeding.

Mr. ERLENBORN. That is my understanding.

Mr. BROWN of Ohio. And would use the information developed by the CPA in its amicus curiae role?

Mr. ERLENBORN. That is right.

Mr. BROWN of Ohio. And the CPA further would have the obligation, would it not, to advise the consumer of his rights as a consumer. In effect then, even with the amicus curiae powers only, the CPA would bring the force of the Federal Government and its information-gathering facilities to the support of the consumer in a legal action on appeal?

Mr. ERLENBORN. Yes; that is exactly correct.

Mr. BROWN of Ohio. Then the amicus power is not as weak as one might assume.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HORTON. Mr. Chairman, I yield an additional 2 minutes to the gentleman from Illinois.

Mr. ERLENBORN. Does the gentleman desire me to yield?

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I am happy to yield to the gentleman from New York.

Mr. HORTON. The words which the Chairman read from the Administrative Procedure Act were the words "aggrieved party." The word "party" is a legal term that has significance. If a CPA appeared as amicus curiae, it would certainly not be a party, so the rights to which the Chairman referred which would be given under the present bill would not obtain, would not be available to the CPA, because it would not be a party. Is that correct?

Mr. ERLENBORN. I understood the words to be "an aggrieved person" rather than "party."

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I am happy to yield to the gentleman from Florida.

Mr. FUQUA. I appreciate the gentleman's yielding. To consider only one point cited by the Chairman, in section 702 of title 5 United States Code, certainly we provide that if a person is aggrieved by an agency action, he has recourse, but we do not grant that power aggrieved agencies under that section. Under H.R. 10835, however, we would grant this right to the consumer advocate and the result would be the consumer advocate could attack other instrumentalities of Government.

Mr. ERLENBORN. The gentleman is correct, and I thank him for his contribution.

Let me make one further observation on this point. I should like to read from the letter of Chairman Cramton, and let me make clear that he is not using the argument for the same purpose I am going to be using it. But I use his rationale in support of the Fuqua amendment. In the last paragraph of his letter he states:

> It is true that, in situations in which no one is given rights of participation or of judicial review, the Agency will generally have no right of entry, of procedure, or of judicial review other than those conveyed by its general powers of investigation, notification and communication. The Agency can be given additional rights, not possessed by others, only at the risk of grave interference with the functioning and responsibility of Federal agencies that have been invested by statute with important functions. As a practical matter the Agency is likely to be given large access to decision-making by Federal agencies that will affect consumers. If a particular agency abuses its responsibility in this regard, the public may rely upon the power of the press to vindicate its interests. The sanction of publicity, which will be easily available to a governmental official who is the consumer's official spokesman, is likely to be a more effective remedy than any formal legal rights of entitlement to participate.

I think that is the best argument I have heard yet in support of the Fuqua amendment. Through the agency as amicus and his access to the press the voice of the consumer can be heard.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. HORTON. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. STEIGER).

Mr. STEIGER of Arizona. Mr. Chairman, I would like to repeat at the outset something that I am sure has been said to the point of ad nauseam, but it bears repetition. The bill that has been produced for our consideration today is probably the only kind of bill that the committee could have produced. The chairman of the full committee and, conversely, the ranking member of both the full committee and the subcommittee, performed what I believe in my own legislative judgment a minor miracle in producing any legislation at all. The diversity of views within the committee, both the full committee and the subcommittee, are wide. As the debate unfolds, I think that will become apparent.

The desire to produce legislation was shared by the chairman and the ranking minority members of the committee. I think they did a whale of a job. I think that some of the assumptions that caused this problem, this difficulty in producing legislation that required such delicate language and delicate ritual, if you will, legislative dancing, comes about because of three erroneous conceptions:

No. 1, that somehow the consumer in this land is being systematically and overwhelmingly abused. This was an assumption that everybody seemed to take for granted.

Yes, the consumer is the victim.

A second assumption was that all Federal agencies which are now charged with the protection of the consumer in one form or another are somehow doing a horrendously bad job and need the constant vigilance of what I consider is the interesting concept of this gallant band of consumer protectors that we are creating with this agency. Let us face it: We are creating another bureaucracy, and under the terms of this bill, in my view, we are simply unleashing this new bureaucracy on the old bureaucracy. If the assumption that the existing agencies are not doing the job is valid, then there is nothing to assure us that the new agency will do a better job.

I would consider the failure to pass the Fuqua amendment would be a failure that would generate problems for the consumer, and rather would make the present problems of the consumer small by comparison.

In fact, if the Fuqua amendment fails, I am going to share with the Members an amendment which I plan to offer. I offer this with a shy little smile, because I would hope the Members would understand my motivation. I am going to try to establish in this bill an Indian Protective Agency, because the American Indian, my friends, has problems that make the American consumer problems nonexistent.

If the posture is that the Federal agencies who are charged with the protection of various segments of our society are not able to do a good job, if we accept the bill as the committee produced it, if we accept the Moorhead amendment as desired by the gentleman from New York, then in consistency—and I know we are interested in consistency—the situation demands that we establish an Indian Protective Bureau. It will have a chief and a deputy chief, naturally and they will be empowered to invade any agency that fails to pay attention to the needs of the American Indian.

That may seem a little broad, but I assure the Members that we are doing exactly the same thing here under what I consider a misapprehension that the consumer is first desperately abused and second that we are somehow going to save him with the passage of this legislation.

We have been kidding ourselves, but there is no kidding about one thing. We are going to produce a consumer protective agency bill in this House in the next day or two. I strongly urge—and I know I am talking to people more knowledgeable than I am, and whose minds are made up—but I strongly urge that the Fuqua amendment is to many of us the very furthest we can go in unleashing guerrilla warfare between Federal agencies.

Again I commend the chairman of the full committee for having been able to bring this bill out, and the gentleman from New York (Mr. Horton) and the gentlewoman from New Jersey (Mrs. Dwyer) for their yeoman efforts in holding us together. Obviously at this point we are no longer together, but I urge the Members to consider the Fuqua amendment. It is very important. We are going to produce a consumer protection agency.

Mr. HOLIFIELD. Mr. Chairman, I yield 10 minutes to the gentleman from Texas (Mr. Wright) a member of the subcommittee.

Mr. WRIGHT. Mr. Chairman, at the outset, I should like to say a couple of things with respect to this bill as it comes to the Congress from the Committee on Government Operations, and then I should like to direct questions to the chairman and to the ranking minority member of the committee, so as to make some legislative history as to our intent in two specific respects.

First, let me say as a member of the subcommittee that carefully and, indeed, meticulously and painstakingly considered and hammered out the details of this legislation, that I think it is a good bill as it comes to us. It is not a perfect bill, perhaps, because the failings of mortality prevent that in any draftsmanship, but it is a good bill.

I expect to offer and, indeed, support some amendments, which I believe, will make a better bill of what I think is a good bill. But I want to say in behalf of the gentleman from California, the chairman of this committee (Mr. Holifield), that throughout these long deliberations, the public hearings which lasted most of this year and the drafting sessions which lasted for several weeks, that he has been painstakingly fair, unfailingly courteous, and forever patient in his attentiveness and courtesy to every member of the committee and subcommittee. He has resisted with equal firmness amendments which he thought would make too strong an agency, a super agency, as well as amendments which he thought would weaken the effective right of this agency to represent the rights of the consumers.

So I should like to compliment and commend the chairman of the committee for the diligent, painstaking job that he did.

Now I should like to ask two questions of the chairman.

The first relates to the question which has been under discussion within the past few minutes, the question of the right of this Consumer Protection Agency to go into court and seek judicial review upon the failure or the refusal of an existing Federal agency to take action in cases where a court would find that the action should have been taken.

It has been contended by some, and some read the bill to direct, that the Agency would have the right only to seek judicial review upon affirmative actions and affirmative decisions of another agency. The Consumer Federation of America recommends an amendment to make clear that an action of an agency to be subjected to such review might include as well a failure or refusal of that agency to act.

I wonder if it is not the interpretation of the chairman—I read it so from his well-reasoned remarks in yesterday's Congressional Record—that the intent of the committee in reporting the bill was to make equally available to the Consumer Protection Agency the same right which is available now to other parties to seek judicial review upon the failure or the refusal of an agency to take action.

Mr. HOLIFIELD. The short answer to that is of course "yes." I quoted section 702 of the Administrative Procedure Act, which does give other people these rights.

I should like to go into a little detail, if I might, so that the intent of the committee and the bill would be clear.

The Consumer Protection Agency will be able to obtain judicial review of any Federal agency proceeding, whether rulemaking or adjudicatory, in which the agency previously had intervened, if a right of judicial review is otherwise accorded by law. Since specific statutes, and the Administrative Procedure Act in general terms, provide for judicial review, the Consumer Protection Agency will have rights of review on a par with other parties to Federal agency proceedings.

And, of course, the Consumer Protection Agency will have access to the courts, as do other parties, to compel agency action when there is undue delay or failure to complete a proceeding. The Administrative Procedure Act provides for such contingencies.

In the event the Consumer Protection Agency did not appear as a party in an agency proceeding, it could still seek judicial review if the court found that the agency action might adversely affect consumers or not otherwise give them adequate protection.

You will note also that, as provided in section 302, the Consumer Protection Agency may petition the Federal courts to enforce the congressional mandate put upon every agency of the Government by that section—to give due consideration to consumer interests where these are involved in the agency's actions.

Mr. WRIGHT. I observe that the Administrative Procedure Act includes both denial of relief and failure to act within the term of the agency action, and agency actions are subject to judicial review.

Mr. HOLIFIELD. Yes.

Mr. WRIGHT. So the chairman would have no objection, I gather, to the offering of an amendment, which I previously discussed with him, simply to make clear that a failure to act would be similarly subject to the same judicial review.

Mr. HOLIFIELD. I certainly want to make that clear. The gentleman has a clarifying amendment which he submitted both to the gentleman from New York (Mr. Horton) and to me. We have looked at it carefully. It is completely within the intent of the act and in my opinion the wording of the bill, but it does clarify it to a certain extent.

The gentleman brought up a very fine point I wish to emphasize. In section 551 of the Administrative Procedure Act (13) it says:

> "Agency action" includes the whole or part of every agency rule, order, license, sanction, relief, or the equivalent or denial thereof, or failure to act.

Now, that is just about as clear as language can be made. It is part of the existing law, and it applies to the administrator of this agency the same as it does to any others.

Mr. HORTON. Will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from New York.

Mr. HORTON. I heard the statement made by the chairman (Mr. Holifield) and I want to concur with his statement that the gentleman from Texas did submit this proposed amendment to us, and we have studied it and it is clarifying. We feel it does clarify and make more clear the language of the bill, and we are willing to accept it at the appropriate time.

Mr. BROWN of Ohio. Will the gentleman yield to me?

Mr. WRIGHT. Yes. I yield to the gentleman.

Mr. BROWN of Ohio. How does the language of your amendment apply to such things as consent decrees in the FDA?

Mr. WRIGHT. I do not personally feel that a consent decree would be interpreted as a failure to act or a denial of relief. That would be my personal interpretation.

Mr. BROWN of Ohio. Does the chairman concur with that?

Mr. HOLIFIELD. I am in the same position as the gentleman from Ohio is. I am not a lawyer. I would concur with the general sense of what the gentleman from Texas (Mr. WRIGHT) says, but I cannot speak as a lawyer on that point. The gentleman from New York (Mr. HORTON) is a lawyer, and maybe he can speak on that from that viewpoint.

Mr. HORTON. Will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from New York.

Mr. HORTON. I would agree with what the gentleman from Texas said. I think it also ought to be made clear that the proposed amendment refers to subsection (e) of section 204, and perhaps I should read that section here.

> (e) When the Administrator determines it to be in the interests of consumers, he may request the Federal agency concerned to initiate such proceeding or to take such other action as may be authorized by law with respect to such agency. If the Federal agency fails to take the action requested, it shall promptly notify the Agency of the reasons for its failure and such notification shall be a matter of public record.

So that only applies to the failure of the agency to act on the request made by the Consumer Protection Agency.

Mr. BROWN of Ohio. Is that substantially the thrust of the gentleman's amendment?

Mr. WRIGHT. That is the thrust of my amendment. It would make clear that the Consumer Protection Agency would have the right of judicial review, where otherwise permitted by law, in those cases where another agency failed to act.

Mr. BROWN of Ohio. Thank you.

Mr. WRIGHT. On one other point that has been obscured and obfuscated by somewhat exaggerated statements, it seems to me, on both sides, I should like to get some further clarification from the chairman and, if he desires to comment, from the ranking minority member. This question involves the Consumer Protection Agency's right to involve itself as an intervener or as a party in informal proceedings. The U.S. Chamber of Commerce has taken the position that this bill puts the Consumer Protection Agency into 90 percent of all the proceedings and inquiries. Others have taken the position that the bill as it presently stands removes the Consumer Protection Agency from upward of 90 percent of all these various proceedings. The confusion arises perhaps over the problem of just what is an informal proceeding and the extent to which the bill as presently drafted permits or denies the right to the Consumer Protection Agency to represent the interests of consumers in such a proceeding.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HORTON. Mr. Chairman, I will be glad to yield the gentleman an additional 5 minutes.

Mr. WRIGHT. I thank the gentleman.

The chairman in his remarks yesterday for the RECORD said—

> Bear in mind the Administrative Procedure Act does not distinguish between formal and informal proceedings as such.

Is it the chairman's interpretation that the bill as presently drafted does not exclude the right of a Consumer Protection Agency representative to appear as an advocate of the consumer interests and to engage in the relatively more informal administrative proceedings that sometimes occur?

Mr. HOLIFIELD. Will the gentleman yield?

Mr. WRIGHT. I am glad to yield to the chairman.

Mr. HOLIFIELD. That is my position and, of course, it is contrary to a lot of things that have been said about the bill. In my opinion, this bill gives the Consumer Protecton Agency the power insofar as proceedings are of a nature where intervention is informal. These proceedings are the ones described in the Administrative Procedure Act as rulemaking and adjudicative.

> There are, of course, some agency actions in which there is no meaningful way to intervene. An agency official may decide to handle one complaint by a telephone call and another by an investigation. Even Mr. Rosenthal concedes that there is no way for the Agency to effectively intervene in an agency action of this nature.
>
> The bill assures representation of consumer interests throughout the range of agency proceedings, however. In all proceedings in which intervention or participation is practical, except those which are punitive in nature or concerned solely with internal agency matters, the Consumer Protection Agency, as a matter of right, may participate or intervene. This is without regard for whether the proceeding is informal or formal. The language of the bill is quite clear. It states, "any rulemaking proceeding" and "any adjudicatory proceeding". It is clearly the intention of the bill, and this is confirmed by the language of our report, that the form of adjudication or rule-making will not affect the rights of the Consumer Protection Agency to represent the interests of consumers if that agency deems it necessary to do so.
>
> Even in the agency actions in which intervention is not practical, the Consumer Protection Agency can make its views known. It can always communicate information and appear as amicus curiae at the discretion of the host agency. Since Federal agencies are authorized and directed to furnish information which the Administrator of the Consumer Protection Agency deems necessary for the performance of his functions, he can insure that he is kept abreast of those agency actions in which he has an interest. He will thus be able to transmit his views for consideration at any stage of agency action.

Mr. WRIGHT. I thank the gentleman.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. Of course I am glad to yield to my distinguished colleague from Texas.

Mr. PATMAN. I would like to ask the gentleman this question:

Am I correct in stating that the Office of Consumer Affairs and the Consumer Protection Agency will also be responsible for investigating, reviewing, and disseminating information to the public and the Congress concerning the various federally subsidized housing programs?

We know, for example, as a result of the investigations conducted by the House Committee on Banking and Currency, that many of the federally subsidized housing programs, including the 235 and 236 programs, have been to too significant a degree taken over by speculators and shysters who have taken advantage not only of the Federal Government, but perhaps more importantly of the people who were to benefit from the subsidy.

In the 235 program, for example, both as far as new construction and existing dwellings are concerned, shoddy workmanship, fraud, and deception were the conclusions reached by the committee investigation conducted last year on the part of both builders, real estate speculators, and financial institutions who were found to be in cahoots with speculators.

The Consumer Protection Agency which this bill would create could be of immense help in making sure that these housing programs were being carried out according to the spirit and word of the law and that the consumers, whom we seek to benefit by these programs, are receiving decent, safe, and sanitary housing as the law provides.

Would the gentleman in the well agree with me that the Consumer Protection Agency and the Office of Consumer Affairs would not only have the authority, but the responsibility to investigate the housing area, disseminate necessary and proper information to the consumer on housing, and inform the Congress of their recommendations as to how the programs are to be made to work more effectively?

Mr. WRIGHT. My answer to the gentleman from Texas would be "Yes," because on page 30 of the bill we find the definitions for the terms "consumer" and "interests of consumers." Under the language of the bill the term "consumer" means "any person who uses for personal, family or household purposes goods and services offered or furnished for a consideration."

Obviously, a home or an apartment represents goods and services offered for consideration and obviously it is offered for personal, family and quite patently and manifestly for household purposes.

Therefore, my answer would be in the affirmative.

I think, unquestionably, that the questions of interest rates—rates of interest—they being charges levied upon a service provided to consumers, would also be covered under the terms of the bill.

As the gentleman from Texas knows, he and I have discussed a perfecting amendment that the gentleman drafted and asked if I would offer in order to make that particular point clear.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HOLIFIELD. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. PATMAN. Mr. Chairman, will the gentleman yield further?

Mr. WRIGHT. I yield further to the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, I want to state that I am in thorough accord with the gentleman's views and I support them. This would be of great significance with reference to sections 235 and 236 of the housing programs and other federally subsidized housing programs because there is a big demand for more investigative work in that area. In fact, it is my opinion that every Member of this House should engage themselves into looking into this matter because it would not involve too much of their time. We thank the gentleman's committee for doing that job.

The interest rate amendment of the gentleman from Texas (Mr. WRIGHT) would add the following language to line 15, page 20, after the word "including", add "annual reports on interest rates." The effect of this amendment, as I understand it, would be to have the Consumer Protection Agency make continuing studies of interest rates as they affect the consumer and report such information to the public and the Congress, along with whatever recommendations they might have which would reduce interest rates and other finance charges to the consumer.

Interest rates now cost the American people, both public and private debt, about $150 billion a year. This is equal to more than 10 percent of our gross national product. Just think what it would mean if the consumer, as a result of the information provided by this Agency, could reduce interest costs by just a few percentage points on a car purchase or a home mortgage loan.

Further, as I understand your amendment, not only would this Agency provide information to the consumer on where, when, and how to borrow, but the Agency could be of substantial help to the Congress in its deliberations over interest rate policy and legislation relating to financial institutions over which the Congress has control. Certainly if what we seek to do in this bill is to provide necessary information and assistance to consumers to enable them to live better, one of the vital areas that the Agency must concern itself with is the whole question of interest rates and other financial costs.

This amendment becomes most important when we recognize the fact that one of the largest costs in the family's budget today is the cost of interest and other finance charges.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from California.

Mr. HOLIFIELD. I think that the gentleman's colloquy and his questions and the explanations are probably coming as a shock to some of the people that have been told that this bill is not a good bill; that it does not cover the subject matter and that this agency is not given power to do a great deal.

I think it is coming as a shock to them, and I honestly believe that some of my colleagues who signed, in large number, a letter, if they had realized and fully known what is in this bill, I believe that a great number of them would not have signed it.

Mr. WRIGHT. I will say to the gentleman that surely I recognize it as the intent of the chairman personally, the intent of the members of the subcommittee, and the intent of the members of the full committee that this be a strong and effective bill, and I am hopeful that by clarification of the legislative intent we may remove any doubt.

As the gentleman knows, I shall offer a couple of amendments that I think, as I said earlier, might make a clearer and a better bill out of what already is a good bill, but I certainly appreciate the remarks of the gentleman.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HORTON. Mr. Chairman, I yield 2 additional minutes to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. I thank the gentleman for the additional time.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I am happy to yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, the distinguished gentleman from Texas brought up the question of the "definitions" on page 30. As a member of the Committee on Armed Services, and one who has had occasion to query the Department of Defense, I would like to ask the gentleman in the well, or the chairman of the committee, whether or not military servicemen are considered consumers under section 304(4), or (5), the definition involving the interests of consumers.

Mr. WRIGHT. Mr. Chairman, I would certainly answer in the affirmative. The term "consumer" means "any person," and certainly that could not exclude military personnel where they are involved as consumers of goods defined under the the act. Certainly they are, in such instances, consumers.

Mr. HALL. I would think so.

Mr. WRIGHT. The term includes any person who uses for personal, family or household purposes these goods and services described in the definition, and certainly military personnel do purchase and do use such services.

Mr. HALL. Certainly this would involve military who use the post exchanges, the commissaries, and the other alleged fringe benefits that servicemen are entitled to in addition to their basic commutation, allowances, rations, and so forth and so on.

So my question that I have asked the gentleman in the well, or the distinguished chairman, is that in view of the response to a letter that I addressed to the Secretary of Defense, the letter being dated July 19, they said that while willing to cooperate, it "would be advisable in view of the functions of the military service, that they be excluded from the mandatory provisions of the bill."

I have a copy of the letter which I will be glad to insert in the RECORD at the proper time. But my question is this: Is there any exclusion or exemption for members of the military insofar as these particular services are concerned from this protection act?

Mr. HOLIFIELD. Mr. Chairman, if the gentleman will yield, I have not seen the letter, of course, and I will be glad to take a look at it. I understand that the military—and I will ask the members of my staff if this is right—the military are excluded from the Administrative Procedures Act. Is that right?

They say the military functions are excluded, but not the personnel.

But I cannot see the logic of the request, because I would think that all our people, the people who are dealing with PX's and places like that, should be given the same protection against fraudulent products, dangerous drugs, devices, articles, and so forth, the same as anyone else.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

The Chair will advise the gentleman from New York (Mr. HORTON) that he has 1 hour and 6 minutes remaining, and the gentleman from California (Mr. HOLIFIELD) has 33 minutes remaining.

Mr. HORTON. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I think all of us agree that the consumers need protection in our society today. We all labor under the admonition of Webster, which is inscribed above the Speaker in this Chamber, that we should promote all the great interests of our society, and the consumers' interest are among these.

This legislation attempts to determine how those consumer interests shall be protected. It provides a legal right for the Consumer Protection Agency to appear as a party in the proceedings of other agencies.

The term "proceedings" is used as defined in the Administrative Procedures Act, but the legislation specifically eliminates those procedures dealing primarily relating to fines, penalties, and forfeitures from direct CPA intervention.

The bill is not a "nothing"—or a nonentity—it is a very strong bill. It establishes powers for the CPA in a highly specialized field and that is the field of consumer interest, which no other agency has in such a specialized way.

"The best bill we can get out of the committee," is the way this has been described. I think it is a pretty strong bill and clearly it is the best bill we could get out of the committee. It is the product of the process of legislative compromise which, as the chairman of the Committee on Government Operations and the subcommittee which spawned this legislation has called the real art of politics.

I think our chairman deserves a good deal of credit for the accomplishment of this bill. If we are going to have a bill, it is as the result of his leadership and efforts working with the divergent viewpoints expressed in our subcommittee—and always expressed, I think, with a good deal of gentlemanly interest in what our combined objective is.

But there are differences of opinion here. There is the question of powers to intervene as a party in behalf of the special consumer interests with Federal financing of that intervention. The impact that this will have on other agencies of Government is very much at stake. It is a problem that goes to the heart of this bill which raises to the level of conflict with the public interest, the consumer interest because most of the other agencies involved are charged with the protection of the public interest.

What is this distinction between consumer interest and public interest? I think it makes possible a continuing conflict between the Consumer Protection Agency and the host agencies which have responsibilities for the public interest. If the CPA in its effort to push the consumer interest before an agency charged with the general consideration of public interest loses its case, then I think under the statutory admonition of this legislation, it will be the responsibility of the CPA to appeal to the court.

In that case then, the court is put in a a position of making the decision between the public interest and the consumer interest. At that point I am not sure we will not see the case decided on the basis of technical law rather than on the basis of equity.

Certainly, I think the courts generally, whether they be Federal or local, are not as well equipped to balance and deal with all of the public interest considerations as are those administrative agencies which have experience in this field.

I would like to ask a rhetorical question. What, after all, is the consumer interest? I happen to be a convertible driver. There are only about 1 percent of us who drive convertible automobiles. I could be told that the consumers are not, therefore, under this agency test, interested in that problem. Presumably, the CPA will be using my tax money to express its interest in the safety angle of what kind of automobiles do serve the American consumer and out goes my convertible with my tax dollar supporting it even though that may not be my interest as a consumer and my preference.

I think there is a question that deserves to to be asked here. Will there be created a consumer interest versus the public interest and a consumer interest versus the specialized interests of some consumers.

I want consumers to get protection. I want the Government to help in that role and do so with my tax dollars. But I think under this bill the consumer interest may, in effect, be given too much strength, in conflict with the public interest, by authorizing this agency to intervene as a party. If the amendment proposed by the gentleman from New York (Mr. Rosenthal) and the gentleman from Pennsylvania (Mr. Moorhead) is adopted, apparently intervention will be permitted in every consideration of every aspect of Federal Government at every level. I think this is likely to lead to delay in the development of what is the consumer interest and what the public interest.

It is my opinion that decisions deferred are as often bad decisions as they are good decisions and a Government decision put off tends to draw the Government into a question of not only credibility but of effectiveness.

Let me take a specific example, and that is the example of the Federal Communications Commission and its licensing of radio and television stations every 3 years throughout the country. There are some 8,000 different considerations. Under this legislation the Consumer Protection Agency is given the authority to go into such cases and make a presentation from the standpoint of a consumer. If there is a conflict between the Federal Communications Commission decision about the public interest and what the Consumer Protection Agency suggests is the consumer interest, then the case will ultimately not be decided by the Consumer Protection Agency or the Federal Communications Commission, either one.

It will be carried, I suppose, to a Federal court where the decision will be made by people a great deal less expert in the general area of licensing stations than the Federal Communications Commission is.

The question has been raised as to whether or not those regulatory agencies which have been given this basic power by the Congress do not in effect regulate the industries they are supposed to be regulating. If there is a failure here, and if they fail to regulate in the public interest as they should, I would ask you whose failure that is. It occurs to me that it is the failure of the Congress as an oversight agency to upgrade the agencies that have the public interest responsibility. But we are trying to meet that failure by transferring to another Government agency, a new bureaucracy now to be established, this oversight role.

I would suggest that the amicus role which will be advanced by a member of the subcommittee (Mr. Fuqua) may make a good deal more sense, both from the standpoint of quick judgmental decisions by Government and also from the standpoint of protecting the consumer interest than would be this extended procedure of intervention as a partner.

The legislation basically requires that the consumer interest be undertaken in the consideration of the public interest by all agencies involved in determinations of regulation by the Federal Government. The amicus role by the Consumer Protection Agency will give the opportunity to the host agency to get the facts with regard to the consumer interest. The host agency will then be able to take that into consideration in its own consideration of the public interest.

The oversight role of the Congress will remain in the hands of the Congress where it belongs.

Finally, there will not be a failure of appeal, because any aggrieved party to a decision by the host agency, can, as developed in the colloquy between the gentleman from Illinois (Mr. Erlenborn), and myself, benefit by the information developed by the Consumer Protection Agency in its amicus role as a part of its appeal to the courts.

I would suggest that we support the Fuqua amendment, although I am in basic agreement with the thrust of the legislation as drawn, in order to keep the administration of our Federal Government in this role of protecting all the interests of our people strong, active and swift enough to provide for effective Government.

Mr. Chairman, I yield back the remainder of my time.

Mr. HORTON. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama (Mr. Buchanan).

Mr. BUCHANAN. Mr. Chairman, while I believe certain changes in H.R. 10835 to be essential; I do want to take this opportunity to commend the distinguished chairman of the House Committee on Government Operations and those other members of the committee who have already worked toward making substantial improvements in this legislation. In my judgment, H.R. 10835 is a much tighter, cleaner, and more effective bill than that reported out by this same committee last year.

I rise however, to express my profound hope that my colleagues in the House will join me in supporting amendments—such as that offered by the gentleman from Florida (Mr. Fuqua) which will go a long way toward assuring that the Consumer Protection Act of 1971 (H.R. 10835) will effectively and responsibly achieve its designated purpose.

Consumer protection has engendered a great deal of interest in the Nation over the past several years, resulting in a variety of legislative proposals for additional consumer representation in the Federal Government. Since the Members of the House are all consumers and since all of our constituents daily fill this role as well, concern for consumers here is doubtess a universal one. Unfortunately, however, such widespread determination to deal with a matter rapidly through legislation does not assure the enactment of wise or effective legislation.

Many Congressmen, for example, are already expressing misgivings about certain results of the National Environmental Policy Act of 1970 and similar sweeping legislation in the area of environmental protection. This situation is analogous to that facing us today in that it resulted from a similar pervasive zeal to deal legislatively with a widespread problem. At this point, therefore, we should be in a particularly good position to benefit from the lessons of the past.

As a member of the Government Operations Committee, I joined a number of my colleagues in filing additional views to the report on H.R. 10835. These additional views challenge various powers which are given to the proposed Consumer Protection Agency and which would have the unfortunate result of creating a "super agency" with power to disrupt the governmental process and to prevent existing agencies from the orderly fulfillment of their responsibilities.

This potential disruption derives primarily from the provisions in H.R. 10835 authorizing the CPA to intervene as a party in a wide spectrum of adjudicatory, as well as rulemaking, proceedings of Federal agencies and to appeal to Federal courts any agency rulings or orders which it believes will adversely affect consumers' interests.

In my judgment the result of above intervention powers, contained in section 204 of the bill, would be to cripple or at least dangerously slow Government actions at all levels—including the slowing of the resolution of consumer problems. As this section is presently written, therefore, we are faced with the intriguing prospect of the executive branch taking itself to court so that the judicial branch will decide technical matters that the

Congress has delegated and directed independent agencies or the executive branch to resolve.

This situation presents another analogy with what has been happening in the environmental protection field, where private—not Federal—advocates have been able to take congressionally forged tools and turn Federal agency decisionmaking into a long and highly uncertain process. In a recent case against the Atomic Energy Commission, for example, environmentalists were able to retard the entire program for constructing nuclear power reactors designed to meet our country's growing need for electricity. Under section 204, however, the expected difficulties in administration would be, by law, generated from within the Government itself.

The amendment offered by the gentleman from Florida (Mr. FUQUA) would effectively resolve this great problem, while assuring that the interests of consumers are represented before other Federal agencies. This amendment would substitute an amicus curiae, or friend-of-the-consumer approach for the adversary-intervention approach now contained in H.R. 10835.

The Fuqua amendment would require, by law, that all existing Federal agencies give due consideration to the interests of consumers and would empower the Consumer Protection Agency to appear, as a matter of right, as a "friend of the consumer" in any agency or court proceeding of his choosing to present the consumer viewpoint. The Agency would also be granted the right to review and comment upon material submitted in a proceeding prior to agency action.

As Mr. FUQUA and the other Members who joined in signing his additional views pointed out:

> The Goal would be to give the untried Agency a realistic chance to achieve immediate results and an opportunity to identify its strengths and weaknesses. It is only a first step, but a sure one.

It is my profound hope that it will be the step taken by the House today.

The additional views authorized by the Honorable JOHN ERLENBORN and which I have also joined in signing further point out problems with respect to powers conferred on the new Agency by H.R. 10835. The first is the provision for the CAP to intervene in or institute court proceedings, even if it had not intervened at the agency level, if the court finds that agency action might adversely affect consumers and the interests of consumers are not otherwise adequately represented in the action. This authority is totally open ended. As the additional views point out:

> Legal requirements concerning statutes of limitations, equitable estoppel, laches, and other doctrines of fairness are not made applicable to the CPA's authority—an oversight which must be corrected.

There is a similar need for additional language in the testing authority given to the CPA in H.R. 10835. The bill authorizes the CPA to call upon other existing Federal agencies, possessing appropriate testing authority, to conduct tests on consumer products. While the committee had intended such testing to be undertaken in support of the Agency's representational and product safety responsibilities, language spelling out this restriction was omitted. As a result the bill as presently written would empower the CPA to utilize its testing authority for any purpose.

These additional views also raise the question as to whether the product safety functions conferred upon the CPA by H.R. 10835 are in keeping with the Agency's primary responsibility of representing consumers before Federal agencies. The fear is also expresed that the CPA's involvement in product safety functions could seriously detract from its representational duties.

Again, I respectfully urge my colleagues to take action toward correcting these major deficiencies in the legislation currently before it.

Finally, I would like to reiterate a question with respect to this bill which remains in my mind and which I outlined in my own additional views to the committee report on H.R. 10835; that is, the question as to whether there is a real need for a specialized consumer agency at the Federal level of Government. As previously indicated, we are all consumers. Most of us are also taxpayers, wage earners, and citizens concerned about the quality of our physical environment. In addition to overlapping in many instances, each of these interests is a component of the public interest which the various Government departments and agencies have all been charged by the Congress to protect.

With this bill, however, we see the elevation of a single interest over all other interests and I am greatly concerned that this will create distortions which serve the people and the public interest poorly rather than well. In my judgment one could reasonably challenge whether consumers need another bureaucracy to save them from the failings of the existing Federal bureaucracy or whether a paternalistic Government needs a new group of bureaucrats to save the people from themselves. In this connection, it should be remembered that, in addition to the consumer responsibilities of the various existing departments and agencies, there has already been established a Consumer Protection Bureau in the Federal Trade Commission.

In this country, the entire Government exists to serve the people and the public interest. If we need a Consumer Protection Agency, perhaps we also need a Taxpayer Protection Agency. What the people need most, however, may be less, not more, bureaucracy and a thoroughgoing reform of the existing Government rather than further additions to its powers and its ranks.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate my distinguished colleague, and member of the committee, yielding to me. I was not quite satisfied with the thought and the response that we obtained awhile ago on the question of the involvement of the military servicemen; and, subsequent speakers have spoken on the definition of "consumer interest," which seems to be the heart and soul of many of the questions before us. In other words, we on the Committee on Armed Services and, indeed, all Members of the Congress and certainly this committee, realize that a serviceman should, as the distinguished chairman of the committee, the gentleman from California, said, have an interest in the quality of merchandise that he obtains from the post exchange or the commissary.

But, is it not also in his interest as he serves, oftentimes not at his own will, to stop the cost overruns of certain weapons systems, for example, so that more of the defense dollar could be allocated for his salary or for use for benefits as an employee of the Government?

It just seems to me that we should not simply avoid this question by saying that the military function is excluded in the activities of the bill, especially after the Secretary of Defense has said that they—personnel—should be excluded from the mandatory provisions of the bill, inasmuch as these servicemen pay taxes also and are interested in the consumption of goods produced in the United States. I think under the definition of consumer interest that an amendment should be accepted to possibly exclude the military from the consideration and, as I say, at the appropriate time and at any time I will make this letter available for consideration prior to entering the 5-minute rule.

Now, I would ask my friend, the gentleman from Alabama, who was generous enough to yield to me, if under section 306 this authorization is open ended—and, if it is, what is the estimated cost for the next 1 or 2 or 3 or 5 years?

Mr. BUCHANAN. It is open ended. As to the estimated cost, I will be glad to yield to the distinguished chairman or to someone else who might give the answer.

Mr. HALL. Mr. Chairman, if the gentleman will continue to yield, I also wonder how many Federal employees are going to be required?

Mr. HOLIFIELD. Mr. Chairman, I was distracted for a moment. I did not know the gentleman was directing his remarks to me.

Mr. HALL. I was directing them to just anyone, Mr. Chairman. I made some comments, and two queries.

Mr. HOLIFIELD. I heard the first part.

Mr. HALL. I made some comments about defense participation, but the authorization is, according to members of the committee, open ended under section 306. I wonder about the estimated cost.

Mr. HOLIFIELD. It is in the back part of the report. The rule of the House requires us to make an estimate. It is estimated that the combined Office of Consumer Affairs, the Consumer Protection Agency, and the Consumer Advisory Council will involve a grand total of $38 million over a period of 5 years. That is an estimate. The amount over the first year will be quite small. The Consumer

Protection Agency will take almost a year to become organized.

Mr. HALL. The rules of the House also require an estimate of the personnel.

Mr. HOLIFIELD. That is based on 200 persons for the first year, 250 for the second year, and 300 for the third year. I believe the gentleman will find that in the back part of the report.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I would like to raise one question. We established the Environmental Protection Agency, and this is an Agency which also covers a very broad specialized interest. I wonder if anyone knows the number of employees and the cost of the operation of the Environmental Protection Agency. I was advised the other day that this year-old or year-and-a-half-old Agency now has 7,000 employees. Is that roughly correct?

Mr. HOLIFIELD. Mr. Chairman, if the gentleman is addressing his question to me again, if I am in order, and if the gentleman will yield, I will be glad to answer.

Mr. BUCHANAN. I yield to the gentleman from California.

Mr. HOLIFIELD. The list I have from the budget figures shows that the EPA had, in 1970, 3,850 people with an average salary of $13,300, and that amounts to $10,700,000 for the year 1970.

Mr. BROWN of Ohio. We are 10 months into 1971. Are there any current figures?

I have been given to understand it is 7,000.

Mr. HOLIFIELD. I have a 1972 estimate that there will be 7,200 people in it.

Mr. BROWN of Ohio. What do we estimate for the Consumer Protection Agency?

Mr. HOLIFIELD. For the Consumer Protection Agency the estimate is $5.4 million for 1973, $6,325,000 for 1974, $7,250,000 for 1975, the same for 1976, and the same for 1977.

Mr. BROWN of Ohio. So apparently it is not anticipated, according to these estimates, that the Consumer Protection Agency will be as all encompassing an agency in our Government as the Environmental Protection Agency.

Mr. HOLIFIELD. I would not think so. It also is not given a lot of the powers the EPA was given. We have put in the RECORD a comparison of powers.

I am as much concerned as I believe the gentleman is with regard to the actions of the EPA. We have been very careful to see that we are not giving the Consumer Protection Agency power to obstruct and delay, as worked out in respect to the EPA.

Mr. BUCHANAN. Mr. Chairman, I would say, in further response, should we adopt the Fuqua amendment and remove this power to intervene as a party to the dispute we could give a good guarantee it would not grow by such leaps and bounds, budgetwise and otherwise, as has the EPA.

Mr. HALL. Mr. Chairman, will the gentleman yield further?

Mr. BUCHANAN. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman yielding again, because obviously we have the scalpel close to the bone and bleeding is profuse.

The gentleman from Ohio, in his answer, anticipated my next question. The gentleman from California quoted the report to me. I assure him I have read every word of the report.

It says, on page 5, for example, that there are 33 Federal agencies or departments presently carrying on consumer programs. I should like to know what their total of expenditures is under the present arrangement in the consumer field and how many Federal employees are presently being utilized in the total consumer field under these 33 agencies, if that information is available.

Mr. HOLIFIELD. I do not believe I have all of the figures the gentleman wants, but I will say that these agencies like the EPA and the other large regulatory agencies run as high as 30 to 40 million dollars a year. For instance, the NLRB runs $43.7 million a year. The FTC is $24 million, and the FPC runs over $20 million.

Mr. HALL. Mr. Chairman, we know that. I appreciate the gentleman digging it out for us, and perhaps he can supply it for the RECORD.

How many of those did appear before the committee in the course of this year's hearings, to testify about whether they should continue their own functions or whether they should be yielded to the new CPA? Is the CPA being added on top of those, or will they be reduced accordingly?

Mr. HOLIFIELD. Each one of these agencies we have been talking about has a narrow field of statutory responsibilities and duties, such as the FPC and the FTC.

The Consumer Protection Agency is an across-the-board agency that is supposed to look at all these agencies and see what they are doing from the standpoint of consumer interests. We also provide in the bill they cannot duplicate anything these agencies do.

Mr. HALL. I understand. I believe the gentleman's original statement brought that out. Certainly the debate of the lawyers here on the floor has mixed us up as to whether it will be effective or not as they go across the scope of these other agencies.

What was the thrust of their comment about continuing their specific missions?

Mr. HOLIFIELD. Of course, all of the agencies had copies of the bills sent to them and were asked for comment, and the Bureau of the Budget did appear before us. The Bureau of the Budget did not make any particular representation for each of the other bureaus, but I assume they were speaking for the administration.

Mr. HALL. In the opinion of the gentleman, who would coordinate the activities of the new CPA in relation to the consumer protection activities of all the other Federal agencies?

Mr. HOLIFIELD. That is found in title I of the bill, and it is a job that is left up to the Office of Consumer Affairs within the Office of the President.

Mr. HALL. Would that same gentleman or office be the one to determine how much duplication is "all right" and what amount is "excessive" and who decides when the excessive amount is reached and when to turn it off, or to do something about it?

Mr. HOLIFIELD. I think they do have the power to make recommendations to the OMB. The OMB in the last analysis would have the power. The Office of Consumer Affairs is the statutory holder of the position as it is now, but it would still be responsive to the President and was given the job of assisting. On page 6 of the bill it says:

> SEC. 103. It shall be the function of the Office to—
>
> (1) assist the President in coordinating the programs and activities of all Federal agencies relating to the interests of consumers in order to achieve effectiveness, avoid duplications and inconsistencies, and to promote the purposes of this title;

Mr. HALL. I thank the gentleman for yielding.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HORTON. Mr. Chairman, I yield the gentleman an additional 2 minutes.

Mr. BUCHANAN. I thank the gentleman for yielding me the additional time.

I will only say to the gentleman from Missouri, as the chairman of the committee is aware, and as I brought out in testimony before the subcommittee during its hearings, there were various reservations expressed by agencies in response to similar legislation last year, some of which I think have been met by committee action this year and by amendments to the legislation, but I think in all fairness one ought to say that those agencies which are in the position of having their decision challenged in a Federal court and having another branch of the Federal Government take them to court and challenge their decisions could not be reasonably happy about such power being vested in the Consumer Protection Agency.

Mr. HOLIFIELD. Will the gentleman yield?

Mr. BUCHANAN. Certainly.

Mr. HOLIFIELD. I will say that I respectfully take a different view than the gentleman does on that matter. I believe we put safeguards around the actions of the advocate, whoever he may be, of this agency to prevent duplication and to prevent the type of thing that the gentleman thinks will happen.

Mr. BUCHANAN. I will certainly say to the distinguished chairman that in my judgment they clearly acted to improve this legislation and to strengthen it, but there are many of us who feel in this one respect it is too strong from the point of view of putting one agency in a position to challenge all the other agencies and putting the Government in the position of taking itself to court.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HORTON. Mr. Chairman, I yield the gentleman an additional 2 minutes.

Mr. ROSENTHAL. Will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from New York.

Mr. ROSENTHAL. I want the gentleman not to have a serious feeling or misgiving about the efficacy of this agency, because the estimated amount for this consumer agency of $5.4 million, would put them in the same category with agencies of much less stature. For example, the American Battle Monuments Commission gets $2.3 million, the American Revolution Bicentennial Commission gets $3.4 million, and the National Agricultural Library gets $3.9 million. So I think he does not have too much to worry about.

Mr. HORTON. Will the gentleman yield?

Mr. BUCHANAN. Certainly.

Mr. HORTON. If the gentleman from New York will give us his attention, are those authorizations or appropriations that he was reading?

Mr. ROSENTHAL. They are appropriations.

Mr. HORTON. What we are talking about here is an authorization.

Mr. ROSENTHAL. You are exactly right.

Mr. HORTON. It is an authorization and not an appropriation.

Mr. ROSENTHAL. The appropriation will almost certainly be less than the authorization.

Mr. BUCHANAN. If the view of the gentleman from New York should prevail, the agency will certainly require a greater budget.

Mr. ROSENTHAL. If it could get another $5 million, we might make it effective. Last year the Senate estimated $10 million for the first year, $15 for the second, and $25 million for the third year. Very frankly, if you are serious about this agency doing anything, I believe it cannot operate within the budget that the committee report estimated. It seems to me that there is a lack of intent by the committee to make it operate properly by estimating this inadequate budget.

Mr. BUCHANAN. I will say to the gentleman that if the present powers to intervene are left in the bill, it cannot operate on the budget proposed. But, certainly, it is entirely possible that it would require a great deal larger budget.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HOLIFIELD. Mr. Chairman, I yield at this time 7 minutes to a member of our committee, the gentleman from Texas (Mr. Brooks).

Mr. BROOKS. Thank you very much, Mr. Chairman, for you graciously allowing me to speak on this matter. The chairman of the House Government Operations Committee, Chet Holifield, has done an outstanding job. He has worked out a bill which like most of us is not perfect, but it is a step in the right direction.

In this growing, complex society the American consumer needs the additional protection that would be afforded him under the provisions of the proposed Consumer Protection Agency Act of 1971.

Mr. Chairman, the individual consumer has lost the leverage he once had in the purchase of goods and services that he needs. Furthermore, congressional investigations reveal that the consumer does not receive the protection he requires, and that a coordinated approach to the problems of the consumer is essential. He needs protection in order to keep him from getting a bad deal.

Mr. Chairman, the problem has several serious and tragic consequences. The American consumer in buying the food, clothing, and medicine he needs is entitled in this day and time to obtain the full benefits for the money he spends.

In clearly delineated areas where the health, safety, and welfare of consumers are affected the Government can put to rest an ancient and obsolete concept of caveat emptor, the buyer beware.

The legislation is not an indictment of American business any more than the enactment of our criminal statutes constitute an indictment of the public generally. Many segments of American business and industry maintain as a matter of policy the highest possible standards of quality and perfection in dealing with the public. Despite the fact that faulty goods and services are not intended deficiencies they still are very serious.

The underlying theme of this legislation is not to find fault and to indictment, but to identify consumer problems and resolve them in the interest of the consumer and in fairness to the businesses involved.

Mr. Chairman, the bill does not create a super agency, and if properly administered should not usurp the responsibilities which have been delegated to other agencies to protect consumer interests.

Mr. Chairman, I recommend approval of this legislation. It is a constructive step forward on behalf of the consumer in the form in which it was reported, but several of the bill's provisions suggest that through a reasonable modification of section 204 we can significantly improve the operation of the Consumer Protection Agency, which is the principal office created under the provisions of the bill.

The bill in section 204 fails to grant the Consumer Protection Agency authority to represent consumers in many adjudicatory proceedings that could involve meat inspection violations, unsafe drugs, dangerous and flammable cloth, and a host of others. These limitations should be removed from the act to allow the Consumer Protection Agency to intervene in these cases.

The bill also fails to deal effectively with consumer problems resulting from the refusal of an agency with primary responsibility to institute proceedings in which the Consumer Protection Agency can participate and represent the consumer, or when the agency's operations are conducted on an informal basis. A change in this aspect of the bill would allow the Consumer Protection Agency to make authoritative investigations in these instances and report those findings to the Congress of the United States which reports every 2 years to the people.

Mr. Chairman, I am going to support and would urge other Members to support the amendment to be offered by the gentleman from Pennsylvania (Mr. Moorhead). His amendment will do much to enhance the effectiveness of this legislation. It will not make it a super agency. It will simply clarify the bill and make possible meaningful consumer representation.

With that thought and that encouragement I would say that I would then support the bill wholeheartedly, and commend all of those who worked upon it.

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. Fascell).

Mr. FASCELL. Mr. Chairman, let me add my commendations to those already expressed to the chairman of the full Committee on Government Operations for getting his bill to the floor. That is no mean accomplishment, and it is a great tribute to his political judgment.

I want to address myself to the language around a very important question—the extent of coverage under this bill.

I call your attention to the statement made by the chairman during the colloquy with the two distinguished gentlemen from Texas on the question of the rights of the consumer in "informal proceedings."

The statement was made, and correctly so, that there is no specific exclusion with respect to the right of consumers and the representation of their interests under this bill in informal proceedings. But let me point out the limitation and how that works. Turn to page 10 of the report, and you will see that it talks about "investigatory and informal proceedings."

> Many agency investigatory proceedings, whether formal or informal, do not lead to a final disposition of a matter, but rather to a decision as to whether to proceed in a more formal adjudication proceeding . . .

Then it gives an example. Then going on further in the paragraph, and I skip:

> Of course, if an investigatory proceeding or an "informal" proceeding is of the type that does lead to the issuance of an "order", it is encompassed within the definition of "adjudication" and the Consumer Protection Agency would be authorized to intervene as a party.

I emphasize—only then would there be intervention as a party.

Now I call your attention to the next paragraph, because that is the key to the discussion as I see it:

> Nevertheless, the Agency will have broad authority to participate in Agency investigations.

I emphasize—the word "participate" which is not intervention authorized in section 204.

Then the report continues:

> Under its general authority to secure any information it requires from Federal agencies (sec. 202(c) (2)) and its specific authority to require Federal agencies to notify it of actions (sec. 302(1)), . . .

You have to refer to those two sections and compare them with section 204 before you will see exactly how limited that authority is, and why it is that way. Under sections 202(c) (2) and 302(1), the Agency can request the information; it can make its voice known, it can receive public notice of the action of agencies, and it therefore in that manner can "participate" in these "informal investigatory proceedings," but it cannot act as a party to the proceeding as authorized under section 204. These informal and investigatory actions are the bulk of the actions involving consumer interests.

But when you go to the main authority of this bill, section 204(a), you will notice the very careful language—"the right of intervention"—the right under this bill is limited to "pending Federal agency proceedings as defined in chapter 5, title V of the Administrative Procedures Act."

That section 204 contains absolutely no authority for the Consumer Protection Agency to participate as a party—or intervene as a right in "informal proceeding" or "investigatory proceedings" and these are 90 percent of the action of the Federal Government affecting consumers.

These actions are not rulemaking, adjudication, or licensing, which are the actions covered in the definition of chapter 5, title V, of "agency proceeding" as used on line 10, section 204(a), on page 14 of the pending bill.

The provisions of chapter 5, title V, define "agency proceedings." Specifically section 551 (12) defines "agency proceedings" as rulemaking under subparagraph 5—adjudication under subparagraph 7 and licensing under subparagraph 9.

The committee struggled manfully, I must say, with the question as to whether the language on line 10, page 14, ought to be changed to "pending Federal agency action" instead of "pending Federal agency proceeding."

Section 551 (13) chapter 5, title 5, United States Code is very broad, cover all agency actions and is not limited as is the definition of "agency proceeding" under section 551 (12). So the bill makes it quite clear that there is a very great difference in the authority of the agency in different agency "proceedings" or "actions."

(Mr. MITCHELL (at the request of Mr. Holifield) was granted permission to extend his remarks at this point in the Record.)

Mr. MITCHELL. Mr. Chairman, H.R. 10835 signifies over a decade of debate and frustration in trying to protect the rights of the consumer. Various formulas have been proposed to enact over 200 consumer programs. These have been administered in a very haphazard and uncoordinated fashion by 39 different Federal agencies. The consumer at present does not know where to turn for help, and the various Federal agencies are of little assistance, since they are often confused as to what their functions are. The truth-in-lending law, for example, is administered by nine different agencies.

It is time to give the consumer a fighting chance against the dangerous or defective goods put out by some industries. Presently his most viable alternative is to live with the defects in the product, rather than try to get some action from a Federal agency.

If we are going to give the consumer a voice, an agency where he knows he can get help, then we should not start with a patchwork system. We should not start with another bureaucracy with no power; we should begin with a Consumer Protection Agency that has power to be forceful in protecting the rights of the consumer. I am supporting the amendment offered by the gentleman from Texas (Mr. Brooks) and the gentleman from California (Mr. Moss) and several other of my colleagues who share my conviction that the time has come to assure consumers' rights. This amendment provides the most meaningful and effective beginning. If we do not give the CPA the authority to represent the consumer in proceedings of other Federal departments or to investigate failures by other agencies to protect consumer interests, we will be making a halfhearted attempt, an almost worthless effort, to finally create a true feeling of governmental consumer protection. I urge each of you to take the time to give our constituents a representative body for their consumer complaints, by supporting the Brooks, Moss, Moorhead amendment.

(Mr. ALEXANDER (at the request of Mr. Holifield) was granted permission to extend his remarks at this point in the Record.)

Mr. ALEXANDER. Mr. Chairman, the bill we are considering today—H.R. 10835, the Consumer Protection Act—is of prime importance to every person in this Nation. Our society is a complex one—so complex that it is impossible for the individual shopper to make himself sufficiently knowledgeable on every item he consumes. The job existing regulatory agencies have been doing in this area, and the need for a national advocate within the Federal Government, for consumer interests, has been under study by successive Congresses for a decade.

Congress after Congress has studied the effectiveness of present consumer protection programs and held hearings on proposals for action similar to that which we consider today. Those programs which currently exist are clearly inadequate. It has become equally clear that a Federal agency charged solely with the responsibility of carefully promoting and protecting the interests of the consumers must be established.

In view of this, I would urge my colleagues to vote to establish a strong representative within the Federal Government to act as the guardian for consumer interests.

Thank you, Mr. Chairman.

Mr. ROSTENKOWSKI. Mr. Chairman, the American consumer has waited a long time for his day in the sun. Through the years, he has suffered immeasurable abuse from the twin evils of "big business" and "impersonal government." It is a shame that the very agency that has been designed to at last give him an opportunity to speak, and to speak with force, about the problems of fraud, deception, and deceit that he encounters daily, has itself been victimizing by the very structures it was designed to oversee.

At a time in our Nation's history when our gross national product has reached a staggering annual rate of more than $1 trillion, and when personal income alone has soared to an annual rate of more than $841 billion, the economic impact of the American consumer is noticed by all. Not only can it be noticed through the dollars he spends, but in recent years the voice of the American consumer has come to be heard, and it is an angry voice, a complaining voice.

The voice of the consumer does not ask for many things, it merely asks for honesty and truthfulness for the American people.

And Mr. Chairman, if the American consumer could be heard here today as we debate this bill, I am sure that he would not tolerate a watered-down token piece of legislation to be passed in his name.

It is for this reason that I am supporting the intent of the legislation as originally introduced by Congressman Rosenthal embodied in the amendment to be offered by my good friend Congressman Moorhead of Pennsylvania. The original bill, of which I am a cosponsor, was designed so that the Consumer Protective Agency would be an effective advocate for consumers by providing representation for them in all Federal activities involving an important consumer issue. This is not the case with the bill that was eventually reported out of the committee.

As I said, earlier Mr. Chairman, this is one area where the American people must have something more substantive than a mere token agency. We must have an agency that can do more than object and complain, for each and every one of us can do that already. We must have an agency that can back up these objections and these complaints with meaningful corrective action. And I feel, as I am sure do many of my colleagues, that we can only do that if we support the Moorhead amendment to restore the original "proconsumer" provisions to the CPA.

Mr. DEVINE. Mr. Chairman, I support the Fuqua amendment, and trust it will be approved by this body.

The whole concept upon which the present advocacy provisions of the bill are based is an untried theory of several consumer lobbyists who are convinced that the only way to get action for their special interests is to pit one Federal agency against another. In short, their philosophy is Government by combat.

I will accept the contention of these activists that the Federal Government can help the consumer. That is a problem we are trying to solve.

But government by combat is, at least for me, a theory I find difficult to accept. I could change my mind, but before I do, I want the consumer advocate that we are about to create to recommend that we take this route—after he has failed to achieve proper protection of consumers through more efficient and orderly means. We cannot accept such philosophy from a consumer lobbyist whose only thoughts are the protection of his special interests. We have greater responsibilities to consider and balance with the recognized and very important interests of consumers.

We have in the recent past, placed in the hands of important special interests, powers of adversary advocacy similar to those in the bill. But these powers were primarily granted to private advocates, and even then were not nearly as vast as proposed in section 204 of this bill. I am talking of course about the tools of adversary advocacy handed to private environmental protectors in the National Environmental Policy Act of 1970 and similar protective legislation.

Giving private activists the power to challenge effectively final actions of the Government that affect their special interests is one thing. But giving one agency of the Government the power to challenge all other agencies on such a broad area of responsibilities as the "interests of consumers" is something else. It is tantamount to saying there will be no final action of the Government until the courts decide what the agencies should do.

Thus, we would come full circle. The agencies we have created to handle technical matters in depth, and without all the necessary restrictions of the judicial branch, will depend on the courts for resolving these technical matters.

We have a problem with the interests of consumers being properly reflected in the actions of federal agencies which are burdened with many responsibilities to balance. But the answer to this problem is in the Fuqua amendment, not to the philosophy of government by combat. The answer is to improve the workings of the administrative forums, not further complicate these workings, then leave the courts to second guess the agencies on technical issues.

If you, as busy parents, were having a problem with your children picking your neighbor's flowers, would you accept your neighbor's advice that you buy a watchdog to attack your own children when they picked the flowers? Or would you begin to think that perhaps it is time to pay more attention to your children, time to offer them more guidance, and time for more positive discipline?

I simply cannot accept the philosophy that government by combat will work to the advantage of the consumer.

As Congressmen, you know the difficult workings of at least some of the administrative agencies. Each of us has, I am sure, become more aware of the strengths and shortcomings of one or two agencies in particular with which we have become involved due to individual oversight responsibilities.

As a 13-year member of the Commerce Committee, I happen to know a little about the Department of Transportation and the Interstate Commerce Commission. And in this regard, I am reminded of a prophetic comment made by a distinguished liberal member of the majority from New York City when we were voting on the National Environmental Policy Act. He voted for the bill, of course, but he said he had reservations, and—with what appeared to be hesitation—he said, and I quote directly from the Congressional RECORD:*

> What we are talking about now is control of the environment by Government Agencies. We cannot build a road in my district. We cannot build a road because of environmental factors that completely override need, technology, *and the public good*.
>
> The constant threat of power blackouts in New York City alone would be abated today if single-minded preservationists had not effectively thwarted efforts to build a hydroelectric power plant outside of the city.
>
> * * * * *
>
> I cannot support any measure that literally insures dominance by conservative elements that so override the desires and needs of the public that we lose sight of these everyday needs.

I have no doubt that these brave words, spoken with hesitation in the face of an apparently overwhelming political demand, will soon be pointed to with pride when the mistakes we have made in attempting to protect the environment become public.

I say to you now, and without the slightest hesitation, that we shall be making far more serious mistakes if we allow this bill to go through without the Fuqua amendment—mistakes that will set the consumer movement and good governmental administration back years.

We have seen the philosophy of government by combat used in an attempt to prevent this very bill from reaching the floor this year. Did it work? No, it did not work, because the majority of a responsible-acting committee prevailed. Did it cause damage to the committee's efficient functioning? You better believe it.

On this very same bill last year we saw the philosophy of government by combat attempted. Did it work? No, it did not work, because the Rules Committee decided to bear the brunt of vicious and misguided attacks, rather than let a bill such as last year's version go to the floor—a bill that, by the admission of its own sponsors today, would have worked a disaster on consumers and government.

How many agencies will be able to muster the strength of a CHET HOLIFIELD to withstand the adversary attacks of another Federal agency, newly blessed by Congress to protect interests that everyone holds important? Attacks that will preclude the proper balancing of Federal agency responsibilities, favoring instead a special interest. Powers that will of practical necessity result in behind-the-scenes deals between consumer advocate and Federal agency to the exclusion perhaps of the public good.

What other special interests will we soon be forced to recognize by creating a Federal agency to attack other agencies? Is not environmental protection at least as important as consumer protection? Of course it is, and if you by your vote today accept the philosophy of government by combat, be prepared to vote on the creation of a Federal environmental advocate with similar powers to battle with other agencies. Expect him to oppose the consumer advocate who will no doubt be forced to pressure for increased services at the expense of other special interests such as the environment.

I would rather stand here today and vote for granting the Consumer Protection Agency an orderly progression of powers under the Fuqua amendment, than worry about whether my district offices will be picketed. The time may come to put a negative philosophy into operation, but that time certainly is not now—not when we have a positive alternative option to choose. Let us at least wait until we hear from the consumer advocate, himself, as to what he needs.

Mr. DRINAN. Mr. Chairman, I rise to support the amendment endorsed by a very substantial number of members of the Government Operations Committee along with many others, to give the Consumer Protection Agency meaningful authority to participate in agency proceedings, and that agency a genuine advocate for consumers.

As one of the cosponsors of legislation to create an independent consumer protection agency, I was deeply distressed to learn that the watered-down bill reported out of committee provides very little in the way of actual consumer representation. The committee version is heavy on form and light on substance. I am not sure that I shall support such an eviscerated version unless it is substantially strengthened.

Mr. Chairman, the Congress in recent years too often has legislated on critical problems such as this one in a shallow and unsatisfactory way. We are told again and again that politics is the art of the possible. And yet that is one of the most tragically self-fulfilling prophecies in public life. Almost anything is possible which we, the representatives of the people, deem to be possible.

It was possible to enact a truly useful Freedom of Information Act, to open so-called public decisionmaking to our citizens. Instead, the people got a statute so riddled with qualifying phrases, exceptions, and disclaimers that it is hardly of any utility.

It was possible to enact gun control laws which would have precluded the now horrible situation whereby at least 90 million handguns float in channels of illicit commerce throughout the country. Instead, the people got a couple of largely symbolic gestures in the name of gun control legislation.

It was possible to legislate a national policy that a family of four, none of whom are employable, could be fed and sheltered with minimum decency. Instead, we stated that a family of four would simply have to survive on $2,400 per year.

And, Mr. Chairman, it is possible—indeed, essential—that when the Congress finally enacts the long-needed Consumer Advocacy Agency, that Agency will be permitted to be a real advocate, not a weak and ridiculous charade.

The committee version specifically excludes the Consumer Agency from intervening in any Federal proceeding if it is one "seeking primarily to impose a fine, penalty, or forfeiture."

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*Congressman John Murphy, Congressional Record, vol. 115, pt. 20, pps. 26587–26588.

As a lawyer I shudder to think of the dilatory and socially needless litigation which the word "primarily" will generate. When we reflect on the interminable litigation which has followed other such opaque phrases—"all deliberate speed" for example—the potential for cluttering the judicial apparatus with the all-too-obscure word "primarily" seems virtually limitless.

Moreover, the committee version excludes the consumer agency from participating in administrative proceedings where there is no pending rulemaking or adjudicatory activity.

The committee's prohibition against participation by the consumer advocate in informal agency deliberations in effect bars any involvement whatever in the consumer-related activities of those agencies—which include, for example, the Agriculture Department, the Federal Trade Commission, the Civil Aeronautics Board—where informal proceedings are characteristic. As my colleagues Congressmen REID and McCLOSKEY pointed out in their additional views in this bill, truth in lending, truth in packaging, and flammable fabric toy hazard regulations are but a few of the subjects regulated pursuant to informal proceedings. I would ask my colleagues, what good is a consumer advocate which is forbidden to participate in deliberations on such subjects as these about which every consumer in America deeply cares?

My distinguished colleague from New York, Congressman ROSENTHAL, has noted the unseemingly irony that the total estimated budget for the Consumer Protection Agency, $5.4 million, is very slightly more than the budget of the American Battle Monuments Commission. I dare say that the money spent annually by large corporations to retain lobbyists and attorneys to work against the interests of consumers vastly exceeds $5.4 million. Indeed, judging by the sheer weight of slick anti-consumer mail I receive daily urging me that protective devices should not be installed in automobiles, or that the Alaskan pipeline would be harmless, I would estimate that anticonsumer printing costs alone exceed $5.4 million per year.

I also wish to note, Mr. Chairman, that under the version reported out of committee, the new agency would have no real investigative authority. It could request—but not require—other agencies to conduct tests and research. This is, of course, practically meaningless authority. As long as we have the Bill of Rights any citizen can request any government official to do anything. The committee version also precludes the consumer agency from requiring any commercial enterprise to furnish it data, except in the rare instance in which both are engaged in a formal adjudicatory proceeding. Even in such a case, as I have noted, the adjudicatory proceeding could not be primarily one seeking a penalty or fine. To prohibit a Government-funded consumer agency from seeking any data from the manufacturers of consumer goods and the suppliers of consumer services would be like prohibiting the Department of Labor from collecting unemployment statistics.

Mr. Chairman, I do not seek a consumer regulatory agency. If the existing regulatory agencies are doing an inadequate job of guarding the public interest—and the fact that they are is evidenced by the sponsorship by more than 160 Congressmen of legislation to create a consumer agency—then I say that we should consider invigorating them by appropriate legislation. There are plenty of potential Government regulators. The need for more advocates is substantially greater than the need for more courts, in my judgment.

I am by no means insensitive to the expressed fears of legitimate businessmen that an aggressive consumer agency will harass and meddle. I certainly do not believe such fears are justified. To the contrary, I think it can be fully demonstrated that every time the Congress has enacted important consumer legislation, the principal beneficiaries have been the affected businesses. No legitimate businessman wants to market unsafe products. Every good businessman knows that safety, product reliability, and quality control are intangible assets of enormous value. That value accrues directly to corporations and their stockholders.

Finally, Mr. Chairman, I wish to note that the strengthening provisions which I favor are endorsed by, among others, the UAW, Common Cause, Ralph Nader, the United Steelworkers of America, the Consumer Federation of America and, I believe, the overwhelming majority of American consumers.

The consumer agency which I seek and which this amendment would insure, is one which can intervene in all agency adjudicatory proceedings—except the final sanctions process—which can initiate important investigations when other agencies fail to do so, and which can require other agencies to supply it with data. To provide less is to provide a nearly empty shell.

Mr. COTTER. Mr. Chairman, one of my first legislative acts in Congress was joining a bipartisan effort to create an effective Consumer Protection Agency.

The bill before the House today, H.R. 10835, represents a tentative first step in the direction of more adequate consumer protection. It should be strengthened, however.

The bill provides more coordination of existing programs through a legislatively authorized Office of Consumer Affairs in the Office of the President. This is a necessary step since authority for administering over 200 consumer programs rests currently with 39 agencies. This fragmentation has resulted in needless duplication and, at times, avoidance of serious consumer problems. The Office of Consumer Affairs is designed to coordinate all these programs. I support this provision.

The committee bill also establishes a 15 member Consumer Advisory Panel to inform the Office of Consumer Affairs and the new Consumer Protection Agency of new concerns of the U.S. consumer.

The crux of this new bill is the establishment of the Consumer Protection Agency. This independent agency is designed to represent the consumer before various Federal agencies and the courts. The Consumer Protection Agency would also publish and distribute consumer information, request other agencies to conduct tests and receive and publicize consumer complaints.

At the beginning of my remarks, Mr. Chairman, I mentioned that this bill represents a tentative first step. Unfortunately, the bill requires additional strength. The major problem with the committee bill is that it limits the ability of the Consumer Protection Agency—CPA—to represent the consumer. I have followed the debate carefully and I can only conclude that the committee bill excludes the CPA from entering procedures that "primarily" involve "a fine, penalty, or forfeiture." In effect, this language found in section 204(a) of the committee bill would serve to exclude CPA from various agency actions that: First, involve cease and desist orders; second, involve imposition of civil penalties; and third, would prohibit CPA from recommending criminal prosecution in cases of flagrant violation of laws or regulations.

There is another problem that is avoided in the committee bill. If a Federal agency is hesitant, without reason, to investigate a problem under the committee bill, there is no redress for the consumer. To strengthen the power of CPA there must be a procedure for CPA to protect the consumer in the face of bureaucratic obstacles. At a minimum, the CPA should be given the power to investigate the problem area.

These two areas—right to appear before relevant agencies or the courts, and ability to conduct studies if the relevant Federal agency refuses—are necessary if the CPA is to adequately protect the consumer.

Fortunately, such an amendment, offered by my friend, BILL MOORHEAD, will give the CPA these powers. I support this amendment and urge my colleagues to support it.

We are all consumers, Mr. Chairman. No one deserves to have inadequate consumer protection. By strengthening the committee bill we are assuring that there will be adequate consumer protection.

Mr. BADILLO. Mr. Chairman, in the past several years, a number of important measures aimed at protecting the consumer have been enacted by Congress and signed into law. Among these are the Truth-in-Lending Act, the Fair Packaging and Labeling Act, and the Flammable Fabrics Act. While all of these have been significant efforts, they represent fragmented approaches to one of the truly critical problems of our society. There has been a singular lack of coordination among existing consumer protection programs and the consumer still lacks an effective advocate in regulatory agency proceedings.

Thanks largely to the efforts to my good friend and colleague from New York (Mr. ROSENTHAL), the Government Operations Committee last year reported out a strong and responsible measure creating both an independent Consumer Protection Agency and a permanent

White House Office of Consumer Affairs. Unfortunately, the House was not able to act on this bill for failure of a single vote in the Rules Committee.

Today, we have an opportunity to make amends. Before us is the Consumer Protection Act of 1971, which creates a Consumer Protection Agency, authorizes the Office of Consumer Affairs in the White House, and establishes a Consumer Advisory Council. The heart of the bill is the Consumer Protection Agency, but as it is written, it is little more than a figurehead—the illusion of meaningful protection for the consumer without real substance. If we really mean to protect the consumer; if we mean to give the consumer the kind of representation in regulatory proceedings that industry is able to afford, then we will adopt the amendment to be offered by the gentleman from Pennsylvania (Mr. Moorhead) and cosponsored by 15 Democrats and two Republicans on the Government Operations Committee.

As the sponsors of the amendment so correctly point out, the differences between the committee bill and the amendment boil down to the question whether we want the Consumer Protection Agency to represent consumers wherever and whenever that is necessary or whether we will permit the CPA to be so restricted that most regulatory agency activities affecting consumers will not be covered.

In my judgment, it is not only proper but necessary, that the CPA should have the right to investigate when a Federal agency fails or refuses to take action in the interest of the consumer on problems falling within its jurisdiction, and to make known its findings and recommendations to the Congress.

This authority is necessary not only to protect the rights and interests of America's 200 million consumers, but to protect the interests of the legitimate businessmen and businesswomen of our Nation as well.

I urge the adoption of the Moorhead amendment and the rejection of all other amendments aimed at further weakening an already inadequate bill.

Mr. GALLAGHER. Mr. Chairman, I rise during the debate on the Consumer Protection Act to refer briefly to the courageous and intelligent leadership given to this issue by my distinguished colleague from New York, Congressman Benjamin Rosenthal. I think it would be fair to say that without Mr. Rosenthal's efforts, which have spanned the past several years, we would not be debating this act today and the consumers of America would be even less well represented before Federal agencies than they are today.

Ben Rosenthal has devoted many long and tiring hours to his vision of an effective consumer agency, one which would truly be responsive to the needs and legitimate demands of every American. During the time which he headed the late, lamented special consumer inquiry within the Committee on Government Operations he worked diligently to expose the range of abuses which have crept into the American marketplace and I have been especially impressed by his ability to discern those practices and procedures that undermine respect for the vast majority of honest and conscientious businessmen. His work has always been on the side of a truly free economy, one that puts the emphasis on making capitalism effective.

Mr. Chairman, it would be a sad reward for Ben Rosenthal if the House passed the consumer protection legislation in the form produced by the Committee on Government Operations. I trust this House will adopt the amendment offered by Congressman Moorhead to restore the Consumer Protection Agency to its rightful place.

For if this House does not put teeth back into the legislation, we will be guilty of fraudulent labeling and packaging and we will, in my judgment, be adding yet another dreary example to the hundreds which have so compromised American's respect for their Government. Note, Mr. Chairman, that there is no regulatory function for the proposed Agency; there is no ability to levy fines or penalties. All the consumer forces in the House of Representatives want is the right of the Agency to be an advocate in the full range of consumer matters and to have the opportunity to report to the House any matters which appear to be shortchanging the consumer, no matter at what stage in the Federal decisionmaking process they may be.

What could be more fair? Frankly, it appears to me that if we deny the House of Representatives this opportunity to input information, we are crippling ourselves in our efforts to represent our constituents. Mr. Chairman, I again commend Ben Rosenthal and I hope we put some teeth back into the bill.

Mr. DONOHUE. Mr. Chairman, I earnestly urge and hope that this Consumer Protection Act (H.R. 10835) will, with strengthening amendments, be overwhelmingly adopted by the House.

In considering this consumer protection proposal, let us first realize and emphasize that there is no agency now representing the consumer point of view in any of the multitudinous decisions, affecting consumers, that other Federal agencies make.

Mr. Chairman, it is ironic, when there has been so much talk and action on equal rights and equal justice these days, to find that the largest single group in our American society, the consumers, have never had and do not now have equal representation within our Federal Government.

As the late Senator Robert F. Kennedy pointed out a few years ago, business has the Department of Commerce representing them, the farmers have the Department of Agriculture, workers have the Department of Labor, and most other groups have effective lobbyists to speak for them, but the consumer has no one but his individual self.

I think it is up to us, the Congress of the United States, to legislatively speak, with a firm voice, for the consumer and the time for us to speak is today.

The strengthened legislation that we are recommending for approval today is not intended to and would be prevented from unduly harassing the business community, so that any fears projected on that score are ungrounded. Also let us remind ourselves that a legitimate business that operates honestly, that manufactures and markets safe and reliable goods, will have nothing to fear from a consumer agency; on the contrary, they would obviously stand to benefit by this legislation.

Mr. Chairman, the record and the evidence presented here throughout this debate reveals only too clearly that for too long, in too many instances, far too much that is unfair and unsafe has been inflicted on the consumer in his dealings with the seller. It is high time that the Congress took steps to reasonably correct this situation. Therefore, in simple fairness and in simple equity, let us put the consumer on a more equal footing with the seller by approving the establishment of a strong and independent Consumer Protection Agency that will serve to prevent the imposition of fraudulent and deceitful practices upon the average buyer, that will help legitimate business against the unprincipled and unscrupulous vendors, and that will restore the general public's confidence in our National Government operations at a time when such restoration is urgently needed.

Mr. Reuss. Mr. Chairman, as we all know, Congress in recent years has enacted landmark substantive legislation on truth in packaging, truth in labeling, truth in lending, and other subjects. But many problems still remain. Every Member is conscious of consumer dissatisfaction among his constituents. The American people are no longer willing to be gypped or conned by fringe operators into buying products that just do not do what the ad or the label has said.

Listen to a few random headlines from the papers during recent months:

"The Consumer Shows His Ire," Washington Post, October 6, 1970.

"Can a Watcher Believe the Ads Seen on Television?" Washington Post, February 27, 1971.

"Poor Debtors Suffer Abuse," Evening Star, March 25, 1971.

"Package Sizes Proliferate Despite Law," The Star, May 9, 1971.

"Ghetto Prices Higher—Survey Shows Differences in Two City Stores," Washington Post, May 9, 1971.

"Mouse Doing a Lion's Job, Nader Report Says of FTC," The Star, June 6, 1971.

"Consumer Proposals Bring About Changes in American Business," Wall Street Journal, June 21, 1971.

"Consumer Ire Grows as Some Firms Ignore Complaints and Queries," Wall Street Journal, July 1, 1971.

"Short-Weighting Often Leaves the Consumer Paying More for Less," Wall Street Journal, July 2, 1971.

"With Business Bad, Many Companies Move To Keep Customers by Improving Service," Wall Street Journal, July 7, 1971.

"Harlem Prices Go Up When Checks Come," New York Daily News, August 6, 1971.

"Consumer Is at Mercy of Courts: Study," New York Daily News, August 1971.

Our hearings showed that much of the

legislation now on the books was not being enforced to the degree that it should. Many of the agencies set up to carry out this legislation were not displaying the spirit and vigor that Congress expected. Therefore, we saw our committee's task as being that of devising a way to overcome administrative lethargy and stimulating administrative action. We concluded that this could be done by: First, providing more adequate representation of consumer interests before other departments and agencies; second, assuring better coordination of governmental programs of interest to consumers; and third, requiring all agencies to give due consideration to consumers in taking any actions within their responsibilities.

The representation will be provided by a new Consumer Protection Agency and the coordination by the existing Office of Consumer Affairs set up by Presidential executive order and to which we give statutory authority. An input from the consuming public into the activities and policy formulations of these two vehicles will be provided by a Consumer Advisory Council, to be composed mainly of private citizens.

Now, a word about our rationale in creating the new independent agency and making permanent the Office of Consumer Affairs. The primary function of coordination, so greatly needed in the Federal bureaucracy, is peculiarly a function that must be exercised with the influence of and under the direction of the President. No independent agency could successfully coordinate the activities of other departments and agencies of the Government.

So, an office under the President is the logical place for such a needed function to be performed. On the other hand, the function of advocacy or representation can best be exercised by an independent agency not tied to the White House and not subject to pressure for shifting priorities that are inevitable in that environment. The Consumer Protection Agency will have a singlemindedness—as far as such is possible in Government—in seeking the protection of the consumer.

Furthermore, a White House office that sought to intervene as an advocate before other agencies would raise the question of White House interference in the decisionmaking process of those agencies that Congress has often sought to avoid. It had also been proposed that the Federal Trade Commission or the Justice Department take on the advocacy role. But this may produce a conflict of interest with other functions they carry out. Both these agencies have been severely criticized for their deficiencies in supporting the consumer interest in the past.

Even though two agencies are being established legislatively by this bill, our committee has made a careful effort to reduce any duplication between them to the irreducible minimum. We also have put in the bill a provision avoiding any remaining duplication that may exist—page 7, line 6, for the Office, and page 13, line 23, for the Agency.

In addition to assisting the President in coordinating the consumer-related programs of all Federal agencies to achieve effectiveness and avoid duplications and inconsistencies, the Office of Consumer Affairs will generally advise the President and other agencies on consumer matters, encourage research, publish information of value to consumers, and promote consumer education programs. These functions are already being carried out to a certain extent under the executive order.

In addition to its primary functions of representation, the Consumer Protection Agency will make needed investigations and encourage research, publish information and make recommendations to the Congress and the President on measures to protect and promote the interests of consumers.

In order that both the Agency and the Office can carry out their missions in the most effective manner, other Federal departments and agencies are authorized and directed to assist them by making available services, facilities, and personnel to the greatest extent practicable within their capability. Such assistance would be conditioned on existing law and the terms of governing appropriations. These agencies are also required to furnish information to the Office and Agency except when prohibited by law.

Now I want to comment on some of the key issues and crucial portions of the legislation.

H.R. 10835 has been revised extensively over the bill reported by this committee last year, which did not reach the floor. This was necessary in order to clarify obscure provisions, to take account of serious objections then made and new information received through our hearings. We have all worked hard and conscientiously, and our efforts have been broadly supported in committee.

We have tied down by definition key terms in the bill, including "consumer" and "interests of consumers," to make these terms more meaningful and the Agency's work more manageable. By consumer, we mean the ultimate purchaser for personal, family, or household use. This is the class of persons who need governmental help and are the ones this legislation is intended to serve. The interests of consumers are those desirable characteristics of the goods or services including, of course, cost, adequacy of choice, and accuracy of information—page 30, lines 16 and 19.

The heart of this bill is the representation of consumer interests before other Federal agencies who have the power and the authority to act. The hearings held by this committee over the years and the mountains of evidence accumulated elsewhere show that there is a crying need for the consumer interest to be considered by these agencies in developing policy and in making decisions. That they have failed to consider this interest adequately in the past is evident. It is also evident that it will not be done unless they are spurred to action by effective consumer representation.

A serious criticism made of the previous bill was that it did not clearly define the procedures which the Administrator would follow in representing consumers before other agencies. We felt it was important to integrate the advocacy function of the Agency into established procedures and practices. We, therefore, related its action to an existing framework—the Administrative Procedures Act—which Congress made into law in 1946, after many years of consideration. This act was designed to insure that agency decisions reflected consideration of all points of view and were arrived at after ordered procedure. Thus, the representational activities of the advocate are well grounded in law and practice.

The Agency will have a right to participate in both rulemaking and adjudicatory proceedings of Federal agencies where it finds that consumer interests are substantially affected and are not otherwise adequately protected. But under the bill, the Administrator would not be authorized to intervene in adjudications which involve primarily a fine, penalty, or forfeiture. The Moorhead amendment which I support would allow the Agency to intervene in all proceedings other than in their punitive place and would allow the Agency to review the failure to act in the consumer's interest by other agencies, and to elicit information from those agencies.

The Consumer Agency is authorized to call upon other agencies with testing facilities to conduct tests of products as part of its representation duties—in section 204—and in connection with any studies it may make of product safety—section 208, page 23. This is a necessary authority for any consumer-oriented instrumentality and the Agency could not function successfully without it

The concept of this bill, however, is not to make the Consumer Protection Agency a giant testing laboratory for consumer goods and services. It will be authorized to encourage the development and application of testing methods and techniques in the interests of consumers, but it will not be identifying "best buys," or the superiority of one product over another. The bill specifically prohibits such product ratings.

A very significant feature of this bill is the authority we give the Agency to receive and process complaints. Consumers are no longer willing to suffer in silence. They complain loudly and often about what has happened to them—sometimes even to their Congressmen. The Agency will be prepared to receive such complaints and, if they involve a violation of law, make its own investigation or transmit them to the appropriate Federal agency for action and, of course, notify the producer or retailer that the complaint has been received. This will not be the end of it, for the Agency will follow through to see what disposition of the complaint has been made.

Now these complaints will be listed and made available for public inspection, but only under conditions to assure fairness to the party complained against. The complaint may be listed and available for inspection only if:

First, the complainant had not requested confidentiality, and

Second, after the party complained against has had 60 days to comment on the complaint and such comment, when received, is displayed together with the complaint, and

Third, the entity to which it has been referred has had 60 days to notify the Agency what action it intends to take on the complaint.

This provision of the bill will have a highly salutory effect. I predict business houses will be vying with each other to keep consumer complaints to a minimum.

An extremely potent weapon in the arsenal of the Consumer Protection Agency will be the authority this bill provides to disseminate to the public information, statistics and other data on—

First, its own functions and duties,

Second, consumer products and services, and

Third, problems encountered by consumers, generally including commercial and trade practices which adversely affect consumers—section 206, page 20, line 6.

Everyone familiar with the world of business knows that business concerns fear unfavorable publicity and will seek to avoid it in every way possible. Even the largest corporations take great pains and go to great expense to put forward an image that is appealing to the public. The power given here to expose and publicize conditions and practices in the marketplace that give rise to consumer dissatisfaction will be a most effective one indeed.

We also require all agencies of Government to cooperate with the Office and the Agency in making public information in their possession which would be useful to consumers—page 20, line 17. A beginning has already been made by the Consumer Product Coordinating Center of the General Services Administration established by Executive Order 11566, dated October 26, 1971, which is to make available evaluations of products purchased by the U.S. Government.

Of course, this bill will not permit reckless and irresponsible use of Government information or the making of unsupportable charges. But the exercise of sound judgment and discretion will prove that the tool of publicity will be an important one for furthering the consumers' interest.

The Consumer Protection Agency will not only make its appearances before other agencies within the framework of the Administrative Procedure Act, but that act would guide the operations of the new Agency itself in the publication and distribution of data, the receiving and publicizing of consumer complaints, and in providing other consumer information and services. Procedural fairness for the Agency's own rules is prescribed in section 210.

Safeguards are written into the bill to prevent the disclosure of trade secrets or confidential business information. Wherever disclosures to the public or from one agency to another are prohibited by law, then these prohibitions apply to the new Agency. These safeguards will not hamper the effectiveness of this legislation. Limitations on disclosures are set forth in section 209.

I hope that the House will give overwhelming support to this legislation today.

Mrs. MINK. Mr. Chairman, I rise in support of the amendments offered by Congressman MOORHEAD and others to convert H.R. 10835 to a stronger consumer protection bill. Unfortunately, as reported by the Committee on Government Operations, the bill falls far short of what is needed to assure U.S. consumers a fair break in the marketplace.

We are all well aware of the lengthy background of the measure before us today. As a cosponsor of the consumer protection bill in the 91st Congress, I regret that that bill failed in that session. As a cosponsor of the successor bill in the current 92d Congress, I would be equally disappointed if we approved legislation which promised more than it delivered. Our very purpose if to prevent this type of fraud on the public.

H.R. 10835 would create an effective advocate of consumer interests in the Federal Government. I envision that this new Agency, which would represent consumers in matters before such organizations as the Federal Trade Commission, Food and Drug Administration, and the other 33 Federal bodies involved, would perform a role in the consumer protection field similar to that of the new Environmental Protection Agency in the field of ecology and environment. Currently, many of these agencies are now reflecting the views of the special interest groups they were intended to regulate, rather than the average consumer.

The committee amended the bill, however, to place restrictions and limitations on the ability of the Consumer Protection Agency to fill this vital role. We are now seeking to amend the bill again to restore these powers.

Specifically, we should improve and strengthen this measure by authorizing the Consumer Protection Agency to intervene as a matter of statutory right in any Federal administrative proceeding, and limitations on this right which were added to the committee bill should be eliminated.

Second, the Consumer Protection Agency should be authorized to participate in any State and local proceedings where the Federal Government has either delegated authority to the State or has authorized nonconflicting State regulations. Further, subpena power should be granted to the Consumer Protection Agency under conditions requiring that information requests be relevant to proceedings in which the Agency may participate and not unduly onerous.

It seems to me that these changes are greatly needed to make this truly the "Consumer Protection Act of 1971."

As approved by the committee, the bill bars the new Agency from intervening as a party in an agency proceeding which imposes any criminal fine, penalty, or forfeiture. Since virtually all consumer protection laws provide for the imposition of fines and/or penalties, and/or forfeitures, this language could be interpreted to exclude the Consumer Protection Agency from intervention as a party in practically all adjudicatory proceedings.

There can be endless argument about what is specifically included or not included in the right of the Agency to participate in agency proceedings, but the essential point is that there is no reason to place any hampering limitations on the Agency's ability to protect American consumers. Instead, we should give the Agency maximum power to act, in the knowledge that it would do so wisely and effectively.

Honest businesses have just as much need for this legislation as do consumers, for they will be protected from the sins and misdeeds of those few companies which do not adhere to sound practices.

I urge that the bill be amended and adopted.

Mr. RYAN. Mr. Chairman, over the past 50 years, the Congress has passed a patchwork of legislation intended to safeguard the interests of the consumer. Yet, for the most part, the consumer has gone unprotected—not because these have been bad laws, but because those agencies responsible for administering them have not fulfilled their responsibilities.

Of the 39 various Federal departments and agencies which have been delegated authority to protect the consumer's interests, not one is devoted exclusively or even in substantial part to protecting the buying public. Rather, each has a prior commitment to another interest group and has systematically excluded the consumer from the decisionmaking process by which these agencies allegedly seek to protect his welfare. Nowhere in Government is there a genuine force responsible solely to the consumer and dedicated to his interests.

I have long been an advocate of the establishment of an independent Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers. And I have sponsored legislation, including H.R. 4433 in this Congress to accomplish this end.

Today, the Congress has before it the Consumer Protection Act of 1971—H.R. 10835. This legislation could be the vehicle for creating an effective Consumer Protection Agency. Yet, the committee-reported bill fails to provide that authority necessary to make the proposed Agency a meaningful entity: authority to represent the interests of consumers whenever decisions are made or policies established which are important to consumers.

This essential authority would be provided by adoption of the amendment to be offered by our colleague from Pennsylvania (Mr. MOORHEAD) on behalf of himself and 16 members of the Committee on Government Operations.

Section 204 of the committee bill unduly limits the authority of the Consumer Protection Agency to intervene as a matter of right in administrative proceedings affecting consumers. Under the committee bill the Consumer Protection Agency may not intervene as a party in Federal agency proceedings which seek "primarily to impose a fine, penalty, or forfeiture." This language would exclude Consumer Protection Agency intervention as a party in practically all adjudicatory proceedings, since virtually all consumer protection laws provide for the imposition of fines and/or penalties and/or forfeitures.

On the other hand, the Moorhead amendment would allow the Consumer Protection Agency to intervene as a party in all adjudicatory proceedings other than those parts of the proceedings "relating directly to the decision to impose any criminal fine, penalty, or forfeiture."

Further, the amendment would give the Consumer Protection Agency the right to conduct reviews and investigations, and require information from Federal agencies, for the purpose of submitting information, findings or recommendations to the Congress regarding any matter affecting the interests of consumers where a Federal agency has the authority but fails to initiate a rulemaking or adjudicatory proceeding. Thus, the Consumer Protection Agency could conduct oversight of agency informal proceedings and the manner in which they are used to dispose of complaints.

It is important to point out that the amendment would give the Consumer Protection Agency the right to require other Federal agencies to provide information in order to carry out its oversight responsibilities. The bill, as reported from committee, does not give the Consumer Protection Agency the authority to require other Federal agencies to provide information.

In essence, the Moorhead amendment makes it possible for the Consumer Protection Agency to do that which is essential to carry out its responsibilities to the consumer: Represent him in the Government's decisionmaking and policymaking procedures. It does not provide the Consumer Protection Agency with any regulatory powers; nor powers to fine, to penalize, or to dictate to industry.

For far too long, the consumers of this country have been without an adequate voice. It is time for the Congress—the elected representatives of the people—to provide that voice.

Mr. HORTON. Mr. Chairman, I have no further requests for time.

Mr. HOLIFIELD. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the bill by title.

The Clerk read as follows:

H.R. 10835

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Protection Act of 1971".

STATEMENT OF FINDINGS

SEC. 2. The Congress finds that the interests of consumers are inadequately represented and protected within the Federal Government; and that vigorous representation and protection of the interests of consumers are essential to the fair and efficient functioning of a free market economy.

TITLE I—OFFICE OF CONSUMER AFFAIRS

ESTABLISHMENT

SEC. 101. (a) There is established in the Executive Office of the President the Office of Consumer Affairs.

(b) The Office shall be headed by a Director who shall be appointed by the President by and with the advice and consent of the Senate. There shall be in the Office a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall perform such functions as the Director may prescribe and shall be Acting Director during the absence or disability of the Director or in the event of a vacancy in the position of Director.

POWERS AND DUTIES OF THE DIRECTOR

SEC. 102 (a) The Director shall be responsible for the exercise of the powers and the discharge of the duties of the Office, and shall have the authority to direct and supervise all personnel and activities thereof.

(b) In addition to any other authority conferred upon him by this title, the Director is authorized, in carrying out his functions under this title, to—

(1) subject to the civil service and classification laws, select, appoint, employ, and fix the compensation of such officers and employees as are necessary to carry out the provisions of this title and to prescribe their authority and duties;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate individuals so employed for each day (including traveltime) at rates not in excess of the maximum rate of pay for grade GS-18 as provided in section 5332 of title 5, United States Code, and while such experts and consultants are so serving away from their homes or regular places of business, to pay such employees travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently;

(3) appoint advisory committees composed of such private citizens and officials of the Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this title, and to pay such members (other than those regularly employed by the Federal Government) while attending meetings of such committees or otherwise serving at the request of the Director, compensation and travel expenses at the rate provided for in paragraph (2) of this subsection with respect to experts and consultants;

(4) promulgate such rules as may be necessary to carry out the functions vested in him or in the Office, and delegate authority for the performance of any function to any officer or employee under his direction and supervision;

(5) utilize, with their consent, the services, personnel and facilities of other Federal agencies and of State and private agencies and instrumentalities;

(6) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the work of the Office and on such terms as the Director may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory, or possession, or any political subdivision thereof, or with any public or private person, firm, association, corporation, or institution;

(7) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code;

(8) adopt an official seal, which shall be judicially noticed; and

(9) designate representatives to serve or assist on such committees as the Director may determine to be necessary to maintain effective liaison with Federal agencies and with State and local agencies carrying out programs and activities related to the protection of the interests of consumers.

(c) Upon request made by the Director, each Federal agency is authorized and directed—

(1) to make its services, personnel, and facilities available to the greatest practicable extent within its capability to the Office in the performance of its functions; and

(2) except when prohibited by law, (A) to furnish to the Office such information, data, estimates, and statistics, and (B) to allow access to all information in its possession which the Director may determine to be necessary for the performance of the functions of the Office.

(d) The Director shall transmit to the Congress and the President in January of each year a report which shall include a comprehensive statement of the activities and accomplishments of the Office during the preceding calendar year including a summary of consumer complaints received and actions taken thereon and such recommendations for additional legislation as he may determine to be necessary or desirable to protect the interests of consumers within the United States. Each such report shall include a summary and evaluation of selected major consumer programs of each Federal agency, including, but not limited, to comment with respect to the effectiveness and efficiency of such programs as well as deficiencies noted in the coordination, administration, or enforcement of such programs.

FUNCTIONS OF THE OFFICE

SEC. 103. It shall be the function of the Office to—

(1) assist the President in coordinating the programs and activities of all Federal agencies relating to the interests of consumers in order to achieve effectiveness, avoid duplications and inconsistencies, and to promote the purposes of this title;

(2) encourage and assist in the development and implementation of consumer programs and activities in the Federal Government;

(3) assure that the interests of consumers are taken into consideration by appropriate Federal agencies both in the formulation of policies and in the operation of programs that may affect the interests of consumers;

(4) cooperate with and, when requested, provide assistance to the Consumer Protection Agency in carrying out its functions under title II of this Act;

(5) advise and make recommendations to all Federal agencies with respect to general policy matters concerning the effectiveness of programs and activities relating to the interests of consumers;

(6) submit recommendations to the Congress and the President on the means by which programs and activities relating to the interests of consumers can be improved;

(7) conduct conferences, surveys, and investigations, concerning the needs, interests, and problems of consumers which are not duplicative in significant degree of similar activities conducted by other Federal agencies;

(8) encourage, initiate, coordinate, and participate in consumer education and counseling programs (including credit counseling);

(9) encourage, support, and coordinate research and studies leading to improved products, services, and consumer information;

(10) cooperate with and give technical assistance to State and local governments in the promotion and protection of the interests of consumers, including programs relating to the arbitration of disputes between consumers and businessmen and producers;

(11) cooperate with and assist private enterprise in the promotion and protection of the interests of consumers;

(12) publish and distribute in a Consumer Register or in other suitable form material which will include notice of Federal hearings, proposed and final rules and orders, and other useful information, translated from its technical form into language which is understandable by the public; and

(13) keep the appropriate committees of the Congress fully and currently informed of all of its activities, except that this paragraph is not authority to withhold information requested by individual Members of Congress.

TRANSFER OF ASSETS AND PERSONNEL

Sec. 104. All personnel, assets, liabilities, property, and records of the Office of Consumer Affairs and of the Consumer Advisory Council established by Executive Order 11583 signed on February 24, 1971, as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function granted to the Office or to the Council established by this Act, are transferred respectively to said Office or Council.

Mr. HOLIFIELD (during the reading.) Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there any to title I? If not, the Clerk will read.

The Clerk read as follows:

TITLE II—CONSUMER PROTECTION AGENCY

ESTABLISHMENT

Sec. 201. (a) There is hereby established as an independent agency within the executive branch of the Government the Consumer Protection Agency. The Agency shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. There shall be in the Agency a Deputy Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Administrator shall perform such functions, powers, and duties as may be prescribed from time to time by the Administrator and shall act for, and exercise the powers of, the Administrator during the absence or disability of, or in the event of a vacancy in the office of, the Administrator.

(b) No employee of the Agency while serving in such position may engage in any business, vocation, or other employment or have other interests which are inconsistent with his official responsibilities.

POWERS AND DUTIES OF THE ADMINISTRATOR

Sec. 202. (a) The Administrator shall be responsible for the exercise of the powers and the discharge of the duties of the Agency, and shall have the authority to direct and supervise all personnel and activities thereof.

(b) In addition to any other authority conferred upon him by this title, the Administrator is authorized, in carrying out his functions under this title, to—

(1) subject to the civil service and classification laws, select, appoint, employ, and fix the compensation of such officers and employes as are necessary to carry out the provisions of this title and to prescribe their authority and duties;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate individuals so employed for each day (including traveltime) at rates not in excess of the maximum rate of pay for grade GS–18 as provided in section 5332 of title 5, United States Code, and while such experts and consultants are so serving away from their home or regular place of business, to pay such employees travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently;

(3) appoint advisory committees composed of such private citizens and officials of the Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this Act, and to pay such members (other than those regularly employed by the Federal Government) while attending meetings of such committees or otherwise serving at the request of the Administrator compensation and travel expenses at the rate provided for in paragraph (2) of this subsection with respect to experts and consultants;

(4) promulgate such rules as may be necessary to carry out the functions vested in him or in the Agency and delegate authority for the performance of any function to any officer or employee under his direction and supervision;

(5) utilize, with their consent, the services, personnel, and facilities of other Federal agencies and of State and private agencies and instrumentalities;

(6) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the work of the Agency and on such terms as the Administrator may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory, or possession, or any political subdivision thereof, or with any public or private person, firm, association, corporation, or institution;

(7) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code; and

(8) adopt an official seal, which shall be judicially noticed.

(c) Upon request made by the Administrator, each Federal agency is authorized and directed—

(1) to make its services, personnel, and facilities available to the greatest practicable extent within its capability to the Agency in the performance of its functions; and

(2) except when prohibited by law, (A) to furnish to the Agency such information, data, estimates, and statistics, and (B) to allow such access to all information in its possession which the Administrator may determine to be necessary for the performance of the functions of the Agency.

(d) The Administrator shall transmit to the Congress and the President in January of each year a report which shall include a comprehensive statement of the activities and accomplishments of the Agency during the preceding calendar year including a summary of consumer complaints received and actions taken thereon and such recommendations for additional legislation as he may determine to be necessary or desirable to protect the interests of consumers within the United States. Each such report shall include a summary and evaluation of selected major consumer programs of each Federal agency, including, but not limited to, comment with respect to the effectiveness and efficiency of such programs as well as deficiencies noted in the coordination, administration, or enforcement of such programs.

FUNCTIONS OF THE AGENCY

Sec. 203. (a) The Agency shall, in the performance of its functions, advise the Congress and the President as to matters affecting the interests of consumers; and protect and promote the interests of the people of the United States as consumers of goods and services made available to them through the trade and commerce of the United States.

(b) The functions of the Agency shall be to—

(1) represent the interests of consumers before Federal agencies and courts to the extent authorized by this title;

(2) encourage and support research, studies, and testing leading to a better understanding of consumer products and improved products, services, and consumer information to the extent authorized in section 207 of this title;

(3) submit recommendations annually to the Congress and the President on measures to improve the operation of the Federal Government in the protection and promotion of the interests of consumers;

(4) publish and distribute material developed pursuant to carrying out its responsibilities under this Act which will inform consumers of matters of interest to them to the extent authorized in section 206 of this title;

(5) conduct conferences, surveys, and investigations, including economic surveys, concerning the needs, interests, and problems of consumers which are not duplicative in significant degree of similar activities conducted by other Federal agencies;

(6) keep the appropriate committees of Congress fully and currently informed of all its activities, except that this paragraph is not authority to withhold information requested by individual Members of Congress; and

(7) cooperate with and, when requested, provide assistance to the Director of the Office in the performance of his functions.

REPRESENTATION OF CONSUMERS

Sec. 204. (a) Whenever the Agency finds that (i) the result of a pending Federal agency proceeding under the provisions of chapter 5 relating to administrative procedure of title 5, United States Code, may substantially affect the interests of consumers, and (ii) such interests may not be adequately protected unless the Agency participates or intervenes in the agency proceeding, the Agency—

(1) as a matter of right may participate for the purpose of representing the interests of consumers in any rulemaking proceeding (other than a proceeding involving solely the internal operations of the Federal agency), but such participation shall be in conformity with statutes and rules governing the conduct of the proceeding; and

(2) as a matter of right may intervene as a party pursuant to the rules of practice and procedure of the Federal agency and enter an appearance for the purpose of representing the interests of consumers in any adjudicatory proceeding (other than an adjudication seeking primarily to impose a fine, penalty, or forfeiture for an alleged violation by any defendant or respondent therein of a statute of the United States or any rule, order, or decree promulgated thereunder).

(b) At such time as the Agency begins to participate in a rulemaking proceeding or enters an appearance in an adjudicatory proceeding under subsection (a) of this section, it shall file in the proceeding and issue publicly a written statement setting forth its findings under clauses (i) and (ii) of such subsection and also stating concisely the specific interests of consumers to be protected in the proceeding.

(c) Whenever—

(1) there is pending before a Federal agency any adjudicatory proceeding which seeks primarily to impose a fine, penalty, or forfeiture, or for an alleged violation by a defendant or respondent therein of a statute of the United States or of a rule, order, or decree promulgated thereunder, or

(2) there is pending before any court of the United States any action to which the United States or any Federal agency is a party,

and which may in the opinion of the Agency substantially affect the interests of consumers, the Agency upon its own motion, or upon written request made by the officer or employee of the United States or of such agency who is charged with the duty of presenting the case for the United States or the Federal agency in the matter or proceeding, may transmit to such officer or employee all evidence and information in the possession of the Agency relevant to the matter or proceeding, and may, in the discretion of the agency or court, appear as amicus curiae and present written or oral argument to such agency or court.

(d) The Agency may intervene as a party in a proceeding in a court of the United States involving the review of Federal agency action in a rulemaking proceeding in which the Agency had participated pursuant to subsection (a)(1) or in an adjudicatory proceeding in which the Agency had intervened pursuant to subsection (a)(2), and to the extent that a right of judicial review is otherwise accorded by law, the Agency may institute a proceeding in a competent court of the United States to secure such a review; if the Agency did not participate or intervene in the proceeding which led to such Federal agency action, the Agency may intervene or institute a proceeding to obtain judicial review of such action if the court finds that (i) the agency action may adversely affect consumers, and (ii) the interests of consumers are not otherwise adequately represented in the action. Where the rules of practice and procedure of a particular Federal agency so require, the Agency shall petition the Federal agency for rehearing or reconsideration of an action before instituting a proceeding to obtain judicial review.

(e) When the Administrator determines it to be in the interests of consumers, he may request the Federal agency concerned to initiate such proceeding or to take such other action as may be authorized by law with respect to such agency. If the Federal agency fails to take the action requested, it shall promptly notify the Agency of the reasons for its failure and such notification shall be a matter of public record.

(f) Appearances by the Agency under this section shall be in its own name and shall be made by qualified representatives designated by the Administrator.

(g) In any Federal agency proceeding to which the Agency is a party, the Agency is authorized to request the Federal agency to issue and the Federal agency shall, on a statement or showing of general relevance and reasonable scope of the evidence sought, issue such orders, as authorized by the agency's statutory powers, for the copying of documents, papers, and records, summoning of witnesses, production of books and papers, and submission of information in writing.

(h) The Agency is not authorized to intervene in proceedings or actions before State or local agencies and courts.

(i) Nothing in this section shall be construed to prohibit the Agency from communicating with Federal, State, or local agencies at times and in manners not inconsistent with law or agency rules.

CONSUMER COMPLAINTS

SEC. 205. (a) The Agency shall receive, evaluate, develop, act on, and transmit complaints to the appropriate Federal or non-Federal entities concerning actions or practices which may be detrimental to the interests of consumers.

(b) Whenever the Agency receives from any source, or develops on its own initiative, any complaint or other information affecting the interests of consumers and disclosing a probable violation of—

(1) a law of the United States,

(2) a rule or order of a Federal agency or officer, or

(3) a judgment, decree, or order of any court of the United States involving a matter of Federal law, it shall take such action within its authority as may be desirable, including the proposal of legislation, or shall promptly transmit such complaint or other information to the Federal agency or officer charged with the duty of enforcing such law, rule, order, judgment, or decree, for appropriate action.

(c) The Agency shall ascertain the nature and extent of action taken with regard to respective complaints and other information transmitted under subsection (b) of this section.

(d) The Agency shall notify promptly, producers, distributors, retailers or suppliers of goods and services of all complaints concerning them received or developed under this section.

(e) The Agency shall maintain a public document room containing an up-to-date listing of all signed consumer complaints for public inspection and copying which the Agency and the Office have received, arranged in meaningful and useful categories, together with annotations of actions taken by it. Complaints shall be listed and made available for public inspection and copying only if the following conditions are met: (1) the complainant has not requested confidentiality; (2) the party complained against has had sixty days to comment on such complaint and such comment, when received, is displayed together with the complaint; and (3) the entity to which the complaint has been referred has had sixty days to notify the Agency what action, if any, it intends to take with respect to the complaint.

(f) Nothing in this section shall preclude the Office from acting upon such complaints as it may receive. The Office shall transmit promptly to the Agency copies of complaints that it receives along with a brief statement of any action that it may have taken upon such complaints.

CONSUMER INFORMATION AND SERVICES

SEC. 206. (a) The Agency shall develop on its own initiative, gather from other Federal agencies and non-Federal sources, and disseminate to the public in such manner, at such times, and in such form as it determines to be most effective, information, statistics, and other data concerning—

(1) the functions and duties of the Agency;

(2) consumer products and services; and

(3) problems encountered by consumers generally including commercial and trade practices which adversely affect consumers.

(b) All Federal agencies which, in the judgment of the Administrator and Director, possess information which would be useful to consumers are authorized and directed to cooperate with the Agency and Office in making such information available to the public.

(c) Nothing in this section shall preclude the Office from carrying out such informational services as are within its authority and responsibility.

TESTING AND RESEARCH

SEC. 207. (a) The Agency shall, in the exercise of its functions—

(1) encourage and support through both public and private entities the development and application of methods and techniques for testing materials, mechanisms, components, structures, and processes used in consumer products and for improving consumer services;

(2) make recommendations to other Federal agencies with respect to research, studies, analyses, and other information within their authority which would be useful and beneficial to consumers; and

(3) investigate and report to Congress on the desirability and feasibility of establishing a National Consumer Information Foundation which would administer a voluntary, self-supporting, information tag program (similar to the "Tel-Tag" program of Great Britain) under which any manufacturer of a nonperishable consumer product to be sold at retail could be authorized to attach to each copy of such product a tag, standard in form, containing information, based on uniform standards, relating to the performance, safety, durability, and care of the product.

(b) All Federal agencies which, in the judgment of the Administrator, possess testing facilities and staff relating to the performance of consumer products and services, are authorized and directed to perform promptly, such tests as the Administrator may request, in the exercise of his functions under sections 204 and 208 of this title, regarding any matter affecting the interests of consumers. The results of such tests may be used or published only in the exercise of the Agency's authority under section 208 and in proceedings in which the Agency is participating or has intervened pursuant to section 204. In providing facilities and staff upon request made in writing by the Administrator, Federal agencies—

(1) may perform functions under this section without regard to section 529 of title 31, United States Code;

(2) may request any other Federal agency to supply such statistics, data, progress reports, and other information as he deems necessary to carry out his functions under this section and any such other agency is authorized and directed to cooperate to the extent permitted by law by furnishing such materials; and

(3) may, to the extent necessary and authorized, acquire or establish additional facilities and purchase additional equipment for the purpose of carrying out the purposes of this section.

(c) Neither a Federal agency engaged in testing products under this Act nor the Administrator shall declare one product to be better, or a better buy, than any other product.

(d) The Administrator shall periodically review products which have been tested to assure that such products and information disseminated about them conform to the test results.

CONSUMER SAFETY

SEC. 208. The Agency shall conduct studies and investigations of the scope and adequacy of measures employed to protect consumers against unreasonable risk of injuries which may be caused by hazardous household products, including consideration of—

(1) the identity of categories of household products, except those which are subject to regulation under Federal statute with respect to any risk to health and safety, which may present an unreasonable hazard to the health and safety of the consuming public; and

(2) the extent to which self-regulation by industry affords such protection:

Provided, however, That such studies and investigations shall not be duplicative in significant degree of similar activities conducted by other Federal agencies.

LIMITATIONS ON DISCLOSURES

SEC. 209. (a) Any instrumentality created by or under this Act shall not disclose to the public—

(1) any information (other than complaints published pursuant to section 205 of this Act) in a form which would reveal trade secrets and commercial or financial information obtained from a person and privileged or confidential; or

(2) any information which was received from a Federal agency when such agency has notified the instrumentality that the information is within the exceptions stated in subsection (b) of section 552 of title 5, United States Code, and the Federal agency has determined that the information should not be made available to the public.

(b) No authority conferred by this Act shall be deemed to require any Federal agency to release any instrumentality, created by or under this Act, any information the disclosure of which is prohibited by law or by specific direction of the President.

(c) In the release of information pursuant to the authority conferred in any section of this Act, except information released through the presentation of evidence in a Federal agency or court proceeding pursuant to section 204, the following additional provisions shall govern:

1. Information, statistics, and other data concerning consumer products and services shall be made public only after such have

been determined to be accurate and provided such are not within the categories set out in subsection (b) of section 552 of title 5, United States Code (relating to public information).

(2) In the dissemination of any test results or other information which directly or indirectly disclose product names, it shall be made clear that (i) not all products of a competitive nature have been tested, if such is the case, and (ii) there is no intent or purpose to rate products tested over those not tested or to imply that those tested are superior or preferable in quality over those not tested.

(3) Notice of all changes or additional information which would affect the fairness of information previously disseminated to the public shall be promptly disseminated in a similar manner.

PROCEDURAL FAIRNESS

SEC. 210. In exercising the powers conferred in sections 203(b)(4), 205, 206, and 208, the Agency shall act pursuant to rules issued, after notice and opportunity for comment by interested persons in accordance with the requirements of section 553 of title 5, United States Code, so as to assure fairness to all affected parties, and provide interested persons with a reasonable opportunity to comment on the proposed release of product test data, containing product names, prior to such release.

Mr. HOLIFIELD (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. ERLENBORN. Mr. Chairman, reserving the right to object, I think we are now getting to the most important part of this bill; that is, title II and particularly section 204.

Mr. Chairman, I note with interest, though this is a terribly important bill, that very few Members are present on the floor; so, Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Fifty-four Members are present, not a quorum.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 296]

Abernethy
Anderson, Tenn.
Aspinall
Baring
Blatnik
Brooks
Carey, N.Y.
Chisholm
Clark
Clausen, Don H.
Clay
Collier
de la Garza
Dent
Derwinski
Diggs
Edwards, La.
Evins, Tenn.
Fraser
Fulton, Tenn.
Gettys
Gray
Halpern
Hawkins
Hébert
Hicks, Mass.
Kee
Kuykendall
Lloyd
Long, La.
McClure
McDade
Mailliard
Mikva
Miller, Calif.
Mills, Ark.
Mitchell
O'Hara
Pelly
Rees
Rhodes
Rooney, Pa.
Scheuer
Schwengel
Sikes
Slack
Steed
Vander Jagt
Waggonner
Wilson, Charles H.
Wyman

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. BOLAND, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 10835, and finding itself without a quorum, he had directed the roll to be called, when 378 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the pending business was the unanimous-consent request of the gentleman from California (Mr. HOLIFIELD) that title II be considered as read, printed in the RECORD, and open to amendment at any point.

Is there objection to the request of the gentleman from California?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: On page 14, line 11, strike out "relating to administrative procedure".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 14, line 12, insert "relating to administrative procedure," immediately after the word "Code,".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 16, line 25, insert "required by law or by" immediately after the word "Where".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 17, line 1, strike out "so require".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 22, line 3, immediately after the word "promptly" insert ", to the greatest practicable extent within its capability,".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 24, lines 16 and 17, strike out "or by specific direction of the President".

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. MOORHEAD

Mr. MOORHEAD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MOORHEAD: Page 15, strike out lines 2 through 6, inclusive, and insert the following: "adjudicatory proceeding (other than those parts of the proceeding relating directly to the decision to impose any criminal fine, penalty, or forefeiture for an alleged violation by any defendant or respondent therein of a statute of the United States or any rule, order, or decree promulgated thereunder).

"(b) The Agency, as a matter of right may undertake reviews and investigations, and require information from Federal agencies, including that provided for in subsection (h) of this section, for the purpose of submitting information, findings, or recommendations to the Congress regarding any matter affecting the interests of consumers concerning which a Federal agency has the authority but fails to initiate a rulemaking or adjudicatory proceeding as provided in subsection (f) of this section."

And redesignate the succeeding subsections of section 204 accordingly.

(By unanimous consent, Mr. MOORHEAD was allowed to proceed for 5 additional minutes.)

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 10 minutes.

Mr. MOORHEAD. Mr. Chairman, I am offering a small, 15-line amendment that has a large purpose; in fact, a dual purpose. The amendment I am offering is a consensus amendment. It does not satisfy all people, but it was the amendment which satisfied the greatest number of members on the committee. I am offering it on behalf of the following members of your Government Operations Committee: Mr. BROOKS, Mr. MOSS, Mr. FASCELL, Mr. REUSS, Mr. MACDONALD of Massachusetts, Mr. GALLAGHER, Mr. ROSENTHAL, Mr. WRIGHT, Mr. ST GERMAIN, Mr. CULVER, Mr. HICKS, Mr. COLLINS, Mr. CONYERS, Mrs. ABZUG, Mr. REID of New York, and Mr. MCCLOSKEY.

Mr. Chairman, the distinguished chairman of the Government Operations Committee has succeeded, under great pressure, in reporting a consumer bill, which is a step forward. But I believe that the bill has two serious defects which, however, can be cured by one amendment.

Our amendment is designed to rectify these defects and to give some clout to the Consumer Protection Agency, thereby arming it for effectiveness but keeping it far short of the "superagency" that some on our committee would like to see.

Section 204(a)(2) of the committee bill provides for Agency participation in pending adjudicatory proceedings "other than an adjudication seeking primarily to impose a fine, penalty, or forfeiture."

This language in subsection 204(a)(2) would severely limit the operations of the Consumer Protection Agency, because there are few statutes governing adjudication that do not contain language imposing a fine, penalty, or forfeiture. For example, in the 378 formal adjudications pending at the Civil Aeronautics Board on July 1, 1971, all 378 adjudications sought the imposition of a penalty. Thus the Agency under the reported bill might be dealt out of almost all proceedings where its presence could provide relief for the consumer.

Our amendment merely authorizes the Consumer Protection Agency to participate in all aspects of a case except those parts of the proceeding relating directly to the decision to impose any criminal fine, penalty, or forfeiture.

The second area I seek to alter involves that gray, but very formidable subject of "informal proceedings."

Prof. Kenneth C. Davis, perhaps the leading academic scholar in administrative law, has estimated that, taking the Federal administrative agencies as a group, the ratio of informal matters to formal may be 50 or 100 to 1. Section 204 in the reported bill makes no provision for participation by the Consumer Protection Agency in any informal proceedings, despite the importance that such proceedings play in the enforcement of Federal legislation directly affecting consumers.

Our amendment seeks to give the Consumer Protection Agency some limited oversight when an agency makes an informal ruling or does nothing at all.

We would accomplish this by adding the following language to section 204:

> (b) The Agency, as a matter of right, may undertake reviews and investigations, and require information from Federal agencies, including that provided in subsection (g)—

And that is the old (f)—

> of this section, for the purpose of submitting information, findings, or recommendations to the Congress regarding any matter affecting the interests of consumers concerning which a Federal agency has the authority but fails to initiate a rulemaking or adjudicatory proceeding as provided in subsection (f) of this section.

That was the old section (e) of the bill.

This approach gives some coverage to the void in the proposed bill regarding informal proceedings and instances where the Agency fails or refuses to take action. However, rather than giving the Consumer Protection Agency the right to initiate a rulemaking or adjudicatory proceeding, the amendment merely provides for a report to the Congress.

This provides the Congress with a double benefit. In those instances where the Consumer Protection Agency institutes such an investigation, the Congress not only would have the means of gaging the effectiveness of the Agency's operations, but we also could see firsthand the degree of responsibility and effectiveness inherent in the operations of the Consumer Protection Agency.

In addition, this information would be of the greatest value to Congress in maintaining proper balance between the consumer protection operations in the various agencies and the prerogatives of the Consumer Protection Agency.

The adoption of this 15-line amendment will cure the most serious defects in an otherwise good bill, which is a step forward.

As the Washington Post, in an editorial entitled, "Consumer Protection: A Key Vote in the House," said today, the Moorhead amendment—

> Would broaden the range of federal activities in which the proposed agency can intervene. This is not asking for unfair powers or seeking to have the deck stacked in favor of consumers; it is only asking that the new agency be allowed to represent consumers in the government's decision-making and policy-making procedures. Without the Moorhead amendment, the consumer agency would be excluded from most of these procedures.

This 15-line amendment will not change the bill to create a super agency.

As the Washington Post editorial said:

> Actually the Moorhead amendment would give the Consumer Protection Agency no regulatory power, no powers to fine, to penalize or to dictate to an industry. It only allows the CPA to present the consumer case before an agency or court. This is only common fairness. In passing the Moorhead amendment, the House has an opportunity to join the consumer movement in an effective way.

This 15-line amendment will, however, prevent us from creating and simultaneously hamstringing a consumer agency which, without the amendment, might otherwise be—in the words of the gentleman from New York (Mr. ROSENTHAL)—"a sheep in wolf's clothing."

The adoption of the amendment will not satisfy my friend, the gentleman from New York. He believes that much more should be done to strengthen the bill.

The amendment, as I have said, is a consensus amendment which 17 members of our committee have cosponsored or supported. It is an amendment which has been supported by members of other committees. It has been endorsed by the distinguished chairman of the Ways and Means Committee, the gentleman from Arkansas (Mr. MILLS).

It is an amendment which the consumer groups will endorse as making this bill acceptable to consumers.

But it is an amendment the defeat of which they will consider a sharp rebuke by Congress to the interests of consumers across our Nation.

The vote on this amendment will be a test of the sincerity of the commitments which all of us have made to the 200 million American consumers.

Mr. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from California.

Mr. BURTON of California. Mr. Chairman, I commend the distinguished gentleman in the well, the gentleman from Pennsylvania (Mr. MOORHEAD).

I rise in wholehearted support of the Moorhead-Brooks amendment.

Mr. Chairman, the spectrum of petition intervention of the Consumer Protection Agency is limited under H.R. 10835 to pending rulemaking and license revocation, and to a very, very limited slice of the adjudicatory process—that is, no adjudicatory proceeding principally for the purpose of imposing a "penalty, fine, or forfeiture." This means that the great bulk of Agency process, actions, and decisions, in particular the informal processes where the ball game is decided or not decided—is off limits to the CPA's legal standing to petition, even to be heard, in order to report to the Congress. These excluded areas include:

First. Investigations. The CPA should be able to report on the need for their enlargement or different direction, or more data collected.

Second. Intervening or petitioning another agency to initiate some action where there is a duty to act. At present the CPA can only represent during pending proceedings which leave it at the mercy of the regulatory agency's inaction pattern.

Third. Challenging secrecy of information policies—like USDA detention orders re contaminated meat and poultry inspection, laboratory reports, personnel evaluation reports re efficiency by Civil Service Commission. The CPA should be able to report to Congress on these matters.

Fourth. The need to improve procedures and practices of the regulatory Agency—a very critical authority to facilitate consumer access to the administrative process—standing, cost, delay, et cetera, and to streamline the Agency so that it can make fairer, faster policies in the substantive area for consumer justice. CPA insight is needed here.

Fifth. Petitioning regarding chronic nonenforcement as ICC and moving van violations, truth-in-lending or packaging, flammable fabric and toy hazards, and poison prevention act. Truck safety standards enforced.

Sixth. Intelligent oversight of the many regulatory agencies use of supervisory practices which Prof. Kenneth C. Davis calls the bulk of day-to-day Agency work or nonwork—he calls it "discretionary administration." For example, all those "assurances of voluntary compliance" and consent agreements which are never checked for compliance year after year. SEC delegations to stock exchanges. Department of Commerce monitoring of voluntary standards it develops with industry—for example, lumber and plumbing standards. Handling of passenger complaints about declining quality of rail passenger service ignored by the ICC. CPA advice is needed here.

I believe the above segments of the spectrum of agency actions and decisions should be open to CPA oversight for this Congress.

I urge adoption of the Moorhead-Brooks amendment.

Mr. REID of New York. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from New York, a distinguished member of the Committee on Government Operations.

Mr. REID of New York. I thank the gentleman for yielding.

I am happy to join the gentleman in offering the amendment.

Is it not true that absent this amendment the committee bill in its present form might preclude the CPA from being able to represent consumers in perhaps 98 percent of the cases wherein the consumer has a vital stake; that is to say, in the informal conference and in informal proceedings? That is why it is important, because absent it the consumer could be represented in as little as 2 percent of the cases.

These informal proceedings constitute the consumer's battleground. They are where his fight can be won or lost. The committee bill gives the CPA no jurisdiction whatsoever over questions of how much DES—a growth hormone—can be put in beef, whether preservatives—BHT—should be put in bread, and what the effect of sodium nitrate is in hot dogs. Nor does the committee bill give the CPA any jurisdiction whatsoever over questions of vehicle defects involving car safety and truck safety or flammable fabric toy hazards.

I support this amendment because it

opens the door for the CPA to intervene in formal proceedings, where the committee bill prohibits intervention if the proceeding seeks "primarily to impose a fine, penalty or forfeiture." Every single one of last year's formal proceedings that I know of sought "primarily to impose a fine, penalty or forfeiture." The language being offered here today would narrow this huge loophole by barring intervention only if the proceeding relates "directly to the decision" to impose such a penalty.

In addition, although the CPA is still prohibited from intervening in informal proceedings, I support the goal of the amendment to give it jurisdiction in the area of studying the use of the informal proceeding and reporting to the Congress on the relation of the consumer to such proceedings.

Mr. MOORHEAD. And, in addition, in cases where the Agency does not act and there is no pending adjudication proceeding, and in the cases where a penalty, fine, or forfeiture may be involved.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(On request of Mr. TEAGUE of Texas, and by unanimous consent, Mr. MOORHEAD was allowed to proceed for 1 additional minute.)

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. Was this amendment considered in committee; and, if so, what happened?

Mr. MOORHEAD. The subject matter of the amendment was, but not in those words, considered in committee. One of the words was "primarily." We attempted to amend that in committee, and the amendment failed on an 18 to 18 tie vote.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from New York.

(On request of Mr. HORTON, and by unanimous consent, Mr. MOORHEAD was allowed to proceed for 5 additional minutes.)

Mr. HORTON. Mr. Chairman, I should like to ask some questions about the amendment.

As the gentleman knows, he and I serve together on a subcommittee of the Committee on Government Operations, the Foreign Operations and Government Information.

Mr. MOORHEAD. I have always enjoyed my service with the gentleman from New York.

Mr. HORTON. That subcommittee has jurisdiction over the Freedom of Information Act. I know the gentleman has great knowledge about the Freedom of Information Act. I am sure the gentleman would agree the Freedom of Information Act does not apply to Congress. Is that correct?

Mr. MOORHEAD. That is certainly my construction.

Mr. HORTON. As I read the gentleman's amendment, one of the things subsection (b) would do is to give to the CPA the right to require information from Federal agencies, including that provided for in subsection (h), concerning subpena authority which is contained in the committee bill as subsection (g). Is that correct?

Mr. MOORHEAD. That is correct. We have to reletter the sections.

Mr. HORTON. That is a subpena power, is it not? That is an indirect subpena power under the bill that the agencies now have; is that no correct?

Mr. MOORHEAD. That is correct. It is subject to the limitations of (g) and (e) of course.

Mr. HORTON. As I understand subsection (g), the Consumer Protection Agency can require host agencies to subpena records, data and other information, including trade secrets, price and cost data, and other confidential information from private concerns.

Mr. MOORHEAD. We do not by this amendment create any subpena power.

Mr. HORTON. I understand.

Mr. MOORHEAD. This does not give any subpena power where subpena power did not heretofore exist under law.

Mr. HORTON. The problem I am concerned about is that the gentleman does give to this Agency at an early stage of the proceedings the subpena power indirectly or inferentially.

Also in subsection (b) of the amendment, there is made possible and the CPA is required to make this type of information available to Congress. It does not therefore fall under the provisions of section 209, listed on page 23 of the bill, which is a limitation on disclosure. There it says:

> Any instrumentality created by or under this Act shall not disclose to the public—

Mr. MOORHEAD. As I read the amendment, the other limitations in the bill would continue to exist.

Mr. HORTON. The information the gentleman is proposing here in this section seems to me to be very serious in that it appear the CPA can get information, such as information from corporations as to their competitive matters—pricing and all the other things—which they might not want to make available, take that information and make a report to the Congress, for the purpose of circumventing the limitations under the Freedom of Information Act.

Would the gentleman like to comment on that?

Mr. MOORHEAD. Yes. This will not increase the power of any existing agency to acquire information. So the existing body of law the Congress has passed over the years will remain the same.

The Consumer Protection Agency would have the right to have the FDA ask for information from a drug manufacturing firm. The FDA can do that today.

Mr. HORTON. I understand that. This amendment would permit the CPA to exercise that subpena power in judicial and agency proceedings, and upon obtaining this information, making it public by passing it through Congress.

Mr. MOORHEAD. If the Federal Agency has the information already.

Mr. HORTON. But it would not have it until the subpena power was exercised permitting the Agency to get that information.

Mr. MOORHEAD. No. Read the language.

Mr. HORTON. I have read the language.

Mr. MOORHEAD. It requires information from the Federal agency. One thrust is to get information already in the possession of the Federal agency. If the FDA has information on a drug which is causing certain effects, then the Agency can get that information.

Mr. HORTON. I have a corporation in my district, Eastman Kodak. Let us assume one of the agencies, such as the Federal Trade Commission, has some information or subpenas information at the request of the CPA about the making of film in its possession. After the information was obtained, the CPA could make it public by reporting publicly to the Congress. The point I am making is that the protective provisions of section 209 do not apply if that information is made available to the Congress, and any Member of the Congress can require the information. We do not have the prohibition that we have under the Freedom of Information Act, which would apply to any other instrumentality. The concern I have is that this type of information can be made available to the public indirectly when it could not be done directly.

Mr. ST GERMAIN. Will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman.

Mr. ST GERMAIN. This point was discussed in the subcommittee and in the full committee. The fact remains that the kodak company can refuse to produce the information. It can go to court and have them decide in court whether or not it is in fact an invasion of privacy and whether or not they would be publishing secret information that would do damage to the company. This has no bearing on the case. In no way would this publicize secret facts. They still have the privilege of going to court.

Mr. ERLENBORN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we struggled long and hard in the committee last year and again this year over the question of how far we should go in giving the Consumer Protection Agency this subpena power. It was the decision of the committee not to give blanket subpena power to the Consumer Protection Agency.

I do not believe this amendment goes so far as to give them blanket subpena power, but it goes as far as the gentleman from New York has pointed out; namely, to make it mandatory on existing agencies to deliver to the Consumer Protection Agency any information in their possession.

I think the question that Mr. ST GERMAIN asked was really not germane. We are not talking about the Consumer Protection Agency here trying to get information from the Kodak Co., but as Mr. HORTON put the question the Consumer Protection Agency could go to the Federal Trade Commission and say "We want information concerning trade secrets of the Kodak Co.," and the Federal Trade Commission would have no authority to deny that, because it says here in subsection (b) of the amendment "require information from Federal agencies."

There is no limitation here. I presume that means that the Consumer Protection Agency could go to the Internal Revenue Service and say, "We would like to have the income tax returns for the Kodak Co. for the last 5 years." Nothing in here gives any discretion to the existing agencies to say no.

Under the Freedom of Information Act or under other laws, this information should not be made available. So this does not give the subpena power to go to private individuals or corporations and get information, but every agency of the Government carries a wealth of information and some of it is protected by the Freedom of Information Act as well as other acts of Congress now, but the Moorhead amendment would make all of this information available to the Consumer Protection Agency, which would then make it available to the Congress and put it into the public domain.

I do not think that this Congress wants to go that far. I think the amendment should be defeated.

Mr. BROOKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. PODELL. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. BROOKS. I yield to the gentleman from New York.

Mr. PODELL. Mr. Chairman, the time is long past for Congress to enact meaningful legislation that will benefit the American consumer. It is for this reason that I rise today in support of the Moorhead amendment to the Consumer Protection Act.

This amendment would significantly strengthen the authority of the proposed Consumer Protection Agency by allowing it to represent the public in proceedings before other Federal departments and agencies.

It would empower the Consumer Protection Agency to conduct "reviews and investigations" in the public interest for the purpose of obtaining information on abusive consumer practices. It would authorize the Consumer Protection Agency to intervene as a party in all adjudicatory proceedings other than those "related directly to the decision to impose any criminal fine, penalty, or forfeiture."

In contrast, the bill, without this necessary amendment would not give the CPA the right to make other Federal agencies provide this information. A further weakness of the committee bill is that it precludes CPA intervention in all informal proceedings and investigations such as FTC flammability cases and USDA Meat and Poultry Inspection Act disciplinary actions.

It is necessary to bear in mind that even with the Moorhead amendment, the Consumer Protection Agency has no regulatory powers. It cannot tell any business or industry how to manufacture, market, or advertise its products and services. It cannot impose any penalties or sanctions. It cannot dictate to any other Federal agency how to decide cases or what policies to establish.

The voice of the consumer in the Nixon administration has been as silent as a porkchop salesman at a Jewish wedding. Ralph Nader, America's leading consumer advocate has continuously assailed the apathetic stance which the administration has taken in regard to protecting the public in consumer affairs matters. Consumers Union magazine has found fundamental fault with the President's entire approach.

An independent consumer protection agency, well-staffed and strong, not lodged in the vast bureaucratic caverns of Government and not subject to political manipulation is the ultimate answer to the consumer's dilemma.

I urge all my colleagues to support this long needed legislation that would benefit our Nation's 200 million consumers. The Moorhead amendment is a constructive and important first step toward achieving a consumer's "Bill of Rights."

Mr. BROOKS. Mr. Chairman, I support the Moorhead amendment. The amendment does two things. It removes a limitation, an arbitrary limitation, on this adjudicatory proceedings in which the Consumer Agency could intervene and, No. 2, it provides the agency with the capacity to get the information necessary to make a report to the Congress of the United States. It does not sound very criminal in either instance.

Mr. Chairman, each of these changes would improve the effectiveness of this legislation without imposing any unfair burden upon anyone.

The proposed amendment would provide that in adjudicatory proceedings the Consumer Protection Agency could not become involved in any criminal prosecution or the assessment of any criminal fine or penalty. Furthermore, following the refusal of an agency to institute proceedings on behalf of the consumer, the Agency would have to be afforded the opportunity to proceed in its normal capacity.

Mr. Chairman, these reasonable extensions of the authority to the Consumer Protection Agency are in keeping with the overall concept of the bill and of the stated objectives of the legislation. It is proposed to provide protection for the people. This is necessary if this new agency is to do the very best job possible for the consumers.

Mr. Chairman, I do not believe that these reasonable extensions of authority are unreasonable. We should not accept obvious defects in legislation on the basis that we can change it within a couple of years. We must act in a responsible manner. The proposed extensions are responsible in both form and substance. It is incumbent upon the Congress to approve as effective consumer protection legislation as possible and the time to do that is now. The need is urgent. The benefits to the public are substantial. The time has come to put a Consumer Protection Agency to work on a full-time basis on behalf of the American consumer and under the watchful eye of the Congress.

SUBSTITUTE AMENDMENT OFFERED BY MR. FUQUA FOR THE AMENDMENT OFFERED BY MR. MOORHEAD

Mr. FUQUA. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. FUQUA as a substitute for the amendment offered by Mr. MOORHEAD: On page 14, strike the heading on line 8 and delete section 204 in its entirety, inserting in lieu thereof the following new heading and section 204:

"PROTECTION AND REPRESENTATION OF CONSUMERS IN AGENCY AND COURT PROCEEDINGS

"SEC. 204. (a) Every Federal agency, prior to taking any action of a nature which reasonably can be construed as substantially affecting the interests of consumers, shall provide notice of such action to the Office and Agency at such time as notice of the action is given to the public, and shall, consistent with its statutory responsibilities, take such action with due consideration being given to the interests of consumers. Such action shall include, but not be limited to,

"(1) the promulgation of rules and regulations or guidelines,

"(2) the formulation of policy decisions, or

"(3) the issuance of orders, decrees or standards.

For the purposes of this section, a notice published in the Federal Register shall constitute notice to the Office and Agency.

"(b) In taking any action under paragraph (a), upon request of the Agency or in those cases where a public announcement would normally be made, the agency concerned shall indicate concisely in a public announcement of such action the consideration given to the interests of consumers.

"(c) (1) Whenever there is pending in or before any Federal agency of the United States any investigation, hearing, or other proceeding, or there is pending in or before any court of the United States any proceeding to which the United States or any Federal agency is a party, and the Agency finds—

"(i) the result of such proceeding may substantially affect the interests of consumers; and

"(ii) such interests may not be adequately represented unless the Agency participates, upon a timely filing of a copy of such findings with the Federal agency or court in or before which such proceeding is pending, the Agency shall be entitled as a matter or right to, orally or in writing, present in such proceeding such relevant and material information in its possession as the Agency deems necessary to enable the Federal agency or court to give due consideration to the valid interests of consumers.

"(2) Upon request by the Agency, each Federal agency is authorized and directed, prior to taking an action resulting from a proceeding in which the Agency has participated, to make available to the Agency any transcript of testimony and exhibits, together with all papers and requests filed in such proceeding; and the Agency shall be entitled, within such time as shall be permitted by rules of practice and procedure, to file written comments thereon and to identify with reasonable particularity any additional information it deems necessary to permit the agency to give due consideration to the interests of consumers in taking such action. Such comments by the Agency shall be made available for written comment by interested persons within such time as shall be permitted by rules of practice and procedure, and, together with any such comments by interested persons, shall be included in the record if there is a record, and considered by the agency.

"(d) This section does not prohibit participation by the Agency in any State or local court or administrative agency proceeding, provided that such participation shall be at the discretion of the State or local court or administrative agency, and, notwithstanding any State or local rules of practice or procedure that might be applicable to such participation by the Agency, the Agency shall participate in such State or local proceedings only to the extent that it is authorized to participate in proceedings in or before a Federal agency or court as provided by this section.

"(e) Except as provided in this section, the Agency shall not participate in any Federal, State or local court or agency proceeding, or in connection with any judicial review of an agency proceeding. However, nothing in this Act shall be construed by any court or agency as affecting the discretion or statutory right of any court or agency to permit any person, class of persons, or agency other than the Agency, to initiate, intervene, or otherwise participate in any proceeding of such court or agency.

"(f) When the Administrator determines it to be in the interests of consumers, he may request the Federal agency concerned to initiate such proceeding or to take such other action as may be authorized by law with respect to such agency. If the Federal agency fails to take the action requested, it shall promptly notify the Agency of the reasons for its failure and such notification shall be a matter of public record.

"(g) Appearances by the Agency under this section shall be in its own name and shall be made by qualified representatives designated by the Administrator.

"(h) Nothing in this section shall be construed to prohibit the Agency from communicating with Federal or State agencies at times and in manners not inconsistent with law or agency rules.

"(i) This section shall be enforceable in a court of the United States only upon petition of the Agency."

On page 13 on line 24, replace the semicolon with a comma and add immediately thereafter the following: "provided, however, no other Federal, state or local agency shall issue any order on behalf of the Agency to require the production of any books, papers, documents, records and other information or to summon witnesses."

Mr. FUQUA (during the reading). Mr. Chairman, I ask unanimous consent that the substitute amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. ECKHARDT. Mr. Chairman, reserving the right to object, is it very long?

Mr. FUQUA. About four pages, I believe.

Mr. ECKHARDT. Is there a copy available?

Mr. FUQUA. Yes.

Mr. ECKHARDT. I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FUQUA. Thank you, Mr. Chairman.

I think the amendment is generally well known. It has been discussed previously on the floor today during general debate and been referred as to the Fuqua amendment or the "friend to the consumer amendment" or as the "amicus curiae" amendment.

Mr. Chairman, I do not think there is any question but that I am in support of this legislation. If you will look at the bill you will find that I am a cosponsor of it. However, I have some serious reservations about the intervention powers in section 204 of the bill.

Philosophically, what I think we are creating—and it does raise concern—is a Federal agency to go in and attack other Federal agencies.

Now, who created these existing agencies? They were created by the Congress. Whose responsibility is it to see that they carry out their functions as they should? In my opinion that responsibility belongs to the Congress.

I do not believe that we in the Congress ought to say we have so erred that we must create another agency to police all the others.

It is for this reason that I offer this amendment.

Certainly I believe that throughout the land we recognize that the interests of the consumer need to be protected. Every Federal agency should give more attention to the interests and welfare of consumers. I do not, however, believe we should create an agency empowered to interfere in the proceedings of other Federal agencies—and I do not know how many proceedings they could go into. I sent around to all of you a list of some 16 agencies. We studied these 16 agencies to try to find out what proceedings we felt the consumer advocate could intervene in as a formal participant. I find there are over 160 Federal agencies within the Federal Government. I do not know how the intervention and participatory powers in H.R. 10835 are going to affect these agencies. I do not know what the cost is going to be, and nobody in this room can give you this figure. We do not know what it will be.

A few years ago we have created the National Environmental Policy Act of 1970. I do not have to explain to you what this Act has done to many of our Federal projects. I cannot say, nor can anyone in the House say what the actual impact of that act has been, but in many instances government has been brought to a standstill. Yet we give the Consumer Protection Agency far more power than we gave to the environmentalists through the National Environmental Policy Act of 1970. Under that act private groups have been given the power to appeal Federal agency decisions if they feel there has been a violation of that act. Fortunately, however, we did not create another Federal agency to go in and formally represent and appeal special environmental interests as is proposed in H.R. 10835, although certainly I would not argue that the interests of consumers do not need to be given adequate consideration in Federal agency proceedings.

As I say, I do not know what the cost is going to be. I do not know how many people we will have to employ.

My major concern is that we not create an agency to go in and formally intervene in other agency's proceedings whether they be formal or informal, and thereby create internal fights within the Federal Government.

My approach certainly provides for representation of consumer interests. We give the consumer advocate as a matter of right the power to go into any agency proceeding, formal or informal, at any point in the proceeding, and present the interest of the consumer.

A lot has been said during the discussion about Mr. Ralph Nader. Mr. Ralph Nader has done a good job in representing the interests of the consumers, and he has not even had the clout my amendment would give the consumer advocate. I am convinced—and this came out in the extensive subcommittee hearings—that the spotlight of public scrutiny will bring to light wrongs being done where the interest of consumers is not being considered. With the spotlight on public opinion being focused on this, the inequities that have occurred can be effectively corrected.

In creating other agencies we have felt that the agency should crawl before it started to run. I believe after we create an agency we should give it a chance to operate and to find the pitfalls during a shakedown period. Then we can reanalyze the situation and make changes as appropriate. The Government Operations Committee, as Chairman HOLIFIELD said before the Committee on Rules many times, plans to watch this Consumer Protection Agency, and I commend the gentleman for that position. We will come back and analyze what the Agency is doing, and consider if it needs additional powers such as we have granted other agencies. This is what we did the other day with the EEOC. If additional powers are justified after a shakedown period, I am sure this Congress will grant that power to them.

The CHAIRMAN. The time of the gentleman from Florida has expired.

(Mr. FUQUA asked and was given permission to proceed for 2 additional minutes.)

Mr. FUQUA. Mr. Chairman, people will say that my amendment takes the teeth out of the agency. It does not take the teeth out of the agency. The agency does, as a matter of right, have the opportunity to go in and present the views and the interests of consumers before all of the Federal agencies in all types of proceedings.

We do not get encumbered in law suits—whether the consumer advocate has the right to intervene or not. Many areas are not clear on this point and there is great ambiguity as to whether he may intervene or not.

Under the substitute amendment I have offered, the consumer advocate can go in as a matter of right and present the interest of the consumers. After the proceeding has been completed, he can also go back and review the testimony presented at that proceeding and make additional comments, if he feels there has been some interest of the consumer that has been overlooked.

I do not think that we, in this Congress, want to create a watchdog to go out and bite other agencies. I feel that good government and good commonsense tells you that if an agency is doing wrong, then the Congress had better tell them where they are going wrong and how they can correct the situation. But Congress should not create a consumer protection agency to go out and attack existing agencies.

Mr. HORTON. Mr. Chairman and members of the committee, I rise in opposition to the substitute amendment presented by the gentleman from Florida (Mr. Fuqua) and the amendment presented by the gentleman from Pennsylvania (Mr. Moorhead).

Mr. Chairman, these two amendments actually bring to a head what has occurred in the committee for the last couple of months.

I would like to point out to the members of the committee that the legislation that is before you now in the bill H.R. 10835, is a very carefully drafted piece of legislation which is designed to accomplish the purpose both of the sponsors of these amendments have referred to, namely, to give protection to the consumer.

That is the place from which we start. The question is how far do you want to go or how little do you want to give that agency in order to protect the consumer. What we have tried to do in the bill is to provide the Consumer Protection Agency with the authority and the tools to intervene effectively at proper stages without interrupting the flow of governmental action insofar as matters involving the consumers are concerned.

There are a lot of things I can talk about—the fact that we define consumer—it was not in the other bill—and the fact that we have given the definition here to consumer interest.

Another point, we have referred to the Administrative Procedures Act. The Administrative Procedures Act was adopted in 1946. It has some 25 years of legal foundation and experience behind it. So it is an acceptable framework to set up this new structure.

In the committee bill what we have tried to do is to give the tools to the Consumer Protection Agency so that it can intervene effectively at a proper stage. There has been a lot of misunderstanding about the proceedings. In the section referred to, in section 204, at the point where the agency can intervene, we have said that:

> The CPA as a matter of right may intervene as a party pursuant to the rules of practice and procedure of the Federal agency and enter an appearance for the purpose of representing the interests of consumers in any adjudicatory proceeding . . .

That has been interpreted by the spokesmen for the Moorhead amendment to mean that it is only in formal-type proceedings.

Now the definition is not so limited. It is a very wide definition, in the sense that it not only includes formal proceedings, but it also includes informal proceedings.

But we do not permit the Agency, the CPA, to intervene at early stages, that is when the host Agency is first involved with the matter under its scrutiny and has not determined the course of action it may wish to take. But we do permit the CPA to come in as an amicus curiae or to supply information under other procedures as a friend of the court at such stage. There they will have an opportunity to present their case. The host Agency has to reply; it will have to come back and say, if that be the case, "We have found against you," and then declare it. Then we provide that the CPA has the opportunity to bring this out into the public arena and make public what has happened.

So we feel we have very delicately proceeded to give this CPA tools and authority to do an effective job.

We also provide, whether they are a party or not a party, that they can appeal at the appropriate stage, but we do not provide an onerous type of appeal. We spell out the authority so as to limit it by law and according to what other parties would be able to do.

The amendment proposed by Mr. Moorhead would take the subpena-type of authority that we have provided, make it applicable at early stages of proceedings or in informal activities. This concerns us because we feel what will be created thereby will be a super-czar type of agency where the agency can come in at any stage of any type of agency action, and create havoc in the procedures of government.

We have tried to balance the interest of the consumer against the interest of the good flow of government action insofar as these matters are concerned.

The Fuqua substitute proposes an amicus curiae approach. It does not give any of the tools I have talked about. It eliminates all of section 204, and what it says is:

> All you can come in with is your paper, your position, put it on the table, and say, "This is the way we feel about it. We are sorry."

The CHAIRMAN pro tempore (Mr. Price of Illinois). The time of the gentleman from New York has expired.

(By unanimous consent, Mr. Horton was allowed to proceed for 5 additional minutes.)

Mr. HORTON. So all the agency could do under the Fuqua amendment is to come in with those papers and say, "We take this position, but we do not have any authority to do anything about it, at any stage."

I personally feel, and I think the majority of the members of the committee and the subcommittee have felt that this approach does not give the CPA sufficient authority and sufficient tools to do the job that is necessary. So again I want to emphasize that what we have tried to do is to draw a very fine line between one extreme that is proposed here by the Nader-Moorhead-Rosenthal approach to authorize the czar-type of approach, and the other type of approach, the Fuqua approach, where the supporters of this amendment merely want to permit the CPA to come in and put its arguments on the table and hope the host agency will take into account the position that is taken by the Consumer Protection Agency. I think in the latter instance, that is, in the Fuqua-amicus-curiae approach, that there are no teeth, that there is no ability for the CPA to be effective or to protect the consumer's interest.

So I hope when the votes come that you will vote against the Fuqua substitute and that you will vote against the Moorhead amendment and vote for the bill as it is presented.

Mrs. DWYER. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I yield to the gentlewoman from New Jersey.

Mrs. DWYER. I wish to associate myself with the remarks of the gentleman in the well.

Mr. Chairman, I regret I must oppose the amendment offered by the gentleman from Pennsylvania (Mr. Moorhead) who, together with the other sponsors of the amendment, has a long and valuable record as a friend of consumers. I oppose their effort, however, because I believe they are mistaken.

A calculated effort has been made to portray our bill as weak and ineffectual. I strongly disagree. Those who contend it is weak have announced they will offer a single key amendment designed to transform a weak bill into a strong bill. This is that amendment.

A careful examination of the proposed amendment will, I suggest, reveal how groundless are the contentions that the committee-reported bill is inadequate. The amendment, it is claimed, would clarify section 204(A)(2) in order to assure participation by the Consumer Protection Agency in proceedings which affect the consumer interest despite language excluding the Agency from participating in adjudications "seeking primarily to impose a fine, penalty, or forfeiture."

I am convinced, Mr. Chairman, the proposed amendment would not serve its stated purpose or any other constructive purpose. Experts in the administrative process rightly maintain that the term "fine, penalty, or forfeiture" encompasses only a small proportion of adjudications and that these seldom involve consumer interests. Moreover, I believe the committee has made it clear that in using this language, including the word "primarily," we intend that it be interpreted strictly so as not to exclude the Agency from proceedings affecting consumers and to apply only to situations where the presence of a "dual prosecutor" would endanger the interests of the public and the respondent.

Since proponents of the amendment express these same specific objectives, I see nothing their amendment would add to this section of the bill. On the other hand, it could detract, since it closely resembles a weakening amendment defeated by the committee and thus could confuse interpretation of the section.

The other purpose of the amendment, as stated by its authors, is to give the Consumer Protection Agency "some limited type of oversight" in the area of informal rulemaking and adjudicatory proceedings and in instances where other agencies fail to institute formal proceedings.

Again, Mr. Chairman, I contend that the committee bill already provides for this authority and that the amendment would add nothing to the powers of the proposed new Agency. For example, the Agency, under our bill, already may undertake reviews and investigations; it already may require information from Federal agencies; and it already may submit funding and recommendations to the Congress—whether or not the other Federal agencies follow its advice.

On both counts, therefore, the proposed amendment would be duplicative and thus unnecessary. Consequently, the only conclusion one can draw is the obvious one that the committee bill is already an effective instrument for representing the interests of consumers whenever or wherever decisions are made or policies established which are important to consumers. This is the objective of the sponsors of the amendment and this is the objective of the committee bill.

Similarly, Mr. Chairman, I rise in opposition to the Fuqua amendment.

It is all very well to talk about reason and fairness and moderation when it comes to protecting the operations of government and business. But it is high time that we consider the needs and interests of consumers in a fair and reasonable and equitable manner.

In order for the CPA to act effectively as the voice of consumers, it must have the ability to be heard. This can only occur if we give it strength. Authorizing the CPA to intervene as a party with the right to cross-examine, call witnesses, have information obtained for it, and appeal to the courts will provide this strength. Merely permitting the CPA to appear as a witness—perhaps I should say as a supplicant—is not enough.

To adopt the Fuqua amendment will undermine the CPA's authority. It will weaken the bill. Therefore, I must vote against this amendment.

Do not be misled by the siren calls of woe over the dangers of this power of the CPA to intervene.

The President's bill of last Congress conferred intervention authority upon the Justice Department at least as strong as we have in this bill.

The Erlenborn-Brown bill of this Congress, H.R. 3809, which the President at one time supported, conferred equally strong intervention authority upon the Federal Trade Commission.

The administration now supports the bill before you which includes intervention. The White House recognizes that only through intervention can the voice of consumers be heard.

We do not create a superagency by granting this intervention authority to the CPA, however.

First, the CPA shall only have the rights of every other party to a proceeding. Is it so unfair and unreasonable to give the consumers an equal right to be heard?

Second, the right to intervene must be done in conformity with rules of the agencies and the laws of the Nation. If, after observing the CPA in action, the Congress believes the CPA is exercising too great authority or misusing its authority, all it has to do is to amend the law. And, if Federal agencies believe the CPA is undermining the administrative process, all it has to do is to amend its rules and regulations.

I should further stress in line with point two that the ultimate decision rests with the Federal agencies and courts—not the CPA or any other party.

Third, we have incorporated many safeguards within the bill to protect all interested parties to a proceeding, including restrictions on the release of confidential information, the extent of subpena power, the dissemination of product-name data, the imposition of fines and penalties, the handling of complaints, and the testing of products.

Finally, to those who may argue that granting the CPA the right to intervene will further delay administrative proceedings which are already long and arduous let me remind the Members that existing delays are in no way the fault of consumers. Most delays are the fault of the parties to the proceedings themselves. If we are serious about building consumer protection into administrative proceedings, then we may except some little additional time to be expended. But, I feel confident that additional delay—if any—caused by the CPA's power to intervene will be minimal.

Mr. MONAGAN. Mr. Chairman, I rise in opposition to the substitute amendment.

Mr. Chairman, I wish to speak in opposition to the substitute that has been offered. The statement was made by the gentleman from Florida who offered it that we do not want a watchdog to bite our Government agencies. I suggest that we do want a watchdog. I believe that is the prime consideration here.

It is suggested that the proper way to act in this problem would be to talk to the agencies and tell them what they are doing wrong. In my judgment this is not sufficient. I believe that the inadequacy of the gentleman's substitute is that it does not put some element of compulsion into this relationship. We have seen over the years people telling these agencies that they were not doing enough, that they were doing wrong, or that they were failing to take necessary action, and we have had example after example of inadequate performance and failure to follow the proper course for the protection of the consumers of this country.

Either the bill itself or the amendment offered by the gentleman from Pennsylvania (Mr. MOORHEAD), I believe are preferable to the substitute amendment offered by the gentleman from Florida (Mr. FUQUA). His amendment involves "request," it involves the "notification of the agency," and it involves the "presentation of information." But the bill and the Moorhead amendment provide actual intervention, provide participation, provide for the entering of an appearance. In other words, they provide for some specific and definite participation in the deliberations and in the decisions of the agencies that are involved.

All of us are interested, of course, in reaching a legislative solution to this problem. The differences are really only in what the method should be. Each proposal represents a new and greater participation in or review of the operations of these agencies that are concerned with the consumer.

I join the others who have complimented our chairman, the gentleman from California (Mr. HOLIFIELD) for the work he has done in bringing this bill to the floor, and I deplore the character and type of attacks that have been made upon him in connection with this preparation of this bill.

Mr. Chairman, it is clear that instant substitute represents a softening of the provisions that are in the committee bill. I do not believe we want a softening. I believe that we want a strengthening of the rights of the consumer that would not be achieved by the substitute. I hope the substitute will be voted down.

Mr. HOLIFIELD. Mr. Chairman, I seek to arrive at a conclusion of the debate on the Fuqua amendment. As most of the Members know, there is an affair tonight for the Democrat Members of Congress downtown where we are the guests. If we could agree to vote on the Fuqua substitute, say, by 5 o'clock, we could rise and the leadership could close up the work of today by approximately 5:30 and still make the engagement.

Mr. ST GERMAIN. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Rhode Island.

Mr. ST GERMAIN. Mr. Chairman, would this preclude debate on the Moorhead amendment at the beginning of business tomorrow?

Mr. HOLIFIELD. No, it would not. If the Fuqua amendment is disposed of today, the first order of business would be the Moorhead amendment tomorrow, provided the Fuqua amendment is completed today.

Mr. ST GERMAIN. With the debate thereon?

Mr. HOLIFIELD. With the debate thereon.

The CHAIRMAN pro tempore (Mr. PRICE of Illinois). Is the gentleman from California making a unanimous-consent request that all debate on the Fuqua substitute amendment end at 5 o'clock?

Mr. HOLIFIELD. I so make that request, Mr. Chairman.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

Mr. KYL. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. HOLIFIELD. Mr. Chairman, I make the same request, but for 5:15 p.m.

The CHAIRMAN. I there objection to the request of the gentleman from California?

Mr. ERLENBORN. Mr. Chairman, reserving the right to object, I understand it is the request of the gentleman for unanimous consent that all debate on the Fuqua amendment close at 5:15 p.m. Is that correct?

Mr. HOLIFIELD. That is right.

Mr. ERLENBORN. For my own part, I believe debate should be limited on both at the same time. If the gentleman would amend his request to encompass both the Moorhead amendment and the Fuqua amendment I would not be constrained to object.

Mr. HOLIFIELD. I would not do that, because the Moorhead amendment is a principal amendment, as the gentleman knows, as is the Fuqua amendment. So far as this Member is concerned, they must be treated with fairness.

We are caught in a situation. If we cannot arrive at an agreement I will move that the committee rise at 5:15.

Mr. ERLENBORN. Under those circumstances, Mr. Chairman, I would be constrained to object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. REID of New York. Might I inquire of the gentleman, the understanding at the present time is——

Mr. HOLIFIELD. There is no understanding.

Mr. REID of New York. There would be no limitation of debate on the Moorhead amendment?

Mr. HOLIFIELD. I was trying to get an agreement. I did not get an agreement. I will let tomorrow take care of itself. The will of the House will prevail.

Mr. Chairman, I seek recognition on the Fuqua amendment.

The CHAIRMAN pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. HOLIFIELD. I thank the Chair for recognizing me.

I feel somewhat like the man who said, "Comes the revolution, they will stand me beside a cellophane wall and shoot at me from both sides."

I am being shot at from one side by the Fuqua adherents and from the other side by the Nader-Rosenthal-Moorhead adherents.

I will address my remarks at this time to the Fuqua amendment.

First I want to say I have the highest regard for my committee colleague and friend, the gentleman from Florida (Mr. FUQUA), but I must oppose his amendment—and I shall oppose the Moorhead amendment, too—because it would seriously weaken this bill and completely unbalance its carefully worked out structure. I am referring essentially to the amicus curiae proposal. Some of Mr. FUQUA's amendments taken by themselves would not be objectionable, but they are part of a package, and this package cannot be accepted by those who want a Consumer Protection Agency to do an effective job.

As I stated in my opening remarks yesterday, although I did not mention the gentleman by name, the amicus curiae amendment would, in effect, cause the Agency Administrator to have one hand tied behind his back, and with his hat in the other hand, to come before agencies to plead the consumer's cause. He would not be a party to any proceeding—rule making, adjudicatory, or court. He would not be able to cross-examine witnesses, call for books and records, and appeal adverse decisions, as any part to a proceeding is entitled to do under the Administrative Procedure Act, and which the Consumer Protection Agency would be entitled to do in the committee-approved bill.

I want to repeat that. He would not be allowed to have the usual privileges of a party to a proceeding under the Administrative Procedure Act.

We have an amicus curiae role provided in H.R. 10835, but it is a supplementary role. It is designed to insure that the Consumer Protection Agency would have access to Federal agency and court proceedings in those cases where otherwise it might be barred or had decided not to become a party to the proceeding.

In substance, what the amendment would do is to eliminate the central provision in the bill, the provision which permits the new consumer agency to intervene as a party in Federal agency proceedings where consumer interests are substantially affected and where it is shown that consumer interests are not otherwise adequately represented. The bill, as reported by our committee, confers this right of intervention on the Consumer Protection Agency. It only gives the Consumer Protection Agency the same appeal rights that the Administrative Procedure Act and other laws now give to citizens, corporations and other non-Federal parties.

The amicus curiae amendment was fully debated in the subcommittee and was defeated 8 to 4. It again was defeated in the full committee by a vote of 26 to 8. So this is an amendment that has been well considered. We feel that it should be defeated by the House Members if we are to have an effective consumer advocate.

Supporters of this amendment claim that it should be adopted for the purpose of giving the agency, and we quote,

> A realistic chance to achieve immediate results.

The amendment would, in fact, do exactly the opposite. Instead of giving the new agency adequate tools to achieve results, it would remove the most effective tool at the agency's disposal—giving it no more power than a public interest group appearing as amicus curiae would have—the power to submit an argument in an administrative proceeding, with the hope that the agency will take it into consideration before deciding the issue.

The amendment would seriously weaken the very carefully safeguarded right of intervention granted in H.R. 10835. It would make the consumer agency come, hat in hand, to plead the consumer's cause without the rights a party would have to obtain judicial review, or cross-examine witnesses, or to have discovery privileges which are now accorded to other parties in Federal administrative proceedings.

This amendment would leave an agency created to represent all American consumers in no better position—and in some cases in a worse position—than public interest groups who now intervene in agency proceedings under existing law.

The letter circulated by our colleague, Mr. FUQUA, contains a chart listing over 91 different categories of proceedings in 16 different agencies which could conceivably give rise to consumer interests, and thus, be participated in by the Consumer Protection Agency.

This chart, if anything, demonstrates the need for a strong, central, and independent agency which can monitor these far-flung Federal activities which affect consumers. Our committee found that Federal agencies are not adequately protecting consumer interests. Agencies lack adequate information about the impact of their decisions on consumers. Remember, many of these agencies work in a very small field and they do not know what is happening in other agencies.

Most serious, we found that relationships between those doing the regulating and those subject to regulation have become too close, leaving open to serious question the fairness and objectivity of many agency decisions where consumer interests are involved.

It must not be forgotten that consumer interests are the common interests in fairness, safety, and value of all 207 million Americans.

To merely permit the Consumer Protection Agency to come before a Federal proceeding as an interested observer to voice his sentiments without the ability to participate fully or to challenge harmful decisions would be to weaken the new agency, defraud the consumer and jeopardize even further public confidence in Government.

For these reasons, we urge you to join us in opposing the Fuqua or amicus curiae amendment on the floor today. We hope that Members who consider themselves true friends of the consumer will vote against the amicus curiae amendment.

Mr. ST GERMAIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I, too, wish to first begin by commending the chairman of the full committee for his fairness and his diligence in bringing this legislation to the floor of the House. As he stated on previous occasions during the markup sessions of the subcommittee and the full committee, his primary objective was to bring to the floor successfully a piece of legislation that would be acceptable to the members of the Rules Committee. The very fact that we are here this afternoon and were here yesterday debating the bill proves that he met with success in this aim.

However, there are those of us like myself who voted "present" at the time we reported the bill from the committee, and who, nonetheless still feel that the legislation is by no means strong enough to do the job that it must do.

Now, as to the substitute amendment which has been offered by the gentleman from Florida (Mr. FUQUA), I do not wish to talk about any czars. It is my opinion that we can stay away from anything like that. But the fact of the matter is that it is nothing, more or less, than allowing the agency to go in as amicus curiae, sit there with its hands folded and its lips sealed, and that is the end of it. For too many years now there has been an empty seat for this consumer in each and everyone of these proceedings. On the one hand you have the agency sitting in an adjudicatory capacity and out front you have the band of lawyers, the scientists, experts and the statisticians. However, in the other seat, marked "consumer," there is no one. Over the years who has been sitting there to represent the consumer? I commend to you an article which appeared in the last issue of the Washingtonian magazine, that discusses one of the high-powered super law firms and they call it Covington or something or other—they call it "C&B". The disdain, the utter disdain with which the members of this firm look upon the regulatory agencies is apparent. This firm as a matter of fact has kept the Geritol case going for 10 years and I am sure has been able to do so through slick legalistic maneuvering.

You know that the Supreme Court of the United States finally declared that every criminal has a right to be represented. All we are asking here is that every consumer have a right to be represented. If we are to pay a legal firm for representing a criminal or an individual charged with a criminal act, why can we not provide to the consumer, representation before these agencies?

In all of the years that all of us here today have been in the Congress, there has never been as important an issue as this particular piece of legislation now pending before us today.

The fact of the matter is that this bill is not designed for any minority group, it is not designed for any economic level group. It is designed for each and every American—your wife, your husband, your children, and your grandchildren, who are all consumers.

Mr. Chairman, I oppose the Fuqua amendment because of the obvious reason that it is a "paper tiger."

I supported and am a cosponsor of the Moorhead amendment because it will do for the consumer that which has to be done. It will give the tiger some teeth. Why should General Motors and General Electric and American Motors and Squibb and all the others, Bristol-Myers, fear this legislation. Why has business lobbied so strongly against it? One reason is that they have had their way over the years, and they do not want change. If they stand behind the product they sell, if they feel their advertising is legitimate and tells the true story, what fears should they have over a consumer protection agency? The giant firms should be happy about it. This would keep out the small and unethical firms. If they are ethical, if they are doing the job, they should agree to this.

In closing, I say remember that you represent the consumers. You are not elected by General Electric, American Motors, or General Motors, or Squibb.

The CHAIRMAN. The time of the gentleman from Rhode Island has expired.

Mr. BUCHANAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Fuqua substitute amendment.

Mr. Chairman, the gentleman immediately preceding me has referred to an empty chair. I am concerned about some empty chairs in this Chamber today, not those of Members who are absent, but of important voices in this Government who are not fully represented here.

You have heard the clamor from those who are concerned that this bill is not strong enough. I would say that the chairman and the members of the subcommittee are to be commended for reporting a bill that is as good as it is. But I would say in the opinion of many people in various agencies of this Government that this bill in one respect is too strong, and that is in that we are saying to agencies and departments with which we have entrusted important aspects of the public interest, we are saying if we pass the Moorhead amendment, if we turn down the Fuqua amendment, we are issuing a vote of no confidence in you to protect the public interest in your bailiwick. We are saying to the committees of this Congress we are casting a vote of no confidence in your ability to protect the public interest, and the consumer interest in those areas where your committee has jurisdiction.

We are, in fact, giving to a specific agency of Government which is charged with stewardship for one aspect of the public interest which, we will call the consumer interest, the power to take other agencies into court to seek to overturn decisions made by agencies with great expertise and experience in protecting various aspects of the public interest.

It would seem to me that this Congress needs to look carefully at what we would do today. With the crowded court dockets, if we would transfer to the Federal judiciary the ultimate decision through a challenge from the Government for decisions of the FPC, the FCC, and all the other departments and agencies, then I say that we will be creating chaos in this Government.

Again I say that with the crowded present dockets of the Federal judiciary we may find that the Government is in a hopeless bottleneck in reaching decisions on vital matters of public interest because of either passage of the Moorhead amendment or the turning down of the Fuqua substitute amendment.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Ohio (Mr. Bow), the distinguished ranking member on the Committee on Appropriations.

Mr. BOW. Mr. Chairman, I appreciate the gentleman from Alabama yielding to me, and I would say to my colleague, the gentleman in the well, that in the early consideration of this bill he brought the matter to my attention in seeking and trying to find from the appropriation end what effect this bill might have. I did do that, and I received a number of replies from agencies. My concern, and the reason I am supporting the substitute amendment, is the great cost that would be involved in some of these proceedings that seem to be unnecessary. The departments that will be affected are rather amazing, and I have excerpts of these in my hand, but I will not read all of them, but as an example here is the Department of Agriculture, Consumer Marketing Service, Food Nutrition Service, Department of Health, Education, and Welfare, a whole list of the agencies that will be affected by such intervention.

Also in the field of education, there are a number of educational programs that we have in which they can intervene and which will slow down the proceedings and will be very costly to the consumers.

The Department of the Interior is involved in this. The Maritime Commission and the Atomic Energy Commission is involved in this. Surprisingly enough, there will be interventions in that.

If Members are interested, I would be very glad to supply some of these overnight, some of these replies that I have received from agencies. It is very important, it seems to me, that we give careful consideration as to what we are doing.

I believe the substitute amendment offered by the gentleman from Florida is a good substitute and should be adopted, and I will support it because of the replies I have received from these agencies which I requested, with the gentleman now in the well.

Mr. BUCHANAN. Mr. Chairman, I thank the gentleman for his remarks.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I want to ask the date of those letters because, as I understood it, the information that the gentleman from Ohio, the ranking member of the Committee on Appropriations, read—those letters were letters in reply to an earlier version of the bill that was before the committee.

The question I am asking is: When were these letters obtained?

Mr. BUCHANAN. I have analyzed these and can submit them when I obtain permission. They will be put in the RECORD. The letters that do not apply will be eliminated. If the gentleman from Ohio will be good enough, I think we can probably supply only those responses that would now be pertinent to the present legislation—but not those whose applicability has changed with the changes which have, in fact, been made by amendments to the original legislation.

The letters from Federal agencies—and I speak here only of those portions of the letters which refer to intervention or participation by the Consumer Protection Agency—may be quickly divided into two groups. The first group contains descriptions of those Federal agency proceedings that would appear to be subject to attack by the CPA under the present bill. In this group are the following agencies:

Atomic Energy Commission.
Civil Aeronautics Board.
Department of Agriculture.
Department of Health, Education, and Welfare.
Department of Housing and Urban Development.
Department of the Interior.
Federal Communications Commission.
Federal Maritime Commission.
Interstate Commerce Commission.

This second group contains descriptions of proceedings which may or may not be subject to attack, depending upon your interpretation of the bill as interpreted in the committee report. In light of the exceedingly liberal interpretation given to section 204 on page 10 of the committee report, we must assume that the intent of the committee is to make intervention or participation applicable to any proceeding that is affected by any provision falling within chapter 5, title V of the United States Code. If this is the case, the courts would probably hold that the following proceedings are subject to CPA attack. But neither I, nor anyone else at this point, can be sure that they are or are not intended to be, or actually are, covered by the present section 204 (a). In this doubtful group are the proceedings of the following agencies:

Department of Defense.

Department of Labor.

Federal Mediation and Conciliation Board.

Tariff Commission.

The entire correspondence follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 28, 1971.

Hon. FRANK T. BOW,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BOW: This is in reply to your letter of April 14, 1971, requesting certain information relative to the administration of H.R. 14 which is now pending before the Government Operations Committee.

H.R. 14, which would establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency, is currently being reviewed in the Executive Branch. As soon as this review is completed, a report will be sent to the Committee on Government Operations on the bill's relationship to the President's program. As you know, the administration opposes the creation of a new separate agency and prefers the provisions of H.R. 3809 to those of H.R. 14.

Our comments relative to hearings, proceedings and other activities this Department conducts which might affect the interests of consumers are outlined in the attached statement. We hope this information will be beneficial to you in your study of H.R. 14 and related bills. If we may be of additional assistance, please let us know.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD LYNG,
Assistant Secretary.

STATEMENT BY USDA ON HEARINGS, PROCEEDINGS AND OTHER ACTIVITIES AFFECTING CONSUMER INTEREST

The Consumer and Marketing Service is involved in hundreds of proceedings (hearings, investigations, and formal and informal rulemaking proceedings) each year in connection with its regulatory and service programs. Programs which have consumer impact include (1) establishing minimum prices under milk marketing orders; (2) regulation of size, quality, quantity and other conditions of sale under marketing orders for other commodities and, for specified commodities, grade, size, quality and maturity requirements on imports if the domestic commodity is regulated; (3) regulation of the inspection of meat, egg products, and poultry products to determine whether the products are wholesome and otherwise not adulterated and properly labeled; (4) establishment of voluntary grade and quality standards for all principal agricultural commodities; (5) representation in agricultural transportation rate and service cases; and (6) enforcement of fair trading practices under statutes involving perishable agricultural commodities (Perishable Agricultural Commodities Act), seed (Federal Seed Act), warehousing (U.S. Warehouse Act), and members of cooperatives (Agricultural Fair Practices Act).

Food and Nutrition Service activities affect the interests of consumers who are primarily families in economic need and children. Federal regulations are currently in effect for the National School Lunch Program, the Special Milk Program, the School Breakfast Program, the Nonfood Assistance (Food Service Equipment) Program, the Special Food Service Program for Children, the Commodity Distribution Program, and the Food Stamp Program. Under current policy in FNS, significant changes in program regulations are issued in proposed form for public comment prior to their issuance in final form. In recent years, class actions have brought in Federal courts by program participants and other challenging various program provisions and policies with respect to several of these food programs.

The Agricultural Research Service conducts the licensing, testing, and inspection of veterinary biologics as a protection of consumer interests. Labels are reviewed to make certain adequate information is furnished the consumer and assure that labeling is not false and misleading. Inspection and testing of products and licensed establishments are conducted to assure the consumer of a safe and effective product. Regulatory actions are taken when violations occur. Hearings are held to bring about compliance or to suspend or revoke a license. Criminal proceedings are invoked if an unlicensed manufacturer moves his product in interstate commerce.

In the activities of the *Packers and Stockyards Administration,* consumer interests arise in the agency's surveys of advertising and other representations made by meat packers to assure that they are not false or misleading to consumers. The agency protects the consumer by providing expertise to evaluate claims of quality, nutritional benefits, and grade and origin of livestock, meats and meat products. False advertising, including bait-and-switch advertising or other misrepresentation of grade or quality of meats and meat products, may result in investigation of such practices, issuance of complaint and administrative hearings. In the event of a finding adverse to the meat packer, an administrative cease and desist order is issued. Violation of this order may result in criminal proceedings against the violator.

The Commodity Exchange Authority, which regulates future trading in specified commodities protects consumer interest in two ways: first, by protecting the market and, second, by protecting individual traders in the market. By suppressing price manipulation and excessive speculation, the Agency seeks to make certain that market prices are true reflections of supply and demand conditions. This enables producers, merchandisers and processors to use the futures market for hedging operations. Such hedging operations reduce marketing costs and, thus, resulting in lower prices to consumers. The Agency protects individual traders by setting minimum financial standards for brokerage firms, requiring trust-fund treatment of customers' funds and protecting against fraud and deceit or illegal trading practices on the commodity futures markets. In the course of its activities, the Agency is involved in numerous disciplinary and rulemaking proceedings in which provision for public hearings is provided.

Most of the hearings and cases in which the *Forest Service* is involved have only indirect consumer impact. Such actions are usually for the purpose of preventing the Forest Service from making products and services available to consumers to the detriment of National Forest System amenities such as scenic beauty and solitude.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., July 21, 1971.

Hon. FRANK T. BOW,
House of Representatives.

DEAR MR. BOW: I am pleased to reply to your letter of June 21, 1971, concerning H.R. 14, the "Consumer Protection Act of 1971." As we understand the bill, it would authorize the consumer agency to intervene to represent consumer interests in any Federal agency investigation, hearing, or other proceeding, other than a proceeding solely for the purpose of imposing a fine or other penalty for violation of a Federal statute or any rule, order or decree promulgated thereunder, upon a determination by the consumer agency that (1) the proceeding may result in substantially affecting consumers' interests and (2) the consumers' interests may not be adequately protected without such intervention. The proposed legislation would also permit the consumer agency, as to proceedings in which it had intervened to represent the consumers' interests, to assert the interests of consumers in any Federal court proceeding to review the action of the Federal agency, and to institute such review proceeding when right of judicial review is otherwise accorded by statute.

You specifically asked for a descriptive listing of all AEC investigations, hearings, or other proceedings of the AEC which a consumer advocate might consider as resulting in affecting consumers' interests. We have tried to interpret the term "consumers' interests" broadly and, therefore, as including other than economic interests. However, in so doing, we have some difficulty in distinguishing "consumers' interests" from those of the general public.

The AEC is assigned responsibility under the Atomic Energy Act of 1954 for the licensing and regulation of the use of certain radioactive materials—source material, byproduct material and special nuclear material (sections 53, 63, 81), licensing and regulation of production and utilization facilities, including power reactors (sections 103, 104), and licensing of facility operators (section 107). The Commission's substantive regulatory jurisdiction over these matters under the Atomic Energy Act of 1954 is limited essentially to matters of radiological health and safety and the common defense and security. However, in the case of power reactors, the Atomic Energy Act also assigned to the AEC certain responsibilities with respect to the impact of the licensed activity vis-a-vis the antitrust laws (section 105). The AEC has no authority to set or approve rates for power produced from licensed power reactors, although AEC is required to give notice in writing to any regulatory agency having jurisdiction over the rates and services incident to the operation of a power reactor before issuing a license (section 182 c.).

The National Environmental Policy Act of 1969 added to the Commission's responsibilities that of considering the *environmental* impact of its major actions affecting the quality of the human environment, such as power reactor licensing. The Water Quality Improvement Act of 1970 gave the AEC additional specific responsibilities with respect to the water quality aspects of proposed licensed activities involving discharges into navigable waters.

The Atomic Energy Act also gives the AEC authority to determine reasonable royalty fees, under sections 153 a. and 153 e. of the Act, for privately-owned patents affected with the public interest because (1) the invention is of primary importance in the production or utilization of special nuclear material or atomic energy and (2) the licensing of the invention is of primary importance to effectuate the policies and purpose of the Act.

AEC proceedings which are probably of the greatest interest to the consumers are those for the issuance of licenses to construct and operate power and test reactors (the larger nuclear reactors). Under section 189 of the Atomic Energy Act, proceedings for the issuance of such licenses are subject to a mandatory public hearing at the construction permit stage, even if no one has requested such a hearing. Any person whose interest may be affected may become a party to such licensing proceeding. In addition, such a person may request a hearing and be admitted as a party in any other facility or materials licensing proceeding. Few requests for hearings have been made in the latter categories of licensing proceedings.

Within the context of the above description of AEC's statutory responsibilities, the following AEC proceedings could be considered as having an effect on "consumers' interests" as broadly interpreted to include "public health and safety interests" and "environmental interests" as well as economic interests:

1. Proceedings, including hearings, for the issuance of construction permits or operating licenses for nuclear power reactors, testing reactors, research reactors, and fuel reprocessing plants.

2. Proceedings, including hearings, where appropriate, for the issuance of licenses for possession and use of special nuclear material, source material, and byproduct material. This category would include licenses for the disposal of waste radioactive material, the licensed operation of radioactive waste burial grounds, some licenses to manufacture products containing radioactive material, and some licenses for shipment of such radioactive material.

3. Proceedings for the issuance or amendment of regulations pertaining to the issuance of licenses, or the conduct of licensed activities, included in categories 1 and 2 above.

4. Proceedings for the determination of reasonable royalty fees for patents affected by a public interest, including hearings when requested.

Other Commission activities, including the conduct of Plowshare experiments and the operation of waste repositories, such as that contemplated in Kansas, are not the subject of formal investigations or hearings, since they are conducted by the Commission in its proprietary capacity. Accordingly, there would be no formalized administrative mechanism for the representation of "consumers' interests" in the planning for and execution of these AEC functions. If you should wish the AEC to expand on the description of any of the categories of proceedings listed above, I shall be happy to submit such expanded descriptions.

Cordially,

GLENN SCALES,
Chairman.

CIVIL AERONAUTICS BOARD,
Washington, D.C., April 23, 1971.

Hon. FRANK T. BOW,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BOW: This is in reply to your letter of April 14, 1971, enclosing a copy of H.R. 14, which is to be the subject of hearings scheduled to commence on April 27. The bill, among other things, creates a Consumer Protection Agency as an independent agency within the executive branch. The Agency would be authorized to intervene in Board proceedings on behalf of consumers where it finds that such proceedings may substantially affect the interests of consumers.

You express the view that the Congress should assess the impact of the intervention and appeal powers on Federal agencies before developing a position on the bill, and state that you are concerned as to how the bill would affect the Board's ability to carry out its responsibilities. You request a listing of Board hearings, investigations or other proceedings which may result in substantially affecting the "interests" of consumers.

The Federal Aviation Act imposes the duty upon the Board to regulate the air transportation system in the overall public interest, and many of its regulations and actions are specifically concerned with individual consumer interests. As is apparent from the enclosed copy of the Board's current "Calendar of Prehearing Conferences, Hearings and Arguments," the interests of consumers would be directly or indirectly affected by virtually all of such proceedings. Under the Board's regulations, consumers or their representatives may, where appropriate, intervene in these proceedings or challenge the Board's action therein in the courts.

In reporting on prior legislation containing provisions similar to those contained in H.R. 14, the Board has taken the position that although it would be affected by the enactment of legislation which would add persons or agencies to those authorized to participate on behalf of consumers in Board proceedings, it did not object to this. In this connection, the Board has been requested by the Committee on Government Operations to submit its views on H.R. 14, and the related bills which will be the subject of the hearings. A report on these bills is being prepared which will comment in detail on the effect of the bills' provisions on the Board's responsibilities.

If I can be of further assistance, please do not hesitate to let me know.

Sincerely,

SAM D. BROWN,
Chairman.

CIVIL AERONAUTICS BOARD—CALENDAR OF PREHEARING CONFERENCE, HEARINGS, AND ARGUMENTS

Docket	Case	Examiner	Date	Room
23268	Iberia Air Lines of Spain	Present	Apr. 19, 1971	503
9977	Mutual Aid Pact	do	Apr. 20, 1971	805
21474	Investigation of Premium Rates for Live Animals and Birds.	Sornson	Apr. 27, 1971	911
23062	Air Congo—Foreign Air Carrier Permit	Keith	May 10, 1971	503
19078	Northeast Corridor VTOL Investigation	Dapper	May 11, 1971	726
22387	Air Express Rates Investigation	Shapiro	(1)	
23268	Iberia Air Lines of Spain	Present	Apr. 19, 1971	503
23045	Air Nauru	Park	Apr. 20, 1971	503
22871	Latin American Routes Stopover Authority Investigation.	Schneider	do	911
13896 13157	Empresa Guatemalteca de Aviacion (AVIATECA).	Faulk	Apr. 23, 1971	805
22374	Piedmont Aviation, Inc.—Deletion of Elizabeth City, N.C.	Dapper	Apr. 28, 1971	805
22307	American Flyers Airline Corp., Charter Consultants, Inc., Fred Meyrow, et al.	Cusick	May 3, 1971	805
22301	Piedmont Aviation, Inc.—Deletion of Southern Pines/Pinehurst/Aberdeen, N.C.	Dapper	May 4, 1971	911
22956	Chicago-Acapulco Nonstop Service Investigation.	Park	May 5, 1971	805
23041	Cayman Airways, Ltd	Murphy	May 6, 1971	
23062	Air Congo—Foreign Air Carrier Permit	Keith	May 10, 1971	503
22508	Mainland-Ponce Service Investigation	Goldberg	May 11, 1971	(2)
21790	Western Alaska Airlines, Inc., and Alaska Aircraft Leasing Co., Inc.	Sornson	May 20, 1971	
23040	Tampa-Mexico City Nonstop Service Investigation.	Hartsock	May 25, 1971	
22916	American-Western Merger Case	Madden	June 8, 1961	
11866-9	Domestic Passenger Fare Investigation	Johnson	June 15, 1971	
23072	Luftverkehrsunternehmen Atlantis A.G	Fitzmaurice	June 22, 1971	
22388	Express Service Investigation	Keith	July 6, 1971	
20522	IATA North Atlantic Cargo Rates	Cusick	July 27, 1971	
17665	Reopened Washington/Baltimore Helicopter Service Investigation	Cusick	Aug. 16, 1971	
20472	Mohawk Segments 8 and 9 Renewal Case		Apr. 21, 1971	1027
20826	Alaska Service Investigation		Apr. 28, 1971	1027
21288	Airlift-Canadian Airlift Agreement		May 5, 1971	1027

[1] Recessed.

[2] Ponce, P.R.

CIVIL AERONAUTICS BOARD,
Washington, D.C., May 6, 1971.

Hon. CHET HOLIFIELD,
Chairman, Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your letters requesting the Board's views on H.R. 14, H.R. 254, H.R. 1015, and H.R. 3809 which would create various Government organizations for the promotion and protection of consumer interests.

H.R. 14 would establish an Office of Consumer Affairs within the Executive Office of the President. In addition, a Consumer Protection Agency would be created as an independent agency within the executive branch. Also, a Presidentially appointed Consumer Advisory Council would be established for the purpose of advising the Office and the Agency. Like H.R. 14, H.R. 3809 would establish an Office of Consumer Affairs in the Executive Office of the President. However, unlike such bill, H.R. 3809 would establish a Bureau of Consumer Protection in the Federal Trade Commission (rather than an independent Consumer Protection Agency), and would not provide for the creation of an Advisory Council. In contrast, both H.R. 254 and H.R. 1015 would establish a new Department of the executive branch of the Government to be known as the Department of Consumer Affairs. H.R. 1015 differs principally from H.R. 254 in that among the functions, powers and duties which would be transferred to the Department would be those under title I (Truth-in-Lending) of the Consumer Credit Protection Act. In the promotion and protection of consumer interests, the Consumer Protection Agency, the Bureau of Consumer Protection and the Department of Consumer Affairs would be authorized, among other things, to intervene in Board proceedings and to challenge Board orders in the courts on behalf of consumers.

The Board has previously submitted reports to your Committee on "consumer protection" bills (H.R. 6037 and H.R. 14758) in 1969 and 1970 containing provisions essentially similar to those in the current bills. As we there noted, the Federal Aviation Act imposes the duty on the Board to regulate the air transportation system in the overall public interest, and many of the Board's regulations and actions are specifically concerned with the individual consumer interests. Furthermore, where appropriate, the Act and the Board's regulations permit consumers or persons representing them to invoke the Board's processes, to intervene in Board proceedings, or to challenge the Board's action in the courts. Although the effect of the provisions of the bills could be to add other parties to those persons authorized to participate on behalf of consumers in Board proceedings, the Board does not object to these provisions.

On the contrary, the Board considers appropriate representation of broad consumer interests to be an important factor in facilitating the exercise of its responsibilities to promote the public interest. Thus, last October we appointed an Air Transportation Industry-Consumer Affairs Advisory Group. This Group of representatives of consumer interests advises the Board with respect to matters, other than those pending before the Board, affecting the interest of consumers in the performance of air transportation. In addition, last December the Board created a Consumer Affairs Office within its internal staff organization. Creation of this Office is designed to insure better handling of communications from air transportation users, and should contribute materially to improved service to the public. The Board continues, nevertheless, to defer to the views of other agencies more directly concerned with the representation of consumer interests as to whether the proposed new agencies constitute the best means for facilitating representation of consumer interests.

The Board opposes, however, the proposed transfer by H.R. 1015 of its functions, powers and duties under the Truth-in-Lending Act to the Department proposed to be established. The Board is presently vested with responsibility for enforcement of the provisions of the Truth-in-Lending Act (82 Stat. 146) with respect to air carriers and foreign air carriers subject to the Federal Aviation Act of 1958. As the Board pointed out in its report on a bill (H.R. 6037) containing similar provisions, primary responsibility for the practices and procedures of air carriers and foreign air carriers subject to the Federal Aviation Act rests in the Board, and a violation by such carriers of the requirements of the Truth-in-Lending provisions would also constitute an "unfair or deceptive practice" within the meaning of section 411 of the Federal Aviation Act.

The Board has been advised by the Office of Management and Budget that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

WHITNEY GILLILLAND,
Acting Chairman.

OFFICE OF THE ASSISTANT
SECRETARY OF DEFENSE,
Washington, D.C., August 13, 1971.

Hon. FRANK T. BOW,
House of Representatives,
Washington, D.C.

DEAR MR. BOW: This is in reply to your letter of 3 August 1971 requesting a descriptive listing of all hearings, investigations or other proceedings of the Department of Defense which could be construed as substantially affecting the interests of consumers so as to justify intervention by the proposed Consumer Protection Agency under H.R. 14, 92nd Congress.

Section 204(a) of the bill would empower the Consumer Protection Agency to intervene in "any investigation, hearing, or other proceeding" not involving an adjudication for the purpose of imposing a penalty for violation of a statute or regulation, if the result of such investigation, hearing or other proceeding may substantially affect the interests of consumers which may not be adequately protected unless the Agency intervenes. It appears to us that the intent and thrust of this bill is addressed to the kind of proceedings customarily engaged in by regulatory agencies, such as rate making and licensing proceedings, which have a direct and clear relationship to and affect the interests of consumers. However, since H.R. 14 does not define "the interests of the consumers," it would appear possible that, if this phrase were to be very broadly interpreted, it could be construed as authorizing intervention in several DOD investigative-type activities, although we believe that only very few might be susceptible to such action. These include the following:

a. Industrial Security—security clearances of defense plants.

b. Inspection Service—inspections of delivered purchased items or services to make sure that they meet contract specifications.

c. Pre-award Survey — determinations whether companies have the capability to perform work described in contract solicitations.

d. Nonappropriated Fund Activities—investigations of contractors or concessionnaires dealing with the Army and Air Force Exchange Service, the Navy Exchange or other nonappropriated fund activities of all the Military Departments.

e. Surgeon General—inspection responsibilities relating to the health of the military personnel of each Service. The Veterinary Service, under the Surgeon General, liaisons with the Departments of State, Agriculture, Health, Education & Welfare and other federal and civilian agencies and professional organizations on matters including food service inspection, food sanitation, and related activites.

Section 204(b) of the bill empowers the Consumer Protection Agency to intervene in certain types of adjudicative proceedings. Department of Defense contract adjudications conducted by the Armed Services Board of Contract Appeals (ASBCA) could arguably qualify under this section. However, it is doubtful that an appearance by the consumer organization would serve any useful purpose. These appeals are based upon provisions in defense contracts wherein the parties agree that disputes between the contractor and the contracting officer will be referred to the Board as the Secretary's representative for decision. The decision of the Board must therefore necessarily be governed by the terms of the contract being reviewed. Review of ASBCA decisions in the courts is likewise restricted to the issues raised under the contract. This is in contrast to adjudicatory proceedings in certain regulatory agencies (e.g., Interstate Commerce Commission, Federal Trade Commission) where intervention or investigation on behalf of the consumer interest could have a bearing upon the outcome of the matter to be decided.

Section 207(b) of the bill would authorize the Consumer Protection Agency to direct the Department of Defense to utilize its testing facilities and staff expertise to test products offered for sale or intended for sale by a manufacturer. This provision would adversely affect our capability for the timely testing of defense material and equipment for our armed forces. It is not believed that our test facilities and personnel should be utilized in the testing of consumer products.

I trust that the above information is responsive to your request.

Sincerely,

J. M. MALLOY,
Deputy Assistant Secretary of Defense (Procurement).

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., April 26, 1971.

Hon. FRANK T. BOW,
House of Representatives,
Washington, D.C.

DEAR MR. BOW: This is in reply to your letter of April 14, 1971, concerning H.R. 14. The Commission is in the process of preparing comments on this and other consumer bills and will send you a copy of our views at the same time they are forwarded to the Committee.

In an effort to provide you with some information which may be helpful at this time, however, let me make a few personal observations on the questions posed in your letter.

As you know, the Commission has broad authority to regulate radio in the "public interest, convenience, and necessity." Everything we do, therefore, is in the "public interest." If we interpret the provisions of H.R. 14 broadly, as you suggest, then you could contend that everything the Federal Communications Commission does affects the "interest of consumers." The decision of the consumer advocate as to when to intervene in our proceedings would then seem to turn on how "substantially" the proceeding affects interests of consumers.

Clearly in an area such as setting rates for telephone and telegraph, the Commission's actions are substantially affecting persons as "consumers" of services. As you move to other areas, such as broadcast matters, then a determination would need to be made as to whether listeners to radio and viewers of television are "consumers" of the programming fare offered.

Perhaps the enclosed listing of major matters pending before the Commission as of December 31, 1970 will be of aid to you in your deliberations. Certainly everything listed in that document will arguably have substantial impact upon the public or some segment thereof.

I should note just briefly the other aspect of the test as to whether a consumer advocate intervenes in a proceeding and that is his determination that the interest of consumers may not be adequately protected unless he does so. Again, the Commission does make its determinations on what it believes to be in the public interest. I recognize, of course, that the parties to many proceedings are those who are most concerned with one or another private interest.

The general public has in recent years become more aware of and more vocal and frequent participants in a number of Commission proceedings particularly in the broadcast area.

I expect our comments on the bill itself will expand upon these concepts after I have received the benefit of the views of my colleagues. Meanwhile, if we can be of further help, please let us know.

Sincerely,

DEAN EURCH, *Chairman.*

FEDERAL MARITIME COMMISSION,
Washington, D.C., April 20, 1971.

Hon. FRANK T. BOW,
House of Representatives,
Washington, D.C.

DEAR MR. BOW: I have your letter of April 14, 1971, to Chairman Bentley requesting a descriptive listing of proceedings before this agency which might result in substantially affecting the interests of consumers as described in H.R. 14, a bill which, among other objectives, would establish an Office of Consumer Affairs within the executive branch. In the absence of Chairman Bentley on official business, I am replying to your inquiry.

As you note, the bill appears to give a rather broad interpretation to "consumers interests". Accordingly, our proceedings have been reviewed with a view towards extracting those which might possibly have an effect on the person who *ultimately* purchases products which are shipped in waterborne commerce. It is conceded that this might not be particularly illuminative in every case. As an example, the most direct effect on consumers would come about as a result of a rate proceeding. In classic theory, the carrier will raise ocean rates which will then produce a domino effect resulting in an increase in the ultimate retail cost of a product. This is not always the case, however, since competitive pressures, size of the increase, etc., may cause one or more of the intermediate marketing agencies to absorb the increase. The cause and effect relationship might become more remote in other fields.

Nevertheless, a review has been made of all proceedings pending in the Commission as of April 1, 1971. On that date 86 cases were in the process of litigation. Forty-five proceedings were eliminated as being essentially private disputes or Commission investigations on narrow issues. A description of the remaining 41 proceedings is attached.

I trust this information will be of assistance to you.

Sincerely yours,

ASHTON C. BARRETT,
Vice Chairman.

FMC Proceedings Affecting "Consumers' Interests" Within the Context of H.R. 14, 92d Congress, First Session

Dockets 65–39, 65–46, and 69–28. These proceedings involve attempts to reduce problems relating to trucking at New York terminals. The result could be a diminution in the cost of doing business at New York which might be reflected in lower carrier rates.

Docket 68–8. This proceeding involves an intermodal service of Container Marine Lines which, it is claimed, could result in improved service to shippers.

Docket 68–44. This proceeding involves alleged malpractices in the Brazilian trade. Should malpractices be found to exist, their elimination might tend to stabilize rates.

Docket 69–5. This proceeding involves a proposed terminal lease agreement at San Francisco which purports to be the first step in a port-wide improvement plan. Conceivably, this could result in greater volume and lower rates.

Dockets 69–10, 69–23, 70–1, 70–1 (Sub. 1), 70–6, 70–23, 70–28, and 71–30. These are rate investigations in the Puerto Rican trade. Their potential effect on consumers is self-evident.

Docket 69–55. This is a rate proceeding in the Alaskan trade.

Dockets 69–56 and 70–51. These are proceedings involving proposed charter and merger between Sea-Land Service and United States Lines. Their approval might have an effect on rate structures in many of our trades.

Dockets 69–57, 71–2, 71–8, and 71–26. These proceedings involve the proposed plan of the New York Shipping Association to fund its obligations to the International Longshoremen's Association. This could have an effect on rate structures.

Docket 69–58. This proceeding involves the approval of a proposed agreement between containership operators in the North Atlantic trade. Its approval could affect rate structures in that trade.

Dockets 70–11, 70–18, and 70–19. These proceedings involve alleged diversion of cargo from West Coast ports. If unlawful diversion is shown, there might be an effect on rate structures.

Dockets 70–21, 71–13, 71–18, 71–20, 71–21, 71–23, and 71–24. These are rate proceedings in the domestic Pacific trade.

Dockets 70–48, 70–49, 70–52, 71–1 and 71–3. These are proceedings in which certain North Atlantic carriers have been directed to show cause why certain of their rates should not be cancelled or altered in view of the fact that inbound rates appear to be considerably below outbound rates on similar commodities. Decisions in these proceedings could have an effect on rate structures.

Docket 70–50. This proceeding involves an investigation of terminal practices at Seattle. Decision in this matter could affect the cost of doing business through that port.

Docket 71–17. This proceeding involves the failure of carriers to apply bunker oil surcharges on military cargo and thus, apparently, burdening nonmilitary cargoes. Decision in this matter could have an effect on rate structures.

Docket 71–22. This proceeding involves proposed increases in the Commission's user charges and fees. Many parties contend that this will increase their costs to such an extent that rate increases will be necessary.

Docket 71–28. This proceeding involves an increase on wine and spirits imports proposed by the North Atlantic Westbound Freight Association.

Federal Mediation and
Conciliation Service,

Hon. Frank T. Bow,
House of Representatives,
Washington, D.C.

Dear Congressman Bow: Thank you for your informative letter regarding Congressman Benjamin Rosenthal's Bill, H.R. 14, and your expressed concern of its possible effects upon the work of the Federal Mediation and Conciliation Service.

The proposed Bill would not affect our agency's ability to carry out its assigned mediation responsibilities, as we do not conduct "investigations, hearings, or other proceedings." The Service, which was created as an independent agency by the Labor-Management Relations Act of 1947, has as its primary mission the avoidance and/or settlement of labor disputes having substantial impact on interstate commerce. The agency has no regulatory functions, and its recommendations are not binding upon anyone.

The Bill, as it is now written, would have no effect on our mediation activities with the parties in a dispute, or with our preventive mediation programs designed to promote stability in specific labor-management relationships.

Your sharing this information with us is appreciated.

Sincerely,

J. Curtis Counts,
Director.

Federal Mediation and
Conciliation Service,
Washington, D.C. August 24, 1971.

Hon. Frank J. Bow,
House of Representatives,
Washington, D.C.

Dear Congressman Bow: This is in reply to your letter of August 3, 1971, regarding H.R. 14 and its possible effect on the Federal Mediation and Conciliation Service.

I certainly appreciate your making the special effort to call my attention to your evaluation of the hearings on the bill. I share also your concern regarding the possible impact on this agency of Section 204 which relates to the right of the proposed Consumer Protection Agency (CPA) to intervene in any "proceeding" of any "Federal agency" where such proceeding may, in the judgment of the CPA, substantially effect consumer interests.

If this provision were interpreted to apply to the Federal Mediation and Conciliation Service, there is no doubt that H.R. 14, if enacted, would have an adverse impact on the mission of the Service.

It is imperative that the parties to a labor dispute know that what is discussed in negotiations will not become public information. If this were not the case, the doors to contract negotiations in the private sector would be immediately closed to Federal mediators.

Since its inception in 1947, the Service has insisted on maintaining the strictest confidentiality of its case files. The success of the Service is in no small part a result of this continuing policy.

In light of the implications of this proposed legislation, it is respectfully requested that the Service be excluded from the provisions of H.R. 14.

Thank you again for your interest in the Service and its mission.

Sincerely,

J. Curtis Counts,
Director.

Department of Health,
Education, and Welfare,
Washington, D.C., May 24, 1971.

Hon. Frank T. Bow,
U.S. House of Representatives,
Washington, D.C.

Dear Mr. Bow: The Secretary has asked me to reply to your letter of April 14th and to express our deep regret for not answering sooner.

As you correctly indicated the provisions of H.R. 14, in so far as they would create a statutory Office of Consumer Affairs, an independent Consumer Protection Agency and a Consumer Advisory Council, would have a definite impact on those agencies now concerned with consumer products and safety. For this reason I have requested the applicable offices and agencies within the Department of Health, Education, and Welfare to provide me with information on how this bill would affect them. Unfortunately, this review process has demanded more time and effort then was apparent at the outset and, at this writing, has not been completed. I have, however, personally directed all of those asked to respond to submit their information by the close of business, Wednesday, May 26. At that time I shall be able to give a more complete and substantive reply to the questions raised in your letter.

Once again, we apologize for not having responded at an earlier date.

Sincerely,

Stephen Kurzman,
Assistant Secretary for Legislation.

Department of Health,
Education, and Welfare,
Washington, D.C., August 12, 1971.

Hon. Frank T. Bow,
House of Representatives,
Washington, D.C.

Dear Mr. Bow: Thank you for your letter of August 3 in which you acknowledge the receipt of information concerning H.R. 14 and request that we forward any further information that we might have from the Social Security Administration and the Social Rehabilitation Service. I have been asked, in Mr. Kurzman's absence, to respond to your request.

The Social Rehabilitation Service has, to date, issued no comment with regard to H.R. 14. I shall contact the Service to learn if any of the bill's provisions are applicable to its programs and notify you of their response.

The Social Security Administration comments as follows:

1. Section 204 (Representation of Consumers) is the only section of H.R. 14 on which we have comments.

2. The term "consumer" is not defined in the bill, although the intent appears to be that the term would embrace purchasers of goods and services in the private sector of the economy. We assume that the term would not apply to a consumer in his relationship with the Federal government as a beneficiary (or recipient) of payments or services. That is, we assume, for example, that section 204 would not embrace a claimant for social security benefits who has requested a hearing on a claim for benefits in accordance with the appeals process contained in the Social Security Act. The intervention by the Consumer Protection Agency in such a hearing would not appear to be what was intended by section 204.

3. It also is not clear just what would constitute an "investigation" or "other proceeding." Arguably, these terms are broad enough to include the process by which policy is considered, particularly when the proposed rule-making procedure is involved. If so, the bill might authorize the intervention of the Consumer Protection Agency on a very broad basis. For example, it can be argued that policies concerning standards for providers under Part A of Title XVIII of the Social Security Act have an effect upon patients generally and a similar case can be made concerning the setting of reasonable costs under Part A and reasonable charges under Part B of Title XVIII. In the latter case, policy on charges can affect the amount of coinsurance and premium payments insured individuals will have to pay and indirectly affect charges to the medical services consuming public generally.

We are not inclined to assert that a special exemption should be granted the Social Security Administration concerning the possible application of this provision. We defer to those agencies which would be more directly affected than the Social Security Administration on the question whether intervention by a consumer protection agency is desirable.

I hope this information is helpful, and, once again, I shall notify you as soon as I receive a response from the Social Rehabilitation Service.

Sincerely yours,

BERT LEVINE,
Special Assistant to the Deputy Assistant Secretary for Legislation (Welfare).

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., June 2, 1971.

Hon. FRANK T. BOW,
House of Representatives,
Washington, D.C.

DEAR MR. BOW: This is in response to your letter of April 14th requesting information about the potential affect of H.R. 14 on the various offices and agencies of DHEW.

The areas which a consumer advocate could significantly affect are the Food and Drug Administration, Health Services and Mental Health Administration and the Office of Education.

I shall discuss each of these separately.

FDA

A broad range of regulations promulgated by FDA would be subject to H.R. 14 pursuant to the following Acts administered by FDA:

Federal Food, Drug, and Cosmetic Act.
Federal Hazardous Substances Act.
Fair Packaging and Labeling Act.
Poison Prevention Packaging Act.
Public Health Service Act.
Tea Importation Act.
Filled Milk Act.
Import Milk Act.
Federal Caustic Poisons Act.
Flammable Fabrics Act.

A. The greatest number and variety of proceedings subject to consumer advocate participation would be those held pursuant to the Federal Food, Drug, and Cosmetic Act. These proceedings would involve food standards (21 U.S.C. 341); exemption for open containers of fresh fruits and vegetables (21 U.S.C. 345); tolerance for poisonous ingredients in food (21 U.S.C. 346); special dietary food regulations (21 U.S.C. 343); food additive regulations (21 U.S.C. 348); precautionary labeling for drugs subject to deterioration (21 U.S.C. 352); test methods for strength and purity of certain drugs (21 U.S.C. 351); designation of drugs as habit forming and prescription drug advertising regulations (21 U.S.C. 352); exemptions for drugs from starting the quantity of certain ingredients, and from adequate directions for use labeling (21 U.S.C. 352); regulation regarding prescription drugs (21 U.S.C. 353); approval and regulation of new drugs (including investigational new drug regulations) (21 U.S.C. 355); certification of insulin and antibiotics (21 U.S.C. 356, 357 respectively); designation of official names for drugs (21 U.S.C. 358); approval and regulation of new animal drugs and feeds (21 U.S.C. 360b); labeling exemptions for cosmetics (21 U.S.C. 362, 363); seafood inspection (presently defunct, 21 U.S.C. 372a); certification of color additives (21 U.S.C. 376); regulation of imported foods, drugs, cosmetics and medical devices (21 U.S.C. 381).

Regulations under Sections 401 (food standards), 403(j) (special dietary foods), 406 (poisonous ingredients in foods), 501(b) (test methods for strength and purity of certain drugs), 502(d) (habit forming drugs) and 502(h) (labeling of drugs subject to deterioration) may be initiated by any interested person or by the Secretary. These regulations are subject to formal on-the-record hearings and to appeal to the Court of Appeals and the Supreme Court. Other proceedings relating to prescription drug advertising, insulin and color additives follow the same procedures.

The sections relating to food additive petitions and antibiotic regulations provide for formal public hearings and judicial appeal (21 U.S.C. 348, 357 respectively).

Adjudicatory hearings are provided with regard to disapproval (or revocation) of new drugs and animal drugs and feed applications.

Additionally H.R. 14 could be applicable to food and drug inspections and other investigations carried out by FDA to assure safe and pure foods and drugs. Legal actions for seizure, prosecutions or injunctions resulting from the shipment of adulterated or misbranded (or otherwise violative) food, drugs, cosmetics or devices might also be subject to H.R. 14. It would be questionable as to whether these actions are "for the sole purpose of imposing a fine, penalty or forfeiture" (as provided in H.R. 14) and many such cases certainly involve corollary issues to fines, penalties or forfeiture they seek to impose.

Section 305 of the Act (21 U.S.C. 335) requires that before violations of the Act are reported to the Attorney General for institution of a criminal proceeding, the person involved will be given an opportunity to present his views either orally or in writing. Presence of a consumer representative could inhibit the free exchange in such informal hearings.

B. Regulations pursuant to the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) which would be affected by H.R. 14 are regulations which establish criteria or tests determining what constitutes a hazardous substance, define the warning and precautionary labeling required for hazardous substances, and which ban hazardous substances.

Hearings are provided regarding banning procedures (15 U.S.C. 1261(q)(2)) and other regulations under the Act. Seizures, prosecutions, and injunctions are authorized regarding violative products.

C. The Fair Packaging and Labeling Act (15 U.S.C. 1467 et seq.) authorizes formal hearings and judicial review regarding regulations issued thereunder pursuant to procedures provided in the Federal Food, Drug, and Cosmetic Act. Pursuant to this Act regulations are issued regarding labeling of consumer products with their identity, name and place of manufacturer, packer, or distributor and statement of contents and conspicuousness thereof. The Act also authorizes regulations governing "cents off" promotions, nonfunctional slack fill, ingredient listings (except food) and characterizations of package sizes. FDA issues such regulations only with respect to food, drugs, cosmetics and devices (other commodities are regulated by FTC). Seizures and injunctions (not prosecutions) are also provided.

D. The Poison Prevention Packaging Act (P.L. 91–601) authorizes the establishment of special packaging standards for consumer commodities and requires consultation with a technical advisory committee prior to establishing the standards. Hearings pursuant to the formal procedures of the Federal Food, Drug, and Cosmetic Act or the Administrative Procedures Act (option of the Secretary) are provided. Judicial review is provided to the Court of Appeals and the Supreme Court. Seizure, injunction and prosecutions are provided by appropriate amendments to various statutes such as the Federal Food, Drug, and Cosmetic Act and the Federal Hazardous Substances Act.

E. Under the Public Health Service Act the FDA has been delegated certain responsibility authorized pursuant to Section 301 of that Act (42 U.S.C. 241) including shellfish certification program to insure shellfish is harvested from uncontaminated beds, milk and food sanitation model regulations for cooperation with States, and developing programs for the prevention of accidents. FDA also promulgates the interstate quarantine regulations which includes among other things regulating sanitary practices of interstate carriers (42 U.S.C. 264 (a)).

F. The Filled Milk Act (21 U.S.C. 61 et seq.) prohibits filled milk (milk with added nonmilk fat or oil) and authorizes necessary regulations for the enforcement thereof.

G. The Tea Importation Act (21 U.S.C. 41 et seq.) authorizes regulations regarding procedures for establishing standards of quality and testing imported tea, and appeals to the United States Board of Tea Appeals.

H. The Federal Caustic Poisons Act (15 U.S.C. 401 et seq.) requires warnings for products containing certain caustic poisons. (The Act was repealed except for its applicability to foods, drugs, and cosmetics which are exempted from the Federal Hazardous Substances Act which was intended to replace the Caustic Poisons Act).

I. FDA is responsible under the Flammable Fabrics Act (15 U.S.C. 1191 et seq.) in cooperation with the Department of Commerce for a continuing study of deaths, injuries and economic losses caused by accidental burning of fabrics and submits a report to the President and Congress annually relative thereto.

J. The Food and Drug Administration also has authority to detain meat and poultry products (jointly with the Department of Agriculture pursuant to the Wholesome Meat Act (P.L. 90–201) and the Wholesome Poultry Products Act (P.L. 90–492).

FDA also may prescribe regulations under Section 503(b) of the Federal Food, Drug and Cosmetic Act as authorized in the comprehensive Drug Abuse Prevention and Control Act of 1970 (P.L. 91–513) relating to the labeling of controlled prescription drugs and the emergency dispensing thereof.

Consequently, virtually all functions of the Food and Drug Administration affect the interests of consumers as that term is generally understood (H.R. 14 does not provide a specific definition of "consumer interests"). In all of the investigations and proceedings initiated by FDA or to which FDA becomes a party, it is charged with protecting the public health and consumer interest.

HSMHA

There are two programs which would appear to be clearly affected by the enactment of H.R. 14:

A. The regulation and licensure of the manufacture of biologists by the Division of Biologics Standards, National Institutes of Health, pursuant to section 351 of the Public Health Service Act.

B. The regulation and licensure of clinical testing laboratories by the Center of Disease Control, Health Services and Mental Health Administration, pursuant to section 353 of the Public Health Service Act.

Both of these programs involve the promulgation of regulations affecting consumers' interest. These promulgation requires public participation (written comment), hearings in cases of denial or revocation of licenses, and continuing investigation of the regulated manufacturers and laboratories to determine compliance with standards set by the respective agencies.

In a broader sense, it is possible to view most, if not all, of the grant programs conducted by HSMHA as affecting consumer interest. For example, migrants receiving health care services funded by a grant pursuant to section 310 of the PHS Act, could be considered "consumers" of those health services, but whether they are consumers within the intendment of H.R. 14 is not clear.

When agencies promulge regulations for HSMHA grant programs they establish the basic structure of the programs and thus "substantially affect" the recipient of the grant services. While the adoption of regulations does not require the holding of hearings, public participation is invited in the form of written comments prior t adoption. Furthermore, the administering agencies are under an obligation to "investigate" the performance of grantees to ascertain whether they are providing health services in accordance with the regulations finally adopted.

OE

There is a significant possibility that three educational programs may be reached by the bill.

A. Part F of Title I of the Vocational Education Act of 1963 provides for consumer and homemaking education. Allotments are provided to the State for this program, but there is review of interim components in the State plan mandated by the federal statute. It can be argued that such consumer education represents an interest of consumers as intended in the Consumer Protection Bill.

B. Title II of the National Defense Education Act and Title IV B of the Higher Education Act guarantee loans to college students. To the extent that the Office of Education is involved in decision making with respect to the participation of colleges and banks, and as to what requirements these institutions must meet, such decisions might be considered as affecting consumers.

C. Consumer interests might also be affected by OE grants to profit-making institutions in the field of vocational education.

In addition to those areas I have noted and discussed above the Social and Rehabilitation Service and the Social Security Administration may be affected by the provisions in H.R. 14. Both of those agencies are reviewing this bill and will be commenting soon.

Because I do not want to delay forwarding the information contained in this letter, and because I believe the affects on the operations of these agencies will probably be minimal, I am sending this letter without the benefit of their comments. I will, however, send these along to you as soon as they are received.

I hope you will find this information helpful. Once again, my appologies for the delay.

Sincerely,

STEPHEN KURZMAN,
Assistant Secretary for Legislation.

THE SECRETARY OF HOUSING
AND URBAN DEVELOPMENT,
Washington, D.C., May 4, 1971.

Hon. FRANK T. BOW,
House of Representatives,
Washington, D.C.

DEAR FRANK: This is in reply to your letter of April 14 in which you ask for information as to what "proceedings" of this Department may "substantially affect" consumers and be subject to certain provisions of H.R. 14, 92d Congress. Among other things, these provisions would authorize a Consumer Protection Agency to intervene as a party in such proceedings.

As the Department has very limited regulatory functions, it conducts few proceedings where such concepts as "party" and "intervention" have much meaning. We may of course hold hearings in compliance with requirements of title VI of the Civil Rights Act in cases where financial assistance is terminated or refused because of violation of nondiscrimination requirements, and it is possible that some proceedings would be considered to affect the interests of "consumers" such as purchasers of homes, tenants, and users of public utilities and facilities.

A category of proceedings more likely to be of the kind mentioned in your letter would be hearings held pursuant to the Interstate Land Sales Act (title XIV of the Housing and Urban Development Act of 1968, 15 U.S.C. 1701). These would be held, upon request, when the Secretary refuses to accept a lot developer's "statement of record" disclosing various kinds of information concerning lots proposed to be sold or leased through use of communications in interstate commerce. Also, hearings under this Act may be held in cases where the Secretary suspends a "statement of record" already filed. In both of these cases, we would assume that consumers—prospective lot purchasers—could be considered as being affected; in both, the statute also specifically provides for judicial review.

In addition to the above, we might note one other category of proceedings that could, under regulations we have proposed, involve hearings with designated "parties", a written record and the like. These are proceedings "debarring" or excluding contractors or grantees from participation in HUD programs on the basis of past failures or inadequacy of performance or other cause. Particularly where the "contractor" in a hearing is a construction contractor, builder, or other participant in FHA mortgage or home improvement loan programs, consumers or consumer groups could feel that they have an interest in some of these proceedings, in which event the provisions of at least section 204(b) of H.R. 14 might be considered to apply.

So far as the less formal (and more common) proceedings of the Department are concerned, many involve situations where we would *encourage* wide participation of interested groups and agencies; this would be especially true of "rulemaking" where, under current procedures, proposed regulations having a general or broad impact are published for written comment in the Federal register. "Intervention" in proceedings such as these has little significance since no effort is made to limit the number of "parties". Of course, issues and problems could arise to the extent that persons or agencies asserting an interest in these or other informal "proceedings" of the Department sought to secure more formal handling of particular matters or an opportunity to participate in advance of the time when we would request general or public comments.

In this respect, we would call your attention particularly to the fact that the Department is required, pursuant to section 521 of the National Housing Act, to provide procedures under which sponsors of products or methods can secure FHA determinations as to the technical suitability of these products or methods for use in FHA assisted housing Although these procedures are informal and do not involve hearings or issuance of specific regulations, they are of obvious interest to homeowners and tenants, and persons or agencies representing these groups could well desire that the handling of particular approvals be expanded to include an opportunity for hearings or other formalities. A pamphlet describing the procedures as they are now is enclosed.

I hope that you will find this information helpful. Please let me know if I can be of further assistance.

Sincerely,

GEORGE ROMNEY.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., July 2, 1971.

Hon. FRANK T. BOW,
House of Representatives,
Washington, D.C.

DEAR MR. BOW: This is in response to your letter of April 14, 1971, requesting information concerning the possible impact of H.R. 14 upon the activities of this Department.

H.R. 14 would create an Office of Consumer Affairs and a Consumer Protection Agency. Section 204(a) provides that the Consumer Protection Agency shall have the right of intervention in any Federal investigation, hearing or other proceeding which does not involve imposition of a fine, where the Agency finds that (1) the result of the administrative proceeding may substantially affect the interests of consumers and (2) such interests may not be adequately protected unless the Agency intervenes.

I apologize for the late response. As you can undoubtedly appreciate, it is extremely difficult to predict how vigorously the consumer advocate would exercise his right to intervene. For this reason, it has taken somewhat longer to respond than usual. In your letter you requested a reply by April 27, 1971, in time for hearings on H.R. 14. A member of my staff contacted your Administrative Assistant, Mr. Lekander, on April 26, and was informed that hearings would continue all summer and that the April 27 deadline could be disregarded.

This Department is involved in matters affecting consumer interest in several areas. The Oil Import Program, which sets oil import quotas, the programs of mineral leasing, timber and grazing permits on the Federal lands, recreation user fees in National Parks and recreation areas, the sale of electrical energy from the Bonneville Power Administration and its sister agencies, and reclamation projects are all activities which could affect consumer interests.

Cases before the Board of Mine Operation Appeals regarding mine health and safety may well be the subject of intervention, since satisfying health and safety standards often requires the installation of additional, expensive equipment, thus increasing the ultimate cost to the consumer of coal or other minerals. It should be noted that the Federal Coal Mine Health and Safety Act provides in several key provisions for participation in administrative proceedings by "interested persons."

The effect of the bill upon the Board of Land Appeals could also be significant. The Department's quasi-judicial decisions concerning public lands and their resources, e.g., minerals, timber and forage, may indirectly affect the consumer. For example, the price of lumber is largely dependent upon timber sale prices. With respect to timber sales on O&C and other public lands, appellate action may have significance to the consumer. Additional costs to the consumer might also result from the imposition of environmentally protection conditions upon mineral leases. Appeals to the Board of Land Appeals are chronic relating to the adequacy of bonus bids with mineral and oil and gas lease offers, including outer continental shelf lease offers. Obviously, the size of a bonus might well have an ultimate effect upon the consumer.

If intervention on behalf of the consumer were to be required in cases dealing with public lands and resources or mine health and safety, consumer interests would be tangential to prime determination of these proceedings and would materially delay case determination. In the past we have had little, if any, consumer-oriented intervening parties before us. However, we have witnessed a significant increase in environmental groups seeking intervention. To our mind, essential to any statutory provision granting a Consumer Protection Agency authority to intervene is the right of the acting agency, subject of course to judicial review, to determine if the statutory criteria have been met. These criteria should require that the CPA make a showing satisfactory to the acting agency that the acting agency's determination could have substantial impact on consumers' interests.

Because discretion as to intervention would rest with the Consumer Protection Agency we cannot determine in advance the circumstances under which such intervention might interfere with these program responsibilities.

With regard to section 207(b) of H.R. 14 which requires Federal agencies, upon request, to test consumer products, this Department might be called upon to test metal and petroleum products at the testing facilities maintained by the Bureau of Mines. However, it is not anticipated that this would present a serious problem to the Department.

It should be noted that Mr. Arnold Weber, Associate Director of the Office of Management and Budget, testified during the April hearings that the Administration is currently studying several alternatives for protection of the consumer, and has not yet taken a position on H.R. 14.

Please advise us if we can be of further assistance to you.

Sincerely yours,
W. J. Pecora,
Acting Secretary of the Interior.

Interstate Commerce Commission,
Washington, D.C., April 27, 1971.

Hon. Frank T. Bow,
House of Representatives,
Washington, D.C.

Dear Congressman Bow: Thank you for your letter of April 14, 1971, in which you request a listing of all the Commission's "hearings, investigations or other proceedings which may 'result' in substantially affecting the 'interests' of consumers" as possibly envisaged by pending consumer legislation, particularly H.R. 14, introduced by Congressman Benjamin Rosenthal. You also inquire as to what effect the procedures may have upon the Commission's work.

As pointed out in your letter, the term consumer is not defined. Given a broad connotation, it could embrace any shipper offering property for transportation in interstate commerce and, thus, would involve every proceeding handled by this Commission involving the franchises, rates and finances of carriers we regulate. In other words, consumer interest could be construed as being co-extensive with the public interest and, thus, be the only factor in each of our proceedings. If the terms are not co-extensive, we think that the Commission should continue to consider consumer interests as one factor in determining the public interest. We are making every effort to take into account consumer interest, both in our formal cases and in setting our priorities for investigation and enforcement activities. The most notable of these cases include (1) Ex Parte MC–19 (Sub-No. 8), *Practices of Motor Common Carriers of Household Goods,* new rules promulgated in these proceedings effective June 1, 1970; (2) Ex Parte 270, *Investigation of Railroad Freight Rate Structure;* (3) Ex Parte 271, *Net Investment—Railroad Rate Base;* and (4) Ex Parte 272, *Investigation into Limitations of Carrier Service on C.O.D. and Freight-Collect Shipments Notice of Proposed Rulemaking and Order (49 CFR Chapter X).*

As to the second question, Section 205 of H.R. 14 authorizes the proposed new agency and office to receive and transmit complaints to appropriate agencies. This could be construed as authorizing the agency and office to receive complaints subsequent to formal or informal actions by this Commission on similar complaints and might require us to reconsider our actions. It is a well-settled point of administrative law that actions of this Commission which are administratively final are subject to judicial review. Consequently, this Section 205 should be clarified to provide that the Commission need not entertain successive complaints or reopen administratively final decisions.

Presently local and state organizations, both public and private and in one instance a consumer group, have participated in our proceedings. Frequently our Bureau of Enforcement also participates to develop records. Therefore, permitting the consumer agency to intervene in our proceedings would pose no problem under our established procedures. However, in all candor, I should point out that continual intervention by such an agency would substantially increase the workload of this Commission.

Section 203(b)(6) would authorize the Consumer Agency to request other Federal agencies to issue orders "for the copying of documents, papers, and records, summoning of witnesses, production of books and papers, and submission of information in writing as is relevant to the subject matter of the proceeding." This could give the Consumer Agency a preferred status as an advocate before an administrative agency and would pose particular problems where a person appeared before the agency as an individual party and was also represented by the Consumer Agency as a consumer. Provision should be made for discretion by the concerned agency.

If any of these proposals are enacted, it could be a further drain on our limited staff and very definitely would require additional staff and money to handle the increased workload.

Sincerely yours,
George M. Stafford,
Chairman.

U.S. Department of Labor,
Washington, D.C., June 3, 1971.

Hon. Frank T. Bow,
House of Representatives,
Washington, D.C.

Dear Congressman Bow: This is in response to your letter asking for a descriptive listing of hearings, investigations and other proceedings of this Department which could substantially affect the interests of the consumer in order to assist you in assessing the impact of H.R. 14, "Consumer Protection Act of 1971."

Although most of our programs do not relate to the individual as a consumer, I am enclosing a list which is a preliminary analysis of those programs of the Department under which there are hearings, investigations and other proceedings which most closely relate to the interests of the consumer. The basis for my judgment is twofold; does the program affect a person as a user of goods or services, or does it affect the wage or price level generally in a particular area or in a particular industry. I am also enclosing for your information a questionnaire developed by the Administrative Conference of the United States and our response respecting the recognition of the public interest in the Department of Labor's administrative proceedings. I would note that our response was made before the enactment of the Occupational Safety and Health Act of 1970.

We are continuing to study the effects of our programs on the interests of the consumer, and if we find any other programs under which there are hearings, investigations and other proceedings which could be considered to have a substantial effect on the interests of the consumer, we will bring them to your attention.

Sincerely,
Peter G. Nash,
Solicitor of Labor.

WELFARE AND PENSION PLANS DISCLOSURE ACT HEARINGS

Hearings are provided to grant variations from the manner of publication of welfare and pension plan reports. The Secretary must also offer opportunity for a hearing if he proposes to require a bond in excess of $500,000 for any person handling funds of a welfare or pension plan.

INVESTIGATIONS AND OTHER PROCEEDINGS

Sections 5 and 6 of the Act require disclosure and filing of reports concerning welfare and pension benefit plans.

Section 9 provides for criminal penalties for willful violations of the Act and/or civil suits by the Department of Labor.

Walsh-Healey Public Contracts Act

Rule-making proceedings to determine prevailing minimum wages under the Walsh-Healey Public Contracts Act.

Service Contracts Act

Rule-making proceedings to determine prevailing minimum wage under this Act.

Davis-Bacon Act

Hearings under the Davis-Bacon and related Acts in cases where the Secretary deems it necessary, because of insufficiency of information or impracticability of a field survey, to invoke such investigation and hearing procedure in order to make a wage determination for a particular construction project.

On request of interested parties, informal hearings may be held resulting from investigations which show reasonable cause to believe that a contractor or subcontractor has committed willful or aggravated violations of the labor standards provisions of the Davis-Bacon or related Acts, or has committed violations of the Davis-Bacon Act which constitute a disregard of its obligations to employees or subcontractors under section 3(a) of the Act.

Hearings, at the request of a Federal agency, in cases involving disputes concerning the payment of prevailing wage rates or proper classifications which involve significant sums of money, large groups of employees, or novel or unusual situations.

Hearings, before the Wage Appeals Board, at its discretion, involving review of wage determinations under the Davis-Bacon and related Acts, including removal from debarment, and liquidated damage cases under these Acts and the Contract Work Hours and Safety Standards Act, and of controversies concerning the payment of prevailing wage rates or proper classifications which involve significant sums of money, large groups of employees, or novel or unusual situations under the Davis-Bacon and related Acts.

Executive Order 11588

It is assumed that in the future there will be proceedings before the Construction Industry Stabilization Committee, established by E.O. 11588 dated March 29, 1971, at which this Department will furnish legal services.

Trade Expansion Act

There are investigations under the Trade Expansion Act of 1962 for certification of eligibility of groups of workers to apply for adjustment assistance, which come before the Secretary in either of two ways:

(1) After filing of a petition by a group of workers with the Tariff Commission to determine whether competitive imports are causing or threatening unemployment or underemployment. If the Tariff Commission makes an affirmative finding, the Secretary under E.O. 11075 may certify the eligibility of the group of workers involved to apply for adjustment assistance.

(2) Groups of workers may make such requests directly to the Secretary under the Act, after the President has provided under section 302(a)(3) that the workers in an industry may make such requests (where the industry has been found by the Tariff Commission to be seriously injured or threatened by imports). On a showing to the satisfaction of the Secretary, he may certify the eligibility of such groups of workers.

Consumer Credit Protection Act

The enforcement provisions of title III, Restriction on Garnishment, of the Consumer Credit Protection Act, are extremely vague. They merely provide that the Secretary of Labor, acting through the Wage and Hour Divisions, shall enforce this title. We have had occasion, however, to bring injunction suits in the Federal district courts (through our Regional Offices) to restrain State courts from enforcing garnishments under the State laws which do not conform with the Federal statute because they furnish less protection to garnishees.

1. In many agency proceedings a public interest determination is required before a final decision is reached. The following questions relate to such proceedings.

(a) What specific procedures does your agency have to insure that all important elements affecting the public interest are considered and weighed before a decision is made?

(b) What specific procedures does your agency have to make all interested parties aware that matters affecting their rights and interests are in issue in a pending proceeding so that they may participate to protect those rights and interests? What procedures are available to notify members of the general public who do not ordinarily read the Federal Register, trade publications, and other commonly used "notice" vehicles?

(c) What are the standards used by your agency to determine whether an individual or organization has standing to intervene or participate in an agency proceeding?

2. If a unit of your agency is assigned the task of participating in a proceeding for the purpose of representing the public interest, please describe the operations of that unit. Please include answers to the following questions in your discussion.

(a) * * * * * *

keep advised of the rights and interests of the public in general or elements thereof which may be affected by an action of the agency?

(b) By what means is the general public made aware of the existence of such a unit?

(c) How many employees are assigned to this function? Describe the organization structure of the unit.

(d) Does it participate fully in all cases or is it selective? If it is selective, list the criteria for the selection.

(e) To what extent is a separation maintained between the unit and the decisional elements of the agency? For example, is the public interest unit free to select for itself the cases in which it will participate and to take and support positions which are not consistent with established agency policies? Does the unit have the authority without the interference of the agency to request the institution of cases and investigations and to propose the inclusion of issues?

3. When a party has shown sufficient interest to participate in a proceeding, what specific procedures do you have to relieve him of the financial burden? In your discussion, please include answers to the following questions:

(a) To what extent does your agency furnish counsel for the participants?

(b) If your agency charges filing fees for participating in administrative proceedings, what provisions do you make for waiver of filing fees and other costs in case of need?

(c) What provisions are available for furnishing free or reduced rate transcripts or other documents required by participants?

(d) What procedures are available to provide witness fees and travel expenses for the participant and his witnesses?

(e) To what extent are field hearings utilized?

(f) Are secretarial services furnished in appropriate cases?

(g) Are there provisions in your rules for the waiver in appropriate cases of certain of the technical, administrative requirements of participating in proceedings (such as the requirement that any given number of copies of a pleading be filed)?

4. If you feel you have developed other procedures to assure publicity and active participation by individuals or groups not covered by the above questions, please elaborate. Also, we would appreciate specific information if you have developed innovative procedures designed to allow broader public participation without so over-burdening the process that unacceptable delay results.

Department of Labor's Response to Questionnaire Respecting Recognition of the Public Interest in Agency Administrative Proceedings

At the outset it must be said that we are not a regulatory agency. The great majority of our work is enforcing the laws coming within the scope of our responsibilities. This is done under many statutes by proceedings in the courts, the best example, but not the only ones, being the Fair Labor Standards Act (FLSA), the Labor-Management Reporting and Disclosures Act (LMEDA), and the Welfare and Pension Plans Disclosure Act (LPPDA). Most of our administrative proceedings are also enforcement, that is, adjudicative, in nature. The purpose of both these types of proceedings is to ascertain whether particular parties have committed particular violations. They do not affect the interest of the general public in the sense of your questionnaire.

Question 1: We have so few proceedings in which a public interest determination is required before a final decision is reached that no specific formal procedures are necessary in this area. Even our rulemaking does not effect the public *as a whole* to such an extent that specific standards and the like are either needed or practical. Accordingly, we will not break the answer to this question down into the question's several subdivisions.

Some of our rulemaking does, of course, affect a number of employers and their employees, and sometimes the latters' unions. Publication of notice of proposed rulemaking in the Federal Register, with opportunity for submission of comments by interested parties, is amply sufficient in those situations. There is no doubt that those directly concerned are aware of formal rulemaking under the Administrative Procedure Act, including the small segment of the general public who might have a particular interest in the particular rule.

A few specific examples may be briefly mentioned. In our programs under E.O. 11246 regarding equal employment opportunities on Federal or Federally assisted construction contracts, and under E.O. 11491 covering labor management relations in the Federal service, public hearings are held to solicit comments on proposed rulemaking wherever practical. Additionally, the nature of the equal employment opportunities program in particular (there are also others) is such that the traditional news media are frequently involved in widespread discrimination of information—e.g., the Philadelphia Plan for equal employment opportunities for minorities in the building and construction trades. Also, E.O. 11246 authorizes administrative sanctions against non-complying Federal contractors and subcontractors. During the course of such proceedings, any person or organization may be permitted to participate in the manner and to the extent allowed by the hearing chairman, on a showing that he has a legitimate interest in the proceedings and may contribute materially to the proper disposition of the matter.[1]

In the unemployment compensation area, the only procedures which could be said to affect the public interest to any real extent (and these effect only a small segment of the public) are those involving the question whether a State law meets the applicable Federal requirements with respect to normal and additional tax credits and grants to States for administrative costs of their employment security agencies. A conclusion that a State law meets Federal requirements is made within the Department, but if there is a question of compliance with such requirements which cannot be resolved by informal discussions with the State agency and other interested groups, a notice of hearing is sent to the State agency. Interested persons other than such agency may participate in the hearing to the extent provided in the notice of hearing. In the past they have been permitted to present oral argument or file briefs on any issue, or both.

Title III, Restriction on Garnishment, of the Consumer Credit Protection Act definitely does not effect the public in general. However, the title authorizes the Secretary to exempt from its requirements garnishments under the laws of any State which provide restrictions substantially similar to those provided in this title. States may apply for such an exemption and, in the event of a denial, opportunity "to the extent feasible and appropriate" may be afforded to State representatives and any other interested parties to submit data, views and arguments orally or in writing. 29 CFR 870.53.

Mention should also be made of our informal rulemaking in the prevailing wage determination program under the Davis-Bacon and related Acts. These wage determinations affect certain Government construction contractors and subcontractors, certain construction workers, and often their unions. But this is not the general public.

However, ample notice to all sufficiently concerned is given when bids are invited on this particular contract. Since 27,281 wage determinations were issued in Fiscal 1969, any notice beyond that presently given would be wholly impractical.[2]

Question 2: Since no unit of this Department is specifically "assigned the task of participating in a proceeding for the purpose of representing the public interest," we will not break the answer to this question down into the latter's several subdivisions.

A unit of this kind is unnecessary for the reasons set forth in the response to the preceding question. However, there is no doubt that the rights of any interested party, not represented by counsel or otherwise, in any of our administrative hearings would be amply protected by representatives of the subdivision of the Department administering the particular law involved, the Solicitor's representative who appears at such hearings, and by the hearing examiner himself. As to doing so for the general public as a whole, this would not be feasible because of personnel limitations and also, to repeat ourselves, the *entire* public is not "interested" in any of our administrative proceedings.

Question 3: As in the case of questions 1 and 2, we will not break this answer down into the question's several subdivisions because very little financial burden is placed upon parties to our proceedings.

We do not furnish counsel for participants. We would help them as described immediately above; but we have no funds to hire lawyers to represent them. We have no provisions for waiving filing fees, etc., in case of need, because there are no such fees in any of our proceedings.

No provision is made for furnishing transcripts of our proceedings free or at reduced rates. They may be purchased at the fee fixed by the reporting service concerned. As to other documents, many of our regulations provide that copies of documents may be bought at so much a page. However, our regulations under the Freedom of Information Act provide that, except for documents exempted from disclosure by that law, any person may inspect and copy any document in the Department's possession or custody by following certain prescribed procedure. 29 CFR Part 70.

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[1] In the opening paragraph we mentioned the IMRDA and the WPPDA as having principally enforced in the courts. There are provisions for adjudicatory hearings under section 491(b) and (i) of the IMRDA and sections 5 and 13 of the WPPDA in certain very limited circumstances, but the Department has not conducted any proceedings under those provisions. Regulations under E.O. 11246, labor-management relations in the Federal service (29 CFR 262.11, 206,62), provide for intervention on motion to the hearing examiner or regional administrator. This procedure applies only to hearings to determine whether "bill of riches provisions" adopted by the E.O. for title I, IMRDA, were violated.

[2] Our regulations provide for hearings respecting wage determinations where necessary for specified reasons. These hearings are held by a hearing examiner who shall "after notice to all interested parties" proceed to the project area and conduct them. 29 CFR 1.8.

Additionally, other regulations permit review of specified Davis-Bacon type actions by the Wage Appeals Board by any interested person. 29 CFR Part 7, subpart B. An "interested person" is defined to include, *without limitation*, specified firms, persons and agencies. Sec. 712(b) of this subpart.

Witness fees are paid when authorized by statute, chiefly in adjudication or enforcement cases. For instance, the FLSA, LMRDH and WPPDA adopt by reference sections 9 and 10 of the Federal Trade Commission Act which provide for the issuance of subpenas and payment of the same fees and mileage as in the case of witnesses in the Federal courts. The Walsh-Healey Public Contracts Act contains a subpena provision comparable to the above mentioned sections 9 and 10 (the Walsh-Healey provision has been adopted by reference in the Service Contract Act and the safety provisions of the Contract Work Hours and Safety Standards Act), and the Longshoremen's and Harbor Workers' Compensation Act contains a similar section. See also 5 USC 503, witness fees and allowances in agency administrative proceedings.

Secretarial services are not furnished to the public. We have neither the staff nor the funds to do so. Field hearings are extensively utilized, particularly in cases of adjudication but also on many occasions in rulemaking. Waiver of certain technical requirements is not at all uncommon. In appropriate cases we would assuredly not inflict hardship upon any party by insisting upon compliance with technicalities.

Question 4: We believe our foregoing responses answer this general question. We are confident that all persons who have a legitimate interest in any of our proceedings have ample notice and opportunity to participate. We are sure that we do everything along these lines that is feasible without unduly over-burdening our administrative procedure.

Mr. PURCELL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the substitute amendment offered by the gentleman from Florida (Mr. FUQUA).

Mr. Chairman, I want to say at this point that the chairman of this committee, the gentleman from California (Mr. HOLIFIELD), has my highest respect. I know that he has spent endless hours trying to work this out, but I cannot in good conscience express my views of the effect of this proposed law without the Fuqua amendment in it.

I rise in support of the amendment of my colleague from Florida. With present consumer protection activities inefficiently fragmented throughout the many agencies of the Federal Government, certainly, we are in need of a more centralized consumer protection agency. However, the present bill encompasses such an unrealistically wide range of functions that, if it were enacted with its present language, the agency it seeks to create would surely collapse of its own weight. And, in doing so, it would do serious harm to the consumer protection movement and the administration of the Nation's Government.

Let me read to you what will be a prophetic warning if we do not accept the Fuqua amendment. Dr. Roger Cramton, Chairman of the Administrative Conference—an independent Federal agency that studies proceedings of other Federal agencies and recommends improvements—testified during the hearings on this bill. In giving his expert testimony, Professor Cramton expressed what he called his own fears:

> The time is surely at hand to find some new ways of increasing Government responsiveness to the needs of the consuming public. If the means chosen for this purpose do not change the final decision-making authority, but add one more voice . . . to the long-standing ordered proceedings, benefits may be achieved at relatively little cost.

What Professor Cramton was describing—"one more voice in ordered proceedings that does not change the final decisionmaking authority"—what he was describing, without knowing it, would later be introduced as Congressman FUQUA's "Friend of the Consumer" amendment. Let me continue with the Professor's views:

> Those who anticipate a revolution as a result—fail, I think, to appreciate the magnitude of the task of the new agency and the setting in which the advocacy will occur.

The Fuqua amendment recognizes the magnitude of this untried agency's task. It provides far greater flexibility for the Agency than does the present bill. Under the Fuqua amendment you would not find valuable consumer advocates lost for 2 or 3 years in complex proceedings made even more complex by their continued presence. On this point, Professor Cramton observed:

> The infusion of a new party into agency proceedings that are already complex may add some additional length to the proceeding, and may make settlement of the case more difficult; but, I think, overall it is easy to overemphasize these effects.

I am compelled to say that it may be easy to overemphasize the overall problems of complexity and delay. But let us get down to specifics. There are areas where the dangers of this complexity and delay that Professor Cramton predicts cannot be emphasized too strongly. For example, the area of produce marketing order proceedings by the Department of Agriculture will be, according to the committee report, a prime area of attack. Delay here could cause ruined produce that would not stay fresh while a consumer advocate takes USDA to court .It will be the west coast dock strike all over the country.

Drawing further from the valuable expert testimony from the head of the Federal agency created by Congress to study agency proceedings:

> The consumer advocate will be an institutional litigant who will be appearing with regularity before the same bodies. He will have a greater concern with long-range implications and the efficiency of agency regulation that the occasional intervenor whose interest is with just the result of one case.

I could not agree more with Professor Cramton's basic concept. In fact, this long-range approach is what the Fuqua amendment is all about. Along this line, we find at the heart of Professor Cramton's views the following statement:

> Indeed, my own fears run largely in the opposite direction. If we have overly high expectations for the consumer advocate, our hopes are likely to be frustrated. Even the existence of unreasonable expectations concerning the benefits that will flow from a consumer advocate may be harmful.

I would respectfully ask those who feel, for one reason or another, committed to this bill to consider the following warning:

> The consumer advocate, frustrated by limited resources in the face of broad hope, may concentrate on high visibility and high publicity appearances, rather than in devoting more of its energies to the tough patient task of skilled preparation, thorough analysis and perserverance than in the long run will bring the more profound results.

Professor Cramton, significantly, concluded his remarks by saying:

> I would urge, then, that the Congress be realistic in its hopes and in its funding when it considers consumer advocacy.

Professor Cramton, a former law professor and by far the major expert witness to appear before the committee, has put his finger right on the problem. No Congress is going to provide the funding necessary for an untried agency to hire the hordes of legal experts that would be necessary to effectively implement the grandiose concept of adversary advocacy in this bill. The agency will need experts in food and drug law, experts in securities law, experts in transportation law, experts in international law, experts in trade regulation, et cetera, et cetera, if it hopes to be successful.

Indeed, the committee report estimates—as it is now required to do—that only 200 employees, total, will be used by the Agency during its first year. This includes, as Congressman ROSENTHAL recently pointed out, clerks and janitors. Yet, in view of the current economic situation and the limited Federal funds available, this appears to be a perfectly reasonable estimate. In fact, I would not be surprised to see the Appropriations Committee say there just are not enough funds to meet the committee's estimated $5.4 million budget for the first year.

This can put us right into the disastrous situation predicted by Professor Cramton:

> In light of all the great expectations we have heard about this new Agency, it will shoot for the high-visibility, high-publicity appearances. It will, of necessity, forget about the long-term needs of consumers because the present advocacy sections of the bill are based on the misguided theory that we can prepackage, an economy-size Justice Department to prosecute cases for consumers.

For example, last Thursday the Democratic Study Group held a press conference on this very bill. Congressman ROSENTHAL, whose knowledge is vast in many areas of consumer concern, was asked whether delays caused by a consumer advocate's participation in produce marketing orders could result in spoiled goods and higher prices. His answer was quick and to the point:

> We do not want to exempt marketing orders from the bill.

It is reasonable to assume from Mr. ROSENTHAL's district that he would have little need to feel concerned or even inquisitive about the complexity of the marketing order system and the tender balances that must be struck there.

But I understand them. And any Congressman from a farming district understands them. And we know we cannot subject them to attacks from an underfunded, inexperienced Agency. And we know the attacks will come. And I for one am unable to support a bill based upon the theory that the best defense for consumers is an offense against the agencies of the Federal Government.

The immediate answer to the admitted consumer problems within present Federal agencies is to require those agencies by law to give proper attention to consumers, and create an advocate to assist them in doing so. This is exactly what the Fuqua amendment does as a first step. Good sense dictates that we take this step, rather than the suicidal leap that the present bill would require.

I am particularly worried about one area of high visibility and high misunderstanding among consumers and their self-appointed spokesmen. That has to do with the theory held in many quarters that the American farmer is the enemy of the consumer, and that the Department of Agriculture is the cause of the high prices housewives have to pay for their food and fiber.

Unfortunately, the American farmer does not have the ears of many of the major newspapers in this country. Spokesmen for consumers, on the other hand, do. And they have wrongly made the American farmer and the Department of Agriculture high visibility targets for attack by the guided missiles that are hidden in the present section 204 of this bill.

Mark my words, you will never hear this Consumer Protection Agency tell consumers that last year the average American family spent only 16.7 percent of its income to buy the best food available in the world, compared to 25 percent in Europe and 50 percent in Russia for considerably less. You will never hear this advocate say that the farmers' average income is 24 percent below the median of all other segments of the Nation's productive force.

The complexities and problems of agriculture today are a mystery to most consumer spokesmen. They appear to have little knowledge or interest in the underlying economic principles and pragmatics that have made this country the best fed and best clothed in the world.

I am deeply concerned about the plight of the American farmer, an unjustly maligned and neglected member of our society—an efficient and vital producer in our economy. I cannot allow the present bill to be passed without registering my serious objections, especially regarding the potential damage it could do to the already shaky position of the farmer.

In addition to the Fuqua amendment, we really should have further exemption for agriculture proceedings. Then we could exclude these proceedings from the realm of this consumer advocate who will be attacking the Government from within—and this includes the Department of Agriculture.

Far from being an enemy of the consumer, the farmer is also a consumer. Furthermore, in his role as producer, the farmer clearly needs as adequate an advocate as does the consumer. While we are considering consumer protection legislation, we need to be thinking in terms of providing proper protection for our farmers as well.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. PURCELL. I am glad to yield to the gentleman from Florida.

Mr. FUQUA. I want to thank the gentleman and appreciate the fine statement he has made. The gentleman is a very knowledgeable and senior member of the Committee on Agriculture, probably as knowledgeable as anybody in this Congress on agricultural matters.

In your opinion, from looking at the bill, what effect do you think it is going to have on agricultural marketing orders, whether they be milk marketing orders or others, and what about the appeal provision provided in the bill as applied to marketing orders for agricultural commodities?

Mr. PURCELL. This is a point on which I want to spend some time. I think it is very unlikely that it would have anythink short of a devastating effect on marketing orders or any perishable commodity. It is one thing for us to stand here and show our great enthusiasm for protecting the consumer. I would hope we are all interested in that. But the procedures that would be held up by this carying-on, let me say, could run the price of food to the consumer up to an extent that I do not believe has ever been estimated. I do not know how to estimate it. A delay in perishables could cause the price of those commodities to go very, very high. I would say that this is one of the most dangerous areas of the bill. Then if I might say in addition to that I doubt if in this area we will find any protectors of the consumers who will stand up and tell the American public that the American farmer is still producing food today at a cheaper price than it has ever been produced before in the history of mankind.

Mr. KYL. Mr. Chairman, I rise in support of the Fuqua amendment.

Mr. Chairman, the gentleman from Florida has spoken in general terms about his amendment. I would like to be specific about one department of government at this point. It has been said by members of the committee that they have studied this subject in meticulous detail. May I say to them, in someone else's words, "If it is talking about the detail we want, you ain't seen nothin' yet."

This is a digest of public land laws, the laws under which our public lands are administered. There are 200 pages of index in this volume, each line covering a different public land law. The Public Land Law Review Commission, after surveying tens of thousands of pages, published a report of recommendations dealing with this subject. That Public Land Law Review Commission, since it is associated with this subject, knows that there must be a change in law. Its motivation to give public representation, consumer representation, taxpayer representation, is as sincere as that of any advocate on the floor today.

This is the significant thing about this specific instance. The public property is excluded from the General Administrative Procedures Act, and therefore there is no procedures act governing all of these public land laws. The administrative implementation is only or largely a multitude of unrelated but factually distinguishable cases of adjudications. Most of these adjudications, these actions, are informal. They are informal. They are initiated by filing with an appropriate official an application for a right or privilege, or the submittal of a bid under law.

Now, here is the different side of this, and here we have an individual citizen who files an application and makes a bid. Under the law that individual citizen has a right. Under the Constitution he has a civil right.

May I point out that someone was talking about delays a moment ago. We have delays from 2 to 10 years in the adjudication of the simple matters at the present time. As soon as that matter is turned over to the Department of the Interior and to the Bureau of Land Management, the matter is largely out of the hand of the applicant, and thus the civil right of this individual is being violated.

Let me point out to those interested in these blackguard corporations, the only possible result of this bill without the Fuqua amendment is to make certain that only the large corporations of this Nation, who have the time and the money and the resources, will ever get to use any public land resources, because the little guy cannot stand this kind of further delay which comes with the further delays in the tangential fashion introduced by this new provision.

Here we are passing the buck again. The law should be the basis of regulation. Right now we have pending H.R. 10049 which seeks to do this. The Secretary of the Interior in all his decisions would have to take these matters into consideration:

First. The use of a systematic interdisciplinary approach, including the physical and biological and economic and social sciences.

That is the general statement. What do we mean by it? We mean the Secretary has to consider the relative values involved and the availability of alternate needs, including the needs for recycling, and he has to weigh the long-term public benefits against the immediate or local benefits, and he has to weigh land reclamation as a condition of use and the posting of performance bonds to restore the environment. He has to have revocation authority over licenses and so on.

Under this law which we could pass, for every agency of the Government we would know exactly what was required of the Government and we would not have to have this case-by-case proceeding. We would have a rulemaking authority which does not have to come after the fact. This is what we could do.

Let me point out what complication comes by this kind of process. Let us look at the forests and the public lands, the Forest Service. It is to the taxpayers' advantage to get the highest price on the sale of the timber from the public lands. That is in the taxpayers' interest. We represent consumers, yes, but we also represent taxpayers. But if that higher price for the taxpayer means a higher end price to the consumer, what happens? Here we have environment protectionists siding with the consumer agencies, and not an individual against the Government.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. KYL was allowed to proceed for 2 additional minutes.)

Mr. KYL. Mr. Chairman, under this act without the Fuqua amendment, instead of having an individual and Government involved in these procedures in the public land sector, we now have Government fighting Government to the exclusion of the individual who brought the matter to the Government in the first case.

A few of the gentlemen previously have mentioned the fact that the bill is not the way to accomplish the purposes which are intended to result from this legislation. If the Fuqua amendment fails, because this Interior Department Public Land Management sector is so different from many other departments of Government, I would have to introduce an amendment which would remove that Department from the considerations under this bill. I hope that I would not have to do that and, that the Fuqua amendment which brings some sense into this picture could be adopted.

Mr. HOLIFIELD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. PRICE of Illinois, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10835) to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE TO EXTEND

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that any Member who wishes to do so may extend his remarks in the RECORD today on the bill H.R. 10835.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON H.R. 9844, MILITARY CONSTRUCTION AUTHORIZATION, 1972

Mr. PRICE of Illinois, on behalf of Mr. HÉBERT, filed the following conference report and statement on the bill (H.R. 9844) to authorize certain construction at military installations, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92–566)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9844) to authorize certain construction at military installations, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

UNITED STATES CONTINENTAL ARMY COMMAND

(First Army)

Fort Belvoir, Virginia, $10,750,000.
Fort Knox, Kentucky, $775,000.
Fort Lee, Virginia, $5,192,000.
Fort George G. Meade, Maryland, $1,690,000.

(Third Army)

Fort Benning, Georgia, $2,185,000.
Fort Bragg, North Carolina, $9,631,000.
Fort Campbell, Kentucky, $9,996,000.
Fort Rucker, Alabama, $437,000.

(Fourth Army)

Fort Bliss, Texas, $626,000.
Fort Hood, Texas, $23,435,000.
Fort Sam Houston, Texas, $9,694,000.
Fort Sill, Oklahoma, $940,000.

(Fifth Army)

Fort Carson, Colorado, $23,172,000.

(Sixth Army)

Fort Lewis, Washington, $3,931,000.
Fort Ord, California, $2,174,000.
Presidio of San Francisco, $10,498,000.

(Military District of Washington)

Fort Myer, Virginia, $2,300,000.

UNITED STATES ARMY MATERIEL COMMAND

Aberdeen Proving Ground, Maryland, $2,048,000.

Aeronautical Maintenance Center, Texas, $4,730,000.

Harry Diamond Laboratory, Maryland, $9,035,000.

Letterkenny Army Depot, Pennsylvania, $319,000.

Redstone Arsenal, Alabama, $879,000.

White Sands Missile Range, New Mexico, $1,264,000.

Yuma Proving Ground, Arizona, $2,921,000.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

East Coast Relay Station, Maryland, $326,000.

Fort Huachuca, Arizona, $2,580,000.

ARMY MEDICAL DEPARTMENT

Brooke Army Medical Center, Texas, $2,551,000.

Walter Reed Army Medical Center, District of Columbia, $112,500,000.

MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE

Sunny Point Military Ocean Terminal, North Carolina, $305,000.

UNITED STATES ARMY, ALASKA

Fort Greely, Alaska, $1,718,000.

UNITED STATES ARMY, HAWAII

Schofield Barracks, $4,787,000.

MODERN VOLUNTEER ARMY

Various locations: Barracks improvements, $30,000,000.

POLLUTION ABATEMENT

Various locations: Air Pollution Abatement Facilities, $34,946,000.

Various locations: Water Pollution Abatement Facilities, $34,791,000: *Provided*, That $2,000,000 of that amount shall be utilized for participation by Fort Wainwright, Alaska, in the sanitary sewer system of Fairbanks, Alaska.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY FORCES, SOUTHERN COMMAND

Panama area, Canal Zone, $8,026,000.

UNITED STATES ARMY, PACIFIC

Kwajalein missile range, $2,507,000.

UNITED STATES ARMY SECURITY AGENCY

Various locations, $1,221,000.

MODERN VOLUNTEER ARMY

Various locations: Barracks improvements, $12,500,000.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Various locations, $174,000.

UNITED STATES ARMY, EUROPE

Germany, various locations, $1,946,000.

Various locations: For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations, including international military headquarters, for the collective defense of the North Atlantic Treaty Area, $15,000,000: *Provided*, That, within thirty days after the end of each quarter, the Secretary of the Army shall furnish to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a description of obligations incurred as the United States share of such multilateral programs.

SEC. 102. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with construction made necessary by changes in Army missions and responsibilities which have been occasioned by: (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment; in the total amount of $10,000,000: *Provided*, That the Secretary of the Army, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, if the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1972, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 103. (a) Public Law 90–408, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101 as follows:

With respect to "Joliet Army Ammunition Plant, Illinois", strike out "$2,188,000" and insert in place thereof "$2,391,000".

(b) Public Law 90–408, as amended, is

amended by striking out in clause (1) of section 802 "$366,499,000" and "$453,651,000" and inserting in place thereof "$366,702,000" and "$453,854,000", respectively.

Sec. 104. (a) Public Law 94–142, as amended, is amended under the heading "Inside the United States", in section 101, as follows:

With respect to "Fort Hancock, New Jersey", strike out "$625,000" and insert in place thereof "$693,000".

(b) Public Law 91–142, as amended, is amended by striking out in clause (1) of section 702 "$186,591,000" and "$290,726,000" and inserting in place thereof "$186,659,000" and "$290,794,000", respectively.

Sec. 105. (a) Public Law 91–511 is amended under the heading "Inside the United States", in section 101 as follows:

(1) With respect to "Carlisle Barracks, Pennsylvania", strike out "$503,000" and insert in place thereof "$658,000".

(2) With respect to "Badger Army Ammunition Plant, Wisconsin", strike out "$1,604,000" and insert in place thereof "$2,234,000".

(b) Public Law 91–511 is amended by striking out in clause (1) of section 602 "$179,717,000" and "$264,914,000" and inserting in place thereof "$180,502,000" and "$265,699,000".

TITLE II

Sec. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

FIRST NAVAL DISTRICT

Naval Radio Station, Cutler, Maine, $161,000.

Naval Security Group Activity, Winter Harbor, Maine, $94,000.

Naval Station, Newport, Rhode Island, $1,660,000.

Naval Underwater System Center, Newport, Rhode Island, $665,000.

Naval Air Station, Quonset Point, Rhode Island, $3,511,000.

THIRD NAVAL DISTRICT

Naval Submarine Base, New London, Connecticut, $3,830,000.

Naval Submarine Medical Center, New London, Connecticut, $668,000.

Naval Ammunition Depot, Earle, New Jersey, $383,000.

FOURTH NAVAL DISTRICT

Naval Home, Philadelphia, Pennsylvania, $991,000, and/or at such other installation or site as shall be approved by the Committees on Armed Services of the Senate and the House of Representatives.

Naval Air Development Center, Warminster, Pennsylvania, $304,000.

NAVAL DISTRICT, WASHINGTON

Naval Academy, Annapolis, Maryland, $8,400,000.

Naval Medical Research Institute, Bethesda, Maryland, $4,500,000.

Naval Ordnance Station, Indian Head, Maryland, $1,307,000.

Naval Air Test Center, Patuxent River, Maryland, $321,000.

Naval Ordnance Laboratory, White Oak, Maryland, $1,397,000.

FIFTH NAVAL DISTRICT

Naval Amphibious Base, Little Creek, Virginia, $85,000.

CINCLANTFLT Headquarters, Norfolk, Virginia, $4,201,000.

Naval Air Rework Facility, Norfolk, Virginia, $6,226,000.

Naval Communication Station, Norfolk, Virginia, $884,000.

Navy Public Works Center, Norfolk, Virginia, $1,565,000.

Naval Shipyard, Norfolk, Virginia, $1,880,000.

Naval Station, Norfolk, Virginia, $19,316,000.

Naval Air Station, Oceana, Virginia, $6,240,000.

Naval Weapons Station, Yorktown, Virginia, $2,067,000.

Naval Radio Station, Sugar Grove, West Virginia, $260,000.

SIXTH NAVAL DISTRICT

Naval Air Station, Cecil Field, Florida, $1,603,000.

Naval Security Group Activity, Homestead, Florida, $439,000.

Naval Air Station, Jacksonville, Florida, $6,930,000.

Naval Air Station, Pensacola, Florida, $8,380,000.

Naval Air Station, Saufley Field, Florida, $505,000.

Naval Air Station, Whiting Field, Florida, $2,278,000.

Naval Air Station, Glynco, Georgia, $5,656,000.

Naval Construction Battalion Center, Gulfport, Mississippi, $3,008,000.

Naval Air Station, Meridian, Mississippi, $3,266,000.

Navy Commissary Store, Meridian, Mississippi, $270,000.

Naval Hospital, Charleston, South Carolina, $754,000.

Naval Shipyard, Charleston, South Carolina, $7,602,000.

Naval Station, Charleston, South Carolina, $929,000.

Naval Air Station, Memphis, Tennessee, $1,770,000.

Naval Hospital, Memphis, Tennessee, $262,000.

EIGHTH NAVAL DISTRICT

Naval Air Station, Kingsville, Texas, $90,000.

NINTH NAVAL DISTRICT

Navy Electronics Supply Office, Great Lakes, Illinois, $323,000.

Naval Hospital Corps School, Great Lakes, Illinois, $3,161,000.

Naval Training Center, Great Lakes, Illinois, $2,386,000.

ELEVENTH NAVAL DISTRICT

Naval Weapons Center, China Lake, California, $447,000.

Naval Amphibious Base, Coronado, California, $1,557,000.

Naval Amphibious School, Coronado, California, $137,000.

Naval Hospital, Long Beach, California, $15,092,000.

Naval Air Station, Miramar, California, $5,081,000.

Naval Air Station, North Island, California, $8,557,000.

Naval Station, San Diego, California, $1,886,000.

Navy Submarine Support Facility, San Diego, California, $2,878,000.

Naval Training Center, San Diego, California, $1,349,000.

Naval Weapons Station, Seal Beach, California, $714,000.

TWELFTH NAVAL DISTRICT

Naval Air Station, Lemoore, California, $4,716,000.

Naval Schools Command, Mare Island, Vallejo, California, $1,338,000.

Naval Shipyard, Mare Island, Vallejo, California, $394,000.

Naval Communication Station, San Francisco, California, $155,000.

THIRTEENTH NAVAL DISTRICT

Naval Shipyard, Puget Sound, Bremerton, Washington, $2,677,000.

Naval Torpedo Station, Keyport, Washington, $2,496,000.

Naval Air Station, Whidbey Island, Washington, $3,294,000.

FOURTEENTH NAVAL DISTRICT

Pacific Missile Range Facility, Barking Sands, Kauai, Hawaii, $2,202,000.

Naval Ammunition Depot, Oahu, Hawaii, $78,000.

Fleet Submarine Training Facility, Pearl Harbor, Hawaii, $501,000.

Naval Shipyard, Pearl Harbor, Hawaii, $1,384,000.

Naval Station, Pearl Harbor, Hawaii, $3,967,000.

SEVENTEENTH NAVAL DISTRICT

Naval Facility, Adak, Alaska, $516,000.

Naval Station, Adak, Alaska, $9,025,000.

MARINE CORPS FACILITIES

Marine Barracks, Washington, District of Columbia, $4,434,000.

Marine Corps Development and Education Command, Quantico, Virginia, $1,783,000.

Marine Corps Base, Camp Lejeune, North Carolina, $2,610,000.

Marine Corps Air Station, Cherry Point, North Carolina, $3,607,000.

Marine Corps Air Station, New River, North Carolina, $3,364,000.

Marine Corps Air Station, Beaufort, South Carolina, $2,417,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, $1,444,000.

Marine Corps Air Station, Yuma, Arizona, $2,261,000.

Marine Corps Supply Center, Barstow, California, $678,000.

Marine Corps Auxiliary Landing Field, Camp Pendleton, California, $593,000.

Marine Corps Base, Camp Pendleton, California, $11,210,000.

Marine Corps Air Station, El Toro, California, $838,000.

Marine Corps Air Station, Santa Ana, California, $908,000.

Marine Corps Recruit Depot, San Diego, California, $1,497,000.

Marine Corps Base, Twentynine Palms, California, $6,653,000.

Marine Corps Air Station, Kaneohe, Hawaii, $2,455,000.

POLLUTION ABATEMENT

Various Naval and Marine Corps Installations: Air Pollution Abatement Facilities, $15,474,000.

Various Naval and Marine Corps Installations: Water Pollution Abatement Facilities, $12,883,000.

OUTSIDE THE UNITED STATES

TENTH NAVAL DISTRICT

Naval Station, Guantanamo Bay, Cuba, $3,579,000.

Naval Station, Roosevelt Roads, Puerto Rico, $4,983,000.

FIFTEENTH NAVAL DISTRICT

Naval Communication Station, Balboa, Canal Zone, $200,000.

Naval Security Group Activity, Galeta Island, Canal Zone, $516,000.

ATLANTIC OCEAN AREA

Naval Facility, Grand Turk, West Indies, $418,000.

Naval Station, Keflavik, Iceland, $5,800,000.

EUROPEAN AREA

Naval Security Group Activity, Todendorf, Germany, $377,000.

Naval Air Facility, Sigonella, Sicily, $1,371,000.

INDIAN OCEAN AREA

Naval Communication Facility, Diego Garcia, Chagos Archipelago, $4,794,000.

PACIFIC OCEAN AREA

Naval Communication Station, Harold E. Holt, Exmouth, Australia, $75,000.

Naval Air Station, Agana, Guam, Marina Islands, $12,398,000.

Naval Communication Station, Guam, Mariana Islands, $1,823,000.

Naval Magazine, Guam, Mariana Islands, $993,000.

Naval Station, Guam, Mariana Islands, $3,385,000.

Naval Communications Station, Yokosuka, Japan, $258,000.

Naval Air Station, Cubi Point, Republic of the Philippines, $1,892,000.

Naval Communication Station, San Miguel, Republic of the Philippines, $1,280,000.

POLLUTION ABATEMENT

Various Naval Installations: Air Pollution Abatement Facilities, $488,000.

Various Naval Installations: Water Pollution Abatement Facilities, $7,412,000.

SEC. 202. The Secretary of the Navy may establish or develop classified Navy installations and facilities by acquiring, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the amount of $3,733,000.

SEC. 203. The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by change in Navy missions and responsibilities which have been occasioned by (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided*, That the Secretary of the Navy, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1972, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 204. (a) Public Law 90–408, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

(1) With respect to Naval Submarine Base, New London, Connecticut, strike out "$1,225,000" and insert in place thereof "$1,825,000".

(b) Public Law 90–408, as amended, is amended by striking out in clause (2) of section 802, "$239,082,000" and "$245,947,000" and inserting in place thereof "$239,682,000" and "$246,547,000", respectively.

SEC. 205. (a) Public Law 91–142, as amended, is amended under the heading "Inside the United States", in section 201 as follows:

(1) With respect to Naval Submarine Base, New London, Connecticut, strike out "$303,000" and insert in place thereof "$1,056,000".

(2) With respect to Naval Air Station, Alameda, California, strike out "$6,094,000" and insert in place thereof "$8,170,000".

(b) Public Law 91–142, as amended, is amended by striking out in clause (2) of section 702 "$276,794,000" and "$311,848,000" and inserting in place thereof "$279,623,000" and "$314,677,000", respectively.

SEC. 206. (a) Public Law 91–511 is amended under the heading "Inside the United States", in section 201 as follows:

(1) With respect to Naval Ordnance Station, Indian Head, Maryland, strike out "$159,000" and insert in place thereof "$249,000".

(2) With respect to Marine Corps Recruit Depot, Parris Island, South Carolina, strike out "$112,000" and insert in place thereof "$210,000".

(b) Public Law 91–511 is amended by striking out in clause (2) of section 602, "$245,930,000" and "$268,898,000" and inserting in place thereof "$246,118,000" and "$269,086,000", respectively.

SEC. 207. (a) The Secretary of Defense is directed to prepare a detailed feasibility study of the advantageous alternative to the weapons training now being conducted in the Culebra Complex of the Atlantic Fleet Weapons Range. The Secretary shall determine the most advantageous alternative on the basis of investigations which consider cost, national security, the operational readiness and proficiency of the Atlantic Fleet, the impact on the environment, and other relevant factors.

(b) The detailed feasibility study authorized by subsection (a) of this section shall be completed by December 31, 1972. Upon completion of the feasibility study, a report summarizing the study results together with the Secretary's recommendations shall be transmitted to the President of the United States and to the chairmen of the Committees on Armed Services of the Senate and the House of Representatives.

(c) There are hereby authorized to be appropriated such sums as are necessary for carrying out the studies required by subsections (a) and (b) of this section.

TITLE III

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction.

INSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Peterson Field, Colorado Springs, Colorado, $1,453,000.

Tyndall Air Force Base, Panama City, Florida, $1,019,000.

AIR FORCE COMMUNICATIONS SERVICE

Richards-Gebaur Air Force Base, Kansas City, Missouri, $782,000.

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Ogden, Utah, $19,311,000.

Kelly Air Force Base, San Antonio, Texas, $11,024,000.

McClellan Air Force Base, Sacramento, California, $727,000.

Newark Air Force Station, Newark, Ohio, $1,476,000.

Robins Air Force Base, Warner Robins, Georgia, $17,133,000.

Tinker Air Force Base, Oklahoma City, Oklahoma, $12,776,000.

Wright-Patterson Air Force Base, Dayton, Ohio, $11,427,000.

Various locations, $275,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tullahoma, Tennessee, $1,244,000.

Brooks Air Force Base, San Antonio, Texas, $1,468,000.

Edwards Air Force Base, Muroc, California, $3,048,000.

Eglin Air Force Base, Valparaiso, Florida, $4,248,000.

Space and Missile Test Center, Lompoc, California, $84,000.

Satellite Tracking Facilities, $323,000.

AIR TRAINING COMMAND

Keesler Air Force Base, Biloxi, Mississippi, $2,900,000.

Lackland Air Force Base, San Antonio, Texas, $2,564,000.

Laredo Air Force Base, Laredo, Texas, $331,000.

Laughlin Air Force Base, Del Rio, Texas, $579,000.

Lowry Air Force Base, Denver, Colorado, $8,435,000.

Mather Air Force Base, Sacramento, California, $2,891,000.

Randolph Air Force Base, San Antonio, Texas, $865,000.

Reese Air Force Base, Lubbock, Texas, $2,522,000.

Sheppard Air Force Base, Wichita, Falls, Texas, $9,893,000.

Vance Air Force Base, Enid, Oklahoma, $62,000.

Williams Air Force Base, Chandler, Arizona, $1,639,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Fairbanks, Alaska, $968,000.

Elmendorf Air Force Base, Anchorage, Alaska, $441,000.

Various Locations, $1,092,000.

HEADQUARTERS COMMAND

Andrews Air Force Base, Camp Springs, Maryland, $2,013,000.

Bolling Air Force Base, Washington, District of Columbia, $7,185,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Altus, Oklahoma, $830,000.

Charleston Air Force Base, Charleston, South Carolina, $2,347,000.

Dover Air Force Base, Dover, Delaware, $5,223,000.

McChord Air Force Base, Tacoma, Washington, $1,556,000.

McGuire Air Force Base, Wrightstown, New Jersey, $1,004,000.

Norton Air Force Base, San Bernardino, California, $2,016,000.

Scott Air Force Base, Belleville, Illinois, $665,000.

Travis Air Force Base, Fairfield, California, $1,299,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Honolulu, Hawaii, $237,000.

STRATEGIC AIR COMMAND

Beale Air Force Base, Marysville, California, $1,348,000.

Blytheville Air Force Base, Blytheville, Arkansas, $522,000.

Carswell Air Force Base, Fort Worth, Texas, $100,000.

Castle Air Force Base, Merced, California, $5,703,000.

Davis-Monthan Air Force Base, Tucson, Arizona, $1,326,000.

Ellsworth Air Force Base, Rapid City, South Dakota, $1,445,000.

Fairchild Air Force Base, Spokane, Washington, $104,000.

Grand Forks Air Force Base, Grand Forks, North Dakota, $514,000.

Grissom Air Force Base, Peru, Indiana, $95,000.

K. I. Sawyer Air Force Base, Marquette, Michigan, $839,000.

Loring Air Force Base, Limestone, Maine, $1,980,000.

Malmstrom Air Force Base, Great Falls, Montana, $522,000.

Minot Air Force Base, Minot, North Dakota, $1,564,000.

Offutt Air Force Base, Omaha, Nebraska, $1,295,000.

Pease Air Force Base, Portsmouth, New Hampshire, $8,205,000.

Plattsburgh Air Force Base, Plattsburgh, New York, $128,000.

Westover Air Force Base, Chicopee Falls, Massachusetts, $456,000.

Wurtsmith Air Force Base, Oscoda, Michigan, $440,000.

Various locations, $928,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Austin, Texas, $2,559,000.

Cannon Air Force Base, Clovis, New Mexico, $290,000.

George Air Force Base, Victorville, California, $547,000.

Holloman Air Force Base, Alamogordo, New Mexico, $7,067,000.

Homestead Air Force Base, Homestead, Florida, $1,421,000.

Langley Air Force Base, Hampton, Virginia, $1,968,000.

Little Rock Air Force Base, Little Rock, Arkansas, $150,000.

Luke Air Force Base, Phoenix, Arizona, $3,269,000.

MacDill Air Force Base, Tampa, Florida, $3,268,000.

McConnell Air Force Base, Wichita, Kansas, $232,000.

Mountain Home Air Force Base, Mountain Home, Idaho, $2,060,000.

Myrtle Beach Air Force Base, Myrtle Beach, South Carolina, $446,000.

Nellis Air Force Base, Las Vegas, Nevada, $1,171,000.

Shaw Air Force Base, Sumter, South Carolina, $1,473,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado Springs, Colorado, $434,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Goodfellow Air Force Base, San Angelo, Texas, $2,200,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement Facilities, $15,220,000.

Various Locations, Water Pollution Abatement Facilities, $7,820,000.

Outside the United States

AEROSPACE DEFENSE COMMAND

Naval Station, Keflavik, Iceland, $2,017,000.

PACIFIC AIR FORCES

Philippine Islands, $129,000.
Ryukyu Islands, $1,388,000.
Korea, $478,000.

STRATEGIC AIR COMMAND

Andersen Air Force Base, Guam, $850,000.

UNITED STATES AIR FORCES IN EUROPE

Germany, $1,254,000.
United Kingdom, $585,000.
Various Locations, $1,192,000.

POLLUTION ABATEMENT

Various Locations, Water Pollution Abatement Facilities, $985,000.

SEC. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $11,985,000.

SEC. 303. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment in the total amount of $10,000,000: *Provided*, That the Secretary of the Air Force or his designee shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1972, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 304. (a) Public Law 88–174, as amended, is amended under the heading "Inside the United States", in section 301 as follows:

(1) Under the subheading "AIR FORCE SYSTEMS COMMAND" with respect to Sacramento Peak Upper Air Research Site, New Mexico, strike out "$3,167,000" and insert in place thereof "$3,410,000".

(b) Public Law 88–174, as amended, is amended by striking out in clause (3) of section 602 "$162,287,000" and "$491,969,000" and inserting in place thereof "$162,530,000" and $492,212,000", respectively.

SEC. 305. (a) Public Law 90–110, as amended, is amended under the heading "Inside the United States", in section 301 as follows:

(1) Under the subheading "Military Airlift Command" with respect to Travis Air Force Base, Fairfield, California, strike out "$6,047,000" and insert in place thereof "$6,946,000".

(b) Public Law 90–110, as amended, is amended by striking out in clause (3) of section 802 "$314,578,000" and "$400,950,000" and inserting in place thereof "$315,437,000" and "$401,849,000", respectively.

SEC. 306. (a) Public Law 91–511 is amended under the heading "Inside the United States", in section 301 as follows:

(1) Under the subheading "Strategic Air Command" with respect to Minot Air Force Base, Minot, North Dakota, strike out "$134,000" and insert in place thereof "$330,000".

(b) Public Law 91–511 is amended by striking out in clause (3) of section 602 "$191,937,000" and "$256,189,000" and inserting in place thereof "$192,133,000" and "$256,385,000", respectively.

TITLE IV

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment, for defense agencies for the following acquisition and construction:

Inside the United States

DEFENSE ATOMIC SUPPORT AGENCY

Sandia Base, Albuquerque, New Mexico, $662,000.

DEFENSE SUPPLY AGENCY

Defense Automatic Addressing System Office, Dayton, Ohio, $143,000.

Defense Construction Supply Center, Columbus, Ohio, $1,569,000.

Defense Depot, Mechanicsburg, Pennsylvania, $1,209,000.

Defense Depot, Memphis, Tennessee, $136,000.

Defense Depot, Ogden, Utah, $1,452,000.

Defense Depot, Tracy Annex, Stockton, California, $100,000.

Defense General Supply Center, Richmond, Virginia, $432,000.

Defense Industrial Supply Center, Philadelphia, Pennsylvania, $541,000.

Defense Personnel Support Center, Philadelphia, Pennsylvania, $134,000.

DSA Subsistence Regional Headquarters, Alameda, California, $268,000.

Various locations, Air Pollution Abatement Facilities, $1,317,000.

NATIONAL SECURITY AGENCY

Fort George G. Meade, Maryland, $2,638,000.

SEC. 402. The Secretary of Defense may establish or develop installations and facilities which he determines to be vital to the security of the United States, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $10,000,000; *Provided*, That the Secretary of Defense, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including real estate actions pertaining thereto.

TITLE V—MILITARY FAMILY HOUSING

SEC. 501. The Secretary of Defense, or his designee, is authorized to construct, at the locations hereinafter named, family housing units and trailer court facilities in the numbers hereinafter listed, but no family housing construction shall be commenced at any such locations in the United States, until the Secretary shall have consulted with the Secretary of the Department of Housing and Urban Development, as to the availability of adequate private housing at such locations. If agreement cannot be reached with respect to the availability of adequate private housing at any location, the Secretary of Defense shall immediately notify the Committees on Armed Services of the House of Representatives and the Senate, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

(a) Family housing units—

(1) The Department of the Army, one thousand five hundred and seventy-eight units, $40,784,900:

Fort Carson, Colorado, two hundred units.

Fort Gordon, Georgia, two hundred units.

United States Army Installations, Oahu, Hawaii, three hundred units.

Camp Drum, New York, eighty-eight units.

Fort Bragg, North Carolina, one hundred and fifty units.

Carlisle Barracks, Pennsylvania, sixty units.

Fort Jackson, South Carolina, three hundred units.

Fort Hood, Texas, two hundred eighty units.

(2) The Department of the Navy, four thousand two hundred fifty-four units, $107,146,000:

Naval Complex, East Bay, San Francisco, California, three hundred units.

Naval Complex, Long Beach, California, three hundred units.

Marine Corps Base, Camp Pendleton, California, two hundred units.

Naval Complex, San Diego, California, six hundred units.

Naval Complex, District of Columbia, one hundred fifty units.

Naval Air Station, Jacksonville, Florida, three hundred units.

Naval Training Center, Orlando, Florida, four units.

Naval Air Station, Glynco, Georgia, one hundred thirty units.

United States Naval Installations, Oahu, Hawaii, four hundred units.

Naval Complex, Warminister, Pennsylvania, two hundred units.

Naval Complex, Newport, Rhode Island, two hundred units.

Naval Complex, Charleston, South Carolina, two hundred and eighty units.

Naval Air Station, Memphis, Tennessee, one hundred units.

Naval Complex, Norfolk, Virginia, six hundred and forty units.

Naval Station, Roosevelt Roads, Puerto Rico, two hundred and fifty units.

Naval Complex, Subic Bay, Republic of the Philippines, two hundred units.

(3) The Department of the Air Force, three thousand six hundred units, $86,022,000.

Beale Air Force Base, California, two hundred units.

United States Air Force Academy, Colorado, two hundred units.

Ent-Peterson Air Force Base, Colorado, two hundred and fifty units.

Dover Air Force Base, Delaware, three hundred units.

Bolling Air Force Base, District of Columbia, four hundred units.

Homestead Air Force Base, Florida, one hundred and sixty units.

Andrews Air Force Base, Maryland, four hundred and fifty units.

Offutt Air Force Base, Nebraska, three hundred units.

Cannon Air Force Base, New Mexico, two hundred and fifty units.

Wright-Patterson Air Force Base, Ohio, five hundred units.

Shaw Air Force Base, South Carolina, five hundred units.

Woomera, Australia, ninety units.

(b) Trailer Court Facilities—

(1) The Department of the Navy, one thousand five hundred spaces, $4,500,000.

(2) The Department of the Air Force, eight hundred fifty spaces, $2,780,000.

Sec. 502. Authorization for the construction of family housing provided in this Act shall be subject, under such regulations as the Secretary of Defense may prescribe, to the following limitations on cost, which shall include shades, screens, ranges, refrigerators, and all other installed equipment and fixtures:

(a) The average unit cost for each military department for all units of family housing constructed in the United States (other than Hawaii and Alaska) shall not exceed $24,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(b) No family housing unit in the area specified in subsection (a) shall be constructed at a total cost exceeding $42,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(c) When family housing units are constructed in areas other than that specified in subsection (a) the average cost of all such units shall not exceed $33,500 and in no event shall the cost of any unit exceed $42,000. The cost limitations of this subsection shall include the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

Sec. 503. Notwithstanding the limitations contained in prior military construction authorization Acts on cost of construction of family housing, the limitations contained in section 502 of this Act shall apply to all prior authorization for construction of family housing and not heretofore repealed and for which construction contracts have not been executed by date of enactment of this Act.

Sec. 504. The Secretary of Defense, or his designee, is authorized to accomplish alterations, additions, expansions, or extensions not otherwise authorized by law, to existing public quarters at a cost not to exceed—

(1) for the Department of the Army, $10,367,000.

(2) for the Department of the Navy, $8,271,000.

(3) for the Department of the Air Force, $13,825,000.

(4) for the Defense Agencies, $205,000.

Sec. 505. The Secretary of Defense, or his designee, is authorized to construct or otherwise acquire, four family housing units in foreign countries at a total cost not to exceed $106,000. This authority shall include the authority to acquire lands and interests in land, and shall be limited to such projects as may be funded by use of excess foreign currencies when so provided in Department of Defense appropriations Acts.

Sec. 506. Section 515 of Public Law 84–161 (69 Stat. 324, 352) as amended, is amended by (1) striking out "1971 and 1972" in the first sentence and inserting in lieu thereof "1972 and 1973", (2) striking out "seven thousand five hundred" in the second sentence and inserting in lieu thereof "ten thousand", and (3) striking out "$190" and "$250" in the third sentence and inserting in lieu thereof "$200" and "$275", respectively.

Sec. 507. Section 507 of Public Law 88–174 (77 Stat. 307, 326) as amended, is amended by (1) striking out "1971 and 1972" and inserting in lieu thereof "1972 and 1973", and (2) striking out "$185" and inserting in lieu thereof "$210".

Sec. 508. (a) Sections 4774(f) and 9774(f) of title 10, United States Code, are amended to read as follows: "(f) If the Secretary of Defense, or his designee, determines, on the basis of a survey of the family housing needs at any installation where the construction of family housing is authorized, that the construction of four-bedroom units or five-bedroom units for enlisted men is required, such units may be constructed with a net floor area of not more than one thousand two hundred fifty square feet, and one thousand four hundred square feet, respectively."

(b) Section 7574(d) of title 10, United States Code is amended to read as follows: "(d) If the Secretary of Defense, or his designee, determines, on the basis of a survey of the family housing needs at any installation where the construction of family housing is authorized, that the construction of four-bedroom units or five-bedroom units for enlisted men is required, such units may be constructed with a net floor area of not more than one thousand two hundred fifty square feet, and one thousand four hundred square feet, respectively.".

(c) Sections 4774(g), 7574(e), and 9774(g) of title 10, United States Code, are amended by inserting "or five-bedroom units" after "four-bedroom units".

Sec. 509. (a) Chapter 449 of title 10, United States Code, is amended by repealing section 4775 and by striking out the corresponding item in the analysis.

(b) Chapter 949 of title 10, United States Code, is amended by repealing section 9775 and by striking out the corresponding item in the analysis.

Sec. 510. The Secretary of Defense, or his designee, is authorized to accomplish repairs and improvements to existing public quarters in amounts in excess of the $10,000 limitation prescribed in section 610(a) of Public Law 90–110 (81 Stat. 279, 305), as amended, for the United States Naval Academy, Annapolis, Maryland, five units, $125,000.

Sec. 511. There is authorized to be appropriated for use by the Secretary of Defense, or his designee, for military family housing as authorized by law for the following purposes:

(1) for construction and acquisition of family housing, including improvements to adequate quarters, improvements to inadequate quarters, minor construction, relocation of family housing, rental guarantee payments, construction and acquisition of trailer court facilities, and planning, an amount not to exceed $270,919,000, and,

(2) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payment to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m), an amount not to exceed $633,212,000.

TITLE VI—HOMEOWNERS ASSISTANCE

Sec. 601. In accordance with subsection 1013(i) of Public Law 89–754 (80 Stat. 1255, 1292) there is authorized to be appropriated for use by the Secretary of Defense for the purposes of section 1013 of Public Law 89–754, including acquisition of properties, an amount not to exceed $7,575,000.

TITLE VII

GENERAL PROVISIONS

Sec. 701. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

Sec. 702. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, IV, V, and VI, shall not exceed—

(1) for title I: Inside the United States, $363,126,000; outside the United States, $41,374,000; or a total of $404,500,000.

(2) for title II: Inside the United States, $266,068,000; outside the United States, $52,042,000; section 202, $3,733,000; or a total of $321,843,000.

(3) for title III: Inside the United States, $226,484,000; outside the United States, $8,878,000; section 302, $11,985,000; or a total of $247,347,000.

(4) for title IV: A total of $20,601,000.

(5) for title V: Military family housing, $904,131,000.

(6) for title VI: Homeowners assistance, $7,575,000.

Sec. 703. Except as provided in subsection (b), any of the amounts specified in titles I, II, III, and IV of this Act, may, in the discretion of the Secretary concerned, be increased by 5 per centum when inside the United States (other than Hawaii and Alaska), and by 10 per centum when outside the United States or in Hawaii and Alaska if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress. However, the total cost of all construction and acquisition in each such title may not exceed the total amount authorized to be appropriated in that title.

(b) When the amount named for any construction or acquisition in title I, II, III, or IV of this Act involves only one project at any military installation and the Secretary of Defense, or his designee, determines that the amount authorized must be increased by more than the applicable percentage prescribed in subsection (a), the Secretary concerned may proceed with such construction or acquisition if the amount of the increase does not exceed by more than 25 per centum the amount named for such project by the Congress.

(c) Subject to the limitations contained in subsection (a), no individual project authorized under title I, II, III, or IV of this Act for any specifically listed military installation may be placed under contract if—

(1) the estimated cost of such project is $250,000 or more, and

(2) the current working estimate of the Department of Defense, based on bids received, for the construction of such project exceeds by more than 25 per centum the amount authorized for such project by the

Congress, until after the expiration of thirty days from the date on which a written report of the facts relating to the increased cost of such project, including a statement of the reasons for such increase has been submitted to the Committees on Armed Services of the House of Representatives and the Senate.

(d) The Secretary of Defense shall submit an annual report to the Congress identifying each individual project which has been placed under contract in the preceeding twelve-month period and with respect to which the then current working estimate of the Department of Defense based upon bids received for such project exceeded the amount authorized by the Congress for that project by more than 25 per centum. The Secretary shall also include in such report each individual project with respect to which the scope was reduced in order to permit contract award within the available authorization for such project. Such report shall include all pertinent cost information for each individual project, including the amount in dollars and percentage by which the current working estimate based on the contract price for the project exceeded the amount authorized for such project by the Congress.

SEC. 704. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, or such other department or Government agency as the Secretaries of the military departments recommend and the Secretary of Defense approves to assure the most efficient, expeditious and cost-effective accomplishment of the construction herein authorized. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives a breakdown of the dollar value of construction contracts completed by each of the several construction agencies selected, together with the design, construction, supervision, and overhead fees charged by each of the several agents in the execution of the assigned construction. Further, such contracts (except architect and engineering contracts which, unless specifically authorized by the Congress, shall continue to be awarded in accordance with presently established procedures, customs, and practice) shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. The Secretaries of the military departments shall report semiannually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

SEC. 705. (a) As of October 1, 1972, all authorizations for military public works (other than family housing) to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorizations for appropriations therefor, that are contained in titles I, II, III, and IV of the Act of October 26, 1970, Public Law 91-511 (84 Stat. 1204), and all such authorizations contained in Acts approved before October 27, 1970, and not superseded or otherwise modified by a later authorization are repealed except—

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions;

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts, land acquisitions, or payments to the North Atlantic Treaty Organization, in whole or in part before October 1, 1972, and authorizations for appropriations therefor;

(3) notwithstanding the repeal provisions of section 605(a) of the Act of October 26, 1970, Public Law 91-511 (84 Stat. 1204, 1223), authorization for the following item which shall remain in effect until October 1, 1973:

(a) utilities in the amount of $2,874,000 at Navy Public Works Center, Newport, Rhode Island, that is contained in title II, section 201 of the Act of July 21, 1968 (82 Stat. 373); and

(4) notwithstanding the repeal provisions of section 605(a) of the Act of October 26, 1970, Public Law 91-511 (84 Stat. 1204, 1223) authorizations for the following items which shall remain in effect until October 1, 1973:

(a) utilities in the amount of $288,000 at Fort Hancock, New Jersey, that is contained in title I, section 101 of the Act of December 5, 1969 (83 Stat. 293), as amended.

(b) Utilities in the amount of $545,000 at Fort Wadsworth, New York, that is contained in title I, section 101 of the Act of December 5, 1969 (83 Stat. 293), as amended.

(b) Effective fifteen months from the date of enactment of this Act, all authorizations for construction of family housing, including trailer court facilities, all authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and all authorizations for related facilities projects, which are contained in this or any previous Act, are hereby repealed, except—

(1) authorizations for family housing projects as to which appropriated funds have been obligated for construction contracts or land acquisitions or manufactured structural component contracts in whole or in part before such date; and

(2) authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and authorizations for related facilities projects, as to which appropriated funds have been obligated for construction contracts before such date.

SEC. 706. None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize any building construction projects inside the United States in excess of a unit cost to be determined in proportion to the appropriate area construction cost index, based on the following unit cost limitations where the area construction cost index is 1.0:

(1) $3,200 per man for permanent barracks;

(2) $11,000 per man for bachelor officer quarters; unless the Secretary of Defense or his designee determines that because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable: *Provided*, That notwithstanding the limitations contained in prior military construction authorization Acts on unit costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of enactment of this Act.

SEC. 707. Chapter 159 of title 10, United States Code, is amended as follows:

(1) Section 2674(a) is amended by adding immediately before the period at the end thereof "or for a project which the Secretary of a military department determines will, within three years following completion of the project, result in savings in maintenance and operation costs in excess of the cost of the project".

(2) The catchline and text of section 2672, and the corresponding item in the analysis are amended by striking out "$25,000" wherever it appears and inserting in place thereof "$50,000".

(3) Section 2672 is amended by adding the following new sentence at the end thereof: "The authority to acquire an interest in land under this section includes authority to make surveys and acquire interests in land (including temporary use), by gift, purchase, exchange of land owned by the United States, or otherwise.".

(4) Section 2677(b) is amended by deleting the last sentence thereof.

(5) Section 2662 is amended by deleting subsection (a)(3) and inserting in its place the following new subsection:

"(3) A lease or license of real property owned by the United States, if the estimated annual fair market rental value of the property is more than $50,000."

SEC. 708. (a) The Secretary of the Army, or his designee, is authorized to convey to the State of Texas, subject to such terms and conditions as the Secretary of the Army or his designee, may deem to be in the public interest, all right, title and interest of the United States, except as retained in this section, in and to a certain parcel of land containing 20 acres, more or less, out of and a part of section 2, block 81, township 2, Texas and Pacific Railroad Company Survey, El Paso County, Texas, within the Castner Range area of the Fort Bliss Military Reservation, being more particularly described as follows:

Starting at a United States Government monument, marking the corners common to sections 2, 3, 8, and 9, block 81, township 2, El Paso County, Texas,

thence proceeding north 88 degrees 48 minutes 17 seconds east along the south line of said section 2, a distance of 94.09 feet to a point on the east line of the proposed north-south freeway;

thence north 01 degree 18 minutes 22 seconds west, along the east line of said freeway, and the west line of a 95.0-foot wide easement to the city of El Paso, Texas, a distance of 95.0 feet, to the point of beginning of subject parcel;

thence north 01 degree 18 minutes 22 seconds west along the east right-of-way line of said north-south freeway, and the west line of subject parcel, a distance of 1244.58 feet to a point;

thence north 88 degrees 48 minutes 17 seconds east into said section 2, a distance of 700.0 feet to a point;

thence south 01 degree 18 minutes 22 seconds east, along the east line of subject parcel, a distance of 1244.58 feet to a point on the north line of a 95.0-foot-wide easement to the city of El Paso, Texas;

thence south 88 degrees 48 minutes 17 seconds west along the north line of said easement to the city of El Paso, Texas, and the south line of subject parcel, a distance of 700.0 feet to the point of beginning.

(b) In consideration for the conveyance by the United States of the property described in subsection (a), the State of Texas shall convey to the United States a parcel of land containing 18.3106 acres, more or less, out of and part of section 21, block 81, township 2, El Paso County, Texas, said parcel being a portion of a 24.25-acre parcel of land heretofore conveyed by the United States to the State of Texas for National Guard and military use by deed dated November 4, 1954, pursuant to the Act of August 30, 1954 (68 Stat. 974), said 18.3106-acre parcel being more particularly described as follows:

Beginning at a point on the south line of Hayes Avenue and the west right-of-way line of the proposed north-south freeway;

thence south 30 degrees 26 minutes 35 seconds west along the west line of said freeway, and the east line of subject area, a distance of 570.42 feet to a point;

thence south 34 degrees 26 minutes 10 seconds west, along the west line of said freeway and the east line of subject area, a distance of 260.00 feet to a point;

thence south 27 degrees 15 minutes 37 seconds west, along the west line of said freeway and the east line of subject area, a distance of 218.63 feet to a point on the north line of Truman Avenue;

thence south 86 degrees 32 minutes 40 seconds east, along the north line of Truman Avenue and the south line of subject area, a distance of 635.32 feet to a point on the east line of Pollard Street;

thence north 03 degrees 27 minutes 20 seconds east, along the east line of Pollard Street, and the west line of subject area, a distance of 902.37 feet to a point on the south line of Hayes Avenue;

thence north 88 degrees 01 minute 34 seconds west, along the south line of Hayes Avenue, and the north line of subject area, a distance of 1116.62 feet to the point of beginning.

(c) The legal descriptions in subsections (a) and (b) may be modified, as agreed upon by the Secretary, or his designee, and the State of Texas, consistent with any necessary changes which may be disclosed as the result of an accurate survey.

(d) There shall be reserved to the United States in the conveyance of lands described in subsection (a) hereof the following—

(a) all mineral rights including gas and oil; and

(b) rights of ingress and egress over roads in the described lands serving buildings or other works operated by the United States or its successors or assigns in connection with Fort Bliss, rights-of-way for water lines, sewer lines, telephone and telegraph lines, power lines, and such other utilities which now exist, or which may become necessary to the operation of the said Fort Bliss.

(e) The conveyance of the property authorized by subsection (a) of this section shall be upon the following conditions:

(1) That such property shall be used primarily for training of the National Guard and for other military purposes, and that if the State of Texas shall cease to use the property so conveyed for the purposes intended, then title thereto shall immediately revert to the United States, and in addition, all improvements made by the State of Texas during its occupany shall vest in the United States without payment of compensation therefor.

(2) That whenever the Congress of the United States declares a state of war or other national emergency, or the President declares a state of emergency, and upon the determination by the Secretary of Defense that the property conveyed under this Act is useful or necessary for military, air, or naval purposes, or in the interest of national defense, the United States shall have the right, without obligation to make payment of any kind, to reenter upon the property and use the same or any part thereof, including any and all improvements made thereon by the State of Texas, for the duration of such state of war or of such emergency. Upon the termination of such state of war or of such emergency plus six months such property shall revert to the State of Texas, together with all appurtenances and utilities belonging or appertaining thereto.

(3) That the State, in accepting the conveyance from the United States authorized in subsection (a) hereof, shall covenant and agree to all responsibility for clearance of ammunition from the area and to hold the United States harmless from liability in connection with any incidents arising therefrom.

(f) In executing the deed of conveyance authorized by this section, the Secretary of the Army shall include specific provisions covering the reservations and conditions contained in subsections (a) and (b) of this section.

(g) All expenses for surveys and the preparation and execution of legal documents necessary or appropriate to carry out the foregoing provisions of this section shall be borne by the State of Texas.

(h) Notwithstanding in the provisions of section 3(b) of Public Law 91–202, approved March 4, 1970 (84 Stat. 20), structures and improvements which are to be replaced in kind at the expense of the city of El Paso, Texas, under such section, shall be constructed on land conveyed to the State of Texas under subsection (a) of this section instead of on the site designated in Public Law 91–202, but all other provisions of that law shall remain in full force and effect.

SEC. 709. Notwithstanding any other provision of law, none of the lands constituting Camp Pendleton, California, may be sold, leased, transferred, or otherwise disposed of by the Department of Defense unless hereafter authorized by law.

SEC. 710. Titles I, II, III, IV, V, VI, and VII of this Act may be cited as the "Military Construction Authorization Act, 1972".

TITLE VIII

RESERVE FORCES FACILITIES

SEC. 801. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

(1) For the Department of the Army:

(a) Army National Guard of the United States, $25,686,000.

(b) Army Reserve, $30,300,000.

(2) For the Department of the Navy; Naval and Marine Corps Reserves, $10,090,000.

(3) For the Department of the Air Force:

(a) Air National Guard of the United States, $9,000,000.

(b) Air Force Reserve, $5,250,000.

SEC. 802. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774(d) and 9774 (d) of title 10, United States Code. The authority to place permanent or temporary improvements on lands includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 803. This title may be cited as the "Reserve Forces Facilities Authorization Act, 1972."

And the Senate agree to the same.

F. EDWARD HÉBERT,
MELVIN PRICE,
O. C. FISHER,
CHARLES E. BENNETT,
JAMES A. BYRNE,
SAMUEL S. STRATTON,
LESLIE C. ARENDS,
ALVIN E. O'KONSKI,
WILLIAM G. BRAY,
BOB WILSON,
CARLETON J. KING,
Managers on the Part of the House.

JOHN C. STENNIS,
STUART SYMINGTON,
HENRY M. JACKSON,
SAM J. ERVIN, JR.,
HOWARD W. CANNON,
HARRY F. BYRD, JR.,
STROM THURMOND,
JOHN TOWER,
PETER H. DOMINICK,
Managers on the Part of the Senate.

JOINT STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9844) to authorize certain construction at military installations, and for other purposes, submit the following joint statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying report:

LEGISLATION IN CONFERENCE

On July 22, 1971, the House of Representatives passed H.R. 9844 which is the fiscal year 1972 military construction authorization for the Department of Defense and Reserve components.

On August 5, 1971, the Senate considered the legislation, amended it by striking out all language after the enacting clause and wrote a new bill.

COMPARISON OF HOUSE AND SENATE BILLS

H.R. 9844, as passed by the House of Representatives, provided construction authorization to the military departments and the Department of Defense for fiscal year 1972 in the total amount of $2,144,348,000.

The bill as passed by the Senate provided new authorizations in the amount of $2,008,652,000.

SUMMARY OF RESOLUTION OF DIFFERENCES

As a result of a conference between the House and Senate on the differences in H.R. 9844, the conferees agreed to a new adjusted authorizations for military construction for fiscal year 1972 in the amount of $1,986,323,000.

The Department of Defense and the respective military departments had requested a total of $2,259,444,000 for new construction authorization for fiscal year 1972. This amount included $183,570,000 for ABM related construction later transferred by the Senate to the military procurement bill. The action of the Conferees, therefore, reduces this departmental request by $89,107,000 rather than $272,677,000 as it would appear.

TOTAL AUTHORIZATION GRANTED, FISCAL YEAR 1972

Brief of authorizations

Title I—Army:	
Inside the United States	$363, 126, 000
Outside the United States	41, 374, 000
Section 102	0
Subtotal	404, 500, 000
Title II—Navy:	
Inside the United States	266, 068, 000
Outside the United States	52, 042, 000
Section 202	3, 733, 000
Subtotal	321, 843, 000
Title III—Air Force:	
Inside the United States	226, 484, 000
Outside the United States	8, 878, 000
Section 302	11, 985, 000
Subtotal	247, 347, 000
Title IV—Defense Agencies:	
Inside the United States	20, 601, 000
Title V—Military Family Housing	904, 131, 000
Title VI—Homeowners Assistance	7, 575, 000
Total, Titles I, II, III, IV, V, and VI	1, 905, 997, 000
Title VIII—Reserve Components:	
Army National Guard	25, 686, 000
Army Reserve	30, 300, 000
Naval and Marine Corps Reserve	10, 090, 000
Air National Guard	9, 090, 000
Air Force Reserve	5, 250, 000
Total	80, 326, 000
Grand total granted by titles I, II, III, IV, V, VI, and VIII	1, 986, 323, 000

Title I—Army

The House had approved construction in the amount of $571,130,000 for the Department of the Army. This included $172,500,000 for the Safeguard. The Senate approved construction for the Army in the amount of $397,279,000. This was a reduction of $173,851,000, but included the $172.5 million for the Safeguard system. The Safeguard funds, which were originally included in the House version of the bill, were transferred by the Senate to the military procurement authorization bill; and, therefore, Senate action resulted in an actual reduction from the House bill in the amount of $1,351,000.

The conferees agreed to a new total for title I in the amount of $404,500,000.

Among the items originally deleted by either the House or Senate and restored by the conferees were the following:

Fort Bragg, N.C.—Hospital addition, $7,258,000

The Senate deleted this particular project believing that due to fiscal restraints the item could be deferred. This addition will not provide any additional beds to this fine Army hospital, but will add much needed clinical facilities which are presently located in temporary buildings or are not provided at all. The House conferees pointed out that the average daily outpatient visits at the hospital are presently 2,066 compared to 966 when the hospital opened in fiscal year 1958.

The Senate receded.

Fort Hood, Tex.—Tactical equipment shops, $4,835,000

The House deleted the Army's request due to uncertainties of the TRICAP test division and its maintenance requirements. Senate conferees argued that a deficiency of 348,658 square feet existed at Fort Hood for adequate tactical equipment shops. Further, approval of this project will only provide 110,395 square feet of this deficiency. The Senate further pointed out that the considerable amount of work currently being performed in the out of doors could be better accomplished in modern shops, thus improving efficiency and improving troop morale.

The House receded.

Fort Carson, Colo.—Commissary, $2,129,000

Deferral of this project by the House was based on reasons of economy and to have a determination made as to whether or not the Army found it feasible to build commissaries with non-appropriated or surcharge funds.

It was pointed out in conference that the Army considered it essential that appropriated funds be provided to support a major portion of the much needed commissary construction because the amount of surcharge funds generated, over and above the mandatory reimbursements, are inadequate to support a viable program. Further, the deplorable condition of the existing commissary at Fort Carson makes it unsafe for continued use.

The House receded.

NATO infrastructure—Europe, $15 million

The House bill deleted $10 million from the requested $20 million for NATO infrastructure. The Senate included the full request. The conferees discussed this matter at length and approved a compromise figure of $15 million. Based upon the latest information, a carryover $45.4 million in authorization will be available at the beginning of fiscal year 1972. This carryover plus the $15 million agreed upon by the conferees will make available an estimated total authorization of $60.4 million which should be sufficient to fund the U.S. share of fiscal year 1972 obligations which are now estimated to be some $50 million. Therefore, the conferees felt that the Army will have sufficient authorization to be able to meet the U.S. commitments to this multinational program.

Title II—Navy

The House approved $318,716,000 in new construction authorization for the Department of the Navy. The Senate approved $330,183,000.

The conferees agreed to a new total in the amount of $321,843,000.

Among the major items originally deleted by either the House or Senate and restored in the conference were the following:

Naval Submarine Base, New London, Conn.—Submarine repair support facility, $2,325,000.

The House deleted this particular project believing that sufficient capability for submarine repair already existed on the east coast. The Senate approved this project.

In conference, it was pointed out that the present facilities at New London were built for the repair of diesel submarines no longer in the fleet, are widely disbursed over the base, and undersized for today's workload. Further, it was pointed out that the naval submarine base at New London will be the primary homeport for one-fourth of the modern attack submarine force. The importance of high-quality work and safety assurance on these deep-diving vessels cannot be overemphasized.

The House receded.

U.S. Naval Home, Philadelphia, Pa., $991,000

Both the Senate and the House approved $991,000 requested by the Department of the Navy as a first increment for the repair and renovation of the Naval Home in Philadelphia. At the suggestion of the Navy, the Senate committee included in the bill language which will permit these funds to be used elsewhere with the specific approval of the Armed Services Committees of both Houses, if a more desirable and modern location can be found for this Home. The House conferees readily accepted this amendment because testimony and subsequent information revealed that these structures, built between 1833 and 1867, are beyond the stage of economical repair and are highly undesirable for continued use by the elderly occupants.

The Secretary of the Navy has advised both committees that regardless of whether or not the Home is moved, there is a need for $410,000 in fiscal year 1972 directly connected with the insuring of the safety of the residence. In light of this, the conferees of both the House and Senate unanimously agreed that not more than $410,000 of the funds authorized may be used to repair the present facilities without the specific approval of the Committees on Armed Services of both the House and the Senate. The conferees were unanimous in their opinion that any attempt to construct entirely new facilities for the Naval Home would be entirely too costly at this time; that the Navy should act promptly in relocating the Home at a more desirable location where existing Government-owned facilities may be adapted for use as a Naval Home at a reasonable cost.

Naval Air Rework Facility, Norfolk, Va.—Turbo fan engine test cells, $6,226,000

The House version of the bill omitted these test cells believing that sufficient capability for testing turbo fan engines existed in the present Navy facilities. The Senate included these test cells in their version of the bill.

The Senate conferees pointed out that Norfolk is the designated rework site for the J–52 jet engine in the A–4 and A–6 aircraft, the J–57 jet engine with afterburner and F–8 aircraft and the TF–30 turbo fan jet engine in the A–7 aircraft. The current and projected test workload for these engines will require full use of four jet engine test cells. Senate conferees insisted that it was most essential that this project be approved if Norfolk is to meet its jet engine test load and for the military to make progress in the elimination of pollution from test projects.

The House receded.

NCBC-Gulfport, Miss.—Mess Hall, Exchange, Chapel, $3,008,000

These projects were included in the House version of the bill but were not considered by the Senate. House conferees pointed out the necessity for these projects due to the severe damage done to this installation during Hurricane Camille which practically demolished the whole gulf coast 2 years ago; the NCBC, Gulfport, provides homeport and training facilities for over 5,000 personnel of the Atlantic Fleet Naval Construction Force; and existing structures are uneconomical to maintain and repair.

After full discussion of these projects, the Senate receded.

Naval Air Station, Miramar, Calif.—Jet Engine Test Cell, $965,000

The House of Representatives deleted the jet engine test cell in its original consideration of the bill because the justification stated that the project was associated with the F–14 aircraft. At the time of House consideration, the future of the F–14 aircraft was very uncertain and, therefore, the House deferred, without prejudice, this project. It was included in the Senate version of the bill.

During the conference, it was pointed out that the future of the F–14 was no longer in doubt as far as the current year's program was concerned, and, therefore, that particular reason for deferral was no longer valid. Further, the Senate conferees pointed out that the Naval Air Station, Miramar, could meet only 75 percent of its test cell workload by operating its two existing cells on a two-shift basis 5 days per week. It was further pointed out that failure to construct this facility as soon as possible will aggravate the noise pollution problem which is a major environmental issue at NAS, Miramar.

The House receded.

Naval Station, Pearl Harbor, Hawaii—Forge and Propellor Shop, $1,384,000

The House deferred without prejudice this project because it was felt that the work was being performed in existing facilities and could continue there another year without serious degradation of the mission of the shipyard.

In discussing this project it was pointed out that deferral of this project would perpetuate the inefficient propellor repair operation at the shipyard caused by the antiquated equipment, the archaic handling procedures and the poor shop layout. Further, this shipyard is a designated repair and overhaul facility for the propellor and shaft repair program of the entire Pacific area.

The House receded.

Section 207

The Senate added section 207 directing the Secretary of Defense to prepare a detailed study in connection with the Culebra Complex in the Atlantic Fleet Weapons Range.

This section was one of the most controversial items discussed in conference, since the complex has been the center of a controversy for the past 2 years.

Section (b) of the Senate provision directs in part that the study called for in section (a) "shall be done in sufficient detail as to provide a basis for the development of a plan for the orderly transfer of activities now conducted in the Culebra Complex to another site or sites."

House conferees argued that this language appeared to be a mandate for moving away from the Culebra Complex even though the study to be done by the Secretary of Defense might result in a finding that there was no alternative to this complex.

After a most thorough discussion of the matter, the Senate agreed to the House position and the above-quoted language was deleted.

The Senate receded.

Title III—Air Force

The House approved $222,299,000 in new construction authorization for the Department of the Air Force. The Senate approved $260,046,000.

The conferees agreed to a new total in the amount of $247,347,000.

Among the major items in conference which were resolved after much deliberation were the following:

Hill AFB, Utah—Ballistic Missile Support Equipment Overhaul Facility, $2,665,000

The House omitted this project from its bill believing that the requirements testified to could be deferred to a future program without impinging upon the mission in view of the fiscal restraints under which military departments are now operating.

During the conference, it was pointed out that this project provided complete facilities for repair of Minuteman and Titan ground support equipment. Work on transporters is presently uneconomically performed in widely dispersed 1940 version warehouses not suited for the large size equipment supporting the 1970 ICBM force. Existing buildings are beyond economical repair and will be razed upon completion of the project.

The House receded.

Robins AFB, Ga.—Depot A/C Overhaul Facility, $7,729,000

The House deleted this project and was of the opinion that the Air Force was proceeding too rapidly in their depot modernization program. The House committee felt that in view of the fact that the workload had not increased in the past 5 years, existing facilities could be utilized. During the conference, Senate conferees pointed out that the project is not an expansion of maintenance capacity but is the core to making the entire maintenance function at Robins AFB more cost effective. The proposed facilities will eliminate inefficient operations through the centralization and the accommodation of modern material handling equipment.

The House receded.

Wright-Patterson AFB, Ohio—Logistic management facility, $6,875,000

The House denied but the Senate approved $6,875,000 for a logistics management facility at the Wright-Patterson Air Force Base in Ohio. The House conferees were adamant in their position that the facilities now in use can be utilized another year and that the funds requested for a new facility may better be used this year for other more pressing needs, such as depot modernization.

The Senate conferees reluctantly receded to the House position but pointed out that the logistics command manages annual expenditures in excess of $10 billion, that they have assembled a highly competent staff that is operating under most undesirable and crowded conditions. In order to relieve this congestion somewhat, they are utilizing two substandard, World War II wooden frame buildings. It was agreed that a new structure should be provided for in a future construction program.

The Senate receded.

AEDC, Tennessee—Propulsion engine test facility, $917,000

The House included the engine test facility, but the Senate excluded this project in their bill. During the conference, House conferees pointed out that this project is for the replacement of six exhaust gas coolers which have been in operation for 17 years. The exhaust coolers, in their present condition, limit the performance capability to the engine test facility exhauster system, making the test capability very much degraded. Replacement of these coolers would restore the original altitude capability and provide the facility with its original test capability.

The Senate receded.

McGuire AFB, N.J.—Addition to passenger terminal, $921,000

In its original consideration of the bill, the Senate deleted this project and stated that since it was of relatively low priority on the list of projects, it could be deferred. House conferees pointed out that seven out of nine aircraft serving the McGuire terminal are DC–8 stretched-jets. When two of these aircraft simultaneously load/unload, approximately 438 passengers plus relatives and friends are massed into a structure originally designed for only 200 passengers. The resultant turmoil presents an untenable situation.

The Senate receded.

Goodfellow AFB, Tex.—Crypto training facility, $2,200,000

This project was added by the House because in their review of the Air Force program, it was determined that the project was of sufficient urgency to warrant current consideration. This facility provides instruction in basic signal intelligence skills and specific skills associated with the operation and maintenance of associated electronic equipment to both officers and enlisted personnel of the Army, Navy, and Air Force. The existing facilities were not designed for their current use and do not provide adequate or authorized square footage.

The Senate receded.

Title IV—Defense agencies

Defense Depot, Mechanicsburg, Pa.—Lighting and Improvements to Building, $722,000

The House deleted this project during its consideration, but it was included in the Senate bill. During conference, the Senate conferees convinced the House conferees that improved efficiency would result from the proposed rehabilitation of these facilities.

The House receded.

Section 402

The Department of Defense requested $15 million for the Secretary of Defense's emergency fund. The House committee pointed out to the Department of Defense witnesses during the hearings that this fund had been used, in the past, for projects not contemplated when the fund was originally set up. Even though the witnesses assured the House committee that tighter control will be put into effect, the House felt that a cut of $5 million would not be detrimental to the Department of Defense.

The Senate, in its deliberations, felt a cut of $2,500,000 was sufficient.

During the conference, the House conferees pursuaded the Senate conferees that the $5 million reduction did not impair the defense posture of the United States.

The Senate receded.

Title V—Military family housing

The administration requested $919,200,000 for all costs of family housing. This includes the cost of operation and maintenance of existing housing, debt payment on former Capehart and Wherry programs, servicemen's mortgage insurance payments, etc., and some 9,684 units of new housing. While the Department's program averaged out at $24,500 per unit, they did propose a new concept in the pricing of unit cost; namely, the establishment of a unit cost based upon the rank of the occupants to the so-called 5-foot line. This would have excluded the cost of site development, the cost of land, and the cost of utilities beyond 5 feet of the house. This concept was not acceptable to either the House or the Senate, since it is believed an average unit cost is desirable if proper control is to be maintained over the housing program.

In lieu of this new concept, the Department asked for an increase in an average unit cost of housing. Within the United States, other than Alaska and Hawaii, they asked for an increase in the average cost from $23,000 to $24,500 per unit with an absolute unit cost increase of from $40,000 to $45,000. Outside the United States, including Alaska, Hawaii, and Puerto Rico, they asked for an average unit cost of $35,000 as opposed to the current $32,000, with an increase in the absolute cost of a unit of $5,000 over the current limit of $40,000.

Rather than increase the unit cost, the House in their deliberations, chose to maintain the existing unit costs, but in lieu of reducing the funds requested, added some 665 additional units of housing which were to be constructed within the amount allowed.

The Senate was convinced that some increase in the unit cost was desirable in view of the past building cost increase and an anticipated limited increase in the future. Accordingly, the Senate was granted a new average unit cost within the United States, other than Alaska and Hawaii, of $24,000 with an absolute cost of $42,000. Outside the United States, including Alaska, Hawaii, and Puerto Rico, the Senate granted a new unit cost of $35,000 with an absolute cost of $42,000. Likewise, the Senate deleted 430 units of housing for the antiballistic missile sites in North Dakota and Montana having transferred them to the military procurement authorization bill along with other Safeguard costs in order that all costs of the Safeguard system could be considered in one bill.

After considerable discussion and a review of the building cost index, the House acceded to the Senate position with the exception of 88 units of housing for Camp Drum, N.Y., which the Senate conferees agreed were thoroughly justified. Likewise, the conferees unanimously agreed to the inclusion of 90 units of housing for a highly classified mission in Australia which were requested by the Air Force subsequent to the submission of the bill to the Congress. No additional funds were added for the housing at Camp Drum or in Australia since they will be accomplished out of savings in the family housing account.

In summary, the conferees unanimously agreed on a new authorization for all costs of family housing of $904,131,000 which includes the construction of 9,432 units of military family housing.

Title VII—General provisions

The House added a provision amending chapter 159 of title 10, United States Code, to prevent the lease or license of real property owned by the United States where the estimated fair market value of the property is more than $50,000 without congressional notification. This amendment was not included in the Senate bill.

After discussion as to the possibility and technical feasibility of the U.S. Government leasing certain property for $1 per year when its estimated fair market value would be $1 million dollars per year without Congressional notification, the Senate agreed to go along with the House amendment.

The Senate receded.

The Senate added section 708 authorizing the Secretary of the Army to convey to the State of Texas certain lands at the Fort Bliss

Military Reservation in exchange for certain other lands. The House of Representatives passed H.R. 2566 on Monday, October 4, containing the identical language in Section 708 as added by the Senate. Therefore, in order to prevent further legislative action on H.R. 2566, the House agreed to the inclusion of Section 708.

The House receded.

F. Edward Hébert,
Melvin Price,
O. C. Fisher,
Charles E. Bennett,
James A. Byrne,
Samuel S. Stratton,
Leslie C. Arends,
Alvin E. O'Konski,
William G. Bray,
Bob Wilson,
Carleton J. King,
Managers on the Part of the House.
John C. Stennis,
Stuart Symington,
Henry M. Jackson,
Sam J. Ervin, Jr.,
Howard W. Cannon,
Harry F. Byrd, Jr.,
Strom Thurmond,
John Tower,
Peter H. Dominick,
Managers on the Part of the Senate.

PERSONAL ANNOUNCEMENT

(Mr. EDMONDSON asked and was given permission to extend his remarks at this point in the Record.)

Mr. EDMONDSON. Mr. Speaker, my return to Washington from Oklahoma yesterday was unavoidably delayed due to several developments, including an airplane equipment failure, with the result that I missed the rollcall vote on House Joint Resolution 208, the Equal Rights Amendment.

Had I been present, Mr. Speaker, I would have voted for this resolution, and against any crippling amendments to it.

I regret very much missing these important votes.

EVE EDSTROM

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, it was with profound sorrow and regret that we learned late this afternoon of the death of Mrs. Eve Edstrom, a prize-winning reporter with the Washington Post for 20 years.

Mrs. Edstrom died in her home last night of cancer. She was 48 years old. Many of us here in Congress recall Mrs. Edstrom's perceptive and highly skilled reporting. She had visited my committee many times and I never ceased to respect her outstanding ability to grasp a complicated piece of legislation and translate its meaning to her readers in a manner for all to understand.

Covering the Hill is no sport for the weak. The legislation is highly complex and frequently challenges lucid understanding.

Yet, Mrs. Edstrom had that unique ability to fight deadlines and bring details of a complex story in a manner that did credit to the entire journalism profession.

Eve Edstrom joined the Post in 1951 after working for the Louisville Journal for 6 years.

She was president of the Women's National Press Club, while her husband, Ed Edstrom, was president of the National Press Club in the early 1960's.

Among the awards Mrs. Edstrom won were three Washington Newspaper Guild Awards, the Heywood Broun Award and the Catherine O'Brien Award for a series on relief and unwed mothers.

The Washington Post has lost an outstanding journalist and we here in Congress have lost a highly skilled communicator who brought meaning and understanding to her readers of the highly complex nature of Congress.

We shall miss her integrity; her honesty; and above all, her profound skill as a journalist.

I extend to her family my profound sorrow.

CONSUMER PROTECTION AGENCY

(Mr. MOORHEAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MOORHEAD. Mr. Speaker, today the House of Representatives will cast an historic vote. It is one of those votes that will be discussed when the Congress is rated on its willingness to reorder its priorities. It is a subject that will be discussed when Congress efforts to provide relief to the harried consumers of this Nation are examined. And it is a vote that is being watched closely across the Nation by those who have been duped, cheated, conned, and otherwise sold inferior merchandise in the Nation's marketplaces.

Today the House votes on creating a Consumer Protection Agency.

The bill as reported by the Government Operations Committee will create just such an agency but its powers to protect, in some respects, will be miniscule and next to useless.

I will offer an amendment to strengthen this bill.

The Washington Post in its editorial today entitled "Consumer Protection: A Key Vote in the House," talks about the Moorhead amendment:

> Decisive to the outcome is an amendment—offered by William Moorhead (D-Pa.)—that would broaden the range of federal activities in which the proposed agency can intervene. This is not asking for unfair powers or seeking to have the deck stacked in favor of consumers; it is only asking that the new agency be allowed to represent consumers in the government's decision-making and policy-making procedures. Without the Moorhead amendment, the consumer agency would be excluded from most of these procedures. Strangely, when an idea is forwarded to put the buyer on equal footing with the seller, this somehow is seen as radical. Actually the Moorhead amendment would give the Consumer Protection Agency no regulatory power, no powers to fine, to penalize or to dictate to an industry. It only allows the CPA to present the consumer case before an agency or court. This is only common fairness. In passing the Moorhead amendment, the House has an opportunity to join the consumer movement in an effective way.

I include this editorial in the Record now and urge the House to support my amendment today:

Consumer Protection: A Key Vote in the House

> Rarely does a day pass that news of a marketplace deception, fraud or "mistake," is not reported. It might be poisoned soup yesterday, dangerous drugs or toys being banned by the Food and Drug Administration today, or another recall announcement of potentially unsafe cars tomorrow. The businessmen or corporations are quick to say that their particular offense was most certainly a rare lapse. This may be true enough. But from the consumer viewpoint some kind of stronger protection is needed by way of reassurance. Representative Benjamin Rosenthal (D N.Y.) and other consumer-minded law-makers have been working on legislation that would create this crucial aid—an independent Consumer Protection Agency. The idea has been in the works for years, and the House Hill will vote today on the legislation.
>
> The issue is not so much whether or not an agency will be established; the Senate last year approved the general idea by a vote of 74–4 and this year a bill came out of committee 24–4. Instead, the test is whether the agency will be given strong or only token powers. The administration, Representative Chet Holifield, chairman of the Government Operations Committee, and a number of commerce lobbies are taking the cosmetic approach—an agency that would look and sound powerful but in fact would be weak. Defending the weaknesses he has helped put into the legislation, chairman Holifield said: "Any person who votes against this bill as it is now constituted . . . is voting against the consumers of America, and their chance to really get started in this field." Get started? Where has Mr. Holifield been the past few years? The consumer movement has been building in such impact and breadth that a strong protection agency is now needed as a climax, not a beginning. Those who are working for strength include such consumer allies as The Consumer Federation of America, Ralph Nader, Common Cause, Mr. Rosenthal and 16 members of the Government Operations Committee.
>
> Decisive to the outcome is an amendment—offered by Williams Moorhead (D-Pa.)—that would broaden the range of federal activities in which the proposed agency can intervene. This is not asking for unfair powers or seeking to have the deck stacked in favor of consumers; it is only asking that the new agency be allowed to represent consumers in the government's decision-making and policy-making procedures. Without the Moorhead amendment, the consumer agency would be excluded from most of these procedures. Strangely, when an idea is forwarded to put the buyer on equal footing with the seller, this somehow is seen as radical. Actually the Moorhead amendment would give the Consumer Protection Agency no regulatory power, no powers to fine, to penalize or to dictate to an industry. It only allows the CPA to present the consumer case before an agency or court. This is only common fairness. In passing the Moorhead amendment, the House has an opportunity to join the consumer movement in an effective way.

HISTORIC MONUMENTS PRESERVATION BILL WILL SAVE OLD CUSTOMHOUSE

(Mrs. ABZUG asked and was given permission to address the House for 1 minute; to revise and extend her remarks and to include extraneous matter.)

Mrs. ABZUG. Mr. Speaker, I am today

introducing a bill which would permit State and local governments to take over and maintain historic properties without undue burden on their meager financial resources. The measure would provide that when the Federal Government determines that surplus Federal property is suitable for use as an historic monument and conveys it to a State or local government, the grantee may permit commercial use of the property if such use is compatible with use of the property for historic monument purposes.

Under the Surplus Property Act of 1944, surplus Federal properties are conveyed without cost to the States and local governments for historic preservation. However, no commercial uses have been heretofore allowed. Because expenses of rehabilitation and maintenance in old structures are particularly high, preservation of a site is often not feasible unless some revenue-producing use of the property can be made. By permitting such uses in limited, carefully controlled circumstances, it may be possible to develop and maintain certain historic monument sites which would otherwise be left to deteriorate or be demolished to make way for new construction.

One such structure is the New York Customs House, located in my district at the southern tip of Manhattan. Designed by Cass Gilbert and constructed in the early part of this century, this seven-story French-style building may be lost to posterity if this bill is not enacted. The Federal Government may soon declare it as surplus property, and the city of New York cannot afford to maintain it unless it produces some revenue. The use of a portion of the building for appropriate and compatible commercial purposes would enable the use of the remainder for such cultural and educational activities as a museum, study programs, lectures, and research.

Determination of which commercial activities are appropriate will be made by the Secretary of the Interior, who approves the grantee's plan to repair, rehabilitate, restore, and maintain the property. The professional judgment of the Advisory Board on National Parks will prevent any frivolous or improper use of the properties, as well as insuring that only those monuments truly worthy of preservation will be considered for conveyance.

The Administrator of the General Services Administration further approves the grantee's plan for financing and payment to the United States of the fair property value, such payment to come from the income received from the commercial use of the property after recovery of all costs to the grantee of restoration and maintenance. Any extra revenue produced by the monument above and beyond that paid to the Federal Government must be used by the grantee for park and recreational purposes.

The bill would grant the real and personal property to the State or local governmental grantee for use as an historic monument in perpetuity, abolishing the 20-year limitation in existing law. Furthermore, the measure removes the requirement that surplus properties have an historic significance going back at least 50 years before their being declared surplus.

Far too often, monuments worth preserving for their architectural or historic value are lost to posterity because there is no money available to maintain them; in other instances, such structures are turned into unbearable tourist traps. This measure would prevent either fate from befalling properties conveyed under its provisions, and I hope that my colleagues will give it their full support.

The text of the bill follows:

H.R. —

A bill to facilitate the preservation of historic monuments, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484), is further amended by redesignating section 203(k)(3) as section 203(k)(4) and by adding a new 203(k)(3) as follows:

"(k)(3) Without monetary consideration to the United States, the Administrator may convey to any State, political subdivision, instrumentalities thereof, or municipality, all of the right, title, and interest of the United States in and to any surplus real and related personal property which the Secretary of the Interior has determined is suitable and desirable for use as a historic monument, for the benefit of the public. No property shall be determined to be suitable or desirable for use as a historic monument except in conformity with the recommendation of the Advisory Board on National Parks, Historic Sites, Buildings and Monuments established by section 3 of the Act entitled 'An Act for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes', approved August 21, 1935 (49 Stat. 666), and only so much of any such property shall be so determined to be suitable or desirable for such use as is necessary for the preservation and proper observation of its historic features.

"(A) The Administrator may authorize use of any property conveyed under this subsection for revenue-producing activities if the Secretary of the Interior (i) determines that such activities are compatible with use of the property for historic monument purposes, (ii) approves the grantee's plan for repair, rehabilitation, restoration, and maintenance of the property, and (iii) approves the grantee's plan for financing repair, rehabilitation, restoration, and maintenance of the property. The Secretary shall not approve a financial plan unless it provides that incomes in excess of costs of repair, rehabilitation, restoration, and maintenance shall be used by the grantee only for public park or recreational purposes. The Administrator may not authorize any uses under this subsection until the Secretary has examined and approved the accounting and financial procedures used by the grantee. The Secretary may periodically audit the records of the grantee, directly related to the property conveyed.

"(B) The deed of conveyance of any surplus real property disposed of under the provisions of this subsection—

"(i) may contain such additional terms, shall be used and maintained for historic monument purposes in perpetuity, and that in the event that the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the United States, revert to the United States; and

"(ii) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Administrator to be necessary to safeguard the interests of the United States.

"(C) 'States' as used in this subsection, includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States."

SEC. 2. Section 13(h) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(h)) is repealed.

SURFACE TRANSPORTATION ACT OF 1971

(Mr. ADAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADAMS. Mr. Speaker, I am today reintroducing, with the cosponsorship of Mr. BLANTON, Mr. BYRON, Mr. CARTER, Mr. HELSTOSKI, Mr. METCALFE, Mr. PICKLE, Mr. PODELL, Mr. ROY and Mr. SCHMITZ, the "Surface Transportation Act of 1971." This bill, originally introduced as H.R. 10146, was initially referred to the Ways and Means Committee, because it contained an investment tax credit title and other tax provisions. Because the recently passed economic legislation included an investment credit, and because the remainder of provisions in the legislation fall more appropriately under the jurisdiction of the House Interstate and Foreign Commerce Committee, I am today reintroducing this legislation without any tax titles or sections.

Upon original introduction I stated that I believed that this bill would begin the process of restoring this Nation's surface transportation system, a revitalization necessary for a healthy interstate commerce and a strengthened American economy. That statement is certainly as true today as it was then, and I hope that this legislation will accomplish that purpose.

Upon original introduction I also pointed out that although this bill pertains to regulated surface transportation, it is my strong personal feeling that a number of its provisions should be made applicable to air transportation. In this regard, I am presently reexamining title I and other sections in view of the very difficult capital situation facing some of our Nation's regulated airlines. It has long been my belief that this Nation's transportation system must be assessed—and improved—as a total system, with each of its parts interrelating and interacting efficiently. I would hope the committee might agree when it considers this legislation.

Mr. Speaker, this bill reflects the best efforts of the railroads, the truckers, and water carriers to lay aside their differences and to develop a program improving the ability of transportation to carry out its essential public function. The air transport section of our transportation system is now also examining the bill.

I am under no illusion that this bill will solve all of our transportation ills. But I believe it will make an effective beginning. I hope that each Member of Congress concerned about the future of our transportation system will have an opportunity to review and consider this legislative proposal.

THE PASSING OF GEN. LEWIS PULLER, OUR MOST DECORATED MARINE

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, throughout the country front pages of our newspapers yesterday carried the sad news of the death of Gen. Lewis Puller, our most decorated marine. Such attention befits the memory of this outstanding military leader.

Gen. Lewis Puller will long be remembered by the men who served under him, not for the awards he won, but for the attention and understanding he gave them. Some of my constituents who served under him have told me of the deep concern he had for them. He worked them hard, they said, but he wanted them to get the best care and the best breaks. He was brave and was a constant, unfailing example for his men.

This same sentiment was expressed by Gen. Lewis Walt, former assistant commandant of the Marine Corps, who had fought alongside General Puller and was his lifelong friend.

General Walt said:

> No braver man ever took the field. He was absolutely cool under fire. His rule was to hit the enemy with all you've got at the right time and in the right place. His first concern was always the enlisted men. He loved them, and I believe they loved him. He didn't send them into battle, they followed him in.

General Puller had a very characteristic stance with his chest out and military "brace" in great evidence, thus he became known as Chesty, a name by which his men affectionately called him thereafter.

He served 37 years with the corps, starting as a private. He enlisted in 1918 and retired in 1955 because of ill health. He was 73 when he died at a Veterans' Administration hospital in Hampton, Va., Monday night.

Chesty Puller won 56 decorations. He served in Haiti, Nicaragua, and China in between World Wars. In both World War II and Korea he had Marine commands, and he received numerous wounds during battles, but refused to give up the fight ever.

My friends tell me that he was not afraid to face the enemy, nor his superiors. He was a superb battlefield commander, but because he was not afraid to disagree and because he was outspoken, his general's stars came late in his career. His first star was awarded in 1951, and his second in August 1953, after he was sent stateside to training commands. He received his third star at his retirement in 1955, and he continued to watch our military posture and our involvement around the world.

Because of his great concern and his devotion to his country and his men, he will remain in the pages of history as an outstanding example among military leaders. We are sorry he has gone and pray that future generations will heed his examples.

THE LATE HONORABLE BOURKE B. HICKENLOOPER

The SPEAKER pro tempore (Mr. Pucinski). Under a previous order of the House, the gentleman from Iowa (Mr. Gross) is recognized for 60 minutes.

Mr. GROSS. Mr. Speaker, on September 9, in Cedar Rapids, Iowa, former U.S. Senator Bourke B. Hickenlooper, 75, was buried.

Thus came to an end the career of one of Iowa's most distinguished and popular sons.

"Hick," as he was popularly known, spent almost half his life in the service of the people of both Iowa and the Nation and his accomplishments were many.

He was a coauthor of the Atomic Energy Act of 1954, the law that enabled the commercial development of atomic energy. He served as chairman of the Joint Committee on Atomic Energy.

As the ranking minority member of the Senate Foreign Relations Committee, he was instrumental in the 1967 consular treaty with the Soviet Union and, in an age when the State Department is notable for allowing foreign nations to push this country around, it was the Hickenlooper amendment to the 1961 Foreign Assistance Act that provided for termination of aid to any nation that expropriates American-owned property and fails to pay for it within 6 months.

A stanch Republican, his party honored him by making him chairman of the Republican Policy Committee from 1962 to 1968, when he retired from public life.

Even before he came to Washington, Senator Hickenlooper was devoting himself to the people of his State. He served two terms in the Iowa Legislature, was twice Lieutenant Governor of the State, and served as Governor before entering the U.S. Senate in 1944.

He had a well-founded fear of the ever-growing Federal bureaucracy, which he described as "a fourth branch of government that in many ways overshadows the other three."

"Hick" had a finely honed sense of humor and some of his favorite stories involved his name. He used to tell about the time when he was a boy in Taylor County, Iowa, and his mother sent him on an errand to a drugstore:

> I asked for a nickel's worth of assafetida and told the druggist to charge it. He asked my name and I told him it was Bourke Blakemore Hickenlooper. He asked me to repeat it and I did. He said, "Here, sonny, take it. It isn't worth a nickel to write assafetida and Hickenlooper on a charge ticket."

Senator Hickenlooper was a champion of the free enterprise system and of a farm economy free from Federal controls.

He opposed much of the civil rights legislation that came before the Senate in the 1960's. He opposed the United Nations, the Peace Corps, and medicare.

Senator Hickenlooper died in his sleep on September 4, while visiting in the home of a friend at Shelter Island, N.Y. Only last December did he suffer a heavy blow in the death of his wife, Verna. Her lingering illness was one of the compelling reasons for the Senator's retirement from Congress in 1968.

In the death of Bourke B. Hickenlooper, Iowa and the Nation lost a truly dedicated public servant and I lost a personal friend.

To his son and daughter and their families I extend my sympathy in their great loss.

Mr. Speaker, our colleague in Congress for many years, the Honorable Charles B. Hoeven, now living in retirement in Alton, Iowa, was a close personal friend of the late U.S. Senator Bourke B. Hickenlooper of Iowa.

Because of this long and intimate relationship with Senator Hickenlooper, I am inserting Mr. Hoeven's tribute to his friend at this point in the Record.

Hoeven Eulogizes Hickenlooper

> I deeply regret the sudden passing of my dear friend and former colleague, Senator Bourke B. Hickenlooper, on September 4, 1971. I was out of the State of Iowa at the time of his passing and on the day of his funeral at Cedar Rapids, Iowa, on September 9, 1971. If I had been at my home in Iowa at the time, I most certainly would have attended the funeral services.
>
> Senator Hickenlooper and I had much in common. We were both members of the 88th Division in World War I. We also attended the College of Law of the State University of Iowa together, graduating with the Class of 1922. In fact we had recently corresponded regarding the 50th Anniversary of our graduation to be held at Iowa City, Iowa, in June of 1972.
>
> The late Senator and I also served together in the Iowa General Assembly, he as a member of the Iowa House of Representatives and I as a member of the Iowa State Senate. When he became Lieutenant Governor of Iowa in January of 1939, I was chosen as the President Pro-Tem of the Senate, presiding over the Senate during the years 1939–1940 inclusive, whenever the Lieutenant Governor was absent. Later I was elected to the United States House of Representatives from the old Eighth Congressional District of Iowa, at the 1942 General Election and the Senator was elected to the United States Senate in the General Election of 1944. Hence the Senator and I served together in the Congress for twenty years until my voluntary retirement in January of 1965.
>
> In the passing of Bourke B. Hickenlooper I have lost a close and intimate friend. He made a splendid record in the United States Senate and he will long be remembered by hs loyal Iowa constituents whom he served so well. He was a splendid citizen and a great American who well served his day and generation. I shall miss him very much in the days that lie ahead.—Charles B. Hoeven.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am happy to yield to my colleague from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, I want to join my colleague (Mr. Gross) and my other colleagues from Iowa in this tribute today for one of the great names of all time in public service in the State of Iowa.

Bourke B. Hickenlooper served our State for many, many, many years. His name was a household word since I was a small boy. He was a strong advocate of his position, whatever that may have been, and he was well respected for being a strong advocate and for being a person who would let people know exactly where he stood on whatever the issue might be.

His wife was spared the grief of his death, because she passed on a few months before he did.

I am sure the loss of the other would have been a great shock for either one of them because as all of my colleagues know they were close and devoted to one another.

Mr. Chairman, Senator Hickenlooper was an example of how one never knows what notch in life a person might make. Who would have ever thought that a person from Iowa, from the Middle West, would go down in history as I am sure he will, in a field such as atomic energy? We are just now beginning to get a glimmer of what he must have known for many years as he worked so hard in this area, and that is that it is the great energy of the future and our Nation will greatly depend upon this type of energy.

Mr. Speaker, he was one of the very principal architects in those early years and those important years during the development of this energy and he was one of the few who were in positions of trust and made sure that it was developed in such a way so it will be available for the use of all mankind.

Mr. Speaker, he shall be long remembered for that.

My family extends our greatest sympathy to his daughter and his son and to his other loved ones in their time of sorrow.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman fom Iowa.

Mr. KYL. I thank the gentleman for taking this time and for yielding.

Bourke Hickenlooper devoted his life to public service. And, what a record he wrote. Here was a man who participated in the most important decisions of this Nation, not only on the Senate floor, but as an inner-circle confidant at the highest level of government. He could be trusted.

His great judgment was sought by succeeding Presidents of both parties. His Nation always came before partisan consideration.

When he was partisan, he was partisan to principle, but time after time he refused the easy road of political expediency to follow the principles in which he believed.

I think it is notable that he was not a self-serving politician. He was busy. His work was always important. He could have issued daily press releases to tell the voters back home what their Senator was doing. But his motivation was not publicity. He did not need it. The vote on election day mirrored the fact that Iowa's citizens trusted him to do what was right in their interest and in the national interest. As has already been mentioned, this gentleman was influential in the field of agriculture, atomic energy, and foreign policy. But, certainly, there has never been a man who appreciated the great outdoors, the hunting and fishing and the genuine conservation of our resources any more than did Bourke Hickenlooper. Although he did make those important decisions that moved him into the highest levels of government, no one would have known it because he was a real human man, a good father, and a wonderful husband.

He was highly honored because the people of Iowa knew him as a man. Had they known of his daily tremendous contributions, so largely hidden by the man himself, their appreciation would have been even more boundless.

I thank the gentleman for yielding.

Mr. GROSS. I thank the gentleman from Iowa for his remarks.

Mr. CULVER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Iowa (Mr. CULVER).

(Mr. CULVER asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. CULVER. Mr. Speaker, the death of Bourke Hickenlooper has deprived Iowa and the Nation of one of its most dedicated public servants. When he chose to retire from the Senate in 1969 he had concluded almost three decades of high public service, in Iowa and in the Senate of the United States.

Bourke Hickenlooper exemplified qualities of quiet leadership and sustained purpose. Though his name did not often appear in large headlines, his legislative judgment and experience were frequently evident in the work of the Congress. Within his committees particularly his influence was pervasive and wise. His senior position on the Republican side of the Foreign Relations Committee established standards of excellence and informal procedures for bipartisan collaboration which were widely recognized and which demonstrably enlarged the effectiveness of that committee in the conduct and oversight of foreign policy.

Senator Hickenlooper was a man who reached his own conclusions reflectively and with a deep reverence for the legislative process and pride in the Senate as an institution. All of his energies were directed to the work of that body, and he was able to blend in proper measure a devotion to party and an appreciation for the wider and enduring interests of his country.

On September 9 I was privileged to join many of the friends of Bourke Hickenlooper at a service of commemorations in Cedar Rapids. At the First Presbyterian Church, where I have also worshipped with my family, the pastor, John Shew, spoke of Bourke Hickenlooper's ability to arouse among his fellow citizens a sense of trust in country and convey also a deep sense of personal honesty and integrity. These are uncommon yet essential gifts for outstanding public service, and Senator Hickenlooper possessed them in abundance. In all he did and said there was no false drama, no artifice, no evasion of the clear expression of his convictions. For this we honor the memory of Bourke Hickenlooper as well as his life's partner, Verna, who died a short time previous.

Mr. Speaker, I ask consent that the works of meditation spoken at the funeral service by the Reverend Shew be included with these remarks.

The Gift of Honesty . . . A Meditation at the Memorial Service of Senator Bourke B. Hickenlooper

". . . let your yes be yes and your no be no, . . ." James 5:12

The late Reinhold Niebuhr, in an article on Justice and Order, said that the reason a democratic society holds together lies in the fact that 95% of the people accept and keep the laws of the land. What he was saying, in a word, is that our society's foundation is built on trust. But there is something which is basic to trust. Trust does not simply appear. No one trusts another by merely hearing words. No one gives consent to every plea. Trust is born from basic honesty.

That's why the book of James places this word at the very last part of his several bits of advice:

"But above all—yes—above all!—let your yes be yes, and your no be no . . ."

This is the basic Christian position. A Christian should need no dotted lines to sign, no notary publics to witness his contracts.

This is not original with James. No, it is a direct quote from Jesus himself, who spoke in the Sermon on the Mount: "Don't make oaths and seal them by reference to heaven, or earth, or by your head—let what you say be simply 'Yes' or 'No'—anything more than this comes from the Devil." By definition, Christ's man or woman is honest. His word is clear. He means to keep his promise no matter what extremity overtakes him.

Now what does all of this have to do with our gathering here to worship God and to remember our friend Senator Bourke Hickenlooper. First of all, let me remind you that the greatest casualty of the last 20 years has not been the environment, neither has it been the cumulative suffering of war wounded and dead. I would not minimize these. But the greatest casualty of the last 20 years in my opinion has been the erosion of trust in our country. And trust goes, when honesty is no longer a virtue. When our success is measured by the deals we can make, we inevitably stretch the fact, and garnish the truth.

I need not remind this congregation, that we have been living in a time when the citizen has grown cynical with his government, and when the government has had to take measures to arm itself from the dishonest citizen. We need not labor this point. It is the supreme task of our time to restore honesty to all levels; to do away with the glamour of the big deal, to realize that there is no diplomacy which dictates that we as a nation must not deal with others except in the most candid fashion.

Long-range, honesty is the best policy, both domestic and foreign. But we have said that we will not labor the point. I mention it here because we are remembering a man who has distinguished himself in this country's service for over half his life. I have not known Senator Hickenlooper personally, except to visit him in his recent sorrow at the occasion of his beloved Verna's death. I have known his name, however, since I was a boy. I can remember the way he comported himself as leader of vital committees in the Senate; I have read all of the wonderful tributes in our news during the past week. I have talked with his friends. And one thing comes through, with much emphasis. Bourke Hickenlooper meant what he said, and said what he meant. He was an honest man. That's why this nation will miss him. He gave the gift of honesty to it. He let his yes be yes, and his no be no.

It is written therefore, in another part of the New Testament, that such honesty has the undergirding of God himself. Paul writes:

> "As surely as God is faithful, our word to you has not been Yes and No—at once. For the Son of God, Jesus Christ, was not Yes and No; but in him it is always *Yes*. For all promises of God find that Yes in him."

In keeping faith with us, in his honesty, Senator Hickenlooper has been Christ's man, both consciously, and unconsciously. And the promise to all who exercise this gift of honesty is that for them God grants the *Yes* of Eternal Life.

Mr. SCHERLE. Mr. Speaker, when the Honorable Bourke Hickenlooper passed away last month, he left behind a political legacy that is honorable in more than name. In his 34-year career of devoted public service spanning five Presidential administrations, the Senator from Iowa showed unfailing faithfulness to principle. Known as one of the foremost exponents of conservative Republicanism, "Hick"—as he was affectionately dubbed—never deviated from this philosophy.

In the many responsible roles he was chosen to fill, he proved again and again that the best way to be influential is to honor integrity as a guiding principle. He always acted on his beliefs and was proud of them. He never tried to straddle a fence for safety's sake, and made no bones about where he stood on the great issues of the day. The people of Iowa, who appreciate an honest and forthright representative, rewarded him with four successive terms in the U.S. Senate. During this tenure of office, "Hick" earned a well-deserved reputation as a Republican spokesman. He was the confidant of Presidents and rose to the ranking Republican position on the Senate Foreign Relations Committee.

I had the privilege of serving with him in the last 2 years of his final term in Congress, and it was a great honor to join the delegation led by so distinguished a Republican and conservative. His is a tradition well worth emulating, and those of us who subscribe to his principles are proud to follow in his footsteps.

Mr. MAYNE. Mr. Speaker, suddenly, quite unexpectedly, our beloved former colleague from the other Chamber, Senator Bourke Blakemore Hickenlooper, was called by his Maker one day this September.

For me, Senator Hickenlooper, or "Hick" as all Iowa and his friends everywhere knew him, was indeed "Mr. Republican." His record of 34 years of continuous public service—first as a State representative for 4 years, then as Lieutenant Governor for 4 years, followed by 2 years as Governor of the State of Iowa and finally by 24 years as U.S. Senator, culminating in his voluntary retirement on the eve of the 91st Congress, in January 1969, has served and will continue to serve as an inspiration to all Iowans aspiring to political office and the service of their fellow man.

"Hick" was not one to push himself into the limelight, but his influence among his colleagues on both sides of the aisle, and upon Presidents who frequently requested his counsel in nonpublicized walks in the White House rose garden, was far more than may ever be realized. The respect and esteem with which he was considered by his Republican colleagues was refletced in their electing him chairman of the Senate Republican Policy Committee. Under his able chairmanship, that committee's staff conducted research and published study papers still valued and cited by scholars and writers in many fields.

Nineteen times the name of Bourke Blakemore Hickenlooper appeared before the voters. Twice defeated, in early primary elections in his career, he became an arduous campaigner, turning his uncommon name into a political asset rather than detriment. He became one of the most popular public officials in the history of Iowa, and was indeed, as stated in an editorial in his hometown newspaper, the Cedar Rapids Gazette: The winningest Republican the State has ever had.

When historians have had opportunity to give objective study to the accounts and records of the era following World War II and closing in Senator Hickenlooper's retirement in 1969, I am sure they will consider him one of the true leading statesmen of the time. He had served throughout the Senate career on the Joint Atomic Energy Committee, had been chairman when the Republicans were in the majority and was ranking minority member upon his retirement. Much of the credit for this Nation's maintaining a strong defense posture in the field of nuclear arms and for the plowshare activities of the Atomic Energy Commission, could rightly be attributed to this Senator from Iowa.

Senator Hickenlooper in his service on the Senate Foreign Relations Committee pursued the course of "nonpartisanship" in foreign policy matters set by Senator Vandenberg. He refused to play politics at the expense of our foreign relations, and he insisted upon the committee retaining a nonpartisan professional staff, without political responsibilities and with no staff member owing allegiance to either the majority or minority of the committee, upon his becoming the ranking minority member of the committee. He had a wide and deep interest in foreign affairs, and through his close friendship with the committee chairman, Senator FULBRIGHT, and their working relationship the committee produced significant advances in foreign relations legislation which would otherwise have been impossible to achieve.

The distinguished Senator may be best known among students of international law for the various amendments to foreign assistance legislation which continue to bear his name. He successfully obtained enactment of the Hickenlooper amendment suspending foreign assistance to any country whose government expropriated American properties without providing compensation required by international law, as well as enactment of the so-called "Act of State Doctrine Amendment." The antiexpropriation amendment served to curb the many expropriations threatened in the wake of Castro, which would otherwise have racked all Africa, Asia, Latin America and perhaps Europe, driven out investment and perhaps have brought an end to any further thought of U.S. assistance to developing countries.

Only in recent years, as administrations succeed in ignoring these clear prohibitions in the law with the seeming acquiesence of congressional leaders, has there been a resurgence of widespread expropriations, now perhaps reaching a critical point demanding strong action by the United States if the taxpayers are to any longer foot the bill for foreign assistance. Had the Hickenlooper amendments been enforced throughout the years, it would appear we would be in a far better position in our relations with the less developed nations and certainly in a better position with regard to our balance of payments. It is not too late, however, for the United States to insist that the Hickenlooper amendments and other wise conditions upon our foreign assistance programs be strictly enforced, as a step toward the "rule of law."

"Hick" was frequently called upon for special assignments by the Senate leadership and by Presidents of both parties. President Eisenhower appointed him as a member of the U.S. delegation to the United Nations in 1958, and President Johnson sent him on a team of congressional observers to the South Vietnam election in 1966. He worked hard at all assignments, bringing fine legal insight and a high sense of responsibility to all that he was called to do. His delightful sense of humor often helped to break the ice and bring the participants together in conferences, as I witnessed in the caucuses of the Iowa delegation to the Republican National Convention of 1952. More than one of his colleagues, both Republican and Democrat, have considered him as one of the most valuable men in the Senate, always thoughtful and patient even when under considerable pressures.

I myself have two members of the former staff of the late Senator Hickenlooper on my own congressional staff, and I know how devoted they were to their former employer. I shall always be grateful for the advice and assistance "Hick" gave me in the days I was pondering whether to make the fateful decision to leave the private practice of law and enter the public service, and again in my early days in the Congress. We shall all miss him, and his lovely and gracious wife, Verna, who predeceased him this last December. Their son David, their daughter Jane, and their four fine grandchildren, all now living in Iowa, can be deservedly proud of these two fine parents and grandparents, both of whom served Iowa and the Nation so long and so well.

GENERAL LEAVE

Mr. GROSS. Mr. Speaker, I ask unanimous consent that all Members wishing to do so may have 5 legislative days in which to extend their remarks on the life and works of former Senator Bourke B. Hickenlooper.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

THE BIAS OF TELEVISION NEWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Crane) is recognized for 15 minutes.

Mr. CRANE. Mr. Speaker, for some time television networks and news executives have responded to charges of bias and distortion in news presentation as being politically motivated, as being an effort to "censor" and "control" the press, and as being untrue.

Recently, Walter Cronkite told a congressional committee that:

> Broadcast news today is not free . . . because it is operated by an industry that is beholden to the Government for its right to exist, its freedom has been curtailed by fiat, by assumption and by intimidation and harassment.

When asked about biased and one-sided reporting of the news, television spokesmen argue that if the conservatives, the blacks, and the new leftists all are attacking them, then they must be doing a fair and objective job of reporting.

While such a response initially sounds reasonable, the fact is that it is not responsive to the charges. Speaking before a Washington luncheon meeting of Accuracy In Media, Edith Efron of TV Guide magazine responded to this claim of the networks:

> If a man is divorced by his wife, disliked by his neighbors, thought unreliable by his creditors and inefficient by his employer, this does not prove what a good citizen he is. It probably proves the opposite, and the same is true for the criticism of television news which may sound contradictory but which is, in fact, the truth.

Miss Efron is the author of a new book, "The News Twisters," which presents evidence that televison reporting of the 1968 campaign was largely one-sided. She set three tape recorders to work for 7 weeks during the autumn of 1968, transcribing all of the 7–7:30 p.m. prime time ABC, CBS, and NBC network news programs. The major issue being discussed was, of course, the presidential campaign between Richard Nixon and Hubert Humphrey. There were, however, a number of important subissues such as the Vietnamese war, student protest, racism, the black militants, and the white silent majority. Taking some 100,000 words per network, including the commentary of reporters, Miss Efron broke everything down into "for" and "against" categories.

Her study shows that the network reporters portrayed Hubert Humphrey as "a talkative Democratic saint studded over with every virtue known to man." Richard Nixon was pictured not as a human being but "as a demon out of the liberal id."

The sub-issues produce a similar result. Liberals emerge as good people without race prejudice. Conservatives are bad, and are filled with racist phobias. America is portrayed as a country which oppresses blacks, and frequent justifications are made for black extremists and advocates of violence. Student protestors are usually referred to as "the kids," rather than as "the new left," thereby avoiding political connotation. Negroes who rejected the extremism of groups such as the Black Panthers received almost no television time. New Leftists who had philosophical grounding, from Herbert Marcuse to Paul Goodman, were also omitted, while student protesters occupied much prime time.

Miss Efron's study shows beyond a doubt that television news was massively slanted against Richard Nixon; that the networks strongly slanted coverage of the Vietnam War and of the bombing halt issue against the policies of the Johnson administration; the networks systematically rationalized political violence by black militants and new leftists; the networks consistently attacked the white middle class as "racist," "ignorant," and "authoritarian"; that the general charges in the 1969 speech by Vice President Spiro Agnew, claiming network bias, were valid; that all of Vice President Agnew's charges were conceded by major network newsmen before or after his speech, although they were officially denied by network management.

Writing of Miss Efron's book, the distinguished columnist and commentator Roscoe Drummond notes that:

> There is new, documented, perhaps conclusive evidence that the principal network TV news shows have been practicing massive bias . . . If there are any meaningful flaws in Miss Efron's methods of measuring bias in broadcast news, I did not detect them. I hope the networks will speak out thoughtfully and responsibly.

Mr. Drummond's column, which appeared in the October 2 issue of Chicago Today, follows:

[From Chicago Today, Oct. 2, 1971]

Is TV Guilty of Massive Bias?

(By Roscoe Drummond)

Washington.—There is new, documented, perhaps conclusive evidence that the principal network TV news shows have been practicing massive bias.

The evidence shows that in the 1968 campaign when the American people were making up their minds about whom they wanted for President, Richard Nixon was buried in an avalanche of one-sided TV reporting.

These findings are based on a two-year study by TV Guide's Edith Efron. She examined every word broadcast every night on the regular evening ABC, CBS and NBC news reports during the seven weeks preceding the Presidential election.

These findings are set out lucidly and precisely in Miss Efron's bombshell book, "The News Twisters" [Nash Publishing Company, Los Angeles].

The networks will have to have better answers to Miss Efron's facts than they had for Vice President Agnew's opinions—or the public's demand for reform will be powerful.

Miss Efron's content analysis of these network news shows reveals that.

"The networks actively opposed the Republican candidate, Richard Nixon, in his run for the Presidency."

"The networks actively favored the Democratic candidate, Hubert Humphrey."

"The networks actively slanted their opinion coverage in favor of black militants and against the white middle-class majority."

"The networks actively slanted their opinion coverage against United States policy on the Vietnamese war."

The one-sidedness of this TV reporting was found to be so pervasive, so consistent, and so similar between ABC, CBS and NBC as to leave no doubt that it was deliberate—not a conspiracy, but certainly not accidental.

The network executives, the producers, the reporters and the broadcasters apparently knew what they wanted—and got it.

How did Miss Efron measure broadcast bias? That is the crucial test of the validity of her research and her findings.

She tape-recorded the price-time shows of each network and had them transcribed. Then, from the body of about 100,000 words a network, she isolated all stories dealing with crucial political issues and excerpted all "for" and all "against" opinions on these 10 issues:

U.S. policy on Viet Nam, U.S. policy on the bombing halt, the Viet Cong, black militants, the white middle class, liberals, conservatives, the left, demonstrators and violent radicals.

Then Miss Efron and her research collaborator, Clytia M. Chambers, isolated the opinion content—direct quotes, paraphrase, narrative reports and the broadcasters' editorial opinions—from the newscasts and totaled the words spoken on both sides of each issue on each network.

In her book, Miss Efron presents the findings which emerge from her analysis in graphs as well as in statements. They boggle the eye—and the mind. For example:

During the seven-week period of the Presidential campaign, ABC spoke 869 words for Mr. Nixon and 7,483 words against him, CBS 320 for Mr. Nixon, 5,300 words against him, NBC 431 words for Mr. Nixon and 4,234 against him.

While ABC was giving 869 words firmly to the President, it was devoting 4,218 words friendly to Humphrey; CBS and NBC gave about the same ratio.

ABC and CBS gave approximately twice as much favorable coverage to militant blacks than unfavorable and the word count of NBC news was 3,666 words for militant blacks and 1,383 against.

If there are any meaningful flaws in Miss Efron's methods of measuring bias in broadcast news, I did not detect them. I hope the networks will speak out thoughtfully and responsibly.

Meanwhile, I recommend that any person who ever listens to network news read "The News Twisters"—and judge for himself.

Television newsmen, however, fail to respond to the specific charges made against the presentation of news. They prefer to attack all those who demand that they adhere to the Fairness Doctrine which is, after all, the law of the land, as being "censors" and as being men who somehow do not believe in freedom of the press. In the whole tradition of Anglo-Saxon law there has never been a connotation with regard to "freedom of the press" which meant that the press was immune from criticism. It is convenient to turn on the critics rather than respond to the criticism, and this is precisely what television news representatives have done.

Denouncing the whole idea of the Fairness Doctrine, and demanding the right to present as one-sided a news broadcast as he might desire, Walter Cronkite told the U.S. Senate Constitutional Rights Subcommittee that:

> "We are at the mercy or whim of politicians and bureaucrats and whether they choose to chop us down or not, the mere existence of their power is an intimidating and constraining threat in being.

This is an unusual position to take for an industry which has been as clearly biased and one-sided as Miss Efron's study shows television to have been.

To understand exactly what the position is of the television industry, and to observe the manner in which it refuses to confront its critics but prefers only to attack them, the following news article concerning Mr. Cronkite's presentation is included. It is the report of United Press International:

CRONKITE HITS BROADCAST CURBS

> Walter Cronkite, sitting before the television cameras as newsmaker rather than newscaster, asked Congress yesterday for a total end of government control over or licensing of broadcasting.
>
> "Broadcast news today is not free," he told the Senate Constitutional Rights Subcommittee inquiry into the state of press freedom today.
>
> "Because it is operated by an industry that is beholden to the government for its right to exist, its freedom has been curtailed by fiat, by assumption and by intimidation and harassment. . . .
>
> "The power to make us conform is too great to forever lie dormant," he said. "The axe lies there temptingly for the use of any enraged administration—Republican, Democrat, Wallacite or McCarthyite. We are at the mercy or whim of politicians and bureaucrats and whether they chose to chop us down or not, the mere existence of their power is an intimidating and constraining threat in being."
>
> But after Cronkite and most of the standing-room-only crowd had left, a law professor took the stand to argue for greater restraints.
>
> Prof. Jerome A. Barron of George Washington University said courts should be given power to order publishers and broadcasters to carry paid advertisements advocating the views of those who cannot get news exposure.
>
> Freedom of speech and the press, he said, is not the sole possession of those wealthy enough to own a station or a newspaper. It is a freedom to listen and read as well as to broadcast and print, he said.
>
> "Censorship is no less censorship if it is in private hands," he said, and by abolishing the Federal Communications Commission's power to license stations "you then have complete censorship."
>
> He said unorthodox ideas—as well as advertisements for or against the Vietnam War—have been unfairly rejected by newspapers.
>
> But Sen. Sam J. Ervin (D-N.C.) subcommittee chairman, argued that "forcing people to broadcast or print things they don't believe in" would violate the First Amendment and "in a sense is confiscation of their property."
>
> Cronkite said licensing was originally necessary because there were fewer channels or stations than would-be broadcasters. But he said, the development of cable television, FM radio and UHF television has created more outlets than the market can support, so competition between newscasters will serve alone to make news coverage fair.

Mr. Cronkite's defensiveness is, of course, well taken. We are now long past the time that television networks can claim that it is political partisanship which is the cause for the increasing criticism to which they are being subjected. In a recent column the respected news analyst John Chamberlain points out that:

> Vice President Spiro Agnew has hurt the credibility of the big TV networks with his what-for lectures, but everything he has said will pale into relative insignificance when a block-buster book, The News Twisters, hits the stands.

Mr. Chamberlain notes that:

> The interesting thing is that Miss Efron comes from within the "Establishment." She has been, at various times, a staff writer on the New York Times Magazine, managing editor of the Special Editorial Departments of Look magazine, and Central American correspondent for Time and Life Magazines.

Mr. Chamberlain's column follows:

BECAUSE OF ONE BOOK—TV REPORTING ON '72 CAMPAIGN SHOULD BE DIFFERENT

(By John Chamberlain)

> Vice President Spiro Agnew has hurt the credibility of the big TV networks with his what-for lectures, but everything he has said will pale into relative insignificance when a block-buster book, *The News Twisters* (published by Nash of Los Angeles), hits the stands. Written by Edith Efron of *TV Guide*, whose interview with commentator Howard K. Smith [see *Human Events*, March 14, 1970, page 8] surely tipped Agnew off to the vulnerability of the networks' news coverage, the book presents evidence that the TV reporting of the 1968 campaign was just about as one-sided as a match between Muhammed Ali and my seven-year-old granddaughter. I am not indulging in hyperbole when I say this; I am merely recognizing the irrefutable nature of Miss Efron's arraignment.
>
> The girl has left nothing to chance. What she did was to set three tape recorders to work for seven weeks during the autumn of 1968, transcribing all the 7–7:30 p.m. prime time ABC, CBS and NBC network shows. The big issue of the day was, of course, the Nixon-Humphrey presidential race. But there were various sub-issues, such as the Vietnamese war, the "kids," racism, the black militants, and the WASPS (or white Anglo-Saxon Protestant middle class). Taking some 100,000 words per network, including what the reporters, the politicians and a gaggle of public personalities had to say, Miss Efron started counting, breaking everything down into "for" and "against."
>
> The tabulations leave a telltale smear of egg over the faces of practically everyone connected with TV news policy. Nor will anyone from CBS' Frank Stanton on down to his office boy be able to issue credible denials. The reason is that Miss Efron has included her taped stuff in her book as appendix matter. The reader, if he so chooses, can do his own counting. It's all out in the open.
>
> In a short column I can only summarize what Miss Efron proves. President Nixon, of course, had his own share of the prime time, and so did the Republic-conservative politicians. But the point is that the network reporters and editorialists were virtually unanimous in assaulting the mind, the morality and the character of Richard Nixon.
>
> As Miss Efron shows, the network reporters in alliance with the Democratic-liberal politicians portrayed Hubert Humphrey "as a talkative Democratic saint studded over with every virtue known to man. Nixon, on the other hand, was pictured not as a human being but as "a demon out of the liberal id." This is Miss Efron's qualitative evaluation, and her picturesque words may seem loaded, but they take off from that murderous quantitative count of the appendix material.
>
> The count on the 1968 sub-issues is equally devastating. Liberals emerge from the tabulations of the TV reporting and editorializing as good people without race prejudice. Conservatives, on the other hand, are bad, and crawl with anti-Negro phobias. America is a bad country that oppresses blacks. The blacks who react violently are justified in attacking whites. Leftists are funny people and harmless. The "kids" on the campuses have "noble motivations and moral goals" even when they are burning graduate school dissertations and throwing the deans downstairs.
>
> Again, there is much, much more to this arraignment than Miss Efron's own say-so. It is the quantitative tabulation of the appendix stuff that uncovers the network "party line."
>
> I have only scratched the surface in this effort to present what John F. Kennedy would have called "the thrust" of Miss Efron's book. Incidentally, her count on the taped reporting shows that it is not only the conservatives and the middle-class whites who got a raw deal on the 7–7:30 p.m. shows of September–October, 1968.
>
> Negroes who dissociated themselves from the Black Panthers were left out in the cold. So, for that matter, were those members of the New Left who had philosophical reasons for following such prophets as Herbert Marcuse and Paul Goodman. Counting from those tapes, Miss Efron shows that TV reporting and editorializing have been incapable of departing from the crudest and laziest sort of stereotypes.
>
> The interesting thing is that Miss Efron comes from within the "Establishment." She has been, at various times, a staff writer on the New York *Times Sunday Magazine*, managing editor of the Special Editorial Departments of *Look* magazine, and Central American correspondent for *Time* and *Life* magazines.
>
> In pre-"Papa Doc" Duvalier times she organized the first journalism school at the University of Haiti. True, she once studied in a course I gave at the Columbia University School of Journalism in the early '40s. But I was a liberal then, albeit an evolving character, so I can't be accused of making her a conservative. As a matter of fact, her book is not ideological at all, it is simply honest reporting of what can be done within the present "liberal" ethos to evade the FCC "fairness doctrine" while giving lip service to it.

The entire television industry bears responsibility for the distorted news coverage to which the American people have been subjected. This fact is highlighted with this year's presentation of the George Poster Peabody Award. The Peabody committee broke with tradition to honor the program, "The Selling Of The Pentagon," which ordinarily would not have been eligible for any award until 1972. The committee stated that:

> This historic documentary should be recognized now.

More than "recognition," however, this award seemed to be an instance of television declaring that it has no responsibility to the public for truth, honesty, and fairness. "The Selling Of The Pentagon" was surely neither truthful, nor honest, nor fair.

There are abundant examples of serious distortion in this single program. In a letter to the House Armed Services Committee, Dan Henkin, an Assistant Secretary of Defense, noted that the CBS "documentary" had taken out of context a film sequence which seemed to show a military officer making a foreign policy statement. In truth, the officer was reading a quotation from the Prime Minister of Laos.

Another segment of the film showed Jerry Friedheim, a Pentagon spokesman, answering "no comment" three times to questions by reporters. Hinting dark things, CBS observed that Friedheim does not tell all he knows and "would not have his job long if he did." CBS failed to tell its viewers that in the briefing from which the film was taken, Friedheim had made nine announcements and given answers to about 35 questions. The questions he left unanswered could not have been answered without violating Federal law and disclosing information connected with national security.

In a harsh editorial criticizing the alleged CBS "documentary," the Washington Post stated that editing techniques used in the film could result "in a material distortion of the record." The presidents of the three major networks condemned the Post for its editorial, and declared that:

> The Post was proposing to deny any reporter or editor not only the right but the responsibility of choosing which sentences in any public statement are interesting and important.

The Post, however, responded by clearly delineating its criticism:

> What we were talking about is called a question and answer interview, a technique common to both media whether it is reproduced in print or on film. Either way the "Q" is supposed to give rise to the "A." The reader or viewer is not only entitled, but positively encouraged, to believe that this is the case by the juxtaposition of the two. And what we were questioning was . . . the practice of rearranging the "Q's" and "A's" arbitrarily so as to destroy or distort their original relationship . . . to present the "A" as something which didn't arise from the original "Q." This . . . is precisely what happened in an interview with a Pentagon official in "The Selling of the Pentagon" and we think the official was quite right to protest.

This particular program was clearly not a "documentary," but an editorial, and one based upon distorted factual material. Why, after all this, did the George Foster Peabody Awards National Advisory Committee break precedent to give this program a special award? Those concerned with truth in the media find this presentation highly unusual.

Speaking before the American Society of Newspaper Editors, British journalist Malcolm Muggeridge coined a new word—"Newsak"—to describe what he terms the canned-music fantasy quality of television news. He quoted Yippie leader Jerry Rubin:

> Television creates myths bigger than reality . . . An event when it goes on television and becomes myth . . . The pictures are the story.

In Presidential news conferences and protest demonstrations alike, Muggeridge observed:

> The cameras impose on their subjects the rigidity of a wax-works ensemble; under their aegis, the world becomes a sort of universal Madame Tussaid's Exhibition. We who still traffic in words seem to be fighting a losing battle.

Rather than presenting factual data, Muggeridge charges, something far different is being presented on television screens:

> Fantasy, it seems to me, is taking over, and fantasy represents a far greater danger to what is called civilization than other, ostensibly more destructive forces . . . the forces of dissolution, as Mr. Rubin sees so clearly and gleefully, dreaming up our own death-wish in the minds of our own intelligentsia.

It is high time that the American people, through their elected representatives, make certain that television networks obey the law which, in this case, is the Fairness Doctrine of the Federal Communications Commission. Discussing the material contained in Miss Efron's recently published volume, The News Twisters, Professor John Roche of Brandeis University, a former assistant to President Lyndon Johnson, stated that:

> Edith Efron has prepared a devastating indictment of network TV news bias. Without an independent investigation of her data and methods, it is impossible to issue a final verdict on her charges. But she has made a compelling case for a thorough, non-partisan investigation by Congress of the extent to which the Fairness Doctrine has been evaded by private news managers.

This is the challenge before the Members of this body. It is high time that they met it.

H.R. 10367 WOULD GIVE LIFE TO OFFICIALLY DISCREDITED INDIAN TERMINATION POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 15 minutes.

Mr. SAYLOR. Mr. Speaker, in the next few days, the House Interior and Insular Affairs Committee will bring a bill to the floor which is ill-advised on numerous counts. House Resoluton 10367, to provide for the settlement of land claims of Alaskan natives, though needed and long overdue, is not the vehicle to achieve justice and equity for the Alaskan natives.

At the proper time I will elaborate on my dissenting views from the committee's report on the legislation but this afternoon, I would like to bring to your attention a part of the bill that has been scrupulously understated by the drafters.

In spite of shining language that glows through the legal obscurities, H.R. 10367 gives life to the thoroughly discredited policy of Indian "termination." We have been through this battle many times in the past 20 years, but in the scramble for Alaska's natural resources, the rights and future of the Alaskan natives have been trod underfoot. The bill to redress legitimate native grievances is, in fact, a bill to terminate native cultural existence.

In the 1950's, the Federal Government, Congress concurring, decided to play at the game of social engineering. The result was passage of House Concurrent Resolution 108 of August 1953 which said in brief, the wardship status of Indian tribes will be ended as rapidly as possible. The rapid result of that policy has been the rapid deterioration of the Indian communities throughout the Nation.

A perfect example of how the "termination policy" works against the Indians it was supposed to help was recently brought to light by William Greider, writing in the Washington Post. In an article, "The Menominee: Victims of Experiment," he graphically portrays the death throes of the Menominee Tribe.

Due to poor legislative guidelines in House Concurrent Resolution 108, unfeeling bureaucrats and overzealous social engineers in the Bureau of Indian Affairs, the illusory goal of "Indian corporate self-determination," the shock of community responsibility in terms of taxes and services, and the blandishments of rapacious land developers, the Menominee Tribe has been forced, literally, to the point of cultural extinction.

A copy of Mr. Greider's article is appended to my remarks as a lesson we would do well to consider in light of H.R. 10367.

There are over 55,000 reasons for rejecting the "solution" to the Alaskan native claim problem suggested in H.R. 10367. Were that bill to gain approval of this Congress, the Alaskan native population would face the same fate as the Menominee Indians. No matter what the price, no matter what the formula as to land-versus-cash, no matter what the economic imperatives, the Congress of the United States has no right and no business conducting cultural genocide. Perpetuation of the Indian termination policy as implicitly expressed in section 6 of H.R. 10367 is the road to cultural genocide.

Had the bill been considered with human and cultural priorities ahead of the oil priority, had the bill been considered with less haste, had the drafters acknowledged their own obligation to end the termination policy, H.R. 10367 would never have seen the light of day in its present form.

Of course, if the Congress had acted on my bill, House Concurrent Resolution 95, the problem of "termination" with respect to the Alaskan natives need never have been considered by the Interior Committee. That resolution states in part:

> The termination policy declared in H. Con. Res. 108 has created among American Indians and Alaska Natives apprehension that the United States may not in the future honor its trustee obligation, and uncertainty as to the survival of Indian tribal communities, which apprehension and uncertainty has severely limited the ability or willingness of Indian tribes to develop fully the human and economic potential of their communities in accord with their cultural values . . .

The purpose of House Concurrent Resolution 95 is to repeal, revoke, and repudiate a policy that has led to the decimation of our Indian communities. Because termination is embodied in H.R. 10367, we must oppose this new manifestation of that discredited policy. There are other reasons for opposing H.R. 10367 outlined in my "dissenting views" in House Report No. 92–523, but termination of the termination policy is one of the chief reasons for defeating or substantially amending H.R. 10367.

The article on the Menominee Indian Tribe follows:

[From the Washington Post, Oct. 3, 1971]

"TERMINATED" TRIBE FIGHTING DISASTER—THE MENOMINEE: VICTIMS OF EXPERIMENT

(By William Greider)

Moon Weso of Keshena, Wis., told them it was wrong. He told them in English and he told them in Menominee, an ancient Algonquin tongue once common in the Great Lakes forests, confined now to one small county in Wisconsin.

"I was quoted in the Congressional Record," Weso, an old man now, said, mixing pride and bitterness with his memories. "I got a copy somewhere I can show you. I was one of the delegates and I objected."

Nick Dodge, who belongs to a younger generation of the same tribal blood, agrees it was a terrible mistake but he doubts that it can ever be undone.

"Based on our experience with Congress—damn—they just don't repeal what they do," Dodge said. "It takes practically the whole country rising up."

In their own small way, the Menominee are rising up. A band of them set out yesterday for a two-week march from their tribal homeland along the Wolf River to the Wisconsin state capital in Madison. They hope their demonstration will jog the government's memory and, perhaps, the nation's conscience.

A decade ago, the Menominee people were the "guinea pigs" in a social experiment loaded with good intentions. When the experiment failed, however, the government turned to other policies while the 3,200 Indians lived on with the results—disastrous results, most everyone now agrees.

The Menominee were "terminated" as a tribe, a grim but bloodless expression which means that the federal government, by act of Congress, ended the responsibilities for protection and aid which it assumed, by treaty with the tribe, a century before. The reservation became a county, the tribal council became a corporation, the tribal rolls were closed and the Bureau of Indian Affairs withdrew.

"We are much worse off now as the 72d county of Wisconsin than we ever were as a reservation," said Mrs. Georgiana Ignace, a young doctor's wife and a leader of the march. "We have more to lose now. We're losing our land, our assets, our people. We hope the march will make known exactly what is happening in Menominee County."

Mrs. Ignace and an organization called DRUMS ("Determination of Rights and Unity of Menominee Stockholders") want to reverse "termination" and restore their federal status—their tribal land held again in trust by the government and protected from predatory interests; their tribal membership re-opened to Menominee children; federal health, welfare and education aid restored.

Other Menominee, especially men like Dodge who run the tribal corporation, agree that "termination" was ill-considered but they think "un-terminating" is an impossible goal and perhaps not a desirable one. They want federal aid restored without the old paternalism. "The last thing we need now," said Dodge, "is a bunch of federal officials running around telling us what to do."

The result is bitter tribal factionalism. DRUMS organizers like Mrs. Ignace, a college graduate who lives in Milwaukee while her husband completes his hospital residency, are denounced as "outside agitators." The Indians who run Menominee Enterprises Inc. (MEI), the tribal corporation, are portrayed as a "small clique" conspiring with powerful white interests to destroy the Menominee.

The recent evidence is that DRUMS has wide support among the people, despite the charge that most of its organizers are college-educated emigrants who no longer live there. In April they defeated the MEI directors in a nasty proxy fight. Last month the corporation held an advisory referendum to see if the Menominee want to sell the shoreline of their wild and beautiful Wolf River to the National Park Service. The proposal was rejected by 98.6 per cent of the vote.

The DRUMS leaders charge that, under pressure to stay afloat, the tribal corporation is converting the Menominee into a tourist playground for Milwaukee and Chicago. "Outvoted, out-numbered, our most valuable land gone, our survival as an Indian community will be doomed," the organization warns.

"It's like selling your furniture to pay the rent," complained Jim White, a DRUMS leader who works as a mental health consultant in Chicago. "We are selling our land to keep up with the taxes."

"The saying is," Mrs. Ignace said, "that the Wolf River is the heart of the Menominee and, when you take that away, the Menominee dies. They say they want to keep the Wolf River wild. That's a farce. In a few years, it will be just as polluted as other rivers."

Nick Dodge, who is manager of resource development for the tribal corporation agrees with her on the Wolf River park proposal. But he insists that the previous sale of 5,100 acres for a tourist development was a wise step toward solvency.

"Legend Lake," as it is called, already has added substantially to the tax base of the impoverished county where the cost of schools and local government has rested almost solely on the tribal corporation, Dodge said. So far, 1,700 lots have been sold mainly to non-Indians and MEI's proportion of the tax base has dropped from 83 per cent two years ago to 62 per cent in 1971.

Even so, Dodge doesn't argue strenuously with DRUMS' dire predictions. He too fears that future pressures could lead to more land sales and the eventual demise of the Menominee.

"That's been going on," he said dryly, "since the first Jesuit came and he'd give us religion, then he'd take our land. If I had the magic answer to that, I'd come up with it right now. All you can do is forestall and hope you avoid more losses. This is the story of Indian land through the whole history."

When the Indian treaties of the 19th century established reservations, federal trust protection was intended to shield Indian land from the pressures of the larger economy, speculators and developers and tax collectors. What's often forgotten is that most tribes, like the Menominee in the Wolf River Treaty of 1854, gave up huge areas of their territory in exchange for the promises of federal protection and aid. Many have criticized the quality of the federal stewardship over Indian lands, but most tribes have a deep fear of losing it—and falling prey to the same pressures facing the Menominee.

In its most benevolent expression, "termination," as a policy developed in the Eisenhower Administration, was intended to "free" Indians from government paternalism and the limited economic opportunities of reservation life so they could become assimilated with the mainstream. It was tried with a few reservations and abandoned. Paternalism was succeeded by economic chaos; Indians did not want to stop being Indians. To them, their land means their best hope for survival as a people.

When President Nixon took office, tribal leaders feared that Republicans would revive the old doctrine. Instead, he renounced "termination" and proposed new forms of government aid which would give Indians more control without severing the federal relationship. Ironically, as the Menominee seek to un-do their terminated status. Congress this year is just getting around to enacting a resolution which would formally drop the old policy, the one they are still living with.

When termination was first proposed in 1954, the Menominee were among the most prosperous of the reservations, though still poor compared to most Wisconsin neighbors. They owned their own forest and sawmill, the reservation's principal employer. They even paid the federal government for many of its services.

Among other things, the transition meant converting the communally-owned Menominee land to private title held by the corporation.

Many Indian families had to re-buy their own homesites. The government's hospital and school were closed (both rated substandard by the state).

The newly-established county government had to contract with neighboring counties for basic services such as jails and judges. Menominee children, no longer with legal status as Indians, went to school with children from an adjoining county and, according to DRUMS, the drop-out rate climbed. The county has no health facilities now.

Faced with property taxes for the first time, some low-income families lost their newly-purchased land through delinquency. Others on state welfare had to sign over to the state bonds issued them by the tribal corporation, thus losing their annual dividends from the forest products, a subsistence income for many. The mill and forest, the bedrock of the tribe's chances, ran into economic setbacks unforeseen by the federal planners.

During the 1960s millions of dollars in special federal aid were directed to the county by the War-On-Poverty and other programs, but even this belated assistance did not alter the tribe's basic social and economic problems.

Gary Orfield, a political science professor at Princeton who studied the "termination" experiment, notes that the transition to self-government and economic independence, ill-conceived as it was, stopped short of the real thing.

"Tribal members have received all the responsibilities of ownership but few of its advantages," he wrote, describing the layers of directors and trustees, including many non-Indians, which separated the Menominee from major decisions.

When the corporation began selling Menominee land three years ago, it stimulated the beginning of the current protest. Since the several DRUMS members have won seats on the 11-member Voting Trust which controls the land sales, but they are still a long way from command. This April, even though they out-voted the corporate managers, 119,000 to 118,000 shares, DRUMS failed to abolish the trustee arrangement because the group did not get 51 per cent of the total outstanding shares.

White and Mrs. Ignace claim they would have won stockholder control of the corporation's affairs if it had not been for the First Wisconsin Trust Co. of Milwaukee which votes a block of 48,000 shares for minors and incompetents. The trust company voted with MEI management and, in the process, became a target for DRUMS picketing.

Catherine Cleary, president of the trust company, defended the vote. "Our feeling is that the group trying to run the corporation deserves support," she said. "They've made progress and the Voting Trust keeps the control of this thing from being fragmented where no one could run it."

The bank, Miss Cleary, said, could have cast its votes proportionately with the way the Indians themselves voted—which also would have kept DRUMS from a 51 per cent majority. "This is a fight between two blocks of Menoninee and we're an easy sitting duck," she said.

Nevertheless, it is a strange arrangement for a people supposedly granted self-determination 10 years ago. They can elect local government officials, but the local government depends almost entirely on the corporation, which is managed by the trustees and directors, not by the people who own it. Trustees are elected—one each year.

Unlike some of his fellow directors. Dodge agrees that it is an undesirable arrangement and he believes that the Menominee people will be given a larger voice in company affairs.

Like the DRUMS leaders, Dodge fears the 1974 deadline when Menominee shareholders will be able to sell their stock in the tribal corporation, a step which poverty or disenchantment might encourage, especially among those who have moved away.

"If there is a run by Menominee to sell their shares," said Dodge, "then all we've done has been for nothing. It's not just losing the land. In less than three years, the whole thing could fall into the hands of someone else—not Menominee."

In the meantime, DRUMS is fighting MEI on every level, from lawsuits to picketing the Legend Lake sales office.

Dodge acknowledges that their protests and the publicity have hurt sales. "People come in to purchase property," he said, "then they go home to Milwaukee and hear about what DRUMS is doing. In a while, we get a letter that says, 'gosh, in view of the way the Indian people feel,' they'd like to get out."

Moon Weso, who is 68 and knows the old stories and songs, is more optimistic than the young corporate manager. He belives that the Menominee are beginning to demand the changes which they should have fought for long ago.

"Thinking about it in an Indian way," he said, "it seems like the spirit of Indian is reviving all over. It's hard to explain that, but you see it. Certainly, we could feel it here again."

Jim White puts it more fiercely:

"What's incredible is that all this crap is still going on. We read about it, the stealing from the Indians and all, and we think that happened 100 years ago. The hell it did. It's happening right today. If we could just show our people that they don't have to take this lying down."

SOVIET OFFICIALS WILL DISCUSS DUAL RIGHT TO EMIGRATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 5 minutes.

Mr. KEMP. Mr. Speaker, on October 12, I wrote to His Excellency Anatoly F. Dobrynin, Ambassador of the Union of Soviet Socialist Republics, requesting a meeting to discuss the dual right to emigrate, and in particular, the problem of Soviet Jewry. I had also hoped to present to the Ambassador, petitions containing about 10,000 signatures from residents of the 39th District of New York in behalf of Jewish citizens of Russia.

I am very pleased that tomorrow morning, I and a small delegation from the 39th District will meet with Alexander Eustafiev, counselor of the Russian Embassy, to discuss the dual right to emigrate. I will not deliver the petitions at that time, but will see that they are brought to the attention of the United Nations. However, as far as I know, this is the first instance where Russians officials in the United States have expressed an interest in discussing the dual right to emigrate.

Those accompanying me will be students who participated in the gathering of petitions in Erie County as follows: Michele Lombard, 16, of Sweet Home Central High School representing the Machon Chapter of B'nai B'rith girls; Patricia Michel, 16, of Amherst Central High School, representing the Protestant youth groups; and Brian Schaefer, 16, of Bishop Turner High School, representing the Catholic youth groups. The adults also joining in the meeting will be Alan N. Gendler, assistant director of the United Jewish Federation of Buffalo and Rabbi Robert Bronstein, assistant of Temple Shaarey Zedek of Buffalo and chairman of the federation's council on Soviet Jewry.

Tomorrow I will introduce a concurrent resolution expressing the sense of Congress with respect to placing before the United Nations General Assembly the issue of the dual right of all persons to emigrate from and also return to one's country. I also have a special order of 1 hour tomorrow to discuss this issue and I invite all my colleagues to join with me in this discussion. I am also pleased to report that I already have over 20 cosponsors and suggest that other Members interested in joining me on this resolution call my office by noon, October 14.

Mr. Speaker, one of the most important among the human rights that define a free society is the dual right to emigrate from and also return to one's country. It is a right that all of us—except those under some kinds of due legal process—as Americans enjoy, even though it is not featured in bills and declarations.

It is significant to note that the right to leave and to return is not one of recent origin. This principle is derived from natural law, was regarded by Socrates as an important attribute of human liberty, is upheld by Grotius's treatise on international law and was guaranteed to all Englishmen in the Magna Carta.

Today, this important dual right is embodied in the United Nations Declaration of Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination which is now in force and has been ratified by 46 nations. The latter document states the dual character of the right in precise terms: "the right of everyone to leave any country, including his own, and to return to his own country."

However, as I am sure you are aware and is evident from the examples contained in the resolution which I will introduce, all nations have not honored and adhered to this basic and internationally recognized human right. It is my feeling that these regretful actions should be brought to the attention of not only the people of the United States but the whole world at the U.N.

Hence, I am submitting this concurrent resolution which was drawn up with the concurrence of our Ambassador to the United Nations, George Bush. If passed, it will be indicative of the attitude of the American people in clear terms toward this important moral issue and will express the unequivocal desire of the Congress to have this issue brought before the U.N. General Assembly by Mr. Bush.

Mr. Speaker, it is my hope that by focusing world attention on this issue, the nations that have so blatantly infringed upon this basic human right will take notice of world opinion and cease their reprehensible policies.

CONTINUATION OF HEARINGS ON ILLEGAL ALIENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, I wish to announce that Subcommittee No. 1, Immigration and Nationality, Committee on the Judiciary, will hold hearings in Chicago, Ill., on October 22 and 23, 1971, concerning illegal aliens in the United States.

These hearings, which are a continuation of field hearings held in Los Angeles, Calif.; Denver, Colo.; and El Paso, Tex., will be held in the courtroom of the Federal Office Building in Chicago.

The purpose of these further hearings is to investigate the impact that illegal aliens have on the U.S. labor market. In particular, these hearings will focus on the problems created by illegal aliens who are employed in our industrial cities.

Further hearings will be announced at a future date.

A METHOD TO STRENGTHEN CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 10 minutes.

Mr. FRASER. Mr. Speaker, the previous two decades have witnessed a quantum increase in the U.S. international activity. Two wars in Asia, intervention in Africa and the Middle East, international trade and monetary problems as well as a variable policy toward the United Nations are occurrences which required executive and congressional action. And yet, while the executive branch of Government has grown in size and in the number of resources it can tap in order to make intelligent decisions, Congress has not.

In the fiscal years between 1950 and 1971, the executive share of appropriated funds has grown from 97 percent to over 99 percent. During this same period of time, the legislative share of appropriated funds has declined from 1½ percent to less than .15 percent. Simultaneously, the executive department has added almost 600,000 civilian personnel to its rolls since 1956 while the legislative staff increase has been only 10,000. Today, 2.9 million civilians work for the executive department while only 32,000 are employed by Congress.

The Library of Congress and the General Accounting Office are the two major structural bodies assisting Congress in the information-gathering process. Besides those bodies, Members of Congress must rely on newspaper accounts and intermittent, incomplete, and informal briefings by selected administration spokesmen. One way to increase the available information reaching Congress would be to create additional congressional agencies. This may be a long-term solution to the problem.

However, in the short run, a better, less involved and certainly less expensive way to increase foreign policy information available to Congress would be to provide intelligence data, collected and analyzed by the various intelligence agencies of the executive branch, to Congress. The idea is simply for these agencies to provide on a regular, probably weekly basis, current information of all matters directly and indirectly related to the U.S. relations with other countries.

This proposed legislation which is printed below is designed to better utilize the existing information and improve the ability of Congress to better fulfill its constitutional functions:

H. CON. RES.—

Whereas it is in the interest of the United States that the Congress be as fully informed as possible on matters involving relations of the United States with other nations; and

Whereas the Executive Branch collects and analyzes intelligence information which bears on U.S. relations with other nations; and

Whereas such information and analysis would assist the Congress in discharging its responsibilities with respect to United States relations with other nations: now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), that it is the sense of the Congress that in order to keep the Congress fully and currently informed on matters which bear on U.S. relations with other nations each agency of the Executive Branch engaged in the collection and analysis of intelligence information concerning other nations shall make regular and special reports to the Committees on Foreign Affairs and Armed Services of the House of Representatives and the Committees on Foreign Relations and Armed Services of the Senate regarding such intelligence information, together with the analysis by such agency of such information. Such reports shall be made promptly in response to any request made by the Chairman of any such Committee in accordance with such rules as the Committee may establish.

SEC. 2. Any intelligence information and any analysis thereof made available to any committee of the Congress pursuant to this concurrent resolution may be made available by such committee in accordance with committee rules to any Member of Congress who requests such information and to any officer or employee of the House of Representatives or Senate who has been (1) designated by a Member of Congress to have access to such information and analysis and (2) determined by the committee concerned to have the necessary security clearance for such access.

SUPPLEMENTAL REQUEST FOR OFFICE OF MINORITY BUSINESS ENTERPRISE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. MITCHELL) is recognized for 30 minutes.

Mr. MITCHELL. Mr. Speaker, one of my primary interests as a member of the Banking and Currency and the Small Business Committees is overseeing and assisting the development of black and minority enterprises. I am chairman of the particular subcommittee within the black caucus that encourages black business enterprise. It has long been recognized that black people, if they are fully to partake of American society, must participate in its economic system not only as consumers and laborers, but as producers and marketers as well. The Congress has acknowledged this fact by authorizing and appropriating funds for several programs in various agencies and departments to encourage the development of minority businesses. One of the major proposals of candidate Nixon, subsequently ignored by President Nixon, involved a promise of administration support for the concept of black capitalism. The need has been recognized, and several programs exist, though perhaps not enough.

There are several existing programs, none of which is a complete success. Nevertheless, given the attrition rate among new business starts in the American economy, we should be grateful for the successes that these programs have achieved. I am particularly concerned that we do not build failure into these programs. For business entrepreneurship is a high risk, relatively new undertaking in the black community which attracts our most ambitious and energetic young men. I do not wish to embitter them by involving them in a program that promises assistance and delivers failure. It has been the failure of this body that it has funded these programs only marginally, that it has irrationally demanded a high rate of return on programs which are of necessity high risk. It is to this contradiction that I speak today.

The occasion of these thoughts was the request for more funds by the Office of Minority Business Enterprise—OMBE. On Tuesday, October 5, 1971, Secretary of Commerce Maurice Stans and John L. Jenkins, Director of OMBE asked for supplemental fiscal year 1972 funds from the Subcommittee on Commerce and the Small Business Administration of the House Appropriations Committee, the chairman of which is the Honorable JOHN J. ROONEY of New York.

This supplemental request of $40 million is very important to a national minority enterprise effort. For the first time in the history of the Federal Government, funds will be disbursed to national minority organizations and community organizations, predominantly minority. If the funds are approved, the money will be disbursed during the 6 months from January through June 30, 1972.

Many members here have business development organizations in their communities that can benefit dramatically from this disbursement of funds. But, more importantly, OMBE needs these additional funds if it is to provide the kind of assistance to new black and minority business starts that will increase their chances of success. If these funds are not approved, many new starts which might have succeeded given proper guidance, will go down the drain with the original investment lost.

What has been the experience of agencies such as OMBE in recent years? As the agency received an increasing number of requests for black and minority business financing, it has found itself progressively less able to provide assistance to sound business proposals, and progressively less able to provide supervisory counseling for those enterprises it has supported. The assistance required by new business starts varies from case to case and ranges from filling out complicated forms to providing marketing information and identifying other nongovernmental sources of assistance. Agencies have been placed in the unenviable position of choosing among various promising business starts which undertaking will receive assistance.

It is of particular significance, I believe, that some of the funds of this supplemental appropriation have been earmarked by OMBE for strengthening national business development organizations and business resource centers. These are ongoing organizations that in the long run can replace Government agency supervision. OMBE and other Government agencies obviously perceive their mission as one of self-destruction. If they are to do a proper job, they must make minority business so successful that there will no longer be any need for Government bureaucracy.

If they are to do the job well, they must have the tools with which to do it. That is our responsibility. I would hope that every Member of the House will convey to Chairman ROONEY his support of this supplemental budget request by OMBE.

For the future of minorities in America lies in the development of minority economic enterprises.

DESIGNATING THE VETERANS' ADMINISTRATION HOSPITAL IN SAN ANTONIO, TEX., AS THE AUDIE L. MURPHY MEMORIAL HOSPITAL VETERANS' HOSPITAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. TEAGUE) is recognized for 10 minutes.

Mr. TEAGUE of Texas. Mr. Speaker, I am introducing today legislation which is cosponsored by all of the Members of the Texas Congressional Delegation to designate the soon-to-be-completed $36 million San Antonio VA hospital as the Audie L. Murphy Memorial Veterans' Hospital. When this great medical center opens its doors to receive sick and disabled veterans, it will be one of the most modern hospital facilities in the world. Therefore, I believe it would be most fitting for it to be named in memory of America's most decorated veteran of World War II, the late Capt. Audie Murphy.

Just as the name of Sgt. Alvin York epitomized the heroes of World War I, Audie Murphy is remembered by most Americans as the hero of World War II. Both of these great citizen soldiers came from similar backgrounds—they were born and lived their early years in rural areas of our country—they both suffered from poverty during childhood and in their young adult lives. Notwithstanding many handicaps, unlike many today, when their country went to war to protect liberty and freedom they, along with millions of America's finest young men from all walks of life, joined the Armed Forces of America to help defeat our country's enemies. Both of these heroic men fell upon hard times after their military service, but their indomitable courage and their personal dignity remained with them until the end. They symbolize the generations of men who have been willing to put their personal safety aside to preserve freedom for their fellow man.

Mr. Speaker, during World War II, Audie Murphy, the son of a Texas tenant farmer was awarded 24 citations for his battlefield deeds including the Medal of Honor and a battlefield commission as 2d lieutenant. In January 1945, the infantry company which Lieutenant Murphy commanded in eastern France was besieged by six German tanks. Lieutenant Murphy ordered his men to withdraw to prepared positions in a woods, while he remained forward at his command post and continued to give fire directions to the artillery by telephone. Behind him, to his right, one of our tank destroyers received a direct hit and began to burn. Its crew withdrew to the woods. Lieutenant Murphy continued to direct artillery fire which killed large numbers of the advancing enemy infantry. With the enemy tanks abreast of his position, Lieutenant Murphy climbed on the burning tank destroyer, which was in danger of blowing up at any moment, and employed its .50 caliber machinegun against the enemy. He was alone and exposed to German fire from three sides, but his deadly fire killed dozens of Germans and caused their infantry attack to waiver. The enemy tanks, losing infantry support, began to fall back. For an hour the Germans tried every available weapon to eliminate Lieutenant Murphy, but he continued to hold his position and wiped out a squad which was trying to creep up unnoticed on his right flank.

Germans reached as close as 10 yards, only to be mowed down by his fire. He received a leg wound, but ignored it and continued the singlehanded fight until his ammunition was exhausted. He then made his way to his company, refused medical attention, and organized the company in a counterattack which forced the Germans to withdraw. Lieutenant Murphy's indomitable courage and his refusal to give an inch of ground saved his company from possible encirclement and destruction, and enabled it to hold the woods which had been the enemy's objective.

Infantryman Tony V. Abramski, who witnessed the brave actions of Lieutenant Murphy said later—

> The fight that Lieutenant Murphy put was the greatest display of guts and courage I have ever seen. There is only one in a million who would be willing to stand up on a burning vehicle, loaded with explosives around 250 raging Krauts for an hour and do all of that when he was wounded.

After having been wounded three times in later combat activity, young Audie Murphy returned home to a Nation eager to honor its war heroes. He wanted to stay in the Army and become a career soldier but was turned down after being classified 50 percent disabled because of his war wounds.

Twenty-five years later patriotic attitudes among many have changed. Seldom does a discharged combat serviceman come home to a heroic welcome. More often than not he fades into society without recognition while vocal minorities capture the headlines by burning their draft cards and blowing up public buildings.

Mr. Speaker, by dedicating the new San Antonio VA hospital to a gallant American soldier who has passed from our midst, it is my fervent hope that in these troubled times the spirit and gallantry of Audie Murphy will help rekindle a greater degree of patriotism in all Americans, especially among our young adults, to defend the freedoms which Audie Murphy so valiantly fought to preserve for them.

CONGRESSIONAL PETITIONS ON CHINA PRESENTED TO THE PRESIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. SIKES) is recognized for 5 minutes.

Mr. SIKES. Mr. Speaker, it is my honor to report to the House that the President of the United States has received the petitions signed by Members of Congress in opposition to the expulsion of the Republic of China from the United Nations. The petition states:

> We, the undersigned Members of Congress, are strongly and unalterably opposed to the expulsion of the Republic of China from the United Nations.

The petitions were presented to the President at the White House today at 12:15 p.m.

At last count, 336 Members of Congress had signed the petition and I believe it is significant to point out that the signers include the Speaker, the majority leader, the minority leader, and the minority whip, as well as 19 of the 21 committee chairmen and 19 of the ranking minority members of those committees.

It can be truly said that the petition signatures represent the leadership on both sides of the aisle as well as rank-and-file Members of Congress. The bipartisanship of the signers is best demonstrated by pointing out that 174 Democrats signed the petition along with 162 Republican Members.

The document presented to President Nixon today should make it abundantly clear to all member nations of the United Nations that an overwhelming majority of the House of Representatives looks with disfavor upon any move to expel the Republic of China from the United Nations. It is hoped those member nations planning to oppose the United States in this matter will take due note of the feelings of this body.

Members who have signed the petition as of today are:

Abbitt, Watkins M. (Va.).
Abernethy, Thomas G. (Miss.).
Adams, Brock (Wash.).
Addabbo, Joseph P. (N.Y.).
Albert, Carl (Okla.).
Alexander, Bill (Ark.).
Anderson, Glenn M. (Calif.).
Anderson, John B. (Ill.).
Anderson, William R. (Tenn.).
Andrews, George W. (Ala.).
Andrews, Mark (N. Dak.).
Annunzio, Frank (Ill.).
Archer, Bill (Tex.).
Arends, Leslie C. (Ill.).
Ashley, Thomas L. (Ohio).
Aspinall, Wayne N. (Colo.).
Baker, LaMar (Tenn.).
Baring, Walter S. (Nev.).
Barrett, William A. (Pa.).
Begich, Nick (Alaska).
Belcher, Page (Okla.).
Bell, Alphonzo (Calif.).
Bennett, Charles E. (Fla.).
Bergland, Bob (Minn.).
Betts, Jackson E. (Ohio).
Bevill, Tom (Ala.).
Biaggi, Mario (N.Y.).
Blackburn, Ben B. (Ga.).
Blanton, Ray (Tenn.).
Boggs, Hale (La.).
Boland, Edward P. (Mass.).
Bow, Frank T. (Ohio).
Brasco, Frank J. (N.Y.).
Bray, William G. (Ind.).
Brinkley, Jack (Ga.).
Broomfield, Wm. S. (Mich.).
Brotzman, Donald G. (Colo.).
Brown, Clarence J. (Ohio).
Brown, Garry (Mich.).
Broyhill, James T. (N.C.).
Broyhill, Joel T. (Va.).
Buchanan, John (Ala.).
Burke, J. Herbert (Fla.).
Burke, James A. (Mass.).
Burleson, Omar (Tex.).
Byrne, James A. (Pa.).
Byrnes, John W. (Wis.).
Byron, Goodloe E. (Md.).
Cabell, Earle (Tex.).
Caffery, Patrick T. (La.).
Camp, John N. Happy (Okla.).
Carter, Tim Lee (Ky.).
Casey, Bob (Tex.).
Cederberg, Elford A. (Mich.).
Chamberlain, Charles E. (Mich.).
Chappell, Bill, Jr. (Fla.).
Clancy, Donald D. (Ohio).
Clark, Frank M. (Pa.).
Clausen, Don H. (Calif.).
Clawson, Del (Calif.).
Cleveland, James C. (N.H.).
Collier, Harold R. (Ill.).
Collins, George W. (Ill.).
Collins, James M. (Tex.).
Colmer, William M. (Miss.).
Conable, Barber B., Jr. (N.Y.).
Conte, Silvio O. (Mass.).
Córdova, Jorge L. (P.R.).
Coughlin, R. Lawrence (Pa.).
Crane, Philip M. (Ill.).
Daniel, W. C. (Dan), (Va.).
Daniels, Dominick V. (N.J.).
Davis, Glenn R. (Wis.).
Davis, John W. (Ga.).
Davis, Mendel J. (S.C.).
Delaney, James J. (N.Y.).
Dennis, David W. (Ind.).
Dent, John H. (Pa.).
Derwinski, Edward J. (Ill.).
Devine, Samuel L. (Ohio).
Dickinson, William L. (Ala.).
Dingell, John D. (Mich.).
Donohue, Harold D. (Mass.)
Dorn, Wm. Jennings Bryan (S.C.).
Dowdy, John (Tex.).
Downing, Thomas N. (Va.)

Dulski, Thaddeus J. (N.Y.).
Duncan, John J. (Tenn.).
duPont, Pierre S. (Pete) (Del.)
Dwyer, Florence P. (N.J.).
Edmondson, Ed (Okla.).
Edwards, Edwin W. (La.).
Edwards, Jack (Ala.).
Eilberg, Joshua (Pa.).
Erlenborn, John N. (Ill.).
Eshelman, Edwin D. (Pa.).
Evans, Frank E. (Colo.).
Evins, Joe L. (Tenn.).
Fascell, Dante B. (Fla.).
Findley, Paul (Ill.).
Fish, Hamilton, Jr. (N.Y.) .
Fisher, O. C. (Tex.).
Flood, Daniel J. (Pa.).
Flowers, Walter (Ala.).
Flynt, John J., Jr. (Ga.).
Foley, Thomas S. (Wash.).
Ford, Gerald R. (Mich.).
Ford, William D. (Mich.).
Forsythe, Edwin B. (N.J.).
Fountain, L. H. (N.C.).
Frelinghuysen, Peter H. B. (N.J.).
Frenzel, Bill (Minn.).
Frey, Louis, Jr. (Fla.).
Fulton, James G. (Pa.).
Fulton, Richard H. (Tenn.).
Fuqua, Don (Fla.).
Galifianakis, Nick (N.C.).
Gallagher, Cornelius E. (N.J.).
Garmatz, Edward A. (Md.).
Gaydos, Joseph M. (Pa.).
Gettys, Tom S. (S.C.).
Gibbons, Sam (Fla.).
Goldwater, Barry M., Jr. (Calif.).
Gonzalez, Henry B. (Tex.).
Goodling, George A. (Pa.).
Gray, Kenneth J. (Ill.).
Green, Edith (Oreg.).
Griffin, Charles H. (Miss.).
Griffiths, Martha W. (Mich.).
Gross, H. R. (Iowa).
Grover, James R., Jr. (N.Y.)
Gusber, Charles S. (Calif.).
Hagan, G. Elliott (Ga.).
Haley, James A. (Fla.).
Hall, Durward G. (Mo.).
Halphern, Seymour (N.Y.).
Hammerschmidt, John Paul (Ark.).
Hanley, James M. (N.Y.).
Hansen, Julia Butler (Wash.).
Hansen, Orval (Idaho).
Harsha, William H. (Ohio).
Harvey, James (Mich.).
Hays, Wayne L. (Ohio).
Hébert, F. Edward (La.).
Helstoski, Henry (N.J.).
Henderson, David N. (N.C.).
Hicks, Floyd V. (Wash.).
Hicks, Louise Day (Mass.).
Hillis, Elwood (Ind.).
Hogan, Lawrence J. (Md.).
Holifield, Chet (Calif.).
Horton, Frank (N.Y.).
Hosmer, Craig (Calif.).
Howard, James J. (N.J.).
Hull, W. R., Jr. (Ohio).
Hungate, William L. (Mo.).
Hunt, John E. (N.J.).
Hutchinson, Edward (Mich.).
Ichord, Richard H. (Mo.).
Jarman, John (Okla.).
Johnson, Albert W. (Pa.).
Johnson, Harold T. (Calif.).
Jonas, Charles Raper (N.C.).
Jones, Ed (Tenn.).
Jones, Robert E. (Ala.).
Jones, Walter B. (N.C.).
Karth, Joseph E. (Minn.).
Kazen, Abraham, Jr. (Tex.).
Keating, William J. (Ohio).
Kee, James (W.Va.).
Kemp, Jack F. (N.Y.).
King, Carleton J. (N.Y.).
Kluczynski, John C. (Ill.).
Kuykendall, Dan (Tenn.).
Kyl, John (Iowa).
Landgrebe, Earl F. (Ind.).
Landrum, Phil M. (Ga.).
Latta, Delbert L. (Ohio).
Leggett, Robert L. (Calif.).
Lennon, Alton (N.C.).
Lent, Norman F. (N.Y.).
Long, Clarence D. (Md.).
Long, Speedy O. (La.).
Lujan, Manuel, Jr. (N. Mex.).
Mazzoli, Romano L. (Ky.).
McClory, Robert (Ill.).
McClure, James A. (Idaho).
McCollister, John Y. (Nebr.).
McCormack, Mike (Wash.).
McCulloch, William M. (Ohio).
McDade, Joseph M. (Pa.).
McDonald, Jack H. (Mich.).
McEwen, Robert C. (N.Y.).
McFall, John J. (Calif.).
McKay, K. Gunn (Utah).
McKevitt, James D. (Mike) (Colo.).
McKinney, Stewart B. (Conn.).
McMillan, John L. (S.C.).
Mahon, George H. (Tex.).
Mailliard, William S. (Calif.).
Mann, James R. (S.C.).
Martin, Dave (Nebr.).
Mathias, Robert B. (Bob) (Calif.).
Mathias, Dawson (Ga.).
Matsunaga, Spark M. (Hawaii).
Mayne, Wiley (Iowa).
Melcher, John (Mont.).
Michel, Robert H. (Ill.).
Miller, Clarence E. (Ohio).
Miller, George P. (Calif.).
Mills, Wilbur D. (Ark.).
Mills, William O. (Md.).
Minshall, William E. (Ohio).
Mizell, Wilmer (Vinegar Bend) (N.C.).
Monagan, John S. (Conn.).
Montgomery, G. V. (Sonny) (Miss.).
Moorhead, William S. (Pa.).
Morgan, Thomas E. (Pa.).
Murphy, Morgan F. (Ill.).
Myers, John T. (Ind.).
Natcher, William H. (Ky.).
Nedzi, Lucien N. (Mich.).
Nelsen, Ancher (Minn.).
Nichols, Bill (Ala.).
Nix, Robert N. C. (Pa.).
O'Hara, James G. (Mich.).
O'Konski, Alvin E. (Wis.).
Passman, Otto E. (La.).
Patman, Wright (Tex.).
Patten, Edward J. (N.J.).
Pelly, Thomas M. (Wash.).
Pepper, Claude (Fla.).
Perkins, Carl D. (Ky.).
Pettis, Jerry L. (Calif.).
Peyser, Peter A. (N.Y.).
Pickle, J. J. (Tex.).
Pirnie, Alexander (N.Y.).
Poage, W. R. (Tex.).
Poff, Richard H. (Va.).
Powell, Walter E. (Ohio).
Preyer, Richardson (N.C.).
Price, Melvin (Ill.).
Price, Robert (Tex.).
Pryor, David (Ark.).
Pucinski, Roman C. (Ill.).
Pursell, Graham (Tex.).
Quie, Albert H. (Minn.).
Quillen, James H. (Jimmy) (Tenn.).
Railsback, Tom (Ill.).
Randall, Wm. J. (Mo.).
Rarick, John R. (La.).
Reid, Charlotte T. (Ill.).
Rhodes, John J. (Ariz.).
Roberts, Ray (Tex.).
Robinson, J. Kenneth (Va.).
Rodino, Peter W., Jr. (N.J.).
Roe, Robert A. (N.J.).
Rogers, Paul G. (Fla.).
Rooney, Fred B. (Pa.).
Rooney, John J. (N.Y.).
Rostenkowski, Dan (Ill.).
Roush, J. Edward (Ind.).
Rousselot, John H. (Calif.).
Roy, William R. (Kans.).
Runnels, Harold (N. Mex.).
Ruppe, Philip E. (Mich.).
Ruth, Earl B. (N.C.).
St Germain, Fernand J. (R.I.).
Sandman, Charles W., Jr. (N.J.).
Sarbanes, Paul S. (Md.).
Satterfield, David E., III (Va.).
Saylor, John P. (Pa.).
Scherle, William J. (Iowa).
Schmitz, John G. (Calif.).
Schneebeli, Herman T. (Pa.).
Scott, William Lloyd (Va.).
Sebelius, Keith G. (Kans.).
Shipley, George E. (Ill.).
Shoup, Richard G. (Mont.).
Shriver, Garner E. (Kans.).
Sikes, Robert L. F. (Fla.).
Skubitz, Joe (Kans.).
Slack, John M. (W. Va.).
Smith, Henry P., III (N.Y.).
Smith, Neal (Iowa).
Snyder, M. G. (Gene) (Ky.).
Spence, Floyd (S.C.).
Springer, William L. (Ill.).
Staggers Harley O. (W. Va.).
Stanton, J. William (Ohio).
Steed, Tom (Okla.).
Steele, Robert H. (Conn.).
Steiger, Sam (Ariz.).
Steiger, William A. (Wis.).
Stephens, Robert G., Jr. (Ga.).
Stratton, Samuel S. (N.Y.).
Stubblefield, Frank A. (Ky.).
Stuckey, W. S. (Bill), Jr. (Ga.).
Sullivan, Leonor K. (Mrs. John B.) (Mo.).
Symington, James W. (Mo.).
Talcott, Burt L. (Calif.).
Taylor, Roy A. (N.C.).
Teague, Charles M. (Calif.).
Teague, Olin E. (Tex.).
Terry, John H. (N.Y.).
Thompson, Fletcher (Ga.).
Thomson, Vernon W. (Wis.).
Thone, Charles (Nebr.).
Udall, Morris K. (Ariz.).
Van Deerlin, Lionel (Calif.).
Vander Jagt, Guy (Mich.).
Veysey, Victor V. (Calif.).
Vigorito, Joseph P. (Pa.).
Waggonner, Joe D., Jr. (La.).
Wampler, William C. (Va.).
Ware, John (Pa.).
Whalley, J. Irving (Pa.).
White, Richard C. (Tex.).
Whitehurst, G. William (Va.).
Whitten, Jamie L. (Miss.).
Widnall, William B. (N.J.).
Wiggins, Charles E. (Calif.).
Williams, Lawrence G. (Pa.).
Wilson, Bob (Calif.).
Wilson, Charles H. (Calif.).
Winn, Larry, Jr. (Kans.).
Wolff, Lester L. (N.Y.).
Wright, Jim (Tex.).
Wyatt, Wendell (Oreg.).
Wydler, John W. (N.Y.).
Wylie, Chalmers P. (Ohio).
Wyman, Louis C. (N.H.).
Yatron, Gus (Pa.).
Young, C. W. Bill (Fla.).
Zablocki, Clement J. (Wis.).
Zion, Roger H. (Ind.).
Zwach, John M. (Minn.).

YOUTH CAMP SAFETY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. DANIELS) is recognized for 5 minutes.

Mr. DANIELS of New Jersey. Mr. Speaker, last summer in New York a bus careened off the highway hitting a car and smashing into a tree. Fifteen young campers aged 7 to 12 were injured—two of them seriously enough to be admitted to intensive care units at a nearby hospital.

The busdriver later explained that the brakes failed and he was forced to swerve off the road. When questioned by police the driver was unable to produce a license to operate the vehicle.

Mr. Speaker, I submit that this was not a random accident, that camp-related deaths and injuries are widespread and serious in nature, and further, that most of them result from careless acts.

Dr. John Kirk, president of the American Camping Association testified a year earlier before my subcommittee that a model legislative program for youth camp safety should require maintenance of all vehicles in safe operating condition and that drivers shall hold a valid operator's permit. New York, like many other States, has no law providing this kind of protective regulation.

Now I ask my colleagues the inevitable question: would this accident have occurred if New York had been bound by these camp safety precautions? How many future "accidents" will happen before we legislate protection for our children?

The Education and Labor Committee has incorporated the Youth Camp Safety Act (formerly H.R. 1264) as title 19 of the higher education act, H.R. 7248. I urge all Members to support this provision. It will give a mandate to the Department of HEW to not only set standards for camps but also to enforce them.

The news story covering this accident follows:

[From the Reporter Dispatch, Aug. 4, 1970]

Fifteen Hurt in Camp Bus Crash

Hawthorne.—Fifteen campers, most of them children ranging in age from 7 to 12, were injured at 1:45 p.m. yesterday when the bus they were riding in swerved off Rte. 9A, hitting the right side of a car and a tree.

Four of the injured campers were held at Grasslands Hospital. Three are listed in fair condition and one was held for observation.

The bus, owned and operated by the Mount Kisco Bus Line Co. was taking 36 campers and several adult counselors from New York City to the Old Homestead Camp in Mount Kisco. The driver was charged with failure to show a driver's license. The bus was impounded by Mount Pleasant police.

The driver of the bus, Robert Lundy, 32, of 634 E. 220th St. the Bronx, told police that he was forced to swerve to the right when his brakes temporarily failed as he approached a red light at the entrance ramp to Rte. 117 from Rte. 9A.

Lundy said he was traveling at a speed of 25 to 35 m.p.h. when he left the road in order to avoid hitting a car driven by John Thomas, 48, of Turk Hill Road, Brewster.

The bus apparently hit the car anyway, but Mr. Thomas and Margaret Thomas, who was the only other passenger in the car, reportedly were not injured.

Two campers were admitted to the intensive care unit of Grasslands Hospital where they remain in fair condition. Diane Smythe, 7, of 189–21 Tioga Drive, St. Albans, Queens suffered critical head and abdominal injuries. Barry Nelson, 9, of 220 Riverside Drive, the Bronx, entered the hospital with critical head injuries, hospital officials report.

Two others, Cornell Shelton, 8, of 10 Park Ave., New York City, and Mrs. Ida Cooper, 65, of the same address, were also admitted to the hospital. The boy was put under observation for head injuries and Mrs. Cooper is receiving treatment for a fractured sternum and observation for cuts and abrasions.

Lundy, who received a summons from Mount Pleasant policeman David Cuccia, was released on $50 bail and will appear in court on Aug. 18. According to police, the state Public Service Commission has been asked to investigate the vehicle today.

According to Robert Shillinglaw, public relations officer for the Public Service Commission, three investigators have been assigned to examine the bus wreckage. He stated that the "bus has been very severely damaged."

ADDRESS BY ALLAN W. OSTAR AT COMMENCEMENT EXERCISES, NORTHEAST LOUISIANA UNIVERSITY

(Mr. PASSMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PASSMAN. Mr. Speaker, I take this opportunity to include in the Record an address which was presented by Allan W. Ostar at the commencement exercises held at Northeast Louisiana University, Monroe, La., on May 29, 1971.

The matter referred to follows:

Improving the Health of Americans: A New Emphasis for State Colleges and Universities

(Address presented by Allan W. Ostar at Commencement Exercises, Northeast Louisiana University, Monroe, La.), May 29, 1971

President Walker, members of the faculty, distinguished guests, ladies and gentlemen of the Class of 1971, and those unsung heroes who made it all possible—parents and spouses.

Let me first express my appreciation to President Walker for inviting me here to be with you this evening. For one thing, it gives me a chance to get away from Washington and be with real people.

You know, the longer you stay in Washington, the greater the risk there is of catching that Congressional Cold—Potomac Fever. One of the first symptoms of this dread disease is when it occurs to you that you know answers to problems that don't exist.

It is customary for speakers to begin by saying how happy they are to be here. I am going to turn the tables and say—truthfully I hope—how happy President Walker is that I am here.

In the five years I have known him, President Walker has not missed an opportunity to whet my desire to visit Monroe and your fine institution. He is a most effective and persuasive ambassador—no hard sell. Instead he has let this Yankee see for himself how progressive this part of the South really is. Your civic center, with its beautiful fountain, is a splendid example of this.

From my vantage point in Washington I am able to follow the progress of a great many universities and their presidents. Northeast Louisiana University enjoys an outstanding reputation, and I can tell you that President Walker's leadership here and in our American Association of State Colleges and Universities has accorded him high respect among his presidential colleagues around the country. His role as state representative for Louisiana has helped attract national recognition of the growing importance of regional state universities such as your own.

My visit here to your beautiful campus today confirms my strong belief that the future of higher education in this country rests in large part with these regional state universities. Northeast Louisiana University is a dynamic, forward-looking university. We are proud that it is one of the 278 institutions that make up the membership of the American Association of State Colleges and Universities. These institutions are the fastest-growing degree-granting institutions in the country. They enroll nearly two million students, or about one of every four college students.

For the most part, these institutions have had relatively little campus unrest. Instead, they have quietly pursued their goal of making it possible for thousands of young men and women from the cities, towns, and farms of America to advance academically and economically, with the benefits going not only to themselves individually but to their states and regions as well. They are helping their students learn how to build and improve our country instead of tearing it down.

Our state colleges and universities are in the forefront in expanding educational opportunity for our young people, in preparing men and women to meet the need for educated manpower, in developing natural and human resources, and simply helping people learn to live happy, useful, productive lives.

These institutions represent the greatest potential for providing the kind of education this nation is going to need in the closing decades of this Century—and I mean educating people to deal effectively with change.

At this moment, at what appears to be the culmination of 16 or more years of formal education, you may not appreciate the suggestion that these years were only the beginning of a lifetime of learning. Man today lives on an escalator. He graduates from college to find a new world in which he must live and work—and this world is undergoing stresses no one imagined—even 15 years ago.

There are three and a half billion people living today. This will double by the year 2000—and there may be 10 billion people living during your own lifetime. This means real change.

We are a people with a tradition of frontiers, of open space for moving around and growing in. But we're a nation also undergoing some very fundamental—and painful—alterations in the way we see things. In fact, we're experiencing right now the crisis of deteriorating urban cores, receding rural areas, mass migrations, the reshuffling of personal, business, industrial and international relationships, the revolutions in information, communication, transportation, medicine, the precarious balance between war and peace, the expansion of leisure time, job obsolescence, and just the increased pace of plain living.

That old way of life to which we've become accustomed will become old much more quickly than it did for our parents. Unless we are able to cope with change and control it, we will be living longer and enjoying it less.

My daughters in high school have more knowledge now than I had when I was in college and you have more knowledge than most of us can hope to acquire during the rest of our lifetimes. But this knowledge will grow obsolete at an ever-increasing rate.

A century ago, men worked 70 hours a week and lived an average of 40 years. Today men work 40 hours a week and live 70 years. An inability to know what to do with our increased free time may result in boredom, alienation, and psychological problems just as serious as the physical problems caused by the 70-hour work week of a century ago.

Finally, there is the problem of educational obsolescence. How can we educate people for jobs that don't even exist today? What do we do with people who find—at age 35 or 40—that their skills are obsolete—that they've changed their minds about what they want to really do?

We must recognize now that education is not some rite of passage with a terminal point at the end. Opportunities for retraining and renewal will grow. In fact, there's a good chance you will change jobs seven times or more in your lifetime and probably return to school as many times.

We can no longer afford to stop our education and get off whenever we feel we've gone far enough. To avoid human obsolescence and to help us cope with change, education must continue throughout our lifetimes.

We will need colleges that function as career learning centers, flexible in their entrance and exit procedures as well as flexible in their curriculum. I firmly believe that it is to be the regional state universities such as Northeast Louisiana University that will provide the leadership in this development.

More and more state colleges are establishing a new model for higher education—a comprehensive college offering a wide variety of programs to meet the ever-changing educational needs of its students and of the region in which it is located.

With proper planning, the four-year state college can forge links of cooperation with the community and technical two-year colleges and provide a system of higher education specifically geared to community growth.

For example, one of the major benefits for the regions they serve is their attraction for new industry—the kind of industry that increases surrounding land values, builds a good local tax base, and expands general employment. New industries locate near them to take advantage of programs that train a wide variety of needed personnel.

In this way, continuous work-study programs are created to meet every growth factor of those industries—and at the same time provide a continual job placement source for participants in career education programs.

The major university research centers will handle the unforseeable technology and science now in embryo, but the regional state university will make its most significant contribution with its capacity to become a comprehensive learning resource, combining all elements of higher education.

And it is this great potential for public service that makes the regional state university uniquely fitted to deal with one of America's most crucial problems—a problem common to nearly every community—public health.

This nation is in a health crisis. After a decade under Medicare, the health expectations of the American people have risen to the point where every man, woman and child expects, as a right, the best medical care in the world. And why not?

We have had the most productive research effort in the history of medicine—going back to the 19th Century.

We have developed, man for man, the world's best physicians and specialists.

Our technology has pioneered the latest equipment and has outfitted the best medical research and treatment centers.

Since 1967, U.S. doctors have performed the most heart, kidney and lung transplants and are pioneers in the corollary development of immunology.

Our doctors have perfected highly sophisticated surgical techniques to repair muscle, nerve and bone tissue.

Our medical researchers have defeated, in our century, yellow fever, malaria, rabies, smallpox, polio, and we're closing in on cancer and heart disease. Who knows—we may yet lick the common cold.

We have prepared man for the experience of outer space—and yet the U.S. ranks 19th among the leading 22 industrial nations in male life expectancy, sixth in female life expectancy, and a sad 15th in infant mortality.

We spend more than 60 billion dollars a year to combat illness—that's about seven percent of our GNP—or nearly $300 per person—yet we offer, at best, a fragmented, inadequate medical service, inequally distributed, uncoordinated, and bearing a cost outside the income ranges of all but the upper-middle and upper classes of wage earners.

The 25 million poor, both urban and rural are in the direst need of health service and have the greatest incidence of illness.

Public health in this nation is in a crisis, too, at a time when environmental hazards of all kinds are increasing. We are subjected daily to higher and higher levels of air and water pollution, noise, noxious chemicals in our food, the stresses and strains of modern life, and many forms of ecological imbalances we're not even sure of.

Let's face it. The number one health problem today is the shortage of allied health personnel, not to mention the poor distribution of health care.

With an exploding population, the inadequacies of our health services cannot last much longer. And there's precious little leadership in this field of public health at the Federal and many local levels.

Quite simply, the physician can't do it all. So why are we concentrating on educating the *occasional* specialist, or the biomedical researcher, when the great problem now is extending the medical discoveries we *have* made to a public in desperate need of service?

Behind every modern urban physician in a hospital properly equipped and manned there is a wide range of supportive professionals completing nearly nine-tenths of the whole job in nearly every case requiring extensive therapy or long hospital stays.

In most cases, today, the physician is looked upon as a team director. The doctor diagnoses; he calls the shots. The allied health personnel carry out the doctor's orders. Menus are formed by dietitians consulting with the doctor; a food service specialist follows up, prepares the food and delivers to bedside; therapeutic recreation workers bring patients through painful recoveries; speech pathologists aid patients recuperating from surgery; medical record technologists keep books on patient progress; virologists examine blood and bone marrow samples, spinal taps, and other extractions to help determine a doctor's diagnosis; radiation engineers maintain costly equipment and deliver on difficult X-ray assignments.

There are more than 200 individual health career fields, and new ones are being added all the time as the demand for expertise in the health services increases.

Dr. Roger Egeberg, Assistant Secretary for Health and Scientific Affairs, HEW, says the allied health professions could make the difference in whether or not there will be any real improvement in medical care before 1975 when the projected shortage of doctors will decrease.

But there is currently a shortage of about 150,000 allied health professionals in the U.S. and a shortage of 200,000 nurses. This is compared to a shortage now of about 50,000 doctors.

If the allied health professions are going to make such a critical difference in our public health service, where are they going to be trained?

They are going to be trained in institutions like Northeast Louisiana University.

Our state colleges and universities are the greatest untapped resource in America for relieving the critical shortage of health manpower.

These institutions have always been the principal source of manpower for our nation's schools—they produce half of the new crop of school teachers every year. But we know that teaching jobs are becoming scarce as school districts find it increasingly difficult to pay for needed personnel. Many students who come to our institutions to pursue teaching careers would be ideally suited to enter allied health programs, *if* the programs were available to them.

The four-year state college or regional university also has the greatest potential for expanding allied professional training at the bachelor's and master's degree level. We are perfectly equipped to take para-professionals at the Associate degree level and bring them step by step into the ranks of professional allied health personnel in the 50 states. This is one of our greatest challenges. But we've got to shift gears, and fast.

A recent survey indicated that only 16,000 students of AASCU member institutions are registered in allied health professional programs. This is less than one percent of a student body representing nearly 23 percent of America's undergraduate enrollment.

If this percentage were raised to five percent, we could generate 60,000 graduates who could move into communities everywhere needing these critical personnel.

This would be a tremendous resource for any area. Yet, for example, the percentage of earned degrees in the allied health professions in AASCU institutions decreased from 12.3 percent in 1967–68 to 12.1 percent in 1968–69.

We won't become the prestigious medical or dental schools nor the research centers at the frontiers of medicine, but we can and must train the professionals for medical technology, occupational therapy, optometry, podiatry, pharmacy, and especially nursing.

Over half of the Standard Metropolitan Statistical Areas surveyed recently are without a publically operated, accredited bachelor's level nursing program.

This means that potential students in these urban centers are shut out from low tuition nursing education unless they move to other areas.

If the allied health professions at the BA and MA levels are concentrated in the major state and private universities, a very large student population will be denied this training, and U.S. public health will receive a severe setback.

But we've made a start. One principal reason why I wanted to visit your campus is that Northeast Louisiana University is in the forefront of those of our institutions across the country that are developing allied health programs. In recognition of your leadership, President Walker serves as a member of our Association's Committee on Allied Health Programs. Your pharmacy program in particular is recognized as one of the best in the country.

State boards of higher education are prodding colleges and universities to expand allied health programs. And in a few instances, state legislatures are getting into the act.

Our institutions must be prepared, with or without legislative prodding, to extend career ladders to all allied health professionals. The edge of the dead-end curriculum in the allied health fields is ending.

As teacher educators, AASCU institutions can and must play a double role, training teachers to serve as catalysts for the efforts of the junior colleges and vocational schools and then providing the career extensions for the resulting paraprofessionals moving up.

But we are going to need a lot of help at all levels—Federal, state and local—and time is running out.

If the Federal government is going to meet the demand for better health care, it must greatly expand its investment in institutions like Northeast Louisiana University so that the personnel needed to provide this care will be available. Otherwise, health costs will go out of sight, and millions of people expecting adequate care because of a massive Federal insurance program will be very angry.

Your own Senator Russell B. Long has introduced a major bill costing $2.5 billion to cover the expense of catastrophic illness. But little money has been provided to expand the supply of health manpower essential to meet the additional demand for services.

The Federal government, already deeply committed to public health by way of Medicare insurance, has only recently responded to the funding of allied health manpower development. This is building a barn without the horse.

But I am pleased with the passage last year of the Health Training Improvement Act of 1970. This is a step in the right direction, but it doesn't go far enough. The kind of allied health manpower training the state colleges are prepared to do will require three types of funding:

Federal cost-sharing for the construction of facilities and equipment for allied health programs.

A system providing adequate student loans with a reasonable repayment provision.

And direct institutional support with a formula recognizing the high cost of allied health manpower training at the four- and six-year levels.

We must get the same kind of Federal support that spurred the technological breakthrough in outer space, and the support that aided science generally in the 50's and 60's.

There has been too little national leadership in this regard. We need a grass-roots kind of effort behind leaders in higher education—such as President Walker—to begin the job in public health manpower training this country—and the world—will surely need.

Let me close by reminding you, who are graduating today, that the taxpayers in Louisiana have shared a part of their own income to help make it possible for you to attend a public college. As you go out to apply the learning gained here and become taxpayers yourselves, I hope you will be leaders in developing the financial support Northeast Louisiana will need to provide and improve educational opportunity for those who follow you.

The legislature can provide the basic necessities, but alumni gifts provide "that margin for excellence" that makes the difference between an institution's being merely good and being great.

There is more and more of the burden being placed on students themselves to support higher education. But there is no substitute for adequate legislative support and low tuition which provides the maximum degree of educational opportunity so necessary to modern society.

Your efforts in support of Northeast Louisiana University will provide not only its future prosperity, but your own as well. The better your college becomes, the more your diploma is worth. There is no better investment than that.

Congratulations and good luck.

PRESIDENT LUIS ECHEVERRIA ALVAREZ, OF MEXICO, ADDRESSES 26TH GENERAL ASSEMBLY OF THE U.N.

(Mr. HANNA asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANNA Mr. Speaker, on Tuesday, October 5, the 26th General Assembly of the United Nations was honored to be addressed by a great President of a great country. I refer to His Excellency Luis Echeverria Alvarez, of Mexico. He is the only head of state from Latin America to address that world organization during its present session.

President Echeverria, former Minister of Interior, an outstanding lawyer, and a dynamic leader, is known throughout the hemisphere for complete devotion to duty and consecrated dedication to his people. Much of his time is spent in the provinces among the people, listening to their problems directly from them rather than through bureaucratic channels. Outsiders interested in Mexico have noted how the President is loosening the controls which have kept Mexico in a sort of political straitjacket. He has, in addition to liberalizing the political system, been demanding that the economic policies and financial programs be more responsive to the problems faced by the country. President Echeverria is truly a man of the people.

It is thus noteworthy that despite a backbreaking schedule in his own country, this Mexican statesman found the time to attend the United Nations session in the interests of world peace and international cooperation.

It is very encouraging to me, as I am sure it must be to all the Members of this House, that our sister Republic south of the border is presided over by a chief executive who understands his job so well and performs it so thoroughly.

Directly after his speech to the United Nations, President Echeverria flew to the Province of Torreon in Mexico to meet with the people there on important matters of agrarian reform. Such tireless devotion has won him the admiration of his countrymen and of countless numbers throughout the hemisphere.

Mr. Speaker, I know I am not alone in this House in considering Mexican-United States relations as one of the great pillars of inter-American progress toward peace and security. President Echeverria is very much aware of this, and several months ago appointed His Excellency Dr. Jose Juan de Olloqui as Ambassador to the United States. The Ambassador is typical of the new breed of young Mexicans who are playing such a vital role in their country's future. Ambassador Olloqui, with his spirit of good will, his talents, energies and understanding, admirably fulfills for his President and country the high requirements called for by a nation that is on the move for a better life for its people.

To President Echeverria, to Ambassador Olloqui, and to all the people of Mexico, let us say "Well done."

CHAOS, DISRUPTION, AND EXCESSIVE BUSING IN THE JEFFERSON COUNTY SCHOOL SYSTEM

(Mr. NICHOLS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, as a result of recent orders from the U.S. District Court for the Northern District of Alabama, southern division, there has been widespread chaos, disruption and excessive busing in the Jefferson County school system. The results of integration orders to that system is but a single example of a common tragedy throughout large areas of our State, but the situation is significant because it is symbolic of arbitrary action and disregard for the welfare of the students and the educational process. There are about 60,000 students in the Jefferson County school which is approximately 70 percent white and 30 percent black. After the decision of the U.S. Supreme Court on January 14, 1970, in *Carter, et al.* v. *West Feliciana Parish School Board, et al*, 24 L.Ed. 2d 477, and the decision, on rehearing, by the fifth circuit court of appeals in *Singleton et al* v. *Jackson, Mississippi Separate School District*, 419 F. 2d 1211 the decisions of the district court were remanded with directions that terminal school integration should be accelerated. The mandate from the fifth circuit was delivered to the district court on January 23, 1970. The school board was directed to file another integration plan and make student integration effective on February 1, 1970. On January 26, 1970, the district court issued an order directing the county board to file such a plan within 4 days and to make student integration effective February 1, 1970. This involved 100 county schools, over 60,000 students and 2,500 teachers. After hearing on the school board plan filed, the district court ordered the Department of Health, Education, and Welfare to file a new plan not later than May 15, 1970, and the court scheduled a full evidentiary hearing on that plan and all objections and exceptions. The black plaintiffs and the county board filed objections and exceptions to the HEW plan. At the hearing, the issues were substantially reduced and counsel for the black plaintiffs stated in open court that he desired to "make a statement that might help expedite things," adding that "I think we are in substantial agreement with HEW." The HEW plan, as filed, was submitted to and approved by the Ad Hoc Committee in Washington. This is a committee composed of representatives of the office of HEW, officials of the Department of Justice, and representatives of title VI, the enforcement division of HEW.

After hearing, the district court issued an order adopting a majority of the HEW plan. The Justice Department did not appeal from that order. The black plaintiffs filed a limited appeal. This appeal was disposed of in the fifth circuit, without hearing or argument, by mandate to the District Court, after the decision of the Supreme Court in *Swann* v. *Charlotte-Mecklenburg Board of Education*, 402 U.S. 1. When the case was returned to the district court, the school board announced its earnest desire to terminate all litigation and suggested to the court that it enter an order approving the HEW plan which had been prepared by HEW, approved by the Ad Hoc Committee, and endorsed by the black plaintiffs. Admittedly, the plan effectively established a unitary school system which we have repeatedly been told is the extent of the constitutional requirement.

Nevertheless, as strange as it may sound, a recently appointed district judge rejected the HEW plan, prepared by the Government and proceeded to draw his own new integration plan for all schools in Jefferson County. As a result of this plan, chaos has developed. There are hundreds of children in Jefferson County today who are not attending school. There are hundreds more who are being bused from schools in their immediate neighborhood to strange schools in other sections, solely for the purpose of forcing a fixed racial ratio. In fact, the Court has announced and stated in its orders that it was enforcing a 75- to 25-percent racial ratio which Members of Congress have repeatedly stated was never intended by the Civil Rights Act and never required by the Constitution. In fact, the Supreme Court has so held.

Mr. Speaker, let me give a few specific examples involving black students. There is a little community in the western section of Jefferson County called Booker Heights. The students live near the Edgewater Junior High School, grades one to nine. In order to force an integration ratio, the district court ordered these young black children to be bused, over dangerous roads, to the West Jefferson school. The parents of these young black students and the county board have requested and urged the court to permit these children to attend the Edgewater Junior High School. Another example is in the McNeil community where students are being bused to another zone when they live within walking distance of their own community school. Last year, McNeil had grades one to nine. Under the court order, the grades are seven to nine. This results in small children, grades one to six, being bused miles away and prevented by court order from attending schools within easy walking distance of their homes.

A similar situation exists in the Warrior section of Jefferson County which I am privileged to represent. Here, too, the parents of schoolchildren are extremely upset. I would like to submit for my colleagues' reading a letter I have received from Billy Stover, the chairman of the Concerned Parents of Jefferson County.

I believe Mr. Stover's letter appropriately describes the dilemma many parents in the Warrior area are facing due to the latest court order.

The letter follows:

Concerned Parents
of Jefferson County,
October 2, 1971.

Representative Bill Nichols,
Longworth House Office Building,
Washington, D.C.

Dear Sir: The following is in reference to the Jefferson County School system.

Attached you will find a copy of the amended order filed in the District Court now by the Jefferson County Board of Education.

There are two alternatives that will resolve this case:

(1) Remand this case to Judge Lynn's court. He has had it since 1968 and is familiar with every phase of the case.

(2) Or accept this amended order and the Pleasant Grove situation will be resolved along with the rest of Jefferson County's problem.

Please be advised that Mr. Maurice Bishop is Attorney for the Jefferson County Board of Education.

We the people of Warrior, Alabama are concerned about our problem in our 1–12 grade school at Warrior, Alabama and you as our congressional representatives should know of this problem.

Why of 89 schools in Jefferson County was the Warrior High School 1–12 the only school paired by the court order?

Because of the court ordered pairing we have 175 students who have not attended school at all this year.

We ask that Warrior High School be restored to its normal grade structural 1–12.

The Warrior High School has been a 1–12 grade school for eighty years.

Your prompt action to this will be appreciated by all parents of Warrior, Alabama.

Thanking you,

Billy Stover,
Chairman.

Mr. Speaker, I could give a number of similar circumstances in this county alone where the safety, physical well being and education of children are being completely ignored by court orders that are serving no purpose except to sow disrespect for judicial process and court orders among white and black alike.

I have been unable to understand, and I have yet to find anyone who can explain why the court did not approve an integration plan admittedly establishing a unitary system prepared by HEW and approved by the black plaintiffs and, albeit reluctantly, by the school board.

Mr. Speaker, last week, three Members of this body met with a sizable delegation from Pleasant Grove, Ala., another small town in Jefferson County. I joined the Honorable Jim Allen, the junior Senator from Alabama, a representative from the office of the Honorable John Sparkman, and Congressmen John Buchanan, and Walter Flowers, all of whom represent a portion of Jefferson County, in objecting to this detrimental court order which has disrupted many families in that community alone.

The delegation, which included the mayor and school superintendent of Pleasant Grove, met with Assistant Attorney General David Norman in seeking the understanding and, hopefully, the assistance of the Department of Justice in this matter.

Mr. Speaker, I am convinced that people throughout every section of our Nation are beginning to realize what is happening to their school systems and I am further convinced that a great majority of them are preparing to assert themselves as never before through their elected public officials.

I believe this statement is verified by the support we have received in our effort to get the necessary signatures on a discharge petition to expedite legislation, introduced by my distinguished colleague from New York, the Honorable Norman Lent, from the Judiciary Committee. This legislation, similar to bills introduced by me and many of my colleagues, is in the form of a constitutional amendment and would declare busing of students to achieve racial balance as illegal. A number of us who have signed this petition are vitally interested in quality schools for both black and white youngsters and we are deeply concerned about the future of our public education system.

I would like to think that the pendulum has swung and we may be on the way toward a return to the sound, conservative, and constitutional government which has made this Nation great. I only hope it is not too late.

"THE AVAILABILITY OF MEDICAL CARE"—AN ARTICLE BY DR. JACK SCHREIBER OF CANFIELD, OHIO

(Mr. BOW asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BOW. Mr. Speaker, I have previously inserted in the Record two articles by Dr. Jack Schreiber of Canfield, Ohio. I include with my remarks at this time the third and last of the series of articles by Dr. Schreiber:

The Availability of Medical Care

(By Jack Schreiber, M.D.)

In the first two articles of this series I pointed out that the vote seeking politicians, the propagandists, and the social planners have tried to convey to the American people three false and misleading statements to justify their desires for a system of nationalized medicine in this country: (1) Medical care in the United States is inferior, (2) Medical care in the United States is too expensive, and (3) Good medical care is not available when you need it. For years, these people have been claiming, "Even if you can afford good medical care, you never can get a doctor when you need one." Or, as Daniel Shorer on the CBS–TV program in April, 1970, stated, "Even if you can afford to get sick in America, you'll have difficulty finding anybody to take care of you." Let's take a close look at the charges about the availability of medical care in this country.

Many, in and out of the profession, state that there is a doctor shortage in this country. While there may never be enough doctors in some areas in the United States, this country has more doctors per population than any other nation in the world—one for every 640 citizens. By comparison, France has one physician for every 750 people and Great Britain has one for every 1150 citizens. It is true, however, that many physicians have been drawn away from patient care by government inducements to research and administrative work. A total of 28,105 doctors are in government service (enough to supply three cities the size of Los Angeles.)

The charge is frequently made that doctors don't make house calls anymore. According to a recent *Medical Economics* survey, most physicians still make house calls, but on a limited basis, due chiefly to the obvious limitations of time, and the opportunity to provide higher quality of care in one's "workshop," rather than at the bedside. Many laymen who still measure a good doctor by the number of house calls continue to live in the nostalgia of a day long past when the physician had fewer patients to treat and could perform the same service at the bedside as he did in an office with meager equipment.

WHAT ABOUT HEALTH FACILITIES?

But the doctor is only part of the total medical care system. What about hospitals? How do we compare with other nations who have the kind of system the politicians plan for this country? In 1969 the United States had 7,144 hospitals, up 4 percent since 1960. In Great Britain, no new hospitals were built from 1948 (the conception of the National Health Service) until 1962. Since then only ten have been built. Since World War II, 515 new hospitals have been built in just 17 states in the Southeastern part of our country, an area comparable in size to the United Kingdom. In most of post war Europe, hospital construction has been at a standstill because of the lack of funds, in spite of the fact that in Sweden, for example, 20 percent of the Swedish citizen's taxes are for "free" health care.

Not only do most Europeans have fewer hospitals than Americans, but the availability of hospital beds in Europe is less because of the longer length of stay. In 1969, in the United States, the average length of stay in a nonfederal, short-term, general hospital was 8.3 days. In England and Sweden the length of stay was 50 percent longer and in Germany it was 300 percent longer for the same time period. Since length of stay determines availability because of the turnover factor, one might also compare nonfederal, general hospitals with government (VA) hospitals, in this country. In 1969 this was 8.3 days compared to 38.8 days for VA hospitals.

Because people stay longer in hospital beds in Europe and because there are fewer hospitals per population, waiting lists also are a factor in the availability of hospital care. Most people, in the United States, are able to get into a hospital of their choice for elective surgery in two to four weeks. Anthony Le Jeune says that under National Health Service in England, "The average wait for a nonurgent operation is 22 weeks and the waiting period may stretch to a year." Professor Russell Kirk reports, "People have to wait up to 7 years for treatment of hernias or varicose veins (Great Britain)."

A POINT ON FREE CHOICE

Critics of our present health care delivery system usually fail to point out that most people want more than just any doctor available—if given a choice they would like their own personal physician. In Sweden, private doctors are forbidden to treat their own patients in hospitals. Consequently, of the 8500 doctors in that country, only 1200 are in private practice (one-fifth of them over 70 years old.) Only 30 percent of Swedish citizens are now treated by their own private physicians. A recent survey in England revealed that fewer than 50 percent of NHS patients get to see the specialist of their choice—and 42 percent are never even told the name of the specialist they do see.

In arguing the merits of increasing the availability of medical care in this country proponents of socialized medicine strongly favor prepaid, closed panel group practice, (Kaiser-Permanente prototype) as a panacea for having a doctor available for every patient's every whim. One of the strong selling points, to the medical profession, of the Kaiser closed panel group is the 40-hour work week. The average physician, in private practice, works a 65 hour work week (according to *Medical Economics*). The question therefore is: Would the grouping of physicians in the Kaiser prototype make medical care more available, or would it, indeed, create just the opposite result? Dr. Roger Egeberg, in a speech before the Ohio State Medical Association in Columbus in 1970, stated that if all those physicians now working a 60- to 70-hour week were suddenly to limit their practice to a 40 hour week, the result would be an immediate reduction equivalent to the loss of 50,000 physicians.

I believe it is safe to say that more people are getting more care—better care, overall—than at any time in the history of our country. While there are many small towns without physicians, and while there are cases of people, through ignorance or superstition who don't get to a physician or a hospital, nevertheless, the facts speak for themselves. There have been no widespread epidemics wiping out thousands of people. Few, in this country, are dying in the street because of lack of medical care.

MEDICAL CARE AVAILABLE—IF

Medical care—quality care—is available to the great majority of the American people, provided they are willing to accept personal responsibility in seeking that care. The availability of medical care in this country, at all levels, would be enhanced if:

1. Every family would establish contact with a personal physician or clinic, or some organized medical care group.

2. Patients could be taught to utilize medical facilities properly. This means, for example, not asking for hospital treatment when that type of treatment is deemed unnecessary by the attending physician.

3. Patients can be taught to use good common sense. This means, when possible, utilizing the services of a physician during office hours, rather than waiting until night or on weekends. It also means following physicians' instructions regarding diet, personal habits, and the taking of medication.

4. Patients can be taught that overutilization of all medical personnel and facilities has the effect of reducing the supply, thus diminishing availability.

In summary, politicians seeking votes, social planners and those in government, who for years have been trying to bring about a drastic change in our medical care system have attempted to justify their demands for Socialized medicine by claiming: (1) Medical care is inferior, (2) Medical care is too expensive, and (3) Quality medical care is not available. Their universal answer for these false and unwarranted charges is the European failure of Nationalized or State controlled medicine. The irony of it all is that Socialized medicine existing abroad, and even within our shores, in the form of the Veteran's Administration, historically raises costs, lowers quality, and produces a relative shortage of personnel and facilities.

The public is being propagandized into believing that only the government can provide for their medical care needs. Somehow we must tell our patients and the public that no government can deliver a high quality and reasonably priced medical care. Only physicians, practicing in a stimulating, pluralistic, competitive, free-enterprise environment can do that.

THE GROUNDSWELL OF OPPOSITION TO CANNIKIN

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, unless a groundswell of opposition among concerned citizens all across our country causes the President to change his mind, the Nixon administration plans to detonate a gigantic thermonuclear bomb in Alaska this month.

Code-named "Cannikin," the 5-megaton underground blast is designed to test an ABM warhead that responsible scientists say is obsolete. Moreover, "Cannikin" poses a serious threat to the environment, both through radiation seepage and a possible earthquake which could launch a destructive tsunami to Hawaii and other Pacific coastal areas.

Congress has provided by statute that the test cannot proceed unless the President himself so decrees. It will thus be the President's sole responsibility if the disastrous consequences which have been predicted become a reality.

I am gratified that a Federal court decree has imposed a reexamination of the critical environmental dangers of "Cannikin." The test was originally planned for October 2, but now it is scheduled for later this month unless the President decides to cancel it.

My own court suit, seeking the release of the secret Cannikin papers in which five Nixon administration agencies argue against the test, is still pending on appeal. I hope the courts order release of the revealing documents so that Congress and the public can be fully informed of the facts the Nixon administration is trying to conceal.

It is imperative that as many citizens and organizations write to the President as possible urging cancellation of the test and release of the Cannikin papers.

I have already received numerous copies of resolutions and letters from Hawaii and many other areas of the country expressing strong and vocal opposition to "Cannikin." I certainly hope and urge that these pleas to the President increase and continue.

In the meantime, I am including some of the resolutions in the RECORD for the benefit of my colleagues. I am also including news articles regarding my suit to force release of the Cannikin papers.

OCTOBER 1, 1971.

Hon. RICHARD M. NIXON,
President of the United States, White House, Washington, D.C.

DEAR PRESIDENT NIXON: Citizens for Hawaii, a public interest, non-profit organization with 1200 dues-paying members, unanimously adopted a resolution at its membership meeting last night declaring that the Cannikin nuclear test scheduled at Amchitka should not be permitted.

A copy of our resolution is enclosed.

We strongly urge that you cancel Cannikin.

Sincerely,

THOMAS P. GILL,
President, Citizens for Hawaii.

CITIZENS FOR HAWAII OPPOSING THE CANNIKIN TEST

Whereas, the five megaton underground nuclear test planned for Amchitka Island, Alaska, scheduled for this fall is only 2,000 feet from a known earthquake fault, and

Whereas, there is danger of radioactive matter seeping into the ocean year after year, and

Whereas, this radioactive seepage will spread with currents throughout the oceans to be ingested by all the creatures of the sea, and

Whereas, radioactive matter will accumulate in the body as it moves up in the food chain, and

Whereas, in addition to this threat to all the peoples of the world, and most especially to the nations which use fish as a main article of diet, there is the possibility of triggering an earthquake and subsequent tsunami, threatening both the West Coast and Hawaii, and

Whereas, the warhead to be tested is being replaced by an "improved" and smaller missile, with far less nuclear danger, and

Whereas, this test is located on a three-mile-wide island, only 700 miles from U.S.S.R., at a time when arms limitation talks with U.S.S.R. are planned, and

Whereas, the carrying out of the test can only strain our relations with Japan, as well as the Philippines, Taiwan, and Mainland China, and other nations which fish in the Pacific,

Now, therefore, be it resolved, that the test known as CANNIKIN is a dangerous, unnecessary, test which should not be permitted, and

Be it further resolved that, Citizens for Hawaii send a copy of this resolution to President Nixon and to members of our Congressional delegation.

September 30, 1971.

Hon. Patsy T. Mink,
Member of Congress,
Washington, D.C.

Although time is very short I think it important that you be advised that delegates to the fourth bicentennial convention of the Hawaii State Federation of Labor AFL–CIO unanimously passed a resolution in vehement opposition to the upcoming nuclear test at Amchitka.

B. D. Kaye,
Executive Secretary.

September 30, 1971.

Hon. Richard M. Nixon,
President of the United States,
White House,
Washington, D.C.

Dear Mr. President: The Hawaii County Committee of the Democratic Party at its meeting September 29 voted to request you to cancel the nuclear underground explosion scheduled for the first week in October on Amchitka Island, Alaska.

We fear a blast of this magnitude will trigger an earthquake which will cause a tidal wave or tsunami similar to those experienced in Hilo and vicinity in 1946 and 1960 which resulted in the loss of many lives, including school children, and millions of dollars property damage.

We are also concerned that the blast will injure our relationships with other Pacific nations, such as Japan, Canada and Micronesia, which have registered opposition to it, and might have an adverse effect on the SALT disarmament talks now in progress.

There is no doubt that the explosion will kill thousands of sea otters, seals, whales, falcons, eagles and other endangered species in its immediate vicinity and possibly contaminate the ocean with radioactive materials which will spread throughout the planet by means of ocean currents and the food chain.

We understand that the blast will test a nuclear warhead which has already been declared obsolete by many reputable authorities. To go ahead with this test violates your many pledges to work for nuclear disarmament and peaceful use of the atom. The risks involved with this test far outweigh any good which may come from it. So please use your authority as President to call it off.

Several federal agencies have made studies of the proposed test and recommend that it be cancelled. We note that these studies, the so-called "Cannikin Papers", have been stamped "top secret", and have not been made available either to Congress or to the public. Since our very lives depend upon full knowledge of this matter, we ask that you make public the Cannikin Papers in the spirit of the Freedom of Information Act of 1966 and as requested by our Representative in Congress, Mrs. Patsy T. Mink.

Sincerely,

Tadao Okimoto,
Chairman, Hawaii County Committee, Democratic Party of Hawaii, Hilo, Hawaii.

Unitarian Church of Honolulu,
September 30, 1971.

Representative Patsy T. Mink,
Washington, D.C.

Dear Mrs. Mink: The Public Affairs Council on behalf of the First Unitarian Church of Honolulu opposes the U.S. Government's plans to conduct nuclear tests at Amchitka, Alaska.

We oppose it because we do not believe it is entirely without danger. Besides the danger of earthquake, escaping radioactive gases and tidal waves at the time of the test, what about latent dangers that could be disastrous to future generations? What will become of the radioactive material at the test site? Will it always remain at a safe distance from everyone? It seems we are running considerable risks and for what?

We learn of various reports of considerable stature citing the tests as unnecessary. These reports are squelched by the government. Antagonism and distrust of the government grows. We urge you to do what you can to stop these tests and return our country to its greater role, that of leading the world to peace.

Sincerely,

William Sinton,
Chairman, Public Affairs Council, Unitarian Church of Honolulu.

September 30, 1971.

Hon. Patsy T. Mink,
House of Representatives,
House Office Building,
Washington, D.C.

Dear Representative Mink: The Pennsylvania Division of the American Association of University Women strongly endorses national AAUW action in urging cancellation of the proposed underground nuclear test at Amchitka Island, Alaska.

We believe that no questionable military advantage to be furthered by such a test merits the frightful risks to all forms of life and to the balance of natural forces in that area of our country—and possibly far beyond.

Sincerely yours,

Mrs. E. Gillet Ketchum,
Legislative Program Chairman, Pennsylvania Division, American Association of University Women.

September 29, 1971.

Congresswoman Patsy Mink,
Washington, D.C.

Dear Congresswoman Mink: Enclosed find a resolution urging cancellation of the Amchitka Nuclear Test which was adopted at the just-concluded Biennial Convention of Hawaii Local 142 of the International Longshoremen's & Warehousemen's Union, representing 24,000 workers in the Sugar, Pineapple, Longshore, Tourism and General Trades industries in the State of Hawaii.

Sincerely,

ILWU Local 142, Honolulu, Hawaii,
Carl Damaso, *President.*

Resolution on Amchitka Nuclear Test

Whereas, the United States has scheduled a massive underground nuclear test at Amchitka, Alaska; and

Whereas, according to abundant scientific testimony, such a test poses possible critical dangers, including tsunami effects, for the people of Hawaii and the entire Pacific area; and

Whereas, the holding of such a test by the United States could seriously undermine current arms limitations discussions with the Soviet Union; therefore lie it be

Resolved, we of ILWU Local 142 oppose the Amchitka nuclear test and urge President Nixon to cancel it, and be further

Resolved that we urge the entire Hawaii Congressional delegation to support our position.

Honolulu, Hawaii,
September 28, 1971.

Dear Congresswoman Mink: Your request for a letter to Pres. campaign seems to be gaining here. If the people you contacted to help you worked as hard as I did the idea will spread.

Immediately on getting the letter I wrote to as many local papers, radio and TV. Tho my letters to the editor weren't printed, 2 good long editorials appeared in Bulletin and Advertiser.

I worked as long as 18 hours a day making calls and writing to friends and taking signatures at beach and hotel lobbies. Wrote to Pierre Elliott Trudeau in Ottawa and the AEC. KGMB made me copies of your letter to include, etc. I alerted youth groups, Jaycees, chamber of commerce, etc., etc.

I used 3 books of stamps, 100 sheets of paper etc., etc. The people on my telephone line are all mad at me!

Enclosed are quick copies of 2 cartoons which may amuse you!?!

Aloha,

Evelyn M. Smart.

Conservation Council for Hawaii,
Maui Chapter,
September 28, 1971.

Hon. Richard M. Nixon,
President of the United States, The White House, Washington, D.C.

Dear Mr. President: I am sending you petitions signed by 1,871 people of the island of Maui, Hawaii. These signatures were gathered by our members during a twenty-four hour period on September 24th and 25th, 1971.

The response we received at our four petition stations indicated that a large majority of the people of this island are opposed to the proposed nuclear test on Amchitka Island.

Maui people have suffered death and destruction from past tsunamis, and although the chance of a tsunami is a rather slim one, it is a very real one. We do not wish to be guinea pigs for the Atomic Energy Commission.

You may notice a great variety of names on these petitions. They represent the many races of people here. People of all ages, occupations and political persuasions. All of us unite in asking you to stop the Amchitka Nuclear Test.

Sincerely yours,

Robert Bruce, *President.*

September 23, 1971.

The President,
White House,
Washington, D.C.

Dear Mr. President: In view of the potential risk to the people of Hawaii and the rest of the Pacific Basin, I earnestly urge you to use the power of your office to cancel the forthcoming Amchitka nuclear test.

Hawaii, which has suffered in the past from tsunamis emanating from the Aleutians, looks to the President to cancel the test unless there is concrete assurance no devastating wave will be generated.

Very truly yours,

George Koga,
Chairman and Presiding Officer.

September 23, 1971.

Hon. Richard M. Nixon,
The President,
Washington, D.C.

It has been brought to my attention that certain documents dealing with possible environmental risks related to the nuclear test "Cannikin", scheduled for October 2, 1971, on Amchitka Island, Alaska, have been classified "top secret" only because they were attached to classified material and do not, of themselves, contain any classified material. It has been further reported that specific documents by William D. Ruckelshaus and Russell E. Train dealing with their estimation of the possible environmental risks have been declared by the authors to not merit the classification "top secret".

The President is requested and encouraged to make public those documents and papers relating to the nuclear test "Cannikin". We in Hawaii are particularly concerned because of past live-taking waves that have originated from the Aleutian area.

The people of Hawaii County call upon you to release the information as we are greatly concerned about the scheduled test.

Shunichi Kimura, *Mayor.*

September 21, 1971.

Hon. Patsy T. Mink,
Member of Congress, House of Representatives, Washington, D.C.

Dear Madam: We are in receipt of your letter dated Sept. 10th. in which you requested our assistance in expanding public awareness about the secret documents which have been filed with the President—the ones critical of the Amchitka nuclear test.

On Friday Sept. 17th. an "Amchitka Day" was held in the town square of this city and citizens representing scientific, ecology, fishermen, business men, church, student, school board organizations etc. were invited to express their views as to why they were opposed to the blast. Your letter was read to the people and the enclosed resolution presented for their approval, which by a show of hands was overwhelmingly supported. We estimate there were approximately twenty-five hundred people present over a period of three or four hours that heard the letter and resolution read, and this was later reported on the radio and in the newspapers.

We have sent a copy of the resolution to President Nixon, and hope that our efforts will in some small way have helped to expose this issue of secrecy.

Yours truly,
MURIEL M. ARMSTRONG,
Corresponding Secretary.

RESOLUTION

Whereas the Administrator of the United States Environmental Protection Agency has stated there is no substantiative reason for classifying as "top secret" his recommendations to the Presidential committee on the underground nuclear test on Amchitka Island.

Whereas there have been persistent rumors that the above Agency as well as the White House Council on Environment have recommended cancellation of the test because of possible environmental damage.

Whereas thirty-four members of the United States Congress have demanded the release of these reports because they believe they are entitled to have access to them in order to be able to legislate intelligently, and whereas the public as well have the right to be informed.

Therefore be it resolved that we, gathered here today support those groups and agencies in their request to President Nixon that he release the reports to the public.

SEPTEMBER 15, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The Hawaill Chapter of the United Nations Association by unanimous vote of its board wishes to register its most emphatic opposition to the nuclear test scheduled for Amchitka.

Our objection is based on three grounds:

1. The test is opposed by two of our closest friends in the Pacific area, Canada and Japan, and will without question increase suspicion of our intentions in Russia and China with which nations we have apparently entered into a more cordial relationship which we hope will continue to increase.

2. The explosion threatens the life, human and animal, as well as water and vegetation of the area. Recent publications state that the experts in the nuclear development program have been mistaken in the past in their calculations of the effects of nuclear testing.

3. The aura of complete secrecy extending even to the Congress imposes an additional hazard to our democratic processes and suggests a police state course of action utterly alien to our democratic way of life and government and in sharp conflict with everything this country has stood for since our constitutional form of government came into being.

We believe in Thomas Jefferson's warning that the price of freedom is eternal vigilance. We view with deepest concern the ongoing encroachment on public information under the guise of national security.

We understand a sizable number of groups and individuals have voiced their fears and objections. We join them in their plea that the project will be abandoned so that our Pacific friends and neighbors will not be affronted with what would appear to be a belligerent intent or at best a threat to human and wild life. We wish to express the hope that the government's course in denying to our own Congress knowledge of undertakings of so vast a nature cease. We fear that if such an insidious course persists we will slowly but surely become a government not signally different from those countries whose ideological beliefs and methods we oppose.

Respectfully,
JOHN F. ALEXANDER,
President, Hawaii Branch, United Nations Association.

SEPTEMBER 20, 1971.

Hon. PATSY T. MINK,
Member of Congress,
House of Representatives,
Washington, D.C.

DEAR MRS. MINK: The Issue Response Committee of the Department of Strategy and Program of the Hawaii Conference of the United Church of Christ, at its duly called meeting of September 14, 1971, went on record to extend to you its unanimous support of your position in opposing the plans for the extended detonation of nuclear armaments at Amchitka Island, Alaska. While the Committee acknowledges the importance of the testing of nuclear devices for national security, it does feel that this series of tests, with its undetermined effects upon people and the ecological balance in the immediate and surrounding areas, is unnecessary, unwise and harmful.

We are also communicating our concern to President Nixon, appealing to him to use the powers of his office to prevent the detonating of nuclear devices at Amchitka, as well as to remove the secrecy limitations on data and documents related to this exercise particularly in the light of the recommendation of five Federal agencies requesting cancellation or postponement of these tests.

Please accept the heartfelt thanks and aloha from our Committee. We pray for your continued courageous effort in behalf of a more peaceful world.

Yours sincerely,
NELSON Y. C. KWON,
Hawaii Conference of the United Church of Christ, Honolulu, Hawaii.

JULY 19, 1971.

Representative PATSY MINK,
House of Representatives,
Washington, D.C.

DEAR PATSY, Thank you very much for your press release of July 10th indicating the efforts you and Reps. Matsunaga, Van Deerlin, and Begich are making in the House to cut out funds for the nuclear tests planned for this fall at Amchitka Island in Alaska.

In the last official action taken on the last day of the Biennial Convention of the American Association of University Women at Dallas (July 1, 1971) the delegates voted to adopt a resolution offered jointly by Hawaii and Alaska to request the President of the United States to order the Atomic Energy Commission to cancel plans for these tests. AAUW, as you may know, has well over 170,000 members in more than 1700 branches in the 50 states.

My (environment) commitee has proposed setting up an Environmental SOS alert program in which State Divisions which need help through Congressional action will ask their sister divisions for help. It seems to me that CANNIKIN poses enough danger to us to make it an appropriate issue with which to launch the system.

I am writing AAUW today to see whether the letter will go out from Washington or from here and will ask someone there to get in touch with you about securing 50 extra copies of your release to go with it.

Aloha,
JOAN HAYES,
National Environment Chairman, American Association of University Women, Honolulu, Hawaii.

ARTICLE ON RESOLUTION NUMBER 17, TO STOP THE AMCHITKA TEST, FROM "AAUW JOURNAL," OCTOBER 1971

Cancellation of plans for an underground nuclear test at Amchitka Island, Alaska, was the object of one resolution approved at the Dallas convention, and AAUW lent its voice to the growing outcry of environmentalists, scientists and anti-war group vigorously opposed to this venture.

Although the exact date for the detonation (code named Cannikin) has not been set as of this writing, all efforts to halt it have met powerful opposition. Attempts to stop Congressional approval of funds were unsuccessful, although Sen. Inouye of Hawaii did win passage of an amendment requiring a specific go-ahead by the President.

A federal judge rejected a request by 33 members of Congress for access to a report advising the President against the test. The same judge ruled for the blast in a suit which charged that the Atomic Energy Commission's assurances of safety had proven false in 18 other tests and could fail again. "We learn by trial and error," said the judge.

Amchitka Island, 700 miles from Russia, is inhabited only by a number of endangered species of wildlife. It was set up as a National Wildlife Refuge in 1913. Presumably it was chosen over Nevada, the usual test site, because 68 of the 253 underground tests there—more than one-third—have had radiation leaks.

The blast will be 250 times the size of the one that wiped out Hiroshima and will displace three cubic miles of earth. The water level and land area at Amchitka are such that Cannikin might reach the ocean floor. If the explosion occurs in water the impact is doubled. That is one reason the President asked Congress in July to ratify a treaty banning the use of atomic weapons on the ocean floor. (Cannikin may also violate the 1963 Test Ban Treaty, and will surely not help the SALT talks.)

The site is athwart a major earthquake fault which runs from Alaska to South America—through San Francisco. The cyclic, seven-year peak of earthquake activity as charted by geologists comes this year.

The threat to marine life throughout the North Pacific and beyond, the possible elimination of the fishing industries of several countries, the possibility of tidal waves, the dispersion of radioactive matter into the sea—all are further dangers.

These risks are undertaken to measure the yield of a five-megaton warhead of a missile designed some six years ago. The missile has since been improved and would carry a different warhead. One argument for going ahead with the test is that most of the projected $118 million total cost has already been spent. Still, the President's own Office of Science and Technology has declared the test obsolete.

It may only be possible to stop Cannikin now by a massive public protest directed to the President. This is an occasion, if there ever was one, for your letters and telegrams to him and to your Congressmen.

ILWU LOCAL 142,
Honolulu, Hawaii, June 21, 1971.

Congresswoman PATSY MINK,
Washington, D.C.

DEAR CONGRESSWOMAN MINK: Enclosed find a Statement of Policy adopted by the Executive Committee of Local 142 at its meeting of June 18, 1971.

Our Union respectfully requests that you do all in your power to prevent the nuclear test scheduled for Amchitka in October.

Sincerely yours,

Carl Damaso, *President*.

ILWU Statement of Policy on Amchitka Nuclear Test

(Issued by Executive Committee, Local 142 International Longshoremen's & Warehousemen's Union, June 18, 1971)

The Hawaii ILWU is strongly opposed to Atomic Energy Commission plans to set off a 5 megaton nuclear explosion below the Aleutian island of Amchitka next October.

The AEC cannot guarantee that this test—four to five times bigger than the 1970 test, and the biggest underground test ever tried—will not generate earthquakes or tsunamis which could destroy lives and property in Hawaii. The area on the Aleutian fault line is known to be geologically unstable and movement there has sent catastrophic tidal waves to Hawaii in the past.

The proposed test is connected with ABM development, which this union opposes. ILWU members oppose nuclear weapons testing and the arms race because instead of increasing our safety they increase the probability of mass death, and at the same time create radioactive health dangers in our daily environment. We want our government to move ahead in the SALT (Strategic Arms Limitation Talks) with the Russians to halt this insane race towards death.

An additional danger of the Amchitka test is that this nuclear muscle-flexing will damage the atmosphere of these crucial SALT negotiations.

The force of logic and outraged public opinion has finally moved the AEC to promise to halt all underground testing, after the Amchitka test. The same logic demands that the halt begin now, instead of allowing "just one more" gamble with a bigger bomb.

[From the Honolulu Star-Bulletin, Oct. 5, 1971]

Suit Against Amchitka Test

Washington.—The U.S. Court of Appeals today ordered a lower court to reconsider its dismissal of a suit seeking to halt the big underground nuclear explosion planned on Alaska's Amchitka Island this month.

The suit, filed by seven conservation groups, charged that the Atomic Energy Commission (AEC) did not meet standards set by the National Environmental Policy Act in its evaluation of the effects of the test, which would be the most powerful ever set off underground.

The district court disagreed, but the appeals court said the lower court decision was "erroneous" and it should reopen the case.

It said there were "unresolved questions of fact that needed to be argued" and that the district court's dismissal of the case "was plainly inappropriate."

Environmental groups oppose the test on grounds it may trigger earthquakes in the tremor-prone area and cause serious tsunamis along the Pacific coast and in Hawaii. They claim it also could destroy wildlife and the ecology of the Aleutian Islands.

[From the Honolulu Star-Bulletin, Sept. 29, 1971]

N-Blast Protesters Have Fuel Problem

Vancouver, B.C.—The Canadian protest mission Greenpeace plans to stay in the Aleutian village of Akutan, about 600 miles from Amchitka, as long as possible in an attempt to conserve fuel, a spokesman says.

Dorothy Metcalfe, wife of one of the men aboard the Greenpeace halibut boat reported from the mission's communications center here yesterday that the crew had taken on food and water at Akutan, but could not get fuel.

The 12-man mission plans to sail to Amchitka, site of a proposed U.S. five-megaton nuclear test, and lie outside the three-mile limit to take scientific measurements of the blast.

However, doubt about the time of the test, originally expected in early October, has caused concern about the Greenpeace fuel.

The mission was denied permission to enter the U.S. naval security zone at Dutch Harbor on neighboring Unalaska Island and doesn't know another source of fuel in the area.

Anchorage, Alaska (UPI)—A U.S. district judge reserved his decision yesterday in a suit filed by the Aleut League of Alaska natives against the Atomic Energy Commission to halt the planned Cannikin nuclear bomb explosion.

Judge Raymond Plumber said he expected to make his decision within five or six days.

The Aleuts contended the five-megaton nuclear blast, which would be detonated 5,875 feet under the surface of Amchitka island, would create seismic disturbances and disrupt marine life upon which the natives are dependent for survival.

The AEC contends all environmental safeguards have been taken and there is no reason to fear the test, the largest underground blast in U.S. history.

[From the Washington Post, Aug. 31, 1971]

AEC Wins Court Test on A-Blast

(By Sanford J. Ungar)

A federal judge ruled yesterday that the largest underground atomic explosion ever set off by the United States—scheduled for early October beneath an Alaskan island—will comply "with all relevant laws and treaties."

Rejecting a challenge by scientists, environmentalists and antiwar groups, U.S. District Court Judge George L. Hart Jr. granted summary judgment for the government in the last pending legal attack on the atomic test code-named Cannikin.

To delay or cancel the controversial blast 6,200 feet below Amchitka Island in the Aleutian Chain, the judge suggested, "may cost us our entire liberty."

It was the second time in less than a week that Hart had ruled in favor of the atomic Energy Commission's plans for the Cannikin test.

Last Thursday, he rejected an effort by 33 members of Congress to obtain release of a secret report which allegedly advised President Nixon against approving the test of a Spartan ABM warhead.

Both cases are expected to be taken to the U.S. Court of Appeals here within the next few days.

Legal sources said yesterday that the Aleut League, made up of Alaskan natives who live near the test site, will also file suit in U.S. District Court in Alaska later this week, questioning the safety aspects of Cannikin.

In the lawsuit rejected by Hart yesterday, the Committee for Nuclear Responsibility and seven other organizations contended that the AEC had violated the National Environmental Policy Act in planning the test and that the blast itself may violate the 1963 Limited Test Ban Treaty.

They charged that the AEC's "containment" theory—which presumes that all radioactivity will be absorbed by underground rock—has gone wrong in 18 other tests and could fail again.

In a legal memorandum filed with Hart, the plaintiffs in the suit alleged that the AEC had taken a "blandly optimistic approach" to the possible dangers of Cannikin.

Hart acknowledged during yesterday's hearing that he accepted the AEC's uncertainty over some of the effects of the blast.

"We learn by trial and error," he said during a heated exchange with attorney David Sive of New York. "Are we to halt all of these things so long as there is any possibility of error?

The judge also rebuffed the contentions of the environmental groups, including Friends of the Earth, the Sierra Club and the Wilderness Society, that Cannikin will kill large numbers of sea otters, seals and sea lions, as well as destroying nests of two of the world's rarest birds, the peregrine falcon and the American bald eagle.

Hart acted earlier on a government motion to halt all procedures leading up to a trial on the case, scheduling the hearing yesterday to hear the government's argument for disposing of the suit quickly.

Sive objected that such a summary judgment was inappropriate, since there is a substantial dispute over the facts in the case, including the possible treaty violation.

But Hart disagreed, acting on the basis of the written pleadings in the case and without taking the testimony that the groups wanted to present at an eventual trial.

Insisting that the national defense aspects of the case were crucial, the judge sharply questioned Sive about the attempt in the courts to prevent nuclear testing.

"Do you suppose a similar thing to this is going on in a couple other countries in the world?," Hart asked.

"I would assume that the military authorities there do not have the problem of obedience to certain laws that we have," Sive replied. "There are certain little disadvantages in this country."

The government's argument against the lawsuit rested on its insistence that the decision to conduct such an atomic test "is a matter of basic national policy relating to the conduct of the national defense" in which the courts should not intervene.

Edward J. Bloch, acting general manager of the AEC, also contended in an affidavit that ever since President Johnson granted initial permission in December, 1966, to use Amchitka Island for the test, the agency had respected all safety considerations.

The AEC says that the Cannikin test is essential to measure accurately the yield of the five-megaton warhead and to minimize the risk of stockpiling a defective weapon. By the time the blast is set off, it will have cost the nation $118 million.

Both houses of Congress have appropriated funds for the test, but the Senate version of the legisltion requires specific approval by President Nixon before it is detonated. He is expected to act in the next few weeks.

[From the Washington Post, Aug. 27, 1971]

Judge Rules for Secrecy of A-Report

(By Philip A. McCombs)

U.S. District Court Judge George L. Hart, asserting that "some things have got to be secret," yesterday denied the effort of 33 members of Congress to obtain release of a report said to have advised President Nixon against the nuclear test (code-named Cannikin) scheduled for Oct. 2 under Alaska's Amchitka Island.

The members of Congress need the report so that they can "exercise their constitutional power," former U.S. Attorney General Ramsey Clark told the court.

He said they are entitled to such information under the Freedom of Information Act unless the President specifically invokes his executive privilege, which he has not done in the case of the report.

It was sent to the President July 17 by a special National Security Council committee headed by Under Secretary of State John N. Irwin III.

The report includes several memoranda and reports classified "top secret" and "secret," including documents from Henry Kissinger's Defense Program Review Committee, the Atomic Energy Commission, the Council on Environmental Quality, the Environmental Protection Agency and the Office of Science and Technology.

In the argument with Clark and government attorneys yesterday, Judge Hart said, "It seems to me you members of Congress would like to put a reporter in the Cabinet room and listen to who advises the President of what."

Judge Hart argued the government's point of view that if members of Congress cannot obtain documents with their own powers, then it is not the place of courts, under the separation of powers, to intervene. He told Clark that, "I can't think of any group on earth, including the President, that has a greater ability to gather information than the Congress."

Clark said he believes that the secret report recommends against the Cannikin test on grounds that it will be detrimental to the environment. Judge Hart challenged this, asking how Clark knew what it said.

Clark conceded that he was not positive, but said this simply underlined his argument that members of Congress need to see the report to be able to legislate intelligently.

He also suggested that Judge Hart should rule in favor of the members of Congress to avoid a stinging reversal, such as the one administered April 13 to Judge John H. Pratt's dismissal last summer of an attempt by environmental groups to obtain release of a secret anti-SST report prepared for the President by the Office of Science and Technology.

The U.S. Court of Appeals here ruled that the report was not covered by executive privilege, and ordered Judge Pratt to reconsider whether it came under one of the nine exemptions to the Freedom of Information Act.

In an unexpected move, the government released the SST report the week before the lower court reconsidered it, saying it did so "to counter impressions . . . depicting the government as attempting to conceal hitherto undisclosed factual data . . ."

Yesterday Judge Hart, to avoid a constitutional issue, dismissed the suit as brought by members of Congress. Further, he ruled that as individual citizens the plaintiffs are not entitled to see the report because it falls under two exemption categories of the Freedom of Information Act.

These categories pertain to materials "specifically required by executive order to be kept secret in the interest of the national defense or foreign policy" and to "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency."

The members of Congress, led by Patsy T. Mink (D-Hawaii) and including a number of congressmen from the West Coast, have been fighting the Cannikin test mainly because they fear it will trigger earthquakes or tidal waves.

The five-megaton test of an ABA warhead for the Spartan missile is expected to be the largest underground atomic test ever conducted by the United States and is expected to release almost five times the amount of explosive energy let loose by the largest previous underground U.S. test.

Environmentalists say the test will kill large numbers of sea otters, seals and sea lions. They also claim that Cannikin will destroy nests of two of the world's rarest birds, the peregrine falcon, and the American bald eagle.

Another suit filed July 8 by eight national conservation and antiwar groups seeks to block the test entirely as a threat to wildlife, the environment and international relations.

The government last week filed a motion to dismiss this suit, and the case is pending before Judge Hart.

[From the New York Times, Sept. 2, 1971]

RUCKELSHAUS SCORES LABEL OF SECRECY ON A-TEST NOTE

(By E. W. Kenworthy)

WASHINGTON.—William D. Ruckelshaus, administrator of the Environmental Protection Agency, says that there is no substantive reason for classifying as top secret his recommendations to the Presidential committee on the underground nuclear test scheduled for early next month on Amchitka Island.

"There was nothing in my comments that needs to be stamped 'top secret,'" he told reporters yesterday.

His comments and recommendations were made in a letter to John N. Irwin 2d, Under Secretary of State, who is chairman of the Under Secretaries Committee. President Nixon, in June, 1969, directed his committee to review the underground test program of the Atomic Energy Commission.

In this capacity, the Irwin committee transmitted to the President last July 17 a top secret memorandum and report on the proposed five-megaton blast to test an anti-missile warhead for the Spartan missile, the long-range interceptor in the Safeguard missile defense system.

The shot will be fired in a chamber carved out of solid basalt 6,000 feet below the surface of the Aleutian Island. Already, almost $200-million has been spent on digging two shafts and setting up instruments in the chamber.

RUMORS PERSIST

Attached to the Irwin committee memorandum and report were several other documents, including letters from Mr. Ruckelshaus and Russell E. Train, chairman of the White House Council on Environmental Quality.

There have been persistent rumors in Washington that Mr. Ruckelshaus and Mr. Train recommended the cancellation of the test because of possible environmental damage.

It has been impossible to verify these rumors, however, because the Ruckelshaus and Train letters were classified "top secret" under a security practice known as "classification by association." This requires that any documents that could normally be unclassified become classified when they are attached to classified material.

Since the Irwin memorandum and report dealt with a highly classified weapons system, the Ruckelshaus and Train letters, dealing with possible environmental risks of the blast, also became classified when they were incorporated in "the package" sent to the President.

RUCKELSHAUS' VIEW

In a breakfast meeting with reporters yesterday, Mr. Ruckelshaus was asked whether the thought that his letter needed to be classified. He replied:

"The document I received (from Mr. Irwin for comment) was marked 'top secret.' I was informed my comment should be 'top secret.' There was nothing in my comment that needs to be stamped 'top secret.'"

Quite apart from the question of classification of his comments to the Under Secretaries Committee, Mr. Ruckelshaus is required by law to comment publicly in writing on the environmental impact of any proposed Federal project. This requirement is contained in the Clean Air Act of 1970.

Mr. Ruckelshaus has not made such public comment. He was not available to answer questions on why he had not done so.

Many environmental groups, several scientists and a fairly large body of Congressmen have urged cancellation of the Amchitka project, expressing fears that the blast—equivalent to five million tons of TNT—might trigger an earthquake in an area of geologic faults, start a seismic tidal wave known as a "tsunami," leak radiation into the air of water and kill others, sea lions, seals and birds.

However, the Atomic Energy Commission, with the support of many scientists has insisted that such hazards are remote.

SUIT DISMISSED

Last Friday, Federal District Court Judge George L. Hart in Washington dismissed a suit brought by 33 members of Congress who sought a court order to force the publication of the Irwin report and the attachments.

It was the contention of the Congressmen that such publication was required by the Freedom of Information Act; that there was reason to believe the withheld documents warned of environmental damage from the blast, and they needed the information in the report to perform their legislative duties.

Judge Hart, however, asserted that "some things have got to be secret." He held that the material sought by the Congressmen rightfully came under the exemption in the Freedom of Information Act of matter relating to the nation's security.

On Monday, Judge Hart ruled for the Government in another suit brought by eight environmental and antinuclear testing organizations. They sought an injunction against the test on the ground that the Atomic Energy Commission had violated the National Environmental Policy Act by submitting to the Council on Environmental Quality an "environmental impact" statement that did not meet the law's requirements.

[From the Washington Evening Star, Aug. 27, 1971]

JUDGE BLOCKS HILL SUIT ON ALASKA A-TEST DATA

A federal judge here has ruled that 33 congressmen cannot use their congressional status to sue the Nixon administration over a secret report on the upcoming atomic test in Alaska.

U.S. District Court Judge John L. Hart Jr. made the ruling yesterday after the legislators, led by Rep. Patsy Mink, D-Hawaii, argued that they were entitled as congressmen to gain access to administration reports.

Hart ruled that the matter was "non-judicable" because of the political aspects involved in a suit by members of one branch of government against another.

The suit was one of several involving the so-called "Amchitka test" which the Atomic Energy Commission has scheduled for October.

The proposed underground blast has received widespread criticism from conservation forces but the House refused three weeks ago, by a vote of 282 to 108, to block it.

The suit sought release of a report, labeled top secret, which has been circulating among various governmental agencies involved in the test.

According to the suit the report originated in the National Security Council and contains comments by several other agencies, including the Environmental Protection Agency.

Hart ruled that the congressmen are entitled to sue as citizens. But he then dismissed their suit on grounds that the Freedom of Information Act exempts access to classified documents by ordinary citizens.

Sources interpreted Hart's ruling as an attempt to void the constitutional question of separation of powers in government.

The congressmen, represented by former U.S. Atty. Gen. Ramsey Clark, are considering an appeal.

[From the Washington Post, Aug. 12, 1971]

ASK RELEASE OF ALASKA STUDY—30 ON HILL FILE SUIT FOR SECRET A-REPORT

Thirty congressmen filed a lawsuit in U.S. District Court here yesterday, seeking release of a secret government report they believe is critical of the Atomic Energy Commission's plans for underground nuclear tests on the Alaskan island of Amchitka.

Filing under the Freedom of Information Act, they contended that the secret report includes "vitally needed information" for exercise of congressional legislative powers.

They are represented by former Attorney General Ramsey Clark, whose law office here has handled legislative and court matters of concern to Alaskan natives.

In a letter attached to the lawsuit, presidential counsel John W. Dean III told Rep. Patsy Mink (D-Ha.) that the report—prepared by an interdepartmental committee headed by Under Secretary of State John N. Irwin III—was "prepared for the advice of the President."

He refused to submit the committee's recommendations to Mrs. Mink because they "involve highly sensitive matter that is vital to our national defense and foreign policy."

The lawsuit was assigned to Federal District Judge George L. Hart, Jr., who is already considering a related case brought by conservation and antiwar groups who want the nuclear tests cancelled.

The $118 million five-megaton test of an ABM warhead called Cannikin is scheduled for this fall.

Dr. Glenn T. Seaborg, departing chairman of the AEC, said last weekend that the test "can be carried out entirely safely."

But opponents contend that Cannikin will kill large numbers of sea otters, seals and sea lions and perhaps trigger earthquakes and tidal waves that could threaten Hawaii.

The report which the congressmen sought in their lawsuit yesterday was prepared by representatives of the Environmental Protection Agency, the Council on Environmental Quality and the President's Office of Science and Technology, along with Irwin.

Mrs. Mink was joined by congressmen from both parties and states across the country in filing the legal action.

The U.S. Court of Appeals here recently reversed a federal court's refusal to release a similar report on the supersonic transport airplane.

[From the Washington Post, Oct. 6, 1971]

Rehearing Ordered on Atom Test

(By Phillip McCombs)

The U.S. Court of Appeals here has ordered a lower court to reconsider its Aug. 30 ruling that the largest underground atomic explosion ever set off by the United States—planned for late October underneath an Alaskan island—will comply with all relevant laws and treaties.

In reversing the earlier ruling by U.S. District Judge George L. Hart Jr., a three-judge panel of the appellate court unanimously ordered Hart to go much further in considering possible "responsible scientific opinion as to possible adverse environmental consequences" of the test, code-named Cannikin.

While yesterday's decision did not order a halt to the controversial test, some sources believed that the decision would have an impact at the White House, where officials say formal approval for the test is still under study.

The Committee for Nuclear Responsibility and seven other environmentalist organizations have sought to stop the test on grounds that the Atomic Energy Commission violated the National Environmental Policy Act in planning the test and that the test may also violate the 1963 Limited Test Ban Treaty.

Yesterday, Chief Judge David L. Bazelon of the U.S. Court of Appeals and Judges Harold Leventhal and Spottswood W. Robinson III wrote that Judge Hart had acted improperly in stopping discovery proceedings in August and thereby foreclosing the plaintiffs' chance to prove their environmental allegations.

"The court has a responsibility to determine whether the agencies involved have fully and in good faith followed the procedure contemplated by Congress," wrote the panel.

This procedure involves "setting forth the environmental factors involved in order that those entrusted with ultimate determination whether to authorize, abandon or modify the project, shall be clearly advised," wrote the panel.

At issue in the case is whether an "impact statement" evaluating the environmental effects of the test and published by the AEC fulfilled the requirements of the environmental act. The plaintiffs have contended that the government has not revealed secret reports opposing the test on environmental grounds.

The Appeals Court rejected the argument that Congress' authorization of the test represented a "conclusive determination of the sufficiency of the impact statement."

Judge Hart, who is on vacation and will return next Tuesday, did not indicate yesterday how soon he will rehear the case.

The plaintiffs—SANE, the Sierra Club, Friends of the Earth, National Parks and Conservation Association, the Wildness Society, Association of American Indian Affairs, Committee for Nuclear Responsibility and Amchitka Two—have sought a top-secret report advising President Nixon against the test.

The report apparently includes several classified documents from the AEC, Council on Environmental Quality, Environmental Protection Agency and Office of Science and Technology.

Judge Hart in an earlier ruling denied the effort of 33 members of Congress to obtain release of the report on the ground that "some things have got to be secret."

The five-megaton test of an ABM warhead for the Spartan missile is expected to release almost five times the amount of explosive energy let loose by the largest previous underground U.S. test.

Environmentalists have said that the test will kill large numbers of sea otters, seals and sea lions on Amchitka Island in the Aleutian chain. They also claim that the test will destroy nests of two of the world's rarest birds, the peregrine falcon and the American bald eagle.

The AEC has maintained that the blast will have little if any negative effect on the environment, and cities for evidence of this a one-megaton test on the island in 1969.

Sen. Mike Gravel (D-Alaska), who has fought against the test, said that yesterday's decision is a "major breakthrough in the fight to stop this senseless project." He said the decision "clearly brings about a delay of the test for an indefinite period of time."

"I think in effect it does halt the test," said David Sive, an attorney for the plaintiffs, "but it's a political judgment. It (the decision) may well be the straw that breaks the camel's back."

A SALUTE TO THE VETERANS' ADMINISTRATION'S VOLUNTEER SERVICE

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, one of the most important and valuable activities associated with the Veterans' Administration hospitals is the program of volunteer services. Without the help of all these dedicated private citizens the effectiveness of our VA hospitals would suffer very greatly.

Earlier this year the VA hospital in Albany celebrated its 20th anniversary in a ceremony paying special tribute to all the great contributions rendered to the Veterans' Administration by this volunteer service program. On that occasion Paul J. Hess, a quadraplegic patient at the Albany VA hospital for the past 13 years, presented a brief but very eloquent statement of how much that volunteer service had meant to him. His words are both a tribute to the volunteer service and a reflection of his own great courage and enthusiasm. And they also say much more than any formal bureaucratic statement on the effectiveness of VA hospital care could do.

So I am happy to bring Mr. Hess' remarks on the service of these fine volunteers to the attention of all my colleagues. The remarks follow:

What Volunteer Service Has Meant to Me

The Veterans Administration Volunteer Service (VAVS) has meant the world to me! Ever since I was stricken with Bulbar Polio nearly 13 years ago I have relied very heavily on volunteer services. They have provided me wheel-chair escort to X-Ray, Dental and Therapy appointments. They have assisted me in making numerous phone calls and in writing innumerable letters. In fact a volunteer is typing this essay for me. They have taken me to the weekly Chapel Services in the Hospital and have shown movies that I have enjoyed. They have shopped for me in the Canteen and gift-wrapped packages. Many, many times they have just stopped to say "hello" to make the day a little more cheerful.

These are all rather routine services but the VAVS has also provided me with several special, personal services. I shall always remember the first few months of my sickness when I was in an iron lung 24 hours a day and greatly missed my three children, ages 1, 2, and 3, who could not visit me in the hospital. A group of volunteers went to my home, took some home movies of my children, and then showed them to me in the Hospital. I like to read, and weekly the volunteer from the Library provides me with new books and magazines. Several different volunteers over the years have come in to play Chess with me. Right now the biggest event that I look forward to each week is my regular Thursday evening Bridge game. Three volunteers from a local Church affiliated group come in to make this game possible.

But all these services pale in the light of the services the VAVS has provided me in order that I might start to lead a useful life again. After five years of polio I had worked my way out of an iron lung to the point where I only needed to use a chest respirator 14 hours a day. Eight of the other 10 hours a day I was able to sit in a wheelchair. While in bed the only thing I could do was turn pages using a mouth-stick. But when up in a wheelchair and equipped with a "Warm Springs Feeder" I was able to make some use of the limited function of my left hand. I began to look for something to do.

There are still many problems to be solved in order that I can work efficiently but there are many volunteers who are willing to help me solve them. Although I still have a way to go before I can do nearly a normal day's work, with the help of volunteers I have already come a long way. Without them none of this would have been possible. I now feel my days are purposeful and that I again can make a meaningful contribution to my family and to Society. This is a great feeling! I can thank the VA Hospital for my life! I can thank the VAVS for my enthusiasm for living!

THE LATE HONORABLE JOHN C. WATTS

(Mr. LANDRUM asked and was given permission to extend his remarks at this point in the Record.)

Mr. LANDRUM. Mr. Speaker, I am

distressed to learn of the passing of a distinguished Member of this House and a very dear personal friend, the Honorable John C. Watts of the Sixth District of Kentucky.

No one could know John Watts without understanding that he was one of the most complete representatives of the people that has ever served in this body. His keen, perceptive mind told him what proposed legislation would do and his understanding of the needs of the people of his district, his State, and this Nation told him whether the proposed legislation should be supported or not supported.

John Watts was not moved by anything that would not add to making people happier and better citizens. He was one of the few men that I have been privileged to know who could take all the parts of proposed legislation, that is people, things, places, and put them all together like a mosaic—making something good for man and beautiful to behold.

All who knew him loved him, and the intimate friendship which he allowed me to enjoy with him is one that I shall cherish to the end of my days.

To his widow Nora and to his daughter Lillian, Mrs. Landrum joins in extending our warm sympathy and very best regards.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Keating) to revise and extend their remarks and include extraneous matter:)

Mr. du Pont, for 10 minutes, today.

Mr. Crane, for 15 minutes, today.

Mr. Saylor, for 15 minutes, today.

Mr. Findley, for 5 minutes, today.

Mr. Kemp, for 5 minutes, today.

(The following Members (at the request of Mr. Denholm) to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Rodino, for 5 minutes, today.

Mr. Fraser, for 10 minutes, today.

Mr. Mitchell, for 30 minutes, today.

Mr. Teague of Texas, for 10 minutes, today.

Mr. Sikes, for 5 minutes, today.

Mr. Daniels of New Jersey, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Drinan (at the request of Mr. Holifield), to extend his remarks during debate on H.R. 10835, today, in the Committee of the Whole.

Mr. Devine (at the request of Mr. Bow) to extend his remarks during debate on H.R. 10835, today, in the Committee of the Whole.

Mr. Buchanan to include extraneous matter with his remarks made today in the Committee of the Whole on H.R. 10835.

(The following Members (at the request of Mr. Keating) and to include extraneous matter:)

Mr. Robison of New York.

Mr. Peyser in four instances.

Mr. Zwach.

Mr. Crane in five instances.

Mr. Whalen.

Mr. Railsback.

Mr. Derwinski.

Mr. Frey.

Mr. Wyman in two instances.

Mr. Hosmer in two instances.

Mr. Schmitz in two instances.

Mr. Grover.

Mr. Snyder.

Mr. Miller of Ohio.

Mrs. Heckler of Massachusetts in three instances.

Mr. Hunt.

Mr. Ashbrook in three instances.

Mr. Frelinghuysen.

Mr. Brotzman.

Mr. Kemp.

Mr. McClory.

Mr. Burke of Florida.

Mr. Terry.

Mr. Nelsen.

Mr. Duncan in two instances.

(The following Members (at the request of Mr. Denholm) and to include extraneous matter:)

Mr. Kyros in three instances.

Mr. Dingell in three instances.

Mr. Rodino in three instances.

Mr. Celler in three instances.

Mr. Fraser in five instances.

Mr. Yatron.

Mr. Hagan in three instances.

Mr. Gonzalez in three instances.

Mr. Bingham in three instances.

Mr. Murphy of New York.

Mr. Annunzio.

Mr. William D. Ford.

Mr. Jacobs in two instances.

Mr. Rarick in three instances.

Mr. Edwards of California in two instances.

Mr. Green of Pennsylvania in five instances.

Mr. Hanna in five instances.

Mr. Edmondson in three instances.

Mr. Van Deerlin.

Mr. Byron in 10 instances.

Mr. Kluczynski in three instances.

Mrs. Abzug in 10 instances.

Mr. Danielson.

Mr. Dow in two instances.

Mr. Blanton in two instances.

Mr. Helstoski in two instances.

Mr. Anderson of California in two instances.

Mrs. Sullivan in two instances.

Mr. Diggs in four instances.

Mr. Rangel in three instances.

Mr. Galifianakis in two instances.

Mr. Purcell in two instances.

Mr. Long of Maryland.

Mr. Minish in three instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2652. An act to provide an elected Mayor and City Council for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 916. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 33 minutes p.m.), the House adjourned until tomorrow, Thursday, October 14, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1200. A letter from the Secretary of Defense, transmitting a report on disbursements made against the appropriation for "Contingencies, Defense," in the Department of Defense Appropriation Act, 1971, during fiscal year 1971; to the Committee on Appropriations.

1201. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to reform the mineral leasing laws; to the Committee on Interior and Insular Affairs.

1202. A letter from the Secretary of Health, Education, and Welfare, transmitting a 5-year plan for extension of family planning services to all persons desiring such services, for family planning and population research programs, and for training of the necessary manpower to carry out the programs, pursuant to Public Law 91–572; to the Committee on Interstate and Foreign Commerce.

1203. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of applications and hearing cases in the Commission as of August 31, 1971, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

1204. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated August 4, 1971, submitting a report, together with accompanying papers and an illustration, on Potomac and Anacostia Rivers and adjacent waters in and near the District of Columbia, authorized by the River and Harbor Act of 1945; to the Committee on Public Works.

1205. A letter from the Acting Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated August 10, 1971, submitting a report, together with accompanying papers and an illustration, on Roanoke River at and below John H. Kerr Dam and Reservoir, Va. and N.C., requested by a resolution of the Committee on Public Works, House of Representatives, adopted June 13, 1956; to the Committee on Public Works.

1206. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend section 704 of title 38, United States Code, to permit the conversion or exchange of national service life insurance policies to insurance on a modified life plan with reduction at age 70; to the Committee on Veterans' Affairs.

1207. A letter from the Administrator of

Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38 of the United States Code to provide that dividends may be used to purchase additional paid-up national service life insurance; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAYS: Committee on House Administration. H.R. 11060. A bill to limit campaign expenditures by or on behalf of candidates for Federal elective office; to provide for more stringent reporting requirements; and for other purposes (Rept. No. 92-564). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 8628. A bill to revise the provisions of the Communications Act of 1934 which relate to political broadcasting; to limit expenditures for use of communications media in campaigns for Federal elective office; and for other purposes; with an amendment (Rept. No. 92-565). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee of conference. Conference report on H.R. 9844. (Rept. No. 92-566). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 11205. A bill to establish an equal employment opportunity program for the protection of employees of the Library of Congress; to the Committee on House Administration.

H.R. 11206. A bill to facilitate the preservation of historic monuments, and for other purposes; to the Committee on Government Operations.

By Mr. ADAMS (for himself, Mr. Blanton, Mr. Byron, Mr. Carter, Mr. Helstoski, Mr. Metcalfe, Mr. Pickle, Mr. Podell, Mr. Roy, and Mr. Schmitz):

H.R. 11207. A bill to restore and maintain a healthy transportation system, to provide financial assistance, to improve competitive equity among surface transportation modes, to improve the process of Government regulation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDREWS of North Dakota:

H.R. 11208. A bill to amend section 4481 of the Internal Revenue Code of 1954 to exempt single unit trucks from the highway use tax; to the Committee on Ways and Means.

By Mr. BERGLAND (for himself and Mr. Link):

H.R. 11209. A bill to amend the Internal Revenue Code of 1954 to exempt certain farm vehicles from the highway use tax, and to require that evidence of payment of such tax be shown on highway motor vehicles subject to tax; to the Committee on Ways and Means.

By Mr. BROTZMAN:

H.R. 11210. A bill to require that all schoolbuses be equipped with seatbelts for passengers and seat backs of sufficient height to prevent injury to passengers; to the Committee on Interstate and Foreign Commerce.

By Mr. CLEVELAND:

H.R. 11211. A bill to amend the Public Buildings Act of 1959; to the Committee on Public Works.

By Mr. EDMONDSON:

H.R. 11212. A bill to convey certain federally owned land to the Choctaw and Chickasaw Tribes of Oklahoma; to the Committee on Interior and Insular Affairs.

By Mr. HORTON:

H.R. 11213. A bill to amend section 608 (c)(2) of the Agricultural Marketing Agreement Act of 1937, as amended; to the Committee on Agriculture.

By Mr. LENT:

H.R. 11214. A bill to prohibit the export of domestically extracted crude oil, and any petroleum products made from such oil, unless Congress first approves such exportation; to the Committee on Banking and Currency.

H.R. 11215. A bill to provide for the elimination, over a 10-year period, of the mandatory oil import control program; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 11216. A bill to amend title 38 of the United States Code to establish in the Veterans' Administration a national veterans' cemetery system consisting of certain cemeteries of the United States in which veterans of any war or conflict are or may be buried, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PEYSER:

H.R. 11217. A bill relating to comparability adjustments in pay rates of the Federal statutory pay systems based on the 1971 Bureau of Labor Statistics survey; to the Committee on Post Office and Civil Service.

H.R. 11218. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for certain social security taxes, railroad retirement taxes, and civil service retirement contributions; to the Committee on Ways and Means.

By Mr. RYAN (for himself, Mrs. Abzug, Mr. Bingham, Mr. Burton, Mr. Dellums, Mr. Dow, Mr. Eilberg, Mrs. Grasso, Mr. Halpern, Mr. Harrington, Mr. Hathaway, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Koch, Mrs. Mink, Mr. Mitchell, Mr. Rangel, Mr. Roe, Mr. Rosenthal, Mr. Sarbanes, Mr. Scheuer, Mr. Steele, and Mr. Yatron):

H.R. 11219. A bill to prohibit the introduction or delivery for introduction into commerce of the chemical compound known as polychlorinated biphenyl; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas (for himself, Mr. Patman, Mr. Mahon, Mr. Poage, Mr. Fisher, Mr. Burleson of Texas, Mr. Dowdy, Mr. Brooks, Mr. Wright, Mr. Young of Texas, Mr. Casey of Texas, Mr. Gonzalez, Mr. Purcell, Mr. Roberts, Mr. Pickle, Mr. Cabell, Mr. de la Garza, Mr. White, Mr. Collins of Texas, Mr. Eckhardt, Mr. Kazen, Mr. Price of Texas, and Mr. Archer):

H.R. 11220. A bill to designate the Veterans' Administration hospital in San Antonio, Tex., as the Audie L. Murphy Memorial Veterans' Hospital; to the Committee on Veterans' Affairs.

By Mr. ANDREWS of North Dakota:

H.R. 11221. A bill to amend the Economic Stabilization Act of 1970 to permit the maintenance of prices, rents, wages, and salaries at levels contracted for prior to August 15, 1971; to the Committee on Banking and Currency.

By Mr. BURKE of Florida:

H.R. 11222. A bill to provide for the issuance of a commemorative postage stamp in honor of the veterans of World War I; to the Committee on Post Office and Civil Service.

H.R. 11223. A bill to provide for the issuance of a commemorative postage stamp in honor of the veterans of World War II; to the Committee on Post Office and Civil Service.

By Mr. CELLER (for himself and Mr. Sisk):

H.R. 11224. A bill to provide for the application of the prohibitions contained in the Sherman Act to the business of organized professional team sports; to the Committee on the Judiciary.

By Mr. COUGHLIN:

H.R. 11225. A bill to amend section 5042 (a)(2) of the Internal Revenue Code of 1954 to permit individuals who are not heads of families to produce wine for personal consumption; to the Committee on Ways and Means.

By Mr. ESCH:

H.R. 11226. A bill to establish a National Institute of Population Growth and to transfer to the Institute the functions of the Secretary of Health, Education, and Welfare and of the Director of the Office of Economic Opportunity relating to population research and family planning services; to the Committee on Government Operations.

By Mr. ESCH (for himself and Mr. Veysey):

H.R. 11227. A bill to provide for the development and implementation of Federal and State programs for youth camp safety, through grants and financial assistance to the States, and to assure that Federal recreational camps meet minimum safety standards; to the Committee on Education and Labor.

By Mr. FRENZEL:

H.R. 11228. A bill to amend the Walsh-Healey Act and the Contract Work Hours Standards Act to permit certain employees to work a 10-hour day in the case of a 4-day workweek, and for other purposes; to the Committee on the Judiciary.

By Mr. HAYS:

H.R. 11229. A bill to extend diplomatic privileges and immunities to the mission to the United States of America of the Commission of the European Communities and to members thereof; to the Committee on Foreign Affairs.

By Mr. LONG of Maryland:

H.R. 11230. A bill to amend section 8191 of title 5, United States Code, to extend benefits thereunder to volunteer firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

By Mr. MACDONALD of Massachusetts:

H.R. 11231. A bill to revise the provisions of the Communications Act of 1934 which relate to political broadcasting; to limit expenditures for use of communications media in campaigns for Federal elective office; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. POAGE (for himself, Mr. Belcher, Mr. McMillan, and Mr. Teague of California):

H.R. 11232. A bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes; to the Committee on Agriculture.

By Mr. SNYDER:

H.R. 11233. A bill to authorize the Secretary of the Interior to establish the Zachary Taylor Home National Historic Site in the State of Kentucky; to the Committee on Interior and Insular Affairs.

By Mr. NATCHER:

H.R. 11234. A bill to authorize the Secretary of the Interior to establish the Zachary Taylor Home National Historic Site in the State of Kentucky; to the Committee on Interior and Insular Affairs.

By Mr. PERKINS (for himself, Mr. PUCINSKI, Mr. WILLIAM D. FORD, Mr. MEEDS, Mrs. MINK, Mr. BIAGGI, Mr. BADILLO, Mrs. CHISHOLM, Mr. BELL, Mr. PEYSER, Mr. VEYSEY, Mr. KEMP, and Mr. FORSYTHE):

H.J. Res. 923. Joint resolution to assure that every needy schoolchild will receive a free or reduced price lunch as required by section 9 of the National School Lunch Act; to the Committee on Education and Labor.

By Mr. MIKVA (for himself, Mr. GERALD R. FORD, Mr. BRASCO, Mr. CORMAN, Mr. EILBERG, Mr. FISH, Mr. WILLIAM D. FORD, Mr. FRASER, Mr. HALPERN, Mr. HAMILTON, Mrs. HANSEN of Washington, Mr. HANSEN of Idaho, Mr. HARRINGTON, Mrs. HECKLER of Massachusetts, Mr. HELSTOSKI, Mr. HUNGATE, Mr. JACOBS, Mr. KYROS, Mr. LEGGETT, Mr. MAILLIARD, Mr. MORSE, Mr. PEPPER, Mr. PODELL, Mr. PRICE of Illinois, and Mr. REES):

H.J. Res. 924. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. MIKVA (for himself, Mr. ST GERMAIN, Mr. SANDMAN, Mr. SCHEUER, Mr. SCHWENGEL, Mr. SYMINGTON, Mr. UDALL, Mr. WALDIE, Mr. WHALEN, Mr. WYATT, and Mr. WRIGHT):

H.J. Res. 925. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. STAGGERS:

H.J. Res. 926. Joint resolution asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day"; to the Committee on the Judiciary.

By Mr. KARTH:

H. Con. Res. 421. Concurrent resolution requesting the President of the United States to take affirmative action to persuade the Soviet Union to revise its official policies concerning the rights of Soviet Jewry; to the Committee on Foreign Affairs.

H. Con. Res. 422. Concurrent resolution expressing the sense of Congress that the United States should sell Israel aircraft necessary for Israel's defense; to the Committee on Foreign Affairs.

By Mr. RYAN (for himself, Mrs. ABZUG, Mr. BADILLO, Mr. BEGICH, Mr. BINGHAM, Mr. BLATNIK, Mr. BURTON, Mr. BYRNE of Pennsylvania, Mrs. CHISHOLM, Mr. DANIELSON, Mr. DELLUMS, Mr. DOW, Mr. DRINAN, Mr. WILLIAM D. FORD, Mr. FRASER, Mr. GRASSO, Mr. HARRINGTON, Mr. METCALFE, Mr. MITCHELL, Mr. RANGEL, and Mr. ROSENTHAL):

H. Con. Res. 423. Concurrent resolution expressing the sense of Congress that any individual whose earnings are substandard or who is amongst the working poor or near poor should be exempt from any wage freeze under the Economic Stabilization Act of 1970, as amended, and amendments thereto and regulations issued thereunder pursuant to Executive Order 11615; to the Committee on Banking and Currency.

EXTENSIONS OF REMARKS

PORTLAND PATROLMAN NAMED POLICEMAN OF THE YEAR

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. KYROS. Mr. Speaker, I think we have come to recognize that our Nation's law enforcement officers are just as crucial as lawmakers in our efforts to maintain a sane and just democratic society. As never before, our men in blue stand as the focal point in the problems which arise among our citizens. While we strive for a system of laws and a responsive government, America's law enforcement officers are the men in the front lines, protecting our society day in and day out, and particularly during the nights, with their very lives.

In our efforts to keep tensions among our citizens to a minimum, we are asking our law enforcement officers to stand not only as symbols and enforcers of the law, but also as men of understanding and compassion, able to deal with their fellow Americans on human terms. It is fitting, therefore, that the International Association of Chiefs of Police in cooperation with Parade magazine has selected as recipient of the sixth annual Police Servive Award a man who epitomizes this cooperation between our citizens and our law enforcement agencies.

I am very, very proud that the final choice as recipient of this award is Officer Wesley W. Ridlon of the Portland, Maine, Police Department. This selection is an honor not only for Officer Ridlon and his fine family, but also for the entire Portland Police Department, headed by Chief Douglas W. Steele. It is an honor well earned. We are indebted to Officer Ridlon and to the many, many men like him who stand in service to our Nation.

I would like to bring to the attention of my colleagues not only the article which appeared in Parade on September 26, 1971, but also editorials which appeared in the Portland Press Herald and the Portland Evening Express of September 28 and 30, respectively. These editorials express our pride as Maine citizens in our police officers and the heartfelt congratulations and thanks which we extend to Officer Ridlon.

[From Parade magazine, Sept. 26, 1971]

WESLEY RIDLON: POLICEMAN OF THE YEAR—HE BUILDS A BRIDGE BETWEEN KIDS AND COPS

(By John G. Rogers)

PORTLAND, MAINE.—When Officer Wesley W. Ridlon of the Portland Police Department recently came to the end of a rap session on drug abuse at a school for delinquent boys, one of the wayward teenagers approached him and mumbled, "If I'd had a chance to meet you a year ago, I don't think they'd had to send me to this place."

Wes Ridlon was touched because nearly all his work as a law enforcement officer is trying to build a bridge between kids and cops, trying to convince skeptical schoolchildren that the police are "human guys" vitally necessary to the orderly conduct of society.

NEW TREND IN POLICE WORK

More and more police departments all over the country are assigning full-time officers to this same assignment. And because it's thus acknowledged by lawmen to be important duty and because Wes Ridlon has been a model performer, he has been selected as the 1971 recipient of the symbolic Police Service Award conferred by Parade and the International Association of Chiefs of Police.

This sixth annual award is made in appreciation of good work done by peace officers everywhere. It also is made in an effort to dramatize the great variety of police work which is not all chasing "bad guys." In Ridlon's case it's dedication to making friends.

"Kids are surely the most important resource we have," says Ridlon, himself the father of three. "Personally I shudder at the thought of alienating them and I can't see any reason why police work should be performed in a way that turns them off. We have got to show them that we're important to each other."

This week, in Anaheim, Calif., at the annual convention of the police chiefs' association, Ridlon will be awarded a plaque, and honorable mention plaques will go to ten other officers as symbolic awards recognizing the many ways in which police make themselves useful.

Ridlon's usefulness to the school kids of Portland, and by extension to the entire community, can be seen in many ways. He recalls that when he first began going to schools, he would hear mutters: "There's a cop. Wonder who he's chasing." But now they run up to him with a "Hi, Mr. Ridlon. Are you gonna give us a talk today?" And everywhere he goes about the city, he is greeted by his young friends. He visits them at schools and playgrounds for all sorts of group activity—lectures, film and slide demonstrations, bicycle rodeos and just plain rapping. And they come to him, more and more of them, as individuals with problems.

Says Assistant School Superintendent Clyde Bartlett: "As good a way as any to measure the success of Wes Ridlon's work is in the numbers of youngsters who seek him out after school hours and ask his advice. They'll often go to him rather than their guidance counselors. That's pretty fine praise for a police officer."

Ridlon recounts: "I never cease to be amazed at the variety of problems bothering kids today: How far can the police go in searching a car for beer cans? If a young fellow drinks moderately at a school dance, can he still get in trouble? If you're at a party and drugs are being used, but you don't know it, why is it the police can still arrest you? Frankly, I can't answer all their questions to their satisfaction. And if I can't, I level with them. You have to do that. A kid can spot evasion immediately."

Parade watched Ridlon in action before a group of disadvantaged young women and saw an example of his honest approach. One of them said, "You people make a big thing against narcotics but still you'll use alcohol. Aren't you a hypocrite?"

"All right, you've put me on the spot," Ridlon conceded. "I'd have to admit that if it's true the heroin user starts on marijuana, then you can say the alcoholic starts on beer. I won't defend the use of alcohol but I will say that on the average it doesn't have the savage destruction of narcotics or the need to turn to crime to get it."

SCHOOLTEACHER, TOO

Ridlon, 39 years old, a member of the Presidential Honor Guard during his U.S. Army days, probably works harder than a conventional policeman in his devotion to Portland's 17,500 schoolchildren. Last year he gave nearly 600 talks. His rap sessions in the high schools—called Problems of Democracy—have proved so popular that the youngsters have asked that they be converted into a formal course with academic credit. As a result, Ridlon is now a "schoolteacher" as well as policeman, teaching a Community Awareness Program. The kids insisted that they wanted to put questions to "the people who run the community" so Ridlon is bringing in the city manager, finance director, public health officer, city councilmen and others who can answer the students' searching questions.

He constantly tries to give the youngsters a piece of the action: "At a parochial high school I asked them to tell me how the police department could be administered better. One of the things they came up with—they actually figured out that we could save several thousand dollars a year by buying smaller but more deluxe patrol cars because we'd get more money when we turned them in."

NEW CLIMATE

Says Portland Police Chief Douglas W. Steele: "Wes Ridlon's enthusiasm in working with school youngsters is creating a new climate among them as far as police work is concerned. Obviously we can give the community better service if we have the cooperation of our young people. Wes Ridlon may create a whole generation of law abiding citizens."

Ridlon doesn't pretend to aim that high. The other day at the delinquent boys' school, he encountered some of his former "customers" from Portland High School. They're now inmates.

But other cases give great satisfaction. Recently he "took charge" of a 16-year-old girl whose family had left her at loose ends. Shy and nervous, she'd taken to marijuana and speed pills. After she took an overdose, Ridlon helped place her in a mental health clinic. When she emerged he had a supermarket job waiting for her. First she worked behind the scenes, then was moved out to face the public as a cashier to overcome her shyness.

"I think she's made it," says Ridlon.

AMUSING INCIDENT

Recently he experienced an incident that amused him. Two boys were riding patrol with him while making a "documentary" on police work with camera and tape recorder. A pair of young toughs came along and began to yell provocative taunts at Ridlon. The documentary makers had become so identified with Ridlon, the policeman, that they urged angrily, "Let's arrest those guys."

Perhaps the most poignant moment in his career with kids came after he'd noticed that one long-haired, sloppily-dressed boy always seemed to sneak furtively into Ridlon's Problems of Democracy class. This went on for weeks. Finally a teacher at the school happened to see the boy. The teacher came straight to Ridlon and told him the boy had been expelled from school a month ago. But he was still coming back to rap with a cop. That indicates the caliber of performance that has made Officer Wes Ridlon the Policeman of the Year.

[From the Portland (Maine) Evening Express, Sept. 30, 1971]

BLUE IS BEAUTIFUL

As a general rule, kids and cops do not make an easy blend.

Portland can take special pride, therefore, in the selection of Wesley W. Ridlon as Policeman of the Year. The national honor was conferred on him this week by Parade Magazine and the International Association of Chiefs of Police.

Patrolman Ridlon's specialty is getting through to the young people of the community. He is the Portland Police Department's school liaison officer, and his performance in that role has won the unbridled admiration both of his colleagues and the kids he works with.

That he is a hit with the youngsters is undeniable, according to school officials who say that many students seek him out after school hours to ask his advice on a variety of matters.

His rap sessions have become so popular that on one occasion a hippie-type boy who had been expelled from a Portland school continued to sneak back into class whenever Ridlon made an appearance at the school.

Patrolman Ridlon's effectiveness is no small achievement, particularly in an era of social upheaval when many young people view the average cop as little more than a bully with a badge.

It is also a reminder that community relations—something relatively new in the lexicon of the nation's local police—should not be regarded as the sole responsibility of a single officer, but rather of all the men in the department.

[From the Portland (Maine) Press Herald, Sept. 28, 1971]

TOP COP

Awards and titles are a dime a dozen these days but here in Portland we're extremely proud of the selection of Patrolman Wesley W. Ridlon as Policeman of the Year.

There is much more to it than just having the "top cop" in the country. There would be pride, of course, anytime a local officer was chosen for that award by the International Association of Chiefs of Police together with Parade Magazine. But the very special and distinctive sense of satisfaction derives from the service Officer Ridlon performed and the manner in which he did his job.

Officer Ridlon's very special assignment in Portland is school liaison officer. This is a highly delicate area of community relations. Building a relationship of mutual respect and understanding between police and young people today is no small challenge. All too often, there is likely to be ill disguised hostility between these elements. The young feel they're pushed around, the police resent the "pig" kind of thinking by what they may regard as a whole irresponsible segment of society.

It takes a special kind of policeman to overcome the prejudice and suspicion of young people and win their confidence. It may take special persuasion to convince a municipality that the attempt is worth the cost. Officer Ridlon is proof that such programs are vital. But they work only when they are conducted by men such as Officer Ridlon.

In this policeman, we believe, Portland young people have found someone who levels with them. They reciprocate. The benefits to the community may be even more apparent over a period of years.

We congratulate Officer Ridlon and thank him not just for the prestige he has brought to the city, but for what he is doing for Portland and its people.

THE SATURDAY NIGHT SPECIAL AND OTHER HARDWARE

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. GREEN of Pennsylvania. Mr. Speaker, the number of deaths and crimes involving pistols or revolvers is increasing at an alarming rate throughout the Nation. A thriving underground network of interstate traffic in guns exists, and it enables persons in States with restrictions on the purchase and possession of handguns to obtain them from other States where they are easily accessible. One result is that the number of handguns in the possession of private individuals is estimated, by "experts," to be between 30 and 60 million. Numerous gun control bills are pending before this Congress. We must move now to enact legislation providing for strict gun controls.

The severity of the problem of gun control and some of the possible legislative solutions is discussed in an article by Robert Sherrill in the October 10 edition of the New York Times magazine. I recommend this article, entitled "The Saturday Night Special and Other Hardware," and I insert it in the RECORD:

THE SATURDAY NIGHT SPECIAL AND OTHER HARDWARE

(By Robert Sherrill)

WASHINGTON.—Gun buffs who favor unfettered ownership of firearms consider Mayor Lindsay to be something of a crank because he accuses the Federal Government of "total permissiveness regarding gun traffic nationally." He's just sore, they say, because this year he has had to attend the funerals of eight New York policemen who were killed with handguns, most of them bought outside the city. But after all, that's only eight out of 31,5000 men on the force.

The gun buffs also believe that Mayor Roman Gribbs of Detroit, where pistols and revolvers account for two-thirds of the murders, is the victim of an irrational emotionalism. Simply because his city's murder count for 1971 passed 500 on Sept. 11 (once again assuring Detroit the title of murder capital of America), they ask, was that any reason for Gribbs to declare, "We can stand no more!" and demand a statewide ban on all privately owned pistols and revolvers? Indeed, subsequent events have proved the gun buffs right and Mayor Gribbs wrong: Detroit has already stood a dozen more murders, and the sky hasn't fallen.

Still, even gun lovers should be able to understand why some public officials are upset. The traffic in pocket and belt armaments in this country does seem to be a bit out of control. Nobody knows how many handguns are loose in the land. The "experts"—of whom there are really none—put the number anywhere from 30 million to 60 million. If New York has its share, and who can doubt it, that means there are more than a million pistols and revolvers in the city, virtually all of them held illegally. For New York policemen, it's a losing proposition. While they hope to seize 10,000 handguns in 1971, the year is also expected to see an estimated 80,000 arriving in town.

A thriving underground interstate traffic exists. Eight out of ten handguns in places like Boston and New York come from other areas. Just to show how easily it can be done, two New York detectives flew recently to Kentucky, which offers gunmen all the conveniences, including no waiting period for purchases. They struck up a friendship with an ex-convict (they needed someone with local identification) who happily accompanied them to two gun shops and a pawn shop in Newport and Covington to buy some beautiful hardware: a .38 Smith & Wesson with a 2-inch barrel, a .38 Smith & Wesson Special with a 4-inch barrel and a .32 Brazilian Rossi with a 2-inch barrel. The detectives were back in New York the same day. Though it's a violation of Federal law for an ex-convict to buy a handgun, the detectives' Kentucky contact went even further than that; he promised that when they came back he would help them get forged identifications of their own so they wouldn't have to depend on his.

But even with Kentucky I.D.'s, that's doing it the hard way. There are plenty of people around New York who will be happy to go shopping out of state for you. Albert A. Seedman, the city's Chief of Detectives, says one of his men bought a 9-mm. Luger and ammunition from a candy-store proprietor in the Bronx the other day. The candy dealer said that if the detective wanted any other firearms—including a machine gun for $350—he should place his order quickly; the candy man was leaving for a shopping spree in South Carolina a few days later.

A significant number of the guns in underworld commerce are stolen—by the crate from piers and warehouses or singly in burglaries. In some New York neighborhoods, one can place his gun order at the pool hall. Half of all the nation's gun transactions are believed to be carried out on the street, and New York is said to follow that pattern. In some neighborhoods the market is glutted, or at least the police assume it to be glutted because, says Seedman, "We just assume that certain people all have guns. Like members of the mob who hang out in areas such as Bath Beach. Or if you go to Bedford-Stuyvesant or Harlem, it's assumed that certain people all carry guns." He backs his assumptions with statistics: Five years ago most New York murders were committed with knives; today most are with handguns.

The police in every major city report that at the bottom of the underworld heap, among the pettiest of the petty thugs, a communal system exists: Several disadvantaged criminals living in the same neighborhood share a gun. Chicago has a unique type of helping hand for the needy crook—a "rent-a-gun" arrangement by which, one police official explained, "a convict gets out of prison and can't buy a gun, so he rents one until he can make his first heist and then he buys the gun outright."

The Federal Government has traditionally shown a strange tolerance, even indifference, toward what goes on in handgun traffic. No Federal agency keeps accurate track of how many guns are manufactured or who buys them; no agency attempts to keep a record of the movement of guns from owner to owner. Agents of the Treasury Department's Alcohol, Tobacco and Firearms Division are supposed to have some idea of what goes on in the firearms industry, but they keep records like Keystone cops, and they haven't the foggiest idea where all the guns have gone and are going. The U.S. Department of Commerce, which pretends to oversee manufacturing, has no figures for gun production later than 1967.

The record-keeping of most major police departments is just about as sloppy. But the best guessers seem to agree that the ownership of guns used for crime is increasing twice as fast as the ownership of sporting guns; and gun crimes seem to be increasing twice as fast as other crimes. Each year pistols and revolvers are used to carry out more than 100,000 robberies (some "experts" say more than 200,000) and more than 8,000 murders.

Prosecutors and judges are apparently as indifferent as Treasury agents to what's going on. Two times out of three, a person caught packing a rod in the nation's capital will not spend a day in jail. The police guess there are between 500,000 and a million handguns around Detroit, most of them unregistered, but only 1,200 persons were prosecuted for illegal possession in that city last year, and most of them got light punishment.

New York is supposed to be a tough place to be caught carrying an unregistered gun, but Police Commissioner Patrick Murphy contends that, "because the American people have listened too long to the gun nuts, the judges don't deal with gun cases as a terribly serious problem, and the prosecution of the Sullivan Law has been said." That's one explanation. Another comes from Edmund G. Brown, the former Governor of California and chairman of the National Commission on the Reform of Federal Criminal Laws. Asked about judicial tolerance of gun-law violations, Brown replied: "Well, there are some judges that are superannuated and senile and mentally ill and alcoholics, and they started on that."

This kind of a gloomy survey of uncontrolled gun-running, gun-happy criminals and gun-dumb officials occurs rather regularly in Washington. It happened again recently, bringing most of the above-named characters to town, and some of them will be back before the year is out to complete the annual tragicomedy of writing gun legislation. This year it is all the more entertaining because there is a plot within a plot, a political plot within the gun plot.

Senator Birch Bayh is chairman of the Senate juvenile delinquency subcommittee, which for the last dozen years has been handling most of the gun bills. Because of the several political assassinations and because of normal opposition from the National Rifle Association—whose million members constitute the most powerful grassroots lobby in America—the issue of gun controls is highly emotional, and any politician who gets deeply involved in it is guaranteed plenty of headlines. Bayh, who would like to become the Democratic Presidential nominee next year but usually scores no more than 1 per cent on any Democratic public preferential poll, needs plenty of headlines if he is to stay in the running. So on Sept. 13 he opened hearings on his bill to prohibit the manufacture and sale of the "Saturday Night Special" handgun.

Now, if you will bear in mind that at the time Bayh opened his hearings—in fact, until the second day of the hearings—he had not even introduced his bill, you will see the political plot begin to thicken. For it happens that Senator Edward Kennedy, a member of Bayh's subcommittee and also a contender for the Democratic Presidential nomination, had as long ago as Feb. 17, introduced his own bill, a bill that would do everything Bayh's would do and more (it would also require the registering and licensing of all guns and owners). Why wasn't Kennedy's bill being considered at the hearings, since he had beaten Bayh to the punch by seven months? That's the question Kennedy was reportedly asking privately, and he was pretty angry about it.

But just when Bayh thought he had outfinessed all rivals for publicity, he ran up against Mayor Lindsay. Naturally, no gun-control hearing would be complete without some message from the New York cops, so Bayh asked Commissioner Murphy to testify. Murphy at first said he was occupied with other things. Then he called back and said he might be willing to come down, but only if Mayor Lindsay were permitted to be the chief spokesman. By this time Bayh was in Europe, and when his staff got him on the telephone with the Murphy ultimatum, his response is said to have melted the trans-Atlantic wires. Lindsay, who recently switched to the Democratic party, is assumed to be a dark dark-horse candidate for something, and Bayh's crowd figured he wanted to come in and steal the spotlight.

Which is exactly what Lindsay did by staging a table-thumping confrontation with Senator Roman Hruska of Nebraska, the subcommittee's resident gun man, and by belittling Bayh's legislation as inadequate and even dangerous.

"Recently," said Lindsay (with all the TV cameras on him and none on Bayh), "a good deal of attention has focused on possible controls on the so-called 'Saturday Night Special'—cheap guns costing as little as $1 to manufacture and usually selling for $5 to $15. Saturday Night Specials constitute the most outrageous element of the handgun trade, and Federal legislation against Saturday Night Specials alone would certainly be an improvement. But Saturday Night Specials are only the tip of the iceberg—the most visible part of the illegal handgun trade, but actually a small part of the problem. In New York City, 75 per cent of the illegal firearms seized by our police were not Saturday Night Specials.

"Outlawing cheap guns may give the public a sense that meaningful action on handguns had been taken. But that clearly is a dangerous deception. To ignore the literally millions of better handguns now available would be to ignore the essence of the problem itself . . . nothing less than national action against all handguns will suffice."

Commissioner Murphy chimed in, saying that the Specials are "by no means the most significant part of the gun problem." He added: "I strongly urge against limiting the focus of new Federal legislation only to Saturday Night Specials. Most of the guns we seized are quality weapons manufactured by reputable foreign and domestic companies."

Much the same thing had been said—with little publicity—by Lloyd Cutler, former executive director of the National Commission on the Causes and Prevention of Violence. He called Bayh's bill "a step worth taking, but a very small step," deficient in that "it would only prohibit such sales by federally licensed dealers. It would do nothing to stop private resales and transfers of similar handguns already at large or to force their redemption and surrender to the Government. It would do nothing to control the production, sale and possession of the millions of other handguns which are more expensive and more lethal than the Saturday Night Special, but are equally lacking in redeeming social value."

These might seem strangely ungrateful responses to legislation that would at least banish from gun stores the weapon whose price makes it the most accessible. If it is ingratitude, it is compounded by being directed not only at Bayh but at some of the most faithful gun-control advocates in Congress, men like Kennedy and Representative John M. Murphy of New York City, both of whom have been riding the Saturday Night Special issue for months.

But in fact Lindsay, Murphy and Cutler have good instincts. There is something queer going on behind the Saturday Night Special legislation, and its advocates may be walking into a trap. The best evidence of that comes from the fact that some of the most vicious opponents of gun-control laws are actually encouraging this legislation.

Is it a change of heart? Is it true benevolence? On that question we raise the curtain on the gun plot. Enter, from the right, the weapon itself.

The genre has been around since before Frankie shot Johnny. Its predecessors were the little nickle-plated whatsiz that ladies of the evening carried in their handbags to ward off nonpaying drunks and the single-shot derringers riverboat gamblers carried up their sleeves. Over the years it has picked up a multitude of nicknames—"Murder Special," "Suicide Special," "7-to-11." The present nickname, though it sounds antique, has been around only since the early nineteen-sixties, and its place of birth was—fittingly—Detroit.

Mischievous Detroiters who could not buy guns near home would simply tool down to Toledo, less than an hour away, where guns were sold out of candy stores, flower shops, filling stations—anywhere. Since a great many of these purchases were made to satisfy the passions of Saturday night, Detroit lawmen began to refer to the weapons as Saturday Night Specials. Thus was the language enriched.

But like many folk terms, "Saturday Night Special" does not have a fixed meaning. It can be just about any handgun that is cheap, easy to get and preferably—but not necessarily—easy to conceal. Originally a gun didn't have to be poorly made to qualify as a Saturday Night Special. Originally, it could be, say, a Spanish surplus military .38 that reached these shores 20 years ago and passed through 20 pawnshops and 20 poolhalls before being sold on a street corner by a Harlem junkie who needed $5 for a fix. Before the passage of the 1968 Gun Control Act, many thousands of military-surplus weapons were imported each year. Some critics dismissed them as "junk guns," but in fact many were well made and highly serviceable. Many models were inexpensive and compact, and they rated as Saturday Night Specials. But the 1968 act cut off that supply by specifically outlawing military-surplus guns. It also cut off the brand-new but rickety, foreign-made $3.50-and-up handguns (most of them small enough to hide in your hand). It did so by requiring that imported guns must be of certain dimensions—that pistols, for instance, must be at least 6 inches long and 4 inches high—must have certain safety features and in other respects pass as "sporting weapons."

But there was a gaping loophole in the law. It did not embargo the importation of foreign gun parts other than frames, so several American companies have started importing enough parts to assemble more than a million cheesy pistols this year. Another group of gun industrialists started producing cheapies from American parts. And still another group started importing guns that legitimately qualify as "sporting models" under the 1968 act; once they get the pistols past customs, they saw off the barrels and market them as "belly guns"—that's where you carry them and that's where you shoot the other fellow, by standing up against him.

Together, these entrepreneurs are expected—according to the Treasury Department, which can be trusted only somewhat here—to put more than two million handguns on the market this year, selling for $10 to $25 and offering no safety features, no engineering quality, almost no accuracy. Most are .22 and .25 caliber, though a few are .32's. The police say that these weapons and their predecessors will be responsible for a significant percentage of the nation's murders, assaults and holdups. It is this type of gun that has taken over the title Saturday Night Special, and it is this gun that Congress is going after.

To hear the manufacturers of these little items talk about their market, one might conclude that the Special is no more deadly than a scarecrow. Harry Friedman is the president of Arms Corporation of America in Nashville, Tenn., which turns out about 35,000 Mark-059 pistols each year, many of which he gets rid of through his own retail store. He says: "I find that most people buy guns for their wives, for the table beside their beds. Not to shoot, just to make their wives feel good, to feel like they've got protection. I had a gentleman call me yesterday who said, 'I want one of those inexpensive guns to give to my wife to make some noise, to make her feel like she's got protection.' She doesn't know how to shoot it. She takes it out once and shoots it to see if she can do it, and that's the last time the gun is fired.

"The American people are entitled to this market. If you are a $1.60-an-hour working man and your wife is scared and you can't afford a $95 colt, you may want ours for $16.95. Your wife will never use it. How many women get raped, percentage-wise? How many houses get broken into?"

Anybody who wanted to take up crime seriously would be stupid to buy a Saturday Night Special, says Friedman. "These guns are not accurate. A holdup man would have to be right next to a man to hit him. We'd be better off if every holdup man in America owned one of these guns instead of a good .38. If you want an accurate gun, don't buy this one. If you want a gun to give to your wife to make noise or a gun to stick in your tackle box for killing snakes on fishing trips, O.K., this one is O.K."

The Saturday Night Special is not quite so innocuous as Friedman makes it sound. Indeed, it can be a wicked little job, as one of the $3.50 versions demonstrated the other day when it was used to kill a Detroit cop. Lieut. Paul E. Murphy of the New York Police Department, a lifelong gun lover whose marksmanship was sufficiently developed to win him the department's second-highest medal, the Combat Award, says: "The .25 and the .22 are very underestimated weapons. It's a small bullet, but it has a tremendous velocity. If you shot one of those weapons at 125th Street, you could kill somebody in Jersey. Most people say, 'What can happen with a .22?' We had a policeman killed with one. The bullet went in his eye and around his skull three times—just cored his brain like you core an apple."

Any bullet that travels faster than 300 feet a second is capable of penetrating flesh and bone. Under ideal conditions, .22 bullets travel at 900 to 1,400 feet a second. Even though the Saturday Night Specials are so poorly constructed that a bullet fired from one lacks something in velocity, there is still sufficient energy left in the bullet to kill. Moreover, the .22 bullet has a special deadliness. Lieut. Charles V. Rorke, who runs the ballistics office at the New York Police Academy, explains: "When the larger-caliber bullet hits the body, it tends to go right through. If a person is shot in the shoulder with a .38 bullet, that ordinarily wouldn't be a lethal wound. It might tear half his shoulder off, but the wound would probably be restricted to the shoulder. The .22 caliber, because it is small but travels at great velocity, is easily deflected. You have a big bullet's velocity with a pellet that is very unstable. So the .22 might hit the shoulder and then rip off in another direction, maybe dropping into the chest area and doing some fatal damage there."

William L. Cahalan, the Prosecuting Attorney in Wayne County, which includes Detroit, says there is still another danger in the Saturday Night Special. "They are more deadly than the well-manufactured gun because they do not expel the bullet through the barrel in a true line," he says. "Rather, after four or five shots, the rifling is worn out, and this causes the bullet to come tumbling out of the barrel. It creates what doctors call a 'keyhole' wound—several perforations, and much more difficult to treat."

And there is always the possibility that the Saturday Night Special will be as dangerous to the shooter as to the target. Sometimes the bullets in the cylinder are so close together that two will fire at once. Sometimes a stuck bullet will cause the pistol to explode. More common than two bullets firing is no bullet firing; the hammer and firing pin are often so far out of alignment that they don't discharge the bullet—which makes it sometimes the safest gun on the market.

In the production of a high-class handgun—a Smith & Wesson, for instance—the finest ordnance steel is used; all parts are heat-treated to give them great strength; there are more than 1,000 inspection operations on each gun, and every one is test fired. For a Saturday Night Special, the opposite is true. Hold one over a bunsen burner and it will start melting in 10 seconds; it's pot metal. The guns are reported to be thrown together with virtually no assembly-line inspection, and rarely are they test fired.

It is, in short, quite easy to make an elaborate case against the Special, proving that it is very often both a menace and a gyp. But neither characteristic explains why the National Rifle Association, which never in the past favored outlawing any gun, favors outlawing the Saturday Night Special. Neither characteristic explains why Senator Hruska, as devoted a champion of laissez-faire gun ownership as there is in Congress, also wants to banish it. Equally mysterious is the seeming about-face of the Nixon Administration. It has been steadfastly against an extension of gun controls, yet it is for suppressing the Special.

Cynics, who are numerous in this debate, believe that the supposed change of heart is only a subterfuge for protecting one favored element of the gun industry from competition by the Special while increasing the supply of good foreign guns, which have been denied to the shooting fraternity since the adoption of the Gun Control Act of 1968. The diverse gun world—arms and ammunition manufacturers, gunsmiths, hunters, collectors, shooting clubs, criminals—has many interests, not all of them overlapping. But the cynics contend that the scheme now being proposed is a step toward satisfying some of the more selfish interests. It is constructed very cleverly, they say, around two arguments: the need for fair play in international trade and the need for consumer protection.

The background for the consumer argument is plain enough. The trade argument goes like this: Under the General Agreement for Tariffs and Trade (GATT), the United States is forbidden to discriminate against foreign products. If the manufacture of certain guns is allowed in this country, the importation of similar guns is supposed to be allowed. But the Gun Control Act of 1968 prohibits the importation of any gun that fails to meet the "sporting test," while American-made guns that would fail this test are flooding the domestic market.

Treasury officials say these violations of GATT are damaging U.S. trade relations. "Why, the embargo on Italian guns has turned some areas of that country into a poverty-stricken Appalachia," one official told me. "Communities that depended on gun exports to the U.S. have become ghost towns. Be sure to mention that in your story. You might even want to make it your lead. And of course, Italian officials are very unhappy. They put an embargo on Florida oranges, and when we complain they say, 'Well, if you won't let us send Italian guns you can't ship us Florida oranges.' And the same economic devastation is seen in Spain and Germany and elsewhere because of the discriminatory features of the gun-control act."

Testifying before the Bayh subcommittee, Assistant Secretary of the Treasury Eugene Rossides said the U.S. had received formal protests from seven foreign countries because of the gun embargo's violation of GATT.

Italy dumped $2.4-million worth of handguns into this country in 1968, and these exports slumped to $200,000 by 1970. For Spain, the decline was from $1.6-million to $200,000; for West Germany it was from $6.6-million to $3.3-million; for Brazil, from $2.3-million to $600,000; for Belgium, from $3.5-million to $1.4-million.

But the "poverty" resulting from this decline apparently is no more than a Treasury Department hallucination. Martha Carbone, the State Department officer concerned with special trade agreements, says: "The embassies would be the only ones with data on that. They've never given it to us. The embassies of Italy and Spain have been the ones that have mentioned it." Did they just mention it, or did they scream about it? "Well, we've been talking about it, shall we say."

Asked about the Treasury's description of the economic chaos in Italy, an official of the

Italian Embassy said: "It is true that Italy was damaged a little by the gun embargo, but it is not true that Brescia and its province—the center of our gun manufacturing—is 'ghostlike.' There are too many really important things in GATT to worry about guns right now.

"Where did you hear that we had ghost towns?"

The Treasury Department.

"Oh. Well, then, you should be a gentleman and write it that way."

Officials at the Brazilian Embassy were equally ignorant of any economic slump caused by the gun embargo, and at the German Embassy an official said: "I have no knowledge of unemployment caused by the gun-control act. We have very vehemently opposed the law, of course, but we have no unemployment. We have so little unemployment in Germany that we even employ quite a lot of foreign labor."

Actually, according to John Sipes, director of the State Department's Office of Munitions Control, the great majority of the guns imported before the 1968 embargo were military-surplus weapons, so the foreign industry could hardly be affected much. "We weren't importing many new guns," he says. "The foreign manufacturers may have lost a few mail-order sales to gun nuts in this country, but as far as volume sales, it did not come from new manufacture. I'd say at least 75 per cent was military surplus."

Nevertheless, Treasury officials proceeded with their little farce. They would rescue U.S. trade from the shoals of gun discrimination; they would create an atmosphere of international fair play by establishing standards that would apply to domestic manufacture as well as to foreign imports. And as a fillip to their heroism, they set forth to do all this in such a way as to protect the U.S. consumer from defective merchandise—which, in a consumer-oriented era, they recognized as being a much more sensitive point than the question of whether it was intelligent to manufacture the product at all.

So with $135,000 in tax money, the Treasury hired the H. P. White Laboratory of Bel Air, Md., to test 150 guns representing 58 different models from seven foreign countries and the United States to determine if objective tests for safety and reliability could be set up.

Significantly, although the press and the general public were refused information about what was going on at White Labs, the N.R.A., the gun lobby, was kept abreast of it all, and when the tests were about half finished—they ended in August—N.R.A. officials were permitted to take pictures and look over the records of the experiment. One official at White Labs explained that "in order not to offend the shooting community too badly, they [Treasury officials] sort of solicited the N.R.A.'s participation in this, so they went overboard to divulge information to them."

To nobody's surprise, D. R. Dunn, manager of White Labs, concluded that an adequate test for reliability and safety had been put together. The most important part of the test was 5,000 rounds of test firing for each pistol.

That is one hell of a lot of testing, so it was also to nobody's surprise that Dunn reported only 6 of the 58 models passed. To expect a Saturday Night Special to survive a test like that would be to expect a trade miracle. None occurred. Of the nearly two dozen .22-caliber pistols tested, only one survived, and it was not one of those costing less than $20. It cost $71.58. None of the .25-caliber models came through the test.

That, at least, was the official report paid for by the Treasury. But, interestingly, there had been unofficial reports seeping out of the laboratories that much cheaper guns were doing quite well. When the tests were 85 per cent completed, an official of White Labs told me that although the N.R.A.'s magazine, American Rifleman, had carried an article implying that "a small, imported, low-grade handgun is either unsafe or unreliable, I can cite within our test data here a small imported low-grade handgun that whistled through everything we could throw at it. This weapon cost $40. And I can cite a very expensive U.S. prestige weapon that failed after 15 or 16 rounds. You can make a gun out of papier-maché, and if it passes this test, then in our opinion it is a very safe weapon. It makes no difference whether it costs 25 cents or $2,500, whether it has a very respected seal on the side of it or whether it was made up in somebody's backyard. The testing would seem to say to us that the failure cannot be related to cost, origin, type or whatever. But within that trend, there are some shadings."

The N.R.A., the Administration and Hruska and his gaggle of gun lovers are all pushing the White Labs test as the heart of whatever legislation is written to outlaw the Saturday Night Special. With luck, they can persuade Bayh and others to accept the test as an amendment. Bayh has said he is open to such a suggestion. Representative Murphy has already written the test into his legislation. If Congress agrees on this reform, then the Special, that absurd little piece of deadly gadgetry, will indeed be standardized off the market.

And at that point the trap will be sprung. Respectability will have been stamped upon the handgun traffic in America, for after that all guns sold on the open market will be federally certified as "safe" and "reliable."

If that happens, any further significant extension of the Gun Control Act of 1968 will be extremely difficult, if not impossible, to accomplish. Even under the best of conditions, Congress hesitates to oppose the gun lobby, and any reform movement within Congress would be at a tremendous psychological disadvantage if the lobby could argue that only "safe" and "reliable" guns were being sold.

If the performance standards are applied to imports without discrimination, it will also mean—if GATT is to be satisfied—that the floodgates will again be lifted on the foreign military-surplus weapons (both handguns and rifles) specifically prohibited by the 1968 act. If U.S. military models are available commercially, their foreign counterparts should be, too. At least that is the opinion of Senator Hruska, who hopes devoutly that this will be the case. The N.R.A.'s position on military-surplus imports is not yet clear, but Jack Basil, its legislative director, speaks kindly of them: "We would be in favor of getting rid of unsafe guns. We're for it, the gun manufacturers are for it, everybody's for it. People play on emotions too much when dealing with gun safety. At the time of President Kennedy's assassination, they were yelling about the Italian rifle Oswald used. They were being melodramatic about guns, rather than judging them from technical standpoints. Same thing is true about the way they judged foreign military-surplus guns. Before the 1968 law, a lot of people were saying the U.S. was the dumping ground of cast-off guns. They were using emotional phrases like that. Actually, some of the foreign military-surplus stuff is excellent quality." A resumption of military-surplus imports also seems to be favored by some members of the Administration, including Associate Deputy Attorney General Donald Santarelli, who in 1969 told the Senate that he believed it was "unfair to exclude the good with the bad." He also said he thought some foreign surplus military weapons were very good.

Indeed they are. Good and sometimes inexpensive. Often as inexpensive as Saturday Night Specials. Many of the more than one million of these goodies that were imported in the last year before the embargo are still on the market, and their bargains shine from the advertisements in any gun magazine: A British Enfield Mark 1, a .38 that, the ad says, was "designed for rapid, close-quarter defense work," only $19.95; a .450 Webley & Scott by the famous British maker with a 2½-inch barrel that fits in the pocket nicely, only $30; the same kind of Luger used by the Luftwaffe during World War II, $36; the P-38, sidearm for the German Army in World War II, only $19; a French M-35-S, built much like a Browning automatic, $23.

Many of these guns will probably pass the performance test, which means that, so long as the supply of military-surplus imports holds out, the aspiring hoodlum can go into business with a lifetime gun for well under $40, perhaps half that amount. Of course, he will have to pay more for the heavier caliber ammunition, but offsetting that extra expense will be the comfort of knowing that he will no longer be faced with the embarrassing misfirings that so often marred the performance of the Saturday Night Specials.

Even if the adoption of the performance test cuts the importation and domestic production of handguns in half, though, Kennedy and Bayh may sigh almost nostalgically for the return of the Saturday Night Special, for, say what you will about it, it does have one virtue: it falls apart fast. Fire a hundred rounds from some of the species and there's a good chance it won't be good for anything but a paperweight thereafter. Not so, the finely crafted $100 rod. There are Colts and Smith & Westons that have fired many thousands of rounds over many years, and though they are outwardly battered, they are just as deadly efficient as ever.

The same is true of many of the foreign military-surplus handguns imported before the 1968 act. As Sipes, the State Department munitions expert, observed: "This surplus military stuff never dies, you know. Nobody ever buries these damn things. They keep moving around, passed along from owner to owner, for years and years."

Most of the 30 million handguns in this country are the quality jobs, and they will still be around and will still be just as dangerous 50 years from now unless they are bought up (or confiscated) and melted.

You don't hear many Federal politicans pushing that kind of remedy. They fear the National Rifle Association. The late Senator Thomas Dodd of Connecticut, who carried on the gun-control fight for a decade, lost in his first bid for re-election after passage of the 1968 act. Another leader in the control crusade, Senator Joseph Tydings of Maryland, was also defeated in 1970. Leonard S. Blondes, a former Maryland legislator who pushed gun-control legislation and who is vice president of the National Council for a Responsible Firearms Policy, is under indictment on two counts of bribery, one of conspiracy and two of malfeasance in office. His friends feel he was framed by the gun lobby—and the lobby, eager to be considered omnipotent in matters of vengeance, encourages the idea, just as it encourages the idea that it knocked off Dodd and Tydings, which is a considerable exaggeration; both men had plenty of other troubles.

The toughest gun-control advocate in Congress is Representative Abner Mikva of Chicago, who stops short of advocating confiscation but does have legislation that would prohibit the manufacture, transportation, sale or transfer of handguns for any purpose but police or military work or competitive target shooting, with the proviso in the last case that the guns be kept locked at the target range. His bill also allows the Federal Government to buy, at a fair market price, any handgun a citizen turns in.

Representative Emanuel Celler of New York, chairman of the House Judiciary Committee, must think well of Mikva's bill, in principle, since he incorporated some of its provisions into his own bill. But there are more than 160 other gun bills stacked up in

Celler's committee awaiting action—some for expanding gun controls, most of them for repealing the 1968 act—and Celler doesn't seem eager to open that can of worms. He has yet to set a hearing on any of the bills.

"The real problem in getting attention here," says Mikva, "is that Celler and others sympathetic to tightening gun controls think any effort will be futile. I think I could talk from now to doomsday that Tydings wasn't knocked off by the lobby, but a lot of Congressmen would continue to think he was. My colleagues say they can't afford to sponsor my bill. I guess I've talked to 50 or 60 who say they would like to see stronger controls, but they say they can't get involved. I have no—I repeat, no—rural sponsors, though I can tell you that at least two dozen rural legislators say they would like stronger laws.

"I ran into the same thing in the Illinois Legislature. I started out in 1965 with 110 cosponsors of a bill to register handguns, and by the time the Illinois Rifle Association got through, all but 38 had withdrawn their names. The lobby even came in advocating that we repeal the 'Capone Law'—our anti-machine-gun law. They were putting out brochures saying, 'The Russians know how to use machine guns, but American citizens don't. Americans are helpless.'

"There's nobody even second to the N.R.A. as a lobby. They are working down there at the precinct level. You can't beat something with nothing—and those of us who want tough controls have virtually nothing There's no organization on our side. You can't take on the gun lobby with good will. That's where the next set of tragedies will work."

The Nixon Administration will not support more gun controls. Attorney General John Mitchell has said so. Richard W. Velde, associate administrator of the Law Enforcement Assistance Administration, says that those who want more controls must have forgotten that, after all, "the use of firearms is but a small segment of the over-all crime problem."

But the most serious handicap faced by anyone who tries to legislate total handgun control is not the irrational passion of the gun nuts and it is not the waffling of Federal politicians and bureaucrats. The most serious handicaps, oddly enough, are thrown up by the police and the "nice" people of America.

Carl Perian, who was Dodd's chief of staff before going with Congressman Murphy, may have a point. "After 17 years with the juvenile delinquency subcommittee," he says, "I have concluded that a great number of police officers enjoy the Wild West aspect of being a cop. We went to the Watts riots, right in the middle of it. The cops had bushel baskets full of guns they had taken off rioters and looters. But the precinct captain was very upset because we were investigating the gun traffic. He said that just because the rioters had hundreds of guns was no reason to prevent people from owning guns."

Police Chief Jerry Wilson of Washington recently told newsmen that he didn't think that Iowans should be strapped with a tight Federal gun law just because the District of Columbia's underworld is heavy with armament. Milwaukee's police chief came out in opposition to gun registration and licensing. The Minneapolis Deputy Police chief, Gordon Johnson, is against gun controls and says his feeling is shared by a majority of policemen in his area. Commissioner John Nichols of Detroit, though confronted with the most anarchistic gun situation in the nation, says he supports the outlawing of private handguns in theory but considers such a plan no more practical than the 18th Amendment's prohibition of liquor. Virtually all small-city police chiefs refused to support Mikva's or Murphy's bills.

Top police officials in Chicago, Cleveland, Oakland and New York proclaim a passionate desire to see handguns restricted to police use. But more often than not, the tough talk ends in compromise. Nobody has seemed more earnest in advocating total control than New York's Commissioner Murphy, but he says he would be willing to see guns left in the hands of "some businessmen and merchants." His chief of detectives, Seedman, says: "If I were the owner of a jewelry store, I'd like to have a handgun on the premises." And the New York police ballistics expert, Rorke, says it would be "unreasonable" to ask sportsmen to leave their guns locked up at the firing range.

Those who take Rorke's position argue that people who buy guns for lawful reasons, sportsmen and the like, hardly ever go astray. "Of the 20,000 registered guns in this city," says Rorke, "no more than five or six have ever been used in a crime." This is the most dangerous argument, that firearms can safely be allowed in the hands of sporting fellows and decent citizens. You hear it stated, or see it implied, everywhere.

When former Governor Brown spoke on behalf of all laws that would take handguns out of circulation, he pointed out that "most murder in real life comes from a compound of anger, passion, intoxication and accident—mixed in varying portions." The prototype who emerges from that is the low-class, squabbling drunk. It's not hard to get agreement that guns should be kept from such people. But until the happy day of gun confiscation arrives, "nice" people should be allowed to maintain a gentlemanly arsenal. Right? Brown must think so, too, because he keeps a handgun in his home.

Congressman Murphy, in pushing his Saturday Night Special bill, said: "These gun nuts think their weapons are extensions of their penises." That colorful remark conjures up the kind of psychotic that most people would agree should be kept away from guns. But of course no one would think it applied even remotely to the Chief Justice of the Supreme Court, Warren Burger, who answered his doorbell the other night to confront two reporters with a loaded six-shooter.

If "nice" people were easy to spot, it might work out. But the police blotters have proved many thousands of times that so long as there is this notion that "nice" people should have guns and "bad" people shouldn't, the "bad" people will wind up with more than their share anyway.

And Bayh and Kennedy and Murphy and their allies are likely to learn that attempts to pacify the nation by discriminating against bad guns will work no better. It is easy to work up almost total agreement on outlawing the shabby Saturday Night Special. But it wasn't a shabby little Special that Sirhan Sirhan used to blow the back of Bobby Kennedy's head off. It was a well-constructed Iver Johnson .22—a product, like the Kennedys, of Massachusetts.

THE LEGAL MISHMASH

Laws relating to the buying and keeping of handguns are a mishmash, and except in a dozen states (notably the Northeastern bloc—New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Pennsylvania) where the standards are high, they are mostly mish.

In those areas of the country where handguns equate with *machismo*—places like Louisiana, Arizona, Nevada, Texas, Mississippi—control laws are nonexistent or scarce or largely ignored. In Texas, for instance, there is no required waiting period before purchasing a gun, no required permit or registration of guns, no license needed for carrying weapons either openly or concealed, no license needed for carrying a gun in a vehicle.

In New York, handguns are controlled by all those restrictions, but the law's enforcement is undermined by the "easy-buy" states. Merchandise sold out there has a way of getting to the big city via what Mayor Lindsay calls the "wide-open national handgun commerce."—R.S.

ALASKA RAID

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. DINGELL. Mr. Speaker, the New York Times of Sunday, October 3, 1971, carried a news item under the heading "Conservationists See Alaska 'Raid'" which reported on the request of 12 conservation organizations to President Nixon to block those interests which desire to raid the public domain in the State of Alaska.

So that my colleagues may have an opportunity to be aware of this article, I include its text at this point in the CONGRESSIONAL RECORD:

CONSERVATIONISTS SEE ALASKA "RAID"

(By William M. Blair)

WASHINGTON, October 12.—Spokesmen for 12 conservation organizations called on President Nixon today to prevent "a raid upon the public domain" in Alaska by speculators and exploiters in timber, mining, oil and other developments.

The raid would come about, they told Mr. Nixon in a letter, through bills reported by the House and Senate Interior Committees to settle the century-old claims of Alaska's natives—Indians, Eskimos and Aleuts.

The conservationists wrote:

"In recent months speculators and exploiters, never identified to the public but everywhere in evidence plying the halls of Congress, have been championing the cause of Alaskan native claims. Their theme has been: Enormous grants of public land and some money for the natives, but no restraints upon the commercial exploitation of the public lands in Alaska."

Nowhere in the bills, they said, was "the public interest accommodated—the interest of the 200 million Americans who own most of Alaska."

FORTY MILLION ACRES

The House committee's version would grant Alaska's 55,000 natives 40 million acres of land and $925-million in settlement of their claims. The Senate panel voted 40 million acres and $500-million in case and $500-million in mineral royalties and other grants.

The conservation organizations wrote that by transferring 40 million acres from public to native ownership "it would set up a sequence of land selection and disposition that would relegate the national interest to the lowest priority." State, native and private interests would receive preference over "the public's interest in areas of the highest esthetic, cultural, scientific, wildlife and wilderness values."

The proposed legislation, they said, would authorize the Secretary of the Interior to classify public lands not now reserved for public purposes for "mineral leasing and outright disposal to private parties in accordance with existing inadequate public land laws."

The letter continued in part:

"The House committee's version fails to require the Secretary to identify and propose for Congressional consideration areas suitable for inclusion in National Park and Recreation Areas, National Wildlife Refuges and National Wild and Scenic Rivers. The Senate committee's version, while directing the Secretary to advise Congress, fails to provide adequate safeguards during this critical review period."

IMPACT ON WILDLIFE

The House panel's bill would also eliminate "thousands of acres" from the National Wildlife Refuge System in Alaska, including "some of this nation's most critical areas of wildlife habitat," they said. The Senate committee's version "suggests the impact on the refuges could be even worse," the letter said.

The conservation groups have been unsuccessful in their efforts to get a review of public lands in the state designed to exempt from native grants and state selection of public lands areas of "national value." Representative John A. Saylor of Pennsylvania, ranking Republican on the House Committee, has been defeated in his attempts to get a review before the state and natives are permitted to go ahead with land selections.

The conservation groups told Mr. Nixon that "we did not have the need nor the foresight to reserve adequate lands when many states were admitted to the union" and now, because of the pressure for more park and recreation land, the Federal Government had to buy back what were once public lands.

HEIGHT OF IRRESPONSIBILITY

"We believe it would be the height of irresponsibility for the United States to repeat that kind of mistake in Alaska," they told Mr. Nixon.

The organizations joining in the plea to Mr. Nixon were the Alaska Action Committee, Citizens Committee on Natural Resources, Defenders of Wildlife, Environmental Action, Friends of the Earth, the National Wildlife Federation, the Sierra Club, Trout Unlimited, the Wilderness Society, Wildlife Management Institute, Zero Population Growth, Inc. and the National Rifle Association.

TO THE RESCUE

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, during consideration of the Economic Opportunity Amendments a week ago, I offered an amendment to exempt the 4-percent appropriation reservation for Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands in the event that any State's program would need to be reduced because of such a reservation.

My own amendment was substituted quite handily by the amendment offered by the distinguished Resident Commissioner from Puerto Rico, Jorge L. Córdova.

It is encouraging to note that the Resident Commissioner's strong and successful battle for his constituents has not gone unnoticed in Puerto Rico. As part of my remarks I am including the lead editorial in the San Juan Star, on Friday, October 1. It is entitled "To the Rescue."

I might add that as a most capable representative to this body, my erstwhile opponent, Mr. Córdova, is fully worthy of the praise he is receiving in Puerto Rico.

The editorial follows:

[From the San Juan Star, Friday, Oct. 1, 1971]

To the Rescue

Resident Commissioner Jorge Luis Córdova Diaz, with key help and support from other Congressmen, Thursday registered a major victory for Puerto Rico in the House by nailing down there equal treatment with the states for the island in the distribution of federal antipoverty funds.

Working closely with Rep. Herman Badillo, D-NY, and with floor support from Rep. Lloyd Meeds, D-Wash. and that grand lady of the House, Edith Green, D-R.I., Córdova fought off opposition from the Office of Economic Opportunity that would have placed a ceiling on the amount of funds the island could receive.

Córdova, who showed his political versatility by uniting with three Democrats in this venture, chalked up another notable achievement to be added to his growing list.

Puerto Rico could immediately gain as much as $30 million a year through those efforts, depending on what a house-senate conference committee works out. The Senate version raises Puerto Rico to equal treatment after two years.

BOSTON CITY COUNCIL RESOLUTION

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. HARRINGTON. Mr. Speaker, the Boston City Council last week adopted a resolution urging the Massachusetts delegation in the House to support the Mansfield amendment. This action, taken by a governmental body whose responsibility it is to cope with our worsening urban crisis, is further evidence of the widespread recognition across the country that we must end our involvement in Southeast Asia.

I commend the Boston City Council for speaking on this issue, and for making clear that they will never be able to solve the problems they face in Boston until we stop diverting the resources they need to a cruel and senseless war.

At this point, I insert the resolution into the Record for my colleagues.

The resolution follows:

Resolution

Whereas, the military budget is now $80 billion a year, or about $400 per U.S. citizen; and

Whereas, more than $100 billion has already been spent on the Vietnam War alone at a time when Boston and other large cities desperately need federal money for urban renewal, rapid transit, public housing, quality education, pollution control, and many other pressing needs; and

Whereas, many young men of Boston are being drafted against their will to fight and die in a war they neither support nor understand; and

Whereas, the U.S. Senate, by a vote of 57 to 38, approved the Mansfield Amendment to end all U.S. involvement in Southeast Asia within 6 months, assuming satisfactory arrangements have been made for the mutual release of prisoners of war; now, therefore,

Be it resolved: That the Boston City Council records itself as being in favor of the Mansfield Amendment to end the war in Southeast Asia and calls upon the Massachusetts Congressional Delegation to the U.S. House of Representatives to support this action by the U.S. Senate;

Be it further resolved: That copies of this resolution be sent to both U.S. Senators and all Congressmen from Massachusetts and to the Majority Leader of the U.S. Senate, the Speaker of the U.S. House of Representatives and the President of the United States of America.

WHAT FUTURE FOR CORPORATIONS?

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. WHALEN. Mr. Speaker, Henry C. Wallich has made extensive contributions to the economic thought of the Nation. He has served as Assistant Secretary of the Treasury, as a member of the Council of Economic Advisers, and as chief of the Foreign Research Department of the Federal Reserve Board of New York. Presently, he is senior consultant to the Secretary of the Treasury.

In the most recent issue of the Citicorp Magazine, which is published by the First National City Corp., Dr. Wallich discusses the future for corporations. I found his comments on a Federal Chartering Commission and the social objectives of business particularly thought-provoking. I believe his views will be of interest to the Members of the House, and I insert Dr. Wallich's article at this point in the Record:

What Future for Corporations?

(By Henry C. Wallich)

Potent, implacable, imperishable: Today's distorted image of the corporation stands at the center of much social criticism. *The corporation shapes our lives, it twists our values, it resists reform. Robotlike, an "artificial person" in the words of the law, it amasses material wealth and enslaves humanity.* That has been the message.

Every dramatization of history, on or off stage, needs a villian. In economic history, the robber barons, Wall Street, Madison Avenue have all been cast in that role. Much of the criticism was justified, some of it was helpful. Today the corporation is held accountable for a wider range of evils than were its predecessor villians. The proposed remedies are correspondingly drastic.

Even if we discount the exuberance of college students who want to destroy the whole system before they go on to law school, we must face up to more mature and subtle proposals for transforming the system from within. One such proposal, which seems to offer many keys though it may open few doors, takes the form of federal chartering of corporations. Uncle Sam and not the states would say what a corporation can do.

The idea is not new. In 1938, Senator O'Mahoney sponsored an unsuccessful bill to provide "a licensing system for corporations." Today compulsory federal chartering of corporations is being discussed as a means to control wage and price setting, hiring and firing practices, and standards of pollution, safety and product quality. Simply make the federal charter revocable, and let its continuance depend on how well the corporation meets federal requirements. The corporation could then be directed toward solving our pressing social problems. Why not?

There are many reasons. The hostile attitude toward the corporation which forms the philosophical basis of this idea reflects the same superficial analysis that has brought Europeans to blame irritating changes in their traditional ways of life on "Americanization." (The real source of European problems is not the American example, but the attainment of high per capita income. America just happened to be the first country to get there.) In the same way, it is not the corporation that is responsible for the computerized facelessness and ensuing alienation in modern large institutions. The economic superior of large-scale organization is the true root.

The young man who refuses to work for a large organization is quite right, of course, in not wanting to be bent, spindled or mutilated. But his notions of the relaxed, humane form of life that the corporation supposedly has destroyed are unrealistic. The craftsman creating things with his hands, the small farmer drawing life from the soil, the small shopkeeper knowing all his customers are highly idealized and partial representations of the past. The reality of primitive countries, where life was "nasty, brutish, and short," differed sadly from the romantic idyll. Laborers working 12 hours a day six days a week, farmers and their wives aged at 40 by dawn-to-dusk physical chores, children at work instead of at school—that was the dominant color of precorporate reality.

Output per capita and per worker in the American economy have grown fairly steadily, allowing for cyclical fluctuations, for as long as we have data, across the precorporate age, the period of entrepreneurial capitalism, managerial capitalism, the advent of the corporate income tax, and the rise of the labor union. Today's corporation is the outward form of our economy. Its true moving forces lie much deeper.

What about the much-cited vast power of corporations? General Motors has about 700,000 employees whom it can fire, give a raise to or force to go on strike. It can determine the size, power and safety of cars, the locations of industry, and can make investors rich or poor. It cannot, however, do these things in a vacuum. Its hand is guided—though not altogether forced—by the need to stay in business. If GM fires good people, pays unreasonable wages, builds cars nobody wants or builds plants in uneconomic locations, it will go the way of other firms that ignored the compulsions of the market place. Corporate power exists—but is constrained severely by the market, the unions, the customer and economics.

The proposal for federal chartering of corporations is an example of misconceptions about the corporation. The issue is not a question of dealing with an evil force in society. It is not even a question of curbing unrestrained power. It is not an adversary proceeding at all. It is simply a question of achieving certain objectives that society has in mind. Corporations perform much of society's work. They can be enlisted on behalf of new causes. The question is whether federal chartering is an efficient way of going about the job.

THE ROLE OF A FEDERAL CHARTER

We have learned something from piecemeal regulation of business. The Federal Trade Commission supposedly regulates competition, advertising and related practices. The Securities and Exchange Commission deals with corporate disclosure, and the issuance of and trading in corporate securities. Both these agencies exemplify regulation of a corporate function. The Interstate Commerce Commission regulates railroads, the Federal Communications Commission regulates telephone, telegraph and TV, and so on. This is regulation according to industry.

Regulation via a federal charter presumably would cut across these distinctions. Perhaps we would have an agency called the Federal Chartering Commission, with departments relating to the social objectives sought. Some might be functional—such as to control pollution, or to organize on-the-job training of the unskilled. Some might be according to industry—to enforce safety standards for automobiles, or adequate teaching standards in universities. It would be a large, diversified and potentially very powerful agency.

The Federal Chartering Commission, presumably would work within a set of laws laid down by Congress. The writing of the detailed regulations, their application to particular cases, the quasi-judicial process ultimately leading to the impositions of sanctions would presumably be under the control of the commission. From time to time Congress might raise old or impose new requirements and would hand their implementation to the commission, for the agency would be a flexible instrument capable of implementing the evolving social, economic and environmental goals of the nation.

All these provisions could be embodied in the charters issued to corporations, to be amended as appropriate from time to time. Or the charters granted by the commission might be of a more general sort, simply establishing compliance with present and future orders of the commission.

Obviously this federal chartering would go far beyond the chartering now done by the states. Obtaining a state charter is a routine operation that any attorney can perform with minimal cost and trouble. The relative attractions of particular states—greater or lesser flexibility in the management of corporate finances and in corporate procedures—are rarely decisive for the real operation of the business. Skillful lawyers and accountants, in any event, usually can find ways to help a corporation live even with inconvenient state charters.

Federal charters exist now for a few institutions—principally national banks and federal savings and loan associations. Mutual savings banks are seeking the right to a federal charter. For all these institutions, the federal charter is an alternative to a state charter, at the option of the regulated. Hence the federal charter does not mean an unavoidably tougher discipline.

A federal charter for corporations would not compete in this sense with a state charter. Presumably the latter would continue and might even remain controlling within its narrow domain. The federal charter might compete with or supersede what government agencies and particularly the existing regulatory commissions are now doing. This suggests a closer look at their work and achievements.

THE PRESENT REGULATORY EXPERIENCE

The federal regulatory commissions and agencies have the unenviable distinction of being among the most loudly criticized parts of the government. This may reflect the way they are organized or the way they are run. In either event, whatever is wrong is compounded by the difficulty of the job.

Not all the criticism is consistent, but neither is the performance of the regulators. A frequent complaint is lack of effectiveness. The Federal Trade Commission, as everybody knows, has not successfully curbed misleading advertising or anticompetitive practices. The Federal Communications Commission has not been notably successful in improving the quality of TV programs. Failure of this sort is not always the fault of the agency. Congress, for reasons of its own, may have intervened. Through legislation, or through the power of appropriations, Congress has more than once frustrated its own supposed intent.

Another form of regulatory failure occurs when the regulated industry comes to dominate the regulator. Of the process of regulating competition it has been said that it starts by protecting competition and ends with protecting the competitors. Intimacy of the regulators and the regulated is hard to avoid because, after all, they have to deal with each other. The public, which supposedly benefits, is hardly ever in sight. Moreover, to be influential with Congress or with the administration, an agency needs a constituency. The public will not provide it, but the regulated industry will be glad to, if there is reciprocity.

The worst results, perhaps, are achieved when over-regulation threatens to suffocate an industry. For example, the Interstate Commerce Commission decides thousands of railroad and trucking rates each year. The contested ones cause infuriating delays and absorb much of the energy both of the ICC and of the industry. (Total costs to all industries just of communicating with regulatory agencies, incidentally, have been estimated as high as $1 billion.) As a result of this battle over detail, no one has had time to look at the broad picture and try to add up piecemeal regulation to a national transportation policy.

Recently a private group headed by Roy Ash, president of Litton Industries, was requested to advise President Nixon on how to reorganize the regulatory commissions. Certainly not the first and probably not the last of its kind, the Ash group proposes drastic changes, such as replacing the present court-type commissions by single executives, and ending the quasi-independence they enjoy now in favor of subordination to the President.

The reason why the Ash group disliked the existing setup is clearly the exasperating proneness to inaction that befalls a commission whose members must agree. The remedies are also understandable. The report proposes the kind of organization characteristic of business, with a clear chain of command and geared for action. But this would be accomplished at the cost of greater politicization and risk of arbitrary decisions. Critics of the Ash Report would prefer us to hold the ills we have rather than fly to others that we know not of.

The overregulation which has hurt the railroads manifests itself differently among financial institutions. A bank that wants to be a national bank is now subject to regulation by the Comptroller of the Currency, the Federal Reserve and the Federal Deposit Insurance Corporation. Most other banks have two regulators.

While this situation is alleviated by the ability to choose regulators by switching charters, it is aggravated by an array of rules—legislative and regulatory, and differing from state to state—which determines where banks may operate, what they may do, what interest they may pay and in some cases may charge, and so on. All this, initially undertaken to protect the public, now thoroughly gets mixed up with protection of the banks and, one must fear, of the regulators.

The result has been, to some extent, unwholesome immunization of the banking industry against change and evolution. Many new financial techniques have evolved in recent years; there is danger in being left behind. Without great efforts on the part of the banks, this kind of overregulation could send them the way of the railroads.

Experience with existing regulation thus suggests some of the problems that might beset an attempt to implement social control of business through a federal charter. Probably the least of the risks is domination by industry. An agency that regulates all business would have very diversified contacts. No disproportionate intimacy with any one of them need develop. Different interests would provide checks and balances.

Stultifying overregulation would be harder to avoid. Most industries would have to do with more than one department of the commission—those dealing with environment, labor relations, product quality, for instance. Competing objectives would have to be reconciled, a large number of officials consulted. In this commission the motto would have to be "clear it with everybody."

Excessive concentration of power would present a problem in a Supercommission that we have not encountered in existing agencies. Regulating both by industry and function, a really effective federal commission would hold much greater power than any of the present bodies. Concentrating this power in Washington does not make the prospect more attractive.

The kind and amount of power wielded

would depend on Congress. The enabling legislation might leave the agency much or little discretion. The mandates might be changed only at rare intervals, and within well defined areas, or they might be open-ended, with frequent revisions and additions. In any event the power potential would always be present.

Concern over excessive power would be superfluous if the outcome of the whole exercise should turn out to be zero effectiveness. There are enough precedents to make this possible, both in existing federal regulation and in the chartering procedures by which the various states now breathe life into the corporate form. Precisely because of the vastness of the federal chartering enterprise, because of the need to limit the power of such an agency, and because of its lack of focus and clear priorities, ineffectiveness is not altogether unlikely. Regulation might become a formality, capable perhaps of tying things up with red tape, but producing no movement in any particular direction.

THE WRONG APPROACH

The difficulty of making a reasoned assessment of the probable impact of a federal charter derives not only from the mixed experience with existing methods of regulating business. It has a deeper reason. Existing methods have the virtue, at least of properly matching subject and object, the regulator and the regulated, the scope of the legislation and its purpose. Railroads are regulated because they are railroads, not because they are corporations. Securities issues are regulated because the legislature was concerned wtih securities, and not with everything else that corporations sell, buy or produce.

To regulate corporations, and to use this as a handle for regulating assorted corporate activities is a purpose lacking in adequate definition. The corporation is the wrong unit to regulate. The uncertainty about how such regulation should be accomplished, and what results, if any, it would have, derives from this basic incongruity. The attempt to proceed along this line would probably go off the rails in one direction or another.

Whatever improvements are needed in present social controls of business, they have at least proceeded in the proper dimensions. Industry or function provides a clear objective, to be dealt with by limited means tailored to the purpose. This is a regulatory principle that legislation seeking to achieve new social objectives would be wise to perpetuate.

Future legislation there will be. National priorities have been shifting toward the protection of the environment and of the consumer, with legislation and administrative processes to apply it. Much of this may have been merely the first shoe that was dropped.

The prospective need for future legislation altering and perhaps enlarging the social control of business, however, by no means implies a need for federal chartering power. There is nothing in a federal chartering procedure that Congress cannot do directly. The commerce clause of the Constitution is the source of this power. The concept of "interstate commerce" has been broadened so far that most corporate activities worth regulating fall under it. Federal incorporation would add nothing. In fact, if some requirement were imposed, as a condition to obtain or retain a federal charter, that could not be imposed by legislation under the commerce clause or some other clause, its constitutionality would probably be challenged.

Much can be said in favor of legislating separately for particular purposes. As contrasted with generalized legislation conferring broad powers upon a regulatory commission, the specific legislative route permits more thorough examination of proposed controls, in public hearings. It allows more give and take in the legislative process. Implementation can be more expeditious, should the alternate route of broad authority by one agency lead to frequent litigation.

DO-IT-YOURSELF SOCIAL PRIORITIES

An issue more basic is how much government action is needed to implement our nascent priorities. How much, in the way of social responsibilities, can business be expected to take on without government compulsion?

The traditional position of classical economics has been that business serves society best if it allocates resources where they are most productive. Another way of saying exactly the same thing, generally, is that business should seek to maximize stockholders' profits, since that is accomplished by optimal allocation of resources. Many businessmen who originally took this position have shifted away from it. They are prepared to accept social responsibilities on behalf of their companies even if it costs the stockholders money.

For the executive this is attractive. From "hired hand" of the stockholders he is promoted to "arbiter among competing claims" and "trustee' of the claimants. At least, it will be attractive until he finds accountability following on the heels of authority: The "unreviewable discretion" with which lawyers like to endow trustees does not often go unchallenged in social matters.

To the economist, a business philosophy that does not maximize profits is uncomfortable. The profit guideline makes all business decisions predictable, in theory at least. When it is abandoned, business action and with it the behavior of prices, output, incomes and all the rest become indeterminate. Economics then has little to say about the behavior of a firm.

Actually, the businessman may be closer to the classical position than the economist who thinks in terms of the stockholders of a single firm. Today most stockholders are diversified—through their own portfolios, through mutual funds, or through pension funds and insurance. This makes their true interests much broader than those of any single company. Numerous social expenditures a firm can make, that may not pay off for that particular firm, do pay off for business as a whole. Suppose firm A invests in job training that pays off only if the trainee remains indefinitely. In fact, he quits after a time and takes a job with firm B. Firm A has lost, but B has gained a trained man without the training cost. If the stockholder owns stock in both A and B, he benefits by the training investment if B's gain exceeds A's loss.

Technically, the improvement in the labor force financed by A, and any similar service, is known as an externality, i.e., a benefit produced that A cannot capture. For business as a whole, it is not an externality. Somewhere in the economy the benefits will be captured. For the diversified stockholder, it is not an externality either.

This being so, the case for socially oriented expenditures by business gains strength. Individual firms will still be acting in the broader interest of their stockholders, even though a particular outlay does not pay off directly. They will be creating externalities the stockholder can recapture.

One of the most valuable externalities a firm can create and, when created by others, take advantage of is freedom from burdensome government regulation. By taking on some of the social responsibilities that might otherwise be imposed, an individual firm can contribute to this freedom.

Much of today's new regulation has resulted from popular concerns. The federal incorporation idea belongs in that category. To the extent that business can take care of such concerns voluntarily, pressure and the ensuing legislation will be muted. The action may not pay off directly. But it may pay off well for business as a whole, and for its diversified stockholders.

THE LATE HONORABLE WILLIAM O. COWGER

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. SCHWENGEL. Mr. Speaker, with considerable sorrow and a sense of personal regret, I call the attention of the House to the demise of the Honorable William O. Cowger, former Representative of the Kentucky Third District.

During his service in this Chamber, I had occasion to make the acquaintance of, and to work with this remarkable man, and in a short time had come to regard him as one of my closest friends. A strong believer in the best of American tradition, he was a true Republican, in the Lincolnesque meaning of the word; conservative in the matter of conserving our national strength and our national purposes, yet progressive—once again in the manner of Abraham Lincoln—in demanding true equality for all.

A businessman, he knew well the importance of commerce in maintaining the national livelihood. A former athlete, he knew well the advantage of a vigorous policy in behalf of what is needed. A quiet philosopher, he recognized the requirement of justice under law, for every man alive, if we would hope to still the noisome cries of discord throughout the world.

Bill Cowger served in Congress for two terms, during which he was an active member of the Banking and Currency Committee and the Government Operations Committee. In both capacities he established himself as a man of high ability, with a rare talent for cooperation on the one hand, and tenacity of purpos on the other.

A native of Nebraska and a graduate o Texas A. & M., Bill Cowger saw naval service both in the Atlantic and Pacific during World War II, and upon his return to the States settled in Louisville, where he entered into business with considerable success. He was at different times president of the Louisville Junior Chamber of Commerce and president of the Louisville Mortgage Bankers' Association, and on different occasions was named Louisville Realtor of the Year, Kentucky Realtor of the Year, and one of Kentucky's three outstanding young men of the year.

In 1961, he successfully challenged a tradition of 30 years standing, winning election as mayor of Louisville, running as a Republican. Under his regime, public accommodations in the city were opened to black citizens for the first time.

In 1966, Bill Cowger was nominated for Congress and elected with the backing of a liberal coalition. In Congress, he compiled a voting record consistently in favor of bills supporting housing, education, and aid to the cities. He also served as chairman of the Republican Task Force on Urban Affairs, calling on the local Republican leadership in the District of Columbia to develop a positive program for solving District problems.

Initially a "Hawk," in support of the American involvement in the war in Indochina, Bill Cowger changed position on the war far in advance of many others, coming out for disengagement in the fall of 1968. In so doing, he may have lost some support and in his final campaign for office last year he failed of reelection by 211 votes out of nearly 100,000 cast. Yet even in defeat he was impressive, for he had held to his principle, and that was the only way he knew how to act.

His views on the war in Indochina stemmed in a large part from two personal visits to that area. I had the pleasure of accompanying him on both of those trips, along with the other members of the Volunteers for Vietnam. Bill deserves great deal of the credit for the success of the visits by our team. His contributions were substantial, including our final report to President Nixon.

The Commonwealth of Kentucky has lost a great man in the early, tragic death of William O. Cowger, and I and many others have lost a true friend.

TIME TO REDISCOVER AMERICA

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. ROSENTHAL. Mr. Speaker, for the first time in 479 years, we are commemorating as a nation, Columbus' voyage of discovery. I believe we should use the occasion to launch a rediscovery of America.

When Columbus came to America, he found a land of vast beauty, rich in natural resources and full of the promise of greatness. The New World offered an open frontier, attracting persons from around the globe who came here seeking refuge from persecution, a new life and an opportunity to shape their own destiny with a freedom never before known.

In the centuries that followed, the "America" which was to emerge would represent an ideal to all repressed peoples, a land of opportunity—equal opportunity—a Nation working for the common good, a land of freedom.

Now in 1971, it is time for us to rediscover America.

We have shamefully abused the once beautiful land which Columbus discovered. Through apathy and neglect we have lost sight of some of our great goals. We have allowed our knowledge and technology to tower over us, draining every available source of power out of the earth, poisoning the air we breathe, permitting the rivers and lakes that feed our land to deteriorate from our wastes.

We have, at times, abused the ideals of our Founding Fathers and denied liberty and justice for all. We are not living up to the faith and hope which built this Nation.

Lest I sound altogether negative, permit me to paraphrase Winston Churchill: This is the least perfect nation on earth, with the single exception of all the others.

But that does not free us from an obligation to do better. That is why, Mr. Speaker, on this day, I suggest that we Americans reflect and reevaluate ourselves as a nation.

BUSING—THE BIG UGLY SLEEPER

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. FISHER. Mr. Speaker, there has been so much said and written about the compulsory cross-busing policy that there is a scarcity of that which is not repetitious. An exception to this seems to be found in a Newsweek article written by the distinguished writer, Stewart Alsop.

These comments by Mr. Alsop are objective and revealing. The expressions are timely, and should be read by all Americans:

THE BIG, UGLY SLEEPER

(By Stewart Alsop)

WASHINGTON.—What the politicians call a "sleeper"—an emerging issue that could have a decisive political impact—is just becoming visible as the Presidential election year approaches. This big, ugly sleeper was created when the Supreme Court handed down its recent decision requiring school busing for purposes of racial balance.

The decision was written (very fuzzily) by President Nixon's own appointee, Chief Justice Warren Burger. But that shrewd fellow, Mr. Nixon, quickly recognized the impact of the sleeper, and publicly ordered his subordinates to "hold busing to the minimum required by law."

The President's natural enemies, the liberal Democrats, are beginning, uncomfortably, to recognize the impact of the sleeper, too. But they cannot overtly oppose the Court decision and remain liberal Democrats in good standing. As a result, their statements on the issue (of which this reporter has made a choice collection) might be published for the benefit of ambitious fledgling politicians, under the title, "How to Straddle an Issue."

The Court decision was, of course, motivated by the very best of intentions. But good intentions are what the road to hell is paved with, and some rather hellish consequences, especially for the liberal Democrats, are already visible. The decision principally affects those people who have traditionally constituted the basic liberal Democratic constituency—the "little guys," the proles, the unaffluent urban whites. It does not at all affect ruling-class liberals—a category to which all the Democratic Presidential candidates belong, as well as all the liberal commentators who have attacked the President for his "hypocritical" failure to support the Court decision.

PRIVATE SCHOOL

To prove that this is so, it is only necessary to ask where the leading Democratic Presidential hopefuls send their own children to school. Just one of them—Sen. Henry Jackson, reviled by many liberals as a cold-war reactionary—sends a child to a District of Columbia public school. Jackson's daughter goes to a D.C. public school which is about a third Negro.

The other liberal Democrats have displayed no unconquerable urge to send their children to a central-city school to promote racial balance. Sen. Edward Kennedy and Sen. Birch Bayh have children at St. Alban's, Washington's closest approximation to St. Grottlesex. Sen. William Proxmire's child goes to Landon, another private school and so did Sen. Hubert Humphrey's most recent school-age child.

Sen. Edmund Muskie's school-age children go to private Catholic schools. Sen. George McGovern's five children have gone to the suburban Bethesda-Chevy Chase school, currently with about 3 per cent Negro enrollment. As for New York's entry, Mayor John Lindsay, some years ago Mrs. Lindsay remarked flatly that her children had always gone to private school and always would.

RACIAL JUSTICE

It is a good guess—and indeed, no guess at all—that those liberal commentators who have been most critical of the President's anti-busing stand have displayed a similar disinclination to sacrifice their children on the altar of racial justice. (Just for the record, all this more-or-less liberal commentator's six children have gone or are going to private schools.) Nor is this disinclination particularly shameful—for surely it is understandable that every parent wants for his children the best education he can afford.

That kind of education is rarely if ever available in schools which are given an artificial racial balance by busing or other means. A two-month survey by The New York Times in 1970 reached the amply documented conclusion that "in virtually every part of the country where schools have substantial Negro enrollments" the result has been "racial polarization, disruptions, and growing racial tensions that sometimes explode into violence."

That is not the sort of school to which even the most dedicated liberal would voluntarily send his child. For example, Sen. Walter Mondale, one of the ablest and most genuinely idealistic of the liberal Democrats, sent all his three children to D.C. public schools—two are still there. But when he discovered that his son, in a Negro-majority school, was receiving virtually no education, and was getting "rolled" almost daily, he understandably withdrew the boy.

Whose children, then, do get bused across town to provide racial balance in central-city schools? The answer is quite obvious—the lower stratum of urban whites, the people with several children and $8,000 or so a year, who are already up to their eyeballs in debt, and who can't afford to escape to the white suburbs, much less to send their children to private schools. These people are the traditional basic constituency of the liberal Democrats—and the notion that their children are being used to salve the consciences of ruling class liberals is not likely to please them one bit.

There is no doubt at all that the consciences of the white majority in this country could do with a bit of salving. It was morally monstrous that until 1954, many Negro children could not go to the nearest tax-supported public schools because of the color of their skins. The Supreme Court's 1954 decision sending little Linda Brown to the nearest white public school in Topeka was surely morally correct.

It is still morally monstrous that per-pupil expenditure in poor school districts should be a third or less of that in prosperous suburban districts, like this area's Bethesda-Chevy Chase. Thus the recent California decision calling for equalized expenditures was surely morally correct too. Surely it is also morally correct that the power of the Federal government be used to open up middle-class jobs and the middle-class suburbs to Negroes. All the evidence indicates that integration really succeeds only when the middle class is integrated with the middle class.

DEMOCRATIC EROSION

But is it really morally correct that a little Linda White, say, should be bused across town to experience "racial polarization, disruptions, and . . . violence" for one reason only, that her parents cannot afford to extricate her? Is it not at least morally dubious that America's ruling-class liberals should support class legislation in the form of a court edict, which forces the unaffluent whites to send their children to schools where affluent whites will not send their own children? Surely this kind of Marie Antoinette liberalism plays directly into the hands of the likes of George Wallace, and erodes the support of the basic constituency of the liberal Democrats.

GOV. JOHN J. GILLIGAN SPEAKS ON ECONOMY

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. JAMES V. STANTON. Mr. Speaker, last week the Governor of Ohio, John J. Gilligan, appeared before the House Banking and Currency Committee to describe the harsh economic conditions which now exist in Ohio, and to give his ideas for remedial action. At that time he endorsed a concept in which I strongly believe: that in our effort to control inflation we should not shortchange the many worthwhile and productive governmental programs we have established in recent years. As Governor Gilligan said:

> To cut back spending in the public sector is a double disservice: it has a direct and deleterious effect upon the quality of life in all our communities, and its disemploys, or denies employment opportunity, to millions of Americans who are eager to work, and to put their skills and efforts at the service of their fellow citizens.

I would now like to commend to the attention of my colleagues the text of the Governor's statement:

GOV. JOHN J. GILLIGAN'S TESTIMONY BEFORE THE HOUSE BANKING AND CURRENCY COMMITTEE

Mr. Chairman and distinguished members of the committee, I am profoundly honored to be asked to appear before this distinguished Committee to offer some comments on the President's new economic game plan from my vantage point as Governor of the State of Ohio, a state of 11 million people that has historically played an important role in the industrial foundation of the American economy, and has been traditionally responsible for about 5% of our gross national product.

Let me say at the very outset that much of what I will offer for the consideration of the members of this committee is based upon speculation and surmise, since no one really knows what the President may be planning to announce for Phase II, or Phase III, of his new program of economic controls.

An Administration spokesman was recently quoted in a national news magazine as saying, "Of course we are jittery. It's like blasting off in a two-stage rocket while the mechanics are still working on the second stage. The fact is that we don't have all the answers and we are committed to a course. This would make anyone nervous."

If that Administration spokesman is nervous in his position as a member of the launching crew, it is fair to say that those of us who must, willy-nilly, ride aboard the economic spacecraft designed by the President and his advisors are deeply apprehensive. Since we are uncertain as to where we are going, or how the flight director proposes to get us there, it might be useful to consider first where we are in the present state of the American economy.

At the recent National Governors' Conference in Puerto Rico, a substantial majority of the Governors present subscribed without equivocation to a statement outlining the dimensions of the economic crisis which presently grips America. They pointed out, among other things, that "Our country now has the highest unemployment level in a decade, coupled with the highest rate of inflation in 20 years, the lowest business profits since 1938, the first negative balance of trade in this century, a disastrous cost-price ratio in agriculture, and the largest deficit in the Federal budget since World War II. One-fourth of existing factory capacity is idle. In short, it has finally been admitted that we are faced with the worst economic crisis in a generation."

While economists have estimated that 28% of America's plant capacity now stands idle Vice President Agnew, in an address to the Governors in San Juan, declared that it was the Administration's view that it is unrealistic to believe that any substantial share of that idle industrial capacity could be put to use unless America became involved in a major war. Without any further comment, I will simply ask the members of this committee to meditate upon the long and short range implications of that astounding statement.

Permit me to attempt to translate the statistics of idle plan capacity into more human terms as they apply in my own state.

Ohio is a major industrial state with a widely diversified base of primary industries: coal and steel production, fabrication, assembly and distribution of manufactured products of all sorts.

Two years ago this month the number of Ohioans claiming unemployment benefits under Ohio law was 23,582. Last year that figure had come to 63,562. Last week it was 99,872—and there are, moreover, 40,000 Ohioans who have exhausted their unemployment benefits, and are now no longer even a statistic in the unemployment compensation reports.

That means that in two years almost 100,000 Ohioans have lost their jobs, and their families today are facing privation (desparation), and despair.

Startling as these figures may appear, they only trace the outlines of the problem. They do not take into account thousands of unemployed Ohio workers, who were laid off from their jobs not covered by the provisions of unemployment compensation programs. They do not deal with the problem of tens of thousands of young Ohioans coming into the job market in the last two years who have yet to find their first job, and who face a future that is bleak indeed.

I am not talking only about the high school and college graduates who are walking the streets searching for employment; I am talking as well about the men returning from service in Viet Nam.

Ohio was the first state to launch a program in which we sought to identify, and locate, every single returning Viet Nam veteran, to find out where he lived, what his phone number was, whether he was employed or in school, what his job skills might be, so that we could help him to reestablish himself in what the troops call "the real world."

We found that there were no less than 32,000 Ohio boys who had served their country in Vietnam yet could not find a job, although some of them had been searching for as long as 18 months. Many of them had families to support; many were reduced to asking for welfare; and it is not easy for me to convey to the members of this Committee the kind of resentment and bitterness which we found among these men who feel that this Nation has used them in an ugly and useless war, and as a reward for their sacrifices, has now consigned them to a sort of human scrap heap.

Again the statistics I have cited reveal nothing about tens of thousands of Ohioans who are still employed, but who are working shorter hours with less overtime, and who are bringing home reduced pay checks that are totally inadequate to meet the higher prices for every commodity and service their families require.

Last year, for the first time in 20 years, the real income of fully employed Ohio workers turned downwards! And I can only say again that the bare statistics are incapable of conveying the kind of economic distress and wide-spread suffering which press upon thousands and thousands of Ohio families.

As part of the answer to this problem the Administration has recommended an investment tax credit for industry, designed to encourage investment in new machinery and equipment, in the apparent hope that such investment will produce new jobs. That device should certainly be more effective than the earlier proposal of accelerated depreciation schedules for equipment and machinery already on the line; but no one should be deluded into believing that his constitutes any really effective response to the kind of problem that I have just outlined.

Some employment may result, but we all recognize that while new machinery and equipment often increase production, there is frequently a concomitant sharp reduction in the use of human labor in the productive process. And the experience over the last 20 years in our basic industry in Ohio is that production levels may well climb while employment levels in those same industries sag.

It would, in my judgment, be very dangerous for the Congress to assume that the tax credit approach will provide an automatic or effective means of cutting substantially into the unemployment problem. It has been estimated, for instance, that we will need 4 million new jobs in America next year, to bring unemployment levels below 5%! I am not a trained economist, but I would most respectfully suggest to this committee and to the Congress, that America must face the fact that these new jobs simply will not be developed in the private industrial production field, but must be developed in the fields of services and most especially in government services.

That brings me to the consideration of the very great problem in the field of public employment, and of the impact upon public employees of the measures already invoked by the President, including the wage-price freeze as well as the measures designed to stimulate additional employment in the field of private production.

Much has been said of the basic inequity of an across inequity of an across-the-board an across-the-board wage freeze, but let me attempt to relate that criticism to some of the fundamental facts of life in Ohio.

The State of Ohio today employs approximately 55,000 people, almost 3,000 less than during the month of August, because we were forced to dismiss hundreds of employees due to insufficient state tax revenues. Local government employs over 65,000 people in Ohio, and in some of our major cities hundreds of these employees have been laid off because of reduced municipal budgets.

There are 100,000 teachers in Ohio schools, and again hundreds of them have been dismissed because of inadequate resources available to the school boards.

It has been estimated that state and local governments throughout the Nation in the past year lost 3.5 billion dollars because of the impact of the current recession on anticipated tax yields.

Clearly, therefore, unemployment in the public sector is directly attributable to the economic policies of the national administration.

I would emphasize that almost all of these public employees are completely without the protection of unemployment compensation, and when dismissed they are immediately confronted with economic disaster. Hundreds of them are quickly reduced to absolute destitution. While welfare rolls continue to swell, there are those who would demand that welfare recipients simply go out and find a job. Where?

In March of this year I presented to our General Assembly the results of a study of income levels of state employees in Ohio compared to people doing similar work in the Federal Government, and other states, and in the private sector. We discovered that while the average weekly wage paid in Ohio industry was $151.45, the average wage in state government was $130.71. We discovered further that while in the spring of 1970 the U.S. Bureau of Labor Statistics declared that a minimum budget for a family of four was $6960 a year, and that anyone living below that level could be considered to be living in poverty, fully 60% of our full time state employees were earning less than that.

Incredible as it may sound, our study revealed that under the terms of the 1970 Disaster Relief Act, due to go into effect in December, nearly 2,000 full time employees of the State of Ohio will qualify for the Federal Food Stamp Program. The study also disclosed that several hundred employees actually qualified for welfare assistance under the very low income standards established by our State.

I therefore recommended to the General Assembly an across-the-board wage increase of 16%, and about 2500 separate adjustments for specific job classifications within the wage structure. This proposal was designed to bring state employees up to a level with other states and with private industry. Although we are 2½ months into the new fiscal year, our General Assembly has not yet approved a biennial budget, and has not yet acted upon the pay package for state employees. Now it is apparently the intention of the Administration, by executive edict, to freeze the income levels these thousands of Ohio public employees at their present inadequate and unfair levels. Such a proposal clearly seems to me to represent a body blow to the effort to reestablish some basic equities, and to revitalize our nation's economy.

Moreover, the President has announced his intention to reduce the Federal Government's payrolls by 5%, and if we in Ohio are to take our proportionate share of such cutbacks, the result will be an additional 5 to 6 thousand unemployed.

I don't believe that I can overstate the case: millions of American men and women are engaged in public service employment today, doing work of every conceivable description, work that is vitally important to the standard of living which all of us enjoy. Millions more can, and should, be employed in the public sector, making their own contribution to the fields of education, public health, air and water pollution control, crime control and public safety, and all the other activities which are so capable of enriching the life of our society. To cut back spending in the public sector is a double disservice; it has a direct and deleterious effect upon quality of life in all our communities, and it disemploys, or denies employment opportunity, to millions of Americans who are eager to work, and to put their skills and efforts at the service of their fellow citizens. The proposed tax credits won't touch this problem. Wage freezes, laid on across-the-board, will exacerbate the present inequities. Reductions in public spending for domestic purposes will render the problem finally insoluble.

I know that the members of this Committee will understand that the task before all of us is to put Americans back to work, in useful employment—whether in the public or private sectors—at income levels which permit people to live in decency and dignity, and to raise their families in security.

Again, I want to thank the Chairman, and the members of this committee for permitting me to express my views on this critical problem.

DAMAGE EFFECTIVENESS—II

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. SCHMITZ. Mr. Speaker, last week—Congressional Record, October 7—I point out that Senator Buckley's amendments to the military procurement authorization of 1972 to equip our land and sea based strategic missile force with a hard target damage limiting capability would not have given the United States a first strike capability over the Soviet Union, as some seemed to assume. A first strike capability requires an overwhelming preponderance of force. Increasing the accuracy of our Minuteman-Poseidon force would not produce the necessary preponderance. This type of upgrading would not provide us with assured destruction of the Soviet ICBM force necessary for a calculation of successful first strike and does not interfere in any way with the deterrent effect of the other two portions of the Soviet triad, their strategic bombers and submarine launched ballistic missiles. Either one of these two systems provides the Soviets with an excellent deterrent against the United States, and will into the forseeable future. Combined they provide the Soviets with more than enough guaranteed retaliatory power to forestall any U.S. attack even if we had the desire. The fact is we do not.

What Senator Buckley's amendments would have done if they had passed is help eliminate several Soviet attack options which are developing as a direct result of our failure to make our missile force accurate enough to render the Soviet hardened missile force something less than invulnerable. I made specific reference to only one increasingly feasible method of attack, that being a combined SS–9 and SLBM attack which could critically degrade our land based Minuteman force and our land based strategic bomber force. As was pointed out in a study recently released by the Operations Research Society of America investigating the 1969 congressional debate on Safeguard:

> E. *The Problem of Coordinating Strikes on Both Missiles and Bombers.*
>
> Opponents of Safeguard frequently raised the objection that even if Minuteman and bombers were separately vulnerable, it would be impossible to design an attack that did not give one or the other component enough warning to launch before being attacked. For instance, Wiesner states that an SLBM attack on the bomber bases "would occur before attacking ICBMs launched at the same time would reach their targets and that this could provide the basis for firing the U.S. missile force' (p. 75 of the Chayes-Wiesner book), and Panofsky states in testimony on April 22 (p. 1128, part 2, Stennis Committee):
>
> "If we did imagine a coordinated attack both on our missile sites in the north by multimegaton missile warheads, and at the same time arrival of an attack from the sea on our bomber bases, then the amount of warning available to us from detecting the launch of a massive ICBM attack against our missiles would be ample to get the SAC bombers into the air. On the other hand, if the bomber bases were attacked first, although part of the bomber force might not escape destruction, our missiles would be intact and the Soviet planners would know that they would be exposed to an overwhelming retaliatory strike from our Minuteman force . . . Therefore the combined strategic bomber and land-based missile force assure survival of one or the other from attack.
>
> These statements ignore the possibilities of SLBM attacks on the Minuteman force during the time interval before ICBMs impact on the Minuteman sites spaced to make it unwise to launch Minuteman. With the numbers of submarines cited by Foster for this time period, and with reasonable SLBM reliabilities, this type of joint bomber and missile pindown attack may well be feasible. Those who wish to challenge the possibility of a pin-down attack by the Soviets must treat *all* reasonable tactics that might lead to pin-down, and demonstrate that *none* of them will succeed. This was not accomplished during this debate.
>
> This point was discussed further in the 1970 debates. Foster stated in this connection (Stennis 1970, pp. 2332–2333), "We believe that a first strike against both the Minuteman force and the strategic bomber force, although difficult, is technically feasible. The most suitable Soviet tactic would be to launch from its submarine fleet simultaneously an attack on our bomber bases and an attack to prevent our launching Minuteman. The timing of such an attack, although critical, is by no means infeasible."
>
> Panofsky's reply was, "we are faced again with a claim that a coordinated attack which would disable both Minuteman and the Strategic Air Command is technically feasible in a 'first strike scenario.' Because of the timing problems I have referred to in previous testimony such an attack would indeed require 'an attack to prevent our launching Minuteman' from sea-launched missiles. This would require an enormous increase in numbers of Soviet missiles, their accuracy, and in the confidence the Soviets would have to have in their system. Moreover, the SAC fleet would have to remain on the ground as 'sitting ducks' even in times of stress, that is, they would have to be not on airborne alert; moreover the SAC airfields would have to be within reach of the Soviet's SLBMs a fact we are presently changing.
>
> "The final remark given in this DOD comment is covered by the statement in my testimony. 'We are giving the Soviets credit for a degree of performance and reliability of the military systems, which we could not dream of achieving ourselves.'
>
> "The type of reasoning presented in this DOD comment represents the kind of contrived threat which totally ignores the kind of realities the Soviet planner would have to face."
>
> The Committee does not feel that discussion by Panofsky on the infeasibility of coordinated strikes against U.S. bombers and missiles satisfactorily refutes Foster's claims.

Another Soviet attack option which we are opening up by failing to make relatively inexpensive modifications that would improve the accuracy of our missiles is the city evacuation attack. Calculations of a successful first strike rest upon being able to lower the enemy's retaliatory capability, through the use of counterforce weaponry and ballistic missile defense, to a point where the damage to oneself is not expected to be unacceptable. Civil defense in this case is nothing less than a form of passive ballistic missile defense, complementing anti-ballistic-missile systems.

If the nation upon which the attack is being contemplated has its entire retaliatory strategy based on nothing more than inflicting civilian casualties then it is apparent that the importance of civil defense in achieving a first strike capability increases tremendously. In the abstract, perfect civil defense coupled with a minimal level of nuclear forces able to penetrate and destroy enemy cities could give one a first strike capability.

Unfortunately Soviet civil defense measures are far from being abstract. The Soviet Union is today spending up to three times as much on civil defense measures in 1 year as the United States has spent in the last 6 to 8 years combined. Noting that the Soviet Union has a GNP only one-half of ours helps to illustrate the degree of seriousness with which they take civil defense. The article by Miss Joanne Gailar of Oak Ridge National Laboratory, which will be inserted following my remarks, goes into some detail on the magnitude of the Soviet civil defense program.

The effects of the Soviet program in terms of our strategic force posture aimed at nothing other than decimating Soviet noncombatants, has been drawn out for us by one of America's greatest living physicists, Dr. Eugene P. Wigner. Professor Wigner was instrumental in designing and testing the world's first atomic pile and has received numerous awards for the genius he has exhibited in his field. These include the Enrico Fermi Award, the Atoms for Peace Award, the Nobel Prize for Physics, and the National Science Medal. He is a man fully qualified to speak on the subject of the effects of nuclear weapons and their relation to civil defense.

Dr. Wigner has made some calculations based on the current Soviet civil defense program which should be of great interest to everyone. First he assumes that the United States will target only enemy civilians and industrial concentrations rather than hardened Soviet missile sites. This is the key to successful city evacuation attack, the condition which Senator BUCKLEY amendments were designed to eliminate. Our force posture known as "mutual assured destruction," also known as "assured destruction" and "realistic deterrence" hereinafter abbreviated as "MAD," has resulted in having missiles which are not capable of the accuracy necessary to target anything other than "soft" urban-industrial centers.

Starting from our "MAD" targeting doctrine Dr. Wigner bases his calculations on the Soviets successfully carrying out their current city evacuation plans and gives the United States the best possible chance of inflicting maximum casualties. He assumes that: First, the Soviet first strike against our missile forces is without effect; second, the Soviet ABM system is completely inoperative; and third, the United States aims only at the evacuated civilians. The first assumption is probably close to what would happen in reality since we would probably have peaked our forces during the time it took the Soviets to evacuate their cities. The second and third assumptions simply give us a best shot possibility and serve to emphasize the magnitude of Soviet civil defense procedures.

Dr. Wigner calculates that we would inflict just about 10.5 million casualties on the Soviet Union. While this is an enormous number of casualties it is well to recall that deterrence under the "MAD" concept, as it was spelled out by the previous administration, is based on being able to destroy 20 to 30 percent of the population of the U.S.S.R., 48 million to 72 million people, and between 50 to 70 percent of its industry. Dr. Wigner goes on to point out that the loss of some of our missiles and the targeting of others toward industrial centers or soft military targets, would reduce the number of Soviet casualties by perhaps one-half. He concludes:

> While 5½ million lives lost is a terrible retribution, is it assured a destruction? Is it sure to deter a nation that lost twice that many in World War II? Can a President of the United States bargain with this deterrent against the threat of a first strike which can kill many millions of Americans?

When attempting to assess the magnitude of fatalities that will serve to deter the Soviet Politburo we must take into account their attitude toward the loss of human life. Robert Conquest's study prepared for the Senate Internal Security Subcommittee, "The Human Cost of Soviet Communism," gives us a good indication of the value placed on human life during the time which the current Politburo leaders were making their way up the ladder to their present positions. Mr. Conquest's findings, simply as regards deaths in Soviet prison camps, is staggering. He concludes his study with the finding that—

> Thus we get a figure of 20 million dead (over the period 1936–1950 in the prison camps), which is almost certainly too low and might require an increase of 50% or so, as the debit balance of the Stalin regime for 23 years.

This would suggest to me the possibility of a relatively high criteria for unacceptable damage measured in human lives.

By failing to give our missile forces a hard target damage limiting capability we are working ourselves into an untenable position. If the Soviet Union begins to evacuate its cities we do not have the means necessary to render their strategic offensive missile forces ineffective. The only alternative facing the President is to launch on evacuation before our target disappears into the tundra or simply to wait and hope that they are not going to strike while our deterrent capability, that is their reason for not striking, is vanishing.

The administration's decision not to upgrade our land and sea based missile forces to the point where they have a hard target capability is thus presenting the Soviets with another possible successful attack option. Prof. Morton Kaplan of the University of Chicago has put our acquiescence into the development of possible successful Soviet attack options in the proper perspective. Professor Kaplan stated:

> People treat the arms race as if the proper analogy would be poker. They assume that finite deterrents will work under all circumstances, that no objective is likely to justify the Soviet's use of first strike and that the world will develop in benign directions. Therefore they wish to place their bets on the probably winning hand. Yet the more appropriate analogy would be that of Russian roulette. It could be pointed out in defense of Russian roulette that there is only one chance in six that the chamber will have a bullet in it and the person be killed. Yet any sensible person would refuse to play the game in the first place. The truth is that we live in a world with one history, that we are seldom able to correct past mistakes, and that a catastrophe will be irrevocable. In this kind of world, a relatively small payment to insure that the game is not one of Russian roulette would be quite worthwhile, even if we could be assured that there are forty chambers to the gun and that only one chamber will have a bullet in it.
>
> As any intelligent and honest social scientist will admit, we are unable to predict the future and many surprises will occur. In a regime or bloc crisis, a first strike against the United States might prove tempting to the Soviet Union, provided that some reasonable calculations could be provided by the Soviet high command."

To allow the Soviets to develop the means whereby they calculate that they can successfully dispatch the United States through nuclear war is highly provocative. To reject the upgrading of our forces necessary to deny the Soviets successful attack options on the basis of nothing more than the shop worn theory of Soviet paranoia—that is, our war fighting capability may frighten them into commiting suicide by attempting an attack which they can be reasonably sure will fail—we are acting in a manner unbecoming to reasonable men. Offsetting postulated Soviet fears to the point of allowing them to achieve a central war winning capability is truly playing Russian roulette with the lives of the American people.

The fact that the administration wishes to maintain our land- and sea-based missile force with the degree of inaccuracy necessary to insure that we cannot limit damage to ourselves should the need arise means that the initiative in this instance will have to come from the Congress, as was the case with Senator BUCKLEY's amendments.

It is certainly ironic that an administration which makes such a point of stressing a force posture based on Soviet capabilities rather than Soviet intentions should use the SALT talks as one of the reasons against equipping our forces with a hard target capability. Talks represent nothing more than possible intention. Negotiations are one thing, forces in being and under construction quite another.

So that my colleagues will be able to critically evaluate the matters which have been discussed here I would like to include in the RECORD at this point the article by Dr. Wigner in which he details his calculations and the article by Miss Joanne Levey Gailar, a staff member of the civil defense research project at Oak Ridge National Laboratory, on the magnitude of the Soviet civil defense program. For those of my colleagues who are interested in reading about the Soviet civil defense program right from the horses mouth, the Oak Ridge Laboratory has recently completed the translation of the current Soviet civil defense manual and it is available from the National Technical Information Service, U.S. Department of Commerce. Both Dr. Wigners and Miss Gailar's articles originally appeared in Survive magazine.

The articles follow:

THE MYTH OF "ASSURED DESTRUCTION"

(By Eugene P. Wigner)

(Facts of modern Soviet defense reveal a drastically different picture than that of an obliterating second strike by the United States in the event of Soviet nuclear attack. Here Princeton University's Dr. Eugene P. Wigner, renowned physicist and civil defense authority, examines these facts and arrives at the conclusion that the Soviet Union would not be crushed by our counterattack. It would, thanks to effective survival plans, lose fewer people than it lost in World War II—probably less than half as many.)

A large part of our public and much of our military consider civil defense preparations unnecessary because they believe we can rely on the "assured destruction" doctrine. This doctrine tells us that, even after being subjected to a first strike, our forces can inflict such damage on the assailant that his destruction as a nation is assured. Hence, no nation will ever attack us or ever threaten us with an attack. The purpose of this article is to expose this doctrine of "assured destruction" as a myth. It became a myth principally as a result of the elaborate preparations which were undertaken by the USSR to evacuate its cities. If such an evacuation were carried out before a confrontation is precipitated, our deterrent based on the threat to the Soviet urban population would have evaporated.

Underestimating the effectiveness of defense—in the present case the civil defense and city evacuation plans of the USSR—is almost as common a mistake as preparing defenses against the enemy tactics of the *preceding* war. Thus, before the First World War, it was taken as axiomatic that the outcome would be determined one way or the other within three weeks because the offensive power of at least one of the parties would overwhelm the defense of the other. Yet the trenches protected the troops of both sides and stalled the progress of the attacker for four years. As to the Second World War, psychologist Janis observes,[1] "prior to World War II, government circles in Britain believed that, if their cities were subjected to heavy air raids, a high percentage of the bombed civilian population would break down mentally and become chronically neurotic. This belief, based on predictions made by various specialists, proved to be a myth." Indeed, the stories of horror, the subject of a variety of books before the Second World War, depicting the utter hopelessness of people roaming the streets, their disorientation and helplessness, must have deeply affected every reader. Yet, when the attacks came, the air raid shelters proved to be very effective—effective not only emotionally by preventing the breakdown of morale anticipated by Janis' "specialists," but also physically by providing a remarkable degree of protection.

THE EFFECTIVENESS OF DEFENSE: U.S. DOUBTS VS. SOVIET CONFIDENCE

The situation now is somewhat similar to that before World War II. Both our military and our public give credence to statements by those who grossly exaggerate the power of offense over defense. They tell us that we can do little or nothing to protect the civilian population against the effects of nuclear weapons. In the USSR, on the other hand, civil defense has the wholehearted endorsement of the military, and belief in its effectiveness with which the Soviet government has developed protection for its people.[2]

The publications in the USSR do not conceal the terrible nature of nuclear weapons. Thus, the article of General Chuykov,[3] which forms one of the bases of this article, gives a fair and, in fact, unusually clear picture of the effects of these weapons. One can only wish that all our people were familiar with this article. However, it then goes on to say that "there is no poison for which there cannot be an antidote, nor can there be a weapon against which there is no defense. Although the weapons we have examined are mass weapons . . . they will not affect masses but only those who neglect the study, mastery, and use of defense measures."

SOVIET SURVIVAL MEASURES

Indeed, as readers of *Survive* well know, the Soviet Union is well ahead of us in shelter construction. According to Podchufarov,[4] the length of their subway tunnels is by now 130 miles. Even though they surely exaggerate when claiming that all the subways in the USSR are "safe" in the case of nuclear attack, it is true that they have hardened subways and these provide not only fallout but also very good blast protection—*much better than any of the public shelters in our country.*

The public shelters in the cities of the USSR are, nevertheless, designed to protect only a small part of the total population—those whose services would remain indispensable even during a conflict. What then renders our theory of assured destruction truly a myth? The USSR's extensive plans for evacuation of cities. These are barely more than two years old, yet they extend to all details—often, it seems, to a ridiculous extent. However, their principal lines are simply and clearly formulated. The decision to evacuate "will be announced by radio, television, published in the press (note this), or brought to you at your place of work or residence." People are expected to take along only what is most necessary, not more than 110 lbs. per person.

The evacuation plans, communicated to all city residents, specify the collection point where transportation will be provided for them. At the destination, food, lodging, shelter, work, medical services, will be available. Mail will be automatically redirected to reach people at the evacuation point rather than at their city residences. Plans are also formulated for the evacuation of sick and infirm persons—even for women who have just given birth to a child. Some of the plans appear to be too detailed.

EFFECTIVENESS OF EVACUATION

How effectively would the evacuation, if carried out completely, reduce the casualties and thus negate our "assured destruction"? It is difficult to give an exact figure for this because the total number of casualties depends on several factors. Chief among these are (a) the extent of the success of the USSR first strike in reducing our retaliatory capability, i.e., in destroying some of our missile sites.[5] (b) the effectiveness of the USSR ballistic missile defense in destroying the missiles which we can launch after absorbing a first strike. (c) our own targeting doctrine, whether, under the conditions outlined, we would aim at the remaining missile sites in the USSR, at their evacuated cities to cause industrial damage, or at the evacuated population.[6]

Clearly, the maximum number of casualties would be caused under the least likely assumption: that (a) the USSR first strike against our missile bases is without any effect. (b) that the ABM of the USSR is entirely inoperative and (c) that we aim only at the evacuated people, disregarding the cities and industries, the people sheltered there, as well as the remaining missile sites in the USSR. This last assumption is, of course, least credible.

Under the assumptions just made, the USSR hostage level is easily estimated. The evacuated people are immune to two of the most important effects of nuclear weapons: fire damage and fallout. The shelters protect them from the fallout radiation and no large fires can spread in the countryside. They are subject to the blast. Anyway, if fallout is to be caused, the area subject to a certain blast damage is reduced to about one-half. The total area which we can cover with a blast wave of 15 psi overpressure is 19,000 square miles.[7] This overpressure, 15 psi, is far from the "mean lethal overpressure"[8] of about 50 psi, as established by extensive studies.[9] Hence, one might claim that the number of fatalities which the USSR leaders have to fear is considerably less than the number which we shall obtain, using the adverse assumptions (a), (b) and (c). To some extent this may be true. However, if one considers additional effects, such as initial radiation, flying objects, as well as damage to the eardrums which (though by no means lethal) occurs at *much lower* overpressures, the 15 psi may be a good estimate for a "practical mean lethal overpressure."

If evacuation has taken place, how many people will there be within the area of 19,000 square miles in which we may be able to create the "practical mean lethal overpressure"? This depends on the area into which the people of the cities will be dispersed. Chuykov's aforementioned article[3] gives an indication for this. He mentions a "city A," which we can assume to be Moscow, with a population density of 7000 per square kilometer (18,000 per square mile). After evacuation, the density would drop to one tenth of these figures. Since the population of Moscow is about 7.5 million, one obtains an evacuation area of 3900 square miles or a maximum evacuation distance of about 35 miles.[10] This area then can be destroyed by less than one half of our missiles even though the "area coverage" needed for this is, since circles do not cover an area without overlap, about 4700 square miles.

How to use the remaining missiles, with an area coverage of 19,000—4,700=14,300 square miles? The next largest city in the USSR is Leningrad and, since it lies on the sea, its population cannot be dispersed as well as that of Moscow. The dispersal area for its 4 million people is closer to 2000 square miles (again using the maximum dispersal radius of 35 miles), requiring an area coverage of about 2400 square miles, leaving an area coverage of 11,900 square miles for the other large cities. These—Kiev, Baku, Karkov, Gorky and Tashkent—have populations of about 1.4 million each. The dispersal of these people into areas similar to that given by Chuykov for "city A," would give an average density of 1.4 million/3900 square miles, that is 360 per square mile. There would be no point in covering any of these dispersal areas with an overlapping pattern so that the remaining 11,900 square miles would place an additional 4.3 million people at risk. Together with the populations of Moscow and Leningrad, this gives 7.5+4+4.3=15.8 million people at risk. If we accept the official estimate that about two-thirds of our missiles function as expected, the total number of hostages we may have in the USSR becomes just about 10.5 million people.

This estimate is obtained under the unrealistic assumptions (a), (b), and (c), as explained above. Actually, the loss of some of our missiles to a first strike, the destruction of others by the missile defense of the USSR, and the fact that at least some of our own missiles would be aimed at industrial and military installations, would reduce the number of "hostages"—would reduce it to perhaps one-half of the 10.5 million figure.[11]

Footnotes at end of article.

The total number of casualties suffered by the people of the USSR in World War II was about 11 million.

EVACUATION—A PRELUDE TO CONFRONTATION?

There is a question that must have arisen in the reader's mind concerning the real effectiveness of evacuation in negating our "assured destruction" capability. It concerns the time needed for evacuation as contrasted with the warning time of a missile attack. The flying time of the land-based missiles is about 20 minutes, that of submarine-based missiles may be shorter. Evacuation of cities takes at least a day—according to General Chuykov, the *press* is one of the means of communicating the order to evacuate. Hence, evacuation is not a valid defense measure [12] against a first strike, certainly not against an unanticipated first strike. Does this circumstance revalidate the doctrine of assured destruction, and is it reassuring in this sense?

The answer is, in this writer's opinion, rather the opposite. City evacuation may not be a valid defense measure but, should a first strike or a confrontation be planned, evacuation would give the initiator a tremendous advantage. While 5½ million lives lost is a terrible retribution, it is "assured destruction"? Is it sure to deter a nation that lost twice that many in World War II? Can a President of the United States bargain with this deterrent against the threat of a first strike which can kill *many* millions of Americans?

We are spending less than 35 cents per person per year for civil defense. We have hardly any blast shelters, no plans for evacuation, and most of our fallout shelters are located in cities, exposed to destruction by blast. We have 5½ million Russian hostages; the USSR can threaten the destruction of more than 80 million American lives. In a confrontation, our President would be in a very, very inferior position.

Assured destruction has become a myth.

FOOTNOTES

[1] I. Janis, Bull. At. Scientists. VI. 256 (1950).

[2] See various articles in *Survive* by J. Levey, later J. Gailar.

[3] Marshall V. I. Chuykov. Nauka i Thizn (Science and Life) No. 1, p. 43 (1969). Marshall Chuykov may be known to the American public as a representative of the USSR at President Eisenhower's funeral.

[4] I. Podchufarov, Kommunist Vooruzhennykk Sil (Communist of the Armed Forces) No. 8 (April, 1968), p. 52.

[5] See "Last To Be Eaten," by Edward Teller, page 8, this issue of *Survive*.

[6] See "They Bet Your Life," by Arthur A. Broyles, page 6, this issue of *Survive*.

[7] See, for instance, this writer's article in *Survive*, Vol. 2, No. 4, p. 16.

[8] The "mean lethal overpressure" is the pressure of the blast wave which causes fatal injuries in 50 per cent of those exposed to it.

[9] See various publications of the Lovelace Foundation, in particular Report LF-1242-1 by Clayton S. White. See also DASA report 2113 by I. G. Bowen, E. R. Fletcher and D. R. Richmond of the same Foundation.

[10] This writer's estimate for the evacuation area, before the article of reference 3 became available, was 50 miles. The resulting estimate of the maximum casualty figure was then 7.5 million, instead of the 10.5 million to be arrived at here. Actually, the book of reference 11 supports the original, higher estimate of dispersal area (p. 63).

[11] The estimate given in the USSR textbook on Civil Defense (edited by N. I. Akimov) is about four times lower if I understand this passage correctly.

[12] According to the opinion of the authors of the Little Harbor Study, it is not a valid defense measure to be initiated by the U.S. See "The Threat" chapter of Civil Defense, Little Harbor Report, TID-24690, published by the Division of Technical Information, U.S. Atomic Energy Commission, 1969.

Is the Soviet Civil Defense Program Really Better Than Ours?

(By Joanne Levey Gailar)

SOVIET PROGRAM GROWING; AMERICAN PROGRAM SHRINKING

When I speak to various groups on Soviet civil defense, a question that repeatedly comes up is this one: If someone so desired, could he not make just as good a case for the extensiveness of the U.S. civil defense effort as you have made for the Soviet one? This question is asked invariably by reflective, intelligent members of the audience, those who want to be sure that I have not been oversold on the earnestness of the Soviet civil defense effort by the Soviet material I have read.

I freely acknowledge that in the event of nuclear war, no one can give an ironclad guarantee that the Soviet program to protect their essential industrial workers in urban blast shelters and to evacuate everybody else to the surrounding countryside and provide fallout protection for them will work.[1-5] I can attest, however, both to the earnestness and the intensity of the Soviet effort to instruct their entire population in the means and methods of defense against nuclear weapons, compared with a very low-key American program. The Soviet program appears to be growing in strength and effectiveness, while the American program is shrinking.

INSTRUCTION OF SOVIET POPULATION—NATIONWIDE, COMPULSORY, DIRECTED

Numerous articles,[6-11] for example, on the civil defense instruction of school children in grades five, six, seven and nine leave no doubt that the Soviet school children in all fifteen republics of the Soviet Union are being taught to protect themselves. Details about the 1968–1969 curriculum which include important changes in method and content of courses taught in the previous year, letters of suggestion and criticism from parents and teachers, and descriptions of equipment (gas masks, first-aid kits) and teaching materials (manuals, handbooks, posters, film strips) supplied to the schools, all point to the fact that Russian school children indeed receive a thorough training in civil defense.[12]

Nor is it school children alone who are instructed in civil defense. Marshal V. I. Chuykov, U.S.S.R. Chief of Civil Defense, when outlining the 1969 civil defense program in an interview, stated, "It is pertinent that this year the task of training the population in the 21-hour program is to be completed."[13] And as Joseph Romm, the then Director of Civil Defense, testified at a recent hearing, "They (the Soviets) have a tremendous civil defense training program. Their society is different. They can direct people to be trained. There is *no question* that over 100 million people have taken their *intensive* civil defense training course. *They are now, I think in their sixth mandatory* training cycle.*"[14]

INSTRUCTION OF U.S. SCHOOL CHILDREN—SPOTTY, VOLUNTARY, UNDIRECTED

On the other hand, I know of no similar nationwide program in the U.S. for instructing our own population. While the national Office of Civil Defense has provided training for instructors of adult education courses and has developed with the Public Health Services a medical self-help training course, these courses have been adopted in what Mr. Romm describes as "spotty fashion" at the junior high school and high school levels. Under a training program like ours, which in Mr. Romm's words is "voluntary . . . not directed,"[15] only a very small fraction of our populace, either in school or out of school, is learning about civil defense. In fact, few of us know of any children who have received any civil defense training.

DIRECTION OF SOVIET PUBLIC ATTENTION TOWARD CIVIL DEFENSE

Similarly, the attention of the Soviet public is continuously directed toward civil defense through all the press media—newspapers, magazines, movies, radio and television, while the attention of the U.S. citizens is rarely called to civil defense matters through any press medium whatsoever. A Soviet article informs us, for example, "It is very pleasant to note that in recent times materials on this subject (civil defense) have been published in all the central newspapers, and also in the magazines 'Kommunist,' 'Soviet deputatov trudyashchikhsya,' 'Sovietskye profsoyuzy,' 'Ogonek,' 'Nauka i Zhizn,' and others."[16] Another Soviet source indicates that "more than a thousand persons have participated in (providing) television broadcasts in all studios."[17]

But skeptics need not take the word of the Russian sources. U.S. resident reporters in Moscow from two of our most distinguished newspapers verify the outflow of articles on civil defense in the Russian press. Bernard Gwertzman of the New York *Times* reports: "The article (on large-scale civil defense preparations in the Soviet republic of Kazakhstan) in *Pravda*, the Communist party newspaper, was the latest of a series in recent years stressing the importance of civil defense."[18] And Charlotte Saikowski of the *Christian Science Monitor* attests, "A drive to bolster public awareness of civil defense is under way here. The Soviet press recently has carried a number of articles about air-raid drills in factories, training exercises on farms, and other measures designed to prepare Russians in the event of nuclear war. . . . Movie houses show special films and veterans of World War II give lectures on the subject (of civil defense)." According to Miss Saikowski. "Justification for this heightened attention to civil defense is the allegedly growing threat of the 'forces of imperialism' and attempts of the West to undermine the Communist camp."[19]

ATTENTION OF U.S. POPULACE DIRECTED AWAY FROM CIVIL DEFENSE

On the other hand, when Dr. Eugene Wigner, U.S. Nobel laureate, submitted an article on civil defense to the New York Times, it was politely received but never printed. A similar effort to interest the *Reader's Digest* in reprinting an article on Soviet civil defense was turned down with comments implying that the subject of civil defense was of little interest. That these are not isolated cases is substantiated by a review of the *Reader's Guide to Periodical Literature* for the past three years. *Readers' Guide* of March 1966 to February 1967 contained seven articles on "Civil Defense"; *Readers' Guide*, March 1967 to February 1968, but two articles, one of which was on Russian civil defense; and *Readers' Guide*, March 1968 to February 1969, *not a single article* on civil defense, U.S. or otherwise. Thus, in the same years that Soviet periodicals and newspapers stepped up the number of articles on civil defense, American articles in periodicals and newspapers have decreased to zero. I recently questioned ten people at random; like me, none had seen a program or even a spot announcement having to do with American civil defense on television for several years.

PARTY AND GOVERNMENT MANDATE STRENGTHENS SOVIET CIVIL DEFENSE; EVACUATION PLANS CONSOLIDATED

The increase in articles on civil defense in the Soviet Union can be viewed legitimately as a reflection of government and party concern. Soviet civil defense was given a major boost in 1966 at the Twenty-third Party Congress when the Central Committee of the Communist Party called for strengthening civil defense.[20-23] The Soviet government

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Footnotes at end of article.

gave legislative teeth to this mandate with the Law on Universal Military Obligation, article seventeen of which calls for compulsory civil defense training in the grade schools, high schools, and technical schools throughout the Soviet Union.[24-26]

Another result of the party and government mandate was to substantially consolidate and strengthen existing plans for pre-attack evacuation and dispersal of large segments of the civilian population during periods of crisis escalation. V. I. Chuykov, Soviet Chief of Civil Defense; O. V. Tolstikov, former Soviet Chief of Civil Defense; and Lt. Gen. D. Shuvyrin, First Deputy Chief of Soviet Civil Defense, have all recently emphasized that urban pre-attack evacuation is an extremely effective measure in saving lives. Shuvyrin, in describing evacuation as "the most radical means of defense," indicates that through evacuation, "it is possible to achieve a reduction in the population density by scores of times in the large cities." In addition, he points out that the feasibility of evacuation is enhanced in the Soviet Union (1) by the socialist system and the planned economy, which enables the S.U. to organize and carry out evacuation on a nationwide scale; (2) by the vast expanse of the motherland, the great capacity of the suburban area, which permits the settling of an enormous quantity of individuals in rural localities, and (3) by a well-controlled transport, which can move people out of cities in a short period of time.[27] Marshal Chuykov, in an article appearing in *Science and Life*, a widely distributed and highly regarded Soviet magazine, makes the same claims for the feasibility of evacuation[28] as Shuvyrin, stressing that in the light of its effectiveness, supplying people with food and water—not defending from nuclear weapons—is the really knotty problem.[29]

That the Soviets take evacuation seriously is also evident in the comprehensiveness and detail of their program. Every town, for example, has an evacuation transport commission, which is headed by the deputy chairman of the local Council of Workers' Deputies, whose responsibility is to coordinate the evacuation of the population by rail, motor and water.[30]

Elaborate evacuation plans including the designation of collecting points at which the evacuees would assemble; evacuation passes for *every* man, woman and child,[31] the presence of a doctor or nurse with every evacuation train or convoy or trucks; explicit instructions on what every family should take[32] (depending on climate and season) and the maximum weight of luggage and contents.[33] There are also plans for receiving the evacuees in the country[34]—providing them with food, water, and jobs, and even for having their mail delivered to them at their new addresses.[35] Thus, the seriousness with which the Soviets take evacuation is evident in (1) the declarations of their military strategists of its effectiveness, (2) the existence of civil defense evacuation commissions in every town and vilage, and (3) the comprehensive and detailed plans for carrying it out.

DECREASING BUDGET ALLOCATIONS WEAKEN U.S. CIVIL DEFENSE

I have suggested that the increase in articles on civil defense in the Soviet press is a reflection of government and party concern. By the same token, *it is likely that press apathy toward civil defense in the U.S. is a reflection of government apathy, which is evident in decreasing budget outlays for civil dafense.* While the U.S. government authorized $238.9 million for civil defense in 1962, only $105.1 million,[36] less than half the 1962 allocation, was authorized for 1966, the year that the Communist Party in the Soviet Union issued its mandate to strengthen civil defense. And the allocation for civil defense for 1969 was $68.1 million,[37] the lowest (*Decreases in civil defense allocations admittedly reflect budgetary cuts to offset expenditures incurred by the Vietnam War. However, even when allowing for the higher priority of military requirements in Southeast Asia, the wisdom of so severly curtailing our civil defense program seems questionable. Joseph Romm has testified before the House of Representatives as follows:*

"Last year I emphasized that the FY 1969 budget estimate of $77.3 million was the minimum *sustaining level for the national civil defense effort. The FY 1969 appropriation was $61 million, or 21% less than the sustaining budget and 29% less than the FY 1968 appropriation. As a result,* essential *parts of the FY 1969 program have had to be* severely curtailed *and some elements deferred.")*[38] (*Author's italics.*) authorized Federal expenditures for civil defense in the past eight years.[39]

Present policy of attempting to provide fallout protection for people near their homes and places of work has prevailed since 1958 when the Federal Civil Defense Administration (FCDA) declared that national civil defense policy "which now includes planning for the movement of people from target areas if time permits, will now also include the use of shelter to provide protection from radio-active fallout."[40] In the same release the FCDA cast serious doubt on the effectiveness of blast shelters when they stated, "There is no assurance that even the deepest shelter would give protection to a sufficient number of people to justify the cost."[41] While the wording of the 1958 FCDA release seems to give equal billing to evacuation and fallout protection, in practice national policy since that time has placed almost exclusive emphasis on fallout protection with virtually no consideration of evacuation. Nor has any effort been made to provide blast protection for the population.

In citing the absence of a workable evacuation plan in the U.S., I am not suggesting that we should inaugurate such a plan ourselves. On the contrary, a federal order to evacuate our population during a period of crisis could very well serve to escalate the crisis rather than diminish it. Also, as the Soviets themselves recognize, an evacuation policy has a greater chance of success in the U.S.S.R. where there is a well established tradition of public obedience to the directives of a strong central government and a distinct separation of cities (in contrast to the megalopolises of the U.S.). And, finally, as the Soviets again correctly surmise, they could evacuate their population with reasonable confidence that we would not attack them unless we were ourselves attacked. Thus, I am not criticizing the U.S. for deemphasizing evacuation as a civil defense policy. I simply want to point out that successful evacuation of Soviet cities during a period of escalating international crisis could give the U.S.S.R. a decided strategic advantage over us. It would degrade our deterrence capability, take the teeth out of McNamara's policy of assured destruction, and offset the strategic balance by substantially reducing the number of Soviet urban casualties in a countervalue attack. However, the only answer today to a successful Soviet evacuation might be a return to our pre-1958 evacuation policy, even with all the inefficiency and confusion an actual evacuation would entail.

ROUGH ESTIMATES OF CERTAIN, SPECIFIC SOVIET CIVIL DEFENSE COSTS

While figures on the cost of the Soviet civil defense program are not available, it is possible to make some very rough estimates of annual expenditures for certain specific civil defense activities, which we know exist, and to extrapolate the cost from that of the same civil defense activity were we to inaugurate it in the U.S. Let us take, for example, the cost of civil defense instruction of the population. As we have already noted from Mr. Romm's testimony, over 100 million Russians have received intensive civil defense training. We also know that the present civil defense training course for adults in the Soviet Union is twenty-one hours, while school children receive eighty hours of civil defense instruction by the time they complete the ninth grade. Keeping these figures in mind, let us consider the cost of training 85 million Americans—the equivalent of 100 million Russians—in civil defense. If we allow $1 per hour per person (*The amount paid to U.S. industrial workers (in the Soviet Union workers receive civil defense training during work hours)*[44] *would doubtless be considerably more than $1 per hour. However, since we must include students and the unemployed, an average cost of $1 an hour seems fair.*) for a 21-hour program of instruction, the cost to our national economy would be about $1.7 billion (to the Soviet economy, over $2 billion), a figure which is more than our total national allocations for civil defense for the past eight years. (*The reader should be aware that even were we to inaugurate a civil defense instruction program similar to the Soviets' the actual costs would not be reflected in the federal defense allocations. Nevertheless, the cost of such a program would represent a real allocation of national resources "costing" approximately the amount we suggest. The Soviets, of course, may also keep their books in a similar way.*) And this does not include the cost of training the instructors, who, in the Soviet Union receive 35 hours of special instruction for civil defense teachers.[45] Nor does it include teaching materials, such as slides, posters, and textbooks; nor equipment, such as gas masks and first-aid kits. Also, we must keep in mind that instructing the population is but one aspect of civil defense.

Again we know from Mr. Romm's testimony that the Soviet Union has a "heavy military organization from top right down to the bottom"[46] specifically to assist the civilian civil defense organization. The civil defense military organization is headed by V. I. Chuykov, a full fledged Marshal, and senior colonels are located in small political jurisdictions (equivalent to our cities and states), where they head up units of civil defense which consist principally of military people. The Soviet Union has several schools to train these people. One is the two-year Moscow military civil defense academy established in March 1967 to train junior officers in civil defense.[47-48] The costs for operating this academy and maintaining the civil defense military units are difficult to determine, but undoubtedly are considerable.

We have yet to mention the costs for urban blast shelters, which the Soviets have provided, at least in some degree, for essential workers in vital industries. And, of course, there are expenses connected with the elaborate plans that the Soviets have for evacuating the bulk of population, all people who are non-essential to vital industries,[49] to the countryside.

A COMPARISON OF CERTAIN SOVIET AND U.S. CIVIL DEFENSE EXPENDITURES

We have estimated the cost of instructing 100 million Soviet citizens in civil defense to be about $2 billion. It is difficult to determine the time period over which this instruction has taken place, as we know that the thrust to provide every one with a minimum of 21 hours of training was a fairly recent one.[50] However, even if we should say that this training took place over the past six years, the *total* federal allocation in the U.S. to *all* civil defense activities during this same period—$573.7 million—would represent 28.7% of the amount spent by the Soviets on one single aspect of their program; educating the public.

We have yet to mention the cost of the U.S. instruction program. Of the total federal allocation for civil defense over the past

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Footnotes at end of article.

six years, $573.7 million, the amount spent on education and training activities was $63.7 million.[51] Thus, the budgetary allocation for all education and training activities over the past six years in the U.S. has averaged $10.6 million a year, or 11.1% a year of the total authorized outlay for civil defense over this period.[52] If we were to use this percentage to extrapolate the total cost of the Soviet program over the past six years, we would arrive at the staggering figure of $18 billion, or $3 billion a year. Even if we were to raise the percentage of the Soviet civil defense outlay for education to 33½%, we would still arrive at a figure of $6 billion, or approximately $1 billion a year. Thus, we can say with some degree of certainty that the annual Soviet budget for civil defense lies somewhere between $1 and $3 billion. Or, put another way, the Soviets spend one to three times more on civil defense in *one* year than the total amount allocated by the U.S. federal government for civil defense in *eight* years. For a country only 15% larger than ours to spend over ten times more than ours on civil defense points to a seriousness of interest an order of magnitude greater than ours.

SOVIETS RECOGNIZE NEED FOR BLAST PROTECTION

Thus, the Soviet Union, unlike the U.S., provides compulsory and nationwide civil defense instruction for its population. But the differences between the two programs do not end here: there is also an essential difference in philosophy over the importance of blast protection. The Soviets recognize the need for affording protection from the blast effects of nuclear weapons to people in cities and have provided such protection in all cities with subways. The Moscow subway system, for example, extends for over seventy-five miles and has more than eighty stations. U.S. visitors to the Soviet Union have attested to the depth of this subway and to the presence of both heavy blast doors in the stations and high-speed escalators, which convey passengers down into them. Nor is Moscow the only city with subways equipped with blast doors. Again U.S. visitors have observed similar protective facilities in both Leningrad and Kiev. Baki and Tbilisi also have subways, and new ones are being established in Tashkent and Kharkov. That all seven systems are designed for blast protection is substantiated by a recent Russian television scenario on "Reliable Means of Protection." This scenario, which includes shots from a film of a subway, has the accompanying script: "These structures can protect a person from blast waves, light radiation and radioactive contamination. Here you see the subway. In cities which have one the residents will always find protection in it."[53]

PROTECTION IN UNITED STATES LIMITED TO FALLOUT

Meanwhile, since 1958, the policy of the U.S. has been to focus exclusively on fallout protection. Thus, there has been no emphasis even on using preferentially those fallout shelters that afford some measure of blast protection. This policy has led, for example, to the identification of 10 million fallout shelter spaces in Manhattan (much more than the peak population of the island) with no preferential selection of those shelters for public use which might offer protection from blast as well as fallout.

SOVIETS STRESS FALLOUT PROTECTION IN RURAL AREAS

While the Soviets recognize the need for blast protection in cities, they emphasize protection against fallout in the country. Thus, there are explicit manuals with detailed instructions both on erecting hasty shelters out of materials at hand on on converting vegetable bins, cellars and basements and silage pits to fallout shelters.[54] Village dwellers are given blueprints and alloted bricks [55] for strengthening these facilities.[56] Since the centerpiece of the Soviet civil defense program is to evacuate all nonessential urban dwellers to rural areas, it is hardly surprising that they stress increasing the fallout facilities in the country.[57] [58]

UNITED STATES DISCONTINUES RURAL SHELTER DEVELOPMENT PROGRAM

Meanwhile, the U.S. Office of Civil Defense, which appropriated funds to four agricultural engineers for the past year and a half for a minimal "Rural Shelter Development Program," brought this program to a close on December 31, 1969.

SUMMARY: YES, THE SOVIET CIVIL DEFENSE PROGRAM IS INDEED MUCH BETTER THAN OURS

Coming back to our original question—Is the Soviet civil defense really better than ours?—we have no choice but to answer in the affirmative. That the Soviets take civil defense more seriously than we do and are instituting it much more effectively than we are is evident in these facts which we have considered:

(1) Instruction of Soviet school children is nationwide, compulsory and directed; instruction of U.S. school children is spotty, voluntary, undirected.

(2) Direction of public attention toward civil defense in the Soviet Union is apparent in the increased use of all press media for civil defense purposes over the past three years; direction of public attention away from civil defense in the U.S. is apparent in the virtual disappearance of any mention of civil defense from all news media during the same period.

(3) Party and government have issued mandates for strengthening civil defense in the past three years and have funded a greatly extended program, of which one aspect alone, public instruction, has cost about $2 billion; U.S. government has decreased total appropriations for civil defense from $105.1 million to $68.1 million over the same period of time, its eight-year total for civil defense allocations coming to less than the Soviet expenditure for instructing their population.

(4) Soviet policy is to recognize the need for blast protection and to provide it, for example, in seven urban subway systems; U.S. policy is to focus exclusively on fallout protection with no provision for preferential use of shelters which offer some degree of blast protection.

(5) Soviets stress fallout protection in rural areas and provide free blueprints and materials to farmers and villagers; the U.S. brought its extremely small Rural Shelter Development Program to a close at the end of 1969.

FOOTNOTES

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[2] A. Bardin, "Role of Students in Civil Defense," *Voyennyye Znaniya* (*Military Knowledge*) (Moscow, 1967).

[3] I. Apjostolov, Methods of Protection: Evacuation and Dispersal," *Voyennyye Znaniya* (*Military Knowledge*), No. 4 (Moscow, April 1967).

[4] S. Nurmagambetow, "Civilian Defense in Kazakhstan Discussed" (originally entitled "Civil Defense—A Public Affair") *Kazakhstanskaya Pravda* (January 10, 1969).

[5] D. Shuvyrin, "Development of Civil Defense System Traced," *Voyennyye Znaniya* (*Military Knowledge*), No. 10 (Moscow, 1968).

[6] "Secondary School Civil Defense Curriculum" (originally entitled "Civil Defense Training Program for Students in the Fifth, Sixth and Seventh Grades of the Eight-Year and Secondary General Education Schools"), *Voyennyye Znaniya* (*Military Knowledge*), No. 9 (Moscow, 1968).

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[8] "Civil Defense Training in Cherkasskaya Oblast," *Voyennyye Znaniya* (*Military Knowledge*), No. 7 (Moscow, 1968).

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[11] Ernits, "Estonian Teachers Instructed in Civil Defense," *Voyennyye Znaniya* (*Military Knowledge*), No. 8 (Moscow, 1968).

[12] For a more detailed account of what Soviet pupils learn, see: Joanne Gailar, "Soviet Civil Defense Instruction in Grades Five, Six and Seven," *Survive*, Vol. 2, No. 5, September-October 1969, pp. 2–5.

[13] V. L. Chuykov (as interviewed), "Civil Defense Chief Outlines 1969 Program Tasks" (originally entitled "In the Prejubilee Year") *Voyennyye Znaniya* (*Military Knowledge*), No. 1 (Moscow, January 1969).

[14] "Independent Offices and Department of Housing and Urban Development Appropriations for 1970." Hearings before a Subcommittee of the Committee on Appropriations, House of Representatives, Ninety-First Congress, First Session, Subcommittee on Independent Offices and Department of Housing and Urban Development, Part I, p. 796.

[15] *Ibid.*, p. 789.

[16] V. Sergeyev, "Current Civil Defense Propaganda Means Discussed" (originally entitled "Universal Attention to Informational Propaganda"). *Voyennyye Znaniya* (*Military Knowledge*), (Moscow, July 1969).

[17] K. Kotlukow, "Technique of Civil Training by Television Discussed" (originally entitled "If You Go on the Air"), *Voyennyye Znaniya* (*Military Knowledge*), (Moscow, March 1969).

[18] Bernard Gwetzman, "East Soviet Adds to Civil Defense," New York *Times*, August 15, 1969, p. 1.

[19] Charlotte Saikowski, "Forces of Imperialism Cited: Kremlin Alerts Citizens on Civil-Defense Preparedness," *The Christian Science Monitor*, February 26, 1969, p. 14.

[20] O. V. Tolstikov, *CPSU on Imperative Upgrading of Civil Defense*, Atomizdat Publishing House (Moscow, no date).

[21] Extension of Pupil Civil Defense Instruction" (originally entitled "What is New in Student Training?"), *Voyennyye Znaniya* (*Military Knowledge*), No. 10 (Moscow, October 1967.)

[22] "Spreading Civil Defense Information" (originally entitled "Only Specifically!"), *Voyennyye Znaniya* (*Military Knowledge*), No. 2 (Moscow, February 1968).

[23] L. I. Brezhnev in report to Twenty-Third Congress, as quoted in "Everyone Should Know This," *Kommunist Tadzhikistan*, March 29, 1968.

[24] Extension of Pupil Civil Defense Instruction," p. 15.

[25] A. Getman, "The Role of DOSAAF in training Youth" (originally entitled "Teach the Youth Military Affairs"), *Voyennyye Znaniya* (*Military Knowledge*), No. 2 (Moscow, February 1968).

[26] V. I. Chuykov, *Civil Defense in Nuclear Missile War*, Atomic Publishing House (Moscow, 1968).

[27] Shuvyrin, p. 4.

[28] Chuykov, "Civil Defense Stressed As Common Concern," p. 43.

[29] *Ibid.*, p. 44.

[30] Tolstikov, p. 8.

[31] Ye. Pipus, "Evacuation, Dispersal Discussed by Civil Defense Official" (originally entitled "Everyone Ought to Know This"), *Bakinskiy Rabochiy* (Baku, September 5, 1969).

[32] Apostolov, p. 9.

[33] V. Vinogradov, "What Alarm Signals Mean" (originally entitled "On Signals"), *Voyennyye Znaniya* (*Military Knowledge*), No. 3 (Moscow, 1968).

[34] Morozov, pp. 1–3.

[35] G. Malinin, "Lessons Learned from a Factory Civil Defense Exercise," *Voyennyye Znaniya* (*Military Knowledge*), No. 2 (Moscow, February 1967).

[36] "The Fiscal Year 1969–70 Defense Program and the 1969 Defense Budget," Statement by Secretary of Defense Robert S. McNamara before the Senate Arms Services Committee—Prepared January 22, 1968, p. 215.

[37] "Independent Offices and Department of Housing and Urban Development Appropriations for 1970," pp. 806–807.

[38] *Ibid.*, p. 788.

[39] "The Fiscal Year 1969–70 Defense Program and the 1969 Defense Budget," plotted from Table 2, p. 215.

[40] Federal Civil Defense Administration Release, SR 571, May 7, 1958, p. 1.

[41] *Ibid.*, p. 4.

[42] Tolstikov, p. 13.

[43] On-Job Training in Civil Defense Makes Progress," *Voyennyye Znaniya* (*Military Knowledge*), No. 8 (Moscow, 1968).

[44] *Ibid.*, p. 1.

[45] Sychev, p. 16.

[46] "Independent Offices and Department of Housing and Urban Development Appropriations for 1970," p. 795.

[47] Ya Bryanskiy, "New Civil Defense School in Moscow," *Voyennyye Znaniya* (*Military Knowledge*) No. 4 (Moscow, 1968).

[48] F. Popenko, "Moscow Civil Defense School Reports Activities," *Voyennyye Znaniya* (*Military Knowledge*), (Moscow, February 1969).

[49] Chuykov, "Civil Defense in Nuclear Missile War," p. 34.

[50] Tolstikov, p. 13.

[51] As given by Miss Bette E. Funn, Administrative Assistant in the Training and Education Division of the National Office of Civil Defense.

[52] Plotted from information given by Miss Funn. (See reference 51.)

[53] Kotlukov, p. 47.

[54] L. Gorshdov, "Vegetable Storage Bins as Shelters," *Voyennyye Znaniya* (*Military Knowledge*), No. 4 (Moscow, April 1967).

[55] V. Morozov, "Civil Defense in Rural Areas" (originally entitled "A Primary Concern"), *Voyennyye Znaniya* (*Military Knowledge*), No. 3 (Moscow, 1968).

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[57] B. Morkovkin, *Civil Defense in the Countryside* (Moscow, 1964).

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JUDGE SHERMAN G. FINESILVER TAKES OATH OF OFFICE

HON. JAMES D. (MIKE) McKEVITT

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. McKEVITT. Mr. Speaker, this coming Friday an important event will take place in the U.S. District Court for the District of Colorado. The oath of office as U.S. district court judge will be administered to Judge Sherman G. Finesilver, whose nomination to the Federal bench was recently confirmed by the Senate.

Judge Finesilver is a truly distinguished jurist. He received his degree in law from the University of Denver in 1952 and was admitted to the Colorado Bar shortly thereafter.

Judge Finesilver first served as an assistant city attorney for the city and county of Denver and was appointed to the Denver County bench in 1955 and for four successive terms.

He was elected to the Denver district court in 1962 and reelected in 1966.

Judge Finesilver's career has been an outstanding one. During his tenure on the bench, the court received no less than five American Bar Association awards for being one of the most outstanding courts in the United States. Judge Finesilver also earned recognition for his human approach to the law. Among his many awards is an honorary doctorate of laws degree from Gallaudet College for his work in the field of legal rights for the deaf. His work in the field of highway safety brought him national recognition and appointment in 1969 to a National Task Force on Highway Safety.

Judge Finesilver made his mark long ago as a community leader in Denver and a prominent judge. So it came as no surprise when President Nixon nominated him to the U.S. district court.

All of us who know Judge Finesilver send him our best wishes for a distinguished career as a Federal judge.

LEAA COMMAND TRAINING PROGRAM

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, social responsiveness and nonviolent restraints constitute two of the newly recognized essential attributes of effective police enforcement in group confrontation crises, which have become more recurrent in recent days, and the Law Enforcement Assistance Administration deserves much credit for its highly respected command training program, which emphasizes these qualities, among others, in the mediation of social conflicts.

The New England Institute of Law Enforcement Management, which is headquartered in the Woodland Hills section of Babson College, in Wellesley, which is located within my 10th Congressional District, in Massachusetts, has awarded certificates of achievement to the first group of police officers and personnel to conclude a 3-week course in the institute's new facility.

It can well be a source of great encouragement to all concerned Americans to note the increased emphasis and recognition accorded in-depth training for police personnel, and study of new approaches to effective crime deterrence, high among the priorities of this institute, from which more than 1,500 police personnel have now received certificates.

The Law Enforcement Assistance Administration, and the New England Association of Chiefs of Police, are highly to be commended for their initiatives in the success of this timely and most worthwhile institute.

RHODESIAN CHROME EMBARGO

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, October 13, 1971

Mr. BYRD of Virginia. Mr. President, the Dothan (Ala.) Eagle of September 17 contained a fine editorial calling for the elimination of the ban on importation of chrome ore, a strategic material, from Rhodesia.

The Senate included in the recently passed military procurement bill a provision—section 503—which would have the effect of eliminating the Rhodesian chrome embargo. Efforts to eliminate or weaken this provision were defeated.

The editorial by the Dothan Eagle is one of many which appeared in support of ending the embargo and thereby eliminating the dependence of the United States upon the Soviet Union for most of its chrome ore.

I ask unanimous consent that the text of the editorial, entitled "It's Also Idiotic," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Dothan (Ala.) Eagle, Sept. 27, 1971]

It's Also Idiotic

The United States has no domestic production of metallurgical chrome, a vital war material, and as a consequence must buy this commodity overseas. For many years, the U.S. got its chrome at a reasonable price from Rhodesia, a friendly nation and ally, but in 1966 President Johnson ordered an embargo on trade between this country and Rhodesia—as desired by the United Nations Security Council and Great Britain.

The United States had to find another source of chrome and the major supplier turned out to be Soviet Russia, a Communist country, ally of our enemies in Asia. So, we started buying from Russia. Not only did we trade with a friend of the enemy to spite an ally but we paid a larger price because the Soviets boosted it from $25 to $72 a ton. Worse than that, perhaps, we became dependent upon the Soviet for a strategic material.

Senator Harry F. Byrd (D-Va.) along with some sensible colleagues, introduced legislation to remedy this ridiculous and dangerous situation. It would amend the United Nations Participation Act of 1945 to provide that the President could not prohibit imports of a strategic material from a free world country as long as the importation of the same material is permitted from a Communist-dominated country.

Now, Senator Byrd told the Senate the other day, he has "learned by the grapevine" that the State Department may seek to eliminate section 503 of the proposed law which says that the President could not apply a ban on chrome from Rhodesia. Thus an issue is made clear cut and simple, as Senator Byrd put it:

"Is the United States going to continue to be dependent on Communist Russia for a material vital to the defense of our country?"

Section 503, the Senator from Virginia went on, "would not require that the United States abandon all sanctions against Rhodesia, much as I wish this could be done . . . the only commodity affected . . . would be chrome ore. The reason for singling out this community is clear and simple: It is the one item which could be imported from Rhodesia that is vital to the national security of our nation."

It is not only "illogical and dangerous" for the United States to be dependent upon Communist Russia for a strategic war material, as Senator Byrd pointed out, it is idiotic. The idiocy is further compounded when it slaps a friendly nation such as Rhodesia in the face.

THE EXCELLENCE OF WESTBROOK COLLEGE

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. KYROS. Mr. Speaker, I was highly gratified to note in the New York Times of last Sunday, October 10, 1971, an article by M. S. Handler outlining the success and excellence of Westbrook College, a junior college for women located in my district.

This fine institution, founded in 1831 and now under the guidance of a new president, has managed in this difficult economic time to increase its freshman enrollment by 15 percent this year. But more importantly, and to its immense credit, Westbrook College has meaningfully reformed its courses of study, while at the same time remaining respectful of its past and traditions in the standards of conduct its expects from its students.

Mr. Speaker, I am proud to call the following article to the attention of my colleagues.

The article follows:

MAINE COLLEGE REVISES STUDIES BUT STILL KEEPS ITS TRADITIONS

(By M. S. Handler)

Successfully resisting the economic tide that has forced some colleges to close and many others to curtail their activities, Westbrook College, a women's junior college in Portland, Me., has increased its freshman class 15 per cent this fall by reforming its study programs while preserving its traditions of student conduct.

Westbrook College, which was founded in 1831 as the Westbrook Seminary and Female Collegiate Institute, enrolled 494 students this fall, according to its new president, Dr. James F. Dickenson.

Under Dr. Dickenson's guidance, the college has introduced an "open-ended baccalaureate degree" that a graduate of the two-year course may earn at her own pace over a period of years. The student may take courses in other accredited institutions, and, having fulfilled the necessary requirements, return to Westbrook to receive a bachelor of arts degree.

TWENTY-FIVE ENROLLED

Dr. Dickenson said that 25 former graduates signed up for the new program this fall and the college has received more than 100 inquiries from other graduates.

Dr. Dickenson said that the open-ended baccalaureate program was designed on the basis of the life styles of many Westbrook graduates. At some time or another, many graduates of Westbrook's two-year program had enrolled in other institutions for further study. It was concluded at Westbrook that the bachelor of arts degree should be open to these women, provided they accumulated sufficient credits in their various studies.

Within the framework of its liberal arts program, Westbrook continues to offer courses in dental hygiene, nursing, medical technology, library technology, medical secretarial work, retailing and training as executive assistants for students preparing for working careers.

WORK EXPERIENCE

Another facet of the occupational training programs is one that gives a student up to nine hours of credit for work experience outside the college in the belief, as Dr. Dickenson put it, that more may be learned at work than in the classroom.

Dr. Dickenson, who came to Westbrook last year from Colgate University, where he served as vice president for development, alumni affairs and public relations, said that Westbrook still stressed traditional codes of student conduct.

There is a midnight curfew during weekdays and a 2 A.M. curfew for weekends. "Open" dormitories are not in style.

Cafeteria service also is out of style at Westbrook; the women sit down for dinner, and the food is served to them.

TRADITIONAL CLOTHING

Traditional fashions in clothing are favored, too. Westbrook students are required to wear dresses and pants suits; the college frowns upon the casual fashions and "bedraggled" look so often seen on other campuses.

Although the dormitories are not locked at night and the campus has only two watchmen, there is no drug or crime problem at Westbrook, according to Dr. Dickenson. Thefts and vandalism are all but unheard of, he added.

PULASKI DAY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. BIAGGI. Mr. Speaker, yesterday, October 11, was officially proclaimed by the President as Pulaski Day.

The name of Count Casimir Pulaski is well known to school children as one of the Nation's Revolutionary War generals. After fleeing from his homeland of Poland and following short stays in Turkey and France, Count Pulaski came to Washington in 1777 to join in the cause of the Americans against the British.

After consultation with Gen. George Washington and John Hancock, Pulaski was given charge of the newly created cavalry division. In his first fight as an American partisan, the Battle of Brandywine, he served with distinction.

His career as an American revolutionary lasted only another 2 years. It was marked by many defeats and disappointments. In October 1779, Pulaski led a charge against the British during the siege of Savannah. He fought bravely and gallantly until he was felled by an enemy bullet. He died of his wounds 2 days later.

Although his military campaigns were not filled with victories, his spirit and dedication merit great respect from a grateful nation. In his defeats he always sought strength to renew the fight against the enemy. He never lost sight of the fact that constant dedication to a just cause is in itself a reward. In his final battle he was spurred on by the never ceasing courage he displayed throughout his life.

Mr. Speaker, we all could heed well an example from the life of Count Pulaski. The way to success may not always be marked by a series of reassuring victories. For many, victory and reward will only come after many defeats.

As a nation we can be justifiably proud of the courage and dedication to the American cause displayed by Count Casimir Pulaski. He was an honor both to his native country and to his newly adopted Nation.

SECRETARY ROGERS SPEAKS AT DEDICATION OF THE PALISADES SHORE NATIONAL RECREATIONAL TRAIL

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. HELSTOSKI. Mr. Speaker, on September 28 the Honorable Rogers C. B. Morton, Secretary of the Interior, dedicated the Palisades Shore National Recreational Trail at Palisades Interstate Park, N.J., which is in my congressional district. At this time I would like to place in the RECORD the text of his address:

REMARKS BY ROGERS C. B. MORTON

I look forward to being part of a dedication ceremony as it is my pleasure to participate in today.

America's earliest history is etched in the trails and footpaths that took our founding ancestors from frontier to frontier. Trails run deep in America's historical conscience.

Being here gives me a first-hand opportunity to view accomplishments of citizens who are close to the problem of providing needed outdoor recreation opportunities in and near our cities.

In designating 27 new National Recreation Trails last June, I remarked that I wanted to see some of those trails and meet with the people who had the foresight to make dreams realities. I wish people in other metropolitan areas could benefit from your innovative efforts. To carve a trail such as the Palisades Shore Trail—where millions of people live—is a remarkable accomplishment.

We are also dedicating symbolically today as National Recreation Trails the Palisades Long Path and the Harriman Long Path, which are also administered by the Palisades Interstate Park Commission.

All three of these trails represent aspects of American life that often are taken for granted or overlooked. The Palisades originally were saved from destruction by concerned citizens who fought for them around the turn of the century.

Your predecessors long ago set their priorities for preservation of these trails and similar lands for the enjoyment of today's generations.

Now, we are attempting to do the same things by following one of President Nixon's great goals, that of creating a "Legacy of Parks." One part of the "Legacy" is providing additional recreation opportunities closer to where people live, which involves the broader goals of the Palisades effort, the States of New York and New Jersey and the Department of the Interior.

We are partners in progress. Our success will be measured in future years as more and more people move into already-crowded urban centers. If they arrive and find concrete canyons of high-rise structures and little park or open space, we will have failed. If, on the other hand, the new arrivals to our cities find ample places to hike, swim, play or commune with nature, we will have succeeded in setting aside sufficient outdoor recreation places and in preserving the natural environment.

There is a pressing need for continuing initiative on the part of all of us to build the "Legacy." Without this initiative we would not have the Palisades Long Path National Recreation Trail nor the Appalachian National Scenic Trail, both acquired in large part by countless volunteers who had the courage to carry through their plans and programs.

The farsightedness of leaders of our times has provided a head start in conservation of places for trails and other recreation opportunities without which we would be unable to join in this ceremony today.

The day has past that exploitation of all kinds will be permitted. We must wisely use not only our natural, but our human resources lest we start the destruction of our heritage of freedom, initiative and lose forever the right of stewardship we now enjoy.

This thought is carried to all of our actions, not only the preservation of thousands of acres of wilderness in the west, but as we select and nurture those small spaces closer to the homes and to the feet of millions of Americans who seem to be forever bound by buildings and highways and who never really enjoy their piece of the heritage, or the peace this heritage offers to all.

Our Department has had a rewarding experience the past two summers in working on the Recreation Support Program for inner-city children. We have had our share of problems in some of these cities, to be sure, but we have also had some heart-warming successes. Children of all races and faiths have benefited from a fun-filled summer where before their horizons were filled with the bleak streets and corners.

During our program we have taken children to summer camps, walked them along trails, had cookouts, attended baseball and football games; we helped organize athletic programs that involved literally thousands of disadvantaged children. We made a contribution to preservation of human resources by opening new doors and letting the young people into the outdoors. Their reaction was tremendous! We had children who, after overcoming an initial fright, learned to love a campground far removed from the sounds and smells of the city. In one case, we heard of a child who so loved his camping experience that he hitchhiked back to the camp and tried to work to earn his stay for as many more days as he could remain.

Government cannot do it all, however. There is a need for more effort on the part of all, be they private industry, individuals or whomever, to help in the wise use of our resources. You have here, within the Palisades Interstate Park Commission's facilities, ideal places where children and their parents can get to know each other and nature. These trails represent the end products of forces which have taken strong measure of the needs of people and have acted accordingly.

It is now my pleasure to officially dedicate the Palisades Shore Trail, the Palisades Long Path, and the Harriman Long Path as National Recreation Trails. I have formal letters and certificates on these trails which makes official their designation. (Presentation to Mr. Rockefeller.) One small shore now is to switch a sign so that all who use this path will know that it ranks high in stature as part of the national system.

CONTINUATION OF GOVERNMENT OF THE PEOPLE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, October 13, 1971

Mr. BYRD of Virginia. Mr. President, the Robbins (North Carolina) Record of September 16 contains an interesting editorial on the theme of the message in Abraham Lincoln's Gettysburg Address which calls for a continuation of "government of the people, by the people, for the people."

The editorial makes the point that in some recent decisions, the Federal courts seem to be ignoring the intent of the U.S. Constitution and thereby moving away from the kind of government which President Lincoln wanted to see preserved in this country.

I ask unanimous consent that the text of the editorial, "Government of the People, By the People, For the People", be included in the Extension of Remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

> [From the Robbins (N.C.) Record, Sept. 16, 1971]
>
> "Government of the People, By the People, For the People"
>
> Abraham Lincoln closed his most memorial speech—his Gettysburg Address, by calling for a continuation of "government of the people, by the people, for the people."
>
> When we consider the busing of school children to achieve a certain ratio of integration, it looks as if we are getting pretty far from Lincoln's Gettysburg call.
>
> The Gallup Poll reports that in response to a recent survey this question was asked: "In general, do you favor or oppose the busing of Negro and white school children from one school district to another?"
>
> Nationwide the vote was 18 percent in favor, 15 percent of the whites in favor and 45 percent of the blacks.
>
> With the courts giving new meaning to the constitution and with only 18 percent of the people favoring busing to achieve integration it seems that Lincoln's call for "government of the people, by the people, for the people" is getting away from us.
>
> Also, when a Federal court bans the playing of "Dixie" at local school functions, we concur in the statement of Senator Harry F. Byrd, Jr., Independent, of Virginia when last week he said in the U.S. Senate: "Mr. President, it was with disbelief that I read recently that a federal court in Alabama had banned the playing or singing of 'Dixie' at local school functions. . . ."
>
> It should be remembered that at the close of the Civil War that President Lincoln called upon the military band to play "Dixie", saying that in conquering the South they had also won the South's song.
>
> The Federal courts are not measuring up to the original interpretation of the U.S. Constitution.
>
> The Federal judges—most of them are named for life—a carryover of the olden days when kings ruled for life.
>
> This is bad and a system which should be changed.
>
> If Federal judges were elected on a district basis, and the Supreme Court justices named for a stated time, subject to reappointment and re-confirmation our thinking is that we would not be subject to all the turmoil and lawlessness through which this generation has been undergoing.
>
> In last week's Public Opinion Poll conducted by the W. H. Long firm in Greensboro, one question was: "Who or what do you blame most for the present disorderly conditions in American Society?
>
> Twelve choices were given, and the number one reason given was "Courts and Judges" followed by parents and politicians.
>
> Yes, our Federal government seems to be getting away from a "government of the people, by the people, for the people".
>
> But one thing we can be thankful for: There is a way to change it and bring it back to the people, and that is the ballot box.

THE MOST WONDERFUL FREEDOM OF ALL: TO HELP YOUR FELLOW MAN

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. HUNT. Mr. Speaker, with the implementation of a number of inflationary restraints being imposed on the economy and, in turn, on each and every one of us, it may seem inappropriate to speak about charity. I feel differently, however, and perhaps charity under the circumstances will be ever so much more important than were we to continue the business-as-usual attitude. I mean this in the very real sense that as an inflationary psychology has been nurtured over the years, whereby it is believed that prices only go up, there has been the development of a complementary psychology which has instilled the belief that no matter what the problem, the Federal Government is the only place to look to solve it. In fact, the more rampant the inflation, the more demands there have been from every sector of our society for more help to bail out the hole-ridden boat simply to keep it afloat.

Of course, this cycle had to be stopped sooner or later, and the time is now upon us. The time is also here for the 1971 United Fund campaign. It is time to realize that it is not the primary responsibility of the Federal Government to keep bailing us out for we can do a lot to help ourselves and our fellow man by diverting our own individual resources, at our discretion, directly to the problem areas and the organizations designed to deal with them. I want especially to commend Mr. Andrew Gendron, the 1971 general campaign chairman for the United Fund of Gloucester County, N.J., for his perceptiveness in highlighting this opportunity for all of us when he says that the freedom to help our fellow man is "the most wonderful freedom of all." He goes on to make the poignant comments, perhaps more apt today because of our economic plight, that "if you don't do it—it won't get done."

In Mr. Gendron's editorial, "The Most Wonderful Freedom of All," the concept of freedom which he envisions is worthy of special note:

> So often we think of Freedom and "Rights" in a personal, somewhat self-serving manner. We tend to evaluate Freedom in terms of per-

sonal benefit, and less often by the magnitude of responsibility they engender for each of us to preserve the rights and human dignity of our fellowman.

When we are willing to recognize and accept this basic concept of Freedom, it logically follows that "The Most Wonderful Freedom of All" is: "Freedom to Help Your Fellowman." I believe this could well be "Freedom's Golden Rule" . . . a Freedom far more important than any of the others that have received so much more attention in the past few years.

Mr. Speaker, I am glad for this unique opportunity to share the complete text of Mr. Gendron's message:

The Most Wonderful Freedom of All

Freedom: What a wonderful, promising word. But so much more important . . . what a truly wonderful, meaningful, heritage to be blessed with . . . *and to be able to give to our children and our children's children.*

Freedom is the force that gives true meaning to the "Rights" we cherish . . . and, in return, our "Rights" are the privileges that, when properly used, serve to protect the dignity and freedom of the individual.

So often we think of Freedom and "Rights" in a personal, somewhat self-serving manner. We tend to evaluate Freedom in terms of personal benefit, and less often by the magnitude of responsibility they engender for each of us to preserve the rights and human dignity of our fellowman.

When we are willing to recognize and accept this basic concept of Freedom, it logically follows that "The Most Wonderful Freedom of All" is: "The Freedom to Help Your Fellowman". I believe this could well be "Freedom's Golden Rule" . . . a Freedom far more important than any of the others that have received so much more attention in the past few years.

The time to really start exercising this kind of Freedom is now . . . *today*. Each and everyone of us has the Freedom and opportunity to help so many of our friends and neighbors in need, and in so many ways . . . through the United Fund of Gloucester County.

Your one contribution will aid the Abilities Center help mentally and physicially handicapped persons in the County become self-sufficient, employable citizens. It will help retarded children overcome, or adjust to, their difficulties and become better equipped to face the future with a new and promising lease on life. Boy Scouts and Girl Scouts will also be benefited by your one gift . . . pre-school children and their families too, will be aided in many constructive ways through the Child Development Centers. Those in need of mental health assistance will receive the full spectrum of care and men in the Armed Forces will receive kindness, friendly assistance, and emergency aid from the Salvation Army, the USO, and the American Red Cross who also conduct other programs of safety instruction as well as provide invaluable service to those in need in disaster areas.

Your one gift to the United Fund of Gloucester County will also help pay for the speech therapy and diagnostic service provided by the United Cerebral Palsy.

Last year, Traveler's Aid, another United Fund Agency, came to the assistance of 215 Gloucester County residents . . . and, Visiting Homemakers spent well over 37,000 hours helping the disabled, the aged, the chronically ill, and families with children in emergency situations.

The YMCA and the CYO provided healthful activity for over 13,000 Gloucester County boys, girls, and adults in 1970 and the Visiting Nurse's Association rendered their valuable service through 105 clinics and almost 14,000 home calls in 1970 alone. All of these United Fund agencies and more, will be continuing to provide their services of aid to those in need throughout Gloucester County because so many care enough to give enough to the United Fund each year.

With all the good, all the excellent work that was accomplished, and all the happiness and security that was brought about for so many people, it is reprehensible that we are still faced with the tragic fact that the 20 United Fund Agencies were unable to take care of all those who came to them for help in 1970. *The need in Gloucester County was far greater than the gifts to the United Fund were able to support.*

And, this year, the need is even greater.

To just maintain the services at the level of last year, the United Fund goal would be $350,000 . . . a 15% increase over last year. For the agencies to improve their services, and assist the greater number of people seeking help, would require almost $500,000. This is our *"Goal of Need"* . . . the Goal we look to you, and our other friends and neighbors in Gloucester County, to help us meet.

If you don't do it . . . it won't get done!

And if the job doesn't get done, a great many people will not have exercised "The Most Wonderful Freedom of All" . . . *the Freedom to help your fellowman.*

All of us pitching in and doing the job right . . . *giving our Fair Share* (the equivalent of one hours pay per month) to help our friends and neighbors in need, *is truly the American Way.* And we in Gloucester County can take pride in taking care of our own. How about it?

Won't you please increase your gift to the United Fund this year so that others may gain their freedom from the tyranny of deafness, retardation, speech defects, and the many other physical and mental handicaps that prevent them from enjoying all the benefits of freedom we are blessed with, and take for granted as an accepted way of life. We ask so little . . . to do so much.

If you give at work—please give your "Fair Share" . . . and if you don't give at work, please send your "Fair Share" directly to the United Fund headquarters at 71 Cooper Street, Woodbury, New Jersey, 08096, or telephone 845–4303 and ask them to have a volunteer pick up your Fair Share Gift.

When there *is* Freedom . . . *giving* comes from the heart and your receipt is the *satisfaction* you get in knowing you did your Fair Share, or more, to help your fellowman in need when he so desperately seeks a helping hand.

INDEPENDENT BANKERS OF MINNESOTA

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. ZWACH. Mr. Speaker, the Independent Bankers of Minnesota recently held their 10th Annual Convention, and I have just received copies of the resolutions that were adopted.

I want to commend the membership for their interest in issues directly and indirectly related to banking and I would like to call two of their resolutions to the attention of my colleagues:

Resolution No. 2—A Boost for the Farmer

Whereas the cost-price squeeze in agriculture continues to plague our farmers and the inability of the federal government to solve the inequities in farm income impels us to look for a new way to attack the problem, and

Whereas many farmers are reaching the point where they can no longer substitute credit for profits, and

Whereas the American farmer's remarkable efficiency has resulted in low prices in the market place, and he is no longer able to compete with organized industry and organized labor, and

Whereas the majority of our independent banks in Minnesota depend upon the strength of agriculture and the prospering of the people we serve, therefore be it

Resolved, That the Independent Bankers of Minnesota urge legislative and other government action to improve the bargaining power of the farmer as a way to solve the economic problems that afflict rural America today.

Resolution No. 3—Secondary Market for Student Loans

Whereas the communities that our banks serve will rely heavily in future years upon adult leaders who are educated to the fullest extent of their abilities and special talents, and

Whereas present economic conditions make it imperative that financial aid to worthy college students be continued, and

Whereas the student loan program will inevitably be curtailed unless a secondary market is provided, now, therefore be it

Resolved, That we express to Congress our firm conviction that a workable secondary market for student loans is absolutely necessary for the continuation of the insured student loan program.

EMINENT CONSTITUTIONAL LAWYERS OPPOSE PRAYER AMENDMENT

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. CELLER. Mr. Speaker, it is vitally important that the Members of the House thoroughly familiarize themselves with the arguments set forth by three eminent constitutional lawyers; namely, Paul A. Freund, Harvard Law School; William Van Alstyne, Duke University; and Leo Pfeffer, of New York; in opposition to the proposed prayer amendment. Since we are embarking for the first time in our history in breaching the Bill of Rights, it is incumbent upon each Member to study and evaluate all comments addressed to this subject.

The comments follow:

Law School of Harvard University,
Cambridge, Mass., September 27, 1971.
Hon. Emanuel Celler,
Committee on the Judiciary, U.S. House of Representatives, Washington, D.C.

Dear Congressman Celler: I am glad to reply to your letter of September 24 inviting my comments on H.J. Res. 191, to amend the Constitution with respect to the offering of prayer in public buildings.

As applied to the public schools, this proposal runs counter to our basic constitutional tradition. The vitality of religion, our Constitution affirms, depends on its voluntary practice and belief. The reciting of a prayer in unison in a classroom would, in contrast, be a psychologically coercive exercise. Our religious traditions of prayer have been built up over the centuries with distinctive and cherished features. Children finding the school prayer unfamiliar and not in keeping with their own traditions would be put in the dilemma of yielding to the dominant mode or creating a painful division within the class along religious lines. Surely the strength of religion does not depend upon, and will not be enhanced by, this kind of domination or public division over a brief ritual.

To require that the prayer be "'nondenominational" does not offer a meaningful escape. The mode of prayer is identified with particular religious traditions. In the school-prayer case from Pennsylvania which reached the Supreme Court, a theologian testifying for the state characterized a certain prayer as nondenominational, but was obliged to admit that he meant this only within the context of the Protestant Sects.

The secular value of school prayers—to instill feelings of humility, reverence for the unknown, and awe in the face of the unknowable—will be achieved more meaningfully and without violence to our tradition of religious pluralism by the general atmosphere of the schoolroom and the spirit of the teacher in the learning process. If anything more is wanted, it might be sought through a few moments of silent meditation, which would respect the voluntarism and pluralism of our tradition and which remains open, as I understand the decisions of the Supreme Court, under the Constitution.

Sincerely yours,

Paul A. Freund.

Duke University,
Durham, N.C., October 4, 1971

The Hon. Emmanuel Celler,
Chairman, Committee on the Judiciary,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Celler: I appreciate your recent inquiry regarding a proposed amendment to the Constitution, and I have prepared the following brief reply for the consideration of your Committee. The proposed amendment to which my comments are directed provides that:

> Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer.

There are three general objections I would associate with the proposed amendment in respectfully urging its rejection: (1) difficulties of interpretation as to its scope and meaning; (2) a possible and peculiar inconsistency with the settled interpretation of the wholly unaffected by the proposed amendment; (3) a potentially embarrassing trivializing of the amendment process itself.

The principal difficulty of the proposed amendment, however, is the sheer improbability that its adoption would have any significant effect at all corresponding to the presumed desires of its sponsors. Specifically, I assume that the amendment has been proposed principally for the purpose of permitting the kinds of religious observances which the Supreme Court found to be forbidden by the Establishment Clause in *Engel v. Vitale, School District v. Schempp,* and *Murray v. Curlett*: the intergration of religious observances in public school programs, including classroom prayers and devotional uses of bible reading. In all frankness, however, I cannot see that adoption of the amendment would necessarily affect those decisions at all. My reasons for concluding that the amendment would be virtually without any practical effect whatever are these:

(1) The amendment is limited solely to the permissibility of *"prayer,"* and thus does not affect the prohibition of the Establishment Clause of any other kind of governmentally-supported religious exercise. Necessarily, therefore, Supreme Court decisions forbidding governmental support of non-academic uses of religious scripture (*e.g.,* bible reading as dealt with in *Schempp* and *Murray*) are unaffected, as, of course, are decisions regarding on-school released time programs of religious instruction (dealt with in *McCollum*) and all other aspects of subsidized religious activity.

(2) The amendment on its fact contemplates the permissibility of participating in prayer in public buildings only if such prayer is strictly *"nondenominational,"* a limitation which if honestly followed, is incapable of fulfilling an individual's personal religious needs. As a strict legal and practical consideration, the concept of the truly nondenominational prayer is a chimera, an illusion or fabrication of the mind or fancy. In *Torcaso v. Watkins,* the Supreme Court acknowledged that there are at least eighty different religious sects each with more than 50,000 adherents in the United States, each qualifying as a "religion" within the proper construction of the First Amendment. Among these are expressly included polytheistic groups such as Hinduism, a faith acknowledged as a recognized religion in this country as early as Madison's writings on religious toleration. Expressly included as well are nontheistic faiths such as Ethical Culture, Secular Humanism, and certain levels of Buddhism. In view of the Court's additionally generous interpretation of "religion" in the draft cases (*e.g., Seeger* and *Welsh,* and see especially Mr. Justice Harlan's concurring Opinion in *Welsh*), it is simply not possible to propose a prayer which is honestly "nondenominational" in the plain sense of being equally acceptable within the basic tenets of all recognized religious groups. For instance, the mere advertence to a "God" (as in the state-composed prayer invalidated in *Engel v. Vitale*) is disrespectful and incompatible with nontheistic denominations as well as with polytheistic denominations of religious faith. Similarly, any prayer acknowledging the immanence of a living God, or one responsive to prayer itself, is distrespectful of tenets of Deism, a specific religion still in currency and, in fact, adhered to by some of the very founding fathers who helped to draft and to adopt the First Amendment.

But even supposing that I am incorrect in this, and that a prayer could conceivably be composed sufficiently "nondenominational" so to become acceptable under the proposed amendment, still it must be clear that any such prayer must necessarily be so flat, dry, stale and unprofitable as scarcely to fulfill the authentic religious needs of anyone inclined to participate in it. I mean by this no disrespect to the religious sensibilities of those who may favor this amendment, but only to suggest that they may be mistaken in their premise as to what is "nondenominational" and possibly in error in supposing that precepts of Christianity describe the outer boundary of religion in the United States. It is surely not so, as those who drafted the First Amendment had the wisdom to discern.

(3) Apart from these difficulties, there are others still. The activity manifestly protected by the proposed amendment is solely that of *"participation"* alone. The amendment establishes solely that the physical availability of space within publicly-supported buildings shall not be deemed inconsistent with the Establishment Clause insofar as persons otherwise lawfully present in such a place may wish to *"participate"* in prayer. Clearly, therefore, the amendment contemplates no addition, the use of governmental power to simple provision of available space itself. Thus, the proposed amendment plainly does not permit a school board to author a prayer, to endorse the saying of prayers, to commend their use, or otherwise to exercise authority in the encouragement of participation. It is only participation by individuals in public buildings which is permitted, and not, in addition, the use of governmental power to encourage such participation. Clearly, as a consequence, no teacher could use his salaried and official position to lend encouragement, contrary to what is otherwise forbidden by the Establishment Clause and not authorized by this amendment, whether by offering to lead in prayer, suggesting its content, or even by setting apart a moment from each class hour so to encourage it when he would not have made an equal accommodation each day for any other activity anyone might have cared to consider. Similarly, I do not see how, under the amendment as framed, the school board itself could do anything so to encourage prayers, as by specifically directing teachers to set time apart for prayers they otherwise cannot sponsor or subsidize in the use of their authority. Such forms of ulterior influence, as we know, are otherwise forbidden under Supreme Court interpretations of the Establishment Clause. As this amendment does not itself deal with that larger subject, such use of state power distinctly in aid of specific religious activity would presumably remain forbidden.

The consequence is, by a process of strict but fair construction, that the amendment is exceedingly trivial from any reasonable point of view. Indeed, it is not even necessary for the accomplishment of the only thing it clearly authorizes. Although there is no Supreme Court case exactly on point, without this amendment it is already entirely likely that persons who may feel moved to pray within a public building may surely engage in that prayer at least where they do so in a manner, at a time, and in a place not disruptive of the immediate interests of others. This much, almost certainly, is assured by the free exercise clause.

While the proposed amendment is in fact trivial in my view, I nonetheless agree with you that its adoption would not necessarily itself be a trivial matter. Proposal of the amendment doubtless generates expectations in the public that are unwarranted by the measure, but which surely ought not be so disingenuously encouraged. So to cultivate these expectations against a reasonable certainty that the Supreme Court must, by fair construction, then hold them for naught is unkindly to use the Court as a whipping stool in our public life. Additionally, to propose an amendment which would have to be promiscuously interpreted to be given any large significance sets at large an exception to the First Amendment which would then become of such uncertain scope that none could tell whether he truly desires it as a part of our fundamental law.

For these and other reasons, I consider the proposed amendment truly ill-advised and earnestly hope that it will be abandoned.

Sincerely,

William Van Alstyne.

New York, N.Y.,
September 30, 1971.

Hon. Emanuel Celler,
Chairman, Committee on the Judiciary, U.S. House of Representatives, Washington, D.C.

Dear Mr. Celler: I am responding to your request for my comments and observations on H.J. Res. 191, to amend the Constitution of the United States in respect to prayer in public buildings. Although the proposal seems innocuous on its face, as evidenced by the fact that 218 Members of the House signed a discharge petition to bring it to the floor for a vote. I believe its adoption would be gravely unfortunate.

The proposal reflects dissatisfaction with and an effort to nullify the decisions of the Supreme Court holding that the First Amendment does not permit state-sponsored prayer in public schools. These decisions, *Engel* v. *Vitale,* 370 U.S. 421 (1962) and *Abington School District* v. *Schempp,* 374 U.S. 203 (1963), each decided with but one Justice dissenting, are not the first to encounter disagreement and efforts at a reversal through constitutional amendment. Occasionally, as in the cases of the Dred Scott and of the Income Tax decisions, the effort succeeds and an amendment is adopted. But never in the history of the United States have the people approved an amendment which would cut down the Bill of Rights. On the contrary, every relevant amendment to the Constitution—the 13th, 14th, 15th, 17th, 19th, 23rd, 24th and 26th—has been in the direction towards expanding rather than restricting the Bill of Rights.

This history is of great significance, for over the long run it has been the guaranties of the Bill of Rights which have evoked the most controversial Supreme Court decisions. We are all familiar with decisions which many have considered to be too solicitous of the rights of religious heretics, suspected subversives, pornography purveyors, and assorted criminals. Yet, the good sense of the people has dictated that the Bill of Rights not be tampered with. Should H. J. Res. 191 be adopted, it would be the first time in the one hundred and eighty years during which the Bill of Rights has protected the rights of all Americans, that its guaranties will have been watered down by constitutional amendment. This would set a precedent which may have grave and regrettable consequences. It would encourage amending the Constitution to overrule every Supreme Court decision that does not meet with universal favor. It would reduce the Constitution to the level of a statute which is easily repealed or amended, a consequence which Chief Justice John Marshall warned against in more than one of his great decisions.

I have suggested that the particular amendment proposed by H.J. Res. 191 appears innocuous on its face. It purports to permit only "nondenominational prayer." But the sponsors of the proposal are apparently unfamiliar with the sad history of "nondenominational prayer" in the public schools of the United States. Many state constitutions have provisions forbidding "denominational" or "sectarian" teachings or practices in the public schools. Like H.J. Res. 191, none of these provisions attempted to define what is "denominational" or "sectarian." The result was untold suffering experienced by Catholic children by reason of judicial and administrative decisions that the King James Version of the Bible, though forbidden to Catholics by the Canon Law, is nevertheless "nondenominational" or "nonsectarian," and by Jewish children because of decisions that the New Testament and the Lord's Prayer are similarly "nondenominational" or "nonsectarian."

By no means untypical were the experiences of Father John Bapst who was tarred and feathered because he urged Catholic children not to participate in Bible reading in the public schools of Ellsworth, Maine; or of 11-year-old Tom Wall in Boston who was beaten with a rod by his teacher for a half-hour until he finally yielded and participated in Bible reading; or of the hundred or more Catholic children who were expelled from the public schools in Boston for the same reason; or of the Indiana Catholic girl who was kept in school after dismissal day after day as punishment for refusal to participate in "nondenominational" reading from the King James Bible; or of the many thousands of Jewish children all over the United States who sat silently but with great mental anguish while the teacher read from the New Testament the account of the crucifixion of Jesus by the Jews.

The experiences of Catholic and Jewish children, as well as of children of other minority faiths and of no faith, show too how unrealistic is the claim that participation is or can be entirely voluntary. Few children of elementary school age have the courage or foolhardiness to isolate themselves and face the disapproval of their teachers and classmates by not participating in a prayer service which has the sanction of school authorities. (I do not mean to suggest that I would favor H.J. Res. 191 if it were amended to insert the words "over the age of 14" on line 10 so that it would read "abridge the right of persons over the age of 14 lawfully assembled . . .", but I do think that such an amendment is the minimum required to protect the welfare of children.)

Some state courts recognized reality and held that there is not and cannot be "nondenominational" or "nonsectarian" Bible reading or prayer, and that truly voluntary participation is similarly impossible. Unfortunately, these were a minority, and it was the Supreme Court's decisions in Engel and Schempp that brought an end to this sad chapter in American history. It would be unfortunate if it were reopened by adoption of H.J. Res. 191.

The proposal presents a grave threat not only to the welfare of children but no less to the integrity of religion and the independence of churches. It imposes on governmental officials the responsibility of examining and determining which prayers are denominational and which are not, and censoring out the former. Moreover, they must do this without any prescribed standards—necessarily so, because it is impossible to prescribe such standards. (Perhaps the best way of disposing of H.J. Res. 191 would be to require every member of Congress who votes for it to simultaneously submit a definition of "nondenominationality.") In many decisions, the Supreme Court has pointed out that one of the purposes of the Establishment Clause of the First Amendment was to protect the independence, freedom and integrity of churches by keeping the government out of church affairs and particularly by forbidding it to pass judgment on religious beliefs or doctrines. H.J. Res. 191 would propel the government into the business or censoring prayers; that alone should be cause for its rejection.

I could greatly expand the length of this letter by adding many other grounds for rejection or discussing in more detail those I have set forth herein. Because of the urgency of the situation, however, I have limited the letter to what I consider the three major objections to H.J. Res. 191.

Sincerely,

LEO PFEFFER.

PERIODIC RECONFIRMATION OF FEDERAL JUDGES

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, October 13, 1971

Mr. BYRD of Virginia. Mr. President, the Mexico (Mo.) Ledger of September 11 contains an excellent editorial concerning the proposed amendment to the Constitution which would provide for the periodic reconfirmation of Federal judges by the Senate.

Reviewing recent trends in the courts, the editorial comes to the conclusion that "Federal judges have increasingly become more than judges." I strongly agree.

I ask unanimous consent that the text of the editorial, entitled "A Judge for Life," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Mexico (Mo.) Ledger, Sept. 11, 1971]

A JUDGE FOR LIFE

Sen. Harry Byrd of Virginia has a good idea.

He has proposed a Senate review every eight years on the qualifications of Federal court judges.

Right now, Federal court judges are appointed for life.

Some, maybe even most, are excellent.

But some are not.

Listen to Sen. Byrd:

"It is time that we made federal judges more responsible to the people. Too many have assumed more and more power—and have run rampant in asserting authority over the daily lives of all Americans . . . In recent years, the federal courts have acted under the premise that the Constitution is whatever the judges say it is . . .

"Prayer has been swept from our schools; the historic right of a legislature to redistrict itself has been abolished; sociological treatises have replaced the common law; traditional equity powers have been enlarged to allow rule by judicial fiat," Byrd says.

"Mr. Justice Cardozo once noted that if judges are permitted to substitute their personal sense of justice for rules of law, the reign of law will end and the rule of benevolent despots will begin.

"Is not that about where we find ourselves today?

". . . The revolution which began in the Supreme Court has permeated the lower federal courts. Judges of these courts have, in many cases, arrogantly assumed unto themselves the prerogatives of lords of the Middle Ages. Nothing in our system at present exists to control these judges. They have lifetime appointments. Their passions of the moment are unrestrained. . . .

"One Federal judge has stated that he is contemplating the consolidation of the school system of two counties and one city. If this can be done, what is to prevent the judicial enforcement of total mergers of cities and counties?

"I fully support the concept of an independent judiciary," Byrd says. "The legislation I introduced simply provides a method by which the courts might be made more accountable to the people."

We agree with Senator Byrd.

Federal judges have increasingly become more than judges.

THE NEED FOR AN UPDATED WEAPONS SYSTEM

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. GROVER. Mr. Speaker, the Nixon administration is nearing completion of withdrawal from our Southeast Asia military involvement. It has proved an unpopular war, and only the perspective of history will fully evaluate our participation.

But as in the historic afterflow of our country's other foreign wars, we find many in our country who blindly thrash out at our Military Establishment, careless or indifferent to the needs of our Nation's military defense posture in an unpredictable world of amoral and unreliable nations which in their "have not" national social psychology pose a continuing threat to the United States.

As strong as our hunger is for international peace and as strong as our desire is to move forward to the demanding and necessary goals of domestic priorities, so we must be strong in our military deterrent so long as international banditry and irresponsibility continues.

It is important that all America know that the threat spectrum posed to our naval forces, and to our country, requires an aircraft/weapon system capable of meeting and defeating the existing sophisticated, missile-equipped Soviet fighter aircraft under electronic command and control, their subsurface and surface-launched antiship missiles, mobile SAM—surface-to-air missile—batteries, and their heavily defended bomber aircraft equipped with long-range air-to-surface missiles. This defined threat dictates the choice of the aircraft system. All analyses to date conclusively show the F–14A is superior to the known and projected Soviet threat in the 1970-80 time frame.

The threat is already in being and serious now, and is becoming more severe because Soviet investment in military technology has reached the payoff stage.

To ignore or doubt the severity of threat predictions and not adequately prepare to counter them is strategically unsound. Inherent delays in the development required to achieve an operational capability with a new fighter design are not acceptable to national security. If we do not face the facts realistically and introduce the advanced superiority possessed by the F–14 against the entire threat spectrum, the long-term costs will be immeasurable.

The F–14A is a balanced weapon system utilizing the AWG–9 radar in conjunction with the long-range Phoenix missile—AIM–54—the medium-range Sparrow missile—AIM–7—and the short-range Sidewinder missile—AIM–9—and M–61 20-millimeter gun.

The F–14 has been designed, first and foremost, as an air superiority fighter. Its ability to perform the fleet air defense mission in no way derogates dogfight performance. The air-to-ground capability was not a dictating design requirement; such a capability exists, to a limited degree, as a "fall-out" from other governing design features. The fact that Tomcat can carry air-to-ground ordnance does not compromise its air superiority airframe/system design.

The Tomcat is a weapon system that can destroy long-range multiraid aircraft and missiles as well as enemy fighters in close-in combat. Weight reducing microminiaturization of avionics, balanced with airframe and engine design, has eliminated performance penalties formerly associated with multimission fighters. In the F–14 1 percent of the aircraft weight makes it possible to use Phoenix, Sparrow, Sidewinder, Agile—dogfight missile under development—a gun and air-to-surface weapons. A large part of that weight is in removable pallets not used in the dogfight configuration.

Navy performance estimates of the F–14A and F–14B have been substantiated by an independent National Aeronautics and Space Agency assessment made at the request of Dr. John S. Foster, Jr., Director of Defense Research and Engineering. It was further concluded the multimission performance estimates were attainable without degrading the pure fighter capability.

The long range Phoenix missile, carried on the F–14 has a real and required air intercept capability. An integral part of the F–14/AWG–9 weapon system, Phoenix has been designed to cope with the entire air threat spectrum of the 1970–1980 time frame, ranging from low altitude—subsonic and supersonic—to high altitude mach 3—three times the speed of sound—weapons. These threat weapons include high performance fighter aircraft—Foxbat, Flagon, Fitter—carrying medium and long-range air-to-air missiles; surface launched cruise missiles—Styx and Shaddock—and supersonic bombers carrying long-range air-to-surface missiles—Kangaroo and Kitchen.

The Phoenix missile system capability versus the cruise missile threat has been examined and tested in a realistic operational environment. In engagements versus this small, fast, low altitude threat, important parameters are radar look down capability, system detection and tracking ranges, radar scan window, system response time and number of missiles simultaneously in flight. Maximum required missile maneuver capability is not determined by the cruise missile threat, but is based on engagements versus highly maneuverable enemy fighters utilizing acceleration forces of up to eight times the pull of gravity.

The Phoenix system, with its: first, multishot capability; second, large transmitter power; third, flexible selection of radar scan windows; fourth, quick-firing AWG–9 digital computer solution; and fifth, rapid missile response to correct errors in launch position and target heading changes; provides the fleet with a weapon system that will be able to counter the expected cruise missile threat whether it is launched from bombers, surface vessels or submerged submarines.

Verification of actual missile performance was attained in several successful firings conducted against drones which are smaller—both in cross-section and physical dimensions—than the expected cruise missile threat.

The AWG–9 fire control system and the Phoenix missile have enjoyed one of the most successful test programs in the history of weapons development. The design and test phases have been closely monitored and participated in by operational people who will eventually use this system. Although not yet employed operationally, Phoenix tests to date demonstrate that all design performance requirements are being satisfied. Thus far, 42 missiles have been fired with unprecedented success against realistic threat target simulations. Many of these launchings were impossible to accomplish with any other known missile.

The weapons control system must be matched on an aircraft design of comparable aerodynamic performance to fully exploit the full capability of that system. The Tomcat is that aircraft. It is equally capable in air intercept, combat air patrol, escort, or in a dogfight. This versatility is only possible because of recent innovations, including the fan engine, swing wing, maneuvering slats/flaps, and light alloys. The aircraft design has been evolving since 1959 and has benefited from the technological progress made since. F–14 aircraft are now flying successfully and rapidly verifying the entire predicted aerodynamic envelope. In areas of acceleration, combat ceiling, and combat air patrol loiter time, Tomcat is meeting or exceeding both specification guarantees and Navy forecasts; more impressively, escort radius—on internal fuel only—will be almost 20 percent better than specified.

In recent months, some critics of the F–14 have stated that simply adding maneuvering slats to the F–4 Phantom, long the mainstay of the U.S. fighter arm, would equal or exceed Tomcat performance.

The story of the slatted F–4 is an interesting one. To produce a technically feasible slat installation for the U.S. Air Force and German F–4's a two position slat—either in or out—is being developed. This two-position slat installation will not permit safe carrier landings for the Navy F–4J where landing speeds are critical.

A three-position slat is required for the Navy F–4J. That minimum installation is not the simple addition of a slat. It is essentially a new wing. The installation cost of a slatted wing for the carrier F–4J is far from minimal and adds slightly more than 1,000 pounds, half a ton, to the overall nonpayload weight of the airplane.

The only performance area where the slatted F–4J is better than the present F–4J is in a slow-speed, turning fight. In all other mission areas it is degrading to performance, a thousand pounds degrading.

The F–14A has significantly better dogfight performance than any F–4 versions, existing or proposed, even in the slow-speed, turning arena:

F–14A is 40 percent better in turn radius, 27 percent better in maneuvering climb, 21 percent better in sustained "G", 21 percent better in acceleration, 20 percent better in rate of climb, and 21 percent better in roll performance than F–4.

Additionally, in terms of combat radius of action for escorting today's A–6 and A–7 attack aircraft; loiter time on station in protecting the fleet from incoming fighter, bomber, or missile threats; and radar and missile range, the Tomcat possesses the following advantages over the F–4J:

Eighty percent more combat radius on internal fuel, 50 percent more loiter time with (a) Phoenix missiles—compared with Sparrow-equipped F–4J—100 percent more loiter time with (b) Sparrow missiles, more than twice the radar range, and more than 2½ times the missile range.

The F–14A possesses significant capability over the F–4J in interdiction or attack roles. These capabilities, although strictly fallout, amount to an 80-percent increase in radius with an equal number of 500-pound bombs.

In actual flight test comparisons with the F–4 to date, the Tomcat needs only one-half the takeoff distance, has 30 percent lower fuel flow at cruise speeds, is more stable with SAS—stability augmentation system—off than the F–4 with SAS on, is almost 100 knots faster and 2 miles ahead after side-by-side acceleration from 8/10 the speed of sound to 1.2 times the speed of sound, has approach speeds 25–30 knots lower, and requires only one-half the landing rollout distance.

The large increases in mission performance as evidenced above combined with the required maintenance manhours per flight hour—only 50 percent of the F–4J—offer significant savings to the fleet in terms of more efficient operation and reduced maintenance personnel for a given mission.

It should be emphasized that the Tomcat's capabilities discussed up to this point are confined to F–14A performance. The F–14B, with identical weapons system abilities, has essentially the same performance margin over the F–14A that the F–14A has over the F–4. This performance increase is primarily in sustained turning ability, acceleration, and excess energy—rate of climb—which is needed to counter expected Soviet developments in the 1975 time period. Future improvements in F–14A performance is limited by lack of further growth potential in the TF30–P–412 engine, as this engine has already been refined over 10 years for maximum thrust and specific fuel consumption—SFC. On the other hand the F–14B performance can be expected to increase as the F401–P–400 engine reaches maturity with better thrust and SFC. The F–14B is required to meet the threat of the future. With the Foxbat currently in operation the increased threat could well be faced in the near term.

F–14B VERSUS F–14A

Combat radius same as F–14A, 40 percent more rate-of-climb at M equals 1.0, 10,000 feet, 75 percent rate-of-climb while maneuvering at 5 g. at M equals 0.9, 10,000 feet, and 35 percent better acceleration.

The most expensive weapons system in the world is an inferior one. Tomcat, the product of our country's outstanding engineering and manufacturing teams, possesses all the necessary ingredients for air superiority; agility, energy/endurance, cockpit visibility, detection capability, weapons combinations, and carrier suitability; optionally blended to insure success in any arena.

COLUMBUS DAY

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. TERRY. Mr. Speaker, today marks the 479th anniversary of the discovery of America. On this day, historians tell us, Christopher Columbus, defying the advice of scholars, geographers, and merchants, found the New World.

In recent years, there has been a great deal of discussion about who really discovered America. Was it Leif Erickson sailing with his Viking troops? Was it a group of sailors or merchants from some ancient civilization in a crude vessel made of papyrus?

Speculation of this nature is really unimportant. The significance of Columbus Day is that it recognizes the journeys of Christopher Columbus as the beginning of a new era in Western civilization.

There may have been others who traveled to the "New World," but the real discovery of its magnificent potential belongs to one man and that is Christopher Columbus.

On this 479th anniversary it is fitting to consider the importance of that discovery, when Columbus first set foot on the soil of the New World, there were no highly sensitized cameras recording the historic event. Unlike Neil Armstrong, Columbus did not have an audience numbering in the hundreds of millions. But, the electrifying impact of Columbus' "giant step for mankind" was no less important.

Columbus' voyage opened up the New World for exploration and eventually colonization. From his early journey, the Americas were founded.

Today, with the numerous pressures on our country, we perhaps have lost our sense of discovery that is embodied in the commemoration of Columbus.

On Sunday, October 10, in the city of Auburn in Cayuga County, Astronaut Karol Bobko will join the residents of that area in commemorating Columbus Day. It is fitting that a member of the astronaut team join the hundreds of residents of Auburn in paying tribute to the man who can rightly be called the first American explorer.

The spirit of Columbus is alive in this country, but a bit diminished by our own domestic concerns. Nonetheless, we need to rekindle the zeal for exploration. It need not always be another planet. The same spirit should move us to finding solutions to poverty, pollution, crime, and the other ills which sometimes seem on the verge of overwhelming us.

The greatest tribute to Columbus would be to recapture the spirit which in the face of great odds permitted him to discover the New World. With that spirit, new worlds of accomplishment would be ours.

TREASURY VERSUS COPPER FIRMS

HON. RAY BLANTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. BLANTON. Mr. Speaker, the Treasury Department has agreed to rule on a request by three American copper companies on special tax considerations in view of the high-handed seizure of American copper interests in Chile.

We are all appalled by the brazen attitude of the Chilean Government in confiscating by edict—they call it "nationalization"—of copper mining operations of Kennecott Copper Co., the Anaconda Co., and the Cerro Corp. I understand the Chilean Government has decided not to reimburse the American firms for losses sustained in the nationalization.

But the whole story is not known. And the Treasury Department has decided to rule on the matter of how the domestic companies can handle their losses through tax writeoffs on the basis of closed-door hearings. Apparently, the company officials, a few State Department and Commerce Department copper specialists, and the IRS will be the only ones involved. The public, which stands to lose as much as $175 million, according to an estimate by Senator PROXMIRE of Wisconsin, will not be permitted to know what basis formed the ruling by IRS. We are all going to be locked out.

I am concerned over reports from industry sources who tell me that even though the Chilean Government will take over 100-percent ownership of the operations, the American companies will still have a large say-so in the management and perhaps the marketing. This may only be an unfounded rumor, but if this is so, then it is imperative that the public know. For it could easily appear to some people that the Chilean Government is not paying the American firms any compensation because they have been assured the companies will be allowed to write off their losses at the expense of the American taxpayer through special tax privileges.

The whole question of IRS rulings which cost the taxpayers millions of dollars without their prior knowledge of what went into the decisionmaking process by which these rulings were arrived at needs airing. I agree with Senator PROXMIRE that we need public hearings in IRS rulings.

For the benefit of my colleagues, I wish to point out that Kennecott and Anaconda are two of four domestic producers which control and virtually monopolize the copper market in this country, and, to some extent, the free world.

I have been studying these producers and their pricing practices for several years, and have been alarmed at the amount of secrecy involved with Federal Government agencies when it comes to any question relating to copper. Apparently the IRS and the Treasury are no different than the Justice Department and the Commerce Department, which have been shielding the copper cartel for years.

For the benefit of my colleagues, I insert in the RECORD an article appearing on page 14 of the Christian Science Monitor, April 15, 1970. This article explains the already highly favorable tax loopholes the copper companies get at the expense of the taxpayers, and I have checked its accuracy, and believe it to be a fair presentation:

TREASURY VERSUS COPPER FIRMS: TAX LOOPHOLE STILL OPEN AFTER 31 YEARS' EFFORT

(By David R. Francis)

WASHINGTON.—This is a story of taxes and political pressure.

It tells of how one industry, the copper industry, has kept wide open a tax loophole that the Treasury began trying to narrow in 1939. It involves congressmen from the copper-producing states. It promises again to become a hot issue.

In 1932, Congress extended the percentage depletion allowance to metal mines. The rate for copper was 15 percent.

This meant copper producers each year could deduct 15 percent of their gross revenues from their taxable income. As with oil, the deduction can be made every year for the life of the mine. Unlike ordinary depreciation on machines and buildings in other industries, the depletion allowance does not run out when it exceeds capital costs.

CUTOFF POINT NOT SPECIFIED

One problem was that Congress did not specify a cutoff point for the depletion allowance.

By Treasury practice, this point was set after the concentration process. In the copper industry, ore is taken from the ground containing only a small percentage of copper. This is then concentrated to remove some of the rock.

Later stages, classified as manufacturing, include smelting and refining.

But by the 1930's, the copper industry already was combined into a relatively few integrated firms. The Internal Revenue Service (IRS) found that only insignificant amounts of copper concentrate were being sold. Thus there was no easy method for calculating the revenues eligible for the depletion allowance.

The IRS decided the copper companies could compute the revenues eligible for the depletion allowance by subtracting their manufacturing costs after the concentration stage from total revenues.

This decision, says former Treasury official Thomas F. Field, was the result of "bureaucratic ineptitude." It meant that all of the copper companies' profits became eligible for depletion allowance. It assumed no profit at all was made on smelting, refining, sales, or other postconcentration operations.

MISTAKE CAUGHT

Treasury officials caught up with this mistake in 1939. Then they revised the regulations.

If no market price for concentrates is available, the new regulations stated, the copper companies must allocate only a proportionate part of profits, based on costs, to mining and thus the depletion base. For example, if one-third of the costs of producing copper for a particular firm fell on the mining stage (up to concentration), then one-third of profits would be eligible for the depletion allowance.

The copper producers disregarded the 1939 regulation. Except for one or two tiny firms, they still are disregarding the regulation, even though it was reinforced in 1968 by updated regulations.

Today the tax savings for the copper companies run into tens of millions of dollars, according to Treasury estimates. The copper industry intends to fight to protect this tax privilege.

The IRS first picked up the failure of the copper companies to use the proportionate-profits method of computation when it audited the 1942 returns of the copper companies.

It was wartime, and the IRS was short of personnel. In any event, the government and the copper firms negotiated an ad hoc settlement of the tax bills, attributing portions of profits to the manufacturing end and allotting the remainder to mining.

In the early 1940's, the price of copper was controlled at $240 a ton. Today it has risen to about $1,200 a ton. However, the major copper companies have stuck to the patterns set by those wartime settlements.

In one wartime case, about $2 a ton in profits was attributed to the manufacturing end—the rest to mining. Since metal mining, as in industry, makes somewhat better than an 11 percent after-tax profit on its sales, that indicates the copper firms make substantially more than $100 of profit on a ton of copper. If only $2 or so a ton is attributed to the complex smelting, refining, and sales end, the tax advantages of putting the rest of the profit on mining become enormous.

"It is a way of sharply increasing the depletion allowance," comments Mr. Field. He left the Treasury in January to form an organization entitled "Taxation With Representation."

One of his areas of expertise at the Treasury was taxation of the mineral industries. He was closely associated with an effort in recent years to force the copper producers to adopt the proportionate profits system.

OLD METHOD USED

With the present tax system, the copper producers pay roughly about as little in federal income taxes proportionate to their gross profits and revenues as do the oil companies. A billion-dollar copper firm might typically pay under $10 million in federal income tax.

The copper companies' method of computation was never challenged again until 1965. Then Phelps Dodge Corporation got involved in a tax case involving exploration and development expenses.

The Internal Revenue Service, looking into the firm's tax records, discovered that Phelps Dodge was still using the old 1942 technique for computing depletion allowance. This was introduced into the case, and the firm made a settlement that cost it millions of dollars.

But the fat was in the fire. Research disclosed that no major firm was using the proper proportionate profits method. Indeed, at least one was using the pre-1939 technique of allocating all profits to mining.

Thus in 1966 the Treasury proposed depletion-allowance regulations again that stated where there was no "market or field price" at the cutoff point, the firm must use the proportionate-profits method of computation.

At this point, recalls Mr. Field, the industry began to bring "substantial pressure" on the Treasury to modify the regulations to benefit copper. The industry argued that because the "manufacturing" costs of copper are a relatively high proportion of total costs as compared with some other metals, the ruling was unfair. They contended, that the proportionate profits method does not take into account the value of the copper in the ground.

CONGRESSMEN OBJECT

Copper producers came to Washington in 1967 and 1968 to discuss the proposed regulations with Treasury officials. They represented the Anaconda Company, Phelps Dodge Corporation, Kennecott Copper Corporation, American Smelting & Refining Company, and Newmont Mining Corporation. These firms produce more than 90 percent of total domestic copper.

"Delay is a great thing as long as it works for you financially," says Mr. Field.

Finally, however, on July 26, 1968, the regulations went into force.

The copper industry turned to congressmen for help.

"We try to work as much as we can through the American Mining Congress," said W. E. Quigley, vice-chairman of the board of Anaconda, during a telephone interview. "But we find that the Treasury Department listens more to congressional or senatorial comments rather than the association. It is the best way to get some consideration from them."

Within a few weeks in October and November of 1968, the Treasury got letters objecting to the regulations from Sens. Mike Mansfield (R) of Montana, Wallace F. Bennett (R) of Utah, and Paul J. Fannin (R) of Arizona, and Reps. Arnold Olsen (D) of Montana, John J. Rhodes (R) of Arizona, Sam Steiger (R) of Arizona, and James F. Battin (R) of Montana.

Stanley S. Surrey, then assistant secretary of the Treasury for tax policy, replied to the congressmen in January, 1969, that he could do nothing for the copper companies since they had not applied for permission to use some other method of computation.

ECONOMIC STUDY UNDER WAY

The copper companies say they would like to use a computation method known as "rate of return on investment." They want to use a 8.5 percent rate of return on their "manufacturing" investment. The Treasury considers this extraordinarily low.

The copper producers are preparing an economic study to try to persuade the new Republican team at the Treasury of the correctness of their position.

The IRS says it will insist that copper companies use the proportionate-profits method when no market or field price is available. But the corporate tax statements remain open to challenge for some years back. In the case of Anaconda, 1962 is the last year the tax books were closed finally. Thus the copper industry hopes to cut the ground out from under the IRS auditors by having the regulations changed before the tax books are closed.

Since the July, 1968, regulation is retroactive to 1954, the tax bill facing the copper industry is huge—perhaps $50 million or so.

This lengthy tax story raises several points:

It indicates the years it may take to settle a tax issue if a strong industry wants to buck Treasury regulations.

It illustrates how an industry can bring political pressures to bear in an attempt to alter its own tax rates.

Congressmen argue that they are only representing their constituents.

Treasury officials, however, deeply resent such interference in their executive tasks. One official maintains that if Congress wants to set the taxes for an industry, it should do so by changing the law—not using backdoor pressures to alter regulations.

Mr. Field believes all correspondence from Congressmen to the Treasury on tax affiairs should be public. This would help maintain separation of the executive and legislative branches. It also would make congressmen less vulnerable to pressure from special interests.

Otherwise, the suspicion grows that congressmen making such tax pleas do so in order to obtain campaign contributions.

It shows the enormous complexity of tax law. Only a few experts know the details of some sections of the tax code, and most of those are employed by the firms concerned. The public has few experts, if any, to protect the tax base from industry nibbling.

To some extent, the Treasury can work for reform. But that depends on the individuals currently in top slots and the political pressures on them. Civil servants in the Treasury cannot make public stands against some tax loophole if this is contrary to the position of the administration.

SEATBELTS FOR SCHOOLBUSES

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. BROTZMAN. Mr. Speaker, automotive seatbelts have become a way of life—or, more accurately, a way to stay alive—in the United States.

Seatbelts are required equipment in new automobiles and—within a year—they will be required on commercial buses. Thus, we can tell our children to "buckle up" and expect a nearly reflexive response—unless they are riding on a schoolbus. If they are, there probably would not be any seatbelts. Incredibly, even the latest Department of Transportation regulations specify that only the driver of a schoolbus need be provided with a seatbelt.

Last spring, Mr. Speaker, following an inquiry by a newspaper in my district, the Englewood Herald Sentinel, I began an investigation of schoolbus safety.

Data supplied by the National Safety Council and the Department of Transportation showed that, currently, we can expect upwards of 100 student deaths in schoolbus accidents annually in the United States, and some 4,000 student injuries.

Furthermore, it was asserted by various experts that many if not most of these casualties could be averted simply by extending Federal safety criteria developed for common carriers and passenger autos to schoolbuses.

It became apparent to me that most schoolbus bodies simply are not built as strongly as their counterparts. Perhaps the Department of Transportation should develop more stringent standards, for surely the structural integrity of the vehicles we build to carry schoolchildren is as important as that of vehicles we build to carry cross-country travelers.

However, of even more direct and pressing concern, it seems to me, are the matters of seatbelts and the passenger seats themselves.

National Transportation Safety Board studies several years ago indicated that many schoolbus casualties result from bodies flying about in a bus during an accident and coming into contact with hard or sharp objects.

Furthermore, the studies indicated that installation of seatbelts in existing schoolbus seats might well cause more casualties than they prevent—either from the whiplash effect or from the impact of heads and bodies on the tops of seats and the metal handholds which are common to many schoolbus seats.

The best answer, in the opinion of NTSB, appeared to be installation of seatbelts on properly padded seats with backrests at least 28 inches high.

Last August, Mr. Speaker, I asked the Legislative Counsel to prepare a bill which would remedy these serious shortcomings in our Nation's highway safety requirements.

In addition to the establishment of physical criteria, I asked the bill drafters to include in the proposed legislation an authorization of Federal funding to assist local schools in complying with Federal schoolbus seat and seatbelt laws. To retrofit a fleet of existing buses with this equipment will be expensive.

But, I can think of no better way to use our Federal resources. If we can cut the annual death and injury toll simply by facilitating the application of safety criteria already being utilized in passenger cars and commercial carriers, then can we in all conscience hesitate? I doubt it.

Ironically, even as my legislation was reaching final draft form, one of the worst schoolbus accidents in recent U.S. history occurred. And it took place in Colorado.

On September 11 a Gunnison, Colo., high school bus carrying a junior varsity football team crashed on 11,312-foot Monarch Pass. Eight teenagers and a coach died. Twenty-nine others were injured. While the basic causes of the accident still are under study, one fact has subsequently been determined by Federal investigators:

Had the bus been equipped with seatbelts, the toll would have been much less.

On October 6, according to the Denver Post, the Department of Transportation's National Highway Traffic Safety Administration released a preliminary report indicating that—

> It is clear from the Federal studies that the passengers who stayed inside the bus were far better off.

Of the 48 occupants of the bus, the report indicated, 38 were thrown out as the bus flipped 2½ times. Of the 10 victims who remained inside the bus, nine suffered minor injuries and the 10th was hospitalized but not seriously injured. And, although the bus came to rest upside down, with its roof crushed down to seat level, those who stayed inside were protected the most.

The chief Federal investigator, Dr. Eugene Flamboe, is quoted as saying that his agency would strongly support seatbelt installation in schoolbuses, as well as better seat design.

Mr. Speaker, I am today introducing a bill which would require that seatbelts be installed in all existing and future schoolbuses. It would also direct the Secretary of Transportation to establish adequate standards for safe seats. And, it would authorize Congress to appropriate funds necessary to assist local schools in financing the necessary changes to existing equipment.

Finally, Mr. Speaker, I would like to commend Colorado's news media for some excellent research which has been most helpful to me in preparing this legislation. With the approval of this body, I insert the article from the Englewood Herald Sentinel which brought the problem to my attention, an article from the October 3 issue of the Denver Post which summarized the preliminary findings of inquiries into the Monarch Pass tragedy, and the October 6 Denver Post article which summarizes the report of the National Highway Traffic Safety Administration:

[From the Englewood Herald Sentinel,
Apr. 21, 1971]

Is School Bus Seat Belt a Safety Key?

(By Douglas Bradley)

Could the heavy mortality rate on the highways be reduced if safety standards and the use of seat safety belts began in the school bus? Safety experts think so.

Apart from instilling in passengers the use of safety belts as an automatic reflex, the installation of the belts in school buses would tend to save student life and hold injuries down.

But a check by your Sentinel newspaper showed that a seat belt on a school bus is a rare occurrence. Safety officials were perturbed about the long-time trend, but school authorities, in the main, were phlegmatic about the omission.

Consider these facts and statistics obtained from the Colorado Safety Association, a chapter of the National Safety Council:

Safety belts are now available to about four out of five of all passenger car occupants, and are installed in all new cars. Belts are being used only about 40 per cent of the time, according to the safety officials. (This estimate is considered too high by some police authorities who said 20 per cent is more realistic.)

If safety belts were used at all times, up to 10,000 lives would be saved annually, it is estimated. In the past year, between 2,700 and 3,300 lives were saved by seat belts, according to safety officials. Use of the belt is also ranked a decisive factor in lessening the extent of traffic crash injuries, of which there were 2 million disabling cases in the past fully recorded year (1969).

School bus accidents killed 140 persons in the same year in the United States, including 75 pupils, five bus drivers, and 60 other persons. There were 3,000 pupils injured.

In Colorado, school buses were involved in 126 accidents during the same year, in which 40 students were injured.

Why is the average school bus not equipped with seat belts?

Inquiry turned up these facts:

Bus manufacturers, unlike auto makers, are not subject to any federal regulation on the installation of the belts.

Safety belts are not installed unless specially ordered. The cost involved is the apparent deterrent to bus maker and school district, plus the existing configuration of school buses. With most buses now in use, only half-effective remedial measures could be carried out.

Some school officials in the Sentinel survey took the position that the combination of a good safety record and the infrequency of school bus crashes, was justification not to go to the expense of bus safety measures.

Nationally, school buses were involved in 39,000 accidents in 1968, the last year for which total data was amassed in the 1970 edition of Accident Facts, published by the National Safety Council.

The characteristics of school bus transportation show many variations between operational procedures. Drivers of many school buses have been recorded as being too young and inexperienced; and even worse, sometimes as experienced but with an undisclosed police record of traffic offenses.

In Colorado, there are more than 3,000 school buses which travel more than 27 million miles annually in transporting 151,000 pupils daily. A rule-of-thumb guide for the life of the average school bus is eight years or 80,000 miles. Some are used up to 15 years with a record of 250,000 miles.

In addition to school bus accidents involving other vehicles, the safety analyzers estimated other school bus accidents involved an estimated 700 pedestrian, 150 bicycle and 10 railroad accidents in the last statistical year; all of which accidents would hypothetically involve the bus drivers in applying brakes suddenly with consequent propulsion of the student passengers.

One school official (who was not typical) thought it would be more logical for educational authorities to press for the safest transportation and meet the additional cost "rather than put emphasis on providing the latest in swimming pools."

"It is ludicrous," he remarked, "for people to worry about Johnny putting on his seat belt in the family car when he doesn't have to do it in the school bus."

Richard K. Ayers, managing director of the Colorado Safety Association, noted that with the present type of school bus, potential damage to students would be greater with a safety belt than without one.

"Collision tests at the University of California, with the use of mannequins, proved this," Ayers said.

"The configuration of the bus as presently constructed does not lend itself to restraints. The bus seat is fastened to the plating on the floor.

"The anchoring would be simple to correct but the way the seats are shaped with the metal piece across the back, a child would be thrown by the belt into the seat ahead in a crash.

"The damage to the head would be greater than if the child was loose and thrown."

Lack of organized pressure from the public has caused perpetuation of the ill-conceived school bus while automobile safety standards have been consistently improved.

Ayers said the challenge to the bus-making industry is in two directions:

"Better configuration of the bus itself must be established, and restraints developed that will protect the child," he said.

"Most safety authorities feel that by adding padding and anchoring the seats, it would be a great help toward safety of the passengers, but it would not be the total answer."

The Colorado and national groups have been advocating better school buses for years, and there is federal concern directed toward the subject.

The Department of Transportation is now grappling with a schedule of requirements on the design and manufacture of school buses.

Ayers thought that whatever reforms were initiated, it would be a long time before they could become effectual.

"There is the problem of equipment already owned and the increased cost of better buses," he said.

In the meantime, he suggested, efforts should be redoubled to ensure that bus drivers are properly trained, and pupils instructed in safety measures.

"Thus, we will hold the accident situations to a minimum until we can come up with better solutions," Ayers said.

A representative of a bus manufacturing firm protested that "the schools are getting what they want."

Asking not to be quoted ("they're my customers") he added:

"We make what people will buy. If innovations make the bus cost more, the schools would be the first to squawk."

Despite the ring of protections afforded a school bus—flashing lights, special signs, slow speeds, short distances etc.—the accident ratio continues.

"A school bus is not exposed to accidents as much as a normal passenger vehicle," Ayers said, "but any assumption it is the safest place in the world, would be wrong.

"We have a law that all new cars must have safety seat facilities installed. It would not be illogical to extend the same requirement for the benefit of children."

Most of the seriously injured in crashes, Ayers pointed out, are discovered without a safety belt, irrespective of whether it is available in the vehicle.

"If children have the habit of wearing a seat safety belt, and the habit springs from school bus and family car, it is likely the habit will stay with them through life," the safety official asserted.

[From the Denver Post, Oct. 6, 1971]

Gunnison Tragedy Analyzed: School Bus Design Change Pressed

(By Leonard Larsen)

Washington, D.C.—Investigators probing the Gunnison, Colo., High School bus crash will recommend—at a minimum—changes in school bus seat design, installation of seat belts and stronger roofs, a federal spokesman said here Wednesday.

The preliminary findings in the probe of the Sept. 11 tragedy on Monarch Pass, Colo., which killed nine persons were released by Dr. Eugene Flamboe, chief of the accident investigation systems design panel of the Office of Accident Investigation and Data Analysis.

That office is a part of the Department of Transportation's National Highway Traffic Safety Administration.

The recommendations released Wednesday reaffirmed reports and recommendations made after earlier school bus tragedies:

That many if not most school buses in use today are structurally weak; that seat belts should be installed and used, and that seat backs should be redesigned to eliminate the potential of serious injury from metal handbars across the backs of passenger seats.

Dr. Flamboe told the Denver Post Wednesday that an "interim report" on the Colorado accident, one which probes deeper into the Gunnison High School bus mishap, will probably be available sometime between Nov. 1 and Nov. 15.

As of Wednesday, said Dr. Flamboe, "It is clear from the federal studies that the passengers who stayed inside the bus were bar better off. Eight young football players and one coach suffered fatal injuries when the bus went out of control on Monarch Pass, turned over and crashed.

Of the 48 occupants of the bus, he said, 38 were thrown out as the bus flipped 2½ times in its fatal plunge.

Of the 10 victims who remained inside the bus, Dr. Flamboe said, nine suffered such minor injuries that medical records weren't immediately available on them, and the 10th apparently was hospitalized but not seriously hurt.

The preliminary report of the injuries suffered by those killed and those who survived, Dr. Flamboe said, show that "the more severe injuries" were suffered by the passengers on the left side of the bus nearest the windows, the side onto which the bus turned in the accident.

In the first flip of the vehicle, Dr. Flamboe said "it landed on the left side near the roof line and the whole window area on that side was wiped out."

He said probers found that only two passengers were thrown from the bus on that roll.

On the second roll—with the gaping hole now in the bus roof line—36 passengers were thrown out, he said.

"The important thing," Dr. Flamboe said, "is that even though the bus came to rest on its top, with the roof collapsed down to the seats, staying inside offered the most protection."

Dr. Flamboe said his agency would "strongly support" seat belt installation in school buses and would "undoubtedly" recommend better seat design to eliminate the handbar.

The bar, intended as a hand hold for youngsters entering and leaving a bus, is "very bad," Dr. Flamboe said.

The federal official said a detailed analysis of mechanical failures which contributed to the Gunnison tragedy would probably be made in the interim report due early in November.

[From the Sunday Denver Post, Oct. 3, 1971]

School Buses Little More Than Weather Shelters

(By Norman Udevitz)

It was a clear, bright Saturday morning as the familiar yellow bus nosed over the crest of 11,312-foot Monarch Pass in south central Colorado.

Inside the new but spartan-like vehicle, 44 Gunnison High School football players—the youngest 13, the oldest 17—their two young coaches and an aide, were concentrating on their games that afternoon in Salida, about 45 minutes away down the pass to the east.

Slowly the bus cleared the crest and began the sharp descent to Poncha Springs below. Quickly the heavily loaded bus gained momentum as the narrow ribbon of black asphalt dropped away before it.

At first it swayed gently around the graded curves. There was no alarm. Then, about two miles below the crest, the top-heavy vehicle's controlled glide turned into a headlong lurch.

ASPENS UNNOTICED

The red and gold of changing aspens on the steep surrounding mountains flashed by. But no one aboard noticed. Instead, they concentrated on the driver's efforts, and those of a coach, to shift gears and apply brakes.

The young riders crouched behind metal seats, their ears filled with the whining roar of the engine, the acrid smell of smoke in their nostrils.

Then, looming up before them, a glut of traffic filled both lanes of the precipitous road. There was a steep embankment to the left, a sheer 50-foot drop to the right—no way to get around.

As the bus hurtled toward that traffic, miraculously a service station parking apron came up on the right. It was a chance. The driver took it, swerving onto the apron, around a small car and a semi-truck—and almost made it back to the road.

BOULDER IN PATH

But not quite. Hitting a sign and a large boulder, the bus flipped in the air, rolled over twice and came to rest on its top in a 20-foot gully, its roof partially torn away, the remainder crushed to seat level.

Those few harrowing moments on a Colorado mountainside on the sunny autumn morning of Sept. 11 sealed the fate of nine young men, all killed by the crash.

All of the 39 other persons were injured, most seriously, many critically.

What caused it? Was it anyone's fault?

Answers to these crucial questions are yet to be found. Dozens of investigators from federal, state, county and local agencies and bureaus continue to examine, probe and prod.

They will, of course, find answers. They will also file voluminous reports, making them available to Congress, legislatures, federal and state safety agencies, bus manufacturers, state and local school officials, school boards and the public.

Among their findings, if the findings in many other similar crashes are an indication, will be that most of the deaths and injuries, if not the crash itself, could have been avoided.

And, again based on previous findings, after an appropriate amount of time, the public—which must pay the bill for corrective equipment and programs—will forget, leaving its elected and appointed officials nothing else to do but declassify the tragedy to an "incident" and file the reports away for the benefit of investigators of future fatal crashes.

That such crashes, with their attendant deaths and injuries, will continue to occur with predictable regularity is almost certain.

That they have happened, almost identically, in the past is a fact.

That this bloody history has resulted in few changes in equipment and programs also is a fact.

For instance: Near Decatur, Ala., on April 23, 1968, a school bus lost its brakes near the top of a long hill. The driver couldn't control the bus. It ran off the right-hand shoulder of the road into a deeply eroded gully and overturned. Four children were killed and 34 persons were severely injured.

The same year, on Nov. 19, near Huntsville, Ala., a school bus lost its brakes descending a hill, ran off the right-hand side of the road, struck a tree and turned over.

One youth was killed, 29 others were seriously injured.

SIMPLY FELL APART

In both cases, the National Transportation Safety Board (NTSB) concluded, the deaths occurred because bus coach structural assembly was inadequate. The superstructure of both buses simply disintegrated on impact.

The injuries were a result of what authorities termed the "second accident"—when unrestrained passengers, their momentum unchecked, are thrown through the bus after impact, striking protruding objects such as coat hooks, racks, fire extinguishers, wall-hung first-aid kits, and, most importantly, the sharp, jagged edges of interior sheet metal torn loose by impact and structural disintegration.

"The predominant injury pattern," the bureau's report says, "was to face and scalp, with multiple lacerations, abrasions and contusions."

In the recent crash on Monarch Pass, medical authorities reported similar injuries, particularly noting that there were few lower-body injuries.

SCREWS WIDELY SPACED

The NTSB report on the two Alabama crashes concluded that the raising of sharp edges was made possible by the "very wide spacing" of screws used to fasten edges of sheet metal interior roof panels to each other and to roof bows.

Ironically, the bureau report says, the interior panels would have given "substantial strength" if they had been adequately fastened.

An inspection of the Gunnison High School bus by a Denver Post reporter five days after the crash showed that even though the superstructure was crushed to seat level, there were loose, dangling, jagged roof panels.

A later inspection of buses recently purchased by the Jefferson County School District showed panels screw-fastened to roof bows exactly in the same fashion as in the two Alabama buses.

In the Gunnison accident, a State Patrol officer said, most passengers were thrown out of the bus after the roof was partially torn off. And, federal investigators believe, some passengers were ejected through pop-out windows that gave way when the superstructure collapsed.

They also believe that two of those ejected were killed when the bus came to rest on top of them and that another four were crushed to death inside the bus.

Detailed reports of the two Alabama crashes strongly indicate that almost any school bus superstructure would collapse under similar stress.

This structural inadequacy is peculiar to school buses. Part of the problem, the NTSB says, can be credited to the integrity of "riveted structural joints."

Engineering standards (Mark's Standard Handbook for Engineers) call for rivets to be spaced at specific distances—about 2½ times the diameter of the rivet.

Rivets in the Alabama buses were spaced from 5 to 20 times farther apart.

A Denver Post inspection of the Gunnison bus, and of numerous other buses in other Colorado school districts, showed rivets to be spaced in identical fashion to the Alabama buses.

"This," the bureau says, "is sufficient to resist wind and weather, but . . . contributes little to structural strength."

BUREAU CRITICAL

The bureau, in fact, was generally critical of total school bus structure.

Its report said, in part, that school bus bodies are constructed primarily of steel joined by welding, riveting, bolting and, in some areas, sheet metal screws.

City and intercity buses (such as those used by Denver Metro Transit and Greyhound), however, are constructed of aluminum external sheets formed and riveted to underlying structural members of aluminum or steel.

"Substantially higher efficiency in riveted structural joints is achieved in this (the latter) design if they reported.

The bureau also reported that its invesigations of several severe city and intercity bus accidents hadn't revealed any "disintegrative" damage and separation of interior panels.

The bureau concluded that city and intercity buses are built to resist impact damage while school bus structure does little more than keep out weather.

The bureau, observing that school buses are much lighter and typically carry more passengers in less space than city or intercity buses, said:

"It would appear that, if anything, lighterweight school buses would require greater efforts to achieve efficient joints and thus employ all the material to resist structural disintegration."

Evidently few saw or paid heed to this document.

Gunnison school officials had never heard of it. Neither had Jefferson County school transportation authorities.

Colorado State Department of Education officials said they had heard of it, but acknowledged they haven't read it.

It couldn't be found in National Safety Council files, at the Department of Health, Education, and Welfare (HEW), or at National Education Association (NEA) offices in Denver.

And there wasn't any acknowledgement of it at the School Bus Manufacturers Institute in Washington, D.C.

Yet the report (NTSB-HSS-70-2) was adopted and released 14 months ago, and a copy was obtained by The Denver Post in 48 hours.

The bus involved in the Monarch Pass crash was delivered almost a year after release of the report, which detailed structural deficiencies, and three years after the first Alabama wreck.

In Alabama action was taken before the report was completed. That state's legislature passed its first school bus inspection legislation.

General Motors Corp., manufacturer of the bus involved in the Huntsville crash, also took action before the release of the report.

Under provisions of the National Traffic and Motor Vehicle Safety Act of 1966, the National Highway Traffic Safety Administration (NHTSA) caused GMC to recall 10,450 Chevrolet and GMC buses for possible brake malfunctions.

COLORADO REACTION

That action had some effect in Colorado. Coredell Smith, coordinator of the state highway safety department—created by the Highway Safety Act of 1966 and federally funded—sent an NHTSA-authored memo to all Colorado school district pupil transportation supervisors.

The memo, dated April 18, 1968, urged supervisors to make repairs if their fleet contained one of the recalled bus models.

It also drew attention to "what appears to be serious and general degradation of quality bus maintenance operations" and urged that corrective action be taken.

The memo recommended that every district employ qualified mechanics, conduct periodic inspections, develop maintenance check lists, require daily bus inspections by drivers, and set up machinery for periodic spot checks of maintenance programs.

DRIVER TRAINING URGED

A prime recommendation urged immediate development of driver training programs.

The memo concluded by urging that its recommendations be given highest priority, regardless of cost.

The memo and the subsequent NTSB report weren't the first data available to state and local school officials—or bus manufacturers—about bus structure inadequacies.

In January 1967, the Institute of Transportation and Traffic Engineering at UCLA released an exacting report on its series of comprehensive bus-collision experiments.

The report revealed that, on impact, unrestrained passengers—those without seat belts—become "flying missiles."

In the experiment, anthropometric dummies with imbedded electronic instrumentation were used to represent humans.

They rode out initial impact well until they hit a protruding object—such as a heater enclosure, a book rack, a coat hook, a fire extinguisher, for example. At that point "injury," or "death," occurred.

Installation of seat belts isn't a solution, the study showed, because when the body is restrained by a lap belt, the torso "jackknifes" forward and the face or head hits the hard metal frame in back of the seat in front, causing even more severe injury.

Even if the seat back is padded, reducing injury potential, the torso snaps back anyway and the neck breaks. That happens because seat backs are too low and can't absorb the backward movement.

PADDING PROPOSED

The answer, the institute concluded, was a padded seat with a minimum 28-inch back. That would permit use of seat belts, minimize jackknife-related injuries, and avoid injury resulting from "flying" through the bus and striking protruding objects.

The study also recommended that drivers wear seat belts regardless of passenger seat configuration. In the event of minor impact, the study said, a seat belt would avoid loss of driver control and thus prevent a more serious accident.

Most of Colorado's 3,000 school buses are equipped with driver seat belts, but only a handful have shock-absorbant padding on seat backs. None has seats 28 inches high. And nearly all contain protruding racks, fire extinguishers, first-aid kits, coat hooks, heater enclosures, and similar items.

BRAKE FAILURE

There is, of course, the matter of school bus running assemblies, particularly brakes. More often than not, brake failure causes fatal accidents in the first place.

Numerous studies, some of them made before 1966, recommend that buses be equipped with a three-way system: normal hydraulic brakes, a redundant air system, and an emergency air lockup system that would engage automatically after other systems had failed.

A few buses are being delivered to some Colorado districts with such safeguards.

But, safety experts agree, some brake and transmission failures will occur anyway. That puts the burden on bus structure and safe interiors.

DRIVER COMPETENCE

Another factor is driver competence. But most experts have concluded that improving driver performance, whether in cars or buses, is unrealistic.

The safety establishment is focusing its attention on vehicle design. The move isn't intended to free drivers from blame, but is based upon the fact that changes in vehicle design can be brought about more speedily and effectively than changes in the driving habits of millions of American motorists.

TREND MISSES BUSES

The trend to safer vehicle design is becoming apparent in passenger cars, over-the-road trucks, transit and intercity buses.

But school buses remain substantially unchanged. And they aren't safe. In fact, in the view of one authority, Dr. Robert Van Schwartz, a Denver vehicle malfunction investigator, "the chances of escaping uninjured from a school bus accident are about the same as escaping unharmed from a game of tag on the freeway at rush hour."

OPPOSITION TO WYLIE AMENDMENT—HOUSE JOINT RESOLUTION 191

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. CORMAN. Mr. Speaker, in October of 1964, Emanuel Celler, the distinguished chairman of the House Judiciary Committee, spoke to the eighth annual Baptist Conference on Religious Liberty regarding the widespread confusion and misunderstanding that existed not only over the Supreme Court's school prayer decisions, but also over the vital subject of religious liberty in our time.

As the debate once again intensifies in preparation for House action on the prayer amendment in early November, I find there is still widespread confusion and misunderstanding of the issue. In an effort to promote a greater public understanding of the issue and clarify any misconceptions that may exist, I call attention to Chairman Celler's address before the Baptist Conference in 1964:

Address by Representative Emanuel Celler

Mr. Chairman, ladies and gentlemen. I want to share with you a letter I received during the course of the hearings of the Committee on the Judiciary on prayers and Bible reading in the public schools. Here is the full text:

"Dear Mr. Celler:

"I am opposed to the Becker Amendment to the Constitution. It may cause separation of Church and State."

These two short sentences suggest the widespread confusion and misunderstanding, not only over the Supreme Court's "school prayer" decisions, but also over the vital subject of religious liberty in our time.

As your able representative, Dr. Carlson, observed in his testimony before our Committee, "There is an all too human tendency to assume that freedom will keep in the archives. But we have discovered that it requires a vital experience, generation by generation * * *." I, too, believe that each generation, in the light of its own experience, must rediscover for itself the meaning of our historic guarantees of liberty embodied in the Constitution. Those guarantees would soon become a dead letter if each generation failed to apply them to its own changing institutions and practices. As Judge Learned Hand has reminded us:

"Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; * * *. While it lies there it needs no constitution, no law, no court to save it."

Specifically, with regard to the "school prayer" controversy, Mr. Justice Brennan observed in the *Schempp* case that "the structure of American education has greatly changed since the First Amendment was adopted," and "our religious composition makes us a vastly more diverse people than were our forefathers." (374 U.S. at pp. 238, 240).

Thus, the question today, as Justice Brennan put it, is whether religious exercises in public schools "threaten those consequences which the Framers deeply fared; whether, in short, they tend to promote that type of interdependence between religion and State which the First Amendment was designed to prevent." (374 U.S. at p. 236).

Dr. Carlson also truly observed before our Committee that the school prayer and Bible reading issue "touches only the fringe of the much larger question of the scope of free exercise." You are to be congratulated, therefore, on holding this conference to consider the broader implications of the free exercise of religion in today's world. For I am persuaded that the emotions engendered by the "school prayer" controversy stemmed not only from misunderstanding of the Supreme Court decisions themselves, but also because national attention had not been focused for some time on the meaning of religious liberty in our swiftly changing society.

Now it is the essence of our democratic faith that out of the clamor of discordant voices—by "free trade in ideas"—a free society distills its own consensus. I believe the hearings of the Committee on the Judiciary served a useful function in providing a national forum in which all points of view could be heard on the "school prayer" controversy, and on the related questions, involving many facets of religious freedom, raised by the various resolutions before the Committee. From that discussion, I feel greater public understanding has developed and the issues have been considerably clarified.

My mail clearly showed this process at work. Before hearings were announced, the Committee, and I as its Chairman, were receiving a steady stream of mail from all over the country in support of the proposed amendments with only a trickle in opposition. Much of this mail was of the form letter and postcard variety, and many individual letters displayed misunderstanding both of the Supreme Court decisions and of the broader questions posed by the many resolutions proposing amendments to the Constitution.

During the hearings, which were ably reported and widely described by the press, there came a turn in the tide. The volume of mail in opposition to the proposed amendments steadily swelled. More important, however, letters on both sides generally began to reflect increasing awareness of the issues at stake. These letters often referred to discussions in churches and temples, and to reports and editorials in the press regarding the testimony at our hearings.

I think this experience plainly shows that Americans are highly responsive to an exchange of informed opinion on a subject which touches us all so closely. Beyond the immediate reaction, furthermore, there will surely come a second wave, so to speak, of criticism and comment in learned periodicals and in just such meetings and conferences among interested individuals as you are holding here today. From such mature deliberation, intelligent judgments can be reached regarding the true meaning and scope of religious liberty today.

At this point, I must pause to pay tribute to the many witnesses—religious leaders, constitutional lawyers, educators, and concerned citizens—who contributed to the public dialogue on this vital subject by giving our Committee and the American people the benefit of their scholarship, their experience, their thinking, and their convictions.

Perhaps I can contribute to your discussion most usefully by reviewing some of the testimony at our hearings regarding the impact of the free exercise clause on religious practices in the public schools.

At the outset, it is well to recall the words of Representative Daniel Carroll of Maryland during the debate on the Bill of Rights that "the rights of conscience are, in their nature, of peculiar delicacy, and will little bear the gentlest touch of governmental hand." In this spirit, the First Congress proposed the Bill of Rights which begins with the command that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." It is our task today to translate "the majestic generalities of the Bill of Rights, conceived as part of the pattern of liberal government in the eighteenth century, into concrete restraints on officials dealing with the problems of the twentieth century * * *." *West Virginia State Board of Education* v. *Barnette* (319 U.S. 624, 639).

Long ago, in the leading case of *Watson* v. *Jones*, 13 Wall. 679, the Supreme Court interpreted the First Amendment to mean that the State must be neutral in matters affecting religion, for "[t]he law knows no heresy, and is committed to the support of no dogma, the establishment of no sect." (13 Wall. at p. 728)

In the aftermath of the Civil War—the War for Union—we adopted the Fourteenth Amendment which makes applicable to the States the essential guarantees of liberty set forth in the Bill of Rights. And nearly a quarter of a century ago, in *Cantwell* v. *Connecticut*, 310 U.S. 296, the Supreme Court specifically held that the Fourteenth Amendment makes the freedom of religion clauses of the First Amendment binding on the States.

I believe thus far the Supreme Court's decisions under the First and Fourteenth Amendments command general assent today. Who among us would not object if one of the States should undertake to establish a church or to interfere with our right to worship when, where and as we please, subject only to the requirements of public order?

Viewed against the background of this general consensus, I believe the Supreme Court's "school prayer" decisions are not nearly so far-reaching as some of their critics suggest.

I should say at once that in the "school prayer" cases, the Supreme Court expressly reaffirmed its earlier holding that "we are a religious people whose institutions presuppose a Supreme Being" (*Zorach* v. *Clausen*, 343 U.S. at p. 313). The Court expressly endorsed objective teaching about religion and study of the Bible, recognizing that "The history of man is inseparable from the history of religion" (Engle v. Vitale, 370 U.S. at p. 434). And the Court went out of its way to intimate that its decisions in no way affect chaplains in our Armed Forces, legislatures and prisons, nor do they affect references to God in oaths of office and of witnesses, on our coins and public buildings, and in our national anthem and the Declaration of Independence.

Indeed, the concurring opinions of Justices Brennan, Goldberg and Harlan in the *Schempp* case pointed out that religious exercises in public schools present a unique problem involving, as they do, "young impressionable children whose school attendance is statutorily compelled" (Goldberg, J., 374 U.S. at p. 307). And Mr. Justice Brennan, stressing "the particular dangers to church and state which religious exercises in the public schools present", remarked that "the constitutional prohibitions encounter their severest test when they are sought to be applied in the school classroom." (374 U.S. at p. 230)

Hard questions inevitably arise when prayers and Bible reading are required in a public school classroom full of students of the same age, but of many different faiths—or even over a public address system to an entire student body, as in the *Schempp* case. The children are assembled by force of law in a school run by public authorities and supported by public funds. Under these circumstances, who is to decide what prayers are to be offered and which Bible is to be read?

Moreover, is it the business of the State to confront the nonconforming child with a Hobson's choice: either to confess disbelief in the faith of the majority in order to be excused or to suffer in silence while the majority practices its beliefs?

Again, do "nonsectarian" prayers, which are widely accepted by people of all faiths, Protestant, Catholic and Jewish, pose a "special danger", as one distinguished authority has suggested, because "those who cannot conscientiously participate"—scrupulous believers as well as non-believers—"may be regarded as less than 100 percent American"? (Prof. Wilber G. Katz, Hearings, p. 814)

Finally, do such brief opening devotions provide meaningful religious experience? A prominent Roman Catholic layman testified before our Committee that "many parents are evading their responsibility in the religious education of their children by depending upon meaningless exercises in the public schools. * * * It is a dangerous illusion for parents and children to think they are receiving a true religious experience through the public schools." (John Q. Adams, Hearings, p. 1122)

On the other hand, proponents of the proposed resolutions asked whether, under the free exercise clause, the public school authorities may restrain children from praying or reading the Bible, individually or together, if they wish to do so, so long as they do not thereby disrupt the orderly operation of the school?

Furthermore, what of Justice Stewart's suggestion, dissenting in the Schempp case, that "a compulsory state educational system so structures a child's life that if religious exercises are held to be an impermissible activity in schools, religion is placed at an artificial and state-created disadvantage"? (374 U.S. at p. 313)

Supporters of the "school prayer" amendments asked whether their children would be prevented from praying or reading the Bible in school, and they voiced concern over the exposure to religion of those children whose parents were either opposed or indifferent to religion.

With respect to children from anti-religious or irreligious homes, opponents of the "school prayer" amendments replied that this was a challenge to the churches and not to the tax-supported public schools. As to the right of public school children to pray or to read the Bible, there was, I believe, general agreement on two propositions: first, every child has the right to pray or read the Bible individually when school functions permit; secondly, no child has the right to disrupt school classes or functions by uttering prayers or reading the Bible aloud whenever the mood moves him. Mr. Justice Roberts put the matter well (Cantwell v. Connecticut, 310 U.S. 296, 303–4): "the [First] Amendment embraces two concepts—freedom to believe and freedom to act. The first is absolute but, in the nature of things, the second cannot be."

Proponents of the "school prayer" resolutions particularly asked whether the rights of a majority of the children to free exercise of their religion should be proscribed by demands of the nonconforming minority.

The answer of the opponents of the "school prayer" resolutions is epitomized by the testimony of two constitutional experts. Professor Chester James Antieau, Director of the Institute for Church-State Law at Georgetown University stated (Hearings, p. 2067–8):

> "* * * once we adopted the Bill of Rights and the First Amendment, we committed ourselves to the path that the majority would not always have rights over minorities."

Dean Willard Heckel of the Rutgers Law School similarly testified (Hearings, p. 1984):

> "* * * the thrilling thing about the American Bill of Rights is that the majority have said in their Constitution, 'We prize so much the individual freedom of people that we, the majority, will not seek to impose our views at all costs upon the minority.'"

The classic statement of this point of view was by Mr. Justice Jackson in *West Virginia Board of Education* v. *Barnette,* 319 U.S. 624, 638:

> "The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to . . . freedom of worship . . . and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections."

In short, precisely because "the rights of conscience are, in their nature, of peculiar delicacy" (in the words of David Carroll) and one of the "choicest privileges of the people" (to quote James Madison), opponents of the "school prayer" resolutions maintained that the First Amendment forbids religious exercises in the public schools. Otherwise public officials—most likely the school board, the principal, or the classroom teachers whom Bishop J. Brooks Mosley described as "perfect symbols of authority"—would have to decide which prayers should be recited and which parts and versions of the Bible should be read. Thus these religious questions would be placed in the political arena and made subject to ultimate majority control at State, local or school board elections.

Because of issues like these, testimony at the hearings dwelt heavily on the free exercise clause, as well as the establishment clause of the First Amendment. Indeed, a number of experts in constitutional law testified that while the Supreme Court "school prayer" decisions are expressly based on the establishment clause, they cannot be understood without reference to the free exercise clause. Running through all of the opinions in both the *Engel* and the *Schempp* cases is a common thread of concern over the pressure inevitably exerted upon the nonconforming child by required prayers and Bible reading in the public schools.

However, the constitutional experts also noted another aspect of the free exercise clause. They pointed to the Supreme Court's decisions in *Fowler* v. *Rhodes Island,* 345 U.S. 67, and *Niemotko* v. *Maryland,* 340 U.S. 368, establishing the principle that religious groups have the right under the free exercise clause to meet in public parks without discrimination, subject to reasonable exercise of the State or municipal police power.

Applying this principle to public school buildings, a number of constitutional lawyers expressed the view that children of like faith and their parents could use public school facilities before and after the school day to meet for religious exercises and instruction, subject to other demands for the same facilities by the school administration and by other community groups, such as PTA's, and provided also that such meetings are not promoted or participated in by school authorities as part of the school program.

Some witnesses suggested this possible solution to the school prayer and Bible reading controversy: Prayers and Bible reading could be removed from the classroom during school hours where children of many faiths are assembled together only because they happen to be of the same age, under compulsory education laws. Instead. public school facilities could be made available, if needed, out of school hours to children of all ages drawn together of their own free will by a common faith, without any pressure by the public school authorities, and without compulsion of law. I believe it was the consensus of the constitutional experts who testified at our hearings that prayer, Bible reading and religious instruction under these circumstances would be constitutional.

The constitutional touchstone appears to be the avoidance of the slightest pressure by public school authorities on children who do not wish to participate—the avoidance, in short, of "the gentlest touch of governmental hand" upon a child's religious beliefs.

While there are no hard-and-fast rules, the factors relevant to constitutionality include the closeness of such meetings to school hours when attendance is compulsory, the participation or non-participation of teachers or other school officials, the participation or non-participation of the clergy, and above all, whether these meetings are kept separate and apart from the regular public school curriculum.

To illustrate the application of these variable factors, some legal experts believed that participation by the clergy would be constitutional at meetings held in the evenings, well removed from school hours.

Likewise, some experts felt that it would be a permissible accommodation to the desires of a given community for public school authorities to extend the lunch hour to permit children who choose to do so to meet with others of the same faith for religious exercises and instruction, provided that equally desirable alternatives are available to the children who do not want to participate, and provided further that such meetings are no part of the public school curriculum and no pressure to participate would be placed on the children.

However, *McCollum* v. *Board of Education,* 333 U.S. 203, led some constitutional experts to question participation by the clergy in a meeting on school premises during the school day, such as an extended lunch hour of the type I have just described.

A particularly delicate area involves the participation of teachers. Three primary considerations are relevant here: First, under the free exercise clause, a teacher may not be required to participate in or lead religious exercises if he or she does not choose to do so. Second, under the free exercise clause, should not the teacher be free to join in such exercises if he or she does choose to do so? Third, if the teacher participates in religious exercises during the school day, will not impressionable school children come to feel that such exercises are endorsed and supported by the public school in possible violation of both the establishment and the free exercises clauses?

I have said enough to suggest how delicate are the questions which confront you without providing many answers. In an area where there is a strong tendency to be dogmatic, the solutions are seldom as clear-cut or as tidy as one might wish. Such are the difficulties inherent in the continuous process of accommodation to changing times and customs which we must undergo if we are to preserve our historic religious liberties.

I believe if these difficult questions are approached with a sense of accommodation, goodwill and good humor, common sense solutions appropriate at once to our constitutional traditions, to our religious heritage and to our religiously pluralistic society can be reached. In such a spirit, your deliberations will surely contribue to that end.

THE PERILS OF "REORDER" PROPAGANDA

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. SCHMITZ. Mr. Speaker, as the Soviet military buildup continues with increasing speed it would seem appropriate to enter into the Record at this point a short study first published in 1963 entitled "Resistance or Death?—The Perils of Surrender Propaganda."

The author of this article, Dr. Stefan T. Possony of the Hoover Institution on War, Revolution, and Peace at Stanford University, analyzes some of the factors which should be taken into consideration for those who feel that a U.S. surrender to the Soviet Union is preferable to resistance. Dr. Possony points out that even if it were technically possible for the United States to surrender we can expect over 40 million Americans to be liquidated by extrapolating from previous examples of Soviet consolidation of power.

He goes on to enumerate some of the difficulties involved in surrendering and concludes:

> Hence, from whatever angle we are looking at our problem, so long as the communists have not abandoned their plans for world conquest, they will be compelled to attack the U.S. with nuclear weapons. Arguments and propaganda weakening U.S. preparedness will merely harden the Soviet resolve, and render a communist attack more likely, as well as more costly, to ourselves.

The difference between the propaganda campaign which was going on in 1963 and today's effort to pressure the United States into fatal force reductions does not detract from Dr. Possony's analysis of the situation we will face when the discrepancy between the relative United States-Soviet strategic force relationship reaches the point where the Soviets feel that they can bend us to their will using nuclear weapons as the major instrument of persuasion. However, the current turn taken by the Soviet psychological warfare campaign to create a predisposition on the part of the American people favoring disarmament is significant and should be mentioned.

The "better Red than dead" approach dealt with by Dr. Possony has been supplanted by the more sophisticated and effective theme which revolves around the slogan of "reordering priorities." Does this mean that everyone or even a substantial number of those calling for "reordering priorities" is a Soviet agent or consciously seeking to pave the way for a successful Soviet attack of the United States? No, it does not. If it were simply pro-Soviet elements or those desiring world war III espousing this line the cry would be weak indeed. Nevertheless, this slogan serves the same functional purpose as does that of "better Red than dead" and if carried through to the extent desired by its most extreme advocates will weaken the United States to the point where the Soviet Union attains a position of unquestionable and decisive strategic superiority.

The Soviet Union recognizes this fact. A major point in the action program adopted by 75 Communist parties at the Moscow conference in June 1969 calls for a stepped up attack on the "military-industrial complex" of the United States and a reallocation of our resources currently put toward defense. The pertinent extract from the action document follows:

> The basic interests of the peoples demand the intensification of the struggle against militarism in all its forms, particularly against the military-industrial complex of the USA and other imperialist states. We call on all peace-loving forces to mount a struggle for a radical cutback in military budgets, for general and complete disarmament under effective international control so as to switch resources now absorbed by the arms race to improving the working people's life, promoting the health services and education and rendering assistance to the developing countries—

On the other hand, the Soviet Union will continue to arm to the teeth—

> In the series "The Decisions of the 24th CPSU Congress in Life," the Military Publishing House has put out the book by Marshal of the Soviet Union A. A. Grechko, "On Guard for Peace and the Construction of Communism."
>
> As is known, our party and its Central Committee, along with the other tasks of communist construction, constantly keep the questions of military development and the strengthening of the might and combat capability of the Soviet Armed Forces at the center of attention. "The greatest possible rise in the defense might of our motherland, and indoctrinating Soviet people in a spirit of high vigilance and a constant readiness to defend the great victories of socialism," states the resolution of the 24th CPSU Congress, "in the future should remain one of the most important tasks of the party and the people."

The effectiveness of the "reorder priorities" slogan over the "better Red than dead" pitch comes from the fact that it can elicit support from a far larger number of our citizens. Natural supporters of this theme include all those who are ignorant of the realities of defense and wish to receive some Federal funds or feel that there is some type of positive correlation between Federal nondefense spending and the general welfare. It is easier to gain mass support under the bright banner of bettering society than for the establishment of a Communist order in the United States. Many people with the best of intentions do not grasp the essential factor played by national defense in a free society nor understand what is necessary to maintain the necessary defense forces. In calling for the reordering of priorities away from that which is necessary to preserve our independence and liberty, these people work toward the same ends as those who a decade ago were enthralled with the "better Red than dead" idea.

As Jules Monerot once pointed out—

> In the real world intentions do not watch like guardian angels over the actions they inspire.

Following Dr. Possony's study I would like to insert an article by William Beecher which appeared in the New York Times of October 11, 1971, containing some recent information on the Soviet strategic buildup. You will note that there is a discrepancy between the U.S. force levels postulated by Dr. Possony and our real force level as outlined by Mr. Beecher. Dr. Possony's estimates of the U.S. strategic forces are far too high. His estimate was made 8 years ago, before the McNamara theorists decided that peace can best be preserved by allowing the Soviet Union to reach a position of strategic parity with the United States, thus limiting our freedom of action and increasing theirs, and the current administration decided that peace can best be preserved by allowing the Soviets to achieve strategic superiority.

The articles by Dr. Possony and William Beecher follow:

RESISTANCE OR DEATH? THE PERILS OF SURRENDER PROPAGANDA

(By Stefan T. Possony)

Stefan T. Possony is director of the international political studies program at the Hoover Institution on War, Revolution, and Peace, Stanford, California, and an associate of the Foreign Policy Research Institute, University of Pennsylvania.

Born in Vienna, Austria, in 1913, he earned his Ph.D. at the University of Vienna in 1935, and has studied in Italy, France, Germany, and the United States. He served as an advisor to the French Air Ministry, a psychological warfare officer for the French Foreign Office, and a Carnegie fellow at the Institute for Advanced Study at Princeton, N.J. From 1943 to 1946 he was psychological warfare specialist in the Office of Naval Intelligence, U.S. Navy. From 1946 to 1961 he was special advisor to the U.S. Air Force and professor of international politics, Graduate School, Georgetown University.

Dr. Possony has written numerous articles for military and foreign affairs journals. He is the author of *Tomorrow's War* (1938), *Strategic Air Power* (1949), *A Century of Conflict* (1953), "Analysis of the Khrushchev speech of aJnuary 1961," *Committee on the Judiciary*, U.S. Senate, June 16, 1961; and *Lenin: the Compulsive Revolutionary* (scheduled for publication in 1964). He is co-author of *International Relations* (1950, 1954), *A Forward Strategy for America* (1961), *The Geography of Intellect* (1963), *The Communist Manifesto* (Regnery edition with preface by Dr. Possony), and *The Three Revolutions* (Regnery, 1959).

"Et propter vitam vivendi perdere causas . . ." Juvenal, *Satira*, VIII, 185.

("And for the cause of life to lose the reason of living".)

THE PROBLEM

During the past few years, the slogan "better red than dead" has made considerable headway in the United States, notably among college students and professors. This slogan originally started after World War II in Germany and suggested that it would be unwise to liberate East Germany and thereby risk World War III. Subsequently, the slogan spread to England—where Lord Bertrand Russell propagated it after he gave up preaching preventive war—and then to the United States.

The slogan now serves as shorthand justification for the advocacy of unilateral disarmament. Its message is that it would be inadvisable to fight a nuclear war to determine whether communism or the freedom systems should organize the world. Nuclear war, it is contended, would lead to the extermination of all belligerent nations and possibly of the entire human race. Differences between political systems are quite immaterial to dead people, we are told.

On the basis of this contention the free world is enjoined to lay down its arms and surrender to the Kremlin. Communism, it is conceded, will take over the globe, but the hope is held out that perhaps in 200 or 300 years, the communist system would decay. Ultimately, freedom might be reestablished.

The advocacy of the "better red than dead" course of action springs from three roots: *first, basic pacifist convictions formed in a period when the stakes of conflict did not entail the defense of individual and national freedom in its most vital aspects*; *second*, overly optimistic interpretations of communism and the evolution in the Soviet Union; and *third*, emotional reactions to the existence of nuclear weapons.

Since their aggression in Korea—in a typical demonstration of practical "dialectics"—the communists have been supporting so-called "peace campaigns", of which the "better red than dead" slogan forms an integral part. In fact, the class warfare theme has all but been replaced in most industrial countries by disarmament agitation. Since 1957, the world communist movement has been under specific instructions to work, with great urgency, for a nuclear test ban and for the cessation of nuclear production.

In partial modification of the doctrine previously announced by Stalin, Khrushchev and other leaders of world communism have insisted that war no longer is "fatalistically inevitable". Obligingly they have spelled out the meaning of this cryptic verbiage: the communist parties jointly with so-called peace movements should bring about the surrender of free governments, notably the government of the United States. If surrender cannot be achieved, then full-fledged nuclear war for the "burial of capitalism" will have to be fought.

The Kremlin would be stupid if it did not prefer U.S. surrender to a bloody nuclear war. The communists continue to pursue the goal of world revolution relentlessly. They are realistic enough not to expect miracles. Hence they do not anticipate an American surrender except as a result of the Soviet Union acquiring overbearing military superiority or actually defeating the U.S. in battle. To facilitate their military tactics, the communists are using disarmament propaganda to weaken the United States. Thus, the "better red than dead" talk is not just an academic exercise in disputation; it has a specific function within the framework of soviet strategy. This particular slogan constitutes one of the main thrusts of the propaganda campaign which the communists presently are waging against the United States.

It is entirely logical for convinced communists to call for the surrender of the "main bastions of capitalism". To further the communist objective, this propaganda is an appropriate effort. Consequently, to argue about this slogan with communists would be futile. Yet only few surrender advocates are conscious instruments of the Kremlin conflict managers. Most of them are unwitting victims who do not realize that they are targets of well-planned psychological warfare operations.

We want to address ourselves to those non-communists who, largely for humanitarian reasons, and also because they neglected to study communism and nuclear strategy seriously, have found the surrender theme to be persuasive. The question is whether surrender to the Soviet Union would make sense for persons and nations who do not believe in communism, but who are unable to see how the defense of freedom remains feasible in the nuclear age.

Should a non-communist, because he is concerned about the dangers of nuclear war, advocate surrender? This is a legitimate question which deserves a factual and logical answer.

THE NEW REALITY

We must rivet our attention on the basic fact that nuclear weapons exist. Nothing can be done to "uninvent" them or to go back to earlier technologies. The nuclear bomb holds no secrets but can be built, in one form or another, by any group of competent physicists with a reasonably advanced industry at their disposal. If all bombs and warheads were destroyed, any number of nations would be able to rebuild a nuclear arsenal.

Certainly, agreements outlawing nuclear weapons might be concluded. In practice, however, such agreements cannot be supervised and enforced. We do not have the space to discuss the many-sided disarmament problem. Suffice it to say that the feasibility of dependable inspection remains to be demonstrated and that no effective disarmament treaty cum adequate inspection seems likely for the duration of the present crisis. Even if concluded, such a treaty always could be cancelled at a moment's notice: The soviet constitution (Article 49, paragraph 0) authorizes the Presidium of the Supreme Soviet to repudiate unilaterally any international treaty at any time.

No case has ever been made for the basic pro-disarmament argument: wars are fought by weapons; hence if weapons are abolished, war is deemed to be impossible. This logic is fallacious: all dogs are mammals, hence all mammals are dogs.

During this century, we have been considering many proposals on how to prevent war. Despite these cerebrations the as yet unfinished 20th century has been the most bellicose in all known history. Perhaps the statesmen of our epoch are more wicked than those of earlier periods. Hitler and Stalin undoubtedly were the worst criminals of history. But individuals are not that important. Powerful war-producing social forces have been at work and continue to operate, some of them with increased virulence. We may hope that through better statesmanship future catastrophes can be avoided. But we cannot be sure. Presently, two great powers—the Soviet Union and China—are aiming at world conquest. War is too serious a problem to be approached by wishful thinking. Mankind must readjust its mode of living according to the exigencies of the new technology.

The argument that wars are caused by strife between nations, and that therefore the abolition of nation-states and the establishment of a world-state would eliminate the danger of war is faulty and obsolete. The Soviet Union is not a nation-state; and the soviet "bloc" is an expanding empire. The present world crisis is not caused by nation-states quarrelling about real estate or markets, but results from a conflict between socio-political systems, and more particularly from the communists' intent to impose their dictatorship and to eliminate the right of national self-determination.

In any event, a world-state has not yet come into existence. On the contrary, the present trend is toward increasing the number of independent states. Suppose we agreed to work for the establishment of world government: a reform of such magnitude cannot possibly be carried out within a few short years. Can it be accomplished without the massive application of force and violence? We may discuss the shape of an ideal society but we should also recognize that Platonic ideas never are realized in the concrete world.

Our reality is characterized by five factors. First, we neither have disarmament nor world government. Second, the current world-embracing conflict, in one way or the other, may develop into full-fledged nuclear war, a contingency we must seek to avoid. Third, small wars and revolutions are occurring all the time and might degenerate into large conflicts. Fourth, there exists a new potent and rapidly "accelerating" technology, which includes a growing number of nuclear devices which will improve the energy household, ameliorate the raw materials supply, and lead to fundamentally new industrial processes. And, fifth, due to increasing population pressure and "rising expectations", nuclear technology, sooner or later, will become indispensable to the industrial economy of all advanced nations.

Consequently, the problem with which we must concern ourselves, irrespective of whether communism remains aggressive or not, is this: how can we arrange to "co-exist" with nuclear know-how and capabilities? Actually, this question must be put more sharply: what steps do we have to take to fight and win nuclear wars and survive them without excessive casualties?

This question does not imply that war would be desirable. On the contrary, we should make every effort to avoid full-fledged military conflict. But we must recognize the possibility that despite our best efforts, total war may occur and that the probability of a major war occurring is by no means negligible. As a matter of common sense routine, most of us insure ourselves against accidents, sickness and death. The same kind of prudence is necessary when we are dealing with the fate of nations.

WHAT IS SURRENDER?

Would surrender to communism save our lives? Would resistance to communist aggression kill us?

Let us assume the United States, on a critical day some time in the next decade, possesses 1,500 intercontinental missiles, 500–1,000 bomber aircraft, 100-odd Polaris submarines with 1,600 long range missiles, 20-odd divisions armed with tactical nuclear weapons, a large number of nuclear anti-air and anti-missile defenses, vast stores of fissile materials, and supplementary weapons of all descriptions. All in all, there would be about three million men under arms, both in the United States and in overseas bases, one million civilians attached to the military services, and several million reservists and national guardsmen. Let us assume further that there would be about 100,000 scientists in laboratories working on new weapons, including many which would be unknown to the opponent and some which, like biological munitions, would be small in size, easy to produce and easy to hide. In addition, there would be many millions of citizens armed with rifles, conventional explosives, and weapons of chance. Most of the soldiers and civilians would be opposed to surrender.

Suppose the Soviet Union sent us an ultimatum demanding our surrender and suppose we decided to surrender. What is surrender? It is, first, notification to the enemy of a political decision that the government-in-power does not intend to fight; and, second, a series of acts handing over physically all major weapons to the opponent or destroying them under his supervision. This act of physical surrender is designed to deprive the surrender of his capabilities to conduct military operations. Lest he wants to expose himself to sudden attack, the victor must insist on the physical seizure or destruction of the arms of the vanquished, i.e., he must seize or destroy the 1500 ICBM's, the 1000-odd bombers, the 100 subs, etc., which constitute our main strength; and he must take precautions against the utilization of the lesser arms.

In the past, surrender usually occurred after military defeat which incapacitated the surrendering party. In addition to the customary political act, the capitulation consisted in the transfer of substantial quantities of arms and equipment; often a sizeable percentage of the troops was sent into captivity. The case we are discussing is quite different. The United States would not have been defeated but would be surrendering its fully intact military capabilities. The troops and the nation at large, though demoralized politically, would not suffer from the type of irreversible demoralization which results from large casualties, air attacks, famine and epidemics. The nation's powers of moral recuperation would still be unimpaired.

Upon receipt of the American surrender, the Kremlin would be confronted by a very difficult technical problem: How can large quantities of American arms be transferred to the Soviet Union and how can the destruction of those arms, which cannot be transferred, be supervised in the United States? Submarines and bombers could be ordered to proceed to Russian ports and airfields, but missiles, air defenses, and many tactical weapons would have to be destroyed at their U.S. bases. Theoretically, the Soviets could fly troops to the U.S. and occupy our installations; for this purpose they could commandeer the American jet transport fleet. A little calculation shows, however, that to transfer an appreciable number of troops to the United States would take several months. The piecemeal deployment of Russian troops to America would put the initial echelons at considerable risk.

While this deployment is slowly taking place, the President might give secret orders to sabotage the surrender; the Joint Chiefs of Staff may take a hand in trying to save American arms; state governors might organize resistance; or individual base commanders and thousands of soldiers may decide that they would fight and die rather than become prisoners and be sent to Siberia. There is a danger that transport aircraft carrying the Soviet troops may be sabotaged and that American bomber aircraft ordered to give themselves up may instead drop their nuclear bombs on Russian targets. The Polaris submarines may shoot off their missiles. There also is a danger that American weapons, notably nuclear explosives, will disappear somewhere within our three million square miles.

Numerous other complications could occur. For example, the President may resign, or be impeached or assassinated. His successor may decide to change policy or, if he were a communist—and thus assume power by unconstitutional means—he might not be obeyed. None of these particular events need happen, but it is a foregone conclusion that a nation like the United States does not suddenly lose its instincts of self-preservation and just walk into oblivion.

The Kremlin, in pondering its course of action, cannot possibly know how the American military establishment and nation will behave. It cannot take any chances with a surrender operation lasting many months. It cannot risk that a considerable portion of American weapons be absconded. It cannot chance a sudden reversal in American policies.

True enough, if the Russian inspectors are attacked in the United States—for example, when trying to take over an atomic storage site—a missile with a nuclear warhead can be dispatched from the Soviet Union and the resistance be crushed. But as soon as even a single missile is fired, the entire surrender operation may be jeopardized and America decide to resist after all. The odds that there will be no resistance whatsoever, and hence no shooting, are indeed small. They would be minimal if the terms of capitulation stipulate, as they well-nigh must, that a large percentage of the armed forces must be imprisoned and removed to the Soviet Union.

There is no hope, therefore, that an American surrender can be effected without the Soviet Union being compelled to repress rebellions and attempts at resistance. Even in the initial absence of such incidents, Americans cannot be effectively disarmed within a few short days. As the take-over proceeds and Americans begin to realize what is happening to them, large-scale resistance probably will spring up. Hence, it makes little sense for the Kremlin to anticipate a peaceful and gradual disarming of the United States.

The Kremlin will have to consider a number of additional problems. For example, the American surrender will be useful to them only if the government were taken over by American communists and the country as a whole be organized according to soviet wishes. It would be wise to establish government control by gradual steps, as it was done in Czechoslovakia, for example. But the enormous power of the United States renders such a course risky. Hence the soviets are likely to push authentic communists into power as quickly as possible. But given the peculiarities of the situation it is just as likely that only those communists who are ostensibly pursuing an "independent" or "American" course would exert a neutralizing impact on the nation. Such American communists may be Titos, Gomulkas or Mao Tse-tungs, yet in view of the geostrategic situation they could not help but attain an even greater measure of independence than these "predecessors." The potential dangers to Moscow from such a development would be very great, especially if the new communist regime manages to retain some forces-in-being—which Moscow may have to concede in order to placate their American "allies" and provide them with internal security.

Add to this the probability that while the United States is surrendering, almost all other nations will go through a similar process of disarming and installing new political regimes. The Kremlin's resources for world-wide take-over and control would soon be over-extended. Suddenly many genuine and phony communist regimes may flip-flop because their political survival depends on their willingness *not* to take orders from Moscow.

DOES SURRENDER SAVE CASUALTIES?

Thus, peaceful surrender of the United States would place the Kremlin before an unmanageable situation. There is, however, a solution: to respond to the American surrender and to an initial dismantling of American defenses, including warning and command systems, with a full-fledged nuclear attack. Instead of slowly taking physical possession of U.S. arms, the purpose would be to destroy American military power rapidly. This "counterforce" attack may be accompanied by strikes to reduce the American population and stun the survivors, in order to facilitate the establishment of a Moscow-controlled communist regime. Simultaneously, nuclear attacks may be directed against other military forces within the heretofore free world and against those populations which seem likely to resist communism.

The disarming strike would create the situation the Kremlin needs in order to win and to avoid the complications arising from peaceful gradual surrender. At the same time, the fact that the U.S. has surrendered would preclude truly effective American retaliatory counter-attacks. This possibility of waging nuclear war unilaterally, as it were, denotes a hope of getting the highest results from nuclear weapons without major risks.

The assertion is not that an American surrender must be followed, with absolute necessity, by a Soviet nuclear attack. Nothing in these matters can be stated axiomatically. The assertion is merely that an American surrender would put the Kremlin leadership before an unmanageable situation in which recourse to a nuclear strike offers the perhaps only practical solution. It is also asserted that nothing in Soviet mentality and morality would induce them to reject this solution, especially since massive bloodletting may be the prerequisite of the establishment and maintenance of the communist dictatorship.

Nuclear attack undertaken after formal political surrender would achieve a maximum of surprise. Hence a post-surrender Soviet attack would result in American casualties far higher than could be expected from a nuclear duel occurring within the framework of regular war.

Those who advocate "rather red than dead" have never thought through the technical aspects of the policy they are advocating. They are unable to give any assurance that an American surrender would in fact rule out nuclear devastation.

There is one catch in a Soviet strategy aiming at U.S. surrender: before being presented with a Soviet ultimatum, the U.S. is hardly likely to capitulate (if there is any likelihood of surrender at any time). The formal summons to surrender may be answered by a sudden recuperation of American will culminating, in lieu of surrender, in a preemptive strike. This is precisely the type of contingency the Kremlin must avoid.

There are two solutions to this quandary. First, the Soviets would decide to use defeatist propaganda merely to weaken us in a general way, but otherwise would rely on surprise attack to knock us out: in this case they would not tip their hand with an ultimatum.

Second, the objective would be to cause the gradual unilateral disarmament of the United States. It is conceivable that the United States will dismantle its armaments step-by-step and fall behind in technological development. Unfortunately, this is not purely a matter of theory. For example, we have allowed the soviets to gain on us in nuclear yields so that at the critical hour, the opponent may possess superior firepower. Despite our enormous military budget, we seem to permit the soviets to move ahead of us on strategic bombers, anti-missile defenses, military space capabilities, etc. If the soviets were to possess more missiles with greater yields than the U.S., as well as supersonic bombers, anti-missile defenses and space weapons, while we lacked equivalent systems, we would be disarmed, as surely as if we had destroyed our weapons. Against an America equipped with obsolete weapons, a soviet ultimatum to surrender would not entail serious risks of counterattack. In this case, American surrender need not be followed by a soviet disarming strike: the soviets would know that we did not have significant capabilities anyway.

In practice, however, the situation would be less cozy. The soviets might feel compelled to attack before the unilateral-technological disarmament process is completed in the United States, if only because they must fear a sudden reversal of this "strategy" after our next election. Furthermore, they could not assume that they are completely informed about all hidden U.S. military resources.

Hence, from whatever angle we are looking at our problem, so long as the communists have not abandoned their plans for world conquest, they will be compelled to attack the U.S. with nuclear weapons. Arguments and propaganda weakening U.S. preparedness will merely harden the soviet resolve, and render a communist attack more likely, as well as more costly, to ourselves.

THE HUMAN COST OF COMMUNSIM

Let us grant, for argument's sake, that in one way or the other, surrender may be accomplished peacefully. Would this save the lives of all of us?

1. The avowed soviet policy is to liquidate the former "oppressing class." Whatever the theoretical or sociological definition of this term, the soviet purpose would be to incapacitate all actual and potential oppositional groups and persons. They might select victims according to wealth, income group and profession, religious and political affiliation, positions in the government, universities and military services, or any combination of criteria they deem important. Some of the liquidations would be carried out immediately after the communist seizure of power, others at a later time. The details do not matter.

Countries like the United States, Canada, Western Europe, Australia and Japan and far less "assimilable" to communism than Russia, Eastern Europe and China. Americans who are highly outspoken and cherish nonconformism, self-reliance, free speech, and high living standards would soon be driven into rebellious acts.

In 1940, the soviets took over the three Baltic states which surrendered peacefully. As soon as the Red Army had taken possession of these little countries, which posed no conceivable threat, the leaders and military commanders—the very persons who had surrendered—were liquidated, and a large percentage of the "middle class" was shipped to Siberia. In due time, many of the natives, "proletarians" or not, were dispersed throughout the Soviet Union and Russians were "resettled" into the conquered territories.

The Bolshevik revolution has exacted a blood and demographic toll of the peoples within the Soviet Union which ranges anywhere from 15 to 25 per cent, depending on the population base selected for comparison and depending on which particular wars are ascribed to the communist regime. The example of the Ukraine shows that enormous demographic loss, in the form of a decline of birth and reproduction rates, may occur under alien communist rule. Within less than 15 years East Germany lost over 15 per cent of its original population to emigration alone.

The human loss of Cuba, in a far shorter period and in terms of emigration only, also seems to be approaching 15 per cent.

If the United States would suffer like East Germany or Cuba, 27 million Americans would flee abroad—if there were some place to go. To the number of refugees must be added the numbers of those killed in violent conflict and through "purges" and terror; and of those imprisoned and dying in concentration and labor camps. If the U.S. were to suffer a fate similar to that of Russia, the human toll of our nation would reach about 45 million.

There is no particular point in spinning out these calculations: it is enough to realize that the toll, even in the ease of initially peaceful surrender, would run into tens of millions in the U.S. alone. World-wide, with the old safety valve of emigration blocked, the blood toll would reach into the hundreds of millions.

2. It is an illusion to assume that the communist take-over would remain unaccompanied by resistance. Irrespective of what the American government does, and irrespective of whether all of our allies would capitulate, resistance movements would spring up. The techniques of subversion, guerrilla warfare and insurrection would be applied against the communists, possibly with nuclear and biological weapons. The communist takeover in Russia was followed by four years of civil war. China was conquered by protracted civil war, which cost the lives of untold millions of people. True, during the soviet conquest of Eastern Europe there was only a modicum of resistance, but conditions were special. Those countries were conquered by overwhelming communist military power and the local resistance movements initially considered the Soviets to be their allies. Unrest in Georgia and Kazakstan, uprisings in Poland and East Germany, and a full-fledged revolution in Hungary prove that resistance to communism is feasible.

If, after an American surrender, the soviets were to seize the Western hemisphere, Western Europe and all the rest of it, their military power would be dangerously overextended. Communist strength is squarely based on Russia but the Great Russians account only for approximately one-half of the peoples within the Soviet Union and for only one-third of the bloc (minus China and the Asiatic satellites). The soviets hardly could use Czechs, Poles and East Germans to impose their law overseas, and it would be logistically quite impractical, throughout the foreseeable future, to move large numbers of Chinese. Since it takes more than 20 counter-guerrillas to suppress one guerrilla, the soviets would be incapable of subduing resistance movements by conventional "counter-insurgency operations." To escape the traditional fate of the conqueror who has overreached himself, they would have to rely on nuclear weapons.

The communists know enough about conflict to anticipate that they might have to suppress resistance movements by nuclear means. Global "preventive" strikes against anti-communist local armies, capital cities and potential resistance areas might be the most practical way to preclude resistance and to cow populations into submission. The successful "construction" of socialism and communism almost presupposes a reduction of the world population. Through neutron bombs—which kill but do not destroy—"depopulation strategy" could be accomplished without smashing the industrial plant. Thus, per capital production for the survivors would be boosted dramatically. In the last analysis, a "population-balancing" strategy must be adopted if a minority group—and the communists are a minority—wants to conquer and reorganize the entire globe.

We do not know whether the soviets actually will adopt such a strategy, or be forced into it by circumstances, or else abandon the world revolution because they shy away from the monstrosity of the requirement. For our purposes it is enough to identify the danger.

3. The avowed communist goal is to establish a unitary world-wide dictatorship. The communists also adopted as their ultimate objective the merging of all peoples into one great world-nation speaking a single language. We need not take this goal too seriously, but the question of whether there is to be a single communist capital or a worldwide "polycentric" set-up is of great importance. Under Stalin, the system was overcentralized and did not work. Under Khrushchev, a certain degree of decentralization has occurred but decentralization is incompatible with centralized planning.

The overall objective is to organize the economic resources of the entire world according to a single plan. Yet, according to their own theory, the various nations and peoples are standing at different stages of their social and industrial development. Forced industralization, which constitutes the main communist development technique, would be used to advance the backward nations. Yet, to insure dominance, the Russian communists must be expected to appropriate a disproportionately large share of the industrial output. They cannot afford, as Khrushchev once put it, to be "milked dry" by their under-developed clients. Investment programs will benefit Russia and reliably communist nations and discriminate against those not in Moscow's favor. Such a set of policies, especially if it were aggravated by capital shortages, does not make for peaceful relations.

The communists are known to engage easily in acrimonious disputes among themselves, a propensity of which Moscow's conflicts with Yugoslavia, Hungary and China give ample evidence. Circumstances will force upon local communist rulers divergent interpretations of the one and only ideology. Such ideological differences among communist states enjoying *de facto* sovereignty cannot but cause covert and overt "struggles."

The very intent of the communists to reconstruct all social systems will usher in an era of prolonged conflict, and this is precisely what the communists expect. Further, the performance of the communist system will prove disappointing. Hence nationalism will not abate, but will be greatly strengthened.

There is no need to predict that (to use a Marxian term) the "contradictions" of world-communism or the antagonisms between communism and nationalism must develop into war. It suffices to understand that communist victory will not be followed by the millennium of eternal peace.

One special case deserves mention. Just as the cleavage between Russia and China may lead to war ultimately, even while both countries live under communist rule, so the installation of communism in the United States may eventuate in rivalry between North America and the Soviet Union, or between North America and China. If the communization of the United States occurred without impairment of its vital forces, in all likelihood an aggressive communist leadership would come to the fore in Washington. These leaders might reach out to place world communism under an American aegis. This is one of the main reasons why the Russian communists will be disinclined to allow the United States to escape unscathed from the surrender. If surrender were bloodless, the conflict would be merely postponed and the two "super-powers" would still be called upon to settle their respective claims for world leadership.

A strategy of surrender, therefore, offers no guarantees that nuclear holocausts can be avoided. On the contrary, the chances are that the American surrender would initiate a period of endless violence. It is one thing to advocate surrender on an established certainty that it would save untold lives. It is an entirely different matter to advocate such a step without admitting the vast uncertainties of its cost, and without acknowledging the possibility, if not probability, that surrender may demand more human sacrifice than an effective strategy aiming at the prevention of catastrophe.

MUST EVERYBODY DIE?

About 80 years ago, amateur strategists were infatuated with the idea that the machine gun had rendered war infeasible: the new weapon could fire enough bullets to kill every soldier and civilian on earth.

This was by no means the first nor the last time that this fallacious argument was proclaimed with great fanfare. The future impossibility of military conflicts was "proved" with respect to black powder, poison gas, air bombardment, naval blockade and biological warfare. Presently, it is alleged that the utilization of space will secure eternal peace. But the most popular contention is that nuclear weapons have rendered war "unthinkable."

It could be hoped that an argument which has been disproved so often, ultimately would be discarded. Unfortunately, this particular incantation satisfies an emotional desire. Hence it will recur whenever we move from one technological weapon cycle to the next.[1]

The proponents of the alleged technological infeasibility of future war usually overlook some pertinent factors:

1. Every military staff, by necessity, must structure its labors around the task of utilizing new technologies and finding defenses against new weapons. Sometimes a new weapon may be overpowering, but counterweapons have always been invented. Strategy, tactics, logistics, production, protection, etc., gradually master the seemingly "insuperable weapon." Belief in "absolute weapons" is typical of amateurs.

2. The human and material costs of war fluctuate greatly: those wars where a particular weapon was in strong ascendancy are not necessarily the most costly. On the contrary, history shows that those wars are the most devastating in which the opponents are evenly matched in technological effectiveness.

It is argued, however, that nuclear weapons are completely different and possess destructive power so far superior to all previous arms that the historical continuity has been broken; hence the experiences of earlier wars no longer are valid.

A typical heavy World War II bomb contained one ton of TNT, whereas a modern H-bomb may have a yield of 100 megatons,[2] the equivalent of 100 million tons of TNT. The two bombs differ by eight orders of magnitude. If we compare on an aircraft-by-aircraft basis, we find that a heavy World War II bomber could carry about eight tons against a present possible payload of 100 MT. This increase is by more than seven orders of magnitude. The payload difference between a World War II bomber and a modern ICBM is between five and six orders of magnitude.

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[1] Resistance against technological change is frequent even in the civilian economy. It suffices to consult the history of European railroads. "Featherbedding" to avoid abolition of jobs rendered supernumerary because of technical change is psychologically similar to the test-ban agitation. Although resistance to modernization, which is due to a cultural-psychological "time-lag," has been gradually weakening in the gadget-conscious U.S., it persists with respect to the industrial utilization of atomic energy.

[2] This is presently the maximum yield of soviet weapons. More typical "strategic" yields range between 500KT and 20MT. "Tactical" yields start at .1KT or less and go up to about 20KT.

In the war against Germany and Japan, the Royal Air Force and the U.S. Air Force were running more than one million bomber sorties (though not all of them with a very heavy bomb load). About 3.5 million tons were dropped on Germany and Japan, which was inadequate for victory-through-airpower alone. If the war had continued for another year, a total of ten million tons would have been dropped and might have resulted in an exclusively airpower victory.

A modern air force is quite incapable of attaining large numbers of sorties. It may have a capability of 1000 effective sorties.[3] If, which is an unlikely case, one 100-megaton weapon were delivered on target per effective sortie, 100,000 MT would be dropped, as against a total of 10 MT which might have been dropped during World War II. This increase in the intensity of war would be by four orders of magnitude. The addition of missiles would not change this comparison materially.

In actuality, existing force levels and weapons yields indicate that in the present era nuclear war hardly would exceed an expenditure of 50,000 MT from *both* sides. Thus, the firepower increase would be by a factor of 5000. Since effectiveness does not increase proportionately but according to the cube root, actual military "worth"—or destructiveness—would grow by a factor of 17,[4] i.e. by a little more than one order of magnitude. By considering only one instead of two sides, the increase would be less.

Although this sounds far more prosaic than figures of near-infinity, this *is* a considerable increase and it could spell the near extinction of individual nations. However, German and Japanese target areas were less than 400,000 square miles, while a future world war would be fought over a territory at least 20 times larger and involve considerably more, larger and "harder" targets. Germany and Japan, moreover, are far more densely populated than the present protagonists. Finally, the population of the world has been growing very rapidly. Although war fought between rising populations may cause higher casualties than a conflict between smaller populations, casualty *rates* may actually go down.

Thus, most key factors—weapons effectiveness, expanse of war-affected territory, number and hardness of targets, belligerent populations—have grown, more or less, in the same proportion. Just as it should have been expected: the historic continuity has not been broken by any means. True the dynamic process has not yet come to a standstill. Numbers and yields of weapons still may increase dramatically; on the other hand, a partial switch to neutron weapons would decrease yields substantially. We can rest assured that there won't be any major discontinuity.

It is easy to calculate that given delivery-on-target of a certain number of bombs with a certain yield and a fall-out pattern, and given lack of warning as well as military and civilian defenses, a certain number of casualties must result, almost by mathematical necessity. On such simplified assumptions, the amount of megatons and the distribution patterns of the explosions needed to kill mankind as a whole can be calculated. Some people counting numbers of cities and generalizing from the Hiroshima attack, when 20 Kilotons killed 100,000 people, assert that we now possess tremendous "overkill" capabilities, and could easily destroy every town with more than 100,000 inhabitants on the entire globe.

The trouble with such calculations is that they have no realistic validity but simply reflect *a priori* assumptions unconnected with strategy, war plans, performance characteristics, counter-actions, etc. The number of explosions needed to bring about "global death" exceeds delivery capabilities and even stockpiles by far. When nations go to war, they will not fight to cause their own extinction. To obliterate mankind, this goal would have to be planned and the implementation of this plan must include the suicide of the executioners and the killing of their families. But is there not a genuine danger of mutual annihilation by accident? If so, the would-be aggressor would not take to arms. On the contrary, aggression will be launched only if and when the aggressor is convinced, not only that he is able to prevent his own destruction, but also that he will avoid excessive casualties.

The casualty rate of previous wars was largely dependent upon the duration of the conflict, military and civilian morale, disease, medical effectiveness and food. The performance characteristics of weapons have affected casualty rates only to a minor degree. On the assumption that weapons characteristics will be decisive in the future, the number of casualties and the destructiveness of nuclear war still would depend on at least 20 major variables:

1. Number and types of aggressor's delivery vehicles.
2. Reliability of these weapons and capability to fire according to a tight time schedule.
3. Quantitative ratios between attack and defense weapons and number of targets.
4. Number of weapons hitting and actually destroying assigned targets.
5. Yields of weapons exploded.
6. Heights at which the attacker's nuclear weapons are exploded.
7. Manner by which aborted and intercepted weapons are destroyed and the place of such destruction.
8. Places where the "misses" are detonated.
9. Types of the aggressor's nuclear weapons, including their "cleanliness."
10. Dependability and timeliness of defender's warning system.
11. Defender's capability to act upon warning.
12. Effectiveness of active defenses.
13. Target system selected by aggressor and the tactical timing of the attack.
14. Degree of hardness and/or mobility of defender's military installations.
15. Protection of the defender's industry and population, including numbers and types of shelters.
16. Capability of the medical service, panic control, effectiveness of evacuation, food reserves, etc.
17. The attacker's compulsion to launch his entire force on the first strike or his capability to hold back for follow-up attacks.
18. Target systems for the follow-up attacks.
19. Nature, capabilities and vulnerabilities of defender's command, control and communications systems.
20. The strategic purposes of the nuclear strikes.

The casualties inflicted through the defender's retaliatory strikes would in turn be a function of equivalent 20 variables.

Simple mathematics shows that *at any moment*, and for *each* side, there are $20 \times 20 = 400$ interactions. If each of these variables could assume ten different values, this figure would rise to 40,000. Yet even this large figure does not define the upper limit of the possible combinations. Incessant technological change must be expected to modify every single value at frequent intervals; and key factors such as morale are not even carried in the above list. While each set of numbers would be characterized by a specific casualty figure, we must not forget that such calculations involve many unknowns and that many values resulting from interactions are unpredictable. It is therefore quite impossible to produce firm estimates on the human cost of nuclear war.

The implication is *not* that because we cannot really undertake to calculate or "war game" so many different and dynamic situations, casualties would be small. The implication is that, *if* we were able to perform the required calculations, we would come up with a broad range of casualties, some very high, some quite low. Furthermore, each nation has many options through which it can act upon these variables to reduce casualties.

One significant difference between a modern nuclear war and a World War II-style strategic air war is often overlooked. The doctrine of strategic bombing called for attacks on the enemy's industries and transport systems. The expectation was that as the output of weapons was curtailed by bombing of key industries, e.g. oil refining, electric power, railroads, etc., the battlefield forces could be defeated by forces whose supplies were kept flowing; or strategic bombing would deprive the population of its supplies and thus force surrender.

Since industrial targets usually are located in or close to cities, civilian "spill-over" casualties could not be avoided and sometimes were intended in order to reduce the labor force and demoralize the civilian population.

The crucial phase of nuclear conflict would be short and be fought with forces-in-being exclusively. The effects of attacks on industrial installations are felt only after a time-lag of 9 to 12 months. Hence, in nuclear war, industrial bombing does not make sense.

The highest priority objective of a nuclear aggressor must be to disarm the opponent immediately. Consequently, such military targets as radars, command and communications systems, missile sites, air bases and submarines must be attacked by necessity, without wasting any efforts against industry. Yet military targets usually are not located in cities. Air bases often are near small cities but rarely close to metropolitan areas. Hence the nuclear attack would be preponderantly directed against targets which are at a relatively safe distance from urban concentrations. Population therefore would escape the blast and heat effects of direct nuclear hits. Capital cities may or may not be included among first priority targets, but city "busting" could be resorted to only after the defender's military power has been eliminated; and there must be strength left for this undertaking. Assuming the aggressor is capable of launching follow-up attacks on urban areas, it makes a great deal of difference whether cities are hit within the first few minutes of the war or at some later time.

A simultaneous attack on the defender's military force and his population requires vast quantitative superiority, and therefore presupposes previous unilateral partial disarmament by the defender.

After the attacker launched most of his missiles and aircraft, the retaliator could strike the aggressor's residual strength and his air and missile defenses. But, paradoxically, he may find that the enemy's cities may be his only "useful" targets. Yet, it is to be expected that the aggressor, before shooting, will have evacuated most of his cities. Therefore industrial installations would be destroyed but, by and large, the population would be affected by fall-out only; in all likelihood shelters would have been prepared for this contingency.

Thus, the defender would lose his military force, and the attacker his industry and his force (which he expended in the aggression). But the population of neither would be put at risk directly. It follows that in nuclear warfare, the defense may possess considerable strategic strength despite its tactical handicaps. This point illustrates the wisdom of a strategy of resistance as against surrender.

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[3] This would be the capability of an air force with 2000 operational planes if one-third of its planes in each attack were to reach their targets.

[4] Or by about 25 if we base the calculation on the tonnage actually dropped from the air during World War II. These tonnages, however, do not include fire power expended by ground forces.

SOME TECHNOLOGICAL TRENDS

At the present moment, the danger of nuclear "holocaust" probably is greater than it will be in the future. Not that the effectiveness of nuclear weapons has reached its maximum. Yield increases are inevitable in response to hardening, just as further hardening will lead to bigger yields. The reason is rather that while offensive weapon systems, during the last 20 years or so, enjoyed massive advantages over the defensive, present trends will gradually reestablish a better balance between the offense and defense. About five years ago, American missile sites were "soft" and air bases highly vulnerable. Since then, effective measures have been taken to render our aircraft and missiles less vulnerable to surprise attack. Great progress has been made in early warning capabilities and in the defense against subsonic and supersonic aircraft. Sooner or later, reasonably effective anti-missile systems will be in operation.

The protection of population is still at a minimum, but at least a few first steps have been taken. Calculations demonstrate that through combining active defenses with shelters, casualties could be reduced very substantially. In particular, active defenses forcing the attacker to explode his warheads above 50 or 60,000 feet would greatly reduce fallout and enhance the effectiveness of shelters. I will forego quoting figures, because all seemingly exact quantitative data are misleading. However, realistic computations have shown that through proper combinations of active and passive defenses, casualty rates *may* be held down to those of World War II.

Better dispersal of our weapons would provide additional help. Space surveillance systems would impair the attacker's ability to strike with full tactical surprise. In the more distant future, space defense systems might increase missile interception rates. The gradual development of space as a military environment may draw much firepower away from the inhabited regions of the earth, just as the submarine has been drawing firepower away from the land to the sea.

This is not to say that during the next weapons cycle, the defense will become stronger than the offense. As defensive weapons improve, new offensive weapons will be constructed. This see-saw race will continue as long as technology continues to evolve. The challenge is to ensure that the would-be aggressor does not attain a posture allowing him to attack without excessive risk. If the U.S. and NATO maintain technological and quantitative superiority such that effective surprise attack will remain infeasible, war probably will be avoided—and the communist conquest of the world will not take place.

UNCONTROLLED FALL-OUT

Blast and heat are the primary effects of fission bombs (A-weapons); radioactivity accounts for little. Fission-fusion bombs (H-weapons) have the same effects but produce larger amounts of radioactivity, part of it as uncontrolled fall-out which spreads over large areas. The magniture of fall-out was unexpected but soon was considered to be a military "bonus."

It is indeed true that the danger of uncontrolled fall-out inhibits the aggressor. He may be able to protect his population during the shooting phase of conflict, but large amounts of radioactivity which linger for years, may inhibit him from reaping some of the fruits of victory. Fall-out weapons are "useful" for genocidal strategies but the unpredictability of air movements renders these weapons less "attractive" than may appear at first glance even for this most extreme strategy. The "backfire" hazards grow with the amount of megatons exploded.

Actually, the fall-out danger is to some extent transitory because protection, though expensive, is feasible. As soon as one side possesses shelters, radio logical countermeasures, evacuation plans and defensive weapons, the balance of terror—which is derived, above all, from the fall-out threat—would be broken.

As to the indirect effect of fall-out (*e.g.* stontium–90 getting into milk, and genetic consequences), better understanding of the mechanisms involved would be of help. Improved biological and medical knowledge gradually will become a factor of alleviation. Panaceas probably will not be found but problems of this sort are essentially manageable by public health programs. Clearly, food reserves would be of great importance in a fall-out war. This is a factor which favors the United States.

Fortunately, the trend toward all-fusion weapons will reduce or even eliminate uncontrolled fall-out. All-fusion weapons ultimately will replace present fission-fusion models, not just because they are cheaper and more efficient, but precisely because they do *not* produce uncontrolled fall-out. In due time, fall-out no longer will have military utility but will be considered to interfere with the rational conduct of war.

This does not mean that radiation—as distinguished from fall-out weapons will disappear from the arsenal. Quite to the contrary. In the first place, there is always the danger that logic will not prevail and that desperation may induce mad strategies. Moreover, many parts of the world will not be sheltered for quite some time. Consequently, one must be prepared to cope with the fall-out danger by maintaining a reprisal capability.

Secondly, soon-to-be-perfected neutron bombs are radiation weapons. However, neutron radiation would be restricted to a fraction of a second and to clearly delineated small target areas: neutron weapons would *not* set off fall-out except in negligible quantities. In space, neutrons, and possibly X-rays, are probably the only types of "firepower" which can be used.

Third, it is conceivable that, at some time in future, radioactive substances will be used to block ground access and to prevent utilization by the invader of industrial installations. Non-lethal and non-destructive blocking would seem to be preferable to destroying installations physically, especially if such destruction were to be carried out by casualty-producing inaccurate shots over long ranges.

Radioactivity and fall-out are nebulous and mysterious subjects to most people. Radioactivity is a new force with which we must learn to cope. It poses enormous but by no means insoluble problems. There is no reason to approach these tasks in a defeatist spirit and to assume, as many do, that this challenge is beyond human capacity.

VALUES

We now have a factual background which should allow us to evaluate the "better red than dead" slogan. The ultimate decision, of course, is one of moral choice and value preference. Is it more moral to surrender or to oppose communism? Some non-communist pacifists like to answer: "It would be more moral to oppose communism but such opposition would cost enormous human casualties. Non-opposition would save untold lives and therefore is the more moral option."

This answer is based on the disregard of the human cost of surrender, of communist seizures of power, and of communist dictatorship. Furthermore, the hypothesis that resistance to communism will kill more people than surrender stipulates implicitly that resistance necessarily entails fighting a nuclear war. Yet the free world, with its vastly superior resources, is able to deter major communist aggression indefinitely. If successful, a strategy aiming at the deterence of major war would cost far less human lives than surrender. Deterrence in permanence might convince the Kremlin that pursuance of the world revolution has become impractical. Such a conviction would open the road toward a beneficial evolution of the Soviet system.

Therefore, even if we buy the debatable notion that the cost of human lives should be the *only* criterion ruling the choice of strategy, no convincing case can be made for a strategy of surrender. A policy of firm resistance probably would be the cheapest course of action we can choose.

For the most part, the advocates of surrender are neither communists nor even fellow-travellers. However, many surrender advocates are interpreting communism in an unduly optimistic light. Surrender appears "attractive" on the assumptions that the communists henceforth will respect Christian-humanistic traditions, that the system will work efficiently and produce a dramatic and rapid improvement of living standards, that the dictatorship will "wither away" soon, and that the establishment of a communist world-state will automatically terminate the international power struggle. The average proponent of "better red than dead" harbors strange illusions on the "red" alternative.

Psychologically, people are disinclined to fight against something they do not consider evil. Those who do not want to fight because they consider peace to be the highest if not the only value, easily persuade themselves that the evil, which is to be resisted, really is no evil at all. This attitude leads many to minimize or even ignore such historical communist policies as artificially created famines, slave labor camps, purges, and mass murder. By contrast, those who argue that it is worthwhile to oppose communism, if necessary by war, have a largely pessimistic image of how the communist system actually works. They anticipate that communism never will function effectively and never cease to be oppressive, nor ever foreswear the frequent and cruel use of terror, force and violence.

Economic management is not the main difference between communism and freedom. The "difference" is between tyranny and liberty. These terms are not just cliches, or words of interest merely to constitutional lawyers, but each term denotes a specific reality. Tyranny and freedom bear directly on all phases of human life and affect every individual and his happiness.

Most Americans experienced little trouble grasping the difference between nazism and "constitutional government." In the end, the emaciated bodies in the extermination camps gave mute testimony confirming the validity of American "theories." Yet today, many Americans find it difficult to comprehend the meaning of communism. The communist ideology often is mistaken as a sort of contemporary radical Christianity. The crucial distinction between the ideals and realities of communism is being obfuscated.

In a dictatorship practising centralized economic "planning," the individual may not be allowed to choose his profession, his place of residence, and his mate; he may be forbidden to leave his job or to bring up his own children. He cannot enjoy the fruits of his own labor because "private property" is not allowed. As long as the subject of the communist state remains seemingly "free," i.e. not under arrest, he may be considered a serf. As soon as he is punished for alleged crimes, he works as a slave with a short life expectancy.

In a dictatorial regime, the individual is told that he owes his highest allegiance to the state, that the interests of the "state" supersede any allegiance he may feel toward his family, relatives and friends, or even toward his own self-interest, and that he is subject to the orders and whims of petty bureaucrats. There is no Bill of Rights, and no guarantee that constitutional and legal provisions protecting the individual will be observed. He cannot expect justice or due process of law, and his rights may be violated any time a policeman decides to do so. There is no end to the accusations that may be leveled against him. Once accused in spite of being innocent, the defendant must prove his innocence—if he is allowed to defend himself at all. If found guilty, the penalties meted out are excessive.

As though all this were not enough, the communist state resorts to such techniques as "indoctrination," "conditioning" and "brainwashing." The individual's own mind and thinking are suppressed and to the extent that the regime is capable of performing this task, replaced by government-sponsored thoughts. According to the 1961 program of the communist party of the Soviet Union individuals are to be "moulded."

"Moulding" aims at the depersonalization of the individual and is diametrically opposed to the concept of freedom. A free government should be shaped to allow the greatest scope for self-expression, "to each individual as he is and wants to be." But communist dictatorships would not survive unless individuals were formed according to the image of the bureaucrats. The dictatorship needs obedient robots instead of courageous, self-reliant, self-sacrificing, thinking, outspoken, well informed, and moral citizens.

The meaning of tyranny or dictatorship no longer is clearly comprehended, *provided* the regime poses as one of the "left." Actually, *all* dictatorships are by nature "reactionary" and exploit the individual for the state, more accurately for the tyrant and his "ruling class." Tyrannical government always is destructive of the higher human values and happiness. When it is ideologically motivated, it also is most destructive of human lives.

Moreover, experience has shown that the communist dictatorship may fall into the hands of a mentally sick person: Josef Stalin ran the communist dictatorship as a government-by-assassination-of-communists. Since his death in 1953, the communist party has not instituted reforms which would prevent the repetition of the Stalin experience.

Among those who survive the surrender, some will tend to accommodate themselves to communism. Others will try to collaborate with the communists. But the success of these maneuvers is unpredictable. Those who succeed initially cannot be sure that their luck will last. The communists like to liquidate, at an early time, the "stirrup-holders" who helped them to seize power. They exploit but do not cherish "fellow travellers." Similarly, they use pacifists, but once in power they do not want them around. The "better red than dead" types have a poor chance of surviving, should any government be crazy enough to adopt the policy they are preaching so vociferously.

Perhaps the advocates of surrender are motivated by pre-existing attitudes which induce them to revolt against danger, duty, firmness and self-sacrifice; perhaps they despair of the magnitude of the problem; perhaps they have no faith that mankind Whatever the causes and purposes of the proposed "escape from freedom" may be, they do have responsibilities toward their own country. Few will harbor the illusion that they will talk the United States into surrender. In all likelihood, the surrender advocates will always remain a small sect. If so, what does their propaganda accomplish? It creates a great deal of confusion, contributes to demoralization, delays the building of shelters, slows down technological progress, and hampers the government in its efforts to devise a sensible strategy. The surrenderer wants to save lives. But to the extent that he paralyzes preparedness, his propaganda actually will cause the death of many Americans who could have been saved.

CONCLUSION

There is no way of turning back the wheels of history. The challenges of the nuclear age are no greater than those of earlier eras. It is unworthy of man to shrink from the duty which history has thrust upon him. The American tradition always has been to solve problems but not to fight them. The positive approach has been the secret of the American success story. We must reach out for the most valuable resource yet invented, and harness nuclear energy for progress and peace. The defense of freedom is hazardous, but no moral and material risk is greater than the surrender of liberty to tyranny. The Swiss philosopher Jean Lavater wisely remarked: "Strange that cowards cannot see that their greatest safety lies in dauntless courage."

Satellites Spot a Soviet Buildup for Atomic Arms—Many Silos Reported as Well as Increased Facilities To Build Missile Vessels

(By William Beecher)

WASHINGTON, October 10.—Satellite photos of the Soviet Union have uncovered evidence of a substantial build-up of more and better strategic nuclear weapons.

The new information shows that the Russians are continuing to build two new classes of silos, or emplacements, for large missiles, are constructing yet a third type of new silo, and are doubling the production facilities for Soviet missile submarines.

Some officials in the State and Defense Departments and the White House say this build-up increases the need to secure at least a first-step arms control agreement as soon as possible.

Others throughout the Government privately stress that unless this build-up is stopped soon, the United States may feel impelled to expand its own nuclear arsenal to maintain a balance of strategic power.

RELUCTANCE ON DETAILS

A senior Pentagon official, pressed for details on the extent and character of the Soviet nuclear program, insisted that the arms-control talks were at such a delicate stage that the Defense Department did not intend to provide details of the build-up until its next annual report to Congress in February.

Other officials in various Government departments were sufficiently concerned, however, to sketch out some details of the Soviet build-up.

The reconnaissance satellites have found that the number of silos of two different sizes generally believed designed for improved or entirely new long-range missiles now exceeds 90—up from the 10 noted early this year and 60 seen in midsummer. The smaller of these silos is significantly larger than the 10-foot diameter of the Russian's largest operational missile the SS–9.

A third type of silo, larger than the others, has been sighted, with one each at several missile complexes. Analysts believe the new holes are destined either for a special-purpose new missile or a new type of command and control facility.

The Russians now have about 41 Y-class missile submarines ready or under construction, thus drawing abreast of the American Polaris submarine force. The new intelligence findings indicate a doubling in size of the principal Soviet nuclear submarine construction yard at Severodvinsk, on the White Sea.

1,600 REPORTED COMPLETED

The total number of Russian Intercontinental ballistic missiles, completed or under construction, is said to exceed 1,600, compared with 1,054 for the United States. In addition nearly 100 Soviet ICBM silos at test and training centers would be expected to be put to use in a crisis; the United States has only a handful of such test silos.

The intelligence reports indicate that the Russians are working at what one senior official calls an "incredibly intense" pace in completing a ring of antiballistic missile sites around Moscow.

Publicly, the Administration, through the President, has emphasized the hope for early success in the talks to limit strategic arms, which have been on for two years.

On Sept. 25, President Nixon called the prospects good. Whether the two countries can achieve an initial agreement by year end, "no one can say at this point," he declared. "We have made progress. I believe the goal will be achieved."

NO CHARGE OF BLACKMAIL

He concluded: "Neither power at this time could, if it wanted to, gain that superiority which would enable it to, frankly, blackmail the other one."

But privately, some senior officials are less optimistic. One official said:

"We have consistently underestimated the numerical goals of the Soviet missile programs for 10 years. We have also consistently assumed, incorrectly I'm afraid, that they bought our strategic concept of deterrence.

"They obviously don't want a nuclear war any more than we. But they're building a sufficient edge in nuclear strength, and in conventional forces as well, so they may have reason to expect us to back down in future confrontations, as we made them do in the Cuban missile crisis of 1962."

AIM IS DETERRENCE

The American strategy is based on having a nuclear force that can ride out a surprise attack and retaliate against the attacker's cities rather than against his remaining nuclear weapons. By maintaining such an "assured destruction" capability, the strategy seeks to deter nuclear war.

The arms-limitation talks are aimed at curbing the number of offensive and defensive nuclear weapons to the point where neither side would feel confident that it could destroy the retaliatory capability of the other in a sruprise attack.

Administration officials differ on the kind of missiles that are to be deployed in the more than 90 new missile silos being built at locations east and west of the Ural Mountains.

The majority of analysis believe the Soviet Union would not build the huge silos unless it intended to install much improved versions of the SS–9 and SS–11 ICBM's or even new generations of missiles with improved accuracy, reliability and warheads.

SECURITY A POSSIBLE PURPOSE

A minority view holds that the new silos are designed to provide greater security against attack.

Silos of both types have been constructed at the Tyuratam missile test center and test firings are expected soon. Data from such tests should dispel much of the mystery surrounding the new silos, analysis believe.

The third type of new silo, about four feet wider than the largest ever seen, has now been spotted, with one each at several complexes.

Analysts are mystified about the purpose of these silos. Some speculate that they could house well protected command and control centers from which Russian missile officers could command nearby ICBM's in a war. Others believe the holes are designed for a special purpose missile that is being dispersed to achieve greater protection against concentrated attack.

Among the possibilities cited are the following: missiles designed to carry special communications satellites to communicate with Russian missile submarines just before or during a nuclear war; big rockets set off very large explosions over the United States in an attempt to black out its radar and communications temporarily or make it difficult to fire ICBM's through large radioaction cloud, and large missiles to carry orbiting bombs in a crisis to persuade the United States to back down, much as the forward flights of American B-52 bombers during the Cuban missile confrontation were designed to force the Russians to remove their missiles from Cuba.

THIEU'S VOTE OF CONFIDENCE

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. DUNCAN. Mr. Speaker, I place in the RECORD an interesting item I read in the Knoxville, Tenn., Journal of October 5. I think readers will find it very perceptive:

THIEU'S VOTE OF CONFIDENCE

Although the question of validity will continue to plague Sunday's South Vietnamese presidential election the results carry some interesting implications.

Incumbent President Nguyen Van Thieu, the lone candidate, had pledged to resign if he failed to obtain endorsement by at least half of the country's registered voters. He won more than 94 per cent of the ballots cast, and a record 87.7 per cent of the country's seven million registered voters went to the polls.

Bolstering the validity of the results were the returns from particular areas. In Thieu's home province of Ninh Thuan the unopposed contender received 98.6 per cent of the vote. In Hue, where sentiment runs fierce against the Saigon regime, Thieu was given only 64.3 per cent.

On the surface it appears that President Thieu enjoys a level of support known only by a few national leaders throughout all history. Assuming the validity of the results, it suggests that Thieu probably could have won reelection even over his strongest possible opponent, Vice President Ky.

(There's no great mystery in this since Thieu has politicked diligently to corral the support of the army and other major political forces in South Vietnam. Public opinion polls taken by American newsmen months ago reflected a high level of support for Thieu in rural areas, mainly because Thieu's was the only name recognized in regions where illiteracy runs high.)

It was speculated that realization of Thieu's vote-getting potential was a prime factor behind the withdrawal from the race by Gen. Duong Van Minh, and possibly even Ky himself, whom Thieu had maneuvered into eligibility after Minh's withdrawal.

Regardless, the one-man presidential election falls far short of the Western concept of democratic process in which existence of a valid choice is a key element. It could be inferred that the South Vietnamese had only a choice between Thieu and the potential chaos that could have erupted had the country been left without a recognized chief of state.

The most remarkable aspect of the election, however, is the record voter turnout. The 87.7 per cent showing runs far ahead of the results in even American presidential elections, in which turnouts usually total little more than 60 per cent of those registered to vote. And the South Vietnamese election was conducted in the midst of a terrorist campaign by the Communists aimed at keeping people from the polls.

Therein lies the real victory in Sunday's voting. The South Vietnamese people apparently have gained such confidence in the central government's ability to protect them that they were willing to brave the threat of Communist bombings to vote even in an uncontested election.

This, in itself, ought to count for something.

THE NINTH DISTRICT OF NEW JERSEY—SEVENTH ANNUAL QUESTIONNAIRE

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. HELSTOSKI. Mr. Speaker, each year I have sent a questionnaire to the residents of the Ninth Congressional District of New Jersey, the district which I have the privilege and honor to represent, soliciting their views and opinions on various issues confronting our Nation.

This year, I sent my seventh annual questionnaire to the 160,000 households in the Ninth Congressional District. The volume of response to the 1971 questionnaire with 26,572 replies has been most gratifying. This, I feel, indicates the widespread interest the residents of the Ninth District have in the problem facing us today.

The annual questionnaire method of sampling my constituents' opinions continues to be an effective means for district residents to convey their views on major issues. I employ this method, because I want my constituents' reflections about matters that come before us as Members of Congress.

Through extensive sampling, I was able to obtain a good index of prevailing opinion in my district. This knowledge is an invaluable aid in helping me formulate my judgments in the legislative considerations of Congress.

The enthusiastic response demonstrates that my constituents are concerned about their Government. In submitting answers to my questionnaire, many constituents attached detailed letters to explain the positions they took on issues and problems. Others placed concise and cogent remarks on their questionnaires. During our August recess, I had the opportunity to read each questionnaire sent to me with additional responses. I found an acute awareness of the work that must be done not only at the Federal level, but at all levels of government to get our Nation moving.

All of the responses have now been tabulated. I shall send a copy of the results to every household in the Ninth District so that my constituents may compare their individual views with the consensus of opinion of district residents.

Tabulating the questionnaires required a tremendous amount of effort. I wish to extend my thanks publicly for the wonderful cooperation of the many volunteers and members of my staff who spent countless hours completing his tabulation.

At the conclusion of these remarks, I will insert in the RECORD a numerical summary of the responses to the 21 questions I posed, but at this point I wish to call your attention to some of the significant reactions to several important issues:

Over the years from 1966, it has become increasingly apparent that our involvement in the war in Southeast Asia was losing the support of the American public. A majority of my constituents have consistently expressed support for a greater emphasis on peace initiatives and for the inclusion of the National Liberation Front in arriving at a settlement of the conflict. By 1969, over three-quarters of those responding favored our withdrawal from Vietnam or a mutual cease-fire agreement. Last year, the questionnaire was sent shortly after the Cambodian invasion commenced, and considerable dissatisfaction with the administration's handling of the war was evidenced as 62.5 percent of my constituents responding supported the Cooper-Church amendment, and 53 percent favored complete withdrawal of our military forces. These feelings culminate now in the view held by 51.7 percent of the people in the Ninth Congressional District that the administration should set a firm deadline of December 31, 1971, for complete withdrawal of American troops. I might point out that at the time the questionnaire was mailed, the one-candidate election in South Vietnam on October 3 had not been held.

The fourth question was included to gage district opinion on the issue of continuing or abolishing the Selective Service System. The results showed that the majority—52.1 percent—was of the opinion that the draft should be replaced by an all-volunteer military force, a view I supported in Congress. It is interesting to recall that a 1-year extension of the draft lost by only two votes in the House of Representatives this past spring.

Another subject receiving great attention in the press and in Congress is health care, as we find our Nation, compared to the world, ranked approximately 18th in the quality of health-care services. About 55 percent of the responses favored the establishment of a national health care insurance plan which would include dental coverage.

Reaction to the President's revenue-sharing proposal was quite mixed, with 39.9 percent in favor, 44.2 percent opposed, and 15.8 percent undecided. As an alternative, it was asked whether my constituents would prefer the Federal Government to take over the operation and funding of the 50 States' present welfare programs. The latter proposal received wider approval, with 55.2 percent in favor, 33 percent opposed, and 11.7 percent undecided.

The President's plan to provide a federally guaranteed income for every family, with some State financial participation, was favored by 39.1 percent, opposed by 44.7 percent, and 16.2 percent were undecided.

I asked if my constituents would favor or oppose the setting of wage, price, and interest controls. Two-thirds responded in the affirmative; however, it is extremely important to note that interest controls were incorporated in the question. Obviously, the public was aware of the need for such controls as early as

May and June; yet, it appears that District residents had an equitable structure of controls in mind. From the volume of mail I have received, I feel that the current situation, with various wage and salary contracts being negated by the Presidential directives, would not have garnered such support.

Concern for our environment was strongly demonstrated in the responses. The vast majority—84.6 percent—believed that an organization with the structure and form of the Delaware River Port Authority or the Port of New York Authority should be created to restore and maintain the Passaic River Basin. To use the Passaic River as a model river was an administration consideration, but unfortunately was subsequently rejected.

This interest in the environment was also shown in the last section of the questionnaire, which presented five major problems—inflation, unemployment, crime, pollution, and the Vietnam war—and requested the respondent to number these in order of importance. Pollution was given top priority by my district, as 23 percent of the respondents registered that view. Unemployment—22.75 percent—and the Vietnam war—20 percent followed. Crime was rated first by 18 percent. Inflation was considered the most pressing problem by 15 percent.

Under the priorities section, a number of unsolicited additional comments were made. Below, in order of frequency, are listed the added priorities mentioned by at least 5 percent of those responding:

LIST OF PRIORITIES

1. Drug abuse and rehabilitation problems
2. The need for welfare reform
3. Questionable credibility of the Administration.
4. Insufficient mass transit
5. Corruption in Government
6. Supreme Court decisions too lenient
7. Lack of housing and oppressive rent increases
8. Rising tax (including property) burden
9. Care for the elderly
10. Infringement of civil liberties
11. Inadequate anti-trust law enforcement
12. Union abuses
13. Excessive military expenditures
14. Doctor shortage
15. Population explosion.

The completed questionnaire tabulation appeared in the RECORD on October 6, 1971.

COLUMBUS DAY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. KEMP. Mr. Speaker, this year, for the first time in our Nation's history, Columbus Day was celebrated as a national holiday.

It was on October 12, 1492, that Columbus landed on San Salvador Island. This voyage, which cost the modern-day equivalent of $52,000, was a spectacular example of courage, faith, and determination. It is especially fitting that the anniversary of this discovery be celebrated by all Americans, for when Columbus set foot in the New World he opened the floodgate of exploration which led to the eventual establishment of our Nation.

Columbus' remarkable accomplishment was only the first of many achievements which have been made over the years by those of Italian ancestry. Italian-Americans have made significant contributions to our country's arts and sciences, music, literature, sports, and countless other fields which have added to the greatness of our Nation.

On this day we should all pause and pay homage—not only to Columbus the man—but to Columbus as a symbol of man's conquest of the unknown. At this time, it is also appropriate that we should remember that America is a nation of immigrants. Columbus Day should be an annual reminder of the numerous contributions which have been made to our American way of life by the many ethic and nationality groups which make up our Nation's heritage.

ECONOMIC STABILITY FOR MINORITIES

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. DIGGS. Mr. Speaker, Rev. Leon H. Sullivan, founder and chairman of Board Opportunities Industrialization Centers, spoke at 62d annual NAACP convention, July 6, 1971, in Minneapolis, Minn. This year's recipient of the NAACP's Spingarn Award, Reverend Sullivan emphasized the need for proper training among minority groups as the beginning of economic stability for minorities. I highly recommend Reverend Sullivan's speech, "Steps We Must Take," for reading among my worthy colleagues:

STEPS WE MUST TAKE

First, let me thank you for this Award. I am aware this is among the highest honors a Black man can receive. I want to thank you for considering me and for this presentation.

One hundred years ago the Black man began the journey towards full emancipation in America. The journey has been long and hard. A full century has gone by, and three generations have passed off the scene since the journey began, but we still have not reached our goal. The attainment of full emancipation, equal opportunity and first class citizenship is still a distance away.

To be sure, giant strides have been made. Never in the history of the world have a people, starting with so little, gone so far. The road has been rocky and rigorous. As James Weldon Johnson put it in that stirring anthem: Lift Every Voice and Sing.

> "We have come over a way that with tears
> has been watered,
> We have come treading our path thro' the
> blood of the slaughtered."

Somehow, though, in spite of it all, with God's help, we have survived. We have endured. We have come this far.

Now, the question is: Where do we go from here? What steps must we take now, at this time, in this journey that continues on? What steps taken now, today, can more appropriately, wisely, and solidly help us on our way?

This evening, on this high occasion for me, I should like to discuss some "Steps We Must Take" that I believe will get us closer to our goal. These may not be giant steps, but I think they are steps headed in the right direction.

First, the Black man must take a step in the direction of training and skill preparation. Even to this day, no less than 90% of the work being performed by the African American is in the non-skilled scope of employment. This would not have been so disturbing to me 30 years ago, when the majority of the work being done in America fell in non-skilled classifications. But it is disturbing to me, now, because I know that by the year 2000, just 29 years hence, one-half of all the non-skilled jobs being performed today, will not even exist. New jobs, requiring some minimal technical ability and skill, will have taken their places. This means if the Black man does not, on a massive scale, begin to develop skills that will qualify him for the new kind of jobs that are sure to come along in the years that lie ahead, that more and more of our families will have to depend upon doles and relief for our survival.

I am not against assistance to a family that needs the help. In fact, I support the efforts of welfare organizations that are striving to secure sufficient income for families that are struggling to survive. So many of our families fall in that number. But I know, too, that the Black man must never permit himself to get into the position of having to depend upon the government or anyone else to sustain and support him all his years. (applause) As long as the government supports a man, the government will be able to control a man, and even destroy a man. (applause) The ultimate freedom of the Black man in America depends upon his ability to develop self-dignity, self-pride and self-dependency. As long as our people have to crawl and beg for a few crumbs from the table, so long will our people be pushed around, and kicked around, and treated like second-class citizens. (applause) I don't want to see this happen to a Black man; I don't want to see this happen to a Chicano; I don't want to see this happen to a Puerto Rican. I want to see Black men and women stand proud, self-sufficient and free. (applause) I want to see a Black man be able to make his own way and stand on his own feet. (applause)

It was for this reason that 7 years ago, the first OIC, Opportunities Industrialization Center, was begun. We wanted to reach our Brothers and Sisters and help them in programs of training and preparation, that they might be motivated to self-improvement. Our slogan became: "We Help Ourselves."

The OIC recruited, and took in men and women from every stratum of life. The average age of an OIC trainee was 27, and the average grade attainment was the 10th grade. One-third of those who came to us were on relief, and 80% of those who came had incomes beneath the poverty line. Most of the men were hostile towards society and most all of the men and women who came were hopeless. OIC began to turn that hopelessness into Hope. OIC began to teach that genius was color blind; and OIC began to teach that it was not important where a man came from, but where he was going that counted; (applause) OIC taught that a man is like a balloon, it is not his color that makes him rise, but what he has inside of him. (applause)

Beginning thus, in an old abandoned jail house, OIC began to train by the hundreds, and then by the thousands, men and women into useful skills, making salaries that most never dreamed of making in their lives. In Philadelphia, OIC trained 10,000 men and women into useful skills for jobs and added more than $100 million dollars to the economy of the City of Philadelphia. (Applause.)

From Philadelphia, OIC spread to 10 cities, and then to 20 cities and now OICs are established in 100 cities across America, including Minneapolis and St. Paul. And now, also, OICs are in Nigeria and Ghana, and developing in Kenya, (applause) Ethiopia and the Dominican Republic and British Honduras. Indeed, there are inquiries for the establishment of OICs throughout the Black world, as well as throughout South America and Asia.

All together, OICs have trained and placed in jobs these past few years, around America, 75,000 men and women, now earning $400 million dollars a year. It is the goal of OIC in the decade of the Seventies, to train and place in jobs, one million men and women out of the concentrated communities of America, and out of the rural south. If we reach our goal, OIC will add 20 billion dollars in wages to the economy of the country, and considering the economic multiplier of money generated as the result of dollars earned, the sum total of money that will be added to the gross national product of the country, will exceed $100 billion. (Applause.) And most important of all, this money will be turned over and over again where it is needed most; among Black and Brown and Red men, and Orientals in the concentrated communities of America and in the rural Southland. This kind of money could begin to help stand our communities on their feet.

Significantly, too, OICs are administered, supervised and led for the most part by Blacks at every level of the organization. Perhaps, more Black men and women are serving as administrators and executives and supervisors of large scale manpower programs, than ever before in the history of the world. (Applause.) Too, in many respects, OIC is an on-job training program for Black management and executive workers. Already, many are finding new employment opportunities in government, private enterprise, and other areas of professional employment.

I do not look upon OIC as any cure-all, but I do see it as a "step" in the direction I think the race has to go. We must continue to fight for integration, as I have fought for integration. It was I who created and initiated and led great boycotts in the early sixties, that opened jobs to Blacks in Philadelphia and other parts of America. I shall continue to fight for integration in employment opportunities as long as I live, (applause) because I know as long as the White man can keep us back in job opportunities, that the Black man will always be kept down. (Applause.) But I know too that, "Integration without preparation is frustration;" (applause) and that to the same extent that I must fight for job opportunities for my people, I must also work to train my people to go through those doors when they are opened. "We've gotten the man on the bus. Now we want to be sure he can do something when he gets off." (Applause.)

Some may say: "Leave it to the Government." Well . . . the Government is not going to take the initiative to train Black men to do the kinds of jobs I am talking about. The government will do no more than it has to do in this matter. They seem to have some idea in Washington that training for Black men and women means training for "stop-gap", "dead-end", "going no place in a hurry" jobs; or emergency jobs of some kind that will keep the summer cool. (Applause.) Therefore, much that will have to be done in the field of training and retraining, for the kinds of jobs we "want" and "need", must be done out of our own efforts and persuasions. Either we will do it ourselves, with the cooperation of private industry, and persuade the government to provide maximum resources to help us help ourselves, or our people will not get the help that they need in job training opportunities.

We have in the past, and we shall continue to appeal to the Congress of the United States, and to the President of the United States, for more funds to support the OIC work. All OIC programs are initiated out of the pockets and the efforts of Black and Brown men and women, or other minority ctiizens, who believe in the philosophy of OIC, and in what we are trying to do. We also secure significant support and help from the industrial community of the nation. And although the government helps us some, OIC receives only a pittance compared with the large sums of money spent on Manpower programs in the nation, most of which have fallen on their faces. (Applause.) We contend that OIC should get a "fair share" of all Manpower dollars being spent in the nation, particularly since so much of it is supposed to be going to help the Brothers. (Applause.) If the government can pour billions into Manpower programs that don't work, we say it is time now for the government to put some of this money into something like OIC that does work. (Applause.) Therefore, the OICs of America are appealing to the President and to the Congress to help OIC. We have 25 million dollars to work with now and we thank the Department of Labor for that kind of help, because at least it is something, but we need at least 100 million dollars a year to begin to do the job that we can do to help our people. This will help OIC to train and place 100 thousand men and women a year, in jobs and therefore reach our goal of one million men and women trained and re-trained into useful, good paying jobs in the decade of the Seventies and we believe OIC can get $100 million. (Applause.)

But, we are not concerned just with OIC, we are disturbed generally about the inaction of the government relative to the needs of the nation's poor. There are 30 million poor: Black, Brown, Red and White in this country, but the Federal Government, meaning the President and the Congress, have been playing political "tiddly-winks" with the needs of the poverty stricken. The policy of both the President and the Congress seems to be: Like "tiddly-winks." Don't disturb them, "Take a few off the top, but don't upset those on the bottom." (Applause.) The only thing that has come out of this government these last 3 years on measures affecting the poor has been "Hot Air" and "Vetoes"! (Applause.) Speeches in Washington get longer and longer; and the poor get poorer and poorer. (Applause.) It is time now for the President and the Congress to stop playing petty politics with the poor. And I am talking about Republicans and Democrats both, because neither are doing much for Black people, (applause) or we would not be in the mess we are in all over the country today. (Applause.) They are playing games with us in the national government and in the cities and it's time to end this game playing. (Applause.)

It is time that America should take the billions of dollars being spent meaninglessly in Vietnam, (applause) and some of the billions of dollars being spent in space, (applause) and put that money to work eliminating poverty from among the poor people of this nation. If America really wants to do something about poverty, it can. We can do what we want to do! All we need to do is do it!

"If America can put a man on the moon in outer space, then America can help put a man on his feet in Mississippi." (Applause—standing ovation.)

So, we want some meaningful legislation out of Washington to help people with jobs, and training, and hope. And we can't wait for 1972 for something to happen. We might all be wiped out by 1972. (Applause.) We need the President and the Congress to get together to provide some meaningful help now, in 1971. We want funds to help us develop OICs in 100 cities, and in the Rural South and on Reservations. We want to help Blacks and Chicanos and Puerto Ricans and Appalachian Whites and Red Men who want a decent job. It is time a program to help the poor; founded, developed and run by Black people got a part of the action. (Applause.)

The second step (applause—laughter) the Black man must take, is in economic development. Now I do not mean Black Capitalism. I do not know why, when or where that term was ever started, or by whom. Because there is no such thing as Black Capitalism. Capital is not Black—it is green. (Applause—laughter.) What Black people want is: some green money, in order that we might be able to buy what we want to buy, live where we want to live, and do what we want to do. It is not Black Capitalism the Black man wants, but some Green Capitalism. "We just want some money!" Don't we? (Applause.)

In this respect, there is a need, therefore, for Black men to develop enterprises so that we might become producers, rather than just consumers. We have a long way to go in this respect. We have so little. If we were to take all the businesses owned by all the Black people in America, and put them together, the sum total would not be worth the value of one building on Fifth Avenue: The Empire State Building.

We must, therefore, take a step in the direction of economic development so that we might become economically emancipated in the market places of the nation and the world.

Now . . . the world of economics is a hard world. It is a cold world. It is a concise world. It deals with balance sheets, profit and loss statements, and hard management practices. The three main factors in this kind of world are: Cost, Quality and Time. We cannot deal in this kind of world as we have dealt with other matters. In this world of economics, either "you make it" or "you lose it." (Laughter.) In the next 30 years it will be necessary for us to develop at least 50,000 new businesses, operated by Blacks, but selling to everybody, in order for us to just get a foot in the door.

Several weeks ago, I looked at the listing of Fortune's top 1000 Industrial Enterprises in America, and in going through all 1,000 there was not a single Black-owned enterprise on the list, not even 999th. Something can, and must be done about it. (Applause.)

To move in this direction, new methods will have to be devised for capitalization and management training; including cooperative savings, and investment groups, and self-help community and entrepreneural training centers. We must collectively utilize our resources that we might be able to compete with individual wealth. That is to say, that we must cooperativize to industrialize. (Applause.) Our economic future must be built on the collective unity and the collective savings and investments of our people. We may not have a Rockefeller in the Race, but 5,000 of us together can make one; (applause) and 100,000 of us can make a Ford Foundation. (Applause.) In many ways I am a Black American Patriot. I believe in America. For those who say "If you don't like America why don't you leave", I say "When the last Indian leaves, I will be right behind him." I just want to see America and Free Enterprise work for Black people like it works for White people. (Applause.) If America is to be America, then let it be America for everyone. (Applause.) The 10–36 plan is one example of the kind of thing that can be done

The 10–36 Plan in Philadelphia was initiated by 200 members of my church a few years ago, and has since grown to 6,000 investors who invest $10 a month for 36 months, demonstrating what can be done when people collectively share and invest their resources for mutual goals. This 10–36 group has built housing developments, constructed a shopping center, initiated factories developed an inner city food store chain, secured office buildings, started entrepreneural training center programs, and created a lending enterprise for aspiring Black businessmen. I long to see this kind of example duplicated in other communities wherever our people live. It works; and it can be done anywhere.

A Black couple went to rent an apartment and were told they couldn't live there because of their color. They came to us and we went back and bought the apartment building. (Applause.)

And every industry and every company of the first 1,000 in America should assist in the development of Black owned businesses, as cooperating companies; much as the General Electric Company provided technical resources, subcontracts and support to a totally minority owned and managed, successful multi-million dollar enterprise in Philadelphia, called Progress Aerospace Enterprises. Similarly, every large industry and company in the nation could provide that same technical resource, sub-contracts and management support to developing Black owned enterprises. And the larger the company the more it should do.

Economic emancipation is the top priority of the race; in job preparation and in the creation of productive enterprises. Not until the race begins to produce will the world stop seeing us as beggars.

The third step we must take is in the area of group respect and togetherness: (applause) It is imperative that we establish a new standard of humanity, brotherhood, group respect and togetherness among our own people. (Applause.)

Today, more and more, we are turned against ourselves. Black men are turned against Black men. We fight each other. We curse each other. We kill each other. This condition is seen throughout the Black community. During the same time span of the present war, Black men have killed more Black men in arguments with each other, *here in America*, than all the Black men that have been killed by the Viet Cong during the entire Vietnam War. (applause) We have let our conditions make us turn against ourselves. Somehow, this must be stopped, or our divisions and self-conflict will half our progress.

There is nothing the enemy of Black progress wants more than to see us divided and fighting among ourselves. (applause) We need a national crusade for group respect and togetherness in the race. This kind of group respect and togetherness is needed among individuals, and our organizations as well. We spend so much time in our organizations, vying with each other, that we don't have time left to fight the enemy. (applause) We are all in the struggle together. We rise together, or we fall together.

Make no mistake about it; we need each other, and we had better start working together, as individuals, and as organizations, or our cause will be lost.

Rivers flow from many sources to arrive at the same goal. So with the race. Some of us are conservative, some of us are militant, some of us are quiet, some of us are loud, some of us wear dashikis, and some of us wear sport jackets, but we must let the world know that whatever we wear or however we look we all intend to arrive at the same goal; *and that goal is freedom for our people!* (applause) We must not let the White man divide us any longer; (applause) and we must not divide ourselves. The emphasis of the future must be: Together! Together! Together! (Applause.)

Like Fingers on a Hand: Strike a man with fingers divided and you hurt the Hand—Strike a man with fingers united and you hurt the Man. (Applause.)

So . . . strike discrimination with the race divided and no good will be done—but strike discrimination with the race united and *Victories* will be won.

Whether we be Conservative, Moderate or Militant: Whether we be NAACP, Urban League, Southern Christian Leadership Conference, the Muslims, the Panthers, or OIC, or whatever we may be, we must let the Nation know that we are in this struggle Together. . . . Together. . . . Together!

If anyone wants to know who the leader in America is in Civil Rights—"The National Association for the Advancement of Colored People" is the leader. (Applause—standing ovation.) If anyone wants to know who is the main speaker for Black people, tell them to call Roy Wilkins. (Applause.) And the NAACP will stay the leader until Freedom comes!

We must all help to make the NAACP strength of the NAACP in America is the strength of the Black man in America.

The OIC Board has passed a resolution to buy a life membership in the NAACP. And another resolution was passed calling upon every OIC in the country to support the NAACP. That's really going to be something when OIC and the NAACP start rolling together! (Applause.)

Then there is the fourth step that we must take; of Black International awareness. For whenever Black men are in the world, our fates are tied together. *Black men will not be free anywhere until Black men are free everywhere!* Therefore, we must be concerned with the suffering of our Brothers and our Sisters wherever they may be: in Angola and in Rhodesia and in the Union of South Africa, where the most ruthless system of discrimination practices in the world today are perpetrated against the Black man. My friends, *Apartheid must come to an end!* (Applause.) There are those who say to me, "Be silent on this matter," but that has been the trouble already. We have been silent too long. I shall not be silent. (Applause.) I shall not be silent until Apartheid comes to an end in the Union of South Africa. (Applause.) And we must do whatever is necessary to see that it comes to an end. If it means a United States economic embargo against the Union of South Africa, then we must fight for that; if it means the removal of American based plants and industry out of the Union of South Africa, then we must fight for that. Whatever is necessary to be done to help our Black brothers in the Union of South Africa and to rid the world of Apartheid must be done. For I repeat, *Black men will not be free anywhere until they are free everywhere.* (Applause.) And it is not necessary for the plants to be moved if some fundamental things are done.

To resolve the situation in the Union of South Africa, let the Black man be recognized as a full human being and not a subspecie to the White man, with full citizenship rights in his own country and with the right to vote, and the freedom to go and live where he pleases without discrimination. And let the Black man have the right to equal wages for the same job done as received by the White man. Though I be a voice in the wilderness, I shall not be silent until progress is made in this direction. (Applause.) We must be. . . . Together. . . . Together. . . . Together! (Applause.)

I know there are other steps that must be taken that you, the NAACP, do better than anyone else I know; Political Education, Integrated housing, Improvement of Public Education, and more. I would not presume but so much. . . . I have given you these steps. Training, Economic Development, Togetherness, and a concern for our Brothers across the seas. They may not be giant steps, but they are steps in the right direction. And, I believe, if we take these steps, the day will come when we shall, with the help of God, reach our goal of full emancipation and equal opportunity, and freedom for the Black man in America, an daround the world.

Let us move on Together. . . . Together. . . . Together!

Thank you for this great honor. I hope in the years ahead it can be proved that I merited it.

Incidentally, domestically, General Motors is doing a *little* better these days. Right on! (Applause—standing ovation.)

YOUTH CAMP SAFETY

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. PEYSER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

Each year about 8 million children go off to camp. These campers are mainly schoolchildren, and the vast majority attend camps during the summer vacation months. But while a parent finds little difficulty in ascertaining the relative safety of a child at school, millions of parents are forced to send their offspring to camps with little or no knowledge of whether the place meets basic minimum safety standards. And too often they do not.

In many cases camps virtually take the place of parents for several weeks in the year. Yet in 19 States there are no regulations governing camping at all, and in many of the remaining States only isolated aspects of camping are covered by law or regulation.

For instance, 40 States have no training requirements for counselors who supervise waterfront activities. Forty-six States have no regulations regarding the condition of vehicles used for transportation or the qualifications of drivers. The same number of States have no regulations restricting the age of counselors. Twenty-nine States fail to require annual camp inspections.

In the absence of State regulations there are a number of excellent camping organizations which have established standards for camping. The American Camping Association, with 3,400 member camps, the scouting organizations, the Association of Private Camps, and church-oriented groups have all made a substantial contribution to better camping. But a great many camps in America do not belong to these organizations, and it is well understood that the standards set by private organizations lack any real enforcement provisions. One out of every eight camps visited by representatives of the American Camping Association in 1967 failed to meet ACA standards. And it is generally recognized that these are some of the best camps in the Nation.

The failure to establish adequate standards for many of our camps has had tragic consequences. In my own review of the situation, I have heard enough verifiable horror stories to persuade me to seek better protection for our youngsters.

To alleviate this unfortunate situation, Congressman DOMINICK DANIELS of New Jersey and I have proposed a Youth Camp Safety Act as title IXX of the Higher Education Act, H.R. 7248. This bill will set basic minimum national safety standards and encourage the States to pass their own more stringent standards. The act, if passed, will make Federal money available on a matching basis to pay for inspections conducted by the States to insure that the State and Federal standards are complied with. It is my sincere hope that when this bill comes before the House we can, by passage of this measure extend the same protection to our children at camps as we give them at home.

POW EVEN FOR ANOTHER DAY

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. JACOBS. Mr. Speaker, I was wondering, in view of the events of the past few weeks in Saigon, if any Member of Congress or any member of the executive branch would care to say he or she is willing, from this day forward, to give his or her life, limb, sanity, or freedom—POW even for another day—further to prop up the Saigon dictatorship.

Other Americans are being ordered to do so today.

Following is the language of House Resolution 630, which I introduced on September 30, 1971:

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madame Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam, stated on July 1, 1971, that the policy of her government is: "If the United States Government sets a terminal date for the withdrawal from South Vietnam in 1971 of the totality of United States forces and those of the other foreign countries in the United States camp, the parties will at the same time agree on the modalities:

"A. Of the withdrawal in safety from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp;

"B. Of the release of the totality of military men of all parties and the civilians captured in the war (including American pilots captured in North Vietnam), so that they may all rapidly return to their homes.

"These two operations will begin on the same date and will end on the same date.

"A cease-fire will be observed between the South Vietnam People's Liberation Armed Forces and the Armed Forces of the other foreign countries in the United States camp, as soon as the parties reach agreement on the withdrawal from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from South Vietnam within sixty days following the signing of the agreement: *Provided,* That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

ADDRESS BY ADM. JOHN S. McCAIN, JR.

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. FRELINGHUYSEN. Mr. Speaker, because I believe it will be of great interest to my colleagues I insert an address by Adm. John S. McCain, Jr., USN, commander in chief, Pacific, to the United Press International Managing Editors Convention in Honolulu, October 5, 1971. The address follows:

AN ADDRESS BY ADM. JOHN S. MCCAIN, JR., USN, COMMANDER IN CHIEF, PACIFIC, TO THE UNITED PRESS INTERNATIONAL MANAGING EDITORS CONVENTION, HONOLULU, OCTOBER 5, 1971

It is a personal pleasure, privilege, and honor to speak to the ladies and gentlemen of the United Press International Managing Editors' Convention. UPI is one of the world's great news services, and I am very aware of the vital role your outstanding organization has in keeping our nation and people fully informed about the personalities, events, and issues of the day.

Like you, I believe in freedom of the press and the public right to information. Not quite a year ago I reported to the convention delegates of that other great American news service in Honolulu that I was "delighted to see more objective reporting on the war coming from our nation's news media."

I can say to you today that my impression has been reinforced in the interval. Not that everything the press has to say about the battle in Vietnam is absolutely correct from my point of view. But I can say—and this is the real strength of our democracy—the American people, in the long run, cannot be intimidated or misled regarding our nation's policies, actions, and vital interests in Southeast Asia.

I have stressed adequate military defenses in my "collective security" speeches over a hundred times before domestic and allied audiences during my three years as CINCPAC. Lately, however, I have found another task: helping to inform our countrymen that the finest weapons system won't mean a thing if we don't support the men who defend our people and soil.

My other major tasks, of course, are the battle in Indochina; the drug problem, which is a national failing; the prisoners of war; and military assistance, really cheap insurance to keep our friends going and to give them the means to fight aggressive communism. I might add these are equally important tasks.

I intend to initially discuss with you the worldwide expansion of communism in general terms, followed by a brief appraisal of this expansion as it affects the Southeast Asian area. Lastly, I will review the current situation in Laos, Cambodia, and South Vietnam.

The threat of aggressive communism in Asia continues to affect the peace of the area and the problem of collective security throughout this vast area. A major problem in mutual security is the continuing growth of worldwide Soviet expansion. In recent years the Soviets have been actively pursuing a strategy aimed at extending USSR influence on a global basis.

This strategy, which I call the "Strategic Island Concept," is designed to spread USSR influence throughout the world. In this concept, strategic "islands" are not necessarily islands surrounded by water. In a broader sense, they are entities, or centers, either on land or at sea, from which the USSR can and does project power. This power may be political, economic, military, or psychological.

This "Strategic Island Concept" is an insidious policy. It has achieved for the Soviets the global power status they have long sought, and in pursuing this policy the Soviets are leapfrogging throughout the world.

This Soviet strategy in action takes many different forms. It may be the actual or implied use of a military force, the rendering of economic or military aid, the extension of commercial aid service, or the wide-ranging deployments of the merchant and fishing fleets. It might also take the form of humanitarian aid, diplomatic and trade activities, or scientific and space efforts. Any or all of these measures may be applied as the situation requires.

Backed by impressive economic and manpower resources, Soviet Far Eastern military strength remains a major threat. In the Far East, the Soviets have an army of a quarter of a million troops; an air force comprised of over a thousand jet aircraft and a rocket force of hundreds of nuclear-tipped missiles. The threat posed by their modernized Pacific Fleet is increasing steadily. Presently, in the Pacific, they have over 50 major combatants and more than 100 submarines, many of them missile-equipped. Their navy also has hundreds of other craft involved in many types of missions.

Russia, endeavoring since the days of the Czar, to protect and bolster her Southern Flank, has emerged as a naval power. She has finally succeeded in operating fleets in the great oceans of the world. Soviet naval and air maneuvers have been seen in the Norwegian Sea, the North Atlantic, in the Mediterranean, the Indian Ocean, the Sea of Japan, and the Philippine Sea. Clearly, the Soviets do not use their navy in a parochial sense. They have grasped the significance of seapower and its importance to trade, fisheries and oceanographic research.

A specific example of Kremlin interest in the Indian Ocean area includes the almost continuous use of the anchorage off Socotra by the Soviet Indian Ocean force and the presence of Soviet advisors during the South Yemeni renovation of the Ras Kharma Airstrip on the island.

The use of military and economic aid is another means by which the Soviets have expanded their influence. When the Soviets first began their aid program to the Free World in 1955, it was largely limited to communist nations; however, in recent years military assistance has also been provided to 38 Third World nations. Soviet military assistance since 1955 has been about 6.5 billion dollars, with the Middle East and North Africa receiving the largest amounts. Soviet economic aid during the same period was in excess of 7 billion dollars with approximately one-half of this amount going to South Asia.

Two major Communist recipients of USSR aid during this same period have been North Korea and North Vietnam, where more than 5 billion dollars in military and economic aid has been provided. Significant to the success of the Russian military assistance program are three main features: It has been immediately responsive to most requests; the arms supplied have been modern, first class weapons; and the assistance extended has been concentrated in support of well-defined goals.

Another means of spreading Soviet influence has been in the field of aviation where Aeroflot, the national air carrier, has increased its air routes by 40 percent in the last 5 years and now touches down in 59 countries. USSR military aircraft are stationed in the Egyptian Arab Republic and spread Soviet visibility in areas of the Mediterranean. Also, the USSR is making a determined effort to gain a share of the world aircraft market. Most significant are their efforts to market the supersonic transport.

The USSR has a fleet of about 1300 merchant ships which ranks it as the 6th largest merchant fleet in the world. This fleet also spreads Soviet influence. These ships are currently carrying cargo between an estimated 800 ports of 85 countries annually. Of significant note is that 80 percent of this merchant fleet is less than 10 years old. The fishing fleet also aids in worldwide influence. The recent establishment of a joint Soviet-Spanish company to service the Russian fishing fleet off the Canary Islands will substantially assist in expanding their influence in this strategic area. This is the first such official joint company since the Spanish Civil War.

The Soviet advisory assistance program has generally paralleled that of monetary assistance and during the past 5 years over 50,000 economic and military advisors and technicians have been dispatched to Third World countries. Currently, these personnel are located in approximately 17 countries and the advice furnished by them goes well beyond the requirements for instruction in the operation of Soviet weapons and material.

The Soviet have also increased diplomatic ties in recent years and today Moscow has representation in all but a few countries of the world. For example, ten years ago there were fewer than 100 Soviet diplomats in South America, accredited to three countries. This figure has now increased to 349 embassy officials in all countries, except Paraguay.

Another example of the results of the expansion of USSR influence is the recent establishment of a global network of Optical Geodetic Satellite tracking stations. Stations known to exist outside of East Europe and the USSR are located in Anarctica, Egypt, Cuba, Kerguelen Islands, Mongolia, Somalia, Mali, Chad and Peru.

While the Soviets are pursuing this strategic island concept to project their influence into the Indian Ocean area and Asia, certainly the major potential source of danger in the Western Pacific and the SEATO area is Communist China. Although the motivations and intentions of the Communist Chinese leaders are matters of conjecture, their capabilities can be fairly accurately measured.

The Communist Chinese Army of approximately 2.5 million officers and men is the largest standing army in Asia and it is equipped with modern weapons. Communist China's air force numbers nearly 3,000 combat aircraft, including MIG-21's and other sophisticated weapons systems. The navy is limited but growing, and includes the world's third largest fleet of 40 attack submarines and a growing missile patrol boat force. Another half-million men make up an impressive paramilitary force.

The Peoples Republic of China has extended territorial claims to parts of India and occupied Tibet. Their forces also have clashed with Soviet troops—on the Kazakhstan-Sinkiang frontier, which featured major fighting, comparable to that of March 1969 on the Ussuri River frontier, 2,000 miles to the east.

As to intentions, the Chinese Communist forces appear at present to be defensively oriented in make up and deployment. However, we must assume their nuclear capability will before long be able to span most of Asia and the Soviet Union.

The Chinese moved closer to the day when they will launch their first ICBM with the successful orbiting of their first satellite. This event proves the Chinese have the capability to put in orbit a considerable payload. It also confirms their technological progress and, as Secretary Laird has pointed out, we must credit them with the near term capability to fire their first ICBM. They could have an operational ICBM capability in the mid-1970's. They have worked on an MRBM (Medium Range Ballistic Missile) capable of delivering a 20 kiloton warhead up to 1,000 miles for a number of years, and appear to be capable of a limited deployment at any time, even this year.

It appears that Communist China presently seeks to dominate its neighbors through political pressure, subversion and so-called "wars of national liberation." It has been cautious in risking its own resources; however, to expand its influence, it may add nuclear blackmail to its pressure on its neighbors. Communist China's continued support of insurgencies and "wars of liberation" remains a paramount threat to U.S. interests in East Asia and the Western Pacific despite hopes for improved relations.

The Southeast Asia Treaty Organization continues to play a most vital role in meeting this threat. If this organization did not exist we would have to design a similar arrangement to assist in providing security for the Pacific area. I believe that one of SEATO's most important functions is in providing established channels of communications through which we can solve our mutual problems.

Turning now to other areas of the Pacific, a look at Korea reveals that the North Korean threat has not diminished. There is continuing infiltration to the South, a record of aggressive actions taken against U.S. reconnaissance vehicles, and bellicose statements by North Korean leaders which reflect a continuing truculence.

North Korea makes no secret of its goal to unify Korea by force under its control. Clearly, North Korea will not hesitate regardless of the measures required to achieve its objective. Hundreds of North Korean-initiated incidents have erupted in the Republic of Korea. During 1968, there were 220 major incidents provoked by North Korea along the Demilitarized Zone. The period since reflects a downward trend of incidents. Nevertheless, the threat of the Pyongyang regime persists and is underlined by its continued efforts to infiltrate armed bands along sea routes into the South. Notwithstanding this threat, I do not believe that North Korea will initiate a major attack on South Korea in the near future.

In comparing the military forces of North Korea and the Republic of Korea, we find that the North Korean Army, though much smaller in number than the ROK Army, maintains a large and well trained guerrilla-type commando force. North Korea's Navy is also smaller in numbers than South Korea, but its naval force in part consists of a large fleet of patrol and coastal craft which can and is frequently used to land guerrilla forces on the South Korean shores.

With respect to air supremacy, the North Korean Air Force outnumbers that of South Korea in the neighborhood of 3 to 1. Additionally, there are about double the jet capable airfields in the North than are located in South Korea. However, with assets available within the Pacific Command, the United States can provide sufficient air power to more than offset this numerical imbalance.

A most positive development in Northeast Asia is the Republic of Korea's improved relations with Japan, resulting in closer economic ties and a beneficial commercial exchange between the two countries.

Economically, Japan is third among the nations of the world. Following a long period of reconstruction and domestic investment and development, Japan is now turning its attention and resources toward assisting the economic and social development of the free nations of Asia. Japan remains firmly aligned with the family of free nations of Asia. This is exemplified by the November 1969 agreement between President Nixon and Prime Minister Sato on the reversion of Okinawa to Japan by the end of 1972 and the indefinite continuation of the mutual security agreement between our two nations.

Moving south to another area of communist pressure, let us examine the Taiwan Strait area. A communist Chinese attack on Taiwan in view of our firm commitment under the Mutual Defense Treaty of 1954 and of our combined defense capability would be a foolhardy venture. But the possibility of such an aggressive act can never be excluded. "Liberation" of Taiwan continues to be a cardinal Chinese Communist objective.

Significant Chinese Communist military forces are tied up on the mainland coast opposite Taiwan. Opposite Communist China is a significant Republic of China Army, an air force of over several hundred fighters, and a small navy of destroyer-types and patrol craft. Facing the Republic of China defense on Taiwan is a Communist army of over 150,000 men, an air force of over 1,000 fighters and bombers, and a significant naval force including destroyer-types, submarines and a large coastal patrol force.

Looking further southward, the South China Sea separates the Philippines from the mainland communist aggressive threat. Conscious of the long-term danger, the Philippine Government continues to provide important support of the Free World stand in Vietnam, SEATO, and ultimately, the security of the Philippines themselves. The Republic of the Philippines forces have participated in the effort to repulse communist aggression in Southeast Asia, and proven to be a valuable ally and a key SEATO member.

In Indonesia, the Suharto Government has made definite progress in raising the country up from the depths to which it had sunk under Sukarno. Effective measures have been taken to prevent the Peking-oriented communist party of Indonesia from reviving on an important scale. Economic recovery and development are underway and there has recently been a marked resumption of foreign investment in the development of Indonesia's vast oil and other vital resources. While remaining unaligned, Indonesian foreign policy has been marked by growing readiness and desire to work with other free nations of the area for mutual economic, social and security interest.

In Malaysia a generally promising course of development was briefly interrupted by 1969's communal disturbances and riots. However, another smilar outbreak is becoming less likely. Despite communist efforts to exploit racial unrest, the 1971 anniversary of the riots passed without serious incident. Nevertheless, the still unsettled situation provides fertile ground for communist subversion.

While Singapore has thus far remained little touched, extension of communist inspired instability to that tiny island nation would imperil freedom of passage through the Malacca Straits which are crucial to Asian petroleum imports for its industry and maritime trade. The new accord reached by Britain, Australia, and New Zealand provides for continued defense arrangements to protect Singapore and Malaysia. Its significance is that the British will continue to keep a military force in Southeast Asia to help maintain the peace of the region.

Turning now to Burma, we have a country which is presently suffering from a stagnant economy and insurgent control of large areas of the country. Chinese Communist aid to insurgents in the northeastern areas of the nation poses an ominous threat. A Communist Chinese goal may be to connect their road system with the Burmese system which would open new avenues of approach to Thailand and Laos. The next 12 months may be critical in determining the nature and probable success of their intervention in Burma. The Burmese Army is hard pressed to deal with internal security, and it would be unable to offer effective resistance to a major attack by Red China.

The stability and peace of the Southeast Asian area is further threatened by the communist-inspired insurgency in north and northeast Thailand which is supported and encouraged by both Peking and Hanoi. The Royal Thai Government is moving to meet this threat and there are grounds for confidence that the situation will progressively be brought under control unless the external basis of the insurgency is magnified. We know the fighting ability of the Thai forces which has been displayed in Vietnam is more than a match for insurgents.

Turning now to Vietnam, where North Vietnam continues its aggressive intent to dominate South Vietnam and the countries that formerly comprised French Indochina, we have made significant gains.

The enemy's capabilities have declined steadily since President Nixon's 1970 to move into Cambodia to protect allied forces by destroying enemy sanctuaries and supply areas. This mission was accomplished, and the Republic of Vietnam air force "came of age" and proved they were capable of handling enemy forces on a better than equal basis; the enemy was denied use of his previously inviolate sanctuary areas and Lines of Communication (LOC), and the continued denial of Kompong Som to the enemy was assured.

With the loss of this vital port, Hanoi faced two alternatives: (1) To significantly increase the material throughout down the panhandle LOC's in Laos, or (2) to drastically reduce his offensive activities in South Vietnam and Cambodia. He has been forced to pursue the latter course of action because of his inability to accomplish the first. He has so far been unable to input into Laos the levels of material he was prevously able to provide through the combination of Lao and Cambodian LOC's.

Prior to 1 April 1970, and the crossborder operations into Cambodia, the Ho Chi Minh Trail network was essentially supporting only I and II Corps areas, with most support for III and IV Corps being transshipped from Kompong Som across Southern Cambodia. Today the Ho Chi Minh Trail network supports: I and II Corps forces in RVN, troops in the Laotian Panhandle, troops in Northern Laos, troops in action in Cambodia, plus III and IV Corps in RVN, and the enemy is continuing to face increased logistical problems. The Lamson operations of this year created much havoc in the logistical operations of the enemy and hurt him badly in both men and supplies. The enemy is feeling the effects of these crossborder operations on his ability to effectively continue the war on his own terms in the south and in Cambodia and Laos.

Across the Vietnam border in Cambodia, Cambodian troops are also taking the war to the enemy. I continue to maintain close contact with Cambodia's Premier Lon Nol and other top government and military leaders, and I am impressed with their growing ability and determination to counter North Vietnam's aggression. Cambodian forces are putting U.S. and other Free World equipment to good use in their efforts against the communist forces invading their country.

Regarding the future of Cambodia and Laos, President Nixon has said we are exploring "methods through which neutrality of countries like Cambodia and Laos, who cannot possibly defend themselves," will be "guaranteed without the intervention of foreign forces." In this regard our efforts in South Vietnam are bearing fruit. Vietnamization is progressing well. The Republic of Vietnam Armed Forces will reach their maximum strength of approximately one million men well ahead of schedule. Six Vietnamese air force squadrons were activated ahead of schedule in fiscal year 71 and we hope to have three more accelerated activations in fiscal 72. New Vietnamese naval facilities are being constructed on schedule and, as you know, all but a few naval activities were turned over to the Vietnamese Navy last year.

Pacification too is progressing. Effective crossborder operations against enemy sanctuaries in Cambodia and Laos have helped the Government of Republic of Vietnam improve its position over 1970 in the field of pacification. The resultant weakness of the enemy effort within the Republic of Vietnam coincided with the growth to maturity of many territorial forces and People's Self Defense Forces. The enemy's protracted war tactics have failed to stall the pacification drive. During 1970 the nature of the war began to change from a territorial struggle to an internal security struggle. This struggle has continued in 1971.

Successful Vietnamization and pacification programs have permitted continued disengagement and redeployment of U.S. forces. Reductions will continue at a carefully calculated rate. By 1 December of this year, our forces in South Vietnam will have been reduced from a level of 549,500 in 1969 to 184,000.

In summary, ladies and gentlemen: Throughout Southeast Asia, the enemy is faced with problems that he has not encountered in the last decade. In Laos, he was forced to expand his lines of communication to compensate for the loss of Kompong Som; LOC's have been disrupted by the crossborder operations into Cambodia and Laos. He is now faced with the urgent need to resupply his forces in the South. Lamson operations have disrupted the enemy's logistic timetable. The effects of this disruption upon North Vietnam fiscal year 72 plans may be amplified by the need for Hanoi to anticipate possible future Army of the Republic of Vietnam out-country incursions. In Cambodia, the change of government in 1970 obliged the enemy to reassess the situation and reorient his efforts in an attempt to replace vital supply lines. To accomplish this, he diverted main force units from South Vietnam, further limiting his offensive capabilities. In South Vietnam, the Vietnamization and community defense and local development plans continue to make progress. The enemy's future military effectiveness throughout Southern Indochina is directly related to his ability to solve his logistical problems.

Despite many unresolved problems, the enemy maintains a limited capability for offensive operations. He will retain the ability to conduct limited ground attacks in selected areas of South Vietnam, Cambodia, and Laos. The Viet Cong/North Vietnamese Army will retain the capability to conduct attacks by fire throughout Indochina, and to conduct sapper, terrorist, and guerrilla attacks on populated areas in South Vietnam and in Cambodia. Increased enemy emphasis will probably be given to the development of a communist infrastructure and the formation of indigenous communist forces in Cambodia.

The enemy is very concerned about the progress of the pacification and Vietnamization programs. Hanoi's objectives are still to wear down the resolve of the free world, discredit the pacification program, disrupt the Vietnamization progress, and most importantly, to continue to exert pressure on United States and world public opinion.

President Nixon's plans to reduce the total U.S. troop commitment in South Vietnam is a result of confidence that the South Vietnamese can develop the capability for their own defense. As President Nixon has reported to the American people, the enemy's strategies have failed. He has not won, and cannot win, a military victory in the Republic of Vietnam.

At the heart of the Nixon Doctrine—which has been readily recognized and accepted by our allies—is the principle of partnership, of shared responsibility for peace and security. The President has stated the United States will keep its treaty commitments with the expectation that our friends and allies will assume greater responsibility for their own defense.

This evolutionary development is a major change in U.S. foreign policy. Its signifiance is two-fold: It means continued U.S. leadership of the Free World but with a reduced American presence. And secondly, this new phase in American foreign policy will mean a future savings to us all in terms of American lives as well as dollars.

Although some question the need for a strong, realistic war-deterrent force, I would remind all that no battles have been fought on Continental United States soil since the Civil War. In World War II the mood of the country reflected the knowledge that the Republic was beset by trials as grave as any it had faced in its history. There was an unquestioned acceptance of the need to sacrifice to insure the survival of an ideal. We felt intuitively that our society offered man his best hope of a way of life by which he could fulfill himself in freedom.

Over the decades since then, however, the issues have been many and complex, and the rightness of our actions on the world scene has not been so easily demonstrated as in World War II. There is some disenchantment with the military today among certain groups, giving rise in turn to criticism not notable for its amiability. In point of fact, even a superficial look at recent history gives us reason to be proud of what our defense forces have accomplished over these years.

It is easily forgotten that United States strength and commitment were indispensable elements of the economic and political resurgence of Western Europe. The United States has responded to a series of challenges to freedom in the Far East, and the fact that freedom survives under the shadow of aggressive communism is testimony to the effectiveness and perseverence of our armed forces.

Despite the determination of world powers to extend by force a political system which scorns freedom, the Free World alliance remains a symbol of hope to nations where freedom has died.

The task ahead is formidable. Some of our countrymen are immune to the realities of the war in Indochina. Many are tired of strife and seek an easy way. My conviction, formed by four decades of military service in war and peace, is that there is no easy way. History will record that America's sons and daughters served Freedom well in Southeast Asia. They have helped defend 200 million people of the free nations of this area. And the Vietnam war is being ended in such a way that we can win a just peace for all the people of this region.

Our Nation must not be turned aside from its proper course in Southeast Asia. The pressures of some public frustrations with the war must not, I repeat, must not, cause our people to abandon what we have helped to win for the free people of Southeast Asia. We must not initiate an abrupt, and consequential pull back of U.S. forces in Vietnam.

I am convinced the months immediately ahead are critical for the preservation of all that United States and Allied Forces have achieved in Indochina. In the confusion of the public debate we must remember we have performed the tasks delineated by every President since President Eisenhower first announced support of the Vietnamese government.

It is a fact that today South Vietnam has an excellent chance of survival. We have prevented external conquest and encouraged internal progress and regional cooperation in Southeast Asia.

It is important, as we reduce our force levels, that we not leave a total vacuum which would affect the security of the American people or their vital interests in the continued security of our Free World allies. Even as we reduce the American presence and the risks to our servicemen and the strain on our economy, we must not lose sight of an urgent necessity to help nations we expect to shoulder more of the burden for their own defense.

The Nixon Doctrine's success as an evolving part of U.S. foreign policy depends on a viable U.S. Military Assistance Program. The goals of reduced direct American involvement can only be met by providing means for self-defense and encouraging self-reliance by our allies; filling political and military voids that would otherwise tempt would-be aggressors; and maintaining U.S. credibility by demonstrating our resolve to honor our treaty alliances.

Free World defense against the continuing communist threat throughout East Asia continue to rest on a combination of U.S.-allied bilateral treaties and SEATO. This year the SEATO nations solidly reaffirmed their adherence to SEATO as an indispensable instrument of allied mutual security in Southeast Asia.

There is another major task ahead for the Free World in Asia and that is the vital role it must assume in nation building activities to give internal strength and security to the more than 200 million free people of the area. Business and industry has a tremendous stake in this venture and a great opportunity, too.

The peace and prosperity of the Pacific is of special importance to the United States. The Pacific—its shores, its islands, and the vast regions beyond—is a chief theater of world events.

As President Nixon has stated, the United States is a Pacific power and it will continue to maintain a presence in Asia as a vital national interest. I have no doubt that our assistance will be required and will be forthcoming in Asia in the years ahead. Our ultimate goal is the encouragement of strong, viable economies and democratic political processes in the nations of the region.

We as a people abhor war. And our first obligation or loyalty is to try and prevent war. But the peace we all seek today will only prevail in the generation ahead by maintaining realistic, strong military forces to prevent potential aggressor nations from making war on us and our allies.

TRIBUTE TO NORTH CAROLINA JAYCEES FOR SPONSORSHIP OF A STATEWIDE ENVIRONMENTAL RALLY

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. GALIFIANAKIS. Mr. Speaker, it was my high privilege and pleasure last night to join with members of North Carolina's congressional delegation and members of our State's general assembly to rally 'round an issue that has become one of the most crucial ones of our times—the protection of our environment.

Last night, several thousand North Carolina citizens responded to the Jaycees' call for action to improve the quality of the physical world we inhabit. Gathering at the giant Memorial Coliseum in Greensboro, N.C., people from every walk of life rallied behind the Jaycees in their efforts to focus statewide attention on our environmental problems.

I want to call to the attention of my colleagues, Mr. Speaker, this energetic and dedicated group of fine young Tar Heels. They are to be heartily commended for taking this vital issue in hand and sponsoring this unique rally—the first of its kind in the Nation.

The response of the Old North State's lawmakers and citizens is a tribute to the zeal of North Carolina's Jaycees. So too was the appearance at the rally of three stalwart leaders in the fight to save our environment: former astronaut John Glenn, former Secretary of the Interior, Stuart Udall, and our colleague from the other body, Senator Robert Packwood.

These gentlemen, guided by the North Carolina Jaycees, spent the entire day yesterday flying from one population center in our State to another, holding a series of airport rallies to emphasize the importance of environmental awareness.

Last night's rally heralded a new battle in the relatively recent war on pollution. Pollution has grown to crisis proportions, a crisis that has been deepening on every front. With their usual approach—a meld of the imaginative and the energetic—the North Carolina Jaycees have set out to win this war in our State, and the initial battle—the environmental rally itself—was a decisive victory.

For sounding this urgent battle cry and for convincingly relaying its urgency to a host of Tar Heel citizens, I believe the Jaycees deserve the recognition and tribute of this body.

Our "Young Men of Action" have succeeded in bringing widespread public attention to the urgent need for upgrading the quality of the air we breathe, the water we drink, and the land upon which life flourishes. In so doing, the North Carolina Jaycees have evidenced anew their belief, set forth in the Jaycee Creed, ". . . that service to humanity is the best work of life."

H.R. 10367—ALASKA NATIVE LAND CLAIMS BILL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. DINGELL. Mr. Speaker, the Alaska Native land claims bill (H.R. 10367) will soon be before the House for a floor vote. I am greatly concerned that the bill, as reported, will adversely affect national wildlife refuges. In this regard, the bill would allow Native villages to select up to four townships in the refuge in which the village is located, thereby eliminating thousands of acres of valuable wildlife habitat from the refuge system.

It was because of this concern that prompted me to ask the Secretary of the Interior to advise me of the possible effects of the then Alaska Native land claims bill (H.R. 7432) on national wildlife refuges in the State of Alaska. Following is a copy of the letter I received from the Assistant Secretary of the Interior, Mr. Nathaniel Reed, dated June 17, 1971, together with a copy of a letter from his Deputy Assistant, Mr. Curtis Bohlen, dated September 3, 1971, concerning H.R. 10367, which I would like to include in the Record at this point:

U.S. Department of the Interior,
Washington, D.C., June 17, 1971.

Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Mr. Dingell: This is in reply to your request for information regarding legislation on Alaska Native Land Claims and the possible effects on national wildlife refuges in that State.

As we interpret the Administration's proposal it could reduce our holding at seven refuges in Alaska. Of course, as you know, under the terms of this proposal only the surface estate of lands within refuges will be patented to native villages or individuals. All mineral rights will be retained by the Federal Government.

Highest reductions could occur at Kodiak and Clarence Rhode Refuges. Nunivak, Kenai, Cape Newenham, Aleutian Islands, and Arctic Refuges would be subject to smaller reductions. The remaining refuges would experience little or no reduction.

The enclosed map delineates the areas subject to reduction at each refuge. The areas plotted on the map, you will note, do not provide for conflict resulting from overlapping claims. Also, many native villages are somewhat mobile. Consequently, the village locations shown and estimated acreages provided are based on the best information currently available and should not be considered as final.

The following listing sets forth, by refuge, the possible effects of H.R. 7432. The acreages given do not include the 160 acre claims that individual natives living within refuges might take.

Kodiak National Wildlife Refuge

Number of villages inside refuge	3
Number of villages outside refuge	2
Number of townships to be withdrawn	16
Approximate acreage to be withdrawn	368, 000
Approximate acreage subject to patent	322, 000
Percent of refuge subject to patent	18

List of villages within the refuge: Larsen Bay, Old Harbor, Uyak.

Outside, but affecting refuge: Karluk, Port Lions.

The Kodiak National Wildlife Refuge is the primary refuge concerned with the preservation of the habitat of Alaska brown bear. This unique ecosystem—wilderness with an interspersion of salmon spawning grounds—cannot be replaced. Lands subject to reduction are in coastal regions, and past studies have shown that these areas include the most important bear habitat as well as streams providing substantial support to the multimillion-dollar salmon industry of Kodiak. The effects upon these resources would depend upon land uses under the administration of the natives.

You will observe that the villages on Kodiak Refuge are along the shore and presently provide the access route into various parts of the refuge. It is possible that lands patented to villages could block access to refuge lands inland from patented tracts.

Also, future land use patterns of patented lands could have an indirect adverse effect on refuge management. For example, if livestock husbandry were established on patented lands, an immediate incompatible situation would exist between domestic interests and bear.

It is not only the amount of land withdrawn, but, also the subsequent development and use of that land which could have an impact on refuge objectives.

Clarence Rhode National Wildlife Refuge

Number of villages within refuge	4
Number of villages outside refuge	5

Number of townships to be withdrawn	40
Approximate acres to be withdrawn	920,000
Approximate acreage subject to patent	644,000
Percent of refuge subject to patent	22

List of villages within the Clarence Rhode National Wildlife Range: Chefornak, Nightmute, Chevak, Newtok.

List of villages outside but affecting the range: Hamilton, Kotlik, Toksook, Hooper Bay, Scammon Bay.

The Clarence Rhode National Wildlife Range contains some of the finest waterfowl production habitat in North America. Over 83,000 lakes of 23 acres or more in size are located in the refuge, and vast numbers of waterfowl and shore birds nest here. The resulting effects on production of these species would depend on uses by the natives.

NUNIVAK ISLAND NATIONAL WILDLIFE REFUGE

There is one village on Nunivak Island and the inholding, patented to the village of Mekoryuk, could reduce the refuge area by 92,160 acres. It is our opinion that the reduction would not affect the primary objectives of the refuge.

CAPE NEWENHAM NATIONAL WILDLIFE REFUGE

There are no villages within the refuge, but the villages of Platinum and Goodnews could patent about two townships within the refuge. If these lands are contiguous with lands surrounding the two villages, there will be no significant impact on primary refuge objectives.

KENAI NATIONAL MOOSE RANGE

No villages in this bill are within the Moose Range. Salamtof could patent approximately 6,000 acres of the range but would have little effect if any.

ARTIC NATIONAL WILDLIFE RANGE

The village of Kaktovik would be entitled to patent 69,000 acres of the wildlife range and would in itself have no adverse effect. Here again, use of the land will ultimately determine the impact and magnitude that loss of this land would have on the primary refuge objectives.

In accordance with the Wilderness Act of 1964, all of the above refuges and ranges that will be affected by the native claims bill are being studied for wilderness potential. We intend to continue the wilderness studies as scheduled but, of course, any lands ultimately patented by the natives would be excluded from consideration as wilderness.

SUMMARY

In summary, the bill would pose significant reduction in holdings at two major refuges—Kodiak and Clarence Rhode; it would have little effect on five other refuges—Nunivak, Kenai, Cape Newenham, Aleutian Islands, and Arctic. Tuxedni, Izembek, Semidi, Simeanof, Bering Sea, Hazen Bay, St. Lazaria, Hazy Island, and Forrester Island National Wildlife Refuges, to our knowledge, would be unaffected by the bill. While we recognize that certain reductions could occur, we believe that the Administration's proposal to settle the aboriginal claims of the Alaskan natives is fair and equitable for all interests concerned and urge its enactment by the Congress.

Sincerely yours,

NATHANIEL REED,
Assistant Secretary of the Interior.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., September 3, 1971.

Hon. JOHN D. DINGELL,
Chairman, Subcommittee on Fisheries and Wildlife Conservation, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MR. DINGELL: Recently you requested that we determine the effect the native land claims bill, H.R. 10367, would have on national wildlife refuges in Alaska.

The acreage which can be patented within national wildlife refuges under H.R. 10367 and H.R. 7432 is the same. H.R. 7432, on which we commented by letter dated June 17, 1971 (copy attached), provides that each native village could select and patent four townships on national wildlife refuges.

H.R. 10367 provides that native villages shall select "the township in which all or a part of the village is located, plus an area equal to three townships, or the maximum acreage to which the village is entitled under Section 11, whichever is less." Since all villages located on refuges have populations in excess of 100, they are limited to 4 townships.

Please let us know if we can provide any further information.

Sincerely yours,

CURTIS BOHLEN,
Deputy Assistant Secretary of the Interior.

Mr. Speaker, as was pointed out in the Secretary's letter, seven refuges would be affected by this legislation. However, I would like to call to the particular attention of the Members of the House two of the refuges mentioned in his letter, the Kodiak National Wildlife Refuge and the Clarence Rhode National Wildlife Refuge. Mr. Speaker, approximately 322,000 acres or 18 percent of the Kodiak Refuge and as much as 644,000 acres or 22 percent of the Clarence Rhode Refuge would be subject to patent under this legislation. Furthermore, it is my understanding that if the most productive waterfowl habitat is selected within the Clarence Rhode Refuge, then such selections could result in a reduction of waterfowl production within the refuge by as much as 50 percent.

Mr. Speaker, as chairman of the Subcommittee on Fisheries and Wildlife Conservation of the Merchant Marine and Fisheries Committee, having jurisdiction over wildlife refuges and conservation, I feel compelled to offer amendments to H.R. 10367, which would direct the Secretary of the Interior to take the necessary steps to see that these refuges are given the protection to which they are entitled. Briefly explained, the amendments I plan to offer on the floor of the House would require the Secretary of the Interior, within 15 months after enactment of the legislation, to purchase at fair market value such interests in the selected land within a refuge deemed appropriate to preserve the range or area, or exchange for any selected land within a refuge public land of equal acreage which is withdrawn and not otherwise selected, or choose for inclusion within the refuge system suitable public land which is equal in wildlife habitat value to any lands selected within a refuge. In the alternative, the Secretary would be authorized to take any of the aforementioned combinations deemed appropriate. In the event none of the above actions is deemed adequate, then the Secretary would be required to reserve to the United States such interests in the selected lands as he deems necessary to preserve the refuge values and pay just compensation for any areas reserved. The Secretary of the Interior would be given the first option to purchase any interests in selected lands later disposed of within a refuge.

Mr. Speaker, I will also offer an amendment which would give protection to selections on the islands of Saint George and Saint Paul in order to protect the sealing operations carried out on these islands pursuant to the North Pacific Fur Seal Convention and the Fur Seal Act of 1966.

Mr. Speaker, I would like to insert in the RECORD at this point copies of my amendments and a copy of my letter to the Members of the House requesting their support of these amendments:

AMENDMENTS TO H.R. 10367, AS REPORTED—OFFERED BY MR. DINGELL

Page 18, strike out lines 19 through 22, inclusive.

Page 19, between lines 8 and 9, insert the following:

(3) At such time as all selections have been made pursuant to paragraph (2) of this subsection in each range and area within the National Wildlife Refuge System, the Secretary shall immediately determine the probable impact of each such selection upon the range or area, and shall, after consultation with appropriate Federal agencies including the Migratory Bird Conservation Commission and after taking into account all relevant factors, but not later than the close of the 15th month after the month in which this Act is enacted—

(A) purchase at fair market value such interests (including easements) in the selected land as he deems necessary for the preservation of the range or area concerned; or

(B) exchange, for any selected land which in his judgment should be retained in order to preserve the range or area concerned and after consultation with the Native village or Native concerned, public land of equal acreage which is withdrawn under subsection (b) of this section but not otherwise selected under that subsection, and any land received by a Native village or Native in exchange from the Secretary pursuant to this subparagraph shall be deemed to be, in all respects, an authorized selection made pursuant to paragraph (2) of this subsection; or

(C) choose for inclusion within the National Wildlife Refuge System within the State of Alaska suitable public land which is equal in wildlife habitat value to all or part of the land selected within the range or area concerned pursuant to paragraph (2) of this subsection; or

(D) take any such combination of the actions provided for in subparagraphs (A), (B), and (C) above as he deems appropriate to carry out the purposes of this paragraph; or

(E) in the event any action under subparagraph (A), (B), or (C), or any combination thereof, is not adequate to protect the values for which the range or area was established, (i) reserve to the United States such interests (including easements) in the selected land as he deems necessary for the preservation of the range or area concerned and the patent issued pursuant to section 11 with respect to such land shall be subject to such interests of the United States, and (ii) pay just compensation to the Native village or Native concerned for any interests in land selected by that village or Native which are reserved to the United States under this subparagraph.

(4) Each patent issued pursuant to section 11 with respect to any land selected within a range or area in the National Wildlife Refuge System shall be subject to the condition that in the event the patentee decides to dispose of any interest he has in such land by sale, lease, exchange or otherwise, then—

(A) the Secretary shall be given written notice by the patentee of such intended disposal;

(B) no such disposal may be made of such interest during the 60-day period after the day on which the Secretary receives such notice; and

(C) during such 60-day period, the Secretary shall have the right of first refusal to acquire such interest at fair market value thereof determined as of the date of notice.

Page 19, line 9, strike out "(3)" and insert "(5)".

AMENDMENTS TO H.R. 10367 OFFERED BY MR. DINGELL

Page 19, between lines 8 and 9, insert the following:

(3) At such time as all selections have been made pursuant to this section on St. George and St. Paul Islands, Aleutians, the Secretary, after consultation with the appropriate Federal agencies, shall determine if any such selection will adversely affect the sealing operations on such islands pursuant to the Interim Convention on the Conservation of North Pacific Fur Seals, dated February 9, 1957, and the Fur Seal Act of 1966. If the Secretary finds that the conveyance pursuant to section 11 of all or any part of the surface estate of any land selected within St. George Island or St. Paul Island would have such an adverse effect, the Secretary shall purchase at fair market value, or reserve to the United States, such interests (including easements) in the selected land as he deems necessary for the efficient conduct of sealing operations. In the case of any reservation made under the preceding sentence, (i) the patent issued pursuant to section 11 with respect to the land concerned shall be subject to such interests of the United States, and (ii) the Secretary shall pay just compensation to the Native village or Native concerned for any interests in land selected by that village or Native which are so reserved to the United States.

Page 19, line 9, strike out "(3)" and insert "(4)".

WASHINGTON, D.C.,
October 13, 1971.

DEAR COLLEAGUE: As I am sure you are aware, the Alaska Native Land Claims bill, H.R. 10367, will soon be before the House for a Floor vote. The bill, as reported, will adversely affect national wildlife refuges by allowing native villages to select up to four townships in the refuge in which the village is located, thereby eliminating thousands of acres of valuable wildlife habitat from the refuge system.

As Chairman of the Subcommittee on Fisheries and Wildlife Conservation of the Merchant Marine and Fisheries Committee, having jurisdiction over wildlife refuges and conservation, I feel compelled to offer amendments to the bill which would extend to these refuges the protection to which they are entitled.

Briefly explained, my amendments would require the Secretary of the Interior, within 15 months after enactment of the legislation, to purchase at fair market value such interests in the selected land within a refuge deemed appropriate to preserve the range or area, or exchange for any selected land within a refuge public land of equal acreage which is withdrawn and not otherwise selected, or choose for inclusion within the refuge system suitable public land which is equal in wildlife habitat value to any lands selected within a refuge. In the alternative, the Secretary would be authorized to take any of the aforementioned combinations deemed appropriate. In the event none of the above actions is deemed adequate, then the Secretary would be required to reserve to the United States such interests in the selected lands as he deems necessary to preserve the refuge values and pay just compensation for any areas reserved. The Secretary of the Interior would be given the first option to purchase any interests in the selected lands later disposed of within a refuge.

I will also offer an amendment which would give protection to selections on the Islands of Saint George and Saint Paul in order to protect the sealing operations carried out on these Islands pursuant to the North Pacific Fur Seal Convention and the Fur Seal Act of 1956.

My amendments have the endorsement and strong support of all National conservation organizations. I sincerely hope that you will support these amendments. Since there may be a number of follow-up calls from interested individuals and organizations, it would be helpful if you would advise me or my Subcommittee Counsel, Mr. Ned Everett, at your very earliest convenience if you intend to support my amendments. My telephone number is Ext. 54071, and Mr. Everett's is Ext. 56785.

Sincerely yours,
JOHN D. DINGELL,
Chairman, Subcommittee on Fisheries and Wildlife Conservation.

Mr. Speaker, I sincerely hope the Members of this distinguished body will assist in preserving these valuable wildlife habitat areas by supporting my amendments.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. FRASER. Mr. Speaker, at the hearings I recently held in Minneapolis, Mr. G. Richard Slade, the chairman of the Metropolitan Health Board, discussed the need for building incentives for cooperation into the existing medical-care system. He testified in favor of more consumer activity at the county level. He pointed out that the biggest problem is communication among the various professional and nonprofessional organizations. He favors increasing the cooperation among these groups.

Dr. Recht, a private practitioner connected with the Nicollet Clinic, discussed some of the problems facing private practitioners in our present health-care system. He pointed out that doctors are knowledgeable about the maldistribution problem and the fact that the health delivery system is comprised of many competing systems. However, he urged in his testimony that private practitioners be involved in any changes. He favors a graded form of coverage since it is his belief that not everyone needs first dollar insurance coverage.

Dr. Recht's ideas are interesting and deserve the thoughtful consideration of all those directly concerned with the problem of medical care.

Mr. Steve Rogness, representing the Minnesota Health Association, made a number of suggestions in his testimony. He urged a strong Federal law in redesigning the present delivery system so as to provide strong incentives for health maintenance organizations or other types of group practices. Specifically he proposed that the Federal Government set standards, define the range of services and population served, and take a major role in the funding of these organizations. Second, he declared his support for a moratorium on licensure of health professionals not now covered by State licensing. He favored a national system of licensure as a means to remove barriers for those wanting to practice in various States. As a supplement to this, he urged loan incentives to encourage individuals to go to health shortage areas. Finally, he came out strongly for the health planning programs established under Public Law 89–749. As has been shown, health planning is receiving a great deal of emphasis throughout the United States as one means to rationalize our present confused system. In general terms, Mr. Rogness came out in favor of strengthening the voluntary sector of the present system and urged the cooperation of all sectors in attempting to reach our goal of health reform.

Dr. L. W. Wattenberg, from the department of pathology at the University of Minnesota, submitted a number of recommendations for improving our present system. Among other suggestions, he came out strongly in favor of preventive medicine. His complete remarks follow.

Mr. Bill McFadzean discussed new ways to treat mental illness. He favors treatment on an outpatient basis. He testified as to the lack of health insurance that includes this kind of coverage and argued persuasively for reforms that would permit expanded coverage. He also indicated his support for efforts to be sure that children are covered under this type of insurance.

Mr. McFadzean also testified as to the need to rethink reasons for committing patients suffering from mental diseases to institutions. He argued against committing patients to hospitals solely on the basis that these facilities have sufficient beds in which to keep patients. He favors a more direct approach with facilities located in the community. In short, he presented a very incisive case for early and local treatment of mental diseases so as to avoid the costly commitment of patients to mental institutions.

Mr. McFadzean requested that, when thinking about mental illness, some thought be given to separating their problems from those of people suffering from physical illnesses.

The remarks of Dr. Wattenberg follow:

UNIVERSITY OF MINNESOTA,
DEPARTMENT OF PATHOLOGY,
Minneapolis, Minn.,
February 19, 1971.

Congressman DONALD M. FRASER,
Congress of the United States, House of Representatives, Washington, D.C.

DEAR DON: Thank you for the invitation to attend the hearings on health care on February 27th. Unfortunately (or perhaps fortunately) it will not be possible for me to be there. In any event my expertise concerning these matters is quite limited. Having thus avoided responsibility for any suggestions, I can make a few with some abandon.

(1) Any plan should assure that the young get first rate medical care. Their diseases are frequently reversible and obviously the rewards are high.

(2) Preventive medicine should receive maximum attention.

(3) The delivery of medical care should not under any circumstances be left to chance. A total overall assessment of the needs for hospitals, clinics and doctors should be made for the entire country (if one does not already exist) including both numbers and distribution. In areas in which inadequate facilities exist they should be built with federal funds. Where a shortage of physicians exists, these should be provided by a series of incentives ranging from income supplement to something equivalent to a medi-

cal draft. This letter may seem somewhat extreme but it is of course being done for the Army and has not inhibited medical school applications. The "draftee" in this instance would receive a prevailing income and also would be acquiring quite valuable experience. His inconvenience would really be quite minimal and in addition, it might be possible, at least in some instances, to arrange specialty supervision and residency credits. Basically what I am saying is that it is necessary first to determine what has to be done and then go ahead and do it.

(4) I think that all existing hospitals and comparable facilities should be brought into a master plan by a series of subsidies so that they are properly distributed and operate at maximum efficiency. At the present time this is quite haphazard at least in some areas.

Very best wishes.

Sincerely yours,

L. W. WATTENBERG, M.D.

RETIREMENT OF JOSEPH BISIO OF THE COUNTY STREET MARKET

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, after some 43 years of work, Joe Bisio of the County Street Market in my 10th Congressional District in Massachusetts has decided to enter a somewhat inactive, but not complete retirement, and it is a pleasure for me to extend my warm congratulations on the very fine work that he has done during his many years at his County Street Market. Having worked long and successfully as he has, Joe Bisio richly deserves these golden years of retirement, with the opportunities these coming years will afford, for pleasure, and recreation, and travel, although it seems certain that being active and energetic as he is, Joe Bisio will continue to be only "semiretired" in fact. The vacation he has planned and looked forward to for some time will be a greatly rewarding one for him, and one he has well earned.

The closing of the market, for his many friends, customers, and elected officials who have frequented it, is somewhat regretted. The friendly social exchange it has afforded will be sorely missed.

It is a pleasure for me in offering the story of Joe Bisio's market, to bring to your attention, in doing so, just one example of the many fine business enterprises, deserving of credit, of which we hear so little. I would like to incorporate in my remarks a column which appeared in the Taunton Daily Gazette, October 2, about Joe Bisio, and his plans for the future.

The column follows:

BISIO CLOSING MARKET AFTER 43 YEARS

(By Joe Kenlan)

After 43 years "right in the same old place" Joe Bisio is hanging up his apron but with more optimism than regret.

Monday will be the last day of business at his County Street Market, which he started at the age of 23 and will finish at 66.

"Oh, I'm not retiring," he says. "I'm going to start working for Trucchi's Market as soon as I get back from a little vacation."

Bisio will supervise operations at the various stores in the Trucchi chain, owned by his brother-in-law William Trucchi. "I'll travel between the three or four markets (three officially, they're thinking about a fifth but I'm not supposed to say anything about that)."

The third market, almost completed, looms behind Bisio's small store on County St.

"I guess I'll be a little sorry to leave, it won't be so personal anymore," he nods, like a bartender, he says he's learned "to listen to everyone's problems but keep my own mouth shut."

Ask him about politics and his face breaks into a broad grin. "Sure they all come in here, all the polls. They sit around and talk about the problems of the city."

"Let me go back a little," he says, "it all comes from when I served on the council, back in 45, during the war. I won one term but then they made it citywide and I got beat."

"I've been in and out of politics ever since. I was on the Board of Registration for 17 years and I served for a while on the License Board.

"Where are the polls going to go now? Well, I thought I might send them across the street to Big John's Place," he laughs. John's Place is run by former councilman John F. McCarthy.

"I'll start at the beginning," he says, "I came here from Italy, (I was born there, you know) in 1913 and worked at the McGee Furnace Co. for eight years, then I worked at the Keefe Car Works in Sagamore for a year before I opened up the store. I wasn't in this business when I started though, I built this later. The first store was just up the road a little," he says as he points to the gasoline station next door.

"Ever since then I've been right here. My wife has been helping out in the store for 30 years." They were married in the fall of 1928, the same year he opened the store.

"Business has always been good here but you just can't run this kind of store these days unless you're open 18 hours a day, seven days a week and I'm getting a little too old to keep those kind of hours."

"All the old regular customers I've had are dying off," he says somewhat wistfully, "and the younger ones just aren't taking their place. One by one I've watched old friends go."

On the young he says, "You know I've never seen a bad kid in here, oh some of them might be a little flip but I've never had any trouble with any of 'em."

"People here (the Yanks, he smiles, though I was French when I first came over) have always been real good to me and I've tried to be good to them."

And that's not a bad way to run a business.

WPIX SPEAKS OUT ON HEROIN AND THE FRENCH BOYCOTT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. RANGEL. Mr. Speaker, WPIX, winner of the 1970 New York State Broadcasters Association award for the outstanding editorial of the year, recently spoke out on French inaction and failure to stop the processing and transporting of heroin. France is the major source of heroin illegally smuggled into the United States.

Dick Hughes, vice president of WPIX and a longtime warrior against the drug epidemic in New York City, delivered this hard-hitting editorial on October 6. I am pleased to share it with my colleagues.

The editorial follows:

HEROIN: FRENCH BOYCOTT

There is an old saying that man can get used to anything except hanging by the neck. The narcotic problem in New York proves the point exactly.

If just one rat were to be found in New York which carried Bubonic plague, a national emergency would be declared. No price would be too great. No action which had even a reasonable chance of success would be overlooked.

But the narcotic problem has been with us for years, now, and we appear to have gotten used to it. It doesn't shock us to learn that 1,205 New Yorkers died last year from narcotics-related causes. It doesn't move us to know that 50% of all crime against property in New York is narcotic-inspired. It hardly interests us that thousands upon thousands of our citizens live desperate lives which make drug addiction appear to be a satisfactory solution to their problems.

The federal government has taken important steps such as the agreement with Turkey limiting the Opium poppy crop. But that action won't take effect until 1972, and the 1971 crop can be expected to be involved in the death of another thousand-odd New Yorkers before the agreement is felt on the street.

The federal government says that France is cooperating, but still the vast majority of heroin in New York comes from illicit processing plants in southern France, and we have heard of no raids on those plants.

In the face of this, the Management of WPIX likes the suggestion of Representative Charles Rangel that the American people boycott all products imported from France until the French government puts an end to the flow of drugs from its country to the United States.

Coming from Harlem, as he does, Representative Rangel knows well the catalogue of sorrows which drug abuse is causing, and has been at the forefront of those proposing legislative solutions.

His suggestion has the merit of giving every individual citizen something to do, some protest to make, about this plague which is upon our nation. We think the boycott is a good idea. What's your opinion? We'd like to know.

TWENTY CONGRESSMEN URGE MANSFIELD AMENDMENT TO END VIETNAM WAR

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. DOW. Mr. Speaker, 20 of my colleagues and I called a news conference Thursday to announce our support of the Mansfield amendment calling for withdrawal of all U.S. forces from Southeast Asia within 6 months after enactment.

Specifically, we announced we would support the motion—to be offered in the House this week by Congressman WHALEN of Ohio—instructing the House conferees on the military procurement authorization bill to accept the Mansfield amendment.

We called on all Americans anxious to see an end to U.S. involvement in Southeast Asia to contact their Congressmen and urge them to support the Whalen motion.

On March 31 in the Democratic Caucus 100 Democrats voted for a December 31 withdrawal deadline.

On June 17, when the Nedzi-Whalen amendment to the military procurement authorization bill was offered on the floor of the House, 158 Members—135 Democrats and 23 Republicans—voted in favor of it.

On June 28, 176 Members—143 Democrats and 33 Republicans—voted against a motion to table the Whalen amendment to instruct House conferees to agree to the original Mansfield amendment.

So the vote to end our involvement has steadily grown. And with the help of the public—which is overwhelmingly in favor of getting out of Southeast Asia—hopefully next week we will have the necessary number of votes to put the House of Representatives on record in favor of a withdrawal deadline and subsequently in tune at last with the will of a majority of Americans.

The Representatives who joined in the news conference included JAMES ABOUREZK, BELLA ABZUG, HERMAN BADILLO, JONATHAN BINGHAM, PHILLIP BURTON, JOHN CONYERS, RONALD DELLUMS, ROBERT DRINAN, BOB ECKHARDT, DON EDWARDS, DON FRASER, MICHAEL HARRINGTON, HENRY HELSTOSKI, BOB KASTENMEIER, EDWARD KOCH, ABNER MIKVA, PARREN MITCHELL, BENJAMIN ROSENTHAL, WILLIAM F. RYAN, and JOHN SEIBERLING.

Following is a statement I read at the news conference:

REMARKS OF CONGRESSMAN JOHN G. DOW

A score of like-minded Congressmen whom we will introduce to you this morning are holding this press conference in order to assert more emphatically our determination to persist early and often in efforts to end the war in Southeast Asia.

Specifically at this moment we want to reassert our support of the Mansfield Amendment in its most recent form calling for termination of United States military operations in Indochina not later than six months after its enactment.

Frankly, six months is not soon enough for most of us. We consider that the Mansfield Amendment is a compromise, but certainly the establishment of a specific date for U.S. military withdrawal would be a major departure from the shamefully vague and indecisive policy that has characterized our operations in the Indochina sphere for so many years.

We will support the motion offered by Congressman Charles W. Whalen, Jr. of Ohio to instruct the House Conferees to accept the Mansfield Amendment. We expect that the instruction to House Conferees will come to the floor early next week, more likely Wednesday than Tuesday.

The present situation in South Vietnam, in our judgment, is not at all hopeful for ending the war.

The bombing continues at a high level and evidently the ground war, too. The only evidence of the war's subsidence is the fact that American ground troops are less often committed to battle than heretofore.

The South Vietnamese election, which some news commentators called a "smashing victory" for President Thieu, was a charade. A smashing victory over what?

An incessant warfare has continued in Laos involving U.S. forces in a large way—involving mercenaries paid by us, and involving enormous commitments of money running into hundreds of millions of dollars. It is a clandestine war carried on by the President without as much as a "by your leave" to the Congress. If Laos is a side issue, think how great by comparison is our involvement in the main theatre, namely, Vietnam.

We want our constituents and the nation to know that we are not going to slacken for one instant in our pursuit of peace in Vietnam. The high-price economy that engulfs us here cannot be cured until the U.S.A. is out of Vietnam.

Some of the members of this group were lone voices six years ago when the war's escalation commenced. For us it is heartening to have the support now of many new Members of Congress as well as many of our older colleagues who now perceive that the war's continuation must be relentlessly opposed.

We urge all listeners and viewers of this program to surely reach their Congressman over this weekend urging him to vote for the Whalen motion for the House to accept the Mansfield Amendment.

For our part, all of us here at this conference will continue to exert every influence on our colleagues who are not yet with us for an early end to the Indochina war and especially on our leadership here in the House. It is a source of deep regret that the leadership, while it is certainly not avid for a military solution to the war, does not yet go along with the majority of its own Party in the House. That majority was manifest by the 143 Democrats who voted last time for the earlier version of the Mansfield Amendment to end the war.

Our Party leaders and our House leaders should be leading us in this effort. We want them there at the head of the march for peace in Indochina.

CRIME VICTIMIZATION COMPENSATION PASSED IN NEW JERSEY

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. GREEN of Pennsylvania. Mr. Speaker, the number of persons in this country who are victims of violent crimes is steadily increasing. Not many experiences can be more difficult for an individual and his family than to be a victim of violent crime. Few States offer any financial help to victims.

Last week, my friend and our former colleague, William Cahill, Governor of New Jersey, signed into law a bill providing up to $10,000 compensation for the victims of violent crimes. I commend the Governor and the New Jersey Legislature for their action.

New Jersey is only the sixth State to begin such a program. California, Hawaii, Maryland, Massachusetts and New York already have functioning programs. I would hope that more States take action to aid victims of crimes.

I insert the article, "Cahill OKs Bill To Help Pay Crime Victims," in the Philadelphia Evening Bulletin, October 5, 1971, which describes some of the particulars of the New Jersey program, in the RECORD.

The article follows:

CAHILL OKS BILL TO HELP PAY CRIME VICTIMS—3-MEMBER BOARD COULD AWARD $10,000 FOR DAMAGES

(By Ronald V. Teunis)

TRENTON.—Victims of violent crimes in New Jersey may be compensated up to $10,000 under a bill signed into law yesterday by Governor Cahill.

The bill, one of the first of its kind in the nation, establishes a three-member board to award damages for medical bills or loss of income as a result of a violent crime.

Covering victims of crimes committed after Nov. 1, the bill appropriates $250,000, an amount which Cahill said may be increased if necessary.

FIRST TIME FOR STATE

The appropriation covers the fiscal year ending June 30, 1972.

In signing the bill, Cahill noted "that for the first time in the history of New Jersey, an effort will be made to help the innocent victims of crime, who all too often are left to their own devices to pay hospital and medical expenses."

The bill, sponsored by State Sen. Alfred N. Beadleston (R-Monmouth), allows victims of a kidnaping, assault, rape and lewd or obscene acts to file claims.

COMPENSATION PROCEDURE

In addition, claims can be filed by the dependents of a murder or manslaughter victim.

Under provisions of the new law, the three-member board in determining awards may require examination of the victim by an impartial medical expert.

They also will give consideration to any other compensation received by the victim.

Persons filing claims—they may not live with or be related to the criminal—must do so within one year.

MUST BE REPORTED

Offenses must have been reported to the police within three months.

Governor Cahill, noting that most of the small appropriation goes towards administration expenses and salaries, said he would appoint only two of the board's three members in an effort to stretch funds needed for awards.

MORE BENEFITS FROM SPACE PROGRAM

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. FREY. Mr. Speaker, on October 12, a column by Claire Sterling appeared in the Washington Post which once again illustrates the many spin-off benefits of the space program. The ERTS program which is described, will be of immeasurable benefit to the United States and other countries around the world. The article follows:

SEEING THE WHOLE WORLD—REMOTE SENSING AT 492 MILES UP

(By Claire Sterling)

ROME.—By next March a satellite called Erts-A will be able to tell us how fast the Sahara is advancing northward and southward along a 4,000-mile front, where underground water is rising toward the surface beneath half a million square miles of Libyan desert, whether to expect shortfalls or bumper crops of grain in the northern or southern hemisphere, where prospectors ought to look for oil or molybdenum, whether potato blight is about to break out in Maine or coconut wilt in Kerala, who is dumping how much mercury into some Yugoslav river or the Gulf of Mexico, which Antarctic icebergs might be towed to California to cool hot water from atomic power plants.

Alas, Erts-A will not be able to take the temperature of plants coming down with a fever. But Erts-B will, a year later.

The procedure is known as remote sensing, which it literally is. The sensing will be done from orbit 492 miles above the earth, with a battery of scatterometers, infra-red scanners, laser profilers, side-looking radar, anti-lurch, shudder and yaw installations, antennae to communicate with earth sensors sending up ground truth, multi-spectral camera windows and Haselblad cameras.

You don't really need all this to sense remotely. Any bush pilot can do it if he can fly a straight line in a Cessna two-seater, with infra-red Ektachrome film and filters he could buy anywhere. Armies do quite a bit of it too, with more expensive lines of equipment (the U-2 senses very well remotely), and astronauts have inevitably done some in the course of doing other things. But there has never been anything like the earth mission satellite Erts-A, which is going to sense every corner of the world every 18 days—10,000 square miles in a single instant of time—for a year, with such stunning accuracy that it can learn more than a farmer knows about his own 10-acre field within a 1 per cent margin of error.

This will give the human race its first chance to take an inventory of the planet; what exactly is on it in the way of plants, animals, forests, land, water, minerals, people; what stresses nature, and we, are putting on it.

The project is NASA's and with it the credit for putting Erts-A's singular talents at the world's disposal. Everybody was invited to submit projects in a dozen fields—forestry, geology, hydrology, geography, cartography, meteorology, climatology, oceanography, demography, environmental quality—for its 350-odd experiments. Thirty-two countries did, and even those who didn't will be free to buy prints of any 10,000 square-mile picture for about $6.

It is not so much the versatility of this satellite as the harmony of the world it will explore that makes so many simultaneous and often revolutionary experiments possible. All objects on earth with temperatures above absolute zero (−372° C) radiate electromagnetic energy, and receive radiation from their surroundings. All of this shows up somewhere on the electromagnetic spectrum, and can be sensed at enormous distances by laser or radar, or infra-red and panchromatic film.

On an Indian coconut plantation in Kerala, for instance, the crowns of healthy coconut palms show up red on infra-red false color film, jacktrees a brighter red, cashews pink, and some trees that look perfectly all right to the naked eye turn pale on film, meaning they have a virus. There is hardly a limit to what Erts-A will be able to "see" like this: vigorous and ailing crops anywhere on the globe, moisture in soil, overgrazed land, lost or uncounted people, geological faults or folds suggesting, respectively mineral and fuel deposits, oil slicks on the sea, smoke plumes in the air, pollutants in lakes or rivers. It can even see which rivers can survive pollution better than others; and what it doesn't see it will hear, by radio, from the earth sensors.

If it did nothing but tell countries what they are actually doing with their own land, Erts-A would be a godsend. No country really knows, though all of them really must. The United States, for instance, simply cannot keep track of changing land use tending, among other things, to form megalopoli such as Bosnywash (Boston, New York, Washington) which will soon be needing three billion gallons of water daily. Yet for all the Americans' technological ingenuity, the federal government took 10 years to prepare a detailed land use map selling for $100 and hopelessly out of date on publication. Even the U-2, sensing remotely, would need to take a million pictures to do the American job. Erts-A can do it with 550.

For poor countries who often don't know not only what they're doing, but what they're not doing with their land—what rich soil may lie unused or timber uncut, what water may be waiting underground to be tapped, what dazzling natural wealth they may be sitting on—Erts-A is a pearl beyond price.

They are evidently aware of it too, since they are willing to pay. NASA, which has invested $100 million in Erts-A and B, is not giving its product away for nothing. The data will be free, but all 32 countries taking part will have to pay for the interpreting, which costs an arm, and make the findings available to NASA. Nobody seems to mind, not even indigent Mali, which hopes to develop the Niger Basin's water resources with Erts-A's help. Furthermore, when an international workshop was held at Ann Arbor last summer to teach people how to interpret Erts data, 400 showed up from 53 countries, at their own expense.

Still, there's a limit to how much they can spend. Interpreting is nearly everything where remote sensing is concerned, an art as much as a science. Scientists and managers can be oriented in use of the data in only five weeks, at the University of California. But it takes a year and a lot more money to train a really good interpreter. Scholarships are reportedly on the way, which the FAO hopes to administer and certainly ought to, if only to avoid giving the whole enterprise a too-sticky American label.

TRIBUTE TO BISHOP JOHN J. BOARDMAN

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. MURPHY of New York. Mr. Speaker, recently I attended the golden jubilee celebration dinner, marking the retirement of one of the most distinguished churchmen in the United States, His Excellency Bishop John J. Boardman. Bishop Boardman was born in Brooklyn in November 1894 and most of his life has centered around the Brooklyn community where he attended St. John the Evangelist Parochial School, St. John's Preparatory School, and St. John's College. Immediately following his graduation from St. John's College, young John Boardman successfully passed the examination for admission to the seminary. With the approval of the Diocesan Chancellor, he was assigned to pursue his theological studies at St. John's Seminary attached to the college from which he had just graduated. On May 21, 1924, John Boardman was in the first class to be ordained by the Most Reverend Thomas E. Molloy, D.D. at that time an Auxiliary to the Bishop of Brooklyn.

Bishop Boardman's priestly assignments included St. Mary, Mother of Jesus, from 1923 to 1931 where he served as curate under Father Theodore King; his first pastorate at St. Anne's in Brentwood from 1931 to 1937; the parish of St. Catherine of Fenoa where he succeeded Msgr. John M. Hilpert until June 1944; the pastorate of Holy Name Parish; and in 1959 he was appointed pastor of Our Lady of Angels where he served until his retirement in 1970.

In the spring of 1937 Bishop Boardman was named as Brooklyn diocesan director of the Propagation of the Faith. He was simultaneously named to direct for the Diocese of Brooklyn the work of the Holy Childhood Association and served in both capacities for nearly 30 years. Bishop Boardman also served as a contributing columnist on the Tablet, he was elected to membership on the national board of the Propagation of the Faith and also to membership on its finance committee, and became national treasurer of the Propagation of the Faith.

Bishop Boardman made outstanding contributions to the missions, having been elected secretary of the board, of Catholic Medical Missions, launching the Diocesan Cooperative Mission plan and serving on the Bishops' committee for the implementation of the missionary directives of Vatican II.

Pope Pius XII Bishop Boardman Papal Chamberlain with the title of very reverend monsignor and also raised him to domestic prelate with the title of right reverend monsignor. In 1969, he was named by Pope Paul VI as assistant at the papal throne.

Bishop Boardman has conferred the Sacrament of Confirmation on more than a quarter of a million children and adult converts. His work and dedication to his church have been an example and an inspiration to young and old alike. I am deeply honored to have Bishop Boardman as my friend and mentor and wish him every happiness during his golden years.

A TRIBUTE TO THE FARMERS HOME ADMINISTRATION

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. DON H. CLAUSEN. Mr. Speaker, the challenge of water quality control today envisions massive, almost superhuman feats of engineering—projects are needed not only to sanitize the flow of waste from huge industries, but to purge whole bodies of lakes, rivers, bays, even oceans.

However, as we all know, a large part of the pollution crisis we face today can be overcome through local projects of a much more approachable dimension.

Today, thousands of small towns in the United States still lack elementary or basic sewage disposal systems. They are, regrettably, unwilling but substantial contributors to the raw waste flowing into our rivers, lakes, bays, and coastal waters.

What we cannot lose site of is the fact that a local sewage disposal system not only prevents the pollution of an area stream, and ultimately of a larger body of water down the line, but it also enhances the living conditions within the community, thereby increasing its chances for future improvement in the development of modern homes and industry.

There is no doubt in my mind that we can and must place increasing emphasis on programs which afford our rural areas the means to develop these vital systems. And, in the rural community facilities program, made available through the Farmers Home Administration of the U.S. Department of Agriculture, we have such a program. This facilities program provides a means of loan financing, supplemented where necessary by grants, for smaller towns and settled areas of the countryside, to install central water systems and waste disposal systems that have been delayed for lack of any other available source of financing. This program has begun to show its effect in our First Congressional District along the northernmost section of coast, including our beautiful redwood country.

Several projects in the area typify how local communities, working with their Farmers Home Administration county offices, can and have contributed to cleaning up and protecting our rivers.

For a total of $145,000 in loans, Farmers Home has enabled the towns of Blue Lake and Ferndale, in Humboldt County, to bring inadequate sewer systems up to date. Blue Lake's improved system affords antipollution protection to the Mad River and, at Ferndale, the same protection will be realized for Francis Creek and the Salt River, which are important sources of irrigation water, fine fishing, and natural habitat area for wildlife.

In Sonoma County, a new sewer system for the Occidental community employing $40,000 in FHA loan and grant assistance, has successfully checked a flow of raw sewage into Dutch Mill Creek.

In another situation, the Windsor community, one of our substantial towns of Sonoma County, has cleared up a serious pollution problem of its domestic water supply—one that would have continued to exist as long as no sewer system was present to check contamination of the drinking water from wells in time of wet weather. Windsor now has both a water system and a sewer system, developed through the rural community program. Loans account for $635,000 of the $913,000 in FHA financing.

Administrator James V. Smith of the Farmers Home Administration reports that the nationwide field forces of his agency have identified 30,000 rural communities of the United States still lacking safe and adequate sewer systems, and 31,000 lacking modern central water systems at this late date in the 20th century.

Administrator Smith, State director Douglas Young, and the field forces of Farmers Home are doing a highly commendable job in their work to alleviate this great shortcoming, and we are gratified that President Nixon has taken a lead in doubling the allocation of loan authority available to Farmers Home this year as compared with only 2 years ago. Three hundred million dollars is available to FHA for rural water and sewer loans this fiscal year.

Congress has presently appropriated $100 million for grants to supplement the loan program, and we urge the Administration to make full use of that authority.

Many more projects such as Blue Lake, Ferndale, Occidental, and Windsor are needed, not only to protect the communities, but to enormously reduce the damage done to the fresh and coastal water of the United States.

Dollar for dollar, no program today is producing faster progress nor better effects in the cause of water pollution control than this FHA program of modest, local projects. I commend Farmers Home most highly for their efforts in this vital field of pollution control.

CORRESPONDENCE TO CHAIRMAN OF THE SECURITIES EXCHANGE COMMISSION

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. JACOBS. Mr. Speaker, I insert the following correspondence between one of my constituents, Mr. Bruce H. Mason and Mr. William J. Casey, Chairman of the Securities Exchange Commission:

G. & M. INVESTMENT CENTER INC.,
Indianapolis, Ind., September 17, 1971.

Mr. WILLIAM J. CASEY,
Chairman, Securities and Exchange Commission, Washington, D.C.

DEAR MR. CASEY: This letter is directed to you as comment on your proposal to amend Rule 15c3–1 as stated in release number 9288, dated August 13, 1971.

It is also directed to you because of a quote attributed to you in the August 16, 1971 issue of "U.S. News and World Report" which was: "Today just about anybody with $5,000.00 and a telephone can become a broker-dealer." Curiously, this is almost word for word the same quote attributed to the Chairman of the Board of Merrill Lynch Pierce Fellen & Smith, Inc. some time back in "The Wall Street Journal."

I demand an immediate and public apology for the above statement. One could expect such a remark from one who holds a vested economic position in the industry, but from the purported, unbiased Chairman of the SEC it is unquestionably defamatory, and if not completely misrepresentative of the facts, it certainly is not a full disclosure of the facts.

SEC–NASD–Congressional activity has resulted at last count, I believe, in six financial reports we have been required to file with the SEC and, or NASD since the first of the year, pay a fee to insure each customer of this firm for $50,000.00, etc., etc. In addition, everybody must pass a regulatory test and fill out applications which disclose past history (under threat of perjury, etc.) of all financial and, or public past activities, etc., etc. This as you know, or should know, is just a partial disclosure of the requirements to get into and stay in this business in addition to the financial requirements.

You and the Chairman of Merrill Lynch are simply continuing a distortion perpetrated on the public by the SEC-NASD-New York Stock Exchange complex which is that the greater the net capital the greater is the safety to the public. Nothing is more false and I challenge you to publicly debate the question. Your failure to either publicly apologize or to confront me in a public debate on the subject is a reflection on your own moral integrity.

The real atrocity here is, in the view of the performance of many large net capital firms for the last two years, the never ceasing SEC-NASD attack on the small broker-dealer should again revert to net capital as the target.

It would seem patently obvious that one Goodbody bankruptcy dwarfs the potential danger to the public, IF all firms with net capital less than $25,000.00 were to go to the wall simultaneously. If you won't accept that, how about all the NY Stock Exchange firms that went bankrupt over the last few years versus those firms less the $25,000.00 net capital both deceased and surviving?

Your proposal devotes only a brief justification for the elimination of all firms with less than $25,000.00 net capital. Wouldn't it be morally and ethically honest to publicly state what percentage of firms with less than $25,000.00 net capital had "liquidation proceedings or were adjudged bankrupt" versus those that "survived," and of those that were problems how many were in business prior to 1966? How do these percentages compare with the percentages of those firms, the ones who for the present, are to be allowed to stay in business because their net capital exceeds $25,000.00?

This whole affair is sickenly familiar to the Commission's previous 1965 promulgation of minimum net capital requirements. If those weren't enough, why will these be sufficient? It would seem very probable that you will be back again, and the likely end result will be a handful of $100,000.00 plus net capital firms, all members of a single national stock exchange.

If, Mr. Casey, there is the remotest chance you are still with me, and if you and the rest of the Commission are only interested in protecting the public and not eliminating the small broker, then here is the way you can do it and simplify enforcement at the same time!

Exempt from minimum net capital requirements and the 20–1 rule too, any broker-dealer who does business in the following manner:

Hypothecates none of the public's securities or cash in any way. In no other way may he use the public's money. Holds securities for customers for safe-keeping only if they are already registered in the customers name. Holds no negotiable securities or "street name" securities except in transit for delivery or transfer. Doesn't sell short, long, puts or calls, nor use margin accounts for his own portfolio, or as principle if it in any way involves the customer's money or securities. Doesn't make a market in any stock. Sells and buys for the public as agent only. (Mutual funds and municipal bond funds are principal transactions in theory only.)

Makes no free deliveries or shipments, and segregates the public's monies until deliveries are made by bank-draft. Here there should be an exception so that the very small investor is not penalized and that is, a broker would be allowed $1,000.00, or some such figure justified by his net capital, to be in free delivery and, or shipment at any other time.

I have in the past challenged both staff members of the SEC and the NASD to show how the public is endangered if a firm operates as above. They have agreed there are only two ways. One is a bad trade, but the public is the cause of the bad trade; I've got a problem with another broker, not the public. The other is by fraud and conversion. Mr. Casey, net capital is no protection against fraud and conversion, and I believe you know it.

This firm has been registered with the SEC since December 1962. I've been licensed as a securities salesman since February 1959. At no time has this firm had any problem with the SEC–NASD or Indiana Securities Commission. The same applies to me as an individual. We've never even had a customer complaint.

Once when I was complaining to a NASD staff member about double-standards in their enforcement, he said there was no basis for my complaint because Merrill Lynch was fined more a month (I think he said a week) by the NASD than my entire Net Capital.

Once in 1965 and again in 1967 the SEC denied me exemption from the minimum net capital rule, although the rule states exemptions are permissible, and staff members admitted to me orally that the public's money would not be endangered if the exemptions, as requested, had been allowed.

Mr. Casey, perhaps you and Merrill Lynch can see the public endangered by this firm being allowed to continue in business under the above basis. I cannot! If you can, then show me!

Mr. Casey, one more personal comment, please. It is my sincere hope that you will not take personal affront to this letter. I have long been a personal admirer of your career, and subscriber to your publications. Very simply, this proposed amendment forces me to fight for my life. I cannot do that confined to the language of a Harvard lawyer submitting a diplomatic brief for the State Department.

Very sincerely yours,
Bruce H. Mason,
President.

Securities and Exchange Commission,
Washington, D.C., September 23, 1971.
Mr. Bruce H. Mason,
President, G&M Investment Center, Inc., Indianapolis, Ind.

Dear Mr. Mason: I appreciate your comments on our proposal to amend Rule 15c3–1 and I can assure you that your views are going to receive my fullest consideration prior to any final action by the Commission in this matter.

I regret that my statement in the August 16 issue of U.S. News & World Report was interpreted as showing bias against small broker-dealers and I apologize for this. I am fully aware of the importance of the small-broker-dealer to the market place and I am firmly convinced that the Commission has and will continue to recognize the necessity for their continued existence as we perform our regulatory responsibilities.

Sincerely,
William J. Casey,
Chairman.

A. CARTER MYERS

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. DUNCAN. Mr. Speaker, east Tennessee has lost an outstanding citizen, A. Carter Myers, a man who gave moral and material support to his community throughout his life. I would like to pay tribute to his memory by inserting in the Record the following statement from the Knoxville, Tenn., News-Sentinel of September 30:

A. Carter Myers

Many people will remember and revere A. Carter Myers as the guiding hand for many years of the Tennessee Valley A&I Fair, and the horse show facility at Chilhowee Park which bears his name will perpetuate that memory. But there was so much more that Carter Myers did and embraced, mostly in the agriculture and farming world, and in Community Improvement projects, that he became a legend in East Tennessee.

Born on a farm, with a probing spirit that led him throughout his life to fields of agricultural research and perfection, from Future Farmers and 4–H Club leadership to Master Farmer, and from livestock judging and Ag Club engrossment to burley and fertilizer refinement and marketing, Carter Myers forged constantly ahead to make farming and agriculture the scientific blessing it is today. His interests in agriculture were as great as the range of agriculture itself, and his vitality thrived with the years. He was also a valued director of Park National Bank, the Nashville branch of the Federal Reserve Bank of Atlanta, and had been a director of Robinson Supply Co. and of Bradley Supply Co., both of Cleveland; was a past trustee of Second Presbyterian Church and was active in other civic and urban as well as rural organizations.

East Tennessee is particularly fortunate in its heritage of Carter Myers' pioneering spirit and insatiable drive, but agriculture the country over is better because of him. He leaves a life of accomplishment for which we all are thankful.

COMMUNITY DEVELOPMENT BANK PROPOSAL

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. ALEXANDER. Mr. Speaker, as we in Congress consider the urgent need for redirecting a portion of the Nation's resources to put them to work more effectively for our nonmetropolitan areas, I have found encouraging some of the efforts these areas are making in their own behalf. Many of the steps that have been taken in sparsely populated States and small towns and counties have been in response to the establishment of Federal programs. Others are the result of innovation and courage on the part of the residents themselves.

There are two most important conclusions which may be drawn from these efforts. The first is that our people want to be able to choose to continue to live where they are and make it possible for their youth to have that choice. So, with the very slim resources available to them, they are trying to keep their economies vigorous or to revitalize them. The second is that even though they have learned through bitter experience that many of the existing Federal programs are not realistically geared to their use, they are making an effort to comply with participation requirements.

These areas have demonstrated good faith; that they are willing to do their part. I would hope that we in Congress can devise the programs which we must have to help them and our Nation accomplish its goals of making it possible for our people to live a satisfying, meaningful life in the place of their choice.

During the community development hearing I conducted in Brinkley, Ark., on August 30, William S. Bonner, chairman of the city planning division of the University of Arkansas, and Bertram F. Wakeley, assistant director for State planning and program development of the Arkansas Department of Planning, presented testimony relating to the needs of nonmetropolitan areas and to the work which is being done in Arkansas.

I believe my colleagues will find what they had to say of interest:

Statement by William S. Bonner

Congressman Alexander, I am William S. Bonner, Professor and Chairman of the City Planning Division, University of Arkansas, Fayetteville. I am a member of the Board of Governors, American Institute of Planners and a Member of the Board of Directors of the Community Development Society of America. I would like to thank you for the opportunity to appear and present some views that are pertinent to rural development here in Arkansas.

FACTORS INHIBITING COMMUNITY DEVELOPMENT

Arkansas is basically a rural or nonmetropolitan State. We have two Standard Metropolitan Statistical Areas wholly within the State and share three others with adjacent states. When we speak of these metropolitan areas we are referring to areas with central cities of 50,000 or more population, their counties and those adjacent that are socially and economically tied to the central city. Seven of the State's 75 counties are part of Standard Metropolitan Statistical Areas—the remaining 68 counties of relatively dispersed population make up nonmetropolitan Arkansas. When we speak of nonmetropolitan areas, we are speaking of urban places with less than 50,000 population, a network of smaller communities, and the individual living units dispersed over the countryside.

There are a number of factors that affect the development of the State. One is certainly its dispersed population and the relatively small number of larger urban centers. In 1970, Arkansas had only five cities with over 35,000 population and four of these were in the metropolitan areas. Of the 432 incorporations in the State, 362 were under 2,500 population—thus the incorporations of Arkansas are predominantly small communities which the U.S. Census depict as nonurban places.

One must recognize that individualism is still a strong characteristic of much of the State's population. There is still a strong belief that the application of the police power to control use and development of land unduly limits one's freedom. There are many who live in small communities and the rural countryside to escape not only the more crowded environment but also the formalized controls and higher taxes found in larger urban centers. Many of these individuals look upon governmental planning and development as a threat to their way of living and thus may oppose any governmental effort to influence community development.

A third factor in community development is a generally low level of financial resources due to millage limitations for general and special purposes. This lack of resources results in a low level of community facilities and services.

Another factor in fostering interest in community development is that many do not see that their community will be the one that will be recipient of a major industry and thus experience substantial growth.

The organization and structure of Arkansas political institutions have not changed significantly since the adoption of the 1872 constitution to compensate for the technology explosion which puts our rural populations at a relative disadvantage in terms of either responding or reacting to their best potentials for social and economic development or to initiatives taken by State and Federal governments. Our smaller and more dispersed communities are today far less "masters of their fare" than the larger metropolitan centers as Little Rock, Pine Bluff, and Fort Smith. In particular, State law as it stands now does not provide adequate authority for *elected* county governments to organize and effectively control needed public development programs.

DIFFERENTIAL INDUCEMENTS FOR NONMETROPOLITAN AREAS

In discussing differential inducements, it is assumed that there is a desire to retain in nonmetropolitan America the natural increase in its population and not export it to metropolitan America.

Considering the need of raising income in rural areas and small communities, in my recent statement before the House Agriculture Committee, I pointed out that most differential inducements to industries are made by localities under State legislation. Should all States make the same differential inducements available to their localities, the total result is the same as no inducement at all. In fact, the locality is the loser for the subsidy granted to the industry. State legislation for industrial inducement has not been a very effective development tool in terms of favoring areas of disparity. Within a State, the large city has the same inducement available as the small city.

It would appear that if we are serious about differential inducement and if we desire to encourage industry to locate in nonmetropolitan areas then we must have a national policy to accomplish this. One such inducement might be a low discount rate on investment or operating capital by the Federal Revenue Board for industries that locate in designated districts of nonmetropolitan areas. If an industry is considering Little Rock and Brinkley as locations—the discount rate could be the factor to tip the scale in favor of Brinkley.

The point here is that if there is to be a national policy that seeks a favorable differential in economic opportunity for nonmetropolitan America, then this must be reflected in the incentive programs. Increasing industry and industrial employment in Little Rock, Pine Bluff, Texarkana and Fort Smith will certainly be beneficial to those areas but will not help employment opportunities in any substantial manner for the remaining 68 nonmetropolitan counties in the State. In fact, a policy that aids metropolitan areas economically may in the long run require that the resources concentrated in those metropolitan counties be utilized to subsidize to an ever increasing extent the services of those who still reside in the nonmetropolitan counties.

The location of a major employing industry in Marked Tree (pop. 3,216) will have a profound effect not only on Marked Tree but also on the cities of Lepanto and Tyronza and the communities of Black Oak, Payneway, Judd Hill and Spear Lake. Even larger communities not too distant removed as Harrisburg and Trumann will feel the economic impact. What is suggested is that major employing industries located in the smaller urban centers will have a ripple effect in the economy of the area. The smaller communities and the rural areas provide the bedrooms for the employing centers.

I am also suggesting that if there is to be differential inducement for achieving desired development location decisions we should use, for administrative purposes, the metropolitan-nonmetropolitan dichotomy as the basis for development distinctions.

With such a dichotomy, it would then be possible to better plan for the future development of nonmetropolitan America and to assign the necessary resources to accomplish the job—not simply to redress the apparent imbalance in economic opportunity which has severely diminished individual citizen's choice in terms of place and style of life, but to provide for the nations metropolitan communities what they themselves cannot achieve alone—a respite from the constant influx of nonurban oriented people, to a degree which may allow the metropolitan communities to catch-up on the solution of the many, and severe, problems which past migration has accumulated.

The Advisory Commission on Intergovernmental Relations in its report "Urban and Rural America: Policies for Future Growth" indicated that there is need for more adequate social data and techniques of measuring social costs and benefits in living in our urban and rural areas. Such information will be of particular importance to decision makers, who are responsible for the allocation of scarce human and economic resources.

The methods of measuring effectiveness of planning programs (e.g. cost-benefit or cost-effectiveness) are quite complex and require a substantial outlay of manpower, time, and money. A cost-effectiveness analysis involves two types of evaluation. One is cost analysis, which involves the delineation of all major system components. For example, in terms of nonmetropolitan industrial development, this would mean the identification of such factors as manpower and training, space requirements, capital cost parameters, materials, transportation and shipping, and power needs. The other type of evaluation is effectiveness analysis, which requires the development of criteria, based upon multiple considerations, by which effectiveness can be gauged. For example, in evaluating several industrial location alternatives, a multiple consideration set would include such things as employment cycle, number of jobs, wage scales, environmental quality control, contributions to tax base and availability of civic services such as police and fire protection. The results of cost-effectiveness analysis, generally expressed in terms of dollars, show which of several possible alternatives is most effective in relation to cost.

The evaluation of planning effectiveness in the nonmetropolitan areas of Arkansas and America would involve new research and development program efforts to establish effectiveness criteria. Effectiveness questions to be answered would include: What is the level of citizen satisfaction with planning programs? What is the value of new or expanding industries to the nonmetropolitan area? What are the most effective methods of capital-facilities budgeting? The effectiveness measurement approach, developed as part of the decision-making process, could contribute toward the minimization of possible negative impacts of development and change in nonmetropolitan environments.

It is recognized that we cannot await the results of such studies in making decisions. On the other hand, to delay initiation of such studies will only prolong development of effective programs to accomplish a national policy.

PLANNING AND DEVELOPMENT DISTRICTS

In Arkansas, the eight planning and development districts can be looked upon as the State's initial effort to overcome the disparities and disadvantages being experienced by local governments and populations in nonmetropolitan areas. The districts were established under provisions of the Public Works and Economic Development Act of 1965. In 1969, the Arkansas General Assembly made the districts multi-purpose by adoption of Act 118 and appropriated State funds for district operations on a dollar for dollar matching basis.

The disparities the districts are attempting to overcome are many including inadequate health services, education, community services and facilities and lack of job opportunities. The districts are seeking every possible means and resource to overcome these disparities. In addition, the districts are offering communities the "on call" services of qualified specialists. This does not mean that districts have or will have on their staffs all the expertise needed to solve both areawide and local problems. Rather, the districts seek to coordinate the use of the expertise available from other agencies.

Personnel working at the district level are in position to assist local communities seek aid for their needs and to argue the case for support of local needs with State and Federal agencies. The districts represent the major communication link between State and local governments.

There is considerable cost in maintaining district planning and development organizations. This cost may be justified by the fact that most contemporary problems transcend political boundaries, by the lack of professional and technical expertise otherwise unavailable in individual local communities, and by the lack of political "clout" of individual units of government.

The presence of district organizations may also be justified if they can improve the public's use of Federal, State, and local resources and programs to expedite solution to local problems and if they can provide supplemental expertise, lacking at local levels, for making more effective and efficient government and private developmental decisions on operations and management.

DISTRICT ROLES

A district organization may be viewed as having three distinct roles—catalytic, stimulative and service.

A district's catalytic role creates or intensifies cooperative action among area members—including local units of government. For example it provides for the assemblage of information necessary to identify, to analyze and solve problems of common concern to area residents. Some of these concerns may be economic well-being, transportation, health services, solid waste disposal, fire protection and the like. The strength of district planning and development organizations lie in the ability to provide a strategy forum for articulating programs that identify priorities for public and private development.

The district's stimulative role is in response to the need for developing and strengthening professional and technical expertise to help local governments and private enterprise in more effective application of up-to-date decision-making processes.

The service concept of district planning is built on the idea of utilization of professional and technical competence to supplement or to fill the voids found at the local level.

District planning requires active support and positive implementing action by Federal, State and local governments.

The Arkansas Department of Planning looks upon the district as one means of achieving the State's goals and objectives.

The University's City Planning Division has been assisting the Arkansas Department of Planning with the program design and annual work programs for the districts. In addition, the City Planning Division is undertaking a study of areawide and local planning roles and functions, which study may prove useful in developing new programs and approaches to nonmetropolitan development in Arkansas.

The district provides a mechanism both directly responsive to the needs and the will of the people and capable of concern and involvement with all aspects of community development that will help make possible the availability of economic opportunity and provide the attractiveness of living conditions in the rural areas of this State and of this nation.

STATEMENT BY BERTRAM F. WAKELEY

I appreciate the opportunity to present to you, Congressman Alexander, some aspects that concern, or are directly related to, the problems and ideas necessitating the Community Development Bank Proposal.

First, allow me to quote some excerpts of the presentation made by Governor Dale Bumpers to the President's Commission on Population Growth and the American Future at hearings in Little Rock on June 8, 1971. "In Arkansas we have achieved the sought after objective of relative population stability without the costs of heavy environmental pollution or over crowding." Further, this administration is . . . "committed to a policy of providing top quality services for the citizens of Arkansas."

Concerning future development, the Governor stated, "We do not intend to consciously promote a policy of undisciplined growth for growth's sake. But, we are in *critical need of additional resources* to enhance the standard of living of our citizens and the quality of life in our communities across the State."

Second, let's look at some major problems facing Arkansas:

1. *Jobs:* Sixteen percent of our total labor force is underemployed. The average family income in Arkansas is still only two-thirds of that of the rest of the nation. We have set a goal of 20,000 new jobs for Arkansas residents during the 1970's, to be created through a cooperative effort between government and the business community. The basic problem here is that the location of people is determined by the location of jobs. Thus, the major emphasis is on putting jobs in the right places.

2. *Education:* As of 1967, 11.9 percent of the State's population 25 years of age and over had less than a fifth grade education 14.8 percent had less than an eighth grade education. Our public school teachers are 49th in the nation in terms of annual pay, receiving an average of only $6,841 per year.

3. *Health:* Availability of health services is most equitable. In our medical centers we possess the finest skills, facilities and equipment available. However, in many of our rural areas, we not only lack doctors and other health personnel, but even the means of transporting the sick and injured to adequate service. Since one-half of the State's population is rural, this problem is especially critical.

4. *Highways:* Our transportation system does not serve the people of the State equitably. Traffic counts are the criterion most often used to justify fourlane roads, and consequently, Arkansas has an expressway system crossing the State from northeast to southwest, and east to west, leaving vast areas of north and south Arkansas inadequately served. Arkansas is in critical need of a system of developmental highways designed to open areas of the State that are relatively isolated.

I could continue, but all I want to do is get across the point that the major problems have been identified. The time is ripe for planning (such as you are doing through this Hearing process) and for action.

The State has goals in many areas, but you are mainly interested in the economic development activities. Before listing some of these, let me emphasize that they are Statewide in conception and for application purposes. We don't believe it has to be necessary for a person to move to find work. He should be given some choice.

1. To prepare a statewide plan for the *balanced* development of agriculture and our natural resources with special attention given to sound conservation and resources rehabilitation practices.

2. To promote the development of new industrial and commercial enterprise and encourage its location so as to: (1) maintain and protect the natural resources and amenities of the community; and (2) maximize utilization of the *resident* labor supply.

3. To expand the statewide system of employment and job counseling centers.

4. To sponsor, promote and develop suitable employment opportunities for the employable people of the state.

Let's step back a minute and agree that there is no such thing as a Federal or State program. Once money is given to a local government to be used with local funds to build, construct, alter, or otherwise cause change which will perpetually affect local citizens—then it becomes a *local program*. Looking at this from the local level these are tremendous problems.

1. Over 1300 Federal Domestic Programs—several State programs (mainly supported by Federal funds)—some are broad while some are very restrictive in use.

2. All, however, have red tape, varying matching ratios or eligibility formulas (which are often inequitable to small, less wealthy local governments.)

3. Many available programs are "too expensive" for local governments in Arkansas (ex.—the State turned back over four million dollars in matchable funds to the Environmental Protection Agency because of the close 50-50 matching ratio required for E.P.A. Title VIII facilities grants).

4. Arkansas State Government presently offers extremely limited assistance to local government for meeting their needs. (The Department of Planning has been charged with changing this unfortunate situation).

On the positive side, there is, in Arkansas, a willingness to take affirmative action on the local, regional, and State levels. This appears to be true of both the public and private sectors of the economy.

The Department of Planning is doing everything possible to support any and all affirmative action that will solve local problems, assist the State to meet its goals, and insure that the Governor's policies are carried out. The Department does not have an "ivory tower" approach. Planning can no longer be thick volumes that sit on the shelf gathering dust.

Planning must be those *actions* necessary to keep problems from occurring and, when necessary, solve existing problems.

Within this context, I believe that the Community Development Bank proposal is an action that is both beneficial to Arkansas and necessary to overcome several of the serious problems facing local governments in guiding and causing their own growth and development. If the Department can be of *any* assistance to you in this effort, we would be pleased to supply it.

This is the third insertion into the Congressional Record of testimony and other material which I have gathered during my search for ways to assist community development in areas of low population. Other material on this subject appears in the Congressional Records of September 22, pages 32740–32741, October 1, pages 34505–34506 and October 6, pages 35409–35410.

COLUMBUS DAY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. FRASER. We pay tribute today to the memory of one of history's greatest men, one of Italy's proudest sons, Christopher Columbus. Although Columbus never reached the shores of our own country on his voyages of discovery, his life is a precious symbol to all Americans. His insatiable curiosity to find out, to know; his unshakeable faith and courage; and his indomitable will—these are elements of the spirit shared by all who have participated in the building of America.

These are the qualities, too, brought to the United States by the countrymen of Columbus, the Americans of Italian descent, whose sufferings and accomplishments are woven into the fabric of our national life. It is appropriate on Columbus Day that we note the achievements of Italian-Americans.

In their early days in this country, Italian-Americans performed backbreaking toil in heavy industry, as laborers and skilled craftsmen. But through their loyalty to each other and to their families, through their native intelligence, and their unflagging aspiration, it was not very long before their children became doctors, teachers, judges, legislators, and businessmen. Their achievements are not surpassed by any other group. Their patriotic performance in the defense of our Nation stands as an example to all our citizens.

The legacy of the pioneer spirit, and the blending on the new continent of contributions of peoples from every land, are parts of the unique heritage of America. The tremendous achievements of Christopher Columbus is symbolic of that heritage. May we hope for ourselves and our children that Americans will always keep the spirit of Columbus in their hearts and his vision of a New World before them.

GREEK POLITICAL SITUATION EXPLORED

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. EDWARDS of California. Mr. Speaker, I would like to mention here once again the outrageous political situation which continues in Greece. "The Greek Colonel's Friend," by Evans and Novak which appeared in the Washington Post last September 19 is certainly worth the consideration of all Members interested in American involvement with the Greek dictatorship. The result of American support for this government—the overt antidemocratic and outright fascist nature of the present Greek regime—is further outlined in "Greece: Myths and Facts," prepared by the U.S. Committee for Democracy in Greece and I highly commend both articles to my colleagues:

THE GREEK COLONELS' FRIEND

A confidential memorandum now under avid scrutiny by a House Foreign Affairs subcommittee is certain to lead to a formal summons for testimony by Thomas A. Pappas, the mysterious, rich Greek-American who operates a multi-million dollar industrial empire in Athens and has intimate ties to both the Greek military dictatorship and the Nixon administration.

Rep. Benjamin S. Rosenthal (D-N.Y.), chairman of the Foreign Affairs subcommittee on Europe, specifically solicited the memorandum during his hearings on military aid to Greece in July. It raises grave questions about Pappas' role as confidant of President Nixon and as defender of the dictatorship. It is causing extreme nervousness in the Nixon White House.

Holding both U.S. and Greek citizenship, Republican Pappas and his more obscure brother, John, a Boston Democrat, are charged in the memorandum as follows: "They used their considerable political and economic clout in the U.S. to promote, simultaneously, their own financial interests as well as the interests of a ruthless military dictatorship—and all this at the expense of long-range U.S. interests in that crucial part of the world."

Author of the memorandum is Elias Demetracopoulos, a Greek exile leader. His central thesis is that Thomas Pappas used his "strong connections" with both Republican and Democratic party officials here to obtain rich economic concessions from various Greek governments.

As partner, in a highly unusual relationship, of Standard Oil of New Jersey, Pappas consistently exploited his political connections in Washington to undermine the pre-junta Center Union parliamentary government of George Papandreou and gain more profitable economic arrangements, Demetracopoulos' memorandum states. Then, when parliamentary government was obliterated in the April, 1967, coup by the Greek colonels, Pappas because the junta's prime champion in Washington.

"It appears that on the basis of the public record alone," Demetracopoulos said, "Thomas Pappas and his brother became 'public relations men' for the junta at the highest levels of the Johnson and later the Nixon administration, as well as in Congress."

Ex-newspaperman Demetracopoulos quotes from an interview he taped with former Democratic Speaker of the House John W. McCormack on Aug. 9, 1966 (an interview arranged by McCormack's aide, Dr. Martin Sweig, a Pappas intimate now in jail for perjury): "The contribution made by the Esso-Pappas complex under the leadership of my very dear friend Tom Pappas," McCormack said, "I know is of inestimable value to not only the people of Greece, not only of today, but in the years that lie ahead."

But Pappas' power to sway leading Democrats is a mere shadow of his persuasive influence on the Nixon administration. As an executive vice chairman of the Republican Finance Committee and a large contributor to Mr. Nixon's 1968 campaign, says Demetracopoulos, Pappas' "frequent, well-photographed warm public embraces" with Prime Minister George Papadopoulos and Vice President Stylianos Patakos convey only one message—that the dictatorship has the Nixon administration's secret blessing.

Far more significant, Pappas was the unofficial host of Mr. Nixon's brother, F. Donald Nixon, when he went to Athens in 1970 to arrange motel and restaurant concessions for the Marriott Corp. Pappas gave a dinner for Nixon attended by Patakos. At the time, the U.S. government was withholding military aid with the stated aim of forcing the dictatorship to lift martial law, release political prisoners and hold elections.

When Secretary of Commerce Maurice Stans visited Greece early in 1971, he allowed Pappas to wine and dine him on a luxury yacht along with Greek Trade Minister Spyridou Zappas, U.S. Ambassador Henry Tasca and bigwigs in the junta.

Says Demetracopoulos: "The true Pappas influence in the various agencies responsible for U.S. policy in Greece may never be fully known, since by its nature the exercising of influence of this type is a clandestine matter."

That's what Rosenthal and his investigators of administration policy toward the dictatorship want to know more about. They want to put Pappas on the stand under oath.

GREECE—MYTHS AND FACTS

The myth—"Most importantly the Greek Government announced that in accordance with a specific timetable, to which it has thus far carefully adhered, the institutional structure of a democracy prerequisite to elections will be in place by the end of this year. This timetable is a public commitment on the part of the Greek Government. . . . Greece can be helped by sympathetic understanding rather than by censure." *Defense Department memorandum introduced by Senator Strom Thurmond in the debate on the Hartke Amendment, June 1970.*

The fact—"Certain conditions must be created before we can think of elections."

"What are they?"

"I cannot and will not say anything to you now about the political plans of the government." *Interview with Vice-Premier Stylianos Pattakos in Der Spiegel, Oct. 5 1970.*

"We are not yet ready for responsible citizenship. When this has been achieved and only then will be able to proceed to a broader application of the Constitution. And until those conditions have been achieved, however long it may take, let those who clamor for elections not hope that we will endanger all we have achieved in order to satisfy them." *Speech of Premier George Papadopoulos at Salonika, August 28, 1971.*

The myth—"From a high of over 6,000 in 1967, there are now approximately 300 political prisoners. The Prime Minister has pledged to free all remaining political detainees by the end of April 1971 if security conditions permit." *State Department leaflet "Greece: U.S. Policy," January 1971.*

"As of April 10, 1971, all persons described as 'political prisoners' have been released." *Letter of Greek Ambassador Basil Vitsaxis in New York Times, July 5, 1971.*

The fact—In January 1971 there were still some 350 prisoners who had been held in concentration camps without any charges since the day of the colonels' coup, April 21, 1967. It was these prisoners who were released in April. (The junta announced that 50 of the last 200 freed were being sent to forced residence in remote islands or villages. No announcement was made on the number of those released earlier who were similarly confined, but this does not mean that none were. The total of those in forced residence, including a number of Center Union members of Parliament and royalist officers previously held, is probably at least 150.) In addition, hundreds of persons convicted of political crimes by courts-martial are still locked in Greek prisons; junta sources put the number at 450, while other estimates are two or three times as high.

Other hundreds—how many we do not know, since many arrests are not announced—are in prison "under investigation," some for many months, pending trial. Of about 200 persons arrested in Athens alone in the last two months of 1970, less than a fourth had been released or brought to trial by the end of July 1971. It is these prisoners who are the victims of systematic torture. One of those held since Christmas 1970 without trial is Christos Sartzetakis, the original of the incorruptible judge in "Z"; he has been badly torturd.

For still others, Greece itself has become a prison. The junta has denied passports—sometimes in defiance of court decisions—to many Greeks because of their political views.

The myth—"Withholding military or economic assistance is an ineffective tactic in persuading foreign governments to move in directions we consider desirable. . . . Responsible Greek opposition leaders have told us that as Greeks, they would resent this form of pressure." *Testimony of Deputy Assistant Secretary of State Rodger P. Davies, House of Representatives Subcommittee on Europe, July 12, 1971.*

The fact—"The dictatorial regime which has been in power since 1967 has exploited the military assistance granted by the United States of America to oppress the Greek people, to violate human rights, and to trample underfoot the principles upon which the Atlantic Alliance, the European Union, and the Common Market are based. . . . The expression of solidarity amongst free peoples of whatever nationality towards each other does not constitute intervention in the internal affairs of a country. The frontiers of freedom are beyond the territorial powers of the various countries. The stand taken by the representatives of the American people that military aid should be linked to the restoration of free institutions in our country is not even technically an intervention in the internal affairs of Greece, but is the exercise of their mission as defined by their constitution." *Message to the House of Representatives from Panayotis Kanellopoulos, last legitimate Premier of Greece and leader of the conservative National Radical Union; George Mavros, former minister and spokesman for the Center Union within Greece; John Zigdis, former minister at present in prison for urging the replacement of the junta by a government of national union; and Dimitrios Papaspyrou, last President of Parliament.*

The myth—"We in the United States Government, particularly in American business, greatly appreciate the welcome that is given here to American companies and the sense of security that the Government of Greece is imparting to them. . . . Given the continued economic stability and given the continued political stability, there is no limit to the growth that can take place in Greece." *Secretary of Commerce Maurice Stans in Athens, April 23, 1971.*

The fact—There has been no new major American investment in Greece since the coup; American businessmen realize that any investments in the junta's Greece are risky in the extreme. Thus Litton Industries, which had contracted to secure investments of about $850 million for the junta, was able to find less than 1 percent of that amount and had to drop its contract. Similarly the much heralded $600 million investment agreement with Aristotle Onassis has now foundered on his inability to get American concerns to put up the money.

The myth—"Greece's economic progress over the past few years has placed her in the forefront of rapidly developing nations." *Secretary Stans in Athens, April 23, 1971.*

The fact—According to Greek official figures, industrial production in the four years after the coup grew at only about 70 percent of the rate of the four years preceding the coup. In four years the junta ran up a cumulative balance of payments deficit of some one-and-a-third billion dollars. It used up Greece's reserves and acquired several hundred million dollars in debts, including about $300 million due within a year. For the first five months of 1971 the deficit was a record $236.3 million; for the year it may reach $700 million. This is probably one reason why, in August, Premier Papadopoulos fired all the ministers in charge of the various aspects of the economy.

The myth—"Greece is an important NATO ally and has consistently and loyally honored its treaty obligations." *Testimony of Rodger Davies, July 12, 1971.*

The fact—"The Parties to this Treaty . . . are determined to safeguard the freedom, common heritage, and civilization of their peoples, founded on the principles of democracy, individual liberty, and the rule of law." *Preamble of NATO Treaty.*

"Greece is to all intents and purposes a police state." *Resolution of the NATO Assembly, adopted 46 to 3, on October 20, 1969.*

HAPPY BIRTHDAY, U.S. NAVY

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. HOSMER. Mr. Speaker, on October 13, 1775, the Continental Congress, with John Adams leading, first authorized American naval ships.

Happy birthday, U.S. Navy.

THE SCIENTIFIC ADVISORY SYSTEM: SOME OBSERVATIONS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. FRASER. Mr. Speaker, regents professor emeritus at the University of Minnesota, Dr. Maurice B. Visscher, called to my attention an article which appeared in the September 24, 1971, issue of Science.

Dr. Visscher, a nationally known and respected physiologist, feels that Martin L. Perl, author of "The Scientific Advisory System: Some Observations" makes some pertinent points and I agree. Dr. Visscher carefully marked for my attention the following paragraph which contrasts the science advice received by the Congress with that received by the executive department:

> On the other hand, very little scientific advice is given to Congress. Some technical information and advice is obtained through panels or committees attached to congressional legislative committees, and a few individual congressmen, particularly senators, receive some unofficial advice and information. Finally, the Science Policy Research Division and the Environmental Policy Division of the Legislative Reference Service provide reports and summaries on technical questions. But the total amount of scientific and technical information and advice given to Congress is very small compared to that given to the executive branch."

My Minneapolis constituent, Dr. Visscher, recently testified before the gentleman from Florida's (Mr. ROGERS) Subcommittee on Public Health and Welfare and spoke to this same issue. The scientific advice received by this body is a subject deserving of our attention. The Perl article which follows gives us a welcome look into the scientific advisory system:

THE SCIENTIFIC ADVISORY SYSTEM: SOME OBSERVATIONS—THIS SYSTEM HAS LITTLE EFFECT ON THE BROAD TECHNICAL DECISION MADE IN WASHINGTON

(By Martin L. Perl)

Since World War II, scientists and engineers have been going to Washington in increasing numbers to help the government make decisions on technical questions. These questions concern every aspect of our technological society—nuclear weapons, missiles, space travel, cancer research, pesticides, and mental health. Some scientists and engineers go for 1 or 2 days a month; others take a leave of absence from their institutions or corporations and spend several years in Washington. Some serve on committees attached to the executive branch of the government; others serve through semigovernmental institutions like the National Academy of Sciences. A few work with the Congress. All of these scientists and engineers, the committees they serve on, and the positions they hold in Washington together constitute the scientific advisory system (1). This article is about that system, or more precisely, about a paradox connected with that system.

The paradox is easily presented. Most people will agree that the United States is besieged with perilous technological problems—how to stop the arms race and bring about nuclear disarmament, how to stop the technological destruction of the natural environment, how to raise the standard of living, or at least prevent mass starvation, in the poor countries. Most people will also agree that these problems have become much more severe in the last two decades. But in these same two decades, the United States has received enormous amounts of scientific and technical information and advice from the scientists and engineers of this country. This information is almost always technically correct and thorough; it is almost always given with the intention of solving or mitigating the problems sketched above. The paradox is simply this: How have we gotten into so much technological trouble while getting so much well-intentioned and correct technological advice?

A broad analysis of this paradox might require a study of the relationship between the scientific advisory system and the "technostructures" postulated by Galbraith (2). Or one might examine whether the advisory system is an example of the "techniques" that Jacques Ellul (3) believes are the essence of our technological society. However, I restrict my analysis to a discussion of the role played by the advisory system in the technical decision-making processes in Washington. In addition, I do not attempt to present a complete description and evaluation of the scientific advisory system, nor do I discuss the role of the scientific advisory system in the larger decisions on military technology.

Few people realize the size and complexity of the scientific advisory system, and I know of no complete study of the magnitude and structure of this system. Therefore, I refer here to a recent, but not exhaustive, study (4) that was carried out by a group of Stanford graduates and undergraduates, for whom I was faculty adviser. The study notes that the Executive Office of the President has advisory committees that involve several hundred prominent scientists and engineers. The best known of these committees is the President's Science Advisory Committee. Outside the Executive Office of the President, but inside the executive branch of the government, is a much larger advisory apparatus. This apparatus consists of thousands of scientists and engineers who serve on hundreds of committees, as well as in various temporary positions. Primarily, they advise the Department of Defense and other departments concerned with scientific, technical, or medical questions.

Semipublic institutions also provide a great deal of advice to the executive branch. For example, the National Academy of Sciences and the National Academy of Engineering, through the National Research Council, supervise the work of about 500 committees involving 7000 engineers and scientists. Other large sources of advice are the "think tanks." The Rand Corporation advises the Air Force, the Research Analysis Corporation advises the Army, the Center for Naval Analysis advises the Navy, and the Institute for Defense Analysis advises the entire Department of Defense. Taken together, these public and semipublic advisory groups involve more than 15,000 or 20,000 individual scientists and engineers.

On the other hand, very little scientific advice is given to Congress. Some technical information and advice is obtained through panels or committees attached to congressional legislative committees, and a few individual congressmen, particularly senators, receive some unofficial advice and information. Finally, the Science Policy Research Division and the Environmental Policy Division of the Legislative Reference Service provide reports and summaries on technical questions. But the total amount of scientific and technical information and advice given to Congress is very small compared to that given to the executive branch.

THE SCIENTIFIC ESTABLISHMENT

There is a large overlap between the scientists who lead the advisory system and the scientists who belong to what has been called by a sympathetic observer (5) the "scientific establishment." The scientific establishment comprises most of the prominent scientists and research engineers in the United States. Many of these individuals are deeply involved in science administration and in the making of science policy, both public and private. But usually their prominence has been attained through research rather than through administration or teaching. The scientific establishment has five functions or attributes.

(1) Many members of the establishment are the heads of professional societies, the heads of university or industrial laboratories, and the chairmen of university science departments. Many are or have been university deans and presidents. Thus, the members of the establishment tend to be the administrators of the worlds of scientific and engineering research and education.

(2) Members of the establishment represent their professions, institutions, and organizations before the federal government in requesting funds for research and education.

(3) In the eyes of the press and the public, the establishment represents science and advanced technology. It is the members of the establishment who are most often interviewed and quoted. This comes about in part from their accomplishments and in part from their administrative positions.

(4) Members of the establishment are the models for young scientists and engineers interested in research.

(5) The establishment tends to guide the directions that research takes. This promotes the classification of a research subject as fashionable or unfashionable. This is a useful function in that it encourages researchers to leave unproductive fields, but it can also create difficulties for iconoclasts.

The scientific estblishment is by no means a closed or fixed group. Not all eminent scientists and engineers are in the group, and individuals move in and out of the group as their attitudes and interests change. It should also be recognized that the establishment is not always united on issues—particularly on the allocations of funds for research.

EVALUATING THE ADVISORY SYSTEM

I am mainly concerned with evaluating what I call the specific effectiveness of the scientific advisory system. Specific effectiveness is the measure of how well the system carries out its specific functions in the government. As I have already indicated, these functions are set almost entirely by the executive branch and are carried out almost entirely for the executive branch. One specific function is the gathering of information and the presentation of recommendations on limited, purely technical problems. Thus, an advisory committee might be instructed to determine if a newly discovered physical phenomenon could be used to detect submarines. Another specific function is an advisory committee's being asked to recommend a general governmental policy on a technical issue, for example pesticides.

I am also concerned with the general effectiveness of the scientific advisory system. By general effectiveness I mean the total and overall effectiveness of the advisory system in relation to the general processes of making technical decisions. In this country, technical decisions, like other governmental policy decisions, are arrived at through a complicated process. Formally, the process involves the executive branch and the Congress, but in reality much more is involved.

Before a decision is made, the question may be argued in the press and by the public. The question may become an important issue in political campaigns for elective office. State and local governments may become involved and take the lead in making a decision, or they may impede a decision. Often the crucial decision is made in the courts, and only later does Congress extend it in the form of legislation. This is by no means a linear process, and most issues have to pass through it several times before they are resolved. This totality, then, comprises the processes by which decisions, including technical decisions, are made in this country. By examining the relationships of the scientific advisory system to these processes, one can determine the general effectiveness of the advisory system.

An evaluation of the scientific advisory system is greatly impeded by the confidentiality of the advising process. The advice given to a government official or to a governmental agency is almost always received under the condition that it may be kept confidential by the official or agency. That is, the advice need not be released to the press, to the public, to Congress, or even to other parts of the executive branch. Large numbers of advisory reports are made public; but, unfortunately, it is just those reports which concern the most controversial and the most importnat technical questions that are often never made public, or only after long delay. This is unfortunate, not only for those who wish to study the advisory system, but, more important, for the process of making technical decisions in a democracy.

The largest portion of the work of the scientific advisory system is devoted to limited technical questions. "How does method A for water desalination compare in energy requirements to method B?" "How does missile guidance system A compare in reliability to missile guidance system B?" It is with these limited technical questions that the advisory system is most successful. This success results from the competency of the advisers and from the great amount of effort that is applied to these problems. Thus, the advisory system ranks high in specific effectiveness, with respect to limited technical questions.

But suppose the questions are not limited and are not purely technical. Suppose that another specific function of the advisory system, the recommendation of general technical policies, is involved. Or suppose that the technical decision has public policy, economic, or ideological implications. Such questions I shall call broad technical questions. These broad, technical questions severely test the specific effectiveness of the scientific advisory system.

ENVIRONMENTAL QUESTIONS

The Stanford Workshop (4) studied six broad, technical questions related to the environment and public health: the supersonic transport (SST), cyclamates, the safety of commercial nuclear power plants, the safety of underground nuclear tests, pesticide regulation, and herbicide use in Vietnam. On broad technical questions, the work of the advisory committees may be divided into three parts. First, the committee studies the technical and scientific aspects of the question. Here, as in limited technical questions, the committee generally exhibits high effectiveness.

The second part of the committee's work is usually the development of a program for further study and research. In this, the local effectiveness of the advisory system seems to be reasonable but not high. For example, the 1963 report of the President's Science Committee, entitled *Use of Pesticides* (6), recommended an extensive research program to study the safety of pesticides. Many of those research recommendations appear to have been carried out. On the other hand, the government rejected an advisory committee recommendation that additional study be devoted to the safety of some types of commercial nuclear reactors before those reactors were licensed for use (4).

The third part of the advisory committee's work on broad technical issues usually involves recommendations that certain technical policies be adopted by the executive branch. *Use of Pesticides* recommended that there be an "orderly reduction in the use of persistent pesticides" and that, as a "first step," the government "restrict wide-scale use of persistent pesticides [such as DDT] except for the necessary control of disease vectors." With respect to such policy recommendations, which I call action recommendations, the effectiveness of the advisory system is low.

The executive branch will usually ignore the policy recommendations of the advisory committee if (i) the recommendation is contrary to existing policies of the executive branch, (ii) the adoption of the policy would expose the Administration to congressional or electoral difficulties, or (iii) there are strong pressures from special interest groups that are opposed to the new policy. These pressures may often be traced to industries, labor unions, or municipalities, which think their economic well-being depends upon the continuation of the existing policy.

In some cases, such as those related to atomic energy, the recommendations of the advisory committee may also be opposed by strong technological interests within the government itself. As an illustration of the failure of an action recommendation, consider the 1963 recommendation that the widespread use of DDT be drastically reduced: this "first step" has yet to be completed in 1971. Its beginning is the result of 8 years of public pressure and of litigation by environmental and consumer groups.

As another illustration of the fate of action recommendations, consider the SST (7). In the beginning of 1969, as the controversy over the SST began to increase, President Nixon appointed an advisory committee to study the issue. This was a rather high-level committee, involving the undersecretaries of many federal departments. The committee and its subcommittees were charged with studying not only the technological and environmental aspects of the SST, but also the economic, balance of payment, and international aspects. The appointment of the committee was attended by much publicity that emphasized the Administration's concern with the problem. In March 1969, the committee presented a report that was almost entirely unfavorable to the SST. Lee DuBridge, a committee member and the President's science adviser, wrote (8):

"Granted that this [the SST] is an exciting technological development, it still seems best to me to avoid the serious environmental and nuisance problems and the Government should not be subsidizing a device which has neither commercial attractiveness nor public acceptance."

In spite of this strong disapproval, the President and his Administration continued to support the SST fully and enthusiastically. To prevent the report from being used by the opponents of the SST, it was kept confidential, even though there is nothing in it having to do with national security or military matters. Not even Congress, which had to decide on future SST appropriations, was allowed to see it. Only in October 1969 was Representative S. R. Yates (D-Ill.) able to obtain partial release of the report.

It is reasonable to require, as one of the tests of the specific effectiveness of the scientific advisory system, that the executive branch be fairly responsive to the policy recommendations of its advisory committees. Furthermore, the crucial test is its responsiveness to action recommendations. By this test, the advisory system has substantially failed on broad technical issues.

FAILURE ON BROAD TECHNICAL ISSUES

While some observers will agree with me that the scientific advisory system has not done well on broad technical issues, they argue that the advisory system has accomplished all that could be done. These supporters point out that there are immense political, economic, and ideological pressures that prevent rational decisions on the environment and public health. However, other groups have made progress against these pressures. For example, there is a strong environmental and consumer protection movement in this country. The originators and leaders of this movement are people like Rachel Carson and Ralph Nader, not members of any strong self-interest group. While there are scientists and engineers in this movement, few of them are members of the scientific establishment. Thus, we are still faced with the question of why the advisory system, with its large membership, its great technical and scientific competence, and its prominent men, has not been more successful on the broad technical issues.

There are a number of reasons for the system's lack of specific effectiveness on these issues.

(1) *The many functions of the scientific establishment*. The functions and attributes of the scientific establishment severely limit the influence of the advisory system. In a democratic country such as ours, important decisions are not made through a set procedure of debates and position papers, but through a long and messy process. The scientific establishment, because of its functions of representing and protecting research and technical education, is reluctant to take part in much of this process. Usually its members enter the decision-making process through the advisory system at only one point—when the Administration is considering a technical issue. For this reason, the influence of members of the scientific establishment is easily negated. The withholding of reports from the public is just one aspect of that process of negation.

(2) *Confidentiality and legitimization.* I have emphasized that the information and advice provided by the advisory system can be declared confidential by the official or agency that receives it, and that it is up to the official or agency to release the information. Although every government official is certainly entitled to some completely private and permanently confidential advice, the problem is that the use of confidentiality is so widespread that very often the only technical reports available on the subject are declared confidential. In that case, the press, the public, and the Congress are left with very incomplete technical information. Thus, on technical issues, the decision-making process is seriously impeded and, in many cases, the system of checks and balances nullified.

There is another aspect to the confidentiality of the advice given by the advisory system. The press, the well-informed citizen, and the Congress know that the executive branch obtains vast amounts of correct technical information and advice. They know that this advice comes from the best and most prominent scientists and engineers in the country. The final technical policy decisions made by the executive branch become associated with this knowledge. One thinks either that the technical advice has been followed or that it has been seriously considered and then overridden by other, more serious and more profound considerations. Thus the scientific advisory system, as presently constituted, provides a facade of prestige which tends to legitimize all technical decisions made by the President.

The executive branch is well aware of the legitimizing effect of the advisory system. For example, public concern about a technical issue can often be mollified by appointing a committee to study the issue in detail. There is often the hope that, by the time the report appears, public pressure will have decreased. Indeed, this technique extends far outside the sphere of technical issues. If the report appears and is favorable to the policies of the executive branch, it can be released with much publicity. Otherwise, the principle of confidentiality can be imposed.

Even an unfavorable report can be used by releasing not the report itself, but a distorted summary of it. Just such a maneuver was used (4) with the unfavorable report on the SST.

The legitimizing aspect of the advisory system is eliminated only when some members of the system directly or indirectly disregard the principle of confidentiality, for example in testimony before Congress on the antiballistic missile and the SST. However, such actions are still rare.

(3) *Socialization in Washington.* The basic way to get something done in the executive branch is to work from the inside. This means that one must be practical and hardheaded. One must work for small gains and progress in small steps. For the adviser it is a slow process, with respect to both his influence and his achievements. The adviser works first in less important committees on more restricted issues. As he demonstrates his ability, his reliability, and his reasonableness, he progresses to more important committees and to more important issues. But when he finally achieves a position of influence, his freedom to act is quite limited. This limitation comes not from any rules, but from the methods he learned while working with the executive branch.

Thus, in order to retain his position of influence, he may not protest some decisions he intensely dislikes. He wants to reserve his influence for some other issue upon which he has concentrated his interest. Ultimately, the adviser may fall into the trap of considering, above all else, the technique of preserving his influence in Washington [I use the term "technique" here as it is used by Ellul (3)].

Socialization explains a number of things. It explains, for example, why the principle of confidentiality is so universally honored in the advisory system. The socialization also explains why the legitimizing effect is so strong. I note again that this socialization in Washington is something that happens to economists, accountants, labor leaders, and businessmen as well as to scientists and engineers. I only emphasize it here because we scientists tend to think that our objectivity and our scientific training constitute a magic cloak that protects us from socialization. It does not.

It have given some of the reasons that the scientific advisory system has a great deal of specific effectiveness on limited technical questions, yet little specific effectiveness on broad technical questions. Now what about the general effectiveness of the scientific advisory system? How does it enter into the decision-making processes for general technical questions in this country? The answer is evident from my discussion: the advisory system does not usually enter into the decision-making processes for general technical questions. Thus its general effectiveness is very low, the only exceptions being when individual members of the advisory system testify before Congress or work with congressmen. But most members of the advisory system do not believe in working in the decision-making process outside of the executive branch. They believe that, if they increase their general effectiveness, they will decrease their specific effectiveness.

THE SCIENTIFIC COMMUNITY

My colleagues in the advisory system have sometimes agreed with the analysis I have presented. But they then say, "All right, we in the advisory system work from the inside doing what we can. Perhaps we are not as effective as you wish us to be. Why don't you work from the outside? There are 10 or 20 thousand people in the advisory system, but there are several hundred thousand scientists and engineers who are not in the advisory system. They can all work from the outside." There are, unfortunately, a number of reasons that this division of labor does not work.

(1) *The scientific establishment as a model for the scientific community.* Those members of the establishment who are in the advisory system are models for the less well-known and younger scientists and engineers. An example of consciously setting a standard of behavior is the recruitment of young theoretical physicists into summer work with the Institute of Defense Analysis. Until recently, it was customary to ask the brightest and most promising young theorists to join in this summer work. Since the invitation was extended by some of the best of the older theoretical physicists, it was very flattering to receive one. Being invited to work with the Institute was, at least for a while, a mark of attainment in theoretical physics.

It is difficult for the scientific community to work on broad technical questions from the outside when the leaders are working from the inside. After all, only a few well-known scientists, men like Pauling, Lapp, and Commoner, work on the outside. Therefore, scientists who wish to serve the country in the technical decision-making process have tended to join the advisory system. In the last few years, there has been some opposition to this tendency, primarily from the environmental and consumer movements and from the various student movements.

(2) *The "don't rock the boat" attitude.* I have pointed out that the multiple functions of the establishment and the overlap of the establishment and the advisory system cause a very cautious attitude among advisers. There is a widespread feeling that the advisers should not oppose the technical policies of the Administration too vehemently or too publicly. If they do, members of the establishment fear, federal or even public support for science research and education may be adversely affected. There is certainly some truth in this fear.

This "don't rock the boat" attitude extends into most of the scientific community. This is partly because of the model of behavior set by the establishment; but there is a more compelling reason for this attitude. The natural way for the scientific community to critically and publicly examine the government's technical policies is to use the independent scientific institutions—the professional and scientific societies and the engineering and science departments of universities. Yet these are just the institutions that are being protected by the "don't rock the boat" attitude. For this reason, the scientific community and the scientific establishment will not use independent institutions in the technical decision-making process. It is usually said that these institutions must be kept "neutral."

(3) *Professional rewards for service in the advisory system.* There is a grave imbalance between the professional rewards (other than direct monetary rewards) for helping the government make technical decisions from the inside and the rewards for helping from the outside. Almost all universities encourage the public service activities of their faculties if these activities bring honor or influence to the university; teaching or administrative duties may be reduced to allow for them. But almost always, these must be official public service activities. Working within the scientific advisory system is official public service, but, except for a very few universities, working with unofficial neighborhood or consumer groups to reduce the pollution from a local factory is not considered public service. Thus, for the energetic, ambitious young faculty member who wishes to help in the making of technical decisions there are strong career pressures that push him into the advisory system.

Even for the senior scientist the advisory system has career rewards. To be in Washington, to work with other members of the establishment, and to get to know government officials can be of help in a number of ways. It is helpful when seeking funds for a department or for the research of younger people. It also makes a scientist more influential in his home institution.

(4) *The "it's in good hands" attitude.* Consciously and unconsciously the members of the advisory system often present the attitude that the role of the scientist and engineer in the technical decision-making process is completely filled by the advisory system. This often takes the form of such statements as, "Don't worry about it, it's in good hands." It is often implied that the members of the advisory system are professional experts on this or that technical question. Other scientists or engineers who are outside the advisory system are regarded as amateurs. This attitude depresses attempts by the scientific community at large to enter the technical decision-making process. It also encourages government officials to ignore scientists and engineers who are not in the advisory system.

SUMMARY

The scientific advisory system is effective on limited technical questions, and such questions provide much of its work. On broad technical questions, however, the scientific advisory system is not effective. Unfortunately this category includes most of the crucial environmental questions. Finally, the advisory system, as presently constituted, combined with the multiple functions of the scientific establishment, is detrimental in important ways to the process of technical decision-making in this country. This is because the combined effect of the advisory system and the establishment is to impede the development of a more effective and comprehensive role for the scientific community in the technical decision-making process.

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MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

DOW PROPOSES SUBSTITUTE TO PESTICIDE BILL

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. DOW. Mr. Speaker, when the Federal Environmental Pesticide Control Act, H.R. 10729, comes to the floor next week I plan to offer a substitute to the House Agriculture Committee bill. My proposed amendments are contained in H.R. 11169 which I introduced last night for the information of my colleagues.

The Committee bill as it was reported to the floor has serious deficiencies which must be altered if the bill is to have any teeth and be an improvement over present law. The measure reported by the agriculture committee must be substantially improved or it should not be supported at all.

This morning I participated in a news conference with representatives of the Sierra Club, the Izaak Walton League, the Audubon Society, Friends of the Earth, Public Interest Research Group and the National Wildlife Federation, and the Wilderness Society. These groups support my substitute bill.

Because of the serious nature of this pesticide bill and its complexities I would like to share with my colleagues my statement at the news conference as well as the statements of William Futrell, a professor of environmental law at the University of Alabama and member of the board of directors of the Sierra Club and Joel Pickelmer of the National Wildlife Federation.

STATEMENT OF CONGRESSMAN JOHN G. DOW ON H.R. 10729, THE FEDERAL ENVIRONMENTAL PESTICIDE CONTROL ACT OF 1971, OCTOBER 13, 1971

I am very pleased to welcome you this morning to this press conference on the pesticide bill, H.R. 10729, which is anticipated to come to the floor Wednesday or Thursday of next week.

The bill as it came out of Committee has serious deficiencies which must be altered if the bill is to have any teeth and be an improvement over the present Act known as FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act).

Because there are several changes that must be made to the present bill I have put them together as a substitute bill. I have taken this approach to clarify the serious problems raised by the language in the present bill without waiting to offer several amendments piecemeal on the floor of the House.

The changes I am proposing would strengthen the bill sufficiently so that I could vote for the bill on final passage. I feel that the bill, as it stands, demonstrates the great influence of the chemical industry and the unwillingness of the Committee to write what I would consider to be a bill strongly supportive of the environment and fully protective of humans.

I am not proposing a major rewriting of the bill—that is too much—but with some important changes of wording in the bill, the EPA will be better empowered to do its job, the manufacturers will be required to come forward with all the data they have on the effects of the pesticide sought to be registered, and other parties will be able to challenge the Administrator through the courts.

Pesticide legislation is somewhat technical but not so much so that the problems I am raising can't be easily understood.

The present law, (FIFRA), either allows or disallows the pesticide sought to be registered. FIFRA's strength lies in its approach which requires the manufacturer to label his product with directions for use and with a warning statement.

Under FIFRA the Administrator must be assured that the article warrants the manufacturer's proposed claims based on the statement submitted by the applicant. If he is not satisfied, the Administrator denies registration. When he finds that his action is necessary to prevent an imminent hazard to the public, the Administrator may suspend the registration of the pesticide.

The Administrator is not unduly limited in his ability to disclose information surrounding the registration of the pesticide, but is properly constrained from releasing data on the business records and documents which he may require under the Act (FIFRA).

The Dow substitute would make the following changes:

1. Information submitted by the applicant for registration of a pesticide is subject to restrictions placed by the applicant, Sec. 3(c) (1) (D) p. 17. In the Committee bill this restriction was added to the language found in FIFRA and my amendment would strike the data restriction language.

The applicant's power to classify, for purpose of restriction, information submitted *in support of* an application suggests that these words should be stricken.

My purpose in striking these words is to insure that the burden of proof is not shifted to the Administrator. The applicant must be required to submit whatever data is considered important by the Administrator and should not be allowed any selectivity in this process. To further assure that all data is made available I have added a new section (6) to Sec. 3. *Registration of Pesticides.*

2. Data in the possession of the applicant which would tend to indicate a substantial adverse effect on the environment or the lack of such an effect should be available to the Administrator and I have added a one-paragraph requirement in the registration section, p. 17, after (F) to add this important requirement.

Here I am only seeking to do for pesticide applicants what is already required under food and drug legislation. Under title 21 of the U.S. Code, Sec. 355(6), new drug applicants must file "full reports of investigations which have been made to show whether or not such drug is safe for use and whether such drug is effective in use."

In the same Title, Sec. 346(d), petitions filed by the applicant seeking a tolerance for pesticides or requesting an exemption must include full reports of investigations on the safety and on the results of tests on the residues. I feel that a similar requirement is required for pesticide applicants.

There is every reason to require the full disclosure of data on the proposed pesticide act at the time of registration, in order to give the Administrator of the Environmental Protection Agency complete information on which to base his decisions.

3. In another instance, under Sec. 3, *Registration of Pesticides,* (c) (5), p. 19, the bill provides that the Administrator shall *not make any lack of essentiality a criterion for denying registration of any pesticide.* (Emphasis added.) This raises questions about the purpose of the bill itself.

According to the EPA the essential use doctrine has been applied in evaluating DDT, but has had little or no use prior to that problem. I feel that the negative language of the bill is a step backward at the very time when a balancing of all factors is highly justified and required if the EPA is to truly perform effectively for the American people.

4. Under Sec. 6, *Administrative Review,* (c) (3) and (d), *Scientific Review,* I have eliminated the sections on scientific review in order to strengthen the hand of the Administrator. The language found on p. 29, lines 11 through 24, requires the hearing examiner to refer all relevant questions of scientific fact to a committee of the National Academy of Sciences.

I agree with the view that the Administrator of the EPA should be given full responsibility for the public hearing requested as a result of his action to suspend, cancel or change classification.

Present procedure for scientific review under FIFRA gives the EPA the power to select scientific committee members from a list prepared by the National Academy of Sciences. All relevant questions are not required to be submitted as now compelled by the Committee's proposed bill.

The language in the bill is a poor compromise, I feel. The referral of questions of a scientific nature has been used as a delaying tactic in the past and, in a more exacting form, can continue to serve that purpose even better.

A public hearing should adequately round out the divergent views on an issue. It should not be compromised by delays and referrals outside the hearing process. I prefer to give the authority to the Administrator here. His shoulders must be made strong enough to actually carry out the public hearing without getting other parties into the act whether he wishes or desires them.

Moreover, nothing in my amendment prevents the Administrator from seeking outside advice of any kind when he deems it essential.

5. I am offering two changes which will improve the sections concerning judicial review of EPA orders in this bill. My substitute would put back into the judicial review section on p. 49 the words "any person adversely affected" which appeared in the original Administration bill, H.R. 4152.

The Committee bill has replaced these words with the requirement that following a public hearing, any party "at interest" may obtain judicial review. This Committee change would seriously impair judicial challenges of an EPA order issued by the Administrator, if a challenge could be brought at all.

I feel, with the mounting evidence that our agencies often fail to carry out their charters, that they should be subject to challenge, that language which weakens the public's right of judicial review, must be stricken from the bill.

To conform to the above changes I have also eliminated the judicial review, Sec. 6(c) (3), p. 28, which gives District Court review of suspension orders at the same time administrative review is in progress. The section should be deleted because it is cumbersome and obstructive to the administrative review. It is a good example of the diversionary tactics made available in the bill to industrial interests.

6. The authority of the States under Sec. 24 (a), p. 56, of the Committee bill is to be changed to permit States to further regulate general use pesticides.

I cannot accept the proposition that the States are to be limited in this way as to their own local affairs. I agree with my colleague, Mr. Foley, who has said that this new provision would do violence to many effective State pesticide programs.

The language would bar State restrictions due to local conditions such as soil, crops, climate, and pest populations. To attempt to establish a national program when some States are already far ahead of the Federal Government seems to be a giant step backward.

The substitute I am proposing is the strongest legislation I feel that can be accepted at this time, although it is no panacea. It recognizes the basic failings of the bill and would give the House the opportunity to pass a bill with stronger language which would be a substantial improvement over FIFRA.

Statement of William Futrell, Member of Sierra Club's Board of Directors on Behalf of Environmental Action, Friends of the Earth, Public Interest Research Group, and Sierra Club

Congress will soon vote upon the House Agriculture Committee's Federal Environmental Pesticide Control Act of 1971, which they have described as regulatory legislation. We believe that the proposed legislation is not a reform but a retreat from effective pesticide regulation. If enacted it would turn the clock back to the 1950's and eradicate the gains made by conservation and consumer groups during the last decade.

We commend Congressman Dow for the amendments which he is proposing. If adopted the Dow amendments will serve to greatly strengthen the bill in most of the areas which we have found it to be deficient. We fervently hope that these amendments will be adopted by the House, but this will not be the end of the road. When the bill goes to the Senate, we intend to carry our efforts on there to seek correction for all of the bill's deficiencies, and it is hoped that the bill can be strengthened to serve the purpose for which it is intended. If it can not be amended, the bill should be defeated.

The bill is defective because it: 1) excludes the public from the decision making process, 2) lowers the standards for protection of public health and the environment, and 3) removes procedural safeguards designed to protect the public interest.

A serious defect of the bill is the exclusion of the public from the decision-making process. During the last decade the intervention of environmental and consumer groups in public hearings and in the courts has helped to represent the public interest in regulating pesticides. Participation in the registration process should not be limited to the chemical manufacturer, with his economic interest, and the agency administrator, who has to do double duty as both advocate for the public and judge for the entire proceeding. One of the most serious defects in the bill is that it restricts judicial review by barring environmental groups and other defenders of the public interest who do not have a direct economic interest in the pesticide under consideration.

The public interest is slighted by the restrictions on freedom of information which are imposed by this bill. We are dealing with economic poisons, and the limitations on disclosure of information should be governed only by the Freedom of Information act. In such a sensitive area, the public's right to know is greater than in the usual protection of trade secrets matters.

The act lowers standards for the protection of the public health and the environment. It puts a false economic analysis into the decision-making process. The committee has not seriously faced the question: How can an economic benefit outweigh a health hazard? As it stands now, the bill tempts the administrator to favor certain economic benefits over uncertain health hazards. Thus, the pressure will be on the administrator to register economic poisons whose financial benefit to the company and to the agri-chemical business can be objectively calculated but whose long-term impact on public health and the environment is only a matter of uncertain conjecture.

In the proposed act, the committee has lowered the objective legal test for registration of pesticides. The bill specifically strikes out the essentiality test as a criterion for registration. The evolution of the essentiality doctrine, which required that the more dangerous, persistent pesticides should be limited to essential uses only was one of the public interest victories growing out of extended litigation by environmental and consumer groups. The committee bill significantly omits a third category of pesticide classification which had been proposed by the Nixon Administration as a substitute for the essentiality doctrine. This third classification, the use by permit category, would have allowed use of dangerous, persistent pesticides only under a stringent control system. Thus, the committee's reform bill actually lowers standards and opens new loopholes for the use of dangerous persistent pesticides. Further, in certain instances, the bill closes the door on State initiatives and forbids the States to enact laws for tougher regulation of pesticides.

The bill removes procedural safeguards designed to protect the public interest. It is shocking in this day of increased environmental concern to see a retreat under the name of reform. A major change effected by this bill is the shifting of the burden of proof. Under the current law the manufacturer has the duty to show the Environmental Protection Agency that his pesticide could come within the limits of the regulatory system. Under the proposed law the Administrator of EPA has the duty and the burden of finding out if the product is environmentally unsound.

A new departure, in favor of the chemical industry, is the requirement of indemnification of the manufacturer and the user if a dangerous pesticide is put on the market which later has to be withdrawn. This provision rewards negligence. The public has only to remember the thalidomide tragedy several years ago to be warned against a use-now-test-later philosophy for chemical manufacturers. To insure these manufacturers from lawsuits and economic loss by changing the law as this indemnity provision does is a giant step backward.

The whole bill is a substantial retreat from the regulatory system now in effect, and it will serve only if substantially amended.

Statement by Joel Pickelner on Behalf of the National Wildlife Federation, October 13, 1971

The National Wildlife Federation would like to thank Congressman John Dow for the invitation to comment on his proposed amendments to H.R. 10729 and commend him for his untiring efforts at securing an environmentally acceptable pesticide law.

The National Wildlife Federation has long supported the principles of new legislation to replace the outdated and increasingly ineffective Federal Insecticide, Fungicide, and Rodenticide Act. In hearings before the House Agriculture Committee earlier this year, when invited to testify, we gave our support to a bill put forth by the Administration (H.R. 4152). However, the bill reported out by the committee is a watered-down and weakened version of the original Administration proposal.

In order for it to effectively protect the environment from indiscriminate use of harmful pesticides, it is necessary that certain amendments be accepted. As we read them, the amendments offered by Congressman Dow would, first of all, eliminate that part of Section 24 which would pre-empt the state's authority to set stricter standards than those set by the Environmental Protection Agency. They would shift the burden of proof of safety more onto the manufacturer than does H.R. 10729. And, they would allow adversely affected individuals to appeal the registration of harmful chemical pesticides in the Federal Courts.

Even with the proposed amendments, the pesticide bill is not a panacea to environmentalists but we feel, that with proper administration, it would be a material improvement over present law and it could be a big step toward preventing environmental degradation through indiscriminate use of chemical pesticides.

THE MAN YOU LOVE TO HATE

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. DORN. Mr. Speaker, while debating consumer legislation I commend to my colleagues' attention the following speech by Thomas R. Shepard, Jr., delivered earlier this year before the Better Business Bureau of Eastern Massachusetts at the Sheraton Boston Hotel in Boston.

The speech follows:

The American Businessman—"The Man You Love To Hate"

(By Thomas R. Shepard, Jr.)

The following excerpts are taken from a speech by Mr. Shepard delivered May 7, 1971, before the 49th Annual Meeting of the Better Business Bureau of Eastern Massachusetts at the Sheraton Boston Hotel, Boston

About 30 years ago, back in the days when motion pictures were not nearly as relevant as they are today, but infinitely more entertaining, there was a character actor—I think it may have been Sidney Greenstreet—who always played the bad guy and who came to be known as "the man you love to hate." Well, Mr. Greenstreet is no longer with us and even if he were, the chances are he would not be making movies.

For one thing, he would look pretty silly with his clothes off. And for another, he could never live up to that billing—"the man you love to hate." Not any more. No actor could. Today, the man everyone loves to hate with a passion no mere thespian could hope to arouse is that perennial patsy and ever-popular whipping boy, the American businessman.

I learned how deep-rooted this antipathy has become when, during the past year, I started making speeches in defense of businessmen and of their practices under our free enterprise system. Businessmen like the speeches just fine, but consumers definitely do not, as they have made clear to me in angry letter after angry letter. And let's face it, ladies and gentlemen, there are a lot more consumers in America than there are businessmen—a fact of politics that has not escaped the notice of many of our congressmen.

I cite this current anti-business trend because I believe it is the reason we are gathered here today. If it were not for the growing bias against businessmen, there would be no Ralph Nader, there would be no consumerism and obviously there would be no urgent need to discuss the problems of consumerism or, as your program puts it, "consumer-business relations."

CONSUMERISM CURE

What I propose to do today is give you my views on the causes of consumerism and the cure for it. Yes, I believe it must be cured, because to me, consumerism is not, as some businessmen seem to feel, a therapeutic movement that will keep us on our toes and, in the end, offer new opportunities for growth and prosperity.

To me, consumerism represents a major threat not only to the companies we work for but to the entire socio-economic system on which this nation was founded and through which it has flourished.

And I'll go one step further. To me, consumerism is the most insidious peril ever to confront the American consumer himself.

Before I elaborate on that, I want to make it clear that when I refer to consumerism and consumerists, I am not talking about the many fine organizations—such as the Better Business Bureaus—that labor hard and constructively to protect the American consumer. I am alluding instead to a different breed of cat entirely.

My target is that small but vocal group of far-out activists who keep badgering the United States Congress and various federal agencies for additional controls over industry on the premise that without these controls, our nation is doomed to ecological and economic destruction. In a previous talk I called them "The Disaster Lobby," and that is precisely what they are.

Now, lest you believe that I exaggerated in my opening remarks on how the typical consumer feels about businessmen, permit me to indulge in a few statistics.

The first one goes back to 1967, when an Opinion Research Corp. study revealed that 55 per cent of all Americans—well over half—felt new laws were needed to protect the consumer from unscrupulous businessmen.

Two years later, in 1969, a follow-up study found that now 68 per cent of all Americans favored additional consumer-protection laws. Mr. Nader had done a fine job of brainwashing.

And how does the public feel about Mr. Nader himself? A recent Harris poll showed that 53 per cent believe he's doing more good than harm while only 9 per cent say he's doing more harm than good. That's a whopping 6-to-1 edge in his favor.

EARLY BRAINWASHING

One last set of numbers. Several weeks ago, Social Research, Inc., conducted a study on public attitudes toward the business community. Forty-six per cent of those polled agreed to the statement that "big business is dangerous to our way of life." Five years ago, only 28 per cent subscribed to that view. In summarizing the findings, Dr. Burleigh Gardner, president of Social Research, declared: "The public will no longer rise to the defense of business against extremists or protest groups."

So the consumer isn't exactly enchanted with us businessmen. And why should he be? Almost from birth, he is taught that most businessmen are callous, greedy, unscrupulous blood-suckers who prey on the poor and are fair game for whatever retribution may be inflicted on them.

Take this blunt little commentary: "The merchants are the biggest fools of all. They carry on the most sordid business and by the most corrupt methods. Whenever it is necessary, they will lie, perjure themselves, steal, cheat and mislead the public."

Ralph Nader talking? Not at all. Those words were spoken almost 500 years ago by a Dutch gentleman named Erasmus, who was probably the most respected scholar of his day. For businessmen, it has been down hill ever since.

My generation, for example, grew up on a steady diet of books and plays and movies portraying the typical businessman as a bumbling "Babbitt," a rapacious "Robber Baron," a heartless "Huckster," the deliberate poisoner of "A Hundred Million Guinea Pigs" and the briber-fixer-slumlord responsible for the "Shame of the Cities."

Lately, the vilification of American businessmen has reached a new apogee. During the past two years the people of our nation have been bombarded daily by a multimedia barrage of anti-business propaganda.

Time and again they are told that businessmen are responsible for virtually every ill besetting mankind . . . that American industry is guilty of polluting the atmosphere to the point where we may all suffocate . . . of dumping so much mercury into the oceans that the fish we eat will damage our brains . . . of spewing out detergents that kill our rivers and lakes . . . of packaging products in a bewildering array of sizes for the express purpose of cheating the housewife . . . of enticing us through false advertising to buy products we don't really need . . . of making cars that fill the air with noxious fumes . . . of saturating the earth with DDT and killing the birds . . . and, most reprehensible of all, of causing and prolonging the Viet Nam war in order to build a market for military hardware.

THEIR REAL GOAL

And what do we do to counter all this? Well, we stammer a lot and we shuffle our feet and we say, "Gosh, fellas, we're doing the best we can," and then we form committees to cooperate with the consumerists in the hope that this gesture of good faith will get them off our backs.

Well, ladies and gentlemen, it won't get them off our backs—not if we spend all of our time and our money doing it. Because the truth is that the nation's hard-core consumerists are not the least bit interested in having us cooperate with them. They don't want us to clean our own houses. What they want are the houses—from celler to attic. What they want is for the government of the United States to take over our companies and operate them along consumerist guidelines.

Unfortunately, these champions of galloping socialism have the support of many thousands of influential Americans in and out of government—Americans who feel guilty about living in the richest, most powerful nation on earth and who have apparently decided that the best way to get rid of that guilt feeling is to turn us into the poorest, least powerful nation on earth. And they are making spectacular headway.

Indeed, their victories in Washington are nothing short of phenomenal. Last year about this time, Barron's magazine carried a story about the introduction in Congress of 150 bills designed to help the consumer.

FIVE HUNDRED BILLS

"Congress," said Barron's, "is on the verge of ushering in a new era of consumer legislation that is likely to wind up hobbling what is left of free enterprise."

But those 150 bills acted on by the 91st Congress are a trickle compared to the avalanche that hit the 92nd. Right now, the Senate and House are considering more than 500 bills aimed at regulating—or, to be less euphemistic, controlling—private industry.

Accompanying this activity in Congress have been ominous stirrings in the regulatory agencies. The Federal Trade Commission, for one, has been flexing its muscles with unprecedented abandon in response to goading by the consumerists.

The commission's new get-tough posture became evident last month at an American University conference on business-government relations. One of the speakers was a young man named Gerald Thain, who is acting director of the FTC's Food and Drug Advertising Division and who, in the argot of the day, told it like it is.

First of all, said Mr. Thain, the FTC will no longer crack down only on those businessmen guilty of making false statements. From now on, he declared, merchants and manufacturers are subject to what the FTC calls "the unfairness doctrine." Even if you tell the absolute truth in your ads and at point of sale, you will be prosecuted by the Federal Trade Commission if it feels your intent was to take unfair advantage of some consumer weakness.

And I use the word "prosecuted" advisedly. The FTC, said Mr. Thain, has decided to go to court to punish offenders. "The day of the cease-and-desist order is over," he told the conference. "We now will see to it that penalties are invoked."

The commission has already invoked its unfairness doctrine. It filed a complaint against Wonder Bread, objecting to the slogan, "Wonder Bread Helps Build Strong Bodies 12 Ways." The fact at issue was not whether Wonder Bread actually helps build strong bodies 12 ways. The commission was ready to concede that it does. What disturbed the FTC was the suspicion that other brands of bread also help build strong bodies 12 ways, in which case, said the FTC, Wonder Bread—to avoid being unfair—should reveal that fact in its ads.

This kind of reasoning, fostered by the consumerists, would put an end to advertising and marketing as we now know it. An automobile company could no longer say its cars provide a quiet ride without adding that other cars also provide quiet rides. A beverage bottler could no longer claim its soft drink quenches your thirst without noting that other beverages do likewise.

Presumably you could not even advertise a 20 per cent discount on your merchandise unless you made it clear that the store down the street was offering similar discounts.

ALARMING FORERUNNER

But the activity of the FTC, as harmful as it may be to businessman and consumer alike by inhibiting the flow of product information, is not what troubles me most about the consumerist movement in America. Nor is all that legislation pending in Congress.

What alarms me is the conviction that all of this is merely a forerunner of things to come. The evidence I see indicates that our nation's front-line consumerists do not intend to stop with a handful of new laws and regulations affecting American business. Their final objective appears to be nothing less than the unconditional transfer of private industry into public hands.

Take Ralph Nader, for example. Some businessmen persist in regarding Mr. Nader simply as a defender of the common man—as a crusader for fair play in business. Well, he may be, but he is one thing more. Mr. Nader is a staunch advocate of the nationalization of industry. What is my source for that statement? The best source, Mr. Nader himself.

Last September, in a speech in Providence, R.I.—and I quote now from an Associated Press report—"Ralph Nader proposed that corporations that abuse the public interest should be transferred to public trusteeship."

The syllogism is inescapable. Ralph Nader says corporations that abuse the public interest should be taken over by the government. According to Ralph Nader, virtually all corporations abuse the public interest. Therefore, all corporations should be taken over by the government.

More recently, in an interview for the New York Times Mr. Nader called for federal chartering of all corporations, with the government empowered to set production standards, prescribe marketing procedures and hire and fire executives. He called the process "popularization of the corporation." Well, I call it nationalization of industry. By any name, it would mark the end of free enterprise, and make no mistake about that.

Other consumerists display similar leanings toward a public takeover of private industry. Betty Furness, for one. She's chairman of the New York State Consumer Protection Board and she wants a law requiring at least one consumerist on every corporate board of directors whose sole responsibility would be to represent the public interest. Today one seat on the board, tomorrow the world.

Still another consumerist with visions of Socialistic sugar plums is Arch Woodside, an assistant professor of business administration at the University of South Carolina. In a letter to Advertising Age, he disputed the premise that businessmen could or should set their own houses in order. "Nothing less than a redefinition of the profit motive and the free enterprise system will have to be accepted," said Prof. Woodside.

And then we have the situation involving the American Advertising Federation and the Council of Better Business Bureaus. For more than a year now, these two organizations. spurred on by such progressive leaders as AAF President Howard Bell and Whirlpool Corp. Chairman Elisha Gray, have been working on ways to help advertisers police their own output. The programs they have come up with seem to be exactly what the consumerists say they want—self-regulation that would make government controls unnecessary.

But, of course, the consumerists don't want self-regulation. On the day the AAF announced plans for its ad-screening project, one of Ralph Nader's associates, Mrs. Aileen Cowan, summarily rejected them. She said nothing short of government intervention would be acceptable. . . .

WHAT CAN WE DO?

All right, then, we know the nature of the threat. What do we do about it? . . .

What we must do as concerned Americans, as well as businessmen, is go directly to the public with an all-out campaign of education. The people of this country have a long history of responding favorably to truth and logic and common sense. Let's see to it that truth and logic and common sense are what they get. . . .

Let's set the record straight on that hysterical talk about the environment that has scared so many Americans into supporting consumerist programs.

Let's show the public that there is no truth whatsoever to the charge that we are running low on oxygen as a result of fuel-burning by industry. The National Science Foundation recently collected air samples at 78 sites around the world and discovered that the amount of oxygen in the air—20.95 per cent—is precisely the same today as it was in 1910.

Then let's expose those lies about increases in air pollution. And they are lies. The truth is that the amount of pollutants in the air has been steadily decreasing in just about every major city in the United States for as long as records have been kept.

In New York City daily measurements taken by the Department of Air Resources since 1965 reveal a substantial, year-by-year decline in pollution.

Similar decreases have been reported in such other cities as Los Angeles. Chicago, Philadelphia, Pittsburgh, St. Louis and, yes, Boston. What's more, all evidence indicates that urban air is significantly cleaner today than it was a hundred years ago, when homes and factories burned soft coal and the smog was so thick you could make soup out of it.

BLATANT FALSEHOODS

And let's clear up that confusion about water pollution. Sure, some of our lakes and rivers are not as pretty as they used to be, but our drinking water is the safest in the world. Back in the days when our rivers were a delight to the eye, they were also a source of the worst typhoid and yellow fever epidemics the world has ever seen. Just one of these epidemics, in 1793, killed one-fifth of the population of Philadelphia. We've come a long way in water purification.

Let us also identify as blatant falsehoods those charges about the mercury in tuna fish. The consumerists said the mercury came from industrial wastes, when it was perfectly obvious to marine scientists that it came from natural deposits in the foods eaten by fish. Game fish caught 42 years ago in a remote lake in the Adirondacks—scores of miles from the nearest factory—contained twice as much mercury as any fish processed this year. . . .

And let's speak up about the rest of the hokum circulated by consumerists who are out to stampede us into a new socio-economic system.

NO POPULATION THREAT

We are not—repeat not—on the verge of planetary overpopulation. The birth rate in every major country on earth has been declining since the 1920's, according to the World Health Organization. It has been declining so rapidly in some countries that there is serious concern about underpopulation.

Indeed, Poland expects a net loss in population of a quarter of a million a year beginning in 1977. In the United States, a current birth rate of 17 per thousand population is the lowest in decades and reflects a year-by-year drop that began in 1955. If it continues to fall, we too face a dwindling population. . . .

And let's tell the people of America something about ourselves and about free enterprise in general. About the expenditure last year by businessmen of over $3 billion to help clean up the environment.

About the tremendous technological achievements by private industry that have given the average American comforts, luxuries and health standards beyond the reach of the wealthiest aristocrats of a hundred years ago.

About the convenience foods and labor-saving appliances that have cut the average housewife's kitchen chores from five hours a day in 1900 to an hour and a half today and, as a result, have done more to liberate women.

About the fact that, while consumer spending has skyrocketed from $430 billion in 1965 to over $600 billion in 1970—a gain of 44 per cent—corporate after-tax profits have actually declined by about 3 per cent.

And let's bury, once and for all, that nonsense about widespread corruption in the business community. How? By explaining to the consumer public that there is a perfectly ethical, honorable and practical reason for just about every aspect of business procedure.

Take the odd sizes in which many food products are sold. The consumerists say this is done to confuse and cheat the housewife. Nothing could be farther from the truth, as Charles Mortimer, former chairman of General Foods, once pointed out in an article for Look. He cited his company's vanilla pudding mix, which comes in a three-and-a-quarter-ounce package. It is sold that way because that is the precise amount of vanilla powder which, when mixed with two cups of milk, produces four half-cup servings of pudding.

If General Foods sold its vanilla mix in an even, three-ounce size, the housewife would have to add one and eleven-thirteenths cups of milk, and she would end up with three and seven-sixteenths servings.

Actually, it is absurd for anyone to believe that an established businessman—whether he is a manufacturer or a retailer—would deliberately cheat his customers. It costs so much money to introduce a new product or to build up a retail clientele that only an idiot would risk losing that investment by going after a dishonest dollar or two. He might get that dollar once, but his customer will never come back. And there isn't a busineessman in the country who can make a go of it on one-time patronage. He simply must have repeat business, and the only way he can get it is by delivering a good product or service at a fair price.

I might mention in passing that, when it comes to dishonesty, you have to go a long way to beat out the good old consumer himself.

Management Safeguards, a company that specializes in security systems for retailers, recently spent six months studying customer traffic in one of New York City's biggest department stores. Its findings? One of every 10 persons entering the store did so for the express purpose of stealing something. Investigators in other cities have confirmed this ratio. So perhaps what we need more than consumerism is a movement to protect store owners. We might call it retailerism.

CONSUMERISTS' ATTITUDE

And, in talking to the public, let's set the record straight about the consumerists themselves. Let's reveal them for what they are—devout snobs who believe that the average man is too stupid, too naive and too deficient in culture and refinement to be allowed to make his own selections in a free and open marketplace.

He has to be taken by the hand and told which foods to buy, which cars to drive, which clothes to wear, even which TV shows to watch. And who are the people best equipped to show him the way? Why the consumerists, of course—the self-anointed corps of intellectual elite.

Above all, ladies and gentlemen, let's acquaint the people of America with the very solid fact that, if free enterprise disappears as a result of consumerist pressures, their freedom will disappear with it.

Their freedom to buy milk by the quart, even though some government economist has decided that quarts are impractical and that milk should be sold only by the gallon.

Their freedom to buy a red convertible in the face of a government determination that black sedans are more economical and red convertibles should no longer be made.

Their freedom to eat the least nutritious breakfast cereal if they happen to like the taste, despite the desire of some federal agency to permit on the market only those cereals packed with vitamins.

Their freedom to do business with the manufacturers and the retailers that serve them best because only in a system of free enterprise can the consumer select the people he wants to patronize.

Their freedom to sell their services as employes to the highest bidder, because only under free enterprise is there more than one employer with whom to bargain.

Their freedom, in short, to live their lives the way they want to—whether or not it's the most economical way or the most practical way or even the safest way, in the opinion of some paternalistic government bureau.

Let's explain to our fellow Americans that once the government begins to live their lives for them, they are in deep trouble. And the government, prodded by consumerists, has made a number of moves in that direction . . .

We must show this negative side of government paternalism to the public. We must make it plain that there are drawbacks to consumerist boondoggling and that the nastiest of these is a loss of personal freedom. Permit Big Brother in Washington to dictate what you must buy and must not buy and you have sown the seeds of slavery.

HOW TO INFORM PUBLIC?

Our country was founded on the thesis that there are worse things than injury and death. Given a choice between loss of liberty and loss of life, a man named Patrick Henry unhesitatingly opted for the latter. I must say I prefer Patrick Henry's philosophy to Ralph Nader's. And so will an informed American public . . .

And let's start fighting back, through our advertising and public relations departments, when the extremists of America sling mud at us. The time for accommodation and surrender is past. Zero hour is closer than some of us seem to realize.

While I regard the peril from hardcore consumerism as both real and serious, I have recently seen indications that the tide may be turning at last.

There was, for example, the exchange of letters last month between the New York City Department of Consumer Affairs and the president of a pharmaceutical company. The department wrote first, demanding scientific substantiation for some innocuous point in the company's advertising copy.

Instead of meekly complying, the company president wrote back asking the department to have Mayor Lindsay substantiate his advertising claim that New York is Fun City . . .

GM'S REACTION

And then, just the other day, James Roche, chairman of General Motors, took off the kid gloves and struck a telling blow against those who "crusade for radical changes in our system of corporate ownership, changes so drastic that they would all but destroy free enterprise as we know it."

Mr. Roche explained that, when someone else dictates what can be made, what can be sold and at what price it can be sold, free enterprise is dead.

And I was heartened indeed by the words of President Nixon, who, two weeks ago, in a speech before the United States Chamber of Commerce, denounced those who would destroy the free enterprise system—a system which, the President noted, "has made possible not only our standard of living but our standard of giving." He went on to say, "I will forever be amazed at those who cry 'repression of freedom' at the drop of a hat but who—in the next breath—advocate total repression of the economic freedom of businessmen and workingmen.' "

Ladies and gentlemen, on the night of December 16, 1773, at a place less than two miles from where we are now assembled, a small group of local residents dumped 342 chests of tea into Boston Harbor because they didn't like having a meddlesome government tell them what kind of tea to buy, what company to buy it from and how much to pay for it.

Perhaps it is time once again for all of us—businessman and consumer alike—to assert our independence from those who, in the guise of protector and patron, seek to deprive us of our cherished freedoms.

NATIVE CLAIMS SETTLEMENT DISCOUNTS NATIONAL CONSERVATION INTEREST

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert in the RECORD a release from the Wildlife Management Institute, a national conservation organization dedicated to conservation of American natural resources, regarding the Alaska Native land claims legislation now pending before the House dealing with units of the National wildlife refuge system and other conservation values and the effect of the Alaska Native land claims legislation on fish, wildlife, refuges, and conservation values in Alaska.

I also insert the letter of all major conservation organizations to the President on this important matter:

NATIVE CLAIMS SETTLEMENT DISCOUNTS NATIONAL CONSERVATION INTEREST

The decade's sharpest conservation battle is shaping over the terms being recommended for settlement of the Alaska Native Claims issue, according to the Wildlife Management Institute.

Conservation leaders say the fight will be joined quickly, when the American people realize that their national interest in the public lands in Alaska stand to be subordinated to that of the State and the natives. Under claims proposals now moving in Congress, sizeable inroads would be permitted in major national wildlife refuges, and other millions of acres owned by all Americans could move into state and private hands without any asurance of their prior examination for retention in public ownership for wildlife, recreation, wilderness, park, and other national values.

The plans under consideration would leave the American people, the actual owners of nearly all of Alaska, in second place as far as their national conservation interest is concerned. This is because the native people and the state would select their land first and the rest of the nation's 200 million citizens would be left with the remains.

Under such a haphazard procedure, conservationists say, areas that logically should be retained in public ownership for wildlife refuges, wilderness, national parks and recreation areas, wild and scenic rivers, and other national conservation purposes will end up in private hands, sacrificing for all time the opportunity to protect and manage them in the public interest.

Few people object to granting the natives land and money to settle their claim of right against the U.S. Under H.R. 10367 and S. 35, House and Senate bills dealing with the issue, they could get 40 million acres and $1 billion. Some argue that money, not land, should be the principal medium of settlement. But many people object to the manner in which national wildlife refuges and other public land would be opened to random selection. Only existing national park units are excluded from native selection under the bills. Other large expanses of public and, known to possess outstanding widlife, wilderness, recreation, and scenic values, will not receive even temporary protection until studies can be completed and recommendations made concerning their fate. It is in this area, conservation leaders say, that the native claims bills give the American public the short end of the stick.

The drive for congressional enactment of a native claims settlement is proceeding with uncommon haste. The reasons for this, over and above the anxiety of the natives to settle an issue that has been around for years, are attributed to the State of Alaska and the commercial interests operating there. The State's land selections under the Statehood Act are being held up pending resolution of the native claims issue. This in turn blocks the aspirations of commercial interests, including major oil companies, who have invested hundreds of millions in exploring for and proving up Alaska's resources, but who have made scant profit on their investments to date. These forces, working to encourage early congressional removal of the native claims roadblock, are exerting great pressure on the congressional committees, the conservationists say. This pressure results in all the haste.

WILDLIFE REFUGES HIT HARD

A million acres or more of the National Wildlife Refuge System would be turned over to private interests under the bills reported by the House and Senate committees. The areas that would be axed under these proposals constitute some of the most valuable wildlife habitat known. That is why they were selected for refuges in the first place.

The Kodiak National Wildlife Refuge would be reduced by 18% with 322,000 acres taken. It was established to conserve the wilderness habitat of the giant Alaska brown bear. It cannot be duplicated elsewhere. If part of this refuge is given to private interests and if an anticipated domestic livestock program were established, an immediate incompatible situation would occur. The bear and the public would be the inevitable losers.

The Clarence Rhode National Wildlife Refuge is an internationally important waterfowl and migratory bird nesting area. Birds produced there are valued by the U.S., Canada, Mexico and other countries. The current proposals would take 644,000 acres from this refuge to the detriment of both game and non-game species, including whistling swans. That is equal to 22% of the entire refuge in acreage, but more than 50% of its nesting grounds on a habitat basis.

Nunivak Island National Wildlife Refuge would lose 92,160 acres. Nunivak harbors the parent herd of muskoxen acquired from Greenland which is being used to restock the animal to its former Alaskan range.

Likewise, Cape Newenham National Wildlife Refuge would be cut by 46,080 acres, the Kenai National Moose Range by 6,000 acres, and the Arctic National Wildlife Range by 69,000 acres. Other refuges also may be adversely affected. These reductions understandably would be a serious blow to the wildlife refuge system.

LETTER TO THE PRESIDENT

Because the bill fails to protect the national conservation interest, many of the nation's conservation and environmental organizations have sent a joint letter to the President expressing their concern.

The organizations urged the President to help protect the public's interest in Alaska which is shared by all Americans. It stated that the claims proposals accommodate the interests of the natives, the State of Alaska, and resource developers but "nowhere in either of these bills is the public interest accommodated—the interest of 200 million Americans who own most of Alaska."

The conservationists requested that the President use his existing authority to temporarily withdraw some of the land from selection by private interests and the State until they have been reviewed for possible retention. They said that known migratory waterfowl concentration areas such as the Yukon Flats, Selwik and Teshekpuk Lakes, and the Koyukuk River are outstanding examples of areas needing careful review before disposal is permitted. Other sites are equally valuable, the conservationists said, for study for national parks and recreation areas, wilderness, and wild and scenic rivers. This opportunity, they said, must not be ignored.

SEPTEMBER 30, 1971.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: You have just returned from Alaska, and you undoubtedly have renewed awareness of what a national treasure it is. The undersigned share in this awareness, and because of it we feel compelled to ask you to intercede with those in the Executive Branch and the Congress who, however well intentioned, seem set on destroying much of that national treasure.

In recent months speculators and exploiters, never identified to the public but everywhere in evidence plying the halls of Congress, have been championing the cause of Alaskan Native Claims. Their theme has been: enormous grants of public land and some money for the Natives, but no restraints upon the commercial exploitation of the public lands of Alaska. To our deep concern, the legislation approved by the Interior Committee of the House of Representatives appear to respond to this point of view. The Senate Interior Committee seems ready to follow a somewhat similar course. Such legislation would not be a credit to your Administration, and on behalf of the environmental movement of this country we ask that you take steps to halt it until grievous defects can be corrected.

Looking at the House and Senate versions of Native Claims legislation we see that these bills seemingly accommodate the interests of 1) the Natives, who are to receive some 40 million acres of federal land; 2) the state of Alaska, which will be free to resume its selection of 103 million acres of federal land; and 3) resource developers, who will be able to proceed with their plans for unrestricted exploitation of America's last frontier. But nowhere in either of these bills is the public interest accommodated—the interest of the 200 million Americans who own most of Alaska.

While we hesitate to take issue with representatives of the Natives who contend this legislation is good for their clients, we have grave doubts about the long-term benefit to the Natives from a settlement which will make them prey to the designs of exploiters while guaranteeing no specific and enduring benefit to the individual Natives now or in the future.

Now to one of the most serious problems we see in this legislation. In recent years, Mr. President, the American people have become increasingly aware of the need for more park and recreation land, wilderness, wildlife refuges, scenic rivers and the like. To acquire land for these purposes the federal government often has had to buy back at present day prices lands which once were part of the public domain. As you have pointed out on several occasions, demands for recreation, wildlife and other land acquisition far exceed the capacity of the Land and Water Conservation Fund and necessitate, in many cases, years of delay before acquisition can be made, if it can be made at all. We did not have the need nor the foresight to reserve adequate lands when many states were admitted to the Union.

We believe it would be the height of irresponsibility for the United States to repeat that kind of mistake in Alaska. To allow public lands to pass into private hands—either directly or through the channel of Alaska state selection—before they have been reviewed for possible retention to meet national needs is unthinkable. Needed extensions of the Arctic National Wildlife Range and Mount McKinley National Park are but two examples of lands endangered by these bills. The Gates of the Arctic National Park, under consideration for years, is another. The Yukon Flats, and Selwik and Teshekpuk Lakes, and the Koyukuk River are other outstanding examples of areas needing careful review before they are made available for selection by the Natives, the state of Alaska or for appropriation by commercial interests.

Further, no provision is made at all for the coordinated development of a master plan for all of Alaska to assure that transportation, communications, settlement, development and other facets are accomplished in an orderly manner that is consistent with the best interests of all concerned.

The present approach to Native Claims legislation has these additional defects which we wish to call to your attention:

1. In transferring 40 million or more acres from public to Native ownership, it would set up a sequence of land selection and disposition that would relegate the national interest to the lowest priority. State, Native, and private interests would receive preference over the public's interest in areas of the highest aesthetic, cultural, scientific, wildlife and wilderness values. The present land management confusion in Alaska would only be intensified by this legislation.

2. It would authorize the Secretary of the Interior to classify unreserved public lands for mineral leasing and outright disposal to private parties in accordance with existing inadequate public land laws. And the House Committee's version fails to require the Secretary to identify and propose for Congressional consideration areas suitable for inclusion in national park and recreation areas, national wildlife refuges and national wild and scenic rivers. The Senate Committee's version, while directing the Secretary to advise Congress, fails to provide adequate safeguards during this critical review procedure.

3. Under the House Committee's version, thousands of acres could be eliminated from the national wildlife refuge system in Alaska, including some of this nation's most critical areas of wildlife habitat. Preliminary indications of the final draft of the Senate version suggest the impact on the refuges could be even worse.

Mr. President, along with all other Americans, we share in the ownership of the federal lands of Alaska. We are shocked at what the pending proposal of the two Committees would appear to permit to be done to them. We believe a raid upon the public domain of Alaska must be prevented. And we call upon you to use the power and prestige of your office to help stop it until these defects can be corrected.

If Congress cannot be persuaded to recognize the larger public interests involved in this issue, we strongly urge that you make use of existing withdrawal authority to assure that the values of these unique and critical areas of public land in Alaska are not lost for lack of leadership.

As you stated at our last meeting with you on Washington's birthday in 1970, we should meet more frequently and keep up our communication about serious conservation issues. It appears to us that an early meeting on this critical subject would be most beneficial.

Sincerely,

Dorothy Brumm, Alaska Action Committee; Spencer M. Smith, Jr., Secretary, Citizens Committee on Natural Resources; Mary Hazell Harris, Executive Director, Defenders of Wildlife; Avery Taylor, Environmental Action; David R. Brower, President, Friends of the Earth; Thomas L. Kimball, Executive Director, National Wildlife Federation. J. Michael McCloskey, Executive Director, Sierra Club; Stephen G. Saltzman, Washington Representative, Trout Unlimited; Stewart M. Brandborg, Executive Director, The Wilderness Society; Daniel A. Poole, President, Wildlife Management Institute; Carl Pope, Washington Representative, Zero Population Growth, Inc.; Frank C. Daniel, Secretary, National Rifle Association.

WOMEN VERSUS THE FBI

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. BINGHAM. Mr. Speaker, unfolding now in the courts is the latest episode in a series of blatant violations of equal protection of the laws as committed by the Federal Government. Two young women, Sandra R. Nemser and Cynthia Edgar, recent graduates of national law schools, decided they wanted to work as special agents with the FBI. They advised Mr. Hoover of their intent, but learned that females were not permitted to apply for the job. In stating the qualifications for special agents, the FBI specifically requires that the applicant "be a male citizen of the United States." (Form FD–257 [Rev. 1/19/71]).

This requirement is in apparent violation of 5 U.S.C. 7151 which provides that:

> It is the policy of the United States to insure equal employment opportunities for employees without discrimination because of race, color, religion, sex or national origin.

Implementing this provision, Executive Order 11478 requires the executive departments and agencies "to promote the full realization of equal employment opportunity through a continuing affirmative program."

The FBI attempted to justify its policy by telling the women lawyers that first, women do not command enough respect and second, women could not handle combat situations. These are very lame explanations for such a policy of discrimination. In this context, it is interesting to note that this past August, New York City Mayor John Lindsay announced the appointment of New York City's first woman police captain, Mrs. Gertrude Schimmel. It seems that local law enforcement agencies have been able to make good use of the so-called weaker sex.

It is also significant to note the recent handling of a sex discrimination charge leveled against the State Department by Miss Alison Palmer. After reviewing her claim that she was deliberately discriminated against by sex in appointment in the Foreign Service, Deputy Undersecretary William B. Macomber, Jr., recognized its validity and made efforts to rectify the past practices of the Department. See New York Post article inserted herewith. Unfortunately, the FBI has failed to make a thorough review of its hiring practices and has instead decided to fight the case in court.

As evidenced by the overwhelming vote on the Equal Rights amendment in the House yesterday, the Congress has made pointedly clear its determination to end discrimination based on sex. There appears to be enough legislation already in force to support these women; however, should the court fail to vindicate these women, then I shall consider introducing new legislation to support their claim. The shame of this entire affair is that the case got to court in the first place, because of the flagrant violation of equal opportunities by the FBI.

At this point, I would like to insert into the Record FD–257 (Rev. 1/19/71), an FBI form which details, among other things, the qualifications for special agents. It is ironic to note that at the conclusion of the form is the inscription "The Federal Bureau of Investigation is an equal opportunity employer." In addition, I am including a copy of the plaintiffs' complaint in their case against Mr. Hoover et al, as well as the New York Post article on Miss Palmer

The articles follow:

Information Concerning the Position of Special Agent in the Federal Bureau of Investigation

The Federal Bureau of Investigation is the primary investigative arm of the United States Department of Justice and as such has jurisdiction over some 185 Federal investigative matters, which include general investigations of a criminal and civil nature and domestic intelligence operations dealing with the internal security of our country. An additional responsibility is the correlation of information concerning the internal security of the United States and dissemination of such data to interested agencies in the Executive Branch of the Federal Government.

Applicants Must Possess the Following Qualifications:

1. They must be male citizens of the United States.

2. They must be willing and available to serve in any part of the United States or Puerto Rico in which it is determined that their services are required.

3. Education and experience. Applicants must be:

(a) Graduates from state-accredited resident law schools.

Note: Graduates of law schools must have successfully completed at least two years of resident, undergraduate college work. A resident college is one requiring personal attendance.

(b) Graduates from a resident four-year college with a major in accounting with at least three years of practical accounting and/or auditing experience.

(c) In addition, the Bureau is presently considering for the Special Agent position, on a limited basis, applicants possessing a 4-year resident college degree with a major in a physical science, fluency in a language for which the Bureau has a need, or 3 years of specialized experience of a professional, executive, or complex investigative nature. No assurance can be given, however, that these requirements will remain in effect.

4. Age: They must have reached their twenty-third but not their forty-first birthday on the date the application is filed.

(a) Height—Must be at least five feet seven inches without shoes.

(b) Vision—All applicants for the Agent position must have uncorrected vision of not less than 20/40 (Snellen) in one eye and at least 20/20 (Snellen) in each eye corrected. No applicant can be considered who has been found to be color blind.

(c) Hearing—No applicant will be accepted if found by audiometer test to have a hearing loss exceeding a 15 decibel average in either ear in the conversational speech range (500, 1000, 2000 cycles).

All applicants must be in excellent physical condition and can have no defects which would interfere with their use of firearms or with their participation in raids, dangerous assignments, or defensive tactics. An applicant's physical and visual condition will be ascertained through a rigid physical examination conducted at a Government examining facility.

(6) All applicants must have a valid license to drive an automobile.

* * * * *

(Omitted are sections dealing with Examinations, Training and Salary and Benefits of FBI Employment)

The Federal Bureau of Investigation is an equal opportunity employer.

[U.S. District Court for the District of Columbia]

SUIT FOR DECLARATORY AND INJUNCTIVE RELIEF AND FOR DAMAGES

Sandra Rothenberg Nemser, 1305 Elizabeth Street, Denver, Colorado 80206; Cynthia Edgar, 2414 37th Street, N.W., Washington, D.C., (On behalf of themselves and for all other women similarly situated) Plaintiffs, *v.* J. Edgar Hoover, Director of the Federal Bureau of Investigation, Department of Justice, Washington, D.C.; John N. Mitchell, Attorney General of the United States, Department of Justice, Washington, D.C.; Leo Pellerzi, Director of Equal Employment Opportunity, Department of Justice, Washington, D.C.; Richard G. Hunsinger, Equal Employment Opportunity Officer of the Federal Bureau of Investigation, Department of Justice, Washington, D.C.; Kenneth J. Stallo, Director of Personnel, Department of Justice, Washington, D.C.; James B. Adams, Personnel Officer of the Federal Bureau of Investigation, Department of Justice, Washington, D.C., (And their successors and assigns), Defendants.

COMPLAINT

I. Jurisdiction

1. This is a civil action seeking a declaration of the constitutionality of and a permanent injunction against the exclusion of women from the position of F.B.I. Special Agent. Jurisdiction is invoked under the due process clause of the Fifth Amendment to the United States Constitution, and the equal protection guarantees arising therefrom; and under 28 U.S.C. §§1331, 1343, 1361, and 2201; and under 5 U.S.C. §§702, 703, and 7151.

2. The plaintiffs bring this action on their own behalf and on behalf of all other women similarly situated pursuant to Rule 23 of the Federal Rules of Civil Procedure. The prerequisites of subsections (a), (b)(1), (b)(2), and (b)(3) of that rule are satisfied. There are common questions of law and fact affecting the several rights of women not to be deprived of due process and equal protection of the laws through the unreasonable and arbitrary exclusion of women from the position of F.B.I. Special Agent. The members of plaintiffs' class are so numerous as to make it impractical to bring them all before this Court. The claims of the plaintiffs are typical of the claims of the plaintiffs' class, and the relief sought against the defendants is typical of the relief sought by all members of the class. The interests of the class are adequately represented by the plaintiffs and the defendants.

The prosecution of separate actions by individual members of the plaintiffs' class would create a risk of: (a) inconsistent or varying adjudications with respect to individual members of the class which would establish incompatible standards of conduct for the parties opposing the class; or (b) adjudications with respect to individual members of the class which would as a practical matter be dispositive of the interests of the other members not parties to the adjudications. Furthermore, the parties opposing the class have acted on grounds generally applicable to the class, thereby making appropriate final injunctive and declaratory relief with respect to the class as a whole.

The questions of law and fact common to the members of the class predominate over any questions affecting only individual members, and a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

3. The matter in controversy exceeds the sum of ten thousand dollars.

II. Parties

4. Plaintiff Sandra Rothenberg Nemser is a member of the District of Columbia Bar and a citizen of the United States presently residing in Denver, Colorado.

5. Plaintiff Cynthia Edgar is a graduate of George Washington University Law School and a citizen of the United States residing in the District of Columbia.

6. Defendants maintain their official places of business in Washington, D.C., and have command and authority over all hiring policies and practices of the Federal Bureau of Investigation.

III. Cause of Action

7. In 1970, plaintiff Sandra Rothenberg Nemser wrote to Defendant Hoover informing him of her interest in becoming a F.B.I. Special Agent. In the same letter she also asked whether, in light of the F.B.I.'s published policy of considering only men for the position of Special Agent, any application on her part for the position would be a futile gesture, since she is a female.

8. By return letter defendant Hoover affirmed the F.B.I.'s strict adherence to its published policy of excluding all women from the position of F.B.I. Special Agent.

9. Subsequently, plaintiff Sandra Rothenberg Nemser met with defendants James B. Adams and Richard G. Hunsinger to discuss the F.B.I.'s exclusion of women from the position of Special Agent. Defendants Adams and Hunsinger reaffirmed the fact that the position is limited to males.

10. On December 30, 1970, plaintiff Sandra Rothenberg Nemser filed a formal complaint of discrimination against the F.B.I., based upon the F.B.I.'s continuing refusal to consider women for the position of Special Agent. By letter dated January 19, 1971, defendant Hunsinger rejected the plaintiff's complaint.

11. In accordance with federal regulations, on February 1, 1971, the plaintiff appealed this decision to the United States Civil Service Commission Board of Appeals and Review. By letter dated March 17, 1971, the Board of Appeals and Review affirmed the decision of the Equal Employment Opportunity Officer to reject the plaintiff's complaint and advised the plaintiff that the decision of the Board was final and that there was no further right to appeal.

12. In April, 1971, plaintiff Cynthia Edgar contacted defendant Adams regarding the policy of the F.B.I. of not hiring female agents. Defendant Adams affirmed this policy stating that (1) women do not command enough respect, and (2) that women could not handle combat situations.

13. The policy and practice of the Federal Bureau of Investigation of refusing to consider women for the position of F.B.I. Special Agent arbitrarily discriminate on the basis of sex and thereby deprive the plaintiff and the class she represents of the due process of law and equal protection of law guaranteed by the due process clause of the Fifth Amendment to the Constitution of the United States.

14. The arbitrary policy and practice of the Federal Bureau of Investigation of refusing to consider women for the position of F.B.I. Special Agent are in violation of Title 5, § 7151 of the United States Code, which provides that "It is the policy of the United States to insure equal employment opportunities for employees without discrimination because of race, color, religion, sex, or national origin," and also in violation of President Nixon's Executive Order 11478, which implements this statutory policy by requiring executive departments and agencies "to promote the full realization of equal employment opportunity through a continuing affirmative program."

Wherefore, the plaintiffs respectfully pray:

a) that this Court take jurisdiction of this cause;

b) that this Court enter an order declaring that the exclusion of women from the position of F.B.I. Special Agent is unconstitutional;

c) that the Court enjoin the defendants, their successors and those acting in concert with them, from continuing the practice of discriminating against women in the employment of Special Agents and ordering that the plaintiffs be offered opportunity for position of Special Agent at a salary and rank commensurated with their background; and

d) that the damage suffered by the plaintiffs be determined and the defendants be ordered to pay the same together with interest, reasonable costs and attorney's fees.

Respectfully submitted,

SANDRA ROTHENBERG NEMSER,
CYNTHIA EDGAR,
Plaintiffs (by Counsel).

Counsel for Plaintiffs: Philip J. Hirschkop, 503 D Street, N.W., Washington, D.C. 20001, 836-5555.

Of Counsel: Ralph J. Temple, American Civil Liberties Union Fund, 1424–16th Street, N.W., Washington, D.C. 20036.

[From the New York Post Aug. 28, 1971]

FEDERAL SEX BIAS ADMITTED

(By Jeannette Smyth)

WASHINGTON.—The first sex discrimination case filed against the State Dept. has been decided personally by Deputy Undersecretary William B. Macomber Jr. in favor of the complainant, Foreign Service officer Alison Palmer.

Macomber conceded that Miss Palmer had been discriminated against because of her sex in three instances and that there was "a pattern of discrimination" in the Foreign Service.

Acting on recommendations made Aug. 19 by Civil Service Examiner Andrew B. Beath, who held closed hearings on the case, Macomber's decision also struck down the State Dept. policy of excluding women from foreign assignments "for compelling reasons of foreign policy."

It was formerly held that in countries where women are considered inferior, a female diplomat's sex might interfere with her ability to operate effectively. If it is literally applied, yesterday's ruling abandons that consideration.

OPPOSED BY ENVOY

Arguing against Miss Palmer's appointment to a post at the embassy in Addis Ababa, Ethiopia, in 1966, Ambassador Edward M. Korry wrote to the State Dept. that the position she was to fill dealt with Ethiopian labor leaders.

"Believe me," Korry wrote, "the savages in the labor movement would not be receptive to Miss Palmer, except perhaps her natural endowments."

Macomber says the State dept. will no longer exclude women even for such "compelling reasons."

Miss Palmer, 39, will be given her choice of "a desirable African assignment."

Macomber also accepted Beath's recommendations that Miss Palmer's personnel file be amended to include a statement that her career had been adversely affected by sex discrimination and that she be considered for promotion with "strong recommendation" from Macomber when the next promotion board meets this fall.

However, both Beath and Macomber rejected Miss Palmer's plea that letters of censure be placed in the personnel files of the people she contends were responsible.

THE TREATMENT OF NARCOTIC ADDICTION IN PHILADELPHIA: YESTERDAY, TODAY, AND TOMORROW

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. GREEN of Pennsylvania. Mr. Speaker, there is little debate that narcotic addiction is one of the gravest problems facing the Nation today. An article entitled, "The Treatment of Narcotic Addiction in Philadelphia: Yesterday, Today, and Tomorrow," appeared in the September 5 issue of Philadelphia Medicine. The essay details history, frustrations, competition, and inadequacies in the treatment of narcotic addicts in Philadelphia—a situation similar to that faced by many other large cities throughout the country. I have the privilege of serving with one of the articles' coauthors, Dr. Frederick B. Glaser, M.D., on the board of directors of Gaudenzia, Inc., a treatment house for addicts in Philadelphia. I include this informative article in the RECORD:

THE TREATMENT OF NARCOTIC ADDICTION IN PHILADELPHIA:[1] YESTERDAY, TODAY, AND TOMORROW

(By Frederick B. Glaser, M.D.; John C. Ball, Ph.D.; Arthur D. Moffett, M.S.W.; and Freda Adler, Ph.D.)

INTRODUCTION

It is no longer necessary to argue that the problem of narcotic addiction is one of the most pressing problems facing the City of Philadelphia today. One might almost wish that there could be yet some doubt, some uncertainty about this; but that a problem exists has been conceded by a virtual unanimity of public and private opinion. Still, agreement upon this single point is almost the only agreement one may find in this puzzling and complex field. Upon all other points there is wide diversity of opinion. This is particularly the case in considering what is to be done about the problem.

Proposals for action which should be taken may be divided into two general categories: those having to do with prevention of the problem, and those having to do with treatment. Prevention is far and away the more controversial of these categories. No one who knows the difficulties involved in the treatment of narcotic addiction can doubt the importance of prevention. But proposals for the prevention of narcotic addiction often involve fundamental, far-reaching structural changes in society, on the theory that the root causes of the problem lie deeply imbedded within the social matrix. All such proposals for change engender considerable resistance and the probability that any of them will be effected in the near future is not great.

Therefore, although a search for feasible preventive measures must continue, the allocation of a high social priority to the treatment of narcotic addiction and related problems would seem a wise policy, both at the present time and for the immediate future. In order to channel the public effort in this direction it should be demonstrated that this problem has been a persistent one for Philadelphia; that past efforts have not succeeded in ameliorating it; and that current efforts in the treatment field are insufficient. Further, some reasonable suggestions about what may be done should also be forthcoming.

THE HISTORY OF NARCOTIC ADDICTION IN PHILADELPHIA

If there is any one quality which distinguishes Philadelphia substance abuse down the years it is its variety, or perhaps it would be more precise to say, its peculiarity. Thus for example in 1832 "the lads of Philadelphia" were fond, it is reported, of inhaling ether for kicks. Philadelphia was also an early pioneer in the psychedelic experience. Our renowned author and physician, Dr. S. Weir Mitchell, was one of the first ever to experiment with self-ingested mescaline. Not only did his 1896 "trip" anticipate the more celebrated experiments of Aldous Huxley by almost sixty years, but he also "turned on" a younger medical colleague, who proceeded to ride his bicycle through Fairmount Park and down Broad Street while under the influence! In more recent years Philadelphia has witnessed the use of such curiosities as morning-glory seeds, stramonium-containing asthma powders, marihuana soaked in a solution of scopolamine, and an odd combination of glutethimide and codiene.

With respect to the somewhat less exotic subject of opiate abuse, Philadelphia also has a long and eventful history. Various forms of crude opium were the first narcotics to be abused by man. In the early history of Philadelphia, and of our country, opium preparations were widely available as patent medicine. These were among the earliest importations of the Colonies from England, and Philadelphia was a center both of trade and of the domestic patent medicine industry. Not all such medicines contained opium, but many did, as well as alcohol, and (later) morphine, heroin, and cocaine. As early as 1828 the Philadelphia Medical Society found it necessary to issue a vitriolic report on patent medicines, but they continued to be widely available until well after the passage of effective federal legislation in 1906. Until then, it was not necessary for manufacturers to state that their preparations contained opium. Although such labeling might have prevented many cases of unwitting addiction, the oral ingestion of opium would still have been a problem. Thomas de Quincey published his famous Confessions of an English Opium Eater in 1821, and by 1840 opium eating as such was well established in the United States. Exactly one hundred years ago the Pennsylvania Sanitarium in Media reported on the treatment of two hundred "inebriates," most of whom were alcoholics but 14 of whom were "admitted for opium inebriety." The report commented further that:

"The extent of inebriety cannot be justly estimated. Street drunkenness as we see it, day by day, affords no criterion for a correct judgment in this respect. . . . Could we study the history of many more, we would find that they never enter a bar-room, or drink in society; but that they seek relief in the use of drugs, procured from the apothecary, in the form of bitters, elixirs, schnapps and cordials, as well as of opium and its several salts and tinctures."

The subsequent history of opiate addiction in Philadelphia closely parallels technological improvements upon crude opium, either in terms of the isolation of its constituent alkaloids or the development of synthetic or semisynthetic compounds related to the alkaloids. Morphine, the first and most important of these, was isolated in 1803. Its wholesale manufacture and distribution began in 1827. The history of its use and abuse is closely bound up with that of the hypodermic syringe, both because of the higher blood levels possible by comparison with the oral route and because of the interesting motion that, by bypassing the stomach, there would be no danger of addiction. Dr. Alexander Wood of Edinburgh introduced the syringe as a means of injecting medication in 1855, and within a year it had been used for that purpose in the United States.

During the bloody American Civil War which shortly followed, morphine by hypodermic injection was very frequently used. Weir Mitchell estimated that 40,000 injections of morphine, were given in a single year to battle casualties for neuralgia alone, and this, of course, was not the most frequent indication for its use. Morphine addiction became so frequent among soldiers that it was referred to as "the soldier's disease."[2] Philadelphia, as a major hospital town and a prime contributor of manpower to the Union cause, was hard-hit. A part of the problem was due to a lack of appreciation of the addicting qualities of the drug until the early 1870's. In view of the fact that the addicting qualities of opium were well known, this is rather odd. But a failure to appreciate the addictive potential of new forms of opium has been a consistent feature of medical history up to the present time.

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[1] From the Addiction Sciences Center of the Department of Psychiatry of Temple University Health Sciences Center at Eastern Pennsylvania Psychiatric Institute, Henry and Abbottsford Roads, Philadelphia, Pennsylvania 19129.

[2] Thus the association of addiction among soldiers with warfare is not new in the United States. This is true of heroin, which was abused by soldiers as early as 1913, as well as morphine.

With the resurgence of national activity which followed the Civil War, thousands of Chinese laborers were brought into the West coast of the United States to work upon the railways. They brought with them the custom of smoking opium. Native-born Americans indulged in this habit as early as 1868, and by 1876 it had reached the East coast. Not until 1909 was the importation of opium for smoking forbidden by federal law. Although it was probably never as important in the history of addiction in Philadelphia as were other forms of opiate abuse, there were nevertheless three individuals habituated to smoking opium reported from Philadelphia General Hospital as late as 1916.

Diacetylmorphine was first synthesized in England in 1874. The hydrochloride salt of this combination and the industrial process for producing it were patented by Bayer and the substance was introduced into medical practice in 1898 under the trade name Heroin. Within six months a Philadelphia physician had published a paper outlining its possible clinical usefulness. Physiologic experiments with the new drug were performed in Philadelphia in the first year of the new century. During the following year it was used for post-operative analgesia in obsterical cases at Howard Hospital in Philadelphia and was recommended by a Wilkes-Barre physician for the treatment of addiction to morphine.

Recognition of the addictive potential of Heroin existed from about five years after its introduction but, largely on the strength of the proprietor's claims that it was non-addicting, it was enthusiastically taken up by the medical profession. Between 1913 and 1915 it supplanted morphine as the drug of choice among addicts admitted to Philadelphia General Hospital. It is of interest that Heroin was at this time used almost exclusively intranasally, in spite of the availability of the hypodermic syringe. It was not until approximately 1925 that the intravenous injection of drugs, now particularly associated with Heroin, began among addicts in the United States.

By the early years of the twentieth century, then, addiction to opiates had gotten out of control. Indeed, all available evidence indicates that even in terms of absolute numbers the problem at that time was far greater than at the present, even given the enormous growth in national population which has occurred. By 1913 there were approximately 782,118 addicts in the United States. A survey contemporaneous with this estimate indicated that Pennsylvania ranked fifth among states in the number of addicts. Vigorous law enforcement based primarily upon the Pure Food and Drug Act of 1906 and the Harrison Narcotic Act of 1914 was the primary means utilized in combatting the drug problem.

Philadelphia institutions, especially hospitals, were sorely taxed by the large numbers of addicts seeking treatment in consequence of this legislation and its enforcement. Series of cases numbering 335, 147, and 861 were reported from Philadelphia General Hospital alone. "After March 1, 1915," recalled the Chief Resident at PGH about the effective date of the Harrison Act, "they came to us in floods. In the course of a few days, 200 patients were under treatment." A citizen's committee which surveyed all of the institutions in the city of Philadelphia during the year following the Harrison Act identified 1,026 separate individuals admitted for the treatment of addiction. They also noted that admissions of addicted individuals to "hospitals for the insane" in the rest of the state had jumped from 33 during the previous year to 244, or better than seven-fold. All of these observers commented independently that the known and identified cases represented only a fraction of the total population of the addicted.

There is every indication that in the face of a problem of extraordinary magnitude this approach through enforcement was highly successful. So far as is known the United States has never since been faced with a problem of comparable magnitude with respect to opiate addiction. But the problem was not eliminated. Many of the addicts up to this period were individuals with medical problems whose narcotic addiction arose from their treatment for physical illnesses, and among this population there was a very substantial reduction in illegal use. However, a substantial number of nonmedical addicts, who used drugs primarily for "pleasure" or for reasons other than the relief of pain, were less affected by the changed legal status of narcotics and remained a problem throughout the 20's and 30's. This experience indicates both that legal restraints are an important and indispensable factor in limiting the extent of the addiction problem and that in themselves they are insufficient to eliminate the problem.

World War II was a period during which opiate abuse declined throughout the United States. Wartime controls and the global scope of the conflict are believed to have disrupted the international traffic in illicit drugs. But during the postwar period there was a precipitous rise in the incidence and prevalence of opiate abuse in the United States. Between 1945 and 1950 the number of addicts known to local, state, and federal authorities doubled; the number of addict admissions to the Lexington and Fort Worth Hospitals, which had been established in the 1930's, increased from 1,312 in 1945 to 3,769 in 1950. As a nation, we were involved in a migration to the metropolitan centers, increased industrialization, prosperity, and growing racial conflicts; these changes were associated with a marked increase in Heroin addiction. There was a corresponding change in the character of the addict population, which was now for the first time concentrated most heavily in our largest cities. It now included a disproportionate number of Blacks and Puerto Ricans. The age of onset had decreased, and drug use often involved marihuana and barbiturates as well as Heroin.

Rapid growth of the problem continued throughout the 1950's and 1960's. The first large-scale police raids in Philadelphia directed against the drug traffic were conducted in 1954; the first such raid resulted in over one hundred arrests and indictments. Figures 1 and 2 illustrate graphically the narcotic situation in Philadelphia during the 1960's. It appears that the addict population both in Philadelphia and Pennsylvania climbed steadily and rapidly, while the drug-related death rate in Philadelphia rose exponentially.

CURRENT EXTENT OF THE NARCOTIC ADDICTION PROBLEM IN PHILADELPHIA

Philadelphia has been, as we have seen, one of the leading cities in the United States with regard to opiate addiction; and at the present time it continues to have this distinction. In 1970, the Federal Bureau of Narcotics and Dangerous Drugs ranked Philadelphia as the eighth city in the nation with respect to the number of known addicts. Over half of Pennsylvania's narcotic addicts active in the Bureau files in 1970 were residents of Philadelphia. The total 1970 population of Philadelphia was 1,938,609 and that of the Commonwealth was 11,669,565. Thus, most of the current Pennsylvania addicts live in one city which contains only 16.5% of the state's population. Philadelphia has a disproportionate share of the contemporary addict population in the state.

That the total number of addicts listed by the BNDD represents only a part of a given addict population is well known, though they probably afford the best available comparative data over the years or between localities. The Bureau listed 1,406 addicts as active in Philadelphia during 1970. But 1,509 addict patients have been treated at one city hospital clinic during a recent 34-month period; 904 drug cases were received by the City of Philadelphia Probation Department during a nine-month period in 1970; there were 2,848 drug cases disposed of by the Court of Common Pleas in 1970 (of which 1,419 were acquitted, 1,220 were guilty as charged and 209 were found guilty of a lesser offense); and there were 6,612 arrests in the city on drug charges during 1970.

Although these figures vary as to the incidence of the problem which they would predict and the extent of duplication is unknown, it seems reasonable to maintain that the actual extent of the drug abuse problem in Philadelphia exceeds by far even a composite calculation based on these data. The principal inadequacy of such figures, which are based on medical and police reports, is that they do not include addicts who are not arrested or who do not seek treatment. In addition, these official tabulations refer primarily to Heroin addicts and consequently grossly underestimate persons who are dependent upon non-narcotic drugs.

Given the limitation of our present reporting procedures, the only feasible means of obtaining valid information concerning the extent of drug abuse in Philadelphia is through a careful and rigorous survey of the general population. Such a study would involve interviewing a stratified sample of respondents from all segments of society. These survey results would provide a means of measuring the extent of the drug use problem as well as analyzing its incidence in various socioeconomic groups and ecological areas.

THE TREATMENT OF NARCOTIC ADDICTION IN PHILADELPHIA: YESTERDAY

Having taken a broad look at the scope of the problem (which by even the most conservative estimate must rank as a very considerable one) we have now to consider the measures which have been taken to deal with it. Unfortunately, this section will be very brief. Although (as we have seen) there is evidence of a problem since the founding of the Republic, and of a problem of major proportions for a minimum period of one hundred years, few attempts have been made to cope with it in an organized manner, and these have been mainly in response to external circumstances rather than to any recognition of the chronic and severe nature of the problem.

Thus it would appear that, prior to the passage of the Harrison Act, no general measures in the area of treatment had been mounted by the City of Philadelphia. With the influx of patients resulting from the passage of that legislation, beds were set aside for the treatment of addicts at Philadelphia General Hospital. Passage of the Harrison Act left open the question of whether a physician might maintain an existing addict on his medication if the physician felt it best. This required litigation to be resolved. When several Supreme Court decisions indicated the answer might be negative, a series of narcotic clinics were opened, in the period 1919–1923, in order to supply drugs to addicts under municipal government auspices when they could no longer obtain them from their physicians. We have been unable to find evidence that such a clinic operated in Philadelphia, though it is known that "tentative experiments" toward this end were made in Scranton and Harrisburg. A total of 44 such clinics in operation for variable periods of time throughout the nation.

Highly controversial, all of these clinics were closed by 1923, under pressure from the medical profession. In that same year, the Supreme Court handed down the Behrman decision, which irrevocably barred the physician from maintaining the addict. Since the problem of dealing with the addict still remained, it seems at least possible that it was the Behrman decision which led to the founding, in 1925, of the Philadelphia Committee for the Clinical Study of Opium Addiction. This group was established with the support of the Committee on Drug Addiction of New

York City and had wards in Philadelphia General Hospital. 861 patients were admitted for study and treatment over the next few years. The results of these studies were published in a series of papers and have been described as "the first attempt to apply modern clinical laboratory techniques to the study of addiction."

Unfortunately there was little follow-up to this achievement. Although private practitioners continued to treat addicts occasionally, the initiative now passed to the Federal government, and the Lexington and Fort Worth Hospitals were opened in the 1930's. 32 Pennsylvania addicts were admitted to Lexington during the first year of its operation. With the availability of this treatment with Supreme Court decisions limiting the medical role (but not eliminating it, as the work at PGH demonstrates) and with the well-known difficulties involved in having addicts under treatment, neither Philadelphia nor any other major urban center has had a conspicuous record of providing treatment for the addict up to the present time.

THE TREATMENT OF NARCOTIC ADDICTION IN PHILADELPHIA: TODAY

The increment in narcotic addiction in Philadelphia in recent years has once again prompted a response in the treatment area. This was stimulated in some measure by the Federal decision that the burden of narcotic addiction treatment no longer fell alone upon the national government and its specialized hospitals. Philadelphia currently possesses a large number of programs devoted to the treatment of narcotic addiction and drug abuse. One cannot but be impressed by the diversity of approaches to the problem which are now available.

There are diverse modalities, ranging from the drug-free therapeutic community to programs which see as their major tool the administration of drugs. There are correspondingly diverse notions about what kinds of activities are therapeutic for the addict or abuser. There are diverse categories of personnel in use; some programs depend heavily upon mental health professionals with extensive academic training, while others utilize ex-addicts who often lack both uniform training and formal credentials. Treatment programs operate under diverse auspices. Some are associated with universities, others with federal, state and/or local governments, some with grass-roots movements, and some are entities unto themselves and operate as private corporations, either for profit or not for profit. Sources of funding are equally varied. The programs operate in different areas of the city and serve different kinds of populations, with respect to such variables as age, race, sex, drug of abuse, and so forth.

Conceivably, such a diverse approach might have advantages. Although the essential nature of the addictive process is in many of its critical particulars unknown, it would appear to be a diverse rather than a unitary process. Many different kinds of persons are involved in narcotic addiction and drug abuse. In most respects the only thing they have in common at all is substance abuse. It seems likely that the difference between a white physician addict in Chestnut Hill, a black adolescent addict in North Philadelphia, and a brown Puerto Rican addict in the Spring Garden Street barrio are more compelling than the similarities. Applied to the treatment process, this might indicate that no one program or approach to the problem would be likely to have universal efficacy. Therefore diversity in approach may be indicated.

However, closer inspection reveals that what characterizes the Philadelphia drug treatment approach at the present time is not so much diversity as it is chaos. The difference is that true diversity is planful, harmonious, and complimentary, while chaos is unplanned, acrimonius, and competitive. We have the latter.

Existing treatment programs in Philadelphia, for example, compete with each other in a variety of ways. There is competition for patients. Most programs will grant theoretically that not everyone who enters their portals can be successfully treated by them. Nevertheless, they can give no specific criteria which differentiate those who do well from those who do poorly in their program. No program has any criteria which would identify any given case as untreatable, though in the nature of things such cases must exist. An operational analysis of these programs suggests rather an underlying commitment to the ideology that all kinds of addicts, and even in some instances non-addicts, can benefit more from their ministrations than from those of any other program. Cross-referral between programs is extremely rare, if it exists at all.

Competition also exists for funds with which to operate programs. Indeed, there is not only competition for funds between treatment programs themselves, but between treatment programs as a group and other kinds of human services agencies, many of which may be serving the same individuals. The funding of treatment programs in the addiction and drug abuse areas is currently high on the scale of political expediency. But the converse of this possibly happy circumstance is that, political expediencies being what they are, the order of priorities is likely to change at any time without any necessary reference to the status of the problem in realistic terms. This already appears to have happened in New York City. In a word, the potential politicization of treatment programs is fraught with hazards to the enterprise as a whole, especially in the long run.

Further evidence of the chaos in the treatment situation in Philadelphia lies in the fact that enormous gaps exist in the pattern of services. Some key aspects of treatment have been almost entirely neglected. There is a disproportionate lack of detoxification facilities in comparison with facilities for post-detoxification treatment. To our certain knowledge there are but 20 beds in all of Philadelphia specifically allocated for this purpose, and all of them are for males. Yet for many addicts detoxification is an essential first step toward successful treatment. Moreover, certain significant groups of addicts and drug abusers are not being treated at all. This is especially the case with respect to the abuse of non-narcotic drugs, the high-dosage intravenous methamphetamine abuser ("speed freak") and the barbiturate addict being specific cases in point.

Certain fundamental treatment procedures are provided only in a spotty fashion, if at all. However one may conceive of the addictive process it would seem reasonable that, as this population utilizes drugs which may have a profound effect both upon the mind and the body, a systematic evaluation of the prospective patient's mental and physical health prior to the decision on how his problem ought to be managed (or indeed whether it requires management) would be indicated. Generally speaking this does not occur. It is only one among many possible examples. In addition to their obvious practical value in individual cases such evaluations, especially if uniform, would provide valuable data concerning the addictive process.

Some promising modalities of treatment are not being provided in Philadelphia. There is no program, for example, which makes use of narcotic antagonists such as cyclazocine and naloxone. More importantly, Philadelphia has no multi-modality treatment program. A multi-modality program is one in which diverse kinds of treatment are offered rather than a single kind of treatment. Various combinations or sequences of treatments may be offered at different times, according to the needs of the patient. For example, a given individual may need methadone maintainance during one phase of his treatment, and subsequently may be placed in a drug-free therapeutic community. Or an individual can be placed in a therapeutic community at the same time that he is being maintained on methadone. There is no inherent contradiction between these two modes of treatment, though in practice they are rarely utilized together. The basic theory of multi-modality programs is that the various permutations and combinations of treatments offer more hope for more individuals than could a single modality alone. One of the great ironies of the Philadelphia treatment situation is that most of the necessary components exist within the community but still there is no multi-modality program.

There are also problems with respect to the gathering of data on the treatment process. Currently there is no provision to check between programs as to who is in treatment. There is probably a significant degree of overlap, with a number of patients receiving treatment from more than one program. In a few instances this may represent a patient's attempt to construct his own multi-modality program. More often its aim will be less admirable: to obtain twice as much methadone, for example. In addition, there has been no systematic follow-up of patients discharged from treatment programs in Philadelphia. Admittedly, such studies are complex and costly. But there is no other way to find out whether the programs are effective. Without this basic information, there is no rational way to plan extension or alteration of the treatment program for the future.

These difficulties are neither an exhaustive catalogue of the problems in Philadelphia, nor are they problems which are exclusive to the treatment of addiction. Many other agencies deal with the addicted individual: the schools, the police, the courts, the welfare apparatus, and so forth. Ideally there ought to be a smoothly worked out, cooperative scheme among all of these agencies and the treatment programs. Such is not the case. The tension between treatment and enforcement personnel, to give but one example, is often very great. Of course, this is but a specific instance of a general social problem. Serious disorganization exists in our society with regard to the delivery of human services generally.

THE TREATMENT OF NARCOTIC ADDICTION IN PHILADELPHIA: TOMORROW

Philadelphia, then, has had a serious, well-documented problem with narcotic addiction for at least one hundred years; and it is probable that the problem was a major one even before 1800. The most evident conclusion to be drawn from this is that narcotic addiction (and drug abuse) is likely to continue to be a major problem for many years. Its history in the Commonwealth and in Philadelphia provides no grounds for any hope that this problem will recede in the near future or that it will ever entirely disappear. It is likely, rather, that the problem will not only continue to be present but will increase in scope. Among the circumstances favoring its increase is the development of the so-called "youth subculture" which at least in part views unrestricted use of drugs as a basic human right. It has not previously been the case that a large and influential segment of the population has viewed an increase in the use of drugs with pleasure and approbation rather than alarm.

Moreover it would appear from our history that, unless some unprecedented and vigorous action is taken, the treatment response to this continuing problem will be sporadic, crisis-oriented, and inadequate. It is painful in this regard to note that the two major recommendations made in 1916 by the Philadelphia Narcotic Drug Committee are still appropriate today: that there be provided adequate treatment and better controls on the manufacture and distribution of drugs. The entire history of narcotic addiction and its treatment suggests the presence of some deadly inertia which has effectively precluded a realistic approach to the problem.

What approach is needed now to meet the drug problem First, an unflinching acceptance of the persistence and tenacity of the problem and the essential ineffectiveness of all approaches to date. Second, a rationally planned and coordinated approach on a broad scale and over a prolonged period of time.

The constant input of two critical kinds of information are basic to such an approach. Some means must be devised which will provide an accurate and continuing measurement of the size and shape of the problem. Without this basic knowledge no reasonable response is possible. Such a system has been implemented elsewhere (Great Britain) which effectively covers an entire nation. Thus it is quite feasible, either for Philadelphia or for the Commonwealth or both. Beyond this, some means must also be devised which assures a knowledge of all activities in the treatment area and a continuing method of evaluating the effectiveness of all that is being done. Here again the problem is not so much one of development of appropriate techniques—there are some problems, but they will yield to sustained effort—as it is one of developing sufficient priorities and resources to put such techniques into effect.

With the extent of the problem known and the extent and efficacy of countermeasures also known, and both continuously monitored, a rational basis for proceeding is assured. As a practical matter it is not now necessary to await this information. Though it must be elaborated, our current knowledge unequivocally indicates a need for immediate and thoroughgoing changes in the existing treatment system. Once these are effected, however, such information will be critical in evaluating the effects of the changes and in proceeding farther.

Essential changes in treatment system would include preeminently bringing an end to competition between various programs for patients, staff, funding, and other matters. All of these items should be allocated on the basis of demonstrated need and proven efficacy, rather than being left to chance. Likewise, careful planning should assure a treatment system with no gaping holes. It should reach all populations of patients, making all relevant services available to them as they are needed, and coordinating these services with those of all other involved agencies. Finally, there should be firm assurance that the provision of these services will depend solely upon the need for them and not upon their potential for utility in the political arena.

Implementation of such a program entails many difficulties. For what we are suggesting requires in all likelihood the exercise of a greater degree of authority and restraint over the provision of services than that to which we are generally accustomed. For example, it seems highly unlikely that the desired result will be forthcoming without direct and unitary control of all sources of funding for treatment programs. Many will deplore the creation of such authority and point out that it contains great potential for abuse. Yes, it does. But it seems unlikely that any abuses such a system might engender could result in a worse situation than the one which exists right now. Avenues can be found which combine the essential element of centralized planning and control with an acceptable level of respect for individual initiative.

Problematic as it may be, the future is not altogether dark. A variety of recent developments indicate that coming to grips with this problem may be more than a pious hope. At the highest Federal level the President has appointed a Philadelphia-born, Philadelphia-trained physician to coordinate the national effort. At the level of the Commonwealth there are many knowledgeable officials, and the drug problem has received the Governor's highest priority. The City of Philadelphia has recently appointed an experienced physician as coordinator of the local effort. Those groups which represent the medical profession are aroused and interested, as are many citizen's groups. A statewide survey of treatment facilities is well under way, together with basic research into such important questions as the attitudes of both patients and staff of treatment programs toward the treatment enterprise. Very importantly, the City and the Commonwealth already possess in considerable strength many basic components of the treatment approach. Secular and non-secular therapeutic community programs and chemical programs which are among the largest and best in the nation may be found here.

We must rectify and finally expunge the historical record which hangs heavily upon our heads. It should be possible to weld this profusion of ability, intelligence and determination into a meaningful, coherent and effective whole. There is much to be done, but there is much with which to do it. Are we equal to the task?

DIRECT ELECTION OF THE PRESIDENT

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. MIKVA. Mr. Speaker, I am pleased to introduce, along with 34 cosponsors from both sides of the aisle, a resolution to amend the Constitution to provide for the direct election of the President and Vice President.

A similar resolution was passed by the House in the 91st Congress (H.J. Res. 681) following extensive hearings, but the Senate failed to act before the session ended.

The merits of direct popular election are as persuasive today as they were at the time of the first Constitutional Convention, when it was urged by James Madison and Benjamin Franklin. The prospects of electing a President who received less popular support than his opponent is no easier to live with today than it was 190 years ago. Perhaps that explains why there have been a total of 485 attempts during our brief history to amend this article of our Constitution.

The 1968 election provides a recent reminder of the vagaries of the electoral college system. A plurality of the voters of North Carolina voted for Richard Nixon in November 1968, but when the electoral college met after the election, Dr. Lloyd Bailey—one of North Carolina's electors—cast his electoral vote for George Wallace. He was not bound by law or by the Constitution to follow the expressed preference of the voters. Under the present electoral college system, the voters are not given the power to elect their President—merely to express their preference, in the hope that it will be followed when the electors meet.

Mr. Speaker, the President of the United States should be elected by the people of the United States. That is what most voters believe happens, and that is what should happen. Unlike the present electoral system, direct popular election insures that it will happen.

Let us consider who it is that benefits from the present distorted electoral college system, who loses and who stands to gain if we adopt the proposed direct election approach.

It has been argued that the present system benefits the small States, since they have a voice in the electoral college disproportionate to their share of the population. On the other hand, election analysis has shown that it is actually the voters in larger, more populous States who have the greatest chance of influencing the outcome of presidential elections under the present system. Since all the electoral votes of a State go to the winner, a small change in the popular vote in a large State can shift a substantial number of electoral votes from one candidate to the other. This explains why presidential candidates campaign so hard in the large industrial States—their electoral votes are the ones that count in the end.

There are similar misconceptions about the impact on minority voting blocs of a shift to direct election. The election results of the past simply do not support the theory that minority voting blocs have been able to exercise a great deal of leverage under the winner-take-all system. In fact, it is just the opposite. To the extent that the black voters of Illinois voted as a bloc for HUBERT HUMPHREY in 1968, their votes had no effect on the choice of the President in Illinois. The same is true of urban liberals, union members, and any other voting blocs which made up part of the 2 million votes for HUBERT HUMPHREY in Illinois. The 100,000 people who constituted Richard Nixon's plurality in effect wiped out the 2.4 million voters who voted for other candidates.

The electoral college system dilutes the voting power of minority voting blocs by restricting their power to a State-by-State base. Direct election would enable voting blocs to combine their strength in various geographical areas, and not have it wiped out in each State by a winner-take-all system.

The extent to which the electoral college method distorts the popular vote can be seen in the election of 1968. The popular vote difference between the two major candidates in that election was approximately 500,000 votes out of a total of 73 million votes cast—a difference of less than one-half of 1 percent. In the electoral vote, however, the difference was almost 20 percent.

Mr. Speaker, it is people who vote for the President, not States. Whether an American lives in Delaware or Mississippi or California or New York or Illinois, he is still an American and his vote should count as much as any other American's. It is his President that is being elected, not the President of California or Mississippi or New York or Delaware or Illinois.

When all the arguments are made, when all the special interests have been appealed to, one single all-important question remains. Can the proposal that is being advanced guarantee that a man rejected by the voters at the polls will not become President? The only plan which answers yes to that question is direct popular election, as embodied in this resolution. It assures that winners will be declared winners, and that losers cannot be declared winners.

There is only one system that guarantees that the man who receives the most votes becomes the President. There is only one system which guarantees that the basic democratic principle of one-man, one-vote will be carried forth in the selection of our Chief Executive. There is only one system that gives all Americans an equal voice. That system is direct popular election.

I would like at this point to insert in the RECORD the complete list of the 34 cosponsors of this resolution—colleagues from both sides of the aisle, from large States and small, from rural and urban districts:

LIST OF COSPONSORS

Gerald R. Ford, Frank J. Brasco, James C. Corman, Joshua Eilberg, Hamilton Fish, Jr., William D. Ford, Donald M. Fraser, Seymour Halpern, Lee H. Hamilton, Julia Butler Hansen.

Orval Hansen, Michael J. Harrington, Margaret M. Heckler, Henry Helstoski, William L. Hungate, Andrew Jacobs, Jr., Peter N. Kyros, Robert L. Leggett.

William S. Mailliard, F. Bradford Morse, Claude Pepper, Bertram L. Podell, Melvin Price, Thomas M. Rees, Fernand J. St Germain, Charles W. Sandman, Jr.

James H. Scheuer, Fred Schwengel, James W. Symington, Morris K. Udall, Jerome R. Waldie, Charles W. Whalen, Jr. Wendell Wyatt, Jim Wright.

COLUMBUS DAY 1971

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. MATSUNAGA. Mr. Speaker, I wish to join my colleagues in noting the significant fact that Columbus Day was celebrated as a national holiday for the first time this year.

Christopher Columbus, one of the greatest seamen and navigators of all time, is one of the few men in history whose memory we honor not on their birthday, but on the anniversary date of the crowning achievement of their lives—in his case, the discovery of America on October 12, 1492. Moreover, it is considered to be relatively unimportant that other explorers may have preceded him, as it is sometimes reported, in the discovery of the New World. What is of paramount importance is that Columbus demonstrated, in very difficult times and under most trying conditions, unfaltering courage, unswerving determination, and undoubting faith in the righteousness of his cause. These characteristics took Columbus westward over unchartered seas. The same characteristics were to appear many years later in such men as Washington and Franklin, Jefferson and Payne, Adams and Madison, helmsmen in a very real sense, who steered a young new nation through unchartered political seas.

The saga of the Nina, the Pinta, and the Santa Maria is indeed a source of strength and promise today. The observance of Columbus Day every year is a fitting occasion for all Americans to rededicate themselves to the great expedition upon which this Nation is embarked. The obstacles may be many and the seas may be rough, but in the same dauntless spirit of the great navigator we too can help to guide the Ship of State through ignorance, poverty, disease, discrimination, divisiveness and fear until at last we shall, in truth, reach a "New World."

WOMEN ELECTED IN NORWAY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. FRASER. Mr. Speaker, a letter in Tuesday's New York Times describes electoral coups accomplished by women in Norway's two largest cities, Oslo and Trondheim.

Mr. Speaker, the well-organized write-in campaign which resulted in many women being elected to municipal office in Norway can be repeated in the United States on all levels of government. Women are in the majority in this Nation. If we fail to respond to the expressed needs of women and if women continue to be underrepresented in our political institutions, the changing of the guard will be abrupt.

We must not ignore the talents of either women or underrepresented minorities in our political processes. Our problems are too grave. The passage of the equal rights amendment October 12 is a positive step. The ERA is a constitutional statement of what ought to be the case in our society—equality of the sexes. We must now work to make this moral imperative a living reality.

The article follows:

WOMEN, LOOK TO NORWAY!

To the Editor:

During World War II, in a sentence proudly remembered in Norway and thoroughly forgotten in the United States, President Franklin D. Roosevelt said, "Look to Norway!" He was referring to the fighting spirit of the Norwegians in the common struggle against Nazism.

As one who has followed the struggle of American feminists against the cruel oppression of male chauvinism with great interest—and considerable amusement—I would like to revive Roosevelt's advice for the benefit of the champions of Women's Liberation in this country: "Look to Norway!"

On Sept. 20, Norwegians went to the polls to elect municipal councils for the next four-year period. When the results were in, Norway's sturdy males were in a state of shock. Their women had taken over. Throughout the country, the women had moved into the local governing bodies in force, and numerous municipal councils, large and small, were completely in their hands.

The two major casualties in the great battle of the sexes were Norway's two largest cities, Oslo and Trondheim. When the smoke cleared, the women had occupied 48 out of 85 seats in Oslo's City Council and 46 out of 85 seats in Trondheim's City Council. In suburban Asker west of Oslo, 27 women controlled the 47-member municipal council. Even tradition-bound rural communities experienced the relentless onslaught of female politicians.

How did they do it? By a well-organized write-in campaign. They did not form a new party, they simply took over their respective political parties by bumping off the nominees on their party lists. In Oslo, for instance, Mayor Brynjulf Bull, nominated as number one on the Labor party list, came in fourteenth among 35 Labor representatives, swamped by most of the eighteen women who won election on Labor's list. And of the 31 Conservative representatives, nineteen women took most of the top spots, relegating the male top nominee to eleventh place. All the Liberal party representatives were women.

I wonder why this story has received no noticeable publicity in this country. For what it may be worth, and at considerable personal risk, I pass it on to American Womanhood.

Take note, Gloria Steinem.

H. PETER KROSBY,
Professor of History, State University at Albany.

DEDICATION OF GARRETT COMMUNITY COLLEGE

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. BYRON. Mr. Speaker, last week in McHenry, Md., it was my privilege to participate in the dedication of Maryland's newest community college, the Garrett Community College. The dedication was an impressive ceremony. The college is beautifully designed with the latest in education facilities. I feel it will be a great asset to Garrett County, Western Maryland, and the surrounding area, and I wish its president, Luther G. Shaw, his faculty and students a success filled future.

I would like to share with my colleagues the tribute in the dedication program to those citizens who helped make Garrett Community College a reality. I add my congratulations and thanks to these diligent citizens.

The tribute follows:

A TRIBUTE

Garrett Community College has become a reality because of the efforts of many citizens of the county, particularly those listed below, who worked diligently with considerable sacrifice of time and effort to establish a college in the area.

Special recognition must be afforded also to Mr. B. O. Aiken, Delegate to the State Legislature from Garrett County, who was instrumental in obtaining the appropriate enabling and financial state legislation which made the college a possibility.

A debt of gratitude is extended also to many other citizens and governmental officials who, while not members of the formal study committee, contributed greatly in the initial and continuing support of the college.

ORIGINAL CITIZEN'S STUDY COMMITTEE FOR ESTABLISHING A COMMUNITY COLLEGE IN GARRETT COUNTY

Mr. Gordon Douglass, Chairman; Mrs. Gordon Douglass, Mr. Elza Bray, Mr. Earl Opel, Mr. William Platter, Mr. George Hanst, Mr. Stephen Pagenhardt, Mr. Earl Haenftling, Mrs. Wayne Hamilton, Rev. William Carlson.

Mrs. Guy William Hinebaugh, Mr. Ralph Beachley, Mrs. Charlotte P. Barnard, Dr. Robert Gibson, Mrs. Bessie Price, Mr. Kenneth Johns, Rev. Emory McGraw, Mrs. Edward Crowe, Mr. Charles Strauss, Mr. Lawrence Groer, Mr. Dwight Stover, Mr. Willard Elliott.

Mrs. Ray Jenkins, Mr. Robert Bender, Mrs. Esther Yoder, Mrs. Clinton Englander, Mrs. Bernadine Friend, Mrs. Lois Mosser, Mr. Irvin

Feld, Rev. Shelby Walthall, Mr. Dan Hershberger, Mrs. B. I. Gonder, Sr., Mr. Robert Garrett.

Mrs. A. E. Mance, Mrs. Louise Seggie, Mr. James McHenry, Mrs. Beeson Snyder, Mrs. Gerald Glotfelty, Mr. Maurice Brookhart, Mr. George Edwards, Mrs. George Brady, Mr. Willard L. Hawkins, Mrs. Edward Smouse.

OLD IN YEARS, BUT YOUNG IN SPIRIT

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, one of the precious but untapped sources of our national wealth of ingenuity is in the skills and talents of our senior citizens. My deep belief in the capacity of our senior citizens to contribute in countless ways to the well-being of community life, as well as to their own self-growth as individuals, motivated me in my introduction of legislation establishing programs for the utilization of their talents.

Perhaps no more vivid illustration of the enormous vitality, talent, and enthusiasm of our senior citizens could be offered than the insights afforded into the makeup of the senior citizen in an illuminating and most interesting article which recently appeared in the Fall River Herald News on October 2 concerning the activities of William Boutin, a retired 71-year-old, who, in retirement, is more active, than many in professional life.

It is a distinct pleasure for me to include in my remarks the contents of the fine article which appeared:

71-Year-Old Retired Fall River Man Makes Toys, Writes Songs as Hobby

William Boutin is a man with many ideas and many talents. Retired now, the 71-year-old former machinist and woodworker, uses these attributes simply to pass the time away in his small apartment at 100 Niagara St.

Boutin is a man capable of building toys that are not even on today's market. He comments: "This ability is probably a gift, because I've been doing it since I was a kid."

He remembers in his younger days when he built a kite of plastic, with a propeller to give it quick elevation, and nearly send it into orbit. Another was a parachute that was fired into the sky by means of a slingshot.

But recently he has put together some bigger and better things. These include a unique pull-carriage for children that may be used all year because it is equipped with both wheels and skis.

Also, a water bicycle, sailboat, and two other riding vehicles for children, none of which are on today's toy market, he said.

Boutin said that the reason he has not used his ideas for the purpose of financial gain is because he does not have enough money to back himself. "All I need is a break," he commented.

He recalls some years ago when he called a fellow in Akron, Ohio to tell him of an idea he had for a tic-tac-toe game which consisted of a large board placed on the floor and wooden X's and O's that were tossed onto the board.

Boutin said the man in Akron told him he could not use the idea. However, sometime later, Boutin picked up a catalog and noticed his game, which someone had manufactured in California.

"This is what I'm afraid of when revealing an idea," Boutin noted. "I know I made that game, but it's gone," he claimed.

Indicating he has hoped for the chance to meet some manufacturer who may be interested in his toys and games, Boutin said, "It's hard for a newcomer."

A time when his ability did come in handy was when, instead of having to buy expensive toys for his three children, he would simply go to a store to observe, then go home and "make them better and for a lot less money," he said.

One toy Boutin was quite fond of was a pair of roller skates he devised that consisted of croquet balls on axles instead of wheels. He remembers allowing a 7-year-old boy to test them on Townsend Hill. "He went down that hill like a house afire and it was a good thing he grabbed onto a fence, or he'd have never stopped," Boutin recalled.

Another of Boutin's talents is song writing. He has written many, including "Love that Breaks No Hearts," "Sunshine and Rain," "You Pushed Your Luck Too Far," and "I Was Not Whistling Dixie."

A verse from "Sunshine and Rain," which he wrote about a year ago, is: "Through each one's life there is sunshine and rain, each one must have his share of joy and pain."

As a child, Boutin would play the piano by ear. Today, he does the same on a simple, little harmonica.

The life of this inventor and song writer is not one of complete loneliness because the neighborhood children constantly visit him, anxious to see what new toy he has assembled. One of those curious little tots he is most proud of is his granddaughter, Debra Ann Boutin.

YOU CANNOT HAVE FREEDOM WITHOUT HAVING RESPONSIBILITIES

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. DANIELSON. Mr. Speaker, the Elysian Heights Elementary School, in my district, under the direction of Beverly Mason, principal, annually invites students to express their thoughts about our country in an essay contest.

The winning essay, written by Brenda Kanno, an outstanding sixth-grade student, is one that I would recommend that all of my colleagues should read. The essay follows:

You Can't Have Freedom Without Having Responsibility—What Does This Mean

(By Brenda Kanno, age 11)

You can't have freedom without having responsibility. This means that with freedom comes responsibility, and it is to us to fulfill this responsibility.

When our forefathers founded this country, they had many responsibilities. They had to fight for their country if they wanted to keep it. They also had to govern and guide it. Our forefathers did all this because they knew that it was their responsibility.

Now it is our turn, our responsibility, to guide, govern, and guard this country—our country. The United States is a country that is of the people, by the people, and for the people. This means that the United States government is made of United States citizens, that it is governed by the people and it is for the people not against them.

Since the United States is all for us, we should be all for it. It is our responsibility to study and think, and if we feel that some laws should be different, we vote. We do not have to vote as someone else wants us to.

We have many other rights, but we also have an accompanying responsibility for each right. We, as our country, should at least try to fulfill those responsibilities and not abuse the laws.

NEW POSTAL SERVICE IS EYED BY THE CONGRESS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. DULSKI. Mr. Speaker, the new U.S. Postal Service has been in operation fully since July 1.

Just after the end of the first 90 days, Peter Andrews, Washington bureau chief for the Buffalo, N.Y., Courier-Express, rounded up his views in an article which I include with my remarks:

Congress Has Eye on Postal Service: Some Suspicions Cast on Moves; Charges Denied

(By Peter C. Andrews)

WASHINGTON.—The new U.S. Postal Service is looking less and less like Caesar's wife these days. In its three months of existence it has become, for members of Congress at least, not only the subject of suspicion, but a prime example of what many of them feared would happen if the Post Office was removed from direct congressional control.

The Postal Service vehemently denies the charges it has done anything wrong, but the fact that such charges are being made at such an early date in the existence of the organization is bad in itself.

While the Postal Service operations were turned over to an independent organization under the Postal Reform Act, the power to scrutinize these operations remained with Congress and two of the postal subcommittees working this summer have turned up embarrassing evidence of the Nixon Administration apparently favoring certain firms with sizeable business deals despite their seeming lack of qualifications to handle these transactions. It is strongly implied in the latest disclosure made last Monday that these business favors were given in exchange for large campaign contributions.

It happens that the leaders of the two Postal Committees in Congress are both Democrats. Sen. Gale McGee of Wyoming heads the Senate Committee and Rep. Thaddeus J. Dulski of Buffalo heads the House Postal and Civil Service Committee. Rep. Morris K. Udall, from Arizona and brother of the former Secretary of Interior, happens to be chairman of the House subcommittee which has raised the latest charges against the new Postal Service.

BIPARTISAN WARINESS

However, the feeling of wariness that exists between the Congress and the Postal Service is shared by many Republicans as well as Democrats. There have even been murmurings about bills that might be introduced to return the Postal Service to its former status as a Postal Department completely under the control of Congress—and some of those murmuring loudest are Republicans.

This is not going to happen. But it shows the feeling of at least some of the congressmen.

One embarrassing disclosure by the congressional committee was an award to Westinghouse Corp. of a $3.4-million contract to evaluate the 750,000 jobs in the Postal Service despite the fact it was the highest bidder of five and its bid was about double the bid of the lowest qualified firm.

The capabilities of Westinghouse in this field are subject to challenge, too, since it has never done any work of this type for outside companies before and its own record of labor troubles revealed that at least one fifth of all grievances involved job classifications. Evidence also was introduced at the hearings that Westinghouse would have been given the job without * * *, Peabody against the $500 in even bothering to bid against others had not a last minute legal opinion ruled that outside bidders must be brought in.

BIG MONEY INVOLVED

Meanwhile, the Postal Service announced it was going to float a $250-million bond issue using the investment banking industry rather than selling them to the U.S. Treasury which in turn would have sold treasury notes backed by the U.S. government to the public. Since the bonds will not have a direct government guarantee, it was estimated they would have to yield at least ¼ of one per cent higher than the treasury bonds would have been. This may not sound like much but since the eventual issue may be $10-million, it amounts to a lot.

Since the independence of operating as an outside agency rather than as a direct arm of the government was one of the objectives of establishing the Postal Service, the intention to use Wall Street firms rather than the Treasury was announced long ago in the hearings on the Postal Reform Bill. The fact that this may cost an additional $25-million in interest was not emphasized.

However, what brings the matter under Congressional scrutiny is the fact that President Nixon's and Atty. Gen. John Mitchell's old law firm, Mudge, Rose, Guthrie and Alexander was chosen as attorneys for the issue. As the subcommittee said in its recommendations: "No firm which has a direct relationship, either previous or current, should be allowed to participate in this issue, if that relationship was with any senior manager of the Postal Service."

Nixon's and Mitchell's old firm is an acknowledged leader in the field of the legalities of bonds. The committee recognized this but said, "This has nothing to do with the well recognized ability or integrity of the firm but rather with creating public trust in the decisions of its officials and establishing beyond any doubt the nonpolitical, independent nature of the new Postal Service."

TWO LACK EXPERTISE

Another major point made by the subcommittee report is that two of the five firms selected in the underwriting apparently have little comparative expertise in the field of large public bond issues, while at least one of the firms left out of the syndicate was an acknowledged leader in the field. The charge was made that one of the prime reasons the firm of Kidder, Peabody and Co. was included was the fact that members of that firm had contributed $47,893 to Nixon's campaign. It also was implied in the report that the firm of Dillon, Read and Co. was included because of cronyism with top administration officials.

The man in charge of handling the bond issue for the Postal Service was James W. Hargrove, senior assistant postmaster general. Prior to joining the government, he had been vice president of the Eastern Texas Transmission Co. and had extensive contact with Dillon, Read. His contact was so close, in fact, that in Oct. 1969 he wrote the president of Dillon, Read, August Belmont IV, a letter enclosing a draft of testimony Belmont was to give the following week before the Senate Committee on Postal Reform. He was supposed to be the industry spokesman supporting the financing proposals.

Another connection was through Peter Flanigan, one of President Nixon's top White House advisers, who also happened to be a vice president of Dillon, Read for 15 years prior to joining the admininstration.

While the Kidder, Peabody firm had never handled an issue of this kind, First Boston Corp., the industry leader, was left out of the syndicate. The committee arched its eyebrows at this when it compared the $47,000 political contributions of Kid-contributions it was able to trace to First Boston executives.

INDICATION OF EVIDENCE

Udall, in making his report to Rep. Dulski, his full committee chairman, stated: "There is no compelling evidence at this time of violations of the criminal code. We are faced rather with a lesser degree of misconduct and impropriety."

Another area of congressional inquiry is that concerning the decision of the Postal Service to use the Army Corps of Engineers for all contracting activities rather than its own established Bureau of Facilities.

The Post Office based its decision to a certain extent on the fact that the Corps of Engineers, which had been handling a huge amount of NASA work, has excess capacity now that NASA's activities have been cut back. The Post Office, which needs $10 billion in new facilities in the near future, could do much to take up this slack.

The only trouble, said the Congressman, is that the Engineers do their work for a charge of 8 per cent of overhead, while the General Services Administration handles the same kind of work for 5½ per cent of overhead. Salt was rubbed into this wound when it was learned that Postmaster Gen. Winton M. Blount announced the agreement after it was signed, rather than consulting with any members of Congress about it prior to the signing.

This tendency of Blount's not to take Congress into his confidence has caused him some strained relationships on Capitol Hill. He has been searching for someone to take the deputy postmaster general's job since last January—it has been turned down by several to whom it has been offered—and yet when he found someone to accept, his method of telling congressional leaders was poor.

NEW DEPUTY INTRODUCED

For example, he called Dulski and said he wanted an appointment to see him in Dulski's office on Sept. 23. When he arrived he had with him Merrill A. Hayden, whom he introduced by saying "Meet the new deputy postmaster general." That afternoon he sent Hayden around to McGee's Senate office with Elmer G. Klassen, former deputy postmaster general who is on the Postal Service board of governors, where the introduction was repeated.

The problem is that the board of governors who select the deputy postmaster general, did not meet until the following day, and the congressmen were not impressed with such rubber-stamping by the board.

(Klassen, by the way, is one of those who turned down the deputy job with the Postal Service).

Sen. McGee's Postal Committee has not confirmed President Nixon's appointments to the Postal board of governors, thus causing the President to resort to the device of recess appointments for the board. McGee has indicated he wants to see them perform for a year before he gets around to holding confirmation hearings.

SURGE OF PRIVATE SERVICES

While much of the attacks on the Postal Service happen to involve Democratic officials heading congressional committees, there is no concerted Democratic attack on a broad front. Perhaps one of the reasons for this is that former Postmasted Gen. Larry O'Brien is now national chairman of the Democratic Party and was an outspoken advocate of the separate Postal Corporation.

While the attacks continue, however, Blount's new Postal Service will stay in the center of controversy. There is a surprising surge in the growth of private mail delivery services which are guaranteeing delivery faster and cheaper than the Postal Service. Meter mailers are complaining about curtailed collection hours and the latest regulation which makes them post date bulk mail if it will not be completed until after the last collection of the day stamped.

These and other attacks undoubtedly will continue, but Blount is giving every indication he will not stay around long. He has his eye on being senator from his home state of Alabama and has had several polls taken to test his voting strength there. His administrative assistant has left to take a new job in Birmingham and perhaps to start building a political base for his old boss.

Some congressmen will not be sorry to see him go.

THE RED CHINESE AND THE DRUG TRAFFIC

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. ASHBROOK. Mr. Speaker, as early as 1954, Mr. Harry Anslinger, former director of the U.S. Narcotics Bureau, was warning the American public that the Red Chinese were exporting opium to undermine the free nations. However, Mr. Anslinger, in a Washington Post article recently, was quoted as saying that the drug traffic from Red China had stopped.

In 1963 U.S. Narcotics Commissioner Henry Giordano stated that at that time the Chinese Reds were still extensively engaged in the exportation of drugs.

Today, however, if one inquires of the Federal agencies most likely to have information on this issue, the answer is that there is no evidence that Red China is still engaged in this nefarious trade.

The Washington newsweekly, Human Events, in its October 16 issue provides some provocative arguments for the position that the Chinese are still doing business at the same old stand.

In an exclusive article for Human Events, Mr. DeWitt S. Copp, a Washington-based free-lance writer and an expert on national affairs and the subject of China, cites various sources which claim that the Chinese have not suddenly "got religion" on the drug issue.

With our Nation's concerted effort to stamp out the use of narcotics both here and among our troops in Vietnam, this issue deserves serious consideration based on the best information available on this subject.

For this reason I insert at this point in the RECORD the article, "Do Chinese Reds Push Drug Traffic?" by Mr. Copp as it appeared in the October 16 issue of Human Events.

SECRET BRITISH REPORT—DO CHINESE REDS PUSH DRUG TRAFFIC?

(By DeWitt S. Copp)

A shocking British government document has come into this reporter's hands; it is Great Britain's 1969 estimates of the contribution Communist China makes to the world's illicit production of opium. According to the British, as of two years ago the total illegal world production of the drug from which heroin is derived was "5,000 tons, 1,000 tons coming from the Middle East and minor producers," the remaining "4,000 tons" emanating from "Southeast Asia (including Burma, Thailand and Laos)" and the "Chinese Peoples Republic." Of this amount, the official British estimates is *"3,500 tons" coming from Red China!*

The confidential document goes on to point out that all opium grown in Red China is illicit, that the average yield of opium per hectare of poppy field is seven kilos and that the total area under cultivation is estimated at a half-million hectares or 200,000 acres. The poppy-growing provinces are listed as Yunnan—where production is figured at 1,000 tons, Szechwan, Kwangsi, Kwangtung, Hopei and Honan. The annual revenue to Peking is placed at a half-billion U.S. dollars.

In view of the Nixon Administration's large-scale efforts to curtail illegal drug traffic at the source and the attitude of its experts with regard to Red China's part in this trade, the British figures are astounding and require immediate answers in Washington and London.

Congressional inquiry as well as press efforts to gain information on Peking's role in the most vicious of all trades, have been met at the U.S. Bureau of Narcotics by inconclusive and evasive replies. "No intelligence on the matter, no evidence. People on the spot cannot verify, can only give an opinion."

When this reporter approached the U.N. Narcotics Commission recently to discuss a detailed article on Red China's dope trade published in the March 1971 edition of the Taiwan publications *Issue & Studies*, the response could only be described as scoffing. The article had never been heard of and there was simply no evidence whatever that the Chinese Communists were any longer engaged in the production and sale of narcotics.

At an international drug conference held in Ottawa last month the delegate from the Republic of China presented a statement of his government's investigation into Communist China's drug activities. So far as is known, the statement was ignored.

The official attitude was best summed up by a noted British drug authority when he said: "We do not have any information that the Peoples' Republic of China is involved in illegitimate narcotics traffic, but we are not doing any work in Red China. We are, of course, always interested in information about any country."

Because the subject is so important, the contradiction so broad, and the need for clarity so great, the following chronological account of Red China's known involvement in illicit narcotic smuggling is offered. From it, we believe, a conclusion can be reached.

At the time that the Chinese Communists conquered Mainland China in 1949 the production of opium had been outlawed by the Nationalist Government of Chiang Kai-shek since 1934.

In 1950 the United States added an annex to the U.N.'s Narcotics Commission report giving an analysis by the U.S. of the illicit drug traffic throughout the world during 1949 and the first nine months of 1950. The analysis said in part:

"It is reported that Chinese authorities are marketing large quantities of raw opium abroad. The ringleaders are attempting to remain out of the picture. From the account given of raw opium seizures in Burma, it is quite evident that very large quantities of raw opium are smuggled into that country from China."

Earlier Great Britain had informed the commission that Peking representatives had offered to sell 500 tons of opium to a British firm in Hong Kong. When this offer had been declined an attempt was made to sell 300 tons of opium to the U.S. in exchange for cotton.

During the Korean War much evidence was amassed to show that Peking was intent upon injecting the drug habit upon our GIs. Two examples will suffice. In October 1950 U.N. forces in North Korea discovered 300 boxes of opium which had originated in Red China containing several tons of the drug. In 1952 another seizure was made amounting to 6,000 pounds.

Dr. Harry Anslinger, director of the U.S. Narcotics Bureau for many years and a member of the U.N. Commission, stated in 1954 that Red China was spreading narcotics addiction to obtain funds for political purposes. He told the commission that this was the practice of the "entire regime" and that the United States was a key target of illicit traffic from China. The Soviet representative, Mrs. V. V. Vasilyeva, objected and said the accusation was a "slander" calculated to ruin Peking's reputation.

Dr. Anslinger later declared: "As pointed out in my reports to the United Nations over the past several years, trafficking in narcotics for monetary gain and to undermine and demoralize free peoples has been a policy of the Communists in China from the beginning."

Nearly a decade later, in 1963, U.S. Narcotics Commissioner Henry Giordano charged that the Red Chinese were extensively engaged in drug traffic and he saw no reason to believe that this traffic was declining.

The following year Tsusai Sugavara, chairman of the Japanese National Committee for the Struggle Against Drug Addiction, stated that Peking "has become the world's principal producer of opium poppies which yield opium, morphine and heroin." He estimated that Red China was realizing $170 million annually by smuggling narcotics to Japan, or about one-third of the Communists' production. "Most drugs," he added, "are shipped to Southeast Asia and large consignments also reach the United States."

On Sept. 13, 1964, Moscow, via *Pravda* and its world radio broadcasts, openly accused Communist China of being a major supplier of illegal drugs. "The smuggling of drugs annually yields $500 million to the present Chinese leaders," *Pravda* said, "This trade has become one of the main sources of convertible currency for the leadership of the Chinese Communist party."

In supplying background, *Pravda* stated that in late 1952 Mao and his cohorts had decided at a secret conference to go into the narcotics business on a large scale. The industry was to be directed under the innocuous heading of the "Board for the Procurement and Sale of Special Goods of Local Production."

Pravda gave production figures of 8,000 tons, within a few years, and more than 1.5 million acres under poppy-growing cultivation. It also gave the location of processing factories and termed the whole business "abominable" and "monstrous."

A USIA publication in October 1964 commenting on the accusation said: "The Soviet expression of outrage represented a sharp turnabout in the Kremlin's position of defending Communist China and the international narcotics racket, a position it reiterated for years as a member of the United Nations Commission on Narcotic Drugs. . . .

"As late as mid-1962, during the 17th session of the commission, the Soviet Union had entered 'categorical objections' to evidence presented regarding the quantities of illicit narcotics being smuggled from Yunnan Province."

The USIA article also said: "The narcotics that pour out of Mainland China are smuggled to free countries by every means of transportation available, including pack trains, railroads, surface ships and aircraft. Chinese Communist officials have been known to act as drug couriers."

Previously, Field Marshal Sarit Thanarat, then prime minister of Thailand, alleged that Chinese Communists were peddling narcotics as a part of a campaign of subversion against the free world. At a still later date Bangkok accused Peking of flooding Thailand with narcotics.

In the April-June 1965 *Bulletin on Narcotics*, the U.N. Consultative Group on Narcotics Problems in the Far East and Asia, reported large quantities of morphine (derived from opium) coming from somewhere near the Chinese Communist border.

In Hong Kong a doctor to the Anti-Narcotics center was quoted as saying 'There are upwards of a half-million addicts in the British Colony supplied with narcotics flowing out of Communist China."

On Sept. 8, 1965, under a Washington dateline, a European news service reported: "American officials are studying press reports from Asia reviving year-old charges that Peking is profiting by $500 million a year from traffic in narcotics. Washington officials saw no reason to view the estimated figure as an exaggeration."

Two years later, on March 16, 1967, the noted columnist, Victor Riesel, reported a bizarre and disturbing case of a Chinese laundry in the Bronx, whose workers were paid off in heroin. Riesel described the laundry as one of a number of "communes," the one in question netting over $100,000 a year and three more under surveillance.

"What intrigues the authorities," wrote Riesel, "is the belief of international intelligence sources that opium is flowing from Communist Chinese fields in Yunnan Province in the mainland's southwest. This would be only part of Peking's annual overseas sales of some $600 million worth of raw opium with which the Mao government helps to finance guerrilla and propaganda activity across the world. . . .

"Chinese leaders are just as concerned as the federal and local authorities over the possibility that far-off Peking may be reaching into big American cities. They do not want Communist infiltration of their law-abiding communities."

Thus up until five years ago there was a clear official record from a variety of sources and nations, showing that for nearly two decades Red China had been a leading purveyor of illicit drugs. Then somehow as the drug problem grew, less and less was heard about Peking's part in it.

Officially the major sources of opium growing were reported to be Turkey and an area in Southeast Asia referred to as "the Golden Triangle," embodying sections of Burma, Laos and Thailand. Various senators reported 80 per cent of all illicit narcotics coming from both places. Some accused officials in South Viet Nam, Laos and Thailand of being involved in smuggling operations that makes heroin readily available to U.S. GIs in the area. Sen. George McGovern (D.-S.D.) using *Ramparts* as his guide, pointed his finger at the CIA and the Nationalist Chinese. His accuracy was as reliable as his source.

However, since the beginning of the year, with few exceptions such as Reps. John Monagan (D.-Conn.), Philip Crane (R.-Ill.) and John Schmitz (R.-Calif.) no one in Congress and no one in the Administration has had anything definitive to say about poppy growing in Red China.

In June, John E. Ingersoll, director of the U.S. Bureau of Narcotics, writing in response to queries made by Sen. Clifford Hansen (R.-Wyo.) and Congressman Charles S. Gubser (R.-Calif.) about the false accusations in *Ramparts* attempting to implicate the CIA in the Southeast Asian drug traffic, included in his reply a comprehensive background report on the "Golden Triangle." He gave considerable detail on drug operations in Burma, Thailand and Laos, but the only reference to Red China was this one sentence: "Opium produced in the Communist-controlled areas also finds its way into the regular marketing channels." In Burma mention was made of "Chinese Communist-backed insurgents." But that was all.

On June 17, President Nixon sent a special message to Congress urging the prompt enactment of legislation, creating a new Special Action Office for Drug Abuse Prevention within the Executive Office of the President. He requested $155 million in new funds to help finance what he termed "a worldwide offensive," dealing wtih sources of supply abroad. He stated the offensive would be government-wide, concentrating all federal efforts in one new office. Appointed to head the new office was Dr. Jerome H. Jaffe, who formerly served as director of the U.S. Drug Abuse Program.

The following excerpt from a report by an official of an international agency with 25 years experience in Southeast Asia and China shed some light on the matter. "By far the largest amount of Chinese illegitimate narcotics is transported to world markets through SEA [Southeast Asia]. Here again, Communist China has a built-in security in the Golden Triangle which borders on China. This vast Communist and bandit-controlled area is indeed beautiful cover for China's opium and heroin export. The heroin is produced in government-owned and controlled factories in Communist China and transported to their agents in the Golden Triangle for delivery to seaports, airports and couriers in diplomatic missions. . . ." The reader should note the similarity in the last sentence of this statement and that quoted earlier by USIA in 1965.

According to Ingersoll, the total world production of illicit drugs amounts to approximately 1,500 tons, with between 500 and 700 tons coming from Southeast Asia. The Ingersoll estimate is actually comparable to the figures contained in the confidential British document, save for the curious fact that the British claim that an additional 3,500 tons come from Red China while American officials make no reference to illicit supplies from Red China at all. Why is there such a baffling discrepancy?

No doubt the authenticity of the British document will be challenged. For obvious reasons, the source cannot be revealed. However, supportive evidence is offered from a ranking official of the Dutch Narcotics Bureau and Jacques Kiere of the French Bureau of Narcotics and Dangerous Drugs. Both statements were made within the last month.

From the Dutch official: "Smuggling of Red Chinese narcotics is on the increase in Holland. The main port of entry is Rotterdam and Amsterdam in that order. Most of the drug seized is heroin. Ninety per cent of the crew members apprehended have been Chinese. Several of the ships involved have been Red Chinese. Our laboratories have verified that the drugs originate in Communist China."

From Kiere: "The Bureau has always stated that Communist China is involved in poppy cultivation and illicit drug trade. We have much evidence on that."

With the concerted move afoot to seat Peking in the U.N.—with the President's reaffirmation of his goal to journey to Communist China—with the drug problem one of the nation's most serious in its history, answers to the aforementioned figures and statements must be forthcoming right now.

Are the British estimates correct, or aren't they? If they aren't where are they wrong? Further, if it is officially maintained that Communist China is no longer in the drug trade, why did it depart? When was departure made? Where is the proof?

The American public has every right to know

COLUMBUS DAY 1971

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. DANIELS of New Jersey. Mr. Speaker, Columbus Day, 1971, is, for me, one of the very special national holidays. This is the first time in history that Americans have had the opportunity to officially honor "the great navigator." I am especially proud, this year, not only because I am fortunate to share the great heritage of Columbus, but because my efforts towards recognition of this day have been successful.

Many nationalities have claimed Columbus. Certainly the Spanish claim him as one of their own and one Spanish writer, Salvadore de Madriaga claims that Columbus was Jewish. I for one, as an American of Italian extraction, am willing and proud to share Columbus with the world. Without question, although he was raised in Genoa and the heritage which formed his early life was Italian, Columbus is too great a figure in history to be confined by man's arbitrary political boundaries. While many of us claim him as an Italian, we are proud to share the greatness of Columbus with all who recognize in him the greatness of the human spirit.

The heritage of Columbus is the striving for achievement and success among all men, who seek the undiscovered and would sail beyond the frontiers of knowledge.

Mr. Speaker, the late President John F. Kennedy expressed this same idea on October 12, 163, when he welcomed "all the successors of Christopher Columbus. And you do not have to be of Italian extraction to be able to claim that inheritance." He added:

> All of us who followed the great navigator to the United States have prospered and benefited, and I am sure that you take the greatest pride in the work that has been done, the families you have raised, the children you have educated, the position of responsibility that they have achieved.

Mr. Speaker, there is one other aspect of this first national holiday honoring Columbus which too few people have mentioned. In the last few years there has been among Americans of all national extractions a reawakening of their cultural identities. I, for one, welcome this reawakening. There is great strength in the diverse cultures which make up American life, and we have too long denied for foolish reasons the strength and beauty of our cultural roots.

The wide support for Columbus Day is a result of the tremendous new outspoken pride all Americans are expressing in their families. I think it is wonderful that Americans of Italian extraction are looking back into their history and finding so much for which to be so proud. Italian culture has given liberally to the world in the way of philosophy, exploration, music, culture, and politics.

Americans of all cultures—Italian, Polish, Slavic, Negro, Jewish, and Indian—are looking back at their heritage with new pride. They are finding and expressing new-found identities. Just as the 1960's expressed the vitality of youth, I think the 1970's are going to express the vitality of America's diverse cultures.

The myth of the "American melting pot" has finally given way to the truth that each of us has retained the traits and virtues of our forefathers. And it is a good thing. As we understand ourselves and the rich cultural heritage that is responsible for much of how each of us is put together, I think there is going to be a greater harmony in America. We are going to discover that we are really not all the same and we are going to accept each other's differences. Once we do that, there is going to be less prejudice and hate. I believe that the truth is going to make us free of the antagonism many of us feel toward one another.

CONGRESS MUST MEET THE CRISIS AT PANAMA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. RARICK. Mr. Speaker, in a statement on September 22, 1971, before the Subcommittee on Inter-American Affairs of the House Committee on Foreign Affairs, I strongly opposed the surrender by the United States of any of its treaty-based sovereign rights, power, and authority over our territorial possession known as the Canal Zone and urged prompt favorable action on House Resolution 540 and other pending identical resolutions sponsored by some 100 Members of Congress. That statement was published in an extension of my remarks in the CONGRESSIONAL RECORD of September 23, 1971, at page 33207 under the title of "Panama Canal Belongs to the United States."

Since then much has happened. On October 6, Panama, in line with earlier threats by its officials, placed its case for new canal treaties before the membership of the United Nations. Also, on October 6, Harold Lord Varney, president of the Committee on Pan American Policy of New York, published an illuminating article in which he answers this question: "Why is Mr. Nixon Giving Away the Canal Zone?" In this article, Mr. Varney gives realistic interpretations of the dangers at Panama that have been denied the people of our country by the mass news media of the United States.

As the culminating events in a long agitational campaign of hatred in the Republic of Panama by its revolutionary military government against the United States, there were mammoth demonstrations on October 11, in support of Panamanian demands for full sovereignty over the U.S.-owned Canal Zone territory and the Panama Canal. While no disorders occurred during the demonstrations, the Panamanian strong man, Brig. Gen. Omar Torrijos, made demagogic appeals with open threats against the United States of future violence in the event Panama does not secure its objective of full sovereignty over the Canal Zone.

The unreasonable demands by Panama for the surrender of the Canal Zone to that country, does not conform to realities. Panama exists as an independent country solely because of the Panama Canal. Until November 3, 1903, it was part of Colombia. If there is to be any turning back of the clock of history, which most thoughtful Americans oppose, the Canal Zone should be returned to Colombia, which country in 1914 recognized the title to the Panama Canal and Railroad as "vested entirely and absolutely in the United States, without any encumbrances or indemnities whatsoever."

The United States bought all the rights, powers, and authority of sovereignty over the Canal Zone from Panama, which country was the successor to Colombia as the sovereign of the Isthmus, and purchased all privately owned land and property in the zone from individual property owners. It would be just about as sensible for Mexico to demand the return of the Gadsden Purchase or Soviet Russia to demand the return of Alaska as for Panama to persist in its unreasonable demands for cession of the Canal Zone. As the body of the Congress closest to the sovereign people of the United States, the House should act promptly and favorably on this premise.

Moreover, our Government cannot surrender by treaty or otherwise its control over the Canal Zone and canal to any other sovereign government or to any international agency, including the U.N., without specific authority from the Congress, which includes the House as well as the Senate.

The framers of our Federal Constitution were men of rare wisdom and vision. They foresaw the need for a provision in that great instrument to prevent the Executive from disposing of any territory or other property of the United States by pretext of a treaty except with the approval of both the Senate and the House. Accordingly, that was included in article IV, section 3, clause 2 of the Constitution as follows:

> The Congress shall have Power to dispose of . . . the Territory or other Property belonging to the United States.

As far as the record shows the current negotiators for the proposed Panama Canal treaties have never referred to this constitutional requirement and have acted with complete duplicity and insincerity by ignoring our Constitution and apparently never bringing it to the attention of the Panamanian negotiators. Whatever the Senate may do as regards the projected surrender at Panama, the House has thus far been adamant and will likely so remain. Yet our negotiators have gone merrily along ignoring the vital constitutional provision with Chief Negotiator Robert B. Anderson and his associates evidently trying to sweep the proposd giveaway of the Canal Zone under the diplomatic rug.

The people of the United States, to the extent that they know these facts, are violently opposed to any such surrender. As the actions thus involved have become better known, the people have expressed their views, which are overwhelmingly hostile as shown by an extensive correspondence from many parts of the Nation.

In view of these facts, it is difficult to understand how President Nixon could have been so hoodwinked as to accept the weak and timid 1967 Johnson canal policies and to retain the Anderson outfit in positions affecting the Panama negotiations. This action by the President is beyond the comprehension of rational thinkers, who oppose assuming the burden of responsibility without authority.

The Johnson-Nixon negotiators seem to be utterly ignorant or indifferent to the relationship of the Panama Canal and the security of the Western Hemisphere, including the United States and Panama. The fact that Cuba is already under U.S.S.R. control, the further fact that Chile has recently passed under the Communist yoke, and the added fact that Soviet power is infiltrating every Latin American country in a design aimed at wresting control of the Panama Canal from the United States seems to make no impression on our negotiators. Hence, their conduct cannot be explained alone as one of stupidity for the effect of their action is in complete betrayal of the freedom of Western nations, including Panama, which has been following a suicidal policy that could affect its independence.

In order that the Congress may have the story of Panama's action at the United Nations and the cited article by Mr. Varney, as well as a report on the October 11 demonstrations, I quote the Varney article and two news stories from the New York Times as parts of my remarks:

WHY IS MR. NIXON GIVING AWAY THE CANAL ZONE?

(By Harold Lord Varney)

Despite angry public protests, Washington persists in its insane course in Panama. The looming end of the road will mean the loss of United States control of the Panama Canal. A graver effect can be the crash of all American defenses in Latin America.

The Nixon Administration is deliberately inviting a crushing disaster on the isthmus. Surely no American President has ever driven to perdition so heedlessly and needlessly.

When Mr. Nixon entered the White House in 1969, the Panama difficulties were as nearly a dead letter as is conceivable in Latin American relations. The headlong rush of three successive Administrations—those of Eisenhower, Kennedy, and Johnson—to surrender American sovereignty in the Canal Zone seemed to be a bad nightmare of the past. Johnson, who had been badly bruised by the fight over the proposed treaty of 1967, had with a genuine sigh of relief filed away the draft treaties which his inept negotiators had handed him. The surrender treaties were tabled and almost forgotten.

But now they are back again—and back with a bang.

President Johnson had been saved at the gong by a completely unforeseen event—the seizure of the Panama Government by a military junta led by Colonel Omar Torrijos. Overnight the Ariases, the Chiaris, and the Eletas of the Panama ruling elite, men who had irresponsibly encouraged the Communist-led violence of 1964, vanished from the political scene. Torrijos, an adventurer with no known convictions, was too anxious to secure Washington's acceptance of his unconstitutional regime to continue the anti-gringoism which such misleaders as President Arnulfo Arias had so long encouraged. A strong stand by the Nixon Administration would have frozen Torrijos into compliance. Never did an American Administration have a better chance to terminate the challenge to our control of the U.S. Canal Zone and our Panama Canal.

Unfortunately, President Nixon never gave Torrijos any indication that America meant to defend American interests.

Worse, he appointed men to handle the situation in Panama from among the crumbling and mentally petrified artifacts of the Johnson Administration. Instead of firing Robert B. Anderson, who headed Mr. Johnson's negotiating team, and who had authored the notorious giveaway treaty proposed in 1967, he reappointed Anderson as his top negotiator. John N. Irwin, the Leftist who had been Anderson's deputy on the Johnson negotiating team, was elevated to the powerful post of Undersecretary of State. And Robert M. Sayre, who had been a member of Anderson's staff under Johnson, and had helped to draft the proposed 1967 treaty, was appointed U.S. Ambassador to Panama.

The Anderson appointment was simply incredible. On July 16, 1970, Robert Anderson had been the object of a full-dress exposé by Bernard D. Nossiter in the *Washington Post*. It was revealed that, while serving as Secretary of the Treasury under Eisenhower, Anderson had solicited and received a $290,000 payment from Texas oilman Sid W. Richardson. At the time, Anderson was the top member of the President's "Special Committee to Investigate Crude Oil Imports," and was in a position to make decisions favorable to Texas oil interests. Nossiter explained that the agreement with Richardson was that Anderson would receive a total payment of $900,000. How President Nixon could disregard the exposure of Anderson as being on the take for nearly a million dollars, and retain him as our Panama negotiator, boggles the mind.

No hint of the truculence which was to come was given by Torrijos during his early months. It was pointed out at the time that the United States would not negotiate a binding treaty except with a constitutionally elected Government in Panama. Torrijos promised elections, but the date was far off and uncertain. It was assumed in the United States that treaty negotiations would soon lapse.

But it did not take Torrijos long to realize that Nixon had sent him a team of weaklings. Discovering that he could get away with it, the dictator began to show Washington the steel mitt inside the snakeskin glove. The demand for resumption of treaty negotiations, regardless of their legality, began to be heard loudly in Panama.

Another Nixon agency now got into the act to provide Panama with a new line of attack. President Johnson had set up an Atlantic-Pacific Inter-Oceanic Canal Study Commission to consider the building of a new sea-level canal. This Commission was also headed by the egregious Robert B. Anderson. It had spent $60 million of the taxpayers' money making surveys of possible routes for a new canal. While Torrijo's buglemen were in full cry against the United States, Anderson's Commission recommended the building of an unneeded sea-level canal in Panama on a route about ten miles distant from our present lock canal. It would require a new treaty and would cost, at a minimum, $2,880,000,000.

At the same time, a bill was slyly maneuvered through the Senate repealing our longstanding treaty with anti-Communist Nicaragua which had given us the right to construct a canal, if we wished, through Nicaraguan territory. By surrendering our Nicaraguan rights, we placed ourselves at the mercy of Torrijos.

Dictator Torrijos seized this opportunity to apply more pressure. He issued a statement hinting that he had received an offer from Japanese interests willing to build a sea-level canal across Panama. Of course, this would have been a direct violation of the Monroe Doctrine, but Torrijos was now contemptuous of that as Mr. Nixon has been.

This was followed by a world tour by Panama's President Demetrio Lakas, who is only an obedient figurehead for the dictator. Lakas proclaimed at every stop that Panama was ready for a showdown with the United States. He declared: Our position is based on the demand for absolute sovereignty in the Canal Zone, recognizing the private character of the firm operating the waterway."

Having reduced United States sovereignty over the Canal and the Canal Zone to the status of a mere "firm" operating in the isthmus, Lakas was soon quoted as threatening that the Republic of Panama would recognize Fidel Castro's Cuba if the Nixon Administration proved difficult.

Panama's Foreign Minister, Juan Tack, now joined in the defiance of the United States. Interviewed in Panama he declared that his country would not tolerate "a government within a government. What we want is full jurisdiction in the Zone—political, administrative, judicial, labor and all else." But even these declarations were topped by Dr. Carlos Lopez Guevara, a member of Panama's three-man negotiating team. Dr. Lopez, in a public speech on June 2, 1971, declared that the present Canal treaty with the United States is contrary to the charter of the United Nations. The implication was that if the United States proves unyielding the U.N. will be invited into the "negotiations" to decide the fate of our vital Panama Canal.

Dictator Torrijos is now whooping up dangerous anti-gringoism in the Panama City press. Since his accession the press there has, of course, been completely censored and controlled. Only newspapers which strictly follow the Torrijos line are permitted to be published. And their attacks on the United States border on madness. Congressman Daniel J. Flood recently placed in the *Congressional Record* an amazing list of anti-American quotations from the Panama newspapers, covering a single two-month period following July 2, 1971. The Panamanian mobs are being conditioned to make another assault, similar to that of 1964, should the United States hold out against demands that our Canal and the U.S. Canal Zone be turned over to the Panamanian dictator.

A more certain indication of Panama's intentions is the agitation now being carried on among students there. In past anti-gringo riots in the isthmus, students have always been used as the physical spearhead. It was the students, under Communist leadership, who precipitated the bloody 1964 assault on our Canal Zone. Since Torrijos seized power, the students have been quiescent. It served his purposes, at the outset, to emphasize anti-Communism. The old Communist leadership in the student organizations has now been displaced, but the student anti-American agitation has been resumed. Student organizations, under new leadership, have inaugurated a campaign for Panamanian sovereignty over the U.S. Canal Zone.

Meanwhile, there has been much scurrying and gumshoeing by Robert B. Anderson and his staff. Anderson has visited Panama and conducted hush-hush conversations with the top officials. The new Panamanian negotiating team appointed by Torrijos has visited Washington and has had numerous unpublicized discussions with the State Department, where they found a friendly host in the person of John N. Irwin. All these talks and soundings are only the curtain-raiser. They forecast resumption of the formal negotiations to surrender our Panama Canal.

Informed Americans in Washington have not been idle. Under the determined leadership of such notables as Senator Strom Thurmond, and Congressmen Daniel J. Flood, Leonor K. Sullivan, and Durward G. Hall, a Resolution (H.R. 540) asserting that the United States should "maintain and protect its sovereign rights and jurisdiction over the Canal Zone and the Panama Canal" was introduced in the House. The strong support in Congress for the safeguarding of American interests in the Canal and isthmus is evidenced by the 102 signatures of Congressmen supporting this Resolution.

But so certain are the Nixon negotiators that they will prevail that they have already adopted a tentative timetable calling for the completion and signing of the new treaty this year, and its submission to the Senate for ratification in the present session. Anderson and his associates are confident that the new surrender treaty will be operative, with Mr. Nixon's signature, by the beginning of 1972.

The spinelessness of the State Department leadership in the present emergency was painfully exhibited by a recent statement by Charles A. Meyer, Assistant Secretary of State for Inter-American Affairs. Published on July 23, 1971, in the Torrijos-controlled *El Panama America*, it contained the following incredible admissions:

. . . the time of United States military intervention into other countries is past, even in the most serious circumstances. Not even Communist takeover of a country would change the United States' attitude. . . . If the Communists should cut off Venezuelan oil shipments, or if the Santo Domingo incidents should be repeated, or if Communists took over Panama, the United States would not intervene. There will be no United States intervention in Panama.

Never before has there been such a shameless invitation to the Communists to violate and outrage American rights in Latin America. And this by a high official of the Nixon Administration. It lays us wide open to a Communist takeover of the Panama Canal. Dictator Torrijos cannot have missed the point.

[From the Washington Evening Star, Oct. 7, 1971]

Panama Puts Canal Issue Before U.N.

(By Henry Raymont)

United Nations, N.Y.—Panama has placed its case for a new canal treaty with the United States before the United Nations membership.

The unusual procedure was immediately interpreted by diplomatic officials as placing Washington on notice that if the new talks failed Panama might seek international mediation.

United States' officials indicated concern over demonstrations planned in Panama Monday, which they fear could produce incidents along the Canal Zone.

In an interview yesterday, Panama's foreign minister, Juan Antonio Tack, said:

"We are anxious to reach a fair and equitable arrangement with the United States. But the role of Panama in world trade and navigation is of such crucial importance that we believe the issue deserves international attention."

Tack delivered a comprehensive report of Panama's protracted negotiations with the U.S. for new canal treaty to Secretary General U Thant on Tuesday with a request that it be circulated among all member nations.

Negotiations between Panama and the U.S. for a new treaty affecting the administration of the Panama Canal and the possible construction of a complementary sea-level waterway across the isthmus were renewed in Washington June 29 after being suspended for almost four years.

In the 17-page memorandum to Thant, the Panamanian minister expressed hope that the talks would result in "the early elimination of the causes of conflict" between his country and the U.S. At the same time, the memorandum insists that a new treaty must lead to the elimination of any U.S. "jurisdiction profile from Panamanian territory."

The document represented the first time that Panama formally reported on the negotiations to the U.N., since it charged the U.S. with aggression following clashes between Panamanians and U.S. troops in the Canal Zone in January 1964.

[From the New York Times, Oct. 7, 1971]

Panama Informs U.N. of U.S. Talks

(By Henry Raymont)

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DELIVERED MEMO TO THANT

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United States officials close to the negotiations said in Washington today that the talks were progressing "in a constructive, serious way."

"Although major problems have yet to be decided, we feel there is a good atmosphere," one State Department official remarked. "We sincerely hope nothing will happen to change this."

PANAMA STATES HOPES

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The document represented the first time that Panama formally reported on the negotiations to the United Nations since it charged the United States with aggression following clashes between Panamanians and United States troops in the Canal Zone in January, 1964.

Although the charges have technically remained on the agenda of the General Assembly, the dispute was mediated with the help of the Organization of American States, which led to direct negotiations between the two countries for a revision of the 1903 treaty under which the United States has virtual sovereignty "in perpetuity" over the Canal Zone.

TALKS BROKE DOWN IN 1967

The negotiations, headed for the United States by Former Secretary of the Treasury Robert B. Anderson, broke down in 1967 and languished until last June.

In view of the anxiety created in the State Department by reports that the Panamanian Government was preparing to stage a mass demonstration near the Canal Zone Monday, the report of Mr. Tack's communication to the United Nations was received with interest in Washington, although officials declined to speculate on its significance.

During the interview, Mr. Tack disavowed any connection between his representation to Secretary General Thant and the scheduled rally.

The demonstration, he said, is simply intended to mark the third anniversary of the seizure of power of the Government of Brig. Gen. Omar Torrijos Herrera.

"We have advised the United States Government that we have taken every measure to prevent any disturbances that would threaten the Canal Zone," Mr. Tack declared.

[From the Washington Evening Star, Oct. 11, 1971]

Anti-U.S. Stance Hardening

(By Jeremiah O'Leary)

The celebration today of the third anniversary of Panama's military revolution comes as the isthmian republic's aspirations for a whole new relationship with the United States are nearing the flash point.

Panamanian demands for total sovereignty over the Canal Zone are probably more inflexible now than they were in 1964 when anti-American riots led to a shoot-out with U.S. troops at Panama City.

This mood is reflected in Panama's disclosure that it does not support the U.S. resolution at the United Nations for retention of Taiwan's seat when Red China is admitted.

It also comes to the surface through the intensity of public declarations in Panama and the wave of rumors that the Panamanian Students Federation (FEP) intended to turn today's patriotic rally into a march on the Canal Zone. FEP denied this and called it a CIA plot to lead Panamanians into providing an excuse for a Yankee invasion.

Thousands of peasants were being bused to Panama City to hear a speech by Gen. Omar Torrijos, the Panamanian leader.

NEGOTIATIONS VEILED

New negotiations between the United States and Panama are going on now but both sides are silent about the scope of the progress of the talks.

Three draft treaties were drawn up by negotiators in 1967 but were not ratified by either nation. These treaties covered arrangements for the existing canal, arrangements for a proposed sea-level canal to be built by the United States, and arrangements for the U.S. bases in the isthmus.

TORRIJOS SEEKS GAINS

A hard-line group in the House sees predatory designs by Russia and Cuba on the canal and resists any form of concession to Panama. There is no significant congressional grouping in favor of loosening the U.S. grip.

Torrijos, who really runs Panama as a strong-man although the nominal chief executive is a civilian, Demetrio Lakas, is not believed to share the zeal of Panamanian hotheads for ouster of all U.S. military from the isthmus.

In general, Torrijos knows defense of the canal is not negotiable and the U.S. military bases are a goodly source of income for Panama.

TROUBLE IS FEARED

But Torrijos, who overthrew President Arnulfo Arias three years ago today, does want a greater share in the running of this, or any other canal, through national territory and a greater share in its earnings as well.

Panama's position against the Taiwan resolution in the U.N. and for readmission of Cuba to good standing in the Organization of American States are tactical stands.

It is a fair assumption that Panama would quickly switch on these issues if assured of a new deal on the canal.

What worries responsible Panamanian and American citizens is that the rhetoric and public sentiment may get out of hand.

There are many American officials who see no reason for the United States to retain so many of the trappings of sovereignty in the Canal Zone, where there are separate courts, postal systems and police forces. If a new treaty is not concluded soon, they fear, Panamanians may precipitate a crisis that even the republic's leaders would rather avoid.

[From the New York Times, Oct. 12, 1971]

Panama's Leader Warns on Canal

Panama, October 11.—Gen. Omar Torrijos Herrera, the National Guard commander who rules Panama, told a cheering crowd of about 200,000 supporters today that the time might soon come "for one generation to offer its lives" to recover sovereignty over the United States-controlled Canal Zone.

At a rally in the Fifth of May Plaza, just two blocks from the Canal Zone where United States troops were on alert, General Torrijos warned that "we are reaching the limit of our patience."

"What people can bear the humiliation of seeing a foreign flag planted in the very heart of its nation?" the leader asked.

Panama is claiming sovereignty over the 500-square-mile Canal Zone in current negotiations for a new treaty with the United States in Washington. Under a 1903 treaty, the United States, which pays about $1.9-million a year in rent to the Panamanian Government controls the zone "in perpetuity."

REGIME MARKS ANNIVERSARY

The rally was called to mark the third anniversary of the coup d'etat that overthrew the 11-day presidency of Dr. Arnulfo Arias and brought General Torrijos to power. Posters and songs proclaimed that Panamanians would "never go on our knees" in the struggle to end United States control of part of Panama.

However, despite the strongly nationalist tone of the general's speech, no anti-United States disturbances were reported. Well-armed Panamanian guards lined the road beside the Canal Zone.

The United States and Panamanian authorities agreed that if anyone entered the zone, the Panamanian police would be invited in to remove them, rather than having United States troops expel them.

Twenty-two Panamanians and two United States citizens died in riots that began in January, 1964, when Panamanian students pulled down a United States flag.

"Our enemies want us to go to the Canal Zone today," General Torrijos told the crowd of Government employees, workers and peasants. "But we are not going there. I'm not going to be a hero with other people's blood. When everything fails, Omar Torrijos will say 'Let's go,' and Omar will lead you."

ELECTIONS ANNOUNCED

"The moment Panama feels let down at the negotiating table," the general said, "I will come and tell you they are deceiving us—that the moment has come for one generation to offer its lives so that another generation can live in a free country."

General Torrijos, apparently conscious that the United States Congress would be reluctant to ratify a renegotiated treaty with a regime that was not democratically elected, announced steps toward representative government. He said elections would be held by next August for an assembly of 500 "corregidores"—a combination of mayor and magistrate—"who will decide what path the country will follow."

But the character of the regime is not expected to change. "We have to be sure that the revolution is not a revolution of only three years," General Torrijos said. "We have to make sure that this goes on for a long time."

EQUAL HOUSING OPPORTUNITY

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. DIGGS. Mr. Speaker, part of the American dream is being able to live in a decent house, in a decent neighborhood. To the naive, it would seem that the acquisition of such a house merely involves saving enough money for the downpayment and being able to meet the mortgage payments thereafter. Unfortunately, minority groups are daily being denied the right to such housing.

There have been half-hearted attempts, through various kinds of fair housing legislation, to erase restrictions bordering on color, religion, and national origin. But we are daily confronted with evidence proving that equal opportunity in housing is not yet a reality.

Numerous public interest groups responding to the administration's pronouncements on equal housing opportunity, are pressing toward full enforcement of laws which can make the impossible dream possible.

I would like to submit a copy of a "Response by Public Interest Groups to Administration Pronouncements on Equal Housing Opportunity" for the Record:

Response by Public Interest Groups to Administration Pronouncements on Equal Housing Opportunity

On June 11, 1971, President Nixon issued a statement on Federal Policies Relative to Equal Housing Opportunity—which candidly recognized the consequences of ill-housing and racial segregation. On June 14, 1971, the Department of Housing and Urban Development, together with the Department of Justice and the General Services Administration, supplemented this statement by announcing several new steps in the implementation of the fair housing law, actions not less welcome for the fact that they were long overdue.

We respond to the President's statement and the initiatives announced by HUD, the Justice Department and GSA in order to place these recent actions in perspective so that we may determine what they might accomplish if vigorously enforced, and to identify steps that remain to be taken if significant progress is to be made.

Our major concerns, spelled out in detail later in the statement, are as follows:

(1) the Administration makes no commitment to overcome the obstacles to securing decent housing outside the ghetto for people who are poor and members of minority groups. By creating artificial distinctions between "racial" and "economic" discrimination, the Administration has handcuffed itself in efforts to overcome the principal barrier to progress—exclusionary land use

policies which are ostensibly economic in purpose but which have a racial impact.

(2) while taking a few steps forward in prohibiting discrimination by housing developers, the Administration still has not utilized the authority it possesses to assure that developers, lending institutions and real estate brokers carry out their obligations under Title VIII of the Civil Rights Act of 1968.

(3) even with respect to the rules and guidelines it has adopted, the Administration still has not demonstrated a will to enforce the law vigorously, e.g., by initiating its own investigations rather than awaiting complaints.

(4) the Administration's statement fails to recognize that, particularly on an issue as controversial as housing opportunity for people who are poor and members of minority groups, the major responsibility for political and moral leadership rests with the President of the United States. We are particularly troubled by the denials of Federal leverage and responsibility and by the failure to deal forthrightly with the prejudices of affluent white citizens.

THE EXTENT OF DEPRIVATION AND DISCRIMINATION

We share with the President the conviction that the continued denial to the poor and racial minorities of access to decent housing in an open market is the nation's most serious domestic problem. As the President's statement recognizes, the continued confinement of racial minorities to ghetto areas is not simply a denial of decent housing. It also denies them access to jobs, to good schools, to public services and a healthy environment. It results in "wasted human potential and stunted human lives." It 'engenders unwarranted mistrust, hostility and fear."

The 1970 Census figures show a dramatic increase in racially segregated housing patterns—statistics which the President calls "compelling."

Growing racial isolation is evident in the 66 largest metropolitan areas which account for more than half the U.S. population. As the President cites: "the central city white population declined . . . about 2 million (5%)—while the black population increased about 3 million (35%)." These statistics reflect decades of denial and restrictions in freedom of housing choice to minorities. They represent "a history of hardship" in which the Federal government played a substantial role—through FHA sanctioned restrictive covenants; urban renewal projects which "cleared out but did not replace housing which, although substandard, was the only housing available to minorities"; and officially sanctioned segregation of public housing.

After long years of helping to establish and entrench patterns of residential segregation, the Federal government reversed course. With President Kennedy's Executive Order in 1962, the Civil Rights Act of 1964 and 1968 and the Supreme Court's decision in *Jones* v. *Mayer*, the law was clarified and new tools given to the Federal government to prevent discrimination.

But progress under these new laws has been infinitesimal, as the census figures on continued racial separation confirm. The Department of Housing and Urban Development, the agency chiefly responsible for implementing the laws, has been weak and lethargic in fulfilling its duties. It failed to initiate its own investigations, relying almost exclusively upon complaints of discrimination, and thereby placing the burden on individual victims. It did not set down clear standards to give content to the fair housing law. It did not require affirmative action by the housing industry to undo the effects of past discrimination. It had to be called to account by Federal Courts in several cases for failing to adopt or implement rules to avoid racial concentration in subsidized housing.

Perhaps most tragic, the patterns of racial isolation established in old programs have been carried over to new programs. New housing built for low and moderate income families in the suburbs has been occupied for the most part by whites. Black citizens, offered the hope of home ownership for the first time, have often found themselves relegated to old houses in the inner city. Some of the transactions for this housing have been tainted with fraud in which the FHA has been implicated and minority citizens have been the victims. While the President speaks of "dramatic progress in increasing the supply of housing," there is increasing evidence of the creation of new ghettos and instant slums.

It is in this context that the President's statement was issued and new steps taken. In the light of this history it is imperative that the most careful scrutiny be given to what these measures are likely to accomplish. Will they "correct the effects of past discrimination" as the President desires? Will they reverse the trends of racial separation? Will there be an end to "wasted human potential and stunted human lives?"

ACTION TAKEN TO ELIMINATE DISCRIMINATORY PRACTICES BY THE HOUSING INDUSTRY

First, with respect to removing barriers traceable to industry practices, the President states: "Racial discrimination in housing is illegal, and will not be tolerated." Further, Federal policy "must be aimed at correcting the effects of past discrimination." "And it must be results-oriented so its progress toward the overall goal of increasing housing opportunities can be evaluated." Two of the chief components of the program are the "development of information programs" and "policies relating to housing marketing practices."

On June 14, Secretary Romney, Attorney General Mitchell and General Services Administrator Kunzig released announcements to amplify these general policy statements. Those pertaining to industry practices are the proposed affirmative marketing guidelines and site selection criteria for Federally subsidized housing.

The affirmative marketing guidelines seek to give content to the concept of "fair housing" by setting forth specific steps for developers to take to assure that minority homeseekers will know of and have access to housing opportunities. Although the new guidelines are a step forward, their shortcomings are substantial. One major defect is that transactions on existing housing are not covered. Thus, out of a housing inventory in excess of 60 million units, fewer than one million new FHA assisted starts will be covered each year. In addition, it is not at all clear that these projects will be monitored to insure compliance by developers or whether FHA will continue to rely almost totally on the receipt of complaints.

Furthermore, real estate brokers who play a major role in the sale and leasing of housing are not subject to the requirements of affirmative marketing criteria. If these new criteria are to have any effect in eliminating the dual market, coverage must be extended to include a far greater proportion of housing and to bring brokers within its provisions.

In addition, HUD should condition Federal assistance on satisfactory assurances from developers and brokers that they are not discriminating in any business transactions whether or not federally assisted.

To carry out the promise to develop information programs the affirmative marketing guidelines direct local FHA insuring offices to make available upon request lists of projects or subdivisions on which FHA commitments have been issued during the preceding 30 days. Although billed as a new program, this procedure was established under E.O. 11063 and is not an innovation. (In fact, these lists included repossessed housing, FHA insured multi-family housing and were not limited to projects of 25 or more units.) What is plainly needed is an information program along the lines recommended by the Civil Rights Commission in its report on the "235" housing program. Merely making this information available in local FHA insuring offices is totally unrealistic in the area of low and moderate income housing. As the Commission emphasizes, "one of the serious impediments to the successful operation of federally assisted programs that serve lower-income families has been the lack of information . . ." The Commission recommends the establishment of local offices where the people whom the program is designed to serve can be assisted and counseled. This step is essential.

While the adoption of *site selection procedures* is welcome, it should be recognized that there are limitations on what those procedures can achieve. The fundamental weakness is that they cannot compel the building of low and moderate income housing where exclusionary land use policies prevent it. Stronger measures are needed to make sites available, measures that are discussed in the next section.

Site selection policies can only assure that where developers do have sites available, HUD will give preference to those which provide the best opportunity for achieving racial and economic integration. But under the rating system established by HUD it is not all clear that such sites will be favored. Whereas a superior rating is awarded for a site promoting racial and economic integration under the category "nondiscriminatory location" the same site may be at a disadvantage under criteria for "neighborhood environment" and "employment and utilization of employees and business in project areas." Thus it will still be possible to continue assisting housing constructed in a manner to perpetuate and exacerbate racial concentration.

Site election is only a part of the process. Tenant and owner selection is of equal significance. Under the present system the private developer or sponsor determines who shall buy or rent a unit. He certifies their eligibility and applies his own standards for acceptance. The Commission on Civil Rights in its report on the 235 program found segregated patterns were attributable in part to the brokers and developers. No program comparable to public housing tenant selection procedures has been proposed to ensure equal opportunity to eligible families desirous of participating in the 235 and 236 programs.

It is also discouraging that no other specific measures directed at the housing and home finance industry were set forth or proposed. For example, although the President's statement refers to the responsibilities of Federal agencies that regulate lending institutions, neither President Nixon nor Secretary Romney stated that these agencies would be expected to develop an effective program, backed by sanctions, to prevent lending discrimination. Nor have these agencies made any commitment to promulgate such a program. Whether or not law suits are brought by the Department of Justice to restrain discriminatory lending practices, (and none have been brought to date), it is imperative that the Federal regulatory agencies act to establish a system for collecting the necessary racial data and enforce the fair housing law with respect to their member banks and savings and loan associations.

In short, the Federal government has not yet provided effective guarantees that minority citizens will be treated fairly at the hands of builders, brokers, and lending institutions. Even with respect to Federally subsidized housing we cannot be sure that the disgraceful pattern found by the Civil Rights Commission—blacks going into existing housing in ghetto areas, whites into new housing in the suburbs—will be terminated. The policies adopted are a small step forward, but there is much yet to be done.

EXCLUSIONARY PRACTICES OF LOCAL COMMUNITIES

While the President's statement and the new policies promulgated by Secretary Romney promise some improvement in the implementation of civil rights laws against discriminatory industry practices, one of the most formidable barriers to equal housing opportunity is that posed by the exclusionary practices of local communities, particularly zoning ordinances. It is here that the Administration's statement is most ambiguous and its policies most deficient. Federal agencies followed the President's statement with two policy steps: (1) entry into housing litigation involving *Black Jack, Missouri* and (2) the announcement of new housing criteria to be taken into account in awarding water and sewer grants to local governments (with the indication that such criteria may also be applied to other "community development" grants). These steps fall far short of what is required to make any real contribution to solving the problems of housing deprivation and racial concentration that the President so eloquently described.

In *Black Jack*, the Department of Justice, after almost seven months of study and the public declaration by a member of the President's cabinet that the situation involved a "flagrant violation of the Constitution," decided to institute a law suit. *Black Jack* is a case where neighbors of a proposed moderate income project incorporated themselves and passed a zoning ordinance for the specific purpose of preventing the construction of integrated housing. In short, the basis for Federal action was clear and powerful evidence that the exclusionary action of the newly created local government was *racially motivated*. Since it is rare to find such overwhelming evidence of racial motive (in most cases zoning ordinances existed long before efforts to construct low income housing), the question remains: what legal action will the Administration take in situations where the *effect* of zoning ordinances or other exclusionary action is racial, although there may not be available legal proof that the *purpose* was racial?

In this respect, the President's message is most discouraging, for it seeks to drive a wedge between race and poverty and to maintain an artificial distinction between "economic" and "racial" discrimination. It is true, as the President says, that "the term 'poor' and 'black' are not interchangeable" and that there are "far more poor whites in America than there are poor blacks."

But these statements, while true, are irrelevant if the issue is meeting the housing needs of people who live in the major metropolitan areas of the Nation. In these metropolitan areas, substantially more than half of the poor who are confined to the inner city poverty areas are members of minority groups. Seventy-four percent of poor white families do *not* live in poverty areas.

This is not to say that many white poor do not have housing needs. But it is clear that in major metropolitan areas the major impact of exclusionary zoning ordinances is upon black, Puerto Rican, and Mexican American citizens. (Indeed, in its affirmative marketing guidelines, the Administration's position is that *every* subsidized housing project will be open to minority citizens. It follows that every exclusion by a suburban community of subsidized housing has a racial impact and should be opposed by prompt and vigorous Federal action).

At one point in his statement, the President frames a proper legal test.

"If the *effect* of the [purportedly economic] action is to exclude Americans from equal housing opportunity on the basis of their race, religion or ethnic background, we will vigorously oppose it by whatever means are most appropriate—regardless of the *rationale* which may have cloaked the discriminatory act" (emphasis added).

In short, the appropriate legal test is racial effect, not racial purpose. If the government were prepared to follow the logic of its legal position, it would now be investigating many cases for the purpose of establishing the racial effect of exclusionary local actions and we would be highly encouraged. Instead the Administration continues to maintain the fiction that poverty and race are separate problems—a position which, except for a few unusual situations—will lead to continued racial concentration.

The President's statement in this connection, should be compared with his statement on the same problem a little over one year ago, in his Second Annual Housing Goals Report to the Congress. In that message he pointedly stated: "Community opposition to low- and moderate-income housing involves both racial and economic discrimination . . . (I)t is difficult, if not impossible, in many communities to find sites for low- and moderate-income housing because the occupants will be poor, or will be members of a racial minority, or both. The consequence is that either no low- or moderate-income housing is built or that it is built only in the inner city, thus heightening the tendency for racial polarization in our society." The President, in that report, also requested legislation "which would prohibit states and local public bodies from discriminating against housing subsidized by the federal government, whether through legislative or administrative action."

It is quite apparent that these statements were motivated by concern that the lack of good sites for subsidized housing would severely cripple HUD's efforts to attract more highly capitalized entrepreneurs who might utilize industrialized methods of construction in the federal programs. This problem may, indeed, be the Achilles Heel of "Operation Breakthrough," widely heralded as a major administration initiative in this direction in 1969, or any other program to increase the production of housing.

The second Administration initiative is essentially a reaffirmation of existing policy, that "to qualify for Federal assistance, the law requires a local housing or community development project to be part of a plan that expands the supply of low- and moderate-income housing in a racially non-discriminatory way." The defects of this policy are (1) that the guidelines issued for water and sewer grants are inadequate to assure that an application will be funded only if there is a pledge to provide low and moderate income housing and (2) that the policy will be applied only to a few programs, not those which would provide real inducements to communities to meet the housing needs of the poor and racial minorities.

The first deficiency is exposed by the guidelines that Secretary Romney has issued governing water and sewer grants. These make clear that the provision of low and moderate income housing is only one of a great many criteria to be considered in determining whether a community will receive a grant. In fact, a locality whose application is otherwise in order may qualify for funds even if it makes no commitment to meeting housing needs. We do not find, for example, anything in the criteria which would bar such grants to *Black Jack, Missouri*.

Even if the standards are strengthened and made mandatory, however, Federal policy cannot be made effective until responsibility for meeting the housing needs of the poor and minorities is made a condition of *all* Federal assistance, not just community development projects such as urban renewal, water and sewer and open space grants.

Under present policy, communities which exclude minorities and the poor may select among the various Federal programs to meet their community's needs irrespective of the conditions and needs of surrounding communities. They seek financial assistance for transportation services and highway construction to encourage the introduction of industry and commercial enterprises to increase their tax base. Federal money also flows for programs of economic development, health, education and environmental protection. It is only because of these substantial kinds of assistance that such communities are able to maintain and even improve their standard of living while at the same time maintaining racial and economic exclusivity. The continuation of such Federal assistance unaccompanied by civil rights standards subverts our major national housing goal—to provide a decent home in a suitable living environment for all American citizens.

In addition, industry and Federal installations are much sought after sources of revenue for many suburban communities. Why, for example, would the Federal government continue to make large contracts with, or give favorable tax treatment to, employers which locate in communities that exclude poor and black people? Suburban communities are often very anxious to attract such employers; the property taxes they pay make it possible for the community to provide adequate public services without unduly burdening their own citizens. Yet, the location of employers in restrictive suburbs frequently makes a sham of equal employment requirements. Minority workers cannot live in the community, nor do they have adequate access to the jobs. A reasonable—indeed a necessary—condition of a government contract if equal employment laws are to be meaningful is that minorities and lower income employees must be able to live in the communities in which the jobs are located.

Until 1969, availability of housing for low and moderate income employees was not a consideration in relocating or establishing a Federal installation. In 1969, by internal regulation and later in 1970 by Executive Order, GSA was required to consider the housing element in determination to relocate. This order was silent on nondiscrimination. The memorandum of understanding between GSA and HUD on June 14th strengthens the government's policy. It is not absolutely clear, however, that GSA is prohibited from locating in communities which housing is not available to all.

Similar requirements should be applied to all government contractors. Further, the Equal Employment Opportunity Commission should include availability of housing as a factor in determining equal employment opportunity.

On these, as on other crucial matters, the President's Housing statement is either silent or negative. It has diagnosed a cancer and prescribed aspirin as the remedy.

EXECUTIVE LEADERSHIP

Perhaps the most discouraging aspect of President Nixon's statement in its limited view of the responsibility the President and the Federal government must accept for correcting conditions which are admittedly very serious.

No one can dispute the fact that providing housing for the poor and for minorities is one of the most politically sensitive issues of our time. Mr. Nixon has recited the fears that exist in suburban communities—that poor people would "lower property values," that they would "contribute less in taxes than they consume in services," that their entry would "bring a contagion of crime, violence, drugs." But the responsibility of the President is not simply that of a good reporter (to describe prejudices that are held "rightly or wrongly") or even that of a good lawyer—but that of a political and moral leader. It is his duty to counter prejudices and fears, to make clear that the remedies are not to impose a quarantine or to reinforce the ghetto conditions that bred them in the first place; to place before the American people the hard alternatives they face in the cities; to offer programs responsive to legitimate concerns.

Nor can the Administration seek to avoid responsibility by pleading that the Federal government lacks "leverage" in the field of housing. As the statement itself acknowledges, the Federal government has been at minimum a willing partner in the development of ghettos and segregated suburbs. It is simply unacceptable for the Administration to suggest that the government, with all of the enormous resources it has at its disposal and with the detailed regulation it has employed in fields such as taxation, is powerless to correct a fundamental injustice which it has helped to create. It is particularly ironic that this Administration, so concerned with the power and influence of the U.S. *abroad*, seems content to assume the role of a "pitiful, helpless giant" at *home*, unwilling to assure equality to its own citizens.

The answer, it should be clear, is not a choice between Federal and local action, but a wise combination of both. Certainly there are "infinitely varied individual questions that arise as our thousands of local governments hammer out their individual local land use policies." No one has suggested that the Federal government impose a strict pattern of conformity on every community in the Nation. But, if the Federal government does not set down as a fundamental ground rule that the local governments in each metropolitan area must meet the needs of the poor and minorities in that area for decent housing, few localities will act on their own. Once the basic rule of equal housing opportunity is established, there can be great scope for diversity in the way that each locality fulfills its obligation.

As to the allocation of responsibility within the Federal government itself, we believe, as we have stated, that the Executive branch now possesses all of the authority necessary to surmount the barriers to providing housing for the poor and minorities throughout the metropolitan areas. If, however, the Administration determines that additional authority or assistance from the legislative branch would be useful, the President should present such legislation to the Congress promptly. It will not do for Secretary Romney to tell the mayors that *they* should seek legislation. The mayors will be regarded as special pleaders; the President speaks for all the people.

Further, the President's leadership is needed not only to create support and understanding among citizens but to mobilize the Federal bureaucracy itself. Time and again during the last decade, excellent policy statements on equal housing opportunity have been subverted by the unwillingness of the Federal housing officials to take vigorous action to implement them. Even the limited initiatives taken by this Administration will fail unless offcials of the FHA and the other housing agencies are made to understand that they will have no higher responsibility than to carry out policies designed to meet the housing needs of the poor and minorities.

Finally, while we have focused principally upon the preeminent responsibilities of the President, it must be recognized that others also have an obligation to provide national leadership. It is somewhat discouraging that on an issue as vital and controversial as this one, few political leaders have articulated a clear position. We call upon national leaders of both political parties, not simply to react to the President's statement, but to spell out their own affirmative programs for securing decent, non-segregated housing for poor and minority citizens.

CONCLUSION

While we are greatly disturbed by the negative aspects of the President's statement and the failure of the Administration to take steps to assure equal housing opportunity, we are not bereft of hope. The Administration has recognized for the first time the seriousness of the problem and has taken the first halting steps toward solution. Much will depend upon its ability to enforce the policies that have been adopted and its willingness to reconsider self-imposed limitations upon the adoption of policies that would promise genuine relief.

The President has asked in this field as in others that his Administration be judged by the results it achieves. That is precisely what we shall do.

PARTICIPATING ORGANIZATIONS OF LEADERSHIP CONFERENCE ON CIVIL RIGHTS

Actor Equity.
African Methodist Episcopal Church.
African Methodist Episcopal Zion Church.
Alpha Kappa Alpha Sorority, Inc.
Alpha Phi Alpha Fraternity, Inc.
Amalgamated Clothing Workers of America.
Amalgamated Meat Cutters & Butcher Workmen.
American Baptist Convention—Division of Social Concern.
American Civil Liberties Union.
American Ethical Union.
American Federation of Labor-Congress of Industrial Organizations.
American Federation of State, County & Municipal Employees.
American Federation of Teachers.
American GI Forum.
American Jewish Committee.
American Jewish Congress.
American Newspaper Guild.
American Veterans Committee.
Americans For Democratic Action.
Anti-Defamation League of B'Nai B'rith.
A. Philip Randolph Institute.
B'Nai B'rith Women.
Brotherhood of Sleeping Car Porters.
Christian Methodist Episcopal Church.
Church of the Brethren—Brethren Service Commission.
Church Women United.
Citizens Lobby for Freedom & Fair Play.
College YCS National Staff.
Committee for Community Affairs.
Congress of Racial Equality.
Delta Sigma Theta Sorority.
Episcopal Church—Division of Christian Citizenship.
Episcopal Society for Cultural and Racial Unity.
Franciscan Social Action Team.
Friends Committee on National Legislation.
Frontiers International.
Hadassah.
Hotel and Restaurant Employees and Bartenders International Union.
Improved Benevolent & Protective Order of Elks of the World.
Industrial Union Department—AFL-CIO.
International Ladies Garment Workers' Union of America.
International Union of Electrical Radio & Machine Workers.
Iota Phi Lambda Sorority, Inc.
Japanese American Citizens League.
Jewish Labor Committee.
Jewish War Veterans.
Kappa Alpha Psi Fraternity.
League for Industrial Democracy.
League of Women Voters of the United States.
Luthern Church in America—Board of Social Ministry.
Lutheran Human Relations Association.
Medical Committee for Human Rights.
National Alliance of Postal & Federal Employees.
National Alliance of Postal & Federal Employees—National Women's Auxiliary.
National Assembly for Social Policy & Development, Inc.
National Association for the Advancement of Colored People.
National Association of College Women.
National Association of Colored Women's Clubs, Inc.
National Association of Market Developers.
National Association of Negro Business & Professional Women's Clubs, Inc.
National Association of Real Estate Brokers, Inc.
National Association of Social Workers.
National Baptist Convention, U.S.A.
National Bar Association.
National Beauty Culturists' League, Inc.
National Catholic Conference for Interracial Justice.
National Catholic Social Action Conference.
National Community Relations Advisory Council.
National Council of Catholic Men.
National Council of Catholic Women.
National Council of Churches—Department of Social Justice.
National Council of Jewish Women.
National Council of Negro Women.
National Council of Puerto Rican Volunters, Inc.
National Council of Senior Citizens, Inc.
National Dental Association.
National Education Association.
National Farmers Union.
National Federation of Settlements & Neighborhood Centers.
National Federation of Temple Sisterhoods.
National Jewish Welfare Board.
National Medical Association.
National Newspaper Publishers Association.
National Organization for Mexican-American Services.
National Organization for Women.
National Sharecroppers Fund.
National Urban League.
Negro American Labor Council.
Oil, Chemical & Atomic Workers International Union.
Omega Psi Phi Fraternity, Inc.
Phi Beta Sigma Fraternity, Inc.
Phi Delta Kappa Sorority.
Pioneer Women, American Affairs.
Poale Zion.
Presbyterian Interracial Council.
Retail Clerks International Association.
Retail Wholesale & Department Store Union.
Scholarship, Education & Defense Fund for Racial Equality, Inc.
Southern Beauty Congress, Inc.
Southern Christian Leadership Conference.
Textile Workers Union of America.
Transport Workers Union of America.
Union of American Hebrew Congregations.
Unitarian Universalist Association.
Unitarian Universalist Women's Federation.
United Automobile Workers of America.
United Christian Missionary Society.
United Church of Christ—Committee for Racial Justice Now.
United Church of Christ—Council for Christian Social Action.
United Farm Workers Organizing Committee.
United Hebrew Trades.
United Presbyterian Church—Commission on Religion & Race.
United Presbyterian Church—Office of Church & Society.
United Rubber Workers.
U.S. Catholic Conference—Department of Social Development.
United States National Student Association.
United States Youth Council.
United Steelworkers of America.
United Synagogue of America.
Women's International League for Peace & Freedom.
Workers Defense League.
Workmen's Circle.
Young Men's Christian Association, National Board.
Young Women's Christian Association of the USA, National Board.
Zeta Phi Beta Sorority.

THE MENTALLY RETARDED AND HANDICAPPED MUST NOT BE FORGOTTEN

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. KOCH. Mr. Speaker, in today's New York Times there is an editorial entitled "Aid for Retarded Children." It commends the Federal District Court in Philadelphia for requiring the State of Pennsylvania to provide free public education for all retarded children just as they do for children, who blessedly, are born normal.

We, in this Congress, as well as on every other level of government have failed miserably to provide moneys in many essential areas, but the most unconscionable failure is our refusal to adequately care for the hapless retarded and handicapped. To illustrate I am appending correspondence which I have had on this subject with New York State officials, as well as a copy of the editorial.

MAY 24, 1971.

DEAR CONGRESSMAN KOCH: As per my conversation with you on May 21, 1971 at your office. This is in relation to Letchworth Village, where my son is a patient for the last twelve (12) years. He is in a infirm cottage, where the boys need individual care, they have to be feed, dressed, and have no control of toilet needs.

My husband and I visit our son every week, and we find that the cottage is very short in help more so in the past years. With the shortage of help there are more absentee's, naturally the children are neglected, and there seems to be more injuries to the children.

The infirm cottage where my son is a resident, when my husband and I visit there we find terrible odors which is a terrible health hazard. Of course there are other things which I will not mention which can be corrected.

I hope Congressman Edward Koch with your help you will be able to correct this terrible situation.

Thank you in advance, and for your personal interview.

May God bless you and yours.

Sincerely,

Mrs. ——— ———.

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., June 9, 1971.
HOLLIS S. INGRAHAM, M.D.,
Commissioner of Health, Department of Health of the State of New York, Albany, New York

DEAR DR. INGRAHAM: I am enclosing a copy of a letter which I have received from Mrs. ———, a constitutent of mine, whose son is confined to Letchworth Village. Mrs. ——— came in to see me several weeks ago and mentioned a number of conditions and situations which naturally upset her greatly. For example, she related an instance to me where her son, who I believe suffers from cerebral palsy, was left out in the sun for many hours and as a result received a bad sunburn.

I understand from Mrs. ——— that other parents have complained about the quality of service which patients at Letchworth receive. I would very much appreciate, subject to your regular procedures regarding matters such as these, if you would have someone investigate these allegations, and advise me of your findings and of whatever action you may decide to take to remedy the situation.

Thank you for your cooperation.

Sincerely,

EDWARD I. KOCH.

STATE OF NEW YORK,
DEPARTMENT OF MENTAL HYGIENE,
Albany, N.Y., August 12, 1971.
Hon. EDWARD I. KOCH
Congress of the United States, House of Representatives, Washington, D.C.

DEAR MR. KOCH: I do appreciate this opportunity to respond more fully to you concerning your constituent, Mrs. ———, and her son ———, a resident at Letchworth Village.

Members of my staff have discussed the incident regarding ——— with Dr. Oleh Wolansky, Director of Letchworth Village, and Dr. T. Smith, the physician in charge of the Lambia Cottage where ——— lives.

Residents in the infirm cottages are taken out-of-doors for short periods during the day when the weather permits. Although exposure to the sun is controlled as much as possible, a resident may occasionally get a slight sunburn. In ——— case, this was noted by the cottage staff and appropriate measures were taken. Within a couple of days the sunburn on the back of ——— neck had faded without blistering or peeling.

I share fully Mrs. ——— concern for the quality of care and living conditions at Letchworth Village, and would suggest that she discuss any specific question she may have about her son's treatment and care, or more general matters of interest to her, with the appropriate staff at the School.

Indeed, I am very much aware that some conditions at Letchworth Village are not entirely what I would like them to be. Letchworth Village has been and continues to be one of the most overcrowded and understaffed state schools in New York. In spite of some very real progress and continuing concentrated efforts to improve this situation, recent budgetary restrictions have severely handicapped these efforts. Unfortunately, these restrictions on new appointments to Letchworth Village have had the greatest impact on the staffing of the infirm cottages, where the needs are most critical.

When hiring has been permitted, the majority of employees have been assigned to the infirm cottages. However, due mainly to the attrition, it has been most difficult to maintain an adequate staffing level in these areas.

Let me assure you that I will continue to do everything in my power to improve conditions at Letchworth Village, and at the other State schools. Your interest and concern are very much appreciated.

Sincerely yours,

WILLIAM D. VOORHEES, Jr., M.D.,
Acting Commissioner.

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., October 1, 1971.
Hon. NELSON A. ROCKEFELLER,
Governor of New York,
Executive Chambers,
Albany, N.Y.

DEAR GOVERNOR: Every Friday I meet with constituents and not very long ago I met with the mother of a young boy, ———, a resident of Letchworth Village. His mother complained that ———, who suffers from cerebral palsy, is not receiving sufficient attention at Letchworth.

The enclosed letter received from Dr. William D. Voorhees, dated August 12th, very candidly says: "Indeed, I am very much aware that some conditions at Letchworth Village are not entirely what I would like them to be. Letchworth Village has been and continues to be one of the most overcrowded and understaffed state schools in New York. In spite of some very real progress and continuing concentrated efforts to improve this situation, recent budgetary restrictions have severely handicapped these efforts. Unfortunately, these restrictions on new appointments to Letchworth Village have had the greatest impact on the staffing of the infirm cottages, where the needs are most critical."

Governor, it is just not acceptable that budget cuts should affect the most handicapped of our citizens, and I ask you to undertake whatever is necessary to provide funds to adequately staff these schools for the handicapped.

I would appreciate your advising me as to what you can and will do so that I, in turn, may advise my constituent. Please reply to my New York office.

Sincerely,

EDWARD I. KOCH.

[From The New York Times, Oct. 13, 1971]

AID FOR RETARDED CHILDREN

The ruling by a three-judge Federal court in Philadelphia that the state of Pennsylvania must provide free public education to all retarded children constitutes a historic step in an area that has suffered from public and professional neglect. Similar court tests will inevitably be instituted elsewhere unless school systems across the country move toward voluntary compliance with what will surely become the universal legal requirement.

The education of retarded children is a difficult task, but it is clearly a responsibility to be borne by school and society. For parents it is, under present chaotic and often callously inadequate provisions, both a personally heartbreaking and financially ruinous problem. School systems apply widely differing standards in categorizing youngsters ineducable. Even where districts nominally accept the responsibility for keeping such children in school, they often fail to provide effective instruction, thus adding frustration to disability. Yet the few existing private institutions of acceptable quality are beyond the financial reach of most families of even comfortable means.

The court ruling is humane and socially sound. Whatever the cost of educating retarded children, the cost of setting them adrift in the world without giving them the means to lead useful lives is far higher. It it also morally indefensible. With only about 3 percent of the school-age population in the retarded category, the Nation is surely able to provide the means to point these youngsters on a productive course.

A court order alone, however, is not enough. To translate the law into educational policy requires fully trained personnel and adequate staffing in existing schools and in special facilities. United States Education Commissioner Sidney P. Marland Jr. urges that 1980 be set as the target year for assuring all retarded children of a free public education. The Pennsylvania ruling provides a new legal basis for eliminating a glaring neglect.

IS THERE A PLACE FOR INTEREST RATES IN THE ECONOMICS GAME PLAN?

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. VAN DEERLIN. Mr. Speaker, now that President Nixon has announced phase II of his new economics plan, I find much that is commendable but wish the President and his administration would show more interest in interest.

But although there are ambitious proposals for controlling wages, prices, and rents, the cost of borrowing has been generally overlooked in what the White House has proffered so far.

It goes without saying that interest costs represent a key to the future for many if not most of our citizens.

These rates determine whether we can

afford to pay for a house, a car or a major appliance—or the expense of young people in college. Yet, this administration has largely looked the other way while interest rates have soared.

I do not feel that at this point the voluntary restraints on interest rates called for by Mr. Nixon are sufficient. Back where I come from, that term "voluntary control," freely translated, has always meant, "Don't steal more than you can carry."

It is unfortunate, in my view, that borrowers are not represented on the committee which Mr. Nixon will set up to enlist the cooperation of lenders in holding down interest charges. Instead, the committee will consist entirely of Federal officials, including the Chairmen of the Federal Home Loan Bank Board and the Federal Deposit Insurance Corporation—both of whom by the nature of their jobs are particularly receptive to the needs of bankers.

Few chicken coops ever have contained so many foxes.

Lest I sound carping, I would like to specifically praise the President for his decision to name representatives of management and labor as well as the general public to the crucial board charged with regulating wages.

The same irrefutable logic should apply in establishing a more representative committee to deal with interest rates.

Finally, I am puzzled by the apparent need for the President to ask for standby authority to impose mandatory controls on interest rates and dividend payments. I thought Congress had given Mr. Nixon this authority 2 years ago, and that he had just been loathe to use it.

In any event, more than standby power is needed now. The time has come for action to knock down interest rates across the board.

ANTIGUN LOBBY PROPOSES PEACEFUL SURRENDER BY DISARMING AMERICAN PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. RARICK. Mr. Speaker, concerned and informed Americans understand that regardless of United Nations treaties and moves afoot in our country to completely reverse our constitutional form of government, there can never be any peaceful takeover as long as the average American has the right to own and possess firearms. This being so, many of the present socialistic concentrations of power in Washington bureaucrats can never be fully implemented until the firearms are taken from the people.

A rough summary of the unfortunate deterioration of constitutional government in our country should impress everyone that our State and local governments are reduced to but powerless pawns under the Federal bureaucracy. The domestic regulation of our money has already been surrendered to the Federal Reserve Banking System and the regulation of the value of foreign exchange made dependent upon the manipulations of the International Monetary Fund. The Post Office Department, an important link in communications, has been given to another Federal Reserve-like private monopoly, and we have watched nationalization of the railroads in the Penn Central case and of private industry in the Lockheed matter.

Federal judges have already assigned control of our children's minds to uniform treatment of mass education and by the implementation of busing, have proven that the Federal Government has a greater degree of ownership over schoolchildren than do the parents. To supplement the Federal thought control over our children, the House has now passed H.R. 10351, the Senate S. 2007, to lay the groundwork for complete takeover of the American child shortly after birth in order to teach them the art of growing up as faceless children of a collective society rather than chance their becoming individuals under parental training and supervision.

We are today considering the Consumer Protection Act of 1971, which if anything will be adverse to the consumer because it will serve as the Soviet for nationalization or bankruptcy of all small businesses in our country. As small business declines and producers become less competitive, unemployment can be expected to increase; and prices, unless frozen under a continued socialist type economy, can be expected to soar. The consumer can expect a smaller variety of goods, less competition, more standardization, and even higher costs.

This then brings us to the necessity to control and regulate food. And by chance, next week the House is to consider the Federal Pesticide Control Act (H.R. 10729) delegating to the Director of the new Environmental Protection Agency almost unlimited powers to decide what agricultural chemicals can be manufactured and used by American farmers in supplying our food. Concentration of such power in one location can but establish a nerve center for repeated attacks by the environmentalist enthusiasts, which can be expected to result in serious handicaps to our food-raising capability. A relatively small number of Americans in the agricultural segment of our society have been able to make us one of the few countries in the world able to produce an abundance of foodstuffs for our citizens. Food and fiber production in such large quantities have been made possible only because of advancements in agricultural chemicals. Any sudden prohibition of the use of these chemicals can only result in food shortages in our country. In any centralized dictatorship, control of food has always been regarded as essential for control. In the United States, after this bill is enacted, political justification of planned famines will be possible under the guise of curbing pollution and safeguarding environment.

And then we come to the inevitable hurdle—the last step for complete nationalization—the denial of the right and ability of the individual American to defend himself and his family. The firearms have got to go—so the leftwing liberals say.

At present, firearm control bills are pending in both the House and the Senate. The authors of the antigun bills in the House are from New York State where, under the provisions of the Sullivan Act, all firearms are registered. According to a New York Daily News account of August of this year, there has not been one homicide in New York City with a legally owned firearm since the firearm bill went into effect in 1968. There are, of course, many homicides, but they are all with illegal guns or stolen weapons. And ironically, those paranoid over the antigun movement have been outspoken with concern for the inmates of Attica where of the 30 convicts killed in the riot, six were serving murder sentences and four serving sentences for manslaughter.

And then in our Nation's Capital, Washington, D.C., which has a police force larger in number than some of our States, crime-riddled merchants are banding together to hire private security guards to help insure "better citizen protection." Our Nation's Capital, 62.7 square miles in area with a population of 764,000, employs six police for every 1,000 people and also has stringent firearm laws which were enacted by the U.S. Congress. As of October 4, 1971, there have been 207 murders, 31 of which remain unsolved; the local paper issued a monthly crime report headlined "D.C. crime rate drops." An analysis of the report indicates that misdemeanors and probably speeding tickets and parking tickets may have declined, but that reported rapes had increased 13.3 percent and murders increased 15 percent as compared to a year ago.

Another significant report delivered to the American Public Health Association annual meeting in Minnesota this month covered a 5½-year study of rape victims in the District of Columbia. The report indicated a sharp increase in violence and the frequency of gang attacks. With such frightening statistics as these, where many of the criminals are repeaters, it is absurd to even consider that any thinking American citizen would ever give up his firearm and his right to self-defense. The statistics but prove the thinking of many that in none of these criminal instances would denial of firearms to the victims have prevented the violence. But, on the other hand, if the criminals were given greater assurance that their victims were unarmed, the incidence of crime could be expected to be even higher.

The petty arguments offered by the antigun syndrome are feeble. There can be no solution to the violence problem until we are rid of the soft-on-criminals judges and bleeding-heart foundations which are so active in the protection of the welfare of criminals and adamant against law enforcement and the safety of law-abiding citizens. Massive expenditures of taxpayers' money for law and order and safe streets go for nought. Crime continues to flourish and seemingly the victim has no rights under our presently perverted administration of justice. The chaotic conditions manifested in our country are revealed in the form of violence and crime hurt many decent law-abiding, and honest American men and women. The liberal's dreams of guaranteed civil rights and equality have becomes a nightmare that threatens the sanity of our land.

By now, experience must have convinced the American people of the wisdom of our forefathers who wanted us to have the right to keep and bear arms. The excuses offered for taking the guns from the American people are exactly the reasons why American people want guns and will keep their firearms.

The right to keep and bear arms is the last stronghold of constitutional government. Its loss would herald the final step—the dissolution of the Republic and our constitutional form of government.

I ask that several related newsclipping follow?

[From the Washington Post, Oct. 13, 1971]

August 1971 D.C. Crime Rate Drops

(By Paul W. Valentine)

Washington's serious crime rate for August inched up .3 per cent over July but was 9.7 per cent below the rate for August, 1970, the metropolitan police department reported yesterday.

The department's regular monthly statistical report showed there were 4,520 serious crimes reported for August this year, 16 more than the 4,504 reported for July but almost 500 fewer than the 5,003 reported in August last year.

Continuing a general pattern of recent months, reported murders and rapes increased substantially compared to a year ago, while decreases were reported in the other five major crime categories—robbery, aggravated assault, burglary, auto theft and larceny over $50.

The number of reported murders more than doubled from 11 last August to 26 this August. Reported rapes increased 13.3 per cent from 45 to 51.

Police officials have attributed the increase in murder to the greater availability of firearms on the street, more shooting of persons during robberies and an increase in narcotics underworld shootings.

The rape figures, on the other hand, have gone up as a result of a recent change in police reporting methods, officials say. Formerly, a complaint was classified as a rape only after an assistant U.S. attorney screened the case to see if it contained sufficient elements for prosecution. Since April this year, all cases are immediately entered as reported rapes upon the say-so of the complaining women.

While the numerically small categories of rape and murder were higher than in August, 1970, the other categories experienced moderate to substantial decreases:

NUMBER REPORTED AUGUST

			Monthly change	
	1970	1971	Number	Percent
Murder	11	26	+15	+136.4
Rape	45	51	+6	+13.3
Robbery	939	913	−26	−2.8
Aggravated assault	400	351	−49	−12.3
Burglary	1,816	1,695	−121	−6.7
Larceny over $50	666	654	−12	−1.8
Auto theft	1,126	830	−296	−26.3

Among the city's seven police districts, the first district, comprising commercial downtown, Capitol Hill and new Southwest, reported the greatest number of serious offenses in August with 868—31 less than in August, 1970, but 19 more than in July this year.

With its abundance of shops, restaurants and hotels, it led the city in reported robberies (191), burglaries (265) and larcenies over $50 (192).

The second district, which takes in a western segment of commercial downtown and all of the city west of Rock Creek Park, reported the fewest serious crimes (454). The sixth district, which covers all of Washington east of the Anacostia River and north of Pennsylvania Avenue was next lowest with 472.

The inner city third district, containing the Cardozo and Shaw areas, led in reported homicides (6), rapes (12) and aggravated assaults (85). The sixth district reported the greatest number of stolen vehicles, 157.

Crimes against persons (murder, rapes, robbery and assault) accounted for 29.7 of all serious crimes reported in August, according to police statistics.

This marks a decline from 31.8 per cent in July and 33.1 per cent in June this year.

[From the Washington Post, Oct. 13, 1971]

Gang Rapes Increase Sharply in D.C.

(By Stuart Auerbach)

MINNEAPOLIS, October 12.—The latest chapter in a 5½-year study of rape victims in the District of Columbia shows a sharp increase in violence and the frequency of gang attacks.

Dr. Charles R. Hayman told the American Public Health Association's annual meeting here today that during the latest period studied—from July, 1969, through December, 1970—30 per cent of all rape victims were assaulted by more than one man.

"More of the group rapes are occurring than previously," Hayman said.

These generally are committed by young men, between 18- and 24-years-old, who often have a different motivation than men who commit rapes alone. Gangs of two to four men committed 22 per cent of the rapes and gangs of five or more men committed 6 per cent of the rapes.

"The first one in a group may be a rapist," said Hayman, "But the others join in just to be in the peer group.

"What we are seeing," he said in an interview," is an increase in violence in our society. While rape has always been with us, it is increasing—not because of an increase in sexual drive, but because of an increase in aggression.

"The availability of sex is not a factor. The rapist is looking primarily for violence."

The latest study covers 1,233 rapes that the metropolitan police investigated out of the 2,248 reports that they received over the 18-month period. In itself, the number of rapes investigated is 50 per cent greater than expected on the basis of earlier studies.

Hayman said that practically all the rapes were committed by black men. But a greater proportion of the victims are white in the latest report than when the study began in 1965.

At that time, with a female population of Washington that was 65 per cent black, 87 per cent of the rape victims were black. Now, said Hayman, the city's female population is 70 per cent black while 76 per cent of the rape victims are black.

"There has apparently been a shift toward a larger proportion of adult white victims, assaulted by black males," said Hayman.

The studies show that most rapes take place in spring and summer—when the weather is warm and the rapist can be more comfortable, said Hayman.

Most rapes are committed between 10 p.m. and 2 a.m., when the rapist has the cover of darkness. The rapist's second favorite time is between 5 p.m. and 10 p.m., with 2 a.m. to 8 a.m. the third most likely period. Working hours, from 8 a.m. to 5 p.m., is the time when the fewest rapes are committed, but that number is increasing, Hayman said.

The ages of the rape victims ranged from 15 months to 82 years. About two thirds were more than 18 years old while 12 per cent were children and 25 per cent were between 13 and 24 years old.

As one indication of the increased amount of violence that accompanies rapes, a higher percentage of victims during the past 18 months needed medical treatment for injuries than during the first four years of the study.

There was a dramatic increase—from none to 33—in the number of victims who needed psychiatric care during the past 18 months. Nine of the victims were admitted to hospital psychiatric wards as a result of the rapes.

Of the 1,223 victims, 21 became pregnant as a result of being raped. Fifteen of them received abortions. Another 20 women were pregnant when they were raped.

In addition, 55 victims got gonorrhea as a result of the rape.

About 95 percent of the rape victims received treatment at D.C. General Hospital, where they were given an antiseptic douche. But they were neither given a shot of penicillin to prevent venereal disease or a "morning after" birth control pill to keep them from getting pregnant. These are done in other cities for rape victims.

[From the Washington Post, Oct. 6, 1971]

Women in Miami March Against Rape

MIAMI, October 5.—Angered by a recent rash of rapes, some in daylight downtown, about 100 women say they will form vigilante committees if police don't give them better protection.

Businesswomen, political leaders, feminist activists and at least one recent rape victim took part Monday in "March against Rape."

The demonstration took place in the heart of the downtown area, where there have been five daylight attacks on women since mid-August. Police attribute the assaults to one man, whom they have dubbed "the downtown rapist."

[From the Washington Star, Oct. 4, 1971]

Police Push on Slayings

An autopsy has shown that Linda Ammidown, 47, one of three slaying victims here Friday, was raped and was shot twice in the skull, police said today.

A determination of whether 12-year-old Nenomoshia Yates was raped will be made by a Baltimore medical examiner today.

District police announced this morning that more than 50 detectives will work in three task forces day and night on the Ammidown and Yates cases and on the stab-slaying of Ritchie H. Reed, 30, in the New Executive Office Building a few steps from the White House.

The three deaths Friday swell the total of unsolved District killings to 31. There have been 206 murders here this year, compared with 170 at the same time last year, police said.

Deputy Chief Mahlon Pitts, head of the Criminal Investigation Division said each of the 7 police districts in the city has released three of its detectives to work on the Friday cases. Three unspecified "specialists" will also report to the Homicide Squad today. All days off on the squad have been canceled.

Pitts said, "Just about every available investigator is to concentrate on these three cases at this time." Asst. Chief George Donahue, himself a former Homicide Squad detective, has offered the resources of the whole department to Pitts, police said.

There have been no arrests, and in an unusual move police did not broadcast "lookouts" or descriptions of suspects sought in the investigations. Significant leads have developed in at least two of the cases, police said today.

HUSBAND WENT FOR HELP

Mrs. Ammidown, a government worker who was dining out with her husband Friday evening at a Southwest Washington restaurant, the Flagship, was found slain and raped under the East Capital Street Bridge.

She and her husband had been forced at

gunpoint to their parked car after leaving the restaurant at 8:15 p.m. and their lone assailant made the couple drive across the bridge and then under it. The intruder then took Mrs. Ammidown from the car, raped and killed her, police said. The husband, unharmed, drove to seek help.

Ritchie Reed of Cheverly, Md., was about to join his wife Friday at 4 p.m. for a weekend camping trip when he was accosted by an assailant in the fifth floor washroom of the new federal office building, where he worked as an economist for the Commission on Population Growth and the American Future.

After a struggle that police said left the washroom smeared with blood, Reed died of numerous stab wounds. The body was found minutes after the attack, and Reed's wallet was missing. Reed's killer apparently walked past Executive Protection Service guards who were stationed at the building's entrance.

Nenomoshia Yates, of the 4900 block of Benning Road, had been sent to her neighborhood Safeway store at 7:30 p.m. by her father, a construction worker. She never returned, and by the time the family grew anxious, her body had been found, without visible marks, alongside Pennsylvania Avenue Extended, three-tenths of a mile on the Maryland side of the District line.

D.C. and Maryland police were working today in conjunction on the Yates case, which is similar to other recent cases involving young girls whose bodies have been dumped near major highways.

[From the Washington Star, Oct. 5, 1971]

$1,000 Rewards Offered in Three Mystery Killings

The Metropolitan Police Department is offering a $1,000 reward for information leading to the arrest of suspects in each of three apparently unconnected slayings which occurred Friday.

A beefed-up contingent of more than 50 District homicide detectives is working around the clock on the three killings. Police also released artists' sketches of suspects based on witnesses' description in two of the slayings.

The suspect being sought in the robbery, rape and shooting of Mrs. Linda Ammidown is described as being between 25 and 29 years of age, 5 foot 7 to 5 foot 9, and weighing 175 pounds.

Mrs. Ammidown, a 47-year-old Arlington woman, was abducted at gunpoint with her husband, Robert L., after dining at the Flagship Restaurant on the Southwest waterfront. The couple was forced to drive to a deserted point under the East Capitol Street Bridge, where, Ammidown said, his wife was forced out of the car and shot.

NOTE DISCOVERED

A man being sought in the slashing death of Ritchie Reed, a young economist who was slain in the New Executive Office Building, is described as 18 to 22 years of age, 5 foot 7, and about 150 to 175 pounds, with a pockmarked face.

Reed, who lived in Cheverly, was stabbed to death about 4 p.m. in the 5th floor men's washroom of the year-old red-brick building.

Sources disclosed yesterday that Reed's assailant left a handwritten note in a washroom. Police have refused to disclose the contents of the note, but the sources said that its contents contain a racial threat directed at white people and that it seems to indicate that the slayer may be mentally deranged.

The note, which was apparently ripped from a notebook, was found next to the body.

GIRL, 12, STRANGLED

Police did not release an artist's conception of a suspect wanted in the slaying of 12-year-old Nenomoshia Yates, of Southeast Washington. She was abducted about 7 p.m. Friday after she went to buy groceries at the Safeway Store at 4801 Benning Road SE. She was strangled and her body was dumped along Pennsylvania Avenue, just across the District line in Prince Georges County.

Police last night would not release the finding of an autopsy performed yesterday in Baltimore to determine whether or not she had been raped.

District police said that witnesses in Miss Yates' neighborhood observed a blue compact car, possibly a Volkswagen, bearing a "Fauntroy for Congress" sticker in the area Friday night.

FIFTH GIRL SLAIN

She was the fifth District girl to be abducted and slain since May. In all five cases, the bodies of the young girls have been dumped near major freeways and highways.

The three deaths Friday swell the number of unsolved killings in the District this year to 31. There have been 206 murders here this year, police said. All days off in the homicide squad have been canceled in the effort to capture suspects in these unsolved cases.

Persons having information on the suspects wanted by police are requested to phone the homicide squad at 626–2572 or the police department's confidential number, 393–2222.

[From the Washington Daily News, Oct. 1, 1971]

Protection Following Two Murders: Extra Guards on Maine Avenue

Five owners of prominent restaurant and hotels on Washington's Maine-av waterfront have banded together to help insure "better citizen protection" in that area and offset the "bad impression" caused by two unsolved slayings there in the last 3½ months.

Watson Rulon, president of Hogate's Restaurant and spokesman for the newly organized Waterfront Progress Association said the five major redevelopers in the area plan to "pool their resources" in a "defensive move" to provide better guard service collectively rather than individually.

Mr. Rulon said he would meet this morning with the head of the Marriott Corporation's security force to seek advice on providing security service in the waterfront area. Marriott will operate a new Hogate's being built in the area.

Meanwhile, police say they still have no leads in connection with the murder-rape of Linda Ammidown Friday.

Mrs. Ammidown, an Arlington housewife, was driving home with her husband after dinner at the Flagship Restaurant, when a man got into the back seat of the couple's car, pulled a gun, and ordered Mr. Ammidown to drive to the East Capitol-st Bridge.

Once at the bridge, the gunman told Mr. Ammidown to sit in the back seat, and he dragged Mrs. Ammidown to the river's edge where he raped her, then shot her twice in the head.

On June 26, Diane Johnston, of Hillside, was killed by two men who abducted Mrs. Johnston and her husband as they walked to their car after dining at Hogate's.

The Johnston's were forced to drive to an alley near the Evening Star building in Southeast where the men tied Mrs. Johnston's hands behind her back, then tied a rope from her hands around her neck.

As Mr. Johnston stood helplessly, guarded by one, and then the other gunman, both men attempted to rape Mrs. Johnston before they fled.

Mr. Johnston ran for help, but when he returned, his wife was dead. Police are still searching for the killers.

Mr. Rulon appeared yesterday before the Redevelopment Land Agency, the city's urban renewal agency, and asked that construction along the new Maine-av sw be expedited to "give the aspect of a neighborhood that is finished." He said that street lights should be installed now and not in six months and that street improvements on curbs, gutters and sidewalks be completed quickly and "not next spring."

[From the Washington Star, Oct. 7, 1971]

Restaurants Weigh Private Police Force

A newly formed organization of restaurant operators on the Southwest Washington waterfront is considering hiring its own police force, if necessary, to reassure patrons of safety in the area struck by two slayings in recent months.

Watson Rulon, president of Hogate's Restaurant and spokesman for the New Waterfront Progress Association, appeared yesterday before the Redevelopment Land Agency to urge speedy completion of renewal work in the Maine Avenue area, including installation of new lights.

Meanwhile, he said, he planned to investigate on behalf of the five restauranteurs on the waterfront the best means of providing their own policing.

Last Friday, an Arlington woman was fatally shot when she and her husband were abducted at gunpoint after leaving the Flagship Restaurant, and on June 26, another woman was slain after she and her husband was abducted outside Hogate's Restaurant.

Rulon stressed that neither slaying took place at the restaurants, which have security personnel inside. But he said business has slumped as a result of the two unsolved murders in the vicinity.

He suggested that a uniformed guard or a policeman on a motor scooter with a police dog in the sidecar would give patrons more sense of security.

PRISONERS OF WAR

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. RODINO. Mr. Speaker, it is with great sadness that I rise to call to the attention of my colleagues the fact that it is now 7 years and 201 days since the first serviceman became a captive of the North Vietnamese in Indochina.

Many courageous Americans have not only been held as prisoners of war for years, but have also been existing under cruel and inhumane treatment. It is appalling that the Hanoi regime remains intransigent in refusing to fulfill its obligations under the Geneva Convention relative to the treatment of prisoners of war.

The families of our captive servicemen have initiated numerous efforts seeking to ameliorate their treatment, obtain full information on those held prisoner or known to be missing in action by the North Vietnamese, and to win their freedom. Our Government has sought in the Paris negotiations to obtain some agreement on this issue, and we in Congress recently have approved a concurrent resolution calling for the humane treatment and release of our prisoners of war as provided for in the Geneva Convention.

We may hope that there is some indication of a thawing of Hanoi's adamant stand in the developments of the last few days S. Sgt. John C. Sexton, taken prisoner by the Vietcong in 1969, was suddenly released last Friday. He carried into freedom a message from the North Vietnamese saying a reciprocal release would be welcome, though it asked for the release of two specific prisoners. I am glad that in response a North Vietnamese lieutenant was set free Monday, carrying our message of hope that similar releases would continue to take place.

Mr. Speaker, the record over 7 years and 201 days certainly gives us no reason to express optimism in dealing with the North Vietnamese about the fate of our captive servicemen. However, we can hope and pray that this exchange may lead to developments that will bring eventual release of our gallant men. I know we are all united, however, we differ on tactics, in support of any efforts that will end the suffering and torment of our prisoners of war and their families.

ALLEGANY COMMUNITY COLLEGE MARKS 10TH ANNIVERSARY

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. BYRON. Mr. Speaker, this week 10 years ago Allegany Community College in Cumberland, Md., opened its doors to the first 102 students. The school was then located in the old Carver School. Today it is housed in a new $7 million campus outside of Cumberland. The college has played an active role in community affairs and community development in addition to its role as an educational institution. I congratulate the president, Dr. W. Ardell Haines, the faculty, and the students on this anniversary and wish them a successful future.

The future of Allegany Community College should be one of more community action and better education if Dr. Haines can carry out the programs he envisions. I would like to share an article from the Cumberland Sunday Times indicating Dr. Haines' view of the future of the school:

PRESIDENT HAINES LOOKING TO FUTURE

The tenth anniversary of Allegany Community College seems to be a proper time to reflect a bit upon not only the growth of the college but also upon the impact it has had in the community. During these ten years Allegany Community College has grown from a fledgling enterprise to a flourishing institution.

What would the community be like without the college, if the community leaders ten years ago had not pioneered the development of the community colleges? First, about 3,000 students who have been enrolled at the college would have had to go elsewhere, or would not have attended college at all. Approximately one hundred employees who have found the college to be their way of life would not likely be in the community. Furthermore, the Willow Brook campus area might still be a corn field or perhaps would have become an industrial park by this time.

As we look across the State of Maryland and find sixteen community colleges it becomes obvious that the community colleges of Maryland have become a very important segment of the tri-partite system of higher education in Maryland. One could also ask then, "What would Maryland be like without the community colleges?" At this time, in the fall of 1971, nearly 30,000 fulltime students would be crowding into some other kind of institution if they could find vacancies. Higher education in Maryland would be much like it was fifteen or twenty years ago with little or no provision for two-year career programs. Indeed there would be many young people who would not be able to profit from post-secondary education were it not for the community colleges which are within commuting distance of nearly every high school graduate.

There can be little doubt that the community colleges have changed the face of higher education through their innovations and flexibility. The community colleges have dared to pioneer in open admissions and in grading procedures which challenge traditional practices. Instructors come to the community college to teach and are able to demonstrate an understanding of human relations. The community colleges have supplemented traditional instruction with innovations in audio-tutorial and other methods which meet the diverse abilities of students to learn. These approaches to education which community colleges have made are in effect re-forming education and are causing all segments of higher education to review its practices.

At the same time that Allegany Community College moved to its new campus two years ago, a new acceptance by the community of the role of the college began to emerge. The handsome campus, which is second to none in Maryland, continues to attract an increasing number of high school graduates and adults as well. Because of this growth the college is a place of change, and these changes are designed to provide increased services to its students, the faculty and the community. A new dimension to student personnel services is developing. Emphasis upon institutional research is emerging. And a data processing center is being established.

The services of the audio-visual department are being expanded. The public relations efforts continue to increase. The adult education program continues to thrive.

The college continues its outreach toward utilization of special federal funds wherever available. A new consortium with nearby colleges under Title III has begun a three-year sequence. A planning grant for the development of a curriculum in dental assisting has been approved. Federal assistance in the conducting of other health services is being developed.

The need for additional future space has been anticipated in the planning and development of a new Technology Building for which federal funds have already been approved. This new building will provide space for existing curricula that are already overcrowded and for the development of a few other specialized career programs.

Just as Allegany Community College is not the same institution it was in its infancy ten years ago, neither will it be like it is now a decade or two hence. What will the community college become in the years ahead? What will it be like?

Instruction will very likely be carried beyond the college classrooms into the entire community. The Adult Education centers will likely be more fully utilized. Instruction may be carried into the homes through increased use of instructional television. The greater use of instructional technology will provide the opportunity for credit by examination and deviations in the length of courses and programs to accommodate the varying abilities of students to learn. Academic procedures will be more flexible and liberal with emphasis upon individual accomplishment and achievement. There will surely be a multi-disciplinary emphasis in instruction. The college calendar will be more flexible and the academic year will be different. There will be a new emphasis on counseling which will reflect the emerging concern for the individual and his identity. Courses in higher education will become more interchangeable among the institutions in Maryland and there will be a concerted and organized effort toward full articulation.

The state will play an ever-increasing part in the operation and management of the colleges as the state assumes more and more responsibility for post-secondary education. There will be increased emphasis on uniform accounting in the fiscal operation of the college. Increased federal support, particularly for specialized programs and services, will be an important adjunct to the financial operation of the college.

The governance of the college will remain the responsibility of the local Board of trustees. There will be a greater need for the college staff to continue its concerted efforts to work together and take advantage of the climate of democratic administration which is essential in these days. In addition, it will be essential that students participate in the activities of the college and become a part of the decision-making processes. Participation by all these members of the college community will serve to support the president of the college in the administration of the college under the policies formulated by the Board of Trustees.

If in the next decade, the changes projected here come to pass, the college will reach a new level of service to its students and the community by which Allegany Community College will offer new dimensions in learning to prepare men and women for the excitement and satisfaction of creative lives.

HUGO L. BLACK

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mrs. ABZUG. Mr. Speaker, I rise to join my colleagues in the House and Americans everywhere in paying tribute to Justice Hugo Black. He believed that the Constitution, as written, stands above any considerations of public policy or fairness, and that no individual, be he policeman, President, or Justice of the Supreme Court, has the right to engraft his or her own notions of such elusive criteria onto that document.

Justice Black's unswerving devotion to the Constitution continued even in death, for at his request, mourners paying their respects at the funeral home last week were offered copies of the pocket edition which he carried with him day in and day out.

Though he was perhaps better known for the ringing dissents which later were adhered to by the Court, the opinions which he wrote on the Court's behalf cover the greatest issues of this century, issues which remain very much with us today.

Justice Black wrote the opinion of the Court in the Everson case, which reaffirmed the inviolability of the wall which the first amendment erects between church and state. In a few weeks' time, we will be asked to consider whether that wall should remain unbreached. Justice Black often voted to protect our Nation against such a breach, and I hope that we will have the courage to do the same.

Another Hugo Black opinion whose words are very much with us today is that rendered in Youngstown against Sawyer, the steel mill seizure case of 1952. There, he wrote that Presidential power extends only so far as the Constitution permits, and that there is no inherent authority of that office. Twenty-one years later, we are struggling daily with the assertion that the President can conduct a terrible, seemingly endless war without a declaration of war by Congress.

In the field of criminal procedure, we have Hugo Black's opinion in the historic case of Gideon against Wainwright, which extended to the States the sixth amendment's guarantee of right to counsel in felony cases. Although he was never able to convince a majority of the Court that the 14th amendment extends the entire Bill of Rights to the States, his tenure on the Court saw most of its provisions so extended on the theory that they are elements of due process of law.

The crowning glory of Justice Black's constitutional philosophy was his belief that the first amendment's protection of freedom of speech is absolute—that "no law" means no law. This theory, too, never has commanded a majority, but its adoption—which I hope will someday occur—would be the greatest tribute to Hugo Black.

In a time when the phrase "strict constructionist" has become a euphemism for "conservative," the record of Hugo Black as a true strict constructionist is one which does our Constitution proud. His shoes will be hard to fill.

JOHN MADIGAN—NEWS SSSSSSSEVENTY-EIGHT

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. **PUCINSKI**. Mr. Speaker, for more than 20 years John Madigan has been interviewing the biggest newsmakers of the world. There is probably no man who knows more about electronic journalism than John Madigan.

In an extremely interesting article in the September 19 edition of the Chicago Tribune magazine, Mr. Madigan recalls some of the memorable moments of his outstanding career.

John Madigan was a pioneer on CBS' "Face the Nation" and NBC's "Meet the Press." In fact, Mr. Madigan was the anchor panelist on the first "Face the Nation" back in 1954.

We in Chicago are fortunate that Mr. Madigan can be seen and heard often on the CBS affiliate—WBBM television and radio. There is nothing more familiar to Chicago radio listeners today than hearing John Madigan identifying his radio station in stentorian tones: "WBBM—News SSSSSSSeventy-eight."

Mr. Madigan's insight, experience, and knowledge have made him one of our great reporters and commentators. His nostalgic recollections provide an outstanding journal of contemporary American history.

Mr. Speaker, Mr. Madigan's article follows:

NIXON, KENNEDY, GINSBERG, ALI AND ME

VETERAN INTERVIEWER JOHN MADIGAN RECALLS THE BIG NAMES AND MEMORABLE MOMENTS FROM HIS 20 YEARS ON THE NEWS PANEL-TALK SHOW CIRCUIT

(By John Madigan)

President Nixon didn't know how to smile . . . President Kennedy played with his tie . . . Adlai Stevenson got angry at the questions . . . Krishna Menon was the meanest . . . Konrad Adenauer was the nicest . . . King Hussein had the best voice . . . Abba Eban the best diction . . . Muhammad Ali was the most obnoxious . . . Joseph McCarthy smirked . . . Allen Ginsberg had the foulest tongue . . . Gore Vidal was the bitchiest . . . Dr. Martin Luther King was the calmest . . . Adlai Stevenson III had the sweatiest palms . . . and three guests were in a deadheat at overimbibing.

That's a sketchy sum-up of 20 years on the question-end of television and radio news-panel and discussion programs: Face the Nation, Meet the Press, At Random, Target News, City Desk, At Issue, Press Conference, Reporters' Roundup. I plan no award ceremony. Viewers and listeners may disagree with my selections. Several more categories could be included. Such as the windiest: Was it Hubert Humphrey or Wayne Morse?

Some future historian or political scientist will probably investigate the value of the role that news-panel and news-discussion programs have played in our government and society—from Whittaker Chambers' revelations . . . so long ago . . . to Sen. Henry (Scoop) Jackson's disclosure this past March, when he scooped his colleagues and the White House by reporting that the Soviet Union has been deploying a new generation of intercontinental ballistic missiles.

These programs have a way of making hard news, or dressing up an old story, or developing sharp controversy—all of which is frequently infuriating to print reporters. And sometimes to a guest. Or, in the case of the Kennedys, their relatives.

John Fitzgerald Kennedy, because of his hospitalization for his war-incurred back injury, was the only senator not on record on the censure vote on Sen. Joseph McCarthy in December, 1954. Amazingly, Kennedy's public position was still not known on that sunny Sunday evening, July 1, 1956, when we broadcast live on Face the Nation on the CBS network. At the time, Kennedy was maneuvering for the Vice Presidential nomination at the Democratic Convention just a few weeks away.

About two-thirds thru the program, I asked him how he would have voted on the McCarthy matter had he been on the floor. Kennedy's facial response signaled a trace of surprise, maybe anger. Boston, for obvious reasons, had been a strong McCarthy town. Kennedy wasn't anxious for any hometown enemies. He answered, but wasn't directly responsive. We pressed him and he finally said he agreed with the Senate's verdict.

After the program, sipping a drink in the producer's office, we talked politics. Kennedy gave no sign that he was upset, but he knew how the papers would play his answer, especially in Boston. And they did. Brother Bobby Kennedy, typically, didn't take it as well. A few weeks later, in the center aisle of the crowded convention in Chicago, Bobby challenged me on the matter. Told me I had thrown Sen. Jack a low blow. We argued briefly. Friends broke it up.

The Kennedy-McCarthy issue was more interesting than sensational. The latter word could describe Teamster Union president Dave Beck's confession of peculation on Face the Nation on March 17, 1957.

Sen. John McClellan's committee had been hammering away at the Teamsters. Beck (Jimmy Hoffa was to come later) was the major target. He was scheduled to take the stand on Capitol Hill a few days later. Our TV panel flew to Tacoma to do the program. Ir an ante-room before the broadcast we were tipped off by one of Beck's lawyers that if we asked Beck whether he had ever borrowed any money from the Teamsters Union, we would get some surprising answers.

So we did. Beck admitted that he had borrowed nearly $400,000 from the union over 10 years, without paying a cent of interest and without any collateral. This was Beck's first public response to charges that he had used union funds for his personal use. The revelation made important news across the country. Beck and his strategists wanted it that way. They knew that McClellan and Bobby had uncovered the loans and were prepared to make them public with a bang when Beck took the stand. By volunteering the information on network TV, Beck was able to take the play away from his tormentors.

Thus, for a variety of reasons, the most unlikely guests—at least according to their image—can be uncommonly cooperative.

My wife answered the telephone in our home in Chevy Chase, Md., one Sunday night in 1953. It was Sen. McCarthy's wife, Jean. The senator wanted to talk with me. I picked up the phone, not knowing what to expect. In a cheery voice, so unlike his attack-stance at hearings or in speeches, McCarthy said he had really enjoyed appearing on the Meet the Press program on NBC which we had just broadcast a couple of hours earlier.

This surprised me, because I had really gone after him. McCarthy went on to explain that he liked my tough questions because they gave him a chance to come on strong and, he said, made him come off better with the viewers at home. Later, I learned that McCarthy had told Larry Spivak that, because I was also Irish-Catholic and working for Hearst [at the time], my tough questions to the world's most prominent and controversial Communist-hunter took on more validity than if they had come from a reporter of different background who worked for a liberal or leftist paper.

Gov. George Wallace of Alabama is another fire-eater who is extremely gracious and cooperative off-stage.

Channel 2's At Random shared him with another program several years ago. Producer Dan O'Connell didn't trust the opposition and sent associate producer Margo Nussbaum to their studios. Wallace's aide told her that someone had advised the governor not to appear on our program with Saul Alinsky. At the taping-break, Miss Nussbaum walked on the set and told Wallace that we would drop Alinsky if he insisted. She escorted Wallace out. Behind them the wife of the program's host asked, "How brazen can you get?" and someone reportedly muttered that if Miss Nussbaum ever tried that again she'd regret it. When Wallace arrived, I was able to talk him into appearing with Alinsky. They tore into each other. At one point Alinsky told Wallace he wouldn't vote for him for dog-catcher. Wallace replied that he had indeed once run for that position. Still angry as he left the studio, Wallace commented to Miss Nussbaum that he shouldn't have appeared with that "Communist ———" then quickly turned to her and said, "Excuse me, sweetie."

A few years later, in 1968, Wallace refused to tape with the Rev. Jesse Jackson and I couldn't persuade him. Jackson glowered in the wings, awaiting his turn.

There doesn't seem to be any pattern on whether people of different viewpoints will sit down together. I was surprised shortly after the sniper-killing of the two policemen at the Cabrini-Green project when HUD Secretary Romney said he'd leave the studios rather than go on with CHA Chairman Charles Swibel. The latter left instead, without making any fuss.

Some years ago far-right Kent Courtney walked off a live broadcast saying he would no longer sit next to Sid Lens, antiwar activist. Lens just laughed.

A delegation of American Legionnaires flanked the angry Selective Service Director Lewis Hershey the day we scheduled him to appear with Father Daniel Berrigan, now in prison and named as a co-conspirator in the Kissinger bomb-and-kidnap case. Hershey said "No" and was going to walk out. We taped the two separately.

Dr. S. I. Hayakawa had no such qualms about appearing with Michael Klonsky, then head of the Students for a Democratic Society. He never lost his cool, not even when Klonsky called him a "racist pig." Replied Dr. Hayakawa, "At least you didn't call me a white racist pig."

Stokely Carmichael, surely more radical than Klonsky, indulged in no such outrageous behavior in a long exchange with George Lincoln Rockwell, leader of the American Nazi Party, in July, 1966. Both were delighted at the opportunity of confrontation. For more than an hour they debated the theories of "Black Power" and "White Supremacy." Seldom did either raise his voice. Both said that integration would never work, and disparaged white liberals who urged integration. "You and I will be shooting at each other one of these days," Rockwell predicted. Carmichael agreed. Instead, it was one of Rockwells' own followers who later shot him to death.

I considered their confrontation so dramatic that I later suggested to CBS officials that it be shown in other cities. A video-tape was sent to New York. Management decided against the idea. I was told they did not want to be accused of "sensationalizing and, perhaps, of stirring up racial hatreds." I asked a couple of times for permission to rerun it in Chicago. The answer was the same.

Another decision on rerun, but of a different nature, came after the bitter debate on At Random in 1964 between Charles Percy and William Scott, live on a Saturday night when both were running for the Republican nomination for governor. The two candidates accused each other several times of lying. Each finally wound up demanding that the other take a lie test. And the Democrats were watching! No sooner did the Kerner-Percy campaign get underway, than I received a call from Chris Vlahoplus, the governor's press secretary. He wanted a copy of the program, anticipating with Democratic glee future showings of Scott and Percy calling each other liars and demanding lie tests. Company policy prohibited granting the request. Kerner didn't need it anyway. He won handily. After this Percy was so emotionally exhausted that he was still in his chair on the set some 10 minutes after Scott and his manager, Sam Witwer, had left the studio. His eyes seemed glazed. He kept asking aides, "How did I do?" But he soon regained his composure. Republican politicians generally credit that debate with giving Percy several thousand votes.

The recent death of Thomas E. Dewey recalls the time that our appearance together on network prime time almost cost me my job in the Washington bureau of Newsweek magazine.

Dewey was the guest on a CBS panel program broadcast the night of Oct. 17, 1956, just a couple of weeks before the Presidential election. The big issue was the continuing debate over the proposed cessation of H-bomb tests, first raised by Adlai Stevenson six months earlier in a speech to the American Society of Newspaper Editors. Dewey and I got into a spirited exchange on the subject. I made the mistake of shaking my head "No" and of holding my hands to my face in disbelief at his answers. I didn't realize it at the time, but the program's director had switched to a split screen—Dewey talking, me reacting.

Newsweek's publisher Malcolm Muir asked CBS for a screening in New York the next day, after a Democratic elevator operator at Newsweek told him how Madigan "murdered" Dewey, and Republican luncheon companions asked him if that was some sort of a Communist he had in Washington, abusing Thomas Dewey.

Publisher Muir watched the screening in suppressed rage, then ordered me fired. Cooler heads prevailed, warned that someone like Drew Pearson would use the firing to blast Newsweek for "its Republican bias." Instead, an all-staffer memo was sent out stating that Newsweek wanted to maintain its impartiality in the campaign—therefore, no employes should appear on any more panel programs until after the election. The order cost me $125, the fee I would have received for questioning Secretary of State John Foster Dulles on Face the Nation the following Sunday. Peter Lisagor of the Chicago Daily News took my place.

There was another occasion about the same time when Anthony Lewis of the New York Times and some other Washington correspondents lost fees *after* they had appeared on a news panel. Martha Rountree, having sold Meet the Press to Larry Spivak a few years earlier, started a new program called Martha Rountree's Press Conference on ABC The first guest was Atty. Gen. Herbert Brownell. There were 12 panelists. Looking for a new gimmick, Miss Rountree had talked Brownell into opening the program with a hard-news announcement.

The attorney general dropped a bombshell: He announced that the Justice Department would seek a monopoly indictment the next week against the motor coach division of General Motors. GM didn't like it, of course. Some newspaper and magazine publishers and editors agreed that such staging by government was highly unusual, if not unethical. We hadn't known that Brownell would open with any news announcement. Nonetheless, the Times ordered Lewis not to accept his $125 fee, and a couple of other news shops did the same. Miss Rountree dropped the gimmick in future programs.

James [Scotty] Reston of the Times blew a newspanel fee just by not showing up for a live Sunday afternoon Face the Nation broadcast. It would hardly be worth mentioning, except the program was on CBS. Where was Reston, having forgotten about the program? At a party at the home of CBS' Eric Severeid!

Live programs can cause problems other than bad attendance. Particularly if they are late at night and guests show up somewhat free and easy in spirit.

The late Chicago Judge Augustine Bowe was a guest on At Random early Sunday morning when the discussion got around to whether a person should use "black," "Negro" or "colored." Judge volunteered that it didn't make much difference, went on to say that many nationalities even have acceptable nicknames, such as calling a Pole a "Polack."

Talk about an early-day Spiro Agnew! The switchboard operator ran out of hands trying to handle indignant calls from people of Polish extraction. And then the letter-writing started—not just to Bowe, but to Congressmen Rostenkowski, Klucynski, Pucinski and Derwinski. Judge Bowe wrote a letter of apology to each of the offended, explaining that he meant no offense and swearing that he would never appear on a late-night television program again.

Poet Allen Ginsberg is the type who takes advantage of the fact that today's discussion programs are taped. In one such session in 1968 he used the same four-letter word over and over, knowing full well that it would be bleeped out. Ginsberg wrote me later, complained that he has "shouted too little" on the program, pointed out that he had used the four-letter obscenity only in quoting Mayor Daley and police who had manhandled him, said the program had been loaded with people who collaborated with the "police state," described me as "a person of weak character, a 'good German.'"

With few exceptions, foul words have been the only cause for deletions in programs in which I have been involved. One exception was when Richard Cain was a guest and a few words were removed to protect the delicate balance of Free Press and Fair Trial. [Cain is now in prison.]

Some people still have the idea that taped programs cause less lively discussions. Probably just the reverse is true. Guests are more relaxed and inclined to be less cautious in a taping session. But among the apparently nervous in the ranks of the prominent, live or taped, is Sen. Adlai Stevenson. His hands quickly become soaked with perspiration. But he handles himself well and I don't know whether his uneasiness is evident to the viewers.

Stevenson's late father gave the impression that he didn't care for panel or discussion programs at all. The Face the Nation panel flew to Chicago from Washington so Stevenson could give sort of an opposition "state of the Union" report on Jan. 8, 1956.

Behind his desk-top nameplate, Stevenson had a stack of research cards dealing with President Eisenhower's administration. The panelists, however, spent considerable time questioning Stevenson about his candidacy for a second Presidential nomination. He showed irritation when I pointed out that he had lost Illinois to Eisenhower by more than 350,000 votes in 1952. He responded that he had carried his home state by 575,000 for governor in 1948. Of course, the '48 race for governor had no relationship to the upcoming '56 Presidential run.

After the program, at a party given by Channel 2's Les Atlass, Stevenson asked me in the presence of several people, "Why did you ask such silly questions?" He was smiling. I smiled back and replied, "Why did you give such silly answers?" We parted friends and remained so.

But other encounters with guests weren't so fleeting. In 1964, Sen. Barry Goldwater and author Gore Vidal appeared together on At Random. Vidal seemed to get the better of it. Goldwater was obviously upset and complained later to the aides who had agreed to the scheduling. But last year at the conclusion of another taping, with which Vidal was displeased, he blurted out: "I shouldn't have come back on this program. The last time I was here you said, 'Has that sheeny playwright shown up yet?'" I felt like slapping Vidal's wrist. Instead, I explained, politely but angrily, that the report was untrue, that the word wasn't in my vocabulary. But Vidal insisted, "One of the people with me heard you say it, and I'm not even Jewish."

Sen. J. William Fulbright had a different objection. Face the Nation's producer, Ted Ayers, scrubbed me one Sunday, quoting Fulbright as saying I was "too tough." Rhodes Scholar Fulbright didn't fear me on intellectual grounds. He prefers panelists who are more esoteric.

The Rev. Jesse Jackson has attacked me in speeches at Operation Breadbasket meetings, has called me a "low-lifer" in objecting to views I expressed in commentaries on WBBM Newsradio 78. But we never had any problems on panel programs. In 1968, Jackson showed up to tape At Random the day after Dr. Martin Luther King was assassinated, with Dr. King's blood still on his shirt. It made for a dramatic program, but might have looked stagey.

You can't control everything.

Sybil Leek, the witch, wore a chameleon-pin on her dress; that is, I thought it was a pin until it started to crawl into my lap.

Perennial Presidential candidate Harold Stassen showed up with a reddish toupe in '68. I didn't realize it was a debut, and missed the scoop. The Washington press corps reported his "rug" as new, with pictures, three days later.

Former Ambassador John Lodge, brother of Henry Cabot, started to punch a friend of a draft-resister guest who accosted him in the hall, but said it was beneath his dignity.

In New York, December, 1955, cigar-chompin, gold-toothed, high-button-shoed, gravel-voiced George Meany reported on the newly merged AFL–CIO . . . apparently oblivious of the makeup girl dabbing his head wih a powder puff.

At the United Nations, October, 1958, India's V. K. Krishna Menon called us panelists "simple" on the air.

Police officers suddenly showed up during the live after-midnight taping of At Random to bodyguard Judge Hubert Will after a threatening telephone call to police headquarters from two men who said they were watching the program in their downtown hotel, room and were going to kill the judge when he left the studio. Nothing happened.

Richard Nixon laughed affably as the makeup man applied the pancake and I reminded him he was reenacting the Chicago scene of the 1960 debate disaster. But he couldn't seem to smile as well once we got on the set.

There is one simple formula for putting together a successful news-panel or discussion program: "Big Names and/or Important Topics." The "big names" is the big problem. The competition between programs is tremendous. And luck is a big factor. The most sought-after guests are available only occasionally. Thus you take them when you can get them. Yet events over which they have little or no control may make them more newsworthy the day after their appearance.

Men in public life usually try to stay on good terms with all the programs, seeking only wide exposure and fairness. But just as a few officials leak stories to newsmen sharing their views, so do they sometimes play favorites in deciding what TV or radio program to appear on. It used to infuriate one competing program when it had to share David Ben-Gurion and Abba Eban with At Random, while not being able to work out equal time when we booked King Hussein.

Some guests build up points by their ready availability. Hubert Humphrey, before becoming Vice President, was just such an ace-in-the-hole. Producer Ted Ayers of Face the Nation was always locked in competition with Larry Spivak of Meet the Press for a big-name guest. The one who failed to land him could call Humphrey out of his Chevy Chase bathroom and he'd hurry down to the studio. It paid off—building up obligations on which Humphrey could collect in the future.

The competition between programs can get a little rugged: telling a potential guest that the opposition program has a reputation for bias or prejudice . . . implying that hard-news or column coverage or advertising is part of the deal . . . promising a little-shot friend of a big-shot that you'll use him later if he helps land the big shot . . . playing up ethnic or religious connections.

The competition even extends to journalist panelists. May Craig, Dick Wilson and Pete Brandt were early regulars on Meet the Press. It was understood they wouldn't accept invitations on Face the Nation when it started.

Meet the Press began using me in 1953. CBS officials took note and offered to use me regularly on Face the Nation if I would agree not to appear any more on Larry Spivak's program. I agreed, but with a one-week delay. Face the Nation premiered in 1954 with the controversial Sen. McCarthy, and asked me to be the anchor panelist. I had previously agreed to fly to Chicago that weekend when Illinois candidates for senator, Paul Douglas and Joe Meek, would appear on Meet the Press. After that program, I told Spivak that I could not be with him anymore. He pointed out that he had given me the showcase where CBS spotted me, suggested I was making a mistake, indicated he didn't think Face the Nation would last. We parted friends and still are.

A network news-panel or discussion program differs from a Chicago program only in the pay scale being higher. The prescription is the same for both: Do your homework. Don't let the guest fillibuster. Be tough without being rude. Use follow-up questions. Remember that a fellow panelist may be the "What Makes Sammy Run?" type. Cut him down early.

Moderating a discussion program is much more difficult than asking questions on a panel, as Random's 1966–67 Emmy cited its "careful balancing of opposing viewpoints on complex issues." The two questions viewers asked most frequently were: "Why is the show on so late?" and "How do you keep from getting involved personally?" The answer to the first question belongs to management. The second is mine.

It is frustrating to try and stay neutral, or at least to be prudent in laying on a heavy or light hand. I usually try to help the person in trouble, or outnumbered, to help regain balance. A moderator doesn't always succeed, in the opinion of advocate viewers. But if you don't struggle for fairness you most surely will upset the "careful balance" you hope you programmed. A troublesome situation occurs when you cover three or four issues on one program. The balance on the first couple of subjects may be perfect. Then you switch topics to find the lineup is now five to two. You slipped up in the prior screening! Also, in 20 years of news-oriented programs, I've always tried not to spend any time with the guests beforehand in order to avoid any conversation or request which might prejudice, or take the edge off, the broadcast.

News-panel and discussion programs are probably here to stay. It is unfortunate that they don't draw the audiences that the nightly network talk shows do, with their theatrical and sports stars sharing stage with more significant guests. We'll never know whether serious news-panel and discussion programs can draw larger audience [Sunday sports knocked the network's Meet the Press and Face the Nation out of the afternoon box] until someone gives them a prolonged test in better time spots.

Regardless, the satisfaction comes, at least to me, in knowing you have an involved and interested audience. Even if it isn't large in numbers.

OHIO RIVER VALLEY—RICHEST IN THE WORLD

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. SNYDER. Mr. Speaker, under the Virginia Compact, of 1787, whereby the Commonwealth of Virginia ceded to the United States, the great Northwest Territory, Virginia retained jurisdiction of the Ohio River throughout, except a small portion in Pennsylvania.

This noble stream starts at Pittsburgh and is formed by the confluence of the Allegheny and Monongahela Rivers. The stream extends from Pittsburgh to its joinder with the Mississippi at Cairo, Ill., and the adjacent Kentucky shores.

The Ohio River has about 30 locks and dams, and has a minimum 9-foot current depth throughout its 1,000-odd miles. Every portion of the stream is navigable. Thereby, a mighty volume of trade and commerce is provided, over which vast tows of steel, coal, and other minerals, as well as merchandise and other articles of commerce are transported in both directions.

The shores of the stream, for the most part, are lined by wide vales and high hills and ridges throughout. At all seasons, the outlook from steamboat, tow, and smaller craft is most picturesque and rewarding. In the fall of the year, this is especially true because of the autumnal shades of color which flaunt above the hills and vales.

The Ohio River has become, with its valley, one of the greatest assets of the Nation, and its valley is now considered to be the richest in the world, as well as one of the most beautiful. The worth of its farms and factories is commanding.

The congressional district I represent begins on the east with Pendleton County and contains the Kentucky counties lining the southward shores of the river, to include Jefferson County—in which Louisville is situated—and to the low watermark of the northerly shores of the river.

A former Congressman from the Louisville and Jefferson County district, Maurice H. Thatcher, who reached his 101st birthday on August 15 last, yet survives and is very active in various lines of endeavor of general welfare character.

In the fall of 1929, while he was in Congress, during his five terms of tenure, he was chosen by Speaker Longworth as one of three Representatives of the House to represent that body in the formal celebration of the completion of the 9 foot stage of the Ohio River. In that capacity, he and his wife traveled from Pittsburgh to Louisville on the official steamer involved.

At every lock and dam site, large crowds, with one or more brass bands in attendance, a hospitable reception was given. This was true throughout the more than 1,000 miles of celebration.

President and Mrs. Hoover joined the official party at Cincinnati where a local program was rendered in which Mr. Hoover participated.

At Cincinnati, the Hoovers joined the official group and proceeded to Louisville, where a veritable deluge awaited them.

In January 1933, Congressman and Mrs. Thatcher visited the Isthmus of Panama and flew as far as Cincinnati on their return to Washington. The flight to them was of great interest throughout and most inspiring.

The first years of their married life were spent in the Canal Zone, where he served as a member of the Isthmian Canal Commission and Civil Governor of the Canal Zone during the construction era of the Panama Canal. Their homeward flight, especially that portion where the Ohio River was contacted, inspired the Congressman to write a poem about the great stream in question. I believe it to be a worthy contribution to the literature concerning this great waterway and worthy of a place in the Congressional Record.

Accordingly, under leave granted, I include the poem as a part of these remarks:

Ohio River

Most noble stream! O wondrous thoroughfare!
Thy sources lie in eastern watersheds;
A thousand miles southwest thy waters bear
To join the Mississippi. Thy Valley spreads
In fertile bounds; filled are its breadths with beds
Of min'rals, vast; in it the web is spun
Of great commerce; its transportation threads
Lead ev'rywhere. Indeed, thy current run
Athwart the richest vale that lies beneath the sun!

In traffic worth and beauty, a western Rhine
Art thou; in all things else fully excelling.
Lo! with a glory, all apart, does thou shine,
With majesty and aspect all-compelling!
Upon thy breast the fleets are ever swelling,
And fruitage, rich, of mine, field and shop are borne
Upon thy tides. The millions who are dwelling
Along thy shores, in loyalty are sworn
To thee, although the havocs of thy flood they mourn.
Full thirty giant locks and dams control
Thy sweep to aid our navigation's need;
But many mighty streams their waters roll
Into thine own. Our people thus must heed
Thy flood-time force, and curb it as a steed,
Untamed, to serve, alone, the gen'ral good.
A broaden'd study and survey must lead
To some solution of that which long has stood,
A menace, which the nation may remove, and should.
Adown the lordly Rhine the Mate and I
One time did voyage thru a summer's day.
We watched the mammoth tows of traffic ply
Upon the stream. We saw the shadows play
O'er castled height and vineyard slope. Away
The scenes of beauty spread; o'er all the air
Of legend and romance did rest. The sway
Of epochs old and dim yet lingered there,
And gave to all we saw appearance doubly fair.
From Pittsburgh's famed triangle to the Falls,
Upon the Stream the Trav'ler and his Mate
Once journeyed. One of the various calls
To duty brought him to participate
In functions planned to mark and celebrate
Completion of the nine-foot stage design
Thruout the River's length. Thus, on a date
Prescribed, aboard a vessel of the line,
Official, the trip began, upon a morn benign.
'Twas in the gentle Autumn; and its hues
Enriched the field and forest. Thru each hour
The eye was blest by wealths of lovely views
Of stream and glade, and dear belated flow'r.
Towns and cities greeted us; mill and tow'r,
And warehouse lined the shores; many-a lock
Gave us descent; the hills uprose in pow'r,
And filled our hearts with awe. At last, to dock
Above the Falls, we came, within a cloud-burst shock.
Ah, how it rained, and rained, and rained! It seemed
That Noah's Flood, at last, would lose its fame.
Of such importance was the event deemed,
That hither to the Celebration came
The NATION'S President, to speak the aim
Of the great work under commemoration.
The folk at Louisville bowed low in shame
At the inhospitable inundation.
Which marred the night's address with sorest desecration.
The twain of us have sailed the Hellespont,
That classic link which binds historic seas.
Its lesser width our courage would not daunt,—
For both of us have swum, with gentle ease,
Ohio's broadest tides, when current, breeze,
And chill of freshet, gave an added zest
To that we did, adventure's urge to please,
The crossing back and forth, with naught of rest,
Brought no discomfort, nor e'en taxed us of our best.
And so, methinks, Leander's fabled feat
At Abydos, and that of Byron's there,—
Tho dramatized so well, cannot compete
(But, like our own, dissolve in thinnest air!)
With Channel swims; nor may they e'en compare
With countless deeds which moderns may achieve
In this, our day. Bold athletes everywhere
Outstrip the ancients; but can scarce receive
The bright, immortal wreaths which fond romance may weave.

SLOVENIAN FESTIVAL DAY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. ANNUNZIO. Mr. Speaker, on Sunday, October 10, 1971, hundreds of Americans of Slovenian descent living in the city of Chicago celebrated the 53d anniversary of their independence gained from the Austro-Hungarian Empire on October 29, 1918.

Also observed on this day was the 21st anniversary of consecutive broadcasting for Dr. Ludwig A. Leskovar, producer of the Slovenian radio program heard weekly on WEDC in Chicago. I want to take this opportunity to extend to him my warmest congratulations on reaching this milestone in his broadcasting career, as well as to commend him for his many fine contributions over the years to the betterment of our community.

Dr. Leskovar not only has given outstanding service to the Slovenian-American Radio Club, but also has been active in many civic, educational, religious, and social endeavors in the Chicago area. His efforts have to a great extent helped to preserve the proud Slovenian heritage and to bring together the Slovenian people.

The other distinguished officers of the Slovenian-American Radio Club who have given years of devoted service to their fellow citizens are: Frank Mikec, vice president; Mary Foys Lauretig, secretary; Alma Helder, treasurer; Stephanie Osterman, recording secretary; Roman Possedi, Sr., sergeant at arms; Otmar Tasner, Michael Fleischhacker, and Minka Grasich, auditors; Frank A. Schonta, cultural narrator; Corinne Leskovar, director of special events; Joseph Osterman, Fred Orchek, Anna Tasner, Frank Karner, Frances Maxwell, Anton Skamperle, Ludvik Jelenc, Jerome Soukal, Ursula Krzisnik, and Frank Gerzel, directors.

Slovenia is located in southeastern Europe and is one of six republics of Yugoslavia. During the course of their long and impressive history, the Slovenians have demonstrated time and again their courage in the face of adversity, their strength and intrepid fortitude, and their dedication to their religious and cultural traditions. They have fought with valor to preserve their identity, their independence, and their inherent right of self-determination. Although overshadowed by strong and dominant neighbors, the Slovenians have stood fast in defense of the values and traditions of their forefathers.

Many Slovenians have found their way to America and have demonstrated their abilities by contributing to the cultural, political, and social enrichment of our country. We are fortunate to have in America today more than 400,000 Americans of Slovenian descent, many of whom have won recognition because of their dedicated service to our country. Among these distinguished Slovenian-Americans are the Honorable John A. Blatnik, Congressman from the Eighth District of Minnesota, who is the chairman of the powerful Public Works Committee; the Honorable Ludwig J. Andolsek, able Commissioner of the U.S. Civil Service Commission; the Honorable Philip E. Ruppe of the 11th District of Michigan, who serves on the Interior and Insular Affairs Committee and the Merchant Marine and Fisheries Committee; the Honorable Joe Skubitz of the Fifth District of Kansas, who serves on the Interior and Insular Affairs Committee and the Interstate and Foreign Commerce Committee; and the Honorable Frank J. Lausche, former U.S. Senator from Ohio and five-term Governor of the State.

In the Seventh Congressional District of Illinois, which I have the honor to represent, there are many hundreds of Slovenian-Americans. In Chicago last Sunday, the Slovenians celebrated their Festival Day with a cultural program of traditional Slovenian music, food, and costumes. Featured in their program was one of Europe's top performing and recording ensembles, the Slovenski Instrumentalni Kvintet with singers Danica Filipic and Inge Brugeman. Their program included traditional Slovenian folksongs and alpine melodies.

Also included in the program was the reading of a proclamation adopted by Chicago's City Council and signed by Mayor Richard J. Daley designating Sunday, October 10 as Slovenian Day in Chicago. That proclamation was read by this year's Miss Slovenian Day, or "Gospodichna"—18-year-old Margie Matkovich.

Honorable Vito Marzullo, sponsor of this proclamation and alderman and committeeman of the 25th ward, which is a part of the Seventh Congressional District where many Slovenians reside, joins me in extending best wishes to the Slovenian people on the occasion of their 53d anniversary celebration of the independence of their homeland. May they continue the traditions that have made the Slovenian-Americans a valuable addition to our great country.

COLUMBUS DAY 1971

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. YATRON. Mr. Speaker, as we celebrate Columbus Day as a national holiday for the first time this year, it is important that we recognize this day as an important event in the history of this great country of ours.

The year 1492 will certainly be remembered by everyone who gives any thought to history. The discovery of the New World by Columbus marked a milestone in the record of man's existence on the earth. Let us not forget that Christopher Columbus has been a true inspiration for all men of adventurous spirit, since his fateful discovery 500 years ago. He has always been a symbol of adventure, courage, and triumph against adversity for all generations.

It was this spirit of course, adventure, and love for God that led Columbus into discovering a new world. By his inspiration others will be encouraged to discover new horizons, and thereby benefit all mankind. We should be thankful, on the first year of national celebration of this man's endeavor, that the determination of these men was strong enough to make this perilous voyage across the vast expanse of ocean to begin a new era in the history of the world.

JOBS AND INEQUALITY

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. DIGGS. Mr. Speaker, Andrew F. Brimmer, member, Board of Governors of the Federal Reserve System, gave an extensive economic progress report on blacks in America, when he spoke at the 62d convention of the National Association for the Advancement of Colored People held in Minneapolis, Minn., on July 6, 1971. Governor Brimmer, an eminent black economist, spoke on the subject "Jobs and Inequality—Progress and Stagnation in the Quest for an Open Society." I am pleased to share the text of Governor Brimmer's remarks:

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
Washington, D.C., July 7, 1971.

Hon. CHARLES C. DIGGS, Jr.,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DIGGS: Shortly after you telephoned this morning, I talked to Governor Brimmer. He was indeed flattered and grateful for the gesture that you are going to take. He asked me to tell you that the mood of the Convention has been very good so far.

As you requested, I have enclosed a copy of his remarks at the 62nd Annual Convention of the National Association of Colored People.

Very truly yours,
TONSA FUQUA GOODMAN,
Administrative Assistant to Governor Brimmer.

JOBS AND INEQUALITY

PROGRESS AND STAGNATION IN THE QUEST FOR AN OPEN SOCIETY

(By Andrew F. Brimmer)

(NOTE.—I am grateful to a number of persons for assistance in the preparation of these remarks. Mr. William H. Brown, III, Chairman, U.S. Equal Employment Opportunity Commission (EEOC), arranged for me to obtain statistics reported to the Commission under Title VII of the Civil Rights Act of 1964. At the Board, Messrs. Peter J. Peddor and James T. Campbell, III, displayed considerable imagination in designing and carrying out the computer programming which made it possible to use the EEOC data. Mr. James R. Wetzel assisted with the analysis of the behavior of unemployment among nonwhites over the business cycle. Miss Harriett Harper had the main responsibility of matching the detailed industry employment data from EEOC with data from the 1960 Census. She also helped at several other stages of the project.)

I would be honored at any time to receive an invitation to address an Annual Convention of the National Association for the Advancement of Colored People. I am especially pleased that I was asked to do so on this occasion—and to have the additional privilege of presenting the 56th Spingarn Medal. This Award—the highest mark of recognition that this Association can bestow—is reserved for Negro Americans whose accomplishments have been truly outstanding. The man singled out for the citation this year has registered his achievements in the field of economics—as well as in the fields of religion and social development. So in honoring him, you broadcast a message to this Nation—but especially to the black community—that is clear and unmistakable: genuine economic advancement is the key to the fulfillment of the most cherished aspirations of the Negro in America.

Since I share this conviction, I decided that the best way for me to respond to the NAACP's invitation is to share with you my own concern about the outlook for economic progress among black people in the United States. I am particularly distressed by the apparently declining emphasis on job opportunities—in contrast to a rising demand for expanded opportunities for blacks to own and manage their own businesses. In expressing this concern, I must hasten to add that—while I personally have serious reservations about many of the numerous programs aimed (hopefully) at increasing business ownership by blacks—I believe that those black men and women who are convinced that they can succeed in business should have a chance to try their luck. At the same time, however, I must also emphasize that the vast majority of black people—as is true of the vast majority of the American people as a whole—must work for a living. This means that their true interest lies in the opening up of genuine employment opportunities and in accelerating occupational upgrading.

In citing this need, I am not overlooking the evidence of economic progress that is all around us: reflecting the considerable improvements in education and skills and the lessening of racial discrimination in numerous industries, black people have made noticeable strides in the last decade. These gains can be traced in their stronger employment situation and the decline in their unemployment rates, as well as in the relative improvement in their share of total income.

Nevertheless, a closer examination of trends in Negro employment in major industries and government service during the 1960's reveals a mixture of progress and stagnation which shows that we still have a long road to travel before black people—and other minority groups—achieve truly equal opportunities in an open society. During the last month or so, I have had underway such an examination, and the results of the inquiry suggest that the amount of progress has been most uneven:

In the last decade, Negroes made noticeable strides in total white collar employment, but the gains were concentrated among clerical workers. Sizable improvements occurred in professional and technical occupations. Their relative proportion as managers and officials was virtually stagnant.

The share of blue collar jobs held by Negroes also rose somewhat. However, the gains centered in semiskilled factory jobs. Small improvements were recorded among craftsmen and other highly-skilled categories.

Among major industries, the pace of progress varied substantially. In general, where blacks have found a significant number of openings in particular industries, they have usually been in blue collar and service jobs. The few exceptions have included communications, banking, and insurance.

In the area of public employment, Negroes have gained somewhat more than their proportionate share of jobs in the Federal Government. Nevertheless, they have made little headway in moving into the higher grades. While the situation is hard to document in the case of State and local governments, it appears that blacks and members of other minority groups still have little chance to compete for the better paying positions on public payrolls.

Within the Federal Reserve System, Negroes and other minority groups constitute nearly one-fifth of the total employment. Here also, however, they are concentrated mainly in the lower end of the salary structure. With respect to managers and officials, the System appears to have made only slightly more progress than banking generally—and it seems to be about in line with industry as a whole.

But my assessment of the Negro's quest for equal employment has not been entirely backward looking. I have also looked ahead through the decade of the 1970's, and I see a number of reasons to be optimistic:

The present decade will bring considerable expansion in economic opportunities. However, these openings will require a much higher level of education, and many of them will be in fields which blacks traditionally have not entered. Consequently, young black people will have to acquire a wide range of new skills while striving to narrow the educational gap between Negroes and white.

But equally critical is the need to press on with the campaign to eradicate the remaining vestiges of racial discrimination. This need exists in government—at all levels —as well as in private industry.

In the short-run, however, I am less optimistic about the outlook for employment opportunities for blacks—along with others in the national economy. Unemployment among Negroes climbed relatively more slowly than it did for all workers during the recent recession, but the level for blacks is still almost double that for the total labor force. Moreover, reflecting the uncertain prospects for the total economy, I believe we should not expect to see a significant improvement in the employment situation for blacks—or for the total labor force—for quite some time.

Because of this rather pessimistic outlook for employment, a number of observers have been calling for greater effort by the Federal Government to stimulate the economy (by temporary tax or spending measures). In the face of persistent inflation, still others have urged the adoption of specific policies to restrain increases in wages and prices. In fact, the Federal Reserve Board has endorsed a number of times the idea of establishing some kind of machinery (built around a prices and wages review board) to strengthen the Government's hand in the fight against inflation.

Speaking for myself—and not necessarily for my colleagues on the Federal Reserve Board—I must say that I personally see a good deal of merit in the suggestions which hold that the economy does require an extra boost at this time.

I will amplify these general conclusions in the rest of these remarks.

Long-Run Trends in Employment

The economic progress of Negroes can be traced in the trends of the labor force, employment and occupational advancement during the last decade. In 1970, there were

9.2 million nonwhites[1] in the labor force—meaning that they were holding jobs or seeking work. This was a rise of about one-fifth since 1960, a rate of increase somewhat faster than for whites and for the total labor force. However, employment of nonwhites rose more rapidly than it did for all employees (by 22 per cent to 8.4 million for the former compared with 19½ per cent to 78.6 million for the latter). Expressed differently, while nonwhites represented about 11 per cent of the total civilian labor force in both 1960 and 1970, their share of the gains in employment during the decade was somewhat larger: they accounted for near 12 per cent of the employment growth, although they held just over 10 percent of the jobs at the beginning of the period. (See Table 1, attached.)

Advancement in the range of jobs held by Negroes in the last decade was also noticeable. This was particularly true of the improvements in the highest paying occupations. Between 1960 and 1970, the number of nonwhites in professional and technical positions increased by 131 per cent (to 766 thousand) while the increase in the total was only 49 per cent (to 11.1 million). Nonwhites had progressed to the point where they accounted for 6.9 per cent of the total employment in these top categories in the occupational structure in 1970, compared with 4.4 per cent in 1960. They got just over 9 per cent of the net increase in such jobs over the decade. During this same period, the number of nonwhite managers, officials and proprietors (the second highest paying category) rose two-thirds (to 297 thousand) compared to an expansion of 17 per cent (to 8.3 million) for all employees in this category.

In the 1960's, nonwhite workers left low-paying jobs in agriculture and household service at a rate two to three times faster than did white workers. The number of nonwhite farmers and farm workers dropped by 63 per cent (to 328 thousand) in contrast to a decline of about 40 per cent (to 3.1 million) for all persons in the same category. Nevertheless, in 1970, nonwhites accounted for about 21 per cent of employment in agriculture, slightly more than their share in 1960 when the proportion for nonwhites was 19 per cent. The exit of nonwhites from private household employment was even more striking. During the last decade, the number of nonwhites so employed fell by about 34 per cent (to 652 thousand); the corresponding drop for all workers was only 21 per cent (to 1.6 million). Although roughly half of all household workers were nonwhite in 1960, the ratio had declined to just over two-fifths by 1971. The number of black nonfarm laborers declined (by 9 per cent to 866 thousand) over the last decade, but the total number of laborers rose somewhat.

Nevertheless, as already indicated, the accelerated movement of nonwhites out of the positions at the bottom of the occupational pyramid did not flow evenly through the entire occupational structure. For example, nonwhites in 1970 still held about 1.5 millon of the service jobs outside private households—most of which require only modest skills. This represented almost one-fifth of the total—slightly more than the proportion in 1960. Moreover, the number of nonwhites holding semi-skilled operative jobs (mainly in factories) rose by 42 per cent (to about 2.0 million) during the decade, compared with an expansion of only 16½ per cent (13.9 million) for all workers. The result was that nonwhites' share of the total climbed from 12 per cent to over 14 per cent. Taken together, these two categories of lower-skilled jobs (chiefly in factories or in non-household services) accounted for a somewhat larger share (42 per cent) of total nonwhite employment in 1971 than they did in 1960—when their share was about 38 per cent. In contrast, among all employees the proportion was virtually unchanged—27 per cent at the beginning of the decade and 28 per cent at its close.

While nonwhites made substantial progress during the 1960's in obtaining clerical and sales jobs—and also registered noticeable gains as craftsmen—their occupational center of gravity remained anchored in those positions requiring little skill and offering few opportunities for further advancement. At the same time, it is also clear from the above analysis that blacks who are well-prepared to compete for the higher-paying positions in the upper reaches of the occupation structure have made measurable gains. Nevertheless, compared with their overall participation in the economy (11 per cent of total employment), the occupational deficit in white collar employment—averaging 40 per cent—remains disturbingly large. These contrasting experiences within the black community emphasize strongly the point I made at the outset: the campaign for improved job opportunities is far from won—and must be pursued with renewed dedication.

Uneven Pattern of Equal Opportunity in Industry

The rate at which American industry has opened employment opportunities for blacks and other minorities have varied greatly over the last decade, and the overall picture is extremely mixed. In general, however, the representation of blacks remains heaviest in the relatively low-wage industries or in those industries with large concentrations of low- and semi-skilled occupations. The small number of exceptions to this pattern appear to be industries in which the leading firms have a substantial amount of direct contact with consumers. At the same time, some of these same industries are also ones in which public regulatory bodies play a major role in determining the framework within which firms operate. At the margin, this factor may also exert a slight influence in favor of lessening discrimination in employment.

Comprehensive statistics showing the current racial pattern of employment in American industry will not be available until the detailed tabulations of the 1970 Census have been completed. Comparable tabulations were prepared from the 1960 Census. Partly to bridge this gap—and to obtain a rough indication of the racial distribution of employment in principal industries—arrangements were made to draw on the information reported annually to the U.S. Equal Employment Opportunity Commission (EEOC) under Title VII of the Civil Rights Act of 1964. These data are far from comprehensive, and they are also subject to a number of reporting limitations—including limited coverage of small firms and the lack of reports for governments and educational institutions.[2] Nevertheless, the EEOC data do provide a broad outline of employment patterns and—when compared with statistics from the 1960 Census—they also give a general indication of trends over the last decade.

We have used the EEOC data for 1969 to estimate the share of Negro and other minority group employment in twelve occupational categories in 50 industries. Similar calculations for nonwhite employment in 1960 were also undertaken. The results of both sets of calculations are shown in the attached Appendix Table.

The highlights of the results are illustrated in Table 2. The information shows Negro employment as a percentage of total employment in selected occupations in 20 industry groups. Each of these industries had at least 500,000 total employees in 1969.

These statistics seem to support the conclusion stated above: where blacks have found a significant number of openings in particular industries, they have usually been in blue collar and service fields. For example, in 1969, Negroes accounted for 9.5 per cent of the EEOC reported employment. However, they made up 13 per cent of all blue collar employees and 27 per cent of all service workers—but they held only 4 per cent of all white collar jobs. Within the white collar group, Negroes represented only 1½ per cent of managers and officials, 5½ per cent of the technicians and 6 per cent of all office and clerical workers. In the blue collar category, they constituted 5 per cent of the craftsmen, 13 per cent of the operatives and 22 per cent of the laborers.

The extent of black employment varied greatly from industry to industry. Of the 20 industries shown in Table 2, they were concentrated most heavily in steel and other primary metals (13.6 per cent) of total employment) (textile mills (12.8 per cent), and food processing (12.4 per cent). They also had somewhat more than their proportionate share of the total jobs in transportation equipment manufacturing—mainly automobiles (10.4 per cent) and apparel and other textiles (10.3 per cent). However, in all of these industries, the fairly high employment ratios for blacks reflected almost entirely their concentration in blue collar and service occupations.

The lowest employment ratios for Negroes among the 20 industries were found in electric and gas utilities (5.2 per cent) and non-electrical machinery (5.6 per cent). The ratio in printing and publishing was also fairly low (6.3 per cent). Among these three groups, however, the Negro's share of white collar employment differed significantly. In non-electrical machinery, they held only 1½ per cent of such jobs (the second smallest proportion among the 20 industries), compared with 3.4 per cent in the utilities and 3.7 per cent in printing and publishing.

The industries in which blacks have made the largest relative gains in occupational upgrading are communications, banking, and insurance. In the case of communications (dominated by telephones and radio and TV broadcasting), Negroes represented 7.4 per cent of total employment and they held 8.8 per cent of the total white collar jobs; within the latter category, they had 11½ per cent of the office and clerical positions. Negroes also represented 7½ per cent of total employment in banking, and they held 6½ per cent of the white collar positions—including 8 per cent of the office and clerical jobs. Among insurance carriers, they occupied just over 6 per cent of all jobs, 5½ per cent of the white collar slots, and made up 8 per cent of the office force.

Still other features of the position of blacks in American industry are put into sharp relief by the data in Table 2. At least one of these should be mentioned before I conclude this part of these remarks. While none of the industries listed show an outstanding record of advancing blacks to managerial and official positions, the situation in electric and gas utilities, non-electrical machinery, textile mills, and railroad transportation is particularly distressing. In each of these industries, black managers and officials represent only ½ of 1 per cent of the total employees in this category The "best" record—which is far from "good"—was in educational services (where the ratio was 3.5 per cent).

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[1] Negroes constitute about 93 per cent of all nonwhites; other races included are American Indians and Orientals.

[2] However, the reports do cover a substantial proportion of total employment in some industries. About three-quarters of total employment in manufacturing, transportation, communication, and electric and gas utilities are reported, and well over one-half of the total in mining, and in finance, insurance and real estate is covered. On the other hand, the reports cover only about one-third of total employment in wholesale and retail trade, and in services. Just under one-fifth of contract construction employment is covered. Coverage and other characteristics of the EEOC data are discussed further in the notes to the attached Appendix Table.

Again, the results of this survey of racial employment patterns in American industry point to an inescapable conclusion: our industrial leadership—while they have made noticeable strides—is still failing in the effort to achieve equality of employment opportunities in this country. Thus, the task of devising—and enforcing—effective programs to reach this goal remains to be done. Black people and other minorities—and organizations such as the NAACP—must not slacken in their own responsibility to see that this goal is kept high on the agenda of the Nation's priorities.

Employment opportunities in the public sector

While I have dwelt on the employment status of blacks in private industry, we must not overlook the still unsatisfactory situation in public service. Historically, a larger proportion of employed Negroes (especially of those in professional positions) has been on the public payroll than has been true for the population as a whole. For example, while Negroes represented about 10 per cent of total employment in nonfarm occupations in private industry in 1970, they accounted for 15 per cent of all civilian employees in the Federal Government. Moreover, while Federal employment absorbed 3.3 per cent of the total civilian labor force, about 4.6 per cent of the Negroes in civilian jobs were on the Federal payroll.

Behind these overall statistics is an even heavier reliance by Negroes on the public sector for a disproportionate share of the better jobs they hold. The extent of this reliance was fully documented in the 1960 Census of Population. In that year, public employment at the Federal, State and local level accounted for about 10.2 per cent of total employment. The percentage of nonwhites so employed was roughly the same, 9.9 per cent. However, while just over one-third of all professional and technical workers were employed by public agencies, nearly three-fifths of nonwhite workers in the same occupations were employed by such agencies. Of course, in each case, public employment was heavily weighted by the large number of teachers in the public schools.

But aside from education, the much greater reliance of Negroes on the public sector for white collar jobs is still noticeable. For instance, in 1960, about 1 in 8 of all salaried managers worked for public institutions, but the ratio was 1 in 5 for nonwhites. About 17 per cent of the nonwhite engineers worked for government bodies compared with only 7 percent for white engineers. For accountants, the ratios were one-third for non whites and only 13 per cent for white accountants. Some 22 per cent of nonwhite chemists were employed by public agencies, compared with only 15 per cent of the white chemists.

Clerical workers provide the most striking example of all. In 1960, about two-fifths of all nonwhite women employed as secretaries, stenographers, and other classes of clerical workers were on the public payroll. Only 14 per cent of the white women employed as clerical workers were on the public payroll. Moreover, while nonwhite women represented less than 4 per cent of all women with such jobs, they accounted for 10 per cent of those employed in the public sector.

Although the details obviously have changed since 1960, the broad conclusions probably still hold. While private industry has greatly accelerated its hiring of Negroes in recent years, so has the public sector. For example, as shown in Table 3, in 1963, Negroes constituted 13 per cent of total employment in the Federal Government; by 1970, the ratio had risen to 15 per cent of the work force. In the seven-year period, the number of Negroes employed by the Federal Government rose from 302 thousand to 389 thousand, a gain of 87 thousand—representing 30 per cent of the increase in total Federal Civilian employment.

However, while great strides have been made in the employment of minority groups in the Federal Government, the vast majority of Negroes is still concentrated in the low- and middle-grade jobs. Again, as Table 3 shows, of the 389 thousand Negroes employed by the Federal Government in 1970, les than two-fifths (141 thousand) were in the regular civil service grades, and over three-fifths were in the postal field service or held blue collar (wage board) jobs. Moreover, in regular civil service categories, Negroes are heavily concentrated in the low to middle salary grades.

The employment status of blacks in State and local governments appears to be generally less favorable than it is in the Federal Government. The extent to which this is the case cannot be determined because of a lack of comprehensive information. However, a survey conducted in 1967 by the U.S. Civil Rights Commission casts considerable light on the situation.

The Commission collected information on government employment in seven major metropolitan areas—representing 628 governmental units. The areas were San Francisco-Oakland, Baton Rouge, Detroit, Philadelphia, Memphis, Houston, and Atlanta. In all, nearly 250,000 jobs were involved. About one-fourth of these jobs were held by Negroes.

Of the black workers in State and local governments, more than half were on the payrolls of central city governments. The distribution of Negro and other minority group employment in the seven central cities is shown in Table 4. In four of these areas (San Francisco, Philadelphia, Detroit, and Memphis) the percentage of total city jobs held by Negroes was equal to—or exceeded—their proportion of the population. In both Baton Rouge and Oakland, the city employment rate for Negroes was roughly one-half of their representation in the population.

The data from the survey also show that blacks are heavily concentrated in the low-skill, low-pay occupations in all of the central cities listed. In fact, in each of the cities (except San Francisco and Oakland), Negroes held 70 per cent or more of all laborer jobs. In three of the cities (Philadelphia, Detroit, and Memphis), they made up about one-third of all service workers. In only two cities—Philadelphia and Detroit—did the number of Negroes in white collar positions come near to reflecting their proportion of the population.

On the basis of these results from the survey, one must share the Commission's conclusion: State and local governments have fallen far short of meeting their obligation to assure equal employment opportunity to all of their citizens. Consequently, the quest for job equality must still be pressed at city halls and in State capitals—as well as in the Federal Government.

Equal opportunity in the Federal Reserve System

As mentioned above, the Federal Reserve System has made considerable strides in expanding job opportunities for minority groups. However, despite a strong endorsement by policy officials in the System, the performance is uneven at the Board and among the Reserve Banks.

At the Federal Reserve Board, minorities (all except a few of whom are Negroes) represent over one-fifth of total employment. (Table 5.) They constitute nearly one-fifth of the total white collar group, but they are heavily concentrated in the lower grades. In contrast, Negro employees make up three-fifths of the blue collar and service workers. Among these, nearly three-quarters are in the lowest pay grade. In fact, a fairly large number of blue collar workers began even lower down the occupational ladder (e.g., as messengers) and were promoted to semi-skilled jobs. On the other hand, considerable progress has been achieved in recent years in the employment of Negro clerical workers and technicians. This improvement is the result of systematic recruiting efforts supported by a strong positive employment policy developed by the Federal Reserve Board.

Among Federal Reserve Banks also, considerable progress in the employment of minority group members has been achieved. Negro employment in the Banks increased by 72 per cent between 1968 and 1971, while the total rose by only 17 per cent. Negroes represented half the rise in total employment during the same period. The Reserve Banks employed more than 3,800 Negroes, representing 17 per cent of their total work force in early 1971. (See Table 6.) However, the pattern is quite uneven from one bank to another. Moreover, although not shown in the table, the pattern differs greatly even between the head offices and their branches. To a considerable extent, the differences in black and other minority group employment rates at Federal Reserve Banks can be traced to the differing representation of such groups in the local population (Minneapolis, for example). However, the situation in Kansas City—and perhaps in Boston—apparently cannot be explained on that basis.

Sadly, it seems that the Federal Reserve Banks have been able to do no better than industry as a whole—and only slightly better than banking generally—in the employment of blacks in managerial and official positions. As shown in Table 7, Negroes constituted 1½ per cent of such officials in early 1971.

Clearly, even in the Federal Reserve System, a positive program of active recruiting is necessary to translate a firm policy of equal opportunity into action. This is especially true if any headway is to be made in expanding employment for minority groups in white collar occupations. Such a program is under way, and it was strengthened further early this year when the Federal Reserve Board appointed an official who will devote his full time to the promotion of equal employment opportunity. His task will not be an easy one.

Long-Run Outlook for black employment

As I look ahead to the Negro's employment prospects in the current decade, I am fairly optimistic. By 1980, there should be about 12 million Negroes in the labor force—constituting about 12 per cent of the total. The projection for the national economy as a whole suggests that the outlook for blacks will brighten considerably—if they can prepare themselves to take advantage of the emerging openings.

Thus, improvement in the educational attainment of the black community will be crucial. Sizable gains were achieved during the last decade, and the prospect for further advances is quite hopeful. If these recent trends in schooling of both whites and Negroes do continue during the decade of the 1970's, the educational gap between the two will narrow considerably. Moreover, substantial improvement can also be expected in the quality of education received by Negroes over the next decade.

On the other hand, in the 1970's there will be a sharp increase in the demand for highly trained people. But at the same time, we can also expect a dramatic shift in the types of skills required. This prospect will be of critical importance to black students. As we know. Negro college graduates have traditionally concentrated heavily in the field of education (especially in elementary and secondary teaching). The social sciences, business, and English and literature have attracted most of the remaining graduates. Only a small percentage (much smaller than among college students generally) has selected majors in the scientific fields; among these, biology and mathematics accounted for a sizable share of the enrollment.

Over the current decade, the demand for college graduates is expected to run substantially counter to the typical pattern of Negro graduates. Even before the decade is very far advanced, elementary and secondary education—long plagued by a shortage of classroom personnel—will be faced with a surplus of teachers—if recent entry patterns in this occupation continue. In scientific fields, there may also be a surplus of mathematicians and life scientists (especially of biologists) if students continue to concentrate in these areas in the same proportion as in the recent past.

In contrast, several other scientific and technical fields will continue to face shortages during the 1970's. These include chemistry, geology, geophysics, and engineering. Professional health occupations can also anticipate continued shortages. The shortfall in the supply of physicians and dentists may be especially serious, due to the limited capacity of existing medical and dental schools—which may be relieved only slightly by institutions scheduled to be launched during the 1970's. Outside the scientific and medical fields, other areas of potential shortages include counseling, social work, urban planning, and a number of occupations involved in the planning and administration of State and local governments.

Behavior of black employment during the recent recession

As I mentioned above, while I am fairly hopeful about the long-run prospects for black employment, I am less optimistic regarding their job outlook in the near term. My dampened expectations result from the somewhat uncertain outlook for the economy as a whole—and not from factors affecting blacks alone.

In fact, during the recent recession (from which the economy is—hopefully—recovering), the level of black unemployment rose somewhat less than one would have expected on the basis of historical experience. Partly reflecting the relative lack of skills (but also reflecting the direct impact of racial discrimination), the unemployment rate among blacks has traditionally been about double the rate for whites. Moreover, in previous recessions changes in employment and unemployment among Negroes and whites have tended to be roughly proportionate—although the specific timing of the changes differed slightly. During the last year, however, employment of adult nonwhites (aged 20 and over)—of whom about 93 per cent are Negroes—edged up moderately, while employment among white adults has declined. Also, the level of white unemployment has risen more than the level of Negro unemployment—approximately one-third vs. about one-fifth.

Reflecting the relatively slower rise of Negro unemployment, their jobless rate has remained significantly below the rates prevailing in the early 1960's, whereas the rate for whites has been generally above those recorded in that period. For example, in 1962–63, the nonwhite unemployment rate averaged about 11 per cent, compared with roughly 5 per cent for whites. In June of this year, the nonwhite rate was 9.4 per cent, and the white rate was 5.2 per cent. (See table 8.)

Thus, the ratio of the Negro to the white unemployment rate diminished significantly during the recent recession, and it continues well below the historic 2-to-1 relationship that obtained between the mid-1950's and the late 1960's. A large share of the increase of unemployment in the last 1½ years has occurred in the aerospace-defense sector, a concentration of industries which have relatively few black workers. Of equal importance, however, has been the greater propensity for Negroes to leave the labor force during this period of slack demand. Participation rates for Negroes have fallen somewhat more than those for whites.

Short-term economic outlook

As I stressed above, the near-term employment prospects for blacks—as well as for the total labor force—is not very bright. The total unemployment rate declined from 6.2 per cent in May to 5.6 per cent last month, and the rate for nonwhites decreased from 10.5 per cent to 9.4 per cent. While the declines were widely distributed, they were particularly sharp for teenagers and young adults. However, these one-month declines may not be particularly significant. To some extent, they may reflect technical statistical (seasonal adjustment) factors. Similar changes (although of a smaller magnitude) occurred last year, when the labor force fell and unemployment edged down from May to June—only to rebound in July.[3] More importantly, however, the depressed state of the labor market itself may have cut the large influx of young workers at the end of the school year. Overall, in the 12 months ending in June, the total labor force rose by about one-half million—only one-third of the growth normally expected on the basis of population change and long-run trends in labor force participation.

As I assess the present state of the national economy, I am personally convinced that there is a serious shortage of effective demand. Businesses nor households appear willing to step up their rate of spending for goods and services—which would in turn stimulate increased production, rising employment, and a decline in the backlog of unused plant capacity. Moreover, the sluggish propensity to spend on the part of consumers seems to reflect pessimistic expectations about future employment prospects and the likelihood of a foreseeable check to inflation. Businesses—too—seem to be suffering from a pessimistic view of the economic outlook. Caught in the severe profits squeeze and facing substantial excess plant capacity, they see little need for—and little chance to benefit from—a large increase in spending on new plant and equipment in the near term.

Under these circumstances, the situation may well call for direct measures to strengthen effective demand in the private economy. Since the major participants in the private sector (households and businesses) apparently are unwilling to provide the autonomous support required—that is, by spending more and saving less out of a given income—we may face a classic case that might call for action by the Federal Government. In my opinion, that action could take a variety of forms. However, a key requirement is that it work directly through the provision of inducements to consumers to spend and inducements to business firms to undertake fixed investment. For this purpose, fiscal measures—rather than further easing of monetary policy—are clearly the most promising.

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[3] In passing, it should be noted that the Bureau of Labor Statistics recognizes these technical difficulties and is making an effort to improve the statistical measurements.

TABLE 1.—EMPLOYED PERSONS BY MAJOR OCCUPATION GROUP AND COLOR

[Numbers in thousands]

Occupation	Total employment 1960				
	Total		Negro and other races		
	Number	Percentage distribution	Number	Percentage distribution	Percent of total number
Total employed	65,778	100.0	6,927	100.0	10.5
White collar workers	28,522	43.3	1,113	16.1	3.9
Professional and technical	7,469	11.4	331	4.7	4.4
Managers, officials, and proprietors	7,067	10.7	178	2.6	2.5
Clerical workers	9,762	14.8	503	7.3	5.2
Sales workers	4,224	6.4	101	1.5	2.4
Blue collar workers	24,057	36.6	2,780	40.1	11.6
Craftsmen and foremen	8,554	13.0	415	6.0	4.8
Operatives	11,950	18.2	1,414	20.4	11.8
Nonfarm laborers	3,553	5.4	951	13.7	26.8
Service workers	8,023	12.2	2,196	31.7	27.4
Private household	1,973	3.0	982	14.2	49.8
Other service workers	6,050	9.2	1,214	17.5	20.1
Farmworkers	5,176	7.9	841	12.1	16.2
Farmers and farm managers	2,776	4.2	219	3.2	7.9
Farm laborers and foremen	2,400	3.7	622	8.9	25.9

Occupation	Total employment 1960				
	Total		Negro and other races		
	Number	Percentage distribution	Number	Percentage distribution	Percent of total number
Total employed	78,627	100.0	8,445	100.0	10.7
White collar workers	37,997	48.3	2,356	27.9	6.2
Professional and technical	11,140	14.2	766	9.1	6.9
Managers, officials and proprietors	8,289	10.5	297	3.5	3.6
Clerical workers	13,714	17.4	1,113	13.2	8.1
Sales workers	4,854	6.2	180	2.1	3.7
Blue collar workers	27,791	35.3	3,561	42.2	12.8
Craftsmen and foremen	10,158	12.9	692	8.2	6.8
Operatives	13,909	17.7	2,004	23.7	14.4
Nonfarm laborers	3,724	4.7	866	10.3	23.2
Service workers	9,712	12.4	2,199	26.0	22.6
Private household	1,558	2.0	652	7.7	41.8
Other service workers	8,154	10.4	1,546	18.3	19.0
Farm workers	3,126	4.0	328	3.9	10.5
Farmers and farm managers	1,753	2.2	87	1.0	5.0
Farm laborers and foremen	1,373	1.8	241	2.9	17.6

Source: U.S. Department of Labor, Manpower Report of the President, April, 1971, tables A-9 and A-10, pp. 215-7.

TABLE 2.—NEGRO EMPLOYMENT AS A PERCENTAGE OF TOTAL EMPLOYMENT IN SELECTED INDUSTRIES AND SELECTED OCCUPATIONS, 1960 AND 1969

[Numbers in thousands]

SIC and industry	Total employment (number)	Total	White collar	Managers and officials	Technicians	Office and clerical	Blue collar	Craftsmen	Operatives	Laborers	Service workers
1960: All industries	64,647	10.2	3.8	2.3	(1)	4.6	10.5	4.9	10.7	25.8	28.1
1969: All industries (EEO-1)	28,739										
Nonwhite		10.4	5.1	2.1	6.9	7.0	13.3	5.6	14.1	22.9	28.2
Negro		9.5	4.1	1.5	5.6	6.1	12.6	5.0	13.4	21.8	26.9
(13) Food processing	1,094	12.4	2.9	1.7	2.0	3.6	2.7	1.2	2.9	7.1	27.1
(22) Textile mills	784	12.8	1.7	.6	2.9	2.9	14.3	6.1	13.8	27.7	33.4
(23) Apparel and other textiles	604	10.3	3.5	1.8	3.4	5.6	11.1	8.9	11.2	15.8	19.5
(26) Paper products	564	8.8	1.6	.7	2.0	2.8	11.1	4.6	11.1	17.2	21.1
(27) Printing and publishing	541	6.3	3.7	1.0	4.1	5.7	7.6	2.1	10.4	19.0	32.7
(28) Chemicals	930	7.8	2.3	.8	4.1	4.0	12.2	4.7	13.0	22.7	23.5
(33) Primary metals	1,079	13.6	2.1	1.7	2.6	3.1	17.0	6.7	19.1	25.3	19.0
(34) Fabricated metals	881	9.1	1.4	.8	1.9	2.3	11.6	4.5	13.0	17.5	17.8
(35) Machinery (Excluding electrical)	1,394	5.6	1.5	.5	1.6	2.6	7.8	3.4	9.0	14.9	13.5
(36) Electrical machinery	1,748	7.3	2.3	.9	3.1	3.9	10.2	4.2	11.5	12.7	19.2
(37) Transportation equipment	1,670	10.4	2.0	1.4	2.1	3.8	14.4	6.2	18.4	20.6	24.8
(40) Railroad transportation	616	7.8	2.2	.5	.6	2.6	8.8	3.0	5.7	30.0	47.8
(48) Communications	853	7.4	8.8	1.4	2.4	11.6	3.8	3.0	13.6	15.7	31.9
(49) Electric, gas, sanitation services	569	5.2	3.4	.4	1.6	5.3	6.4	1.9	8.6	25.3	32.8
(50) Wholesale trade	1,345	6.9	3.1	.8	3.2	4.1	13.9	6.3	13.6	22.7	23.2
(53) Retail and general merchandise	1,554	7.8	5.8	2.4	5.1	7.4	14.6	6.2	14.9	21.0	24.1
(54) Food stores	731	6.5	5.6	2.0	7.6	5.2	10.7	4.3	13.4	13.8	13.4
(60) Banking	651	7.5	6.4	.9	5.9	8.0	13.6	6.8	15.9	20.9	28.6
(63) Insurance carriers	837	6.2	5.6	1.8	4.6	8.0	20.1	5.1	17.5	45.4	29.4
(82) Educational services	863	9.7	4.9	3.5	10.2	6.5	14.2	5.5	18.2	19.8	32.9

[1] Not available.

Note: For sources and limitations of data, see notes at end of appendix table.

TABLE 3.—TRENDS IN MINORITY GROUP EMPLOYMENT IN THE FEDERAL GOVERNMENT 1963–70

Pay category	Total full-time employees	Minority groups		Negro		Spanish surnamed		American Indian [1]		Oriental [2]		All other	
		Number	Percent of total	Number	Percent of total	Number	Percent of total	Number	Percent of total	Number	Percent of total	Number	Percent of total
1963													
Total, all pay systems	2,298,808	374,321	16.3	301,889	13.1	51,682	2.2	10,592	0.5	10,158	0.4	1,924,487	83.7
Total, general (or similar) schedule	1,103,051	125,596	11.4	101,589	9.2	15,292	1.4	5,315	.5	3,400	.3	977,455	88.6
GS-1 through GS-4	355,329	78,170	22.0	66,169	18.6	7,520	2.1	3,373	1.0	1,108	.3	277,159	78.0
GS-5 through GS-8	315,203	33,851	10.7	26,452	8.4	4,809	1.5	1,311	.4	1,279	.4	281,352	89.3
GS-9 through GS-11	243,325	10,433	4.3	7,016	2.9	2,178	.9	481	.2	758	.3	232,892	95.7
GS-12 through GS-18	189,194	3,142	1.7	1,952	1.0	785	.4	150	.1	255	.1	186,052	98.3
1970													
Total, all pay systems	2,592,956	501,871	19.4	389,355	15.0	73,968	2.9	17,446	.7	21,102	.8	2,091,085	80.6
Total, general (or similar) schedule	1,272,310	186,170	14.4	140,919	10.9	24,302	1.9	10,480	.8	10,469	.8	1,106,140	85.6
GS-1 through GS 4	308,315	84,078	27.3	67,253	21.8	9,258	3.0	5,655	1.8	1,912	.6	224,237	72.7
GS-5 through GS 8	372,939	64,278	17.2	50,392	13.5	8,186	2.2	2,724	.7	2,976	.8	308,661	82.8
GS-9 through GS 11	318,077	25,572	8.0	16,272	5.1	4,663	1.5	1,472	.5	3,165	1.0	292,505	92.0
GS-12 through GS 18	292,979	12,242	4.2	7,002	2.4	2,195	.8	629	.2	2,416	.8	280,737	95.8
GS-12 through GS 13	215,720	9,736	4.5	5,723	2.7	1,700	.8	477	.2	1,836	.9	205,984	95.5
GS-14 through GS 15	71,788	2,395	3.3	1,204	1.7	478	.7	146	.2	567	.8	69,393	96.7
GS-16 through GS 18	5,471	111	2.0	75	1.4	17	.3	6	.1	13	.2	5,360	98.0

[1] Surveyed only in Arizona, California, Montana, New Mexico, North Carolina, Oklahoma, and South Dakota in 1963.

[2] Surveyed only in California, Oregon, and Washington in 1963.

Source: U.S. Civil Service Commission, "Study of Minority Group Employment in the Federal Government," 1963 and 1970.

TABLE 4.—MINORITY GROUP EMPLOYMENT AS A PERCENTAGE OF TOTAL EMPLOYMENT BY OCCUPATION, SELECTED CENTRAL CITIES, 1967 FULL-TIME NONEDUCATIONAL EMPLOYEES

City and race	All occupations	White collar				Blue collar			
		Total white collar	Officials and managers	Professional and technical	Office and clerical	Total blue collar	Craftsmen and operatives	Laborers	Service workers
San Francisco-Oakland:									
Total number	19,745	6,850	256	4,357	2,237	5,206	3,947	1,257	7,689
Minority (percent)	26.8	18.7	4.7	19.8	18.2	29.5	27.8	34.6	32.3
Negro (percent)	17.9	9.5	3.9	9.5	10.2	24.4	23.0	28.7	21.0
Spanish-American (percent)	2.0	1.4	0.0	1.5	1.6	3.2	2.8	4.2	1.7
Oriental (percent)	3.8	7.8	0.8	8.8	6.4	1.9	2.0	1.7	9.6
Philadelphia:									
Total number	28,075	9,092	863	5,070	3,159	5,847	3,319	2,528	13,136
Negro (percent)	40.6	34.3	21.9	27.6	48.3	71.7	56.6	91.7	31.2
Detroit:									
Total number	26,448	7,206	800	3,028	3,378	8,370	5,259	3,111	10,872
Negro (percent)	40.1	30.5	14.4	22.3	41.6	57.1	42.7	81.5	33.4
Atlanta:									
Total number	6,001	884	65	397	422	2,997	1,450	1,547	2,120
Negro (percent)	32.1	3.6	0.0	4.5	3.3	53.0	16.7	87.0	14.5
Houston:									
Total number	8,417	2,060	313	751	996	2,683	1,295	1,388	3,674
Minority (percent)	27.8	11.0	10.5	9.3	12.3	61.9	33.4	88.5	12.4
Negro	19.1	4.4	6.1	4.0	4.2	47.9	23.7	70.5	6.3
Spanish-American	8.7	6.6	4.5	5.3	8.1	14.1	9.7	18.1	6.1
Memphis:									
Total number	10,729	2,783	433	1,311	1,039	3,980	1,486	2,494	3,969
Negro (percent)	41.7	20.9	2.8	32.5	14.0	65.8	13.9	96.7	32.2
Baton Rouge:									
Total number	1,990	597	97	230	252	702	401	301	709
Negro (percent)	16.4	0.9	0.0	2.2	0.0	41.6	20.0	70.4	4.2

Source: U,S. Commission on Civil Rights, "For All the People . . . By All the People: A Report on Equal Opportunity in State and Local Government Employment," 1969.

TABLE 5.—MINORITY GROUP EMPLOYMENT AT THE FEDERAL RESERVE BOARD, NOV. 30, 1970

Category	All employees	Minority group employment			
		Negro employment		Other minority groups	
		Number	Percent of total	Number	Percent of total
Total employment	1,018	226	22.2	8	0.8
Board members	7	1	14.3		
Official staff	66	(1)			
FR grades (total)	850	167	19.6	8	.9
FR 12 to 15	273	12	4.4	4	1.5
FR 8 to 11	202	6	3.0		
FR 5 to 7	232	60	25.9	2	.9
FR 1 to 4	143	89	62.2		
Wage board grades (total)	95	58	61.0	2	2.1
$5,000 to $5,999	41	30	73.2	1	2.4
$6,000 to $7,999	26	16	61.5	1	3.8
$8,000 to $9,999	21	11	52.4		
$10,000 to $11,999	6	1	16.7		
$12,000 to $13,999	1				

[1] In early 1971, 1 Negro officer (the Director of Equal Employment Opportunity) was added to the Board's staff.

Source: Federal Reserve Board.

TABLE 6.—EMPLOYMENT IN FEDERAL RESERVE BANKS AND BRANCHES, BY RACE, 1968 AND 1971

Federal Reserve Bank, including branches	1968					1971				
	Total employment	Negro employment		Other minorities[1]		Total employment	Negro employment		Other minorities[1]	
		Number	Percent of total	Number	Percent of total		Number	Percent of total	Number	Percent of total
Boston	1,203	68	5.6	6	0.5	1,475	141	9.6	33	2.2
New York	4,032	726	18.0	97	2.4	4,829	1,277	26.4	206	4.3
Philadelphia	899	85	9.4			1,048	184	17.6	6	.6
Cleveland	1,381	102	7.4	2	.1	1,404	148	10.5	1	.1
Richmond	1,453	280	19.3	1	.1	1,916	423	22.1	13	.7
Atlanta	1,489	213	14.3	7	.5	1,738	322	18.5	20	1.2
Chicago	2,613	233	8.9	36	1.4	2,965	483	16.3	91	3.1
St. Louis	1,176	195	16.6			1,427	321	22.5	9	.6
Minneapolis	725	6	.8	1	.1	905	32	3.5	5	.6
Kansas City	1,164	69	5.9	21	1.8	1,415	102	7.2	35	2.5
Dallas	977	78	8.0	44	4.5	1,131	167	14.8	99	8.8
San Francisco	1,866	155	8.3	214	11.5	2,021	212	10.5	348	17.2
All Federal Reserve banks	18,978	2,210	11.6	429	2.3	22,274	3,812	17.1	866	3.9

[1] Includes Spanish-Americans, Orientals and American Indians.

Source: Federal Reserve Board.

TABLE 7.—MANAGERS AND OFFICIALS IN FEDERAL RESERVE BANkS, BY RACE, 1ST QUARTER, 1971

Federal Reserve Bank	Total number of managers and officials	Negroes		Other minorities	
		Number	Percent of total	Number	Percent of total
1. Boston	71	0		0	
2. New York	372	6	1.6	1	0.3
3. Philadelphia	107	1	.9	0	
4. Cleveland	105	2	1.9	0	
5. Richmond	135	1	.7	0	
6. Atlanta	178	4	2.2	1	.6
7. Chicago	322	5	1.6	5	1.6
8. St. Louis	125	1	.8	0	
9. Minneapolis	89	4	4.5	1	1.1
10. Kansas City	133	1	.8	1	.8
11. Dallas	99	0		3	3.0
12. San Francisco	142	1	.7	2	1.4
Total	1,878	26	1.4	14	.8

Source: Federal Reserve Board.

TABLE 8.—NEGRO AND WHITE UNEMPLOYMENT RATES DURING RECENT BUSINESS CYCLES (SEASONALLY ADJUSTED)

Cyclical peaks and troughs	Jobless rates		Ratio
	Negro	White	
July 1957	7.9	3.7	2.14
April 1958	13.8	6.7	2.06
May 1960	9.7	4.6	2.11
February 1961	12.8	6.2	2.06
November 1969	6.3	3.2	1.97
November 1970	9.0	5.5	1.64
June 1971	9.4	5.2	1.81

Source: U.S. Department of Labor, Bureau of Labor Statistics.

APPENDIX: DISTRIBUTION OF EMPLOYMENT, BY RACE, OCCUPATION, AND INDUSTRY, 1960 AND 1969

[Numbers in thousands; minority groups as percentage of total in each category]

(Note—See notes at end of table for sources and limitations of data)

Occupation and race	Total, all industries	Oil and gasoline extract	General building contractors	Heavy construction contractors	Special trade contractors	Ordnance and accessories	Food and kindred products	Textile mill products	Apparel and other textiles	Lumber and wood products	Furniture and fixtures	Paper and allied products
SIC code		(13)	(15)	(16)	(17)	(19)	(20)	(22)	(23)	(24)	(25)	(26)
Total employment:												
1960:												
Total (number)	64,647						1,727	933	1,117			
Nonwhite (percent)	10.2						10.1	4.6	8.6			
1969:												
Total (number)	28,739	117	197	223	144	252	1,094	784	604	385	278	564
Minorities (percent)	13.6	5.1	15.8	21.0	13.8	13.5	19.5	14.7	17.8	15.4	18.2	11.9
Nonwhite (percent)	10.4	3.4	12.9	15.5	10.4	11.4	13.8	13.2	11.3	13.7	13.9	9.2
Negro (percent)	9.5	2.4	11.7	13.3	9.2	10.6	12.4	12.8	10.3	12.7	13.4	8.8
White collar employment:												
1960:												
Total (number)	26,578						458	122	151			
Nonwhite (percent)	3.8						2.4	2.1	5.9			
1969:												
Total (number)	13,608	58	54	63	28	107	346	119	81	125	51	144
Minorities (percent)	6.8	3.8	4.5	6.4	4.9	4.6	5.3	2.7	6.6	3.8	2.9	2.6
Nonwhite (percent)	5.1	2.6	3.2	4.0	3.4	3.3	3.8	1.9	4.2	3.3	1.9	1.9
Negro (percent)	4.1	1.5	1.8	1.5	2.0	1.9	2.9	1.7	3.5	2.8	1.6	1.6
Managers and officials:												
1960:												
Total (number)	5,408						107	22	30			
Nonwhite (percent)	2.3						.7	.3	.9			
1969:												
Total (number)	2,558	13	16	19	8	20	92	44	25	31	18	46
Minorities (percent)	2.9	1.2	2.1	3.5	2.6	2.3	4.0	1.1	3.8	1.5	2.3	1.4
Nonwhite (percent)	2.1	1.0	1.5	2.5	1.7	1.8	2.9	.7	2.4	1.1	1.3	1.0
Negro (percent)	1.5	.1	.8	1.3	.8	1.3	1.7	.6	1.8	.8	1.1	.7
Professional: [1]												
1960:												
Total (number)	7,223						45	18	12			
Nonwhite (percent)	4.9						3.0	.6	2.7			
1969:												
Total (number)	2,351	18	13	17	4	42	26	9	3	20	3	18
Minorities (percent)	5.1	2.0	5.2	7.0	3.2	4.6	4.2	1.5	5.4	2.8	2.1	1.9
Nonwhite (percent)	4.1	1.3	3.8	4.5	1.9	3.1	3.1	1.0	2.5	2.5	1.5	1.4
Negro (percent)	2.1	.3	.8	.5	.6	1.0	1.3	.4	1.1	1.2	.5	.7
Technical:												
1960:												
Total (number)												
Nonwhite (percent)												
1969:												
Total (number)	1,248	9	8	9	4	16	17	9	4	11	4	13
Minorities (percent)	8.9	5.4	6.2	11.0	8.0	5.3	9.1	3.7	8.3	7.7	3.2	3.2
Nonwhite (percent)	6.9	3.3	4.3	6.4	5.2	4.0	6.6	3.1	4.6	7.3	2.0	2.4
Negro (percent)	5.6	2.0	2.6	1.9	3.1	2.5	4.4	2.9	3.4	6.8	1.5	2.0
Sales workers:												
1960:												
Total (number)	4,644						120	10	26			
Nonwhite (percent)	2.3						1.4	.6	.9			
1969:												
Total (number)	2,491	1	1	1	2	1	113	6	12	8	6	16
Minorities (percent)	6.6	3.0	1.2	3.9	3.1	.7	5.3	1.0	2.3	3.8	.7	.9
Nonwhite (percent)	4.7	2.1	.4	3.2	2.6	.2	3.8	.7	1.8	2.8	.4	.6
Negro (percent)	4.0	.4	.4	.4	1.2	.0	3.2	.5	1.7	2.2	.3	.4
Office and clerical workers:												
1960:												
Total (number)	9,303						186	72	83			
Nonwhite (percent)	4.6						3.8	3.3	9.8			
1969:												
Total (number)	4,961	17	16	17	10	28	99	50	37	55	20	52
Minorities (percent)	9.4	7.0	6.1	7.8	6.8	6.3	7.1	4.3	9.8	4.7	4.1	4.5
Nonwhite (percent)	7.0	5.0	4.5	5.3	4.9	4.5	5.3	3.2	6.3	4.2	2.8	3.3
Negro (percent)	6.1	3.6	3.2	2.7	3.2	3.6	3.8	2.9	5.6	3.9	2.5	2.8
Blue-collar workers:												
1960:												
Total (number)	23,766						1,229	793	956			
Nonwhite (percent)	10.5						12.4	4.4	8.8			
1969:												
Total (number)	13,257	58	124	157	114	139	714	648	511	250	223	412
Minorities (percent)	17.8	5.8	19.7	26.7	15.2	19.8	25.9	16.3	19.3	20.2	21.5	14.9
Nonwhite (percent)	13.3	3.8	16.1	19.8	11.4	17.3	18.1	14.7	12.1	17.9	16.4	11.5
Negro (percent)	12.6	2.7	15.1	18.0	10.2	16.9	16.5	14.3	11.1	16.6	15.9	11.1
Craftsmen:												
1960:												
Total (number)	8,753						254	116	59			
Nonwhite (percent)	4.9						6.3	2.1	3.4			
1969:												
Total (number)	3,901	25	63	68	80	36	112	113	121	62	48	102
Minorities (percent)	8.3	3.3	8.1	13.2	7.5	8.6	14.8	7.9	15.6	7.7	13.0	6.9
Nonwhite (percent)	5.6	2.4	6.2	8.9	5.2	6.2	9.8	6.4	9.9	6.1	9.1	4.8
Negro (percent)	5.0	1.2	5.5	7.8	4.0	5.8	8.5	6.1	8.9	5.4	8.9	4.6
Operatives:												
1960:												
Total (number)	11,920						839	638	887			
Nonwhite (percent)	10.7						12.6	3.8	9.0			
1969:												
Total (number)	6,739	25	29	43	20	83	305	450	346	102	107	202
Minorities (percent)	18.4	5.8	16.7	24.4	19.2	24.2	22.2	15.8	20.0	18.8	21.6	14.6
Nonwhite (percent)	14.1	3.8	13.1	18.5	13.8	22.2	15.7	14.3	12.3	16.6	16.2	11.5
Negro (percent)	13.4	2.9	12.0	15.7	12.2	21.9	14.5	13.8	11.2	15.3	15.7	11.1
Laborers:												
1960:												
Total (number)	3,093						135	39	11			
Nonwhite (percent)	25.8						23.1	20.7	19.5			
1969:												
Total (number)	2,618	8	33	46	14	20	297	85	44	86	67	108
Minorities (percent)	30.4	14.0	44.1	48.7	53.1	22.1	33.9	30.2	24.1	30.8	27.6	22.9
Nonwhite (percent)	22.9	8.1	37.2	37.2	43.7	17.3	23.8	28.3	17.0	27.8	22.1	17.8
Negro (percent)	21.8	7.1	35.8	35.1	42.9	16.7	21.5	27.7	15.8	26.3	21.4	17.2

APPENDIX: DISTRIBUTION OF EMPLOYMENT, BY RACE, OCCUPATION, AND INDUSTRY, 1960 AND 1969—Continued

[Number in thousands; minority groups as percentage of total in each category]

(Note—See notes at end of table for sources and limitations of data)

Occupation and race	Total, all industries	Oil and gasoline extract	General building contractors	Heavy construction contractors	Special trade contractors	Ordnance and accessories	Food and kindred products	Textile mill products	Apparel and other textiles	Lumber and wood products	Furniture and fixtures	Paper and allied products
SIC code		(13)	(15)	(16)	(17)	(19)	20)	(22)	(23)	(24)	(25)	(26)
Service workers:												
1960:												
Total (number)	7,172						40	18	11			
Nonwhite (percent)	28.1						27.8	30.2	30.3			
1969:												
Total (number)	1,874	1	18	3	2	6	33	17	12	10	4	9
Minorities (percent)	33.4	32.9	22.9	30.0	50.6	24.8	30.8	35.1	29.8	41.2	27.4	23.3
Nonwhite (percent)	28.2	28.9	20.3	27.6	43.9	21.8	25.1	33.7	22.6	39.3	25.0	21.7
Negro (percent)	26.9	27.1	17.7	16.3	42.9	20.7	24.0	33.4	22.2	38.7	24.6	21.2

Occupation and race	Printing and publishing	Chemicals and allied products	Petroleum and coal products	Rubber and plastic products	Leather and leather products	Stone, clay and glass	Primary metal products	Fabricated metal products	Machinery (except electrical)	Electrical machinery	Transportation equipment	Instruments and related products
SIC code	(27)	(28)	(29)	(30)	(31)	(32)	(33)	(34)	(35)	(36)	(37)	(38)
Total employment:												
1960:												
Total (number)	1,131	833		377			1,198	1,246	1,524	1,445	1,733	
Nonwhite (percent	4.2	6.2		6.4			11.4	5.1	2.8	3.8	7.5	
1969:												
Total (number)	541	+930	180	377	205	461	1,079	881	1,294	1,748	1,670	339
Minorities (percent)	9.1	10.3	8.4	13.2	11.6	13.2	17.6	13.3	8.3	11.1	13.4	10.1
Nonwhite (percent)	6.8	8.3	6.6	9.6	6.1	9.8	13.8	9.6	6.1	8.0	10.9	6.6
Negro (percent)	6.3	7.8	5.8	8.9	5.7	9.1	13.6	9.1	5.6	7.3	10.4	5.8
White collar employment:												
1960:												
Total (number)	655	367		96			237	380	467	519	468	
Nonwhite (percent)	2.8	1.7		1.6			1.6	1.6	.9	1.8	2.1	
1969:												
Total (number)	259	433	92	98	116	119	241	224	511	675	564	147
Minorities (percent)	5.8	4.0	4.7	2.9	4.1	2.5	3.3	2.7	2.8	4.4	3.5	4.1
Nonwhite (percent)	4.3	3.0	3.4	2.0	2.5	1.8	2.4	1.8	3.0	3.2	2.7	2.7
Negro (percent)	3.7	2.3	2.5	1.7	2.3	1.2	2.1	1.4	1.5	2.3	2.0	2.1
Managers and officials:												
1960:												
Total (number)	66	54		17			31	60	74	59	48	
Nonwhite (percent)	1.0	.5		.2			.6	.3	.3	.6	.6	
1969:												
Total (number)	41	110	21	32	11	37	92	67	118	138	140	29
Minorities (percent)	2.0	1.7	1.0	2.3	2.5	1.9	2.5	1.7	1.1	2.1	2.1	2.0
Nonwhite (percent)	1.4	1.2	.7	1.5	1.2	1.2	1.8	1.1	.8	1.4	1.6	1.3
Negro (percent)	1.0	.8	.3	1.2	1.0	.9	1.7	.8	.5	.9	1.4	.8
Professional:[1]												
1960:												
Total (number)	100	134		22			67	124	147	225	221	
Nonwhite (percent)	1.3	1.8		1.2			.8	1.5	.7	1.6	1.8	
1969:												
Total (number)	43	92	25	15	1	18	30	25	96	177	168	34
Minorities (percent)	3.0	4.2	3.3	3.1	3.1	1.9	2.1	2.6	3.1	3.5	2.7	3.0
Nonwhite (percent)	2.4	3.3	2.5	2.3	1.8	1.5	1.5	1.8	2.5	2.8	2.1	2.3
Negro (percent)	1.6	1.3	1.2	1.3	.9	.5	.8	.6	1.1	1.0	.8	1.0
Technical:												
1960:												
Total (number)												
Nonwhite (percent)												
1969:												
Total (number)	14	58	10	11	1	15	30	30	88	125	75	26
Minorities (percent)	8.2	6.1	4.4	4.3	6.5	3.9	4.3	3.8	3.2	6.5	3.8	5.6
Nonwhite (percent)	5.8	4.8	3.0	2.9	4.5	2.8	3.0	2.5	2.2	4.4	2.8	3.3
Negro (percent)	4.1	4.1	2.2	2.5	3.8	1.9	2.6	1.9	1.6	3.1	2.1	2.6
Sales workers:												
1960:												
Total (number)	281	47		9			13	24	34	22	11	
Nonwhite (percent)	3.1	.5		.2			.8	.5	.4	.4	1.1	
1969:												
Total (number)	42	49	4	7	3	9	10	20	35	24	8	10
Minorities (percent)	3.8	1.9	4.8	1.3	.8	1.6	.6	1.0	1.0	1.7	.8	1.5
Nonwhite (percent)	2.9	1.3	1.6	1.0	.3	1.1	.4	.5	.6	1.1	.4	1.0
Negro (percent)	2.5	1.0	1.2	.9	.2	.4	.3	.3	.3	.6	.2	.9
Office and clerical workers:												
1960:												
Total (number)	207	132		47			126	172	213	214	236	
Nonwhite (percent)	3.8	2.4		2.6			2.3	2.2	1.3	2.3	2.3	
1969:												
Total (number)	119	123	32	33	15	40	89	82	175	211	172	48
Minorities (percent)	8.5	6.1	8.2	3.5	5.9	3.3	4.5	3.7	3.9	5.9	5.5	6.0
Nonwhite (percent)	6.5	4.4	6.1	2.5	4.0	2.4	3.3	2.6	3.0	4.4	4.3	4.0
Negro (percent)	5.7	4.0	5.2	2.2	3.7	1.8	3.1	2.3	2.6	3.9	3.8	3.6
Blue collar workers:												
1960:												
Total (number)	463	447		274			937	846	1,033	905	1,229	
Nonwhite (percent)	5.1	9.2		7.6			13.7	6.5	3.4	4.6	9.1	
1969:												
Total (number)	269	474	85	270	171	336	809	643	857	1,045	1,073	186
Minorities (percent)	11.1	15.2	12.0	16.6	12.9	16.9	22.0	16.8	11.4	15.1	18.2	14.5
Nonwhite (percent)	8.0	12.8	9.6	12.0	6.6	12.5	17.3	12.0	8.2	10.8	14.7	9.4
Negro (percent)	7.6	12.2	8.9	11.2	6.2	11.8	17.0	11.6	7.8	10.2	14.4	8.4
Craftsmen:												
1960:												
Total (number)	307	142		55			363	298	436	246	506	
Nonwhite (percent)	2.9	2.5		2.7			6.6	2.2	1.9	2.2	4.6	
1969:												
Total (number)	135	142	46	42	36	67	218	173	298	211	368	42
Minorities (percent)	4.2	6.2	4.7	7.3	7.2	8.0	9.4	7.8	5.6	7.2	9.2	6.7
Nonwhite (percent)	2.4	5.0	3.3	4.9	3.2	5.4	6.8	5.0	3.8	4.7	6.5	3.8
Negro (percent)	2.1	4.7	2.6	4.5	3.0	4.9	6.7	4.5	3.4	4.2	6.2	3.2

Occupation and race	Printing and publishing	Chemicals and allied products	Petroleum and coal products	Rubber and plastic products	Leather and leather products	Stone, clay and glass	Primary metal products	Fabricated metal products	Machinery (except electrical)	Electrical machinery	Transportation equipment	Instruments and related products
SIC code	(27)	(28)	(29)	(30)	(31)	(32)	(33)	(34)	(35)	(36)	(37)	(38)
Operatives:												
1960:												
Total (number)	143	256		202			406	490	554	627	664	
Nonwhite (percent)	8.4	9.6		8.2			14.6	7.3	3.6	5.3	10.9	
1969:												
Total (number)	93	252	30	173	103	185	432	351	449	665	616	109
Minorities (percent)	15.1	15.6	16.9	17.1	12.7	16.2	24.3	18.4	12.9	16.3	22.3	15.7
Nonwhite (percent)	11.0	13.2	14.2	13.3	6.8	11.8	19.5	13.5	9.4	12.1	18.8	10.6
Negro (percent)	10.4	13.0	13.4	12.4	6.4	11.2	19.1	13.0	9.0	11.5	18.4	9.3
Laborers:												
1960:												
Total (number)	13	48		18			169	58	43	32	59	
Nonwhite (percent)	19.9	27.4		16.2			26.6	16.9	14.9	11.1	28.0	
1969:												
Total (number)	41	80	9	55	32	83	159	119	111	170	89	35
Minorities (percent)	24.7	29.6	32.0	21.9	19.8	25.6	32.8	25.3	21.0	20.2	26.6	20.1
Nonwhite (percent)	19.4	23.1	27.2	13.0	10.0	19.6	25.7	18.1	15.3	13.4	21.1	13.3
Negro (percent)	19.0	22.7	25.2	12.4	9.2	18.5	25.3	17.5	14.9	12.7	20.6	11.6
Service workers:												
1960:												
Total (number)	13	20		7			24	20	23	21	35	
Nonwhite (percent)	39.6	24.3		25.8			19.3	14.9	13.3	16.5	24.0	
1969:												
Total (number)	13	3	3	9	3	6	20	14	26	27	33	6
Minorities (percent)	37.0	26.5	24.6	21.9	13.8	21.3	22.8	20.9	16.5	23.7	27.7	22.8
Nonwhite (percent)	33.2	23.8	21.6	19.7	11.5	18.4	19.2	18.0	13.9	19.8	25.2	18.9
Negro (percent)	32.7	23.5	21.0	19.4	11.2	17.9	19.0	17.8	13.5	19.2	24.8	18.4

Occupation and race	Railroad transportation	Local and suburban passenger transportation	Trucking and warehousing	Water transportation	Air transportation	Communications	Electric, gas, and sanitary services	Wholesale trade	Retail and general merchandising stores	Food stores	Auto dealers service stations	Apparel and accessories stores	Furniture stores
SIC code	(40)	(41)	(42)	(44)	(45)	(48)	(49)	(50)	(53)	(54)	(55)	(56)	(57)
Total employment:													
1960:													
Total (number)	933		767			808	868	1,912	1,463	1,257			
Nonwhite (percent)	8.3		7.7			2.9	8.2	7.1	5.7	5.9			
1969:													
Total (number)	616	118	491	94	327	853	569	1,345	1,554	731	159	167	83
Minorities (percent)	11.1	23.0	10.2	32.2	9.7	9.6	7.1	10.3	11.3	9.5	12.6	16.4	13.5
Nonwhite (percent)	8.2	20.3	7.8	23.6	7.0	8.0	5.7	7.7	8.7	7.2	9.3	11.2	9.8
Negro (percent)	7.8	19.6	7.2	19.5	5.4	7.4	5.2	6.9	7.8	6.5	8.1	9.8	9.2
White collar employment:													
1960:													
Total (number)	303		170			578	303	1,228	1,222	609			
Nonwhite (percent)	1.7		2.1			2.3	1.6	2.2	3.2	4.1			
1969:													
Total (number)	171	27	134	28	182	615	279	835	1,228	558	82	138	59
Minorities (percent)	3.2	16.0	4.0	9.3	5.8	10.3	4.5	4.4	8.0	7.7	7.4	12.2	6.7
Nonwhite (percent)	2.2	14.4	2.7	6.0	3.9	8.8	3.4	3.1	5.8	5.6	4.7	8.2	4.0
Negro (percent)	2.0	13.9	2.2	2.7	2.4	8.1	2.8	2.4	5.0	5.0	3.6	6.8	3.5
Managers and officials:													
1960:													
Total (number)	80		44			61	45	268	176	136			
Nonwhite (percent)	.5		1.1			.4	.5	1.1	1.0	2.2			
1969:													
Total (number)	31	6	41	6	25	101	68	166	182	73	18	25	10
Minorities (percent)	1.0	5.1	2.1	5.1	3.2	2.6	.9	2.0	4.2	4.0	3.2	7.4	3.6
Nonwhite (percent)	.6	4.2	1.2	3.8	2.2	2.0	.6	1.4	3.0	2.8	2.1	4.3	2.0
Negro (percent)	.5	3.8	1.0	1.3	.8	1.4	.4	.8	2.4	2.0	1.0	3.0	1.5
Professional:[1]													
1960:													
Total (number)	18		6			87	72	63	20	6			
Nonwhite (percent)	.7		1.0			1.3	1.7	1.4	1.9	.3			
1969:													
Total (number)	7	1	4	6	46	71	39	70	14	3	2	1	3
Minorities (percent)	1.9	6.8	3.7	6.0	1.8	2.2	2.8	3.2	5.3	5.0	2.8	5.7	4.6
Nonwhite (percent)	1.3	6.2	2.4	3.6	1.0	1.8	2.0	2.5	3.8	4.2	2.7	3.7	2.9
Negro (percent)	.5	5.7	1.8	1.3	.4	1.2	.8	1.2	2.6	3.4	1.9	2.4	1.9
Technical:													
1960:													
Total (number)													
Nonwhite (percent)													
1969:													
Total (number)	8	1	4	2	9	28	35	72	12	3	3	1	6
Minorities (percent)	1.8	12.4	4.1	13.2	5.2	5.2	3.7	5.5	9.7	9.0	9.0	11.7	5.6
Nonwhite (percent)	.8	10.8	2.9	9.1	3.4	4.0	2.4	4.2	6.1	8.0	6.3	8.5	3.8
Negro (percent)	.6	10.3	2.6	5.0	1.2	2.4	1.6	3.2	5.1	7.6	4.6	7.4	3.3
Sales workers:													
1960:													
Total (number)	2		11			13	9	422	753	369			
Nonwhite (percent)	1.0		.4			.3	.9	1.1	2.2	4.8			
1969:													
Total (number)	7	9	11	1	56	15	13	251	722	432	42	82	23
Minorities (percent)	1.8	32.0	1.6	5.7	7.1	3.7	1.9	3.0	7.8	8.4	10.4	11.3	5.0
Nonwhite (percent)	1.6	29.8	1.3	3.8	5.2	2.8	1.4	2.1	5.6	6.2	6.6	7.4	2.9
Negro (percent)	1.6	29.6	1.0	.3	3.9	2.3	1.0	1.5	4.7	5.4	5.4	6.0	2.4
Office and clerical workers:													
1960:													
Total (number)	203		108			416	177	474	272	298			
Nonwhite (percent)	2.3		2.7			2.9	1.8	4.0	7.3	4.0			
1969:													
Total (number)	118	10	74	12	46	400	125	276	297	47	17	29	18
Minorities (percent)	4.0	9.5	5.5	13.9	10.5	14.4	7.6	7.3	11.2	7.9	4.9	19.5	11.6
Nonwhite (percent)	2.9	8.1	3.8	9.2	6.9	12.3	5.9	5.2	8.4	5.8	3.2	14.0	7.1
Negro (percent)	2.6	7.2	3.1	3.8	3.7	11.6	5.3	4.1	7.4	5.2	1.8	12.5	6.3
Blue collar workers:													
1960:													
Total (number)	591		590			216	550	663	160	415			
Nonwhite (percent)	8.9		9.1			2.1	11.2	14.9	11.0	7.6			

Occupation and race	Railroad transportation	Local and suburban passenger transportation	Trucking and warehousing	Water transportation	Air transportation	Communications	Electric, gas, and sanitary services	Wholesale trade	Retail and general merchandising stores	Food stores	Auto dealers service stations	Apparel and accessories stores	Furniture stores
SIC code	(40)	(41)	(42)	(44)	(45)	(48)	(49)	(50)	(53)	(54)	(55)	(56)	(57)
Blue collar workers—**Cont.**													
1969:													
Total (number)	431	84	345	63	108	223	277	484	192	137	69	20	22
Minorities (percent)	13.0	24.3	12.1	41.4	13.7	5.8	8.5	19.6	20.1	14.5	17.4	32.3	28.2
Nonwhite (percent)	9.2	21.4	9.3	29.5	10.0	4.2	6.8	14.7	15.6	11.5	13.5	18.8	21.9
Negro (percent)	8.8	20.6	8.8	27.0	8.6	3.8	6.4	13.9	14.6	10.7	12.2	17.6	21.4
Craftsmen:													
1960:													
Total (number)	270		61			205	295	146	70	31			
Nonwhite	2.1		4.5			1.6	3.2	5.0	6.3	4.1			
1969:													
Total (number)	209	25	50	10	65	206	155	123	49	42	20	6	4
Minorities	5.6	11.6	8.7	21.4	6.5	4.7	3.2	10.2	11.3	7.6	10.4	22.2	15.5
Nonwhite	3.1	8.9	6.6	14.6	3.5	3.3	5.2	7.2	7.4	5.4	5.8	10.3	10.2
Negro	3.0	8.6	5.8	12.7	2.6	3.0	1.9	6.3	6.2	4.3	46	9.0	9.3
Operatives:													
1960:													
Total (number)	199		444			7	138	391	60	266			
Nonwhite	5.4		7.6			8.2	11.7	16.0	13.5	7.7			
1969:													
Total (number)	142	53	226	25	32	14	96	246	83	56	37	6	9
Minorities	7.8	27.8	9.6	31.1	17.5	18.0	11.1	18.6	20.4	17.3	15.3	30.5	27.3
Nonwhite	5.9	25.4	7.3	21.4	13.7	14.6	9.1	14.3	16.0	14.0	12.6	18.0	20.4
Negro	5.7	24.3	6.8	15.9	12.1	13.6	8.6	13.6	14.9	13.4	11.2	16.8	19.9
Laborers:													
1960:													
Total (number)	122		85			4	117	126	30	118			
Nonwhite (percent)	29.5		20.7			18.4	30.8	23.2	16.9	8.1			
1969:													
Total (number)	79	6	69	28	11	2	26	115	60	39	13	7	8
Minorities (percent)	41.9	44.5	22.6	57.8	45.8	25.6	30.0	31.8	26.9	18.1	33.7	43.3	35.9
Nonwhite (percent)	31.4	37.1	18.0	44.4	38.0	18.6	25.9	23.6	21.8	14.6	27.8	27.2	30.0
Negro (percent)	30.0	35.6	17.3	42.0	34.2	15.7	25.3	22.7	21.0	13.8	27.1	26.2	29.7
Service workers:													
1960:													
Total (number)	38		7			14	15	22	81	32			
Nonwhite (percent)	52.9		28.1			35.9	34.6	38.4	33.7	29.3			
1969:													
Total (number)	14	7	12	3	37	15	13	26	134	35	7	10	2
Minorities (percent)	49.2	34.2	24.4	46.1	17.6	36.3	35.8	28.3	28.6	18.1	25.9	42.9	51.0
Nonwhite (percent)	48.2	30.1	21.0	37.6	14.1	33.7	33.1	24.1	25.0	14.8	21.6	38.3	42.6
Negro (percent)	47.8	29.1	20.4	18.0	11.2	31.9	32.8	23.2	24.1	13.4	20.2	37.2	42.2

Occupation and race	Eating, drinking places	Miscellaneous retail stores	Banking	Credit agencies	Security, commodity brokers	Insurance carriers	Insurance agents, etc.	Hotels, other lodging	Personal services	Miscellaneous business services	Motion pictures	Medical, other health	Educational services
SIC code	(58)	(59)	(60)	(61)	(62)	(63)	(64)	(70)	(72)	(73)	(78)	(80)	(82)
Total employment:													
1960:													
Total (number)	1,412							474				2,196	3,265
Nonwhite (percent)	15.2							23.7				14.4	9.4
1969:													
Total (number)	282	169	651	123	128	837	65	189	96	733	55	1,387	863
Minorities (percent)	29.7	13.1	12.1	7.4	7.8	9.1	5.9	38.6	41.7	18.7	15.8	20.6	13.1
Nonwhite (percent)	23.1	10.5	8.8	4.8	5.2	7.0	4.5	27.2	32.9	15.2	11.1	17.4	11.4
Negro (percent)	21.6	9.5	7.5	4.0	4.2	6.2	3.8	23.8	31.8	14.1	9.4	15.7	9.7
White collar employment:													
1960:													
Total (number)	150							119				1,272	2,604
Nonwhite (percent)	6.6							4.1				6.6	7.5
1969:													
Total (number)	52	121	614	118	125	809	63	42	29	416	32	813	661
Minorities (percent)	12.0	8.1	10.9	6.1	7.5	8.4	5.5	11.8	10.3	7.8	13.0	12.1	8.1
Nonwhite (percent)	9.2	6.0	7.7	3.5	4.9	6.3	4.1	7.5	7.7	5.8	9.2	10.0	6.9
Negro (percent)	8.2	5.1	6.4	2.7	4.0	5.6	3.4	5.3	6.8	4.6	7.2	7.8	4.9
Managers and officials:													
1960:													
Total (number)	74							42				38	66
Nonwhite (percent)	6.4							4.0				3.6	4.8
1969:													
Total (number)	23	20	114	26	12	103	8	11	7	63	5	60	45
Minorities (percent)	10.3	4.4	2.9	2.0	1.9	2.9	1.4	11.1	7.7	4.6	5.8	6.7	4.6
Nonwhite (percent)	8.3	3.6	1.8	1.0	1.2	2.2	1.1	7.8	5.6	3.7	3.7	5.5	4.0
Negro (percent)	7.3	2.7	0.9	0.4	0.8	1.8	0.7	5.6	5.2	2.9	3.0	4.3	3.5
Professional:[1]													
1960:													
Total (number)	12							9				842	2,194
Nonwhite (percent)	13.7							4.8				7.2	7.8
1969:													
Total (number)	2	7	17	5	5	94	17	3	1	123	10	351	359
Minorities (percent)	9.8	9.8	4.6	3.6	2.2	2.6	1.7	9.9	22.8	4.4	11.6	9.1	6.8
Nonwhite (percent)	6.7	8.3	3.0	2.8	1.6	2.0	1.1	7.8	13.0	3.4	9.1	7.5	5.9
Negro (percent)	5.5	4.7	2.0	1.1	0.7	1.4	0.7	6.2	8.1	1.7	5.2	4.2	3.3
Technical:													
1960:													
Total (number)													
Nonwhite (percent)													
1969:													
Total (number)	1	4	10	2	2	39	3	2	2	60	3	191	65
Minorities (percent)	26.3	4.7	10.8	8.0	8.4	7.1	4.0	17.7	10.3	8.8	24.1	20.4	14.7
Nonwhite (percent)	13.9	3.9	8.0	5.3	4.6	5.6	3.2	14.9	6.4	6.0	15.7	17.4	12.5
Negro (percent)	11.0	2.6	5.9	4.2	3.2	4.6	2.4	12.2	5.2	4.6	13.2	15.7	10.2
Sales workers:													
1960:													
Total (number)	16							2				2	6
Nonwhite (percent)	5.5							7.3				6.9	2.4
1969:													
Total (number)	11	69	3	4	33	168	4	3	12	32	2	3	4
Minorities (percent)	13.4	8.4	4.5	3.0	1.7	6.8	7.8	6.9	8.2	5.3	7.6	10.9	6.1
Nonwhite (percent)	10.4	6.0	2.9	2.5	1.2	5.0	7.0	3.9	6.8	3.9	5.8	9.5	5.0
Negro (percent)	8.5	5.2	2.2	1.1	0.5	4.6	6.4	2.4	6.0	3.2	5.1	7.7	3.8

Occupation and race	Eating, drinking places	Miscellaneous retail stores	Banking	Credit agencies	Security, commodity brokers	Insurance carriers	Insurance agents, etc.	Hotels, other lodging	Personal services	Miscellaneous business services	Motion pictures	Medical, other health	Educational services
SIC code	(58)	(59)	(60)	(61)	(62)	(63)	(64)	(70)	(72)	(73)	(78)	(80)	(82)
Office and clerical workers:													
1960:													
Total (number)	47							66				389	338
Nonwhite (percent)	5.5							4.0				5.5	5.8
1969:													
Total (number)	15	21	470	81	74	406	32	24	8	138	13	207	188
Minorities (percent)	14.0	11.6	13.3	7.8	11.4	11.9	8.5	13.1	14.9	12.6	15.4	11.2	9.3
Nonwhite (percent)	10.6	8.8	9.5	4.5	7.5	9.1	6.1	7.8	11.1	9.5	10.6	8.9	7.7
Negro (percent)	9.4	7.5	8.0	3.5	6.3	8.0	5.2	5.0	10.0	8.4	9.4	7.9	6.5
Blue collar workers:													
1960:													
Total (number)	31							51				141	149
Nonwhite (percent)	17.8							17.2				13.8	10.8
1969:													
Total (number)	30	25	10	2	2	12	1	31	61	166	11	99	81
Minorities (percent)	37.8	20.0	28.8	30.2	18.9	26.8	9.9	39.9	55.5	27.2	10.0	25.2	18.6
Nonwhite (percent)	30.0	15.8	22.9	28.9	14.5	22.7	9.2	27.5	43.9	22.2	5.0	20.0	15.3
Negro (percent)	28.5	13.9	13.6	24.5	10.7	20.1	7.7	25.3	42.6	21.3	3.7	18.8	14.2
Craftsmen:													
1960:													
Total (number)	14							28				67	92
Nonwhite (percent)	14.2							8.0				6.2	6.8
1969:													
Total (number)	7	5	3	1	(2)	5	(2)	10	4	46	5	22	29
Minorities (percent)	37.4	10.8	33.8	16.5	22.7	11.9	9.5	20.8	37.0	10.1	6.4	13.9	8.2
Nonwhite (percent)	28.6	7.4	30.3	15.8	20.5	10.6	8.3	13.4	29.3	6.8	3.1	10.8	6.2
Negro (percent)	25.9	4.6	6.8	4.6	9.4	5.1	5.3	11.3	27.7	5.8	2.5	9.2	5.5
Operatives:													
1960:													
Total (number)	12							15				62	33
Nonwhite (percent)	19.7							31.6				19.9	16.0
1969:													
Total (number)	9	12	6	(2)	1	4	(2)	9	45	70	5	47	23
Minorities (percent)	33.1	18.0	26.6	37.5	24.2	24.1	6.1	41.2	55.5	28.4	12.7	27.6	22.8
Nonwhite (percent)	27.7	14.1	18.9	34.5	17.5	18.7	0	30.1	44.7	22.6	6.0	21.6	19.0
Negro (percent)	26.6	12.3	15.9	32.8	14.6	17.5	6.1	28.2	43.5	21.8	3.6	20.6	18.2
Laborers:													
1960:													
Total (number)	5							8				12	24
Nonwhite (percent)	23.6							20.8				25.1	18.5
1969:													
Total (number)	14	8	1	1	1	3	(1)	12	12	50	1	30	28
Minorities (percent)	41.1	28.8	25.8	36.5	10.9	42.1	31.2	54.8	62.2	41.3	16.6	29.8	25.7
Nonwhite (percent)	32.2	23.6	21.3	35.8	7.6	45.6	0.0	37.1	46.2	36.0	10.6	24.0	21.5
Negro (percent)	31.0	22.0	20.9	35.2	7.2	45.4	31.2	34.8	44.8	34.9	9.9	23.1	19.8
Service workers:													
1960:													
Total (number)	1,231							304				784	512
Nonwhite (percent)	16.2							32.5				27.3	18.7
1969:													
Total (number)	200	23	27	3	1	16	1	116	6	151	12	475	121
Minorities (percent)	33.1	32.1	32.3	42.4	21.1	35.2	23.6	48.1	53.2	39.5	29.0	34.0	36.9
Nonwhite (percent)	25.7	28.5	29.1	40.0	15.8	30.1	21.4	34.4	42.8	33.3	22.1	29.5	33.8
Negro (percent)	24.1	27.9	28.6	39.4	15.2	29.4	19.9	30.2	41.4	32.2	20.6	28.5	32.9

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[1] In 1960 census, professional and technical workers were not separated.

[2] Less than 500.

Sources: (1) Statistics on numbers employed in 1960 are from Bureau of Census, Census of Population, 1960, "Occupational Characteristics", Final Report PC (2)–7A, table 3, pp. 21–30. Percentage distributions were calculated in the Division of Research and Statistics, Federal Reserve Board. (2) Statistics on numbers employed in 1969 are from the U.S. Equal Employment Opportunity Commission, Report EEO–1. These data are collected annually under title VIII of the Civil Rights Act of 1964. In most cases, reports are received from companies with 100 or more permanent employees. Consequently, the coverage varies substantially from industry to industry, depending on the prevalence of small firms. An indication of the degree of coverage, by broad industry groups, is provided by a comparison of 1967 EEO–1 reported employment with 1966 total employment reported by the Bureau of Labor Statistics:

SIC	Industry	Employment (in thousands): December 1966 BLS	1967 EEO–1	Percent of BLS
(10–14)	Mining	626.9	347.0	55.4
(15–17)	Contract construction	3,121.5	542.2	17.4
(19–39)	Manufacturing	19,418.9	14,831.3	76.4
(40–49)	Transportation, communication, electric, gas, and sanitary services	4,199.0	3,109.3	74.0
(50–59)	Wholesale and retail trade	14,254.4	4,373.5	30.7
(60–67)	Finance, insurance, and real estate	3,104.2	1,742.2	56.1
(70–89)	Services	9,731.0	3,224.1	33.2

PRESIDENT NIXON IS KEEPING HIS WORD

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. McCLORY. Mr. Speaker, last week the President of the United States withdrew an additional 2,500 soldiers from Vietnam.

On January 20, 1969, there were 532,500 Americans enduring the perils of an Asian war. Today, there are 210,000 Americans in Vietnam who are planning to come home.

Mr. Speaker, President Nixon is keeping his word.

ALAN PATON OF SOUTH AFRICA

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. DIGGS. Mr. Speaker, Alan Paton, a South African novelist and politician recently visited the United States after being exiled in his own country for 11 years. In a Washington Post interview, June 15, Paton revealed some of the sobering experiences of a white, liberal dissenter in a sovereign state. He warned that law and order is often a form of violence which is not necessarily limited to lawbreakers. In a separate speech made at Harvard, Paton further points out the volatile nature of law and order when there is a polarization between law and order and individual rights.

The concept of law and order naturally has certain merits, but when carried to extremes it can be dangerously repressive as revealed in the Post article and Harvard speech which I submit for the RECORD.

[From the Washington Post, June 15, 1971]

ALAN PATON: ON THE MOVE AGAIN

(By Michael Kernan)

On Dec. 5, 1960, the South African liberal dissenter, writer Alan Paton, touched down at Jan Smuts Airport in Johannesburg. He had just addressed the World Council of Churches in Geneva and had received the Freedom Award in New York, placing him in the company of Roosevelt, Churchill, Eisenhower and Hammarskjold.

As Paton got off the plane he was met by South African government officials. They did not congratulate him. They took away his passport. Dissent is not appreciated in South Africa.

Last month, after 11 years of exile in his own country, Paton's travel rights were restored, and he set off on a world trip with his wife, Anne, gathering material for a biography and collecting some of the honors the world has waited so long to give him.

He comes here from an unhappy country, where a man can be forbidden to see his friends, to leave his neighborhood, to write or speak in public if he is suspected of being politically dangerous, a country where in the name of law and order fear has all but strangled the most elementary civil liberties.

"Why did they let me out? The reasons are shrouded in mystery," said Paton as he sat over breakfast in the Jockey Club yesterday. He was in Washington for a few days to see diplomatic friends and to visit Congress. Laconic but alert after a late night, he discussed his boiled egg with the waiter, settling upon 3½ minutes after Mrs. Paton reminded him Washington is at sea level, unlike his home.

The author of "Cry, the Beloved Country," a wrenching, eloquent novel of South Africa's racial tragedy later made into a Broadway opera-drama with Kurt Weill's haunting music, Paton for years has been the voice of individual liberty in South Africa. He is reportedly about to get honorary degrees from Harvard—he would say yesterday only that he is going to Boston to be honored by "an eastern university"—and from Trent University in Ontario and Edinburgh University in Scotland.

Politely posing for pictures outside the Fairfax Hotel, even while a State Department limousine waited in the drive, he said his next stop is New York to see actors Hume Cronyn and Jessica Tandy. They are considering a stage version of "For You Departed," his account of his 39-year marriage to his first wife, Doris, who died in 1967. Paton remarried in 1969.

Up in the hotel room he cajoled Mrs. Paton into another picture ("I always photograph so terribly," she said). They will tour France, Spain, Italy and Portugal, where they will see the widow of Roy Campbell, the South African poet whose biography Paton is writing. Then back to Botha's Hill, the author's aerie near Durban. Now 68, he hopes to finish the work in three years. Then, perhaps, he will return to fiction, which he sees as frequently more effective in conveying the truth about his country than nonfiction or polemic.

The Patons first flew to San Francisco, Las Vegas ("where we lost all our money"), Yosemite, Bryce Canyon and Grand Canyon. One notable difference in our national parks since Paton's last visit there: black tourists. There were none before.

"I see a polarization in this country between law and order and individual rights," he said. "It hasn't gone as far in America as in South Africa, luckily. In South Africa the law and order boys have won. I mean to speak about this."

A nation founded in fear—of Britain and later of the black continent itself—South Africa is run by Afrikaners, descendants of the Dutch Boer settlers, representing about half of the white population and one-tenth of the total population. Their domination of the huge nonwhite majority is complete and unrelenting.

"We never had anything like the Bill of Rights," Paton added. "The Magna Carta is not a part of our Roman-Dutch legal tradition. In South Africa Parliament is absolute sovereign, and security of the state has been exalted above freedom of the individual."

The myth of world Communism, still an article of faith for many Afrikaners, led to the Suppression of Communism Act of 1950 and since then ever more ominous power has been given to the Minister of Justice. The basic weapon is the ban.

The ban can be placed at the minister's personal discretion on anyone he so much as suspects of wittingly or unwittingly "furthering the aims of Communism."

Bans are for five years and are renewable. No appeal to the courts is allowed. On pain of prison sentence the banned person may not leave a specified area. He may not attend public or simple social gatherings: A man cannot attend his own birthday party. He may not publish any statement whatsoever. He also can be forbidden to enter schools, law courts, publishing offices, harbors or railroad stations. He may not belong to whatever organizations the minister specifies. He may not communicate with any other banned person. There is more.

In a 1964 essay in his collection, "The Long View," Paton says this:

"I should like to combat strongly the view that if you are a law-abiding person, you have nothing to fear. It simply is not true. . . .

"A leading member of the Liberal Party died in Northern Natal. At his funeral another leading member was taken away for questioning. He had broken no law. He could have been taken away on any other occasion. But he was taken away on this particular occasion so that as many people as possible could see that it was dangerous to belong to the Liberal Party.

". . . Christopher Shabalala was traveling by train in the Underberg district on legitimate Liberal Party business. The police stopped the train in the middle of nowhere and removed him in the sight of all the passengers. No charge was ever laid against him . . . Let no one believe that the terrible powers of the state are meant to frighten only the law-breakers. They are meant to frighten us all."

The Liberal Party, of which Paton is national chairman, has been stamped down repeatedly by a government which fears liberals as "the prime promoters of Communism" even as it fears the slightest whisper of opposition.

It is said that Paton has not been banned so far because of his world reputation, but so many party colleagues and friends have been banned or imprisoned that it amounts almost to the same thing, for he is not allowed to see these people.

"Of course, you always get a percentage of people who will say what they feel no matter what," the writer said quietly, peering over his glasses. "It is wrong to suggest that the whole population is cowed."

Nevertheless, he saw little chance of a black uprising, for all political organization by nonwhites has been forbidden, representation at the polls is virtually nonexistent, the growth of black national pride has been cut short by the Bantustan policy which separates various black groups into homelands. Leaders of these areas are beginning to make demands, Paton noted, but there is no purely political organization.

Paton has spoken repeatedly against violence, which he sees as another of the issues polarizing South Africans. Yesterday he cast new light on his views:

"If you're living in South Africa you can be banned—or put away—for even indicating you favor violence. So you can't say anything about it. A person like myself is temperamentally unsuited for violence; I don't see any solution through violence. But then, I'm not black.

"Law and order sometimes is itself a form of violence. You know the argument of black revolutionaries, that violence is being done to them, that they live in a violent society in the first place."

America's attitude to South Africa's escalating repressions he finds ambivalent. (In 1947 and 1952 South African Michael Scott came to New York to address the United Nations. He was given a U.S. visa that restricted him not merely to New York City but to the route between his hotel and the UN Building.)

Even more ambivalent, says Paton, is South Africa's attitude toward the outside world. At a recent election Prime Minister Balthazar J. Vorster eliminated a right-wing extremist, and a more outward looking policy was indicated instead of rigid white supremacy.

"One looked forward to some changes," the writer said. "In actual fact, security has been tightened. Since I've been given a passport, we like to think the situation is easing up. But one is never sure. One never knows what will happen next."

(Text of Remarks of Alan Paton, Novelist and Leader of the Liberal Party of South Africa, Prepared for Delivery at the Annual Meeting of the Associated Harvard Alumni in Harvard Yard on the Afternoon of Commencement, June 17, 1971)

It is a great honour, but it is also a considerable challenge to address the Alumni of Harvard University, of whom I am one of the very youngest. What should one say on such an occasion? It seems to me that it would be inappropriate to discuss writing or letters, even though it is because of these that I have become one of you today. It is clear to me that the theme which occupies our minds, even obsesses them, is the life of man in society. To discuss this as a philosopher should, is beyond my powers, nor would it be appropriate. To discuss the life of man in American society would be in me presumptuous, although I follow his contemporary history with great attention. A discussion of the life of man in South African society would be too specialised a theme. So I am going to talk on "Our Two Countries."

I first visited the United States in 1946, and was overwhelmed by it, by its size and its competence, and its extraordinary mood of optimism and confidence; the mood of doubt and anxiety was then rarely encountered. I left it with a multitude of impressions, of which one was easily the greatest and most easily remembered. That was the way in which the founders of your society had dared to set down in black and white a charter for the future, which was to be subscribed to then and there, which was to be amendable only in ways which were purposely made difficult, and which was not only to limit the power of the lawmakers, but which was to subject their laws to the scrutiny of the highest court of the land. That there were defects in this fundamental constitution I have no doubt, but they did not obscure for me the majesty of the conception. And it was a natural consequence of your colonial history that the liberties of men should have been protected against the attacks of overweening authority.

The position in my own country is quite different. Parliament is sovereign, and this sovereignty has enabled it to embark on a programme of racial legislation the like and scope of which have never before been seen in the history of man. If one supports these laws, one calls them laws of racial differentiation, laws for the preservation of racial identity, laws ensuring the peaceful and harmonious social and cultural and political development of all the different racial groups in the country, laws enabling them to move side by side but separately to their own individual and autonomous destinies. If one does not support these laws, one calls them laws of racial discrimination, and one regards the ideal of separate autonomous development as unrealisable, particularly in a country whose economy has brought together the people of all its races, even though their status within that economy is decided by ideological rather than by economic considerations. What is more, one does not believe it possible to implement such laws without inflicting hardship and suffering on voteless and voiceless people.

At this point there is something that I should make quite clear When I am honoured by your University, and am invited to address its alumni, I have one over-riding obligation, and that it is speak that truth which is the object of pursuit of every university which deserves the name. That is what I am trying to do now, and I am trying to do it as a university man should, soberly and clearly, without offensiveness. I might have chosen some safer subject, but I would much rather speak on a subject which is related to our lives and our aspirations. And this brings me to another issue that vitally concerns our two countries.

To what does one give one's highest loyalty? A religious person—which I myself am, though of no great quality—could claim that his highest loyalty is given to God, which is a just claim and a safe claim only when it is made humbly. A person who claims to have no religion could justly claim that his highest loyalty is to the truth, and that also is a safe claim only when it is made humbly. But in what way can one's highest loyalty be given to one's country? Surely only in one way, and that is when one wishes with all one's heart, and tries with all one's powers, to make it a better country, to make it more just and more tolerant and more merciful, and if it is powerful, more wise in the use of its power. I should add that I am stating a very high ideal, because it is seldom that one wishes a thing with all one's heart or tries to do it with all one's might, even though there are sometimes external observers who imagine one to be doing just that. But when loyalty to one's country means loyalty to some party or some government or some policy, or even to that mythical power known as the State, there are many people in both your country and mine who find it difficult, and sometimes impossible, to give that kind of loyalty. I would find it difficult to say what love of South Africa means to me. It certainly means a love of the place where I was born, a love of the physical land, of mountain and river and plain, a love of its infinite variety, a love of its peoples and especially of those who have suffered for the things that they believe in. South Africa is often called a land of fear, and so it is. But it is also a land of great courage—and so is this. A friend of mine was once asked at a symposium, "if you did not live in South Africa, where would you like to live?" to which he gave the totally unexpected answer, "if I did not live in South Africa that's where I should like to live." My own views and beliefs which are often called un-South African, were made nowhere else but there in South Africa, just as many of the views that are called un-American were made nowhere else but in America.

Now when people hold un-South African and un-American views, there is a great temptation on the part of rulers to take steps against them. I should say at once that protest in South Africa has never been as vigorous and as widespread as it is in the United States. And I should say at once that the reason for that is that one has to pay a much higher price for protest in South Africa. Therefore one is tempted to conclude that if rulers took a firmer line in the United States, protest would to some extent die away. And in order to take a firmer line, rulers would have to interfere with that charter that was subscribed to when your country achieved its independence, and would have to curtail that liberty the entrenchment of which was the firm resolve of your founders, and would have to adopt the methods of Hitler and Stalin, which methods have rightly been held in such abhorrence by Americans.

So it is—in your country as well as mine—that there comes this schism between those who believe that the maintenance of law and order is the prime obligation of any good society, and those who believe that the preservation of civil liberty is the prime obligation. And this schism is made more bewildering by the coming into being of other schisms which are related but not identical—between the rich and the poor, the old and the young, the white and the black, the rulers and the ruled. The temptation to achieve conformity by legislation is very powerful, and I hope that the American people will never yield to it, because it will mean the erosion of liberty and the rule of law, and that is what it has meant in my own country, whose parliament has sovereign power, and whose government is representative of one-eighth of the total population.

It may distress you that the blemishes of your body are so visible to the outside world. But at least you lance your boils and suppurations. It would be a tragic error of judgment if you allowed yourselves to believe that a total bandagement would restore your body to health. You at least know you are sick. We do not believe that we are. It is true I think to say that we do not really know what goes on beneath the all-covering mantle of our law and order.

It is time for me to be drawing towards a close, but I want to note one more difference between our country and yours. We are both countries of many races, but whereas your policy—with many halts and hesitations—has been to aim at one American society, our policy—vacillating under earlier governments but determined under the Nationalist government—is to create a multi-racial society, with its African nations, which comprise 70% of the total population, allotted various portions of the country which total something like 13% of the total area, and the aim of the policy is to create homelands where these national groups will achieve cultural, social, economic and eventually—in ideal theory—political autonomy. To a person like myself the policy is a self-deception, a way of disposing of a problem by putting it somewhere else. The possibility of achieving economic independence, or even a healthy economic interdependence, by people whose average earnings are often one-tenth or less of the average earnings of white South Africa, seems totally remote. And it is a source of grief, frustration, and anger and hatred to many that the policy of separate development seems likely to make real economic advance improbable, if not impossible.

I was the President of the inter-racial Liberal Party which was made illegal in 1968, and we opposed uncompromisingly the policies of separate development, and the creation of what we would have called subservient sub-governments. Now I find myself hoping that all our people who are not white, will make the fullest use of these instruments of power which are being put into their hands by the architects of separate development, no matter how feeble they may be; for the creation of these instruments has made it possible for the leaders of these sub-governments to speak with authority to an audience they could never have reached before. And it would be my hope that this would be a stage in our development towards some kind of common society. For in my view no other kind of society could ever give to black men a just share in the fruits of their labour and the earth.

I am often asked the question as to whether Americans should withdraw all investment in South Africa. I know this view is strongly held by some, and I respect it, but it is not my own. If those American enterprises in South Africa—and there are not a great many—and here I am quoting from the statement of the Polaroid Corporation entitled "An Experiment in South Africa," would improve dramatically the salaries and other benefits of their non-white employees, then I have no doubt that this would exert a moral pressure on South African employers to do the same. It is my opinion—that apart from any colour of skin or difference of race and culture—the great disparity between white and black wages leads, paradoxically enough, to an intensification of white fear, for people of other colours and races, when they also, owing to their poverty, live a totally different kind of economic life, seem more alien and more other than ever. Therefore I stand not for the withdrawal of American investment but for this dramatic improvement in salaries and benefits.

Now I have reached my end. Your tribulations are known to the whole world. Some of us in the outside world derive satisfaction from them. Some of us in South Africa believe that your troubles are due to your policies of racial integration, and such people are trying anew to prove that separate can be equal. Yet you should not be discouraged by this. The problems of racial prejudice and friction, the problems caused by man's destruction and pollution of his environment, the problem of war and of deluding oneself—after all these centuries of experience—that war can make the world better, the problem of the terrible gulf that yawns between the rich and the poor, the problem of the impersonality and meaninglessness of human life, especially in the great city, they are our problems too, even if only in miniature. It is foolish of us to gloat when you appear to fail to solve them, for are we any better, any wiser than you? Therefore you must regard yourselves as the testing ground of the world, and of the human race. If you fail, it will not be America that fails, but all of us.

And may I say a word to the younger people of my audience? I understand well your dissatisfaction with the world that we have made. But I do not believe that one can make it any better by withdrawing from it. I understand your argument that if you take part in it, you are only prolonging its existence. I understand your argument that if you take part in it, it will corrupt you—just as it has corrupted us. But it is not a very good or a very brave argument. The only way in which one can make endurable man's inhumanity to man, and man's destruction of his own environment, is to exemplify in your own lives man's humanity to man and man's reverence for the place in which he lives. It is a hard thing to do, but when was it ever easy to take upon one's shoulders the responsibility for man and his world? So good luck to you all.

THE NATICK COMMUNITY IMPROVEMENT PROJECT

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, as the sponsor of legislation to establish a Standing Committee on the Environment, and aware as I am of the deep and pervasive concerns for increased environmental action, it was with much interest that I have followed the activities of the community improvement project of Natick, which is located within my 10th Congressional District, in Massachusetts. Marjory West, the chairman of the community improvement project in Natick, has been in touch with me, reporting the results of a questionnaire distributed within Natick, and the findings are highly relevant, and worthy of widespread attention.

I would like to include the communication I received from Marjory West of the community improvement project in Natick in my remarks at this point in the RECORD:

DEAR CONGRESSWOMAN MARGARET HECKLER: As you no doubt remember, last Fall, the Evening Division Club of Natick sent out questionnaires to determine where the interest of the people lay as far as ecology projects were concerned. The results of the returned questionnaires indicated that the people of Natick wanted something done about waste paper, cans, and bottles. We have been working on this for almost a year, along with the Public Works Department Commissioners and other town committees interested in recycling.

The Bostonia Beverage Company on Mill Street has set up a center to recycle anything glass—to be delivered to them any day and put into separate barrels outside the plant. Glass should be separated by color (clear, green and amber) and deposited in the proper barrels.

The Ecology Club at Natick High School has been busy collecting cans for recycling and will continue these collections until January.

The Public Works Department has been most cooperative in arranging a separate monthly collection of cans for all town residents. They have also provided, through arrangements with Arena Brothers, a receptacle for these cans at the dump. The cans should be rinsed and flattened, and all labels removed. (This can be done easily by removing both ends of the can and stepping on it.) The reason for flattening the cans is that they take up less room in your trash barrel (plastic bags cannot be used) and require less space in the town trucks picking them up. Rinsing them keeps the bugs and animals away and is obviously done for sanitary reasons. This monthly collection will start in January and notice will be given as to the date of collection in your area.

With the amount of waste presently put in our dump, the life expectancy is none too great. Purchasing new land, with new routes to and from the dump site, will certainly be a nuisance and cost tax dollars we do not wish to spend. Isn't it worth a little more time and effort now?

I do hope that your members and friends will cooperate in making this a successful and rewarding project for the Town of Natick.

Sincerely,

MARJORY WEST,
Community Improvement Project Chairman.

OBJECTION TO SOUTH AFRICAN SUGAR QUOTA

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. DOW. Mr. Speaker, this Congressman was deeply disturbed on Monday evening, October 4, when after a long session in which the House disposed of many bills, the conference report on H.R. 8866, Sugar Act Amendments of 1971, was brought to the floor. This report was not on the printed agenda for the day, although it is well known that H.R. 8866 is one of the most controversial bills to be handled in this legislative year.

The reason is known to all. The bill contains a handout represented by a sugar quota of nearly 60,000 tons to the Republic of South Africa. As one who fought this needless benefit to a country that practices the world's most deplorable racist policy, I opposed the conference report because it reduced the South Africa quota by a nominal amount only.

Unfortunately, the parliamentary situation did not permit actual debate by any Member on this burning issue.

I have never advocated the elimination of the South Africa sugar quota merely as retaliation for the incidents of discrimination against Africans of black color and their American friends. My opposition has been based in part on the fact that almost alone among the nations benefiting from American largess, South Africa is a developed and prosperous country. It is unlike the others, which are underdeveloped countries and are deliberately selected as beneficiaries of the economic aid that the American sugar quota provides.

There is no justification whatever for granting this developed country a sugar quota when it practices the cruelest form of peonage and racial oppression, not only de facto but also de jure, that exists in the world.

Mr. Speaker, I reiterate my positive opposition to the bill H.R. 8866.

TRIBUTE TO VOLUNTARY FIREMEN

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. LONG of Maryland. Mr. Speaker, I want to pay tribute to four volunteer firemen from Middle River in my congressional district, Douglas Muller and Charles Hopwood of the Cowenton Volunteer Fire Department, and Warren E. Shaffer and Milton C. R. Desombre of the Bowley's Quarters Volunteer Fire Department, who drowned attempting to rescue four people trapped in a car in the Gunpowder River in Baltimore County during the August flood.

Hundreds of rescue personnel in the Baltimore area worked long hours to relieve the victims of this flood. Their courage and determination deserves the highest praise.

These brave men receive little reward. In Baltimore County, the widow of a volunteer fireman receives only a $5,200 insurance payment and $50 a month. This is obviously inadequate.

To remedy this, I am introducing a bill to make volunteer firemen, ambulance drivers, and rescue squads eligible for employees' compensation fund disability and death benefits. This is one way in which we can repay these men, if only partially, for the protection they provide for all of us.

SPECIAL REPORT FROM CONGRESSMAN SCHMITZ ON OUR POLICY TOWARD THE REPUBLIC OF CHINA

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. SCHMITZ. Mr. Speaker, regarding the issue of the new course being taken in our policy toward the Republic of China and the Communist usurpers and killers who have seized the Chinese mainland, as one of overriding importance, I am sending a special letter and report on it to my constituents which I am also taking this opportunity of placing before you. The report follows:

REPORT FROM CONGRESSMAN SCHMITZ

DEAR CONSTITUENT: Once in a great while an issue arises in public affairs of such critical importance that it should take absolute precedence over everything else. Such an issue is presented by our new policy of accommodation with Red China.

Even our severe current economic problems and new national economic policies, directly as they affect each one of us, do not compare in lasting significance with the real meaning of U.S. acceptance of Peking. We can make economic mistakes and survive, just as a man can go broke and survive. But you only die once. If we cease to regard communism as our enemy, it will bury us just as Nikita Khrushchev once threatened.

Neither the American people nor their elected Representatives in Congress were consulted in advance about the new China policy, the most likely effect of which will be to scuttle our longtime and faithful ally, Chiang Kai-shek—a man who has fought international communism with unwavering and almost incredible fortitude for no less than forty-four years, and also helped us defeat Japan in World War II. Neither the American people nor their elected Representatives in Congress were consulted in advance about making friends with the men in Peking who for years have been proclaiming to the whole world their hatred of America and everything America stands for—the men in Peking who are the slave-masters of 800 million and the destroyers of tens of millions of their own people. Nearly everyone here in Washington seems to be assuming that once Henry Kissinger had turned up in Peking, once our anti-communist China policy had been junked and the President's visit to Red China announced, we all must accept the new situation whether we like it or not.

I am in no position to consult with the whole American people, as the President can do. But I can consult with you, my constituents—and am using this means to do so. Most of you have not yet been heard from. It is time for you to speak—even, or especially, those of you who have always kept silent before. Let me know—let your President know—let everyone know what you really think about accepting Red China and abandoning free China. If you are for this, by all means say so, even though you know it means that we will disagree. I need to find out how many of my constituents I am representing—and not representing—on this issue. If you are against this policy, please wire, phone or write. The more vocal expression of your opinion on this subject that there is, the more hope there will be that the tide can still be turned—and that, with your help, I can play a part in turning it.

Above all, don't give in to the temptation of thinking that it doesn't matter which policy you prefer, that you have nothing to say about it. You do have something to say about it—through me, if nowhere else. I am your elected Representative in the Congress of the United States. The President is a neighbor of ours. Suppose I could show him a thousand, or ten thousand communications from you vehemently opposing this course he is taking. He could not refuse to notice them. He has a long-standing anti-communist reputation. Whatever may be the reasons and whoever may be the individuals who have prevailed on him to take this step, in light of his past experience with our ultimate foe, he must have doubts about it. You can, if you will, help him crystallize those doubts to the point of re-examining his entire China policy before we have committed ourselves irrevocably and permanently to dealing with Mao Tse-tung and abandoning Chiang Kai-shek and all our friends and allies in the Republic of China.

There are some who feel that we have nothing to lose by the President's trip to Peking—that it is a mere "gesture for peace" which signifies no weakening of our moral position or abandonment of our allies. But, in fact, the announcement that the President will go to Peking has already sent a shock wave through Asia whose effects will be felt for years. For our Asian allies believe that it means abandonment of the Republic of China. They foresee no workable "two Chinas" policy, which both Peking and Taipei have repudiated over and over again. In the words of President Marcos of the Philippines, once American territory and since World War II our most trustworthy ally in the Far East:

"If this can happen to Nationalist China, there is no assurance that it won't happen to us. I am certain that this alteration and change in policy of the United States will now mean that every Asian nation and leader must now review the basis for all the agreements between the United States and their respective countries."

Does anyone really think that Red China is going to make an agreement with us that is to the advantage of Free China? If the President makes any other kind of agreement with Peking, he betrays our allies; if he makes no agreement, his visit there will then be regarded all over the world as a major defeat for the United States, evidence of our growing and serious weakness.

On April 19, 1968 President Nixon said: "I would not recognize Red China now and I would not agree to admitting it to the UN and I wouldn't go along with those well-intentioned people that said, 'Trade with them,' because that may change them. Because doing it now would only encourage them, the hardliners in Peking and hardline policy they're following. And it would have an immense effect in discouraging great numbers of non-communist elements in Free Asia that are now just beginning to develop their strength and their own confidence."

Nothing whatever has happened to change the nature of communism in general and Red China in particular, since the President made that statement. But something has happened to change the President.

Have you changed too? Remember that the Communists have not.

Let's think together for a few moments about just what kind of man Mao is and what kind of government in Peking we are dealing with.

In his book, Out of Red China, Liu Shaw-tong said: "If the rains of communism flood the world, humanity will drown. Would you understand me, dear friend, if I told you I saw an old woman weep because the sun had died in China?"

Millions of Chinese have died as a result of communism in China. The immensity of the crimes committed against the Chinese people by Mao Tse-tung, his long-time lieutenant Chou En-lai, and their entourage, is thoroughly documented in a study entitled "The Human Cost of Communism in China," prepared by Professor Richard Walker, Director of the Institute of International Studies at the University of South Carolina, and just released as a pamphlet by the Senate Internal Security Subcommittee.

The magnitude of Mao's crimes is so appalling, the scope of his campaign to pulverize his own people so great, that even with the irrefutable evidence before us it is difficult to comprehend. This man has far outdone Hitler and even his mentor Stalin in sheer numbers of terror victims.

Since coming to power in 1949 the Chinese Communist policy has been divide, liquidate and rule. Total terror was and is their governing principle. A continuous succession of "purge-drive" campaigns such as "The Great Proletarian Revolution," "The Great Leap Forward," the "three-anti" and "five-anti" campaigns, and the like, each one claiming millions of victims, has been launched against the people of China by their present rulers. Businessmen, landowners, peasants, intellectuals, students—each in their turn has been branded "counterrevolutionary" and smashed.

In the following table extracted from "The Human Cost of Communism in China," it is important to note that approximately 90 per cent of the victims of Communism in China were killed after Mao seized power. The alternative to resisting the Communists is not bloodless peace, as some would have us believe. Professor Walker notes that even some of the high estimates given below are probably too conservative:

CASUALTIES TO COMMUNISM IN CHINA

	Range of estimates	
First Civil War (1927-36)	250,000	500,000
Fighting during Sino-Japanese War (1937-45)	50,000	50,000
Second Civil War (1945-49)	1,250,000	1,250,000
Land reform prior to Liberation	500,000	1,000,000
Political liquidation campaigns (1949-58)	15,000,000	30,000,000
Kerean War	500,000	1,234,000
The Great Leap Forward and the Communes	1,000,000	2,000,000
Struggles with minority nationalities, including Tibet	500,000	1,000,000
The Great Proletarian Cultural Revolution and its aftermath	250,000	500,000
Deaths in forced labor camps and frontier development	15,000,000	25,000,000
Total	34,300,000	63,784,000

Every American should read this document, which may be obtained from the U.S. Government Printing Office, Washington, D.C. 20402, for 20¢ a copy.

We must remember that communism is international and aggressive. It is not merely China's problem, or the problem of any one nation. Every country on earth is threatened, ours most of all because we are the greatest remaining obstacle to Communist conquest of the world. What has been done to China will be done to us if the Communists have their way. It can happen here, just as it did happen in China, in Russia, in Cuba, in Hungary, in Czechoslovakia, or in any of the lands and peoples the Communists have taken over. The more we accept them, the more we open our gates to them, the more we "learn to live with them," the more we abandon those who have devoted their lives to fighting them, the more likely they are to master us.

President Nixon, July 15, 1972, 10:30 p.m. (Washington time): "Premier Chou En-lai, on behalf of the government of the People's Republic of China, has extended an invitation to President Nixon to visit China at an appropriate date before May, 1972 (I) accept the invitation with pleasure."

Radio Peking, July 15, 1971, 10:45 p.m. (Washington time): "People of the world, unite and defeat the U.S. aggressors and all their running dogs."

Cable from Chou En-lai to Fidel Castro, July 25, 1971: "The Chinese Government and people will, as they always have in the past, resolutely fight together with the Cuban people, and we will learn from each other, support each other and carry the struggle to defeat the U.S. aggressors and all their running dogs through to the end."

Sen. James L. Buckley (C.-R.—New York): "I am deeply concerned over the implications which the President's extraordinary announcement will have both here and abroad. At home it will inevitably strengthen the hands of those seeking accommodations with the Communist world at almost any price; and in Asia, the grand scale of this overture to Peking will be anything but reassuring to those who have to live with the aggressive reality of Mainland China."

Senator John G. Tower (R.—Texas): "I am convinced that the U.S. should change her policy in regard to Red China, if at all, only when it is in the overwhelming best interests of the U.S. and in return for some genuine concessions from the Communist Chinese. So far, I have seen nothing concrete to indicate that we should change our policy vis-a-vis the current rulers in Peking."

In June, FBI Director J. Edgar Hoover explained in an article entitled "Mao's Red Shadows in America" how violent revolutionary movements in our country, such as the Students for a Democratic Society (SDS), are already heavily influenced and infiltrated by Maoists. But he also pointed out that as long as we do not recognize the Peking government nor admit it to the United Nations, Mao's agents operate under the "major handicap" of lack of "a legal base from which to operate spies." That handicap would be removed if we pay Peking's price for "friendship and peace."

If we forget today what communism really is, we will learn again tomorrow, first-hand, on our own soil—when it is too late.

Speak out now! It could be the most important action you have ever taken as an American citizen.

Sincerely yours,

JOHN G. SCHMITZ,
Member of Congress.

THE ALASKA COALITION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD a letter received by me from the Alaska Coalition regarding the Alaska Native land claims bill, H.R. 10367, pointing out the concern of conservationists regarding that measure:

THE ALASKA COALITION,
October 5, 1971.

DEAR CONGRESSMAN: The Alaska Native Land Claims Settlement bill, H.R. 10367, will reach the floor, of the House in the next several weeks. The attached letter to President Nixon outlines the reasons why America's leading conservation and environmental groups believe this legislation needs to be purged of grievous defects before it is allowed to become law.

The great federal domain in Alaska—originally comprising all 375 million acres of the Alaskan land mass—is being disposed of rapidly. The settlement with the Natives under H.R. 10367 will grant them 40 million acres. Earlier, Congress granted rights to 103 million acres to the State of Alaska. Between them, under pressures from speculators and exploiters, they will compete in dividing up the best lands in Alaska—public lands.

The results of this competition will be

development of a chaotic land use pattern, in a "public-take-the-hindmost" land rush. H.R. 10367 seemingly serves the interests of the Natives, of the State of Alaska and of resources developers. But nonwhere in this bill is the *public* interest accommodated—the interest of the 208 million people who own most of Alaska.

Conservation-minded Americans are deeply troubled by the threat this bill, in its present form, poses for the public interest. In this widely heralded new era of environmental concern, they are asking, how can we authorize the wholesale disposition of Alaska public lands without overall plans that include environmental protection and the careful advance protection of nationally significant areas—potential parks, wildlife refuges and the like?

You will be hearing further from us on this grave matter, which one leading conservationist predicts may be "the decade's sharpest conservation battle." We solicit your best efforts in finding a solution which will assure that the public interest is served.

September 30, 1971.

The President,
The White House.

Dear Mr. President: You have just returned from Alaska, and you undoubtedly have renewed awareness of what a national treasure it is. The undersigned share in this awareness, and because of it we feel compelled to ask you to intercede with those in the Executive Branch and the Congress who, however well intentioned, seem set on destroying much of that national treasure.

In recent months speculators and exploiters, never identified to the public but everywhere in evidence plying the halls of Congress, have been championing the cause of Alaskan Native Claims. Their theme has been: enormous grants of public land and some money for the Natives, but no restraints upon the commercial exploitation of the public lands of Alaska. To our deep concern, the legislation approved by the Interior Committee of the House of Representatives appears to respond to this point of view. The Senate Interior Committee seems ready to follow a somewhat similar course. Such legislation would not be a credit to your Administration, and on behalf of the environmental movement of this country we ask that you take steps to halt it until grievous defects can be corrected.

Looking at the House and Senate versions of Native Claims legislation we see that these bills seemingly accommodate the interests of 1) the Natives, who are to receive some 40 million acres of federal land; 2) the state of Alaska, which will be free to resume its selection of 103 million acres of federal land; and 3) resource developers, who will be able to proceed with their plans for unrestricted exploitation of America's last frontier. But nowhere in either of these bills is the public interest accommodated—the interest of the 200 million Americans who own most of Alaska.

While we hesitate to take issue with representatives of the Natives who contend this legislation is good for their clients, we have grave doubts about the long-term benefit to the Natives from a settlement which will make them prey to the designs of exploiters while guaranteeing no specific and enduring benefit to the individual Natives now or in the future.

Now to one of the most serious problems we see in this legislation. In recent years, Mr. President, the American people have become increasingly aware of the need for more park and recreation land, wilderness, wildlife refuges, scenic rivers and the like. To acquire land for these purposes the federal government often has had to buy back at present day prices lands which once were part of the public domain. As you have pointed out on several occasions, demands for recreation, wildlife and other land acquisition far exceed the capacity of the Land and Water Conservation Fund and necessitate, in many cases, years of delay before acquisition can be made, if it can be made at all. We did not have the need nor the foresight to reserve adequate lands when many states were admitted to the Union.

We believe it would be the height of irresponsibility for the United States to repeat that kind of mistake in Alaska. To allow public lands to pass into private hands—either directly or through the channel of Alaska state selection—before they have been reviewed for possible retention to meet national needs is unthinkable. Needed extensions of the Arctic National Wildlife Range and Mount McKinley National Park are but two examples of land endangered by these bills. The Gates of the Arctic National Park, under consideration for years, is another. The Yukon Flats, and Selwik and Teshekpuk Lakes, and the Koyukuk River are other outstanding examples of areas needing careful review before they are made available for selection by the Natives, the state of Alaska or for appropriation by commercial interests.

Further, no provision is made at all for the coordinated development of a master plan for all Alaska to assure that transportation, communications, settlement, development and other facets are accomplished in an orderly manner that is consistent with the best interests of all concerned.

The present approach to Native Claims legislation has these additional defects which we wish to call to your attention:

1. In transferring 40 million or more acres from Public to Native ownership, it would set up a sequence of land selection and disposition that would relegate the national interest to the lowest priority. State, Native, and private interests would receive preference over the public's interest in areas of the highest aesthetic, cultural, scientific, wildlife and wilderness values. The present land management confusion in Alaska would only be intensified by this legislation.

2. It would authorize the Secretary of the Interior to classify unreserved public lands for mineral leasing and outright disposal to private parties in accordance with existing inadequate public land laws. And the House Committee's version fails to require the Secretary to identify and propose for Congressional consideration areas suitable for inclusion in national park and recreation areas, national wildlife refuges and national wild and scenic rivers. The Senate Committee's version, while directing the Secretary to advise Congress, fails to provide adequate safeguards during this critical review procedure.

3. Under the House Committee's version, thousands of acres could be eliminated from the national wildlife refuge system in Alaska, including some or this Nation's most critical areas of wildlife habitat. Preliminary indications of the final draft of the Senate version suggest the impact of the refugees could be even worse.

Mr. President, along with all other Americans, we share in the ownership of the Federal lands of Alaska. We are shocked at what the pending proposal of the two Committees would appear to permit to be done to them. We believe a raid upon the public domain of Alaska must be prevented. And we call upon you to use the power and prestige of your office to help stop it until these defects can be corrected.

If Congress cannot be persuaded to recognize the larger public interests involved in this issue, we strongly urge that you make use of existing withdrawal authority to assure that the values of these unique and critical areas of public land in Alaska are not lost for lack of leadership.

As you stated at our last meeting with you on Washington's birthday in 1970, we should meet more frequently and keep up our communication about serious conservation issues. It appears to us that an early meeting on this critical subject would be most beneficial.

Sincerely,

Dorothy Brumm,
Alaska Action Committee.

Spencer M. Smith, Jr.,
Secretary, Citizens Committee on Natural Resources.

Mary Hazell Harris,
Executive Director, Defenders of Wildlife.

Avery Taylor,
Environmental Action.

David R. Brower,
President, Friends of the Earth.

Thomas L. Kimball,
Executive Director, National Wildlife Federation.

J. Michael McCloskey,
Executive Director, Sierra Club.

Stephen G. Saltzman,
Washington Representative, Trout Unlimited.

Stewart M. Brandborg,
Executive Director, the Wilderness Society.

Daniel A. Poole,
President, Wildlife Management Institute.

Carl Pope,
Washington Representative, Zero Population Growth, Inc.

Frank C. Daniel,
Secretary, National Rifle Association.

NO-FAULT INSURANCE FOR THE DISTRICT OF COLUMBIA

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. MIKVA. Mr. Speaker, I am pleased to introduce today a bill to provide the District of Columbia with a progressive system of first party no-fault auto insurance.

The movement toward no-fault insurance has been growing around the country, largely as a result of the failure of existing insurance plans to provide adequate protection to motorists at reasonable rates.

No-fault insurance represents a whole new way of dealing with the problem of protecting drivers against the tragic costs of auto accidents. Instead of wasting vast sums of money trying to determine whose insurance company should compensate the injured parties, a no-fault system would have the injured motorists and passengers collect from their own insurance company, just like in other fields of insurance such as health and fire insurance.

On the legislative front, the most sensible approach is a national no-fault bill such as the one proposed by Senator Hart. This would provide for a single uniform insurance system, though it would be left to the states to control the rates charged. Opponents of no-fault prefer a state-by-state approach, which gives lawyers and insurance salesmen the maximum influence over the legislation. As was pointed out during the hearings held earlier this year by the House Commerce Committee, a large percentage of the men and women who sit in the State legislatures are practicing lawyers or insurance salesmen, with a substantial vested interest in how auto accident victims get compensated.

While the debate over a national approach to no-fault insurance continues, several states have enacted such laws. Some of these plans, such as the one passed in my own State of Illinois, bear little resemblance to the fundamental concept of no-fault insurance except for their titles. But in one form or another, Delaware, Florida, Illinois, Massachusetts, Minnesota, Oregon, South Dakota, and Puerto Rico have all passed no-fault insurance legislation.

Until such time as Congress enacts a uniform national system, the people of the District of Columbia deserve to enjoy the benefits which a comprehensive no-fault auto insurance system can provide.

The bill which I have introduced today is modeled after a similar bill introduced recently in the Senate by my friend and colleague from Illinois, Senator STEVENSON. It would require every company selling insurance in the District of Columbia to offer first-party no-fault insurance coverage. Under such policies, every person injured in an auto accident—drivers, passengers, and even pedestrians—would be entitled to compensation regardless of how the accident happened. There would be no need for elaborate investigations and lawyers and trials and delays. Injured persons would be reimbursed for all their out-of-pocket medical and hospital expenses. They could receive as much as $1,500 per month for 3 years to compensate for wages lost because of the accident. Funeral and burial expenses would also be paid, up to $1,000. If the injured person dies, his dependents would be entitled to compensation for loss of support.

Lawsuits against other drivers in an accident would be permitted where losses exceed the maximum amount payable under the no-fault coverage. A tort action would also lie for intangible losses—"pain and suffering"—in cases of death or severely disabling injury.

With respect to vehicular damage, the insured must be given a choice of a no-fault option, a fault option, or a full deductible option. The first would provide for payment regardless of who was at fault. The second would enable the driver to collect for property damage only if the other driver were at fault. The third would in effect make the policyholder self-insured for vehicular damage.

Every person who drives in the District of Columbia would be required to purchase such an insurance policy. No one could be refused a policy, nor could his policy be cancelled, so long as he paid the premiums and had a valid license to drive.

Finally, the bill requires an 18-percent reduction in premiums covering personal injury, reflecting the lower cost of administering compensation under a no-fault system. This insures that savings will be passed on to the consumer.

LOWER RATES

One of the greatest sources of dissatisfaction with present insurance systems has been the astronomical increase in premiums, without any increase in service. Cancellations and refusals to insure are on the increase. Insurance companies are trying to become investment companies—they are looking for "hazardless hazards and riskless risks," in the words of one critic. In the last 10 years, auto insurance premiums have increased by an average of 65 percent.

By eliminating the money spent on judicial determinations of fault, no-fault insurance can provide more benefits for lower premiums. In the first 6 months of operation, Massachusetts' no-fault system has saved residents a total of $76 million in premium costs.

The bill I am introducing does not leave this to chance. It prohibits cancellations and refusals so long as premiums are paid on time, and it mandates an initial rate reduction of 18 percent.

MORE COVERAGE FOR YOUR MONEY

At present, 55 cents out of every premium dollar goes for overhead. Only 44 cents is returned to the consumers in benefits, as compared with 90 cents or better under other insurance systems, including Puerto Rico's no-fault auto insurance plan.

Furthermore, no-fault would result in a more equitable distribution of those benefits which are paid. At present, accident victims with minor injuries are generally overpaid in out-of-court settlements. A study of 500,000 auto accident victims by the Department of Transportation revealed that victims who suffered damages of about $500 recovered an average of $2,250—more than four times the amount of their loss. On the other hand, victims with serious injuries are generally shortchanged. These are the claims which the insurance companies resist, for there is more at stake. The same Department of Transportation study showed that victims with severe losses—over $75,000—recovered an average of only 16 percent. Forty-five percent of those seriously injured did not recover a single penny.

The no-fault system my bill would establish would guarantee that every accident victim was compensated fully and fairly for all his out-of-pocket losses. People with no serious injuries and no economic losses could no longer pick up a quick $500 settlement by crying "whiplash." On the other hand, a severely injured driver with thousands of dollars in medical expenses would not be left out in the cold merely because a high paid defense lawyer convinced a jury that he was not free from blame, or because the driver who hit him was uninsured and had no resources.

END SETTLEMENT DELAY

The Stevenson-Mikva no-fault bill requires that compensation be paid monthly as the loss accrues. This would represent a vast improvement over the present payment system, which involves long delays during which time the victim is hard pressed to meet expenses incurred as a result of the accident. The average accident victim today must wait 18 months before receiving any compensation. Delays of 4 or 5 years are not uncommon, where a jury trial is necessary.

RELIEVE CONGESTED COURT DOCKETS

Cleaning up the mess from auto accidents presently occupies a great deal of court time unnecessarily. A study by the Federal Judiciary Center found that auto accident litigation accounts for 11.4 percent of all judge hours in Federal district courts, and 17 percent of all judge time in State courts. Legal experts across the country have urged that the most important step in improving the efficiency of our judicial system is to weed out those areas which do not require judicial determination. Attorney General Mitchell and Chief Justice Burger are among the many who have urged that auto accident compensation be removed from the courtroom to free up the dockets for criminal and civil trials. No-fault insurance means that lawyers and court cases would be the exception, not the rule.

THE PROBLEM OF UNINSURED MOTORISTS

Auto insurance premiums are so high today that many people who cannot afford them simply drive without insurance. They represent a threat to every pedestrian and driver on the streets, and to the welfare of their own families as well. It has been estimated that nearly 30 percent of all drivers in the District of Columbia are uninsured. The Stevenson-Mikva bill would remedy this problem in two ways.

First, by making coverage compulsory and reducing premium costs, more people will be insured. Second, drivers will look to their own insurance company for compensation, and will not have to be concerned about whether the person who hits them is rich or poor, insured or uninsured. The driver who chooses to break the law and drive without insurance would be endangering no one but himself. Each driver would be able to protect himself and his family adequately, without regard to what other drivers do.

THE PROBLEM OF OUT OF STATE MOTORISTS

Nearly 40 percent of all auto accidents in the District of Columbia involve at least one out-of-State car. This raises certain problems if those out of State drivers do not have no-fault, first party coverage. Additional problems are posed by accidents involving District of Columbia drivers who go into other States. If District of Columbia drivers do not have residual liability coverage, they are unprotected against lawsuits by out of State drivers who may sue them.

Of course, this problem would be eliminated if all States had uniform no-fault insurance, and this is one of the strongest reasons why a national no-fault bill is desirable. In the absence of such national uniformity, District of Columbia drivers will not be able to enjoy the full savings of no-fault, for they will have to pay for additional protection against out-of-State drivers.

In order to reduce the cost that District of Columbia drivers have to pay because of other States' failure to enact progressive no-fault insurance plans, my bill includes a provision requiring every person who drives in the District of Columbia to maintain first-party coverage. Thus, a New Hampshire or an Illinois driver who comes to the District of Columbia will have to have a no-fault rider in his insurance policy to cover him while in the District. This will take care of the large number of accidents involving out-of-State drivers which occur in the District of Columbia. It leaves only the problem of District of Columbia drivers who get in accidents while in another State. Fortunately, the number of such accidents is not high, and the extra cost of residual liability coverage should not be too great.

IMPACT ON SUBURBAN MARYLAND AND VIRGINIA

Adoption of a no-fault insurance plan in the District of Columbia will result in rate reductions for suburban drivers as well as for District of Columbia drivers. At present, suburban drivers must pay to insure against the risk of being hit by one of the many uninsured motorists who drive in the District. That cost will be eliminated, for under a no-fault system it makes no difference whether the other driver is insured or not. Furthermore, there will be fewer uninsured District drivers under the Stevenson-Mikva plan than at present.

Mr. Speaker, I have attempted to explain in considerable detail why a comprehensive no-fault insurance bill for the District of Columbia is a necessary and desirable reform. I believe the bill I am introducing would provide the residents of the District of Columbia with one of the most forward looking auto insurance systems in the country. It would give greater protection, more efficiently and for less money, than the present no-pay system. The people of the District need and deserve the benefits which no-fault will bring.

CASIMIR PULASKI

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. RODINO. Mr. Speaker, the American citizen possesses the distinctive ability to inherit and pass on the beauty of his ethnic traditions while actively seeking to maintain, develop, and interpret the democratic principles and beliefs valued by each of us today. Often, feelings of ancestral pride and of American identity work together to reinforce and to unify the foundations on which our country stands. Common to all the men and women and to the countless immigrants who colonized our shores were the dreams of opportunity, progress, and peace. Many of these people strongly supported and aided our American Revolution. Many lost their lives defending our liberties.

In honoring the contributions and sacrifices of individuals who fought to preserve the independence of this Nation, a man from the small Polish town of Warka deserves much recognition. Casimir Pulaski left his homeland to voluntarily serve in Washington's army. He scouted for supplies for the famished troops at Valley Forge, he participated in the Battle of Brandywine with distinction, and he organized, with the permission of Congress, the first independent corps of Cavalry and light infantry. He refused to allow himself to languish in a state of inactivity and constantly expressed the hope he might continue to prove his devotion to the American cause. October 11th marks the 192d anniversary of the death of this great hero of the American Revolution.

I am pleased to join with my many friends of Polish descent who rightly point with pride to Pulaski's selfless devotion to the cause of freedom, liberty, and independence.

THE COMMUNIST MANIFESTO—GUIDELINES FOR AMERICA'S FUTURE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. RARICK. Mr. Speaker, these are, to borrow Thomas Paine's phrase, the "times that try men's souls." In this, the era of President Nixon's "New American Revolution," the American people are wondering what will come next—what is the blueprint for the future.

Mr. Nixon's travelog gives some indication of what is serving as the guidelines for our future. He intends to visit Red Russia after he pays a courtesy call on Communist China and Chairman Mao.

Another indication of the power behind the throne—the driving force of "democracy"—is the recent announcement by a leading left-wing liberal that we should "resume diplomatic relations with" Castro's Cuba.

But perhaps the leading clue to the great mystery concerning the plans for the future lies in the legislative program of this, the 92d Congress. This House has considered and passed legislation that would guarantee an annual income to all Americans; it has passed a bill that on becoming law would virtually take the American children away from their parents and make them wards of the State. Furthermore, this House has considered and passed legislation that gives almost total control over the lives, fortunes, and sacred honor of the American citizens to the State—to big brother. The Federal Government now has the power, or soon will obtain it, to control the food we eat, the wages we make, and the prices of the goods we buy. It even controls that which we are to like and dislike through the subsidy of the arts. It has even gone so far as to subsidize a study of "the wild boar in Pakistan" and to build an imposing structure in this capital to allow the public to view the "classic arts," all efforts designed for "thought control."

In other words, the legislative program, the announced intentions of America's leaders, and the very planned activities of the American President indicate that the plans for the future of America are the collectivization of American society and the destruction of individual personality differences in the American people. To do this, the U.S. Constitution must be destroyed. These are the aims of communism.

This House has gone so far as to go on record that there is no longer any Communist threat to America. When the House repealed the bill allowing detention camps in America, it also repealed the findings of Congress that there was indeed a Communist threat to the free world—one that was a clear and present danger.

No, there is no longer a Communist threat to America—America has stepped over the line. It is not there yet, but our leaders are following plans very similar to those outlined by Karl Marx in "The Communist Manifesto" plans that can only take us further and further down toward the pure collectivist State.

A government is judged by what it does.

So that my colleagues might realize the path that they are following and so that the American people might know what their leaders are doing, I insert a portion of "The Communist Manifesto," written by Karl Marx in 1847, in the RECORD at this point:

THE COMMUNIST MANIFESTO

(By Karl Marx)

II

Proletarians and Communists

In what relation do the Communists stand to the proletarians as a whole?

The Communists do not form a separate party opposed to other working-class parties.

They have no interests separate and apart from those of the proletariat as a whole.

They do not set up any sectarian principles of their own, by which to shape and mould the proletarian movement.

The Communists are distinguished from the other working class parties by this only: 1. In the national struggles of the proletarians of the different countries, they point out and bring to the front the common interests of the entire proletariat, independently of all nationality. 2. In the various stages of development which the struggle of the working class against the bourgeoise has to pass through, they always and everywhere represent the interests of the movement as a whole.

The Communists, therefore, are on the one hand practically the most advanced and resolute section of the working class parties of every country, that section which pushes forward all others; on the other hand, theoretically, they have over the great mass of the proletariat the advantage of clearly understanding the line of march, the conditions, and the ultimate general results of the proletarian movement.

The immediate aim of the Communists is the same as that of all the other proletarian parties; formation of the proletariat into a class, overthrow of the bourgeois of supremacy, conquest of political power by the proletariat.

The theoretical conclusions of the Communists are in no way based on ideas or principles that have been invented or discovered by this or that would-be universal reformer.

They merely express, in general terms, actual relations springing from an existing class struggle, from a historical movement going on under our very eyes. The abolition of existing property relations is not at all a distinctive feature of Communism.

All property relations in the past have continually been subject to historical change consequent upon the change in historical conditions.

The French Revolution, for example, abolished feudal property in favor of bourgeois property.

The distinguishing feature of Communism

is not the abolition of property generally, but the abolition of bourgeois property. But modern bourgeois private property is the final and most complete expression of the system of producing and appropriating products, that is based on class antagonism, on the exploitation of the many by the few.

In this sense, the theory of the Communists may be summed up in the single sentence: Abolition of private property.

We Communists have been reproached with the desire of abolishing the right of personally acquiring property as the fruit of a man's own labor, which property is alleged to be the groundwork of all personal freedom, activity and independence.

Hard won, self-acquired, self-earned property! Do you mean the property of the petty artisan and of the small peasant, a form of property that preceded the bourgeois form? There is no need to abolish that; the development of industry has to a great extent already destroyed it, and is still destroying it daily.

Or do you mean modern bourgeois private property?

But does wage labor create any property for the laborer? Not a bit. It creates capital, *i.e.*, that kind of property which exploits wage labor, and which cannot increase except upon condition of getting a new supply of wage labor for fresh exploitation. Property, in its present form, is based on the antagonism of capital and wage labor. Let us examine both sides of this antagonism.

To be a capitalist is to have not only a purely personal, but a social status in production. Capital is a collective product, and only by the united action of many members, nay, in the last resort, only by the united action of all members of society, can it be set in motion.

Capital is therefore not a personal, it is a social power.

When, therefore, capital is converted into common property, into the property of all members of society, personal property is not thereby transformed into social property. It is only the social character of the property that is changed. It loses its class character.

Let us now take wage labor.

The average price of wage labor is the minimum wage, i.e., that quantum of the means of subsistence which is absolutely requisite to keep the laborer in bare existence as a laborer. What, therefore, the wage laborer appropriates by means of his labor, merely suffices to prolong and reproduce a bare existence. We by no means intend to abolish this personal appropriation of the products of labor, an appropriation that is made for the maintenance and reproduction of human life, and that leaves no surplus wherewith to command the labor of others. All that we want to do away with is the miserable character of this appropriation, under which the laborer lives merely to increase capital and is allowed to live only in so far as the interests of the ruling class require it.

In bourgeois society, living labor is but a means to increase accumulated labor. In Communist society accumulated labor is but a means to widen, to enrich, to promote the existence of the laborer.

In bourgeois society, therefore, the past dominates the present; in Communist society the present dominates the past. In bourgeois society, capital is independent and has individuality, while the living person is dependent and has no individuality.

And the abolition of this state of things is called by the bouregois abolition of individuality and freedom! And rightly so. The abolition of bourgeois individuality, bourgeois independence and bourgeois freedom is undoubtedly aimed at.

By freedom is meant, under the present bourgeois conditions of production, free trade, free selling and buying.

But if selling and buying disappears, free selling and buying disappears also. This talk about free selling and buying, and all the other "brave words" of our bourgeoisie about freedom in general have a meaning, if any, only in contrast with restricted selling and buying, with the fettered traders of the Middle Ages, but have no meaning when opposed to the Communistic abolition of buying and selling, of the bourgeois conditions of production, and of the bourgeoisie itself.

You are horrified at our intending to do away with private property. But in your existing society private property is already done away with for nine-tenths of the population; its existence for the few is solely due to its non-existence in the hands of those nine-tenths. You reproach us, therefore, with intending to do away with a form of property, the necessary condition for whose existence is the non-existence of any property for the immense majority of society.

In one word, you reproach us with intending to do away with your property. Precisely so: that is just what we intend.

From the moment when labor can no longer be converted into capital, money, or rent, into a social power capable of being monopolized, *i.e.*, from the moment when individual property can no longer be transformed into bourgeois property, into capital, from that moment, you say, individuality vanishes.

You must, therefore, confess that by "individual" you mean no other person than the bourgeois, than the middle-class owner of property. This person must, indeed, be swept out of the way and made impossible.

Communism deprives no man of the power to appropriate the products of society: all that it does is to deprive him of the power to subjugate the labor of others by means of such appropriation.

It has been objected that upon the abolition of private property all work will cease and universal laziness will overtake us.

According to this, bourgeois society ought long ago to have gone to the dogs through sheer idleness; for those of its members who work acquire nothing, and those who acquire anything do not work. The whole of this objection is but another expression of the tautology: that there can no longer be any wage labor when there is no longer any capital.

All objections urged against the Communistic mode of producing and appropriating material products have, in the same way, been urged against the Communistic modes of producing and appropriating intellectual products. Just as, to the bourgeois, the disappearance of class property is the disappearance of production itself, so the disappearance of class culture is to him identical with the disappearance of all culture.

That culture, the loss of which he laments, is, for the enormous majority, a mere training to act as a machine.

But don't wrangle with us so long as you apply, to our intended abolition of bourgeois property, the standard of your bourgeois notions of freedom, culture, law, etc. Your very ideas are but the outgrowth of the conditions of your bourgeois production and bourgeois property, just as your jurisprudence is but the will of your class made into a law for all, a will whose essential character and direction are determined by the economical conditions of existence of your class.

The selfish misconception that induces you to transform into eternal laws of nature and of reason the social forms springing from your present mode of production and form of property—historical relations that rise and disappear in the progress of production—this misconception you share with every ruling class that has preceded you. What you see clearly in the case of ancient property, what you admit in the case of feudal property, you are of course forbidden to admit in the case of your own bourgeois form of property.

Abolition of the family! Even the most radical flare up at this infamous proposal of the Communists.

On what foundation is the present family, the bourgeois family, based? On capital, on private gain. In its completely developed form this family exists only among the bourgeoisie. But this state of things finds its complement in the practical absence of the family among the proletarians, and in public prostitution.

The bourgeois family will vanish as a matter of course when its complement vanishes, and both will vanish with the vanishing of capital.

Do you charge us with wanting to stop the exploitation of children by their parents? To this crime we plead guilty.

But, you will say, we destroy the most hallowed of relations when we replace home education by social.

And your education! Is not that also social, and determined by the social conditions under which you educate; by the intervention, direct or indirect, of society by means of schools, etc.? The Communists have not invented the intervention of society in education; they do but seek to alter the character of that intervention, and to rescue education from the influence of the ruling class.

The bourgeois clap-trap about the family and education, about the hallowed correlation of parent and child, become all the more disgusting, the more, by the action of Modern Industry, all family ties among the proletarians are torn asunder and their children transformed into simple articles of commerce and instruments of labor.

But your Communists would introduce community of women screams the whole bourgeoisie chorous.

The bourgeois sees in his wife a mere instrument of production. He hears that the instruments of production are to be exploited in common, and, naturally, can come to no other conclusion, than that the lot of being common to all will likewise fall to the women.

He has not even a suspicion that the real point aimed at is to do away with the status of women as mere instruments of production.

For the rest, nothing is more ridiculous than the virtuous indigation of our bourgeois at the community of women which, they pretend, is to be openly and officially established by the Communists. The Communists have no need to introduce community of women; it has existed almost from time immemorial.

Our bourgeois, not content with having the wives and daughters of their proletarians at their disposal, not to speak of common prostitutes, take the greatest pleasure in seducing each others' wives.

Bourgeois marriage is in reality a system of wives in common, and thus, at the most, what the Communists might possibly be reproached with, it that they desire to introduce, in substitution for a hypocritically concealed, an openly legalized community of women. For the rest, it is self-evident that the abolition of the present system of production must bring with it the abolition of the community of women springing from that system, *i.e.*, of prostitution both public and private.

The Communists are further reproached with desiring to abolish countries and nationalities.

The working men have no country. We cannot take from them what they don't possess. Since the proletariat must first of all acquire political supremacy, must rise to be the leading class of the nation, must constitute itself the nation, it is, so far, itself national, though not in the bourgeois sense of the word.

National differences and antagonisms between peoples are daily more and more vanishing, owing to the development of the bourgeoisie, to freedom of commerce, to the world-market, to uniformity in the mode of production and in the conditions of life corresponding thereto.

The supremacy of the proletariat will cause them to vanish still faster. United action, of the leading civilized countries at least, is one of the first conditions for the emancipation of the proletariat.

In proportion as the exploitation of one individual by another is put an end to, the exploitation of one nation by another will also be put an end to. In proportion as the antagonism between classes within the nation vanishes, the hostility of one nation to another will come to an end.

The charges against Communism made from a religious, a philosophical, and generally, from an ideological standpoint, are not deserving of serious examination.

Does it require deep intuition to comprehend that man's ideas, views and conceptions, in one word, man's consciousness, changes with every change in the conditions of his material existence, in his social relations and in his social life?

What else does the history of ideas prove than that intellectual production changes in character in proportion as material production is changed? The ruling ideas of each age have ever been the ideas of its ruling class.

When people speak of ideas that revolutionize society they do but express the fact that within the old society the elements of a new one have been created, and that the dissolution of the old ideas keeps even pace with the dissolution of the old conditions of existence.

When the ancient world was in its last throes the ancient religions were overcome by Christianity. When Christian ideas succumbed in the 18th century to rationalist ideas, feudal society fought its death-battle with the then revolutionary bourgeoisie. The ideas of religious liberty and freedom of conscience merely gave expression to the sway of free competition within the domain of knowledge.

"Undoubtedly," it will be said, "religious, moral, philosophical and judicial ideas have been modified in the course of historical development. But religion, morality, philosophy, political science, and law, constantly survived this change.

"There are, besides, eternal truths, such as Freedom, Justice, etc., that are common to all states of society. But Communism abolishes eternal truths, it abolishes all religion and all morality, instead of constituting them on a new basis; it therefore acts in contradiction to all past historical experience."

What does this accusation reduce itself to? The history of all past society has consisted in the development of class antagonisms, antagonisms that assumed different forms at different epochs.

But whatever form they may have taken, one fact is common to all past ages, viz., the exploitation of one part of society by the other. No wonder, then, that the social consciousness of past ages, despite all the multiplicity and variety it displays, moves within certain common forms, or general ideas, which cannot completely vanish except with the total disappearance of class antagonisms.

The Communist revolution is the most radical rupture with traditional property relations; no wonder that its development involves the most radical rupture with traditional ideas.

But let us have done with the bourgeois objections to Communism.

We have seen above that the first step in the revolution by the working class is to raise the proletariat to the position of ruling class, to win the battle of democracy.

The proletariat will use its political supremacy to wrest, by degrees, all capital from the bourgeoisie, to centralize all instruments of production in the hands of the State, *i.e.*, of the proletariat organized as a ruling class; and to increase the total productive forces as rapidly as possible.

Of course, in the beginning, this cannot be effected except by means of despotic inroads on the rights of property, and on the conditions of bourgeois production; by means of measures, therefore, which appear economically insufficient and untenable, but which in the course of the movement outstrip themselves, necessitate further inroads upon the old social order, and are unavoidable as a means of entirely revolutionizing the mode of production.

These measures will of course be different in different countries.

Nevertheless in the most advanced countries the following will be pretty generally applicable:

1. Abolition of property in land and application of all rents of land to public purposes.
2. A heavy progressive or graduated income tax.
3. Abolition of all right of inheritance.
4. Confiscation of the property of all emigrants and rebels.
5. Centralization of credit in the hands of the State, by means of a national bank with State capital and an exclusive monopoly.
6. Centralization of the means of communication and transport in the hands of the State.
7. Extension of factories and instruments of production owned by the State; the bringing into cultivation of waste lands, and the improvement of soil generally in accordance with a common plan.
8. Equal liability of all to labor. Establishment of industrial armies, especially for agriculture.
9. Combination of agriculture with manufacturing industries; gradual abolition of the distinction between town and country by a more equable distribution of the population over the country.
10. Free education for all children in public schools. Abolition of children's factory labor in its present form. Combination of education with industrial production, etc., etc.

When, in the course of development, class distinctions have disappeared, and all production has been concentrated in the hands of a vast association of the whole nation, the public power will lose its political character. Political power, properly so called, is merely the organized power of one class for oppressing another. If the proletariat during its contest with the bourgeoisie is compelled, by the force of circumstances, to organize itself as a class, if, by means of a revolution, it makes itself the ruling class, and, as such, sweeps away by force the old conditions of production, then it will, along with these conditions, have swept away the conditions for the existence of class antagonism, and of classes generally, and will thereby have abolished its own supremacy as a class.

In place of the old bourgeois society, with its classes and class antagonisms, we shall have an association in which the free development of each is the condition for the free development of all.

CHRISTOPHER COLUMBUS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. ZWACH. Mr. Speaker, it is a happy privilege for me to join my colleagues in paying tribute today to that intrepid traveler and explorer, Christopher Columbus.

It is altogether fitting that we have designated a national holiday in his honor.

There are many who dispute the claim that Columbus was the discoverer of America. In fact, it is pretty well established that he was not, that there were others before him who were, in fact, on continental North America.

But that detracts nothing from the remarkable voyage Christopher Columbus made with his three ships to the West Indies.

While he may not have been the first, he was the foremost. His voyages fired the imaginations of the people of his time, and soon voyages to the Western Hemisphere were commonplace.

And so, we people in America are rightly indebted to Columbus for the giant step he took toward establishing the permanent settlements on this continent. Those early settlements fathered the stream of migration which was the mark of America, which stamped the heritage of diverse peoples on all of our society.

Probably not until our recent explorations of the moon has there been such a far-reaching geographical discovery.

We owe a tremendous debt to Christopher Columbus. This holiday, which we have established in his memory, is a partial payment on that debt.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. FRASER. Mr. Speaker, many persons were unable to attend the hearings I held in Minneapolis. However, I have received a number of letters from Minnesotans concerning specific topics of interest to them.

The following two letters from Mrs. G. B. Martinson sets out in great detail the cost incurred by her family since September 1970, when her husband started receiving treatment on an artificial kidney machine. Between September of 1970 and July of 1971, the family spent a total of $19,331.47. As Mrs. Martinson points out in her letter, these figures do not include other increased costs which they have had to bear. As Mrs. Martinson mentions in her letter, the care her husband received was superior. However, the cost has become overwhelming. Congress must act quickly on this aspect of health care and eliminate the possibility of economic disaster for a sick individual.

Mrs. Enid Griffin appeared at the hearings and discussed Federal programs for sickness. She pointed out that when caring for her mother, medicare paid $1,600 for inappropriate care without receiving permission from anyone in the family. She also pointed out that Federal insurance programs do not cover diagnostic care, care which in the long run could significantly reduce health costs. Another major limit in insurance coverage was that incurred in treating their retarded child. The doctor treated the child on an outpatient basis, as is common according to Mrs. Griffin, and none of this treatment was covered by insurance. As these two women so persuasively point out, the delivery of services at a reasonable cost to the individual has been unsuccessful. The letters follow:

HOPKINS, MINN.,
June 28, 1971.

DEAR SIR: In a recent letter, you said you would be testifying before the House Ways and Means Committee in July about a National Health Plan.

I thought you might be interested in the following expenses which we have incurred since September 1970, when my husband was diagnosed as having chronic renal failure and started treatment on an artificial kidney machine. February 23rd we started giving the treatments at home. These are the expenses we have had so far:

Doctors	$1,245.00
Hospital	9,973.53
Kidney machine	3,670.00
Kill (filter)	1,700.00
Lab supplies	1,209.09
Osmonics pump	1,165.00
Medical supplies	368.85
Total	19,331.47

These figures do not include all the volunteer labor and materials donated to prepare a suitable treatment room in our basement, nor the plumbing and electric bills which come to $500.00 each and are not yet paid. It also does not include an increase by about three times in our monthly electric bill, doubling our water bill, nor the fact that our hospital bills keep on because of regular blood checks and the doctor bills go on and may include periodically an operation to replace the plastic tube in my husband's arm. The medical and laboratory supplies also have to be replaced regularly.

I have heard of a "catastrophic illness" plan which is meant to help chronic patients and their huge medical bills. I hope something can be done to help us and others with similar medical bills.

MRS. G. B. MARTINSON.

HOPKINS, MINN.,
July 5, 1971.

DEAR SIR: Thank you for your prompt response to my letter about the medical bill and our personal interest in it. Yes, you may use, for public record, the figures I sent you pertaining to our medical costs so far. You thought the figures "startling", but they were rather conservative, because I did not include the following:

1) prescription drugs, because our whole family charges its drugs at the same pharmacy,

2) tools necessary for cleansing and preparation of the artificial kidney machine

3) $385.00 charge per year for service on the kidney machine, which must be paid in advance

4) hospital bed, pressure cuff, stethoscope, clamps, stop watch, thermometer, scale, etc.

In no way am I criticizing the medical care my husband received. We found the doctor in charge of the kidney unit, the technician, and the specially trained nurses dedicated, able, and always available. The hospital staff has been patient and understanding about the finances. We have been more fortunate than many patients because our relatives, friends, our church and community rallied to our support—but we are still in debt and still incurring medical bills of about $200.00 per month, as far as we can estimate.

We surely hope there will be a Health Security Bill passed soon that will help out families like ours which undergo chronic illnesses which cripple the family finances.

Yours truly,

MRS. G. B. MARTINSON.

ANDERSON, S.C.

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. DORN. Mr. Speaker, Anderson, S.C., is the largest city in my congressional district and known in our area for its friendly and progressive citizens. We were especially delighted, therefore, that Anderson received such splendid national recognition through the column of nationally syndicated columnist Bud Kirvan of Ann Arbor, Mich. The following is Mr. Kirvan's column of July 28, 1971:

ONCE OVER LIGHTLY

Anderson, South Carolina, is not the easiest place to get to, or from, at least as far as the airlines are concerned. It's a couple of hours drive from Atlanta, and about the same distance from Charlotte, North Carolina, but if you're depending on air travel, it's somewhat difficult to get there and back in a 24-hour period.

You shouldn't want to leave Anderson that fast, for it's an attractive and friendly city of about 45,000 people. The setting around Anderson is rolling country and hundreds of miles of fascinating lake shoreline and, at first look, it appears that all is not as frantic and loud and despoiled as is the case in many other areas.

Last week marked my first visit to Anderson and my trip was unheralded. Imagine my surprise, therefore, when I noted from the descending plane that there was a large crowd gathered to greet me—with floodlights, banners and cameras—the whole works.

I was thinking, "Aw, they shouldn't have gone to all this trouble," when I realized that they had misspelled my name on the huge banner. It said, "Welcome Evelyn," of all things.

Something was amiss, for sure. None of my three traveling companions bore the name of Evelyn, so it had to be another passenger on the plane. It wasn't difficult to pick out Evelyn, regardless of the fact that she sat directly across the aisle. Upon seeing the crowds and the excitement this young lady began to tingle with excitement and, had it not been for the stewardess, might have disembarked before the plane landed.

Thank heavens this wasn't the return of another fugitive from the Miss Universe contest. No, Evelyn's was a far greater mission (you'll recognize this pun a little later.)

Evelyn was greeted with delighted shrieks (the women of course), hugs and kisses (the men of course), some back-slapping, hand-pumping and a barrage of two-score unanswerable questions. No one paid much attention to our quartet of weary travelers and not one photographer took our picture.

We quizzed a couple of attractive women (they all were) and we're told that Evelyn was a local girl, who had made good by five years of doing good as a missionary in far-away Taiwan. The welcoming committee was made up of relatives and friends from the Central Presbyterian Church, the local support for Evelyn's activity.

Evelyn's friends enveloped us too, and spread their cheer among us and a couple of them even offered rides to the city. My friends insisted that it was my inordinate curiosity and delight for being in the center of this type of demonstration that prompted the Andersonites to keep a close eye on us. They even said that I might be suscept as a traveling "flim-flam" man.

I guess that's about all the story. There really wasn't much to write a column about. It was just a pleasant experience in Anderson, South Carolina.

All hail the Evelyns of this world!

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1971

Mr. FRASER. Mr. Speaker, there is a great deal of support for comprehensive reform of our health care system. Much of this support grew out of the hearings recently completed in Minneapolis. Mr. Richard Moe and Mrs. Minnie Holt, both representing the Retired Municipal Employees Association of Minneapolis, have made known their support for a health plan that would include public employees. As Mr. Moe pointed out, at retirement, members of their organization must pay for their own hospitalization. This cost has gone from $35 per month to $55 per month for coverage for a man and his wife. At that rate, according to Mr. Moe, hospitalization will eventually be priced out of the reach of retired municipal employees. Because the Health Security Act of 1971 does not require prior employment or restrictive employment provisions, the retired employees would qualify for the plan. We must eliminate health insurance plans which are based on considerations extraneous to health.

The following letter from Mr. Richard Nolan, a State representative from Minnesota, discusses his support for the comprehensive health care plan, the Health Security Act, H.R. 22:

FEBRUARY 23, 1971.

Hon. DONALD M. FRASER,
U.S. Representative, 332 House Office Building, Washington, D.C.

DEAR CONGRESSMAN FRASER: Thank you for having introduced the Health Security Act. A comprehensive system of health care for everyone, as well as, the development of an adequate system of income maintenance are the two most important contributions that liberals can make to our society in the years ahead.

Sincerely,

RICHARD M. NOLAN,
State Representative.

COLUMBUS DAY 1971

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. MURPHY of New York. Mr. Speaker, my recent visit to the birthplace of Christopher Columbus as a member of a congressional delegation to honor him was an inspiration to me. Again I was reminded of the achievements of this man who tenaciously fought a lonely battle and won. This year marks the first time the United States celebrated Columbus Day as a national public holiday and in doing so we give grateful recognition to the personification of discovery and exploration and to the strong friendship we have with Italy, the ancestral homeland of many Americans, myself included.

The memory of Christopher Columbus symbolizes to all Americans the spirit of discovery, the bravery of exploration of new worlds and new life, the perseverence in the face of insurmountable odds and the skill to accomplish in the face of the unknown. These are qualities upon which America has thrived and grown.

I am proud that I had a part in establishing Columbus Day as a national public holiday. We have honored Columbus in many ways in the 479 years since he discovered our shores, with expositions and commemorative coins and monuments, but in this yearly national celebration we show our true appreciation for this great man.